United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Wednesday, April 5, 2000*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. GILLMOR).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 5, 2000.

I hereby appoint the Honorable PAUL E. GILLMOR to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Jim Fisher, Chaplain, U.S. Coast Guard, Washington, DC, offered the following prayer:

"Oh beautiful for heroes proved, in liberating strife,

"Who more than self their country loved, and mercy more than life!

"America! America! May God thy gold refine,

"Till all success be nobleness, and every gain divine!"

El-Shaddai, Almighty God of many heroes, present and past,

The manifestation of human strife may appear today in this sacred Hall. Challenges may be offered, retorts may be heard. For petty angers and egos, forgive, O Lord.

Cast upon each member of this noble assembly, each a hero of our homeland, the radiant countenance of Your Holy Face. Cause every member here to reflect anew upon their deep and abiding love for our Nation, and every inhabitant thereof.

May their unity and commitment become a source of inspiration for this divine dream we call America. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. PHELPS led the Pledge of Allegiance as follows:

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

CONSIDERING MEMBER AS FIRST SPONSOR OF H.R. 2077, SEQUOIA ECOSYSTEM AND RECREATION PRESERVE ACT OF 1999

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that I may hereafter be considered as the first sponsor of H.R. 2077, a bill originally introduced by Representative Brown of California, for the purposes of adding cosponsors and requesting reprints pursuant to clause 7 of rule XII.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 one-minutes per side.

CHAPLAIN JAMES R. FISHER

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

Mr. PHELPS. Mr. Speaker, I rise today to give thanks and recognize Chaplain James R. Fisher of the United States Coast Guard, who has just delivered the opening prayer this morning in the United States House of Representatives.

I would first like to thank Chaplain Coughlin of the House for extending this prestigious invitation to Chaplain Fisher. Chaplain Fisher is a resident of Mt. Carmel, Illinois, which is in my district, and was the son of a United States Air Force career officer.

Chaplain Fisher received his bachelor's degree from Virginia Tech and went on to attend North Park Seminary in Chicago and Yale Divinity School in Connecticut for his religious education.

In 1983 he was ordained in the Evangelical Covenant Church in Chicago, Illinois. He also served as a missionary in the Yupik Eskimo Village of Mountain Village, Alaska.

Chaplain Fisher has a long and distinguished Naval career. He was commissioned in 1983 and has served on the U.S.S *Suribachi* and the U.S.S. *Essex*; been stationed at the Marine Corps base at Camp Pendleton of California; Naval Air Station in Sigonella, Sicily, in Italy; and is currently the deputy chaplain of the Coast Guard in Washington, DC.

Throughout his service in the Navy and Coast Guard, he has received many awards too numerous to mention in these remarks.

Chaplain Fisher's proudest accomplishment, though, has been his marriage to Lori Christian since 1977 and the three sons they share, Jacob, Caleb and Josiah.

Mr. Speaker, it has been my pleasure to introduce Chaplain Fisher, and I am very honored to do so.

TRIBUTE TO 2000 CENTRAL CABARRUS HIGH SCHOOL BASKETBALL TEAM

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

Mr. HAYES. Mr. Speaker, it is my distinct honor and pleasure to rise today to pay special tribute to an outstanding group of student athletes from Concord in North Carolina's Eighth District.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Several weeks ago, the Central Cabarrus High School men's basketball team completed a truly amazing season by winning the North Carolina High School 3A Basketball Championship.

The Vikings successfully completed the near impossible, defeating favored Greensboro Dudley. Led by seniors Mickey Mickens, David Hardy, Clayton Russell, Dough Naumann, and sophomore Nathan Cranford, Coach Scott Brewer's Vikings stepped up to the challenge.

These players are not only winning on the basketball court, they are also excelling in the classroom. Eight of the players' grade point averages are over 4.0 and the team's average is 3.71. Clearly, these young men excel in the classroom as well as on the basketball court.

Mr. Speaker, I would like to congratulate the students, teachers, parents, head coach Scott Brewer, his assistant coaches, and the 2000 North Carolina State 3A basketball champions, the Central Cabarrus High School Vikings.

This is a tribute to their entire school and their team work.

HELP BRING OUR CHILDREN HOME BY PASSING H. CON. RES. 298

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

Mr. LAMPSON. Mr. Speaker, I rise today to tell the House about Joseph Cook and his children Daniel and Michelle. Their story is one of the most heartwrenching I have ever heard. In 1992, Joseph's ex-wife took his children to Germany on what was supposed to be a brief visit. Shortly after they left, he was told by Christiane that she was not coming back and that he would not see his children again. Christiane had been suffering from depression, had checked herself into a clinic, and placed Daniel and Michelle into the German foster care system. The German foster care system made no attempt to contact Joseph.

In 1993, Christiane returned to the United States but left Danny and Michelle in German foster care. Mr. Cook went to Germany with a full custody order in 1994, but the German courts have refused to return his children and the foster family has been extremely uncooperative.

Mr. Speaker, Danny and Michelle are being left to languish in a foster care system when they have a father who loves them and desperately wants to be with them.

Joseph Cook served in the United States Army, and I am urging this House to serve him in return. Pass H. Con. Res. 298 and help bring our children home.

FOUNDATION FIGHTING BLINDNESS MAKES CONGRESS AWARE OF EYE DISEASES

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, representatives from the Foundation Fighting Blindness are visiting congressional offices this week to discuss the importance of funding research initiatives at the National Eye Institute.

This week my colleagues received a set of paper glasses which may help them to understand what individuals suffering from retinitis pigmentosa and macular degeneration see.

Isaac, Daria and Ilana Lidsky, young adults from my congressional district, are among the over 6 million Americans who suffer from these retinal degenerative diseases. Another 9 million Americans have pre-symptomatic signs of retinal degeneration and as the baby-boomer generation ages, diseases such as these are poised to skyrocket.

Promising experiments have already been discovered in retinal transplantation and in gene and pharmaceutical therapies. However, additional funding for the National Eye Institute is urgently needed to advance these promising treatments to clinical trials.

I urge my colleagues to consider how life is viewed through the eyes of those going blind and to consider an increase to the National Eye Institute at a percentage higher or equal to the other institutes of the National Institutes of Health.

FOURTH ANNUAL U.S./MEXICO BORDER CONFERENCE

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

Mr. REYES. Mr. Speaker, today and tomorrow I, along with my colleagues that represent districts along the border, are cohosting the Fourth Annual U.S./Mexico Border Conference. Each year we bring together leaders on both sides of the U.S./Mexico border to look at the problems that exist along our border, to develop solutions, and to convey these solutions to policymakers of our Nation.

The border today looks much how the rest of the Nation will look in 20 years. We are a young, growing, dynamic population that is facing problems and experiencing unique issues that perhaps the rest of the Nation needs to focus on.

If our problems are not addressed now in the border region, we run the risk of impacting the entire Nation as well as affecting the critical tourism and trade relationship between the United States and Mexico.

At the conference, we are focusing on four major areas: education and the workforce, health and environment, economic development and infrastructure, and border security.

I urge my colleagues to join me and our other colleagues in learning more about the border and provide the direction and leadership that is needed.

SELF-DETERMINATION FOR THE PEOPLE OF WESTERN SAHARA

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

Mr. PITTS. Mr. Speaker, I rise today out of concern over reports that the United Nations may decide not to hold the referendum for self-determination for the people of Western Sahara.

Article 1 of the International Covenant on Civil and Political Rights states that, quote, ''All peoples have the right to self-determination,'' end quote. Both sides, Morocco and Western Sahara, in the U.N. Settlement Plan and Houston Agreement, agreed to self-determination for the Sahrawi people.

The U.N. has spent approximately $500 million on peacekeeping in the settlement plan over 10 years and $30 million on humanitarian aid in the same time period. It would be a shame, no, a disgrace, to waste $530 million.

The credibility of the United Nations and the United States would be further eroded if they are willing to give up on the stalled agreements. The U.N. should remain committed to the peace agreement.

Mr. Speaker, the people of Western Sahara deserve the same respect and support of the people of East Timor or any other country. A free, fair, and transparent referendum must go forward.

ONLY IN AMERICA, ONLY IN AMERICA

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

Mr. TRAFICANT. Mr. Speaker, today Congress will debate two bills. The first bill is partial birth abortions. The second bill is wildlife and sport fish restoration.

Unbelievable. Kill the babies but save the trout and the tit mouse. Beam me up. In fact, beam me up, Scotty.

See, I believe that Congress and America can and should save both the babies and the wildlife. Think about it.

I yield back an old street saying: Only in America, Mr. Speaker.

THE CLINTON ADMINISTRATION MUST ENFORCE THE LAWS ON ILLEGAL OBSCENITY AND PORNOGRAPHY

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

Mr. GARY MILLER of California. Mr. Speaker, we have a grave problem in our country today: illegal pornography and obscenity. It is rampant in our society. It is readily available to all our children on the Internet, and the health and safety of our children are at risk.

Under the Reagan and Bush administrations, the Department of Justice successfully and aggressively prosecuted illegal pornographers. They rarely lost any of the hundreds of cases brought to court. In one 2-year span, they successfully prosecuted over 200 obscenity cases.

Since President Clinton took office, prosecution of illegal pornographers and obscenity has all but ceased. Prosecutions are down 75 percent.

In 1997, there were only 6 prosecutions of illegal pornographers by all 93 U.S. attorneys. In March 1998, the Adult Video News Magazine, the trade magazine for the porn industry, announced it is a great time to be an adult retailer.

This lack of prosecution has sent a clear message to the makers of illegal pornography and illegal obscenity that it is okay to make and distribute such material. Under the Clinton administration they will not even be prosecuted for their crimes.

It is time for the Clinton administration to get to work and enforce existing anti-obscenity laws.

□ 1015

BREAST AND CERVICAL TREATMENT ACT COMING TO THE FLOOR BEFORE MOTHER'S DAY

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

Mrs. CAPPS. Mr. Speaker, it has been a full 5 months since the Breast and Cervical Treatment Act was passed unanimously out of the Committee on Commerce. This life-saving bill currently has 289 cosponsors and enjoys strong bipartisan support.

Mother's Day is approaching. What better gift for mothers and grandmothers around this country than to provide treatment for breast and cervical cancer to underserved women?

I learned today that the House leadership has agreed to move H.R. 1070 before Mother's Day. I applaud this decision and urge the Speaker to bring a clean bill to the floor for a vote.

How much longer must the mothers of this Nation wait?

SUPPORT PASSAGE OF PNTR FOR CHINA

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

Mr. KNOLLENBERG. Mr. Speaker, I rise in strong support of granting Permanent Normal Trade Relations to China, so-called PNTR.

Some would have us believe that, by supporting China's session to the WTO, and by granting China PNTR, we will be sending jobs overseas. This is simply not true.

On the contrary, granting China PNTR will allow us to take full advantage of the bilateral agreement signed last November and drastically reduce the Chinese barriers to trade. As a result of increased opportunities to export, American businesses can only expand, creating new jobs of every kind, from unionized jobs to export control jobs.

With expanded exports, companies will grow, making them able to offer greater benefits to existing workers, not get rid of them.

I urge my colleagues to support PNTR for China on behalf of American workers, farmers, and businesses.

STOP TUBERCULOSIS NOW ACT

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, the gentlewoman from Maryland (Mrs. MORELLA) and I have introduced the Stop Tuberculosis Now Act. The legislation proposes to amend the Foreign Assistance Act. It authorizes $100 million appropriation to USAID for the purposes of diagnosing TB in high incidence countries.

TB is one of the greatest infectious killers of adults worldwide, killing 2 million people per year, killing more people last year than any year in world history. Thirteen hundred Indians, for example, die every day from tuberculosis. It is the biggest killer of young women and the biggest killer of people with HIV/AIDS in the world.

The World Health Organization estimates that one-third of the world's population is infected with the bacteria that causes TB including at least 10 million individuals in the United States. Eight million people around the world will develop active TB each year. TB is spreading as a result of inadequate treatment, and it is a disease that certainly knows no national boundaries.

We have a remarkably cost effective strategy for TB control, DOTS, the Directly Observed Treatment Short course, that uses inexpensive drugs at a cost of as little as $15 per person in developing countries. The strategy is only reaching one person in five. The question is not a medical one, it is a political one.

REPUBLICANS ARE REINVENTING GOVERNMENT

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, the Clinton-Gore administration talked about reinventing government, but the Republican Congress is actually doing it.

For example, Federal laws prohibit convicted criminals from receiving supplemental security income. However, for years, the Social Security Administration relied on convicted prisoners to notify them of their ineligibility for SSI benefits. Not surprisingly, hundreds of prisoners convicted of robbery, rape, and assault continue to receive welfare benefits while in jail, courtesy of the American taxpayer.

Perhaps the worst example of this fraud and abuse, California's ''freeway killer,'' William Bonin, responsible for killing more than 44 people, received $80,000 in fraudulent SSI payments while on death row.

In response, Republicans developed and passed a solution to this problem. As a result, taxpayers today will save over $3 billion.

GUN SAFETY

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

Ms. CARSON. Mr. Speaker, every day across this country, our children are dying due to gun violence. Yet, Congress has failed to stop the killing and protect our children.

Over 2 weeks ago, the House went on record in support of the juvenile justice conference committee holding a meeting within 2 weeks. Their deadline has been ignored.

I am outraged that Congress has failed to move forward on gun safety legislation. How many more children have to die before we pass strong preventative child gun legislation?

My bill, H.R. 515, the Child Handgun Injury Prevention Act, which I introduced in the first session of this Congress, is a bill to prevent children from injuring themselves with handguns.

If enacted, this bill would require child-safety devices on handguns and establish standards and testing procedures for those devices. As of today, we have 76 cosponsors.

We cannot call ourselves ethical leaders when we stand by and do nothing while our children are being killed by gun violence. We have a moral responsibility to pass laws that protect our schools, our communities, and our families, a great act on our part prior to Mother's Day.

LAWS DO NOT MAKE THE DIFFERENCE, ENFORCING CURRENT LAWS DO

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

Mr. HAYWORTH. Mr. Speaker, it is interesting as so many come to the well to try and make sense of the senseless. But it is extremely difficult to understand how we can undue senseless acts when current laws are not enforced. Penalizing law abiding Americans who freely exercise their rights under the Second Amendment does not improve anyone's safety.

Indeed, the tragedy in Michigan that so many of us mourn could not have been reversed by expecting a 19-year-old criminal to put a lock on a loaded gun in a shoe box, preventing a 6 year old from getting the gun.

Laws do not make the difference. Enforcing the current laws do. While we have an administration that refuses to enforce current laws and in some cases refuses to obey current laws, we have the crux of the problem confronting America.

IN MEMORY OF BEN RANDALL

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I have lost a very dear friend, and the Houston community has lost a dear friend, and as well Texas, and maybe even the Nation. Ben Randall, a community activist lost his life just about a week ago. I rise today to pay tribute to an individual who never said no to the community needs of Houston, Texas.

Energetic, creative, thoughtful, and caring was Ben Randall. He loved his family. He loved his two sons, outstanding as they are, leaders in their own right, academic geniuses. Ben Randall was always so proud.

He worked for Texas Southern University. He was a community relations activist, working for Enron. He worked for small businesses and tried to develop opportunities for minority businesses to do and have greater economic opportunities. He helped on issues of fund-raising for any charity one can imagine.

He loved his God. He loved his church, Windsor Village United Methodist Church. He was an activist there. He had prayer partners. He prayed for others.

Whenever there was an opportunity to share his values and his commitment to the greatness of this Nation, Ben Randall was there. He loved this country.

Mr. Speaker, I would simply say that, as we bury him and as we buried him in his hometown of San Antonio, the tears of those of us who lived in Houston continue to pour.

We memorialize him today on April 5 in Houston because so many friends could not make it to San Antonio, but they needed to honor him and say good-bye. It is right to pay tribute to him and to do it with love, and do it with respect.

I say farewell to my friend, Ben Randall. He may be gone, but he will be forever in our memories. We salute him for the great humanitarian efforts he made on behalf of so many people. God bless him and God bless America.

TAX COUNTDOWN

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

Mr. GIBBONS. Mr. Speaker, the countdown is on. The tax clock is ticking. The day the American workers dread the most, tax day, is only 10 days away.

April 15 looms on the calendar each year as an ominous reminder of the crushing burden of the current Federal Tax Code. While the IRS often stands behind closed doors, American working men and women struggle to keep pace with an out-of-control Federal agency.

Over the next 10 days, taxpayers across this country will spend sleepless nights and countless hours in an attempt to figure out exactly the correct amount of their hard-earned money and how much they must send to the Federal Government.

Heaven forbid the amount will be off even by a single cent and cause the taxpayers the horror of facing the unbridled wrath of an audit by the Internal Revenue Service.

Mr. Speaker, we must act now to enact comprehensive tax reform, giving our working families a fairer, flatter, and simpler tax without an IRS.

Mr. Speaker, I yield back our antiquated and oppressive tax system that continues to burden too many hard-working Americans every year.

BALANCED BUDGET PROVES REPUBLICAN CONGRESS IS SERIOUS ABOUT ITS PROMISE TO BALANCE BUDGET AND CONTROL DEFICIT SPENDING

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

Mr. BARTLETT of Maryland. Mr. Speaker, let me see if I have got this straight. I am supposed to be impressed that the government is not going to spend more money than it has. I am supposed to rejoice that the government is not going to make our $5 trillion national debt any worse. I am supposed to brag to my constituents that Washington is going to balance its budget.

Well, Mr. Speaker, by the standards of Washington, yes.

Balancing the budget should not be a big deal; it should not be treated as some great achievement. But I must say, after 30 years of expanding the welfare state every year, balancing the budget is no mean feat. Balancing the budget, which to me is only common sense, is an extraordinary thing in a town that has seen nothing but deficits since 1969.

This balanced budget is proof of two things. First, the Republican Congress is serious about its promise to balance the budget. Second, deficit spending does not have to be a way of life.

Now that is something to brag about.

CENSUS BUREAU SHOULD GET AWARD FOR BIGGEST GOVERNMENT SCREW UP

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, if there were an award for the biggest government screw up of the year, the Census Bureau would win the award going away.

The Census Bureau, which has been planning the 2000 census for 10 years, now sent out 120 million pre-notification cards with the wrong address. That is right, Mr. Speaker, the wrong address. Most of us learned to address a letter by the time we left the third grade. I guess the folks at the Census Bureau were absent that day. This from the folks who want to use smoke and mirrors to adjust the final results of the census.

The American people know better, Mr. Speaker. The Census Bureau certainly has some explaining to do. If the Bureau cannot be trusted to address mail properly, how can we trust them with their risky statistical scheme.

GOVERNMENT NEEDS TO SPEND TAXPAYER MONEY WISELY

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

Mr. KINGSTON. Mr. Speaker, last year when the House proposed to Federal agencies that they cut out 1 cent of every dollar they spend, the Clinton administration screamed bloody murder. Cut out 1 cent from the Federal Government for every dollar we spend? There is no way. We are too efficient, too effective.

The Secretary of Interior said there is absolutely no waste in my department and yet went on to waste money after money.

Let me give my colleagues an example. The Social Security Administration sent out $3.3 billion in checks to people who were ineligible for it. Well, they might look there.

How about the rocket launchers? AL GORE is a big gun control advocate, but when one of the $1 million rocket launcher disappeared, there was no word from the administration. Now, that is scary enough, but then another one disappeared. Think about that. There are two rocket launchers at large somewhere in our society. Yet, the folks in the Gore-Clinton administration are telling us there is no waste in government.

Mr. Speaker, we have got to do a better job. We are not spending our money. Contrary to the government dogma that it is government money, it is not. It is taxpayer money. It is what people back home work real hard to send to us. We need to be fiduciaries of it. We need to spend it carefully.

PARTIAL-BIRTH ABORTION BAN ACT OF 2000

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 457 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 457

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3660) to amend title 18, United States Code, to ban partial-birth abortions. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) two hours of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit.

SEC. 2. After passage of H.R. 3660, it shall be in order to take from the Speaker's table S. 1692 and to consider the Senate bill in the House. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 3660 as passed by the House. All points of order against that motion are waived. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendment to S. 1692 and request a conference with the Senate thereon.

□ 1030

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman from Georgia (Mr. Linder) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 457 is a closed rule providing for consideration of H.R. 3660, the Partial Birth Abortion Ban Act of 2000. H. Res. 457 provides 2 hours of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

House Resolution 457 provides that, after passage of H.R. 3660, it shall be in order to take from the Speaker's table S. 1692, consider it in the House, and to move to strike all after the enacting clause and insert the text of H.R. 3660 as passed by the House.

The rule also waives all points of order against the motion to strike and insert. It provides that if the motion is adopted and the Senate bill as amended is passed, then it shall be in order that the House insist on its amendment and request a conference on the bill.

Finally, the rule provides for one motion to recommit with or without instructions, as is the right of the minority.

Mr. Speaker, I will not take time here to discuss the grizzly nature of this procedure at issue. Many of the other speakers today will address that. I would like to briefly note, however, that this rule allows the House to take this latest step in the ongoing saga of the effort to ban the dreadful partial-birth abortion procedure.

Legislation has passed this House by a veto-proof majority in the past two Congresses. The vote today will be the seventh time the issue has come before the House in the past 5 years. In fact, the bill we debate today has been adjusted from previous texts to account for the growing body of law dealing with partial-birth abortion.

While the President has prevented Congress from taking the action that the overwhelming majority of Americans support, the States have taken the lead on this issue. I urge my colleagues to stand today with the American people to preserve unborn life by supporting this rule and the underlying legislation.

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Georgia for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Ms. SLAUGHTER. Mr. Speaker, I oppose this closed rule. The majority claims to favor full and free debate on important issues; however, on this controversial bill, the majority has chosen to prohibit any amendments from being offered.

I must also voice my strong concerns with the bill made in order by this rule, H.R. 3660, the so-called Partial Birth Abortion Ban.

Once again we have anti-choice legislation on the House floor. Like most of us, my schedule as a Member of Congress is erratic, but each year I have discovered that one of the legislative constants is that the House leadership finds plenty of time to force consideration of anti-choice legislation. As the Washington Post noted this morning, and I quote, ''The measure is probably unconstitutional and certainly bad policy, but the House is to take it up today for the third time in 5 years.''

This legislation has been fast tracked through Congress, denied input from other Members of Congress or the benefit of the subcommittee and full committee markup. But what is most offensive about the timing of the legislation is not simply the lack of debate time, it is the fact that the legislation is breathing down the neck of an upcoming Supreme Court hearing on the constitutionality of Nebraska's abortion law and is a blatant attempt to try to influence the court.

The fundamental principles of Roe v. Wade already protect a viable fetus. Roe recognizes that the State has a compelling interest in the welfare of a fetus that can survive outside the womb. And none of us, none of us, approve late-term abortions, except in circumstances to save the life and health of the mother.

But under this ban, the fundamental principles of the Roe v. Wade decision are gutted. The Supreme Court has consistently held that a woman's life and health must be protected throughout pregnancy. And no advances in medicine yet have guaranteed a perfect pregnancy. Due to the lack of health exceptions in abortion bans, President Clinton has vetoed similar legislation time and time again, and this bill is no different. It makes no exception for protecting a mother's health.

Moreover, the language of the bill is so intentionally vague that both doctors and the courts have scoffed at it, asserting that this terminology could ban all procedures regardless of the viability thresholds guaranteed by Roe. In fact, it would make it a criminal offense for a physician to perform not just one particular procedure, but the safest and most common procedure in reproductive health care.

Even the American Medical Association, which originally supported this legislation, no longer does. And can we blame them? What is a doctor to do, faced with losing his or her livelihood and potential jail time? I can assure my colleagues that the primary concern of most physicians will not be protecting the health of the woman if their own livelihood is at stake. Why would they risk 2 years in prison and loss of their license when they could simply make a decision?

The proponents of this legislation would have us believe that this ban will prohibit one procedure used to perform only post-viability abortions; that is the point after which the fetus can live on its own. However, the bill is written so that it could ban safe abortion procedures used prior to fetal viability.

Mr. Speaker, in the circumstances of late abortions, in most all cases, these are fetuses who are either badly malformed or in a condition that really threatens the health of the mother. In most cases these babies are desperately wanted, and there is no other choice to

be made. It is heartbreaking for parents to have to make this choice, but it is even more heartbreaking for them not to be allowed to because a legislative body has said no.

By introducing this ban in tandem with the critical Supreme Court case, and at the start of an election year, the proponents of the bill are not just chipping away at the right to choose, they are taking a jackhammer to it. The American people have told us time and time again that when faced with life and death decisions they want to confide in their doctor, their family, and whomever else they choose to consult, but they never say they would like to consult their local Congressperson.

Throughout the managed care debate, Congress has said to the people ''we promise to put medical decisions back into the hands of the patients and the doctors,'' and yet with this vote today that promise is turned on its head. Congress, like HMOs, will dictate life and health decisions for women, not their doctors, their families or spiritual advisers.

It is unconscionable for this Congress to place its political agenda ahead of a woman's ability to have access to safe and appropriate health care. Like any other patient, a woman deserves to receive the best care based on the circumstances of their particular situation.

Mr. Speaker, we will hear arguments from staunchly anti-choice members who may resort to inflammatory charts and graphic images to pledge their support of the ban. But we will also hear from Members who are deeply concerned about the legislation and the precedent it would set. So far as I know, this Congress, nor any previous Congress, has ever outlawed a medical procedure.

But at the end of the day, after all the political fights subside, we must ask ourselves one fundamental question: Do American women matter? As a Member of Congress, the mother of three daughters, and a long-time advocate of women's health, I strongly believe the health of women matters in America.

I urge my colleagues to vote ''no'' on the rule and no on the underlying bill.

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

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. PAUL).

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

Like many Americans, Mr. Speaker, I am greatly concerned about abortion. Abortion on demand is no doubt the most serious social political problem of our age. The lack of respect for life that permits abortion has significantly contributed to our violent culture and our careless attitude toward liberty.

As an obstetrician-gynecologist, I can assure my colleagues that the partial-birth abortion procedure is the most egregious legally permitted act known to man. Decaying social and moral attitudes decades ago set the stage for the accommodated Roe vs. Wade ruling that nationalizes all laws dealing with abortion. The fallacious privacy argument the Supreme Court used must some day be exposed for the fraud that it is.

Reaffirming the importance of the sanctity of life is crucial for the continuation of a civilized society. There is already strong evidence that we are indeed on the slippery slope toward euthanasia and human experimentation. Although the real problem lies within the hearts and minds of the people, the legal problems of protecting life stems from the ill-advised Roe v. Wade ruling, a ruling that constitutionally should never have occurred.

The best solution, of course, is not now available to us. That would be a Supreme Court that would refuse to deal with the issues of violence, recognizing that for all such acts the Constitution defers to the States. It is constitutionally permitted to limit Federal courts jurisdiction in particular issues. Congress should do precisely that with regard to abortion. It would be a big help in returning this issue to the States.

H.R. 3660, unfortunately, takes a different approach, and one that is constitutionally flawed. Although H.R. 3660 is poorly written, it does serve as a vehicle to condemn the 1973 Supreme Court usurpation of State law that has legalized the horrible partial-birth abortion procedure.

Never in the Founders' wildest dreams would they have believed that one day the interstate commerce clause, written to permit free trade among the States, would be used to curtail an act that was entirely under State jurisdiction. There is no interstate activity in an abortion. If there were, that activity would not be prohibited but, rather, protected by the original intent of the interstate commerce clause.

The abuse of the general welfare clause and the interstate commerce laws clause is precisely the reason our Federal Government no longer conforms to the constitutional dictates but, instead, is out of control in its growth and scope. H.R. 3660 thus endorses the entire process which has so often been condemned by limited government advocates when used by the authoritarians as they constructed the welfare State.

We should be more serious and cautious when writing Federal law, even when seeking praise-worthy goals. H.R. 3660 could have been written more narrowly, within constitutional constraints, while emphasizing State responsibility, and still serve as an instrument for condemning the wicked partial-birth abortion procedure.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I rise in very strong opposition to this rule and to the underlying bill.

Mr. Speaker, it is like Yogi Berra and deja vu all over again. It could be 1996, it could be 1998; but it is 2000. If anybody had forgotten that this was not an election year, because the presidential primaries have kind of waned, all they have to do is to look and see that this bill is up again and that it is being brought to the floor under a closed rule.

Now, my colleagues and my dear colleague from Florida, the sponsor of this bill, knows this bill is not going to become law this year. It is going to be vetoed by the President and then it is going to be sent back here later, and it will sit at the desk. And I would bet probably around September, or the middle of September, pretty close to the general elections in November, the leadership will decide to roll this bill out again. They will roll it out, and there will not be sufficient votes, certainly not in the other body and probably not in this body this year, to override the President's veto, but it will make for good press releases. Our friends at the NRCC will roll out some press releases on this, and it will be a political issue.

That is what this is really about. The fact is, if we really wanted to address the issue of late-term abortions, which I do and I think the vast majority of this House wants to do, then we would bring the Hoyer-Greenwood bill to the floor and debate it. Now, I know the gentleman from Florida has some problems with the Hoyer-Greenwood bill. Fair enough. Bring it to the floor under an open rule, and let us debate the issues.

This House, since its creation, has debated and written the laws of this Nation. But the Republican leadership has decided that only a few men in the leadership role can decide what the laws are; what is really important to the health of women or not. They are going to decide that rather than the whole House. But is that not what democracy is all about? Is that not the essence of the people's House, the House of Representatives; that we decide the laws, we debate the laws? Apparently, that is not the essence of the Republican leadership.

□ 1045

Mr. LINDER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Montana (Mr. HILL).

Mr. HILL of Montana. Mr. Speaker, I thank the gentleman for yielding me the time. I rise to support the rule, and I also support the bill.

I want to describe for the House again what this procedure is. A doctor artificially dilates the cervix, creating

an opening that is of adequate size for the baby's delivery. Then the doctor, guided by an ultrasound device, takes hold of one of the baby's legs with a forceps. Then that leg is pulled into the birth canal and is fully delivered.

Then the other leg is accessed and it is delivered, followed by the baby's entire body, everything except the head. We would commonly refer to this as a breech delivery.

The doctor then uses one hand to trace up the spine of the baby up to the base of the baby's skull. And then with a Metzenbaum scissors, the doctor penetrates the base of that skull with those scissors and spreads the scissors open to create a passage large enough for a suction catheter to be inserted into the skull. And then the baby's brains are extracted with the suction device, and that causes the skull to collapse. At that point, the baby dies. And then the baby is fully delivered. The placenta is subsequently delivered, and all the remains are then discarded as medical waste.

The AMA, Mr. Speaker, says that this is not good medicine. Dr. Koop, former surgeon general, says this is never medically necessary. Everybody in this room knows that this is wrong, that it is not legally and it is not morally defensible. The way for us to end it is to vote for this rule and to vote for this bill today.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman very much for yielding me the time.

Mr. Speaker, I entered this body in 1995 with enormous hopes and aspirations for this Congress meeting up to its mission and its obligations and its high constitutional calling. And that is, of course, that it includes the protection of the American people at the highest levels.

As a freshman, I wanted to do good and still offer myself for that purpose. It was interesting that was called the Gingrich revolution. We came in under the auspices of what many have called the Contract on America.

I remember my colleague, Pat Schroeder, introduced me to the high calling again on the Committee on the Judiciary and its importance. I am reminded as I go to elementary schools, in indicating that I am on the Committee on the Judiciary, the eyes are sparkling as I speak about the Constitution.

But here we stand again, Mr. Speaker, again not calling on those high values and respecting the constitutionality of our responsibility, but yet, in many instances, although I respect those who have come to the floor to support this legislation, taking legislation that ultimately has been noted as having unconstitutional aspects of it and again and again bringing it to the floor of the House.

I remember those first years when we listened to the voices of women who cried out to us not to have this legislation and indicated that the medical procedure that they had to ultimately give consent for to their physician and to make sure that they either lived or that they would have the opportunity to procreate in the future, it was a highly personal decision, it was one they wished they could not make. And yet we bring to the floor legislation that holds a physician criminal.

In the Committee on Rules yesterday, no one would simply provide for an amendment that I had offered that simply clarified that the woman, in essence the victim, would not be held civilly liable, would not be open to lawsuit if she, out of desperation to save not only her life, but to add to the ability of her having a family would have to consent to a procedure that her doctor advised that she might have.

But yet here we come again and, as my colleague has noted, so appropriately in an election year, to bring forward clearly an aspect of legislation that should be left to the private determinations under the ninth amendment under the Constitution that has been noted before.

In addition, the Greenwood-Hoyer amendment, where 40 States have already recognized the importance of designing this legislation in the same manner as that amendment, an amendment that would have garnered the support of so many of us, this amendment, however, was not allowed.

It has come to my attention that even in Texas we have a law regarding the medical procedure since 1987 that protects the life and health of the mother similar to the Greenwood-Hoyer amendment, yet the Rules Committee saw fit to vote even against this reasonable language.

Mr. Speaker, this is not a serious debate. I would ask that we would vote against this rule, respecting my colleagues who believe in this particular legislation. This is wrong headed and wrong directed. I ask my colleagues to vote against the rule and the bill.

Mr. Speaker, I am pleased to have an opportunity to speak on this important matter. I am disturbed that the Committee is inhibiting a full and fair debate about this critical matter.

"The Partial Birth Abortion Ban of 2000," H.R. 3660, is extreme and unconstitutional legislation that would endanger women's health because it lacks an exception even for serious threats to a woman's health. If enacted, H.R. 3660 would lead to undue government interference in doctor-patient relationships by subjecting physicians to arrest and imprisonment for using their best medical judgment in accordance with the wishes of their patients.

I am distressed that this committee refused to even consider any amendments to such a momentous piece of legislation that would essentially eradicate a women's freedom of choice as we have known it for over 25 years.

Despite proponents comments to the contrary, H.R. 3660 would actually allow civil actions against the woman who has already undergone a traumatic experience and essentially open the window for all types of abortions to be banned.

This is why amendments should have been allowed to bring this legislation in accordance with current legal doctrine.

If allowed, my amendments would have allowed Members to express their views whether the viability of the fetus should determine whether this ban should or should not apply and they would have ensured that money damages cannot be sought against a woman that has a "partial abortion."

The proposed statute is simply not a restriction on late-term abortion. To the contrary, H.R. 3660 is extreme and unconstitutionally legislation would endanger women's health because it simply undermines a woman's right to choose.

It is imperative that we take the proper safeguards not to allow any group to take advantage of this emotionally charged issue for financial gain. Although we live in a litigious society, we should be careful to not provide incentives for frivolous reasons.

Termination of a pregnancy is already a tragic event for any woman. When one is faced with such a decision, they should simply not be thinking of the adverse consequences of potential litigation. That is simply cruel to the woman.

Members should be afforded an opportunity to consider reasonable alternatives to penalties contained in the legislation for so-called "late term" abortions.

Because the ambiguous wording of this bill creates the potential to ban all forms of abortions in violation of Roe v. Wade, while also leaving open the possibility for the woman to be prosecuted under this new statute, it is necessary to add clarifying language.

Mr. Speaker, I believe many Members would want the opportunity to be heard on this crucial matter. Private medical decisions belong with the woman, their families, their religious leader, and the physicians, not politicians.

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

Mr. Speaker, I would like to point out to the gentlewoman from Texas (Ms. JACKSON-LEE) that what she so derisively calls the Contract on America has been passed, 70 percent of which has been signed by President Clinton.

Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Kentucky (Mr. FLETCHER.)

Mr. FLETCHER. Mr. Speaker, I certainly appreciate the gentleman from Georgia (Mr. LINDER) bringing this bill to the floor. I stand to speak today to support this bill.

It is a day that my daughter back home, surrounded by her mother, my mother, and my mother-in-law, are all viewing right now as she is having an ultrasound this morning to look at the child within her womb. There is a lot of excitement about that, and there should be.

It reminds me of the quote from Hubert Humphrey, who says, "The moral

test of government is how that government treats those that are in the dawn of life.'' That is what this bill is about.

What is it about? It is about children. It is about decency. It is about compassion and love. It is about putting aside our selfish desires, whatever desperate situation we are in. And I agree that there are some desperate situations, and I have seen those, but setting those aside to look at the interest of the most vulnerable among us, those, as Hubert Humphrey said, are in the dawn of life.

We have heard the discussions of the details of this procedure. We may not need to discuss how barbaric and gruesome a procedure that we wish to forbid here today. For I believe that all know, each one of us, everyone, deep down in our hearts, that killing a living, viable child who has made only a partial entry into this world of opportunity is wrong and morally inexcusable.

The President has vetoed this bill several times. Mr. Speaker, I would ask him that he reconsider, that he turn from his friends on the radical left and look deep into his heart and into the eyes of children, those eyes that glisten with hope for a future, and that he would sign this bill.

It is a bill of decency, goodness, fairness, and it is a bill of hope, a bill filled with the dreams, the dreams of those that want to come to know the joys of opportunity to be all that they can be.

I know that there are those that may consider the debate as one whether they are pro-life or pro-choice, but this goes well beyond that debate. This debate goes to are we going to be judged as a Nation, as Hubert Humphrey said, a Nation whose moral test is decided on how we treat those at the dawn of life. This bill is about those that are at the very dawn of life and are we going to protect their opportunity, their future, and their dreams. I trust we can.

I encourage the President to sign this bill for decency, for fairness, and for moral integrity of this Nation.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I am strongly opposed to late-term abortions. But when the health of the mother is at risk in tragic cases, that choice should be made by a woman and her doctor, not by politicians in Washington, D.C.

This bill would prohibit abortions even when a mother's health is at risk. We have no right in this Congress to make that health decision for other people's wives and other people's daughters. No Member of this House has the right to risk any other woman's fertility, no Member.

What this Congress should do is to pass a bill that outlaws all late-term abortion procedures, not just one procedure like this bill does, and then include an exemption in rare tragic cases where a mother's health is at risk.

This is the kind of bill I helped pass in Texas in 1987. It was a bipartisan bill, unlike this one, designed not for political press releases and sound bites and attack ads. It was designed to save the lives of babies, something this bill would not do.

I would like to ask the supporters of this bill one question they refused to answer for the last 5 years. If they have such a low opinion of America's women that they truly believe mothers want to maliciously kill viable, healthy babies late in pregnancy just moments before natural childbirth, if they really believe that, how does outlawing one procedure while keeping all other procedures legal save even one baby's life?

The truth is this bill does not save one life, and pro-life citizens and leaders have even admitted that. The deceptive secret of this bill is that it would keep it perfectly legal to have late-term abortions under this bill, just use a different procedure.

Babies are not saved by this bill. But sadly, in tragic, sad cases, mothers' health and their ability to have children in the future will be put at risk.

The truth is that if there is one frivolous killing of one healthy baby after viability anywhere in America, that is one too many. And we would all want to prevent such a case.

The real tragedy is not that this bill will not become law. The real tragedy is that supporters of this bill could have added a health exemption into this bill at any point during the last 5 years and we would have outlawed all late-term abortion procedures, not just one procedure.

Let us vote no on this rule and no on this bill and then do what we should do. Let us pass a law that will outlaw all late-term abortion procedures while protecting women's health.

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

Mr. Speaker, I would like to point out to the gentleman from Texas (Mr. EDWARDS) who said that the Texan law was bipartisan, unlike this one, that the last time it met the floor of the House it got nearly 300 votes, including the vote of his leader.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I rise in support of this rule and urge my colleagues to vote for this good bill.

Partial-birth abortions should have been made illegal long before now. But the supporters of this procedure continue to tell us that it is needed. They claim that, without this procedure, the health and even the lives of mothers in this country will be at risk. By saying this, they seem to suggest that those of us who want to ban this procedure are somehow being insensitive or cruel.

But former Surgeon General C. Everett Koop says the procedure ''is never medically necessary to protect a mother's life or her future fertility. On the contrary,'' he says, ''this procedure can pose a significant threat to both.''

The American College of Obstetricians and Gynecologists says ''there are no circumstances under which this procedure would be the only option to save the life of a mother and to preserve the health of a woman.''

In 1995, a panel of 12 doctors representing the American Medical Association voted unanimously to recommend banning partial-birth abortion. The American Medical Association, the American College of Obstetricians and Gynecologists, and the most respected doctor in America are all telling the truth.

But not everyone is.

Not too long ago, Ron Fitzsimmons, executive director of the National Coalition of Abortion Providers, admitted that he lied through his teeth when he claimed that partial-birth abortions are rare and only on women whose lives are in danger or whose babies had severe defects. He also admitted that he had lied about how frequent partial-birth abortions are. There are thousands every year in America.

What Mr. Fitzsimmons showed us is that there are pro-abortion activists in this country so extreme in their position, so completely unwilling to listen to reason, that they will defend even this procedure which is indistinguishable from cold-blooded infanticide.

Stabbing a baby in the back of the neck with scissors is gruesome, even if his head remains an inch inside the birth canal.

Mr. Speaker, partial-birth abortion is so gruesome and so barbaric that it must be stopped immediately. It is completely unnecessary. It is in every case unjustifiable and in no case the lesser of two evils.

The will of the American people has been consistently clear in every poll on this issue. The House and Senate have both passed this ban before by large margins. Clearly, reasonable and thinking Americans want this ban to become law. A few extremists continue to stand in the way. We will be asked to recommit this bill so that they can add on a provision providing an exemption for what they call ''mental health.'' That will, of course, mean there is no ban at all. In fact, if they are having a bad day, they can have a partial-birth abortion.

Mr. Speaker, we have a good bill before us. It does not need to be changed. It already does what we know is the right thing to do. We should stop playing games and pass this good legislation so that America can go back to believing that their Government stands for decency. America knows that partial-birth abortion is wrong. They want us to do something about it.

I urge all my colleagues to support the ban on partial-birth abortion today.

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

Mr. Speaker, I would like to make clear that the AMA no longer supports this bill and that the gynecologists never did.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. TAUSCHER).

□ 1100

Mrs. TAUSCHER. I thank the gentlewoman for yielding me this time.

Mr. Speaker, I have prepared remarks; and I am an original cosponsor of this bill, but I cannot let the comments of the previous speaker and other speakers go by. I think that it is absolutely a horror for the American people to be told by any Member of Congress that American women may have a bad day and decide to have a partial-birth abortion. That is certainly not the fact, and that is certainly demeaning to every woman in this country. How dare anyone suggest that this is anything but about a very tragic, personally debilitating scenario, when very late in a pregnancy a mother and a father are told that that baby will not survive outside the womb and that medical procedures may be necessary to save the life and the health of that mother. Let us talk about the facts, ladies and gentlemen. Let us not cloud this. And let us not demean American women by suggesting that because they are having a bad day, they are going to get rid of a very precious child.

Let us ban late-term abortions. There is no one here that is pro-choice that is pro-abortion, but there are people here unfortunately that will twist the facts for their own political gain. This is a shameful day for this House. It is a shameful day that we will not protect the health and the life of American women and that we will not honor the mothers of this country by acting as if they can actually take care of their own children.

Mr. LINDER. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, I think anytime a woman chooses to abort a baby, it is a difficult decision. And it is a tragedy regardless of the reason for it. What we just heard is not an accurate representation of partial-birth abortion. All you have to do is look at the facts from Kansas this year. So far this year, there have been 180 partial-birth abortions performed in Kansas. Seven of them were from women from Kansas. The rest of them were from out of State. Not one of those babies had a lethal defect. There was nothing that was going to keep them from living an adequate and acceptable life. We can say that partial-birth abortion is about terminating pregnancies on babies that are not viable. But the facts do not bear that out. Does it occasionally happen? Yes. When it happens for a nonviable baby, it is being done only for the convenience of the abortionist. It is not being done for the safety and health of the woman. Because in fact if it was for the safety and health of the woman, they would terminate the pregnancy in a very much different way. They would not put at risk her reproductive future. They would not put her at risk for a pulmonary embolism from amniotic fluid, they would not put at risk the ability for her cervix to maintain its muscular strength by dilating it against its will. The facts about partial-birth abortion are that it is done for the abortionist, not for the woman. I know that because I have helped thousands of women deliver children. I have done D&Xs. I know the procedure very well. It is the last procedure I would ever do to help a woman eliminate a nonviable child. That does not go to say how right are we in expressing our knowledge, scientifically based, on whether or not we are accurate about a child's viability.

So let us dispel the three myths that are put forward. Partial-birth abortion in this country is not being done for the health of the woman. It is being done for the convenience of the abortionist. That is number one. Number two, it is not being done because children have lethal defects. It is being done so that late-term abortions can be accomplished. That is why it is being done. Number three, this procedure puts the health of a woman at much greater risk than any of three other procedures that could be used to terminate her pregnancy.

We can agree to disagree on whether abortion is right or wrong. I do not have any problem with that, and I have a great deal of respect for those who disagree with me on that issue. But you cannot confuse the medical facts of the risk that a woman is put to when this procedure is used on her. It is a marked increase in risk for her health. If in fact it was an emergency to eliminate this baby, we would do a saline injection, take the life of the baby and put prostaglandin in and have the baby deliver head first. The baby would be dead, it would come out, and the woman would have labored it out. But instead, we do not do that. We put in japonicum, which is seaweed, we allow it to dilate up, then we dilate the cervix further, we reach in with instruments, we turn the baby around, we pull the baby out, puncture the head, collapse the head and pull the baby the rest of the way out and then forcefully extract a placenta. When we do that, we expose the woman to loss of fertility and loss of competency of her cervix, we expose the woman to significant hemorrhage, and we expose the woman to fluid embolus from amniotic fluid. Nobody who is thinking about the woman would use this procedure.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the gentlewoman for yielding me this time.

Mr. Speaker, I wanted to come to speak specifically on the rule, because it is the rule that shows that this body is not serious about achieving consensus on this very serious and troublesome question. Because there is, after all, an alternative which has a very good chance of getting that consensus, the Hoyer-Greenwood alternative. Many like me would be reluctant to support that alternative because it compromises the health language; but in the name of getting a consensus on so troublesome, and deservedly so, an issue, we could get there this time. We are told this time it is constitutional. And the reason the other side has to talk to us about constitutionality this time is that the courts have handed them their heads. Not the Congress, not the President.

It is the courts that have told you you are in violation of the Constitution. The reason Hoyer-Greenwood is obviously a much preferable alternative boils down to two. The Republicans come forward with a bill that uses inflammatory lay language. Basically, it is a gotcha 30-second ad. Of course it does not speak to the gestational period, so the, quote, ''living fetus'' could be when it is, I do not know, 3 weeks old, and you could be prosecuted under this language. Would you think this has a moment's chance of standing up in court?

Hoyer-Greenwood, on the other hand, makes it clear that it is after viability. You ask the average American, you talk about after viability, they know what you are talking about. Hoyer-Greenwood says seventh, eighth and ninth month, unless it is very serious, you are not going to get an abortion. I do not know why that is not good enough for you. I am sure it is good enough for the American people. Serious health consequences? That means that people on my side who believe this should be between a woman and her doctor are indeed accepting a real compromise. It is you who are unwilling to accept a compromise, because Hoyer-Greenwood by limiting late-term abortions to the serious adverse health consequences of the woman virtually guarantees that there will be few seventh, eighth, and ninth month abortions.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Ms. STABENOW).

Ms. STABENOW. I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise today as one of the people who is under political attack by right-to-life on this issue which in my State is very clearly a political issue, not a policy issue, because they say I want to keep partial-birth

abortions. I say I am a cosponsor of the bill of the gentleman from Maryland (Mr. HOYER) and the gentleman from Pennsylvania (Mr. GREENWOOD) that says not just partial-birth abortion but all late-term abortion should be illegal in this country except to save the life of the mother or if she has a serious health consequence, a serious threat to her life or her health. That is what this is about. This is an alternative that will be signed by the President and could very quickly be the law of the land to make it clear that not just one procedure but every late-term abortion procedure would be banned except if the mother's life is threatened or there is a serious health consequence to her continuing the pregnancy. And then she could still continue the pregnancy; but it would be her choice, not the politicians in Washington's choice. That is what this is about.

I find it along with my colleagues, the women of this House, totally offensive as a mother of two beautiful children to say that women in the final weeks of pregnancy would just have a bad day and decide to terminate a pregnancy that they had carried almost to term. We are talking about women who want children, who are bringing this child into the world, who are excited, who have put together the crib and the wallpaper in the baby's room and are excited and get to the point at the end where they find out that the doctor says, we have got a serious problem here and we are going to have to sit down and talk about it and there is going to have to be some decisions made because there is something that has gone wrong. When that happens, I want the woman, the doctor, her family and her faith and not the people in this room making that decision.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, I would just ask the gentlewoman from Michigan to look at the experience in Kansas. Every one of the partial birth abortions that have been provided for this year have been on the basis of the health exception. A health exception for the woman. Eight of them from Kansas, seven or eight from Kansas, the rest from outside of Kansas but on a health exception. Very few of those were based on the physical health of the woman, but on the fact that she did not want to have a baby.

Now, I understand that in our country that is okay. That is legal today. I want to make one other point, that we sometimes forget. Why is partial-birth abortion out there? Because if you abort a baby a different way, guess what? The baby is born alive. When the baby is born alive in most States if it is at viability, then you have to express the will of the State to do everything you can to keep that child alive. So we abort a baby, have a baby that is viable, and then we work to keep it alive because that is what the States say we must do. So partial-birth abortion is developed so you deliver a dead baby. That is why it is there, so you get around this idea that it is alive.

Again, I would remind the vast majority, upwards of 90 percent of all partial-birth abortions are on absolutely normal babies. Normal. Not abnormal. I have delivered tons of abnormal children. I have dealt with every consequence associated with terrible errors in reproduction. They are tragedies. But to couch partial-birth abortion on the basis of 1 or 2 percent of those issues, and that is what you are really talking about, 1 or 2 percent, not the vast majority, to justify it as a means to terminate the life of a well, healthy child is unconscionable. Most women if they truly had informed consent would never allow partial-birth abortion to be performed on them.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I was puzzled to hear the gentleman from Oklahoma say that they were not for physical health reasons in most cases. The reason I say that is I went to the Committee on Rules to ask for the right to offer an amendment that would have allowed this only in cases where there was severe, adverse, long-term physical health consequences.

□ 1115

Now, many do not think that does enough. It would not be enough for me to vote for the bill, but at least it would have met that argument.

So when the gentleman says, oh, but we are just talking about all health, not just physical health.

Mr. COBURN. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Speaker, I would tell the gentleman I would fully support that amendment.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman, and he may have a chance to. But I assume that means the gentleman will vote against the rule, because I went to the Committee on Rules and asked for this amendment to be made in order.

This bill is being done in the most abusive way ever. Do we want to know what is a late-term abortion? The real late-term abortion bill is the one that the gentleman from Maryland was not about to offer. Late-term abortion describes this legislative procedure. We wait until late in the term so we can get maximum political advantage, and then we abort the legislative procedures; no committee vote, no amendments being made in order.

The gentleman from Oklahoma says well, 1 or 2 percent, so let us try to deal with the 1 or 2 percent. That is not what we have. This is a bill in search of a veto for use for political purposes. Members who sincerely want to restrict this procedure and some would want to restrict it more than I would want to, and I might lose on that. But the rule is calculated to get a veto. It does not allow what the gentleman from Oklahoma talked about.

The Committee on Rules specifically refused my amendment and many of the strongest pro-choice people think my amendment gives away too much; I do myself in some ways, but at least the body should be able to vote on it. The true late-term bill was the gentleman from Maryland's.

This is the most outrageous repudiation of the democratic procedure I have seen in 20 years. A bill where there is pending constitutional litigation where some courts have held this bill, in effect, unconstitutional at the circuit court level, does not have any committee consideration, comes to the floor with no amendment whatsoever, solely for the purpose of being used politically. The money that is being spent on this bill ought to be reported to the Federal Election Commission as a Republican campaign contribution.

Mr. LINDER. Mr. Speaker, I would inquire as to how much time remains on both sides.

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman from Georgia (Mr. LINDER) has 11½ minutes remaining; the gentlewoman from New York (Ms. SLAUGHTER) has 9½ minutes.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. Speaker, it was not so long ago that I stood on the State Capitol steps in Denver, Colorado commemorating the 27th anniversary of the Supreme Court ruling in Roe v. Wade which guarantees a woman the constitutional right to determine her own reproductive destiny. On that day I joined Coloradans in urging them to protect this deeply personal right and urging them to continue the fight against increasing efforts to chip away at these rights for which we fought so hard.

It strikes me that the House leadership today, if it was interested in good policy, not politics, would not have brought this bill to the floor. In just a few weeks, the Supreme Court will hear oral arguments on the substantially similar Nebraska partial-birth abortion ban which makes the timing of H.R. 3660 a bit more than suspect.

If the leadership were really serious about seeking bipartisan consensus in passing a law, the Committee on Rules should have permitted consideration of

the Hoyer-Greenwood substitute, which has the strong backing of Members on both sides of the aisle, the promise of the President's signature, and the support of sensible policy leaders who recognize the vital importance of including health exception and a post-viability provision.

Most importantly, the Hoyer-Greenwood alternative is what Americans want. In a recent poll, 88 percent, 88 percent of Americans supported the inclusion of a health exception for women. If the leadership were really serious about outlawing one particular abortion procedure, they would have agreed to consider an alternative to this vague and broadly-worded piece of legislation.

Mr. Speaker, if the leadership continues to ask Members of Congress to support bad public policy, we must continue to oppose it. For my part, I will do all I can to protect a woman's right to choose. Oppose this rule, oppose this bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia (Mr. WISE).

Mr. WISE. Mr. Speaker, let me tell the Members what I support. Like most people, I believe that all late-term abortions should be outlawed unless the woman's life is in danger or she would suffer serious health problems by continuing the pregnancy.

Our language would stop far more late-term abortions than will be voted on today, but the leadership is not going to allow it.

I oppose late-term abortions. I cosponsored legislation to outlaw them. Mr. Speaker, 88 percent of the American people believe that if a woman's life is in danger or there is a serious health problem for the woman, there should be an exception. This is only common sense.

The Congress today votes on eliminating only a single medical procedure. Perhaps it may stop a limited number of late-term abortions, yet I support language that stops all late-term abortions, regardless of medical procedure, unless the woman's life is in danger or she will suffer serious health consequences. Abortion is an agonizing decision and an agonizing debate, requiring all views, and yet I will not be permitted today to protect the woman against serious physical health consequences. I oppose the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in strong opposition to this rule. This is an extremely important vote for the Members of the House.

It is simply baffling to me why those who oppose abortion, those who are generally referred to as pro-life, are not out here on the floor with us saying, this rule should allow the amendment that offers this House the choice to ban all post-viability abortions.

Third-trimester abortions are abhorrent to the American people, and they are wrong. But never in our history has this House banned a single medical procedure, and it will not work now. It will not accomplish our goal in terms of respecting the potential life of a well-developed fetus, and it will endanger the legitimate rights of women in the first trimester of pregnancy.

Mr. Speaker, 40 States have the kind of legislation we wanted to bring to this floor of the House together in a bipartisan fashion. It would ban third trimester abortions by any method. But it would respect the right to life of the mother and the right to avoid severe health consequences through carrying a hostile pregnancy. Many States have this law and it has never, ever been declared unconstitutional, yet the only choice we have here today is legislation that in 20 of the 21 challenges has been declared unconstitutional.

Sadly, I think we are being denied this right because our legislation would pass, because it is the right thing to do for America, it is the right thing to do for America's women, it is the right thing to do for our children, and it profoundly respects the life of the unborn, the life of the mother, and the wholeness of family.

Mr. Speaker, I urge my colleagues on both sides of this issue to vote no on this rule. Let us go back to the Committee on Rules. Let the Committee on Rules rethink the caliber of debate that should come to this floor on such a critical issue. And for once, let us open this body to the breadth of debate, to the depth of consideration, that this issue deserves.

I believe there is common ground that could unite all of us. Please, oppose the rule.

Mr. LINDER. Mr. Speaker, I yield 4 minutes to the gentleman from Oklahoma (Mr. COBURN).

PARLIAMENTARY INQUIRY

Mr. OSE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. OSE. Mr. Speaker, if I understand the rules and procedures of the 106th Congress, a Member is allowed to speak once on a question before the House. Is that accurate?

The SPEAKER pro tempore. The Chair would advise the gentleman that this resolution is being considered under the hour rule. The gentleman from Georgia (Mr. LINDER) was recognized for 1 hour, and he has within that time the option to yield to whomever he wants for whatever period he wants.

Mr. OSE. I thank the Chair.

Mr. COBURN. Mr. Speaker, it is interesting that of the few people in our body that have experience with this issue, that we now have an attempt to cut off debate. The fact is, I am all too familiar with this procedure.

The gentlewoman from Connecticut (Mrs. JOHNSON) I think made one misstatement, and the fact is that whether this passes or not, it will have no effect on first-trimester abortions, none, zero.

Mrs. JOHNSON of Connecticut. Mr. Speaker, will the gentleman yield?

Mr. COBURN. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Mr. Speaker, we have testimony from physicians that the way the bill is worded, it would indeed have that effect, and we have judicial rulings from judges that say the language is so broad they would have to rule that way.

Mr. COBURN. Mr. Speaker, reclaiming my time, in fact, and in actuality, this procedure is never used in first trimester, because it is way too dangerous. No physician who should be licensed and who should continue to be licensed would ever use this procedure in the first trimester. So regardless of the testimony, the medical facts are, one would never use this procedure in the first trimester.

The second point I would like to make, as we defend the right of women in this country under a health exception to destroy their unborn children, we need to talk about how we define death in this country. Because we define death in this country as the absence of a heartbeat and the absence of brain waves. All 50 States, every territory, upheld by the Supreme Court.

Now, if that is death, let me tell my colleagues what the opposite is: present heartbeat, present brain waves. That is life. I say to my colleagues, at 41 days past the last menstrual period, every fetus has a heartbeat and brain waves.

So we can have the debate on whether it is not all right for us to chew up our unborn; that is not what this debate is about. This debate is about whether or not we are going to continue to convenience the abortionists with a procedure that put women at risk, even for that small percentage of time when we have, as the gentlewoman from Connecticut described, a hostile pregnancy.

Those of us that are pro-life believe all life has value, and we do not believe that it is proper to rationalize one moral error with another moral error. The first moral error is attaining an unwanted pregnancy. The second moral error is to eliminate that pregnancy because it inconveniences someone.

Now, we can talk about this issue, and there are some tragedies, I agree. But I also will tell my colleagues that this is never the best way to solve those tragedies. I understand why it is out there, I understand why it is used, but medically it is never the best way to solve those tragedies.

Mr. Speaker, I want to share a story with my colleagues. This little child's name is Jakie Johnson. Jakie Johnson

as an encephalic baby. I want to describe to my colleagues the difference that would have occurred had his mother had a partial-birth abortion. She would have had a 3-day procedure where she developed, as she went through the procedure, forced dilatation. On the third day the doctor would have reached into her womb, ruptured her membranes, the water would have drained out, he would have grabbed with tongs, pulled the baby around, forced the baby out, collapsed the skull, and the baby would have been born dead.

I want to tell my colleagues what happened with Nancy Johnson and her son, Jakie.

□ 1130

Nancy chose not to terminate her pregnancy. I delivered that baby in the middle of the night, alive. That baby died 3 hours later in its mother's and father's arms. Now tell me which is the better outcome for the mother and father and the child, to have some vague, horrendous, risky procedure done, or to have a delivery of a malformed baby which dies in its parents' arms?

If Members think we should abandon the love and caring of a parent as a child dies, then Members should vote against this rule. If Members think there is something to parenting, loving, and caring, then vote for this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, this is a difficult issue. It is an issue which tears Americans apart. Almost every American I know values life, values children, values those in the dawn of their life, as was said earlier.

Let me start by accepting the premises put forth by the gentleman from Oklahoma (Mr. COBURN), the premises as to why this procedure is used. Let us accept that. But let us also accept his other proposition, that the termination of the pregnancy can be effected by three other methods. That is what the gentleman from Oklahoma (Mr. COBURN) just told us minutes ago.

Then let me turn to the gentleman's assertion that he could have supported and would support the amendment offered by the gentleman from Massachusetts (Mr. FRANK). Then let me assert that it is my position, the position of the gentleman from Pennsylvania (Mr. GREENWOOD), and the position of those of us who ask for this amendment, the Hoyer-Greenwood amendment to be made in order, that we are opposed to all late-term abortions because we value that viable child; because we believe, consistent with the Constitution, the State has an interest in ensuring that that child has every opportunity to live.

Yes, as the Supreme Court and the Constitution require, we adopt the premise that one must relate to the life of the mother and to the health of the mother. As an aside, let me say that most Members and clearly most of the public believe that rape and incest ought to be exceptions.

As the good doctor knows, a woman's physical health is not put at risk per se because the pregnancy results from either incest or rape. It is in fact in the combination of the physical and mental trauma from which that pregnancy results. In fact, what we ask for in this, the people's House, we send 435 Members, men and women from across the breadth of this land to try to come together and make very difficult judgments.

This rule adopts the premise that there is a simplistic approach. It is a gag rule. It is a closed rule. It allows for no alternatives but the alternative presented, not even by the committee, which did not report this bill out. It is in that sense clearly, Mr. Speaker, a political, as opposed to substantive, approach to legislating in this House.

This ought not to be on an issue of this consequence, of this seriousness. There should have been allowed by this rule the opportunity for full debate and alternatives to be considered. My bill, the bill of the gentleman from Pennsylvania (Mr. GREENWOOD), the amendment we sought, said we want to make it the policy of the United States of America that late-term abortions are illegal, not allowed, prevented; not just one procedure of which the gentleman from Oklahoma speaks, but including the three procedures that the gentleman from Oklahoma also referred to, by whatever procedure. We want to deal with this issue substantively.

Mr. Speaker, I ask Members to vote against this rule. Let us legislate thoughtfully, fully, on this critically important matter, and let us prevent and make illegal late-term abortions.

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

Mr. Speaker, some years ago Governor Cuomo of New York made the statement that you are going to hear on the floor of this House during this debate. He said, I am personally opposed to abortion, but I will not vote to end a woman's right to choose.

George Will responded to that in an article in the newspaper, where he pointed out that it is a morally incoherent statement. It is morally incoherent. He further pointed out that 141 years ago this year, Justice Roger B. Taney wrote the Dred Scott decision, which said essentially that Americans may continue to own African-Americans as chattel. What was not broadly known at that time was, 30 years prior to that, Justice Taney released his own slaves to freedom. He personally did not believe in slavery, but he did not mind if you did. That is morally incoherent.

There have been three times in the history of this great Nation when we have declared portions of our population to be nonpersons under the constitutional protections. The first was Native Americans, when we took their land. The second was black people, when we took their freedom. The third is unborn children, when we are taking their lives.

We are still repenting for the first two. We face yet the third.

Let me just close by saying this. When a Nation puts people in jail and fines them for destroying the potential life of unborn loggerhead turtles and bald eagles, and pays people for destroying the potential life of unborn babies, that Nation has lost its way.

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

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

Mr. Speaker, if I could just say, in defense of my former Governor Mario Cuomo, I say to the gentleman that it is possible to personally object to something but not require that everybody else agree with you.

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

Mr. LINDER. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 244, nays 179, not voting 11, as follows:

[Roll No. 102]

YEAS—244

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Borski
Boswell
Brady (TX)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Cooksey
Costello
Cox
Crowley
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley

Forbes
Fossella
Fowler
Franks (NJ)
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kildee
King (NY)
Kingston
Kleczka
Knollenberg
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Mollohan
Moran (KS)
Murtha
Nethercutt
Ney
Northup
Norwood
Nussle
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—179

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Buyer
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy
Kilpatrick
Kind (WI)
Kolbe
Kuykendall
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Moore
Moran (VA)
Nadler
Napolitano
Neal
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Woolsey
Wu
Wynn

NOT VOTING—11

Campbell
Cook
Crane
Klink
Markey
Martinez
Meek (FL)
Morella
Myrick
Oberstar
Vento

□ 1203

Mr. LIPINSKI changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above record.

The motion to reconsider was laid on the table.

Stated against:

Mrs. MORELLA. Mr. Speaker, on rollcall No. 102, I was at a meeting in the Russell Caucus Room and my beeper didn't go off. Had I been present, I would have voted "no."

Mr. CANADY of Florida. Mr. Speaker, pursuant to House Resolution 457, I call up the bill (H.R. 3660) to amend title 18, United States Code, to ban partial-birth abortions, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of H.R. 3660 is as follows:

H.R. 3660

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Partial-Birth Abortion Ban Act of 2000''.

SEC. 2. PROHIBITION ON PARTIAL-BIRTH ABORTIONS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 73 the following:

''CHAPTER 74—PARTIAL-BIRTH ABORTIONS

''Sec.

''1531. Partial-birth abortions prohibited.

''§ 1531. Partial-birth abortions prohibited

''(a) Any physician who, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined under this title or imprisoned not more than two years, or both. This paragraph shall not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, illness, or injury. This paragraph shall become effective one day after enactment.

''(b)(1) As used in this section, the term 'partial-birth abortion' means an abortion in which the person performing the abortion deliberately and intentionally—

''(A) vaginally delivers some portion of an intact living fetus until the fetus is partially outside the body of the mother, for the purpose of performing an overt act that the person knows will kill the fetus while the fetus is partially outside the body of the mother; and

''(B) performs the overt act that kills the fetus while the intact living fetus is partially outside the body of the mother.

''(2) As used in this section, the term 'physician' means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which the doctor performs such activity, or any other individual legally authorized by the State to perform abortions: *Provided, however,* That any individual who is not a physician or not otherwise legally authorized by the State to perform abortions, but who nevertheless directly performs a partial-birth abortion, shall be subject to the provisions of this section.

''(c)(1) The father, if married to the mother at the time she receives a partial-birth abortion procedure, and if the mother has not attained the age of 18 years at the time of the abortion, the maternal grandparents of the fetus, may in a civil action obtain appropriate relief, unless the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the abortion.

''(2) Such relief shall include—

''(A) money damages for all injuries, psychological and physical, occasioned by the violation of this section; and

''(B) statutory damages equal to three times the cost of the partial-birth abortion.

''(d)(1) A defendant accused of an offense under this section may seek a hearing before the State Medical Board on whether the physician's conduct was necessary to save the life of the mother whose life was endangered by a physical disorder, illness or injury.

''(2) The findings on that issue are admissible on that issue at the trial of the defendant. Upon a motion of the defendant, the court shall delay the beginning of the trial for not more than 30 days to permit such a hearing to take place.

''(e) A woman upon whom a partial-birth abortion is performed may not be prosecuted under this section, for a conspiracy to violate this section, or for an offense under section 2, 3, or 4 of this title based on a violation of this section.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 73 the following new item:

''74. Partial-birth abortions .... 1531''.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 457, the gentleman from Florida (Mr. CANADY) and the gentleman from Michigan (Mr. CONYERS) each will control 1 hour.

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

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3660.

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

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today, the House once again considers legislation to ban partial-birth abortion. Similar legislation, as every Member is surely aware, has been considered in each of the last two Congresses. And in each Congress, this House not only has passed the legislation, but also overrode a Presidential veto.

The partial-birth abortion act would have become law during the last Congress, if support in the other body had not fallen just short of the two-thirds majority necessary to override the Presidential veto.

Some of us ask why we are considering this measure again. The answer to that question is quite simple. This House has a responsibility to do everything in its power, notwithstanding the President's stubborn support for partial-birth abortion, to put an end to this practice, which has no place in a civilized society.

The House cannot remain silent while a procedure, such as partial-birth abortion is being performed across this land. The debate over this procedure was sparked in 1992 when an abortionist named Dr. Martin Haskell presented a paper in which he described this procedure, which I will now describe to the House.

Mr. Speaker, in the procedure described in the paper by Dr. Martin Haskell, in 1992, the abortionist in the first step of the procedure guided by ultrasound grabs the live baby's leg with forceps, as is depicted in this drawing.

The abortionist then goes to step 2 in which the baby's leg is pulled out into the birth canal. Third, the abortionist delivers the living baby's entire body except for the head, which is deliberately kept lodged just within the woman's cervix. The abortionist then jams scissors into the baby's skull, and the scissors are opened to enlarge the incision. This is in the fourth step, depicted here in this drawing. Finally, the scissors are removed, and a suction catheter is inserted. The child's brains are removed by the suction catheter, causing the skull to collapse, and the delivery of the child is then completed.

Now, I have described this procedure on the floor of this House previously during the consideration of legislation in past Congresses. Every time I describe it, I am moved with the sense of horror at what is actually taking place when this procedure is performed.

I would appeal to all the Members of the House to consider the chilling reality of what actually takes place when a partial-birth abortion is performed. Put aside all the misrepresentations, put aside all the falsehoods that have been brought forward by the supporters of this procedure, and consider the reality that is demonstrated in these simple drawings. I would submit to the House that we cannot in good conscience sit idly by while such deeds are being done in this Nation under the protection of the law.

Now, from the beginning of the debate over this legislation, the supporters of partial-birth abortion have relied on an array of misrepresentation and outright lies to cover up the truth about this odious practice.

For example, the abortion lobby lied and said that the procedure was rarely used, estimating the number performed annually at approximately 500. An investigation by a newspaper in New Jersey revealed, however, that approximately 1,500 partial-birth abortions are performed per year in one clinic alone in the State of New Jersey.

Ron Fitzsimmons, the head of the National Coalition of Abortion Providers, admitted in an interview with the American Medical News that he had lied through his teeth. Those are his words, ''lied through his teeth,'' when he ''spouted the party line'' as he went on to say to ABC's Nightline news program by claiming that the annual number of partial-birth abortions was only 500, instead of the 3,000 to 5,000 he now admits.

The abortion lobby also claimed that partial-birth abortions are performed only in rare cases involving serious fetal deformities or to preserve the life or health of the mother. Once again, that falsehood is contradicted by the plain evidence.

The American Medical Association has clearly stated that the partial-birth abortion procedure is not good medicine and is not medically indicated in any situation. They may not support the bill for their own internal political reasons, but that statement of theirs that this procedure is never medically indicated still stands.

Similarly, the Physicians' Ad Hoc Coalition for Truth, a group of over 400 physicians who are professors or specialists in obstetrics and related fields, has said, and I quote them, ''partial-birth abortion is never medically necessary to protect a mother's health or future fertility. On the contrary,'' they go on to say, ''this procedure . . . can pose a significant threat to both her immediate health and future fertility.''

H.R. 3660, the bill that is before the House today is similar to the bill that passed the House and Senate during the last Congress. The language of the bill has been modified slightly from the previous version in order to alleviate concerns raised in response to various court decisions striking down State partial-birth abortion bans on the grounds that those bans also reached conventional abortion procedures in which the fetus is dismembered and then removed from the mother. The new language makes clear that, for the bill to apply, partial delivery into the birth canal is not sufficient, but that the partial delivery must be outside, and these are the words of the bill, ''outside the body of the mother.''

Now, contrary to the claims of the opponents of this legislation, there is no constitutional barrier to banning the partial-birth abortion procedure. In Roe v. Wade, the Supreme Court held that women have a constitutional right to abort unborn children. The baby that is killed during a partial-birth abortion is no longer unborn, however, but is partially born, and the Roe court did not hold that partially born children are without protection under the Constitution.

There is an absolutely very clear distinction between what the court was dealing with in the Roe case as controversial as that may be and as much as some Members of this Chamber may disagree with it, there is a very clear distinction between that and what we are dealing with in this bill which addresses the procedure of partial-birth abortion.

In fact, in Roe, the court specifically noted that a Texas statute prohibiting the killing of a child during childbirth had not been challenged. The partial-birth abortion ban is soundly premised, I would submit to the Members of this House, upon the view that the abortion created in Roe does not extend to partially born children.

Now, let me ask every Member of this House to consider the victims of partial-birth abortion, the tiny human beings whose lives are snatched away by this cruel practice. Look at this procedure that is performed. Consider that this is happening to living human beings. Now, most of the victims of this gruesome procedure are killed during the second trimester finishing in the 20th week of gestation.

Now, who are these tiny members of the human family? Are they worthy of the protection against destruction as they are being delivered from their mother's body? Are they worthy of the protection that this bill would provide for them? I ask all of the Members of this House to reflect carefully on the value of the lives of these unique, defenseless human beings as they consider how they will vote today.

Consider, I ask my colleagues, the close connection between the partially born child and the newborn baby. Recognize the undeniable continuity between the developing child in the woman who may be subjected to partial-birth abortion and all other members of the human family.

□ 1215

Now, we all know that sometimes heroic medical efforts are made to protect the well-being or to save the lives of unborn children. We have seen dramatic evidence of that in recent years. There have been marvelous advances in medicine which have made it possible to perform medical procedures on babies in the womb so that their lives can

be preserved and their health can be protected. Surgery is performed on children in the womb to correct problems that might otherwise threaten their lives.

Let me cite one example of a real case, the case of Samuel Armas, and we will show you Samuel. This is Samuel Armas. He was born last year after having prenatal surgery to correct a case of spina bifida. This surgery was performed when he was at 21 weeks gestation. Now, that is the point when the partial-birth abortion procedures start to be used. They begin using that procedure at about 20 weeks. Samuel had the surgery, it was a success, and he is now the joy of his parents' lives.

I want to show my colleagues another photograph. Now, this photograph should vividly convey a message to all the Members of this House. It shows how children in the womb, like Samuel Armas, can reach out to grasp the finger of the physician who is performing the prenatal surgery. We can observe the arm of the child has been extended from the incision made in his mother's womb. He has reached out and grabbed the finger of the physician.

I saw this photograph and similar photographs for the first time quite recently. And when I first saw it, I could only remain silent and in awe for moments after I had seen this image. Let me ask my colleagues, as Members of this House, can we say that a baby at this stage of development, this baby reaching out and grasping for life, should be denied protection against partial-birth abortion? Can we remain blind to the meaning of this tiny grasping human hand? Is there anyone in this House whose finger has been grasped by a newborn baby who can turn away from this image and support a terrible practice such as partial-birth abortion? How can we deny the humanity of this tiny child reaching out of his mother's womb?

I beg of all the Members of this House to once more recognize our common humanity with the victims of partial-birth abortions and pass the legislation that is before the House today to end this shameful, outrageous practice, which is an offense against humanity.

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

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

My colleagues, we should make no mistake, this bill is not about legislating, it is a game designed to thumb Congress' nose at the constitutional bedrock of Roe vs. Wade, which gives a woman the right to choose. And so this is a game designed to provoke a veto, which will surely occur.

Now, we would all like to end unnecessary partial-birth abortions. Indeed, had the majority really wanted to do this, we could have started working together to pass legislation some 15 months ago when this session started. Democrats would have worked to pass such legislation. But, instead, we have a charade. We wait 15 months, no hearings, no markup in subcommittee, no markup in full committee, no amendments allowed to be offered on the House floor. Why? Because the sponsors of this legislation do not want us to offer a real proposal that could get signed into law and pass constitutional muster. On their part, this is not a good-faith effort. Instead, they want a bill that they cannot pass into law or meet the requirements of the Constitution. They do this because they want an issue, not a law that will ban unnecessary late-term procedures.

What does this mean? The majority wants to trample the constitutional rights of a woman to obtain certain procedures when she needs them to protect her health. It wants to force women, like Kim Custis, to carry their pregnancies to term. Ms. Custis wanted to have a baby, but she found out not once but twice that the fetus she was carrying had no brain tissue. The first time this happened, the Nebraska law that has now been enjoined was still in force, and there was no way for her to have a safe, legal abortion. The sponsors of this bill would have Ms. Custis carry this fetus, who had no brain.

If anyone has any doubt about the game that is being so crudely choreographed here today, it will be dispelled if they look across the street at the Supreme Court, which is set to hear arguments on the constitutionality of an earlier version of the same measure. Under normal circumstances, we would be loathe to get out ahead of the Supreme Court in a case concerning virtually identical language. That is because ever since the Supreme Court decision in Marbury v. Madison, nearly 200 years ago, we have recognized that the Supreme Court has the last word on the constitutionality of our laws. Not us, but them.

But it is an election year, and the Republican leadership cannot wait for the Supreme Court to fulfill its constitutionally mandated role. The reality is this bill is unconstitutional because it contains no exceptions providing for the physical health of the mother, and that is why we should vote against it. Roe vs. Wade clearly holds that a woman's right to protect her life and health in the context of reproductive choice trumps the Government as Big Brother in its desire to regulate.

Medical and legal experts who have viewed the legislation note that it is extremely vague and broad and, as a result, may outlaw abortion procedures at any stage of pregnancy. In fact, in Michigan, on July 31, 1997, Judge Gerald Rosen struck down Michigan's partial- birth abortion ban, in the first case finding the definition of partial birth so vague that doctors lacked notice as to what abortion procedures were banned. Moreover, the court found that the State law unduly burdened women's ability to obtain an abortion.

It is clear that this bill violates that well-established constitutional law long settled by Roe. Even one of the most leading conservative jurists in the 7th Circuit, Chief Judge Richard Posner, who was appointed by President Reagan, has himself said of these legislative end runs, ''These statutes are concerned with making a statement in the ongoing war for public opinion, though an incidental effect may be to discourage some late-term abortions, the statement is that fetal life is more valuable than women's health.''

So for heaven's sake, let us not force by legislative fiat the Kim Custises of this world to bring to term fetuses that cannot survive. Let us stop trying to usurp the duties of the United States Supreme Court. Let us take the politicians out of the bedrooms.

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

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I thank the gentleman for bringing this bill to the floor.

Mr. Speaker, once again, I rise to express my support for this lifesaving bill. It is hard to believe that it has not been signed into law already, but we live in very sad times.

Every day, on television, in the papers, on this floor and, in particular, in the White House, I hear over and over again about how much everyone cares about children. Never in the history of man has more lip service been paid to the needs of our children. But, tragically, never in history have children been sacrificed so mercilessly in such high numbers.

Abortion is a stain on our Nation that we must begin to wash away. A ban on partial-birth abortions is the first step.

Bill Clinton even ran for the presidency by saying that he wanted to make abortion rarer; but after 8 years in office, he has done nothing to curtail the number of abortions in this country. In fact, he has twice vetoed the attempts of Congress to eliminate the harshest abortion techniques. And make no mistake about it, that is what this bill does.

We need to be honest about what abortion is. We also need to be honest about what this specific technique is. I have heard some of my colleagues complain about the charts that have been shown here on the floor that explain the process of partial-birth abortion. Well, that is what happens to between 3,000 and 10,000 babies every year. The descriptions of this procedure are reality. Now, most Americans would not want this done to a dog; yet the White

House and others turn their heads away as it is done to babies.

The abortion industry has gone too far, and on this issue the conscience of this country has been pricked. A vast majority of Americans now believe that partial-birth abortions should be illegal. Mr. Speaker, the President needs to listen to the conscience of America and sign this ban.

Mr. CONYERS. Mr. Speaker, I yield 4½ minutes to the gentlewoman from New York (Mrs. LOWEY), one of the leaders in our struggle for sensible abortion procedures.

Mrs. LOWEY. Mr. Speaker, we are here today considering this ban for the seventh time in 5 years. Seven times we have stood here and talked about the need to protect the health of American women, seven times we have asked our colleagues to stop playing politics with women's lives, and seven times we have shown this bill to be an attack on the constitutional right to reproductive choice embodied in the Roe v. Wade decision. But we are back, unfortunately, and, sadly, probably not for the last time.

I want to ask my colleagues to think about the nature of this issue for a moment. What we are doing today, if we pass this ban, is inserting ourselves, the Government, into one of the most personal and painful decisions a woman will ever have to make. I know my colleagues do not believe in that principle. I sat here yesterday during the debate on organ transplants as Member after Member came to this floor and expressed shock and outrage that the Government would dare insert itself in the medical decision-making process.

□ 1230

Well, today they are asking us to go even further. Not only are they demanding that we stand between doctor and patient, but also that we place ourselves between husband and wife, mother and daughter, clergy and parishioner. Legally, this is unconstitutional. And morally, it is unconscionable.

Mr. Speaker, Roe v. Wade expressed three basic values, values that the American people overwhelmingly support.

First, the decision to terminate a pregnancy is private and personal and should be made by a woman and her family without undo interference from the Government.

Second, a woman must never be forced to sacrifice her life or damage her health in order to bring a pregnancy to term.

Third, determinations about viability, health, and risks must be made for each woman by her physician.

This bill, my colleagues, rejects each of these values. It contains no mention of fetal viability, no protection for the health of the woman, and leaves no role for the physician. The Government makes all the decisions. And make no mistake, real families will suffer if this legislation becomes law.

Yesterday, a number of us talked with the Koster family. Kim Koster and her husband Barry have now lost two pregnancies to anencephaly, a condition in which the fetal brain does not develop.

Kim is young, just 31. She is healthy, with no family history of this devastating condition. Yet, she and her husband have had to terminate two pregnancies. And if they choose to have that baby they have been dreaming about their entire lives, there is a 50/50 chance that they will have a third anencephalic pregnancy.

Kim and Barry want to be parents. They want the opportunity that so many of us have to bring a baby of their own into this world. Yet, the supporters of this bill would deny them access to a decision to terminate the pregnancy that would protect Kim's well-being.

I want my colleagues to know that I respect them and the oath we have to make decisions based on what we believe is right. I believe, with all my heart, that this bill is wrong and that we must stand against any abortion law that would leave families like Kim and Barry without options when they already have so much at stake.

My colleagues, we believe that women matter. We believe that their lives are irreplaceable and worth protecting. That is why we oppose this ban. Let us reject this assault on our values and our health and stand up for the principles embedded in Roe v. Wade. Vote ''no'' on this bill.

Mr. VITTER. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Speaker, I rise in strong support of H.R. 3660, the partial-birth abortion ban.

My position on this legislation is based on my concern for the health and safety of both the mother and the preborn child.

The medical value of the procedure in question is often misrepresented. The truth is that this procedure poses a greater risk to the mother's health than a full-term delivery. Studies have only begun to measure the physical, the psychological, and the emotional tolls abortions take on women.

We must not be fooled by the claims that partial-birth abortions are necessary to save lives. The truth is that the members of the American Medical Association have yet to find a single case where this procedure is medically necessary. In the words of former U.S. Surgeon General C. Everett Koop, ''In no way can I twist my mind to see that the partial birth, and then destruction, of the unborn child before the head is born is a medical necessity for the mother.''

According to the abortion industry itself, the vast majority of partial-birth abortions are performed on completely healthy mothers and healthy babies. In fact, many of the preborn children aborted using this procedure would have a really realistic chance of survival outside of the womb.

Thousands of infants are dying a painful, gruesome death every year. We have a grave responsibility to protect them from this inhumane treatment. I urge my colleagues to join me in eliminating this method of execution.

The President, by his consistent vetoes, has demonstrated that he is out of step with the vast majority of Americans who have stated their opposition to this procedure.

Mr. Speaker, we must demonstrate our commitment to the wishes of the American people by passing this legislation at this time in accordance with the wishes of the American people. I urge the President to sign this particular ban.

Mr. CONYERS. Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. NADLER) who has worked long and hard on this measure. He is a member of the Committee on the Judiciary.

Mr. NADLER. Mr. Speaker, this bill, which would ban legal abortion procedures, is deceptive, extreme, and unconstitutional.

The bill has come before us time and time again with the obvious purpose that has been obscured behind the inaccurate and inflammatory picture. Do not be fooled. This is nothing less than an attempt to outlaw all abortion. The bill is so vague that no one is quite sure exactly what we are banning. The courts have not been able to determine it. Similar State versions of the bill are currently enjoined in 18 States.

Doctors have testified repeatedly and courts across the land have found that similarly worded bans can apply to virtually all procedures used in the second-trimester of pregnancy and each to some first-trimester abortions.

Why do not legislators try to simply ban all abortions, then? Because the American people would not stand for it and the Supreme Court would not stand for it.

The proponents of this bill oppose all abortion. They oppose first-trimester abortion. They oppose pre-viability abortion. They oppose Roe v. Wade. They oppose health exceptions. They oppose simple-life exceptions. Some even oppose contraceptives. Just ask them. They represent extreme forces in this country and most Americans reject their rhetoric and their views.

So what is it we have before us, then? A dead bill, a bill that is not going anywhere, a bill that has been defeated more times than the Washington generals.

Every year we point out its shortcomings and drafting errors and they refuse to fix it. And this bill will die again. Why should it die? Because it is

unconstitutional on its face, because it does not provide for health exception, because it does not provide for an adequate life exception, because it is vague, because it limits the ability of doctors to offer medical care, because it allows abusive boyfriends to beat their pregnant girlfriends, abandon them, and sue them if they have an abortion.

Why should this bill be rejected? Because it substitutes for a woman's choice a Government mandate.

This bill is about the right to choose. Should the woman choose, or should the politicians choose for her? During the HMO debate, we all agreed that doctors and patients should make medical decisions, not bureaucrats. The same holds true here. Doctors and patients should decide what is the safest, most medically appropriate procedure for an abortion, not the U.S. Congress.

Most of us are not doctors in this House and we should not place ourselves in the operating room between the women and their doctors. I hope the House rejects this bill.

Mr. VITTER. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, I rise in strong support of H.R. 3660.

It is well documented that partial-birth abortions are widely performed on healthy mothers and healthy babies who might be able to live outside of the womb. In this horrific procedure, a baby is partially delivered feet first and stabbed in the back of head by an abortion doctor, who then vacuums out the baby's brains. The baby is killed only three inches away from taking its first breath and being indisputably recognized under the law as a human being with the right to live.

Mr. Speaker, whether it is my first time or this body's seventh time, I urge my colleagues to do the right thing and support H.R. 3660.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentlewoman from California (Ms. WATERS).

Ms. WATERS. Here we go again, Mr. Speaker. Every election cycle, the Republicans want the House to participate in their ritualistic attack on women and the very difficult choices that they have to make on the issue of choice. The reality of this situation is that this bill would leave the health of women completely unprotected.

In the past 25 years, the Supreme Court has consistently held that a woman's health and life must be protected throughout pregnancy. The court has mandated health and life exceptions to restrictions.

H.R. 3660 flies in the face of the law, the difficult medical decisions that families have to make, and the American people by containing no exception for a woman's health at any point in the pregnancy.

Knowing how extreme their position is on this issue, the Republican leadership allowed no markups in the Committee on the Judiciary, no offer of amendments in the Committee on Rules, and even denied the Hoyer-Greenwood substitute, which would provide for a Federal ban on all post-viability abortions except those needed to preserve the woman's life or to avert serious adverse health consequences.

The Republican leadership says that the Hoyer-Greenwood substitute is too broad. Since when is the preservation of a woman's life too broad? And why would the Federal Government want to impose its will on a family's decision in this very, very difficult situation?

The reality is that H.R. 3660 is too broad. The bill is not about protecting the woman's health. It is about protecting the will of the right wing base of the Republican party.

I would ask my colleagues to vote ''no'' on this politicizing of this issue in this political year. I would ask them to vote ''no'' on the rule of H.R. 3660 and please oppose this legislation that seeks to endanger a woman's life.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank my friend from Florida (Mr. CANADY) for yielding me the time.

Mr. Speaker, we have heard from a number of my colleagues on the House floor about how difficult this issue is. It is a difficult issue for all involved with very dire consequences.

I join with Democrats, Republicans, Independents, I join with liberals or conservatives that support this legislation to ban partial-birth abortions. I do not think this is a question of Roe v. Wade. It is a question of life v. death for scores of children.

Now, I am not a physician. I readily admit that. I am not a physician. And I am not going to describe on the House floor how horrific or brutal this act is. But what do physicians say when we ask the people that are experts on this issue what they think of this partial-birth abortion procedure?

In 1995, the American Medical Association's Legislative Counsel, a panel consisting of 12 doctors, voted unanimously, voted unanimously, to ban partial-birth abortions.

A group of 300 physicians, joined by the former Surgeon General C. Everett Koop, said, ''This procedure is never medically necessary to protect a mother's life or her future fertility. On the contrary, this procedure can pose a significant threat to both.''

Today, the House of Representatives and the Nation have the opportunity to put value on the sanctity of human life; and I encourage support for this bill.

Mr. CONYERS. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Wisconsin (Ms. BALDWIN) a member of the committee.

Ms. BALDWIN. Mr. Speaker, in 1973, the Supreme Court held that women have a constitutional right to choose an abortion. That decision, Roe v. Wade, was carefully written to hold the rights of women in America paramount in reproductive decisions.

This decision and those that followed have held that women have a constitutional right to choose an abortion. But, after fetal viabilities, States could ban abortions as long as they allowed exceptions for cases in which a woman's life or health is endangered.

□ 1245

In essence, Roe v. Wade says that women matter, that women have the right to decide whether and when to have children, and that women shall not be forced to give their lives or sacrifice their health to carry a child. It also says that these choices are private, that they are to be made by a woman in consultation with her physician, her family, and whomever else she chooses to consult for counsel. Government has no place in this most private decision.

The legislation before us today is in direct contravention of the court's ruling. It does not ban post-viability abortions as its sponsors have claimed. It bans abortion procedures regardless of how far along in a woman's pregnancy the decision occurs. This legislation as drafted does not provide an exception to preserve the health of a mother as required by law.

Let there be no doubt about it, this legislation is nothing but a political issue. This legislation does nothing to end post-viability abortions as our alternative would. And it does nothing to prevent unwanted pregnancies and to make abortion rarer in the United States. Voters in Colorado, Washington, and Maine have recognized this and defeated similar bans on the ballot. And of the 30 States that have enacted legislation similar to the one before us today, 21 have been challenged in court and 19 of those challenges have been either partially or fully enjoined while their constitutionality is considered.

While I am not willing to concede that this legislation describes a medical procedure that any doctor in this land would recognize, it is important to note that the graphic images being shown and described do not reflect the real life stories of families who have needed this procedure either to save the life or to preserve the health of the mother. As I hear stories from these women who courageously are willing to speak about this most personal decision, when they are willing to talk about the abortion and the medical care they received during crisis pregnancies, I am struck by a common remark these women have made, that these scenarios being described by proponents of the bill are not about them and their families, that they do not

represent their cases. The women I have spoken to wanted nothing more than to have a child and were devastated to learn that their babies could not survive outside the womb. They made difficult decisions with their doctors and families to terminate pregnancies, to preserve their own health and in many cases their ability to try to have a child again.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I just have to take issue with the comments that have been preceding this debate. This is not a political issue. This is a human issue. Let me just say this to all of my colleagues who are about to vote on this issue. On the motion to recommit, the health exception is a loophole wide enough to drive a Mack truck through it. The health exception would render this ban virtually meaningless.

Let us just go over what this procedure does. The abortionist forcibly turns the child into the breech, feet first in that position, then the abortionist pulls the living child out of the mother by the leg until only the head is left inside, stabs the child at the base of the skull and sucks out the brain with a vacuum, pulling the now dead child out of the mother.

Mr. Speaker, C. Everett Koop, hundreds of OB-GYNs have told us that this is not medically necessary. In the words of the former Surgeon General himself, from the evidence that has been presented in standard OB-GYN textbooks as well as in the annals of research in OB-GYN, there is no medical necessity for this abortion procedure.

Mr. CONYERS. Mr. Speaker, I am delighted to yield 3 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, the majority whip got up just a few minutes ago on this floor and said, ‘‘Abortion is a stain on this country. A ban on partial-birth abortion is just the first step.’’

Make no mistake about it, my friends. This bill is intended, as he said, as just the first step to banning all abortions. That is why the leadership has chosen this issue, this wedge issue, in this election year with complete disregard to whether or not the bill is constitutional or whether or not the bill can be upheld. Nineteen State and Federal courts have already ruled that the definitions in bills like this one are overly broad and as a result would subject physicians to prosecution if they perform any abortion procedures. We would not be surprised if, even if by some slight chance the bill were upheld, it would effectively end most all abortions in this country. Again, make no mistake about it, that is the true intent of the supporters of this bill. This Congress and the American public have got to recognize and understand that.

Nobody in this Congress wants to see abortions. This legislation denigrates the experiences of women like Eileen Sullivan who was anxious to start her family and was eagerly awaiting the arrival of her baby when she received the horrifying news that her baby would not live. Her doctor decided that this procedure was the only one that could be used to preserve her life and her health and help her have babies in the future.

To pass this bill today is to deny women like her a safe and compassionate procedure when deep tragedy strikes the family. To pass this legislation is to allow the Federal Government to grievously interfere with the doctor-patient relationship and slither its way into the most personal decision a family can make. I urge my colleagues to think rationally and compassionately on an issue that is anything but rational and compassionate before they vote today. To assume that it is easy for any woman to choose this or any other procedure is offensive to all women who face such a heartbreaking situation. And it is indeed offensive to all women to think that they would have this procedure just for fun.

Mr. Speaker, I would ask those considering voting yes on this bill to think of the women in your life. What would you do if the doctor asked you to choose between your wife or your daughter and her pregnancy?

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. VITTER).

Mr. VITTER. Mr. Speaker, I rise today in support of the children who are killed as they leave their mother's womb. There is no legitimate debate about the nature of this procedure. It has been described and the bottom line remains, babies begin to leave the womb with life, they finish leaving the womb without it because of this procedure. Opponents of the bill decry the way this procedure is described.

Their real problem is that the truth hurts, and in this case it horrifies; and they do not want the American people to know the horrible reality of this so-called medical procedure that even the AMA has said is ‘‘not good medicine’’ and ‘‘not medically indicated’’ in any situation. Opponents also label those of us who are for the bill as right-wing extremists. But is the AMA a group of right-wing extremists? Is Everett Koop a right-wing extremist? Are the great majority of the American people who strongly support this ban all right-wing extremists? The debate makes clear that opponents of this bill are the fringe in this debate and the extremists in this debate, and the American people know that.

Mr. Speaker, if this body is to have any credibility at all on addressing the issue of violence in our society, we must outlaw this government-sanctioned violence against the most vulnerable and innocent among us.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, we have always heard that there is no rest for the weary. Well, the women in America are weary. They are just plain tired of the constant stream of attacks launched by the Republican leadership against their right, a woman's right to make decisions about their health and their lives. Today marks the seventh time the House will consider this dreadful issue.

Today's assault on women is dangerous. It puts women's health at risk and attacks the core principles of Roe v. Wade. Roe provides American women a constitutional right to make their own health choices and for women to terminate pregnancy up to fetal viability. Roe ensures a life and health exception. But this bill does not. It puts women's lives and health at risk. Roe clearly states that our government cannot force a woman to sacrifice her life or health to protect a pregnancy. Yet my Republican colleagues outrageously want the Government to proceed to prevent doctors from providing the best possible medical care to women.

Let us be clear. Women do not choose late-term abortions as a casual form of contraception. Rather, late-term abortions are a last choice for a woman, when a woman's life or health or the baby's life is terminal or in jeopardy. Further, late-term abortions are the most difficult time and the most difficult decision for a woman and her family to make.

Knowing this, it would appear that the Republicans want to set a precedent before the Supreme Court makes their decision on April 25th on the Nebraska law banning abortions. This law is very similar to this bill. Congress must not legislate on this matter. Congress must uphold the principles of Roe v. Wade and vote against this legislation.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, the authors of this bill claim they want to end abortion of a healthy, viable fetus, one that is developed enough to survive on its own. We could have done so. What is truly disappointing and what should anger American women and their families is that we could have passed a bill today that protects the lives of children and protects the health of women. A bipartisan group of Members put a proposal together. The Republican leadership said no. The Hoyer-Greenwood alternative accurately reflects the view of most Americans. It said it would ban abortions

post-viability, that is, after the fetus has developed enough to survive on its own; but it makes two important exceptions, that is, if a mother is going to potentially die or if a mother's ability to have future children is jeopardized. The alternative preserves the doctor's right to determine what is the safest and the most appropriate method of treatment in a woman's given case.

By not allowing the opportunity for compromise, the opportunity to pass a bill that the President would sign, that would become law, the leadership has shown that they are more interested in playing politics than in protecting children as they claim to do.

In 1973, Roe v. Wade confirmed one of the most basic rights that we value as Americans, privacy. The case clearly established that women have a constitutional right to choose, to make medical decisions, and that the only point at which a State may enter this equation is after viability. When I listen to our opponents, they would have my colleagues believe that there are women out there who would cavalierly choose an abortion at the very end of her pregnancy, claims that women who have a headache or who want to avoid weight gain would actually choose an abortion at the seventh, the eighth, or the ninth month. To make these claims is to disregard our values as women, our values as child bearers.

□ 1300

How dare you demonize, how dare you trivialize what women in this country do in giving birth to children. We do bear children, and we are the caregivers of children in this country, and it is offensive, and it is contrary to what lies in our hearts and in our minds as women in this country.

Mr. Speaker, this bill would make women's health irrelevant. Though courts have ruled time and again that women's health must be first and foremost, that she is the patient. American women and their families, what they want is a choice to do what is best for them in some of the most tragic situations that they will, in fact, ever face. As a woman who has faced life and death in a health decision, as a survivor of ovarian cancer, I am offended by the accusation that by defending women who do this, we somehow diminish pregnancy. That is why I stand to oppose this bill today.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I rise today in strong support of this legislation to ban the partial-birth abortion procedure. I encourage all of my colleagues on both sides of the aisle to do so and to oppose the motion to recommit.

I first learned of this procedure in 1993 when I was still practicing medicine. After a long day of seeing patients in my office, I opened the American medical news and saw this procedure first described, and I was shocked. I was shocked by not only its flagrant violation of the sanctity of human life, but its brutality. I have worked in neonate to intensive care units and I have seen firsthand with my eyes how premature babies respond to pain. When it is necessary to draw blood and needles are placed in their arms, I have seen them draw back, writhe in pain and cry out. Dragging an unborn baby, feet first, partially out of the womb is a brutal violation of the privacy of that child. But to then stab that baby in the back of the skull is, in my medical opinion, not only barbaric, it is excruciatingly painful for these poor, unfortunate souls.

Apologists for this procedure claim that it is necessary in situations to protect the health of the mother or in birth defects. But in the original articles describing this procedure, the developers, McMahon and Haskell admitted that the vast majority of the mothers are healthy and the babies are free of birth defects. Of the small number that did have birth defects, the majority of them were cleft lip and cleft palate, clearly a nonlethal, surgically correctable defect that has no justification for subjecting these babies to a painful and violent execution.

I say to my colleagues, I believe that nations of people are judged not by their economic or military strength, but how they care for the weakest in their culture. Nobody is weaker than an unborn child.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, first, in response to my colleagues' assertions, I must say that a health exemption for women is not a loophole, it is a constitutional right, and it is the right thing to do for America's women. I would argue if a health exemption is such a terrible thing to do, why is Governor Bush in my home State of Texas over the last 5 years while he has been in office not made, to my knowledge, any serious effort to close that so-called loophole in our State.

Mr. Speaker, I am strongly opposed to late-term abortions, but when the health of the mother is at risk, that is a choice that should be made by a woman and her doctor, not by politicians in Washington, D.C.

Coreen Costello was a pro-life Republican and mother of three when her pregnancy turned tragically fatal for her child. Her doctors preserved her fertility with the procedure being outlawed in this bill. She then became pregnant again and gave birth to her fourth child.

Listen to this loving mother's words, and I quote: ''Because of this procedure, I now have something my heart ached for, a new baby, a boy named Tucker. He is our family's joy, and I thank God for him.''

Mr. Speaker, it is an insult to the women of America to suggest that they want to kill healthy, viable babies just seconds before normal childbirth, and shame on those who would use a deceptive, politically motivated drawing to suggest that American women are monsters that would kill their viable, healthy babies just as they were being born and to do so for frivolous reasons.

The truth is, the truth is they are rare, but tragic cases, cases like Coreen Costello, where their babies had no chance to live, and doctors used abortions to protect the mother's health and her ability to have a child in the future.

This bill would do great harm to decent, loving women such as Mrs. Costello.

By voting no on this bill, we are saying this to American women: when your health is at risk, you and your doctor should make that choice, not politicians in Washington, D.C.

No Member of this House has the right to substitute his or her judgment for that of a doctor and mother faced with such a rare but tragic situation where a pregnancy is failing and the goal is to save a mother's fertility or health. No Member has that right.

Not one!

It is unfair to the women of America to say, ''When your health is at risk, Congress should decide which medical procedure should be used.'' How many in this Chamber are qualified to make that medical decision for someone else's wife or daughter?

Mr. CANADY of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, some day soon, and I believe this is a matter of when and not if, future generations of Americans will look back with horror, incredulity, and astonishment that some of the best and brightest of this present age vehemently defended the slaughter of over 40 million babies by abortion.

They will wonder how a seemingly sane, enlightened, and compassionate society led by its President, Congress, the media, academia and the courts could have so aggressively embraced violence against children and the abandonment of their mothers.

With a mix of sadness and disbelief, future generations of Americans will absolutely marvel at our blindness and our insensitivity to the inherent cruelty of stabbing, dismembering, and poisoning little children under the euphemism of choice.

What were they thinking, they will ask. How could they have construed the right to privacy to include injections of poisons or the hacking to death by knife or razor blade-tipped curette, so as to procure the death of a child. How could so many have remained unmoved or silent in the midst

of a holocaust that claimed the lives of one out of every three babies in this country, 40 million boys and girls, a number roughly equal to five times the entire population of my home State of New Jersey.

Future generations of Americans, and judging by the polls, super majorities of Americans today are finally, at long last, outraged that thousands of children each year are being butchered by partial-birth abortion. They are beginning to get it. Most people I talk to are outraged that babies who are partially born and fully kicking are legally jabbed in the back of the head with scissors for the purpose of making a hole in their fragile skulls so their brains can be sucked out. Anyone who has ever picked up and held a newborn baby knows how wobbly and fragile that child's head is. You gently cradle the child's neck in your hands to protect the baby from harm. The abortionist, on the other hand, has no such motive. When he grabs the baby's head, it is to stab it and to destroy the child.

Mr. Speaker, partial-birth abortion is a monstrous act of cruelty. Partial-birth abortion is a gross violation of human rights, a barbarous form of torture directed at a defenseless baby girl or boy.

The pending bill of the gentleman from Florida (Mr. CANADY) is a desperately needed human rights initiative designed to offer at least a small measure of protection to some babies in a class of human beings who have, since 1973, been legally disenfranchised because of their age, immaturity, or condition of dependency.

Many of us would surely like to save and protect more babies from the violence of abortion; I wish to God we could save more. But I believe we have a moral duty that is not so easily satisfied to save at least some, as many as we can, at every opportunity.

Mr. Speaker, this bill is a very, very modest step in that direction to save at least some.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, as a woman, a mother and grandmother of girls, I am deeply and personally offended by this legislation. It implies that American women just have to be stopped from frivolously deciding to terminate a pregnancy just days or weeks before delivery. It has been stated on this floor that these pregnant women have not explored all of the medical and surgical options to save their babies or protect their own lives, and it takes politicians to stop them.

Mr. Speaker, the truth is, the women who have late abortions are forced to end wanted pregnancies, either because the baby will surely die, like Kim and Barry Koster's baby that had no brain, or the women will seriously jeopardize their own life and health. Women are portrayed as irresponsible baby killers when in fact it is the sponsors of this bill who show utter disregard for the life and health of women.

President Clinton, in vetoing one of the former versions of this bill said quote, for these women, this was not about choice, not about deciding against having a child, these babies were certain to perish during or shortly after birth, and the only question was how much grave damage was going to be done to the women.

This bill implies that the current law allows women to have abortions up to the last minute before delivery, but that is not true. Despite all of the rhetoric to the contrary, Roe v. Wade strictly limits abortions after viability, and the Hoyer-Greenwood alternative would have made that even clearer.

This is not about one procedure or even late-term abortions. This bill is so broad and so vague that it would ban most abortion procedures including some first, and all second and third trimester abortions, and that is the goal. To reverse Roe v. Wade and take away from women what the Supreme Court calls ''The most intimate and personal choice a person may make in a lifetime, choice essential to personal dignity and autonomy and central to the liberty protected by the 14th amendment.''

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, I am amazed at what I just heard, and I want to tell my colleagues that medically, what we just heard is an incorrect, inaccurate statement.

This procedure is never used in first trimesters, it will have no effect on first trimester abortions whatsoever. That was the implication. The Kansas data for the first 3 months of this year show that what the gentlewoman from Illinois just stated is not true. The Kansas data shows that, in fact, these were viable infants with no significant medical complication.

So I do not deny that I want every abortion in this country to end, but that is not why I am supporting this. This procedure harms women, and there are several other procedures under which the same end result could be accomplished.

So let us keep clear what the facts are here. Babies without brains can be delivered other ways than this way at a whole lot less risk to the mother. Do not lose sight of that fact. There is no question I am not much of a politician, but I am a physician, and I have delivered 3,500 babies and I have cared for women with complications from this procedure.

Let us stay on what the issue is. The issue is, women who have children that are nonviable can, in fact, have a termination under another method. Number two, under the laws of Kansas, as now is happening, viable fetuses and babies are being terminated with impunity when there is no cause to do so.

The other thing to think about, we are not talking about mature women making these decisions, because most of these are teenagers who end up showing up and telling their parents about a pregnancy when they are 24, 25 weeks along. I heard an earlier speaker say about the 7th month. Well, let me tell my colleagues, by the 6th month, babies are viable. We now say babies at 22 weeks. So let us keep the facts about the procedure in line.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in opposition to this bill, which is an attack on women's health and the constitutional rights of women.

Let us put this vote in perspective. We have already voted on this 7 times. Since 1994 when the Republican majority took control of Congress, there have been 141 votes on choice; on this floor, 112, 79 percent, resulted in an antichoice loss for women.

□ 1315

Each of these votes that are chipping away, chipping away at a woman's right to choose are detailed on my Choice Report which is located on my web site.

This bill does not take into account women's health exceptions. It has no viability threshold, and does not allow a doctor to recommend the best medical procedure for a patient.

The women who follow their doctor's advice and undergo these rare procedures are women who have had to come to terms with pregnancies that have tragically gone wrong. The new majority likes to talk about getting government off their backs, yet here they want to replace a doctor's expertise with a governmental judgment in the most personal of decisions.

Doctors and their patients should make medical decisions. Congress has no place politicizing family decisions and family tragedies.

As the mother of two children, I would have wanted the choice in the event I learned late in my pregnancy that my fetus was so deformed that it was incompatible with life and that my reproductive health was at risk, and also at risk, my ability to have future children. I would have wanted that choice, and I want that choice for every woman in this country.

Vote no on this bill.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT).

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

Mr. Speaker, I rise today as a strong advocate for this bill and a strong advocate for the human rights of all

Americans, both born and unborn. This Nation must raise the value of life if we are to survive as a Nation and prosper as a people.

This procedure is so horrible, so inhumane, that there should never be a debate over whether or not to protect the lives of these helpless babies. Can Members imagine that it is legal to partially deliver a fully formed child, a child that can survive outside the mother's womb, lying in the doctor's hand, only to kill it by one of the most brutal methods known to man?

But today I want to stress that in passing the partial-birth abortion ban, we must be wary of the so-called serious health exceptions. These health exceptions become a loophole through which even more partial-birth abortions are performed.

The most dangerous of these exceptions is the mental health exception that can even allow for partial-birth abortions in the third trimester, a time in which even the most avid abortion rights activists agree that a fetus, the baby, can live on its own.

The mental health exception essentially nullifies the ban on partial-birth abortions, as by its very nature the criteria can be so vague.

Mental health excuses in today's society are so notoriously footloose. How many of us have taken a day off of work or school for mental health reasons, usually because it is a good day at the beach or we feel like sleeping in? Unfortunately, in passing a mental health exception, precious life itself is held to the same laissez-faire standards.

I am embarrassed to say that because of the mental health exceptions, my home State of Kansas is on its way to becoming the partial-birth abortion capital of the Nation. In 1998, the Kansas legislature passed a partial-birth abortion ban much like the one we are discussing today. However, there was an exception in the case of mental health concerns.

Since passage of the law, partial-birth abortions have not ceased nor have they been decreased. Instead, partial-birth abortions in the State of Kansas have risen by more than 300 percent, all of them because of the mental health exception.

I urge my colleagues to vote against the exceptions and for the final passage.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, I rise in opposition to this bill, and I urge my colleagues to stay out of the doctor's office and leave the medical decisions to the medical profession.

This is a bad bill because it is anti-family. This bill ignores the health of the mother, and instead it jeopardizes a woman's chance to have a healthy baby in the future.

Let me be clear, a third trimester abortion is an extremely rare procedure. In the State of Florida, we had 25 of these procedures performed last year. Let me give an example of why.

A 31-year-old pregnant woman discovered at 31 weeks of pregnancy that her fetus' brain had grown outside of his head. The baby would not live outside of the womb, and the enlarged head made a regular delivery a dangerous procedure for the woman. This is a woman who wanted a child and a woman who wanted a family.

I ask my colleagues to allow these women to protect their bodies so they can have healthy babies in the future. Let us leave the medical decisions to the medical professionals. This is a bad bill, and I urge Members to vote against it.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, let me begin by reacting to something said earlier. I come from a State, Wisconsin, which is one of those States that overwhelmingly passed a ban on partial-birth abortions, a law very similar to the one we are taking up today, although perhaps a bit tougher. It has been upheld twice, so let us be clear on the constitutional arguments. It is not as the opponents portray.

It is interesting, some of the tenor of the debate today. Some people are upset that we are taking this bill up because it is inconvenient. It is perhaps annoying to them. I have heard reference that we should not be taking this up because we voted on it seven times before or eight times before. Of course we should be here. We must be here, and we must be here each and every year until this practice is gone.

As long as two-thirds of Americans, a supermajority, want this horrible practice to end but the administration and the abortion industry will not listen, we should be here. As long as so many States have outlawed this but the administration and the abortion industry will not listen, we should be here. As long as thousands of these horrible procedures are performed each and every year, we should be here. Absolutely, we should be here.

If we fail to take up this cause today, then the other side might just get comfortable. Maybe they will believe that we have lost our resolve, that this matter does not matter to us anymore. Sure we face a tough road ahead. The abortion industry is strong and the White House is not on our side. But if we do not stand up, who will?

I urge all of my colleagues to oppose the motion to recommit and to vote for this very important bill this year, next year, every year until this procedure is gone.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, it is not inconvenient to take this bill up. I would be happy to take this bill up every day of the week for the rest of the year. What is inconvenient is the procedure with which we are taking this bill up. The procedure finds the democratic process, which is the essence of this House and this Nation, and it finds the Constitution to be inconvenient. That is what is inconvenient about this.

Mr. Speaker, my colleague, the gentleman from Kansas, just wanted to have a debate about the mental health exemption. The way that the Republican majority has drafted the rule and drafted the bill, that is a moot point. There is no debate about mental health because the majority does not want to debate a health exemption.

We in Texas think there ought to be a health exemption, Democrats and Republicans, and 40 States think there ought to be some form of a health exemption. But the Republican Congress, which on some days wants to devolve power from the States and other days wants to take it back, whatever is convenient, does not want to allow the debate. That is what is so dismaying about all of this.

My colleague, the gentleman from Wisconsin, said, we have done it all these years. The problem is it has happened for two cycles, two Congresses, and it has been vetoed. Why not open up the process? I do not think my Republican colleagues are necessary anti-democratic, little ''d'' democratic. Perhaps they are if it is an issue that is inconvenient to them.

That is the problem with the process in this bill. I find that quite dismaying.

The other problem is the unintended consequence of this bill. It has to do with the health of women. This bill supplants the right of women to choose with their doctor what their health procedure will be, and it only affects one instance.

The gentleman from Kansas and the gentleman from Oklahoma, who is a doctor, who I gather only wants us to take one doctor's opinion, even though I think everybody in this House would want to have multiple opinions if given the opportunity, is telling us that there is a rampant case of late term abortions.

A majority of us agree, and we asked you to bring a bill to allow an amendment to come to the floor. But the gentleman, the gentleman from Florida, who is smiling at this point, apparently did not want to allow the Hoyer-Greenwood bill to come to the floor. I am not sure why. Maybe it was too democratic of a process. Maybe it might have gotten a majority of votes.

Let us debate it. Let us debate what health really is. We have had that debate with the Patients' Bill of Rights,

which of course now is stalled in a conference committee. But this House is not allowed to have that debate. Why is that? Because of politics. This is all about politics.

We are charged with the duties of writing the laws of this Nation. We can have very serious disagreements about it, but each Member, not a handful of Members but each Member, should have the right to do it.

What the Republicans have done today is dismaying and it is inconvenient to the rule of order in this House and to the Constitution. That is what is the problem today.

Mr. Speaker, I rise in opposition to H.R. 3660, the "Partial Birth Abortion Ban Act of 2000", a measure that is probably unconstitutional, certainly bad policy, and will likely do little to end late term abortions.

First and foremost, Mr. Speaker, this legislation represents the triumph of raw, partisan politics over substance and the regular order of this House. If the leadership was serious about limiting late term abortions, not just this one procedure, they would have allowed for amendments to be offered including H.R. 2149, the Hoyer-Greenwood-Taucher-Johnson "Late Term Restriction Act," of which I am a cosponsor. Instead, the Republican leadership brought this twice-failed bill to the floor without consideration by the Judiciary Committee—no amendment, no report, just a meaningless political vote. The Republicans are putting politics over policy.

The unintended consequence of H.R. 3660, if it were to become law, is that it would supplant a doctor's judgment as to the best medical procedure to protect a woman's health or save her life with the judgment of Congress. We in Congress are not medical professionals with the expertise to make these difficult decisions. Moreover, I am also dismayed that the entire debate on this issue appears to have been designed to stiffle open discussion and prevent consideration of alternative legislation.

I am deeply troubled by post-viability abortions that are elective and not for health or life of the mother. Accordingly, I am cosponsoring a compromise that is consistent with the Supreme Court's rulings on the difficult issue of abortion. The gentleman from Maryland, Mr. HOYER, and the gentleman from Pennsylvania, Mr. GREENWOOD, have introduced a bipartisan bill, H.R. 2149, that would ban all post-viability abortions, not just one procedure, except those needed to preserve the woman's life or to avert "serious adverse health consequences." Americans want medical decisions to be made by doctors. This legislation would require the doctor to determine—under the threat of litigation and civil penalties—whether continuing a pregnancy posed a serious threat to the woman's health. H.R. 2149 provides a clear, humane, and necessary exemption when there is a serious threat to a woman's life or health.

This compromise bill is consistent with the Supreme Court's Roe v. Wade decision and its progeny. It is consistent with state law in 40 states, including my state of Texas, as well as the District of Columbia. In Texas, as in other states, late-term abortions are banned except when the woman's life or health is threatened. I believe our legislation is consistent with the views of the American people. And I believe it is the right of and humane thing to do.

Unfortunately, the majority has gone to great lengths to block any debate and vote on this compromise. Instead, they want to force a vote only on the extreme measure before us. The timing of this vote is questionable in light of the fact that the Supreme Court is expected to rule before the end of this legislative session on the constitutionality of a similar measure originating from Nebraska. Apparently, my Republican friends are more interested in scoring political points than addressing a genuine concern about late-term abortions.

We will hear a lot of debate about how often this procedure is performed; but this issue isn't about numbers. It is about each individual woman who faces the awful choice when she is told that her life, health, or ability to bear children is endangered by her pregnancy. The decision about what medical treatment and procedures are best for that woman should be made by her and her doctor, not the Congress of the United States.

Four years ago, proponents of this measure opposed providing a health exemption for the life of the mother. Just as then, they today argue that a health exemption for the mother, which forty out of fifty states provide, is too wide a loophole. Moreover, they refuse to debate the issue or even propose a limitation of the definition of "health of the mother." Rather, they are telling American women that their health does not matter because it conflicts with the Republican Party's political goals. How shameful is that?

We can limit the number of abortions while protecting those few women who face both the loss of a child and the ability to bear other children; just as forty states have already done. We can have a compromise that would ban late-term abortions, but show understanding and compassion for women who face these most wrenching decisions. However, the Republicans have blocked us from considering it and today turn their backs on these few women purely for political reasons. That is wrong.

Ultimately, I must vote against H.R. 3660 because it is fundamentally flawed and would put at risk the life, health, and fertility of women facing one of the most difficult, anguished, and personal decisions imaginable.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

To respond briefly to the gentleman's point about the Hoyer-Greenwood bill, let it be understood that the Hoyer-Greenwood proposal is not even germane to the bill under consideration. That was the ruling of the Chair. That was straight from the Parliamentarians in the last Congress.

Let it also be understood that the Hoyer-Greenwood proposal, by its own language, would not prohibit any abortion if, in the judgment of the attending physician, the abortion is necessary to avert serious health consequences to the woman.

The key language there is ''in the judgment of the attending physician.'' That gives the abortionists unfettered discretion to decide whether the procedure would be performed or not.

The proposal that the gentleman from Maryland (Mr. HOYER) and the gentleman from Pennsylvania (Mr. GREENWOOD), my good friend, have come forward with is a proposal that is meaningless. I do not question their motives, but I will have to say, the result of their proposal is to ban not a single abortion at any point in pregnancy.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE).

Mrs. CHENOWETH-HAGE. Mr. Speaker, I thank the gentleman from Florida for yielding time to me.

Mr. Speaker, I rise in strong support of H.R. 3660. I have heard some startling debate on this floor delivered by women who believe that the government, the Congress, has absolutely no business in their personal lives. They believe that the government has no business in their doctor's office.

Well, let us talk about where the rubber really meets the road. That is, our first responsibility as lawmakers is to protect life, whether it is to build a strong military defense system to keep us protected from foreign invasion, or whether it is to build a system of laws that keeps that helpless baby from being invaded as it is being born.

I rise in strong support of this bill because I remember that in the Declaration of Independence it clearly states that, we hold these truths to be self-evident, that all men are created equal, and they have been endowed by their Creator with certain inalienable rights: the right to life, liberty, and the pursuit of happiness.

I take that seriously, Mr. Speaker. Yes, our responsibility is to protect life.

I have also heard the debate that there are medical necessities for this procedure. I have to quote former Surgeon General Dr. Everett Koop when he said that ''In no way can I twist in my mind to see that the late term abortion as described is a medical necessity for the mother. It certainly can't be a medical necessity for the baby.''

However, these are precisely the arguments that we are hearing today. The defenders of this very deplorable act of partial-birth abortion argue that it may be a medical necessity. This is distorted thinking. Let me speak in their words exactly what they say a medical necessity is, by definition.

In 1993, William Hamilton, the vice president of Planned Parenthood, stated that ''medical necessity'' means ''anything a doctor and a woman construe to be in her best interest, whether prenatal care or abortion.'' And the National Abortion Rights Action League is even more outlandish in their definition of ''medical necessity.'' They say that ''it is a term which generally includes the broadest range of

situations for which a State will fund an abortion.''

The truth is, Mr. Speaker, the defenders of partial-birth abortion have no interest in seeing the term ''medical necessity'' defined in a proper context. For them, abortion has become something that must be defended at all costs.

□ 1330

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

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

Mr. Speaker, I regret when we debate serious issues, somebody can stand up and make a comment that clearly is not true, and there is not the opportunity to give and take.

The gentleman from Florida (Mr. CANADY) is a bright man. The gentleman is well educated. To say that my agreement prohibits no abortions is absolutely, on its face, ludicrous; it prevents all late-term abortions.

Does it have any exception? Yes. The gentleman presumably is a well-educated individual that knows the Constitution of the United States and knows the constitutional edicts from the Supreme Court. The gentleman knows his bill is not constitutional; that is the irony of the gentleman's contention.

In fact, the Hoyer-Greenwood alternative is the only alternative that prevents abortions. Joe Scheidler of the Right to Life Committee, I say to the gentleman, says not of myself, not of the gentleman from Pennsylvania (Mr. GREENWOOD), not to any of the other cosponsors, Joe Scheidler says your bill will not stop one abortion.

Why? The gentleman pretends he is not even listening; perhaps this is not important to him.

Mr. CANADY of Florida. Mr. Speaker, will the gentleman yield?

Mr. HOYER. Mr. Speaker, if the gentleman would yield himself the time.

Mr. CANADY of Florida. The gentleman wanted to yield to me.

Mr. HOYER. I retain the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I see that the gentleman does not want to yield me the time.

Mr. HOYER. Mr. Speaker, cute debating tricks on the floor will not hack it, I say to my friend. Germaneness will not hack it; hiding behind a parliamentary procedure, which says we are not going to allow the amendment because it is not germane, when the gentleman knows that the Committee on Rules could say it is germane, because we want to debate it.

The gentleman's amendment will not prevent it, and the gentleman from Oklahoma (Mr. COBURN) said so on the floor today. How did the gentleman from Oklahoma (Mr. COBURN) say it? He said because if you preclude the procedure of the gentleman from Florida (Mr. CANADY), there are three other procedures to accomplish the same objective.

The gentleman from Oklahoma (Mr. COBURN) said it. He said it less than 3 hours ago. The gentleman from Florida (Mr. CANADY) cannot get around that.

If the gentleman from Florida (Mr. CANADY) is going to be intellectually honest, this is a purely political bill. This is a serious issue. We ought to deal with it seriously. We should have had full debate. We should decide between ourselves what the legitimate options are that we can accomplish within the Constitution to protect the health of women and protect the lives of babies.

Your rule did not do that. Your bill does not do that, and the debate undermines the quality of this discussion. It is unfortunate.

My friends, I tell you, that this legislation that we proposed, the gentleman from Pennsylvania (Mr. GREENWOOD) and I, is the only piece of legislation which would have adopted a policy in the United States of America, which 40 States have adopted, which say that we are opposed to late-term abortions, post-viability abortions, the State should make that criminal.

Do we make exceptions? Of course. Why? Because the Constitution and Supreme Court have said we must, and we should.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume to respond to the statements of the gentleman from Maryland (Mr. HOYER).

I would simply point the Members of the House to the language of the gentleman's proposal, which vests the discretion to determine whether the abortion will be performed or not in the hands of the abortionists; that is what the language is. That is undeniable.

It says, it does not prohibit any abortion if in the judgment of the attending physician, the abortion is necessary to avert serious adverse health consequences to the woman. I read that before; that is the language of the bill. It is important to understand, that in putting the gentleman's proposal in context, something that Dr. Warren Hern of Colorado has said, and this is not a leading authority on abortion, a leading abortionist. He has written a textbook on late-term abortions.

And this is what he said, and I quote him, ''I will certify,'' Dr. Hern said, ''that any pregnancy is a threat to a woman's life and could cause grievous injury to her physical health.''

It is clear that when you vest that discretion, as the proposal of the gentleman from Maryland (Mr. HOYER) would in the abortionists, no abortion will be ruled out. It will be up to the abortionist. If the abortionist decides, the abortion will be performed.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, when I scheduled this bill for the floor, I knew that it was going to be a difficult debate. I understood there would be angry words. I knew there would be finger pointing and accusation.

It is not a pleasant debate, Mr. Speaker, because today we are debating a very, very cruel and ugly subject. We are debating whether or not this Nation will tolerate a procedure that takes a baby, forces that baby from the womb, tears the baby's head open, and sucks out its brains.

We are debating whether or not this Nation will tolerate such cruelty, whether there are other procedures or not. Let us keep the focus on this horrible, frightening, cruel, beastly behavior. We have all experienced childbirth. We have all been through it in our own lives, and we have seen our children go through it in their lives, whether it was me with my little baby or my son with his little baby, that exciting moment when we reach over and when we touch our wife's stomach and we feel that movement, when she tells us about the movements that are there; there is a live baby in that womb. When we put our ear down to hear the heartbeat, when we see the sonogram and we see the little arms, the little legs and the little features, and finally in that magic moment find out if our baby is a boy or a girl, that is a live baby in that womb. It has feelings.

We all talk about and we stress with great emphasis the importance of prenatal care in the life cycle of a baby's health, because we know it is alive. We know it needs protection and security. It needs every help it can have. It does not deserve to be treated at the very inception of its life with a cruelty that we would never suffer on to a dumb animal.

If you cannot see the cruelty, the abject, inhuman cruelty of this procedure, then I fear for you. There are others that would say, why subject us to this debate, where Members will come down and show the charts, show the graphs, show the cruelty and describe it in vivid and lurid detail. Why put us through this discomfort? Well, our discomfort here is nothing compared to the discomfort of that baby.

Still they persist. Why make us make this vote, suffer this debate, when we know the President will veto it and there will not be the votes to override the veto?

They are asking us here on this floor today, those of us, myself, the gentleman from Florida (Mr. CANADY), others, who have so much of our heart invested in this and so much of our tears and prayers have been shed for these babies, why do we try when we know we cannot possibly succeed?

Mr. Speaker, that same question was put to Mother Teresa. That same question was put to our sainted Mother Teresa. Her response, Mr. Speaker, was, my job and my responsibility is not to succeed. My job and my responsibility is to try.

Bless us, those of us from both sides of the aisle, bless us for having heart enough, passion enough, compassion enough, faith enough, to try our very, very best to end this horrible, cruel, brutal treatment of what must be God's greatest pride, the most innocent beautiful baby.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for yielding me this time.

Mr. Speaker, the majority leader is correct, this is a very personal, touching matter; but I rise in strong opposition to this bill, this so-called partial-birth abortion ban. This bill continues a troubling tendency that we have seen in this Congress, the tendency for Congress to try to practice medicine. Whether it is legislation prescribing pain management or stonewalling on patients' rights or restrictions on a woman's right to manage her own reproductive health, this Congress has again and again tried to come between patients and their doctors.

Patients make life and death decisions with their doctors every day, with cancer, with renal disease, with neurological disease, and any other number of conditions. Many of these decisions are not easy and not pretty. Surely pregnant women deserve no less protection of their rights than others. In short, this bill is an insult to women, and doctors should not be subjected to additional criminal sanctions in this area.

Now all of us would like to see fewer abortions performed in this country, and that is why I support education and prevention programs to help families avoid unwanted pregnancies; but the question of whether or not to have an abortion is one of the most difficult decisions any woman can face. Reproductive health care is a personal, ethical, and medical matter that should be left to individuals, their doctors, and their families without interference from the Government. This legislation should be rejected.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, when the partial-birth abortion ban was before this Congress last year, the opponents of the act accused the proponents of offensive conduct. What was that offensive conduct? What was that bad taste that they accused the supporters of the bill of being guilty of? It was of describing, of accurately describing, they admitted that the proponents accurately described the procedure, the act, and they said that offended them. They said it was a sorry spectacle for people to accurately describe what happened to these late-term babies in their mother's womb.

They said it was offensive conduct to describe how these babies' bodies were dismantled, how they were mutilated, how their young lives were ended.

Let me say that is a sorry spectacle to describe such an act. As a civilized society, we should not have to describe such an act because it should never occur. Is it not ironic that the very people who say what a sick thing to do, what an uncivilized thing to do, what outrageous conduct, that they are the very people that rise in this body and defend the very act?

This act has no place in a civilized society. It is a violation of our God-given dignity.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. WEINER), a member of the committee.

Mr. WEINER. Mr. Speaker, this is the second time of this debate, and there has been clearly very deep divisions in this House about how to proceed with it; but, in fact, I think that when we get behind some of the details there is an enormous amount of consensus in this Nation on this issue. Despite the previous speaker's contention, there is very little debate about the idea that this procedure is one that the we should try to avoid. There is very little debate about the idea that abortions in general happen too frequently and we should try to reduce their numbers any way that we can.

□ 1345

That is a righteous cause. That is something that we should pursue. That is why so many of us support the idea of increasing family planning and education and counseling.

There is no doubt that it is desirable to reduce the number of abortions in this country. But there is also broad consensus in this country that the health and welfare of the woman is also something that needs to be protected.

The Supreme Court spoke to this eloquently in that very difficult decision. Roe v. Wade did not set up a perfect system by any ways, but one thing the court did say very clearly was that the woman's right to her health and well-being exists throughout her pregnancy.

When a recent poll was taken of the American people, even people who fervently believe that abortion was something that should be outlawed, they believed by numbers in the neighborhood of 80 percent that the woman's right to health should be included as an exception.

So why is it that the majority in consideration of this bill has, not only said that they oppose that, but they said we will not even allow it to be considered on this House floor. They will not even allow an option to be brought before this House that might close some of these gaps, that might make it easier for those who agree with the gentleman from Texas (Mr. ARMEY) in his statements about how terrible this procedure is, give us an opportunity to form a bipartisan consensus to perhaps reduce the number of truly unnecessary abortions if they are existing.

The reason was made clear earlier in the comments, eloquent and frank by one of the foremost leaders in this House against a woman's right to choose, the gentleman from New Jersey (Mr. SMITH). He said it, he departed a little bit from the party line on this, but spoke frankly and earnestly. He said this is about getting the camel's nose under the tent. This is about starting the process of chipping away at a woman's right to choose her own health care, a woman's right to choose, a doctor's right to choose. He has been honest and frank about this that he believes there should be no abortions in this country, and this was the first step.

This is why the American people see this effort today as being so pernicious. This is not about trying to find a solution to a difficult problem. This is about chipping away at a woman's right to health care.

If we were truly going to be honest about this, we would say exactly what this is. This is a political exercise for the seventh time. This is not about finding that group that the Majority Leader eloquently spoke about. This is not about truly finding a solution to this problem because we had a vehicle to do that, and the Republicans opposed it.

We should oppose this measure today, but we should make it clear that, if we protect a woman's right to choose, all of our minds are open.

Mr. CANADY of Florida. Mr. Speaker, I yield 2½ minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Speaker, did my colleagues know that when one puts a frog in a pot of water and sets it on the range and slowly turns up the temperature, the frog will stay in the pot and boil to death without jumping out. But if one puts a frog in a pot of boiling water, it will jump right back out. So it is with our world today.

The self-indulgence of our society causes the stark contrast between right and wrong to be clouded so that we actually, as a society, tolerate these type issues.

Mr. Speaker, few politicians have credibility on the major moral issues of our day. So who does? The Majority Leader mentioned Mother Theresa, probably the most Godly life in the world during the 20th century. She said this, ''I feel that the greatest destroyer of peace today is abortion, because it is a war against the child, a direct killing

of the innocent child, murder by the mother herself. And if we accept that a mother can kill even her own child, how can we tell other people not to kill one another? How do we persuade a woman not to have an abortion? As always, we must persuade her with love, and we remind ourselves that love means willing to be willing to give until it hurts.''

She said, ''Many people are also concerned about the violence in this great country of the United States.'' She said, ''These concerns are very good. But often these same people are not concerned with the millions who are being killed by the deliberate decision of their own mothers. And this is what is the greatest destroyer of peace today: abortion, which brings people to such blindness.''

She said, and I continue to quote, ''The child is God's gift to the family. Each child is created in the special image and likeness of God for greater things, to love and to be loved.''

She closed by saying, ''We cannot solve all the problems in the world, but let us never bring in the worst problem of all, and that is to destroy love. This is what happens when we tell people to practice abortion.''

Mr. Speaker, this great Nation finally recognized that slavery was wrong, and we did something about it. This great Nation must now recognize that abortion is wrong and adoption is the option. Let us love our children, and the world will be a better place.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2½ minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS), the distinguished ranking member of the Committee on Judiciary, for yielding me this time.

Mr. Speaker, I rise in opposition to this bill. I am sorry to say that in reviewing it it really adds up to a sound bite, because we are not debating women's health and what can be done. We are not casting a constructive, critical eye at what can be built in terms of a system in this country about this issue of abortion. It is a word that none of us celebrate. We understand that every time an abortion takes place in this country, that it spells failure in some way, shape, or form.

But it is a debate today about women's health. Even the gentleman from Illinois (Mr. HYDE) in his amendment has an exception for rape and incest, an exception, and it deals with an exception to what my colleagues are posing today.

This bill, in order to understand what it does, I think my colleagues have to understand first what it does not do. It does not outlaw a single method of late-term abortion that my colleagues keep repeating over and over again known medically as intact dilation and extraction. It does not distinguish between abortions performed before or after viability. It does not include any exceptions for abortions where the life or the health of the mother is at risk.

Do my colleagues think that life is tidy for women in this country? Have they ever heard of a pregnancy that has gone wrong? Have they ever looked at or read about the cases where the fetus is growing without any brain tissue? Do they think that mothers just go right down the path of celebrating and saying we are going to abort this pregnancy? That is an insult to women in this country. Have my colleagues ever seen how women's bodies are carved up when it comes to a mastectomy?

What is this Congress doing about women's health? Today's debate, Mr. Speaker, because we are pro-choice some of us does not mean that we are pro-abortion. We understand that the life and the health of the mother needs to be taken into consideration. That is what Roe v. Wade says.

It is not a celebration of abortion. We do not like it. We know that education, that family planning, that all of these things, and investment in research in women's health to prevent these things are the most important.

So I rise in opposition to the bill because the bill does not speak to any of these things. It is a political sound bite, and it is a sad day in the House of Representatives.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Speaker, today, as we are considering the Partial Birth Abortion Ban Act, I want to commend the gentleman from Florida (Mr. CANADY) for sponsoring this legislation. The time has come for us to take firm and decisive action against this deplorable procedure.

Our last attempt to ban partial-birth abortions failed, but we must continue to do everything in our power to save these innocent lives.

But do not take my word for it alone. Listen to the voice of the medical professionals as has been said in here before today. A number of high ranking members of the medical community have voiced their strong opposition to partial-birth abortions.

As has already been stated that C. Everett Koop, former Surgeon General, ''Partial-birth abortion is never medically necessary to protect a mother's health or her future fertility. On the contrary, this procedure can pose a significant threat to both.''

Dr. Pamela Smith at Mount Sinai Hospital in Chicago has stated that the abortion methods used in this procedure are associated with a range of complications, including extensive bleeding, infertility, and even death. The majority of partial-birth abortions are performed on healthy mothers and healthy babies.

The American Medical Association itself has stated that they could not find any identified circumstances in which the procedure was the only safe and effective abortion method.

A ''yes'' vote is a vote to protect the lives of women and children. It is really that simple. I ask my colleagues to join me today and to send a strong message of protecting the lives of mothers and infants. Because the greatness of this Nation that we live in is not measured by the Dow Jones Industrial average, it is not measured by the gross national product. The greatness of this country is measured by the character of its people, the integrity of its leaders, and how we as a Nation treat those who are most innocent and who are most vulnerable.

I would say that the unborn fits squarely into the middle of that category.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida (Mr. CANADY) has 12½ minutes remaining. The gentleman from Michigan (Mr. CONYERS) has 10½ minutes remaining.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS), the ranking member, for yielding me this time. I rise in strong opposition to the so-called Partial Birth Abortion Act.

Mr. Speaker, everyone in this room knows that if this Congress succeeds in this misguided attempt to play doctor, not one abortion will be prevented. This is a very sad debate today. Abortion is a failure in every respect. We want to keep them safe, and we want to keep them legal.

But when they are medically necessary to save the life of the mother or to protect her future fertility, would not one want one's daughter to have that option or one's wife?

It is so sad also, because this body has been prevented from debating the Hoyer-Greenwood substitute or amendment which would declare what we all believe, that no one wants late-term abortions, and that we would only agree to this procedure in the case of life of the mother or future fertility of the mother.

So to bring charges against a doctor for saving a mother's life or her future fertility and the family that she would like to have is cruel and unusual punishment. I urge my colleagues to vote against this legislation.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I grew up in the age before Roe v. Wade. In those days, the idea of killing a baby in the womb because it was inconvenient would not even occur to the average individual. Elective abortion on demand, taxpayer funded abortions, no way.

Certainly never in my wildest dreams would I have thought that one day I would be standing on the floor of the United States House of Representatives arguing against a practice in which a defenseless little baby, partially delivered, and moments before taking its first breath outside the womb, would be stabbed in the skull by an abortionist who would then extract the baby's brains, causing the skull to collapse, killing the powerless child. Sadly, that is how far we have come in the last three decades, or should I say that is how far we have fallen.

The American Medical Association says about partial-birth abortion, it is ''not good medicine'' and ''it is not medically indicated in any situation.''

We often hear from Members of this body talking about helping the little guy, looking out for the little guy. Well, I would say to my colleagues on the left, this is their chance to look out for truly the little guy and the, oh, so little girls, the helpless, the defenseless, the powerless, the most vulnerable of all of us. This is their chance to finally put a stop to such senseless assaults on those who cannot defend themselves.

Mr. Speaker, those of us who support this legislation hold little hope that our President will see the light. He has made his pact with the extremists in the abortion industry and their vocal accomplices. But we cannot ever concede this issue. We can never surrender.

Let us have a powerful show of support for this legislation. Let us send a passionate message to the President that there is no place in a civilized society for the barbaric practice of partial-birth abortion. Let us cast an overwhelming vote in favor of innocent human life.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Pennsylvania (Mr. GREENWOOD).

□ 1400

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

Why are we here today? What are we doing here? The advocates of this legislation have said that we are here to save lives, to prevent abortions. But that is not true. It is not what we are doing here. This bill is going to be vetoed, as it has before. And there are not the votes in the United States Senate to override that veto, and there is no one in this Chamber who will honestly argue otherwise. No one will stand up after I do and say, oh, this is going to become law; this will have an effect in America, because they know it is not true.

No, this is all about politics. It is not about saving lives. It is not about winning hearts. It is about saving seats in the Congress. It is about winning seats in the Congress. It is not about making law. It is about making noise.

If the advocates of this bill wanted to make law, they had their chance earlier today. They would have supported the right of the gentleman from Maryland (Mr. HOYER) and myself to offer our amendment. That is how we make law. Our amendment would ban the so-called partial-birth abortion and all form of late-term abortions. But it would have made exceptions, reasonable exceptions that Americans support; exceptions to prevent the loss of life of the mother and exceptions to protect the health of the pregnant woman when it is seriously, seriously, and that was the emphasis of our amendment, seriously at risk.

But the problem that the supporters had with our amendment is it probably would have passed; would have been signed into law. We would have made progress in reducing the number of abortions in this country. We actually would have accomplished something besides a lot of sound and fury. But, instead, once again, we play abortion politics. We confuse the American public, and we prove once again that politics overrides policy.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, an inquiry of the author of this bill.

Many of us have watched the gentleman's presentation on the floor. The term partial-birth abortion, to a layman and to most physicians, would be perceived to be what is called dilation and extraction. Is that the procedure that the gentleman intends to outlaw with this bill?

Mr. CANADY of Florida. Mr. Speaker, will the gentleman yield?

Mr. BILBRAY. I yield to the gentleman from Florida.

Mr. CANADY of Florida. The gentleman is correct.

Mr. BILBRAY. Reclaiming my time, Mr. Speaker, is there any other procedure related to abortion that it is the gentleman's intention to outlaw with this bill?

Mr. CANADY of Florida. If the gentleman will continue to yield, the answer is no.

Mr. BILBRAY. Mr. Speaker, I appreciate the clarification on this very, very important line of demarcation between the woman's right of choice and the outlawing of this very, very hideous procedure.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, I rise to oppose the bill and to express my grave disappointment that we are having a debate that could have been avoided if only policy had won out over politics.

If my colleagues were truly interested in good public policy that would become law, we would be debating the Hoyer-Greenwood bill, a superior alternative that provides the most broad-based restriction on late-term abortions of any bill being considered in the House; a proposal that ensures that no healthy woman, with a healthy fetus, can terminate her pregnancy in the third trimester regardless of the type of procedure used.

I strongly support these restrictions and always have. But for the life and extreme health threats to the mother, I know of no compelling reason to terminate a pregnancy at this late stage, and the Hoyer-Greenwood alternative would have banned all such procedures. Equally important from a good public policy perspective is that it would have become law. The President has said that he would sign those tough standards set in Hoyer-Greenwood.

But rather than to work to enact meaningful restrictions on late-term abortions, which we all agree should be limited, we are again engaging in a purely political debate. My Republican colleagues even oppose what Governor Bush, the candidate for President, has governed under in Texas, which has a law that is even broader than Hoyer-Greenwood. It says that no abortion may be performed in the third trimester on a viable fetus unless necessary to preserve the woman's life or prevent a ''substantial risk of serious impairment to her physical or mental health, or if the fetus has a severe and irreversible abnormality.'' That is the law in the State of Texas. That is the law that Governor Bush has been operating under during the last 5 years as governor of the State of tax.

It is a law similar to the 40 laws that have been passed in the different States that have such meaningful late-term abortion restrictions. It is what Hoyer-Greenwood would have given us the opportunity to do. But my Republican colleagues chose politics over policy, and they are not saving one life with their legislation.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ENGEL)

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

Mr. Speaker, this is all about politics. Everyone knows that the President is going to veto this bill, and there are not sufficient votes in the other body to override. So why are we doing this? The Republican leadership has decided this is an election year, let us once again put up this bill and let us try to get emotions flying.

Make no mistake about it, my colleagues, this is the start of attempts to erode Roe v. Wade, an attempt to drive women to the back alleys where abortions will not be prevented but will be performed under unsafe conditions resulting in the deaths of many, many women.

I cannot understand my Republican colleagues who profess, on the one hand, to say that the Government should get out of private lives; that the Government should not intrude on personal decisions, but they want the Government to intrude on the most personal decision made between a woman and her doctor, her family and her God. Makes no sense to me whatsoever.

I would like to tell a personal story. Six years ago my wife gave birth to a beautiful boy named Phillip. Many of my colleagues know him. It was a pregnancy that was unplanned; that was not expected. He is 7 years younger than my youngest child. My wife became pregnant at age 40 and gave birth at age 41, and we were concerned about the risks. I am pro-choice; my wife is pro-choice. We are not pro-abortion. There is a difference. We made the choice.

The choice was to have this beautiful child. There was much testing, there was much heartwrenching, and he is the apple of my eye. But every woman, every family, every couple has the right to make that personal choice, particularly if it should involve the health of the mother. And having no exemption in this bill for the health and well-being of the mother, I think is an attempt by this body to impose its will on the most personal decision that a wife or a husband and wife or a family will make.

This bill ought to be defeated.

Mr. CONYERS. Mr. Speaker, I yield myself 2 minutes to inquire of the distinguished manager of the bill, the gentleman from Florida (Mr. CANADY), if it is not true that he has circulated a letter about the same bill, then numbered 1833, to our colleagues in which he said that ''this bill bans any abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery. The ban would have the effect of prohibiting any abortion in which a child was partially delivered and then killed no matter what the,'' he calls, ''abortionist decides to call his particular technique.''

In other words, the gentleman is saying that his ban would apply to any abortion method. Does the gentleman recall the letter that was circulated?

Mr. CANADY of Florida. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Florida.

Mr. CANADY of Florida. The statement in the letter is absolutely accurate.

The terminology that happens to be applied to the procedure is not what is at issue. It is a matter of fact, however, that the procedure which exists, which is used, which would come within the scope of this bill is the dilation and extraction procedure, which we just discussed in the colloquy with the gentleman from California.

Mr. CONYERS. Mr. Speaker, reclaiming my time, I thank the gentleman.

Mr. Speaker, this is a general description that is being used, and the ban would, as the gentleman said, have the effect of prohibiting any abortion in which a child was partially delivered.

Mr. CANADY of Florida. If the gentleman would further yield, the language of the bill has been changed since that letter was circulated to make clear that the child actually has to be partially delivered not just into the birth canal but outside of the mother's body. And the only procedure that does that is the one I have described.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Michigan (Mr. CONYERS) has 1½ minutes remaining; and then the gentleman from Florida (Mr. CANADY) will have the closing statement.

Mr. CONYERS. Mr. Speaker, I yield the balance of my time to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I rise in strong opposition to this bill, and I do so arm in arm with the people of the First District of the State of Washington, who, when presented with an initiative 2 years ago to do what this bill does, rejected it soundly 60 percent to 39 percent.

Now, why did the people of the First District do that? They are uncomfortable with late-term abortions, as we all are. So why did they reject the exact bill so adamantly that the majority now proposes? Two reasons. They have common sense, and they got it.

They understood and understand that this bill and that initiative could ban the woman's right of choice at any time during the pregnancy, at any time taking away that woman's right of choice which has been constitutionally recognized. They got it. Some do not get it here.

Secondly, they had the common sense to understand that a woman's health rights ought to be recognized if we are going to pass statute. It is common sense that a woman's health ought to be taken into consideration, which this bill does not recognize one iota. They rejected that, and America rejects this bill because it is an exercise in politics rather than in policy.

And let me just say one thing personal to my friends across the aisle. We would do much better for American, and we would prevent many more abortions if we spent more time preventing teenage pregnancy than making political statements.

The SPEAKER pro tempore. The gentleman from Florida (Mr. CANADY) has 9½ minutes remaining.

Mr. CANADY of Florida. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Speaker, I cannot imagine any subject more important than the one we debate today. This debate is not about religious doctrine or even about policy options. It is a debate about our understanding of human dignity, what it means to be a member of the human family, even though tiny, powerless and unwanted.

Yesterday, we discussed organ transplants, another life-and-death issue. But today's debate goes beyond that to the issue of whether one radical medical procedure, called partial-birth abortion, is an acceptable exercise of a woman's right to choose. And by the way, that choice is either a dead baby or a live baby. That is the choice, whether it is a woman's right to choose or whether it is the surgical butchery of what a prominent pro-choice Senator called infanticide.

We are knee deep in a culture of death. The cheapening of life is demonstrated in the high school shootings, the coarsening of our national conscience by our entertainment industry, the fact that since Roe v. Wade in 1973 there have been 35 million abortions. We are knee deep in a culture of death.

I should ask the people who support this procedure to forgive my use of the word abortion. I know they dislike that harsh word. They prefer euphemisms like termination of a pregnancy. Every pregnancy terminates at the end of 9 months. Or ''removal of the products of conception.'' And the word killing is to be avoided like the plague. So the little infant is not killed, but rather ''undergoes demise.'' But as the great heavyweight boxer Joe Louis said about his one-time opponent Billy Conn years ago, ''You can run, but you can't hide.'' And we cannot hide from the ugly reality of partial-birth infanticide.

To those who think that the phrase ''sanctity of life'' is too theological, although we are kind of comfortable with the sanctity of an oath or the sanctity of a contract, I suggest the notion of human dignity is interchangeable and appropriate.

□ 1415

Now, the Declaration of Independence, an awkward document in this debate, proclaims the right to life is an endowment from the Creator and is an inalienable right.

Have my colleagues ever seen a doctor have a card that says ''eyes, ear, nose, throat, and abortionist?'' Somehow, there is something bad about that word. So when an abortionist plunges his scissors into the back of the neck of his tiny, squirming, struggling-to-live victim, he has obliterated and utterly irrevocably destroyed that little infant's right to life and his human dignity.

Oh, we posture, we pronounce about human rights, everybody's human rights, whether in China or Serbia or Colombia. Well, not everybody's human rights, because we deny any rights to the target of every abortion.

PETA, People for the Ethical Treatment of Animals, God how I wish we had one for humans, especially the tiny, powerless, defenseless ones who find themselves innocently inconvenient.

We talk about our birthright. By what right do we steal anyone's birthright? But that is what happens in every abortion. We treat the unborn as a thing, desensitized, dehumanized, depersonalized thing, to be discarded with the other junk.

Charles Peguy, a French novelist, once said, ''If you possess the truth and remain silent, you become the accomplice of liars and forgers.''

So long as we tolerate this dehumanizing procedure, so long as we do not draw a line in the sand, we become guilty accomplices in the slaughter.

Lady Macbeth can speak for us when she says, ''all the perfumes of Arabia will not sweeten this little hand.''

Everyone in this Chamber, everyone in this Chamber, has ancestors that reach back in an unbroken chain of humanity through forgotten millennia to the first man and woman. And so, we here and now are alive because our ancestors successfully ran the marathon of life, surviving wars, famines, floods, earthquakes, disease, the four Horsemen of the Apocalypse. But they survived. They endured through it all.

What a cosmic tragedy for this little one four-fifths born to have his life snuffed out as he is about to cross the finish line of that millennia long marathon.

But here at the beginning of the 21st century, have we traveled very far from those societies who behead their criminals? And what crime has this tiny, struggling, four-fifths born infant committed? The crime of being unwanted.

Oh, we have unwanted people, the homeless. But they have eyes to weep with. They have voices to cry out with. And when we do pay attention occasionally, we provide them with shelter. But not the little ones about to ''undergo demise.''

I recommend my colleagues avert their eyes and take solace in the fact that the torture of partial-birth abortion takes only the time it takes to stab the little baby in the back of the neck and the little flailing arms and legs stiffen at the moment of truth.

Look, in this advanced democracy, in the year 2000, is it our crowning achievement that we have learned to treat people as things? We are not debating policy options. This is a debate about our understanding of human dignity. Our moment in history is marked by a mortal conflict between a culture of life and a culture of death.

God put us in the world to do noble things, to love and to cherish our fellow human beings, not to destroy them. Today we must choose sides.

When Napoleon died, somebody said, God finally got bored with him. I really am afraid God is going to be bored with us, especially if we do not put that line in the sand.

Support this excellent bill. Step back from the abyss.

Mr. SCHAFFER. Mr. Speaker, today is a sad day. The Members of the House of Representatives are forced to confront the President and overwhelmingly approve a ban on the abhorrent abortion procedure known as partial-birth abortion. Mr. Speaker, the President has repeatedly vetoed this legislation. Our goal is to unequivocally end this immoral, unhealthy and unnecessary procedure. Congress passed bans on partial-birth abortions in both the 104th and 105th Congresses. And today, in the second session of the 106th Congress, the House will once again express its will—the voice of the American people—that partial birth abortions be stopped.

Since 1995, thirty states have enacted laws banning partial-birth abortions. Although many of these laws have not taken effect because of temporary or permanent injunctions, they clearly indicate the growing national movement against the frivolous waste of human life and the culture of death. Lifestyle should never come at the expense of Life.

Mr. Speaker, one of the reasons Congress must continually defend the lives of unborn children from abortionists is the Roe v. Wade decision. This is a subject about which I am particularly concerned. I hereby submit for the RECORD my address delivered to the Pregnancy Resource Center of Northeast Colorado, Fort Morgan, Colorado, on January 22, 2000.

27 YEARS OF ROE V. WADE

JUSTICE TO ALL LIVING HUMANS, BORN AND UNBORN

In just a few hours our planet will have made its 22nd full revolution since that long anticipated night when we ushered in a new millennium, a new century, and a New Year. I'll admit now, I was a bit anxious about the whole ''Y2K'' thing, although outwardly, I dismissed the predictions of power outages, water shortages, and financial crashes as ''silly.''

Just before we were to leave for a New Year's Eve party, my wife Maureen returned from the grocery store to find me on the back porch filling up my daughter's swimming pool and some five-gallon cans with water. ''What are you doing out here in the cold?'' she asked. ''Oh!'' I said embarrassed. ''Checking for leaks.''

I turned off the hose and rushed in to help my wife put away the groceries—which included about $50 worth of batteries! Now, you have to understand, she holds a Ph.D. in Electrical Engineering. When she gets nervous, I get nervous. She said, ''Well, we just never seem to have them when we need them, and, by the way, good thinking on the water.''

Of course we now reflect on the turn of the millennium with a certain amount of amusement and remember all those TV news anchors grasping for things to say, reaching for laborious words to fill up the air time which might otherwise have been devoted to disaster. It turned out like the opening of Al Capone's safe. Nothing there. Nothing remarkable. Nothing changed. Our lives went on uninterrupted. Our world just kept revolving.

And here in America, our country was still the only country on the planet to recognize abortion as a constitutional right—a right that has been exercised 40 million times since it was first fabricated on this day in 1973. Despite the benevolent advice of our government, which it mandates be printed on every bottle of holiday champagne, the very unborn babies we are urged to protect still face more than a 1 in 4 chance they won't even make it out of the womb.

This 22nd day of the millennium marks the 27th year since Roe v. Wade, when our government stripped from the unborn child the fundamental Right to Life. Prior to that, fetuses were still babies, and the Constitution protected them, just like the Declaration of Independence suggests it should.

Somehow, those black-robed despots of the Court presumed to know better than God Himself. For 197 years, America had always accepted as ''self evident'' and true ''that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, among them are Life'' and all the rest.

Tonight I want to congratulate this Pro-Life Alliance assembled here, because you have not abandoned that opening precept of our American Declaration. Nor have you abandoned the self-evident Truth that, regardless of the opinions of Washington, D.C.'s elite, the natural, God-given Rights of the unborn are still very much in force.

Your very presence here tonight reinforces it. Your money, your time, and most of all, your prayers are all testimony to the unifying force of the Creator and the true benevolence of Divine Providence. Indeed, it was 2000 years ago that He revealed to the world the way of victory over death, through a Child.

And it is because of the promise of the Christ Child that we know, beyond a shadow of a doubt, that God hears our prayers for all souls. He hears our prayers that His mercy be generously dispensed upon the souls of the unborn, the souls of their mothers, their fathers, and even their executioners and all those who, through their own weakness, have become the counselors of darkness.

Our prayer and our mission here tonight is for life. Friends, the simple fact is, at abortion mills across the country, there is simply too much death, and too much violence. It is wrong, and it must stop. Whether perpetrated against the unborn, or any other human being, violence and premature death is always wrong.

The Greeks used to say ''in prosperity it is very easy to find a friend, but in adversity it is the most difficult of all things.'' I'm most fortunate to have some good friends here tonight who are not afraid of adversity, and I'm honored that they're here, especially, State Senator Marilyn Musgrave. She is one of the true heroines of Colorado politics, and among the strongest voices at the Capitol for those least able to defend themselves.

I'm extremely pleased to see young people who are concerned about human life, because I think the single most important responsibility of any society is the transmission of values from one generation to the next. That is of critical importance in a free society. We understand freedom, and true freedom means making choices that have real impact.

Self-government means that we make decisions that literally shape the future. Imagine that, God the Creator of origin allows us to be the creator of the future. We shape the world. The powerful meaning of that is perhaps articulated best in the Fifth Book of Moses, more commonly called Deuteronomy. Here, God says, ''I call heaven and earth to witness against you this day, that I have set

before you life and death, blessing and curse; therefore, chose life, that you and your descendents may live.''

Now, let me tell you how politicians read this.

Most politicians read Scripture like a set of statutes. There must be some loopholes in here, right? Maybe we can send this to the Rules Committee with a ''motion to instruct'' that will make it easier to deal with if and when it ever comes time to vote. Perhaps this really doesn't matter as long as a quorum is not present.

Well, as a politician and a Christian, this verse really speaks to me. It reminds me of the media. Let me repeat it. ''I call heaven and earth to witness against you this day.'' I have lots of friends who are reporters. I've developed a certain level of camaraderie with some of them. Eventually you feel comfortable talking off the record about politics, personalities, and ideas—just shooting the breeze.

But when that reporter switches on the tape recorder, or flips open the notebook, it's time to get serious. My actions are now a matter of, well, a matter of record. Deuteronomy tells us the choices we all make are recorded in heaven. I remember quite vividly when my high school religion teacher described this within the context of ''free will.''

The verse continues, ''I've set before you life and death, blessing and curse; therefore choose life, that you and your descendants may live.'' You see God gives us the widest latitude in deciding. And more often than not the choices He gives us are black and white, polar opposites, sometime diametrically opposed: Life vs. death. Blessing vs. cursing. In these and lesser cases, the choices we make are important not just for ourselves. No, these choices are eternal and have an impact upon those who follow us.

As a United States Congressman, I'm asked to make lots of these big decisions. The challenge is to make choices that will make the future brighter than today. Those choices are not always easy to make. Being a leader is sometimes unpleasant.

When our leaders are unable to evaluate profound decisions within the proper context of ''life or death, blessing or cursing,'' they are prone to consult their pollsters. In fact, these kinds of policymakers are sometimes pejoratively referred to as ''poll vaulters.''

Poll vaulting is when you take a public opinion poll, find out where everyone's going, use the poll to vault yourself ahead of the crowd. When the crowd finally arrives at the point you're at, you say, ''I was here first. I'm the leader.''

If you think I exaggerate let me describe this advertisement from a political trade magazine. Across the top it says, ''ABORTION! Right to life? Women's rights? State laws?'' The copy says, ''As an elected official, do you really know what your constituents think about these issues? Legislators can't afford to be out of step with voters on this emotional issue. Let us design and conduct a survey of voters in your district, to help you develop your position on this most divisive issue of the decade.''

Friends, this is what's sick about Washington. This is not leadership. This is poll vaulting, and today we see elected officials in the highest offices in the land conducting polls every day to measure what they think we want to hear, and to carefully calculate the exact language so as to say it precisely right. What America needs are fewer politicians telling us what we want to hear, and more leaders who profess the truth.

It seems so simple, until you realize, our failure to address this phenomenon in our Churches, Synagogues, businesses, in the media, and yes, even our failure at the ballot box, has resulted in 40 million abortions. Friends, this is no small matter. And frankly, we should be winning because all the advantages are on our side.

Since our politicians read the polls, let's see what the polls say. First, let's get beyond the ''pro-life, pro-choice'' labels. You can give me a parachute and drop me out of a plane anywhere in America. In three of the five places I might land, the first person I see when asked, ''are you pro-choice,'' will answer ''yes;'' because ''choice'' is a powerful word, and no one wants to be against choice. That, by the way, goes for me. Yes, I'm pro-choice. The more choices the better as far as I'm concerned. In fact, in order to choose you must first be alive which is another reason I oppose abortion.

Now, The Chronicle of Higher Education recently found that among 250,000 entering college freshmen, support for legal abortion is at its lowest level since 1979. At UCLA, for example, 53.5 percent said they agreed abortion should be legal. That's 3% down from the previous year. I mention UCLA because I thought the number would be much higher there.

A 1998 New York Times/CBS poll found only 15 percent of Americans believe a woman should be permitted to have an abortion during the second trimester of pregnancy. Only 7 percent of women should be permitted to have an abortion during the last three months of pregnancy.

A recent Wirthlin poll found only 21 percent believe that abortion should be legal for any reason during the first three months of pregnancy. Only 9 percent feel abortion should be legal at any time during pregnancy and for any reason.

Most encouraging is that same Wirthlin poll found most Americans believe abortion should not be permitted after signs of life can be detected. A lopsided 61 percent disagree with the statement ''abortion should be permitted after fetal brainwaves are detected.'' Fifty eight percent agree with the statement, ''abortion should not be permitted after the fetal heartbeat has begun.''

What that says friends is that most people in America understand that choosing an abortion is a choice of diametrically opposed outcomes—that it should not be taken lightly. And don't think for a minute the value of human life is not considered. And that is an admission that, with rare exception, we all recognize the termination of a human life, and we all know it.

The beating of a heart. I saw that just a month ago. At the Schaffer house, we're all excited. Our fifth baby is due one month from today, on George Washington's birthday.

I went in for the well check with Maureen. I told the doctor I'd never seen an actual ultra sound. I'd only seen the still photos. He wheeled the cart in and said, ''what do you want to look at?'' I said the whole enchilada, head to toe. That's just what I got to see.

I counted all ten toes, fingers too. In fact I saw a hand opening and closing. I'm no doctor, but it looked to me like little George is a Georgette. Doctor Hoffman pretty much agreed but wouldn't guarantee. The girls seem to be pretty modest even before they're born and this one didn't make it easy to see. At any rate, my wife tells me I better come up with a better name. My apologies to any Georgettes in the audience tonight.

I gazed at that ultrasound screen, and watched in real time, our baby's heart beating, just as it has been beating ever since somewhere between days 18 and 21, which is before most women find out for sure they're pregnant.

And I thought to myself, 40 million tiny beating hearts. How can any sane society tolerate 40 million abortions? Have the people at NARAL, NOW, and Planned Parenthood seen one of these ultrasounds? I'm sure most of them have. All my ''proabortion'' colleagues in the Congress? Do you suppose they've seen one of these? Surely they must have.

Then why does it seem like there's so many more of them and not enough of us?

I'll tell you why. The pro-abortion movement in America has plotted a campaign-style strategy that assumes we are all idiots. They want us to believe women are somehow degraded when caring, compassionate people talk about the Rights of their offspring.

Unfortunately, it seems the first people to buy all that baloney are politicians. Just yesterday, the Rocky Mountain News ran a story about an abortion rally that took place this week on the Statehouse steps in Denver.

One of the people I serve with in Congress was pictured there and quoted saying, ''We can't afford to be complacent.'' According to the News, ''he added he wanted to make sure his 9-year-old daughter would have the same freedom of reproductive choice enjoyed by women today. 'Our daughters are counting on us.' '' Well I say, our daughters are indeed counting on us, but not for more abortions.

Well, the first thing we need to do is quit feeling like a minority and start acting like a majority, because we are. We need to stop blaming the media, stop blaming Planned Parenthood, because we know on any given day a strong majority of Americans agree with us. And if we can't convince our neighbors that nothing in our society is more important than human life, then we are simply not trying hard enough.

Our greatest weapon is the truth. Dr. John C. Wilke, who before becoming president of the National Right to Life Committee, was president of the Ohio Right to Life, first impressed this upon me. He came to my high school in Cincinnati. I was proud to march beside him in Washington, D.C. 20 years ago in the annual pro-life march on the nation's capital.

He taught about the fundamental truths that relate to abortion. No matter what your faith, your culture, or even your opinion about abortion rights, there are certain undeniable truths.

Fact: From the moment of conception, this being is alive. It is not dead. In fact, the more science knows about fetal development, the more science has confirmed that the beginning of any one human life, biologically speaking, begins at the union of his father's sperm and his mother's ovum, a process called ''conception.''

Fact: This being is distinctly human with 46 human chromosomes, male or female (not an ''it'') complete, alive, and growing. These live human beings possess the ability to change our lives, change our communities, and to change our world. That's not a condemnation. That's a tribute to human existence, and it is awesome. And since the 1960's we have raised a generation that places less importance upon the awesome responsibility of creating a child. Even in this room, how many of our own children understand this sacred act—a man and woman becoming one in the same flesh, sanctified by God, the result of which is human life?

Oh we might have said the words, and had the discussion with our kids, but look what

we're competing against. They're bombarded everywhere they turn with secular messages that promote destruction over life.

It's everywhere, at school, on the internet, on the radio, the TV, it comes in the mail, from the neighborhood. Even my mother, gave my 12 year old twin girls some stupid book about boys as a gift. I had to take it away, but that's a story I don't need to get into. There are even some ministers of the Gospel who will preach that the quality of one's life is of equal or greater concern than life itself. I don't deny that quality is important, but if quality comes first, then we have invented a formula to end world hunger, homelessness, disease and suffering by simply killing all those afflicted. If quality is supreme, then abortion rights activists have invented a doctrine that justifies even the most horrific mass executions throughout the history of human civilization.

Friends, our battle is for the truth. This war will not be won by the Supreme Court. It will not be won in Washington. Yes, there are some battles there to be won or lost but the real contest for the heart must be won in communities like ours all across the country.

Even Jesus Christ Himself said, ''render unto Caesar that which belongs to Caesar, and to God what is God's.'' The souls of the children belong to God. Take it from me, the bureaucracy does not care. The bureaucracy cannot love. I was there at that famous National Prayer Breakfast when Mother Teresa lectured the President and the Congress. There is no such thing as an unwanted child she said. If you don't want your child, ''give it to me,'' she said. True to her word, her Sisters of Charity have never turned away an unwanted child.

Fortunately for us the founders understood this. They even understood Deuteronomy, the concept of free will. They built a government upon the belief that Americans should be trusted while acknowledging there would always be treacherous risk that some Americans would make the wrong choices. But total freedom is also the only way for the people to keep their government honest and frankly, the only chance for true honor, integrity, and virtue to exist—the very kind of qualities heaven and earth have been called to record this day against us.

You know, sometimes doing what's right is just hard work. Actually, it usually is easy if you think about it, but sometimes it's very difficult, inconvenient. God knows this.

If we're going to be concerned about whether a child lives, then we also have to be concerned about the rest of her day when she's 2 years old, 6 years old, 9 years old, and so on. That's what crisis pregnancy centers are all about, and that's why we're here tonight. We know that if any child is mislead to believe his life, at any time, didn't matter, or doesn't matter, or might not matter, then we have loosened the ties that all children need to their community, to one another, to their mother, and to God. Abortion dissolves this bond, and without it children will inevitably turn against their parents and other children.

Let me begin to close by bringing us back to what we have failed to communicate to the nation, and where we have failed America in my judgment. We have not had the moral courage to stand up and say that the expense of ignoring the truth is death, misery, human degradation, and the loss of opportunity and dignity for millions of humans.

When people define freedom as an eight-foot bubble on your way to an abortion mill, it trivializes the protective bubble we really ought to be concerned about, which is the womb. What kind of society is it that makes free speech on a public sidewalk a crime, and then dismisses the silent screams of 1.2 million abortions performed this year as matters of privacy?

And I'm sick and tired of the double standard that allows the Clinton administration on one day, to send American soldiers into battle halfway around the globe, because ethnic cleansing is terrible; and then the next day open up the White House to abortion lobbyists. It is their industry that disproportionately preys upon the children of black and Latino mothers, effectively waging a more sinister and more viscous kind of ethnic cleansing right in our own backyard.

When put in that perspective, the people of any country in the world have every right to be as appalled by abortion in America as we are appalled when we see pictures of dead children in the streets of Kosovo. The same people who advocate free needles for heroin addicts, who offer condoms and Depo-Provera to children in Title X clinics behind their parents' backs, who describe ''safe sex'' as anything outside of marriage, and who gleefully tell about the drugs they ''didn't inhale,'' cause people to die.

They're the same ones who have been willing to embrace moral degradation in our schools, and tolerate this pestilent preoccupation with death, and attack the family. These people are just as guilty as the kid who pulls the trigger on his friends.

And for generations we've lacked the nerve and courage to stand up and say, ''I'm not going anywhere until this community is safe for every child!''

This is about our children. It's about human life. Even today, the rest of the world looks to us for security because they've read our Declaration of Independence, and they assume we're serious about it. That's why American troops are deployed to missions all around the planet at this very moment.

And so while our sons and daughters in uniform secure peace and save lives in places like Bosnia, East Timor, Haiti, Kosovo, and Korea, don't you think we owe them the same kind of courage here at home? To show them that what they defend matters? That the truth is for real and it's important?

In 1987 Ted Koppel spoke about truth before the graduating class of Duke University. He explained how ''we have spent five thousand years as a race of rational human beings trying to drag ourselves out of the primeval slime by searching for truth.''

Now this is Ted Koppel, the guy on Nightline . . . a journalist. He said, ''our society finds truth too strong a medicine to digest undiluted. In its purest form truth is not a polite tap on the shoulder; it is a howling reproach.

''What Moses brought down from Mount Sinai were not the ten suggestions . . . they were Commandments. Are, not were.''

Friends, I've spoken tonight for a long time about three things: free will, the ugly truth about abortion, and moral decay.

As a Catholic, I'm a great admirer of the Holy Father Pope John Paul II. Regardless of whether you're a Catholic, his message about the times we are in is one for us all.

This year, the Jubilee Year 2000, is a special moment. For all Christians it is a year of great anticipation, a millennium measured from that first night in Bethlehem that has come to define our very souls. To this day the Nativity shapes our character as God's people on earth.

This is a year for reconciliation within the Church and throughout our society. It is a year for hope and growth. It is a year to emphasize to the world how a Child changed the course of humanity and how 2000 years later He is still the greatest influence on how we live, and how we understand real freedom and real liberty.

Frenchman Alexis de Tocqueville in his great 1835 work Democracy in America observed, ''America is great because America is good, and if America ever ceases to be good, America will cease to be great.'' The British statesman, Edmund Burke wrote his famous quote in 1795, ''All that is necessary for evil to triumph is good men to do nothing.''

The Jubilee Year is our year to do something good, to do something great, to choose blessing over cursing, to choose life over death. Remember heaven and earth are indeed called to record this day against us. And so I ask you to firmly rely upon the protection of Divine Providence. Pledge your lives, your fortunes, and your sacred honor, just as the founders did in that last beautiful sentence of the Declaration. See to it that this Republic for which we stand is truly one nation under God, and that we do extend the full benefits of Liberty and Justice to all living human beings, born and unborn. Thank you.

Mr. GOODLATTE. Mr. Speaker, every once in a while, we as elected leaders are asked to take a stand on an issue that touches the inner-core of our moral obligation to protect the innocent from violent death. Today I rise in support of a reasonable bill to ban a heinous procedure to partially deliver fully formed babies, and then kill them.

The ongoing debate over the "partial-birth" abortion procedure gives all of us an opportunity to join together in protecting innocent children from a horrific and gruesome procedure. Only the most calloused among us can hear the description of this procedure and not react with disgust. The overwhelming majority of the American people want to ban partial-birth abortions and no matter what your position is on abortion, this grisly procedure is indefensible in a civilized society.

According to Ron Fitzsimmons, executive director of the National Coalition of Abortion Providers, the occurrences of partial-birth abortions is much more frequent than was once admitted, further calling into question the defensibility of this procedure. Clearly, a pattern of deception has emerged regarding how and when this procedure is performed. We do now know that thousands of partial-birth abortions are performed annually, the vast majority of which are performed in the fifth and sixth months of pregnancy, on healthy babies of healthy mothers.

We must put an end to this barbaric procedure where the difference between abortion and murder is literally a few inches, and the moral implications for our society of allowing such a procedure are profound. This is effective legislation to ban an unbelievably gruesome act. I urge my colleagues to support this legislation to protect those who cannot protect themselves.

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to express my support for H.R. 3660, the Partial Birth Abortion Ban Act, as I have done a number of times since 1995. Despite the failure of this Administration to sign this legislation into law on previous occasions, I am pleased this Congress continues to send, by an overwhelming majority, the message that partial birth abortion is wrong.

We continue to debate this issue, even though the facts are quite clear. Partial birth abortion is not a medical procedure. Doctor after doctor has testified that partial birth abortion procedure is never medically necessary. Our former Surgeon General, C. Everett Koop, has gone on to conclude that the procedure poses a significant threat to the mother's health and future fertility. However, giving the benefit of the doubt, this legislation does provide an exception should a case arise when a doctor performs the procedure to save the life of the mother.

Overwhelming support exists to ban partial birth abortions. Since Congress began voting to ban partial birth abortions, numerous state legislatures have voted to end them. The House of Representatives has consistently overridden President Clinton's veto of this legislation, and I am confident we will do so again. However, before President Clinton follows through on his veto threat, I would like him to take another look at the support that exists to ban this abortion procedure, the opinions of doctors and his conscience.

I understand the issue of abortion is difficult for many. Well-intentioned people will continue to disagree. How long, though, can our society continue to justify its denial of the right to life to the defenseless unborn? The value of life has been consistently cheapened. Partial birth abortion is a graphic example of the worst of abortion, in which a child is killed after being partly delivered. Congress must continue to take a stand to uphold the value of life, especially in these instances in which life is so blatantly being destroyed.

I urge President Clinton to take a courageous stand and support this legislation when it is sent to him. I urge my colleagues to continue their support for human life and for a ban on partial birth abortions.

Mr. WU. Mr. Speaker, I rise today to express my opposition to H.R. 3660, the so-called Partial Birth Abortion Ban. This legislation is a direct attack on a woman's right to choose and an effort to undermine support for reproductive choice.

H.R. 3660 endangers women's health by failing to include a constitutionally mandated exception to protect the health of women. The Supreme Court requires that a woman's life and health be protected throughout pregnancy and at no point can a state compel a woman to sacrifice herself. I believe that a woman's health—including her future fertility and mental health—should be protected.

H.R. 3660 is vague, broadly written and will not restrict just one method of abortion but rather, it prohibits procedures which are used in first and second trimester abortions. This is a blatant attempt to legislate health care procedures. This bill restricts a woman's right to choose and lets politicians rather than women and their families make health decisions.

Restricting options for women makes a tragic situation even worse for a woman and her family. Women and their doctors, not state legislators or Members of Congress, should be deciding the best medical procedure.

I urge my colleagues to oppose H.R. 2660 and vote "no."

Mr. POMEROY. Mr. Speaker, I rise in support of H.R. 3660, a bill to ban a late-term abortion procedure known as partial birth abortion.

I will vote in favor of this legislation, in favor of banning the partial birth abortion procedure, as I have done in both the 104th and 105th Congresses. I will, however, vote against the rule, which denies members of both parties the opportunity to offer amendments. This legislation should have been considered under a fair and open rule.

Mr. Speaker, in the end, I believe that the partial birth abortion procedure is a cruel and unnecessary procedure that should be outlawed. Congress must act accordingly and pass legislation to achieve that end.

Mr. KUYKENDALL. Mr. Speaker, in the last few days, my office has been flooded with calls asking me to support the ban on partial birth abortions. If all we were doing today was prohibiting late term abortions, I could support that vote, even as a strongly pro-choice Representative.

The calls have prompted me to evaluate my own history with this issue and to carefully review the language of the legislation before us. Although I have voted against similar legislation in the past, I stated during my 1998 campaign that I would support a ban on late-term abortions except in instances in which the life of the mother was endangered by continuing the pregnancy. This position represents a departure from my previous voting history, but a conscious change that I can accept.

The authors of H.R. 3660 would have all of us believe that that is exactly what we are voting on today. However, after reading the language of the bill, I find that I cannot support this bill. Unlike any other legislation that I have been asked to consider, this legislation permits doctors to be sent to jail for up to 2 years, simply for making a medical decision. There are other enforcement tools available to discourage the use of this procedure without authorizing imprisonment. Those tools include substantial civil fines and the permanent suspension of a physician's medical license. Both of these are strong incentives; we do not need to criminalize medical judgements. With this legislation today, we have guaranteed that medical decisions are not independently made on the basis of the patient's unique health needs, but include a consideration of the criminal consequences.

The legislation under consideration today could have been drafted in a manner that prohibits the procedure, without having to rely on imprisonment as the enforcement mechanism. During my time in the California State Assembly, for example, we considered legislation to ban partial birth abortions. The tool to enforce the prohibition was a stiff monetary fine, followed by the temporary suspension of the physician's medical license. We also could have employed the "Sense of Congress" mechanism to express our strong distaste for late term abortions. Or, we could have actually produced a piece of legislation that prohibits the specific, medically recognized late term medical procedure called an "intact dilation and extraction." Any of these legislative vehicles could have been used, and I would have supported any of those efforts, including permanent suspension of a physician's medical license, provided they incorporated an exception where the life of the mother was in jeopardy. Because of the addition of criminal penalties for doctors, we failed to have a meaningful debate to restrict the use of late term abortion procedures. For this reason, I cast a "no" vote today and will cast a "no" vote to override the certain veto of H.R. 3660.

Mr. BARR of Georgia. Mr. Speaker, I applaud you for ensuring H.R. 3660, the "Partial Birth Abortion Ban Act of 1999," was placed on this session's calendar. It is an extremely important issue we continue to address, yet can't seem to get signed into law; this is unacceptable. Banning the horrendous, barbaric process known as "partial-birth abortion," should be an issue every civilized person should support; whether pro-life or pro-abortion.

Partial-birth abortions are performed very late in pregnancy and involve the forced partial birth of the child, who is then killed by the doctors before completing delivery. H.R. 3660 addresses this practice, by prohibiting medical doctors who perform abortions from using such "partial birth" procedures; it also imposes fines or potential imprisonment of up to two years. It includes an exception to prosecution for doctors who can show the procedure was necessary in order to preserve the life of the mother.

H.R. 3660 protects the unborn from the most grotesque form of death imaginable. Passage of this measure would be a major step forward in protecting the lives of those who are most vulnerable. This is limited, but good, decent and necessary legislation; and protects children against a horrible form of death.

I urge you to preserve human life and vote "yes" for passage of H.R. 3660.

Mr. WATTS of Oklahoma. Mr. Speaker, I rise today to ask my colleagues on both sides of the aisle to join me in supporting the partial-birth abortion ban act.

We have a great economy, Mr. Speaker. Everybody's driving around in fancy cars, living in fancy houses, and unemployment is lower than most economists ever dreamed. Yet our culture is in shambles. Kids are killing other kids. Schools are not longer considered safe havens. And we wonder, why.

Mr. Speaker, legalized partial-abortion represents a total breakdown in our society. It says to our children—don't worry, if you don't want to take responsibility for your actions, it's okay to do whatever it takes for the sake of convenience. Right now, it's okay to kill a baby boy or girl as the poor, defenseless child is a third of the way from being completely delivered into this world.

Do we wonder why teens are throwing their babies in dumpsters and in public restroom toilets? Do we need more of a wake-up call than this culture of death?

This is yet another time when I am thankful that I am a Republican, as we are a party united against the evils of partial-birth abortion. I commend the 70 or so Democrats, including the entire minority leadership, who will stand against the President and the Vice President in defense of innocent human life.

But I challenge my friends and colleagues who are not yet with the nearly 300 Members of the House who support this legislation to have a change of heart. Whether you are for or against abortion—we're talking about infanticide here.

I especially would like to challenge my colleagues on the other side of the aisle who insisted on labeling the Republican Party as

somehow "anti-Catholic." If there is one, single bill the Roman Catholic Church has supported with all her might and glory—it is the partial-birth abortion ban act. My party supports it. Join us.

If we are to turn around this culture, we need to change hearts—and laws. What we permit, we condone. What we ban, we condemn.

A clear majority—and in some instances, a supermajority—of Americans condemn partial-birth abortion. Partial-birth abortion is never necessary. Partial-birth abortion is not rare. Partial-birth abortion is not right.

We have a lot of work to do to teach our children on morality and virtues, from infidelity, to divorce, to abortion. All of these things are connected. But we must first start with ourselves. Let's take the first step to turning the culture of this great Nation around. Let us vote—clear and unambiguously—to eliminate the infanticide known as partial-birth abortion.

Mr. STARK. Mr. Speaker, I rise today to oppose H.R. 3660, the Partial-Birth Abortion Ban Act.

Make no mistake about it, this is a political vote and a political debate—a debate fraught with inflammatory rhetoric and distorted facts. The majority knows that the President will veto this bill and are using it as a political football to score points with certain segments of society.

Since we are here, I would like to get the facts straight about this issue. There is no medical procedure called a "partial birth abortion"—that is a political term made by opponents of choice to distort the issue. There is a procedure called "intact D & E" that is used in cases of terrible family tragedy. These are catastrophic pregnancies, when the fetus has a horrible abnormality, or the pregnancy seriously threatens the mother's life or health.

This bill threatens doctors with fines and imprisonment, and prevents not a single teen pregnancy. The vote to pass this bill is a blatant attempt to shelter the hypocrisy of the abortion debate—that the strongest opponents of the right to choose also oppose programs promoting comprehensive sex education and birth control, which actually reduce unintended pregnancies. If they want to prevent abortion, they should improve access to contraception by increasing funding for title X and contraceptive research, and improving access to insurance coverage of contraception. Research shows that these policies have proven the most effective in preventing unwanted pregnancies. Instead, anti-choice Members of Congress would make access to family planning options more difficult, more dangerous, more expensive, and more humiliating.

A decision concerning a woman's pregnancy can't get more private or more personal. Women in conference with their doctors, not politicians, must decide what medical treatments are the best for them. Doctors decide to carry out the "intact D & E procedure" as a last resort. Doctors use the "intact D & E procedure" when they believe it is the safest way to end a pregnancy and leave the woman with the best chance to have a healthy baby in the future. Congress should not second-guess their medical judgment.

I ask my colleagues in the majority, who often express their disdain at the Federal Government's involvement in their personal lives, to oppose this bill. I would hope that the majority could get as impassioned about protecting the right of a woman to make a personal choice about her body as they do about a person owning and buying a gun.

Mr. GILMAN. Mr. Speaker, I am disappointed that we have this legislation before us again today. This is the third time this bill has been brought before the House despite previous vetoes and failures to override these vetoes.

This legislation is not an appropriate way in which to address the late-term abortion issue. Abortion is a very serious and personal issue and prior to viability, should be a decision made by the prospective mother, her family, religious counselor, and her doctor. By pursuing restrictive legislation such as H.R. 3660, we are destroying the Roe v. Wade balance between a woman's right to choose and the State's interest in protecting potential life after viability. After fetal viability, States may ban abortion so long as a woman's life and health are protected. Currently some 41 States have laws in place that address abortion after viability.

It is for these reasons, that I have supported H.R. 2149, The Proposed Late-Term Abortion Restriction Act. This legislation provides a Federal ban on all post-viability abortions, with the narrow exception of those needed to preserve the woman's life or to avoid serious adverse health consequences. This bill would ensure that no woman could pursue a legal abortion during the final trimester of her pregnancy if she is carrying a healthy fetus. This legislation leaves the decision in the hands of the doctors, not lawmakers. Americans want medical decisions made by their doctors, as evidenced by their support for health insurance reform legislation that allows doctors final say in the decisionmaking process. In fact, 88 percent of all Americans support a health exception for the mother. The Supreme Court requires that a woman's life and health must be protected throughout her pregnancy; at no point can the State compel a woman to sacrifice her life in exchange for the life of the fetus. The bill gives doctors the ability to make this determination, with the knowledge that if they perform an abortion after fetus viability and without a situation threatening the mother's life, they will be held responsible in criminal and civil court.

Mr. Speaker, I oppose later-term, post-viability abortions, except those necessary to protect a woman's life and her health. And I oppose the manner in which this Congress continues to bring up this issue each year with the knowledge that this bill will be vetoed while there is strong bipartisan support in the Congress and by the President for H.R. 2149, the Late-Term Abortion Restriction Act. Accordingly, I strongly urge my colleagues to oppose H.R. 3660.

Mr. HALL of Texas. Mr. Speaker, I rise today in support of H.R. 3660, the Partial-Birth Abortion Ban Act. This important legislation reaffirms this Chamber's commitment to the preservation of life—and the rights of unborn babies to be protected from a procedure that is morally unconscionable.

Mr. Speaker, it is time to put an end to this inhumane and cruel procedure that ends the life of a fetus while it is partially outside the body of the mother. Our colleagues who are medical doctors have stated their belief—and others in the medical community have testified—that this procedure is never needed to protect a woman's health and some say it is needed in only rare cases to protect a woman's life. The Partial-Birth Abortion Ban Act makes it a federal crime to perform this particular form of abortion, but it does not prevent other procedures that are considered necessary to protect the life and health of the mother.

The President has vetoed this legislation twice. Twice the House has voted to override the veto, but unfortunately the Senate has been unable to achieve the two-thirds vote necessary to override the veto. Since 1995 we have had fifteen votes in the House on this issue—votes on the rule, votes on amendments, votes on final passage—and fifteen times I have voted in support of banning this procedure. Those of us who support this ban will not give up until this fight has been won.

Mr. Speaker, my record has always been pro-life. I have listened to considerable debate and discussion from the experts on this issue over the years. I have personally talked to many constituents about abortion and pro-life issues, and I have consistently come down on the side of life. Today I will once again come down on the side of life and vote for the Partial-Birth Abortion Ban Act, and I urge my colleagues' support.

Mr. HOEFFEL. Mr. Speaker, I rise in opposition to H.R. 3660, the so-called Partial Birth Abortion ban.

First, we should not be considering a ban on a medical procedure. Doctors are licensed to practice medicine, and they swear to do what is in the best interest of their patients. Members of Congress have no place in this decision, and we should not for the first time in our nation's history outlaw a medical procedure.

Secondly, the bill is much too broadly drafted and would likely violate a woman's constitutionally protected right to choose. The bill is not limited to late term abortions, and the wording of the bill is so loosely written that it could be construed to ban abortions that are currently protected by the Constitution.

Thirdly and most importantly, I oppose this legislation because it does not include an exception for the health of the mother. I am opposed to post-viability abortions. But if a pregnant woman's life is at stake or her health is at serious risk, doctors and patients deserve to have access to a full range of medical procedures to prevent the harm. This legislation does not afford women the protection they need to prevent serious injury, and I therefore will oppose the bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, thank you Chairman HYDE for the opportunity to address H.R. 3660, the Partial-Birth Abortion Ban Act of 2000. This act, despite its title is nothing more than an attempt to inhibit a woman's constitutional right to choose.

Although the majority conveniently skirts the issue of the 1973 Supreme Court decision of Roe v. Wade, this law is still in effect and we must recognize a woman's right to have an abortion especially her life is threatened.

Yes, it is true that technological advancement in the medical field has enabled women

to better monitor their pregnancies so that they may bring healthy children into this world. However, some pregnancies may involve problems that may threaten the life and/or health of the mother.

For example, continuing the pregnancy may result in severe heart disease, malignancies and kidney failure. In these situations, when a woman is faced with a life or death decision, she must have the right to make a choice whether to continue her pregnancy.

The procedure referred to in H.R. 3660 has been used to protect the mother's life but many times these late term abortions are primarily done when the abnormalities of the fetus are so extreme that independent life is not possible.

Many times in the issue of abortion we tend to glorify a potential life but refuse to acknowledge the actual living human being that has conceived that life.

This actual living human being has rights enumerated in the Constitution that can not be infringed upon regardless of what type of abortion is being performed especially if it is to save the life of the mother.

If society picks and chooses which type of abortion one should have than once again we are taking away the right of a woman to choose.

I would be amiss I did not highlight the fact that the terminology being employed by proponent of this bill is a term with absolutely no medical or scientific meaning.

On the contrary, this term is a being used solely to enrage and misguide the public. In fact, this term was actually adopted from a speech given by an anti-abortion advocate. Hence, the attempt to assuage our concerns that this legislation is not an attempt to circumvent a woman's constitutional right is simply untrue.

Therefore, I will not use this non-medical term ''partial birth'' abortion, but instead give this bill the title it deserves, the ''Abortion Ban of 2000.''

H.R. 3660 is another attempt to put politics before women's health. The overwhelming majority of courts have to have ruled on challenges to state so-called ''partial-birth abortion'' bans have declared that bans unconstitutional.

Furthermore, six federal district courts have issued permanent injunctions against statutes virtually identical to H.R. 3660 and the Supreme Court is about to review this same issue in April.

Thus, I agree with my Democratic colleagues that any action by Congress would be premature and even mooted by the Court's decision.

Notwithstanding the potentially mootness of this discussion, proponents of this legislation not only mischaracterize the reasons underlying the use of late term abortions, but they failed to even recognize the constitutional rights espoused by the Supreme Court in Roe and reaffirmed in Casey.

The ambiguity of this legislation further frustrates the rights of women in the nation and chills legitimately protected rights.

Consequently, this legislation could essentially ban more one type of procedure because it fails to distinguish between abortions before and after viability.

These are just some of the many problems with H.R. 3660 and these alone should make anyone question the appropriateness of such legislation.

We cannot straddle the fence on this issue. It is either protect the rights of women or take them away completely.

Women have fought hard and long to have autonomy over their bodies and by putting restrictions on what type of abortions she is allowed to receive would put women back in the era of Pre-Roe v. Wade.

By banning partial birth abortions not only are we taking the right of women to have autonomy over their bodies but we are also taking the right of women to live their lives as healthy American citizens and sentencing them to death.

Mr. GREEN of Texas. Mr. Speaker, I appreciate the opportunity to speak in opposition of H.R. 3660. More importantly, on a very difficult decision for women and their families.

The subject of abortion has always been very controversial. The choice of whether or not to have an abortion is difficult and highly personal.

Although I do not personally support abortion, I do not feel that Congress should interfere in this extremely private decision and force its views on women through legislative means.

I can only hope that women faced with this decision would consult with their doctors, families, and religious counselors. This is especially true in the tragic instance where an abortion may become necessary late in a pregnancy.

This ban would leave the life and health of women unprotected. These exemptions have been consistently protected by the U.S. Supreme Court. There is no exception under this ban to protect the mother or her health at any point during her pregnancy.

In fact, Texas law bans all third-trimester abortions, except for those involving the health and life of the mother. I voted for this law when I was in the Texas legislature and would support it now if those exceptions were included.

This bill is nothing but a political maneuver. If the majority was interested in banning late-term abortions, they would allow us to vote on language that is identical to the Texas law. Until then, I cannot support this bill.

Mr. Speaker, I urge a ''no'' vote on final passage of H.R. 3660.

Mr. RILEY. Mr. Speaker, I rise today in total support of H.R. 3660, the Partial-Birth Abortion Ban Act of 2000. This legislation puts an end to this horrific and unnecessary procedure that results in the useless deaths of several thousand children every year.

Mr. Speaker, very little has changed regarding partial birth abortion since we last had the opportunity to take action against it. It is still opposed by nearly seventy percent (70) Americans. Hundreds of medical doctors, including former Surgeon General C. Everett Koop, still claim that the procedure is ''never medically necessary to protect the mother's health or future fertility.'' It is still performed ninety percent (90) of the time after the fifth month of pregnancy. Thirty (30) states still have banned the procedure since 1995. Two-thirds of the House still supports the ban, while the President still opposes the sanctity of human life.

As you can see, Mr. Speaker, the facts are clear. Partial-birth abortion is a brutal and needless procedure that it seems no one besides those in the White House think ought to be legal. I urge my colleagues to recognize our moral obligation to protect the unborn by supporting this legislation before us this morning.

Mr. LEVIN. Mr. Speaker, I oppose all late term abortions with exceptions only when the mother's own life is at risk or to prevent serious consequences to her health.

Unfortunately, we are again considering legislation which fails to provide these vital protections for the mother, a bill which will again be vetoed by the President. In addition, federal courts have blocked fifteen different state laws with similar or identical language because they do not contain health exceptions as required by the Supreme Court and because the term ''partial birth abortion'' has no medical meaning.

I would urge the Majority to allow this House to consider legislation—the Greenwood-Hoyer bill, of which I am a co-sponsor—that bans all late term abortions while offering the necessary and appropriate protections for the mother and that could become law.

Mr. STEARNS. Mr. Speaker, I rise in support of this bill. The rule and bill are fair and allows for an honest vote on the Partial Birth Abortion bill. H.R. 3660 allows for a clear vote in support of ending this heinous practice or a vote against life by opposing this legislation.

It breaks my heart that we have to debate this bill. It pains me that this procedure is being allowed to take place in our nation. I find it hard to believe that my esteemed colleagues can with good conscience oppose this rule or bill.

This bill is not about a medically necessary procedure, it is about abortion extremists pushing our country's moral limits over the edge. When I think of this procedure, I am reminded of the Nazi regime and their depraved view of the sanctity of life and I dread what the future holds for a generation that allows this procedure to occur.

Recently, I heard a compelling argument for banning partial-birth abortion. The question was asked, ''So would you accept the fact that once the baby is separated from the mother, that baby cannot be killed.''

The answer was dodged and was never answered other than, ''A baby is born when the baby is born.''

The discussion continued without ever receiving a clear answer from the advocate of this procedure. Why? Because when pressed, an abortionist can not clearly answer that question and at the same time defend partial-birth abortion. It is a terrible practice that kills a baby, a living breathing human life. If we began doing this to cattle or dogs, imagine the outcry we would hear from PETA and from the same members who defend this practice.

Obviously, the real question is when is a baby born? Is it when a foot is out? Is it when a hand reaches out of the womb? Is a child born only when their head has been delivered? I ask my colleagues that support this procedure to answer that question during general debate—if they can.

Pro-abortionist have no legitimate arguments to stand upon. They want to paint a picture that women are at risk so therefore they

should be able to take the life of the child. Let's face it, every pregnancy poses a risk to the life of a mother. Women by the very act of becoming a mother are unselfishly putting themselves at risk.

We should embrace all life as precious—the old, the young, the disabled, the unattractive and the unborn. How the Clinton-Gore Administration can with a clear conscience veto this legislation is beyond me.

Let's not repeat history and continue this Holocaust. I encourage my colleagues to support H.R. 3660.

The SPEAKER pro tempore (Mr. LAHOOD). All time has expired.

Pursuant to House Resolution 457, the bill is considered read for amendment and the previous question is ordered.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. FRANK of Massachusetts. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. FRANK of Massachusetts moves to recommit the bill H.R. 3660 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendments:

Page 2, line 18, after ''injury'' insert '', or to avert serious adverse longterm physical health consequences to the mother''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes in support of his motion to recommit.

Mr. FRANK of Massachusetts. Mr. Speaker, I regret very much that this has come to a motion to recommit. That is a consequence of the very lamentable refusal of the majority to allow any amendments to this bill.

Indeed, if I had my preference, this would not be a motion to recommit. There was a consensus measure worked out in a bipartisan fashion by the gentleman from Maryland (Mr. HOYER), the gentleman from Pennsylvania (Mr. GREENWOOD), and others; but it is not germane to the bill.

When the Committee on Rules would not allow that as an amendment, this became our only choice for recommittal. But I offer it, anyway, even though in the eyes of many, even if it passed, it would not make the bill fully acceptable. But it would clearly make it less damaging. Because here is what the bill does in the form in which it was presented.

It says that even if in the opinion of the physician a failure to use this procedure in these circumstances could result in severe physical harm to the mother, he could perform it only at risk of going to prison. It shows how extreme the bill is.

And I stress that because there are many who believe that this is a right a woman should have untrammeled legislatively who think this is too much, this amendment that I offer, of an impingement and would not support the bill. But others would feel differently.

The fact, however, is that the majority is so intent, I believe, unfortunately, on an issue that they will not allow even this amendment. Because I must tell my colleagues that while again this might be to the distress of many, an amendment like this would probably change enough votes so that a veto could be overridden.

If the intention was in fact to minimize this procedure to have it occur only when it was medically necessary, indeed the amendment offered by the gentleman from Maryland (Mr. HOYER) and the gentleman from Pennsylvania (Mr. GREENWOOD), the Hoyer-Greenwood amendment, would have been made in order and would have passed. And if it had passed, this amendment would not have been offered.

Failing that, this amendment at least reduces the harm. It is a restriction because it rules out mental health. I believe myself that there are often very good mental health reasons for allowing a woman to undergo this anguishing procedure. But this amendment concedes even that. It says, okay, they believe mental health cannot be trusted. I disagree.

But in the interest of, at least, trying to diminish the harm and draw some lines, we said, okay, can we at least get an acknowledgment that physical health, severe, long-lasting physical health can be a reason for this. And the majority says no.

That is a sign of a lack of willingness to be reasonable. It is a willingness to insist, I believe, on both a procedure, no committee, no amendment, and a bill that is so extreme that even adverse physical consequences to the health of the mother cannot be a reason. So that what we are talking about, as I said, is an issue and not a bill.

There could be a consensus in this House on trying to reduce the procedure and reducing late-term abortions. That is not what the bill does. The bill is a continuation in an ongoing political activity.

I will predict what will happen. The bill will pass. It will be vetoed. The veto override will be held. The veto override will be held so that it can be brought forward at a politically propitious time. And people will then be accused if they vote to uphold a veto of a bill that is very possibly unconstitutional, according to many circuits, they will be accused of a callousness, they will be accused of a disregard.

Well, the fact is that two separate amendments had been offered, which, if either had been adopted, would have led many people to have voted for a bill which would have substantially reduced the procedure either in terms of the physical health or, better yet, in terms of the lateness. Neither amendment was allowed.

If, in fact, people were trying genuinely to minimize this issue, one or both of those amendments would have been voted on and we could have gotten a law. But it is easy to predict what will happen. We will get no law. We will get a veto. We will get an override vote on a veto held late in the Congress.

This is a bill, I said it before and I am going to repeat it, with no committee hearing or markup, a bill which is the subject of severe debate in the courts, where the Federal circuit courts have divided and many have held this sort of legislation unconstitutional, does not even go to committee for the kind of constitutional examination that might help.

Then amendments are rejected, a bipartisan amendment widely supported. I noticed 14 Republicans voted against the rule. By Republican standards, they are a very disciplined lot. That is a great cataclysm, 14 Republicans voting against the rule, in protest against the arbitrary procedure.

So late in the congressional term, we will have a vote on an abortion veto override on a very rigid bill that makes no allowance even for the fiscal health of the mother after a procedure in which there was no committee and no amendment. That is a late-term abortion. It will come late in the term and aborts the legislative process.

Mr. CANADY of Florida. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, let me begin by making the observation that this motion is part of a long line of efforts to divert attention from the reality of what takes place when a partial-birth abortion is performed.

In the course of this debate, which has gone on not only in this Congress but in the two previous Congresses, we have seen attempt after attempt to change the subject, to cloud the issue, to confuse the American people, to mislead the Members of this House.

Now, while I certainly respect the intentions of the gentleman from Massachusetts (Mr. FRANK), I must humbly submit that this amendment is another measure which would simply divert us from what we should be focusing on, and that is the horror of partial-birth abortion.

Now let me point out a couple of things. First of all, the Members of the House should be well aware that H.R. 3660 already contains an exception for partial-birth abortions that are necessary to save the life of the mother.

During the course of this debate, it has been suggested otherwise. But for any Members who have any doubt about that, let me simply refer them to page 2 of the bill beginning at line 15, where the exception is stated with great clarity.

Now, second, Members should know that the health exception proposed by the gentleman from Massachusetts (Mr. FRANK) rests on a premise that has absolutely no basis in fact. And that is the premise that partial-birth abortion is necessary to avert any adverse physical health consequences to the mother.

The truth is that the partial-birth abortion procedure is a rogue medical procedure that is not recognized by the medical profession, was created and is used by a few fringe abortionists, and is never medically indicated to avert any health consequences to the mother.

My colleagues do not have to take my word for it. I would not ask my colleagues to take my word for that. Let us hear what the American Medical Association has to say about the procedure.

In a 1997 letter to Senator RICK SANTORUM, the AMA stated that the partial-birth abortion procedure is ''not good medicine and is not medically indicated in any situation.''

We have heard from other physicians who have made the same point time and time again. Former Surgeon General C. Everett Koop has stated that ''partial-birth abortion is never medically necessary to protect a mother's health or future fertility. On the contrary, this procedure can pose a significant threat to both her immediate health and future fertility.''

□ 1430

If you do not find those statements by physicians and representatives of the medical profession persuasive, listen to what the abortionists themselves have to say about this procedure. Dr. Warren Hern, one of the Nation's leading experts on abortion who authored a textbook, indeed it is the textbook on late-term abortion procedures, has stated, and I quote him, you really can't defend, those are his words, partial-birth abortion. He went on to say that he ''would dispute any statement that this is the safest procedure to use.'' According to Dr. Hern, turning the fetus to a breech position is potentially dangerous and, again quoting him, you have to be concerned about causing amniotic fluid embolism or placental abruption if you do that. That is what one of the leading abortionists in the country had to say about this procedure which he said he could not defend. So the argument that this procedure could ever be necessary to protect the health of the mother simply does not stand up to analysis.

I would urge the Members of the House to oppose this. Let me bring the attention of the Members of the House back to the reality of what we are talking about in this bill, the reality of what takes place when a partial-birth abortion is performed. Earlier in the debate, I mentioned that at the same stage of pregnancy when most of these procedures are performed, we see heroic efforts undertaken to save the life of the child in the womb. Here we have an example of surgery that is being performed to correct a condition that had been detected in a child in the womb. This was at around 21 weeks. The incision was made in the mother's womb, and the child voluntarily, an action, reaches out and grasps the finger of the physician who is performing the surgery. I ask you, as you consider your vote on this measure, to consider this image. Contemplate the meaning of this child's hand at 21 weeks' gestation reaching out of its mother's womb to grasp the hand of the physician. Consider our common humanity. Reject this motion and pass this bill.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the bill.

The vote was taken by electronic device, and there were—yeas 140, nays 289, not voting 5, as follows:

[Roll No. 103]

YEAS—140

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldacci
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Berman
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clay
Clyburn
Coburn
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
Delahunt
DeLauro
Dicks
Dixon
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hill (IN)
Hilliard
Hinojosa
Hoeffel
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Jones (OH)
Kelly
Kennedy
Kind (WI)
Kolbe
Lantos
Larson
Levin
Lewis (GA)
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moran (VA)
Morella
Napolitano
Obey
Olver
Ose
Owens
Pallone
Pastor
Payne
Pelosi
Porter
Price (NC)
Pryce (OH)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sandlin
Sawyer
Scott
Serrano
Shays
Sherman
Smith (WA)
Snyder
Spratt
Stabenow
Tauscher
Thompson (MS)
Thurman
Tierney
Towns
Waters
Watt (NC)
Waxman
Wexler
Wise
Woolsey
Wu
Wynn

NAYS—289

Aderholt
Allen
Archer
Armey
Bachus
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Borski
Boswell
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Coble
Collins
Combest
Condit
Cooksey
Costello
Cramer
Crowley
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeFazio
DeGette
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hinchey
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jefferson
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lee
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meek (FL)
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moakley
Mollohan
Moore
Moran (KS)
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Quinn
Radanovich

Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sanford
Saxton
Scarborough
Schaffer
Schakowsky
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Campbell
Cook
Cox
Crane
Vento

□ 1456

Messrs. HUTCHINSON, DEUTSCH, Ms. BROWN of Florida, Messrs. FORD, WEINER, SWEENEY, HASTINGS of Florida, and THOMPSON of California, and Ms. KILPATRICK, Ms. VELÁZQUEZ, Mrs. MEEK of Florida, and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from ''yea'' to ''nay.''

Messrs. SPRATT, BAIRD, FRELINGHUYSEN, and BILBRAY, and Ms. PRYCE of Ohio, Mrs. McCARTHY of New York, Ms. PELOSI and Mrs. KELLY changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CANADY of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 287, nays 141, not voting 7, as follows:

[Roll No. 104]

YEAS—287

Aderholt
Archer
Armey
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jefferson
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Oxley
Packard
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—141

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Boehlert
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gejdenson
Gilman
Gonzalez
Green (TX)
Greenwood
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hoeffel
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kilpatrick
Kolbe
Kuykendall
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Morella
Nadler
Napolitano
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Pickett
Price (NC)
Rangel
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Stabenow
Stark
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Woolsey
Wu
Wynn

NOT VOTING—7

Campbell
Cook
Crane
Granger
Portman
Velazquez
Vento

□ 1505

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. GRANGER. Mr. Speaker, I have been informed that my voting card did not register during final passage of H.R. 3660, rollcall vote 104. I intended to vote "yea" on passage of the "Partial Birth Abortion Ban Act."

Mr. PORTMAN. Mr. Speaker, because of a prior commitment, I was unavoidably detained and missed rollcall vote No. 104 today on passage of H.R. 3660, the Partial Birth Abortion Ban Act.

I am an original cosponsor of this legislation. Had I been present, I would have voted "yea."

PERMISSION FOR COMMITTEE ON BANKING AND FINANCIAL SERVICES TO FILE SUPPLEMENTAL REPORT ON H.R. 1776, AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000

Mr. LEACH. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Financial Services be permitted to file a supplemental report on the bill (H.R. 1776) to expand homeownership in the United States.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4011

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 4011.

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

There was no objection.

WILDLIFE AND SPORT FISH RESTORATION PROGRAMS IMPROVEMENT ACT OF 2000

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 455 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 455

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3671) to amend the Acts popularly known as the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to states for fish and wildlife conservation projects and increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating opportunities for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and execution of those acts, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 4 of rule XXI are waived. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendment printed in the report are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 455 would grant H.R. 3671, the Wildlife and Sport Fish Restoration Programs Improvement Act of 2000, an open rule, and waives clause 4A of rule 13 that requires the three-day layover of the committee report against consideration of the bill.

Further, the rule provides 1 hour of general debate, divided equally between the chairman and ranking member of the Committee on Resources.

House Resolution 455 makes in order the Committee on Resources' amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment, which shall be open for amendment at any point. The rule further waives clause 4 of rule XXI that prohibits appropriations in a legislative bill against the committee amendment in the nature of a substitute.

House Resolution 455 provides that the amendment printed in the report of the Committee on Rules accompanying the resolution shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole House.

House Resolution 455 waives all points of order against the amendment printed in the report.

The rule also allows the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. Further, it allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

□ 1515

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, the Wildlife and Sports Fish Restoration Programs Improvement Act of 2000, H.R. 3671, is a bill to enhance the use of funds available for grants to States for fish and wildlife conservation projects and to increase opportunities for recreational hunting, bow hunting, trapping, archery and fishing. The legislation accomplishes this by eliminating opportunities for waste, fraud, abuse, mismanagement and unauthorized expenditures.

The Committee on Resources held three oversight hearings examining the manner in which the Fish and Wildlife Service, through its division of Federal aid, administered and executed the Pittman-Robertson Act and the Dingell-Johnson Act. The hearings of the Committee on Resources made it clear that funds committed for the administration and execution of these programs had not been used for their stated purposes and that there was a general lack of fiscal accountability and management throughout the programs.

H.R. 3671 stops wasteful spending and mismanagement of the wildlife and sports fish trust funds and allows more money to be distributed directly to the States for conservation programs.

The legislation fixes what the GAO called, quote, ''one of the worst managed programs it had ever encountered by increasing accountability and restricting the administrative use of funds from the trust funds.''

Specifically, H.R. 3671 restricts the use of administrative funds reserved from Federal excise taxes on hunting and fishing equipment to purposes directly related to the Pittman-Johnson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act.

Further, the legislation established 12 categories of authorized costs for the Wildlife Restoration Act and Sports Fish Restoration Act and provides that administrative funds will be available for one fiscal year, after which all unobligated funds will be returned to the States through the apportionment formula.

H.R. 3671 also requires the Secretary of Interior to certify in writing the amount apportioned to each State and the amount obligated for administering those programs.

In addition, the Wildlife and Sport Fish Restoration Programs Improvement Act provides grants from the savings generated from the administrative changes in the bill to enhance firearm and bow hunter education and shooting range construction. The legislation also provides up to $2.5 million for the Secretary of Interior to make multistate conservation grants.

Finally, the legislation requires increased accountability within the Fish

and Wildlife Service, through certification of the use of funds and administrative restructuring.

The Committee on Resources reported H.R. 3671 as amended by a unanimous vote of 36 to nothing last March.

H. Res. 455 makes in order an amendment by the gentleman from Alaska (Chairman YOUNG) to increase the amount authorized to administer the Pittman-Robertson Act and the Dingell-Johnson Act to $7.09 million for each act, an increase of $5 million for each act with the reduction of these funds in later years.

The amendment also makes certain technical changes and changes to ensure that the bill language conforms to language in the existing statute, language that is not amended by the bill.

Finally, the CBO has estimated that enacting H.R. 3671 would have no net effect on the Federal budget. The Committee on Rules was pleased to grant the request of the gentleman from Alaska (Mr. YOUNG) for an open rule under H.R. 3671; and accordingly, I urge my colleagues to support H. Res. 455 and the underlying bill.

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

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

Mr. Speaker, I want to thank the gentleman from Washington (Mr. HASTINGS) for yielding me the time.

Mr. Speaker, this is an open rule. It will allow for a debate on the Wildlife and Sport Fish Restoration Act. As my colleague has described, the debate will be equally divided and controlled by the chairman and ranking minority member from the Committee on Resources.

The rule permits amendments under the 5-minute rule. This is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer amendments if they are germane and if they meet the requirements under House rules.

Mr. Speaker, the Fish and Wildlife Service operates two programs that give States grants to help conserve and manage their fish and wildlife resources, and there is widespread agreement the financial management for these programs needs to be improved. However, there is disagreement over the solutions in this bill. Much in the bill is a step in the right direction, but the restrictions in the measure could reduce the ability of the Fish and Wildlife Service to manage these programs.

This is an open rule, though, and Members will have an opportunity to improve the bill on the House floor, as long as their amendments meet the requirements of the House rules.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Ms. PRYCE), my colleague on the Committee on Rules.

Ms. PRYCE of Ohio. Mr. Speaker, I thank my distinguished colleague, the gentleman from the State of Washington (Mr. HASTINGS), for yielding me this time.

Mr. Speaker, I rise in strong support of this open rule. As a cosponsor of the underlying legislation, H.R. 3671 the Wildlife and Sport Fish Restoration Programs Improvement Act of the year 2000, I am pleased that this open rule will allow this body to fully debate this environmentally sound and fiscally responsible legislation.

H.R. 3671 addresses recently uncovered waste, fraud and abuse in two very important funds established by two different acts of Congress which provide money to the States for wildlife and sport fishing conservation programs.

Mr. Speaker, our Nation's sportsmen and women proudly contribute to wildlife and fish improvement projects every time they purchase fishing tackle, hunting gear, or any other sporting goods.

However, recent oversight hearings held by the House Committee on Resources and an audit conducted by the General Accounting Office have revealed widespread abuses and misuses of millions of dollars of these funds, which are financed by the excise taxes on sporting goods, guns, ammunition, fishing tackle, and motor boat fuel. In fact, the General Accounting Office has characterized this program as one of the worst-managed programs the investigator has ever encountered.

H.R. 3671 addresses and rightfully corrects these abuses by increasing accountability and reeling in the administrative use of these funds so that this waste of taxpayer money will not occur in the future.

Simply put, the money paid by our Nation's sportsmen and women will go toward wildlife and fish improvement projects, as the law specified, rather than on unauthorized expenditures, slush funds, alcoholic beverages, or overseas trips to exotic designations.

Mr. Speaker, H.R. 3671 goes to the very heart of why our constituents elected us to office, to safeguard their money and to ensure that it is spent wisely. As a fiscal conservative, my constituents sent me to Washington to reduce the size of bureaucracy, increase the efficiency of Federal programs, and improve the accountability of our government.

This bill represents the very checks and balances between the administration and the Congress which our Founding Fathers envisioned to control waste, fraud and abuse. Passage of this legislation will allow us to regain the trust of those who enjoy what our great outdoors has to offer and who seek to contribute to its conservation.

I would like to commend the gentleman from Alaska (Mr. YOUNG) and the House Committee on Resources for their bipartisan work in oversight in protecting the American taxpayer while at the same time increasing funds for true conservation. I urge adoption of this open rule and passage of the underlying bill.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 4 minutes to the gentleman from Alaska (Mr. YOUNG), the distinguished chairman of the Committee on Resources.

Mr. YOUNG of Alaska. Mr. Speaker, as has been stated before, we sought an open rule. The Committee on Rules decided to give us the open rule.

The law says that a percentage of that money, up to 8 percent for Pittman-Robertson and up to 6 percent for Dingell-Johnson, can be used for administration expenses.

We have found out, though, that the maximum percentage was used in 1998. $31 million was used for administration purposes. Throughout the 1990s, the percentage escalated from 2 percent or 3 percent all the way to the maximum, which is 14 percent.

Our year-long oversight project examined exactly how the $31 million was supposedly used to administer the important conservation acts. We found out, through the oversight, some very alarming things.

Mr. Speaker, I suggest respectfully, in fact, we found out that the money was spent not as the law said it shall be spent, not for administrative purposes.

The bill I bring to the House today is designed to make sure that not one dime of wildlife or sport fishing conservation trust funds are misspent again. We have been as accommodating as possible to concerns about adequate levels of funding for program administration, and with the open rule we want to be receptive to other ideas about how to make the conservation funds run more effectively.

The bill was developed during a 7-month process with 14 wildlife and fish sport groups representing each State. These groups conceptualized the solutions based on the oversight work of the Committee on Resources.

We held three oversight investigative meetings, and we had suggestions from those findings; and this bill is a result of those.

The law as exists today does not authorize those expenditures which occurred; but rather than argue over that point, we focused on solutions which are in the bill that I bring to the Committee on Rules today. My cosponsor and I decided to fix the loopholes that the Fish and Wildlife Service point to when they try to justify their expenditure of administration of trust funds. This bill caps the amount of administrative expenditures at $10 million. We spell out exactly what expenses are authorized to administer the program. We add reporting and auditing requirements. We create a transparent multiple-State grant program where $5

million of the funds were improperly used for unauthorized costs. We use some of the savings to enhance hunter safety and education. We create an associate director of Fish and Wildlife, and sport fish trust funds to raise the profile of these important conservation activities and look out for the conservation trust funds. These are solutions of the Pittman-Robertson, Dingell-Johnson acts, two acts that are vital to the conservation and restoration of wildlife and sport fishing in the country.

I have asked for only one amendment today under the rule that increases the level of funding from $10 million to $14 million, with a total level of funding of $19 million. We did this to ensure a transition period for 3 years during which there would be a slight reduction in staffing levels that manage that trust fund.

My amendment takes the authorized level down from 120 employees in 2001 to 100 employees in 2003. That adjusts the level upward thereafter based on the Consumer Price Index.

The amendment makes other technical changes to make sure that the bill conforms with other parts of the underlying Pittman-Robertson, Dingell-Johnson acts that are not amended. Other than that, we think we have a good bill. Overall, this is a good bill and should be passed and voted on by all my colleagues.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I appreciate my friend, the gentleman from Washington (Mr. HASTINGS), for yielding time on this important bill that really helps restore confidence with the people who worked to get this legislation enacted to start with. Both Pittman-Robertson and Dingell-Johnson have had the support of virtually every outdoor sports organization. They have had the support of people who sell the very things that are taxed under this legislation. Seldom do we have people who are selling a product come and say we would like that product to be taxed because it enhances the cause that we believe is important to enhance.

Of course, this current law levies excise taxes on guns, on ammunition, on archery equipment, on fishing equipment; and that is used to fund wildlife programs. What we have seen happen is that the percentages that the chairman just mentioned, the maximum percentages for administration have been far exceeded in expenditures that were beyond the scope of this legislation.

The House Committee on Resources had hearings where it appeared that as much as one-third of the money was being used in areas that were originally thought to be capped at 6 or 8 percent. That is not acceptable.

This bill establishes a cap on administrative costs. It creates 12 specific categories of costs so that we know for sure what is going in can count as administration. It prohibits funds from being used for functions where Congress has already appropriated money. That is what this process is about. It is not up to the Fish and Wildlife Commission to decide that the Congress did not appropriate enough, and so they will supplement that out of funds intended for other purposes. They need to come back to the Congress and ask for more money and justify that money in the regular way.

This then returns unused money to the States. It eliminates a $1 million directors' conservation fund. Some have suggested that that was a slush fund, and there is plenty of evidence to say that that is what it very well could be called.

I hope that we restore the confidence of the people who asked for this excise tax, who collect the tax, who see how the tax is spent, by approving the rule and approving the bill today.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Alabama (Mr. CALLAHAN), chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs.

Mr. CALLAHAN. Mr. Speaker, I suppose I rise to ask some questions possibly of the Committee on Rules members here today, and I wanted also to have the opportunity to address this question to the chairman of the full committee. I know that many have had thousands of phone calls, like I have, of people concerned with the fact that the Congress of the United States gave the Fish and Wildlife such excessive authority over the fining of people hunting for sport all over this country.

Specifically, it is my understanding that under current law there can be assessed to someone who owns a baited field, even whether or not he had anything to do with the baiting, if anyone is caught hunting, dove hunting over a baited field, the owner of the property can be assessed a fine of some $200,000; and the hunter can be fined $100,000.

I do not think anyone in this House and certainly no hunter that I know of would advocate the hunting over a baited field, but this type of excessive control that the Federal Government has in assessing these types of obnoxious fines to our hunters and to property owners should be addressed.

So I guess my question, Mr. Speaker, is can this be addressed in this issue? I know it is an open rule, but I know there are some limitations on what can be offered as an amendment. Would this bill today be the vehicle that we could use to begin addressing and reducing this situation that is causing such misery to hunters all over America?

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Alaska.

□ 1530

Mr. YOUNG of Alaska. Mr. Speaker, I appreciate the gentleman bringing this to the attention of the floor. We cannot address it in legislation. It would not be germane.

But I can assure the gentleman from Alabama that the bill that he voted on and I voted on and which I was a sponsor last year concerning this issue was not in the House bill. In fact, it was a clean bill that would really relieve the ''don't know,'' and have, as Fish and Wildlife was, issuing fines against those people. It was trying to take that away from the Fish and Wildlife.

The Fish and Wildlife Enforcement Group have interpreted the bill on behalf of Senator CHAFEE, who is no longer with us, may his soul rest in peace, but he put this in the bill in the waning hours, which none of us knew about. We have been made aware of this by the gentleman's hunters and my hunters and the people involved in Fish and Wildlife Conservation.

I have also suggested to the Fish and Wildlife not to interpret the law as the gentleman from Alabama mentioned. But we are going to try to address this issue in the very near future to make sure that the untold fines which are now being suggested be imposed upon individuals will not take place.

I am one that does not believe in the baited field, but many times this could occur unbeknownst to the knowledge of the farmer or, in fact, the hunter itself, and it is unfair to put this type of burden upon those people.

So I will do everything in my power to make sure that we address the fact that we never supported it.

Mr. CALLAHAN. Mr. Speaker, reclaiming my time just for a second, when can I go back and tell the people in Alabama that are so interested in this when some relief is going to be forthcoming? If this is not the vehicle, where is the vehicle to address this?

Mr. YOUNG of Alaska. Mr. Speaker, we hope that we will have a vehicle that the gentleman can do it, in fact the bill itself in the near future. I can assure the gentleman that we are well aware of this issue. I will suggest one other thing. It will be taken ahead of the next dove season. I can assure the gentleman from Alabama of that.

Mr. CALLAHAN. Mr. Speaker, I should hope so. I know the hunters of south Alabama will, too.

I hope that we can address this as expeditiously as we can, because it is wrong of us to give this authority. Whether or not it was done in the middle of the night in the Senate or wherever, the law is the law.

The people of Alabama do not violate the law. So we are not baiting fields anyway. But if he finds one kernel of corn of Fish and Wildlife, the game warden, then that property owner can be assessed a $200,000 fine under existing law. So I hope we can address it.

Mr. YOUNG of Alaska. Mr. Speaker, if the gentleman will yield, I have already informed the Fish and Wildlife of this issue; and, to my knowledge, there has been no fines of that amount, but they could occur. We have to change it so it could not occur. If there has been any fines placed after the passage of the law last year, they have been in the $100, $200, $300 range, and we expect to keep it that way.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Montana (Mr. HILL).

Mr. HILL of Montana. Mr. Speaker, I want to thank the gentleman from Washington for yielding me the time, and I want to thank the leadership for allowing this issue to come to the floor.

Mr. Speaker, we are living in a time when I think the cynicism about government is probably at an all-time high. It of course is because we have probably an all-time high in the number of scandals here in Washington.

The scandal that has given rise to this particular bill is that there has been a raid on the sportsmen and women's trust funds. The sportsmen and women in this country have supported an excise tax on guns and ammunition and fishing equipment and archery equipment, which it goes into a fund, the purpose of which is to support conservation efforts and promote hunting and fishing.

Now, what we have discovered is that, in recent years, these funds have been raided using what the General Accounting Office has described as a shell game. The Fish and Wildlife Service created slush funds to circumvent the intent of Congress.

The General Accounting Office described the management of these funds, and I quote, ''one of the worst managed programs that it had ever encountered. In some instances, even the General Accounting Office could not determine where the money went or how it got spent.''

In another instance, the General Accounting Office reported that the Fish and Wildlife Service had placed these dollars into a fund that was not even authorized to circumvent their own criteria for the approval of the spending of the projects.

In another instance, they created an unauthorized administrative grant program to fund programs that were not supported by Congress.

There is an instance, for example, where the director tried to get an employee to fund an anti-hunting project using the funds that came from hunters' supported excise tax.

It is important for us at this point to rebuild public confidence and support for hunting and fishing. This bill is important because it will restore confidence in these programs. But it is also important that taxpayers know that, when they pay taxes, the money is going to be spent for the purpose that it was intended.

It has been commonplace in the Clinton-Gore administration to raid trust funds. They have raided the highway trust fund. They have raided the aviation trust fund. They have raided the Social Security trust fund. They have raided the Medicare trust fund. They have even raided the Wildlife trust fund.

I support this bill. I am proud to be a cosponsor. I urge my colleagues to support the rule and support the bill.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I laud the gentleman from Alaska (Chairman YOUNG) for this legislation.

Mr. Speaker, I grew up in a little city called Fresno, California. I had 11 uncles that taught me how to hunt and fish. As a matter of fact, one time I threw a gum wrapper down in the woods, and my grandfather picked me up and threw me in a stream. I did not do it again.

The opportunity to enjoy the woods, to enjoy the fish and game that our forefathers have is very, very important. We have had legislation on this floor like the tuna-dolphin that allowed us, not only to save dolphin, but to preserve our fish species and not destroy our bycatch.

We have had bills on shark finning to preserve, even things that I do not like because I am a diver, sharks. But it is science based in its nature. People that most use the resource are the ones that are going to pay for it.

The Sportsmen's Caucus, made up of Republicans and Democrats and conservationists and environmentalists, support this legislation. We have a vision, not just for right now, but 100 years from now so that my children and my grandchildren will be able to use these resources.

Organizations like Ducks Unlimited that have put billions of dollars into habitat to bring about the restoration of ducks and geese across this country. Accountability, effectiveness, responsibility, and science based are some of the things that go into this particular bill.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, I thank the gentleman from Washington for yielding me this time.

Mr. Speaker, I would like to make two points here today. The first point is about Fish and Wildlife as an organization has done some magnificent things around the country. In my district in particular, they have helped enhance the marine ecosystem for the fisheries in the Chesapeake Bay. They have helped enhance wildlife habitat corridors to protect wildlife and keep the Eastern Shore of Maryland and much of Maryland in a beautiful state, in an environmental condition that we can be proud of.

The Fish and Wildlife has also worked in my district to help preserve agriculture and make it profitable by a collaborative effort with a number of Federal, State agencies, and the private sector. So the Fish and Wildlife is out there, and they can do a magnificent job that is worthy of all of us.

But what we do not want to have happen is those few dollars that are available for when official Fish and Wildlife can do a substantial job to be taken away and spent in an unwise fashion where there is no criteria.

The bill of the gentleman from Florida (Mr. YOUNG) addresses two specific problems that we have come across through a series of hearings. One, and this is, in essence, a misdirection of dollars that are badly needed at all of our congressional level districts.

Number one, the Director's Conservation Fund. The Director's Conservation Fund was used solely at the discretion of the director. No criteria existed for making grants under this unauthorized fund.

So what is the solution? The bill provides a solution. This bill will restore the good faith of sportsmen and women in this successful program by eliminating unauthorized expenditures through the Director's Conservation Fund, reducing disproportionately the high amount for overhead. So that is the Director's Conservation Fund.

The other problem has been there were several instances in which Fish and Wildlife Service use conservation trust funds for wildlife and sport fish to pay for other service needs. These were salaries, these were a whole range of things, travel and so on.

So what is the solution? The solution to spending these Federal aid program dollars in areas where they should not be spent is that this legislation eliminates extra funds for the Fish and Wildlife Service to use for inappropriate expenditures. We fix the amount available and limit what it can be spent on. That means that we fix the amount that can be spent on administrative services and ensure that a majority of those dollars, if not 99 percent of those dollars, that people pay excise taxes for will be given to the Fish and Wildlife.

With the cooperation of Members of Congress, other Federal agencies, the Fish and Wildlife Service can do the job that we all want them to do throughout this country, and that is preserve the natural heritage of Fish and Wildlife that our forefathers experienced in the past, we experience now in the present, and unseen generations to come will be able to enjoy that pristine natural environment.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. BARCIA).

Mr. BARCIA. Mr. Speaker, I rise today in strong support of H.R. 3671, the Wildlife and Sport Fish Restoration Programs Improvement Act. I want to commend the gentleman from Alaska (Mr. YOUNG) and the members of his committee for his diligence in uncovering the abuses that this legislation seeks to rectify and for introducing this bill which will ensure the conservation funds will be spent where they are most needed and where they were originally intended to be spent.

I would also like to thank the chairman for his dedication to protecting the rights and interest of sportsmen and women across the country who have contributed to this fund for well over 60 years.

As a member of the Congressional Sportsmen's Caucus and cochair of the Congressional Task Force on Bowhunting, I have been carefully monitoring the issue and criticism over the misuse of funds by the Fish and Wildlife Service. I was very concerned when I heard that the money was being spent, not on the administration of the act, but on unrelated trips, unauthorized bonuses, and the funding of other departments within the Fish and Wildlife Service.

This legislation addresses these administrative abuses and ensures that sportsmen's dollars will be used to benefit fish and wildlife conservation efforts. It also provides firearm and bow hunter education and safety training and establishes an assistant director for the Wildlife and Sport Fish Restoration Program whose sole responsibility will be the management and administration of the Wildlife and Sport Fish Restoration Program.

Overall, the bill will prevent conservation dollars from being spent in ways that do not help conservation. It will send more money to the States for them to use for conservation projects.

I wholeheartedly support this legislation and urge its immediate passage.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER), former chairman of the committee.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time.

Mr. Speaker, several Members have come to the floor to tout the findings of the General Accounting Office as necessary proof of the proposed reforms in this legislation. In most instances, I believe that GAO provides an important and impartial perspective to enable the Congress to assess the circumstances underlying any policy issue. I believe we all share this view.

But I have had time to reassess the information provided last year by the GAO. Frankly, Mr. Speaker, the more I have read and learned, the more concerned I have become about GAO's performance during the conduct of this investigation.

Contrary to the assertions made by the majority, I am sure that many Members of this House would be surprised to learn that GAO never filed a final report for their investigation. In fact, all of the assertions attributed to GAO were based upon preliminary findings, findings that in many instances were partial and failed to include important information.

Rarely have I seen such an example of cut and run analysis. I want to take just a few minutes to share some examples for the benefit of Members unfamiliar with this investigation.

For example, the Committee on Resources heard from GAO that the Fish and Wildlife Service had lost roughly $85 million in Federal aid funds. But upon closer inspection of the Fish and Wildlife Service's own internal account reconciliation process, it was revealed that only about $7 million was unreconciled at the time that GAO made that claim. GAO did not provide any reason for this oversight in their analysis.

To clarify this matter further, I am pleased to report to my colleagues that it is my understanding that the Service's reconciliation process has now reduced the outstanding total to around $700,000. A full accounting for all funds is expected soon.

More importantly, it appears that these funds were never lost in the first place. Had GAO's investigators gone to the Service's own Division of Finance, they would have found corresponding account information to fill in the gaps between the incomplete financial records kept in the Federal Aid Office. But GAO investigators never bothered to make a trip to Denver to look into this matter.

We also heard from GAO that the Fish and Wildlife Service was negligent in implementing GAO's recommendations after GAO's 1993 investigation into the Sports Fish Restoration Program. But in fact, the Fish and Wildlife Service has implemented almost all of GAO's previous recommendations. However, again, GAO failed to include in its preliminary findings any recognition that the Service had, in fact, implemented its recommendations.

□ 1545

Normally, these types of errors are corrected during the close-out review of the Federal agency under scrutiny. But because the GAO declined to file a final report, these errors were allowed to stand uncontested.

Mr. Speaker, I would like to submit for the RECORD this table of reforms that have been initiated by the Fish and Wildlife Service to address concerns raised by the GAO and by other critics of the financial management practices of the Office of Federal Aid. They speak for themselves.

These are just a few of the glaring examples of the flaws in the GAO's analysis; and I am left to wonder whether GAO really has, in fact, provided an objective analysis has in fact provided an objective analysis or has been more motivated to justify the preconceptions raised by the majority or the GAO itself.

The gentleman from Alaska has repeatedly referred to the statement made by the GAO asserting that the Office of Federal Aid was one of the worst-managed programs GAO has ever investigated. While I make absolutely no apologies for the shoddy past financial management at the Office of Federal Aid, I find GAO's performance lacking and disappointing.

The Congress relies on GAO to make these kinds of objective analyses, and they should be beyond reproach. In this case, I do not think that is the case. I will get into more detail in general debate about some of the corrective actions that the committee has taken, some of which are justified and others that I think are going to keep this agency from doing the type of proper job it should do in administering these programs.

Mr. Speaker, I submit for the RECORD the table of reforms I referred to earlier.

CORRECTIVE ACTIONS TAKEN BY THE SERVICE ON FEDERAL AID ISSUES

1993

Initiated a new budget review process to ensure that all requests for Federal Aid funds are adequately justified.

Began maintaining files of all direct charges to the Sport Fish program.

Transferred Take Pride position out of Federal Aid Office.

Required Management Assistance Team (MAT) and others in Federal Aid to charge for their services.

1994

Reduced amount of Federal Aid Administrative funds used for General Administrative Service account. Required that calculations be reviewed annually.

Ended the practice of charging overhead costs to the state grants portion of the acount.

Implemented the practice of describing cross program initiatives involving Federal Aid in the FWS Budget submission.

Instituted a new cost recovery policy which established a minimum standard rate to be charged for administrative costs.

Published in the Federal Register the policy and procedures for funding Administrative Grants projects. Published annually from 1994–1998.

1996

Initiated a new program to audit the State's use of funds apportioned under Wallop-Breaux/Dingell-Johnson and Pittman-Robertson Programs.

Began to design a new grant management information and tracking system.

1997

Issued guidance to Regional Directors stating that all charges against Federal Aid must be approved by Appropriations Committee. Issued during September of 1997 and again on August 16, 1998.

1998

Began the process of reconciling differences between Federal Aid Office grant records and the Service's Division of Finance's records.

Requested Defense Contract Audit Agency (DCAA) to develop an audit program for administrative funds; DCAA advised that they were unable to do so.

Developed National Training program for Federal & State employees involved in grant activities.

Began working with Customs, IRS, BATF, IAFWA, Wildlife Management Institute, industry and staff from Sen. Breaux and Rep. Tanner to review excise tax collections in Treasury. Eventually recovered more than $20 million in excise taxes not credited to the Federal Aid programs, and another $20 million for the Migratory Bird Conservation Fund.

Published Notice in the Federal Register soliciting public input on alternative methods to fund administrative grants program. Also stated in that Notice that the present program needs to be eliminated or improved. (9/16/98)

1999

Implemented FAIMS (Federal Aid Information Management System), the grant management and tracking system. (1/99)

Announced decision to terminate the Director's Conservation Fund. (3/99)

Established a State/Federal Review Team to evaluate Washington and Regional office administration of Federal Aid program. (3/99) Team met formally during July and August.

Announced in a letter to the IAFWA (International Association of Fish and Wildlife Agencies) plans to terminate Administrative Grants Program. (5/12/99)

Announced in the Federal Register the termination of the Administrative Grants Program. (7/26/99)

Reviewed contract under which GAO says it is unclear whether the Service or contractor should receive over $100,000 collected. Determined that money was reimbursement of contractor copying costs, not profits. (7/99)

Established an inter-office Financial Management Team to address financial management weaknesses in the Federal Aid Program.

Mr. HALL of Ohio. Mr. Speaker, the rule is a good rule. It is open. We have no problem with it. We urge a ''yes'' vote on the rule.

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

Mr. HASTINGS of Washington. Mr. Speaker, I too urge my colleagues to support the rule and the underlying bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 455 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 3671.

□ 1547

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3671) to amend the Acts popularly known as the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects and increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating opportunities for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and execution of those Acts, and for other purposes, with Mr. BURR of North Carolina in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 30 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, listen to these words. They tell us why this legislation is urgently needed.

''We don't want legislation to put us in a tighter box. If another need for this money comes up in the future, we want to be able to direct money to do it,'' says the deputy director of the United States Fish and Wildlife Service about this bill in the March 2000 issue of Outdoor Life.

The deputy director's words were a plea for help and this bill answers that plea. Those who oversee this program still want to use wildlife and sport fish money, paid by sportsmen, to create slush accounts and fund other unauthorized needs.

This bill assists the Fish and Wildlife Service in their administration of the programs by providing clear direction on what they can do when administering these wildlife and sport fish trust accounts. The bill eliminates the broad discretionary authority that supposedly gave them the permission to spend wildlife and sport fish trust accounts on things like slush funds and other unnecessary foreign travel. This bill prevents abuses and protects the trust funds. This bill does not choke the administration of the wildlife and fish trust accounts. It makes them lean, and it makes them manage the money accountably.

This bill maintains the integrity of the two acts by ensuring the funds will be used for true administration by authorizing exactly what the administration funds may be spent on. This includes things like personnel, direct support costs, costs to make grants, and actual overhead costs.

It will ensure that millions of excise tax dollars paid by sportsmen and women on guns, ammo, archery equipment, and fishing equipment will go to the States to improve opportunities to enjoy hunting and fishing, enhance hunting safety, providing conservation projects to improve habitat, and a variety of other wildlife and sport fishery restoration projects that benefit all Americans.

The bill caps the amount of administration dollars at $10 million for both programs for true program administrative needs, plus $5 million for the multistate grant program that the Service improperly funded from administrative money. These program reforms deliver more wildlife and sport fishing restoration dollars to the States.

Because of past abuses, several certification, auditing and accounting requirements are added. These requirements will ensure that the committees in the House and Senate and the public will get what we need to confirm that the wildlife and sport fish trust funds are administered cleanly and effectively.

We authorize a multiple-state conservation grant program to fund wildlife and sport fish restoration properties or programs that will benefit both groups of the States. Often States wish to cooperate with conservation projects, and this program will allow them to do so; $5 million, split between wildlife and sport fish, are authorized for this purpose.

With some of the savings we achieve in the bill, we authorize a firearm and bow hunter safety grant program to assist States to enhance firearm, hunting and archery education programs, and ranges and safety programs.

We found a lack of accountability within the current Federal Aid program that administers the accounts. We found that Federal Aid managers lacked control over their own resources. As a result, we elevated the chief of the Federal Aid program to the level of assistant secretary.

The new position is the assistant director for Wildlife and Sport Fish Restoration Programs, who, organizationally, reports to the director. This structure elevates one-third of the total fish and wildlife service budget and places it squarely in the director's office. The sole responsibility of the new assistant director will be the management, administration, and oversight of the Wildlife and Sport Fish Restoration Programs.

Every Member should support this legislation. I knew that we had to press on and make these reforms rigid when I read what the deputy director of the Service said about this bill in the March 2000 issue of Outdoor Life.

I urge the House to support this important legislation and ensure that the taxes paid by sportsmen and women benefit wildlife and sport fish conservation and restoration in the States. By

supporting this legislation, we will prevent excise taxes, paid by our constituents and earmarked for our game and fish departments, from being improperly used and squandered by the Federal Government.

It is our job to protect the sportsmen and women who pay the tax in each of our districts. Vote for this bill. Do something we should have done more around here, and that is to provide solutions to eliminate waste and fraud and abuse by the Federal Government. It just so happens doing it this time means more wildlife and more sport activity for the people in our districts.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

In just 3 weeks, we will be celebrating the 30th anniversary of the first Earth Day. And just like the return of spring, the coming Earth Day has spurred the majority to renew their annual migration to the House floor with legislation to supposedly demonstrate their concern and support for the environment.

This is legislation that does both of those things, it tries to express their concern for the environment and also to clean up some problems within the sport fish restoration program. But I am afraid this legislation goes too far.

In its desire to seek out waste, fraud, and abuse, I believe that this legislation, in fact, will end up, if kept in its current form, undermining the ability of the Fish and Wildlife Service to administer an account for roughly $450 million to support wildlife and sport fish conservation activities in the States.

As we sat through the hearings, I must say that I share some of the concerns that the gentleman from Alaska (Mr. YOUNG) has outlined in his desire to improve the performance of this program within the agency. But unfortunately, the legislation, as it stands before the House today, I think makes cuts that are far too severe and imperil the ability of this agency to administer the programs to the States or, in fact, even put additional burdens on the States for which they will not have resources to do; and I will elaborate on that point later in the debate in this legislation.

I think it is important to remind our colleagues that the Fish and Wildlife Service is recognized and admitted substantial errors that have been made. Serious reforms have been initiated by Fish and Wildlife Service Director Jamie Clark to improve the enforcement of financial policies and procedures, including the termination of discretionary grant programs, the hiring of a new Federal Aid expert to closely oversee the Federal Aid Office, the establishment of strict new policies for travel and expenses, and the initiation of new training programs for Federal and States employees.

These moves indicate to me that the Service is aggressively taking action to clean up this mess. Has the Service acted quickly enough to address these problems? Certainly not. But is the Fish and Wildlife Service now making a serious effort to clean up the administration of these programs? I believe they are. It is unfortunate the majority has decided to ignore these internal reforms.

Which brings us to where we are today. When the majority concluded its investigation, I hoped that we might be able to work to draft legislation sufficiently tailored to ensure long-term financial accountability of this program. But so far we have been unable to do that.

I have several concerns about this legislation. Foremost is my concern that the bill would severely cut the amount of allowable funding for the Service to administer the program. As reported by the Committee on Resources, the bill would have established a $10 million per-year cap to fund administrative activities which the majority claims would track existing costs for legitimate administrative functions. However, the Fish and Wildlife Service indicates that the personnel costs alone amount to $9.5 million annually.

Furthermore, when the service analyzed past spending, organized by the majority's own 12 expense categories, and when the Service backed out the illegitimate expenses, the costs for administration consistently ranged between $20 million to $25 million. Clearly, $10 million is simply not sufficient to engage in the proper practices.

It is my understanding that the funding levels imposed by this cap would force the Service to terminate anywhere between 40 to 60 Federal Aid employees. In addition, the caps would also force the Service to cut back on important administrative activities, including State grant audits, budget oversight, and procedural training for Federal and State personnel. How is the Service supposed to provide increased oversight, accountability, and services to the States under this scenario?

I ask if my colleagues' offices would be able to provide the same level of services to their constituents if they were forced to cut their office staff and operating budgets by 30, 40 or 50 percent? Of course not. But that is what this legislation would impose on the Service.

I am also concerned the bill does not provide any administrative flexibility for the Fish and Wildlife Service to respond to unknown future expenses that could be imposed on the Service. For example, if the CARA legislation should pass, it would allocate an additional $350 million to the Pittman-Robinson programs, but it would not allow any additional funding for that program. I hope we can either address that problem in this legislation or in the follow-along CARA legislation.

I find it remarkable that the majority insists that the workload of the program could virtually double overnight but would not provide additional administrative funds to the program.

I am also concerned that the bill does nothing to ensure the States who receive Federal funds are held accountable on how they spend their grants. After all, the States receive 93 percent of all the Federal Aid funds, roughly $450 annually. Yet the audit of State programs has uncovered many troubling examples of financial abuse, very similar, if not identical, to the problems uncovered in the Federal investigation of the Federal agency.

I find it interesting that the committee would focus its attention exclusively on how the Fish and Wildlife Service spends its funds, which total about $31 million, but fail to address the credible evidence of similar financial mismanagement among the States that spend more than 10 times that amount of money.

Perhaps this indifference reveals the true nature about this legislation. It is less about the avoidance of spending money unlawfully than it is about punishing the Service.

I am disappointed that we have been unable to resolve these substantial concerns and other problems that I have raised with this legislation. I would have preferred to resolve these matters before bringing the bill to the floor. Hopefully, they will be resolved before this legislation is reported from the Senate.

I would hope that the majority would understand that to seek signature on this legislation some of these concerns, that are legitimately raised by the Fish and Wildlife Service, by some of the State agencies, and by supporters of this program, will have to be changed if the agency is, in fact, going to effectively administer the Office of Federal Aid; and if they are going to be able to administer the programs as we on the committee now agree they should be, which resulted from the hearings and the investigations that the majority led into this agency.

I guess, in short, I would simply say this: I believe this legislation is on the right track, but I believe it is overkill.

□ 1600

I believe it is overkill, to the extent to which it can render the agency ineffective to do exactly the mission that is outlined in this reform legislation.

I would hope that the principals of this legislation could work out so there could be sufficient funding that would allow the agency to do its job properly, there would be the reforms that the legislation speaks to to make sure

that, in fact, monies are spent properly for the purposes for which people pay into this fund and for which those of us who make the policy on this matter expect them to be paid.

The agency must be allowed to function, and I would hope that those needs could be addressed.

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

The CHAIRMAN. The Committee will rise informally to receive a message.

The SPEAKER pro tempore (Mr. HASTINGS of Washington) assumed the Chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

WILDLIFE AND SPORT FISH RESTORATION PROGRAMS IMPROVEMENT ACT OF 2000

The Committee resumed its sitting.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. DELAY), the great leader in the House.

Mr. DELAY. Mr. Chairman, last year, congressional Republicans fought tooth-and-nail to cut waste, fraud and abuse out of a bloated Federal budget. We were successful, but we have only just begun.

This year we remain vigilant in our crusade to return accountability to the Federal Government, and, today, thanks to the chairman of the Committee on Resources (Mr. YOUNG), we are taking another important step by bringing this bill to the floor.

This measure will eliminate waste, fraud and abuse at the Fish and Wildlife Service and restore integrity and accountability to our conservation programs.

Last century, America's sportsmen agreed to excise taxes on sporting equipment so that others could enjoy hunting, fishing, and other outdoor activities. In doing so, they placed their trust in the Federal Government to administer these funds, their hard-earned dollars, for State conservation efforts.

This system worked for decades, but this administration has shattered that trust. A yearlong committee investigation revealed that half the money set aside to administer these programs, over $15 million, was improperly used.

But do not just take my word for it. The GAO report, and I quote, ''to our knowledge, this is, if not the worst, one of the worst managed programs we have encountered.''

Mr. Chairman, this bill ensures that the government manages the people's money wisely. I urge my colleagues to support this bill and restore trust between America's sportsmen and their government.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 4 minutes to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, I thank my colleague, the gentleman from California for yielding me the time.

Mr. Chairman, while I support this bill, I do have some concerns about it, and at the appropriate time, I will offer an amendment that I think can set the stage for addressing those concerns.

As the gentleman from Alaska (Mr. YOUNG) and others have noted, this bill was prompted by information developed by the Committee on Resources through the oversight process.

As a result of that oversight, it became clear that it would be desirable to revisit the underlying statutes at issue here; although, I think it is also clear, as my colleague from California suggests, that some of the charges about the actions of the current administration have been exaggerated, and that those folks making those charges have failed to point out similar actions that occurred during prior administrations.

The programs of assistance to state and wildlife agencies addressed by this bill are very valuable for my home State of Colorado and, of course, for all the other States that make up our union. This bill deals with a very important subject that deserves careful scrutiny by the Committee on Resources and by the whole House itself.

I do think that Congress does need to reconsider the degree of discretion that current law allows the Interior Department with regard to the administration of these programs.

However, in responding to the ways the Interior Department has used its discretion in the past, I fear that the bill may go too far in the other direction.

Mr. Chairman, I certainly understand the purpose of limiting the amount of money that can be spent on administration, because obviously, what is spent that way will not be available for the substantive purposes of the programs, but at the same time, we need to recognize the administration is necessary and adequate administration is essential to avoid the risk of misuse of taxpayer funds, either by the Department of Interior or by other parties.

That is why I am concerned when the Interior Department says that limits set by the bill would likely require reduction in the number of people who would administer these programs because adequate staffing is necessary to administer any program.

I am also concerned that the bill's provisions are too inflexible and too detailed and that even more specific requirements are suggested in parts of the committee's report on the bill.

Accountability is essential, but excessive paperwork for its own sake can eat up resources that could be put to more productive uses. And I do not think we should make it impossible for the Interior Department to respond to new developments, such as the very significant and very desirable increase in the scope of these programs that would come from the enactment of H.R. 701, the CARA legislation which the Committee on Resources has already approved, and which I hope will come to the floor of the full House in the near future.

As I said, I support the bill. I will do so not because I think it is perfect, but because I think it is desirable to make some progress on this subject.

It is my hope that we can further refine the bill as we proceed through the legislative process with the other body and, if necessary, in conference. However, should that not occur, our committee and the House may be better advised to return to this subject next year.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just like to remind both of my speakers on that side of the aisle my amendment raises the fund from $10 million to $14 million with a $5 million grant that is $19 million, and I had information from the Department that said that they could operate very well with $19 million.

We expect a decrease of personnel probably of 23 members of the total aid program, and that is all. What we are trying to do here is not this administration is future administrations, this administration is on its waning days, but future administrations, regardless of parties, will not have the opportunity to use these dollars that are paid in good faith by the sportsmen of America and then misspent.

Even those within the agency today have told me privately, yes, they made a mistake, and they really would suggest that we are doing the correct thing. We will review this. We will have a very simplistic audit system. I have agreed to that. We will work with those people involved and make sure that in the future time, we will be able to see where they have been able to reach those goals.

In closing, may I suggest, I have asked them time and time and time again, give me the figures where they need it and how they want to spend it, and the agency itself has been reluctant. In fact, they have stonewalled us. I am trying to get those figures. I am working very hard.

Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Chairman, I rise in support of the accountability and responsibility to stop wasteful spending and mismanagement of wildlife and sport fishing funds. The impropriety of the U.S. Fish and Wildlife

Service in spending taxpayer dollars for slush funds and unauthorized programs and projects is an abuse that must come to a stop.

The Service has failed to return leftover funds to the States for conservation purposes, funds paid by sportsmen and sportswomen. Even worse, the General Accounting Office has acknowledged that in its 106 years of experience, this is what it said, it said ''this is, if not the worst, one of the worst managed programs.'' That is a quote that they have given, and that is the way they feel. And I believe that that is accurate.

We have an opportunity to provide oversight to a program in desperate need of reform. The Wildlife and Sport Fish Restoration Programs Improvement Act would return honesty and responsibility to the administration of the programs under the Pittman-Robertson and Dingell-Johnson Acts.

Mr. Chairman, I encourage my colleagues to support this measure that not only reduces bureaucracies but prevents waste, fraud, and abuse.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield such time as he may assume to the gentleman from Michigan (Mr. DINGELL) who has been obviously a very strong supporter of this program and a strong voice for reform.

Mr. DINGELL. Mr. Chairman, I thank my good friend from California (Mr. GEORGE MILLER) for his kindness to me in this matter.

Mr. Chairman, I ask the attention of the gentleman from Alaska (Mr. YOUNG), my good friend, the chairman of the committee, but before I do so, I want to pay tribute to the gentleman from Alaska (Mr. YOUNG), the chairman of the committee, and the gentleman from California (Mr. GEORGE MILLER), my good friend, for the fine leadership they have given in working this bill to this point on the House floor.

It is an important piece of legislation. It enhances and protects a great national treasure which are the different Federal aid to fish and wildlife programs which have existed for a long time.

I am particularly proud that one of these was the Pittman-Robertson bill, which takes care of grants to the States for aid for wildlife conservation and, of course, Dingell-Johnson which was sponsored by my old dad some 50 years ago, which protects fish and fishery resources.

This is the kind of bipartisanship that has always been shown during this legislation. It does both of these gentlemen and the committee great credit, and I want to commend them and thank them for what it is they have done and for working with me on this matter.

Mr. Chairman, one matter not addressed in the bill, I believe, would be very important in the entire question of administration of Federal aid program, is an independent outside top-to-bottom review to determine how many people are needed to administer it and what mixture of skills they should have. Your able staff has undertaken to develop a staffing model, and Fish and Wildlife has offered what they believe is an appropriate level of funding.

I do believe that an outside review by experts without any stake in the outcome would be beneficial.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I am happy to yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I agree it is my understanding that the Fish and Wildlife Service has authority to undertake this review in a fairly rapid manner. My only concern that any review is truly independent of undue influence. For that reason, I agree with you provided the service and the reviewer consult with the House Committee on Resources prior to and during the review.

The committee must agree with the parameters of the review and we must be advised of the process of the review.

Mr. DINGELL. Mr. Chairman, I agree with my good friend that the Service should, in fact, start such a review. It is my hope that that will take place and that they should make every effort to have it completed within 120 days and to be without any taint of outside influence.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield further?

Mr. DINGELL. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I strongly agree with that but with the understanding the review does not stand in the way of getting this bill enacted into law. I want to make sure we go forth with the law, the review can come after the law, because I am looking at the next administration, we do not want the abuse that occurred in the past administration.

Mr. DINGELL. Mr. Chairman, reclaiming my time, I do want to thank my good friend, I want to continue my comments, and I am going to try and watch my time very closely, I say to my good friend, the ranking member. These are important programs. They are great national treasures and they are a curious example of legislation which is protected by people who pay taxes, and the taxpayers and the sportsmen who pay the taxes are those who are the strongest supporters of this legislation.

Mr. Chairman, I want to commend the gentleman for having this GAO accounting and I want to commend him for the work which he has done to present this legislation to the House. I would like to observe that the situation has gotten into a bad state, and I would like to make an observation that this is regrettably something which does continuously require the attention and the oversight of the Congress.

I would like to observe that the situation that has been brought to light is not a good one, and it is one which desperately needs correction for the protection of the fish and wildlife resources to which these monies will be put.

I would like to observe, however, that a lot of time that programs of this kind become the subject of abuse simply because the appropriators and the Committee on the Budget are often times responsible for seeing to it that these monies become the go to fund for initiatives and expenses that were never authorized by Congress or programs that Committee on Appropriations sort of deals with a wink and a nod or the Committee on the Budget does to see to it that these monies are spent in a way that the legislative committee never intended.

Mr. Chairman, certainly, that is a bad situation and hopefully, this legislation will help to bring that kind of situation under control. The basic program is, however, a sound one and a good one. I believe that the limitation on expenditures for administrative purposes and others is a good one.

It may, perhaps, need to be increased, but at least at this time it is a useful device, not only to curb abuses within the agency, but also to curb abuses by the Congress and by the appropriators and by the Committee on the Budget enforcing the use of these kinds of monies for purposes that the legislative committees have never intended should be the expenditure.

Having said that, I would observe that I believe that as the process goes forward that this Congress will work together to achieve a resolution of any differences and difficulties that exist across the aisle or between different Members. I am satisfied that as we work this legislation out, it will come to be something which will be the protection of a great national treasure.

I thank my good friend, the gentleman from Alaska (Mr. YOUNG) and I thank my good friend, the ranking minority member, the gentleman from California (Mr. GEORGE MILLER) for making this time available. I look forward to working together with them and with others to see that this is the legislation we want it to be.

□ 1615

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1 minute to the gentleman from New Hampshire (Mr. SUNUNU).

Mr. SUNUNU. Mr. Chairman, I rise in strong support of the legislation brought before us by the distinguished chairman of the Committee on Resources. The facts that led to this legislation really do speak for themselves: skyrocketing overhead costs in an important Federal program, payment for

foreign travel completely unrelated to the nature of the work of the Federal Aid Program, and the use of funds to pay employees that were not even working within the program itself.

Clearly this is necessary legislation to protect the financial interests and restore financial accountability to a very important Federal program. Contrary to the suggestion that we might be injecting too much oversight or too much financial accountability into this program, I think it understands the need for more such oversight, and the gentleman has done us a service in beginning this process. Identifying waste and mismanagement in government is not just a good idea, but it is in the best interests of the taxpayers and really the future of this country because every time we find opportunities to save taxpayers not millions, but in the aggregate it adds up to billions, that is additional resources that we can invest in programs that really do work for the American taxpayer, or it is money that we can actually let the taxpayer keep and never even have to send to Washington, investing in what they care about.

I applaud the work of the gentleman from Alaska; I applaud the Speaker and Members on both sides of the leadership that have called for greater oversight of waste and mismanagement in government in the hope that it will lead to a much better investment of those taxes that we do collect here in Washington.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Chairman, I rise today in strong support of the Wildlife and Sport Fish Restoration Programs Improvement Act authored by the gentleman from Alaska, the chairman of the Committee on Resources. As a member of that committee and of the Congressional Sportsmen's Caucus, I commend the gentleman from Alaska for crafting this truly ''good government'' bill.

I was born, raised, and have lived most of my adult life in rural Pennsylvania. I was taught to hunt and fish at a young age. With that knowledge came a great amount of respect for the game that we hunted, a love of the outdoors, and a desire to ensure that our wildlife resources are managed and preserved for future generations to experience. All those sportsmen over the years who have paid in their excise taxes to the Pittman-Robertson and Dingell-Johnson funds think of those funds the same way that Social Security recipients think of the funds they have paid in.

I am appalled that we seem in this Chamber to think that it is all right that there is some mismanagement of those funds. It is not all right. It is our job to do something about it. I do not think we should take any comfort in the fact that maybe the States have not done their job as well as they should. This is the right thing to do. Mr. Dingell, Sr., would be appalled if he knew that these funds would be used as slush funds or unnecessary foreign travel or unreasonable overhead costs. Like the Social Security fund, this needs to be very well managed. The bottom line is that this bill will increase the amount of money currently available for conservation by eliminating waste, fraud and abuse. This is good environmental policy, and it is good fiscal policy. I again commend the gentleman from Alaska for the leadership in bringing this to the floor. I ask for its passage.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank the gentleman from California for yielding me this time. As a member of the Committee on Resources, I rise in support of H.R. 3671, legislation to improve the financial management and accountability of the Office of Federal Aid within the U.S. Fish and Wildlife Service. Under current law, the Office of Federal Aid reallocates funds collected through Federal excise taxes on guns, ammunition, and archery equipment to individual States for fish and wildlife restoration projects. Hunters and outdoorsmen as well as recreation and conservation groups in my district in western Wisconsin and throughout America rely on these restoration projects to improve habitat and fishable waters.

Unfortunately, recent evidence documented by the GAO indicates that the administration and financial oversight of the Federal aid in the wildlife and sport fish restoration program may be a little lax. This has resulted in the unfair public perception that misallocation and abuse has occurred throughout the Fish and Wildlife Service. To correct this problem, H.R. 3671 caps the amount of administrative dollars available for administration use to implement wildlife and sport fish restoration programs.

While I support this legislation, I do share the concern of the gentleman from California (Mr. GEORGE MILLER) that this bill as currently written may go too far and end up restricting the overall effectiveness of the fish and wildlife restoration programs. In fact, there may be some truth in the fact that the rigid budgetary framework that this legislation proposes may ultimately erode the capabilities of the Fish and Wildlife Service to effectively administer the restoration programs. To that end, it is my hope and desire that the Senate can correct some of the flaws that I believe currently exist with this legislation so that the President may ultimately sign it into law.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Chairman, like most Americans I was disappointed and angry to hear of the administrative abuses taking place under the Pittman-Robertson and Dingell-Johnson Acts. These are very popular programs that I support, which permit collection of funds through the Federal excise taxes on hunting and fishing equipment, a worthy cause, and two activities that my family holds dear, that my entire family enjoys as do the vast majority of the people in my State of Wyoming. These funds are tremendously beneficial to the State and to other States that use them for on-the-ground fish and wildlife conservation projects.

The House Committee on Resources learned of the mismanagement of the 6 percent and the 8 percent administrative funds over a year ago. Since that time, the GAO and the Committee on Resources' own review of the mismanagement indicates that widespread abuses have continued to be discovered. It is my understanding that part of these funds were even used to introduce the wolf into Yellowstone which was something the States of Wyoming, Idaho, and Montana; the governors; and the legislatures strongly opposed, as did most of the people that lived there. The plain truth is that the Fish and Wildlife Service has misused millions of taxpayer dollars.

I have to say that I find it a little less than amusing that in this Chamber the misuse of these funds has been characterized as ''exaggerated'' and the previous speaker saying the administration ''may have been a little lax'' when in fact the GAO report says that this program, quote, ''if not the worst managed, is one of the worst managed programs we have ever seen.''

Now, excuse me. Hello? That is worse than ''maybe a little lax'' or that the other side is exaggerating this problem. When money is misused that taxpayers pay in under certain circumstances, it should be distributed according to the law. Sportsmen and women have every right to expect that their hard-earned money will be returned to them in the form of the services for which they pay it. Clearly this kind of abuse cannot be justified, and it cannot be tolerated.

As an original cosponsor of the legislation of the gentleman from Alaska, I am committed to bringing an end not only to this particular kind of Federal abuse of dollars but other abuses that are prevalent in our Federal Government. I do not care who is in office, I do not care who is in the seat of the presidency, I do not care who is in the majority of the Congress. To say that just because they did it means it is not so bad that we did it is ludicrous. I am offended by that as every American should be.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume. Let me just say, this is not about whether or not we support or agree with the waste of money, because obviously nobody in this Chamber does and nobody in the Congress does; and the hearings that we had in the Committee on Resources were for the purposes of stopping those practices that were unacceptable. But the fact of the matter is the numbers that the GAO threw around have never been substantiated.

The suggestion that somehow these individuals were engaged in illegal or criminal behavior has never been substantiated, was never found to be true; and we ought to set the record straight. The fact that that did not happen does not mean this was the best-run program, but it also certainly means this was not the worst-run program. We can show you many unfortunately tragically that are far worse than this that do not deal with several million dollars, but deal to the tune of billions of dollars of waste. That is a tragic fact. But the point is the record ought to be straight on this one so that the remedy fits the problem, and the concern about this legislation at this moment is that this legislation overreaches and in fact will keep the agency from doing what all of us in this Chamber want them to do.

Speaker after speaker has gotten up here and made the point that this is a highly successful program; they have had great results in States building local programs for hunters and for fishers, and it is working. We have all had testimony to it in our States and in many of our districts where these programs have been utilized in conjunction with many local organizations. This is a successful program. We ought not in terms of being a little overzealous here then cripple the agency from doing what it is doing very well apparently.

We ought to address ourselves to those problems that are in fact real and ought not to be allowed to continue, but we ought not to overreach and do as many who are strong supporters of both this legislation and this program suggest may very well happen if some of these numbers are not moved up so the agency has the money necessary to properly administer the program which brought us to this point originally.

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

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume. I appreciate the gentleman's comments; but I would suggest again with my amendment, the administration and the agency itself had said that they will reach the $19 million and we will only lose, if anything, none this time, all existing programs continue, and next year 10 people are lost, 10 after that, 20 in total; but we will have an accounting, and they will not have this fund which they can use. Remember, this is for the next administration. If there is a problem they cannot implement it because of this legislation, we always can address that. But I do not want anybody to be able to get into that cookie jar. As we remember in 1992, only 2 percent was used for administrative costs; and beginning in 1993 and on, it went up to the full 14 percent. So I do not want that to occur, because there is no justification for that.

Mr. Chairman, I yield 2 minutes to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Chairman, first of all I want to thank the gentleman from Alaska and his staff for their hard work and vigilance in pursuing this issue and in drafting legislation to fix what GAO has characterized, there is no way around this, as one of the worst-managed programs that they have ever encountered. Unfortunately for sportsmen and women across South Dakota and around this country, the Fish and Wildlife Service has misused at least $45 million of these funds by directing portions of the excise tax dollars toward such things as a slush fund for the director and foreign junkets entirely unrelated to the administration of the program.

As a result of these abuses, States have not been able to conduct wildlife and sport fish projects because the funds were spent in ways in which the Congress did not authorize.

□ 1630

As an avid sportsman, I am outraged by the abuses that have been uncovered by the gentleman from Alaska (Mr. YOUNG), and the Committee on Resources, and I am not alone. What is going on here is unconscionable. I have received a lot of letters and e-mails and phone calls from sportsmen and women across South Dakota asking me to take action to stop the Fish and Wildlife Service's abuse of administrative funds by the Division of Federal Aid. This bill does just that.

Mr. Chairman, this was a successful program because sportsmen and women were generous in their willingness to pay the excise taxes which they paid, believing that those taxes were going to be used to invest in wildlife and sports fish. Had they known that the money they were paying in excise taxes was going to be used by Fish and Wildlife Service at its disposal for a lot of these inappropriate expenditures, I doubt they would have been willing to pay those taxes. This bill prevents the director from using administrative funds for purposes other than legitimate costs to administer the law.

Mr. Chairman, this is no way to administer a program. The sportsmen and women whose tax dollars fund this program expect and deserve more from their government. It is the job of each and every one of us in this Chamber to ensure that the taxes paid by the American people are not squandered. Whether they be sportsmen excise tax dollars or any other tax dollars, we have a responsibility to the American people to do the right thing, and the right thing is to pass this bill.

POINT OF ORDER

Mr. YOUNG of Alaska. Mr. Chairman, what is wrong with this microphone? I am getting a little tired of it. Whoever is running this thing had better be on the ball, because this thing never goes on on time and some of the time we cannot hear anybody, and maybe that is on purpose. But we have spent an awful lot of money on this project, brand-new, and I have been here and listening to this and it is not properly run and it deeply disturbs me.

The CHAIRMAN. The gentleman's concerns are duly noted by the Chair.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise today in support of H.R. 3671. As cochairman of the Congressional Sportsmen's Caucus, I can tell my colleagues few issues are as important to the caucus as safeguarding the integrity of the Pittman-Robertson and Dingell-Johnson funds. So important that this is one of the primary missions of the Sportsmen's Caucus which now includes 280 Members of Congress.

I was happy to support the gentleman from Alaska when he introduced this bill, and I am happy to support his effort today to move this needed legislation forward. His bipartisan approach is appreciated in the Congressional Sportsmen's Caucus.

The Chairman's committee has built an excellent case for making the reforms he offers in the House today. For years, there has not been enough oversight over this program and these conservation trust funds. The chairman took a hard look at this issue, and what he found surprised all of us who, for decades, have happily contributed the funds for this valuable program.

This oversight found loose language within the law regarding administration and execution of the wildlife and sport fish trust funds. The proposal today tightens it. Where his oversight found waste, this bill eliminates it.

The gentleman's bill also directs resources to hunter education and safety, something that the Congressional Sportsmen's Caucus cares about deeply. It is important that funding is provided to both educate hunters and to ensure their safety in the field.

This will also maintain the vitality of the Pittman-Robertson fund by continuing to bring in new generations of

hunters, something that we are all trying to make happen.

So, Mr. Chairman, this is a good bill, and I urge my colleagues to adopt it.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. CHAMBLISS), cochairman of the Sportsmen Foundation, 280 members now, and a great leader for the sportsmen's movement in the Congress.

Mr. CHAMBLISS. Mr. Chairman, I thank the gentleman from Alaska for bringing this bill forward.

Mr. Chairman, since coming to Congress, I have been committed to reducing Federal spending and balancing the Federal budget. As cochairman of the Congressional Sportsmen's Caucus along with my good friend from Minnesota (Mr. PETERSON), I have worked in a bipartisan fashion to promote hunting, fishing, and other outdoor recreational activities. But we could not be nearly as successful in the Sportsmen's Caucus were it not for the Pittman-Robertson and Dingell-Johnson Trust Funds. These funds have given millions of sportsmen and women the opportunity to continue to enjoy their hobbies of hunting and fishing and provide steady streams of revenues to fund hunter education and safety programs.

When sportsmen and women buy fishing equipment, guns, ammunition or archery equipment, a portion of their proceeds go to the States to help wildlife restoration or conservation projects and hunter education. This is not complicated. This is not rocket science. This is no secret. This is a win-win for everyone who cares about wildlife, who cares about hunting and fishing, who cares about education, about hunter safety, and about other education regarding outdoor activities.

That is, until some Washington bureaucrat thought they could take some of that money and use it for different purposes, purposes like travel to Japan, and creating a huge unauthorized slush fund. We are talking about at least $45 million in misspent, unauthorized costs of this program.

I say to my colleagues, this program is not going to be a slush fund for Washington bureaucrats, and I hope that bureaucrat is listening today, because with passage of this bill, we will ensure the integrity of Pittman-Robertson and Dingell-Johnson Trust Funds. We will ensure that they are protected for the American outdoorsman and the American taxpayer.

This Congress is committed to cutting out fraud, eliminating waste, and ending abuse of the American tax dollar. This is exactly what this bill intends to do. It protects the integrity of these quality trust funds in a way that makes common sense.

Instead of depending on a bureaucrat at the U.S. Fish and Wildlife Service to audit its own administrative costs of the program, we cap the administrative costs. We put the auditing in the hands of an independent inspector general, and we will require regular reporting to Congress of those audits.

Mr. Chairman, the Wildlife and Sports Fish Restoration Programs Improvement Act of 2000 will prevent dollars paid by sportsmen and sportswomen from being spent in ways that do not benefit wildlife, sport fishing, and related restoration efforts and will send more money to States for them to use for conservation projects and hunter education.

I applaud my friend, the gentleman from Alaska (Mr. YOUNG) for bringing this issue to the forefront. I applaud him for authoring this very common sense, good government piece of legislation, and I urge its passage.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PETERSON). It seems like great Americans have the name ''Peterson.''

Mr. PETERSON of Pennsylvania. Mr. Chairman, I want to thank the gentleman from Alaska (Mr. YOUNG) for the time, and I want to commend him and the committee for their oversight.

We do not do enough of that here. I think the American public would be a lot more comfortable with their Federal Government if we did more oversight. I am a little taken aback though by some of the comments that I have heard in this debate that this might go too far, this is too tough. Let us just look for a moment at what the GAO report says.

It says, controls over expenditures, revenues, and grants were inadequate. Millions of dollars in program funds could not be tracked, millions. Basic principles and procedures for managing travel funds were not followed. Basic internal control standards or Office of Management and Budget guidance for maintaining complete and active grants files were not followed. Regional offices used administrative funds inconsistently and for purposes that were not justified. Charges for service-wide overhead may be very inaccurate. Routine audits to determine whether administrative funds were being used for authorized purposes were not conducted, and the process for resolving audit findings involving States' use of program funds was very questionable.

This is no way for programs to be administered. I am sure this is not the only one, but I want to commend the committee for tracking it down and changing it. Sportsmen and women who fund this program with their tax dollars expect more from their government. It is our job to ensure that their tax dollars are not squandered, and they go to wildlife and sports fish restoration projects. This bill will make sure that the taxes paid by our sportsmen and women are used efficiently and according to the law, and that the majority of the funds go to the States to fund the appropriate programs.

Mr. Chairman, I want to thank this committee for a job well done.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. HAYES), who visited Alaska to make his fortune and returned home.

Mr. HAYES. Mr. Chairman, I appreciate this opportunity to address the Members of the House regarding a very fiscally responsible bill, and I want to express my appreciation to the gentleman from Alaska (Mr. YOUNG). As he said, I did spend a year in Alaska; and it was a wonderful time.

But as a part of spending that year in Alaska, Mr. Chairman, I learned a lot about fish and wildlife and misappropriations of funds. It appalls me the way that fishermen and hunters pay willingly, in fact eagerly, excise taxes on hunting and fishing equipment in order to preserve and to provide conservation programs for fish and game, nongame species, for badly needed habitat.

But having said all this, I find, after being in Washington for a short time, that the U.S. Fish and Wildlife Service takes sometimes, it seems to me, pride in misusing these funds; using them on projects that were never intended, using them on junkets, traveling around the world, not supporting habitat and wildlife and hunters and fishermen, but doing things that bear no resemblance to what this bill has been asked to do.

So I rise in strong support of the gentleman from Alaska (Mr. Young) and other supporters of this bill to lend my voice, because sportsmen in America are and always have been the original environmentalists.

When we talk about clean air, when we talk about clean water, there have never been people who are more concerned and who have a more common sense approach to maintaining the beauty and the natural wonder of our habitat and our wildlife than sportsmen.

So again, I applaud the gentleman from Alaska (Mr. Young) for bringing to the attention not only of sportsmen, but the American people, how their money has been misspent, even on antihunting programs, turning the Fish and Wildlife Service into an extension of the endangered species service, turning this into an environmental organization.

Again, let me reemphasize, the environment is something about which I and any sportsman cares very deeply about. But to use this money in ways other than the enhancement and the protection and the future of our wildlife and habitat is simply wrong, it is unacceptable. We want to be fiscally responsible. We have collected this money. We have the trust of our constituents when we collect Pittman-

Robertson money, and it is up to us to make sure that that money is spent to preserve habitat, to protect wildlife and to create opportunities for present and future generations to enjoy the out of doors.

So again, let me lend my strongest and most enthusiastic support to the gentleman's efforts and commend this bill to my colleagues, and I ask for their support.

I am proud of my colleague, Chairman YOUNG and his staff for protecting our sports men and women around the country, and preserving the original purposes for which Pittman-Robertson and Dingell Johnson were enacted.

In 1937, a federal-state government cooperative program was begun for wildlife restoration. Monies are collected by the federal government from excises imposed on firearms, ammunition, and bows and arrows.

These taxes are returned to the states and territories for wildlife restoration or hunter safety and education programs.

Sportsmen are a unique group of people. How many people would voluntarily support an additional tax on themselves and send their money to Washington. On this side of the aisle we are fighting everyday to help trim down the size of government and reduce our constituents taxes. I have not heard from one sportsman from my district to eliminate this excise tax. I have however heard from sportsman to return this program back to its original intent.

Sportsman support this program—or the intent of this program because—they are the true environmentalist. They want to preserve as wild life and natural habitats.

U.S. Fish and Wildlife has over stepped their bounds in administrating these funds. This legislation seeks to fix the loopholes that the Fish and Wildlife Service uses to justify the frivolous expenditures to quote/unquote administer this trust funds. I certainly understand and support the staff that helps distribute these funds back to our states, but the flagrant abuses and mismanagement of these funds has caused Congress to help U.S. Fish and Wildlife—follow the intent of the original Act.

This bill will streamline the use of the administration funds and define the how they can be used. This bill reduces bureaucracy in the U.S. Fish and Wildlife, increases accountability, and puts our conservation dollars into conservation projects back home. I would ask that my colleagues support Mr. YOUNG's bill and his amendment.

Mr. YOUNG of Alaska. Mr. Chairman, I reserve the right to close.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as we finish this debate, I would hope that we would be able to hold this in perspective, because I do not think that this bill is finished yet; I think, in fact, it is a work in progress. I hope that Members who are interested and concerned about this would just look at the letter from the International Association of Fish and Wildlife Agencies who are expressing some of the very same concerns that I am expressing about the funding levels in this legislation. We agree, they agree, and almost everybody in this Chamber agrees that many of these reforms are fine and should be made. But, when we get done, we have to leave this agency in a position to properly deal with the charge that we have given them.

As for those who want to keep coming here and saying that they want to slaughter this agency because GAO said this is the worst managed program they have ever seen, I think maybe that statement in and of itself would call into question the GAO audit. I wonder if the GAO ever took a look at the oil shale program. I bet that was a beaut. That was billions of dollars. Or, how about that coal fusion program where we were spending that money, those guys out in Utah still trying to bring it in on time. How about the uranium reprocessing program, the space station, the big dig going on up there in Boston, the Resolution Trust Corporation. Now, there is one that cost us hundreds of billions of dollars. This was the worst managed program these GAO auditors ever saw?

I have to tell my colleagues that these GAO auditors maybe just did not have the right experience, because as it turns out, as we reconcile all of the concerns that they raised and the issues that they raised, we are now down to about $700,000 of seriously questioned expenses that should not have been allowed.

So to suggest that somehow this agency has run amok, and I find it interesting that as we say that, we are now giving this agency in this legislation the exact duties that supposedly we criticized them for, but we know are essential and must be done if, in fact, the State programs are going to work.

□ 1645

So this is not the worst. Tragically to say for the taxpayers of this country, this is not the worst program GAO has ever encountered. Maybe this GAO auditor, but he probably was not around for that C–121 when the wings broke off. That was a hell of a program we had going there.

How about that one where we sent subsidized water so people will grow more cotton, but we have a cotton retirement program, so we buy the cotton back from them? That is going on today. There is a good program.

How about those KV funds, where the Forest Service could not tell us where any of the funds were? We still do not know today. Fortunately, the Committee on Appropriations started to put a stop to that.

That mining law has worked out well for the taxpayers of this country. We have lost billions and billions of dollars.

This is not the worst program. This is a program that has gotten off track. This is a program that has abused, has abused the authority that is given to it. We ought to put it back in line. I think the Chairman's legislation goes a long way toward that.

I still want to say that we have to leave this agency there, because those same sportsmen, hunters and fisherpersons that like this program, that use this program, have seen it improve. Their experience out there in the countryside recognizes the need of this agency to get that done in cooperation with the States.

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

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do thank the gentleman from California for making my case. This is an agency that is off track. This is an agency, as I have said before, and I am not pointing fingers at any individual, that went from 2 percent to 14 percent. They spent money inappropriately. What we have to do is to gain the faith back from the sportsmen.

This is different than all the instances that the gentleman talked about the GAO investigating, the planes, et cetera. This is different. Every sportsman from 1937 took their money voluntarily and contributed 11 percent of the cost of that product to go into a fund to be redistributed back to the States to keep up the projects for fishing and hunting and other activities on our lands. That is what it was for. They did that voluntarily.

What we found out as this investigation went forward, we were finding out disgruntled sportsmen deciding that maybe they ought not to pay the tax, maybe we ought not to go forward with the program.

What I am trying to do with this legislation is to make sure there will be no money spent on things that were spent in the past such as travel, such as alcohol, such as things that the Congress would not appropriate money for, reestablishing the strength and trust of this trust fund.

In turn, as I have said before, if we adopt my amendment, they are at the same level that they said and required from me, $19 million to manage the program. We will lose, after 1 year, ten employees because they are bloated right now. The second year we will lose 10 more. That is 20 total. Then it is based upon the cost index, and they can get more if there is more need, or in fact if there is not a need they will get less. We are not gutting this program. In fact, we are encouraging the program.

The sportsmen I have heard from support what we are trying to do under this legislation. I urge my colleagues to support the legislation.

Mr. Chairman. I include the following exchange of letters for the RECORD.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 3, 2000.

Hon. DON YOUNG,
Chairman, Committee on Resources, Washington, DC.

DEAR CHAIRMAN YOUNG: I understand that on Thursday, March 30, 2000, the Committee on Resources reported H.R. 3671, the ''Wildlife and Sport Fish Restoration Programs Improvement Act of 2000.'' As approved, the bill amends the Wildlife Restoration Act and Sport Fish Restoration Act programs and makes several changes relating to the expenditures of funds arising from dedicated excise taxes on recreational sporting and fishing equipment and supplies, generally.

As you know, each trust Fund in the Trust Fund Code includes specific provisions within the jurisdiction of the Committee on Ways and Means which limit purposes for which trust fund monies may be spent. Statutorily, the Committee on Ways and Means generally has limited expenditures by cross-referencing provisions of authorizing legislation. Currently, with respect to the Aquatic Resources Trust Fund (the ''Aquatic Fund''), the Trust Fund Code provisions approve all expenditures out of the Aquatic Fund permitted under authorization Acts, but only as those Acts were in effect on the date of enactment of the Transportation Equity Act for the 21st Century. Further, if unauthorized expenditures are made, no further tax revenues will be deposited to the Trust Fund. Thus, an Act not referenced in the Trust Fund Code must be approved by the Committee on Ways and Means before the authorizations are funded.

I now understand that you are seeking to have the bill considered by the House as early as this week. In addition, I have been informed that your Committee will seek an amendment incorporating language which I am supplying (attached) to make the necessary Trust Fund Code amendments to allow the proposed expenditures to occur.

Based upon this understanding, and in order to expedite consideration of H.R. 3671, it will not be necessary for the Committee on Ways and Means to markup this legislation. This is being done with the further understanding that the Committee will be treated without prejudice as to its jurisdictional prerogatives on such or similar provisions in the future, and it should not be considered as precedent for consideration of matters of jurisdictional interest to the Committee on Ways and Means in the future.

Finally, I would appreciate your response to this letter, confirming this understanding with respect to H.R. 3671, and would ask that a copy of our exchange of letters on this matter be placed in the Record during consideration of the bill on the Floor. Thank you for your cooperation and assistance on this matter.

With best personal regards,

BILL ARCHER,
Chairman.

Attachment.

AMENDMENT TO H.R. 3671, AS REPORTED OFFERED BY MR. YOUNG OF ALASKA

Page 28, after line 24, insert the following:

SEC. . CONFORMING AMENDMENT.

Section 9504(b)(2)(A) of the Internal Revenue Code of 1986 is amended by striking ''(as in effect on the date of the enactment of the TEA 21 Restoration Act)'' and inserting ''(as in effect on the date of the enactment of the Wildlife and Sport Fish Restoration Programs Improvement Act of 2000)''.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, April 3, 2000.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR MR. CHAIRMAN: Thank you very much for your letter regarding an amendment to H.R. 3671, the Wildlife and Sportfish Restoration Programs Improvement Act of 2000. I appreciate your cooperation in providing a cross-reference in the Internal Revenue Code to allow our amendments to the Dingell-Johnson Sport Fish Restoration Act in H.R. 3671 to be executed and fully funded through the Aquatic Resources Trust Fund.

As you noted in your letter, I propose that this change be accomplished through a manager's amendment to H.R. 3671, which will be made in order by a rule for consideration of the bill. I concur that your acquiescence to this amendment not be considered prejudicial to your jurisdiction over this or any similar measure in the future, nor would it be considered as precedent for any future changes in trust fund accounts.

Thank you again for your timely assistance in moving H.R. 3671 to the Floor. Enactment of H.R. 3671 will ensure that the taxes paid by sportsmen and women will be used appropriately for fish and wildlife conservation projects with minimal administrative expenditures.

Sincerely,

DON YOUNG,
Chairman.

Mr. WU. Mr. Chairman, I rise today in support of H.R. 3671, the Wildlife and Sport Fish Restoration Programs Improvement Act of 2000. This common sense bill will prevent dollars paid by sportsmen and sportswomen from being spent in ways that do not help wildlife, sport fish and related restoration efforts, and it will send more money to the states for them to use for conservation projects.

Currently, Oregon receives a little over $4.6 million under the Pittman-Robertson Act, and just under $5.5 million under the Dingell-Johnson Act. These dollars go to support important programs such as stocking fish, improving habitat, resource education, fisheries research for sports-fishing and building boat ramps and infrastructure to support the sports fishing industry. As an avid hunter and fisherman, I strongly support these two programs.

My colleagues on the Resources Committee held several hearings on these bills. Unfortunately, it was revealed through the hearings that the funds withheld by the Fish and Wildlife Service to administer and execute the Pittman-Robertson and Dingell-Johnson Acts were used to fund unrelated expenses.

In addition, funds that were used for true administration of these programs were not used responsibly. I commend the committee for working with the Fish and Wildlife Service in coming to a bipartisan, common sense solution that uses more dollars for fish and wildlife and less on administration.

Mr. Chairman, programs that assist recreation and conservation are good for Oregon and good for the United States. Doing this in a way that decreases waste is even better. I urge my colleagues to join me in voting in favor of H.R. 3671.

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

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3671

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Wildlife and Sport Fish Restoration Programs Improvement Act of 2000''.

SEC. 2. DEFINITIONS.

In this Act:

(1) WILDLIFE RESTORATION ACT.—The term ''Wildlife Restoration Act'' means the Act of September 2, 1937 (chapter 899; 16 U.S.C. 669 et seq.), popularly known as the Federal Aid in Wildlife Restoration Act and as the Pittman-Robertson Wildlife Restoration Act.

(2) SPORT FISH RESTORATION ACT.—The term ''Sport Fish Restoration Act'' means the Act of August 9, 1950 (chapter 658; 16 U.S.C. 777 et seq.), popularly known as the Federal Aid in Fish Restoration Act and as the Dingell-Johnson Sport Fish Restoration Act.

TITLE I—WILDLIFE RESTORATION

SEC. 101. EXPENDITURES FOR ADMINISTRATION.

(a) ANNUAL SET-ASIDE FOR ADMINISTRATION.—Section 4 of the Wildlife Restoration Act (16 U.S.C. 669c) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by amending so much as precedes the second sentence of subsection (a) to read as follows:

''ALLOCATION AND APPORTIONMENT OF AVAILABLE AMOUNTS

''SEC. 4. (a) SET-ASIDE FOR ADMINISTRATION.—(1) Of the revenues (excluding interest accruing under section 3(b)) covered into the fund in each fiscal year, up to $5,000,000 may be used by the Secretary for expenses to administer this Act, in accordance with this subsection and section 9 in each of the fiscal years 2001, 2002, and 2003. Of the revenues (excluding interest accruing under section 3(b)) covered into the fund in each fiscal year, beginning in fiscal year 2004, such amount, adjusted annually to reflect the changes in the Consumer Price Index, not to exceed $7,000,000, may be used by the Secretary for expenses to administer this Act, in accordance with this subsection and section 9.

''(2)(A) The amount authorized to be used by the Secretary under paragraph (1) each fiscal year shall remain available for obligation for such use until the expiration of that fiscal year. Within 60 days after that fiscal year, the Secretary shall apportion among the States any of the amount that remains unobligated at the end of the fiscal year, on the same basis and in the same manner as other amounts authorized by this Act are apportioned among the States for the fiscal year in which the apportionment is made.

''(B) Within 30 days after the end of each fiscal year, the Secretary shall—

''(i) certify in writing to the Secretary of the Treasury and to each State fish and game department—

''(I) the amount apportioned under subparagraph (A) to each State in the most recent apportionment under that subparagraph; and

''(II) amounts obligated by the Secretary during the fiscal year for administration of this Act; and

''(ii) publish in the Federal Register the amounts so certified.

''(b) APPORTIONMENT TO STATES.—''; and

(3) in subsection (b), as designated by the amendment made by paragraph (2), by striking ''after making the aforesaid deduction, shall apportion, except as provided in subsection (b) of this section,'' and inserting ''after deducting the amount authorized to be used under subsection (a), the amount apportioned under subsection (c), any amount apportioned under section 8A, and amounts provided as grants under sections 10 and 11, shall apportion''.

(b) REQUIREMENTS AND RESTRICTIONS REGARDING USE OF AMOUNTS FOR ADMINISTRATION.—Section 9 of the Wildlife Restoration Act (16 U.S.C. 669h) is amended to read as follows:

''REQUIREMENTS AND RESTRICTIONS REGARDING USE OF AMOUNTS FOR ADMINISTRATION

''SEC. 9. (a) AUTHORIZED ADMINISTRATIVE COSTS.—The Secretary may use amounts under section 4(a)(1) only for administration expenses that directly support the implementation of this Act and that consist of any of the following:

''(1) Personnel costs of any employee who directly administers this Act on a full-time basis.

''(2) Personnel costs of any employee who directly administers this Act on a part-time basis for at least 20 hours each week, not to exceed the portion of such costs incurred with respect to the work hours of such employee during which the employee directly administers this Act, as such hours are certified by the supervisor of the employee.

''(3) Support costs directly associated with personnel costs authorized under paragraphs (1) and (2) of this subsection not including costs associated with staffing and operation of regional offices of the United States Fish and Wildlife Service and the Department of the Interior, other than for purposes of this Act.

''(4) Costs to evaluate, approve, disapprove, and advise concerning comprehensive fish and wildlife resource management plans under section 6(a)(1) and wildlife restoration projects under section 6(a)(2).

''(5) Overhead costs, including general administrative services, that are directly attributable to administration of this Act based on—

''(A) actual costs, as determined by a direct cost allocation methodology approved by the Director of the Office of Management and Budget for use by Federal agencies; and

''(B) for those costs not determinable pursuant to subparagraph (A), an amount per full-time equivalent employee authorized pursuant to paragraphs (1) and (2) that does not exceed the amount charged or assessed for such costs per full-time equivalent employee for any other division or program of the United States Fish and Wildlife Service.

''(6) Costs incurred in auditing the wildlife and sportfish activities of each State fish and game department and the use of funds under section 6 by each State fish and game department every 5 years.

''(7) Costs of audits under subsection (d).

''(8) Costs of necessary training of Federal and State full-time personnel who administer this Act to improve administration of this Act.

''(9) Costs of travel to the States, territories, and Canada by personnel who administer this Act on a full-time basis for purposes directly related to administration of State programs or projects, or who administer grants under section 6, section 10, or section 11.

''(10) Costs of travel outside of the United States (except travel to Canada) that relates directly to administration of this Act and that is approved directly by the Assistant Secretary for Fish and Wildlife and Parks.

''(11) Relocation expenses for personnel who, after relocation, will administer this Act on a full-time basis for at least 1 year, as certified by the Director of the United States Fish and Wildlife Service at the time such relocation expenses are incurred.

''(12) Costs to audit, evaluate, approve, disapprove, and advise concerning grants under section 6, section 10, or section 11.

''(b) UNAUTHORIZED COSTS.—Use of funds for a cost to administer this Act shall not be authorized because the cost is not expressly prohibited by this Act.

''(c) RESTRICTION ON USE TO SUPPLEMENT GENERAL APPROPRIATIONS.—The Secretary may not use amounts under section 4(a)(1) to supplement any function for which general appropriations are made for the United States Fish and Wildlife Service or any other entity of the Department of the Interior.

''(d) AUDIT REQUIREMENT.—(1) The Inspector General of the Department of the Interior shall procure the conduct of biennial audits, in accordance with generally accepted accounting principles, of expenditures of amounts used by the Secretary for administration of this Act.

''(2) Audits under this subsection shall be performed under contracts that are awarded under competitive procedures (as that term is defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)), by a person that is not associated in any way with the Department of the Interior.

''(3) The auditor selected pursuant to paragraph (1) shall report to, and be supervised by, the Inspector General of the Department of the Interior, except that the auditor shall submit a copy of the biennial audit findings to the Secretary at the time such findings are submitted to the Inspector General of the Department of the Interior.

''(4) The Inspector General of the Department of the Interior shall promptly report to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate on the results of each such audit.

''(e) CERTIFICATION BY SECRETARY.—(1) The Secretary shall within 3 months after each fiscal year certify in writing to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate the following for the fiscal year:

''(A) The amount of funds used under section 4(a)(1) and a breakdown of categories for which such funds were expended.

''(B) The amount of funds apportioned to States under section 4(a)(2).

''(C) The results of the audits performed pursuant to subsection (d).

''(D) That all funds expended under section 4(a)(1) were necessary for administration of this Act.

''(E) The Secretary, the Assistant Secretary for Fish and Wildlife and Parks, the Director of the United States Fish and Wildlife Service, and the Assistant Director for Wildlife and Sport Fish Restoration Programs each properly discharged their duties under this Act.

''(2) The Secretary may not delegate the responsibility to make certifications under paragraph (1) except to the Assistant Secretary for Fish and Wildlife and Parks.

''(3) Within 60 days after the start of each fiscal year, the Assistant Director for Wildlife and Sport Fish Restoration Programs shall provide to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate the following for the fiscal year:

''(A) The amount of funds that will be expended in the fiscal year under section 4(a)(1) and a breakdown of categories for which such funds will be expended.

''(B) A description of how the funds to be expended are necessary for administration of this Act.

''(4) The Secretary shall promptly publish in the Federal Register each certification under this subsection.

''(f) CERTIFICATION BY ASSISTANT DIRECTOR FOR WILDLIFE AND SPORT FISH RESTORATION PROGRAMS.—Within 1 month after the end of each fiscal year, the Assistant Director for Wildlife and Sport Fish Restoration Programs shall—

''(1) certify that—

''(A) all amounts expended in that fiscal year to administer this Act in agency headquarters and in regional offices of the United State Fish and Wildlife Service were used in accordance with this Act; and

''(B) all such expenditures were necessary to administer this Act; and

''(2) distribute such certifications to each State fish and game department.''.

SEC. 102. FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.

The Wildlife Restoration Act is amended by redesignating section 10 as section 12, and by inserting after section 9 the following:

''FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS

''SEC. 10. (a) IN GENERAL.—Of the revenues covered into the fund in each fiscal year, $15,000,000, less the amount used under section 4(a) and the amount granted under section 11(a)(1), shall be apportioned among the States in the manner specified in section 4(b) by the Secretary for the following:

''(1) Grants to States for the enhancement of hunter education programs, hunter and sporting firearm safety programs, and hunter development programs.

''(2) Grants for the enhancement of interstate coordination and development of hunter education programs.

''(3) Grants to States for the enhancement of bow hunter and archery education, safety, and development programs.

''(4) Grants to States for the enhancement of construction or enhancement of firearm shooting ranges and archery ranges, and updating safety features of firearm shooting ranges and archery ranges.

''(b) COST-SHARING.—The Federal share of the cost of any activity carried out with a grant under this section may not exceed 75 percent of the total cost of the activity and the remainder of the cost shall come from a non-Federal source.

''(c) PERIOD OF AVAILABILITY; REAPPORTIONMENT.—Amounts available under this subsection shall remain available for 1 fiscal year, after which all unobligated balances shall be apportioned among the States in the manner specified in section 4(b).''.

SEC. 103. MULTI-STATE CONSERVATION GRANT PROGRAM.

The Wildlife Restoration Act is further amended by inserting after section 10 the following:

''MULTI-STATE CONSERVATION GRANT PROGRAM

''SEC. 11. (a) IN GENERAL.—(1) Up to $2,500,000 of the revenues covered into the fund each fiscal year shall be available to the Secretary for making multi-State conservation grants in accordance with this section.

''(2) Amounts available under this subsection shall remain available for two fiscal years, after which all unobligated balances shall be apportioned in the manner specified in section 4(b).

''(b) SELECTION OF PROJECTS.—(1) A project shall not be eligible for a grant under this section unless it will benefit at least 26 States, a majority of the States in a region of the United States Fish and Wildlife Service, or a regional association of State fish and game departments.

''(2) The Secretary may award grants under this section based only on a priority list of wildlife restoration projects prepared and submitted by State fish and game departments acting through the International Association of Fish and Wildlife Agencies each fiscal year in accordance with paragraph (3).

''(3)(A) The International Association of Fish and Wildlife Agencies shall—

''(i) prepare each priority list through a committee comprised of the heads of State fish and game departments (or their designees);

''(ii) approve each priority list by a majority of the heads of all State fish and game departments (or their designees); and

''(iii) submit each priority list by not later than October 1 of each fiscal year to the Assistant Director for Wildlife and Sport Fish Restoration Programs, who shall accept such list on behalf of the Secretary.

''(B) In preparing any priority list under this paragraph, the International Association of Fish and Wildlife Agencies shall consult with nongovernmental organizations that represent conservation organizations, sportsmen organizations, and industries that support or promote hunting, trapping, recreational shooting, bow hunting, or archery.

''(4) The Assistant Director for Wildlife and Sport Fish Restoration Programs shall publish in the Federal Register each priority list submitted under this subsection.

''(c) ELIGIBLE GRANTEES.—(1) The Secretary may make a grant under this section only to—

''(A) a State or group of States; or

''(B) subject to paragraph (2), a nongovernmental organization.

''(2) Any nongovernmental organization applying for a grant under this section shall submit with the application to the International Association of Fish and Wildlife Agencies a certification that the organization does not promote or encourage opposition to regulated hunting or trapping of regulated wildlife, and will use any funds awarded pursuant to this section in compliance with subsection (d).

''(3) Any nongovernmental organization that is found to promote or encourage opposition to regulated hunting or trapping of regulated wildlife or does not use funds in compliance with subsection (d) shall return all funds received and be subject to any other penalties under law.

''(d) USE OF GRANTS.—Amounts provided as a grant under this section may not be used for education, activities, projects, or programs that promote or encourage opposition to regulated hunting or trapping of regulated wildlife.

''(e) CLARIFICATION.—No activities undertaken by the personnel of State fish and game departments under this section shall constitute advice or recommendations for 1 or more agencies or officers of the Federal Government.''.

SEC. 104. MISCELLANEOUS PROVISIONS.

Section 5 of the Wildlife Restoration Act (16 U.S.C. 669d) is amended by inserting '', at the time such deduction or apportionment is made'' after ''he has apportioned to each State''.

TITLE II—SPORT FISH RESTORATION

SEC. 201. EXPENDITURES FOR ADMINISTRATION.

(a) ANNUAL SET-ASIDE FOR ADMINISTRATION.—Section 4(d) of the Sport Fish Restoration Act (16 U.S.C. 777c(d)) is amended to read as follows:

''(d)(1) Of the balance of each such annual appropriation remaining after the distribution and use under subsections (a), (b), and (c) of this section and section 14, up to $5,000,000 may be used by the Secretary of the Interior for expenses in accordance with this subsection and section 9 in each of the fiscal years 2001, 2002, and 2003. Of the balance of each such annual appropriation remaining after the distribution and use under subsections (a), (b), and (c) of this section and section 14, beginning in fiscal year 2004, such amount, adjusted annually to reflect the changes in the Consumer Price Index, not to exceed $7,000,000, may be used by the Secretary of the Interior for expenses in accordance with this subsection and section 9.

''(2) The amount authorized to be used by the Secretary under paragraph (1) each fiscal year shall remain available for obligation for such use until the expiration of that fiscal year. Within 60 days after the end of that fiscal year, the Secretary shall apportion any of the amount that remains unobligated at the end of the fiscal year on the same basis and in the same manner as other amounts authorized by this Act are apportioned among the States under section 4(e) for the fiscal year in which the apportionment is made.''.

(b) REQUIREMENTS AND RESTRICTIONS REGARDING USE OF AMOUNTS FOR ADMINISTRATION.—Section 9 of the Sport Fish Restoration Act (16 U.S.C. 777h) is amended to read as follows:

''REQUIREMENTS AND RESTRICTIONS REGARDING USE OF AMOUNTS FOR ADMINISTRATION

''SEC. 9. (a) AUTHORIZED ADMINISTRATION COSTS.—The Secretary of the Interior may use amounts under section 4(d) only for administration expenses that directly support the implementation of this Act and that consist of any of the following:

''(1) Personnel costs of any employee who directly administers this Act on a full-time basis.

''(2) Personnel costs of any employee who directly administers this Act on a part-time basis for at least 20 hours each week, not to exceed the portion of such costs incurred with respect to the work hours of such employee during which the employee directly administers this Act, as such hours are certified by the supervisor of the employee.

''(3) Support costs directly associated with personnel costs authorized under paragraphs (1) and (2).

''(4) Costs to evaluate, approve, disapprove, and advise concerning comprehensive fish and wildlife resource management plans under section 6(a)(1) and fish restoration and management projects under section 6(a)(2).

''(5) Overhead costs, including general administrative services, that are directly attributable to administration of this Act based on—

''(A) actual costs, as determined by a direct cost allocation methodology approved by the Director of the Office of Management and Budget for use by Federal agencies; and

''(B) for those costs not determinable pursuant to subparagraph (A), an amount per full-time equivalent employee authorized pursuant to paragraphs (1) and (2) that does not exceed the amount charged or assessed for such costs per full-time equivalent employee for any other division or program of the United States Fish and Wildlife Service.

''(6) Costs incurred in auditing the wildlife and sport fish activities of each State fish and game department and the use of funds under section 6 by each State fish and game department every 5 years.

''(7) Costs of audits under subsection (d).

''(8) Costs of necessary training of Federal and State full-time personnel who administer this Act to improve administration of this Act.

''(9) Costs of travel to the States, territories, and Canada by personnel who administer this Act on a full-time basis for purposes directly related to administration of State programs or projects, or who administer grants under section 6 or section 14.

''(10) Costs of travel outside of the United States (except travel to Canada) that relates to administration of this Act and that is approved directly by the Assistant Secretary for Fish and Wildlife and Parks.

''(11) Relocation expenses for personnel who, after relocation, will administer this Act on a full-time basis for at least 1 year, as certified by the Director of the United States Fish and Wildlife Service at the time such relocation expenses are incurred.

''(12) Costs to audit, evaluate, approve, disapprove, and advise concerning grants under section 6 and section 14.

''(b) UNAUTHORIZED COSTS.—Use of funds for a cost to administer this Act shall not be authorized because the cost is not expressly prohibited by this Act.

''(c) RESTRICTION ON USE TO SUPPLEMENT GENERAL APPROPRIATIONS.—The Secretary may not use amounts under section 4(d) to supplement any function for which general appropriations are made for the United States Fish and Wildlife Service or any other entity of the Department of the Interior.

''(d) AUDIT REQUIREMENT.—(1) The Inspector General of the Department of the Interior shall procure the conduct of biennial audits, in accordance with generally accepted accounting principles, of expenditures of amounts used by the Secretary for administration of this Act.

''(2) Audits under this subsection shall be performed under contracts that are awarded under competitive procedures (as that term is defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)), by a person that is not associated in any way with the Department of the Interior.

''(3) The auditor selected pursuant to paragraph (1) shall report to, and be supervised by, the Inspector General of the Department of the Interior, except that the auditor shall submit a copy of the biennial audit findings to the Secretary of the Interior at the time such findings are submitted to the Inspector General of the Department of the Interior.

''(4) The Inspector General of the Department of the Interior shall promptly report to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate on the results of each such audit.

''(e) CERTIFICATION BY SECRETARY.—(1) The Secretary of the Interior shall within 3 months after each fiscal year certify in writing to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate the following for the fiscal year:

''(A) The amount of funds used under section 4(d) and a breakdown of categories for which such funds were expended.

''(B) The amount of funds apportioned to States under section 4(d)(2)(A).

''(C) The results of the audits performed pursuant to subsection (d).

''(D) That all funds expended under section 4(d) were necessary for administration of this Act.

''(E) The Secretary, Assistant Secretary for Fish and Wildlife and Parks, the Director of the United States Fish and Wildlife Service, and the Assistant Director for Wildlife and Sport Fish Restoration Programs each properly discharged their duties under this Act.

''(2) The Secretary may not delegate the responsibility to make certifications under paragraph (1) except to the Assistant Secretary for Fish and Wildlife and Parks.

''(3) The Secretary shall promptly publish in the Federal Register each certification under this subsection.

''(f) CERTIFICATION BY ASSISTANT DIRECTOR FOR WILDLIFE AND SPORT FISH RESTORATION PROGRAMS.—Within 1 month after the end of each fiscal year, the Assistant Director for Wildlife and Sport Fish Restoration Programs shall—

''(1) certify that—

''(A) all amounts expended in that fiscal year to administer this Act in agency headquarters and in regional offices of the United States Fish and Wildlife Service were used in accordance with this Act; and

''(B) all such expenditures were necessary to administer this Act; and

''(2) distribute such certifications to each State fish and game department.''.

SEC. 202. MULTI-STATE GRANT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Sport Fish Restoration Act is amended by striking the

second section 13 (16 U.S.C. 777 note) and inserting the following:

''MULTI-STATE CONSERVATION GRANT PROGRAM

''SEC. 14. (a) IN GENERAL.—(1) Of the balance of each annual appropriation made in accordance with section 3 remaining after the distribution and use under subsections (a), (b), and (c) of section 4 each fiscal year, up to $2,500,000 shall be available to the Secretary of the Interior for making multi-State conservation grants in accordance with this section.

''(2) Amounts available under this subsection shall remain available for 2 fiscal years, after which all unobligated balances shall be apportioned in the manner specified in section 4(e).

''(b) SELECTION OF PROJECTS.—(1) A project shall not be eligible for a grant under this section unless it will benefit at least 26 States, a majority of the States in a region of the Fish and Wildlife Service, or a regional association of State fish and game departments.

''(2) The Secretary of the Interior may award grants under this section based only on a priority list of sportfish restoration projects prepared and submitted by State fish and game departments acting through the International Association of Fish and Wildlife Agencies each fiscal year in accordance with paragraph (3).

''(3)(A) The International Association of Fish and Wildlife Agencies shall—

''(i) prepare each priority list through a committee comprised of the heads of State fish and game departments (or their designees);

''(ii) approve each priority list by a majority of the heads of State fish and game departments (or their designees); and

''(iii) submit each priority list by not later than October 1 of each fiscal year to the Secretary of the Interior.

''(B) In preparing any priority list under this paragraph, the International Association of Fish and Wildlife Agencies shall consult with nongovernmental organizations that represent conservation organizations, sportsmen organizations, and industries that fund the Sport Fish Restoration Programs.

''(4) The Assistant Director for Wildlife and Sport Fish Restoration Programs shall publish in the Federal Register each priority list submitted under this subsection.

''(c) ELIGIBLE GRANTEES.—(1) The Secretary of the Interior may make a grant under this section only to—

''(A) a State or group of States; or

''(B) subject to paragraph (2) a nongovernmental organization.

''(2) Any nongovernmental organization applying for a grant under this section shall submit with the application to the International Association of Fish and Wildlife Agencies a certification that the organization does not promote or encourage opposition to the regulated taking of fish and will use any funds awarded pursuant to this section in compliance with subsection (d).

''(3) Any nongovernmental organization that is found to promote or encourage opposition to the regulated taking of fish or does not use funds in compliance with subsection (d) shall return all funds received and be subject to any other penalties under law.

''(d) USE OF GRANTS.—Amounts provided as a grant under this section may not be used for education, activities, projects, or programs that promote or encourage opposition to the regulated taking of fish.

''(e) CLARIFICATION.—No activities undertaken by the personnel of State fish and game departments, other State agencies, or organizations of State fish and game departments under this section shall constitute advice or recommendations for 1 or more agencies or officers of the Federal Government.

''(f) FUNDING FOR MARINE FISHERIES COMMISSIONS.—Of the balance of each annual appropriation made in accordance with section 3 remaining after the distribution and use under subsections (a), (b), and (c) of section 4 each fiscal year and after deducting amounts used for grants under subsection (a) of this section, $200,000 shall be available for each of—

''(1) the Atlantic States Marine Fisheries Commission;

''(2) the Gulf States Marine Fisheries Commission;

''(3) the Pacific States Marine Fisheries Commission; and

''(4) the Great Lakes Fisheries Commission.''.

(b) CONFORMING AMENDMENTS.—Section 4 of the Sport Fish Restoration Act (16 U.S.C. 777c) is amended in subsection (e) by inserting ''of this section and section 14'' after ''subsections (a), (b), (c), and (d)''.

SEC. 203. CERTIFICATIONS.

Section 5 of the Sport Fish Restoration Act (16 U.S.C. 777d) is amended—

(1) by striking ''SEC. 5.'' and inserting the following:

''CERTIFICATIONS

''SEC. 5. (a) ADMINISTRATIVE DEDUCTION AND STATE APPORTIONMENTS.—'';

(2) in subsection (a) (as designated by the amendment made by paragraph (1) of this section) by inserting '', at the time such deduction or apportionment is made'' after ''apportioned to each State for such fiscal year''; and

(3) by adding at the end the following:

''(b) FISCAL YEAREND CERTIFICATION BY SECRETARY.—Within 30 days after the end of each fiscal year, the Secretary of the Interior shall—

''(1) certify in writing to the Secretary of the Treasury and to each State fish and game department—

''(A) the amount apportioned under section 4(d)(2) to each State in the most recent apportionment under that section for that fiscal year; and

''(B) amounts obligated by the Secretary during the fiscal year for administration of this Act; and

''(2) publish in the Federal Register the amounts so certified.

''(c) CERTIFICATION BY ASSISTANT DIRECTOR.—(1) Within 60 days after the start of each fiscal year, the Assistant Director for Wildlife and Sport Fish Restoration Programs shall provide to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate the following for the fiscal year:

''(A) The amount of funds that will be expended in the fiscal year under section 4(d)(2) and a breakdown of categories for which such funds will be expended.

''(B) A description of how the funds to be expended are necessary for administration of this Act.

''(2) The Secretary of the Interior shall promptly publish in the Federal Register each certification under this subsection.''.

SEC. 204. PERIOD OF AVAILABILITY.

Section 4(f) of the Sport Fish Restoration Act (16 U.S.C. 777c) is amended by striking the first sentence.

TITLE III—WILDLIFE AND SPORT FISH RESTORATION PROGRAMS

SEC. 301. DESIGNATION OF PROGRAMS.

The programs established under the Wildlife Restoration Act and the Sport Fish Restoration Act may be collectively referred to as the Federal Assistance Program for State Wildlife and Sport Fish Restoration Programs.

SEC. 302. ASSISTANT DIRECTOR FOR WILDLIFE AND SPORT FISH RESTORATION PROGRAMS.

(a) ESTABLISHMENT.—There is established within the United States Fish and Wildlife Service of the Department of the Interior an Assistant Director for Wildlife and Sport Fish Restoration Programs.

(b) SUPERIOR.—The Assistant Director for Wildlife and Sport Fish Restoration Programs shall report directly to the Director of the United States Fish and Wildlife Service.

(c) RESPONSIBILITIES.—The Assistant Director for Wildlife and Sport Fish Restoration Programs shall be responsible for the administration, management, and oversight of the Federal Assistance Program for State Wildlife and Sport Fish Restoration Programs under the Wildlife Restoration Act and the Sport Fish Restoration Act.

SEC. 303. CHIEF OF THE DIVISION OF FEDERAL AID.

The Chief of the Division of Federal Aid of the Department of the Interior, or any similar position, is abolished and the duties of that position shall be the responsibility of the Assistant Director for Wildlife and Sport Fish Restoration Programs.

The CHAIRMAN. The amendment printed in House Report 106–558 shall be considered as read and shall not be subject to amendment or to a demand for division of the question.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment, and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there amendments to the bill?

AMENDMENT NO. 1 OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 106–558 offered by Mr. YOUNG of Alaska:

Page 3, strike line 19 and all that follows through page 4, line 5, and insert the following:

''SEC. 4. (a) SET-ASIDE FOR ADMINISTRATION.—(1)(A) Of the revenues (excluding interest accruing under section 3(b)) covered into the fund, the Secretary may use up to the amount specified in subparagraph (B) for expenses to administer this Act, in accordance with this subsection and section 9.

''(B) The amount referred to in subparagraph (A) is the following:

''(i) In fiscal year 2001, $7,090,000.

''(ii) In fiscal year 2002, $6,710,000.

''(iii) In fiscal year 2003, $6,330,000.

''(iv) In fiscal year 2004 and each fiscal year thereafter—

''(I) the amount available for the preceding fiscal year, plus

''(II) an amount to reflect the change in the consumer price index over the preceding fiscal year, which shall be determined by the Secretary of the Treasury by multiplying such change times the amount available for the preceding fiscal year.

Page 16, strike line 18 and all that follows through page 17, line 5, and insert the following:

''(d)(1)(A) Of the balance of each such annual appropriation remaining after the distribution and use under subsections (a), (b), and (c) of this section and section 14, the Secretary of the Interior may use up to the amount specified in subparagraph (B) for expenses to administer this Act, in accordance with this subsection and section 9.

''(B) The amount referred to in subparagraph (A) is the following:

''(i) In fiscal year 2001, $7,090,000.

''(ii) In fiscal year 2002, $6,710,000.

''(iii) In fiscal year 2003, $6,330,000.

''(iv) In fiscal year 2004 and each fiscal year thereafter—

''(I) the amount available for the preceding fiscal year, plus

''(II) an amount to reflect the change in the consumer price index over the preceding fiscal year, which shall be determined by the Secretary of the Treasury by multiplying such change times the amount available for the preceding fiscal year.

Page 6, strike lines 16 through 19 and insert the following:

''(4) Costs of determining under section 6(a) whether State comprehensive plans and projects are substantial in character and design.

Page 12, line 19, after ''education'' insert ''and shooting range''.

Page 12, line 25, strike ''enhancement'' and insert ''development''.

Page 15, line 16, strike ''regulated''.

Page 15, line 20, strike ''regulated''.

Page 18, strike lines 12 through 16 and insert the following:

''(4) Costs of determining under section 6(a) whether State comprehensive plans and projects are substantial in character and design.

Page 28, after line 24, insert the following:

SEC. ___. CONFORMING AMENDMENT.

Section 9504(b)(2)(A) of the Internal Revenue Code of 1986 is amended by striking ''(as in effect on the date of the enactment of the TEA 21 Restoration Act)'' and inserting ''(as in effect on the date of the enactment of the Wildlife and Sport Fish Restoration Programs Improvement Act of 2000)''.

Mr. YOUNG of Alaska. Mr. Chairman, this is an amendment which increases the funding levels in the bill from $10 million to $14 million for true administration expenses, but also assumes a transition period that reduces the number of program administrators from 120 to 100 over a period of 3 years, and then it adjusts upward thereafter based on the Consumer Price Index.

This amendment makes other technical changes to make sure the bill conforms with the Pittman-Robertson Dingell-Johnson Acts that we are not omitting at this time.

Mr. Chairman, I would suggest respectfully that this should answer the concerns of the gentleman from California about not having enough money. It raises the expenses, at least $5 million more. That is $19 million total. In 3 years, we drop the participation of the administrators from 120 to 100. Then if they need more after that, it will ratchet back up if necessary.

Mr. Chairman, I urge the adoption of the amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I raise the questions I raised earlier about those amendments, whether or not this goes far enough. I appreciate that the gentleman has added some money back. As I understand it, the $5 million is money that will go directly to the States as part of the national program, so I think where we are left is about $14 million for administration.

As I read the letters, again, from the International Association of Fish and Wildlife Agencies and the National Wildlife Federation, again, who are strong supporters of this legislation and of the program, they indicate that they think that the figure is somewhat higher than that.

Originally we had talked about 18. That did not happen. They mentioned 16. Their formula figure may take it above that.

We are obviously not going to solve that issue here today, but I would hope that the gentleman would continue to consult with these supporters of the programs and certainly with the State wildlife agencies that are administering the State side of that program, because I think they do raise the concerns about that.

I do not know that exact figure yet, however. I believe it is higher than the figure the gentleman has in his budget. I would just hope that that could be done certainly before we contemplate sending this legislation to the White House.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Again if I can get the figures from the Fish and Wildlife directly, an explanation of what it is being spent for, I am willing to adjust these figures. This is the best we can do right now. I believe it is correct. We are not cutting back on the State administrators, other than 20. Then we will ratchet it back up over 3 year's time.

I think we are meeting most of those goals which the gentleman has raised in the point of order. We will go to the Senate. We will be talking.

Mr. GEORGE MILLER of California. Mr. Chairman, we have talked long, and the gentleman from Michigan (Mr. DINGELL) and others who have been long involved in the program. We want to see this program come out whole at the end of this process with these changes and with this accountability. That is very important, I think, to all of our constituents.

I am not happy raising these issues, but I think they have to be raised so that we can arrive at a point where we are comfortable and we can tell the State agencies and the other organizations that work with them in cooperation that we have made this program whole and it is doing the things for which it was designed and which are appropriate for it to do.

I raise this at this time in conjunction with the manager's amendment.

The CHAIRMAN. Are there additional Members to speak on this amendment?

If not, the question is on the amendment offered by the gentleman from Alaska (Mr. YOUNG).

The amendment was agreed to.

The CHAIRMAN. Are there additional amendments?

AMENDMENT OFFERED BY MR. UDALL OF COLORADO

Mr. UDALL of Colorado. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. UDALL of Colorado:

Page 30, after line 6 insert the following:

SEC. 304. IMPLEMENTATION REPORT.

(a) TIMING.—At the time the President submits a budget request for the Department of the Interior for the third fiscal year beginning after the date of enactment of this Act, the Secretary of the Interior shall inform the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate about the steps taken to comply with this Act.

(b) CONTENTS.—The report required by this section shall indicate—

(1) the extent to which compliance with this Act has required a reduction in the number of personnel assigned to administer, manage, and oversee the Federal Assistance Program for State Wildlife and Sport Fish Restoration Programs;

(2) any revisions to this Act that would be desirable in order for the Secretary to adequately administer such programs and assure that funds provided to state agencies are properly used; and

(3) any other information regarding the implementation of this Act that the Secretary considers appropriate.

Mr. UDALL of Colorado (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. UDALL of Colorado. Mr. Chairman, I will make a brief statement about the amendment.

The amendment is very simple. It would require the Secretary of the Interior to inform the Committee on Resources and the corresponding committee of the other body about administrative changes required by this bill.

In particular, it would require the Secretary to tell us about any reduction in the number of people assigned, to make sure that these important programs are being properly administered.

As I mentioned when the Committee on Resources considered the bill, these programs are very important for Colorado and all the other 49 States and territories. The assistance they can provide can help us greatly as we work to respond to the pressures on our fish and wildlife populations and the habitat that are coming under increasingly

rapid population stresses and the resulting growth and sprawl.

The programs cannot be properly administered without adequate personnel and other resources, however. So I take seriously the concerns expressed by the Wildlife Management Institute, the International Association of Fish and Wildlife Agencies, and others who tell us that they fear that the bill's current limits threaten to undermine the ability of the Department of the Interior to properly manage the programs.

This amendment itself would not revise the bill's limits on administrative expenses, but it would require the Department of the Interior to inform the committee and the Congress about how those limits affect the implementation of these important programs.

With that information, the committee in the future can consider whether or not to propose changes to that part of the bill.

I think the amendment does not detract from the purpose of the bill. It merely provides for our obtaining information for consideration as the committee carries out its future oversight and review responsibilities.

Mr. Chairman, I urge the adoption of the amendment.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word.

Mr. Chairman, my amendment provides a transition period to scale the program back slightly, making it more effective. We keep the level of current employees, 120, constant for the first year, and have a gradual reduction in the years following.

If the gentleman has modified his amendment by changing the word ''first'' to ''third,'' which would allow the bill to take effect before the report is issued, then I would accept his amendment.

Mr. UDALL of Colorado. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Colorado.

Mr. UDALL of Colorado. Mr. Chairman, I would be glad to modify the amendment to change ''first'' to ''third.'' Whatever the chairman would like to do, I am with him.

Mr. YOUNG of Alaska. Mr. Chairman, I think everything is taken care of. We have all agreed.

Mr. UDALL of Colorado. Mr. Chairman, I think the amendment has already been modified at the desk. We are on the same page.

Mr. YOUNG of Alaska. I apologize. I think the staff has told me that is settled.

The CHAIRMAN. The Chair would notify all Members that the modification was actually made to the amendment that was offered, so there is no need to modify based upon the conversation.

Mrs. CHENOWETH-HAGE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I really appreciate the leadership that has been shown on this very important bill, and the leadership and thoughtfulness that has gone into the amendment, because I do think that the committee does need to make sure that there is good oversight, because we had some very serious problems with the Pittman-Robertson administration of the funds.

I want to make it very, very clear, Mr. Chairman, that this legislation is very good, and it does not mean that we should stop pursuing violations that have occurred under current law. I think our investigation that was conducted in the committee clearly exposed the wrongs, and the wrongdoing must have consequences.

Mr. Chairman, what we have learned so far about this issue was disturbing, and this is the reason why we are on this House floor today, because millions of dollars specifically designated for the administration of the Federal Aid program established through the Pittman-Robinson Act and the Dingell-Johnson Act were diverted into a slush fund for the Secretary of the Interior.

The Secretary has subsequently divvied these monies out under a completely unauthorized Directors' Conservation Fund. Mr. Chairman, as we have broken these illegal expenditures down, the revelations about where these funds were spent really infuriated the sportsmen and really bothered taxpayers, who have generously contributed to this program. These funds are set aside by law to go towards State fish and game programs, but instead, the funds have gone toward Federal initiatives such as the spotted owl and the ferry shrimp and wolf reintroduction, the black-footed ferret, the American Rivers Conference, the Arctic Conference, and the grizzly bears that are attempted to be introduced into Idaho.

□ 1700

Moreover, the secretary did go ahead and use some of these funds for areas even completely unrelated to wildlife, such as NAFTA and Retirement Costs, the RAMSAR Convention and the Solicitor's Office.

Mr. Chairman, common sportsmen and women of this Nation were very disturbed to know that instead of going to the State to improve big game habitat nearly $668,000 of their hard-earned dollars were being spent on about up to 140 Federal AID employees in the form of bonuses, as well as $108,000 to personnel who do not even work for Federal AID, they were given awards.

These are the same Federal officials who in 1995 gave a mere $89 of carried-over administrative funds back to the States while keeping over $1 million for themselves.

This is a bipartisan effort, Mr. Speaker, and it is a bill very worthy of bipartisan support to correct some of the wrongs that have gone on in this particular fund. With the careful oversight of the committee in the future, I feel confident that it will be corrected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. UDALL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill add the following new sections:

SEC. . COMPLIANCE WITH BUY AMERICAN ACT

No funds authorized pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

SEC. . SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of Interior shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. . PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, I would like to start out by commending the gentleman from Alaska (Mr. YOUNG) on a much-needed measure of reform. Congress was not designed to send signals. We do not work for the Western Union. Congress' role is to pass legislation, and the gentleman from Alaska (Mr. YOUNG) and the committee is doing the right thing.

I hope our great leader, the gentleman from California (Mr. GEORGE MILLER), will reconcile himself to that fact and in the final analysis work towards these goals.

I want to also pay a special tribute on behalf of all the sportsmen in America to the gentleman from Michigan,

big JOHN DINGELL, the great job he has done and the fingerprints that he has over the years in this legislation now being modified by our chairman. I support the bill and I support these reforms.

My amendment deals with the money. They must comply with the Buy American Act, giving notice to the people who have given the money who has been wasting it. By the way, if they are going to continue to waste it, buy American made goods with it. I hope they do not waste it. There will be a notice given and if they do not comply with the act or place a fraudulent label on something that they purchase, they would be prohibited from engaging in business with the agencies herein affected and impacted by this legislation.

With that, I would ask the committee to accept this legislation.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I cannot argue against the gentleman's comments and I would gladly accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

The CHAIRMAN. Are there any other amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. THUNE) having assumed the Chair, Mr. BURR of North Carolina, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3671) to amend the Acts popularly known as the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects and increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating opportunities for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and execution of those Acts, and for other purposes, pursuant to House Resolution 455, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of substitute adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. YOUNG of Alaska. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 423, nays 2, not voting 9, as follows:

[Roll No. 105]

YEAS—423

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Young (AK)

NAYS—2

Jackson (IL)
Waters

NOT VOTING—9

Archer
Campbell
Clement
Cook
Crane
Rangel
Vento
Wynn
Young (FL)

□ 1727

Messrs. ENGEL, NADLER and HALL of Texas changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 3671.

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

There was no objection.

UNITED STATES DEPARTMENT OF TRANSPORTATION BIENNIAL REPORT ON HAZARDOUS MATERIALS TRANSPORTATION CALENDAR YEARS 1996–1997—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

To the Congress of the United States:

I herewith transmit the Department of Transportation's Biennial Report on Hazardous Materials Transportation for Calendar Years 1996–1997. The report has been prepared in accordance with the Federal hazardous materials transportation law, 49 U.S.C. 5121(e).

WILLIAM J. CLINTON.

□ 1730

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. THUNE). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1776, AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 106–562) on the resolution (H. Res. 460) providing for consideration of the bill (H.R. 1776) to expand homeownership in the United States, which was referred to the House Calendar and ordered to be printed.

PRESIDENTIAL DIRECTIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, most Americans possess little knowledge of or experience with the subject of presidential directives. Indeed, even those familiar with executive orders and proclamations may not understand the full impact of these directives on Federal, State, and local laws or on the balance of power in this Nation.

By issuing executive orders, which infringe on congressional authority, it has become increasingly clear that the President is skirting the constitutional process and meddling in the legislative affairs of Congress. The result is a subtle erosion of our representative self-government and the rule of law.

The President seeks to expand his authority beyond what the Constitution allows. He is using directives to seize land, usurp State law, expand the Federal Government, and spend taxpayer dollars without congressional authorization. This definition of executive power would have astonished the framers of our constitution. Their structure of government deliberately rejected the British model, which gave the king all executive authority.

A steady increase in controversy over executive orders and presidential proclamations has arisen since FDR's first administration. Judging by the comments of the White House, we have even more reason to be concerned. Mr. Podesta, the President's Chief of Staff, has outlined the President's plan to issue a series of executive orders and other directives that will become the force and effect of law. Thus, if unchallenged, the President has taken legislative power without first getting the okay from Congress.

Congress should be outraged by the President's staff, as they look for ways to bypass the legislative branch. We have seen this before. When the President issued his Executive Order on striker replacement, he attempted to do what had been denied him by the regular legislative process. In addition, when the President issued his proclamation establishing a national monument in Utah, he again tried to do what he had been unable to do in Congress.

I am deeply concerned with executive lawmaking, and if Congress does not openly challenge the President, we are surely surrendering our liberty. It seems clear that the President plans on using Executive Orders and other presidential directives to implement his agenda without the consent of Congress. Executive lawmaking is a violation of the Constitution and the doctrine of separation of powers. As Article I states, all legislative powers shall be vested in the Congress.

In the legislative veto decision of 1983, the Supreme Court insisted that congressional power be exercised in accord with a single finely wrought and exhaustively considered procedure. The Court said that the records of the Philadelphia Convention and the State ratification debates provide unmistakable expression of a determination that the legislation by the national Congress be a step-by-step deliberate and deliberative process. If Congress is required to follow this rigorous process, how absurd it is to argue that a President can accomplish the same result by unilaterally issuing executive orders or presidential proclamations.

Mr. Speaker, we must not be lulled into complacency. It is time to clarify the scope of executive authority vested in the Presidency by Article II of the Constitution. The Supreme Court has failed to address this issue and it is time for Congress to invoke the powerful weapons at its command. Through its ability to authorize programs and appropriate funds, Congress can define and limit presidential power. As Members, we must participate in our fundamental duty of overseeing executive policies, passing judgment on them, and behaving as the legislative branch should.

Eternal vigilance is still the price of liberty, Mr. Speaker.

PERSONAL EXPLANATION

Mr. WEINER. Mr. Speaker, on March 30 the President and I made a Social Security policy announcement with senior citizens in my district. As a result, I was unable to vote in favor of the Emergency Supplemental Appropriations bill for fiscal year 2000. Had I been present, I would have voted as follows:

Rollcall 91, the Stearns amendment, no; on rollcall 92, the Paul amendment, no; on rollcall 93, the Tancredo amendment, no; on rollcall 94, on the Motion to Recommit, yes; and on rollcall 95, final passage, yes.

FLUSHING REMONSTRANCE RECOGNIZED AS FOUNDATION OF RELIGIOUS LIBERTY IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CROWLEY) is recognized for 5 minutes.

Mr. CROWLEY. Mr. Speaker, I rise to recognize the significance of a document that was fundamental in shaping the United States as a land of liberties. I am not speaking about the Declaration of Independence, or the Constitution, for that matter. The document I want to recognize is the Flushing Remonstrance, which was written nearly 120 years before the Declaration of Independence.

For 300 years, the Flushing Remonstrance, the first recorded defense of religious freedom in the new world, was locked away in a vault in Albany, New York. The Remonstrance is believed by historians to be the first Declaration of

Independence and a forerunner of the first amendment.

As a result of the efforts of the Queens Courier, an award-winning community weekly newspaper, this historic document was brought to Queens for a viewing at the Flushing Library. The initiative was spearheaded by David Oats, a historian and special projects editor for that newspaper.

Now that that public display at the library is ending, I am working with the Courier and community groups to seek permanent custody of this document in Queens County, particularly in Flushing, New York.

The saga of the document began more than 340 years ago when a group of about 30 freeholders in Flushing held a town meeting to discuss Governor Peter Stuyvesant's restrictions on the Quakers because they were not members of the Dutch Reform Church. The Flushing Remonstrance lay the groundwork of this early colony in America, which is located in what is now called Flushing, in my congressional district of Queens, New York.

I have informed the State that the best argument for moving the document to Flushing is its very name, the Flushing Remonstrance. It has lain dormant for years in a vault in Albany. I will continue to urge the State of New York to permanently relocate the Flushing Remonstrance in its rightful place in Flushing, Queens, New York.

Mr. Speaker, Flushing, New York, in all likelihood, is probably the most diverse place in the entire world. We have more ethnic and racial and religious makeups than any corner of this country certainly, and, therefore, I believe, anywhere in the world. It is appropriate that the Flushing Remonstrance find its way home to Flushing, Queens.

We probably need it more now than ever to remind people of the rich history of diversity and tolerance in Queens County, particularly in Flushing. It will be a perfect reminder for not only future generations but for generations here now, to remind them of the rich history that lay in Flushing, Queens, a rich history that I would like to bring out more. I believe if this document is relocated back in its rightful place and home, we will go a long way in accomplishing that.

Mr. Speaker, I commend the Queens Courier and the Queens Public Library for its campaign to bring the Flushing Remonstrance to Queens permanently.

LIBRARY OF CONGRESS FINANCIAL MANAGEMENT ACT OF 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, today I am introducing the Library of Congress Financial Management Act of 2000, bipartisan legislation which will authorize the Library to create a revolving fund which would allow a number of the Library's cost-recovery programs to operate more efficiently. This legislation, which the Library has sought for a number of years, would provide for more efficient and accountable financial management of fee-based Library programs and would correct long-standing deficiencies first identified by the General Accounting Office in 1991 and highlighted in subsequent independent audits.

The legislation has bipartisan, bicameral support. Our colleague Senator COCHRAN of Mississippi, who serves with me as a member of the Joint Committee of Congress on the Library, has introduced similar legislation in the Senate (S. 2286). It is especially appropriate for Congress to address these matters now, in the year of the Library's Bicentennial, as the Library retools itself to meet the needs of Congress and the American people in the new century.

The bill authorizes a financial restructuring of existing fee-based program operations. It authorizes no new fees, other than for specified activities relating to audio-visual preservation services associated with the Library's role as a national conservation center.

The bill would increase the efficiency of the Library's cost-recovery programs by establishing a systematic relationship between program costs and fees charged, setting program operations on a more business-like foundation. A 1996 Library of Congress management audit report stated that "charging fees for services works best when the appropriate financial structures, such as revolving funds, are in place." The report also stated that a revolving fund mechanism allows managers to better control their resources, monitor their costs, and track performance, and most importantly, allow accumulation of reserves for slow periods and the development of strategic plans that address productivity objectives across fiscal years.

This legislation will increase the accountability of the Library's current self-sustaining programs by: providing proper statutory authority for retaining receipts, as GAO has often suggested; limiting obligations to amounts approved in annual appropriations bills; requiring annual independent audits of financial statements following government auditing standards; requiring annual submission of the audited financial statements to Congress; and establishing separate accounts for each fund service unit.

In the most recent audit report reviewing the Library's financial statements, the independent auditor again noted the Library's need for proper Congressional authority to operate gift revolving funds. This is now the sole remaining vulnerability identified by the auditor's examination of compliance with certain laws and regulations.

The bill will also transfer to the revolving fund certain cost-recovery programs currently authorized under the Economy Act. The major programs included are FedLink and Federal Research Division [FRD]; the services the Library of Congress is able to provide the federal sector through these programs are invaluable, and the Library is uniquely able to provide them because of its collections and its acquisitions expertise. The transfer of these programs to a revolving fund will eliminate significant costs currently incurred by annual shut-down and start-up imposed under that Act.

With the requested revolving fund authority, federal libraries participating in FedLink could save, in the aggregate, an estimated $1.37 million each year in increased efficiencies and improved vendor discounts. The paperwork burden of federal librarians, such as overly complex inter-agency agreements and year-end closeout, refund and re-registration chores required by the Economy Act, could also be significantly reduced. Revolving fund authority would, simply put, save costs and place both programs on a firmer business foundation.

The Financial Management Act also includes language to update the outdated 1902 law authorizing the sale of cataloging data to libraries across the nation, by allowing the use of new technologies and enabling a more businesslike cost-recovery mechanism. In addition, it includes administrative changes to the Library of Congress Trust Fund Board to permit more efficient operation of the Board's decision-making functions.

The Library's Inspector General, in reviewing this legislation, strongly believes it will strengthen the internal controls and accountability of the Library's business-type operations, as well as clarify the legislative authority for the operation of these programs.

Mr. Speaker, a more detailed section-by-section description of the legislation follows:

THE LIBRARY OF CONGRESS FINANCIAL MANAGEMENT ACT OF 2000 SECTION-BY-SECTION ANALYSIS

SUMMARY

The Library of Congress Financial Management Act of 2000 is intended to improve the Library of Congress's financial management and administration and to maximize the use of its resources. The bill encompasses three changes in the Library's authorizing legislation: (1) it establishes a revolving fund for the operation of most cost-recovery services, as recommended by the General Accounting Office, and Economy Act (inter-agency) activities; (2) it updates the 1902 authority provided in 2 U.S.C. 150 that allows the sale of cataloging products and services to the nation's libraries; and (3) it makes needed changes to enhance the continuity of the Library's Trust Fund Board.

TITLE I. LIBRARY OF CONGRESS REVOLVING FUND

The legislation establishes cost recovery for the direct and indirect costs of information products and services, through a Library of Congress Revolving Fund. This practice embodies the principles of 31 U.S.C. 9701: "It is the sense of Congress that each service or thing of value provided by an agency . . . to a person . . . is to be self-sustaining to the extent possible."

The Library currently provides a variety of these types of services through various self-sustaining funds, the most notable of which, the Photoduplication Service, has existed since 1938. However, the General Accounting Office (GAO) in its August 1991 report, First Audit of the Library of Congress Discloses Significant Problems (as well as subsequent reviews), recommended the Library seek authorization of a separate revolving fund to handle these types of activities. This legislation enables the Librarian to implement that recommendation.

A fundamental reason to establish a revolving fund is to provide for the systematic

disclosure of the relationship between program income and costs for products and services, thereby providing a firm basis for decisions regarding services to be undertaken and prices to be charged. Thus, the revolving fund will improve accountability to the Congress, as recommended by the GAO.

Section 101. Availability of fund service activities

This section authorizes the Librarian of Congress to: (1) establish specific cost-recovery activities as Revolving Fund service activities; and (2) establish Revolving Fund service units to carry out activities supported by the revolving fund's cost-recovery mechanism. These service units (an organizational term already employed in the Library) may be partially or fully sustained through the Revolving Fund established under the Act.

The intent of this provision is to authorize, but not require, fee service activities to operate under the revolving fund on or after the effective date of this Act. The Library anticipates restructuring the financial operation of these activities as soon as is feasible, but it is recognized that it may be necessary to transfer some activities to the revolving fund in phases.

Section 102. Fund service activities authorized

This section lists the Fund service activities authorized by this act that may be conducted by Fund service units. These activities are limited to the following seven: (1) preparation of research reports, translations, analytical studies, and related services, for any entity of the Federal government or the District of Columbia (but would not, for example, cover such appropriated research activities as those conducted for the Congress by the Congressional Research Service); (2) centralized acquisition of publications and library materials in any format; information, research, and library support services; training in library and information services; and related services for any entity of the Federal government or the District of Columbia; (3) decimal classification development; (4) gift shop and other activities involving sale of items associated with Library collections, exhibits, performances, or other events; (5) location, copying, storage, preservation and delivery services for library materials (not including domestic interlibrary loans), and international interlibrary lending; (6) special events and programs, performances, exhibits, workshops, and training; and (7) cooperative acquisitions of foreign publications and research materials and related services on behalf of participating institutions.

For the most part, these activities describe programs the Library conducts currently. Some examples of these current activities are: a bibliography of citations to scientific literature on the earth's cold regions, compiled for the National Science Foundation; area studies handbooks prepared for the Department of Defense; centralized and cost-effective procurement of commercial database services for Federal agencies through FedLink; sale of exhibition catalogs in the gift shop, such as Rome Reborn: the Vatican Library & Renaissance Culture, and African American Odyssey: A Quest for Full Citizenship; development of the Dewey Decimal classification tables, and the Library's Cooperative Acquisitions Program, which will be folded into the newly created fund under this legislation.

Charging fees under the authority set forth in item (e) for retrieval and delivery of library materials will not infringe on basic library services, but will allow the Library to, for example, continue to make its film collections available for loan by permitting recovery and retention of costs of making a loan copy of the film from a master copy.

The intent of section 102 is to authorize a revolving fund mechanism for current fee-based activities of the Library which now operate under the Economy Act, or the Library's extant gift fund authority, plus the following activities not currently being done or for which fees are not currently charged: (1) charging fees for attending films and other performances; (2) charging fees for borrowing films; and (3) charging fees for services relating to a national audio-visual conservation center (preservation, copying, transporting and storage of films and other audio-visual materials).

Section 103. Establishment of the Library of Congress revolving fund

Section 103 establishes the Library of Congress Revolving Fund in the U.S. Treasury as a ''no year'' fund to carry out Fund service activities; this means that money remains available in the Fund until expended. This section also sets forth the sources of the Fund capital, and specifies amounts received for Fund activities that are to be credited to the Fund.

This section also establishes various operational controls and limitations on the fund, including: (1) specification of the capital and credits to be deposited into the fund; (2) limiting obligations under the fund to limits set under the legislative branch appropriations act for any fiscal year; (3) requiring annual audits of fund financial statements, to be submitted to Congress; and (4) requiring separate fund service unit activity accounts.

The intent of sub. (b)(2), authorizing funds from other Library appropriations accounts to be temporarily transferred to the Fund, is primarily for the purpose of initially capitalizing activities previously conducted under section 1535 of Title 31, U.S. Code [the Economy Act]. This subsection requires the fund to reimburse such a ''loan'' within the period for which the appropriation is available. Subsection (b) also specifies other amounts to be deposited into the fund.

Subsection (c) specifies amounts to be added to the fund as credits to the service unit accounts.

The intent of sub. (d) is to ensure that, once the Librarian determines the appropriate grouping of activities into fund service units, the reimbursable portion of each service unit will be self-sufficient, operated under a separate account within the revolving fund.

Subsection (e) is standard language applying to self-supporting programs, requiring the agency to designate excess amounts in the fund as miscellaneous receipts and deposit such funds in the Treasury.

Subsection (f) requires that a financial statement be prepared annually, that the statement be audited, and that the audit be submitted to Congress on an annual basis.

Section 104. Operation of revolving fund activities

Section 104 establishes parameters for the operation of the Revolving Fund activities Subsection (a) authorizes the Librarian to set fees to recover the costs of activities authorized by sec. 102, and authorizes the Library to sell products and services resulting from those activities. This section limits the purchase prices to levels necessary to recover the direct and indirect costs for each fund service unit, over a reasonable period of time.

Subsection (b) provides express authority to require participants (including federal participants) to provide advance payments, where necessary to ensure that the fund is sufficiently capitalized, and under other circumstances upon agreement with participants.

Subsection (c) permits fund activities to engage in multi-year contracts. This language parallels identical authority currently afforded executive branch agencies and the General Accounting Office under the Federal Property and Administrative Services Act [41 U.S.C. 253*l* and 254c].

Section 105. Repeal

Section 105 repeals the current authorization for the Cooperative Acquisitions Program revolving fund; that fund, and the corresponding activities associated with it, are incorporated into the new Library of Congress Revolving Fund created under Title I of this bill.

Section 106. No effect on personnel

This section specifies that nothing in Title I of this Act is intended to affect the terms and conditions of employment of any employee of the Library of Congress who carries out any Revolving Fund activity. The purpose of this section is to avoid any unintended consequences of restructuring current activities to operate under a new revolving fund.

TITLE II—CATALOGING PRODUCTS AND SERVICES

In 1902, the Library of Congress was first authorized by Congress to serve the Nation's libraries by producing and distributing catalog cards. These cards establish and describe the author, title, and physical characteristics of a book and contain subject headings and a classification number to enable researchers to locate books by author, title, or topic.

Over the years, the Library of Congress has expanded its catalog card service by producing and distributing additional bibliographic and technical products and services. In addition to the print format, the Library has utilized other formats to make cataloging data available, e.g., magnetic tapes and CD–ROMs, and has recovered the distributing costs for providing these products.

As a result of this centralized cataloging activity, the Nation's academic and public libraries save significantly on costs they would incur if they had to create their own cataloging records.

Title II modernizes the authority given in the 1902 law under which the Library provides these bibliographic information services and products; and makes funds available until expended.

Section 201. Availability of cataloging products and services

In addition to authorizing the Librarian of Congress to sell cataloging products and services, this section limits the prices charged for such products and services to recovery of the distribution costs associated with furnishing such products and services, rather than the current ''cost plus 10 percent.'' This section also provides that all moneys received through the distribution of such products and services shall be deposited in the Treasury and credited to the Library of Congress salaries and expenses appropriation, to remain available until expended. This mechanism will provide a more stable financial base for cataloging distribution operations.

For the purposes of this title, ''cataloging products and services'' is defined to mean those bibliographic products and services, in

any format now known or later developed, that are used by libraries and library organizations, including other Library-created databases, and related technical publications.

The language ''over a reasonable period of time'' is included to make the provision consistent with the revolving fund language under s. 101. This language will assist the Cataloging Distribution Service in bridging fiscal years if some distribution costs are incurred over more than one fiscal year, and recognizes that the sale price of cataloging products must be established on a business-like basis, i.e. based on overall distribution costs, measured by the estimated sales volume of cataloging products over the estimated duration of sale of any given item.

Section 202. Repeal

This section repeals the obsolete 1902 law authorizing the production and sale of cataloging cards and records, in light of the new authority established under sec. 201.

TITLE III—TRUST FUND BOARD AMENDMENTS

Title III of the bill, amending the Library of Congress Trust Fund Board Act, will ensure the Board's continuity across members' terms as well as the Congressional calendar. The Library of Congress Trust Fund Board was created by Congress in 1925 and charged with the acceptance, deposit, and administration of funds given or bequeathed to the Board for the benefit of the Library. In 1992, the Board was expanded from 5 to 13 members. Three are ex-officio (The Librarian of Congress, the Secretary of the Treasury; and the Chairman of the Joint Committee on the Library); the remaining members, who serve five-year terms, consist of two appointed by the President, and four each appointed by the Speaker of the House of Representatives and the Majority Leader of the Senate (both in consultation with the respective minority leaders).

Section 301. Addition of congressional board member

Section 301 increases the size of the Board by the addition of a new member—the Vice-Chairman of the Joint Committee on the Library. The Committee's Chairman has been an ex-officio member of the Trust Fund Board since the Board's creation in 1925. Because the Chairmanship and Vice-Chairmanship of the Joint Committee on the Library alternate each Congress between the Senate and the House of Representatives, this provision is intended to enhance the continuity of the Library's Congressional overseers in the activities of the Trust Fund Board.

Section 302. Temporary extension of board member term

The bill authorizes the Board Chairman to extend temporarily the term of an appointive board member whose period of appointment has expired. Such an extension could not exceed two years, and would expire immediately upon the appointment of a successor. The Library is requesting this provision on behalf of the Trust Fund Board, which approved the request by resolution on September 24, 1998.

Vacancies on the Trust Fund Board have occurred due to the expiration of the members' terms, resignations, deaths and for other reasons. Due to the press of Executive and Congressional business, these vacancies often cannot be filled to ensure that the Board consists of a sufficient number of members necessary to conduct business and carry out its fiduciary responsibilities. In recent cases, this has meant, for example, that funds given to the Board to benefit the Library have not been able to be accepted and invested in a timely manner, at the expense of valuable investment income to the Library.

Section 303. Trust fund board quorum

Section 303 amends the Trust Fund Board Act to specify that seven members of the 14-member Board constitute a quorum; current law requires nine of 13 members to conduct business. The Library is also requesting this provision on behalf of the Trust Fund Board, which approved the request by resolution on September 24, 1998.

CONGRATULATIONS TO MICHIGAN STATE UNIVERSITY SPARTANS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Ms. STABENOW) is recognized for 5 minutes.

Ms. STABENOW. Mr. Speaker, I rise today here in Washington, D.C. to display the championship, the national championship T-shirt, of the MSU Spartans.

Today, in my hometown of Lansing, there has been a wonderful parade going from the State capital out to Michigan State University where thousands of people have joined together to recognize the team that we are so proud of, young men not only who have excelled on the court but off the court as well.

I want to congratulate the Michigan State Spartan basketball team on their national championship victory in Monday night's NCAA title game. Led by senior point guard Mateen Cleaves, who showed the heart of a champion by returning from an early second half ankle injury, the Spartans capped a 32–7 season by beating Florida 89–76. All MSU alumni watched with pride, including me, as the Spartans claimed their rightful place as the national champions.

Founded in 1855, Michigan State University has a rich history of providing educational opportunities to undergrads of diverse interests, abilities, and backgrounds. The Spartans now add another national basketball title to their world class academic reputation. The pride of East Lansing is now the pride of the entire State of Michigan and the entire country.

It is with great joy, Mr. Speaker, as a graduate of MSU, that I take to the floor today to say, Way to go, Spartans. Congratulations to the players, the coaches, the staff, and the parents of this national championship team.

□ 1745

World class academics are now joined by a second national basketball title to underscore the MSU is one of the country's finest academic and athletic institutions. Let me just speak for a moment about the year.

This win is especially sweet given the loss to Duke in last year's Final Four. In many ways, Monday night's game was representative of the entire season. There were great expectations in Lansing last November, as a senior-led experienced team prepared for the upcoming campaign.

However, this great promise was followed by adversity, as Mateen would miss the first 13 games recovering from a stress fracture in his right foot.

Instead of reeling from his absence, the Spartans did what they do, they learned how to win without Mateen going 9 to 4 during that stretch and allowing the sensational Mo Pete as we like to call him, Morris Peterson to further develop his all around game while receiving steady efforts from senior forward A.J. Granger, junior guard Charlie Bell and center Andre Hutson. Led by the great coaching of Tom Izzo, who is a native of the Upper Peninsula of Michigan, and he has been coaching on the staff at MSU for 17 years, the Spartans overcame this obstacle with talent and determined effort and entered the grueling Big 10 conference play with even more confidence in their abilities.

They completed conference play as co-champions and won the Big 10 conference tournament in Chicago, earning the number one seed in the Midwest Region.

The lessons learned early on would pay off down the road, for after easily dispatching Valparaiso in the first round, Michigan State played three tough games in a row, starting with a comeback win from a half-time deficit against Utah to reach the Sweet 16.

Next, before a friendly crowd in Auburn Hills, Michigan, the Spartans staged one of the most dramatic one half turnarounds in recent tournament memory, erasing a 14-point second-half deficit in handing the Syracuse Orangemen a 75 to 58 loss. Then they capped it, their run to the Final Four, by again rallying late against Iowa State defeating the Cyclones 75–64.

The Final Four presented its old and new obstacles. To get to the finals, they had to beat Wisconsin. They persevered against the defensive-oriented style of the Badgers before facing the young, fast and deep Florida Gators in the final.

Mateen led the way in the first half of the final game, helping the Spartans to routinely shed the daunting Florida full-court press while scoring 13 points. However, when he went down with an ankle injury, his teammates responded again. The six-foot nine reserve forward, Mike Chappell, knocked down a key three-pointer and freshman Al Anagoyne was a forceful inside presence.

Jason Richardson scored 9 points in 16 minutes, while Adam Ballinger added key minutes. David Thomas and Matt Ishiba also saw action and, importantly, with Steve Cherry and Brandon Smith, rounded out a roster that worked hard all year and pushed the starters hard in practice. All in all, the

bench scored 16 points and grabbed 7 rebounds, an effort Coach Izzo termed awesome.

Mr. Speaker, this is what college sports is supposed to be about, student athletes that we are proud of on the field, as well as off the field. I see my colleagues here today from Flint. We have what we like to call the Flintstones, awesome young men who worked as a team whose dreams growing up were to win a national championship after playing together on the basketball courts and the recreation centers in Flint. They took it all the way. And we are very, very proud of them. Go Spartans.

PAYING TRIBUTE TO THE UNIVERSITY OF WISCONSIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Mr. Speaker, I, too, want to congratulate the terrific representative from Michigan (Ms. STABENOW) and her Michigan State University team for their wonderful win in the NCAA double championship, along with my other friend from Michigan (Mr. KILDEE) who actually had three of the players who were born and raised in Flint, Michigan, a city in his district.

They are worthy champions, but the gentlewoman is correct, they had to go through my Wisconsin Badgers in the Final Four in order to get there, and that is the reason why I am rising here tonight.

I want to rise to pay tribute to my home State University, the University of Wisconsin. The University of Wisconsin athletic program has had an extraordinary run of success over the past years. A level of success that has made all of Wisconsin residents very proud.

On January 1, the Wisconsin football team defeated Stanford University to become the first Big 10 school to win back to back Rose Bowl games.

Shortly after that victory, Wisconsin running back Ron Dayne, who earlier in the season became the NCAA all-time career rushing yardage leader was awarded the Heisman trophy, the highest award for a college football player.

The success of our football team was followed by the Badger men's hockey team which won the Western Collegiate Hockey Association League title this year and was ranked as the number one hockey team in the Nation throughout most of the season. Unfortunately, the hockey team fell one game short of reaching the NCAA hockey Frozen Four, nevertheless, our hockey team continued its tradition of being one of the elite hockey programs in the entire country.

More recently, the Wisconsin men and women's basketball programs reached unprecedented heights. Last week the women's basketball team was crowned women's national invitational tournament champions, a team that included a player which is the pride of my hometown of LaCross, Kelly Paulus.

On Saturday, the men's basketball team capped their Cinderella run through the NCAA tournament with an appearance in the Final Four eventually losing to the NCAA champs, Michigan State University.

The men's Final Four appearance was the first by a Wisconsin team since 1941, a 59-year drought; and we are hoping that will not be repeated soon.

The success of the Wisconsin athletic programs reflects the values that all Wisconsin residents hold dear. The Wisconsin teams are not flashy, and they are not loaded up with superstar recruits from across the country. Instead, Wisconsin teams are successful because they work hard, played as a team and believed in themselves. The Wisconsin players are almost all born and raised in Wisconsin.

They were not the most heavily recruited players. They chose instead to attend their home State school because they wanted a quality education along with the experience of playing with the Badgers.

By sticking to the Wisconsin values, hard work, team work and a dedication to getting an education, the young men and women who played for the University of Wisconsin were winners before they ever put on a Badger uniform. This year, however, they took their winning ways to the national stage and showed the Nation that Wisconsin can succeed at more than just making good cheese.

I want to congratulate football coach Barry Alverez, hockey coach, Jeff Sauer; women's basketball coach, Jane Albright; and the men's basketball coach, Dick Bennett. They are all outstanding role models for their athletes and for all of Wisconsin students.

I want to congratulate the Wisconsin marching band and the cheerleaders and the Wisconsin fans, the Badger pride followed our team from Pasadena to Indianapolis and they helped spread the word about the great people of Wisconsin.

Finally, Mr. Speaker, I rise to pay special tribute to the men and women athletes at the University of Wisconsin. The success that they achieved on the court and the class with which they conducted themselves off the court, has made the great State of Wisconsin very proud. They are what is good with collegiate athletics today, and they are wonderful role models for the children who cheer for them and who try to emulate them.

SHOOTING IN MOUNT MORRIS TOWNSHIP, MICHIGAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BARCIA) is recognized for 5 minutes.

Mr. BARCIA. Mr. Speaker, I rise today to talk about the tragic shooting that occurred in Mount Morris Township, which is located in my congressional district. When I first heard about the shooting of Kayla Rolland, like most of the Nation, I was shocked, dismayed, and concerned about how such a tragedy could occur.

Unfortunately, some people rushed to judgment and called for more gun control laws, more swift punishment of the child. However, I thought it best and prudent that we look at all the facts before commenting or jumping to conclusions on this very terrible tragedy.

For me, the real problem is that we had a neglected little boy growing up in a dysfunctional and dangerous environment. The real solution is not more gun control.

When the boy was 2 years old his father, Dedric Owens was arrested and for the next 4 years he moved in and out of various detention facilities for various crimes. So the man who should have been a role model, who should have taught him responsibility, who should have taught him right from wrong, was serving time for attempted home invasion, cocaine possession, cocaine possession with intent to distribute, and fleeing and eluding police.

While the father was serving these sentences, the boy's mother was neglecting her parental responsibilities. Children need positive role models to build strong, moral character. With his father in jail and his mother missing in action, this 6-year-old boy did not have a positive role model, and he did not have a chance.

Since the boy's mother was evicted from her home, she dropped her son off at an uncle's house. At this house the boy did not have a bed. He slept on the couch. He did not have toys, but he did find a role model. In fact, he found two role models, the uncle and the uncle's partner in crime, both of whom had outstanding warrants and both of whom were suspected drug dealers.

The house they lived in was a suspected crack house with more than 40 sales per day conducted at all hours of day and the night. Neighbors claimed they heard gunshots at night; and police were building a case against the owners, but had not yet made any arrests. So we had a little boy living in a crack house with no bed, no father, no mother and two drug dealers as his role models.

At school, the boy was displaying the effects of his confused and tormented childhood. He was suspended for fighting, and in one instance even stabbed another child in the neck with a pencil. The school identified him as potentially violent and scheduled him to see a psychologist, but the appointment was scheduled for one week too late. Even though everyone knew this child

was in trouble, no one bothered to go to his house, no one bothered to help him.

That is the true failure here. It is not guns or not enough restrictions on second amendment rights. The true failure was this little boy falling through the cracks of a system that let him down. His role model stole guns or maybe traded drugs for stolen guns, no one is quite sure. But we are quite sure that the boy was taught that violence, not words, was the way to solve problems. One neighbor remembers the uncle threatening to shoot up his house while holding the little boy in his lap.

Sadly, many of the remedies that people have pointed to would have done nothing to change the outcome of this tragic event.

This little boy with one parent in jail and the other reported drug user was living with two drug dealers who threatened their neighbors and traded in stolen guns, and in the meantime he was watching the violence that is so rampant on today's television. All of this was going on while he was in his most impressionable formative years. He had yet to learn right from wrong, and no one cared to teach him. The result was almost predictable. So anyone who claims that a trigger lock, a storage law, or any law at all would have prevented this tragedy is simply wrong.

What would have prevented this tragedy? That is a good question. The only thing that would have prevented this tragic event is if this innocent child had two loving parents. Only when violent repeat offenders are incarcerated and away from our children will this type of crime be prevented. The need here is not for unenforceable mandates, the need is for real solutions to violence. Let us work together to find ways to strengthen families and help parents teach their children right from wrong.

Mr. Speaker, I call on all of my colleagues to focus on the real solutions that will help restore and protect our families and our communities.

NATIONAL CHAMPION MICHIGAN STATE SPARTANS MEN'S BASKETBALL TEAM

Mr. BARCIA. Mr. Speaker, I rise today to join my colleagues from Michigan to pay tribute to the National Champion Michigan State Spartans Men's Basketball team.

On Monday night, this group of fine young men provided us with a display of sportsmanship, dedication, and perseverance that all of us must admire. This group, affectionately known as the "Flintstones" because of several players who hail from the Flint area, overcame many adversities, such as halftime deficits and injuries throughout the tournament on their way to the championship.

The heart and soul of the Michigan State team is their senior leadership. At a time when many college athletes make a quick jump to the professional ranks, it is refreshing to see this talented group of young men stay in school, get their education, and use their God-given talent and their experience to lead the Spartans to the National Championship.

Often times people place too much emphasis on athletics, especially college athletics. But this Michigan State team has taught us an important lesson. We have learned that through hard-work, dedication and loyalty you can achieve your dreams. Young people often look to sports figures to role model and the young men of the Michigan State basketball team are truly worthy of that admiration.

I would like to salute Head Coach Tom Izzo, Seniors Mateen Cleaves, Morris Peterson, and A.J. Granger, Saginaw native Jason Richardson, and the entire Spartan team for an outstanding season. You have made us proud, not just as Spartan fans, but as Michiganders. Congratulations.

PERMANENT NORMAL TRADING RELATIONS WITH CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BERRY) is recognized for 5 minutes.

Mr. BERRY. Mr. Speaker, I want to speak this evening in support of Permanent Normal Trading Relations with China. I want to commend the Speaker of the House for setting a date when we will have the vote before Memorial Day.

I want to commend the President for the extraordinary effort that he is putting into this. I want to commend Ambassador Barshefsky; Secretary of Agriculture, Dan Glickman; and Secretary of Commerce, Bill Daley for their strong effort to help us pass Permanent Normal Trading Relations with China.

□ 1800

We must approve permanent normal trading relations with China in May, or our economy will suffer for years to come. It will be a terrible mistake for this country not to approve this agreement. There are 1.3 billion people in China, 20 percent of the world's population, one of the fastest growing economies in the world. This is a good deal for America. It cuts overall tariffs from 24 to 9 percent by 2005, cuts overall agriculture tariffs from 31 to 17 percent, it gives us five times more market access for cotton, 20 times more market access for rice, an unbelievable potential for poultry, beef, pork, soybeans, wheat and nearly every other ag product, and a huge potential for technology, banking, telecommunications, insurance. We give up nothing in this agreement, Mr. Speaker. This agreement grants us access to their market. It does not give them any additional access to our markets.

China has had access to our markets for the last 20 years. The Chinese want a seat at the international trade negotiating table. They must give access to get that. If this agreement does not happen, we will lose out and the rest of the world will gain. Literally the rest of the world will laugh all the way to the bank. China is going to enter the World Trade Organization whether we pass this agreement or not. Our choice is whether we want to have the same access to a market of 1.3 billion people as the rest of the world. The only choice for us to make is to approve permanent normal trading relations with China.

CONGRATULATING NCAA CHAMPION MICHIGAN STATE SPARTANS

The SPEAKER pro tempore (Mr. GARY MILLER of California). Under a previous order of the House, the gentleman from Michigan (Mr. KILDEE) is recognized for 5 minutes.

Mr. KILDEE. Mr. Speaker, I rise today to congratulate the Spartans of Michigan State University, which my son Paul attended, on winning the National Collegiate Athletic Association basketball championship. The Spartans defeated the Florida Gators 89–76 in the championship game to capture the NCAA championship. It was certainly an exciting game that showcased some of the best talent the NCAA has to offer.

The Spartans are a great example of what hard work, determination, and a passionate desire to win can accomplish. The Spartans were led by seniors Morris Peterson and Mateen Cleaves and junior Charlie Bell, the Flintstones as they are commonly known in Michigan. All three grew up in my hometown of Flint, Michigan. They have brought a sense of spirit and optimism to our community and our State. I could not be prouder of these young men. They played basketball together and against each other at Berston Field House, a recreational center in the heart of downtown Flint. Over the years, Berston Field House has provided young men and women with not only a great place to play sports but also a safe alternative to the streets.

Peterson, Cleaves, and Bell have all been guided by strong family values and principles. All are graduates of the Flint public schools, where academics are stressed before athletics. They all possess a deep sense of spirituality that is clearly rooted in faith and family. And they never miss a chance to praise and celebrate those roots. Their accomplishments shine bright in the eyes of the people of Flint.

Morris Peterson was named Big 10 player of the year and joined Mateen Cleaves as one of the 10 players selected to the John Wooden All-American team. Charlie Bell earned a spot on the third team All-Big-10 Conference. All three, along with A.J. Granger, made the All-NCAA tournament team.

The Spartans finished their storybook season with a record of 32–7, becoming Big 10 regular season cochampions, Big 10 tournament champions, and NCAA champions. Today, Mr. Speaker, I salute Michigan State's accomplishments and share the joy of their victory with MSU students and alumni and especially the people of Flint.

NATIONAL SLEEP AWARENESS WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I, too, would extend my congratulations to all of the athletes that we have heard talked about. In my own congressional district, the Westinghouse High School boys team went to the finals, lost by three points. Unfortunately, they did not win; but they came close, and, of course, the Marshall High School girls were city champs. They did not win the championship this year, but they have won it so many times until they know that they will be back next year.

Mr. Speaker, last week was National Sleep Awareness Week. I rise today to pay tribute to the work that the National Sleep Foundation and other health professionals are doing in this arena. I think it is important that we recognize the efforts of medical researchers who have devoted their professional careers to studying the impact of fatigue and sleep disorders on our Nation's health, safety, and productivity. We should also take time to reevaluate our own personal health habits and determine how we can improve our own health in order to be stronger and more effective citizens.

While physicians and patients now pay attention to the adverse health impacts of poor nutrition and inadequate exercise, too few people pay attention to the harm that can result from inadequate or disordered sleep. Sleep scientists have linked such ailments as high blood pressure, hypertension, depression, and cardiovascular disease to inadequate sleep. The National Institutes of Health estimate that 40 million Americans suffer from chronic sleep disorders, the vast majority of which remain undiagnosed and untreated; and another 20 to 30 million suffer intermittent sleep-related problems.

The survey conducted by the National Sleep Foundation found that 58 million Americans report suffering excessive daytime sleepiness at levels that interfere with their day-to-day activities. Evidence tells us that America's sleep debt is on the rise. Yet numerous studies have concluded that the general public and primary care physicians lack the basic sleep knowledge to address these problems. As a result, the toll on human health, safety and productivity is enormous.

This problem is more than simply getting a good night's rest. It encompasses medical problems, lack of education, and the tools required to address this public health concern. Sleepiness, whether the result of untreated sleep disorders, volitional sleep deprivation, or shift work has also been identified as casual factors in a growing number of on-the-job injuries. This corresponds directly in lost productivity, personal injuries, medical expense, property and environmental damage due to sleep disorders and sleep deprivation.

The cost of this problem is estimated by the National Sleep Foundation to exceed $100 billion each year. It is the personal injuries that are the most tragic part of this equation. However, we hear numerous reports on television and in the news about drivers who fall asleep at the wheel and kill themselves, a family member, or an innocent bystander.

As I alluded to earlier in my statement, there are ongoing research efforts into the impact of sleep deprivation. I am privileged that the Northwestern University Medical School in my district; and one of my constituents, Dr. Phyllis Zee of Oak Park, Illinois, has spent over a decade creating innovative approaches to improved sleep and daytime performance in older adults and by conducting research on the genetic basis for human sleep disorders.

As with any type of important health research, there is also need to provide information to the members of the community at greatest risk. Many minorities, for example, do not receive education on proper sleep habits or recognition of symptoms that could indicate a chronic disorder. Through the work of the National Sleep Foundation, however, outreach to high-risk groups is beginning to change. It is important that we in Congress support these efforts and support strong public education and prevention programs to address this public health issue and this public health crisis.

Mr. Speaker, I would hope that all Americans would look seriously at something as simple as getting enough rest, getting enough sleep and the impact that it can have on enhancing rather than diminishing the quality of life for all of us.

STRENGTHENING THE RURAL ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, the United States has enjoyed the longest sustained period of economic growth in the history of the Nation. We have gone from record deficits to record surpluses. 20 million new jobs have been created in the last 8 years. We have the highest homeownership rate ever, the lowest unemployment in 30 years, and the lowest poverty rate in 20 years. Under current plans, we expect to eliminate the Federal debt; and we are looking forward to a surplus of more than $3 trillion over the next 10 years. Farmlands are being transformed into subdivisions overnight.

Ordinarily that would be good, indicating progress. But the transformation of farmland into subdivisions is but further evidence that small ranchers and farmers are a dying breed. At the turn of the last century, close to half of the population in America lived and worked on ranches and farms. With the recent turn of the century, that number has been reduced to only about 1½ percent of the population. In 1900, thousands and thousands of small farms and ranches dotted the countryside, growing tobacco, cotton, wheat, soybeans and other products, raising pigs, poultry, horses and cattle. Today, by contrast, four companies are responsible for 80 percent of the beef market.

Despite the rosy economic picture for some, many in rural America are suffering. Despite the economic boom, many in rural America have not shared in the bounty. In rural America, low-tech factories have been driven out of business by lower paying foreign competitors. Small tobacco growers and other farmers face extinction. The digital divide has left us with two Americas. According to a recent article in the New York Times, large chunks of rural America are being depopulated. Small ranchers and farmers are being impoverished, forcing them to sell out.

The Department of Agriculture reports that wheat is at the lowest price since 1986, cotton at its lowest since 1974, and soybeans at its lowest since 1972. The Times article notes that in one of the poorest rural counties, the average income is less than $4,000, while in Manhattan, New York, the average income is close to $70,000. In rural North Carolina, where I come from, last year alone in the State we lost 32,000 manufacturing jobs because of plant closings and layoffs, 43 percent more than we lost in 1998. An old plant closed and a new plant opened in Ashe County. Only 200 of the 300 workers were retained. The new plant laid off workers because computers now do the jobs that they did.

Yes, Mr. Speaker, in many parts of America, the help-wanted ads are full, unemployment rates are low, incomes are high, wealth is being accumulated. Not so in rural America. A $15 million satellite site opened recently in North Carolina to support the needs of a $350 million plant. Because of computers, only three workers were hired to operate this satellite plant.

What can we do, Mr. Speaker? We can emphasize education, preparing our students, and training our workers to compete in an increasingly high-tech and global economy. We can provide incentives to business to locate in rural America. We can improve our infrastructure, provide better water and sewer systems.

□ 1815

We can begin to close the digital divide and provide Internet access to even those in remote, rural areas, and we can improve our roads, helping to get rural goods and services to customers throughout the Nation and throughout the world.

Most importantly, we can and we must use organizations like our recently organized rural caucus as a place to discuss, a place to generate new ideas. We can strengthen the economy in rural America and allow for all of our citizens to share in our Nation's growth. We can close the income and wealth gap in that it is growing between urban and rural America. We can strengthen our economy, Mr. Speaker, in rural America, and we must.

EDUCATION IS TOP PRIORITY FOR AMERICANS

The SPEAKER pro tempore (Mr. GARY MILLER of California). Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. RODRIGUEZ) is recognized for 60 minutes as the designee of the minority leader.

Mr. RODRIGUEZ. Mr. Speaker, we are here today to talk about the tremendous progress that we have made in education over the past 7 years. Even better, over the past 5 years, we have seen some measurable results. Fourth grade reading scores in high-poverty schools are up. Eighth grade math scores are up. The gender gap in math and science scores are shrinking. The number of advanced placement tests, the AP tests with scores meeting college requirements increased overall, and more importantly, also for minorities and women. More high school students are taking tougher classes and are including the AP classes which are the advanced placement classes. More women and Hispanics and minorities are going to college than ever before. These are all just over the last 5 years.

Mr. Speaker, this is all good news, and the progress we have made has been largely due to the Clinton administration and the efforts they have made throughout the country with good, sound solutions for our Nation's children. Knowing that 90 percent of our school-age population attend public schools, many of us here have worked hard with the administration to ensure that States and school districts are working together to reform their systems where they are. Along with the reforms is the need to hold our students accountable and make sure that they are held to higher standards. Raising standards, which we have been doing and talking about for much of the past decade, means that all children are reading well by the end of the third grade, and making sure that our eighth graders are on the college track and are taking algebra and geometry.

This is really a reform that has been working, and it is something that we as Democrats feel very strongly about and need to continue to make that commitment.

At the heart of the Clinton administration and the Democrats' reform is the focus on literacy. In 1996, we worked with the administration to implement the America Reads program, which mobilized communities to work together to fight illiteracy. This has been effective, especially with our community colleges working with our local school districts. In addition to the America Reads program, we have made sure that landmark legislation to support local and State efforts to improve literacy through professional development, as well as family literacy programs and tutoring. Let me add that we have found also some startling results, that when we work with parents on literacy, we also find that those youngsters of those parents have a direct impact in making sure that they also stay in school, and a lot of them choose not to drop out.

Reading scores in San Antonio have improved over the last 5 years and it is due to these investments that we have made, both in the Federal and some of the local level areas.

Clearly, ensuring that our children are literate and that reading is a priority is not a new agenda item. The presidential candidates would like to think that it is new. Reading is not a new agenda and claiming credit for educational reform is unfounded.

During a press conference on March 28, Governor George Bush claimed progress for reading scores in Texas. I would like to read an excerpt from the Department of Education press release in response to this claim. That particular claim indicated that educational reform in the State of Texas has happened largely as a solid foundation that was set back in the 1980s by Governor White, and also a particular commission that he had developed by Ross Perot. He was revolutionary at the time and implemented reform measures much like what we are advocating today, in which we are advocating smaller class sizes, which makes sense; a significant increase in funding for education; a focus on qualified teachers and making sure that we do have those qualified teachers.

Mr. Speaker, these are the measurements we have been implementing in the last 20 years, items that 20 years ago that we have been contributing to making progress as we move forward.

I would like to bring to the attention of my colleagues a cartoon that was in the Washington Post of April 1, 2000, and the young man, as we have here, and the older man who says, here is my plan to boost child literacy, by spending another $5 billion, and then the response is, how can you afford this and your tax cut? The response: Hey, this is my reading plan. Math comes later.

We are going to hear a great deal of these kinds of talks. The bottom line is we need to do the math now. The reality is, and we know that for the last 2 years we have had a surplus. Our last surplus was about $170 billion, and it has estimated, and this is an estimation only, that for the next decade, we probably will have approximately $170 billion to $200 billion for the next 10 years.

The bottom line is that if we have a $2 trillion tax cut after we figure that out, and we can do the math as this young man here did the math, the result is that what revenues are we going to have for Social Security? What revenues are we going to have for Medicare? What revenues are we going to have for education? The answer has to be none if we go with this tax cut.

Mr. Speaker, I want to take this opportunity to talk about the fact that the Republican opposition has basically proposed two major propositions, and that is, one, vouchers, and the other, block grants. We recognize that in order to respond to these we have a variety of issues that we need to deal with, and the solutions are varied.

I want to take this opportunity, because I know we have with us some Members that have joined with me this evening, and I want to acknowledge the fact that we have the gentlewoman from California (Mrs. NAPOLITANO), and since she is here with me, I want to ask her, since she has done some great, tremendous work, and I want to ask her to comment. I thank the gentlewoman from California for joining me this evening, and I yield to her at this time.

Mrs. NAPOLITANO. Mr. Speaker, it is really important for us to acknowledge that this administration and the congressional Democrats have been at the forefront on educational reform and improving our public schools and helping to ensure that our students have the basic skills to succeed in this upcoming global economy of ours.

Some of the points that I needed to make sure that I brought out and hit upon is that we have been trying for a very lengthy time to keep Hispanic children in schools. We have made that a priority, to help Hispanic students stay in school. The Hispanic education action plan targeted more than $30 million to help transform schools with high dropout rates, especially districts that have populations that are largely migrant workers. I say to my colleagues, you do not understand, or if you lived in my area you would have a

good feel of how important this particular issue is.

I have some schools that may have as high as a 70 percent dropout rate from high school of Hispanic children, and that does not make for a good economy anywhere in the United States.

Now, if we are able to help keep these young people in school and be able to provide any assistance, whether it is tutoring or any of the kind of family assistance that these children may need to be able to succeed, then we are helping, we are helping communities be more viable and helping our economy, because these young people will eventually become leaders in our areas.

We also have to help students finish college. We proposed a new college completion challenge grant to help reduce the college dropout rate with prefreshman summer programs, support services and increased grant aid to students. This is a $35 million initiative to improve the chances of success for nearly 18,000 students. That may be a beginning, hopefully, because I know that more than 18,000 students not only are needy of being able to receive the assistance, but also are deserving of being able to get assistance from us. We need to turn around our failing schools.

There are 11 million low-income students now benefiting from Title I aid to the disadvantaged students, and all our children are benefiting from this higher expectation and the challenging curriculum that accompanies it, which is geared to higher standards. Our 2000 budget provides an additional $134 million, account bit fund, to help turn around the worst performing schools and hold them accountable for results.

Now, 30 percent of children served by Title I are Hispanic. That tells us that we are failing our young people. We are not providing them with the tools to be successful, and consequently, I think that this Congress has done a great service to be able to target and begin focusing on those issues.

I can tell my colleagues just quickly that the more we provide high-quality teachers, and the more we provide smaller class size, the better our students are going to be. I can point to a group of middle school students that are going to be coming to New York to perform at Carnegie hall. These are middle school students out of one of my schools, one of my district schools, that have not only performed in the Rose Parade in Pasadena, but are also performing a full orchestratic ensemble in New York City. It is because they had a teacher who was of high quality, who cared about these young people and taught them that they can achieve anything they set their mind to. I am very proud of them, and I certainly want to share that with everybody so that others may learn that our youngsters, ages seven, eight, and nine, can also reach those heights.

We have increased the funding for Pell grants. We have increased educational funding for migrant families. There are many of these important things for the State that I represent that are becoming viable for our people, and I certainly want to congratulate my democratic colleagues and those that helped us put these measures through.

Again, education is the key for our young people to succeed, and I am glad to be here to be part of the thrust to achieve that for them.

I thank the gentleman for yielding to me.

Mr. RODRIGUEZ. Mr. Speaker, I want to thank the gentlewoman for those kind words. I know you stressed the importance of some of the solutions, and one of the things that the gentlewoman mentioned is also in terms of early childhood. I know how critical that is. I know Head Start has done some tremendous work, and that early start is critical. Reaching out to those 3 year olds and 4 year olds is real important. The quicker we get those youngsters into our educational system, the quicker they will to be able to compete and be able to get that head start that they need.

We also have with us another Californian who I have the opportunity of sharing a committee with, the Committee on Armed Services. I thank the gentlewoman from California (Ms. SANCHEZ) for joining me tonight in talking about education.

Ms. SANCHEZ. Mr. Speaker, I thank the gentleman for the time that he has yielded to me.

I really am grateful that the gentleman is talking tonight about the state of education and I think there are a lot of things, with the gentleman's background, that he could tell us about in Texas, the Texas experience. In particular, we are looking at a presidential election coming up, and the gentleman's governor, the governor of the gentleman's State, is on the Republican side. I know what the Republicans have not done with respect to education here in the House of Representatives.

□ 1830

So I am interested, because I have heard so many things about what is coming out of Texas. I think the gentleman is a great person to talk about that tonight.

There are certain things that we know. We know that the type of child that enters the school system, it is important that they are healthy. We know that it is important that they come to school and they are ready to learn; i.e., they are not thinking about being hungry; third, that when they come to kindergarten, they do best when they have already gone through a preschool program or a Head Start program.

I would be very interested to find out from the gentleman what his feelings are with respect to the readiness of children who go in Texas under the gentleman's Governor.

For example, I know that in California, one of the biggest things that we did in the last couple of years was to match the Federal funds in order to put in an insurance program for health for our children in California. Those were children of working parents.

That is beginning to make a difference, because now we have children who have access to health care, so they are healthy when they are starting out in the program.

Secondly, of course, we know a few years ago the Republicans in this House tried to eliminate the lunch program that we have in the schools. I just remember reading in the paper about Governor George Bush, and how he said that there were no hungry people in the State of Texas, when in fact his State is the number two State in the Nation with children who go to bed without food in their bellies.

So I am interested to find out what has been going on in Texas, if the gentleman can tell us.

Mr. RODRIGUEZ. Mr. Speaker, I would like to thank the gentlewoman for her question.

In Texas, we were the last State to go into the CHIPS programs, the insurance program for youngsters. These are individuals who are uninsured. I would remind Americans that in America we have both Medicare for our seniors, we have Medicaid for our indigent, but one of the things that we find is that we have a large number of people working, working Americans, who do not have access to insurance. Texas has the largest number of uninsured individuals.

The Clinton administration, one of the things that they have done, as the gentlewoman well knows, is that we have pushed on assuring that these youngsters were insured. Texas was the last State to move into this program. In addition to that, the funding they provided only extended to 60 percent of them, which means that only five to six out of the 10 that actually qualify will be able to get service, which is unfortunate.

The gentlewoman mentioned also in terms of not only health but also in terms of nutrition. Even those individuals that qualify for food stamps, we find that there is a study that out of 10 that qualify, less than four are actually receiving it because of the bureaucratic nature that is there. In fact, some of those particular complaints came from the grocery industry in Texas, and people say that there are less people participating. It is because they made it very bureaucratic in nature.

I want to go back a little bit in terms of education. The gentlewoman also mentions the importance of early

childhood education and how important it is to start. In Texas, we still only fund half-day kindergarten, so we still have a long way from that perspective.

We have made some strides, but it has been a combination of years, and a lot of credit has been given to Governor White in the 1980s, and also to the third-party candidate, Ross Perot, who was on the committee that basically helped to revolutionize a lot of the things that we have there. But we still have a long way to go in making sure that we provide sufficient resources.

For our teachers, we rank almost 47th in terms of expenditures, salaries for teachers, and in some of those categories. So we are really not pleased with where we are at. I think we have a long way to go. That is why I am real pleased about some of the propositions that we have.

One is construction. I know we have been proposing on the House floor the importance of making sure that we have money for construction. Most of our schools, if we look at the studies that have been done, came close to 60 years old. In Texas, some are even older. As the gentlewoman well knows, I live in a home that is 70 years old. That was prior to the microwave.

We recognize the importance of making sure we have good wiring for the new technology, and we need to make sure that we get that burst of resources that is needed.

Along with construction money, and everyone has said this, when I did hearings on school violence one of the things they said was that we need smaller classroom sizes, so there is an importance to add qualified teachers out there. The administration pushed to put 100,000 new teachers out there, and that is really important, as the gentlewoman well knows; and qualified teachers. So that is key.

Along with that comes the need to make sure that we have the classrooms. A lot of Americans out there, we need to recognize the fact that in the 1950s and 1960s we had a boom, the baby boomers. The generation then decided that we needed to come up to the plate and build new schools.

Now we have, as the gentlewoman well knows, we have what we call the baby echo, the kids of those baby boomers, our children. So it becomes real important that we also come up to the plate and build those schools that are needed, where the demographics show that we do have a lot of youngsters out there.

They are smart youngsters, individuals who are doing extremely well. They are a lot sharper than we ever were at that age. But at the same time, we need to make sure that they have the opportunity to learn and have the technology.

Ms. SANCHEZ. Mr. Speaker, I am glad that my colleague brought up two of the issues that are most important and dearest to my heart.

The gentleman started by talking about Head Start. As most people here in the Congress know, I got my start in 1965 in the first year that Head Start existed when I was a child in that program. So I am proud to be the Head Start child of Congress.

I get very worried because I see an administration, the Clinton-Gore administration, that has proposed $1 billion of more, more funding for Head Start, getting our kids prepared so that when they start at the starting line of the competition, at kindergarten, they are all equal when they get there, so they are not behind the starting line.

The President and the Vice President have proposed $1 billion worth of more Head Start. In my county, in Orange County, only about one-third of the children who actually qualify for Head Start are funded, so I am really looking forward to that.

Then I take a look at Governor Bush's proposal on funding for education, his Federal education proposal. I see that he has no funds for Head Start. I think, well, why is that? Then I look at his tax cut plan and I know why, because where he is cutting is essentially that program which I think made such an impact in my life and which has made an impact on so many children's lives.

And then of course the whole issue of school construction. As the gentleman knows, since I have been here, I have been carrying a bill on school construction, trying to get more schools built, because in California we did for 2 or 3 years now, as our colleague who used to be in the House in California, the gentlewoman from California (Mrs. NAPOLITANO) noted, we did lower the amount of kids per teacher in California down to 20 to one in the first, second, and third grade level in California.

Everywhere I go, and I have visited probably 130 schools in my district alone, first grade teachers tell me that the biggest difference they have seen is the lower amount of kids. Kids in kindergarten and first grade are reading now at a third grade level in some of my schools, and they attribute it to being able to have a smaller amount of kids and be able to teach them one on one.

And then they add, you know, we need more schools, school classes. We need more places. We have parents who come and volunteer, but we do not have a class where they can come in and work on the projects for the school, for the children.

This whole issue of school construction becomes so important, not just from a technology and modernization standpoint but from a room perspective, a place to grow our children.

Mr. RODRIGUEZ. Mr. Speaker, I am glad the gentlewoman mentioned that, because I think we all recognize that the solutions to some of our problems are not one answer but a variety of responses.

I think some of the responses need to go even beyond the teacher. We have a tendency also to blame the school for everything. It was interesting to see that one of the schools that was cited in Florida by Jeff Bush, by the way, as not doing very good, in fact doing very poorly, was a school district that had a large percentage of mobility. They had a housing project where a lot of the teachers that had those youngsters, they only had them for a few weeks sometimes and they would move on. So that, in some cases, what we need is a combination of programs that help out the community.

I had mentioned earlier that programs that help adults become literate are some of the best programs that help younger kids, their kids, to stay in school, so that it is a combination.

One of the things that I wanted to share with the gentlewoman was that I got a report by some of the school social workers in Texas that they were having problems with youngsters staying in school, and part of the problems that they identified were child care; that in Texas we have a waiting list of individuals, because the State has chosen not to fully participate on child care for individuals who are in need. The importance of child care for families as well as those individuals that receive the care is great. Other factors that are around the community have a direct impact on our communities.

I know the gentlewoman mentioned the fact that if we want a $2 trillion tax cut, then that is what we are going to get, but we are not going to get anything for social security, we cannot get anything for Medicare, and we cannot get anything for education. In fact, it presupposes that the economy will continue to have those surpluses of $170 to $200 billion each year. So we need to be frugal. We need to be responsible in making sure that we meet those needs.

I know the gentlewoman from California (Ms. SANCHEZ) agrees with me in terms of also the importance of teacher quality and how key that is. Especially one of the things that I like to emphasize is the importance of bilingual education in our schools.

When I started school, I did not know any English. I started, and the statistics show that for someone who does not know any English, that it requires 5 to 7 years for them to be able to pick up a second language. In this case, my second language was English, since I knew Spanish.

So when I look in terms of my grades, and I spent 2 years back then, and it seemed like every Mexican-American, every Mexican spent 2 years in the first grade, and we had no bilingual education. So I really did not know what was happening until almost

the fifth grade. It took me almost 6 years to kind of catch on to what was going on; the importance of bilingual teachers that are well-trained, well educated. I was real pleased to see the administration move on dual language instruction.

Most people do not understand that dual language instruction means it is basically what we are doing now with some of our gifted youngsters, it is what we are doing now with some of the people that go to private schools, where we teach them not only one language, but two.

We find that that is the best time to learn a second language is prior to puberty, because people do not realize that the accent, if a person has an accent, usually it is a result of the fact that they learn the second language after puberty.

If we can begin to introduce in America the possibility, and I am real optimistic that we can do dual language instruction, and we can teach English-speaking youngsters, whether they are English-speaking only, another language, whether it be Spanish or German or other, French.

Ms. SANCHEZ. Or any of the other 92 languages I have in Orange County, where children come from a home that speaks something other than English.

I am glad the gentleman brought that up, because this whole idea of what we do about another language is very troubling for some people across the United States, especially those who have not been in a classroom recently and have not seen what is going on.

I guess a lot of us do not have the historical perspective of why bilingual education became such an important part to those communities that came with a different language to school in large numbers.

The California experience speaks for itself. Earlier in the history of California, before I got to school but not that much before, if you spoke Spanish and you got to the classroom, and you had 18 kids who spoke English and you had two who spoke Spanish, there was no accommodation for them.

Therefore, if you were not at that grade level, the first time maybe you were held back, but the second time you were probably diagnosed as mentally retarded. People were actually labeled that. Then they were put in a class of mentally retarded people. So that is the historical perspective of how we began, and we fought for having a second language like Spanish used in the classroom to get our students up to level and to get them transitioned over to English.

I think a lot of times the American public does not know historically what happened with that situation, but today there are so many people coming, so many students coming with different language backgrounds that this whole idea of immersion and learning the two is actually a great concept, and one that I have seen work over and over in the classroom.

I will just end by saying that I look at education, sitting on the Committee on Education and the Workforce, quite a bit back in my district in California, which as Members know, is a bellwether State for supposedly what will be the future of the United States.

□ 1845

I am always interested to see what happens between the States and where a person's perspective is coming from. When we do the testing, for example, in California of our students, we do those also that have a hardship with the language. Our tests tend to be lower because of that.

I have heard that, in Texas, while Governor Bush has been touting such great scores, that, in fact, it is because they eliminate a lot of these children and either classify them as special education and keep them out of the actual test scores that are reported.

I wanted to get a comment from the gentleman from Texas on that since he is, in particular, from an area, San Antonio, where I have heard that, in just a year, there used to be 35 percent of students in a particular school who were special ed students, and, in the next year, because of these tests, almost 62 percent of them were now special ed and were kept out of this whole series of how one tests the children. Can the gentleman from Texas comment to that?

Mr. RODRIGUEZ. Mr. Speaker, let me just comment a little bit. I think in some cases in Texas I think we might have gone overboard with the amount of testing. In fact, there was a survey that was done recently on, I think, third graders that took about 22 tests, different types of tests. There is a great deal of emphasis on tests to the point that a great number of our teachers are very concerned that most of the emphasis is basically teaching to the tests, which brings up the issue of the fact that we need to make sure that we prepare our youngsters to be able to think and be able to comprehend and be able to learn without having to teach to the test. Yes, there has been some criticism in some of the schools that that has been occurring and that some of that has been happening.

But, again, some of the progress that we have seen has been a result of, not just what happened in the last 4 years. It is like me, I came in 3 years ago. The first month I came in, they balanced the budget. It is kind of like saying I came in in 30 days and took care of the budget for you. My colleagues know that that is not correct.

I would say that that has been an effort that has been going on. Part of the credit belongs to Governor White in the 1980s. Part of the credit belongs to a lot of the people that have worked hard down there. We still have a long way to go. Part of the credit belongs to Ross Perot and the committee that he had in Texas and making some things happen.

Joining us also tonight is the gentlewoman from Florida (Ms. BROWN). I am going to ask her to say a few words. I know she is familiar with Jeb Bush there in Florida, and I know she wanted to make some comments as it deals with affirmative action policies that impact on education and various other comments.

Mr. Speaker, I yield to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, I want to thank the gentleman from Texas for really holding this special order.

It is interesting that George Bush, like his brother Jeb Bush in the State of Florida, has promised to improve the educational gap between minorities and white students by trying to do away with affirmative action. I was not at all surprised to learn from my Texas colleagues that under the governorship of George W. Bush in 1996 and 1997, Texas ranked 38 in the Nation for financial aid given to needy students, and that Governor Bush did not include any additional Head Start funds in his 1999 Federal education proposal, despite the fact that it is currently serving only two in five eligible children.

Today I want to talk about the Bush brothers' attack on affirmative action and what has gone on in my State of Florida. In Florida, Governor Jeb Bush is attempting to ram an education plan through the State of Florida called ''One Florida.'' In reality, this plan should be called ''Florida School for the Elite.'' This plan does away with affirmative action in Florida's university admissions.

I am here today as a Member of Congress because of a tool called the Voting Rights Act. It took Florida 127 years to send an African American to Congress, and that was just 8 years ago. So we really still have problems in Florida.

Thurgood Marshall, who was the only Supreme Court Justice, in my opinion, African American, but he said a snake is a snake. It does not matter whether that snake is a black snake or a white snake. If he bites you, the result is the same.

Now, Governor Bush, Jeb, has tried to mislead the people of Florida by telling them that the Clinton administration and the Department of Education support his initiative. That is not true. The policy of the Clinton administration on affirmative action is mend it; do not end it. Mend it; do not end it.

Florida has never been a color-blind or gender-neutral State. In fact, race is a factor and is a factor that is very important. Recently upheld in the Supreme Court, a decision as recently as in 1995, is the Adarand decision.

The law of the land still affirms that affirmative action is lawful in the United States of America. It is in the Government's interest to address this limited minority participation in the social and economic structure of this country.

Now, I want my colleagues to know that my governor had a special session on how we are going to kill people in Florida, how we are going to execute them in Florida, but would not have one on how are we going to save our kids.

Florida ranks 47th with the number of our graduates that attend higher education, ranks 47th. But yet we want to come up with a plan that would exclude another group from attending our universities.

The real sad thing about it is the courses, he talks about the top 20, half of the courses that they are talking about are not even offered in the public school system in Florida. Half of the courses are not even offered.

So when we were discussing this matter, they say, do not worry about it, do not worry about it. We will put these classes on the Internet. What a joke. Have they not heard of the digital divide? The computers are not in the community. They are not in the schools.

I have been a representative in Florida for over 18 years, and I know what happened as far as the funding of the educational system. The schools that I represent are the ones on the other side of the track, on the other side of the bridge, on the other side of the railroad track. They are the ones that have not been funded.

So we have this A Plus plan and the F plan, and we are going to give money to the A plus schools. Those are the schools that have been given the money all along. The D-F schools, as opposed to try to improve those schools, well, we are going to give them a voucher. So what we are trying to do in Florida is destroy public education. Give them a piece of paper that does not cover the costs.

In fact, 90 percent of the kids in Florida and in this country go to public schools. So rather than addressing the problem, what we are doing, we are coming up with gimmicks and slogans.

People need to understand that it is not who comes to your barbecue, it is how they stand on the issues that is important to you. This has really been a wake-up call in Florida.

Our late governor, Lawton Chiles, as recently as 1998, signed an agreement with the Federal Government to improve minority participation and female participation in higher education in Florida. Not only recruitment, but recruitment and retention because of the historical problems that we have experienced in Florida.

Let me give my colleagues another statistic in Florida. In school districts that are 40 percent black and 60 percent white, 95 percent of the special education students are black boys. Special ed is not a way to go to college. We need to work on that. As I said before, Florida ranks 47th with the number of our graduates that go on to college. We in Florida need to be working to try to improve that program.

I also said almost 50 percent of the African Americans in Florida go to schools that do not even offer the courses that they are requiring. They say, well, in the top 20 percent, what we will do is we will admit you to a school, a school; but we are not including the schools like the University of Florida, Florida State, or the University of Central Florida.

Do not sit here and tell me tonight that the only students that should be able to go to University of Florida are our fine basketball players and football players. No, we want kids in law school and medical school. We want to have others. There is a provision to exclude basketball and football.

But I have to be concerned today as I speak where we have one student graduating at the University of Texas and the University of California, one African American in law. They have the same number as the University of Mississippi.

We are not going to let that happen in Florida. I am committed that our State will remain one of inclusion, that we will consider all of our kids.

I can really thank the Bush boys, because this has really been a wake-up call for us in Florida. We have been kind of brain dead and not involved. But that is over. We are going to be involved in the education of our kids and the future of all of our kids.

Lyndon Johnson says it is not enough to open the gates of opportunity. All of our citizens must have the ability to walk through those gates. Let us remember what President Clinton remarked in his latest visit to Selma. He said, "We have come a long way, but our journey is not over." I mean, because of all of the great things that has gone on in this country, we have to make sure that all of our kids, black and white, get an opportunity to cross the bridge.

Mr. RODRIGUEZ. Mr. Speaker, I know the gentlewoman from Florida (Ms. BROWN) mentioned the issue in terms of the number in Texas. It is appalling to see that the law school at the UT, which is supposed to be a little more liberal than most, had accepted 500. Of those, I think they had about four African Americans. Then only one that actually went in.

So I would agree with the gentlewoman from Florida that, if they outreach the way they do for athletics, they could definitely outreach to get some qualified African Americans to go to law school in Texas.

I know that that is unfortunate that those situations exist. I know when the Hopwood case came up in Texas, we were extremely disappointed that this was not the law of the land. This was a case in the district, and it was not one that should have been.

But as soon as that came out, they wanted to make sure they followed it without recognizing that there were still other cases out there that talked about the importance of doing the right thing.

In most cases, even after the cases come about, we need to continue to ask people throughout the country to do the right thing. If one has 500 applicants and one does not have a single African American, there is a problem there. There is a need for us to really kind of look at that. We would ask those institutions, they do not need a law to tell them they have got a problem. They should be able to see it.

Ms. BROWN of Florida. That is correct, Mr. Speaker. I want to tell my colleagues that one of the problems is that these proposals is top down, not bottom up.

I talked with the deans, for example, from the school of nursing. What she indicated to me was that all of their applicants have over 3.0 average. But it is important when they decide or develop the class, there should be some reflection as to the communities that they are going to be going back working in.

There is a shortage of African Americans and Hispanics in the allied health. It is important that it includes it.

One cannot come here and talk about affirmative action and not talk about the history of this country. That is part of the problem. We have had years of slavery, years of Jim Crow, and 35 years of half hearted trying to do the right thing or not even pretending to do the right thing.

So now this is supposed to be some magical day and that it is over and we are not going to consider race. Race is a factor, and we must consider the historical fact.

The gentlewoman from Florida (Mrs. MEEK), when she was in Florida, bright, young lady, could not go to the institutions in Florida. She had to go out of State for education.

Many, many of my colleagues, that was the situation. In certain programs, one could not go to our flagships. One could not go to the University of Florida. One could not go to Florida State. Now, when we are just beginning to make a difference, we are talking about, well, we are going to do away with all of these programs.

Let me tell my colleagues about women, I mean, because that is an area where, even though we have been able to get women into various colleges, we have not gotten into certain programs, like engineering programs or the high-paying technical programs.

So in that agreement that we signed with the Federal Government, we indicated that we would make sure that we

would recruit women, not only recruit them, but have programs there for the retention of women in higher education, in various fields.

So we are not going to go back, as I said, not in Florida. We are going to move forward.

Mr. RODRIGUEZ. Mr. Speaker, I want to thank the gentlewoman from Florida for her comments.

Mr. Speaker, I also have with us the gentleman from Texas (Mr. GONZALEZ) who is also joining me from San Antonio. He will be making some comments.

The gentlewoman from Florida (Ms. BROWN), I know the comments she has made are serious. I know in Texas we have a long way to go, and I want to thank the gentlewoman for those comments. I know she mentioned also a little bit in terms of making sure that we provide for our youngsters. As we enter this new century, we have to make sure that one of those cornerstones is making sure that our classrooms are well wired, that our classrooms are well equipped to be able to handle the new technology.

One of the things that, under this administration, I was real pleased to see that we have expanded, when Clinton started, we had only 3 percent that were connected to the Internet. That has gone to 63 percent. It is still not there. We still have a long way to go.

Ms. BROWN of Florida. Mr. Speaker, can my colleagues imagine Florida saying, courses that one has to take, they are going to put them on the Internet? Even though they are wired, they are not hooked up. My colleagues can go to schools in my district, and half of the schools we do not have computers in the classrooms.

My colleagues can go to another side of the track, and there are computers in all of the classrooms. There are refrigerators and air conditioners. No matter where a kid attends school in this great country, we should have ''A'' schools all over. We do not destroy our system by doing away with the schools. We work to bring all of the standards up.

Mr. RODRIGUEZ. Mr. Speaker, I am on the Committee on Armed Services, and I really feel that part of our national defense is going to be directly tied into the level of our education of our people, just like economics.

Mr. Speaker, I yield to the gentleman from San Antonio, Texas (Mr. GONZALEZ), and ask him to join us in the comments.

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman from Texas very much for this opportunity to join him tonight along with other colleagues that are discussing one of the most important issues facing our Nation, and that is the adequacy of our education system.

They say that a picture is worth 1,000 words; and that is what I have here today. It is going to be a series of six pictures that I have blown up. I think as people view this, they will be able to relate to it because this is an experience, this is a situation that basically exists in everyone's home district.

This first picture is a picture of one of those buildings that are more often called temporary but really are permanent. My colleagues know what I am talking about, those that went up sometimes as long as 30 years ago.

Now, safety is going to be an obvious consideration here. My colleagues can see that it is on blocks. There is an open area underneath there. The sign on the wall says that all visitors stop at the office.

But we know in today's climate, and if one wants one's children in a safe environment, does one want the building out there that is easily accessible to anyone off of the streets? Of course not. This is the problem that we have.

We will go to photo number 2. Now, this is going to be a picture that is kind of dear to my heart, and there is going to be a special reason for it. Back here, my colleagues see these temporary buildings. They see the old existing building. This is Mark Twain Middle School.

This school is located six blocks from my home. Now, my brothers and sisters went to that school. My father also went to that school. My father will be 84 years old this May. He went to this school more than 70 years ago. That is going to be part of our problem. That is the aging, deteriorating condition of our schools.

In this school, the amazing thing is that kids from these temporary buildings have to go into the main building regardless of weather because that is where the student bathroom is located. They do not have any facilities even near this particular building. I am very familiar with that campus.

We will go to number 3 now.

□ 1900

We all think of libraries as a place of learning. Look at this library. The paint is all peeling off the ceiling. We can see it. It actually flakes and falls off of the ceilings onto the teachers and students on a weekly basis.

What is really startling here is that we see about 10 computers. Those 10 computers serve 900 students at Mark Twain Middle School in San Antonio, Texas.

We will go to number 4. Thank God for counselors; right? Now we can see the counselors' office. Three counselors for 1,000 students; and this is where they are counseled. I will tell my colleagues that I have been in that room, and I am convinced that was once a utility closet. They did not tell me that, but I know they are utilizing other closets for other purposes such as offices.

We will go to picture number 5. Now, do they need space? The good news was that recently the school district bought some additional chairs, and so they brought these boxes in. They just did not know where to put them while they moved out the old furniture. They do not have a square inch in that whole facility to even store anything, so these boxes of course were out there in the middle of the hallway for some time.

We will go to the last picture, number 6. One of my favorites. This is another temporary building that somehow became permanent. The majority of these buildings now, where the students are housed and taught, are really in the temporary buildings. Everyone that sees this can relate to it.

Now, we heard earlier on this floor where we had Members of Congress extolling the virtues and the wonderful performance of the Final Four in the basketball championship. I guarantee if those kids had started off in this middle school, they would never have honed or perfected their skills, their athletic abilities, because they could not.

If my colleagues can see, back over here is the basketball goal, which is now located 3 feet from the temporary building. It is no longer a playground; it is no longer a basketball court. But that is what is happening in our schools.

By way of background, in 1995, the GAO conducted a study, and this is what they discovered: forty percent of America's schools reported needing $36 billion to repair or replace building features such as a roof or plumbing. Something as basic as a roof or plumbing.

Two-thirds of America's schools reported needing $11 billion over a 3-year period for repairs and renovations dealing with accessibility and health and safety problems, such as the removal of asbestos, lead in water or in the paint, and materials in underground storage tanks.

Fifty percent of America's schools reported unsatisfactory environmental conditions, such as poor ventilation, heating or lighting problems, or poor physical security, which should be uppermost in our minds.

One-third of America's schools needed extensive repair and building replacements at a cost of $65 billion. These schools throughout the Nation house 14 million students.

The demand for Internet in our schools is at an all-time high. This study showed, according to the National Center for Education Statistics, only 39 percent of classrooms in our poorest schools have Internet access. Not having Internet access today is like not having a library.

My colleagues know what I am talking about. This is not what we wish for our children or any child in this great Nation of ours.

In addition, the National Center for Education Statistics reported that in

1999 America's schools were wearing out. The average public school in America is 42 years old, and school buildings begin rapid deterioration after 40 years. We are well aware of that.

That is the problem that faces us. So what do we do about it? Do we throw our hands up and say, oh, we cannot do anything about that; let us give in? Of course not. Our goal, though, is not all brick and mortar. Our goal is not to repair, renovate, and rebuild these schools solely to have a nice building. That is not it. It is part and parcel of a grand plan, and it is an essential component in this grand plan.

What I am talking about is reducing class size. Every parent that goes to a school where they are going to enroll their child, the first question they ask is what is the size of the classes? What is the teacher-student ratio. That is the first question anyone would ask. But we do not even have the physical facility to accommodate smaller classes in most schools in my district, which is in San Antonio.

What do we get out of reduced class size? We have safe and orderly places for learning, to begin with. We have improved performance of students and teachers. Every study reflects the smaller the class, the better an educational experience for the child. There is no doubt about that.

Now, I am not here to say that only Democrats have these concerns, and I am not here to say that only Democrats have all the answers. That is not true. We have most of the answers. And a good example of a bipartisan bill was the Rangel-Johnson Better Classroom Act. And I am now just going to briefly go over it.

This bipartisan bill would subsidize $24.8 billion in zero interest school modernization bonds. The Federal Government would provide tax credits for the interest normally paid on these bonds. Bonds that would have gone to pay bond interest would be freed for other educational needs. For each $1,000 of school bonds, States or local school districts would save as much as $500 in payments. Yes, out of $1,000, they could save $500 in interest service payments.

So what was the Federal Government's role in this? What would be the burden on the Federal Government? What would happen to local control? States and eligible school districts would complete a review of construction and renovation needs. I repeat, the school districts and the States would conduct the studies. State plans would include processes for allocating funds to areas with the greatest needs. The Federal Government would provide a tax credit to the bond purchaser equal to the interest that would otherwise be paid on a school construction bond. No new Federal bureaucracy would be created.

So my colleagues might say, that sounds like a great idea; what happened to it? It died in a Republican-controlled committee. They are in the majority, and they can do it if they want to; and they did it in this bipartisan bill. Not bipartisan enough as far as the number of Republicans that would come and join us in this wonderful plan and proposal. But this is the problem today.

I started off my remarks by saying that a picture is worth a thousand words. I also will end it by saying that talk is cheap. Words are cheap. What we want to see is action. What we want to see are tangible results. So we may have individuals out there that are touting themselves as the education governor of Texas, but if Texas is such a great model, then I would ask all of my fellow Members in this House, 434, those that are not from Texas, I would ask them to adopt Texas as the model; strive for Texas's great place in education, if that is the great progress that has been made in the past 5 years under Governor Bush.

Talk is cheap. I ask Governor Bush and I ask Members on the other side of the aisle to join hands. Let us not give up on an educational system that provides an education to 90 percent of the children in this country, the public school system. It needs improvement. There is no doubt about that, and we all agree. And we can do it if we work together. But we cannot replace it by simply saying we have a voucher program or let us just privatize it. That will not work.

Let us not lose faith in our public schools. If we lose faith in our public schools, we lose faith in the students. We lose faith in our children. We lose faith in our future.

Mr. RODRIGUEZ. Mr. Speaker, I want to thank the gentleman for those great comments. I think he has brought this to light in terms of one of the issues. And I want to share with the gentleman the fact that when we did a hearing on violence, one of the key things that they found was classroom size and the importance of making sure we had construction money to rebuild our schools in this country.

I think it is going to be important to make sure we upgrade our technology. We want to make sure that the digital divide does not occur and that cybersegregation does not happen. I think it is important that every school have that opportunity to be able to provide for their youngsters what is needed.

The gentleman mentioned libraries. I know libraries are having difficulty buying books and also buying the new technology.

□ 1915

Those resources are key. And I want to take this opportunity to thank my colleague for joining me tonight as we have talked about this particular issue which is very key, and that is meeting the needs of education in this country.

As we move forward, we know that the solution is a variety of answers. Both classroom sizes, making sure we have new construction for our schools, making sure we meet those demographic needs that are out there, making sure that we have after-school programs, making sure that we reach out to those 3- and 4-year-old youngsters with Head Start and a variety of different types of programs, and also making sure we have qualified teachers that are out there providing that instruction that is needed.

That requires a commitment, and we are here to let our colleagues know that we are going to make that commitment to make sure that we meet the challenge of the 21st century.

Mr. Speaker, I want to thank our colleagues for allowing us to have this opportunity to be here tonight and dialoguing on the important issue of education, which, as my colleague recognizes, is very important and very key to all of us and one of the things that we need to all be responsive.

GRANTING PERMANENT NORMAL TRADE RELATIONS TO CHINA

The SPEAKER pro tempore (Mr. GARY MILLER of California). Under a previous order of the House, the gentleman from Washington (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Washington. Mr. Speaker, I rise tonight in support of granting permanent normal trade relations to China, a vote that this House will face possibly as soon as next month.

I consider this to be the most important vote that I will take as a Member of Congress and am strongly in support of it, not just for the economic advantages that it will bring to the U.S., but for the far more important reason of national security and global security, a peaceful world. I think both of these issues are critically at stake in this vote that we will take.

What permanent normal trade relations for China means is that the U.S. has negotiated a trade agreement with China. In exchange for giving them permanent normal trade relations, we will get from them dramatic reductions in tariffs across the board on goods and services.

This is tied into China's entry in the WTO. But it is important to point out that, regardless of what this body does in permanent normal trade relations, China will probably enter the WTO. The rest of the world has as much to say about that as we do.

What we can decide in this House is whether or not we gain the benefits from the permanent normal trade relations treaty that was negotiated with China. In other words, will we begin the economic advantages of reduced

tariffs on goods and service across the board to China.

There was a lot of concern about the trade deficit with China. What better way to reduce that than to have a trade agreement that lowers China's barriers to our goods but does nothing to change the barriers to their goods coming to our country. It helps level the playing field and would be a tremendous economic advantage for this country. In agriculture, in my own region, in aerospace and software, name it, we would have an advantage of gaining access to the Chinese market and, therefore, help improve our economy.

As I pointed out, this does not necessarily mean China will come into the WTO. The rest of the world will decide that issue. But the economics are only a tiny part of it.

What is far more important to me is the national security implications, the long-term implications that that has for this country and the rest of the world. We need to peacefully coexist with China. I, for one, do not want another Cold War.

I do not want a hostile relationship with China. We must engage with them to prevent that. I believe that we can. We have followed a policy of engagement and we must continue on that if we are to have a peaceful world. Another Cold War could lead to trade wars and can ultimately lead to military wars and World War III. I do not want that.

China is a country of 1.2 billion people. It is an emerging power. Whether we are engaged with them or not, they will be an emerging power. I want them to be one that we can peacefully coexist with, and trading with them is a critical first start to that effort.

Now, opponents of China typically start out their arguments by pointing out all of the bad things about China, and I will not disagree with any of those. On human rights, on labor rights, on protecting the environment, on their relationship with Taiwan, on basic Democratic freedoms, China has a long way to go. They have a horrible record across the board. And I will rise with all of my colleagues and say that as often as possible and urge China to improve.

But it is not as simple as saying, if China has done anything bad, therefore, we should not trade with them. The question is, how are we going to pull them forward? What course of action is going to improve human rights, is going to improve labor rights, is going to improve how China treats Taiwan? Isolation?

We tried isolation with Cuba for 40 years. Cuba is a tiny nation not 90 miles off of our coast, and our efforts at isolating them has not done one little bit to improve any of their record on democracy, human rights, or anything.

Do we really believe that we can isolate China and pull them forward, a nation of 1.2 billion people with its own power source? If we cut off China, we will be leaning towards a bipolar world that will do nothing to improve human rights.

That is why many human right organizations have said that engagement with China and entry of China into the WTO is critical to us having a better relationship with them and critical to improving human rights in China. We must show them what a capitalist democracy can do. If we do, their people will demand the basic freedoms that the rest of us enjoy. To the cut them off and to isolate them is to empower the hardliners in China who want to maintain the brutal dictatorship forever. We must engage with them and pull them forward.

Many also argue that because of China's attitude towards Taiwan we should not give them access to the WTO. Taiwan wants China in the WTO. They are the ones most affected by that. And they want it for a very logical reason. In essence, they would be trapped in a room with a bully with nobody around. They want as much company as possible. They want the bright light shined on China and their activities for their own protection.

We have many concerns in this area, but giving China PNTR status is going to do more to pull forward those concerns than anything else.

I strongly urge our body to support PNTR for China, not just because of the economic advantages, but because it is important to the future of the world.

VICE PRESIDENT GORE'S ENERGY POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. DOOLITTLE) is recognized for 60 minutes as the designee of the majority leader.

Mr. DOOLITTLE. Mr. Speaker, tonight marks the third installment in a series of special orders begun last summer that Members of the House have held on the record and views of Vice President AL GORE.

The Vice President is fond of attacking the work of the majority in the House. We conservatives believe it is important that Americans understand why AL GORE finds our record of cutting taxes, balancing the budget, eliminating wasteful spending, and restoring common sense environmental policies so contemptible.

We believe it is important that the American people know what their Vice President actually stands for. Today, we will examine Vice President GORE's energy policy.

American motorists and hard-working truck drivers in rural and urban areas, particularly those with lower incomes, are getting squeezed by soaring gas prices.

Unfortunately, the Vice President is not there to help. In fact, he is cheering the prices on. It would distress the American people to learn that the Vice President is pleased with this turn of events. After all, he has long advocated policies expressly intended to raise the price and decrease the availability of gasoline to the American people.

He thinks that we just plain use too much of it, the only way to get us to cut back is to raise the prices. Whether it happens through conservation or supply cutbacks, price controls, or tax increases, the end result is what matters. And not only gasoline but all sources of energy he thinks other people should not use are targeted. The Vice President has long advocated his disturbing energy policy, summed up as the less energy used the better.

Tonight we will highlight excerpts from his apocalyptic book Earth in the Balance and other statements the Vice President has made in the past.

Parenthetically, I note this book is being reissued. I am delighted to hear that. I recommend its reading by every informed American so that they will clearly understand what they are getting when they have AL GORE as the Vice President.

Since taking office in 1993 with President Clinton, Vice President GORE was essentially seated in environmental policy for the administration. The administration wasted little time in pursuing an agenda of strict controls on energy. Indeed, it was not more than a couple of months after taking office that a Btu tax was first proposed in 1993 that would force people to feed big government in direct proportion to the amount of energy they consume.

While even the Democrat-dominated Congress rejected that approach, a 4.3 cents per gallon surtax was successfully levied on gasoline. In fact, the Vice President cast the deciding tie-breaking vote in the upper body that allowed this commuter-punishing tax to be enacted. And it remains with us until this day.

Vice President GORE advocated this tax hike not so much to increase revenues for the Federal Government but really to help increase the price of gas and help keep Americans out of their cars. But the price of gasoline has increased so much recently as to dwarf those 4.3 cents per gallon.

It represents the best of all worlds for Vice President GORE. He has the higher gas prices, which he favors on policy grounds, but he did not have to pass such a massive tax increase in order to accomplish it.

To those complaining of high gas prices, Mr. GORE would say, too bad. It is for your own good. Buck up, take your own medicine. If you do not like it, then invent a more efficient engine, ride a bicycle, or take the bus.

Tonight we will talk about the foreign policy failure of this administration, which, by its own admission, was

''asleep at the wheel'' on this vital international issue. We will discuss how the administration deliberately increased our dependence on OPEC and other foreign sources of oil in the first place.

The United States actually has the potential to become much less dependent on foreign powers for oil, but to do so would conflict with the Vice President's utopian new-age vision beautifully laid out in this book Earth in the Balance.

Not only oil but other prominent energy sources have been attacked by the Clinton-Gore administration. The Vice President has urged Americans to find alternative energy sources as an answer to our current woes. Well, those have been tried before and they have failed despite heavy Federal subsidies.

As my colleagues can see here in this chart, this thin red line represents the alternative energy sources, which is just about one percent or so of the total energy consumption in the United States.

The Kyoto Emissions Treaty negotiated by the Vice President would have a devastating impact on American's lives. The upper body wisely refused to ratify it, but the Clinton-Gore administration is trying to implement it stealthily nonetheless. It would make the present situation with gasoline prices pale in comparison.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding.

The gentleman performs an excellent service to his colleagues in holding this special order this evening to continue his quest for awareness by the American public of the lack of policy for long-term self-sufficiency for the United States and, worse than that, the implementation of a short-sighted policy that can hurt the American citizen in the short term and the long term.

It was interesting to hear the gentleman report that the energy policy, if we want to call it that, on the part of the administration calls for less consumption, less utilitarian use of energy, less.

Everyone knows that the prosperity we are enjoying now and the prosperity which we want to enlarge depends on innovative ways to use energy to propound the materiel by which we produce and by which we span the world in telecommunications, that we need more energy and, therefore, more consumption. And in order to do that, we cannot gain our goals by shrinking back on consumption, shrinking back on energy sources. But, rather, we must do exactly the reverse.

That is why I have introduced legislation which I commend to the gentleman from California (Mr. DOOLEY) which calls for the establishment of a blue ribbon commission, much like we had with the Social Security problems of 1977 and 1983, which came forth with solutions that are still on the books and which serve to save the Social Security system, but anyway, a blue ribbon commission to establish ways and means by which the United States of America can become self-sufficient at energy within 10 years.

□ 1930

Before everyone bursts into laughter at the impossibility of bringing about self-sufficiency within 10 years, I remind everyone that everyone laughed at President Kennedy when he felt that within 10 years we should be, from his time, on the Moon, and we were. I believe that we can develop a policy that will lead us to the promised land of self-sufficiency within 10 years. But then in order to do that, we have to reverse this administration's course, and that is what the gentleman is saying this evening, reverse it by allowing fullest consideration of the oil reserves in Alaska. That goes without saying. That has to be fully explored. And if the people of Alaska themselves are eager to develop their own resources for the benefit of our country, who are we to say in Washington, D.C. that the Alaskans do not know what they are asking? They know what the value is of their resources, with due consideration for the environment, the wildlife and all the other considerations. They know best about that. Yet they are the ones who are the primary forces behind the idea of considering full exploration of Alaskan oil.

Then we have our lower 48 resources which have to be fully developed. This commission that I envision would look at the way that we failed in the past with oil depletion allowances and with excess profit taxes and with disincentives rather than incentives for exploration of oil and to consider all the possibilities of how we can fully develop that oil and natural gas and all the other possibilities that abound in our own Nation.

We can become self-sufficient. We need more energy. We can do it. This would have another bonanza, I believe, with it. I think the gentleman will agree, if we think it through together, that if we embark on a program of self-sufficiency within 10 years, in the short term it will help us in another way. OPEC will get a signal, all the other oil-producing countries will get a signal that no longer are we going to be satisfied to bow at the knees of the OPEC countries and beg for more oil. They will get the signal that we are intent on becoming self-sufficient. What will that do? That will make them more temperate in the fluctuation of oil production and prices that they have been engaging in for all these years and that will help us in the short term and in the long term.

And then as we move gradually towards this self-sufficiency, we will see our prosperity expand to unknown limits. I believe that even the alternative forms of energy will find a proper place, solar and wind and the geothermal and other kinds of alternatives that we can space out for our country's use over the next 10 years and then thereafter be totally self-sufficient.

Mr. DOOLITTLE. I could not agree more with the gentleman. I remember reading these figures. At the time of the Gulf War, we were only 36 percent dependent on foreign oil. Under the Clinton-Gore administration, we have now slipped over the line to the point where now we are 56 percent dependent on foreign oil, and the policies that they are providing to this country will make us even more dependent into the future. I think you just have to ask yourself, would a Teddy Roosevelt have let this happen? Would a great President or a great administration have put us at the mercy of these governments that control most of the world's oil supply? I think the answer is clearly no.

Mr. GEKAS. I will conclude by thanking the gentleman for the time that he has allotted me and to end by saying I as an American citizen am totally embarrassed and humiliated at the thought of having to beg the OPEC countries to produce more, to send us more, to sell us more of their energy product. It is humiliating. I think our whole Nation is humiliated by what has occurred. We have got to reverse this impact and become self-sufficient so that the OPEC countries eventually will come to beg us to sell us more oil, to beg us to buy more oil.

Mr. DOOLITTLE. I thank the gentleman for his comments and participation this evening.

I ran across an interesting quote here. This is by our President, very recently as a matter of fact, March 7, speaking at the White House.

''Americans should not want them,'' referring to oil prices, ''to drop to $12 or $10 a barrel again, because that takes our mind off our business, which should be alternative fuels, energy conservation, reducing the impact of all this on global warming.''

We talked about alternative fuels. It would be great if we could increase the size of this. But despite heavy Federal subsidies, we have not made much progress.

Let me now observe that in his book I referred to, Earth in the Balance, the Vice President referred back to that book just about a year ago and is quoted in Time magazine on pages 65 through 67, April 26, 1999. If there were ever a doubt that maybe his views have changed somewhat in light of events that have transpired, that maybe he has reconsidered certain outlandish statements made in the book, well, it is apparent that that is not the case, because this is what he said:

''There's not a statement in that book that I don't endorse. The evidence

has firmed up the positions I sketched there.''

I think there is some pretty interesting material in that book. Let me talk a little bit about the failure of the foreign policy of the Clinton-Gore administration, because indeed they have deliberately made us more beholden to the foreign oil-producing nations, particularly OPEC. As the Energy Secretary recently admitted, the administration was, quote-unquote, ''caught napping'' regarding the current crisis at the gas pump. OPEC should not have the unilateral power to dictate the price of gasoline that American motorists pay at the pump; but unfortunately this is exactly what is happening.

This really is a national security issue. We have put ourselves at the mercy of many regimes hostile to the United States. The weak, vacillating foreign policy of the Clinton administration has a great deal to do with this as we continue to tolerate the excesses of Saddam Hussein. In case of hostilities with any one of these oil-producing nations, we could have our oil supplies cut drastically with little recourse. The Clinton-Gore administration response was to beg OPEC to increase production, and so we went hat in hand asking them, please increase production. We need an administration that will strongly advocate U.S. interests and will produce policies that will take care of the national security of all Americans.

Let me just comment on this energy policy. Here are a few facts that have been assembled, alarming oil and gas facts. Since 1992, U.S. oil production is down 17 percent. Yet consumption is up 14 percent. In just 1 year under the Clinton-Gore administration, oil imports increased over 7 percent. As I mentioned, imports are now at 56 percent and growing rapidly. The Department of Energy predicts 65 percent foreign oil dependence by the year 2020. Indeed some project it will be higher than that. Sixty-five percent importing probably the most fundamental commodity to the interests of this Nation.

At current prices, the United States spends $300 million per day on imported oil, over $100 billion per year on foreign oil, one-third of the total trade deficit. Iraq is the fastest growing source of U.S. oil imports. In 1990 we had 405,000 jobs in exploring and producing oil and gas. In 1999, that number of 405,000 had dwindled to 293,000, a 27 percent decline. In 1990 we had 657 working U.S. oil rigs. In the year 2000, 10 years later, we had 153 working oil rigs. Our fuel storage has shrunk.

New York lost 20 percent of heating oil storage because of governmental mandates contributing to shortages and price hikes. This year's Department of Energy budget has $1.2 billion for climate change activities but only $92 million for oil and gas research and development. It is clear that the priorities of this administration are not on decreasing dependence on foreign oil, for indeed just the opposite has happened during the nearly 8 years now of this administration. The administration indeed is quite adamant about blocking our attempts to gain energy self-sufficiency. I will just read this quote from the Vice President. He said in October of 1995, ''If they,'' meaning the Republican majority, ''satisfy us on 100 percent of everything else we ask for and they open ANWR in Alaska to drilling, President Clinton will veto the whole thing.''

Mr. GORE is an absolutist in opposition to drilling for new sources of American oil. During his tenure in office, as I mentioned, our demand has grown by 14 percent while our domestic oil production declined by 17 percent. Yet Mr. GORE supports government policies that take many areas of the United States with the greatest oil potential off the table. ANWR, the Arctic National Wildlife Refuge, is a 1½ million-acre arctic coastal plain in Alaska. In 1998, the U.S. Geological Survey estimated that up to 16 billion barrels lie underneath the soil in ANWR, enough to replace our oil imports from Saudi Arabia for 30 years. These reserves can be tapped into with essentially no environmental damage. The development area where the drilling would occur would be less than 1 percent of the whole Arctic National Wildlife Refuge, leaving almost no impact on the environment.

Just to note, at the existing Prudhoe Bay site, the North Slope, which currently provides an enormous amount of oil to the domestic market, wildlife has thrived despite the outrageous and extreme claims of so-called self-styled environmentalists, people with whom apparently the Vice President identifies, that we would do grave harm to the wildlife there. I have been there personally to see it. You would be very impressed with what is going on at Prudhoe Bay and the pipeline. Very, very impressive operation. It has not damaged the environment. If anything, it is looked upon as an asset, and the wildlife has flourished with the facilities that have been placed there.

The people of Alaska overwhelmingly support drilling in ANWR, but the Vice President does not; and as we can see made clear that he would recommend a veto and indeed that is exactly what happened. It was vetoed by the administration. The cost of oil and gas exploration in the U.S. is so expensive through our tax and environmental policies that our own companies would rather search for oil among armed terrorists in Colombia than here. Pushing industry outside the United States does not help the environment because what they do will occur in places where it is not as strictly regulated as in this country. Nevertheless, the production will occur.

Transferring businesses to nations that lack our stringent production standards invites mishaps. Requiring that more oil be shipped overseas increases the risk of tanker accidents. By importing oil, we also are exporting our wealth and jobs overseas. As I observed, the domestic energy industry has lost 112,000 jobs during this administration.

Let us talk about Kyoto. The Vice President wrote in his book, Earth in the Balance, something I think we should focus on for a minute.

□ 1945

''Minor shifts in policy, marginal adjustments in ongoing programs, moderate improvements in laws and regulations, rhetoric offered in lieu of genuine change; these are all forms of appeasement, designed to satisfy the public's desire to believe that sacrifice, struggle, and a wrenching transformation of society will not be necessary.''

Focus on that for a minute. What he is really saying is, in his view, a wrenching transformation of society will be necessary, and that we are fools to think that it will not be. A wrenching transformation of society. Let us see. Could that mean something on the scale of the forcing out of the rural areas into the cities, the peasants in Russia, the so-called collectivization that resulted in the deaths of so many millions. That was a wrenching transformation of society. Or could the period under Mao in China when so many millions were tortured and murdered there, would that be a wrenching transformation of society? That is what I think of when those terms are used. I really think we ought to ponder this belief of the Vice President.

Now, Kyoto, speaking of a wrenching transformation of society, because I believe this is on that magnitude. The disastrous Kyoto protocol was negotiated by the Clinton-Gore administration in 1997, and it would force just indeed such a wrenching transformation that the Vice President envisions in Earth in the Balance, his book written personally, he has reaffirmed by him. And he agrees even more now, or as much now, feels that the arguments have been strengthened in the intervening years since he first wrote it.

The Kyoto protocol requires the United States by the year 2012 to reduce emissions to the levels they were at in the 1980s. The economic recession of the late 1970s caused the United States to cut emissions by 2 percent. Complying with Kyoto would require 3 times the cutbacks experienced during those economic downturns. Those were not good times. We all remember them well, those of us who are old enough to remember. They were very trying times for the United States. It is indeed tragic and frankly, amazing, that someone who has risen to the office of

Vice President would propose these sorts of Draconian alterations in our policy.

Happily, the upper body in the Congress voted unanimously to urge the President and the Vice President not to sign the U.S. on to any global warming treaty if it exempted developing countries or injured the American economy. Nevertheless, the resolution of the upper body was ignored and the treaty was negotiated and signed. This treaty basically allowed 132 out of the 168 countries attending the conference to opt out of the treaty on the grounds that they are still developing countries. Among these countries are some of the world's biggest polluters, including China, India, Brazil, and Mexico. So, out of the 168 countries that get to opt out, only 36, including the United States, are precluded by the provisions of the treaty from opting out.

Perhaps the Draconian sacrifices in our standard of living required by Kyoto would qualify us as a developing country. Taken together, developing countries will emit a majority of the world's greenhouse gas emissions by 2015. Yet, under Mr. GORE's treaty, none of those countries would have any obligation to reduce emissions or to obey the rules that govern the United States under the treaty. With so few countries actually agreeing to this protocol, it is highly doubtful that global warming will be reduced.

Happily, the upper body has refused to vote on and ratify the Kyoto treaty. But that has not stopped the Clinton-Gore administration from attempting to end-run the Constitution in implementing it anyway. This administration's 1999 budget included $6.3 billion, an increase to the EPA to draft strict new rules that would unilaterally enact portions of the Kyoto protocol. The cost to U.S. business workers and consumers of complying with the Vice President's Kyoto treaty could be staggering. In real terms, AL GORE committed Americans to reduce our fossil fuel emissions by 41 percent, compared to projections of what we need to maintain our economic growth.

Now, just focus on this for a minute. A 41 percent reduction in fossil fuel emissions would result in huge job losses. Up to 1.5 million workers would lose their jobs in energy intensity manufacturing industries like petroleum, refining, pulp and paper making, cement, steel, chemicals and aluminum, as these jobs move to developing nations not bound by the Kyoto restrictions.

What kind of a policy could that possibly be, to take these high-paying jobs and send them to some developing Nation and out of the United States to be replaced, no doubt, by more service sector, lower-paying jobs.

Secondly, a 41 percent reduction in fossil fuel emissions would result in a huge increase in the cost of living. American families would pay 25 cents per gallon more due to this alone, this treaty, and $2,000 more annually, for necessary consumer goods, which will experience the trickle-down effect of having the fuel costs raised, and since all of these goods are moved in one way or another and the fuel is used, the average increase for Americans could be $2,000 a year.

Thirdly, due to this 41 percent reduction brought about by the Kyoto treaty, reduction in the fossil fuel emissions, it would greatly diminish U.S. trade competitiveness. Now, we constantly hear out of this administration how they are concerned about trade and they want to increase competitiveness. Well, Kyoto really sets us back. Since 132 countries are not subject to the treaty, the Kyoto treaty will make it much harder for U.S. businesses to compete internationally.

Now, let us get to this: what would it really take? Suppose somehow this were to become law, which the Vice President really wants it to become law and has done everything he could to try and bring that about. Well, it would require huge reductions in total U.S. consumption of fossil fuels: coal, oil, and natural gas. The only practical way to force these cuts would be through steep price increases. That is really what it is all about. That is why the Vice President is happy that the gas prices have gone up. It is long overdue. Economists, friends of the administration, we can read their quotes in the current news magazines, saying how our gasoline prices were way too low and this is a good thing to have them up there, that these economists, some of them, who obviously are very sympathetic to the unfriendly policies of the Clinton-Gore administration, they also decry the rise in SUVs. Americans love their sports utility vehicles. Well, this administration is not at all happy about that, and their friends are not at all happy about that, and they would like to see the price of gas rise so much that one cannot afford to drive those vehicles which they think are bad for the country.

Let me just observe in reference to this point that gas price hikes really are what would be compelled by the Clinton-Gore Kyoto treaty. In other places, where the countries have signed the treaty and which have put the treaty into force, unlike the United States; in Germany, France, the United Kingdom, Australia, and Japan, they have all decided that the only way to reach the Kyoto limits is to raise taxes on fossil fuels. These countries, not coincidentally, in my judgment, are the ones that have had much slower economic growth than the United States over the past decade. What would we expect when the price of gas in Europe for years has been between $2 and $3 a gallon because of the high excise taxes that they have imposed.

Mr. Speaker, we do not want the Europeanization of our energy policy. Cheap energy has been a tremendous blessing, perhaps the single greatest blessing that we could name in terms of economics to the people of this great country. Now we have people in power that are determined to wreck that policy and to replace it with something that will really shrink our standard of living and will make it much more difficult to maintain the prosperity and rates of economic growth that we have had in the past.

Well, we have spent a few minutes tonight talking about the role of the Vice President and his views on energy policy. I am glad that we have had this opportunity, and I would like now to recognize my colleague from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding, and I certainly commend the gentleman for bringing this Special Order to the floor this evening.

One of the things that I have noticed in my 5 years of experience here on Capitol Hill, having left my previous vocation as a physician and taken up the role of legislator for the people of my congressional district is the nature by which so many of the more outrageous blunders and outrageous statements that come from the Vice President are essentially ignored or passed over by the major media outlets in the United States, the electronic media and many of the printed media outlets, newspapers such as the Post, The New York Times.

One area that is very, very significant in my congressional district is the mismanagement by the Vice President of the space station program. The space station program is a program that was redesigned by the Clinton-Gore team in 1993, and in that process, they brought the Russians in as critical partners where we were now suddenly dependent upon the Russians for critical elements in space station construction. The Vice President was intimately involved with this program.

Over the years, subsequent to 1993 he had a series of meetings with the prime minister, Mr. Chernomyrdin at which various phases of space station progress were negotiated, along with other scientific enterprises that the United States was supposedly cooperating with the Russians on.

There were many people, including the gentleman from Wisconsin (Mr. SENSENBRENNER), the Republican Chairman of the Committee on Science, who warned at the time that this approach and this strategy that the administration is pursuing is risky, is dangerous, and could lead to significant delays in the space station program, significant cost overruns, tremendous amounts of additional costs and, indeed, could ultimately lead to the failure of the program in its very important mission.

Well, now here we are, 7 years later, and lo and behold, all of the warnings of the gentleman from Wisconsin (Mr. SENSENBRENNER) at that time have come to pass, and indeed, we have a situation where instead of saving $2 billion as was originally put forward by Clinton-Gore, the space station program is probably going to cost $4 billion over and above what it was originally projected to cost. We have gone from a savings of $2 billion to an overrun of $4 billion, a $6 billion swing.

What is equally egregious is the program is now 2 years behind schedule and indeed, it is uncertain as to whether or not it is ever going to be able to get back on track.

What is even more disappointing is that the Vice President's fingerprints were all over this, and he has yet to put forward his proposal to get this program back on track.

□ 2000

Mr. DOOLITTLE. Mr. Speaker, I would like to observe that the gentleman is absolutely right.

It is a funny thing. With the Clinton-Gore administration, the only time I have ever seen them interested in saving money is when it comes to cutting taxes. All of a sudden, they are the guardians of the Treasury. Every last dime they have to hang onto so none of it goes back to the taxpayer.

The gentleman just mentioned a $6 billion increase they had gone along with. Their regulatory policies are costing us billions and billions of dollars, the consumer and the country itself. They are constantly pushing for increasing the amounts of money in these appropriations bills. They are vetoing our bills because they do not spend enough money, but if it comes to hanging onto the dollar and protecting the taxpayer against himself by not letting him have a tax cut, they are very good about being parsimonious.

Mr. WELDON of Florida. Mr. Speaker, if the gentleman will continue to yield, I want to follow that, regarding AL GORE's assertions that George W. Bush's tax cut policies are risky. He is fond of using this term. He used this term to describe the Republican tax cuts policies in the past.

The question I would ask the Vice President, which I believe people in the media should be asking him, is why is it risky when we want to give working men and women a portion of their money back, but it is not risky when AL GORE and Bill Clinton spend that money? Which gets to the heart of the issue that the gentleman is talking about. The only time they talk about saving money is when they are talking about not giving a tax cut.

Why, why, why is it so risky to give working men and women some of their hard-earned tax dollars back to spend on their priorities: their kids' college educations, braces for the kids, saving money for the first home, getting out of an apartment? That is risky, but lo and behold, when they want to increase spending from Washington, when they want to keep that hard-earned money of those working families and spend it on what AL GORE thinks it should be spent on, then that is not risky.

The answer to that is very, very obvious. This is empty rhetoric used as ploy to avoid the thing they despise the most, which is taking power and influence out of Washington, out of the hands of elected politicians, and giving it back to people; giving the money that they earned back into their own pockets and pocketbooks.

I just applaud the gentleman for so many of the issues that he is bringing up.

I was listening to the gentleman's presentation earlier. He brought up the whole issue of ANWR. I am very, very glad that the gentleman brought that up as it relates to what is going on right now in this country with the high gasoline prices, high fuel oil prices that many, many Americans are having to wrestle with, and the impact on their budget.

We have millions and millions of barrels of additional oil available to us in Alaska. President Clinton and the Vice President are standing against exploiting those oil reserves for no rational reason whatsoever.

I went up there to the North Slope, and people like the Vice President talk about the North Slope as though it is this pristine, wonderful place that we have to protect, teeming with wildlife. It is the most barren, moonlike landscape that Members could ever imagine, and the most amazing thing is that the people who live there see absolutely no problem with tapping into these oil reserves.

The technology has gotten so good and so sophisticated that not only do we protect the environment but, as well, the environment is enhanced by the oil exploration efforts that are there.

When I was there, because of the initiatives pursued, they now have ponds that were lifeless that were rendered deeper because they needed the gravel, and now the ponds are filled with fish. Those fish-filled ponds are attracting more grizzly bears. The roads that they build to drive on in the oil exploration efforts raise the ground up sufficiently that various birds can nest along the edge of the road, so we have a proliferation of birds as a consequence.

Furthermore, the Holy Grail, the thing that they ballyhooed was going to get so disturbed, the caribou, it turns out that the herd is multiplying at a much more rapid rate. The size of the herd has increased dramatically because of the presence of the pipeline.

So every single excuse that they use, and what is, I think, the greatest outrage in this whole affair is here we are today, again, the poor working stiffs of America who have trouble making ends meet, who run out of checkbook funds before the month runs out because they are paying more money for gasoline and for fuel oil, their lives could be made better if we were able to tap into those additional oil reserves there in Alaska.

They are very close to the existing pipeline infrastructure. It entails putting in just a short segment of additional pipeline, and would allow us access to millions and millions of barrels of additional oil. The increased production would have the potential to lower the price of oil worldwide and significantly enhance the quality of life for every American, but yet the Clinton-Gore administration stands up and says, no, no, with these empty, irrational explanations for their opposition.

Frankly, I applaud the gentleman from California (Mr. DOOLITTLE). This just further confirms in my mind that we are standing up for the needs of working men and women, and that we must continue to do so. It is very, very critical that we continue to speak on these issues. I am happy to yield back to the gentleman.

Mr. DOOLITTLE. I thank the gentleman.

Mr. Speaker, just before the gentleman got down, I was just saying the same thing about my trip to the North Slope, and the observations the gentleman made about ANWR and the pipeline are right on track.

But the Vice President apparently does not want to open up ANWR because that will take us away from this which he seeks, a wrenching transformation of society. I guess in his vision we are all supposed to suffer a little. Somehow that is for the common good.

That is not the policy that I endorse. Americans are suffering right now with the failed foreign policy and energy policy that has given us this bump-up in the gasoline prices. Long-term, Americans are going to suffer a lot more if we do not reduce our dependence on foreign oil, and opening up ANWR is the first and most vital step to do that; furthermore, in addition to that, reducing the ridiculously burdensome rules and regulations and restrictions that have been imposed on our people in the oil development industry that is forcing them to go to Colombia, where there are armed terrorists; to feel that that is a more favorable climate to do their drilling work than it is right here in the United States.

So the gentleman is absolutely right, things have been out of hand and they need to be changed.

Mr. Speaker, I yield to the gentleman from Florida.

Mr. WELDON of Florida. I want to underscore a very, very important point highlighted by that poster up

there. It is very, very clearly spelled out in AL GORE's book, Earth in the Balance.

I would highly recommend every American purchase a copy of this book and read it. If they read this book, AL GORE wants the price of oil to go up. He wants it to go up dramatically. He would like the American consumer to pay substantially more for a gallon of gasoline. I would wager that the current price of $1.50 to $1.80 per gallon is not high enough for AL GORE, because he would like the price to be so high that people would stop driving and that people would start using mass transit. He would like to get them out of their cars.

That agenda is very, very clearly spelled out in that book in black and white. I would assert that if any Republican had ever written a book with the outrageous assertions that are put forth in that book, that that Republican candidate for president would be excoriated by the American news media; that every single outrageous statement in that book would be attacked and questioned. That candidate could not go anywhere in the Nation where a reporter would not come up to him and ask him, how could he make these outrageous assertions?

Let me just read what that says there: ''Minor shifts in policy, marginal adjustments in ongoing programs, moderate improvements in laws and regulations, rhetoric offered in lieu of genuine change, these are all forms of appeasement designed to satisfy the public's desire to believe that sacrifice, struggle, and a wrenching transformation of society will not be necessary.''

How outrageous a statement can we find? It is disparaging of public opinion. He says, ''designed to satisfy the public's desire,'' as though that is something we are not supposed to do; as though we are supposed to have some higher knowledge and calling and that we are somehow supposed to ignore them, the people who are literally our bosses, and that we are to do what we think is necessary or what he thinks is necessary, a wrenching transformation of society.

What is that wrenching transformation? He wants to get every single one of us out of our cars. He further goes on to claim that the internal combustion engine is one of the single greatest threats to the human race. How much more outrageous a statement could anyone ever have?

I thank the gentleman from California. He has all of the quotes up there. Within the context of the SEI, the Strategic Environmental Initiative, a plan of the Vice President's, it ought to be possible to establish a coordinated global program to accomplish the strategic goal of completely eliminating the internal combustion engine over, say, a 25-year period.

What will a Gore presidency mean? It will mean the implementation or an attempt to implement that program right there, spelled out in Earth in the Balance: to completely eliminate the internal combustion engine.

Let me just say that if there were a good replacement for the internal combustion engine that was totally pollution-free and was affordable, I think every American would support that. Who would not want to be able to avoid gas stations? Who would not want to drive a car that does not spew fumes?

But the reality of physics, the reality of modern science today is the internal combustion engine is the only affordable way for people to get about, and God forbid we have a situation where politicians from Washington are trying to completely eliminate the internal combustion engine, let alone no one other than the President of the United States.

I just want to wholeheartedly congratulate the gentleman from California on bringing these issues to the forefront. These are the issues that we should be debating, what are the underlying philosophies and beliefs of the candidates.

I certainly thank the gentleman, and I would be more than delighted to do this again with the gentleman from California.

Mr. DOOLITTLE. I thank the gentleman. We will be doing it again soon as we examine other aspects of the views and the record of Vice President AL GORE.

EDUCATION

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Under the Speaker's announced policy of January 6, 1999, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, I heard the previous speakers close out with the name of AL GORE. I understand they have been talking about the Vice President, who is the probable Democratic Party nominee for president.

I certainly would like to begin my statement with a hearty congratulations to Mr. GORE for proposing a $115 billion education reform program over the next 10 years, to allocate $115 billion over the next 10 years.

The details of Mr. GORE's proposal I do not particularly agree with. However, the perspective, the understanding of the need and the scope that we have to move on is welcome. I welcome Mr. GORE's vision, I welcome his commitment, and he is in line with where the American people want to go.

I think we are in an area where the people, the ordinary citizens, are out there ahead of the Members of Congress, ahead of the decision-makers even in the White House, ahead of the decision-makers in the local governments and in the State governments, because the polls repeatedly keep showing that the average American out there views education as the number one priority for governmental action. Education is the number one priority.

There was a time when education was in the top five, in fact, that has been the case over the last 5 years, but education was not number one. Reducing crime at one time was number one, saving social security at one time was number one, Medicare and shoring up the Medicare fund was number one at one time. But not now. Education consistently for the last 10 months has been in all of the polls, and I think the Republican polls are showing exactly what the Democratic polls are showing, that education is the number one concern of the American people.

So a candidate who proposes to come to grips with the problem in a time when we have considerable wealth in this Nation, at a time when we see the estimates for revenue, revenue, being so much greater than expenditures, and the projection after we take care of the surplus of social security and put that away just for social security, the projection is $1.9 trillion in surplus over a 10-year period. So surely it is appropriate that one could talk in terms of investing $115 billion of that $1.9 trillion surplus in education reform.

□ 2015

I do not think that goes far enough. I think that $115 billion is about half of what we need. And the Congressional Black Caucus alternative budget that was on the floor as an alternative to the Republican budget a week ago, the Congressional Black Caucus budget recommended that we use 10 percent of the projected $1.9 trillion surplus, 10 percent should be used for education. Of that 10 percent, 5 should go to school construction and the other 5 percent should go to other kinds of improvements in education; reduction of class sizes by having more teachers, more training for teachers, education technology.

There is a whole range of things that needs to be done and should be done. And for the first time in the last 50 years, the revenues are there. The resources are there. Will we reinvest those resources in education and get a return on them, or will we invest them in trivial weapon systems that are redundant and not needed?

Will we do as the Republican majority has done, add $17 billion to the President's defense budget? The President already put in an increase for defense in his budget that was submitted to the Congress, and the Republicans have added $17 billion to that. Are we going to throw the money away in redundant weapon systems, or are we going to invest the money in education and the kinds of activities that are going to pay off, because there will be a return on those investments?

Now, I have had some comments made about some of the remarks that I have made during Special Orders, especially remarks made about school construction and the fact that I continually seem to be obsessed with one subject. I just want to confess that I have certainly spent a lot of time on this particular subject, on education, in general, but, more specifically, on school construction.

I am going to talk quite a bit about it again tonight, because, you know, in the American political process, the dialogue is invaluable. As a Member of the minority party here in the House of Representatives, all we have left, in many cases, is dialogue, the ability to talk and the opportunity to reach our allies out there in the general public. I have just said we have been reading polls now for the last 10 months, which show that the majority of the American people consider government assistance for education to be the highest priority.

If that is the case, then I have many allies. We have many allies, those of us who want to see more resources from the Federal Government put into education. I want to talk to our allies. I want to talk to all the school children out there who need help. There are 53 million children who go to public schools, and many of those public schools are in serious trouble.

Public schools in the inner cities are in very serious trouble in most of our big cities. Public schools in some of the suburbs also need a lot of help. Public schools in the rural areas are in many cases in the worst shape of all. Help is needed.

I repeat many things over and over again because it is important for us to try to understand this very unusual phenomenon. We have a situation where the people clearly have sent a message that they want to go one way and the overwhelming majority of the powerful decisionmakers in our government are going in a different direction.

The response of the public figures, the public decisionmakers, the response of the leaders, including those who are running for President, has been to talk about the issue of education incessantly. There is plenty of discussion. Among Members of Congress and the Senate and candidates for the presidency, governors and State legislators and city council people and mayors, there is an understanding that when you see the polls, you understand that people are primarily concerned about government assistance for education, your response should be to talk about it, the rhetoric is important; but do not take any significant action, play around with the game of education, make education a game.

Everybody is an expert on education. They want to talk about the phonics system versus the whole word system. They want to talk about the need for more discipline. They want to talk about teachers working harder and the need for certification. Most of the things they want to talk about have some validity, in terms of need.

We need to deal with all of those components. There are different components, and they should be addressed; but few of the decisionmakers, the public officials, want to talk about the need for more resources. They want to deal with the fact that we have Stone Age budgets in our schools. Everything else has taken off. The stock market has soared. It is three times the size it was 10 years ago.

The degrees are different when you start talking about wealth and money in every other area that you want to examine; but when it comes to schools, suddenly we want to take a horse and buggy approach. We can only see incremental gains being made, small experiments here and there. That is the approach of the present Department of Education. They cannot think big. They cannot see that this is a time to come to grips with the major problem and put major resources behind it; and at the heart of the problem of education is the need for new infrastructures that I continue to talk about.

It is the kingpin issue, school construction, infrastructure, infrastructure involving a number of things, school repair, new school construction, modernization of schools, the wiring of schools, the developments of new security systems, you know, electronic security systems within schools.

There are a number of ways dollars for infrastructure might be spent, but they are critical in the case of a great number of inner city schools, like the schools in New York City. You need the basics. You need to deal with health-threatening issues. In New York out of the more than 1,000 schools, we still have 200 schools that still burn coal in their furnaces. Coal-burning furnaces are still in at least 200 schools; a year and a half ago, there were 275.

I am happy to report that this talk, this repeated focus on the issue has moved some things faster. Certainly in my district, I have seen several schools watch their coal burning furnaces being removed and replaced with other cleaner fuels. There are still 200 left.

There are schools in our city, at least a third of them or more, where children have to eat lunch in the morning at 10 o'clock because the school is overcrowded. The lunchroom was built for a certain number of kids. They cannot get them all in there so they have to have three or four cycles, the cycle is three or four. They have to force some to eat lunch at 10 o'clock while some are forced to wait until 1:30 to eat lunch.

The kids at the end are much too hungry and have been deprived, and the kids at the beginning have been abused by having been forced to eat lunch shortly after they have breakfast.

I will not go into all of these examples, which I have given many times before.

Mr. Speaker, I would just like to bring you up to date. I feel it is important to talk about it today because today the Committee on Education and the Workforce, which I have served on for 18 years, has begun the process of a markup of the final section of the Elementary and Secondary Education Act. The Elementary and Secondary Education Act was a creation of Lyndon Johnson and Adam Clayton Powell during the era of the great society.

They broke new ground in providing assistance to elementary and secondary schools. That new ground was broken on the basis of the fact that there were areas of the country of great poverty and where the tax base and various other devices were not measuring up to the provision of adequate education to those children who lived in those areas.

The Elementary and Secondary Education Act's primary focus is on children in poverty, and title I is a primary ingredient of the Elementary and Secondary Education Assistance Act. We have taken care of title I already in last year's session. Now there are other elements in the Elementary and Secondary Education Assistance Act, which we started to discuss today.

I am proud to announce that we spent about the first 2 hours of consideration of the Elementary and Secondary Education Act. They have another name for it. It is called Education Options now. The first 2 hours were spent discussing school construction. This is quite an achievement.

I am here to report tonight that we are winning in the battle to get school construction on the agenda, and the battle to get school construction to be seriously considered. We are winning. We are winning, because not only could we not have a 2-hour discussion in the committee of jurisdiction before, the committee of jurisdiction had ruled that the discussion of construction was not germane.

School construction was not germane a year ago. They would not even let us discuss it. The Committee on Education and the Workforce had surrendered its jurisdiction on school construction to the Committee on Ways and Means.

The only bill in the Congress which dealt with school construction 2 years ago was the bill in the Committee on Ways and Means which was sponsored by the gentleman from New York (Mr. RANGEL) which was supported by most Democrats. It was, of course, proposed by the White House, initiated by the President; and it cost $25 billion in bonding authority to be backed up by the Federal Government with interest payments. The Federal Government, in

other words, would pay the interest on $25 billion worth of bonds that States and local education agencies might borrow.

If you borrow the money, all you have to pay back is the principal. The Federal Government would pay the interest, and over a 5-year period that interest came out to be estimated to be about $3.7 billion. In the Committee on Ways and Means, the process of paying back the interest on bonds would have yielded a 5-year commitment of the Federal Government of $3.7 billion for school construction. Now, that is a very tiny amount compared to what we need.

It is at least a recognition that the Federal Government has a role in school construction. We all have supported that consistently. I am happy to report that we are winning. For the first time, the bill also has a Republican cosponsor, the gentlewoman from Connecticut (Mrs. JOHNSON), who is a cosponsor now with the gentleman from New York (Mr. RANGEL). We have hopes that we will have enough votes, if it is allowed to come to the floor, we will have enough votes with the supporting majority party, Republican party, and the Democrats to be able to pass such a bill now that we have Republican cosponsorship, as small as it is, as meager as it is, as inadequate as it is. It at least recognizes the role.

It would be a breakthrough to actually have it pass on the floor or even come to the floor for serious consideration. I assure you that there are real problems with more than just the amount. Not only is it too small an amount but it will not help New York State, for example. The great State of New York with millions of children in school will not be helped by this bond authority bill, even though the Federal Government is willing to pay the interest on the bond.

We have had two bond issues related to school construction over the last 10 years and they failed. The voters have voted down two bond issues, and the likelihood that they will vote for another one, even if it has the Federal Government paying the interest, is very slim. So it will not help us.

We need a direct appropriation. There are hundreds of jurisdictions across the country, local education agencies and counties and States that have the same requirement, that the voters have to approve the borrowing of money for schools, and the voters consistently in many places are not approving that.

We had a dialogue about it, though, in the Education and the Workforce Committee. The dialogue was very interesting. We should report the very fact that we had the dialogue, as I said before, is an indication of the facts that we are winning. We are winning because we had the dialogue about school construction on the Committee on Education and the Workforce, which has been in denial for the last 6 years.

Since the Republicans gained control, they have refused to discuss the issue of school construction in the Committee on Education and the Workforce. Today we had a discussion. Part of the stimulus for the discussion was the offering of an amendment by the ranking Democrat, the gentleman from Missouri (Mr. CLAY), to amend the Republican-sponsored substitute by placing in that substitute the President's $1.3 billion direct appropriation for school repairs.

□ 2030

The President has offered $1.3 billion for a direct appropriation for emergency repairs, and that itself is a breakthrough. Because the President and the White House also, for the last 6 years, the last 5 years, have only had one initiative and that is the Ways and Means initiative with the gentleman from New York (Mr. RANGEL) for the $25 billion in authority to buy bonds and we pay the interest on it. So when the President offered his budget for the year 2001 in February of this year, he included for the first time a direct appropriation, $1.3 billion, for education.

The government really runs on direct appropriations. We do not fund helicopters or aircraft carriers or submarines with bonds. We do not say go out and buy bonds, we will pay the interest. We fund what we consider important with a direct appropriation. We fund the agriculture subsidies to farmers with direct appropriations.

We fund many programs that are questionable with direct appropriations. I will not say that highways and roads are questionable. We all need them. But we authorize the funding of highways and roads and mass transit, too, subways and buses. We authorized $218 billion last year, $218 billion over a 6-year period for highways and roads; and that is going to be a direct appropriation. We did not say borrow the money and we will pay the interest.

So when the Government is serious, when the decision-makers are serious, they do not talk about giving bond authority to go out and borrow the money and we will pay the interest; we have direct appropriations. And if we are going to be serious about school construction, we need direct appropriations.

So I want to applaud the President, the White House, for taking this small step. A journey of a thousand miles begins with one step. They broke the pattern of insisting that school construction funds have to be won through a bonding process, a borrowing process, and they recommended and they put in the budget $1.3 billion.

So we were introducing, the Democrats, the minority Democrats were introducing an amendment to the majority Republican bill which would put the President's $1.3 billion into the bill that we are preparing to bring to the floor. And of course the majority had the votes and they voted it down. But we had 2 hours of discussion, and I consider the 2 hours of discussion in the committee to be a victory, just as I consider the fact that the President moved off dead center and even made the proposal for the $1.3 billion a victory. We are winning. We are winning.

The pressure of public opinion, the pressure of what is said in the polls and what people are telling their Congresspeople is beginning to get through. So I am here to say to all America that we are winning, and we must continue the pressure. Over the next 2 or 3 weeks we are going to be discussing this education bill. We probably have 2 more days before the markup is finished in the committee, and then probably in 5 to 10 days it will be on the floor of the House for discussion. And then, of course, the Senate will act and there will be a conference.

Given the position of the majority party, the Republicans in the majority in the House of Representatives and the Republicans in the majority in the Senate, given the position of the majority party, it is not likely that any direct appropriations are going to pass out of the Congress for school construction. However, the dialogue is important. The record of the dialogue is important. The public ear in listening to the dialogue is important. Because in the final analysis, this issue is going to be decided in a set of negotiations, what I call the end-game negotiations.

The President will veto a bill that is filled with outdated assumptions and throwbacks to the past, like the one that we were discussing today. I want to discuss the nonconstruction parts of it, where they talk about block grants and they are wiping out certain types of programs, including the program which provides more teachers for the classroom. There are many reasons why the President will veto the bill. So having vetoed the bill, there will have to be negotiations before we can come up with another bill. In those end-game negotiations we want the President to hear the voice of the American people. We want him to listen to what they have to say and understand that we are winning.

We are much further along now than we were a year ago. When I first came to the floor with this hat as a symbol, we were way, way behind in terms of the recognition among Members of Congress that school construction is a major issue and it is an issue at the heart of education reform. Democrats and Republicans have a hard time understanding that. Although the polls show not only that education is of primary concern among the American voters, when they broke down education into components, one poll did this, they found at the head of the list

of all the things that the public feels should be done in education the item of fixing the schools.

Now, fix the schools can mean a lot of different things, but they mean physically fix the schools. There was repair, new schools, modernization, wiring for the computers and the Internet, but that emerged clearly. The physical infrastructure emerged clearly among the concerns about education as the top concern.

Why? Because a lot of the other things become jokes. Common sense out there among the people and the teachers and the students tells us that it is hard to envisage a modern education with new computers, new technology in the school, in the classroom, if the school has a coal burning furnace and the kids have respiratory illnesses and the teachers have respiratory illnesses. It is kind of hard to deal with the dream, the vision of an education for the digitalized world. The new computers coming in are resented because they would like to see the coal furnace go. Or if the windows are broken and have not been fixed for some time; or if the top floor of the school cannot be used.

One school I know of, with three floors, has the top floor abandoned because the walls are caving in. No matter how hard they try to fix the roof, they cannot stop the moisture from leaking in and the walls on either side are caving in. It is time to leave the school. It is time to abandon that building. But they are still there, and the school is over 100 years old. They cannot believe that we are serious about education when we talk about everything except the physical infrastructure because we say that that is too expensive. Let us focus on something else because we cannot afford to fix that. Let us focus on new technology. Let us focus on the teachers.

The great cry about the fact that teachers are not qualified, and in poor schools we find a large number of uncertified teachers, where people have not even bothered to take the test that certifies teachers, because there is a great teacher shortage in the inner city schools in particular. Number one, the suburban schools surrounding most large cities are paying larger salaries; and, number two, the working conditions are so much better.

Why should a teacher teach in a school that is burning coal in the furnace and have her own lungs jeopardized when they can have a choice and teach under better conditions. Working conditions for teachers are as important as working conditions for people who work in factories. Unions bargain and working conditions are always a major item on the bargaining list. Why should teachers teach in conditions that threaten their health when they can go and teach in schools that are not only safe and healthy but also conducive to learning? They have decent lighting, they are painted, the ventilation is adequate. All of these things do not exist in many of the inner city schools that the teachers are running from.

So we cannot solve the problem of certification by focusing only on the problem of teacher certification. We cannot have high standards for teachers if the pool of teachers is always going to be very shallow. These school systems do not have a choice. If they want a body in front of the classroom, they are going to have to take an inadequate teacher, a teacher that is not certified.

In fact, we had a dramatic situation in one district. In my congressional district there are four different school districts. And in those school districts they have varying kinds of problems, but one has an intense problem with uncertified teachers. The teachers' union offered the uncertified teachers in one district their tuition. They said they would pay their tuition. They would cover the cost if they would go finish their education, so they can take the test and be certified. The majority of the uncertified teachers, many of whom have been around for years, did not want to bother, even with the tuition paid and the benefits the union was willing to offer. They refused.

And, of course, the superintendent of that district said, well, everybody who refuses to accept the offer will place their job in jeopardy. The answer came back from some of the uncertified teachers, go ahead. Because they knew if they were fired, they could go to another district. If they were fired, they knew there would be nobody in front of these classes. They understand very well things are at such a low point in terms of teacher availability and teacher training that most districts are desperate to have a body in front of a classroom. They must have an adult in front of a classroom, and that is their first priority. They cannot demand that people get certified.

Uncertified teachers do not have the same benefits as certified teachers. They suffer a few hardships, but there are some people in the world who just want a basic job and have no ambition or whatever. The pool is so shallow until we cannot weed those folks out. There was a time when people coming out of college, the first job that they had was teaching. It was a time when large numbers of people, certainly in the minority community, had no options. So we had some of the best teachers in the Nation in the minority schools because we had brilliant people who could not get jobs elsewhere who became great teachers.

That is not the condition that exists anymore. We have a shallow pool to begin with, and if we make it difficult for them, they will not be there. Only those who cannot go anywhere else, the worst, the worst college graduates and the worst lingerers, people who have been around for years and years and not bothered to finish their education, all kinds of people have become uncertified teachers for life. It becomes a career, a career as an uncertified teacher.

So we cannot solve the problem, though, if we do not address a number of issues. And certified teachers have now been given health benefits, vacation, a number of things; but the pool keeps being eroded because the certified teachers, the best teachers, keep leaving a system that has problems, including problems of poor working conditions; poor working conditions that sometimes jeopardize their health.

So we can take any problem that we want to talk about: the fact that the regents of New York State have now said a student cannot graduate unless they pass a battery of tests; English test, math test, et cetera. There was a time when they would allow youngsters to graduate with a general diploma. They would march in the line and nobody would know the difference whether they had really completed all of their work or not. Now the general diploma has been eliminated so the State board of regents that oversees all education in the State looks good.

That is a politician's dream, to take action, affirmative action to do something about poor education. But most of the affirmative action is directed at the students, forcing the students to live up to standards. They still do not have any improvements in the quality of the teachers. There are some schools who lost their physics teachers 5 years ago, and they have not been able to find another person who pretends to know physics. Oh, yes, they will get some English teacher or some person who is brave enough to volunteer to go into the classroom, but there is a great shortage of physics teachers and other science teachers.

There is one school I know of that has not had a physics teacher in 5 years; yet we are going to make this student pass a science test when the teacher is inadequate in the area of science. We are going to make them pass a science test when the school has no laboratory. Not an inadequate laboratory, but there are some schools that have no laboratories where students can go and experiment.

□ 2045

Most of them that do have laboratories are woefully inadequate, they are stone-age creations and have nothing to do with textbooks and the kind of things that textbooks are talking.

The libraries are a disgrace. Most of the libraries have books that are 20 and 30 years old. It is better sometimes not to learn than to learn the wrong facts by reading a 20- or 30-year-old book, especially if it is a geography book or a

history book. There are a number of books that it is dangerous to believe the map of the world is the way it looked 20 or 30 years ago, the nations and the United Nations as they were 20 or 30 years ago. And on and on it goes.

So all of these other problems are very real, but if we do not have adequate facilities, if we do not have an adequate infrastructure, the solution to the other problems become that much more difficult.

We have a situation now where we are about to pass, and it is going to pass because very few people are against it, and I have mixed feelings about it, another extension for H1–B.

H1–B is a piece of legislation that comes out of the Committee on the Judiciary which changes the immigration quotas for professional workers. Professional workers, people with expertise needed in a country, the agitation for these kinds of changes comes from industries that have the greatest need.

The industry that has the greatest need is the information technology industry, the industry which uses computers and has taken us into the whole world of digitalization. They need people. There are real vacancies. They are not exaggerating. And I suspect, even with the gyrations of the stock market, the fact that it has gone up and down and some technology companies may be in trouble, I suspect they will have no real impact on their need for more high-tech employees.

So we are going to have the bill on the floor to greatly increase the number of people who are allowed in the country exempted from the other immigration rules given a red carpet into the country to fill these jobs.

I think it was increased less than 2 years ago to 125,000. And now I think they want to double or triple that. They are really going for broke in terms of many, many more to bring in. And that is the way we solve the problem of not having an adequate pool of young Americans who can meet the requirements of the age of the cybercivilization.

We are into the cybercivilization. It surrounds us in many ways, not just industry and the high-tech industries. But in the military they are having serious problems finding young people who have had enough exposure to training in computers and related matters to be able to go into the Army, the Navy, or the Marines and deal with the high-tech military equipment.

The last super aircraft carrier that was launched was 300 people short. They were short 300 personnel because they could not find the personnel who had the aptitude to learn how to operate the high-tech equipment. They probably solved the problem by now. But they had to put out to sea and launch the aircraft carrier 300 personnel short.

So those who think that pouring billions of dollars into defense is a noble and adequate act relevant to our times, stop and think about the fact that the high-tech military that we have is as much in need of brain power as our economy is or any other sector of operation.

Brain power is the power that drives everything. And surely, if the public out there, the voters who clamor for more government assistance for education, if they understand this, why do the elected Members of Congress, most of whom have gone to college, most of whom read quite a bit, most of whom are in an atmosphere where these items are discussed, why do they cling like savages to the taboo that Federal assistance to schools should not include school construction?

Let me just read two items here, portions of it. April 4. ‘‘Today the Clinton-Gore administration put out a ‘National Call to Action’ to close the digital divide.’’ To close the digital divide means that there is a segment of our population, the elite segment, they are very much well versed in the whole digital age, computers and Web sites, and they are off and running, they are making a lot of money, they are improving technology by leaps and bounds, we have geometrically increases in our knowledge, but they are leaving behind them a large segment of the population, not just the poor and the minorities, but there are many children of working families who are not minorities who will also be left behind.

Children of working families in America need first-class schools and need world-class schools, and they are being denied those schools by the kind of decision making that refuses to recognize the need for school construction.

So we have the phenomenon of President Clinton announcing today that over 400 companies and nonprofit organizations have signed a ‘‘National Call to Action’’ to bring digital opportunity to youth, families, and communities. President Clinton’s ‘‘National Call to Action’’ is a challenge to corporations and nonprofit organizations to take concrete steps to meet two critical goals.

Goal one is to provide 21st century learning tools for every child in every school. For children to succeed, they need to master basic skills at an early age. The ability to use technology to learn and succeed in the workplace of the 21st century has become a new basic, creating a national imperative to ensure that every child is technologically literate.

To reach this goal, America needs a comprehensive approach to connect every classroom, provide all students with access to multimedia computers, train teachers to use and integrate technology into the curriculum, and to provide high quality on-line content and educational software.

Goal number two is to create digital opportunities for every American family and community. For all families and communities to benefit from the new economy, we must ensure that all Americans have access to technology and the skills needed to use it. We must work to meet the long-term goal of making home access to the Internet universal to bring technology to every neighborhood through community technology centers, empower all citizens with information technology skills, and motivate more people to appreciate the value of getting connected.

And then the President proceeds to announce a number of initiatives being taken in connection with Government and private industry. And it is the private sector, of course, that is taking the initiatives which involve money, additional funding. Because we are at a standstill here in this Congress in recognition of the fact that we are going into the cybercivilization, and we need to address the investment of more of our money into the education of our populous.

Mr. Speaker, I include for the RECORD the following statement: The Clinton-Gore Administration: Related to a ‘‘National Call to Action’’ to close the digital divide:

THE CLINTON-GORE ADMINISTRATION: A NATIONAL CALL TO ACTION TO CLOSE THE DIGITAL DIVIDE

President Clinton Will Announce Today That Over 400 Companies And Non-Profit Organizations Have Signed A ‘‘National Call To Action’’ To Bring Digital Opportunity To Youth, Families and Communities. The President will be joined by the Secretary of Labor Alexis Herman, Senator Barbara Mikulski and Julian Lacey, a longtime volunteer at Plugged In, a Community Technology Center in East Palo Alto, California. He will announce his ‘‘National Call to Action’’ to help bring digital opportunity to youth, families and communities around the country. Over 400 companies and non-profit organizations have agreed to sign this Call to Action.

President Clinton’s ‘‘National Call To Action.’’ President Clinton has issued a ‘‘National Call to Action’’ to challenge corporations and non-profit organizations to take concrete steps to meet two critical goals:

Provide 21st Century Learning Tools For Every Child In Every School. For children to succeed, they need to master basic skills at an early age. The ability to use technology to learn and succeed in the workplace of the 21st century has become a ‘‘new basic’’—creating a national imperative to ensure that every child is technologically literate. To reach this goal, America needs a comprehensive approach to connect every classroom, provide all students with access to multimedia computers, train teachers to use and integrate technology into the curriculum, and to provide high quality. online content and educational software.

Create Digital Opportunity For Every American Family And Community. For all families and communities to benefit from the New Economy, we must ensure that all Americans have access to technology and the skills needed to use it. We must work to

meet the long-term goal of making home access to the internet universal, bring technology to every neighborhood through community technology centers, empower all citizens with IT skills, and motivate more people to appreciate the value of ''getting connected.''

The President Will Announce Several Initiatives To Help Bring Digital Opportunity To All Americans. The President will announce the following initiatives that demonstrate a real commitment by the public and private sectors to work together to bridge the digital divide:

$12.5 Million For An ''E-Corps.'' The Corporation for National Service will commit $10 million to recruit 750 qualified AmeriCorps members for projects aimed at bringing digital opportunity to youth, families and communities. These volunteers will provide technical support to school computer systems, tutor at Community Technology Centers, and offer IT training for high-tech careers. The Corporation for National Service will also commit $2.5 million for digital divide projects under the Learn and Serve program, which allows young people to make a difference in their communities while going to school.

Yahoo! Will Invest $1 Million in Digital Opportunity. Yahoo! will provide an Internet advertising campaign worth $1 million to enlist volunteers with high-tech skills for AmeriCorps' digital divide initiative. The Yahoo! banner ads will help AmeriCorps meet the challenge of recruiting volunteers with high-tech skills to work on technology-related projects.

3Com Launches NetPrep GYRLS. In partnership with the YWCA's TechGYRLS program, 3Com will announce NetPrep GYRLS, a $330,000 program that will offer girls aged 14–16 training in computer networking. Currently, women represent less than 30 percent of U.S. computer scientists and computer programmers. The 3Com NetPrep curriculum will allow high school girls to focus their technical education on computer networking, leading to an industry-standard certification. 3Com expects to reach 600 girls in 30 NetPrep GYRLS locations across the country.

American Library Association. The American Library Association will pledge to help bridge the digital divide by working with its members to create or expand ''information literacy'' programs in at least 250 communities around the country. People with information literacy skills are able to recognize when information is needed and have the ability to locate, evaluate, and use it effectively.

President Clinton Will Also Announce His Third New Markets Tour—From Digital Divide to Digital Opportunity. On April 17–18, President Clinton, accompanied by CEOs, Members of Congress, Cabinet Secretaries and community leaders will focus national attention on initiatives aimed at overcoming the digital divide and creating opportunities for youth, families and communities. The President will travel to East Palo Alto, California; the Navajo Nation in Shiprock, New Mexico; and Chicago, Illinois to highlight private and public-sector initiatives to help bring digital opportunity to all Americans. Later this month, the President will travel to rural North Carolina to stress the importance of expanding rural access to the emerging broadband Internet.

THE IMPORTANCE OF BRIDGING THE DIGITAL DIVIDE AND CREATING DIGITAL OPPORTUNITY FOR ALL AMERICANS

Access to computers and the Internet and the ability to effectively use this technology are becoming increasingly important for full participation in America's economic, political and social life. People are using the Internet to find lower prices of goods and services, work from home or start their own business, acquire new skills using distance learning, and make better informed decisions about their healthcare needs. The ability to use technology is becoming increasingly important in the workplace, and jobs in the rapidly growing information technology sector pay almost 80 percent more than the average private sector wage.

Technology, used creatively, can also make a big difference in the way teachers teach and students learn. In some classrooms, teachers are using the Internet to keep up with the latest developments in their field, exchange lesson plans with their colleagues, and communicate more frequently with parents. Students are able to log on to the Library of Congress to download primary documents for a history paper, explore the universe with an Internet-connected telescope used by professional astronomers, and engage in more active ''learning by doing.'' Students are also creating powerful Internet-based learning resources that can be used by other students—such as award-winning Web sites on endangered species, the biology of sleep, human perception of sound, and an exploration of the American judicial system.

Access to computers and the Internet has exploded during the Clinton-Gore Administration. Unfortunately, there is strong evidence of a ''digital divide''—a gap between those individuals and communities that have access to these information Age tools and those who don't. A July 1999 report from the Department of Commerce, based on December 1998 Census Department data, revealed that:

Better educated Americans more likely to be connected. Between 1997 and 1998, the technology divide between those at the highest and lowest education levels increased 25%. In 1998, those with a college degree are more than eight times likely to have a computer at home and nearly sixteen times as likely to have home Internet access as those with an elementary school education.

The gap between high- and low-income Americans is increasing. In the last year, the divide between those at the highest and lowest income levels grew 29%. Urban households with incomes of $75,000 or higher are more than twenty times more likely to have access to the Internet than rural households at the lowest income levels, and more than nine times as likely to have a computer at home.

Whites more likely to be connected than African-Americans or Hispanics. The digital divide also persists along racial and ethnic lines. Whites are more likely to have access to the Internet from home than African-Americans or Hispanics have from any location. African-American and Hispanic households are roughly two-fifths as likely to have home Internet access as white households. However, for incomes of $75,000 and higher, the divide between whites and African-Americans has narrowed considerably in the last year.

Rural areas less likely to be connected than urban users. Regardless of income level, those living in rural areas are lagging behind in computer ownership and Internet access. At some income levels, those in urban areas are 50% more likely to have Internet access than those earning the same income in rural areas. Low income households in rural areas are the least connected, with connectivity rates in the singles digits for both computes and Internet access.

In addition, data from the National Center for Education Statistics reveals a 'digital divide' in our nation's schools. As of the fall of 1998, 39 percent of classrooms of poor schools were connected to the Internet, as compared to 74 percent in wealthier schools.

I will not go through the entire piece because it is available on the Internet from the White House, and now we can get it from the Library of Congress THOMAS because it will be entered into the RECORD here for this special order.

There is another document that I would like to also read some excerpts from. This is a document that came from a group in California near Silicon Valley: Jacqueline S. Anderson, the vice president of the Bay Area Chapter of Black Data Processing Associates; Hattie Carwell, who is president of Northern California Council of Black Professional Engineers; Eric Harris, who is the chair of the National Society of Black Engineers Alumni-Extension in the Silicon Valley Chapter; Henry Hutchins, the president of San Francisco Bay Area Chapter National Black MBA Association; Dr. Keith Jackson, the National Society of Black Physicists; Harvey Pye, Human Resources Network of Black Professionals; Kervin Hinkston, the president of the Bay Area Chapter Black Data Processing Associates; Frederick E. Jordan, the co-founder of the Northern California Council of Black Professional Engineers; John William Templeton, Books'n'Bytes, the Technology Alliance for African American Students.

They sent this letter to the gentleman from Missouri (Mr. GEPHARDT) and they sent copies to Senator DASCHLE, Senator KENNEDY, the gentleman from California (Mr. CAMPBELL), the gentleman from Michigan (Mr. CONYERS), the gentlewoman from Texas (Ms. JACKSON-LEE), the gentleman from Texas (Mr. SMITH), the gentleman from North Carolina (Mr. WATT), etc.

They did not send a copy to me. But in the Congressional Black Caucus meeting today, it was passed around and I found it to be very relevant to what is taking place right now in our Committee on Education and the Workforce and what will be coming to the floor probably next week, if not tomorrow, the H1–B visa issue.

As I said before, H1–B visa is an exemption that is granted for professionals and experts to come into the country without having to go into the usual procedures to speed into the country those people which the industry needs in high-tech jobs and other positions requiring expertise.

We went through that less than 2 years ago, and we increased the quota greatly. And now they are coming back for a still greater increase in quota. These people whose names I just read,

all minorities, practically all African Americans, who are professional, who are experts, who are scientists, have written to the gentleman from Missouri (Mr. GEPHARDT) about the dilemma they face at a time when we are bringing in H1–B professionals from all over the world.

I am going to read some excerpts here from this letter, and I will submit the rest of it for the RECORD.

Dear Representative GEPHARDT, more than 10,000 African American students in physics, chemistry, and engineering have met in the past 30 days. Only a token number of Silicon Valley companies showed up to recruit them.

When the National Council of Black Engineers and Scientists met in Oakland in 1998, not a single Silicon Valley company showed up to recruit them. You can ask Representative BARBARA LEE (D–California) because she spoke at the event.

Those young people are counting on you and the Democratic Members of Congress to protect their right to earn a living in the highest wage, highest growth sectors of our economy. That is why we are quite disturbed that you and other members of the Democratic Caucus are supporting gargantuan increases in the H1–B program that exceed the total number of projected new jobs in the high-technology industry.

Dr. Anita Borg of the Institute on Women and Technology, pointed out on 60 Minutes that the jobs being filled by H1–Bs correspond almost exactly with the underrepresentation of women and minorities in science and technology education. The proposal you are quoting as backing would not only fill all those jobs but all the available university slots at the same time as many States are ending their affirmative action programs.

Back in 1876 the Hayes-Tilden compromise set in motion an irreversible series of events that led to Plessy v. Ferguson and Jim Crow laws. The ability to impose segregation in practically every employment sector was undergirded by extensive immigration.

The point here is that immigration has been used to defeat the training of people with insight and the employment of people who are already inside the country.

In January of this year, we received the entire file of labor condition applications from the Department of Labor for the western United States. After selecting 100 LCAs at random, we solicited resumes for the jobs among groups of older white programmers and African-Americans. We were able to gain a sufficient number of responses within 4 days and submitted the data to the applicant companies. We have yet to get a single response.

They go on and on talking about the great need in Silicon Valley for people that is being voiced by the companies there as they are joining the other high-tech companies around the country, and they are demanding that we get more foreigners in through the H1–B visa process while they are not making the opportunities available to people within their own jurisdictions, own areas.

These are people who have already gotten training and have said that they are being locked out because the H1–B visa process brings in a more desirable people in terms of people from other countries who are willing to work for lower salaries and for other reasons that they claim they cannot quite comprehend but prejudice and discrimination are at the heart of it as they see it.

I do not agree with the statement here that we have enough people in the country already to fill all those vacancies. But I do sympathize with these workers because they represent another part of the problem.

□ 2100

Part of the problem we are faced with when they bring in workers from outside is that they are paying them much lower salaries. In fact, one of the great sources of high-tech workers, information technology workers, is India. India had a vision more than 20 years ago to see that this was an area where they wanted to develop a large pool of highly trained people, so they have become the suppliers of high-tech personnel all over the world, especially in English-speaking countries. So India, because it is an English-speaking country that has the professionals who have this kind of expertise, has become a major supplier. But they come and they work for much lower salaries. The appeal of the lower salaries is a factor in the push to get more of them in rather than to have better training programs and greater opportunities being created here in this Nation for people who are here already.

They conclude by saying:

We do not see the gesture of applying H1–B fees to scholarships and K–12 education as significant. Those funds should go to enforcement and streamlining the immigration process, already overwhelmed by current numbers. As written, the scholarships are likely to go to visa holders. The amount needed to bring inner city schools to current standards for high-technology instruction is about $20 billion, the same amount Congress recently spent on so-called juvenile justice. Instead, we would encourage requirements of direct scholarship and internship assistance by any company filing for such a guest worker, the funds for scholarships should go to community colleges, area public institutions, historically black colleges and universities, et cetera. We would also give a priority for H1–B approvals to companies that meet or exceed local community representation in their workforces as measured by the EEO–1 for underrepresented groups.

In conclusion, it is untenable for America to spend billions locking up African American and Latino youth or forcing them to fight overseas wars just to gain skills or an education and then to lock them out of the best-paying jobs. If there is a choice in the 2000 elections, then we would expect you to stand up for those who have traditionally supported you. You have the benefit of history to guide your decision. Don't let Jim Crow come back.

This letter from the professionals from the Bay Area I would like to submit in its entirety for the RECORD.

Hon. RICHARD GEPHARDT,
Minority Leader, House of Representatives,
The Capitol, Washington, DC.

DEAR REPRESENTATIVE GEPHARDT: More than 10,000 African-American students in physics, chemistry and engineering have met in the past 30 days. Only a token number of Silicon Valley companies showed up to recruit them. When the National Council of Black Engineers and Scientists met in Oakland in 1998, not a single Silicon Valley company showed up to recruit them. You can ask Rep. Barbara Lee, D–CA, who spoke at the event.

Those young people are counting on you and the Democratic members of Congress to protect their right to earn a living in the highest wage, highest growth sectors of our economy. That is why we are quite disturbed that you and other members of the Democratic Caucus are supporting gargantuan increases in the H1–B program that exceed the total number of projected new jobs in the high technology industry.

Dr. Anita Borg of the Institute on Women and Technology pointed out on 60 Minutes that the jobs being filled by H1–Bs correspond almost exactly with the underrepresentation of women and minorities in science and technology education. The proposal you are quoted as backing would not only fill all the jobs, but all the available university slots at the same time as many states are ending affirmative action programs.

Frankly, it is a shame that two conservative Republicans, Reps. Lamar Smith and Tom Campbell, from the two highest-growth technology areas, Austin and Palo Alto, are sounding the alarm for the protection of American workers, while the Democratic Caucus appears to be chasing campaign dollars.

Back in 1876, the Hayes-Tilden Compromise set in motion an irreversible series of events that led to Plessy vs. Ferguson and Jim Crow laws. The ability to impose segregation in practically every employment sector was undergirded by extensive immigration.

In Silicon valley, the progress of the African-American, Latino and Native American communities since the 1960s to break into technology has been reversed since 1996. Our analysis of 253 EEO–1 forms from Northern California high tech firms showed an absolute decline in the employment from these groups. In addition, 80 percent of high tech companies do not even file the EEO–1 form. By comparison, the same cohort makes up 35 percent of the Department of Defense's civilian and uniformed personnel.

In January of this year, we received the entire file of Labor Condition Applications from the Department of Labor for the western United States. After selecting 100 LCAs at random, we solicited resumes for the jobs among groups of older white programmers and African-Americans. We were able to gain a sufficient number of responses within four days and submitted the data to the applicant companies.

We have yet to get a single response. Keep in mind, under the unenforceable ACWIA, each applicant company ''attests'' that it can not find American workers for the job. However, no government agency actually audits or monitors that claim.

The seven-day response guarantee on LCAs looks like a speedway compared to person who have filed discrimination complaints with the federal government against high tech firms. Waits of two years for a ''right to sue'' letter are minimum. 3Com fired an African-American engineer, Lindsay Brown, last year from its Palm Computing division the day after he filed a complaint with the EEOC. That shows the kind of contempt for labor standards that the H1–B program is breeding in high technology. Although we informed EEOC and OFCCP about the 80 percent non-response rate for EEO–1s two years

ago, neither agency has even sent a letter to the offending companies.

Only discriminatory practices can explain the fact that there are more than 225,000 African-American engineers, programmers and systems analysts, according to the Bureau of Labor Statistics, yet only 1,688 black professional employees of any kind in those Silicon Valley companies.

You should take note of the fact that the three states with the highest demand for these H1–Bs have all taken steps to reduce African-American and Latino enrollment in their colleges, particularly in graduate and science programs, through initiatives funded largely by high technology executives.

Putting the pieces together, Congressional approval of the Abraham or Lofgren-Dreier bills would extend and accelerate ethnic cleansing in the high technology industry, lock the doors of opportunity for decades and harden racial inequality into concrete and steel, instead of merely glass.

We would encourage you to support and extend the worker protection provisions in the Smith-Campbell bill by requiring that companies with active ''right-to-sue'' letters from the EEOC or OFCCP be barred from making ''attestations'' about hiring American workers; by making filing of the EEO–1 form a prerequisite for a Labor Condition Application; by funding personnel to perform audits and backup checks on H1–B visas.

We do not see the gesture of applying H1–B fees to scholarships and k12 education as significant. Those funds should go to enforcement and streamlining the immigration process, already overwhelmed by current numbers. As written, the scholarships are likely to go to visa holders. The amount needed to bring inner-city schools to current standards for high technology instruction is about $20 billion, the same amount Congress recently spent on so-called ''juvenile justice.'' Instead, we would encourage requirements of direct scholarship and internship assistance by any company filing for such a guest worker to community colleges, area public institutions, HBCUS or OMIs. We would also give a priority for H1–B approvals to companies that meet or exceed local community representation in their workforces as measured by the EEO–1 for underrepresented groups. Right now Congress has made it cheaper to recruit from the Indian Institute of Technology than from North Carolina A&T or Hampton University. While Congress ponders giving $40 million to 110 HBCUs for graduate education, the Indian government has asked for $1 billion from U.S. emigres for just six institutions.

In conclusion, it is untenable for America to spend billions locking up African-American and Latino youth or forcing them to fight overseas wars just to gain skills or an education and then to lock them out of the best-paying jobs. If there is a choice in the 2000 elections, then we would expect you to stand up for those who have traditionally supported you. You have the benefit of history to guide your decision. Don't let Jim crow come back.

Sincerely,

Jacqueline S. Anderson, Vice President Bay Area Chapter, Black Data Processing Associates; Hattie Carwell, President, Northern California Council of Black Professional Engineers; Eric J. Harris, Chair, National Society of Black Engineers-Alumni Extension, Silicon Valley Chapter; Henry Hutchins, President, San Francisco Bay Area Chapter, National Black MBA Association; Kevin Hinkston, President, Bay Area Chapter, Black Data Processing Associates; Dr. Keith Jackson, National Society of Black Physicists; Frederick E. Jordan, P.E. Co-founder, Northern California Council of Black Professional Engineers; Harvey Pye, Human Resources Network of Black Professionals; John William Templeton, Books'n'Bytes: the technology alliance for African-American students.

As I close, I would like to just go back to the fact that I reported when I began, that is, that there was a lengthy discussion in the Committee on Education and the Workforce today. I am proud of the fact that we finally had a discussion which almost lasted 2 hours on school construction, because the general tenor has been that school construction belongs somewhere else and the Committee on Education and the Workforce had surrendered its powers to the Committee on Ways and Means. It was a victory just to have the discussion. We also discussed it because there was an amendment offered to put the President's proposed $1.3 billion into the bill that the majority Republicans have put forth as they complete the Elementary and Secondary Education Act reauthorization.

I see both of those items, the fact that the President even proposed a $1.3 billion amount for school repairs and the fact that we had a discussion as one more piece of evidence that we are winning, those of us who agree with the overwhelming body of American voters out there that it is only common sense to put more money into education, more resources into education; and among those items in the education budget, the school construction component is a vital component. It is a kingpin component.

We are happy to see that we are beginning to win. Slowly we are moving off dead center. I also mentioned a few moments ago that the gentlewoman from Connecticut (Mrs. JOHNSON) has now joined forces with the gentleman from New York (Mr. RANGEL) in the Committee on Ways and Means; so even that bill, as inadequate as it may be, the bill which allows for $25 billion in borrowing authority and the Federal Government will pay the interest, as inadequate as that is, it never had a chance of passage before and with the joining of the gentlewoman from Connecticut with that bill, it becomes a possibility.

We are winning, and I want the message to go out there to all of our allies, all of those millions of people who keep showing up in the polls; and as I said before, the Republicans have the same polls as the Democrats. They are getting the same results. Nobody can hide from the fact that the demand of the American people is that our number one priority for government assistance be the assistance to education, the improvement of education.

Now, there have been some arguments made, Mr. Speaker, and you are aware of that, that the demand of people for funds for schools in general and more specifically for school construction should be met by the local governments and by the States. One other speaker during our discussion pointed out that the States have unprecedented surpluses and many localities have surpluses and that they should be the ones who provide the resources to invest in education. Those are good arguments.

Nowhere is that truer than it is in New York City and New York State. Two years ago, a little less than 2 years ago, the city of New York had a $2 billion surplus. We have big budgets in the city; but even with those big budgets, the revenue that came in was $2 billion greater than the expenditures. At the same time, the State of New York had a $2 billion surplus. The governor of the State of New York, who is a Republican, and the mayor of the State of New York both refused to spend a single penny on school repairs and school construction. This is in a city where there are 200 schools that still burn coal in their furnaces.

The mayor did not do it. He would not spend any money to relieve the situation of overcrowding, the fact that children have to eat lunch at 10 in the morning because of the fact that they are overcrowded and the lunchroom has to eat in cycles, the mayor did not move to provide any relief for that situation. The members of the city council did not even do what we do here in Congress. Democrats cannot pass anything, but at least we insist that there be a dialogue. The dialogue did not even take place in New York City. The horror of having a $2 billion surplus and not using it was not brought home to the people of New York City, the horror of a governor who vetoed a bill that the legislature passed.

Now, in the State legislature in New York, the Assembly is controlled by the Democrats, the State Senate is controlled by Republicans, so you had a bipartisan bill which would have provided for $500 million, half a billion dollars for emergency school repairs. The Republican governor of New York State vetoed that even though he had a $2 billion surplus.

Across the country, the Nation, you have the same pattern where the needs of the schools for some reason are not being met by local and State officials. I cannot get into the analysis of what is going on because I am not sure I know. What I do know is that a generation of children should not have to suffer because you have Neanderthals out there in the State and city governments, and we give them more and more power at the Federal level all the time.

They cannot see the obvious, that there is a need to invest in education. The Nation has been shortchanged by the States many times. In World War I, in World War II, we found we had

young people, young men that we had to send off to war who were unhealthy basically because they had poor health care and had been neglected in terms of basic nutrition. The Federal Government got very much involved in free lunch programs and all kinds of health programs because of the fact that it had to fight a war. The national interest was such that they had to have a population that could meet those requirements. They could not leave it up to the States. The States for some reason with all of their advantages, and they have gloriously served us in many ways, for some reason the States never take care of the people on the bottom.

The States are examples of how democracy goes wrong and the majority overwhelmingly takes care of itself and the rights and the concerns and the welfare of the powerless minority gets neglected. That is the pattern. States have had responsibility for education since the founding of the country. The primary responsibility for education is in the States. The Federal Government has no direct responsibility spelled out in the Constitution and this is often used as a way to keep the Federal role at a very low level, or not there at all. But we have a responsibility for defense and we have a responsibility for the general welfare of the people.

The general welfare is threatened as well as our military defense is threatened by the inadequacy of education at the State level. So we cannot let a generation go down the drain because the States and localities are too stubborn to take action and deal with the problem by appropriating the necessary resources. It is unconscionable; it is a threat to the entire Nation.

There are several of my colleagues, the gentleman from Connecticut (Mr. LARSON), the gentleman from Missouri (Mr. SKELTON), who is our premier expert on defense in the Democratic Caucus, they have recently written a letter to the President saying that we need to take a look at the complex of education and defense and the technology needs and the research and see how it all is inexplicably interwoven. You cannot separate the education effort from the basic research effort, the research effort, technology and the ability of the military to function in this modern world. It is all there together. With a $1.9 trillion surplus, we have the advantage of being able to breathe and take a look at it and place these investments where they should be placed.

I am going to end by switching subjects just a bit, because I have spent most of the time talking about education, but there is another crisis in New York City which has captured the attention of most of my constituents and most of the people of New York. We have had a situation where a police killing, a man named Amadou Diallo, took place more than a year ago, almost 2 years ago now, I guess, and the final verdict set all four policemen who were responsible free. Again, the majority of the people in a poll in New York State showed that they were outraged at the verdict, and you have a lot of activity within the city around this.

On top of this miscarriage of justice, recently another young man was shot to death by police and some unfortunate political moves were made by the mayor, pulling out his records as a 13-year-old and saying he was a troublemaker and implying that he deserved to die because at 13 he had gotten in trouble. He was not convicted at 13; but he had been arrested at 13, and the record showed that. This is a boiling caldron. I have been trying to get people to see, it is very important that these matters with police brutality and police killings always touch off a kind of dynamite reaction on the one hand while the killing of children and the smothering of spirits in the education system that goes on and on year after year is never given much attention. They are related.

I want to just close by saying that I heard that there was a group that met recently, a church packed with young people who decided that the solution of the problem was that they all should buy rifles. I can think of nothing more ridiculous and more dangerous than young people going out to buy rifles to try to solve a problem in the city. There are many more solutions that are to be proposed. I would like to close by saying that, again, education is at the heart of that. Being able to respond in a nonviolent way means you have to have discipline, and you have to have the leaders step forward and offer solutions to that problem in the appropriate way.

THE NATION'S NUMBER ONE HEALTH PROBLEM

The SPEAKER pro tempore (Mr. ISAKSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes.

Mr. GANSKE. Mr. Speaker, the number one public health problem facing the country today is the death and morbidity associated with the use of tobacco. Tonight, I want to discuss why the use of tobacco is so harmful, what the tobacco companies have known about the addictiveness of nicotine in tobacco, how tobacco companies have targeted children to get them addicted, what the Food and Drug Administration proposed, the Supreme Court's decision on FDA authority to regulate tobacco, and bipartisan legislation that will be introduced tomorrow in the House to give the Food and Drug Administration authority to regulate the manufacture and marketing of tobacco.

Mr. Speaker, let me repeat. The number one health problem in the Nation today is tobacco use. It is well captured in this editorial cartoon that shows the Grim Reaper, Big Tobacco, with a cigarette in his hand, a consumer on the cigarette, and the title is ''Warning: The Surgeon General Is Right.''

□ 2115

Here is some cold data on this peril. It is undisputed that tobacco use greatly increases one's risk of developing cancer of the lungs, the mouth, the throat, the larynx, the bladder, and other organs. Mr. Speaker, 87 percent of lung cancer deaths and 30 percent of all cancer deaths are attributable to the use of tobacco products. Tobacco use causes heart attacks, strokes, emphysema, peripheral vascular disease, among many others.

Mr. Speaker, more than 400,000 people die prematurely each year from diseases attributable to tobacco use in the United States alone. Tobacco really is the grim reaper.

More people die each year from tobacco use in this country than die from AIDS, automobile accidents, homicides, suicides, fires, alcohol and illegal drugs combined. More people in this country die in one year from tobacco than all the soldiers killed in all of the wars this country has fought.

Treatment of these diseases will continue to drain over $800 billion from the Medicare trust fund. The VA spends more than one-half billion dollars annually on in-patient care of smoking-related diseases. But these victims of nicotine addiction are statistics that have faces and names.

Mr. Speaker, before coming to Congress, I practiced as a surgeon. I have held in these hands lungs filled with cancer and seen the effects of decreased lung capacity on those patients. Unfortunately, I have had to tell some of those patients that their lymphnodes had cancer in them and that they did not have very long to live.

As a plastic and general surgeon, I have had to remove patients' cancerous jaws like this surgical specimen, showing a resection of a large portion of a patient's lower jaw. This, Mr. Speaker, is the result of chewing tobacco.

The poor souls who have to have this type of surgery go around like the cartoon character Andy Gump. Many times they breathe from a tracheostomy. I have reconstructed arteries in legs in patients that are closed shut by tobacco and are causing gangrene, and I have had to amputate more than my share of legs that have gone too far for reconstruction.

The other day, Mr. Speaker, I was talking to a vascular surgeon who is a friend of mine back in Des Moines, Iowa. His name is Bob Thompson. He looked pretty tired. I said Bob, you have been working pretty hard. He said Greg, yesterday I went to the operating room at about 7 in the morning, I operated on 3 patients, finished up about

midnight, and every one of those patients I had to operate on to save their legs. I said, were they smokers, Bob? He said, you bet. And the last one that I operated on was a 38-year-old woman who would have lost her leg to atherosclerosis related to heavy tobacco use. I said, Bob, what do you tell those people? He said, Greg, I talk to every patient, every peripheral vascular patient that I have and I try to get them to stop smoking. I ask them a question. I say, if there were a drug available on the market that you could buy that would help you save your legs, that would help prevent your having to have coronary artery bypass surgery, that would significantly decrease your chances of having lung cancer or losing your larynx, would you buy that drug? And every one of those patients say, you bet I would buy that drug, and I would spend a lot of money for it. You know what he says to those patients then? He says, well, you know what? You can save an awful lot of money by quitting smoking and it will do exactly the same thing as that magical drug would have done.

Mr. Speaker, my mother and father were both smokers and they are only alive today because coronary artery bypass surgery saved their lives.

I will never forget the thromboangiitis obliterans patients I treated at VA hospitals who were addicted to the tobacco that caused them to thrombose one finger and one toe after another. I remember one patient who had lost both lower legs, all the fingers on his left-hand, and all the fingers on his right hand, except his index finger. Why? Because the tobacco caused those little blood vessels to clot shut. This patient, even though he knew that if he stopped smoking, it would stop his disease, he had devised a little wire cigarette holder with a loop on it to fit around his one remaining finger so that he could smoke.

Statistics do show the magnitude of this problem. Over a recent 8-year period, tobacco use by children increased 30 percent. More than 3 million American children and teenagers now smoke cigarettes. Every 30 seconds a child in the United States becomes a regular smoker. In addition, more than 1 million high school boys use smokeless chewing tobacco, primarily as a result of advertising, focusing on flavored brands and youth-oriented themes. For heaven's sakes, Mr. Speaker, we got rid of the tobacco spittoons in this place a long time ago, and we now have 1 million kids working on developing the type of cancer that would result in surgical resection of half of their jaw.

The sad fact is, Mr. Speaker, that each day, 3,000 kids start smoking, many of them not even teenagers, younger than teenagers, and 1,000 out of those 3,000 kids will have their lives shortened because of tobacco. So why did it take a life-threatening heart attack to get my parents to quit smoking? I nagged on them all the time, but it took a near death experience to get them to quit. Why would not my patient with one finger, the only finger he had left, quit smoking? Why do fewer than one in 7 adolescents quit smoking, even though 70 percent regret starting.

I say to my colleagues, it is sadly because of the addictive properties of the drug nicotine in tobacco. The addictiveness of nicotine has become public knowledge, public knowledge only in recent years as a result of painstaking scientific research that demonstrates that nicotine is similar to amphetamines, nicotine is similar to cocaine, nicotine is similar to morphine in causing compulsive drug-seeking behavior. In fact, Mr. Speaker, there is a higher percentage of addiction among tobacco users than among users of cocaine or heroin. But recent tobacco industry deliberations show that the tobacco industry had longstanding knowledge of nicotine's affects. It is clear that tobacco company executives committed perjury before the Committee on Commerce just a few years ago when they raised their right hands, they took an oath to tell the truth, and then they denied that tobacco and nicotine was addicting.

Internal tobacco company documents dating back to the early 1960s show that the tobacco companies knew of the addicting nature of nicotine, but withheld those studies from the Surgeon General. A 1978 Brown & Williamson memo stated, ''Very few customers are aware of the effects of nicotine; i.e., its addictive nature, and that nicotine is a poison.'' A 1983 Brown & Williamson memo stated, ''Nicotine is the addicting agent in cigarettes.''

Indeed, the industry knew that there was a threshold dose of nicotine necessary to maintain addiction, and a 1980 Lorillard document summarized the goals of an internal task force whose purpose was not to avert addiction, but to maintain addiction. Quote: ''Determine the minimal level of nicotine that will allow continued smoking. We hypothesize that below some very low nicotine level, diminished physiologic satisfaction cannot be compensated for by psychologic satisfaction. At that point, smokers will quit or return to higher tar and nicotine brands.''

Mr. Speaker, we also know that for the past 30 years, the tobacco industry manipulated the form of nicotine in order to increase the percentage of ''free base'' nicotine delivered to smokers. As a naturally occurring base, and I have to say, Mr. Speaker, that this takes me back to my medical school biochemistry, nicotine favors the salt form at low pH levels, and the ''free base'' form at higher pHs.

So what does that mean? Well, the free base nicotine crosses the alveoli of the lungs faster than the bound form, thus giving the smoker a greater kick, just like the druggie who free bases cocaine, and the tobacco companies knew that very well. A 1966 British American tobacco report noted, ''It would appear that the increased smoker response is associated with nicotine reaching the brain more quickly. On this basis, it appears reasonable to assume that the increased response of a smoker to the smoke with a higher amount of extractable nicotine, not synonymous with, but similar to free-base nicotine, may be either because this nicotine reaches the brain in a different chemical form, or because it reaches the brain more quickly.''

Tobacco industry scientists were well aware of the effect of pH on the speed of absorption and on the physiologic response. A 1973, 1973 R.J. Reynolds report stated, ''Since the unbound nicotine is very much more active physiologically and much faster acting than bound nicotine, the smoke at a high pH seems to be strong in nicotine.''

□ 2130

Therefore, the amount of free nicotine in the smoke may be used for at least a partial measure of the physiologic strength of the cigarette.''

Indeed, Mr. Speaker, Phillip Morris commenced the use of ammonia in their Marlboro brand in the mid 1960s in order to raise the pH of its cigarettes, and it subsequently emerged as the leading national brand.

By reverse engineering, other manufacturers caught onto Phillip Morris' nicotine manipulation. And they copied it. The tobacco industry hid the fact that nicotine was an addicting drug for a long time, even though they privately called cigarettes ''nicotine delivery devices.''

Claude E. Teague, Junior, assistant director of research at RJR, said in a 1972 RJR memo, ''In a sense, the tobacco industry may be thought of as being a specialized, highly ritualized and stylized segment of the pharmaceutical industry. Tobacco products uniquely contain and deliver nicotine, a potent drug with a variety of physiologic effects. Thus, a tobacco product is, in essence, a vehicle for the delivery of nicotine designed to deliver the nicotine in a generally acceptable and attractive form. Our industry is then based upon the design, manufacture, and sale of attractive forms of nicotine.''

A 1972 Phillip Morris document summarized an industry conference attended by 25 tobacco scientists from England, Canada, and the United States: ''The majority of conferees would accept the proposition that nicotine is the active constituent of tobacco smoke. The cigarette should be conceived not as a product, but as a package.'' Then they said, ''The product is nicotine.''

Mr. Speaker, does anyone believe that the tobacco CEOs who testified before Congress that tobacco was not addicting were telling the truth?

Mr. Speaker, most adult smokers start smoking before the age of 18. This political cartoon shows big tobacco over here lighting up one cigarette from the other, and one cigarette says, ''Victims'' and the other cigarette that is about ready to start is ''Kids.'' The title of the cartoon: ''Chain smoker.''

As I said, Mr. Speaker, most adult smokers start smoking before the age of 18. That has been known by the tobacco industry and its marketing divisions for decades. A report to the board of directors of RJR on September 30, 1974, entitled ''1975 Marketing Plans Presentation, Hilton Head, September 30, 1974,'' said that one of the key opportunities to accomplish the goal of reestablishing RJR's market share was to ''increase our young adult franchise. First, let's look at the growing importance of this young adult group in the cigarette market. In 1960, this young adult market,'' and this is the clincher, what did they call the young adult market, young adult? The 14 to 24 age group.

They say, ''This represented 21 percent of our population. They will represent 27 percent of the population in 1975, and they represent tomorrow's cigarette business.''

An adult, Mr. Speaker? They are 14-year-olds, pretty young adults. In a 1980 RJR document entitled ''MDD Report on Teenager Smokers Ages 14 Through 17,'' a future RJR CEO G.H. Long wrote to the CEO at that time, E.A. Horrigan, Junior.

In that document, Long laments the loss of market share of 14-to-17-year-old smokers to Marlboro, and says, ''Hopefully, our various planned activities that will be implemented this fall will aid in some way in reducing or correcting those trends.'' The trends were they were losing market share in the 14-to-17-year-old age group.

Mr. Speaker, the industry has indisputably focused on ways to get children to smoke: in surveys for Phillip Morris in 1974 in which children 14 or younger were interviewed about their smoking behavior; or how about the Phillip Morris document which bragged, ''Marlborough dominates in the 17 and younger category, capturing over 50 percent of this market.''

Mr. Speaker, when Joe Camel is associated with cigarettes by 30 percent of 3-year-olds and nearly 90 percent of 5-year-olds, we know that marketing efforts directed at children are very successful.

Here is another political cartoon. We have a billboard. It says, ''Joe Camel says, cancer is cool.'' We have an antismoking advocate saying, ''Huh, not exactly the honest disclosure we were hoping for.''

Mr. Speaker, children that begin smoking at age 15 have twice the incidence of lung cancer as those who start smoking at the age of 25. For those youngsters who start at such an early age and have twice the incidence of cancer, for them Joe Cool becomes Joe Chemo, pulling around his bottle of chemotherapy.

If that is not enough, it should not be overlooked that nicotine is an introductory drug, as smokers are 15 times more likely to become an alcoholic, to become addicted to hard drugs, or to develop a problem with gambling.

Mr. Speaker, in response to this, the Food and Drug Administration in August of 1996 issued regulations aimed at reducing smoking in children on the basis that nicotine is addicting, it is a drug, manufacturers have marketed that drug to children, and tobacco is deadly. Most people by now are familiar with those regulations. They received a lot of press at the time. It is hard to think, Mr. Speaker, that 4 years have gone by since those regulations came out.

Those regulations said, tobacco companies would be restricted from advertising aimed at children, that retailers would need to do a better job of making sure they were not selling cigarettes to children, that the FDA would oversee tobacco companies' manipulation of nicotine.

But the tobacco companies challenged those regulations, and they ended up taking it all the way to the Supreme Court. Just 2 weeks ago, Justice Sandra Day O'Connor, in writing for the majority, five to four, held that Congress had not granted the FDA authority to regulate tobacco.

However, her closing sentences in that opinion bear reading: ''By no means do we,'' and this is the Supreme Court, ''question the seriousness of the problem that the FDA has sought to address. The agency has amply demonstrated that tobacco use, particularly among children and adolescents, poses perhaps the most significant threat to public health in the United States.''

Justice O'Connor is practically begging Congress to grant the FDA authority to regulate tobacco. Therefore, Mr. Speaker, tomorrow the gentleman from Michigan (Mr. DINGELL) and I will introduce our bipartisan bill: The FDA Tobacco Authorities Amendment Act. I call on my colleagues from both sides of the aisle to cosponsor this bill and join us for a press conference on the Triangle at noon.

Our bill simply says that FDA has authority to regulate tobacco, that the 1996 tobacco regulations will be law. This is not a tax bill. This is not a liability bill. This is not a prohibition bill. This has nothing to do with the tobacco settlement from the attorneys general.

This bill simply recognizes the facts: tobacco and nicotine are addicting. Tobacco kills over 400,000 people in this country each year. Tobacco companies have and are targeting children to make them addicted to smoking. The FDA should have congressional authority to regulate this drug and those delivery devices.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. KILDEE, for 5 minutes, today.

Mr. BARCIA, for 5 minutes, today.

Mr. CROWLEY, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. MORAN of Virginia, for 5 minutes, today.

Mr. BERRY, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

(The following Members (at the request of Mr. FOSSELLA) to revise and extend their remarks and include extraneous material:)

Mr. NORWOOD, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, April 12.

Mr. METCALF, for 5 minutes, today.

Mr. MANZULLO, for 5 minutes, April 6.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

ADJOURNMENT

Mr. GANSKE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Thursday, April 6, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6949. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—Amendments to Regulations Governing the Peanut Quota and Price Support Programs (RIN: 0560–AF61) received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6950. A letter from the Congressional Review, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Pink

Bollworm Regulated Areas [Docket No. 00–009–1] received February 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6951. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of Defense, transmitting notification that the Commander of General Mitchell Air Reserve Base (ARB), Wisconsin has conducted a cost comparison of the Base Operating Support functions, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

6952. A letter from the Secretary, Department of Housing and Urban Development, transmitting reports required by section 520 (a) and (b) of the Multifamily Assisted Housing Reform and Affordability Act of 1997; to the Committee on Banking and Financial Services.

6953. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Mexico, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

6954. A letter from the Director, Office of Management and Budget, transmitting the OMB Cost Estimates For Pay-As-You-Go Calculations; to the Committee on the Budget.

6955. A letter from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule—Anthropomorphic Test Dummy; Occupant Crash Protection [Docket No. NHTSA–2000–6940] (RIN: 2127–AG66) received February 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6956. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Identification and Listing of Hazardous Waste [SW–FRL–6541–1] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6957. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production [FRL–6513–8] (RIN: 2060–AE77) received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6958. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Mitchell, Nebraska) [MM Docket No. 99–164 RM–9598] (Lovelock, Nevada) [MM Docket No. 99–165 RM–9599] (Elko, Nevada) [MM Docket No. 99–166 RM–9600] received February 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6959. A letter from the Legal Advisor, Cable Services Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Cable Television Consumer Protection and Competition Act of 1992 [CS Docket No. 98–82] Implementation of Cable Act Reform Provisions of the Telecommunications Act of 1996 [CS Docket No. 96–85] Review of the Commission's Cable Attribution Rules—received February 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6960. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on PLO compliance, pursuant to Public Law 101–246, section 804(b) (104 Stat. 78); to the Committee on International Relations.

6961. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

6962. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–512, ''Sense of the Council Opposition to the Attorney General of the United States Seeking in the Death Penality for Crimes Committed in the District of Columbia Emergency Resolution of 2000'' received April 5, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6963. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report entitled ''Competing for Federal Jobs: Job Search Experience of New Hires,'' pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Government Reform.

6964. A letter from the Chairman, Merit Systems Protection Board, transmitting the Twenty-first Annual Report on the activities of the Board during Fiscal Year 1999, pursuant to 5 U.S.C. 1206; to the Committee on Government Reform.

6965. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the calendar year 1999 report on contractual actions to facilitate the national defense, pursuant to 50 U.S.C. 1431; to the Committee on Government Reform.

6966. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Delisting of the Dismal Swamp Southeastern Shrew (Sorex longirostris fisheri) (RIN: 1018–AF00) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6967. A letter from the Deputy Assistant Administrator For Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 16A; OMB Control Numbers [Docket No. 981229328–9249–02; I.D. 120998C] (RIN: 0648–AK31) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6968. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Closures of Specified Groundfish Fisheries in the Gulf of Alaska [Docket No. 000211039–0039–01; I.D. 021400D] received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6969. A letter from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Final 2000 Harvest Specifications for Groundfish [Docket No. 000211039–0039–01; I.D. 111899A] received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6970. A letter from the Marshal of the Court, Supreme Court of the United States, transmitting the Annual Report of the Marshal of the Supreme Court; to the Committee on the Judiciary.

6971. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace: Leonardtown, MD [Airspace Docket No. 99–AEA–13.FR] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6972. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Fredericktown, MO [Airspace Docket No. 99–ACE–47] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6973. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Marshalltown, IA [Airspace Docket No. 99–ACE–52] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6974. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Okeechobee, FL [Airspace Docket No. 99–ASO–21] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6975. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29928; Amdt. No. 1977] received February 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6976. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29927; Amdt. No. 1976] received February 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6977. A letter from the Secretary of Health and Human Services, transmitting notification of emergency funds made available under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(g)); jointly to the Committees on Commerce and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LEACH: Committee on Banking and Financial Services. Supplemental report on H.R. 1776. A bill to expand homeownership in the United States (Rept. 106–553 Pt. 2).

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 460. Resolution providing for consideration of the bill (H.R. 1776) to expand homeownership in the United States (Rept. 106–562). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 3615. Referral to the Committee on Commerce extended for a period ending not later than April 6, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HOYER:

H.R. 4180. A bill to authorize the Librarian of Congress to establish certain programs and activities of the Library of Congress as programs to be administered through a revolving fund, and for other purposes; to the Committee on House Administration.

By Mr. TURNER (for himself, Mr. HORN, Mr. BURTON of Indiana, Mr. WAXMAN, Mr. OWENS, Mrs. BIGGERT, Mrs. MALONEY of New York, Mr. WALDEN of Oregon, Mr. DAVIS of Virginia, Mr. OSE, Mr. TANNER, Mr. DOGGETT, Mr. MATSUI, Mr. SHAYS, Mr. MICA, Mr. STENHOLM, Mrs. MORELLA, Mr. THORNBERRY, Mr. GREEN of Texas, Mr. WAMP, Mr. BENTSEN, Mr. HUTCHINSON, Mr. LAMPSON, Mr. BACHUS, Mr. TIERNEY, Mr. PITTS, Mr. HALL of Texas, and Mr. GILMAN):

H.R. 4181. A bill to amend title 31, United States Code, to prohibit delinquent Federal debtors from being eligible to enter into Federal contracts, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUNNINGHAM (for himself, Mr. BALLENGER, Mr. KUYKENDALL, Mr. DAVIS of Virginia, Mr. MORAN of Virginia, Mr. ROEMER, Mr. DOOLEY of California, Ms. ESHOO, Mr. KIND, Mr. OSE, Mr. HOEKSTRA, Mr. ADERHOLT, Mr. PAUL, Mr. SAM JOHNSON of Texas, Mr. ARMEY, Mr. EHRLICH, Mr. BLUNT, Mr. GOODLING, Mr. BOEHNER, and Mr. TANCREDO):

H.R. 4182. A bill to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the Act; to the Committee on Education and the Workforce.

By Mr. WU (for himself, Mrs. MORELLA, Mr. HOLT, Mr. LAZIO, Mr. LARSON, Mr. DOOLEY of California, Mr. MORAN of Virginia, Mr. SMITH of Washington, Mr. ETHERIDGE, Mr. CROWLEY, Mr. KIND, Mr. TIERNEY, Mr. KILDEE, Mr. ANDREWS, and Mr. ROEMER):

H.R. 4183. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a program for awarding next-generation technology grants to improve teaching and learning in elementary and secondary schools, and for other purposes; to the Committee on Education and the Workforce.

By Mr. COX (for himself, Mr. DREIER, Mr. DAVIS of Virginia, and Mr. SAM JOHNSON of Texas):

H.R. 4184. A bill to amend the Internal Revenue Code of 1986 to implement the recommendation of the National Taxpayer Advocate that the depreciable life of computer software correspond to its actual useful life; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 4185. A bill to direct the Secretary of the Army to establish a program to market dredged material; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:

H.R. 4186. A bill to direct the Secretary of Transportation to require the use of dredged material in the construction of federally funded transportation projects; to the Committee on Transportation and Infrastructure.

By Mr. CALVERT (for himself, Mrs. BONO, Mrs. NAPOLITANO, Mr. HUNTER, Mr. BACA, Mr. LEWIS of California, Mr. GARY MILLER of California, and Mr. PACKARD):

H.R. 4187. A bill to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles; to the Committee on Resources.

By Mr. COLLINS:

H.R. 4188. A bill to amend title 13, United States Code, to provide that the penalty for refusing or neglecting to answer one or more of the questions on a decennial census schedule shall not apply, so long as all of the short-form questions on such schedule have been answered; to the Committee on Government Reform.

By Mr. DEFAZIO:

H.R. 4189. A bill to direct the Secretary of Transportation to carry out a vessel scrapping and processing pilot program in the United States; to the Committee on Transportation and Infrastructure.

By Mr. HILLEARY:

H.R. 4190. A bill to amend title 23, United States Code, relating to the Federal share for reconstruction of a road and causeway in Shiloh Military Park in Hardin County, Tennessee; to the Committee on Transportation and Infrastructure.

By Mr. HOEKSTRA (for himself, Mr. BARCIA, Mr. EHLERS, Mr. UPTON, Mr. SMITH of Michigan, and Mr. CAMP):

H.R. 4191. A bill to require the issuance of regulations pursuant to the National Invasive Species Act of 1996 to assure, to the maximum extent practicable, that vessels entering the Great Lakes do not discharge ballast water that introduces or spreads nonindigenous aquatic species and treat such ballast water and its sediments through the most effective and efficient techniques available, including sterilization, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. JOHNSON of Connecticut (for herself, Mr. NEAL of Massachusetts, and Mr. MATSUI):

H.R. 4192. A bill to amend the Internal Revenue Code of 1986 to prevent the use of reinsurance with foreign persons to enable domestic nonlife insurance companies to evade United States income taxation; to the Committee on Ways and Means.

By Mr. ROGAN:

H.R. 4193. A bill to provide double damages for malicious, frivolous, or vexatious suits against Federal law enforcement officers surviving widows and widowers; to the Committee on the Judiciary.

By Mr. ROGAN (for himself, Mr. DELAHUNT, and Mr. HYDE):

H.R. 4194. A bill to amend section 7A of the Clayton Act to remove the notification requirement applicable to acquisitions of voting securities and assets that have relatively small value; to modify filing fees applicable to notifications filed under such section, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHAFFER:

H.R. 4195. A bill to protect Social Security and provide for repayment of the Federal debt; to the Committee on the Budget, and in addition to the Committees on Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMPSON (for himself, Mr. GIBBONS, Mr. WALDEN of Oregon, Mrs. CHENOWETH-HAGE, and Mr. SCHAFFER):

H.R. 4196. A bill to subject the United States to imposition of fees and costs in proceedings relating to State water rights adjudications; to the Committee on the Judiciary.

By Mr. STUPAK:

H.R. 4197. A bill to authorize the Secretary of Transportation to make a grant to the Traverse City Area Public School District for demolition and removal of a structure at former Coast Guard property located in Traverse City, Michigan; to the Committee on Transportation and Infrastructure.

By Mrs. MORELLA (for herself, Mr. PALLONE, Mr. LUTHER, Mr. FALEOMAVAEGA, Mrs. MINK of Hawaii, Mr. PASTOR, Mr. TOWNS, and Mr. WEXLER):

H. Con. Res. 298. Concurrent resolution congratulating the people and Government of Sri Lanka on the success of the recent Presidential election despite terrorist attacks, and for other purposes; to the Committee on International Relations.

By Mr. WATKINS (for himself and Mr. DELAHUNT):

H. Con. Res. 299. Concurrent resolution recognizing fragile X as the most common inherited cause of mental retardation and as a powerful research model for other disorders, urging increased funding for research, and for other purposes; to the Committee on Commerce.

By Mr. FILNER (for himself, Mr. PORTER, Mr. PALLONE, Ms. ESHOO, Mr. BONIOR, Mr. WOLF, and Mr. SMITH of New Jersey):

H. Res. 461. A resolution calling for the immediate and unconditional release from prison of certain Kurdish members of the Parliament of the Republic of Turkey and for the prompt recognition by the Government of the Republic of Turkey of full cultural and language rights for the Kurdish people within its borders; to the Committee on International Relations.

By Mr. GREEN of Wisconsin (for himself, Mr. SHAYS, Mr. MEEHAN, Mr. CAPUANO, Mr. NADLER, Mrs. MORELLA, Mr. BERMAN, Mr. DOGGETT, Mr. LANTOS, Mr. FRANK of Massachusetts, Mr. WAXMAN, Mr. METCALF, Mr. EVANS, Mr. SMITH of New Jersey, Mr. MCGOVERN, Mr. GANSKE, Ms. HOOLEY of Oregon, Mr. LUTHER, and Mr. BURTON of Indiana):

H. Res. 462. A resolution directing the Clerk of the House of Representatives to post on the official public Internet site of the House of Representatives all lobbying registrations and reports filed with the Clerk under the Lobbying Disclosure Act of 1995; to the Committee on the Judiciary.

By Mr. STEARNS (for himself, Mr. DOOLITTLE, Mr. HOSTETTLER, Mr. BARR of Georgia, Mr. COBURN, Mr. DEMINT, Mr. PAUL, and Mrs. CHENOWETH-HAGE):

H. Res. 463. A resolution expressing the disapproval of the House of Representatives regarding Presidential circumvention of the legislative authority of the Congress to set public policy; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 218: Mr. NETHERCUTT and Mr. MCHUGH.
H.R. 329: Mr. SHIMKUS.
H.R. 355: Mr. CRAMER.
H.R. 492: Mr. GREENWOOD.
H.R. 583: Mr. CRAMER.
H.R. 810: Mr. MASCARA.
H.R. 828: Mr. FROST.
H.R. 912: Mr. ANDREWS.
H.R. 1020: Mr. ROHRABACHER and Mr. CLYBURN.
H.R. 1044: Mr. MCINNIS and Mr. HOEKSTRA.
H.R. 1071: Mr. CONDIT.
H.R. 1216: Ms. SLAUGHTER.
H.R. 1271: Mr. MOORE, Mr. ENGEL, and Mr. MINGE.
H.R. 1366: Mr. PAUL, Mrs. CHENOWETH-HAGE, Mr. DOOLITTLE, and Mr. BRADY of Texas.
H.R. 1371: Mr. OWENS.
H.R. 1445: Mr. SNYDER.
H.R. 1523: Mr. SKEEN, Mr. STUMP, Mr. RYUN of Kansas, Mrs. EMERSON, Mr. THUNE, and Mr. BARTLETT of Maryland.
H.R. 1577: Mr. ISAKSON.
H.R. 1623: Mr. BECERRA.
H.R. 1625: Mr. TURNER and Mr. UDALL of Colorado.
H.R. 1704: Mr. ANDREWS.
H.R. 1798: Ms. DEGETTE.
H.R. 2077: Mr. GEORGE MILLER of California and Ms. LEE.
H.R. 2141: Mr. ANDREWS.
H.R. 2149: Mr. UDALL of New Mexico and Mr. SAWYER.
H.R. 2265: Ms. HOOLEY of Oregon.
H.R. 2289: Mr. DEUTSCH.
H.R. 2494: Mr. HILLEARY.
H.R. 2579: Mr. TRAFICANT.
H.R. 2631: Mr. DIXON, Mr. JACKSON of Illinois, Ms. DANNER, Mr. QUINN, Mr. COOK, Mr. ANDREWS, Ms. LEE, and Mr. ALLEN.
H.R. 2720: Ms. LOFGREN, Mr. FROST, and Mr. MCDERMOTT.
H.R. 2736: Mr. BROWN of Ohio, Mr. MEEHAN, Mr. FARR of California, Mr. DOOLEY of California, Ms. HOOLEY of Oregon, Ms. SANCHEZ, Mrs. TUSCHER, Mr. REYES, Ms. STABENOW, Mr. BLUMENAUER, Mr. MORAN of Virginia, Ms. BROWN of Florida, and Mr. HOYER.
H.R. 2892: Mr. NUSSLE.
H.R. 2899: Mr. OLVER and Mr. LANTOS.
H.R. 2900: Mr. SERRANO, Mr. MOAKLEY, Mr. EVANS, Mr. MEEKS of New York, Mrs. MCCARTHY of New York, Mr. RUSH, Mr. MATSUI, and Ms. NORTON.
H.R. 2917: Mr. ENGEL.
H.R. 3100: Mr. GANSKE, Mr. LUCAS of Kentucky, Mr. MEEKS of New York, and Mr. BRADY of Pennsylvania.
H.R. 3177: Mr. BONIOR.
H.R. 3192: Mr. RAMSTAD, Mr. THOMPSON of Mississippi, Mr. ENGEL, Mr. MATSUI, Mr. STARK, Mr. GREEN of Texas, and Mr. ABERCROMBIE.
H.R. 3193: Mr. PALLONE, Mr. TANCREDO, Mr. MCINTYRE, Mr. ANDREWS, and Mr. WALSH.
H.R. 3212: Mr. HALL of Texas.
H.R. 3235: Mr. CAMPBELL and Mr. WEYGAND.
H.R. 3306: Mrs. CHENOWETH-HAGE.
H.R. 3485: Mr. SESSIONS and Mrs. MEEK of Florida.
H.R. 3489: Mr. STEARNS.
H.R. 3494: Ms. SCHAKOWSKY.
H.R. 3545: Mr. GEJDENSON and Mr. WAXMAN.
H.R. 3573: Mr. CUMMINGS and Ms. LEE.
H.R. 3575: Ms. DELAURO.
H.R. 3582: Mrs. BIGGERT and Mr. TURNER.
H.R. 3590: Mr. GOODE.
H.R. 3613: Ms. DEGETTE, Mrs. CAPPS, and Ms. SCHAKOWSKY.
H.R. 3625: Mr. KINGSTON, Mr. HERGER, Mr. OSE, and Mr. BAKER.
H.R. 3634: Mr. CONYERS, Mr. ACKERMAN, Ms. EDDIE BERNICE JOHNSON of Texas and Mrs. CAPPS.
H.R. 3650: Mr. FARR of California, Mr. SANDERS, Mr. MATSUI, and Mr. SABO.
H.R. 3656: Mr. UDALL of Colorado and Mr. TALENT.
H.R. 3673: Mr. COX, Mr. DREIER, Mr. STUPAK, Mr. GOSS, Mr. SPENCE, Mr. HYDE, and Mr. BURTON of Indiana.
H.R. 3698: Mr. FLETCHER, Mr. LATOURETTE, Mr. BRYANT, Mr. RANDANOVICH, Mr. FARR of California, Mr. UPTON, Mr. MCKEON, Mr. BENTSEN, and Mr. SHAYS.
H.R. 3705: Mr. UDALL of Colorado, Ms. CARSON, Ms. HOOLEY of Oregon, and Ms. MCKINNEY.
H.R. 3710: Ms. KILPATRICK, Ms. BERKLEY, and Ms. LEE.
H.R. 3798: Ms. BALDWIN.
H.R. 3806: Mr. ROHRABACHER and Mr. UNDERWOOD.
H.R. 3819: Mr. UDALL of Colorado, Mr. BOUCHER, Mr. EHLERS, Mr. GUTIERREZ, and Mr. COOK.
H.R. 3825: Mr. JEFFERSON.
H.R. 3826: Mr. WAXMAN.
H.R. 3873: Ms. ROYBAL-ALLARD, Mr. BALDACCI, and Mr. EVANS.
H.R. 3884: Mr. WISE and Mr. OWENS.
H.R. 3885: Mr. CLAY, Mr. MASCARA, Mr. PETERSON of Pennsylvania, Mr. STARK, Mrs. BIGGERT, and Mr. MURTHA.
H.R. 3891: Mr. PAYNE.
H.R. 3916: Mr. HERGER and Mr. DEAL of Georgia.
H.R. 3983: Mrs. TAUSCHER and Mr. CRAMER.
H.R. 3998: Mr. STUPAK.
H.R. 4025: Mr. EWING.
H.R. 4029: Mr. LARSON and Mrs. KELLY.
H.R. 4033: Mr. BATEMAN, Ms. PELOSI, Mr. UDALL of New Mexico, Mrs. KELLY, Mrs. FOWLER, and Mr. PHELPS.
H.R. 4040: Mr. KASICH, Mr. FROST, and Ms. DANNER.
H.R. 4049: Mr. TURNER.
H.R. 4051: Mr. YOUNG of Alaska.
H.R. 4066: Ms. PELOSI, Ms. RIVERS, and Mr. OWENS.
H.R. 4069: Mr. STARK, Mr. RYAN of Wisconsin, Ms. LOFGREN, and Mr. EVANS.
H.R. 4082: Mr. BARCIA, Mr. SKELTON, Mr. WICKER, Mr. LARGENT, and Mr. COBURN.
H.R. 4085: Mr. BARR of Georgia.
H.R. 4102: Mr. DELAY.
H.R. 4108: Mr. HASTINGS of Florida, Mr. TRAFICANT, and Mr. GREEN of Texas.
H.R. 4154: Mr. BARTON of Texas.
H. Con. Res. 115: Mr. BACA.
H. Con. Res. 251: Mr. BEREUTER, Mr. ROHRABACHER, Mr. OBERSTAR, Mr. DOOLITTLE, Mr. KUCINICH, Ms. STABENOW, Mr. SENSENBRENNER, Mr. BARRETT of Wisconsin, Mr. KLECZKA, and Mr. LIPINSKI.
H. Con. Res. 259: Mr. HINCHEY, Mr. NEAL of Massachusetts, Mr. MCNULTY, Mr. MATSUI, Mr. BRADY of Pennsylvania, and Mr. MCGOVERN.
H. Con. Res. 262: Mr. WU.
H. Con. Res. 275: Ms. DANNER and Mr. GEJDENSON.
H. Con. Res. 276: Mr. GUTIERREZ.
H. Con. Res. 297: Mr. MCNULTY, Mr. BLAGOJEVICH, and Mr. ROHRABACHER.
H. Res. 398: Mr. PALLONE, Mr. CROWLEY, Mr. HOLT, Mr. HORN, Ms. ESHOO, Mr. FORBES, Mr. ROGAN, Mr. MCGOVERN, Mr. BILIRAKIS, Mr. KENNEDY of Rhode Island, Mrs. TAUSCHER, Mr. TIERNEY, Mr. CAPUANO, Mr. KILDEE, Mr. FRANKS of New Jersey, Mr. MCNULTY, Mr. ROTHMAN, Mr. KLECZKA, Mr. ANDREWS, Mr. HOYER, Mr. WEINER, Mr. STARK, Mr. WAXMAN, Mr. MARTINEZ, Mr. MENENDEZ, Mr. DINGELL, Mrs. KELLY, Mr. SAXTON, Ms. MCCARTHY of Missouri, Mrs. MALONEY of New York, Mrs. NAPOLITANO, Mr. SOUDER, Mr. BROWN of Ohio, Mrs. MORELLA, Mr. COSTELLO, Mr. ROYCE, and Mr. LIPINSKI.
H. Res. 414: Mr. WEXLER, Mr. BACA, Mr. FRANK of Massachusetts, Ms. HOOLEY of Oregon, and Mr. FROST.
H. Res. 415: Mr. ROMERO-BARCELÓ.
H. Res. 420: Mr. OLVER.
H. Res. 437: Mr. MOAKLEY and Mrs. FOWLER.
H. Res. 458: Mr. VITTER, Mr. JOHN, Mr. KASICH, Mr. MORAN of Virginia, and Mr. FROST.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4011: Mr. FRELINGHUYSEN.

SENATE—*Wednesday, April 5, 2000*

The Senate met at 9:31 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

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

As we pray today, we remember Booker T. Washington, born on this day. Once a slave, he became an outstanding American reformer, educator, and writer. His life emulated one of his most significant statements: ''I am determined to permit no man to narrow or degrade my soul by making me hate him.''

Let us pray.

Almighty God, Lord of history, You call great leaders and anoint them with supernatural power to lead in times of social distress when Your righteousness and justice must be reestablished. We praise You, O God, for the life and leadership of Booker T. Washington in the cause of racial justice. You gave him a dream of equality and opportunity for all people which You empowered him to declare as a clarion call to all America. As we honor the memory of this truly great man and courageous American, we ask You to cleanse any prejudice from our hearts and help us to press on in the battle to assure the equality of education, housing, job opportunities, advancement, and social status for all people regardless of race or creed. May this Senate be distinguished by its leadership in this ongoing challenge to assure the rights of all people in this free land. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. ALLARD. Mr. President, today the Senate will resume consideration of Senate Concurrent Resolution 101, the budget resolution.

By previous order, there will be 90 minutes of debate on the Hutchison-Robb amendment equally divided between the two managers. Following the debate, there will be two back-to-back votes at 11 a.m. The Robb second-degree amendment regarding prescription drugs will be the first vote, to be followed by the vote on the Hutchison amendment regarding the marriage tax penalty.

Other amendments will be offered throughout the day, and therefore Senators may expect rollcall votes during today's session. There are approximately 20 hours of debate remaining on the resolution.

I thank my colleagues for their attention.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I want to make sure we have 45 minutes on each side. The vote will not occur right at 11 o'clock.

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

FISCAL YEAR 2001 BUDGET—Resumed

Pending:

Hutchison/Ashcroft amendment No. 2914, to express the sense of the Senate to provide for relief from the marriage penalty tax.

Robb amendment No. 2915 (to amendment No. 2914), to condition Senate consideration of any tax cut reconciliation legislation on previous enactment of legislation to provide an outpatient prescription drug benefit under the Medicare program that is consistent with Medicare reform.

The PRESIDENT pro tempore. Who yields time?

Mr. LAUTENBERG. Mr. President, I yield 5 minutes to the Senator from Minnesota.

The PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I thank my colleague from New Jersey.

Let me first of all commend Senator ROBB of Virginia. I think what he has done out here on the floor of the Senate is very important for our country, and not just for senior citizens. He submitted an amendment that would make it out of order for the Senate to consider a reconciliation bill that spends on-budget surplus on tax cuts unless Congress has already enacted legislation establishing an outpatient Medicare prescription drug benefit.

I come here to the floor of the Senate to congratulate Senator ROBB and to speak for senior citizens in Minnesota.

If we are about legislation that is important to people's lives, if we want to be here to represent the people in our States, there is no more important amendment for us to pass. This isn't where the rubber meets the road, but it is all about the general direction for the Senate, and the direction Senator ROBB's amendment calls is to make sure we make a commitment to funding prescription drug coverage for senior citizens in this country.

In the State of Minnesota, on the basis of hearings I have attended, on the basis of conversations and meetings—some of them incredibly heartfelt and incredibly painful—with elderly citizens in my State, there is no more important thing we can do than to pass this amendment and to once and for all cover prescription drug benefits for senior citizens.

First of all, in the State of Minnesota, because of a very unfair and, I argue, even discriminatory Medicare reimbursement to our managed-care plans and to our seniors, we have in our State only one-third of senior citizens receiving any kind of prescription drug coverage at all. Two-thirds of the senior citizens in Minnesota don't have any coverage whatsoever. I think in the country it is about one-third. But in our State it is an acute problem; it is a problem of crisis proportion.

Second of all, as a result of that, it is not uncommon to meet seniors who, even when the doctor gives them a prescription, can't fill the prescription because they don't have the money, or they cut the pills into thirds or into halves, all of which is dangerous. I have met all of those senior citizens. I have been in these conversations with senior citizens about this. It is not uncommon to meet people who spend $300 or $400 a month to meet their prescription drug costs and at the same time their total monthly income is $1,000—all the while, in the pharmaceutical industry, the costs have gone up 17 percent a year over the past couple of years, and they are projected to go up again. The pharmaceutical industry rakes in record—I argue exorbitant, I argue obscene—profits.

But for today, what is so important about the Robb amendment is that if we want to do something to really make a difference in the lives of people we represent, we must expand Medicare and provide this coverage.

My colleagues on the Republican side want to go forward with tax cuts, many of which go to higher income people least in need. They seem to believe it is not an appropriate role for Government or the Senate to provide prescription drug coverage as a part of what Medicare is all about.

I think the vast majority of people in the country believe that when it comes to certain pressing issues of their lives, there is a positive role Government can play. This is a perfect example to make sure people do not go without the very

prescription drugs they need, which is so essential to their health. That is what is so important about this amendment.

When my Republican colleagues say they want to limit this to low-income senior citizens, I just want to say what has made Medicare and Social Security work is that it is a universal coverage program. It commands broad support. This is about building on Medicare. This isn't going back to means-tested programs which quite often become poor programs.

Just because a senior citizen in Minnesota or Virginia or Massachusetts has an income of $17,000 a year or $18,000 a year, it does not mean he or she or both of them are not in need of some help so they can purchase the prescription drugs that are so important to their health.

This is a very important amendment. I am tired of the Minnesotans having to go to Canada to purchase prescription drugs they can afford. I am tired of the Minnesota Senior Federation, which is a courageous, gutsy grassroots organization, having to raise Cain over and over and over again about the fact that so many senior citizens are not able to afford the prescription drugs they need for their health.

''All politics,'' Tip O'Neill said, ''is local.'' I argue all politics is also personal. Having been the child of parents, both of whom have passed away with Parkinson's disease, I know what drugs such as L-Dopa and Sinemet cost.

There is no more important thing we can do if we want to get real, if we want to respond to what our constituents need, than to pass this Robb amendment.

I thank the Senator from Virginia for his leadership. I yield the floor.

Mr. REID. The Senator from North Dakota is allotted 5 minutes.

Mr. DORGAN. Mr. President, this budget is brought to the floor as part of an annual ritual. The ritual in the Senate is to debate budget priorities. It is about making choices.

One hundred years from now we will all be gone. We will not be around, but historians can look back at this day, and by evaluating what we viewed to be important and what we wanted to spend money on, they can evaluate what our priorities were. Did we feel health care was a priority? Was education a priority? Were tax cuts a priority?

Let's look at the choices. This budget is brought to the floor suggesting that a significant priority is to provide tax cuts, the benefit of which go largely to upper-income folks in this country. The Senator from Virginia, Mr. ROBB, offers a different set of priorities. He says: Let's not have these tax cut proposals move forward until and unless there is a prescription drug benefit added to the Medicare program.

I happen to think we ought not have tax cuts until we have made a significant payment toward reducing the Federal debt. I also believe, with the Senator from Virginia, that we ought to have a benefit for prescription drugs in the Medicare program.

That is what this debate is about—it is about making choices. What are the right choices? I have held hearings in six States with the Democratic Policy Committee on the issue of prescription drugs and Medicare. Let me tell Members about choices senior citizens are making. The Senator from Virginia suggests we are about to make the wrong choice unless we adopt his amendment. I agree with him. Let's make the right choice.

Let me describe the choices senior citizens are making. At a hearing in Dickinson, ND, Dr. James Baumgartner told me of a patient of his on Medicare who had surgery for breast cancer. He told her about the prescription drug she would have to take to reduce the chances of recurrence of breast cancer. She said: Doctor, I can't do that. I don't have the money to buy those prescription drugs. I'm just going to have to take my chances.

That is a choice. Not a good choice, but a forced choice because there is no coverage for prescription drugs in Medicare.

How about the choice of buying food? At another hearing in Illinois, a woman told me that where she goes to the grocery store, the pharmacy counter is at the back end of the store. She must go to the rear of the store to buy her prescription drugs, first, because only then will this older woman know how much money she has left for food. She must buy her prescription drugs first because only then will she know what she can afford to pay for her food.

That is a choice she had to make.

At another hearing, a fellow told me that he pays $2,400 for medicine. He is living on a fixed income in retirement. He said: I eat spaghetti sometimes 8 and 9 days in a row because I can't afford anything else, and still be able to pay for my prescription medicine.

That is a choice. Not a good one but a choice.

Or transplant recipients at a hearing in Illinois. We had two people with heart transplants and one with a double lung transplant. One of them said her prescription drugs costs $24,000 a year.

That person could probably make a choice of having the rejection of her transplants, but that is not much of a choice either, is it?

Or the woman in New York at the hearing I held. Connie, from Rye Brook, NY, has no prescription drug coverage and is forced to pay out-of-pocket costs she cannot afford. She said: I cut the pill in half and take half the dosage so it lasts twice as long.

That, too, is a choice. Not a good choice.

All over the country, senior citizens are having to make these choices. They are not good choices because we don't have a prescription drug benefit in the Medicare program.

Senator ROBB from Virginia has said in his amendment that we ought to make it a priority to do the right thing. He is dead right. We have a responsibility to add a prescription drug benefit to this Medicare program. This is the time and the place to make that choice. This vote will determine what that choice is going to be.

I yield the floor.

Mr. REID. Mr. President, I yield 1 minute to the Senator from Virginia. Following his statement, I yield 5 minutes off of our 45 minutes, or whatever time is remaining, to Senator KENNEDY from Massachusetts, and then 5 minutes on the bill for a total of 10 minutes to Senator KENNEDY.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I first thank the Senator from Minnesota and the Senator from North Dakota for their statements.

The bottom line is this particular provision in the resolution before the Senate locks in as a matter of law a permanent tax cut that would gobble up all but 2 percent of the on-budget surplus that is available. No matter how much we talk about the desire to do something in terms of prescription drugs for seniors, after the stories we hear about choosing between food and medicine, the bottom line is we lock in a tax cut and we take all the money that would otherwise be available. Notwithstanding the expressed good intentions, it just won't work.

This is a matter of priorities.

I am delighted to yield to the distinguished Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I express appreciation to Senator ROBB for his leadership in bringing the Senate to where we are this morning with an opportunity to vote at 11 o'clock on whether we will put the seniors in this country ahead of an unwise tax cut at this time.

A budget is about national priorities. This amendment says to the American people that prescription drug coverage under Medicare is as high a priority for the Senate as it is for the American people. This amendment says health care for the elderly is more important than tax cuts for the wealthy.

Without this amendment, this Republican budget resolution has its priorities backwards. It says the first priority is tax cuts.

Yesterday, my friend and colleague, the distinguished chairman of the Senate Budget Committee, and I engaged in a discussion of this point. I asked the chairman if there was any guarantee in the budget instructions that

we will have prescription drugs on the floor by September 31, which is effectively the last week of Congress. This is what my honorable friend said: No, there is no guarantee.

He went on to say that under the resolution a prescription drug bill could be brought to the floor without a budget point of order being lodged against it after September 1.

That is an empty promise. Such a bill would still be subject to a filibuster. It would still require 60 votes to even get to the floor if any Senator objected to its consideration. It would still have to be called up by the majority leader or offered as an amendment if there was a suitable vehicle. If by some miracle it did get to the floor, an unlimited number of amendments could be offered, and it would still be subject to a number of restrictions that I will discuss in a moment.

Compare that to the tax bill. It is required to be reported by the Senate Finance Committee no later than September 22—not permitted, required. It cannot be filibustered under Senate rules. Debate is limited, in terms of the total hours, to 50 hours. It requires only 50 votes to pass.

Of course, we know the majority party is absolutely committed to pass a tax bill, but this budget resolution makes it abundantly clear there is no similar commitment to Medicare drug coverage. It is that plain and simple. There are two different standards, make no mistake about it—one standard for the tax, and an entirely different one for prescription drugs. I daresay the one on the prescription drugs is illustrated by the language of the resolution itself. It says that, in the Senate, the budgetary limits may be adjusted and allocated and may be revised by legislation reported by the Committee on Finance to provide a prescription drug benefit. ''May be'' is optional. That is different from where it says the Senate Finance Committee shall report to the Senate on the tax bill.

So we have not only the requirements that it ''may be'' rather than ''shall'' with regard to prescription drugs, but we have the whole procedure in the Senate that will permit filibusters in bringing it up, in debating it on the floor of the Senate. It will require 60 votes to be able to get to a final resolution as compared to 50 votes for the tax bill. That is dramatically different.

What we are saying with the Robb amendment is let us pass the prescription drug bill first and then consider the tax cut afterwards.

In the remaining time, I want to mention one additional item. This particular prescription drug proposal, as I mentioned, is a 3-year proposal, even if they are able to jump through the hoops that I have mentioned. Let's say we are able to consider the bill; let's say we are able to get the majority leader to call it up. It is very difficult to get any measure that we can amend, as we have seen over the course of this time, but let's say we get the majority leader to call it up. And let's say we have the 60 votes to get cloture. It is only for 3 years. Beyond that, you only get a continuation of that program if we find the solvency of the Medicare fund, and there is going to be a complete revamping of the Medicare program without using any general funds in order to stabilize the Medicare system. Here we find, again, the conditions that have to be realized before we are able to extend it.

The tax cut is permanent. Do we understand? The tax cut is permanent. It is virtually automatic. Once this bill passes, there will be a requirement that the tax bill be on the floor of the Senate in September. But this prescription drug proposal has to jump through all the hoops for the first 3 years, and even if we jump through the hoops for the first 3 years, we have to go back through the hoops over the remaining 2 years. It is not permanent as is the tax bill.

Finally, I want to once again review about whom we are talking and what the costs are in terms of the prescription drugs. Yesterday I tried to point out, as has been mentioned here, a third of American seniors do not have any coverage and another third are losing it dramatically. In the last 3 years, we have seen a 25-percent drop in coverage. If you take the drops in 1998 and 1999, it shows it is going right on down, and the costs of Medigap are going through the ceiling. The HMOs are setting limits that make it difficult if not virtually impossible for senior citizens to get the protections they earned.

Who are these senior citizens? Look at this chart here and we see what the income is for senior citizens, the retirees, the men and women who fought in the World Wars, brought this country out of the Depression, and have made it the great Nation it is. Mr. President, 57 percent of them have incomes below $15,000; 21 percent below $25,000. That is almost 80 percent of our senior citizens, those with incomes below $25,000. Then it continues on with only 7 percent at $50,000 or over. Many would say that is just middle income. Certainly, if you have some children at school, $50,000 is considered to be middle income. We are talking about individuals who are hard pressed. These are men and women who made the country and now are dependent upon these prescription drugs in order to be able to survive.

Finally, we see in this chart what it is costing these elderly citizens. For so many of the moderate-income beneficiaries, typical drug costs versus their income—when you look at about 150 percent of poverty, that is almost the median income for senior citizens in this country. Look at this chart of what it costs for these routine illnesses and sicknesses of our elderly people. Every elderly person either is in danger of, or fears, or has osteoporosis and heart trouble, high blood pressure, irregular heartbeat——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. REID. Mr. President, I yield the Senator from Massachusetts 2 minutes off of the bill.

Mr. KENNEDY. High blood pressure, heart disease. This is the typical cost in 1 year. This is the percent of their income they are paying: 20 percent, 26 percent, 31 percent, 40 percent, 240 percent of their income.

This is just for prescription drugs. This is not for any other medical expenses. That is more than they are spending, in many instances, for their rent, their food, their clothing, and their other necessities.

As we see this issue, there is nothing more important—preserving our Social Security and preserving Medicare—than prescription drug protection for senior citizens. I believe we ought to be able to shape a program that will be universal, that will have the catastrophic as well as the basic, and that will be affordable for individuals as well as the Federal Government.

What we are saying is let's debate that issue. Let's have an opportunity for the Senate to take action on that issue prior to the time we go to these massive tax breaks. That is what this Robb amendment is all about, putting our seniors first. I hope our colleagues will join in supporting it.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent the time this morning that has been charged to the resolution, which I think is about 7 minutes, not be counted to the 45 minutes of time on the side of the minority.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, I yield 7 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I applaud my colleague from Massachusetts for his tremendous leadership on this subject and for having just pointed out the realities of the situation we find ourselves in on the floor of the Senate. It is hard for anybody, rationally, to think about the problems our seniors face in this country and then measure those problems against what the Republican majority is presenting the country in its budget resolution.

I do not understand the rationale. I do not understand how they can come to the floor prepared to guarantee the wealthiest Americans are going to get an extraordinary tax cut. That is absolutely cast in stone. That is going to

happen. They saw to it in this budget resolution that there is a certainty as to the tax cut. But at the same time they saw to it that there is no certainty with respect to senior citizens having an opportunity that we take care of their needs for prescription drugs. Their budget pays lipservice to the critical issue of helping seniors afford medications that are prescribed by their doctors.

If you measure this, the budget resolution provides a tax cut of over $150 billion over 5 years. Those tax cuts will require we pay $18 billion more in interest payments. So when you add the interest payments to the tax cuts themselves, you have virtually the amount of the entire non-Social Security surplus that is going to be taken off the table and given back. But what is extraordinary is their focus. Here is a major problem. There is not one of us, as Senators, who does not go home to our States and find countless numbers of citizens come to us and say: I cannot afford to buy drugs. I have to choose between paying rent or food and buying the prescription drugs I need to be healthy.

We have citizens who are piling into buses going to Mexico and Canada to buy drugs, and yet ''our'' fixation, the fixation of the majority is to absolutely guarantee that the wealthiest people in America who have done the best over the last 15 to 20 years are absolutely going to get a tax cut, but the neediest people in America who need help with prescription drugs, who are paying thousands of dollars a year and are on a fixed income and cannot afford it, have no guarantee in this budget that they are going to have the Senate produce a prescription drug benefit.

There is some lipservice to $40 billion, but as my colleague from Massachusetts pointed out, there is no guarantee we are ever going to see legislation.

Why is it that there is an absolute certainty as to the tax cut, an absolute guarantee that people who have done the best are going to be helped but people who are the most needy are not going to be helped? The Senate ought to be committed to addressing the importance of working families receiving this kind of help.

Why is that so important? It ought to be obvious to every Member of the Senate. When Medicare was created in 1965, the biggest cost concern for patients was a long stay in the hospital. Today, particularly because of the wonders of modern medicine and the biotechnology revolution, patients who once needed surgery now can take drugs; patients who once needed extensive stays in hospitals are now able to take wonder drugs of the modern age to lower cholesterol, lower blood pressure, stabilize weak hearts, and do extraordinary things, but they cost a lot of money.

There has been a remarkable cost-shifting process. It used to be that if one went to the hospital to have an operation and stayed in the hospital, insurance took care of the stay. But now the hospital stay and the long period of convalescence has been supplanted by the miracle drug, and the cost has shifted from the insurance to the individual, and most of these individuals are not able to afford it.

Take, for instance, a highly effective drug for hypertension. Sixty percent of the people over the age of 65 have hypertension. The fact is, highly effective drugs to control this typically cost about $40 a month. They greatly reduce the potential of stroke. A stroke, obviously, requires rehab time in hospitals and a variety of in-house costs and services to the medical system. If we can prevent that from happening, we save the system money. But if that cost shifting is to the individual who is on a fixed income, they get stuck with the problem.

Prescription drug expenditures in the United States—and I ask my colleagues to focus on this—have grown at nearly double-digit rates almost every year since 1980, with seniors' drug prices growing at four times the rate of inflation.

In 1997, prescription drug expenditures had the highest growth rate of all health and human services and supplies. There was a 14.1-percent growth in those costs versus the overall health care expenditure cost that rose at only 4.8 percent—14.1 percent for prescription drugs; health care costs were generally 4 percent.

A lot of us will support the increase in the NIH funding because we want to continue this revolution, but the fact is, it does not do a lot of good to put on the shelf drugs from the laboratory that are completely inaccessible to the average American who needs them because they simply cannot afford them.

We are missing a historic opportunity in the Senate in terms of our legislating process. The fact is, we have an opportunity to provide 14 million senior citizens, who lack prescription drug coverage, with that coverage. That is, one-third of all Medicare beneficiaries have no prescription drug coverage at all.

Three-fifths of all Medicare beneficiaries lack dependable coverage, and one-quarter of all Medicare beneficiaries have retiree drug coverage from their former employer, but the number of firms offering that coverage has declined by 25 percent over the last 4 years.

In our state of Massachusetts, there are 982,934 Medicare beneficiaries. 45% of these seniors lack prescription drug coverage. 55% of these seniors have some form of coverage—but, the form that coverage takes is often capped, costly, inadequate or all of the above.

Prescription drugs are the largest out-of-pocket health care cost for seniors in Massachusetts and throughout the country. More than 85% of Medicare beneficiaries take at least one prescription medicine, and the average beneficiary fills 18 prescriptions per year. The average annual prescription drug cost for Medicare beneficiaries will reach $1,100 this year. Even beneficiaries with some drug coverage incur high out-of-pocket spending, an average of $700 per year. Increasing costs coupled with the lack of coverage force 1 out of 8 seniors in our country to choose between buying food and medicine.

Unless we act, we can only expect these numbers to increase. Americans aged 85 and older represent the fastest growing segment of the population, with expected growth from 4 million people today to 19 million people by 2050. We cannot afford to allow this problem to continue.

Medicare was enacted in 1965 as a promise to the American people that, in exchange for their years of hard work and service to our country, their health care would be protected in their golden years. Mr. President, it is past time we deliver on that promise.

My hope is that we will adopt the Robb amendment. I congratulate the Senator from Virginia for bringing this amendment to the floor. It requires that we find some methodology by which we will guarantee that Congress will pass a prescription drug program. It seems to me it is as imperative we do that as give a tax cut, considering the fact that the Federal tax burden is the lowest it has been in 20 years. Let's get our priorities straight and do what is correct.

I thank the Chair.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Colorado.

Mr. ALLARD. Mr. President, I ask unanimous consent that the scheduled votes for 11 a.m. today now begin at 10:45 a.m., under the same terms as previously agreed to, and that at 10:45 a.m., the majority manager be recognized to make a point of order and then yield an additional 4 minutes to the minority side from the majority's time.

Mr. REID. It is my understanding that will give the minority 25 minutes remaining.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. This has been checked with Senator LAUTENBERG, and we on the minority side agree to this unanimous consent request.

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

Mr. ALLARD. Mr. President, I yield 15 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise to address the underlying amendment offered by the Senator from Virginia and

his colleagues which links our efforts to provide affordable access to outpatient prescription drugs for seniors to the issue of tax relief. I believe this amendment is unnecessary.

One of the highest priorities in the Republican-sponsored budget is to provide outpatient prescription drug coverage for Medicare beneficiaries, something in which I, as a physician who has taken care of thousands of Medicare beneficiaries—individuals with disabilities and seniors—and my colleagues strongly believe is critical to the health care security of these beneficiaries. They need and deserve affordable access to prescription drugs, and that is an important part of our agenda.

We reduce the tax burden on hard-working Americans who today are being taxed more than at any time in the peacetime history of this country.

I simply cannot and will not support any amendment that pits these two goals, which are inherent and integral parts of this budget, against one another. It is unnecessary, and it is irresponsible. We can do both in our budget and we provide the means to do so.

It is a fascinating time in our history in terms of the evolution of health care. We are almost where we were in the early 1960s in our discussion of prescription drug coverage. Before Medicare, we did not have coverage for hospitals and physician services. In the early 1960s, we had the opportunity to shape health care security for seniors, and later for individuals with disabilities, in a way that has been very beneficial. I say that as a health care provider who has been on the frontline.

In large part as a product of the tremendous research and development and the discovery of new drugs, and the application of those drugs in recent years, it is time that we in this Congress address Medicare for seniors in a modernized way. ''In a modernized way'' means that we must bring prescription drugs into Medicare in an integrated fashion to deliver a full set of comprehensive benefits to beneficiaries. That is why in this budget we address modernizing Medicare and setting aside $40 billion to strengthen the program and include an outpatient prescription drug benefit.

But something we do that is critical, that is not being addressed by these freestanding drug bills that are being proposed—both in the House and in the Senate—is that we link that inclusion of prescription drug coverage to the overall modernization of the Medicare system.

Although this is a budget discussion, it is not just a matter of only dollars and cents. We are talking about health care security for our seniors. The physician, the hospital, the health care facility, and the prescription drugs all must be a part of one seamless health care delivery program.

As good as Medicare is today, it is not as good as most people think it is, for lots of different reasons.

No. 1, it is a fragmented system. We have a Part A trust fund and a Part B trust fund. We have outpatient care and we have inpatient care. It is incomplete. The benefit package is outdated. There is even very little in the way of preventive services as part of Medicare today, services that seniors desperately need.

Preventative care, which is in private health care plans, has proliferated. We all know how important it is. Yet there is almost none of that in Medicare today.

Many people think Medicare is going to take care of our seniors later in their lives. It is a fact, of every dollar that is spent for a senior's health care, if you put it all together, only 53 cents is paid for by Medicare. The other 47 cents, that is paid for by that senior or that individual with the disability who has to reach out, scrape around, get another insurance policy, pay out of pocket, or ask for free care in order to cover health care expenses. We can do better.

Thus, we are absolutely committed to the principle of, yes, including prescription drugs into the system, but doing it in such a way that we can improve and modernize Medicare as the whole, to be a seamless system in the provision of high-quality care for our seniors.

I believe it is irresponsible—when you have a Medicare program that is threatened in terms of long-term solvency, when you look at deficits in cash-flow, when you look at the huge demographic shift that will be occurring with the baby boomers coming through the system, with a doubling of the number of seniors over the next 30 years, and a lessening of the people who are paying into the system—it is irresponsible, unless you address the overall health care system, to take a benefit, a very expensive benefit, and simply set it on top of a system that cannot be sustained long term. It is deceptive. It is just not right. Our seniors deserve better.

Thus, instead of trying to link tax relief to improving health care for our seniors, what we Republicans believe—expressed in this budget—is that the appropriate linkage is providing prescription drugs in an affordable way, but linking it inextricably to the modernization of the overall Medicare system. That is the most prudent, short-term and long-term approach to guarantee health care security for our seniors.

The principles of prescription drug coverage are, in my mind, pretty simple. I think all of us must recognize that a new drug benefit should not be modeled on Medicare's traditional, out-of-date delivery model. We need a new model. The President's plan does not change the system at all, but instead places more financial burdens on an already fragile program, while at the same time placing Medicare beneficiaries' health at risk.

No. 2, such a benefit should be voluntary. Most would agree on both sides of the aisle including the President that it must be accessible to all. At the same time, we should not do anything that forces people into HMOs. We should not do anything that forces seniors today, who already have prescription drug coverage, to give up what they have. We should not force seniors today, who are already paying a certain amount for prescription drug coverage, to pay more than what they pay today.

The third principle is—this is important—something we have the responsibility to address in the short-term and the long-term; that is, that price controls in prescription drugs will not work. They will destroy the opportunity to develop that new drug, that new prescription, that new agent that can be lifesaving, that can treat illness and prevent disease. Price controls will wipe out drug innovation.

I believe those three principles must be a part of the drug package that we assimilate into a modernized Medicare system. Thus, the long-term goal—again, this linkage in this amendment of tax relief, or holding one hostage for the other—is not the right thing to do for our Medicare beneficiaries.

For the 35 million seniors and 5 million individuals with disabilities who are out there, why hold them hostage? Why not go to the underlying budget proposal, which I believe has the more responsible link; and that is, yes, prescription drug coverage—it has to be there—it is health care security but linking it to modernization, reform of our Medicare system. That should be our long-term goal.

Prescription drug coverage should be brought into the system alongside physician services, hospital services, facilities services, medical devices where you can consider them all, not as some freestanding plan saying drugs are over there. Those drugs are just as important as that surgical knife that I once wielded. We need a seamless system, a coordinated care approach.

On this issue, again, we are talking about the budget. But it is important for all of our colleagues to understand this linkage that I believe is so important of bringing prescription drugs in, because it is this whole range of tools that physicians and health care providers need in order to guarantee affordable high-quality care.

Now is not the time to institutionalize freestanding plans which result in further fragmentation. If we pass a freestanding plan, it is likely to result in further fragmentation of the system when we need seamless, coordinated care.

We have moved today, in the year 2000, towards disease management and coordinated delivery of health care. We no longer operate under a model where a surgical procedure is performed and then the patient is sent to another doctor to treat the headache, and to another doctor to give a device or a pacemaker. We want that seamless management. That is why prescription drugs must be made a part of the overall, comprehensive reform of our Medicare system.

Less than 10 years ago, the Medicare trustees estimated that the Medicare Part A Trust Fund, otherwise known as the Hospital Insurance Trust Fund, would be insolvent in 1999. Since then, the Trustees' solvency estimates of the Part A Trust Fund have fluctuated tremendously. As little as five years ago the Part A Trust Fund was expected to be depleted by 2002. In 1996 and 1997, insolvency was estimated in the year 2001, in 1998, it was projected for 2008, in 1999 for 2015, and in the year 2000, Medicare bankruptcy is projected for 2023. It might seem strange that insolvency dates could fluctuate so dramatically—a 21-year range—over a 5-year period. The reason for this is simple. The Medicare Trustees' reports are estimates—estimates based on assumptions regarding growth in expenditures in the Medicare program, economy, life expectancy, and the like, which are continually changing. Therefore, any interpretation of these reports must be made with the understanding that as early as the following year, program insolvency estimates may look dramatically different. History has shown us as much.

Equally important, the definition of ''solvency'' itself calls for further examination. The historic concept of Medicare's solvency is one that has been partially and inappropriately borrowed from Social Security and has never fully reflected the fiscal integrity of the Medicare program. Solvency in Medicare is not the same as solvency in Social Security. The Social Security Trust Funds are funded exclusively through payroll taxes, so it is relatively easy to determine when Social Security expenditures are projected to exceed income.

Medicare, however, is funded by a combination of payroll taxes, general revenue, and beneficiary premiums, divided between two separate trust funds—Part A and Part B. Additionally, the ratio of these revenue streams has changed over time such that a greater portion of Medicare expenses is now paid by general revenues through the Part B Trust Fund, and a relatively smaller portion is paid by payroll taxes and beneficiary premiums—than was originally intended when the program was first enacted. The payroll tax supporting the Social Security Trust Funds is limited both by its rate and the wage base on which that rate is applied. Medicare's funding has an unlimited taxable wage base and therefore no limit on the maximum tax. The Part A Trust Fund is funded by a payroll tax of 1.45 percent on all earnings in covered employment and 2.9 percent for the self employed. In sum, the sources of funding for the Medicare program are numerous, unlimited and divided among trust funds, making the true test for program solvency much more complicated than Social Security.

Today, almost equal numbers of seniors and disabled, about 39 million total, are enrolled in both Parts A and B of the program. Part B spending represents nearly 40 percent of total program expenditures and that number will increase significantly, reaching 50 percent by 2020, as Part B spending continues to grow at twice the rate of Part A. So why is it that only 60 percent of program spending—the Part A Trust Fund only—is used to determine the financial health of Medicare as a whole?

Actually, the notion of Part A ''solvency'', or rather ''insolvency'', has been used as political leverage to shift more Medicare financing to Part B and draw on general revenues. This not only fundamentally alters the way the Part A Trust Fund is financed by moving away from payroll financing toward a formal commitment of future general fund revenues, but also sends a false sense of security to the American public regarding the true financial health of the program.

An example, in is the Balanced Budget Act of 1997, where Congress passed legislation that shifted a major portion of home health expenditures—approximately $80 billion—from Part A to Part B. By doing so, the fiction of Part A Trust Fund ''solvency'' was extended from 2002 to 2008. However, this shift increased the draw on general revenues tremendously. Worse, it continued to mask the financial instability of the program and made it easier to allow fiscal imbalances to go unnoticed.

In addition, although insolvency dates are often used to determine when the Part A Trust Fund can no longer sustain the program, there is another important element that must not be overlooked—that is trust fund assets. Long before the insolvency date is reached, the Part A Trust Fund must draw upon its assets to continue to fund the program. These assets are really a claim on the Treasury. When the trust fund runs a cash deficit, like the Part A Trust Fund has been doing since 1992, these securities are redeemed to pay for program costs. For instance, this year the Medicare Trustees Report indicates that the Part A Trust Fund will remain solvent until 2023. This only occurs, however, because securities are redeemed in order to pay for program costs, beginning in 2015. The reality is in 2015, the Part A Trust Fund will begin a deficit again where program expenditures will exceed income. To redeem the securities necessary to keep the program solvent until 2023, the government as a whole must come up with the cash by either increasing taxes, reducing spending or borrowing from the public. This is all in light of the fact that any small shift in the economy, program expenditures or health care costs could greatly affect not only the date in which the program falls into a cash deficit, but also when insolvency is reached.

The Congressional Budget Office reports that Medicare spending will grow at an annual average rate of 7.1 percent over the next 10 years. The Medicare Trustees report highlights the 38 percent growth in the Part B trust fund over the past 5 years, with these growth rates expected to continue and even increase. Clearly, addressing the financial health of the Medicare program by looking at approximately one-half of the total program expenditures is not only misleading, but also a misrepresentation of the programs financial viability—to our nation's Medicare beneficiaries and the public at large.

Even the Medicare Trustees acknowledge that future operations of the Part A Trust Fund will be very sensitive to future economic, demographic, and health cost trends and could differ substantially from 2023 insolvency projections estimated this year. Medicare has never had a trust fund balance at the beginning of any year that could cover much more than one year's worth of expenditures. In 1996, the program was able to fund a little more than one year's worth of expenditures, the highest ratio yet, but in 1983 the Part A Trust Fund would have only been able to fund one-fifth of Medicare program expenditures—and in 1999 only 92%.

You see, we can continue to kid ourselves into believing that Medicare is financially stable. We can address only a fraction of the program and shift numbers until the program looks solvent on paper. But the truth is the Medicare program is in great financial trouble and fast approaching a financial crisis. Without addressing Medicare's fundamental programmatic and financial problems, combined with the huge demographic shift of baby boomers in a decade, Medicare will go bankrupt at the expense of Americans who need and deserve quality, affordable health care. As we continue to discuss the addition of a new entitlement to Medicare—outpatient prescription drugs—I urge my colleagues to carefully consider the fragile financial condition the program is in.

I believe there is consensus among many of us here this morning—much of which has been heard over the last twenty four hours—to include an outpatient prescription drug benefit in the Medicare program this year. I agree completely. More than ever, as a physician, I understand the need to ensure

our nation's seniors and individuals with disabilities have access to life-saving drugs. But I also believe that we all have a responsibility to ensure that Medicare is viable and can be sustained with any new benefit that is added. I want to be able to guarantee my fellow Tennesseans and every Medicare beneficiary health care security. This is not an easy task—and it is tempting to avoid the difficult discussions and decisions that must be made to address the overall programmatic and financial health of Medicare. But we owe it to our grandmothers and grandfathers, our children and even ourselves to be responsible in developing an outpatient prescription drug benefit to ensure Medicare will be available now and well into the future.

I thank the chairman for bringing forth a budget that sets aside funding specifically for Medicare and outpatient prescription drugs. And again I reiterate that the amendment put forth by Senator ROBB and his Democratic colleagues is unnecessary. The Republican-supported budget resolution sets aside $40 billion over the next 5 years for Medicare and the inclusion of an outpatient prescription drug benefit. In addition, it also provides relief to hard-working Americans who are being taxed at the highest rate in the peacetime history of this country. Both are high priorities—they are not mutually exclusive. We should not be pitting the health of our nation's Medicare beneficiaries against tax relief. It is unfair and it is irresponsible to do so. Both are critical to this budget and can be done—and we will continue to work hard to reach these important goals.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. All the majority's time has expired.

The Senator from Nevada has 25 minutes.

Mr. FRIST. May I yield myself 3 more minutes?

Mr. REID. As long as we vote at 10:48.

Mr. FRIST. I yield myself 3 more minutes.

The PRESIDING OFFICER. The Senator has no more time to yield.

The Senator from Nevada.

Mr. REID. I say to my friend from Tennessee, we have 5 speakers to take up our time. We have no more time. If he wants to extend the time to vote, that is fine with me. That would be 10:48.

Mr. DOMENICI. Mr. President, I have 10 minutes left on the bill?

The PRESIDING OFFICER. There is no time remaining on the majority side.

The vote is set for 10:45.

Mr. REID. I yield 5 minutes to the Senator from Louisiana.

Mr. BREAUX. I thank the Senator from Nevada for yielding me 5 minutes.

It is interesting to hear discussion and debate in the Congress on the question of prescription drugs for seniors and the Medicare program. There is no one in this Congress I know who is going to come to the floor of the Senate and say: I am opposed to giving seniors prescription drugs. That is not the issue. I think there is almost unanimous agreement by everyone in the Congress that prescription drugs today are as important as a hospital bed was in 1965 when the Medicare program was first established.

In that period of time, Members of Congress said: We have to pay for seniors' hospital stays, and we have to pay for their doctors' treatment. But at that time, prescription drugs was not that big of a deal in the sense of being something that helped people, in fact, stay out of hospitals and be cured of what ailed them in medical terms.

Today, it is quite different. Today, prescription drugs keep people out of hospitals as well as cure them from diseases that formerly were thought to be incurable. The question today is not whether Medicare, which serves almost 40 million seniors, should cover prescription drugs. The answer is, of course, it should. The question is, How do we go about doing it and when do we do it? That is what the subject of this debate is all about.

There are some on the Democratic side who make the point with the Robb amendment today that we should add prescription drugs to Medicare before we do tax cuts that are excessive. Excessive tax cuts? What is excessive? One hundred fifty billion over 10 years? How about $25 billion over 10 years? Is that excessive? The point made by many of my Democratic colleagues is, do prescription drugs before you do excessive tax cuts.

On the other hand, Republican colleagues take the approach, let's do prescription drugs but make sure we do reform of the program at the same time. In other words, don't put the cart before the horse, as so many of my Republican colleagues have said.

I share the concern that just adding prescription drugs to a program that last year spent $7 billion more than we took in is certainly not helping the solvency of the Medicare plan. Does it make people feel good about adding prescription drugs? Yes? But does it do anything to fix a program that spent $7 billion more than it took in? It doesn't do that at all. In fact, it makes it more difficult for the program to provide the benefits that are necessary for our seniors.

The latest analysis by the Medicare trustees says the program is OK until the year 2023. Tell that to the nursing homes. Tell them it is all right that they are being cut and put into bankruptcy and put out of business. Tell the rural hospitals of America the program is in great shape, when many of them, in fact, do not get enough money to stay open and treat the Medicare patients we are talking about. Tell the home nursing facilities that are going bankrupt and being put out of business: The program is fine; don't worry.

The truth is, the trustees looked only at Part A. They did not look at Part B, which is growing at almost 40 percent annually and is expected to increase even further.

It is absolutely clear that we make a serious mistake if we do one without the other. As Senator MOYNIHAN, ranking Democrat on the Finance Committee said:

> Medicare reform is the price you must pay for adding prescription drugs to the program.

That makes a lot of sense. If we do the dessert before we do the spinach, no one is going to be around to eat the spinach. We are all going to issue a press release and say: We added prescription drugs; isn't that a great thing?

It is the right thing to do, if we do it in the context of reforming the program and taking it out of the 1960s and bringing it into the 21st century.

Some say: Just add more money to the program and we will fix it. I have drawn the analogy that it is like adding more gasoline to a 1965 automobile. It is still going to run like an old car.

The fundamental problem we have is to reform the program, the delivery system. We cannot continue to micromanage Medicare with 133,000 pages of regulations, three times more than the IRS, where every time someone wants to do something differently, they have to come to Washington and get an act of Congress to add a treatment or to subtract a treatment.

I conclude by saying, yes, I am for prescription drugs. Yes, we agree on the amount that needs to be spent. But, yes, we should also do it in the context of reforming the program.

Mr. REID. Mr. President, I yield 10 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I will make a few points about the budget resolution.

First of all, I am quite concerned that the budget fails to set the right priorities. At least when we listen to the American people as to what their priorities are, this budget resolution before us does not fit, does not manage.

Once again, this budget resolution emphasizes massive tax cuts at the expense of most everything else. I don't think that is where most Americans are. It might not be readily apparent that this budget resolution emphasizes massive tax cuts. For example, last year's budget provided for a tax cut of $792 billion. This year's provides for a tax cut of only $150 billion. So at first glance, one might say the tax cut this year is a lot less than one-fifth of the one proposed last year and the one that was rejected last year. But that is only at first glance. One has to compare not

apples with oranges but apples with apples.

Last year's budget was based on 10-year projections; this year's is based on 5-year projections. So if you compare apples with apples, by looking at the 5-year projections, you see that last year's budget resolution would have cut taxes by $156 billion, almost precisely the same as this year's budget resolution. In other words, it is the same big tax cut, when extended out 10 years as opposed to five. In fact, 98 percent of the projected on-budget surpluses in this budget resolution would be used for tax cuts. But the authors of the resolution fiddled with the accounting periods to make it look a little bit smaller.

I don't buy it. I think that is wrong. We should assume that a tax cut that has virtually the same effect over 5 years also would have virtually the same effect over 10 years. Therefore, it is the same old, excessive, unpopular, proposal in a new flashy suit, the one the American people rejected last year. Once they know what is in this budget resolution, I am sure they will have the same feeling; that is, not be in favor of it. It is the wrong priority. In other words, this is a tax cut of about $800 billion over 10 years which will make impossible other popular American priorities.

Don't get me wrong. I believe there is room for a reasonable tax cut. I think most Americans think there is room for a reasonable tax cut. But it should be targeted and it should be one that provides relief to working families, people who really need the help. The budget resolution must leave room for other national priorities.

In particular, we must take this wonderful opportunity we have to reduce the national debt. I don't know how many times we are going to have this opportunity again. We have it today with a very prosperous economy and with large projected budget surpluses. We should take advantage of this opportunity that we have during this year, and the next couple of years, to dramatically reduce our approximately $7 trillion national debt. That should be a higher priority. It is not a high priority in this budget resolution.

The budget resolution should also clearly provide for full prescription drug coverage, as the Robb amendment would do. Prescription drugs are more effective than ever before in maintaining health. They are also much more expensive, leaving many seniors with a choice of either buying groceries or paying for prescriptions.

I have seen it, Mr. President. I have worked at a drugstore, and I have seen seniors faced with this choice. It is a very unhappy sight. Our elderly need help now. We have heard comments from Senators who say, shouldn't prescription drug coverage be folded into general Medicare reform? Ideally, it should be, but we have to do the best we can with what we have. I say it is important because seniors need help now. We can't wait for an abstraction of help in the future. We need it now. Clearly, we should enact prescription drug benefits this year.

While seniors make up 12 percent of our Nation's population, they account for only about 30 percent of all prescription drug spending. Twelve percent of our population are seniors, but they account for 30 percent of all drug spending. And while about a third of seniors lack drug coverage overall, that number increases to nearly 50 percent in rural areas. Thirty percent of Americans do not have coverage for prescription drugs, overall, in America. In rural America, it is closer to 50 percent.

In Montana, there is very little employer-provided coverage. Medigap—the program which is insurance coverage to pay for the difference between Medicare and the cost—coverage is much too expensive in America, particularly in Montana, and there is no Medicare managed care in Montana. That is right. Until January of this year, my State of Montana had only one Medicare HMO, providing quality care and drug coverage to about 2,600 seniors in Billings, MT. But now that plan has pulled out, leaving those seniors without a drug benefit. So we have no managed care Medicare program in Montana because it is too expensive. We don't have the population to provide it. Our seniors are being left out in the cold. In my mind, providing seniors with a prescription drug benefit is a top priority, and it should be part of this budget resolution.

I also want to make a point about the so-called marriage penalty. I support the Hutchison amendment. I agree that, as that amendment says, we should pass legislation which begins to reduce the marriage penalty. But I would like to add a word of caution.

Listening to some of the debate here, it almost sounds as if the majority is for marriage and that anyone who questions their proposal is against marriage. Nothing could be further from the truth. Marriage is a great institution; I am all for it. It is one of the most wonderful institutions devised by the human race. But the proposal before us and the challenge before us is not quite as simple as some might like it to be. After all, the so-called marriage penalty is not something that was intentionally cooked up to penalize married people and reward sinners. Rather, it is an unintended offshoot of some very difficult, complex decisions that have to be made about our tax system, such as how to tax individuals compared with married couples, which is not an easy question to answer, and how to tax married couples who have a different distribution of income between spouses. Sometimes that is difficult to do.

We have wrestled with this problem since virtually the inception of the Tax Code. The current system, which sets the ''break points''—that is, 15 percent, 21 percent, 28 percent—and the various brackets for individuals at about 60 percent of those for couples filing joint returns, was established in 1969 in the tax reform bill signed by President Nixon. So the basic concept we have was enacted in 1969, again, and signed in by President Nixon.

It was set in response to a very legitimate concern at that time. That concern was that previous rates were unfair to individuals. So the current system, where we have to correct the mistake that was biased against individuals, now is the one we are dealing with to make sure marrieds are treated fairly as well.

There is no easy, pat solution to this problem that doesn't create additional problems. For example, it is mathematically impossible to have a neutral marriage tax—or it is neutral to all married couples if at the same time we want a progressive tax system—and we do—and if at the same time we want all married couples who have the same total married income to be taxed equally, as we do. It is mathematically impossible to accomplish those objectives altogether. I could insert proof of that into the RECORD. That is to say, when you try to adjust the rates, you are going to cause inequities elsewhere, as to what the taxes might be on marrieds versus individuals. It is not an easy thing to do.

In fact, the bill reported by the Finance Committee does not eliminate the marriage penalty; it merely reduces the penalty. At the same time, over half of the total relief the bill reported out by the Finance Committee goes to married couples who don't pay any marriage penalty today whatsoever.

This bill is somewhat a marriage penalty relief bill, but the Democratic alternative proposed by the Finance Committee, particularly by our ranking member, Senator MOYNIHAN, is a better approach. Why? First of all, it is less costly and much more targeted. It targets every dollar to the couples who actually are facing a marriage penalty. In other words, it is more targeted, in my judgment, and more responsible.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAUCUS. Might I have 1 more minute?

Mr. LAUTENBERG. The time is already allocated. I am sorry. We owe our friends on the other side a couple minutes.

Mr. BAUCUS. Apropos the discussion we just had about 15 minutes ago.

Mr. LAUTENBERG. We had a good advantage of time here, so if the Senator might wrap it up.

Mr. BAUCUS. How about 30 seconds?

Mr. LAUTENBERG. OK.

Mr. BAUCUS. To sum up, the budget resolution before us does not reflect the priorities of the American people. That is clear. The American people do not want 98 percent of the surplus to be allocated to tax cuts. I daresay the majority of Americans want a large part of it targeted to debt relief, paying off the national debt, something targeted for a marriage penalty, something targeted for prescription drugs, and just to do things right, not make a political statement.

I thank my colleagues and yield the floor.

Mr. LAUTENBERG. Mr. President, I yield 4½ minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, budgets aren't just about charts and graphs and cold figures on a sheet of paper. Budgets are about the hopes and aspirations of the American people and our core values. In my view, if the Senate passes the Robb amendment this morning, it will send a message to the millions of senior citizens and families across this country that their hope of prescription drug coverage under Medicare is a priority for the Senate.

If the Senate passes the Robb amendment, it will be a chance to build on the progress that was made on the prescription drug issue in the Budget Committee. I particularly thank my colleagues, Senator SNOWE and Senator SMITH. In the Budget Committee, we were able to lock in a hard figure of $40 billion to start this prescription drug program.

Just as important, in the Budget Committee, there is a stipulation that if the Finance Committee doesn't act on the prescription drug issue on or about September 1 of this year, it is possible for any Member of this Senate, without points of order, to come directly to the floor. So we have been able to register our commitment behind the urgency of prescription drug coverage for older people.

The Robb amendment recognizes that the revolution in modern health care has bypassed the Medicare program. Every major private sector player in the health care field understands that pharmaceuticals are essential because they help to keep people well. Medicare Part A, on the other hand, will pay thousands of dollars for senior citizens' hospital bills, but Medicare Part B will not pay for outpatient prescription drug coverage to help older people stay well.

So that is why this is so important to the American people, and the Robb amendment says to all of those senior citizens who are breaking their pills in half because they can't afford their medicine or taking two pills when they ought to be taking three, who ought to be taking a drug such as Lipitor to deal with cholesterol and blood pressure and can't afford it, we have heard that, we understand how important this coverage is to older people.

If we pass the Robb amendment, it will not be possible for Members of this body to get to the end of the session and then say, gee, there just wasn't time to deal with this issue that is so important to seniors and families.

This amendment is critical to the hopes and aspirations of the American people. They are asking that prescription drug coverage be added to this program.

I yield the floor.

Ms. MIKULSKI. Mr. President, I rise on an issue of critical importance to seniors in Maryland and across the United States. That issue is the need for Medicare coverage of prescription drugs.

''Honor your father and mother'' is not only a good commandment to live by, it is a good public policy to govern by. It should be a priority not only in the federal law books, but in the federal checkbook. And I believe that providing a Medicare drug benefit is a perfect way of honoring our fathers and mothers. That is why I'm proud to stand in support of Senator ROBB's amendment, which says that a Medicare drug benefit is more important than tax cuts.

The Medicare Program has been a tremendous success story. It has reduced poverty among the elderly by almost two-thirds since it was created in 1965. But the world has changed in the last 35 years. In 1965, people feared the costs of hospitalization. One major illness, which years ago often resulted in a hospital stay of several weeks or even months, could bankrupt many families. Today, people fear the costs of chronic care. They need help with the costs of prescription drugs that control chronic conditions and keep people out of the hospital. Many of these life-saving medicines are the result of American medical science and breakthroughs made in this country. I feel very strongly that all Americans should have access to those breakthroughs. We must act now to ensure that they do.

In my home state of Maryland, almost 560,000 seniors rely on Medicare. That number is likely to increase to more than 1 million people by the year 2025. Unfortunately, 3 in every 4 of those seniors does not have decent, dependable private sector drug coverage today. At least one-third don't have any drug coverage at all, and their options for getting coverage are limited. Joining a Medicare HMO is an option for some, but not for seniors in the 17 rural counties of my state. And the other alternative, which is buying a Medigap policy, is expensive. The monthly premium for a policy with drug benefits averages about $136 nationwide, which means that Medigap policies are out of reach for many.

One of the most important things I do as a United States Senator is listen to the people and the stories of their lives. And the problems people are having getting the drugs they need is something I've heard a lot about lately. In the last 6 months, I've gotten more than 200 letters and literally thousands of telephone calls from seniors and their families about the hardships that the high cost of prescription drugs and lack of insurance coverage are causing them. For example, an 84 year old woman from the Eastern Shore who is blind and has diabetes told me that she takes 11 medicines every day and is spending $275 of her $800 monthly income on prescription drugs. The son of a 91 year old woman wrote me to say that his mother spends one-third of her income on her medications, and often takes her daily medicine every other day to make it last longer. This is simply unacceptable. Prescription medicines are now an essential part of modern medicine, and are an essential thread that must be woven into the safety net for seniors.

Thanks to the leadership of Senator DASCHLE, Senate Democrats have come together to agree on basic principles that should serve as a blueprint for action. We have agreed that a Medicare drug benefit should be:

1. Voluntary: Medicare beneficiaries who now have dependable, affordable prescription drug coverage should be able to stick with what they've got.

2. Accessible: A hallmark of Medicare is that all beneficiaries have access to dependable health care. The same should hold true of a prescription drug benefit.

3. Meaningful: A Medicare drug benefit should make a difference in the lives of seniors by helping protect them from excessive out-of-pocket costs.

4. Affordable: The benefit should be affordable both for beneficiaries and for the Medicare program. Medicare should contribute enough toward the prescription drug premium to make it affordable and attractive for all beneficiaries and to ensure the viability of the benefit. Low-income beneficiaries should receive extra help with prescription drug premiums and cost sharing.

This amendment simply says that we must provide a Medicare prescription drug benefit before we provide tax cuts. And I think that shows that we've got our priorities in the right order. The constituents who have written and called me to ask why they or their parents can't get the medicines they need don't want to hear about a tax cut. They want to hear that Medicare covers prescription drugs. That's why I will continue to fight to make access to prescription medicines a reality for seniors in Maryland and across the nation, and why I urge my colleagues to join me in support of Senator ROBB's amendment. Thank you.

Mr. SARBANES. Mr. President, I rise in support of the pending Robb amendment to prevent the Majority from spending almost all of the non-Social Security surplus on tax breaks instead of prescription drug coverage for senior citizens.

Ensuring that older Americans have access to prescription drugs should be one of our top priorities, but the Majority is clearly more interested in enacting deep and unwarranted tax cuts. The Majority's FY 2001 Budget Resolution includes a deadline for consideration of their tax cut plan, but no date is set for establishing a prescription drug benefit. With this amendment, we would clarify that funding a prescription drug benefit for Medicare beneficiaries will be given a higher priority than tax cuts that primarily benefit the wealthy.

Prescription medication is now essential to quality medical care, but many senior citizens cannot afford the medicine they need because Medicare does not cover the cost of prescription drugs. When Medicare was created, it was modeled after a health care delivery system focused on inpatient hospital care. Today, drugs are as important as a hospital bed was in 1965, but over 13 million seniors have absolutely no assistance covering the cost of prescription medication. Medicare must be updated to include a prescription drug benefit.

Seniors need prescription drug coverage more than the average citizen because they generally live on fixed incomes and suffer from chronic diseases requiring drug therapy. To make matters worse, the cost of prescription drugs has been rising dramatically over the past few years. In addition, older Americans without any prescription drug coverage pay significantly more than HMOs, insurance companies, Federal health programs, and other favored customers for the same pharmaceuticals.

Currently, seniors can obtain some coverage for drugs by joining Medicare HMOs. But, these HMOs are not available in many parts of the country, particularly in the rural areas. Moreover, Medicare HMOs are sharply cutting back on the drug benefits they offer.

Medicare beneficiaries may also purchase drug coverage through Medigap insurance policies. However, these plans are extremely expensive and generally provide inadequate coverage. In addition, for most Medigap plans, the premiums substantially increase with age. Thus, just as beneficiaries need drug coverage the most and are least able to afford it, this drug coverage is priced out of reach. This cost burden particularly affects women who make up 73 percent of people over age 85.

Employer-sponsored retiree health plans generally offer adequate drug coverage. However, only about one quarter of Medicare beneficiaries have access to such plans. In addition, health care coverage for retirees is declining dramatically. According to a recent study, only 23 percent of Maryland firms now offer retiree health insurance.

During the Budget Committee's mark-up of the Majority's budget resolution, I supported an amendment to make $40 billion available for a prescription drug benefit. This amendment, which was adopted, will hopefully inspire action on this issue during the remaining months of this Congress. But, in the meantime, we must ensure that there will be funds available for this benefit by preventing the Majority's unreasonable tax cut plan from consuming the entire on-budget surplus first.

I urge my colleagues to take this opportunity to address one of the most widespread problems facing older Americans today by guaranteeing our seniors access to prescription medications instead of squandering the on-budget surplus on excessive tax cuts.

Mr. ROCKEFELLER. Mr. President, I rise in strong support of Senator ROBB's amendment to insist that tax cuts do not take priority over ensuring that tens of millions of seniors receive affordable outpatient prescription drug coverage.

This is a commonsense amendment about priorities. If we have hundreds of billions of dollars in the next several years to spend on tax reductions that will primarily benefit the wealthiest Americans—and that's what my Republican colleagues are saying when they voted for $250 billion over 5 years in tax cuts for some married people just last week—then we should certainly enact a meaningful Medicare out-patient drug benefit first. It's important to note that when it comes to tax cuts for married people, the Republican proposal doesn't even focus on eliminating the marriage penalty, but rather, gives large bonuses to only certain upper-income married couples. The cost of the Senate Finance marriage bonus proposal explodes in the out years. And yet, when it comes to finding a way to offer Medicare beneficiaries a prescription drug benefit there are all kinds of ifs and conditions.

Senator ROBB is right to say let's do first things first. I urge my colleagues to vote for his amendment that makes a statement about our order of priority. I know too many West Virginia seniors who too frequently go without food, or heat, or other necessities because they are forced to make the terrible choice between the drugs they need and other necessities of life. This is just plain wrong. We should provide all Medicare beneficiaries with a health care benefit that meets their needs. It is ludicrous that the Medicare program doesn't currently offer this critical component of health care today. We should change that, and we have the resources to do it this year. We have the resources if we don't fritter them away by picking favored constituencies for special tax breaks.

Let's look at the facts about how the Republican budget treats tax cuts and how it treats the real hope of many Americans that we will find a way to provide a Medicare outpatient prescription drug benefit. The Republican budget's statement of purpose is to provide $150 billion in tax cuts over 5 years. It provides the money to the Senate Finance Committee to do it. It is a certainty. It will have the protection of reconciliation.

The Republican budget resolution on Medicare prescription drugs does nothing more than suspend existing budget rules to allow for a Medicare drug benefit should the Senate meet its moral responsibility to provide one. It doesn't say do it. It says you can do it. It includes only a $20 billion placeholder to finance a drug benefit. Most people agree that won't be sufficient to offer a decent drug benefit to all Medicare beneficiaries. Moreover, the Republican budget resolution puts a 3-year time limit on a possible Medicare drug benefit—with absolutely no guarantee that the benefit would be continued after 2005. The Republican budget resolution also conditions 2004 and 2005 funding of a possible Medicare drug benefit on Medicare reform. Congress clearly has not reached any consensus on how to approach Medicare reform.

Mr. President, we have a unique window of opportunity to do something good for millions of seniors and disabled Americans. I strongly urge my colleagues to do what is right and vote for the Robb amendment to provide prescription drug coverage to Medicare.

Mr. LAUTENBERG. Mr. President, I support the Robb second-degree amendment to help ensure that Congress acts this year to provide a real prescription drug benefit for seniors.

Mr. President, prescription drugs are a vital part of health care in this country. In fact, senior citizens spend more of their own money on prescription drugs than on any other health care item. If Medicare were enacted today, it would be unthinkable to create a benefit package that did not include prescription drugs.

The resolution before us claims to provide $40 billion for a drug benefit through a reserve fund for Medicare. But there are no reconciliation instructions to make sure that the Congress actually acts—unlike the tax breaks, which the Finance Committee is required to produce.

Mr. President, this amendment ensures that Congress really will act on prescription drugs, by requiring that such legislation be enacted before we take up any tax cut. This makes sure that we keep our priorities straight. And that we won't give tax breaks for

the wealthy a higher priority than life-saving drugs for seniors.

Why is it so important that we move on prescription drug legislation this year? Unfortunately, three of every four Medicare beneficiaries lack decent, dependable coverage for prescription drugs. At least a third of those people have no drug coverage at all.

And we're not talking about wealthy people here. Fifty-four percent of the people on Medicare without drug coverage earn about $17,000 a year. Most of those people can't afford to pay the high premiums for Medigap coverage.

We just can't justify a health care system that forces elderly Americans to choose between paying for food and paying for medicine. And that's what's happening today.

Unfortunately, Congress thus far has failed to act to address the need for prescription drugs. And I'm afraid that if we don't force the issue forward, it will continue to languish.

Mr. President, let me be clear. I support targeted tax cuts focused on the real needs of middle class families. But I'm not for moving forward use drain projected surpluses until we've provided seniors with the drugs that could preserve their health, or even save their lives.

In my view, before we approve any of these tax cuts, we should do first things first, and pass legislation to provide prescription drugs to seniors. It's simply a question of priorities.

So, Mr. President, I congratulate my colleague, Senator ROBB, for his leadership on this issue, and I urge support of his amendment.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, parliamentary inquiry: How much time remains?

The PRESIDING OFFICER. Four and one-half minutes.

Mr. LAUTENBERG. I will take a minute and a half, and then yield to my colleague on the Republican side.

Very simply, I fully support this Robb second-degree amendment. We want to be sure that Congress acts this year to provide a real prescription drug benefit for seniors. Senator ROBB offered an amendment that very specifically does that. The only problem we have that I am concerned about is there are no reconciliation instructions. That doesn't ensure that Congress will act to put this very important benefit in place.

Having graduated to that status of senior citizen, I can tell you this: When I talk to people in that group, the most important and worrisome thing they have in front of them is whether or not they are going to be able to afford the drugs, not only to keep them healthy but also to provide a decent lifestyle.

I commend the Senator from Virginia for having developed this amendment because he knows this is the most critical issue right now affecting the senior citizens beyond having to preserve Social Security and Medicare.

I yield the time remaining to my friend from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I thank Senator LAUTENBERG. I yield myself 2 minutes and yield the remainder of the time to the Senator from Texas. We have 3½ minutes. Is that correct?

The PRESIDING OFFICER. The only time left is under the control of——

Mr. DOMENICI. He yielded his time. What is the ruling of the Chair? Do we have time or not?

The PRESIDING OFFICER. The Senator from New Jersey has yielded to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I will be very brief.

This amendment has very little to do with Medicare. The budget resolution takes care of Medicare, thanks to a bipartisan understanding.

I call to the attention of millions of newly married couples and all of the married couples who are filing tax returns this year that this amendment says you can't have the marriage tax penalty that Senator HUTCHISON recommends on the floor of the Senate, for the adoption of this amendment in the name of not having any tax cuts knocks out the marriage tax penalty provision. I don't think that is what Americans want.

Speaking about what Americans want, they want us to get rid of the marriage tax penalty and get rid of it quick. If you adopt this amendment, that is gone. All of Senator HUTCHISON's work in trying to get us to vote on this is out the window because we will have decided that is not in order. The Senator's amendment will not be in order. Reconciliation cannot include her marriage tax penalty. That is the issue.

I believe the Senate will overwhelmingly support Senator HUTCHISON and deny Senator ROBB because there is already Medicare in this budget resolution—$40 billion worth. Democrats crowed on how good it is and all of a sudden went to the White House and invented a new thing.

We have taken care of Medicare in this budget resolution.

I yield the remainder of my time to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, the Senator from New Mexico is absolutely right. We are going to take care of Medicare. We are going to have reform that includes prescription drugs of some kind. But we are saying a good idea is in the wrong place, and it is going to absolutely eliminate the ability for us to correct a huge inequity in the Tax Code. This is not a tax cut. It is a tax correction. Twenty-one million American couples pay an average of $1,400 extra just because they got married. A policeman and a schoolteacher get married and owe $1,000 more in taxes. This is wrong.

We must go on record saying that we are not going to tolerate it for one more minute. The Robb amendment eliminates our ability to do that. We cannot allow the Robb amendment to vitiate all the efforts that we have made to correct the marriage penalty tax in this country. We will deal with prescription drugs. We will deal with Medicare. We are committed to doing that, and we are committed to doing it in this budget.

Thank you, Mr. President.

I urge rejection of the Robb amendment and the passage of the Hutchison-Ashcroft amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, the Robb amendment is not germane to the provisions of the budget resolution. I therefore raise a point of order against the amendment under section 305 (b)(2) of the Budget Act.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the pending amendment, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to waive the Congressional Budget Act in relation to amendment No. 2915 to amendment No. 2914. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mr. HUTCHINSON). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 51, nays 49, as follows:

[Rollcall Vote No. 52 Leg.]

YEAS—51

Abraham	Dorgan	Leahy
Akaka	Durbin	Levin
Baucus	Edwards	Lieberman
Bayh	Feingold	Lincoln
Biden	Feinstein	Mikulski
Bingaman	Fitzgerald	Moynihan
Boxer	Graham	Murray
Breaux	Harkin	Reed
Bryan	Hollings	Reid
Burns	Inouye	Robb
Byrd	Johnson	Rockefeller
Chafee, L.	Kennedy	Sarbanes
Cleland	Kerrey	Schumer
Conrad	Kerry	Specter
Daschle	Kohl	Torricelli
DeWine	Landrieu	Wellstone
Dodd	Lautenberg	Wyden

NAYS—49

Allard	Bunning	Craig
Ashcroft	Campbell	Crapo
Bennett	Cochran	Domenici
Bond	Collins	Enzi
Brownback	Coverdell	Frist

Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the next vote in this series be limited to 10 minutes.

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

VOTE ON AMENDMENT NO. 2914

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2914.

Mrs. HUTCHISON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 99, nays 1, as follows:

[Rollcall Vote No. 53 Leg.]

YEAS—99

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—1

Voinovich

The amendment (No. 2914) was agreed to.

Mr. DOMENICI. Mr. President, I ask unanimous consent that Senators ABRAHAM and LEVIN be recognized as in morning business for up to 10 minutes to discuss a resolution relating to the NCAA tournament and that that time be counted towards the remaining time on the budget.

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

The Senator from Michigan.

Mr. DOMENICI. Before the Senator proceeds, on the next amendment, Senator BINGAMAN's amendment, I ask unanimous consent that the last 2 minutes we have on our hour be reserved out of our overall time on that amendment.

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Michigan.

CONGRATULATING MICHIGAN STATE UNIVERSITY MEN'S BASKETBALL TEAM

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 281 submitted earlier by Senator LEVIN and myself.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 281) to congratulate the Michigan State University Men's Basketball Team on winning the 2000 National Collegiate Athletic Association Men's Basketball Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 281) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 281

Whereas the Michigan State Spartans were Big Ten Conference regular season co-champions, and were winners of the Big Ten Conference Tournament, and, with a 26–7 record, earned a number one seed in the Midwest region of the 1999–2000 N.C.A.A. Tournament;

Whereas the Michigan State Spartans proved their dominance over the Midwest Region in reaching the Final Four, defeating Valparaiso 65–38, Utah 73–61, Syracuse 75–58, and Iowa State 75–64;

Whereas in winning the Midwest Region the Michigan State Spartans reached the Men's Final Four for the second year in a row, last year losing to the Duke University Blue Devils in the semifinals;

Whereas the Michigan State Spartans vowed after that loss to return to the Final Four in 1999–2000, and to settle for nothing less than the ultimate prize;

Whereas the Michigan State Spartans moved one step closer to their goal when they defeated the University of Wisconsin Badgers 53–41 for the fourth time of the 1999–2000 season to reach the championship game;

Whereas in that game, the Michigan State Spartans, with an entire team effort that demonstrated why college athletics are so special, defeated the University of Florida Gators 89–76 on April 3, 2000, and won the N.C.A.A. Men's Basketball Championship for the second time in the history of the program;

Whereas Coach Tom Izzo, who hails from Iron Mountain, Michigan, in only his fifth year coaching the team, has proven himself to be one of the finest coaches in Men's College Basketball, and he and his staff instilled into the Spartans a will to win second to none, exemplified by their cutthroat defense, which suffocated many potent offenses throughout the season, and particularly in the second half of N.C.A.A. Tournament games;

Whereas Mateen Cleaves, Morris Peterson, and A.J. Granger, three seniors who have been playing together for four years and who ended their collegiate careers with a win, spurred this team to victory throughout the year, Mr. Cleaves with his incredible leadership, Mr. Peterson with his clutch shooting, and Mr. Granger with his consistent long marksmanship;

Whereas Mateen Cleaves, Morris Peterson, and Charlie Bell, three individuals who hail from Flint, Michigan, and have thus been given the nickname "The Flintstones," have been playing together since elementary school, and whose comradeship and loyalty to one another carried out onto the floor, and made the Spartans team a family off the floor as well;

Whereas Mateen Cleaves, the fearless captain of the team and the all-time assist leader in the Big Ten's history, who led not only with words but also with the example he set, who returned to the championship game after sustaining a high ankle sprain to his right leg, led his team to the title and, like a true champion, made good on his word;

Whereas Morris Peterson, named the Big Ten Conference Player of the Year, saved the Michigan State Spartans from the clutches of defeat many times this season, and particularly in the tournament, with his laser-like shooting and stingy defense;

Whereas Charlie Bell, perhaps the best rebounding guard in the nation, also led the team with his quickness, tireless defense effort, and athleticism, and who will be counted upon for his leadership next year;

Whereas A.J. Granger, displayed his awesome variety of offensive skills in both assisting on, and hitting, several big shots when the Spartans needed them most;

Whereas Andre Hutson, the man in the middle, who was often called on to shut down the opposing team's top player, particularly in the 1999–2000 tournament, handled his job with a workmanlike skill that defined professionalism, and in doing so provided the Spartans with the whole package the entire year;

Whereas Mike Chappell, Jason Richardson, and Aloysius Anagonye, provided the Spartans with quality minutes off the bench all year, and particularly in the championship game, where they held their own against the vaunted Florida bench;

Whereas David Thomas and Adam Ballinger, provided valuable contributions throughout the season and the tournament, both on and off the court, often providing the Spartans with the lift they needed; and

Whereas the contributions of Steve Cherry, Mat Ishbia and Brandon Smith, both on the court and in practice, demonstrated the total devotion of the Spartans players to the team concept that made the Spartans into the most dominating college basketball team of the new millennium: Now, therefore, be it

Resolved, That the United States Senate congratulates the Michigan State University Men's Basketball Team on winning the 1999–2000 National Collegiate Athletic Association Men's Basketball Championship.

Mr. ABRAHAM. Mr. President, I will speak briefly about the resolution. I know my colleague, Senator LEVIN, will as well.

We rise together today to offer this resolution and to congratulate the Michigan State University Spartans men's basketball team for their outstanding victory in the NCAA championships which took place Monday night.

As a graduate of Michigan State, I am proud of the skill and dedication shown by our Spartans as they defeated the Florida Gators by a score of 89–76.

This was a well-earned victory and the culmination of a splendid season. Their 32–7 record is a sign of hard practice, teamwork and an overwhelming desire to excel.

It also is the result of a long history of dedication to success on the court. Mateen Cleaves, Morris Peterson, and A.J. Granger, three seniors who have been playing together for four years, spurred this team to victory throughout the year. Mateen with his incredible leadership. Morris with his clutch shooting. And A.J. with his consistent long marksmanship.

Mateen Cleaves, Morris Peterson, and Charlie Bell, all hail from Flint, Michigan. As a result, thousands of fans know them by their nickname, "The Flintstones." These three players have been playing basketball together since elementary school. Their comradeship and loyalty to one another carried out onto the floor throughout the season, and made the Spartans team a family off the floor as well.

Andre Hutson, the man in the middle, was often called on to shut down the teams top player, particularly in the 1999–2000 tournament. He handled his job with a workmanlike approach that defined professionalism.

Mike Chappell, Jason Richardson, and Aloysius Anagonye, each provided the Spartans with quality minutes off the bench all year, and particularly in the championship game, where they held their own against the vaunted Florida bench.

David Thomas and Adam Ballinger, provided valuable contributions throughout the season and the tournament, both on and off the court, often providing the Spartans with the lift they needed. And Steve Cherry, Mat Ishbia, and Brandon Smith demonstrated the total devotion of the Spartans players to the team concept both on the court and in practice.

Finally, a special mention must go to Head Coach Tom Izzo, who hails from Iron Mountain, Michigan, and is in only his fifth year coaching the team. Coach Izzo has proven himself to be one of the finest coaches in men's college basketball. He and his staff instilled into the Spartans a will to win second to none, exemplified by their cutthroat defense, which suffocated many potent offenses throughout the season, and particularly in the second half N.C.A.A. Tournament games.

Coach Izzo has served as in inspiration to his team, and to young men throughout Michigan and the nation who share the spirit and excitement of the sport of basketball.

I acknowledge his and his family's contribution. In fact, I had the pleasure of attending high school with his wife, Lupe.

Mr. President, I had the opportunity to attend the championship game, and I want to compliment everyone associated with the Spartans for the courage and class they exhibited throughout the game, and during the entire season. Everyone in Michigan—from Copper Harbor to Monroe, to Niles—should be proud of what this team has accomplished.

In closing, let me say, as a graduate of Michigan State University and as one who attended Michigan State at a time when our basketball program was not as successful as it has been since Magic Johnson's arrival in 1978 and in the time since, how proud I am of my alma mater for this great victory for the Spartans green and white.

I yield the floor to my colleague.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I join Senator ABRAHAM in sponsoring this resolution which commends and recognizes the extraordinary successes of the Michigan State Spartans.

As we speak today, about 150,000 people are lining the parade route in Lansing, MI, after a rally at our capitol, to welcome home and cheer on our heroes.

College athletics is at best about more than winning. It is about hard work and determination and relying on teammates to overcome adversity. The Michigan State Spartans surely displayed all of those characteristics in their season-long drive to become the national champions.

Coming off a loss to Duke in the Final Four last year, many had picked MSU as this year's favorite to win the NCAA Tournament. However, when star point guard and former Big Ten Player of the Year Mateen Cleaves was sidelined with a stress fracture on his right foot early in the season, the hopes of a championship season seemed lost. But the Spartans never gave up. The rest of the team pulled together to play the first 13 games of the season without their emotional leader.

When Mateen returned to the basketball team, MSU went on to win their third straight Big Ten Championship, clinching the top seed in the Midwest region of the NCAA Tournament.

During the NCAA tournament the Spartans faced many challenges, winning come from behind victories against Utah, Syracuse, and Iowa State to reach the Final Four for the second straight year. After beating conference rival Wisconsin in the semifinals, the stage was set for Michigan State to take home their first National Championship title since Magic Johnson led the Spartans to victory over Indiana State in 1979.

Monday night the young Florida Gators played a great game, but their depth and energy didn't quite match the experience and determination of the Spartans. Mateen Cleaves led the team in scoring until five minutes into the second half when he was sent to the locker room with a sprained ankle. While many teams would have crumbled under the pressure of playing for the National Championship without their star player and floor leader, the Spartans came together like they have done all season long and their lead over the Gators grew. When the injured Cleaves came back onto the floor, limping up and down the court, his presence provided the emotional spark that the team needed to win by a final score of 89 to 76.

In today's sports world where, where many talented young players leave college early or don't go at all, and coaches skip from team to team it is refreshing to see the kind of dedication that these student athletes and their coach have shown. "The Flintstones"—seniors Mateen Cleaves and Morris Peterson, and junior Charlie Bell, have become heroes and role models to those from their hometown of Flint. Senior A.J. Granger's often unsung heroics have proved how much these Spartans value the success of the team over individual accolades. The full roster of that extraordinary team is as follows: Al Anagonye, Jason Andreas, Adam Ballinger, Charlie Bell, Mike Chappell, Steve Cherry, Mateen Cleaves, A.J. Granger, Lorenzo Guess, Andre Hutson, Matt Ishbia, Morris Peterson, Jason Richardson, Brandon Smith, David Thomas, and Adam Wolfe.

Coach Tom Izzo has spent his entire career in Michigan, including 12 years as an assistant under former Michigan State head coach, Jud Heathcote. They have set a wonderful example of what can happen when you are willing to combine patience, hard work, and dedication.

Those names belong in the CONGRESSIONAL RECORD. They are all being honored here for their teamwork, which produced a national champion.

Coach Tom Izzo has spent his entire career in Michigan, including 12 years as an assistant under former Michigan State head coach, Jud Heathcote. He and his assistants have set an extraordinary example of what can happen when you are willing to combine patience, hard work, and dedication. Indeed, the whole Michigan State family deserves credit because they truly represent, on and off the court, what we

frequently talk about—family values. They believe in family, both at home and on the court. They act as a family and they play as a family. We owe them our congratulations and our thanks for that as well.

There is going to be a long list of bands in that parade going down Michigan Avenue in a few minutes. Many of the high school teams from around the State will be there. They have been invited to march. One of the groups, though, that I want to make special mention of in closing is the band from Tom Izzo's hometown of Iron Mountain. Tom Izzo is an ''Upper,'' as we say; he comes from the UP. His heart has always been close to Michigan and Michigan State. He is originally from the UP. It is a special treat for him and for all of us that one of the bands marching down Michigan Avenue today will be indeed from his hometown of Iron Mountain.

We also pay tribute to the Florida Gators. It was an extraordinary game. They deserve an awful lot of credit for what they did to bring themselves to the finals. I am sure that in the future their heroics will again prove that they will go far in these NCAA tournaments. Hopefully, they will again get to the finals and, hopefully, again lose to a Michigan team.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the two Senators from Connecticut be permitted to speak as in morning business and that their comments be counted toward the remaining time on the budget.

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

Mr. DODD. Mr. President, this will take about 5 minutes.

CONGRATULATING THE WOMEN UCONN HUSKIES FOR THEIR NCAA NATIONAL BASKETBALL CHAMPIONSHIP

Mr. DODD. Mr. President, I am pleased to join my colleague from Connecticut. I appreciate the indulgence of the chairman while I digress for a couple of minutes.

My colleagues will understand that there is a sense of collective pride in the Nutmeg State among the Connecticut delegation over the success on Sunday night that brought the NCAA basketball championship home to Connecticut for the second time in 6 years. The women did a magnificent job. With all due respect to our colleagues from Tennessee, the Lady Vols and Pat Summit, the wonderful coach there, there has been a wonderful tradition and competition between these two schools. They have met twice this year—a split decision. The University of Connecticut won its game against Tennessee in Tennessee, and only a few weeks later Tennessee brought its team to Connecticut, and they won on our home court. So the final game was sort of a rubber match between these two very fine programs, wonderfully coached and well-staffed teams, with magnificent players.

Senator LIEBERMAN and I feel a sense of pride, obviously, as our colleagues would appreciate, that the women's basketball team at UConn capped a dominating 36–1 season in which they began the season ranked No. 1, and they ran through the entire season ranked No. 1, and now finished ranked No. 1 and national champs, with a decisive victory of 71–52.

All of the years have been memorable for a team which has now recorded 14 consecutive winning seasons and 12 consecutive NCAA tournament appearances, including the landmark 1994–95 championship season in which the UConn women never lost a game, and this season in which they only lost one—a loss avenged on Sunday when they beat Tennessee in the final tournament game, having lost to them in our home court.

This second national title only seals the legacy of the UConn women's basketball program as one of the best programs of the 1990s. So it is appropriate that they mark the turn of the millennium with this victory. For Shea Ralph, the tireless team leader, and the Final Four's Most Outstanding Player, the triumph was even sweeter. She returned to play this year after spending last season on the sidelines with her second knee injury in 2 years. Her dedication reflects the spirit of this entire team. All who watched the tenacity and determination with which she played will certainly agree with those statements.

What stands out about these women is their ability to accomplish just as much off the court. Ten players since the 91–92 season have made the school's dean's list, and UConn boasts a 100-percent graduation rate for recruited student athletes. Every recruited freshman who has played for Head Coach Geno Auriemma at Connecticut and completed her eligibility has obtained her undergraduate degree.

Since Coach Auriemma arrived on campus in Storrs in 1985, when the team had seen only one winning season, he has compiled 393 wins and the third highest winning percentage among active Division I coaches: nine Big East regular season titles, eight Big East tournament championships, and two NCAA national championships. Coach Auriemma has again been named National Coach of the Year—for the third time in his career—and has been honored three times, as well, as the Big East Conference Coach of the Year.

Mr. President, as a fan myself, along with my friend and colleague, Senator LIEBERMAN, we want to take a moment to voice the importance of this team to the State of Connecticut. The Connecticut Huskies have ranked No. 1 in the Nation in home attendance for the past 6 years, attracting close to 1 million fans at UConn's Gampel Pavilion. This kind of support is exciting, especially in a State surrounded with talented pro sports teams, but with very few of its own.

This team has reinforced the importance of women's athletics at the collegiate level—including issues such as title IX—and whether it is Connecticut or Tennessee or another worthy team, I am pleased to see such a high level of attention and excitement nationwide for women's college athletics, and particularly for basketball.

It was in 1995 when we last congratulated a national champion UConn women's team. The future of graduating players that year in the sport they grew up playing was limited to involvement in training or coaching at collegiate and high school levels. Today, we should all be proud of the fact that these champions may go on to follow their ''hoop dreams,'' if you will, and continue to inspire the dreams of others by playing basketball professionally.

I congratulate everybody involved in this great victory on a memorable tournament and season, including All-Americans Svetlana Abrosimova and Shea Ralph, as well as Sue Bird, Asjha Jones, Tamika Williams, Kelly Schumacher, Swin Cash, Marci Czel, Stacy Hansmeyer, and many other talented players; Coach Ariemma, Associate Head Coach Chris Dailey, and Assistant Coaches Tonya Cardoza and Jamelle Elliott.

Again, we look forward to a wonderful season next year. We welcome them to Washington, and invite our colleagues to meet them when they come here.

At the appropriate time, Senator LIEBERMAN and I will submit a resolution regarding this great success the other night.

I yield to my colleague from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague.

I am delighted in the midst of this debate on the budget, which sometimes lacks exhilaration, to interject, along with our friends from Michigan, a note of euphoria. This euphoria, of course, is of the basketball variety.

We are just days removed from the completion of that exhilarating spring spectacle we've come to know as March Madness—the National Collegiate Athletic Association Basketball Tournament. And here in the Nation's Capital, Senator DODD and I are very fortunate and proud to be establishing a spring rite of our own: coming to the floor on behalf of grateful fans across

Connecticut—and we would like to think admiring fans across America—to praise the incomparable University of Connecticut Huskies, last year's men's team and this year's women's team champions of the basketball world once more.

With this victory on Sunday night defeating archrival Tennessee 71 to 52, the women Huskies not only earned their second national championship in 5 years, they also managed to set a school record for wins with 36 and to overcome what was their only loss in an otherwise perfect season to a very good Tennessee Volunteer team.

As just one measure of the University of Connecticut's captivating run to the championship, four of the five players named to the All-Tournament team were Huskies, including the tournament's Most Valuable Player—the extraordinary and indomitable Shea Ralph.

In celebrating this tremendous achievement, we are particularly proud of our National Coach of the Year, Geno Auriemma, for whom victory served on Sunday night as something of a triumphant homecoming. Geno was raised in the steel mill town of Norristown on the outskirts of Philly by his parents who brought him and his family from their country of birth, which was Italy. He was accompanied to Sunday's game by his mother, Marsiella, who watched from the stands. And, as anybody who watched the game on television learned, she was holding a jar of holy water in her lap, which she sprinkled on Connecticut's players for good luck.

They responded by playing what I would have to call a divinely inspired game.

It was, if you saw the game, one of those occasions when everything seems to come together and go right. It was an extraordinary experience for those of us who are the fans of this team.

On Monday, as the dawn came, people across Connecticut bore witness to a spectacle that I think few fans of women athletics could have envisioned when Congress first passed title IX in 1972. Across the State, from Danbury to Dayville, from Stamford to Stonington, communities came together and exalted in the accomplishments of this great Huskies team, a celebration equal in intensity to the one sparked by the men's championship last year. The Hartford Courant thought so much of the Husky victory that it dedicated its entire front page to their win, and it says it in one word. Here is a great picture of our coach, Geno Auriemma, doing his impersonation of Alan Keyes in the mosh pit—in this case, the team holding our triumphant coach. The one word which expresses our attitude in Connecticut about this great team is ''euphoria.''

Huskymania, we have come to learn, is an equal opportunity experience. In the town of Storrs, the picturesque, wooded hamlet that the University of Connecticut students, faculty, and administrators call home, more than 5,000 people turned out Monday for a midday pep rally of appreciation at the Gampel Pavilion, where sellout crowds watched this great team work their magic all year long. As the celebration grew more and more boisterous and enthusiastic, it seemed hard to believe that this was the same part of our State that used to be called ''The Forgotten Corner,'' because these days, if you follow college basketball, it is an awfully hard place to forget.

The fact is, thanks to the Huskies, Storrs is home to the stars now. We like to think of it as the ''College Hoops Capital of America.''

Last year, when we came to the floor to celebrate the men's victory, I closed with an impersonation of a University of Connecticut cheerleader. I was advised by many people, including my dear friend and senior colleague, not to repeat this performance. But you know that I feel it would be unfair. So very briefly, U-C-O-N-N, UConn.

Thank you. I yield the floor.

Mr. DOMENICI. Mr. President, the last time I saw something like that was when Senator D'Amato did a tune.

Mr. LIEBERMAN. The Senator, let it be known, was one of my role models. I compliment him.

FISCAL YEAR 2001 BUDGET—Continued

AMENDMENT NO. 2926

(Purpose: To redirect $28.133 billion of risky tax schemes toward key education programs proven to increase student performance, including programs that ensure qualified teachers in every classroom; small classes where every child receives the attention needed; safe, modern schools; extra resources for schools with large numbers of poor children and resources to turn around failing schools and implement tough accountability systems; research-based early literacy programs; public school choice programs; and increased Pell grant funds for students needing financial assistance for college education)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico (Mr. BINGAMAN) for himself, Mr. KENNEDY, Mrs. MURRAY, Mr. DASCHLE, Mr. DODD, Mr. KERRY, and Mr. WELLSTONE, proposes an amendment numbered 2926.

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

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

The amendment is as follows:

On page 4, line 4, increase the amount by $1,930,000,000.

On page 4, line 5, increase the amount by $6,230,000,000.

On page 4, line 6, increase the amount by $5,480,000,000.

On page 4, line 7, increase the amount by $5,810,000,000.

On page 4, line 8, increase the amount by $6,940,000,000.

On page 4, line 13, increase the amount by $1,930,000,000.

On page 4, line 14, increase the amount by $6,230,000,000.

On page 4, line 15, increase the amount by $5,480,000,000.

On page 4, line 16, increase the amount by $5,810,000,000.

On page 4, line 17, increase the amount by $6,940,000,000.

On page 4, line 22, increase the amount by $5,640,000,000.

On page 4, line 23, increase the amount by $7,120,000,000.

On page 4, line 24, increase the amount by $6,470,000,000.

On page 4, line 25, increase the amount by $7,080,000,000.

On page 5, line 1, increase the amount by $8,420,000,000.

On page 5, line 7, increase the amount by $1,930,000,000.

On page 5, line 8, increase the amount by $6,230,000,000.

On page 5, line 9, increase the amount by $5,480,000,000.

On page 5, line 10, increase the amount by $5,810,000,000.

On page 5, line 11, increase the amount by $6,940,000,000.

On page 18, line 7, increase the amount by $5,640,000,000.

On page 18, line 8, increase the amount by $1,930,000,000.

On page 18, line 11, increase the amount by $7,120,000,000.

On page 18, line 12, increase the amount by $6,230,000,000.

On page 18, line 15, increase the amount by $6,470,000,000.

On page 18, line 16, increase the amount by $5,480,000,000.

On page 18, line 19, increase the amount by $7,080,000,000.

On page 18, line 20, increase the amount by $5,810,000,000.

On page 18, line 23, increase the amount by $8,420,000,000.

On page 18, line 24, increase the amount by $6,940,000,000.

On page 29, line 3, decrease the amount by $1,949,000,000.

On page 29, line 4, decrease the amount by $28,133,000,000.

Add new Section 105, as follows:

SEC. 105. RECONCILIATION OF REVENUE REDUCTIONS IN THE SENATE.

Not later than September 29, 2000, the Senate Committee on Finance shall report to the Senate a reconciliation bill proposing changes in laws within its jurisdiction necessary to reduce revenues by not more than $19,000,000 in fiscal year 2001 and $1,743,000,000 for the period of fiscal years 2001 through 2005.

Mr. REID. Mr. President, I yield to the Senator from New Mexico 15 minutes off the resolution.

The PRESIDING OFFICER. The Senator is recognized for 15 minutes.

Mr. DOMENICI. Mr. President, I have to leave the floor for a while. I wanted to indicate that one-half hour of our hour in opposition is going to be yielded to the Senator from Texas. He will have half an hour.

I thank the Senator from New Mexico.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I am offering the amendment on behalf of myself, Senator KENNEDY, Senator MURRAY, Senator DODD, Senator KERRY, Senator DASCHLE, and Senator WELLSTONE, several of whom will speak.

It would increase the national investment in education over the committee's mark by $5.6 billion in budget authority in fiscal year 2001.

Let me put up a chart that shows the difference between our proposed amendment and the budget resolution. You can see that the budget resolution is $75 billion in 2001. Our amendment will raise that up to $80.64 billion.

It also would increase over a 5-year period the total amount devoted to education by $34.7 billion.

This second chart shows the comparison between the budget resolution that came to the floor and what this amendment would do.

In our view, this increase is essential if we are going to reflect the priorities of the American people. All of us know that the top priority of the people we represent is to see improvements in education and to see every child in this country given the opportunity to get a good education. Clearly, the decisions we make in this budget resolution will go a long way to determining whether that is possible or not.

The amendment I sent to the desk would use about 15 percent of the proposed Republican tax cut. It would reduce the tax cut by that 15 percent in order to guarantee sufficient funding for programs that have been proven to improve student performance in our public schools and to assist students seeking a postsecondary education.

What are those programs? That is the subject of our amendment. The amendment that we are proposing would seek to protect many such programs.

First, it seeks to protect a program to increase safety and decrease overcrowding in our schools by providing $1.3 billion in grants and loans for urgent repair of 5,000 public elementary and secondary schools in high-need areas and by leveraging $25 billion in interest-free bonds to help build and modernize 6,000 schools.

The amendment also demonstrates a national commitment to building and renovating our schools to make sure all children are able to study in safe, modern environments by setting aside $3.7 billion of the proposed tax cut, which is just 1.8 percent of the total tax cut, to back those interest-free bonds for school construction costs.

These programs I estimate would provide about $200 million in my home State of New Mexico where current estimates are that school repair and modernization needs exceed $1.8 billion. Many schools are overcrowded. Over 69 percent of our schools in my State report plumbing and electrical problems; 75 percent have problems with environmental factors such as lighting and heating.

Another program we guarantee funding in what we believe is a reasonable level is the afterschool programs. We expand existing afterschool programs so approximately 1.6 million more school-age children in over 6,000 new 21st century community learning centers have access to afterschool programs in safe and drug-free environments.

The amendment seeks to ensure an increase of $547 million in these programs. The estimate for my State would be about $5.3 million of the total amount. Also, in this amendment we support tough accountability standards for increasing the funding for title I accountability grants by $116 million over last year's level, to the level of $250 million. This is essential to accelerate efforts to turn around failing schools and to implement tough accountability systems.

Under current law, States in districts receiving funding under the title I program, which is every State and most school districts in the country, are required to monitor student and school performance on State assessments based on State standards. States and districts are required to take action if schools are failing. In committee, we strengthened the accountability system, but we did not strengthen it enough.

During the debate on the Elementary and Secondary Education Act, I hope to offer an amendment that strengthens it further. Nevertheless, no accountability system is going to prove effective without the resources to implement. Although most States have adopted statewide standards, they have not directed adequate resources to schools that are failing in order to meet those standards. Dedicated funds are necessary to develop improvement strategies which create rewards and penalties holding schools accountable for continuous improvement in their student performance.

The Federal Government directs over $8 billion in Federal funding to provide critical support programs for disadvantaged students under title I. However, the accountability provisions in title I have not been adequately implemented due to insufficient resources. The amendment we are offering today provides for this critical assistance and the strict accountability measures for improvement in student performance to turn around so-called failing schools.

My colleagues and I believe this amendment is necessary because the proposed budget we are now considering, if implemented, will make adequate increases in education spending virtually impossible. Several of my colleagues have already pointed out the proposed budget calls for at least $168 billion in tax cuts over 5 years; that is the largest tax cut ever proposed. These tax cuts, at a minimum, leave nothing in the budget surplus for education or for the other priorities so important to the American people.

Without cutting other programs or dipping into Social Security, this budget resolution causes Members to choose between tax cuts and education. Unless unrealistic cuts are made to noneducation programs, the Republican budget resolution disregards these and other national priorities and exhausts 98 percent of the total non-Social Security surplus on tax cuts over the next 5 years. The budget resolution only covers the next 5 years; over 10 years the tax cuts would cost substantially more than the projected non-Social Security surplus projected by the CBO.

While the Budget Committee's resolution provides increases for discretionary spending for defense, it cuts nondefense discretionary funds by $105 billion, or 6.5 percent over the next 5 years below the amount the Congressional Budget Office indicates is necessary to maintain current funding.

Mrs. BOXER. Will the Senator yield?

Mr. BINGAMAN. I am happy to yield to the Senator.

Mrs. BOXER. I say to the Senator from New Mexico, I am proud to be a sponsor of his amendment. The Senator goes to the heart of what our country's priority ought to be—frankly, what all of the Republicans and Democrats alike say our priority ought to be. When we look at numbers, we realize the Republican budget is going to be devastating to education.

I engage my friend in a question about afterschool programs. The Senator and I have worked hard in getting more funding for afterschool. Thanks to a lot of hard work in this Congress and with the Vice President's leadership, we have seen spending on afterschool programs go up to about $453 million in the year 2000. By the way, a few years ago it was $1 million; then it was $40 million. The need is tremendous.

The President is asking in his budget to accommodate the waiting list of children, which is more than one million children. He envisions spending $1 billion on afterschool programs to accommodate that wait. In the Republican budget, that number is cut by $547 million; it freezes the amount for afterschool.

I ask my friend, because he works so hard on the issue of school dropout rates and helping kids who need a hand, and he does so much work on gang violence prevention, does the Senator think this Republican budget is going to harm these million children? If we go with the President's numbers, they will be included in his programs.

Mr. BINGAMAN. I thank the Senator from California for the question.

My own view is there are a great many young people out there who want to be in these programs. There are a great many parents who want to have their children in these programs. Our estimate is that 1.6 million more of the students nationwide would be able to participate if we are able to succeed with this amendment and add the $547 million of additional funds that the President has requested. That is what we are trying to do. Clearly, it is a question of priorities. Where do people think this money should be spent?

My own view is these programs are extremely effective not only in improving children's performance but in keeping kids out of trouble. The drug problem is real. We all talk about the need to fight the drug problem. We are having a great discussion now in the newspapers about how much should be spent to deal with the drug problem by assisting the country of Colombia. I support doing something significant there.

Clearly, reducing demand through more attention to young people through afterschool programs is part of the solution.

Mrs. BOXER. I know the Senator is aware, but I want to underscore the incredible support afterschool programs have with the American people. Ask the American people, and 90 percent of them support safe afterschool programs for our children.

In addition, is the Senator aware that this is a top priority for law enforcement? Look at the FBI statistics. Juvenile crime occurs from the hour of 3 p.m., and it starts to go down around 6 o'clock or 7 p.m.

If my friend could answer that question, is he aware that this is a priority with the American people?

Again, I do agree with the Senator from California that this is a top priority with the American people and with much of law enforcement. I have had law enforcement officers in my State, police from local and State Police organizations, tell me they wish we would do more to deal with juvenile crime in these types of programs so they would not have to do so much afterwards, when crimes have been committed.

Mrs. BOXER. I thank the Senator.

Mr. BINGAMAN. Let me go ahead and complete the summary of this amendment, if I could.

First, I do recognize the Republican resolution, which we have on the floor, asserts a commitment to increase spending for a few important education programs. We support the committee's decision to commit to increased funding for IDEA and for Pell grants and some other elementary and secondary education programs. But we do not support pitting these programs against other critical programs. We believe the more prudent course would be to guarantee the level of funding required to protect the programs that have proven themselves in our efforts to reform schools and bring improvements in student performance.

Let me just go through this chart to try to clarify my understanding at least of the Republican budget resolution that is before us. The resolution asserts a $4.5 billion increase for mandatory and discretionary Department of Education programs. But when you try to figure out how that $4.5 billion is arrived at, the specific elements that are discussed at different parts of the budget add up to more than $4.5 billion. For example, there is $2.3 billion set aside for a new, mandatory performance bonus fund which is established.

The PRESIDING OFFICER (Mr. BURNS). The time of the Senator has expired.

Mr. BINGAMAN. Mr. President, I ask for an additional 8 minutes.

Mr. REID. I yield 8 minutes off the resolution.

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

Mr. BINGAMAN. When you look at this $2.3 billion the Budget Committee report sets aside for this new, mandatory performance bonus fund, that, of course, presumably, should come out of the total amount for education. I believe it does very explicitly. Therefore, when you subtract that, the resolution asserts a $2.2 billion increase for discretionary education programs. Given the size of the tax cut in relation to the non-Social Security surplus, this increase does not seem possible, as I mentioned before. But if we assume it is, it still falls short of covering the priorities specified in their own resolution.

The resolution earmarks, out of the $2.2 billion that remains after you subtract the $2.3 billion down here—$1 billion for IDEA, it sets aside $1.6 billion for increases in other elementary and secondary education programs, and it sets aside $700 million for the increase to raise the maximum Pell grant by $200. If you add the $700 million, the $1.6 billion, the $1 billion, and the $2.3 billion, you get $5.6 billion.

So the unfortunate reality is that there is no way to get it all done in the $4.5 billion that is permitted in the way of increases for education. Therefore, the $1.1 billion difference between the $5.6 billion and the $4.5 billion needs to be cut from other education programs in order to reach the specified increases.

Based on what is outlined in the committee-reported budget, Non-elementary and Secondary Education Act or IDEA education programs would have to be cut about 22 percent to meet the assumptions for education spending.

The funding for fiscal year 2001 for discretionary programs under the Republican proposal is $2.3 billion below what the President requested. If all discretionary education, training, and social programs in function 500 of the budget are considered, the resolution is $4.7 billion below the President's budget.

Our amendment would guarantee real dollars for targeted efforts, for programs that are known to improve student performance. The program would provide increases in funding that would allow for this $1 billion increase in IDEA. As I said before, we compliment the committee for agreeing to that. I believe that is very important.

Our amendment would also sustain our commitment to the student loan program and to the impact aid programs. The amendment would provide for a $400 increase in the maximum Pell grant rather than the $200 increase proposed by the President and contained in the committee report.

In addition, the amendment would guarantee increased investments in programs that we know are essential to educational reform, including those I mentioned before. Let me mention just a few more of those. There is a $1.5 billion increase in our proposed amendment for teacher quality programs. This is $1 billion over the President's proposal, so we can ensure every child is taught by a qualified instructor. Research shows that high-quality teachers are the single most important determinant of student learning.

This amendment increases resources for schools with high concentrations of poverty. Here we are talking about the title I program. We would propose to increase funding there by $1 billion, which, frankly, is not enough. During the Elementary and Secondary Education Act markup, which we concluded in the Health and Education Committee just the other day, our committee voted unanimously—all Democrats and all Republicans voted unanimously to increase the authorization for title I to $15 billion. I would like to work with my Republican colleagues to ensure we are at least on the path to meeting that goal. At the very least, we need to commit to make a substantial increase next year. All of us know the importance of title I funding. All of us give speeches about how important it is to adequately fund title I. Here is a chance to actually vote to do that.

The amendment we are offering continues our commitment to smaller classes, providing $1.75 billion to hire 100,000 teachers to reduce class size in the early grades. In addition, the amendment expands support for creating smaller learning communities in large schools.

This amendment makes college more affordable for many of our young people. As I mentioned before, we are increasing the maximum Pell grant by $400—we are proposing to do that. That would make postsecondary education accessible to 96,000 more recipients than currently have access. The amendment increases the GEAR UP

program and the TRIO Program so more disadvantaged children can be given the support they need to attend college. Under the amendment, students in my State would receive an additional $5 million in aid under the Pell Grant Program.

Let me just conclude by saying the public does want its schools fixed, even if that means somewhat less in the way of a tax cut. That is the issue before us. Should there be something in the range of a 15-percent reduction in the tax cut in order to adequately fund education in this budget? The budget resolution before us does not reflect the priorities of the American public. It flies in the face of what Americans say their priorities are in this robust economy. In survey after survey, American voters have not only told us education is the most important issue nationally, but they support action at the national level to improve our country's schools. This sentiment extends to the funding of education, just as it extends to other changes in our education.

So I believe this is very important. I believe this amendment will improve this budget resolution dramatically and will put it much more in line with the interests and priorities of the American people. I hope very much it will be agreed to by my colleagues.

I yield the floor and yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I am sure that anybody following this debate might get confused as to what the Democrats are for, but there is not any way on Earth they can fail to figure out what they are against. They are against a tax cut.

They are against eliminating the marriage penalty. They are perfectly willing to allow the Tax Code, which penalizes people who fall in love and get married, to stand.

They are opposed to repealing the death tax. They are perfectly willing to leave in place a Tax Code that says: You work your whole life to build up a family business or a family farm, you pay taxes on every dollar you earn, and when you die, your children still may be forced to sell off the business or sell off the farm to give the Federal Government another 55 percent of your life's work.

They are against those things, and in trying to kill the tax cut, they are for many other things.

As to education, there are a lot of reasons for which one can criticize this budget, but not spending enough money on education is simply not one of them. This budget provides $47.9 billion for the Department of Education, which is $600 million more than the President proposed. In fact, last year in our budget and in the appropriations process, we spent more money on education than the President proposed.

Unless we get carried away with euphoria and believe that spending a whole bunch of money on education is somehow going to change anything, that somehow having a smaller class size is going to improve performance—we have been lowering class size since 1965 and performance has been declining.

The real debate about education is about whether or not we ought to be the national school board in Congress or whether we ought to let the States decide how to spend this money. That is the real debate between Democrats and Republicans. Democrats believe we ought to have Congress say how the money is going to be spent, and Republicans believe we ought to let the States say how the money is going to be spent.

Mr. President, Senator DOMENICI yielded me 30 minutes to speak. I ask unanimous consent that the 30 minutes come off the resolution.

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

Mr. GRAMM. Mr. President, I want to talk about the evolution of this budget. I want to talk about the last 8 years of the Clinton administration and how we came to be where we are today with a balanced budget.

The one thing about history is everybody wants to rewrite it to suit themselves, but facts are persistent things.

What I want to do today is begin with the first budget President Clinton ever submitted to the Congress. I want to trace his budgets through Congress until we get to the last budget he will ever submit to Congress, which is the one we are considering today.

The objective is to basically try to get a clear picture of what has been proposed and what has been done.

When President Clinton took office, he sent to the Congress on February 17 of 1993 a budget entitled ''A Vision of Change for America.''

I have the budget in my hand today. Many people have made a great point about the fact that the President did impose the largest tax increase in American history, but the result of it was a balanced budget.

I begin by noting that on page 22 of the first budget President Clinton ever submitted to Congress, the deficit he started with was $319 billion. His first act as President, in addition to proposing the largest tax increase in American history, was to raise that deficit in 1993 from $319 billion to $332 billion. He did that by proposing that spending actually go up by more than his tax increase in the first year and, in fact, he proposed a stimulus package of $16.262 billion of brand new spending.

Some of my colleagues will remember the proposal was to spend this out of a projects book. We were able to defeat this proposal on the floor of the Senate, after it passed the House, by pointing out that in this projects book were such proposals as an ice skating warming hut in Connecticut and an alpine slide in Puerto Rico.

In the last budget that was adopted when the Democrats had a majority in Congress—and I have the conference report from that fiscal year 1995 budget, which was adopted on May 4 of 1994—that budget has on page 4 their deficit for fiscal year 1995 which, not counting the money that was being plundered from Social Security, was $239.5 billion. It was projected to rise in 1996 to $253 billion, in 1997 to $278 billion, in 1998 to $281 billion, and finally, the fiscal year 1999 deficit they were projecting in the last budget when the Democrats controlled Congress was going to be $300.7 billion.

When the American people looked at those numbers and looked at the Clinton health care bill which proposed having the Government take over and run the health care system, they elected a Republican majority.

When the Republican majority showed up in January of 1995, it was greeted by the President's fiscal year 1996 budget. This was a budget that Bill Clinton sent to the Republican Congress in February 1995. Actually he began to write it in large part before he knew there would be a Republican Congress. That budget proposed in January of 1995 that we adopt a budget that had a deficit of $203 billion, and it proposed in the year 2000 that the deficit would be $194.4 billion. This was the budget that Bill Clinton submitted to the new Republican Congress.

In 1995, Bill Clinton was asked on many occasions, because the Republican Congress started talking about balancing the budget, when he thought we could balance the budget. He had many different answers. This is what he said in 1995: How many years will it take to balance the budget? He said: Nine years.

Then he was asked the question again, and he said: Well, 10 years.

Then he said 8 years.

Then he said 9 years.

Then he said 7 years.

Then he said 7 to 9 years.

Then he said 7 years.

Then he said 9 years.

And then he said 10 years.

These are all statements that President Clinton made in 1995 when Republicans on the floor of the House and on the floor of the Senate, for the first time in the modern era, were talking about balancing the Federal budget.

He was saying: Yes, we might balance the budget. We could balance it 4 years after I leave office; 5 years after I leave office; 3 years after I leave office. But he never, ever proposed that we balance the budget while he was President. Nor did he ever submit any budgets that would require it, until it had already been accomplished.

What happened to the deficit? When Congress arrived in January of 1995,

this was the Clinton budget proposal as it related to the deficit: Basically, it was a $200 billion deficit that went on forever. The American people in 1994 elected a Republican majority in Congress, and it took office in 1995. I ask the people to look at what happened to the deficit under a Republican Congress. The deficit fell very rapidly, and by 1998 we had a balanced Federal budget.

Let me, if I might, make the following point, and do it in taking the President's new budget. First of all, there is one thing that is totally consistent in every Clinton budget. For 8 years, he has submitted budgets, and in every year they have had one thing in common: massive increases in nondefense discretionary spending.

Mr. REID. I apologize to my friend from Texas, but I want to say this. I stepped off the floor to take a phone call. In my absence, there was a request to take 30 minutes off the resolution. I am very upset about that. There was an agreement made, before we left, with the manager of the bill, that 30 minutes would be taken from your side. I ask unanimous consent——

Mr. DOMENICI. Taken from the amendment.

Mr. REID. That is right. I ask unanimous consent that the original unanimous consent agreement be reestablished.

Mr. GRAMM. Reserving the right to object, and I will not object. I was passed a note saying, given the makeup of time, that it would be helpful if I would ask for 30 minutes off the resolution. I made that request. If the Senator objects to it, I will be glad to withdraw it.

Mr. REID. I will just say this. I appreciate very much the Senator from Texas.

I also say this, I am not going to leave the floor anymore. I will be here all day.

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

Mr. DOMENICI. Mr. President, might I suggest, I think this is the right decision. We had an agreement. I left the floor and he left the floor. This time should come off the amendment.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. I was not a party to the agreement. I really did not know the details of the agreement. I was simply trying to accommodate other people who wanted to debate the amendment. I did not get an opportunity yesterday, because I was working on a lot of other things, to talk about the budget itself. Normally I resent deals that I am not part of, but in this case I would be happy to try to comply with it.

The point I wish to make, in concluding, in looking at the 8 years of the Clinton budget, is that on one point they are totally consistent; and that point is, they always proposed dramatic increases in nondefense discretionary spending. It is an interesting paradox that in the first budget that President Clinton ever proposed, his first proposal was to increase nondefense discretionary by 12.5 percent. We rejected it when we rejected his stimulus package. In the last budget that he will ever propose, remarkably, he proposes to increase nondefense discretionary by 12.5 percent, which brings me to my final point on the budget.

Increasingly, we are hearing from our Democrat colleagues, and we are hearing, in fact, from the President and from the Vice President, that somehow our effort to let working people keep more of what they earn is risky, that somehow repealing the marriage penalty is risky, that somehow repealing the death tax is risky. I guess they say it is risky because that is money that we are giving back to the American people.

But I would ask my colleagues to understand and remember that if you take last year's budget, and you take President Clinton's proposal for this year's budget, he is proposing an increase in spending over the 5 years—from 2002 to 2006—he is proposing new spending of $494 billion. That is brand new spending in this budget. Some 80 new programs in this budget would be funded at a level of $494 billion above the level we are spending now.

So what President Clinton is saying, what Vice President GORE is saying, what our Democrat colleagues are saying, is, let us start 80 new programs and let us spend $494 billion.

It is interesting. My Governor, who has been criticized by the President and the Vice President, and many of our Democrat colleagues, said: No. Let's take $483 billion and give it back to working Americans by repealing things such as the marriage penalty and by repealing things such as the death tax.

Here is what I do not understand. Why is it risky to give $483 billion of non-Social Security surplus back to working families but it is not risky to spend $494 billion on some 80 new programs? Why is it risky to let the American families spend the money and why is it not risky to let the Government spend the money? Do our Democrat colleagues believe that the Government can spend this money better than the family can spend it? Does anybody believe that if we have a crisis that we will really go back and eliminate these 80 programs and get the $494 billion back? If we did, it would make history because we have not done it. There have been numerous occasions that Congress has raised taxes after giving a tax cut.

I simply repeat the point that gets lost in all this political rhetoric, with all the talk about debt reduction: You have to go back to when Jimmy Carter was President to find a budget that spends as much money as does the new Clinton budget. It spends $494 billion on new programs over the next 5 years. That is more money than anyone has talked about in terms of tax cuts. Why is it risky to give the money back to working people and not risky to have Government spend it? That is the unanswered question in this whole debate.

Let me conclude by making two additional points. We have had a lot of amendments on Medicare. The President is talking about Medicare. I want to remind my colleagues that five Members of the Senate and 12 other Americans who had some knowledge of Medicare and health care in general were appointed to a bipartisan commission where President Clinton appointed four of the members; the leadership of both Houses appointed six members each; and they jointly appointed a Chairman, Senator JOHN BREAUX.

With all this talk about Medicare, we had an emerging consensus in the Breaux commission that would have reformed Medicare and would have provided prescription drugs to Americans who had a modest income and had a difficult time paying for their pharmaceutical benefits.

We would have done it in the context of reform, where we did not jeopardize other Medicare benefits, where we did not jeopardize the pharmaceutical coverage that other Americans had who had the ability to pay for it; but we had a responsible, bipartisan reform program, and we provided pharmaceuticals for seniors who needed the help. Help those who need the help; do not destroy the coverage of those who already have it—roughly 65 percent of all seniors—and do not jeopardize the future of Medicare. It was a pretty good proposal.

What happened to the Breaux commission report? It failed by one vote because every single appointee of President Clinton voted no. So while we have all this rhetoric today about Medicare, I think it is important to remember that the Medicare commission failed by one vote to reach a consensus, and four of the ''no'' votes were by the four people the President appointed. At some point, I would like to get that commission back together to try again to come up with a bipartisan solution.

A final point, and then I will yield the floor.

What we have shown on this chart is the history of spending on nondefense discretionary spending. This is money that we are not required by law to spend on things such as Medicare and Social Security. These are discretionary programs. And we are not talking about defense. We are talking about nondefense programs.

What this shows is, over the last 5 years we have done a relatively good job of controlling spending.

The President has consistently urged us to start massive new spending sprees, but we have refused to do that over the 5-year period.

One of the reasons this budget has been difficult to write is that in looking at the last 5 years individually, in 1996, when we had just elected a Republican majority, we actually were able to reduce spending in real terms by 4.1 percent. Then real spending grew by 1.8 in 1997; 0.8 in 1998; 3.6 percent in 1999; and then by a whopping real 4.7 percent in the year 2000.

The point is, there is a real danger that this surplus is going to burn a hole in our pocket. There is a real danger that in the midst of this great opportunity to rebuild the base of Social Security, to reform Medicare and provide prescription benefits to people who cannot afford the benefits themselves, with an opportunity to let working Americans who face the highest tax rates ever in American history keep more of what they earn, unless we are careful, we are going to end up spending this non-Social Security surplus.

We will have some votes later today or tomorrow where there will be efforts to strike points of order in the budget which represent our discipline in trying to stay with the budget we have adopted. Despite all the rhetoric about cuts, there are no cuts in this budget. Defense spending grows by almost 5 percent, and nondefense spending grows faster than inflation. How many families in America would say they have a lower family budget if their income grew by more than inflation did this year? Nobody would say that. But then we are not constrained to logic or reason or fact when we are talking about these budgets.

I urge my colleagues, in this golden moment of economic prosperity, when revenues are gushing into the Treasury, when Americans are working and prospering and rejoicing in it, we have an opportunity to fix Social Security forever with an investment-based system so that we don't have to cut benefits of people who are retired today and so that young people will own their own investments to pay for their retirement. We have an opportunity to fix Medicare with reasonable reforms that promote economy and efficiency and that help people who cannot afford pharmaceuticals to get them without destroying the coverage that 65 percent of our citizens have. And we have a chance to do things that need to be done—repeal the marriage penalty, repeal the death tax.

If we keep this spending spree underway, if we keep spending more and more money, in the end those things are not going to get done. What we need to do is to try to exercise the kind of responsibility that American families exercise when they look further than just the moment, when they look at their future and look at the problems they face and opportunities they have.

I yield the floor.

Mr. REID. Mr. President, I yield 15 minutes to the Senator from Massachusetts to offer a resolution.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, what is the matter that is before the Senate at the present time?

The PRESIDING OFFICER. The amendment numbered 2926 offered by the Senator from New Mexico, Mr. BINGAMAN.

Mr. KENNEDY. Mr. President, to get back to the Bingaman amendment, I will take a few moments of the Senate's time to spell out where we are today in the area of education. I think most Americans believe there ought to be a partnership between the Federal Government, the States, and local communities. Most parents want to make sure their children are advanced in terms of academic achievement and accomplishment. Most Americans want to see opportunities for continued education available to their children. Most Americans understand and support programs that will assist gifted and talented needy children who want to continue their education by getting some help to further their education.

It is important, as we are considering the budget amendment of Senator BINGAMAN, that we look over exactly where we are and examine what has been the record of the Republican leadership on the help and assistance to education in recent years.

The 2001 GOP budget resolution, I believe, deserves a failing grade on education. It is anti-education, it is anti-children, and it is anti-family. The Republicans claim their budget makes a substantial investment in education, but, as we have had to do every year since the GOP took the majority in Congress in 1995, we must be equally vigilant of Republicans when it comes to education funding. Over and over, we have heard their rhetoric, but the reality is just the opposite. They say they want to invest in education, but their record shows they won't and don't. Year after year it is the same story.

If we look back at the contrast between 1980 and 1999, the Federal share of education funding has declined. This demonstrates what percent of the Federal budget was going for elementary and secondary education: 11.9 percent in 1980; 7.7 percent in 1999. In higher education, it was 15.4 percent, and now we are down to 10.7 percent. This is what we have had over the last few years: a major withdrawal of Federal participation in the area of aid to both elementary-secondary as well as higher education.

Having seen the percentage of our budget allocated to education, look at what has happened to the enrollment in K through 12. In 1990, 46.4 million students were enrolled in school. We are up to 54.4 million and continuing to rise. We have seen this incredible expansion of the number of children attending K through 12, increasing pressures on local communities, increasing pressures on the State, and increasing pressures, obviously, if we are going to meet our responsibility. The total number of enrollment has been growing steadily—every community in this country can tell us that. Talk to the school boards, talk to the parents, talk to the teachers. However, our percent of GNP is decreasing in education.

Look what is happening in higher education, the millions of Americans who are attending colleges and universities across this country. It has gone from 12.2 million in 1985 up to an estimated 15.6 million in 2005. An increase in the total number of K through 12 students, an increase in the number of students attending higher education, and what has been the corresponding Federal response? A decline in terms of helping and assisting families across the country.

Let's look at the record of the Republican history of cutting education funding in appropriations bills.

In 1995, when the Republican leadership took control of the House and the Senate, we had a rescission. The money had already been appropriated. The President signed it. We had a request to cut back, but of all the different areas of the Federal Government, we only cut funding in the area of education. This is about the same time the Republican leadership wanted to abolish the Department of Education. Their 1996 budget would have reduced the Federal investment in education by one-third over 7 years, forcing deep cuts in Head Start and aid to elementary and secondary education, freezing funding for Pell grants, and slashing $10 billion from student loans.

Their 1997 budget would have slashed education by 20 percent over six years, causing 1.3 million students to lose Pell grants, and 344,000 children to lose Title I support.

Their 1999 and 2000 budgets were no different. They claimed to invest in education, but the numbers always added up to a loss for students, families, schools, and colleges across the country.

This is the fact, Mr. President. We can go through all kinds of shenanigans and gimmicks, but these are the facts. They are printed in the RECORD. The current Republican budget will cut education by $4.7 billion below President Clinton's level. It is no surprise that they refuse to address basic education priorities. Once again, the GOP budget fails to meet the obvious need. Parents want the help today. Parents want to improve the quality of education now.

The Republican budget claims a $4.5 billion increase in Department of Education programs in fiscal year 2001. But, $2.3 billion of that amount is for a new mandatory program that is not contained in current law, and if it were, it would not direct funding to states until at least 2005.

That leaves an increase of $2.2 billion for discretionary education programs in the jurisdiction of the Department of Education. But, the Republican budget also assumes a $700 million increase in Pell grants, to increase the maximum grant by $200 to $3,500—bringing it to the President's level. In addition, it claims a $2.6 billion increase for elementary and secondary education programs. That's a total increase of $3.3 billion specified for K–12 education programs and Pell grants. But, the Republican resolution only allows for a $2.2 billion increase.

That means the Republican budget robs Peter's education to pay for Paul's education. It would force $1.1 billion in cuts, below last year for higher education.

Now, the Budget Committee will say: Well, we have $2.3 billion that we may appropriate, and it will be mandatory spending to try to help schools improve themselves. We want to try to help improve the schools today. That is what the President wants—that is what this amendment is about. It is about today and trying to get sufficient resources to try to help families across the country.

So that is the spread, Mr. President. Look at what happens when we look at the particular expenditures in the areas of higher education, as well as in K through 12. With the President's request, we have a $500 million increase in the fiscal year 2001. This includes all higher education funding, except Pell grants. The President's would be $500 million.

The Republican's 2001 budget resolution forces $1.1 billion in cuts, below last year for higher education. Do we understand that? That is the reality. We are talking now about higher education funding, except for Pell grants. Where are these cuts? I haven't heard a great deal of talk from those on the Budget Committee.

The College Work-Study program would be cut by $282 million below the President's request, reducing the ability of 286,000 students to work their way through college. Massachusetts students would lose $14 million in funding for college work study opportunities.

TRIO would be cut by $222 million below the President's request, denying an additional 195,000 disadvantaged students the opportunity to prepare for college and attend college. This is a reduction in the TRIO Program, which is the program to try to help gifted and talented, first generation college students go on to college.

Under the Republican budget, GEAR UP would be cut by $169 million below the President's request, denying 810,000 low-income middle and high school students access to academic and support services needed to increase their academic achievement and to prepare them to pursue a college education. With the money appropriated last year, 80 percent of the seventh graders in the city of Boston will have a chance to move on to graduate together and hopefully will be guaranteed, when they do graduate, that they will be qualified and able to go to college.

Colleges and middle schools are working together to provide additional help and assistance to students by educating their families about the importance of a college degree. They are getting whole school communities to think that college is a reality for their children. The TRIO Programs have been an excellent model for building cohorts of young people from different schools. GEAR UP's objective is to build the capacity of under-achieving schools by getting all of their students to think about college early, prepare for college, and move on to achieve the highest education level possible. We have seen extraordinary success in different parts of the country where this program has been implemented. These important programs would be significantly cut back by the budget resolution.

The Supplemental Educational Opportunity Grants program would also be cut by $199 million below the President's request, reducing support for 346,000 needy undergraduate students. Massachusetts would lose $9 million that helps its colleges and universities provide needy undergraduate students with additional financial aid. That adds up to a $1.1 billion cut.

Make no mistake about the great importance of this amendment. If you are concerned about the higher education cuts, now look what happened here on K through 12 education programs.

The Republican budget cuts K through 12 education programs by $1.4 billion below the President's request. The other side can say they put on an additional $1 billion in special education. We agree on increasing funding for IDEA—our amendment will match that level. But, it's still not enough. All we are trying to do is make sure these other programs are getting adequate funding. The Republican budget does nothing to ensure the pressing education needs of families and communities across the country will be met, and ensure new, substantial investments in what works.

But I remind our friends that when we had the opportunity, even a year ago, when the Republicans had their $780 billion tax cut and a number of us offered an amendment to try to provide full funding for special education needs and reduce the tax cut for wealthy individuals, virtually every Member of this side voted in favor of it and there was Republican opposition to it. We are glad we have an additional billion dollars. But if we are going to compare apples to apples and oranges to oranges, we can say this is an increase of $2.6 billion, and that would be $4 billion, but you still have the dramatic spread in the area of K through 12.

The Bingaman/Kennedy/Murray Education amendment would reverse these unacceptable cuts in the GOP budget and increase the national investment in education by $5.6 billion in FY2001 and $34.7 billion over 5 years. It will give parents and communities the support they need to provide every child with a good public school education, and to send every qualified student to college. It would reduce the tax cut by 15% in the first year, and 18% over 5 years. It would use 14% of the on-budget surplus over 5 years.

The Republican budget cuts $450 million from the President's request for the bipartisan class size reduction program, preventing the hiring of 20,000 additional qualified teachers to reduce class size in grades 1–3. Massachusetts communities would lose $7.3 million to help them further reduce class size next year.

Our amendment continues the national commitment to smaller classes by providing $1.75 billion to continue the effort to hire 100,000 teachers to reduce class size in the early grades. The funding will bring the total number of qualified teachers hired to 49,000.

Research has documented what parents and teachers have always known—smaller classes improve student achievement. In small classes, students receive more individual attention and instruction. Students with learning disabilities are identified earlier, and their needs can be met without placing them in costly special education. In small classes, teachers are better able to maintain discipline. Parents and teachers can work together more effectively to support children's education. We also know that overcrowded classrooms undermine discipline and decrease student morale.

Project STAR studied 7,000 students in 80 schools in Tennessee. Students in small classes performed better than students in large classes in each grade from kindergarten through third grade. Follow-up studies show that the gains lasted through at least eighth grade, and the gains were larger for minority students.

STAR students were less likely to drop out of high school, and more likely to graduate in the top 25% of their classes. STAR students in smaller classes in grades K–3 were between 6 and 13 months ahead of their regular-class peers in math, reading, and science in grades 4, 6, and 8. Michigan, California, Nevada, Florida, Texas, Utah, Illinois, Indiana, New York,

Oklahoma, Iowa, Minnesota, Massachusetts, South Carolina, and Wisconsin have initiated or considered STAR-like class size reduction efforts.

Our amendment helps communities modernize their schools by providing $1.3 billion in grants and loans for the urgent repair of 5,000 public elementary and secondary schools in high-need areas. States will be able to issue $25 billion in interest-free bonds to help build and modernize 6,000 schools.

Nearly one third of all public schools are more than 50 years old. 14 million children in a third of the nation's schools are learning in substandard buildings. Half of all schools have at least one unsatisfactory environmental condition. The problems with ailing school buildings are not the problems of the inner city alone. They exist in almost every community—urban, rural, or suburban.

In addition to modernizing and renovating dilapidated schools, communities need to build new schools in order to keep pace with rising enrollments and to reduce class sizes. Elementary and secondary school enrollment has reached an all-time high this year of 53.4 million students, and will continue to grow. The number will rise by 324,000 in 2000, by 282,000 in 2001, and by 250,000 in 2002. It will continue on this upward trend in the following years.

According to a report this year, total unmet school modernization needs, including technology and infrastructure, totals $307 billion—almost three times the amount estimated in 1995.

This amendment expands after-school opportunities for children by increasing funding for the 21st Century Community Learning Centers from $453 million to $1 billion for FY2001.

Each day, 5 million children, many as young as 8 or 9 years old, are home alone after school. Juvenile crime peaks in the hours between 3 p.m. and 6 p.m. Children unsupervised are more likely to be involved in anti-social activities and destructive patterns of behavior.

Children who attend quality after-school programs while their parents work have better peer relations, better emotional adjustments, better grades, and better conduct in schools. They have more learning opportunities and more enrichment activities. Research also shows that students participating in after-school programs have higher achievement in reading and math, are more interested in learning, are more likely to stay in school, and are less likely to be involved in crime.

Our amendment supports tough accountability for results, by increasing funding for Title I Accountability grants by $116 million to $250 million, to accelerate efforts by states and school districts to turn around failing schools.

Stronger accountability in education is imperative. Effective accountability steps—what business leaders call quality control measures—can make sure that public tax dollars are used wisely and produce better results for children.

Despite concerted efforts by states, school districts, and schools, the accountability provisions in Title I have not been adequately implemented due to insufficient resources. In 1998, only 8 states reported that their support teams have been able to serve the majority of schools in need of improvement. Less than half of the schools in need of improvement reported that they received additional professional development or technical assistance.

We must make all our schools accountable for good teaching and improved student achievement. We cannot turn our backs on low-performing schools. We must do all we can to improve them. Schools, school districts, and states need additional support and resources to address weaknesses soon after they are identified.

The amendment increases support for Title I by $1 billion to ensure that the neediest students get the extra help they need to succeed in school. Disadvantaged communities need more help to ensure that all public schools give children a good education. Title I is working in many schools across the country. We should help bring that success to every community.

Ninety-nine percent of Title I funds go to local school districts. In addition, Title I and other federal programs are much more targeted to high-poverty districts than state and local funds.

More than 80 percent of poor school districts, and almost half of all districts nationwide, report that Title I is ''driving standards-based reform in the district as a whole.'' In addition, Title I funds, as well as other federal education funds, are more targeted to high-poverty districts than state and local funds. Title I now supports 95% of the highest-poverty schools and is helping these schools to dramatically improve student performance.

As I mentioned, in the higher education, we are talking about the GEAR UP program, which reaches out to low- and middle-income high school students to help them so they can continue on to higher education. The amendment increases funding for GEAR UP by $125 million to $325 million, to put more low-income middle and high school students on the path to college. This increase will support at least one state or local partnership in every eligible state. It will also leverage the resources of more than 2,400 community organizations and businesses as partners, and provide services to 1.4 million low-income students.

Our amendment would also increase funding for TRIO by $80 million to $725 million, to expand and improve post-secondary outreach and student support programs for 760,000 minority and disadvantaged students.

Our amendment increases the maximum Pell Grant by a total of $400—from the current maximum of $3,300 to $3,700.

Pell Grants are the most effective way to make college a reality for the nation's neediest students. Yet, today, the maximum grant is worth only 86% of its 1980 value in constant dollars. Clearly, we have fallen behind. We are failing to maintain our commitment to make college accessible to the neediest students.

I am pleased that the Committee accepted the Feingold-Smith amendment to increase the maximum Pell grant by $200 to $3,500. But it's not enough.

The average family income of Pell recipients is $14,500. In 1997–98, approximately 87% of all Pell Grant recipients had incomes less than or equal to $30,000. These students come from working families who sacrifice to make sure that their children can go to college. These parents understand the importance of education, and they want to make sure that their children have every advantage.

Opening the doors of college to more students should be a high priority for Congress. Nearly 4 million students received Pell Grants in 1999. Our $400 increase translates into 96,000 new Pell grant recipients. In Massachusetts, 4,000 additional students would receive Pell Grants.

Our amendment also increases funding for College Work-Study by $77 million to $1 billion, which will give 1 million students the opportunities to work their way through college.

Now, Mr. President, finally, I want to mention an extraordinary factor in higher education. Mr. President, we know that 89% of children who come from families with incomes over $74,000 attend college, but only 40% of children from families with incomes below $25,000 attend college and only 1 in 4 attend a 4-year college. May I have 5 more minutes on the resolution?

Mr. REID. I yield 5 more minutes on the resolution to the Senator from Massachusetts.

Mr. KENNEDY. Thank you. Family income should not determine whether a child goes to college—their academic achievement should be the only factor to consider. Let's promise kids a level playing field for college. Let's make sure that if a student is qualified to attend college, the money will be there so that they have the credentials that they need to more fully participate in our economy than their parents were able to participate.

That is a family value, Mr. President. We hear many around here talk about family values. Minimum wage is a family value—about respect for work and people having an opportunity to live with dignity. A family value is the quality to be able to succeed and continue their education at a time when it is essential if they are going to have

any economic opportunities. Every year, we cut back on that opportunity and reduce and fly-specking this particular budget, and we diminish this country and the promise it has for the children of this Nation. That is what this amendment is about. The Democrats believe we ought to invest in the young people of this country. We believe that is a higher priority than tax breaks for the wealthy individuals.

We will have an opportunity to call the roll on that. We hope we are not going to be denied that chance by our good Republican friends. Let's have a vote on this particular measure. I stand with those who say if you deny us an opportunity with a second-degree amendment, we are coming back again and again on this budget resolution until we get a vote.

What are they going to be frightened of in terms of this particular amendment? We are either going to stand for working families, the children of working families, and for talented young people to be able to have their dream and be part of the American dream, or we want to nickel and dime them in order to have a tax break for wealthy individuals in this society. You couldn't have a clearer opportunity on the issue of priorities: Who is going to stand with the young people in this country today, and who is going to stand for a tax cut?

I hope when the time comes, this body will support the Bingaman amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I extend to the senior Senator from Massachusetts 15 minutes off the resolution.

The PRESIDING OFFICER. The Senator is recognized.

Mr. KERRY. Mr. President, I thank the Chair, and I thank the Senator from Nevada. I thank my colleague from Massachusetts, whose passion and understanding of this issue provide the most important leadership in the country with respect to the question of education.

I join him on the floor of the Senate in an absolute state of incredulity that the Republicans can turn their backs so brazenly and so overtly on the educational opportunities that are needed for young people in our country.

We just had a conference in Massachusetts last Saturday with many leaders of what is called the ''new economy.'' I think we are getting lost in all of this talk about a new economy and an old economy. What we are seeing is an economy in transition. It is in transition because we are moving into a very different world —a world where skills are more needed than ever before. Every single day, we talk about the economy and its changes—about the knowledge-based economy. The presumption is that people are able to get the knowledge on which that economy is based, that they are able to get the skills.

But at this conference in Boston, which is one of the leading cities in the Nation experiencing the changes in the economy today, we had leader after leader after leader of new technologies, not just the Internet—everybody talks about the Internet and the Internet companies, but there are a host of companies on which this new opportunity is based—but companies in biotechnology, artificial intelligence, robotics, advanced materials. You could run down a long list of critical technologies where the United States of America is in the lead today.

But guess what. We have a bill before the Senate to raise the number of visas which permit people to come into the country to fill technical slots. They are called H–1Bs. The level of H–1Bs was at 65,000. It was as high as 115,000 for a year or so. Several pieces of legislation are now seeking to enable up to 200,000 people to come in. But the leaders of the new revolution in our economy tell us that we are anywhere from 400,000 to 1 million people behind where we need to be in terms of hiring.

Here we are with a bill that might let in several hundred thousand at the end of this year or next year when the demand is 400,000 to a million, and when countless numbers of our citizens are facing a transition in their life—movement from the old kind of job to the new kind of job or the hope that they are going to be able to find some kind of job in the new economy where they can share the higher salaries that so many Americans are beginning to experience.

What do the business titans tell us? What are those leaders and entrepreneurs who are breaking the ground of the new economy—who, I might add, are in a voracious race with other countries for the market share. We are not the only people experiencing this. You go to Europe; you have all kinds of companies racing to try to grab their share of the markets. You go to Asia; the one thing leaders in Asia will tell you today is that they are focused on education. The one thing leaders of Europe will tell you they are focused on—and also in Latin America—is education because only by educating Americans ultimately are we not only going to provide the labor pool to be able to fill the jobs of this new economy, but, quite frankly, only by educating Americans are we going to have a citizenry that is capable of managing our own democracy and making the difficult kinds of decisions we will face in the future.

So one would think the Senate in facing this reality—it is not a partisan reality. Most of these leaders of industry who are telling us in the Senate to wake up and pay attention to education are Republicans. They will tell us it is long since overdue that the United States make a more pronounced commitment to the education system of the country.

I know we don't run the education system at the Federal level, and none of us is advocating that we should. I understand that. I know no one wants Washington telling the local community what to do. I understand that. I don't want to tell them what to do. I would like to empower them to be able to do what they know they want to do but can't do because they don't have the resources.

All over this country, there are communities in rural areas and urban centers of the Nation where they don't have the tax base. In the United States of America, for some reason that is beyond me, we still base our school systems on the property tax, which is part of the old agrarian structure we had when we first founded our public school system. And yet, in the urban centers and in many rural centers where they don't yet share in the kinds of salaries or the kinds of opportunities as do other parts of the country, they don't have a property tax capacity to pay the teachers more money, put the equipment into the school, have an extended schoolday, have the kind of laboratories for language that they need, do the kinds of remedial work with students who are troubled, have dance, arts, music, sports, and the kinds of things that are the real stuff of a complete education.

What do these districts do? In some cases, they have received help from States because the States have engaged in education reform, and there is a State revenue sharing process. But where is the Federal Government? Where is the great equalizer which, as a matter of national priority, is supposed to help provide the kinds of empowerments to communities that federalism embraces? That is the whole notion of a national government. It is the whole notion of a Federal system of sharing so that all parts of the country are uplifted simultaneously.

We have some great public schools in Massachusetts. We have some great public schools in some urban centers where mayors have paid particular attention to help scrounge up enough money. But even in those areas, they are desperate for additional Federal assistance and for more capacity to do the things they know they need to do. Yet here we are with a budget resolution on the floor of the Senate which gives a very meager increase to the special needs side of the ledger. We are happy for some increase on the special needs side, but we fundamentally reduce the capacity of our schools to face this most important mission.

It ought to be an acceptable national priority that our citizens are well educated. It may be a responsibility of the local level to actually do it, but it is certainly a Federal priority that it is

done. If we have the capacity by leveraging resources to the local communities to empower those local communities to be able to achieve that national priority, we ought to do it.

Americans may not be aware that in the budget we are about to spend $1.8 trillion of collected taxpayers' money. People ask, My God, out of $1.8 trillion we cannot find $5 billion additional for education?

A lot of that budget obviously goes to pay for the entitlement programs, including Social Security, Medicare, military retirement, and Federal and civilian disability benefits. We will spend over $1 trillion of the $1.8 trillion on all of the entitlement programs, which no one has suggested we will suddenly cut or stop. Then we have the defense spending as well as everything else the Government does that will come out of the remaining $600 or $700 billion. Out of that $600 billion, we have to make interest payments on the national debt, pay for our defense, build our highways, channel our harbors, finance mass transit, pay for housing assistance, nutrition programs, finance health research, public health programs, fund crime control, drug trafficking, and foreign aid, which is minuscule compared to the total budget. All of these are by choice of our majority, and when measured against other significant choices, it leaves precious little money for education.

Why? Because they want to give a $150 billion, 5-year tax break to the wealthiest people in America. Every single tax break they have ever brought to the floor of the Senate has been with 60 percent or more going to the top 20 percent of income earners of America. I have gladly voted for many of the tax cuts we have given over the last years I have been in the Senate. In the year 2000, we are looking at about a 1-million-person gap in the high-skilled labor needs of this country.

Kids in our schools test ahead only of Cyprus and South Africa in math and science. Kids in our country are reading at a 1988 level that hasn't progressed since then. Because of the property tax revolution in California, Massachusetts, and a lot of other States, we saw the schools decimated over the last 10 years. Programs were cut, libraries were shut, and teachers' pay was not raised. We now need 2 million additional teachers in the course of the next 10 years. We need 1 million of those teachers over the course of the next 5 years.

It is precious hard to find a kid out of most colleges who says, I want to teach, when teaching means starting anywhere from $22,000 though $27,000, and after 15 years of teaching and getting a master's degree you can get into the thirties and the forties, depending on the system in which you are working in this country. Their colleagues from college will be earning $40,000 and $50,000 a year within a couple of years of getting out of college. College graduates today have $50,000 or $100,000 in loans and have to begin paying back those loans immediately.

What kid at the top percentile of their class, with $100,000 in loans, will say, yes, I will go into an urban center at $20,000-plus a year, so I never have a chance to send my kids to college unless they get a scholarship or I somehow qualify for assistance? If that isn't a national emergency, I don't know what is a national emergency.

Yet this budget does nothing to address the question of how the Federal Government is going to assist these revenue-starved communities to be able to deal with the problem of education in this country. It does nothing to answer the question of executives across the Nation about how they will have a skilled labor pool in the future that will be able to address the question of education. It goes backwards. Under their proposal, there will be a cut.

The President has proposed a hiring of teachers to reduce class sizes so we get a nationwide average of 18 students per class. But what happens? Under their proposal, 20,000 new teachers could not be hired in order to do that. It cuts $540 million from the President's request for 21st century community learning centers where approximately 1.6 million school-age children in over 6,000 new centers would have access to before- and afterschool programs. Again, it defies common sense to believe we are going to continue to turn our backs.

I do understand some of it. I understand some of our colleagues on the Republican side of the aisle don't want to put money into the Federal education system unless it is done in one way—maybe a big block grant that has no targeting whatever with respect to any of the priorities we might embrace as a Federal Government.

For instance, if we happen to believe it is important in certain States that Head Start be a priority or that afterschool programs be a priority or early childhood intervention be a priority, and we think as a matter of Federal priorities it is very important that at least the Federal Government say, hey, you go decide how you want to spend the money—if you want to put it into this kind of child care or that kind of child care, that is your business; we just want to make sure some of it goes to child care; that is all we are looking for—we cannot even get that kind of an agreement.

The great divide in the Senate is over putting some money into a grant where there is so much discretion that States that have never chosen to do any of these things could continue to choose not to do any of these things. Is that a smart expenditure of Federal dollars? I don't think so.

We are not even going to have an opportunity in this budget resolution to guarantee that the kind of dollars that ought to be part of that will be part of it. So we will see reductions in the total amount of expenditure in order to have some huge tax cut as a matter of priority at a time when the Federal component of taxation is at its lowest level since I have been in the Senate. It seems to me we ought to be measuring our priorities a little bit more carefully.

I know my colleagues on the other side of the aisle are going to come to the floor and say: We put additional money into the special needs sector, into IDEA. They have about $1 billion that goes into IDEA.

All the other priorities, the real stuff of educating in America today, are in the cities and the rural areas that do not have the tax base. No matter what they say about money that will go into education spending, there is nothing in this budget that will guarantee those communities most in need are going to find the additional funding they need to address the needs of education in the country.

We should be talking about putting somewhere between $40 billion to $50 billion over the next 10 years in additional funding for education. We should probably have a significant separate trust fund that guarantees education is going to be the kind of top priority it needs to be, so every school in America has the ability to keep its doors open into the evening so parents—who are working extra hours, many of them single parents who have their kids in child care during the day and would like to have ongoing education—can participate in the new economy and have the ability to use school facilities well into the evening, even while their children may be there also getting their homework done in a secure environment so they can go to school the next day ready to learn.

In community after community in the United States, there are kids on waiting lists for Head Start, early childhood intervention—for all those programs that bring a child to the first grade ready to learn. I have talked to so many first grade teachers who tell me they have kids coming into a classroom with 25 kids in a class, 30 kids in a class, and the kids cannot even do the elementary things kids coming to first grade ought to be able to do such as early numbers or recognizing shapes and forms and colors. So they have to step aside and they have to deal with the problem of that child, magnified five, six, seven, eight times over, and try to deal with the mainstreaming of a full class of 25 kids at the same time.

We believe the standard of education that requires you have 18 kids and no more in a class is appropriate. These are the kinds of priorities left out of this budget. I regret that enormously. I

regret this budget is a negative against even the rate of growth of inflation. I hope we will have a chance to rectify that in the days ahead.

The PRESIDING OFFICER (Mr. SANTORUM). Who yields time?

Mr. DOMENICI. Mr. President, how much time do I have in opposition to the amendment?

The PRESIDING OFFICER. The Senator has 36 minutes remaining.

Mr. DOMENICI. I yield up to 20 minutes to the distinguished Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 20 minutes.

Mr. GREGG. Mr. President, I thank the Senator from New Mexico. I congratulate him on putting together this budget resolution, which was a very difficult task in the present climate. It is ironic; when we are running surpluses, it is almost more difficult to put together a budget than when we are running deficits. But through the adept and able leadership of the Senator from New Mexico, this budget has come forward. It is an excellent effort to address the issues which are critical to our country, especially the issue of protecting Social Security, as he does in this budget, so no Social Security funds are spent for anything other than Social Security, and the effort to protect some of the on-budget surplus so it will be available for debt reduction but also for reducing taxes for hard-working Americans who pay that extra money in that is no longer needed by the Government.

The effort we are talking about today is in a number of categorical areas, but specifically today we are mentioning the area of education. I wanted to speak to the Bingaman amendment and some of the comments that were made, especially by the Senator from Massachusetts, first to their inaccuracy and second their inconsistency as to how we address quality education in this country. In fact, I can speak to the remarks of both Senators from Massachusetts who have spoken on this topic because I tend to disagree rather pointedly with both of them.

Let me begin with Senator BINGAMAN's amendment. He held up a chart. It has been referred to by a number of Senators on the other side. The chart showed how much of an increase the Democratic leadership proposed in spending, and then they showed the Republican budget on the same account, same chart. They showed our budget being about $5 billion below what they were. What they failed to put up on the chart—which I found ironic and sort of misleading, relative to the way the debate was going—is the President's number.

What did the President ask for in education? What the President asked for in education, if they had put it on the chart, would look something like this: The President asked for the greenish-blue line here. I am not sure what color you would call that—aqua, I guess. The aqua line here, that represents the President's request in education. Our request, what we put in the budget for education, is the red line. In each of the years of the budget, the Republican budget exceeds what the President of the United States asked for in education.

This yellow insert here—which we had to jury-rig because we did not actually have the chart of the Senator from New Mexico—would be the Senate Democratic proposal. It is a dramatic increase over what the President requested and what we have put in our budget, which is an increase over what the President requested.

So there is a bit of inconsistency for the Members of the other side of the aisle to come to the floor and savage the Republicans in this House, and the Republican budget, on the issue of education and not mention the fact we exceeded the President's request. Why didn't they savage the President's budget, too? Why didn't the Senator from California, Mrs. BOXER—she said we did not care about kids—say the President didn't care about kids? Maybe she just forgot. The President's budget was actually less—less than what we have put in our budget for education.

I think what we have is a classic attempt at grandstanding, trying to throw more money at an issue and trying to address a problem, not by addressing it substantively but simply by saying: We outspent you on that issue, so you don't do as well as we do on education.

Actually, we do very well on education. As I mentioned, we exceed the President's number in each year. It is not the dollars so much; it is the way we spend the dollars that I think is important to note. This is where I have disagreements with both Senators from Massachusetts who recently spoke on this matter, because there is a fundamental disagreement of philosophy on how we should address education. It is not a difference over money, really. As I said, our dollars exceed what the President requested for education. It is a difference of philosophy.

Stated very simply, there are two philosophical differences. The first is that on the Republican side of the aisle, we think when the Federal Government says to the local school districts, you must spend a certain amount of money on education and we, the Federal Government, will help you by paying a percentage of the cost of that spending, when the Federal Government puts that type of mandate on local school districts, the Federal Government ought to live up to its obligation. It ought to pay the money it says it is going to pay. Before it starts new educational programs, it ought to pay for the ones it already requires from the States.

What am I talking about here? Special education, IDEA. It has been alluded to by the other side of the aisle. It is almost a throwaway line there, at least from the Senator from Massachusetts, Mr. KERRY: Oh, sure, the Republicans will talk about IDEA, but we have done more about education; we don't have to worry about IDEA.

IDEA is probably the most significant area you could find where the Federal Government has failed to fulfill its obligations to the school districts of this country. It is the largest unfunded mandate which the Federal Government puts on the States and the school districts, and which therefore causes the States and school districts to have to pay for the Federal share and, as a result, take local resources and reallocate them to pay the Federal obligation and, as a result, skew the local budgets.

Local school districts, which would probably want to have better language courses, better computers, maybe more teachers, better trained teachers, smaller classes, can't do any of these things, in many instances, because they are having to take a large amount of their local dollars to pay for the Federal share of special education.

On this side of the aisle, we have said that is wrong. We have said it is wrong now for 4 years. Every one of the President's budgets that has come up here over the last 4 years has had virtually no increase in special education funding, even though the Federal Government, when we arrived as a Republican Senate, was only paying 6 percent of the costs of special ed funding in this country when it originally said it was going to pay 40 percent of the costs. Even though the Federal Government was paying such a minimal part of the cost of special education, this administration has never sent us a budget that has significantly increased special education dollars.

They have always taken the attitude, and it has been supported by the other side of the aisle: What the heck, let the local school districts pick up the Federal share. We are going to start a new categorical program that says to the local school districts you must, in order to get the Federal dollars, start this new program, too, rather than funding the special ed dollars which were originally owed.

The practical effect of that, as I have said, is to skew the local budgets, and too many local school districts have been unable to do things they might have wanted to do because they have had to cover the Federal share of special education dollars.

So what did we as a Republican Senate do? We changed that paradigm. In the last 4 years, we have more than doubled the funding for special education. We have gone from 6 percent up

to almost 13 percent of the special ed dollars. In this budget, we increase it significantly again. It is our No. 1 priority. Yes, it is our No. 1 priority as a Congress, as a Republican Congress: Fund special education because that is our obligation. We said we would do that back in 1976, when Public Law 94–142 was passed.

So it is not a throwaway line for us. It is something we should do. Yes, that is where some of our dollars are flowing. When we exceed the President's budget in education spending, which we do, some of that excess spending in education goes into special ed, a significant amount more than what the President requested. He requested virtually none, no increase.

So that is the first fundamental difference. We believe the special ed student deserves to get the funds, the funding support to which the Federal Government originally committed.

(Mr. HAGEL assumed the chair.)

Mr. GREGG. Mr. President, why do we believe that? We believe it, first, because it is an unfunded mandate, but more important, because in our school districts across this country, that special-needs child and his or her parents are being put in the impossible position of going into school meeting after school meeting and being told that resources are being used to pay for their child that should be used to pay for other children in the school district.

As a result, the special-needs children and their parents are being put in an untenable position. They did nothing wrong. The people who did things wrong were the President and this administration for failing to fund special ed.

We are saying let's give the special-needs children in this country a little relief, and let's fund special ed.

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

Mr. GREGG. Yes.

Mr. SANTORUM. The Senator from Massachusetts, who just spoke, talked about how their legislation targets those schools in inner cities and poor areas that are most in need of this help and that our increase in spending will not do that. Can the Senator from New Hampshire tell me where the highest percentage of populations of IDEA students are located?

Mr. GREGG. Ironically, in Massachusetts, from where the Senator who was just speaking comes, 30 percent of their students are coded as special needs. If one looks at it across the country, most special-needs children, regrettably, do come from lower income school districts. They tend to have a higher percentage of kids in special needs.

Mr. SANTORUM. I guess my question is, by putting more money into IDEA, are we actually sending more money into the schools on which he believes we need to be focusing?

Mr. GREGG. There is no question about that. As we increase special education funding, the Senator from Pennsylvania is absolutely right, more of that funding will be flowing to schools in lower income districts and also in rural districts.

Mr. SANTORUM. I thank the Senator.

Mr. GREGG. The second philosophical difference we have with the other side of the aisle is, again, highlighted by the discussion of the Senator from Massachusetts who said essentially there are a lot of States that do not know what they are doing in the area of education and we, the Federal Government, do know what we are doing; therefore, the programs from the Federal Government should be categorical so that States live up to their obligations to do what we in the Federal Government tell them they should do in education.

It is essentially the attitude of ''we know best'' in Washington how to run the school districts across this country; that the people who run the school districts—the local school boards that are usually elected, the local legislatures that are always elected, and the Governors of States who are elected—that these individuals, for whom education is usually their No. 1 priority because it is their No. 1 spending issue, as compared with the Federal Government which has other priorities like national defense, Medicare and Social Security, these individuals who are almost all elected are not capable of doing their job.

That is essentially the attitude taken on the other side of the aisle when they say we in the Federal Government know best how to run education and States do not know what they are doing in education; therefore, our programs must be categorical. They must tell the States exactly what they must do with dollars coming to them from Washington.

It is a little bit of a disconnect, of course, because the dollars coming from Washington did not start in Washington. They started in the States. They came to Washington. Then we took 15 to 20 percent off the top and sent it back to the States. Maybe they got 80 percent back, but certainly not 100 percent. In any event, it is not our money in Washington.

As a practical matter, we do not know more about running a school than the local school districts. I, for example, do not contend I know more about the Epping School District than the people in Epping or the people on the school board in Epping. When they look at their elementary school, they know whether they need another teacher or another classroom, whether they need computers or whether they happen to need a new baseball field or language course. I do not know that. It is not my purpose to tell them how to run their school district. So our philosophy of education on this side is a little different.

They say it is a block grant; just send the money. No, that is not it at all. The Elementary and Secondary Education Act, which we passed in the HELP Committee a couple of weeks ago, will be before the Senate in a few weeks. That bill has a brandnew approach to education. The theme is not that we are going to send the money back in a great big huge block grant and the States can do whatever they want. It is not we are going to send it back with a targeted proposal and tell people what they must do with it. It is a different approach.

The theme is, first, that funds should be spent for purposes of the child. The child is the center of our attention.

Second, we will look for achievement on the part of the child to be sure they are actually learning.

Third, there is flexibility.

And fourth, there is accountability.

We have reoriented these programs so that we send the money back, yes. For example, in our Teacher Empowerment Act, we send the money back in a rather large lump sum. We take the Eisenhower grants and the class size money and put it together. Then we say: You can use this money, local school districts. You do not have to hire a new teacher if you do not need a new teacher. You can use it to hire new teachers if you want to reduce class size. You can use it to improve the ability of your teachers to teach. You can use it to give teachers more support. You can even use it to pay teachers. They cannot keep the really good teachers in the classrooms because they are being hired by the private sector. This is especially true of our science and math teachers who are leaving because the opportunities are so lucrative outside education.

You can pay teachers more to keep them by using bonus payments. You can use it for any of those things, but you have to produce results. We are not going to tell you how to produce results. We are not going to tell you that you must have 17 kids to every teacher. We are not going to tell you that you must have a computer in every classroom. We are not going to tell you that you must have a classroom that is 6 feet by 25 feet or 12 feet by 13 feet. We are not going to tell you how many books you must have in your library.

No, we say: You can get the money and use it for these defined areas, and you have flexibility to use it in those areas, but you have to show us that the academic achievement of the low-income child—because that is where ESEA is basically aimed in the title I funds—is improving in relation to the other kids in the school. You have to have tests—not designed by the Federal Government; we are not out to design tests because that means we end

up designing curriculum—tests that are designed by the local school districts and the States. Those tests have to ascertain annually whether or not the children in the low-income categories are improving academically.

What a radical idea—we expect kids to learn. We are not going to tell schools how to teach. We are not going to tell schools the ratio of their classes. We are not going to tell schools the size of their classes. What we say is take this money and show us that kids are learning something and that they are improving in their academic achievement.

That is a very radical idea. It is the idea we are pushing forward as an approach to education. It is not a block grant. It is not: Here is all the money and you can do whatever you want with it. It is: Here are the dollars, but we are not smart enough to tell you, the local school district, how to improve your children's education and what you need because we cannot look into every classroom and guide every classroom, even though they would like to do that on the other side of the aisle.

On the other side of the aisle, they want to have a string running from every desk out to every classroom in America; 30,000 strings running off the desks, and pull a string here and there so every classroom in America has to fall into exactly what we outline in Congress. That is not the approach we suggest.

The approach we suggest is, take the money and use it in a variety of different areas; have flexibility, but then show us, prove to us, that achievement is improving amongst those children who are targeted with the dollars. That is our approach to education. That is what is funded in this bill.

Let me remind you, one more time, what the Bingaman amendment fails to mention: Our funding in this bill exceeds the President's funding in his budget. Therefore, our proposals in this bill make a lot of sense. They address the IDEA issue; they address special ed; they address the need to fund children in schools at a level that is appropriate and actually exceeds the President's level, and, more importantly than that, they expect the kids to achieve. As a result of achieving, we are going to get a much better return for the dollars we spend.

Mr. KERRY. Would the Senator yield for a question?

Mr. GREGG. Sure.

Mr. KERRY. It is my understanding, reading the Republican budget, that $2.3 billion of the money that the Senator claims is for an increase——

Mr. GREGG. Mr. President, I will have to reserve my time. If the Senator wants to use his time to ask a question, I would be happy to yield.

Mr. REID. We yield, off the resolution, 3 minutes to the Senator from Massachusetts.

Mr. KERRY. My understanding is, $2.3 billion is for a new mandatory program that will not even be spent until the year 2005. That leaves an immediate increase of $2.2 billion. But the Republican budget resolution also assumes the $700 million increase in Pell grants. That brings it up to the President's level. It claims the $2.6 billion increase for elementary and secondary education programs alone, of which $1 billion is reserved for the IDEA. That means you have supposedly a total of $3.3 billion specified for K through 12. But the resolution only allows for a $2.2 billion increase because you do not even have an expenditure permission until 2005 for $2.3 billion. So there is a lot of ''robbing Peter to pay Paul.''

Is that not true?

Mr. GREGG. Well, obviously it is not true. As the Senator knows, this is budget authority. Maybe the Senator skipped over that point or maybe he did not understand it. It is possible either way. But in either case, the Senator is wrong.

Mr. President, I yield the floor.

Mr. KERRY. Mr. President, that is not an answer to simply say it is wrong.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY. Mr. President, I would like to make a comment, if I may.

The PRESIDING OFFICER. Who yields time?

Mr. REID. The Senator from Massachusetts is yielded 3 minutes.

Mr. KERRY. Mr. President, that is a classic response to simply say the Senator is wrong. But there is no showing to the contrary. The language of the budget is absolutely clear. There is no question it forces $1.1 billion in cuts. But the way to have a debate is—to simply say it is wrong, and question whether the Senator's facts or capacity to even understand the facts are correct, I mean, we could talk about rule XIX here, but I am not going to do that. But I would suggest, we deserve a better debate than that.

I yield the remainder of my time to the distinguished manager.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the Senator from Washington is yielded 15 minutes.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I have come to the floor today to offer my support and thanks to Senators BINGAMAN and KENNEDY for offering this extremely important amendment.

Senator KERRY is exactly correct. The budget proposal before us is a sleight of hand. We should not be duped by that. It is very clear, in looking at the budget, that it shortchanges America's students.

The Republican budget proposal says tax cuts for a few are more important than a first-rate education for all of our children. Their budget tells students across America a tax cut is more important than their future.

We think that is wrong. We think that is incredibly wrong. We do not think America's students should only get the spare change left over after the Republican tax cut. America's students should not be the last in line in this budget. That is why we are offering this amendment today, to make sure all students get the resources they need to reach their full potential.

The Republican budget that is before us is very crafty because at first glance it looks as if education funding has been increased. But when you look closely at the numbers, it is really an empty promise. Senator KERRY of Massachusetts pointed that out. The rhetoric of this budget does not meet its reality.

I do want to acknowledge one thing. This underlying budget does one thing right. It does fund special education programs that the Senator from New Hampshire talked so eloquently about a few moments ago. That is important. We agree with that. Unfortunately, that is the only thing this budget does well.

But every other education investment—whether it is reducing class size or improving teacher quality or modernizing our schools—is not treated as a priority in this budget. There are no guarantees in this budget that those other vital education programs will get the investments they need to continue to help America's students.

This budget funds one program and leaves the other programs hanging. It does not have to be this way. That is why I am supporting the Bingaman amendment.

This amendment says we can support special education. In fact, we support the same level as the Senator from New Hampshire. We are not disagreeing with that. But it says we can fund that and other key education investments at the same time. We should not have to choose which students get served. We should be serving every student. This amendment shows us how we can do that.

This budget's misplaced priorities will be felt in classrooms across the country. I am very concerned that this budget does not provide the resources to help our public schools move forward. I am concerned that this budget abandons the programs we know are working for students across this country.

Parents are asking us—pleading with us—to become partners with their local districts to help them with overcrowded classrooms. This Republican budget fails to make a commitment to reduce class size.

Teachers are asking us for more help in mastering the best ways to teach our children the basics. The Republican

budget fails to make a commitment to teacher quality.

Students are asking us for schools where they can feel safe and secure when they get off that schoolbus or walk to school every day. This Republican budget fails to make a commitment to school safety.

Parents are asking—and pleading—for afterschool programs so their children will not get into trouble or become victims of violence after school. This Republican budget fails to make a commitment to afterschool programs.

Teachers and students are asking for school buildings that are modern. This Republican budget fails to make a commitment to modernizing our aging schools.

The American people are asking for a stronger commitment to the programs that make a difference in their child's education. But the Republicans are too focused on their exploding tax cut to meet these needs of America's students.

This budget freezes our progress. That is why our amendment would put the resources where parents and teachers and students need them the most.

The amendment before us will ensure adequate funding for a number of key educational priorities. To reduce overcrowded classrooms, this amendment will provide $1.75 billion to continue our Class Size Reduction Program. Any Senator here can go home to their State, to their local schools that have taken advantage of the class size money we have passed over the last 2 years, and talk to teachers, and hear them say the same things I hear; which is, it has made an incredible difference.

I have teachers tell me every time I visit one of these classrooms that, where 5 years ago, 3 years ago, they had 24, 25, 30 kids in a classroom, that today, where they have 16, 17, 18 kids in a classroom, the difference is remarkable.

Teachers tell me in the small classes we have provided dollars for, in the first, second, and third grades, that those students—every one of them—will be able to read at the end of this year because of that reduced class size. This is making a difference. We have to keep that obligation going. We need to keep that partnership going.

Schools tell me every day they could not have done it without the commitment and the partnership of the Federal Government. The underlying budget fails to meet that. With this amendment, we on our Democratic side meet that obligation.

Our amendment modernizes school buildings by providing $1.3 billion. I was in a school a week ago where kids were in portables with no running water. In order to go to the bathroom they had to go outside in the rain, which is not uncommon in my State, go to another building and come back soaked. I saw kids in coats in classrooms because there was not enough heat in the school buildings.

We recognize we have an obligation, a partnership that we need to provide at the Federal level to meet these basic needs. Our amendment does that. This amendment looks at improving teacher quality. It provides $2 billion for professional development to recruit new educators and reward excellent teachers. We all understand that we need to make sure we have young people today committed to becoming teachers for our students tomorrow. We need to provide the dollars to partner with our local schools to make sure that they can recruit those best and brightest among our young students to be the teachers for our classrooms tomorrow.

This amendment ensures that students have safe educational activities at the end of the school day. It ensures adequate funding for afterschool programs. I commend Senator BOXER for her tremendous work on this initiative. We address that in this amendment.

To make sure that disadvantaged students have the extra classroom attention they need, this amendment will increase funding for title I programs by $1 billion. I have heard a lot of rhetoric in the HELP Committee and on the floor about local control and sending money to the States and that this is somehow miraculously going to happen. Talk to your local schools, as I have; talk to your title I schools. They will tell you this program has changed dramatically since its inception. They will tell you they have much more flexibility and local control. They fear us sending a block grant to the State will mean they lose the access and the ability to ensure that the money will be there for disadvantaged students in the future.

This amendment recognizes how important title I funding is to ensure that the kids at the bottom get the opportunity to learn as well. We increase title I funding by $1 billion to address the incredible needs out there.

Finally, this amendment will increase funding for Pell grants, grants that help disadvantaged students go to college, by $400 per year for each student. I would guess that my colleagues hear the same thing I hear when I talk to young people about the incredible amount of debt they accrue when they go to college, debt they have to pay off. We have to make sure we allow the kids at the bottom to have access to higher education. We recognize this in the amendment by increasing the Pell grants for students so we can assure that more young people can go on to college and our best and brightest will be encouraged to go on to college no matter what their income is.

These are the types of investments we should be making in America's young people. Unfortunately, the Republicans have the wrong priorities in their budget. They are putting their tax cut ahead of the needs of America's students. We know they are wrong, and we have introduced this amendment to make sure our students don't lose out.

I urge my colleagues to support this amendment. For those members of the majority who are inclined to oppose it, I want them to know this amendment would take only 15 percent of the tax cut and put it towards education. I can't think of a better priority for this Senate to support. I don't think it is too much to ask for America's students. By voting for this amendment, we will be saying that the young people of our country are a priority. They deserve a budget that treats them as a priority.

I thank the Chair and yield my time back to the Senator from Nevada.

Mr. REID. Mr. President, the Senator from Connecticut, Mr. DODD, is yielded 15 minutes.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, before my colleague from Washington leaves the floor, let me commend her for a very fine and eloquent statement. She brings to this debate not only an intellectual commitment to the issue but hands-on experience from her previous life directly involved in the education of young children.

I think it is valuable for us to pay attention to our colleagues who bring their life experiences to this Chamber and can help us be better enlightened about what is needed. We certainly listen to our fellow colleague from Tennessee, a good doctor, when he talks about health care issues. We listen to other Members who were part of the private sector and add a significant contribution to the debate. It is a fortunate moment, indeed, that we have an educator, an elementary and secondary schoolteacher who was involved in early education, in our midst. I thank her for her efforts not only today but over the years on education issues.

I also commend the author of this amendment, our colleague from New Mexico, Senator BINGAMAN, and the other cosponsors of this proposal.

It has already been pointed out but it is worth repeating: There are roughly 55 million children, from Maine to California, every day getting up to go to school. Of that 55 million who went off to school today, 50 million of them walked through the doors of a public school.

Our primary obligation is, obviously, to these students in public schools. That is not to say we are uninterested or not involved with the 5 million who go to private or parochial schools or a home school. But our fundamental, basic obligation goes to the public institutions that serve all children no matter their means, needs or backgrounds. That is primarily where our tax dollars flow.

Now, the federal investment in schools overall is small, shockingly small. Seven cents on every dollar that is contributed to the educational needs of children comes from the Federal Government; 93 cents of every dollar comes from State and local taxes. The lion's share of the cost of education is borne at the local and State level.

Historically, we have contributed as much as 12 percent. Today, we are down to 7. Although that is better than some recent years when it was even lower. This debate about what we do with our 7 cents may not seem like much, but to local communities, to parent-teacher associations, to school boards, to teachers, to superintendents, to principals at the local level, this 7 cents is important. It helps direct scarce and valuable resources towards those elements of national educational need that are most pronounced, most in demand, or should be.

For those who argue a block grant approach to the States, we do a great disservice to our local communities, where the bulk of the education costs are borne. We do a great disservice to them to deprive them of the direct funding in the areas they are crying out for help. To merely send a check back to the States, knowing full well that so many of these local communities lack the kinds of clout and influence at the State level, particularly those communities, rural and urban, that are most in need, is to do a great disservice to the parents and educators, to the citizens of those communities.

Outside of the dollar amounts, block grants also are a step backward in time as well as policy. We tried a block grant approach in the past. Basically, it was revenuesharing. I think the American public wants more than that. They want us to offer a sense of national purpose, what ought to be our goals, how best to achieve them, and support the efforts of local schools, local communities in meeting these.

Our goal is to get the dollars back to the community and the schools as fast and in the most direct, targeted way we can and not allow it to be interrupted. I hope as we go through the process this year of talking about the Elementary and Secondary Education Act, we will keep in mind that it is our relationship with our parents, students and local communities, not with the States, on which we ought to focus.

Beyond these policy differences, this budget highlights our differences with the funding approach of the majority. When it comes to resource allocation, the majority claims that they have, in fact, increased spending on our schools, but the numbers just don't add up. I will explain why.

The No. 1 priority in this budget is a major tax cut. Again, I think the American public has spoken rather clearly on this issue. This budget provides for $150 billion of tax cuts, at a minimum, over 5 years. Paying down the debt, dealing with Medicare, Social Security, and improving the quality of education in this country are a distant second, if even that, to that primary goal—A tax cut. Even though these other needs hold a far greater sense of priority for most Americans than a large tax cut which most people think is not warranted in this kind of an economy, the best economy we have had in the history of our country. To fund this tax cut, the budget cuts overall nondefense discretionary programs by 6.2 percent.

On education, this budget claims a $4.5 billion increase in spending. Keep these numbers in mind. They say $4.5 billion; $2.3 billion of that is for a new mandatory program, a new program—it is hard enough to get funding for existing ones—a new mandatory program that won't be spent until the year 2005, 5 years from now. That leaves an increase of $2.2 billion of the $4.5 billion.

The Republican budget resolution also assumes a $700 million increase in Pell grants to increase the maximum grant by $200 to $3,500, and a $2.6 billion increase for elementary and secondary education programs alone, of which $1 billion of that $2.6 billion is for special education. If you have had your pencils out and added this up, all of these good sounding programs add up to $3.3 billion.

That means to simply provide funding for these stated commitments, and level fund other programs, this budget should provide $3.3 billion more than what our colleagues said, but this budget only provides for the additional $2.2 billion in spending.

This gap can only be filled by cutting other education programs—core national efforts, such as college work-study, campus-based child care, TRIO, and GEAR UP would have to be cut by 22 percent to meet these goals.

There is no great new deal for education in America in this proposal. This is just another in the string of Republican budgets that undercut, undermine, and underfund education. The math is not complicated here. They say $4.5 billion, but this isn't adequate to meet their commitments. So to make up the difference within the Department of Education, you would have to cut at least amount—22 percent—in the areas I have described.

We have and will continue to take a different approach on education funding. This is a key national priority. In the amendment, we are offering we make a simple proposition—a little bit less in tax cuts, 10 percent, in the first year, and 16 percent over 5 years, for an additional $4.5 billion in education. That means cutting the $150 billion tax cut by about $15 billion—a tax cut nobody wants—and applying it to education to make all the difference in the world for children, families, and educators across this country.

Let it be clear, the choice is simple here. This amendment would support our efforts to accelerate change and improvement in our schools. The status quo is unacceptable. Our schools are improving. Children are doing better in many areas. Reading and math scores are up—not as high as they should be, but they are up—in nearly every age group and all the different groups of students across the country, particularly in our poorest schools.

Mr. President, but that is not good enough. We need to accelerate the pace of this change, and change doesn't come inexpensively. Someone once said, ''If you think education is expensive, try ignorance as a cost.'' That is what we are going to get if we don't make intelligent investments in these programs.

What we propose is more resources, with more accountability and higher expectation for success. The budget by the majority, which is in front of us, of less funding for education goes right along with their proposals for education—block granting programs currently focused on areas of national need and concern, and transforming targeted, successful programs into vouchers for private schools. Remember, 50 million of the 55 million students are going in the door of public schools. This is a recipe for failure in our public educational system—dollars frittered away on the status quo, less targeting, less funding, less accountability.

If you want no accountability, put dollars into in a block grant. How do you follow that or find out where the dollars have gone if it ends up in one big, large block of money that goes back to the States? How do you track that and keep account of it? For those of us who care about accountability, one sure way to get less of it is to have a block grant approach.

So we want to see less of the status quo approach. Their policies and funding for them are tired, timid, and dangerous for our schools. Block grants and vouchers are proven failures; why would we waste more dollars on them in the beginning of the 21st century?

Instead, our amendment proposes to reinvigorate our investments in our public schools—as I said a moment ago—which serve 90 percent of the America's 55 million students.

It would provide the needed resources to train teachers across the country in reading and literacy. It would support local afterschool programs for an additional 1.6 million students. It would assist local communities as they work to transform school facilities into safe, modern, learning environments for all students. It would ensure smaller class sizes in the early grades, when students are most in need of attention as they learn to read. Mr. President, it would support tough accountability and results in targeting resources to the

schools that are most in need. It would also shore up our national commitment to support students as they move on to postsecondary education.

This is no litany of Federal programs. These are real initiatives we can afford to do with the 7 cents—our 7 cents on the dollar spent for elementary and secondary education—to assist local communities, to see that our towns and counties across this country get the backing and support they need in the Federal Government.

Ask any parent about class size; ask them about afterschool programs and about school safety; they are crying out for this help. That is what they want, and that is what this amendment offered by our colleagues as an alternative to what is in this budget would do.

The choice is very clear. Can we afford to take about $10 billion or $15 billion over 5 years out of this tax cut proposal and put it into the one area, Education, that Americans all across the economic, racial, ethnic, gender spectrum, say they want to see this Congress spend time and effort on? They have never spoken more loudly or clearly on an issue.

In light of that, we think this amendment is a responsible, prudent, and efficient way to continue to get the accountability and resources necessary to improve the quality of the education of our children as we sit on the cusp of the 21st century. With all of the challenges we will have, we should offer nothing less than the very best we can to see that local communities will have the tools to succeed in what will be the most competitive environment any generation of Americans has ever had to face in our 210-year history. For those reasons, I strongly urge adoption of this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, the manager of the bill is on the floor. I ask to be yielded some time, if he would.

Mr. DOMENICI. If the Senator will be patient a moment, how much time does the Senator want?

Mr. GORTON. Ten minutes.

Mr. DOMENICI. I yield 10 minutes to the Senator.

Mr. GORTON. Mr. President, I have listened with great care to the Senator from Connecticut paradoxically claiming that to create a half dozen new categorical education aid programs and keeping control over all of them, to enable the U.S. Department of Education to write a few hundred pages more of rules and regulations, somehow or another enhances local control.

Mr. President, that is an Alice in Wonderland argument. A debate that will be at the heart of education will take place in this body next month when the Elementary and Secondary Education Act comes to the floor. By a regrettable partisan vote, that committee has proposed an Elementary and Secondary Education Act renewal that gives more promise to increase the academic performance of our students than has any other educational debate in this body for a decade or more.

On one side, including the chairman of the committee whose bill that is before us, are those who believe in true education reform and the kind of innovation that focuses not on how well teachers and superintendents and principals fill out Federal forms but on how well our students actually do. On the other side is the attitude that the Federal Government knows best and that somehow or other men and women all across the United States of America—parents and teachers and principals and superintendents and elected school board members, most of them working without compensation—somehow or other don't know or don't care what is best for their kids and we have to provide them with guidance.

Recently on this issue, one of my colleagues said that if we give these local communities the right to set their own education priorities, they will likely use the money for ''building a new locker room or redecorating office space.''

On hearing this charge, one of my superintendents, the superintendent of the Oak Harbor School District, had this to say:

> School boards are very close to their constituencies. Probably more than any other type of governing body, they are sensitive to the needs and demands of their communities. After all, they see their constituents on a daily basis at grocery stores, soccer fields and dance concerts. A parent can easily influence all five of our board members. Ten parents can move mountains locally. By contrast, what influence would these same people have on the education department, or even Congress? The best opportunity to avoid wasteful expenditures of education funds is at the local level where individual citizens have the greatest power and influence.

Yet what do we have from the minority party in the health committee on this request? Twenty new Federal education programs. We already have teacher training programs, to early childhood programs, to programs for delinquent and at-risk youths. They offered these new programs in that committee even though the General Accounting Office finds that we already fund 127 at-risk and delinquent youth programs in 15 Federal agencies and departments, 86 teacher training programs in 9 Federal agencies and departments, and more than 90 early childhood programs in 11 Federal agencies and departments. But, according to them, we need 20 more to be added to all of these.

Our view, to the contrary, is just this. We should allow our States and local education agencies to make the determinations of how best to use this money, and we should hold them accountable in only one way so the students actually do better.

We have offered three alternatives. One is that any State that likes the present system, that believes it is perfectly all right to fill out these forms, that doesn't mind a bureaucracy with hundreds of different education programs, can continue to do it the way they do it today. Any State that likes the present system can continue it.

Fifteen States will be allowed the opportunity under Straight A's simply to take all of the money, give 95 percent of it to the school districts in the same proportion they get it today, and be accountable only for the performance of their students. And all of the other States will be allowed the program proposed by the National Governors' Association, both Democrats and Republicans, that would require title I money at least to go directly down to the school district in exactly the amounts that it does today.

For 35 years under title I, we have attempted to reduce the disparity between title I-eligible students and the more privileged students who are not eligible for title I. That disparity has not increased. For the first time in these programs, we are actually offering an incentive—more money to those States that work to decrease the disparity and show they have actually been successful.

There is, unfortunately, a great gulf between the two sides on this issue. The one side likes the present system and, in fact, apparently believes we need more than 127 programs for at-risk and delinquent youths, more than 90 early childhood programs, more than 86 different and distinct teacher training programs, more forms from the Federal Government and from the bureaucracy, and less trust in the ability and interest of either State officials or local school officials in making the determination as to what our children need to succeed.

That is simply wrong. The men and women who know our children's names know best what they need to succeed in education. The accountability we set out for them in our proposal is the most fundamental accountability of all. It is: To see to it that your students do better, come up with a system of tests that show whether or not they are succeeding in their academic subjects, and if they do succeed, you will go forward with this flexibility; you will in fact get more money.

The difference is striking. It is a great contrast. But those who believe in local control will allow the people in our States and communities to have that control, and we will not tell them they have to spend their time filling out forms and following hundreds of pages of Federal regulations.

There is a great gulf between the two sides in this debate. But our side is the one that believes in the future of our children and believes the future can best be determined by their parents, by their teachers, and by their elected school board members at home.

To go down the road putting more money into a failed system is to put new wine in old bottles. The bottles will simply burst and the wine be wasted.

Mr. DOMENICI. Mr. President, I thank Senator GORTON for the remarks he made. I don't think people remember that when we first started this movement toward more flexibility and control by local government and accountability, SLADE GORTON offered the first amendment. And there has been a constant evolution in that direction. I personally thank him for it.

Mr. REID. Mr. President, I yield 10 minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, I rise in support of the Bingaman amendment. The single most important thing we do as a government is educate our young people. What we should be doing and talking about today in this debate is making this decade ''the education decade.''

We have in the United States the best roads, the best technology, and the best economy. But we don't have the best schools. We should be working toward making our schools the envy of the world.

I intend to submit a sense-of-the-Senate amendment later during the course of this debate which provides that 10 percent of the non-Social Security surplus will be devoted to education. I think it is the kind of statement that we as a body need to make to show the American people we are committed to providing the resources that are necessary to educate our young people.

If I can make just one comment in response to the Senator's remarks, what we are talking about in this debate is simply providing the resources for the programs that are so desperately needed, which I will talk about in just a minute. We are not talking about placing bureaucratic restrictions on State and local school districts. I believe very strongly that we don't want our school systems run out of Washington. In fact, we need our school systems to be run at the State and local level. We need to be sure they have the flexibility to make the decisions about what is best for their schools. I support that. We support that.

The issue we are debating today is whether we are going to provide in this budget process the resources that are so desperately needed in our public schools today. If we don't provide these resources, it is going to be impossible for our children to compete in the world. There is no doubt that they will be required to compete in a global economy. Our responsibility is to give them the tools to compete. They will not have the tools to compete unless we provide the resources that are so desperately needed by our public schools.

I would like to talk briefly about four areas.

First, afterschool programs: We have thousands and thousands of children all over this country who are on the waiting list to get into afterschool programs.

I actually have some firsthand experience with afterschool programs because my wife and I helped start an afterschool program in Raleigh, NC.

We have computers, we have technology, and volunteer tutors help children to learn technology, help them with their homework, help them prepare for tests. I have been able to see firsthand what happens when kids are put on a level playing field and they are all given a chance.

We know the time kids are most likely to get in trouble is between the time they get out of school and the time their parents get home from work. It is nobody's fault their parents have to work. We ought to give the kids a safe place to go, a safe environment where they can continue to learn and continue to be productive; equally important, give them a sense of self-esteem and make them believe they have an equal opportunity to compete against all the students around them. I have seen firsthand what happens. Their self-esteem grows, their self-image grows; as a result, their engagement grows and their grades improve. It happens over and over and over.

That is why afterschool programs are so important. This is not about a line item on a budget, this is about the lives of our children.

Class size: Every teacher I encounter tells me they feel as if they are babysitting. It is impossible for them to teach when they have 30, 32, 33 children in a classroom. We have to do something about that.

We have trouble attracting good teachers. We have trouble retaining good teachers. Our responsibility is to give teachers the tools they need to do the job they want to do. They are professionals. They are professionals who are in this business because they want to educate kids. We have to give them an environment that allows them to be effective. That is what reducing class size is about. Making our kids effective, allowing kids to have access to the teachers they say they so desperately want to have access to so they can learn—that is what this debate is about.

School construction and modernization: Just a few weeks ago, I was at Wayside Elementary School in Statesville, NC, a small, overcrowded, school built more than 50 years ago. They have literally put pieces of carpet all over the floor to cover asbestos tiles. The roof is leaking. The children have to go outside in order to go to the bathrooms. There are trailers, mobile homes, everywhere. The teachers who teach in that school a couple years ago got an incentive bonus. These are already underpaid teachers, but instead of keeping the bonus money for themselves and their families, they turned their bonuses back in to be used at the school. It is obvious these teachers are committed to the young people whom they are trying to educate. These kids cannot learn in a school that is falling apart. They cannot learn when they are sitting on top of each other in classrooms.

What kind of message does it send to the American people when these kids go to the local mall, all the stores are beautiful and shiny and new and well built, and then they go to Wayside Elementary School, the building is falling apart, patches of carpet are everywhere, the roof is leaking, and in order to go to the bathroom they have to go outside?

We need to do something about this. We need to put our kids in good quality buildings. We need to modernize the schools. We need to do it in a fiscally responsible and sound way. It is critically important we put our kids and our teachers in an environment where they can learn—the teachers can teach and the kids can learn.

Finally, Title I: Visit the schools in North Carolina, and the one thing you learn immediately is, we don't have a level playing field. There are some schools in Wake County and Mecklenburg County, Raleigh, and Charlotte that are beautiful and new with lots of technology. Go out into the rural areas of North Carolina, and we find schools that are falling apart, where they can't keep teachers. These are the schools at which Title I is aimed.

Title I has not been as successful as we would like in some areas. Although it has done very good things, there is more that needs to be done. We need to make sure a child living in the country in North Carolina has just as good an opportunity to learn as a child who lives in Raleigh or Charlotte. There is absolutely no reason that a child who is born in Raleigh, NC, should have an opportunity for a better education than a child who is born in rural North Carolina. That is what Title I is about. It is about leveling the playing field.

There is nothing more important we can do in the Senate this year than focus on education. We must send a clear and unmistakable message to the American people that we are willing to do whatever is necessary, financially and otherwise, to support our public school system, to educate our children, to give our children a chance to compete against every other child in this

global economy. That is what we should be talking about today. That is what we should be debating. More importantly, that is what we should be committing to do in this budget process.

I yield the floor.

Mr. REID. I yield 10 minutes to the Senator from New York.

The PRESIDING OFFICER (Mr. GREGG). The Senator from New York.

Mr. SCHUMER. Mr. President, I thank the Senator for yielding. I thank our Senator from New Mexico and the Senator from Massachusetts and so many others who have put together this outstanding amendment. This amendment is one of the most important amendments we will vote on this entire year.

We have moved into an economy where ideas matter. As Alan Greenspan puts it: High value is added no longer by moving things but, rather, by thinking things. We cannot afford an educational system that the OECD—the 22 developed nations in North America, Europe, and Japan—ranks, in America, 15th, 16th, or 17th.

I think Americans have come together on two types of issues: One, that we are willing to spend more money on education. We have to. When a starting salary for a teacher is $24,000, when we have such shortages of classrooms, when we don't have the kinds of things we need for afterschool and computers and all the things that make a modern education worthwhile, there is only one answer. It is money.

We all know the local property taxpayer who from the beginning has funded education in this country is up to here in property taxes. The choices are simple: Let education stagnate or let the Federal Government play a more significant role. Most Americans want us to do that. It is unfortunate the budget that is put before the Senate does not do that.

The second issue I think we all embrace in general is that we must have standards in education. A student who is not reading at a third-grade level should not be promoted from the fourth to the fifth grade. A teacher who is not certified in a subject should not be teaching it. We need real standards and real accountability. Put that together and I think we can come up with a significant education program that can bring Americans together and do the job our country needs.

Mark my words, if our educational system stays at the present level, we will not be the leading economy in the world in the year 2025 or 2050. This is a crisis that demands some dramatic urgency.

The amendment put forward by the Senator from New Mexico and others, including myself, makes a difference. Let me go over again what it does. First, it puts a qualified teacher in every classroom. There is $2 billion for recruitment, mentoring, and professional development of qualified teachers. Many of the things I have been working on, a Marshall Plan for teachers, are included in this amendment. We desperately need it in New York. Nationally, for instance, we face a teacher shortage of 2.2 million over the next decade. New York faces a teacher shortage of 80,000 men and women over the next 5 years. How are we going to get qualified teachers? Currently, only 10 States require and fund programs for new teachers, 12 pay veteran teachers to be mentors. This amendment provides those kinds of resources.

Second, it helps communities modernize our schools. My children attend the public schools in New York City. I will never forget the day I went to open school day for my little one, Alison's kindergarten class, a few years back. There were two classes in that one kindergarten room. You could not hear above the voice of the teacher of the other class in the other corner of the room; you could not hear what Alison's teacher was saying to her students.

Left alone to the localities, left with the tremendous burden the property tax puts on so many Americans, we will not modernize our schools. But our amendment comes to the rescue. It provides $1.3 billion in grants and loans for the much needed repair of 5,000 public elementary and secondary schools in high-need areas. It leverages an additional $25 billion in interest-free bonds to help build schools.

New York currently has an unmet funding need for school construction of $50.7 billion, one-sixth the national need of $307 billion. We desperately need this part of the amendment.

The amendment supports tough accountability for results. To put money into a program without having it be accountable, as it would be in the private sector, has been one of our failures in education—lack of accountability.

I disagree with some of my friends on the left who say that accountability is wrong or unmeetable. I plead with my colleagues to do two things. First, keep the bar high. That is the only way we are going to stay a leading country. But help provide the resources to let those get over that bar. The other two choices are unacceptable: to lower the bar or to not help people get over it. Neither is good. The tough accountability for results in this amendment—$116 million over last year to $250 million for accountability—is vital.

This amendment rejects the cuts that have been proposed in impact aid. We have, in New York State, districts such as Indian River near Fort Drum and Highland Falls near West Point which would be devastated by the cut actually in the President's budget because he eliminates $94 million in impact aid. This amendment restores that.

Not least important, this supports a commitment to smaller classes; $1.75 billion to hire 100,000 new teachers and reduce class size in the early grades. My daughter has seen class size grow in her public school, P.S. 230. She is one of millions of American children who see that.

We expand afterschool opportunities for children. I participated in afterschool programs and played basketball. It kept me in good shape. Many students do not have that opportunity. We increase it.

We increase support for children with disabilities, and we make college more affordable by increasing the individual Pell grant by $400.

These are all important things to do. Compare this with the budget that has been proposed by my friends. The problem is twofold. No. 1, it does not provide those resources. We can talk and talk and talk about education, but, unless we provide resources, we are not going to achieve our goal.

Most Americans support that wish. I think the other side is being penny-wise and pound foolish to not support increasing aid for education. Ask Americans what is their No. 1 priority, above any other spending program, above tax cuts and above retiring the deficits. It is education. The budget proposed by my friends on the other side of the aisle does not recognize that need. It is woefully inadequate. It actually cuts, by $1.4 billion, from what the President did. I am the first to say what the President did in his budget was not enough in this important area. It is the spending area where we most need an increase.

No. 2, the budget envisions this block grant procedure, which I know my colleagues on the other side want to move forward, in the ESEA bill on which we will vote. In their budget, under function 500, it says:

> This bill will give States greater flexibility in delivering hundreds of elementary and secondary education programs and will place more decisionmaking in the hands of States, localities and families.

It is good rhetoric, but I will tell you I don't think we should take the Federal taxpayer dollars and let it be frittered away in the same way we have seen money wasted in the past. We in this Congress should set our priorities for education. We should certainly not mandate on the locality that they have to take our priorities. But if they want some money, they better improve and reform their systems.

Crime is the area in which I have the most expertise. I remember when we had a crimefighting block grant very similar to this proposal. One locality bought a tank. Another State bought an airplane so the Governor could fly from Washington to Indianapolis—it was the Governor of Indiana—all under the block grant process.

I do not get the logic. Our friends on the other side say the system is not

working well enough. I agree. Then they give money to the same exact people to spend in the same exact way. What sense does that make? We are trying to get the localities to reach to a higher goal: Lower class size and we will give you some dollars; increase accountability and we will give you some dollars; make better classrooms and we will give you some dollars. But we are not going to give dollars—I ask the Senator from Nevada, may I have an additional 2 minutes?

Mr. REID. The Senator from New York is yielded 5 minutes.

Mr. SCHUMER. I thank the Senator.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, we set out goals. A block grant is a continuation of mediocrity. A block grant does not give families the power to spend the money. It gives money so the same local institutions, many that have been mired in mediocrity, can do the same thing as they have been doing before. Sure as we are sitting here, if we have a block grant, do you know where it is going to end up? Administrators' folderol.

The programs in the amendment of the Senator from New Mexico are designed to do specific things that all Americans support and, more importantly, even that our educational experts tell us are needed to improve education. So the fact that the budget is pusillanimous, is stingy in the area where we most need help—education—and the fact is, instead of laying out a specific guidepost based on careful analysis and what the experts say is needed, it just takes a ball of money and throws it to a locality or throws it to a State, separating the taxing authority from the spending authority. That is probably the greatest problem in block grants because when you separate the taxing authority from the spending authority, you almost always get wasted money. It is free money to others. Those are the two great problems in education, our most important priority with the budget that is put before us.

I ask my colleagues on the other side of the aisle to look at that budget; when they go home and make speeches about how important education is, to then ask themselves how they can vote for a budget that actually cuts from the President's budget by approximately $1.4 billion, not including IDEA.

I ask my colleagues on the other side who criticize the present system, why just give, in a mass block grant, money to the same States and same localities that have not measured up now? Why not increase the amount of dollars but only allow them to go into the classroom, whether it be teachers or new classrooms or standards for those classrooms that everyone, when they go back home to give speeches, seems to say we need?

I salute the Senator from New Mexico, the Senator from Massachusetts, the Senator from Washington, and all the others who have put together this amendment. It is a marvelous blueprint, a well-thought-out blueprint of where we need to go in education. Let us stop simply giving the American people rhetoric. Let us put together a concrete plan that makes a difference in the areas where we need to make a difference, such as reducing class size, modernizing and building more classrooms, improving the quality of teachers, and improving accountability.

This amendment does it. I urge my colleagues to support it and reject the present budget. The budget before us is a pusillanimous and unfocused approach towards education.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 6 minutes.

Mr. DOMENICI. I want to reserve 2 minutes. I will speak for 4 minutes.

Mr. President, this request has been worked out with the minority. I ask unanimous consent that the vote occur in relation to the Bingaman amendment at 5:30 p.m. in a stacked sequence, with no amendment in order to the Bingaman amendment prior to the vote and, further, that there be 2 minutes for debate prior to each vote for explanation. I further ask unanimous consent that following the use or yielding back of time on the Bingaman first-degree amendment, the amendment be laid aside, and Senator ALLARD be recognized to offer a first-degree amendment relative to debt reduction. I further ask unanimous consent that following the use of or yielding back of time, Senator CONRAD be recognized to offer a second-degree amendment relative to debt reduction, and that following the use or yielding back of time, those votes occur in a stacked sequence.

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

Mr. DOMENICI. I ask unanimous consent that all votes in the voting sequence after the first vote be limited to 10 minutes in duration.

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

Mr. DOMENICI. In light of this agreement, the next votes will occur today starting at 5:30 p.m. I thank all Members for their cooperation.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, to alert all Members, especially on the minority side, we have been told the majority leader expects to spend a lot of time here tonight, and the minority will offer amendments throughout the evening.

It is my understanding the majority leader wants to get the time left on this resolution down to single digits. We are now in high double digits. We will have to work into the evening tonight to eat up some of that time.

Mr. DOMENICI. Mr. President, I yield myself 4 minutes, reserving 2 minutes.

First, wherever the distinguished Senator from New York referred to the Senator from New Mexico, it is more fair he say the Senator from New Mexico, Mr. BINGAMAN, because I do not want credit for something of which I am not in favor.

I want to make three quick arguments: First, for those who are listening and those in American education who think we are going to decide in detail how the money in this budget is going to be used for education, I assure them the appropriations subcommittee headed by Senator SPECTER and the Senate is going to determine how the money in this budget resolution is spent in education.

We can come to the floor and talk about all the problems in education and say the Bingaman amendment takes care of these things. The truth of the matter is that is a wish list. That is what somebody hopes will happen. What will happen is what the appropriators decide. Anybody who has a wish for education can come down here today and say the Senate budget resolution is going to take care of this problem in education, and if those listening believe it, then wait around for 3 months and see what the appropriators do.

My second point is that there is a lot of talk about whether or not we cut the President's budget. I have a Congressional Budget Office analysis of our education numbers. This is what they say: The Senate's budget is $47.877 billion in budget authority, program authority; the President's is $47.228 billion, a difference of $600 million more in the pending resolution than that for which the President provided.

The baseline from which we start this year is $43.3 billion. Everybody can do the arithmetic. We have added more than the President to this function. Where it goes will be determined by the appropriators.

My other observation is that while in office, this President has called himself the education President. He has bragged that he has gotten Congress to go along with him on education. There are Members coming to the floor saying these are Republican education numbers while, as a matter of fact, the President is bragging they are his over the last 5 years. I do not know whom to believe, but I think we have increased education significantly over the last 6 years while we have been in power in the Senate.

My last observation has to do with whether or not the new bill that is going to be reported out of committee and come to the floor is going to do

away with categorical programs. To those who love the 300 or 400 categorical programs we have and think they must be helping education, I say that is why it has not gotten any better in the last 10 years. If they think that is what the bill says, let me tell them it is going to have three menu items. One is if schools like what we have now, they can keep it. They can keep that program everybody thinks is so great or they can opt to take a lump sum with strings attached that mean performance and accountability. If they take that, they have to account for it; they have to be accountable, and they receive a bonus if their accountability is on the plus side. If not, they do not get a bonus.

Actually, we are going to let the schools decide which way they want to go. Republicans are already in the field trying out this idea. To the amazement of some Democrats, school leaders, school boards, superintendents, and principals are opting our way, saying: Give us a chance instead of putting all these strings on our education money.

We have done enough. We do not need the Bingaman amendment. I hope it is tabled later in the day. I commend my colleague for his interest in education. We have done enough when we do more than the President this year.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I yield 10 minutes to the Senator from South Carolina, and this will be off the resolution.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, upon taking office, President Ronald Reagan appointed a commission to root out government waste, fraud and abuse. Headed by Peter Grace, the Grace Commission reviewed the numerous Federal departments and agencies, and called for the elimination of tremendous waste. The commission also called for an annual report on the implementation of its recommendations. Eighty-five percent of the Grace Commission's recommendations were implemented by 1989, but today not only has Congress abandoned the Grace Commission's initiative but is racing in the other direction.

Section 201 of the Social Security Act requires that Social Security surpluses be invested in Treasury bills so that the trust fund can reap interest and grow. Paradoxically, section 201 requires that the trust fund be spent or eliminated. When you buy Treasury bills you give the Government the money and the Government, in turn, gives you a note or bond which amounts to an IOU. The only way to have the trust fund reflect a surplus instead of a deficit is to require the Secretary of the Treasury to maintain in the trust fund cash in an amount equal to the total redemption value of its Treasury bills. Today, instead of trust fund surpluses of $1,099 billion, the Social Security ''lockbox'' is $1,009 billion in IOUs.

The policy of investing in U.S. Government instruments is sound. Some think that the fund could make more money by investing in the stock market, but this involves risk that the Congress is determined not to take. Fifteen years ago we only owed Social Security $50 billion. We were not worried because we were taking in surpluses each year. In 1990, we amended the Budget Act prohibiting the President and/or Congress from reporting a budget offset by Social Security surpluses. We wanted the people to know the true condition of the Social Security trust fund and the growth of the national debt. Nevertheless, surpluses continued to be applied against the national debt obscuring its elephantine growth. As the debt grows, carrying charges or interest costs grow. Come the year 2013, there will be a day of reckoning. In 2013, there will not be enough revenue from payroll taxes to pay the Social Security benefits. Congress, for the first time, will look to the trust fund which was supposed to have been saved to take care of the baby boomers. Instead, the Social Security trust fund is projected to be in the red $4 trillion. Congress will have two options: cut the benefits or raise the taxes. Looking at the increasing need and already short $4 trillion, Congress will no doubt cut benefits. In the meantime, interests costs on the national debt, the waste that the Grace Commission intended to eliminate, grows like ''gangbusters.''

When President Lyndon Johnson balanced the budget last in 1968 the annual interest cost on the national debt was only $16 billion. Today, the Congressional Budget Office, CBO, estimates it will be $362 billion—almost a billion dollars a day for nothing. No one thinks we should accumulate $4 trillion in the Social Security trust fund by repealing section 201. Yet, the people should be awakened to the fact that Congress hasn't paid for the Government it has been providing for 31 years. CBO estimated in February that we will spend $58.9 billion more this year than we take in. Looking at the votes in Congress since that time, the deficit will exceed $100 billion. Talk of a surplus is a total farce. Talk of not spending Social Security is a total farce. Talk of a Social Security lockbox is a total farce. And any proposal for a tax cut is no more than an increase in the debt, an increase in interest costs, an increase in waste.

Mr. President, I thank the distinguished Senator and yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I yield the Senator from Minnesota 10 minutes.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 2926

Mr. WELLSTONE. Mr. President, I thank the Senator from Nevada. I especially thank my colleague, Senator BINGAMAN from New Mexico, not only for his amendment but for his work in education and for children.

Quite often, we will come out here on the floor and talk about how great Senator ''so and so'' is. I am not saying it is not meant because I think quite often it is meant. But from my point of view, at least, I think Senator BINGAMAN's methodology as a Senator is interesting. He never seems to try to claim credit for what he does. He is extremely thoughtful. He is very substantive. I believe he is one of the best Senators in the Senate. I am proud to support this amendment.

Really, what this amendment says, as we look at this overall budget—after all, our budget speaks to our priorities—is that there is a difference between the Democrats and Republicans. It is a difference that makes a difference.

Republicans, in their budget proposal, have provided much more funding for IDEA. I thank the Presiding Officer, the Senator from New Hampshire, for his strong voice on this. Ever since he came here to the Senate, he has been talking about the need to live up to what is an unfunded mandate and to provide for more resources in this area. I think that is extremely important.

I also hear from people at our school district levels: Look, if you would do the job of providing the funding here, that would help us in many important ways. Above and beyond that, what we have done is said yes to that. We provide for the same funding, but we go further. We say that we think there is an important choice we need to make as Senators, and there is an important choice and decision the country needs to make: Whether we go down the path of the tax cuts—many of them disproportionately flowing to high-income people, to more affluent citizens—or whether, as we look over the next 5 years, we could, in fact, do better by our children and do better by education with close to an additional $35 billion.

I think I heard my colleague, my friend from New Mexico, whom I work with a lot in the mental health area, say: Look, we have done enough. Basically, we believe there is enough in this budget.

I do not agree. I am in profound disagreement. I am in a school every 2 weeks, most of the time in Minnesota, although sometimes in other States, as well. I was a college teacher for 20 years. I love to be in schools. I love to teach. I love to meet with students.

I will tell you right now, in Minnesota, and all across the country, we have a lot of crumbling schools. I think

in Minnesota we have well over a $1 billion challenge ahead of us.

I will tell you this: It is very difficult to tell students and young people we value them and then not invest in these schools to the point where the infrastructure is crumbling. What we say to students when we do not even invest in the physical infrastructure is: We do not value you.

We have the task of rebuilding crumbling schools. But don't stop there, I say to Senators. We need to do more. I do not think this budget that our Republican colleagues have presented does near enough. I am in profound disagreement.

You ask the students—talk to them; in many ways, they are the experts on education—what works and what doesn't? They will all tell you that one of the keys to a good education is good teachers.

In the budget proposal that the Democrats have brought to the floor, Senator BINGAMAN taking the lead, we talk about the need to get more resources to the school district level so that we can hire more good teachers and we can have smaller class size.

I would argue today and tomorrow and for the rest of this year and for the next 10 years, that is one of the best things we can do.

One of the things we do not include in this budget proposal but Democrats have talked about—I wish we would back it more with investment—is what we should be doing prekindergarten.

But let me go on about what we can do and what is in this proposal.

In addition, we are talking about afterschool programs. I have not found any issue where there is a greater community consensus—from law enforcement to teachers, to parents, to social workers, to youth workers—that we have to give our children and our young people positive alternatives after school: places to go, places to be. We include that in this proposal. That makes a whole lot of sense.

We had a debate—sort of a debate—on the Ed-Flex bill. I will admit, I was in a minority of one on that. I think the final vote was 99–1. But one of the arguments I made—which I believe most Senators agree with, I hope—and which is certainly a part of this proposal, is that we are talking about flexibility at the same time we are providing title I money, which goes to those students who are disadvantaged, those students who need additional support. We are funding it at about a 30-percent level.

In my State of Minnesota—I am in inner-city schools all the time—in the city of St. Paul, after you go below the threshold of 65 percent of your students coming from homes which make them qualified for the free or reduced school lunch program, we do not have any funding. Once you have 60 percent of your students low income, you do not qualify. We are out of money. We can do much better.

My colleagues on the other side of the aisle say we have done enough. No, we have not done enough. It is not enough to give speeches. It is not enough to have photo opportunities next to children. It is not enough to say we are all for education. It is not enough to say we are for young people because they are our future. It is not enough until we back it up by digging into our pockets and, yes, spending more money and making the investment.

I think this amendment that we bring to the floor is a ''divide'' amendment. This is a divide amendment between Republicans and their priorities—more tax cuts; more tax cuts disproportionately going to wealthy, high-income people, versus more investment in children and more investment in education.

Frankly, I would be willing to debate any colleague who says we have done enough, that we should not be making this additional investment.

Of course, we should be making this additional investment. We are not going to provide the best education for every child on a ''tin cup'' budget. This additional $35 billion can make a difference.

Let me also point out, since we have this debate on the floor of the Senate—and we will have much more of this debate when we get to the Elementary and Secondary Education Act—that I am deeply troubled by all of the Senators—I hope not a majority—who want to talk about high stakes standardized tests and want to say we are for rigor and want to say we are for accountability and want to even say that, by gosh, if a third grader, age 8, does not pass this test, then she is going to be held back, but we are unwilling to make the investment and get the resources to the local school district level so that every one of these children have the same opportunity to pass these tests. We hold children responsible for our failure to invest in their achievement and their future. We can't have it this way. We ought to be talking about high standards. We ought to be telling our children we expect the very best of them, but we also need to have the policy integrity, as Senators, to provide the resources to our local communities so we can make sure that, as a Nation and as a Senate, we have met the opportunity-to-learn standard, that every child in the United States of America, regardless of color of skin, rich or poor, low income or high income, rural or urban, or boy or girl, will have the same chance to reach his or her full potential.

This $35 billion is not Heaven on Earth. It doesn't make it perfect, but it makes it a better Earth on Earth for our children. I believe we should support it, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. SARBANES. Mr. President, I rise in support of the pending Bingaman amendment to increase funding for education programs in the FY2001 budget resolution—programs that have been proven to increase student performance. Few of the problems facing us today are as important as the challenge of educating our children to meet the demands of the future. Yet, the budget resolution put forward by the Majority does nothing for key priorities like funding for high-quality teachers, smaller class sizes, modern and accountable schools, and expanded and improved technology in the classroom. In fact, total discretionary spending for education, training and social services programs in the Republican budget plan before us is $4.7 billion below the President's budget request, reducing discretionary education funding to below FY2000 levels.

I strongly supported an amendment offered during the Budget Committee markup to provide increased funding for smaller class sizes, school construction and renovation, and teacher quality—initiatives that are critical to ensuring an educated citizenry. I regret that Republican members of the Committee opposed this amendment, resulting in its defeat, and I would strongly urge my colleagues to support the pending amendment.

Mr. President, the quality of teachers and principals is essential to student achievement. Research indicates that high-quality teachers are the single most important determinant in how well students learn. Likewise, research has shown that students attending small classes with qualified teachers in early grades make more rapid educational progress than students in larger classes. This amendment would increase funding in these critical areas, as well as in other areas such as afterschool programs and school modernization, offset by reducing the irresponsible tax cuts included in the Majority's proposal. It would also make higher education more affordable and accessible by increasing the maximum Pell Grant, and increasing funding for the TRIO and GEAR-UP programs.

Throughout my service in the United States Senate, I have been committed to the goal of ensuring a quality education for all our Nation's citizens. This amendment would move us in the direction of that important goal and I again urge my colleagues to support it.

AMENDMENT NO. 2928

Mr. DOMENICI. Mr. President, I wonder if Senator REID will agree that I may offer the Johnson amendment—he asked that it be offered on his behalf—and a second-degree from me, and we vote on both of them by voice vote.

Mr. LAUTENBERG. No objection, Mr. President.

Mr. DOMENICI. Mr. President, on behalf of Senator JOHNSON, I send a first-

degree amendment to the desk and ask for its immediate consideration. I ask unanimous consent this be in order.

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

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] for Mr. JOHNSON, for himself and Mr. ABRAHAM, proposes an amendment numbered 2928.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . RESERVE FUND FOR MILITARY RETIREE HEALTH CARE.

(a) IN GENERAL.—In the Senate, aggregates, allocations, functional totals, and other budgetary levels and limits may be revised for legislation to fund improvements to health care programs for military retirees and their dependents in order to fulfill the promises made to them, provided that the enactment of that legislation will not cause an on-budget deficit for—

(1) fiscal year 2001; or

(2) the period of fiscal years 2001 through 2005.

(b) REVISED LEVELS.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

AMENDMENT NO. 2929 TO AMENDMENT NO. 2928

(Purpose: To limit the amount of the reserve)

Mr. DOMENICI. Mr. President, I ask unanimous consent that all time on this amendment be yielded back and that I may send a second-degree amendment on behalf of myself to the desk, that all time be yielded back and the second-degree amendment be agreed to, that the first-degree amendment, as amended, be agreed to, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Mr. President, reserving right to object—I don't know whether I will—could I ask the Senator to again summarize the second-degree amendment. I couldn't hear him.

Mr. REID. If I could say to my friend from Minnesota, Senator JOHNSON, the sponsor of the amendment, has worked with the majority. They have worked something out that is to the satisfaction of Senator JOHNSON. This was his amendment. He believes the second-degree strengthens the amendment and that it should be accepted. I personally don't know the subject matter of the amendment.

Mr. WELLSTONE. I thought the Senator had just summarized it.

Mr. DOMENICI. All it does is, it makes it clear that the bill we are relating to is to be reported out by the Senate Armed Services Committee.

Mr. WELLSTONE. That is the second-degree amendment.

Mr. DOMENICI. That is the second-degree amendment. It makes it clear.

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

The amendment (No. 2929) was agreed to, as follows:

In subsection (a), after the words "may be revised for" insert the words "Department of Defense authorization", and after the word "legislation" insert the words "reported by the Committee on Armed Services of the Senate".

The amendment (No. 2928), as amended, was agreed to.

Mr. DOMENICI. I thank the Senator.

Mr. REID. Mr. President, on the pending amendments—the amendments we have been working on most of the day—the minority has no more speakers. We yield back the time we have on that subject under the unanimous consent agreement. I understand the Senator from Colorado will now offer his amendment.

Mr. DOMENICI. Mr. President, I yield back the 2 minutes I have on the amendment.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

AMENDMENT NO. 2906

(Purpose: To protect social security and provide for repayment of the Federal debt)

Mr. ALLARD. Mr. President, I have an amendment at the desk numbered 2906.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for himself, Mr. ENZI, and Mr. GRAMS, proposes an amendment numbered 2906.

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

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

The amendment is as follows:

At the end of the resolution, insert the following:

TITLE ___—SOCIAL SECURITY PROTECTION AND DEBT REPAYMENT

SEC. ___1. BALANCED BUDGET REQUIREMENT.

Beginning with fiscal year 2001 and for every fiscal year thereafter, budgeted outlays shall not exceed budgeted revenues.

SEC. ___2. REDUCTION OF NATIONAL DEBT.

(a) IN GENERAL.—Beginning with fiscal year 2001 and for every fiscal year thereafter, actual revenues shall exceed actual outlays in order to provide for the reduction of the Federal debt held by the public as provided in subsections (b) and (c).

(b) AMOUNT.—The on budget surplus shall be large enough so that debt held by the public will be reduced each year beginning in fiscal year 2001. The amount of reduction required by this subsection shall be $15,000,000,000 in fiscal year 2001 and shall increase by an additional $15,000,000,000 every fiscal year until the entire debt owed to the public has been paid.

(c) SOCIAL SECURITY SURPLUS AND DEBT REPAYMENT.—

(1) IN GENERAL.—Until such time as Congress enacts major social security reform legislation, the surplus funds each year in the Federal Old Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall be used to reduce the debt owed to the public. This section shall not apply beginning on the fiscal year after social security reform legislation is enacted by Congress.

(2) DEFINITION.—In this subsection, the term "social security reform legislation" means legislation that—

(A) insures the long-term financial solvency of the social security system; and

(B) includes an option for private investment of social security funds by beneficiaries.

SEC. ___3. POINT OF ORDER AND WAIVER.

(a) POINT OF ORDER.—It shall not be in order to consider any concurrent resolution on the budget that does not comply with this title.

(b) WAIVER.—Congress may waive the provisions of this title for any fiscal year in which a declaration of war is in effect.

SEC. ___4. MAJORITY REQUIREMENT FOR REVENUE INCREASE.

No bill to increase revenues shall be deemed to have passed the House of Representatives or the Senate unless approved by a majority of the total membership of each House of Congress by a rollcall vote.

SEC. ___5. REVIEW OF REVENUES.

Congress shall review actual revenues on a quarterly basis and adjust outlays to assure compliance with this title.

SEC. ___6. DEFINITIONS.

In this title:

(1) OUTLAYS.—The term "outlays" shall include all outlays of the United States excluding repayment of debt principal.

(2) REVENUES.—The term "revenues" shall include all revenues of the United States excluding borrowing.

Mr. ALLARD. Mr. President, I rise today on behalf of myself, Senator ENZI, and Senator GRAMS, to offer this very important amendment to the budget resolution. Our amendment concerns the repayment of the $3.6 trillion debt owed to the American public. I am eager to join my colleagues in this important discussion about the Federal budget, the budget surplus, and the American Government's economic future.

When I was first elected to Congress in 1990, the discussion was radically different. The concept of a budget surplus, let alone long-term projections for a surplus, was foreign. The notion that a national debt measured in trillions could ever be paid off was practically science fiction. While 1990 was only 10 years ago, we stand on the floor of the Senate today a million miles from the bleak fiscal outlook of those times.

We must be careful. While our present fiscal condition may be rose colored, fiscal irresponsibility and a refusal to wisely use the budget surplus can not only lead us back to our deficit

spending ways of the past, in my view, it will threaten the fiscal health of our Nation for yet another generation of Americans.

I am here today to urge my colleagues to address the responsibility that comes with the $5.7 trillion debt. During the 105th Congress, I introduced the American Debt Repayment Act. This legislation provided an amortization schedule for the repayment of the national debt.

The largest purchase an American family will ever make is the purchase of their home, and this expenditure is made possible because they laid down a plan on how to pay off this mortgage. It is a set schedule of payments. When I was crafting the American Debt Repayment Act, I studied this traditional form of payment and said, why doesn't this apply to our enormous Federal debt?

Now, 2 short years later, the outlook has changed somewhat, as the Federal Government has run and is estimated to continue to run an on-budget surplus. During the previous two budget cycles, we have witnessed an eagerness to spend more and more money. On-budget surplus dollars have become lumped into the appropriations process to allow for increased spending.

One result yielded by our time of prosperity has been the use of surplus money to raise the discretionary spending levels, allowing Congress to shy away from making some hard choices. The willingness to spend surplus dollars is so strong, in fact, that when Congress adjourned last fall, there was no real certainty as to whether we would spend all of the on-budget surplus dipping into the Social Security trust fund. This, quite simply, is no way to run an enterprise—any enterprise. Plowing surplus money back into discretionary spending to the extent that Social Security money would be jeopardized is bad policy.

Today, I rise to offer an amendment that would not only provide an opportunity to control the impulse to spend surplus dollars but would eliminate the entire $3.6 trillion debt owed to the public, save over $3 trillion in interest, and protect the Social Security program from annual discretionary appropriation raids. It is simple legislation in the model of the American Debt Repayment Act, providing dedicated debt repayment over a 20-year period.

Beginning with the fiscal year of 2001 and for every year thereafter, this amendment requires that the Federal Government maintain a balanced budget. As most families and business owners know, you must live within your means. It provides this payment schedule I have described—I have it on this chart—so that, by 2021, we have paid down the debt using the on-budget surplus dollars. The on-budget surplus dollars have become lumped into the appropriations process to allow for increased spending. And if you can live within your means, then you are assured better prosperity in the future because it is going to carry you through the ups and downs of our economy.

It is fair and equitable that the Federal Government, I believe, live under the same parameters. I believe this is the first and most essential step in Federal budget accountability and payment.

My amendment further provides that Congress must budget for a surplus that must be dedicated to the repayment of the publicly held portion of the debt. Specifically, again, in fiscal year 2001, Congress will be using $15 billion of on-budget receipts to pay down this debt. Every succeeding year, the amount of debt repayment must increase by $15 billion. So that in 2001 there is $15 billion toward debt repayment, the next year it goes to $30 billion, and then $45 billion. It increases in increments of $15 billion our obligation to pay off that debt, which is looking basically at the surpluses we anticipate over the years in our budgeting as we move forward. Every succeeding year, the amount of debt, again, is increased by $15 billion, so the amount Congress must budget for and pay toward the debt in fiscal year 2002 will be $30 billion, and then $45 billion, and so on. In this system, if it is adopted, by year 2021, the entire debt owed to the public will be zero.

We must have a plan to repay the debt, and we must have a repayment schedule, the same as you have on your home mortgage, and we will have the ability to cut taxes. A plan provides certainty and structure. I believe that anyone concerned with the national debt or tax cuts will understand the need for a responsible repayment schedule on the national debt.

In addition to the on-budget surplus payment required by this amendment, I have added language to require that until such time as serious Social Security reform is implemented, Social Security surplus dollars must also be dedicated to the repayment of the debt owed to the public. Every Member of this body is aware of the enormous obligation this country has made to present and future Social Security recipients. I believe the policymakers must address the future solvency of Social Security.

I am not here today, and my amendment is not drafted, to address the vital issue of Social Security solvency in the long term. What this amendment will do, however, is dedicate a surplus in Social Security dollars to debt repayment until the Congress can generate an appropriate long-term fix to the obstacles that stand in the way of this program.

I note that the 20-year schedule I have introduced does not account for the inclusion of Social Security surplus money to repay the debt owed to the public. I believe the only sensible use for these funds, until such time as they may be used to reform Social Security, is again reducing the debt owed to the public. Directing these surplus funds to debt repayment will only accomplish total repayment at an earlier date.

I must stress today, I offer a dedicated repayment schedule to eliminate the entire debt owed to the public in 20 years, without using Social Security surplus money. The use of Social Security surplus dollars will only serve to pay the debt down more quickly, removing the burden of the publicly held debt from Social Security in the annual budget process.

In recent weeks, the distinguished Speaker of the House and the President have talked a great deal publicly about seizing this unprecedented opportunity that lies before us, and that is to pay down the Nation's debt. Testifying before the Senate Banking Committee in January, Federal Reserve Chairman Alan Greenspan strongly urged Congress to use surplus dollars to pay down the debt. Chairman Greenspan stated:

> My first priority would be to allow as much of the surplus to flow through into a reduction of debt to the public. If that proves politically infeasible, I would opt for cutting taxes. And under no conditions do I see any room in the long-term outlook for major changes in expenditures.

I think that very succinctly spells out where we should be. This dialog has been tremendously helpful in further drawing the attention of the public and elected officials to the importance of debt repayment.

As many of my colleagues can attest, and as I have experienced in my numerous town meetings around my home State of Colorado, this is an issue that the public understands. It is an issue of basic common sense, equity, and responsibility. This amendment is a call to action and accountability. It demands that this country and this Congress recognize the debt it has created. It structures a disciplined, fiscally responsible schedule for the repayment of our debt. In the process, it is my view that this legislation will serve to generate greater fiscal responsibility with every appropriation cycle, prevent future deficit spending, and save the taxpayer more than $3 trillion in interest payments. Now, that is $3 trillion that would be better spent on necessary expenditures, the strengthening of Social Security, and tax cuts.

I wish to compliment Senator DOMENICI, and the Budget Committee under his leadership, for working to pay down the debt. I recognize their sincere efforts in that regard. But during a time of unprecedented growth in our country, I think we need to seize the opportunity to make a firm commitment to pay down the debt. I am asking that the Senate take us a little

step further in that process, and this American Social Security protection and draft repayment amendment—I haven't introduced it as a bill but as an amendment on this Budget Act—deals with several issues in order to further our commitment to paying down the debt.

First of all, it says we are going to have to balance our budget; that is, we are not going to spend more than what comes in in revenues. We are proposing a plan to reduce the national debt. The amendment I have before you talks about a $15 billion commitment every year in additional obligations to paying down the debt. We have a provision in there to preserve the Social Security surplus and to state, as Senators, that we are serious about saving Social Security, and that we are going to work hard for the long-term fiscal soundness of a very important program for our elderly in America, and that we are going to have an option to allow individuals to play a role in their Social Security accounts.

Then, we also have a very important provision that says, look, if the revenue projections don't hold up as anticipated, there is a means where the Congress will come back on a quarterly review of these revenues. If they don't hold up, we are going to have to cut spending. It is going to help ensure that when we make decisions as we did last year in the budgeting process, where we got to the end of the appropriations process last year and we weren't entirely sure whether we would have spent Social Security or not until our final figures would have come before us in February of this year—now, fortunately, those revenue figures held up—we do not spend Social Security dollars.

I have a mechanism in place which protects our position so that when we say we are not spending Social Security dollars, we will have an opportunity to make sure we are protecting the Social Security surplus; that we are staying to our schedule to paying down the debt because we in Congress are going to go back and review it on a quarterly basis and then help assure the American people that we will stay on schedule.

We are moving into somewhat turbulent times. If you watched the stock market yesterday and the amount of oscillation it went through, it reminds us of how the economy is changing.

I am concerned that at some point in time we will be overly optimistic about our revenue, and if we don't have this particular plan in place we will find ourselves in trouble and back into deficit spending, which I think we need to avoid. We need to utilize this prosperous time in our country to pay down the debt, which I think is extremely important.

I think the Congress can do all of those things. We can have a schedule to pay down the debt. We can save Social Security. We can also have some provisions for tax cuts.

With a three-pronged approach, the American people will understand our commitment to their future.

I yield the floor.

Mr. REID. Mr. President, I extend 15 minutes to the Senator from South Carolina.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, now the gamesmanship is revealed.

Look at this amendment. It says let's spend Social Security.

Let me read that to you.

Until such time as Congress enacts major Social Security reform legislation, the surplus funds each year of the Old Age and Survivors Insurance trust funds shall be reused to reduce the debt owed by the public. This section shall not apply beginning the fiscal year.

They say reduce the debt owed by the public. You are back to playing the game of taking one credit card and paying off the other credit card and owing the same amount. It is as if I have a MasterCard and a Visa card. I want to pay off the Visa card with the MasterCard. I say the Visa card is the public debt. And I paid it off—$3.6 trillion—never mentioning that my MasterCard bill went up by the same amount.

My distinguished colleague from Wyoming is a cosponsor. He smiles because he is a CPA. He knows what we're talking about.

As the Director of the Congressional Budget Office, Dr. Rivlin, says, you are just taking the debt from one pocket and putting it in another.

I want the distinguished Chair and the Parliamentarian to pay close attention because a point of order will be made later.

In other words, over on the third page of the particular amendment, it reads: No bill to increase revenues shall be deemed to have passed the House of Representatives or the Senate unless approved by a majority of the total membership of each House of Congress by a rollcall vote.

That is in violation of Section 305 of the Budget Act. It has not been considered and referred to the Budget Committee. That point of order can be made in due time.

I refer to what the law says about the public debt, and not what Alan Greenspan says. I worked with Alan Greenspan 20 years ago when I was the chairman of the Budget Committee. I have tremendous respect and affection for him. But he represents Wall Street. As long as we can borrow from ourselves; namely, as long as we can spend surpluses on government programs, then we stay out of the stock market. Mr. Greenspan doesn't want us coming in with the sharp elbows of Government driving out private capital and running up interest rates.

As long as we play the game for Wall Street, Mr. Greenspan is happy. We have had a wonderful economy. Rather than raise interest rates, we ought to put in a value-added tax allocated to reducing the deficit and the debt. Then we could save trillions of dollars not only in principal but in interest costs. That bill is in the Finance Committee. I introduced it. I had a hearing when Senator Bentsen was the chairman. But I have not been able to get a hearing on it since then. I would be glad to start this afternoon with a hearing on that initiative.

I think that is what we have to do.

This debt goes up, up, and away, as shown by the numbers published by the Secretary of Treasury.

I ask unanimous consent to have printed in the RECORD the public debt issued by the Secretary of the Treasury.

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

THE PUBLIC DEBT TO THE PENNY

[Current 04/04/2000—$5,758,854,640,223.41]

	Amount
Current month:	
04/03/2000	$5,750,620,100,381.36
Prior months:	
03/31/2000	5,773,391,634,682.91
02/29/2000	5,735,333,348,132.58
01/31/2000	5,711,285,168,951.46
12/31/1999	5,776,091,314,225.33
11/30/1999	5,693,600,157,029.08
10/29/1999	5,679,726,662,904.06
Prior fiscal years:	
09/30/1999	5,656,270,901,615.43
09/30/1998	5,526,193,008,897.62
09/30/1997	5,413,146,011,397.34
09/30/1996	5,224,810,939,135.73
09/29/1995	4,973,982,900,709.39
09/30/1994	4,692,749,910,013.32
09/30/1993	4,411,488,883,139.38
09/30/1992	4,064,620,655,521.66
09/30/1991	3,665,303,351,697.03
09/28/1990	3,233,313,451,777.25
09/29/1989	2,857,430,960,187.32
09/30/1988	2,602,337,712,041.16
09/30/1987	2,350,276,890,953.00

Source: Bureau of the Public Debt.

Mr. HOLLINGS. Mr. President, you will see that when we started the fiscal year the debt was $5.656 trillion It has gone up to $5.750 trillion.

We have increased the debt. Everyone is talking about "surplus." What are we going to do with all of these great surpluses?

We do not have a surplus. We had a deficit last year of $127 billion.

As the debt goes up, I am trying to clear up the confusion in this particular body rather than engaging in this charade.

When the distinguished chairman of the Budget Committee keeps talking about how he paid down the public debt by $1.1 trillion, here is the actual record as provided in the Budget Committee of the non-Social Security surplus:

In the year 2001, $11.1 billion; 2002, $3.2 billion; 2003, $6.5 billion; 2004, $8.7

billion; 2005, $12.7 billion, for a total of $42.2 billion.

The distinguished chairman says he pays down the debt $1.1 trillion. It is actually $42 billion in non-Social Security surpluses. And, of course, the rest of it—over $1 trillion—is Social Security. Yet, in the same breath, he maintains that we are saving Social Security with a lockbox.

I pointed out a second ago that we have nothing but IOUs in the lockbox.

Let me refer to the most recent Congressional Budget Office figures on the Social Security surplus. As of last year, 1999, we had a surplus of $125 billion. In this past fiscal year, we expect a surplus of $154 billion; 2001, $166 billion; 2002, $183 billion; 2003, $196 billion; 2004, $209 billion; and 2005, $225 billion.

That is how you may be able to use the expression ''pay down the debt.'' They say pay down the public debt because they don't want to say they are separating, in their minds, the public debt from the government debt. You simply can't do that. There is just one debt. We owe it.

I ask unanimous consent to have printed in the RECORD the trust funds that have been looted already to balance the budget.

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

TRUST FUNDS LOOTED TO BALANCE BUDGET

[By fiscal year, in billions of dollars]

	1999	2000	2001
Social Security	855	1,009	1,175
Medicare:			
HI	154	176	198
SMI	27	34	35
Military Retirement	141	149	157
Civilian Retirement	492	522	553
Unemployment	77	85	94
Highway	28	31	34
Airport	12	13	14
Railroad Retirement	24	25	26
Other	59	62	64
Total	1,869	2,106	2,350

Mr. HOLLINGS. Mr. President, this particular chart shows that in 1999 we looted $1.869 trillion from all of the trust funds. This year, we are on course to loot $2.106 trillion. We have $78 billion in non-Social Security surpluses. That is tied up in Medicare, military retirement, civilian retirement, the unemployment compensation fund, the highway-airport trust fund, railroad retirement, etc.

We are beginning to make the record and have it understood.

If there is any doubt with respect to the public debt, I refer to the particular budget that is now under consideration on page 5, ''Public Debt.''

''The appropriate levels of public debt . . .''—I am referring to the budget; it will get a majority vote. We are going through a little exercise. I say ''a little exercise''; it is actually a charade. We worked 2 days and nights, and we produced the budget. Upon completion of a budget resolution in committee, the chairman is allowed to make technical adjustments through a unanimous consent. This year the technical adjustment was $60 billion. Imagine that. Tell the appropriators they have to cut some $60 billion in order to fall within the caps.

The instrument itself, I refer to S. Con. Res. 101, page 5:

(5) Public debt.—

The appropriate levels of the public debt are. . . .

And then they list the levels for 2000 through 2005 going from $5.625 trillion to $5.923 trillion. That is without that $60 billion technical adjustment. But even there, they list the debt going up $297 billion.

This is the overall debt, which is not going down. When they say ''paying down the debt,'' they are instead referring to the public debt.

With the course we are on, by the year 2013 there will not be any surpluses of payroll tax revenues sufficiently large to make the payments due on that particular year. So we are going to be running into a wall, and we will have to either cut the benefits or raise the taxes.

I ran over what we had done on the Grace Commission about cutting spending, but each year the spending goes up because health costs are going up, the military costs are going up. We have to live in the real world. Everybody understands that. Here is the first frontal assault according to the Allard amendment: You shall spend the Social Security surpluses. Until such time as Congress enacts major Social Security reform legislation, the surplus funds of Social Security shall be used to reduce the debt.

What you are doing is using Social Security moneys to make it appear that the debt is less and some kind of interest cost is saved. The truth is, you have gone from one credit card to the other. That is the sort of game we have played each year, making the debt increase from less than $1 trillion under President Johnson, when he balanced the budget back in 1968 and 1969, to almost $5.7 trillion now. Interests costs of only $16 billion back then are now $362 billion, or $1 billion a day.

That is a waste. If we had that $200-some billion we are paying in interest costs, I could almost double the defense budget, give you all the research for health, build all the highways, bridges, the libraries, courthouses. We could do everything anybody wanted to do. I could give Gov. George W. Bush's tax cut and Vice President GORE's program of spending.

We are spending the money for nothing. When are we going to get hold of ourselves and sober up and cut out this political campaign? The worst campaign finance abuse is us. We are using our payroll to run around here and give a lark and a story to the American people that we are going to save Social Security; no, we are going to pay down the debt, pay down the public debt.

I retain the remainder of our time.

Mr. ALLARD. How much time remains?

The PRESIDING OFFICER. The Senator has 45 minutes.

Mr. ALLARD. I yield 15 minutes to the Senator from Wyoming.

Mr. ENZI. Mr. President, I rise to support the amendment offered by my friend from Colorado, Senator ALLARD. This is an amendment that will keep our budget balanced. It will protect the Social Security surplus by preventing these revenues from being used for additional spending, and—this is the important part—it establishes a concrete schedule for paying off the publicly held debt payments with non-Social Security surplus. This is a true paydown of the debt.

I am pleased we had the comments from the Senator from South Carolina to whom I have been paying attention since I got to this body. I am pleased to say I think this is a bill he could sign onto when we have an opportunity to explain all the ramifications.

The first year Senator ALLARD and I were in the Senate, we talked about balancing the budget. It seemed a dream at that time, but it happened. Everybody in this body listened to constituents at home and said, by golly, they want the budget balanced. And we balanced it.

Now, a little fluke in that was that we were partly balancing it with Social Security surplus. The difference between what people paid into Social Security and the amount paid out was a positive revenue; it was extra money. And we were spending it.

We said: That is not honest. The people of America listened, and they said: We want some honesty with our Social Security money. Quit spending the Social Security surplus. We have done that. Everybody paid attention last year. We will have an honest surplus, not counting Social Security surplus for the first time in decades.

Now what we are talking about is debt accountability. Honesty with the trust funds is where we are headed. Debt accountability is what we need to get there.

There is a fellow in Gillette, WY, who calls me regularly. Steve Tarver is a fellow accountant, retired now. He says: Congress keeps talking about the debt being paid down, but I call the Treasury regularly and I say: How much is the national debt?

The debt keeps going up, in spite of the Social Security surplus, which is supposed to be used to be paying down the public debt already. We are taking the money out of one pocket and putting it in the other pocket. Debt to the public becomes debt to the Social Security trust fund. But it is IOUs. That debt as of 11:51 this morning: $5 trillion, 730 billion and some-odd change.

The U.S. population as of 11:51 this morning was 274,548,318 people. A little

simple division demonstrates that every man, woman, and child in this Nation right now owes, in national debt, each of us, $20,873. I love to go to school classrooms and say: Did you know you already owe a tremendous debt? That amount is over $20,000. That is pretty staggering to a kid in sixth or seventh grade. He or she doesn't just owe that $20,000; every single person in each family owes that $20,000. That is how big the debt is for the Nation.

We have gotten some benefits as we have run up the till. But it is a debt. I can say as I have traveled across Wyoming, the people understand that debt. They don't like the Federal Government being in debt any more than they like being in debt. They recognize the debt is something you have to pay off sometime. They don't think it is fair that we make our kids and our grandkids pay off our debt.

Maybe the portion that attributes down to them, they could; OK, but $5.7 trillion is one heck of a package to pay off. It is a staggering package.

So how do we do it? We do it by starting sensibly. We start with a plan. We put this country on a mortgage program. The mortgage program is outlined in the bill. It starts with a payment of $15 billion. It sounds like a lot of money. Around here it is not much money—$15 billion. Essentially, the money then that you save in interest, you do not run out and spend; you add that to the principal. And the next year you pay down the $15 billion. We are adding a little bit to it because those surpluses are going up, and it has been predicted, if we pay down the national debt, if we honestly pay down the national debt—and that is what we are talking about, debt honesty—there will be an increase in the national economy. That is the biggest factor that can increase the national economy. That means we will have a little additional revenue we can add to the $15 billion plus the interest we save. Each year we will escalate that payment so in 20 years we pay off the national debt, not using the Social Security surplus.

This is honesty in paying down the national debt. We have to do something about these trust funds that are IOUs. People keep talking about it. This one does not add a dime to the IOUs. This one pays down the national debt in a very calculated, fashioned program.

I do not think we are tied to 20 years on this. I do not think we are tied to $15 billion the first year. I do not think we are tied to the same additions each year. It is time this country got on a plan to pay that debt down. You want to make the loan longer? You want to have some years when you have a little flex in it? It does not matter to me. We just have to be honest on paying down the national debt. This is one that forces honesty. This is a plan that pays off the national debt honestly over a 20-year period.

This amendment makes good economic sense, and it is good for America's future. It fulfills our promise to America's seniors without savaging our grandchildren's future. For too long, Congress has followed the path of reckless abandon in spending money we didn't have for programs with short-term benefits and long-term burdens. We have left our children and grandchildren holding the mortgage on this $5.7 trillion Government mansion that they may not even be able to visit. That is right. If we fail to rise to the challenge of eliminating the Federal debt, we leave our children shackled to the high interest payments that were mentioned earlier, and the looming debt created by the last 40 years of big Government programs, while the benefits of that spending fade into the sunset of history.

This Congress is in the best position of any Congress in a generation to eliminate the debt held by the public—honestly. In 1999, after only 4 years of a Republican Congress, we were able to balance the budget. We have now projected budgeted surpluses beyond the next 10 years, and every year those are recalculated and become considerably greater.

Given this unique opportunity made possible by the ingenuity of the American people and the hard work of a Republican Congress willing to control Government spending to reduce it from an annual growth of about 20 percent a year, down to about 2 percent a year—it is still growing—we should get our financial house in order by setting up a definite repayment plan to eliminate the $3.6 trillion of publicly held debt, while ensuring Social Security remains strong for future retirees.

This amendment contains three main provisions that have been outlined, three main ones that start out easy and build as we go and then continue to pay down the debt, even if Congress enacts meaningful Social Security reform next year. It creates a responsible, concrete method of paying off the debt while ensuring the future solvency of Social Security.

I have been listening to the budget debate. I found it interesting to hear the number of people on the Democratic side of the aisle talk about the budget resolution before us being irresponsible because it allows for a modest tax cut over 5 years. They argue we could be using that money to pay down the debt.

This is not the first time I have heard this argument. In fact, I have heard a lot of these same claims as we debated the Taxpayer Refund and Relief Act of 1999, which is the best policy discussion and only policy discussion we have had on taxes since I have been in the Senate. I think it helped people understand how we could make a more fair, more simple Tax Code. It passed. It was vetoed. During that time, I heard a lot of rhetoric about how the most important thing was paying down the national debt.

I do not think the people using the rhetoric necessarily believe the national debt would be something we would put up as a project, that it could actually be done. That is what we are doing here. We are giving everyone a chance to back up their rhetoric with real action, by voting in favor of debt reduction by voting for this amendment.

This amendment contains three main provisions. First, it requires Congress to continue passing balanced budgets for each and every year. Second, this amendment requires yearly repayments to be made from the non-social security surplus. This schedule would begin a payment of $15 billion in the coming fiscal year, and this amount would increase in each succeeding year by $15 billion per-year. Third, this amendment requires that the entire social security surplus would be used for debt reduction until Congress enacts social security reform legislation. These last two provisions are essential, because they ensure that we will continue to pay down the debt even if Congress enacts meaningful social security reform next year. This amendment creates a responsible, concrete method of paying off the publicly-held debt while ensuring the future solvency of social security.

As the only accountant is the Senate, I spent a great deal of time listening to last year's discussion on tax relief. I was amazed at the number of my Democratic colleagues who opposed the tax relief bill because they said the money should be used for debt reduction. This was the same reason the president gave for vetoing our tax cut. When the president submitted his budget to Congress this year, he made clear that his rhetoric on debt reduction was a fleeting facade, behind which he could hide his real desire for countless new government programs, each one requiring substantial new government spending which would further threaten our children's economic future. As soon as the threat of a tax cut disappeared, so did President Clinton's commitment to debt reduction. This amendment challenges my Democratic colleagues to choose between a plan that offers real debt reduction or the hollow promises of President Clinton which are nothing more than a smokescreen for huge new Government spending.

I urge my colleagues to join me in rebuilding a financial house of responsibility where our parents and grandparents can retire in peace and where our children and grandchildren will be welcomed for years to come. We should join together in laying an important cornerstone in that foundation today by supporting Senator ALLARD's amendment to this budget resolution.

I want to mention a few of the things my colleagues have said. The Senator from North Dakota said:

> The first choice, it seems to me, ought to be, during good economic times you pay down part of the Federal debt. That is the best gift we can give the children of this country, and that would also stimulate lower interest rates and more economic growth.

The Senator from Virginia—this is the Democratic Senator from Virginia—said:

> I would rather have nothing, notwithstanding some of the good things upon which both sides agree, and simply begin to pay down the debt.

The Senator from the other side of the aisle from Michigan said:

> That would be the greatest gift of all that we could make for the American people, the reduction on that debt, because that would be a reduction in the interest rates which people pay on their mortgages and cars and credit cards, and that would truly be a contribution to the well-being of our constituents.

And the Senator on the other side of the aisle from Vermont said:

> I believe Congress should follow three basic principles to continue our strong economy and provide targeted tax relief. First, we must continue to keep our fiscal house in order and pay down the national debt. The national public debt stands at $3.6 trillion. That's a lot of zeros. Like someone who has finally paid off his or her credit card balance but still has a home mortgage, the Federal Government has finally balanced its annual budget but we still have a national debt to pay down. Indeed, the Federal Government pays almost $1 billion in interest every working day on the national debt.

The Senator from California said:

> Debt reduction is the external debt, the debt that is owed to private people, Americans and those around the world who picked up our bonds. We owe them debt. I see my friend from South Carolina has pointed this out. Because of that debt, we are paying over $300 billion a year in interest payments which, as my friend said, is bad for the economy, it's wasteful, it does no good to anyone.

And finally the Senator from the other side of the aisle from Washington said:

> We will not be able to pay off our debt, a very important issue that is facing us, which we have not left ourselves room for with a massive cut of this size.

That is a lot of people encouraging us, giving us an indication that they would like to see the debt paid down. I hope they will follow through on that and help us do it.

Mr. HOLLINGS. Will the distinguished Senator yield?

Mr. ENZI. I am on a limited time.

Mr. HOLLINGS. I will do it on our time. It is not a question of time. I wanted to ask a question because I am referring, on page 2, to line 12:

> Until such time as Congress enacts Social Security reform legislation, these surplus funds of Social Security shall be used to reduce the debt.

So you are using Social Security trust funds to pay down the national debt? And yet you are saying we are saving Social Security.

So if I increase the debt for Kosovo or for regular defense or for food stamps or for foreign aid or for your pay and my pay, or whatever, that is the debt of the Government. That is the national debt and you use Social Security to pay it?

Mr. ENZI. If I can answer the question, in the State of the Union speech, the President said we are going to use the Social Security surplus to pay off the national debt. Over a 10-year period, we are going to have $1.8 trillion in money we can use to pay off the national debt. And I said the same thing you did, that is, moving the money from one pocket to the other. That is not honest. But we have made a commitment that we will protect that Social Security surplus.

The one thing that is allowed by law to be done with that is to pay off bonds in the public debt. The only investment we are allowed to have at the present time for Social Security is bonds.

Mr. HOLLINGS. That is right. Bonds are IOUs, so you just increase the IOUs.

Mr. ENZI. No, it keeps the IOUs the same. The Social Security surplus will grow; the debt stays the same. Then the interest gets added to the public debt because, again, it cannot be taken out. It has to be invested in more bonds.

That is part of the problem with Social Security; the only thing that can be done with the Social Security funds is buy U.S. bonds.

Mr. HOLLINGS. Right.

Mr. ENZI. So there are the public bonds out there and the private bonds out there. If we wind up with more private ones, we have to buy out some of the public ones. It can be done a number of ways. They are all exactly the same. They are transferring money from one pocket to another, as the Senator says.

Paying down the national debt is a commitment this Congress has made. We are not changing that commitment. We put that in the bill, and we are not changing Congress' commitment. We would like to change Congress' commitment. If Congress changes Congress' commitment, they can do that. That is what that says.

In addition, there is an honest debt repayment in the amendment. The Senator is choosing to overlook the honest portion of the debt repayment, which is the focus of this bill. It is the focus of the bill that Senator ALLARD and I introduced the first year we were here: Paying down, with true surplus, the public part of the debt. We are going to do that part and another part.

The PRESIDING OFFICER. The Senator's 15 minutes have expired.

Mr. ALLARD. Will the Senator from South Carolina yield?

Mr. HOLLINGS. Yes.

Mr. DOMENICI. The Senator does not have any time.

Mr. ALLARD. Our time has expired. The Senator's time has expired.

Mr. DOMENICI. Mr. President, has the Senator used the full hour? He had a full hour.

Mr. ALLARD. I am sorry, the time I yielded to the Senator from Wyoming has expired.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am opposed to the amendment, so I control the time. Does the Senator from South Carolina want some additional time?

Mr. HOLLINGS. Two minutes.

Mr. DOMENICI. I yield as much time as the Senator wants.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, the Senator from Wyoming talked about the commitment to pay down the national debt, but on page 5, the national debt is listed beginning on line 20, fiscal year 2000, as $5.625 trillion going up to, on page 6, $5.923 trillion. It's an increase in the debt of $297,712,000. Here is the Senator's commitment to reducing the national debt.

There is no commitment that I have seen. I ask unanimous consent to print in the RECORD a listing of the national debt as it has gone up since the days of President Truman.

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

HOLLINGS' BUDGET REALITIES

[In billions of dollars]

President and year	U.S. budget (outlays)	Borrowed trust funds	Unified deficit with trust funds	Actual deficit without trust funds	National debt	Annual increases in spending for interest
Truman:						
1946	55.2	−5.0	−15.9	−10.9	271.0	....
1947	34.5	−9.9	4.0	+13.9	257.1	....
1948	29.8	6.7	11.8	+5.1	252.0	....
1949	38.8	1.2	0.6	−0.6	252.6	....
1950	42.6	1.2	−3.1	−4.3	256.9	....
1951	45.5	4.5	6.1	+1.6	255.3	....

HOLLINGS' BUDGET REALITIES—Continued

[In billions of dollars]

President and year	U.S. budget (outlays)	Borrowed trust funds	Unified deficit with trust funds	Actual deficit without trust funds	National debt	Annual increases in spending for interest
1952	67.7	2.3	−1.5	−3.8	259.1	
1953	76.1	0.4	−6.5	−6.9	266.0	
Eisenhower:						
1954	70.9	3.6	−1.2	−4.8	270.8	
1955	68.4	0.6	−3.0	−3.6	274.4	
1956	70.6	2.2	3.9	+1.7	272.7	
1957	76.6	3.0	3.4	+0.4	272.3	
1958	82.4	4.6	−2.8	−7.4	279.7	
1959	92.1	−5.0	−12.8	−7.8	287.5	
1960	92.2	3.3	0.3	−3.0	290.5	
1961	97.7	−1.2	−3.3	−2.1	292.6	
Kennedy:						
1962	106.8	3.2	−7.1	−10.3	302.9	9.1
1963	111.3	2.6	−4.8	−7.4	310.3	9.9
Johnson:						
1964	118.5	−0.1	−5.9	−5.8	316.1	10.7
1965	118.2	4.8	−1.4	−6.2	322.3	11.3
1966	134.5	2.5	−3.7	−6.2	328.5	12.0
1967	157.5	3.3	−8.6	−11.9	340.4	13.4
1968	178.1	3.1	−25.2	−28.3	368.7	14.6
1969	183.6	0.3	3.2	+2.9	365.8	16.6
Nixon:						
1970	195.6	12.3	−2.8	−15.1	380.9	19.3
1971	210.2	4.3	−23.0	−27.3	408.2	21.0
1972	230.7	4.3	−23.4	−27.7	435.9	21.8
1973	245.7	15.5	−14.9	−30.4	466.3	24.2
1974	269.4	11.5	−6.1	−17.6	483.9	29.3
Ford:						
1975	332.3	4.8	−53.2	−58.0	541.9	32.7
1976	371.8	13.4	−73.7	−87.1	629.0	37.1
Carter:						
1977	409.2	23.7	−53.7	−77.4	706.4	41.9
1978	458.7	11.0	−59.2	−70.2	776.6	48.7
1979	504.0	12.2	−40.7	−52.9	829.5	59.9
1980	590.9	5.8	−73.8	−79.6	909.1	74.8
Reagan:						
1981	678.2	6.7	−79.0	−85.7	994.8	95.5
1982	745.8	14.5	−128.0	−142.5	1,137.3	117.2
1983	808.4	26.6	−207.8	−234.4	1,371.7	128.7
1984	851.9	7.6	−185.4	−193.0	1,564.7	153.9
1985	946.4	40.5	−212.3	−252.8	1,817.5	178.9
1986	990.5	81.9	−221.2	−303.1	2,120.6	190.3
1987	1,004.1	75.7	−149.8	−225.5	2,346.1	195.3
1988	1,064.5	100.0	−155.2	−255.2	2,601.3	214.1
Bush:						
1989	1,143.7	114.2	−152.5	−266.7	2,868.3	240.9
1990	1,253.2	117.4	−221.2	−338.6	3,206.6	264.7
1991	1,324.4	122.5	−269.4	−391.9	3,598.5	285.5
1992	1,381.7	113.2	−290.4	−403.6	4,002.1	292.3
Clinton:						
1993	1,409.5	94.2	−255.1	−349.3	4,351.4	292.5
1994	1,461.9	89.0	−203.3	−292.3	4,643.7	296.3
1995	1,515.8	113.3	−164.0	−277.3	4,921.0	332.4
1996	1,560.6	153.4	−107.5	−260.9	5,181.9	344.0
1997	1,601.3	165.8	−22.0	−187.8	5,369.7	355.8
1998	1,652.6	178.2	69.2	−109.0	5,478.7	363.8
1999	1,703.0	251.8	124.4	−127.4	5,606.1	353.5
2000	1,769.0	234.9	176.0	−58.9	5,665.0	362.0
2001	1,839.0	262.0	177.0	−85.0	5,750.0	371.0

*Historical Tables, Budget of the US Government FY 1998; Beginning in 1962 CBO's 2001 Economic and Budget Outlook, Feb. 16, 2000.

Mr. HOLLINGS. Mr. President, one can see how that debt has gone up. One can see we were doing pretty good under the Budget Act, which was the solution we had in 1993 under President Clinton. We came from a $403.6 billion deficit. We were spending over $400 billion more than we took in, until 1993 when we reduced it to $349.3 billion. And in 1994, it went down to $292.3 billion. Then in 1995, it went down to $277 billion. In 1996, it went down to $260.9 billion. In 1997, it was $187.8 billion. In 1998, it was $109 billion. In 1999, it was $127 billion. It went back up last year.

Under this chart, it shows we are going back down. These are CBO figures.

As I related a minute ago, with the votes we have had, it is going to be over $100 billion. I am always trying to jump off the Capitol dome to emphasize a point. I make that offer again to my distinguished chairman—I will jump off the Capitol dome if we balance the budget. Watch. Come October, when we adjourn for the year and start the new fiscal year, we will be running a deficit again. I yield the floor and retain the remainder of our time.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I yield 5 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, as many of my colleagues know, earlier I offered an amendment to provide for a tax reduction. At this time, I speak on behalf of the Allard-Enzi-Grams amendment because I believe it is a responsible way in which to deal with the problem of reducing the national debt.

First, we need to pay down our national debt so we can decrease our interest payments on that debt, a debt which stands at $5.7 trillion. The way I calculate it, the interest we'll pay this year comes out to over $224 billion. We pay about $600 million a day on interest costs alone. Out of every Federal dollar we spend, 13 cents goes to pay interest on the national debt compared, for example, with 16 cents for national defense and 18 cents for non-defense discretionary spending. We will spend more money on interest this year than we do on Medicare.

These numbers make me determined to do all I can to decrease our debt even further. I believe every fiscal decision we make in Congress should be measured against the backdrop of how it will decrease our national debt. And I am not the only one who believes that. In fact, in Congressional testimony in January of this year, CBO Director Dan Crippen stated:

> Most economists agree that saving the surpluses, paying down the debt held by the public, is probably the best thing we can do relative to the economy.

On that same day, Federal Reserve Chairman Alan Greenspan said:

> My first priority would be to allow as much of the surplus to flow through into a

reduction in debt to the public. From an economic point of view, that would be, by far, the best means of employing it.

Lowering the debt sends a positive signal to Wall Street and Main Street and encourages more savings—and we need more savings in this country—and investment which, in turn, fuels productivity and continued economic growth. It also lowers interest rates which, in my view, is a real tax reduction for the American people.

Furthermore, devoting on-budget surpluses to debt reduction is the only way we can ensure our Nation will not return to the days of deficit spending should the economy take a sharp turn for the worse or a national emergency arise. As Alan Greenspan has testified before Congress:

A substantial part of the surplus . . . should be allowed to reduce the debt, because you can always increase debt later if you wish to, but it's effectively putting away the surplus for use at a later time if you so choose.

Many in the Senate have argued that putting the Social Security surplus in the lockbox will be enough to pay down the debt. I remind my colleagues, we will have to use some of the surplus everybody is talking about for paying down the national debt in order to fund reform of the Social Security system, if we are going to solve the problems of Social Security.

We cannot keep putting off our responsibilities. If we have the ability, as we do now, we have a moral obligation to pay down the debt.

When I go back to Ohio, people say: we're not asking for more tax cuts; I want you to do something about Social Security, Medicare, health care, and if you have some money, for goodness sake, pay down the debt.

That is what we do in our own families. If we get a little extra money and we are in debt, we pay down the debt. That is what the people want this Government to do. That is the message I am getting from the people in the State of Ohio. I am sure my colleagues who are supporting this amendment are hearing from the people in their states.

Last but not least, I agree with GAO Comptroller General David Walker. In testimony before the House Ways and Means Committee last year, he said something that is really very important to those of us who have children and grandchildren, as most of us in this body do, about our obligation to future generations. David Walker said:

This generation has a stewardship responsibility to future generations to reduce the debt burden they inherit, to provide a strong foundation for future economic growth, and to ensure that future commitments are both adequate and affordable. Prudence requires making the tough choices today—

We have to make the tough choices today—

while the economy is healthy and the workforce is relatively large—before we are hit by the baby boom's demographic tidal wave.

We should support this amendment. It makes sense. It is good for America, and it is good for fiscal responsibility.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from New Mexico.

Mr. DOMENICI. How much time does Senator ALLARD have?

The PRESIDING OFFICER. Senator ALLARD has 25 minutes remaining.

Mr. DOMENICI. I yield myself 5 minutes. Let's make it 10 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DOMENICI. Mr. President, I have the greatest respect for Senator ALLARD and all those who are supporting him on this amendment. But I surely did not want the debate to end today without talking about what we have already done and what this budget resolution does.

In the last 2 years, we have reduced the debt held by the public. I hear people talking about both kinds of debt on the floor. But did I hear Senator VOINOVICH say he was quoting from somebody who stated the best thing we can do is reduce the debt held by the public when we have a surplus? We have already reduced it by $355 billion. This budget resolution—so everyone will know—will reduce the debt by an additional $1.1 trillion.

Frankly, I am going to give an estimate, but I think I will be close. If we stay on this path, the interest on the national debt will have been reduced between $100 billion and $130 billion.

I ask, how much is enough?

There is an argument being made that since this money is Social Security trust fund money, it does not really reduce the debt because we may have to use it someday. Right now, as we sit in this Senate, and as I stand and talk, there is less interest being paid because the Social Security trust fund money is not being spent; it is being saved, which means we have that much less IOUs to the public.

We are going to have $1.1 trillion more over the next 5 years, making the total, in a period of about 7 years, of almost $1.5 trillion.

I think that on my side of the aisle, the same Senators who are concerned about whether this is real, because someday we have to fix Social Security, in my mind's eye I think they are all for personal accounts as a solution to the Social Security problem. I suggest that if we do personal accounts, then we will not spend this money. In fact, it will turn up on the side of the ledger as having been saved rather than having been spent. So it is too early to predict what kind of reform will occur, and when it will occur, if it occurs, on Social Security.

What we have to look at is right now and the next 5 years in this budget resolution. Some would make it sound as if $1.1 trillion applied to the debt—a portion of which is from the on-budget surplus—isn't enough, that we ought to do more.

Let me suggest, what is left over after doing that, over the next 5 years, is about $390 billion. That is what is left over in new money, off a freeze.

You have to take care of defense with that, which I think a fair guess would be that by itself it is going to grow at $20 billion a year at a minimum. What about all the rest of Government? Are we literally going to say we are not going to have a single increase in the rest of Government? Of course, we are going to have some.

What about a tax bill of some type? Sooner or later both sides of the aisle—and we are going to get a new President, but we are going to have some tax relief. That all has to come out of the remaining money, some portion of which they keep saying: Put more on the debt. They can argue whichever way they want. Part of it will come out of the tax relief in the future; part of it will come out of spending in the future; maybe part of it will come out of defense in the future.

But I do not believe this Budget Committee did anything but the right thing in assuming that about $1.1 trillion out of a surplus that is probably totally, for both kinds of surplus, about $1.5 trillion, is put on the debt.

Everybody claims they want to do more. Everybody quotes Alan Greenspan. My friend, Senator GRAMM, once said: Quoting Alan Greenspan is sort of like quoting the Bible. It depends on whether you are reading John or Matthew; you can get a quote in one of them that faith alone gets you to Heaven, and you can quote the other one that faith and a little work gets you to Heaven. Choose whichever you like. But you can quote either one.

I am going to say—to quote Alan Greenspan to my way of thinking—the best thing you can do is put a surplus on the debt that you owe to the public. But then he says, if the next choice is between spending it and tax relief, unequivocally, tax relief; and, third, the worst for the economy is to spend more.

Frankly, I am amazed that we have Republicans complaining about not having enough on the debt when all we have left over is used for two things: $150 billion, spread over 5 years, in tax relief, unless we do not do it. If we do not have tax relief at all, it all goes on the debt. That is right in the budget resolution. That is binding. So if you do not do tax relief, it goes on the debt. The rest goes to contemplated increases in defense and a very small amount for the myriad domestic programs that we have in our Government.

We have to be both realists and theorists. We have to be philosophical and we have to apply it with some benchmarks to reality.

To tell you the honest truth, and to share with my fellow Senators, never in my life—25 years of which was spent with great deficits—did I ever assume we would be applying as much as this budget resolution contemplates against the debt. Our interest is going to decline—I am corrected here—from about $224 billion a year to about $166 billion by the year 2005. That is with the tax relief we have and with the defense increases we have. Then, if you want to go out the next 5 years, it comes down precipitously thereafter.

Frankly, this generation of Americans, and those working and trying to make a living, are all out there saying: We are putting part of our taxes into debt relief. They are asking: How much is enough? Are you going to have any left over to give us a little tax relief? Are you going to have any left over so we can have an adequate Defense Department? Or are you really going to put it all on the debt?

I understand I am exaggerating when I say ''all,'' but how much more can we do?

I do not believe we ought to go beyond what we have in this budget resolution. Democrats will claim maybe $75 billion more ought to go on the debt. Senator ALLARD has it in some formula by the year we ought to have more. I think they both ought to lose. I hope, before we are finished, they will both lose because the right thing to do is just about what the Budget Committee agreed to: about $10 billion, or so, a year out of the on-budget surplus; and the entire Social Security surplus going unused, staying in the fund.

When I ask, How much is enough? I suggest that the most significant fiscal policy change made to this point—to the benefit of Americans of the future—is something that came from our side of the aisle, and in particular that I thought up one day; and that most significant fiscal change of events is that all the Social Security surplus stays in the Social Security fund.

Ask Dr. Greenspan, looking over the last decade, and from what he can see in the future: What is the most significant fiscal policy change to the betterment of America? He will say that one, if you live by it. We are living by it right here in this budget resolution, and somebody is suggesting that isn't enough. Somebody such as Dr. Greenspan thinks it is a whopping amount. I imagine if he could write it down on a piece of paper, he would say: I really never thought Congress would ever do that. If they do it for another 5 or 10 years, what a plus will occur, what a positive thing to happen for American consumers, the American worker, and America's future.

I will just summarize by stating a rather unbelievable fact: By the year 2005, interest expenses will have decreased from 13 percent to 8 percent of the Federal budget. That is the only significant portion of the budget that has declined, from 13 percent of the budget down to 8 percent by 2005. Pretty good work, Congress, pretty good work.

Mr. STEVENS. Will the Senator yield for a minute?

Mr. DOMENICI. I yield whatever time the Senator would like.

Mr. STEVENS. Mr. President, I send to the desk two amendments to strike section 208 and section 210, and I ask unanimous consent that they be qualified and temporarily set aside to be called up later. We will have a third amendment pertaining to section 211 to be offered later.

Mr. REID. Reserving the right to object, what was the request?

Mr. STEVENS. That these amendments be qualified and put in line.

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

Mr. DOMENICI. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I will take the opportunity to respond to some of the comments of the Senator from South Carolina and also to some of the comments from the chairman of the Budget Committee.

We all appreciate the effort the chairman of the Budget Committee has put forth in paying down the public debt. I think he is to be commended for his commitment. We have talked about the need to pay down the public debt.

What I am saying with this particular amendment is that we need to go beyond 5 years. We need to look at 20 years and put a plan in place. This is a minimal plan. We have over a $1.6 trillion budget. We are just taking $15 billion of it and saying let's commit each year an additional $15 billion to paying down the debt and that we ought to be able to do that. I don't care whether it is 15 or 10 or 7. Senator ENZI from Wyoming made the same comment. The important thing is that we have a plan to pay it down.

This is a legitimate plan. This is not just a paper transfer. The Senator from South Carolina implied that this is just a transfer on paper. It isn't. It is taking the on-budget surplus and using that towards paying down the debt as a minimal plan. If the Budget Committee comes up with more dollars they want to put aside for debt reduction, God bless them. Let's do it. I am all for that. But this doesn't prevent them from doing more if they want to do it.

In addition to that, we say, instead of taking the Social Security surplus and transferring it over to the general fund where it gets spent, hold it in a fund very much like the Domenici lockbox. We put it there, and we don't spend it. It stays in that fund until we have serious Social Security reform. Then, when we have changed Social Security, when we have saved Social Security, then we can relook at changing the law, where we have an automatic transfer of surplus and Social Security that goes to the general fund to be spent. We can look at the implications on our total debt figure.

What you have here is a minimal plan. If you start including the off-budget surpluses in the year 2001, you have a total debt payment of around $152.4 billion because there is $137.4 billion that comes in on top of the $15 billion we have in the minimal plan. Then in the next year, in 2002, we go up to $30 billion that we are using in on-budget surplus to pay down the debt. That is a minimal plan to pay it down by 2021. We add on top of that another $143.6 billion to bring it up to $173.6 billion at the end of the 2002 budget year. That is assuming we don't do anything to reform or change Social Security.

I think most of us agree that Social Security is going to have to be changed. We will have to do something to save it. I am saying, in the meantime, instead of leaving the money out there, leaving it vulnerable, let's use the money to pay down the public debt an additional amount so it doesn't get built into the spending patterns of the Congress and obligate us to programs we may not be able to afford if we go into a time period where our economy is going to turn down.

I believe our economy is cyclical. Right now, we are going through unprecedented growth. At some point in time, it is going to turn around. We are going to regret the day we didn't do more to pay down the debt to get us in a position to ride through those economic downturns when they occur.

I think this is an important provision. It is in no way intended to be critical of the efforts of the Budget Committee to date. It says we can do just a little bit more; instead of looking at 5-year increments, let's look at a 20-year increment for paying down the debt. We can do that in 20 years, by 2021. It says that in the process of doing that, at a minimum, we will save ourselves $3 trillion in interest payments.

It is a concrete plan. It doesn't eliminate the opportunity, if Members of the Senate want to have reduced taxes. It does not eliminate that. It has an enforcement mechanism.

Last fall, we got into a discussion in the Senate as to whether or not we were spending Social Security dollars because there was a disagreement on what the revenues were going to be at the first of the year, and we moved into February. We have provided that if our projected revenues don't hold up, we can go in and make adjustments on spending so that when we tell the American people we are not going to spend Social Security dollars and the revenues don't hold up, we won't spend Social Security dollars. We will have saved Social Security. I think it is

straightforward budgeting. It is accountable. I think it is a step in the right direction.

I reserve the remainder of my time. I wonder if we have anyone further who wants to speak on the other side.

The PRESIDING OFFICER. Who yields time in opposition?

If neither side yields time, the time will be subtracted equally against both sides.

Mr. ALLARD. Does the other side have anybody who cares to speak? If not, I can yield on this side.

Mr. LAUTENBERG. We do, Mr. President. If, however, the proponent of the amendment wishes to continue addressing the Senate, we have no objection. We are waiting for people to come by.

Mr. ALLARD. I think Senator ENZI may want to make a point or two in the debate. I will yield some time to him, unless the Senator has somebody in line to speak.

Mr. LAUTENBERG. That would be fine.

Mr. ALLARD. I call on the Senator from Wyoming, Mr. ENZI, and yield him 5 minutes.

Mr. ENZI. Mr. President, we have been hearing about the Social Security surplus, and I hate for the debate to really revolve around the Social Security surplus. The Senator from New Mexico, Mr. DOMENICI, did come up with a marvelous plan last year—the lockbox for Social Security—which has been adopted as one of our budget principles now; we lock up the Social Security surplus. I can't give enough credit to him for his effort, along with those of us who joined him to make that preservation of Social Security. It is extremely important. That continues under this bill.

The focus of the bill should be a plan to pay down the rest of the national debt over a specified period of time, just as you do a house payment. Why is this important? Every family in America will understand why that is important.

I hear some words around here occasionally that if you have extra money after you do these other things, then you understand you are supposed to pay down your debt. No, that is not how it works, and the American people understand that. If you have a debt, you have a payment you have to make, and you allocate that payment before you do anything else.

That is what we are talking about here—responsibility, just as you have in a family, for paying down the national debt. It would come first. It would have to be the first thing we did. We would still find the money to do the other things we thought were important, but we would first pay down this national debt we have accumulated on behalf of our kids and grandkids.

We have talked about the debt being reduced by $1.1 trillion over the next 5 years. That is marvelous. That is taking the Social Security surplus and locking it up. It is a very important concept. But that does not pay down the national debt so there is money left with which to eventually do additional things.

There was a comment that there is $130 billion in interest savings by paying that down. Not if we are being honest about Social Security. If Social Security has bonds, Social Security should earn interest. If Social Security earns interest, that also has to go into the account because we can't spend it. We don't want to spend it, we are not supposed to spend it, and we have made it a principle not to spend it. But we should still pay the interest to Social Security. It will increase the debt reduction on this changing from one pocket to another. But it is still interest that has to be paid.

We are talking about a billion dollars a day of interest on the national debt—borrowing from what the Senator from South Carolina used as a figure. But I have to tell you, that billion dollars a day is not free to be spent until all of the national debt is paid off—all of it. When you pay down a house mortgage, you pay it down a little bit and it saves you some interest, but you actually apply that interest to your payment because the payment stays constant on a house payment. So you can't spend the interest you save on a house payment. We are suggesting you can't spend the interest you save on a debt reduction payment.

As the only accountant in the Senate, I spent a great deal of time listening to last year's discussion on tax relief. I was amazed at the number of my Democrat colleagues who opposed that bill because they said the money should be used for debt reduction. This is the same reason the President gave for vetoing our tax cut. When he submitted his budget to Congress this year, he made clear his rhetoric on debt reduction was a fleeting facade behind which he could hide his real desire for countless new Government programs, each one requiring substantial new Government spending, which would further threaten our children's economic future. As soon as the threat of the tax cut disappeared, so did the President's determination and commitment to debt reduction—other than moving it from one pocket to the other on Social Security.

This amendment challenges all of my colleagues to choose between a plan that offers a real debt reduction or the hollow promises which were nothing more than a smokescreen for huge Government spending.

I urge colleagues to join me in rebuilding the financial house of responsibility where our parents and grandparents can retire in peace and where our children and grandchildren will be welcome for years to come. We should join together in laying an important cornerstone in that foundation today by supporting Senator ALLARD's amendment to this budget resolution.

I reserve the remainder of my time and I yield the floor.

Mr. ALLARD. Mr. President, I reserve the remainder of our time on this side.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Is there objection?

Mr. ALLARD. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I yield to the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, what is the parliamentary situation regarding the time for any opposition to the amendment?

The PRESIDING OFFICER. Under the previous agreement, there are 41 minutes remaining in opposition.

Mr. LAUTENBERG. Mr. President, I will speak off the budget resolution itself. I have listened with interest to the comments of the Senator from Colorado. I salute what he says he wants to do to get the debt reduced more than anybody else: Get it lower, bring it down. It doesn't matter how we get it there, if we have to burn the house down to get it.

There isn't anybody here who doesn't know we are terribly short of funding for programs we need to have in place, that even the Republican budget resolution—and I serve on the Budget Committee—was passed by the majority without any support from the minority. None of the Democrats voted for this resolution.

I think it is fair to say the principle of paying down the debt was established by President Clinton and his administration when they said, ''Save Social Security, pay down the debt.'' They were almost simultaneous acts. Some disagree and say it is another IOU from the Government. But it is an IOU from a much stronger balance sheet. I come from the business world, and that is the way I look at things.

I ask the Senator from Colorado, if he will indulge me, what is the total savings he hopes to have or the total debt reduction he plans to have over the 5-year period?

Mr. ALLARD. If we look at it overall, we plan on saving, in interest over the 20 year period, $3.2 trillion. Now, if

we look at our debt payment over 5 years in surplus, then we are going to be paying down our trust fund. In 2006, we are going to be looking at—let me get the figure out here—a total of having paid down the surplus in 5 years of $982.7 billion and a savings of the interest, which would be that much less since we have to pay interest on it.

Mr. LAUTENBERG. Mr. President, will the distinguished Senator be kind enough to tell me what the formula says in direct debt repayment over the 5-year period? I understand that it is in increments.

Mr. ALLARD. Fifteen billion dollars.

Mr. LAUTENBERG. Then $30 billion.

Mr. ALLARD. Then $45 billion. Yes. So when we get down here to the year 2006, we would be making a $90 billion payment for the debt payment. But $15 billion of that comes out of the spending for that year as new revenues come in. So we are establishing a program.

Mr. LAUTENBERG. I appreciate the Senator's response. I am trying to get it nailed down to a figure so we can discuss it with a degree of understanding.

If it was $15 billion, $30 billion, $45 billion, $60 billion, and $75 billion, it comes to about $255 billion in 5 years.

Mr. ALLARD. The program amount paying down the debt would be $90 billion in the year 2006.

Mr. LAUTENBERG. But we are talking about starting in 2001. It comes to $255 billion. We don't have to take this much longer. I was surprised to see the Senator introduce a 20-year forecast. Am I correct? Was that on the chart?

Mr. ALLARD. It is not a forecast. It is a plan to pay down the debt so we will have completely paid off the debt by the year 2021.

Mr. LAUTENBERG. It is a mandatory retirement of debt each year regardless of the financial condition in this country.

Mr. ALLARD. It includes the Social Security surplus. The bill sets the Social Security surplus over here, and says it will not spend the Social Security surplus unless we do Social Security reform. On top of that, you have the Social Security surplus. If we took 2001 and 2002, for example, when you include a Social Security surplus, it is more than $15 billion. It is $152.4 billion in 2001, and $173.6 billion paying down the debt in both those years. It is pretty similar to what the Budget Committee is doing right now.

Mr. LAUTENBERG. To be clear, because I think there is perhaps some misinterpretation of what the Senator is looking for, that is pay down the debt as a mandate of the budget process—pay down the debt, and that is regardless of where those payments come from. I understand the Senator wants to get the debt paid down. But I just want to be sure I am correct in what I understand his intention is, once again to pay down the debt. Regardless, we are going to take $15 billion out next year, and the next year it is $30 billion, and then $45 billion, et cetera, among the first things. That is a mandate.

Mr. ALLARD. That is a priority.

Mr. LAUTENBERG. I thank the Senator. I hope it is clear to everybody who is listening that this is a cut taken without regard for the consequences. It doesn't matter where it comes from. It can come out of Medicare, based on what we are hearing. It could come out of education. It could come out of COPS. Pull in the FBI, cut the number of FBI agents, cut safety programs, cut Coast Guard—cut, cut. It is like the harvest at the end of the growing season—just cut it. The only problem is we have other obligations.

Maybe the Senator from Colorado thinks the principal obligation is similar to running an accounting office such as H&R Block, or something such as that. We cut regardless of the consequences. Take down the respirators. Take down the blood transfusions. If the patient dies, the patient dies.

We can't have that. Forgive me, but everybody knows that this is a political idea whose time should never come. We cannot plan on eliminating the debt without establishing where it is that the funds are going to come from to pay down that debt. I did not hear the Senator say ''only if there is a surplus.'' He didn't allocate the resource to the surplus. Even if we are in debt because of an economic downturn of some significance, we will just pay down the debt. We will take it out of programs that are life-sustaining programs in some cases—or increasing taxes. That is where we have to go if there is no accounting. I know the Senator, in addition to being a professional, is also, if I may say, a businessman. He knows what balance sheets and P&L statements look like. We are going to just pay down the debt regardless of where it comes from.

I know the distinguished chairman of the committee on which I serve, the Budget Committee, has a word or two he wants to pass along. I must say that this proposal, unless we know where and how the funds are going to be generated to pay down that debt, you will forgive me, borders on the reckless.

I ask the Senator to answer in short form, because it is on opposition time, where does the Senator plan to get the funds to pay down this debt?

Mr. ALLARD. Mr. President, my response is, we have 4-percent growth in outlays projected into the schedule that we have laid out. In reality, there are no program cuts. We make provisions for 4-percent increases. There is just a plan. It is similar to an amortization schedule for your home. If the family runs into problems, they can redo that plan to pay down the debt. But the key is that we have a plan to pay down the debt. We have allowed 4-percent growth in spending in that plan. I think that is reasonable.

Mr. LAUTENBERG. I am sure the Senator considers it reasonable.

I point out that this cut would be to reduce the Republican budget resolution plan for spending by $205 billion.

I ask the chairman of the Budget Committee what kind of effect this might have if your budget plan for discretionary spending and nondefense was cut, and maybe even throw defense in the $205 billion.

Mr. DOMENICI. Mr. President, I say to the Senator that all good intentions are attributable to this amendment. But this amendment prejudges everything that we need for the next 5 years, and perhaps 5 years after that. Assuming we know right now about everything we need—and we ought to use his number, which is 4 percent for defense and everything else—and decide all the rest goes on the debt, then budget committees will start with those ground rules in the future. Pretty soon, we will just write a budget right here on the floor like this. We don't have to meet. Nothing happens any differently every year. We just determine this is exactly how much will be left over, and all the rest goes to the debt.

I am already against the amendment. I don't think it is the right thing to do. I didn't yield time off my amendment, but I would have if I had been here.

Mr. LAUTENBERG. I could see a hefty tax raise coming to pay off the debt.

Mr. DOMENICI. It could, and it could be tax cuts in the future, which is not what Republicans have been thinking either. The Senator from Colorado says he doesn't intend to affect them. But the truth is we don't know that.

Mr. LAUTENBERG. Mr. President, I have finished with my remarks.

Mr. FEINGOLD. Mr. President, I regret I will be unable to support the amendment offered by Senator ALLARD to provide for budget procedures designed to reduce our national debt. While I strongly agree with the goal of debt reduction, I cannot support the amendment because of several important flaws.

First, the amendment calls for at least partially privatizing Social Security as part of an overall reform plan for that program. While I believe we need to pursue modest reforms to Social Security, I strongly oppose efforts to privatize that program. For the past seven decades, Social Security has worked to keep retirees out of poverty. Roughly half of seniors would in live poverty were it not for Social Security. It would be a great mistake to eliminate the fundamental shared security that program provides by moving to a privatized system.

Second, while a policy of planned debt reduction may be meritorious, there are clearly times when it would be wise to temporarily suspend such plans. The amendment provides for one exception, namely a declaration of war.

However, there are other circumstances under which an exception may be needed, in particular, when there is a severe economic recession. At such a time, debt reduction may aggravate an economic slump. At the very least, the amendment should provide some flexibility with respect to the level of debt reduction. Unfortunately, it does not.

Finally, the amendment may be unconstitutional, as it attempts to constrain the power of the Vice President, provided in the Constitution, to break tie votes in the Senate. It is ironic that perhaps the most critical vote of the past decade in the cause of a lower national debt, the vote to pass the 1993 deficit reduction package, was decided by the tie-breaking vote of the Vice President and would have been precluded had this provision been in effect at the time. That single vote may be more responsible for the record-breaking economic growth we have experienced than any other over the past seven years. More importantly, this provision is almost certainly unconstitutional, and on that basis alone, warrants opposition.

This budget resolution would certainly look a lot better were it to incorporate the levels of debt reduction contemplated by this amendment, and it is regretful that, thanks in large part to the fiscally irresponsible tax cuts in it, the underlying budget resolution could not sustain the level of debt reduction that Senator ALLARD proposes. While I cannot vote for his amendment, I congratulate Senator ALLARD on his effort, for he has certainly helped to raise the critical issue of debt reduction, and given it the priority it deserves.

Mr. GRAMS. Mr. President, I rise to strongly support Senator ALLARD's amendment, which would protect Social Security and eliminate the federal debt held by the public. I believe this is a fiscally responsible amendment and it will help us to maintain fiscal discipline in an era of budget surplus.

If enacted, this amendment would stop Washington's spending spree and eliminate the entire $3.6 trillion debt owed to the public, save over $3 trillion in interest, and protect the Social Security program from annual discretionary appropriations raids.

Mr. President, thanks to our strong economy, we will have a $1.9 trillion non-Social Security surplus and a $2.3 trillion Social Security surplus over the next 10 years.

Yet there are many proposals to spend this surplus. If we spend it, rather than save it, we will confirm the public's worst fears about the irresponsibility of their elected leaders.

This budget surplus didn't just fall from the sky. It is working Americans who generated the surplus—not Congress, not the President, but Americans' hard work. And it should be returned to taxpayers in the form of debt reduction, tax relief, and Social Security reform.

If we don't lock in the budget surplus and return it to the taxpayers in these ways, Washington will spend it all. Last year's appropriations spending has proven that my fears are well founded.

Federal Reserve Chairman Greenspan has repeatedly advised the Congress and the administration that we should use the surplus for debt reduction or tax relief, rather than increasing government spending. Here is what he said:

> Saving the surpluses—if politically feasible—is, in my judgment, the most important fiscal measure we can take at this time to foster continued improvements in productivity.

The Allard amendment would achieve this goal by dedicating some of the non-Social Security surplus to retire the debt. It also locks up the entire Social Security surplus for debt reduction, so we can have more cash reserves to save and reform Social Security, and to ensure Social Security will be there for our seniors, baby boomers, and future generations.

I am pleased that under this budget resolution, we dedicate the $1.1 trillion budget surplus to reduce the debt. This is a move in the right direction. We should now accelerate and continue the debt repayments.

The Allard amendment will just do that. Starting in fiscal year 2001, this amendment requires Congress to use $15 billion of non-Social Security surplus receipts to pay down the debt. Thereafter, in every succeeding year, the amount of debt payment must increase by $15 billion. Under this amendment, we will do more to pay down the debt.

Futhermore, the Allard amendment leaves plenty of room to provide tax relief for working Americans, while protecting the Social Security surplus.

Our colleagues on the other side of the aisle talk about debt reduction, but what they really want is to use debt reduction as an excuse to deny working Americans tax relief and to increase government spending. When I offered an amendment in the Budget Committee to dedicate this fiscal year's $26 billion on-budget surplus to retire the national debt, all of the Minority party members voted against my amendment, claiming that it would cut government spending too much.

Mr. President, our economy has greatly improved our short-term fiscal situation, and we will have a significant budget surplus over the next 10 years. However, our long-term fiscal condition, such as the insolvency of Social Security, still constitutes the primary threat to the health of our future economy.

We must seize the opportunity presented by this budget surplus to address our long-term fiscal imbalances caused by the astronomic unfunded liability of Social Security. Without reform, the long-term financial imbalances will crowd out all of our discretionary spending. It will create fiscal hardship for millions of baby boomers and impose a heavy burden on future generations.

The Allard amendment offers us the opportunity to fix the problem.

The Allard amendment maintains the fiscal discipline we need in an era of budget surplus. It requires Congress to budget for a surplus that will be dedicated to the repayment of the publicly held portion of the debt, while maintaining a balanced budget.

As I have repeatedly warned, without returning this budget surplus to the taxpayers in the form of debt reduction and tax relief, Washington will spend all of it. Let's pass the Allard amendment to stop that.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, while the manager of the bill has been talking on this most important issue, I have been meeting with staff and some others to try to get the remaining time lined up before 5:30.

I say to the manager of the bill on the majority side that Senator CONRAD is here and would like to offer an amendment. He can either do it when time runs out or he could do it now.

If the Senator from Colorado wishes to offer an amendment, we could take 5 minutes before 5:30.

Senator KENNEDY and Senator BINGAMAN would also like 5 minutes to speak before the vote takes place. The Senator from North Dakota, who is going to offer the amendment, needs about 12 minutes.

Mr. DOMENICI. We have been working very well together on this but I don't want to agree to that. That means on your side you have 10 minutes to speak on the education matter and you have not yielded anything to us in opposition.

Mr. REID. I have no problem with you having whatever time. I am trying to protect Senators BINGAMAN and KENNEDY because they requested time a long time ago.

Mr. DOMENICI. The unanimous consent said each of them can speak 2 minutes before the vote. That is agreed to in the unanimous consent; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. So they have 2 minutes each.

Mr. REID. If they are here and I get the floor I will yield them some time.

Mr. DOMENICI. I am ready to let the Senator proceed with his amendment although there is time remaining. I want to yield my time. If the Senator will yield his time, he will not have time left except the 2 minutes for each side.

Mr. REID. I think the two leaders would not agree to that because they have alerted everybody the vote is going to take place at 5:30.

Mr. DOMENICI. Under my proposal, we yield back our time on Allard, he yields back his time, and we are finished with Allard except for the 2 minutes.

Mr. REID. And then the rest of the time we talk on debt reduction.

Mr. DOMENICI. Up until the time we allow 2 minutes for each amendment.

Mr. ALLARD. I want 2 or 3 minutes to summarize. I can do that and then yield back the remainder of my time.

Mr. DOMENICI. Wouldn't you rather speak before your amendment is voted on?

Mr. ALLARD. Yes.

Mr. DOMENICI. The Senator has 2 minutes under the unanimous consent to do that.

Mr. ALLARD. That is fine.

Mr. DOMENICI. I yield back the time and assume the time has been consumed on the Allard amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 2935 TO AMENDMENT NO. 2906

(Purpose: To increase the amount of debt reduction contained in the resolution by $75 billion over 5 years)

Mr. CONRAD. Mr. President, the amendment I am offering is simple. It reduces the proposed $150 billion tax cut in the Republican plan. It cuts it in half and dedicates the savings to debt reduction.

The U.S. economy is stronger than it has ever been. We have now had the longest economic expansion in our history. The question before the Senate is: What is the best strategy for keeping this extraordinary economic expansion underway? That is the question before the Senate.

Virtually every economist who came before the Budget Committee, virtually every economist who came before the Finance Committee on which I also serve, has said the highest priority ought to be the further paying down of the national debt. That is what my amendment addresses.

I believe rather than some ambitious, new spending scheme or some ambitious, new tax scheme that our priority ought to be paying down the national debt. Why? Because that is what has triggered this enormous economic expansion, getting our fiscal policy in order.

In 1993, we had a $290 billion deficit, a deficit as far as the eye could see. We were running up the national debt. In fact, we quadrupled the national debt in about a 10-year timeframe. That would put this economy in the tank. In 1993, when we passed a plan to bring down the deficit, a 5-year plan that brought down the deficit each and every year, that put us on a course to lower interest rates and of higher rates of economic growth, to get the crowding-out factor removed from the marketplace so the Federal Government wasn't in competition with the private sector for scarce resources.

The result has been reduced interest rates. The result has been more money available for productive investment in this economy. The result has been the lowest unemployment in 30 years, the lowest rates of inflation in more than 30 years, and the longest economic expansion in our history. Those are the facts. The critical component, according to every economist that has come before us, is to continue that strategy, continue to pay down the debt, lift this debt burden off of the economy, pay off this publicly held debt by the year 2013 or before so that we have as big an economy as we can possibly grow before the baby boomers start to retire. That is the wisest course.

It is not just the opinion of the Senator from North Dakota; that is also the opinion of the Chairman of the Federal Reserve, who says: Pay down the debt first. The best use of the surplus is to reduce red ink.

Chairman Greenspan said on debt reduction: Saving the surpluses, if politically feasible, is, in my judgment, the most important fiscal measure we can take at this time to foster continued improvements in productivity.

Listen to Mr. Greenspan on this question:

> . . . there are limited fiscal resources in this country and until we have strong evidence that there is a major structural increase in the surplus, that trying to commit it to various different programs or even tax cuts, I think, is unwise.

The alternative budget we are offering on our side dedicates 82 percent of the projected surpluses to debt reduction. This is what we are proposing over 10 years; 82 percent of all of the surpluses dedicated to paying down the debt. We leave 14 percent for tax cuts and other high priority domestic needs such as prescription drug benefits.

The vast majority of what we are proposing in our substitute is to pay down the debt. This includes every penny of the Social Security surplus, and it includes the biggest percentage of the non-Social Security surplus for paying down the debt.

I know this is a conservative approach and some are surprised we are advocating it, but this is our position. We believe it is the best strategy for the economy. We believe it is the best strategy for the country, and it is the strategy we are strongly supporting.

Our friends on the other side of the aisle primarily advocate tax cuts. Virtually all of the non-Social Security surplus in the plan on the other side of the aisle goes for tax cuts. Our alternative is to say, yes, there is room for tax cuts, but it ought not to be the first priority out of the non-Social Security surplus. The first priority ought to be further debt reduction. We dedicate 36 percent of the non-Social Security surplus in addition to 100 percent of the Social Security surplus. In addition, we advocate 36 percent of the non-Social Security surplus to debt reduction, the biggest percentage.

The next biggest percentage is for tax cuts. Yes, tax cuts are called for with this prosperity. Yes, we ought to address the marriage penalty; we ought to solve it. Yes, we ought to deal with some of the other things in the Tax Code that are unfair. For example, I believe 39 years of depreciation for leasehold improvements makes no sense when the economic life of those improvements is 10 to 15 years. We ought to change that, too. We ought to change the estate tax. The current unified credit is out of date. We ought to update that. We ought to dramatically increase what we are doing in terms of relief for people with an estate tax problem.

The top priority ought to be debt reduction. That is what we have made the top priority in our proposal. Mr. President, 36 percent of the non-Social Security surplus is for debt reduction; 29 percent for tax cuts; 23 percent for prescription drugs and other initiatives, and, of course, 11 percent for interest costs.

Mr. REID. Will the Senator yield?

Mr. CONRAD. I am happy to yield to the Senator.

Mr. REID. Would a debt reduction be a tax decrease for everybody in America?

Mr. CONRAD. Absolutely. That would reduce interest costs over time. Of course, we are burning up a lot of money in the Federal budget in interest costs.

The other thing I think is often missed in this whole question of debt reduction, Lloyd Bentsen when he was Secretary of the Treasury came to a meeting of the Finance Committee and said the best bang for the buck, the biggest bang for the buck is to take measures that reduce debt, that reduce deficits, that as a result take pressure off of interest rates.

For every 1 percent we save on interest rates, we lift a $128 billion debt burden off this economy, every year—every year. That is bigger than any tax cut anybody has come up with, in terms of relief to our economy, by lifting the debt burden on this economy.

The proof is in the pudding. What happened in 1993, when we cut spending and, yes, raised income taxes on the wealthiest 1 percent so we could reduce the deficits, balance the budget, and get us on a course that could be sustained financially? We triggered reduced interest rates, increased rates of savings, societal savings that made more money available for productive investment that kicked off the longest economic expansion in our history. That is what is working. We ought to continue that course.

We ought to stay the effort, continue the effort to pay down this debt, relieve the debt burden on the economy, take Government out of competition for scarce resources so the private sector has more money to invest, so we are better able to grow the economy, so we have a bigger economy when the bills of the baby boom generation start to come due. That is what every economist has told the Finance Committee. It is what they have told the Budget Committee. We have the Chairman of the Federal Reserve telling us that is the wisest course. Let's do it. Let's take some of this tax cut, half of it, and use it to reduce the debt. That is the wisest course.

We know there are things that need to be done on tax relief. I mentioned the marriage tax penalty. We ought to eliminate the marriage tax penalty. We ought to eliminate that. We have enough money in our proposed tax cuts to take care of that problem and also to address other serious needs in the tax arena. But when I talk to my constituents, they say to me: Senator, pay down the debt. That is really the crying need in this economy.

We know; we have seen the reports in the Washington Post, that individuals' taxes have gone down. That is the finding of the Congressional Budget Office. That is the finding of the Tax Foundation, that taxes on individuals have gone down because we have expanded the earned-income tax credit; we provide the $500 tax credit for children. As a result, we have provided tax relief, very meaningful tax relief. That is one reason people are not clamoring for the additional tax relief.

What they are clamoring for is a continuation of the economic strategy that has made us the wonder of the world. It has created the longest economic expansion in our history. Whatever we do, we should not put that economic expansion at risk. And the best way to foster a continuation of this economic expansion is to continue the strategy of paying down debt.

Might I inquire how much time I have remaining?

The PRESIDING OFFICER. The Senator has not sent up his amendment, so the time has not begun to run on his amendment.

Mr. CONRAD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for himself, Mr. KOHL, Mr. DORGAN, Mr. FEINGOLD, Mr. HARKIN and Mr. ROBB, proposes an amendment numbered 2935 to amendment 2906.

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

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

The amendment is as follows:

In the amendment strike all after the first word and add the following:

Notwithstanding any other provisions of this resolution the following numbers shall apply:

On page 4, line 4, increase the amount by $6,579,000,000.

On page 4, line 5, increase the amount by $12,427,000,000.

On page 4, line 6, increase the amount by $15,376,000,000.

On page 4, line 7, increase the amount by $18,775,000,000.

On page 4, line 8, increase the amount by $21,724,000,000.

On page 4, line 13, increase the amount by $6,579,000,000.

On page 4, line 14, increase the amount by $12,427,000,000.

On page 4, line 15, increase the amount by $15,376,000,000.

On page 4, line 16, increase the amount by $18,775,000,000.

On page 4, line 17, increase the amount by $21,724,000,000.

On page 5, line 15, increase the amount by $6,579,000,000.

On page 5, line 16, increase the amount by $12,427,000,000.

On page 5, line 17, increase the amount by $15,376,000,000.

On page 5, line 18, increase the amount by $18,775,000,000.

On page 5, line 19, increase the amount by $21,724,000,000.

On page 5, line 23, decrease the amount by $6,579,000,000.

On page 5, line 24, decrease the amount by $12,427,000,000.

On page 5, line 25, decrease the amount by $15,376,000,000.

On page 6, line 1, decrease the amount by $18,775,000,000.

On page 6, line 2, decrease the amount by $21,724,000,000.

On page 6, line 6, decrease the amount by $6,579,000,000.

On page 6, line 7, decrease the amount by $12,427,000,000.

On page 6, line 8, decrease the amount by $15,376,000,000.

On page 6, line 9, decrease the amount by $18,775,000,000.

On page 6, line 10, decrease the amount by $21,724,000,000.

On page 29, line 3, decrease the amount by $6,579,000,000.

On page 29, line 4, decrease the amount by $74,881,000,000.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thought we had an implicit understanding when I yielded back all my time on the amendment that Senator CONRAD would offer his amendment, it would be a half-hour on his side on his amendment and a half-hour on our side. That is what second-degree amendments carry.

Mr. CONRAD. I thought we had 12 minutes on our side.

Mr. DOMENICI. Twelve only? Whatever anyone wants to do, we have to leave some time.

Mr. REID. Will the Senator yield? I say to the Senator from North Dakota, I offered a unanimous consent agreement to give him 12 minutes. He thought that had been agreed to. It had not been. That is why he asked the Chair how much time he had left. He offered his amendment. I guess the time will just be split now; is that right?

Mr. DOMENICI. He has used 12 minutes. How much time has he used on his amendment?

Mr. REID. How much time has the Senator used?

The PRESIDING OFFICER. The Senator spoke for 11 minutes off the resolution.

Mr. REID. So, 45 minutes, approximately, would be remaining?

Mr. DOMENICI. At what time are we supposed to vote?

Mr. REID. We are to vote at 5:30; there are 35 minutes left.

Mr. DOMENICI. We need 2 minutes to talk about the amendment that is up, that is going to be called up. Why don't we split the remaining time.

Mr. REID. That will be fine.

Mr. DOMENICI. So we need 4 minutes before we vote at 5:30, and the rest of the time will be divided equally, which is giving him a very big break, but I am glad to do it.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from North Dakota.

Mr. CONRAD. Mr. President, first let me thank my colleagues. We are glad to split the remaining time.

I think the point has been made and hopefully clearly made. I am offering a second-degree amendment to the amendment of the Senator from Colorado. Let me just speak, if I may for a moment, about the amendment of the Senator from Colorado because there is something in his amendment that also should concern my colleagues.

Right at the beginning of the amendment of the Senator from Colorado, he defines a balanced budget as one that includes all budgeted outlays and budgeted revenues. He says, ''budgeted outlays shall not exceed budget revenues.'' That sounds like a balanced budget but, unfortunately, under the legal terms to which we have to hold, that is a definition of a balanced budget that includes the Social Security surpluses.

We have all pledged here not to do this. We have all pledged not to use Social Security surpluses to balance the budget. Now the Senator from Colorado comes in here and defines a balanced budget as one that uses Social Security revenues to balance. That is precisely——

Mr. ALLARD. Will the Senator yield?

Mr. CONRAD. No, I will not. That is precisely what we should not do. That is going back to the bad old days around here of using Social Security money to balance the budget. That is going back to the bad old days of raiding Social Security, of looting Social Security to make it look as if we have balanced the budget.

Why ever would we want to go back to that approach? We have just spent

years convincing our colleagues and the American people that we should not count Social Security surpluses to balance the operating budget of the United States. Now we have an amendment from a colleague that suggests we ought to go back to the bad old days and we ought to raid Social Security to balance the budget.

I hope we will not go in that direction. I hope we will continue on the path of reserving every penny of Social Security for Social Security. Let's not, please, colleagues, go back to defining a balanced budget as one that raids the Social Security surpluses in order to achieve balance. That would be a profound mistake.

Instead, I hope we take the second-degree amendment I have offered that says let's make the top priority debt reduction, let's take every penny of the Social Security surplus and dedicate it to Social Security, and let's take the biggest chunk of the non-Social Security surplus and use it to pay down debt. That is the best game plan for maintaining economic prosperity in the country, for extending this remarkable period of economic expansion, for broadening and deepening economic opportunity in this country.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, how much time does Senator CONRAD have remaining?

The PRESIDING OFFICER. Ten minutes.

Mr. DOMENICI. How much do I have remaining?

The PRESIDING OFFICER. Fifteen minutes.

Mr. DOMENICI. I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I do not want to provoke a long argument about who did the most to cause America to have these years of prosperity. I will summarize what I think.

Frankly, I do not believe it is rational to say the Clinton tax increase of $290 billion is what caused this American economy to go buoyant and produce strong growth rates for the last 7 years. Essentially, that is what happened in that first year. Some say it added some credibility. To the extent it added credibility, it probably should have been taken off after the next year we had credibility.

In any event, I want to talk about what we are doing here. I do not know why it is, with the surpluses we have, that we cannot get to the point where those on the other side of the aisle—at least almost all of them. They really do not want to have very much tax relief, if any, for the American people. When we boil it right down, the difference is not paying off the debt—there is a slight difference there—but the difference is spending, and that is it. They want to spend more, and we say let's give back more to the American people in tax relief.

This is about as dramatic as I can give it, and it is a pretty honest interpretation of the Democrats' budget—that is what the Senator alludes to—versus our budget.

The committee's resolution has 11 percent of the surplus going to tax reductions. They have 4 percent. In the committee's resolution, spending gets 17 percent of the surplus—this is the total surplus—and we put 72 percent of that surplus on the debt. The Democratic plan says let's do 4 percent in tax relief and 22 percent in spending.

If one wants to quote Alan Greenspan correctly—as I said, it is like the Bible: It depends on how one wants to read him. But Alan Greenspan would say: Do not spend any of it; put it all on the surplus. And if you cannot put it all on the surplus, do not spend it; put it on tax relief. That is what we did.

Essentially, when the argument is finished, for some reason, even though we get our tax relief down to a small amount—$1 in tax relief for $13 in debt reduction in the first year; over 5 years it is $1 in tax relief for $8 in deficit reduction—that is not good enough. We cannot even give back to the taxpayers $1 out of $9—8 plus 1; $8 in reduction of the debt. Here is the difference: We would spend 17 percent; they would spend 22 percent. It seems to me we are following the admonition of the distinguished Chairman of the Federal Reserve Board and they are not.

On the other hand, we can argue all day who is closest to what he says. The Republicans are being realistic. Out of these huge surpluses, we ought to give a little back to the American people sooner or later, and if we spend it, we do not have it to give back. That is just the way it is. That is the difference between the two.

I do not believe I will need all of my half hour. I assume I have used 5 minutes.

Mr. ALLARD. Will the Senator from New Mexico yield to me? Will the Senator from New Mexico give me some time to respond to the comments of the Senator from North Dakota?

Mr. DOMENICI. Mr. President, on the Senator's amendment or in opposition to the Conrad amendment?

Mr. ALLARD. In opposition to his amendment. He made some comments I want to clarify for the record.

Mr. DOMENICI. I will give the Senator from Colorado 3 minutes.

Mr. ALLARD. Mr. President, the Senator from North Dakota indicated that we include Social Security in our provision when we say we have to balance the budget. That is correct. But he did not read the whole bill because if he had read another section of the bill, it shows we set aside the Social Security surplus and do not spend it. We do treat Social Security as an off-budget item, and we keep it there. It stays there until there is Social Security reform or we do something to save Social Security. We all agree Social Security is headed for trouble. I wanted to clarify for the record that we do protect Social Security.

I point out in opposition to the amendment of the Senator from North Dakota that my amendment does more than what he is proposing. We have a plan in place that specifically saves Social Security, and we have an enforcement mechanism in there.

I plan to vote against the amendment of the Senator from North Dakota because I believe that unless we have the enforcement mechanism, all of this is a sham. We need to have the enforcement mechanism that says if our revenues do not measure up, we do not spend Social Security.

I thank the Senator from New Mexico for yielding to me so that I could clarify the record. I yield back any remaining time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, with the 10 minutes we have remaining, I yield 4 minutes to the Senator from North Dakota, 2 minutes to the junior Senator from North Dakota, and 4 minutes to the Senator from Massachusetts. Senator BINGAMAN will use our 2 minutes in wrapup.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I say to my colleague from Colorado, I read his amendment. His amendment defines a balanced budget as one that includes all receipts and all outlays. That includes the Social Security surplus funds as a definition of a balanced budget. That, in my judgment, is not a balanced budget. It is exactly the mistake we made around here for 30 years. Defining a balanced budget as one that includes Social Security surpluses is to set up the circumstance in which we could go back to the bad old days of raiding and looting Social Security for operating expenses, and that is something we have all pledged not to do.

Maybe the intention of the Senator from Colorado is to protect Social Security, but when he defines a balanced budget in the amendment he has offered as one that raids Social Security surpluses to accomplish balance, he has turned back the clock to the bad old days. That is a mistake. That should not happen. We should not vote for it.

Instead, I say to my colleagues, we should vote for the second-degree amendment I have offered that says let's put debt reduction as the first priority of this Government; that says we are going to reserve every penny of the Social Security surplus for Social Security; and that says of the non-Social Security surplus, instead of making a

tax reduction, a tax-cut scheme virtually the only priority of the non-Social Security surplus, we ought to adopt a plan that says, no, we ought to make the top priority of the non-Social Security surplus debt reduction.

That is the proposal before the Senate: to cut in half the proposed tax cut and dedicate the money to debt reduction. That is what the economists have told us should be the highest priority for these funds. I believe that is the case. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have been listening to this debate, and it is fascinating. Some things that are debated in the Senate are complicated. This is not.

The question proposed by Senator CONRAD is: Will we devote more money to reducing the debt? If during good economic times we have a surplus and we cannot reduce the debt we have accumulated during tough economic times, when are we going to see real debt reduction? I do not think there is any Senator who ought to be voting against Senator CONRAD's second-degree amendment.

With respect to the point he made about the use of Social Security funds, he and I, the Senator from Nevada, and others have been on this floor for, I guess, 5 or 6 years talking about this very issue. We cannot use these funds as offsets for something else and then say: No, we didn't use them; in fact, we created a lockbox. Some lockbox. Somebody got away with the key in the middle of the night, apparently.

Back to the point. The issue here, offered in the second-degree amendment, is, if during tough economic times we ran up this Federal debt to $5.7 trillion, will we, during good economic times, when we have a surplus, begin to make significant payments to reduce that debt?

Is there any greater gift we can give to America's children to reduce that burden on their shoulders of this Federal debt? The answer is no.

This second-degree amendment is an amendment every single Senator ought to be supporting if they believe in basic conservative principles of, during good times, paying back what you had to borrow during tough times. That is what this second-degree amendment is all about. It is very simple. As I said when I started, there are a lot of things that are frightfully complicated on which we vote on the floor of the Senate. This is not. This is incredibly simple. We ought to support the second-degree amendment.

Mr. President, I yield the floor.

Mr. REID. I ask the Senator, do you want to use some of your time? We only have 4 minutes left. You have 15 minutes or thereabouts.

Mr. DOMENICI. Do we have anybody else here?

Mr. President, I said about as much as I can say about the difference between the budget resolution and Senator CONRAD's approach. I think it is shown right behind me on this chart. Essentially, it does not have very much to do with who brings the debt down quicker. It has more to do with who wants more money for spending?

I want to repeat that I am firmly convinced that, for some reason or another, the other side is not frightened by the idea of spending the surplus but somehow they are very frightened about giving some of it back to the citizens of the United States. I know Senator CONRAD has a tax plan also. He is on the Finance Committee.

But I submit, if we were to adopt his amendment, any realistic change in the marriage tax penalty over the next 5 years to make it more fair, so millions of newlyweds will not come into April finding out they are paying an average of $1,400 a year more in taxes because they are married than they would if they were single, filing separately—we think that will cost, over 5 years, somewhere between $60 billion and $65 billion.

There is some education tax relief that has passed with rather substantial margins. That is about $8 billion. There is health care tax relief that is about $13 billion.

That leaves small business provisions for which both sides have voted. They are very good provisions for small businessmen, such as one that says anyone who works for an employer that does not have insurance, if they buy their insurance as an employee, they can deduct it. Isn't that something? I assume Americans thought that was the case already. But unless your employer deducts it, employees cannot. So two people working for different employers, neither of whom has health care, if they pool their resources and buy a health care plan for themselves and one child, they cannot deduct a nickel of it.

But there is some relief we propose here on the floor of the Senate that ought to get done, and a number of small business provisions.

The minimum for those kinds of reforms is somewhere between $100 billion and $130 billion. We are led to believe we are going to grant all kinds of tax relief to the rich people of America, when the plan encompasses these ideas because that is what we have been talking about. That is what the Finance Committee is going to consider.

If you take that much of the surplus and say, we are going to put that much more on debt, you cannot accommodate these kinds of tax relief measures.

Last but not least, I repeat, how much debt reduction is enough?

Frankly, I would like to get rid of the whole debt. But we accumulated it over 30 years. How in the world we expect one generation of Americans to pay that whole debt down is beyond me. I think the $400 billion we have already done plus the $1.1 trillion in this budget resolution in the reduction of debt is pretty good.

As a matter of fact, I think we will substantially reduce interest payments. That ought to permit lower interest rates in this country. Although Dr. Alan Greenspan insists on raising interest rates to solve other problems, maybe it will not have an impact for some time.

I reserve the remainder of my time and yield the floor.

Mr. REID. Senator KENNEDY is now recognized for 4 minutes, with the Chair's permission.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 3½ minutes of the 4 minutes.

I think this chart really tells what is happening in the area of the Federal share of education funding. It demonstrates the very significant decline from 1980 to 1999.

The blue on the chart indicates what was being spent in elementary and secondary education in 1980. Here we see it was 11.9 percent in elementary and secondary education and 15.4 percent in higher education. Now we are at 7.7 percent in elementary and secondary education and 10.7 percent in the area of higher education. There has been a significant decline in terms of the money that is being spent in education.

Look at what has happened in the area of higher education, where you see a continuing expansion of enrollment in terms of higher education. And it is going to continue. There is an important need in the area of higher education, as there is in K through 12. This chart shows the enormous rise in the total enrollment in schools all across this country. Every parent, every school board, every local group can tell you that.

It is against that background that we find in the President's budget there would be $6.9 billion. This increases $2.2 billion. That reflects the difference in the Bingaman amendment. We say allocate that money before we are going to have a tax break.

There was a question raised earlier about whether this was an accurate portrayal. I will put in the RECORD the CBO figures, as prepared by OMB, that give the whole function that lists education, training, and the Head Start programs. The bottom line shows there is $4.7 billion less, according to CBO, than the President's budget. Those are the figures. Those are the figures in the Bingaman amendment.

Mr. President, I ask unanimous consent to have that table printed in the RECORD.

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

FY 2001 SENATE BUDGET RESOLUTION

[Budget authority in billions of dollars]

	CBO WODI	Inflated base	CBO president	SBC	SBC res minus CBO			Percent change		
					WODI	Inflated base	President	WODI	Inflated base	President
500: Education, Training, Employment, & Social Services:										
Impact Aid	906	921	770	906	0	−15	138	0	−2	18
Special Education	6,036	6,076	6,369	8,236	2,200	2,160	1,867	36	36	29
Other Elem and Second Education	16,478	16,615	19,678	16,878	400	263	2,800	2	2	−14
Pell Grants	7,640	7,770	8,356	7,828	188	58	−528	2	1	−6
Head Start	3,867	3,933	4,867	4,122	255	189	−745	7	5	−15
All other programs:										
Other higher education	3,687	3,750	4,136	3,521	−166	−229	−615	−5	−6	−15
Training and employment	7,248	7,334	7,851	6,921	−327	−413	−930	−5	−6	−12
Remaining programs	8,784	8,965	9,517	8,388	−296	−577	−1,129	−5	−6	−12
Subtotal, all other programs	19,719	20,049	21,504	18,830	−889	−1,219	−2,674	−5	−6	−12
Total	54,646	55,364	61,544	56,800	2,154	1,436	−4,744	4	3	−8
Memo: Department of Education	35,498	35,900	39,983	39,998	4,500	4,098	15	13	11	0
550: Health:										
NIH	17,814	18,169	18,813	18,914	1,100	745	101	6	4	1
Indian Health Service	2,391	2,457	2,620	2,620	229	163	0	10	7	0
All other programs:										
CDC	2,892	2,962	3,239	2,745	−147	−217	−494	−5	−7	−15
HRSA	4,564	4,648	4,386	4,333	−231	−315	−53	−5	−7	−1
Substance abuse & med health serv	2,652	2,699	2,823	2,518	−134	−181	−305	−5	−7	−11
Remaining programs	3,445	3,562	3,421	3,270	−175	−292	−151	−5	−8	−4
Subtotal, all other programs	13,553	13,871	13,869	12,866	−687	−1,005	−1,003	−5	−7	−7
Total	33,758	34,497	35,302	34,400	642	−97	−902	2	−0	−3
570: Medicare:										
Medicare Provider Fees	0	0	−220	0	0	0	220	NA	NA	−100
All other	3,067	3,175	3,197	3,100	33	−75	−97	1	−2	−3
Total	3,067	3,175	2,977	3,100	33	−75	123	1	−2	4

Based on CBO estimates. The Republican Budget Resolution is $4.7 billion below the President's budget.

Mr. KENNEDY. We believe we ought to accept the Bingaman amendment if we believe education is the first priority. This is supported by every single parent group. It is supported by all of the student associations across the country, the NEA, the AFT, the national school boards, the Council of Great City Schools, and the American Council on Education that represents all of the various universities in this country.

This makes sense. Which is important for the American people? Putting education ahead of tax breaks. That is what the Bingaman amendment does. We need that in order to meet our responsibility to the children in this country. I hope the Senate will accept the amendment.

Mr. DOMENICI. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from New Mexico has 5 minutes.

Mr. DOMENICI. Mr. President, let me use 3 minutes of it.

I say to Senator KENNEDY, I am not arguing with your CBO or OMB numbers. I could not tell which it was. You said CBO and then said OMB. I do not know which it is.

Look, I am not arguing about that because that is a total function. That is not education. There are other things than education in that function.

Here is the education part. I will put in the RECORD what is in this budget resolution because it is supported by the Congressional Budget Office.

Mr. President, I ask unanimous consent to have that table printed in the RECORD.

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

DEPARTMENT OF EDUCATION—SBC 2000 MARK VS. CBO WODI 2000 VS. PRES REEST 2000

[In millions of dollars]

Summary	2000	2001	2002	2003	2004	2005
REPORT TOTAL						
Resolution: BA	34,935	47,877	48,043	48,138	48,423	49,321
MARK:						
OP	24,075	23,191				
OT	35,988	41,117	44,506	47,001	47,622	48,367
Mar 2000: BA	34,934	43,384	43,550	43,186	42,776	43,041
WODI:						
OP	24,075	23,191				
OT	35,987	41,050	42,791	43,243	42,804	42,848
President: BA	34,444	47,228	47,434	47,668	48,188	49,099
REEST:						
OP	24,075	23,191				
OT	35,532	40,840	44,955	46,475	47,134	47,957
Group 1: BA	1	4,493	4,493	4,952	5,647	6,280
Group 2:						
OP	0	0				
OT	1	67	1,715	3,758	4,,818	5,519

Mr. DOMENICI. If we are speaking about education—not AmeriCorps; that is not part of education; some might think it is, but it isn't—according to the CBO, our budget resolution provides $47.877 billion for education. The President had $47.228—slightly less, $600 million less. What we are spending this year is 43.3.

To get up and say all these groups support this—of course, if we ask them, do you want more money, they will say, of course, we want more money. Right? I don't think anybody in the education field, whether it is at the State level, the district level, or the national level will not affirmatively answer a questionnaire, will you support more money for education?

The question is, Are we treating it with the priority that it deserves in this budget? There are two parts to ours. One is the sense-of-the-Senate language that says we need reform in education, not only more money. We don't need to try the same old things we have been trying, the so-called status quo, more targeted programs telling them precisely what to do, such as we did with special education. Then we didn't even fund special education to the amount we promised them, and they had to take it out of their regular budgets. We set the standard and we told them how to do it. I guarantee you, they would say, give us more funding in that program. They would answer yes across America. And we do provide more funding. In fact, since the Republicans have been in leadership, we have been trying to play some catchup on special education funding for the schools across America.

Everyone should know our history has been for many decades, the cities, the States, and the counties pay for education essentially, not the Federal Government. So to make this out as a debate on what happens to public education in America is to ignore the fact that for most of our history we have paid between 6.5 and 8 percent of the total cost of kindergarten through 12, somewhere between 6.5 and maybe 8.5 percent. The rest is paid by whom? The taxpayers of the sovereign States of America.

We are suggesting that a new program ought to come into being where they have more say-so, rather than less, about how our money is used, more flexibility and accountability. We have both suggestions in our budget resolution.

I will take 1 additional minute. In every function in this Government, even the Economic Development Administration, where we understand there are 334 different activities in the Federal Government, they want more, not less. In a buoyant economy, growing with less than 5-percent unemployment, America putting money into economic development so people can run around acting as if they are creating jobs, of course they want more money. But the point is, don't the American taxpayers in a surplus of this size deserve some consideration? Shouldn't they be given an opportunity to say maybe we ought to get a little tax relief such as the marriage tax penalty.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I will respond briefly to my colleague from New Mexico on the question of our plan and what it can accommodate and what it can't. I start by saying I have great respect for the chairman of the Budget Committee.

With respect to the marriage tax penalty, we do have sufficient resources to address the marriage tax penalty. The tax cuts we have provided out of the non-Social Security surplus are net tax reductions of $265 billion over 10 years. The plan we offered to address the marriage tax penalty in the Senate Finance Committee costs $150 billion. It is a very simple plan. It says we are going to give people the choice of filing as a married couple or filing separately. They can file and pay whichever is less.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Massachusetts has 1 minute.

Mr. KENNEDY. Mr. President, I say to my friend and colleague, who is chairman of the Budget Committee, money may not be the answer to all of the problems. Just throwing money at a particular problem isn't going to be all of the answer. But we do know that in the budget, this allocation is a clear indication of what a nation's priorities are going to be. That is the decision we are making. We say we ought to give a higher priority in the area of education than we should in tax cuts. That is what the Bingaman amendment is doing, and that is why I believe we should support it.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from New Mexico has 1 minute remaining.

Mr. DOMENICI. Mr. President, it is very interesting; the distinguished Senator from Massachusetts says this is going to show our priorities. We have more than the President of the United States in education. So one would think that he would have more money available for tax reduction. But guess what. He found there are a lot of other priorities. So he has a 14-percent increase in domestic programs, all with high priorities equivalent to education—increase them all. Actually, in truth, the difference is, do you want to spend more money on the domestic programs of America, even though we are increasing education more than the President, do you want to spend more and not even give the taxpayers a shot as to whether or not they should get some tax relief via the marriage tax penalty, some small business help and those kinds of things?

That is essentially the difference in priorities. We think ours are very good priorities. There is a lot of money in here for education. To the extent the Federal Government can be helpful, I believe we will be helpful.

AMENDMENT NO. 2926

The PRESIDING OFFICER. The time on this amendment has expired. There are 4 minutes evenly divided on the Bingaman amendment. Who yields time?

Mr. BINGAMAN. Mr. President, I will use the 2 minutes we have to summarize the amendment.

I agree with Senator KENNEDY from Massachusetts that this is a simple choice we have to make. Is there going to be a reduction in the amount of the tax cut? The proposed tax cut is the largest on the Senate floor with which I am familiar. And the proposal is to reduce that tax cut by about 15 percent and commit 15 percent of those revenues to improvements in education.

The argument is that the underlying budget resolution has $1 billion for IDEA, which we support. Our amendment has that, too. There is no difference on that issue.

The argument is that their budget resolution asks for more than the President's proposal. The truth is, their budget resolution says that of the increase in education, $2.3 billion of it needs to be spent on a so-called performance bonus fund. It is committed to that. It is dedicated to that. It can't be spent for 5 years. So no school is going to see any benefit from that. If you take that out, there is a cut in education in the budget resolution on which we are voting.

Our amendment tries to restore those funds and get the funds up to the level in the programs that have been proven to work, programs that matter to people all over this country. We believe those programs should be adequately funded: programs to improve the quality of teachers in the classroom, programs to modernize our schools, programs to increase accountability for the expenditure of funds, particularly title I funds, programs for after school. Those are the types of programs we are trying to see are adequately funded.

We do not believe those programs should suffer in order that we create a new mandatory performance bonus. That is the issue before us today.

I hope Members will support the amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, it is not often that we are on the floor in this mode, where I am opposing my junior Senator's request. On this one, I am in opposition and will shortly move to table.

I suggest the Congress of the United States is going to have an opportunity before the year is out to vote on a new Elementary and Secondary Education Act. That act, as passed, plus the appropriations decisions made by Senator SPECTER and his Democratic minority member, approved by the appropriations in the Senate, will determine where the specific money goes—not what we are saying on the floor that we assume is in our number.

I believe we are going to reform the Elementary and Secondary Education Act, and it is not going to be filled with targeted programs as it is now, or at least the States will have an option to do otherwise, to approach this from ''we will receive the money, we will sign an accountability agreement, and let us decide where our priorities are.''

One shoe doesn't fit every school district in America in terms of aid. In fact, sometimes we tell them to do the things they don't want to do.

I don't believe this is a debate over the enumerated tools Senator Bingaman says he is adding. The issue is, are we adding as much as the President to a budget of last year, which was $43 billion. The answer is, yes, we are. We are going to decide, as the Senate and House, how it is spent. We are not deciding that tonight, whether the Bingaman amendment is adopted or not; It is going to be up to another series of votes.

I don't know whether we are going to fund the programs that he thinks are great programs. Somebody else is going to decide that. We are doing as much as the President in program authority; of that, I am confident.

With that, I move to table the Bingaman amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to table the amendment of the Senator from New Mexico. The clerk will call the roll.

The bill clerk called the roll.

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

The result was announced—yeas 54, nays 46, as follows:

[Rollcall Vote No. 54 Leg.]

YEAS—54

Abraham	Bunning	Craig
Allard	Burns	Crapo
Ashcroft	Campbell	DeWine
Bennett	Cochran	Domenici
Bond	Collins	Enzi
Brownback	Coverdell	Fitzgerald

Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Chafee, L.
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

The motion was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. I ask unanimous consent that the next two votes be 10-minute rollcall votes.

The PRESIDING OFFICER. It is in order.

AMENDMENT NO. 2935 TO AMENDMENT NO. 2906

The PRESIDING OFFICER. Who yields time on the Conrad amendment?

Mr. CONRAD. Mr. President, my second-degree amendment is very simple. Instead of using $150 billion for a tax cut over the next 5 years, we take half of that money and dedicate it to further debt reduction. Every economist who has come before the Finance Committee and the Budget Committee has said the highest priority is to pay down the debt.

The question is, What do we do to best secure a continuing economic expansion in our country? Every economist who has come before the Budget Committee and the Finance Committee, as well as the Chairman of the Federal Reserve, has said the highest priority is to continue to pay down this debt. We take half of the proposed tax cut and use it for further debt reduction. That ought to be our priority. That is what this amendment does.

I hope my colleagues will support the second-degree amendment and oppose the underlying Allard amendment which defines a balanced budget as one that raids Social Security. Let's not go back to the bad old days. Let's pay down the debt.

Mr. DOMENICI. Mr. President, I will be very brief. I will shortly move to table the amendment. I want to show you a chart that simply depicts the difference in priorities between the two sides. Alan Greenspan suggested we should put our surplus against the debt, unless we intend to spend it, in which event we should reduce or reform or give relief to the taxpayer. A big difference between the two is exemplified by this. They would give 4 percent of the surplus to the taxpayers.

The difference is very easily depicted. They give 4 percent of the surplus to tax relief for the American taxpayer; we would give 11 percent. They would spend 22 percent of the surplus; we would spend 17 percent.

That explains it. Alan Greenspan suggests instead of spending money, we ought to give it back to the taxpayers. That is what we are doing—but a very small amount. As a matter of fact, $150 billion over 5 years, if we pass it, means $13 goes to debt reduction for $1 in tax relief in the first year; 8–1 over the 5 years.

How much is enough? It seems to me the taxpayer deserves a little bit of it. We shouldn't be spending it. We should give it back to them.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to table amendment No. 2935. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 55 Leg.]

YEAS—52

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NAYS—48

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Chafee, L.
Cleland
Collins
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Specter
Wellstone
Wyden

The motion was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2906

The PRESIDING OFFICER. There will be 2 minutes debate evenly divided preceding the vote on the Allard amendment.

Who yields time? The Senator from Colorado.

Mr. ALLARD. Mr. President, I speak in behalf of the amendment. We are going through unprecedented good times. We ought to take advantage of this time and put in place a plan to pay down the debt. We do not have a plan to pay down the debt, and my amendment lays in place a 20-year plan to completely eliminate the debt.

By doing that, we save over $3 trillion in interest payments, and we also do not eliminate the opportunity to reduce taxes. In fact, I believe repaying the debt is the first step necessary in providing the structure to make further tax cuts. Repayment of the debt owed to the public by requiring all Social Security surpluses be applied to the debt until we have Social Security reform is the proper approach. This is a minimal plan in paying down the debt. It will probably do more because the Social Security surplus will also go towards paying down the public debt.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. First of all, Mr. President, I am sure this amendment violates the Budget Act because it is not germane. I will make that point of order shortly.

But I am afraid that if we adopted this amendment, it could, over time, preclude the kind of defense spending we need and the kind of tax relief in which we might be interested. I believe we are doing plenty to reduce the debt in this budget resolution: $177 billion in the first year, $1.1 trillion over 5 years. The ratio of tax relief to debt reduction, over 5 years, is 8 to 1. In the first year, it is 13 to 1. That is a pretty good game plan.

Mr. President, I make a point of order that this is not germane to the provisions of the budget resolution.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, pursuant to section 904 of the Budget Act, I move to waive section 305 of the Budget Act for the consideration of Allard amendment No. 2906 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion to waive the Budget Act in relation to Allard amendment No. 2906. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The yeas and nays resulted—yeas 16, nays 84, as follows:

[Rollcall Vote No. 56 Leg.]

YEAS—16

Allard	Enzi	McCain
Ashcroft	Fitzgerald	Smith (NH)
Campbell	Grams	Thomas
Collins	Hutchinson	Voinovich
Craig	Hutchison	
Crapo	Inhofe	

NAYS—84

Abraham	Feinstein	Mack
Akaka	Frist	McConnell
Baucus	Gorton	Mikulski
Bayh	Graham	Moynihan
Bennett	Gramm	Murkowski
Biden	Grassley	Murray
Bingaman	Gregg	Nickles
Bond	Hagel	Reed
Boxer	Harkin	Reid
Breaux	Hatch	Robb
Brownback	Helms	Roberts
Bryan	Hollings	Rockefeller
Bunning	Inouye	Roth
Burns	Jeffords	Santorum
Byrd	Johnson	Sarbanes
Chafee, Lincoln	Kennedy	Schumer
Cleland	Kerrey	Sessions
Cochran	Kerry	Shelby
Conrad	Kohl	Smith (OR)
Coverdell	Kyl	Snowe
Daschle	Landrieu	Specter
DeWine	Lautenberg	Stevens
Dodd	Leahy	Thompson
Domenici	Levin	Thurmond
Dorgan	Lieberman	Torricelli
Durbin	Lincoln	Warner
Edwards	Lott	Wellstone
Feingold	Lugar	Wyden

The PRESIDING OFFICER. On this vote, the yeas are 16, the nays are 84. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that with respect to the Byrd-Warner amendment regarding gas tax, all debate time be consumed this evening and there be no amendment in order to the amendment prior to the vote. I further ask unanimous consent that the vote occur on the Byrd-Warner amendment first in any series of votes scheduled by the majority leader, after consultation with the minority leader, on Thursday. Finally, I ask unanimous consent that prior to the vote, there be 2 minutes equally divided for closing remarks.

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

The Senator from West Virginia.

Mr. BYRD. Mr. President, I will shortly be speaking on an amendment which I will offer on behalf of myself, Mr. WARNER, Mr. BAUCUS, Mr. VOINOVICH, Mr. LAUTENBERG, Mr. BOND, and Mr. REID.

Mr. President, I understand that the Senator from Maine would like to be recognized for 5 minutes.

Ms. COLLINS. Yes, for 5 minutes as in morning business to put in a bill.

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Maine, Ms. COLLINS, for not to exceed 5 minutes, after which I will regain the floor.

Mr. REID. Reserving the right to object, and I won't object, but I want everybody to know that there will be no more unanimous consents for morning business today or tomorrow as long as I am on the floor.

Mr. DOMENICI. We don't need to have morning business. Let's let her speak and count it against the bill. That is what you would like, and I would like that also.

Mr. REID. That will be better.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Maine is recognized for 5 minutes.

(The remarks of Ms. COLLINS and Mr. ABRAHAM pertaining to the introduction of S. 2365 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOMENICI. Mr. President, I wonder if the Senator from West Virginia will add me as a cosponsor.

Mr. BYRD. I would be happy and most honored.

I ask unanimous consent that the name of Mr. DOMENICI be added to the list of cosponsors of this amendment.

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

AMENDMENT NO. 2943

Mr. BYRD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. WARNER, Mr. BAUCUS, Mr. VOINOVICH, Mr. LAUTENBERG, Mr. BOND, Mr. REID, and Mr. DOMENICI, proposes an amendment numbered 2943.

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

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

The amendment is as follows:

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE ON THE CONTINUED USE OF FEDERAL FUEL TAXES FOR THE CONSTRUCTION AND REHABILITATION OF OUR NATION'S HIGHWAYS, BRIDGES, AND TRANSIT SYSTEMS.

(a) FINDINGS.—The Senate finds that—

(1) current law, as stipulated in the Transportation Equity Act for the 21st Century (TEA–21), requires all federal gasoline taxes be deposited into the Highway Trust Fund;

(2) current law, as stipulated in TEA–21, guarantees that all such deposits to the Highway Trust Fund are spend in full on the construction and rehabilitation of our nation's highways, bridges, and transit systems;

(3) the funding guarantees contained in TEA–21 are essential to the ability of the nation's governors, highway commissioners, and transit providers to address the growing backlog of critical transportation investments in order to stem the deterioration of our road and transit systems, improve the safety of our highways, and reduce the growth of congestion that is choking off economic growth in communities across the nation;

(4) any effort to reduce the federal gasoline tax or de-link the relationship between highway user fees and highway spending pose a great danger to the integrity of the Highway Trust Fund and the ability of the states to invest adequately in our transportation infrastructure; and

(5) proposals to reduce the federal gasoline tax threaten to endanger the spending levels guaranteed in TEA–21 while providing no guarantee that consumers will experience any reduction in price at the gas pump.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals in this budget resolution do not assume the reduction of any federal gasoline taxes on either a temporary or permanent basis.

Mr. BYRD. Mr. President, this is a sense-of-the-Senate amendment that the functional totals in this budget resolution do not assume the reduction of any Federal gasoline taxes on either a temporary or permanent basis.

Mr. President, in 1996, just four years ago, the Senate considered a proposal to repeal the 4.3 cent per gallon federal excise tax on gasoline. As I recall, the issue was debated in the midst of the 1996 presidential election, as gasoline prices were on the rise. Today, we are considering a similar proposal under almost identical circumstances. American consumers are understandably upset about the rise of gasoline prices over the last year. In February 1999, average U.S. prices were under a dollar per gallon. Since then, the average price for gasoline in the United States has increased by about 55 cents per gallon. To make matters worse, the U.S. government has had to go hat-in-hand to the Gulf nations to beg them to produce more oil. Let us all remember that these are the very same Gulf states that the U.S. defended during Operation Desert Storm in 1991. In answer to the outrage of the American people over this latest hike in gas prices, we see, yet again, a proposal for a reduction in the federal excise tax on gasoline.

The repeal of any tax, particularly a tax on gasoline, is always politically popular, and quite a temptation for politicians, especially in the midst of a campaign season. Additionally, the temptation to remind the electorate of a tax increase approved by a political opponent is close to irresistible in an election year. However, in our rush to craft a pseudo-solution to a real concern in this election year, I hope that the Senate will carefully consider the long-term implications of its actions. To suggest that the 4.3 cent per gallon gasoline tax enacted in 1993 is the precursor of all this pain at the gas pump, and that the cure for that pain is a simple repeal of that tax, is pure and utter folly.

A look at the markets over recent months shows that gasoline prices have risen because of the basic economic forces of supply and demand. First, the Organization of Petroleum Exporting Countries (OPEC) successfully agreed last year to curb crude-oil production in order to raise exceptionally low per-barrel prices—such low per-barrel prices that U.S. producers were in danger of being put out of business. Second, U.S. crude-oil inventories were allowed to fall to dangerously low levels in 1999. Because there was no cushion from U.S. inventories to respond to the cuts in oil production, gasoline prices, naturally, increased. What we are seeing is classic supply and demand at work.

OPEC agreed last week to increase oil production, but that oil will not arrive from the Gulf states for at least another one to two months. In the meantime, there is a more or less fixed supply of oil available for U.S. consumption. This short-supply scenario means that even if the excise tax were repealed, gasoline prices would likely increase again, reflecting, guess what, the classic lack of equilibrium between supply and demand. In other words, there is no getting around the basic tenets of the problem, which are OPEC's cutbacks on production and low U.S. crude-oil inventories.

Yet, some of my colleagues would have the American consumer believe that this tax cut proposal will effect a miracle cure. Faith in snake oil never seems to diminish in the Halls of Congress. They argue that we can get around the laws of supply and demand altogether by simply reducing the gas tax. I, for one, am doubtful that consumers would significantly benefit from this latest attempt to treat a serious malady with a political placebo.

As I have said, over the past few months, gasoline prices on average have risen by about 55 cents per gallon across the nation. S. 2285, would roll back the price of gasoline to the American consumer by only 4 cents, and only until the end of this calendar year. If average U.S. prices increase to two dollars per gallon, this proposal would repeal the entire excise tax for this calendar year, which is still a reduction of only 18 cents per gallon. Assuming that these prices actually filter down to the consumer—a rather large leap of faith—how significant a difference will a 4 cent decrease be compared to a 55 cent increase in gasoline prices? Likewise, if prices reach as high as two dollars per gallon, will 18 cents make a noticeable difference in the average consumer's weekly expenses?

As I mentioned before, supporters of the proposal to repeal a portion of the gas tax assume that the tax decrease would filter down to the consumer. But there is no guarantee that any savings whatsoever will be passed on to the consumer. Since this proposal does not address the low supply of oil in the United States, the benefits of the tax cut are likely to flow to the coffers of the domestic oil-refinery industry, not to the pockets of the consumer. As I mentioned before, even though refineries would be paying less in taxes to the federal government, lower prices at the pump would drive up demand for gas, further reducing supply and increasing the price for the remaining scarce gasoline. Until oil supplies in the United States increase, gasoline will continue to be scarce and prices at the pump will continue to climb, regardless of whether or not the federal excise tax is reduced.

OPEC is also more likely to benefit from this proposal than the American consumer. Let us consider this proposal from OPEC's point of view for a moment. Gasoline prices can only rise so high before American demand begins to wane. Decreased demand means lower profits for OPEC, which is why OPEC agreed to increase oil production last week in Vienna. Stable prices are in the long-term interest of OPEC. This tax repeal proposal, however, would remove the incentive for OPEC to maintain stable oil prices. If the Congress chooses to cut the gasoline tax to reduce gasoline prices, it would effectively allow OPEC to maintain artificially low production quotas, and thus support artificially high prices, without suffering from the decrease in oil demand that the free market would otherwise dictate. A reduction in the gas tax removes the economic incentive for OPEC to keep oil production in equilibrium with demand.

Mr. President, the economics of this proposal notwithstanding, it is also important to consider the impact it would have on transportation spending, since the excise tax revenues are intended to be reserved for maintaining and improving the Nation's highways. Spring is here, and on highways and roadways across the Nation, spring is an event marked by the thump and rumble of tires hitting potholes and crumbling medians.

Mr. President, just three years ago, the Senate considered the Transportation Equity Act for the 21st Century, or TEA–21. At that time, the Senate debated at length the appropriate mechanism to finance the needs of our Nation's infrastructure. I, along with many of my colleagues, was determined to reverse the trend begun in the early 1980's of federal disinvestment in our Nation's infrastructure. During the debate on TEA–21, I, along with my colleagues Senator GRAMM, Senator BAUCUS, and Senator WARNER, championed an amendment that would allow the revenue from the 4.3 cent gas tax imposed in 1993 to be used for highway construction. Just the year before, Senator GRAMM had succeeded in seeing to it that the 4.3 cent tax was deposited into the Highway Trust Fund. The Byrd-Gramm-Baucus-Warner amendment during TEA–21 was to ensure that the new revenue to the Trust Fund would, indeed, be spent on highways as it was intended, and as we informed the American people it would be.

Mr. President, our amendment gathered no fewer than 54 cosponsors on a broad bipartisan basis—29 Democrats and 25 Republicans. The entire debate on the highway bill was characterized by bipartisanship. Back then, we heard talk about all the highway needs that were going unmet across our Nation and how the revenue of the 4.3 cent gas tax could help address those needs.

Indeed, during the debate on TEA–21, an amendment was offered to repeal the 4.3 cent gas tax. By a vote of 80 to 18, the Senate refused—refused!—to waive the Budget Act to consider that amendment. Senator MACK's proposal was appropriately rejected by the overwhelming majority of Republicans and the overwhelming majority of Democrats. On that day, March 11, 1998, the 4.3 cent tax was the difference between a highway bill that continued the status quo of disinvestment and a highway bill that made real progress in repairing our deteriorated highways. With the adoption of the Byrd-Gramm-Baucus-Warner amendment, the final highway bill that passed the Senate two days later was almost $26 billion larger than the bill reported by the Environment and Public Works Committee. And that $26 billion figure was derived directly from the Congressional Budget Office's estimate at that time of the expected revenue of the 4.3 cent gas tax.

Mr. President, I have offered an amendment to the budget resolution, on behalf of several of my colleagues whose names I mentioned earlier, which states that it is the sense of the Senate that the Federal gas tax should not be repealed on either a temporary or a permanent basis. I am pleased to be joined in that amendment by five distinguished members of the Committee on Environment and Public Works; namely, Senators WARNER, BAUCUS, VOINOVICH, LAUTENBERG, and BOND; and, in addition, Senators REID and DOMENICI.

This amendment provides the Senate an opportunity to vote, up or down, on the continued integrity of the Highway Trust Fund and the relative importance of infrastructure investment versus a short-term tax cut that may never be felt by the consumer.

The recent effort to repeal a portion of the gas tax attempts to create a political issue where there really should be none. Thankfully, Republican Senators like JOHN WARNER, GEORGE VOINOVICH, KIT BOND, and PETE DOMENICI are not being baited by the hook of this foray into election year politics. Nor are senior House Members, including members of the House Republican

Leadership, such as RICHARD ARMEY, J.C. WATTS, and House Transportation and Infrastructure Committee Chairman BUD SHUSTER. The nation's governors, the nation's mayors, the state legislatures, and the nation's county executives are not going for the bait either. The national associations representing all those elected officials, both Democrats and Republicans, are all opposed to efforts to repeal the gas tax. So is the ''Triple A'' whose sole responsibility is to the driving public that is paying the higher gas prices at the pump every day. So is the Association of General Contractors, the American Road and Transportation Builders Association, the American Public Transit Association, and scores of other groups.

For those of my colleagues who wish to portray this issue as a political one, let me remind them that less than a decade ago, a bill to raise gas taxes for deficit reduction was signed into law by George Bush—that is, with George Herbert Walker Bush. I was there at Andrews Air Force Base, across the table from OMB Director Richard Darman and White House Chief of Staff John Sununu. It was at that summit where a 5-cent gas tax increase was first discussed. I did not participate in the final negotiations over the revenue measures in that agreement since they were handled by the Chairmen of the Finance and Ways and Means Committees and their Ranking Members. At the end of those negotiations, the Bush Administration was supportive of raising the gas tax by 5 cents—with 2½ cents being deposited into the Highway Trust Fund and 2½ cents going to deficit reduction. So it was the Bush/Quayle Administration that first laid the groundwork for using gas taxes for deficit reduction in 1990. Thankfully, today, every penny of the federal gas tax is deposited in the Highway Trust Fund and spent on transportation investments across the nation.

Mr. President, S. 2285, as introduced by the Majority Leader, proposes to repeal 4.3 cents of the 18.4-cent federal gasoline tax. Since every penny of the gas tax is now distributed to the states in the form of annual obligations from the Highway Trust Fund, that repeal will put at risk more than $7.1 billion in transportation funding beginning in 2002. Now, $7.1 billion will fill a lot of potholes and fix a lot of crumbling roadways. Under this bill, if the average price of gasoline reaches $2 or higher, then the entire 18.4-cent federal gas tax will be repealed, putting more than $30 billion in transportation funding at risk.

Additionally, there is some very unique language in S. 2285 that seeks to mandate that spending from the Highway Trust Fund be maintained at the levels authorized in TEA–21, notwithstanding the fact that this bill will keep revenue from coming into the Trust Fund. Does anyone truly believe that this is a workable approach? The Chairman of Surface Transportation Subcommittee, Senator VOINOVICH, clearly does not. Senator WARNER and Senator BAUCUS, who joined me in restoring the ''trust'' to the Highway Trust Fund, certainly do not. I implore all Members on both sides of the aisle to join us in rejecting a plan which will compromise that trust which would take the ''trust'' out of the Highway Trust Fund.

Mr. President, our highway and transit infrastructure can ill afford to forego several billion dollars in annual investment. Let me remind my colleagues that we have no reason to be proud of the current condition of our highways. According to the Department of Transportation's most recent figures, the condition of our nation's highways and bridges continues to deteriorate by many measures. Daily usage of our highway system has continued to grow each and every year, such that more than half of our nation's urban interstate miles are now perpetually congested—more than half! Less than half of our rural highway miles and less than half of our urban highway miles are considered to be in good or very good condition. That means that more than half of our nation's highway miles are considered to be at some level of disrepair. So when you look at the condition of our nation's highway bridges, the situation is no better. Roughly one-third of our urban highway bridges are either structurally or functionally deficient. The same is true for roughly one-quarter of our rural highway bridges. This is not just a matter of insufficient capacity. This is a matter of safety. The Senate must not turn its back to these troubling facts.

It is quite appropriate that we are debating this issue as part of the budget resolution. Indeed, the Committee report accompanying the budget resolution parrots the assumptions contained in S. 2285. The report states that ''as part of a five year, $150 billion tax reduction package, the Committee-reported resolution could accommodate a suspension or repeal of the Clinton/Gore 4.3 cent tax increase on fuel.'' Mr. President, I believe we have reached the point where we must ask the Senate where it stands on just this question. This amendment provides that opportunity.

This is an election year. I understand that this proposal is being presented to the Congress for reasons which just might have very little to do with sound fiscal policy. The American people are not foolish. They will realize that this bill would have an unfortunate effect on transportation spending. They will not thank us for handing them more of the congested, crumbling commuter routes they must already deal with every day. Likewise, they will realize that such a short-term fix does nothing to address the underlying problem of high gas prices—namely OPEC and the lack of a national energy policy to protect the United States against the roller coaster ride of gasoline price adjustments. I urge my colleagues to reject this voodoo chant remedy. We might as well hire a witch doctor to shake a tambourine over the heads of the OPEC states as adopt this approach. Our energy problems demand serious remedies, not pseudo-solutions. Vote against this bill for the people, the commuters, the truck drivers and the ambulance and bus drivers, of America. We need a serious look at the totality of our national energy policy, not a quick fix non-remedy that will only result in more broken promises and broken pavement for the American driving public.

Mr. President, I ask unanimous consent that statements in support of this amendment from the following organizations be printed in the RECORD: The Associated General Contractors of America, the National Association of Counties, the National Asphalt Pavement Association, the American Association of State Highway and Transportation Officials, the American Public Transportation Association, the National Association of Regional Councils, the American Consulting Engineers Council, and the American Portland Cement Alliance.

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

THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA,
Alexandria, VA, April 5, 2000.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, DC.

DEAR SENATOR BYRD: The Associated General Contractors of America (AGC) strongly urges you to support the Byrd-Warner-Baucus-Voinovich-Lautenberg-Bond Sense of the Senate Amendment to the Budget Resolution. The amendment emphasizes the importance of maintaining the link between highway user fees and highway spending, and opposes any reduction of any federal gasoline taxes on either a temporary or permanent basis.

Any reduction or suspension of the federal gasoline tax threatens to erode the spending levels guaranteed in the Transportation Equity Act for the 21st Century (TEA–21). Moreover, the reduction in gasoline taxes provides no guarantee that consumers will experience any reduction in the price at the pump.

The United States Senate has consistently opposed repealing the 4.3-cent gas tax. In 1998, 72 sitting Senators voted against repeal of the 4.3-cent gas tax. The next day, the entire Senate voted to spend the 4.3 cents for highway and transit improvements. AGC urges you to keep your promises—don't flip-flop on this highway user fee.

AGC urges you to vote for the Byrd-Warner-Baucus-Voinovich-Lautenberg-Bond

Sense of the Senate Amendment to the Budget Resolution.

Sincerely,

JEFFREY D. SHOAF,
Executive Director,
Congressional Relations.

NATIONAL ASSOCIATION OF COUNTIES,
Washington DC, April 5, 2000.

Re 4.3 cents Federal fuel tax/FY 2001 budget resolution

DEAR SENATOR: I am writing on behalf of the National Association of Counties (NACo) to urge that you support the Byrd-Warner-Baucus-Voinovich-Lautenberg-Bond Sense of the Senate Resolution for the continued use of federal fuel taxes for the construction and rehabilitation of our nation's highways, bridges, and transit systems which is being offered as an amendment to the FY 2001 Budget Resolution. This resolution conforms with NACo's opposition to any legislative proposals that would interfere or interrupt the current level of transportation user fees being collected which provide dedicated federal funding for transportation programs.

At our recent Legislative Conference, NACo adopted a resolution that opposes any legislation that reduces monies coming into the Highway Trust Fund. County governments, which have substantial responsibility for highways, bridges, transit systems, and airports, cannot afford cuts in federal transportation infrastructure funding such as the 4.3 cents reduction proposed in the Budget Resolution. The 4.3 cents tax on gasoline and diesel brings in $7.2 billion annually to the Highway Trust Fund—$5.8 billion for highways and $1.4 billion for transit. According to the U.S. Department of Transportation, if the 4.3 cents were repealed, the highway program would be cut by $20.5 billion through FY 2003, the final year of TEA–21. The Mass Transit Account of the Highway Trust Fund would go broke in 2003. The aviation program, just reauthorized by Congress, would lose $700 million a year, or $2.1 billion through FY 2003.

On behalf of the nation's 3066 counties, I urge you to support the Byrd-Warner-Baucus-Voinovich-Lautenberg-Bond Resolution. Thank you for your consideration in this matter. If you have any questions concerning our views on this issue, please contact Bob Fogel of the NACo staff.

Sincerely,

C. VERNON GRAY,
President.

NATIONAL ASPHALT
PAVEMENT ASSOCIATION,
Lanham, MD, April 5, 2000.

Hon. ROBERT C. BYRD,
U.S. Senator,
Washington, DC.

DEAR SENATOR BYRD: The National Asphalt Pavement Association (NAPA) strongly supports the Byrd-Warner-Baucus-Voinovich-Bond amendment to the FY 2001 budget resolution clarifying that Federal fuel taxes are intended to be used for construction of our nations highways, bridges. Furthermore, the amendment clarifies that the FY 2001 budget resolution does not assume the reduction of federal gasoline taxes on a temporary or permanent basis.

Repeal of the 4.3¢ would have a catastrophic impact on the highway construction industry including the members of NAPA, and delay—perhaps for years—badly needed highway infrastructure improvement projects that save lives, reduce congestion and improve fuel economy.

There is a direct correlation between pavement smoothness and fuel economy according to research recently completed at WesTrack for the Federal Highway Administration under the auspices of the National Cooperative Highway Research Program. According to the study, a vehicle's average fuel economy improved 4.5% after the pavement was rehabilitated. In addition, the study found that an increase in pavement roughness increased the frequency of fatigue failures in the vehicles tested at the track.

If a cut in the fuel tax by 4.3¢ was enacted, revenues in the Highway Trust Fund would be reduced by $7 billion annually and delay by one or more construction seasons highway projects that result in smoother pavements. The short term gain in reducing the excise tax on motor fuel by 4.3¢ is offset by the additional 6.8¢ in additional costs a typical motorist pays on average to operate their vehicles on rough pavements that are not rehabilitated.

While the motoring public might experience a short-term benefit with a 4.3¢ reduction in the price of their fuel, the cost in terms of increased fuel consumption, congestion and safety to the motoring public will quickly erase any benefit and set the highway pavement improvement program back by years.

NAPA strongly supports the Byrd-Warner-Baucus-Voinovich-Bond amendment and strongly opposes a reduction in the federal fuels tax.

Sincerely,

MIKE ACOTT,
President.

AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS, AMERICAN PUBLIC TRANSPORTATION ASSOCIATION, NATIONAL ASSOCIATION OF REGIONAL COUNCILS,
April 4, 2000.

Hon. SPENCER ABRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR ABRAHAM: We are writing on behalf of the members of the American Association of State Highway and Transportation Officials, the American Public Transportation Association, and the National Association of Regional Councils to express our opposition to a temporary suspension or permanent repeal of a portion of, or all of, the federal motor fuel tax. Therefore, we respectfully urge you to support an amendment to the budget resolution that will be offered by Senator Robert Byrd and others to express the sense of the Senate that the budget resolution not assume the reduction of fuel taxes on either a permanent or temporary basis.

The Highway Trust Fund is the primary funding source for highway, transit, bikeway, pedestrian, and other surface transportation programs authorized under the Transportation Equity Act for the 21st Century (TEA 21). Proposals to temporarily repeal 4.3 cents of the federal motor fuel tax would result in a $4.5 billion loss in revenue to the Highway Trust Fund and yet offer no guarantee that the repeal would result in actual cost savings to the motoring public. The net effect of this action would be to seriously jeopardize the continued stability and reliability of the federal surface transportation program while providing no meaningful solution to the effects of the present oil shortage.

A 4.3-cent per gallon reduction in the federal motor fuel tax, if passed on to the consumer, would result in about a $13 savings this year, but would at the cost of more substantial tax reductions or of reductions in other domestic programs. Given the intense competition for use of the budgetary surplus, we believe that, absent an ironclad guarantee, it is unrealistic to assume that any portion of the budget surplus to offset the loss to the Highway Trust Fund would necessarily materialize.

We respectfully urge you to continue to support TEA 21's reliable and stable funding mechanism, and to oppose proposed legislation that would jeopardize the surface transportation program while failing to offer a meaningful solution to impacts resulting from the current oil shortage.

Sincerely yours,

JOHN HORSLEY,
Executive Director, American Association of State-Highway and Transportation Officials.

WILLIAM MILLAR,
President, American Public Transportation Association.

WILLIAM DODGE,
Executive Director, National Association of Regional Councils.

AMERICAN CONSULTING
ENGINEERS COUNCIL,
Washington, DC, April 5, 2000.

DEAR SENATOR: On behalf of the American Consulting Engineers Council (ACEC), I urge you to support the Byrd-Warner-Baucus-Voinovich-Lautenberg-Bond amendment to the FY 2000 Budget Resolution. The amendment could come to the floor as early as April 5.

The Byrd amendment would establish the Sense of the Senate that federal fuel taxes should continue to be used for the construction and rehabilitation of our nation's highways, bridges, and transit systems. Congress took the proper step in the 1997 Taxpayer Relief Act by moving the last 4.3 cents of the federal gas tax into the Highway Trust Fund and away from general deficit reduction. The following year, Congress passed TEA—21, which guaranteed that all deposits into the Highway Trust Fund will be spent each year for their intended purpose.

In response to the recent surge in gasoline prices, however, legislation has appeared on Capitol Hill to repeal or suspend some or all of the federal gas tax and thus de-link the relationship between highway user fees and transportation spending. While the repeal legislation is well intentioned, we believe it will not offer any real consumer relief from high gas prices, and it could devastate transportation improvements and safety programs in every state.

Even temporarily eliminating the Highway Trust Fund structure is very dangerous because it would become too easy for Congress to eliminate or reduce the proposed transfer from the general fund ''surplus'' in the future. CBO has re-estimated the FY 2000 surplus to be $15 billion. Repealing the gas tax from April 15 to September 30 (as S. 2285 could do) would cost states $15 billion. It is highly unlikely that Congress could spend the entire budget surplus on highways and transit in the face of such competing priorities as general tax cuts, education, and emergency supplemental appropriations.

Congress is to be applauded for its efforts to bolster investment in infrastructure and for recognizing that the Highway Trust Fund provides an effective and appropriate stream

of revenue for transportation improvements. We urge you to reaffirm these priorities by voting for the Byrd Amendment to the Budget Resolution. Thank you for your leadership on this issue.

Sincerely,

LEO F. PETERS, *P.E. FACEC,*
President.

AMERICAN PORTLAND CEMENT ALLIANCE,
Washington, DC, April 5, 2000.

Hon. ROBERT C. BYRD,
U.S. Senate, Washington, DC.

DEAR SENATOR BYRD: On behalf of the American Portland Cement Alliance (APCA), a trade association representing virtually all domestic portland cement manufacturers, I urge you to support the Byrd-Warner-Baucus-Voinovich-Lautenberg-Bond Sense of the Senate amendments to the budger resolution.

The amendment expresses that the budget resolution should not assume a permanent or temporary reduction in the federal gasoline tax. The amendment may be considered as early as today.

APCA is deeply concerned that any reduction in the federal gasoline tax would undermine TEA–21 and the funding commitment that legislation made to the states for highway and mass transit programs. Any reduction in federal gasoline tax would jeopardize the funding guarantee under TEA–21 and introduce uncertainty for state highway and transit improvement programs, and the construction and material supply industries, such as the cement manufacturers.

Again, I urge you to support the Byrd-Warner-Baucus-Voinovich-Lautenberg-Bond Sense of the Senate amendment.

Sincerely,

RICHARD C. CREIGHTON,
President.

Mr. BYRD. As I close, I again thank Messrs. WARNER, BAUCUS, VOINOVICH, LAUTENBERG, BOND, REID of Nevada, and DOMENICI.

Let me thank also Mr. Jim English and Peter Rogoff, fine staffpersons who have been so helpful in the work on this amendment.

I yield the floor.

Mr. DOMENICI. Will the Senator yield off his hour, 1 minute to the Senator from New Mexico?

Mr. BYRD. I will.

Mr. DOMENICI. Mr. President, I want to explain to the Senate why I am supporting this. The actual sense of this resolution says:

It is the sense of the Senate that the functional totals in the budget resolution do not assume the reduction of any Federal gasoline tax on either a temporary or permanent basis.

I might say to the Senate, that is already true. The Senate budget resolution does not—does not, in the functional totals. So I am delighted to support it. There is some language saying: Within the tax provisions. The tax committee can do a lot of different things. One thing suggested was temporary repeal of the gasoline tax. I am pleased to have an opportunity to vote on whether or not the Senate would like that to remain even contemplated. Whether they will be precluded because of a vote, I do not know, but I think we ought to vote tomorrow on this issue. I support the sense of the Senate that is proposed.

I ask Senators how many more want to speak on this resolution because we have two others?

Mr. WARNER. I would like to have 7 minutes.

Mr. DOMENICI. How much would the Senator like?

Mr. VOINOVICH. About 4 or 5 minutes.

Mr. DOMENICI. Senator BOND, on this subject?

Mr. BOND. I would like 3 minutes.

Mr. BAUCUS. I would like about 5 minutes on the amendment.

Mr. DOMENICI. I wonder if we could agree, would the Senator object if that be the unanimous consent, those Senators in that order?

Mr. BYRD. Very well.

Mr. BAUCUS. Might I ask, what is the order?

Mr. DOMENICI. It is the order you arrived on the floor: Senator WARNER and then the Senator from Ohio, Senator BOND and——

Mr. HARKIN. I have been on the floor since the last vote.

Mr. DOMENICI. Let the Senator decide.

Mr. BYRD. Very well. We can do Mr. WARNER and Mr. BOND—Mr. BOND talked with me several minutes ago. He has to go somewhere. Then Mr. BAUCUS and then Mr. VOINOVICH, if that is all right.

Mr. DOMENICI. That is fair.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Virginia.

Mr. WARNER. Mr. President, first I commend the distinguished senior Senator from West Virginia. I was the chairman of the subcommittee that worked on ISTEA—we called it TEA–21. How well I remember that he, together with the Senator from Texas, fought the battle to take the 4.3-cent tax out of the general revenues and put it into the highway trust fund. Now our distinguished colleague and former majority leader is once again showing that leadership to keep those funds flowing to support America's highway infrastructure.

The economy of this Nation is dependent upon the efficient use of its transportation for people to get to and from their places of work, to carry our goods to the ports and terminals, to get them throughout the world. Now we are faced with this situation. I, from the first day, have resisted—even though I am in opposition to my distinguished leadership—the repeal of this 4.3 cents. It was a commitment made by the Senate by a vote, if I recall, I say to the senior Senator from West Virginia, which was in the 80s of Senators who approved the transfer of these funds from general revenue to the highway trust fund.

Every Senator understands the highway programs in his or her State. I recognize that. But stability is the key word, stability in funding.

We have the former distinguished Governor of Missouri and the former distinguished Governor of Ohio who will address those points. But as they set down their programs for highway improvement, safety and construction, they needed to have some certainty in the funding. It took almost a decade for the Senate to finally come to the recognition we ought to stop this donor-donee situation, one of the most controversial things I ever witnessed in my 20-plus years in the Senate. We got rid of that.

We also, in that bill, made a specific law whereby, when you go to the gas pump in your State and pump that gas, those taxes go to Washington and make a U-turn and go back to the State. No State got less than 90 percent of the return of those taxes.

That is what we are here for, continuity of action and decisionmaking by this body, continuity and stability in planning these programs to improve our roads, our infrastructure. There are contracts that reach out a year or more, 2 years or more. People have to order materials. They have to do design work. They have to engage labor. That is being done. We see the slow, steady improvement of our infrastructure. Now we are challenged by the 4.3 cents. As the distinguished Senator from West Virginia said, it could have a triggering mechanism where 4.3 cents goes to over 18 cents. As he pointed out, there is no certainty these funds will get back to the pockets of those who put the gas in their car—no certainty. There are many, many levels where various purposes could take off these funds.

My distinguished colleague from West Virginia talked about the groups. He put their letters in the RECORD. This is a group of organizations all across this country that support the highway construction program, whose efforts led to the passage of the ISTEA legislation in this Senate and eventually had it enacted into law.

The distinguished Governor from Ohio, who will soon speak, was very active in the National Governors' Association and the Association of Highway Administrators, which had given sound support through that legislation. He did not come by it by accident. It took absolutely years to build up to get this done.

The National Governors' Association, National Conference of State Legislatures, Council of State Governments, U.S. Conference of Mayors, National League of Cities, National Association of Counties—these are groups that visit us every day on various issues. They write:

Proposals that would interfere with or reduce revenues coming to either trust fund by suspending or repealing any portion of Federal transportation taxes would undercut

critical commitments to the nation's public infrastructure and potentially threaten the credit quality of state and local bonds already issued to finance highway, bridge and airport construction and repair.

Already the contracts are out. The revenue bonds are out. Even the American Automobile Association, one of the most valued organizations in the history of this country, stated as follows:

AAA has serious concerns about efforts to suspend or repeal any portion of the federal gas tax. While attractive at first glance, this course of action will do little to address the root cause of our gasoline price problem today, which is a shortage of supply caused by curtailed production of crude oil by [primarily the] OPEC states.

Our distinguished senior colleague covered that.

To reiterate, this Sense of the Senate amendment is critically important because of legislation that is pending before the Senate to suspend 4.3 cents of the federal gas tax until next January, and because of the instructions this resolution gives to the Finance Committee to report legislation to repeal the 4.3 cents tax.

The budget resolution before the Senate indicates that the reconciliation instructions to the Finance Committee provide $150 billion over 5 years in tax cuts that ''could accommodate'' the repeal of 4.3 cents of the federal gas tax.

It is unsound budget policy for this budget resolution to assume that a portion of the gas tax will be repealed.

It is unsound for several reasons, and today I will share with my colleagues the reasons for my concerns.

I join with my colleagues in their frustration with the rising price of gasoline. It is too high and threatens the continuation of our robust economy.

In our efforts to respond to OPEC's choking off of supply and the absence of leadership by this administration, we must not promise American's tax relief that they may not get. The entire proposal to repeal or suspend the 4.3 cents gas tax and replenish the Highway Trust Fund with general revenues is fraught with uncertainty.

I ask the question, is the repeal, or temporary suspension of 4.3 cents of the federal gasoline tax going into the pockets of American drivers? What is the guarantee that this tax cut will be passed on to consumers at the pump?

How are they protected from the oil refiners and wholesalers chipping off their share? Will the free marketplace enable them to charge the same price at the gas pump?

Just last week the Congressional Research Service issued a new analysis entitled ''Transportation Fuel Taxes: Impacts of a Repeal or Moratorium,'' which stated:

Current market conditions and the small amount of tax relief incorporated into most proposals, however, raise uncertainty as to whether prices to individuals and businesses would fall and whether any price decline would be meaningful to consumers.

If it is not passed on to consumers, and the high prices continue, Americans will feel betrayed.

The impact of a repeal on the 4.3 cents is significant on our budget surplus. According to the Department of Transportation, this repeal will result in a loss of $20.5 billion to the Highway Trust Fund for the remaining years of TEA–21—until 2003.

Efforts to repeal or suspend the 4.3 cents gas tax has generated strong opposition from the National Governors' Association, the National Conference of State Legislatures, the Council of State Governments, the U.S. Conference of Mayors, the National League of Cities, and the National Association of Counties. They write:

Proposals that would interfere with or reduce revenues coming into either trust fund by suspending or repealing any portion of federal transportation taxes would undercut critical commitments to the nation's public infrastructure and potentially threaten the credit quality of state and local bonds already issued to finance highway, bridge and airport construction and repair.

Even the American Automobile Association with millions of members dedicated to highway maintenance and safety write:

AAA has serious concerns about efforts to suspend or repeal any portion of the federal gas tax. While attractive at first glance, this course of action will do little to address the root cause of our gasoline price problem today, which is shortage of supply caused by curtailed production of crude oil by OPEC states.

The Small Business Legislative Council joins those views with the following:

While small businesses are clearly suffering as a result of the high gasoline prices, we are long time staunch supporters of preserving the integrity of the highway trust fund and making sure that we have the proper infrastructure to deliver our goods and services.

My colleagues who support this repeal will tell you that the Highway Trust Fund will not be harmed—that general fund monies will be used to replace lost revenue to the Highway Trust Fund. This replacement, if it actually occurs, will be $20.5 billion.

And, where will this $20.5 billion come from? It will come from our limited budget surplus—and it will drain the limited dollars available for lasting tax cuts to Americans.

This budget resolution provides for $150 billion for tax cuts to be defined through the reconciliation process by the Finance Committee. I support this level of funding to relieve the tax burden on Americans. But, do we want to use the on-budget surplus to give a tax cut to gasoline wholesalers? Or, do we want to use the funds in the budget resolution for other, more certain, tax legislation providing real and lasting tax relief.

That is the course I want to take.

The budget resolution assumption that the Congress will repeal 4.3 cents of the gas tax comes to pass, it will have a lasting, negative impact on the Highway Trust Fund. The Highway Trust Fund is the sole source of revenue available to maintain and upgrade our nation's highways, transit systems and highway safety programs.

We are in only the second year of the 6-year TEA–21 legislation. Now is not the time to take a step backward on the important investments we are making in our nation's transportation infrastructure.

For over a decade in the Senate, I, along and many others, worked to restore faith with drivers who were promised that gas taxes they pay when buying gasoline would be used to maintain and modernize our highways and transit systems.

Finally, in 1997, with the steadfast, leadership of Senator BYRD, Senator BAUCUS, Senator BOND, and others, we achieved success. TEA–21 guarantees that all of the gas taxes motorists pay at the pump will be placed in the Highway Trust Fund and spent—100 percent—on highways, transit, and highway safety.

Before TEA–21, the gas tax was increased by 4.3 cents in 1993 to pay for spending on many programs other than transportation or deficit reduction. I opposed this tax increase, but it passed.

Later, while debating TEA–21, this body voted 80 to 18 not to repeal this tax, now that it was going to the Highway Trust Fund.

As our nation's transportation infrastructure aged and crumbled, it was imperative we transfer the 4.3-cents tax from general revenues to the Highway Trust Fund in 1997.

The TEA–21 spending guarantee reforms resulted in a 40 percent increase in transportation spending for each of the next 6 years. We are only in the second year of TEA–21, yet we can see in every state the transportation construction that is moving forward. We are just beginning to see the benefits of TEA–21 with more projects under construction, jobs being created, products moving more efficiently across the country, and most importantly, improvements in highway safety.

Do we want to turn back the clock and inject uncertainty again into our nation's highway program.

We are being asked to rely on future legislation that will have an untested triggering mechanism to restore general revenues to the Highway Trust Fund. What happens if it doesn't work.

Again, this uncertainty will jeopardize the safety of the driving public and the thousands of jobs that are now at work under TEA–21.

We all know that it takes years—far too long—for highway and transit projects to make it from the drawing board to construction. Severe swings, or even the uncertainty as to the availability of funds, in transportation

spending will make it nearly impossible for states to effectively manage their highway programs.

Consistent funding levels are critical to the seamless steps of planning, design, engineering, permitting, contract selection, materials orders, and construction. A stable program, where states, local governments, and contractors have the benefits of a long-term funding cycle ensures a reliable supply of materials and an experienced, ready workforce.

Do we want to stop the modernization of our nation's transportation system to give the gas middle-man a few more pennies in his pocket? Or, do we keep on course to improve transportation and highway safety for all Americans?

Lets use wisely our limited budget surplus for meaningful and lasting tax relief—not on promises that Americans may never see.

I ask unanimous consent the letters to which I referred be printed in the RECORD.

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

NATIONAL GOVERNORS' ASSOCIATION, NATIONAL CONFERENCE OF STATE LEGISLATURES, COUNCIL OF STATE GOVERNMENTS, THE U.S. CONFERENCE OF MAYORS, NATIONAL LEAGUE OF CITIES, NATIONAL ASSOCIATION OF COUNTIES, INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION,

April 5, 2000.

TO ALL SENATORS: We are writing on behalf of the elected leaders of the nation's state and local governments to urge support for the Byrd-Warner-Baucus-Voinovich-Lautenberg-Bond Sense of the Senate Resolution for the continued use of federal fuel taxes for the construction and rehabilitation of our nation's highways, bridges, and transit systems, which is being offered as an amendment to the FY 2001 Budget Resolution.

This resolution conforms to state and local leaders' strong opposition to any legislative proposals that would interfere or interrupt the current level of transportation user fees being collected that provide dedicated federal funding for transportation programs. It supports the critical commitment to transportation infrastructure, and the funding mechanism to support that commitment, made in the Transportation Equity Act for the 21st Century (TEA–21).

Our state and local government members are responsible for almost all the nation's highways, bridges, and transit systems. We cannot afford cuts in federal transportation infrastructure funding such as the 4.3 cents reduction proposed in the Budget Resolution. The 4.3 cents tax on gasoline and diesel brings in $7.2 billion annual to the Highway Trust Fund—$5.8 billion for highways and $1.4 billion for transit. According to the U.S. Department of Transportation, if the 4.3 cents were repealed, the highway program would be cut by $20.5 billion through FY 2003, the final year of TEA–21. The Mass Transit Account of the Highway Trust Fund would go broke in 2003.

Again, we urge your support of the Byrd-Warner-Baucus-Voinovich-Lautenberg-Bond Resolution.

Sincerely,

RAYMOND C. SCHEPPACH,
Executive Director, National Governors Association.
WILLIAM T. POUND,
Executive Director, National Conference of State Legislatures.
DANIEL M. SPRAGUE,
Executive Director, Council of State Governments.
J. THOMAS COCHRAN,
Executive Director, The U.S. Conference of Mayors.
DONALD J. BORUT,
Executive Director, National League of Cities.
LARRY B. NAAKE,
Executive Director, National Association of Counties.
WILLIAM H. HANSELL, Jr.,
Executive Director, International City/County Management Association.

AAA, WASHINGTON OFFICE,
Washington, DC, April 4, 2000.

Hon. JOHN W. WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: AAA encourages you to cosponsor and support an amendment to the Senate budget resolution being offered by Senator Robert Byrd (D–WV). The ''Sense of the Senate'' amendment will put the Senate on record in opposition to any repeal or suspension of the federal gasoline excise tax.

AAA has serious concerns about efforts to suspend or repeal any portion of the federal gas tax. While attractive at first glance, this course of action will do little to address the root cause of our gasoline price problem today, which is a shortage of supply caused by curtailed production of crude oil by OPEC states.

The benefits to motorists from reducing the gas tax are, at best, minimal—repealing 4.3 cents would amount to about $1/week for the average consumer. However, the resulting loss of revenue to the Highway Trust Fund would be disastrous to the important work of fixing the nation's highways and bridges and improving safety.

It is highway and traffic safety that is of most concern to AAA. Lower receipts to the Highway Trust Fund compromise the safety of the traveling public. We take these roads back and forth to work and on vacations, our children take these roads to school, and our public safety officials use these arteries to respond to emergencies.

Asking Americans to choose between a gas tax reduction and safety is posing the wrong question. The right question is: How should Congress and the Administration manage an energy strategy that reduces dependence upon a foreign cartel? That way motorists would have the safe highways they've paid for through their gas taxes and an oil supply they can rely on. Short-term fixes, while politically popular, are not in the best interests of highway safety and the overall economic well being of the nation.

Congress made a very important decision by creating the Highway Trust Fund and establishing the direct link between user fees paid by motorists and trust fund monies being dedicated to improving the nation's surface transportation infrastructure. Because of TEA–21, the trust fund is now dedicated to providing Americans the safe and efficient transportation system for which they have paid and on which they rely.

AAA urges the Senate to recognize that a gas tax reduction—though well-meaning—will (1) provide little, if any, actual relief to motorists; (2) not solve the real problem, which is supply; and (3) cause real problems as our highways and bridges continue to deteriorate and with that, the safety of the motoring public.

Sincerely,

SUSAN G. PIKRALLIDAS,
Vice President, Public & Government Relations.

SMALL BUSINESS LEGISLATIVE COUNCIL,
Washington, DC, March 29, 2000.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. MAJORITY LEADER: On behalf of the Small Business Legislative Council (SBLC), I want to indicate that we must object to the initiative to temporarily roll back the Federal gas tax. While small businesses are clearly suffering as a result of the high gasoline prices, we are long time staunch supporters of preserving the integrity of the highway trust fund and making sure that we have the proper infrastructure to deliver our goods and services.

We understand that you intend to pay for this roll back using the ''surplus.'' Right now we have many priorities for the use of that surplus. Repeal of the death tax, increasing direct expensing, full deductibility for the self-employed's health care costs, FUTA tax relief, repeal of the installment sales repeal and national debt reduction to name just a few.

As you know, the SBLC is a permanent, independent coalition of nearly 80 trade and professional associations that share a common commitment to the future of small business. Our members represent the interests of small businesses in such diverse economic sectors as manufacturing, retailing, distribution, professional and technical services, construction, transportation, tourism and agriculture. Our policies are developed through a consensus among our membership. Individual associations may express their own views. For your information, a list of our members is enclosed.

We appreciate your outstanding leadership on behalf of small business. We believe there must be a better way to provide relief for small business from rising gasoline prices without jeopardizing other small business priorities.

Sincerely,

JOHN S. SATAGAJ,
President and General Counsel.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank the distinguished senior Senator from West Virginia. It is an honor to be on the floor to join with him and Senator from Virginia to make the point very strongly that suspension or repeal of the gas tax would be a grave error. Although all of us, as Senators, are aware of consumer complaints about the high gasoline prices we are facing in our States, we also should keep in mind that this is due primarily to factors other than the level of the gas tax, as the Senator from West Virginia has pointed out.

Our declining production of petroleum and the constriction by OPEC of

the supply of gasoline on the world markets is the most significant factor in determining the price at the pump. Cutting the tax would merely reduce the revenues available for improving highway safety without producing real savings that would be passed on to the consumers. Because of the imposition of tax at the refinery level, there is no assurance it would come to the gasoline purchaser, the automobile owner, or the truck or bus driver.

The CRS has issued a report saying there might not be any appreciable evidence of a reduction in tax. The consumers would never see it. Who would see it would be those people who are committed to repairing and rebuilding our inadequate roads, bridges, and highways.

In 1998, I worked hard with our friend and dear colleague, the late Senator from Rhode Island, Mr. John Chafee, on the Bond-Chafee guarantee that was incorporated into TEA–21 with the help of the Senators who spoke before me—Senator DOMENICI, Senator BYRD, and Senator WARNER. That provision created for the first time a real guarantee that revenues collected and earmarked for the highway trust fund would, in fact, be used for transportation purposes. If we collect a dollar gas tax, that dollar must be credited to the highway trust fund. This guarantees that for the first time highway users will get the transportation benefits in return for the user fee they pay through the gas tax.

We cannot have a guarantee if we continue to change the way the program is funded. To hold the trust fund harmless, supposedly by having money come from general revenue and projected surpluses, will put us back in the same sinking boat—more appropriately, crumbling highway—that we were in before. That position was one where off-budget or turnbacks were advocated. This amendment makes clear the budget resolution does not assume the reductions of any Federal gasoline tax.

We need a Department of Energy that makes energy policy, not the EPA. The administration policy has been no policy. We can stop the raid on the highway funds, and we must not repeal or roll back the gasoline tax.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, what is at issue is very clear. I hope my colleagues pay attention. The issue is whether this Congress is going to break the trust the American people have in the highway trust fund. That is the issue.

Dollars going into the Federal highway trust fund are locked in. There is a trust that those dollars are then distributed back to the States. The revenue in the trust fund goes back to the States. It is a trust, an understanding. That is why we have a highway trust fund.

We cannot go down the slippery slope of opening up the trust fund and replenishing it with general revenue or using general revenue to pay for highway allocations because once we start down that slippery slope, we will then have broken the trust. We will have sprung a leak, which will grow into perhaps a creek or a river, and will drain the highway trust fund, as the trust is broken. It is that simple.

I very much thank the Senator from West Virginia for drawing this to the Senate's attention. Not only is it the resolution before us, but it is also any potential revenue matters that might come up in this body. The essential point is the linkage.

I strongly urge my colleagues to continue the trust this Congress made with the American people when it passed the last highway bill, TEA–21. That bill was heralded as a landmark piece of legislation, overwhelmingly passed by both bodies. We all touted it, not only because of the revenues and dedication to the infrastructure so desperately needed but also because of the trust; that is, the assurance that the gasoline tax and the diesel fuel tax people pay at the pump will come back to the States; that it will not be tampered with by the Congress; it will not be changed by the Congress. That is something on which the people could count, of which they could be assured. It is something that is certain, something they can trust.

I very much hope we resist the temptation, we resist the siren song for a short-term political change, to jigger around with the 4.3 cents, repealing it and adding the difference to the surplus or revenue. It is an exercise that is not only futile; it is an exercise that is a misrepresentation of what we did in TEA–21, and it will be an exercise which begins to break the trust.

Either we keep the trust or we do not. There is no halfway here. There is no little breaking of the trust. Either we keep it or we do not. I submit the American people want us to keep the trust. They will be very upset if we break it.

Mr. President, I ask unanimous consent to print a letter in the RECORD from various organizations—the National Governors' Association, the National Conference of State Legislatures, the Council of State Governments, the U.S. Conference of Mayors, National League of Cities, National Association of Counties, International City/County Management Association, all in favor of the amendment offered by the Senator from West Virginia.

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

NATIONAL GOVERNORS' ASSOCIATION, NATIONAL CONFERENCE OF STATE LEGISLATURES, COUNCIL OF STATE GOVERNMENTS, THE U.S. CONFERENCE OF MAYORS, NATIONAL LEAGUE OF CITIES, NATIONAL ASSOCIATION OF COUNTIES, INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION,

April 5, 2000.

DEAR SENATOR: We are writing on behalf of the elected leaders of the nation's state and local governments to urge support of the Byrd-Warner-Baucus-Voinovich-Lautenberg-Bond Sense of the Senate Resolution for the continued use of federal fuel taxes for the construction and rehabilitation of our nation's highways, bridges, and transit systems which is being offered as an amendment to the FY 2001 Budget Resolution.

This resolution conforms to the strong opposition that state and local leaders have to any legislative proposals that would interfere or interrupt the current level of transportation user fees being collected that provide dedicated federal funding for transportation programs. It supports the critical commitment to transportation infrastructure, and the funding mechanism to support that commitment, made in the Transportation Equity Act for the 21st Century (TEA–21).

Our state and local government members are responsible for almost all the nation's highways, bridges, and transit systems. We cannot afford cuts in federal transportation infrastructure funding such as the 4.3 cents reduction proposed in the Budget Resolution. The 4.3 cents tax on gasoline and diesel brings in $7.2 billion annually to the Highway Trust Fund—$5.8 billion for highways and $1.4 billion for transit. According to the U.S. Department of Transportation, if the 4.3 cents were repealed, the highway program would be cut by $20.5 billion through FY 2003, the final year of TEA–21. The Mass Transit Account of the Highway Trust Fund would go broke in 2003.

The nation's state and local leaders look forward to working with you on this very important issue.

Sincerely,

Raymond C. Scheppach, Executive Director, National Governors' Association; Daniel M. Sprague, Executive Director, Council of State Governments; Donald J. Borut, Executive Director, National League of Cities; William H. Hansell, Jr., Executive Director, International City/County Management Association; William T. Pound, Executive Director, National Conference of State Legislatures; J. Thomas Cochran, Executive Director, The U.S. Conference of Mayors; Larry E. Naake, Executive Director, National Association of Counties.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I thank the Senator from West Virginia for offering this amendment. He knows and the rest of us know that repeal of the 4.3-cent gas tax is not going to solve the problem of high gasoline prices which today confronts this country. In my opinion, the administration's lack of an energy policy and total inability to react to OPEC's production cut has pushed gasoline prices to $2 per gallon in some places in the nation.

The fact of the matter is, the American people are angry, and I share their

frustration. The real problem we have today is that we do not have an energy policy in this country.

Two weeks ago, when Department of Energy officials testified before the Governmental Affairs committee, I asked them whether or not they had an energy policy. I asked them if we were too reliant upon foreign oil. Their answer to that was yes we are too reliant on foreign oil.

I said: Your department is predicting that in the next 10 years we are going to be 65-percent reliant on foreign oil. How reliant should we be? Is it 45, 50 percent?

They had no answer.

I said: As a former Governor, if I had a problem, I would set a number and say it is going to be 45 or 50 and then put a plan together and move forward and get it done.

I hope in this debate over whether or not we ought to reduce the gas tax, the administration and Members of Congress take advantage of this wonderful opportunity to come together to look at the environmental concerns, look at the issue of exploration, look at the problems of the stripper well producers in this country who are out of business because the cost of a barrel of oil has been too low. We need to get it all on the table so that we do not have a repeat performance, and so that we are not at the mercy of foreign oil producing nations, some of whom are actually avowed enemies of the United States of America.

I've said many times the price is going to go down because the administration is going to put the pressure on these nations. But what I would like to know is, what are the promises they are going to be making in order to get the price down? We ought not to be in this position.

I happen to have been chairman of the National Governors' Association when Congress did TEA–21. Most Governors were opposed to the 4.3-cent gas tax in 1993 but we came back and said: If you move that from deficit reduction to the highway trust fund, we will support it.

I want everyone to understand that for the donor States—and Ohio is a donor State—without that 4.3 cents, we would not have a guarantee of 90.5 percent of the money we are sending to Washington. This is the way we helped get some of our money back into our State.

I think if you ask most of the highway directors of the States in this country, they will tell you that without that 4.3-cent gas tax, they are not going to have any new construction programs. All of the rest of our gas tax money goes for the maintenance and repair of our highways. The new construction is being paid for by that 4.3-cent gas tax.

There are some people who say: Don't worry about it because the money will come from the on-budget surplus or from someplace else. My answer to that is, we have a users' tax. The people who use the highways pay the tax for the highways. I do not think it is fair that we should say to the people of the country what we are going to do is reduce the highway users' tax and we are going to make everyone else pay to make up for the tax reduction.

I would like to say I am just prayerful that this amendment passes, that it passes overwhelmingly, that we send the message that we are not for repealing the 4.3-cent gas tax and that we take advantage of this wonderful opportunity to come together and develop an energy policy for this great Nation of ours.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMENICI. I wonder if Senator BYRD could yield me 3 minutes off his time?

Mr. BYRD. Yes. I yield whatever time the Senator wishes to consume.

Mr. DOMENICI. Mr. President, I want to argue in two parts.

My first part has to do with the highways and byways and freeways of America and our home cities across this land. I think there is no one in this Chamber who has not been home to their State and found that people somewhere in their State are frustrated because we do not have adequate roads to handle the traffic.

No, I am not suggesting I know how to do that in terms of these very heavily congested areas. But there is no doubt, we are way behind the curve in terms of supplying highways, freeways, and arteries in our cities.

You are not going to tell the American people they can't have their dream. I mean, their dream is to own a house and own a car or cars. One of their big dreams is to have that place where they want it. We are just never going to succeed in telling the American people: You cannot live 5 miles from your employment, as they did in Russia. They had it all figured out: They all worked; they all got on one train; and they all went to work. In fact, they told them in high school what they were going to be.

That is not America. So we are behind. In fact, I am not sure in most places we are gaining on the congestion and traffic. Frankly, I could come down here and say I am pretty satisfied that repeal of the 4.3-cent tax would not hurt next year, but in 7 years actually it would hurt.

The truth of the matter is, we should not deceive anybody. The problem we have is the problem that America uses more crude oil and crude-oil products than we are now producing.

Frankly, we have an American policy, I regret to say—especially since President Bill Clinton has been in office and Vice President GORE—of taking more and more of America, the public lands, out of production that you cannot use; you cannot get on it to find oil, even if it is there, all under some mystique that on ''public domain'' we should not be looking for oil, that we ought to be saving it for something.

Then tonight we are going to have a debate, I say to the Senator. I am not sure where everyone is going to be on it. But actually one one-hundredth of 1 percent of the Arctic wilderness, called ANWR, one one-hundredth of 1 percent is a little strip of land that they are trying to say: Why don't we try to find out if there is oil there?

You know what they think might be there? Sixteen billion barrels of oil. Pretty much. It is as much as we will import from Saudi Arabia over the next 5, 6, 7 years. That would be the amount. That is pretty good. That is a pretty large amount of oil. All of it would be owned by Americans. All of it would be drilled by Americans. Americans would have jobs.

Instead, we say it is just going to ruin that wilderness. Somebody who is neutral ought to pass on that, not somebody who wants to save this wilderness, including one one-hundredth of 1 percent of the land surface.

If I had my notes from my desk, I would tell you how much we have taken out of production in America. We have taken lands on which people could find oil, and we have said: You cannot get on it to find oil.

We have regulations, through the Department of the Interior, that instead of saying, hey, get out here and find your oil, they make it tough. It is sort of like: Boy, do we have to put up with you? It is not like: Boy, I hope you find oil.

It is American oil. It is sort of like: Maybe it is OK, but it is just too bad that we have to do this. What is too bad about it? We are going to buy this oil someplace. We have less American oil, fewer rigs producing oil, and we are getting more dependent.

The last point is, according to the independent institute within the Department of Energy, the one that is supposed to do analysis of supply, they tell us—I hope they are wrong—they cannot find out how much the production of the world is. That sounds incredible. If they cannot, somebody in our Government should. We should not be surprised all of a sudden if somebody says: You know, they are producing 4 million barrels less. We are hurting.

We ought to know; there is no way to keep this a real secret. If we set out to find it, I am sure we could. In fact, I think there are probably some parts of the American Government we do not know about that might already know that. But that is very important.

To summarize, my last point is, we need to build more roads for America's congestion, not less. Secondly, we need to take a positive approach. If the

President does not want to, we will not get it done for a while. But we have to decide what are our goals as Americans in terms of producing energy? How much should we be conserving? Let's get serious about it.

This will not happen with a bunch of Government regs. This will happen when the marketplace of America is opened up to oil and gas production. I am even wondering whether the largest supply of natural gas is offshore in some parts of America. We have said: No more offshore drilling.

It isn't environmentally dangerous. In fact, I submit to the Senate, it is more dangerous to increase our reliance and thus bring more tankers into American ports than it would be to seriously consider doing more offshore drilling.

But, of course, for some people what I am speaking about is kind of radical. I think it is really kind of common sense about America's growing dependence. I am not ashamed or embarrassed about saying I would change it drastically. I would recommend that somebody change it dramatically. Tell the world we are going to try. We are not going to give in.

We currently think it is an American energy policy to send the Secretary of Energy—one of New Mexico's sons; my friend—around to make a deal. That is America's energy policy? Have you ever heard of anything like that being the policy of America? What if they said no?

In this case, they started asking a few questions and said: Maybe we don't want to hurt your economy. Kuwait does not know what we want of them. We saved them from the invasion. They do not know whether we want to dance on a barrel of oil or what we want. They already said: Look, America, you send us so many signals, we don't know what to do. But we are on your side.

I think we ought to be very clear, it is not this 4.3-cent tax. What it is, we do not have a policy to produce more and tell the world we are growing more independent rather than dependent.

Whatever time I have, if I have any, I yield back.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his very enlightening statement. I have listened to him on this floor many times over the years. I do not think I have enjoyed more any statement of his than I have this evening.

Mr. President, I ask unanimous consent that Senator BINGAMAN, Senator ROBB, and Senator LINCOLN be added as cosponsors of the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. Mr. President, I see no other Senator asking for time on this side.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, under terms of the unanimous consent agreement on the amendment of the Senator from West Virginia, the agreement said we would use all time tonight on this amendment. Is Senator LAUTENBERG wishing to speak on the amendment of Senator BYRD dealing with gas tax repeal?

Mr. LAUTENBERG. While I wasn't present to hear Senator BYRD's presentation, there is no doubt in my mind that the Byrd proposal is one we have to support. The last thing we want to do now is to reduce that tax in order that we might give OPEC or the distributors, whomever, a chance to boost the price for the difference.

One of the toughest things we have to do is to try to meet our obligations with the resources we have available. The American people know very well that one of the most important things we do is to maintain our transportation infrastructure. I plan to do whatever I can to see that that is done.

My remarks are short, but they are very supportive. I congratulate Senator BYRD for his usual wisdom in presenting something that we have to think seriously about and, frankly, I support fully. I thank him for that.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his kind and supportive statement. I thank all Senators who have spoken on this subject for their remarks. I thank them for their support, and I hope all of our colleagues tomorrow will vote in favor of the amendment I have offered on behalf of myself and the other Senators named thereon.

Mr. REID. It is my understanding that the next amendment in order will be offered by the Senator from Delaware.

Mr. DOMENICI. That is my understanding. Senator ROTH is on the floor, I believe.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 2955

(Purpose: To strike the revenue assumption for ANWR receipts in fiscal year 2005)

Mr. ROTH. Mr. President, I send an amendment to the desk on behalf of myself and Senators BOXER, BAUCUS, JEFFORDS, SCHUMER, DODD, FEINGOLD, LIEBERMAN, MURRAY, CHAFEE, ROBB, and TORRICELLI.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The bill clerk read as follows:

The Senator from Delaware [Mr. ROTH], for himself, Mrs. BOXER, Mr. BAUCUS, Mr. JEFFORDS, Mr. SCHUMER, Mr. DODD, Mr. FEINGOLD, Mr. LIEBERMAN, Mrs. MURRAY, Mr. L. CHAFEE, Mr. ROBB, and Mr. TORRICELLI, proposes an amendment numbered 2955.

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

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

The amendment is as follows:

On page 27, line 20, increase the amount by $1,200,000,000.

On page 27, line 21, increase the amount by $1,200,000,000.

On page 28, line 20, decrease the amount by $1,200,000,000.

On page 28, line 21, decrease the amount by $1,200,000,000.

Mr. REID. Mr. President, will the gentleman from Delaware consent to the Senator from New Jersey, Mr. LAUTENBERG, and the Senator from Nevada, Mr. REID, being added as cosponsors of the amendment?

Mr. ROTH. I am happy to have them join as cosponsors.

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

Mr. ROTH. Mr. President, I commend my colleague, the Senator from New Mexico, for what I consider to be an excellent budget resolution. Over the next 5 years, the Budget Committee chairman has protected Social Security, funded our priorities such as defense and education, and provided for a $150 billion tax cut—something I look forward to crafting in the Finance Committee.

However, there is one point at which I respectfully disagree with my distinguished colleague's work. It is in the assumptions of allowing leasing for oil exploration and production in the Arctic National Wildlife Refuge. This budget resolution assumes that $1.2 billion would become available in fiscal year 2005 from the bids for such leases.

My amendment would simply remove that assumed revenue from the budget resolution and thereby protect this wilderness area.

My reason for offering this amendment is based on beauty, not on budgets. I do not want to see us make an irreparable mistake in one of America's remaining natural treasures. We can afford to forgo this momentary revenue, but we can't afford not to protect this Arctic Eden.

Mr. President, in 1960 President Dwight Eisenhower had the wisdom to set aside a portion of America's Arctic for the benefit and enjoyment of future generations. His Arctic Range protected the highest peaks and glaciers of the Brooks Range, North America's two largest and most northerly alpine lakes, and nearly 200 different wildlife species, including polar bears, grizzlies, wolves, caribou and millions of migratory birds.

Eisenhower's Secretary of the Interior, Fred Seaton, called the new Arctic Range, ''one of the most magnificent wildlife and wilderness areas in North America . . . a wilderness experience not duplicated elsewhere.''

The Alaskan wilderness area is not only a critical part of our Earth's ecosystem—the last remaining region where the complete spectrum of arctic and subarctic ecosystems comes together—but it is a vital part of our national consciousness.

The Alaskan wilderness is a place of outstanding wildlife, wilderness and recreation, a land dotted by beautiful forests, dramatic peaks and glaciers, gentle foothills and undulating tundra. It is untamed—rich with caribou, polar bear, grizzly, wolves, musk oxen, Dall sheep, moose, and hundreds of thousands of birds—snow geese, tundra swans, black brant, and more. Birds from the Arctic Refuge fly to or through every state in the continental U.S. In all, Mr. President, about 200 species use the coastal plain.

Mr. President, there are parts of this Earth where it is good that man can come only as a visitor. The Arctic National Wildlife Refuge is one of those places. These are pristine lands that belong to all of us. And perhaps most importantly, these are the lands that belong to our future.

In essence what I am asking my colleagues to support is an environmental stewardship that protects our important wilderness areas and precious resources, while carefully and judiciously weighing the short-term desires or our country against its long-term needs.

Considering the many reasons why protecting this area is so important, I came across the words of the great Western writer, Wallace Stegner. Referring to the land we seek to protect, he wrote that it is ''the most splendid part of the American habitat; it is also the most fragile.'' We cannot enter this land ''carrying habits that [are] inappropriate and expectations that [are] surely excessive.''

An industrial zone and wilderness cannot occupy the same space. The simple fact is that no matter how well done, oil exploration and development would have significant and lasting impacts on this environment.

In closing, I want to remind my colleagues that when the Arctic National Wildlife Refuge was formally created under the 1980 Alaska National Interest Lands Conservation Act, it was to conserve fish and wildlife populations in their natural diversity. Oil development on the coastal plain of the refuge is prohibited without the enactment of legislation authorizing development.

I urge my colleagues, to support my amendment and reject the budget resolution's assumptions on oil drilling in the Arctic National Wildlife Refuge. Let us reconfirm to protect today what can never be regained tomorrow if we make the wrong decision now.

I hope that we can forever protect the coastal plain from development. It is certainly premature at this time to assume revenue from oil development there.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. Mr. President, I yield 5 minutes to the distinguished Senator from Montana.

Mr. BAUCUS. Mr. President, I rise to support the Roth amendment, which expresses the sense of the Senate that we should maintain the longstanding ban on oil drilling in the Arctic National Wildlife Refuge.

We have heard a lot of concern lately about the cost of gas at the pump.

I share that concern. I represent Montana. The Big Sky State. Vast open spaces. We often drive long distances just to get to the grocery store.

Prices at the pump in Billings have gone from $1.18 in April of 1999 to $1.59 today. We need to get the price down. The administration has made some progress, with the OPEC countries. We may need to do more. For example, we may need to use the Strategic Petroleum Reserve. But we should not respond to high gas prices by opening the Arctic National Wildlife Refuge. That would be shortsighted, ineffective, and environmentally harmful.

Proponents of oil drilling make three main arguments. They imply it will lower the price at the pump. They argue that it will enhance our energy security. And they argue that it won't really pose a significant environmental risk to the refuge.

I disagree. Let me take the arguments in turn.

First, the cost at the pump. Opening the Arctic National Wildlife Refuge will have absolutely no impact on gas prices, now or in the foreseeable future. Think about it. Assume that we pass a law authorizing drilling. Assume the President signs it. First, companies will need to conduct exploration to determine where to drill. Next they will have to build the infrastructure, the roads, drill pads, drill rigs, pipelines, gravel pits, waste pits, and living and working quarters. This could include hundreds of miles of roads and pipelines, production facilities, increased traffic at loading ports, and housing and services for thousands of people.

This work will take years and years. Senator MURKOWSKI himself said, in 1998, that ''a future decision on ANWR is one which will take about 10 years to produce any results in the way of any increased production contribution to our current flow of domestic oil.'' Ten years, before we see any impact on the price at the pump.

Let me turn to the longer term issue. Energy security. Let's look at what the potential oil of the Arctic National Wildlife Refuge means in the big picture. At best, the economically recoverable oil would represent 2 percent of our daily needs. As a result, oil drilling in the Arctic Wildlife Refuge has little, if anything, to do with long-term energy security.

Another point. It does not make good strategic sense to use our reserves, which account for only 12 percent of the crude oil available in the world, while we have access to other sources. After all, once our reserves are used up, we will be totally at the mercy of OPEC.

Instead of continuing our unhealthy dependence on OPEC, we should develop a comprehensive energy strategy. We should improve energy efficiency. We should diversify our energy sources.

What are we doing here in Congress? Virtually nothing.

We continue to prevent an increase in corporate average fuel economy. We routinely underfund the development of solar and renewable energy. And we fail to seriously consider tax legislation that rewards efficiency and increases our energy security.

In the absence of a comprehensive national energy strategy, drilling the refuge is just a band-aid. A quick fix. It's no substitute for a real, comprehensive, strategy.

Putting this all together, drilling in the Arctic Refuge will not reduce prices at the pump anytime soon, if at all. And it will not significantly enhance our energy security.

Now consider the environmental impact. The Arctic National Wildlife Refuge is truly unique. It is the only refuge of its type in the world. I've been there. It has been referred to, for good reason, as ''America's Serengeti.'' It's the nation's largest and most northerly wildlife refuge. It includes a full range of arctic and subarctic habitats. Vast herds of caribou migrate to the refuge, bearing their young on the coastal plain. Muskox use the area year-round. The refuge is the most important polar bear land denning area in Alaska. One hundred eighty bird species migrate there, from throughout the hemisphere. Eighteen major rivers contain 36 species of fish.

Let's look at what development might do. What happens when the construction of, say, a pipeline and road forces wildlife away? Take the caribou herds. Female caribou seek out the best foraging areas as calving areas. These areas change each year. If, in any given year, the best foraging and calving area is a site for development, the caribou won't use it and fewer calves will survive. Development can also force females into areas where there are more predators, or block them from climbing onto ridge tops to avoid swarms of insects. Again, fewer calves will survive.

The Fish and Wildlife Service has concluded that the cumulative impacts of these effects could significantly reduce the size of the caribou herds. The Service has expressed similar concerns about muskoxen.

What about disturbances from road building? There is not enough water to build only ice roads. You'd have to build gravel roads, even for exploration. Gravel roads will alter the natural flow of water during spring breakup, will melt permafrost, and will otherwise damage the environment. Taken together, this could harm the habitat for more than 100 species of birds. This, in turn, will have effects way beyond

the refuge itself. All of these birds are migratory. They nest and rear their young in the Refuge in the summer, then migrate throughout the entire hemisphere, including virtually every state.

Now, the proponents of drilling say that the environmental impacts have been exaggerated. They say that the ''footprint'' of development is no larger than Dulles Airport. In fact, the development will *not* be concentrated in a small area.

This map, based on projections by the Fish and Wildlife Service, shows potential pipelines, drilling pads, roads, and other facilities. As you can see, the roads and pipelines stretch across the entire coastal plain, bisecting migration paths and stream channels. What's more, recent reports by the U.S. Geological Service show that the oil reserves in the Refuge are smaller and more widely dispersed than previously thought. As a result, oil development will require more, and more widely dispersed, roads, pipelines, and other infrastructure. Finally, accidents.

If the *Exxon Valdez* taught us anything, it is that humans working in a cold, harsh environment can make mistakes, and that the environmental costs in a fragile ecosystem can be extraordinarily high. Our experience elsewhere on the North Slope confirms this. There has been a general increase in the number of spills. At least two well-blowouts have occurred. At least 76 areas have been contaminated by oil development from the Prudhoe Field. Things usually don't go as smoothly as we plan.

That brings me to my final point. It may be that, someday, the need will be so great, and the technology so sophisticated, that we decide that the benefits of exploration and development of the Arctic National Wildlife Refuge are worth it. But we should only make that decision after careful deliberation, after exhausting all reasonable alternatives, and after assuring that this fragile ecosystem will, in fact, be protected. Because there's no margin for error. If we make a mistake, and allow development that destroys the unique character of this special place, the mistake will be permanent and, perhaps, unforgivable.

Mr. President, pulling all of this together, the benefits of drilling simply are not worth it. They are not worth the environmental risks.

Therefore, I urge Members to vote to maintain the longstanding ban on drilling in the Arctic National Wildlife Refuge, by voting for the Roth amendment.

Mr. ROTH. Mr. President, I yield 3 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. L. CHAFEE. Mr. President, I rise today in support of Senator ROTH's amendment to the budget resolution, and I thank the Senator for his leadership on matters relating to the future of the Arctic National Wildlife Refuge, or ANWR. The purpose and rationale behind the Roth amendment is simple: We should not include revenue assumptions in the budget based on oil development that will not, and should not, occur. Such faulty assumptions make poor fiscal policy and poor environmental policy. The Arctic Refuge is a national treasure. I support Senator ROTH's efforts to designate the area as wilderness, and I am pleased to add my name as a cosponsor to the Roth wilderness bill.

The crux of this debate is on our values, our legacy, and what we want to pass on to future generations. Senator BAUCUS mentioned the Serengeti National Park in Africa, an area immortalized in the human imagination for its beauty and majesty. This amazing park exists because previous generations had the foresight to preserve and protect this area from development. As Senator BAUCUS said, the Coastal Plain of the Arctic National Wildlife Refuge is referred to as the ''American Serengeti.'' And like its counterpart in Africa, this area deserves to be protected for us, our children, and our grandchildren.

In 1980, in recognition of the area's immense environmental value, as Senator ROTH said, Congress formally established the Arctic National Wildlife Refuge. At that time, and after much debate and deliberation, Congress made the wise decision to prohibit drilling in the Coastal Plain pending further review.

Now, only a short 20 years later, efforts are underway to open this area to development.

I urge my colleagues to resist these efforts, to look past our short term needs, and designate the area as wilderness for future generations. The very definition of a ''refuge'' means an area of sanctuary, shelter and protection. In the case of our wildlife refuges, this means protecting nature from drilling, road construction, combustion engines and all of the other harmful effects of human beings and their machines. A large portion of the Alaskan North Slope is already open to oil exploration or drilling; we should not subject ANWR to the same fate.

Some have voiced concern at our increasing dependence on foreign oil, and our lack of a coherent national energy policy. I share these concerns, and agree completely that our country must take steps to improve our energy security. But the solution to our energy problems does not lie underneath the coastal plain of ANWR, and drilling there cannot become our energy policy. Remember, by definition, a refuge is a place providing protection or shelter—it is a haven, a sanctuary—we must make sure that ANWR remains a haven, a sanctuary.

I thank my colleagues for their consideration, and I respectfully urge them to support the Roth amendment.

Mr. ROTH. Mr. President, I yield 5 minutes to the distinguished Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Thank you, Mr. President. I thank the Senator for yielding. I stand in complete support of his amendment, an amendment very similar to the one offered by my colleague, the Senator from California, in the Budget Committee.

It should be kept in context that this budget resolution, without the Roth amendment, assumes $1.2 billion in royalties from the sale of oil from drilling in the Arctic Wildlife National Refuge.

I want to say to Members of the Senate that the reason we are debating this is because the price of gasoline is increasing in the United States. People are more sensitized to the cost of fuel and energy and the impact it has on businesses, families, and individuals.

Those who have been salivating for decades for an opportunity to drill in this wildlife refuge in Alaska have jumped at the chance to assume that we are so consumed by the increase in energy prices that we will cast aside any concern for the environment and the legacy which we should leave to future generations.

Senator ROTH is right. We should not be drilling in ANWR. We have to consider the fact that on the North Slope, 95 percent is already open to exploration. The 5 percent on the Coastal Plain that we have set aside is to protect what we have identified as a legitimate, important wildlife refuge.

Oil companies and their supporters can't wait to drill in that wildlife refuge. I think it is wrong. I think Senator ROTH is right, as Senator BOXER was in committee.

We should say unequivocally in a bipartisan fashion on the floor of the Senate that we need an energy policy, but we do not need to walk in and desecrate a wildlife refuge designed to be preserved for future generations.

This last Saturday in Belleville, IL, I paid $1.39 a gallon for regular gasoline. I then drove 100 miles to Springfield, IL, and paid $1.49. Yes, prices have increased. Yes, I am sure for families of limited means and some businesses there is sacrifice attached to it. But we shouldn't use this as a catalyst or a reason to run headlong into this effort to desecrate this important environmental refuge.

We need to face the reality that America needs an energy policy, and we shouldn't wait for a gasoline price crisis to drive us to the point to develop one. Such an energy policy is going to include a lot of things, such as looking for responsible areas for oil exploration and development; also, of

course, energy efficiency not only in our automobiles but in virtually everything that we use involving energy. Of course, it will lessen our dependence on foreign oil sources. We need to look for alternative fuels.

This is an important, complicated but a necessary national debate.

This quick fix of drilling in ANWR in the belief that it is going to bring down gasoline prices is wrong on two counts.

First, it is not likely to bring them down, if at all, until years from now.

Second, it really avoids the obvious responsibility we have to preserve this important refuge.

Senator ROTH is offering an amendment which is consistent with a member of his party who served in the United States as President many years ago by the name of Theodore Roosevelt, who said in his efforts to preserve the environment:

> We must ask ourselves if we are leaving for future generations an environment that is as good or better than what we found.

Senator ROTH's amendment says this Senate will go on record leaving a legacy for future generations in the name and in the memory of Theodore Roosevelt, ''as good or better than what we found,'' that we will not allow this exploitation and exploration of this valuable and fragile natural resource.

I stand in complete support of this amendment.

I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. Mr. President, I yield 10 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank Senator ROTH for offering this amendment. I offered almost an identical amendment in the Budget Committee, and it failed on a tie vote. I am very hopeful that we will do better on the floor of the Senate. We were able to pick up one Republican in the committee. We had all the Democrats. I think we have a good chance of picking up, with the help of Senator ROTH and Senator CHAFEE, some more on their side of the aisle.

This amendment would strike from the budget $1.2 billion in receipts that the budget resolution assumed would be received from oil exploration or drilling operations in the Arctic National Wildlife Refuge.

I stand with those who have spoken very eloquently tonight, and say that we cannot allow that beautiful, pristine sanctuary—one of the most remarkable wildlife habitats in the world—to be spoiled.

We have a beautiful picture, with which I am sure Senator MURKOWSKI is familiar.

The wildlife refuge was established in 1960 by a Republican President, President Dwight D. Eisenhower. And it was for the benefit of his generation and future generations; that is, all of us. I think we have an obligation to keep that going, just as he kept it going for us.

From the very beginning, support for this refuge has been bipartisan. Thank goodness we see evidence of that on the Senate floor. Too few times, I am sad to say, do we see such bipartisanship. That is why I am delighted to work with Senator ROTH on this.

This land that President Eisenhower set aside in the Arctic wilderness is ecologically unique. It is the last remaining region where the complete spectrum of Arctic and sub-Arctic ecosystems can be found. It includes the highest peaks and glaciers of the Brooks Range.

President Eisenhower's Secretary of the Interior, Fred Seaton, called the new Arctic Refuge ''one of the most magnificent wildlife and wilderness areas in North America . . . a wilderness experience not duplicated anywhere else.''

Nothing has changed since then. It is still there. But we can destroy it here.

I am stunned that the Budget Committee let this go. I am stunned the majority on the Budget Committee put in $1.2 billion as if we were going to allow this to happen next year. We are not going to allow this to happen.

I would like to say tonight to my good friend from Alaska, whom I respect—we have some good arguments now and then, and we probably will have them again—that we are going to fight this out. To put $1.2 billion in as if we were going to start getting receipts from this next year makes no sense at all.

I can guarantee—I shouldn't say that because you never can guarantee anything around here, but I believe we will have more than 41 people who will stand on their feet as long as it takes to stop that from happening.

To put it in the budget resolution, No. 1, is wrong because it is presuming the Senate is going to approve this when I don't believe it will happen.

This area is tremendously rich with nearly 200 different wildlife species including polar bears, grizzlies, wolves, caribou, and a whole list of others, including millions of migratory birds. Amazingly, birds from the Arctic Refuge fly to or through every State in the continental United States of America. This is not only an Alaska issue. We all benefit from this refuge. I cannot reconcile the concept of drilling with a wildlife refuge. It seems to me they don't go together. If you are going to set aside a wildlife refuge, you should not allow drilling there at all. Drilling will raise disturbing questions about what our refuges are for. If wildlife are not guaranteed protection from oil drilling, where are they safe?

My colleague, Senator ROTH, has introduced legislation, of which I am a cosponsor, which would forever safeguard this great national treasure by designating it wilderness area. This permanently protects it from oil exploration and development. That protection is warranted and reasonable. As Senator DURBIN has pointed out, nearly 95 percent of the arctic slope is available to industry for oil and gas development. It makes sense to shield this last remaining piece. I hope Chairman ROTH's wilderness proposal will get full consideration.

Instead, what are we seeing? Instead of moving forward with that wonderful piece of legislation that has bipartisan support, we have a budget resolution that essentially slaps its hand at Senator ROTH's legislation and includes $1.2 billion, as if we will open it up without a fight.

It isn't going to happen. It is not realistic. It is funny numbers. It isn't going to happen. We are not going to let it happen. What we should be doing is passing Senator ROTH's legislation for our wilderness instead of plugging in a number.

It reminds me of the fight over the Presidio. Senator MURKOWSKI from Alaska helped me save the Presidio. One year, I say to Senator MURKOWSKI, there was a plug put in the budget of $1 billion for selling the Presidio. As I explained to my friends, that will never happen; the city and county of San Francisco would not allow this magnificent former military base to become anything other than a park; you are not going to get $1 billion there. Finally, I prevailed on my colleagues. They backed off and we never put the plug in.

And we are prevailing tonight. Don't put that $1.2 billion plug in because it is not real. It is wrong. It goes against what we ought to be doing.

I understand the rising gas price phenomenon because I am in a State that has some of the highest gas prices. Believe me, it hurts at the pump. We are looking at $2 a gallon where I come from.

My constituency wants me to do something about it, and I have come up with a plan. The plan is pretty straightforward. No. 1, why are we exporting gas from Alaska to other countries when we need to use it here? That is 68,000 barrels a day. Second, why don't we increase the energy efficiency of SUVs and light trucks? That will bring 1 million barrels a day. We can do that to get them up to 27 miles per gallon. That can be done.

Why don't we say there should be a moratorium on the oil company mergers? We know less competition brings higher prices. It is the rule of a capitalistic system. We need more competition. That is what we ought to be doing. We ought not be drilling in a wildlife refuge on the coast of California or any of our magnificent offshore areas.

The American people realize this. I have letters favoring Senator ROTH's bill. Tonight I ask unanimous consent to have printed in the RECORD letters from several environmental organizations, including the League of Conservation Voters, that will use this as a scored vote.

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

LEAGUE OF CONSERVATION VOTERS,
April 4, 2000.

Re Protect the Arctic National Wildlife Refuge—Vote ''YES'' on the Roth Arctic Wilderness Amendment to the 2001 Budget Resolution

U.S. SENATE,
Washington, DC.

DEAR SENATOR: The League of Conservation Voters (LCV) is the bipartisan political voice of the national environmental community. Each year, LCV publishes the National Environmental Scorecard, which details the voting records of members of Congress on environmental legislation. The Scorecard is distributed to LCV members, concerned voters nationwide, and the press.

The League of Conservation Voters urges you to protect the biological heart of the Arctic National Wildlife Refuge by supporting an amendment offered by Senator Roth (R–DE) to the 2001 Budget Resolution that opposes opening the Refuge to oil drilling. Currently the budget resolution assumes revenues from drilling in the Refuge.

Some members of Congress are using the current high price of gasoline as a pretext to open the Arctic National Wildlife Refuge to oil drilling. The current price of gasoline in no way justifies destroying this national treasure. Development of the Refuge's coastal plain will not impact oil supplies until far into the future, and the amount of oil that lies beneath it is minimal compared to our national energy needs.

The Arctic Refuge is home to wolves, polar bears, caribou and millions of migratory birds. It is also the last 5% of Alaska's vast north coastline that remains off-limits to the oil companies. And the Refuge plays an integral part in the lives of the Gwich'in people who depend on the seasonal migrations of the caribou for both survival and cultural identity.

Protecting the wilderness values of the Arctic National Wildlife Refuge is one of the top priorities of the national environmental community. LCV urges you to vote ''YES'' on Senator Roth's amendment to protect the Arctic Refuge.

LCV's Political Advisory Committee will consider including votes on this issue in compiling LCV's 2000 Scorecard. If you need more information, please call Betsy Loyless in my office at (202) 785–8683.

Sincerely,

DEB CALLAHAN,
President.

NATURAL RESOURCES DEFENSE COUNCIL,
April 4, 2000.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: I am writing on behalf of the more than 400,000 Natural Resources Defense Council (NRDC) members from across the country to respectfully urge you to oppose any legislative provisions that would open up the Arctic National Wildlife Refuge (ANWR) to oil exploration. As you know, the FY 2001 Budget Resolution that the Senate Budget Committee reported to floor includes damaging language that assumes revenues from oil drilling in the Arctic Refuge.

Under the guise of combating high gas prices, some legislators are pressing to open the Arctic Refuge's 1.5 million-acre coastal plain to oil exploitation. The coastal plain is often called. ''America's Serengeti'' because of its abundant caribou, polar bear, grizzly, wolf and other wildlife populations, and represents the last five-percent of Alaska's Arctic Slope not already open to development. It would be ill-advised to open up our nation's Arctic wilderness for a questionable, short-term supply of oil.

We respectfully encourage you to oppose any bill or resolution that would open up the last pristine wilderness in the Arctic to oil and gas development, and urge you to support Senator Roth's amendment to the 2001 Budget Resolution to strike Arctic Refuge drilling revenues from the federal budget.

Sincerely,

JOHN H. ADAMS,
President.

NATIONAL PARKS CONSERVATION ASSOCIATION,
April 4, 2000.

Re Oppose degradation of the Arctic Coastal Plain

DEAR SENATOR: On behalf of our 400,000, the National Parks Conservation Association strongly urges you to oppose efforts to include projected revenues from oil drilling in the Arctic National Wildlife Refuge's coastal plain in the pending Budget Reconciliation bill.

The Arctic coastal plain has long been recognized as a spectacular national gem because of its spectacular scenery and diverse and abundant wildlife. The coastal plain richly deserves its tag of ''America's Serengeti,'' as over 130,000 caribou of the Porcupine herd migrate there every spring to their calving grounds, and more than 300,000 snow geese are found there in the fall.

Attempts to open the coastal plain for drilling for oil have reared their head in Congress over the past three decades. Recent increases in gasoline prices have renewed the call to open the plain for oil production, resulting in an ''assumption'' of revenue from drilling in the Arctic Refuge in the Budget Reconciliation bill.

Opening up the coastal plain would not be a solution to the short-term increases in gasoline prices, nor would it address the nation's long-term energy strategy. In fact, the United States Geological Service estimates that even if oil were found in the coastal plain, production would never meet more than two percent of our nation's oil needs at any given time. This supply would hardly justify the production facilities and related infrastructure that would destroy the unique character of the coastal plain.

Your support in opposing efforts to promote oil development and drilling in the Arctic National Wildlife Refuge is critical. Thank you for your attention to these concerns.

Sincerely,

TOM KIERNAN,
President.

U.S. PUBLIC INTEREST RESEARCH GROUP, NATIONAL ASSOCIATION OF STATE PIRGS,
Washington, DC, April 4, 2000.

DEAR SENATOR: The United States Public Interest Research Group (U.S. PIRG) urges you to support an amendment to the Budget Bill to protect the Arctic National Wildlife Refuge. Senator Roth, the sponsor of the Arctic National Wildlife Refuge wilderness bill, will offer an amendment today to strip language from the Senate Budget bill that would allow leasing and drilling on the coastal plain of the Arctic Refuge.

The coastal plain is one of the last unspoiled areas left in the United States. Caribou, muskoxen, wolves, polar, black and brown bears, and thousands of migratory birds rely on the pristine habitat the Refuge provides. The annual migration of the 129,000 member Porcupine river caribou herd evokes images of the long-gone buffalo herds of the Great Plains. Most states, and a number of nations in South America, throughout the Pacific Rim and beyond are visited each year by birds from the Arctic coastal plain.

The Arctic Refuge is also home to the Gwich'in, the people of the caribou. The Gwich'in have lived in and around the Refuge for thousands of years. To them the coastal plain is sacred. Oil drilling will damage the coastal plain's environment and therefore jeopardize one of the last native subsistence cultures in North America.

Allowing oil drilling and development in the Arctic National Wildlife Refuge would destroy the wilderness, yet would do virtually nothing to ease our energy problems or lower gas prices. A national energy policy that emphasizes energy efficiency, increases auto fuel efficiency standards, and promotes renewable energy would save more oil than thought to be in the coastal plain, preserve sensitive areas like the Arctic Refuge, and reduce pollution.

U.S. PIRG urges you to support the Roth Arctic amendment to the Budget bill and to Save America's Arctic.

ATHAN MANUEL,
Director, Arctic Wilderness Campaign.

FRIENDS OF THE EARTH,
1025 VERMONT AVE., NW,
Washington, DC, April 4, 2000.

DEAR SENATOR: On behalf of the thousands of members of Friends of the Earth, we urge you to support efforts by Senator ROTH (R–DE) to protect the Arctic National Wildlife Refuge (ANWR) from being opened for oil exploration. Currently, the FY 2001 Budget Resolution (S. Con. Res. 101) includes language that assumes receipts from the sale of oil leases in ANWR. Seismic exploration and oil drilling in a national refuge is an unacceptable short-term approach to the problems associated with the current oil crisis, and one which would have long-term devastating consequences.

ANWR encompasses 19 million acres of pristine wilderness. Created by President Dwight Eisenhower in 1960, ANWR is sanctuary for nearly 200 species of wildlife including polar bears, grizzlies, wolves, caribou and millions of birds. The area under consideration for oil exploration—a 1.5 million-acre coastal plain—is referred to by many scientists as the ''biological heart'' of the Arctic Refuge and represents the last five percent of Alaska's Arctic slope not already open to drilling. Though some maintain that modern technology allows clean exploration, many scientists have noted that today's seismic oil exploration, consisting of large crews with bulldozers, ''thumper'' trucks, fuel supply vehicles and a variety of other tracked vehicles, is even more damaging to the landscape than it has been in the past.

Drilling in ANWR would do little to reduce U.S. dependency on foreign oil. In fact, the U.S. Geological Survey has found that ANWR would provide us with less than six

months worth of oil. A more responsible solution to the problem is to develop and promote sustainable forms of clean energy.

We should not sell off this priceless wildlife refuge for a short-term energy fix. Support Senator ROTH in his efforts to defend the one of the few remaining natural treasures in the United States.

Sincerely,

COURTNEY CURF,
Legislative Director.

THE IZAAK WALTON
LEAGUE OF AMERICA,
April 4, 2000.

DEAR SENATOR: At the IWLA convention in 1978, IWLA members from all over the United States passed a resolution in favor of Wilderness protection for the Arctic National Wildlife Refuge. In June of 1978, I visited Anchorage, Valdez and Prudhoe Bay with seven IWLA board members, as guests of Arctic Power and the State of Alaska—who wanted us to change our policy.

After a grueling four-day schedule, during which our members interviewed hundreds of Alaskans, we sat together quietly together and unanimously agreed that our policy should remain unchanged. Our decision was reaffirmed by our 1998 convention. While we did not presume to know what the future might bring, and did not go so far as to say that the Refuge should never be opened to oil development, we were certain that it should not be developed today.

Any oil from the Refuge will have an imperceptible impact on our nation's dependence on foreign oil. Almost any adjustment in CAFE standards would do more. As time passes and technology improves, more oil can be recovered at significantly less impact to the environment if it is indeed needed for national security.

The 45,000 members of the Izaak Walton League of America support full Wilderness protection for the Arctic National Wildlife Refuge and oppose any oil development in the Refuge at this time.

Sincerely,

PAUL W. HANSEN,
Executive Director.

SIERRA CLUB,
Washington, DC, March 17, 2000.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: Oil prices are arising because OPEC—the cartel of oil exporting countries—is manipulating the market to drive up petroleum prices. Many in Congress are seeking legislative redress for Americans who face higher prices at the pump. But some in Congress are using the oil price hike to renew their call to open the coastal plain of the Arctic National Wildlife Refuge to oil and gas development. Consumers are seeking answers, but drilling the Arctic Refuge is not the solution.

America cannot drill its way to energy independence. We import more than half of our oil, 56% at present, and the United States contains less than 3% of the world's known oil reserves. Any way you look at it, increased domestic production does not add up to energy independence. Though some say the answer to our nation's energy needs lie below the surface of the coastal plain, the Sierra Club believes that this spectacular landscape should not be sacrificed.

No one knows how much, if any, oil lies beneath the coastal plain. In 1998, the United States Geological Service (USGS) published a determination of the mean estimate of economically recoverable oil as 3.2 billion barrels of oil. That's less than a six-month supply at current consumption rates and even at peak production, arctic oil would represent only 2% of total U.S. daily demand.

95% of Alaska's vast North Slope is already available for oil and gas exploration and leasing. The coastal plain of the Arctic Refuge represents the last 5% that remains off-limits to drilling.

The coastal plain of the Arctic National Wildlife Refuge is America's serengeti. Nestled between the towering mountains of the Brooks Range and the Beaufort Sea in northeast Alaska, the narrow 1.5 million acre coastal plain in the biological heart of this untamed wilderness. It is home to unique and abundant wildlife: wolves, polar bear, musk ox and wolverine. A myriad of bird species rely on the coastal plain for breeding, nesting and migratory stopovers on trips as far away as the Baja peninsula, the Chesapeake Bay, and even Antarctica. The coastal plain is also the calving grounds for the 129,000 member Porcupine River Caribou herd, which migrates over 400 miles each year to this same place to give birth to their young. It is a migration reminiscent of the buffalo that once roamed the great plains.

It doesn't matter how much or how little oil may lie underneath the coastal plain. Drilling the Arctic Refuge would be as shortsighted as damming the Grand Canyon or tapping Old Faithful. More drilling isn't the answer—reducing our dependency on oil is the solution. America needs a long-term energy strategy that is based on conservation and renewables, alternative energy sources, and raising the Corporate Average Fuel Economy standards for automobiles and light trucks. Such a long-term strategy will help America ultimately decrease its dependency on oil and allow us to protect our national treasures like the Arctic Refuge for future generations.

We urge you to oppose legislative attempts to open the coastal plain of the Arctic Refuge to oil and gas development. The Sierra Club opposes S. 2214, Senator Frank Murkowski's development bill, and will strenuously oppose attempts to insert arctic drilling revenue assumptions in the Budget Resolution.

Instead, we urge you to support a bill, S. 867, authored by Senator William Roth of Delaware and cosponsored by 24 other Senators, that would grant permanent protection to the coastal plain of the Arctic National Wildlife Refuge. OPEC's manipulation of oil prices is no excuse to drill in our last great wilderness. Thank you for your consideration of this very important issue.

Sincerely,

CARL POPE,
Executive Director.

Mrs. BOXER. I also have a letter written by the Ambassador from Canada saying that it is very important we support Senator ROTH'S legislation. I ask unanimous consent to have that printed in the RECORD.

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

CANADIAN EMBASSY,
AMBASSADOR DU CANADA,
Washington, DC, April 3, 2000.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER, I am writing to express Canada's concern with the proposal in the budget under consideration by the Senate to seek revenues from prospective lease sales in the Arctic National Wildlife Refuge. Any decision to proceed with oil and gas development in the Arctic Refuge will have serious implications for Canada.

Canada joins with many Americans in the belief that opening up the Arctic Refuge to hydrocarbon development will cause major disruptions in the sensitive calving grounds and will affect migratory patterns of the Porcupine Caribou Herd on which thousands of Canadian and American native peoples depend.

In signing the 1987 Canada-United States Agreement on the Conservation of the Porcupine Caribou Herd, both governments recognized the transboundary nature of these wildlife resources and our joint responsibility for protecting them.

In 1984, Canada gave permanent wilderness protection to its portion of the caribou calving grounds by creating the Ivvavik National Park. The critical calving grounds in the United States, however, do not have formal protection and remain vulnerable to development, as evidenced by the recent budgetary proposal.

Canada has consistently stated that the best way to ensure the future of the shared wildlife populations of the Arctic Coastal Plain is to designate the ''1002 Lands'' as wilderness, thereby providing permanent, equal protection on both sides of the border to these irreplaceable living resources.

I very much appreciate your support for wilderness protection for all of the Arctic National Wildlife Refuge. I hope that you find Canadian views helpful in your deliberations with your colleagues on this matter.

Sincerely,

RAYMOND CHRÉTIEN,
Ambassador.

Mrs. BOXER. They say we need to do this in order to uphold our agreement with Canada to protect the Porcupine caribou herd which depends upon the refuge for its survival.

In closing, I am very pleased to join with Senator ROTH. I thank my ranking member, Senator LAUTENBERG, for being so supportive of this amendment when I offered it in the committee. We delivered every single Democrat for the environment. I was proud of that. I was very pleased we had an additional vote in the committee from the Republican side, Senator SNOWE. I thank her from the bottom of my heart.

Again, this is a bipartisan issue. It dates back to the Eisenhower administration. Let us stand together across party lines. Let us get rid of this $1.2 billion revenue. It is wrong to put it in there because it is wrong to drill in this refuge. It is wrong to put it in there because it, frankly, isn't going to happen.

Mr. MURKOWSKI. Will the Senator from California yield?

Mrs. BOXER. I am happy to yield to the Senator.

The PRESIDING OFFICER (Mr. L. CHAFEE). The time of the Senator has expired.

Mrs. BOXER. I am happy to yield on your time.

Mr. MURKOWSKI. I note that the picture my friend from California identified—and that is an extraordinary picture of the Brooks Range, as she

may not know—is nowhere near the Coastal Plain, the 1002 area about which we are talking. It is probably somewhere between 80 and 100 miles away. That is the wilderness we are committed to support and does not represent at all the Coastal Plain which is the issue before us.

Mrs. BOXER. We were given it from people in your State supporting it.

Mr. MURKOWSKI. It is a beautiful picture of Brooks Range, but it is not the 1002 area.

Mrs. BOXER. They sent it directly from your State.

Mr. MURKOWSKI. I wouldn't want the Senate to be misled.

Mrs. BOXER. It comes from your people from your State. If they were misleading, I am surprised about that.

Mr. ROTH. I yield 5 minutes to the distinguished Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, the budget resolution assumes revenues from leasing the lands in the Coastal Plain of the Arctic National Wildlife Refuge for oil drilling.

I, too, support the efforts of the senior Senator from Delaware to ensure that drilling in the Arctic Refuge is not used as a revenue assumption. I have also long been a cosponsor of his bill to designate the Coastal Plain of the Arctic Refuge as a wilderness area.

Not only do I support this amendment along with many Members of this body, but also I support this amendment along with Members of the other body who have worked so hard on this issue. I particularly recognize the efforts of my colleague in the other body, Mr. VENTO, who so long and so well has led the fight to designate the refuge as wilderness.

I am concerned this assumption obligates Congress to decide whether or not to drill on the Coastal Plain refuge before we decide whether or not it should be designated as wilderness. Drilling on the Coastal Plain allows an activity that is generally considered to be incompatible with designated wilderness areas.

In addition, I am concerned about the potential impact drilling would have upon the existing wilderness, the area that was just being discussed, existing wilderness in the Arctic Refuge. Eight million acres south of the Coastal Plain are already designated as wilderness. I want my colleagues to be aware the drilling question does not only impact our ability to make future wilderness designations in the refuge but also may impact areas that we have already protected in the public trust.

I suggest even if the previous portrayal by the Senator from California was of an area that is already protected, that is part of the point. Drilling in this area could have an impact on the already-protected area. I want to speak to my colleagues who may be considering allowing drilling in the refuge in light of current high oil prices. Supporters of drilling argue that the Arctic Refuge has the potential of yielding 16 billion barrels of oil. That figure, I am afraid, represents the outside limit of probabilities for an assessment area that includes the Arctic Refuge, Coastal Plain, plus adjacent areas where exploration has already taken place. When you look at just the Coastal Plain, the correct low-probability estimate of oil is 11.8 billion barrels of undiscovered oil; 25 percent less than the 16-billion-barrel figure. Moreover, USGS assigns a probability of 5 percent, or 1 chance in 20, to the possibility that a field of that magnitude will be discovered. The mean estimate for technically recoverable oil is considerably lower, and the figure for oil that is economically recoverable is lower still. In fact, USGS concluded that the refuge is capable of producing, altogether, approximately 3.2 billion barrels of oil. That is only one-fifth the amount of oil we have heard might be available.

If including this assumption in the budget resolution may impair our ability to make a decision about the wilderness qualities of the refuge in the future, and if the refuge does not contain as much oil as we thought, why are we considering drilling? Consider this: Oil companies with an interest in drilling in the refuge poured millions of dollars of soft money into the coffers of the political parties in 1999; millions of dollars in just 1 year, and it was an off-year election at that. I would like to briefly call the bankroll on just a few of the oil companies that would profit from opening the refuge to drilling so my colleagues and the public can have a fuller picture of what is at stake.

Last year, giant political donor Atlantic Richfield, its executives and subsidiaries, gave more than $880,000 in soft money to the parties. The recently merged Exxon-Mobil, its executives and subsidiaries, gave more than $340,000 in soft money in 1999. And in 1999, BP Amoco, the result of another oil megamerger, gave over $361,000 in soft money, along with its executives and subsidiaries.

This is quite an influx of cash. In a day and age where wealthy interests drop $100,000 checks to the parties on a regular basis, the huge donations of the oil and gas industry are still remarkable. As we examine this issue closely, I think we have to keep the industry's donations and the resulting political clout in mind as we debate this legislation.

As I have said, the facts do not point toward drilling in the refuge. The refuge does not contain as much oil as we thought. What is more, including this in the budget resolution may cause problems down the road as we decide about the wilderness qualities of the refuge in the future.

For these reasons, I support the amendment proposed by the Senator from Delaware. I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise in strong support of the Roth amendment.

Mrs. BOXER. Will the Senator yield to me for 1 minute?

Mr. LAUTENBERG. I am happy to yield.

Mrs. BOXER. If the Senator will yield, I just got a call from the Alaska Wilderness League. I want to tell Senator MURKOWSKI what they said. They said that photograph was taken by a biologist from the Alaska Fish and Game Department, and it is from the 1002 area in the Coastal Plain. So that biologist was contacted. I just wanted to correct the record. If Senator MURKOWSKI wants to call that biologist, I will get his name, but it is, in fact, a photo——

Mr. MURKOWSKI. I would appreciate it if the Senator will get his name so we can contact him.

Mrs. BOXER. Adam Kolton is the individual who just talked to the biologist. I will get the phone number.

Mr. MURKOWSKI. He is a photographer for the Alaska Wilderness——

Mrs. BOXER. No, he got the picture I showed from the area you disputed from a biologist from the Alaska Fish and Game, and he can provide you the name of that individual.

Mr. MURKOWSKI. The photograph was provided by whom?

Mrs. BOXER. A biologist from the Alaska Fish and Game Department.

Mr. MURKOWSKI. They gave it to you?

Mrs. BOXER. They gave it to your people in Alaska, the Alaska Wilderness League.

Mr. MURKOWSKI. Thank you.

Mr. ROTH. I yield 10 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the chairman of the Finance Committee. I congratulate Senator ROTH for this amendment because this is not an easy one for him to do. The fact of the matter is, there is an assumption that there would be $1.2 billion in revenues resulting from this. But the question is, What is the appropriate thing to do? Again, Senator ROTH, chairman of the Finance Committee, knows only too well how difficult it is to raise revenues, but I wanted to make sure we do the right thing.

So I am pleased to support Senator ROTH's amendment. It expresses very clearly the sense of the Senate that these provisions, those that allow drilling in the ANWR, are not to be included in this resolution.

The Arctic National Wildlife Refuge is the second largest wildlife refuge in the United States. It takes in a lot of

territory, 19 million acres of mountains, forests, wetlands, wild rivers, tundra. It is home to a spectacular variety of plants and animals—caribou and polar bears, grizzly bears, wolves, quantities of migratory birds, the things that everyone of us would like our children and grandchildren to be able to see, to be able to believe that the animals that were here when their father or grandfathers or great grandfathers came on this Earth—that they will be able to see them as well; not just in picture books, but in real life—grizzly bears and polar bears, wonderful things.

A legacy is more important, frankly, than some of the money we are talking about to fund programs. The most important legacy we can leave our children and our grandchildren is a natural condition that enables them to see the animals, see the forests, go fishing in the streams, drink the water. That is the issue. The presence of these migratory birds, and grizzly bears, so many other species, in a nearly undisturbed state, have led some to call the area America's Serengeti.

I have been to the Serengeti and I have been to the ANWR. I flew up there right after the *Exxon Valdez* ran aground. I was up there within 2 days of the time the *Exxon Valdez* ran aground. I was chairman of the Subcommittee on Transportation, which had the Coast Guard as one of its responsibilities. The Coast Guard airplane picked me up and flew me up there immediately. I wanted to see what was happening.

I will never forget the sight of that oil sheen floating across Prince William Sound. By then, very good people in our Government, the Forest Service and others, were up there picking up birds, seals—oil covered, couldn't breathe—on these tiny little islands, put there by helicopters. It looked like a dangerous assignment. But you could see the reach of the oil just fingering out all across Prince William Sound. It was a devastating thing to see.

I was an environmentalist before I came here and I still am. By environmentalist I don't mean I just contribute to the environmental organizations or anything like that. I genuinely love the environment. It is the one thing that gives continuity through the ages that perhaps we can protect.

The nearby Continental Shelf provides the coastal waters with a rich nutrient base, allowing the region high productivity which in turn supports an unusually wide variety of marine mammal diversity—ANWR.

I flew across the ANWR in a single-engine airplane when I was up on my visit to Prince William Sound because I wanted to see what the area was like. What I saw were abandoned oil rigs in an area called Dead Horse, the Prudhoe Bay area.

I saw rusting derricks and abandoned junk lying there. It was a pitiful blight on that beautiful expanse of nature.

I then flew over the ANWR, this snow desert. I saw signs of some animals. It was a breathtaking sight. I then made a pledge to myself that I would do whatever I could to protect this pristine area. I owed it to my children who may never get up there to see it, but they have a relationship with that area that is inexplicable but nevertheless real.

I returned from the South Pole in January. I am not an adventurer, but I am interested in what happens in our world. I went down there to see what was happening with climate change and the National Science Foundation. I went there to see whether or not there were things we could discover about our climate change and our environment about which we could do something.

Scientists are still trying to search out what it is that is causing the ice melts in the South Pole that causes—I address myself to Senator ROTH—a piece of the ice continent to break up, as they described it, twice the size of the State of Delaware and before that a piece the size of the State of Rhode Island. The next thing we know, we are going to see a piece floating out there the size of Texas, and then we will hear a squawk in here because that ice is melting rapidly. Seventy percent of the world's fresh water is stored in the South Pole.

I relate the North and South Poles to our existence, and that environmental paradise called ANWR is part of that.

Arctic ecosystems are delicately balanced and are some of the most ecologically sensitive ecosystems in the world. The harsh climate and short growing season leave very little time for species that have been harmed to adequately recover. The system's short food chains make a loss of a portion of the chain even more significant. This delicate balance can easily be disrupted by human intrusion.

Oil exploration threatens the ecosystems that surround it through noise pollution, air pollution, on and offshore oil spills, and the destruction of the natural habitat. We all remember the horror of the *Exxon Valdez* spill—the images of the birds and seals and other animals covered in oil, their life literally being choked out of them. We remember the wide eyes on our children's faces as they watched the natural beauty of Alaska being destroyed. We saw it on television.

According to the *Exxon Valdez* Trustee Council, many of the natural resources injured in that spill still show little, if any, sign of recovery. The danger is real. The *Exxon Valdez* spill took place in 1989. There was a lawsuit against Exxon. It was resolved in a damage suit which awarded $5.3 billion. Of that, $300 million has been paid—$300 million in a $5.3 billion award. That was over 10 years ago.

What restitution was given to the fishermen and those who depend on the area for their livelihood? What restitution was made to those species that were endangered, whether it was eagles, seals, ducks, you name it? Some of them suffocated because of the film of oil that covered their natural structure.

Here we are. That is what happens when the environment is damaged.

We are all aware of the problems this country is facing from higher oil prices, and our people should not have to pay for profiteering by OPEC, especially those people in the modest income category who depend on oil to heat their homes.

Prices at the pump have risen dramatically in the last year. My own State of New Jersey was hit hard by extremely high prices for home heating oil during a surprisingly cold winter, as it was throughout the Northeast. The occupant of the Chair who is from the State of Rhode Island knows about what we are talking.

We should use this wake-up call to increase our efforts in conservation. I have not heard two words about conservation.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LAUTENBERG. Mr. President, I yield myself 10 minutes from the resolution.

We have to talk about energy conservation. We have to work at it, and we need the cooperation of everybody—citizens, automobile manufacturers, all of us. We need to be energy efficient and explore the use of alternative sources of energy, instead of just falling to: Well, let's drill in the ANWR.

We should also strongly encourage our friends in OPEC, as President Clinton has, to significantly increase production. I will tell my colleagues straight out, I believe they owe it to us. Although I think the increase that was just enacted should have been larger, I was slightly encouraged by OPEC's decision to increase production which will help to stabilize our prices.

It is essential we continue our efforts on this front, and I look forward to another OPEC production increase at their June meeting. We have to remind the oil-producing nations in the Middle East that when they dialed 911, we answered the phone with over 400,000 of our young people put on their soil to defend Saudi Arabia and Kuwait and the surrounding area. We placed our young people in harm's way to protect what was interpreted to be a global interest.

We sent our young people far from home, into danger, causing a lot of disruption in their lives. We are still not sure of the consequences of exposure to a polluted environment. Our citizens are suffering, and it is time for them to

return the favor. Friendship is a two-way street. We have to ask for favors as easily as we dole them out.

I am pleased to tell the American people that some relief is in sight. I look forward to more positive news in June. What we cannot do is use this situation as an excuse to endanger even more of our dwindling natural resources.

I speak as the ranking member of the Budget Committee. While I disagreed with the outcome of the budget resolution, the fact of the matter is, we worked diligently to fashion a budget resolution on which we could agree.

One of the things that passed with a majority vote was to gain $1.2 billion in revenues from drilling in ANWR. Senator BOXER, so eloquent in her response, reminds us that even in the Budget Committee there was doubtful about whether or not this source of revenue ought to be allowed. It was an 11–11 tie. It took a bipartisan effort, even though there was only one Republican. It is significant that this Republican Senator was voting with the Democrats because that is almost a no-no, as we say, but it happened.

Senator ROTH is making an earnest appeal to save a wildlife preserve, nature's bounty, for all of us. It is not simply an Alaskan problem, it is a national problem. It is a global problem, and we must not allow that drilling to take place.

I commend the Senator from Delaware for his amendment. I hope my colleagues will support it. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I ask my colleague from Alaska to yield me up to 15 minutes.

Mr. MURKOWSKI. I am happy to yield my friend from Oklahoma 15 minutes.

Mr. NICKLES. Mr. President, first, I want, one, to compliment my colleague from Alaska for his statement on this amendment.

I would like to make a couple comments in general about our energy policies. There has been somewhat of an oil shortage, so there has been an increase in gasoline prices. A lot of Americans, a lot of our constituents, have said: Well, what are you going to do about it?

Gasoline prices are going up. OPEC is strengthening their hand. The administration has sent Secretary Richardson to go over and beg OPEC countries to please increase their production.

Some of us on this side have complained about the administration not having an energy policy. I have tried to correct them. I think the administration has an energy policy. I have looked at and reviewed the Clinton-Gore administration's energy policy for the last 7 years. It is fairly consistent.

In 1993, they came up with a Btu tax. They were going to have a tax surcharge on Btu's. In 1993 the Democrats controlled both the House and the Senate, but that did not pass anyway. We defeated it.

They did pass a gasoline tax increase. As a matter of fact, Vice President GORE broke the tie. They increased gasoline taxes. You might think that was for roads and highways and infrastructure. No. It was for general revenues. So they could spend more money and it passed by one vote, the Vice President's vote. In addition, the administration has done nothing to increase domestic oil production. So our reliance on imports has grown significantly. It has grown very dramatically.

They did sign the Kyoto accord. Though it is truly a treaty, they will not call it a treaty and they have not sent it to the Senate for ratification. One of the reasons is, in the Senate we had a vote of 95–5 that said we would not ratify a treaty that was particularly punitive to this country and did not apply to many countries, ''little'' countries like China, Mexico, and India. It is a very poorly thought out agreement that Vice President GORE is very proud of and that this administration wants us to comply with, but they will not send it to us for ratification. It is the equivalent of increasing costs on all fuels, particularly oil-related fuels.

The administration, likewise, has had the policy of restricting access to public lands as far as drilling. They want to expand the moratorium on offshore drilling. That is the administration's position.

Vice President GORE, in a political speech in New Hampshire, said he wanted to ban offshore drilling. I guess that sells well in New Hampshire. But that would mean our reliance on imported oil would grow even more.

They have a policy, but their policy has been a disaster. As a result of that policy we are much more dependent on foreign sources.

What has happened? I mentioned the administration and the Secretary running around begging OPEC countries to produce more oil.

Frankly, one of the biggest increases in oil production of any country worldwide is Iraq. What has the administration done with Iraqi oil? We have had an embargo on Iraqi oil production since the war in 1991 where we lost about 147 American lives, where we spent billions of dollars, where we had 550,000 troops in Iraq. We fought a war to get Iraq out of Kuwait, to stop their aggression, and their efforts to take over not only Kuwait but probably to expand throughout the Persian Gulf region. We stopped that.

We also wanted to stop their aggression in building weapons of mass destruction. So we set up a compliance regime that said: We are going to have onsite inspectors to make sure Iraqis were not building nuclear weapons, chemical weapons, or biological weapons. We are going to enforce that. Those inspectors are going to make sure they are not building those weapons so they could not continue to threaten their neighbors.

Saddam Hussein threatened to burn Israel with the use of chemical and biological weapons.

We had arms control inspectors, and said: We are going to keep the strangle hold on their exports, including oil, unless they allow an arms control regime. We had arms control inspectors for years in Iraq.

What has this administration done? Year after year, the administration allowed the Iraqis to produce more with less access for inspectors.

Today, Iraq can produce all the oil it wants, thanks to support from the Clinton-Gore administration. And there are no arms control inspectors—none, zero—in Iraq today. None.

We have not had an arms control inspector in Iraq for over a year. Keep in mind that we have bombed them. This administration has bombed Iraq time and time again. Yet, we have no arms control inspectors there.

The real leverage, aside from bombing, was the fuel export valves. The administration just said: Open up. As a matter of fact, they just supported a resolution that said: We want to assist them in making their production facilities grow even more. So now they are producing 700,000 barrels of oil and we are going to help them produce a lot more, but we still do not have one arms control inspector in Iraq.

I think the administration's policy dealing with energy, dealing with Iraq, has been a disaster.

What can we do? One of the things the administration is supposed to be doing is opening up ANWR.

I saw this beautiful picture shown by my colleague from California of this pristine area of the Alaska National Wildlife Refuge. I do not doubt that it is absolutely gorgeous. I have been there where they are going to drill, hopefully, eventually, in the ANWR area, and it is not that picture, unless it has changed dramatically—and I do not see how it could in the area I saw. Don't get me wrong, I think Alaska is one of the most beautiful States anywhere in the country. It is one of the most beautiful places anywhere in the world. It is beautiful, gorgeous. But Alaska is a great, big State.

ANWR covers a lot of land. ANWR, is approximately 19 million acres, about the size of South Carolina, a little less than about half the size of my State of Oklahoma. That is ANWR, the Alaska National Wildlife Refuge. That is a big area: 19 million acres. That is a lot of land. That is a big refuge. I am sure it has some beautiful areas in it.

Where they are proposing to drill comprises about 2,000 acres; and that area is not at all like the picture just shown. While most of Alaska is gorgeous, this area is not the most prestine.

Drilling can be accommodated there without hurting the environment. There are people who say: Wait a minute. Drilling in Prudoe Bay, that has been disastrous for the environment. Drilling in Endicott Field, which is not too far away from there, has been disastrous for the environment.

I disagree. That is not the case.

They say: Drilling in that area would be bad for the caribou. That is not factually borne out. The caribou around the Alaska oil pipeline has been a very big plus. The only place we really have not seen a lot of caribou is in the Alaska National Wildlife Refuge; they are all over by the Alaska oil pipeline. There are a lot of caribou.

I am all for the caribou. I am strongly in favor of wildlife development. We have more visitors in the Oklahoma Wildlife Refuge than any other wildlife refuge in the country. We are proud of it. It is a beautiful area and a treasure in our state. I want to encourage that. I want to encourage it in Alaska. But you can do this in a sound, environmental way, and also reduce our dependence on foreign oil sources. We can do this and increase production domestically so we will not be so dependent, so our Energy Secretary will not have to have to hold a tin cup saying: Please give us more.

We can do so much more. We can do so much better. We can do it in an environmentally sensitive manner. We can do it in a way that is compatible with the caribou, compatible with wildlife, compatible with all the beautiful scenery that we have in Alaska, and not do any damage whatsoever to the environment.

We can have a more sensible, sane energy policy where we are not just spending billions and billions of dollars overseas. Our dependence on foreign sources has grown so dramatically that we are a lot more vulnerable than anyone realizes.

We had shortages in 1973 and 1979. We were importing something like 36 percent in 1973. Today we are importing 56 percent. That number is growing every year. We will be at two-thirds probably in another 10 or 15 years.

We had shortages in 1973 when we imported 36 percent. Today we are importing 56 percent.

In 1979, we had a shortage, and the shortage was significant. That meant we had brownouts. That meant factories had to close. That meant there were gas lines galore. People were lined up. Their biggest problem was getting through gas lines in their cars so they could get to work, if their factories were opened because there was an energy shortage.

We do not want to replay that. We do not want to become that dependent. Yet we are marching on a dependency line that is unbelievable. We can do things to prevent it.

One of things we could do is supplement Alaska production, which has been declining dramatically. I am sure every person who has been speaking about how bad it would be to drill in ANWR would also be opposed to Prudhoe Bay.

Prudhoe Bay was at one time producing 2 million barrels of oil at its peak. Today, it is declining. Now it is down to about 1.2 million barrels of oil a day and continues to decline. We need to supplement that or else we will have an even greater dependency. As Alaska pipeline Prudhoe Bay production continues to decline, our dependency will only rise.

We can open up ANWR to help prevent this. I urge my colleagues to think about the future. It is going to take years to get this on line, to alleviate some of the shortages and curtailments and dependency we will have 5 years from now, 10 years from now, 15 years from now. If we stay on this present course, we will be importing 60 percent or 70 percent of our oil needs and be very dependent, frankly, in some cases on unreliable, unstable sources such as Iraq, such as Iran, some of the other Middle East countries that may get mad at us for whatever reason.

Again, I compliment my colleague from Alaska. I urge our colleagues to vote no on the underlying amendment, the ROTH amendment, tomorrow.

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

The PRESIDING OFFICER (Mr. ENZI). The Senator from Nevada.

Mr. ROTH. I say to the majority whip, we have others waiting to offer amendments. Have you completed your time on this amendment? I ask the Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I ask how much time remains on the other side as controlled by Senator ROTH?

The PRESIDING OFFICER. Eleven minutes under the control of Senator ROTH.

Mr. MURKOWSKI. And I believe there is an unlimited time, for all practical purposes, on the underlying amendment.

The PRESIDING OFFICER. The time remaining on the resolution is 10 hours 58 minutes.

Mr. MURKOWSKI. The division of that time, Mr. President?

The PRESIDING OFFICER. Is all under the control of the minority.

Mr. MURKOWSKI. And the remaining time on this side relative to the Roth amendment?

The PRESIDING OFFICER. Forty-five minutes.

Mr. MURKOWSKI. I think that may clarify the time. I am sorry, but I did not hear the question posed by the minority whip.

Mr. ROTH. I say to my friend from Alaska, the majority whip put in a quorum call. I was just saying that if you have completed your discussion on this amendment offered by Senator ROTH, then we would go ahead and offer another amendment. The majority leader has told us to stay around until we are down to about 8½ hours. So that is going to be another couple of hours.

Mr. MURKOWSKI. I don't intend to yield back. Mr. President, I have not addressed this matter yet. I yielded to my colleagues on the other side, so I am prepared to talk at some length. But out of courtesy, if they want to proceed, I will wait.

Mr. ROTH. We are anxious to hear the Senator from Alaska.

Mr. MURKOWSKI. Mr. President, it is always amusing to me to learn the facts about my State, things I didn't know. I was 6 or 7 years old when my family moved to Alaska, and I have lived extensively throughout the State and believe I have some knowledge of facts and some knowledge of fiction.

I again refer to the picture my good friend from California portrayed. Those mountains are the Brooks Range. As this will show you clearly, the Brooks Range is an area we are committed to protect. As a matter of fact, it is the wilderness. The wilderness is not in jeopardy, in spite of what we have been led to believe by most of the speakers who have never been to Alaska in spite of the invitations extended over the years.

There are 19 million acres, as my friend from Oklahoma accurately pointed out. What we have done with this, the vision of Congress, was to establish both a wilderness and a refuge. The wilderness is approximately 8 million acres. The refuge is 9.5 million acres, leaving this 1002 area, the Coastal Plain area, which has been referred to as the Serengeti of North America.

Let me tell you what is in it because no one has attempted to describe that. I find that extraordinary. It is treeless. It has no mountain. I think the hills are 1,100, 1,200 elevation. But those are found 20 to 30 miles from this coast. In this area, there are 92,000 acres of private native land. In the area of Kaktovik, Kaktovik is a native village. It has 223 residents and their attendant housing, their schools, their stores, their boats, their airstrips, their power lines, a variety of other modern-day facilities. The military's Barter Island DEW Line radar station is also nearby. It is hardly accurate to portray this unique area as the Serengeti of North America. It is unique, there is no question about it.

Now there have been many statements, and unfortunately there is just not enough time to respond to all of them. I think we should be sensitive to recognizing the reality that OPEC is watching this debate tonight. Saddam Hussein is watching this debate tonight. This debate addresses whether we are committed to reduce our dependence on imported oil or increase it.

The administration, when it made its profound announcement that they had

been successful in convincing OPEC to increase its production by 1.7 million barrels, really left out a few interesting facts. It wasn't a net of 1.7 million barrels. It was actually a net of 500,000 barrels. We know that because OPEC had been committed to a production level of 23 million barrels a day in March 1999, but they had been cheating. They had been producing 24.2 million barrels a day. So the acknowledged difference between the announced 1.7 increase and the 1.2 cheating is only a 500,000 increase. To suggest that is all going to the United States is a fallacy. We get about 16 percent of it. As a matter of fact, the arithmetic suggests it is somewhere in the area of 121,000 barrels of oil, which is the amount, interestingly enough, that is consumed in the greater Washington metropolitan area every day. The percentage the United States would get out of that 500,000 barrels is somewhere in the area of 78,000 barrels per day. So we don't even stand still, if you consider our increasing demand. It is little or nothing in comparison to what our needs are.

Consider some of the facts associated with the lack of an energy policy in this administration. You can't help but be overcome by the reality that we have learned little from history. We were 37-percent dependent in 1973.

We are 56-percent dependent on foreign oil. The administration acknowledges that we are going to be about 64-percent dependent on foreign oil by the year 2015 to 2020. What does that mean to the coastline of California, New Jersey, or other areas where these tankers are going to come? The oil is going to come in, Mr. President. Well, it is estimated that that will mean about 30 giant—foreign, I might add—supertankers, each loaded with about 500,000 barrels of crude oil, will have to dock at U.S. ports every single day of the year. That is about 10,000 ships—as I have indicated, most are foreign flag—unloading in our harbors each year. I think this indeed creates a substantial environmental risk because you are not going to have many of these companies having the deep pockets of Exxon.

You speak of environmental issues. Isn't it better to promote development domestically when we know the global environment is going to be protected than to encourage development from Iraq or the Russian Arctic, where development is done without regard to the environment? Think about that, Mr. President. Think about the environmental community's attitude. They don't care where the oil comes from, as long as it doesn't come from up here in Alaska. If it comes from the Colombian rain forest, that is OK. If it comes from the dilapidated infrastructure of Russia, where there are leaks all over, no environmental enforcement, that is OK with them. It can come from Iraq, and that is OK.

I find that very ironic. We lost 147 American lives over in Iraq in 1991. We had nearly 300 wounded and 23 taken prisoner. The American taxpayers paid $10 billion to keep Saddam Hussein fenced in; that is enforcing the no-fly zone. We have military people stationed over there to ensure that he doesn't break out and invade Kuwait or threaten Israel. Yet our newest and fastest growing source of oil imports is Iraq. It was 300,000 barrels last year; it is 700,000 barrels this year.

I could go on and on, but clearly Saddam Hussein takes this revenue—and to suggest that he somehow uses it for the benefit of his people is obviously misleading. He uses it to keep the Republican Guard, which, in turn, keeps him in office—maybe keeps him alive, for all we know. Do you know what else he is doing, Mr. President? He is working with the North Koreans to build missile technology. What kind of a threat is that to Israel, or the United States, or the free world, for that matter? We are rebuilding Iraq's cash-flow, which sustains their economy.

I happen to believe charity begins at home when it comes to our energy security. We have the technology. We can do it right. Let's look a little bit at a map of Alaska. Before we do, I see I have a chart here that reflects Iraq's oil exports to the United States. The exports were virtually nothing in 1997, and now it is 700,000 barrels a day. What the administration did the other day regarding Iraq is, they had the Department of Commerce lift the export ban on technology, which will allow Saddam Hussein and Iraq to increase their production capacity. So the answer of this administration to address our energy needs is simply to import more oil. Don't worry about any domestic development, we will get our oil from overseas.

There are a lot of politics in this issue, the issue of the 1002 Area of the Arctic Coastal Plain. The politics of America's extreme environmental community is evidence on this floor; it is evidence with the pictures and with the dialog and with the Members. I wish to God the environmental community would come to grips with reality and recognize the dependence we have on imports and what it is doing to our national energy security—come to grips with it and help us develop domestic energy sources with their recommendations, with attention to their environmental concerns, and help us to do it right.

So we attempted to do it right in Alaska. The Congress has attempted to do it right. We have 56 million acres of wilderness in my State. As I have said, the Arctic National Wildlife Refuge is an area the size of the State of South Carolina; it is 19 million acres. We have set aside, as I have indicated, 9 million acres in refuge, 8.5 million acres in a wilderness. But Congress, in its wisdom, left this area aside to determine its management status at a later time, with the belief that the national energy security of the country might necessitate its development.

Let's look at some factual pictures of what is going on in the real Alaska. Here is the real Alaska. Clearly, this is not in the 1002 area because there is no exploration activity allowed there. But I defy you, Mr. President, or any Member in this body, to look at this area and see any difference—you can see the ocean out here—but any difference with the general area of the Coastal Plain in the wintertime. This is a tough area, with winter 8 months of the year.

We have heard a lot about pipelines and a lot about gravel roads. This is the technology that is used in Alaska today. That is an ice road there. It is built up with ice and snow, and sometimes water is added. This is a drill pad. That is a factual picture of the technology used today. Let me show you what it looks like in the summertime on the tundra with that same well capped. That is it. That technology is utilized in Alaska today because it is the right thing to do. It is the environmentally compatible thing to do. You will not see that in any other oil field in the world. It is a long winter up there, Mr. President.

We have capabilities, obviously, to address some of the wildlife concerns we have heard so much about tonight. Well, you have seen this before. This is a picture in Prudhoe Bay, but you would never know the area from the Coastal Plain, with the exception of the pipelines in Prudhoe Bay. Here are three bears going for a walk, walking on the pipeline where it is warm. It sure beats walking on the snow. Nobody is shooting those bears; nobody is running them down.

We have a picture of some caribou. We have heard a lot about them from our experts who have never been to this area. This is in Prudhoe Bay. This is an oil field, and this is 35-year-old technology. These are some live caribou. I can assure you that those are not stuffed, like some of the conversation we have heard tonight. This is factual.

We have a herd of Caribou called the Porcupine herd and a legitimate concern about that herd because the Gwich'in people are dependent on it. It is kind of interesting to look at the history of this because as you look at Alaska, you also have to look at Canada because we abut. We have an interesting issue here. The Canadians, about 20 years ago, were very interested in drilling in the Mackenzie Delta, thought there was a great opportunity for oil and gas. So they drilled some 89 holes here in this area on the Mackenzie Delta, and they also built a highway called the Dempster Highway. The interesting thing is that this line

on the map represents the path of the Porcupine caribou herd. Not only has it maintained its general stability during the time these areas were drilled extensively by the Canadians, but the caribou cross the highway. Now, it is not the beltway—I grant you that—but it is a highway that goes up into the Canadian Arctic. They wander into Alaska and go into the Yukon, where the Gwich'ins make a substantial take for subsistence purposes.

It is significant that these animals are adaptable; if you don't shoot them or run them down with a snowmachine, they can flourish. Now we have heard from the Senator from California, mentioning a letter from the Canadian Ambassador opposing development of the 1002 area. Yet they thought it was OK to drill their area. Maybe they are in a little competition between Canada and the United States for energy. We buy a lot of energy from them—a lot of electrical energy—particularly in the Northeast corridor. They are happy to do that; Alberta is happy to sell us gas. Maybe they don't want us to compete. I wonder if that could be the motivation of the Canadian Ambassador.

As we look at our concern over the Porcupine caribou herd, it is legitimate and the people associated in these areas are legitimately concerned. But we have been able to protect the caribou in Prudhoe Bay with 30-year-old technology. The herd has grown from 3,000 when development began to over 18,000 caribou. You can't take a gun in. You can't shoot them.

It is the technology that we have going for us now that offers us such a tremendous opportunity to develop this resource. If we were back before this body some 30 years earlier, we would have heard the debate on the appropriateness of opening up Prudhoe Bay. Prudhoe Bay was the largest oil discovery in North America, and it still is. There was a great deal of debate over how to develop it, and what the impact would be, because to get this oil out, we had to build an 800-mile pipeline across the length of Alaska.

We have a chart for those of you who wonder where that might be. It runs from the Arctic Ocean clear down through Fairbanks on to Valdez, where the oil is then shipped down to the west coast where it is primarily processed.

We had a terrible accident. The Senator from New Jersey was there. He knows that tanker ran aground in a 10½ mile wide channel with absolutely no excuse. But the accident happened. But that wasn't the fault of the pipeline. That wasn't the fault of the oil field. It was a human error involving a supertanker, and it was inexcusable.

But the reality is we have been able to build this pipeline. It has withstood earthquakes. It has been shot at. It has been dynamited. It is one of the wonders of the world.

But 35 years ago or so, when we were arguing about this issue, we had the same arguments we have today. The doomsayers were saying: You are going to build a pipeline, a hot pipeline. It is going to take hot oil and pump it through a permafrost area; because that is what the Arctic is—permafrost, frozen ice and ground. That hot pipeline is going to melt the ground. You are going to lose the foundation. Your pipeline is going to break.

It didn't happen.

They said this 800-mile pipeline is going to be a fence across your State, an 800-mile fence. Your moose, your caribou, your animals are not going to be able to cross. It is going to be a calamity. It didn't happen.

There is nearly 1,000 miles of Arctic coastline. It is all unique and very much all similar. You look for oil. You find it where you are most likely to find it. The geologists simply tell us that the 1002 Area of the Coastal Plain is the area where we are most likely to make a major discovery; The USGS says 16 billion barrels.

Let me tell you something to factor in because we have heard so much rhetoric around here tonight.

For Prudhoe Bay, the recovery estimates were 9 billion to 10 billion barrels. Prudhoe Bay has been producing some 23 years. We have produced over 12 billion barrels, and we are still producing. It is estimated that we will probably produce for another decade, or maybe two, because the technology is such that we can get greater recovery.

When you talk about estimates, you had better be realistic. If there is no oil up here, nothing is going to happen, except you might have a lease sale. You might get a substantial payment from the oil companies that are prepared to bid on it. That is the risk they take.

We don't know what is up there. But the geologists say it is the most likely area for a major discovery. That is why Congress, in its wisdom, set this area aside for Congress to address and resolve at a later time. That is why we are here.

The Budget Committee took action because we have a crisis in this country. If you do not believe it, ask the Secretary of Energy. He went over to the OPEC countries. He said: We have an emergency. You know what they said: We are having a meeting on March 27. He said: No. You don't understand, its an emergency. We sent 35,000 troops over here. We fought a war to keep Saddam Hussein out of Kuwait. We lost American lives. We need help now. We need more oil production in those countries. You know what they told him: We are having a meeting on March 27. They stiffed him.

He went to Mexico. He told the Mexicans: We need more production. Mexico said: Fine. But where were you when oil was $11, $12, and $13 a barrel, and our economy was in the sack?

We have an emergency. If we don't take steps now to recognize our increased dependence on imported oil, one wonders when we will. What is going to happen to the security of this Nation from the standpoint of energy as we become more dependent on imports, more dependent on Iraq, and more dependent on OPEC?

Those are the realities we face today.

Let's take a look at something that is very unpleasant. I hate to show you this. But this is a terrible picture that ran all over America when Saddam Hussein was defeated and when he set the oil fields of Kuwait on fire.

You talk about environmental degradation. That is it. Here you see Americans over there trying to put out the fires and stop the environmental damage. You can see the burning wells behind him. This is reality. This is the kind of individual and the type of country and leadership on which we are now depending for our energy security.

I find it outrageous and inexcusable. I am very critical of the environmental community that condones oil coming from a tyrant, one who left an environmental scar of the magnitude that Saddam Hussein left in Kuwait.

Let's look at a couple of others because they are all bad. The only problem is that they get worse. How we can continue to be misled, if you will, through complacency associated with our dependence on Iraq is beyond me. Here we see the burning wells and the terrible mess that was left. Look at the Americans working in those conditions.

This Senator is not going to stand by and support increased dependency on Iraq when we clearly have an administration whose only policy is more imports. Give us more; give us more. It is like an addiction. It is pathetic.

You almost forget. And you can very easily forget that we are dependent on oil for transportation. Our truckers came to Washington, DC, and expressed themselves. They can't pass on the price. Look at your airline tickets. You pay a surcharge now. The consumer—the mom taking the kids down to the soccer game—is facing nearly $1.85 or $2 a gallon. It shoots a pretty big hole in a hundred dollar bill if she has a sports utility vehicle, and many of those aren't paid for.

But go a little further. Our farmers are getting geared up for planting season. What is the cost of that going to be relative to their productivity? Can they pass it on?

It multiplies. What do the farmers use? They use fertilizer. What is fertilizer made of—urea. It comes from gas and oil. The multiplier is there.

Look at our balance of payments. One-third of the $300 billion is the cost of imported oil.

Every time oil goes up $10, inflation goes up half of 1 percent. There are a lot of uneasy people out there.

This single issue today is going to send a signal about whether we are serious about alleviating our dependence on imported oil and are going to do something about it.

I have heard statements that it will take a while. Yes, it will take a while. President Clinton vetoed ANWR the last time it went down to the White House. That was in 1995. We would know today if we had oil there. We would be on our way to production.

One of the things that bothers me about the environmental community is they sell American technology and ingenuity short. We can do it better. We can make a smaller footprint, given the opportunity. And we have that opportunity before the Senate today.

We have heard conversations about oil exports. There has been oil exported because there has been excess capacity on the west coast up until a short time ago. Those who don't recognize and understand oil, unfortunately, don't know that oil used to move through the Panama pipeline, and prior to that in smaller ships through Panama, and to the gulf coast to be refined there. That changed when Venezuela came on production. So we had an excess on the west coast, a modest excess.

Now with the takeover of Arco by BP Amoco and the divestiture of the Arco Alaska properties to Phillips, which has refineries, there will not be a surplus. There will not be a surplus because BP will now have refineries on the West Coast. I will ask unanimous consent to have printed in the RECORD a letter from BP indicating they have no plans to export oil, once the contracts for the current month expire.

As I understand, Phillips has no intention of exporting oil. That is a bogus argument.

How much time remains on our side?

The PRESIDING OFFICER. There remains 17 minutes.

Mr. MURKOWSKI. If the Senator from New Mexico desires some time, I will yield.

Mr. DOMENICI. Mr. President, I thank the distinguished chairman of the Energy and Natural Resources Committee. From the first knowledge we had that the OPEC cartel plus their friends had dramatically decreased production, thus having this terrible impact on American energy costs, Senator MURKOWSKI has been trying every day, every time he could, to tell us we are doing things exactly the opposite of what we ought to be doing for America's future. I compliment him. He has a lot of people wondering about what we are up to. Frankly, I would like to add a little bit to that.

While the United States grows more dependent upon foreign crude oil, we have an administration that, from the first day they went in office until today, has been engaged in seeing to it that the United States produces less oil—not more—from our own lands by overt, conscious acts of withdrawing real estate that we own as a nation on which to explore for oil and gas, to a constant insistence that we cannot solve the little, tiny problem of what do we do with nuclear waste, which every country in the world except America has solved. They have solved it at least for 50 to 100 years.

We sit around acting as if we can continue to be dependent upon the very limited sources of energy for this great country's future. I will give a couple of facts about what has happened to the American energy economy, the production of oil in America, by Americans for Americans. In 1990, there were 405,000 jobs in America in the exploration and production of oil and gas. As of last year, there were 293,000, a 27-percent decline in people employed in the exploration and production of oil and gas in America. When you reduce the number of people involved in oil and gas exploration by 27 percent, there has been something consciously happening that says we will produce less in America.

Ten years ago, there were 657 rigs working on oil exploration in the United States. Everybody understands what that is. Now there are fewer than 175. We did something wrong. Somebody would stand up from the administration and say: The cartel had something to do with that; they lowered the price of oil. But we didn't have a policy that said to our companies, in spite of that, we will help you explore for more. As a matter of fact, we had the opposite policy.

New refineries in the United States: It used to be, if you could have an oil refinery and attach to it all the refined products that go with it, you would be delighted. It would employ your people. They are high-paying jobs. Guess what. In the United States, while we grow dependent, here we are with not a single new refinery built in the United States since 1976. That means we have decided other countries ought to produce the refined products we need and we ought to have such strict requirements that it is impossible for Americans to build them with American money and American workers to produce more refined products in our country—the opposite policy we ought to have.

If we had another time and another day, we could discuss why Americans will not invest in oil refineries in the United States. I can tell you one of them, and I will use three initials for starters—the Environmental Protection Agency of the United States. Unreasonable restrictions, costing billions of dollars, that any neutral party would say are unreasonable, we impose them. When they can pay for them, they do; when they cannot pay any longer, they say: We will not refine anymore; we will do it somewhere else.

There are Federal lands available for exploration. I suggest we have done it exactly the wrong way since this President has been in office. We have taken lands out of production because we have this kind of whimsical idea, if they are public lands, we sure don't want to find an oil rig out there. In fact, it is an attitude. We have to put up with oil rigs, but we really don't want them, even though it is ''black'' money for American workers. It is oil for American cars. It is America's investment. But it is like public domain. Man, we ought to just save that and forget about this dirty business of producing oil. That is America's policy today.

I wish I could share with you, although I don't have the notes, how many thousands and thousands of acres we have taken out of production, out of development, because of what I have been explaining for the last 3 or 4 minutes.

That leads us to tonight. In the past, I have heard Senators on the floor of the Senate talking about their States with great enthusiasm, great concern about what is happening to their States. I will tell you why FRANK MURKOWSKI and Senator TED STEVENS are concerned. If we were to produce oil in ANWR on one one-hundredth of 1 percent of the land, 2,200 acres is what we would need to explore for oil in a modern way and produce it in ANWR.

That would produce 16 billion barrels of oil, produced by Americans, American workers, American oil for Americans. What does that mean in dollars? It means one-half trillion. Think of that, I say to the Senator from Wyoming. In the State of Wyoming, we have oil locked up. It is worth half a trillion for your workers, for your companies, for your businesses, and we are locking it up for the reasons Senator MURKOWSKI stated, that we wanted to lock up Prudhoe Bay.

We found none of the predictions about Prudhoe Bay were true, and none of them will be true about this one either. But it is as if we are kind of economically arrogant. We are so powerful and so strong that we do not have to worry about American oil for American people, produced by Americans, used for American cars. We just have to say this little tiny piece of property, just a strip of ANWR that you could go and explore to find out if it is there and then insist they advise the Congress if there is any environmental damage—they will not let us do that.

I submit we ought to vote on this. I also submit anyone who votes no on this ought to be asked: What do you think America's future is? More oil from the cartel or less?

With that, I yield to the distinguished Senator from Alaska. I thank him.

Mr. MURKOWSKI. Mr. President, I yield myself whatever time is remaining because I believe we will have some time tomorrow. Might I ask how much time remains on our side?

The PRESIDING OFFICER. The Senator has 8 minutes.

Mr. MURKOWSKI. I will yield to the other side at this time, if they care to continue the debate,

Mr. LAUTENBERG. Mr. President, if I might have a parliamentary review for just a moment, I heard the distinguished Senator from Alaska ask if this debate could not be continued tomorrow. It is my understanding that, once the time is used on both sides, the proponent's and opponent's, that time is exhausted and there will not be further opportunity to discuss this tomorrow.

The PRESIDING OFFICER. That was true for the amendment of the Senator from West Virginia. But there have been no subsequent agreements.

Mr. LAUTENBERG. We are talking now about the amendment of the Senator from Delaware.

Mr. REID. Will the Senator from New Jersey yield?

The PRESIDING OFFICER. There has been no agreement in regard to the amendment of the Senator from Delaware.

Mr. LAUTENBERG. So, as it presently stands, the time once used tonight, unless agreed to by unanimous consent for an extension, will not be available?

The PRESIDING OFFICER. There is no such agreement on this particular amendment.

Mr. LAUTENBERG. There is no agreement. May I be precise? We are talking about 2 hours that was available for the delivery of the amendment, and an hour—and time for opposition, equally divided; is that right? Two hours?

The PRESIDING OFFICER. There are 2 hours on this amendment.

Mr. LAUTENBERG. Right. And the time used by the proponents and opponents as described by the Parliamentarian—there is some 7 or 10 minutes for each side? What is the present situation?

The PRESIDING OFFICER. The Senator from Alaska has 8 minutes, the Senator from Delaware has 11 minutes.

Mr. LAUTENBERG. So once those 19 minutes are consumed, this discussion is over and cannot be brought tomorrow?

The PRESIDING OFFICER. If they are consumed tonight, that is correct.

Mr. LAUTENBERG. I just wanted to let the Senator know.

Mr. MURKOWSKI. I ask the President, if they are not consumed tonight, what is the disposition of the time?

The PRESIDING OFFICER. For them not to be consumed tonight would take unanimous consent.

Mr. MURKOWSKI. Unanimous consent to——

The PRESIDING OFFICER. Have them over until tomorrow.

Mr. LAUTENBERG. Is there any reason why it would not be consumed tonight?

Mr. MURKOWSKI. Mr. President, I indicated my interest in reserving the remainder of my time until tomorrow. I would propose that at this time.

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. MURKOWSKI. Therefore, it is the ruling of the Chair, as I understand it, the time in opposition to the Roth amendment must be fully utilized tonight or given up?

The PRESIDING OFFICER. That is correct.

Mr. MURKOWSKI. We have a little more time, I believe. I defer to the other side prior to taking up more of my time.

Mr. LAUTENBERG. If I may, I ask the Senator from Delaware if I can have 5 minutes of the time?

Mr. ROTH. I yield 5 minutes to the Senator from New Jersey.

Mr. DOMENICI. Could I say to the distinguished Senator from Alaska, there are only two ways I can think of that he could save his time: We could close up shop right now, and we are not going to do that, so there is an hour on each side. You could get consent, and you tried and haven't gotten that. So anybody offering an amendment tonight has an hour on each side if they want to use it. If they want to yield it back, they can yield back. Any amendment to an amendment has a half-hour, and we go that way until we finish tonight.

I can tell you, I think you made as good an argument tonight as you can make. I don't think there are many votes going to be changed. I already complimented you immensely. I do it again.

There will be 2 minutes before the vote. They will be in your control.

Mr. MURKOWSKI. I yield. If the Senator from New Jersey has been recognized, I will keep my remaining time and use it tonight.

Mr. LAUTENBERG. I have asked for 5 minutes from the Senator from Delaware, which has been yielded.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. LAUTENBERG. Mr. President, I have listened carefully to the debate presented by my distinguished colleagues on the other side who are for drilling in ANWR: Don't worry about it. After all, look at what happened in these other places. They are drilling foreign oil for consumption by Americans. We have lost so many jobs in the oil fields.

I will tell you about those jobs in the oil fields. You tell me where there is a shortage of jobs in this country, and I will tell you where they can get employed immediately. Tell me where there are people looking for work, I will tell you where they can get employed immediately.

The fact is, yes, we are importing more oil. We ought not to be. I am no different than anybody else when we talk about those who owe us a responsibility to make sure we have the products that we helped save when we sent our young people to war in 1990 and 1991. We cannot disagree about that. One is not less patriotic than the other. This is not a question of loyalty. This is a question of how the world functions.

Right now, those of us in the environmental community say we ought to be cautious about the use of our precious, pristine wildlife areas. I heard the Senator from Oklahoma say—I do not want to mimic what he said, but he did say: Well, that area that is reserved for drilling, some 2,000 acres, is not so pretty anyway.

It was hard for me to believe my ears. What do you mean it is not so pretty anyway? We have some areas in our country that are not so pretty that attach to areas that are beautiful. It is the not-so-pretty areas that help keep the pretty areas, and those that are essential for our existence as a species, the human species, to function. So we cannot dismiss it like that.

With all of the best intentions of managing the way we transport our oil and we explore for it, it is all subject to human frailties. If we have had a pipeline that has worked well for lots of years, I salute it. But, remember this, in 1989 when the Exxon Valdez ran aground—and it was human error, there is no doubt about that but you cannot remove it. We lost a spaceship with our precious astronauts aboard because of some human error. These things do not happen without human intervention. We cannot dismiss this and say: Don't worry about it; everything will be all right. We will take care of it.

I say that is not so.

I wish we could get all our Senators to do a flyover of the ANWR. I guarantee there would be a majority voting the other way, saying do not drill there unless there is no other way in the world for us to survive.

We have other sources of oil, other sources of energy being considered and developed. There is work going on in Azerbaijan. You know, when it is said we should only consume American oil to the extent we need oil, I do not believe that is necessarily so.

I would rather save that reserve. Heaven forbid if we need it some day in the future. I would like to bring it in from other sources. There are minerals in this country which we do not mine anymore because it is cheaper and better on the environment to import some of those minerals. That is the way things go.

We have become a profligate society in our use of energy. We have SUVs popping up everywhere. The automobile companies do not mind making them. The workers of those automobile companies do not mind working there.

The guys who work in the gas stations—whether the oil comes from Saudi Arabia or from Oklahoma or Texas—do not mind their jobs. They have businesses that are based on supplying that energy.

We are a society that is overblown with riches, and we are using whatever energy we want. We consume fresh air with congestion. There are more cars out there than we know what to do with, but that does not stop us from using our cars.

We are saying, as long as we are profligate, just wasting it, let's get it; let's go up to the ANWR and drill in that pristine area described in different fashions as beautiful or not so beautiful or the home for some of the animals; they will survive anyway.

I say do not take the risk. I would rather see us practice conservation, which we have not done in this society of ours. I have not heard anybody—I am talking about either from the administration presently in power or any of us—talk about conservation programs: Save it, don't just use it; save it if you are concerned about it. But no, look at the traffic lines. Nobody wants to save oil.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LAUTENBERG. I take 5 minutes off the resolution.

The PRESIDING OFFICER. The Senator is recognized for an additional 5 minutes.

Mr. LAUTENBERG. Mr. President, as to this debate about whether or not it is American jobs, Americans, thank goodness, are working at jobs that are productive and have given us the strongest economy ever seen in the history of mankind. We ought to reduce our dependence. I agree with my friends on the other side, but that does not mean we have to go to a source that raises questions about our ability to preserve the environment.

I said it before, when I think of my children, one of the most important assets I see in this country is a good environment, good natural resources. Even if they never get to visit Alaska, I have done it. I do not want to be a ''Johnny's been all over the place,'' but I was also in Kuwait. I saw the situation the Senator from Alaska described. I was in an airplane several thousand feet in the air. The windshield was covered with soot from the burning oil fields. It was a terrible waste of lives and energy, but it happened.

What we have to do is make sure our allies, the people whom we worked to save, understand what we mean when we call on them to help us through a crisis. I could not agree more with my friends on that score. I believe we should have gotten much tougher than we did.

I had an occasion to speak to a diplomat from one of the Mideast countries. I said: Do you know what you are doing? You may make a better profit right now, but you are alienating the American people, and you are not going to recover from that so easily. Do not depend on us when you issue an alarm—''help save our skins; help save us.'' Some of them went to other countries to enjoy themselves when we did the fighting. That is not going to happen easily again.

The Senator from Delaware, the chairman of the Finance Committee, and some of the friends on the Republican side, including Senator SNOWE, who voted with Senator BOXER on protecting the ANWR—there was a commentary in the Washington Post from someone who cannot be declared a cockeyed liberal or crazy environmentalist. I will read the quote before I identify who it is:

> I totally agree that the Arctic National Wildlife Refuge is a truly unique pristine ecosystem, and I believe we should not damage it. It should be set aside in wilderness designation in perpetuity, Smith wrote to the New Hampshire Citizens for Arctic Wilderness.

That is Senator BOB SMITH, someone we know well, who is chairman of the environment committee, and we are hearing from the chairman of the Finance Committee that we ought not do this. These are people who deserve to be heard, and we know there are other people in the Republican Party who agree with us. We are going to find out when we put this to a vote. The vote will come sometime tomorrow.

I hope we will close this debate at this point. While everything to be said has been said, not everybody has said everything. I yield back any time I requested from the resolution which I did not use.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware.

Mr. ROTH. Mr. President, I yield myself such time as I may use.

I ask unanimous consent to print in the RECORD letters I have received from many organizations which are concerned about the environment and support my amendment. These include the Wilderness Society, Republicans for Environmental Protection, the National Parks Conservation Association, Friends of the Earth, the League of Conservation Voters, and the National Resources Defense Council.

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

FRIENDS OF THE EARTH,
Washington, DC, April 4, 2000.

DEAR SENATOR: On behalf of the thousands of members of Friends of the Earth, we urge you to support efforts by Senator Roth (R–DE) to protect the Arctic National Wildlife Refuge (ANWR) from being opened for oil exploration. Currently, the FY 2001 Budget Resolution (S. Con. Res. 101) includes language that assumes receipts from the sale of oil leases in ANWR. Seismic exploration and oil drilling in a national refuge is an unacceptable short-term approach to the problems associated with the current oil crisis, and one which would have long-term devastating consequences.

ANWR encompasses 19 million acres of pristine wilderness. Created by President Dwight Eisenhower in 1960, ANWR is a sanctuary for nearly 200 species of wildlife, including polar bears, grizzlies, wolves, caribou and millions of birds. The area under consideration for oil exploration—a 1.5 million-acre coastal plain—is referred to by many scientists as the ''biological heart'' of the Arctic Refuge and represents the last five percent of Alaska's Arctic slope not already open to drilling. Though some maintain that modern technology allows clean exploration, many scientists have noted that today's seismic oil exploration, consisting of large crews with bulldozers, ''thumper'' trucks, fuel supply vehicles and a variety of other tracked vehicles, is even more damaging to the landscape than it has been in the past.

Drilling in ANWR would do little to reduce U.S. dependency on foreign oil. In fact, the U.S. Geological Survey has found that ANWR would provide us with less than six months worth of oil. A more responsible solution to the problem is to develop and promote sustainable forms of clean energy.

We should not sell off this priceless wildlife refuge for a short-term energy fix. Support Senator Roth in his efforts to defend the one of the few remaining natural treasures in the United States.

Sincerely,

COURTNEY CURF,
Legislative Director.

NATURAL RESOURCES DEFENSE COUNCIL,
New York, NY, April 4, 2000.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: I am writing on behalf of the more than 400,000 Natural Resources Defense Council (NRDC) members from across the country to respectfully urge you to oppose any legislative provisions that would open up the Arctic National Wildlife Refuge (ANWR) to oil exploration. As you know, the FY 2001 Budget Resolution that the Senate Budget Committee reported to floor includes damaging language that assumes revenues from oil drilling in the Arctic Refuge.

Under the guise of combating high gas prices, some legislators are pressing to open the Arctic Refuge's 1.5 million-acre coastal plain to oil exploitation. The coastal plain is often called ''America's Serengeti'' because of its abundant caribou, polar bear, grizzly, wolf and other wildlife populations, and represents the last five-percent of Alaska's Arctic Slope not already open to development. It would be ill-advised to open up our nation's Arctic wilderness for a questionable, short-term supply of oil.

We respectfully encourage you to oppose any bill or resolution that would open up the last pristine wilderness in the Arctic to oil and gas development, and urge you to support Senator Roth's amendment to the 2001 Budget Resolution to strike Arctic Refuge drilling revenues from the federal budget.

Sincerely,

JOHN H. ADAMS,
President.

REP AMERICA,
Deerfield, IL, April 4, 2000.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate.

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

DEAR SENATOR LOTT AND SPEAKER HASTERT: This week, Congress takes up the issue of whether potential oil revenue from the Arctic National Wildlife Refuge should be included in the congressional budget. REP America, the national grassroots organization of Republicans for Environmental Protection, opposes this kind of sleight-of-hand accounting as well as development in the Refuge.

A strong national bipartisan consensus exists for continued protection of the ANWR. The estimates of finding commercially valuable quantities of oil there are actually quite small. But even if such quantities were found, the oil would not appreciably increase our nation's known reserves or lower gasoline prices. At present, over 90% of America's portion of the Arctic is open to oil and gas exploration and development. Further development within the Refuge is not necessary for the security of our nation, and we should not count unearned and unanticipated revenues stemming from oil that might not exist.

Frankly, such budgetary maneuvers are very damaging to our party. We Republicans take pride in our history protecting public lands to Alaska and honor the legacy of past Republican leaders. In 1907, when President Theodore Roosevelt established the Tongass and Chugach National Forests, he faced tremendous pressure from special interests lined up to exploit public lands for short-term gain. Presidents Eisenhower and Nixon used executive authority to protect the Arctic Refuge, and as recently as 1990, many Republicans listened to mainstream America and cosponsored the Tongass Timber Reform Act. President George Bush did us all a great service when he signed this important piece of conservation legislation.

As Republicans, the members and directors of REP America urge you and your colleagues to halt these kinds of budgetary charades, if for no other reason than the fact that it is absolutely destroying our party's image with respect to the environment. Inclusion of funds supposedly derived from the Arctic National Wildlife Refuge will hasten the already shaky support our party has for maintaining control of the Congress.

Thank you for doing your part to keep the ''conservation'' in ''conservative.''

Sincerely,

MARTHA A. MARKS, Ph.D.,
President.

THE WILDERNESS SOCIETY,
Washington, DC, March 24, 2000.

DEAR SENATOR: The Arctic National Wildlife Refuge is a spectacular wilderness on the north coast of Alaska. The refuge protects lands of abundant wildlife and tremendous beauty. Millions of migratory birds nest or feed on the refuge each spring and summer between annual migrations that bring them through the backyards and nearby parks and refuges of Americans throughout the rest of the country. The refuge also contains the calving grounds of the 130,000 member Porcupine River Caribou herd on which the Gwich' in people of northeast Alaska and northwest Canada have relied for some 20,000 years.

With rising fuel prices, some would have you believe that oil drilling in the Arctic Refuge would somehow lower the price of gasoline. This is a terrible sham. This proposal is not about filling American's fuel talks; it's about lining the pockets of the oil companies in Alaska. We understand that the Budget Resolution that will soon come to a vote in the Senate may assume federal revenues from oil drilling in the Arctic Refuge. This proposal was rejected by the American public and vetoed by President Clinton in 1995. To assume revenues from this highly controversial and currently prohibited activity is a complete hoax.

Some have argued that drilling in the Arctic Refuge will somehow eliminate our dependence on oil imports. But just five years ago, Senator Murkowski pushed through a measure to allow oil from Alaska's North Slope to be exported to China and other Asian countries. In it's pending review of the proposed BP/Arco merger, the Federal Trade Commission found that ''BP ships Alaska North Slope crude to Asia to short the West Coast market and elevate prices.''

Ninety-five percent of the North Slope is already available to oil and gas exploration and development. Under the Reagan Administration, the Department of Interior determined that there is less than a one-in-five chance of finding recoverable oil there. More recently, the U.S. Geological Survey have said that oil companies could most likely only recover around 3.2 billion barrels—only enough oil to meet U.S. needs for a few months. At no time would oil from the refuge be expected to provide more than 2 percent of U.S. oil supply. Of course, no amount of oil would ever justify destroying this great national treasure.

We urge you to listen to the American public and the Gwich'in people and reject efforts to include oil revenues from the Arctic Refuge in the Budget Reconciliation bill.

Sincerely,

WILLIAM H. MEADOWS,
President.

NATIONAL PARKS CONSERVATION ASSOCIATION,
Washington, DC, April 4, 2000.

OPPOSE DEGRADATION OF THE ARCTIC COASTAL PLAIN

DEAR SENATOR: On behalf of our 400,000 members, the National Parks Conservation Association strongly urges you to oppose efforts to include projected revenues from oil drilling in the Arctic National Wildlife Refuge's coastal plain in the pending Budget Reconciliation bill.

The Arctic coastal plain has long been recognized as a spectacular national gem because of its spectacular scenery and diverse and abundant wildlife. The coastal plain richly deserves its tag of ''America's Serengeti,'' as over 130,000 caribou of the Porcupine herd migrate there every spring to their calving grounds, and more than 300,000 snow geese are found there in the fall.

Attempts to open the coastal plain for drilling for oil have reared their head in Congress over the past three decades. Recent increases in gasoline prices have renewed the call to open the plain for oil production, resulting in an ''assumption'' of revenue from drilling in the Arctic Refuge in the Budget Reconciliation bill.

Opening up the coastal plain would not be a solution to the short-term increases in gasoline prices, nor would it address the nation's long-term energy strategy. In fact, the United States Geological Service estimates that even if oil were found in the coastal plain, production would never meet more than two percent of our nation's oil needs at any given time. This supply would hardly justify the production facilities and related infrastructure that would destroy the unique character of the coastal plain.

Your support in opposing efforts to promote oil development and drilling in the Arctic National Wildlife Refuge is critical. Thank you for your attention to these concerns.

Sincerely,

TOM KIERNAN,
President.

LEAGUE OF CONSERVATION VOTERS,
Washington, DC, April 4, 2000.

Re Protect the Arctic National Wildlife Refuge—Vote ''yes'' on the Roth Arctic wilderness amendment to the 2001 Budget Resolution.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: The League of Conservation Voters (LCV) is the bipartisan political voice of the national environmental community. Each year, LCV publishes the National Environmental Scorecard, which details the voting records of members of Congress on environmental legislation. The Scorecard is distributed to LCV members, concerned voters nationwide, and the press.

The League of Conservation Voters urges you to protect the biological heart of the Arctic National Wildlife Refuge by supporting an amendment offered by Senator Roth (R–DE) to the 2001 Budget Resolution that opposes opening the Refuge to oil drilling. Currently the budget resolution assumes revenues from drilling in the Refuge.

Some members of Congress are using the current high price of gasoline as a pretext to open the Arctic National Wildlife Refuge to oil drilling. The current price of gasoline in no way justifies destroying this national treasure. Development of the Refuge's coastal plain will not impact oil supplies until far into the future, and the amount of oil that lies beneath it is minimal compared to our national energy needs.

The Arctic Refuge is home to wolves, polar bears, caribou and millions of migratory birds. It is also the last 5% of Alaska's vast north coastline that remains off-limits to the oil companies. And the Refuge plays an integral part in the lives of the Gwich'in people who depend on the seasonal migrations of the caribou for both survival and cultural identity.

Protecting the wilderness values of the Arctic National Wildlife Refuge is one of the top priorities of the national environmental community. LCV urges you to vote ''yes'' on Senator Roth's amendment to protect the Arctic Refuge.

LCV's Political Advisory Committee will consider including votes on this issue in compiling LCV's 2000 Scorecard. If you need more information, please call Betsy Loyless in my office.

Sincerely,

DEB CALLAHAN,
President.

Mr. ROTH. Mr. President, I want to read from the letter of the League of Conservation Voters, which is the bipartisan political voice of the national environmental community. They write:

> The League of Conservation Voters urges you to protect the biological heart of the Arctic National Wildlife Refuge by supporting an amendment offered by Senator Roth to the 2001 Budget Resolution that opposes opening the Refuge to oil drilling. Currently the budget resolution assumes revenues from drilling in the Refuge.

It goes on to say:

Protecting the wilderness values of the Arctic National Wildlife Refuge is one of the top priorities of the national environmental community.

How true that is. The Arctic National Wildlife Refuge contains our Nation's greatest wilderness. No conservation area in America contains as much vast wild land free of industrialization. It is the essence of our country's wilderness areas.

Consider three or four points. The Arctic National Wildlife Refuge is the only conservation area that protects a complete spectrum of arctic and sub-arctic ecosystems in North America. The Coastal Plain of the Arctic Refuge is the only wild stretch of coast on Alaska's North Slope that is off limits to oil and gas exploration and development.

President Dwight Eisenhower was the first to set aside the original Arctic National Wildlife Range in 1960 for the purpose of protecting the wilderness, the wildlife, and recreational values.

While many refuges in America have been set aside to protect wildlife populations and habitat, the Arctic Refuge is the only refuge in which wilderness was recognized as a purpose for establishment, the controversial 1002 area proposed for oil development as a part of the original Arctic range.

I could go on. It is critically important that we protect this valuable refuge for future generations. For that reason, I urge my colleagues to vote in support of the Roth amendment. I yield the floor.

Mr. MURKOWSKI. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. The Senator has 8 minutes.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, I certainly agree with my friend, the chairman of the Finance Committee, relative to the interest of America's environmental community.

This is a big issue for them because it generates membership and it generates dollars. They have a cause. We have heard from them, the eloquence expressed by my friend, the chairman of the Finance Committee.

But what we did not hear was any of the 500,000 American men and women who were sent to the Mideast to fight a war against Saddam Hussein. They left their loved ones. They risked their lives. What did America's environmental community say about that? They did not say a word.

What are they saying today about our increased dependence on Iraq? Seven hundred thousand barrels a day of oil; the fastest growing source of oil coming into this country. What is the environmental community saying? What we all believe in: More conservation, more alternative energies, as they drive in their automobile or pick up their plane to fly to the next point.

Come on, let's get real around here. We talk about ANWR potentially having a 200-day supply. Under that logic Prudhoe Bay should have been a 600-day supply. In reality, It has been supplying this Nation with 20 to 25 percent of our total crude oil for the last 23 years. That is a ridiculous comparison. It suggests that all other oil production is going to stop, all other domestic production is going to stop, and that is all you are going to have from one source.

Come on, get real. We can come up with better arguments than that. They say 95 percent of the Arctic Coastal Plain is open to oil and gas development. That is false. Try and get a lease up there. Only Fourteen percent is open.

This map shows the Naval Petroleum Reserve that was dedicated in the 1900s. You think you can get a lease in there? Try. Go over to the Secretary of Interior and see if you can get a lease. They put up a few leases, but you cannot go in and even lease where the high potential for oil is in the Naval Petroleum Reserve. If that isn't where you are supposed to find oil, I do not know where is.

Where are you going to find oil? The ANWR area isn't open. This other area of the State is partially open. But the reality is, the wilderness is closed. The Coastal Plain is closed. The Teshepuk Lake area is closed; Barrow is closed. The western portion of NPRA is closed to oil production. That is the reality. So do not buy their arguments that 95% of the Coastal Plain is available for development because it is ''pie in the sky.''

We are concerned about our Gwich'in people. However, what they propose to do is lease their open lands for oil development. They offered to lease more than land than the entire 1.5 million acre Coastal Plain of ANWR. They offered to lease 1.799 million acres. They signed a lease. Unfortunately, the oil company did not find any oil there. Maybe they should have taken the leases anyway.

So we have more myth around here than fiction. No reality. No credit for American ingenuity or technology or the realization that this area we are talking about is the size of the State of South Carolina.

Mostly the Members here cannot comprehend size. We had four time zones in Alaska during the time I grew up—most of the time I was here. We cut them down to one.

If you overlay Alaska on the United States—you know it and I know it—we extend from Canada to New Mexico; Florida to California. The Aleutian Islands go out forever. They almost go to Japan. It is a big hunk of real estate.

We have heard a lot of romantic and fanciful notions tonight about the Coastal Plain. But we have not discussed and resolved the obligation to oversee the national security interests of this Nation. This is the Senate. We make decisions on war and peace.

ANWR is a serious issue. It is so serious that I hope you will all remember that if this amendment is adopted, I can assure every single Member of this body, we will well be on our way to jeopardizing our national security by further increasing our dependence on imported oil.

I do not want that obligation on my shoulders. It is time to turn around the direction in this country, reduce our dependence on imported oil, move into the areas where we have potential oil and gas discoveries in the Rocky Mountains, the overthrust belt, and my State of Alaska.

We have a Vice President who says he is going to cancel all OCS leases. Where are we going to get oil from? Where are we going to get the energy? Where are you going to get the fuel for that 747 called Air Force One to fly back and forth to New York or wherever it goes? Are you going to do it with hot air?

The Vice President goes around town. Does he drive a battery-operated car with the back seat full of batteries? Does he drive an electric car? No. We are not there yet.

It is serious. This is an issue of national security. We fought a war over oil in 1991. We lost 147 lives. We have $10 billion of the taxpayers' money invested in keeping Saddam Hussein fenced in.

It is an issue of the environment. We have the best environmental stipulations in the world in the United States. Most of the OPEC countries have the worst.

They are drilling in the rain forests of Colombia. We have proven that we can do it right in the Arctic. We have a record. We have produced between 20 percent to 25 percent of our domestic crude oil in the United States in Alaska for the last 23 years.

It is an issue with the economy, sending our dollars overseas, our jobs overseas. It is a third of our trade imbalance. It is an issue that you—when I say ''you,'' I apologize to my colleagues—but no Member has addressed the people of my State, the Eskimo people who support development of this area.

You know what they say? They say, ''please put my people, the Inupiat Eskimo people, into the picture of ANWR. Stop airbrushing us out.'' Try being airbrushed out of the picture or out of your State. That is kind of the position to which these people feel they have been relegated. What a tragedy.

This is serious. This is not something that should be taken for granted.

The Eskimo people support development. One of my Eskimo friends, Oliver Levitt, to a group of us in Barrow, said: I used to come to school to keep warm. My job every morning was to go out on the beach and pick up what little driftwood floated down from the McKenzie River to the shores near Barrow.

He came to school to keep warm. That isn't the case in Barrow anymore because not only do they have the revenue from oil, but they have jobs. They have an alternate way of life that used to depend totally on subsistence and following the game herds. That is the record and the reality.

It was 20 below in Kaktovik yesterday, if it makes those of you in this body who have been listening to a little of my hot air cool off.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MURKOWSKI. That is the real world we live in.

I thank the Chair. I thank my colleagues for the opportunity to express what I hope is recognized as a reasonable balance, to send a signal to Saddam Hussein, and to say that it is time to turn around America's energy policy and lessen our dependence on imported oil. This is the place to start. And the time is now.

The PRESIDING OFFICER. Who yields time?

Mr. MURKOWSKI. On behalf of the leader, I ask unanimous consent the votes relative to the Byrd-Warner amendment and the Roth amendment occur at 10:30 a.m. on Thursday, with no second-degree amendments in order, and there be 2 minutes for explanation prior to each vote.

Mr. REID. Reserving the right to object, we will tentatively accept this. I just need to say this first: I have spoken to the manager of the bill, Senator DOMENICI. We want to make sure there is an understanding, however, that the amendments that we finish tonight or that we work on tonight, that there will be a vote on those amendments some time prior to the votes in the vote-arama tomorrow.

Mr. MURKOWSKI. Assuming the intention of the majority to work toward that, they would pursue that tomorrow.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROTH. Mr. President, is all time yielded back?

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. ROTH. Mr. President, I yield back those 2 minutes.

The PRESIDING OFFICER. All time has been yielded back.

Mr. REID. Mr. President, the Senator from Virginia has an amendment to offer.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

AMENDMENT NO. 2965

(Purpose: To reduce revenue cuts by $5.9 billion over the next five years to help fund school modernization projects)

Mr. ROBB. Mr. President, on behalf of myself and Senators HARKIN, LAUTENBERG, DORGAN, KENNEDY, MIKULSKI, KERRY of Massachusetts, BINGAMAN, BAUCUS, and GRAHAM of Florida, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. ROBB], for himself, Mr. HARKIN, Mr. LAUTENBERG, Mr. DORGAN, Mr. KENNEDY, Ms. MIKULSKI, Mr. KERRY, Mr. BINGAMAN, Mr. BAUCUS, and Mr. GRAHAM, proposes an amendment numbered 2965.

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

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

The amendment is as follows:

On page 4, line 4, increase the amount by $78,000,000.

On page 4, line 5, increase the amount by $521,300,000.

On page 4, line 6, increase the amount by $1,011,200,000.

On page 4, line 7, increase the amount by $1,223,400,000.

On page 4, line 8, increase the amount by $1,361,200,000.

On page 4, line 13, increase the amount by $78,000,000.

On page 4, line 14, increase the amount by $521,300,000.

On page 4, line 15, increase the amount by $1,011,200,000.

On page 4, line 16, increase the amount by $1,223,400,000.

On page 4, line 17, increase the amount by $1,361,200,000.

On page 4, line 22, increase the amount by $1,300,000,000.

On page 4, line 23, increase the amount by $1,322,100,000.

On page 4, line 24, increase the amount by $1,344,600,000.

On page 4, line 25, increase the amount by $1.,367,400,000.

On page 5, line 1, increase the amount by $1,390,700,000.

On page 5, line 7, increase the amount by $78,000,000.

On page 5, line 8, increase the amount by $521,300,000.

On page 5, line 9, increase the amount by $1,011,200,000.

On page 5, line 10, increase the amount by $1,223,400,000.

On page 5, line 11, increase the amount by $1,361,200,000.

On page 18, line 7, increase the amount by $1,300,000,000.

On page 18, line 8, increase the amount by $78,000,000.

On page 18, line 11, increase the amount by $1,322,100,000.

On page 18, line 12, increase the amount by $521,300,000.

On page 18, line 15, increase the amount by $1,344,600,000.

On page 18, line 16, increase the amount by $1,011,200,000.

On page 18, line 19, increase the amount by $1,367,400,000.

On page 18, line 20, increase the amount by $1,223,400,000.

On page 18, line 23, increase the amount by $1,390,700,000.

On page 18, line 24, increase the amount by $1,361,200,000.

On page 29, line 3, decrease the amount by $97,000,000.

On page 29, line 4, decrease the amount by $5,938,100,000.

On page 29, after line 5, insert the following:

"Not later than September 29, 2000, the Senate Committee on Finance shall report to the Senate a reconciliation bill proposing changes in laws within its jurisdiction necessary to reduce revenues by not more than $19,000,000 in fiscal year 2001 and $1,743,000,000 for the period of fiscal years 2001 through 2005."

Mr. ROBB. Mr. President, this amendment is designed to help ensure that no child attends a school with a leaky roof, or crowded classrooms, or that lacks access to the latest technology and the Internet.

In the words of Yogi Berra, "It's deja vu all over again." Last year's debate about our Budget Resolution is almost a carbon copy of this year's debate. There are few times in the legislative process that the contrasts between ideologies are more clear than in our debate on the Budget Resolution—and this year is no exception. While some would have us focus on funding a massive tax cut which will likely be directed to those who need it least, others would focus on strengthening Social Security and Medicare, paying down the debt, and making critical investments in areas like education. While, understandably, there are bound to be philosophical differences about achieving these objectives, I am again disheartened that education is not higher on our list of fiscal priorities. While I compliment the Chairman for including $2.2 billion dedicated to IDEA funding, I'm back again to urge that more of my colleagues to support an amendment which reduces the size of this massive tax cut to help finance school modernization efforts. Mr. President, education should truly be a common priority—we certainly know that it's a national priority.

Mr. President, I'm sure that none of us could imagine holding Senate proceedings in a trailer, nor could we imagine having to place buckets around our desks to catch rainwater leaking in through the Capitol dome. We simply can't imagine what it would feel like to hold our summer debates in a chamber that wasn't air-conditioned. And Mr. President, if we couldn't stand the heat, we'd get out of the chamber and take a recess, but our nation's students simply don't have that luxury. A heat-related recess for them means fewer math lessons. It means less time with a qualified teacher. It means reduced learning. And Mr. President, I'm sure our dedicated clerks here in the Senate couldn't imagine doing their jobs today without being able to scan our amendments into a computer, making them accessible to staff and the nation at a moment's notice. We shouldn't then expect our nation's children to master core skills as well as information technology skills if we don't give them the keys to the information highway.

Mr. President, five years ago, the GAO estimated that our national

school modernization needs totaled $185 billion. This year, that figure has risen to $307 billion, according to a recent report by the National Education Association. The report indicates that the State Departments of Education across the country are reporting a 65% increase in school modernization needs over the last five years. That translates into $66,849,315 a day. Much like our national debt clock, the tape is also running on our school modernization needs. With record enrollments, deteriorating facilities, and the immense need to modernize our schools with the latest technology, we simply can't afford to sit back and claim that the federal government can't or shouldn't help.

There is an often used argument that the federal government should have no role in building or renovating schools. And if you look at last year's federal outlays for capital expenses, school construction occupies the smallest slice of that pie. Of the $400 billion the federal government spent on national infrastructure, only one-tenth of one percent—this little piece right here—went to education, training, and employment capital expenses. Roughly 55 percent of our capital costs were spent on highways, 15 percent on housing, 13 percent on community and regional development, with the remaining portion allotted to mass transit, airports, and pollution control facilities.

With over $300 billion in unmet needs, Mr. President, I believe we need to expand this pie and invest more in our schools. Our capital costs over the years can vary from category to category, depending upon what our needs are. Today, the average age of our nation's schools is 42 years. The last time we made a major investment in our nation's educational infrastructure was under the leadership of a Republican President, Dwight Eisenhower. Over the course of his tenure, we spent roughly $1 billion specifically for school construction—due to the boom in our student population. Well, Mr. President, we're in the Baby Boom Echo now; those children now have their own children in our schools. We have a record 53.2 million children now enrolled in our schools today and by 2009, we'll add about one million more. We need to make a commitment similar to the one made by our parents and grandparents in the 1950's. A billion dollars in 1953 would be about $5.4 billion today, if you adjusted for inflation. This amendment merely seeks to set aside $5.9 billion over the next five years.

For every one million students, our nation must build about 1300 schools, and at an average cost of over $12 million per school, we're talking about $16 billion. That's on top of the costs to remedy safety code violations, retro-fit schools to accommodate technology, and relieve overcrowding.

Mr. President, in Virginia, there are over 3,000 trailers in use. This is a picture of Loudoun County High School in Leesburg, Virginia, just 33 miles from here. You see a crane hoisting just one of a whole line of trailers that sit in a parking lot of this Northern Virginia high school. Loudoun County alone needs to build 22 new schools over the next six years to accommodate their skyrocketing enrollments. At an average cost in Northern Virginia of about $18 million per school, that's almost $400 million for just one county!

Mr. REID. Will my friend yield time off the resolution?

Mr. ROBB. I am happy to yield to the distinguished Senator from Nevada.

Mr. REID. My friend talked about Loudoun County. Clark County, where Las Vegas is located, must build one school a month to keep up with its growth.

Mr. ROBB. I thank the distinguished Senator from Nevada. A similar statistic could be quoted by any one of our 99 colleagues in this Chamber. Many of those colleagues have similar stories to tell.

This amendment is not an attempt to dictate what kind of school modernization legislation we should pass; it merely reserves enough funding to pay for such an effort. Given the fact that the Chairman of the Senate Finance Committee, Senator ROTH, has reported at least three tax bills within the last year or so which contain tax incentives for school modernization and the fact that Republican and Democratic members alike have various proposals to use discretionary spending as a vehicle to finance school modernization, there is clearly an interest on both sides of the aisle to find a way to do this.

Even more illustrative of the momentum to fund school modernization legislation was the introduction last Tuesday of a truly bipartisan school construction and renovation bill in the House. It's sponsored by Representatives NANCY JOHNSON and CHARLIE RANGEL and has 130 other co-sponsors. School modernization has been a top priority of the education community for the past three years. And this community is joined by engineers, architects, mayors across the country, civil rights groups, and even some religious groups.

Mr. President, let's make it a priority this year. This amendment reflects a commitment similar to the one that our parents and grandparents made a generation ago. I hope we can summon similar courage in this generation.

Even more illustrative of the momentum to fund school modernization legislation was the introduction last Tuesday of a truly bipartisan school construction and renovation bill in the House.

It is sponsored by Representatives NANCY JOHNSON and CHARLIE RANGEL and has 103 other cosponsors.

School modernization has been a top priority of the education community for the past 3 years. This community is joined by engineers, architects, mayors across the country, civil rights groups, and even some religious groups.

Mr. President, let's make it a priority this year. This amendment reflects a similar commitment to the one that our parents and grandparents made a generation ago. I hope that we can summon similar courage in this generation.

Mr. KENNEDY. Mr. President, I strongly support Senator ROBB's amendment which encourages the Senate to make school modernization a top priority by providing $1.3 billion in discretionary spending for grants and loans for the urgent repair and renovation of public elementary and secondary schools in high-need areas, and to leverage $25 billion in interest-free bonds in FY2001.

I also commend Senator ROBB and Senator HARKIN for their leadership on this issue, and I urge my colleagues to support this amendment that is necessary to help the nation meet the critical need to modernize and rebuild crumbling and overcrowded schools.

Nearly one third of all public schools are more than 50 years old. Fourteen million children in a third of the nation's schools are learning in substandard buildings. Half of all schools have at least one unsatisfactory environmental condition. The problems with ailing school buildings are not the problems of the inner city alone. They exist in almost every community—urban, rural, or suburban.

In Massachusetts, 41 percent of schools report that at least one building needs extensive repairs or should be replaced. Eighty percent of schools report at least one unsatisfactory environmental factor. Forty-eight percent have inadequate heating, ventilation, or air conditioning. And 36 percent report inadequate plumbing systems.

In addition to modernizing and renovating dilapidated schools, communities need to build new schools in order to keep pace with rising enrollments and to reduce class sizes. Elementary and secondary school enrollment has reached an all-time high this year of 53.4 million students, and will continue to grow. The number will rise by 324,000 in 2000, by 282,000 in 2001, and by 250,000 in 2002. It will continue on this upward trend in the following years.

For example, in Fitchburg, Massachusetts, enrollments are rising by 200 students a year. Educators there would like to reduce class size, extend special education and bilingual education programs, and hire new teachers, but the school system does not have the facilities or resources to accomplish these

important goals. Instead, Fitchburg has been forced to construct four portable facilities—and a fifth is under construction—to deal with overcrowding.

According to a report this year, total unmet school modernization needs, including technology and infrastructure, totals $307 billion—almost three times the amount estimated in 1995. Massachusetts has $9.9 billion in unmet technology and infrastructure needs.

The time is now to do all we can to help rebuild and modernize public schools, so that all children can succeed in safe, technologically-equipped schools. I urge my colleagues to support Senator ROBB's amendment.

Mr. HARKIN. Mr. President, this is a unique moment in our history.

We are at the dawn of a new century. And the United States is in a period of unprecedented economic prosperity.

We have the lowest unemployment rate in decades, the number of families on welfare has declined and new jobs continue to be created at a record pace.

However, we know that despite the longest economic boom in history, some Americans have been left behind. As we look to the future, one of our challenges will be to make sure the rising tide lifts all boats. In addition, we also face the challenge of keeping the prosperity going.

The pending budget resolution jeopardizes our prosperity. It jeopardizes the economy, threatens the Social Security surplus, and shortchanges Medicare. The resolution does not provide an adequate prescription drug benefit, provide sufficient debt reduction or invest in education.

The budget resolution undermines the public's priorities and will impose deep cuts in domestic programs. Fewer children will be served by Head Start, there will be fewer new teachers to reduce class size and no additional officers for community policing.

Instead, the budget proposes a risky tax scheme that jeopardizes our nation's future prosperity and productivity.

The GOP's budget plan squanders the entire non-Social Security surplus on a reckless tax cut and provides no funding for national priorities such as school modernization. It rejects the President's proposal to provide $25 billion in bonds to underwrite construction of 6,000 new schools. It also rejects $1.3 billion in grants and loans for emergency repairs to public schools.

This budget sets the wrong national priorities. It chooses tax cuts for the wealthy over modernizing our children's schools. The Robb-Harkin amendment corrects this serious shortcoming by providing a comprehensive national strategy to repair, renovate and modernize our public schools.

States and local communities are struggling to renovate existing schools and build new ones to alleviate overcrowding. School construction and modernization are necessary to equip classrooms for the 21st Century, improve learning conditions, end overcrowding, and make smaller classes possible.

Our school buildings are simply wearing out. Nearly three-quarters of all U.S. public schools were built before 1970.

According to the National Center for Education Statistics, when a school is between 20 and 30 years, frequent replacement of equipment is necessary.

When a school is between 30 and 40 years old all of the original equipment should have been replaced, including the roof and electrical systems.

After 40 years of age, a school building begins to deteriorate rapidly and most schools are abandoned after 60 years.

The average school building is 42 years old and technology is placing new demands on schools. As a result of increased use of technology, many schools must install new wiring, telephone lines and electrical systems. The demand for the Internet is at an all-time high, but in the nation's poorest schools, only 39% of classrooms have Internet access.

In 1998, the American Society of Civil Engineers issued a report card on our nation's infrastructure. The report found many problems. However, the most startling finding is with respect to our nation's public schools.

ASCE reports that public schools are in worse condition than any other sector of our national infrastructure. This is an alarming fact and should be our call to action.

The need to modernize our nation's public schools is clear, yet the Federal Government lags in helping local school districts address this critical problem.

Because of increasing enrollments and aging buildings, local and State expenditures for school construction have increased dramatically—by 39% from 1990 to 1997. However, this increase has not been sufficient to address the need.

The National Education Association recently surveyed states about the need to modernize public schools and upgrade education technology. According to their preliminary report, $253.9 billion is needed to modernize the school facilities and $53.7 billion is needed to upgrade education technology. For Iowa—$3.4 billion for school facilities and $540 million for education technology.

It is a national disgrace that the nicest places that our children see are shopping malls, sports arenas and movie theaters and the most run down place they see is their public schools. What signal are we sending them about the value we place on them, their education and future?

How can we prepare our kids for the 21st century in schools that did not make the grade in the 20th century?

This amendment provides a comprehensive, two-prong response to this critical national problem.

First, we would provide $1.3 billion each year to make grants and no interest loans for emergency repairs to public schools. The Public School Repair and Renovation Program would help local school districts fix the roof that is leaking, repair fire code violations and put in new electrical wiring.

Mr. President, 25% of schools in New York City are still heated by coal and 46% of U.S. schools lack adequate electrical wiring to support the full-scale use of technology. Sixteen million children attend schools without proper heating, ventilation or air conditioning. Twelve million students attend classes in schools with defective plumbing. These grants and loans would make it possible to install the modern heating systems, plumbing, and new electrical wiring that are desperately needed in schools across America.

In addition, these grants and loans could be used to remedy violations of state or local fire codes. The Iowa Fire Marshal reported a five-fold increase in the number of fires in schools over the past decade. During the 1990's there were 100 fires in Iowa schools. During the previous decade there were 20.

It is clear that public schools have an urgent need to make repairs now and these grants and no-interest loans will finance up to 8,300 repair projects in 5,000 schools. We will install modern heating systems, upgrade the electrical wiring, and repair the fire code violations.

These grants and loans will address problems that literally endanger the lives and safety of our children.

However, some buildings have simply outlived their usefulness and need to be replaced. In addition, enrollment in elementary and secondary schools is at an all time high of 53.2 million and will continue to grow over the next 10 years. Therefore, it will be necessary for the United States to build an additional 6,000 schools to educate the growing number of students.

The second part of our comprehensive strategy is to underwrite the cost of building nearly $25 billion of new school facilities. Our amendment provides tax credits to subsidize the interest on new construction projects to modernize public schools. School districts would be able to replaced outdated buildings or add more class rooms so they can reduce class size. The school modernization bonds would finance modernization projects for 6,000 schools.

Our amendment provides a modest national investment to modernize our nation's schools and will make a big difference for millions of children. Further, the amendment is fully offset by reducing the ill-conceived tax scheme in the Budget Resolution.

I know this kind of approach will work because it is working in Iowa. Iowa is in the second year of a school modernization and repair demonstration project.

Like the Robb-Harkin Amendment, the Iowa demonstration also takes a two-prong approach toward solving this critical problem. First, the Iowa project provides grants for the repair of fire code violations. Secondly, the Iowa project provides grants to subsidize the cost of constructing new school facilities.

In a relatively short period of time, we have already begun to see a difference in Iowa. Over the past two years, 138 grants have been awarded for projects to repair fire code violations. The federal government provided $6.5 million to install fire alarms, upgrade electrical systems and other repairs to make Iowa schools safer.

Last year, six Iowa school districts received grants to underwrite the cost of building new school facilities. Over and over, school officials said the availability of the federal grant was responsible for convincing local citizens to support the school bond issue that finance the bulk of the project.

Several school districts passed school bond issues after several tries. One superintendent said, ''In the past, our school district ran three bond issues unsuccessfully and it is a credit to the Department of Education . . . for providing this Iowa Demonstration Grant funding as an incentive to help voters pass bond issues.''

Another Superintendent said, ''It is our opinion that both of these grants played a very important role regarding the successful passing of the bond issue.''

The most recent competition was just closed and applications for the second year of funding are being reviewed.

The Iowa School Construction Grant is beginning to show the kind of major impact a modest federal investment can have on improving the safety of schools and spurring construction of new school facilities. The school modernization provisions mirror the Iowa Demonstration and will spur the same kind of activity across the nation that we are witnessing in Iowa.

The Iowa School Construction Grant is beginning to show the kind of major impact a modest federal investment can have on improving the safety of schools and spurring construction of new school facilities. Our amendment mirrors the Iowa Demonstration and will spur the same kind of activity across the nation that we are witnessing in Iowa.

Modern, up-to-date school buildings are essential for student achievement. Studies show that students in overcrowded schools or schools in poor physical condition scored significantly lower on both math and reading than their peers in less crowded conditions.

The General Accounting Office reports that 14 million American children attend classes in schools that are unsafe or inadequate. This is a serious national problem. And, it demands a comprehensive national response. The Robb-Harkin Amendment provides that effective national response. I commend Senator ROBB for his leadership on this issue and urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair. I appreciate the Senator allowing me, on behalf of the leader——

Mr. REID. I could not hear the Senator. Would he start over?

Mr. MURKOWSKI. Mr. President, I am going to speak on behalf of the leader for the wrap-up that has been prepared.

I ask unanimous consent that immediately following my remarks, the Senate resume consideration of the budget resolution for Senator DURBIN to offer his amendment and the appropriate debate. I further ask unanimous consent that following his remarks, the Senate stand in adjournment under the previous order.

Mr. REID. Reserving the right to object. Somebody was talking to me. Please repeat that last request.

Mr. MURKOWSKI. I ask unanimous consent that following the remarks of Senator DURBIN, the Senate stand in adjournment under the previous order.

Mr. REID. Reserving the right to object, we don't have a previous order. Before we agree to this, why don't we do the rest of the unanimous consent agreement.

Mr. MURKOWSKI. I will proceed and omit any reference to the previous order. I will go to Thursday's consent.

I ask unanimous consent that when the Senate reconvenes at 9:30 on Thursday, there be 8 hours and 30 minutes remaining on the concurrent resolution, and the pending resolution be the Durbin amendment relative to tax cuts. I further ask consent that prior to the vote, relative to the Robb education amendment, there be 10 minutes remaining, to be equally divided between Senator ROBB and Senator DOMENICI for the closing debate.

Mr. REID. The minority has no objection to these last two paragraphs the Senator just read.

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

Mr. JEFFORDS. Mr. President, there is strong bipartisan support for the Low Income Home Energy Assistance Program (LIHEAP). To date, 45 Senators have signed a letter in support of $1.4 billion in regular funding, and $300 million in emergency funding, for LIHEAP during Fiscal Year 2001.

I, along with my colleagues from the Northeast-Midwest Senate Coalition, will offer this Sense of the Senate to demonstrate the broad support for increased LIHEAP funding. The amendment expresses the sense of the Senate with respect to increasing LIHEAP regular funding from the current level of $1.1 billion to $1.4 billion.

In my home State of Vermont, this past winter brought temperatures of fifteen below zero; and home heating oil prices soared to $2 a gallon. Approximately 11,400 Vermont families received benefits, which averaged $310 in regular funding for the entire season. Emergency funding contributed an additional $50–$135 depending on the fuel source. These numbers reveal the frugalness with which this program now has to operate.

I am concerned that emergency LIHEAP funding is being used to make up for regular appropriations funding shortfalls. During the first four and half months of FY2000, all available emergency LIHEAP funding ($300 million) was released. There are requests for additional emergency funding. This situation demonstrates the need to increase regular funding to at least the sum of last year's regular and emergency funding amounts.

There is no doubt that emergency funding was critical during this past winter's severe weather conditions and volatile fuel prices. However, LIHEAP funding is most effective when states have it in the form of regular funding, allowing proper advance budgeting and providing funding assistance to low income households before a crisis situation.

In addition, it is critical that we maintain the integrity of the LIHEAP program through the regular funding cycle. The decision was made last year to consider the program an additional non-routine expense. I am concerned that this designation threatens the foundation of the program. This amendment seeks to return LIHEAP to its regular funding structure.

LIHEAP is an effective tool for maintaining the basic needs of low-income households. Nevertheless, stagnant funding has resulted in a growing eligible population not receiving benefits due to lack of funding. The safety net for our low-income households is getting ever smaller and ever thinner.

The statistics demonstrate the need for LIHEAP best. More than two-thirds of LIHEAP-eligible households have annual incomes of less than $8,000, approximately one-half have annual incomes below $6,000. It has been estimated that low-income households typically spend four times what middle-income households spend on utility services. Middle-income households spend about four percent of their income for energy purposes, whereas low-income households spend between 14% and 16%, and in many instances up to 25% for utility costs.

Thank you, Mr. President, for the opportunity to address the funding needs

of this important program. I urge my colleagues to support this amendment.

Ms. MIKULSKI. Mr. President, I rise as a proud cosponsor of this important amendment for women who are diagnosed with breast and cervical cancer through the National Breast and Cervical Cancer Early Detection Program (NBCCEDP) at the Centers for Disease Control and Prevention (CDC). I am pleased to join Senators CHAFEE, SNOWE, GRASSLEY, HARKIN, and others in support of this amendment. This amendment says that we Senators believe that we should pass legislation to provide Medicaid coverage for certain women screened and found to have breast or cervical cancer under the CDC screening program.

Through March 31, 1999, the CDC screening program has provided more than one million mammograms and almost 1.2 million Pap tests. Among the women screened, over 6,200 cases of breast cancer and over 550 cases of cervical cancer have been diagnosed. Right now, the CDC screening program does not pay for breast and cervical cancer treatment services, but it does require participating states to provide treatment services.

The late Senator John Chafee, Senator SNOWE, Senator MOYNIHAN, and I along with others introduced the Breast and Cervical Cancer Treatment Act of 1999 (S. 662) which currently has 57 cosponsors. This bill gives states the option to provide Medicaid coverage for breast and cervical cancer treatment to eligible women who were screened and diagnosed with these cancers through the CDC screening program. It is not a mandate for states. It is the Federal Government saying to the States ''we will help you provide treatment services to these women, if you decide to do so.'' I am pleased to be working with the bipartisan team of Senators LINCOLN, CHAFEE, SNOWE, GRASSLEY, and MOYNIHAN to pass this important legislation.

Women screened and diagnosed through the CDC screening program depend on staff and volunteer time to find free or more affordable treatment; they depend on the generosity of doctors, nurses, hospitals, and clinics who provide them with free or reduced-cost treatment. The demands of managed care can also make it more difficult for physicians to provide free or reduced-fee services. In the end, thousands of people who run local screening programs are spending countless hours finding treatment services for women diagnosed with breast and cervical cancer. I salute the individuals who spend their time and resources to help these women. But we must not force these women to rely on the goodwill of others. Right now, the CDC is only screening 12–15 percent of the women who are eligible. As more women are screened, treatment efforts will become even more difficult. The lack of coverage for treatment services has hurt the program's ability to recruit providers, further restricting the number of women screened.

In short, it is clear that the short-term, ad-hoc strategies of providing treatment have broken down. Because there is no coverage for treatment, state programs are having a hard time recruiting providers; volunteers are spending a disproportionate amount of time finding treatment for women; and fewer women are receiving treatment. We can't expand the program to serve the other 85 percent of eligible women if we can't promise treatment to those we already screen.

The CDC screening program is celebrating its 10th anniversary in 2000. I am proud to be the Senate architect of the legislation that created the breast and cervical cancer screening program at the CDC. Over ten years ago we saw a need—low-income women were not receiving basic well-woman care—they were not getting their mammograms and Pap smears to detect breast and cervical cancer. At that time, I and others wanted to ensure that we not only diagnosed these low-income women with breast and cervical cancer, but that we also provided treatment for those cancers. But 10 years ago, we had great deficits and we simply did not have the money for a treatment component of the CDC screening program. So we made a down payment. We took the first step with the belief that it would not be the only step. Well, now the time has come to take the next step and include Federal resources for treatment for women who are diagnosed with breast and cervical cancer through the CDC screening program.

There are three reasons why we should act now to pass this important legislation. First, times have changed since the creation of the CDC screening program ten years ago. We are now running annual surpluses, instead of annual deficits. We have the resources to provide treatment to these women. I think we ought to put our money into ensuring that we save lives. Second, prevention, screening, and early detection are very important, but alone they do not stop deaths. Screening must be coupled with treatment to reduce cancer mortality. Finally, it is only right to provide Federal resources to treat breast and cervical cancer for those screened and diagnosed with these cancers through a Federal screening program.

I am proud that my own state of Maryland realized the importance of providing treatment services to women who were screened through the CDC screening program. Maryland appropriates over $6 million in state funds annually for the Breast and Cervical Cancer Diagnostic and Treatment Program for eligible low income Maryland women. The program has provided services to over 15,650 women in Maryland, including eligible women screened through the CDC screening program and eligible women screened outside the CDC program. The breast cancer mortality rate in Maryland has started to decline, in part because of programs like the CDC's. But not all states have the resources to do what Maryland has done. That's why this bill is needed.

This bill is the best long-term solution. It is strongly supported by the National Breast Cancer Coalition; the American Cancer Society; the National Association of Public Hospitals and Health Systems; the National Partnership for Women and Families; YWCA; National Women's Health Network; the American Medical Women's Association, and many more.

I urge the Senate Finance Committee to take up this legislation before Mother's Day and I urge the Senate leadership to promptly bring it to the full Senate for consideration. The Breast and Cervical Cancer Treatment Act (S. 662) has 57 bipartisan cosponsors. President Clinton has included funding in his 2001 budget to give states the option of providing Medicaid coverage to women who have been diagnosed with breast or cervical cancer through the CDC screening program. The Commerce Committee of the House of Representatives has already unanimously approved this legislation (H. R. 1070).

We must act now to provide a treatment opportunity to all women who are diagnosed with breast or cervical cancer through the CDC screening program. Breast and cervical cancer treatment is not a partisan issue. It's a family issue. It affects mothers, sisters, and daughters, and their fathers, husbands, and children. I can't think of any better way to celebrate the 10th anniversary of the National Breast and Cervical Cancer Early Detection Program than by passing the Breast and Cervical Cancer Treatment Act. I urge my colleagues to join me in support of this important amendment.

Mr. VOINOVICH. Mr. President, the amendment that I have submitted is a simple one. In fact, it's the same one that I offered last year, and it takes the tax cuts proposed in this fiscal year 2001 budget resolution and uses that money, instead, to pay down the debt.

Let me say again: under my amendment, we would take $150 billion that is projected to accumulate as a result of our on-budget surpluses over the next five years, and use those funds, not for tax cuts, but for debt reduction instead.

Why should we do this rather than use this money to reduce taxes?

First of all, if we pay down the debt, we are going to decrease our interest payments on the national debt—a debt which stands at $5.7 trillion today. This fiscal year, it will cost us more than $224 billion to service our national debt—more than $600 million a day in interest costs alone!

Out of every federal dollar that is spent this year, 13 cents goes to pay the interest on the national debt.

In comparison: 16 cents goes for national defense; 18 cents goes for non-defense discretionary spending; and 53 cents goes for entitlement spending.

We'll spend more on interest this year than we'll spend on Medicare.

When I consider these numbers, it makes me determined to do all that I can to decrease our debt even further.

That's why I believe that every fiscal decision we make in this Congress should be measured against the backdrop of how it will decrease our $5.7 trillion national debt. And I'm not the only one who believes that.

In fact, in testimony before the Senate Budget Committee this past January, CBO Director Crippen stated that "most economists agree that saving the surpluses, paying down the debt held by the public, is probably the best thing that we can do relative to the economy."

And on the very same day, Federal Reserve Chairman Greenspan said, "my first priority would be to allow as much of the surplus to flow through into a reduction in debt to the public. From an economic point of view, that would be, by far, the best means of employing it."

Lowering the debt sends a positive signal to Wall Street and to Main Street. It encourages more savings and investment which, in turn, fuels productivity and continued economic growth. It also lowers interest rates, which in my view, is a real tax reduction for the American people.

Furthermore, devoting on-budget surpluses to debt reduction is the only way we can ensure that our nation will not return to the days of deficit spending should the economy take a sharp turn for the worse or a national emergency arise.

As Alan Greenspan has testified before Congress, "a substantial part of the surplus . . . should be allowed to reduce the debt, because you can always increase debt later if you wish to, but it's effectively putting away the surplus for use at a later time if you so choose."

Some of my colleagues on the other side of the aisle oppose the tax cuts, preferring instead to use the money to increase spending. I believe that spending the surplus is an even worse use of the money.

Now, many have argued that putting the Social Security surplus in a "lockbox" will be enough to pay down our debt. However, I should remind my colleagues that in the near future, we might not have Social Security surpluses available for debt reduction, because we may need them for Social Security reform, especially if we go to a system of private accounts.

We cannot keep putting off our responsibilities. If we have the ability—like we do now—we have a moral obligation to pay back our debts.

We must face the fact that because of 30 years of irresponsible fiscal policies our national debt has increased 1,300%. During that time Congress and our Presidents weren't willing to pay for the things they wanted, or, in the alternative, do without those items they could not afford.

I agree with General Accounting Office (GAO) Comptroller General David Walker, who, in testimony before the House Ways and Means Committee last year, said:

> . . . this generation has a stewardship responsibility to future generations to reduce the debt burden they inherit, to provide a strong foundation for future economic growth, and to ensure that future commitments are both adequate and affordable. Prudence requires making the tough choices today while the economy is healthy and the workforce is relatively large—before we are hit by the baby boom's demographic tidal wave.

As most of my colleagues know, Congressional Budget Office (CBO) figures show that the United States will achieve a $26 billion on-budget surplus this current fiscal year, FY 2000.

However, it is of utmost importance that we oppose the temptation to squander this surplus.

In that regard, I have to commend Majority Leader TRENT LOTT for sticking to his guns on not moving forward on a fiscal year 2000 supplemental appropriations bill. He has stated his opposition to a separate bill, preferring instead, to include funding in the regular appropriations bills.

And we need to get moving on those bills quickly, especially because of the need for money to ensure our nation's defense readiness, our Kosovo peacekeeping mission and Colombia's drug eradication efforts.

All we need to do is look at the version of the supplemental that passed in the House of Representatives to see why we should not move forward with a supplemental bill. Indeed, the House started with the President's request of $5.1 billion, reported a bill out of the Appropriations Committee that was some $9 billion and passed a final bill that was $12.7 billion.

Imagine the size of the supplemental once the Senate got through with it?

The worst thing that Congress could do now is throw away any portion of that $26 billion on-budget surplus that was achieved in FY 2000 on non-emergency spending.

And another reason that we should not pass the supplemental is that it can be argued that $22 billion of the $26 billion on-budget surplus that Congress would be tapping into comes from the Medicare Part A trust fund.

Instead of squandering this surplus, let's use it to pay down the debt. It will be our first sizable on-budget surplus that we've been able to use for debt reduction in 40 years, and a truly historical accomplishment.

And let's continue to make history by using future on-budget surpluses to pay down our national debt.

Mr. President, I believe that if we can pass this amendment, and add it to the fine work that the Budget Committee Chairman has accomplished in this resolution—and with the promise from the Majority Leader on the supplemental—I believe we will have made a real difference.

We will have provided a decent budget that should address some of our most pressing problems, and, we will take whatever on-budget surplus dollars that come in and use them to reduce the national debt. Not spending increases, not tax breaks, but simply paying down the debt.

Mr. President, again, my amendment is simple: it takes the $150 billion in tax cuts assumed by this budget resolution and instead says to spend it on debt reduction. I urge my colleagues who believe that we should do all that we can to bring down our national debt to support this amendment.

Thank you Mr. President. I yield the floor.

MORNING BUSINESS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

LEADERSHIP OF SOUTH DAKOTA BASKETBALL GREAT MIKE MILLER

Mr. DASCHLE. Mr. President, it is a great honor for me to represent the people of South Dakota in the United States Senate. They are the best resource in a state with an infinite number of tremendous attributes, and the best part of my job is getting to know and work with them on a daily basis.

I have often stood before my colleagues here in the Senate to recognize the accomplishments of South Dakotans. Many times, the names sound unfamiliar to those in this chamber. Today, however, I want to congratulate a young man who made the country stand up and take notice—and who showed the country how we play basketball in South Dakota. His name is Mike Miller, and, as every college basketball fan knows, he recently led the Florida Gators to the NCAA Division I National Championship basketball game. Although the Gators fell in a hard fought battle to the Michigan State Spartans, anyone who saw that game knows that Mike Miller is a very special basketball player.

Mike was named Most Outstanding Player in his region for the tournament. That is a tremendous feat for

any college player and was made possible only because Mike's last-second shot against Butler advanced Florida and kept his team's hopes of reaching the championship game alive. His clutch play continued in every game of the tournament, making it easy to see why Mike was named the best player in his region. Remarkably, Mike did all of this as just a sophomore.

Mike Miller is from Mitchell—a leader in South Dakota high school basketball—and as a Kernel he played under the legendary Gary Munsen. Mike started learning about the game of basketball long before he got to high school, however. His uncle, Dakota Wesleyan great Alan Miller, is the all-time leading college scorer in South Dakota. And Mike's older brother Ryan, who played for Northern State, currently plays professionally in Australia. The Millers are a big part of the reason that growing up in Mitchell means growing up around basketball.

In a time when too many athletes seem to be more concerned with individual statistics than playing as a team, when the bottom line seems to matter more to some professionals than the love of the game, it's refreshing to see someone like Mike Miller on the court. Through the course of the tournament and the championship game in Indianapolis, Mike showed his opponents and the country how basketball is played in South Dakota—and how it should be played everywhere else. His unselfish play makes the players around him better; he has an uncanny ability to step up his game during crunch time; and he never stops working to improve. That's what he learned in Mitchell—that's what he learned in South Dakota—and that's what he's showing the college basketball world.

Although the Gators fell a few points shy the other night in Indiana, Mike Miller made us proud in South Dakota. He proved to the country what those at the Corn Palace and at Mitchell High already know—that Mike Miller is a champion. We are very proud to call him one of our own.

Let me, of course, congratulate the Michigan State Spartans and the University of Connecticut Huskies women's team for their championship seasons. But, on behalf of everyone who cheered for him, I would also like to take this opportunity to congratulate Mike, his team and his parents—Tom and Sheryl Miller of Mitchell—for the incredible run the Florida Gators had this season. It was fun to watch, and I know we all look forward to seeing more of Mike Miller in the years to come.

HEALTH CARE FOR MILITARY RETIREES

Mr. GORTON. Over the past few weeks, I have had the opportunity to sit down and listen to military retirees during their veterans service organizations' annual visit to Washington, DC. Without exception, access to health care was a priority for each and every group. As a retired officer in the Air Force Reserve, I understand the interest in and importance of this issue to those who dedicated a career to serving and defending our Nation—I speak not only of the service members themselves, but their spouses and dependent family members as well.

After listening to retirees' personal stories and policy presentations, as well as reading the numerous letters on health care legislation I receive each week from military retirees across Washington State, I am convinced that Congress, the President and the Department of Defense must address the issue of retirees' access to health care. In response to the requests of my military retiree constituents, I am cosponsoring Senate bills 915 and 2003, the "Keep Our Promise to America's Military Retirees Act."

In the past several years, I cosponsored and supported efforts to establish the Medicare subvention demonstration program, now known as Tricare Senior Prime, and the FEHBP demonstration program. The Tricare Senior Prime demonstration program allows Medicare-eligible retirees to receive care at military facilities with Medicare paying the Department of Defense for the costs of that care. Some retirees in my State of Washington have been able to participate in the Tricare Senior Prime demonstration program as Madigan Army Medical Center was one of the designated test sites. I have spoken with the Commanding Officer at Madigan, my staff has met at length with those overseeing the test at Madigan, as well as the participating retirees, and it appears the test is a significant success.

Two concerns I have heard about the Tricare Senior Prime program are that this is a demonstration and is scheduled to end in December of this year, and that Medicare's current reimbursement scheme to the Defense Department will not fiscally support a permanent program. Senate bill 915 will make the Tricare Senior Prime test program permanent and expand it nationwide to facilities not in the test. It is important for the Defense Department and Congress to act to ensure Tricare Senior Prime demonstration program does not expire at the end of this year and I will be working hard to ensure Tricare Senior Prime is maintained. I also intend to work to see that Medicare fairly reimburses the Defense Department so that the costs of the Tricare Senior Prime program do not impact the services' ability to care for active duty service members and their families.

Senate bill 2003, sponsored by Senators TIM JOHNSON, PAUL COVERDELL, and 24 other Senators, would entitle all retirees, and their widow or widower, access to the Federal Employee Health Benefit Plan (FEHBP), to which all federal non-military retirees have access. As I stated previously, I supported establishing the current FEHBP demonstration program. My support for the demonstration and my decision to cosponsor this bill is driven, to a great degree, by the fact that there are many retirees who do not live in close proximity to a military treatment facility, some due to base closures that shut down facilities in their area of the country. This legislation would provide retirees access to health care regardless of where they choose to live. S. 2003 will also expand access to Tricare to allow Medicare-eligible retirees.

One other issue that I know is of considerable concern to military retirees is the cost of prescription drugs. This concern is heightened, in a border State like Washington, by the disparity in drug prices between the United States and Canada—an issue on which I am working for a common-sense, straight-forward solution. Of interest to Medicare-eligible retirees is access to prescription drugs from DoD facilities or a mail-order program. I believe that it is only fair and appropriate for Congress to consider military retirees when debating the creation of a Medicare prescription drug benefit, which I support.

My cosponsorship of Senate bill 2003 and 915 is driven by the firm belief that Congress must address the current health care situation of military retirees. The President and Defense Department must be active participants in this matter. Military retirees dedicated their lives to defending our Nation and protecting our interests around the world—they are due a serious legislative response.

NATIONAL ORGAN TRANSPLANTATION ACT

Mr. DURBIN. Mr. President, I ask unanimous consent that a letter dated April 5, 2000, addressed to Senators LOTT and DASCHLE, be printed in the RECORD.

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

We are writing to lodge our strong objection to consideration of H.R. 2418 by the Senate. This bill would reauthorize the National Organ Transplantation Act (NOTA) in a manner that would adversely affect patients in many states including our own, who are desperately in need of organ transplants.

Every year, over 4,000 people die waiting for an organ transplant. The organ allocation policy established by the Organ Procurement and Transplantation Network (OPTN) has been inequitable. Patients with similar severities of illness are treated differently, depending on where they live or at which transplant center they are listed. Patients in some parts of the country wait

much longer than patients in other regions, who have the same level of illness. So for some, the chance of dying before they actually receive a transplant is much higher than for others. Over the last 3 years, 97 people died while waiting for an organ transplant at the University of Chicago, 187 died while waiting at the University of Pittsburgh, 99 died while waiting at Mt. Sinai, NY, and 46 children died while waiting for an organ at the Children's Hospital in Pittsburgh.

Additional problems occur when hospitals provide large numbers of life-saving transplants to out-of-state patients. Maryland hospitals, for instance, are required to pay back United Network for Organ Sharing (UNOS) with the total number of kidneys used in transplant operations, even though 40 percent of those transplant are performed on patients from other states. This means that states with small populations and centers of excellence in transplantation more easily build up a so-called ''kidney debt.'' A ''payback'' requirement also applies to livers between some Organ Procurement Organizations (OPOs) or within certain OPOs. Without greater regional sharing of organs, such policies result in longer than the national average wait times and possible sanctions by UNOS, merely because a state provides life-savings services to non-residents.

To eliminate these inequities, the Department of Health and Human Services (HHS) issued regulations, which became effective March 16th, that establish a framework for organ allocation policies to be developed by the network. The policies will be based on sound medical judgment and will be fairer for all patients, irrespective of where they live.

Regrettably, H.R. 2418 would take us backward and undermine current efforts make the system more equitable. The bill delegates current government authority to a private entity without appropriate standards of Federal review. The bill denies HHS any role in overseeing organ allocation and promoting practices that are in the best interest of the entire public health. The congressionally mandated study by the Institute of Medicine clearly stated that such a role for HHS was both necessary and appropriate. Instead, the bill grants extraordinary powers to a private sector entity to select and approve the Federal controller that manages the OPTN. The manner of such selection does not appear to be consistent with existing principles of the Federal acquisition process, which promote full and open competition in awarding Federal contracts. Furthermore, the bill would not incorporate the Institute of Medicine's recommendation of standardization of patient listing practices and broader sharing of organs.

It is our hope that we can work with the committee of jurisdiction here in the Senate, the Health, Education, Labor and Pension Committee, to forge in an alternative reauthorization bill. It is our understanding that Senators Frist and Kennedy are currently working on a bill that would be more in keeping with the IOM's recommendations. We ask that this bill not disrupt the new HHS regulations.

Because of our strong objections to H.R. 2418, we request that we be notified and consulted before any unanimous consent agreement is sought for any legislation that seeks to reauthorize the National Organ Transplant Act, to ensure our ability to exercise our rights in the shaping of this important legislation.

Thank you for your consideration in this matter.

Sincerely,

RICHARD J. DURBIN,
BOB KERREY,
RICK SANTORUM,
BARBARA A. MIKULSKI,
PETER G. FITZGERALD,
CHUCK HAGEL,
ARLEN SPECTER,
PAUL S. SARBANES,
CHARLES E. SCHUMER.

TRADE ADVISORY COMMITTEE SYSTEM

Mr. BAUCUS. Mr. President, I rise today to address a concern I have about the way we run our trade policy.

Over a quarter century ago, Congress passed the Trade Act of 1974. It was a monumental piece of legislation which laid the foundation for America's current trade policy operations. One of its features was a formal system of nonpartisan advisory committees. These committees were designed to give the Executive Branch advice from the private sector on trade agreements.

The Trade Act created two tiers of advisory committees. At the top is the Advisory Committee on Trade Policy and Negotiations (ACTPN), composed of 45 people serving for a 2-year term. The members are officers of corporations, trade associations and labor unions. A parallel committee known as TEPAC provides advice on trade and the environment. The next tier contains the Industry Sector Advisory Committees and the Industry Functional Advisory Committees, known as ISAC's and IFAC's. The Trade Act gives the Executive Branch substantial leeway in creating them, chartering them, and choosing their members. Today there are more than two dozen ISAC's and IFAC's.

Mr. President, the Clinton Administration announced last month that it was taking a hard look at the advisory committee process. I support that. In the past year, we've witnessed some unwelcome developments in the advisory committee system that call into question whether its operating in the way Congress intended.

In May 1999, the head of a prominent environmental group resigned from the TEPAC. He resigned after his committee was asked to comment on regulations only after, rather than before, they were proposed by the State Department.

In November 1999, the U.S. District Court in Seattle ruled in favor of environmentalists who were seeking representation on two of the ISAC's for paper and wood products. They believed that the trade issues under discussion could have environmental consequences, and they wanted the ISAC's to consider those consequences when providing advice to the government. The Court agreed, and the Commerce Department took steps to comply.

For reasons I don't understand, the Justice Department appealed the decision after the Commerce Department had taken these steps. I have already said that I will introduce legislation mandating environmental participation if the District Court decision is overturned.

In January 2000, all three labor representatives resigned from the ACTPN, the top-tier committee. Their complaint was that they had no say in shaping the discussion agenda. So now nobody speaks on behalf of American workers on the ACTPN.

Clearly, Mr. President, this process isn't working the way Congress intended. It is time for a fresh look. Let me focus on what I believe are the two main issues we should consider: trade agreement compliance and open participation.

In the 1974 Trade Act, Congress gave the advisory committees two main tasks. The first task was to give advice on upcoming and ongoing trade negotiations. The advice they give helps set negotiating objectives and bargaining positions. The second task related to existing trade agreement. The ACTPN, the ISAC's and the IFAC's were to give advice and information on compliance with these existing trade agreements.

We need more work on the second task.

Over the past 20 years, the United States has entered into more than 400 trade agreements. Last month the GAO issued a report on how well we monitor and enforce them. The answer: not very well.

The American Chamber of Commerce in Japan has just released an analysis of our bilateral trade agreements there. They examined over 50 separate agreements, testing them for effective implementation. Of the ones given a numerical grade, over half flunked the implementation test. That's miserable.

What's the problem? The problem is two-fold. First, everyone wants to negotiate agreements, but nobody wants to implement them. That leads to the second problem: too few monitors.

With respect to the first problem, Mr. President, it is worth remembering that trade policy is carried out by human beings. Like people everywhere, they find that negotiating deals is exciting. Negotiating is high-profile work. What about implementation? Implementing deals is not nearly as exciting as negotiating them. Everyone signs up to negotiate. No one signs up to implement.

With respect to the second problem, the GAO cited a widespread lack of personnel to monitor and enforce trade agreements. They pointed to staffing gaps at in the U.S. Trade Representative's office, the Commerce Department and other agencies. I don't doubt it. President Clinton and Vice President GORE have worked hard and successfully to slim down the federal bureaucracy. So there aren't many extra hands.

I don't think this problem can be solved by hiring more people. In fact,

given the number and complexity of modern trade agreements, I doubt that we even could hire enough government workers to do the job right. We've moved far beyond the old-style trade pacts that just covered tariffs, where it is easy to see whether everybody's charging the right rate. Nowadays these agreements cover highly specialized non-tariff issues. We have agreements on technical standards for high-tech electronic products. Agreements covering regulatory procedures, such as approving new drugs. Understanding these agreements takes very specific expertise.

Even though these trade agreements differ widely in scope and in content, they have one feature in common. Their aim is opening markets for American exports. Who is in the best position to monitor whether or not they achieve that purpose? I submit, Mr. President, that the companies who are supposed to benefit from the agreements are in the best position, along with their trade associations.

We have about 1,000 people from the private sector in the advisory committee system. They are all volunteers, working free of charge. They do an excellent job on their first task, advising the government on the negotiating end of trade policy. We should get them working on their second task, monitoring existing trade agreements. And they should do their monitoring out in the open.

Every new trade agreement should be assigned to at least one advisory committee. That committee should be responsible for monitoring compliance with the agreement. That committee should report regularly on implementation. It should recommend specific action when it finds examples of non-compliance. Complicated agreements, such as NAFTA and the Uruguay Round, should be parceled out among several committees.

Prospective members of trade advisory committees should all meet the following test: do they represent an organization willing and able to help monitor compliance with trade agreements? Only those who answer yes should be put on a committee.

Mr. President, let me turn now to the second issue we should examine: public participation.

I come from a state with a strong tradition of open government. A Montanan has the right to attend any meeting that a State official holds. No exceptions. The federal government has a tradition of openness too, especially with respect to advisory committees. Congress made openness a statutory requirement with the Federal Advisory Committee Act (FACA) of 1972. When we passed the Trade Act, we specified openness by requiring that all of these trade advisory committees follow FACA procedures.

We left one exception. Meetings could be closed to the public if they covered matters which would seriously compromise U.S. Government trade negotiations. That's a quote from the law. ''Seriously compromise.'' And only with respect to ongoing active negotiations.

Today there aren't many active trade negotiations underway. So there is not much to be seriously compromised. Nevertheless, too many advisory committees are still closed to interested observers. That's unacceptable. It's illogical. It's illegal.

What are the advisory committees talking about in these meetings? I've heard from people who attend them that almost all of the information discussed is pretty straightforward. Nothing very secret.

People who are barred from the meetings don't know that. They begin to suspect that something's going on in those rooms. Maybe somebody is trying to hide something from them. Closing off these meetings just feeds that feeling of mistrust. It's bad government.

In the past, the Administration used to close all ISAC and IFAC meetings, until they lost a 1996 court challenge. It was a blanket closure policy. In arguing this case before the court, the Trade Representative's office said that Congress agreed with the blanket closure policy, because we never did anything about it.

Let's do something about it. The Constitution gives Congress, not the Executive Branch, authority over international trade. I intend to introduce legislation designed to clear up any confusion about what Congress expects with regard to public participation in ISAC's and IFAC's.

Finally, Mr. President, I have found one other feature of advisory committee that we should change. There is a ''consensus'' mentality. Some committees feel that they can only give advice if they reach a consensus. They say that this is why committees can't have members who come at issues in different ways. They'll never get consensus. I see nothing wrong with committees sending forward recommendations along with minority viewpoints. We're a democracy. We do this all the time.

I look forward to working with my Senate colleagues and with the trade agencies of the Executive Branch to get the advisory committee system back on track.

Mr. President, I have written to Secretary Daley and Ambassador Barshefsky outlining my thoughts on this issue. I ask unanimous consent that this letter be printed in the RECORD.

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

UNITED STATES SENATE,
Washington, DC, April 4, 2000.

Hon. WILLIAM M. DALEY,
Secretary of Commerce, Washington, DC.
Hon. CHARLENE BARSHEFSKY,
U.S. Trade Representative, Washington, DC.

DEAR SECRETARY DALEY AND AMBASSADOR BARSHEFSKY: Your recent initiative to take a close look at the trade advisory process is right on target. As you know, I am concerned by the resignations by prominent labor leaders and environmentalists from TEPAC and ACTPN, and by the Administration's appeal of the court ruling on NGO participation in ISAC's. It is time to re-examine the process, balancing sometimes conflicting goals.

For example, we seek influential leaders on ACTPN and TEPAC who understand trade policy. It is not always easy to find both qualities in one person. As a result, the ability of ACTPN and TEPAC members to contribute to trade policy formulation varies widely.

The desire for the ISAC's and IFAC's to foster consensus recommendations leads to excluding certain interested parties. I have heard from business groups and NGO's on this point. Morever, because the advisory process can be rigid and slow, it is tempting to circumvent the ISAC's or IFAC's, and instead use informal groups of trade advisors.

Let me offer a few ideas for improving the process.

We should give the advisory committees a more active role in monitoring implementation of existing agreements. Their charters include this function, but we don't emphasize compliance monitoring. We should strengthen this function. The private sector can help fill the information gaps which the GAO identified in its recent report on trade agreement compliance.

In addition, we should reexamine committee operating rules, such as procedures for choosing members and the role of the designated federal official. This may entail streamlining the system by reducing the number of standing committees. Finally, we have to clarify the relationship between the 1974 Trade Act and the Federal Advisory Committee Act.

This 26 year-old system is ready for some fresh eyes and for a legislative remedy. I look forward to working with you to improve the process.

Sincerely,

MAX BAUCUS.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, April 4, 2000, the Federal debt stood at $5,758,854,640,223.41 (Five trillion, seven hundred fifty-eight billion, eight hundred fifty-four million, six hundred forty thousand, two hundred twenty-three dollars and forty-one cents).

Five years ago, April 4, 1995, the Federal debt stood at $4,876,207,000,000 (Four trillion, eight hundred seventy-six billion, two hundred seven million).

Ten years ago, April 4, 1990, the Federal debt stood at $3,092,193,000,000 (Three trillion, ninety-two billion, one hundred ninety-three million).

Fifteen years ago, April 4, 1985, the Federal debt stood at $1,738,045,000,000 (One trillion, seven hundred thirty-eight billion, forty-five million).

Twenty-five years ago, April 4, 1975, the Federal debt stood at $505,481,000,000 (Five hundred five billion, four hundred eighty-one million) which reflects a debt increase of more than $5 trillion—$5,253,373,640,223.41 (Five trillion, two hundred fifty-three billion, three hundred seventy-three million, six hundred forty thousand, two hundred twenty-three dollars and forty-one cents) during the past 25 years.

ADDITIONAL STATEMENTS

TRIBUTE TO GIL HODGES

• Mr. SCHUMER. Mr. President, I rise today to honor Gil Hodges on his 25 year career in Major League Baseball. Gil Hodges served 18 years as a major league player and 7 years as a manager, during which he distinguished himself through exceptional performance, success, professionalism and personal achievement.

At the conclusion of his playing career in 1962, Gil Hodges was the leading right handed home run hitter in National League history; hitting 20 or more home runs in 11 seasons, surpassing the 30 home run mark four times and the 40 mark twice. For the 11-year period between 1949 and 1959, he averaged more than 30 home runs and 100 RBIs per season. Those are some impressive statistics. A vital part of both the Brooklyn Dodgers and New York Mets franchises, Gil appeared in 8 World Series, winning 1 as a player and 1 as a manager. During his tenure, Gil Hodges led the 1969 Miracle Mets to one of the most memorable and remarkable World Championships in the history of baseball, bringing pride to Mets fans all across the city.

Beyond being a great major leaguer, Gil Hodges was a great humanitarian. He played a major role in the success and acceptance of his teammate, Jackie Robinson. Jackie's eventual success was facilitated by the leadership and courage of Gil Hodges. A life long New Yorker, his memory lives on in the minds of the many Dodgers and Mets fans that got to witness his greatness. His number 14 has been retired by the Mets assuring that his legacy will be preserved for generations. In closing, I would like to say that Gil Hodges was a great baseball player, a great manager, and more importantly a great man. He was a hero to many and I am taking this time to pay tribute to his legacy. Thank you, Gil.•

TRIBUTE TO MR. FILIPPO MILONE

• Mr. SHELBY. Mr. President, I rise today to recognize Mr. Filippo Milone, a well-known community leader who was recently given the Republican Congressional Committee's Businessman of the Year Award. Filippo runs the highly successful and well regarded Pillars restaurant in Mobile, Alabama which serves some of the best cuisine not only in the state, but in the entire country. This award is truly a testament to Filippo's reputation in the Mobile business community and to the high esteem in which he is held by his peers. I want to congratulate Filippo and his wife of 27 years, Geltrude, and offer my thanks for their dedication to the city of Mobile.

Born in Italy in 1938, Filippo came to the United States after fulfilling his duties in the Italian military. After traveling to various parts of the country, Filippo chose to settle in the Mobile area to establish a business and raise a family. Calling upon his extensive culinary training, Filippo opened the Pillars restaurant in 1975 with the idea of creating a unique dining experience for customers. Today, the Pillars restaurant continues to thrive. Filippo has 40 employees and enjoys the satisfaction that comes with creating opportunities for others. He is active in the community as a member of many local organizations, including the Restaurant Association, the Chef's Association, and Lion's Club. Indeed, Filippo's many activities truly entitle him to the recognition that comes with being named a Businessman of the Year.

Again, I would like to congratulate Filippo and his entire family on this award. I have had the pleasure of eating at the Pillars Restaurant on numerous occasions and can honestly say I have never been disappointed. Both the service and food are always first class, and being in the company of someone with such a deep sense of community is always a pleasure. His commitment to the Mobile area and to Alabama should be commended.•

IN MEMORY OF JOHN ROBERT STARR

• Mrs. LINCOLN. Mr. President, just a few days ago Arkansas lost one of its boldest opinion leaders and most respected modern journalists, John Robert Starr. I rise today to pay tribute to his career and to offer my sympathies to his family, friends and colleagues.

A journalist of the ''old-school,'' John Robert Starr was dedicated to the tradition of his craft even in this day and age of on-line papers and 24-hour news channels. He loved his work and once said of journalism: ''This is the place to be—reporting, covering the day-to-day business. This is where I would like to be. This is where everybody ought to be.''

Ultimately, Mr. Starr would have a dramatic impact on journalism in Arkansas. But he got his start on the college newspaper at Southwestern, now Rhodes College in Memphis. After college, Starr combined two of his loves, sports and journalism, to join the sports staff at the Memphis Commercial Appeal. He later moved to the Associated Press in Little Rock as the sports editor but soon shifted into the arena of political coverage.

Throughout his 19-year career at the AP, including as Little Rock bureau chief, Starr covered such infamous political characters as Governor Orval Faubus, as well as various political candidates. After a lengthy and successful stint, he then left the AP to teach journalism at the University of Arkansas at Little Rock. Starr didn't last long on the academic side of things after being recruited to run an afternoon paper, the Arkansas Democrat. The Democrat was headed into battle with a more widely-read morning paper, the Arkansas Gazette, which was the oldest newspaper west of the Mississippi.

As they say, the rest is history. John Robert Starr led the Democrat through a raucous, public battle against the Gazette for readership and power. He became known through a must-read daily column for his sharp wit and engaging writing. Ultimately, the Democrat took the Gazette head on with hard news coverage and even harder-hitting opinions. It won, taking over the Gazette in 1991 under the masthead of one combined daily paper, the Arkansas Democrat-Gazette. It has been said that, despite his hand in shutting the Gazette down, Starr mourned the loss of the competition and lamented the passing of a major journalistic institution.

After the takeover, Starr stayed at the helm of the Democrat-Gazette as managing editor for just under a year, but stayed on to write his much-beloved daily column until the late 1990's when he cut back to three columns per week. During these years, Starr took on every topic from politics to travel, from professional basketball to Razorback football's recent stadium controversy. He always had an opinion and expressed it like no one else could. While his career was not without controversy, his opinions were always received with respect.

John Robert Starr also devoted much time to his wife of 51 years, the former Norma Jeanette Wilson of Pine Bluff, Arkansas, and their family. They traveled extensively over the years and their adventures provided material for many touching columns. Starr is survived by two sons, a daughter, and nine grandchildren, whom he loved dearly.

Journalism in my home state is forever influenced by the life and career of John Robert Starr. He was a dedicated Arkansan, with a passionate commitment to our state and its communities. With his passing, thousands of Arkansans will find something missing as they pick up their morning papers for years to come.•

THE KOSCIUSZKO FOUNDATION

• Mr. MURKOWSKI. Mr. President, I would like to extend my congratulations to the Kosciuszko Foundation—the American Center for Polish Culture—in honor of the Foundation celebrating its 75th Anniversary.

As the oldest not-for-profit institution in the United States which maintains cultural and educational exchanges between the U.S. and Poland, the Kosciuszko Foundation organizes academic, scholarly and scientific exchanges, and fellowships and grants for Polish scholars.

The Foundation also supports efforts to further business and economic education in Poland, and it also funds valuable programs to prepare Poland's political and social leaders for the country's new democratic system.

I commend the Kosciuszko Foundation for promoting Polish education and culture, and for its years of dedicated service to the Polish and Polish-American community. Many thanks also must go to the dedicated folks at the foundation for maintaining the vital Polish culture.•

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on the Judiciary.

(The nomination received today is printed at the end of the Senate proceedings.)

THE DEPARTMENT OF TRANSPORTATION'S BIENNIAL REPORT ON HAZARDOUS MATERIALS TRANSPORTATION—MESSAGE FROM THE PRESIDENT—PM99

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee Commerce, Science, and Transportation.

To the Congress of the United States:

I herewith transmit the Department of Transportation's Biennial Report on Hazardous Materials Transportation for Calendar Years 1996–1997. The report has been prepared in accordance with the Federal hazardous materials transportation law, 49 U.S.C. 5121(e).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 5, 2000.*

MESSAGE FROM THE HOUSE

At 11:23 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 758. An act for the relief of Nancy B. Wilson.

H.R. 3903. An act to deem the vessel M/V *Mist Cove* to be less than 100 gross tons, as measured under chapter 145 of title 46, United States Code.

H.R. 2418. An act to amend the Public Health Service Act to revise and extend programs relating to organ procurement and transplantation.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 758. An act for the relief of Nancy B. Wilson; to the Committee on Finance.

H.R. 2418. An act to amend the Public Health Service Act to revise and extend programs relating to organ procurement and transplantation; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–8336. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Projects with Industry (Evaluation Standards and Compliance Indicators)'' (RIN1820–AB45), received April 3, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8337. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Final Regulations-Federal Perkins Loan Program'', received April 3, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8338. A communication from the Board of Trustees, Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds transmitting, pursuant to law, the 2000 annual report; to the Committee on Finance.

EC–8339. A communication from the Board of Trustees, Federal Supplementary Medical Insurance Trust Fund transmitting, pursuant to law, the 2000 annual report; to the Committee on Finance.

EC–8340. A communication from the Board of Trustees, Federal Hospital Insurance Trust Fund transmitting, pursuant to law, the 2000 annual report; to the Committee on Finance.

EC–8341. A communication from the Secretary of the Commission, Federal Trade Commission transmitting, pursuant to law, the report of a rule entitled ''Formal Interpretation 17, Pursuant to Section 803.30 of the Premerger Notification Rules, 16 CFR Section 803.30, Regarding Filing Obligations for Certain Acquisitions Involving Banking and Non-Banking Businesses under the (c)(7) and (c)(8) Exemptions of the Hart-Scott-Rodino Act as Amended by the Gram-Leach-Bliley Act'', received April 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8342. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Spiny Dogfish Fishery Management Plan; Delay of Effectiveness'', received March 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8343. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement Amendment 9 to the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic'', received March 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8344. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska-Closes B Season Pollock Fishery within the Shelikof Strait Conservation Area in the Gulf of Alaska'', received March 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8345. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Fort Lauderdale, FL (COTP Miami 00–030)'' (RIN2115–AA97) (2000–0006), received March 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8346. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Norwalk River, CT (CGD01–00–014)'' (RIN2115–AE$7) (2000–0017), received March 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8347. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Elaine, AR; Ringgold, LA; Hays, KS'' (MM Docket No. 99–280; RM–9672; MM Docket No. 99–281, RM–9684; MM Docket No. 99–283, RM–9711), received March 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8348. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Easton, Merced and North Fork, CA'' (MM Docket No. 99–181; RM–9584; RM–9700), received March 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8349. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Littlefield, Wolfforth and Tahoka, TX'' (MM Docket No. 95–83; RM–8634), received March 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8350. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Newell, SD; Moville, IA; Rockford, IA; Watseka, IL; Keosauqua, IA; and Box Elder, SD'' (MM Docket Nos. 99–96; 00–193; 99–194; 99–308; 99–309; and 99–310), received March 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8351. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Johnson City and Owego, NY'' (MM Docket No. 99–245; RM–9680), received March 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8352. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Ankeny and West Des Moines, IA'' (MM Docket No. 95–108; RM–8631), received March 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8353. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; CFM International CFM56–2, –2A, –2B, –3, –3B, and –3C Series Turbofan Engines; Docket No. 99–NE–57 (3–28/3–30)'' (RIN2120–AA64) (2000–0183), received March 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8354. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Learjet Model 35, 35A, 36, 36A, 55, 55B, and 55C Airplanes; Rescission; Docket No. 99–NM–311 (3–27/3–30)'' (RIN2120–AA64) (2000–0182), received March 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8355. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters; Request for Comments; Docket No. 99–SW–75 (3–30/3–30)'' (RIN2120–AA64) (2000–0180), received March 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8356. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes; Docket No. 99–NM–185 (3–30/3–30)'' (RIN2120–AA64) (2000–0181), received March 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8357. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Israel Aircraft Industries, Ltd., Model Astra SPX Series Airplanes; Docket No. 99–NM–256 (3–28/3–30)'' (RIN2120–AA64) (2000–0184), received March 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8358. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of the Airspace for Grand Canyon National Park; Docket No. FAA–99–5926 (4–4/4–3)'' (RIN2120–AG74), received April 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8359. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Commercial Air Tour Limitation in the Grand Canyon National Park Special Flight Rules Area; Docket No. FAA–99–5927 (4–4/4–3)'' (RIN2120–AG73), received April 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8360. A communication from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants: Determination of Threatened Status for the Northern Idaho Ground Squirrel'' (RIN1018–AE84), received March 31, 2000; to the Committee on Environment and Public Works.

EC–8361. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation relative to creation of a highway emergency relief reserve; to the Committee on Environment and Public Works.

EC–8362. A communication from the Vice President, Communications, Tennessee Valley Authority transmitting the Statistical Summary for fiscal year 1999; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–451. A resolution adopted by the Board of County Commissioners, Spokane County, Washington relative to the United Nations Convention on the Elimination of All Forms of Discrimination Against Women; to the Committee on Foreign Relations.

POM–452. A resolution adopted by the Board of Commissioners, Ferry County, Washington relative to the Endangered Species Act; to the Committee on Environment and Public Works.

POM–453. A resolution adopted by the Southern Governors' Association relative to the Master Water Control Manual for the Missouri River; to the Committee on Environment and Public Works.

REPORT OF COMMITTEE

The following report of committee was submitted:

By Mr. MACK, from the Joint Economic Committee: Special Report entitled ''The 2000 Joint Economic Report'' (Rept. No. 106–225).

EXECUTIVE REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. MURKOWSKI for the Committee on Energy and Natural Resources.

Thomas A. Fry, III, of Texas, to be Director of the Bureau of Land Management.

(The above nomination was reported with the recommendation that he be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID (for himself and Mr. INOUYE):

S. 2357. A bill to amend title 38, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation; to the Committee on Veterans' Affairs.

By Mr. INHOFE (for himself and Ms. LANDRIEU):

S. 2358. A bill to amend the Public Health Service Act with respect to the operation by the National Institutes of Health of an experimental program to stimulate competitive research; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROBB (for himself and Mr. WARNER):

S. 2359. A bill to make technical corrections in United States Customs Service regulations regarding the importation of goods bearing foreign owned trademarks or trade names, and for other purposes; to the Committee on Finance.

By Mr. SHELBY:

S. 2360. A bill to amend the Gramm-Leach-Bliley Act to provide for a limitation on sharing of behavioral profiling information, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER:

S. 2361. A bill to amend Public Law 85–159 to strike the provision relating to transmission of power generated by the Niagara Power Project, New York, to neighboring States; to the Committee on Energy and Natural Resources.

By Mr. VOINOVICH (for himself, Mr. BREAUX, Mr. INHOFE, and Ms. LANDRIEU):

S. 2362. A bill to amend the Clean Air Act to direct the Administrator of the Environmental Protection Agency to consider risk assessments and cost-benefit analyses as part of the process of establishing a new or revised air quality standard; to the Committee on Environment and Public Works.

By Mr. CRAPO:

S. 2363. A bill to subject the United States to imposition of fees and costs in proceedings relating to State water rights adjudications; to the Committee on Energy and Natural Resources.

By Mr. SANTORUM (for himself and Mr. GREGG):

S. 2364. A bill to amend the Social Security Act to require Social Security Administration publications to highlight critical information relating to the future financing shortfalls of the social security program; to the Committee on Finance.

By Ms. COLLINS (for herself, Mr. BOND, Mr. BAUCUS, Mr. JEFFORDS, Mr. REED, Mr. SANTORUM, Mr. ABRAHAM, Mrs. MURRAY, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. HOLLINGS, Ms. MIKULSKI, Mr. BINGAMAN, Mr. MURKOWSKI, Mrs. HUTCHISON, Mr. SCHUMER, Mr. TORRICELLI, Mr. EDWARDS, Mr.

LEAHY, Mr. ENZI, Mr. LUGAR, Mr. CLELAND, Mr. HAGEL, Ms. SNOWE, Mr. BENNETT, Mr. GORTON, Mr. HUTCHINSON, Mr. HELMS, Mr. ALLARD, Mrs. LINCOLN, Mr. L. CHAFEE, Mr. DEWINE, Mr. ASHCROFT, Mr. SPECTER, Mr. ROBERTS, Mr. BROWNBACK, and Mr. VOINOVICH):

S. 2365. A bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services; to the Committee on Finance.

By Mr. FRIST (for himself, Mr. JEFFORDS, Mr. GREGG, Mr. ENZI, Mr. HUTCHINSON, Ms. COLLINS, Mr. BROWNBACK, Mr. HAGEL, and Mr. SESSIONS):

S. 2366. A bill to amend the Public Health Service Act to revise and extend provisions relating to the Organ Procurement Transplantation Network; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ABRAHAM (for himself, Mr. KENNEDY, Mr. LEAHY, Mr. DEWINE, Mr. JEFFORDS, Mr. AKAKA, Mr. GRAHAM, and Mr. INOUYE):

S. 2367. A bill to amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under the Act; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ABRAHAM (for himself and Mr. LEVIN):

S. Res. 281. A resolution to congratulate the Michigan State University Men's Basketball Team on winning the 2000 National Collegiate Athletic Association Men's Basketball Championship; considered and agreed to.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. Res. 282. A resolution congratulating the Huskies of the University of Connecticut for winning the 2000 Women's Basketball Championship; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself and Mr. INOUYE):

S. 2357. A bill to amend title 38, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation; to the Committee on Veterans' Affairs.

ARMED FORCES CONCURRENT RETIREMENT AND DISABILITY PAYMENT ACT OF 2000

Mr. REID. Mr. President, I am pleased today to introduce legislation along with my esteemed colleague Senator INOUYE that will correct an inequity for veterans who have retired from our Armed Forces with a service-connected disability.

Our legislation will permit retired members of the Armed Forces who have a service connected disability to receive military retired pay concurrently with veterans' disability compensation.

Mr. President, disabled military retirees are only entitled to receive disability compensation if they agree to wave a portion of their retired pay equal to the amount of compensation. This requirement discriminates unfairly against disabled career soldiers by requiring them to essentially pay their own disability compensation.

Military retirement pay and disability compensation were earned and awarded for entirely different purposes. Current law ignores the distinction between these two entitlements. Members of our Armed Forces have dedicated 20 or more years to our country's defense earning their retirement for service. Whereas disability compensation is awarded to a veteran for injury incurred in the line of duty.

It is inequitable and unfair for our veterans not to receive both of these payments concurrently. We have an opportunity to show our gratitude to these remarkable men and women who have sacrificed so much for this great country of ours. I hope the Senate will seriously consider passing this legislation, to end at last, this disservice to our retired military men and women.

Mr. President, this legislation represents an honest attempt to correct an injustice that has existed for far too long. Allowing disabled veterans to receive military retired pay and veterans disability compensation concurrently will restore fairness to Federal retirement policy.

This legislation is supported by veterans service organizations, including the Disabled American Veterans, the American Legion, and Paralyzed Veterans of America. This is simply the right thing to do. Our veterans have earned this and now it is our chance to honor their service to our nation.

I ask unanimous consent that the text of the Armed Forces Concurrent Retirement Disability Payment Act of 2000 and attached documents be printed in the RECORD.

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

S. 2357

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Armed Forces Concurrent Retirement and Disability Payment Act of 2000''.

SEC. 2. CONCURRENT PAYMENT OF RETIRED PAY AND COMPENSATION FOR RETIRED MEMBERS WITH SERVICE-CONNECTED DISABILITIES.

(a) CONCURRENT PAYMENT.—Section 5304(a) of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(3) Notwithstanding the provisions of paragraph (1) and section 5305 of this title, compensation under chapter 11 of this title may be paid to a person entitled to receive retired or retirement pay described in such section 5305 concurrently with such person's receipt of such retired or retirement pay.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and apply with respect to payments of compensation for months beginning on or after that date.

(c) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits shall be paid to any person by virtue of the amendment made by subsection (a) for any period before the effective date of this Act as specified in subsection (b).

NEVADA PARALYZED VETERANS OF AMERICA,
Las Vegas, NV, April 4, 2000.

Senator HARRY REID,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR REID: Nevada Paralyzed Veterans of America is dedicated to all efforts that will support and enhance the quality of life of our members. We consider ourselves an important voice of reason and logic when issues of substance arise regarding legislation and health care. In the tradition of excellence that we acquired during our active military training we continue to strive to maintain the same in promoting quality of life post disability.

As President of Nevada Paralyzed Veterans of America (Nevada PVA), I would like to offer my support of your legislation to permit the concurrent receipt of service-connected disability compensation and retirement pay, without deductions. Nevada PVA has consistently supported legislation that would attempt to remedy the unjust disparity in benefits for the men and women who have served in our Armed Services.

While Nevada PVA supports these measures, as we have in the past, we must be assured that the other benefits currently being received by veterans are in no way compromised or reduced. VA has just recently begun getting the funding it needs to avoid the devastating effects of past flat-lined budgets. We hope that Congress will see the wisdom of providing concurrent receipts.

Thank you again for your continued support of our veterans and for your legislation. We look forward to the passage of your bill and the benefits it will bring to our deserving service-connected disabled veterans.

Sincerely,

LUPO A. QUITORIANO, Ph.D.,
President.

DISABLED AMERICAN VETERANS,
DEPARTMENT OF NEVADA,
Las Vegas, NV, April 4, 2000.

Senator HARRY REID.

DEAR SIR: It is our understanding that you are about to introduce legislation that would establish ''Concurrent Payments of Department of Veterans Affairs Disability Compensation and Military Retirement''.

The Department of Nevada DAV goes on record, with the National DAV, in supporting such legislation.

I submit, for your perusal, Resolution #30 from the DAV Legislative Program, approved at convention in 1999.

''Whereas, ex-service members who are retired from the military on length of service must waive a portion of their retired pay in order to receive disability compensation from the Department of Veterans Affairs (VA) and

''Whereas, it would be more equitable if the laws and regulations were changed to provide that in such cases the veteran would be entitled to receive both benefits concurrently since eligibility was established and

earned under two entirely different sets of enabling laws and regulations: NOW

''Therefore be it resolved that the Disabled American Veterans in National Convention assembled in Orlando, Florida, August 21–25, 1999, supports legislation and changes in applicable regulations which would provide that a veteran who is retired for length of service and is later adjudicated as having service-connected disabilities, may receive concurrent benefits from the military department and from VA without deduction from either.''

Senator Reid, we thank you for introducing such legislation. As usual, where Veterans are concerned, you are right out front.

Sincerely yours,

WILLIAM D. BRZEZINSKI,
Adjutant.

AMERICAN LEGION,
DEPARTMENT OF NEVADA,
Carson City, NV, April 4, 2000.

Hon. HARRY REID,
Washington, DC.

DEAR SENATOR REID: It has come to my attention that you are in the process of drafting a bill (Armed Forces Concurrent Retirement and Disability Payment Act of 2000) that will eliminate the present practice of deducting disability compensation from the retired pay of military retired veterans. I have always felt this practice was not fair to our retired veterans. They are in fact funding their own disability compensation.

Commander Joe McDonnell and I, First Vice Commander of the American Legion Department of Nevada, support this bill. If I can be of assistance to you to get this bill passed feel free to call on me.

Sincerely,

RON GUTZMAN,
First Vice Commander.

By Mr. INHOFE (for himself and Ms. LANDRIEU):

S. 2358. A bill to amend the Public Health Service Act with respect to the operation by the National Institutes of Health of an experimental program to stimulate competitive research; to the Committee on Health, Education, Labor, and Pensions.

NATIONAL INSTITUTES OF HEALTH EPSCOR PROGRAM ACT OF 2000

Mr. INHOFE. Mr. President, I am pleased to introduce the National Institutes of Health EPSCoR Program Act of 2000 with my colleague, Senator LANDRIEU of Louisiana. This legislation we are introducing today, when passed, stands to make a major impact on the scope of biomedical research done in America today.

Small and medium sized states, like ours, have been unfairly discriminated against in their competition for federal research dollars. In 1978, Congress created the EPSCoR program (Experimental Program to Stimulate Competitive Research), to make sure that all states would have the opportunity to compete for scientific research funds. Despite this intention, the EPSCoR program only served to exacerbate the exiting funding disparity. You may ask, how can this be so? The answer is really quite simple.

The EPSCoR program does not extend to one of the biggest sources of scientific research—the National Institutes of Health (NIH). We are all aware, the NIH budget is growing rapidly; NIH's FY 2000 budget is $17.9 billion—up 8.43 percent in the past 5 years. Yet, despite this tremendous boom, 24 states receive 93 percent of NIH research grants, while the other 26 states split the remaining 7 percent.

Although the NIH budget has resulted in great scientific gains, the research divide continues. One-half of the states have seen little benefit in the recent NIH increase. The time has come to correct this allocation program, but in a way that insures we have the best biomedical research in the world, and that those benefits are extended to the entire country. Research institutes provide a great opportunity to improve the health care delivery and quality in their home state, but only limited opportunity exists in half the states, because of the existing funding divide.

The legislation we are introducing will provide $200 million to NIH–EPSCoR states will enable states that currently receive historically low amounts of NIH grants to participate in two special funds.

The first fund is to finance new infrastructure needs in these states. Because of their continued lack of equitable funding, many EPSCoR states have fallen behind in their infrastructure needs and are unable to compete against non-EPSCoR states. Our legislation will allocate $3.5 million each year to every NIH–EPSCoR state, to be used for projects the state EPSCoR committee targets as meeting the state biomedical research committees' goals. Because the state is responsible for choosing its infrastructure needs, we may finally be able to get away from the yearly requests for special projects in our states and allow federal funds to be spent in the most efficient manner possible.

The second fund is dedicated toward research in the new NIH–EPSCoR. This research is for meritorious projects, cofunded by the NIH–EPSCoR fund and the NIH Institute or Center. These projects must meet existing NIH standards or merit and quality, but will not have to compete against proposals from the non-EPSCoR states, which already dominate the grant process.

Finally, this process will be self sustaining. Because research is typically less expensive to perform in NIH–EPSCoR states, the savings in administrative costs are recaptured to fund additional research. In FY 1999 we estimate these savings would have added up to $49 million, which would have flowed back to NIH–EPSCoR states for additional research projects.

In recent years, we have made great strides in biomedical research, however, that research has been limited to only a select few. I ask you to join us in resolving this discrepancy and restore equity to the NIH process and would invite my colleagues to join us in this effort.

By Mr. SHELBY:

S. 2360. A bill to amend the Gramm-Leach-Bliley Act to provide for a limitation on sharing of behavioral profiling information, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

FREEDOM FROM BEHAVIORAL PROFILING ACT OF 2000

Mr. SHELBY. Mr. President, I rise today to introduce the ''Freedom from Behavioral Profiling Act of 2000.'' This legislation would disallow financial institutions from buying and selling an individual's most personal and detailed buying habits without proper notification and without his or her permission. Put another way, financial institutions would only be allowed to buy, sell or otherwise share an individual's behavioral profile if the institution has disclosed to the consumer that such information may be shared and the institution has received the consumer's affirmative consent to do so.

Technology exists today that allows financial institutions to monitor and collect your personal buying and spending habits. According to the April 3 issue of Business Week magazine, Visa International is ''using neural networks to build up elaborate behavioral profiles. Over months, these systems . . . track a person's behavior online and off, then match it against models of similar personality and behavior types . . .''

What this means is that financial institutions have the ability to follow you to the grocery store to track your purchases—whether you are abiding by your doctors recommended diet—and then to the drug store to see what kind of drugs you are purchasing. The institution can also track where you go throughout the day and into the evening, and exactly what time you were there.

Business Week also reported that such ''far-flung threads'' as your ''taste in paperbacks, political discussion groups'' and clothing are being ''sewn into online profiles where they are increasingly intertwined with your data on health, your education loans and your credit history.'' What does this information have to do with getting a mortgage? More importantly, are these institutions sharing these behavioral profiles? Given the track record of some of the blue chip firms like Chase Manhattan Bank and U.S. Bancorp, I believe the risk is too great to assume otherwise.

Even more important, what happens when these behavioral profiles get into the wrong hands? That rarely happens you say. Guess again. A Russian teenager using the name ''Maxus'' stole 350,000 credit card numbers from CD Universe's Web site last December. He then told CD Universe that he would

post the numbers on the Internet unless they paid him $100,000. When they refused to pay him he posted the credit cards numbers and thousands of visitors downloaded more than 25,000 account numbers between December 25 and January 7.

A similar case happened on March 24 of this year when two teens in a small Welsh village hacked into computers of several online merchants making off with more than 26,000 credit card numbers. The FBI says losses connected to the thefts could exceed $3 million.

Mr. President, if teenagers from around the world are gaining access to account numbers, there is no question they can steal data banks of behavioral profiles. In fact, they are. A front page article in the New York Times dated April 3, 2000, reports that ''Law enforcement authorities are becoming increasingly worried about a sudden, sharp rise in the incidence of identity theft, the outright pilfering of people's personal information and, with that information in hand, thieves can acquire credit, make purchases and even secure residences in someone else's name.''

Mr. President, an important point here is that potential criminals do not even have to steal the information. Due to the significant loopholes in the Gramm-Leach-Bliley Act passed last year, an individual's behavioral profile could legally be passed along without the affirmative consent of that individual. The unchecked growth of data banks and the business of profiling unquestionably facilitates identity theft.

Some may suggest that there is no harm in behavioral profiling. I disagree. Despite the fact that consumers are ''shielded'' in fraudulent cases, subject to only $50 maximum liability, the burden is on credit card owners to prove the fraudulent charges are not their own. If the fraudulent charge is not found immediately, continued purchases or applications for more cards by the criminal can wreak havoc on an individual's credit rating. In fact, one witness recently testified before the Senate Subcommittee on Terrorism, Technology and Government Information that she spent over 400 hours trying to clear her name and restore her good credit.

In ''card-not-present'' transactions, that is orders by mail, telephone or Internet where no signature is required, merchants are forced to cover the loss. Thus, identity theft and fraudulent purchases also take a toll on the small business man. Reports suggest that one out of every ten online purchases is fraudulent. My colleagues know that small businesses do not have the margins to eat the charge on one out of every 10 purchases.

Mr. President, the American people are only now becoming aware of the behavioral profiling practices of the industry. The more they find out, the more they do not like it. That is why I am offering this legislation . . . to give the consumer the ability to control his or her most personal behavioral profile. Where they go, who they see, what they buy and when they do it—all of these are personal decisions that the majority of Americans do not want monitored and recorded under the watchful eye of corporate America.

Mr. President, colleagues in the Senate, I hope you will join me in an effort to give the people what they want—the ability to control the indiscriminate sharing of their own personal, and private, consumption habits.

By Mr. VOINOVICH (for himself, Mr. BREAUX, Mr. INHOFE, and Ms. LANDRIEU):

S. 2362. A bill to amend the Clean Air Act to direct the Administrator of the Environmental Protection Agency to consider risk assessments and cost-benefit analyses as part of the process of establishing a new or revised air quality standard; to the Committee on Environment and Public Works.

AIR QUALITY STANDARD IMPROVEMENT ACT OF 2000

• Mr. VOINOVICH. Mr. President, I rise today with my distinguished colleague from Louisiana, Senator BREAUX, to introduce a bill that will provide a commonsense approach to promulgating regulations under the Clean Air Act. We are pleased that Senators INHOFE and LANDRIEU have joined us as original cosponsors. We introduce this bill today in a bipartisan manner to increase public health, safety and environmental protection.

As a father and grandfather, I understand the importance of ensuring a clean environment for our future generations. Throughout my 33 years of public service, I have demonstrated a commitment to preserving our environment and the health and well-being of all Ohioans. I sponsored legislation to create the Ohio Environmental Protection Agency when I served in the state legislature, and I fought to end oil and gas drilling in the Lake Erie bed. As Governor, I increased funding for environmental protection by over 60 percent. While in the Ohio House of Representatives, I was responsible for creating the Environment and Natural Resources Committee and was honored to serve as the first vice chairman of that committee.

In addition, the state of Ohio has made significant improvements in air quality in recent years. When I first entered office as Governor in 1991, most of Ohio's urban areas were not attaining the 1-hour ozone standard. By the time I left, all but one city was in attainment. However, the Cincinnati community has worked together, through a variety of programs, to attain the 1-hour standard and is now awaiting final action by the EPA to redesignate it as in attainment.

Overall, the ozone pollution level in Ohio has gone down by 25%, and in many urban areas, it has gone down by more than 50% in the past 20 years. Ohio is doing its part to provide cleaner air. Nevertheless, over the years, I have become more and more concerned that just in order to comply with federal laws and regulations, our citizens, businesses and state and local governments must pay costs that can be inordinately burdensome or totally unnecessary.

In the 104th Congress, I worked closely with a coalition of state and local government officials and members of the House and Senate to pass effective safe drinking water reforms. The results of our efforts culminated in the Safe Drinking Water Act Amendments, legislation which was enacted with broad bipartisan support in 1996. In addition, the bill had the support of environmental organizations, and I was pleased to attend the President's bill-signing ceremony when these reforms were signed into law. In fact, at that time the President praised the bipartisan work and said, ''Today we helped ensure that every family in America will have safe, clean drinking water to drink every time they turn on a faucet or stop at a public water fountain. From now on our water will be safer and our country will be healthier for it.''

This cooperative effort is notable because it showed that a law could include commonsense reforms that make the government more accountable based on public awareness of risks, costs and benefits. I believe it set a key precedent for reform of other environmental regulations.

I specifically mention the drinking water program because it is the model for the bill we are introducing today. This bill includes the very same risk assessment and cost-benefit analysis provisions that govern our drinking water. This bill clarifies EPA's obligation to identify risks, consider costs and benefits of a proposed rule and consider incremental costs and benefits of alternative air quality standards. However, EPA would retain flexibility in making final regulatory decisions.

If we can agree these tools improve rulemakings for something as important as the water we drink, where a regulatory mistake could endanger millions of lives, they certainly must be good enough to protect the air that we breathe.

When I was Governor of Ohio, I became more and more concerned that the EPA was not taking into consideration sound science, costs and benefits during the rulemaking process. I was particularly concerned about the standards for ozone and particulate matter. In fact, I was very concerned that the costs to this country to implement the new National Ambient Air Quality Standards (NAAQS) for ozone and particulate matter far outweighed the benefits to public health and the environment.

In fact, according to EPA's own estimates, the costs for implementing the NAAQS standard for ozone exceeded the benefits. The President's own Council of Economic Advisors predicted that the benefits would be small, while the costs of reaching full attainment could total $60 billion.

Just last spring, a U.S. appeals court remanded EPA's ozone and $PM_{2.5}$ standards, ruling that EPA did not justify its decision with sound scientific evidence. Ohio was a party to this lawsuit, which began when I was Governor. The court didn't say that EPA couldn't regulate at these levels, but that EPA didn't give sufficient justification for doing so.

That has been my point all along. I have argued that the NAAQS standards were going to be costly and that we didn't even know if making those investments was going to make a difference. I believe this bill would help us avoid some of the legal and legislative wrangling that has occurred in the past few years with respect to how we achieve clean air.

Federal agencies should not force businesses and consumers to throw billions of dollars at a problem without knowing if they're hitting the right target. Yet, the EPA is asking all of America to pay for these new regulations simply because the EPA said it is the right thing to do and that it has the authority to do so. However, they have failed to adequately determine the effects of changing the ozone and particulate matter standards.

The challenge facing public officials today is determining how best to protect the health of our citizens and our environment with limited resources. We need to do a much better job of ensuring that regulations' costs bear a reasonable relationship with their benefits, and we need to do a better job of setting priorities and spending our resources wisely.

I believe the bill we introduce today will help achieve these goals in air regulations. First, I believe this bill will increase the public's knowledge of how and why the EPA makes air regulations. In essence, this bill asks EPA to answer several simple, but vital questions:

What science is needed to help us make good decisions?

What is the nature of the risk being considered?

What are the benefits of the proposed regulation?

How much will it cost?

And, are there better, less burdensome ways to achieve the same goals?

It will also improve the quality of government decision-making by allowing the EPA to set priorities and focus on the worst risks first. Careful thought, reasonable assumptions, peer review and sound science will help target problems and find better solutions.

Mr. President, Executive Order 12866 already requires agencies to conduct risk assessment and cost benefit analysis. What this bill will do is clarify that EPA must conduct risk assessment and cost benefit analysis. This bill does not mandate outcomes. In fact, it does nothing to circumscribe the EPA Administrator's ability to propose and implement regulations to protect public health. Quite simply, it imposes commonsense discipline and accountability in the rulemaking process by confirming that EPA has the flexibility to take risks and costs into consideration when setting standards that are going to affect public health or the environment.

I want to make very clear that this bill does not mandate how EPA sets standards. The Administrator will have discretion to set appropriate standards to protect human health. EPA would be required to conduct an analysis of incremental costs and benefits of alternative standards, but would have the flexibility to choose between a standard where the benefits justify its cost or, when health considerations dictate, the maximum feasible standard.

In addition, this bill does not keep information about air quality from the public. To the contrary, this bill is a public right-to-know bill that requires EPA to tell the public what information it considered before making a final decision.

Nor does the bill ''gut'' the Clean Air Act, as some contend. In fact, it strengthens it by asking EPA to tell the public what the risks are that warrant regulation and what options are available to most efficiently and effectively reduce those risks. This bill will ensure that the Agency sets priorities and it makes sure that our limited resources are being spent to address the real risks to public health and the environment. While many air regulations set by EPA are well intended, we want to ensure that these regulations are going to achieve their purpose and not unnecessarily pass significant burdens onto our citizens and state and local governments.

I strongly believe our challenge is to determine how best to meet our obligation of protecting the environment and health of our citizens with the limited financial resources we have available and with the scientific evidence to back up our actions. It should not be the government's policy to initiate or enact regulations simply because it sounds like a good idea. It should be because the evidence shows that it is the right thing to do.

I have spoken to my colleague and chairman of the Environment and Public Works Committee's Clean Air Subcommittee, Senator INHOFE, and he has agreed to include this bill in a package of bills that will be introduced in the near future to advance discussions on Clean Air Act reauthorization.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2362

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Air Quality Standard Improvement Act of 2000''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to establish more effective environmental standards to continue to safeguard public health and the environment;

(2) to promote better resource allocation to ensure that serious risks to air quality are addressed first;

(3) to improve the ability of the Administrator of the Environmental Protection Agency to use scientific and economic analysis in developing air quality standards;

(4) to yield increased public health and environmental benefits and more effective protections while minimizing costs;

(5) to require that relevant qualitative and quantitative information be considered in the process of evaluating the costs and benefits of air quality standards;

(6) to promote the right of the public to know about the costs and benefits of air standards, the risks addressed, the risks reduced, and the quality of scientific and economic analysis used to support decisions; and

(7) to require the Administrator of the Environmental Protection Agency to conduct risk assessments and cost-benefit analyses as part of the process of establishing a new or revised air quality standard.

SEC. 3. RISK ASSESSMENT AND COST-BENEFIT ANALYSIS.

The Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:

''TITLE VII—RISK ASSESSMENT AND COST-BENEFIT ANALYSIS

''SEC. 701. DEFINITION OF AIR QUALITY STANDARD.

''In this title, the term 'air quality standard' means—

''(1) a national ambient air quality standard established under section 109 (including the setting of any emissions budget for purposes of attaining or maintaining any national ambient air quality standard);

''(2) an increment or ceiling for the prevention of significant deterioration established under section 163;

''(3) regulations established under section 169A to address the regional haze or other impairment of visibility by manmade air pollution in a mandatory class I Federal area;

''(4) any finding or emission limitation determined under section 126;

''(5) any emission standard or requirement that applies to on-road and nonroad mobile sources (including aircraft engine standards) established under title II;

''(6) any requirement that imposes a limitation on the quality of fuel used in mobile sources;

''(7) any emission limitation or emission budget for sulfur dioxide or nitrogen oxides established under title IV;

''(8) any preconstruction review requirement that regulates new sources or major modifications of existing sources in attainment or nonattainment areas;

''(9) the setting of any emissions budget or other requirement for purposes of attaining or maintaining any national ambient air quality standard under section 110;

''(10) any new source performance standard, existing source performance standard, or design, equipment, work practice, or operational standard established or revised under section 111;

''(11) any standard to protect public health and the environment described in section 112(f);

''(12) any new regulation applicable to an electric utility steam generating unit under section 112(n);

''(13) the designation of a pollutant under section 115 as causing or contributing to air pollution that may reasonably be anticipated to endanger public health or welfare in a foreign country;

''(14) any air pollution control technique information, transportation planning guidelines, information on procedures and methods to reduce mobile source air pollution, or control technique guidelines issued under sections 108 and 183;

''(15) any identification of attainment dates for national ambient air quality standards under part D;

''(16) any identification of control measures for the reduction of interstate ozone air pollution under section 184; and

''(17) any identification of reasonably available control measures and best available control measures for particulate matter under section 190.

''SEC. 702. RISK ASSESSMENT, MANAGEMENT, AND COMMUNICATION.

''(a) USE OF SCIENCE IN DECISIONMAKING.—In carrying out this Act, (including establishing a new or revised air quality standard under this Act), the Administrator shall base any scientific or technical conclusions on—

''(1) the best available, peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices;

''(2) data collected by accepted methods or the best available methods (if the reliability of the method and the nature of the decision justifies use of the data);

''(3) data (including the underlying research data) that have been made available to the public, subject to the exemptions under section 552 of title 5, United States Code.

''(b) PUBLIC INFORMATION.—

''(1) IN GENERAL.—In carrying out this section, the Administrator shall ensure, to the maximum extent practicable, that the presentation of information on public health effects concerning any new or revised air quality standard is comprehensive, informative, understandable, and conveniently available for public comment prior to the promulgation of any regulation under this Act.

''(2) SPECIFICATIONS.—The Administrator shall, in a document made available to the public in support of a regulation proposed or promulgated under this Act concerning an air quality standard, specify, to the maximum extent practicable—

''(A) each population addressed by any estimate of public health effects;

''(B) the expected risk or central estimate of risk for the specific populations or resources, where applicable, and each appropriate upper-bound or lower-bound estimate of risk;

''(C) each significant uncertainty identified in the process of the assessment of public health effects, and studies that would assist in resolving the uncertainty; and

''(D) peer-reviewed studies known to the Administrator that support, are directly relevant to, or fail to support any estimate of public health effects, and the methodologies used to reconcile inconsistencies in the scientific data.

''(3) HEALTH RISK REDUCTION AND COST ANALYSIS.—

''(A) IN GENERAL.—As part of the process of proposing a new or revised air quality standard, the Administrator shall publish in the Federal Register and seek public comment on an analysis of each of the following:

''(i) Quantifiable and nonquantifiable benefits for which there are factual bases in the rulemaking record to conclude that the benefits are likely to occur as the result of actions taken to comply with the new or revised air quality standard.

''(ii) Quantifiable and nonquantifiable health benefits for which there are factual bases in the rulemaking record to conclude that the benefits are likely to occur from reductions in other related pollutants that may be attributed to compliance with the new or revised air quality standard, excluding benefits resulting from compliance with other proposed or promulgated regulations.

''(iii) Quantifiable and nonquantifiable costs for which there is a factual basis in the rulemaking record to conclude that the costs are likely to occur as the result of actions taken to comply with or attain the new or revised air quality standard, which costs shall include monitoring, actions taken to comply with or attain the new or revised air quality standard, and other costs, and excluding costs resulting from compliance with other proposed or promulgated regulations.

''(iv) The incremental costs and benefits associated with each alternative new or revised air quality standard considered.

''(v) The effects of the air pollutant or pollutants for which a new or revised air quality standard is being considered on the general population, including, to the extent relevant and appropriate and where data are reasonably available, the effects on groups within the general population such as infants, children, pregnant women, the elderly, individuals with a history of serious illness, or other subpopulations that are identified as likely to be at greater risk of adverse health effects due to exposure to an air pollutant than the general population.

''(vi) Any risk that may occur as the result of compliance with or attainment of the new or revised air quality standard, including risks associated with other related pollutants.

''(vii) Other relevant factors, including the quality and extent of the information available concerning the new or revised air quality standard, the uncertainties in the analysis supporting clauses (i) through (vi), and factors with respect to the degree, and quantitative and qualitative descriptions of the nature, of any risk.

''(B) APPROACHES TO MEASURE AND VALUE BENEFITS.—The Administrator may identify valid approaches for the measurement and valuation of benefits under this paragraph, including approaches to identify consumer willingness to pay for reductions in health risks from air pollutants.

''(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to conduct studies, assessments, and analyses described in this section $35,000,000 for each of fiscal years 2000 through 2003.

''SEC. 703. COST-BENEFIT ANALYSIS.

''(a) DEFINITIONS.—In this section:

''(1) BENEFIT.—The term 'benefit' means the reasonably identifiable significant favorable effects, quantifiable and nonquantifiable, including social, health, safety, environmental, and economic effects, that are expected to result from implementation of, or compliance with, a new or revised air quality standard.

''(2) COST.—The term 'cost' means the reasonably identifiable significant adverse effects, quantifiable and nonquantifiable, including social, health, safety, environmental, and economic effects, that are expected to result from implementation of, or compliance with, a new or revised air quality standard.

''(3) COST-BENEFIT ANALYSIS.—The term 'cost-benefit analysis' means an evaluation of the costs and benefits of a new or revised air quality standard, quantified to the extent feasible and appropriate and otherwise qualitatively described, that is prepared in accordance with the requirements of this section at the level of detail appropriate and practicable for reasoned decisionmaking on the matter involved, taking into consideration uncertainties, the significance and complexity of the decision, and the need to adequately inform the public.

''(b) ANALYSIS.—For each new or revised air quality standard proposed, the Administrator—

''(1) shall conduct and publish, for public comment, a cost-benefit analysis to determine whether the benefits of the new or revised air quality standard justify, or do not justify, the costs; and

''(2) may analyze the potential distributional effects of the new or revised air quality standard.

''(c) DETERMINATION OF HEALTH RISK REDUCTION AND COST CONSIDERATIONS.—

''(1) DETERMINATION OF NO JUSTIFICATION FOR COST.—

''(A) IN GENERAL.—Notwithstanding any other provision of this Act, if the Administrator determines, based on an analysis conducted under subsection (b), that the benefits of a new or revised air quality standard proposed or promulgated in accordance with this Act do not justify the costs, the Administrator may, after notice and opportunity for public comment, promulgate an alternative new or revised air quality standard at a cost that is justified by the benefits.

''(B) SCOPE OF CONSIDERATION.—In making a determination under subparagraph (A), the Administrator shall consider—

''(i) only public health benefits, with respect to a determination concerning a primary national ambient air quality standard; and

''(ii) public health and environmental benefits, with respect to a determination concerning any air quality standard other than a national ambient air quality standard.

''(2) JUDICIAL REVIEW.—A determination by the Administrator under paragraph (1)—

''(A) shall be reviewed by a court only as part of a review of a final regulation that has been promulgated based on the determination; and

''(B) shall be set aside by a court if the court finds that the determination is arbitrary and capricious.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''.●

By Mr. CRAPO:

S. 2363. A bill to subject the United States to imposition of fees and costs in proceedings relating to State water rights adjudications; to the Committee on Energy and Natural Resources.

WATER ADJUDICATION FEE FAIRNESS ACT OF 2000

● Mr. CRAPO. Mr. President, I rise to introduce the Water Adjudication Fee

Fairness Act of 2000. This bill would require the federal government to pay the same filing fees and costs associated with state water rights' adjudications as is currently required of states and private parties.

To establish relative rights to water—water that is the lifeblood of many states, particularly in the west—states must conduct lengthy, complicated, and expensive proceedings in water rights' adjudications. In 1952, Congress recognized the necessity and benefit of requiring federal claims to be adjudicated in these state proceedings by adopting the McCarran Amendment. The McCarran Amendment waives the sovereign immunity of the United States and requires the federal government to submit to state court jurisdiction and to file water rights' claims in state general adjudication proceedings.

These federal claims are typically among the most complicated and largest of claims in state adjudications, and federal agencies are often the primary beneficiary of adjudication proceedings where states officially quantify and record their water rights. However, in 1992, the United States' Supreme Court held that, under existing law, the U.S. need not pay fees for processing federal claims.

When the United States does not pay a proportionate share of the costs associated with adjudications, the burden of funding the proceedings unfairly shifts to other water users and often delays completion of the adjudications by diminishing the resources necessary to complete them. Delays in completing adjudications result in the inability to protect private and public property interests or determine how much unappropriated water may remain to satisfy important environmental and economic development priorities.

Additionally, because they are not subject to fees and costs like other water users in the adjudication, federal agencies can file questionable claims without facing court costs, inflating the number of their claims for future negotiation purposes. This creates an unlevel playing field favoring the federal agencies and places a further financial and resources burden on the system.

For example, in the Snake River Basin Adjudication, which is in Idaho and is probably the largest water adjudication proceeding in the country, the United States Forest Service filed more than 3,700 federal claims. The Idaho Department of Water Resources expended thousands of dollars giving notice to all other claimants. Additionally the State of Idaho and private claimants spent over $800,000 preparing objections to the Forest Service's claims. On the eve of the objective deadline, the U.S. withdrew all but 71 of the claims—the Department of Justices' explanation: litigation strategy.

This example is not an isolated incident. At best, the taxpayers and states should not be forced to incur these costs simply because the agency does not take the time to seriously evaluate its claims. At worst, the taxpayers should not bear the brunt of the federal government's Machiavellian tactics.

I recognize that the federal government has a legitimate right to some reserved water rights; however, the federal government should play by the same rules as the states and other private users. The Water Adjudication Fee Fairness Act is legislation that remedies this situation by subjecting the United States, when party to a general adjudication, to the same fees and costs as state and private users in water rights adjudications.

This measure has the full support of the Western States Water Council and the Western Governor's Association. I ask my colleagues to join me in supporting water users, taxpayers, the states, and welcome their co-sponsorship.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 2363

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Water Adjudication Fee Fairness Act of 2000''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Generally, water allocation in the western United States is based upon the doctrine of prior appropriation, under which water users' rights are quantified under State law. Appropriative rights carry designated priority dates that establish the relative right of priority to use water from a source. Most States in the West have developed judicial and administrative proceedings, often called general adjudications, to quantify and document these relative rights, including the rights to water claimed by the United States Government under either State or Federal law.

(2) State general adjudications are typically complicated, expensive civil court and administrative actions that can involve hundreds or even thousands of claimants. Such adjudications give certainty to water rights, provide direction for water administration, and reduce conflict over water allocation and water usage. Those claiming and establishing rights to water are the primary beneficiaries of State general adjudication proceedings.

(3) The Congress has recognized the benefits of the State general adjudication system, and by enactment of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666; popularly known as the ''McCarran Amendment''), required the United States to submit to State court jurisdiction and to file claims in State general adjudication proceedings.

(4) Water rights claims by Federal agencies under either State or Federal law are often the largest or most complex claims in State general adjudications. However, the United States Supreme Court, in the case United States v. Idaho, 508 U.S. 1 (1992), determined that the McCarran Amendment does not require the United States to pay some filing fees simply because they were misconstrued or perceived to be the same as costs taxed against all parties.

(5) Since Federal agency water rights claims are among the most difficult to adjudicate, and since the United States is not required to pay some fees and costs paid by non-Federal claimants, the burden of funding adjudication proceedings unfairly shifts to private water users and State taxpayers.

(6) The lack of Federal Government funding to support State water rights adjudications in relation to the complexity of the claims involved has produced significant delays in completion of many State general adjudications. These delays inhibit the ability of both the States and Federal agencies to protect private and public property interests. Also, failure to complete the final adjudication of claims to water restricts the ability of resource managers to determine how much unappropriated water is available to satisfy environmental and economic development demands.

SEC. 3. LIABILITY OF UNITED STATES FOR FEES AND COSTS IN WATER USE RIGHTS PROCEEDINGS.

(a) IN GENERAL.—In any State administrative or judicial proceeding for the adjudication or administration of rights to the use of water in which the United States is a party, the United States shall be subject to the imposition of fees and costs on its claims to water rights under either State or Federal law to the same extent as a private party to the proceeding.

(b) APPLICATION.—Subsection (a) shall apply to proceedings pending on or initiated after the date of enactment of this Act, including with respect to fees and costs imposed in such a proceeding before the date of the enactment of this Act.

(c) REPORT TO CONGRESS.—The head of any Federal agency that files or has pending any water rights claim shall prepare and submit to the Congress, within 90 days after the end of each fiscal year, a report that identifies—

(1) each such claim filed by the agency that has not yet been decreed;

(2) all fees and costs imposed on the United States for each claim identified under paragraph (1);

(3) any portion of such fees and costs that has not been paid; and

(4) the source of funds used to pay such fees and costs.

(d) FEES AND COSTS DEFINED.—In this section, the term ''fees and costs'' means any administrative fee, administrative cost, claim fee, judicial fee, or judicial cost imposed by a State on a party claiming a right to the use of water under either State or Federal law in a State proceeding referred to in subsection (a).●

By Mr. SANTORUM (for himself and Mr. GREGG):

S. 2364. A bill to amend the Social Security Act to require Social Security Administration publications to highlight critical information relating to the future financing shortfalls of the social security program; to the Committee on Finance.

SOCIAL SECURITY RIGHT TO KNOW ACT

Mr. SANTORUM. Mr. President, today, I am pleased to join with my colleague, Senator JUDD GREGG of New Hampshire, in introducing the Social Security Right to Know Act of 2000.

This legislation is aimed at providing the American people with accurate and up-to-date information about the current and future financial operations of the Social Security program, so that they may be in a better position to understand the choices involved in putting our most vital social program on sound financial footing for the long term.

I would like to commend the Senator from New Hampshire for his instrumental role in promoting a similar proposal in the form of an amendment to the Social Security earnings test repeal legislation that this body recently considered and passed. Unfortunately, we did not take advantage of Senator GREGG's tireless efforts to reach across party lines to incorporate improved reporting to the public about the Social Security program as part of the earnings test repeal. This legislation is a complement to Senator GREGG's prior efforts, and I am pleased to be offering this legislation here today with his support.

As Congress continues to consider options to preserve and strengthen our Social Security system, it is increasingly important that Americans have access to certain salient information with respect to Social Security's current and future financial picture.

Why is this so important? As all of my colleagues will recall, in his State of the Union Address to Congress on January 27, 1998, President Clinton declared that it was time for the nation to begin a dialogue on the "necessary measures to strengthen the Social Security system for the twenty-first century." He went on to say that the American people should be invited to join in this discussion, facing these issues squarely, and forming a true consensus on how we should proceed. In his address, the president announced a series of public policy forums to be held around the country, and also called for a White House Conference on Social Security to be held in December, 1998. The president indicated that early in 1999 he would convene the leaders of Congress to craft historic legislation that would re-create "a Social Security system that is strong in the twenty-first century."

I know that there was bipartisan support here in the Senate and in the House of Representatives for President Clinton's calling to make long-term Social Security reform our most important domestic policy priority. And two years ago I was optimistic about the prospects for enacting such historical legislation, particularly about the opportunity to engage the nation in an honest national discussion about the need to reform Social Security, and exchange ideas as to how we might best achieve this. But, as we all know, we held a national dialogue on Social Security, and the American people did participate in the policy forums which came to pass, and yet here we are today with little progress toward a bipartisan consensus on sustainable Social Security reform.

I believe that this is so partly because of the fact that there is a tremendous amount of misinformation and lack of understanding among the American public about Social Security's financing challenges, and this lack of understanding continues to harden popular resistance to long-term Social Security solutions.

Case in point: last week, we saw the release of the 2000 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds, popularly referred to as the Social Security Trustees' Report. The Social Security Administration relayed that this Report revealed that the Social Security program's long-range financial picture has improved since last year. Specifically, the Board of Trustees announced that the Social Security Trust Fund assets will not be depleted until 2037—three years later than reported in last year's report.

At first glance, this statistic might convey an air of reassurance to the public, such to the point in some minds that if we can just continue to grow our economy at its current rate, we will obviate the need for enacting fundamental reforms to Social Security. Or at least, such reporting of Social Security's finances might lead to the common conclusion that the program is perfectly fine for nearly 40 years.

This reliance on the paradigm of trust fund accounting is one of the main reasons that we have not been able to achieve bipartisan consensus on long-term Social Security reform. There is scarce mention in the Trustees' Report that the Social Security Trust Fund balances "are available to finance future benefit payments . . . only in a bookkeeping sense. They do not consist of real economic assets that can be drawn down in the future to fund benefits. Instead, they are claims on the Treasury that, when redeemed, will have to be financed by raising taxes, borrowing from the public, or reducing benefits, or other expenditures. The existence of a large trust fund balance, therefore, does not have any impact on the Government's ability to pay benefits."

Mr. President, if this description of the Trust Funds sounds familiar, it is because this is the exact wording contained in the Administration's budget up until its most recent submission for Fiscal Year 2001. What this means, in other words, is that the trust funds are merely claims on future government revenues, IOUs to be redeemed through higher taxation, lower spending on Social Security or other government obligations, or a return to deficit financing.

I think that this is a rather important piece of information for the American people to understand in assessing Social Security's future. But it should not be buried in some multi-hundred page budget document or 223-page Social Security Trustees' Report. Maybe if we made this information more accessible and apparent, then we would have more concern for the fact that Social Security's financing problems begin as soon as 2015—when Social Security dedicated payroll tax receipts are no longer sufficient to pay benefits—and not in 2037. The Social Security Trustees last week revealed it will cost $11.3 trillion in new money between 2015 and 2037 to convert into cash benefits the IOUs held by the Social Security Trust Fund. But we have no actual resources necessary to meet these benefit promises between 2015 to 2037.

Also not mentioned in the most recent Trustees' Report, Mr. President, is the fact that the system's unfunded obligations actually grew from the 1999 Report's release by about $1 trillion in constant 2000 dollars, according to analysis by the House Budget Committee. This is because the change in valuation period adds a new, expensive, underfunded 75th year and drops a year when benefit costs are relatively cheaper. This is a paradox of pay-as-you-go financing that is not known or understood by most of the public, and is rarely if ever referenced in the media. To be sure, the unfunded obligations of the United States government are measured and accounted for in some obscure Department of Treasury publications, but this data should be at the front and center of the Social Security reform discussion, in plain view for every American to access.

Another information gap which the Social Security Right to Know Act seeks to close relates to individual Social Security statements, formerly known as Personal and Earnings and Benefits Statements (PEBES). This document was conceived by our friend and venerable colleague, Senator DANIEL PATRICK MOYNIHAN of New York. In 1989, Senator MOYNIHAN persuaded Congress to adopt the requirement for the Social Security Administration to provide this document as a way "to reassure Americans that Social Security will be there for them," and to help them adequately plan for retirement by indicating that Social Security doesn't fully replace wages or salaries.

Though well intentioned, the current Social Security statement falls short of its desired goal by glaringly omitting certain information critical to understanding the system's serious future funding problems, and the related implications for individual and family retirement planning. To be fair, the statements do make reference to such bland phrases as "changed in the past," "must do so again" and "we are working to resolve." But the truth is that by 2037, the program will collect sufficient revenues to pay only $0.72 for

every dollar of promised benefits. Overall, Social Security's deficit that year will come to more than $1 trillion in today's dollars. Again, this is important information that should be made abundantly clear in order for the American public to assess Social Security's and their own financial futures.

This is why this legislation is so important. For too long, the nature and scope of Social Security's financing problems have been shrouded by inconsistent and incomplete information, which has yielded public confusion and has polarized the Social Security reform debate.

The Social Security Right to Know Act would improve the information contained in current Social Security Administration publications, and thereby enable Americans to better plan for their own retirement and to understand the benefits and costs that the current Social Security system will produce.

This legislation will do several things to shed more light on what lies ahead for Social Security. First, it will expand the Personal and Earnings and Benefits Statements (PEBES), now called ''Social Security Statements,'' to include information about the projected date of the program's first financing deficits as estimated by the Social Security Trustees, and also the percentage of promised benefits that can be funded under current law.

Second, it will require the Trustees' Report to include an estimate of Social Security's aggregate unfunded obligations—i.e., the difference between the program's promised benefit outlays and its cash income over the long-range 75-year evaluation period—and the change in such amount from the previous year's estimates.

Third, it calls on the Trustees to submit to Congress a separate summary publication that highlights salient data pertaining to Social Security's financing, identifying the first year that Social Security is projected to run a cash deficit, as well as the size of projected deficits.

Fourth, it will expand the PEBES or Social Security Statements and the annual Social Security Trustees' Report to include an explanation of the role of the Social Security Trust Funds as debt owed by the federal government, as opposed to an asset of the federal government.

Fifth, it will broaden the public accessibility of the economic modeling employed by the Office of the Chief Actuary.

Our bill would introduce no new information that is not already acknowledged somewhere in past publications of the Social Security Trustees or in previous Presidential budget submissions. However, it is our view that the importance of this information is so great that it should be displayed before every wage-earner and beneficiary of the Social Security system, and not buried in documentation that is now available only to policymakers.

Americans deserve ''straight talk''—clear and accessible information—about Social Security's long-term financing challenges in order that they might better understand the consequences of a rapidly growing aging population, and the reality of the choices before us. This is just what the Social Security Right to Know Act is designed to provide. And with these objectives in mind, this legislation is long overdue.

I presume that we are all in agreement that the federal government should be telling Americans the full truth about Social Security. It is my sincere hope that our colleagues will look at this legislation and join us in building on Senator GREGG's prior efforts and other bipartisan ideas to make sure that Americans have as much information as possible in our national discussion on how best to save and strengthen Social Security. The Social Security Right to Know Act is an effort to continue a process, based on the principle that ''knowledge is power,'' and I truly believe that the information that this legislation is seeking to provide Americans in a clear and concise manner is essential for our moving forward toward sustainable solutions to Social Security's funding problems. Though some of our colleagues may have ideas and input as to how best to provide the American public with a better understanding of Social Security's future—and I am open to working with my colleagues to improve this bill's specific provisions as we continue this process toward Social Security reform—it is my firm belief that with the intent and principles contained in this legislation, we as a nation will be in a better position to cease assessing Social Security's future in terms of preconceived, fixed notions, and take heed of the demographic and economic realities which lie ahead.

Mr. President, I again thank Senator GREGG for working with me in this effort, and ask unanimous consent that the text of the bill be printed in the RECORD.

Mr. President, in closing, I would like to pay tribute to two of this Chamber's leaders on this issue: The Honorable DANIEL PATRICK MOYNIHAN of New York and The Honorable BOB KERREY of Nebraska. Both Senators MOYNIHAN and KERREY have been truly instrumental in advancing the cause of sustainable Social Security reform, and their presence and valued input on this issue will be sorely missed in the next session of Congress. I applaud both of them for their leadership in seeking to balance the interests and needs of younger and older Americans, and for their courage in working toward saving and strengthening Social Security in a manner that is fiscally responsible, actuarially sound and fair to all generations.

Mr. GREGG. Mr. President, I am pleased to be an original cosponsor of this legislation, and I thank Senator SANTORUM for his leadership in drafting it.

My colleagues in the Senate may recall that last week, I prepared an amendment to the earnings limit legislation that would have achieved many of the same objectives that are outlined by the Senator from Pennsylvania with respect to this bill. I believe that we have begun a process, an important dialogue involving many interested parties in both the executive and legislative branches, and that the result of this process will ultimately be improved information for the public and for Congress regarding the state of the Social Security program, and the benefits that it can finance.

I am pleased by the number of important individuals who have expressed interest in this effort. I am especially gratified by the interest of Senator ROTH and of Congressman ARCHER, the two members of Congress with principal jurisdiction over the Social Security program. They have each indicated that they are willing to explore these informational issues via various means, and to lend their considerable influence to the effort.

I am further pleased that various individuals within the administration have sought to work with us on our concerns, and to lay a groundwork for improved reporting to the public regarding the Social Security program.

In that context, I would stress that we are not at the end of this process, and that we do not have universal agreement on the best way to proceed. I do not believe that either Senator SANTORUM or I would say that the language in either this bill, or the one that I offered last week, is perfect, and cannot be improved upon. Senator SANTORUM's draft, like my original draft, would seek to include additional information in the annual Trustees' Reports. I do not know whether the Trustees' reports are necessarily the optimal place to report such information, and to the extent that individuals within the administration may have views as to how and where this information is best presented, I know that Senator SANTORUM and I would both be flexible as to how this is done. The important thing is that this information is routinely presented to Congress and to the public in a clear, understandable, helpful way, and the best time and format for this is certainly a matter where reasonable people can disagree.

I do, however, want to review the elements of Senator SANTORUM's legislation, and to express why I believe that they are so important.

First, it would add important new information to the Personal Earnings

and Benefit Statements that individuals are now receiving from the Social Security Administration. Those statements currently tell individuals how much they are promised in terms of benefits, and about their earnings history. Taken literally, however, they could provide a misleading picture as to what current law can actually finance. It is a misnomer to say that ''current law'' would provide a certain amount of benefits, when legally, the Social Security Administration does not have the authority to send out checks without financing. What ''current law'' would literally mandate, according to GAO, according to CRS, and according to everyone else who has studied this closely, is that benefits would be effectively cut sharply beginning in 2037 because benefit checks would have to wait until the available funds came in to finance them.

Mr. President, it is unlikely that Congress would permit such a sharp and sudden set of benefit cuts to occur. Of course, neither we nor a future Congress would permit that. But it is also untrue to tell Americans that ''current law'' would provide them with all promised benefits. That is manifestly untrue by any definition. It is neither a true statement of current law, nor it is a true statement of how tax levels and benefit levels would look after necessary adjustments are made to the program to bring it into balance. Social Security beneficiaries certainly have a right to be told the truth about their benefits—the date through which they can currently be funded, the extent to which benefits could be provided under current estimates, as well as the additional revenues that must be collected through tax dollars, when the program first begins to experience cash flow deficits.

Currently, there is a great misperception regarding Social Security financing that too many individuals are willing to tacitly encourage—the idea that the existence of a positive Social Security Trust Fund balance enhances the ability of the federal government to pay Social Security benefits. It does not. The Social Security Trust Fund balance is actually a debt owed by the federal government, and it does not in any way finance benefits without requiring that the federal government turn to taxpayers to pay off that debt. Americans deserve to be told the truth about that, and Senator SANTORUM's language includes a statement that would explain the meaning of the Trust Fund, and the options before Congress when the program enters a phase of cash-flow deficits.

Many of the paragraphs in the Santorum language, regarding increased clarity in the annual Trustees' report, are somewhat similar to language that I sought to pursue last week. Again, I would simply reiterate that reasonable people can disagree as to the proper venue for the reporting of this information. I personally am of the view that the annual Trustees' Reports should provide to Congress the relevant information that Congress, as the body that must budget for the Social Security program, needs to budget for it in the appropriate way. Congress has a right to insist, in my view, not on how these evaluations should be made, but that all relevant information be presented clearly to the Congress when they are made. However, the most important thing is that we reach an agreement among interested parties with common goals as to how best to do this.

Currently, we receive 75-year actuarial estimates from the Trustees regarding the health of the Social Security Trust Fund. We only look at its impact on the overall federal budget over 10 years, through measurements by CBO and other bodies. We don't look out over the long term to judge the larger fiscal problems facing this long-term program and the unified federal budget. That is a problem. It tempts Congress and the Executive Branch to pursue ''solutions'' to Social Security's insolvency that improve the part of the picture that we see—the Trust Fund balance—heedless of the consequences for the part of the picture that we do not see—the impact on the unified federal budget. This is not an adequate method of approaching the problem of financing benefits over the long term. I believe that Congress should insist that portraits of the program's finances evaluate all scenarios on an absolutely level playing field, one that shows all costs borne by the system, and one that judges all possible solutions in terms of what they would actually cost and what they could actually pay. I commend Senator SANTORUM for his effort here, even as my mind is open on the best way to achieve this objective.

Mr. President, I would simply close by saying that the Social Security program is too important to allow to operate in a fog of incomprehension and misunderstanding. There ought not to be resistance to efforts to bring additional ''sunshine'' upon the operations of the Social Security system as a whole. We currently operate, too often, in an atmosphere of selective information—one that measures only benefit promises, and current tax levels, without acknowledging the mismatch between the two, and what they mean for one another. A view that looks only at the Trust Fund balance, and not at the realities of the system's cost to future payers of both income and payroll taxes. This selective presentation of information encourages Congress to remain inactive, because it allows us to pretend that the consequences of current law are not actually worse than the choices that would be made in the course of reforming the program.

We can do better than this, and we must, if we are to meet our responsibilities of stewardship for the Social Security program. I commend Senator SANTORUM for his effort.

By Ms. COLLINS (for herself, Mr. BOND, Mr. BAUCUS, Mr. JEFFORDS, Mr. REED, Mr. SANTORUM, Mr. ABRAHAM, Mrs. MURRAY, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. HOLLINGS, Ms. MIKULSKI, Mr. BINGAMAN, Mr. MURKOWSKI, Mrs. HUTCHISON, Mr. SCHUMER, Mr. TORRICELLI, Mr. EDWARDS, Mr. LEAHY, Mr. ENZI, Mr. LUGAR, Mr. CLELAND, Mr. HAGEL, Ms. SNOWE, Mr. BENNETT, Mr. GORTON, Mr. HUTCHINSON, Mr. HELMS, Mr. ALLARD, Mrs. LINCOLN, Mr. L. CHAFEE, Mr. DEWINE, Mr. ASHCROFT, Mr. SPECTER, Mr. ROBERTS, Mr. BROWNBACK, and Mr. VOINOVICH):

S. 2365. A bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services; to the Committee on Finance.

HOME HEALTH PAYMENT FAIRNESS ACT

Ms. COLLINS. Mr. President, I am pleased to join with 35 of my colleagues tonight to introduce the Home Health Payment Fairness Act to eliminate the automatic 15-percent reduction in Medicare payments to home health agencies that is currently scheduled to go into effect on October 1 of next year. The legislation we are introducing will provide a measure of financial relief for home health agencies across the country that are experiencing acute financial problems that are inhibiting their ability to deliver much needed care to some of the most vulnerable senior citizens in our country.

America's home health agencies provide invaluable services that have enabled a growing number of our most frail and vulnerable Medicare beneficiaries to avoid hospitals and nursing homes and stay where they want to be—in the comfort and security of their own home.

Unfortunately, due to cutbacks in the Medicare program, home health agencies in my State and others are having a very difficult time providing services, particularly to elderly people with complex health needs. One has only to look at the statistics from my home State of Maine to see the impact of these very onerous budget cuts, as well as burdensome regulations imposed by the Clinton administration.

In Maine, in just over 2 years' time, there has been a 30-percent reduction in home health visits, which has resulted in more than 7,470 senior citizens losing their home health services in my State. There has been a 26-percent reduction in the reimbursements that have been provided to home

health agencies in Maine. Mr. President, this situation cannot continue. The home health industry has already made an important contribution to reducing the rate of growth in Medicare spending. In fact, the spending cuts have been far beyond what Congress intended and what the CBO estimated.

In 1996, home health was the fastest growing component of Medicare spending. The program grew at an average annual rate of more than 25 percent from 1990 to 1997. As a consequence, the number of home health beneficiaries more than doubled and Medicare home health increased soared from $2.5 billion in 1989 to $17.8 billion in 1997.

This rapid growth in home health spending understandably prompted Congress and the Administration, as part of the Balanced Budget Act of 1997, to initiate changes that were intended to slow this growth in spending and make the program more cost-effective and efficient. These measures, however, have produced cuts in home health spending far beyond what Congress intended. Home health spending dropped to $9.7 billion in FY 1999—just about half the 1997 amount. To cut payments by an additional 15 percent would put our already struggling home agencies at risk and would seriously jeopardize access to critical home health services for millions of our nation's seniors.

It is now clear that the savings goals set for home health in the Balanced Budget Act of 1997 have not only been met, but far surpassed. According to the March 2000 Congressional Budget Office (CBO) baseline, Medicare home health payments fell by almost 35 percent in FY 1999, and this was on top of a 15 percent drop in FY 1998. In fact, the CBO cites this ''larger than anticipated reduction in the use of home health services'' as the primary reason that total Medicare spending dropped by one percent last year. The CBO now projects that the post-Balanced Budget Act reductions in home health will be about $69 billion between fiscal years 1998 and 2002. This is over four times the $16 billion that the CBO originally estimated for that time period and is a clear indication that the Medicare home health cutbacks have been far deeper and wide-reaching than Congress ever intended.

Moreover, the financial problems that home health agencies have experienced have been exacerbated by a number of burdensome new regulatory requirements imposed by the Health Care Financing Administration, including the implementation of OASIS, the new outcome and assessment information data set; new requirements for surety bonds; IPS overpayment recoupment; and a new 15-minute increment reporting requirement.

As a consequence of these payment cuts coupled with overly burdensome new regulatory requirements, cost-efficient home health agencies across the country have experienced acute financial difficulties and cash-flow problems, which have inhibited their ability to deliver much-needed care, particularly to the very Medicare beneficiaries who need it the most—individuals with diabetes, wound care patients, stroke patients, and other chronically ill individuals with complex care needs. Over 2,500 agencies—about one quarter of all home health agencies nationwide—have either closed or stopped serving Medicare patients. Others have laid off staff or declined to accept new patients with more serious health problems. In addition, according to a study by the Lewin Group for the American Hospital Association, these cutbacks have resulted in a 30.5 percent reduction in hospital-based home health services.

The effect of these home health cuts has been particularly devastating in my state. The number of Medicare home health patients in Maine dropped from 48,740 in June of 1998 to 41,269 in June of 1999, a decline of 15 percent. This means that 7,471 fewer Maine seniors are receiving home health services. Moreover, there was a 30 percent drop in the number of visits, and a 26 percent cut in Medicare payments to home health agencies in Maine.

Keep in mind that Maine's home health agencies have historically been prudent in their use of resources and were low-cost to begin with. Ultimately, cuts of this magnitude degrade patient care. The real losers in this situation are our nation's seniors—particularly those sicker Medicare patients with complex, chronic care needs who are already experiencing difficulty in getting the home care services they need.

The Balanced Budget Refinement Act did provide a small measure of financial and regulatory relief for home health agencies. It did, for example, delay the automatic 15 percent reduction in Medicare home health payments for one year. I do not think that this legislation went far enough, however: this automatic reduction should be eliminated entirely.

An additional 15 percent cut in Medicare home health payments would ring the death knell for the low-cost, efficient agencies which are currently struggling to hang on and would further reduce our seniors' access to critical home care services. Moreover, we have already far surpassed the savings targets set by the Balanced Budget Act. Further cuts are unnecessary. I therefore urge all of my colleagues to join with myself and Senators BOND, BAUCUS, JEFFORDS, REED, SANTORUM, ABRAHAM, MURRAY, COCHRAN, FEINSTEIN, HOLLINGS, MIKULSKI, BINGAMAN, MURKOWSKI, HUTCHISON, SCHUMER, TORRICELLI, EDWARDS, LEAHY, ENZI, LUGAR, CLELAND, HAGEL, SNOWE, BENNETT, GORTON, HUTCHINSON, HELMS, ALLARD, LINCOLN, DEWINE, CHAFEE, ASHCROFT, SPECTER, ROBERTS, BROWNBACK, and VOINOVICH in cosponsoring the Home Health Payment Fairness Act to eliminate this additional 15 percent cut in Medicare home health payments.

Mr. President, I hope my colleagues will join with me in providing much needed relief to America's home health agencies. Ultimately, if we don't act, the losers will be our senior citizens who depend so much on this important health care service.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. Mr. President, I rise to compliment the Senator from Maine for this proposal. I am happy to join as a cosponsor of the legislation, as I have on previous efforts on her part to address the home health care issues.

I add my support to the legislation and compliment the Senator from Maine. I sincerely hope that as it moves forward with a variety of proposals before us, in the budget and elsewhere, to address Medicare issues we make sure we don't address those reform proposals without making sure our home health care programs are strong and of high quality.

I yield the floor.

Mr. BOND. Mr. President, I rise to join Senator COLLINS to offer a bill—the Medicare Home Health Payment Act—that will address the crisis in home health care.

The crisis is that far too many seniors and individuals with disabilities can't get the home health care they need. They either go without needed care, or are forced into a medical facility such as a nursing home. This is a travesty, because home health can serve an extremely valuable role—it helps seniors get needed medical care while retaining the comfort and dignity of living in their own home.

We have plenty of data that demonstrates the problem.

Over 2,000 agencies driven out of business or out of the Medicare program. In Missouri alone, over 100 of the 300 agencies that were around in 1997 are gone.

Independent studies that show that seniors and people with disabilities just can't get access to the home care they need—perhaps forcing them into nursing homes or other medical facilities.

Reports that home health agencies feel forced to refuse to care for seniors because they fear the Medicare reimbursements won't cover their costs.

Recent news from CBO that total Medicare home health spending has actually fallen by 45 percent in just two years—perhaps the largest reduction for a specific type of provider that we have ever seen in Medicare.

Of course, last year I was also talking about the home health crisis—and Senator COLLINS and I had a bill to address the issue then as well.

But I'm here to share bad news with my colleagues—Medicare home health is still in crisis.

While we did address home health in the Balanced Budget Refinement Act late last year—which helped—it didn't solve everything.

That's because all we did last year to the biggest threat that's out there for home health care providers—the 15-percent across-the-board cuts that are in addition to all of the other cuts made thus far—was postpone things.

What we did not do—except for one minor provision—is increase home health reimbursement rates. Keep in mind that we did provide relief in the form of increased payments for most other Medicare providers, like hospitals and nursing facilities.

So what we did is simply postpone further cuts in an already-devastated industry. That cannot be the end of the story.

So what should we do? Senator COLLINS and I—in the bill we are introducing today with 34 of our colleagues—propose to eliminate permanently the planned 15-percent home health cuts forever.

I think this initial show of support from my colleagues is tremendous—and I look forward to working with my colleagues to make sure this bill becomes law. The millions of Americans on Medicare—for whom the home health benefit is so important—deserve no less.

Mr. BAUCUS. Mr. President, I rise today to introduce the Home Health Payment Fairness Act. This bill will prevent a 15 percent cut to home health care agencies and allow them to continue their critical mission of caring for the chronically ill and the elderly.

During the first 15 years of the Medicare program, home health spending accounted for one to two percent of all Part A expenditures. In 1997, home health expenditures reached 14 percent of Part A payments. Congress needed to respond to this growth. And we did so in the Balanced Budget Act of 1997.

Congress decided to pay home health agencies under a Prospective Payment System. In the meantime, we established an interim payment system, or IPS, that would move agencies away from the old system.

Since then, home care agencies have undergone deep budget cuts. Recent CBO projections show that reductions in home health care will be about $69 billion between 1998 and 2002—over four times the original estimate for the same time period. Clearly, home health care agencies have had their budgets cut much more severely than Congress ever intended.

Congress has recognized the severity of the cuts and has twice postponed implementing the planned across-the-board 15 percent cut. Currently, the 15 percent cut is scheduled to take effect October 1, 2001.

So what does the legislation I am introducing do? Simply put, this bill takes the necessary step of not postponing the cut, but eliminating it altogether. The planned cut must be eliminated because we have achieved—in fact, far surpassed—the savings targets set by the Balanced Budget Act. Efficient home health agencies in Montana and across the country have experienced acute financial difficulties and cash flow problems, inhibiting their ability to deliver much needed care.

Over 2,500 home health agencies nationwide have closed or stopped serving Medicare patients, and, according to a study done by the Lewin Group for the American Hospital Association, these cutbacks have resulted in a 30.5 percent reduction in hospital-based home health services. Moreover, the Health Care Financing Administration estimates that 500,000 fewer home health patient received services in 1998 than in 1997 (the last year for which figures are available), which points to the most central and critical issue. The real losers in this situation are our seniors. Cuts of this magnitude simply cannot be sustained without ultimately affecting patient care.

While patient care across the nation will be impacted if the planned cuts are implemented, rural areas will be especially had hit. If the planned cuts are implemented, rural health care providers will be forced to find ways to further cut costs. Such cost-cutting measures could include closing branches or limiting services. This means that rural patients could face difficulties accessing quality health care. This is especially significant because a high percentage of seniors over the age of 65 live in rural areas; in Montana, that figure is 77 percent. Thus, any reduction in home health care will directly impact our nation's seniors.

Eliminating the 15 percent cut makes financial sense. If home health care budgets are cut further, costs will increase in other areas. If patients—especially in rural areas—are not receiving the care they need, they will turn to other resources, such as hospital emergency rooms, inpatient cares, and nursing homes. In the long run, this will be more expensive and less efficient. Above all, we must ensure that our nation's elderly and ill receive the care they need. We must not create a situation in which cash-strapped home health agencies have strong incentives to limit- or even deny-care to the sickest.

This bill prevents such a scenario, while respecting Congress' original intention of reducing home health care spending, I think that most of us agree that our seniors and the ill deserve quality home health care. This is a common sense measure that will allow us to realize our original intention of reducing home health care spending, while at the same time protecting the right of our elderly and ill to quality care.

• Mr. JEFFORDS. Mr. President, I am here today to join in introducing the Home Health Payment Fairness Act of 2000. This important bill has been crafted to protect the Medicare home health services that our seniors depend upon. I want to recognize the leadership of Senators COLLINS, BOND, BAUCUS, REED, and the many others who are original cosponsors of this effort to protect access to home health services.

My own state of Vermont is a model for providing high-quality, comprehensive care with a low price tag. For most of the 1990's, the average Medicare expenditure for home health care in Vermont has been the lowest in the nation. Vermont's home care system was designed to efficiently meet the needs of frail and elderly citizens in our largely rural state, but it, like home care across the country, has been put under tremendous pressure.

Since the enactment of the Balanced Budget Act of 1997 (BBA) and imposition of the interim payment system (IPS), the Medicare home health benefit has been seriously eroded. The BBA failed to recognize how the new home health reimbursement would affect small, rural home health care providers. The IPS has caused such significant cash flow problems, that many agencies are struggling to make meet their payroll needs. Now, because of the BBA, agencies are facing the prospect of 15 percent cut in Medicare funding in October of 2001. With providers already struggling to survive, any further cuts could spell disaster for low-cost, efficient providers, non-profit agencies, and patients.

That is why we are introducing the Home Health Payment Fairness Act to eliminate the 15 percent reduction. The original budget target for home health expenditures from the BBA has already been far exceeded. The Congressional Budget Office now estimates that the total home health cuts from BBA will total $69 billion in five years. That's more than four times what was originally estimated when BBA was passed.

The Balanced Budget Refinement Act of 1999 contained a provision requiring the Secretary of Health and Human Services to report to Congress in 2001 on whether the 15 percent reduction is still considered necessary. I think the answer is becoming more and more clear. We don't need it, and the Home Health Payment Fairness Act is designed to stop it.

Adequate home health care services cannot survive any further reductions. Seniors depend on the home health benefit offered by the Medicare program, and we must make sure it will be there for them. Once again, I want to thank all the cosponsors for giving this legislation such broad, bipartisan support. Our seniors are depending on that kind of support more than ever before.•

Mr. REED. Mr. President, I rise today to join Senator COLLINS, Senator BOND, Senator JEFFORDS and 32 others in introducing the Home Health Payment Fairness Act. The intent of this important legislation is quite simple—to eliminate the 15 percent reduction in home health payments that is scheduled to go into effect in October 2001. Last year, Senator JEFFORDS and I introduced a more broad home health bill, called the Preserve Access to Care in the Home, or PATCH Act, which among other things, would have eliminated this potentially devastating payment reduction. Although we were not able to get this provision included in the 1999 Balanced Budget Refinement Act (BBRA), we were successful in getting a delay in the implementation of this reduction. However, we must see to it that the 15 percent cut is eliminated—and I hope we can achieve that goal this year.

Over the past thirty years, there has been a tremendous shift in the location where health care is actually provided. Increasingly, older and sicker patients are able to receive care in the comfort of their own home, instead of a hospital or nursing home. This incredible change can be attributed to four primary causes: greater reliance on alternative care settings because of the growing cost of inpatient care; technological improvements that have enhanced the capacity to provide sophisticated medical treatments in the home setting; the growing aging population; and the increasing popularity of home- and community-based care as an alternative to the institutional care of a nursing home. Indeed, home health care is an integral part of the spectrum of long term care.

As a result, by the mid-1990's the average annual growth rate for Medicare home health spending was 5.3%. The 1997 Balanced Budget Act (BBA) sought to restrain the unbounded growth in outlays for this benefit. Originally, the Congressional Budget Office (CBO) anticipated that savings through changes in the benefit would total $16.1 billion over five years. In reality, we have saved a total of $19.7 billion in just two years, and are expected to reduce outlays by $69 billion over the five year period—four times what was originally projected. Not surprisingly, since the BBA's enactment, there has been a remarkable 48 percent decline in Medicare home health expenditures.

These dramatic reductions have all too often been borne on the backs of small, nonprofit home health agencies and the elderly and disabled beneficiaries they serve. Home health care agencies in my home state of Rhode Island have been especially hard hit by these changes. We have seen a significant decline in the number of beneficiaries served and access to care for more medically complex patients threatened by these cuts. These reductions have clearly had negative impact on patients who heavily rely on home health services. In one instance, a woman from Pawtucket, Rhode Island had to wait 112 days after being discharged from the hospital before getting home health services. In the wealthiest nation in the world, this kind of situation is simply unacceptable.

Mr. President, nationally, between 1997 and 1998, the number of Medicare beneficiaries receiving home health services has fallen 14 percent, while the total number of home health visits has fallen by 40 percent. We have seen a similar trend in Rhode Island, where over 3,000 fewer beneficiaries are receiving home health care—representing a decline of 16 percent—and the total number of visits has fallen 38 percent. These individuals are either being forced to turn to more expensive alternatives, such as institutional-based nursing homes and skilled nursing facilities for their care, or these individuals are simply going without care, which places an immeasurable burden on the family and friends of vulnerable beneficiaries.

I truly do not believe this is the path we want to remain on when it comes to home health care. In light of the impending ''senior boom'' that will be hitting our entitlement programs in a few short years, we should be doing what we can to preserve and strengthen the Medicare home health benefit. We can begin to do this by eliminating the 15 percent reduction in home health payments. By taking this step, we will alleviate an enormous burden that has been looming over financially strapped home health agencies and the frail and vulnerable Medicare beneficiaries who rely on these critical services.

I urge my colleagues to join us in enacting legislation that will repeal this unnecessary and inappropriate reduction. I look forward to working with Senator COLLINS, Senator JEFFORDS and my other colleagues on this critical issue.

By Mr. FRIST (for himself, Mr. JEFFORDS, Mr. GREGG, Mr. ENZI, Mr. HUTCHINSON, Ms. COLLINS, Mr. BROWNBACK, Mr. HAGEL, and Mr. SESSIONS):

S. 2366. A bill to amend the Public Health Service Act to revise and extend provisions relating to the Organ Procurement Transplantation Network; to the Committee on Health, Education, Labor, and Pensions.

THE ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK AMENDMENTS ACT OF 2000

• Mr. FRIST. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2366

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Organ Procurement and Transplantation Network Amendments Act of 2000''.

SEC. 2. ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK.

(a) IN GENERAL.—Section 372 of the Public Health Service Act (42 U.S.C. 274) is amended to read as follows:

''SEC. 372. ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK.

''(a) ESTABLISHMENT OF NETWORK.—

''(1) IN GENERAL.—An Organ Procurement and Transplantation Network (in this section referred to as the 'Network' or the 'OPTN') is established as a private network and shall operate under this section.

''(2) REQUIREMENTS.—The Network shall—

''(A) in accordance with criteria developed under subsection (c)(1)(B), include as members of the Network qualified organ procurement organizations (as described in section 371(b)), transplant centers, and other entities that have a demonstrated interest in the fields of organ donation or transplantation (such members shall be referred to in this section as 'Network participants'); and

''(B) have a policy board (referred to in this section as the 'OPTN Board') that meets the requirements of subsection (b).

''(b) OPTN POLICY BOARD.—

''(1) COMPOSITION.—The OPTN Board shall be composed of not more than 36 voting members to be elected under paragraph (2) and 5 nonvoting, ex officio members appointed under paragraph (3).

''(2) ELECTED MEMBERS.—

''(A) IN GENERAL.—The voting members of the OPTN Board shall be elected by the members of the Network described in subsection (a)(2)(A), from among the nominees submitted under subparagraph (B), through a fair and open process.

''(B) NOMINATING COMMITTEE.—The nominating committee established under paragraph (5) shall, prior to each election of OPTN Board members under this paragraph, develop a list of nominees for such election. Such list shall reflect the diversity of Network members described in subsection (a)(2)(A), including factors such as program type and size and geographic location. Recommendations may be submitted to the nominating committee by the Secretary, the members of the Network described in subsection (a)(2)(A), or the general public.

''(C) QUALIFICATIONS.—The OPTN Board shall be composed of—

''(i) transplant surgeons and transplant physicians;

''(ii) representatives of qualified organ procurement organizations, transplant centers, voluntary health associations, or the general public, including patients awaiting a transplant or transplant recipients or individuals who have donated an organ, or the family members of such patients, recipients or donors; and

''(iii) individuals distinguished in the fields of ethics, basic, clinical and health services research, biostatistics, health care policy, or health care economics or financing.

''(D) REPRESENTATION REQUIREMENT.—The OPTN Board shall be structured to ensure that—

''(i) at least 50 but not more than 55 percent of the members elected under this paragraph are transplant surgeons and transplant physicians; and

''(ii) at least 20 but not more than 25 percent of the members elected under this paragraph are transplant candidates, transplant recipients, organ donors and family members of such individuals.

Nothing in this subparagraph shall be construed to preclude an individual voting member of the OPTN Board from being a representative described in each of clauses (i) and (iii) or (ii) and (iii) of subparagraph (C) so long as the limitation described in clause (i) of this subparagraph is complied with.

''(3) APPOINTED MEMBERS.—

''(A) IN GENERAL.—The Secretary shall appoint as ex officio, nonvoting members of the OPTN Board, 1 representative from each of the following:

''(i) The Health Resources and Services Administration.

''(ii) The National Institutes of Health.

''(iii) The Health Care Financing Administration.

''(iv) The Agency for Healthcare Research and Quality.

''(B) NETWORK ADMINISTRATOR.—The Network Administrator shall appoint an ex officio nonvoting member of the OPTN Board.

''(4) TERMS OF ELECTED MEMBERS.—

''(A) IN GENERAL.—Except as provided for in this paragraph, members of the OPTN Board elected under paragraph (2) shall serve for a term of 3 years and may be re-elected.

''(B) NEW MEMBERS.—To ensure the staggered rotation of ⅓ of the elected members of the OPTN Board each year, the initial members of the OPTN Board elected under paragraph (2) shall serve for terms of 1, 2, or 3 years respectively as designated by the nominating committee.

''(C) TRANSITION.—Consistent with subsection (c)(3), the voting members of the OPTN Board who are serving on the date of enactment of the Organ Procurement and Transplantation Network Amendments Act of 2000 may continue to serve until the expiration of their terms. Upon such termination, the nominating committee, in submitting nominations to fill such vacancies, shall ensure the staggered rotation of ⅓ of the members elected under paragraph (2) every 3 years.

''(D) CONTRACT STATUS.—A change in the status of a contract under subsection (f), or a change in the contractor, shall not affect the terms of the members of the OPTN Board.

''(5) CHAIRPERSON AND COMMITTEES.—The OPTN Board shall have a chairperson, an executive committee, a nominating committee, a membership committee, and such other committees as the OPTN Board determines to be appropriate.

''(c) GENERAL FUNCTIONS OF THE OPTN BOARD.—

''(1) ESTABLISHMENT OF NETWORK POLICIES AND CRITERIA.—The OPTN Board shall—

''(A) after consultation with Network participants and the Network Administrator, establish and carry out the policies and functions described in this section for the Network;

''(B) establish membership criteria for participating in the Network;

''(C) establish medical criteria for allocating organs and for listing and de-listing patients on the national lists maintained under paragraph (2); and

''(D) establish performance criteria for transplant programs.

''(2) NATIONAL SYSTEM.—The OPTN Board shall maintain a national system to match organs and individuals who need organ transplants. The national system shall—

''(A) have 1 or more lists of individuals who are in need of organ transplants; and

''(B) be operated in accordance with Network policies and criteria established under paragraph (1).

''(3) NO FIDUCIARY RESPONSIBILITY.—The OPTN Board shall have no voting member who has any fiduciary responsibility to the entity that holds the contract provided for under this section.

''(4) OPTN BOARD REQUIREMENTS.—The OPTN Board shall cooperate with the Network Administrator to ensure compliance with the requirements of this section including the contract entered into under subsection (f).

''(d) ORGAN TRANSPLANT POLICY.—The OPTN Board shall establish organ transplant policies, including organ allocation policies for potential organ recipients and policies that affect patient outcomes. Such policies shall—

''(1) be based on sound medical principles;

''(2) be based on valid scientific data;

''(3) be equitable;

''(4) seek to achieve the best use of donated organs;

''(5) be designed to avoid wasting organs, to avoid futile transplants and reduce the risk of retransplantation, to promote patient access to transplantation, and to promote the efficient management of organ placement;

''(6) be specific for each organ type or combination of organ types;

''(7) be based on standardized medical criteria for listing and de-listing candidates from organ transplant waiting lists;

''(8) determine priority rankings (within categories as appropriate) for candidates who are medically suitable for transplantation, such rankings shall be based on standardized medical criteria and ordered according to medical urgency and medical appropriateness;

''(9) seek distribution of organs as appropriate based on paragraphs (1) through (8);

''(10) develop and apply appropriate performance indicators, including patient-focused indicators, to assess transplant program performance and reduce inter-transplant program variance to improve program performance; and

''(11) seek to reduce disparities in transplantation resulting from socioeconomic status, race, ethnicity, or being medically underserved.

''(e) ENFORCEMENT OF ORGAN TRANSPLANT POLICY.—

''(1) IN GENERAL.—

''(A) PROPOSED POLICY.—This paragraph shall apply to any proposed transplant policy that is developed by the OPTN Board that the Board or the Secretary determines should be enforced under this section or under section 1138 of the Social Security Act.

''(B) SUBMISSION OF POLICY.—Not later than 60 days prior to the implementation of a proposed policy described in subparagraph (A), the OPTN Board shall submit such proposed policy to the Secretary.

''(C) PUBLICATION.—Upon receipt of a proposed policy under subparagraph (B), the Secretary shall publish the policy in the Federal Register for a 60-day public comment period.

''(D) ACTION BY SECRETARY.—Not later than 90 days after receipt of a proposed policy under subparagraph (B), the Secretary shall consider public comments received under subparagraph (C) and shall—

''(i) notify the OPTN Board that the policy is consistent with this section and therefore enforceable; or

''(ii) notify the OPTN Board that the policy is inconsistent with this section and direct the Board to reconsider and revise the policy consistent with the recommendations of the Secretary.

''(E) RECONSIDERATION.—

''(i) IN GENERAL.—Not later than 30 days after receiving a notice from the Secretary under subparagraph (D)(ii), the OPTN Board shall reaffirm the proposed policy or revise and submit such revised policy to the Secretary.

''(ii) ACTION BY SECRETARY.—Not later than 30 days after receiving a revised policy under clause (i), the Secretary shall—

''(I) notify the OPTN Board that the revised policy is consistent with this section and therefore enforceable; or

''(II) notify the OPTN Board that the revised policy is inconsistent with this section and submit the revised policy, with the comments and proposed revisions of the Secretary, to the Scientific Advisory Committee on Organ Transplantation (referred to in this subsection as the 'Committee') established under paragraph (2).

''(iii) ACTION BY COMMITTEE.—Not later than 30 days after the submission of a revised policy to the Committee under clause (ii), the Committee may, by a majority vote, disapprove the comments or revision of the Secretary. If the Committee disapproves such comments or revisions, the revised policy shall not take effect until a majority of the Committee approves the policy or the revisions to such policy.

''(2) SCIENTIFIC ADVISORY COMMITTEE ON ORGAN TRANSPLANTATION.—

''(A) ESTABLISHMENT.—The Secretary shall establish an advisory committee to be known as the Scientific Advisory Committee on Organ Transplantation. Consistent with the requirements of sections 5 and 10 of the Federal Advisory Committee Act—

''(i) the deliberations of the Committee shall not be inappropriately influenced by the Secretary or by any special interest and shall only be the result of the independent judgment of the Committee; and

''(ii) the meetings of the Committee shall be open to the public, advance notice of meetings shall be published in the Federal Register, and records or minutes of meetings shall be made available to the public.

''(B) DUTIES.—The Committee shall make recommendations with respect to policy matters related to reviews conducted under paragraph (1)(E)(ii)(II).

''(C) MEMBERSHIP.—The Committee shall be composed of 15 members, of which—

''(i) five members shall be appointed by the Secretary from nominations submitted by the OPTN Board under subparagraph (D);

''(ii) five members shall be appointed by the Secretary from nominations submitted by the Institute of Medicine under subparagraph (D); and

''(iii) five members shall be appointed by the Secretary.

''(D) NOMINATIONS.—The OPTN Board and the Institute of Medicine shall each nominate, in an independent manner, 5 qualified individuals to serve on the Committee.

''(E) QUALIFICATIONS.—In appointing individuals to serve on the Committee under subparagraph (C), the Secretary shall ensure that—

''(i) nine members are transplant physicians or transplant surgeons of whom—

''(I) 3 shall be selected from the nominations submitted by the OPTN Board; and

''(II) 3 shall be selected from the nominations submitted by the Institute of Medicine; and

''(ii) the remaining members are individuals who are—

''(I) distinguished in the fields of ethics, basic, clinical or health services research, biostatistics, or health care policy, economics or financing; or

''(II) transplant candidates, transplant recipients, organ donors or family members of such individuals.

''(F) EXPERTS.—The Committee shall seek advice from appropriate experts, as needed, to evaluate the proposed policy and revisions under review.

''(G) CHAIRPERSON.—The members of the Committee shall elect a member to serve as the chairperson of the Committee.

''(H) TERMS.—Members of the Committee shall serve for a term of 5 years. Vacancies shall be filled in the same manner as the original appointment was made.

''(f) NETWORK ADMINISTRATION AND OPERATION.—The Secretary shall contract with a nonprofit private entity (referred to in this section as the 'Network Administrator') for the administration and operation of the Network. The Network Administrator shall administer and operate the OPTN Board in accordance with subsection (b). The Network Administrator shall, pursuant to the policies and criteria established by the OPTN Board—

''(1) maintain and operate a national system as established by the OPTN Board to match organs and individuals who need organ transplants;

''(2) operate in accordance with medical criteria established by the OPTN Board, and administer the national system established under subsection (c)(2);

''(3) maintain 1 or more lists of individuals who need organ transplants as provided for under subsection (c)(2)(A);

''(4) maintain a 24-hour communication service to facilitate matching organs with individuals included on the list or lists;

''(5) assist organ procurement organizations in obtaining and distributing organs in accordance with the policies established by the OPTN Board;

''(6) adopt and use standards of quality for the acquisition and transportation of donated organs, including standards regarding the transmission of infectious diseases;

''(7) prepare and distribute, on a regionalized basis (and, to the extent practicable, among regions or on a national basis), samples of blood sera from individuals who are included on the list in order to facilitate matching the compatibility of such individuals with organ donors;

''(8) coordinate, as appropriate, the transportation of organs from organ procurement organizations to transplant centers;

''(9) provide information to physicians, health care professionals, and the general public regarding organ donation;

''(10) carry out studies and demonstration projects for the purpose of improving procedures for organ procurement and allocation; and

''(11) work actively with organ procurement organizations, transplant centers, health care providers, and the public to increase the supply of donated organs.

''(g) DATA COLLECTION, ANALYSIS AND DISTRIBUTION.—

''(1) IN GENERAL.—The Network Administrator shall analyze, maintain, verify, make available and publish timely data to the extent necessary to—

''(A) enable the OPTN Board to fulfill its responsibilities under this section;

''(B) assess the compliance of members of the Network with performance and other criteria developed pursuant to subsection (c)(1);

''(C) evaluate the quality of care provided to transplant candidates and patients generally and in an individual program;

''(D) provide data needed by the Scientific Registry maintained pursuant to section 373;

''(E) provide transplant candidates and patients, physicians and others with information needed to evaluate or select a transplant program;

''(F) provide a member of the Network with data about the member, including results of analysis or other processing of data originally supplied by the member;

''(G) enable the OPTN Board, the Network Administrator and the Secretary to fulfill respective enforcement and oversight responsibilities under subsections (j) and (k); and

''(H) comply with the requirements under subsection (l).

''(2) TYPES OF DATA.—Data provided under paragraph (1) shall include—

''(A) data on transplant candidates, transplant recipients, organ donors, donated organs, and transplant programs; and

''(B) as appropriate, data, graft- and patient-survival rates (actual and adjusted to reflect program-specific population disease severity), program specific data, and aggregate data.

''(h) CONTRACT.—The contract under subsection (f) shall—

''(1) be awarded through a process of competitive bidding as determined by the Secretary; and

''(2) be awarded for a period of no longer than 5 years.

''(i) NETWORK MEMBERSHIP AND PATIENT REGISTRATION FEE.—

''(1) IN GENERAL.—The Network Administrator may assess a fee, to be collected by the Network Administrator, for membership in the Network (to be known as the 'Network membership fee'), and for the listing of each potential transplant recipient on the national organ matching system maintained by the Network Administrator (to be known as the 'patient registration fee'), in an amount determined under paragraph (2).

''(2) AMOUNT.—The amounts of the fees to be assessed under paragraph (1) shall be calculated so as to be—

''(A) reasonable and customary; and

''(B) sufficient to cover the Network's reasonable costs of operation in accordance with this section.

''(3) ANNUAL RECALCULATION.—

''(A) IN GENERAL.—The fees calculated under paragraph (2) shall be annually recalculated, based on—

''(i) changes in the level or cost of contract tasks and other activities related to organ procurement and transplantation; and

''(ii) changes in expected revenues from contract funds, Network membership fees and patient registration fees available to the Network Administrator.

''(B) PROCEDURE.—

''(i) PROPOSAL.—The Network Administrator shall submit to the Secretary a written proposal for, and justification of, a recalculated fee under subparagraph (A).

''(ii) DETERMINATION.—The proposal of the Network Administrator for a recalculated fee under clause (i) shall take effect unless the Secretary, within 60 days of receiving the proposal, provides the Network Administrator with a written determination, with justification, that the proposed fee level does not meet the requirement of subparagraph (A).

''(4) USE OF FEES.—

''(A) IN GENERAL.—All fees collected by the Network Administrator under this subsection shall be available to the Network, without fiscal year limitation, for use in carrying out the functions described in subsection (f).

''(B) RESTRICTION.—Fees collected under this subsection may not be used for any activity for which contract funds may not be used under this section.

''(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as prohibiting the Network Administrator from collecting or accepting other fees, donations or gifts or for using such other fees, donations or gifts to carry out activities other than those authorized under the contract under this section.

''(j) OVERSIGHT OF NETWORK PARTICIPANTS.—

''(1) MONITORING.—

''(A) IN GENERAL.—The OPTN Board and the Network Administrator shall, on an ongoing and periodic basis, or as requested by the Secretary, monitor the operations of Network participants to determine whether the participants are maintaining compliance with the criteria and policies established by the OPTN Board.

''(B) PROCEDURES.—

''(i) NOTICE.—In monitoring a Network participant under subparagraph (A), the OPTN Board or the Administrator—

''(I) shall inform the participant and the Secretary upon initiating a compliance review of a Network participant; and

''(II) shall inform the participant and the Secretary of any findings indicating noncompliance by the participant with such criteria and policies.

''(ii) APPEALS.—The Network Administrator shall establish procedures for appealing noncompliance determinations. Such procedures shall ensure due process and shall allow for corrective action.

''(2) PEER REVIEW PROCEEDINGS.—

''(A) IN GENERAL.—The OPTN Board shall establish a peer review system and conditions for the application of peer review requirements to ensure that members of the Network comply with policies and criteria established by the OPTN Board under this section. Such peer review system may include prospective reviews and shall be administered by the Network Administrator and overseen by the OPTN Board.

''(B) POLICIES, REVIEW AND EVALUATION.—As part of the peer review system established under subparagraph (A), the OPTN Board shall establish such policies, and the Network Administrator shall conduct such ongoing and periodic reviews and evaluations of members of the Network, as necessary to ensure compliance with the policies and criteria established by the OPTN Board under this section.

''(C) EMERGING ISSUES.—As part of such peer review system established under subparagraph (A), the OPTN Board shall establish policies to work with and direct the Network Administrator to respond to emerging issues and problems.

''(k) ENFORCEMENT.—

''(1) RECOMMENDATIONS.—The OPTN Board or the Network Administrator shall provide advice, and make recommendations for appropriate action, to the Secretary concerning the results of any reviews or evaluations that, in the opinion of the OPTN Board or the Network Administrator, indicate—

''(A) noncompliance by Network participants with—

''(i) the policies or criteria established by the OPTN Board; or

''(ii) the operating procedures of the Network Administrator; or

''(B) a risk to the health of organ transplant patients or to public safety.

''(2) ENFORCEMENT BY NETWORK.—

''(A) IN GENERAL.—If the OPTN Board determines that one of the members of the network has violated a requirement established by this section or by the Network, the OPTN Board may impose on the member 1 or more of the sanctions described in subparagraph (B), or may recommend that the Secretary take enforcement action under paragraph (3).

''(B) TYPES OF SANCTIONS.—The sanctions described in this subparagraph may include—

''(i) the loss of any or all privileges of membership in good standing in the Network;

''(ii) the imposition upon the member of additional or more frequent reviews or evaluations under subsection (j)(1)(A), and assessments of the reasonable costs of such additional or more frequent reviews or evaluations; and

''(iii) such other sanctions as the Secretary may permit the OPTN Board to impose.

''(3) ENFORCEMENT BY THE SECRETARY.—

''(A) IN GENERAL.—If the Secretary, after consultation with the OPTN Board or Network Administrator, determines that a member of the Network has violated a requirement established by this section or a requirement of a policy that is enforceable under subsection (f), the Secretary may impose on the member 1 or more of the sanctions described in subparagraph (B).

''(B) TYPES OF SANCTIONS.—The sanctions described in this subparagraph shall include—

''(i) requiring the member to follow a directed plan of correction;

''(ii) imposing upon the member a monetary assessment (to be paid to the General Fund of the Treasury) in an amount not to exceed $10,000 for each violation or for each day of violation;

''(iii) requiring the member to pay to the Network Administrator the costs of onsite monitoring of the member;

''(iv) the loss of any or all privileges of membership in the Network; and

''(v) in cases where the violation creates a risk to patient health or to public health, such other action as the Secretary determines to be necessary.

''(C) PROCEDURES.—The Secretary shall develop and implement procedures for the imposition of sanctions under clauses (i) through (v) of subparagraph (B). Such procedures shall include—

''(i) the provision of reasonable notice to the Network member and the OPTN Board that the Secretary is considering imposing a sanction;

''(ii) affording the member a reasonable opportunity to be heard in response to the notice;

''(iii) the provision of notice to the member that the Secretary has decided to impose a sanction; and

''(iv) the opportunity for the Network member to appeal such sanction.

''(l) ANNUAL REPORT.—

''(1) IN GENERAL.—Not later than September 30 of each year, the Network Administrator shall prepare and submit to the Secretary an annual report on the performance and policies of the Network. The report shall include additional items as specified in the contract under this section or requested in a timely manner by the Secretary.

''(2) REQUIREMENT OF OPTN BOARD APPROVAL.—The OPTN Board shall review and approve the report required under paragraph (1) prior to the submission of such report to the Secretary.

''(3) SUBMISSION TO CONGRESS.—

''(A) IN GENERAL.—Not later than December 31 of each year, the Secretary shall transmit the report submitted under paragraph (1) and the comments of the Secretary concerning such report, to the appropriate committees of Congress.

''(B) CLARIFYING INFORMATION.—The Secretary may, upon the receipt of the report under paragraph (1), but prior to transmission of the report to Congress under subparagraph (A), request that the Network Administrator submit clarifying information or an addenda as needed to fulfill the requirements of this subsection.

''(m) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2001 through 2005.''.

SEC. 3. SCIENTIFIC REGISTRY

Section 373 of the Public Health Service Act (42 U.S.C. 274a) is amended to read as follows:

''SEC. 373. SCIENTIFIC REGISTRY.

''The Secretary shall by contract, develop and maintain a scientific registry of the recipients of organ transplants. The registry shall include information, with respect to organ transplant patients and transplant procedures, as the Secretary determines to be necessary to an ongoing evaluation of the scientific and clinical status of organ transplantation.''.

SEC. 4. ORGAN DONATION.

Part H of title III of the Public Health Service Act (42 U.S.C. 273 et seq.) is amended—

(1) by redesignating section 378 (42 U.S.C. 274g) as section 379; and

(2) by inserting after section 377 (42 U.S.C. 274f) the following:

''SEC. 378. ORGAN DONATION AND RESEARCH.

''(a) INTER-AGENCY TASK FORCE ON ORGAN DONATION AND RESEARCH.—

''(1) IN GENERAL.—The Secretary shall establish an inter-agency task force on organ donation and research (referred to in this section as the 'task force') to improve the coordination and evaluation of—

''(A) federally supported or conducted organ donation efforts and policies; and

''(B) federally supported or conducted basic, clinical and health services research (including research on preservation techniques and organ rejection and compatibility).

''(2) COMPOSITION.—The task force shall be composed of—

''(A) the Surgeon General, who shall serve as the chairperson;

''(B) representatives to be appointed by the Secretary from relevant agencies within the Department of Health and Human Services (including the Health Resources and Services Administration, Health Care Financing Administration, National Institutes of Health, and Agency for Healthcare Research and Quality);

''(C) a representative from the Department of Transportation;

''(D) a representative from the Department of Defense;

''(E) a representative from the Department of Veterans Affairs;

''(F) a representative from the Office of Personnel Management; and

''(G) representatives of other Federal agencies or departments as determined to be appropriate by the Secretary.

''(3) ANNUAL REPORT.—In addition to activities carried out under paragraph (1), the task force shall support the development of the annual report under subsection (d)(2).

''(4) TERMINATION.—The task force may be terminated at the discretion of the Secretary following the completion of at least 2 annual reports under subsection (d). Upon such termination, the Secretary shall provide for the on-going coordination of federally supported or conducted organ donation and research activities.

''(b) EDUCATION.—

''(1) PUBLIC EDUCATION AND AWARENESS.—The Secretary shall, directly or through grants or contracts, carry out a comprehensive and effective national public education program to increase organ donation, including living donation.

''(2) DEVELOPMENT OF CURRICULA AND OTHER EDUCATION ACTIVITIES.—

''(A) IN GENERAL.—The Secretary shall support the development and dissemination of model curricula to train health care professionals and other appropriate professionals (including religious leaders in the community and law enforcement officials) in issues surrounding organ donation, including methods to approach patients and their families, cultural sensitivities, and other relevant issues.

''(B) HEALTH CARE PROFESSIONALS.—For purposes of subparagraph (A), the term 'health care professionals' includes—

''(i) medical students, residents and fellows, attending physicians (through continuing medical education courses and other methods), nurses, social workers, and other allied health professionals; and

''(ii) hospital- or other health care-facility based chaplains; and

''(iii) emergency medical personnel.

''(c) GRANTS.—The Secretary shall award peer-reviewed grants to public and non-profit private entities, including States, to carry out studies and demonstration projects to increase organ donation rates, including living donation. The Secretary shall ensure that activities carried out by grantees under this subsection are evaluated for effectiveness and that such findings are disseminated.

''(d) REPORTS.—

''(1) IOM REPORT ON BEST PRACTICES.—

''(A) IN GENERAL.—The Secretary shall enter into a contract with the Institute of Medicine to conduct an evaluation of the organ donation practices of organ procurement organizations, States, other countries, and other appropriate organizations that have achieved a higher than average organ donation rate.

''(B) BARRIERS.—In conducting the evaluation under subparagraph (A), the Institute of Medicine shall examine existing barriers to organ donation.

''(C) REPORT.—Not later than 18 months after the date of enactment of this section, the Institute of Medicine shall submit to the Secretary a report concerning the evaluation conducted under this paragraph. Such report shall include recommendations for administrative actions and, if necessary, legislation in order to replicate the best practices identified in the evaluation and to otherwise increase organ donation and procurement rates.

''(2) ANNUAL REPORT ON DONATION.—

''(A) IN GENERAL.—Not later than 1 year after the date on which the report is submitted under paragraph (1)(C), and annually thereafter, the Secretary shall prepare and submit to Congress a report concerning federally supported or conducted organ donation and procurement activities, including donation and procurement activities evaluated or conducted under subsection (a) to increase organ donation.

''(B) REQUIREMENTS.—To the extent practicable, each annual report under subparagraph (A) shall—

''(i) evaluate the effectiveness of activities, identify best practices, and make recommendations regarding broader adoption of best practices with respect to organ donation and procurement;

''(ii) assess organ donation and procurement activities that are recently completed, current or planned.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to

carry out this section, $15,000,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 through 2005.''.●

By Mr. ABRAHAM (for himself, Mr. KENNEDY, Mr. LEAHY, Mr. DEWINE, Mr. JEFFORDS, Mr. AKAKA, Mr. GRAHAM, and Mr. INOUYE):

S. 2367. A bill to amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under the Act; to the Committee on the Judiciary.

TRAVEL, TOURISM, AND JOBS PRESERVATION ACT

Mr. ABRAHAM. Mr. President, I rise today to introduce the Travel, Tourism, and Jobs Preservation Act. This bill makes the Visa Waiver Pilot Program permanent and strengthens the documentation and reporting requirements established under the pilot program.

This legislation is important not only because it facilitates travel and tourism in the United States, thereby creating many American jobs, but also because it benefits American tourists who wish to travel abroad, since visa requirements are generally waived on a reciprocal basis.

The Visa Waiver Pilot Program authorizes the Attorney General to waive visa requirements for foreign nationals traveling from certain designated countries as temporary visitors for business or pleasure. Aliens from the participating countries complete an admission form prior to arrival and are admitted to stay for up to 90 days.

The criteria for being designated as a Visa Waiver country are as follows: First, the country must extend reciprocal visa-free travel for U.S. citizens. Second, they must have a non-immigrant refusal rate for B–1/B–2 visitor visas at U.S. consulates that is low, averaging less than 2 percent the previous two full fiscal years, with the refusal rate less than 2.5 percent in either year, or less than 3 percent the previous full fiscal year. Third, the countries must have or be in the process of developing a machine-readable passport program. Finally, the Attorney General must conclude that entry into the Visa Waiver Pilot Program will not compromise U.S. law enforcement interests.

Countries are designated by the Attorney General in consultation with the Secretary of State. Nations currently designated as Visa Waiver participants are Andorra, Argentina, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, United Kingdom, and Uruguay. Greece has been proposed for participation in the program.

The Visa Waiver Pilot Program was established by law in 1986 and became effective in 1988, with 8 countries participating for a period of three years. The program has been considered successful and as such has been expanded to include 29 participating countries. Since 1986, Visa Waiver has been reauthorized on 6 different occasions for periods of one, two, or three years at a time.

The time has come to make the Visa Waiver Pilot Program permanent, and, in the process, to strengthen further current requirements. Its status is no longer truly experimental. No serious disagreement exists that the program should continue in place for the foreseeable future, and no significant problems have been raised with the fundamentals of how it has been operating for the past 14 years. To the contrary, failure to continue the program would cause enormous staffing problems at U.S. consulates, which would have to be suddenly increased substantially to resume issuance of visitor visas. It would also be extremely detrimental to American travelers, who would most certainly find that, given reciprocity, they now would be compelled to obtain visas to travel to Europe and elsewhere. Finally, there are costs to continuing to reauthorize the program on a short-term rather than a permanent basis, as it periodically creates considerable uncertainty in the United States and around the world about what documents travelers planning their foreign travel have to obtain.

Accordingly, I am today introducing the Travel, Tourism, and Jobs Preservation Act. This legislation eliminates the need for frequent extensions of Visa Waiver by making the program permanent. I am pleased to see that the House bill on Visa Waiver also makes the program permanent. Second, the current requirement that countries be in the process of developing a program for issuing machine-readable passports will be replaced with a stricter requirement that all countries in the program as of May 1, 2000 certify by October 1, 2001 that they will have an operational machine-readable passport program by 2003 and that new countries have a machine-readable passport program in place before becoming eligible for designation as a Visa Waiver country. The bill also establishes a deadline of October 1, 2008 by which time all travelers must have machine-readable passports to come to the United States under Visa Waiver. The judgment of everyone involved in these issues is that the technology is now sufficient that it is time for everyone to move from the concept and planning to the prompt implementation of these requirements.

Finally, under the Travel, Tourism, and Jobs Preservation Act, the Attorney General must submit a written report at least once every five years evaluating ''the effect of each program country's continued designation on the law enforcement and national security interests of the United States.'' This will ensure that the operation of the program is periodically reviewed. I should note that under current law the Attorney General, in consultation with the Secretary of State, may for any reason (including national security) refrain from waiving the visa requirement in respect to nationals of any country which may otherwise qualify for designation or may, at any time, rescind any waiver or designation previously granted'' under Visa Waiver.

I think the additions in the bill strengthen the program while preserving the significant job creation benefits Americans gain from the Visa Waiver program. International travel generates $95 billion in expenditures and created one million U.S. jobs last year, according to the Travel Industry Association of America. An estimated half of all visitors to the United States enter the country under Visa Waiver.

I would like to thank my cosponsors Senators KENNEDY, LEAHY, DEWINE, JEFFORDS, AKAKA, GRAHAM, and INOUYE for supporting this important legislation.

ADDITIONAL COSPONSORS

S. 510

At the request of Mr. CAMPBELL, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 510, a bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

S. 577

At the request of Mr. HATCH, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 577, a bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

S. 670

At the request of Mr. JEFFORDS, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 670, a bill to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualifying placement agencies, and for other purposes.

S. 867

At the request of Mr. ROTH, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 867, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 1419

At the request of Mr. MCCAIN, the names of the Senator from New Hampshire (Mr. SMITH), the Senator from Indiana (Mr. LUGAR), and the Senator from Georgia (Mr. COVERDELL) were added as cosponsors of S. 1419, a bill to amend title 36, United States Code, to designate May as ''National Military Appreciation Month.''

S. 1810

At the request of Mrs. MURRAY, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 1898

At the request of Mr. DORGAN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1898, a bill to provide protection against the risks to the public that are inherent in the interstate transportation of violent prisoners.

S. 1921

At the request of Mr. CAMPBELL, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 1957

At the request of Mr. SCHUMER, the names of the Senator from Connecticut (Mr. DODD), the Senator from New York (Mr. MOYNIHAN), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 1957, a bill to provide for the payment of compensation to the families of the Federal employees who were killed in the crash of a United States Air Force CT–43A aircraft on April 3, 1996, near Dubrovnik, Croatia, carrying Secretary of Commerce Ronald H. Brown and 34 others.

S. 1988

At the request of Mr. DASCHLE, the names of the Senator from Illinois (Mr. FITZGERALD) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1988, a bill to reform the State inspection of meat and poultry in the United States, and for other purposes.

S. 2004

At the request of Mrs. MURRAY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2004, a bill to amend title 49 of the United States Code to expand State authority with respect to pipeline safety, to establish new Federal requirements to improve pipeline safety, to authorize appropriations under chapter 601 of that title for fiscal years 2001 through 2005, and for other purposes.

S. 2021

At the request of Mr. BROWNBACK, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 2021, a bill to prohibit high school and college sports gambling in all States including States where such gambling was permitted prior to 1991.

S. 2078

At the request of Mr. BUNNING, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 2078, a bill to authorize the President to award a gold medal on behalf of Congress to Muhammad Ali in recognition of his outstanding athletic accomplishments and enduring contributions to humanity, and for other purposes.

S. 2107

At the request of Mr. GRAMM, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2107, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to reduce securities fees in excess of those required to fund the operations of the Securities and Exchange Commission, to adjust compensation provisions for employees of the Commission, and for other purposes.

S. 2183

At the request of Mr. CRAPO, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2183, a bill to ensure the availability of spectrum to amateur radio operators.

S. 2277

At the request of Mr. ROTH, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 2277, a bill to terminate the application of title IV of the Trade Act of 1974 with respect to the People's Republic of China.

S. 2308

At the request of Mr. MOYNIHAN, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2308, a bill to amend title XIX of the Social Security Act to assure preservation of safety net hospitals through maintenance of the Medicaid disproportionate share hospital program.

S. 2314

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2314, a bill for the relief of Elian Gonzalez and other family members.

S. 2323

At the request of Mr. MCCONNELL, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. 2323, a bill to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the Act.

S. 2344

At the request of Mr. BROWNBACK, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2344, a bill to amend the Internal Revenue Code of 1986 to treat payments under the Conservation Reserve Program as rentals from real estate.

S. CON. RES. 32

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Con. Res. 32, a concurrent resolution expressing the sense of Congress regarding the guaranteed coverage of chiropractic services under the Medicare+Choice program.

S. CON. RES. 54

At the request of Mrs. BOXER, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. Con. Res. 54, a concurrent resolution expressing the sense of Congress that the Auschwitz-Birkenau state museum in Poland should release seven paintings by Auschwitz survivor Dina Babbitt made while she was imprisoned there, and that the governments of the United States and Poland should facilitate the return of Dina Babbitt's artwork to her.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 98

At the request of Mr. DEWINE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Con. Res. 98, a concurrent resolution urging compliance with the Hague Convention on the Civil Aspects of International Child Abduction.

AMENDMENT NO. 2915

At the request of Mr. WELLSTONE, his name was added as a cosponsor of amendment No. 2915 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Mr. HARKIN, his name was added as a cosponsor of amendment No. 2915 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Mr. DODD, his name was added as a cosponsor of amendment No. 2915 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for

fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Ms. MIKULSKI, her name was added as a cosponsor of amendment No. 2915 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

SENATE RESOLUTION 281—TO CONGRATULATE THE MICHIGAN STATE UNIVERSITY MEN'S BASKETBALL TEAM ON WINNING THE 2000 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION MEN'S BASKETBALL CHAMPIONSHIP

Mr. ABRAHAM (for himself and Mr. LEVIN) submitted the following resolution; which was considered and agreed to:

S. RES. 281

Whereas the Michigan State Spartans were Big Ten Conference regular season co-champions, and were winners of the Big Ten Conference Tournament, and, with a 26–7 record, earned a number one seed in the Midwest region of the 1999–2000 N.C.A.A. Tournament;

Whereas the Michigan State Spartans proved their dominance over the Midwest Region in reaching the Final Four, defeating Valparaiso 65–38, Utah 73–61, Syracuse 75–58, and Iowa State 75–64;

Whereas in winning the Midwest Region the Michigan State Spartans reached the Men's Final Four for the second year in a row, last year losing to the Duke University Blue Devils in the semifinals;

Whereas the Michigan State Spartans vowed after that loss to return to the Final Four in 1999–2000, and to settle for nothing less than the ultimate prize;

Whereas the Michigan State Spartans moved one step closer to their goal when they defeated the University of Wisconsin Badgers 53–41 for the fourth time of the 1999–2000 season to reach the championship game;

Whereas in that game, the Michigan State Spartans, with an entire team effort that demonstrated why college athletics are so special, defeated the University of Florida Gators 89–76 on April 3, 2000, and won the N.C.A.A. Men's Basketball Championship for the second time in the history of the program;

Whereas Coach Tom Izzo, who hails from Iron Mountain, Michigan, in only his fifth year coaching the team, has proven himself to be one of the finest coaches in Men's College Basketball, and he and his staff instilled into the Spartans a will to win second to none, exemplified by their cutthroat defense, which suffocated many potent offenses throughout the season, and particularly in the second half of N.C.A.A. Tournament games;

Whereas Mateen Cleaves, Morris Peterson, and A.J. Granger, three seniors who have been playing together for four years and who ended their collegiate careers with a win, spurred this team to victory throughout the year, Mr. Cleaves with his incredible leadership, Mr. Peterson with his clutch shooting, and Mr. Granger with his consistent long marksmanship;

Whereas Mateen Cleaves, Morris Peterson, and Charlie Bell, three individuals who hail from Flint, Michigan, and have thus been given the nickname ''The Flintstones,'' have been playing together since elementary school, and whose comradeship and loyalty to one another carried out onto the floor, and made the Spartans team a family off the floor as well;

Whereas Mateen Cleaves, the fearless captain of the team and the all-time assist leader in the Big Ten's history, who led not only with words but also with the example he set, who returned to the championship game after sustaining a high ankle sprain to his right leg, led his team to the title and, like a true champion, made good on his word;

Whereas Morris Peterson, named the Big Ten Conference Player of the Year, saved the Michigan State Spartans from the clutches of defeat many times this season, and particularly in the tournament, with his laser-like shooting and stingy defense;

Whereas Charlie Bell, perhaps the best rebounding guard in the nation, also led the team with his quickness, tireless defense effort, and athleticism, and who will be counted upon for his leadership next year;

Whereas A.J. Granger, displayed his awesome variety of offensive skills in both assisting on, and hitting, several big shots when the Spartans needed them most;

Whereas Andre Hutson, the man in the middle, who was often called on to shut down the opposing team's top player, particularly in the 1999–2000 tournament, handled his job with a workmanlike skill that defined professionalism, and in doing so provided the Spartans with the whole package the entire year;

Whereas Mike Chappell, Jason Richardson, and Aloysius Anagonye, provided the Spartans with quality minutes off the bench all year, and particularly in the championship game, where they held their own against the vaunted Florida bench;

Whereas David Thomas and Adam Ballinger, provided valuable contributions throughout the season and the tournament, both on and off the court, often providing the Spartans with the lift they needed; and

Whereas the contributions of Steve Cherry, Mat Ishbia and Brandon Smith, both on the court and in practice, demonstrated the total devotion of the Spartans players to the team concept that made the Spartans into the most dominating college basketball team of the new millennium: Now, therefore, be it

Resolved, That the United States Senate congratulates the Michigan State University Men's Basketball Team on winning the 1999–2000 National Collegiate Athletic Association Men's Basketball Championship.

SENATE RESOLUTION 282—CONGRATULATING THE HUSKIES OF THE UNIVERSITY OF CONNECTICUT FOR WINNING THE 2000 WOMEN'S BASKETBALL CHAMPIONSHIP

By Mr. DODD (for himself and Mr. LIEBERMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 282

Whereas the University of Connecticut women's basketball team won its second national championship in 5 years by defeating the University of Tennessee by the score of 71–52;

Whereas the University of Connecticut Huskies entered the 2000 NCAA Tournament with a perfect 15–0 record in the Big East Conference and with just one loss during the regular season;

Whereas National Coach of the Year Geno Auriemma's team began the season ranked number one in the Nation and will finish the season ranked number one in the Nation;

Whereas the University of Connecticut Women Huskies brought the State of Connecticut its second straight NCAA Basketball Title, following the 1999 championship of the University of Connecticut Men's team;

Whereas both Shea Ralph and Svetlana Abrosimova were chosen consensus All-Americans; Ralph was selected the NCAA tournament's Most Outstanding Player; Kelly Schumacher set a championship-game record for blocked shots with 9; and Ralph, Abrosimova, Sue Bird, and Asjha Jones were named to the All-Tournament team;

Whereas the Huskies dominated March Madness, averaging 91.3 points and a 19-point margin of victory in the tournament;

Whereas University of Connecticut's 19-point win over Tennessee, the other powerhouse of women's collegiate basketball, was the second largest margin of victory ever in a championship game;

Whereas the high caliber of the University of Connecticut Women Huskies in both athletics and academics has again advanced the sport of women's basketball and provided inspiration for future generations of young female athletes; and

Whereas the Huskies' season of accomplishment rallied Connecticut residents of all ages, from Stamford to Storrs, from Norwalk to Norwich, behind a common purpose and inspired a wave of euphoria across the State: Now, therefore, be it

Resolved, That the Senate commends the Huskies of the University of Connecticut for completing the 1999–2000 season with a 36–1 record and winning the 2000 NCAA Women's Basketball Championship.

AMENDMENTS SUBMITTED

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2001

L. CHAFEE (AND FEINSTEIN) AMENDMENT NO. 2923

(Ordered to lie on the table.)

Mr. L. CHAFEE (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by them to the concurrent resolution (S. Con. Res. 101) setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE ON RESTORING FUNDS TO HOSPITALS CUT BY THE BALANCED BUDGET ACT OF 1997.

(a) FINDINGS.—The Senate finds that—

(1) the Balanced Budget Reform Act of 1999 provided insufficient relief to hospitals;

(2) in addition to reductions to expenditures under the medicare program, reductions made in the Balanced Budget Act of 1997 over 5 years to Federal medicaid disproportionate share hospital (DSH) expenditures threaten the ability of hospitals to provide care for the most vulnerable populations;

(3) Federal medicaid DSH expenditures help reimburse the costs incurred by hospitals in treating medicaid patients and the uninsured and are needed to help our Nation's safety net hospitals.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution on the budget assume that the Senate should enact legislation that would reverse the unintended consequences of the Balanced Budget Act of 1997 by freezing the reductions in medicaid disproportionate share hospital (DSH) expenditures at fiscal year 2000 levels and then allowing those expenditure levels to increase by the percentage change in the consumer price index for all urban consumers (all items; U.S. city average) for the following 5 years.

JEFFORDS (AND OTHERS) AMENDMENT NO. 2924

(Ordered to lie on the table.)

Mr. JEFFORDS (for himself, Ms. SNOWE, Mr. DODD, Mr. BAYH, Mr. LIEBERMAN, Mr. REED, Mr. SCHUMER, Mr. KERRY, Ms. COLLINS, Mr. LEAHY, Mr. KOHL, Mr. L. CHAFEE, and Mr. WELLSTONE) submitted the following amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following new section:

SEC. ____. SENSE OF THE SENATE ON THE LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

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

(1) Home energy assistance for working poor and low-income families with children, elderly individuals on fixed incomes, individuals with disabilities, and others who need such assistance is a critical part of the social safety net in cold weather areas during the winter, and a source of necessary cooling aid during the summer.

(2) The Low-Income Home Energy Assistance Program is a highly targeted, cost-effective way to help millions of low-income Americans pay their home energy bills. More than ⅔ of households eligible for assistance through the Program have annual incomes of less than $8,000, and approximately ½ of the households have annual incomes below $6,000.

(3) Funding for the Low-Income Home Energy Assistance Program has declined 48 percent since fiscal year 1985, and as a result many elderly individuals on fixed incomes and working poor families have lost critical assistance.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that—

(1) an amount of not less than $1,400,000,000 (an amount currently available to carry out the Low-Income Home Energy Assistance Act of 1981 for fiscal year 2000) will be made available to carry out such Act for fiscal year 2001; and

(2) $1,400,000,000 of the amount described in paragraph (1) will not be funds designated by Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)), regardless of whether any additional funds (in excess of the $1,400,000,000) made available as described in paragraph (1) are funds that are so designated.

LINCOLN AMENDMENT NO. 2925

(Ordered to lie on the table.)

Mrs. LINCOLN submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ____. SENSE OF THE SENATE CONCERNING AGING FLOOD CONTROL STRUCTURES.

(a) FINDINGS.—The Senate finds that—

(1) since 1948, communities and the Natural Resources Conservation Service of the Department of Agriculture have constructed over 10,400 flood control structures in 47 States, at an estimated infrastructure investment of $14,000,000,000;

(2) many of those structures are now reaching the end of their design life; and

(3) unless those aging structures are rehabilitated, the structures may—

(A) pose significant threats to human health, public safety, property, and the environment; and

(B) pose risks of potential hardship to the communities in the vicinities of the structures, including through potential loss of flood control, community water supplies, ability to conserve natural resources, and economic benefits, that were brought about as a result of those flood control structures.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution, and any legislation enacted pursuant to this resolution, assume that the Federal Government will offer technical assistance and cost-shared financial assistance to communities to ensure that the flood control structures constructed by the communities and the Natural Resources Conservation Service of the Department of Agriculture are rehabilitated and continue to serve the protective purposes for which they were constructed.

BINGAMAN (AND OTHERS) AMENDMENT NO. 2926

Mr. BINGAMAN (for himself, Mr. KENNEDY, Mrs. MURRAY, Mr. DASCHLE, Mr. DODD, Mr. KERRY, Mr. WELLSTONE, Mr. BYRD, Mr. HARKIN, Mr. REED, Mr. ROBB, Mr. DORGAN, Mr. SCHUMER, and Mrs. BOXER) proposed an amendment to the concurrent resolution, S. Con. Res. 101, supra; as follows:

On page 4, line 4, increase the amount by $1,930,000,000.

On page 4, line 5, increase the amount by $6,230,000,000.

On page 4, line 6, increase the amount by $5,480,000,000.

On page 4, line 7, increase the amount by $5,810,000,000.

On page 4, line 8, increase the amount by $6,940,000,000.

On page 4, line 13, increase the amount by $1,930,000,000.

On page 4, line 14, increase the amount by $6,230,000,000.

On page 4, line 15, increase the amount by $5,480,000,000.

On page 4, line 16, increase the amount by $5,810,000,000.

On page 4, line 17, increase the amount by $6,940,000,000.

On page 4, line 22, increase the amount by $5,640,000,000.

On page 4, line 23, increase the amount by $7,120,000,000.

On page 4, line 24, increase the amount by $6,470,000,000.

On page 4, line 25, increase the amount by $7,080,000,000.

On page 5, line 1, increase the amount by $8,420,000,000.

On page 5, line 7, increase the amount by $1,930,000,000.

On page 5, line 8, increase the amount by $6,230,000,000.

On page 5, line 9, increase the amount by $5,480,000,000.

On page 5, line 10, increase the amount by $5,810,000,000.

On page 5, line 11, increase the amount by $6,940,000,000.

On page 18, line 7, increase the amount by $5,640,000,000.

On page 18, line 8, increase the amount by $1,930,000,000.

On page 18, line 11, increase the amount by $7,120,000,000.

On page 18, line 12, increase the amount by $6,230,000,000.

On page 18, line 15, increase the amount by $6,470,000,000.

On page 18, line 16, increase the amount by $5,480,000,000.

On page 18, line 19, increase the amount by $7,080,000,000.

On page 18, line 20, increase the amount by $5,810,000,000.

On page 18, line 23, increase the amount by $8,420,000,000.

On page 18, line 24, increase the amount by $6,940,000,000.

On page 29, line 3, decrease the amount by $1,949,000,000.

On page 29, line 4, decrease the amount by $28,133,000,000.

Add new Section 105, as follows:

SEC. 105. RECONCILIATION OF REVENUE REDUCTIONS IN THE SENATE.

Not later than September 29, 2000, the Senate Committee on Finance shall report to the Senate a reconciliation bill proposing changes in laws within its jurisdiction necessary to reduce revenues by not more than $19,000,000 in fiscal year 2001 and $1,743,000,000 for the period of fiscal years 2001 through 2005.

SHELBY AMENDMENT NO. 2927

(Ordered to lie on the table.)

Mr. SHELBY submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, insert the following:

SEC. ____. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) Our Nation's children have become the ever increasing targets of marketing activity.

(2) Such marketing activity, which includes Internet sales pitches, commercials broadcast via in-classroom television programming, product placements, contests, and giveaways, is taking place every day during class time in our Nation's public schools.

(3) Many State and local entities enter into arrangements allowing marketing activity in schools in an effort to make up budgetary shortfalls or to gain access to expensive technology or equipment.

(4) These marketing efforts take advantage of the time and captive audiences provided by taxpayer-funded schools.

(5) These marketing efforts involve activities that compromise the privacy of our Nation's children.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) in-school marketing and information-gathering activities—

(A) are a waste of student class time and taxpayer money;

(B) exploit captive student audiences for commercial gain; and

(C) compromise the privacy rights of our Nation's school children and are a violation of the public trust Americans place in the public education system;

(2) State and local educators should remove commercial distractions from our Nation's public schools and should protect the privacy of school-aged children in our Nation's classrooms;

(3) Federal funds should not be used in any way to support the commercialization of our Nation's classrooms or the exploitation of student privacy, nor to purchase advertisements from entities that market to school children or violate student privacy during the school day; and

(4) Federal funds should be made available, in the form of block grants, to State and local entities in order to provide the entities with the financial flexibility to avoid the necessity of having to enter into relationships with third parties that involve violations of student privacy or the introduction of commercialization into our Nation's classrooms.

JOHNSON (AND OTHERS) AMENDMENT NO. 2928

Mr. DOMENICI (for Mr. JOHNSON (for himself, Mr. ABRAHAM, Mrs. MURRAY, Mr. FEINGOLD, Mr. SPECTER, and Mr. DASCHLE)) proposed an amendment to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. . RESERVE FUND FOR MILITARY RETIREE HEALTH CARE.

(a) IN GENERAL.—In the Senate, aggregates, allocations, functional totals and other budgetary levels and limits may be revised for legislation to fund improvements to health care programs for military retirees and their dependents in order to fulfill the promises made to them, provided that the enactment of that legislation will not cause an on-budget deficit for—

(1) fiscal year 2001; or

(2) the period of fiscal years 2001 through 2005.

(b) REVISED LEVELS.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

DOMENICI AMENDMENT NO. 2929

Mr. DOMENICI proposed an amendment to amendment No. 2928 proposed by Mr. JOHNSON to the concurrent resolution, S. Con. Res. 101, supra; as follows:

In subsection (a), after the words ''may be revised for'' insert the words ''Department of Defense authorization'', and after the word ''legislation'' insert the words ''reported by the Committee on Armed Services of the Senate''.

SHELBY (AND BOND) AMENDMENT NO. 2930

(Ordered to lie on the table.)

Mr. SHELBY (for himself and Mr. BOND) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, add the following:

SEC. ___. SENSE OF CONGRESS REGARDING ADEQUATE FUNDING OF THE DEFENSE BUDGET.

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

(1) The United States remains exposed to ballistic missile attack.

(2) The morale and readiness levels of the Armed Forces of the United States are declining to a point not seen since the ''hollow force'' of the 1970s.

(3) The investment in spending for the Armed Forces has not kept pace with the worldwide operational tempo of the Armed Forces.

(4) The investment in science and technology by the United States has decreased to a point that threatens the ability of the United States to maintain technological superiority on the battlefield of the future.

(5) The health care delivery system for United States military personnel, including regular, reserve, and retired personnel, is wholly inadequate.

(b) SENSE OF CONGRESS.—It is the sense of Congress that it should enact legislation that funds the defense budget at levels commensurate with the threat to the national security interests of the United States.

STEVENS (AND OTHERS) AMENDMENT NO. 2931

Mr. STEVENS (for himself, Mr. BYRD, Mr. INOUYE, Mr. LEAHY, Mr. SHELBY, Mr. CAMPBELL, and Mr. COCHRAN) proposed an amendment to the concurrent resolution, S. Con. Res. 101, supra; as follows:

Strike Section 208.

STEVENS (AND OTHERS) AMENDMENT NO. 2932

Mr. STEVENS (for himself, Mr. BYRD, Mr. INOUYE, Mr. LEAHY, Mr. COCHRAN, Mr. SHELBY, Mr. CAMPBELL, and Mr. HARKIN) proposed an amendment to the concurrent resolution, S. Con. Res. 101, supra; as follows:

Strike Section 210.

BAYH AMENDMENT NO. 2933

Mr. BAYH submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE RELATING TO THE HUMAN GENOME PROJECT.

(a) FINDINGS.—The Senate makes the following findings:

(1) The human genome project is an international effort lead by the United States and the United Kingdom that will revolutionize the delivery of health care.

(2) The National Institutes of Health's National Human Genome Research Institute and the Department of Energy's Human Genome Program together make up the U.S. component of the Human Genome Project, the world's largest centrally coordinated biology research project.

(3) The Human Genome Project is determined to complete the nucleotide sequence of human DNA, to localize the estimated 50,000 to 100,000 genes within the human genome.

(4) In addition, another major component of the human genome research effort is to analyze the ethical, legal, and social implications of genetic knowledge.

(5) There are an estimated 3,000,000,000 letters to map and sequence and up to 100,000 genes to identify that makeup the human genetic code. Of the 3,000,000,000 letters, 2,000,000,000 have already been mapped and sequenced in working draft form.

(6) As a result of the Human Genome Project's efforts, a working draft that covers at least 90 percent of the genome is expected to be released this year.

(7) The availability of genetic information requires humans to use the information wisely and appropriately, free of discrimination.

(8) The President's fiscal year 2001 budget requests a $1,000,000,000 increase in the biomedical research activities at the National Institutes of Health to support research in areas such as diabetes, brain disorders, cancer, genetic medicine, disease prevention strategies, and development of an AIDS vaccine.

(9) The Senate has previously passed a sense of the Senate that expresses support for the doubling of funding for the National Institutes of Health over 5 years.

(10) The completion of the Human Genome Project will have profound impacts on the way health care is delivered. It will provide information that constitutes a basic set of inherited instructions for the development and functioning of a human being.

(11) This data will be primarily used to create medications that can prevent genetic disorders from surfacing and allow treatment to begin at earlier stages.

(12) Genomics should allow us to live not only longer but healthier lives. By identifying the genetic causes of terminal illnesses, genomics may make it possible for a child born today to have a long and healthier life.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels underlying this resolution assume that the efforts of the National Institutes of Health and the Department of Energy in the Human Genome Project will be recognized and strongly supported to advance the world's understanding of the genetic make-up of humans and develop one of the most profound scientific discoveries of our time, and to support swift advancement in this area.

JOHNSON (AND OTHERS) AMENDMENT NO 2934

(Ordered to lie on the table.)

Mr. JOHNSON (for himself, Mr. WELLSTONE, Mr. BINGAMAN, Mr. DORGAN, Mrs. MURRAY, Mr. ROBB, Mr. JEFFORDS, Ms. MIKULSKI, Mr. KENNEDY, Mr. BRYAN, Mr. KERRY, Mr. CONRAD, Mr. HARKIN, and Mr. DASCHLE) submitted an amendment intended to be proposed by them to the bill Senate Concurrent Resolution 101, supra, as follows:

On page 4, line 4, increase the amount by $500,000,000.

On page 4, line 5, increase the amount by $500,000,000.

On page 4, line 6, increase the amount by $500,000,000.

On page 4, line 7, increase the amount by $500,000,000.

On page 4, line 8, increase the amount by $500,000,000.

On page 4, line 13, increase the amount by $500,000,000.

On page 4, line 14, increase the amount by $500,000,000.

On page 4, line 15, increase the amount by $500,000,000.

On page 4, line 16, increase the amount by $500,000,000.

On page 4, line 17, increase the amount by $500,000,000.

On page 4, line 22, increase the amount by $500,000,000.

On page 4, line 23, increase the amount by $500,000,000.

On page 4, line 24, increase the amount by $500,000,000.

On page 4, line 25, increase the amount by $500,000,000.

On page 5, line 1, increase the amount by $500,000,000.

On page 5, line 7, increase the amount by $500,000,000.

On page 5, line 8, increase the amount by $500,000,000.

On page 5, line 9, increase the amount by $500,000,000.

On page 5, line 10, increase the amount by $500,000,000.

On page 5, line 11, increase the amount by $500,000,000.

On page 23, line 7, increase the amount by $500,000,000.

On page 23, line 8, increase the amount by $500,000,000.

On page 23, line 11, increase the amount by $500,000,000.

On page 23, line 12, increase the amount by $500,000,000.

On page 23, line 15, increase the amount by $500,000,000.

On page 23, line 16, increase the amount by $500,000,000.

On page 23, line 19, increase the amount by $500,000,000.

On page 23, line 20, increase the amount by $500,000,000.

On page 23, line 23, increase the amount by $500,000,000.

On page 23, line 24, increase the amount by $500,000,000.

On page 29, line 3, decrease the amount by $500,000,000.

On page 29, line 4, decrease the amount by $2,500,000,000.

CONRAD (AND OTHERS) AMENDMENT NO. 2935

Mr. CONRAD (for himself, Mr. KOHL, Mr. DORGAN, Mr. FEINGOLD, Mr. HARKIN, Mr. ROBB, Mr. REID, and Mr. GRAHAM) proposed an amendment to amendment No. 2906 proposed by Mr. ALLARD to the concurrent resolution, S. Con. Res. 101, supra; as follows:

In the amendment strike all after the first word and add the following:

Notwithstanding any other provisions of this resolution, the following numbers shall apply:

On page 4, line 4, increase the amount by $6,579,000,000.

On page 4, line 5, increase the amount by $12,427,000,000.

On page 4, line 6, increase the amount by $15,376,000,000.

On page 4, line 7, increase the amount by $18,775,000,000.

On page 4, line 8, increase the amount by $21,724,000,000.

On page 4, line 13, increase the amount by $6,579,000,000.

On page 4, line 14, increase the amount by $12,427,000,000.

On page 4, line 15, increase the amount by $15,376,000,000.

On page 4, line 16, increase the amount by $18,775,000,000.

On page 4, line 17, increase the amount by $21,724,000,000.

On page 5, line 15, increase the amount by $6,579,000,000.

On page 5, line 16, increase the amount by $12,427,000,000.

On page 5, line 17, increase the amount by $15,376,000,000.

On page 5, line 18, increase the amount by $18,775,000,000.

On page 5, line 19, increase the amount by $21,724,000,000.

On page 5, line 23, decrease the amount by $6,579,000,000.

On page 5, line 24, decrease the amount by $12,427,000,000.

On page 5, line 25, decrease the amount by $15,376,000,000.

On page 6, line 1, decrease the amount by $18,775,000,000.

On page 6, line 2, decrease the amount by $21,724,000,000.

On page 6, line 6, decrease the amount by $6,579,000,000.

On page 6, line 7, decrease the amount by $12,427,000,000.

On page 6, line 8, decrease the amount by $15,376,000,000.

On page 6, line 9, decrease the amount by $18,775,000,000.

On page 6, line 10, decrease the amount by $21,724,000,000.

On page 29, line 3, decrease the amount by $6,579,000,000.

On page 29, line 4, decrease the amount by $74,881,000,000.

WARNER AMENDMENTS NOS. 2936–2938

(Ordered to lie on the table.)

Mr WARNER submitted three amendments intended to be proposed by him to the concurrent resolution S. Con. Res. 101 supra; as follows:

AMENDMENT NO. 2936

On page 4, line 22, strike ''$1,471,817,000,000'' and insert ''$1,475,817,000,000''.

On page 5, line 7, strike ''$1,447,795,000,000'' and insert ''$1,499,395,000,000''.

On page 5, line 15, strike ''$53,863,000,000'' and insert ''$52,263,000,000''.

On page 43, line 10, strike ''$306,819,000,000'' and insert ''$310,819,000,000''.

AMENDMENT NO. 2937

At the end of title II, add the following:

SEC. 204. PARTICIPATION OF MEMBERS OF THE UNIFORMED SERVICES IN THE THRIFT SAVINGS PLAN.

(a) ADJUSTMENT.—If a bill is reported by a committee of the Senate, or an amendment to a bill reported by a committee of the Senate is offered, or a conference report on a bill reported by a committee of the Senate is submitted that provides for the amendments made by subtitle F of title VI of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 670) to take effect, the chairman of the Committee on the Budget shall increase the allocation of budget authority and outlays to that committee by the amount of budget authority (and the outlays resulting therefrom) provided by that legislation for such purpose in accordance with subsection (b).

(b) CONDITIONS.—Legislation complies with this subsection if it does not cause a net increase in budget authority and outlays of greater than $10,000,000 for fiscal year 2001.

(c) LIMITATIONS.—Adjustments to allocations under subsection (a) shall not result in reduced revenue for fiscal year 2001 exceeding $10,000,000, or reduced revenue for the period of fiscal years 2001 through 2005 exceeding $321,000,000.

AMENDMENT NO. 2938

At the end of section 208, add the following:

(g) EXCEPTION FOR DEFENSE SPENDING.—This section does not apply to a provision of law making discretionary appropriations in the defense category.

KENNEDY (AND OTHERS) AMENDMENT NO. 2939

(Ordered to lie on the table.)

Mr. KENNEDY (for himself, Mr. FEINGOLD, Mr. DODD, Mr. REED, Mr. BINGAMAN, Mr. JOHNSON, Mr. WELLSTONE, Mrs. MURRAY, Mr. HARKIN, and Mr. SCHUMER) submitted an amendment intended to be proposed by them the Concurrent Resolution, S. Con. Res. 101, supra; as follows:

On page 4, line 4, increase the amount by $124,000,000.

On page 4, line 5, increase the amount by $612,000,000.

On page 4, line 6, increase the amount by $635,000,000.

On page 4, line 7, increase the amount by $646,000,000.

On page 4, line 8, increase the amount by $657,000,000.

On page 4, line 13, increase the amount by $124,000,000.

On page 4, line 14, increase the amount by $612,000,000.

On page 4, line 15, increase the amount by $635,000,000.

On page 4, line 16, increase the amount by $646,000,000.

On page 4, line 17, increase the amount by $657,000,000.

On page 4, line 22, increase the amount by $623,000,000.

On page 4, line 23, increase the amount by $633,000,000.

On page 4, line 24, increase the amount by $644,000,000.

On page 4, line 25, increase the amount by $655,000,000.

On page 5, line 1, increase the amount by $666,000,000.

On page 5, line 7, increase the amount by $124,000,000.

On page 5, line 8, increase the amount by $612,000,000.

On page 5, line 9, increase the amount by $635,000,000.

On page 5, line 10, increase the amount by $646,000,000.

On page 5, line 11, increase the amount by $657,000,000.

On page 18, line 7, increase the amount by $623,000,000.

On page 18, line 8, increase the amount by $124,000,000.

On page 18, line 11, increase the amount by $633,000,000.

On page 18, line 12, increase the amount by $612,000,000.

On page 18, line 15, increase the amount by $644,000,000.

On page 18, line 16, increase the amount by $635,000,000.

On page 18, line 19, increase the amount by $655,000,000.

On page 18, line 20, increase the amount by $646,000,000.

On page 18, line 23, increase the amount by $666,000,000.

On page 18, line 24, increase the amount by $657,000,000.

On page 29, line 3, decrease the amount by $124,000,000.

On page 29, line 4, decrease the amount by $2,674,000,000.

ASHCROFT AMENDMENT NO. 2940

(Ordered to lie on the table.)

Mr. ASHCROFT submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE ON GUARANTEEING ADEQUATE FUNDING FOR PROGRAMS TO FIGHT METHAMPHETAMINE.

(a) FINDINGS.—The Senate finds that—

(1) drug use in America, especially among our youth, is unacceptably high;

(2) keeping drugs out of the hands of our children and off our streets can dramatically reduce violent crime in America;

(3) one of the most dangerous drug epidemics facing America today, is the meteoric rise in the use of methamphetamine;

(4) methamphetamine, or "meth" as it is commonly called, is highly addictive, highly destructive, cheap, and easy to manufacture.

(5) federal, state, and local law enforcement officials often do not have the necessary resources to combat this growing meth epidemic;

(6) despite the appropriation of over $35 million dollars in the past two appropriations cycles for the Drug Enforcement Administration to train local law enforcement in the meth problem continues to grow;

(7) given that meth use continues to grow at an alarming rate, more funding is necessary to assist law enforcement officials in the fight against this explosive problem and in the clean-up of meth labs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this resolution and legislation enacted pursuant to this resolution assume that adequate funds will be provided in fiscal year 2001 to—

(1) establish programs for state and local law enforcement personnel regarding the clean-up and handling of methamphetamine lab waste, including basic clandestine laboratory certification training and clandestine laboratory recertification and awareness training;

(2) combat the trafficking of methamphetamine and amphetamine in areas designated by the Director of National Drug Control Policy as high intensity drug trafficking areas;

(3) combat the illegal manufacturing and trafficking in methamphetamine and amphetamine, including assisting State and local law enforcement in small and mid-sized communities in all phase of investigations related to such manufacturing and trafficking; and

(4) expand activities in connection with the treatment of methamphetamine or amphetamine abuse or addiction; and for planning, establishing, or administering community-based and school-based prevention programs relating to methamphetamine and other illicit drugs.

KOHL (AND OTHERS) AMENDMENT NO. 2941

(Ordered to lie on the table.)

Mr. KOHL (for himself, Mr. LEAHY, Mr. LIEBERMAN, Mr. LEVIN, Mr. ROBB, Mr. BRYAN, Mr. FEINGOLD, and Mr. KERREY) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

On page 36, strike beginning with line 1 and all that follows through page 37, line 5.

KOHL (AND OTHERS) AMENDMENT NO. 2942

(Ordered to lie on the table.)

Mr. KOHL (for himself, Mr. REID, and Mr. GRASSLEY) submitted the following amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE ESTABLISHMENT OF A NATIONAL BACKGROUND CHECK SYSTEM FOR LONG-TERM CARE WORKERS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The impending retirement of the baby boom generation will greatly increase the demand and need for quality long-term care and it is incumbent on Congress and the President to ensure that medicare and medicaid patients are protected from abuse, neglect, and mistreatment.

(2) Although the majority of long-term care facilities do an excellent job in caring for elderly and disabled patients, incidents of abuse and neglect and mistreatment do occur at an unacceptable rate and are not limited to nursing homes alone.

(3) Current Federal and State safeguards are inadequate because there is little or no information sharing between States about known abusers and no common State procedures for tracking abusers from State to State and facility to facility.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this concurrent resolution on the budget assume that a national registry of abusive long-term care workers should be established by building upon existing infrastructures at the Federal and State levels that would enable long-term care providers who participate in the medicare and medicaid programs to conduct background checks on prospective employees.

BYRD (AND OTHERS) AMENDMENT NO. 2943

Mr. BYRD (for himself, Mr. WARNER, Mr. BAUCUS, Mr. VOINOVICH, Mr. LAUTENBERG, Mr. BOND, Mr. DOMENICI, Mrs. LINCOLN, Mr. ROBB, and Mr. BINGAMAN) proposed an amendment to the concurrent resolution, S. Con. Res. 101, supra; as follows:

"SEC. . SENSE OF THE SENATE ON THE CONTINUED USE OF FEDERAL FUEL TAXES FOR THE CONSTRUCTION AND REHABILITATION OF OUR NATION'S HIGHWAYS, BRIDGES, AND TRANSIT SYSTEMS.

(a) FINDINGS.—The Senate finds that—

(1) current law, as stipulated in the Transportation Equity Act for the 21st Century (TEA–21), requires all federal gasoline taxes be deposited into the Highway Trust Fund;

(2) current law, as stipulated in TEA–21, guarantees that all such deposits to the Highway Trust Fund are spent in full on the construction and rehabilitation of our nation's highways, bridges, and transit systems;

(3) the funding guarantees contained in TEA–21 are essential to the ability of the nation's governors, highway commissioners, and transit providers to address the growing backlog of critical transportation investments in order to stem the deterioration of our road and transit systems, improve the safety of our highways, and reduce the growth of congestion that is choking off economic growth in communities across the nation;

(4) any effort to reduce the federal gasoline tax or de-link the relationship between highway user fees and highway spending pose a great danger to the integrity of the Highway Trust Fund and the ability of the states to invest adequately in our transportation infrastructure; and

(5) proposals to reduce the federal gasoline tax threaten to endanger the spending levels guaranteed in TEA–21 while providing no guarantee that consumers will experience any reduction in price at the gas pump.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals in this budget resolution do not assume the reduction of any federal gasoline taxes on either a temporary or permanent basis."

L. CHAFEE (AND OTHERS) AMENDMENT NO. 2944

(Ordered to lie on the table.)

Mr. L. CHAFEE (for himself, Ms. MIKULSKI, Ms. SNOWE, Mr. GRASSLEY, Mr. HARKIN, Ms. COLLINS, Mr. ROBB, Mr. ASHCROFT, Mr. KENNEDY, Mr. SPECTER, Mr. BIDEN, Mr. SARBANES, Mr. DODD, Mr. ROCKEFELLER, Mr. BREAUX, Mrs. MURRAY, Mr. WYDEN, Mr. BINGAMAN, Mr. REED, Mr. LEAHY, Mr. EDWARDS, Mr. JOHNSON, Mr. MOYNIHAN, Mr. WELLSTONE, Mr. AKAKA, Mr. LEVIN, Mr. CLELAND, and Mr. INOUYE) submitted the following amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING BREAST AND CERVICAL CANCER.

(a) FINDINGS.—The Senate makes the following findings:

(1) The National Breast and Cervical Cancer Early Detection Program under title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) (referred to in this section as the "NBCCEDP") provides funding only for screening and not treatment of these breast and cervical cancers.

(2) From its inception in 1990 through March 1999, the NBCCEDP has provided over 1,000,000 mammograms to women 40 years of age and older. Of these, over 77,000 were found to be abnormal and 5,830 cases of breast cancer were diagnosed.

(3) Of all women screened by the NBCCEDP, over 6,200 cases of breast cancer have been diagnosed.

(4) The NBCCEDP has diagnosed over 34,000 precancerous cervical lesions and over 550 cases of cervical cancer.

(5) Screening must be coupled with treatment to reduce cancer mortality.

(6) The current system for treatment for low-income, uninsured women diagnosed with breast or cervical cancer in the NBCCEDP is an ad hoc patchwork of providers, volunteers, and local programs scrambling to find treatment dollars.

(7) Time and effort required to arrange for treatment for women diagnosed through the NBCCEDP have begun to divert resources away from screening services, allowing the program to screen only 12 to 15 percent of eligible women.

(8) There is a precedent for covering participants in the NBCCEDP under the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(9) The Breast and Cervical Cancer Treatment Act of 1999 (Senate bill 662 106th Congress) has 57 bipartisan cosponsors, and would establish an optional State medicaid benefit for coverage of women screened and diagnosed with breast or cervical cancer under the NBCCEDP.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution, and legislation enacted pursuant to this resolution, assume that there should be passage of legislation to provide medical assistance for certain women screened and found to have breast or cervical cancer under the National Breast and Cervical Cancer Early Detection Program under title XV of the Public Health Service Act (42 U.S.C. 300k et seq.).

ASHCROFT (AND OTHERS) AMENDMENT NO. 2945

(Ordered to lie on the table.)

Mr. ASHCROFT (for himself, Mr. BROWNBACK, Mr. VOINOVICH, and Mr. GRAMS) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

On page 30, line 21, insert the following:

''(3) TREATMENT OF MEDICARE, PART A SURPLUS.—For purposes of this section, the net surplus in any trust fund for part A of Medicare shall not be counted as a net surplus for purposes of the congressional budget.''

ASHCROFT (AND OTHERS) AMENDMENT NO. 2946

(Ordered to lie on the table.)

Mr. ASHCROFT (for himself, Mr. INHOFE, Mr. BROWNBACK, Mr. GREGG, Mr. ALLARD, and Mr. SANTORUM) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert:

SEC. ___. SENSE OF THE SENATE CONCERNING INVESTMENT OF SOCIAL SECURITY TRUST FUNDS.

(a) FINDINGS.—The Senate finds that—

(1) Government investment of the social security trust funds in the stock market is a gamble Congress should be unwilling to make on behalf of the millions who receive and depend on social security to meet their retirement needs;

(2) in 1999, the Senate voted 99–0 to oppose Government investment of the social security trust funds in private financial markets;

(3) in addition to the unanimous opposition of the United States Senate, Federal Reserve Chairman Alan Greenspan and Securities and Exchange Commissioner Arthur Levitt also oppose the idea; and

(4) despite this opposition, and despite the dangers inherent in having the Government invest social security trust funds in private financial markets, President Clinton has once again suggested, on page 37 of the Administration's proposed fiscal year 2001 Federal budget, that the Government invest part of the social security trust funds in corporate equities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that the Federal Government should not directly invest contributions made to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401), or any interest derived from those contributions, in private financial markets.

SANTORUM (AND GRAMS) AMENDMENT NO. 2947

(Ordered to lie on the table.)

Mr. SANTORUM (for himself and Mr. GRAMS) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, add the following:

SEC. ___. SENSE OF THE SENATE REGARDING INCREASING ACCESS TO HEALTH INSURANCE.

(a) FINDINGS.—The Senate finds that—

(1) 44,400,000 Americans are currently without health insurance—an increase of more than 5,000,000 since 1993—and this number is expected to increase to nearly 60,000,000 people in the next 10 years;

(2) the cost of health insurance continues to rise, a key factor in the increasing number of uninsured;

(3) more than half of these uninsured Americans are the working poor or near poor;

(4) the uninsured are much more likely not to receive needed medical care and much more likely to need hospitalization for avoidable conditions and to rely on emergency room care, trends which significantly contribute to the rising costs of uncompensated care by health care providers and the costs of health care delivery in general; and

(5) there is a consensus that working Americans and their families will suffer from reduced access to health insurance.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that increasing access to affordable health care coverage for all Americans, in a manner which maximizes individual choice and control of health care dollars, should be a legislative priority of Congress.

REID AMENDMENTS NOS. 2948–2950

(Ordered to lie on the table.)

Mr. REID submitted three amendments intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

AMENDMENT NO. 2948

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING AN INCREASE IN FUNDING FOR WOMEN'S HEALTH RESEARCH.

(a) FINDINGS.—The Senate finds that—

(1) less than 15 percent of the funding at the National Institutes of Health is for women's health research, yet women make up approximately 55 percent of the population;

(2) National Institutes of Health funding for women's health has not increased to meet the growth in the number of women, especially older women;

(3) between fiscal years 1997 and 2000, the percentage of National Institutes of Health funding dedicated to women's health has actually decreased; and

(4) according to the Census Bureau, by 2010 the growth rate of the older population will be 3½ times that of the total population, with older women one of the fastest growing cohorts, creating an urgent need for research into the diagnosis, treatment, and prevention of age-related diseases.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels of this resolution assume that a portion of any increase in funding for the National Institutes of Health should be used to increase the amount of funding for women's health research so that progress is made in achieving equity in women's health research funding at the National Institutes of Health.

AMENDMENT NO. 2949

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING SOCIAL SECURITY NOTCH BABIES.

(a) FINDINGS.—The Senate finds that—

(1) the Social Security Amendments of 1977 (Pub. Law 95–216) substantially altered the way social security benefits are computed;

(2) those amendments resulted in disparate benefits depending upon the year in which a worker becomes eligible for benefits; and

(3) those individuals born between the years 1917 and 1926, and who are commonly referred to as ''notch babies'' receive benefits that are lower than those retirees who were born before or after those years.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that Congress should reevaluate the social security benefits of workers who attained age 65 after 1981 and before 1992.

AMENDMENT NO. 2950

At the end of title III, insert the following:

SEC. ___. REVIEW OF EXPORT OF CERTAIN HIGH-PERFORMANCE COMPUTERS.

It is the sense of the Senate that the levels in this resolution assume that any new composite theoretical performance level recommended by the President pursuant to section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) should take effect 30 days after the President submits a report under such section 1211.

KENNEDY AMENDMENT NO. 2951

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING THE MINIMUM WAGE.

It is the sense of the Senate that the levels in this resolution assume that Congress should enact legislation to amend the Fair

Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) to increase the Federal minimum wage by $1.00 over 1 year with a $0.50 increase effective May 1, 2000 and another $0.50 increase effective on May 1, 2001.

KENNEDY (AND OTHERS) AMENDMENT NO. 2952

(Ordered to lie on the table.)

Mr. KENNEDY (for himself, Mr. FEINGOLD, Mr. DODD, Mr. REED, Mr. BINGAMAN, Mr. JOHNSON, Mr. WELLSTONE, Mrs. MURRAY, Mr. HARKIN, and Mr. SCHUMER) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

On page 4, line 4, increase the amount by $124,000,000.

On page 4, line 5, increase the amount by $612,000,000.

On page 4, line 6, increase the amount by $635,000,000.

On page 4, line 7, increase the amount by $646,000,000.

On page 4, line 8, increase the amount by $657,000,000.

On page 4, line 13, increase the amount by $124,000,000.

On page 4, line 14, increase the amount by $612,000,000.

On page 4, line 15, increase the amount by $635,000,000.

On page 4, line 16, increase the amount by $646,000,000.

On page 4, line 17, increase the amount by $657,000,000.

On page 4, line 22, increase the amount by $623,000,000.

On page 4, line 23, increase the amount by $633,000,000.

On page 4, line 24, increase the amount by $644,000,000.

On page 4, line 25, increase the amount by $655,000,000.

On page 5, line 1, increase the amount by $666,000,000.

On page 5, line 7, increase the amount by $124,000,000.

On page 5, line 8, increase the amount by $612,000,000.

On page 5, line 9, increase the amount by $635,000,000.

On page 5, line 10, increase the amount by $646,000,000.

On page 5, line 11, increase the amount by $657,000,000.

On page 18, line 7, increase the amount by $623,000,000.

On page 18, line 8, increase the amount by $124,000,000.

On page 18, line 11, increase the amount by $633,000,000.

On page 18, line 12, increase the amount by $612,000,000.

On page 18, line 15, increase the amount by $644,000,000.

On page 18, line 16, increase the amount by $635,000,000.

On page 18, line 19, increase the amount by $655,000,000.

On page 18, line 20, increase the amount by $646,000,000.

On page 18, line 23, increase the amount by $666,000,000.

On page 18, line 24, increase the amount by $657,000,000.

On page 29, line 3, decrease the amount by $124,000,000.

On page 29, line 4, decrease the amount by $2,674,000,000.

DURBIN AMENDMENT NO. 2953

Mr. DURBIN proposed an amendment to the concurrent resolution, S. Con. Res. 101, supra; as follows:

FEDERAL REVENUE TOTALS

On page 4, line 3, decrease the amount by $0.

On page 4, line 4, decrease the amount by $4,843,000.

On page 4, line 5, decrease the amount by $35,146,000,000.

On page 4, line 6, decrease the amount by $65,248,000,000.

On page 4, line 7, decrease the amount by $99,450,000,000.

On page 4, line 8, decrease the amount by $128,552,000,000.

FEDERAL REVENUE CHANGES

On page 4, line 12, increase the amount by $0.

On page 4, line 13, increase the amount by $4,843,000,000.

On page 4, line 14, increase the amount by $35,146,000,000.

On page 4, line 15, increase the amount by $65,248,000,000.

On page 4, line 16, increase the amount by $99,450,000,000.

On page 4, line 17, increase the amount by $128,552,000,000.

NEW BUDGET AUTHORITY

On page 4, line 21, increase the amount by $0.

On page 4, line 22, increase the amount by $136,000,000.

On page 4, line 23, increase the amount by $1,280,000,000.

On page 4, line 24, increase the amount by $4,186,000,000.

On page 4, line 25, increase the amount by $8,785,000,000.

On page 5, line 1, increase the amount by $15,334,000,000.

BUDGET OUTLAYS

On page 5, line 6, increase the amount by $0.

On page 5, line 7, increase the amount by $136,000,000.

On page 5, line 8, increase the amount by $1,280,000,000.

On page 5, line 9, increase the amount by $4,186,000,000.

On page 5, line 10, increase the amount by $8,785,000,000.

On page 5, line 11, increase the amount by $15,334,000,000.

NET INTEREST BUDGET AUTHORITY

On page 26, line 3, increase the amount by $0.

On page 26, line 7, increase the amount by $136,000,000.

On page 26, line 11, increase the amount by $1,280,000,000.

On page 26, line 15, increase the amount by $4,186,000,000.

On page 26, line 19, increase the amount by $8,785.

On page 26, line 23, increase the amount by $15,334,000,000.

NET INTEREST OUTLAYS

On page 26, line 4, increase the amount by $0.

On page 26, line 8, increase the amount by $136,000,000.

On page 26, line 12, increase the amount by $1,280,000,000.

On page 26, line 16, increase the amount by $4,186,000,000.

On page 26, line 20, increase the amount by $8,785,000,000.

On page 26, line 24, increase the amount by $15,334,000,000.

PUBLIC DEBT

On page 5, line 22, increase the amount by $0.

On page 5, line 23, increase the amount by $4,979,000,000.

On page 5, line 24, increase the amount by $36,426,000,000.

On page 5, line 25, increase the amount by $69,434,000,000.

On page 6, line 1, increase the amount by $108,235,000,000.

On page 6, line 2, increase the amount by $143,886,000,000.

DEBT HELD BY THE PUBLIC

On page 6, line 5, increase the amount by $0.

On page 6, line 6, increase the amount by $4,979,000,000.

On page 6, line 7, increase the amount by $36,426,000,000.

On page 6, line 8, increase the amount by $69,434,000,000.

On page 6, line 9, increase the amount by $108,235,000,000.

On page 6, line 10, increase the amount by $143,886,000,000.

TAX CUT

On page 29, line 3, increase the amount by $4,843,000,000.

On page 29, line 4, increase the amount by $333,239,000,000.

DEFICIT INCREASE

On page 5, line 14, increase the amount by $0.

On page 5, line 15, increase the amount by $4,979,000,000.

On page 5, line 16, increase the amount by $36,426,000,000.

On page 5, line 17, increase the amount by $89,434,000,000.

On page 5, line 18, increase the amount by $108,235,000,000.

On page 5, line 19, increase the amount by $143,886,000,000.

DURBIN (AND OTHERS) AMENDMENT NO. 2954

(Ordered to lie on the table.)

Mr. DURBIN (for himself, Mr. SCHUMER, Mrs. BOXER, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. LEAHY, Mr. KENNEDY, and Mr. REED) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

On page 4, line 4, increase the amount by $121,341,000.

On page 4, line 5, increase the amount by $84,399,000.

On page 4, line 6, increase the amount by $68,925,000.

On page 4, line 7, increase the amount by $9,225,000.

On page 4, line 13, increase the amount by $121,341,000.

On page 4, line 14, increase the amount by $84,399,000.

On page 4, line 15, increase the amount by $68,925,000.

On page 4, line 16, increase the amount by $9,225,000.

On page 4, line 22, increase the amount by $283,890,000.

On page 5, line 7, increase the amount by $121,341,000.

On page 5, line 8, increase the amount by $84,399,000.

On page 5, line 9, increase the amount by $68,925,000.

On page 5, line 10, increase the amount by $9,225,000.

On page 24, line 7, increase the amount by $283,890,000.

On page 24, line 8, increase the amount by $121,341,000.

On page 24, line 12, increase the amount by $84,399,000.

On page 24, line 16, increase the amount by $68,925,000.

On page 24, line 20, increase the amount by $9,225,000.

On page 29, line 4, decrease the amount by $121,341,000.

On page 29, line 4, decrease the amount of $283,890,000.

ROTH (AND OTHERS) AMENDMENT NO. 2955

Mr. ROTH (for himself, Mrs. BOXER, Mr. BAUCUS, Mr. JEFFORDS, Mr. SCHUMER, Mr. DODD, Mr. FEINGOLD, Mr. LIEBERMAN, Mrs. MURRAY, Mr. L. CHAFEE, Mr. ROBB, Mr. TORRICELLI, Mr. LAUTENBERG, and Mr. REID) proposed an amendment to the concurrent resolution, S. Con. Res. 101, supra; as follows:

On page 27, line 20, increase the amount by $1,200,000,000.

On page 27, line 21, increase the amount by $1,200,000,000.

On page 28, line 20, decrease the amount by $1,200,000,000.

On page 28, line 21, decrease the amount by $1,200,000,000.

MIKULSKI (AND OTHERS) AMENDMENT NO. 2956

(Ordered to lie on the table.)

Ms. MIKULSKI (for herself, Mrs. BOXER, Mr. BINGAMAN, Mr. SARBANES, Mr. KERRY, and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING DIGITAL OPPORTUNITY.

(a) FINDINGS.—The Senate makes the following findings:

(1) A digital divide exist in America. Low-income, urban and rural families are less likely to have access to the Internet and computers. African American and Hispanic families are only ⅖ as likely to have Internet access as white families. Access by Native Americans to the Internet and to computers is statistically negligible.

(2) Regardless of income level, Americans living in rural areas lag behind in Internet access. Individuals with lower incomes who live in rural areas are half as likely to have Internet access as individuals who live in urban areas.

(3) The digital divide for the poorest Americans has grown by 29 percent since 1997.

(4) Access to computers and the Internet and the ability to use this technology effectively is becoming increasingly important for full participation in America's economic, political and social life.

(5) Unequal access to technology and high-tech skills by income, educational level, race and geography could deepen and reinforce the divisions that exist within American society.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals underlying this resolution on the budget assume that—

(1) to ensure that all children are computer literate by the time they finish the eighth grade, regardless of race, ethnicity, gender, income, geography or disability, to broaden access to information technologies, to provide workers, teachers and students with information technology training, and to promote innovative online content and software applications that will improve commerce, education and quality of life, initiatives that increase digital opportunity should be provided for as follows:

(A) $200,000,000 in tax incentives should be provided to encourage private sector donation of high quality computers, sponsorship of community technology centers, training, technical services and computer repair;

(B) $450,000,000 should be provided for teacher training;

(C) $150,000,000 for new teacher training;

(D) $400,000,000 should be provided for school technology and school libraries;

(E) $20,000,000 should be provided to place computers and trained personnel in Boys & Girls Clubs;

(F) $25,000,000 should be provided to create an E-Corps within Americorps;

(G) $100,000,000 should be provided to create 1,000 Community Technology Centers in low-income urban and rural communities;

(H) $50,000,000 should be provided for public/private partnerships to expand home access to computers and the Internet for low-income families;

(I) $45,000,000 should be provided to promote innovative applications of information and communications technology for underserved communities;

(J) $10,000,000 should be provided to prepare Native Americans for careers in Information Technology and other technical fields; and

(2) all Americans should have access to broadband telecommunications capability as soon as possible and as such, initiatives that increase broadband deployment should be funded, including $25,000,000 to accelerate private sector deployment of broadband and networks in underserved urban and rural communities.

LAUTENBERG AMENDMENT NO. 2957

(Ordered to lie on the table.)

Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2001.

Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 2001 including the appropriate budgetary levels for fiscal years 2002 through 2010 as authorized by section 301 of the Congressional Budget Act of 1974.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 2001 through 2010:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2001: $1,509,900,000,000.
Fiscal year 2002: $1,563,700,000,000.
Fiscal year 2003: $1,617,100,000,000.
Fiscal year 2004: $1,677,600,000,000.
Fiscal year 2005: $1,745,100,000,000.
Fiscal year 2006: $1,814,100,000,000.
Fiscal year 2007: $1,885,000,000,000.
Fiscal year 2008: $1,970,000,000,000.
Fiscal year 2009: $2,058,200,000,000.
Fiscal year 2010: $2,156,500,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2001: −$4,900,000,000.
Fiscal year 2002: −$7,700,000,000.
Fiscal year 2003: −$12,400,000,000.
Fiscal year 2004: −$15,000,000,000.
Fiscal year 2005: −$19,000,000,000.
Fiscal year 2006: −$28,500,000,000.
Fiscal year 2007: −$37,600,000,000.
Fiscal year 2008: −$39,900,000,000.
Fiscal year 2009: −$48,200,000,000.
Fiscal year 2010: −$51,800,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2001: $1,544,500,000,000.
Fiscal year 2002: $1,583,200,000,000.
Fiscal year 2003: $1,634,700,000,000.
Fiscal year 2004: $1,691,200,000,000.
Fiscal year 2005: $1,758,100,000,000.
Fiscal year 2006: $1,802,000,000,000.
Fiscal year 2007: $1,864,900,000,000.
Fiscal year 2008: $1,939,300,000,000.
Fiscal year 2009: $2,014,200,000,000.
Fiscal year 2010: $2,095,700,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2001: $1,498,200,000,000.
Fiscal year 2002: $1,558,400,000,000.
Fiscal year 2003: $1,610,000,000,000.
Fiscal year 2004: $1,669,300,000,000.
Fiscal year 2005: $1,738,000,000,000.
Fiscal year 2006: $1,777,200,000,000.
Fiscal year 2007: $1,836,200,000,000.
Fiscal year 2008: $1,915,200,000,000.
Fiscal year 2009: $1,990,600,000,000.
Fiscal year 2010: $2,073,000,000,000.

(4) SURPLUSES.—For purposes of the enforcement of this resolution, the amounts of the surpluses are as follows:

Fiscal year 2001: $11,700,000,000.
Fiscal year 2002: $5,400,000,000.
Fiscal year 2003: $7,100,000,000.
Fiscal year 2004: $8,300,000,000.
Fiscal year 2005: $7,100,000,000.
Fiscal year 2006: $36,900,000,000.
Fiscal year 2007: $48,800,000,000.
Fiscal year 2008: $54,900,000,000.
Fiscal year 2009: $67,600,000,000.
Fiscal year 2010: $83,500,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2001: $5,724,300,000,000.
Fiscal year 2002: $5,810,200,000,000.
Fiscal year 2003: $5,899,000,000,000.
Fiscal year 2004: $5,982,400,000,000.
Fiscal year 2005: $6,064,500,000,000.
Fiscal year 2006: $6,124,800,000,000.
Fiscal year 2007: $6,171,800,000,000.
Fiscal year 2008: $6,209,100,000,000.
Fiscal year 2009: $6,233,800,000,000.
Fiscal year 2010: $6,241,900,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of the debt held by the public are as follows:

Fiscal year 2001: $3,305,800,000,000.
Fiscal year 2002: $3,123,900,000,000.
Fiscal year 2003: $2,933,200,000,000.
Fiscal year 2004: $2,727,200,000,000.
Fiscal year 2005: $2,505,000,000,000.
Fiscal year 2006: $2,238,400,000,000.
Fiscal year 2007: $1,944,100,000,000.
Fiscal year 2008: $1,629,100,000,000.
Fiscal year 2009: $1,287,900,000,000.
Fiscal year 2010: $917,500,000,000.

SEC. 3. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under section

311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2001: $501,500,000,000.
Fiscal year 2002: $524,900,000,000.
Fiscal year 2003: $547,200,000,000.
Fiscal year 2004: $569,900,000,000.
Fiscal year 2005: $597,300,000,000.
Fiscal year 2006: $622,700,000,000.
Fiscal year 2007: $649,500,000,000.
Fiscal year 2008: $676,500,000,000.
Fiscal year 2009: $706,500,000,000.
Fiscal year 2010: $737,800,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under section 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2001: $413,000,000,000.
Fiscal year 2002: $431,400,000,000.
Fiscal year 2003: $451,500,000,000.
Fiscal year 2004: $473,000,000,000.
Fiscal year 2005: $496,400,000,000.
Fiscal year 2006: $520,900,000,000.
Fiscal year 2007: $546,900,000,000.
Fiscal year 2008: $575,100,000,000.
Fiscal year 2009: $607,300,000,000.
Fiscal year 2010: $642,400,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—For purposes of Senate enforcement under section 311 of the Congressional Budget Act of 1974, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2001:
(A) New budget authority, $3,300,000,000.
(B) Outlays, $3,300,000,000.
Fiscal year 2002:
(A) New budget authority, $3,400,000,000.
(B) Outlays, $3,300,000,000.
Fiscal year 2003:
(A) New budget authority, $3,500,000,000.
(B) Outlays, $3,400,000,000.
Fiscal year 2004:
(A) New budget authority, $3,600,000,000.
(B) Outlays, $3,500,000,000.
Fiscal year 2005:
(A) New budget authority, $3,700,000,000.
(B) Outlays, $3,700,000,000.
Fiscal year 2006:
(A) New budget authority, $3,800,000,000.
(B) Outlays, $3,800,000,000.
Fiscal year 2007:
(A) New budget authority, $3,900,000,000.
(B) Outlays, $3,900,000,000.
Fiscal year 2008:
(A) New budget authority, $4,100,000,000.
(B) Outlays, $4,000,000,000.
Fiscal year 2009:
(A) New budget authority, $4,200,000,000.
(B) Outlays, $4,100,000,000.
Fiscal year 2010:
(A) New budget authority, $4,300,000,000.
(B) Outlays, $4,200,000,000.

SEC. 4. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 2001 through 2010 for each major functional category are:

(1) National Defense (050):
Fiscal year 2001:
(A) New budget authority, $305,300,000,000.
(B) Outlays, $293,600,000,000.
Fiscal year 2002:
(A) New budget authority, $309,000,000,000.
(B) Outlays, $302,100,000,000.
Fiscal year 2003:
(A) New budget authority, $315,400,000,000.
(B) Outlays, $309,300,000,000.
Fiscal year 2004:
(A) New budget authority, $323,100,000,000.
(B) Outlays, $317,400,000,000.
Fiscal year 2005:
(A) New budget authority, $331,400,000,000.
(B) Outlays, $327,800,000,000.
Fiscal year 2006:
(A) New budget authority, $340,100,000,000.
(B) Outlays, $332,400,000,000.
Fiscal year 2007:
(A) New budget authority, $349,000,000,000.
(B) Outlays, $338,200,000,000.
Fiscal year 2008:
(A) New budget authority, $358,200,000,000.
(B) Outlays, $351,700,000,000.
Fiscal year 2009:
(A) New budget authority, $367,600,000,000.
(B) Outlays, $361,400,000,000.
Fiscal year 2010:
(A) New budget authority, $377,300,000,000.
(B) Outlays, $371,000,000,000.

(2) International Affairs (150):
Fiscal year 2001:
(A) New budget authority, $21,800,000,000.
(B) Outlays, $18,800,000,000.
Fiscal year 2002:
(A) New budget authority, $22,000,000,000.
(B) Outlays, $18,100,000,000.
Fiscal year 2003:
(A) New budget authority, $22,500,000,000.
(B) Outlays, $18,300,000,000.
Fiscal year 2004:
(A) New budget authority, $23,100,000,000.
(B) Outlays, $18,900,000,000.
Fiscal year 2005:
(A) New budget authority, $23,300,000,000.
(B) Outlays, $19,400,000,000.
Fiscal year 2006:
(A) New budget authority, $23,600,000,000.
(B) Outlays, $19,800,000,000.
Fiscal year 2007:
(A) New budget authority, $24,200,000,000.
(B) Outlays, $20,400,000,000.
Fiscal year 2008:
(A) New budget authority, $24,500,000,000.
(B) Outlays, $20,800,000,000.
Fiscal year 2009:
(A) New budget authority, $24,900,000,000.
(B) Outlays, $21,100,000,000.
Fiscal year 2010:
(A) New budget authority, $25,400,000,000.
(B) Outlays, $21,600,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2001:
(A) New budget authority, $19,600,000,000.
(B) Outlays, $19,300,000,000.
Fiscal year 2002:
(A) New budget authority, $20,000,000,000.
(B) Outlays, $19,700,000,000.
Fiscal year 2003:
(A) New budget authority, $20,300,000,000.
(B) Outlays, $20,000,000,000.
Fiscal year 2004:
(A) New budget authority, $20,700,000,000.
(B) Outlays, $20,300,000,000.
Fiscal year 2005:
(A) New budget authority, $21,100,000,000.
(B) Outlays, $20,700,000,000.
Fiscal year 2006:
(A) New budget authority, $21,500,000,000.
(B) Outlays, $21,100,000,000.
Fiscal year 2007:
(A) New budget authority, $21,900,000,000.
(B) Outlays, $21,500,000,000.
Fiscal year 2008:
(A) New budget authority, $22,300,000,000.
(B) Outlays, $21,900,000,000.
Fiscal year 2009:
(A) New budget authority, $22,800,000,000.
(B) Outlays, $22,300,000,000.
Fiscal year 2010:
(A) New budget authority, $23,200,000,000.
(B) Outlays, $22,800,000,000.

(4) Energy (270):
Fiscal year 2001:
(A) New budget authority, $1,400,000,000.
(B) Outlays, $100,000,000.
Fiscal year 2002:
(A) New budget authority, $1,000,000,000.
(B) Outlays, −$100,000,000.
Fiscal year 2003:
(A) New budget authority, $1,200,000,000.
(B) Outlays, −$100,000,000.
Fiscal year 2004:
(A) New budget authority, $1,200,000,000.
(B) Outlays, −$200,000,000.
Fiscal year 2005:
(A) New budget authority, $1,200,000,000.
(B) Outlays, −$100,000,000.
Fiscal year 2006:
(A) New budget authority, $1,300,000,000.
(B) Outlays, $0.
Fiscal year 2007:
(A) New budget authority, $1,100,000,000.
(B) Outlays, −$200,000,000.
Fiscal year 2008:
(A) New budget authority, $1,500,000,000.
(B) Outlays, $100,000,000.
Fiscal year 2009:
(A) New budget authority, $1,700,000,000.
(B) Outlays, $300,000,000.
Fiscal year 2010:
(A) New budget authority, $1,700,000,000.
(B) Outlays, $400,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2001:
(A) New budget authority, $25,700,000,000.
(B) Outlays, $25,400,000,000.
Fiscal year 2002:
(A) New budget authority, $25,800,000,000.
(B) Outlays, $26,200,000,000.
Fiscal year 2003:
(A) New budget authority, $26,000,000,000.
(B) Outlays, $26,400,000,000.
Fiscal year 2004:
(A) New budget authority, $26,600,000,000.
(B) Outlays, $26,400,000,000.
Fiscal year 2005:
(A) New budget authority, $27,100,000,000.
(B) Outlays, $26,500,000,000.
Fiscal year 2006:
(A) New budget authority, $27,800,000,000.
(B) Outlays, $27,100,000,000.
Fiscal year 2007:
(A) New budget authority, $28,500,000,000.
(B) Outlays, $27,700,000,000.
Fiscal year 2008:
(A) New budget authority, $29,200,000,000.
(B) Outlays, $28,400,000,000.
Fiscal year 2009:
(A) New budget authority, $30,400,000,000.
(B) Outlays, $29,500,000,000.
Fiscal year 2010:
(A) New budget authority, $31,300,000,000.
(B) Outlays, $30,300,000,000.

(6) Agriculture (350):
Fiscal year 2001:
(A) New budget authority, $23,600,000,000.
(B) Outlays, $22,300,000,000.
Fiscal year 2002:
(A) New budget authority, $18,600,000,000.
(B) Outlays, $17,000,000,000.
Fiscal year 2003:
(A) New budget authority, $17,600,000,000.
(B) Outlays, $16,100,000,000.
Fiscal year 2004:
(A) New budget authority, $17,300,000,000.
(B) Outlays, $15,700,000,000.
Fiscal year 2005:
(A) New budget authority, $16,100,000,000.
(B) Outlays, $14,500,000,000.
Fiscal year 2006:

(A) New budget authority, $14,200,000,000.
(B) Outlays, $12,600,000,000.
Fiscal year 2007:
(A) New budget authority, $12,800,000,000.
(B) Outlays, $11,200,000,000.
Fiscal year 2008:
(A) New budget authority, $12,600,000,000.
(B) Outlays, $11,000,000,000.
Fiscal year 2009:
(A) New budget authority, $12,900,000,000.
(B) Outlays, $11,400,000,000.
Fiscal year 2010:
(A) New budget authority, $13,000,000,000.
(B) Outlays, $11,600,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2001:
(A) New budget authority, $6,800,000,000.
(B) Outlays, $2,600,000,000.
Fiscal year 2002:
(A) New budget authority, $9,000,000,000.
(B) Outlays, $5,100,000,000.
Fiscal year 2003:
(A) New budget authority, $9,700,000,000.
(B) Outlays, $5,000,000,000.
Fiscal year 2004:
(A) New budget authority, $13,900,000,000.
(B) Outlays, $8,800,000,000.
Fiscal year 2005:
(A) New budget authority, $13,900,000,000.
(B) Outlays, $9,900,000,000.
Fiscal year 2006:
(A) New budget authority, $13,900,000,000.
(B) Outlays, $9,400,000,000.
Fiscal year 2007:
(A) New budget authority, $12,400,000,000.
(B) Outlays, $8,100,000,000.
Fiscal year 2008:
(A) New budget authority, $12,500,000,000.
(B) Outlays, $8,100,000,000.
Fiscal year 2009:
(A) New budget authority, $12,900,000,000.
(B) Outlays, $8,400,000,000.
Fiscal year 2010:
(A) New budget authority, $17,300,000,000.
(B) Outlays, $12,000,000,000.
(8) Transportation (400):
Fiscal year 2001:
(A) New budget authority, $59,500,000,000.
(B) Outlays, $51,100,000,000.
Fiscal year 2002:
(A) New budget authority, $57,800,000,000.
(B) Outlays, $52,900,000,000.
Fiscal year 2003:
(A) New budget authority, $59,500,000,000.
(B) Outlays, $54,600,000,000.
Fiscal year 2004:
(A) New budget authority, $56,300,000,000.
(B) Outlays, $54,900,000,000.
Fiscal year 2005:
(A) New budget authority, $56,500,000,000.
(B) Outlays, $55,400,000,000.
Fiscal year 2006:
(A) New budget authority, $57,400,000,000.
(B) Outlays, $56,800,000,000.
Fiscal year 2007:
(A) New budget authority, $57,900,000,000.
(B) Outlays, $57,600,000,000.
Fiscal year 2008:
(A) New budget authority, $58,400,000,000.
(B) Outlays, $58,600,000,000.
Fiscal year 2009:
(A) New budget authority, $58,900,000,000.
(B) Outlays, $60,000,000,000.
Fiscal year 2010:
(A) New budget authority, $59,400,000,000.
(B) Outlays, $61,400,000,000.
(9) Community and Regional Development (450):
Fiscal year 2001:
(A) New budget authority, $11,500,000,000.
(B) Outlays, $11,000,000,000.
Fiscal year 2002:
(A) New budget authority, $11,500,000,000.
(B) Outlays, $11,000,000,000.
Fiscal year 2003:
(A) New budget authority, $11,600,000,000.
(B) Outlays, $10,900,000,000.
Fiscal year 2004:
(A) New budget authority, $11,600,000,000.
(B) Outlays, $10,900,000,000.
Fiscal year 2005:
(A) New budget authority, $11,800,000,000.
(B) Outlays, $11,000,000,000.
Fiscal year 2006:
(A) New budget authority, $11,900,000,000.
(B) Outlays, $11,100,000,000.
Fiscal year 2007:
(A) New budget authority, $12,000,000,000.
(B) Outlays, $11,200,000,000.
Fiscal year 2008:
(A) New budget authority, $12,000,000,000.
(B) Outlays, $11,300,000,000.
Fiscal year 2009:
(A) New budget authority, $12,100,000,000.
(B) Outlays, $11,400,000,000.
Fiscal year 2010:
(A) New budget authority, $12,200,000,000.
(B) Outlays, $11,400,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2001:
(A) New budget authority, $77,300,000,000.
(B) Outlays, $69,700,000,000.
Fiscal year 2002:
(A) New budget authority, $77,800,000,000.
(B) Outlays, $75,200,000,000.
Fiscal year 2003:
(A) New budget authority, $78,600,000,000.
(B) Outlays, $77,200,000,000.
Fiscal year 2004:
(A) New budget authority, $79,800,000,000.
(B) Outlays, $78,400,000,000.
Fiscal year 2005:
(A) New budget authority, $81,700,000,000.
(B) Outlays, $80,100,000,000.
Fiscal year 2006:
(A) New budget authority, $84,100,000,000.
(B) Outlays, $82,300,000,000.
Fiscal year 2007:
(A) New budget authority, $86,500,000,000.
(B) Outlays, $84,500,000,000.
Fiscal year 2008:
(A) New budget authority, $89,000,000,000.
(B) Outlays, $87,000,000,000.
Fiscal year 2009:
(A) New budget authority, $91,600,000,000.
(B) Outlays, $89,500,000,000.
Fiscal year 2010:
(A) New budget authority, $94,300,000,000.
(B) Outlays, $92,100,000,000.
(11) Health (550):
Fiscal year 2001:
(A) New budget authority, $170,000,000,000.
(B) Outlays, $165,800,000,000.
Fiscal year 2002:
(A) New budget authority, $178,700,000,000.
(B) Outlays, $177,700,000,000.
Fiscal year 2003:
(A) New budget authority, $190,600,000,000.
(B) Outlays, $190,100,000,000.
Fiscal year 2004:
(A) New budget authority, $204,900,000,000.
(B) Outlays, $204,600,000,000.
Fiscal year 2005:
(A) New budget authority, $221,300,000,000.
(B) Outlays, $220,200,000,000.
Fiscal year 2006:
(A) New budget authority, $238,000,000,000.
(B) Outlays, $236,800,000,000.
Fiscal year 2007:
(A) New budget authority, $257,100,000,000.
(B) Outlays, $254,900,000,000.
Fiscal year 2008:
(A) New budget authority, $276,900,000,000.
(B) Outlays, $274,800,000,000.
Fiscal year 2009:
(A) New budget authority, $298,400,000,000.
(B) Outlays, $296,400,000,000.
Fiscal year 2010:
(A) New budget authority, $321,800,000,000.
(B) Outlays, $320,300,000,000.
(12) Medicare (570):
Fiscal year 2001:
(A) New budget authority, $217,100,000,000.
(B) Outlays, $217,400,000,000.
Fiscal year 2002:
(A) New budget authority, $224,100,000,000.
(B) Outlays, $224,000,000,000.
Fiscal year 2003:
(A) New budget authority, $249,000,000,000.
(B) Outlays, $248,800,000,000.
Fiscal year 2004:
(A) New budget authority, $267,600,000,000.
(B) Outlays, $267,800,000,000.
Fiscal year 2005:
(A) New budget authority, $294,800,000,000.
(B) Outlays, $294,700,000,000.
Fiscal year 2006:
(A) New budget authority, $304,600,000,000.
(B) Outlays, $304,300,000,000.
Fiscal year 2007:
(A) New budget authority, $333,100,000,000.
(B) Outlays, $333,300,000,000.
Fiscal year 2008:
(A) New budget authority, $358,000,000,000.
(B) Outlays, $357,900,000,000.
Fiscal year 2009:
(A) New budget authority, $386,200,000,000.
(B) Outlays, $385,900,000,000.
Fiscal year 2010:
(A) New budget authority, $415,700,000,000.
(B) Outlays, $415,900,000,000.
(13) Income Security (600):
Fiscal year 2001:
(A) New budget authority, $255,000,000,000.
(B) Outlays, $255,600,000,000.
Fiscal year 2002:
(A) New budget authority, $265,400,000,000.
(B) Outlays, $266,900,000,000.
Fiscal year 2003:
(A) New budget authority, $275,700,000,000.
(B) Outlays, $277,000,000,000.
Fiscal year 2004:
(A) New budget authority, $286,500,000,000.
(B) Outlays, $287,300,000,000.
Fiscal year 2005:
(A) New budget authority, $299,800,000,000.
(B) Outlays, $300,700,000,000.
Fiscal year 2006:
(A) New budget authority, $307,300,000,000.
(B) Outlays, $308,100,000,000.
Fiscal year 2007:
(A) New budget authority, $314,400,000,000.
(B) Outlays, $315,200,000,000.
Fiscal year 2008:
(A) New budget authority, $328,900,000,000.
(B) Outlays, $329,600,000,000.
Fiscal year 2009:
(A) New budget authority, $339,300,000,000.
(B) Outlays, $339,700,000,000.
Fiscal year 2010:
(A) New budget authority, $350,600,000,000.
(B) Outlays, $350,800,000,000.
(14) Social Security (650):
Fiscal year 2001:
(A) New budget authority, $9,700,000,000.
(B) Outlays, $9,700,000,000.
Fiscal year 2002:
(A) New budget authority, $11,600,000,000.
(B) Outlays, $11,600,000,000.
Fiscal year 2003:
(A) New budget authority, $12,300,000,000.
(B) Outlays, $12,300,000,000.
Fiscal year 2004:
(A) New budget authority, $13,000,000,000.
(B) Outlays, $13,000,000,000.
Fiscal year 2005:
(A) New budget authority, $13,800,000,000.
(B) Outlays, $13,800,000,000.
Fiscal year 2006:
(A) New budget authority, $14,700,000,000.
(B) Outlays, $14,700,000,000.

Fiscal year 2007:
(A) New budget authority, $15,700,000,000.
(B) Outlays, $15,700,000,000.
Fiscal year 2008:
(A) New budget authority, $16,800,000,000.
(B) Outlays, $16,800,000,000.
Fiscal year 2009:
(A) New budget authority, $18,000,000,000.
(B) Outlays, $18,000,000,000.
Fiscal year 2010:
(A) New budget authority, $19,200,000,000.
(B) Outlays, $19,200,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2001:
(A) New budget authority, $41,700,000,000.
(B) Outlays, $47,300,000,000.
Fiscal year 2002:
(A) New budget authority, $48,400,000,000.
(B) Outlays, $48,400,000,000.
Fiscal year 2003:
(A) New budget authority, $50,100,000,000.
(B) Outlays, $50,000,000,000.
Fiscal year 2004:
(A) New budget authority, $51,500,000,000.
(B) Outlays, $51,200,000,000.
Fiscal year 2005:
(A) New budget authority, $54,800,000,000.
(B) Outlays, $54,500,000,000.
Fiscal year 2006:
(A) New budget authority, $54,100,000,000.
(B) Outlays, $53,700,000,000.
Fiscal year 2007:
(A) New budget authority, $53,500,000,000.
(B) Outlays, $52,900,000,000.
Fiscal year 2008:
(A) New budget authority, $56,700,000,000.
(B) Outlays, $56,300,000,000.
Fiscal year 2009:
(A) New budget authority, $58,000,000,000.
(B) Outlays, $57,600,000,000.
Fiscal year 2010:
(A) New budget authority, $59,400,000,000.
(B) Outlays, $59,000,000,000.
(16) Administration of Justice (750):
Fiscal year 2001:
(A) New budget authority, $29,100,000,000.
(B) Outlays, $28,700,000,000.
Fiscal year 2002:
(A) New budget authority, $29,400,000,000.
(B) Outlays, $29,500,000,000.
Fiscal year 2003:
(A) New budget authority, $30,200,000,000.
(B) Outlays, $30,000,000,000.
Fiscal year 2004:
(A) New budget authority, $31,000,000,000.
(B) Outlays, $30,600,000,000.
Fiscal year 2005:
(A) New budget authority, $31,700,000,000.
(B) Outlays, $31,400,000,000.
Fiscal year 2006:
(A) New budget authority, $32,500,000,000.
(B) Outlays, $32,200,000,000.
Fiscal year 2007:
(A) New budget authority, $33,300,000,000.
(B) Outlays, $33,000,000,000.
Fiscal year 2008:
(A) New budget authority, $34,200,000,000.
(B) Outlays, $33,800,000,000.
Fiscal year 2009:
(A) New budget authority, $35,100,000,000.
(B) Outlays, $34,700,000,000.
Fiscal year 2010:
(A) New budget authority, $35,900,000,000.
(B) Outlays, $35,500,000,000.
(17) General Government (800):
Fiscal year 2001:
(A) New budget authority, $13,800,000,000.
(B) Outlays, $14,300,000,000.
Fiscal year 2002:
(A) New budget authority, $13,800,000,000.
(B) Outlays, $14,000,000,000.
Fiscal year 2003:
(A) New budget authority, $13,900,000,000.
(B) Outlays, $13,900,000,000.
Fiscal year 2004:
(A) New budget authority, $13,900,000,000.
(B) Outlays, $14,000,000,000.
Fiscal year 2005:
(A) New budget authority, $14,000,000,000.
(B) Outlays, $13,800,000,000.
Fiscal year 2006:
(A) New budget authority, $14,500,000,000.
(B) Outlays, $14,000,000,000.
Fiscal year 2007:
(A) New budget authority, $15,000,000,000.
(B) Outlays, $14,500,000,000.
Fiscal year 2008:
(A) New budget authority, $15,500,000,000.
(B) Outlays, $15,200,000,000.
Fiscal year 2009:
(A) New budget authority, $16,000,000,000.
(B) Outlays, $15,500,000,000.
Fiscal year 2010:
(A) New budget authority, $16,500,000,000.
(B) Outlays, $16,000,000,000.
(18) Net Interest (900):
Fiscal year 2001:
(A) New budget authority, $289,000,000,000.
(B) Outlays, $289,000,000,000.
Fiscal year 2002:
(A) New budget authority, $290,700,000,000.
(B) Outlays, $290,700,000,000.
Fiscal year 2003:
(A) New budget authority, $287,000,000,000.
(B) Outlays, $287,000,000,000.
Fiscal year 2004:
(A) New budget authority, $282,900,000,000.
(B) Outlays, $282,900,000,000.
Fiscal year 2005:
(A) New budget authority, $278,500,000,000.
(B) Outlays, $278,500,000,000.
Fiscal year 2006:
(A) New budget authority, $274,700,000,000.
(B) Outlays, $274,700,000,000.
Fiscal year 2007:
(A) New budget authority, $270,400,000,000.
(B) Outlays, $270,400,000,000.
Fiscal year 2008:
(A) New budget authority, $266,600,000,000.
(B) Outlays, $266,600,000,000.
Fiscal year 2009:
(A) New budget authority, $262,100,000,000.
(B) Outlays, $262,100,000,000.
Fiscal year 2010:
(A) New budget authority, $257,500,000,000.
(B) Outlays, $257,500,000,000.
(19) Allowances (920):
Fiscal year 2001:
(A) New budget authority, −$500,000,000.
(B) Outlays, −$4,300,000,000.
Fiscal year 2002:
(A) New budget authority, $10,000,000,000.
(B) Outlays, $10,000,000,000.
Fiscal year 2003:
(A) New budget authority, $4,200,000,000.
(B) Outlays, $4,200,000,000.
Fiscal year 2004:
(A) New budget authority, $4,400,000,000.
(B) Outlays, $4,400,000,000.
Fiscal year 2005:
(A) New budget authority, $4,500,000,000.
(B) Outlays, $4,500,000,000.
Fiscal year 2006:
(A) New budget authority, $6,200,000,000.
(B) Outlays, $6,200,000,000.
Fiscal year 2007:
(A) New budget authority, $7,900,000,000.
(B) Outlays, $7,900,000,000.
Fiscal year 2008:
(A) New budget authority, $8,000,000,000.
(B) Outlays, $8,000,000,000.
Fiscal year 2009:
(A) New budget authority, $9,000,000,000.
(B) Outlays, $9,000,000,000.
Fiscal year 2010:
(A) New budget authority, $9,000,000,000.
(B) Outlays, $9,000,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2001:
(A) New budget authority, −$39,000,000.
(B) Outlays, −$39,000,000,000.
Fiscal year 2002:
(A) New budget authority, −$41,500,000,000.
(B) Outlays, −$41,500,000,000.
Fiscal year 2003:
(A) New budget authority, −$40,900,000,000.
(B) Outlays, −$40,900,000,000.
Fiscal year 2004:
(A) New budget authority, −$38,300,000,000.
(B) Outlays, −$38,300,000,000.
Fiscal year 2005:
(A) New budget authority, −$39,400,000,000.
(B) Outlays, −$39,400,000,000.
Fiscal year 2006:
(A) New budget authority, −$40,400,000,000.
(B) Outlays, −$40,400,000,000.
Fiscal year 2007:
(A) New budget authority, −$41,700,000,000.
(B) Outlays, −$41,700,000,000.
Fiscal year 2008:
(A) New budget authority, −$42,600,000,000.
(B) Outlays, −$42,600,000,000.
Fiscal year 2009:
(A) New budget authority, −$43,500,000,000.
(B) Outlays, −$43,500,000,000.
Fiscal year 2010:
(A) New budget authority, −$44,800,000,000.
(B) Outlays, −$44,800,000,000.

SEC. 5. RECONCILIATION IN THE SENATE.

Not later than May 26, 2000, the Committee on Finance shall report to the Senate a reconciliation bill proposing changes in laws within its jurisdiction—

(1) to reduce revenues by not more than $4,900,000,000 in fiscal year 2001, $58,900,000,000 for the period of fiscal years 2001 through 2005, and $265,000,000,000 for the period of fiscal years 2001 through 2010; and

(2) that provide direct spending to increase outlays by not more than $1,300,000,000 in fiscal year 2001, $40,000,000,000 for the period of fiscal years 2001 through 2005, and $154,800,000,000 for the period of fiscal years 2001 through 2010.

SEC. 6. RESERVE FUND FOR PRESCRIPTION DRUG COVERAGE.

(a) ADJUSTMENT.—

(1) IN GENERAL.—Whenever the Committee on Finance of the Senate reports a bill pursuant to section 5(b), or an amendment thereto is offered, or a conference report thereon is submitted, that includes legislation amending title XVII of the Social Security Act that provides a prescription drug benefit for Medicare beneficiaries that complies with paragraph (2), the chairman of the Committee on the Budget shall increase the allocation of budget authority and outlays to that committee by the amount of budget authority (and the outlays resulting therefrom) provided by that legislation for such purpose in accordance with subsection (b).

(2) CONDITION.—Legislation complies with this paragraph if it provides a prescription drug benefit under title XVII of the Social Security Act that is—

(A) voluntary;

(B) accessible to all beneficiaries;

(C) designed to assist seniors with the high cost of prescription drugs, protect them from excessive out-of-pocket costs, and give them bargaining power in the marketplace;

(D) affordable to all beneficiaries and the programs;

(E) administered using private sector entities and competitive purchasing techniques; and

(F) consistent with broader Medicare reform.

(b) LIMITATIONS.—The adjustments to the allocations required by subsection (a) shall not exceed $1,300,000,000 in budget authority

(and outlays therefrom) for fiscal year 2001; $40,000,000,000 in budget authority (and the outlays resulting therefrom) for the period of fiscal years 2001 through 2005, and $154,800,000,000 for the period of fiscal years 2001 through 2010.

SEC. 7. LOCKBOX FOR DEBT REDUCTION, MEDICARE, AND SOCIAL SECURITY.

(a) DEFINITION.—The term ''Debt Reduction and Medicare Surplus Reserve'' means—

(1) for fiscal year 2001, $13,000,000,000;

(2) for fiscal year 2002, $7,600,000,000;

(3) for fiscal year 2003, $16,100,000,000;

(4) for fiscal year 2004, $20,200,000,000;

(5) for fiscal year 2005, $22,600,000,000;

(6) for fiscal year 2006, $54,500,000,000;

(7) for fiscal year 2007, $69,200,000,000;

(8) for fiscal year 2008, $77,500,000,000;

(9) for fiscal year 2009, $99,300,000,000; and

(10) for fiscal year 2010, $112,000,000,000.

(b) BUDGET RESOLUTION POINT OF ORDER.—It shall not be in order in the Senate to consider any concurrent resolution on the budget (or amendment, motion, or conference report on the resolution) that would decrease the on-budget surplus in any year covered by this resolution below the level of the Debt Reduction and Medicare Surplus Reserve for that year.

(c) SUBSEQUENT LEGISLATION POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that together with associated interest costs would decrease the on-budget surplus in any year covered by this resolution below the level of the Debt Reduction and Medicare Surplus Reserve for that year.

(d) SOCIAL SECURITY OFF-BUDGET POINT OF ORDER.—It shall not be in order in the Senate to consider a concurrent resolution on the budget (or any amendment thereto or conference report thereon) or any bill, joint resolution, amendment, motion, or conference report that would violate section 13301 of the Omnibus Budget Reconciliation Act of 1990.

(e) REINFORCEMENT OF SOCIAL SECURITY POINTS OF ORDER.—It shall not be in order in the Senate to consider a concurrent resolution on the budget (or any amendment thereto or conference report thereon) or any bill, joint resolution, amendment, motion, or conference report that would—

(1) decrease Social Security surpluses in any year covered by this resolution below the levels established in this resolution; or

(2) amend section 301(i) or 311(a)(3) of the Congressional Budget Act of 1974 to allow Social Security surpluses to be decreased below the levels established in this resolution.

(f) SUPERMAJORITY WAIVER AND APPEAL.—The points of order established in this section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(g) SENATE PAY-AS-YOU-GO RULE EXTENDED THROUGH 2010.—Section 207(g) of H. Con. Res. 68 (the Concurrent Resolution on the Budget for fiscal year 2000) is amended by striking ''2002'' and inserting ''2010''.

SEC. 8. RESERVE FUND FOR PRIORITY INVESTMENTS.

(a) IN GENERAL.—In the Senate, aggregates, functional totals, allocations, and other appropriate budgetary levels and limits may be revised in an amount up to $9,000,000,000 for fiscal year 2001, $39,500,000,000 for the period of fiscal years 2001 through 2005, and $80,400,000,000 for the period of fiscal years 2001 through 2010 for legislation to—

(1) expand access to health care for the uninsured;

(2) provide nutritional assistance and other benefits to legal immigrants;

(3) strengthen the farm safety net and sufficiently support farm families when agricultural commodity prices fall, through emergency income assistance, reformed farm policies, targeted assistance to segments of farm and rural communities, and other available options; and

(4) increase funding for social service block grants.

(b) LIMITATION.—The allocation of budget authority and outlays may be revised pursuant to subsection (a) only provided that the enactment of the legislation described in subsection (a) will not decrease the on-budget surplus below the levels specified in the Debt Reduction and Medicare Surplus Reserve. Such revised allocations, functional totals, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

SEC. 9. POINT OF ORDER TO ENFORCE 10-YEAR BUDGETING REQUIREMENT.

It shall not be in order in the Senate to consider any concurrent resolution on the budget (or any amendment thereto or conference report thereon) for any fiscal year unless it sets forth all appropriate budgetary levels pursuant to section 301 of the Congressional Budget Act of 1974 for the fiscal year beginning on October 1 of such year and for each of the ensuing 9 fiscal years.

SEC. 10. RESERVE FUND FOR MILITARY RETIREE HEALTH CARE.

(a) IN GENERAL.—In the Senate, aggregates, allocations, functional totals, and other budgetary levels and limits may be revised for legislation to fund improvements to health care programs for military retirees and their dependents in order to fulfill the promises made to them, provided that the enactment of that legislation will not decrease the on-budget surplus in this resolution for—

(1) fiscal year 2001;

(2) the period of fiscal years 2001 through 2005; or

(3) the period of fiscal years 2006 through 2010.

(b) BUDGETARY ENFORCEMENT.—Allocations, functional totals, aggregates, and other budgetary levels and limits revised pursuant to subsection (a) shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional totals, aggregates, and budgetary levels contained in this resolution.

SEC. 11. LANDS LEGACY RESERVE FUND.

(a) IN GENERAL.—In the Senate, aggregates, allocations, functional totals, and other budgetary levels and limits may be revised for legislation to expand environmental protection of critical lands across America, help States and communities preserve local lands and habitat, and strengthen protections for our oceans and coasts, provided that the enactment of that legislation will not decrease the on-budget surplus in this resolution for —

(1) fiscal year 2001;

(2) the period of fiscal years 2001 through 2005; or

(3) the period of fiscal years 2006 through 2010.

(b) REVISED LEVELS.—Allocations, functional totals, aggregates, and other budgetary levels and limits revised pursuant to subsection (a) shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional totals, aggregates, and budgetary levels contained in this resolution.

SEC. 12. RESERVE FUND FOR COUNTY PAYMENTS.

(a) ADJUSTMENT.—In the Senate, if legislation is reported by the Committee on Energy and Natural Resources that provides payments from National Forest System lands managed by the Forest Service or the Bureau of Land Management for use by counties, the Chairman of the Committee on the Budget may revise committee allocations, aggregates, functional totals, and other budgetary levels and limits in this resolution, if such legislation will not decrease the on-budget surplus in this resolution for—

(1) fiscal year 2001;

(2) the period of fiscal years 2001 through 2005; or

(3) the period of fiscal years 2006 through 2010.

(b) BUDGETARY ENFORCEMENT.—The revised allocations, aggregates, functional totals, and other budgetary levels and limits made under this section shall be considered for the purposes of the Congressional Budget Act of 1974 as the levels contained in this resolution.

SEC. 13. RESERVE FUND FOR AGRICULTURE FOR FISCAL YEAR 2000.

(a) ADJUSTMENT.—If the Committee on Agriculture, Nutrition, and Forestry of the Senate reports a bill on or before June 29, 2000, or an amendment thereto is offered, or a conference report thereon is submitted that strengthens the farm safety net and sufficiently supports farm families when agricultural commodity prices fall, through emergency income assistance, reformed farm policies, targeted assistance to segments of farm and rural communities, and other available options, the appropriate chairman of the Budget Committee may increase the allocation of budget authority and outlays to that committee by the amount of budget authority (and the outlays resulting therefrom) provided by that legislation for such purpose in accordance with subsection (b).

(b) LIMITATIONS.—The adjustments to the allocations required by subsection (a) shall not exceed $6,000,000,000 in budget authority and outlays for fiscal year 2000.

SEC. 14. RESERVE FUND FOR AGRICULTURE FOR FISCAL YEAR 2001.

(a) ADJUSTMENT.—If the Committee on Agriculture, Nutrition, and Forestry of the Senate reports a bill, or an amendment thereto is offered, or a conference report thereon is submitted that strengthens the farm safety net and sufficiently supports farm families when agricultural commodity prices fall, through reformed farm policies, targeted assistance to segments of farm and rural communities, and other available options, the appropriate chairman of the Budget Committee may increase the allocation of budget authority and outlays to that committee by the amount of budget authority (and the outlays resulting therefrom) provided by that legislation for such purpose in accordance with subsection (b).

(b) LIMITATIONS.—The adjustments to the allocations required by subsection (a) shall not exceed $5,000,000,000 in budget authority and outlays for fiscal year 2001.

SEC. 15. SENSE OF THE SENATE ON COLLEGE AFFORDABILITY.

It is the sense of the Senate that Congress should enact legislation to make college more affordable for low- and middle-income

families by permitting the tax deductibility of college tuition and by extending the eligibility period for the tax deductibility of student loan interest payments.

FITZGERALD AMENDMENT NO. 2958

(Ordered to lie on the table.)

Mr. FITZGERALD submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follow:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE ON THE ESTABLISHMENT OF A NATIONAL BIPARTISAN COMMISSION ON TRUST FUNDS IN THE FEDERAL DEBT.

(a) FINDINGS.—The Senate finds that—

(1) the Presidential Commission on Budget Concepts of 1967 recommended that all federal trust funds, including Social Security, be included in budget totals to report a unified budget;

(2) the Federal government maintains more than 150 trust funds;

(3) surpluses from each trust fund are primarily used to purchase special nonnegotiable, nonmarketable Treasury securities;

(4) every one of these nonnegotiable, nonmarketable Treasury securities purchased by a trust fund increases the Gross Federal Debt;

(5) according to the Administration, one component of Gross Federal Debt—debt held by the public—will fall to zero by 2013, while the other component of the national debt—money borrowed from over 150 federal government trust funds and special funds, including Social Security and Medicare—will triple by 2013;

(6) the statutory debt limit, currently $5,950,000,000,000, applies to most obligations whose principal and interest are guaranteed by the United States government, including both debt held by the public and debt held by the trust funds and other government accounts;

(7) the current definitions of a trust fund and a federal fund are ambiguous;

(8) for the past 2 years, the United States has enjoyed consecutive budget surpluses, when the Social Security and other trust funds are included—for the first time since 1956–1957;

(9) in 1999, the United States enjoyed its first budget surplus, excluding the Social Security trust funds, since 1960;

(10) nevertheless, federal debt held by government accounts, including trust funds, will increase by $237,318,000,000 in fiscal year 2000, according to the Office of Management and Budget;

(11) the Gross Federal Debt, which includes debt held by government accounts and debt held by the public, will increase by $80,251,000,000 in fiscal year 2000, according to the Office of Management and Budget;

(12) as of February 29, 2000, the total national debt was $5,735,333,000,000, and is projected to reach a record breaking $6,300,000,000,000 in 2010, according to the Congressional Budget Office; and

(13) many of the most basic federal budget concepts were designed for deficit reduction, and are therefore outdated, outmoded, and in clear need of review in light of actual and projected budget surpluses.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that the Congress will establish a National Bipartisan Commission on Trust Funds in the Federal Budget which shall—

(1) catalog all existing trust fund accounts;

(2) review and analyze, with respect to the federal budget and the public debt, the long-term financial impact of including each trust fund in on-budget figures;

(3) identify problems that threaten the financial integrity of trust funds;

(4) make recommendations for the criteria for "trust fund" categorization, and evaluate each existing trust fund using those criteria;

(5) determine if cash balance accounting is appropriate for trust funds, and if accrual accounting would provide a clearer financial picture of the trust funds;

(6) determine the appropriate relationship between the federal trust funds and the national debt; and

(7) determine the role of the trust funds in the federal budget.

FITZGERALD (AND OTHERS) AMENDMENT NO. 2959

(Ordered to lie on the table.)

Mr. FITZGERALD (for himself, Mrs. LINCOLN, Mr. SANTORUM, Mr. BRYAN, Mr. HELMS, Mr. BAYH, Mr. DEWINE, Mr. KOHL, and Mr. JEFFORDS) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE RESPECTING THE PROPER TESTING AND USE OF CHILD SAFETY SEATS.

(a) PURPOSE.—The Senate declares that it is essential to ensure that children aged 12 and under are adequately protected against injuries and fatalities in motor vehicle crashes.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) the Congress should enact legislation that requires the National Highway Traffic Safety Administration to update and improve the nation's child passenger safety standards, particularly with respect to compliance testing of child restraints;

(2) additional resources within the budget of the National Highway Traffic Safety Administration should be identified to enable the agency to conduct biomechanics research that could lead to improved testing and methodologies for assessing the adequacy of child restraints; and

(3) the National Highway Traffic Safety Administration should strengthen its program of educating parents about the importance of properly using age- and size-appropriate child safety seats.

LAUTENBERG AMENDMENT NO. 2960

(Ordered to lie on the table.)

Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title II, insert the following:

SEC. . TEN-YEAR BUDGETING.

It shall not be in order in the Senate to consider any concurrent resolution on the budget (or any amendment thereto or conference report thereon) for any fiscal year unless it sets forth all appropriate budgetary levels pursuant to section 301 of the Congressional Budget Act of 1974 for the fiscal year beginning on October 1 of such year and for each of the ensuring 9 fiscal years.

FITZGERALD (AND OTHERS) AMENDMENT NO. 2961

(Ordered to lie on the table.)

Mr. FITZGERALD (for himself, Mr. ASHCROFT, Mr. CRAIG, and Mr. GRAMS) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, insert the following:

SEC. . PROTECT THE SOCIAL SECURITY TRUST FUNDS.

It is the sense of the Senate that the levels in this resolution assume that the Congress shall pass legislation which provides for sequestration to reduce federal spending by the amount necessary to ensure that, in any fiscal year, the Social Security surpluses are used only for the payment of Social Security benefits, retirement security, social security reform, or to reduce the Federal debt held by the public.

KENNEDY (AND OTHERS) AMENDMENT NO. 2962

(Ordered to lie on the table.)

Mr. KENNEDY (for himself, Mr. LAUTENBERG, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

On page 4, line 4, decrease the amount by $100,000,000.

On page 4, line 5, increase the amount by $1,300,000,000.

On page 4, line 6, increase the amount by $2,300,000,000.

On page 4, line 7, increase the amount by $3,100,000,000.

On page 4, line 8, increase the amount by $4,600,000,000.

On page 4, line 13, decrease the amount by $100,000,000.

On page 4, line 14, increase the amount by $1,300,000,000.

On page 4, line 15, increase the amount by $2,300,000,000.

On page 4, line 16, increase the amount by $3,100,000,000.

On page 4, line 17, increase the amount by $4,600,000,000.

On page 4, line 22, increase the amount by $100,000,000.

On page 4, line 23, increase the amount by $1,300,000,000.

On page 4, line 24, increase the amount by $2,300,000,000.

On page 4, line 25, increase the amount by $3,100,000,000.

On page 5, line 1, increase the amount by $4,600,000,000.

On page 5, line 7, decrease the amount by $100,000,000.

On page 5, line 8, increase the amount by $1,300,000,000.

On page 5, line 9, increase the amount by $2,300,000,000.

On page 5, line 10, increase the amount by $3,100,000,000.

On page 5, line 11, increase the amount by $4,600,000,000.

On page 19, line 7, decrease the amount by $100,000,000.

On page 19, line 8, decrease the amount by $100,000,000.

On page 19, line 11, increase the amount by $1,300,000,000.

On page 19, line 12, increase the amount by $1,300,000,000.

On page 19, line 15, increase the amount by $2,300,000,000.

On page 19, line 16, increase the amount by $2,300,000,000.

On page 19, line 19, increase the amount by $3,100,000,000.

On page 19, line 20, increase the amount by $3,100,000,000.

On page 19, line 23, increase the amount by $4,600,000,000.

On page 19, line 24, increase the amount by $4,600,000,000.

On page 29, line 3, increase the amount by $100,000,000.

On page 29, line 4, decrease the amount by $11,200,000,000.

KENNEDY (AND OTHERS) AMENDMENT NO. 2963

(Ordered to lie on the table.)

Mr. KENNEDY (for himself, Mr. FRIST, Mr. LIEBERMAN, Mr. BINGAMAN, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

(a) FINDINGS.—

The Senate finds that:

(1) Federally-funded research and development and science and technology programs have led to innovations that have dramatically improved the quality of life for all Americans.

(2) The Federal investment in research and development conducted or underwritten by both military and civilian agencies has produced benefits that have been felt in both the private and public sector.

(3) The National Science Foundation is the largest supporter of non-medical basic research in the Federal Government.

(4) In 1990, the Department of Defense supported 44% of all university-based engineering research, by 1999 such support is estimated to have declined by 43%.

(5) The Department of Energy leads the federal government in supporting research in the physical sciences.

(6) Technical innovation is the principal driving force behind the long-term economic growth and increased standards of living of the world's modern industrial societies. Other nations are well aware of the pivotal role of science, engineering, and technology, and they are seeking to exploit it wherever possible to advance their own global competitiveness.

(7) Discoveries across the spectrum of scientific inquiry have the potential to raise the standard of living and the quality of life for all Americans, and as such federal investments in research and technology should be balanced across all disciplines, including but not limited to the physical sciences and engineering, life sciences, biomedical research, and information technology.

(8) The Senate has in past legislation expressed its commitment to continued investments to both civilian and defense science and technology, namely in the Federal Research Investment Act of 1999 and the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999.

(9) A continued trend of funding appropriations equal to or lower than current budgetary levels will lead to permanent damage to the United States research infrastructure, high technology economy, and national security.

(b) SENSE OF THE SENATE.—

It is the Sense of the Senate that:

(1) Total federal investment in civilian research be at a minimum consistent with the levels called for in the FY01 Administration Budget Request, as this investment manifests the Senate's belief that the Federal government should have a robust program of research across all disciplines of scientific endeavor.

(2) For fiscal years 2001–2008, the science and technology (6.1, 6.2 and 6.3) accounts for the Department of Defense, including all of the Armed Services, in Function 050 (National Defense), shall increase annually and at a minimum achieve the levels called for in Section 214 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999.

(3) Congressional authorizers and appropriators should continue their efforts to support merit-based and peer-reviewed R&D programs as a priority in the federal science investment portfolio.

REED (AND OTHERS) AMENDMENT NO. 2964

(Ordered to lie on the table.)

Mr. REED (for himself, Mr. DASCHLE, Mrs. FEINSTEIN, Mr. LEAHY, Mr. LAUTENBERG, Mr. SCHUMER, Mr. DURBIN, Mrs. MURRAY, Mr. KOHL, Mr. TORRICELLI, Mr. LEVIN, Mrs. BOXER, Mr. ROBB, Mr. KENNEDY, Mr. BIDEN, Mr. BYRD, Mr. KERRY, Mr. REID, Mr. INOUYE, Mr. BRYAN, Mr. HARKIN, Mr. WYDEN, Ms. MIKULSKI, and Mr. L. CHAFEE) submitted an amendment intended to be proposed by them to the concurrent resolution, (S. Con. Res. 101), supra; as follows:

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING THE NEED TO REDUCE GUN VIOLENCE IN AMERICA.

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

(1) On average, 12 children die from gun fire everyday in America.

(2) On May 20, 1999, the Senate passed the Violent and Repeat Offender Accountability and Rehabilitation Act, by a vote of 73 to 25, in part, to stem gun-related violence in the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in function 750 of this resolution assume that Congress should—

(1) pass the conference report to accompany H.R. 1501, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act, including Senate-passed provisions, with the purpose of limiting access to firearms by juveniles, convicted felons, and other persons prohibited by law from purchasing or possessing firearms; and

(2) consider H.R. 1501 not later than April 20, 2000.

ROBB (AND OTHERS) AMENDMENT NO. 2965

Mr. ROBB (for himself, Mr. HARKIN, Mr. LAUTENBERG, Mr. DORGAN, Mr. KENNEDY, Ms. MIKULSKI, Mr. KERRY, Mr. BINGAMAN, Mr. BAUCUS, and Mr. GRAHAM) proposed an amendment to the concurrent resolution, S. Con. Res. 101, supra; as follows:

On page 4, line 4, increase the amount by $78,000,000.

On page 4, line 5, increase the amount by $521,300,000.

On page 4, line 6, increase the amount by $1,011,200,000.

On page 4, line 7, increase the amount by $1,223,400,000.

On page 4, line 8, increase the amount by $1,361,200,000.

On page 4, line 13, increase the amount by $78,000,000.

On page 4, line 14, increase the amount by $521,300,000.

On page 4, line 15, increase the amount by $1,011,200,000.

On page 4, line 16, increase the amount by $1,223,400,000.

On page 4, line 17, increase the amount by $1,361,200,000.

On page 4, line 22, increase the amount by $1,300,000,000.

On page 4, line 23, increase the amount by $1,322,100,000.

On page 4, line 24, increase the amount by $1,344,600,000.

On page 4, line 25, increase the amount by $1,367,400,000.

On page 5, line 1, increase the amount by $1,390,700,000.

On page 5, line 7, increase the amount by $78,000,000.

On page 5, line 8, increase the amount by $521,300,000.

On page 5, line 9, increase the amount by $1,011,200,000.

On page 5, line 10, increase the amount by $1,223,400,000.

On page 5, line 11, increase the amount by $1,361,200,000.

On page 18, line 7, increase the amount by $1,300,000,000.

On page 18, line 8, increase the amount by $78,000,000.

On page 18, line 11, increase the amount by $1,322,100,000.

On page 18, line 12, increase the amount by $521,300,000.

On page 18, line 15, increase the amount by $1,344,600,000.

On page 18, line 16, increase the amount by $1,011,200,000.

On page 18, line 19, increase the amount by $1,367,400,000.

On page 18, line 20, increase the amount by $1,223,400,000.

On page 18, line 23, increase the amount by $1,390,700,000.

On page 18, line 24, increase the amount by $1,361,200,000.

On page 29, line 3, decrease the amount by $97,000,000.

On page 29, line 4, decrease the amount by $5,938,100,000.

On page 29, after line 5, insert the following:

''Not later than September 29, 2000, the Senate Committee on Finance shall report to the Senate a reconciliation bill proposing changes in laws within its jurisdiction necessary to reduce revenues by not more than $19,000,000 in fiscal year 2001 and $1,743,000,000 for the period of fiscal years 2001 through 2005.''

NOTICE OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on April 6, 2000 in SR–328A at 9:30 a.m. The purpose of this meeting will be to discuss interstate shipment of state inspected meat.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, April 5, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, April 5, immediately following the business meeting for a hearing. The committee will examine the energy potential of the 1002 area of the Arctic Coastal Plain; the role this energy could play in national security; the role this energy could play is reducing U.S. dependence on imported oil; and the legislative provisions of S. 2214, the Arctic Coastal Plain Domestic Energy Security Act of 2000.

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

COMMITTEE ON FINANCE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, April 5, 2000, for hearings on Medicaid in the Schools: A Pattern of Improper Payments.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 5, 2000 at 9:30 a.m. and 2 p.m. to hold two hearings.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, April 5, 2000 at 9:30 a.m. to markup the nomination of Thomas N. Slonaker, to be Special Trustee for American Indians within the Department of the Interior, and to conduct a hearing on S. 612, ''the Indian Needs Assessment and Program Evaluation Act of 1999.'' The hearing will be held in the Committee room, 485 Russell Senate Building.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, April 5, 2000, at 9:30 a.m., to receive testimony on political parties in America.

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts be authorized to meet to conduct a hearing on Wednesday, April 5, 2000 at 9:30 a.m., in SH216.

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

PRIVILEGES OF THE FLOOR

Mr. DOMENICI. Mr. President, I ask unanimous consent Dave Carney, a member of Senator ABRAHAM's staff, be allowed access to the floor.

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

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Caroline Chang, a Fellow working in my office, be permitted floor privileges during the pendency of S. Con. Res. 101.

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

Mr. DODD. Mr. President, I ask unanimous consent that Gabriel Lam of my staff be accorded the privilege of the floor for today only.

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

Mr. BOND. Mr. President, I ask unanimous consent that John Stoody, a detailee to the Committee on Small Business staff, be granted the privilege of the floor during pendency of S. Con. Res. 101.

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

Mr. BAUCUS. Mr. President, I ask unanimous consent that David Cross, a Fellow in my office, be afforded privilege on the floor during debate on Amendment No. 2955 and also during the vote, whenever it should occur.

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

ORDERS FOR THURSDAY, APRIL 6, 2000

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Thursday, April 6. I further ask consent that on Thursday, immediately following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. Con. Res. 101, the budget resolution, with 8½ hours of debate remaining.

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

PROGRAM

Mr. MURKOWSKI. Mr. President, for the information of all Senators, the Senate will continue consideration of the budget resolution at 9:30 a.m. tomorrow. The first votes are scheduled to occur at 10:30. In addition, the so-called vote-arama should begin at some point tomorrow by late afternoon or early evening. Therefore, Senators should adjust their schedules accordingly.

CONGRATULATING THE U-CONN WOMEN'S BASKETBALL TEAM FOR THEIR NCAA CHAMPIONSHIP

Mr. MURKOWSKI. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 282, introduced earlier today by Senators DODD and LIEBERMAN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 282) congratulating the Huskies of the University of Connecticut for winning the 2000 women's basketball championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the resolution and preamble be agreed upon en bloc, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 282) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 282

Whereas the University of Connecticut women's basketball team won its second national championship in 5 years by defeating the University of Tennessee by the score of 71–52;

Whereas the University of Connecticut Huskies entered the 2000 NCAA Tournament with a perfect 15–0 record in the Big East Conference and with just one loss during the regular season;

Whereas National Coach of the Year Geno Auriemma's team began the season ranked number one in the Nation and will finish the season ranked number one in the Nation;

Whereas the University of Connecticut Women Huskies brought the State of Connecticut its second straight NCAA Basketball Title, following the 1999 championship of the University of Connecticut Men's team;

Whereas both Shea Ralph and Svetlana Abrosimova were chosen consensus All-Americans; Ralph was selected the NCAA tournament's Most Outstanding Player; Kelly Schumacher set a championship-game record for blocked shots with 9; and Ralph, Abrosimova, Sue Bird, and Asjha Jones were named to the All-Tournament team;

Whereas the Huskies dominated March Madness, averaging 91.3 points and a 19-point margin of victory in the tournament;

Whereas University of Connecticut's 19-point win over Tennessee, the other powerhouse of women's collegiate basketball, was the second largest margin of victory ever in a championship game;

Whereas the high caliber of the University of Connecticut Women Huskies in both athletics and academics has again advanced the sport of women's basketball and provided inspiration for future generations of young female athletes; and

Whereas the Huskies' season of accomplishment rallied Connecticut residents of all ages, from Stamford to Storrs, from Norwalk to Norwich, behind a common purpose and inspired a wave of euphoria across the State: Now, therefore, be it

Resolved, That the Senate commends the Huskies of the University of Connecticut for completing the 1999–2000 season with a 36–1 record and winning the 2000 NCAA Women's Basketball Championship.

ORDER FOR ADJOURNMENT

Mr. MURKOWSKI. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order following the Durbin statement and amendment introduction.

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

FISCAL YEAR 2001 BUDGET—Continued

AMENDMENT NO. 2953

Mr. DURBIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 2953.

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

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

The amendment is as follows:

FEDERAL REVENUE TOTALS

On page 4, line 3, decrease the amount by $0.

On page 4, line 4, decrease the amount by $4,843,000,000.

On page 4, line 5, decrease the amount by $35,146,000,000.

On page 4, line 6, decrease the amount by $65,248,000,000.

On page 4, line 7, decrease the amount by $99,450,000,000.

On page 4, line 8, decrease the amount by $128,552,000,000.

FEDERAL REVENUE CHANGES

On page 4, line 12, increase the amount by $0.

On page 4, line 13, increase the amount by $4,843,000,000.

On page 4, line 14, increase the amount by $35,146,000,000.

On page 4, line 15, increase the amount by $65,248,000,000.

On page 4, line 16, increase the amount by $99,450,000,000.

On page 4, line 17, increase the amount by $128,552,000,000.

NEW BUDGET AUTHORITY

On page 4, line 21, increase the amount by $0.

On page 4, line 22, increase the amount by $136,000,000.

On page 4, line 23, increase the amount by $1,280,000,000.

On page 4, line 24, increase the amount by $4,186,000,000.

On page 4, line 25, increase the amount by $8,785,000,000.

On page 5, line 1, increase the amount by $15,334,000,000.

BUDGET OUTLAYS

On page 5, line 6, increase the amount by $0.

On page 5, line 7, increase the amount by $136,000,000.

On page 5, line 8, increase the amount by $1,280,000,000.

On page 5, line 9, increase the amount by $4,186,000,000.

On page 5, line 10, increase the amount by $8,785,000,000.

On page 5, line 11, increase the amount by $15,334,000,000.

NET INTEREST BUDGET AUTHORITY

On page 26, line 3, increase the amount by $0.

On page 26, line 7, increase the amount by $136,000,000.

FEDERAL REVENUE TOTALS

On page 26, line 11, increase the amount by $1,280,000,000.

On page 26, line 15, increase the amount by $4,186,000,000.

On page 26, line 19, increase the amount by $8,785,000,000.

On page 26, line 23, increase the amount by $15,334,000,000.

NET INTEREST OUTLAYS

On page 26, line 4, increase the amount by $0.

On page 26, line 8, increase the amount by $136,000,000.

On page 26, line 12, increase the amount by $1,280,000,000.

On page 26, line 16, increase the amount by $4,186,000,000.

On page 26, line 20, increase the amount by $8,785,000,000.

On page 26, line 24, increase the amount by $15,334,000,000.

PUBLIC DEBT

On page 5, line 22, increase the amount by $0.

On page 5, line 23, increase the amount by $4,979,000,000.

On page 5, line 24, increase the amount by $36,426,000,000.

On page 5, line 25, increase the amount by $69,434,000,000.

On page 6, line 1, increase the amount by $108,235,000,000.

On page 6, line 2, increase the amount by $143,886,000,000.

DEBT HELD BY THE PUBLIC

On page 6, line 5, increase the amount by $0.

On page 6, line 6, increase the amount by $4,979,000,000.

On page 6, line 7, increase the amount by $36,426,000,000.

On page 6, line 8, increase the amount by $69,434,000,000.

On page 6, line 9, increase the amount by $108,235,000,000.

On page 6, line 10, increase the amount by $143,886,000,000.

TAX CUT

On page 29, line 3, increase the amount by $4,843,000,000.

On page 29, line 4, increase the amount by $333,239,000,000.

DEFICIT INCREASE

On page 5, line 14, increase the amount by $0.

On page 5, line 15, increase the amount by $4,979,000,000.

On page 5, line 16, increase the amount by $36,426,000,000.

On page 5, line 17, increase the amount by $89,434,000,000.

On page 5, line 18, increase the amount by $108,235,000,000.

On page 5, line 19, increase the amount by $143,886,000,000.

Mr. DURBIN. Mr. President, the hour is late and I have a special sensitivity to the fact that many of the staff people have been here for a long time, and I know we will return to this amendment and debate first thing in the morning. I will make my remarks mercifully brief and just alert the Members of the Senate and those who follow this debate of the nature of the amendment I am offering.

I think this amendment goes to the heart of politics, the best part of politics. It goes to a clash of ideas, a difference of opinion, a true choice for the Members of the Senate and for the people of the United States because the amendment I offer has become the cornerstone of the Presidential debate for the year 2000.

The two candidates who are the likely nominees of their party, George W. Bush and Vice President AL GORE, have one marked difference. Governor Bush has proposed a substantial—some would say massive and risky—tax cut. Vice President GORE believes that, as do many of the Members of the Senate and the House, with this surplus we anticipate in the coming years, our first priority should be the reduction of the national debt so that our children don't bear that burden, and that we don't have to generate in taxes every day of every year the interest payments on old debt.

Furthermore, Vice President GORE and many of us believe that we should take our surplus and dedicate it to preserving Social Security, making certain that Medicare will be there for many years to come. He believes, as many of us do, that we should have targeted tax cuts well within our means, consistent with our goal of reducing the national debt, and that we should then have specific spending priorities for education and health care.

On the other side of the coin, there is quite a different proposal. Governor Bush has suggested perhaps the largest tax cut that has been proposed in recent memory. Every politician applauds a tax cut, and most of us like to offer one. But certainly we don't want to do something that is unrealistic. I suggest to my colleagues that the Bush tax cut being offered in the Presidential campaign is not only unrealistic; it is risky. And if we are not careful, if we follow his campaign pledge and his advice, we could jeopardize the economic growth that we have seen over the past 7 years.

Twice in the Senate Budget Committee, I allowed my colleagues—both Republicans and Democrats—to go on record in reference to the Bush tax cut. I thought it was only fair that the Republican members of the Senate Budget Committee would have that opportunity to stand by their Presidential candidate and the cornerstone of his campaign, the Bush tax cut because, you see, the Senate budget resolution we are considering today, proposed by Senate Republican leaders, doesn't include Governor Bush's tax cut.

I think this is a terrible oversight and omission that the standard bearer of the Republican Party would come forward with a vision of America that includes a tax cut, and for some reason the Senate Republicans don't want to include it in their proposal for the course of action in America for the next 5 or 10 years.

So twice in the Senate Budget Committee I offered the Bush tax cut for an up-or-down vote, take it or leave it, stand by your man, the Republicans with the Democrats, make it clear you disagree.

I was disappointed to find that my Republican colleagues in the Senate Budget Committee did not want to go on record when it came to the tax cut proposed by the standard bearer of the Republican Party, the possible Presidential nominee, Governor George W. Bush. I think there is good reason for that. I will explain it in a minute.

But I said in the committee that if the Senate Republicans in the Budget Committee didn't want to vote for Bush's tax cut in the committee, I would feel duty bound to offer that same opportunity to all of the Members of the Senate here on the floor. After all, as we debate important policy questions such as funding and education and whether we are going to drill in ANWR, these are policy questions on which we go on record. We establish our positions by our votes.

I am hoping by offering this amendment that the Senate will go on record. The Republican Members have their chance with this amendment to stand up for the tax cut proposed by their Presidential candidate. I think they should vote no. Above all, I hope they don't continue to duck this vote. They cannot duck this vote any more than Governor Bush can duck the responsibility to explain his tax cut and what it means to America.

Take a look at where we have been in this Nation over the past 7 years and the progress we have made. Record budget deficits have been erased. We have had the largest paydown of debt in the history of the United States with $297 billion in debt reduction. We are on the right track. We have seen the smallest Government in over three decades while we have increased key investments in education and in training for the people of this country. The typical family has seen their tax burden lowered to a level where you would have to reach back to the 1970s to find a comparison. Investment has boomed.

Take a look at the investment that is mirrored by our stock exchanges and our investments across America and you will see that people have been putting money into companies for growth. It has paid off. Unemployment is the lowest in decades, the welfare rolls the lowest in decades, inflation under control, housing starts at record levels, and business creation at record levels.

Frankly, everything you like to see that is positive in our economy has been moving forward under the Clinton-Gore administration. Of course, they can't take complete credit for that, but they can take some credit for it. They would certainly be blamed if we were back in the recessions of previous Presidents.

We have to say as well that some credit should go to the Federal Reserve because they have tried to quell the flames and forces of inflation, and they have been very effective in doing so. The Chairman of the Federal Reserve, Alan Greenspan, deserves credit for his leadership. I was happy recently to vote to reconfirm him for another term as Chairman of that important body.

But, on balance, most Americans believe we are headed in the right direction.

One American who apparently does not believe that is the Republican candidate for President because George W. Bush has proposed a dramatic change and a drastic shift in America's economic policy. He said we should take the surplus we see coming because of a strong economy and dedicate it to a massive and risky tax cut primarily for the wealthiest people in America.

If you take a close look at what this means, this chart shows our economy moving forward as a great ocean liner and a $168 billion proposed tax cut from the Presidential candidate, George W. Bush, that masks an iceberg of a tax cut that is so large, it would exceed the available surplus and force us to move into the Social Security trust fund to pay for it.

Our fear, and the fear of Chairman Greenspan and many others, is that such a tax cut at this moment in history would fire up an economy, create inflation, force increases in interest rates, and, frankly, doom the economic expansion we have seen for over 108 months, a record in the history of the United States.

Take a look at what the Bush tax cut would cost over a 5-year period of time based on research by the Center on Budget and Policy Priorities. It would be a $483 billion tax cut, and over 10 years it would be a $1.3 trillion tax cut.

What would be the impact of a $1.3 trillion tax cut on the Social Security surplus? As you can see, the non-Social Security surplus is $171 billion. That is what we can consider using for such things as debt reduction, targeted tax cuts, and expenditures on education. But George W. Bush would take $483 billion out for his tax cut. You may note that is far in excess of the amount that is available outside of the non-Social Security surplus.

The obvious conclusion is, to pay for the George W. Bush tax cut, you would have to raid Social Security. I find we have decided on a bipartisan basis that won't happen, that we will protect the Social Security trust fund.

That is why I believe the Republican Members of the Senate, if they share that belief, as I do, that Social Security should be protected, should vote against the George W. Bush tax cut. My amendment gives them a chance to go on record against this tax cut to make it clear that they want to protect Social Security and avoid a raid on the Social Security trust fund to make up the $312 billion difference in the first 5 years we would see if we followed George W. Bush's plan.

The obvious question is whether this Bush tax cut is fair and whether it would help American families. As I said earlier, all of us would like to see tax cuts. We would certainly like to go back to families in Illinois and across America and say to them, We can give you a break to help pay for your bills. Most of them would welcome it. But if you take a close look at the proposal from George W. Bush for his tax cut, you will see that most working families and middle-income families in America won't even notice a change.

If you notice, the bottom 60 percent of wage earners in America, those making below $39,300 a year, will see an average tax cut of about $249 a year, a little over $20 a month. That comes down to 75 cents a day they might see by way of George W. Bush's tax cut—60 percent of American families. But in the top 1 percent, the people who are making over $300,000 a year already, the George W. Bush tax cut is worth over $50,000 a year. Not only does this tax cut raid Social Security but the beneficiaries of it turn out to be wealthiest people in this country. Frankly, that isn't fair.

If we are going to jeopardize our economic growth, if we are going to in some way avoid the debt reduction, which most economists agree is important for the growth of America, you would think a tax cut on the table would at least benefit most American families. Honestly, it doesn't or, if it does, it is so small, they wouldn't notice it. Twenty dollars a month? That is what 60 percent of the working families of America would see. As I mentioned earlier, it would be at great expense and peril to the Social Security trust fund and others.

As I offer this amendment, I am hoping we can have a bipartisan consensus to tell Governor George Bush to go back to the drawing board, to come forward with a proposal, if you will, that

is consistent with continuing the economic growth in this country and that in fact identifies as the highest priority the reduction of our national debt and doesn't jeopardize Social Security. Frankly, his tax cut does. That is why I think this Senate should go on record in opposition to it on a bipartisan basis.

There is a lot of criticism of current political campaigns across America: They are too long; they are too nasty; they are too negative. And virtually all of those criticisms are true. But if our political campaigns in this democracy are of any value, they are because we have a true clash of ideas, a difference of opinions, and a real choice for voters.

When it comes to the George W. Bush tax cut, there couldn't be a clearer choice.

I hope my colleagues in the Senate will accept their responsibility, step up, and say whether they endorse the proposal of the Presidential candidate on the Republican side for this tax cut or whether they believe, as Chairman Greenspan does, Vice President GORE, and most American people do, that it is an unwise course of action.

I understand, as most people do, that there are a lot of differences of opinion in the course of a campaign. But Governor Bush has been very specific in spelling out his tax cut. In order to achieve his tax cut, you not only have to raid Social Security, but when you go in the outyears beyond 5 years, to achieve it you have to cut dramatically in spending on very important programs for America.

If that is something which the Republican side of the aisle wants to embrace, so be it. I, frankly, think it is shortsighted to take over $3.7 million low-income women and children off the WIC Program, a nutrition program for children and pregnant women so their babies are born healthy and get off to a good start.

If you follow through on the George W. Bush tax plan, you see massive spending cuts in key programs such as WIC. There is a $4.8 billion cutback in the Pell Grant Program, meaning 784,000 college students who receive grants—not loans, because they are low income—would see those disappear.

Mr. President, 400,000 kids, $2.9 billion cuts in Head Start—does it make sense to offer a tax cut of $50,000 a year to some of the wealthiest people in America and at the same time cut back and eliminate 400,000 kids from the Head Start Program?

The community development block grant programs and so many other job training assistance and support programs would be decimated by the proposal of the Presidential candidate on the Republican side, Governor Bush.

I believe if we are to stand on the record for this Bush tax cut plan, we have to answer to the voters in Illinois and across the Nation why we are prepared to threaten the future of Social Security and Medicare; why would we make deep cuts in Medicare spending; why would we fail to invest in debt reduction and help these important programs to provide the largest tax cuts in history to the richest people in our Nation.

Eliminating the estate tax primarily benefits millionaires. I asked a group who came to my office recently who said they wanted to see the estate tax eliminated: What percentage of estates in America pay the tax? They didn't know. The answer is 1.3 percent. It is a very small percentage. It comes down to the fact that if we are going to eliminate those taxes on the richest people in America, we should only do it if we can justify it. I don't believe Governor Bush can justify it in terms of the benefits that it would mean for the rest of the people who live in this country.

I hope we will not jeopardize our economic prosperity. I hope we will follow the model that has been suggested by Vice President GORE. I sincerely hope my colleagues in the Senate will not duck this opportunity to vote on the George W. Bush tax cut plan. If they are proud of their candidate, if they believe in his platform, if they share his vision, for goodness sake, have the courage to stand up and vote yes; if you disagree with his position, at least have the courage to go on the record and say so.

I hope, as in the Budget Committee, we don't run into the same experience on the floor where the Republican majority refuses to go on the record when it comes to the cornerstone of the campaign of the Republican Presidential candidate George W. Bush.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m., Thursday, April 6, 2000.

Thereupon, the Senate, at 10:33 p.m., adjourned until Thursday, April 6, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 5, 2000:

THE JUDICIARY

Jay A. Garcia-Gregory, of Puerto Rico, to be United States District Judge for the District of Puerto Rico, vice Raymond L. Acosta, retired.

EXTENSION OF REMARKS

IN SEARCH OF A CURE: SUPPORT INCREASED FUNDING FOR DIABETES RESEARCH

HON. ROBERT MENENDEZ
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2000

Mr. MENENDEZ. Mr. Speaker, today I ask my colleagues to increase funding for diabetes and support a $1 billion diabetes research budget for the National Institutes of Health (NIH). I ask that Congress make the quest for a cure for diabetes a top national priority—there can be no cure without a significant increase in funding.

Diabetes has been called the "epidemic of our time" by the Centers for Disease Control and Prevention. In 1995, 135 million cases of diabetes were reported worldwide, and that is expected to exceed 300 million by 2025.

Diabetes is a debilitating and deadly disease: it affects 16 million Americans; it kills one American every three minutes; it is the leading cause of new adult blindness, kidney failure, and non-traumatic amputations; and it is a major risk factor for heart disease and stroke. Diabetes disproportionately affects young children, older Americans, and members of minority populations. In addition, expenditures for the treatment of diabetes are in excess of $100 billion and individuals with diabetes account for one in four Medicare dollars.

In the past, Congress has strongly supported providing the necessary resources to find a cure for diabetes, but funding has often fallen short of desired expectations. I strongly support the findings in the Diabetes Research Working Group's (DRWG) report, which has laid out a comprehensive plan for utilizing increased resources. The report indicates that diabetes research is significantly underfunded when compared to the burden of the disease and the scientific opportunities in the field.

I ask my colleagues to join me in substantially increasing funding for diabetes research. Let us put this terrible disease on the path to a cure. If we act now, diabetes will never again be the burden on society that it is today.

HONORING CLARA McKINNEY REDDELL

HON. RALPH M. HALL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2000

Mr. HALL of Texas. Mr. Speaker, it is my privilege to rise today to recognize an outstanding citizen of the Fourth District of Texas, Clara McKinney Reddell. Mrs. Reddell was selected by the Heritage Guild of Collin County last year to be the Guest of Honor at "Celebrate the Century", and she previously was nominated for the Sesquicentennial Award at the McKinney Chamber of Commerce Awards Banquet.

Mrs. Reddell is the great-great-granddaughter of Collin McKinney and the great-granddaughter of J.B. Wilmeth. Both of these men were integral in the development of their community, and Mrs. Reddell has dedicated her life to preserving the memories of the pioneers of McKinney and Collin County. Not only has she preserved the history of her community, she also has strived to keep them at the forefront of the community's consciousness. This is evidenced by her authorship of a widely circulated pamphlet entitled "McKinney and Collin County" which chronicles the history of the city, the county, and her namesake. Her latest endeavor to keep the history of this area alive is to spearhead a campaign to name the new public high school after J.B. Wilmeth. Mr. Wilmeth opened the first free school in the county in his own home in 1848.

Mrs. Reddell's contributions to her community have been enormous. In 1941, Mrs. Reddell became the McKinney Chamber's secretary. She worked on numerous projects, including the Veterans Administration Hospital, Lavon Dam, and Ashburn General Hospital. In addition to these duties, she served as the secretary-treasurer of the Chamber of Commerce Managers and Secretary Association of East Texas which spanned 72 counties. She was also certified for 21 years of study in Chamber of Commerce management at East Texas Short Courses for Chamber Managers and Secretaries. She also contributed her time and seemingly boundless energy to the Heritage Guild. She would perform the laborious tasks of sanding, removing tacks, stripping, and staining in order to restore furniture and in keeping with her character Mrs. Reddell absorbed the material costs of these endeavors.

In addition to her community service, Mrs. Reddell raised a wonderful daughter, now Shirley Ann Reddell Cooper. Mrs. Reddell was married to her late husband, Eugene R. Reddell, for eight years before his tragic death. Mr. Speaker, Mrs. Reddell has devoted a lifetime to her family, to her community, and to the preservation of history in Collin County. As we adjourn today, let us do so in honor of this great lady, Clara McKinney Reddell.

CONGRATULATIONS TO TAIWAN PRESIDENT-ELECT CHEN SHUI-BIAN

HON. GEORGE RADANOVICH
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2000

Mr. RADANOVICH. Mr. Speaker, on March 18, in their second direct presidential election, voters in Taiwan elected Democratic Progressive Party candidate Chen Shui-bian as their president. They did so despite China's repeated warnings to the voters not to elect Chen, whose party platform calls for independence from China. Chen's victory meant that the voters in Taiwan were brave enough to make their own decisions, clearly in defiance of Bejing's demands. It also meant that the voters were seeking change, as they believed that Chen, a grass-roots politician could better reflect their wishes—particularly regarding relations between Taiwan and the Chinese mainland. Chen is attractive because he carries no baggage from the past, and may be the only one who can negotiate a future for Taiwan that will be acceptable to both Taiwan and China. This is a tremendous challenge that will require all of the leadership skills that President-elect Chen and Vice President-elect Annette Lu can muster.

I am hopeful that both President-elect Chen and Vice President-elect Lu will be able to ameliorate relations with the People's Republic of China. Chen has already called for a "peace-summit" with Beijing and proposed to revise a provocative provision in the Democratic Progressive Party's platform asserting independence. Chen's efforts to extend himself to China must be commended. He will seek to decrease tension in the Taiwan Strait without sacrificing Taiwan's dignity and sovereignty.

Mr. Speaker, I also want to offer my best wishes to outgoing President Lee Teng-hui, who made the smooth and peaceful transfer from his party to the Democratic Progressive Party possible. Taiwan has always been a friend of the United States, and I encourage my colleagues in the United States Congress to give every support to Taiwan's new administration. Taiwan's stability and prosperity are always in the best interest of the United States.

A TRIBUTE TO EDWARDS LIFE SCIENCES

HON. LORETTA SANCHEZ
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2000

Ms. SANCHEZ. Mr. Speaker, I would like to pay tribute to Edwards Life Sciences as they begin operating as a new, independent publicly traded company.

From the company's very beginning in the garage/laboratory of its founder, Miles "Lowell" Edwards, the name Edwards has been renowned for cardiovascular devices which have literally saved thousands of lives. In essence, the name Edwards is synonymous with "miracle" for over the past 40 years, as many lives have been saved due to the ingenious of Lowell Edwards.

When Edwards retired in Santa Ana, CA, he began to think of ways to invent an artificial

heart. With his electrical engineering background, Edwards had already invented many devices, including the furl booster pump which was used by the U.S. Government in World War II. An artificial heart was foremost on his mind most of his life. His own heart had been damaged by rheumatic fever when he was thirteen. He had long sought to discover a mechanism to give people a new heart—and a new life.

Edwards believed that an artificial heart could be created and that it would work. Although skeptical at first, a young Dr. Albert Starr at the University of Oregon Medical School, suggested that he first invent an artificial heart valve. Edwards did invent a valve and it was successfully implanted on September 21, 1960. When Edwards remarked that ''. . . making that valve was the luckiest thing!'', he didn't realize the enormous implications of that statement.

Today, Edwards Life Sciences employs over 1,600 dedicated men and women in Irvine, CA, and 6,000 worldwide. Edwards is a global leader in designing, manufacturing, and marketing medical devices and pharmaceuticals to treat late-stage cardiovascular disease. In recognition of over 40 years of scientific and medical advances, the founder's name is now honored in the new street name—''One Edwards Way.''

From inventor to creator of the first biotech company in southern California, Miles ''Lowell'' Edwards' legacy is now instilled into the hearts of the men and women who are now charged with the responsibility to continue the commitment to serve mankind. I commend all of you today as you begin your journey at Edwards Life Sciences.

SMALL INTERNET BUSINESS

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Mr. UDALL of New Mexico. Mr. Speaker, there is no doubt that the last few years have shown us the promise of the 21st century. Our economic growth has been spurred by the stunning development of the high-tech sector and Internet commerce, which have created tremendous new opportunities and new jobs. These opportunities promise only to grow in this century. I am aware that declining computer prices have kept inflation down . . . and that e-commerce will soon be a $400 billion business. The Internet is in its 11th year of annual doubling since 1988. There are over 44 million hosts on the Internet and an estimated 150 million users, worldwide. By 2006, the Internet is likely to exceed the global telephone network. Moreover, tens of millions of Internet-enabled appliances will have joined the Internet. We don't want government doing anything that would mess up all of that success. I believe the private sector should lead. But frankly, it is also government's duty to make sure companies follow the will of the people.

As Teddy Roosevelt told businesses almost 100 years ago, ''whenever great social or industrial changes take place, no matter how much good there may be to them, there is sure to be some evil.'' The fact is we have to protect the consumer. To me, privacy is the make-or-break issue for all electronic commerce. If consumers feel when they buy a book or browse a magazine on line, that someone is keeping a personal profile on them, they'll stop buying books.

If they feel that when they apply for loans at different banks, a third party can learn about their personal finances, it will be the last time they bank on the Internet. More than 80 percent of Americans are concerned about threats to their privacy when they are on-line. More than 90 percent want businesses telling them how they will use personal information. When 80 or 90 percent of Americans agree on anything, you know this is serious.

The legislation that Congressman CAMPBELL and I propose is simple. We are recommending the establishment of a seal—much like FDIC or Good Housekeeping that instantly assures the consumer that the Internet site they are about to use holds itself to an internationally recognized set of basic privacy principles. This seal would be completely voluntary. Users would learn to recognize the seal as a guarantee that their personal information will not be collected or used without their consent.

I foresee small businesses particularly favoring this proposal because many of these companies have not yet established good reputations as have the larger, well known companies. Here's a proposal that could touch every business owner in the country. Here's an idea that could give consumers the confidence that their information is indeed private and is in safekeeping. This is an era of truly sweeping changes.

I want to tell the Chamber about a small business in my district: De La Peña Books. The proprietor, Bart Durham began the store as a ''By Appointment Only'' business dealing with old, rare, and antiquarian books which he operated from the De La Peña House, one of Santa Fe's historic homes which he owned at the time. Bart advertised in AB Bookman's Weekly and ran a direct mail business. By 1983 he had amassed quite a collection of books about New Mexico and published ''Catalog No. 1, New Mexico'' containing over 900 separately priced books about New Mexico history dating from the early 1800's. Mr. Durham mailed about 200 of these catalogs to his customers who responded quite favorably. Cataloging then became the method that I used to sell the majority of my books.

In 1990 his business began the open retail shop operation in the Santa Fe's Design Center. This move spurred the business into book sales of a more general nature and in 1996, the shop space next to Nicholas Potter Books on Palace Avenue became available. Sales increased substantially and all was fine until the rents on the property were significantly increased. To begin to pay that kind of rent meant that he would have to sell more books than his modest operation could locate and buy. The only alternative Bart Durham could see was to go on-line. He gave his notice and rented a three bedroom apartment where two of the rooms became dedicated to De La Peña Books. He designed his own web page, subscribed to some book locating services, and the business was off and flying. The first thing that he noticed was that all his ''dead stock'', books about the world beyond the limits of New Mexico, started flying out the door. His gross sales dropped off a little, but the net sales increased. Bart no longer needed to tend the shop for 8 hours a day and was free to do as he wished with his new found time.

Now, whenever Mr. Durham comes home, he goes on-line, checks his e-mail, makes the electronic deposits through customers' credit card numbers, wraps up the sold books for shipping, and takes them to the post office in the morning. As he purchases new titles, he writes their quotes and posts them on-line. In his own words, Bart said to me: ''I love the book world, my computer, my web page, the on-line and e-mail phenomena, and the freedom that I enjoy to do as I wish with most of my time.''

Mr. Speaker, this legislation is intended especially for small Internet businesses like DelaPena books. These small business owners often do not have a reputation that allows the average Internet surfer to feel comfortable purchasing from their goods. However, a small e-commerce business can willingly place the seal on their site and inspire confidence and trust in consumers. This is an equal chance bill that will help large entities and the independent merchant alike.

Please give this voluntary on-line privacy and disclosure act your serious attention for all Americans.

HONORING AARON KINSEY

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Mr. HALL of Texas. Mr. Speaker, it is a privilege to share with my colleagues a speech written by an outstanding citizen of the Fourth District of Texas, Mr. Aaron Kinsey, who thoughtfully describes the elements of the free enterprise system upon which our country was built. Mr. Kinsey notes that there are four basic freedoms:

''The first of these freedoms is simply the freedom of economic choice. We, as Americans, inherently have the freedom to choose where we will work and for whom we will work. As business owners we have the freedom to make and sell whatever products we choose within the limits of public safety and welfare, and to charge whatever prices we feel will be the most profitable. And finally . . . we are free to take risks. Ultimately, the choices we make will determine our success and failure, and if we do fail, we know it was by a choice that we ourselves made.

''Our second basic freedom . . . is voluntary exchange . . . The priorities that determine what we do with our money are different for everyone, but the bottom line is that the decision is ours. In a free enterprise system, voluntary exchange works to the perceived advantage of both persons making the exchange.

''Our next basic freedom is our right to private property. This freedom gives us the right to do as we wish with our possessions. Our

Founding Fathers showed us that they guarded this freedom by passing the 5th Amendment, which aside from addressing other issues, guarantees us our right to private property. These great men knew that private property gives an incentive for people to work, save, and invest. Naturally, people know that the harder they work, the more rewards they will receive. These rewards can be passed on to their children so that they can have a better life.

"Another freedom we as Americans have is a motivation to earn and increase our wealth. Under the free enterprise system, we are free to take risks in order to enhance our wealth and well-being. Any entrepreneur takes the risk; some succeed and some fail. For example, Ninfa Laurenzo of Dallas, Texas, was widowed with five children in 1969. In 1973, she faced bankruptcy, but by 1993, she was the head of a multi-million dollar corporation. Ninfa's Inc. now operates 34 restaurants and employs 1,300 people . . .

"Finally, no discussion about free enterprise can be complete without addressing the importance of competition. Competition is the force that prohibits market anarchy. Competition does this by allowing businesses to enter and leave the market as they wish. When businesses are in a market together, they keep that market moving and improving. This improvement allows the customer to have the best product at the best price. Without competition, the monopolistic business can decide what the customer should have in addition to being able to set the price."

Mr. Kinsey concludes that, "American society would be very different if our Founding Fathers had not established a government in which free enterprise could thrive. Fortunately, we live in a system that allows us the freedoms of economic choice, voluntary exchange, private property, and profit motive. It is these freedoms that have helped make the American economy the greatest and most coveted in the world."

A TRIBUTE TO E. TUNNEY MAHER, JR.

HON. BENJAMIN A. GILMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2000

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to recognize E. Tunney Maher, Jr., an outstanding resident of my constituency who will be honored by the Hastings-on-Hudson Chamber of Commerce as its Hastings-on-Hudson Citizen of the Year on April 9th.

Tunney Maher is a lifelong resident of Hastings-on-Hudson who is retiring after 23 years as the director of St. Matthew's Christian Youth Organization basketball program. However, Mr. Maher has contributed significantly to the community in many other ways. For the last 19 years, Tunney has been employed in the Rehabilitation Department at St. Cabrini Nursing Home. In 1991 he was awarded the Archdiocesan of New York Parish Volunteer Award. He also has been named a Suburban Hero by Gannet Newspapers and was honored by St. Matthew's Roman Catholic Parish at its 1994 Annual Dinner.

Although Tunney has devoted himself to helping the citizens of Hastings-on-Hudson, his pride and joy has been his work with the CYO basketball program. There are currently 150 youths in the program now, and over 800 children have been a part of the program since its inception. However, Tunney has made certain that the program is not strictly basketball. He has made it a policy to have the youngsters give something back to the community by helping to feed the homeless, clean up the environment, and other projects that reflect a dual responsibility. Tunney reflects on his experience with the youth basketball program: "It's a time-consuming thing, but it's worth it. There's a great deal of satisfaction when you've worked with these kids and you've done something positive for them."

Mr. Speaker, I invite my colleagues to join in congratulating Tunney Maher, Jr. on receiving the Citizen of the Year Award from the Hastings-on-Hudson Chamber of Commerce. I am confident the lessons he imparted to the youths of his village will assist them in developing into solid, productive citizens.

HONORING MR. ROBERT EUGENE ELLEDGE

HON. GARY G. MILLER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2000

Mr. GARY MILLER of California. Mr. Speaker, I rise to honor an American hero. Last week, I had the opportunity to present Mr. Robert Eugene Elledge, of Pomona, CA, with the Order of the Purple Heart for Military Merit.

This event was truly special because Mr. Elledge is a Korean war veteran who served our Nation nobly and honorably. Unfortunately, Mr. Elledge had to wait 49 years to be honored for his sacrifices.

On May 9, 1951, Mr. Elledge and his division marched throughout the night in pouring rain to reach the hill they were ordered to capture. Early the next morning, the Communist Chinese Forces and North Korean Forces began their May offensive. This operation was designated "The Second Chinese Communist Forces Spring Offensive," also known as the Battle of Soyang or as Mr. Elledge recalls it, the May Massacre.

The May Massacre began with planes overhead, dropping leaflets. Mr. Elledge heard pilots talking over loudspeakers in a foreign language. His division ate a hot breakfast, and then they were ordered to attack.

As Mr. Elledge began to crawl up the hill, his helmet was cracked into pieces by enemy fire, rendering him unconscious. He awoke disoriented, and found himself crawling down the hill, where he found a medic. The medic began bandaging the wounds on his head and neck, treated his pain, and placed him on the ambulance. Then, they told Mr. Elledge that his company had been annihilated—only four had survived.

Mr. Elledge received treatment for these wounds in South Korea, Japan, and at Fort Custer, MI. A hometown hero, Mr. Elledge was featured in an article in the Quincy Herald Whig. He received the Combat Infantry Badge and the Bronze Service Star. However, he never received the medal that is most frequently associated with individual sacrifices to our Nation—the Purple Heart.

The Order of the Purple Heart for Military Merit is the oldest military decoration in the world presently used, and the first award made available to the common soldier. This honor was begun early in our Nation's history by another soldier, Gen. George Washington. General Washington, although considered a stern commander, was always appreciative of the troops who served him so loyally. His order permitting meritorious soldiers to wear the figure of a heart on purple cloth over the left breast began the tradition of this combat decoration.

Today, the Order of the Purple Heart for Military Merit may only be awarded to a member of the Armed Forces who is killed or wounded in action.

Forty-nine years ago, Mr. Elledge felt that his experience fell within this definition, and he began to inquire about when he might receive this honorable award.

But, it seems that the paperwork requesting the medal was lost. In fact, back in 1951, the Army told Mr. Elledge that his service records were missing, and that he would most likely have to wait several years to receive his Purple Heart.

Last Friday, 49 years after surviving the May Massacre, tears came to Mr. Elledge's eyes when he received the medal he had waited for so patiently.

The Korean war is often referred to as our "forgotten war". While his paperwork may have been forgotten, the sacrifices that Mr. Elledge made for our country in Korea will always be remembered.

This year, we mark the 50th anniversary of the Korean war, a time to commemorate not the war, but rather the veterans thereof and the sacrifices they made to preserve democracy on the Korean Peninsula almost 50 years ago. My colleagues, I encourage you to take the time to recognize the American heroes in your district, and to ensure that their sacrifices are not forgotten.

TRIBUTE TO MARY ROMANO

HON. BILL PASCRELL, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of a remarkable woman from my district, Mary Romano of Maplewood, New Jersey, who was feted on Sunday, April 2, 2000 at Cryan's Beef & Ale in South Orange, New Jersey to mark her retirement as Maplewood Democratic Chair. Due to her many years of service and leadership, it is only fitting that we gather here in her honor, for she epitomizes a strong spirit of caring and generosity.

Born in Mount Pleasant, Pennsylvania, Mary is one of four children of the late Sarah and John Melillo who came to the United States from the Province of Avellino, Italy. When she

was five years old, her parents moved from Pennsylvania to the Roseville section of Newark, New Jersey. She was educated in the Newark School system and graduated from Central Technical and Commercial High School.

Mary continually touches the lives of the people around her. She is an active member of many organizations including, Maplewood Seniors, St. Joseph Rainbow Seniors, Maplewood Service League and Maplewood Women's Club. In addition to her duties as municipal Democratic Chair she has held numerous other leadership positions including, Treasurer of Immaculate Heart of Mary Rosary Altar Society, Vice President of the Ladies Auxiliary of the South Orange BPOE 1154 and Executive Board Member of the John J. Giblin Association. She is currently the corresponding secretary of the Giblin Association. She retired in 1987 from the Essex County Office of Public Information, where she was Secretary to the Director.

Known for a questioning mind and an ability to get things done, Mary has devoted much time and energy to numerous Democratic organizations. Her many duties include, Vice Chair and Current Chair of the Maplewood County Committee, Delegate to the New Jersey Democratic Convention in 1983, Co-Chair of volunteers in Northeast New Jersey for Jim Florio's 1990 Gubernatorial campaign, and a volunteer for the National Governors Association 84th Annual Meeting in Princeton, New Jersey.

As an involved resident of Maplewood, she is always ready to participate in activities and contribute to the public good. Numerous groups including, the John J. Giblin Association, the American Heart Association, the American Cancer Society and the Maplewood Senior Club II have honored her. The latter group named her Senior of the Year.

Mary has been married since 1946 to Nicholas F. Romano, who is retired from the Newark Board of Education. She has lived in Maplewood since 1961. Her two children are Nicholas Francis Romano, Jr. and Mary Michele Fox. She has three grandchildren, Christina Marie Romano, Joseph Timothy Fox and the twins Jessica Lynn Romano and Anthony Romano.

Mr. Speaker, I ask that you join our colleagues, Mary's family, friends, the Democratic Party, the Township of Maplewood, the State of New Jersey and me in recognizing the outstanding and invaluable service to the community of Mary Romano.

ESTABLISH A CENTER IN THE DIAMOND VALLEY RESERVOIR

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Mr. CALVERT. Mr. Speaker, I'm pleased to introduce legislation that will assist in establishing an interpretive and cultural center in the vicinity of the Diamond Valley Reservoir in southern California. This center will preserve, protect and make available the extraordinary discoveries that were uncovered during the construction of the Diamond Valley Reservoir to all citizens of the United States.

During the past five years, the construction of the Diamond Valley Reservoir outside of Hemet, California has been the largest, private, earth moving construction project in the United States. The Reservoir is now the largest man made lake in southern California. It covers 4,500 acres, is 4.5 miles long and 2 miles wide and is 160–250 feet deep. The cost of $1.8 billion for construction was totally borne by the residents of southern California. The reservoir will provide a desperately needed emergency supply of water for the city of Los Angeles and the surrounding area.

During the construction and excavation of this massive project, extraordinary paleontology and archeology discoveries were uncovered. Unearthed were 365 prehistoric sites, pictographs, petroglyphs, stone tools, bone tools, and arrow heads. In addition, a preserved mastodon skeleton, a mammoth skeleton and a 7 foot tusk and bones from extinct animals previously unknown to have resided in the area including the giant Long-Horned Bison and an enormous North American Lion were discovered. In addition, the construction of the Diamond Valley Reservoir unearthed the largest known accumulation of late Ice Age fossils known in California. The scientific importance of this collection may now rival California's other famed site, the La Brea Tar Pits.

It is my honor to introduce legislation which will be the first step in preserving this world class collection of archaeological, paleontological and late Ice Age fossils for future generations.

RECOGNITION OF THE OHIO VALLEY CHAPTER OF ASSOCIATED BUILDERS AND CONTRACTORS PARTNERSHIP WITH OSHA

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Mr. HOBSON. Mr. Speaker, I rise today to commend an historic partnership between the Ohio Valley Chapter of the Associated Builders and Contractors (ABC) and the Occupational Safety and Health Administration (OSHA). The agreement provides incentives for contractors to voluntarily improve their safety performance under the high-standard guidelines set by the partnership while OSHA will recognize those contractors with exemplary safety programs. This cooperation signifies that the participants are committed to ensuring the highest standards of workplace safety.

I want to recognize the local Ohio leadership of ABC in forging this partnership which is beneficial to workers, contractors, and OSHA. Additionally, I would like to recognize the OSHA Area Director, William Murphy from Cincinnati, Ohio, for his hard work in making this alliance possible.

The Associated Builders and Contractors and OSHA have always shared a common goal: saving lives and protecting the well-being of local workers. Now they have a partnership which provides a model for cooperation between the public and private sectors. This new level of cooperation will allow both groups to more effectively meet their goals and maintain the levels of safety which make American workers the best in the world.

I am pleased to recognize and commend this partnership and I am hopeful that it will set the stage for future cooperation in other industries.

IN MEMORY OF THE LATE MENEFEE (CHUCK) D. BLACKWELL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Chuck Blackwell, a former Lexington, Missouri, resident and graduate of Wentworth Military Academy. He was 84.

Chuck, a son of the late Horace F. and Berrien Menefee Blackwell, was born on February 17, 1916. He attended Wentworth Military Academy in Lexington, Missouri, and graduated from the University of Missouri-Columbia in 1936. While in college, he was a member of Phi Beta Kappa and Phi Delta Theta fraternity. Then, he attended the University of Michigan Law School, where he was elected to the Order of the Coif and a member of Phi Delta Phi law fraternity. Upon graduation in 1939, he joined a law firm then called McCune, Caldwell & Downing.

Chuck left the law firm in 1942 to serve his country during World War II. He rose from the rank of second lieutenant to major while assigned to the Fourteenth Armored Division, Army of the United States, from 1942 until 1946. A war hero, his military service was recognized with a Silver Star, a Bronze Star with oak leaf cluster, a Purple Heart and three battle stars.

In 1948, Chuck rejoined the law firm, known for many years as Blackwell, Sanders, Matheny, Weary & Lombardi, where he served as a managing partner. Professional affiliations developed during his 57 year law career included the Kansas City Metropolitan Bar Association, the American Bar Association, the Missouri Bar and the Lawyers Association of Kansas City. He also served on many corporate boards.

Chuck was also involved in many civic and charitable activities in his community. He was a University Trustee of the Nelson-Atkins Museum of Art from 1957 to 1991. Additionally, Chuck was a member of the Board of Governors of the American Royal Association, Vice President and Director of the Charles R. and Minnie Cook Foundation, board member of the Jacob L. and Ella C. Loose Foundation and the Greater Kansas City Community Foundation, Trustee of the Loretta M. Cowden Foundation and the Midwest Research Institute, and Director of the Starlight Theatre Association. Furthermore, Chuck was an avid hunter and fisherman and loyal Kansas City Chiefs, Kansas City Royals and Missouri Tigers fan.

Chuck married the late Mary Lou Harris Blackwell of Kansas City on April 25, 1942.

They were married for 56 years and had one son, the late Stephen M. Blackwell.

Mr. Speaker, Chuck Blackwell was my good friend and a great American. I know the Members of the House will join me in extending heartfelt condolences to his family.

IN MEMORY OF THE LATE MORRIS ABRAM

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Mr. GILMAN. Mr. Speaker, I rise today to pay tribute to Morris B. Abram, an outstanding leader of the American Jewish community and an activist in the civil rights movement whose accomplishments helped shape our country and typified the ideal of public service. His death last month at the age of 81 was a loss to all of us who counted this great American as a friend and mentor on the ways to promote civil rights at home and human rights abroad.

He served as the president of Brandeis University and was asked by five presidents to take a lead role in a number of commissions and panels that promoted equal educational and housing opportunities for all Americans, and protection of our seniors against corruption in the nursing home industry and greater respect for human rights around the world.

Having served on the staff of the International Military Tribunal at Nuremburg, he learned first-hand about the Holocaust and dedicated himself to the Jewish community, serving as national president of the American Jewish Committee from 1963 through 1968, Chairman of the National Conference on Soviet Jewry from 1983 through 1988, and chairman of the Conference of Presidents of Major Jewish Organizations from 1986 through 1989.

President Bush designated him as the United States Permanent Representative to the United Nations in Geneva, and he remained in this city after completing his ambassadorial term to head up Human Rights Watch which highlights the successes and shortcomings of the United Nations. In his capacity as chairman of this group he testified before the International Relations Committee in July of last year on promoting equal treatment of Israel in the United Nations.

Earlier this year on a committee trip on UN issues in Geneva, I was privileged to have dinner with him and his wife, the former Bruna Molina, where I sought his counsel on how we can ensure the all UN members, including Israel, have the right to sit on all UN bodies including the UN Security Council, I ask my colleagues to join me in remembering this Great American who battled injustice and discrimination wherever and whenever he found it.

TRIBUTE TO JIM ‘‘LABBY’’ LABAGNARA

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call your attention to a remarkable person from my district, Jim ‘‘Labby’’ LaBagnara of Paterson, New Jersey, who was feted on March 30, 2000 because of his many years of service and leadership. It is only fitting that we gather here in his honor, for he epitomizes a strong spirit of caring and generosity.

Jim ‘‘Labby’’ LaBagnara was born, raised and still lives in Paterson. He attended Eastside High School and earned five varsity letters in baseball and soccer as a student.

In addition to playing for Eastside, he played baseball for the Emblems, American Legion Post 77, Public Service Electric & Gas, Fair Lawn A.C., Little Falls A.C., Glen Rock A.C. amongst other baseball teams in Northern New Jersey.

‘‘Labby’’ had a try out with the St. Louis Browns Major League Baseball Team. In addition, he was also offered baseball scholarships to Duke University, the University of North Carolina and Manhattan College. He pursued a career in baseball and was under contract with two Minor League teams.

His life took an interesting turn when he was offered a job at Wright Aeronautical under the condition that he played baseball and soccer for them. While working at Wright, he learned to be a Machinist and to fly. He furthered his education and received an Aircraft and Engine Mechanic's License. He later became the Chief Pilot of Lincoln Park's Aero Flying Service, where he stayed until the bombing of Pearl Harbor, signaling the beginning of World War II. He then joined the Naval Air Force, and served with honor.

After the war he pursued the fields of flying and sports. He is the Founder and President of Precision Gears and Products, Aero Flying Service, Eastern Gear, Inc., which he sold to Baker-Hughes Company. After selling the company, he went on to work for Baker-Hughes for another 24 years. These years instilled in him the skills necessary for him to become a stellar role model in the community.

During this time he taught nearly 1,000 student pilots. He currently holds an Instructor's License as well as a Commercial Pilot's License for small and multiengined aircraft with instrument rating. He has flown land planes, seaplanes and helicopters.

‘‘Labby’’ is married to Alma LaBagnara and together they have three children including, Elissa, Susan and Dr. James LaBagnara, Jr. He continually touches the lives of others. For example he has sponsored and coached baseball for 47 years. As a player his batting avg. was .340. As a coach, he is seen as both a father figure and mentor to his players.

His benevolence is unequaled in sports. He is always willing to give his time and financial support. He sponsored the Precision Gears Baseball Team, which played in the American Legion Baseball League. In 1961, he joined with the All Wags A.C., Inc. to manage the Pasquariello-Bradle Post 187 ‘‘All Wags’’ Team, which brought numerous State and regional championships to the Paterson based group for over 35 years.

Mr. Speaker, I ask that you join our colleagues, Labby's family, friends, All Wags A.C., Inc., the City of Paterson, the State of New Jersey and me in recognizing the outstanding and invaluable service to the community of Jim ‘‘Labby’’ LaBagnara.

LONGTIME SCOUT LEADERS HONORED

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Mr. LIPINSKI. Mr. Speaker, on April 12th, 2000, the Chicagoland Forest District will be sponsoring the 10th Annual Good Scout Benefit at Palermo's Fine Italian Cuisine & Banquets in Oak Lawn, Illinois. Every year at this event, longtime contributors to scouting are honored with the Good Scout Award. Youth scouting is a vital effort in Southwest Chicagoland, providing tomorrow's leaders with important values through outdoor recreation and community service. This year's recipients are Bill Hawkinson and Bob Wilcox. It now gives me great honor to recognize these scout leaders from the 3rd Congressional District for their vital service to our community.

William ‘‘Bill’’ Hawkinson is a lifetime resident of South-side Chicago. Shortly after graduating from Purdue University, he moved to Oak Lawn in 1968. In 1975, Bill would become the Finance Chairman of District 06 for two years, helping to greatly expand the profile of local scouting. In his first year as Finance Chair, Bill was honored for his outstanding service with the Arrowhead award. Two years later, he would become District Chairman for a full year.

Today, Bill remains deeply committed to the community and local scouting. Besides running two successful automotive dealerships, he actively volunteers for medical, educational and religious organizations in Chicagoland. Mr. Hawkinson still lives in Oak Lawn with his wife, Rickie, both proud parents of Jeff (26), April (21), and Erica (15).

Robert ‘‘Bob’’ Wilcox has been actively involved in local scouting for 62 years. Bob's lengthy resume includes service as Committee Chairman for St. Rita Troop 600, Commissioner Staff in the Iroquois and Forest District, and Vice-Chairman in the Iroquois District. For 12 years, Bob served as Scoutmaster for Troop 600, administering over 60 scouts. Over the years, Bob Wilcox received numerous scouting awards. In 1973, he received the distinguished St. George Award by Cardinal John Cody at Holy Name Cathedral.

Bob's family clearly reflects his commitment to scouting. His son Robert is an Eagle Scout and Assistant Scoutmaster for Troop 33 of La Grange, Illinois. Bob's daughter Jeanny is an Assistant Leader in Girl Scout Troop 170. All four of Bob's grandchildren are also involved in scouting.

Fortunately, Bob's many talents have not been limited to scouting. In addition to his previously described proficiencies, Mr. Wilcox is a

highly-respected retired 44-year optician and co-owner of Mahoney-Wilcox Opticians on North Michigan Avenue in Chicago.

Again, it gives me great honor to recognize these scout leaders today. Mr. Speaker, I hope Bill Hawkinson and Bob Wilcox will continue to use their strength and leadership to set a positive example to the citizens of the 3rd Congressional District of Illinois.

A TRIBUTE TO LISA SPECHT

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Mr. BERMAN. Mr. Speaker, my colleague, Mr. WAXMAN and I, rise today to pay tribute to Lisa Specht who will be honored by the American Jewish Committee as the recipient of the prestigious Learned Hand Award, named in memory of Judge Learned Hand and presented annually to a leader of the legal profession who has been "a voice of understanding and goodwill."

We have known Lisa for many years and have greatly enjoyed our friendship with this charming and accomplished woman.

She is an individual of many talents. In her distinguished career, she has been a television commentator and panelist, a community activist, a feminist and of course, a top-notch lawyer. The Los Angeles Business Journal lists her as one of Los Angeles County's most prominent attorneys and California Law Business has named her as one of California's top 100 Attorneys.

As a senior partner at the law firm of Manatt, Phelps & Phillips, Lisa specializes in representing the firm's clients before governmental entities. Her considerable political acumen makes her a powerful force on their behalf. in addition, she serves as a strategic policy and business advisor to many corporate presidents and CEOs.

A champion of women's rights, Lisa was a co-founder of the Women's Political Committee over twenty-five years ago and has worked tirelessly to recruit and support progressive woman candidates who run for public office. She serves on the national board of the National Organization of Women Legal Defense and Education Fund, and she is a Board Member and former officer of Bet Tzedek Legal Services.

Her interest in improving her community has led her to give generously of her time, energy and skills to numerous boards and commissions including the Industry Policy Committee of the United States Department of Commerce and the Recreation and Parks Commission of the City of Los Angeles. She is also a Trustee of Pitzer College.

Supported by her husband, Ron Rogers, Lisa has been a great force for good in her chosen profession and in her community. We are extremely proud of her many accomplishments and ask our colleagues with great pleasure to join us and the American Jewish Committee in paying tribute to a remarkable person and a wonderful friend, Lisa Specht.

TRIBUTE TO CAPTAIN CHRISTOPHER H. RISING

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today to recognize the outstanding career of one of the New York City's finest, Christopher H. Rising, who today is being sworn in as Captain for the New York Police Department. For the past 15 years, Captain Rising has not only had a distinguished career with the New York Police Department, but has also been an outstanding leader on Long Island.

As a life long resident of Long Island, Captain Rising began his career before earning his degree from St. John's University. Never one to be satisfied with almost, Captain Rising finished his degree at night. After his graduation, he decided to pursue a law degree as well. Captain Rising spent four long years attending St. John's University Law School at night, while continuing to meet all of his responsibilities as a police officer during the day. To his credit and endurance, he not only earned the Juris doctorate, but he did so with honors.

A dedicated family man to his wife, Trish, and their daughter Kaitlin, Captain Rising balances his life with his two loves—his family and his career.

Which is why I would like to thank Captain Rising for his dedication to the people of New York. New Yorker's like him make all of us proud.

IN MEMORY OF THE LATE GEORGE WHITNEY

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Mr. GARY MILLER of California. Mr. Speaker, today I note with great sadness the passing of Mr. George Whitney, one of the great community leaders of Upland, California.

Mr. Whitney unselfishly dedicated his life to improve the lives of others. He was a founding trustee of Pitzer College of the Claremont Colleges. He served Good Samaritan Hospital, the California Historical Society, the Southwest Museum, and the I.N. and Susanna H. Van Nuys Foundation. He also served as president of the Friends of the Huntington Library and the Zamorano Club.

An Upland pioneer, Mr. Whitney moved to the city as a toddler in 1916 and lived there until his passing in January. During that time, the San Gabriel Valley experiencing an unprecedented amount of growth. From 1951 until 1963, Mr. Whitney headed the Upland Planning Commission that was responsible for designing the city's master plan. Because of his commitment to integrating the city's rich heritage with ample open space, Upland has maintained its rural atmosphere nestled at the base of the San Gabriel Mountains.

Mr. Speaker, Mr. Whitney inspired his children, his peers and all who knew him. With his passing, our community has lost a mentor, a great leader and a friend. God bless him and his family.

INTRODUCTION OF LEGISLATION ON SHIP SCRAPPING

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Mr. DEFAZIO. Mr. Speaker, I rise today to introduce legislation to address the pressing problem of how to safely dispose of the U.S. fleet of obsolete vessels which are threatening to pollute our nation's waterways. Currently, the U.S. Maritime Administration maintains a fleet of vessels located in waterways around the country that are designated for disposal. However, due to limitations under current law and concerns about the conditions under which these ships could be scrapped, these ships remain rotting at anchor with no easy disposal option in sight.

My legislation would authorize funding for a ship scrapping pilot program at the U.S. Maritime Administration (MARAD). The legislation would allow MARAD to pay qualifying U.S. shipyards to scrap its obsolete vessels.

Under current law, MARAD is required to make money off of its ship scrapping program. However, because of the considerable expense of scrapping vessels in the U.S., MARAD has had difficulty in selling its obsolete vessels to U.S. shipyards. Until 1994, MARAD sold most of its vessels designated for scrapping to overseas shipyards. Many of these ships ended up in shipyards in India where workers toiled in horrific conditions. A series of articles in the Baltimore Sun in December 1997 highlighted the environmental and worker safety hazards facing the workers who toiled on former U.S. government-owned ships in India.

Following the 1997 articles and under pressure from the Environmental Protection Agency and the U.S. Congress, MARAD stopped sending its obsolete vessels overseas. MARAD has not sold ships for scrapping overseas since 1994. However, there are few options in the U.S. for scrapping the obsolete ships.

Shipyards scrapping vessels in the U.S. must abide by U.S. labor and environmental laws, making it a costly process. However, under MARAD's statutory mandate to maximize financial returns on its obsolete vessels, it must try to sell the ships for scrapping. Meanwhile, MARAD's vessels are in extremely poor condition and pose environmental risks because they contain hazardous substances such as PCBs and asbestos. A recent Department of Transportation Inspector General (IG) report cited these risks to illustrate why MARAD's ship scrapping program needs to be revamped. The IG report recommended changing the law requiring that MARAD maximize financial returns on the sale of its obsolete vessels.

"Environmental dangers associated with MARAD's old, deteriorating ships are very real and increasing daily," the IG report stated. "Some vessels have deteriorated to a point where a hammer can penetrate their hulls."

It's time to let go of the fantasy that the U.S. government can make money off of its obsolete ships. We should allow MARAD to pay shipyards to do the scrapping in a responsible and safe manner here in the U.S. By allowing MARAD to pay for ship scrapping, MARAD can reduce its inventory of obsolete ships and remove the threat these vessels pose to our waterways. In addition, paying shipyards to do the scrapping work will create secure well paid jobs in a domestic industry in need of new business.

And finally, allowing MARAD to pay for ship scrapping, may save money for the U.S. in the long run. In fiscal year 1999, it cost MARAD $5.2 million to maintain its fleet of obsolete vessels. This is only the tip of the iceberg. With no solution for disposing of its ships in sight, MARAD's inventory will continue to grow. The inventory of obsolete vessels has almost doubled over the last two years. It now totals 110 vessels, with 88 designated for scrapping. The U.S. Navy expects to transfer 18 additional vessels to MARAD by the end of fiscal year 2001 alone. As these vessels continue to deteriorate the cost to keep them afloat rises. For example, in 1999, MARAD spent $1 million for an emergency hull repair for one vessel alone.

My bill would establish a pilot program, similar to the one launched by the U.S. Navy, to pay qualified U.S. shipyards to scrap its vessels. The bill authorizes $40 million over three years for the program.

The government's current options are to send its vessels to overseas shipyards where third world workers toil in unspeakable conditions, or leave them in U.S. harbors where they risk polluting our waters. Unfortunately, without financial incentives like those in my legislation, these ships are not going anywhere.

The federal government needs to take responsibility for the environmental hazards and safety risks posed by these vessels. My legislation is a step towards solving this problem.

INTRODUCTION OF THE WORKER ECONOMIC OPPORTUNITY ACT: PROTECTING THE DOT-COM AMERICAN DREAM

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Mr. CUNNINGHAM. Mr. Speaker, today I am honored to introduce the Worker Economic Opportunity Act, the House companion identical to S. 2323 introduced in the other body by Senators MITCH MCCONNELL and CHRISTOPHER DODD.

This legislation, supported in the House and Senate, by Republicans and Democrats, with the involvement of the private sector and the Labor Department is being introduced for one reason: to protect the dot-com American Dream.

It will secure the opportunity for 65 million Americans, union and non-union, who are hourly and non-exempt employees to be awarded stock options and other equity arrangements, without fear that a "piece of the rock" will hurt their overtime pay or expose employers to bizarre and unintentional liability.

Recently, the Labor Department ruled that one part of one old, very important law—the Fair Labor Standards Act of 1938—effectively and quite unintentionally endangered the New Economy practice of awarding stock options to line employees.

The writers of that law never imagined that anyone but the most senior executives could be awarded stock options. Under the FLSA, profits from stock options would have to be taken into account when computing overtime, an impossible task that endangered both stock options and overtime pay for hourly workers.

But today, workers demand them. And employers are offering them.

The Sunday San Diego Union-Tribune, the Washington Times and Washington Post, the Wall Street Journal, and most every major metropolitan daily newspaper employment section is packed with job after job that offers stock options, stock options, stock options. That's good for workers, and good for America, and part of the dot-com American Dream.

This bill is straightforward. It exempts these stock options and equity-sharing benefits of the New Economy from affecting people's rightful overtime pay yesterday, today and tomorrow.

It's supported by Republicans and Democrats, the House and Senate, and the Administration, and the private-sector Coalition to Promote Employee Stock Ownership representing over 100 associations and employers.

PUBLIC RECOGNITION

I want to recognize and thank several Members and other individuals whose work on this has been so important.

On the Republican side, these members include Representatives STEVE KUYKENDALL, TOM DAVIS and DOUG OSE, and Workforce Protections Subcommittee Chairman CASS BALLENGER, the gentleman from North Carolina, whose panel has jurisdiction over this issue.

On the Democratic side, these members include Representatives JIM MORAN, CAL DOOLEY, ANNA ESHOO, TIM ROEMER, and many others.

The Senate has been a strong partner, side by side working together with us in the interests of American workers. I want to commend the Labor Department, including Secretary Alexis Herman, and Mr. Earl Gohl in the office of the Secretary, for their conscientious hard work. Lastly, I want to express my appreciation to the over 100 trade associations and employers who participated in the private-sector Coalition to Promote Employee Stock Ownership, led by the able personnel of the American Electronics Association.

I look forward to my friend Chairman BALLENGER taking up this important legislation in committee. Given that it has strong bipartisan, bicameral, Administration and private sector support, that it will be moved promptly, sent to the President, and signed into law. Together, we will score a win for employees and employers, for high-tech and low-tech, and for the American Dream.

ADDITIONAL INFORMATION

Mr. Speaker, a great deal of information about this issue is available on the Internet. For the benefit of my colleagues, I wish to include in the RECORD several web links that provide helpful background information. These include:

The LPA (formerly Labor Policy Association) has several backgrounder papers, congressional testimony, and news releases available at http://www.lpa.org.

The Employment Policy Foundation likewise has a background paper on this issue at http://www.epf.org.

The Association of Private Pension and Welfare Plans (APPWP) has background information on stock options at http://www.appwp.org/stockoptions.html, and on stock ownership by nonexempt employees at http://www.appwp.org/stock__ownership__non-exempt.html.

The House Education and Workforce Committee, Subcommittee on Workforce Protections has posted the prepared testimony from its public hearing on this issue at http://www.house.gov/ed__workforce/hearings/106th/wp/flsastockop3200/wl322000.htm.

I encourage Members who wish to cosponsor this bill to contact me as soon as possible.

"THE KEEP THE COLORADO RIVER CLEAN ACT"

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Mr. GEORGE MILLER of California. Mr. Speaker, ten and a half million tons of toxic mine wastes generated by the now-defunct Atlas Mine are stored in a tailings pond located immediately adjacent to the Colorado River near Moab, Utah. The tailings pond, built in the 1950's is not lined, and as a result, these radioactive and toxic wastes are seeping down through the aquifer into the Colorado River.

Water from the Colorado River makes up a significant part of the drinking water supply for Los Angeles, San Diego, Las Vegas, Phoenix and Tucson, and is used additionally to irrigate hundreds of thousands of acres of agricultural lands. Moreover, the tailings pond, which has been designated as critical habitat for four endangered species, is situated between Canyonlands and Arches National Parks.

Leaving a huge, leaking tailings pile right next to the Colorado River does not make sense. In the event of flood, the river could easily be contaminated. Yet, until recently, the federal government was willing to allow the Atlas Corporation to reclaim the site by simply placing a dirt cap over the top of the pile. This plan will not stop contamination of the Colorado River, which is expected to continue for hundreds of years. To address this problem, on January 19, 1999, Representatives PELOSI, GUTIERREZ, FILNER and I introduced H.R. 393, a bill to require the Department of Energy to move the tailings to a safe location and then direct the Attorney General to ascertain the liability of the Atlas Corporation, and its parent companies, to secure reimbursement as appropriate. This bill was referred to the Commerce Committee where it has languished.

I introduced this bill after years of advocating removal of these toxic wastes from the

banks of the Colorado River. But, until now the Executive Branch has refused to take responsibility for cleaning up this site. Thankfully, Energy Secretary Bill Richardson has recognized the foolishness of this approach and, earlier this year, proposed an ''agreement-in-principle'' that will enable the abandoned Atlas uranium mill tailings site to be moved away from the Colorado River to a safer location. The Administration has also requested $10 million for fiscal year 2001 to undertake the studies and data collection necessary to reclaim the Atlas site.

In addition to moving the toxic tailings away from the Colorado River, Secretary Richardson's proposal also includes solutions to several other public lands issues in Utah: the return of certain federal lands to the Northern Ute Indian Tribe; reservation of a production royalty on future oil and gas development of those lands; and protection of a quarter-mile corridor along 75-miles of the Green River adjacent to Ute tribal lands.

This week, I joined Representatives CANNON, FILNER, NAPOLITANO, and 47 other House colleagues in sponsoring H.R. 4165—a revised bi-partisan bill that will accomplish the full range of goals outlined by the Department of Energy and Interior—and most importantly, will assure that the toxic mill tailings are moved away from the Colorado River to a safe location.

DENMARK'S CROWN PRINCE MAKES DARING TREK ACROSS GREENLAND

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Mr. LANTOS. Mr. Speaker, as a Co-Chair of the Danish Caucus, I would like to take a moment to recognize and commend the actions of the young heir to the Danish throne, Crown Prince Frederik. It is quite encouraging to see a young man who serves as a model of behavior for the youth of Denmark and who uses his time and influence to educate others and serve his country. Presently—instead of lounging about Frederiksborg, the Danish Royal Palace—Prince Frederik is serving as the medic for a four month, 2,200 mile dog sled expedition across Greenland with five other members of the Greenland patrol.

The Los Angeles Times (March 3, 2000) described the Prince's adventure: ''The 31-year-old heir to the Danish throne has . . . served in the army, navy, and Danish version of the Seabees. The Harvard graduate will get his pilot's license and will train with the air force after the Greenland expedition, [called] Sirius 2000.''

Every step of Sirius 2000 is broadcast on the expedition's website (http://www.expedition.tv2.dk), which has drawn ''enormous interest, especially among school children who are following the expedition as part of their studies,'' according to Freddy Neuman, whose public relations agency is handling media inquiries about the trip. The effort unites TV2 with the Ministry of Education in a project to teach young Danes about Greenland.

Crown Prince Frederik's daring outdoor adventure teaches schoolchildren and the general public alike about Greenland, the frigid and thinly populated land that has been under Danish rule for most of the last two centuries. According to the Los Angeles Times, ''Scholars and scientists at the Arctic Institute and the Danish Polar Council here say they are thrilled that Frederik's participation is putting the territory, its indigenous people, and the Greenland Patrol—which is marking its 50th anniversary with the event—on the global map.'' Leif Vanggaard, a retired navy captain and surgeon with 30 years experience treating Arctic injuries, said of the expedition: ''The TV programs and web site and all these connections to schools make it educational as well as functional.''

Mr. Speaker, Crown Prince Frederik's trek across frigid Greenland is helping to remind mainland Denmark of its other thinly populated, yet environmentally rich territory. The Prince's daily courage and dedication to his mission and the nation are notable accomplishments, and an inspirational demonstration of how a privileged young man can wisely use his public visibility to benefit others.

ALPHONSE STROOBANTS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Mr. McINNIS. Mr. Speaker, on April 1, 2000, Mr. Alphonse Stroobants received the Charles Sackett Heart Award from the American Heart Association, Centra Health and the Cardiology Associates of Central Virginia.

The Coveted Charles Sackett award was named for Dr. Charles Sackett, whose drive and vision for cardiac services has made a long lasting impact on the Central Virginia Community.

In his acceptance remarks Mr. Stroobants spoke of his former co-workers at the medical community, and of his many friends through the years.

The son of a coal miner, Alphonse Stroobants was raised in war ravaged Belgium. He fled the Nazi occupation on bicycle into France when he was nine years old in the early 1940's with his parents.

He immigrated to the United States in 1956 and took his first job as an apprentice for a tool and die maker in New York state.

Responding to an ad in the newspaper, he moved to Lynchburg in 1959. He eventually purchased the company where he was working and grew Belgium Tool and Die into a successful business with annual sales in excess of twenty five-million dollars. He sold the company and retired in 1990.

Mr. Stroobants gift to Centra Health has further assisted the development of cardiac services for Central Virginians and the Heart Center is named in his honor.

Long known for his generosity and competitive spirit, he has remained a loyal friend to Virginia. His love for the community is genuine, and his service and philanthropy exemplary.

Mr. Speaker I am honored to know and have as a friend Alphonse Stroobants.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 6, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 10

1 p.m.

Aging

To hold hearings to examine funerals and burials, focusing on protecting consumers from bad practices.

SD–106

APRIL 11

9:30 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Energy.

SD–138

Commerce, Science, and Transportation

To hold hearings to examine the effects of permanent, normalized trade relations with China on the U.S. economy.

SR–253

Armed Services

To hold hearings on the nominations of Bernard Daniel Rostker, of Virginia, to be Under Secretary of Defense for Personnel and Readiness; Gregory Robert Dahlberg, of Virginia, to be Under Secretary of the Army; and Madelyn R. Creedon, of Indiana, to be Deputy Administrator for Defense Programs, National Nuclear Security Administration.

SR–222

Agriculture, Nutrition, and Forestry

To hold hearings on the nomination of Christopher A. McLean, of Nebraska, to be Administrator, Rural Utilities Service, Department of Agriculture; to be followed by hearings to examine the Methyl Tertiary Butyl Ether (MTBE) crisis and the future of renewable fuels.

SR–328A

Health, Education, Labor, and Pensions

Children and Families Subcommittee

To hold hearings to examine early childhood programs for low-income families.

SD–430

10 a.m.

Energy and Natural Resources

To hold hearings on S. 282, to provide that no electric utility shall be required to enter into a new contract or

obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; S. 516, to benefit consumers by promoting competition in the electric power industry; S. 1047, to provide for a more competitive electric power industry; S. 1284, to amend the Federal Power Act to ensure that no State may establish, maintain, or enforce on behalf of any electric utility an exclusive right to sell electric energy or otherwise unduly discriminate against any consumer who seeks to purchase electric energy in interstate commerce from any supplier; S. 1273, to amend the Federal Power Act, to facilitate the transition to more competitive and efficient electric power markets; S. 1369, to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency; S. 2071, to benefit electricity consumers by promoting the reliability of the bulk-power system; and S. 2098, to facilitate the transition to more competitive and efficient electric power markets, and to ensure electric reliability.

SH–216

2:30 p.m.

Foreign Relations

To hold hearings on United States policy towards China, focusing on permanent normal trade status.

SD–430

APRIL 12

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Corporation for National and Community Service, Community Development Financial Institutions, and Chemical Safety Board.

SD–138

Judiciary

Administrative Oversight and the Courts Subcommittee

To resume oversight hearings on the handling of the investigation of Peter Lee.

SH–216

Joint Economic Committee

To hold hearings to examine reform of the International Monetary Fund and the World Bank.

311 Cannon Building

Indian Affairs

To hold oversight hearings on the report of the Academy for Public Administration on Bureau of Indian Affairs management reform.

SR–485

Commerce, Science, and Transportation

To hold hearings on S. 2255, to amend the Internet Tax Freedom Act to extend the moratorium through calendar year 2006.

SR–253

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on missile defense programs.

SD–192

Governmental Affairs

To hold hearings to examnie the Wassenaar arrangement and the future of multilateral export control.

SD–342

Environment and Public Works

To hold hearings on the disposal of low activity radioactive waste.

SD–406

11 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider S. 2311, to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease; the proposed Organ Procurement and Transplantation Network Act Amendments of 2000; the nomination of Mel Carnahan, of Missouri, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation; the nomination of Edward B. Montgomery, of Maryland, to be Deputy Secretary of Labor; the nomination of Marc Racicot, of Montana, to be a Member of the Board of Directors of the Corporation for National and Community Service; the nomination of Alan D. Solomont, of Massachusetts, to be a Member of the Board of Directors of the Corporation for National and Community Service; the nomination of Scott O. Wright, of Missouri, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for the remainder of the term expiring December 10, 2003; and the nomination of Nathan O. Hatch, of Indiana, to be a Member of the National Council on the Humanities for the term expiring January 26, 2006.

SD–430

2 p.m.

Foreign Relations

International Economic Policy, Export and Trade Promotion Subcommittee

To hold hearings on the status of infrastructure projects for Caspian Sea energy resources.

SD–419

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold oversight hearings to examine federal actions affecting hydropower operations on the Columbia River system.

SD–366

APRIL 13

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the National Aeronautics and Space Administration.

SD–138

Energy and Natural Resources

To resume hearings on S. 282, to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; S. 516, to benefit consumers by promoting competition in the electric power industry; S. 1047, to provide for a more competitive electric power industry; S. 1284, to amend the Federal Power Act to ensure that no State may establish, maintain, or enforce on behalf of any electric utility an exclusive right to sell electric energy or otherwise unduly discriminate against any consumer who seeks to purchase electric energy in interstate commerce from any supplier; S. 1273, to amend the Federal Power Act, to facilitate the transition to more competitive and efficient electric power markets; S. 1369, to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency; S. 2071, to benefit electricity consumers by promoting the reliability of the bulk-power system; and S. 2098, to facilitate the transition to more competitive and efficient electric power markets, and to ensure electric reliability.

SH–216

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 2034, to establish the Canyons of the Ancients National Conservation Area.

SD–366

APRIL 25

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings on S. 2239, to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado River and San Juan River basins.

SD–366

APRIL 26

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense.

SD–192

APRIL 27

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on pending legislation on agriculture concentration of ownership and competitive issues.

SR–328A

SEPTEMBER 26

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.

345 Cannon Building

POSTPONEMENTS

APRIL 19

9:30 a.m.

Indian Affairs

Business meeting to consider pending calendar business; to be followed by hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups.

SR–485

HOUSE OF REPRESENTATIVES—*Thursday, April 6, 2000*

The House met at 10 a.m.

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

O Lord, open my lips.

And my mouth shall declare Your praise. O Lord, give us voice that Your justice be heard again on Earth; and Your goodness be revealed in signs of unity and peace.

May all the words echoed in this Chamber today spring forth from Your spirit living in the hearts of this Nation.

Let Your truth and Your beauty be our guide as we gather to serve the common good.

We ask Your blessing now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Florida (Ms. ROS-LEHTINEN) come forward and lead the House in the Pledge of Allegiance.

Ms. ROS-LEHTINEN led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 5 one-minutes on each side.

ELIAN'S UNCERTAIN FUTURE

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, this morning, Juan Miguel Gonzalez arrived in the United States, more than 4 months after his little boy Elian was rescued at sea under miraculous circumstances.

Elian's fate is still uncertain. However, if deported there are truths we could be certain about. If deported, Elian will become the property of the Castro regime. Castro officials themselves declared just this week that Elian is Cuba's possession.

If forced to return to Cuba, Elian will be hospitalized for an undetermined period of time, and hospitalized is Castro's euphemism for reeducation and reprogramming.

If deported, 6-year-old Elian will be subjected to the type of education pictured here where children are given combat training and are forced to use rifles and other weapons as part of their elementary school curriculum.

Despite Elian's mother's ultimate sacrifice for him to live in freedom here in the United States, despite Elian's struggle to survive the perilous journey from Castro's Cuba, despite Elian's desire to remain in the United States, his days of liberty may give way to a future of forced child labor, enslavement, and oppression.

Today may mark a sad day for democracy, freedom, and the rule of law.

ENRON FIELD, NEW HOME OF THE HOUSTON ASTROS

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

Mr. GREEN of Texas. Mr. Speaker, I rise today to speak about a new baseball park that is opening for the Houston Astros National League opening this Friday night.

I know a lot of times Members get up, and I do it too, on 1-minutes and talk about the issues of the day, and that is important because that is what we are here for, but it is also used to talk about things that are happening across this great country of ours.

In Houston, Texas' tomorrow night National League opener, the Houston Astros, is in our new Enron Field. Having grown up in Houston and watched the old Colt 45s in Colt Stadium and the Astros in the Astrodome, our new home, the three-time defending National League Central Champions, the Houston Astros are opening in Enron Field. It has been called the ninth wonder of the world now because it replaces the Astrodome which was the eighth wonder of the world.

The new diamond was approved by the voters and built in the heart of downtown Houston, like a lot of baseball stadiums are being done today in advancing the economic vitality of our city centers. It features 42,000 seats and all the amenities that everyone could ever imagine that those of us who grew up with baseball cannot imagine that would be available. I am proud of the Astros along with the City of Houston, and best of luck tomorrow night when they play the Philadelphia Phillies.

PRESIDENT CLINTON'S TRIP TO INDIA

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

Mr. PITTS. Mr. Speaker, we serve in historic times. This is the first administration in history to consume $50 million in what amounts to a 6-day expedition. The President has just returned from an official trip to India and Pakistan. On this trip, he took 77 Air Force planes and a huge entourage. He said he was going there to try to stop the arms race between India and Pakistan. It seems that the President and his aides spent more time sight-seeing at the Taj Mahal and looking for tigers than engaging in productive diplomacy, and all of this cost the taxpayers $50 million.

How interesting that it took Ken Starr 6 years to spend that much investigating indiscretions at the White House, and the White House called that investigation a waste of taxpayer money. Think of it, 6 days of sight-seeing versus 6 years of investigations. It turns out that Starr may have been the most frugal executive branch employee of them all.

INTERNATIONAL FAMILY PLANNING

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

Mrs. MALONEY of New York. Mr. Speaker, I rise today in support of international family planning. Today international guests from Kenya, Albania, Nigeria, Colombia, and Bangladesh will be visiting offices and participating in a forum cosponsored by the Congressional Caucus on Women'S Issues on why family planning matters.

They will testify with personal stories from the field on how important family planning is in saving women's lives.

In 1998, this body cut all U.S. funding for UNFPA and drastically cut USAID. Along with many of my colleagues, we fought back by introducing legislation to reinstate the U.S. contribution to UNFPA. We were successful last year in securing $25 million. This year it is time to go back to the future, back to 1995 levels for international family planning. I hope my colleagues will take advantage of our international guests visiting with us today and take the time to speak with them on what

family planning programs give to communities around the world.

I hope they will support our bill H.R. 3634, the Saving Women's Lives Through International Family Planning Act.

FEED THE POOR AND HUNGRY CHILDREN IN AMERICA WITHOUT FRAUD AND ABUSE

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

Mr. BALLENGER. Mr. Speaker, I support giving all the help we can to poor, hungry children in America, but when the programs that are supposed to help children are wasting money instead, that is a problem.

A recent review by the House Committee on the Budget found that the food stamp program made an estimated $1.4 billion in improper payments in 1998, because food stamps are like currency, they can be easily used for fraudulent purposes.

For example, 14 members of an Indiana gang stole $728,000 worth of food stamps from four county welfare offices and proceeded to trade them for cocaine and explosives.

In 1995 and 1996, a total of $8.5 million in food stamps were paid out to 26,000 dead people in four States. No one knows who cashed in the benefits.

These are types of blatant fraud and abuse that hurt the children's food stamps that were designed to help and we need to do something about it.

INVESTIGATE CHINESE THREATS TO NATIONAL SECURITY

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

Mr. TRAFICANT. Mr. Speaker, the Justice Department has attacked Bill Gates and Microsoft with a passion, literally trying to destroy the company. Meanwhile, the Justice Department refuses to investigate serious allegations of crimes involving Communist Chinese nationals and top White House officials. Something is wrong here, very wrong. Microsoft may be a threat to software, but China is an absolute threat to hardware and the national security of the United States of America.

Now we may never see the day, but I predict unless Congress intervenes, our children and their children may some day meet a massive Chinese military threat armed to their dragon teeth with arms and weapons bought by the American taxpayers no less. Beam me up.

I yield back the fact that we need an investigation into these allegations.

PORKER OF THE WEEK AWARD

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, not too long ago I gave Bill Clinton my porker award for his $72 million trip to the African continent. Well, it looks like he is at it again. Clinton just returned from India, Pakistan, Bangladesh, and Switzerland with not one foreign policy success. He did nothing to ease the poverty in Bangladesh, was scoffed at by the Indian parliament, dismissed by Pakistani leaders, and rebuffed by the President of Syria.

Instead, he showered the America public with photos of himself playing with elephants, dancing with, quote, empowered women and touring the Taj Mahal with daughter Chelsea.

The 10-day trip included a virtual aerial armada of 26 military cargo planes and more than 50 other support aircraft. The Air Force, which had to do 177 strategic lift missions and 460 mission launches, has estimated that the price tag for the Asian tour could top $75 million.

Now I know the President needs to be protected but give me a break. ABC pegged this junket correctly when it said it was a protected sight-seeing tour. Bill Clinton gets my porker of the week award.

THE INTERNATIONAL ABDUCTION OF GLENN GEBHARD'S CHILDREN

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, I rise today to continue in my mission to help bring our children home. Glenn Gebhard and his twin children Glenn and Shannon are just one example of the 10,000 American children who have been abducted to foreign countries. Shortly after he was married, Glenn's ex-wife moved back to Germany and took their children with her. For 2 years, he had contact with his children; but in 1994, she decided she would have no future contact.

Glenn has gone through the German court system numerous times and has actually been told by German judges that they do not believe in the laws that provide for unquestionable rights to access.

Glenn Gebhard has done nothing wrong. He has played by the rules. He has continued paying child support, yet he has not seen his children in almost 6 years, an eternity to a 7-year-old. Physical and psychological bonds have been severed between two children and their father who loves them. American children who are being held abroad must be returned to their parents. Countries who are not abiding by The Hague convention must be entreated to do so, and I ask my colleagues not to think as Members of Congress but as parents and grandparents and work with me to solve this pervasive problem.

American children and their parents are asking for your help. Please listen.

SPENDING KEEPS GOING HIGHER WHILE SAT SCORES KEEP GETTING LOWER

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

Mr. BARTLETT of Maryland. Mr. Speaker, is there a relationship between how much money is spent on education and how well students do? If I look at a graph showing SAT scores since 1960 and spending on education since 1960, I note that spending just keeps going higher and higher while SAT scores keep going lower and lower. Or if I look at how much money is spent in cities like Washington, New York, Chicago, or Kansas City, I note that school districts that spend the most money often have the lowest SAT scores, presumably meaning the worst schools.

What am I to conclude? Mr. Speaker, when I talk to teachers, and I don't mean education establishment bureaucrats in Washington, D.C., when I talk to teachers in the classroom they all agree that it is important that schools are adequately funded. But no one, virtually no one, says that money is the most important thing. So what makes for better school achievement? Most important are loving parents who teach their children that education is important. No government program can do that. That is something that money cannot buy.

□ 1015

WORLD HEALTH DAY

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

Mr. CROWLEY. Mr. Speaker, tomorrow we celebrate World Health Day. Unfortunately, though, too many of the world's women have no cause for celebration. Nearly 600,000 women die each year from pregnancy and childbirth-related complications. That is one woman every minute.

For every maternal death that occurs worldwide, an estimated 30 additional women suffer pregnancy-related health problems.

More than 150 million married women in developing nations still want to space or limit childbearing, but do not have access to modern contraceptives.

Yet, despite these startling statistics, the U.S. commitment to women's health remains woefully inadequate.

That is why I, along with 31 of my colleagues, support legislation to increase the U.S. commitment to women's health by $300 million as part of our legislation, the Global Health Act 2000.

Mr. Speaker, H.R. 3826, the Global Health Act of 2000, authorizes $1 billion in additional resources to improve children's and women's health and nutrition, provide access to voluntary family planning, and combat the spread of infectious diseases, particularly HIV/AIDS.

Mr. Speaker, by passing the Global Health Act, the United States would make a giant leap forward in promoting access to healthcare for millions of the world's women. I hope we all can keep this in mind as we observe World Health Day tomorrow.

AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000

Ms. PRYCE of Ohio. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 460 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 460

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1776) to expand homeownership in the United States. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Banking and Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. OSE). The Chair recognizes the gentlewoman from Ohio (Ms. PRYCE) for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Massachusetts (Mr. MOAKLEY), ranking member of the Committee on Rules; pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 460 is a structured rule providing for the consideration of H.R. 1776, the American Homeownership and Economic Opportunity Act of 2000.

The rule provides for 1 hour of general debate, after which the House will consider a bipartisan manager's amendment, as well as 11 other amendments that the Committee on Rules made in order. Of these amendments, five will be offered by Democrats, four will be offered by Republicans, and three are bipartisan. Additionally, the rule allows the minority to offer the customary motion to recommit with or without instructions.

So I think it is fair to describe this rule as carefully balanced and fair. It gives Members on both sides of the aisle equal opportunity to alter the legislation, and the House will have the opportunity to fully debate the merits of the bill.

Mr. Speaker, the American Homeownership Act is the result of hard work and negotiation, and I commend the gentleman from New York (Mr. LAZIO) for his continued commitment to updating and improving our Nation's housing policies.

The goal of H.R. 1776 is simple. The bill seeks to help more Americans realize the dream of owning their own home. While today's economic prosperity has allowed our Nation's homeownership rate to peak at 67 percent and nearly 70 million households own their homes, we all know that not every American is enjoying today's economic boom. For too many hard-working families, homeownership seems an unattainable dream.

H.R. 1776 takes a number of steps to reduce the barriers to homeownership that low-income Americans face. For example, the bill reduces unnecessary, excessive regulation that adds thousands of dollars to the cost of a home.

Under this legislation, all proposed Federal regulations must include a housing impact analysis so that the Government can determine if policies will jeopardize the availability of affordable housing.

H.R. 1776 also empowers local communities to boost homeownership in their neighborhoods. People who own their homes have a greater stake in their neighborhoods; and by increasing homeownership, cities can look forward to cleaner, safer neighborhoods.

Under the bill, localities will be able to leverage public funds with private funds in order to increase homeownership opportunities. Through the creation of a mixed-income loan pool and a home loan guaranteed program, more Americans will have access to affordable housing.

Local flexibility is also enhanced by provisions that allow mayors and local government officials to use Federal funds to assist first-time home buyers who are municipal employees to purchase homes in the communities where they serve.

It makes sense for those who are largely responsible for the safety of our communities and who act as role models for our children, such as police officers, fire fighters, teachers, to actually live in the neighborhoods where they work.

This bill will grant localities the flexibility to establish smarter urban planning policies and strengthen their communities by allowing city workers to become our neighbors and keeping workers closer to their jobs.

The American Homeownership Opportunity Act also helps families who rely on section 8 rent assistance, by giving public housing authorities the option of providing a single grant to a tenant as a down payment assistance in lieu of the monthly assistance for rent.

Special assistance is also provided to the disabled, to Native Americans, rural residents, and senior citizens through this bill.

Another housing policy that H.R. 1776 corrects is the existence of HUD-foreclosed, vacant, and substandard properties that scar neighborhoods and hamper economic vitality. This bill seeks to put these properties into the hands of local governments and community development corporations who can revitalize these neglected neighborhoods.

Finally, the bill updates the antiquated provisions of the Manufactured Housing Act to improve the quality, safety, and affordability of manufactured homes and the Federal management of the program. These changes

are the result of cooperation and negotiation among Congress, the industry, and consumer groups.

In fact, Mr. Speaker, on the whole, H.R. 1776 is the product of cooperative efforts between Democrats and Republicans, and it enjoys the support of numerous organizations, including the National Education Association, the Homebuilders, the Mortgage Lenders, Community Bankers, the Fraternal Order of Police, the National Association of Realtors, to name just a few.

Still, for those who are not fully supportive of this bill, the rule provides the House with an opportunity to consider a number of amendments that may alter its provisions.

I hope that after today's full debate of this measure, its merits will be very clear and that the House will preserve the good policy of this long-awaited and carefully crafted bill.

I urge my colleagues to support the rule and the American Homeownership and Economic Opportunity Act. Let us take this opportunity to help more Americans know the pride and independence that owning a home offers.

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

Mr. MOAKLEY. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. PRYCE), my dear friend, for yielding me the customary half hour; and I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this rule and in support of the bill to help more Americans own their homes. My Democratic and Republican colleagues on the Committee on Banking and Financial Services have worked together to fashion a housing bill designed to help working families to own homes, despite the rising home prices, as well as to address other inequities in our housing market. This is an excellent bipartisan bill, and I thank all Members on both sides of the aisle for their hard work.

Thanks to the 1993 Budget Act passed by the Democrats in Congress, the United States is now experiencing the highest rate of homeownership in history. Sixty-seven percent of Americans own their own homes. The 1993 Budget Act lowered mortgage rates, created budget surpluses, and sparked 7 years of economic growth, all of which have made it easier for people to own their own homes.

But as people throughout Massachusetts can tell us, with this strong economy, home prices continue to soar, making it harder and harder for low-income and middle-income families to buy their own homes. So this bill, Mr. Speaker, really responds by helping make sure that working-class families are not priced out of the housing market by the strong economy.

It also contains a provision called the teacher-next-door program, which expands the cop-next-door program, to help teachers, to help fire fighters, and police officers to buy homes.

That way, Mr. Speaker, public servants can stay near their important jobs by coming up with just 1 percent of the down payment instead of the usual 5 or 10 percent. Cities will be revitalized, and children will really have positive role models living right next door.

The bill also will help families who receive section 8 housing assistance also to buy homes. It will enable senior citizens who are house rich, cash poor, to borrow against the value of their homes for essentials like medication, food, and home repairs.

Mr. Speaker, last year, the Federal Housing Authority paid claims on over 71,000 defaulted loans for houses that were discovered to have major structural defects. This bill will help home buyers become aware of these major structural defects in the homes they are considering buying before it is too late.

My Republican colleagues on the Committee on Banking and Financial Services included many Democratic suggestions to require companies that manufacture homes to update their safety and construction standards. For that, I thank them.

I am sorry the Committee on Rules did not make in order the amendment of the gentleman from Massachusetts (Mr. FRANK) to take the safety standards for manufactured homes even a step further. My Republican colleagues also agreed to other pro-consumer provisions to help families, to protect families who buy these manufactured homes.

This bill contains a proposal to fight discrimination and a proposal to virtually eliminate the capital gains tax on principal home sales.

The American Homeownership bill is a bipartisan collection of many good ideas designed to strengthen and empower cities, reduce discrimination, and make it easier for working-class families to own their own homes. I commend my colleagues on the Committee on Banking and Financial Services committee for their excellent work.

I urge my colleagues to support both the rule and support the bill.

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

Ms. PRYCE of Ohio. Mr. Speaker, we have no requests for time, so I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BACA), who is the author of one of the amendments that was adopted in the committee.

Mr. BACA. Mr. Speaker, I support the rule, and I would like to commend members of the Committee on Rules for including the manager's amendment that I proposed. As amended, I support the legislation.

As previously discussed, this is an opportunity for homeownership that presents an opportunity for pride for many individuals to own a home.

□ 1030

I know what it was like. I came from a family of 15, being the 15th in the family and not owning a home, and I remember the very first time that my parents could afford to buy a home. This opens an opportunity for many other individuals who will have that same opportunity to take pride and have dignity in a home. It is positive for our communities throughout the Nation that individuals will be able to afford to buy their home.

My amendment expresses the sense of the Congress that the Secretary of Housing and Urban Development should consult with other agencies to make additional properties available for law enforcement officers, teachers, and fire fighters. As we expand HUD's existing programs to cover fire fighters in this bill, it is essential that we encourage HUD to work with other agencies to find additional properties. These individuals have made great sacrifices for our communities, and that is fire fighters, and that is the amendment that I propose. We should recognize them for their unselfishness and their heroic actions. They are a part of our community. They are role models in our communities.

My amendment is supported by 230,000 fire fighters of the International Association of fire fighters. It is also supported by the San Bernardino Community College District which trains fire fighters through ongoing programs. I urge adoption of this rule and support of the legislation.

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

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

Once again I would like to emphasize the fairness of this rule. Of the 12 amendments made in order by the rule, five are Democrats' amendments, four are Republicans' amendments and three are bipartisan. I would say this is not only fair but generous since the bill itself is not particularly controversial. Like the rule, the underlying bill is a careful balance built on compromise which has earned the support of 155 bipartisan cosponsors. It is also supported by numerous organizations from the Fraternal Order of Police and the Consortium for Citizens With Disabilities to the Homebuilders and America's Community Bankers.

Mr. Speaker, as Congress grapples with budget surpluses and many Americans bask in our Nation's economic prosperity, we cannot turn a blind eye to those who have been left behind and who are still struggling to know what the American dream is all about. We can give these hardworking individuals a chance to experience the pride and independence that is the heart of the American society by giving them a chance to own their own home. The flexibility, local control and personal

empowerment that this bill offers to our housing policies is the right way to lend a helping hand to those Americans who are honest, hardworking citizens and who need a small boost to get ahead and improve their lives for themselves and their families. I urge support for this fair rule and for the American Homeownership and Economic Opportunity Act.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. OSE). Pursuant to House Resolution 460 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1776.

The Chair designates the gentleman from Indiana (Mr. PEASE) as Chairman of the Committee of the Whole, and requests the gentleman from Colorado (Mr. HEFLEY) to assume the chair temporarily.

□ 1033

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1776) to expand Homeownership in the United States, with Mr. HEFLEY (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York (Mr. LAZIO) and the gentleman from New York (Mr. LAFALCE) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. LAZIO).

Mr. LAZIO. Mr. Chairman, I yield myself such time as I may consume. I am going to begin, if I can, by noting the bipartisan nature of this bill and the fact that we have had both Republicans and Democrats bring this bill together. I want to thank the gentleman from New York (Mr. LAFALCE) and the gentleman from Massachusetts (Mr. FRANK) on the Democratic side and the gentleman from Iowa (Mr. LEACH) as well as many members of the committee for helping to contribute to this bill, particularly the gentleman from California (Mr. CAMPBELL). We would not be here picking up the last piece of the housing puzzle if it were not for the gentleman from Iowa (Mr. LEACH).

Over these last 5 years, we have taken up homeless legislation and passed it in the House, we have taken up section 8 and assisted housing reforms, passed it in the House, seen it signed into law, we have taken up Native American housing provisions in this House, had it passed and signed into law, did a 50-year rewrite of public housing reforms, took it up, passed it in this House, had it signed into law, and now we are on the threshold of completing the continuum of housing by addressing the American dream, homeownership. Again, we would not be here but for the fact of the leadership of the chairman of the committee, the gentleman from Iowa.

Mr. Chairman, I yield 3 minutes to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Chairman, I thank the gentleman for yielding me this time. Let me just stress that the litany of bills that the gentleman from New York has just read off are testaments to the most extraordinary subcommittee chairmanship in the House of Representatives. They are all reflective of the work and the thoughtfulness of the gentleman from New York and the complementary bipartisan assistance of the minority, the gentleman from Massachusetts (Mr. FRANK) and the gentleman from New York (Mr. LAFALCE) in particular.

I would just like to mention two things about this bill. One is the big picture, macroeconomics. That is, that housing is getting more difficult for more Americans because of two phenomena.

One phenomenon is that the strong economy has made it more difficult for many people to purchase higher-priced houses. Pricing of housing is simply going up in some cases faster than income levels. Secondly, interest rates are at a credible rate compared to some periods in American history but an historically unprecedented differential has come into being between inflation and long-term interest rates, with inflation at 1½ percent, long-term interest at 8½ percent. That is a 7 point differential which is truly extraordinary when you think of mortgages being for 20- and 30-year time periods.

The second point I would like to make is that this bill has a number of elements, very carefully crafted elements. The most ingenious is that we are looking at particular professional classes of people, teachers and uniformed municipal employees as well as handicapped individuals, and giving them new rights and capacities that have never existed in law before.

The possibility of buying a House under FHA with a 1 percent down payment is an unprecedented new right that will give uniformed municipal employees greater incentive to live in the communities in which they save and serve the people and give teachers the greatest benefit that they have ever been given by the Federal Government.

I am very proud under the leadership of the gentleman from New York (Mr. LAZIO) that this Congress is bringing out one of the most extraordinary pro-education initiatives in the history of the House of Representatives. In the circumstance in which teacher shortages are mounting, there will be huge new incentives for young people to go into the teaching profession and huge new opportunities for teachers to live in the communities in which they actually teach.

And so I think this is something that this House can take great pride in at this time. Let me just conclude again by thanking the gentleman from New York, one of the most far sighted Members of this body and again point out that this bill has terrific collegial bipartisan support. I am particularly grateful to the gentleman from New York (Mr. LAFALCE) and the gentleman from Massachusetts (Mr. FRANK).

Mr. LAFALCE. Mr. Chairman, I yield myself such time as I may consume. I rise in support of this legislation.

I would first like to recognize the very hard work that has gone into this legislation on both sides of the aisle. In particular, I would like to thank the gentleman from Iowa (Mr. LEACH), the committee chairman; the gentleman from New York (Mr. LAZIO), Housing and Community Opportunity Subcommittee chairman; and the gentleman from Massachusetts (Mr. FRANK), the Housing and Community Opportunity Subcommittee ranking member. I also want to express my appreciation to the majority for the bipartisan manner in which this bill has been considered, especially with respect to their receptivity to a number of Democratic proposals and recommendations which have been incorporated into this bill.

As we begin the debate on this housing bill, we should recognize that when it comes to the areas of homeownership and economic opportunity, we are doing remarkably well. Our Nation is enjoying a record homeownership rate of 67 percent, and we are enjoying the 7th year of strong economic growth.

While reasonable people can disagree, a strong case can be made that it was the budget policies that we launched in 1993 that are largely responsible for this record. A Federal budget deficit of $300 billion a year has given way to huge surpluses. We have experienced lower interest and mortgage rates, 7 years of robust economic growth and record levels of consumer confidence. This has translated into higher homeownership levels and obviously increased prosperity.

And so the question is, why even bring this bill up? The answer is that our strong economy can have a downside for some. Rising home prices means that many young families still find themselves priced out of the housing market. Rising home prices mean that working families may find it hard to obtain housing anywhere near where they work or where good jobs are. And schools, police departments, fire departments, especially in high-cost areas find it increasingly difficult to recruit and retain public servants.

This bill addresses these challenges by using the FHA single family home loan program, CDBG, HOME and other Federal programs to increase opportunities for low- and middle-income families. I am pleased to report that many of the bill's provisions have come from our side of the aisle. For example, section 203 of the bill incorporates the provisions of legislation I introduced with a number of other Democrats, the Homeownership Opportunities for Educators and Municipal Employees Act.

This bill authorizes 1 percent cash down payment FHA loans for teachers, policemen, and firemen buying a home in the school district or jurisdiction that employs them. This provision has the strong support of the National Education Association, the American Federation of Teachers, the American Association of School Administrators and the Fraternal Order of Police.

Further, the Congressional Budget Office has concluded that if this provision is adopted, it would result in an additional 125,000 FHA loans to teachers, policemen, and firemen over the next 5 years, a significant increase in homeownership opportunities for our public servants.

The CBO has also concluded that the provision would increase our budget surplus by $162 million over that same period. This is a win-win situation. Our bill, H.R. 1776, also includes important HUD proposals for hybrid, ARM loans and down payment simplification to make FHA more flexible and to make it work more like the private sector.

I am also very pleased that the bill includes the text of a bill I recently introduced, the Affordable Long-term Care Insurance Act. Long-term care insurance is growing in popularity, growing in need. It is growing in popularity as a way to provide seniors with financial security against the threat of staggering nursing home costs, to preserve assets and to potentially reduce Medicaid expenditures.

The bill I introduced that is incorporated in H.R. 1776 would make it easier for senior citizens to buy long-term care insurance by making it more affordable through the FHA reverse mortgage loan program. This is done by waiving the up-front fee that HUD charges for such loans by as much as $4,400 when loan proceeds are used exclusively on an annual basis to purchase long-term care insurance.

The attractiveness of reverse mortgages then with an FHA guarantee which some 13 million Americans who own their home free and clear are eligible for is that reverse mortgages allow seniors to borrow against the equity in their own home without having to make monthly payments of principal or interest.

□ 1045

I would also like to acknowledge a number of provisions in the bill authored by my colleagues on the Democratic side of the aisle. These include the provision of the gentleman from Massachusetts (Mr. FRANK) to include financing opportunities for manufactured home lots, and to make CDBG and HOME more effective in high-cost jurisdictions; the provision of the gentleman from Massachusetts (Mr. CAPUANO) to create a pilot program to allow CDBG and HOME funds to be used for home down-payment assistance for two- and three-family residences and to allow use of HOME funds in conjunction with section 8 assistance for ''grand-families''; the amendment of the gentleman from Rhode Island (Mr. WEYGAND) dealing with the problem of lead paint poisoning; the provision of the gentlewoman from Oregon (Ms. HOOLEY) for funding for consortia to use for planning money for housing affordability strategies; the amendment of the gentleman from Texas (Mr. BENTSEN) to provide that unincorporated communities can fully participate in homeownership zones; and the amendments of the gentleman from Vermont (Mr. SANDERS) to promote homeownership for low-income renters and for those buying duplexes.

Finally, I would like to mention briefly Title XI, the manufactured housing section. Everyone agrees that we need to jump start the process of updating our manufactured housing construction and safety standards. The bill seeks to do that through the establishment of a private sector consensus committee to develop recommendations to make to HUD for the revision of these standards. Democrats' problems with this approach have been that earlier versions of these bills were tilted against the consumer and in favor of industry. During hearings last year, AARP testified that they were very concerned about this tilt, and we concurred in this assessment. Therefore, over the last year, my Democratic colleagues on the Committee on Banking and Financial Services have offered a number of changes to the bill to restore HUD control over the process of establishing standards and regulations to provide more balance to the consensus committee deliberations and to ensure that all existing regulatory activities are fully protected. I have much appreciate the willingness of the majority to work together with us and to accept these recommendations.

So in closing, this is a good bill. It has been considered in a bipartisan fashion. I urge Members to support it in a bipartisan fashion and the many important provisions included within it.

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

Mr. LAZIO. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. NEY), who was a contributor to many aspects of this bill. He is a Member of the Committee on Banking and Financial Services, and I am happy to have him here in support of the bill.

Mr. NEY. Mr. Chairman, I want to thank the gentleman for yielding me this time.

Mr. Chairman, H.R. 1776, the American Homeownership and Economic Opportunity Act, opens the prospect of homeownership to many deserving American families. It is good, sound legislation; and I rise today to indicate my full support in its behalf and encourage my House colleagues to support its passage as well.

Homeownership continues to be a strong personal and social priority, occupying a preferred place in our Nation's system of values. Yet, significant numbers of households are still precluded from sharing in the benefits of homeownership, despite a strong economy and a record percentage of Americans who own their own home. This measure addresses those inequalities.

This bill contains several key provisions that expand homeownership opportunities and improve access to affordable housing for low- and moderate-income individuals. Additionally, the bill utilizes the strength of the FHA and expands homeownership opportunities for many deserving public employees and school personnel who can now find little or nothing affordable in the communities in which they work. Specifically, H.R. 1776 includes special provisions to help schoolteachers, police officers, firefighters, municipal employees, and corrections officers across America to purchase homes.

Mr. Chairman, this measure was approved by the House banking committee in the spirit of strong bipartisanship, largely through the perseverance and tireless efforts of my colleague, the gentleman from New York (Mr. LAZIO). I commend Members on both sides, especially the gentleman from New York, and I urge support for the bill.

Mr. LAFALCE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Texas (Mr. BENTSEN), a member of the Committee on Banking and Financial Services.

Mr. BENTSEN. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in strong support of this legislation. This is good bipartisan legislation that the Committee on Banking and Financial Services on which I have the honor of serving reported a couple of weeks ago. It is important that it removes barriers to housing affordability and encourages homeownership, particularly for low- and moderate-income Americans.

It also creates for the first time a new type of adjustable rate mortgage financing product for first-time homebuyers through the FHA Guarantee

program, and it authorizes the Section 203 program in this bill for qualified teachers, police, firefighters and municipal employees to apply for a 1 percent down FHA mortgage loan, making it easier for them to buy homes in communities in which they work. It is a program that has been utilized in my district in earlier incarnations and one that I think will be quite successful.

It also enhances the FHA guarantee of reverse mortgages for senior citizens. This is something I have worked on with my legislature in Texas, in the State of Texas. The people of Texas recently adopted a constitutional amendment providing for this, and this bill will make it even easier.

I am particularly pleased that this legislation includes a section dealing with the prevention of fraud in the HUD 203 K Title I program. Over the last couple of years, I have worked with the chairman of the housing subcommittee on abuse in this program. And in my district and around my district in the greater Houston, Texas, area, we have seen tremendous abuse of this program by contractors, unscrupulous contractors who come and defraud primarily elderly folks on fixed incomes and leave the taxpayers footing the bill.

Quite frankly, HUD had not done a sufficient job in monitoring this program. The gentleman from New York (Mr. LAZIO) and I had asked the General Accounting Office for a study on this program; and we found that there was a great deal of abuse, and this bill takes some steps to try and correct that. I commend the gentleman from New York for his work on that.

This bill also includes language which will, for the first time, have HUD take a look at unincorporated areas in the ETJ, in some of their homeownership grant programs; whereas before, that has not always gotten, I think, a fair hearing. This affects a lot of areas in my district and a lot of districts in Texas where we are at the perimeter of city boundaries, but it is still an urban-like area. I appreciate both the chairman and the ranking member for agreeing to include my language in the manager's amendment.

The bottom line, Mr. Chairman and my colleagues, is that this is a very good bill that I think both sides should support unanimously. It enhances homeownership opportunities for all Americans and will help build stronger communities. I commend the chairman and the ranking member of the subcommittee and the full committee for their work on this bill.

Mr. LAZIO. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from New York (Mrs. KELLY), a member of the Committee on Banking and Financial Services.

Mrs. KELLY. Mr. Chairman, I thank my friend and fellow New Yorker for yielding me this time.

Mr. Chairman, I rise today in strong support for H.R. 1776, the American Homeownership and Economic Opportunity Act of 2000.

Today, we will consider this very important legislation which addresses a problem too many Americans face: the lack of available, affordable housing. The legislation enhances existing homeownership opportunities, but it creates new homeownership opportunities for low- and moderate-income Americans. It strengthens consumer protections for the single largest and most important purchase the majority of most Americans will make.

Homeownership is vital in any community and encourages homeowners to become more involved in their community. When a family owns a home in a community, they want that area to be clean and safe, and homeownership gives them a vested interest in making sure this happens. The pride and accomplishment of homeownership encourages owners to improve their property, to work together with neighbors, to improve the community as a whole. Homeownership and neighborhood improvements only enhance the lives of people living within the community.

While it is easy to see how homeownership can be a cornerstone of a community, it is unfortunately not available to all segments of the population. We must take the necessary steps to ensure that all Americans have an opportunity to achieve this part of the American dream.

Mr. Chairman, in H.R. 1776 we take steps to see that homes are available, strong, safe, and clean. Through flexibility granted by Federal agencies, these goals can be reached. We promote more available, affordable housing by establishing practical, uniform performance-based Federal construction standards for manufactured housing. We also reauthorize the Community Development Block Grant program and improve it by adding homeownership assistance for municipal employees and reauthorizing housing opportunities for people with the AIDS program. The reauthorization of the Home Investment Partnership programs makes affordable homes available to more people.

These are only a few of the many positive steps we take in H.R. 1776. I want to in particular make it very clear that by making homeownership assistance available to municipal employees, it makes it possible for many employees to live in the cities and municipalities in which they work.

I want to take a moment to thank my subcommittee chairman, the gentleman from New York (Mr. LAZIO), and our ranking member, the gentleman from Massachusetts (Mr. FRANK), for their strong cooperative effort in crafting and refining this vital legislation. Let me also note my appreciation for their openness to my efforts to help in this work.

Mr. Chairman, I encourage my colleagues on both sides of the aisle to join us in strong support for this necessary legislation.

Mr. LAFALCE. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Massachusetts (Mr. FRANK), the ranking member of the Subcommittee on Housing, who really has been responsible for such a great bulk of the provisions of this bill.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the ranking member of the full committee who has been very instrumental in our working this out. I want to begin with more than a normal acknowledgment of the staffs on both sides, Democratic and Republican, because this is a bill in which a great deal of work has been done.

For example, the manufactured housing sections, there was an article in the Washington Post recently raising some questions from the consumer's standpoint about manufactured housing, and some of the questions were legitimate questions. I was pleased on reading the article to be able to say to myself, since I was alone when I read it, but to say that we had, in fact, anticipated many of those questions and had resolved them in a way that was mutually acceptable and protected the consumer interest, while at the same time recognizing that manufacturing continues to be a valuable housing resource for people of limited incomes.

So I think Members will find that the manufactured housing section there satisfies legitimate concerns raised by the American Association of Retired Persons, by residents of the mobile homes, and also by those in the States that have regulatory authority, as well as manufactured housing. That is clearly the motif of this bill.

I have said this before; I said this last year when we debated legislation to preserve existing section 8 tenancies. There is both a partisan ideological and a nonpartisan, nonidealogical aspect to housing. The partisan idealogical one is very legitimate, and we have a responsibility to deal with it. We deal with it when we debate the budget; we deal with it when we debate appropriations. That is, given the wealth of this country, many of us believe that we are dedicating insufficient resources to housing needs. Indeed, it is the very wealth and the increase in wealth that to many of us demands greater Federal funding to help with housing.

In many parts of the country, including the greater Boston area where much of my district is located, in the northern part of California, in other metropolitan areas, it is precisely the prosperity which we are enjoying as a Nation which helps drive up housing costs so that people who are not themselves direct participants in the new economy, people who are not prospering from stock options, who are not

getting higher salaries because they bring skills that the global economy wants, these people now find themselves priced out of neighborhoods where they used to live.

□ 1100

It is, it seems to me, the responsibility of this society to take some small percentage of the wealth that is being generated and use it to help protect people who are the victims of the unequal distribution of that wealth. Those are efforts we will deal with.

We will get some aspects of that today. There will be legislation to increase, for instance, the authorization, an amendment to increase the authorization for housing with people with AIDS, bipartisan, and I strongly will support it.

But on the whole, this bill comes within the constraints that have been given to the Subcommittee on Housing and Community Opportunity and the full Committee on Banking and Financial Services by the budget process; that is, this is not an opportunity, and I wish it were, greatly to expand what we do. If it were, we would have legitimate ideological debates of the sort that a democracy ought to foster.

Today, however, we have the end product of negotiations within the framework that we were given. How do we then use those resources best? Those are less likely to be ideological. Once we have the resources, once we confront the existing realities, then we do have a situation where we have to figure out how best to make it work.

That is what this bill essentially does today. It makes some improvements, some adjustments. It is the best we can do with where we are.

There were a couple of pieces that I want to refer to involving Community Development Block Grants, because I believe strongly that the Community Development Block Grant should remain primarily a low-income program. I was pleased that the House last week, when we debated the supplemental appropriation bill, apparently to no purpose, since it never made it past the Rotunda, but we and the gentleman from New York, and the chairman of the subcommittee took a major role, the gentleman from Florida of the Committee on Appropriations did a major job on it, we said, yes, we want to make firefighting a CDBG-eligible activity, but we do not want to dilute the commitment to low-income people in that bill. That is what we did.

There are some amendments to this bill that some people say, are you not diluting it? I want to explain one in particular. I am a cosponsor of one that is in the manager's amendment that adds ten more areas which are high-cost areas which will get a change.

Here is the change. Right now under CDBG we use the national median. I represent some communities where, frankly, if you go by the national median, given the higher income in some of these communities, nobody would be eligible. So we are asking not that we ignore a low-income requirement, but that the low-income requirement be defined in terms of that particular metropolitan area.

There is another one that some people object to which says, we want to be able to let firefighters, police officers, teachers, live in the community. People have a paradox. In some cities we have passed laws saying to municipal employees, you must live in the city. What happens when we tell them they must live in the city because we think it is a value, but it becomes too expensive? So there is language that tries to deal with that.

On the whole, this is a bill which is inadequate in one sense, because it represents a national decision to devote too little of our wealth to this problem. But given that decision, which this subcommittee and committee could not affect within the context of this bill, I think we do an excellent job of adjusting within those restraints the programs so we get the maximum out of them. For that reason, I hope that the bill is passed.

On the amendments, I will myself be opposing any amendment which tries to dilute the CDBG income guidelines. But otherwise, I think we have a useful bill.

One other thing I would add. My colleague, the gentleman from Rhode Island, has an amendment to increase the FHA limits to reflect inflation and price increases. It is especially important, again, for those of us in the high-cost areas. That, it seems to me, is a good amendment. I will be strongly supporting it.

On the whole, this bill does the best we can with the limited resources this subcommittee was given to work with.

At the heart of Title XI of H.R. 1776, the Manufactured Housing Improvement Act is a consensus standards development process to update federal standards on manufactured housing.

It is important to note that this process of modernizing the safety standards has already begun. In June of 1998, the U.S. Department of Housing and Urban Development designated the Massachusetts-based National Fire Protection Association (NFPA) to make recommendations to HUD. NFPA is fully accredited by the American National Standards Institute (ANSI) to develop consensus American National Standards as specified by this bill.

In fact, the NFPA has submitted to HUD recommendations to completely revise and update the federal smoke detector requirements for manufactured homes. This was deemed to be a priority by consumers, fire safety experts, the manufactured housing industry and by HUD in that there has been an alarmingly high incident of non-working or disconnected smoke detectors when fires occur in these homes built to old HUD standards. These recommendations were submitted by NFPA to HUD over 14 months ago. We are still waiting for HUD to act on them. This bill will correct this deficiency by requiring that the consensus committee recommendations go into effect automatically within one year unless HUD objects.

The NFPA Consensus Committee is working on a number of other issues that concern consumers. One issue has to do with moisture and condensation problems of manufactured housing located in humid areas of our country.

In conclusion, the National Fire Protection Association has been carrying out the intent of this bill for the past two years and is ready to continue the process of updating the HUD standards, many of which are over 25 years old. This bill will require these modernized standards to go into effect on a much more expedited basis.

Mr. LAZIO. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. GREEN), vice chairman of the Subcommittee on Housing and Community Opportunity. He has been particularly effective in his leadership in promoting affordable housing tools, and especially for persons with disabilities and law enforcement officers. He has been an integral component of the entire process.

Mr. GREEN of Wisconsin. Mr. Chairman, I thank my friend and colleague, the gentleman from New York, for yielding time to me.

Let me begin by congratulating the gentleman from New York (Mr. LAZIO) for all of his hard work in putting this together. To be honest, I feel as good about this bill as I feel about anything we have done in my brief tenure in Congress.

This legislation has something for everyone. It does not solve all the problems of the world, obviously, but I do think it touches upon some very important challenges that we are facing in modern society.

I am very proud of what it does in the area of removing regulatory barriers. I do not think we spend enough time in this Congress looking at regulatory areas for affordable housing.

As we all know, for every thousand dollars that the cost of a house increases by, we are pricing 1 percent of the population out of the market. This legislation creates a housing impact analysis. It also creates grants for removing regulatory barriers, and creates a regulatory barrier clearinghouse. That is important.

Secondly, empowerment. We often use that phrase to mean lots of things, but this bill really is about empowerment. Those who I think are most challenged in terms of getting affordable housing these days are those people among us with disabilities. This legislation creates a pilot project to help people with disabilities afford their own home.

Finally, in the area of crime, this even makes some important strides in

meeting some of our crime challenges. It contains a pilot project which encourages law enforcement officers to live in those high crime areas as described by local officials. So this legislation in my view really makes some important strides in a number of important areas. I think it is something we can all be very proud of across the aisle.

I would strongly encourage my colleagues to support this legislation, vote for it today, and then, quite frankly, go home and talk about it, talk to our constituents about what we have done.

I thank my colleague for yielding time to me, and again congratulate him.

Mr. LAFALCE. Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentleman from Massachusetts (Mr. FRANK) to control the time.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of H.R. 1776, the American Homeownership and Economic Opportunity Act of 2000.

Mr. Chairman, the issue of affordable housing has rapidly reached the level of a national crisis. From one end of this country to the other, we have working people, elderly people, low-income people who are scrambling hard to find peaceful and safe housing which they can afford.

In this, the richest country in the history of the world, in my view we should not be giving tax breaks to billionaires or spending money on wasteful military projects while so many of our people are having a hard time finding affordable housing.

This legislation is a step forward. I strongly support it. I would like to thank the gentleman from New York (Mr. LAZIO), the gentleman from Iowa (Mr. LEACH), the gentleman from New York (Mr. LAFALCE), and the gentleman from Massachusetts (Mr. FRANK), for their leadership on this legislation.

I especially want to thank them for their help in working with me on three amendments which I offered as a member of the Committee on Banking and Financial Services.

Let me briefly describe those amendments. The First Amendment would create a $5 million Federal investment to help low- and moderate-income homeowners buy duplexes. This funding would flow through the Neighborworks homeownership centers throughout the country. This amendment will make the dream of homeownership a reality for hundreds of first-time homebuyers.

Mr. Chairman, the number one barrier to homeownership is the up-front money needed to purchase a home, and this amendment helps address that problem. This amendment would allow neighborhood homeownership centers to provide some of that up-front money to hundreds of people throughout the country for the purpose of buying a duplex.

According to the Neighborhood Reinvestment Corporation, the $5 million in that amendment would generate an additional investment of $58 million, and create 285 units of duplex homeownership available to first-time homebuyers throughout the country.

The Second Amendment would authorize $2 billion to make homeownership a reality for recipients of Section 8 rental assistance. This funding will allow HUD to provide downpayment grants of up to 20 percent of the purchase price of a home in order to leverage 80 percent of the remaining costs from other sources, including State housing finance agencies and the Neighborhood Housing Services of America. A 50 percent match requirement is needed for participation in the program.

Mr. Chairman, the final amendment that I have offered would allow more nonprofits the ability to purchase single-family homes from HUD in a 50 percent discount in areas of very low homeownership. These low homeownership areas have been designated by HUD as revitalization areas.

This amendment would require HUD to designate all areas in the United States that meet the criteria for a revitalization area within 60 days after a nonprofit has made such a request.

Mr. Chairman, the bottom line is that in this country we have a housing crisis. This bill moves us a little bit closer to addressing it.

Mr. LAZIO. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa (Mr. LEACH), the chairman of the Committee on Banking and Financial Services.

Mr. LEACH. Mr. Chairman, I thank the gentleman for yielding time to me.

I would like to enter in a brief colloquy with my distinguished friend, the gentleman from New York (Mr. LAZIO). As the gentleman knows, this bill has a very important element that allows uniformed municipal employees, police, fire, to have access to certain FHA privileges, including 1 percent downpayment on mortgages.

Am I not right in believing that also this provision applies to the volunteer fire departments that exist in so many parts of America?

Mr. LAZIO. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from New York.

Mr. LAZIO. The gentleman from Iowa is precisely correct. This provision and the provisions affecting flexibility for homeownership assistance are meant to incentivize homeownership for firefighters, whether they are paid or whether they are volunteer.

As the gentleman also correctly states, in many parts of America, including my communities, firefighting is done primarily by volunteer firefighters. These provisions would be incentives for them, as well.

Mr. LEACH. I appreciate that. I would just like to make one modest point. That is, there is probably no single professional element of America that has been more unpersonally rewarded than volunteer firemen. What this bill does is create the first substantive reward for people that have served their communities so bravely for so long.

I think this is a very appropriate endeavor. I want to thank the gentleman for insisting that this provision be designed in this fashion.

Mr. LAZIO. I thank the gentleman for his comments.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. KANJORSKI), a member of the subcommittee.

Mr. KANJORSKI. Mr. Chairman, I rise today to support and speak for the American Homeownership and Economic Opportunity Act. This bill will increase homeownership opportunities for all Americans, enhance access to affordable housing for low- and moderate-income individuals, and expand economic opportunity for underserved communities.

As we know, Mr. Chairman, our economy continues its record expansion, and our Nation has achieved its highest ownership rate in its history. The 1993 Budget Act helped form the foundation on which these accomplishments have been built.

The budget policies outlined in that law have contributed to a record budget surplus, lower interest and mortgage rates, 7 years of robust economic growth, and record levels of consumer confidence.

Despite our successes, significant numbers of households are still precluded from sharing in the benefits of homeownership. H.R. 1776 addresses many of these inequities. Among its provisions, the legislation helps schoolteachers, police officers, firefighters, municipal employees, and correction officers to purchase homes in the jurisdiction that employs them with reduced down payments and deferred FHA loan insurance premiums, reauthorizes funding for Community Development Block Grants, allows elderly homeowners to refinance their reverse mortgages, while establishing consumer protections to shield them against fraud and abuse.

Although H.R. 1776 is a good beginning, more still need to be done to help encourage economic investments in underserved communities. That is why I hope the House will pass the administration's New Markets initiative.

We have in recent weeks been working and making progress and negotiating a bipartisan plan that merges Democratic and Republican ideas for helping underserved communities. Thus, I am hopeful that we can pass legislation in this area in the upcoming months, and deliver on an agreement reached between the Speaker and the President last November to cooperate on economic development issues.

In closing, Mr. Chairman, H.R. 1776 is a solid piece of legislation that helps more people become homeowners in very innovative ways. Because increased ownership rates strengthen communities, I strongly support H.R. 1776, and encourage my colleagues to support its passage.

Mr. LAZIO. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida (Mr. MCCOLLUM), the vice chairman of the Committee on Banking and Financial Services, and thank him for his efforts to make sure consumers are protected, particularly with respect to with respect to low-income housing issues. That help has been invaluable.

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman for yielding time to me.

I want to commend the gentleman from New York (Mr. LAZIO) for all the work on this bill, and everybody else who participated in it. This is one of the finest pieces of legislation dealing with housing that I have seen in the years that I have been here in this Congress.

It is simple in some respects compared to some of the complicated bills that have come to this floor, but it is something which does a good deal for a lot of people. It provides, as some have said, the opportunity for many more people to be able to get into a home and to actually own a home. I think that is the extraordinary part of this.

□ 1115

We need in America to have more homeownership. Those at the lower end of the spectrum of earnings should have the opportunity to feel a part of their community, to actually own their home. That is the beauty of this bill.

As has been said, there are several groups within the municipalities who may be employees, the firefighters, the police officers and others, who are given opportunities in this bill to be first-time homeowners that they might not otherwise have had, by the opening up of the provisions that allow the use of community development block grant monies and so forth for that purpose.

I think the central core of the bill is the portion of it that is really exciting that allows the Section 8 program of HUD to use the assistance that is provided now for rental assistance towards the purchase of a home by a down payment or a monthly mortgage payment. It is an extraordinary opportunity for many Americans under this particular section of the bill to gain their opportunities to actually own a home. A roof over one's head is a whole lot more than simply a roof. It is a part of being the community, and that is what we are all about.

Also in this bill, in H.R. 1776, there are provisions concerning manufactured housing that I think are important. It actually extends the amount of performance-based standards and enhances consumer protections that are so important to manufactured housing. It encourages the viability of that which is important to my home State and, as the gentleman from New York (Mr. LAZIO) knows, many of us have worked a long time to try to make these provisions viable. I thank the gentleman for including them in this bill.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentlewoman from Oregon (Ms. HOOLEY), another member of the subcommittee.

Ms. HOOLEY of Oregon. Mr. Chairman, I thank the gentleman from Massachusetts (Mr. FRANK) for yielding me this time.

Mr. Chairman, I would also like to thank the leadership, the gentleman from New York (Mr. LAZIO), the gentleman from Iowa (Mr. LEACH), the gentleman from New York (Mr. LAFALCE), and the gentleman from Massachusetts (Mr. FRANK) for the hard work they did on a bipartisan bill that helps increase affordability in housing for all Americans, and it hopefully will bring a lot of Americans hopefully closer to that dream of homeownership.

I just want to highlight a few provisions in the bill that I think will help people in my district. With the help of the gentleman from New York (Mr. LAZIO), I was able to insert a provision that sets aside money for a regional, affordable housing pilot project.

The Portland metropolitan area has provided the Nation with a model in successful regional planning, and despite the area's growing affluence and increase in overall housing production, poverty and the need for affordable housing has not declined. The local governments of the Portland metropolitan region have recognized that these problems cut across county lines. They believe that housing and services for low-income people are better addressed by regional cooperation and are now working together to address these issues.

The regional affordable housing pilot project would provide funds to encourage localities to reach across those boundaries, to work together to plan for and build affordable housing.

I also want to commend the ranking member, the gentleman from Massachusetts (Mr. FRANK), and others for the hard work they did on manufactured housing. Our current laws really do not protect our consumers, and so what this bill does is inserts a protection for consumer protection for dispute resolution, so if there is a problem between the housing manufacturer and the installers this can go to dispute resolution so that the consumer is not bounced back and forth.

I am also pleased with a provision that reflects H.R. 3884, the House Act, introduced by the gentleman from New York (Mr. LAFALCE), myself, and others. This bill would give teachers, police officers, and other municipal employees the opportunity to get a lower down payment FHA loan for a home in the town or county where they work. This will help address a tremendous problem in my district where city employees often have long commutes to work because they cannot afford to live in a home in the town that employs them.

Once again, I would like to congratulate the gentleman from New York (Mr. LAZIO) and the other ranking members on bringing a bill to the floor that will not only break down barriers in affordable housing but will create new housing opportunities for millions of Americans, and I urge support.

The CHAIRMAN. The Chair advises the Committee that the gentleman from Massachusetts (Mr. FRANK) has 2½ minutes remaining, the gentleman in New York (Mr. LAZIO) has 15 minutes remaining.

Mr. LAZIO. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Alabama (Mr. RILEY), a member of the committee.

Mr. RILEY. Mr. Chairman, I just want to commend the gentleman from New York (Mr. LAZIO) and the gentleman from New York (Mr. LAFALCE) for the hard work they have done on this.

Mr. Chairman, I want to proclaim my support of H.R. 1776. It seems to me that the least my colleagues and I can do is help those who serve our community and to help ease the financial burden they have in purchasing a home. I personally know how hard that can be and that is why, Mr. Chairman, it is high time that we here in Washington reach out to those people to whom we owe so much.

Who amongst us has not had a teacher that we remember or taken for granted the protection and security provided by police officers and firefighters. Heroism must be recognized and rewarded.

To my way of thinking, this is a means to say thank you to those who sacrifice so much for our protection and care. This bill would do just that, Mr. Chairman. It would reward America's heroes. I encourage my colleagues

in the House to support this fine bipartisan legislation.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield our remaining 2½ minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Chairman, I rise in support of H.R. 1776, a bipartisan bill reauthorizing and improving programs that build our communities and that make housing more accessible and affordable to our citizens.

Mr. Chairman, I represent a district in North Carolina that, in most respects, is an economic success story, with a lively market in rental housing and in home building and sales. But we are in danger of pricing people upon whom our community depends out of that housing market.

For example, to afford a two-bedroom apartment, a person making the minimum wage in my district would have to work 96 hours a week. Working a 40-hour week for that same two-bedroom apartment, that person would have to make $12.40 an hour. And even with homeownership at historically high levels, the American dream is still out of reach for far too many people.

H.R. 1776 will help. It will make it easier for teachers and police officers and firefighters to buy homes in neighborhoods that need leaders as they rebuild. It will increase the ability of senior citizens to use reverse mortgages, a program I helped initiate a few years ago, to stay in their homes and to drawdown their equity for living expenses.

It will expand Section 8 assistance to permit families with disabled persons to purchase a home. It will establish workable construction, safety, installation, and dispute resolution standards for manufactured housing.

In these and many other respects, this bill will improve housing, will improve housing policy, and will improve the quality of life for thousands of Americans. I urge my colleagues to support this bill.

Mr. LAZIO. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Nebraska (Mr. BEREUTER), who has been of incredible help on many parts of this homeownership bill and other housing initiatives, particularly as they affect rural America.

Mr. BEREUTER. Mr. Chairman, I want to thank the gentleman from New York (Mr. LAZIO) for his kind remarks and thank him and the chairman of the full committee for bringing and expediting this legislation and similarly express appreciation to their Democrat counterparts.

Of course, housing is one of the most important investments that Americans make. Homeownership gives an individual or family a sense of pride in themselves, their home, as well as in their community. It is one of the reasons why this bill, H.R. 1776, is so important and I rise in support of it.

I would like to focus on four general provisions of this legislation which promote homeownership. First of all, the legislation goes to great lengths to promote homeownership for Americans across the entire country. First, families can use their Federal rental vouchers for mortgage payments.

Two, mayors and local governing officials can be given increased flexibility to use the Community Development Block Grant program and HOME Federal housing block grant funds for homeownership assistance.

Three, a HOME loan guarantee program is created to allow communities to tap into future HOME grants for affordable housing developments.

Four, all Federal agencies are required to include a housing impact analysis to ensure that proposed regulations do not have a negative impact on affordable housing.

Furthermore, I would like to focus on four specific provisions with which this Member was involved. First, H.R. 1776 extends the grandfather status until the 2010 census for similarly situated cities nationwide like Norfolk, Nebraska, to continue to be able to use the USDA Rural Housing Service programs.

Second, the American Homeownership and Economic Opportunity Act also includes a permanent authorization for Section 184, the Native American Home Loan Guarantee program, which this Member authored with the help of many of my colleagues. Under current law, the Section 184 program is authorized only through 2001.

Third, a provision is included in this legislation which would create the Indian Lands Title Report Commission, with a sunset, to improve the procedure by which the Bureau of Indian Affairs conducts title reviews in connection with the status of Indian lands. This provision is identical to a bill this Member introduced previously in this Congress. Moreover, the Commission should facilitate the use of Section 184 program to benefit additional Native Americans in purchasing homes on Indian reservations. This is the only program that effectively permits Indians who live on reservations to actually purchase a home or, more likely, to build a home.

Fourth and lastly, this Member is pleased that as a matter of equity the manager's amendment includes a provision which I support. It extends Native American housing assistance programs to native Hawaiians. In particular, the manager's amendment applies the Section 184 loan guarantee program to the unique legal status of Hawaiian homelands.

Mr. Chairman, for these and many other reasons, I urge support of the legislation and thank my colleagues, particularly the gentleman from New York (Mr. LAZIO), for his exceptional work.

Mr. LAZIO. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California (Mr. ROYCE). Again I want to thank him for his helping in bringing about a compromise among consumers, the industry, and administration with regard to manufactured housing.

Mr. ROYCE. Mr. Chairman, I rise today in strong support of title II of H.R. 1776, and specifically this title II contains H.R. 710 and that is the Manufactured Housing Improvement Act of which I am a cosponsor.

Manufactured housing represents more than 20 percent of all new single family homes sold in the United States. It is the fastest growing segment of our housing industry and despite the significant growth of that industry, the Federal manufactured housing program has not been considered a mainstream regulatory activity within HUD. As a consequence, it suffers from an outdated regulatory structure that hinders both producers and it hinders consumers. The Manufactured Housing Improvement Act addresses this problem by establishing a private sector consensus committee to make recommendations to the HUD Secretary for updating standards and regulations. This committee will be self-funded with the costs covered by label fees that the industry must pay on each home. This provision is long overdue, Mr. Chairman. I urge my colleagues to support it.

Mr. LAZIO. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I rise in support of H.R. 1776, and I want to thank the gentleman from Iowa (Mr. LEACH), the gentleman from New York (Mr. LAFALCE), the gentleman from Massachusetts (Mr. FRANK), and especially the gentleman from New York (Mr. LAZIO) for their hard work on this legislation and their dedication to helping all families achieve the American dream.

The Homeownership and Economic Opportunity Act will help low-income families in the cycle of paying rent rather than a mortgage. One-third of American families make under $25,000 a year, putting homeownership out of reach for nearly 100 million Americans.

Increased flexibility to States within existing Federal programs will empower partnerships between public and private sectors and strengthen community-based nonprofit groups. In reducing regulatory barriers and granting local housing authorities more flexibility in promoting homeownership as this bill does will give families an alternative to paying rent. Homeownership creates equity for families and makes future investments possible.

Additionally, the impact of these regulations is clear when one considers that the cost of a $200,000 home could be cut by 14 percent, or $28,000, by

streamlining the process governing land construction and land development.

I also commend the authors of H.R. 1776 for including provisions that enable teachers, firefighters, and police to live in the communities where they work. Encouraging these individuals to purchase homes can only strengthen communities. As a cosponsor of the American Homeownership and Economic Opportunity Act, I urge all my colleagues to vote for this bill.

Mr. LAZIO. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from New Jersey (Mrs. ROUKEMA), a great champion of homeowners across America.

□ 1130

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman from New York (Mr. LAZIO) for that very nice introduction.

Mr. Chairman, I rise in strong support of this legislation. It is an excellent bill. I certainly want to congratulate the gentleman from New York (Chairman LAZIO) for his leadership and his fine work. As far as I can tell, I think we have a pretty good wide base of bipartisan support for this legislation.

Now, I would like to make the point about the general subject of homeownership which is the American dream. Sixty-seven percent of all Americans, that is an all-time high, have fulfilled that American dream and now own their own homes. Anything we can do here to make it more fair and equitable, both Republicans and Democrats, we should; and I think we are moving in that direction. Both parties are entitled to feel proud about it.

But I would, however, like to discuss one portion of this bill, title IX. This is entitled the Private Mortgage Insurance Technical Corrections Clarification Act.

This title, which is identical to the bill, H.R. 3637, which I, the gentleman from Iowa (Mr. LEACH), and the gentleman from New York (Mr. LAFALCE) introduced earlier, the gentleman from New York (Mr. LAZIO) and other Members have made it an integral part of this landmark PMI legislation. He has put it into this legislation.

PMI, as it is known, private mortgage insurance, is required on mortgages when a borrower puts down less than 20 percent equity when buying a home. Many consumers complain that it was hard, if not impossible, to terminate the PMI requirement, even after they had well over 20 percent of equity.

In 1998, Congress made it easier for homeowners to terminate the PMI payments. But more was necessary. Title IX contains several important and essential technical corrections to the 1998 law. I do not know that we have time to go into all of them, but I think that it is important for us to know that these changes, although they may seem only technical in nature, are absolutely essential for us to implement Congress's original intention in the 1998 law and to protect the consumers.

They are the product of several months of meeting between the industry, consumer groups, as well as the Republican, Democratic staff. It is a bipartisan effort that demonstrates that we in the Congress can work in the interest of the people.

In closing, Mr. Speaker, I think we should remember that PMI charges for homeowners can be anywhere from several hundred to several thousand dollars in payments annually. The PMI payments are a real cost of homeownership to millions of Americans. Lenders can and should be reasonably protected from these defaults, but there is no reason why homeowners should pay PMI charges longer than necessary. We are going to help them do the American dream and not charge them too much.

Mr. LAZIO. Mr. Chairman, may I inquire as to how much time is remaining for both sides.

The CHAIRMAN. The gentleman from New York (Mr. LAZIO) has 5½ minutes remaining. The gentleman from New York (Mr. LAFALCE) has no time remaining.

Mr. LAZIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have been laying out the debate about the underlying principles of the bill that is before us. This bill is about opportunity and empowerment, responsibility, and flexibility. It is about the underlying premise of America, which is that we are a Nation of achievers, we are a Nation that embraces opportunity, we cherish the ideal of self-sufficiency and independence; and it is embodied in the end in the family home.

For many of us, the most important financial investment that we ever make in our lives is the purchase of a home. Homeownership creates a sense of community. It binds neighbors together. It invests all in the common good. The equity that one builds up in a home is often used to help their children go to college or to tap into to start one's own business.

Today, Mr. Chairman, two-thirds of all Americans own their own homes, continuing a trend since the mid-1990s of historically high homeownership rates. Much of this success can be attributed to a strong American economy, the product of Federal fiscal restraint, a balanced budget, and the enterprising spirit of working men and women across the country.

Yet, paradoxically, it is the very strength of the economy that has had a problematic impact on some segments of the home buying population. In many of the regions of the country, particularly in those places where economic growth is the most robust, rising home prices have severely impacted homeownership affordability.

The Washington Post calls it a ''Quiet Crisis in Housing Prices.'' In New York, for example, thousands of families pay more than half their income toward rent, often for a small one-bedroom apartment. Over the last 10 years, average prices for new single-family homes have risen almost 50 percent.

For mayors and city managers trying to attract a quality workforce or revitalize inner-city neighborhoods, a lack of affordable housing is a significant barrier to community renewal. Without the right tools to draw high-quality teachers and police officers, fire fighters, and other civil servants, cities are limited in their ability to build social capital and grow community prosperity.

People like Jean-Ann Bryant, an elementary schoolteacher in suburban San Jose, California, whose $37,000 a year salary falls far, far short of what was required in a region where the average cost of a home is an unbelievable $631,000. In Austin, Texas, the price of real estate has risen to the point where accountants earning about $45,000 a year find it difficult to qualify for a mortgage.

Nor is the problem of qualifying for affordable housing to be found solely a problem in the red-hot economies of our Nation's high-tech meccas. We find similar stories in Richmond, Virginia; Denver, Colorado; and St. Louis, Missouri.

There are specific segments of the American population that have been hit particularly hard by rising home prices. Yes, it is true, when one is in the African American and Hispanic communities, we are under 50 percent. Working families are priced out of the real estate market. Despite our best effort to date, black and Hispanic homeownership rates have remained stubbornly below 50 percent.

The shortage of affordable housing becomes more severe as one descends the rungs of the socio-economic ladder. For those at the lower end of the wage scales in America, the stakes of the housing affordability issue are of a far greater weight. For the working poor or the disabled, the rise in rents and home prices can quite literally make the difference between having a roof over one's head or living on the street or in a shelter.

Our challenge must be to do more. The American Homeownership and Economic Opportunity Act is our effort to give more of these families an opportunity to achieve the American dream of owning a home.

This proposal reauthorizes existing Federal housing block grant programs under HUD, but adds additional flexibility for local communities to create their own homeownership tools.

For example, mayors and community officials are given flexibility when targeting teachers and law enforcement officials, fire fighters for homeownership opportunities, including down payment assistance. It allows 1 percent down payments for FHA-insured home loan mortgages to help increase that social capital and provide incentives for people in the community as for teachers and police officers and fire fighters living in high-crime areas.

The bill modernizes HUD's regulatory regime overseeing the manufactured housing industry, which is an increasingly lower-cost alternatives for many Americans for affordability. The proposal allows greater use of low-income rent subsidies for locally created homeownership perhaps.

So instead of living in a basement apartment, instead of having one's whole family huddled in a basement apartment, we are going to be able to use the section 8 program to actually bring the promise of homeownership to lower-income Americans.

Mr. Chairman, I am also proud, particularly proud of the provisions of the bill that attack the blight of vacant HUD-foreclosed homes and neighborhoods across the country. HUD's inventory of foreclosed properties total almost 50,000 homes, and thousands fall into the inventory every month. These vacant properties, the subject of ''Fleecing of America,'' the site of violent criminal and drug-related activity, the cause of decreasing property values in neighborhoods across the country is a national disgrace. These properties are taken over by drug dealers, properties that children are raped in and teenagers are killed in.

Every single thing we can do to ensure that these properties remain in HUD's inventory for the shortest period of time possible will mean safer neighborhoods, safer streets, and safer families.

Mr. Chairman, I urge this body to embrace this bill.

Ms. HOOLEY of Oregon. Mr. Chairman, I would like to comment upon one aspect of the changes to the manufactured housing language within H.R. 1776—and that is the composition of the Consensus Committee. First, let me say that I applaud the diligence of all those who contributed to the final provisions of title XI of H.R. 1776—both my colleagues on the Banking Committee and those in the private sector. I believe it is a product of which we should all be extremely proud.

In the midst of modifications to the language, however, there was one change which I feel warrants brief comment during today's floor discussion. One result of the discussions which transpired over the last several months in order to reach the final version of Title XI, has been to change the makeup of the Consensus Committee so that it is in compliance with the American National Standards institute (ANSI) guidelines. Specifically, the formerly five subgroups of the Consensus Committee have been streamlined to three, with seven members serving on each.

Mr. Chairman, as you know, it is important that the consensus committee is comprised of a balance of consumers, industry experts, and government officials who will advise HUD on safety standards and regulation enforcement. I am aware that consumer groups felt they had been underrepresented in the "Users" category. In the process of increasing their representation in the "Users" category, however, others—such as the home builders—fell out of the "General Interest" category. This industry's presence in this category in no way undermines the additional representation of the consumer groups. In fact, I believe they are a critical component of the consensus committee and that such industry members should be members.

Mr. CALVERT. Mr. Chairman, I rise in support of H.R. 1776, the American Homeownership and Economic Opportunity Act of 2000. This is an important housing measure being debated before us today. My personal background in the real estate industry, I believe, has given me an insider's perspective on this issue and I am confident that this bill will significantly increase the affordability and accessibility of housing.

I understand the importance of affordable family housing to the American dream. Every American family should be given the ability to purchase and own a safe, well built home. I don't think anybody in the chamber would disagree that homeownership is a fundamental component of the American dream.

H.R. 1776 will make that American dream a reality for thousands of families.

One issue of great importance to my constituents in southern California, and others throughout the nation, is that alternative affordable housing be made available. An excellent example of just that has been manufactured housing. These factory-built homes are every bit as reliable as site-built homes, and are becoming increasingly the choice of many Americans.

As cochair of the Manufactured Housing Caucus, I am happy to see the provisions in this bill that seek to update and improve the housing regulations applied to manufactured homes. Particularly, the creation of a consensus committee—comprised of consumers, manufacturers and other housing industry partners—to make sure that the concerns of all parties are addressed. H.R. 1776 will improve the installation standards that protect consumers and provide a dispute resolution program for consumers at no cost.

Mr. Chairman, these new regulations allow the manufactured housing industry to compete fairly and continue to grow. I urge my colleagues to support H.R. 1776 and homeownership.

Mr. FORBES. Mr. Chairman, as the newest Member of the House Committee on Banking and Financial Services, I am very happy that the House is now considering this important legislation, "American Homeownership and Economic Opportunity Act" (H.R. 1776).

Homeownership is a pivotal building block for family security, stability, and strong communities. All families deserve the opportunity to achieve the American dream of owning a home.

Like other areas around our country, Suffolk County, NY, is plagued with high property taxes and very expensive real estate prices. According to a study by the National Low Income Housing Coalition, housing costs in Long Island are the fourth highest in the country, with only San Francisco, CA, San Jose, CA, and Stamford, CT, higher.

In order to be able to afford the average two-bedroom apartment on Long Island, family needs to have an average household income of $45,000 per year—which just happens to be Long Island average household income.

Buying a home is an even greater challenge—even for middle-income families. With such high rental costs, high utility costs, and high taxes, the ability of an average family to also save for a down payment is almost impossible.

Because of these exorbitant costs, young families, senior citizens and our teachers, police officers, firefighters, and municipal civil servants can barely afford to live on Long Island.

Provisions in this bill will help my neighbors in Long Island, who work so hard just to make ends meet, finally buy their first home.

For example, this bill amends HUD program formulas so that they are based on local area, median incomes, not on the national median income. Tying the eligibility to the local median income is particularly important on Long Island to enable homeownership.

I am also proud that the HOUSE act (H.R. 3884), of which I am an original cosponsor with Mr. LAFALCE, has been included into this bill. The HOUSE act provides lower down payments and assistance with closing costs to qualified K–12 teachers, policemen, and firemen. This new program will assist some of our most honored citizens in becoming homeowners.

Overall, in addition to helping those most in need in our communities, this catchall bill will help moderate- and lower-income families in Long Island, and around the country, to purchase homes. Mr. Chairman, I am proud of this bill and urge its swift passage.

Mr. LARSON. Mr. Chairman, I rise today in support of the bill we have before the House today, which seeks to broaden the path to homeownership for our Nation's citizens and help foster the development of healthy, economically vibrant neighborhoods.

The American Homeownership and Economic Opportunity Act of 2000 encourages the removal of unnecessary regulatory barriers that hinder the production of affordable housing and drive up the costs of homeownership.

I became a proud co-sponsor of this bill last year, and I am very pleased that through the steady leadership of the gentleman from Iowa, Mr. LEACH, the gentleman from New York, Mr. LAFALCE, the other gentleman from New York, Mr. LAZIO, and the gentleman from Massachusetts, Mr. FRANK, we were able to come together to bring this important bipartisan legislation before the House today. I also want to express my appreciation for the efforts of the gentleman from Massachusetts, my good friend Mr. CAPUANO, who I know has worked very diligently on the Banking and Financial Services Committee to support this bill.

Currently, about 70 million Americans own their own homes. However, in households with annual incomes under $25,000, which is about one-third of total households in this country.

Americans incur increasing hardships when buying their own homes and generally cannot afford the monthly mortgage payments. This is particularly true in African-American and Hispanic communities where the ownership rates are even lower.

This bill will help communities create homeownership programs tailored to their needs, and would enable local governments to increase the impact of their funding, thereby helping more of their citizens achieve homeownership. Specifically, it will give localities added flexibility when working with Federal housing and community development block grant programs, in order to leverage public funds with private sources of capital.

In addition, H.R. 1776 would give communities are also given the tools needed to encourage increased homeownership opportunities for working, middle class families whose occupations from the backbone of communities, and who are in integral components of our neighborhoods: teachers, police officers, firefighters, including volunteer firefighters who are such an essential part of many communities around the country, and other municipal employees. A provision in the bill will allow urban communities to apply for funds from the Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) programs so homeownership assistance may be offered to municipal employees for the purchase of homes within their communities.

Finally, H.R. 1776 modernizes the manufactured housing industry by giving HUD the ability to enhance its monitoring of the industry and its protection of consumers. The current framework for regulating the manufactured housing industry is severely outdated and ill suited to address the needs of consumers. I was particularly heartened to learn that the provisions included in H.R. 1776 represent a carefully crafted compromise between HUD, the industry, and consumers to ensure that manufactured housing is a viable, affordable housing resource.

Mr. Chairman, this bill is not only about increasing homeownership around the country, it is also about empowering our lower income and minority households, rebuilding and revitalizing our communities, allowing our teachers to remain involved and active in the communities they serve, assisting police officers who are asked to remain close to the people they protect, and rewarding firefighters who keep our homes safe for ourselves and our children. Helping all Americans, especially those who serve the public and those with lower incomes, realize the dream of homeownership must be a goal for this Congress and for this country to achieve.

Again, Mr. Chairman, I am pleased to have my name attached to this bipartisan bill as a cosponsor, and I urge all my colleagues to support it.

Mr. MORAN of Virginia. Mr. Chairman, I rise today in support of H.R. 1776, the American Homeownership and Economic Opportunity Act.

Our nation is currently enjoying its highest homeownership rate—66.8 percent. A significant cause of this achievement is the Balanced Budget Act of 1997 which has created record budget surpluses, lower interest and mortgage rates, seven years of robust economic growth, and record levels of consumer confidence.

Although great strides have been made to encourage homeownership, we must do more to advance the availability of affordable housing. H.R. 1776 reauthorizes the Community Development Block Grant and the HOME Investment Partnership Programs, both of which help localities provide affordable housing. This bill provides local governments the flexibility necessary to use federal funds to assist school teachers, police officers, firefighters and municipal employees to buy homes in the communities in which they work.

I have been a strong supporter of the creation of mixed-income communities. I support passage of H.R. 1776 which will provide localities the flexibility they need to use community development block grant programs to leverage public funds with private sources of capital. Local government officials must have access to the mechanisms necessary to generate resources that will allow them to create homeownership programs tailored to the specific needs of each locality. Passage of this bill will only enhance existing efforts to create safe and affordable housing for the citizens of Virginia's 8th district.

Other provisions of H.R. 1776 that I believe are crucial to improving homeownership in our country include:

A pilot program will be established to give Public Housing Authorities flexibility in allowing families to use Section 8 subsidies toward the purchase of a home. An identical program will be created to assist families with one or more members who are disabled.

Authorization of grants for "homeownership zones," which are large scale development projects in distressed neighborhoods.

Substantial strides have been made in providing the opportunity for all Americans to achieve homeownership. While more people than ever before own their homes, there is still much work to be done toward ensuring that the opportunity to share the dream is equally available to everyone. Passage of H.R. 1776 brings us one step closer to making these dreams a reality.

Mr. UDALL of Colorado. Mr. Chairman, I rise in support of H.R. 1776, the American Homeownership and Economic Opportunity Act and urge its adoption.

While the current homeownership rate is at a record high of 66%, the purchase of a first home remains out of reach for many young people and low- and moderate-income families. I believe H.R. 1776, through a number of unique programs, will enable more Americans to purchase their first home.

A key provision in this bill would provide under the Community Development Block Grant (CDBG) and HOME Investment Partnerships programs, a targeted homeownership program for uniformed municipal employees (policemen, firemen, city maintenance workers, and teachers). Assistance could be in the form of downpayment assistance, help with closing costs, housing counseling, or subsidized mortgage rates. I applaud this innovative approach.

I would like to call my colleagues' attention to a valuable pilot program in this bill, to encourage law enforcement agents to buy homes in locally designated high-crime areas by making them eligible for FHA mortgage loans with no downpayment.

H.R. 1776 also authorizes HUD to distribute $25 million in competitive grants to local governments for homeownership programs in "homeownership zones". These zones will be locally designated residential areas where large-scale development projects are designed to provide housing for low- to moderate-income families.

In addition, this bill increases the ability of senior citizens to use "reverse mortgages" for living expenses—particularly long-term care—by allowing them to refinance these mortgages.

Environmental cleanup and economic development activities related to "Brownfields" stand to benefit as well, by being classified as a permanent eligible activity for CDBG funds under this bill.

Mr. Chairman, H.R. 1776 will make substantial strides towards insuring affordable housing is a reality in our country and the dream of first-time homeownership is attainable. I urge my colleagues to vote "yes" on this bill.

Mrs. MCCARTHY of New York. Mr. Chairman, I rise today in support of H.R. 1776, the American Homeownership and Economic Opportunity Act. This important bill increases the possibility of owning a home to many deserving American families, particularly in my district on Long Island, NY, where homeownership opportunities lag because of affordability concerns.

Despite a strong economy and record percentages of Americans who own their own homes, Long Islanders continue to experience gaps in homeownership—especially among our middle-income professionals. Hard working professionals such as teachers, police officers, firefighters and corrections officers should not have to struggle to own a home.

H.R. 1776 addresses this concern. It contains numerous provisions allowing deserving Long Island teachers and public employees to obtain mortgages with just one percent downpayment requirement through the Federal Housing Administration. Moreover, H.R. 1776 allows qualifying homebuyers to defer the payment of the upfront mortgage insurance premium—usually two percent of the mortgage amount. As a result of these beneficial provisions, qualified Long Island borrowers can expect to save thousands of dollars in upfront costs when they purchase a home.

In addition to assisting aspiring homeowners, this legislation also benefits the realtors and senior citizens in my district who also suffer from the lack of affordable housing on Long Island.

Housing is the foundation upon which everything else is built. In my district, homeownership holds many intangible benefits ranging from increased educational attainment for children to homeowners maintaining a more active interest and involvement in the communities they reside. H.R. 1776 contributes to these important outcomes and I urge my colleagues to vote in support of this measure.

Ms. SANCHEZ. Mr. Chairman, I rise today in disappointment that my amendment was not made in order to H.R. 1776.

My amendment would empower shared housing placement organizations with the authority to run background checks on potential shared housing participants.

This amendment does not mandate any agency to run background checks—they simply authorize the shared housing agencies to request FBI files through local and state agencies.

And the cost of this program is fully supported by user fees, not federal tax dollars.

It makes sense to bring this proposal during this debate of H.R. 1776.

Homeownership is said to be an important building block of strong families and healthy communities.

What's astonishing and saddening to hear, is that each year, an estimated 1 to 2 million Americans are victims of abuse in their own homes, namely seniors and the disabled.

As many people grow older, remaining in their homes should increase their level of comfort and security, rather than threaten their peace of mind.

Many seniors seeking independence during the later years of their lives enter into shared housing agreements where they can remain in their own homes and still receive daily care.

These arrangements are made by non-fee, home-finder referral services that match seniors or the disabled with others who wish to share a house, apartment, or mobile home at affordable rates.

There are more than 350 referral programs throughout the country.

Unfortunately, senior citizens and the disabled are too often manipulated and abused physically or financially, by their caretakers within the privacy of their own homes. And this abuse is on the rise.

Currently, there is neither a national nor a statewide standard procedure that is available to screen shared housing participants.

Similar laws already exist to allow for background checks of child care providers, school bus drivers, and security guards—but not shared housing applicants.

It is now only logical to extend this provision to protect seniors in their own homes.

These checks will give referral agencies the ability to protect their clients from abuse and threats by known criminals.

The International Union of Police Associations and local police departments have endorsed this amendment.

The FBI, Agency on Aging, and the Southern California Shared Housing Coalition have all endorsed the fundamental concepts behind the amendment, and agree that fighting elder abuse is an important cause.

With the ever-expanding Baby Boom Generation and their growing need for long term care, we must begin addressing the safety of their care.

It is essential to pass federal legislation in order to give these shared housing agencies access to FBI criminal background reports. I have worked closely with the FBI on this legislation to ensure that the technical language protects all privacy rights and investigative standards.

The potential for abuse in shared housing arrangements is preventable.

This amendment gives shared housing agencies an important tool to protect the elderly from scam artists and criminals, and at no cost to the federal government.

This legislation is simple, yet it could save the life and fortunes of our elderly.

I urge my colleagues to join me in attacking crime without spending taxpayer dollars.

It is our responsibility to give the American people the tools to do so.

Although we will not have the opportunity to debate this issue today, I look forward to working with my colleagues to address this very important matter.

Mr. DOYLE. Mr. Chairman, I rise today in strong support of making it easier for more Americans to pursue the American dream. Owning a home and building a good community, in which to raise children, will become less difficult because of this bill.

Neighborhoods could possibly be the most important aspect of a child's life. Neighborhoods dictate what quality of school the child attends; the amount of crime and social decay with which child comes in contact; and the services that are available to them in times of need. This bill will accomplish the very important goal of creating a financially vested interest in creating a good environment. Homeowners are aware that the value of their homes will decrease if the schools are not kept up. The value of their home will decrease if crime goes up. This bill will give the local citizens the economic incentives to be involved in mitigating social ills and increasing the quality of life.

This bill contains a provision that will allow Section 8 rental assistance vouchers to be used as down payment assistance. This support can open the door to homeownership for many low-income citizens, and allows them to partake in the American dream. As we all know, being a home owner allows for housing tax credits and can be the only investment that many low-income folks make. Owning a home is a benefit to homeowners because they now have a significant asset. Their monthly rent check is now going to pay for their mortgage. The house will pay off in the end for them.

H.R. 1776 will also rebuild our local neighborhoods by allowing teachers, police officers, and firefighters the opportunity to buy a home in the jurisdiction in which they work. In this time of economic prosperity, there is no reason why the very people who teach our children and serve and protect our citizens should not be able to afford homeownership in the town they work in. They have chosen a life of service and are intrinsic to the well-being of the community. Making it possible for them to live in the localities is good policy, because it gives them a reason to be involved on a personal level. It is a stronger motivation for them to help in the creation, the rebuilding, or the upkeep of the community they serve.

I ask my colleagues to support this very important legislation that will bring cohesion to some disjointed communities and acknowledge the role that public servants can play in communities.

Mr. ACKERMAN. Mr. Chairman, I rise today to indicate my strong support on behalf of H.R. 1776, The American Homeownership and Economic Opportunity Act. This important bill opens the prospect of homeownership to many deserving American families, particularly in my area of Northeast Queens, northern Nassau County and Northwestern Suffolk County, New York where homeownership opportunities have lagged because of affordability concerns.

Despite a strong economy and record percentages of Americans who own their own homes, in my district we continue to experience gaps in homeownership especially among our middle-income professionals—teachers, police officers, firefighters, and corrections officers. These deserving individuals have the necessary income to make their monthly mortgage payments but not enough cash for the downpayments necessary to purchase the home in the communities where they work.

H.R. 1776 appropriately addresses this problem. The legislation contains important provisions that will now permit deserving Queens and Long Island teachers and public employees to obtain mortgages with just one percent downpayment requirement through the Federal Housing Administration. Plus, H.R. 1776 allows qualifying homebuyers to defer the payment of the upfront mortgage insurance premium—customarily two percent of the mortgage amount. As a result of these beneficial provisions, qualified borrowers can expect to save thousands of dollars in upfront costs when they purchase a home. I cannot begin to imagine how valuable the savings will mean for ownership in the Queens and Long Island areas as a result of H.R. 1776.

Mr. Chairman, housing is the foundation on which everything else is built. In Queens and Long Island, homeownership holds many tangible benefits that range from increased educational attainment for children residing in an owned home to homeowners maintaining a more active interest and involvement in the communities in which they reside. H.R. 1776 certainly contributes to these important positive outcomes and I wholeheartedly urge my colleagues to vote in support of this important legislation.

Mr. SWEENEY. Mr. Chairman, I rise today in strong support of H.R. 1776, "The American Homeownership and Economic Opportunity Act of 2000" and am proud to be a cosponsor of this legislation.

Many citizens in my district dream of owning their own home. Rising costs of living and increased amounts of government regulation often hinder the pursuit of this dream. Fulfillment of this ambition is sometimes unattainable without some form of assistance. H.R. 1776 provides that required assistance.

The bill affords lower and moderate income families the opportunity to buy rather than rent housing, thus allowing them to realize the American dream. This legislation streamlines the regulatory regime to make it easier for state and local officials to tailor housing for the needy to local requirements.

This Act creates a HOME Loan Guarantee program to allow communities within my district to tap into future HOME grants for affordable housing development. HOME is one of the most successful Federal block grant programs because it creates affordable housing for low-income families in rural areas. The HOME program provides a flexible resource to States and localities to increase the supply of affordable housing, through both construction and rehabilitation.

I plan to hold a Housing and Economic Development Forum in my own Congressional District later this month and am proud to trumpet H.R. 1776 as a positive achievement of

this Congress. I will gather with developers, non-profit housing organizations, community bankers, state and local officials, and community development professionals to explore how our communities can best develop affordable housing and stimulate economic growth. Many of the programs established in The American Homeownership and Economic Opportunity Act will aid us in accomplishing that goal.

The citizens of my district eagerly anticipate enactment of H.R. 1776 and the joys of owning their own home. Investing in a home is the most significant equity investment for families throughout the country. We all know that housing needs to be more affordable and accessible for homeowners and H.R. 1776 provides important tools to hard working American families looking to achieve the dream of home ownership.

Mr. Chairman, please join me in voting for this bill.

Mr. DAVIS of Illinois. Mr. Chairman, I rise today in support of H.R. 1776 and specifically Title 3. Mr. Chairman, Title 3 of the Homeownership and Economic Opportunity Act allows public housing agencies in lieu of providing monthly assistance payments on behalf of a family may provide a grant to be used as a contribution toward the down payment required to purchase a home.

While this nation is enjoying its highest homeownership rate, for millions of low and moderate income families housing remains far too expensive, or is severely substandard. The absence of tools to make home ownership affordable denies many families the opportunity to contribute to the nation's economic and social well being. Just as importantly, many reports conclude that increased home ownership by those who traditionally have been restricted to neighborhoods with significant rental property or with extremely low values, can improve the family's educational attainment, health and may reduce residential segregation.

Passage of this bill is vitally important to my district the 7th district of Illinois, since I represent nearly 65% of all the public housing in the city of Chicago. Homeownership for this population prior to this bill was not available to them.

The Homeownership and Economic Opportunity Act will help my constituents achieve what for many families, 3 generations could not accomplish—homeownership. It is my view that for those individuals who toil and strain to do the deed and create things to make life worth living the opportunity of homeownership is priceless. This is an excellent bill and I congratulate the Chairman, Ranking member and all members who worked to put this bill before us today.

Therefore, I encourage my colleagues on both sides of the aisle to strongly support passage of this bill.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1776

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''American Homeownership and Economic Opportunity Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Findings and purpose.

TITLE I—REMOVAL OF BARRIERS TO HOUSING AFFORDABILITY

Sec. 101. Short title.
Sec. 102. Housing impact analysis.
Sec. 103. Grants for regulatory barrier removal strategies.
Sec. 104. Eligibility for community development block grants.
Sec. 105. Regulatory barriers clearinghouse.

TITLE II—HOMEOWNERSHIP THROUGH MORTGAGE INSURANCE AND LOAN GUARANTEES

Sec. 201. Extension of loan term for manufactured home lots.
Sec. 202. Downpayment simplification.
Sec. 203. Reduced downpayment requirements for loans for teachers and uniformed municipal employees.
Sec. 204. Preventing fraud in rehabilitation loan program.
Sec. 205. Neighborhood teacher program.
Sec. 206. Community development financial institution risk-sharing demonstration.
Sec. 207. Hybrid ARMs.
Sec. 208. Home equity conversion mortgages.
Sec. 209. Law enforcement officer homeownership pilot program.
Sec. 210. Study of mandatory inspection requirement under single family housing mortgage insurance program.
Sec. 211. Report on title I home improvement loan program.

TITLE III—SECTION 8 HOMEOWNERSHIP OPTION

Sec. 301. Downpayment assistance.
Sec. 302. Pilot program for homeownership assistance for disabled families.
Sec. 303. Funding for pilot programs.

TITLE IV—COMMUNITY DEVELOPMENT BLOCK GRANTS

Sec. 401. Reauthorization.
Sec. 402. Prohibition of set-asides.
Sec. 403. Public services cap.
Sec. 404. Homeownership for municipal employees.
Sec. 405. Technical amendment relating to brownfields.
Sec. 406. Income eligibility.
Sec. 407. Housing opportunities for persons with AIDS.

TITLE V—HOME INVESTMENT PARTNERSHIPS PROGRAM

Sec. 501. Reauthorization.
Sec. 502. Eligibility of limited equity cooperatives and mutual housing associations.
Sec. 503. Administrative costs.
Sec. 504. Leveraging affordable housing investment through local loan pools.
Sec. 505. Homeownership for municipal employees.
Sec. 506. Use of section 8 assistance by ''grandfamilies'' to rent dwelling units in assisted projects.
Sec. 507. Loan guarantees.
Sec. 508. Downpayment assistance for 2- and 3-family residences.

TITLE VI—LOCAL HOMEOWNERSHIP INITIATIVES

Sec. 601. Reauthorization of Neighborhood Reinvestment Corporation.
Sec. 602. Homeownership zones.
Sec. 603. Lease-to-own.
Sec. 604. Local capacity building.
Sec. 605. Consolidated application and planning requirement and super-NOFA.
Sec. 606. Assistance for self-help housing providers.
Sec. 607. Housing counseling organizations.
Sec. 608. Community lead information centers and lead-safe housing.

TITLE VII—NATIVE AMERICAN HOUSING HOMEOWNERSHIP

Sec. 701. Lands Title Report Commission.
Sec. 702. Loan guarantees.
Sec. 703. Native American housing assistance.

TITLE VIII—TRANSFER OF HUD-HELD HOUSING TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS

Sec. 801. Transfer of unoccupied and substandard HUD-held housing to local governments and community development corporations.
Sec. 802. Transfer of HUD assets in revitalization areas.

TITLE IX—PRIVATE MORTGAGE INSURANCE CANCELLATION AND TERMINATION

Sec. 901. Short title.
Sec. 902. Changes in amortization schedule.
Sec. 903. Deletion of ambiguous references to residential mortgages.
Sec. 904. Cancellation rights after cancellation date.
Sec. 905. Clarification of cancellation and termination issues and lender paid mortgage insurance disclosure requirements.
Sec. 906. Definitions.

TITLE X—RURAL HOUSING HOMEOWNERSHIP

Sec. 1001. Promissory note requirement under housing repair loan program.
Sec. 1002. Limited partnership eligibility for farm labor housing loans.
Sec. 1003. Project accounting records and practices.
Sec. 1004. Definition of rural area.
Sec. 1005. Operating assistance for migrant farmworkers projects.
Sec. 1006. Multifamily rental housing loan guarantee program.
Sec. 1007. Enforcement provisions.
Sec. 1008. Amendments to title 18 of United States Code.

TITLE XI—MANUFACTURED HOUSING IMPROVEMENT

Sec. 1101. Short title and references.
Sec. 1102. Findings and purposes.
Sec. 1103. Definitions.
Sec. 1104. Federal manufactured home construction and safety standards.
Sec. 1105. Abolishment of National Manufactured Home Advisory Council; manufactured home installation.
Sec. 1106. Public information.
Sec. 1107. Research, testing, development, and training.
Sec. 1108. Fees.
Sec. 1109. Dispute resolution.
Sec. 1110. Elimination of annual report requirement.
Sec. 1111. Effective date.
Sec. 1112. Savings provision.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the priorities of our Nation should include expanding homeownership opportunities by providing access to affordable housing that is safe, clean, and healthy;

(2) our Nation has an abundance of conventional capital sources available for homeownership financing;

(3) experience with local homeownership programs has shown that if flexible capital sources are available, communities possess ample will and creativity to provide opportunities uniquely designed to assist their citizens in realizing the American dream of homeownership; and

(4) each consumer should be afforded every reasonable opportunity to access mortgage credit, to obtain the lowest cost mortgages for which the consumer can qualify, to know the true cost of the mortgage, to be free of regulatory burdens, and to know what factors underlie a lender's decision regarding the consumer's mortgage.

(b) PURPOSE.—It is the purpose of this Act—

(1) to encourage and facilitate homeownership by families in the United States who are not otherwise able to afford homeownership; and

(2) to expand homeownership through policies that—

(A) promote the ability of the private sector to produce affordable housing without excessive government regulation;

(B) encourage tax incentives, such as the mortgage interest deduction, at all levels of government; and

(C) facilitate the availability of flexible capital for homeownership opportunities and provide local governments with increased flexibility under existing Federal programs to facilitate homeownership.

TITLE I—REMOVAL OF BARRIERS TO HOUSING AFFORDABILITY

SEC. 101. SHORT TITLE.

This title may be cited as the ''Housing Affordability Barrier Removal Act of 2000''.

SEC. 102. HOUSING IMPACT ANALYSIS.

(a) APPLICABILITY.—Except as provided in subsection (b), the requirements of this section shall apply with respect to—

(1) any proposed rule, unless the agency promulgating the rule—

(A) has certified that the proposed rule will not, if given force or effect as a final rule, have a significant deleterious impact on housing affordability; and

(B) has caused such certification to be published in the Federal Register at the time of publication of general notice of proposed rulemaking for the rule, together with a statement providing the factual basis for the certification; and

(2) any final rule, unless the agency promulgating the rule—

(A) has certified that the rule will not, if given force or effect, have a significant deleterious impact on housing affordability; and

(B) has caused such certification to be published in the Federal Register at the time of publication of the final rule, together with a statement providing the factual basis for the certification.

Any agency making a certification under this subsection shall provide a copy of such certification and the statement providing the factual basis for the certification to the Secretary of Housing and Urban Development.

(b) EXCEPTION FOR CERTAIN BANKING RULES.—The requirements of this section shall not apply to any proposed or final rule relating to—

(1) the operations, safety, or soundness of—

(A) federally insured depository institutions or any affiliate of such an institution (as such term is defined in section 2(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(k));

(B) credit unions;

(C) the Federal home loan banks;

(D) the enterprises (as such term is defined in section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502);

(E) a Farm Credit System institution; or

(F) foreign banks or their branches, agencies, commercial lending companies, or representative offices that operate in the United States, or any affiliate of a foreign bank (as such terms are defined in section 1 of the International Banking Act of 1978 (12 U.S.C. 3101); or

(2) the payments system or the protection of deposit insurance funds or the Farm Credit Insurance Fund.

(c) STATEMENT OF PROPOSED RULEMAKING.—Whenever an agency publishes general notice of proposed rulemaking for any proposed rule, unless the agency has made a certification under subsection (a), the agency shall—

(1) in the notice of proposed rulemaking—

(A) state with particularity the text of the proposed rule; and

(B) request any interested persons to submit to the agency any written analyses, data, views, and arguments, and any specific alternatives to the proposed rule that—

(i) accomplish the stated objectives of the applicable statutes, in a manner comparable to the proposed rule;

(ii) result in costs to the Federal Government equal to or less than the costs resulting from the proposed rule; and

(iii) result in housing affordability greater than the housing affordability resulting from the proposed rule;

(2) provide an opportunity for interested persons to take the actions specified under paragraph (1)(B) before promulgation of the final rule; and

(3) prepare and make available for public comment an initial housing impact analysis in accordance with the requirements of subsection (d).

(d) INITIAL HOUSING IMPACT ANALYSIS.—

(1) REQUIREMENTS.—Each initial housing impact analysis shall describe the impact of the proposed rule on housing affordability. The initial housing impact analysis or a summary shall be published in the Federal Register at the same time as, and together with, the publication of general notice of proposed rulemaking for the rule. The agency shall transmit a copy of the initial housing impact analysis to the Secretary of Housing and Urban Development.

(2) MONTHLY HUD LISTING.—On a monthly basis, the Secretary of Housing and Urban Development shall cause to be published in the Federal Register, and shall make available through a World Wide Web site of the Department, a listing of all proposed rules for which an initial housing impact analysis was prepared during the preceding month.

(3) CONTENTS.—Each initial housing impact analysis required under this subsection shall contain—

(A) a description of the reasons why action by the agency is being considered;

(B) a succinct statement of the objectives of, and legal basis for, the proposed rule;

(C) a description of and, where feasible, an estimate of the extent to which the proposed rule would increase the cost or reduce the supply of housing or land for residential development; and

(D) an identification, to the extent practicable, of all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule.

(e) PROPOSAL OF LESS DELETERIOUS ALTERNATIVE RULE.—

(1) ANALYSIS.—The agency publishing a general notice of proposed rulemaking shall review any specific analyses and alternatives to the proposed rule which have been submitted to the agency pursuant to subsection (c)(2) to determine whether any alternative to the proposed rule—

(A) accomplishes the stated objectives of the applicable statutes, in a manner comparable to the proposed rule;

(B) results in costs to the Federal Government equal to or less than the costs resulting from the proposed rule; and

(C) results in housing affordability greater than the housing affordability resulting from the proposed rule.

(2) NEW NOTICE OF PROPOSED RULEMAKING.—If the agency determines that an alternative to the proposed rule meets the requirements under subparagraphs (A) through (C) of paragraph (1), unless the agency provides an explanation on the record for the proposed rule as to why the alternative should not be implemented, the agency shall incorporate the alternative into the final rule or, at the agency's discretion, issue a new proposed rule which incorporates the alternative.

(f) FINAL HOUSING IMPACT ANALYSIS.—

(1) REQUIREMENT.—Whenever an agency promulgates a final rule after publication of a general notice of proposed rulemaking, unless the agency has made the certification under subsection (a), the agency shall prepare a final housing impact analysis.

(2) CONTENTS.—Each final housing impact analysis shall contain—

(A) a succinct statement of the need for, and objectives of, the rule;

(B) a summary of the significant issues raised during the public comment period in response to the initial housing impact analysis, a summary of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments; and

(C) a description of and an estimate of the extent to which the rule will impact housing affordability or an explanation of why no such estimate is available.

(3) AVAILABILITY.—The agency shall make copies of the final housing impact analysis available to members of the public and shall publish in the Federal Register such analysis or a summary thereof.

(g) AVOIDANCE OF DUPLICATIVE OR UNNECESSARY ANALYSES.—

(1) DUPLICATION.—Any Federal agency may perform the analyses required by subsections (d) and (f) in conjunction with or as a part of any other agenda or analysis required by any other law, executive order, directive, or rule if such other analysis satisfies the provisions of such subsections.

(2) JOINDER.—In order to avoid duplicative action, an agency may consider a series of closely related rules as one rule for the purposes of subsections (d) and (f).

(h) PREPARATION OF ANALYSES.—In complying with the provisions of subsections (d) and (f), an agency may provide either a quantifiable or numerical description of the effects of a proposed rule or alternatives to the proposed rule, or more general descriptive statements if quantification is not practicable or reliable.

(i) EFFECT ON OTHER LAW.—The requirements of subsections (d) and (f) do not alter in any manner standards otherwise applicable by law to agency action.

(j) PROCEDURE FOR WAIVER OR DELAY OF COMPLETION.—

(1) INITIAL HOUSING IMPACT ANALYSIS.—An agency head may waive or delay the completion of some or all of the requirements of subsection (d) by publishing in the Federal Register, not later than the date of publication of the final rule, a written finding, with reasons therefor, that the final rule is being promulgated in response to an emergency that makes compliance or timely compliance with the provisions of subsection (a) impracticable.

(2) FINAL HOUSING IMPACT ANALYSIS.—An agency head may not waive the requirements of subsection (f). An agency head may delay the completion of the requirements of subsection (f) for a period of not more than 180 days after the

date of publication in the Federal Register of a final rule by publishing in the Federal Register, not later than such date of publication, a written finding, with reasons therefor, that the final rule is being promulgated in response to an emergency that makes timely compliance with the provisions of subsection (f) impracticable. If the agency has not prepared a final housing impact analysis pursuant to subsection (f) within 180 days from the date of publication of the final rule, such rule shall lapse and have no force or effect. Such rule shall not be repromulgated until a final housing impact analysis has been completed by the agency.

(k) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) HOUSING AFFORDABILITY.—The term ''housing affordability'' means the quantity of housing that is affordable to families having incomes that do not exceed 150 percent of the median income of families in the area in which the housing is located, with adjustments for smaller and larger families. For purposes of this paragraph, area, median family income for an area, and adjustments for family size shall be determined in the same manner as such factors are determined for purposes of section 3(b)(2) of the United States Housing Act of 1937.

(2) AGENCY.—The term ''agency'' means each authority of the Government of the United States, whether or not it is within or subject to review by another agency, but does not include—

(A) the Congress;

(B) the courts of the United States;

(C) the governments of the territories or possessions of the United States;

(D) the government of the District of Columbia;

(E) agencies composed of representatives of the parties or of representatives of organizations of the parties to the disputes determined by them;

(F) courts-martial and military commissions;

(G) military authority exercised in the field in time of war or in occupied territory; or

(H) functions conferred by—

(i) sections 1738, 1739, 1743, and 1744 of title 12, United States Code;

(ii) chapter 2 of title 41, United States Code;

(iii) subchapter II of chapter 471 of title 49, United States Code; or

(iv) sections 1884, 1891–1902, and former section 1641(b)(2), of title 50, appendix, United States Code.

(3) FAMILIES.—The term ''families'' has the meaning given such term in section 3 of the United States Housing Act of 1937.

(4) RULE.—The term ''rule'' means any rule for which the agency publishes a general notice of proposed rulemaking pursuant to section 553(b) of title 5, United States Code, or any other law, including any rule of general applicability governing grants by an agency to State and local governments for which the agency provides an opportunity for notice and public comment; except that such term does not include a rule of particular applicability relating to rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services, or allowances therefor or to valuations, costs or accounting, or practices relating to such rates, wages, structures, prices, appliances, services, or allowances.

(5) SIGNIFICANT.—The term ''significant'' means increasing consumers' cost of housing by more than $100,000,000 per year.

(l) DEVELOPMENT.—Not later than 1 year after the date of the enactment of this title, the Secretary of Housing and Urban Development shall develop model initial and final housing impact analyses under this section and shall cause such model analyses to be published in the Federal Register. The model analyses shall define the primary elements of a housing impact analysis to instruct other agencies on how to carry out and develop the analyses required under subsections (a) and (d).

(m) JUDICIAL REVIEW.—

(1) DETERMINATION BY AGENCY.—Except as otherwise provided in paragraph (2), any determination by an agency concerning the applicability of any of the provisions of this title to any action of the agency shall not be subject to judicial review.

(2) OTHER ACTIONS BY AGENCY.—Any housing impact analysis prepared under subsection (d) or (f) and the compliance or noncompliance of the agency with the provisions of this title shall not be subject to judicial review. When an action for judicial review of a rule is instituted, any housing impact analysis for such rule shall constitute part of the whole record of agency action in connection with the review.

(3) EXCEPTION.—Nothing in this subsection bars judicial review of any other impact statement or similar analysis required by any other law if judicial review of such statement or analysis is otherwise provided by law.

SEC. 103. GRANTS FOR REGULATORY BARRIER REMOVAL STRATEGIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subsection (a) of section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(a)) is amended to read as follows:

''(a) FUNDING.—There is authorized to be appropriated for grants under subsections (b) and (c) $15,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002, 2003, 2004, and 2005.''.

(b) CONSOLIDATION OF STATE AND LOCAL GRANTS.—Subsection (b) of section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(b)) is amended—

(1) in the subsection heading, by striking ''STATE GRANTS'' and inserting ''GRANT AUTHORITY'';

(2) in the matter preceding paragraph (1), by inserting after ''States'' the following: ''and units of general local government (including consortia of such governments)'';

(3) in paragraph (3), by striking ''a State program to reduce State and local'' and inserting ''State, local, or regional programs to reduce'';

(4) in paragraph (4), by inserting ''or local'' after ''State''; and

(5) in paragraph (5), by striking ''State''.

(c) REPEAL OF LOCAL GRANTS PROVISION.—Section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c) is amended by striking subsection (c).

(d) APPLICATION AND SELECTION.—The last sentence of section 1204(e) of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(e)) is amended—

(1) by striking ''and for the selection of units of general local government to receive grants under subsection (f)(2)''; and

(2) by inserting before the period at the end the following: ''and such criteria shall require that grant amounts be used in a manner consistent with the strategy contained in the comprehensive housing affordability strategy for the jurisdiction pursuant to section 105(b)(4) of the Cranston-Gonzalez National Affordable Housing Act''.

(e) SELECTION OF GRANTEES.—Subsection (f) of section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(f)) is amended to read as follows:

''(f) SELECTION OF GRANTEES.—To the extent amounts are made available to carry out this section, the Secretary shall provide grants on a competitive basis to eligible grantees based on the proposed uses of such amounts, as provided in applications under subsection (e).''.

(f) TECHNICAL AMENDMENTS.—Section 107(a)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5307(a)(1)) is amended—

(1) in subparagraph (G), by inserting ''and'' after the semicolon at the end;

(2) by striking subparagraph (H); and

(3) by redesignating subparagraph (I) as subparagraph (H).

SEC. 104. ELIGIBILITY FOR COMMUNITY DEVELOPMENT BLOCK GRANTS.

(a) IN GENERAL.—Section 104(c)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(c)(1)) is amended by inserting before the comma the following: '', which shall include making a good faith effort to carry out the strategy established under section 105(b)(4) of such Act by the unit of general local government to remove barriers to affordable housing''.

(b) RULE OF CONSTRUCTION.—The amendment made by subsection (a) may not be construed to create any new private right of action.

SEC. 105. REGULATORY BARRIERS CLEARINGHOUSE.

Section 1205 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705d) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''receive, collect, process, and assemble'' and inserting ''serve as a national repository to receive, collect, process, assemble, and disseminate'';

(B) in paragraph (1)—

(i) by striking '', including'' and inserting ''(including''; and

(ii) by inserting before the semicolon at the end the following: ''), and the prevalence and effects on affordable housing of such laws, regulations, and policies'';

(C) in paragraph (2), by inserting before the semicolon the following: '', including particularly innovative or successful activities, strategies, and plans''; and

(D) in paragraph (3), by inserting before the period at the end the following: '', including particularly innovative or successful strategies, activities, and plans'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''and'' at the end;

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(3) by making available through a World Wide Web site of the Department, by electronic mail, or otherwise, provide to each housing agency of a unit of general local government that serves an area having a population greater than 100,000, an index of all State and local strategies and plans submitted under subsection (a) to the clearinghouse, which—

''(A) shall describe the types of barriers to affordable housing that the strategy or plan was designed to ameliorate or remove; and

''(B) shall, not later than 30 days after submission to the clearinghouse of any new strategy or plan, be updated to include the new strategy or plan submitted.''; and

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

''(c) ORGANIZATION.—The clearinghouse under this section shall be established within the Office of Policy Development of the Department of Housing and Urban Development and shall be under the direction of the Assistant Secretary for Policy Development and Research.

''(d) TIMING.—The clearinghouse under this section (as amended by section 105 of the Housing Affordability Barrier Removal Act of 2000) shall be established and commence carrying out the functions of the clearinghouse under this section not later than 1 year after the date of the enactment of such Act. The Secretary of

Housing and Urban Development may comply with the requirements under this section by re-establishing the clearinghouse that was originally established to comply with this section and updating and improving such clearinghouse to the extent necessary to comply with the requirements of this section as in effect pursuant to the enactment of such Act.''.

TITLE II—HOMEOWNERSHIP THROUGH MORTGAGE INSURANCE AND LOAN GUARANTEES

SEC. 201. EXTENSION OF LOAN TERM FOR MANUFACTURED HOME LOTS.

Section 2(b)(3)(E) of the National Housing Act (12 U.S.C. 1703(b)(3)(E)) is amended by striking ''fifteen'' and inserting ''twenty''.

SEC. 202. DOWNPAYMENT SIMPLIFICATION.

(a) IN GENERAL.—Section 203(b) of the National Housing Act (12 U.S.C. 1709(b)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by realigning the matter that precedes clause (ii) an additional 2 ems from the left margin;

(B) in the matter that follows subparagraph (B)(iii)—

(i) by striking the 6th sentence (relating to the increases for costs of solar energy systems) and all that follows through the end of the penultimate undesignated paragraph; and

(ii) by striking the 2d and 3rd sentences of such matter; and

(C) by striking subparagraph (B);

(2) by transferring and inserting subparagraph (A) of paragraph (10) after subparagraph (A) of paragraph (2) and amending such subparagraph by striking all of the matter that precedes clause (i) and inserting the following:

''(B) not to exceed an amount equal to the sum of—'';

(3) by transferring and inserting the last undesignated paragraph of paragraph (2) (relating to disclosure notice) after subsection (e), realigning such transferred paragraph so as to be flush with the left margin, and amending such transferred paragraph by inserting ''(f) DISCLOSURE OF OTHER MORTGAGE PRODUCTS.—'' before ''In conjunction'';

(4) by transferring and inserting the sentence that constitutes the text of paragraph (10)(B) after the period at the end of the first sentence that follows subparagraph (B) (relating to the definition of ''area''); and

(5) by striking paragraph (10) (as amended by the preceding provisions this section).

(b) CONFORMING AMENDMENTS.—Section 245 of the National Housing Act (12 U.S.C. 1715z–10) is amended—

(1) in subsection (a), by striking '', or if the mortgagor'' and all that follows through ''case of veterans''; and

(2) in subsection (b)(3), by striking '', or, if the'' and all that follows through ''for veterans,''.

SEC. 203. REDUCED DOWNPAYMENT REQUIREMENTS FOR LOANS FOR TEACHERS AND UNIFORMED MUNICIPAL EMPLOYEES.

(a) IN GENERAL.—Section 203(b) of the National Housing Act (12 U.S.C. 1709(b)), as amended by section 202 of this Act, is further amended by adding at the end the following new paragraph:

''(10) REDUCED DOWNPAYMENT REQUIREMENTS FOR TEACHERS AND UNIFORMED MUNICIPAL EMPLOYEES.—

''(A) IN GENERAL.—Notwithstanding paragraph (2), in the case of a mortgage described in subparagraph (B)—

''(i) the mortgage shall involve a principal obligation in an amount that does not exceed the sum of 99 percent of the appraised value of the property and the total amount of initial service charges, appraisal, inspection, and other fees (as the Secretary shall approve) paid in connection with the mortgage;

''(ii) no other provision of this subsection limiting the principal obligation of the mortgage based upon a percentage of the appraised value of the property subject to the mortgage shall apply; and

''(iii) the matter in paragraph (9) that precedes the first proviso shall not apply and the mortgage shall be executed by a mortgagor who shall have paid on account of the property at least 1 percent of the cost of acquisition (as determined by the Secretary) in cash or its equivalent.

''(B) MORTGAGES COVERED.—A mortgage described in this subparagraph is a mortgage—

''(i) under which the mortgagor is an individual who—

''(I) is employed on a full-time basis as (aa) a teacher or administrator in a public or private school that provides elementary or secondary education, as determined under State law, except that secondary education shall not include any education beyond grade 12, or (bb) a public safety officer (as such term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b), except that such term shall not include any officer serving a public agency of the Federal Government); and

''(II) has not, during the 12-month period ending upon the insurance of the mortgage, had any present ownership interest in a principal residence located in the jurisdiction described in clause (ii); and

''(ii) made for a property that is located within the jurisdiction of—

''(I) in the case of a mortgage of a mortgagor described in clause (i)(I)(aa), the local educational agency (as such term is defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)) for the school in which the mortgagor is employed (or, in the case of a mortgagor employed in a private school, the local educational agency having jurisdiction for the area in which the private school is located); or

''(II) in the case of a mortgage of a mortgagor described in clause (i)(I)(bb), the jurisdiction served by the public law enforcement agency, firefighting agency, or rescue or ambulance agency that employs the mortgagor.''.

(b) DEFERRAL AND REDUCTION OF UP-FRONT PREMIUM.—Section 203(c) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended—

(1) in paragraph (2), in the matter preceding subparagraph (A), by striking ''Notwithstanding'' and inserting ''Except as provided in paragraph (3) and notwithstanding''; and

(2) by adding at the end the following new paragraph:

''(3) DEFERRAL AND REDUCTION OF UP-FRONT PREMIUM.—In the case of any mortgage described in subsection (b)(10)(B):

''(A) Paragraph (2)(A) of this subsection (relating to collection of up-front premium payments) shall not apply.

''(B) If, at any time during the 5-year period beginning on the date of the insurance of the mortgage, the mortgagor ceases to be employed as described in subsection (b)(10)(B)(i)(I) or pays the principal obligation of the mortgage in full, the Secretary shall at such time collect a single premium payment in an amount equal to the amount of the single premium payment that, but for this paragraph, would have been required under paragraph (2)(A) of this subsection with respect to the mortgage, as reduced by 20 percent of such amount for each successive 12-month period completed during such 5-year period before such cessation or prepayment occurs.''.

SEC. 204. PREVENTING FRAUD IN REHABILITATION LOAN PROGRAM.

(a) IN GENERAL.—Section 203(k) of the National Housing Act (12 U.S.C. 1709(k)) is amended by adding at the end the following new paragraph:

''(7) PREVENTION OF FRAUD.—To prevent fraud under the program for loan insurance authorized under this subsection, the Secretary shall, by regulation, take the following actions:

''(A) PROHIBITION OF IDENTITY OF INTEREST.—The Secretary shall prohibit any identity-of-interest, as such term is defined by the Secretary, between any of the following parties involved in a loan insured under this subsection: the borrower (including, in the case of a borrower that is a nonprofit organization, any member of the board of directors or the staff of the organization), the lender, any consultant, any real estate agent, any property inspector, and any appraiser. Nothing in this subparagraph may be construed to prohibit or restrict, or authorize the Secretary to prohibit or restrict, the functioning of a affiliated business arrangement that complies with the requirements under section 8(c)(4) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2607(c)(4)).

''(B) NONPROFIT PARTICIPATION.—The Secretary shall establish minimum standards for a nonprofit organization to participate in the program, which shall include—

''(i) requiring such an organization to disclose to the Secretary its taxpayer identification number and evidence sufficient to indicate that the organization is an organization described in section 501(c) of the Internal Revenue Code of 1986 that is exempt from taxation under subtitle A of such Code;

''(ii) requiring that the board of directors of such an organization be comprised only of individuals who do not receive any compensation or other thing of value by reason of their service on the board and who have no personal financial interest in the rehabilitation project of the organization that is financed with the loan insured under this subsection;

''(iii) requiring such an organization to submit to the Secretary financial statements of the organization for the most recent 2 years, which have been prepared by a party that is unaffiliated with the organization and is qualified to prepare financial statements;

''(iv) limiting to 10 the number of loans that are insured under this subsection, made to any single such organization, and, at any one time, have an outstanding balance of principal or interest, except that the Secretary may increase such numerical limitation on a case-by-case basis for good cause shown; and

''(v) requiring such an organization to have been certified by the Secretary as meeting the requirements under this subsection and otherwise eligible to participate in the program not more than 2 years before obtaining a loan insured under this section.

''(C) COMPLETION OF WORK.—The Secretary shall prohibit any lender making a loan insured under this subsection from disbursing the final payment of loan proceeds unless the lender has received affirmation, from the borrower under the loan, both in writing and pursuant to an interview in person or over the telephone, that the rehabilitation activities financed by the loan have been satisfactorily completed.

''(D) CONSULTANT STANDARDS.—The Secretary shall require that any consultant, as such term is defined by the Secretary, who is involved in a home inspection, site visit, or preparation of bids with respect to any loan insured under this section shall meet such standards established by the Secretary to ensure accurate inspections and preparation of bids.

''(E) CONTRACTOR QUALIFICATION.—The Secretary shall require, in the case of any loan that is insured under this subsection and involves rehabilitation with a cost of $25,000 or more, that the contractor or other person performing or supervising the rehabilitation activities financed by the loan shall—

''(i) be certified by a nationally recognized organization as meeting industry standards for quality of workmanship, training, and continuing education, including financial management;

''(ii) be licensed to conduct such activities by the State or unit of general local government in which the rehabilitation activities are being completed; or

''(iii) be bonded or provide such equivalent protection, as the Secretary may require.''.

(b) REPORT ON ACTIVITY OF NONPROFIT ORGANIZATIONS UNDER PROGRAM.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Congress regarding the participation of nonprofit organizations under the rehabilitation loan program under section 203(k) of the National Housing Act (12 U.S.C. 1709(k)). The report shall—

(1) determine and describe the extent of participation in the program by such organizations;

(2) identify and compare the default and claim rates for loans made under the program to nonprofit organizations and to owner-occupier participants;

(3) analyze the impact, on such organizations and the program, of prohibiting such organizations from participating in the program; and

(4) identify other opportunities for such organizations to acquire financing or credit enhancement for rehabilitation activities.

(c) REGULATIONS.—The Secretary of Housing and Urban Development shall issue final regulations and any other administrative orders or notices necessary to carry out the provisions of this section and the amendments made by this section not later than 120 days after the date of the enactment of this Act.

SEC. 205. NEIGHBORHOOD TEACHER PROGRAM.

(a) SHORT TITLE.—This section may be cited as the ''Neighborhood Teachers Act''.

(b) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) teachers are an integral part of our communities;

(2) other than families, teachers are often the most important mentors to children, providing them with the values and skills for self-fulfillment in adult life; and

(3) the Neighborhood Teachers Act recognizes the value teachers bring to community and family life and is designed to encourage and reward teachers that serve in our most needy communities.

(c) DISCOUNT AND DOWNPAYMENT ASSISTANCE FOR TEACHERS.—Section 204(h) of the National Housing Act (12 U.S.C. 1710(h)) is amended—

(1) by redesignating paragraphs (7) through (10) as paragraphs (8) through (11), respectively; and

(2) by inserting after paragraph (6) the following new paragraph:

''(7) 50 PERCENT DISCOUNT FOR TEACHERS PURCHASING PROPERTIES THAT ARE ELIGIBLE ASSETS.—

''(A) DISCOUNT.—A property that is an eligible asset and is sold, during fiscal years 2000 through 2004, to a teacher for use in accordance with subparagraph (B) shall be sold at a price that is equal to 50 percent of the appraised value of the eligible property (as determined in accordance with paragraph (6)(B)). In the case of a property eligible for both a discount under this paragraph and a discount under paragraph (6), the discount under paragraph (6) shall not apply.

''(B) PRIMARY RESIDENCE.—An eligible property sold pursuant to a discount under this paragraph shall be used, for not less than the 3-year period beginning upon such sale, as the primary residence of a teacher.

''(C) SALE METHODS.—The Secretary may sell an eligible property pursuant to a discount under this paragraph—

''(i) to a unit of general local government or nonprofit organization (pursuant to paragraph (4) or otherwise), for resale or transfer to a teacher; or

''(ii) directly to a purchaser who is a teacher.

''(D) RESALE.—In the case of any purchase by a unit of general local government or nonprofit organization of an eligible property sold at a discounted price under this paragraph, the sale agreement under paragraph (8) shall—

''(i) require the purchasing unit of general local government or nonprofit organization to provide the full benefit of the discount to the teacher obtaining the property; and

''(ii) in the case of a purchase involving multiple eligible assets, any of which is such an eligible property, designate the specific eligible property or properties to be subject to the requirements of subparagraph (B).

''(E) MORTGAGE DOWNPAYMENT ASSISTANCE.—If a teacher purchases an eligible property pursuant to a discounted sale price under this paragraph and finances such purchase through a mortgage insured under this title, notwithstanding any provision of section 203 the downpayment on such mortgage shall be $100.

''(F) PREVENTION OF UNDUE PROFIT.—The Secretary shall issue regulations to prevent undue profit from the resale of eligible properties in violation of the requirement under subparagraph (B).

''(G) AWARENESS PROGRAM.—From funds made available for salaries and expenses for the Office of Policy Support of the Department of Housing and Urban Development, each field office of the Department shall make available to elementary schools and secondary schools within the jurisdiction of the field office and to the public—

''(i) a list of eligible properties located within the jurisdiction of the field office that are available for purchase by teachers under this paragraph; and

''(ii) other information designed to make such teachers and the public aware of the discount and downpayment assistance available under this paragraph.

''(H) DEFINITIONS.—For the purposes of this paragraph, the following definitions shall apply:

''(i) The terms 'elementary school' and 'secondary school' have the meanings given such terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801), except that, for purposes of this paragraph, elementary education (as used in such section) shall include pre-Kindergarten education.

''(ii) The term 'eligible property' means an eligible asset described in paragraph (2)(A) of this subsection.

''(iii) The term 'teacher' means an individual who is employed on a full-time basis, in an elementary or secondary school, as a State-certified classroom teacher or administrator.''.

(d) CONFORMING AMENDMENTS.—Section 204(h) of the National Housing Act (12 U.S.C. 1710(h)) is amended—

(1) in paragraph (4)(B)(ii), by striking ''paragraph (7)'' and inserting ''paragraph (8)'';

(2) in paragraph (5)(B)(i), by striking ''paragraph (7)'' and inserting ''paragraph (8)''; and

(3) in paragraph (6)(A), by striking ''paragraph (8)'' and inserting ''paragraph (9)''.

(e) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall issue regulations to implement the amendments made by this section.

SEC. 206. COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION RISK-SHARING DEMONSTRATION.

Section 249 of the National Housing Act (12 U.S.C. 1715z–14) is amended—

(1) by striking the section heading and inserting the following:

''RISK-SHARING DEMONSTRATION'';

(2) by striking ''reinsurance'' each place such term appears and insert ''risk-sharing'';

(3) in subsection (a)—

(A) in the first sentence, by striking ''private mortgage insurers'' and inserting ''insured community development financial institutions''; and

(B) in the second sentence—

(i) by striking ''two'' and inserting ''4''; and

(ii) by striking ''March 15, 1988'' and inserting ''the expiration of the 5-year period beginning on the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000'';

(4) in subsection (b)—

(A) by striking ''private mortgage insurance companies'' each place such term appears and inserting ''insured community development financial institutions'';

(B) in the first sentence, by striking ''which have been determined to be qualified insurers under section 302(b)(2)(C)'';

(C) by striking paragraph (1) and inserting the following new paragraph:

''(1) assume the first loss on any mortgage insured pursuant to section 203(b), 234, or 245 that covers a one- to four-family dwelling and is included in the program under this section, up to the percentage of loss that is set forth in the risk-sharing contract;''; and

(D) in paragraph (2)—

(i) by striking ''carry out (under appropriate delegation) such'' and inserting ''delegate underwriting,''; and

(ii) by striking ''function'' and inserting ''functions'';

(5) in subsection (c)—

(A) in the first sentence—

(i) by striking ''of'' the first place it appears and insert ''for'';

(ii) by striking ''insurance reserves'' and inserting ''loss reserves''; and

(iii) by striking ''such insurance'' and inserting ''such reserves''; and

(B) in the second sentence, by striking ''private mortgage insurance company'' and inserting ''insured community development financial institution'';

(6) in subsection (d), by striking ''private mortgage insurance company'' and inserting ''insured community development financial institution''; and

(7) by adding at the end the following new subsection:

''(e) INSURED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS.—For purposes of this section, the term 'insured community development financial institution' means a community development financial institution, as such term is defined in section 103 of Reigle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702) that is an insured depository institution (as such term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) or an insured credit union (as such term is defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).''.

SEC. 207. HYBRID ARMS.

(a) IN GENERAL.—Section 251 of the National Housing Act (12 U.S.C. 1715z–16) is amended—

(1) in subsection (a), by inserting ''IN GENERAL.—'' after ''(a)'';

(2) by striking subsection (b) and inserting the following new subsection:

''(b) DISCLOSURE.—In the case of any loan application for a mortgage to be insured under any provision of this section, the Secretary shall require that the prospective mortgagee for the mortgage shall, at the time of loan application, make available to the prospective mortgagor a written explanation of the features of an adjustable rate mortgage consistent with the disclosure requirements applicable to variable rate mortgages secured by a principal dwelling under the Truth in Lending Act (15 U.S.C. 1601 et seq.).'';

(3) in subsection (c), by inserting ''LIMITATION ON INSURANCE AUTHORITY.—'' after ''(c)''; and

(4) by adding at the end the following new subsection:

''(d) HYBRID ARMS.—The Secretary may insure under this subsection a mortgage that—

''(1) has an effective rate of interest that shall be—

''(A) fixed for a period of not less than the first 3 years of the mortgage term;

''(B) initially adjusted by the mortgagee upon the expiration of such period and annually thereafter; and

''(C) in the case of the initial interest rate adjustment, shall be subject to the limitation under clause (2) of the last sentence of subsection (a) (relating to prohibiting annual increases of more than 1 percent) only if the interest rate remains fixed for 5 or fewer years; and

''(2) otherwise meets the requirements for insurance under subsection (a) that are not inconsistent with the requirements under paragraph (1) of this subsection.''.

(b) IMPLEMENTATION.—The Secretary of Housing and Urban Development may implement section 251(d) of the National Housing Act (12 U.S.C. 1715z–16(d)), as added by subsection (a) of this section, in advance of rulemaking.

SEC. 208. HOME EQUITY CONVERSION MORTGAGES.

(a) INSURANCE FOR MORTGAGES TO REFINANCE EXISTING HECMS.—

(1) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended—

(A) by redesignating subsection (k) as subsection (m); and

(B) by inserting after subsection (j) the following new subsection:

''(k) INSURANCE AUTHORITY FOR REFINANCINGS.—

''(1) IN GENERAL.—The Secretary may, upon application by a mortgagee, insure under this subsection any mortgage given to refinance an existing home equity conversion mortgage insured under this section.

''(2) ANTI-CHURNING DISCLOSURE.—The Secretary shall, by regulation, require that the mortgagee of a mortgage insured under this subsection, provide to the mortgagor, within an appropriate time period and in a manner established in such regulations, a good faith estimate of: (A) the total cost of the refinancing; and (B) the increase in the mortgagor's principal limit as measured by the estimated initial principal limit on the mortgage to be insured under this subsection less the current principal limit on the home equity conversion mortgage that is being refinanced and insured under this subsection.

''(3) WAIVER OF COUNSELING REQUIREMENT.—The mortgagor under a mortgage insured under this subsection may waive the applicability, with respect to such mortgage, of the requirements under subsection (d)(2)(B) (relating to third party counseling), but only if—

''(A) the mortgagor has received the disclosure required under paragraph (2);

''(B) the increase in the principal limit described in paragraph (2) exceeds the amount of the total cost of refinancing (as described in such paragraph) by an amount to be determined by the Secretary; and

''(C) the time between the closing of the original home equity conversion mortgage that is refinanced through the mortgage insured under this subsection and the application for a refinancing mortgage insured under this subsection does not exceed 5 years.

''(4) CREDIT FOR PREMIUMS PAID.—Notwithstanding section 203(c)(2)(A), the Secretary may reduce the amount of the single premium payment otherwise collected under such section at the time of the insurance of a mortgage refinanced and insured under this subsection. The amount of the single premium for mortgages refinanced under this subsection shall be determined by the Secretary based on the actuarial study required under paragraph (5).

''(5) ACTUARIAL STUDY.—Not later than 180 days after the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000, the Secretary shall conduct an actuarial analysis to determine the adequacy of the insurance premiums collected under the program under this subsection with respect to—

''(A) a reduction in the single premium payment collected at the time of the insurance of a mortgage refinanced and insured under this subsection;

''(B) the establishment of a single national limit on the benefits of insurance under subsection (g) (relating to limitation on insurance authority); and

''(C) the combined effect of reduced insurance premiums and a single national limitation on insurance authority.

''(6) FEES.—The Secretary may establish a limit on the origination fee that may be charged to a mortgagor under a mortgage insured under this subsection, except that such limitation shall provide that the origination fee may be fully financed with the mortgage and shall include any fees paid to correspondent mortgagees approved by the Secretary. The Secretary shall prohibit the charging of any broker fees in connection with mortgages insured under this subsection.''.

(2) REGULATIONS.—The Secretary shall issue any final regulations necessary to implement the amendments made by paragraph (1) of this subsection, which shall take effect not later than the expiration of the 180-day period beginning on the date of the enactment of this Act. The regulations shall be issued after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section).

(b) HOUSING COOPERATIVES.—Section 255(b) of the National Housing Act (12 U.S.C. 1715z–20(b)) is amended—

(1) in paragraph (2), by striking '' 'mortgage','; and

(2) by adding at the end the following new paragraphs:

''(4) MORTGAGE.—The term 'mortgage' means a first mortgage or first lien on real estate, in fee simple, on all stock allocated to a dwelling in a residential cooperative housing corporation, or on a leasehold—

''(A) under a lease for not less than 99 years that is renewable; or

''(B) under a lease having a period of not less than 10 years to run beyond the maturity date of the mortgage.

''(5) FIRST MORTGAGE.—The term 'first mortgage' means such classes of first liens as are commonly given to secure advances on, or the unpaid purchase price of, real estate or all stock allocated to a dwelling unit in a residential cooperative housing corporation, under the laws of the State in which the real estate or dwelling unit is located, together with the credit instruments, if any, secured thereby.''.

(c) WAIVER OF UP-FRONT PREMIUMS FOR MORTGAGES USED FOR COSTS OF LONG-TERM CARE INSURANCE OR HEALTH CARE.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended by inserting after subsection (k) (as added by subsection (a) of this section) the following new subsection:

''(l) WAIVER OF UP-FRONT PREMIUMS.—

''(1) MORTGAGES TO FUND LONG-TERM CARE INSURANCE.—In the case of any mortgage insured under this section under which the total amount (except as provided in paragraph (3)) of all future payments described in subsection (b)(3) will be used only for costs of a qualified long-term care insurance contract (as such term is defined in section 7702B of the Internal Revenue Code of 1986 (26 U.S.C. 7702B)) that covers the mortgagor or members of the household residing in the property that is subject to the mortgage, notwithstanding section 203(c)(2), the Secretary shall not charge or collect the single premium payment otherwise required under subparagraph (A) of such section to be paid at the time of insurance.

''(2) MORTGAGES TO FUND HEALTH CARE COSTS.—In the case of any mortgage insured under this section under which the future payments described in subsection (b)(3) will be used only for costs for health care services (as such term is defined by the Secretary) for the mortgagor or members of the household residing in the property that is subject to the mortgage and comply with limitations on such payments, as shall be established by the Secretary and based upon the purposes of this subsection and the accumulated equity of the mortgagor in the property, notwithstanding section 203(c)(2), the Secretary shall not charge or collect the single premium payment otherwise required under subparagraph (A) of such section to be paid at the time of insurance.

''(3) AUTHORITY TO REFINANCE EXISTING MORTGAGE AND FINANCE CLOSING COSTS.—A mortgage described in paragraphs (1) or (2) may provide financing of amounts that are used to satisfy outstanding mortgage obligations (in accordance with such limitations as the Secretary shall prescribe) any amounts used for initial service charges, appraisal, inspection, and other fees (as approved by the Secretary) in connection with such mortgage, and the amount of future payments described in subsection (b)(3) under the mortgage shall be reduced accordingly.''.

(d) STUDY OF SINGLE NATIONAL MORTGAGE LIMIT.—The Secretary of Housing and Urban Development shall conduct an actuarially based study of the effects of establishing, for mortgages insured under section 255 of the National Housing Act (12 U.S.C. 1715z–20), a single maximum mortgage amount limitation in lieu of applicability of section 203(b)(2) of such Act (12 U.S.C. 1709(b)(2)). The study shall—

(1) examine the effects of establishing such limitation at different dollar amounts; and

(2) examine the effects of such various limitations on—

(A) the risks to the General Insurance Fund established under section 519 of such Act;

(B) the mortgage insurance premiums that would be required to be charged to mortgagors to ensure actuarial soundness of such Fund; and

(C) take into consideration the various approaches to providing credit to borrowers who refinance home equity conversion mortgages insured under section 255 of such Act.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall complete the study under this subsection and submit a report describing the study and the results of the study to the Committee on Banking and Financial Services of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of the Senate.

SEC. 209. LAW ENFORCEMENT OFFICER HOMEOWNERSHIP PILOT PROGRAM.

(a) ASSISTANCE FOR LAW ENFORCEMENT OFFICERS.—The Secretary of Housing and Urban Development shall carry out a pilot program in accordance with this section to assist Federal, State, and local law enforcement officers purchasing homes in locally-designated high-crime areas.

(b) ELIGIBILITY.—To be eligible for assistance under this section, a law enforcement officer shall—

(1) have completed not less than 6 months of service as a law enforcement officer as of the date that the law enforcement officer applies for such assistance; and

(2) agree, in writing, to use the residence purchased with such assistance as the primary residence of the law enforcement officer for not less than 3 years after the date of purchase.

(c) MORTGAGE ASSISTANCE.—If a law enforcement officer purchases a home in locally-designated high-crime area and finances such purchase through a mortgage insured under title II of the National Housing Act (12 U.S.C. 1707 et seq.), notwithstanding any provision of section 203 or any other provision of the National Housing Act, the following shall apply:

(1) DOWNPAYMENT.—

(A) IN GENERAL.—There shall be no downpayment required if the purchase price of the property is not more than the reasonable value of the property, as determined by the Secretary.

(B) PURCHASE PRICE EXCEEDS VALUE.—If the purchase price of the property exceeds the reasonable value of the property, as determined by the Secretary, the required downpayment shall be the difference between such reasonable value and the purchase price.

(2) CLOSING COSTS.—The closing costs and origination fee for such mortgage may be included in the loan amount.

(3) INSURANCE PREMIUM PAYMENT.—There shall be 1 insurance premium payment due on the mortgage. Such insurance premium payment—

(A) shall be equal to 1 percent of the loan amount;

(B) shall be due and considered earned by the Secretary at the time of the loan closing; and

(C) may be included in the loan amount and paid from the loan proceeds.

(d) LOCALLY-DESIGNATED HIGH-CRIME AREA.—

(1) IN GENERAL.—Any unit of local government may request that the Secretary designate any area within the jurisdiction of that unit of local government as a locally-designated high-crime area for purposes of this section if the proposed area—

(A) has a crime rate that is significantly higher than the crime rate of the non-designated area that is within the jurisdiction of the unit of local government; and

(B) has a population that is not more than 25 percent of the total population of area within the jurisdiction of the unit of local government.

(2) DEADLINE FOR CONSIDERATION OF REQUEST.—Not later than 60 days after receiving a request under paragraph (1), the Secretary shall approve or disapprove the request.

(e) LAW ENFORCEMENT OFFICER.—For purposes of this section, the term ''law enforcement officer'' has such meaning as the Secretary shall provide, except that such term shall include any individual who is employed as an officer in a correctional institution.

(f) SUNSET.—The Secretary shall not approve any application for assistance under this section that is received by the Secretary after the expiration of the 3-year period beginning on the date that the Secretary first makes available assistance under the pilot program under this section.

SEC. 210. STUDY OF MANDATORY INSPECTION REQUIREMENT UNDER SINGLE FAMILY HOUSING MORTGAGE INSURANCE PROGRAM.

The Comptroller General of the United States shall conduct a study regarding the inspection of properties purchased with loans insured under section 203 of the National Housing Act. The study shall evaluate the following issues:

(1) The feasibility of requiring inspections of all properties purchased with loans insured under such section.

(2) The level of financial losses or savings to the Mutual Mortgage Insurance Fund that are likely to occur if inspections are required on properties purchased with loans insured under such section.

(3) The potential impact on the process of buying a home if inspections of properties purchased with loans insured under such section are required, including the process of buying a home in underserved areas where losses to the Mutual Mortgage Insurance Fund are greatest.

(4) The difference, if any, in the quality of homes purchased with loans insured under such section that are inspected before purchase and such homes that are not inspected before purchase.

(5) The cost to homebuyers of requiring inspections before purchase of properties with loans insured under such section.

(6) The extent, if any, to which requiring inspections of properties purchased with loans insured under such section will result in adverse selection of loans insured under such section.

(7) The extent of homebuyer knowledge regarding property inspections and the extent to which such knowledge affects the decision of homebuyers to opt for or against having a property inspection before purchasing a home.

(8) The impact of the Homebuyer Protection Plan implemented by the Department of Housing and Urban Development on the number of appraisers authorized to appraise homes with mortgages insured under section 203 of the National Housing Act.

(9) The cost to homebuyers incurred as a result of the Homebuyer Protection plan, taking into consideration, among other factors, an increase in appraisal fees.

(10) The benefit or adverse impact of the Homebuyer Protection Plan on minority homebuyers.

(11) The extent to which the appraisal requirements of the Homebuyer Protection Plan conflict with State laws regarding appraisals and home inspections.

Not later than the expiration of the 1-year period beginning on the date of the enactment of this Act, the Comptroller General shall submit to the Congress a report containing the results of the study and any recommendations with respect to the issues specified under this section.

SEC. 211. REPORT ON TITLE I HOME IMPROVEMENT LOAN PROGRAM.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Congress containing recommendations for improvements to the property improvement loan insurance program under title I of the National Housing Act, including improvements designed to address problems relating to home improvement contractors obtaining loans on behalf of homeowners.

(b) CONSULTATION.—In developing and determining recommendations for inclusion in the report under this section and in preparing the report, the Secretary shall consult with interested persons, organizations, and entities, including representatives of the lending industry, the home improvement industry, and consumer organizations.

TITLE III—SECTION 8 HOMEOWNERSHIP OPTION

SEC. 301. DOWNPAYMENT ASSISTANCE.

(a) AMENDMENTS.—Section 8(y) of the United States Housing Act of 1937 (42 U.S.C. 1437f(y)) is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph:

''(7) DOWNPAYMENT ASSISTANCE.—

''(A) AUTHORITY.—A public housing agency may, in lieu of providing monthly assistance payments under this subsection on behalf of a family eligible for such assistance and at the discretion of the public housing agency, provide assistance for the family in the form of a single grant to be used only as a contribution toward the downpayment required in connection with the purchase of a dwelling for fiscal year 2000 and each fiscal year thereafter to the extent provided in advance in appropriations Acts.

''(B) AMOUNT.—The amount of a downpayment grant on behalf of an assisted family may not exceed the amount that is equal to the sum of the assistance payments that would be made during the first year of assistance on behalf of the family, based upon the income of the family at the time the grant is to be made.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect immediately after the amendments made by section 555(c) of the Quality Housing and Work Responsibility Act of 1998 take effect pursuant to such section.

SEC. 302. PILOT PROGRAM FOR HOMEOWNERSHIP ASSISTANCE FOR DISABLED FAMILIES.

(a) IN GENERAL.—A public housing agency providing tenant-based assistance on behalf of an eligible family under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) may provide assistance for a disabled family that purchases a dwelling unit (including a dwelling unit under a lease-purchase agreement) that will be owned by 1 or more members of the disabled family and will be occupied by the disabled family, if the disabled family—

(1) purchases the dwelling unit before the expiration of the 3-year period beginning on the date that the Secretary first implements the pilot program under this section;

(2) demonstrates that the disabled family has income from employment or other sources (including public assistance), as determined in accordance with requirements of the Secretary, that is not less than twice the payment standard established by the public housing agency (or such other amount as may be established by the Secretary);

(3) except as provided by the Secretary, demonstrates at the time the disabled family initially receives tenant-based assistance under this section that one or more adult members of the disabled family have achieved employment for the period as the Secretary shall require;

(4) participates in a homeownership and housing counseling program provided by the agency; and

(5) meets any other initial or continuing requirements established by the public housing agency in accordance with requirements established by the Secretary.

(b) DETERMINATION OF AMOUNT OF ASSISTANCE.—

(1) IN GENERAL.—

(A) MONTHLY EXPENSES NOT EXCEEDING PAYMENT STANDARD.—If the monthly homeownership expenses, as determined in accordance with requirements established by the Secretary, do not exceed the payment standard, the monthly assistance payment shall be the amount by which the homeownership expenses exceed the highest of the following amounts, rounded to the nearest dollar:

(i) 30 percent of the monthly adjusted income of the disabled family.

(ii) 10 percent of the monthly income of the disabled family.

(iii) If the disabled family is receiving payments for welfare assistance from a public agency, and a portion of those payments, adjusted in accordance with the actual housing costs of the disabled family, is specifically designated by that agency to meet the housing costs of the disabled family, the portion of those payments that is so designated.

(B) MONTHLY EXPENSES EXCEED PAYMENT STANDARD.—If the monthly homeownership expenses, as determined in accordance with requirements established by the Secretary, exceed the payment standard, the monthly assistance payment shall be the amount by which the applicable payment standard exceeds the highest

of the amounts under clauses (i), (ii), and (iii) of subparagraph (A).

(2) CALCULATION OF AMOUNT.—

(A) LOW-INCOME FAMILIES.—A disabled family that is a low-income family shall be eligible to receive 100 percent of the amount calculated under paragraph (1).

(B) INCOME BETWEEN 81 AND 89 PERCENT OF MEDIAN.—A disabled family whose income is between 81 and 89 percent of the median for the area shall be eligible to receive 66 percent of the amount calculated under paragraph (1).

(C) INCOME BETWEEN 90 AND 99 PERCENT OF MEDIAN.—A disabled family whose income is between 90 and 99 percent of the median for the area shall be eligible to receive 33 percent of the amount calculated under paragraph (1).

(D) INCOME MORE THAN 99 PERCENT OF MEDIAN.—A disabled family whose income is more than 99 percent of the median for the area shall not be eligible to receive assistance under this section.

(c) INSPECTIONS AND CONTRACT CONDITIONS.—

(1) IN GENERAL.—Each contract for the purchase of a dwelling unit to be assisted under this section shall—

(A) provide for pre-purchase inspection of the dwelling unit by an independent professional; and

(B) require that any cost of necessary repairs be paid by the seller.

(2) ANNUAL INSPECTIONS NOT REQUIRED.—The requirement under subsection (o)(8)(A)(ii) of the United States Housing Act of 1937 for annual inspections shall not apply to dwelling units assisted under this section.

(d) OTHER AUTHORITY OF THE SECRETARY.—The Secretary may—

(1) limit the term of assistance for a disabled family assisted under this section;

(2) provide assistance for a disabled family for the entire term of a mortgage for a dwelling unit if the disabled family remains eligible for such assistance for such term; and

(3) modify the requirements of this section as the Secretary determines to be necessary to make appropriate adaptations for lease-purchase agreements.

(e) ASSISTANCE PAYMENTS SENT TO LENDER.—The Secretary shall remit assistance payments under this section directly to the mortgagee of the dwelling unit purchased by the disabled family receiving such assistance payments.

(f) INAPPLICABILITY OF CERTAIN PROVISIONS.—Assistance under this section shall not be subject to the requirements of the following provisions:

(1) Subsection (c)(3)(B) of section 8 of the United States Housing Act of 1937.

(2) Subsection (d)(1)(B)(i) of section 8 of the United States Housing Act of 1937.

(3) Any other provisions of section 8 of the United States Housing Act of 1937 governing maximum amounts payable to owners and amounts payable by assisted families.

(4) Any other provisions of section 8 of the United States Housing Act of 1937 concerning contracts between public housing agencies and owners.

(5) Any other provisions of the United States Housing Act of 1937 that are inconsistent with the provisions of this section.

(g) REVERSION TO RENTAL STATUS.—

(1) NON-FHA MORTGAGES.—If a disabled family receiving assistance under this section defaults under a mortgage not insured under the National Housing Act, the disabled family may not continue to receive rental assistance under section 8 of the United States Housing Act of 1937 unless it complies with requirements established by the Secretary.

(2) ALL MORTGAGES.—A disabled family receiving assistance under this section that defaults under a mortgage may not receive assistance under this section for occupancy of another dwelling unit owned by 1 or more members of the disabled family.

(3) EXCEPTION.—This subsection shall not apply if the Secretary determines that the disabled family receiving assistance under this section defaulted under a mortgage due to catastrophic medical reasons or due to the impact of a federally declared major disaster or emergency.

(h) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall issue regulations to implement this section. Such regulations may not prohibit any public housing agency providing tenant-based assistance on behalf of an eligible family under section 8 of the United States Housing Act of 1937 from participating in the pilot program under this section.

(i) DEFINITION OF DISABLED FAMILY.—For the purposes of this section, the term ''disabled family'' has the meaning given the term ''person with disabilities'' in section 811(k)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(k)(2)).

SEC. 303. FUNDING FOR PILOT PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,000,000 for fiscal year 2001 for assistance in connection with the existing homeownership pilot programs carried out under the demonstration program authorized under to section 555(b) of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105–276; 112 Stat. 2613).

(b) USE.—Subject to subsection (c), amounts made available pursuant to this section shall be used only through such homeownership pilot programs to provide, on behalf of families participating in such programs, amounts for downpayments in connection with dwellings purchased by such families using assistance made available under section 8(y) of the United States Housing Act of 1937 (42 U.S.C. 1437f(y)). No such downpayment grant may exceed 20 percent of the appraised value of the dwelling purchased with assistance under such section 8(y).

(c) MATCHING REQUIREMENT.—The amount of assistance made available under this section for any existing homeownership pilot program may not exceed twice the amount donated from sources other than this section for use under the program for assistance described in subsection (b). Amounts donated from other sources may include amounts from State housing finance agencies and Neighborhood Housing Services of America.

TITLE IV—COMMUNITY DEVELOPMENT BLOCK GRANTS

SEC. 401. REAUTHORIZATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—The last sentence of section 103 of the Housing and Community Development Act of 1974 (42 U.S.C. 5303) is amended to read as follows: ''For purposes of assistance under section 106, there is authorized to be appropriated $4,900,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002, 2003, 2004, and 2005.''.

(b) ENTITLEMENT GRANTS.—

(1) IN GENERAL.—Section 102(a)(5)(B) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(5)(B)) is amended—

(A) by inserting ''(I)'' after ''(iii)''; and

(B) by inserting before the period at the end the following: '', or (II) has a population in its unincorporated areas of not less than 450,000, except that a town or township which is designated as a city pursuant to this subclause shall have only its unincorporated areas considered as a city for purposes of this title''.

(2) TREATMENT AS SEPARATE FROM URBAN COUNTIES.—Section 102(d) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(d)) is amended—

(A) by inserting ''(1)'' after ''(d)''; and

(B) by adding at the end the following new paragraph:

''(2) Notwithstanding paragraph (1), a town or township that is classified as a city by reason of subclause (II) of section 102(a)(5)(B)(iii) shall be treated, for purposes of eligibility for a grant under section 106(b)(1) from amounts made available for a fiscal year beginning after the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000, as an entity separate from the urban county in which it is located.''.

(3) ELIGIBILITY OF CERTAIN URBAN COUNTIES.—Section 102(a)(6) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(6)) is amended—

(1) in subparagraph (D)—

(A) in clause (v), by striking ''or'' at the end;

(B) in clause (vi), by striking the period at the end and inserting ''; or''; and

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

''(vii)(I) has consolidated its government with one or more municipal governments, such that within the county boundaries there are no unincorporated areas, (II) has a population of not less than 650,000, over which the consolidated government has the authority to undertake essential community development and housing assistance activities, (III) for more than 10 years, has been classified as an entitlement area for purposes of allocating and distributing funds under section 106, and (IV) as of the date of the enactment of this clause, has over 90 percent of the county's population within the jurisdiction of the consolidated government.''; and

(2) by adding at the end the following new subparagraph:

''(F) Notwithstanding any other provision of this paragraph, any county that was classified as an urban county pursuant to subparagraph (A) for fiscal year 1999, includes 10 cities each having a population of less than 50,000, and has a population in its unincorporated areas of 190,000 or more but less than 200,000, shall thereafter remain classified as an urban county.''.

SEC. 402. PROHIBITION OF SET-ASIDES.

Section 103 of the Housing and Community Development Act of 1974 (42 U.S.C. 5303), as amended by section 401 of this Act, is further amended—

(1) by inserting after ''SEC. 103.'' the following: ''(a) IN GENERAL.—''; and

(2) by adding at the end the following new subsection:

''(b) PROHIBITION OF SET-ASIDES.—Except as provided in paragraphs (1) and (2) of section 106(a) and section 107, amounts appropriated pursuant to subsection (a) of this section or otherwise to carry out this title (other than section 108) shall be used only for formula-based grants allocated pursuant to section 106 and may not be otherwise used unless the provision of law providing for such other use specifically refers to this subsection and specifically states that such provision modifies or supersedes the provisions of this subsection.''.

SEC. 403. PUBLIC SERVICES CAP.

Section 105(a)(8) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(8)) is amended by striking ''fiscal years 1993'' and all that follows through ''unit of general local government'' and inserting the following: ''fiscal years 1993 through 2006 to the City of Los Angeles, the County of Los Angeles, or any other unit of general local government located in the County of Los Angeles, such city, such county, or each such unit of general local government, respectively,''.

SEC. 404. HOMEOWNERSHIP FOR MUNICIPAL EMPLOYEES.

(a) ELIGIBLE ACTIVITIES.—Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) is amended—

(1) in paragraph (22)(C), by striking ''and'' at the end;

(2) in paragraph (23), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (23) the following new paragraph:

''(24) provision of direct assistance to facilitate and expand homeownership among uniformed employees (including policemen, firemen, and sanitation and other maintenance workers) of, and teachers who are employees of, the metropolitan city or urban county (or an agency or school district serving such city or county) receiving grant amounts under this title pursuant to section 106(b) or the unit of general local government (or an agency or school district serving such unit) receiving such grant amounts pursuant to section 106(d), except that—

''(A) such assistance may only be provided on behalf of such employees who are first-time homebuyers under the meaning given such term in section 104(14) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704(14)), except that, for purposes of this paragraph, such section shall be applied by substituting 'section 105(a)(24) of the Housing and Community Development Act of 1974' for 'title II';

''(B) notwithstanding section 102(a)(20)(B) or any other provision of this title, such assistance may be provided on behalf of such employees whose family incomes do not exceed—

''(i) 115 percent of the median income of the area involved, as determined by the Secretary with adjustments for smaller and larger families; or

''(ii) with respect only to areas that the Secretary determines have high housing costs, taking into consideration median house prices and median family incomes for the area, 150 percent of the median income of the area involved, as determined by the Secretary with adjustments for smaller and larger families;

''(C) such assistance shall be used only for acquiring principal residences for such employees, in a manner that involves obligating amounts with respect to any particular mortgage over a period of one year or less, by—

''(i) providing amounts for downpayments on mortgages;

''(ii) paying reasonable closing costs normally associated with the purchase of a residence;

''(iii) obtaining pre- or post-purchase counseling relating to the financial and other obligations of homeownership; or

''(iv) subsidizing mortgage interest rates; and

''(D) any residence purchased using assistance provided under this paragraph shall be subject to restrictions on resale that are—

''(i) established by the metropolitan city, urban county, or unit of general local government providing such assistance; and

''(ii) determined by the Secretary to be appropriate to comply with subparagraphs (A) and (B) of section 215(b)(3) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(b)(3)), except that, for purposes of this paragraph, such subparagraphs shall be applied by substituting 'section 105(a)(24) of the Housing and Community Development Act of 1974' for 'this title';''.

(b) PRIMARY OBJECTIVES.—Section 105(c) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(c)) is amended by adding at the end the following new paragraph:

''(5) HOMEOWNERSHIP ASSISTANCE FOR MUNICIPAL EMPLOYEES.—Notwithstanding any other provision of this title, any assisted activity described in subsection (a)(24) of this section shall be considered, for purposes of this title, to benefit persons of low and moderate income and to be directed toward the objective under section 101(c)(3).''.

SEC. 405. TECHNICAL AMENDMENT RELATING TO BROWNFIELDS.

Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)), as amended by section 404 of this Act, is further amended—

(1) in paragraph (25), by striking the period and inserting ''; and''; and

(2) by adding at the end the following new paragraph:

''(26) environmental cleanup and economic development activities related to Brownfields projects in conjunction with the appropriate environmental regulatory agencies.''.

SEC. 406. INCOME ELIGIBILITY.

(a) IN GENERAL.—In addition to the exceptions granted pursuant to section 590 of the Quality Housing and Work Responsibility Act of 1998 (42 U.S.C. 5301 note), the Secretary of Housing and Urban Development shall, for not less than 10 other jurisdictions that are metropolitan cities or urban counties for purposes of title I of the Housing and Community Development Act of 1974, grant exceptions not later than 90 days after the date of the enactment of this Act for such jurisdictions that provide that—

(1) for purposes of the HOME investment partnerships program under title II of the Cranston-Gonzalez National Affordable Housing Act, the limitation based on percentage of median income that is applicable under section 104(10), 214(1)(A), or 215(a)(1)(A) for any area of the jurisdiction shall be the numerical percentage that is specified in such section; and

(2) for purposes of the community development block grant program under title I of the Housing and Community Development Act of 1974, the limitation based on percentage of median income that is applicable pursuant to section 102(a)(20) for any area within the State or unit of general local government shall be the numerical percentage that is specified in subparagraph (A) of such section.

(b) SELECTION.—In selecting the jurisdictions for which to grant such exceptions, the Secretary shall consider the relative median income of such jurisdictions and shall give preference to jurisdictions with the highest housing costs.

SEC. 407. HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS.

Section 863 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12912) is amended to read as follows:

''SEC. 863. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this subtitle $260,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002, 2003, 2004, and 2005.''.

TITLE V—HOME INVESTMENT PARTNERSHIPS PROGRAM

SEC. 501. REAUTHORIZATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 205 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12724) is amended to read as follows:

''SEC. 205. AUTHORIZATION.

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $1,650,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002, 2003, 2004, and 2005, of which—

''(1) not more than $25,000,000 in each such fiscal year shall be for community housing partnership activities authorized under section 233; and

''(2) not more than $15,000,000 in each such fiscal year shall be for activities in support of State and local housing strategies authorized under subtitle C, of which, in each of fiscal years 2001 and 2002, $3,000,000 shall be for funding grants under section 246.

''(b) PROHIBITION OF SET-ASIDES.—Except as provided in subsection (a) of this section and section 217(a)(3), amounts appropriated pursuant to subsection (a) of this section or otherwise to carry out this title shall be used only for formula-based grants allocated pursuant to section 217 and may not be otherwise used unless the provision of law providing for such other use specifically refers to this subsection and specifically states that such provision modifies or supersedes the provisions of this subsection.''.

(b) ALLOCATIONS OF AMOUNTS.—Section 104(19) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704(19)) is amended by adding at the end the following: ''The term 'city' shall have the meaning given such term in section 102(a)(5)(B) of such Act. A town or township that is classified as a city by reason of subclause (II) of section 102(a)(5)(A)(B)(iii) of such Act shall be treated, notwithstanding section 102(d)(1) of such Act, as an entity separate from the urban county in which it is located for purposes of allocation of amounts under section 217 of this Act to units of general local government from amounts made available for any fiscal year beginning after the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000.''.

(c) PILOT PROGRAM FOR DEVELOPING REGIONAL HOUSING STRATEGIES.—Subtitle C of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12781 et seq.) is amended by adding at the end the following new section:

''SEC. 246. PILOT PROGRAM FOR DEVELOPING COMPREHENSIVE REGIONAL HOUSING AFFORDABILITY STRATEGIES.

''(a) AUTHORITY.—The Secretary may, using any amounts made available for grants under this section, make not more than 3 grants for each of fiscal years 2001 and 2002 to consortia of units of general local government described in subsection (b) for costs of developing and implementing comprehensive housing affordability strategies on a regional basis.

''(b) ELIGIBLE CONSORTIA.—A consortium of units of general local government described in this subsection is a consortium that—

''(1) is eligible under section 216(2) to be deemed a unit of general local government for purposes of this title; and

''(2) consists of multiple units of general local government; and

''(3) contains only units of general local government that are geographically contiguous.

''(c) MULTI-STATE REQUIREMENT.—In each fiscal year in which grants are made under this section, not less than one of the consortia that receives a grant shall be a consortium described in subsection (b) that includes units of general local government from 2 or more States.''.

SEC. 502. ELIGIBILITY OF LIMITED EQUITY COOPERATIVES AND MUTUAL HOUSING ASSOCIATIONS.

(a) CONGRESSIONAL FINDINGS.—Section 202(10) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721(10)) is amended by inserting ''mutual housing associations,'' after ''limited equity cooperatives,''.

(b) DEFINITIONS.—Section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704) is amended—

(1) by redesignating paragraph (23) as paragraph (22);

(2) by redesignating paragraph (24) (relating to the definition of ''insular area'') as paragraph (23); and

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

''(26) The term 'limited equity cooperative' means a cooperative housing corporation which, in a manner determined by the Secretary to be acceptable, restricts income eligibility of purchasers of membership shares of stock in the cooperative corporation or the initial and resale price of such shares, or both, so that the shares

remain available and affordable to low-income families.

''(27) The term 'mutual housing association' means a private entity that—

''(A) is organized under State law;

''(B) is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code;

''(C) owns, manages, and continuously develops affordable housing by providing long-term housing for low- and moderate-income families;

''(D) provides that eligible families who purchase membership interests in the association shall have a right to residence in a dwelling unit in the housing during the period that they hold such membership interest; and

''(E) provides for the residents of such housing to participate in the ongoing management of the housing.''.

(c) ELIGIBILITY.—Section 215 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745) is amended—

(1) in subsection (b), by adding after and below paragraph (4) the following:

''Housing that is owned by a limited equity cooperative or a mutual housing association may be considered by a participating jurisdiction to be housing for homeownership for purposes of this title to the extent that ownership or membership in such a cooperative or association, respectively, constitutes homeownership under State or local laws.''; and

(2) in subsection (a), by adding at the end the following new paragraph:

''(6) LIMITED EQUITY COOPERATIVES AND MUTUAL HOUSING ASSOCIATIONS.—Housing that is owned by a limited equity cooperative or a mutual housing association may be considered by a participating jurisdiction to be rental housing for purposes of this title to the extent that ownership or membership in such a cooperative or association, respectively, constitutes rental of a dwelling under State or local laws.''.

SEC. 503. ADMINISTRATIVE COSTS.

Section 212(c) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12742(c)) is amended by adding at the end the following new sentence: ''A participating jurisdiction may use amounts made available under this subsection for a fiscal year for administrative and planning costs by amortizing the costs of administration and planning activities under this subtitle over the entire duration of such activities.''.

SEC. 504. LEVERAGING AFFORDABLE HOUSING INVESTMENT THROUGH LOCAL LOAN POOLS.

(a) ELIGIBLE INVESTMENTS.—Section 212(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12742(b)) is amended by inserting after ''interest subsidies'' the following: '', advances to provide reserves for loan pools or to provide partial loan guarantees,''.

(b) TIMELY INVESTMENT OF TRUST FUNDS.—Section 218(e) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12748) is amended to read as follows:

''(e) INVESTMENT WITHIN 15 DAYS.—

''(1) IN GENERAL.—The participating jurisdiction shall, not later than 15 days after funds are drawn from the jurisdiction's HOME Investment Trust Fund, invest such funds, together with any interest earned thereon, in the affordable housing for which the funds were withdrawn.

''(2) LOAN POOLS.—In the case of a participating jurisdiction that withdraws Trust Fund amounts for investment in the form of an advance for reserves or partial loan guarantees under a program providing such credit enhancement for loans for affordable housing, the amounts shall be considered to be invested for purposes of paragraph (1) upon the completion of both of the following actions:

''(A) Control of the amounts is transferred to the program.

''(B) The jurisdiction and the entity operating the program enter into a written agreement that—

''(i) provides that such funds may be used only in connection with such program;

''(ii) defines the terms and conditions of the loan pool reserve or partial loan guarantees; and

''(iii) provides that such entity shall ensure that amounts from non-Federal sources have been contributed, or are committed for contribution, to the pool available for loans for affordable housing that will be backed by such reserves or loan guarantees in an amount equal to 10 times the amount invested from Trust Fund amounts.''.

(c) EXPIRATION OF RIGHT TO WITHDRAW FUNDS.—Section 218(g) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12748(g)) is amended to read as follows:

''(g) EXPIRATION OF RIGHT TO DRAW FUNDS.—

''(1) IN GENERAL.—If any funds becoming available to a participating jurisdiction under this title are not placed under binding commitment to affordable housing within 24 months after the last day of the month in which such funds are deposited in the jurisdiction's HOME Investment Trust Fund, the jurisdiction's right to draw such funds from the HOME Investment Trust Fund shall expire. The Secretary shall reduce the line of credit in the participating jurisdiction's HOME Investment Trust Fund by the expiring amount and shall reallocate the funds by formula in accordance with section 217(d).

''(2) LOAN POOLS.—In the case of a participating jurisdiction that withdraws Trust Fund amounts for investment in the manner provided under subsection (e)(2), the amounts shall be considered to be placed under binding commitment to affordable housing for purposes of paragraph (1) of this subsection at the time that the amounts are obligated for use under, and are subject to, a written agreement described in subsection (e)(2)(B).''.

(d) TREATMENT OF MIXED INCOME LOAN POOLS AS AFFORDABLE HOUSING.—

(1) IN GENERAL.—Section 215 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745) is amended by adding at the end the following new subsection:

''(c) LOAN POOLS.—Notwithstanding subsections (a) and (b), housing financed using amounts invested as provided in section 218(e)(2) shall qualify as affordable housing only if the housing complies with the following requirements:

''(1) In the case of housing that is for homeownership—

''(A) of the units financed with amounts so invested—

''(i) not less than 75 percent are principal residences of owners whose families qualify as low-income families—

''(I) in the case of a contract to purchase existing housing, at the time of purchase;

''(II) in the case of a lease-purchase agreement for existing housing or for housing to be constructed, at the time the agreement is signed; or

''(III) in the case of a contract to purchase housing to be constructed, at the time the contract is signed;

''(ii) all are principal residences of owners whose families qualify as moderate-income families—

''(I) in the case of a contract to purchase existing housing, at the time of purchase;

''(II) in the case of a lease-purchase agreement for existing housing or for housing to be constructed, at the time the agreement is signed; or

''(III) in the case of a contract to purchase housing to be constructed, at the time the contract is signed; and

''(iii) all comply with paragraphs (3) and (4) of subsection (b), except that paragraph (3) shall be applied for purposes of this clause by substituting 'subsection (c)(2)(B)' and 'low- and moderate-income homebuyers' for 'paragraph (2)' and 'low-income homebuyers', respectively; and

''(B) units made available for purchase only by families who qualify as low-income families shall have an initial purchase price that complies with the requirements of subsection (b)(1).

''(2) In the case of housing that is for rental, the housing—

''(A) complies with subparagraphs (D) through (F) of subsection (a)(1);

''(B)(i) has not less than 75 percent of the units occupied by households that qualify as low-income families and is occupied only by households that qualify as moderate-income families; or

''(ii) temporarily fails to comply with clause (i) only because of increases in the incomes of existing tenants and actions satisfactory to the Secretary are being taken to ensure that all vacancies in the housing are being filled in accordance with clause (i) until such noncompliance is corrected; and

''(C) bears rents, in the case of units made available for occupancy only by households that qualify as low-income families, that comply with the requirements of subsection (a)(1)(A).

Paragraphs (4) and (5) of subsection (a) shall apply to housing that is subject to this subsection.''.

(2) DEFINITION.—Section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704), as amended by section 502 of this Act, is further amended by adding at the end the following new paragraph:

''(28) The term 'moderate income families' means families whose incomes do not exceed the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than the median income for the area on the basis of the Secretary's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.''.

SEC. 505. HOMEOWNERSHIP FOR MUNICIPAL EMPLOYEES.

(a) ELIGIBLE ACTIVITIES.—Paragraph (2) of section 215(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(b)(2)) is amended to read as follows:

''(2) is the principal residence of an owner who—

''(A) is a member of a family that qualifies as a low-income family—

''(i) in the case of a contract to purchase existing housing, at the time of purchase;

''(ii) in the case of a lease-purchase agreement for existing housing or for housing to be constructed, at the time the agreement is signed; or

''(iii) in the case of a contract to purchase housing to be constructed, at the time the contract is signed; or

''(B)(i) is a uniformed employee (which shall include policemen, firemen, and sanitation and other maintenance workers) or a teacher who is an employee, of the participating jurisdiction (or an agency or school district serving such jurisdiction) that is investing funds made available under this subtitle to support homeownership of the residence; and

''(ii) is a member of a family whose income, at the time referred to in clause (i), (ii), or (iii) of subparagraph (A), as appropriate, and as determined by the Secretary with adjustments for smaller and larger families, does not exceed 115 percent of the median income of the area, except that, with respect only to such areas that the Secretary determines have high housing costs,

taking into consideration median house prices and median family incomes for the area, such income limitation shall be 150 percent of the median income of the area, as determined by the Secretary with adjustments for smaller and larger families;''.

(b) INCOME TARGETING.—Section 214(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12744(2)) is amended by inserting before the semicolon the following: ''or families described in section 215(b)(2)(B)''.

(c) ELIGIBLE INVESTMENTS.—Section 212(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12742(b)) is amended by adding at the end the following new sentence: ''Notwithstanding the preceding sentence, in the case of homeownership assistance for residences of owners described in section 215(b)(2)(B), funds made available under this subtitle may only be invested (A) to provide amounts for downpayments on mortgages, (B) to pay reasonable closing costs normally associated with the purchase of a residence, (C) to obtain pre- or post-purchase counseling relating to the financial and other obligations of homeownership, or (D) to subsidize mortgage interest rates.''.

SEC. 506. USE OF SECTION 8 ASSISTANCE BY "GRAND-FAMILIES" TO RENT DWELLING UNITS IN ASSISTED PROJECTS.

Section 215(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(a)), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new paragraph:

''(7) WAIVER OF QUALIFYING RENT.—

''(A) IN GENERAL.—For the purpose of providing affordable housing appropriate for families described in subparagraph (B), the Secretary may, upon the application of the project owner, waive the applicability of subparagraph (A) of paragraph (1) with respect to a dwelling unit if—

''(i) the unit is occupied by such a family, on whose behalf tenant-based assistance is provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

''(ii) the rent for the unit is not greater than the existing fair market rent for comparable units in the area, as established by the Secretary under section 8 of the United States Housing Act of 1937; and

''(iii) the Secretary determines that the waiver, together with waivers under this paragraph for other dwelling units in the project, will result in the use of amounts described in clause (iii) in an effective manner that will improve the provision of affordable housing for such families.

''(B) ELIGIBLE FAMILIES.—A family described in this subparagraph is a family that consists of at least one elderly person (who is the head of household) and one or more of such person's grand children, great grandchildren, great nieces, great nephews, or great great grandchildren (as defined by the Secretary), but does not include any parent of such grandchildren, great grandchildren, great nieces, great nephews, or great great grandchildren. Such term includes any such grandchildren, great grandchildren, great nieces, great nephews, or great great grandchildren who have been legally adopted by such elderly person.''.

SEC. 507. LOAN GUARANTEES.

Subtitle A of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741 et seq.) is amended by adding at the end the following new section:

"SEC. 227. LOAN GUARANTEES.

''(a) AUTHORITY.—The Secretary may, upon such terms and conditions as the Secretary may prescribe, guarantee and make commitments to guarantee, only to such extent or in such amounts as provided in appropriations Acts, the notes or other obligations issued by eligible participating jurisdictions or by public agencies designated by and acting on behalf of eligible participating jurisdictions for purposes of financing (including credit enhancements and debt service reserves) the acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing (including real property acquisition, site improvement, conversion, and demolition), and other related expenses (including financing costs and relocation expenses of any displaced persons, families, businesses, or organizations). Housing funded under this section shall meet the requirements of this subtitle.

''(b) REQUIREMENTS.—Notes or other obligations guaranteed under this section shall be in such form and denominations, have such maturities, and be subject to such conditions as may be prescribed by the Secretary. The Secretary may not deny a guarantee under this section on the basis of the proposed repayment period for the note or other obligation, unless the period is more than 20 years or the Secretary determines that the period otherwise causes the guarantee to constitute an unacceptable financial risk.

''(c) LIMITATION ON TOTAL NOTES AND OBLIGATIONS.—The Secretary may not guarantee or make a commitment to guarantee any note or other obligation if the total outstanding notes or obligations guaranteed under this section on behalf of the participating jurisdiction issuing the note or obligation (excluding any amount defeased under a contract entered into under subsection (e)(1)) would thereby exceed an amount equal to 5 times the amount of the participating jurisdiction's latest allocation under section 217.

''(d) USE OF PROGRAM FUNDS.—Notwithstanding any other provision of this subtitle, funds allocated to the participating jurisdiction under this subtitle (including program income derived therefrom) are authorized for use in the payment of principal and interest due on the notes or other obligations guaranteed pursuant to this section and the payment of such servicing, underwriting, or other issuance or collection charges as may be specified by the Secretary.

''(e) SECURITY.—To assure the full repayment of notes or other obligations guaranteed under this section, and payment of the issuance or collection charges specified by the Secretary under subsection (d), and as a prior condition for receiving such guarantees, the Secretary shall require the participating jurisdiction (and its designated public agency issuer, if any) to—

''(1) enter into a contract, in a form acceptable to the Secretary, for repayment of such notes or other obligations and the other specified charges;

''(2) pledge as security for such repayment any allocation for which the participating jurisdiction may become eligible under this subtitle; and

''(3) furnish, at the discretion of the Secretary, such other security as may be deemed appropriate by the Secretary in making such guarantees, which may include increments in local tax receipts generated by the housing assisted under this section or disposition proceeds from the sale of land or housing.

''(f) REPAYMENT AUTHORITY.—The Secretary may, notwithstanding any other provision of this subtitle or any other Federal, State, or local law, apply allocations pledged pursuant to subsection (e) to any repayments due the United States as a result of such guarantees.

''(g) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all guarantees made under this section. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the notes or other obligations for such guarantee with respect to principal and interest, and the validity of any such guarantee so made shall be incontestable in the hands of a holder of the guaranteed obligations.

''(h) TAX STATUS.—With respect to any obligation guaranteed pursuant to this section, the guarantee and the obligation shall be designed in a manner such that the interest paid on such obligation shall be included in gross income for purposes of the Internal Revenue Code of 1986.

''(i) MONITORING.—The Secretary shall monitor the use of guarantees under this section by eligible participating jurisdictions. If the Secretary finds that 50 percent of the aggregate guarantee authority for any fiscal year has been committed, the Secretary may impose limitations on the amount of guarantees any 1 participating jurisdiction may receive during that fiscal year.

''(j) GUARANTEE OF TRUST CERTIFICATES.—

''(1) AUTHORITY.—The Secretary may, upon such terms and conditions as the Secretary deems appropriate, guarantee the timely payment of the principal of and interest on such trust certificates or other obligations as may—

''(A) be offered by the Secretary or by any other offeror approved for purposes of this subsection by the Secretary; and

''(B) be based on and backed by a trust or pool composed of notes or other obligations guaranteed or eligible for guarantee by the Secretary under this section.

''(2) FULL FAITH AND CREDIT.—To the same extent as provided in subsection (g), the full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under any guarantee by the Secretary under this subsection.

''(3) SUBROGATION.—In the event the Secretary pays a claim under a guarantee issued under this section, the Secretary shall be subrogated fully to the rights satisfied by such payment.

''(4) OTHER POWERS AND RIGHTS.—No State or local law, and no Federal law, shall preclude or limit the exercise by the Secretary of—

''(A) the power to contract with respect to public offerings and other sales of notes, trust certificates, and other obligations guaranteed under this section, upon such terms and conditions as the Secretary deems appropriate;

''(B) the right to enforce, by any means deemed appropriate by the Secretary, any such contract; and

''(C) the Secretary's ownership rights, as applicable, in notes, certificates or other obligations guaranteed under this section, or constituting the trust or pool against which trust certificates or other obligations guaranteed under this section are offered.

''(k) AGGREGATE LIMITATION.—The total amount of outstanding obligations guaranteed on a cumulative basis by the Secretary under this section shall not at any time exceed $2,000,000,000.''.

SEC. 508. DOWNPAYMENT ASSISTANCE FOR 2- AND 3-FAMILY RESIDENCES.

(a) AUTHORITY.—The Secretary of Housing and Urban Development shall carry out a pilot program under this section under which covered jurisdictions may use amounts described in subsection (b) to make loans to eligible homebuyers for use as downpayments on 2- and 3-family residences.

(b) COVERED ASSISTANCE.—Notwithstanding section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305) and section 212 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12742), a covered jurisdiction may use amounts provided to the jurisdiction pursuant to section 106(b) of the Housing and Community Development Act of 1974 (42 U.S.C. 5406(b)) and amounts in the HOME Investment Trust Fund for the jurisdiction for downpayment loans meeting the requirements of subsection (d) to homebuyers

meeting the requirements of subsection (c), but only to the extent such jurisdictions agree to comply with the requirements of this section, as the Secretary may require.

(c) ELIGIBLE HOMEBUYERS.—A homebuyer meets the requirements of this subsection only if the homebuyer is an individual or family—

(1) whose income does not exceed 80 percent of the median family income for the area within which the residence to be purchased with the downpayment loan under subsection (d) is located; except that the Secretary may, pursuant to a request by a covered jurisdiction demonstrating that the jurisdiction has high housing costs (taking into consideration median home prices and median family incomes for the area), increase the percentage limitation under this paragraph to not more than 110 percent of the median family income for the area;

(2) who has successfully completed a program regarding the responsibilities and financial management involved in homeownership and ownership of rental property that is approved by the Secretary;

(3) has a satisfactory credit history and record as a tenant of rental housing; and

(4) who, if such individual or family has an income that exceeds 80 percent of the median income for the area, enters into a binding agreement to comply with the requirements under subsection (e) (relating to affordability of other dwelling units in the residence).

(d) NO-INTEREST DOWNPAYMENT LOANS.—A loan meets the requirements of this subsection only if—

(1) the principal obligation of the loan—

(A) may be used only for a downpayment for acquisition of a 2- or 3-family residence and for closing costs and other costs payable at the time of closing, as the Secretary shall provide; and

(B) does not exceed the amount that is equal to the sum of (i) 7 percent of the purchase price of the residence, and (ii) such closing and other costs;

(2) the borrower under the loan is paying, for acquisition of the residence, at least 3 percent of the cost of acquisition of the residence in cash or its equivalent;

(3) the borrower under the loan will occupy a dwelling unit in the residence purchased using the loan as the principal residence of the borrower;

(4) the loan terms—

(A) do not require the borrower to be prequalified for a loan that finances the remainder of the purchase price of a residence described in paragraph (1)(A); and

(B) provide that the proceeds of the loan are available for use (as provided in paragraph (1)) only during the 4-month period beginning upon the making of the loan to the borrower and that such proceeds shall revert to the covered jurisdiction upon the conclusion of such period if the borrower has not entered into a contract for purchase of a residence meeting the requirements of such paragraph before such conclusion, except that the Secretary shall provide that covered jurisdictions may extend such 4-month period under such circumstances as the Secretary shall prescribe;

(5) the loan terms provide for repayment of the principal obligation of the loan, without interest, at such time as the covered jurisdiction may provide, except that the principal obligation shall be immediately repayable at the time that the borrower—

(A) transfers or sells the borrower's ownership interest in such residence or ceases to use the residence purchased with the loan proceeds as his or her principal residence; or

(B) obtains a subsequent loan secured by such residence or any equity of the borrower in such residence, the proceeds of which are not used to prepay or pay off the entire balance due on the existing loan secured by such residence; or

(6) the loan terms provide that, upon sale of the residence purchased with the proceeds of the loan, the borrower shall repay to the covered jurisdiction (together with the principal obligation of the loan repayable pursuant to paragraph (5)(A)) an additional amount that bears the same ratio to any increase in the price of the residence upon such sale (compared to the price paid for the residence upon purchase using such loan) as the amount of the loan bears to the purchase price paid for the residence in the purchase using such loan; and

(7) the loan complies with such other requirements as the Secretary may prescribe.

(e) AFFORDABILITY OF RENTAL UNITS.—Any dwelling units in the residence purchased using a loan provided pursuant to the authority under this section to a borrower described in subsection (c)(4) of this section shall be used only as rental dwelling units and shall be made available for rental only at a monthly rental price that does not exceed the fair market rent under section 8(c)(2)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)(2)(A)), as periodically adjusted, for a unit of the applicable size located in the area in which the residence is located. Compliance with this subsection shall be monitored and enforced by the covered jurisdiction providing the amounts for the downpayment loan under this section for the purchase of such residence.

(f) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) COVERED JURISDICTION.—The term ''covered jurisdiction'' means, with respect to a fiscal year—

(A) a metropolitan city or urban county that receives a grant for such fiscal year pursuant to section 106(b) of the Housing and Community Development Act of 1974 (42 U.S.C. 5306(b)); or

(B) a jurisdiction that is a participating jurisdiction for such fiscal year for purposes of the HOME Investment Partnerships Act (42 U.S.C. 12721 et seq.).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

TITLE VI—LOCAL HOMEOWNERSHIP INITIATIVES

SEC. 601. REAUTHORIZATION OF NEIGHBORHOOD REINVESTMENT CORPORATION.

Section 608(a)(1) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8107(a)(1)) is amended by striking the first sentence and inserting the following: ''There is authorized to be appropriated to the corporation to carry out this title $95,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2005. Of the amounts appropriated to the corporation for fiscal year 2001, $5,000,000 shall be available only for the corporation to provide assistance under duplex homeownership programs established before the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000 through Neighborworks Homeownership Center pilot projects established before such date of enactment.''.

SEC. 602. HOMEOWNERSHIP ZONES.

Section 186 of the Housing and Community Development Act of 1992 (42 U.S.C. 12898a) is amended to read as follows:

''SEC. 186. HOMEOWNERSHIP ZONE GRANTS.

''(a) AUTHORITY.—The Secretary of Housing and Urban Development may make grants to units of general local government to assist homeownership zones. Homeownership zones are contiguous, geographically defined areas, primarily residential in nature, in which large-scale development projects are designed to reclaim distressed neighborhoods by creating homeownership opportunities for low- and moderate-income families. Projects in homeownership zones are intended to serve as a catalyst for private investment, business creation, and neighborhood revitalization.

''(b) ELIGIBLE ACTIVITIES.—Amounts made available under this section may be used for projects that include any of the following activities in the homeownership zone:

''(1) Acquisition, construction, and rehabilitation of housing.

''(2) Site acquisition and preparation, including demolition, construction, reconstruction, or installation of public and other site improvements and utilities directly related to the homeownership zone.

''(3) Direct financial assistance to homebuyers.

''(4) Homeownership counseling.

''(5) Relocation assistance.

''(6) Marketing costs, including affirmative marketing activities.

''(7) Other project-related costs.

''(8) Reasonable administrative costs (up to 5 percent of the grant amount).

''(9) Other housing-related activities proposed by the applicant as essential to the success of the homeownership zone and approved by the Secretary.

''(c) APPLICATION.—To be eligible for a grant under this section, a unit of general local government shall submit an application for a homeownership zone grant in such form and in accordance with such procedures as the Secretary shall establish.

''(d) SELECTION CRITERIA.—The Secretary shall select applications for funding under this section through a national competition, using selection criteria established by the Secretary, which shall include—

''(1) the degree to which the proposed activities will result in the improvement of the economic, social, and physical aspects of the neighborhood and the lives of its residents through the creation of new homeownership opportunities;

''(2) the levels of distress in the homeownership zone as a whole, and in the immediate neighborhood of the project for which assistance is requested;

''(3) the financial soundness of the plan for financing homeownership zone activities;

''(4) the leveraging of other resources; and

''(5) the capacity to successfully carry out the plan.

''(e) GRANT APPROVAL AMOUNTS.—The Secretary may establish a maximum amount for any grant for any funding round under this section. A grant may not be made in an amount that exceeds the amount that the Secretary determines is necessary to fund the project for which the application is made.

''(f) PROGRAM REQUIREMENTS.—A homeownership zone proposal shall—

''(1) provide for a significant number of new homeownership opportunities that will make a visible improvement in an immediate neighborhood;

''(2) not be inconsistent with such planning and design principles as may be prescribed by the Secretary;

''(3) be designed to stimulate additional investment in that area;

''(4) provide for partnerships with persons or entities in the private and nonprofit sectors;

''(5) incorporate a comprehensive approach to revitalization of the neighborhood;

''(6) establish a detailed time-line for commencement and completion of construction activities; and

''(7) provide for affirmatively furthering fair housing.

''(g) INCOME TARGETING.—At least 51 percent of the homebuyers assisted with funds under this section shall have household incomes at or below 80 percent of median income for the area, as determined by the Secretary.

''(h) ENVIRONMENTAL REVIEW.—For purposes of environmental review, decisionmaking, and action pursuant to the National Environmental Policy Act of 1969 and other provisions of law that further the purposes of such Act, a grant under this section shall be treated as assistance under the HOME Investment Partnerships Act and shall be subject to the regulations issued by the Secretary to implement section 288 of such Act.

''(i) REVIEW, AUDIT, AND REPORTING.—The Secretary shall make such reviews and audits and establish such reporting requirements as may be necessary or appropriate to determine whether the grantee has carried out its activities in a timely manner and in accordance with the requirements of this section. The Secretary may adjust, reduce, or withdraw amounts made available, or take other action as appropriate, in accordance with the Secretary's performance reviews and audits under this section.

''(j) AUTHORIZATION.—There is authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2001 and such sums as may be necessary for fiscal year 2002, to remain available until expended.''.

SEC. 603. LEASE-TO-OWN.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that residential tenancies under lease-to-own provisions can facilitate homeownership by low- and moderate-income families and provide opportunities for homeownership for such families who might not otherwise be able to afford homeownership.

(b) REPORT.—Not later than the expiration of the 3-month period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Congress—

(1) analyzing whether lease-to-own provisions can be effectively incorporated within the HOME investment partnerships program, the public housing program, the tenant-based rental assistance program under section 8 of the United States Housing Act of 1937, or any other programs of the Department to facilitate homeownership by low- or moderate-income families; and

(2) any legislative or administrative changes necessary to alter or amend such programs to allow the use of lease-to-own options to provide homeownership opportunities.

SEC. 604. LOCAL CAPACITY BUILDING.

Section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note) is amended—

(1) in subsection (a), by inserting ''National Association of Housing Partnerships,'' after ''Humanity,''; and

(2) in subsection (e), by striking ''$25,000,000'' and all that follows and inserting '', for each fiscal year, such sums as may be necessary to carry out this section.''.

SEC. 605. CONSOLIDATED APPLICATION AND PLANNING REQUIREMENT AND SUPER-NOFA.

(a) CONSOLIDATED APPLICATION.—Section 106 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12706) is amended to read as follows:

''SEC. 106. CONSOLIDATED APPLICATION FOR COMMUNITY PLANNING AND DEVELOPMENT PROGRAMS.

''(a) REQUIREMENT.—The Secretary shall, by regulation, provide for jurisdictions to comply with the planning and application requirements under the covered programs under subsection (b) by submitting to the Secretary, for a program year, a single consolidated submission under this section that complies with the requirements for planning and application submissions under the laws relating to the covered programs and shall serve, for the jurisdiction, as the planning document and an application for funding under the covered programs.

''(b) COVERED PROGRAMS.—The covered programs under this subsection are the following programs:

''(1) The HOME investment partnerships program under title II of this Act (42 U.S.C. 12721 et seq.).

''(2) The community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

''(3) The economic development initiative program under section 108(q) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(q)).

''(4) The emergency shelter grants program under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11371 et seq.).

''(5) The housing opportunities for persons with AIDS program under subtitle D of title VIII of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12901 et seq.).

''(c) PROGRAM YEAR.—In establishing requirements for a consolidated submission under this section, the Secretary shall provide for a consolidated program year, which shall comply with the various application and review deadlines under the covered programs.

''(d) ADEQUACY OF EXISTING REGULATIONS.—The regulations of the Secretary relating to consolidated submissions for community planning and development programs, part 91 of title 24, Code of Federal Regulations, as in effect on March 1, 1999, shall be considered to be sufficient to comply with this section, except to the extent that the program referred to in paragraph (3) of subsection (b) is not covered by such regulations.

''(e) CONSISTENCY.—The Secretary shall, by regulation or otherwise, as deemed by the Secretary to be appropriate, require any application for housing assistance under title II of this Act, assistance under the Housing and Community Development Act of 1974, or assistance under the Stewart B. McKinney Homeless Assistance Act, to contain or be accompanied by a certification by an appropriate State or local public official that the proposed housing activities are consistent with the housing strategy of the jurisdiction to be served.''.

(b) SUPER-NOFA.—The Department of Housing and Urban Development Act is amended by inserting after section 12 (42 U.S.C. 3537a) the following new section:

''SEC. 13. NOTICE OF FUNDING AVAILABILITY.

''(a) REQUIREMENT.—In making amounts for a fiscal year under the covered programs under subsection (b) available to applicants, the Secretary shall issue a consolidated notice of funding availability that—

''(1) applies to as many of the covered programs as the Secretary determines is practicable;

''(2) simplifies the application process for funding under such programs by providing for application under various covered programs through a single, unified application;

''(3) promotes comprehensive approaches to housing and community development by providing for applicants to identify coordination of efforts under various covered programs; and

''(4) clearly informs prospective applicants of the general and specific requirements under law for applying for funding under such programs.

''(b) COVERED PROGRAMS.—The covered programs under this subsection are the programs that are administered by the Secretary and identified by the Secretary for purposes of this section, in the following areas:

''(1) Housing and community development programs.

''(2) Economic development and empowerment programs.

''(3) Targeted housing assistance and homeless assistance programs.''.

SEC. 606. ASSISTANCE FOR SELF-HELP HOUSING PROVIDERS.

(a) REAUTHORIZATION.—Subsection (p) of section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended to read as follows:

''(p) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 and 2003.''.

(b) ELIGIBLE EXPENSES.—Section 11(d)(2)(A) of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended by inserting before the period at the end the following: '', which may include reimbursing an organization, consortium, or affiliate, upon approval of any required environmental review, for nongrant amounts of the organization, consortium, or affiliate advanced before such review to acquire land''.

(c) DEADLINE FOR RECAPTURE OF FUNDS.—Section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended—

(1) in subsection (i)(5)—

(A) by striking ''if the organization or consortia has not used any grant amounts'' and inserting ''the Secretary shall recapture any grant amounts provided to the organization or consortia that are not used'';

(B) by striking ''(or,'' and inserting '', except that such period shall be 36 months''; and

(C) by striking ''within 36 months), the Secretary shall recapture such unused amounts'' and inserting ''and in the case of a grant amounts provided to a local affiliate of the organization or consortia that is developing 5 or more dwellings in connection with such grant amounts''; and

(2) in subsection (j), by inserting after ''carry out this section'' the following: ''and grant amounts provided to a local affiliate of the organization or consortia that is developing 5 or more dwellings in connection with such grant amounts''.

(d) TECHNICAL CORRECTIONS.—Section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended—

(1) in subsection (b)(4), by striking ''Habitat for Humanity International, its affiliates, and other''; and

(2) in subsection (e)(2), by striking ''consoria'' and inserting ''consortia''.

SEC. 607. HOUSING COUNSELING ORGANIZATIONS.

Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x) is amended—

(1) in subsection (a)(1)(ii), by inserting ''and cooperative housing'' before the semicolon at the end; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''and'' at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following new subparagraph:

''(C) to the National Cooperative Bank Development Corporation—

''(i) to provide homeownership counseling to eligible homeowners that is specifically designed to relate to ownership under cooperative housing arrangements; and

''(ii) to assist in the establishment and operation of well-managed and viable cooperative housing boards.'';

(B) in paragraph (4)(A), by inserting before the semicolon at the end the following: ''or, in the case of a home loan made to finance the purchase of stock or membership in a cooperative ownership housing corporation, by the stock or membership interest''; and

(C) in paragraph (6)(C), by adding before the period at the end the following: ''and includes a loan that is secured by a first lien given in accordance with the laws of the State where the property is located and that is made to finance the purchase of stock or membership in a cooperative ownership housing corporation the permanent occupancy of dwelling units of which is restricted to members of such corporation, where the purchase of such stock or membership will entitle the purchaser to the permanent occupancy of 1 of such units''.

SEC. 608. COMMUNITY LEAD INFORMATION CENTERS AND LEAD-SAFE HOUSING.

Section 1011(e) of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4852(e)) is amended—

(1) in paragraph (7), by inserting '', which may include leasing of lead-safe temporary housing'' before the semicolon at the end;

(2) in paragraph (9), by striking ''and'' at the end;

(3) by redesignating paragraph (10) as paragraph (11); and

(4) by inserting after paragraph (9) the following new paragraph:

''(10) provide accessible information through centralized locations that provide a variety of residential lead-based paint poisoning prevention services to the community that such services are intended to benefit; and''.

TITLE VII—NATIVE AMERICAN HOUSING HOMEOWNERSHIP

SEC. 701. LANDS TITLE REPORT COMMISSION.

(a) ESTABLISHMENT.—Subject to sums being provided in advance in appropriations Acts, there is established a Commission to be known as the Lands Title Report Commission (hereafter in this section referred to as the ''Commission'') to facilitate home loan mortgages on Indian trust lands. The Commission will be subject to oversight by the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 12 members, appointed not later than 90 days after the date of the enactment of this Act as follows:

(A) 4 members shall be appointed by the President.

(B) 4 members shall be appointed by the Chairperson of the Committee on Banking and Financial Services of the House of Representatives.

(C) 4 members shall be appointed by the Chairperson of the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) QUALIFICATIONS.—

(A) MEMBERS OF TRIBES.—At all times, not less than 8 of the members of the Commission shall be members of federally recognized Indian tribes.

(B) EXPERIENCE IN LAND TITLE MATTERS.—All members of the Commission shall have experience in and knowledge of land title matters relating to Indian trust lands.

(3) CHAIRPERSON.—The Chairperson of the Commission shall be one of the members of the Commission appointed under paragraph (1)(C), as elected by the members of the Commission.

(4) VACANCIES.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members of the Commission shall serve without pay, but each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(c) INITIAL MEETING.—The Chairperson of the Commission shall call the initial meeting of the Commission. Such meeting shall be held within 30 days after the Chairperson of the Commission determines that sums sufficient for the Commission to carry out its duties under this Act have been appropriated for such purpose.

(d) DUTIES.—The Commission shall analyze the system of the Bureau of Indian Affairs of the Department of the Interior for maintaining land ownership records and title documents and issuing certified title status reports relating to Indian trust lands and, pursuant to such analysis, determine how best to improve or replace the system—

(1) to ensure prompt and accurate responses to requests for title status reports;

(2) to eliminate any backlog of requests for title status reports; and

(3) to ensure that the administration of the system will not in any way impair or restrict the ability of Native Americans to obtain conventional loans for purchase of residences located on Indian trust lands, including any actions necessary to ensure that the system will promptly be able to meet future demands for certified title status reports, taking into account the anticipated complexity and volume of such requests.

(e) REPORT.—Not later than the date of the termination of the Commission under subsection (h), the Commission shall submit a report to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate describing the analysis and determinations made pursuant to subsection (d).

(f) POWERS.—

(1) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(2) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(3) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(4) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(5) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its duties under this section.

(6) STAFF.—The Commission may appoint personnel as it considers appropriate, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall pay such personnel in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $500,000. Such sums shall remain available until expended.

(h) TERMINATION.—The Commission shall terminate 1 year after the date of the initial meeting of the Commission.

SEC. 702. LOAN GUARANTEES.

Section 184(i) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(i)) is amended—

(1) in paragraph (5), by striking subparagraph (C) and inserting the following new subparagraph:

''(C) LIMITATION ON OUTSTANDING AGGREGATE PRINCIPAL AMOUNT.—Subject to the limitations in subparagraphs (A) and (B), the Secretary may enter into commitments to guarantee loans under this section in each fiscal year with an aggregate outstanding principal amount not exceeding such amount as may be provided in appropriation Acts for such fiscal year.''; and

(2) in paragraph (7), by striking ''each of fiscal years 1997, 1998, 1999, 2000, and 2001'' and inserting ''each fiscal year''.

SEC. 703. NATIVE AMERICAN HOUSING ASSISTANCE.

(a) RESTRICTION ON WAIVER AUTHORITY.—

(1) IN GENERAL.—Section 101(b)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(b)(2)) is amended by striking ''if the Secretary'' and all that follows through the period at the end and inserting the following: ''for a period of not more than 90 days, if the Secretary determines that an Indian tribe has not complied with, or is unable to comply with, those requirements due to exigent circumstances beyond the control of the Indian tribe.''.

(2) LOCAL COOPERATION AGREEMENT.—Section 101(c) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(c)) is amended by adding at the end the following: ''The Secretary may waive the requirements of this subsection and subsection (d) if the recipient has made a good faith effort to fulfill the requirements of this subsection and subsection (d) and agrees to make payments in lieu of taxes to the appropriate taxing authority in an amount consistent with the requirements of subsection (d)(2) until such time as the matter of making such payments has been resolved in accordance with subsection (d).''.

(b) ASSISTANCE TO FAMILIES THAT ARE NOT LOW-INCOME.—Section 102(c) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112(c)) is amended by adding at the end the following:

''(6) CERTAIN FAMILIES.—With respect to assistance provided under section 201(b)(2) by a recipient to Indian families that are not low-income families, evidence that there is a need for housing for each such family during that period that cannot reasonably be met without such assistance.''.

(c) ELIMINATION OF WAIVER AUTHORITY FOR SMALL TRIBES.—Section 102 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

(d) ENVIRONMENTAL COMPLIANCE.—Section 105 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4115) is amended by adding at the end the following:

''(d) ENVIRONMENTAL COMPLIANCE.—The Secretary may waive the requirements under this section if the Secretary determines that a failure on the part of a recipient to comply with provisions of this section—

''(1) will not frustrate the goals of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) or any other provision of law that furthers the goals of that Act;

''(2) does not threaten the health or safety of the community involved by posing an immediate or long-term hazard to residents of that community;

''(3) is a result of inadvertent error, including an incorrect or incomplete certification provided under subsection (c)(1); and

''(4) may be corrected through the sole action of the recipient.''.

(e) ELIGIBILITY OF LAW ENFORCEMENT OFFICERS FOR HOUSING ASSISTANCE.—Section 201(b)

of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131(b)) is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (4)'';

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (3) the following new paragraph:

''(4) LAW ENFORCEMENT OFFICERS.—A recipient may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this Act for a law enforcement officer on an Indian reservation or other Indian area, if—

''(A) the officer—

''(i) is employed on a full-time basis by the Federal Government or a State, county, or tribal government; and

''(ii) in implementing such full-time employment, is sworn to uphold, and make arrests for, violations of Federal, State, county, or tribal law; and

''(B) the recipient determines that the presence of the law enforcement officer on the Indian reservation or other Indian area may deter crime.''.

(f) OVERSIGHT.—

(1) REPAYMENT.—Section 209 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4139) is amended to read as follows:

''SEC. 209. NONCOMPLIANCE WITH AFFORDABLE HOUSING REQUIREMENT.

''If a recipient uses grant amounts to provide affordable housing under this title, and at any time during the useful life of the housing the recipient does not comply with the requirement under section 205(a)(2), the Secretary shall take appropriate action under section 401(a).''.

(2) AUDITS AND REVIEWS.—Section 405 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4165) is amended to read as follows:

''SEC. 405. REVIEW AND AUDIT BY SECRETARY.

''(a) REQUIREMENTS UNDER CHAPTER 75 OF TITLE 31, UNITED STATES CODE.—An entity designated by an Indian tribe as a housing entity shall be treated, for purposes of chapter 75 of title 31, United States Code, as a non-Federal entity that is subject to the audit requirements that apply to non-Federal entities under that chapter.

''(b) ADDITIONAL REVIEWS AND AUDITS.—

''(1) IN GENERAL.—In addition to any audit or review under subsection (a), to the extent the Secretary determines such action to be appropriate, the Secretary may conduct an audit or review of a recipient in order to—

''(A) determine whether the recipient—

''(i) has carried out—

''(I) eligible activities in a timely manner; and

''(II) eligible activities and certification in accordance with this Act and other applicable law;

''(ii) has a continuing capacity to carry out eligible activities in a timely manner; and

''(iii) is in compliance with the Indian housing plan of the recipient; and

''(B) verify the accuracy of information contained in any performance report submitted by the recipient under section 404.

''(2) ON-SITE VISITS.—To the extent practicable, the reviews and audits conducted under this subsection shall include on-site visits by the appropriate official of the Department of Housing and Urban Development.

''(c) REVIEW OF REPORTS.—

''(1) IN GENERAL.—The Secretary shall provide each recipient that is the subject of a report made by the Secretary under this section notice that the recipient may review and comment on the report during a period of not less than 30 days after the date on which notice is issued under this paragraph.

''(2) PUBLIC AVAILABILITY.—After taking into consideration any comments of the recipient under paragraph (1), the Secretary—

''(A) may revise the report; and

''(B) not later than 30 days after the date on which those comments are received, shall make the comments and the report (with any revisions made under subparagraph (A)) readily available to the public.

''(d) EFFECT OF REVIEWS.—Subject to section 401(a), after reviewing the reports and audits relating to a recipient that are submitted to the Secretary under this section, the Secretary may adjust the amount of a grant made to a recipient under this Act in accordance with the findings of the Secretary with respect to those reports and audits.''.

(g) ALLOCATION FORMULA.—Section 302(d)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4152(d)(1)) is amended—

(1) by striking ''The formula,'' and inserting the following:

''(A) IN GENERAL.—Except with respect to an Indian tribe described in subparagraph (B), the formula''; and

(2) by adding at the end the following:

''(B) CERTAIN INDIAN TRIBES.—With respect to fiscal year 2001 and each fiscal year thereafter, for any Indian tribe with an Indian housing authority that owns or operates fewer than 250 public housing units, the formula shall provide that if the amount provided for a fiscal year in which the total amount made available for assistance under this Act is equal to or greater than the amount made available for fiscal year 1996 for assistance for the operation and modernization of the public housing referred to in subparagraph (A), then the amount provided to that Indian tribe as modernization assistance shall be equal to the average annual amount of funds provided to the Indian tribe (other than funds provided as emergency assistance) under the assistance program under section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437l) for the period beginning with fiscal year 1992 and ending with fiscal year 1997.''.

(h) HEARING REQUIREMENT.—Section 401(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a)) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and realigning such subparagraphs (as so redesignated) so as to be indented 4 ems from the left margin;

(2) by striking ''Except as provided'' and inserting the following:

''(1) IN GENERAL.—Except as provided'';

(3) by striking ''If the Secretary takes an action under paragraph (1), (2), or (3)'' and inserting the following:

''(2) CONTINUANCE OF ACTIONS.—If the Secretary takes an action under subparagraph (A), (B), or (C) of paragraph (1)''; and

(4) by adding at the end the following:

''(3) EXCEPTION FOR CERTAIN ACTIONS.—

''(A) IN GENERAL.—Notwithstanding any other provision of this subsection, if the Secretary makes a determination that the failure of a recipient of assistance under this Act to comply substantially with any material provision (as that term is defined by the Secretary) of this Act is resulting, and would continue to result, in a continuing expenditure of Federal funds in a manner that is not authorized by law, the Secretary may take an action described in paragraph (1)(C) before conducting a hearing.

''(B) PROCEDURAL REQUIREMENT.—If the Secretary takes an action described in subparagraph (A), the Secretary shall—

''(i) provide notice to the recipient at the time that the Secretary takes that action; and

''(ii) conduct a hearing not later than 60 days after the date on which the Secretary provides notice under clause (i).

''(C) DETERMINATION.—Upon completion of a hearing under this paragraph, the Secretary shall make a determination regarding whether to continue taking the action that is the subject of the hearing, or take another action under this subsection.''.

(i) PERFORMANCE AGREEMENT TIME LIMIT.—Section 401(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(b)) is amended—

(1) by striking ''If the Secretary'' and inserting the following:

''(1) IN GENERAL.—If the Secretary'';

(2) by striking ''(1) is not'' and inserting the following:

''(A) is not'';

(3) by striking ''(2) is a result'' and inserting the following:

''(B) is a result'';

(4) in the flush material following paragraph (1)(B), as redesignated by paragraph (3) of this subsection—

(A) by realigning such material so as to be indented 2 ems from the left margin; and

(B) by inserting before the period at the end the following: '', if the recipient enters into a performance agreement with the Secretary that specifies the compliance objectives that the recipient will be required to achieve by the termination date of the performance agreement''; and

(5) by adding at the end the following:

''(2) PERFORMANCE AGREEMENT.—The period of a performance agreement described in paragraph (1) shall be for 1 year.

''(3) REVIEW.—Upon the termination of a performance agreement entered into under paragraph (1), the Secretary shall review the performance of the recipient that is a party to the agreement.

''(4) EFFECT OF REVIEW.—If, on the basis of a review under paragraph (3), the Secretary determines that the recipient—

''(A) has made a good faith effort to meet the compliance objectives specified in the agreement, the Secretary may enter into an additional performance agreement for the period specified in paragraph (2); and

''(B) has failed to make a good faith effort to meet applicable compliance objectives, the Secretary shall determine the recipient to have failed to comply substantially with this Act, and the recipient shall be subject to an action under subsection (a).''.

(j) REFERENCE.—Section 104(b)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4114(b)(1)) is amended by striking ''Davis-Bacon Act (40 U.S.C. 276a–276a–5)'' and inserting ''Act of March 3, 1931 (commonly known as the Davis-Bacon Act; chapter 411; 46 Stat. 1494; 40 U.S.C 276a et seq.)''.

(k) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—Section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended in the table of contents—

(A) by striking the item relating to section 206; and

(B) by striking the item relating to section 209 and inserting the following:

''209. Noncompliance with affordable housing requirement.''.

(2) CERTIFICATION OF COMPLIANCE WITH SUBSIDY LAYERING REQUIREMENTS.—Section 206 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4136) is repealed.

(3) TERMINATIONS.—Section 502(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4181(a)) is amended by adding at the end the following: ''Any housing that is the subject of a contract for tenant-based assistance between the Secretary and an Indian housing authority that is

terminated under this section shall, for the following fiscal year and each fiscal year thereafter, be considered to be a dwelling unit under section 302(b)(1).''.

TITLE VIII—TRANSFER OF HUD-HELD HOUSING TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS

SEC. 801. TRANSFER OF UNOCCUPIED AND SUBSTANDARD HUD-HELD HOUSING TO LOCAL GOVERNMENTS AND COMMUNITY DEVELOPMENT CORPORATIONS.

Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z–11a) is amended—

(1) by striking ''FLEXIBLE AUTHORITY.—'' and inserting ''DISPOSITION OF HUD-OWNED PROPERTIES. (a) FLEXIBLE AUTHORITY FOR MULTIFAMILY PROJECTS.—''; and

(2) by adding at the end the following new subsection:

''(b) TRANSFER OF UNOCCUPIED AND SUBSTANDARD HOUSING TO LOCAL GOVERNMENTS AND COMMUNITY DEVELOPMENT CORPORATIONS.—

''(1) TRANSFER AUTHORITY.—Notwithstanding the authority under subsection (a) and the last sentence of section 204(g) of the National Housing Act (12 U.S.C. 1710(g)), the Secretary of Housing and Urban Development shall transfer ownership of any qualified HUD property, subject to the requirements of this section, to a unit of general local government having jurisdiction for the area in which the property is located or to a community development corporation which operates within such a unit of general local government in accordance with this subsection, but only to the extent that units of general local government and community development corporations consent to transfer and the Secretary determines that such transfer is practicable.

''(2) QUALIFIED HUD PROPERTIES.—For purposes of this subsection, the term 'qualified HUD property' means any property for which, as of the date that notification of the property is first made under paragraph (3)(B), not less than 6 months have elapsed since the later of the date that the property was acquired by the Secretary or the date that the property was determined to be unoccupied or substandard, that is owned by the Secretary and is—

''(A) an unoccupied multifamily housing project;

''(B) a substandard multifamily housing project; or

''(C) an unoccupied single family property that—

''(i) has been determined by the Secretary not to be an eligible asset under section 204(h) of the National Housing Act (12 U.S.C. 1710(h)); or

''(ii) is an eligible asset under such section 204(h), but—

''(I) is not subject to a specific sale agreement under such section; and

''(II) has been determined by the Secretary to be inappropriate for continued inclusion in the program under such section 204(h) pursuant to paragraph (10) of such section.

''(3) TIMING.—The Secretary shall establish procedures that provide for—

''(A) time deadlines for transfers under this subsection;

''(B) notification to units of general local government and community development corporations of qualified HUD properties in their jurisdictions;

''(C) such units and corporations to express interest in the transfer under this subsection of such properties;

''(D) a right of first refusal for transfer of qualified HUD properties to units of general local government and community development corporations, under which—

''(i) the Secretary shall establish a period during which the Secretary may not transfer such properties except to such units and corporations;

''(ii) the Secretary shall offer qualified HUD properties that are single family properties for purchase by units of general local government at a cost of $1 for each property, but only to the extent that the costs to the Federal Government of disposal at such price do not exceed the costs to the Federal Government of disposing of property subject to the procedures for single family property established by the Secretary pursuant to the authority under the last sentence of section 204(g) of the National Housing Act (12 U.S.C. 1710(g));

''(iii) the Secretary may accept an offer to purchase a property made by a community development corporation only if the offer provides for purchase on a cost recovery basis; and

''(iv) the Secretary shall accept an offer to purchase such a property that is made during such period by such a unit or corporation and that complies with the requirements of this paragraph;

''(E) a written explanation, to any unit of general local government or community development corporation making an offer to purchase a qualified HUD property under this subsection that is not accepted, of the reason that such offer was not acceptable.

''(4) OTHER DISPOSITION.—With respect to any qualified HUD property, if the Secretary does not receive an acceptable offer to purchase the property pursuant to the procedure established under paragraph (3), the Secretary shall dispose of the property to the unit of general local government in which property is located or to community development corporations located in such unit of general local government on a negotiated, competitive bid, or other basis, on such terms as the Secretary deems appropriate.

''(5) SATISFACTION OF INDEBTEDNESS.—Before transferring ownership of any qualified HUD property pursuant to this subsection, the Secretary shall satisfy any indebtedness incurred in connection with the property to be transferred, by canceling the indebtedness.

''(6) DETERMINATION OF STATUS OF PROPERTIES.—To ensure compliance with the requirements of this subsection, the Secretary shall take the following actions:

''(A) UPON ENACTMENT.—Upon the enactment of the American Homeownership and Economic Opportunity Act of 2000, the Secretary shall promptly assess each residential property owned by the Secretary to determine whether such property is a qualified HUD property.

''(B) UPON ACQUISITION.—Upon acquiring any residential property, the Secretary shall promptly determine whether the property is a qualified HUD property.

''(C) UPDATES.—The Secretary shall periodically reassess the residential properties owned by the Secretary to determine whether any such properties have become qualified HUD properties.

''(7) TENANT LEASES.—This subsection shall not affect the terms or the enforceability of any contract or lease entered into with respect to any residential property before the date that such property becomes a qualified HUD property.

''(8) USE OF PROPERTY.—Property transferred under this subsection shall be used only for appropriate neighborhood revitalization efforts, including homeownership, rental units, commercial space, and parks, consistent with local zoning regulations, local building codes, and subdivision regulations and restrictions of record.

''(9) INAPPLICABILITY TO PROPERTIES MADE AVAILABLE FOR HOMELESS.—Notwithstanding any other provision of this subsection, this subsection shall not apply to any properties that the Secretary determines are to be made available for use by the homeless pursuant to subpart E of part 291 of title 24, Code of Federal Regulations, during the period that the properties are so available.

''(10) PROTECTION OF EXISTING CONTRACTS.—This subsection may not be construed to alter, affect, or annul any legally binding obligations entered into with respect to a qualified HUD property before the property becomes a qualified HUD property.

''(11) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

''(A) COMMUNITY DEVELOPMENT CORPORATION.—The term 'community development corporation' means a nonprofit organization whose primary purpose is to promote community development by providing housing opportunities for low-income families.

''(B) COST RECOVERY BASIS.—The term 'cost recovery basis' means, with respect to any sale of a residential property by the Secretary, that the purchase price paid by the purchaser is equal to or greater than the sum of (i) the appraised value of the property, as determined in accordance with such requirements as the Secretary shall establish, and (ii) the costs incurred by the Secretary in connection with such property during the period beginning on the date on which the Secretary acquires title to the property and ending on the date on which the sale is consummated.

''(C) MULTIFAMILY HOUSING PROJECT.—The term 'multifamily housing project' has the meaning given the term in section 203 of the Housing and Community Development Amendments of 1978.

''(D) RESIDENTIAL PROPERTY.—The term 'residential property' means a property that is a multifamily housing project or a single family property.

''(E) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

''(F) SEVERE PHYSICAL PROBLEMS.—The term 'severe physical problems' means, with respect to a dwelling unit, that the unit—

''(i) lacks hot or cold piped water, a flush toilet, or both a bathtub and a shower in the unit, for the exclusive use of that unit;

''(ii) on not less than 3 separate occasions during the preceding winter months, was uncomfortably cold for a period of more than 6 consecutive hours due to a malfunction of the heating system for the unit;

''(iii) has no functioning electrical service, exposed wiring, any room in which there is not a functioning electrical outlet, or has experienced 3 or more blown fuses or tripped circuit breakers during the preceding 90-day period;

''(iv) is accessible through a public hallway in which there are no working light fixtures, loose or missing steps or railings, and no elevator; or

''(v) has severe maintenance problems, including water leaks involving the roof, windows, doors, basement, or pipes or plumbing fixtures, holes or open cracks in walls or ceilings, severe paint peeling or broken plaster, and signs of rodent infestation.

''(G) SINGLE FAMILY PROPERTY.—The term 'single family property' means a 1- to 4-family residence.

''(H) SUBSTANDARD.—The term 'substandard' means, with respect to a multifamily housing project, that 25 percent or more of the dwelling units in the project have severe physical problems.

''(I) UNIT OF GENERAL LOCAL GOVERNMENT.—The term 'unit of general local government' has the meaning given such term in section 102(a) of the Housing and Community Development Act of 1974.

''(J) UNOCCUPIED.—The term 'unoccupied' means, with respect to a residential property,

that the unit of general local government having jurisdiction over the area in which the project is located has certified in writing that the property is not inhabited.

''(12) REGULATIONS.—

''(A) INTERIM.—Not later than 30 days after the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000, the Secretary shall issue such interim regulations as are necessary to carry out this subsection.

''(B) FINAL.—Not later than 60 days after the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000, the Secretary shall issue such final regulations as are necessary to carry out this subsection.''.

SEC. 802. TRANSFER OF HUD ASSETS IN REVITALIZATION AREAS.

In carrying out the program under section 204(h) of the National Housing Act (12 U.S.C. 1710(h)), upon the request of the chief executive officer of a county or the government of appropriate jurisdiction and not later than 60 days after such request is made, the Secretary of Housing and Urban Development shall designate as a revitalization area all portions of such county that meet the criteria for such designation under paragraph (3) of such section.

TITLE IX—PRIVATE MORTGAGE INSURANCE CANCELLATION AND TERMINATION

SECTION 901. SHORT TITLE.

This title may be cited as the ''Private Mortgage Insurance Technical Corrections and Clarification Act''.

SEC. 902. CHANGES IN AMORTIZATION SCHEDULE.

(a) TREATMENT OF ADJUSTABLE RATE MORTGAGES.—The Homeowners Protection Act of 1998 (12 U.S.C. 4901 et seq.) is amended—

(1) in section 2—

(A) in paragraph (2)(B)(i), by striking ''amortization schedules'' and inserting ''the amortization schedule then in effect'';

(B) in paragraph (16)(B), by striking ''amortization schedules'' and inserting ''the amortization schedule then in effect'';

(C) by redesignating paragraphs (6) through (16) (as amended by the preceding provisions of this paragraph) as paragraphs (8) through (18), respectively; and

(D) by inserting after paragraph (5) the following new paragraph:

''(6) AMORTIZATION SCHEDULE THEN IN EFFECT.—The term 'amortization schedule then in effect' means, with respect to an adjustable rate mortgage, a schedule established at the time at which the residential mortgage transaction is consummated or, if such schedule has been changed or recalculated, is the most recent schedule under the terms of the note or mortgage, which shows—

''(A) the amount of principal and interest that is due at regular intervals to retire the principal balance and accrued interest over the remaining amortization period of the loan; and

''(B) the unpaid balance of the loan after each such scheduled payment is made.''; and

(2) in section 3(f)(1)(B)(ii), by striking ''amortization schedules'' and inserting ''the amortization schedule then in effect''.

(b) TREATMENT OF BALLOON MORTGAGES.—Paragraph (1) of section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901(1)) is amended by adding at the end the following new sentence: ''A residential mortgage that (A) does not fully amortize over the term of the obligation, and (B) contains a conditional right to refinance or modify the unamortized principal at the maturity date of the term, shall be considered to be an adjustable rate mortgage for purposes of this Act.''.

(c) TREATMENT OF LOAN MODIFICATIONS.—

(1) IN GENERAL.—Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended—

(A) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively; and

(B) by inserting after subsection (c) the following new subsection:

''(d) TREATMENT OF LOAN MODIFICATIONS.—If a mortgagor and mortgagee (or holder of the mortgage) agree to a modification of the terms or conditions of a loan pursuant to a residential mortgage transaction, the cancellation date, termination date, or final termination shall be recalculated to reflect the modified terms and conditions of such loan.''.

(2) CONFORMING AMENDMENTS.—Section 4(a) of the Homeowners Protection Act of 1998 (12 U.S.C. 4903(a)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''section 3(f)(1)'' and inserting ''section 3(g)(1)'';

(ii) in subparagraph (A)(ii)(IV), by striking ''section 3(f)'' and inserting ''section 3(g)''; and

(iii) in subparagraph (B)(iii), by striking ''section 3(f)'' and inserting ''section 3(g)''; and

(B) in paragraph (2), by striking ''section 3(f)(1)'' and inserting ''section 3(g)(1)''.

SEC. 903. DELETION OF AMBIGUOUS REFERENCES TO RESIDENTIAL MORTGAGES.

(a) TERMINATION OF PRIVATE MORTGAGE INSURANCE.—Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended—

(1) in subsection (c), by inserting ''on residential mortgage transactions'' after ''imposed''; and

(2) in subsection (g) (as so redesignated by section 902(c)(1)(A) of this title)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''mortgage or'';

(B) in paragraph (2), by striking ''mortgage or''; and

(C) in paragraph (3), by striking ''mortgage or'' and inserting ''residential mortgage or residential''.

(b) DISCLOSURE REQUIREMENTS.—Section 4 of the Homeowners Protection Act of 1998 (12 U.S.C. 4903(a)) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''mortgage or'' the first place it appears; and

(ii) by striking ''mortgage or'' the second place it appears and inserting ''residential''; and

(B) in paragraph (2), by striking ''mortgage or'' and inserting ''residential'';

(2) in subsection (c), by striking ''paragraphs (1)(B) and (3) of subsection (a)'' and inserting ''subsection (a)(3)''; and

(3) in subsection (d), by inserting before the period at the end the following: '', which disclosures shall relate to the mortgagor's rights under this Act''.

(c) DISCLOSURE REQUIREMENTS FOR LENDER-PAID MORTGAGE INSURANCE.—Section 6 of the Homeowners Protection Act of 1998 (12 U.S.C. 4905) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''a residential mortgage or''; and

(B) in paragraph (2), by inserting ''transaction'' after ''residential mortgage''; and

(2) in subsection (d), by inserting ''transaction'' after ''residential mortgage''.

SEC. 904. CANCELLATION RIGHTS AFTER CANCELLATION DATE.

Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting after ''cancellation date'' the following: ''or any later date that the mortgagor fulfills all of the requirements under paragraphs (1) through (4)'';

(B) in paragraph (2), by striking ''and'' at the end;

(C) by redesignating paragraph (3) as paragraph (4); and

(D) by inserting after paragraph (2) the following new paragraph:

''(3) is current on the payments required by the terms of the residential mortgage transaction; and''; and

(2) in subsection (e)(1)(B) (as so redesignated by section 902(c)(1)(A) of this title), by striking ''subsection (a)(3)'' and inserting ''subsection (a)(4)''.

SEC. 905. CLARIFICATION OF CANCELLATION AND TERMINATION ISSUES AND LENDER PAID MORTGAGE INSURANCE DISCLOSURE REQUIREMENTS.

(a) GOOD PAYMENT HISTORY.—Section 2(4) of the Homeowners Protection Act of 1998 (12 U.S.C. 4901(4)) is amended—

(1) in subparagraph (A)—

(A) by inserting ''the later of (i)'' before ''the date''; and

(ii) by inserting '', or (ii) the date that the mortgagor submits a request for cancellation under section 3(a)(1)'' before the semicolon; and

(B) in subparagraph (B)—

(i) by inserting ''the later of (i)'' before ''the date''; and

(ii) by inserting '', or (ii) the date that the mortgagor submits a request for cancellation under section 3(a)(1)'' before the period at the end.

(b) AUTOMATIC TERMINATION.—Paragraph (2) of section 3(b) of the Homeowners Protection Act of 1998 (12 U.S.C. 4902(b)(2)) is amended to read as follows:

''(2) if the mortgagor is not current on the termination date, on the first day of the first month beginning after the date that the mortgagor becomes current on the payments required by the terms of the residential mortgage transaction.''

(c) PREMIUM PAYMENTS.—Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended by adding at the end the following new subsection:

''(h) ACCRUED OBLIGATION FOR PREMIUM PAYMENTS.—The cancellation or termination under this section of the private mortgage insurance of a mortgagor shall not affect the rights of any mortgagee, servicer, or mortgage insurer to enforce any obligation of such mortgagor for premium payments accrued prior to the date on which such cancellation or termination occurred.''.

SEC. 906. DEFINITIONS.

(a) REFINANCED.—Section 6(c)(1)(B)(ii) of the Homeowners Protection Act of 1998 (12 U.S.C. 4905(c)(1)(B)(ii)) is amended by inserting after ''refinanced'' the following: ''(under the meaning given such term in the regulations issued by the Board of Governors of the Federal Reserve System to carry out the Truth in Lending Act (15 U.S.C. 1601 et seq.))''.

(b) MIDPOINT OF THE AMORTIZATION PERIOD.—Section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901) is amended by inserting after paragraph (6) (as added by section 902(a)(1)(D) of this Act) the following new paragraph:

''(7) MIDPOINT OF THE AMORTIZATION PERIOD.—The term 'midpoint of the amortization period' means, with respect to a residential mortgage transaction, the point in time that is halfway through the period that begins upon the first day of the amortization period established at the time a residential mortgage transaction is consummated and ends upon the completion of the entire period over which the mortgage is scheduled to be amortized.''.

(c) ORIGINAL VALUE.—Section 2(12) of the Homeowners Protection Act of 1998 (12 U.S.C. 4901(10)) (as so redesignated by section 902(a)(1)(C) of this Act) is amended—

(1) by inserting ''transaction'' after ''a residential mortgage''; and

(2) by adding at the end the following new sentence: ''In the case of a residential mortgage transaction for refinancing the principal residence of the mortgagor, such term means only the appraised value relied upon by the mortgagee to approve the refinance transaction.''.

(d) PRINCIPAL RESIDENCE.—Section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901) is amended—

(1) in paragraph (14) (as so redesignated by section 902(a)(1)(C) of this Act) by striking ''primary'' and inserting ''principal''; and

(2) in paragraph (15) (as so redesignated by section 902(a)(1)(C) of this Act) by striking ''primary'' and inserting ''principal'';

TITLE X—RURAL HOUSING HOMEOWNERSHIP

SEC. 1001. PROMISSORY NOTE REQUIREMENT UNDER HOUSING REPAIR LOAN PROGRAM.

The fourth sentence of section 504(a) of the Housing Act of 1949 (42 U.S.C. 1474(a)) is amended by striking ''$2,500'' and inserting ''$7,500''.

SEC. 1002. LIMITED PARTNERSHIP ELIGIBILITY FOR FARM LABOR HOUSING LOANS.

The first sentence of section 514(a) of the Housing Act of 1949 (42 U.S.C. 1484(a)) is amended by striking ''nonprofit limited partnership'' and inserting ''limited partnership''.

SEC. 1003. PROJECT ACCOUNTING RECORDS AND PRACTICES.

Section 515 of the Housing Act of 1949 (42 U.S.C. 1485) is amended by striking subsection (z) and inserting the following new subsections:

''(z) ACCOUNTING AND RECORDKEEPING REQUIREMENTS.—

''(1) ACCOUNTING STANDARDS.—The Secretary shall require that borrowers in programs authorized by this section maintain accounting records in accordance with generally accepted accounting principles for all projects that receive funds from loans made or guaranteed by the Secretary under this section.

''(2) RECORD RETENTION REQUIREMENTS.—The Secretary shall require that borrowers in programs authorized by this section retain for a period of not less than 6 years and make available to the Secretary in a manner determined by the Secretary, all records required to be maintained under this subsection and other records identified by the Secretary in applicable regulations.

''(aa) DOUBLE DAMAGES FOR UNAUTHORIZED USE OF HOUSING PROJECTS ASSETS AND INCOME.—

''(1) ACTION TO RECOVER ASSETS OR INCOME.—

''(A) IN GENERAL.—The Secretary may request the Attorney General to bring an action in a United States district court to recover any assets or income used by any person in violation of the provisions of a loan made or guaranteed by the Secretary under this section or in violation of any applicable statute or regulation.

''(B) IMPROPER DOCUMENTATION.—For purposes of this subsection, a use of assets or income in violation of the applicable loan, loan guarantee, statute, or regulation shall include any use for which the documentation in the books and accounts does not establish that the use was made for a reasonable operating expense or necessary repair of the project or for which the documentation has not been maintained in accordance with the requirements of the Secretary and in reasonable condition for proper audit.

''(C) DEFINITION.—For the purposes of this subsection, the term 'person' means—

''(i) any individual or entity that borrows funds in accordance with programs authorized by this section;

''(ii) any individual or entity holding 25 percent or more interest of any entity that borrows funds in accordance with programs authorized by this section; and

''(iii) any officer, director, or partner of an entity that borrows funds in accordance with programs authorized by this section.

''(2) AMOUNT RECOVERABLE.—

''(A) IN GENERAL.—In any judgment favorable to the United States entered under this subsection, the Attorney General may recover double the value of the assets and income of the project that the court determines to have been used in violation of the provisions of a loan made or guaranteed by the Secretary under this section or any applicable statute or regulation, plus all costs related to the action, including reasonable attorney and auditing fees.

''(B) APPLICATION OF RECOVERED FUNDS.—Notwithstanding any other provision of law, the Secretary may use amounts recovered under this subsection for activities authorized under this section and such funds shall remain available for such use until expended.

''(3) TIME LIMITATION.—Notwithstanding any other provision of law, an action under this subsection may be commenced at any time during the 6-year period beginning on the date that the Secretary discovered or should have discovered the violation of the provisions of this section or any related statutes or regulations.

''(4) CONTINUED AVAILABILITY OF OTHER REMEDIES.—The remedy provided in this subsection is in addition to and not in substitution of any other remedies available to the Secretary or the United States.''.

SEC. 1004. DEFINITION OF RURAL AREA.

The second sentence of section 520 of the Housing Act of 1949 (42 U.S.C. 1490) is amended by striking ''year 2000'' and inserting ''year 2010''.

SEC. 1005. OPERATING ASSISTANCE FOR MIGRANT FARMWORKERS PROJECTS.

The last sentence of section 521(a)(5)(A) of the Housing Act of 1949 (42 U.S.C. 1490a(a)(5)(A)) is amended by striking ''project'' and inserting ''tenant or unit''.

SEC. 1006. MULTIFAMILY RENTAL HOUSING LOAN GUARANTEE PROGRAM.

Section 538 of the Housing Act of 1949 (42 U.S.C. 1490p–2) is amended—

(1) in subsection (c), by inserting ''an Indian organization,'' after ''thereof,'';

(2) in subsection (f), by striking paragraph (1) and inserting the following new paragraph:

''(1) be made for a period of not less than 25 nor greater than 40 years from the date the loan was made and may provide for amortization of the loan over a period of not to exceed 40 years with a final payment of the balance due at the end of the loan term;'';

(3) in subsection (i)(2), by striking ''(A) conveyance to the Secretary'' and all that follows through ''(C) assignment'' and inserting ''(A) submission to the Secretary of a claim for payment under the guarantee, and (B) assignment'';

(4) in subsection (s), by adding at the end the following new subsection:

''(4) INDIAN ORGANIZATION.—The term 'Indian organization' means the governing body of an Indian tribe, band, group, pueblo, or community, including native villages or native groups, as defined by the Alaska Claims Settlement Act (43 U.S.C. 1601 et seq.), (including corporations organized by the Kenai, Juneau, Sitka, and Kodiak) which is eligible for services from the Bureau of Indian Affairs or an entity established or recognized by the governing body for the purpose of financing economic development.'';

(5) in subsection (t), by inserting before the period at the end the following: ''to provide guarantees under this section for eligible loans having an aggregate principal amount of $500,000,000'';

(6) by striking subsection (l);

(7) by redesignating subsections (m) through (u) as subsections (l) through (t), respectively;

(8) by adding at the end the following new subsections:

''(u) FEE AUTHORITY.—

''(1) IN GENERAL.—Any amounts collected by the Secretary pursuant to the fees charged to lenders for loan guarantees issued under this section shall be used to offset costs (as defined by section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a)) of loan guarantees made under this section.

''(2) EXCESS FUNDS.—Any fees described in paragraph (1) collected in excess of the amount required in paragraph (1) during a fiscal year, shall be available to the Secretary, without further appropriation and without fiscal year limitation, for use by the Secretary for costs of administering (including monitoring) program activities authorized pursuant to this section and shall be in addition to other funds made available for this purpose.

''(v) DEFAULTS OF LOANS SECURED BY RESERVATION LANDS.—In the event of a default involving a loan to an Indian tribe or tribal corporation made under this section which is secured by an interest in land within such tribe's reservation (as determined by the Secretary of the Interior), including a community in Alaska incorporated by the Secretary of the Interior pursuant to the Indian Reorganization Act (25 U.S.C. 461 et seq.), the lender shall only pursue liquidation after offering to transfer the account to an eligible tribal member, the tribe, or the Indian housing authority serving the tribe. If the lender subsequently proceeds to liquidate the account, the lender shall not sell, transfer, or otherwise dispose of or alienate the property except to one of the entities described in the preceding sentence.''.

SEC. 1007. ENFORCEMENT PROVISIONS.

(a) IN GENERAL.—Title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.) is amended by adding after section 542 the following:

''SEC. 543. ENFORCEMENT PROVISIONS.

''(a) EQUITY SKIMMING.—

''(1) CRIMINAL PENALTY.—Whoever, as an owner, agent, employee, or manager, or is otherwise in custody, control, or possession of property that is security for a loan made or guaranteed under this title, willfully uses, or authorizes the use, of any part of the rents, assets, proceeds, income, or other funds derived from such property, for any purpose other than to meet actual, reasonable, and necessary expenses of the property, or for any other purpose not authorized by this title or the regulations adopted pursuant to this title, shall be fined under title 18, United States Code, or imprisoned not more than 5 years, or both.

''(2) CIVIL SANCTIONS.—An entity or individual who as an owner, operator, employee, or manager, or who acts as an agent for a property that is security for a loan made or guaranteed under this title where any part of the rents, assets, proceeds, income, or other funds derived from such property are used for any purpose other than to meet actual, reasonable, and necessary expenses of the property, or for any other purpose not authorized by this title or the regulations adopted pursuant to this title, shall be subject to a fine of not more than $25,000 per violation. The sanctions provided in this paragraph may be imposed in addition to any other civil sanctions or civil monetary penalties authorized by law.

''(b) CIVIL MONETARY PENALTIES.—

''(1) IN GENERAL.—The Secretary may, after notice and opportunity for a hearing, impose a civil monetary penalty in accordance with this subsection against any individual or entity, including its owners, officers, directors, general partners, limited partners, or employees, who knowingly and materially violate, or participate

in the violation of, the provisions of this title, the regulations issued by the Secretary pursuant to this title, or agreements made in accordance with this title, by—

''(A) submitting information to the Secretary that is false;

''(B) providing the Secretary with false certifications;

''(C) failing to submit information requested by the Secretary in a timely manner;

''(D) failing to maintain the property subject to loans made or guaranteed under this title in good repair and condition, as determined by the Secretary;

''(E) failing to provide management for a project which received a loan made or guaranteed under this title that is acceptable to the Secretary; or

''(F) failing to comply with the provisions of applicable civil rights statutes and regulations.

''(2) CONDITIONS FOR RENEWAL OR EXTENSION.—The Secretary may require that expiring loan or assistance agreements entered into under this title shall not be renewed or extended unless the owner executes an agreement to comply with additional conditions prescribed by the Secretary, or executes a new loan or assistance agreement in the form prescribed by the Secretary.

''(3) AMOUNT.—

''(A) IN GENERAL.—The amount of a civil monetary penalty imposed under this subsection shall not exceed the greater of—

''(i) twice the damages the Department of Agriculture, the guaranteed lender, or the project that is secured for a loan under this section suffered or would have suffered as a result of the violation; or

''(ii) $50,000 per violation.

''(B) DETERMINATION.—In determining the amount of a civil monetary penalty under this subsection, the Secretary shall take into consideration—

''(i) the gravity of the offense;

''(ii) any history of prior offenses by the violator (including offenses occurring prior to the enactment of this section);

''(iii) the ability of the violator to pay the penalty;

''(iv) any injury to tenants;

''(v) any injury to the public;

''(vi) any benefits received by the violator as a result of the violation;

''(vii) deterrence of future violations; and

''(viii) such other factors as the Secretary may establish by regulation.

''(4) PAYMENT OF PENALTIES.—No payment of a penalty assessed under this section may be made from funds provided under this title or from funds of a project which serve as security for a loan made or guaranteed under this title.

''(5) REMEDIES FOR NONCOMPLIANCE.—

''(A) JUDICIAL INTERVENTION.—If a person or entity fails to comply with a final determination by the Secretary imposing a civil monetary penalty under this subsection, the Secretary may request the Attorney General of the United States to bring an action in an appropriate United States district court to obtain a monetary judgment against such individual or entity and such other relief as may be available. The monetary judgment may, in the court's discretion, include the attorney's fees and other expenses incurred by the United States in connection with the action.

''(B) REVIEWABILITY OF DETERMINATION.—In an action under this paragraph, the validity and appropriateness of a determination by the Secretary imposing the penalty shall not be subject to review.''.

(b) CONFORMING AMENDMENT.—Section 514 of the Housing Act of 1949 (42 U.S.C. 1484) is amended by striking subsection (j).

SEC. 1008. AMENDMENTS TO TITLE 18 OF UNITED STATES CODE.

(a) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ''any violation of section 543(a)(1) of the Housing Act of 1949 (relating to equity skimming),'' after ''coupons having a value of not less than $5,000,''.

(b) OBSTRUCTION OF FEDERAL AUDITS.—Section 1516(a) of title 18, United States Code, is amended by inserting ''or relating to any property that is security for a loan that is made or guaranteed under title V of the Housing Act of 1949,'' before ''shall be fined under this title''.

TITLE XI—MANUFACTURED HOUSING IMPROVEMENT

SEC. 1101. SHORT TITLE AND REFERENCES.

(a) SHORT TITLE.—This title may be cited as the ''Manufactured Housing Improvement Act''.

(b) REFERENCES.—Whenever in this title an amendment is expressed in terms of an amendment to, or repeal of, an Act, a section, or any other provision, the reference shall be considered to be made to that section or other provision of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.).

SEC. 1102. FINDINGS AND PURPOSES.

Section 602 (42 U.S.C. 5401) is amended to read as follows:

''FINDINGS AND PURPOSES

''SEC. 602. (a) FINDINGS.—The Congress finds that—

''(1) manufactured housing plays a vital role in meeting the housing needs of the Nation; and

''(2) manufactured homes provide a significant resource for affordable homeownership and rental housing accessible to all Americans.

''(b) PURPOSES.—The purposes of this title are—

''(1) to facilitate the acceptance of the quality, durability, safety, and affordability of manufactured housing within the Department of Housing and Urban Development;

''(2) to facilitate the availability of affordable manufactured homes and to increase homeownership for all Americans;

''(3) to provide for the establishment of practical, uniform, and, to the extent possible, performance-based Federal construction standards;

''(4) to encourage innovative and cost-effective construction techniques;

''(5) to protect owners of manufactured homes from unreasonable risk of personal injury and property damage;

''(6) to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes and related regulations for the enforcement of such standards;

''(7) to ensure uniform and effective enforcement of Federal construction and safety standards for manufactured homes; and

''(8) to ensure that the public interest in, and need for, affordable manufactured housing is duly considered in all determinations relating to the Federal standards and their enforcement.''.

SEC. 1103. DEFINITIONS.

(a) IN GENERAL.—Section 603 (42 U.S.C. 5402) is amended—

(1) in paragraph (2), by striking ''dealer'' and inserting ''retailer'';

(2) in paragraph (12), by striking ''and'' at the end;

(3) in paragraph (13), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following new paragraphs:

''(14) 'administering organization' means the recognized, voluntary, private sector, consensus standards body with specific experience in developing model residential building codes and standards involving all disciplines regarding construction and safety that administers the consensus standards development process;

''(15) 'consensus committee' means the committee established under section 604(a)(3);

''(16) 'consensus standards development process' means the process by which additions, revisions, and interpretations to the Federal manufactured home construction and safety standards and enforcement regulations shall be developed and recommended to the Secretary by the consensus committee;

''(17) 'primary inspection agency' means a State agency or private organization that has been approved by the Secretary to act as a design approval primary inspection agency or a production inspection primary inspection agency, or both;

''(18) 'design approval primary inspection agency' means a State agency or private organization that has been approved by the Secretary to evaluate and either approve or disapprove manufactured home designs and quality control procedures;

''(19) 'production inspection primary inspection agency' means a State agency or private organization that has been approved by the Secretary to evaluate the ability of manufactured home manufacturing plants to comply with approved quality control procedures and with the Federal manufactured home construction and safety standards promulgated hereunder;

''(20) 'installation standards' means reasonable specifications for the installation of a manufactured home, at the place of occupancy, to ensure proper siting, the joining of all sections of the home, and the installation of stabilization, support, or anchoring systems; and

''(21) 'monitoring'—

''(A) means the process of periodic review of the primary inspection agencies, by the Secretary or by a State agency under an approved State plan pursuant to section 623, in accordance with regulations recommended by the consensus committee and promulgated in accordance with section 604(b), which process shall be for the purpose of ensuring that the primary inspection agencies are discharging their duties under this title; and

''(B) may include the periodic inspection of retail locations for transit damage, label tampering, and retailer compliance with this title.''.

(b) CONFORMING AMENDMENTS.—The Act is amended—

(1) in section 613 (42 U.S.C. 5412), by striking ''dealer'' each place it appears and inserting ''retailer'';

(2) in section 614(f) (42 U.S.C. 5413(f)), by striking ''dealer'' each place it appears and inserting ''retailer'';

(3) in section 615 (42 U.S.C. 5414)—

(A) in subsection (b)(1), by striking ''dealer'' and inserting ''retailer'';

(B) in subsection (b)(3), by striking ''dealer or dealers'' and inserting ''retailer or retailers''; and

(C) in subsections (d) and (f), by striking ''dealers'' each place it appears and inserting ''retailers'';

(4) in section 616 (42 U.S.C. 5415), by striking ''dealer'' and inserting ''retailer''; and

(5) in section 623(c)(9), by striking ''dealers'' and inserting ''retailers''.

SEC. 1104. FEDERAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS.

Section 604 (42 U.S.C. 5403) is amended—

(1) by striking subsections (a) and (b) and inserting the following new subsections:

''(a) ESTABLISHMENT.—

''(1) AUTHORITY.—The Secretary shall establish, by order, appropriate Federal manufactured home construction and safety standards, each of which—

''(A) shall—

''(i) be reasonable and practical;

''(ii) meet high standards of protection consistent with the enumerated purposes of this title; and

''(iii) where appropriate, be performance-based and objectively stated; and

''(B) except as provided in subsection (b), shall be established in accordance with the consensus standards development process.

''(2) CONSENSUS STANDARDS AND REGULATORY DEVELOPMENT PROCESS.—

''(A) INITIAL AGREEMENT.—Not later than 180 days after the date of enactment of the Manufactured Housing Improvement Act, the Secretary shall enter into a contract with an administering organization. The contractual agreement shall—

''(i) terminate on the date on which a contract is entered into under subparagraph (B); and

''(ii) require the administering organization to—

''(I) appoint the initial members of the consensus committee under paragraph (3);

''(II) administer the consensus standards development process until the termination of that agreement; and

''(III) administer the consensus development and interpretation process for procedural and enforcement regulations and regulations specifying the permissible scope and conduct of monitoring until the termination of that agreement.

''(B) COMPETITIVELY PROCURED CONTRACT.—Upon the expiration of the 4-year period beginning on the date on which all members of the consensus committee are appointed under paragraph (3), the Secretary shall, using competitive procedures (as such term is defined in section 4 of the Office of Federal Procurement Policy Act), enter into a competitively awarded contract with an administering organization. The administering organization shall administer the consensus process for the development and interpretation of the Federal standards, the procedural and enforcement regulations and regulations specifying the permissible scope and conduct of monitoring in accordance with this title.

''(C) PERFORMANCE REVIEW.—The Secretary—

''(i) shall periodically review the performance of the administering organization; and

''(ii) may replace the administering organization with another qualified technical or building code organization, pursuant to competitive procedures, if the Secretary determines in writing that the administering organization is not fulfilling the terms of the agreement or contract to which the administering organization is subject or upon the expiration of the agreement or contract.

''(3) CONSENSUS COMMITTEE.—

''(A) PURPOSE.—There is established a committee to be known as the 'consensus committee', which shall, in accordance with this title—

''(i) provide periodic recommendations to the Secretary to adopt, revise, and interpret the Federal manufactured housing construction and safety standards in accordance with this subsection;

''(ii) provide periodic recommendations to the Secretary to adopt, revise, and interpret the procedural and enforcement regulations, including regulations specifying the permissible scope and conduct of monitoring in accordance with this subsection; and

''(iii) be organized and carry out its business in a manner that guarantees a fair opportunity for the expression and consideration of various positions and for public participation.

''(B) MEMBERSHIP.—The consensus committee shall be composed of—

''(i) 21 voting members appointed, subject to approval by the Secretary, by the administering organization from among individuals who are qualified by background and experience to participate in the work of the consensus committee; and

''(ii) 1 member appointed by the Secretary to represent the Secretary on the consensus committee, who shall be a nonvoting member.

''(C) DISAPPROVAL.—The Secretary may disapprove, in writing with the reasons set forth, the appointment of an individual under subparagraph (B)(i).

''(D) SELECTION PROCEDURES AND REQUIREMENTS.—Each member shall be appointed in accordance with the selection procedures, which shall be established by the Secretary and which shall be based on the procedures for consensus committees promulgated by the American National Standards Institute (or successor organization), to ensure equal representation on the consensus committee of the following interest categories:

''(i) PRODUCERS.—7 producers or retailers of manufactured housing.

''(ii) USERS.—7 persons representing consumer interests, such as consumer organizations, recognized consumer leaders, and owners who are residents of manufactured homes.

''(iii) GENERAL INTEREST AND PUBLIC OFFICIALS.—7 general interest and public official members.

''(E) BALANCING OF INTERESTS.—

''(i) IN GENERAL.—In order to achieve a proper balance of interests on the consensus committee—

''(I) the administering organization in its appointments shall ensure that all directly and materially affected interests have the opportunity for fair and equitable participation without dominance by any single interest; and

''(II) the Secretary may reject the appointment of any 1 or more individuals in order to ensure that there is not dominance by any single interest.

''(ii) DOMINANCE DEFINED.—In this subparagraph, the term 'dominance' means a position or exercise of dominant authority, leadership, or influence by reason of superior leverage, strength, or representation.

''(F) ADDITIONAL QUALIFICATIONS.—

''(i) FINANCIAL INDEPENDENCE.—No individual appointed under subparagraph (D)(ii) shall have, and 3 of individuals appointed under subparagraph (D)(iii) shall not have—

''(I) a significant financial interest in any segment of the manufactured housing industry; or

''(II) a significant relationship to any person engaged in the manufactured housing industry.

''(ii) POST-EMPLOYMENT BAN.—An individual appointed under clause (ii) or (iii) of subparagraph (D) shall be subject to a ban disallowing compensation from the manufactured housing industry during the period of, and for the 1-year period after, membership of that individual on the consensus committee.

''(G) MEETINGS.—

''(i) NOTICE; OPEN TO PUBLIC.—The consensus committee shall provide advance notice of each meeting of the consensus committee to the Secretary and publish advance notice of each such meeting in the Federal Register. All meetings of the consensus committee shall be open to the public.

''(ii) REIMBURSEMENT.—Members of the consensus committee in attendance at the meetings shall be reimbursed for their actual expenses as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in Government service.

''(H) INAPPLICABILITY OF OTHER LAWS.—

''(i) ADVISORY COMMITTEE ACT.—The consensus committee shall not be considered to be an advisory committee for purposes of the Federal Advisory Committee Act.

''(ii) TITLE 18.—The members of the consensus committee shall not be subject to section 203, 205, 207, or 208 of title 18, United States Code, to the extent of their proper participation as members of the consensus committee.

''(iii) ETHICS IN GOVERNMENT ACT OF 1978.—The Ethics in Government Act of 1978 shall not apply to members of the consensus committee to the extent of their proper participation as members of the consensus committee.

''(I) ADMINISTRATION.—The consensus committee and the administering organization shall—

''(i) operate in conformance with the procedures established by the American National Standards Institute for the development and coordination of American National Standards; and

''(ii) apply to the American National Standards Institute and take such other actions as may be necessary to obtain accreditation from the American National Standards Institute.

''(J) STAFF.—The administering organization shall, upon the request of the consensus committee, provide reasonable staff resources to the consensus committee. Upon a showing of need, the Secretary shall furnish technical support to any of the various interest categories on the consensus committee.

''(K) DATE OF INITIAL APPOINTMENTS.—The initial appointments of all of the members of the consensus committee shall be completed not later than 90 days after the date on which an administration agreement under paragraph (2)(A) is completed with the administering organization.

''(4) REVISIONS OF STANDARDS.—

''(A) IN GENERAL.—Beginning on the date on which all members of the consensus committee are appointed under paragraph (3), the consensus committee shall, not less than once during each 2-year period—

''(i) consider revisions to the Federal manufactured home construction and safety standards; and

''(ii) submit proposed revised standards and regulations, if approved in a vote of the consensus committee by two-thirds of the members, to the Secretary in the form of a proposed rule, including an economic analysis.

''(B) PUBLICATION OF PROPOSED REVISED STANDARDS.—

''(i) PUBLICATION BY SECRETARY.—The consensus committee shall provide a proposed revised standard under subparagraph (A)(ii) to the Secretary who shall, not later than 30 days after receipt, publish such proposed revised standard in the Federal Register for notice and comment. Unless clause (ii) applies, the Secretary shall provide an opportunity for public comment on such proposed revised standard and any such comments shall be submitted directly to the consensus committee without delay.

''(ii) PUBLICATION OF REJECTED PROPOSED REVISED STANDARD.—If the Secretary rejects the proposed revised standard, the Secretary shall publish the rejected proposed revised standard in the Federal Register with the reasons for rejection and any recommended modifications set forth.

''(C) PRESENTATION OF PUBLIC COMMENTS; PUBLICATION OF RECOMMENDED REVISIONS.—

''(i) PRESENTATION.—Any public comments, views, and objections to a proposed revised standard published under subparagraph (B) shall be presented by the Secretary to the consensus committee upon their receipt and in the manner received, in accordance with procedures established by the American National Standards Institute.

''(ii) PUBLICATION BY THE SECRETARY.—The consensus committee shall provide to the Secretary any revisions proposed by the consensus committee, which the Secretary shall, not later than 7 calendar days after receipt, cause to be published in the Federal Register as a notice of the recommended revisions of the consensus committee to the standard, a notice of the submission of the recommended revisions to the Secretary, and a description of the circumstances under which the proposed revised standards could become effective.

''(iii) PUBLICATION OF REJECTED PROPOSED REVISED STANDARD.—If the Secretary rejects the proposed revised standard, the Secretary shall publish the rejected proposed revised standard in the Federal Register with the reasons for rejection and any recommended modifications set forth.

''(5) REVIEW BY THE SECRETARY.—

''(A) IN GENERAL.—The Secretary shall either adopt, modify, or reject a standard, as submitted by the consensus committee under paragraph (4)(A).

''(B) TIMING.—Not later than 12 months after the date on which a standard is submitted to the Secretary by the consensus committee, the Secretary shall take action regarding such standard under subparagraph (C).

''(C) PROCEDURES.—If the Secretary—

''(i) adopts a standard recommended by the consensus committee, the Secretary shall—

''(I) issue a final order without further rulemaking; and

''(II) cause the final order to be published in the Federal Register;

''(ii) determines that any standard should be rejected, the Secretary shall—

''(I) reject the standard; and

''(II) cause to be published in the Federal Register a notice to that effect, together with the reason or reasons for rejecting the proposed standard; or

''(iii) determines that a standard recommended by the consensus committee should be modified, the Secretary shall—

''(I) cause the proposed modified standard to be published in the Federal Register, together with an explanation of the reason or reasons for the determination of the Secretary; and

''(II) provide an opportunity for public comment in accordance with section 553 of title 5, United States Code.

''(D) FINAL ORDER.—Any final standard under this paragraph shall become effective pursuant to subsection (c).

''(6) FAILURE TO ACT.—If the Secretary fails to take final action under paragraph (5) and to publish notice of the action in the Federal Register before the expiration of the 12-month period beginning on the date on which the proposed standard is submitted to the Secretary under paragraph (4)(A)—

''(A) the recommendations of the consensus committee—

''(i) shall be considered to have been adopted by the Secretary; and

''(ii) shall take effect upon the expiration of the 180-day period that begins upon the conclusion of such 12-month period; and

''(B) not later than 10 days after the expiration of such 12-month period, the Secretary shall cause to be published in the Federal Register a notice of the failure of the Secretary to act, the revised standard, and the effective date of the revised standard, which notice shall be deemed to be an order of the Secretary approving the revised standards proposed by the consensus committee.

''(b) OTHER ORDERS.—

''(1) REGULATIONS.—The Secretary may issue procedural and enforcement regulations as necessary to implement the provisions of this title. The consensus committee may submit to the Secretary proposed procedural and enforcement regulations and recommendations for the revision of such regulations.

''(2) INTERPRETATIVE BULLETINS.—The Secretary may issue interpretative bulletins to clarify the meaning of any Federal manufactured home construction and safety standard or procedural and enforcement regulation. The consensus committee may submit to the Secretary proposed interpretative bulletins to clarify the meaning of any Federal manufactured home construction and safety standard or procedural and enforcement regulation.

''(3) REVIEW BY CONSENSUS COMMITTEE.—Before issuing a procedural or enforcement regulation or an interpretative bulletin—

''(A) the Secretary shall—

''(i) submit the proposed procedural or enforcement regulation or interpretative bulletin to the consensus committee; and

''(ii) provide the consensus committee with a period of 120 days to submit written comments to the Secretary on the proposed procedural or enforcement regulation or the interpretative bulletin; and

''(B) if the Secretary rejects any significant comment provided by the consensus committee under subparagraph (A), the Secretary shall provide a written explanation of the reasons for the rejection to the consensus committee; and

''(C) following compliance with subparagraphs (A) and (B), the Secretary shall—

''(i) cause the proposed regulation or interpretative bulletin and the consensus committee's written comments along with the Secretary's response thereto to be published in the Federal Register; and

''(ii) provide an opportunity for public comment in accordance with section 553 of title 5, United States Code.

''(4) REQUIRED ACTION.—The Secretary shall act on any proposed regulation or interpretative bulletin submitted by the consensus committee by approving or rejecting the proposal within 120 days from the date the proposal is received by the Secretary. The Secretary shall either—

''(A) approve the proposal and cause the proposed regulation or interpretative bulletin to be published for public comment in accordance with section 553 of title 5, United States Code; or

''(B) reject the proposed regulation or interpretative bulletin and—

''(i) provide a written explanation of the reasons for rejection to the consensus committee; and

''(ii) cause the proposed regulation and the written explanation for the rejection to be published in the Federal Register.

''(5) EMERGENCY ORDERS.—If the Secretary determines, in writing, that such action is necessary in order to respond to an emergency which jeopardizes the public health or safety, or to address an issue on which the Secretary determines that the consensus committee has not made a timely recommendation, following a request by the Secretary, the Secretary may issue an order that is not developed under the procedures set forth in subsection (a) or in this subsection, if the Secretary—

''(A) provides to the consensus committee a written description and sets forth the reasons why emergency action is necessary and all supporting documentation; and

''(B) issues and publishes the order in the Federal Register.

''(6) CHANGES.—Any statement of policies, practices, or procedures relating to construction and safety standards, inspections, monitoring, or other enforcement activities which constitutes a statement of general or particular applicability and future offset and decisions to implement, interpret, or prescribe law of policy by the Secretary is subject to the provisions of subsection (a) or (b) of this subsection. Any change adopted in violation of the provisions of subsection (a) or (b) of this subsection is void.

''(7) TRANSITION.—Until the date that the consensus committee is appointed pursuant to section 1104(a)(3), the Secretary may issue proposed orders that are not developed under the procedures set forth in this section for new and revised standards.'';

(2) in subsection (d), by adding at the end the following: ''Federal preemption under this subsection shall be broadly and liberally construed to ensure that disparate State or local requirements or standards do not affect the uniformity and comprehensiveness of the standards promulgated hereunder nor the Federal superintendence of the manufactured housing industry as established by this title. Subject to section 605, there is reserved to each State the right to establish standards for the stabilizing and support systems of manufactured homes sited within that State, and for the foundations on which manufactured homes sited within that State are installed, and the right to enforce compliance with such standards, except that such standards shall be consistent with the purposes of this title and shall be consistent with the design of the manufacturer.'';

(3) by striking subsection (e);

(4) in subsection (f), by striking the subsection designation and all of the matter that precedes paragraph (1) and inserting the following:

''(e) CONSIDERATIONS IN ESTABLISHING AND INTERPRETING STANDARDS AND REGULATIONS.—The consensus committee, in recommending standards, regulations, and interpretations, and the Secretary, in establishing standards or regulations, or issuing interpretations under this section, shall—'';

(5) by striking subsection (g);

(6) in the first sentence of subsection (j), by striking ''subsection (f)'' and inserting ''subsection (e)''; and

(7) by redesignating subsections (h), (i), and (j), as subsections (f), (g), and (h), respectively.

SEC. 1105. ABOLISHMENT OF NATIONAL MANUFACTURED HOME ADVISORY COUNCIL; MANUFACTURED HOME INSTALLATION.

(a) IN GENERAL.—Section 605 (42 U.S.C. 5404) is amended to read as follows:

''SEC. 605. MANUFACTURED HOME INSTALLATION.

''(a) PROVISION OF INSTALLATION DESIGN AND INSTRUCTIONS.—A manufacturer shall provide with each manufactured home, design and instructions for the installation of the manufactured home that have been approved by a design approval primary inspection agency. After establishment of model standards under subsection (b)(2), a design approval primary inspection agency may not give such approval unless a design and instruction provides equal or greater protection than the protection provided under such model standards.

''(b) MODEL MANUFACTURED HOME INSTALLATION STANDARDS.—

''(1) PROPOSED MODEL STANDARDS.—Not later than 18 months after the date on which the initial appointments of all of the members of the consensus committee are completed, the consensus committee shall develop and submit to the Secretary proposed model manufactured home installation standards, which shall, to the maximum extent possible, taking into account the factors described in section 604(e), be consistent with—

''(A) the home designs that have been approved by a design approval primary inspection agency; and

''(B) the designs and instructions for the installation of manufactured homes provided by manufacturers under subsection (a).

''(2) ESTABLISHMENT OF MODEL STANDARDS.—Not later than 12 months after receiving the proposed model standards submitted under paragraph (1), the Secretary shall develop and establish model manufactured home installation standards, which shall be consistent with—

''(A) the home designs that have been approved by a design approval primary inspection agency; and

''(B) the designs and instructions for the installation of manufactured homes provided by manufacturers under subsection (a).

''(3) FACTORS FOR CONSIDERATION.—

''(A) CONSENSUS COMMITTEE.—In developing the proposed model standards under paragraph (1), the consensus committee shall consider the factors described in section 604(e).

''(B) SECRETARY.—In developing and establishing the model standards under paragraph (2), the Secretary shall consider the factors described in section 604(e).

''(c) MANUFACTURED HOME INSTALLATION PROGRAMS.—

''(1) PROTECTION OF MANUFACTURED HOUSING RESIDENTS DURING INITIAL PERIOD.—During the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act, no State or manufacturer may establish or implement any installation standards that, in the determination of the Secretary, provide less protection to the residents of manufactured homes than the protection provided by the installation standards in effect with respect to the State or manufacturer, as applicable, on the date of enactment of the Manufactured Housing Improvement Act.

''(2) INSTALLATION STANDARDS.—

''(A) ESTABLISHMENT OF INSTALLATION PROGRAM.—Not later than the expiration of the 5-year period described in paragraph (1), the Secretary shall establish an installation program that meets the requirements of paragraph (3) for the enforcement of installation standards in each State described in subparagraph (B).

''(B) IMPLEMENTATION OF INSTALLATION PROGRAM.—Beginning on the expiration of the 5-year period described in paragraph (1), the Secretary shall implement the installation program established under subparagraph (A) in each State that does not have an installation program established by State law that meets the requirements of paragraph (3).

''(C) CONTRACTING OUT OF IMPLEMENTATION.—In carrying out subparagraph (B), the Secretary may contract with an appropriate agent to implement the installation program established under that subparagraph, except that such agent shall not be a person or entity other than a government, nor an affiliate or subsidiary of such a person or entity, that has entered into a contract with the Secretary to implement any other regulatory program under this title.

''(3) REQUIREMENTS.—An installation program meets the requirements of this paragraph if it is a program regulating the installation of manufactured homes that includes—

''(A) installation standards that, in the determination of the Secretary, provide protection to the residents of manufactured homes that equals or exceeds the protection provided to those residents by—

''(i) the model manufactured home installation standards established under subsection (b); or

''(ii) the designs and instructions provided by manufacturers under subsection (a), if the Secretary determines that such designs and instructions provide protection to the residents of the manufactured home that equals or exceeds the protection provided by the model manufactured home installation standards established under subsection (b);

''(B) the training and licensing of manufactured home installers; and

''(C) inspection of the installation of manufactured homes.''.

(b) CONFORMING AMENDMENTS.—Section 623(c) (42 U.S.C. 5422(c)) is amended—

(1) in paragraph (10), by striking ''and'' at the end;

(2) by redesignating paragraph (11) as paragraph (13); and

(3) by inserting after paragraph (10) the following:

''(11) with respect to any State plan submitted on or after the expiration of the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act, provides for an installation program established by State law that meets the requirements of section 605(c)(3);''.

SEC. 1106. PUBLIC INFORMATION.

Section 607 (42 U.S.C. 5406) is amended—

(1) in subsection (a)—

(A) by inserting ''to the Secretary'' after ''submit''; and

(B) by adding at the end the following: ''The Secretary shall submit such cost and other information to the consensus committee for evaluation.'';

(2) in subsection (d), by inserting '', the consensus committee,'' after ''public''; and

(3) by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 1107. RESEARCH, TESTING, DEVELOPMENT, AND TRAINING.

(a) IN GENERAL.—Section 608(a) (42 U.S.C. 5407(a)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting a semicolon; and

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

''(4) encouraging the government sponsored housing entities to actively develop and implement secondary market securitization programs for FHA manufactured home loans and those of other loan programs, as appropriate, thereby promoting the availability of affordable manufactured homes to increase homeownership for all people in the United States; and

''(5) reviewing the programs for FHA manufactured home loans and developing any changes to such programs to promote the affordability of manufactured homes, including changes in loan terms, amortization periods, regulations, and procedures.''.

(b) DEFINITIONS.—Section 608 (42 U.S.C. 5407) is amended by adding at the end the following new subsection:

''(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) GOVERNMENT SPONSORED HOUSING ENTITIES.—The term 'government sponsored housing entities' means the Government National Mortgage Association of the Department of Housing and Urban Development, the Federal National Mortgage Association, and the Federal Home Loan Mortgage Corporation.

''(2) FHA MANUFACTURED HOME LOANS.—The term 'FHA manufactured home loan' means a loan that—

''(A) is insured under title I of the National Housing Act and is made for the purpose of financing alterations, repairs, or improvements on or in connection with an existing manufactured home, the purchase of a manufactured home, the purchase of a manufactured home and a lot on which to place the home, or the purchase only of a lot on which to place a manufactured home; or

''(B) otherwise insured under the National Housing Act and made for or in connection with a manufactured home.''.

SEC. 1108. FEES.

Section 620 (42 U.S.C. 5419) is amended to read as follows:

''AUTHORITY TO ESTABLISH FEES

''SEC. 620. (a) IN GENERAL.—In carrying out inspections under this title, in developing standards and regulations pursuant to section 604, and in facilitating the acceptance of the affordability and availability of manufactured housing within the Department, the Secretary may—

''(1) establish and collect from manufactured home manufacturers such reasonable fees as may be necessary to offset the expenses incurred by the Secretary in connection with carrying out the responsibilities of the Secretary under this title, including—

''(A) conducting inspections and monitoring;

''(B) providing funding to States for the administration and implementation of approved State plans under section 623, including reasonable funding for cooperative educational and training programs designed to facilitate uniform enforcement under this title; these funds may be paid directly to the States or may be paid or provided to any person or entity designated to receive and disburse such funds by cooperative agreements among participating States, provided that such person or entity is not otherwise an agent of the Secretary under this title;

''(C) providing the funding for a noncareer administrator and Federal staff personnel for the manufactured housing program;

''(D) administering the consensus committee as set forth in section 604; and

''(E) facilitating the acceptance of the quality, durability, safety, and affordability of manufactured housing within the Department; and

''(2) use any fees collected under paragraph (1) to pay expenses referred to in paragraph (1), which shall be exempt and separate from any limitations on the Department of Housing and Urban Development regarding full-time equivalent positions and travel.

''(b) CONTRACTORS.—When using fees under this section, the Secretary shall ensure that separate and independent contractors are retained to carry out monitoring and inspection work and any other work that may be delegated to a contractor under this title.

''(c) PROHIBITED USE.—Fees collected under subsection (a) shall not be used for any purpose or activity not specifically authorized by this title unless such activity was already engaged in by the Secretary prior to the date of enactment of this title.

''(d) MODIFICATION.—Any fee established by the Secretary under this section shall only be modified pursuant to rulemaking in accordance with section 553 of title 5, United States Code.

''(e) APPROPRIATION AND DEPOSIT OF FEES.—

''(1) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the 'Manufactured Housing Fees Trust Fund' for deposit of all fees collected pursuant to subsection (a). These fees shall be held in trust for use only as provided in this title.

''(2) APPROPRIATION.—Such fees shall be available for expenditure only to the extent approved in an annual appropriation Act.''.

SEC. 1109. DISPUTE RESOLUTION.

Section 623(c) (42 U.S.C. 5422(c)), as amended by section 5(b) of this Act, is amended by inserting after paragraph (11) (as added by section 5(b) of this Act) the following:

''(12) with respect to any State plan submitted on or after the expiration of the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act, provides for a dispute resolution program for the timely resolution of disputes between manufacturers, retailers, and installers of manufactured homes regarding responsibility, and for the issuance of appropriate orders, for the correction or repair of defects in manufactured homes that are reported during the 1-year period beginning on the date of installation; and''; and

(2) by adding at the end the following:

''(g) ENFORCEMENT OF DISPUTE RESOLUTION STANDARDS.—

''(1) ESTABLISHMENT OF DISPUTE RESOLUTION PROGRAM.—Not later than the expiration of the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act, the Secretary shall establish a dispute resolution program that meets the requirements of subsection (c)(12) for dispute resolution in each State described in paragraph (2).

''(2) IMPLEMENTATION OF DISPUTE RESOLUTION PROGRAM.—Beginning on the expiration of the 5-year period described in paragraph (1), the Secretary shall implement the dispute resolution program established under paragraph (1) in each State that has not established a dispute

resolution program that meets the requirements of subsection (c)(12).

''(3) CONTRACTING OUT OF IMPLEMENTATION.—In carrying out paragraph (2), the Secretary may contract with an appropriate agent to implement the dispute resolution program established under that paragraph, except that such agent shall not be a person or entity other than a government, nor an affiliate or subsidiary of such a person or entity, that has entered into a contract with the Secretary to implement any other regulatory program under this title.''.

SEC. 1110. ELIMINATION OF ANNUAL REPORT REQUIREMENT.

The Act is amended—

(1) by striking section 626 (42 U.S.C. 5425); and

(2) by redesignating sections 627 and 628 (42 U.S.C. 5426, 5401 note) as sections 626 and 627, respectively.

SEC. 1111. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of enactment of this Act, except that the amendments shall have no effect on any order or interpretative bulletin that is published as a proposed rule pursuant to section 553 of title 5, United States Code, on or before such date.

SEC. 1112. SAVINGS PROVISION.

(a) STANDARDS AND REGULATIONS.—The Federal manufactured home construction and safety standards (as such term is defined in section 603 of the National Manufactured Housing Construction and Safety Standards Act of 1974) and all regulations pertaining thereto in effect immediately before the date of the enactment of this Act shall apply until the effective date of a standard or regulation modifying or superseding the existing standard or regulation which is promulgated under subsection (a) or (b) of section 604 of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended by this title.

(b) CONTRACTS.—Any contract awarded pursuant to a Request for Proposal issued before the date of enactment of this Act shall remain in effect for a period of 2 years from the date of enactment of this Act or for the remainder of the contract term, whichever period is shorter.

The CHAIRMAN. No amendment to that amendment is in order except those printed in House Report 106–562. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

It is now in order to consider amendment No. 1 printed in House Report 106–562.

AMENDMENT NO. 1 OFFERED BY MR. LAZIO

Mr. LAZIO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. LAZIO:

Page 28, line 24, after the comma insert ''except that elementary education shall include pre-Kindergarten education, and''.

Page 36, strike line 13, and all that follows through page 37, line 2, and insert the following:

SEC. 206. COMMUNITY PARTNERS NEXT DOOR PROGRAM.

(a) SHORT TITLE.—This section may be cited as the ''Community Partners Next Door Act''.

(b) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) teachers, law enforcement officers, fire fighters, and rescue personnel help form the backbones of communities and are integral components in the social capital of neighborhoods in the United States; and

(2) providing a discounted purchase price on HUD-owned properties for teachers, law enforcement officers, fire fighters, and rescue personnel recognizes the intrinsic value of the services provided by such employees to their communities and to family life and encourages and rewards those who are dedicated to providing public service in our most needy communities.

Page 37, line 10, after ''TEACHERS'' insert ''AND PUBLIC SAFETY OFFICERS''.

Page 37, line 14, after ''teacher'' insert ''or public safety officer''.

Page 38, line 2, after ''teacher'' insert ''or public safety officer''.

Page 38, line 9, after ''teacher'' insert ''or public safety officer''.

Page 38, line 11, after ''teacher'' insert ''or public safety officer''.

Page 38, line 20, after ''teacher'' insert ''or public safety officer''.

Page 39, line 4, after ''teacher'' insert ''or public safety officer''.

Page 39, strike line 15, and all that follows through page 40, line 6.

Page 40, line 7, strike ''(H)'' and insert ''(G)''.

Page 40, after line 20, insert the following:

''(iii) The term 'public safety officer' means an individual who is employed on a full-time basis as a public safety officer described in section 203(b)(10)(B)(i)(I)(bb).

Page 40, line 21, strike ''(iii)'' and insert ''(iv)''.

Page 40, line 24 after ''State-certified'' insert ''or State-licensed''.

Page 40, line 24, before ''ad-'' insert ''or as an''.

Page 41, lines 14 and 15, strike ''**COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION**''.

Strike line 24 on page 41 and all that follows through page 42, line 1, and insert the following:

(A) in the first sentence, by inserting ''and insured community development financial institutions'' after ''private mortgage insurers'';

Page 42, strike lines 12 through 15, and insert the following:

(A) in the first sentence, by inserting ''and with insured community development financial institutions'' before the period at the end;

Page 42, after line 18, insert the following new subparagraph:

(C) in the second sentence, by inserting ''and insured community development financial institutions'' after ''private mortgage insurance companies'';

Page 42, line 19, strike ''(C)'' and insert ''(D)''.

Page 43, line 3, strike ''(D)'' and insert ''(E)''.

Page 43, strike lines 17 through 23 and insert the following:

(B) in the second sentence, by inserting ''or insured community development financial institution'' after ''private mortgage insurance company'';

(6) in subsection (d), by inserting ''or insured community development financial institution'' after ''private mortgage insurance company''; and

Page 59, line 10, strike ''1 year'' and insert ''3 months''.

Page 59, after line 23, insert the following new section:

SEC. 212. SENSE OF CONGRESS REGARDING MAKING PROPERTIES AVAILABLE FOR HOMEOWNERSHIP PROGRAMS.

It is the sense of the Congress that the Secretary of Housing and Urban Development should consult with the heads of other agencies of the Federal Government that own or hold properties appropriate for use as housing to determine the possibility and effectiveness of including such properties in programs that make housing available for law enforcement officers, teachers, or fire fighters.

Page 110, after line 2, insert the following: The Secretary may not treat any application for a grant under this section adversely in any manner solely on the basis that the homeownership zone is located, in whole or in part, within unincorporated areas.

Page 119, after line 1, insert the following new subsection:

(a) EXTENSION OF PROGRAMS.—

(1) EMERGENCY HOMEOWNERSHIP COUNSELING.—Section 106(c)(9) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(9)) is amended by striking ''September 30, 2000'' and inserting ''September 30, 2005''.

(2) PREPURCHASE AND FORECLOSURE PREVENTION COUNSELING DEMONSTRATION.—Section 106(d)(12) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(d)(12)) is amended by striking ''fiscal year 1994'' and inserting ''fiscal year 2005''.

Page 119, line 2, before ''Section'' insert ''(b) COOPERATIVE OWNERSHIP HOUSING CORPORATIONS.—

Page 121, strike lines 12 and 13 and insert the following:

TITLE VII—NATIVE AMERICAN HOMEOWNERSHIP

Subtitle A—Native American Housing

Page 138, strike lines 12 through 18 and insert the following new subsection:

(j) LABOR STANDARDS.—Section 104(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4114(b) is amended—

(1) in paragraph (1), by striking ''Davis-Bacon Act (40 U.S.C. 276a–276a–5)'' and inserting ''Act of March 3, 1931 (commonly known as the Davis-Bacon Act; chapter 411; 46 Stat. 1494; 40 U.S.C 276a et seq.)''; and

(2) by adding at the end the following new paragraph:

''(3) APPLICATION OF TRIBAL LAWS.—Paragraph (1) shall not apply to any contract or agreement for assistance, sale, or lease pursuant to this Act, if such contract or agreement is otherwise covered by one or more laws or regulations adopted by an Indian tribe that requires the payment of not less than prevailing wages, as determined by the Indian tribe.''.

Page 139, after line 16, insert the following new subtitle:

Subtitle B—Native Hawaiian Housing

SEC. 721. SHORT TITLE.

This subtitle may be cited as the ''Hawaiian Homelands Homeownership Act of 2000''.

SEC. 722. FINDINGS.

The Congress finds that—

(1) the United States has undertaken a responsibility to promote the general welfare of the United States by—

(A) employing its resources to remedy the unsafe and unsanitary housing conditions and the acute shortage of decent, safe, and sanitary dwellings for families of lower income; and

(B) developing effective partnerships with governmental and private entities to accomplish the objectives referred to in subparagraph (A);

(2) the United States has a special responsibility for the welfare of the Native peoples of the United States, including Native Hawaiians;

(3) pursuant to the provisions of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), the United States set aside 200,000 acres of land in the Federal territory that later became the State of Hawaii in order to establish a homeland for the native people of Hawaii—Native Hawaiians;

(4) despite the intent of Congress in 1920 to address the housing needs of Native Hawaiians through the enactment of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), Native Hawaiians eligible to reside on the Hawaiian home lands have been foreclosed from participating in Federal housing assistance programs available to all other eligible families in the United States;

(5) although Federal housing assistance programs have been administered on a racially neutral basis in the State of Hawaii, Native Hawaiians continue to have the greatest unmet need for housing and the highest rates of overcrowding in the United States;

(6) among the Native American population of the United States, Native Hawaiians experience the highest percentage of housing problems in the United States, as the percentage—

(A) of housing problems in the Native Hawaiian population is 49 percent, as compared to—

(i) 44 percent for American Indian and Alaska Native households in Indian country; and

(ii) 27 percent for all other households in the United States; and

(B) overcrowding in the Native Hawaiian population is 36 percent as compared to 3 percent for all other households in the United States;

(7) among the Native Hawaiian population, the needs of Native Hawaiians, as that term is defined in section 801 of the Native American Housing Assistance and Self-Determination Act of 1996, as added by section 723 of this subtitle, eligible to reside on the Hawaiian Home Lands are the most severe, as—

(A) the percentage of overcrowding in Native Hawaiian households on the Hawaiian Home Lands is 36 percent; and

(B) approximately 13,000 Native Hawaiians, which constitute 95 percent of the Native Hawaiians who are eligible to reside on the Hawaiian Home Lands, are in need of housing;

(8) applying the Department of Housing and Urban Development guidelines—

(A) 70.8 percent of Native Hawaiians who either reside or who are eligible to reside on the Hawaiian Home Lands have incomes that fall below the median family income; and

(B) 50 percent of Native Hawaiians who either reside or who are eligible to reside on the Hawaiian Home Lands have incomes below 30 percent of the median family income;

(9) ⅓ of those Native Hawaiians who are eligible to reside on the Hawaiian Home Lands pay more than 30 percent of their income for shelter, and ½ of those Native Hawaiians face overcrowding;

(10) the extraordinarily severe housing needs of Native Hawaiians demonstrate that Native Hawaiians who either reside on, or are eligible to reside on, Hawaiian Home Lands have been denied equal access to Federal low-income housing assistance programs available to other qualified residents of the United States, and that a more effective means of addressing their housing needs must be authorized;

(11) consistent with the recommendations of the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing, and in order to address the continuing prevalence of extraordinarily severe housing needs among Native Hawaiians who either reside or are eligible to reside on the Hawaiian Home Lands, Congress finds it necessary to extend the Federal low-income housing assistance available to American Indians and Alaska Natives under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) to those Native Hawaiians;

(12) under the treatymaking power of the United States, Congress had the constitutional authority to confirm a treaty between the United States and the government that represented the Hawaiian people, and from 1826 until 1893, the United States recognized the independence of the Kingdom of Hawaii, extended full diplomatic recognition to the Hawaiian Government, and entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887;

(13) the United States has recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands, and that group has never relinquished its claims to sovereignty or its sovereign lands;

(B) Congress does not extend services to Native Hawaiians because of their race, but because of their unique status as the indigenous people of a once sovereign nation as to whom the United States has established a trust relationship;

(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawaii;

(D) the political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives; and

(E) the aboriginal, indigenous people of the United States have—

(i) a continuing right to autonomy in their internal affairs; and

(ii) an ongoing right of self-determination and self-governance that has never been extinguished;

(14) the political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States as evidenced by the inclusion of Native Hawaiians in—

(A) the Native American Programs Act of 1974 (42 U.S.C. 2291 et seq.);

(B) the American Indian Religious Freedom Act (42 U.S.C. 1996 et seq.);

(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);

(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(F) the Native American Languages Act of 1992 (106 Stat. 3434);

(G) the American Indian, Alaska Native and Native Hawaiian Culture and Arts Development Act (20 U.S.C. 4401 et seq.);

(H) the Job Training Partnership Act (29 U.S.C. 1501 et seq.); and

(I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); and

(15) in the area of housing, the United States has recognized and reaffirmed the political relationship with the Native Hawaiian people through—

(A) the enactment of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), which set aside approximately 200,000 acres of public lands that became known as Hawaiian Home Lands in the Territory of Hawaii that had been ceded to the United States for homesteading by Native Hawaiians in order to rehabilitate a landless and dying people;

(B) the enactment of the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'', approved March 18, 1959 (73 Stat. 4)—

(i) by ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held in public trust, for the betterment of the conditions of Native Hawaiians, as that term is defined in section 201 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.); and

(ii) by transferring the United States responsibility for the administration of Hawaiian Home Lands to the State of Hawaii, but retaining the authority to enforce the trust, including the exclusive right of the United States to consent to any actions affecting the lands which comprise the corpus of the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), enacted by the legislature of the State of Hawaii affecting the rights of beneficiaries under the Act;

(C) the authorization of mortgage loans insured by the Federal Housing Administration for the purchase, construction, or refinancing of homes on Hawaiian Home Lands under the National Housing Act (Public Law 479, 73d Congress; 12 U.S.C. 1701 et seq.);

(D) authorizing Native Hawaiian representation on the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing under Public Law 101–235;

(E) the inclusion of Native Hawaiians in the definition under section 3764 of title 38, United States Code, applicable to subchapter V of chapter 37 of title 38, United States Code (relating to a housing loan program for Native American veterans); and

(F) the enactment of the Hawaiian Home Lands Recovery Act (109 Stat. 357; 48 U.S.C. 491, note prec.) which establishes a process for the conveyance of Federal lands to the Department of Hawaiian Homes Lands that are equivalent in value to lands acquired by the United States from the Hawaiian Home Lands inventory.

SEC. 723. HOUSING ASSISTANCE.

The Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) is amended by adding at the end the following:

"TITLE VIII—HOUSING ASSISTANCE FOR NATIVE HAWAIIANS

"SEC. 801. DEFINITIONS.

''In this title:

''(1) DEPARTMENT OF HAWAIIAN HOME LANDS; DEPARTMENT.—The term 'Department of Hawaiian Home Lands' or 'Department' means the agency or department of the government of the State of Hawaii that is responsible for the administration of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.).

''(2) DIRECTOR.—The term 'Director' means the Director of the Department of Hawaiian Home Lands.

''(3) ELDERLY FAMILIES; NEAR-ELDERLY FAMILIES.—

''(A) IN GENERAL.—The term 'elderly family' or 'near-elderly family' means a family whose head (or his or her spouse), or whose sole member, is—

''(i) for an elderly family, an elderly person; or

''(ii) for a near-elderly family, a near-elderly person.

''(B) CERTAIN FAMILIES INCLUDED.—The term 'elderly family' or 'near-elderly family' includes—

''(i) 2 or more elderly persons or near-elderly persons, as the case may be, living together; and

''(ii) 1 or more persons described in clause (i) living with 1 or more persons determined under the housing plan to be essential to their care or well-being.

''(4) HAWAIIAN HOME LANDS.—The term 'Hawaiian Home Lands' means lands that—

''(A) have the status as Hawaiian home lands under section 204 of the Hawaiian Homes Commission Act, 1920(42 Stat. 110); or

''(B) are acquired pursuant to that Act.

''(5) HOUSING AREA.—The term 'housing area' means an area of Hawaiian Home Lands with respect to which the Department of Hawaiian Home Lands is authorized to provide assistance for affordable housing under this Act.

''(6) HOUSING ENTITY.—The term 'housing entity' means the Department of Hawaiian Home Lands.

''(7) HOUSING PLAN.—The term 'housing plan' means a plan developed by the Department of Hawaiian Home Lands.

''(8) MEDIAN INCOME.—The term 'median income' means, with respect to an area that is a Hawaiian housing area, the greater of—

''(A) the median income for the Hawaiian housing area, which shall be determined by the Secretary; or

''(B) the median income for the State of Hawaii.

''(9) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is—

''(A) a citizen of the United States; and

''(B) a descendant of the aboriginal people, who, prior to 1778, occupied and exercised sovereignty in the area that currently constitutes the State of Hawaii, as evidenced by—

''(i) genealogical records;

''(ii) verification by kupuna (elders) or kama'aina (long-term community residents); or

''(iii) birth records of the State of Hawaii.

''SEC. 802. BLOCK GRANTS FOR AFFORDABLE HOUSING ACTIVITIES.

''(a) GRANT AUTHORITY.—For each fiscal year, the Secretary shall (to the extent amounts are made available to carry out this title) make a grant under this title to the Department of Hawaiian Home Lands to carry out affordable housing activities for Native Hawaiian families who are eligible to reside on the Hawaiian Home Lands.

''(b) PLAN REQUIREMENT.—

''(1) IN GENERAL.—The Secretary may make a grant under this title to the Department of Hawaiian Home Lands for a fiscal year only if—

''(A) the Director has submitted to the Secretary a housing plan for that fiscal year; and

''(B) the Secretary has determined under section 804 that the housing plan complies with the requirements of section 803.

''(2) WAIVER.—The Secretary may waive the applicability of the requirements under paragraph (1), in part, if the Secretary finds that the Department of Hawaiian Home Lands has not complied or cannot comply with those requirements due to circumstances beyond the control of the Department of Hawaiian Home Lands.

''(c) USE OF AFFORDABLE HOUSING ACTIVITIES UNDER PLAN.—Except as provided in subsection (e), amounts provided under a grant under this section may be used only for affordable housing activities under this title that are consistent with a housing plan approved under section 804.

''(d) ADMINISTRATIVE EXPENSES.—

''(1) IN GENERAL.—The Secretary shall, by regulation, authorize the Department of Hawaiian Home Lands to use a percentage of any grant amounts received under this title for any reasonable administrative and planning expenses of the Department relating to carrying out this title and activities assisted with those amounts.

''(2) ADMINISTRATIVE AND PLANNING EXPENSES.—The administrative and planning expenses referred to in paragraph (1) include—

''(A) costs for salaries of individuals engaged in administering and managing affordable housing activities assisted with grant amounts provided under this title; and

''(B) expenses incurred in preparing a housing plan under section 803.

''(e) PUBLIC-PRIVATE PARTNERSHIPS.—The Director shall make all reasonable efforts, consistent with the purposes of this title, to maximize participation by the private sector, including nonprofit organizations and for-profit entities, in implementing a housing plan that has been approved by the Secretary under section 803.

''SEC. 803. HOUSING PLAN.

''(a) PLAN SUBMISSION.—The Secretary shall—

''(1) require the Director to submit a housing plan under this section for each fiscal year; and

''(2) provide for the review of each plan submitted under paragraph (1).

''(b) 5-YEAR PLAN.—Each housing plan under this section shall—

''(1) be in a form prescribed by the Secretary; and

''(2) contain, with respect to the 5-year period beginning with the fiscal year for which the plan is submitted, the following information:

''(A) MISSION STATEMENT.—A general statement of the mission of the Department of Hawaiian Home Lands to serve the needs of the low-income families to be served by the Department.

''(B) GOAL AND OBJECTIVES.—A statement of the goals and objectives of the Department of Hawaiian Home Lands to enable the Department to serve the needs identified in subparagraph (A) during the period.

''(C) ACTIVITIES PLANS.—An overview of the activities planned during the period including an analysis of the manner in which the activities will enable the Department to meet its mission, goals, and objectives.

''(c) 1-YEAR PLAN.—A housing plan under this section shall—

''(1) be in a form prescribed by the Secretary; and

''(2) contain the following information relating to the fiscal year for which the assistance under this title is to be made available:

''(A) GOALS AND OBJECTIVES.—A statement of the goals and objectives to be accomplished during the period covered by the plan.

''(B) STATEMENT OF NEEDS.—A statement of the housing needs of the low-income families served by the Department and the means by which those needs will be addressed during the period covered by the plan, including—

''(i) a description of the estimated housing needs and the need for assistance for the low-income families to be served by the Department, including a description of the manner in which the geographical distribution of assistance is consistent with—

''(I) the geographical needs of those families; and

''(II) needs for various categories of housing assistance; and

''(ii) a description of the estimated housing needs for all families to be served by the Department.

''(C) FINANCIAL RESOURCES.—An operating budget for the Department of Hawaiian Home Lands, in a form prescribed by the Secretary, that includes—

''(i) an identification and a description of the financial resources reasonably available to the Department to carry out the purposes of this title, including an explanation of the manner in which amounts made available will be used to leverage additional resources; and

''(ii) the uses to which the resources described in clause (i) will be committed, including—

''(I) eligible and required affordable housing activities; and

''(II) administrative expenses.

''(D) AFFORDABLE HOUSING RESOURCES.—A statement of the affordable housing resources currently available at the time of the submittal of the plan and to be made available during the period covered by the plan, including—

''(i) a description of the significant characteristics of the housing market in the State of Hawaii, including the availability of housing from other public sources, private market housing;

''(ii) the manner in which the characteristics referred to in clause (i) influence the decision of the Department of Hawaiian Home Lands to use grant amounts to be provided under this title for—

''(I) rental assistance;

''(II) the production of new units;

''(III) the acquisition of existing units; or

''(IV) the rehabilitation of units;

''(iii) a description of the structure, coordination, and means of cooperation between the Department of Hawaiian Home Lands and any other governmental entities in the development, submission, or implementation of housing plans, including a description of—

''(I) the involvement of private, public, and nonprofit organizations and institutions;

''(II) the use of loan guarantees under section 184A of the Housing and Community Development Act of 1992; and

''(III) other housing assistance provided by the United States, including loans, grants, and mortgage insurance;

''(iv) a description of the manner in which the plan will address the needs identified pursuant to subparagraph (C);

''(v) a description of—

''(I) any existing or anticipated homeownership programs and rental programs to be carried out during the period covered by the plan; and

''(II) the requirements and assistance available under the programs referred to in subclause (I);

''(vi) a description of—

''(I) any existing or anticipated housing rehabilitation programs necessary to ensure the long-term viability of the housing to be carried out during the period covered by the plan; and

''(II) the requirements and assistance available under the programs referred to in subclause (I);

''(vii) a description of—

''(I) all other existing or anticipated housing assistance provided by the Department of Hawaiian Home Lands during the period covered by the plan, including—

''(aa) transitional housing;

''(bb) homeless housing;

''(cc) college housing; and

''(dd) supportive services housing; and

''(II) the requirements and assistance available under such programs;

''(viii)(I) a description of any housing to be demolished or disposed of;

''(II) a timetable for that demolition or disposition; and

''(III) any other information required by the Secretary with respect to that demolition or disposition;

''(ix) a description of the manner in which the Department of Hawaiian Home Lands will coordinate with welfare agencies in the State of Hawaii to ensure that residents of the affordable housing will be provided with access to resources to assist in obtaining employment and achieving self-sufficiency;

''(x) a description of the requirements established by the Department of Hawaiian Home Lands to—

''(I) promote the safety of residents of the affordable housing;

''(II) facilitate the undertaking of crime prevention measures;

''(III) allow resident input and involvement, including the establishment of resident organizations; and

''(IV) allow for the coordination of crime prevention activities between the Department and local law enforcement officials; and

''(xi) a description of the entities that will carry out the activities under the plan, including the organizational capacity and key personnel of the entities.

''(E) CERTIFICATION OF COMPLIANCE.—Evidence of compliance that shall include, as appropriate—

''(i) a certification that the Department of Hawaiian Home Lands will comply with—

''(I) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or with the Fair Housing Act (42 U.S.C. 3601 et seq.) in carrying out this title, to the extent that such title is applicable; and

''(II) other applicable Federal statutes;

''(ii) a certification that the Department will require adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under this title, in compliance with such requirements as may be established by the Secretary;

''(iii) a certification that policies are in effect and are available for review by the Secretary and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this title;

''(iv) a certification that policies are in effect and are available for review by the Secretary and the public governing rents charged, including the methods by which such rents or homebuyer payments are determined, for housing assisted with grant amounts provided under this title; and

''(v) a certification that policies are in effect and are available for review by the Secretary and the public governing the management and maintenance of housing assisted with grant amounts provided under this title.

''(d) APPLICABILITY OF CIVIL RIGHTS STATUTES.—

''(1) IN GENERAL.—To the extent that the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or of the Fair Housing Act (42 U.S.C. 3601 et seq.) apply to assistance provided under this title, nothing in the requirements concerning discrimination on the basis of race shall be construed to prevent the provision of assistance under this title—

''(A) to the Department of Hawaiian Home Lands on the basis that the Department served Native Hawaiians; or

''(B) to an eligible family on the basis that the family is a Native Hawaiian family.

''(2) CIVIL RIGHTS.—Program eligibility under this title may be restricted to Native Hawaiians. Subject to the preceding sentence, no person may be discriminated against on the basis of race, color, national origin, religion, sex, familial status, or disability.

''(e) USE OF NONPROFIT ORGANIZATIONS.—As a condition of receiving grant amounts under this title, the Department of Hawaiian Home Lands shall, to the extent practicable, provide for private nonprofit organizations experienced in the planning and development of affordable housing for Native Hawaiians to carry out affordable housing activities with those grant amounts.

''SEC. 804. REVIEW OF PLANS.

''(a) REVIEW AND NOTICE.—

''(1) REVIEW.—

''(A) IN GENERAL.—The Secretary shall conduct a review of a housing plan submitted to the Secretary under section 803 to ensure that the plan complies with the requirements of that section.

''(B) LIMITATION.—The Secretary shall have the discretion to review a plan referred to in subparagraph (A) only to the extent that the Secretary considers that the review is necessary.

''(2) NOTICE.—

''(A) IN GENERAL.—Not later than 60 days after receiving a plan under section 803, the Secretary shall notify the Director of the Department of Hawaiian Home Lands whether the plan complies with the requirements under that section.

''(B) EFFECT OF FAILURE OF SECRETARY TO TAKE ACTION.—For purposes of this title, if the Secretary does not notify the Director, as required under this subsection and subsection (b), upon the expiration of the 60-day period described in subparagraph (A)—

''(i) the plan shall be considered to have been determined to comply with the requirements under section 803; and

''(ii) the Director shall be considered to have been notified of compliance.

''(b) NOTICE OF REASONS FOR DETERMINATION OF NONCOMPLIANCE.—If the Secretary determines that a plan submitted under section 803 does not comply with the requirements of that section, the Secretary shall specify in the notice under subsection (a)—

''(1) the reasons for noncompliance; and

''(2) any modifications necessary for the plan to meet the requirements of section 803.

''(c) REVIEW.—

''(1) IN GENERAL.—After the Director of the Department of Hawaiian Home Lands submits a housing plan under section 803, or any amendment or modification to the plan to the Secretary, to the extent that the Secretary considers such action to be necessary to make a determination under this subsection, the Secretary shall review the plan (including any amendments or modifications thereto) to determine whether the contents of the plan—

''(A) set forth the information required by section 803 to be contained in the housing plan;

''(B) are consistent with information and data available to the Secretary; and

''(C) are not prohibited by or inconsistent with any provision of this Act or any other applicable law.

''(2) INCOMPLETE PLANS.—If the Secretary determines under this subsection that any of the appropriate certifications required under section 803(c)(2)(E) are not included in a plan, the plan shall be considered to be incomplete.

''(d) UPDATES TO PLAN.—

''(1) IN GENERAL.—Subject to paragraph (2), after a plan under section 803 has been submitted for a fiscal year, the Director of the Department of Hawaiian Home Lands may comply with the provisions of that section for any succeeding fiscal year (with respect to information included for the 5-year period under section 803(b) or for the 1-year period under section 803(c)) by submitting only such information regarding such changes as may be necessary to update the plan previously submitted.

''(2) COMPLETE PLANS.—The Director shall submit a complete plan under section 803 not later than 4 years after submitting an initial plan under that section, and not less frequently than every 4 years thereafter.

''(e) EFFECTIVE DATE.—This section and section 803 shall take effect on the date provided by the Secretary pursuant to section 807(a) to provide for timely submission and review of the housing plan as necessary for the provision of assistance under this title for fiscal year 2001.

''SEC. 805. TREATMENT OF PROGRAM INCOME AND LABOR STANDARDS.

''(a) PROGRAM INCOME.—

''(1) AUTHORITY TO RETAIN.—The Department of Hawaiian Home Lands may retain any program income that is realized from any grant amounts received by the Department under this title if—

''(A) that income was realized after the initial disbursement of the grant amounts received by the Department; and

''(B) the Director agrees to use the program income for affordable housing activities in accordance with the provisions of this title.

''(2) PROHIBITION OF REDUCTION OF GRANT.—The Secretary may not reduce the grant amount for the Department of Hawaiian Home Lands based solely on—

''(A) whether the Department retains program income under paragraph (1); or

''(B) the amount of any such program income retained.

''(3) EXCLUSION OF AMOUNTS.—The Secretary may, by regulation, exclude from consideration as program income any amounts determined to be so small that compliance with the requirements of this subsection would create an unreasonable administrative burden on the Department.

''(b) LABOR STANDARDS.—

''(1) IN GENERAL.—Any contract or agreement for assistance, sale, or lease pursuant to this title shall contain—

''(A) a provision requiring that an amount not less than the wages prevailing in the locality, as determined or adopted (subsequent to a determination under applicable State or local law) by the Secretary, shall be paid to all architects, technical engineers, draftsmen, technicians employed in the development and all maintenance, and laborers and mechanics employed in the operation, of the affordable housing project involved; and

''(B) a provision that an amount not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Act commonly known as the

'Davis-Bacon Act' (46 Stat. 1494, chapter 411; 40 U.S.C. 276a et seq.) shall be paid to all laborers and mechanics employed in the development of the affordable housing involved.

''(2) EXCEPTIONS.—Paragraph (1) and provisions relating to wages required under paragraph (1) in any contract or agreement for assistance, sale, or lease under this title, shall not apply to any individual who performs the services for which the individual volunteered and who is not otherwise employed at any time in the construction work and received no compensation or is paid expenses, reasonable benefits, or a nominal fee for those services.

''SEC. 806. ENVIRONMENTAL REVIEW.

''(a) IN GENERAL.—

''(1) RELEASE OF FUNDS.—

''(A) IN GENERAL.—The Secretary may carry out the alternative environmental protection procedures described in subparagraph (B) in order to ensure—

''(i) that the policies of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act (as specified in regulations issued by the Secretary) are most effectively implemented in connection with the expenditure of grant amounts provided under this title; and

''(ii) to the public undiminished protection of the environment.

''(B) ALTERNATIVE ENVIRONMENTAL PROTECTION PROCEDURE.—In lieu of applying environmental protection procedures otherwise applicable, the Secretary may by regulation provide for the release of funds for specific projects to the Department of Hawaiian Home Lands if the Director of the Department assumes all of the responsibilities for environmental review, decisionmaking, and action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and such other provisions of law as the regulations of the Secretary specify, that would apply to the Secretary were the Secretary to undertake those projects as Federal projects.

''(2) REGULATIONS.—

''(A) IN GENERAL.—The Secretary shall issue regulations to carry out this section only after consultation with the Council on Environmental Quality.

''(B) CONTENTS.—The regulations issued under this paragraph shall—

''(i) provide for the monitoring of the environmental reviews performed under this section;

''(ii) in the discretion of the Secretary, facilitate training for the performance of such reviews; and

''(iii) provide for the suspension or termination of the assumption of responsibilities under this section.

''(3) EFFECT ON ASSUMED RESPONSIBILITY.—The duty of the Secretary under paragraph (2)(B) shall not be construed to limit or reduce any responsibility assumed by the Department of Hawaiian Home Lands for grant amounts with respect to any specific release of funds.

''(b) PROCEDURE.—

''(1) IN GENERAL.—The Secretary shall authorize the release of funds subject to the procedures under this section only if, not less than 15 days before that approval and before any commitment of funds to such projects, the Director of the Department of Hawaiian Home Lands submits to the Secretary a request for such release accompanied by a certification that meets the requirements of subsection (c).

''(2) EFFECT OF APPROVAL.—The approval of the Secretary of a certification described in paragraph (1) shall be deemed to satisfy the responsibilities of the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and such other provisions of law as the regulations of the Secretary specify to the extent that those responsibilities relate to the releases of funds for projects that are covered by that certification.

''(c) CERTIFICATION.—A certification under the procedures under this section shall—

''(1) be in a form acceptable to the Secretary;

''(2) be executed by the Director of the Department of Hawaiian Home Lands;

''(3) specify that the Department of Hawaiian Home Lands has fully carried out its responsibilities as described under subsection (a); and

''(4) specify that the Director—

''(A) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and each provision of law specified in regulations issued by the Secretary to the extent that those laws apply by reason of subsection (a); and

''(B) is authorized and consents on behalf of the Department of Hawaiian Home Lands and the Director to accept the jurisdiction of the Federal courts for the purpose of enforcement of the responsibilities of the Director of the Department of Hawaiian Home Lands as such an official.

''SEC. 807. REGULATIONS.

''The Secretary shall issue final regulations necessary to carry out this title not later than October 1, 2001.

''SEC. 808. EFFECTIVE DATE.

''Except as otherwise expressly provided in this title, this title shall take effect on the date of enactment of the American Homeownership and Economic Opportunity Act of 2000.

''SEC. 809. AFFORDABLE HOUSING ACTIVITIES.

''(a) NATIONAL OBJECTIVES AND ELIGIBLE FAMILIES.—

''(1) PRIMARY OBJECTIVE.—The national objectives of this title are—

''(A) to assist and promote affordable housing activities to develop, maintain, and operate affordable housing in safe and healthy environments for occupancy by low-income Native Hawaiian families;

''(B) to ensure better access to private mortgage markets and to promote self-sufficiency of low-income Native Hawaiian families;

''(C) to coordinate activities to provide housing for low-income Native Hawaiian families with Federal, State and local activities to further economic and community development;

''(D) to plan for and integrate infrastructure resources on the Hawaiian Home Lands with housing development; and

''(E) to—

''(i) promote the development of private capital markets; and

''(ii) allow the markets referred to in clause (i) to operate and grow, thereby benefiting Native Hawaiian communities.

''(2) ELIGIBLE FAMILIES.—

''(A) IN GENERAL.—Except as provided under subparagraph (B), assistance for eligible housing activities under this title shall be limited to low-income Native Hawaiian families.

''(B) EXCEPTION TO LOW-INCOME REQUIREMENT.—

''(i) IN GENERAL.—The Director may provide assistance for homeownership activities under—

''(I) section 810(b);

''(II) model activities under section 810(f); or

''(III) loan guarantee activities under section 184A of the Housing and Community Development Act of 1992 to Native Hawaiian families who are not low-income families, to the extent that the Secretary approves the activities under that section to address a need for housing for those families that cannot be reasonably met without that assistance.

''(ii) LIMITATIONS.—The Secretary shall establish limitations on the amount of assistance that may be provided under this title for activities for families that are not low-income families.

''(C) OTHER FAMILIES.—Notwithstanding paragraph (1), the Director may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this title to a family that is not composed of Native Hawaiians if—

''(i) the Department determines that the presence of the family in the housing involved is essential to the well-being of Native Hawaiian families; and

''(ii) the need for housing for the family cannot be reasonably met without the assistance.

''(D) PREFERENCE.—

''(i) IN GENERAL.—A housing plan submitted under section 803 may authorize a preference, for housing or housing assistance provided through affordable housing activities assisted with grant amounts provided under this title to be provided, to the extent practicable, to families that are eligible to reside on the Hawaiian Home Lands.

''(ii) APPLICATION.—In any case in which a housing plan provides for preference described in clause (i), the Director shall ensure that housing activities that are assisted with grant amounts under this title are subject to that preference.

''(E) USE OF NONPROFIT ORGANIZATIONS.—As a condition of receiving grant amounts under this title, the Department of Hawaiian Home Lands, shall to the extent practicable, provide for private nonprofit organizations experienced in the planning and development of affordable housing for Native Hawaiians to carry out affordable housing activities with those grant amounts.

''SEC. 810. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES.

''(a) IN GENERAL.—Affordable housing activities under this section are activities conducted in accordance with the requirements of section 811 to—

''(1) develop or to support affordable housing for rental or homeownership; or

''(2) provide housing services with respect to affordable housing, through the activities described in subsection (b).

''(b) ACTIVITIES.—The activities described in this subsection are the following:

''(1) DEVELOPMENT.—The acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing, which may include—

''(A) real property acquisition;

''(B) site improvement;

''(C) the development of utilities and utility services;

''(D) conversion;

''(E) demolition;

''(F) financing;

''(G) administration and planning; and

''(H) other related activities.

''(2) HOUSING SERVICES.—The provision of housing-related services for affordable housing, including—

''(A) housing counseling in connection with rental or homeownership assistance;

''(B) the establishment and support of resident organizations and resident management corporations;

''(C) energy auditing;

''(D) activities related to the provisions of self-sufficiency and other services; and

''(E) other services related to assisting owners, tenants, contractors, and other entities participating or seeking to participate in other housing activities assisted pursuant to this section.

''(3) HOUSING MANAGEMENT SERVICES.—The provision of management services for affordable housing, including—

''(A) the preparation of work specifications;

''(B) loan processing;

''(C) inspections;

''(D) tenant selection;

''(E) management of tenant-based rental assistance; and

''(F) management of affordable housing projects.

''(4) CRIME PREVENTION AND SAFETY ACTIVITIES.—The provision of safety, security, and law enforcement measures and activities appropriate to protect residents of affordable housing from crime.

''(5) MODEL ACTIVITIES.—Housing activities under model programs that are—

''(A) designed to carry out the purposes of this title; and

''(B) specifically approved by the Secretary as appropriate for the purpose referred to in subparagraph (A).

''SEC. 811. PROGRAM REQUIREMENTS.

''(a) RENTS.—

''(1) ESTABLISHMENT.—Subject to paragraph (2), as a condition to receiving grant amounts under this title, the Director shall develop written policies governing rents and homebuyer payments charged for dwelling units assisted under this title, including methods by which such rents and homebuyer payments are determined.

''(2) MAXIMUM RENT.—In the case of any low-income family residing in a dwelling unit assisted with grant amounts under this title, the monthly rent or homebuyer payment (as applicable) for that dwelling unit may not exceed 30 percent of the monthly adjusted income of that family.

''(b) MAINTENANCE AND EFFICIENT OPERATION.—

''(1) IN GENERAL.—The Director shall, using amounts of any grants received under this title, reserve and use for operating under section 810 such amounts as may be necessary to provide for the continued maintenance and efficient operation of such housing.

''(2) DISPOSAL OF CERTAIN HOUSING.—This subsection may not be construed to prevent the Director, or any entity funded by the Department, from demolishing or disposing of housing, pursuant to regulations established by the Secretary.

''(c) INSURANCE COVERAGE.—As a condition to receiving grant amounts under this title, the Director shall require adequate insurance coverage for housing units that are owned or operated or assisted with grant amounts provided under this title.

''(d) ELIGIBILITY FOR ADMISSION.—As a condition to receiving grant amounts under this title, the Director shall develop written policies governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this title.

''(e) MANAGEMENT AND MAINTENANCE.—As a condition to receiving grant amounts under this title, the Director shall develop policies governing the management and maintenance of housing assisted with grant amounts under this title.

''SEC. 812. TYPES OF INVESTMENTS.

''(a) IN GENERAL.—Subject to section 811 and an applicable housing plan approved under section 803, the Director shall have—

''(1) the discretion to use grant amounts for affordable housing activities through the use of—

''(A) equity investments;

''(B) interest-bearing loans or advances;

''(C) noninterest-bearing loans or advances;

''(D) interest subsidies;

''(E) the leveraging of private investments; or

''(F) any other form of assistance that the Secretary determines to be consistent with the purposes of this title; and

''(2) the right to establish the terms of assistance provided with funds referred to in paragraph (1).

''(b) INVESTMENTS.—The Director may invest grant amounts for the purposes of carrying out affordable housing activities in investment securities and other obligations, as approved by the Secretary.

''SEC. 813. LOW-INCOME REQUIREMENT AND INCOME TARGETING.

''(a) IN GENERAL.—Housing shall qualify for affordable housing for purposes of this title only if—

''(1) each dwelling unit in the housing—

''(A) in the case of rental housing, is made available for occupancy only by a family that is a low-income family at the time of the initial occupancy of that family of that unit; and

''(B) in the case of housing for homeownership, is made available for purchase only by a family that is a low-income family at the time of purchase; and

''(2) each dwelling unit in the housing will remain affordable, according to binding commitments satisfactory to the Secretary, for—

''(A) the remaining useful life of the property (as determined by the Secretary) without regard to the term of the mortgage or to transfer of ownership; or

''(B) such other period as the Secretary determines is the longest feasible period of time consistent with sound economics and the purposes of this title, except upon a foreclosure by a lender (or upon other transfer in lieu of foreclosure) if that action—

''(i) recognizes any contractual or legal rights of any public agency, nonprofit sponsor, or other person or entity to take an action that would—

''(I) avoid termination of low-income affordability, in the case of foreclosure; or

''(II) transfer ownership in lieu of foreclosure; and

''(ii) is not for the purpose of avoiding low-income affordability restrictions, as determined by the Secretary.

''(b) EXCEPTION.—Notwithstanding subsection (a), housing assisted pursuant to section 809(a)(2)(B) shall be considered affordable housing for purposes of this title.

''SEC. 814. LEASE REQUIREMENTS AND TENANT SELECTION.

''(a) LEASES.—Except to the extent otherwise provided by or inconsistent with the laws of the State of Hawaii, in renting dwelling units in affordable housing assisted with grant amounts provided under this title, the Director, owner, or manager shall use leases that—

''(1) do not contain unreasonable terms and conditions;

''(2) require the Director, owner, or manager to maintain the housing in compliance with applicable housing codes and quality standards;

''(3) require the Director, owner, or manager to give adequate written notice of termination of the lease, which shall be the period of time required under applicable State or local law;

''(4) specify that, with respect to any notice of eviction or termination, notwithstanding any State or local law, a resident shall be informed of the opportunity, before any hearing or trial, to examine any relevant documents, record, or regulations directly related to the eviction or termination;

''(5) require that the Director, owner, or manager may not terminate the tenancy, during the term of the lease, except for serious or repeated violation of the terms and conditions of the lease, violation of applicable Federal, State, or local law, or for other good cause; and

''(6) provide that the Director, owner, or manager may terminate the tenancy of a resident for any activity, engaged in by the resident, any member of the household of the resident, or any guest or other person under the control of the resident, that—

''(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other residents or employees of the Department, owner, or manager;

''(B) threatens the health or safety of, or right to peaceful enjoyment of their premises by, persons residing in the immediate vicinity of the premises; or

''(C) is criminal activity (including drug-related criminal activity) on or off the premises.

''(b) TENANT OR HOMEBUYER SELECTION.—As a condition to receiving grant amounts under this title, the Director shall adopt and use written tenant and homebuyer selection policies and criteria that—

''(1) are consistent with the purpose of providing housing for low-income families;

''(2) are reasonably related to program eligibility and the ability of the applicant to perform the obligations of the lease; and

''(3) provide for—

''(A) the selection of tenants and homebuyers from a written waiting list in accordance with the policies and goals set forth in an applicable housing plan approved under section 803; and

''(B) the prompt notification in writing of any rejected applicant of the grounds for that rejection.

''SEC. 815. REPAYMENT.

''If the Department of Hawaiian Home Lands uses grant amounts to provide affordable housing under activities under this title and, at any time during the useful life of the housing, the housing does not comply with the requirement under section 813(a)(2), the Secretary shall—

''(1) reduce future grant payments on behalf of the Department by an amount equal to the grant amounts used for that housing (under the authority of section 819(a)(2)); or

''(2) require repayment to the Secretary of any amount equal to those grant amounts.

''SEC. 816. ANNUAL ALLOCATION.

''For each fiscal year, the Secretary shall allocate any amounts made available for assistance under this title for the fiscal year, in accordance with the formula established pursuant to section 817 to the Department of Hawaiian Home Lands if the Department complies with the requirements under this title for a grant under this title.

''SEC. 817. ALLOCATION FORMULA.

''(a) ESTABLISHMENT.—The Secretary shall, by regulation issued not later than the expiration of the 6-month period beginning on the date of enactment of the American Homeownership and Economic Opportunity

Act of 2000, in the manner provided under section 807, establish a formula to provide for the allocation of amounts available for a fiscal year for block grants under this title in accordance with the requirements of this section.

''(b) FACTORS FOR DETERMINATION OF NEED.—The formula under subsection (a) shall be based on factors that reflect the needs for assistance for affordable housing activities, including—

''(1) the number of low-income dwelling units owned or operated at the time pursuant to a contract between the Director and the Secretary;

''(2) the extent of poverty and economic distress and the number of Native Hawaiian families eligible to reside on the Hawaiian Home Lands; and

''(3) any other objectively measurable conditions that the Secretary and the Director may specify.

''(c) OTHER FACTORS FOR CONSIDERATION.—In establishing the formula under subsection (a), the Secretary shall consider the relative administrative capacities of the Department of Hawaiian Home Lands and other challenges faced by the Department, including—

''(1) geographic distribution within Hawaiian Home Lands; and

''(2) technical capacity.

''(d) EFFECTIVE DATE.—This section shall take effect on the date of enactment of the American Homeownership and Economic Opportunity Act of 2000.

''SEC. 818. REMEDIES FOR NONCOMPLIANCE.

''(a) ACTIONS BY SECRETARY AFFECTING GRANT AMOUNTS.—

''(1) IN GENERAL.—Except as provided in subsection (b), if the Secretary finds after reasonable notice and opportunity for a hearing that the Department of Hawaiian Home Lands has failed to comply substantially with any provision of this title, the Secretary shall—

''(A) terminate payments under this title to the Department;

''(B) reduce payments under this title to the Department by an amount equal to the amount of such payments that were not expended in accordance with this title; or

''(C) limit the availability of payments under this title to programs, projects, or activities not affected by such failure to comply.

''(2) ACTIONS.—If the Secretary takes an action under subparagraph (A), (B), or (C) of paragraph (1), the Secretary shall continue that action until the Secretary determines that the failure by the Department to comply with the provision has been remedied by the Department and the Department is in compliance with that provision.

''(b) NONCOMPLIANCE BECAUSE OF A TECHNICAL INCAPACITY.—The Secretary may provide technical assistance for the Department, either directly or indirectly, that is designed to increase the capability and capacity of the Director of the Department to administer assistance provided under this title in compliance with the requirements under this title if the Secretary makes a finding under subsection (a), but determines that the failure of the Department to comply substantially with the provisions of this title—

''(1) is not a pattern or practice of activities constituting willful noncompliance; and

''(2) is a result of the limited capability or capacity of the Department of Hawaiian Home Lands.

''(c) REFERRAL FOR CIVIL ACTION.—

''(1) AUTHORITY.—In lieu of, or in addition to, any action that the Secretary may take under subsection (a), if the Secretary has reason to believe that the Department of Hawaiian Home Lands has failed to comply substantially with any provision of this title, the Secretary may refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted.

''(2) CIVIL ACTION.—Upon receiving a referral under paragraph (1), the Attorney General may bring a civil action in any United States district court of appropriate jurisdiction for such relief as may be appropriate, including an action—

''(A) to recover the amount of the assistance furnished under this title that was not expended in accordance with this title; or

''(B) for mandatory or injunctive relief.

''(d) REVIEW.—

''(1) IN GENERAL.—If the Director receives notice under subsection (a) of the termination, reduction, or limitation of payments under this Act, the Director—

''(A) may, not later than 60 days after receiving such notice, file with the United States Court of Appeals for the Ninth Circuit, or in the United States Court of Appeals for the District of Columbia, a petition for review of the action of the Secretary; and

''(B) upon the filing of any petition under subparagraph (A), shall forthwith transmit copies of the petition to the Secretary and the Attorney General of the United States, who shall represent the Secretary in the litigation.

''(2) PROCEDURE.—

''(A) IN GENERAL.—The Secretary shall file in the court a record of the proceeding on which the Secretary based the action, as provided in section 2112 of title 28, United States Code.

''(B) OBJECTIONS.—No objection to the action of the Secretary shall be considered by the court unless the Department has registered the objection before the Secretary.

''(3) DISPOSITION.—

''(A) COURT PROCEEDINGS.—

''(i) JURISDICTION OF COURT.—The court shall have jurisdiction to affirm or modify the action of the Secretary or to set the action aside in whole or in part.

''(ii) FINDINGS OF FACT.—If supported by substantial evidence on the record considered as a whole, the findings of fact by the Secretary shall be conclusive.

''(iii) ADDITION.—The court may order evidence, in addition to the evidence submitted for review under this subsection, to be taken by the Secretary, and to be made part of the record.

''(B) SECRETARY.—

''(i) IN GENERAL.—The Secretary, by reason of the additional evidence referred to in subparagraph (A) and filed with the court—

''(I) may—

''(aa) modify the findings of fact of the Secretary; or

''(bb) make new findings; and

''(II) shall file—

''(aa) such modified or new findings; and

''(bb) the recommendation of the Secretary, if any, for the modification or setting aside of the original action of the Secretary.

''(ii) FINDINGS.—The findings referred to in clause (i)(II)(bb) shall, with respect to a question of fact, be considered to be conclusive if those findings are—

''(I) supported by substantial evidence on the record; and

''(II) considered as a whole.

''(4) FINALITY.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), upon the filing of the record under this subsection with the court—

''(i) the jurisdiction of the court shall be exclusive; and

''(ii) the judgment of the court shall be final.

''(B) REVIEW BY SUPREME COURT.—A judgment under subparagraph (A) shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification, as provided in section 1254 of title 28, United States Code.

''SEC. 819. MONITORING OF COMPLIANCE.

''(a) ENFORCEABLE AGREEMENTS.—

''(1) IN GENERAL.—The Director, through binding contractual agreements with owners or other authorized entities, shall ensure long-term compliance with the provisions of this title.

''(2) MEASURES.—The measures referred to in paragraph (1) shall provide for—

''(A) to the extent allowable by Federal and State law, the enforcement of the provisions of this title by the Department and the Secretary; and

''(B) remedies for breach of the provisions referred to in paragraph (1).

''(b) PERIODIC MONITORING.—

''(1) IN GENERAL.—Not less frequently than annually, the Director shall review the activities conducted and housing assisted under this title to assess compliance with the requirements of this title.

''(2) REVIEW.—Each review under paragraph (1) shall include onsite inspection of housing to determine compliance with applicable requirements.

''(3) RESULTS.—The results of each review under paragraph (1) shall be—

''(A) included in a performance report of the Director submitted to the Secretary under section 820; and

''(B) made available to the public.

''(c) PERFORMANCE MEASURES.—The Secretary shall establish such performance measures as may be necessary to assess compliance with the requirements of this title.

''SEC. 820. PERFORMANCE REPORTS.

''(a) REQUIREMENT.—For each fiscal year, the Director shall—

''(1) review the progress the Department has made during that fiscal year in carrying out the housing plan submitted by the Department under section 803; and

''(2) submit a report to the Secretary (in a form acceptable to the Secretary) describing the conclusions of the review.

''(b) CONTENT.—Each report submitted under this section for a fiscal year shall—

''(1) describe the use of grant amounts provided to the Department of Hawaiian Home Lands for that fiscal year;

''(2) assess the relationship of the use referred to in paragraph (1) to the goals identified in the housing plan;

''(3) indicate the programmatic accomplishments of the Department; and

''(4) describe the manner in which the Department would change its housing plan submitted under section 803 as a result of its experiences.

''(c) SUBMISSIONS.—The Secretary shall—

''(1) establish a date for submission of each report under this section;

''(2) review each such report; and

''(3) with respect to each such report, make recommendations as the Secretary considers appropriate to carry out the purposes of this title.

''(d) PUBLIC AVAILABILITY.—

''(1) COMMENTS BY BENEFICIARIES.—In preparing a report under this section, the Director shall make the report publicly available to the beneficiaries of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.) and give a sufficient amount of time to permit those beneficiaries to comment on that

report before it is submitted to the Secretary (in such manner and at such time as the Director may determine).

''(2) SUMMARY OF COMMENTS.—The report shall include a summary of any comments received by the Director from beneficiaries under paragraph (1) regarding the program to carry out the housing plan.

''SEC. 821. REVIEW AND AUDIT BY SECRETARY.

''(a) ANNUAL REVIEW.—

''(1) IN GENERAL.—The Secretary shall, not less frequently than on an annual basis, make such reviews and audits as may be necessary or appropriate to determine whether—

''(A) the Director has—

''(i) carried out eligible activities under this title in a timely manner;

''(ii) carried out and made certifications in accordance with the requirements and the primary objectives of this title and with other applicable laws; and

''(iii) a continuing capacity to carry out the eligible activities in a timely manner;

''(B) the Director has complied with the housing plan submitted by the Director under section 803; and

''(C) the performance reports of the Department under section 821 are accurate.

''(2) ONSITE VISITS.—Each review conducted under this section shall, to the extent practicable, include onsite visits by employees of the Department of Housing and Urban Development.

''(b) REPORT BY SECRETARY.—The Secretary shall give the Department of Hawaiian Home Lands not less than 30 days to review and comment on a report under this subsection. After taking into consideration the comments of the Department, the Secretary may revise the report and shall make the comments of the Department and the report with any revisions, readily available to the public not later than 30 days after receipt of the comments of the Department.

''(c) EFFECT OF REVIEWS.—The Secretary may make appropriate adjustments in the amount of annual grants under this title in accordance with the findings of the Secretary pursuant to reviews and audits under this section. The Secretary may adjust, reduce, or withdraw grant amounts, or take other action as appropriate in accordance with the reviews and audits of the Secretary under this section, except that grant amounts already expended on affordable housing activities may not be recaptured or deducted from future assistance provided to the Department of Hawaiian Home Lands.

''SEC. 822. GENERAL ACCOUNTING OFFICE AUDITS.

''To the extent that the financial transactions of the Department of Hawaiian Home Lands involving grant amounts under this title relate to amounts provided under this title, those transactions may be audited by the Comptroller General of the United States under such regulations as may be prescribed by the Comptroller General. The Comptroller General of the United States shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by the Department of Hawaiian Home Lands pertaining to such financial transactions and necessary to facilitate the audit.

''SEC. 823. REPORTS TO CONGRESS.

''(a) IN GENERAL.—Not later than 90 days after the conclusion of each fiscal year in which assistance under this title is made available, the Secretary shall submit to Congress a report that contains—

''(1) a description of the progress made in accomplishing the objectives of this title;

''(2) a summary of the use of funds available under this title during the preceding fiscal year; and

''(3) a description of the aggregate outstanding loan guarantees under section 184A of the Housing and Community Development Act of 1992.

''(b) RELATED REPORTS.—The Secretary may require the Director to submit to the Secretary such reports and other information as may be necessary in order for the Secretary to prepare the report required under subsection (a).

''SEC. 824. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Department of Housing and Urban Development for grants under this title such sums as may be necessary for each of fiscal years 2001, 2002, 2003, 2004, and 2005.''.

SEC. 724. LOAN GUARANTEES.

Subtitle E of title I of the Housing and Community Development Act of 1992 is amended by inserting after section 184 (12 U.S.C. 1715z–13a) the following:

''SEC. 184A. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING.

''(a) DEFINITIONS.—In this section:

''(1) DEPARTMENT OF HAWAIIAN HOME LANDS.—The term 'Department of Hawaiian Home Lands' means the agency or department of the government of the State of Hawaii that is responsible for the administration of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.).

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means a Native Hawaiian family, the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, and private nonprofit or private for-profit organizations experienced in the planning and development of affordable housing for Native Hawaiians.

''(3) FAMILY.—The term 'family' means 1 or more persons maintaining a household, as the Secretary shall by regulation provide.

''(4) GUARANTEE FUND.—The term 'Guarantee Fund' means the Native Hawaiian Housing Loan Guarantee Fund established under subsection (i).

''(5) HAWAIIAN HOME LANDS.—The term 'Hawaiian Home Lands' means lands that—

''(A) have the status of Hawaiian Home Lands under section 204 of the Hawaiian Homes Commission Act (42 Stat. 110); or

''(B) are acquired pursuant to that Act.

''(6) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is—

''(A) a citizen of the United States; and

''(B) a descendant of the aboriginal people, who, prior to 1778, occupied and exercised sovereignty in the area that currently constitutes the State of Hawaii, as evidenced by—

''(i) genealogical records;

''(ii) verification by kupuna (elders) or kama'aina (long-term community residents); or

''(iii) birth records of the State of Hawaii.

''(7) OFFICE OF HAWAIIAN AFFAIRS.—The term 'Office of Hawaiian Affairs' means the entity of that name established under the constitution of the State of Hawaii.

''(b) AUTHORITY.—To provide access to sources of private financing to Native Hawaiian families who otherwise could not acquire housing financing because of the unique legal status of the Hawaiian Home Lands or as a result of a lack of access to private financial markets, the Secretary may guarantee an amount not to exceed 100 percent of the unpaid principal and interest that is due on an eligible loan under subsection (b).

''(c) ELIGIBLE LOANS.—Under this section, a loan is an eligible loan if that loan meets the following requirements:

''(1) ELIGIBLE BORROWERS.—The loan is made only to a borrower who is—

''(A) a Native Hawaiian family;

''(B) the Department of Hawaiian Home Lands;

''(C) the Office of Hawaiian Affairs; or

''(D) a private nonprofit organization experienced in the planning and development of affordable housing for Native Hawaiians.

''(2) ELIGIBLE HOUSING.—

''(A) IN GENERAL.—The loan will be used to construct, acquire, or rehabilitate not more than 4-family dwellings that are standard housing and are located on Hawaiian Home Lands for which a housing plan described in subparagraph (B) applies.

''(B) HOUSING PLAN.—A housing plan described in this subparagraph is a housing plan that—

''(i) has been submitted and approved by the Secretary under section 803 of the Native American Housing Assistance and Self-Determination Act of 1996; and

''(ii) provides for the use of loan guarantees under this section to provide affordable homeownership housing on Hawaiian Home Lands.

''(3) SECURITY.—The loan may be secured by any collateral authorized under applicable Federal or State law.

''(4) LENDERS.—

''(A) IN GENERAL.—The loan shall be made only by a lender approved by, and meeting qualifications established by, the Secretary, including any lender described in subparagraph (B), except that a loan otherwise insured or guaranteed by an agency of the Federal Government or made by the Department of Hawaiian Home Lands from amounts borrowed from the United States shall not be eligible for a guarantee under this section.

''(B) APPROVAL.—The following lenders shall be considered to be lenders that have been approved by the Secretary:

''(i) Any mortgagee approved by the Secretary for participation in the single family mortgage insurance program under title II of the National Housing Act (12 U.S.C.A. 1707 et seq.).

''(ii) Any lender that makes housing loans under chapter 37 of title 38, United States Code, that are automatically guaranteed under section 3702(d) of title 38, United States Code.

''(iii) Any lender approved by the Secretary of Agriculture to make guaranteed loans for single family housing under the Housing Act of 1949 (42 U.S.C.A. 1441 et seq.).

''(iv) Any other lender that is supervised, approved, regulated, or insured by any agency of the Federal Government.

''(5) TERMS.—The loan shall—

''(A) be made for a term not exceeding 30 years;

''(B) bear interest (exclusive of the guarantee fee under subsection (d) and service charges, if any) at a rate agreed upon by the borrower and the lender and determined by the Secretary to be reasonable, but not to exceed the rate generally charged in the area (as determined by the Secretary) for home mortgage loans not guaranteed or insured by any agency or instrumentality of the Federal Government;

''(C) involve a principal obligation not exceeding—

''(i) 97.75 percent of the appraised value of the property as of the date the loan is accepted for guarantee (or 98.75 percent if the value of the property is $50,000 or less); or

''(ii) the amount approved by the Secretary under this section; and

''(D) involve a payment on account of the property—

''(i) in cash or its equivalent; or

''(ii) through the value of any improvements to the property made through the skilled or unskilled labor of the borrower, as the Secretary shall provide.

''(d) CERTIFICATE OF GUARANTEE.—

''(1) APPROVAL PROCESS.—

''(A) IN GENERAL.—Before the Secretary approves any loan for guarantee under this section, the lender shall submit the application for the loan to the Secretary for examination.

''(B) APPROVAL.—If the Secretary approves the application submitted under subparagraph (A), the Secretary shall issue a certificate under this subsection as evidence of the loan guarantee approved.

''(2) STANDARD FOR APPROVAL.—The Secretary may approve a loan for guarantee under this section and issue a certificate under this subsection only if the Secretary determines that there is a reasonable prospect of repayment of the loan.

''(3) EFFECT.—

''(A) IN GENERAL.—A certificate of guarantee issued under this subsection by the Secretary shall be conclusive evidence of the eligibility of the loan for guarantee under this section and the amount of that guarantee.

''(B) EVIDENCE.—The evidence referred to in subparagraph (A) shall be incontestable in the hands of the bearer.

''(C) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all amounts agreed to be paid by the Secretary as security for the obligations made by the Secretary under this section.

''(4) FRAUD AND MISREPRESENTATION.—This subsection may not be construed—

''(A) to preclude the Secretary from establishing defenses against the original lender based on fraud or material misrepresentation; or

''(B) to bar the Secretary from establishing by regulations that are on the date of issuance or disbursement, whichever is earlier, partial defenses to the amount payable on the guarantee.

''(e) GUARANTEE FEE.—

''(1) IN GENERAL.—The Secretary shall fix and collect a guarantee fee for the guarantee of a loan under this section, which may not exceed the amount equal to 1 percent of the principal obligation of the loan.

''(2) PAYMENT.—The fee under this subsection shall—

''(A) be paid by the lender at time of issuance of the guarantee; and

''(B) be adequate, in the determination of the Secretary, to cover expenses and probable losses.

''(3) DEPOSIT.—The Secretary shall deposit any fees collected under this subsection in the Native Hawaiian Housing Loan Guarantee Fund established under subsection (j).

''(f) LIABILITY UNDER GUARANTEE.—The liability under a guarantee provided under this section shall decrease or increase on a pro rata basis according to any decrease or increase in the amount of the unpaid obligation under the provisions of the loan agreement involved.

''(g) TRANSFER AND ASSUMPTION.—Notwithstanding any other provision of law, any loan guaranteed under this section, including the security given for the loan, may be sold or assigned by the lender to any financial institution subject to examination and supervision by an agency of the Federal Government or of any State or the District of Columbia.

''(h) DISQUALIFICATION OF LENDERS AND CIVIL MONEY PENALTIES.—

''(1) IN GENERAL.—

''(A) GROUNDS FOR ACTION.—The Secretary may take action under subparagraph (B) if the Secretary determines that any lender or holder of a guarantee certificate under subsection (c)—

''(i) has failed—

''(I) to maintain adequate accounting records;

''(II) to service adequately loans guaranteed under this section; or

''(III) to exercise proper credit or underwriting judgment; or

''(ii) has engaged in practices otherwise detrimental to the interest of a borrower or the United States.

''(B) ACTIONS.—Upon a determination by the Secretary that a holder of a guarantee certificate under subsection (c) has failed to carry out an activity described in subparagraph (A)(i) or has engaged in practices described in subparagraph (A)(ii), the Secretary may—

''(i) refuse, either temporarily or permanently, to guarantee any further loans made by such lender or holder;

''(ii) bar such lender or holder from acquiring additional loans guaranteed under this section; and

''(iii) require that such lender or holder assume not less than 10 percent of any loss on further loans made or held by the lender or holder that are guaranteed under this section.

''(2) CIVIL MONEY PENALTIES FOR INTENTIONAL VIOLATIONS.—

''(A) IN GENERAL.—The Secretary may impose a civil monetary penalty on a lender or holder of a guarantee certificate under subsection (d) if the Secretary determines that the holder or lender has intentionally failed—

''(i) to maintain adequate accounting records;

''(ii) to adequately service loans guaranteed under this section; or

''(iii) to exercise proper credit or underwriting judgment.

''(B) PENALTIES.—A civil monetary penalty imposed under this paragraph shall be imposed in the manner and be in an amount provided under section 536 of the National Housing Act (12 U.S.C.A. 1735f–1) with respect to mortgagees and lenders under that Act.

''(3) PAYMENT ON LOANS MADE IN GOOD FAITH.—Notwithstanding paragraphs (1) and (2), if a loan was made in good faith, the Secretary may not refuse to pay a lender or holder of a valid guarantee on that loan, without regard to whether the lender or holder is barred under this subsection.

''(i) PAYMENT UNDER GUARANTEE.—

''(1) LENDER OPTIONS.—

''(A) IN GENERAL.—

''(i) NOTIFICATION.—If a borrower on a loan guaranteed under this section defaults on the loan, the holder of the guarantee certificate shall provide written notice of the default to the Secretary.

''(ii) PAYMENT.—Upon providing the notice required under clause (i), the holder of the guarantee certificate shall be entitled to payment under the guarantee (subject to the provisions of this section) and may proceed to obtain payment in 1 of the following manners:

''(I) FORECLOSURE.—

''(aa) IN GENERAL.—The holder of the certificate may initiate foreclosure proceedings (after providing written notice of that action to the Secretary).

''(bb) PAYMENT.—Upon a final order by the court authorizing foreclosure and submission to the Secretary of a claim for payment under the guarantee, the Secretary shall pay to the holder of the certificate the pro rata portion of the amount guaranteed (as determined pursuant to subsection (f)) plus reasonable fees and expenses as approved by the Secretary.

''(cc) SUBROGATION.—The rights of the Secretary shall be subrogated to the rights of the holder of the guarantee. The holder shall assign the obligation and security to the Secretary.

''(II) NO FORECLOSURE.—

''(aa) IN GENERAL.—Without seeking foreclosure (or in any case in which a foreclosure proceeding initiated under clause (i) continues for a period in excess of 1 year), the holder of the guarantee may submit to the Secretary a request to assign the obligation and security interest to the Secretary in return for payment of the claim under the guarantee. The Secretary may accept assignment of the loan if the Secretary determines that the assignment is in the best interest of the United States.

''(bb) PAYMENT.—Upon assignment, the Secretary shall pay to the holder of the guarantee the pro rata portion of the amount guaranteed (as determined under subsection (f)).

''(cc) SUBROGATION.—The rights of the Secretary shall be subrogated to the rights of the holder of the guarantee. The holder shall assign the obligation and security to the Secretary.

''(B) REQUIREMENTS.—Before any payment under a guarantee is made under subparagraph (A), the holder of the guarantee shall exhaust all reasonable possibilities of collection. Upon payment, in whole or in part, to the holder, the note or judgment evidencing the debt shall be assigned to the United States and the holder shall have no further claim against the borrower or the United States. The Secretary shall then take such action to collect as the Secretary determines to be appropriate.

''(2) LIMITATIONS ON LIQUIDATION.—

''(A) IN GENERAL.—If a borrower defaults on a loan guaranteed under this section that involves a security interest in restricted Hawaiian Home Land property, the mortgagee or the Secretary shall only pursue liquidation after offering to transfer the account to another eligible Hawaiian family or the Department of Hawaiian Home Lands.

''(B) LIMITATION.—If, after action is taken under subparagraph (A), the mortgagee or the Secretary subsequently proceeds to liquidate the account, the mortgagee or the Secretary shall not sell, transfer, or otherwise dispose of or alienate the property described in subparagraph (A) except to another eligible Hawaiian family or to the Department of Hawaiian Home Lands.

''(j) HAWAIIAN HOUSING LOAN GUARANTEE FUND.—

''(1) ESTABLISHMENT.—There is established in the Treasury of the United States the Hawaiian Housing Loan Guarantee Fund for the purpose of providing loan guarantees under this section.

''(2) CREDITS.—The Guarantee Fund shall be credited with—

''(A) any amount, claims, notes, mortgages, contracts, and property acquired by the Secretary under this section, and any collections and proceeds therefrom;

''(B) any amounts appropriated pursuant to paragraph (7);

''(C) any guarantee fees collected under subsection (d); and

''(D) any interest or earnings on amounts invested under paragraph (4).

''(3) USE.—Amounts in the Guarantee Fund shall be available, to the extent provided in appropriations Acts, for—

''(A) fulfilling any obligations of the Secretary with respect to loans guaranteed under this section, including the costs (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loans;

''(B) paying taxes, insurance, prior liens, expenses necessary to make fiscal adjustment in connection with the application and transmittal of collections, and other expenses and advances to protect the Secretary for loans which are guaranteed under this section or held by the Secretary;

''(C) acquiring such security property at foreclosure sales or otherwise;

''(D) paying administrative expenses in connection with this section; and

''(E) reasonable and necessary costs of rehabilitation and repair to properties that the Secretary holds or owns pursuant to this section.

''(4) INVESTMENT.—Any amounts in the Guarantee Fund determined by the Secretary to be in excess of amounts currently required at the time of the determination to carry out this section may be invested in obligations of the United States.

''(5) LIMITATION ON COMMITMENTS TO GUARANTEE LOANS AND MORTGAGES.—

''(A) REQUIREMENT OF APPROPRIATIONS.—The authority of the Secretary to enter into commitments to guarantee loans under this section shall be effective for any fiscal year to the extent, or in such amounts as are, or have been, provided in appropriations Acts, without regard to the fiscal year for which such amounts were appropriated.

''(B) LIMITATIONS ON COSTS OF GUARANTEES.—The authority of the Secretary to enter into commitments to guarantee loans under this section shall be effective for any fiscal year only to the extent that amounts in the Guarantee Fund are or have been made available in appropriations Acts to cover the costs (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loan guarantees for such fiscal year. Any amounts appropriated pursuant to this subparagraph shall remain available until expended.

''(C) LIMITATION ON OUTSTANDING AGGREGATE PRINCIPAL AMOUNT.—Subject to the limitations in subparagraphs (A) and (B), the Secretary may enter into commitments to guarantee loans under this section for each of fiscal years 2001, 2002, 2003, 2004, and 2005 with an aggregate outstanding principal amount not exceeding $100,000,000 for each such fiscal year.

''(6) LIABILITIES.—All liabilities and obligations of the assets credited to the Guarantee Fund under paragraph (2)(A) shall be liabilities and obligations of the Guarantee Fund.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Guarantee Fund to carry out this section such sums as may be necessary for each of fiscal years 2001, 2002, 2003, 2004, and 2005.

''(k) REQUIREMENTS FOR STANDARD HOUSING.—

''(1) IN GENERAL.—The Secretary shall, by regulation, establish housing safety and quality standards to be applied for use under this section.

''(2) STANDARDS.—The standards referred to in paragraph (1) shall—

''(A) provide sufficient flexibility to permit the use of various designs and materials in housing acquired with loans guaranteed under this section; and

''(B) require each dwelling unit in any housing acquired in the manner described in subparagraph (A) to—

''(i) be decent, safe, sanitary, and modest in size and design;

''(ii) conform with applicable general construction standards for the region in which the housing is located;

''(iii) contain a plumbing system that—

''(I) uses a properly installed system of piping;

''(II) includes a kitchen sink and a partitional bathroom with lavatory, toilet, and bath or shower; and

''(III) uses water supply, plumbing, and sewage disposal systems that conform to any minimum standards established by the applicable county or State;

''(iv) contain an electrical system using wiring and equipment properly installed to safely supply electrical energy for adequate lighting and for operation of appliances that conforms to any appropriate county, State, or national code;

''(v) be not less than the size provided under the applicable locally adopted standards for size of dwelling units, except that the Secretary, upon request of the Department of Hawaiian Home Lands may waive the size requirements under this paragraph; and

''(vi) conform with the energy performance requirements for new construction established by the Secretary under section 526(a) of the National Housing Act (12 U.S.C.A. 1735f–4), unless the Secretary determines that the requirements are not applicable.

''(l) APPLICABILITY OF CIVIL RIGHTS STATUTES.—To the extent that the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or of the Fair Housing Act (42 U.S.C.A. 3601 et seq.) apply to a guarantee provided under this subsection, nothing in the requirements concerning discrimination on the basis of race shall be construed to prevent the provision of the guarantee to an eligible entity on the basis that the entity serves Native Hawaiian families or is a Native Hawaiian family.''.

Page 166, in line 10, strike the dash and all that follows through ''GENERAL.'' in line 11.

Page 166, strike lines 17 through 25.

Strike line 25 on page 173, and all that follows through line 2 on page 174, and insert the following:

''(1) to protect the quality, durability, safety, and affordability of manufactured homes;''

Page 174, strike lines 11 through 13 and insert the following:

''(5) to protect residents of manufactured homes with respect to personal injuries and the amount of insurance costs and property damages in manufactured housing, consistent with the other purposes of this section;''.

Page 176, line 18, before the semicolon insert '', including the inspection of homes in the plant''.

Page 176, line 21, strike both commas.

Strike line 25 on page 176 and all that follows through ''means'' in line 1 on page 177, and insert the following:

''(21) 'monitoring' means

Page 177, lines 5 through 7, strike ''recommended by the consensus committee and promulgated in accordance with'' and insert ''promulgated under this title, giving due consideration to the recommendations of the consensus committee as provided in''.

Page 177, line 10, strike ''; and'' and insert ''.'.''.

Page 177, strike lines 11 through 13.

Page 179, line 19, strike ''appoint'' and insert ''recommend''.

Page 182, lines 12 and 13, strike '', subject to approval by the Secretary,'' and insert ''by the Secretary, after consideration of the recommendations made''.

Page 182, line 14, insert a comma after ''organization''.

Page 182, strike lines 22 through 25 and insert the following:

''(C) DISAPPROVAL.—The Secretary shall state, in writing, the reasons for failing to appoint any individual recommended under paragraph (2)(A)(ii)(I).

Page 184, lines 1 and 2, strike ''administering organization in its appointments'' and insert ''Secretary''.

Page 188, line 20, before the period insert ''in accordance with section 553 of title 5, United States Code''.

Page 188, line 23, after ''standard'' insert ''in accordance with such section 553''.

Page 189, line 22, strike ''7'' and insert ''30''.

Page 193, line 5, after ''regulations'' insert ''and revision to existing regulations''.

Page 195, strike lines 16 through 22 and insert the following:

''(5) AUTHORITY TO ACT AND EMERGENCY.—If the Secretary determines, in writing, that such action is necessary to address an issue on which the Secretary determines that the consensus committee has not made a timely recommendation following a request by the Secretary, or in order to respond to an emergency which jeopardizes the public health or safety, the Secretary

Page 196, line 3, strike ''emergency''.

Page 196, line 5, after ''issues'' insert ''the order after notice and an opportunity for public comment in accordance with section 553 of title 5, United States Code,''.

Page 196, line 12, strike ''of'' and insert ''or''.

Page 196, line 19, strike ''1104(a)(3)'' and insert ''604(a)(3)''.

Page 199, line 18, after ''shall'' insert ''to the maximum extent possible, taking into account the factors described in section 604(e),''.

Page 200, after line 9, insert the following:

''(4) ISSUANCE.—The model manufactured home installation standards shall be issued after notice and an opportunity for public comment in accordance with section 553 of title 5, United States Code.

Strike '', except that'' in line 20 on page 201, and all that follows through line 2 on page 202, and insert a period.

Page 206, after line 3, insert the following new section:

SEC. 1108. PROHIBITED ACTS.

Section 610(a) (42 U.S.C. 5409(a)) is amended—

(1) in paragraph (5), by striking ''or'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; or''; and

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

''(7) after the expiration of the period specified in section 605(c)(2)(B), fail to comply with the requirements for the installation program required by section 605 in any State that has not adopted and implemented a State installation program.''.

Page 207, line 10, strike ''and''.

Page 207, after line 13, insert the following:

''(F) implementing sections 605 and 623; and

Page 207, strike lines 19 through 23 and insert the following:

''(b) CONTRACTORS.—When using fees under this section, the Secretary shall ensure that no fewer than 3 separate contracts and 3 separate and independent contractors are retained to carry out monitoring and inspection work and any other work that may be

delegated to a contractor under this title; except that the required minimum number of separate contracts and separate and independent contractors shall increase to 4 simultaneous with the latter of—

"(1) the issuance by the Secretary of a request for proposals for the implementation of installation programs, and

"(2) the issuance by the Secretary of a request for proposals for the implementation of dispute resolution program,

as provided in this title. The Secretary shall also ensure that no conflict of interest arises from the award of any such contracts.".

Page 208, line 17, strike the quotation marks and the last period.

Page 208, after line 17, insert the following:

"(3) PAYMENTS TO STATES.—On and after the effective date of the Manufactured Housing Improvement Act, the Secretary shall continue to fund the States having approved State plans in amounts which are not less than the allocated amounts based on the fee distribution system in effect on the day before the effective date of such Act.".

Page 208, lines 20 and 21, strike "5(b)" each place such term appears and insert "1105(b)".

Page 209, line 19, after the period insert the following: "The order establishing the dispute resolution program shall be issued after notice and an opportunity for public comment in accordance with section 553 of title 5, United States Code.".

Page 210, strike lines 7 through 11 and insert "paragraph.".

Page 211, line 16, after "awarded" insert "after April 6, 2000,".

The CHAIRMAN. Pursuant to House Resolution 460, the gentleman from New York (Mr. LAZIO) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. LAZIO).

Mr. LAZIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this manager's amendment is the result of some hard work that has been referenced by earlier remarks. The manager's amendment was created in a bipartisan fashion, helping to improve an already good bill, and refining some of the technical aspects of this bill.

It further speaks to the underlying premise of this bill, which is that it is about empowerment, it is about more consumer choice, it is about lower homeownership costs, it is about stronger communities, and it is about opportunity. This manager's amendment includes several provisions that further perfect this bill.

I want to commend all the Members, and particularly the gentleman from New York (Mr. LAFALCE) and the gentleman from Massachusetts (Mr. FRANK), as well as the gentleman from Iowa (Mr. LEACH) for their help.

It includes technical changes that affect the neighborhood teacher program, the risk sharing demonstration program, and the rural housing section of the legislation.

The amendment expands housing assistance for native Hawaiians by extending to them the same types of Federal housing programs available to Native Americans and to Alaska natives.

The amendment adopts changes to the manufactured housing title made by HUD to clarify the Secretary's authority over appointments to the consensus committee. This is, again, a model framework based on discussions between AARP, the Manufactured Housing industry, consumers, HUD, and members of the committee.

It addresses outstanding policy issues raised by the gentleman from Massachusetts (Mr. FRANK), ranking member, and the Manufactured Housing industry concerning States' roles in monitoring manufactured homes and the distribution systems of manufactured program fees to States.

It also adopts certain filed amendments to the legislation, which we have been trying to work together with in a bipartisan fashion to meet America's need for more homeownership opportunities.

These include amendments by the gentleman from Texas (Mr. BENTSEN) as they relate to the selection criteria for the Homeownership Zone Grant program, providing that HUD may not reject an applicant who meets the selection criteria basically only because the zone is located in an unincorporated area.

The amendment of the gentleman from Ohio (Mr. TRAFICANT) extends homeownership counseling statutes through September 30, 2005 that require a notice, within 45 days of delinquency, to homebuyers on their payment status and provides information about housing counselors in the area, a very important amendment.

The amendment of the gentleman from California (Mr. BACA) includes a sense of Congress that the HUD Secretary should consult with other agencies to make additional properties available for law enforcement officers, teachers, and fire fighters.

The amendment of the gentlewoman from California (Ms. PELOSI) adds prekindergarten teachers to be eligible for section 203 for reduced down payment for loans for teachers and uniformed municipal employees, consistent with similar other provisions in the bill.

I urge the House to adopt the manager's amendment.

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

The CHAIRMAN. Is the gentleman from New York (Mr. LAFALCE) opposed to the amendment?

Mr. LAFALCE. Mr. Chairman, this manager's amendment has been developed in a bipartisan fashion similarly to the main bill itself.

The CHAIRMAN. Without objection, there apparently being no one to claim the time in opposition, the gentleman from New York (Mr. LAFALCE) is recognized to claim that time.

There was no objection.

Mr. LAFALCE. Mr. Chairman, I yield myself such time as I may consume.

I am very pleased that the manager's amendment includes a number of important provisions, important especially to the Members on my side of the aisle. These include a Pelosi amendment to ensure that pre-kindergarten teachers are eligible in the same way as all other teachers are for the section 203, 1 percent down payment FHA loans; an amendment by the gentleman from Texas (Mr. BENTSEN) to make sure that unincorporated areas are eligible for homeownership zone grants; an amendment by the gentleman from Ohio (Mr. TRAFICANT) to extend homeownership counseling programs; and an amendment from the gentleman from California (Mr. BACA) directing HUD to work with other agencies to identify other buildings suitable for homeownership resale.

□ 1145

I also especially commend the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentlewoman from Hawaii (Mrs. MINK) for their amendment, which includes making native Hawaiians eligible for the same Federal housing programs that Native Americans are currently eligible for; and, of course, the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Indiana (Mr. ROEMER), who represents perhaps the headquarters of the manufactured housing industry, for shepherding this bill through. Even though the gentleman from Indiana (Mr. ROEMER) is not a member of the committee, his assistance in crafting the legislation was invaluable.

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

Mr. LAZIO. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding me this time, and I also would urge strong support for the manager's amendment. As good as the underlying bill is, and I think the bill is solid, I think the manager's amendment is better and makes some important improvements.

Very quickly, two particular programs that are included in the manager's amendment that this Member had something to do with. Number one, this manager's amendment would create a 3-year pilot project to help people with disabilities to use section 8 assistance towards home ownership. It creates incentives for employment and home ownership for the most underserved portion of the American public, those with disabilities.

Unemployment rates for those with disabilities in America exceeds 70 percent, and home ownership for people with disabilities is below 5 percent. This bill takes an important step in breaking that cycle.

This manager's amendment also has an important pilot project, a 3-year program, for law enforcement officers. It helps Federal, State and local law enforcement officers purchase homes in

locally designated, locally defined high crime areas.

This is different than other law enforcement officer programs because it turns to local leaders, local officials to designate those areas. This will help deter crime. This will help stabilize neighborhoods.

In so many ways this manager's amendment makes the dream of home ownership and stable, sound, solid communities a reality. And again, I encourage my colleagues not only to support this amendment and support the bill but to go home and talk about it.

Mr. LAFALCE. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE), a member of the committee.

Ms. LEE. Mr. Chairman, I thank the gentleman for yielding me this time and also for the bipartisan effort to bring this bill forward today.

This is a modest measure. It is an excellent modest measure that begins to address a national crisis of housing.

Moderate- and low-income families deserve the opportunity to realize the American Dream of homeownership. And given the high cost of housing, this dream is quickly becoming a nightmare in many regions of our country. This crisis is so bad that in my district, around the Bay Area of Northern California, professional households with incomes near $100,000 even face difficult housing choices.

If these kinds of families are struggling, what does this mean for moderate- and low-income families? It means that Congress must do better.

Mr. Chairman, Americans dream of owning our own homes. It rightfully gives us a stake in our society. Homeownership allows us to have a solid place from which we can accumulate some wealth to care for our families, to send our kids to college and to invest in small businesses.

We still have a long way to go in this country. Even though there has been an increase in homeownership, there is really an embarrassing gap in this land of plenty when we realize that the homeownership rate for African Americans is still 20 percent below the national average. The rate for Hispanic Americans is over 20 percent below the national average.

So this bill will really help us begin to correct the damage resulting from our refusal to, I believe, invest in housing in past years. Secretary Cuomo is doing the best that he can. But given the severe constraints of the Balanced Budget Act, it is difficult to imagine how HUD can just maintain, not to mention expand programs where there are tight budget caps.

I urge support of the American Homeownership and Economic Opportunity Act.

Mr. LAZIO. Mr. Chairman, I yield 2½ minutes to the gentleman from Delaware (Mr. CASTLE), the former governor of Delaware and my mentor and friend.

Mr. CASTLE. Mr. Chairman, I thank the gentleman very much for yielding me this time, and I thank him for his comments. I never knew I was a mentor until just now, but that is a nice thought too.

This legislation, which both gentlemen from New York have worked on, in my judgment, is as good a piece of legislation as we have had on the floor this year for a variety of reasons.

One is it is bipartisan. It is a piece of legislation which I think all of us are proud to be able to support and, hopefully, will get a great vote.

Secondly, I think we all recognize that homeownership is the key element to stability in most families, and beyond families, a lot of individuals and a lot of others who want to live the American Dream.

In this day of plenty it is pretty simple to think well, gee, homeownership is up, I think it is up to 67 percent now, and we do not have to worry about legislation such as this. But when we get behind the scenes and start to look at it, we start to see other problems.

For example in U.S. News and World Report there is an article here, In an Age of Plenty a Search for Shelter, and this talks about Minneapolis, as I recall, and they have all kinds of problems with people in lower income circumstances being able to obtain housing. And that is what this bill addresses, and that is what the manager's amendment addresses as well.

So I really congratulate those who have worked on this because they have really looked carefully at provisions which are essential to help with these problems. And indeed, when we look at those who are on more fixed-income circumstances, teachers, firefighters, or police officers, these are desirable neighbors in any kind of neighborhood. They are the kind of neighbors we want, but sometimes they do not have the means to acquire a home, and under this bill they would be able to do it.

We have gone into various pockets of money which is available at the Federal Government level and said we are going to allow that to help with the acquisition of homes, which is something we should do. We have looked at State and local governments, as well as the Federal Government, and said there are barriers and regulations and we need to deal with those.

So many good things have happened. We should support the manager's amendment, we should support the underlying legislation, but we should also continue, I think, the drive that we all have here now, that we feel here today, which is moving ahead with all aspects of looking at our public housing laws and other housing opportunities at the Federal Government level and giving people the opportunity for homeownership.

With that, we will introduce all kinds of social improvement in this country. It is for that reason that I am highly supportive of the legislation, and I would encourage everybody to support the manager's amendment and the legislation and, hopefully, we can send it to the Senate and have it signed by the President.

Mr. LAFALCE. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY), a member of the committee.

Ms. SCHAKOWSKY. Mr. Chairman, I rise in support of H.R. 1776. I am very proud to be a cosponsor of this bipartisan bill, which authorizes nearly $7 billion for affordable homeownership and job creation.

We ought to do this. We are in the midst of the longest economic expansion in the history of the United States. Despite this wealth, we are leaving too many families behind. Just recently, HUD reported that 5.4 million households do not have decent and affordable housing, and this bill gives us some power to deal with these problems.

The reauthorized Community Development Block Grant will provide State and local governments, like Chicago, funding for economic development so we can encourage employers to create jobs in our district. The HOME program will provide the city, as well as Chicago-based community organizations, such as National People's Action and ACORN, with necessary funds to increase homeownership. With this money they can rehabilitate dilapidated homes and provide mortgage counseling.

In short, this bill empowers our neighbors and mayors with the means to stabilize and improve our communities.

I am grateful that the full Committee on Banking and Financial Services approved my amendment to assist families that desperately cry out for housing and to help assist persons with disabilities who are facing foreclosure. I urge support for this legislation.

Mr. LAZIO. Mr. Chairman, I reserve the balance of my time.

Mr. LAFALCE. Mr. Chairman, I yield 1¼ minutes to the gentleman from Indiana (Mr. ROEMER), who has been so concerned about manufactured housing.

Mr. ROEMER. Mr. Chairman, I thank the gentleman for yielding me this time, and I will be including for the RECORD a letter from the governors regarding this legislation.

Mr. Chairman, first of all, I want to thank a lot of people who have been working on this issue and who have showed a great deal of insight and expertise. Certainly to the chairman, the gentleman from New York (Mr. LAZIO), who has shown great leadership on this bill. I also want to extend my personal thanks to the gentleman from New York (Mr. LAFALCE) and the gentleman from Massachusetts (Mr. FRANK), who

have shown real sensitivity in trying to increase the amount of people in America who will own homes and, under title VII, the manufactured housing title of this bill, we look at ways to update a 25-year-old code that is not serving consumers, it is not serving regulators, it is not serving homeownership, and we are updating that, and I want to thank the gentleman from New York (Mr. LAFALCE) for that.

We have heard we are a Nation of achievers and we are certainly a Nation of dreamers, and nothing symbolizes the achievement of the American Dream more than homeownership. And when we can work together in a bipartisan way, with Secretary Cuomo, who has intervened a couple of times to keep this discussion of updating title VII going, when we have Republicans and Democrats working together, when the Senate has passed a similar bill on their side, we are working toward legislation that really will enhance consumer protection, will enhance making a better product, and will enhance everybody's opportunity to have homeownership.

I really do want to also thank the gentleman from New York (Mr. LAZIO) for his help on this bill, and the document I referred to earlier, Mr. Chairman, I submit for the RECORD.

OFFICE OF THE GOVERNOR,
Indianapolis, IN, April 4, 2000.

Hon. JIM LEACH,
Chairman, Committee on Banking and Financial Services, House of Representatives, Washington, DC.

Hon. JOHN J. LAFALCE,
Ranking Member, Committee on Banking and Financial Services, House of Representatives, Washington, DC.

DEAR CHAIRMAN LEACH AND CONGRESSMAN LAFALCE: I am writing to express my strong support for enacting legislation to streamline and improve the current Manufactured Housing Program overseen by the Department of Housing and Urban Development (HUD).

Almost one of every four new homes in America is a manufactured house. In my state of Indiana, the manufactured housing industry employs 20,000 Hoosiers and has a total economic impact of nearly $3 billion per year.

The Manufactured Housing Program administered by HUD is clearly not working as it should. Over the last several years, staffing for this program has been greatly reduced. I also understand that over 150 proposed changes to construction and safety standards and regulations are currently pending, with some languishing for as many as five years. Meanwhile, the manufactured housing industry has grown 100 percent over the past decade. Both the general public and the manufactured housing industry need assurances that proper standards are in place and effectively enforced.

The two pending versions of legislation before Congress, H.R. 1776 and S. 1452, include many similar provisions that should produce a more efficient and workable system for implementing construction and safety standards. I am hopeful that the House and Senate will act on these bills quickly and resolve any differences in a timely manner.

As you proceed with consideration of this important legislation, I urge you to ensure a balanced approach to federal-state regulations by making the "quality, durability, safety, and affordability of manufactured housing" a key purpose of the Manufactured Housing Program. I also support both the proposed "consensus committee" process, which ensures representation for consumers, the manufactured housing industry, and public officials, and the vesting of authority in the Secretary of Housing and Urban Development (HUD) to approve or reject committee recommendations. I also believe it makes sense to introduce more competition into the awarding of monitoring contracts.

The House and Senate legislation maintain authority for states to carry out enforcement activities as they may already do under current law. I urge that the final version of the bill include provisions that will ensure continued support for state enforcement efforts. Labeling fees collected to help support state enforcement programs should not be diverted for other purposes. If state enforcement is not sufficiently funded, the integrity of the federal-state partnership will be put at risk.

In sum, I support efforts by Congress to reform the current federal Manufactured Housing Program to ensure that reliable and enforceable construction and safety standards are maintained and urge expeditious action on the pending legislation.

Sincerely,

FRANK O'BANNON.

Mr. LAZIO. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, I thank the gentlemen from New York for yielding me this time, and for three or four specific provisions in this bill that I think are great.

I think the removal of the barriers for housing affordability has been great. The regulatory impact analysis, the grants for removing regulatory barriers, these are things I see in my own community that limit people's ability to achieve housing.

I think also the title III section 8 homeownership option is a great step forward to allow people to get into a home that otherwise was not there. The pilot program with that is great as well.

The transfer of unoccupied and substandard HUD housing is something that has been long awaited because it needs to have that option if we are in fact going to clean up some of the neighborhoods that we have and clean up some of the homes.

The last thing I am appreciative of is the rural housing opportunities that were made, and that is very important to my district. I do have some concerns about it, and I would just take a moment to say that the gentlewoman from California (Ms. WATERS) has an amendment, and if we combine her amendment with my second amendment, what we do is to enlarge this pie to all Americans to in fact go into these neighborhoods and create greater demand and greater assistance to raise the level of the neighborhoods.

I am hopeful as we debate that that we can talk about fairness and equal opportunity to all, not just municipal employees and not just firefighters and not just policemen but the other significant members of the community, including pastors. Because a spiritual component in any community is just as important as any other aspect in terms of crime, in terms of drug addiction, and in terms of some of the other problems we face.

Mr. LAFALCE. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Mr. Chairman, I rise today in strong support of H.R. 1776, the American Homeownership and Economic Opportunity Act.

Today, we are making a monumental step toward supporting those who serve our communities in various capacities for whom we are eternally grateful. These include our firefighters, police, teachers, rescue personnel, and municipal workers.

I have always been a supporter of the Community Development Block Grant program and the Housing Opportunities program. Today, with the passage of this bill, I become even a stronger supporter.

These are some of the worthwhile things that the CDBG programs already does: Funding Meals on Wheels, senior citizen centers, community centers where low-income children are able to have a safe and stimulating environment in which to play.

Now, CDBG and HOME funds will help make homeownership possible for those who are not fortunate enough to have stock options or 401(k) programs and all the other perks of the private sector. Let us tell our teachers, police officers, firefighters, rescue personnel, and municipal workers that we are grateful for what they do, and this is our tangible way of showing it.

This is a great bill, and I urge my colleagues to support it.

□ 1200

Mr. LAZIO. Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1 minute to the gentlewoman from Hawaii (Mrs. MINK), who, along with her Hawaii colleague, did a great deal to make sure the rights of native Hawaiians were protected in this section, and it is in the manager's amendment.

Mrs. MINK of Hawaii. Mr. Chairman, I appreciate the opportunity to just have a minute to express my appreciation to the gentleman from New York (Mr. LAZIO), the gentleman from Nebraska (Mr. BEREUTER), the gentleman from Massachusetts (Mr. FRANK), and the gentleman from New York (Mr. LAFALCE) for all of their support in making sure that the program for extension of housing assistance to native Hawaiians was included in H.R. 1776.

Mr. Chairman, I rise in strong support of the bill and, most particularly,

because of the manager's amendment. The problem has always been that there has been a housing program for native Indians, native Americans, which native Hawaiians felt they should have been included, and the Alaskan natives, but the native Hawaiians were not included.

For the first time, because of the manager's amendment and its inclusion in H.R. 1776, Native Hawaiian families will have the opportunity for Federal assistance in loan guarantees and other forms of grants. We have a very unique situation in Hawaii.

Mr. Chairman, I rise in support of H.R. 1776 and the manager's amendment. The amendment has a provision in it that is very important to my constituents. The amendment expands housing assistance for native Hawaiians by extending to them the same types of federal housing programs available to American Indians and Alaska natives. The provision authorizes appropriations for block grants for affordable housing activities and for loan guarantees for mortgages for owner- and renter-occupied housing. It authorizes technical assistance in cases where administrative capacity is lacking. The block grants would be provided by the Department of Housing and Urban Development to the Department of Hawaiian Home Lands of the government of the State of Hawaii.

I thank the gentleman from New York [Mr. LAZIO], the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from Massachusetts [Mr. FRANK] and Mr. LAFALCE of New York for their assistance in incorporating the provisions for Native Hawaiian housing in the bill.

Passage of this bill is critical for the Native Hawaiian communities. Within the last several years, three studies have documented the housing needs that confront Native Hawaiians who are eligible to reside on the Home Lands.

In 1992, the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing issued its final report to Congress, "Building the Future: A Blueprint for Change." In its study, the Commission found that Native Hawaiians had the worst housing conditions in the State of Hawaii and the highest percentage of homelessness, representing over 30% of the State's homeless population.

In 1995, the U.S. Department of Housing and Urban Development issued a report entitled, "Housing Problems and Needs of Native Hawaiians." This report contained the alarming conclusion that Native Hawaiians experience the highest percentage of housing problems in the nation—49%—higher than that of American Indians and Alaska Natives residing on reservations (44%) and substantially higher than that of all U.S. households (27%). The report also concluded that the percentage of overcrowding within the Native Hawaiian population is 36% compared to 3% for all other U.S. households.

Also, in 1995, the Hawaii State Department of Hawaiian Home Lands published a Beneficiary Needs Study as a result of research conducted by an independent research group. This study found that among the Native Hawaiian population, the needs of Native Hawaiians eligible to reside on the Hawaiian home lands are the most severe. 95% of home lands applicants (16,000) were in need of housing, with one-half of those applicant households facing overcrowding and one-third paying more than 30% of their income for shelter.

H.R. 1776 will provide eligible low-income Native Hawaiians access to Federal housing programs that provide assistance to low-income families. Currently, those Native Hawaiians who are eligible to reside on Hawaiian home lands but who do not qualify for private mortgage loans, are unable to access Federal assistance.

The provisions for Native Hawaiian housing assistance are identical to those contained in S. 225, which passed the other body on November 5, 1999. S. 225 was introduced by the two Senators from Hawaii. That legislation in turn is identical to S. 109 which passed the other body in the 105th Congress. It is gratifying that the House will now pass the same language. I look forward to the enactment of this legislation that is so important to the native people of Hawaii.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding me the minute.

Mr. Chairman, I rise in support of H.R. 1776, and I applaud the gentleman from New York (Chairman LAZIO) and the ranking member, the gentleman from New York (Mr. LAFALCE), and all the members of the committee for the work they have done to increase homeownership for American working families.

I am especially heartened to see that the manager's amendment expands the eligibility for the Teacher Next Door program to include law enforcement officers and fire fighters and other safety personnel; that program which has been renamed the Community Partners Next Door program, which offers HUD-foreclosed homes to these individuals at a 50 percent discount, will go a long way not only in increasing homeownership, but also in helping these communities have professionals and role models available and living in their communities.

I would like to work with the gentleman from New York (Chairman LAZIO) and the gentleman from New York (Mr. LAFALCE) and the members of the committee in trying to, perhaps, expand the program a bit more to increase the pool of homes that would be made available. Only 4,000 of the 45,000 HUD-foreclosed homes would be available at this point under the program.

I think there is work that we can do to try to expand the pool of homes beyond the 4,000 so that more than of the 4 million or so people who qualify could be available. I look forward to working with the committee. And I request a yes vote.

Mr. FRANK of Massachusetts. Mr. Chairman, how much time is remaining on both sides?

The CHAIRMAN. The gentleman from Massachusetts (Mr. FRANK) has 2¼ minutes remaining. The gentleman from New York (Mr. LAZIO) has 30 seconds remaining.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island (Mr. WEYGAND).

Mr. WEYGAND. Mr. Chairman, I want to thank all Members, particularly, the gentleman from New York (Mr. LAFALCE), our ranking member, and the gentleman from Massachusetts (Mr. FRANK), and also the gentleman from New York (Mr. LAZIO), our chairman, for the work they have done on H.R. 1776.

I rise today in support of the bill and the manager's amendment, but I also want to talk about one particular aspect that was really not fully addressed in committee that I hope will be addressed during the committees later on during this process.

Mr. Chairman, there is a composition of a consensus committee that is set up within this bill which is dealing with manufactured housing. The concept of this consensus committee is to put together consumers, industry experts, and government officials who advise HUD on safety standards and regulations. Unfortunately, there was one group of individuals that was left out of this consensus committee that I hope will be considered later on. They are the design professionals, the builders and the building inspectors, who are so vital in making sure there are safeguards and industry standards complied with during manufactured housing.

We hope that as the bill moves through the process, they will be considered and added to the bill. I thank the chairman for his consideration.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield the remaining time to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in support of this timely and urgently needed legislation. This bill promotes homeownership, the ultimate American dream, and deserves our support.

Our economy is experiencing a historic boom; but for many, the rising tide of prosperity has failed to lift their boats.

This bill can help to close a growing income and wealth gap that is creating two Americas. Homeownership is the single most important asset for wealth accommodation. Yet, in the past decade, the percentage of homeownership relating to wealth accumulation has declined almost by 10 percent.

Recently, there have been record lows that the mortgage interest rates have been going down; but actually, homeownership between lower-income

persons has been going down as well. It is not true that affordability is there for low and moderate income. This bill makes it possible.

Mr. Chairman, I am extremely pleased that the manager's provision has a provision in there providing homeownership opportunity for those who live in public housing, using section 8 as a part of the down payment and mortgage assistance. This is a provision that the Congressional Black Caucus has strongly supported, and I want to urge and thank you for all of your consideration in this bill. I urge a yes vote.

Mr. Chairman, I rise in support of this timely and urgently needed legislation. This bill promotes homeownership—the ultimate American Dream—and deserves our support.

Our economy is experiencing an historic boom. But, for many, this rising tide of prosperity has failed to lift their boats. This bill can help to close the growing income and wealth gap that is creating Two Americas.

Homeownership is the single most important asset for wealth. Yet, in the past decade, the percentage of owner-occupied housing as it relates to all assets has declined by close to ten percent.

Recently, there have been record lows in mortgage interest rates, leaving many to believe that housing in the United States is more affordable than ever. That is not true.

Despite lower mortgage rates, fewer people are able to afford to purchase homes. That is principally because income growth for the poor and working poor has been weak. This group of Americans are "cost-burdened" under H.U.D. standards. That is, they spend more than thirty percent of their income for housing. The poor and working poor thus find themselves on a treadmill to nowhere when it comes to breaking into home ownership.

This bill can help reverse that trend.

There are many good provisions in the bill—such as raising the loan amount for Rural Housing; facilitating ownership opportunities for our police, firefighters, teachers and other municipal employees; and assisting our seniors and the disabled in becoming owners.

However, I would like to focus my remarks on one of its most outstanding features. The bill improves the manner in which we spend money for housing programs.

Under the Section 8 Program, we have had generations of families, dislocated from society, isolated in public housing and, very often, dependent upon the government to provide them with a relatively decent place to live. This bill allows Public Housing Authorities to use Section 8 funds to provide a suitable amount of cash assistance that can be used to help finance homes. By doing this, these families can begin the process of reducing their reliance on government and take the first step toward accumulating equity and wealth.

Home ownership builds healthy communities. Home ownership instills strength and pride in families. Home ownership provides dignity. When one owns a home, they are more likely to take care of it, maintain it and keep it clean and presentable.

This is a good bill, Mr. Chairman, with bipartisan support. I urge its passage.

Mr. LAZIO. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Missouri (Mr. BLUNT), the chief deputy whip.

Mr. BLUNT. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I wish I had more time to talk about this great bill and the manager's amendment that perfects it in an even better way. This is about homeownership. It is about choice. I served for a number of years on the Missouri Housing Development Commission. There is no higher point in a family's life than that moment when they own their home.

We are building in the 7th Congressional District in Missouri this year a Habitat for Humanity, a house that Congress built. There is no better day for a family when they get to see their own efforts make another step towards homeownership. This gives flexibility. It does the thing that we need to do to allow families to have the dream that they want to have.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. LAZIO).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 2 printed in House Report 106–562.

AMENDMENT NO. 2 OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. COBURN:

Strike line 6 on page 27 and all that follows through line 13 on page 31.

Strike line 3 on page 73 and all that follows through line 16 on page 76.

Strike line 13 on page 91 and all that follows through line 21 on page 93.

The CHAIRMAN. Pursuant to House Resolution 460, the gentleman from Oklahoma (Mr. COBURN) and the gentleman from New York (Mr. LAFALCE) each will control 10 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have listened this morning as speaker after speaker has come to this floor to discuss how important this bill is, to provide the necessary assistance to allow city employees to live where they work, and I would agree with that. I think that is an important consideration.

I have a question for my colleagues. Is it not also equally important that factory workers, union members, small businesses owners, Federal employees, the clergy, and nonprofit employees live where they work? The same help provided under this bill to municipal employees is not provided to any of these individuals that I listed.

If we are facing the housing crisis that we described, which I believe that we may be, then why help just some individuals? Why not help them all? Why are some Americans more worthy of receiving Federal housing assistance than others? This amendment is about fairness.

I want to walk through with my colleagues for a minute who benefits under this law and who does not. Who qualifies for government-funded down payment assistance? Closing costs, support mortgage? Anyone, provided they make less than 80 percent, that is what the answer is. Local government employees making up to 115 percent of area median income or 150 percent in areas with high housing costs, what is the lowest down payment an individual can make to qualify for an FHA loan under the current law? Under H.R. 1776, 3 percent of the total purchase price, that is the current law, or 1 percent for teachers, fire fighters, rescue personnel, or law enforcement officers, under the new bill.

At what price can you buy a HUD home? 100 percent of appraised value. Under this new bill, 50 percent if you are a teacher, a fire fighter, rescue personnel, or a law enforcement officer; but that is not applied to you if you are the union worker building the home in that area or if you are the preacher that has a community church in that area. That is not forwarded to you.

I believe that this is a question about fairness. This amendment is designed to strike all but the 50 percent discounts that are directed in this bill.

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

Mr. LAFALCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the Coburn amendment.

First, I would seek clarification. Is this Coburn Amendment No. 21 that strikes section 203 from the bill? It is.

This is not the amendment which would expand and extend it? Very good.

The Coburn amendment before us, and the gentleman has two, but this one would strike the provision which authorizes FHA 1 percent down payment loans and deferred and ultimately forgivable upfront premiums for teachers, policeman, and firemen buying a home in the school district or jurisdiction that employs them.

Section 203 incorporates the provisions of H.R. 3884, the bill that I had introduced, which is entitled the Homeownership Opportunities for Uniform Services and Educators Act, also known as the HOUSE Act. This bill, the provision that the Coburn amendment would strike, is supported by the Fraternal Order of Police, the National Education Association, the American Federation of Teachers, and the American Association of School Administrators.

Let us listen to what the Congressional Budget Office, or CBO, has to say about Section 203, which the

Coburn amendment would strike. The CBO has concluded that section 203 will result in 125,000 additional FHA mortgages for teachers, policemen, and firemen over the next 5 years.

CBO also concludes that the provision will raise $162 million over the next 5 years. If Members vote for the Coburn amendment, they would vote to deny homeownership opportunities for 125,000 teachers, policemen, and firemen; and you would vote to reduce the Federal budget surplus by $162 million.

Is there any basis for supporting this amendment because of concerns about FHA? Absolutely not. A recently completed independent audit of FHA found that FHA makes billions of dollars a year in profits for the Federal Government and that the net worth of the FHA increased by $5 billion in the last 12 months, to a record net worth of $16 billion, many times the congressionally required capital standard for FHA.

Is there an argument that affordable low down payment loans for low- and moderate-income public servants do not serve a worthwhile purpose? No. I believe that the great majority of Members in this House believe that the teachers who educate our children, the policemen who keep us safe, the firemen who protect our homes from property damage, injury and death, play a critical role in our local communities. And especially high-cost areas, school districts, police departments, and fire departments are finding it increasingly difficult to recruit and retain qualified individuals; or when they can, these individuals may not be able to live in the local community because of the barrier of rising home prices and high down payment requirements.

Section 203 provides new opportunities to overcome this down payment hurdle, opportunities that the CBO says will not hurt, but will, in fact, help the taxpayer.

Mr. Chairman, I would strongly urge Members to vote no on the Coburn amendment and preserve these critical provisions in the bill and increase the surplus to the Federal Government.

Mr. COBURN. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I would say this is a well-intentioned bill; but without the Coburn amendment which corrects a number of fatal flaws, I think it is, in fact, fatally flawed. And I would say that for a couple of different reasons. I would say, first of all, if we look at the way the Coburn amendment corrects the bill, it helps us to focus, because as it is now configured with 150 percent of median income the threshold, what that means is we have a worker in Fairfax County, Virginia, making $50,000 or $60,000 subsidized in the purchase of their home by somebody making $12,000 or $18,000 in Yamasee, South Carolina, which is in the neck of the woods where I grew up, where frankly there is not a whole lot of money to go around. So it loses focus on helping those in need.

Two, I think it encourages risk. It is very easy to spend somebody else's money; but by moving from 3 percent down to 1 percent, in terms of the amount of your own money you have to have in the deal, you frankly encourage people to, in essence, go out and take options on homes. These are not purchases but options. And I would say of most concern for me is that this bill supposedly is about recruiting and retaining EMS workers, firefighters, teachers, et cetera; but, in fact, it will have the reverse effect.

□ 1215

It is going to encourage job rotation. I can envision the day, if this bill goes through without this correcting amendment, when we will be watching a ''60 Minutes'' special about the policeman or the firefighter who switched jobs every 2 months, bought himself a different FHA house and because he could buy it for 50 percent of appraised value, he was buying $100,000 houses for $50,000 and he was making $300,000 flipping houses by moving jobs rather than making the pay that he was supposed to be earning as a firefighter or an EMS worker. It is going to have the reverse effect in terms of job rotation and retaining of workforce.

Mr. LAFALCE. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. LAZIO).

Mr. LAZIO. Mr. Chairman, let me just say I have had many discussions with the gentleman from Oklahoma for whom I have respect. I know he brings this amendment in all good faith in an attempt to strengthen the bill. As he has already outlined, it has a number of very positive aspects to it. I am going to regretfully oppose this amendment because I think it dilutes one of the very important tools that we are providing to local communities, to provide them with the flexibility of meeting the needs of both attracting and retaining people who are providing critical services.

The idea of making sure that we can offer incentives to teachers who would otherwise not be able to own their own home to stay in the community is a very positive thing to serve as a role model or a mentor. The idea that we would provide an incentive for a police officer who is patrolling the local area to actually live in the local area and raise their family when they have a stake in it is a very positive aspect of this bill.

What we are saying here is we are not forcing anybody to do it, we are giving local communities the ability to control, the flexibility to try and fashion their own programs. I would say the same is true as well with firefighters and others who provide critical municipal services.

What we are trying to do is two things here, Mr. Chairman: One is to boost homeownership opportunities, to get more people into homes, to have more Americans sharing the American dream, and also strengthening America's communities by building that social capital.

But we have got to do that in a balanced way. We cannot undermine the basic targeting provisions. We cannot fall victim to criticism that somehow we are shifting our resources to the very high income. But we have got to recognize that there are high cost areas where teachers and police officers and firefighters cannot afford to live without a little Federal help. We want to give them a little Federal help without undermining the FHA program. This is exactly what the gentleman from New York (Mr. LAFALCE) has said.

I would add, in addition, to what my good friend from South Carolina mentioned. It would be fraudulent, it would be against the law for somebody to game this system. They would be subject to criminal penalties to do that. That will not be permitted. That will not be permitted for somebody to be able to buy a home every 3 months and turn it over.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. LAZIO. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, I think we could debate whether or not an individual would be gaming the system based on what the Secretary eventually came out in terms of regulation behind this bill. But I think there is a larger issue here which is quite simple and, that is, if this bill goes through without this correcting amendment, you could literally buy a house for 50 cents on the dollar, for half price. You could buy it for half of appraised value. Is that not correct?

Mr. LAZIO. The only thing that the gentleman I think is addressing is the 1 percent down payment option.

Mr. SANFORD. That is incorrect.

Mr. LAZIO. That is what is stricken in this amendment.

There is another part of the bill which is not affected by this amendment which speaks to homes that are foreclosed homes, HUD-held homes that might well be in distressed areas that would permit local authorities to sell these homes in distressed areas. Some of these are going to be, and this would be totally flexible. It is not mandatory.

Mr. SANFORD. It could be in the most distressed area or it could be in the most affluent area.

Mr. LAFALCE. Mr. Chairman, I yield myself such time as I may consume.

Let me simply say that I believe the gentleman from South Carolina in all

his remarks was addressing an amendment and a provision that was something other than the amendment and provision in question.

Mr. COBURN. Mr. Chairman, I yield myself such time as I may consume.

This amendment does not delete the 50 percent benefit of purchasing a HUD home at 50 percent. Let me clarify that.

Let me read what the American Federation of State, County and Municipal Workers say about pay: ''It is clear that compensation packages between the private sector and public sector at the State and local level is highly competitive and does not favor one over the other.''

By the union's own admission, they are competitive in their salaries. I do not question the intention of both gentlemen from New York. Their motives are pure in what they are trying to accomplish. What I say is what they are accomplishing is entirely unfair to the people who are paying the taxes that will make up for the 50 percent discount that goes with that.

If this program is so good for teachers, so good for the FHA, so good for improving the surplus, then I am sure that if they deny this amendment, they would want to support the other one, that expands that to clergy, that expands it to union members, expands it to the carpenter who builds the house when the carpenter who works for the city can buy the house. I am sure they would want to support that.

The next amendment that I am bringing up in terms of trying to correct this, I do not disagree with their motivation, but would expand this pie. And if we create 150,000 new mortgages with their amendment, we would create 300,000 if we expand the pie. What we would do is we would put it on an even basis. If we are going to pick winners, let us pick everybody to be a winner. Let us allow everyone the same opportunity.

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

Mr. LAFALCE. Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts (Mr. FRANK).

The CHAIRMAN. The gentleman from Massachusetts is recognized for 1¾ minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, the major reason for differentiation is the nexus between municipal employment and the municipality. We have in fact many municipalities which have decided to impose residency requirements. They require that certain employees live in the city. Part of the impetus for this legislation is the increasing problem when people are faced with an inconsistent set of demands.

On the one hand they are legally ordered to live in the city, and on the other hand they cannot afford it. It is not my understanding that cities order other people to live there. The people who would be covered if the gentleman from Oklahoma's expanded amendment were adopted are not subject to a requirement of municipal residency nor has anyone thought that there was a logical reason to do that.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, the only question I have is the Federal Government did not set any mandates on any city that their employees be a resident.

Mr. FRANK of Massachusetts. Right. I understand the gentleman's question. That is true. Cities, however, have done that. The fact that a mandate was not imposed by the Federal Government does not invalidate it in my mind. I believe cities have the right to make these judgments.

Independent of this legislation, many cities decided in the democratic process that governs those cities that it was helpful to have municipal employees living there, that it was helpful to promote the interaction, to have the police living there, the teachers living there. It was helpful to have these people who perform those important services living in the neighborhood.

This language facilitates that. It is not a general housing aid. It is in facilitation of an important municipal policy that they find useful to have their employees living in the communities. I am for broadening housing aid in general, and I thank the gentleman. I will be glad to be with him when the budget comes up so we can increase these programs and accommodate the increases he wants to make. But this is one with a particular nexus between the city and its employees.

Mr. COBURN. Mr. Chairman, I yield myself such time as I may consume.

The gentleman's argument is that the city should not have to live with the consequences of their own rules on their own citizens and, therefore, the Federal Government should make up that difference. That is what we are talking about.

The question that I would have for the gentleman from New York and the gentleman from Massachusetts, if in fact that is true and they do not want to support this amendment, then surely they will consider the next amendment. The reason that that is, is because if in fact we are going to take the premise that a city can require people to live within their district and then say the housing costs are so high we cannot afford to pay to fulfill this rule, that the Federal Government ought to come along, is it not fair to create in that mix a broad spectrum of people?

The gentleman from Illinois (Mr. RUSH) is going to say it is equally important to have a nurse there, a health care professional there. What can be wrong with that? Why would we not want to advantage nurses?

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. What is wrong with it is that the budget that has been adopted, over the objection of the gentleman who thought it was too liberal, does not have enough money. I would be glad to join with the gentleman from Oklahoma if he would be willing to put his money where his mouth is, if in fact he would allow the program——

Mr. COBURN. Reclaiming my time, the gentleman from New York (Mr. LAFALCE) just told us that this would enhance HUD by $5 billion. Would enhance. Your own testimony from your side of the argument has already said that you will enhance this program by $5 billion according to the CBO. So why not allow the gentleman from Illinois' amendment?

Mr. Chairman, the gentlewoman from California (Ms. WATERS) has an amendment to bring this back to 80 percent. If we are really concerned about fairness and spreading this money out, bring it back to 80 percent and expand the pot to everybody.

Expand the pot to the people that are paying the taxes who are not going to get any advantage out of it. Let us expand it to the union worker who actually builds a house, the union plumber who puts the plumbing in the house. He is disadvantaged. It is interesting to note that the American Homebuilders Association is opposed to these amendments. They are up here lobbying for certain people to be advantage when their own employees who are paying the taxes for it will get no benefit other than a job.

Mr. FRANK of Massachusetts. If the gentleman will yield further, I thank the gentleman for his strong endorsement of union workers. I am sure when Davis-Bacon comes up there will be——

Mr. COBURN. My union record is not all that bad if the gentleman will look at it.

Mr. FRANK of Massachusetts. The fact is that as you expand this program, it is going to cost some more money. I support greater housing aid. I would say to the gentleman I am all in favor of this. In fact I do not think it should be limited at all by occupation.

Mr. COBURN. I guess the point is, the testimony is that it is going to be enhanced by $5 billion just what we do. And if you really think it ought to be broadened, then let us broaden it to everybody. We will defeat my first amendment but you support the second one which does broaden it and does create fairness in the housing market.

Mr. FRANK of Massachusetts. If the gentleman will yield further, I am in

partial agreement with the gentleman as to the first amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. COBURN).

The amendment was rejected.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 106–562.

AMENDMENT NO. 3 OFFERED BY MR. RUSH

Mr. RUSH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. RUSH:

Page 27, line 14, after "TEACHERS" insert ", NURSES,".

Page 29, line 1, strike "or (bb)" and insert "(bb) a nurse (as such term is defined by the Secretary, except that such term shall include nurses employed in hospitals and nursing homes), or (cc)".

Page 30, line 3, strike "or".

Page 30, after line 3, insert the following:

"(II) in the case of a mortgage of a mortgagor described in clause (i)(I)(bb), the jurisdiction in which the hospital, nursing home, or other place of work of the nurse is located; or

Page 30, line 4, strike "(II)" and insert "(III)".

Page 30, line 6, strike "(i)(I)(bb)" and insert "(i)(I)(cc)".

Page 73, line 16, after "of," insert "and nurses (which shall include nurses employed in hospitals and nursing homes)".

The CHAIRMAN. Pursuant to House Resolution 460, the gentleman from Illinois (Mr. RUSH) and the gentleman from New York (Mr. LAZIO) each will control 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. Mr. Chairman, I yield myself such time as I may consume. First I want to commend the author of this particular bill, H.R. 1776. I think that it is a fine bill. I want to commend both the subcommittee chairman, the full committee chairman, the ranking member of the subcommittee and the ranking member of the full chairman. I think that this is a bill that is going to really solve a serious problem.

REQUEST FOR MODIFICATION TO AMENDMENT NO. 3 OFFERED BY MR. RUSH

Mr. RUSH. Mr. Chairman, I ask unanimous consent that my amendment be modified so that it applies to section 505 of H.R. 1776. Due to a drafting error, it currently applies only to section 203 and 404 of the bill.

□ 1230

The CHAIRMAN. The Clerk will report the modification to the amendment offered by the gentleman from Illinois (Mr. RUSH).

The Clerk read as follows:

Modification to Amendment No. 3 offered by Mr. RUSH:

The amendment as modified is as follows:

Page 27, line 14, after "TEACHERS" insert ", NURSES,".

Page 29, line 1, strike "or (bb)" and insert "(bb) a nurse (as such term is defined by the Secretary, except that such term shall include nurses employed in hospitals and nursing homes), or (cc)".

Page 30, line 3, strike "or".

Page 30, after line 3, insert the following:

"(II) in the case of a mortgage of a mortgagor described in clause (i)(I)(bb), the jurisdiction in which the hospital, nursing home, or other place of work of the nurse is located; or

Page 30, line 4, strike "(II)" and insert "(III)".

Page 30, line 6, strike "(i)(I)(bb)" and insert "(i)(I)(cc)".

Page 73, line 3, before the period insert "**AND NURSES**".

Page 73, line 16, after "of," insert "nurses (as such term is defined by the Secretary for purposes of section 203(b)(10) of the National Housing Act (12 U.S.C. 1709(b)(10)) who are employed in a hospital, nursing home, or other place of work that is located within the jurisdiction of,".

Page 91, line 13, before the period insert "**AND NURSES**".

Page 92, line 8, after "(B)(i)" insert "(I)".

Page 92, line 15, strike "and" and insert "or".

Page 92, after line 15, insert the following:

"(II) is a nurse (as such term is defined by the Secretary for purposes of section 203(b)(10) of the National Housing Act (12 U.S.C. 1709(b)(10)) who is employed in a hospital, nursing home, or other place of work that is located within the participating jurisdiction that is investing funds made available under this title to support homeownership of the residence; and

Mr. RUSH (during the reading). Mr. Chairman, I ask unanimous consent that the modification to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Is there objection to the modification to the amendment offered by the gentleman from Illinois (Mr. RUSH)?

Mr. LAZIO. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Chair recognizes the gentleman from Illinois (Mr. RUSH) if he wishes to proceed on the amendment as introduced.

Mr. RUSH. Mr. Chairman, I will proceed.

The CHAIRMAN. Does the gentleman from Illinois (Mr. RUSH) wish to reserve his time?

Mr. RUSH. Yes, Mr. Chairman, I will reserve my time.

Mr. LAZIO. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. LAZIO).

Mr. LAZIO. Mr. Chairman, I yield myself such time as I may consume.

I know that the gentleman from Illinois offers this amendment with the best of intentions to try and expand homeownership opportunities for nurses, and perhaps because my wife is a nurse and because I work closely with nurses on a number of health-related issues, I like to think of myself as not insensitive to the need to recruit and retain high-quality nurses.

But we are trying to fashion a balanced approach in this bill, and we are trying to speak to dual needs: one is boosting the promise of homeownership for people who serve our community in dangerous situations, quite often, fire fighters and police officers, people who serve our community as mentors and as teachers. We are trying to deal with the issue of recruitment, and we are trying to do this in a relatively balanced way, which is to say we are not trying to open this up to everyone.

Mr. Chairman, there are a number of different meritorious arguments that can be made for different groups that ought to have the additional flexibility to be helped to achieve homeownership. There is a lot in this bill that does this that will speak to those people. There are a lot of things in the bill that will allow nurses of modest income to achieve the dream of homeownership.

However, by expanding the 1 percent provision in this section 203, which allows 1 percent down payments beyond the balanced approach that was crafted in a bipartisan way, I think we are diluting the support that we will have to provide flexibility to local governments. We are trying to give mayors and local leaders the tools that they need to create magnets for people that serve in those very communities. While some nurses may serve in those communities, some nurses may serve in other communities. Regional hospitals or tertiary care hospitals are different in terms of who they may attract relative to schools where the people live in that area, or with respect to police departments headquarters, which also deal with the people in that local vicinity.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. LAZIO. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I would ask the gentleman, what about the school nurse?

Mr. LAZIO. Mr. Chairman, reclaiming my time, the provision in this bill speaks to both administrators and teachers. That is where the crisis is. That is where we are finding that we cannot, as we are seeing the explosion in the amount of children coming into our school system, fill the need to recruit and retain quality people. We are dealing with a situation where, for example, in Atlanta, teachers, starting teachers' salaries are $29,000. They cannot get any help for homeownership. They can get no help for homeownership, because the median income in Atlanta is $22,000; and the law says only the people that are at 80 percent of that number or under $20,000 can qualify for that. A policeman in Atlanta cannot qualify for homeownership assistance.

So we are saying here that through the various programs, the 1 percent

down payment program, through CDBG, through HOME, I know that these are not all of the issues that the gentleman from Illinois is raising, that we are trying to help provide social capital, a more solid community, and an enticement for police officers and for teachers and for fire fighters who serve that very community to achieve that dream of homeownership.

So I think because of the overexpansion, I am unfortunately going to oppose the gentleman's amendment.

Mr. RUSH. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. LAFALCE), the ranking member of the committee.

Mr. LAFALCE. Mr. Chairman, I would like to associate myself with the remarks of the distinguished chairman of the Subcommittee on Housing (Mr. LAZIO). I would have to oppose this amendment too, but yet I think the gentleman from Illinois (Mr. RUSH) has a very, very worthy purpose in mind; and I would like to work closely with him if this amendment goes down in order to try to accomplish his goals and his purpose.

There are public nurses. There are nurses who work for publicly owned hospitals, there are publicly run nursing homes, et cetera; and I do not think that if there is such an amendment developed, that it would be inconsistent with the purposes that are articulated in the bill.

Right now, I think that the amendment that is offered is just too broadly based and would be inadequately targeted. I thank the gentleman.

Mr. RUSH. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, I just want to point out that the gentleman's intent is a good intent, because the gentleman from New York just made the argument in Atlanta that if one is a school teacher or fire fighter, but if one is a nurse making the same amount of money living in the community, one does not have the opportunity.

We just rejected an amendment, two votes for it on a floor vote, we did not ask for a recorded vote, that said this house is overwhelmingly decided we are going to subsidize the purchase of homes for municipal employees. That is what we have just said.

So if we are going to do that, why do we not share subsidization with the people that are paying the taxes that also need help buying a home who would also qualify for that? I believe that is the gentleman's point, plus the fact that a nurse in these areas is a qualified health professional that would also be of great advantage to the community. So what we are saying is the base bill gives us a $5 billion plus up; and we are saying, let us make it $300,000. Let us do the rest of the homes.

Mr. RUSH. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I rise in support of the Rush amendment. There are many economically distressed and medically underserved communities that find it virtually impossible to recruit nurses, virtually impossible. This amendment would provide nurses and those communities the same opportunities that we are providing for other individuals.

So I would associate myself with the remarks of the gentleman from New York (Mr. LAFALCE) that I would hope that we would be able to work out an agreement where there can be the encompassing of the intent of the gentleman's amendment in final passage of the bill, which is an excellent bill; and I commend all of those who worked on it, and especially do I commend the committee for the inclusion of the ability for public aid, public assistance individuals on section 8 to move towards homeownership.

Mr. RUSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I fully support this bill, and I believe that this bill is a good bill. I believe this bill could become a better bill if, in fact, my amendment was a part of the bill. I, too, represent a disadvantaged community on the South Side of the City of Chicago, and I know the problem that is caused by the scarcity of nurses in my hospitals and in my nursing homes and in other health care facilities. This amendment is meant to address this very, very serious problem that we are facing, not only in the City of Chicago, but all across this Nation. We need to give some incentives to nurses who are committed to working in disadvantaged communities.

Mr. Chairman, I would just like to engage in a colloquy with the gentleman from New York (Mr. LAZIO), the chairman of the subcommittee, and ask him if, in fact, this amendment does get voted down, would he please assure me and other Members of the House that he will work with the ranking member and myself to make sure that we try to work on this particular amendment.

Today the House will be voting on a bill to increase homeownership among low- and moderate-income families, including teachers, police officers, firefighters.

My amendment would simply add nurses to the pool of people who are able to benefit from the downpayment and closing costs abatement on homes.

My amendment would allow the Secretary of Health and Human Services to define the term nurse. It would also specify that under the bill, nurses would be required to live in the jurisdiction where the hospital, nursing home or other place of nursing employment is located.

Many of today's nurses do not want to work in disadvantaged and underserved communities and this causes a critical shortage in these areas.

Also, because of managed care cuts and the growing health needs of an aging population there is a shortage of skilled nurses in many of our communities.

When hospitals cut nursing jobs, many leave the profession and fewer students pursue nursing degrees.

Another factor contributing to fewer skilled nurses is the aging nursing population: the average age of all registered nurses nationally was 44 years in 1996. More than 62 percent of RNs are age 40 or older. In some communities starting salaries for nurses range from $14,000 to $20,000.

Mr. Chairman, I urge my colleagues on both sides of the aisle to support this amendment.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. RUSH) has expired.

The gentleman from New York (Mr. LAZIO) has 1½ minutes remaining.

Mr. LAZIO. Mr. Chairman, I yield myself such time as I may consume.

In answer to the gentleman from Illinois's comments, I very much appreciate the good faith in which the gentleman from Illinois has brought this amendment. I would very much love to help nurses and other people in health care service, especially those who are employed by municipalities and are serving in that very same community.

I would say to the gentleman that I would be happy to work with the gentleman and with the ranking member to see if we can identify some means of providing the kind of support that the gentleman has raised, whether it is a rental or homeownership, but to provide some support for nurses and other people who are health care professionals as time goes on. I do not think this is the right forum for it, but I would be happy to work with the gentleman.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. RUSH).

The amendment was rejected.

The CHAIRMAN. It is now in order to consider Amendment No. 4 printed in House report 106–562.

AMENDMENT NO. 4 OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. COBURN:

Page 28, line 19, after "(I)" insert "(aa)".

Page 29, line 1, strike "or (bb)" and insert "(bb) is employed on a full-time basis as".

Page 29, line 8, before the semicolon insert the following:

, (cc) is employed on a full-time basis by a tax-exempt authority, (dd) is employed on a full-time basis by the Federal Government, (ee) is a member of an organization under the jurisdiction of the National Labor Relations Board, (ff) is employed on a full-time basis by, or has a financial interest in, a small business, or (gg) qualifies for the child care tax credit under section 24 of the Internal Revenue Code of 1986

Page 73, line 3, strike "**EMPLOYEES**" and insert "**RESIDENTS**".

Page 73, strike lines 13 through 23 and insert the following:

"(24) provision of direct assistance to facilitate and expand homeownership among residents of the metropolitan city or urban county receiving grant amounts under this title pursuant to section 106(b) or the unit of general local government receiving such grant amounts pursuant to section 106(d), except that—

Page 73, line 25, strike "employees" and insert "residents".

Page 74, lines 11 and 12, strike "employees" and insert "residents".

Page 75, lines 2 and 3, strike "employees" and insert "residents".

Page 92, line 8, after "(B)(i)" insert "(I)".

Page 92, line 15, strike "and" and insert "or".

Page 92, after line 15, insert the following:

"(II)(aa) is employed on a full-time basis by a tax-exempt authority, is employed on a full-time basis by the Federal Government, is a member of an organization under the jurisdiction of the National Labor Relations Board, is employed on a full-time basis by, or has a financial interest in, a small business, or is qualified for the child care tax credit under section 24 of the Internal Revenue Code of 1986, and (bb) is a resident of the participating jurisdiction that is investing funds made available under this title to support homeownership of the residence; and".

The CHAIRMAN. Pursuant to House Resolution 460, the gentleman from Oklahoma (Mr. COBURN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, I yield myself such time as I may consume.

This is the amendment that we spoke about. I just want to outline basically for the Members of the body and those people at home what this amendment does.

What we have already said is if we pass this bill, we are going to subsidize middle-income America to buy homes at a cheap rate, certain groups at a lower rate than others, and that the other people who are making that same amount of money will not have the same opportunity as the people that have been ferreted out through social engineering in this bill.

So what this amendment does is it allows 1 percent down payments on FHA homes, and it would allow HOME funds to be used for down payment and closing cost assistance, as well as mortgage subsidies for the following individuals: those employed on a full-time basis for a tax-exempt authority. That means preachers, youth ministers, social workers, members of an organization under the jurisdiction of the NLRB. That means any union member would have exactly the same opportunity to buy a home, especially those that are building the homes; they are paying the taxes, they make the same amount of money; but if one happens to be a carpenter for the city, you get to buy that home, but if you happen to be the carpenter working to build that, you do not have that advantage. Those employed on a full-time basis by the Federal Government; those employed on a full-time basis by a small business, the very heart of these communities that we are trying to enhance; those who have a financial interest in a small business, as well as those who would qualify for a child-care tax credit. In addition, the amendment would allow CDBG funds to be used for down payment and closing cost assistance as well as mortgage subsidies for any resident of a community, provided that they meet the income restrictions.

This is about fairness. If, in fact, we are going to subsidize, and that is the will of this Congress, we should not at the same time pick winners and losers out of people who have exactly the same income status in this country, and that is what we are doing, regardless of our social goal.

What we are doing is saying, if one is not a fire fighter, then one cannot have this advantage, even though one may do something just as valuable in the community; or if one is not a policeman, if one is not a teacher, if one is not a municipal employee, and what we are actually saying when we do that is we are saying a municipal employee has more value than any other employee in the city who makes the same income.

To me, I think that is unfair, and I think that is one of the great flaws with this bill. I would hope that the gentleman from New York would support the expansion of this.

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

□ 1245

The CHAIRMAN. Is the gentleman from New York (Mr. LAFALCE) opposed to the amendment?

Mr. LAFALCE. I am, Mr. Chairman.

The CHAIRMAN. The gentleman from New York (Mr. LAFALCE) is recognized for 5 minutes.

Mr. LAFALCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I regret that I must rise in opposition to the Coburn amendment, because I do understand the arguments that are motivating him. But I really believe, too, that his arguments are misguided.

First of all, what we attempted to do was create a nexus between a municipal employer and a municipal employee. We said, well, maybe we ought to be able to help municipalities keep their employees living within the district that they work in.

So if they are a teacher, if they are a policeman, if they are a fireman, and if they work in the city of Tonawanda and will live in the city of Tonawanda, it will create this incentive. It is not really a subsidy, either. It is an incentive, not a subsidy. We make money, according to CBO.

What the gentleman's expansion would do is apply it virtually to the world, and therefore, the gentleman eliminates the whole concept behind it: a geographic nexus. So the gentleman would have an incentive created for an individual who lives 3 hours away. It destroys the purpose of the amendment. The gentleman does not expand the purpose of the amendment, he destroys the purpose of the amendment.

Let me continue. I have already discussed some of the benefits of the program. The Coburn amendment before us now says, why limit these benefits? First, because he eliminates the geographic nexus that we insist upon.

There are other reasons, too. There is a public purpose in helping these public servants, a public purpose that does not apply to the groups that the gentleman from Oklahoma (Mr. COBURN) would make eligible. The teachers who educate our children, the policemen who keep us safe, and the firemen who protect our home from property damage, injury, and death, all play a critical public role in our local communities.

People who work in small businesses, for example, or who qualify for the child care tax credit, may be very worthy individuals, they simply do not serve the same public function as our educators and our essential public safety officers. In particular, Section 203 and related provisions of the bill address the very real problem that school districts, police departments, and fire departments are finding it increasingly difficult to recruit and retain qualified individuals, or when they can, these individuals may not be able to live in the local community because of the barrier of rising home prices and high down-payment requirements.

These considerations simply do not come into play in the case of the categories that the Coburn amendment would expand eligibility to include.

The other problem with this amendment is that it could have a very negative impact on the health of the FHA fund. We had CBO score our bill. They scored our bill as raising revenues, because it will provide opportunities for a large number of people not currently using FHA. Thus, the increased revenues from such added use will outweigh the cost of foregoing premiums for those borrowers that would have used the program anyway, and would just be getting more favorable treatment.

However, I do not believe the gentleman from Oklahoma (Mr. COBURN) has a CBO estimate of his amendment. In my judgment, by opening up eligibility to in effect virtually everyone in the Nation, the revenue loss could be tremendous.

The gentleman from Oklahoma (Mr. COBURN) would like to piggyback. He says, his provision makes money; therefore, mine would, too. Not at all. They deal with totally different classes of people. The effect most likely would be that the FHA, instead of generating

millions of dollars in profits each year, as it current is, could end up operating at a significant loss.

Thus, the likelihood in my judgment is that this amendment, if enacted, would be a budget-buster, threatening the very program that last year provided mortgage loans to 1.3 million Americans.

Mr. COBURN. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, what the gentleman just made a logical argument for is to say that pastors and union members and small business owners are going to default at a higher rate than the groups they have selectively placed out, because in fact, earnings through this program are based on default rates. The lower the default rate, the more increased the earnings are. The assumption of his argument is that that is what would happen.

The other part of his argument, which I find completely inaccurate, is that a firefighter has more impact in a community than a pastor. I think that is wrong.

Mr. Chairman, I yield 30 seconds to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, I am not speaking against anyone, but it is extremely important that, for principle's sake, that I say that if we want these new programs, worthy as they are, then we should appropriate new funds for them. When we get into presently persistent programs that are set aside for low- and minority-income people, then we begin to find the kind of bifurcation we are finding here today: other groups are going to be coming up and ask for the same thing.

I am compelled to say to the chairman that even though the gentleman from Oklahoma (Mr. COBURN) and I never agree on anything, in terms of the expansion of this program, he is right in that we must remember these set-asides that we bring into the HOME program in the long run will cause us problems.

Mr. COBURN. Mr. Chairman, I yield the balance of my time to the gentleman from South Carolina (Mr. SANFORD).

The CHAIRMAN. The gentleman from South Carolina (Mr. SANFORD) is recognized for 1½ minutes.

Mr. SANFORD. Mr. Chairman, I would just mention to Members that if Members believe in a ruling class, then they will vote against the amendment of the gentleman from the gentleman from Oklahoma (Mr. COBURN). If Members believe in a government class, they will vote against the gentleman's amendment.

What this is about is government making the choices. That is what he has raised. We have gone from removing barriers, which is supposedly what this original bill was all about, to subsidy, and Washington getting to pick the winners and losers.

I think that is fundamentally against the idea of one man-one vote, equality in this country. I would go back to a point that was talked about earlier, which again, the gentleman's amendment, unfortunately, cannot get at, but it is a very important point.

That is, if this bill goes through in its present form, then a number of categories that Washington has chosen can buy a house for half price, while the farmer in our home district cannot buy that house for half price, while the McDonald's workers in our hometown cannot buy that house for half price, while the person who cuts timber in our backyard cannot buy a house for half price, or somebody working in a grocery store, or somebody who works at the local nursery school, or somebody who works in construction, they cannot buy houses at half price.

All of those are important parts of what makes up a local community. I think they have value, too. Without the gentleman's amendment, they are excluded. I do not think that is fair.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. COBURN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. COBURN. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 460, further proceedings on the amendment offered by the gentleman from Oklahoma (Mr. COBURN) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 5 printed in House Report 102–562.

AMENDMENT NO. 5 OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. ANDREWS: Page 53, after line 25, insert the following new section:

SEC. 209. ENERGY EFFICIENCY CERTIFICATIONS.

Section 526(a) of the National Housing Act (12 U.S.C. 1735f–4(a)) is amended—

(1) by inserting ''(1)'' after ''(a)''; and

(2) by adding at the end the following new paragraph:

''(2) The Secretary shall require, with respect to any single- or multifamily residential housing subject to a mortgage insured under this Act, that any approval or certification of the housing for meeting any energy efficiency or conservation criteria, standards, or requirements pursuant to this title and any approval or certification required pursuant to this title with respect to energy conserving improvements or any solar energy system, shall be conducted only by a home energy rating system provider who has been accredited to conduct such ratings by the Home Energy Ratings System Council, the Residential Energy Services Network, or such other appropriate national organization, as the Secretary may provide.''.

The CHAIRMAN. Pursuant to House Resolution 460, the gentleman from New Jersey (Mr. ANDREWS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I first want to express my enthusiastic support for the work that the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAZIO) and the gentleman from New York (Mr. LAFALCE) and the gentleman from Massachusetts (Mr. FRANK) have done, and thank them for bringing to the floor a bill that will no doubt make more Americans homeowners in high-quality homes. I congratulate them.

In 1973, the phrase ''oil embargo'' became known to the vocabulary of most Americans for the first time. It was widely acknowledged that we needed to do something to reduce our dependence upon foreign energy. Here we are, 27 years later, and one of the major issues confronting the country is our dependence upon foreign oil.

One of the long-term strategies to reduce that dependence is to become more energy-efficient in every aspect of American life. It is to the credit of the authors of this bill and their predecessors that we are moving in that direction in the field of housing. Through various tools available to the Federal government, we are creating a situation in which more energy-efficient homes are being financed and purchased by more people.

The purpose of my amendment is to be sure that when we say that something is energy-efficient, that it really is; that the certification of what is energy-efficient is a certification that meets a high standard, as is presently the law, and that that standard is carefully reviewed by a well-trained, well-prepared, and duly-accredited appraisal agency.

I appreciate the work that both the majority and minority staffs have done on this measure, and I appreciate the fact that there are some very valid concerns about the scope of the issue that I have raised.

In particular, we are certainly of the intention that no duly accredited organization be excluded from the provisions of this amendment. I know that the gentleman from New York (Mr. LAZIO) and the gentleman from Massachusetts (Mr. FRANK) want to be sure that the scope of the amendment is broadened to include every such qualified organization.

Secondly, I know there have been concerns raised about the availability

of such inspections in all areas of the country. It is certainly not our intention, as sponsors of the amendment, to make it more difficult for any American to own or finance or refinance a home.

With that in mind, I would ask the chairman of the subcommittee, the gentleman from New York (Mr. LAZIO), to discuss this matter. It is, frankly, my intention, based upon representations that we could work on this problem together in conference, to withdraw this amendment, but I wanted to speak to him about that.

Mr. LAZIO. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from New York.

Mr. LAZIO. I thank the gentleman for yielding to me, Mr. Chairman.

I truly appreciate the gentleman's efforts to provide protection to consumers and provide the best possible options for homeowners for energy efficiency certification. The concern that I have, and I think I have spoken to the gentleman about, is about whether or not we mandate or limit options for consumers.

I would be very pleased to work with the gentleman from New Jersey as the process moves forward to try and address some of the concerns raised.

Again, I think there is a cost option and there is a choice option. I think the gentleman's intention is not to undermine either of those. He does not want to have a more expensive certification process, does not want to eliminate important options for consumers.

I think if we work together, we may be able to try and find ways to try and adjust that.

Mr. ANDREWS. Reclaiming my time, Mr. Chairman, the chairman has accurately stated my intentions, and I appreciate his intentions.

Mr. Chairman, it is my intention that we have no additional energy certification requirement than is presently in the law, that we simply address the way one is certified as meeting that requirement in a way that does not add significant cost to the consumer, and in a way that does not limit the choices that a consumer would have in choosing a qualified certifier. That certainly accurately states my intentions.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman for yielding to me.

Mr. Chairman, the gentleman said it was his intention to acknowledge that the gentleman from New York had accurately stated his intentions. I certainly do not intentionally want to undo any of this harmony. I simply say that I join with both gentlemen in our commitment to work this out. I think they have made it very creative. We will be able to do that.

Mr. ANDREWS. Mr. Chairman, the gentleman from Massachusetts has very clearly stated everyone's intentions here, which I appreciate.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

□ 1300

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 106–562.

AMENDMENT NO. 6 OFFERED BY MR. WEYGAND

Mr. WEYGAND. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 Offered by Mr. WEYGAND: Page 59, after line 23, insert the following new section:

SEC. 212. PROPERTY IMPROVEMENT LOAN LIMIT FOR SINGLE-FAMILY HOMES.

Section 2(b)(1)(A)(i) of the National Housing Act (12 U.S.C. 1703(b)(1)(A)(i)) is amended by striking ''$25,000'' and inserting ''$32,500''.

The CHAIRMAN. Pursuant to House Resolution 460, the gentleman from Rhode Island (Mr. WEYGAND) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Rhode Island (Mr. WEYGAND).

Mr. WEYGAND. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a very simple amendment. It revises or amends title I of the FHA home improvement section, which is actually the oldest section of the FHA program. It was started back in 1934.

This program was intended, as it does today, to provide for mortgages for home improvements. This is done through an FHA-approved lender who makes the loans out of their own funds to eligible borrowers, through HUD and through FHA.

These are for typical kinds of homeowner improvements, whether they be for utilities, whether they be for renovations to rooms, bathrooms, roofs, whatever it may be, but it is not for such things as luxury items, swimming pools and other things like that. It is for core essentials to make improvements to one's home.

As I said, this program was started in 1934 and over the years we have had many changes with the original loan limit. Presently, the loan limit is $25,000 per loan. This was established approximately 9 years ago, and since that time construction costs and the rate of inflation have certainly eaten into the purchasing power of that $25,000.

This amendment that we are offering today would simply move the limit to $32,500, which would be equivalent to what the rate of inflation and building costs would have been over the last 9 years. In fact, what we are doing is allowing for the borrower to purchase the same amount of construction improvements in 2000, 2001, as they would back in 1991. It is not an expansion. It is just simply keeping pace with inflation.

As a matter of fact, such an index is also used in FHA 203(b), single-family loan limits that they go through every year. So it is not unusual for us to do this.

At the chairman's request, and I want to thank him for his indulgence and his assistance in this, I have talked not only with FHA but also with OMB and we have letters from both that will be coming to us by way of myself to the chairman that they are in full agreement. They have no opposition to this amendment whatsoever. They believe that it is reasonable and they will not oppose it and the administration would not oppose it.

I made that promise to the chairman because I believe that the administration should be on board with this amendment if we are to move forward with it.

Lastly, Mr. Chairman, this kind of an increase, again, has nothing to do with the existing title I program in terms of modifying or changing any of the criterion, the regulations or the oversight that would be part of title I. This is a good improvement, would allow those people who are really scratching, trying to get by to make major home improvements allow them the opportunity to do that.

Mr. LAZIO. Mr. Chairman, will the gentleman yield?

Mr. WEYGAND. I yield to the gentleman from New York.

Mr. LAZIO. Mr. Chairman, I want to thank the gentleman from Rhode Island (Mr. WEYGAND) for yielding.

Mr. Chairman, the gentleman is correct in referencing that we have had numerous discussions about this issue. The title I home improvement program is a valuable program for America. It helps some of our neediest communities achieve the dollars that they need, homeowners getting the dollars they need to put a new roof on their house or rebuild their heating system, much the way other parts of this bill deal with the reverse equity program, allowing seniors who are house rich but cash poor tap into their equity, stay in their home, rebuild their heating system, put a new walkway in or put a new roof on without having to move out.

So these are very positive aspects of this proposal, and I support the proposal, but as I said to the gentleman I am concerned. I am concerned about the Department of Housing and Urban

Development ensuring that this program is properly enforced.

We have had continuing concerns, and the gentleman from Massachusetts (Mr. FRANK) has shared these concerns, about the ability of the Department to properly enforce the law so that the worst players are eliminated and people are still able to access these dollars.

I am concerned, based on a conversation I just had only minutes ago, that HUD may not be willing to issue the kind of statement that the gentleman from Rhode Island (Mr. WEYGAND) I know has been seeking. So I would only say that I am going to support this amendment with the understanding by all parties that I want to get the green light from HUD that this will not undermine their ability for proper enforcement. If that does not come before we are able to conference this bill, then I am going to reevaluate my position.

Mr. WEYGAND. Mr. Chairman, reclaiming my time, I concur with the gentleman from New York (Mr. LAZIO), and I have said to him that we will provide not only the letters but also the support from the administration on this.

I would also like to add one last thing about the amendment. The gentleman from New York (Mr. LAZIO) is correct. We believe that there must be stronger, more vigilant guidelines and regulation of the title I program. This would not change that, and I thank the gentleman for his cooperation.

Mr. FRANK of Massachusetts. Mr. Chairman, I claim the time in opposition.

Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would say at the outset that my opposition is quite tentative, but under the rule there is no other way to get time. So in the interest of making sure that everybody has a chance to offer amendments, I am prepared to express, as I said, the mildest of opposition to this amendment. I think I am capable of being persuaded to the contrary. I am open minded. I guess one would say, Mr. Chairman, I am claiming the time as leaning against, which I believe, as I look at the parliamentarians, is acceptable under the rules.

Mr. LAZIO. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from New York.

Mr. LAZIO. Mr. Chairman, I just want to thank the gentleman from Massachusetts (Mr. FRANK) for the bipartisan nature of the concern to ask HUD to address some of these problems that have been identified without undermining the program. There is a rule that has been proposed, as the gentleman knows, that could potentially undermine the ability of this program to be properly implemented.

I know the gentleman shares my concerns, and I am just wondering if he would like to express his concerns.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for that. One of the things that has been very heartening about this debate and I mean this, with regard to this, with regard to the points that were made by the gentleman from Oklahoma on the previous amendment and joined by the gentleman from South Carolina, I think what we have seen is a consensus that whatever criticisms we might have had of various government housing programs in the past, sufficient improvements have been made in the way in which they are operated so we can, with some confidence now, increase funding for them.

We have come out of a period when there were two constraints on funding for government housing programs. One was the concern that they were not being well run; another, the severe deficit condition of the Federal Government. We are making very substantial progress on both.

This bill is a recognition of that, and there are some initiatives here. One of the things that we have done, we got out of the housing production business. Section 8 became purely a rental program. One of the things that was commented on, I believe by the gentleman from Wisconsin earlier, was that this bill begins to put section 8 back into a program that could help housing production because it puts it into a homeownership situation.

Obviously, one cannot use section 8 for homeownership if it is on an annualized basis. One cannot buy a home with a one-year certificate. So we are recognizing that there is some value to lengthening it.

There are other parts of this bill that try to do that. Raising the FHA limit, let me put it this way, we have a demand to raise the FHA limit. Where does that come from? People who have had good experiences with FHA. There were periods in our history when people heard FHA and thought, oh, the program is not running well. It is now running well enough so that there is considerable interest in expanding it.

The gentleman from Oklahoma made some very good points on his second amendment about expanding some of these programs, but we need to have funds with which to do that.

So I hope that the lesson of today will be, first, that we are trying as prudently as possible to expend the funds made available to us but, secondly, that we are making a very good case for an increase in funding; that the allocations that go for housing programs ought substantially to be increased and we are going to get some further indications of that.

Mrs. MEEK of Florida. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentlewoman from Florida.

Mrs. MEEK of Florida. Mr. Chairman, I agree with the gentleman, but the gentleman said one significant thing. The gentleman mentioned that these programs are good and worthy but a new appropriation is needed. Therefore, the gentleman's subcommittee should have authorized these new programs.

So if the gentleman authorizes them, then we could get them funded.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentlewoman from Florida (Mrs. MEEK), and would that it were my subcommittee. I assure my friend, the gentlewoman from Florida (Mrs. MEEK), that if it were my subcommittee I would authorize in a way that would stretch even her capacity to appropriate, considerable though that may be.

Mrs. MEEK of Florida. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentlewoman from Florida.

Mrs. MEEK of Florida. Mr. Chairman, if that is the case then, then we can continue to authorize on appropriation bills.

Mr. FRANK of Massachusetts. Well, I am all in favor of increasing the authorization. I am not in favor of authorizing in appropriation bills. I will say, we have made a very real effort here, to the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAZIO). In the House Committee on Banking and Financial Services, we have made a very real effort to authorize, whether it was in the debt relief area or in the housing area, and I think if the gentlewoman from Florida (Mrs. MEEK) would look she will note that the Subcommittee on Housing and Community Opportunity and the full Committee on Banking and Financial Services has done its work in authorizing.

The levels have been too low. I would like to see the levels be higher, but it certainly has been the case that we have done our authorization.

Mr. LAZIO. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from New York.

Mr. LAZIO. Mr. Chairman, I want to thank the gentleman from Massachusetts (Mr. FRANK) for yielding and just remark that whenever we have taken up the necessary changes in these programs, the reforms that have been called upon, it has been my position, and I think the position of the majority in the House, to move forward and try and properly fund programs, as we did with the rental vouchers of the section 8 program, to give people the choice of mobility of moving closer to a better school or closer to a job.

I want to thank the gentleman from Rhode Island (Mr. WEYGAND) for this increase. Again, I think it helps empower people to stay in their own homes.

Mr. FRANK of Massachusetts. Mr. Chairman, let me just say that I have

been persuaded, and I am no longer opposed to this.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Rhode Island (Mr. WEYGAND).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 106–562.

AMENDMENT NO. 7 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Ms. WATERS:

Page 73, line 4, strike ''(a) ELIGIBLE ACTIVITIES.—''.

Page 74, strike lines 9 through 24 and insert the following:

''(B) such assistance may only be provided on behalf of low- and moderate-income persons;''.

Page 76, strike lines 7 through 16.

The CHAIRMAN. Pursuant to House Resolution 460, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Community Development Block Grant statutes are found in the Housing and Community Development Act of 1974. When Congress passed the Housing and Community Development Act, the primary objective of the act was to provide decent housing and a suitable living environment and expanding economic opportunities principally for persons of low- and moderate-income.

Congress further declared that funds received under this act shall be used for the support of activities and the benefit of persons of low- and moderate-income. Unfortunately, the income requirements found in section 404 of H.R. 1776 violate this intent of Congress.

My amendment strikes those provisions which undermine the Community Development Block Grant.

Section 404 of the act titled Homeownership for Municipal Employees would expand the CDBG eligibility criteria for municipal employees who are first-time homebuyers.

Under the act, municipal employees who earn up to 115 percent of the area median income would be eligible for CDBG funds. Also, municipal employees in designated high cost areas who earn up to 150 percent of the area median income would be eligible for CDBG funds. In an area where the median income is $60,000, a police officer making up to $69,000 or so, in a high cost area, $90,000, will now be eligible for the same pool of CDBG funds as a cashier making $48,000 or less.

This bill allows more affluent persons to benefit from the CDBG program without expanding the funding of CDBG. Thus, less funds will be available to help the poorest communities that CDBG has intended to help.

My amendment deletes these harmful provisions and brings this bill in line with the true intent of Congress and the spirit of the Community Development Block Grant.

Mr. Chairman, I have been in conversation with two of my colleagues from the committee. The gentleman from Massachusetts (Mr. CAPUANO) will be on the floor shortly, and I have been speaking with the gentleman from Massachusetts (Mr. FRANK), and we know that we have some issues that we must address. Our communities have some different requirements, and while I must always act on behalf of my constituents and make sure that the opportunities that we have created here in government are available to them I must also pay attention to the concerns of my colleagues who serve on that committee with me who are only trying in their best way to do what is best for their constituents.

While we are going to have some discussion on this amendment today, I reserve the right to withdraw the amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Chairman, I just need to give out some numbers as to what prompted me to put this amendment in the committee in the first place.

I think that most people in this country do not understand the housing crisis we have in Boston. I cannot help it that Boston is one of the most expensive housing markets in the country, and my average median income is 25 percent above the national median income. That sounds great as an individual statistic, but it then does not say what housing costs.

The average apartment rent for a three-bedroom apartment, which is necessary for any family of four, hopefully desirable, is almost $1,200 a month, and even then one is lucky if they can find one.

When we put that against the median income of the nation, it turns into 28 percent.

My concern is people paying that kind of rent, that kind of percentage of their income, could never ever put the money away for a down payment. As a matter of fact, on those numbers it would take over 20 years, if one could save 10 percent of their net income every year it would take 20 years to put enough money aside to put a down payment together.

□ 1315

That is what this amendment was intended to do. Nonetheless, I have had discussions with the gentlewoman from California (Ms. WATERS), and she has been a fantastic advocate and great leader for me as a new Member, relative to housing matters. I would never pretend to know more about housing than she does.

With housing discussions, I think she understands my concerns. I certainly understand hers. Because of that, we have had, I think, great discussions to say, look, we have had different issues, but they are on the same page. We are moving in the same way trying to help the same type of people, with a little different constituency; and because of that, we are going to work together as often as we can on this bill and others to try to help out the people we represent.

Ms. WATERS. Mr. Chairman, I reserve the balance of my time.

Mr. LAZIO. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York (Mr. LAZIO) is recognized for 10 minutes.

Mr. LAZIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to associate myself with the comments of the gentleman from Massachusetts (Mr. CAPUANO). The intent of this section and the effect of this section will be to try and help solidify the social capital in areas that are high-cost areas, because housing in Boston or in New York or in Chicago is very different than the housing costs of Mississippi and Alabama and even in Nebraska.

The gentleman from Massachusetts raised some relative costs, and I just want to add some for reference points. For example, a teacher with a starting salary of $32,000 in Pittsburgh would never qualify for any assistance under our Federal programs. The same would be true of Chicago and Atlanta, Boston, Dallas, Oklahoma City, and Memphis. Police officers and teachers would not qualify.

So the intent is it try and help those communities that are high-cost areas where the relative high income is more than neutralized by the even higher costs of housing.

So I want to associate myself with the comments of the gentleman from Massachusetts.

I want to thank the gentlewoman from California (Ms. WATERS) for her advocacy. I would like to ask the gentlewoman if she would consider withdrawing this amendment with the understanding that the principles that she is articulating I think are still intact, both in this bill, and they are ones that I share as we talk about how to strengthen and preserve the Community Development Block Grant Program and the HOME program.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. LAZIO. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, I think that I have already signaled my intent,

so that question is moot. But I would like to ask the gentleman from New York, would he consider going with me to the Committee on Appropriations to expand the amount of CDBG money so that we can expand the population of people who can be taken care of, taking in consideration those who are above the limits that are allowed in CDBG. Would the gentleman do that?

Mr. LAZIO. Mr. Chairman, reclaiming my time, I would say to the gentlewoman, I am a strong advocate of increasing the proportionate share of dollars that go to housing and the Community Development Block Grant program, because the flexibility of the program is a very important part of housing. So I would say I am happy to advocate for more dollars for housing for our neediest citizens.

Ms. WATERS. Mr. Chairman, if the gentleman will yield, then I take it that the gentleman from New York and I will go together.

Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, I first applaud the Subcommittee on Housing and Community Opportunity for having put this program together. I have cautioned them. I have some concerns. It is a good bill, and everybody is loving it to death. But there are some things in the bill that I think my colleagues need to pay attention to, and the gentlewoman from California (Ms. WATERS) just finished talking about them. My colleagues just cannot overlook them.

First of all, when one begins to fool around with income eligibility in programs like CDBG and HOME, one opens oneself up for broad parameters that one may not be able to fill. Remember, these programs are block grant programs. They are supposed to be given to the local areas. The decisions are not supposed to be made here in the Congress.

This block grant program goes into one's local areas, and they decide what should be done with this block grant money. If we decide here in Washington what Westchester should do with its CDBG monies, we are wrong. That money should be left up to Westchester County what they do with it.

So I caution my colleagues, even though I am going to work with the gentlewoman from California (Ms. WATERS) and the committee and everyone else when the gentlewoman is withdrawing this, please understand that my colleagues are treading on very, very weak ground.

Mr. Chairman, I thank the gentlewoman from California for bringing it to our attention.

Mr. Chairman, I rise in strong support of the Waters amendment.

The Waters amendment strikes the provisions of the bill that allow "higher income" teachers and uniformed municipal employees to receive homeownership assistance through the CDBG program.

Title IV of H.R. 1776 would allow this assistance to households with incomes at 150 percent of the median in "high housing cost areas". In 1999 there were six metro areas with "high housing costs". So, for example in the Westchester, NY, area, a household with $124,650 could get CDBG money; or, in Nassau/Suffolk County, NY, a household with $114,750 could get CDBG aid.

Another provision would also allow CDBG money to be used for downpayment and closing costs for households with incomes up to 115 percent of the areawide median income. In Boston, that would be $75,325. In LA that would be $59,915.

Currently, anyone, provided they make less than 80 percent of the Area Median Income qualifies for government funded downpayment assistance, closing support, and mortgage subsidies.

Why should Congress give preferential treatment to a specific class of citizens?

Why should we dilute the CDBG program by offering homeownership assistance to higher income Americans when it is clear that the CDBG program exists to aid low and moderate income people?

The primary objective in the CDBG program is to: Principally benefit low and moderate income people, and aid in the elimination and prevention of slums and blight.

We should assist municipal employees, teachers, law enforcement agents gain access to homeownership—in fact, we should assist all Americans reach this important goal.

We should not do it at the expense of the low- and moderate-income people that CDBG serves.

The Maxine Waters amendment would eliminate the language allowing households with 115 percent or 150 percent of areawide median income to benefit. The Waters amendment would allow households with incomes below 80 percent of the median (the traditional CDBG limit) to continue to benefit.

I urge to vote in support of the Waters amendment.

Ms. WATERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I say to the gentlewoman from California (Ms. WATERS), I rise in support of her amendment.

Mr. Chairman, I would like to voice the same concerns that have been voiced by the gentlewoman from Florida (Mrs. MEEK). I recognize in the communities like the gentleman from Massachusetts (Mr. CAPUANO) and other communities where there are large urban centers where the cost of housing is significant, that they find themselves in a dilemma.

I also am very supportive of law enforcement folks and uniform persons and teachers. But, again, the purpose of the enactment of these dollars was for low-income communities and low-income persons.

When one begins to work on or improve and increase the median increase by some percentage to allow others to walk into this program, then one decreases the opportunity for low-income people to be involved in the program, especially when one provides no additional dollars for this particular program.

It is important that, even though we want to encourage people to move back into cities, like police officers and teachers, and be a part of the community, we want the community people as well to be able to stay in the district. If we do not allow the community people access to the funds that were created for them, we create a problem.

Mr. Chairman, I rise today in support of the Waters amendment. I rise in support of striking the language in section 404 that raises the CDBG income eligibility to 115 percent and in high cost areas, to 150 percent.

Mr. Chairman, housing and expanding homeownership is of great concern in the 11th Congressional District of Ohio as well as across this Nation. We must continue to explore ways to provide affordable housing for all.

Mr. Chairman, I want it also noted that I support teachers and uniformed employees. I also support efforts to expand their homeownership. While I applaud the efforts of this bill to provide homeownership opportunities for uniformed employees, however, I believe the bill as it is currently written is a reverse Robin Hood. Yes, it robs neighborhoods all over this Nation. Since there is no additional funding for this median income hike, communities that use CDBG funds for childcare, social services, and development are robbed.

Mr. Chairman, the CDBG program was developed for those with low to moderate incomes. Since, 1974, CDBG has been the backbone of communities. CDBG provided a flexible source of grant funds for local governments to devote to particular development projects and priorities. There were some provisions, however, for this support. CDBG offered grant funds, provided that these projects either (1) benefit low- and moderate-income persons; (2) prevent or eliminate slums or blight; or (3) meet other urgent community development needs. Let us not move from that important purpose.

Mr. Chairman, in determining eligibility, low- and moderate-income persons was generally defined as "members of a family earning no more than 80 percent of the area median income." This proposed bill allows CDBG and HOME money to be used to help people with incomes up to 115 percent of the area median income buy homes. In addition, in areas the Secretary deems "high housing" cost areas, this percentage shoots up to 150 percent. This potentially means that a uniformed employee making $94,000 could get CDBG help to buy a home.

Mr. Chairman, low-income households do not generally benefit from the allocation of CDBG funds in proportion to the severity of their needs. Then, let us not further diminish low-income households' access to CDBG by allowing those with greater means to benefit in proportion to their needs.

Moreover, under current law, low-and moderate-income people only receive 50 percent assistance for downpayment assistance. This

section allows 100 percent downpayment aid for uniformed employees. We cannot continue to take from the least of these.

If we want to expand homeownership opportunities for teachers and uniformed employees, let us do it the right way. Let us draft legislation to deal with this concern.

What is the reality here? There are but so many pieces of the pie to be sliced. To continue providing slices without baking additional pies only means one thing . . . someone gets left out. Who's that? Usually, it is the folks who need help the most. We must change that.

Let us move back to the 80 percent level. Support the Waters amendment.

Ms. WATERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me join in congratulating the gentlewoman from California (Ms. WATERS) for this particular amendment. I wanted to particularly come and support this amendment, but as well, associate my concerns with the overall impact of legislation that may move decision-making on these funds to a broader umbrella than the local community.

In particular, in this booming economy we must look at the question of the economic divide. This whole legislative initiative from its very beginning was to bring up those, was to lift the boats of those who could least afford opportunities for housing.

In our communities today, there is still the great divide of homeownership. The lack of homeownership falls upon those who have the least amount of income. It would be terrible to take away this umbrella, this boat, if you will, from these individuals, to give them the opportunity, the working poor, to own homes.

Whenever one goes into communities, what they ask for most is I would like to be a homeowner, to raise my family. So it is appropriate that we keep the income level so that those people who suffer in the least of the economic areas can as well provide, have the opportunity for housing.

Ms. WATERS. Mr. Chairman, may I inquire how much time is remaining.

The CHAIRMAN. The gentlewoman from California (Ms. WATERS) has 2½ minutes remaining. The gentleman from New York (Mr. LAZIO) has 7½ minutes remaining.

Ms. WATERS. Mr. Chairman, do I have the right to close on this debate?

The CHAIRMAN. No. The gentleman from New York (Mr. LAZIO) has the right to close.

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just then make my closing of this side of the argument by saying that I really do understand the dilemma that my colleagues find themselves in, particularly the gentleman from Massachusetts (Mr. CAPUANO), who has spent some time helping me to understand his dilemma.

I am very appreciative for the cost of housing and how it is increasing. I also understand that this great economic boom that we have has increased the cost of housing. There is less housing on the market, and something must be done about that.

But I want to say to the gentleman from New York (Mr. LAZIO), my good friend, who is in the very privileged position of chairing the Subcommittee on Housing and Community Opportunity of our Committee on Banking and Financial Services that it is incumbent upon us, when we recognize these problems, to take serious and substantial action to do something about it.

I do believe we should have authorized additional funds in CDBG. We should go to the Committee on Appropriations to expand the pot so that we can take care of those who find themselves in this new situation.

What is very, very troubling is that we have still the masses of poor people and people who are working for very low wages who need desperately to have access to resources that are offered in some cities only by CDBG and other very limited opportunities to have housing.

These people, many are homeless, many of them are living two, three, four, and five families to a house. In California, we have people living in garages without running water, and they are in desperate need.

So it is very, very troubling to talk about taking this very limited pot, this pot of money, and having to spread it even with those who may need it, but who make substantially more money, and have the opportunity to purchase something while we have so many people who do not have, can never dream of having a down payment, who can never dream of homeownership without some assistance from their government.

While I am certainly going to work with my colleagues in every way that I possibly can to try and satisfy all of our concerns, I would say to those who are in the leadership, who are in power now, let us do the right thing and expand the amount of dollars that are available.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Ms. WATERS. Yes, I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I want to say some of these programs, which are very important programs, CDBG, HOME, they have been well run for years, they have been frozen, they have been level-funded, the need has increased. I hope out of this comes an increased recognition that we need to increase the funds.

Ms. WATERS. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

Mr. COBURN. Mr. Chairman, reserving the right to object, I believe the gentlewoman from California makes a great point. The reason that I am going to object to her unanimous consent is I believe the House ought to have a separate vote on moving the income requirement from 80 percent.

Mr. FRANK of Massachusetts. Mr. Chairman, I object to the unanimous consent request. The gentleman from Oklahoma is going to object anyway, so I object now.

The CHAIRMAN. Objection is heard.

The gentleman from New York (Mr. LAZIO) has 7½ minutes remaining.

Mr. LAZIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would address this now with this amendment obviously going forward. I appreciate the gentlewoman from California for making the request to withdraw this amendment. It would be better, I think, if the House could move forward to the other amendments. But let me just address this for a moment.

We are trying to give local communities the authority to rebuild their own backyards. We are trying to give local mayors the ability to use new housing tools to build social capital. Do we believe in that, or do we not?

Do we think that police officers and fire fighters and teachers should live in the communities that they serve in because, in many of America's communities, they cannot own a home because they cannot afford to get into a home because the cost of housing is too much.

In Oklahoma City, in Dallas, in Portland, in Boston, in Chicago and Philadelphia and Pittsburgh, if one is a starting entry-level worker who enters into the teaching profession or enters into the profession of being a fire fighter or a police officer, one is going to get boxed out. One will not be eligible for that little bit of help, not from Washington, D.C., but from a mayor that wants to provide or a local not-for-profit wants to provide, or the local community, in trying to build a strategy for revitalization, for rebuilding that community, for bringing in role models and mentors and folks that serve that community.

That is what we are trying to do here, help those communities that, from a distance, look like they are high-income communities; but when one looks a little bit closer from a relative basis, they are also very high-cost communities.

So if one is from a State that is a low-income State, one may or may not want to do this. One may or may not need to do this. But there are other communities, and the community of the gentleman from Massachusetts (Mr. CAPUANO) is one of those, perhaps where their mayor in their community wants to rebuild the infrastructure of their community by getting police officers and getting fire fighters and getting teachers and getting municipal

workers to live in the community that they are supposed to serve.

□ 1330

And what is wrong with that?

Mrs. MEEK of Florida. Mr. Chairman, will the gentleman yield?

Mr. LAZIO. I yield to the gentlewoman from Florida.

Mrs. MEEK of Florida. Mr. Chairman, with great respect to the housing chairperson, I would want to know, since the gentleman is the chairman of the authorizing committee, and the gentleman from Massachusetts (Mr. CAPUANO) and the gentlewoman from California (Ms. WATERS) both have very, very strong and valid arguments, why will the gentleman not lead the effort to authorize a program to fit the needs of the people everyone is trying to get under CDBG? In that way the gentleman will authorize it, and he will get monies and resources to do it.

But if the gentleman rides on the back of other programs, he is going to have problems.

Mr. LAZIO. Reclaiming my time, Mr. Chairman, I would say that is exactly what this bill does. This bill allows local communities to borrow against future revenue sources so they can rebuild not just one house at a time but an entire block at a time.

This bill provides the flexibility to create loan pools so people can borrow, so many, many more low-income Americans can borrow against that money to overcome the transactional barriers of downpayment or of closing costs. This bill does it. This bill does what the gentlewoman is talking about.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. LAZIO. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I just want to continue the point related to this amendment, which is that the vast majority of the people I think in this House are going to want to increase this limit.

The point the gentlewoman from California made is there is not enough money to go around if, in fact, we increase the limit. My reason for objecting is we ought to have a vote of the House if we are going to do that, and that was the purpose.

Mr. LAZIO. Reclaiming my time, I would just respond that I understand the gentleman's point.

And, again, I would say if we believe that local communities ought to have more control, more tools at their disposal, we will defeat this amendment. If we understand and if we embrace the idea that different parts of the country have different needs and we need to respect those needs, we will defeat this amendment.

I want to again reiterate and thank the gentlewoman for trying to withdraw this amendment.

Mr. CAPUANO. Mr. Chairman, will the gentleman yield?

Mr. LAZIO. I yield to the gentleman from Massachusetts.

Mr. CAPUANO. Mr. Chairman, I thank the gentleman for yielding.

I find this to be unfortunate. The people who are proposing the amendment are working with us to try to come to a mutual agreement, and the people who really do not do much about housing do not want us to.

I want to make two points. Number one, this amendment does not do anything to take the decisions out of local control. It simply allows the director of HUD to designate some communities, only some, that are high cost areas. That is all it does. That is all it does. Nobody has to do this. If a local community does not want to do it, they do not do it.

I will tell my colleagues that not more than 15 months ago I was the mayor of a city that is an entitlement community under a block grant. I did this. This is what I did.

Mrs. MEEK of Florida. Mr. Chairman, will the gentleman yield?

Mr. LAZIO. I yield to the gentlewoman from Florida.

Mrs. MEEK of Florida. I would simply say to the gentleman from Massachusetts that he does not need a Federal statute.

Mr. CAPUANO. Well, Mr. Chairman, if the gentleman will continue to yield, I would just say to the gentlewoman, not with a 150 percent income. We do need those standards.

Mr. GREEN of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. LAZIO. I yield to the gentleman from Wisconsin.

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding to me.

Too much of this discussion, I think, is looking at the only benefit derived from this bill and from this program as being the family that is enrolled in it and actually utilizing the loan. It is ignoring the fact that there is a public good in stabilizing neighborhoods.

Neighborhoods are stabilized by creating mixed-use, mixed-income homeownership. That is how we stabilize deteriorating neighborhoods. That is how we stop the core of deterioration from spreading outward.

The part of the goal here is to stabilize neighborhoods; to give local officials the ability to stabilize and to protect and to solidify the good that is going on in so many communities. It is a great idea that I think the gentleman from Massachusetts (Mr. CAPUANO) has had. It allows more local officials greater flexibility in the tools that they need, that they need to manage the good that is going on in the communities all across the Nation.

I strongly support it, and I do oppose the gentlewoman's amendment.

Mr. LAZIO. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. COBURN. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 460, further proceedings on the amendment offered by the gentlewoman from California (Ms. WATERS) will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. It is now in order to consider amendment No. 8, printed in House Report 106–562.

AMENDMENT NO. 8 OFFERED BY MR. SHAYS

Mr. SHAYS. Mr. Chairman, I offer amendment No. 8, made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. SHAYS:

Page 78, line 18, strike ''$260,000,000'' and insert ''$292,000,000''.

The CHAIRMAN. Pursuant to House Resolution 460, the gentleman from Connecticut (Mr. SHAYS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume, and since this amendment is sponsored by myself, as well as the gentleman from New York (Mr. NADLER), the gentleman from New York (Mr. CROWLEY), and the gentlewoman from Maryland (Mrs. MORELLA), I will be yielding to those three colleagues as well.

What this amendment does is it increases the fiscal year 2001 funding authorization for the Housing Opportunity for Persons With AIDS, HOPWA, program from $260 million to $292 million, the minimum level determined necessary by the HIV/AIDS community to meet the needs of people living with HIV/AIDS. HOPWA is now funded at about $232 million.

There is a housing crisis for individuals living with AIDS. Many will face a housing crisis at some point during their illness as a result of the increased medical expenses and lost wages. HOPWA was created to address this growing problem. It is one of the most cost-effective ways to ensure that people living with HIV/AIDS have adequate and affordable housing.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I rise to urge the Members of this House to vote for the Shays-Nadler-Crowley-Morella amendment, and I want to commend the gentleman from Connecticut (Mr. SHAYS) for his leadership on this amendment.

Mr. Chairman, at any given time, one-third to one-half of all Americans with AIDS are either homeless or in imminent danger of losing their homes. These are people who face discrimination or have lost their jobs because of illness or, most cruelly, are placed in the untenable position of choosing between expensive lifesaving medications and other necessities, such as shelter.

This is where HOPWA comes in. HOPWA is the only Federal housing programming that specifically provides cities and States with the resources to address the housing crisis faced by people living with AIDS. It is a locally controlled program that provides maximum flexibility to States and communities to design and implement the strategies that best respond to local housing needs.

Currently, fiscal year 2000 funds are serving people in over 67 cities across 34 States. This is a well-run, far-reaching, and successful program. But as the success of HOPWA grows, so too does the need for funding. Ironically, as a result of the recent advances in medical science and in care and treatment, the people currently being housed are living longer and the waiting list for these programs are growing even longer.

On top of these strains on funding, new geographic areas join HOPWA every year. Without a significant increase in funding, it will be unable to serve those already in the program, not to mention those who now seek to join it. Without proper funding for HOPWA, people with HIV and AIDS will continue to die prematurely and perhaps unnecessarily in hospital rooms, in shelters, and on the streets of our cities.

I urge the adoption of this amendment.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I rise in strong support of the Shays-Nadler-Crowley-Morella amendment, which would increase the fiscal year 2001 authorization for the Housing Opportunities for People with AIDS program from $260 million to $292 million, which is the amount identified by a number of national HIV/AIDS coalitions as the minimum level needed to adequately meet the needs of those living with HIV/AIDS.

I also want to thank the gentleman from Connecticut (Mr. SHAYS) particularly for his leadership on this issue.

This HOPWA program has strong bipartisan support. It is the only Federal housing program that specifically provides cities and States hardest hit by the AIDS epidemic with the resources to address the housing crisis felt by people who are faced by people who are living with AIDS.

It is true that the number of AIDS-related deaths has begun to decline, thanks to dramatic new treatments and improvements in care. However, HIV/AIDS remains the major killer of young people and is the leading cause of death for African and Hispanic Americans between the ages of 25 and 44.

The high cost of new treatments has often forced people to decide between essential medications and other necessities, such as housing. Further, stable housing is critical to the success of the drug regimen. The medication often must be refrigerated and taken on a rigid time schedule. So without adequate housing, people with HIV/AIDS may not only be unable to adhere to the strict regimen but also premature death may result from poor nutrition, exposure to other diseases, and lack of Medicare.

At any given time, one-third to one-half of all people with AIDS are either homeless or on the verge of losing their homes. HOPWA addresses this need by providing reasonably priced housing for thousands of individuals, and yet the demand far outstrips the supply.

I just want to point out that at a daily cost of $1,085 per day under Medicaid, acute care facilities are more expensive than HOPWA community housing, which averages $55 to $110 per day.

This is a good amendment. I strongly support it.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I am a strong supporter of H.R. 1776 and commend my colleagues, the chairman of the committee, the gentleman from Iowa (Mr. LEACH); and my friend, the gentleman from New York (Mr. LAFALCE); along with my other good friend and colleague, the gentleman from New York (Mr. LAZIO) for their hard work on this bill which will expand housing opportunities for all Americans.

While I support H.R. 1776 and its intentions to make affordable homeownership available to more Americans, I think we can make this bill a little better. I am pleased to join my colleagues, the gentleman from Connecticut (Mr. SHAYS), the gentleman from New York (Mr. NADLER), and the gentlewoman from Maryland (Mrs. MORELLA) in offering an amendment to authorize the Housing Opportunities for People With AIDS, also known as the HOPWA program, from $260 million to $292 million.

While new breakthrough drugs have extended the life of people living with HIV and AIDS, there are still many affected by this disease who are unable to work and who are too sick to provide for themselves. These people have to make the decision to take life-extending and lifesaving drugs or pay for a roof over their heads.

It is estimated that 60 percent of the people living with HIV/AIDS require some sort of assistance during their course of illness. People with HIV/AIDS have continually experienced housing discrimination, from being thrown out of their current living situations to outright being denied housing by some landlords. In my Congressional district, a group called Steinway Child and Family Services provides what is one of the largest confidential housing programs for people with AIDS that is funded in part with HOPWA funding.

We cannot throw families out on the street, Mr. Chairman. HOPWA saves taxpayers' money by allowing people to live in their own house or apartment in a healthy, safe setting. We save money that would be spent on acute care facilities to treat the same people.

This is what the gentlewoman from Maryland (Mrs. MORELLA) was talking about. It costs the taxpayers over $1,000 a day to pay for Medicaid treatment for homeless persons in a nursing home who are sick with AIDS. That adds up to almost $400,000 a year. It costs the taxpayers only $55 to a $110 a day to keep the same person in their own home or a group care facility under the HOPWA program.

HOPWA makes sense. I urge my colleagues to support the Shays-Nadler-Crowley-Morella amendment.

Mr. SHAYS. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. CUNNINGHAM), our distinguished Vietnam veteran.

Mr. CUNNINGHAM. Mr. Chairman, as a conservative Republican I rise in strong support of the Shays-Nadler-Crowley-Morella amendment.

I am a member of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations, and we recently went to NIH. We saw a young man that had contracted HIV in 1989. Because of medicines, he has bought a home, he has hope in his life, he has bought stocks and bonds, but he still has a difficult time.

I think this is a noteworthy amendment, and I think fiscal conservatives and people that care about people will realize this is a well-intentioned amendment. I strongly support it.

Mr. SHAYS. Mr. Chairman, I yield 30 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to give my wholehearted support for this outstanding amendment and to all those who have authored it.

There is nothing that lessens the lifetime of those with active HIV/AIDS than not to have housing. In my own community of Houston, we know there are at least 10,000 homeless persons on the streets every night. Some of those, unfortunately, are suffering from HIV/AIDS.

To give clean, safe, secure housing in our communities and to provide nonprofits who work with these individuals suffering from HIV/AIDS in all of

our communities, but particularly in the communities where it is growing among our minority populations, Hispanics and Africans Americans, this is a great opportunity. And I support the amendment, and ask my colleagues to vote for it.

Mr. SHAYS. Mr. Chairman, may I ask how much time we have remaining?

The CHAIRMAN. The gentleman from Connecticut (Mr. SHAYS) has 2½ minutes left.

Mr. SHAYS. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is there a Member in opposition?

Mr. LAZIO. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. Is the gentleman opposed to the amendment?

Mr. LAZIO. Yes, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York (Mr. LAZIO) is recognized for 10 minutes.

Mr. LAZIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not think there is a Member of this House that is a better or more sincere advocate for the homeless or for people who have housing needs and who also suffer with AIDS than my good friend from Connecticut (Mr. SHAYS), and I have enormous respect for him and what he is trying to accomplish here.

□ 1345

There is no doubt, there is no doubt that there is significant unmet demand for housing opportunities for people who are living with AIDS, and the need for supportive services, the need for those type of life-sustaining supportive services, I think, for most of the folks who are involved in the housing community without question.

I would say to the gentleman from Connecticut (Mr. SHAYS) that my concern is only with the magnitude of the request in this amendment. What I try to do and what I advocate for and what I think the House generally does is to provide guidance in an authorization vehicle for appropriators, but reasonable guidance, so that we will have the credibility to actually get to where we want to go.

In this case, the authorization that is in the underlying bill is an increase over existing dollars for HOPWA, meets the President's budget request, and while there is a good case which has been made by the gentleman from Connecticut (Mr. SHAYS) and others for increase, I am concerned about the size of the increase, and the fact that we need to live within our means.

I am wondering if I can enter into a colloquy with the gentleman from Connecticut (Mr. SHAYS) on this because, again, while I have the utmost respect not only for the gentleman, but what the gentleman is doing here, I also am trying to keep in mind the fact that we have to offer an authorization bill that is sustainable, not just this year or next year, but over the years that follow through the appropriations process.

I know the gentleman from Connecticut (Mr. SHAYS) has been a great fiscal conservative, and the gentleman is also an advocate for this program and for other housing programs.

I am wondering if there is some way that we can reach a reasonable understanding that would meet our dual goals, if we can try and compromise on this, which I do not think is a dirty word; I think it is an honorable word.

Mr. SHAYS. Mr. Chairman, if the gentleman will yield, I would love to respond by first saying the gentleman from New York (Chairman LAZIO) is very gracious in his words about me. This is an amendment truly offered by the gentleman from New York (Mr. NADLER), the gentleman from New York (Mr. CROWLEY) and the gentlewoman from Maryland (Mrs. MORELLA); and they have been working on these issues for a number of years. I know the gentleman from New York (Mr. NADLER), in particular, as well as the gentlewoman from Maryland (Mrs. MORELLA), are aware of the gentleman's concern that the appropriators may not provide the funds necessary to meet the authorization.

Mr. Chairman, I would suggest that if my colleague thought that if we were to reduce this amendment somewhat that the gentleman could be supportive, the gentleman's support and obviously the support of the gentleman from New York (Mr. WALSH) ultimately, while he cannot commit to that now, would obviously be essential.

I am prepared without objection from my colleagues in this amendment to offer a unanimous consent request.

MODIFICATION TO AMENDMENT NO. 8 OFFERED BY MR. SHAYS

Mr. SHAYS. Mr. Chairman, I ask unanimous consent that our amendment be modified in the form that I have placed at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to Amendment No. 8 offered by Mr. SHAYS:

In lieu of the matter proposed to be inserted, insert "$275,000,000".

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

Mr. NADLER. Mr. Chairman, reserving the right to object, let me say that we have worked with the gentleman from Connecticut (Mr. SHAYS) and the gentlewoman from Maryland (Mrs. MORELLA); and they both have been very active on this and very accommodating, and we on this side agree with the modification. We have no objection.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

Mr. LAZIO. Mr. Chairman, reserving the right to object, I would like to yield to the gentleman from Connecticut (Mr. SHAYS), and I appreciate the fact that he has made this unanimous consent request which I support, and I think it is a very responsible and reasonable suggestion that meets our dual imperatives of helping those most in need, but also doing it in a fiscally responsible way.

I would support the amendment with the unanimous consent request.

Mr. SHAYS. Mr. Chairman, will the gentleman yield?

Mr. LAZIO. Further reserving the right to object, I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, I would feel out of place if I did not mention my predecessor, Stuart B. McKinney, died of AIDS-related pneumonia, and his wife, Lucy, has carried on his work as chairman of the Stuart B. McKinney Foundation dedicated to helping people living with AIDS.

In his memory, I feel very motivated to offer this amendment and appreciate my colleague for accepting the modified version of the amendment and, particularly, appreciate my colleagues, the gentleman from New York (Mr. NADLER), the gentleman from New York (Mr. CROWLEY) and the gentlewoman from Maryland (Mrs. MORELLA), for their participation.

Mr. LAZIO. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The CHAIRMAN. The amendment is modified.

The Committee will rise informally.

The SPEAKER pro tempore (Mrs. MORELLA) assumed the chair.

MESSAGE FROM THE PRESIDENT

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

REQUEST TO INCLUDE EXTRANEOUS MATERIAL IN COMMITTEE OF THE WHOLE ON H.R. 1776, AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000

Mr. FRANK of Massachusetts. Madam Speaker, could I ask unanimous consent to include subsequent to my remarks on the general debate extraneous material?

The SPEAKER pro tempore. The Committee rose only informally, and the Chair will not entertain that request at this time.

The Committee will resume its sitting.

AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000

The Committee resumed its sitting.

Ms. PELOSI. Mr. Chairman, I strongly support the Shays/Nadler/Crowley/Morella amendment to increase authorized HOPWA funding to $292 million for FY2001. This increase will allow the HOPWA program to meet current needs and bring additional newly eligible communities into this effective program.

The need for housing assistance among those living with HIV/AIDS is greater now than ever. As new treatments allow infected individuals to live longer, new HIV infections are continuing at a steady rate. This means that the overall number of people living with HIV/AIDS has grown to its highest level ever. The new treatments that are extending so many lives involve a complicated regimen of medications, requiring certain medications to be taken at certain times, certain medications to be taken after eating, and still others on an empty stomach. This makes adherence very difficult, and nearly impossible without stable housing.

More than 200,000 people with HIV/AIDS are currently in need of housing assistance, and 60% of those living with this disease will need housing assistance at some point during their illness. HIV prevalence within the homeless population is estimated to be ten times greater than infection rates in the general population. In addition, homeless individuals are much less likely to have regular access to health care than the general population and are therefore less likely to be tested for HIV than are people with stable housing. One San Francisco study showed that up to 33% of homeless individuals who were living with HIV were unaware of being HIV positive.

Under current HOPWA authority 101 jurisdictions qualified for FY2000 funding and HUD estimates that in FY2001, this will increase to between 105 and 111 qualified jurisdictions. HIV/AIDS community policy experts have estimate that unless HOPWA funding is substantially increased, jurisdictions will face decreased service levels and could suffer decreased funding. To avoid these reductions, we must pass the Shays/Nadler/Crowley/Morella amendment and provide HOPWA with the funding necessary to ensure that people living with HIV and AIDS have access to the stable housing that is necessary for their medical care.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Connecticut (Mr. SHAYS).

The amendment, as modified, was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 9 printed in House Report 106–562.

AMENDMENT NO. 9 OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. PAUL:

Page 78, after line 20, insert the following new section:

SEC. 408. PROHIBITION ON USE OF AMOUNTS TO ACQUIRE CHURCH PROPERTY.

Section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305) is amended by adding at the end the following new subsection:

''(i) PROHIBITION ON USE OF ASSISTANCE TO ACQUIRE CHURCH PROPERTY.—Notwithstanding any other provision of this section, no amount from a grant under section 106 may be used to carry out or assist any activity if such activity, or the project for which such activity is to be conducted, involves acquisition of real property owned by a church that is exempt from tax under section 501(a) of the Internal Revenue Code of 1986 (26 U.S.C. 501(a)), unless the governing body of the church has previously consented to such acquisition.''.

The CHAIRMAN. Pursuant to House Resolution 460, the gentleman from Texas (Mr. PAUL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would first like to thank my colleague, the gentlewoman from Michigan (Ms. KILPATRICK) for cosponsoring this amendment. This amendment is simple and straightforward. The amendment merely states that it prohibits the use of funds for activities involving the acquisition of church property unless the consent of the governing body of the church is obtained. This means that community development block grant money cannot be used to invoke eminent domain and take a church away from the church owners or the occupants without their permission.

It has been done in the past, and it is planned to be done in the future. I think this is a very important amendment to make sure that these funds are not used in this way. I think the point is that private property is very important, that owners do have rights; and quite frequently when this is invoked, it occurs in the poorer areas where there is less legal protection and legal help.

I am very pleased to introduce this amendment. I am very pleased to have the gentlewoman from Michigan (Ms. KILPATRICK) as the cosponsor.

Ms. KILPATRICK. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentlewoman from Michigan, the coauthor.

Ms. KILPATRICK. Mr. Chairman, I stand as a cosponsor of this amendment, and it is a good amendment. We have had several calls in our office today wondering what it is, and we took the opportunity to explain it to them.

Mr. Chairman, let me first thank the gentleman from Iowa (Chairman LEACH), the gentleman from New York (Mr. LAZIO), as well as the gentleman from New York (Mr. LAFALCE), the ranking member, for the fine work that they have done and the entire Committee on Banking and Financial Services. I was a former Member of that committee, and I know the hard work that they do.

No church in America should be denied the opportunity to participate in a developing community. The amendment that the gentleman from Texas (Mr. PAUL) and I are offering today is to say that no community development block grant funds can be used to take any church, unless that church is involved and does agree in that selection.

With that, Mr. Chairman, this is a good amendment. I commend the gentleman from Texas (Mr. PAUL) for bringing it to my attention. We have spoken to the minister and other people who are concerned about this issue. I would move, Mr. Chairman, that we adopt the amendment.

Mr. PAUL. I appreciate the support of the gentlewoman.

Mr. LAZIO. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from New York.

Mr. LAZIO. Mr. Chairman, I want to thank the gentleman from Texas (Mr. PAUL) for bringing this amendment to the House floor to address an important concern. I want to also thank the gentlewoman from Michigan (Ms. KILPATRICK) as well.

I rise in support of the amendment and want to thank the gentleman from Texas (Mr. PAUL) for his hard work in getting this to the floor and for his numerous discussions with my staff and with myself to ensure that the various concerns that have been raised have been addressed. I want to thank the gentleman. I am in strong support of it and I urge passage.

Mr. PAUL. I thank the gentleman from New York (Mr. LAZIO) for the support.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I would just join in making it clear that we on the minority side have no objection to the ''render unto Caesar'' amendment.

Mr. PAUL. I thank the gentleman from Massachusetts.

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

The CHAIRMAN. Does any Member seek time in opposition?

If not, the question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 10 printed in House Report 106–562.

AMENDMENT NO. 10 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. TRAFICANT:

At the end of title IV, add the following new section:

SEC. 408. CDBG SPECIAL PURPOSE GRANTS.

Section 107(a)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5307(a)(1)) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking ''$60,000,000'' and inserting ''$95,000,000''; and

(B) by striking ''subsection (b)'' and inserting ''this section''; and

(2) by striking subparagraph (G) and inserting the following new subparagraph:

''(G) $35,000,000 shall be available in fiscal year 2001 for a grant to the City of Youngstown, Ohio, for the site acquisition, planning, architectural design, and construction of a convocation and community center in such city;''.

The CHAIRMAN. Pursuant to House Resolution 460, the gentleman from Ohio (Mr. TRAFICANT) and the gentleman from Massachusetts (Mr. FRANK) each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

I want to thank the chairman for extending my existing authorization for emergency homeownership counseling programs. They have been cited to save homes with a 45-day notice. The Traficant amendment speaks for itself.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, this is a proposal for $35 million out of CDPG funds for a convention center. We have had a lot of debate about the eligibility requirements of CDPG during the appropriation. At the urging of the gentlewoman from Florida, we modified a proposal extending funds to fire fighting, so that it was fully consistent with CDBG eligibility.

This amendment would be a very big breach in that wall. It is a large amount of money for a particular purpose; the purpose may well be a reasonable one. There are many cities where similar needs could be put forward. It has not had any consideration at the subcommittee or committee level. There was some proposal made, and it was not pursued.

It takes a very large chunk of CDBG for special purpose. Indeed, if you look at the current existing special purpose for CDBG, the existing special purpose for CDBG is $60 million. This would add to that $60 million, but it would add more than half as much as is currently set aside for that purpose. It does not seem to be appropriate to take an amount that is equal to more than half of what is currently set aside for the entire country for special purpose CDBG, use it without any regard for eligibility requirements for a particular project, no matter how worthy in one city, when dozens of other communities that would have similar projects would not get a chance to do anything similar.

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

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this would not touch one penny of formula money for community development block grants. It would, in fact, add to community development block grants special purpose money of $35 million for a city that is trapped, with the largest senior population outside of Florida, trapped in homes bordered in, with the highest murder per capita rate in America, with our kids on the street. It has been promised by Tip O'Neil, promised by Jim Wright. We had a deficit, and I did not ask for it.

Mr. Chairman, I want to thank the Republican leadership for showing a heart to my people who built the tanks, the steels and lost 55,000 steel workers' jobs, replaced by 20 at minimum wage. This is not a convention center. It is a center for seniors, center for youth, center for them to have someplace to go besides the streets.

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

□ 1400

Mr. FRANK of Massachusetts. Madam Chairman, I yield myself 1 minute. It was originally described as a convention center, but I should note that was when we were talking about $15 million. When it was first raised in the committee, it was $15 million. Now it is $35 million. Whether or not commitments were made by people now departed, in many senses, cannot be binding on us today.

The question is, do we set the precedent? I agree that there is a need here. There is need in much of the country. I would hope the leadership on both sides would be willing to expand the total amount of money that could go for CDBG and related purposes. But we just adopted a budget, which in my judgment underfunds this category. To take $35 million for one community without any kind of process of checking out of a fixed amount of money that is going to be available in that allocation seems to me very unwise no matter what was promised 15 years ago.

Madam Chairman, I reserve the balance of my time.

Mr. TRAFICANT. Madam Chairman, I yield myself 30 seconds. The gentleman has been misrepresenting the amendment. It does not take any money from anywhere. It does add $35 million. So instead of building schools overseas and vaccinating dogs overseas, the Traficant amendment adds some money for this significant project that Speaker Hastert has identified as a need. And I commend him.

Madam Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Madam Chairman, I yield myself 1 minute.

I do not deny that this whole process speaks to a need of the speaker. I have a pretty good idea of exactly what that need is in the current political context. But the notion that it does not take from the other programs is simply wrong. We have a budget. We have 602(b) allocations. This does not add $35 million to the overall allocation. It takes out of the allocation that flows from that limited, and I think inadequate, budget $35 million.

Madam Chairman, I yield 1 minute to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Madam Chairman, I hate to go against my friend from Ohio, but all day long I have stood on the floor here to go against people taking a run on CDBG moneys. Even though it is a special purpose grant, I am pretty sure it is very much needed and deserved, so it is in all the other districts throughout the country.

We all have needs. I am sure the gentleman from Ohio is expressing the needs of his area. But I came to say that when we begin to deal with income and moving income eligibility around and placing new programs without additional money, we run into trouble. So the special purpose grants, $35 million, that would fund maybe 25 programs throughout the country. With that I want to be sure that this amendment is defeated.

Mr. FRANK of Massachusetts. Madam Chairman, I yield myself such time as I may consume.

Let me just say, Madam Chairman, that I believe this does give a new meaning to the phrase ''special purpose.'' I had previously thought special purpose had to do with the more narrow purposes of community development block grant. It seems to me that with this $35 million proposal that the gentleman from Ohio says was specifically approved by the Speaker, to meet one of the speaker's needs, we are broadening the purposes beyond what is appropriate for a community development block grant program.

Madam Chairman, I reserve the balance of my time.

Mr. TRAFICANT. Madam Chairman, I yield myself the balance of my time.

There is only one legislative vehicle for which this amendment is germane. Without an authorization, there can be no appropriation. When the bombs were flying, we built those bombs. We built the tanks. When those steel mills closed, they were my mills. The city is basically dead. This is also an economic opportunity act.

I do not know what agenda the gentleman from Massachusetts (Mr. FRANK) is pursuing, but this is not Rotary, either. My kids are on the street.

The jobs they get are selling drugs. Then we put them in jails and build more jails. My seniors are boarding their windows from the inside, Madam Chairman. I am not taking a dime from anybody. But my people have paid taxes all these years. Where is the help from Washington for my people? Is it special purpose? Damn right. It is special. Stone cold special. And I want your vote. I did not plan to call for a recorded vote, but evidently the gentleman from Massachusetts is. I want your vote. I want you to stand up for my people, my people who have been solidly Democrat all these years. But by God their Congressman is going to do what he has to do to help his people. And you are the last appeal I have.

Now, when you built that tunnel up there in Boston and Tip O'Neill built that tunnel, I did not open my mouth. When that great Tom Bigby was built, everybody stepped aside. I am not taking a dime from anybody. This does not cut formula money. And by God I know I may not get the full $35 million, but I want it all this year, too. I want it appropriated. I did not come out with no game, no smoke-filled business and try and sneak it in the bill. I gave the gentleman from Massachusetts his shot and everybody their shot. By God, I want your vote.

HENRY, I want your vote, I want it early. Chairman LAZIO, thank you. I want your vote, I want it early. Chairman LEACH, I want your vote. Mr. GEPHARDT, I want your vote. And I want it early. STEPHANIE, I want your vote, from Cleveland, and I want it early. CARRIE, I want you to change your position, vote against the gentleman from Massachusetts and vote with me, and I want you to do it early.

I yield back a decimated city that is looking for help for its last point of appeal.

Mr. FRANK of Massachusetts. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, I want very much to help this city and others. I do not want to single out one city because of a particular political situation and provide large funds there when they inevitably come at the expense of others, because we are in a zero-sum situation. We have budget caps. We have a limited budget. And money spent on one program inevitably takes away from other programs.

I wish that we could expand all of the programs. I would be willing to do it. I understand that the gentleman wants people's vote. I understand that there are others who want the gentleman's vote. But that is not what governs. What ought to govern here is public policy. It is not good public policy in disregard of the basic economic considerations of CDBG to take a large chunk, and understand the total amount most recently appropriated for special purposes was $60 million.

This adds to the special purpose. It adds an amount that is more than half of what had previously existed in that account. It is disproportionate. It is not that we do not think we should do some of these things in the much smaller amounts in which we have done them, but $35 million for one community when we have many needy communities is a mistake.

The CHAIRMAN pro tempore (Mrs. EMERSON). The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. TRAFICANT. Madam Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 460, further proceedings on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 11 printed in House Report 106–592.

AMENDMENT OFFERED BY MR. SOUDER

Mr. SOUDER. Madam Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. SOUDER: Page 121, after line 11, insert the following new section:

SEC. 609. GRANT ELIGIBILITY OF COMMUNITY ORGANIZATIONS.

(a) ELIGIBILITY.—For any program administered by the Secretary of Housing and Urban Development under which financial assistance is provided by the Secretary to nongovernmental organizations or to a State or local government for provision to nongovernmental organizations, religious organizations shall be eligible, on the same basis as other nongovernmental organizations, to receive the financial assistance under the program from the Secretary or such State and local governments, as the case may be, as long as the program is implemented in a manner consistent with the Establishment Clause of the first amendment to the Constitution. Neither the Secretary nor a State or local government to which such financial assistance is provided shall discriminate against an organization that receives financial assistance, or applies to receive assistance, under a program administered by the Secretary, on the basis that the organization has a religious character.

(b) RELIGIOUS CHARACTER AND INDEPENDENCE.—

(1) IN GENERAL.—A religious organization that receives assistance under a program described in subsection (a) shall retain its religious character and control over the definition, development, practice, and expression of its religious beliefs.

(2) AADDITIONAL SAFEGUARDS.—Neither the Federal Government nor a State or local government shall require a religious organization—

(A) to alter its form of internal governance; or

(B) to remove religious art, icons, scripture, or other symbols;

in order to be eligible to provide assistance under a program described in subsection (a).

(3) EMPLOYMENT PRACTICES.—A religious organization's exemption provided under section 702 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–1) regarding employment practices shall not be affected by its participation in, or receipt of funds from, programs described in subsection (a).

(c) LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.—No funds provided directly to a religious organization to provide assistance under any program described in subsection (a) shall be expended for sectarian worship, instruction, or proselytization.

(d) FISCAL ACCOUNTABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), any religious organization providing assistance under any program described in subsection (a) shall be subject to the same regulations as other nongovernmental organizations to account in accord with generally accepted accounting principles for the use of such funds provided under such program.

(2) LIMITED AUDIT.—Such organization shall segregate government funds provided under such program into a separate account. Only the government funds shall be subject to audit by the government.

(e) TREATMENT OF ELIGIBLE ENTITIES AND OTHER INTERMEDIATE ORGANIZATIONS.—If an eligible entity or other organization (referred to in this subsection as an ''intermediate organization''), acting under a contract, or grant or other agreement, with the Federal Government or a State or local government, is given the authority under the contract or agreement to select nongovernmental organizations to provide assistance under the programs described in subsection (a), the intermediate organization shall have the same duties under this section as the government.

(f) DEFINITIONS.—For purposes of this section:

(1) FINANCIAL ASSISTANCE.—The term ''financial assistance'' means any grant, loan, subsidy, guarantee, or other financial assistance, except that such term does not include any mortgage insurance provided under a program administered by the Secretary.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

The CHAIRMAN pro tempore. Pursuant to House Resolution 460, the gentleman from Indiana (Mr. SOUDER) and the gentleman from Massachusetts (Mr. FRANK) each will control 10 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Madam Chairman, I yield myself 4 minutes.

First I want to again thank the distinguished gentleman from New York (Mr. LAZIO) for his leadership in the housing bill. Once again he is reaching out to those who are hurting in this country trying to expand the base in a creative market-based way, and he has been a tremendous leader in the housing issue.

Madam Chairman, I rise today to offer this amendment to codify what HUD is already doing, encouraging faith-based organizations to have a place at the table in receiving Federal

funds to provide social services. This amendment will simply codify the practice that religious organizations can compete on the same basis as other grantees for HUD grants.

In reality, charitable choice started in HUD under Jack Kemp, and that is really where the first charitable choice efforts came because many people simply did not care enough to work with the homeless. We both at the Federal level and the State level were not providing enough funds for the homeless. Without the charitable-based groups, many of these people would not have had a place to stay. Thus, we started charitable choice really inside HUD. It has enjoyed bipartisan support from this branch.

The House has endorsed charitable choice on five different occasions as a means of making social programs more effective. I offered an amendment to give faith-based organizations a role in anti-crime efforts in the Consequences for Juvenile Offenders Act in 1999. The House passed that amendment 346–83.

The Fathers Count Act included a charitable choice provision to allow faith-based organizations to apply for grants through the fatherhood program. An amendment on the House floor that would have removed the charitable choice language failed by a vote of 184–238. A form of charitable choice was also included in the Welfare and Medicaid Reform Act of 1996 and the Human Services Authorization Act of 1998, both of which have been signed into law. Finally, the charitable choice language was most recently included in the Even Start literacy program passed by the Committee on Education and the Workforce.

It is also noteworthy that the likely nominees of both presidential parties support charitable choice. Governor George W. Bush has been a leader in the effort to include religious groups in social programs as governor of Texas. Vice President Gore has endorsed this practice in speeches and on his Web site. In fact, the two candidates have been competing to see who is most for charitable choice and arguing over who is the most pro-charitable choice. Charitable choice makes it clear that religious organizations receiving Federal funds to provide services may not discriminate against those who would receive those services. It makes it clear that they will not be forced to change their identity or the characteristics which make them unique and effective. These protections include their religious character, independence and employment practices.

The goal here is to allow faith-based organizations to compete without handicapping them by eliminating the characteristics which make them effective in improving lives and restoring communities. I also want to make it clear that it is supported by the current Secretary of HUD as it was by Secretary Kemp and as it was by Secretary Cisneros who was a leader when he was mayor of San Antonio in involving faith-based organizations.

On HUD's current home site, they talk about the importance of community and faith-based organizations. In 1997, HUD Secretary Cuomo initiated a new Center for Community and Interfaith Partnerships directed by Father Joseph Hacala. In this year's budget, HUD has requested $20 million for the interfaith housing initiative. Between the fall of 1999 and the summer of 2000, HUD's Center for Community and Interfaith Partnerships will host 10 regional conferences, quote, targeted to the needs of community and faith-based organizations which Secretary Cuomo has recognized are, quote, the voice of conscience in the struggle for economic rights.

In reference to those conferences, Secretary Cuomo stated:

''Our challenge is to engage partners in a new way to spurt the critical housing and community development efforts of community and faith-based organizations. Government cannot do this alone. Community and faith-based organizations cannot do this alone. But together, by combining our strategies, resources and commitment, we can build communities into law.''

Finally, charitable choice is something that is already being done. We need to codify it here. I commend Vice President Gore, Governor Bush, Secretary Cuomo and the previous housing secretaries before him to realize we cannot solve the housing problems in this country without charitable organizations.

Mr. FRANK of Massachusetts. Madam Chairman, I yield myself such time as I may consume. I may not be in opposition. I was hoping to clarify this. I certainly agree that we should enlist the valuable help of faith-based organizations in dealing with social problems.

When we first confronted this during my congressional tenure in the context of child care, I supported full inclusion of churches but I did have one question and I hope I can engage the gentleman about it.

His amendment, very correctly I believe, says these funds can only be given if they are in accordance with the establishment clause of the first amendment. My concern was the omission of the free exercise clause. Maybe it was unintentional. And I do not necessarily mean to make a lot out of it, but I have this concern. What about a citizen who happens to live in the area where the service is being provided to a religious organization who wishes to avail himself or herself of the federally funded service who is not religious and does not wish to be?

□ 1415

Is there a first amendment free exercise protection so that the citizen who wishes to partake of the program can do so without being required as a condition of that to undergo certain religious activities?

Mr. SOUDER. Madam Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Indiana.

Mr. SOUDER. Madam Chairman, we had this debate in the Even Start debate in the Committee on Education and the Workforce. My understanding of this, and there are only a couple of exceptions which we could get into if we wanted to, but in this grant, there would not be an exception, and that is that one cannot discriminate on who one covers, nor can one force them to participate in a religious activity. This would allow a Catholic priest to have his collar on if it is at a Catholic facility. It would not require them to remove icons, and it would not require them to hire people who do not share their faith. But if one is in the neighborhood and one is not a Catholic, they cannot require one to go to a biblical study, to show up at church, because there cannot be discrimination against applicants.

Mr. FRANK of Massachusetts. Madam Chairman, I thank the gentleman. It is nice to have one more affirmation of the fact that wearing a Catholic collar is not an obstacle to one's performance, whether it is here as the Chaplain or elsewhere.

I would then ask the gentleman, we do not need to do it now, but as this bill proceeds and we get to conference, would there be a problem, and would I ask him to look at adding where he has the establishment clause, also the free exercise clause. I do not ask him to agree to that now, but is that something that we could work together on?

Mr. SOUDER. Madam Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Indiana.

Mr. SOUDER. Madam Chairman, working with the gentleman from New York (Mr. LAZIO), the chairman of the subcommittee, I would be happy to consider that.

Mr. FRANK of Massachusetts. Madam Chairman, reclaiming my time, the reason I say this, lawyers can be very picky; and if we mention one thing and do not mention another, the inference can arise that it was meant to be excluded. So if it had just said first amendment, it would be different; but where it says the establishment clause, lest be there an inference that we did not mean the free exercise clause, I would like to include that. If we could do that, I would be largely satisfied.

Madam Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore (Mrs. EMERSON). The gentleman from Massachusetts (Mr. FRANK) has 7 minutes remaining.

Mr. FRANK of Massachusetts. Madam Chairman, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Madam Chairman, if the gentleman from Indiana would not mind, because this is a terribly significant issue, possibly dealing with protections of the first amendment of the Constitution, I would like to be sure I know what we are voting on.

Would funding under the gentleman's amendment be allowed to go to pervasively sectarian organizations?

Mr. SOUDER. Madam Chairman, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Indiana.

Mr. SOUDER. Yes.

Mr. EDWARDS. Madam Chairman, is the gentleman aware that in 1988 the Supreme Court made a specific ruling that that is unconstitutional under the first 16 words of the Bill of Rights? It says, having direct Federal funding of churches and synagogues and houses of worship is an infringement upon the first amendment. Is the gentleman aware of that?

Mr. SOUDER. Madam Chairman, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Indiana.

Mr. SOUDER. Madam Chairman, the gentleman is aware, as we debated a number of times, that there are multiple rulings if it is used to teach primarily sectarian doctrine. In other words, if you teach religious doctrine, the courts clearly ruled. However, if one is pervasively sectarian, but not teaching religious views, the court has ruled in other cases. That is why we said consistent with the establishment clause, because it could be challenged.

The fact is, HUD currently gives and has given hundreds of these grants around the country to pervasively sectarian organizations.

Mr. EDWARDS. Madam Chairman, reclaiming my time, not necessarily to the First Baptist Church of Waco or to the First Methodist Church of New York City.

I think Members need to be aware of this. I think it is a shame that we are given just a handful of minutes to discuss an issue that Mr. Madison and Mr. Jefferson debated for 10 years in the Virginia legislature that provided the foundation for the first 16 words of the Bill of Rights.

Let me ask the gentleman another question. Let us say that it is the gentleman's intent that dollars go directly to churches and houses of worship under this amendment, which eases my concern, because the Supreme Court would rule that that is unconstitutional. But let us just say that is the gentleman's intent. If money goes to a church associated with Bob Jones University next year under the gentleman's amendment, can that church, can that religious organization put out a sign saying, using your tax dollars, no Catholics need apply for a job here?

Mr. SOUDER. Madam Chairman, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Indiana.

Mr. SOUDER. Madam Chair, an orthodox Jewish synagogue could also do that. The gentleman is trying to demagogue the question.

Mr. EDWARDS. Madam Chairman, reclaiming my time, I am trying to ask the gentleman a very significant question under the gentleman's amendment, and let me repeat it.

Next year, would a church associated with Bob Jones University be able to put out a sign saying, using your tax dollars, no Catholics need apply here for a job?

Mr. SOUDER. Madam Chairman, if the gentleman will continue to yield, if Secretary Cuomo or the Secretary of Housing and Urban Development chose to give it to a place that would discriminate on that basis, which could include Jewish, Catholic, evangelical, then that could happen.

Mr. EDWARDS. Madam Chair, reclaiming my time, I would hope Members who have not paid attention to this amendment that is added at the end of an otherwise excellent bill will understand that what the gentleman is saying is that contrary to 200 years of history in this country, the gentleman wants the American taxpayers' dollars to be used, would allow them to be used, regardless of intent, to discriminate against people because of their religious views. I would urge Members to pay attention to that.

Madam Chairman, I appreciate the gentleman answering that question honestly. Let me ask the gentleman another question.

Mr. LAZIO. Madam Chairman, will the gentleman yield?

Mr. EDWARDS. Madam Chairman, no, I will not yield at this point. I would like to ask the gentleman a question, the author of the amendment, if I could. If we had more time, I would be glad to have a discussion. I wish we had several hours, if not days of debate on this church-state issue.

Madam Chairman, let me ask the question. Under the gentleman's amendment, would the Wiccans be able to apply for Federal tax funding?

Mr. SOUDER. Madam Chairman, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Indiana.

Mr. SOUDER. Madam Chairman, it is unlikely under President Bush that the witches would get funding.

Mr. EDWARDS. Madam Chairman, reclaiming my time, does the gentleman understand that the Supreme Court of the United States has given tax-free status to the Wiccans; and, therefore, they would be protected, as would the Methodist church, the Baptist church, and the Jewish synagogue. So would the gentleman admit to the fact that under his amendment, our Federal tax dollars could go to the Wiccan church to run a housing program. Is that correct?

Mr. SOUDER. Madam Chairman, if the gentleman will continue to yield, nonprofit organizations are already covered under the Tax Code, because under religious freedom in the United States, one is allowed to exercise freedom of religion. What this does would leave the discretion to the Department of HUD, as they do currently, to give grants to faith-based organizations, including African American church units which currently get the funding in the inter-faith initiative under Secretary Cuomo.

Mr. EDWARDS. Madam Chairman, reclaiming my time, that is my point, I say to the Members.

Mr. SOUDER. Madam Chairman, they can get it now under the Democratic administration.

The CHAIRMAN pro tempore. The time of the gentleman from Texas (Mr. EDWARDS) has expired.

Mr. FRANK of Massachusetts. Madam Chairman, I yield 30 seconds to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Madam Chairman, in 30 seconds, let me debate the first amendment to the Constitution.

The gentleman has made my point better than I could make it. He is saying that under ''the Bush administration,'' they would pick out which religious organization qualifies for Federal tax dollars and which ones would not. That is exactly what Mr. Madison and Mr. Jefferson did not want when they founded the basis of the Bill of Rights. They did not want politicians and government officials deciding which religious organization receives official government approval and which ones do not. I would suggest that providing direct Federal tax dollars to let group discrimination based on religion is a reason to oppose this amendment.

Mr. SOUDER. Madam Chairman, first I yield myself 30 seconds.

What the gentlemen said was witches were not likely to be funded; but that is not my decision, and we do not know. But what is true is that the current administration already makes these decisions in HUD; they have an entire division that makes these decisions in HUD. They go through it, it is public review. It has worked tremendously well. It is one of the only ways to reach poor people, and I am disappointed that a few people in this House separate themselves from the leadership of both parties in arguing for charitable choice.

Madam Chairman, I yield 3 minutes to the distinguished gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Madam Chair, I thank the gentleman for yielding me this time.

I just want to say that I think this is a way to provide a wonderful opportunity to people who do not have a chance to get into homeownership. There are many avenues that we have available; sometimes we just focus on the Government providing all of these services. We have to go through housing and urban development, and we want to cut off the opportunity for nonprofit organizations and religious organizations to get involved. But there is a long history in States like Kansas.

For example, in adoption, we had trouble with adoption through the State agencies, and they opened it up to a Lutheran organization, the amount of adoptions increased dramatically, because their heart was in it. They were able to do more things quicker. That was very beneficial.

If we look back at Wichita, there is a group called Mennonite Housing. That is a faith-based organization. But if they had access to these grants, they would do in a larger scale what they are doing today, and that is taking properties that are less than acceptable today, that are in poor condition, dilapidated, and through this organization and through block grants could create opportunity for people who would not be able to purchase housing. Single mothers, minority mothers, poor families, people without work that are just working maybe just a minimum-level job while they are getting some education or training.

So Mennonite Housing, a faith-based organization, would be, under the Souder amendment, able to capture some money, take these dilapidated properties, and then get them into a position or an order for people to move in. Put new roofs on, new siding, whatever it takes to bring them up to code, make them livable. It would be a very exciting opportunity for the people who are too poor right now to be able to afford this housing on their own.

Now, it is not pushing any faith; there is not going to be any sermons given here. Mennonite Housing does not do that. They simply meet the needs of the poor. They let their faith be their actions, and their actions are taking poor houses in bad condition, and they refurbish them; and they give them through low-interest loans to people at a payment that they can make, and they have hope. They have their own home. They have a wonderful opportunity.

The Souder amendment is going to allow that to expand. It will not be just limited to private donations; it is going to be an opportunity for them to apply for these block grants, take large sections and not just in Wichita, Kansas. It could be in any city across America, large areas of unclaimed city that has gone to crime, it has gone to drugs. If it was just brought up to code, new paint, new shingles, new lawn, other families would want to move in there and improve the property and refurbish these cities.

How do we do it? We give faith-based organizations the opportunity to get block grants to make these houses liveable. So I would ask my colleagues to support the Souder amendment and let us see if we cannot do something for the poor.

Mr. FRANK of Massachusetts. Madam Chairman, I yield myself such time as I may consume.

I would like to have a colloquy with the gentleman from New York or the gentleman from Indiana. I would just ask, I guess I can mention this, whether we include language that protected free exercise, i.e., no one would be coerced into a religion, whether or not that would affect the employment issue, and my answer clearly is no.

There are two separate issues that we raised. My colleague from Texas has raised the employment issue. I may agree with him on that, but it is a separate one from the free exercise. The free exercise goes to the question of the citizens not employed by the program, but who would be participants in it? I am assuming if we did free exercise, that would cover them. That would then leave unresolved the issue of employment, but the two would not be affected.

Mr. SOUDER. Madam Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Indiana.

Mr. SOUDER. Madam Chairman, I would agree to such an amendment and believe it is consistent with what we have been doing all the way along and consistent with court decisions that we cannot discriminate among recipients.

Mr. FRANK of Massachusetts. Madam Chairman, I would give unanimous consent, if we were asking for a modification that added the free exercise clause, with the understanding that that left unresolved and untouched to be further debated the employment issue raised by the gentleman from Texas. The free exercise goes to the beneficiaries; employment goes to the other section.

Mr. LAZIO. Madam Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from New York.

Mr. LAZIO. Madam Chairman, I would like to make a unanimous consent request, if it is appropriate, to modify the amendment of the gentleman from Indiana, so that on page 1, line 13, after the reference to the establishment clause, we also add the free exercise clause.

The CHAIRMAN pro tempore. The Chair requests that the gentleman from Indiana (Mr. SOUDER) propound such a unanimous consent.

Mr. FRANK of Massachusetts. Would the gentleman repeat the unanimous consent request?

Mr. LAZIO. The proposed unanimous consent request, which I believe now the gentleman from Indiana will make, would be that the amendment would be modified so that language would be inserted on page 1, line 13, after the phrase ''establishment clause'' to include ''and the free exercise clause.''

Mr. FRANK of Massachusetts. Madam Chairman, I have no objection.

Mr. SOUDER. Madam Chairman, I would request that that be done.

Mr. FRANK of Massachusetts. Madam Chair, how much time remains?

The CHAIRMAN pro tempore. The gentleman from Massachusetts (Mr. FRANK) has no remaining time.

□ 1430

MODIFICATION TO AMENDMENT NO. 11 OFFERED BY MR. SOUDER

Mr. SOUDER. Madam Chairman, I ask unanimous consent to modify my amendment.

The CHAIRMAN pro tempore (Mrs. EMERSON). The Clerk will report the modification to the amendment.

The Clerk read as follows:

Modification to Amendment No. 11 offered by Mr. SOUDER:

Page 1, line 13 of the amendment after ''Establishment Clause'' insert ''and The Free Exercise Clause''.

The CHAIRMAN pro tempore. Is there objection to the modification?

Mr. EDWARDS. Madam Chairman, I reserve the right to object.

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. EDWARDS) is recognized.

Mr. EDWARDS. Madam Chairman, I would like to ask the question, has the gentleman dealt with the issue in this amendment or other intended amendment of using Federal tax dollars to discriminate against people based on their religious faith, or is he just dealing with an addition to the question of the establishment and the free exercise clauses?

Mr. SOUDER. Madam Chairman, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Indiana.

Mr. SOUDER. I accepted an amendment that in my opinion was already covered by the bill under the establishment clause, but this clarified that.

Obviously the gentleman's concern is the guts of my bill, which would allow faith-based organizations to apply for government grants without giving up the faith part of their organization.

Mr. EDWARDS. Madam Chairman, let me just clarify a couple of points, then, under my reservation of objection.

First of all, Madam Chairman, it is meaningless to add to any bill that ''this bill cannot be inconsistent with the Constitution.'' That is already implied in the writing of the Constitution. We have no power to pass a bill that is unconstitutional, so let us not be deluded to think that somehow that is adding a protection to this bill.

Secondly, I would still point out to all Members who have not been aware of this that this particular amendment, as I now understand it, still would allow someone to take Federal tax dollars and put up a sign saying ''no Catholics need apply here for a job, federally-funded job; no Jews need apply here for a federally-funded job.''

Is that correct, the gentleman's amendment that we are talking about does not address the employment discrimination using tax dollars? Or does the gentleman have a separate amendment that I can see a copy of?

Mr. LAFALCE. Madam Chairman, would the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from New York.

Mr. LAFALCE. Madam Chairman, I do not think there is a difficulty with the gentleman's amendment now that it has been amended. We have 202 programs, we have Section 8 programs. They go to Jewish organizations, they go to Catholic organizations, they go to Protestant organizations right now. They cannot discriminate. They cannot discriminate and say, you must be a Catholic, you must be Jewish, you must be a Muslim, you must be a Protestant in order to become a tenant in this organization.

They do not discriminate, they cannot discriminate, under these laws with respect to hiring practices, too. I do not think this gentleman's amendment accomplishes that much, but I do not think it changes anything. It does not hurt that much, either. I think we are making a big argument out of a relatively small matter.

Mr. EDWARDS. If I could reclaim my time, then, the difference, and perhaps the gentleman from New York did not hear the answer of the gentleman, he said it was his intent with his language——

Mr. SOUDER. Madam Chairman, if the gentleman will yield further, I do not believe this is relevant to the particular objection. I think he has raised a separate issue.

Mr. EDWARDS. Madam Chairman, what we are trying to do is clarify what is in the amendment.

The CHAIRMAN pro tempore. Under the gentleman's reservation of objection, he has a right to object.

Mr. SOUDER. He is not discussing the particular item under the objection, Madam Chairman.

Mr. EDWARDS. I am trying to, because there was a discussion between the gentleman from Massachusetts (Mr. FRANK) and the gentleman about another amendment being accepted on a unanimous basis, and then the gentleman mentioned this amendment, resolve this. Frankly, this Member is a bit uncertain as to what amendment we are including here.

I guess, to clarify, this does not have any language dealing with job discrimination.

To the gentleman from New York (Mr. LAFALCE), let me just point out, in response to his comments on this amendment, the gentleman previously said it is his intent with this amendment that these Federal dollars go to pervasively sectarian organizations. That is something that the Supreme Court ruled in 1998 is unconstitutional.

I have no problem with faith-based organizations, Catholic Charities, getting Federal money. I have a huge problem with the Federal government directly funding the First Catholic Church, the First Methodist Church, the First Synagogue, or the First Wiccans with direct Federal money. That has huge implications.

Because the gentleman said ''pervasively sectarian organizations'' get the money, those pervasively sectarian organizations have special protections under the law where they can discriminate based on someone's religious faith.

So based on the gentleman's answer, under this bill, even including this amendment, they could take Federal tax dollars and put up a sign and say, no Jews, no Catholics, no Christians, no Hindus need apply here. I think that is incredibly significant.

My problem is that what otherwise is an outstanding bipartisan bill is complicated now by an issue that frankly we should spend days, not just moments, debating. I would urge my colleagues to look at what they are about to vote on. I would urge its rejection.

Madam Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN pro tempore. The modification is accepted.

The gentleman from Indiana (Mr. SOUDER) is recognized for the balance of his time, 2½ minutes.

Mr. SOUDER. Madam Chairman, I will not use the full time.

I merely want to reiterate that for all the hullaballoo here, this is the same language we had in the juvenile justice bill that passed 346 to 83 with the same language; the same in the Fathers Count, in the welfare bill, the human services bill. It is what is in the Even Start bill. It is supported by the current administration, by the previous HUD Secretaries before this.

It is supported by African-American, Hispanic, Orthodox Jewish, Catholic, Protestant organizations all over the country that are trying to deal with the terrible problems of homelessness, of inadequate housing for the poor.

Without extending Federal dollars, it is going to be very difficult. Quite frankly, faith-based organizations are not willing to give up their faith in order to become part of a charitable system. They will just choose not to participate, as they did for years prior to the current Secretary of HUD and other Secretaries reaching out to them.

So I think this merely codifies what is already being done. We have done it in other bills. Quite frankly, it is going to be coming in more bills, because it is one of the most important things we can do to extend Federal dollars and involve people whose hearts say they want to help those who are hurting, and this enables them to do so.

Mr. POMEROY. Madam Chairman, I rise to express my opposition to the Souder Amendment.

The Souder amendment would allow religious and faith-based organizations to compete for all federal housing, homeless and community development programs under the Department of Housing and Urban Development (HUD). Madam Chairman, I strongly believe that religious organizations can play a key role in addressing housing needs throughout our communities and rural areas. However, the legislation would allow the funding to be funneled directly to the religious organizations as opposed to going through a private foundation. I believe it is more appropriate for religious organizations wanting to administer programs to assist the poor and elderly to establish private foundations and apply for federal funding. In fact, many religious organizations have established private foundations like the Catholic Charities and receive funding through various HUD programs to administer to the poor and elderly. I believe it is in the best interest of religious organizations to operate completely independently of the federal government. This independence provides religious organizations with certain protections under federal law, and helps insulate them from government intervention.

Madam Chairman, I believe that the Souder amendment needlessly tampers with our nation's strong tradition of the protection of religious institutions from government interference, and I would urge my colleagues to oppose this amendment.

Ms. PELOSI. Madam Chairman, I rise today to oppose Representative SOUDER's amendment. This amendment will violate the constitutional separation of church and state; weaken important anti-discrimination civil rights protections; and entangle religious institutions in the reach of government.

Representative SOUDER's amendment is damaging because his charitable choice provision is unconstitutional. It attacks existing constitutional protections separating church and state. It diverts taxpayer and government funding to sectarian religious groups who could then use these funds to facilitate overtly religious activities and practices. The Constitution does not allow the government to fund overtly religious or "pervasively sectarian" religious organizations. This is an inappropriate use of government funds.

Representative SOUDER's amendment is unneeded because the Constitution does permit the government to fund religious organizations that are "nonsectarian" to pursue non-religious activities and currently the government funds many of these groups. These groups are often called religious affiliates. For example, local Catholic Charities and Jewish Social

Services groups that receive federal funding are non-sectarian groups.

The differences between non-sectarian religious organizations and pervasively sectarian religious organizations are very important and we must continue to respect these differences. Sectarian groups may proselytize, discriminate by religion, and advance religious beliefs. For these reasons, the government can not provide funds directly to a sectarian church or synagogue. We would not want employers which receive government funds to refuse to hire Jewish or Catholic employees on the basis of their religion. This would be wrong. We would not want organizations that receive government funds to proselytize the Mormon faith to non-Mormons who seek social services. We do not want government funded organizations to discriminate in their social service delivery against gays and lesbians; unmarried couples living together; or to practice other discriminatory practices.

Both non-sectarian and sectarian religious groups do good work, and this work deserves our support. Nonetheless, taxpayer and government funds should not subsidize sectarian religious activities nor violate the separation of church and state. Let us remember, that under current law, pervasively sectarian religious groups are permitted to form an affiliate organization and this affiliate is eligible to apply for federal funding. I urge my colleagues to vote for the Constitution and oppose the Souder amendment.

Mr. SOUDER. Madam Chairman, many of the Constitutional issues relevant to the Charitable Choice debate were discussed in an excellent article by Carl Esbeck in the Emory Law Review, which follows:

A CONSTITUTIONAL CASE FOR GOVERNMENTAL COOPERATION WITH FAITH-BASED SOCIAL SERVICE PROVIDERS[d]

It is often said that America's founding was an experiment in government. Certainly few features of the American constitutional settlement left more to future change—and were more of a break with existing European patterns—than the Establishment Clause set out in the First Amendment. The new Republic sought to rely on transcendent principles to justify its unprecedented advancements in human liberty.[1] Concurrently, the Founders rejected any official or fixed formulation of these principles, for no public credo was to be established by law. So it is more than just a little ironic that the nation's most cherished human rights depend upon the continued private faith of innumerable Americans in creeds and confessions that themselves cannot be officially adopted by the Republic, lest the adoption run afoul of the prohibition on laws respecting an establishment of religion. Yet, coming full circle, it is this ''no-establishment principle'' that allows voluntary religion to flourish, which in turn nurtures belief in God-endowed rights.[2] The resulting juggling act is what Dr. Os Guinness aptly describes as the still ''undecided experiment in freedom, a gravity-defying gamble that stands or falls on the dynamism and endurance of (the Republic's) unofficial faiths.''[3]

This ongoing experiment in human liberty, because of its indeterminacy, has had the unforeseen effect of concentrating intense pressure on a single constitutional restraint on governmental power, namely the Establishment Clause. To the uninitiated, having the cause of this pressure pinpointed goes far toward explaining why the no-establishment principle has become one of the chief battle sites over who exercises cultural authority in this nation.[4] Quite simply, the Establishment Clause has become where Americans litigate over the meaning of America.[5] Thus, it is to the Establishment Clause that we rightly devote so much of our attention and energy.

The United States Supreme Court's modern jurisprudence concerning church/state relations is commonly dated from its 1947 decision in Everson v. Board of Education,[6] which embraced a separationist interpretation of the Establishment Clause. Since Everson, the Court begins with separatistic assumptions when addressing novel question that invokes the no-establishment principle. The separationism theory has become so dominant that today, fifty years after Everson, courts assume a need to justify holdings that reach results not easily fitting into Jefferson's influential metaphor (''a wall of separation'') as allowable departures from the rule first laid down in Everson.

This article will refer to separationism as based on ''older assumptions.'' The Court's presuppositions concerning the nature and contemporary value of religion and the proper role of modern government underlie what will be referred to as a ''traditional analysis'' of the case law. Part I is a partial overview of the Supreme Court's cases since Everson, and has the goal of making the strongest arguments—within the framework of separationism—for the constitutionality of governmental welfare programs that permit participation by faith-based social service providers.

Part II is about separationism's major competitor, a theory centered on the unleashing of personal liberty to the end that, with minimal governmental interference, individuals make their own religious choices. The theory has come to be called the neutrality principle.[7] Neutrality theory surfaced most obviously in 1981 when the Supreme Court handed down its decision in the free speech and religion case of Widmar v. Vincent.[8] Religious neutrality as a model for interpreting the Establishment Clause is based on what will be termed ''new assumptions.'' The aim of the new assumptions is to minimize the effects of governmental action on individual or group choices[9] concerning religious belief and practice. When the dispute is over a welfare program in which faith-based social service providers desire to participate, the neutrality principle requires government to follow a rule of minimizing the impact of its actions on religion, to wit: all service providers may participate in a welfare program without regard to religion and free of eligibility criteria that require the abandonment of a provider's religious expression or character. Thus, Part II consists of a realignment of the Supreme Court's cases along a new axis, with the goal of making the strongest arguments—within the framework of these new assumptions—for the constitutionality of governmental programs of aid which permit full and equal participation by faith-based social service providers.

Before turning to the case law, it should be stated candidly and up front that there is no truly neutral position concerning these matters, for all models of church/state relations embody substantive choices. The decisions the Supreme Court handed down in both Everson and Widmar are not otherwise. Separationism is a value-laden judgment that certain areas of the human condition best lie within the province of religion, while other areas of life are properly under the authority of civil government. Separationism, this most dominant of theories, is in no sense the inevitable product of objective reason unadulterated by an ideological commitment to some higher point of reference. Separationism cannot stand outside of the political and religious milieu from which it emerged and honestly claim to be neutral concerning the nature and contemporary value of religion or the purposes of modern government. The same must be said for its primary competitor, the neutrality theory.[10] Indeed, to demand that any theory of church/state relations transcend its pedigree or its presuppositions and be substantively neutral is to ask the impossible.[11]

I. OLDER ASSUMPTIONS: SEPARATIONISM AND A TRADITIONAL ANALYSIS OF THE CASE LAW

The Supreme Court distinguishes between the direct[12] and the indirect[13] receipt of a government's welfare assistance by social service providers. ''Indirect'' welfare assistance means that a personal choice by the ultimate beneficiary—rather than by the government—determines which social service provider eventually receives the assistance. Indirect forms of assistance will be discussed first because the current state of the case law is more easily sorted out.

The Court has consistently held that government may design a welfare program that places benefits in the hands of individuals, who in turn have freedom in the choice of service provider to which they take their benefits and ''spend'' them. It makes no difference whether the chosen provider is governmental or independent, secular or religious. Any aid to religion as a consequence of such a program only indirectly reaches—and thereby only indirectly advances—the religion of a faith-based provider. In situations of indirect assistance, the equal treatment of religion—no separationism—is the Court's operative rule for interpreting the Establishment Clause. As will be shown below, this rule of equality is instrumental to neutrality theory.[14]

The leading cases are Mueller v. Allen,[15] Witters v. Washington Department of Services for the Blind,[16] and most recently Zobrest v. Catalina Foothills School District.[17] Even the more liberal Justices on the Court have acceded to the direct/indirect distinction.[18]

The rationale for this distinction is twofold. First, the constitutionally salient cause of any indirect aid to religion is entirely in the control of independent actors, not in the hands of the government. So long as individuals may freely choose or not choose religion, merely enabling private decisions logically cannot be a governmental establishment of religion. The government is essentially passive as to the relevant decision, and hence not the agent of any resulting religious use. Second, the indirect nature of the aid, channelled as it is through countless individual beneficiaries, reduces church/state interaction and any resulting regulatory oversight. This enhances the nonentanglement that is so desirable from the perspective of the Establishment Clause.

There are a number of familiar programs that illustrate this rule: individual income tax deductions for contributions to charitable organizations, including those that are religious;[19] and G.I. Bill[20] and other federal aid to students attending the college or university of their choice, including those affiliated with a church;[21] federal child care certificates for low-income parents of preschool-age children;[22] and state-issued

Footnotes appear at the end of article.

vouchers permitted under the Temporary Assistance for Needy Families program.[23] Pursuant to this rule of law, vouchers given to welfare beneficiaries that are redeemable by any eligible provider, whether governmental or independent, secular or religious, would be constitutional.[24]

It bears emphasizing that the programs of aid upheld in Mueller, Witters, and Zobrest were adopted as a matter of legislative discretion or prudence. These cases do not hold that there is a constitutional right to equal treatment between governmental and independent sector providers. Government may decide that these indirect benefits are redeemable at its welfare agencies alone,[25] thereby excluding all similarly situated independent sector providers. Should a state decide to provide assistance only through government-operated agencies, it can do so without violating the First Amendment. The caveat is that a state cannot adopt a program of aid that involves all providers of welfare services, governmental and independent sectors, but specifically disqualified participation by religious providers. The Free Exercise Clause prohibits any such intentional discrimination against religion.[26]

Unlike indirect forms of assistance, when it comes to direct assistance—that is, a government's general program of assistance flows directly to all organizations, including faith-based providers of services—then separationism is the Court's beginning frame of reference. Separationism makes three assumptions. First, it assumes that a sacred/secular dichotomy accurately describes the world of religion and the work of faith-based providers called to minister among the poor and needy. That is to say, the activities of faith-based providers can be separated into the temporal and the spiritual. This assumption, of course, is vigorously challenged by neutrality theorists.[27] Second, separatists assume that religion is private and that it should not involve itself with public matters, with ''public'' often equated to ''political'' or ''governmental'' affairs. The neutrality principle rejects this private/public dichotomy as well, insisting that personal faith has public consequences and that the practice of religious faith can lead to cooperation with the government in achieving laudable public purposes.[28] Third, separatists assume that a government's welfare assistance equates to aid for the service provider. Neutrality theories contest this characterization as well, describing the situation as one of cooperation between government and independent sector providers, with the joint aim being society's betterment through the delivery of aid to the ultimate beneficiaries.[29]

As a general proposition, the Supreme Court has said that direct forms of reimbursement can be provided for the ''secular'' services offered by a religious organization but not for those services comprising the group's ''religious'' practices. Thus, if an organization's secular and religious functions are reliably separable, direct assistance can be provided for the secular function alone. But if they are not separable, then the Court disallows the assistance altogether, with the explanation that the Establishment Clause will not allow the risk[30] of governmental aid furthering the transmission of religious beliefs or practices.

The juridical category the Court utilizes to determine whether a general program of direct assistance risks advancing religion is whether the provider is ''pervasively sectarian.''[31] Should the provider fit the profile of a pervasively sectarian organization, then separationist theory prohibits any direct aid to the provider. The one small exception is aid that, due to its form or nature, cannot be converted to a religious use. For example, the Court has allowed independent religious schools to receive government-provided secular textbooks and bus transportation between a student's home and school.[32]

All the Supreme Court's cases striking down direct programs of aid have involved primary and secondary faith-based schools.[33] Contrariwise, in each of the three instances that have come before the Court involving direct aid to colleges and universities, including those which are faith-related, the Court has upheld the financial aid.[34] The Court received considerable criticism—even ridicule—for the close distinctions it has made in religious school cases between the types of permissible and impermissible aid. However, for present purposes these distinctions are best seen as fact-finding quibbles over whether the Court rightly determined if the nature of a particular direct benefit can be converted to a religious and, therefore, forbidden use.

On the two occasions the Court has considered the constitutionality of social service direct aid programs, it has sustained both programs. In a turn of the century case, Bradfield v. Roberts,[35] the Court upheld a capital improvement grant for a church-affiliated hospital.[36] At present, however, Bowen v. Kendrick[37] is the modern and hence more pertinent case. By the narrow margin of five to four, the Court in Kendrick upheld ''on its face'' federal grants for teenage sexuality counseling, including counseling offered by faith-related centers. However, the Court remanded for a case-by-case or ''as applied'' review in order that teenage counseling centers found to be pervasively sectarian would have their grants discontinued.[38]

Under the Adolescent Family Life Act (AFLA),[39] the Secretary of Health and Human Services authorizes direct cash grants to both governmental and independent sector nonprofit organizations doing research or providing services in the areas of teenage pregnancy and counseling for adolescents concerning premarital sexual relations. Accordingly, the societal problems addressed by AFLA are a blend of health, economic, and moral issues surrounding teenage sexuality and out-of-wedlock pregnancy. The statute defines an eligible grant recipient as a ''public or non-profit private organization or agency,'' apparently permitting otherwise qualified religious organizations to receive the grants on the same terms as nonreligious agencies.[40] Moreover, language in the Act expressly invites participation by religious organizations and requires certain secular grantees to take into account involvement by religious organizations, along with family and community volunteer groups, in addressing the problem of adolescent sexuality.[41] These provisions were written into the law to ensure that religious groups would be treated in a nondiscriminatory manner when compared with other similarly situated eligible grant recipients. No statutory language specifically barred the use of grant monies for worship, prayer, or other intrinsically religious activities. Finally, other than routine fiscal accountability to ensure that federal funds were not misappropriated, no monitoring or other oversight was made part of the resulting relationship between the Department of Health and Human Services and the participating religious organizations.[42]

After describing the broad outlines of AFLA, the majority spoke in sweeping terms of the Establishment Clause and governmental aid as permitting an equality-based rule. It said that ''religious institutions need not be quarantined from public benefits that are neutrally available to all,''[43] and that ''this Court has never held that religious institutions are disabled by the First Amendment from participating in publicly sponsored social welfare programs.''[44] The Court then went on to utilize the three-prong Lemon test for its analysis.[45]

Concerning Lemon's first prong, requiring that legislation have a secular purpose, the contending parties in Kendrick agreed ''that, on the whole, religious concerns were not the sole motivation behind the Act.''[46] As usual, the Court's application of the purpose test was highly deferential to the legislature.

Lemon's second prong requires that the principal or primary effect of a law not advance religion. There was nothing ''inherently religious'' or ''specifically religious,'' pointed out the Court, about the activities or social services provided by the grantees to adolescents with premarital sexuality questions and problems.[47] Moreover, simply because AFLA expressly required religious organizations to be considered among the available grantees and demanded that the role of religion be taken into account by secular grantees, that did not have the effect of endorsing a religious view of how to solve the problem.[48] As to grantee eligibility, the Court interpreted AFLA as ''religion-blind'' when Congress required that all organizations, secular and religious, be considered on an equal footing. Further, the legislation did not violate the Establishment Clause merely because religious beliefs and the moral values urged by AFLA overlap.[49] Critical to the result was that the majority refused to hold that faith-based teenage counseling centers were necessarily pervasively sectarian.[50] Although the form of the assistance was a direct cash grant, the First Amendment was not offended as long as the grantee was not pervasively sectarian.[51] The fact that the ultimate beneficiaries were impressionable adolescents did not, without more, present an unacceptable risk that the no-establishment principle was violated.[52] Although AFLA did not expressly bar the use of federal funds for worship, prayer, or other inherently religious activities, the Court said no explicit bar was required. The Court added, however, that ''(c)learly, if there were such a provision in this statute, it would be easier to conclude that the statute on its face'' was constitutional.[53]

Under the third prong of Lemon, the Court considers whether the statute in question fosters an excessive administrative entanglement between religious officials and the offices of government. Monitoring of AFLA grantees by the Department of Health and Human Services is necessary only to ensure that federal money is not misappropriated. There is no requirement that faith-based grantees follow any federal guidelines concerning the content of the advice given to teenagers or otherwise modify their programs. There are no nondiscrimination requirements as to the beneficiaries served. Because religious grantees are not necessarily pervasively sectarian, the majority concluded that this limited oversight by the federal agency could not be deemed excessively entangling.[54]

Dividing the analysis between ''facial'' and ''as applied'' components places a considerable burden on separationists, like the legal activists behind the Kendrick litigation, who rove the country filing suits claiming Establishment Clause transgressions. The aim of these activists is to halt the government aid,

not on a piecemeal or case-by-case basis, but by enjoining the entire Act insofar as it allows any participation by faith-based providers. This was possible when the Court was willing to overturn legislation on the mere ''risk'' that the second of third prongs of Lemon were violated.[55] After Kendrick, a violation of the Establishment Clause must be proved in each case by palpable evidence that confessional religion is being advanced. The only exception occurs when the entire class of religious service providers is pervasively sectarian. Because not all faith-based social service providers are pervasively sectarian, a facial attack will fail.

In a short concurring opinion, Justice O'Connor drew a helpful distinction. She noted that the object of congressional funding under AFLA, namely the moral issue of teenage sexuality, was ''inevitably more difficult than in other projects, such as ministering to the poor and the sick.''[56] Far easier cases, she opined, would be welfare programs funding faith-based soup kitchens or hospitals.[57] Accordingly, where the object of the governmental aid is clearly addressed to temporal needs (e.g., food, clothing, shelter, health), in Justice O'Connor's view, a social service program that includes religious providers is facially constitutional.[58]

For the Court to require officials to distinguish between ''pervasively'' and ''non-pervasively'' sectarian organizations creates a fundamental inconsistency within its own doctrine. The Court had earlier held in Larson v. Valente[59] that the Establishment Clause requires that government not intentionally discriminate among types of religions,[60] nor should government utilize classifications based on denominational or sectarian affiliation.[61] Moreover, in order to distinguish between ''pervasively'' and ''nonpervasively sectarian'' organizations, as Kendrick requires, courts will become deeply entangled in the religious character of these faith-based providers of social services.[62] The Supreme Court, however, has said that whenever possible officials should avoid making detailed inquiries into religious practices, or probing into the significance of religious words and events.[63]

Justice Kennedy, sensing analytical difficulty with Establishment Clause doctrine whose application requires the Court to discriminate among religious groups, wrote a brief concurring opinion.[64] Stating that he doubted whether ''the term 'pervasively sectarian' is a well-founded juridical category,''[65] Justice Kennedy went on to adopt a neutrality-based rule. A social assistance program would be facially constitutional, Kennedy said, as long as its purpose was neutral as to religion and a diverse array of organizations were eligible to participate.[66] Upon remand of the case, for Justice Kennedy the ''question in an as-applied challenge is not whether the entity is of a religious character, but how it spends its grant.''[67] As long as the grant is actually used for the designated public purpose—rather than to advance inherently religious beliefs or practices—there is no violation of the Establishment Clause.[68] This proposal has the virtue of not violating the rule set down in Larson.

In laying down its rules concerning programs of direct assistance, the Supreme Court has adopted a funds-tracing analysis rather than a freed-funds analysis. That is, the Court interprets the Establishment Clause as forbidding the direct flow of taxpayer funds, as such, to pay for inherently religious activities. The Court does not concern itself when governmental funding of a faith-based provider's secular activities thereby frees private dollars to spend on religious activities. In a pervasively sectarian organization, however, in which the mixing of religious and secular activities is complete, the tracing of taxpayer funds will always determine that religious activities are advanced in tandem with the secular. Hence, in a pervasively sectarian organization even a funds-tracing analysis causes the Court to hold that no taxpayer funds can go directly to such organizations.

The harm that separationists fear is not that privately raised dollars are freed as a consequence of the government's program so that they may be reallocated to a religious use. Rather, the feared harm is that governmental monies (collected as taxes, user fees, fines, sale of government property, etc.),[69] may be used to pay for such inherently religious activities as worship, prayer, proselytizing, doctrinal teaching, and devotional scriptural reading. Indeed, separationists on the Court have been most insistent that the Establishment Clause ''absolutely prohibit(s) government-financed or government-sponsored indoctrination into the beliefs of a particular religious faith.''[70]

Although it will scandalize separationists, the rest of us are led to probe below the bluff and bluster and ask the following: ''Is the harm resulting from government-collected monies going to religion so self-evident and severe?'' As citizens we are taxed to support all manner of policies and programs with which we disagree. Tax dollars pay for weapons of mass destruction that some believe are evil. Taxes pay for abortions and the execution of capital offenders, that some believe are acts of murder. Taxes pay the salaries of public officials whose policies we despise and oppose at every opportunity. Why is religion different? If the answer is that we are protecting a religiously informed conscientious right not to have one's taxes go toward the support of religion, the Supreme court has already rejected such a claim.[71] It makes no difference to the Court that a taxpayer avers that he or she is ''coerced'' or otherwise ''offended'' when general tax revenues are used in a program that involves faith-based social service providers.[72] Accordingly, with reference to the Court's interpretation of the Establishment Clause, it must again be asked, ''Is the harm that separationists would have us avoid at all cost so self-evident and severe?

Although a thorough treatment of this question is beyond the scope of this Article, the answer separationists give is that there are two such harms which the Establishment Clause is designed to safeguard against, and history demonstrates that they can be quite severe: first, divisiveness within the body politic along sectarian lines;[73] and, second, the damage to religion itself by the undermining of religious voluntarism and the weakening of church autonomy.[74] Separationism has yet to give a convincing argument that these two harms will befall the nation as a result of the equal involvement of faith-based providers in social service programs. The harm of sectarian divisiveness within the body politic is not altogether different in kind or more threatening than tax funding for other ideologies and programs that citizens find disagreeable.[75] And the harm to religion itself when too closely allied with government, while real and threatening, can be adequately protected by writing into the welfare legislation safeguards for protecting the religious character and expression of faith-based providers.[76]

II. NEW ASSUMPTIONS: A PARADIGM SHIFT TO GOVERNMENTAL NEUTRALITY

Neutrality theory approaches the debate over the Establishment Clause from an altogether different point of entry. According to this theory, when government provides benefits to enable activities that serve the public good, such as education, health care, or social services, there should be neither discrimination in eligibility based on religion, nor exclusionary criteria requiring these charities to engage in self-censorship or otherwise water down their religious identity as a condition for program participation.[77] The neutrality model allows individuals and religious groups to participate fully and equally with their fellow citizens in America's public life, without being forced either to shed or disguise their religious convictions or character. The theory is not a call for preferential treatment for religion in the administration of publicly funded programs.[78] Rather, when it comes to participation in programs of aid, neutrality merely lays claim to the same access to benefits, without regard to religion, enjoyed by others.[79] Finally, as noted above,[80] the neutrality principle rejects the three assumptions made by separationist theory: that the activities of faith-based charities are severable into ''sacred'' and ''secular'' aspects, that religion is ''private'' whereas government monopolizes ''public'' matters, and that governmental assistance paid to service providers is aid to the providers as well as aid to the ultimate beneficiaries.

Should separationism eventually be dislodged from its place as the controlling paradigm, it will be said that this change began in 1981 with the Supreme Court's decision in Widmar v. Vincent.[81] In Widmar, a state university permitted student organizations to hold their meetings in campus buildings when the facilities were not being used for other purposes. However, student religious organizations were specifically denied such access. The university maintained that the denial was required because it could not support religion by providing meeting space for worship, prayer, and Bible study, consistent with a no-aid interpretation of the Establishment Clause. A group of students brought suit, first pointing out that the university had voluntarily created a limited public forum generally open to student expression. Having dedicated the forum, the students argued that expression of religious content could not be singled out for discrimination. A near-unanimous Supreme Court agreed. Most significantly, the Court held that the Establishment Clause did not override the Free Speech Clause as long as the creation of the forum had a secular purpose. Religious groups were just one of many student organizations permitted into the forum. As long as the circumstances were such that the university did not appear to be placing its power or prestige behind the religious message, the Establishment Clause was not a problem.[82]

The Widmar approach was soon dubbed ''equal access,'' and in 1984 Congress extended the same equality-based right to students enrolled in governmental secondary schools.[83] Following recent free speech victories in Lamb's Chapel v. Center Moriches Union Free School District,[84] Capitol Square Review and Advisory Board v. Pinette,[85] and Rosenbergr v. Rector and Visitors of the University of Virginia,[86] equal treatment has indeed become the normative rule of law concerning private speech of religious content or viewpoint.[87] As discussed below, this equality-based rule is instrumental to neutrality theory.[88]

Notwithstanding this unbroken line of victories for the equal treatment of religion, it must be emphasized that in each case from Widmar to Rosenberger, it was the Free Speech Clause that required nondiscrimination, thereby supplying the victory. It remains to be explored below whether the neutrality principle can make the transition from an equality right in free speech to a right of equal participation in direct financial aid programs.[89]

Before continuing with the argument for neutrality theory based on the most recent Supreme Court cases, a digression is necessary to address the rationale for grounding the major competitor to separationism in the juridical concept of governmental neutrality rather than equality. As it turns out, a rule of equality works quite well when the church/state dispute is over access to benefits.[90] However, when the Establishment Clause challenge is to legislation that exempts religious organizations from regulatory burdens,[91] the normative rule of law continues to follow a separationist model. Accordingly, when the issue is relief from government-imposed burdens, religious groups want to be viewed not as equal to others, but as separate and unique.

As a juridical concept, neutrality integrates into a single coherent theory both (1) allowing religious providers equal access to benefits, and (2) allowing them separate relief from regulatory burdens. The rationale entails distinguishing between burdens and benefits.

The Supreme Court has repeatedly held that the Establishment Clause is not violated when government refrains from imposing a burden on religion, even though that same burden is imposed on the nonreligious who are otherwise similarly situated. Corporation of Presiding Bishop v. Amos[92] is the leading case. Amos upheld an exemption for religious organizations in federal civil rights legislation. The exemption permitted religious organizations to discriminate on a religious basis in matters concerning employment. Finding that the exemption did not violate the Establishment Clause, the Court explained that ''it is a permissible legislative purpose to alleviate significant governmental interference with the ability of religious organizations to define and carry out their missions.''[93] When the Court permits a legislature to exempt religion from regulatory burdens, it enables private religious choice.

The Court's rationale is twofold. First, to establish a religion connotes that a government must take some affirmative step to achieve the prohibited result. Conversely, for government to passively ''leave religion where it found it'' logically cannot be an act establishing a religion.[94] Referencing the First Amendment's text, the words ''shall make no law''[95] imply the performance of some affirmative act by government, not maintenance of the status quo. Stating the practical sense of the matter, Professor Laycock observed that ''(t)he state does not support or establish religion by leaving it alone.''[96] Second, unlike benefit programs, religious exemptions reduce civil/religious tensions and minimize church/state interactions, both matters that enhance the nonentanglement so desired by the Establishment Clause.[97]

Should the Court in the future permit a legislature to design welfare programs that confer direct assistance without regard to religion, it would be following a rule of equal treatment as to religion. However, exemptions from burdens and equal treatment as to benefits have a common thread that ties the two together. In following an equality-based rule as to benefits, equality is not an end in itself but a means to a higher goal. That goal is the minimization of the government's influence over personal choices concerning religious beliefs and practices. The goal is realized when government is neutral as to the religious choices of its citizens. Thus, whether pondering the constitutionality of exemptions from regulatory burdens or of equal treatment as to benefit programs, in both situations the integrating principle is neutralizing the impact of governmental action on personal religious choices.[98] From that common axis, it makes sense to agree with the Court's holding, in cases such as Amos, that religious exemptions from legislative burdens are consistent with the Establishment Clause, and, on the other hand, to insist that the Establishment Clause permits the equal treatment of religion when it comes to financial benefits.[99]

It would be rhetorical, but still a fair comment, to say that in neutrality theory religion gets the best of both worlds: religion is free of burdens borne by others but shares equally in the benefits.[100] However, this observation is not an argument against the neutrality principle but a commendation of it. No one need apologize for a model of church/state relations that maximizes religious liberty (subject, of course, to the reasonable demands of organized society) and limits the power of the modern regulatory state. This combination of liberty and limits is what the First Amendment is about. It was the First Amendment, after all, that expressly singled out religion as an attribute of human nature that called for special treatment.

Previously mentioned were two cases handed down by the Court in late June of 1995: Capitol Square Review and Advisory Board v. Pinette,[101] and Rosenberger v. Rector and Visitors of the University of Virginia.[102] They represent the Court's most recent pronouncements on the Establishment Clause. Notably, the two newest appointees to the Court, Justices Ginsburg and Breyer, were members of the Court by then and heard both cases.

The prima facie claim in both of these cases was that private religious speech was denied equal access to a public forum, in violation of the Free Speech Clause. The Court agreed. Further, in both cases the government sought to justify its discriminatory treatment of religious speech as being compelled by the Establishment Clause. A majority of the Justices rejected this defense. Hence, the result in both cases is more consistent with a theory of neutrality than of separationism.

In Pinette, the Ohio Ku Klux Klan sought a permit to place a display consisting of a Latin cross in Capitol Square, a public area surrounding the statehouse. The square was otherwise open for private displays sponsored by a variety of citizen groups. The State denied the permit, claiming that the cross would be viewed as an endorsement of religion in violation of church/state separation.[103]

By a vote of seven to two the Court sided with the Klan. All of the Justices in the majority believed that placement of the cross by a private group was not barred by the Establishment Clause. However, these seven Justices generated four opinions, none of which commanded a five-vote majority concerning the application of the Establishment Clause to these facts.

Justice Scalia, joined by Chief Justice Rehnquist and Justices Kennedy and Thomas, believed that the exclusion of a private religious symbol from a public forum could never be justified by the Establishment Clause. Long-standing free speech doctrine required that there be no discrimination as to content, and religious speech was not to be singled out for special scrutiny. The mere fact that onlookers might view a religious display and mistake it for the message of the state was no reason to suppress private speech. Rather, the solution to the problem of the mistaken observer is not to suppress the speech, but to correct the erroneous conclusion concerning the source of the message. So long as the government treats all speakers equally and does nothing to intentionally foster the onlooker's mistake, the government has done all that the establishment Clause requires.[104]

Justice O'Connor wrote separately about the mistaken observer.[105] Applying an endorsement test, Justice O'Connor said that in some instances the Establishment Clause imposed a duty on the state to take steps to disclaim sponsorship of a private religious message.[106] In her view, a government's formal equality toward religion may not always be enough. In circumstances in which, for example, private religious messages ''so dominate a public forum that a formal policy of equal access is transformed into a demonstration of approval'' in the eyes of an objective observer, the Establishment Clause requires the state to take affirmative measures to see to it that religion is not advanced.[107]

Justice Souter, joined by Justices O'Connor and Breyer, write separately about the inadequacy of facial equality. Justice Souter agreed that equal treatment of religion should narrowly prevail on these facts. However, this was because his concern for the appearance of state endorsement of religion could be remedied by requiring the affixing of a sign to the cross disclaiming official sponsorship. Such a disclaimer, of course, would be required only when the content of the speech is religious. Hence, the appropriate response, in Justice Souter's opinion, is not a facially neutral policy. Rather, the law ought to respond to private religious speech as a ''handle with care'' item. In Justice Souter's view, an access rule that is nondiscriminatory in purpose is required of the state, but by itself is insufficient. ''Effects matter to the Establishment Clause.''[108] The tone and content of Justice Souter's opinion left little doubt that in his view church/state separation, rather than even-handed treatment, is the dominant concern of the First Amendment.

Justices Stevens and Ginsburg dissented in separate opinions. Justice Stevens believed that the Establishment Clause created ''a strong presumption against the installation of unattended religious symbols on public property.''[109] Thus, in his view separationism subordinates the Free Speech Clause and its rule of equal treatment.

Justice Ginsburg was even more extreme, articulating not a presumption but an absolute rule of religious expulsion. She was of the opinion that ''(i)f the aim of the Establishment Clause is genuinely to uncouple government from church,'' then ''a State may not permit, and a court may not order, a display of this character.''[110] As authority for this absolutist separationism, Justice Ginsburg cited a law review article. The article is openly hostile to the contributions of traditional religion and urges that it be driven out of the public square.[111] It is deeply disturbing that Justice Ginsburg, in her first opinion concerning religion as a Supreme

Court Justice, would cite with approval this article with its brutish regard for religion and religious expression.

In Rosenberger,[112] decided the same day as Pinette, a university-recognized student organization published a newspaper known as Wide Awake. The newspaper ran a number of stories on contemporary matters of interest to students such as racism, homosexuality, eating disorders, and music reviews, all from an unabashedly Christian perspective.[113] The university provided student newspapers work space and paid the expenses of printing these publications. The printing costs were paid from a fund generated by a student activity fee.[114] The university refused to reimburse the cost of printing Wide Awake. The refusal was pursuant to a policy disqualifying printing costs for groups promoting ''a particular belief in or about a deity or ultimate reality.''[115] The student sued, claiming this was yet another instance of discrimination against private religious speech in violation of the Free Speech Clause. The university sought to justify its discriminatory treatment as required by a no-aid interpretation of the Establishment Clause.[116]

By a vote of five to four, the Court ruled in favor of the students and directed the university to treat Wide Awake the same as other student publications, without regard to the newspaper's religious perspective. Justice Kennedy wrote the majority opinion, and was joined by Chief Justice Rehnquist and Justices O'Connor, Scalia, and Thomas. Justice Kennedy determined that the university had created a limited public forum for student expression on a wide array of topics.[117] Further, the denial of student activity funds to pay for the cost of printing Wide Awake was discrimination on the basis of the newspaper's Christian viewpoint concerning topics otherwise permitted in the forum.[118] The university's policy denied funding not because Wide Awake was a religious organization, but because of its religious perspective.[119] Justice Kennedy also rejected the argument that providing student groups with a scarce resource such as money differed from providing abundant resources such as classroom meeting space. Whether abundant or in limited supply, the university could not dispense its resources on a basis that was viewpoint-discriminatory.[120]

Justice Kennedy went on to reject the university's argument that providing direct funding for a newspaper with a religious perspective was prohibited by the Establishment Clause. In so doing, Justice Kennedy stated a rule of law consistent with neutrality theory, although he added that compliance with a neutrality rule was a significant factor—but not itself sufficient—in finding that the Establishment Clause was not violated:

A central lesson of our decisions is that a significant factor in upholding governmental programs in the face of Establishment Clause attack is their neutrality towards religion. . . . (I)n enforcing the prohibition against laws respecting establishment of religion, we must be sure that we do not inadvertently prohibit the government from extending its general state law benefits to all its citizens without regard to their religious belief. . . . We have held that the guarantee of neutrality is respected, not offended, when the government, following neutral criteria and evenhanded policies, extends benefits to recipients whose ideologies and viewpoints, including religious ones, are broad and diverse.[121]

Continuing, Justice Kennedy assessed both the purpose and ''practical details'' of the university's program. The university's purpose was clearly not the advancement of religion. The student activity fee was to promote a wide variety of speech of interest to students. Hence, the fee was unlike an earmarked tax for the support of religion.[122] As to the ''practical details'' that augured in favor of constitutionality, Justice Kennedy noted that state funds did not flow directly into the coffers of Wide Awake; rather, the newspaper's outside printer was paid by the university upon submission of an invoice.[123] Further, Justice Kennedy noted that Wide Awake was a student publication, ''not a religious institution, at least in the usual sense of that term as used in our case law, and it is not a religious organization as used in the University's own regulations.''[124]

Although she joined the majority opinion, Justice O'Connor had greater difficulty concluding that the Establishment Clause was not transgressed on these facts. As between separatistic and neutrality models, she declared that Rosenberger did not elevate neutrality as the new paradigm:

The Court's decision today therefore neither trumpets the supremacy of the neutrality principle nor signals the demise of the funding prohibition in Establishment Clause jurisprudence.[125]

Accordingly, separationism appears to be Justice O'Connor's starting point in cases involving direct funding of religious organizations. However, she found several mitigating details which on balance satisfied her that providing assistance in this case did not carry the danger of governmental funds' endorsing a religious message. First, university policies made it clear that the ideas expressed by student organizations, including religious groups, were not those of the university. Second, the funds were disbursed in a manner that ensured monies would be used only for the university's purpose of maintaining a robust marketplace of ideas. Finally, Justice O'Connor noted the possibility that students who objected to their fees going toward ideas they opposed might not be compelled to pay the entire fee.[126]

In addition to joining the majority opinion, Justice Thomas wrote separately to criticize the historical account in Justice Souter's dissent. Justice Thomas agreed with Justice Souter that history indicated that the Founders intended the Establishment Clause to prevent earmarking a tax for the support of religion.[127] However, the equal participation of religious and nonreligious groups in a direct-aid program funded out of general tax revenues was never an issue faced by the founding generation.[128] Hence, in Justice Thomas's view, it is not prohibited by the Establishment Clause.

Justice Souter dissented, joined by Justices Stevens, Ginsburg, and Breyer. Concerning a direct-aid program funded by public monies, Justice Souter stated that any such program was unconstitutional if it used public monies to support religion.[129] Hence, the four dissenting Justices followed a separatistic model.

Justice Souter severely criticized Justice Kennedy's opinion insofar as it made distinctions based on certain factual peculiarities of the case: The funds going directly to the printer, not to the publication; the funds originating from student fees, not taxes; and the newspaper not being a religious organization, although it espoused overtly religious beliefs.[130] The ''practical details'' section of Justice Kennedy's opinion does appear to focus on minutiae. These are indeed chimerical distinctions on which the Establishment Clause is seemingly made to turn. In fairness to Justice Kennedy, however, he may have been forced into these rationalizations in order to keep Justice O'Connor with the majority. She supplied the crucial fifth vote. But if keeping Justice O'Connor from separately concurring explains Justice Kennedy's attention to ''practical details,'' it came at a high price: Officials and judges who do not like the result in Rosenberger have plenty of fine distinctions to manipulate so as to confine the case's holding narrowly to its facts.

In summary, concerning the constitutionality of general programs of direct aid, from Pinette and Rosenberger we learn that presently four Justices are prepared to allow a rule of neutrality, four Justices remain entrenched in separationism as their theory, and Justice O'Connor is the swing vote. Although it is clear that facial neutrality alone is insufficient, Justice O'Connor was unwilling to commit to any broader statement of general legal principles. It must be conceded that her instinct in these cases is not to begin with neutrality theory, but to follow a weak version of separationism.[131] She starts with a presumption of no aid, but then advises weighing the totality of the circumstances. If the legislation is facially neutral as to religion, if the program is administered so that there is no appearance of official endorsement of religion, and if there are sufficient safeguards against the welfare program's functioning as a subterfuge for channeling tax monies to support religion, then she will allow a rule of neutrality.[132]

In Rosenberger, as in Widmar, Lamb's Chapel, and Pinette, it was the Free Speech Clause that compelled the equal treatment of religion.[133] In the absence of the free speech claim, there was no indication the Court would have required—as a matter of constitutional right—that religion be treated equally in welfare programs. It is uncertain whether the Court will do so.[134] All that can be said with assurance is that should a legislature choose to treat religion in a nondiscriminatory manner when designing a program of aid, then a slim majority of the present Court will uphold the aid. Accordingly, religious social service providers have no certainty of equal treatment, but it is permitted.[135]

As we look at the progression from Widmar to Rosenberger in terms of the Court's attitude toward enabling personal religious choice, there is a logical continuum. The Court has moved toward neutralizing government's impact on religious belief and practice. In Widmar, the Establishment Clause was not violated when the government provided a direct benefit in the form of reserved meeting space (classrooms, heat, and light) because of the larger public purpose at issue—enriching the marketplace of ideas. In Rosenberger, the Establishment Clause was not violated when the government provided a direct benefit in the form of funding (paid printing costs) for the same reason as in Widmar—the larger public purpose of enriching the marketplace of ideas. Both the classroom space and payment of printing costs were valuable benefits to which a sum certain could be assigned. Free access to other forms of valuable direct benefits easily come to mind: Bulletin boards, photocopy machines, computers for word processing and e-mail, facsimile machines, organizational mailboxes, organizational office space, and even something as common as use of a telephone. All of these direct benefits when provided to a wide variety of student organizations, including organizations that are either religious or have religious viewpoints, would be permitted by the Widmar/Rosenberger interpretation of the Establishment Clause.

Indeed, there is no logical stopping place as the circumstance evolves from funding private expression without regard to religion to funding a social program without regard to religion. The essential requisite, as far as the Establishment Clause is concerned, is that in the case of expression, the creation of the public forum have a public purposes. In the case of a social service program, its enactment must have a public purpose as well.

The general principle of law that emerges is that the Establishment Clause is not violated when, for a public purpose, a program of direct aid is made available to an array of providers selected without regard to religion. In recently enacting the Church Arson Prevention Act,[136] Congress made use of this principle. Section 4(a) of the Act enables nonprofit organizations exempt under S 501(c)(3) of the Internal Revenue Code, which are victims of arson or terrorism as a result of racial or religious animus, to obtain federally guaranteed loans through private lending institutions.[137] This of course means churches can obtain the necessary credit to repair or rebuild their houses of worship at reduced rates. This Act, quite sensibly, treats churches the same as all similarly situated exempt nonprofit organizations. The public purpose is to assist the victims of crime. The federal guarantee represents a form of direct aid to religion, but because the aid is neutrally available to all 501(c)(3) organizations, it does not violate the Establishment Clause.

In the context of welfare legislation, the public purpose is for government and the independent sector to engage in a cooperative program that addresses the temporal needs of the ultimate beneficiaries,[138] and to do so in a manner that enhances the quality or quantity of the services to those beneficiaries. If some of the providers happen (indeed, are known) to be religious, and in the course of administering their programs they integrate therein religious beliefs and practices, that is of no concern to the government. As long as the beneficiaries have a choice as to where they can obtain services, thereby preventing any religious coercion of beneficiaries, and as long as the public purpose of the program is met,[139] the government's interest is at an end.[140]

For a welfare program to have a public purpose, more is required than that the program merely be facially neutral as to religion.[141] The legislation must have as its genuine object the pursuit of the good of civil society. Permissible public purposes encompass health (including freedom from addictions), safety, morals, or meeting temporal needs, such as shelter, food, clothing, and employment.

Unlike separationism, in neutrality theory it makes no difference whether a provider is ''pervasively sectarian'' or whether the nature of the direct aid is such that it can be diverted to a religious use.[142] Most importantly, the courts no longer need to ensure that governmental funds are used exclusively for ''secular, neutral, and nonideological purposes''[143] as opposed to worship or religious instruction. Neutrality theory eliminates the need for the judiciary to engage in such alchemy.

For faith-based providers to retain their religious character, programs of aid must be written to specially exempt them from regulatory burdens that would frustrate or compromise their religious character. Not only is this essential to attracting their participation, but it is in the government's interest for these providers to retain the spiritual character so central to their success in rehabilitating the poor and needy.[144] The line of cases typified by the holding in Amos gives assurance that the adoption of such exemptions do not violate the Establishment Clause.[145]

In neutrality theory it might be asked, ''Just what is left of the Establishment Clause?'' The answer is, ''Quite a lot!'' In addition to the several applications noted elsewhere in this Article,[146] the Establishment Clause continues to prohibit the government from adopting or administering a welfare program out of a purpose that is inherently religious.[147] For example, the no-establishment principle does not permit as the object of legislation the pursuit of worship, religious teaching, prayer, proselytizing, or devotional Bible reading.[148] Characterizing the purpose of a program of aid as ''nonsectarian'' or ''secular'' should be avoided, for that just clouds the issue. Mere overlap between a statutory purpose and religious belief or practice does not, without more, make the legislation unconstitutional.[149] Finally, although the Establishment Clause does require a public purpose, the neutrality principle is not concerned with unintended effects among religions. Accordingly, the Establishment Clause is not offended should a general program of aid affect, for good or ill, some religious providers more than others,[150] as long as any disparate effect is unintentional.[151]

State constitutions also address the matter of church/state relations, sometimes in terms that are more separatistic than the Supreme Court's interpretation of the Establishment Clause.[152] A program of aid that successfully navigates the First Amendment can nonetheless go aground on claims based on state constitutional law. However, if the welfare program is federal or federal revenues are shared with the states, then these state constitutions can be preempted by Congress.

CONCLUSION

As one facet of the nation's overall effort to reform welfare, it is imperative to increase the involvement of the independent sector in the delivery of government-assisted social services. A significant part of the voluntary sector presently engaged in social work consists of faith-based nonprofit organizations. Indeed, these religious charities are some of the most efficient social service providers, as well as among the most successful, measured in terms of lives permanently changed for the better.[153] Although some faith-based providers have been willing to participate in government-assisted programs, many are wary about involvement with the government because they rightly fear the debasing of their religious characters and expression.[154] Consequently, what is needed is legislation that invites the equal participation of faith-based organizations as social service providers, while safeguarding their religious character, which is the very source of their genius and success.

Achieving this goal will require change in how Americans conceive of the role of modern government, which fortunately is already underway. For starters, the activity of government must not be thought of as monopolizing the ''public.'' Rather, civil society is comprised of many intermediate institutions and communities that also serve public purposes, including the independent sector of nonprofit faith-based providers.

Further, independent sector providers that opt to participate in a government welfare program are not in any primary sense to be regarded as ''beneficiaries'' of the government's assistance. Rather, it is those who are the ultimate object of the social service program—the hungry, the homeless, the alcoholic, the teenage mother—who are the beneficiaries of taxpayer funds. As they deliver services to those in need with such remarkable efficiency and effectiveness, faith-based providers, along with others in the voluntary sector, give far more in value, measured in societal betterment, than they could possibly receive as an incident of their expanded responsibilities. This is not a case of tax dollars funding religion.

Rightly interpreted, the Establishment Clause does not require that faith-based providers censor their religious expression and secularize their identity as conditions of participation in a governmental program. So long as the welfare program has as its object the public purpose of society's betterment—that is, help for the poor and needy—and so long as the program is equally open to all providers, religious and secular, then the First Amendment requirement that the law be neutral as to religion is fully satisfied.

Neutrality theory has the additional virtue of eliminating existing ''conflict'' among the clauses of the First Amendment. By not discriminating between ''pervasively'' and ''non-pervasively sectarian'' organizations, the Court's interpretation of the Establishment Clause is brought into line with the rule of Larson v. Valente[155] prohibiting intentional discrimination among religious groups, and avoids as well excessive inquiry into the character of religious organizations.[156] By not discriminating in favor of secular organizations over religious organizations through the funding of only the former, the Court's interpretation of the Establishment Clause is brought into line with the rule of Church of the Lukumi Babalu Aye, Inc. v. City Hialeah[157] prohibiting intentional discrimination against religion. And by not discriminating against private religious speech in either content or viewpoint, the Court's interpretation of the Establishment Clause is in line with longstanding free speech doctrine as adhered to in Rosenberger. The separationist view that when in ''conflict,'' the Establishment Clause subordinates the Free Exercise and Free Speech Clauses has heightened religious tensions over political matters. Contrariwise, the neutrality principle promises to reduce political factionalism along religious lines.

As First Amendment law evolves away from separationism and in the direction of neutrality theory, it is inevitable that there will be setbacks. But the neutrality principle has about it the march of an idea, one that is compelling because it unleashes liberty, limits government, and reinvigorates citizen involvement at the neighborhood level. For the sake of America's poor and needy, we can only hope that the Supreme Court's full embrace of neutrality will come soon.

[d] This Article was first presented at a workshop on the Constitutionality of Governmental Cooperation with Religious Social Ministries on August 2–3, 1996, at Washington, D.C., sponsored by the Religious Social-Sector Project of the Center for Public Justice.

[a] Isabelle Wade & Paul C. Lyda Professor of Law, University of Missouri-Columbia. B.S., Iowa State University of Science & Technology, 1971; J.D., Cornell University, 1974.

[1] The Declaration of Independence, for example, refers to these transcending principles as ''self-evident truths,'' ''Creator-endowed inalienable rights,'' and ''the laws of nature and of nature's God.'' These higher law principles did not necessarily rest upon a

common confession of revealed truth. For some among the Founders, the principles were derived from a faith in reason. But the reliance on transcendent principles, whether extrapolated from reason or revelation, did mean agreement at the level of the moral basis for political action. See, e.g., John G. West, Jr., The Politics of Revelation & Reason: Religion & Civic Life In The New Nation (1996):

The Founders eliminated the problem of dual allegiance to God and government by removing God from the authority of the government. . . .

This solution to the theological-political problem in theory, however, required a major corollary to work in practice: a belief that church and state would agree on the moral basis of political action. . . . Only if church and state can agree on the moral standard for political action can (subjugation of religion to state or vice versa) be avoided. In other words, reason (the operating principle of civil government) and revelation (the ultimate standard for religion) must concur on the moral law for the Founders' solution to work.

The Founders, of course, agreed with this proposition. . . . This conceit that reason and revelation agreed on the moral law so permeated the Founding era that the modern reader may miss it because authors of the period more often assumed this proposition than demonstrated it. When citing authority for fundamental propositions, writers of the Founding era appealed to both reason and revelation as a matter of course. Id. at 74–75.

[2] See, for example, James Madison's letter wherein he observes how the Virginia churches had greatly expanded in number and reputation since disestablishment. Letter to Edward Livingston (July 10, 1822), in 3 Letters and Other Writings of James Madison, Fourth President of the United States 273, 276 (1865) (''(in) Virginia. . . . religion prevails with more zeal and a more exemplary priesthood than it ever did when established. . . . Religion flourishes in greater purity without, than with the aid of Government'').

That keenest of observers, Alexis de Tocqueville, sketched this delicate balance in operation during his visits to the America of the 1830s:

Religion, which never intervenes directly in the government of American society, should . . . be considered as the first of their political institutions. . . .

I do not know if all Americans have faith in their religion—for who can read the secrets of the heart?—but I am sure that they think it necessary to the maintenance of republican institutions. That is not the view of one class or party among the citizens, but of the whole nation; it is found in all ranks.

For the Americans the ideals of Christianity and liberty are so completely mingled that it is almost impossible to get them to conceive of the one without the other. . . .

The religious atmosphere of the country was the first thing that struck me on arrival in the United States. The longer I stayed in the country, the more conscious I became of the important political consequences resulting from this novel situation.

In France I had seen the spirits of religion and of freedom almost always marching in opposite directions. In America I found them intimately linked together in joint reign over the same land. My longing to understand the reason for this phenomenon increased daily. To find this out, I questioned the faithful of all communions. . . . I found that (American Catholic priests) all . . . thought that the main reason for the quiet sway of religion over their country was the complete separation of church and state. I have no hesitation in stating that throughout my stay in America I met nobody, lay or cleric, who did not agree about that. Alexis de Tocqueville, Democracy In America 269–72 (J.P. Mayer & Max Lerner, eds., Harper & Row 1966).

[3] Os Guinness, The American Hour: A Time of Reckoning and the Once and Future Role of Faith 18–19 (1993).

[4] See Stephen L. Carter, The Culture of Disbelief: How American Law and Politics Trivialize Religious Devotion (1993); James Davison Hunter, Culture Wars: The Struggle to Define America (1991).

[5] Some have puzzled as to why broad coalitions, like that behind the Religious Freedom Restoration Act of 1993, 42 U.S.C. §§ 2000bb to 2000bb–4 (1994), can come together over the meaning of the Free Exercise Clause but not the Establishment Clause. The Free Exercise Clause is about protecting religiously informed conscience, especially freedom for religious minorities to continue practices that are out of step with the general culture. Most everyone who cares about religion agrees on the desirability of protecting these matters. This is not the case, however, with the Establishment Clause. Where the stakes are high, as in the culture wars, there can be little coalition building between social liberals and social conservatives or between theological liberals and theological conservatives.

[6] 330 U.S. 1 (1947). While narrowly upholding a state law permitting local authorities to reimburse parents for the cost of transporting children to school, including church-related institutions, the rhetoric and historical method adopted by the Court in Everson were separatistic.

[7] See e.g., Rosenberger v. Rector & Visitors of the Univ. of Va., 115 S. Ct. 2510, 2528 (1995) (O'Connor, J., concurring) (contrasting the ''neutrality principle'' with the ''funding prohibition'' view of the Establishment Clause); Kiryas Joel Village Sch. Dist. v. Grumet, 512 U.S. 687, 704 (1994) (''(The (neutrality) principle is well grounded in our case law, as we have frequently relied explicitly on the general availability of any benefit provided religious groups or individuals in turning aside Establishment Clause challenges.'') Bowen v. Kendrick, 487 U.S. 589, 624 (1988) (Kennedy, J., concurring) (characterizing a social service program open to a diverse array of organizations neutral as to religious and nonreligious applicants).

[8] 454 U.S. 263 (1981). Widmar held that the Free Speech Clause, with its requirement that there be no content-based discrimination, is not overridden by the Establishment Clause. Id. at 271–75. Accordingly, a state university was prohibited from denying a student religious organization the same access to facilities provided to other student organizations, thereby permitting the students to meet, pray, sing, and worship on campus.

[9] Religious choices by an individual believer or by a religious group are not differentiated in this Article. Individual rights are akin to the group rights of a church or religious denomination as long as the organization can show injury-in-fact to the purposes or activities of the group itself, or when the organization has third-party standing to assert a rights claim on behalf of its members pursuant to the three-part test set out in Hunt v. Washington State Apple Advertising Commission, 432 U.S. 333, 343 (1977).

[10] The term ''neutrality'' can mislead readers into believing that the theory claims to be substantively neutral. It is not. The theory is neutral only in the sense that government minimizes its role in influencing the religious choices of its citizens, thereby leaving persons free to make these choices for themselves, Government does so, for example, by structuring its social welfare programs to give citizens wide choices, with religious choices being among the available selections.

To further confuse matters, courts and commentators sometimes use ''equal'' as a substitute for ''neutral,'' See, e.g., Stephen V. Monsma & J. Christopher Soper, eds., Equal Treatment of Religion in a Pluralist Society (forthcoming 1997). In this context, ''neutrality'' and ''equality'' are intended to convey the same meaning. Whether termed the ''neutrality principle'' or ''equal-treatment review,'' the theory stakes out substantiative positions as to the nature and contemporary value of religion and the purposes of modern government. The theory places a great deal of importance on the religious impulse in human nature. And the theory assigns to government a minimal role in directing religion, seeking to limit government to addressing the reasonable regulatory needs for the protection of organized society.

[11] One of the conceits of modernism is that humankind acting alone, through reason and scientific observation, can determine universal truths, the Jewish and Christian traditions will test any such ''universals'' against the special revelation of Scripture. Postmodernists, like observant Jews and traditional Christians, dismiss the professed objectivity or claimed neutrality of modernists as arrogant pretensions. Without embracing the rest of their philosophy, religionists can agree with postmodernists that human reason—and hence one of its products, the positive law—is contingent on time, place, perception, and culture. See generally Stanley J. Grenz, A Primer on Postmodernism (1966); Gene Edward Veith, Jr., Postmodern Times: A Christian Guide to Contemporary Thought and Culture (1994). Thus, when engaging the church/state debate, observant Jews and traditional Christians may be disarmingly candid and lose nothing in the bargain by conceding that there is no neutral theory concerning the proper interpretation of the Establishment Clause. Rather, the question for Jews and Christians is to determine which theory of church/state relations most nearly comports with the biblical image of life's purpose, as well as the proper role of the political community.

[12] Direct forms of assistance come not just as payments on specified-use grants or purchase-of-service contracts, but in a variety of other forms as well; high-risk loans, low-interest loans, and government-guaranteed loans; tax-exempt low-interest bonds for capital improvements; insurance at favorable premiums; in-kind donations of goods such as used furniture or surplus food; free use of government property, facilities, or equipment; free assistance by government personnel to perform certain tasks; free instruction, consultation, or training by government personnel; and reduced postal rates. Office of Management and Budget, Executive Office of the President, Catalog of Fed. Domestic Assistance xv–svi (29th ed. 1995). The catalog lists and defines 15 types of federal assistance. As classified by the General Services Administration, federal benefits and services are provided through seven categories of financial assistance (grants, insurance, donated property, etc.) and eight categories of nonfinancial assistance (training,

counseling, supplying technical literature, investigation of complaints, etc.). Id. See also Douglas J. Besharov, Bottom-up Funding, in To Empower People: From State to Civil Society 124 (Michael Novak ed., 2d ed. 1996) (comparing the strengths and weaknesses that arise when funding comes directly and indirectly from government).

[13] Indirect forms of assistance include: individual income tax credits and deductions; student scholarships, fellowships, and guaranteed loans; and educational vouchers and federal child care certificates. Indirect assistance can be further divided. Vouchers and scholarships, for example, are types of indirect aid where the immediate source of the benefit is the government. On the other hand, indirect benefits such as tax credits and deductions are examples of so called ''bottom-up'' aid, in which the immediate source of aid is private. The government's role in connection with this second type of indirect assistance is to facilitate the flow of aid by rewarding the private source after the fact. The distinction between these two types of indirect assistance may enter into certain policy debates and decisions made by legislators. However, the Supreme Court has not made use of this distinction for purposes of interpreting the Establishment Clause.

[14] See infra notes 90–100 and accompanying text.

[15] 463 U.S. 388 (1983) (upholding a state income tax deduction conferred on school parents to assist in their children's tuition and other educational expenses).

[16] 474 U.S. 481 (1986) (upholding a state vocational grant program to finance a blind individual's training at a sectarian school to obtain a degree to enter a religious vocation).

[17] 509 U.S. 1 (1993) (providing an interpreter to a deaf student attending a parochial high school does not violate the Establishment Clause). Even Everson v. Board of Educ., 330 U.S. 1 (1947), which upheld a state law allowing local governments to provide reimbursement to parents for the expense of transporting their children by bus to school, including to parochial schools, can also be characterized as having subscribed to this direct/indirect distinction.

[18] See Rosenberger v. Rector & Visitors of the Univ. of Va., 115 S. Ct. 2510, 2541 (1995) (Souter, J., dissenting, writing for himself and Justices Stevens, Ginsburg, and Breyer) (acknowledging the rule applied in Mueller, Witters, and Zobrest.

[19] See 26 U.S.C. §§170, 501(c)(3)(1994).

[20] 38 U.S.C. §§3201–3243 (1994).

[21] See, e.g., Federal Pell Grants, 20 U.S.C. §1070a (1994); 34 C.F.R. §690.78. An eligible student for a Pell grant is defined in 20 U.S.C. §1091 (1994). Students may utilize their grant at an institution of higher education (§1088) or other eligible institution (§1094). Church-affilated colleges and universities are not excluded.

[22] The Child Care and Development Block Grant Act of 1990, 42 U.S.C. §§9858–9858q (Supp. 1996). The Act allows parents receiving child care certificates from the government to obtain child care at a center operated by a church or other religious organization, including a pervasively sectarian center. Id. at §§9858n(2), 9858k(a), 9859c(c)(2)(A)(i)(I).

[23] See §104(j) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. §604a (1996 Supp.). Section 104 is known by the popular name of ''Charitable Choice.'' Charitable Choice permits states to involve faith-based providers in the delivery of welfare services funded by the federal government though block grants to the states. Where the form of the assistance is indirect, such as by means of certificates or vouchers, the faith-based providers are not restricted as to their religious activities.

[24] To be sure, care must be exercised in the design of the welfare program. If only voluntary sector providers are eligible and if most of these providers are faith-based, then the case law may support overturning the program as having a primary religious effect. See Committee for Pub. Educ. v. Nyquist, 413 U.S. 756 (1973) (striking down a state educational program that was designed to aid only nonpublic schools); Similar to Nyquist is Sloan v. Lemon, 413 U.S. 825, 833–35 (1973) (holding unconstitutional a state tuition reimbursement plan available only to parents of nonpublic school students).

Because the plan in Nyquist excluded government schools, Nyquist is distinguishable from Mueller, Witters, and Zobrest. See Durham v. McLeod, 192 S.E.2d 202 (S.C. 1972), dismissed for want of a substantial federal question, 413 U.S. 902 (1973) (decided on the same day the Court decided Nyquist). In Durham, the state court had upheld a student loan program wherein students could attend the college of their choice, religious or nonreligious. The Supreme Court apparently approved. Likewise, the Court in Nyquist said that educational assistance provisions such as the G.I. Bill do not violate the Establishment Clause even when some GIs choose to attend church-affiliated colleges. 413 U.S. at 782 n.38 (leaving open the option of ''some form of public assistance (e.g., scholarships) made available generally without regard to the sectarian/nonsectarian, or public/nonpublic nature of the institution benefited'').

[25] See Norwood v. Harrison, 413 U.S. 455, 462 (1973); Everson v. Board of Educ., 330 U.S. 1, 16 (1947) (dictum); Brusca v. State Bd. of Educ., 332 F. Supp. 275 (E.D. Mo. 1971), aff'd mem., 405 U.S. 1050 (1972).

[26] Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah, 508 U.S. 520 (1993); McDaniel v. Paty, 435 U.S. 618 (1978).

Should such case ever arise, separationists will argue that there is a compelling interest in overriding the Free Exercise Clause, namely the ''no aid'' interpretation of the Establishment Clause. There are no Supreme Court cases on this precise point. However, the recent case of Rosenberger v. Rector & Visitors of the Univ. of Va., 115 S. Ct. 2510 (1995), did uphold direct aid to a publication with an overtly religious viewpoint. The Establishment Clause was found not to prohibit the direct funding. Hence, compliance with the Clause was not a compelling governmental interest. See infra notes 112–30 and accompanying text.

A recent case in the Sixth Circuit, citing Church of the Lukumi, held that the U.S. Army violated the Free Exercise Clause when it excluded religious but not secular child care providers from operating on its bases and receiving various direct benefits. Hartman v. Stone, 68 F.3d 973 (6th Cir. 1995). The appeals court went on to hold that the governmental assistance did not advance or endorse religion in violation of the Establishment Clause. In all respects, Hartman appears to have correctly applied Supreme Court precedent.

[27] The Court has constructed a society in which faith-based providers deliver their welfare services within discrete and clearly defined boundaries easily segregated from the provider's religious beliefs and practices. For a thorough debunking of the Court's sacred/secular dichotomy, see Laura Underkuffler-Freund, The Separation of the Religious and the Secular: A Foundation challenge to First Amendment Theory, 36 Wm. & Mary L. Rev. 837 (1995).

[28] In neutrality theory, the activities of ''government'' do not monopolize the ''public.'' At present—as well as historically—faith-based charities comprise a large number of the available voluntary sector social service providers, and they operate many of the most efficient and successful programs. As long as the government's welfare program furthers the public purpose of society's betterment—that is, helping the poor and the needy—it is neutral as to religion if the program involves faith-based providers on an equal basis with all others.

[29] In neutrality theory, the independent sector providers of social services who opt to participate in a government's welfare program are not in any primary sense ''beneficiaries'' of the government's assistance. Because they deliver services to those in need, faith-based providers give far more in valve measured by societal betterment than they could possibly receive as an incident of their expanded responsibilities.

[30] The Court has not always required proof of actual advancement of religion. In certain instances, the mere presence of such a risk or hazard has been sufficient to strike down the aid program. See Grand Rapids Sch. Dist. v. Ball, 473 U.S. 373, 385, 387 (1985); Wolman v. Walter, 433 U.S. 229, 254 (1977); Meek v. Pittenger, 421 U.S. 349, 370, 372 (1975); Levitt v. Committee for Pub. Educ., 413 U.S. 474, 480 (1973); cf. Bowen v. Kendrick, 487 U.S. 589, 610–12 (1988).

[31] The meaning of the term ''pervasively sectarian'' can be gleaned from the cases. In Roemer v. Board of Public Works, 426 U.S. 736, 758 (1976) (plurality opinion), the Court turned back a challenge to a state program awarding noncategorical grants to colleges, including sectarian institutions that offered more than just seminarian degrees. In discussion focused on the fostering of religion, the Court said: (T)he primariy-effect question is the substantive one of what private educational activities, by whatever procedure, may be supported by state funds. Hunt (v. McNair, 413 U.S. 734 (1973)) requires (1) that no state aid at all go to institutions that are so ''pervasively sectarian'' that secular activities cannot be separated from sectarian ones, and (2) that if secular activities can be separated out, they alone may be funded. 426 U.S. at 755. The Roman Catholic colleagues in Roemer were held not be previously sectarian. The record supported findings that the institutions employed chaplains who held worship services on campus, taught mandatory religious classes, and started some classes with prayer. However, there was a high degree of autonomy from the Roman Catholic Church, the faculty was not hired on a religious basis and had complete academic freedom except in religion classes, and students were chosen without regard to their religion.

A comparison of the colleges in Roemer with the elementary and secondary schools in Committee for Public Education v. Nyquist, 413 U.S. 756, 767–68 (1973), clarifies the term ''pervasively sectarian.'' The schools in Nyquist that were found to be pervasively sectarian placed religious restrictions on student admissions and faculty appointments, enforced obedience to religious dogma, required attendance at religious services, required religious or doctrinal study, were an integral part of the mission of the sponsoring church, had religious indoctrination as a primary purpose, and imposed religious restrictions on how and what the faculty could teach.

Although the definition of a pervasively sectarian institution has been stated in the foregoing general terms, only church-affiliated primary and secondary schools have ever been found by the Supreme Court to fit the profile. Presumably a church, synagogue, or mosque would also be regarded as pervasively sectarian insofar as it performs sacerdotal functions.

[32] See, e.g., Committee for Pub. Educ. & Religious Liberty v. Regan, 444 U.S. 646 (1980) (subsidy for state-prepared testing and recordkeeping required by law); Wolman v. Walter, 433 U.S. 229 (1977) (upholding use of public personnel to provide guidance, remedial, and therapeutic speech and hearing services at a neutral site; upholding provision of diagnostic services in the nonpublic school; upholding provision of standardized tests and state scoring); Meek, 421 U.S. 349 (loan of secular textbooks); Board of Educ. v. Allen, 392 U.S. 236 (1968) (secular textbooks).

[33] See Aguilar v. Felton, 473 U.S. 402 (1985); Grand Rapids Sch. Dist., 473 U.S. 373; New York v. Cathedral Academy, 434 U.S. 125 (1977); Wolman, 433 U.S. 229; Meek, 421 U.S. 349; Nyquist, 413 U.S. 756; Levitt, 413 U.S. 472; Lemon v. Kurtzman, 403 U.S. 602 (1971).

[34] See Roemer, 426 U.S. 736; Hunt, 413 U.S. 734; Tilton v. Richardson, 403 U.S. 672 (1971).

[35] 175 U.S. 291 (1899).

[36] In Bradfield, a corporation located in the District of Columbia known as Providence Hospital was chartered in 1864 by act of Congress. The enabling act was facially neutral in that it made no mention of religion, nor was the hospital ostensibly controlled by or associated with a church. Nevertheless, all the directors of the hospital and their successors were ''members of a monastic order or sisterhood of the Roman Catholic Church,'' and title to the real estate on which the hospital buildings were constructed was ''vested in the Sisters of Charity of Emmitsburg, Maryland.'' Id. at 297. Federal taxpayers challenged as violative of the Establishment Clause an 1897 appropriation to build on the hospital grounds ''an isolating building or ward for the treatment of minor contagious diseases,'' that when completed was to be turned over to Providence Hospital. Id. at 293. This arrangement, alleged plaintiffs, was an instance in which ''public funds are being used and pledged for the advancement and support of a private and sectarian corporation.'' Id. For consideration of the question before it, the Court assumed, arguendo, that a capital appropriation to a religious corporation would violate the Establishment Clause. The Court said plaintiffs' allegations nonetheless failed to show that Providence Hospital was a religious or sectarian body. Merely because the board of directors was composed entirely of members of the same religion did not make the hospital religious. Without additional evidence, the Court was unwilling to assume that Providence Hospital would act otherwise than in accord with its legal charter, in which its powers by all appearances were secular, having to do with the care of the injured and infirm. Although plaintiffs alleged that the hospital's business was ''conducted under the auspices of the Roman Catholic Church,'' there was no evidence that management of the business was limited to members of that faith or that patients had to be Catholic. Id. at 298–99. Bradfield turned on the inadequacies of plaintiffs' pleading and evidence. The Court also had a formalistic view of the importance of separate incorporation by means of a facially neutral charter, notwithstanding that the corporation had a de facto interlocking directorate with a religious order. Accordingly, although the bottom-line result in Bradfield was counter to a no-aid view of the Establishment Clause, the Court utilized a separatistic framework for its analysis.

[37] 487 U.S. 589 (1994).

[38] Id. at 600–02, 622.

[39] 42 U.S.C. SS 300z to 300z–10 (1994).

[40] Kendrick, 487 U.S. at 593, 608–09.

[41] Id. at 595–96, 605–07.

[42] Id. at 614–15.

[43] Id. at 608 (quoting Roemer v. Maryland Pub. Works Bd., 426 U.S. 736, 746 (1976)).

[44] Id. at 609.

[45] Lemon v. Kurtzman, 403 U.S. 602, 612–13 (1971).

[46] Kendrick, 487 U.S. at 602–03.

[47] Id. at 604–05, 613.

[48] Id. at 605–06.

[49] Id. at 606–07.

[50] Id. at 610–11.

[51] Id. at 606, 608.

[52] Id. at 611–12.

[53] Id. at 614.

[54] Id. at 615–17.

[55] See supra note 30 and accompanying text.

[56] Kendrick, 487 U.S. at 623 (O'Connor, J., concurring).

[57] Id. Justice O'Connor went on to warn that evidence of a pattern or practice at HHS of disregarding the concerns of the Establishment Clause on an as-applied basis would, in her view, warrant overturning the entire AFLA. Id. at 623–24 (O'Connor, J., concurring).

[58] In making this distinction, Justice O'Connor utilized the sacred/secular dichotomy. See supra note 27. But the dichotomy results in AFLA's constitutionality. In fact, the presumption leads to the facial approval of all welfare programs that permit equal participation by faith-based providers.

[59] 456 U.S. 228 (1982).

[60] Id. at 244, 246. See also Fowler v. Rhode Island, 345 U.S. 67 (1953); Neimotko v. Maryland, 340 U.S. 268 (1951). Religious organizations most willing to conform to contemporary culture are less sectarian. Conversely, those organizations more conservative in theology and that have resisted acculturation will inevitably appear to civil judges as more sectarian. ''To exclude from funding those groups that are more ''sectarian'' is to punish those religions which are countercultural while rewarding those groups willing to secularize. A sociologist has identified the ''pervasively sectarian'' groups as ''orthodox,'' and the ''nonsectarians'' as religious ''progressives.'' Hunter, supra note 4, at 42–46. Hunter says the religious ''orthodox'' are devoted ''to an external, definable, and transcendent authority,'' whereas ''progressives'' ''resymbolize historic faiths according to the prevailing assumptions of contemporary life.'' Id. From the standpoint of wanting to minimize governmental influence on private religious choices, it is hard to imagine a more detrimental rule than for the Supreme Court to penalize the orthodox while rewarding the progressives.

[61] Kiyas Joel Village Sch. Dist. v. Grumet, 512 U.S. 687, 702–07 (1994); see Larson V. Valenta, 456 U.S. 228, 246 n. 23 (1982). The rationale, in part, is that the Court wants to avoid making affiliation with a particular denomination or type of religious group more attractive. If this were not the law, then merely affiliating with a particular religious group could result in a civil advantage or disadvantage.

[62] One problem with the requirement of distinguished between ''pervasively'' and ''non-pervasively'' sectarian organizations is that the level of religiousness of faith-based social service providers is a matter of degree, and there are multiple ways to measure religiousness. Carl H. Esbeck, The Religious of Religious Organizations as Recipients of Governmental Assistance 8-9 (1996). Most providers are neither fully sectarian nor fully secularized. Any multifactor test the courts devise will end up favoring some religious and prejudicing others. Sorting through the array of social service providers would be a veritable briar patch and cause the judiciary to violate its own admonitions concerning entanglement.

[63] See, e.g., Rosenberger v. Rector & Visitors of the Univ. of Va., 115 S. Ct. 2510, 2524 (1995) (university should avoid distinguishing between evangelism, on the one hand, and the expression of ideas merely approved by a given religion on the other); Corporation of the Presiding Bishop v. Amos, 483 U.S. 327, 336 (1987), and id. at 344–45 (Brennan, J., concurring) (recognizing a problem when the government attempts to divine which jobs are sufficiently related to the core of a religious organization as to merit exemption from statutory duties); Bob Jones Univ. v. United States, 461 U.S. 574, 604 n.30 (1983) (avoiding potentially entangling inquiry into religious practice is desirable); Widmar v. Vincent, 454 U.S. 263, 269–70 n.6, 272 n.11 (1981) (holding that inquiries into significance of religious words or events are to be avoided); Walz v. Tax Comm'n, 397 U.S. 664, 674 (1970) (avoiding entanglement that would follow should tax authorities evaluate the temporal worth of religious social welfare programs is desirable). Likewise, in Jimmy Swaggart Ministries v. California Bd. of Equalization, 493 U.S. 378, 396–98 (1990), and Texas Monthly, Inc. v. Bullock, 489 U.S. 1, 20 (1989) (plurality opinion), the Court cautioned against unnecessarily making distinctions between core religious practices (e.g., workship, doctrinal teaching, distributing sacred literature) and those activities of religious organizations that are more ancillary (e.g, operating a soup kitchen or hospital). For similar reasons, courts are to avoid making a determination concerning the centrality of the belief or practice in question to an overall religious system. See Lyng v. Northwest Indian Cemetery Ass'n, 485 U.S. 439, 451 (1988) (rejecting free exercise test that ''depend(s) on measuring the effects of a governmental action on a religious objector's spiritual development''); United States v. Lee, 455 U.S. 252, 257 (1982) (rejecting government's argument that free exercise claim does not lie unless ''payment of social security taxes will . . . threaten the integrity of the Amish religious belief or observance''); Thomas v. Review Bd., 450 U.S. 707, 715–16 (1981) (holding that it is not within the judicial function or competence to resolve religious differences); see also Employment Div. v. Smith, 494 U.S. 872, 886–87 (1990).

[64] Kendrick, 487 U.S. at 624–25 (Kennedy J., concurring). Justice Kennedy's opinion was joined by Justice Scalia.

[65] Id. at 624 (Kennedy, J., concurring).

[66] Id. (Kennedy, J., concurring).

[67] Id. at 624–25 (Kennedy, J., concurring).

[68] Justice Kennedy's opinion is closest to the view of neutrality theorists. But he too falls short. Justice Kennedy would trace the government's funds and disallow any use for the advancement of religion. The neutrality principle, as will be discussed below, infra notes 138–43 and accompanying text, requires only that the Court examine the outcome of the welfare program with an eye to determining whether the public purpose is being

served by the social service provider. If so, then the judicial inquiry is at an end, for the government has received full ''secular'' value in exchange for taxpayer funds.

[69] There is no dispute between separationists and neutrality theorists over whether the Establishment Clause prohibits a tax or user fee earmarked for a religious purpose. It clearly does. See infra note 127 and accompanying text. What is disputed is whether monies collected by general taxation and appropriated to support a welfare program that does not discriminate against the participation of faith-based social service providers is constitutional. See infra notes 131–45 and accompanying text.

[70] Grand Rapids Sch. Dist. v. Ball, 473 U.S. 373, 385 (1985).

[71] Tilton v. Richardson, 403 U.S. 672, 689 (1971) (rejecting claim by taxpayers challenging use of revenues for funding of a state program to assist institutions of higher education, including church-affiliated colleges); cf. United States v. Lee, 455 U.S. 252, 257 (1982) (requiring Amish employer to pay Social Security tax in violation of his religious beliefs); United States v. American Friends Serv. Comm., 419 U.S. 7 (1974) (per curiam) (holding that Quakers facing federal income tax liability did not have free exercise rights that override provision in anti-injunction act barring claimants from suing to enjoin government from collecting tax). The Court has never recognized a free exercise right to object when revenues raised by general taxation are used to assist the poor or needy by involving faith-based providers in the delivery of welfare services

[72] The Court has recognized a strong protection of religious conscience found in the Free Speech Clause. See Wooley v. Maynard, 430 U.S. 705, 714–15 (1977) (sustaining claim by Jehovah's Witness challenging state requirement that motor vehicle license plate bear the motto ''Live Free or Die'' was violative of freedom of thought, which includes the ''right to refrain from speaking at all''); West Virginia v. Barnette, 319 U.S. 624, 642 (1943) (public school compulsory flag salute and pledge of allegiance ''invades the sphere of intellect and spirit''); see also United States v. Ballard, 322 U.S. 78, 86 (1944) (''Freedom of thought, which includes freedom of religious belief, is basic in a society of free men.''). But such protection does not extend to taxpayers objecting to the monies being paid to faith-based organizations.

[73] See, e.g., John H. Garvey, An Anti-Liberal Argument for Religious Freedom, 7 J. Contempt. Legal Issues 275, 280–82 (1996) (identifying liberal arguments for church/state separation as, inter alia, the protection of society from political strife); Douglas Laycock, Religious Liberty as Liberty, 7 J. Comtemp. Legal Issues 313, 317 (1996) (one reason for no-establishment principle is to minimize the societal conflict that attends use of governmental force to suppress religion); Ira C. Lupu, To Control Faction and Protect Liberty: A General Theory of the Religion Clauses, 7 J. Contemp. Legal Issues 357, 360–62 (1996) (no-establishment principle arose in response to the grave risk of political disharmony resulting from uncontrolled religious factionalism).

Typically the concern with religion dividing the body politic is buttressed by reference to European religious wars, which were known to the founding generation, as well as by warnings that point to modern-day Northern Ireland, Bosnia, or Lebanon. These are indeed events worthy of avoidance. But separationists omit an obvious distinction between these instances of sectarian strife and the goal of neutrality theory. The sectarian wars of medieval Europe were wars for religious monopoly. Each side sought to defeat the other so as to establish its own religious hegemony. Neutrality theory has no such goal. Indeed, its goal is just the opposite, If the neutrality principle were to be followed, then government's influence over religion would be minimized and each individual's religious choices would be more fully enabled. See infra note 98 and accompanying text.

In their concern for preventing sectarian strife, an additional point overlooked by separationists is that the Establishment Clause (indeed, the entire Bill of Rights) is a check on government—not a check on religion. Thus, the no-establishment principle guards against government's using its power inappropriately taking sides on behalf of a religion. Simply put, the Clause protects people from government. It does not protect people from other people. It does not protect a minority religion from a majority religion. And it does not protect the nonreligious from the religious. Separationists are prone to assume that religious ideologies are more intolerant and absolutist than secular ideologies; thus, they believe that the Establishment Clause is there specifically to hold in check the excesses of religion. But it is only the excesses of government that the Clause can check. See Douglas Laycock, Continuity and Change in the Threat to Religious Liberty: The Reformation Era and the Late Twentieth Century, 80 Minn. L. Rev. 1047, 1048, 1089–95, 1102 (1996). In the twentieth century, secular ideologies have proven every bit as violent as the sectarianisms of the Middle Ages.

[74] The most compelling argument for a continued strict separation of church and state is the harm that can befall religion itself when faith-based ministries become unduly involved with governmental programs and benefits. Preserving the autonomy of religious providers is beyond the scope of this Article. This author has touched briefly on the matter elsewhere. See Esbeck, supra note 62, at 47–51; Carl H. Esbeck, Religion and a Neutral State: Imperative or Impossibility? 15 Comberland L. Rev. 67, 80–83 (1984–85). Others have also published on the topic. See, e.g., Besharov, supra note 12; Marvin Olasky, The Corruption of Religious Charities, in To Empower People: From State to Civil Society ch. 8 (Michael Novak, ed., 2d ed. 1996); Joe Loconte, The 7 Deadly Sins of Government Funding for Private Charities, Policy Rev., Mar./Apr. 1997; Amy L. Sherman, Cross Purposes: Will Conservative Welfare Reform Corrupt Religious Charities? Policy Rev., Fall 1995, at 58–63; David Walsh, Irreducible, Inexplicable: The Effort to Carve Out a Utilitarian, Public-Policy Role for Religion Strikes at the Core of Faith, Wash. Post, Mar. 1, 1996, at A17. Nonetheless, the available materials are few and anecdotal, and religious autonomy as an important topic warrants more attention by scholars and judges alike.

[75] There was a time when the Supreme Court, in its interpretation of the Establishment Clause, sought out political divisiveness along religious lines as a violation of the Clause. However, such evidence as a separate element of Establishment Clause doctrine is now repudiated. Corporation of Presiding Bishop v. Amos, 483 U.S. 327, 339 n.17 (1987); Lynch v. Donnelly, 465 U.S. 668 684–85 (1984); Mueller v. Allen, 463 U.S. 388, 403–04 n.11 (1983). The foregoing cases essentially rejected broad language in earlier cases. See Wolman v. Walter, 433 U.S. 229, 256 (1977) (Brennan, J., concurring and dissenting); id. at 258–59 (Marshall, J., concurring and dissenting); Meek v. Pittenger, 421 U.S. 349, 374–77 (1975) (Brennan, J., concurring and dissenting); Lemon v. Kurtzman, 403 U.S. 602, 622–23 (1971). Political divisiveness analysis was heavily criticized because it ran counter to the Court's recognition elsewhere that religious persons and groups have full rights of free speech and political participation. See Edward M. Gaffney, Political Divisiveness Along Religious Lines: The Entanglement of the Court in Sloppy History and Bad Public Policy, 24 St. Louis U. L.J. 205 (1980).

[76] An example of this is found in § 104 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. § 604a (1996 Supp.). Section 104, known by the popular name ''Charitable Choice,'' permits the involvement of faith-based providers in the delivery of welfare services funded by the federal government through block grants to the states. For those faith-based providers that choose to participate, § 104(b), (d), and (f) set forth several rights of provider autonomy from excessive governmental regulation.

[77] To these three requisites (a public purpose of social betterment, nondiscrimination, and religious autonomy), neutrality theory adds the right of the ultimate beneficiaries to obtain their services from a nonreligious provider if they have a sincere objection to a particular faith-based provider. See infra note 138 and accompanying text.

[78] Some argue that the Establishment Clause, while prohibiting the establishment of a single national religion, was nevertheless intended to allow Congress to support all religious denominations on a nonpreferential basis. This is unlikely. When drafting the First Amendment the First Congress was almost entirely negative concerning the Amendment's intent, i.e., the new central government was to have no authority concerning religion. Hence, the Establishment Clause detailed what the new central government could not to rather than what it could do. Thomas J. Curry, The First Freedoms: Church and State in America to the Passage of the First Amendment 198–222 (1986). The Supreme Court rejected nonpreferentialism in Wallace v. Jaffree, 472 U.S. 38, 68 (1985) (O'Connor J., concurring); id. at 113 (Rehnquist, J., dissenting). See also Lee v. Weisman, 505 U.S. 577, 612–18 (1992) (Souter, J., concurring); Douglas Laycock, ''Nonpreferential'' Aid to Religion: A False Claim About Original Intent, 27 Wm. & Mary L., Rev. 875 (1986). For arguments in support of nonpreferentialism, see Wallace, 472 U.S. at 98 (Rehnquist, J., dissenting); Robert Cord, Separation of Church and State: Historical Fact and Current Fiction (1988); Michael Malbin, Religion and Politics: The Intentions of the Authors of the First Amendment (1978); Rodney K. Smith, Nonpreferentialism in Establishment Clause Analysis: A Response to Professor Laycock, 65 St. John's L. Rev. 245 (1991).

For present purposes it is important that the neutrality principle not be confused with nonpreferentialism. The distinction is clearly drawn in Justice Thomas's concurring opinion in Rosenberger v. Rector & Visitors of the Univ. of Va., 115 S. Ct. 2510, 2528–30 (1995) (Thomas J., concurring).

[79] Although the Supreme Court has never had before it a situation involving a direct program of aid for religious organizations alone, obiter dicta in various cases suggest that any such program would be unconstitutional. See Kiryas Joel Village Sch. Dist. v. Grumet, 512 U.S. 687, 702–07 (1994) (legislation

favoring one religious sect is unconstitutional); Committee for Pub. Educ. v. Nyquist, 413 U.S. 756 (1973) (striking down state aid to private education the benefits of which went almost entirely to religious schools); cf. Mueller v. Allen, 463 U.S. at 394, 396 n.6, 398–99 (explaining and distinguishing Nyquist).

[80] See supra text accompanying notes 27–29.

[81] 454 U.S. 263 (1981).

[82] Id. at 271–74.

[83] Equal Access act, 20 U.S.C. §§4071–4074 (1994). The constitutionality of the Act was upheld in the face of an Establishment Clause challenge in Board of Education v. Mergens, 496 U.S. 226 (1990).

[84] 508 U.S. 384 (1993) (disallowing viewpoint discrimination against a church that had sought to show a film about family life in a forum otherwise open to that subject).

[85] 115 S. Ct. 2440 (1995) (finding content-based discrimination in the refusal to permit a controversial group to sponsor a religious display in a civic park). Because Pinette is illustrative of the current divisions within the Court over separationism, the case is further discussed infra notes 101–11 and accompanying text.

[86] 115 S. Ct. 2510 (1995) (finding viewpoint discrimination in a public university's denial of printing costs for a student publication postulating religious perspectives on current issues). Because Rosenberger involved the Court in requiring a state university to finance a student publication that printed religious views—not just the provision of space in a public forum—the case is further discussed infra notes 112–30 and accompanying text.

[87] When the expression is not private speech but speech by government, then the controlling norm remains a separationist model. This seems entirely proper. Government may neither confess inherently religious beliefs not advocate that individuals profess such beliefs or observe such practices. Several cases illustrate this point. See Lee v. Weisman 505 U.S. 577 (1992) (striking down prayer in conjunction with commencement ceremonies at a public junior high); County of Allegheny v. ACLU, 492 U.S. 573 (1989) (disallowing display of nativity scene inside courthouse, but upholding display of menorah outside public building as part of larger holiday scene); Stone v. Graham, 449 U.S. 39 (1980) (per curiam) (striking down state law requiring posting of Ten Commandments in public school classrooms); Epperson v. Arkansas, 393 U.S. 97 (1969) (striking down state law prohibiting teaching theory of evolution in public schools); School Dist. v. Schempp, 374 U.S. 203 (1963) (disallowing devotional reading of Bible and recitation of Lord's Prayer in public schools); Engel v. Vitale, 370 U.S. 421 (1962) (disallowing state requirement of daily classroom prayer in public schools); and McCollum v. Board of Educ., 333 U.S. 203 (1948) (disallowing program in which local volunteers came to public school campus to teach religion).

Lynch v. Donnelly, 465 U.S. 668 (1984), and Marsh v. Chambers, 463 U.S. 783 (1983), are two aberrations. But Lynch and Marsh, while antiseparationist to be sure, are not based on equality either. Rather, in their rationales, Lynch and Marsh are driven by a desire to cling to historical practices dating from a time when America was less religiously plural.

[88] See infra notes 90–100 and accompanying text.

[89] See infra notes 133–35 and accompanying text.

[90] A ''benefit'' means direct or indirect financial assistance for a public purpose. The benefit may be in the form of a subsidy, grant, entitlement, loan, or insurance, as well as a tax credit or deduction. A tax exemption, such as that upheld in Walz v. Tax Commission, 397 U.S. 664, 676 (1970), is to be distinguished from tax credits and deductions. Credits and deductions are government benefits. A tax exemption, however, is the government's election to ''leave religion where it found it,'' rather than the conferring of a benefit. For First Amendment purposes a tax credit or deduction should all be regarded alike as ''tax expenditures,'' while useful in other areas of fiscal policy, does not make sense in dealing with issues that arise under the Establishment Clause. See Dean M. Kelley, Why Churches Should Not Pay Taxes 11–13, 47–57 (1977); Boris I. Bittker, Churches, Taxes and the Constitution, 78 Yale L.J. 1285 (1969); Boris I. Bittker & George K. Rahdert, The Exemption of Nonprofit Organizations from Federal Income Taxation, 85 Yale L.J. 299, 345 (1976).

[91] A ''burden'' means a regulation, a tax, or a criminal prohibition.

[92] 483 U.S. 327 (1987).

[93] Id. at 335. See also Trans World Airlines v. Hardison, 432 U.S. 63, 90 (1977) (Marshall, J., dissenting) (stating that constitutionality of labor law not placed in doubt simply because it requires religion exemption); Gillette v. United States, 401 U.S. 437 (1971) (religious exemption from military draft for those who oppose all war does not violate Establishment Clause); Walz, 397 U.S. 664 (upholding property tax exemptions for religious organizations); Zorach v. Clauson, 343 U.S. 306 (1952) (upholding release time program for students to attend religious exercises off public school grounds); Selective Draft Law Cases, 245 U.S. 366 (1918) (upholding, inter alia, military service exemptions for clergy and theology students).

Estate of Thorton v. Caldor, Inc., 472 U.S. 703 (1985), is not to the contrary. In Thorton, the Court struck down a state law favoring Sabbath observance. However, as explained in Hobbie v. Unemployment Appeals Commission, 480 U.S. 136, 145 n.11 (1987), the Sabbath law was struck down because the state cannot utilize classifications that single out a specific religious practices, thereby favoring that particular practice, as opposed to language inclusive of a general category of religious observances. For example, if Saturday as a day of rest is legislatively required to be accommodated by employers, all religious practices to be excused (including all religious days of rest) must be required to be accommodated. If a kosher diet is required to be accommodated by commercial airlines, then all religious practices (including all religious dietary requirements) must be accommodated. If a student absence from school is excused for Good Friday, then all absences for all religious holy days must be accommodated. Id.

The special needs of national defense maker Gillette distinguishable from Thorton. In Gillette, Congress was permitted to accommodate ''all war'' pacifists but not ''just war'' inductees because to broaden the exemption would invite increased church/state entanglements and would render almost impossible the fair and uniform administration of the Selective Service System. Gillette, 401 U.S. at 450. The only decision that does appear to be at odds with the principle followed in Amos and these other cases is Texas Monthly, Inc. v. Bullock, 489 U.S. 1 (1989) (plurality opinion) (disallowing sales tax exemption for purchases of religious literature).

[94] The Court was most explicit in making the salient distinction between benefits and burdens in Amos. Pointing out that it had previously upheld laws that helped religious groups advance their purposes, the Court explained:

A law is not unconstitutional simply because it allows churches to advance religion, which is their very purpose. * * * (I)t must be fair to say that the government itself has advanced religion through its own activities and influence. * * *

(T)he Court * * * has never indicated that statutes that give special consideration to religious groups are per se invalid.

483 U.S. at 337, 338.

[95] U.S. Const. amend. I. The Establishment Clause, in its entirety, provides: Congress shall make no law respecting an establishment of religion . . . . U.S. Const. amend. I.

[96] Douglas Laycock, Towards a General Theory of the Religion Clauses, 81 Colum. L. Rev. 1773, 1416 (1981).

[97] Walz, 397 U.S. at 676 (It is desirable when government refrains from imposing a burden on religion so as ''to complement and reinforce the desired separation insulating each from the other.'')

[98] Unleashing personal religious choice as the core value of the Establishment Clause is not being elevated here as good theology, just good jurisprudence. It is good jurisprudence because religious choice as a core value allows each religion to flourish or die in accord with its own appeal. Choice as the controlling legal standard maximizes liberty of both the individual and the religious community, while neutralizing the impact of governmental action on religious life. In these respects it is biased toward a Western conception of human rights and a limited state. This bias, however, is cause for neither surprise nor apology. It is the Founders' legacy, and they were decidedly Western.

Good theology is another matter; for observant Jews and Christians, religious liberty consists not in doing what we choose, but in the freedom to do what we ought. In Jewish and Christian orthodoxy, belief and practice are understood in terms of truth, not choice. The point here is that it should not be troubling that religious choice is the core value when interpreting the Establishment Clause. There is no reason that law and theology must converge on this point. It is sufficient that law maximizes the individual's freedom to pursue a direction indicated by his or her theology.

[99] In Dodge v. Salvation Army, 48 Empl. Prac. Dec. (CCH) ae 38,619 (S.D. Miss. 1989), a strange case with an unfortunate holding, a religious social service ministry dismissed an employee when it was discovered she was a member of the Wiccan religion and was making unauthorized use of the office photocopy machine to reproduce cultic materials. When the employee sued, claiming religious discrimination, the Salvation Army invoked the ''religious organization'' exemption in Title VII, 42 U.S.C. §2000e–1 (1994). The employee countered that the Title VII exemption should not apply because her salary was substantially funded by a federal grant. The trial court agreed with the employee, holding that the Title VII exemption for religious discrimination by a religious organization was unconstitutional on these facts. The trial court thought the exemption advanced religion in a manner violative of the Establishment Clause when applied to government-subsidized jobs. 48 Empl. Prac. Dec., at 55,409.

The holding in Dodge was a mistake. The trial court failed to observe the burden/benefit distinction when it ran together the separate issues of benefits and burdens. The

question of whether the Salvation Army may receive a direct benefit consonant with the Establishment Clause is controlled by Bowen v. Kendrick, 487 U.S. 589 (1988). The answer to that question, whether ''yes'' or ''no,'' is entirely independent of the question of whether the Salvation Army may claim the Title VII exemption from the regulatory burden of compliance with the civil rights law. The Court's decision in Amos holding that the Title VII exemption did not violate the Establishment Clause had already answered the second question in the affirmative. Amos, 483 U.S. 327.

A better reasoned result, one contrary to Dodge, was reached by the federal court in Young v. Shawnee Mission Medical Center, No. CIV.A. 88–2321–3, 1988 LEXIS 12248 (D. Kan. Oct. 21, 1988) (rejecting argument that Seventh-day Adventist Hospital lost its title VII exemption because it received federal Medicare funding).

[100] Shifting the analysis from benefits to burdens does not mean moving the baseline from which the neutrality of the government's action is measured. The baseline is not rooted in history or time, but in the principle of minimizing government's impact on personal religious choice. As previously conceded, this choice of baseline is not genuinely neutral. See supra notes 10–11. Thus, whether assessing the constitutionality of a benefit or a burden, the location of the baseline is consistent, albeit not neutral.

This combination of receiving equal access to governmental benefits but being specially relieved of burdens carried by others occurred in Hsu v. Roslyn Union Free School District, 85 F.3d 839 (2d Cir.), cert. denied, 117 S. Ct. 608 (1996). In Hsu, a student religious club claimed the right to meet on the campus of a public high school on the same basis as other noncurricular student organizations. The religious club had a right to this benefit under a federal statutory law and the Free Speech Clause. However, when it came to its selection of leaders, the school prohibited the club from selecting only Christians. The appeals court held that as to officers with spiritual functions the club had a right to be relieved of the school's nondiscrimination requirement. Election of leaders sharing the same faith was essential to the club's self-definition, as well as the maintenance of its associational character and continued expression as a Christian club. Id. at 856–62. Logically, the same result would be reached under the Free Exercise Clause.

[101] 115 S. Ct. 2440 (1995).

[102] 115 S. Ct. 2510 (1995).

[103] Pinette, 115 S. Ct. at 2445.

[104] Id. at 2447–50. Justice Thomas wrote separately stating his view that the content of the Klan's message was political rather than religious. Id. at 2450–51 (Thomas, J., concurring).

[105] Id. at 2455 (O'Connor, J., concurring). Justice O'Connor's opinion was joined by Justices Souter and Breyer.

[106] Id. at 2452–53 (O'Connor, J., concurring).

[107] Id. at 2454 (O'Connor, J., concurring).

[108] Id. at 2458–59 (Souter, J., concurring).

[109] Id. at 2464 (Stevens, J., dissenting).

[110] Id. at 2475 (Ginsburg, J., dissenting).

[111] See Kathleen M. Sullivan, Religion and Liberal Democracy, 59 U. Chi. L. Rev. 195, 197–214, 222 (1992) (the First Amendment's negative bar against an establishment of religion implies an affirmative establishment of a secular public order). To be sure, the Establishment Clause prohibits the establishment of a national church, which of course was no more likely in 1789–91 than it is today. But the Clause does not thereby establish a new religion of Secularism. Rather, no credo is by law established, setting at liberty the hearts of all to embrace any faith or none, as each is persuaded concerning such matters.

[112] 115 S. Ct. 2510 (1995).

[113] Id. at 2515.

[114] Id. at 2514–15.

[115] Id. at 2513.

[116] Id. at 2520–21.

[117] Id. at 2516.

[118] Id. at 2516–18.

[119] Id. at 2515.

[120] Id. at 2519–20.

[121] Id. at 2521 (citations and internal quotations omitted).

[122] Id. at 2522.

[123] Id. at 2523–24.

[124] Id. at 2524.

[125] Id. at 2528 (O'Connor, J., concurring).

[126] Id. at 2526–27 (O'Connor, J., concurring).

[127] Id. at 2528 and n.1 (Thomas, J., concurring).

[128] Id. at 2528–30 (Thomas, J., concurring). Cf. id. at 2536 n.* (Souter, J., dissenting). The Supreme Court has already rejected an argument by federal taxpayers that the Free Exercise Clause is violated should they as contributors to the nation's general tax revenues have to ''pay for'' benefits provided to religious organizations. See supra note 71.

[129] Rosenberger, 115 S. Ct. at 2535–39 (Souter, J., dissenting).

[130] Id. at 2544–47 (Souter, J., dissenting).

[131] Justice O'Connor's ''no endorsement test,'' was first advanced in the Christmas nativity scene case of Lynch v. Donnelly, 465 U.S. 668, 687 (1984) (O'Connor, J., concurring).

[132] In a departure from the separationist view, Justice O'Connor's no endorsement test is not a funds-tracing analysis. Rather, her reliance on the objective observer is an appearance-of-impropriety analysis. Instead of focusing on whether religion is advanced by direct funding, as separationists do, Justice O'Connor is concerned with the civic alienation felt by her observer as she looks at welfare legislation aiding social service providers, including those that are faith-based. Accordingly, the issue for Justice O'Connor is not whether the aid has the effect of advancing religion, but whether it appears to single out religion for favoritism.

[133] See also Church on the Rock v. City of Albuquerque, 84 F.3d 1273 (10th Cir.), cert. denied, 117 S. Ct. 360 (1996). Following Rosenberger and Pinette, the appeals court in Church on the Rock struck down a congressional prohibition on private religious speech, thereby permitting access to senior citizen centers funded in part by the federal government. The Free Speech Clause was again the source of the right to equal treatment.

[134] The Free Exercise Clause prevents a legislature from adopting a welfare program in which a broad array of providers, governmental and independent, are eligible, but expressly excluding faith-based providers because they are religious. Thus, equal treatment is commanded by the Free Exercise as well as the Free Speech Clause. See supra note 26 and accompanying text.

While admitting to a prima facie violation of the Free Exercise Clause, separationists argue that stopping all funding to religious organizations serves the ''compelling interest'' of compliance with the Establishment Clause. But this argument was rejected as to the Free Speech Clause in Rosenberger, 115 S. Ct. at 2520–25. Moreover, there is nothing in the wording of the First Amendment that suggests that when clauses ostensibly ''conflict,'' the Establishment Clause overrides the Free Exercise and Free Speech Clauses. One could just as easily presume that the Free Exercise and Free Speech Clauses supersede the Establishment Clause. Of course, there is no conflict between these Clauses when the neutrality principle is followed. See infra notes 155–57 and accompanying text.

[135] It might be asked whether the Court majority would still have found the Establishment Clause defense unsuccessful in Widmar, Lamb's Chapel, Pinette, and Rosenberger, in the absence of the claimants' successful free speech claim. The answer is ''yes.'' In each case the free speech and no-establishment questions were considered independently of the other. Never did the Court suggest that the Free Speech Clause overrode the Establishment Clause. In each case the government voluntarily opened a limited public forum, and it was clear the government retained the authority to close the forum to all speakers. Free speech did not add the margin of victory over the no-aid-to-religion defense. What is required of government is that it have a secular purpose for its benefit program. That purpose may be the provision of a forum for a diverse array of speech, but the purpose may also be meeting the welfare needs of the poor.

[136] Pub. L. 104–155, 104th Cong., (1996), signed into law by the President on July 3, 1996.

[137] Id. at §4(a)(1).

[138] See §104 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. §604a (1996 Supp.). Known by the popular name of ''Charitable Choice,'' §104 permits states to involve faith-based providers in the delivery of welfare services funded by the federal government through block grants to the states. Subsection 104(e) provides that if a beneficiary has a religious objection to receiving social services from a faith-based provider, he or she has a right to obtain services from a different provider.

[139] This can be accomplished by fiscal audits of monies from governmental sources, as well as by end-result evaluations during performance reviews undertaken to ensure that the needs of the beneficiaries targeted by the legislation are being served. Such intrusions are a tolerable level of interaction between religion and government.

[140] An example of this model is found in the regulations to the federal Child Care Block Grant Act of 1990, providing, inter alia, certificates to low-income parents who may then ''spend'' the benefit at the child care provider they select for their child. The regulations state that the monies from such certificates: (3) May be used for child care services provided by a sectarian organization or agency, including those that engage in religious activities, if those services are chosen by the parent; (and) (4) May be expended by providers for any sectarian purpose or activity, including sectarian worship or instruction. * * *

42 C.F.R. §98.30(c).

[141] Inquiry into ''purpose'' may go beyond the mere text or ''face'' of a statute. *Church of the Lukumi Babalu Aye, Inc.* v. *City of Hialeah*, 508 U.S. 520, 533–35 (1993); see Kiryas Joel Village Sch. Dist. v. Grumet, 512 U.S. 687, 699 (1994).

Legislative purpose, however, should not be confused with legislative motive. A judicial inquiry may not go into the subjective motive of each legislator supporting a legislative bill. A motive analysis would not only have implications for the denial of religious freedom (McDaniel v. Paty, 435 U.S. 616, 641 (1978) (Brennan, J., concurring in the judgment), but also for violating the separation

of powers (United States v. O'Brien, 391 U.S. 367, 383 (1968)). See Board of Educ. v. Mergens, 496 U.S. 226, 249 (1990) (plurality opinion) (''Even if some legislators were motivated by a conviction that religious speech in particular was valuable and worthy of protection, that alone would not invalidate the Act, because what is relevant is the legislative purpose of the statute, not the possibly religious motives of the legislators who enacted the law.'').

[142] To require states to distinguish between ''pervasively'' and ''non-pervasively'' sectarian organizations would seem to violate one of the venerable rules of the Establishment Clause, to the effect that government is not to intentionally discriminate among religious groups. Larson v. Valente, 456 U.S. 228 (1982), See also supra notes 59–63, and accompanying text. Under neutrality theory this inconsistency is avoided.

[143] Committee for Pub. Educ. v. Nyquist, 413 U.S. 756, 780 (1973).

[144] See Henry G. Cisneros, U.S. Dep't of Hous. and Urban Dev., Higher Ground; Faith Communities and Community Building 6–12 (1996) (citing studies and examples of the success of faith-based community development activities); National Inst. on Drug Abuse, U.S. Dep't of Health, Educ. and Welfare, An Evaluation of the Teen Challenge Treatment Program (1977) (showing a materially higher success rate for faith-based over secular drug treatment programs for youth); Religious Institutions as Partners in Community Based Development, in Progressions: A Lilly Endowment Occasional Report (Feb. 1995) (noting success with community-based development that came only after involving the local church).

[145] See supra notes 92–97 and accompanying text.

[146] See supra notes 59–63, 78–79, 87, 93, infra notes 149–51 and accompaning texts.

[147] ''Inherent religious'' means those intrinsic and exclusively religious activities of worship and the propagation or inculcation of the sort of matters that comprise confessional statements or creeds. In addition, the term includes the supernatural claims of churches, mosques, synagogues, temples, and other houses of worship, using those words not to identify buildings, but to describe the confessional community around which a religion identifies and defines itself, conducts its worship, teaches doctrine, and propagates the faith to children and adult converts.

Although a view of religion and life as an integrated whole is desirable, for purposes of the Establishment Clause it becomes necessary to recognize that some core beliefs and practices are ''inherently religious.'' The necessity of a fixed boundary in church/state relations requires a uniform legal standard in drawing the line of church/state separation. The line of separation cannot be drawn differently for each religious organization based on its own unique definition of religion. That would amount to governmental discrimination among religions (a violation of the rule stated in Larson, 456 U.S. 228 (1982)).

This is not to say that the Supreme Court has resolved all the definitional problems by confining Establishment Clause analysis to matters ''inherently religious.'' The Court's determination as to what is ''inherently religious'' inevitble will favor the philosophy of modern rationalism (its underlying tenets will appear arguably nonreligious) while disfavoring familiar theistic religions such as Christianity, Judasim, and Islam (their tenets and practices appearing inherently religious). See Phillip E. Johnson, Concepts and Compromise in First Amendment Religious Doctrine, 72 Cal. L. Rev. 817, 834–35 (1984). But as stated above, this is a consequence of the impossibility of the Establishment Clause's being ''neutral'' as to all world views. See supra notes 10–11 and accompanying text.

[148] The Supreme Court has found that prayer, devotional Bible reading, veneration of the Ten Commandments, classes in confessional religion, and the biblical story of creation are all inherently religious. See Lee v. Weisman, 505 U.S. 577 (1991) (prayer); Edwards v. Aguillard, 482 U.S. 578 (1987) (creationism); Wallace v. Jaffree, 472 U.S. 38 (1985) (prayer); Stone v. Graham, 449 U.S. 39 (1980) (per curiam) (Ten Commandants); Epperson v. Arkansas, 393 U.S. 97 (1968) (creationism); School Dist. v. Schempp, 374 U.S. 203 (1963) (prayer and Bible reading); Engle v. Vitate, 370 U.S. 421 (1962) (prayer); McCollum v. Board of Educ., 333 U.S. 203 (1948) (teaching religion).

On the other hand, legislation restricting abortion, Sunday closing laws, rule prohibiting interracial marriage, and teenage sexuality counseling are not inherently religious. See Bowen v. Kendrick, 487 U.S. 589 (1988) (teenage counseling; Bob Jones Univ. v. United States, 461 U.S. 574, 604 n.30 (1983) (interracial marriage); Harris v. McRae, 448 U.S. 297 (1980) (abortion restrictions); McGowan v. Maryland, 366 U.S. 420 (1961) (Sunday closing law); Two Guys from Harrison-Allentown, Inc. v. McGinley, 366 U.S. 582 (1961) (Sunday closing law).

[149] The Establishment Clause is not violated when a governmental social program merely reflects a moral judgment, shared by some religions, about conduct through beneficial (or harmful) to society. Kendrick, 487 U.S. at 604 n.8, 613; Harris, 448 U.S. at 319–20; McGowan, 366 U.S. at 442; Hennington v. Georgia, 163 U.S. 299, 306–07 (1896); see Bob Jones Univ., 461 U.S. at 604 n.30. Thus, overlap between a law's purpose and the moral teaching of some religions does not, without more, render the law one ''respecting an establishment of religion.

[150] The Supreme Court has held that when a law of general public purpose has a disparate effect on various religious organizations, the Establishment Clause is not violated. Hernandez v. Commissioner, 490 U.S. 680, 696 (1989); Bob Jones Univ., 461 U.S. at 604 n. 30; Larson, 456 U.S. at 246 n. 23.

[151] The Supreme Court has held that the Establishment Clause prohibits government from purposefully discriminating among religious groups. Larson, 456 U.S. 228; Fowler v. Rhode Island, 345 U.S. 67 (1953); Niemotko v. Maryland, 340 U.S. 268 (1951).

[152] See F. William O'Brien, The Blaine Amendment 1875–1876, 41 U. Det. L.J. 137 (1963); Note, Beyond the Establishment Clause; Enforcing Separation of Church and State Through State Constitutional Provisions, 71 Va. L. Rev. 625 (1985). Although dated, a useful work in the area of religion and state constitutions is Chester James Antieau et al., Religion Under the State Constitutions (1965).

[153] See supra note 144.

[154] See Esbeck, supra note 62; Stephen V. Monsma, When Sacred and Secular Mix; Religious Nonprofit Organizations and Public Money (1996).

[155] 456 U.S. 228. See supra notes 59–60 and accompany text.

[156] See supra notes 61–63 and accompanying text.

[157] 508 U.S. 520 (1993). See supra notes 26 and 134.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from Indiana (Mr. SOUDER).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. EDWARDS. Madam Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 460, further proceedings on the amendment, as modified, offered by the gentleman from Indiana (Mr. SOUDER) will be postponed.

The point of no quorum is considered withdrawn.

Mr. LAZIO. Madam Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. LAZIO. Madam Chairman, I yield to my friend, the gentleman from New York (Mr. WALSH), who was also the very able chairman of the Subcommittee on VA, HUD, and Independent Agencies of the Committe on Appropriations having jurisdiction over the vast majority of housing programs and all the housing programs through HUD concerning the process and prohibition against set-asides.

Mr. WALSH. Madam Chairman, I thank my good friend and colleague, the gentleman from New York (Mr. LAZIO), chairman of the Subcommittee on Housing and Community Opportunity. I thank the gentleman for the important work he is doing today. Homeownership is the American dream, and this legislation will help to make that American dream possible for many, many more.

Just one issue that I would like to discuss briefly. That is Section 402 of this important bill. Because the language of the appropriations bill funds several programs as set-asides within the CDBG account, the language could be construed to prohibit funds for authorized programs such as Youth Build, Habitat for Humanity, and so on.

I know that is not the gentleman's intent, but it is my understanding that the authorizing committee does not intend this as a result. I would just like to ask if my understanding of that is correct.

Mr. LAZIO. Reclaiming my time, Madam Chairman, I want to say to my friend, the gentleman from New York, that it is not the intention nor do we think it is the operation of the bill to prohibit the set-asides that have been authorized for programs like Youth Build or the NCDI, National Community Development Initiative, or self-help housing that helps so many Americans through Habitat for Humanity and other self-help programs.

It is not the intention nor do we think it is the operation of this bill to do that, but I would be happy to work with the gentleman to ensure that that intent is clearly reflected in the bill as signed by the President.

Mr. WALSH. I thank the gentleman for his very constructive response. I look forward to working with him as we go down the path towards the conference to make sure that our committee's responsibilities are not hamstrung. I thank the gentleman from New York.

Mr. LAZIO. I want to thank the gentleman also.

I want to take this opportunity to say that the gentleman from New York (Mr. WALSH) really, in the short time that he has been the chairman of the Subcommittee on VA, HUD, and Independent Agencies on the appropriations side, has just been doing a really remarkable job for America and for this Congress. He has proven to be a very able advocate for housing programs and for many of the programs he just referenced.

I want to take this opportunity to thank him.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 12 printed in House Report 106–562.

AMENDMENT NO. 12 OFFERED BY MR. GARY MILLER OF CALIFORNIA

Mr. GARY MILLER of California. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment 12 offered by Mr. GARY MILLER of California:

At the end of the bill add the following new title:

TITLE XII—PUBLIC AND ASSISTED HOUSING DRUG ELIMINATION PROGRAM

SEC. 1201. ELIGIBLE PUBLIC HOUSING AGENCIES.

Section 5125 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11904) is amended—

(1) in subsection (b)—

(A) in paragraph (2)(B), by inserting ''or (4)'' before the period at the end;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following new paragraph:

''(4) EFFECTIVE PHA'S.—The class established under this paragraph is the class of public housing agencies that demonstrate, to the satisfaction of the Secretary, that—

''(A) the agency, in cooperation with local law enforcement agencies, has largely eliminated drug and crime problems in the public housing project or projects for which the assistance will be used;

''(B) the agency needs assistance under this chapter to sustain the low incidence of crime and drug problems in and around such public housing; and

''(C) such assistance will be used to expand police services in and around such public housing.''; and

(2) in subsection (c)(1), by inserting before the semicolon the following: ''except that this paragraph shall not apply in the case of agencies eligible for assistance under this chapter pursuant to subsection (b)(4)''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 460, the gentleman from California (Mr. GARY MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. GARY MILLER).

MODIFICATION TO AMENDMENT NO. 12 OFFERED BY MR. GARY MILLER

Mr. GARY MILLER of California. Mr. Chairman, I ask unanimous consent to modify the amendment.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Amendment No. 12, as modified, offered by Mr. GARY MILLER of California:

The amendment as modified is as follows:

At the end of the bill add the following new title:

TITLE XII—PUBLIC AND ASSISTED HOUSING DRUG ELIMINATION PROGRAM

SEC. 1201. ELIGIBLE PUBLIC HOUSING AGENCIES.

Section 5125 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11904) is amended—

(1) in subsection (b)—

(A) in paragraph (2)(B), by inserting ''or (4)'' before the period at the end;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following new paragraph:

''(4) EFFECTIVE PHA'S.—The class established under this paragraph is the class of public housing agencies that demonstrate, to the satisfaction of the Secretary, that—

''(A) the agency received grants under this chapter to carry out eligible activities under this chapter, as in effect immediately before the effective date under section 503(a) of the Quality Housing and Work Responsibility Act of 1998;

''(B) the agency, in cooperation with local law enforcement agencies, has largely eliminated drug and crime problems in the public housing project or projects for which the assistance will be used;

''(C) the agency needs to maintain or expand police services in and around such public housing to sustain the low incidence of crime and drug problems in and around such public housing; and

''(D) the agency needs, and will use, assistance under this chapter to maintain or expand such police services;

except that such agencies shall be eligible under this paragraph only during the 5-year period beginning upon initial eligibility under this paragraph.''; and

(2) in subsection (c)(1), by inserting before the semicolon the following: ''except that this paragraph shall not apply in the case of agencies eligible for assistance under this chapter pursuant to subsection (b)(4)''.

Mr. GARY MILLER of California (during the reading). Madam Chairman, I ask unanimous consent that the modification to the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The CHAIRMAN pro tempore. Is there objection to the modificaton of the amendment offered by the gentleman from California?

There was no objection.

The CHAIRMAN pro tempore. The amendment is modified.

Mr. GARY MILLER of California. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I have worked with the chairman and the gentleman from New York (Mr. LAZIO), and have worked on a compromise to include my amendment in H.R. 1776. I would like to thank the chairman for his assistance in this.

Low-income housing tenants often become the victims of crime and drug operations. Oftentimes lax management and oversight give way to blight. As drug use and drug-related crimes rose alarmingly in the 1980s, Congress responded by authorizing the Public Housing Drug Elimination Program in 1998.

Historically, local housing authorities applied for these funds when HUD issued a notice of funds availability, and housing authorities competed with one another for the available funding. This is no longer the case. Instead, in 1999, the competitive application process was changed to a formula funding program. This new criteria for Public Housing Drug Elimination Program funds favor those agencies with severe problems in both public housing and in the community.

As a result, housing authorities in communities that run good public housing programs and have established successful drug prevention programs with these program funds are no longer eligible to receive funding under this program. HUD has pulled the rug from beneath the feet of all the programs that are successful.

My amendment will modify the ''eligible local housing authority'' definition for the HUD Drug Elimination Program grants to continue support for projects that are meeting their goals. Local housing authorities that can show evidence through local efforts between the housing authority and the police department that they are eliminating drugs and crime problems in their public housing will remain eligible.

However, instead of encouraging success, we are currently promoting failure. The city of Upland, California, Upland is a perfect example. Upland was one of many housing authorities which faced severe drug and crime problems. However, they chose to take control and started a program, with the full support of the Upland police department in 1980. Today Upland has one of the lowest crime rates in public housing in the country.

In 1997 and 1998, Upland's police department handled 27,000 cases. Of those cases in those 2 years, only 31 cases occurred in the housing authority. That is a tremendous improvement over what it was prior to their becoming proactive in trying to eliminate the problem.

Now the city is facing financial difficulties, and it is becoming increasingly difficult for the police department to give the program the same level of service it has in the past. Under HUD's definition, they are no longer eligible to compete for the funds they used to receive for the program to fight drugs simply because they have done a great job.

I applaud the city of Upland for this tremendous achievement, but it is not the only success story now that is now on the verge of failure. Every Member of Congress is faced with the same challenge in their district, and we cannot leave them in the cold.

In conclusion, this is a simple case of HUD rewarding housing authorities for doing a bad job, and punishing those who have worked hard to reduce or eliminate the drug problem in their communities. These successful communities should be able to continue their programs using the Public Housing Drug Elimination Program funds.

If they are unable to continue the drug prevention efforts, the problem will return. Would we only allow a doctor to give enough medicine to reduce the illness, or would we give enough medicine to cure the disease?

I would like to thank the chairman, the gentleman from New York (Mr. LAZIO), for his help in working on this bill.

Madam Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Does any Member claim the time in opposition?

Mr. LAFALCE. Madam Chairman, I rise not in opposition, but ask unanimous consent to comment on the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The gentleman from New York (Mr. LAFALCE) is recognized for 5 minutes.

□ 1445

Mr. LAFALCE. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I certainly understand the purposes of the amendment and it is a noble purpose. We do not want to penalize any organization that has been successful. On the other hand, we must recognize that the amendment will also raise some significant issues that I hope we can address in a collegial way in conference. In a zero-fund game, this is going to mean that other PHAs with higher crime rates would not be able to get funds. This reverses the direction of the program.

It is nice to have something that is objective. Whenever we start getting subjectivity into it, we make the judgmental process as to who gets funds much more difficult. I hope we can work on this in conference.

Mr. GARY MILLER of California. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I would like to respond to that. This does not reverse the direction of the program. The program always did this for years until about May of 1999 when HUD changed the program. What we are saying here is the program worked before. We were working with communities that were being funded. They were eliminating drug and crime problems.

We changed that situation in May of last year. It is wrong. Now we are punishing those programs that are successful. We are saying let us change the program back to cover them for a 5-year period once they have it under control to eliminate this problem.

Madam Chairman, I yield back the balance of my time.

Mr. LAFALCE. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mrs. EMERSON). The question is on the amendment, as modified, by the gentleman from California (Mr. GARY MILLER).

The amendment, as modified, was agreed to.

Mr. LAZIO. Madam Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAZIO. Madam Chairman, I yield to the gentlewoman from New York (Mrs. KELLY), who has a concern which she would like to address.

Mrs. KELLY. Madam Chairman, I rise to enter into a brief colloquy with my friend, the gentleman from New York (Mr. LAZIO). As a strong supporter of the manufactured housing section of this legislation, especially the Manufactured Housing Consensus Committee, I want to clarify the intent of who the members of this committee should be.

To be in line with the guidelines of the American National Standards Institute, there must be a balance of interest represented on the manufactured housing committee. While the revised language of the bill strives to achieve such a balance so that all affected interests have the opportunity for a fair and an equitable participation without the dominance of any single interest, it is unfortunate that examples of such representation, namely industry groups such as home builders, architects, engineers and the like, were removed from the final legislative language.

Madam Chairman, I know it was not the intent of the committee to exclude representation by such groups. I want to make clear my understanding that the committee fully supports and endorses their participation. It is vital that industry groups, such as home builders, who in many cases are actual users of manufactured housing in that they develop sites for the placement of manufactured homes, have a place on the committee. It is vital that industries involved in the purchase, construction or site development of manufactured housing, such as the home building industry, be members of the committee to ensure that the intent of ANSI's requirements for due process are met.

Madam Chairman, I ask my friend, the gentleman from New York (Mr. LAZIO), to confirm what the intent of the committee was on the possible membership of the Manufactured Housing Consensus Committee.

Mr. LAZIO. Madam Chairman, I want to thank the gentlewoman from New York (Mrs. KELLY) and I want to say that I wholeheartedly agree with her understanding of the possible membership of the Manufactured Housing Consensus Committee. It was the intent of our committee that home builders, architects, and engineers would be eligible to participate in the committee.

Mrs. KELLY. Madam Chairman, I thank my friend, the gentleman from New York (Mr. LAZIO), and I urge the passage then of this important legislation.

Mr. LAZIO. Madam Chairman, I again ask unanimous consent to strike the last word.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAZIO. Madam Chairman, I want to say to this House that we have the opportunity here to do what I think America wants to see us do, to come together and to find solutions to difficult problems. They call it the American dream, this idea of homeownership, that Americans have embraced from its earliest years, the sense of a yearning for self-sufficiency and independence; for a place which they could gather their family together.

I would say to this House, as important as it is that we focus on education, and we do that in this bill, as important as it is that we deal with health care or a job, if at the end of the day one does not have a place to go to to have a roof over their head, to organize their life, to bring their family together, to discuss their problems and to talk about their dreams, it is very difficult to walk down that pathway of opportunity.

That is what this bill is about in the end. It is about local flexibility and empowerment. It is about opportunity for more Americans who want to achieve homeownership to move out of that basement apartment and to go to their very first closing to get that key that opens their front door and to have that sense of satisfaction that they can say this is mine; this is the place where my children are going to play in the

backyard; where we are going to go over homework at the kitchen table; this is a place where we are going to dream for the future; it is going to be the main investment that we ever make that we will draw against to send our children to college, to get a better school education than maybe we ever dreamed of, maybe to adopt the dream of starting their own business.

It is the engine of the American dream. It is no mystery why America leads the world in the rate of homeownership. It is not just a fiscal restraint. It is not just the way we treat housing in the Tax Code. It is something very deep inside America.

For many years we have tried to provide assistance to Americans for homeownership and in many ways we have succeeded, but there are still so many, so many Americans that are left behind. So we are trying to embrace these new tools. We are saying to Americans who qualify for Federal rental assistance that they will be able to use that rental assistance to actually own their own home.

We are saying to Americans, who look at the barrier of closing costs or down-payment needs or the points up front, that we are going to create these loan pools that even the private sector can contribute to, that they will be able to draw from so that they can get over the obstacle of closing to own their own home.

It is a wonderful thing that this House can do today, to bring the joy of homeownership to more Americans.

Madam Chairman, I remember one Habitat for Humanity event that I was at where a woman in tears grabbed the dirt in front of this home to be and she held it up in her fist and she said, I cannot believe this is going to be mine.

It is not a give-away. It is a partnership. It is giving a little bit of help to the people most in need so we can make stronger communities, healthier communities, a better life and a better America. So I ask this House, in a bipartisan fashion, the way this bill was put together, to come together and pass this bill overwhelmingly; to send a message to America that we can do very good things that affect the quality of life; that we can overcome challenges; that we can put our political differences aside; that we can choose empowerment and opportunity; that we can choose consumer choice and flexibility and local control; that we can choose healthier communities and a healthier America.

I urge this House to pass this bill with a resounding yes vote.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 460, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 4 offered by the gentleman from Oklahoma (Mr. COBURN), Amendment No. 7 offered by the gentlewoman from California (Ms. WATERS) of California, Amendment No. 10 by the gentleman from Ohio (Mr. TRAFICANT) of Ohio, and Amendment No. 11 offered by the gentleman from Indiana (Mr. SOUDER).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 4 OFFERED BY MR. COBURN

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on Amendment No. 4 offered by the gentleman from Oklahoma (Mr. COBURN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 72, noes 355, not voting 7, as follows:

[Roll No. 106]

AYES—72

Aderholt
Archer
Armey
Barton
Bliley
Blunt
Boehner
Borski
Brady (TX)
Bryant
Buyer
Callahan
Cannon
Chabot
Chenoweth-Hage
Coburn
Collins
Cooksey
Cunningham
DeLay
DeMint
Doolittle
Dreier
Duncan
Goode
Goodlatte
Gordon
Goss
Graham
Gutknecht
Hastings (WA)
Hayes
Hayworth
Hill (MT)
Hoekstra
Hostettler
Hunter
Jones (NC)
Kasich
Kingston
Largent
Latham
Lewis (KY)
Linder
Manzullo
McIntosh
Miller (FL)
Moran (KS)
Nussle
Pease
Peterson (PA)
Pitts
Pombo
Portman
Radanovich
Riley
Rogan
Rohrabacher
Ryun (KS)
Sanford
Scarborough
Schaffer
Shadegg
Smith (MI)
Stump
Sununu
Tancredo
Thomas
Tiahrt
Toomey
Watts (OK)
Wolf

NOES—355

Abercrombie
Ackerman
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Burton
Calvert
Camp
Canady
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hefley
Herger
Hill (IN)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Campbell
Cook
Crane
Rodriguez
Shuster
Vento
Weldon (FL)

□ 1516

Messrs. HEFLEY, GANSKE, SHAYS, BARR of Georgia, CRAMER and SAM JOHNSON of Texas changed their vote from ''aye'' to ''no.''

Mr. ROGAN and Mr. MORAN of Kansas changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mrs. EMERSON). Pursuant to the House Resolution 460, the Chair announces that she will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 7 OFFERED BY MS. WATERS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. WATERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 60, noes 367, not voting 7, as follows:

[Roll No. 107]

AYES—60

Abercrombie
Bishop
Brady (PA)
Brown (FL)
Carson
Chenoweth-Hage
Clay
Clayton
Clyburn
Coburn
Conyers
Cox
Cummings
Davis (IL)
DeGette
Dixon
Engel
Fattah
Filner
Gephardt
Gutknecht
Hall (TX)
Hastings (FL)
Hastings (WA)
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kasich
Kilpatrick
LaFalce
Lee
Lewis (GA)
McCarthy (MO)
McDermott
McIntosh
McKinney
McNulty
Meek (FL)
Owens
Paul
Payne
Pease
Rangel
Rush
Sanders
Sanford
Scarborough
Shadegg
Slaughter
Stark
Sununu
Thompson (MS)
Thurman
Toomey
Towns
Waters
Watt (NC)

NOES—367

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Condit
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hansen
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Jones (NC)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Tierney
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Campbell
Cook
Crane
Danner
Rodriguez
Vento
Weldon (FL)

□ 1527

Mr. HILLIARD and Mr. PALLONE changed their vote from ''aye'' to ''no.''

Mr. STARK, Ms. LEE, Mr. KASICH, Mrs. CHENOWETH-HAGE, and Mr. SCARBOROUGH changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MR. TRAFICANT

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) on which further proceedings were postponed and on which the noes prevailed by voice voted.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 225, noes 201, not voting 8, as follows:

[Roll No. 108]

AYES—225

Ackerman
Aderholt
Andrews
Archer
Armey
Baca
Ballenger
Barcia
Bartlett
Bass
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Chenoweth-Hage
Clement
Clyburn
Coburn
Collins
Cooksey
Costello
Cramer
Crowley
Cubin
Cunningham
Davis (VA)
Deal
DeFazio
Delahunt
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehrlich
Emerson
Engel
English
Evans
Everett
Ewing
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frost
Gallegly
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goodling
Gordon
Granger
Green (TX)
Gutknecht
Hall (OH)
Hall (TX)
Hinojosa
Hobson
Horn
Houghton
Hoyer
Hunter
Hyde
Istook
Jackson-Lee (TX)
Jenkins

Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
King (NY)
Kingston
Klink
Knollenberg
Kucinich
Kuykendall
LaFalce
Lampson
Latham
LaTourette
Lazio
Lee
Levin
Lewis (CA)
Lewis (KY)
Lipinski
Lofgren
Lowey
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McIntosh
McKeon
McKinney
McNulty
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Mink
Moakley
Mollohan
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Ortiz
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Peterson (PA)
Pickering
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Ryan (WI)
Ryun (KS)
Sawyer
Scarborough
Schakowsky
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Souder
Spence
Stabenow
Strickland
Stump
Sweeney
Tauzin
Taylor (MS)
Thomas
Thune
Thurman
Towns
Traficant
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Weiner
Weldon (PA)
Weller
Wexler
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NOES—201

Abercrombie
Allen
Bachus
Baird
Baker
Baldacci
Baldwin
Barr
Barrett (NE)
Barrett (WI)
Barton
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Blagojevich
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Brady (TX)
Capps
Capuano
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Coble
Combest
Condit
Conyers
Cox
Coyne
Cummings
Davis (FL)
Davis (IL)
DeGette
DeLauro
DeMint
Dicks
Dingell
Dixon
Doggett
Dooley
Dunn
Ehlers
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Franks (NJ)
Frelinghuysen
Ganske
Gejdenson
Gekas
Gonzalez
Goode
Goodlatte
Goss
Graham
Green (WI)
Greenwood
Gutierrez
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hoeffel
Hoekstra
Holden
Holt
Hooley
Hostettler
Hulshof
Hutchinson
Inslee
Isakson
Jackson (IL)
Jefferson
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kilpatrick
Kind (WI)
Kleczka
Kolbe
LaHood
Lantos
Largent
Larson
Leach
Lewis (GA)
Linder
LoBiondo
Lucas (KY)
Luther
Matsui
McCarthy (MO)
McDermott
McInnis
McIntyre
Meehan
Meek (FL)
Meeks (NY)
Miller (FL)
Miller, George
Minge
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Northup
Obey
Olver
Oxley
Paul
Pelosi
Peterson (MN)
Petri
Phelps
Pickett
Pitts
Pomeroy
Porter
Price (NC)
Ramstad
Rivers
Roemer
Rogers
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Saxton
Schaffer
Scott
Sensenbrenner
Shadegg
Shays
Shows
Simpson
Slaughter
Smith (MI)
Smith (WA)
Snyder
Spratt
Stark
Stearns
Stenholm
Stupak
Sununu
Talent
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vitter
Walden
Watt (NC)
Waxman
Weygand
Whitfield
Wise
Woolsey
Wu

NOT VOTING—8

Campbell
Cook
Crane
Danner
Pombo
Rodriguez
Vento
Weldon (FL)

□ 1537

Mr. HOLT and Mr. EHLERS, changed their vote from ''aye'' to ''no.''

Messrs. DEFAZIO, KASICH, PALLONE, STRICKLAND, Mrs. WILSON, Mrs. MALONEY of New York, and Ms. SCHAKOWSKY, changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 11, AS MODIFIED, OFFERED BY MR. SOUDER

The CHAIRMAN pro tempore (Mrs. EMERSON). The pending business is the demand for a recorded vote on Amendment No. 11, as modified, offered by the gentleman from Indiana (Mr. SOUDER) on which further proceedings were postponed on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 299, noes 124, not voting 11, as follows:

[Roll No. 109]

AYES—299

Aderholt
Archer
Armey
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Clement
Coble
Coburn
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crowley
Cubin
Cunningham
Davis (VA)
Deal
Delahunt
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Evans
Everett
Ewing
Fattah
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kildee
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Metcalf
Mica
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pascrell
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOES—124

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Bateman
Becerra
Blagojevich
Blumenauer
Bonior
Boswell
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson
Chenoweth-Hage
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dingell
Dixon
Doggett
Edwards
Engel
Etheridge
Farr
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hansen
Hastings (FL)
Hilliard
Hinchey
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)

Johnson, E.B.
Jones (OH)
Kaptur
Kennedy
Kilpatrick
Kind (WI)
Kleczka
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Matsui
McDermott
McGovern
McKinney
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Morella
Nadler
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Pickett
Pomeroy
Rivers
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Slaughter
Snyder
Stabenow
Stark
Strickland
Stupak
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Waters
Watt (NC)
Waxman
Wexler
Woolsey
Wu

NOT VOTING—11

Callahan
Campbell
Cook
Crane
Danner
Hobson
Rangel
Rodriguez
Thomas
Vento
Weldon (FL)

□ 1544

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mrs. EMERSON). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mrs. EMERSON, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1776) to expand homeownership in the United States, pursuant to House Resolution 460, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LINDER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 417, noes 8, not voting 9, as follows:

[Roll No. 110]

AYES—417

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—8

Coburn
Hefley
Hostettler
Istook
Paul
Sanford
Sensenbrenner
Shadegg

NOT VOTING—9

Callahan
Campbell
Cook
Crane
Danner
Gilman
Rodriguez
Vento
Weldon (FL)

□ 1602

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 1776, AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000

Mr. LAZIO. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1776, just passed, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from New York?

There was no objection.

GENERAL LEAVE

Mr. LAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1776, the bill just passed.

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

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I yield to the gentleman from California (Mr. DREIER) for the purposes of inquiring of the schedule for the remainder of the week and for next week.

Mr. DREIER. Mr. Speaker, I thank my very dear friend from Mount Clemens for yielding, the very distinguished minority whip.

I am very pleased to announce to the House that we have completed our legislative business for the week and that the House will not be in session tomorrow. We will meet for legislative business on Monday, April 10 at 12:30 p.m. for morning hour, and at 2 o'clock for legislative business. We will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices tomorrow.

Mr. Speaker, we expect that the other body will be able to complete consideration of the budget tomorrow. That being the case, after suspensions on Monday, we expect to go to conference on the budget resolution. Now, on Monday, no recorded votes are expected before 6 p.m., and that is basically what we are looking for at this point.

Mr. BONIOR. Mr. Speaker, I thank the gentleman from California. I just have a couple of brief questions this afternoon. Are any late nights expected next week?

Mr. DREIER. How many late nights are expected next week.

As the gentleman knows, we are anxiously looking forward to the Easter District Work Period, and we have conference reports coming up. We have a number of measures that we are expecting, and I cannot tell the gentleman right now as to how late we will be in the evening.

Mr. BONIOR. Mr. Speaker, how about next Friday?

Mr. DREIER. Next Friday, we are hoping that we will be able to pass a conference agreement on the budget resolution, and we would very much like to do it before Friday, but there is no guarantee that that will happen.

Mr. BONIOR. Mr. Speaker, I understand, and I thank my colleague for that. So we do not obviously know what day the budget conference will be brought up. When it is finished, I gather.

Mr. DREIER. That is what we are hearing.

Mr. BONIOR. Mr. Speaker, what day will the Taxpayer Bill of Rights be considered, if I might ask my colleague?

Mr. DREIER. Mr. Speaker, we are scheduling that, we hope, for Tuesday of next week.

Mr. BONIOR. Mr. Speaker, what kind of rule will be given?

Mr. DREIER. That is up to the committee on which the gentleman used to sit.

Mr. BONIOR. Mr. Speaker, I think the gentleman who is the chairman of that committee might have some influence on that procedure, and I am hoping that he might share that with us.

Mr. DREIER. Mr. Speaker, as a former member of the committee, he is certainly entitled to provide us with any recommendations that he would like to offer as to how we effectively deal with it. We are planning to bring the measure up, and I am not sure exactly what the structure will be at this juncture.

Mr. BONIOR. Mr. Speaker, how about the Sunset Tax Code? When will that occur?

Mr. DREIER. The Sunset Tax Code, we are hoping to do that on Thursday; and again, we do not know exactly what the structure for consideration of that will be either.

Mr. BONIOR. Mr. Speaker, I thank my colleague.

Mr. DREIER. We would like to allow the Committee on Rules to work its will as we proceed with the deliberative process here, as my friend, a former member of the committee, knows very well.

Mr. BONIOR. Mr. Speaker, I am sure the Committee on Rules will work its will.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding, and I hope he has a wonderful weekend and is able to get back to Mount Clemens.

Mr. BONIOR. Mr. Speaker, I hope the gentleman gets back to California, and if not, enjoy the tulips. Are they not gorgeous? Here on the Capitol grounds, they are fabulous.

Mr. DREIER. Mr. Speaker, they are spectacular this time of year.

ADJOURNMENT TO MONDAY, APRIL 10, 2000

Mr. DREIER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

ANNUAL REPORT OF NATIONAL ENDOWMENT FOR THE ARTS FOR 1998—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

To the Congress of the United States:

In accordance with the provisions of the National Foundation on the Arts and Humanities Act of 1965, as amended (20 U.S.C. 959(d)), I transmit herewith the annual report of the National Endowment for the Arts of 1998.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 6, 2000.*

PERMISSION FOR COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE TO FILE REPORTS ON H.R. 809, H.R. 3069, AND H.R. 3171

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure have until midnight tonight to file reports on H.R. 809, as amended; H.R. 3069, as amended; and H.R. 3171, as amended.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO EDSON INGERSOLL GAYLORD

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentleman from Illinois (Mr. MANZULLO) is recognized for 5 minutes.

Mr. MANZULLO. Mr. Speaker, Rockford, Illinois, lost a giant in industry this past week with the death of Edson Ingersoll Gaylord, leaving his wife, Jane, and children, Charles, Will, Susan, Mary, and John. Edson Gaylord, one of the last of the manufacturing giants; one of the great minds of this century; one of the people who took

the innate ability to see things in his spirit, to be able to construct them in his mind and with his hands and the people who surrounded him, was able to manufacture some of the largest machines, actually, in history. Rockford, Illinois, is at a tremendous loss over the death of this man who took a company in 1947 from 400 people to over 4,000.

Edson Gaylord, the free trader; a person whom I met a few years ago when I first ran for Congress. I sat in front of him and looked at him with those very piercing eyes of his and that squared jaw as he examined me on a number of issues, and whenever I agreed with him there was this slight nod, a little bit of a smile, and he said you know, Don, if you would only change your mind or modify your position on a particular point of view that I had with which he disagreed, he said, things would go better for you. I said Edson, I said, that is like me asking you to change your mind on free trade. He looked at me totally without expression, sat back in his chair, the corners of his mouth went up slightly and he said, you have my support to be our next Congressman. At that point I thought that he was almost as steeled as the steel with which he worked at Ingersoll Mill and Machine. I would learn over a period of time of these last several years what a very kind and gentle industry giant this man was.

Let me give my colleagues some of the patents that he and his company innovated: the I-line transfer machines, the Masterhead machining systems, the Mastercenter machining systems, the Nutating spindle units, the natural path tapelaying systems. These are very complicated terms. What they do, Mr. Speaker, is they make technology in this country. We hear today about the technology revolution and what is going on in high tech, but high tech was nothing to Edson Ingersoll Gaylord, because he, in fact, probably is the inventor of those words, ''high tech.'' Let us take something and let us make it better.

What did his friends say about him? Well, one person who started as a new employee at the company was really impressed when Edson Gaylord took 2 hours, walked him around the entire shop, showed him where the company had been and his vision of the future, because that is what he liked, being on the floor of the shop. His good friend, John Doar, an attorney out of Chicago, said this of Edson Gaylord. He said, ''Edson Gaylord's mind has thrived on machine tool manufacturing technology. For as long as I have known him, this curiosity has energized him. This, plus the years of hard work, makes Edson as informed and as knowledgeable as anyone in the world about the opportunities for further developments in the machine tool industry.''

Fortune Magazine said of Edson Gaylord, ''He is the master builder of mammoth tools. He is the bellwether of the machine tool industry. Quite a man, making machines that are used on airplane lines and automobile lines.''

His good friend, Dan LeBlond from the Institute of Advanced Manufacturing Sciences said of Edson, ''An unrivaled inspirer and shepherder of people to accomplish pioneering and singularly successful innovation of advanced manufacturing and machine tool technology.

□ 1615

''A perceptive and innovative industrialist.''

He was a man that America will miss, a man with numerous awards for technology. We know him as Edson Ingersoll Gaylord. America knows him as the friend of innovation.

KURDISH RIGHTS

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise to join my esteemed colleague in introducing a resolution calling for democratic, linguistic and cultural rights for all Kurds living in Turkey today.

The lands of Kurdistan are considered by many to be the birthplace of the history of human culture. Some of the earliest settlements as well as the earliest indications of the Neolithic Revolution have been found among the hills and valleys of this beautiful landscape. Yet even as one ponders the cultural advancements made on Kurdish soil thousands of years ago, one cannot help but wonder what lies in store for the Kurds' future.

For Kurds living in the Middle East, recent history has brought far less reason to celebrate. Kurds in Iraq, Iran, Syria, and Turkey have been persecuted by the regimes in power, with the most brutal assault being the poison gas attacks made by Saddam Hussein in 1988 which decimated an entire section of a city and its 5,000 inhabitants.

Although Saddam Hussein's heinous attacks caused unimaginable death and biological destruction, his regime, ironically, has not launched an all-scale offensive on the culture of the Kurds. It is unfortunate that the most comprehensive assault on the Kurdish language and culture has stemmed from our own ally and fellow-NATO member, Turkey.

Mr. Speaker, in 1997 I addressed this body on the cultural oppression of Kurds by the Turkish government and on the existence of democratically-elected Kurdish Parliamentarians unjustly jailed in Turkey. It is with a heavy heart that I stand before you today and recall recent events and happenings in Turkey, all of which suggest that nothing has changed. The Kurdish language and culture is still on Turkey's most wanted list and Kurdish Parliamentarians elected to give voice of their constituents, are still being silenced.

When I addressed this body three years ago, Turkish Kurdistan was under a declared State of Emergency, patrolled by the Gendarmerie. Torture and abuse of the Kurds, the searching of Kurdish homes without a warrant, and the persecution of assemblies and demonstrations were the norm. This situation, in flagrant breech of democracy, continues today. The 1999 U.S. Department of State Human Rights Report for Turkey states that members of the Gendarmerie continue to commit serious human rights abuses including the torture of Kurds, well-aware that the likelihood of their personal conviction is extremely slim.

Such lax prosecution is not the case, however, for Kurds. Six years ago four former members of Parliament, stripped of their official duties, were imprisoned for the crime of representing the will of Kurdish citizens. As I stand here today, Mrs. Leyla Zana, Mr. Hatip Dicle, Mr. Orhan Dogan, and Mr. Selim Sadak are still in jail. Labeled "Prisoners of Conscience" by Amnesty International, these four are guilty only of attempting to invigorate a true spirit of democracy in Turkey.

Three years ago 153 Members of Congress expressed their disapproval of the anti-democratic treatment of elected Kurdish representatives in the Turkish Parliament. I humbly stand before you to question whether it was enough. Today these four individuals are still in jail. Even more disturbing, the harassment of democratically-elected officials seems to be expanding from the national level to encompass local levels as well.

In February of this year, in a move that shocked many of us in this room, the Turkish Gendarmerie arrested three Kurdish mayors from cities in Turkish Kurdistan. One, the mayor of Diyarbakir, had just met with the Swedish Foreign Minister the day before his arrest in order to discuss hopes for a lasting and solid peace between Turks and Kurds. Although the mayors have since been released, their trials are pending, and if convicted, they too will face prison sentences. The arrests raise questions, not only about the legitimacy of Turkish democracy, but about the sincerity of Turkey's commitment to forging peace.

When I addressed the body three years ago, the Kurdish language could not be broadcasted or taught, even as a foreign language, in schools. I am saddened to say that this negation of a people's language continues today. But, here I must add that the criminalization of speech and expression is not necessarily limited to Kurdish citizens communicating in their native tongue. High numbers of journalists, human rights workers, doctors, and lawyers who expose injustices committed by the military, police, or state are also subject to prison sentences and illegal torture making the anti-sedition legislation perhaps the most "equal opportunity" of all laws in Turkey.

Mr. Speaker, the Kurdish Question, touches upon the very nature of democracy in Turkey and carries serious implications for the whole of Turkish society. Illustrations of how excessive laws mitigating Kurdish culture can spill into the mainstream, ultimately curtailing the freedoms of all citizens, are easy to find. Just last week authorities in Istanbul detained nearly 200 Kurds for illegally celebrating the Kurdish New Year, Newroz. Following their detention, authorities launched investigations of 6 Turkish newspapers that had reported on

Newroz activities, for their crimes of spelling the holiday with a Kurdish "w" rather than the "v" found in the Turkish appellation. (the v is not the only letter charged with criminality—p and k have been banned from text books)

This persecution of a language and a culture, committed with such diligence that even individual letters come under fire, would be lamentable in any region of the world. But, that it occurs in the very Cradle of Civilization which bore witness to the first creative sparks of human culture and innovation instills the situation with a sense of tragedy so compelling that I believe it presents a direct challenge to those of us assembled here today.

Mr. Speaker, this resolution, supported by my esteemed colleagues BOB FILNER, JOHN E. PORTER, FRANK WOLF, and ANNA ESHOO, was written with the hope that the future of the Kurds need not be wrought with even greater persecution and suffering. It was written with the knowledge that democracy, rather than being a simple destination, needs to continually be nurtured. And it was written with the promise that peace and justice may be cultivated. I ask my friends and esteemed colleagues to join in support of this resolution so that language, culture and democracy will be permitted to flourish on the very ground that holds our common humanity's cultural roots.

WE NEED TO BRING AMERICA HOME FROM ITS INTERVENTION IN KOSOVO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, we have no business in Kosovo. Our policy is a misguided excursion into the danger-laden Balkans. We have no overriding national interest there.

We have heard vaunted allegations of human rights violations leveled against the Serbian government. Once again, we come to find out that an administration determined to mire us in overseas turmoil has greatly exaggerated the situation to win over a skeptical public and stampede the Congress.

We were told several months ago that as many as 100,000 Albanian Kosovars were brutally murdered. We were being misled. Now we know the figure was much, much smaller.

What of our continual bombing that eventually included not only public transportation but medical facilities, nearly 100 schools, churches, and homes? What of the innocent deaths we inflicted with tax dollars of the citizens of the United States? Bombing is by definition an act of war.

What have we done? What are the objectives of our bombing, our President's most recent adventure, and what are the results?

We were told we went into Kosovo to stop ethnic cleansing. It continues with a vengeance, this time with the acquiescence of our own forces. The KLA not 2 years ago was classified by our own State Department as a heroin-financed terrorist organization. Now they are soon to be vaunted by the Clinton administration as freedom fighters. They roam the countryside brutalizing innocents, not only Serbs but gypsies, Muslim Slavs, and Albanians opposed to their thuggishness.

We were told when we went into Kosovo we wanted to stabilize the Balkans. Initially, the ambiguity of our policy gave the green light to separatist movements around the region. Today in both Bosnia and Kosovo we are committed into the future as far as the eye can see.

Mr. Speaker, I ask, what stability have we achieved in the Balkans? At what price to this Nation? In the Kosovo region, news reports continue to tell us that Kosovar militias still refuse to disarm and are now destabilizing southern Serbia. A new confrontation with Milosevic and a new refugee crisis is feared.

Can anyone share with this Congress a realistic exit strategy from this quagmire? I agree with Senator KAY BAILEY HUTCHISON's assessment of our Balkan interventions, recently published in the Financial Times: ''NATO has to get off of this merry-go-round. It must acknowledge that imposing multicultural democracy at the point of a gun is not working.''

We were told we went into Kosovo to thwart the Serbian ruler, Mr. Milosevic. What have we accomplished? Milosevic is still firmly in place. We were told we went into Kosovo to insure the credibility of NATO. But did we do this by violating the first section of the NATO charter, by launching a war against a sovereign Nation that had committed no aggression against any of its neighbors?

NATO's strength was that it was a shield, not a sword, a shield, not a sword. Some skeptics suggest NATO's actions were ones of justification, considering their original mission was to protect Europe from a Soviet Union that no longer exists.

What are the costs of Kosovo? Displacement of hundreds of thousands of Kosovars, displacement of hundreds of thousands of Serbs, expansion of the conflict into Serbia proper, the potential of instability in Macedonia, and, tragically and needlessly, a new and probably undying hatred for the United States on the part of the Serbians, and, from what we have seen recently, Albanian Kosovars as well, as a result of this foolish and foolhardy intervention.

Mr. Speaker, we need to bring America home.

TIME FOR AN EMERGENCY NATIONAL MORATORIUM ON THE DEATH PENALTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, in the United States of America, the land of the free in this millenium year, we have today some 2 million people in our jails. We are 5 percent of the world's population, and yet 25 percent of the world's incarcerated persons.

In an ominous echo to General Eisenhower's farewell address, we now have a prison industrial complex in our Nation which feeds on some 35 billion public dollars each year to operate prisons, and more than $7 billion on new construction for prisons each year.

The prison industrial complex employs more than 523,000 people, making it the country's biggest employer after General Motors. More than 5 percent of the growth of our rural population is due to the movement of men and women to prisons located in rural America.

Even more ominous is the growing number of men and women put to death by our injustice system. There are now more than 3,600 men and women on death row. Most ominous is the immense and persistent disparity in the impact of the justice system. There is a real and growing perception that there are two sets of rules, two standards of treatment by law enforcement in America, one set for whites and another quite different set for African-Americans, Latinos, and all who might be poor.

In Chicago, we have had the cases of Commander John Burge, of Jeremiah Mearday, and of Ryan Harris and numerous others. This pattern of conduct is unacceptable. The perception of injustice has been substantiated by the stunning sequence of events which has led to 13 death penalty convictions in Illinois being overturned over the past decade or so by hard evidence which demonstrated a miscarriage of justice.

I am particularly concerned about a number of death penalty cases originally investigated by former Chicago police Commander John Burge or officers under his command which were based on so-called confessions, and other evidence which may have been coerced by torture.

The revelations of torture, including electric shock, suffocation, burning, beating, and Russian roulette have been widely reported and independently confirmed, and have roused the indignation of the people of Illinois.

The cases of Aaron Patterson and Darrell Cannon are the first of these cases to reach the final phases of appeal. In 1985, the then Chief Justice Warren Burger said, ''What business enterprise could conceivably succeed with the rate of recall of its products that we see in the 'products' of our prisons?''

The failure of our justice system not only robs individuals of life and liberty, but undermines our communities and our Nation. The failures also are an attack on our legal and social infrastructure, on our Constitution, and on

our Nation's economic, social, and cultural progress.

There is extensive historical precedent for Federal intervention in cases where the justice and law enforcement systems fail to provide equal protection under the law in general, and specifically, protection in instances of police misconduct against African-Americans and other minorities.

It is no accident that our Department of Justice was born in 1871, following the Civil War, as a response to the wave of hate crime terror instituted by the Ku Klux Klan and where local law enforcement was unable or unwilling to provide justice and in some cases joined in the terror.

The concerns over these and other cases have rightly led Governor Ryan of Illinois to declare a moratorium on the death penalty in Illinois and to appoint a commission to study the problem.

Now is the time for men and women of principle to stand and demand an end to the cancer eating at our freedom, not tomorrow, but today, this hour, is the time for an immediate emergency national moratorium on the death penalty. I would urge the Nation to follow the suit of the Governor of Illinois and declare that injustice will not continue to be done until we find how to do it and how to do it right.

ON REMARKS BY THE MINORITY LEADER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I rise today in response to an article that appeared in the Roll Call, the newspaper of Capitol Hill, Thursday, April 6, 2000. Let me read from the article written by Susan Crabtree. It is shocking and it is startling:

''With last year's violent protests against the World Trade Organization in Seattle still fresh in the public's mind, leaders are organizing for Act 2, a massive March on Washington set for Tuesday, designed to pressure Congress into rejecting a permanent normalized trade deal for China.''

Here is the quote that is startling, made by the minority whip, the gentleman from Michigan (Mr. BONIOR): ''Seattle was a great success. We hope we will see a repeat performance.''

Let me read to the Members the performance, for those who may have been napping during Seattle's excitement: ''Unrest even at the top during riots. Madeleine Albright was trapped and angry. Janet Reno was calling.'' ''The State Patrol Leaders Saw Trouble Brewing at Starbuck's. The Secret Service threatened to cancel the President's visit.''

The headlines from the Seattle Times, the success referred to by the gentleman from Michigan (Mr. BONIOR), the minority whip: ''Police Haul Hundreds to Jail. National Guard on Patrol. One Thousand Protestors Enter Restricted zones.''

There were fires, there was looting, there was physical harm, there was destruction of property, interruption of business. ''Seattle bill hits $9 million. Seattle taxpayers will be hit hard in the wallet for hosting the World Trade Organization.''

From CNN, ''Seattle authorities have placed an around-the-clock curfew on the area immediately surrounding the world trade conference.

''President Clinton arrives in a city that has been marred by broken glass, tear gas, and rubber bullets.''

''The PBC found out how security forces are beefing up in anticipation of President Clinton's visit: Police douse crowds with pepper spray.''

Let me re-read for the Members the quote by the minority whip: ''Seattle was a great success. We hope we will see a repeat performance.''

I hope, I pray, that I am misreading the newspaper. I hope and pray that the performance that we are anticipating in the seat of our government, the Nation's capital, is not one designed to bring about disgraceful headlines about riot police, pepper spray, and destruction of personal property. I thought anarchy like that only existed in Third World nations, but if people disagree with a viewpoint on trade, if people disagree on human rights in China, their response is to riot in the streets and destroy property to get their viewpoint heard.

I think it is regrettable when the minority whip would say in glowing terms that anything connected with Seattle was a success.

I have had to endure for the past couple of months a conversation about our presidential candidate attending a university, and a peaceful conversation with students, and somehow he is linked now to a quote made by the founder of the university.

□ 1630

Now we are going to hear for weeks and weeks about a peaceful meeting with students about a democracy and yet we are hearing again from the leader of the other side, or at least the minority whip, that somehow success is articulated by a total disaster.

Seattle has yet to recover from the public embarrassment of that meeting, and I would hope that the leadership will at least look at their statements and amend the record and suggest that we can have a disagreement on trade, and I hope we will have a debate on it. The President of the United States has called for a debate. The President has called for a conversation on trade. The President, I think, has been very willing to discuss some of the problems regarding workers' rights and violation of child labor and things that I think we in Congress can accomplish and can provide as we discuss normalized trade relationships with China, but I also pray that some level-headed conversation occurs to those who would come to our Nation's capital and understand we are a people of law, we are a people of respect for democracy and that violence will not and should not and cannot be tolerated.

So let us make certain that in this Nation that we love we do not repeat Seattle; that nobody refers to Seattle as a success; that if we have a grievance with the WTO that we not destroy our cities in the process and maim and injure people.

Ms. NORTON. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentlewoman from the District of Columbia.

Ms. NORTON. Mr. Speaker, I would certainly like to reinforce what the gentleman is saying about protesters coming here with respect to the WTO. I would hope that in the city of Washington we do not have a repeat of what happened in the State of Washington. The gentleman is perfectly right, the gentleman is entirely right, we can disagree without tearing up our city, especially the Nation's capitol.

Mr. FOLEY. Mr. Speaker, I thank the gentlewoman from the District of Columbia (Ms. NORTON) for joining me in that admonition to those who would come here to be peaceful, respect the rule of law and respect personal property.

BLAME CANADA, BLAME CANADA

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

Mr. ALLEN. Mr. Speaker, Blame Canada, Blame Canada. It is the Oscar-nominated song from the movie South Park, Blame Canada, Blame Canada. It is also the latest defensive ad campaign by the pharmaceutical industry's front group, the so-called Citizens for Better Medicare. Frankly, both belong in the garbage.

In the movie, the mothers of South Park are revolted by the dirty words their children learn at the movies but instead of taking responsibility themselves, they blame Canada.

In the ads, the drug industry tries to divert attention from its discriminatory pricing practices but instead of taking responsibility themselves, they blame Canada.

The pharmaceutical industry ads are running in the northern border States and elsewhere in an effort to convince consumers that the Canadian health care system is bad because prescription drugs are cheaper for Canadian seniors than they are for American seniors.

So let me thank the pharmaceutical industry for making the point that

they charge Canadian seniors far less than they charge American seniors for the same drugs from the same manufacturers in the same quantities. It is what we have been saying all along.

Does the innovation of Canadian pharmaceutical companies suffer under the Canadian system? No. Let me read just a few statements.

Here is a statement, and I quote, in the last 10 years the rate of growth in R&D spending by Pharmaceutical Manufacturers Association of Canada, member companies, has almost doubled that of the United States. That is a statement put out on March 2, 1999, a press release from the Pharmaceutical Manufacturers Association of Canada.

In June of 1999, the same organization talked about the massive research efforts taking place across Canada, and in 1998, the Pharmaceutical Manufacturers Association of Canada's innovative pharmaceutical companies funded an estimated $900 million in medical research and development.

Since 1987 R&D spending by the PMAC member companies have grown by almost 700 percent, almost twice the growth rate of the United States in the same period of time. Yet, the pharmaceutical industry is trying to tell people in the United States that R&D will not happen in Canada because they are not earning enough money up there.

Yesterday my office received a call from the Canadian Embassy, and the Canadians are perplexed because they do not understand why U.S. companies are running TV ads trashing the Canadian health care system. Imagine what the Canadians think. The most profitable industry in the country is upset that they are not able to charge as much in Canada for prescription drugs and engage in the same price discrimination in Canada as they do in the United States.

Speaking of profits, I urge every Member to check out the latest Fortune 500 list which shows once again that the pharmaceutical industry is the most profitable industry in the country, number one in return on revenues at 18.6 percent, number one in return on assets at 16.5 percent, and number one in return on equity at 35.8 percent. One cannot do any better than that.

Even with all the attention on their price discrimination against seniors, the pharmaceutical industry continues to be the most profitable industry in the country, charging the highest prices in the world to people who can least afford it, our seniors who do not have any prescription drug coverage on Medicare.

Studies show that seniors in this country pay 72 percent on average more than Canadians. We pay 102 percent more than Mexicans for the same drugs in the same quantity from the same manufacturer. Why do seniors have to choose between food and medicine?

Industry says, blame Canada.

Why do seniors have to cut their pills in half in order to take them?

The industry says, blame Canada.

Why do seniors have to go across the border to buy affordable prescription drugs?

The industry says, blame Canada.

Democrats in the House have two approaches. We have legislation to establish a Medicare prescription drug benefit to cover all seniors on Medicare. We have legislation which I have introduced which would provide a discount for all Medicare beneficiaries in the costs of their prescription drugs. We have legislation from the gentleman from Vermont (Mr. SANDERS) and the gentleman from Arkansas (Mr. BERRY) to make sure that drugs that are sold in Canada can be brought into this country and sold to American seniors at reduced prices. Our seniors continue to suffer from price discrimination. They demand a Medicare prescription drug benefit that is universal, meaningful and affordable but instead of bringing equality to its pricing structure all the drug industry can come up with is Blame Canada, Blame Canada.

ALL CITIZENS OF AMERICA SHOULD HAVE A VOTING REPRESENTATIVE IN THE HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I come to the floor to let the House know that a decision has been handed down in a consolidated case, the Adams case and the Alexander case, challenging the denial of full voting rights in the House and the Senate to the residents of the Nation's Capital and full self-government here. In a 2-to-1 decision, the court ruled that because the District is not a State it does not have the privilege that every other American citizen has of having a voting representative.

Mr. Speaker, this decision is on its way to the Supreme Court. I would like to note for the record the courageous lawyers who are appealing this decision, John Ferren, former corporation counsel who was in the case at that time; Charles Miller and Thomas Williamson of Covington and Burling who handled one of the cases pro bono; professor Jamin Raskin, who is responsible for much of the thinking that went into these cases, professor of the American University School of Law; and George LaRoche, who brought a separate case.

Judge Louis Oberdorfer will be remembered by history for his ruling that, indeed, the District of Columbia residents are entitled to voting representation in this House and that the rights involved are not rights of States but of the people who live in the States, that the reference in the Constitution to the States is a term of convenience not meant to deny any American citizen the right to voting representation on this floor.

In going to the courts, District residents signal that there has been a failure of the political process. I remember a failure of the political process when I was a school child in this town. The political process failed and that is why the District of Columbia was among five jurisdictions that went to the Supreme Court and finally got that court to declare that separate but equal was in violation of the Constitution of the United States.

I trust that the failure of the political process here, the failure of the Congress to grant full voting rights to the residents of the District of Columbia, will produce a similarly favorable decision in the Supreme Court of the United States for the residents of the capital city.

Judge Louis Oberdorfer's wise and scholarly opinion raises our hopes that there will not be five justices of the Supreme Court in the 21st century that are willing to sign their names to an opinion that would deny voting rights in the national legislature to any citizen of the United States. One would think that no citizen on the planet would be so denied today.

At the very least, what this body should prepare itself to do now, pending a favorable decision of the Supreme Court or other action, is to restore the vote I won in 1993 for residents of the District of Columbia on the House floor in the Committee of the Whole. It would appear that at the very least, the residents of the District of Columbia, who pay full Federal income taxes the way the residents of other Members do, would be entitled to that respect.

I know that there are Members on the other side, because they have gone with me through the Committee on Rules, who also believe that the taxpaying residents of the District of Columbia should be recognized on this House floor to the maximum extent possible, and certainly that would mean a vote in the Committee of the Whole.

Meanwhile, there is an organization which has been energized to start energizing the country by these decisions. It is called D.C. Vote, and my hat is off to D.C. Vote which is raising consciousness first in the District of Columbia and then intends to raise the consciousness of our country to what we know would not be condoned by the American people and that is that any people that pay taxes in this country would be left without their full representation in the Congress of the United States.

The ball now comes to the floor of this House. The ball comes to those with a political and a moral conscience, to those who serve in this

House to make sure that the residents who pay taxes equal to the taxes their residents pay get from this House, from the people's House, the maximum in representation that the people's House can offer.

SENIORS SHOULD NOT HAVE TO CHOOSE BETWEEN FOOD AND PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont (Mr. SANDERS) is recognized for 5 minutes.

Mr. SANDERS. Mr. Speaker, I want to say a few words about an issue of enormous consequence in my State of Vermont and for people throughout this country, and that is the outrageously high prices that we are forced to pay for prescription drugs. In Vermont, it is not uncommon for many people, including the elderly, to make the impossible choice about whether they buy the food that they need, whether they heat their homes adequately in the winter or whether they have the money to purchase the prescription drugs that their doctors prescribe.

It is not uncommon in that reality that American citizens are forced to cut their dosages in half or take a dose once every other day rather than what they are supposed to take because they simply cannot afford what they need to ease their pain, and in some cases to keep themselves alive, and this is an outrage. This is unacceptable.

Meanwhile, as the gentleman from Maine (Mr. ALLEN) has just indicated, the pharmaceutical industry remains the most profitable industry in the United States of America. In addition, not only are they raking in the profits, but it is not widely known but true, the pharmaceutical industry receives billions of dollars every year from the taxpayers of this country in order to help them with their research. The pharmaceutical industry receives billions of dollars in tax breaks from the people of this country.

What do we get in return? What we get in return is, by far, not even close, the highest prices for prescription drugs in the entire industrialized world.

Now we have heard a whole lot about Canada, and I will say more about it in a moment, but it is not just that the Canadians are paying substantially less for the same exact prescription drugs manufactured by American companies. It is every other country on Earth. For every dollar that a senior citizen in this country spends for prescription drugs, the people in Germany pay 71 cents; in Sweden, 68 cents; in the UK, 65 cents; in Canada, 64 cents; in France, 57 cents; and in Italy, for the same exact prescription drugs, 51 cents, half the price.

□ 1645

Mr. Speaker, during the last year, I took my constituents in the State of Vermont on two occasions over the border, we border on Canada, up to Montreal in order to enable some of them to purchase the prescription drugs they desperately need for substantially lower prices. At the end of the day, when those folks came back, many seniors, many women, they had each saved hundreds of dollar on their prescription drug bills.

One of the more outrageous examples of the disparity in prices deals with one particular drug called Tamoxifen. Tamoxifen is a widely prescribed drug to deal with the epidemic of breast cancer that tens of thousands of women throughout this country are fighting, are struggling for their lives.

In Canada, the cost of Tamoxifen is $34. In the United States, it is $241, same product, same dosage. In other words, we are paying roughly 10 times more for a drug that keeps women alive than are the people of Canada. Let us be clear that the pharmaceutical industry is not losing money when they sell their product in Canada or in Mexico and any place else in the world. They are simply ripping off the American people.

Now, Mr. Speaker, it is unfortunate but true that, if one looks at the record, one will find that the vast majority of Members of Congress receive campaign contributions from the pharmaceutical industry. In fact, the pharmaceutical industry spends more money on campaign contributions and lobbying than any other industry in this world.

Well, it seems to me that the time has long passed for the Members of this Congress to give back their campaign contributions to the pharmaceutical industry, to tell the lobbyists, not only here in Washington, but back in the State capitol, to all over America, to go home, to leave us alone.

It is high time that Members of Congress did the right thing, started looking out for the interests of their constituents, their seniors. They are chronically ill, and demand it of the pharmaceutical industry that the people of this country no longer be treated as second-class citizens, that we deserve the same prices as do the Canadians, the Mexicans, and people throughout this world.

Now, in that light, I have introduced legislation. The gentleman from Maine (Mr. ALLEN) has a very good piece in our legislation, which is also introduced by the gentleman from Arkansas (Mr. BERRY) and the gentlewoman from Missouri (Mrs. EMERSON). This is a very simple piece of legislation.

It says that the prescription drug distributors in this country and the pharmacists in this country can purchase the same exact FDA safety-approved product in Canada, in Mexico, at the same prices that the Canadian and Mexican pharmacists pay for their product, and they will be able to resell their product in this country for substantially lower prices.

Let us stand up to the pharmaceutical industry. Let us protect the American consumer, and let us start passing some real legislation to protect our people.

REGROWING RURAL AMERICA

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentleman from South Dakota (Mr. THUNE) is recognized for 5 minutes.

Mr. THUNE. Mr. Speaker, agricultural producers across South Dakota and across this country have been devastated by inclement weather, low prices, lack of competition, and unfair foreign trade. These are all issues which we need to address.

I want to commend the gentleman from Texas (Mr. COMBEST), chairman of the House Committee on Agriculture, for holding a series of hearings across this country to examine the farm economy and to hear from producers what we might be able to do to strengthen farm policy in this country. We have just one of those such hearings scheduled in South Dakota for May 2.

This is a complex problem, and there are no easy answers. There is no silver bullet solution. But our producers, all they are asking for is a fair price for their products. They work hard, they work the land, and many times are subject to circumstances which are beyond their control. We cannot control the Asian economy. We cannot control exchange rates. We obviously cannot control the weather. But there are things that we can control.

This year we are finally passing crop insurance reform. It is in conference right now. Last year we were able to pass mandatory price reporting to assist our livestock producers. We have provided emergency income assistance in each of the 3 years that I have been in the Congress. We have extended the ethanol tax incentive to assist our producers and try and stimulate value-added operations.

There are other things that need to be done as well, Mr. Speaker. We need to open markets. We need to pass trade with China. We need to step up our efforts at conservation, expanding the CRP and WRP programs. We need to eliminate the death tax so that our family farmers and ranchers can pass on their operations to the next generation. We also need relief from repressive regulations, and we need to allow for the deductibility of health insurance premiums for our family farmers and ranchers.

But there is one other issue, Mr. Speaker, that I would like to address today, and that is this whole issue of

value added, the need of producers to reach up the agricultural marketing chain and capture the profits that are generated from processing the raw commodities.

Producers have great interest in pulling together to do just that, but there are a couple of important barriers. The first is technical expertise and the second is capital. Most of our producers are currently cash strapped.

Now, in response to the need, producers' need and desire to become engaged in these types of ventures, we are introducing two pieces of legislation. The first is H.R. 3513, the Value-Added Agriculture Development Act, which would grant $50 million to create Agricultural Innovation Centers for 3 years on a demonstration basis. The Ag innovation Centers would provide separately needed technical assistance, expertise in engineering, business, research, legal services, to assist producers in forming producer-owned, value-added endeavors.

The companion bill, the Value-Added Agriculture Tax Credit Act, would create a tax credit program for farmers and ranchers to provide a jump start to value-added agriculture by allowing them to get a tax credit for making an investment in those types of operations. Specifically, the bill would make available a 50 percent tax credit for farmers who invest in a producer-owned value-added enterprise. Producers could apply the tax credit over 20 subsequent years or transfer the tax credit to allow for the cyclical nature of farm incomes.

Mr. Speaker, combined into a single package, these two initiatives will provide American family farmers the tools that they need, desperately need to successfully become vertical integrators, and to transform themselves from price takers to price makers.

This is a common sense approach to the problems that plague our agricultural economy, which are many. This is part of a solution.

But I hope that we can generate interest in this body in moving legislation that would provide the types of incentives that are necessary to tear down the barriers to value-added operations that will allow our producers to add value at the point of production and to maximize their profit and help restore some level of profitability and some level of survival to the agriculture economy in this country.

Mr. Speaker, let me just add one last thing, and that is this, this does not just affect producers. What is happening in the agricultural economy is destroying our rural way of life, our rural main streets, those who depend for jobs on the agricultural economy of this country. We are seeing it day in and day out across my State of South Dakota and across this entire country.

So I would urge this body to consider this legislation, to enact it, to help create jobs, create economic development, and create additional value-added agricultural operations that will provide the sustenance and necessary levels of profitability to sustain agriculture in this country.

I encourage and urge my colleagues in this Chamber to cosponsor this legislation and to help us see it become law.

REAL MONEY NEED FOR EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, I am honored to be joined here today by Patty Boyle, a teacher from Southern California, whose outstanding work is well known to the colleagues that she has had in teaching, to the parents, and the students that she has touched. As a result of Patty being here, I have decided to address the House on the importance of providing funds to modernize our schools and to provide additional classroom space.

I think we are all aware of how important it is to modernize our schools, to provide Internet access to teachers and to students. Many of us have focused on how important it is to provide air conditioning for schools as we go into the spring and summer months. More and more schools have extra programs or full-year sessions. Certainly, air conditioning is necessary then. It may also be necessary in May and in September when schools have their regular sessions.

Keep in mind, we here in Congress work in air-conditioned buildings. They tell tales of last century of what it was like to be a Member of Congress without air conditioning. Imagine what it is to try to teach 30 students without air conditioning.

Finally, Mr. Speaker, we have again and again talked about the importance of smaller class sizes, particularly in the first 3 years. Well, if we are going to have class sizes of 18 or 20 students in the first 3 years or throughout elementary school, we are going to need more classrooms. We are either going to need to reconfigure the space that we have now or build additional space for those classrooms that will be needed because we take the same number of students and put them into a larger number of classrooms so that they can have smaller class sizes.

All too often, what this has meant for resource specialists, for special ed classrooms, is that, as there are more classrooms devoted to regular elementary school education, the special ed students find themselves relegated to closets, to faculty rooms, to whatever nook and cranny that was never designed to allow students to learn and teachers to teach.

Both parties have recognized the importance of allocating Federal aid to schools and especially to provide school districts with the capacity to build additional classrooms and to modernize the classrooms that they do have.

But while both parties have recognized the need and both parties have decided that that need should be met by changing our Tax Code, that is where the similarity ends.

Unfortunately, the Republican Party has come up with a bizarre notion of how to use the Tax Code in order to encourage school construction. What they have said is it is okay for school districts to issue school bonds and then those districts will be encouraged to delay school construction, not for the 2 years that are allowed under the current tax law, but up to 4 years.

Now school districts need flexibility into when they issue the bonds and when they actually do the construction, but this is the first case where that flexibility is designed as a method of providing money for the school districts.

Well, how are they supposed to get money? Well, they are encouraged to arbitrage, to take the funds that they get by issuing school bonds and not build schools right away, but take the money to the markets, play the markets. Then they are allowed under the new Republican proposal to keep the profits.

The sole contribution to school construction and modernization offered in this Republican tax plan is a free ticket to Las Vegas for every school board member in the country.

I do not think that we should be encouraging schools to arbitrage invest, and we certainly should not view ourselves as having made some major contribution to education and school construction, because we have provided those free tickets to Las Vegas and told the school district that they are allowed to keep the profits that they make by playing the market.

Instead, the Democratic tax proposal, one that I am proud to cosponsor, and it is not just a Democratic proposal now, I believe the gentlewoman from Connecticut (Mrs. JOHNSON) and many other Republicans have sponsored or cosponsored. This legislation would, instead, provide real money by allowing schools to have the Federal Government pay the interest on the bonds up to $25 billion in bonds. That is real money for schools to spend.

CONGRATULATING HAWAII'S WINNERS OF THE PRUDENTIAL SPIRIT OF COMMUNITY AWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I congratulate two remarkable students from Hawaii—Leanne Nakamura, age 17, of Kaneohe

and Aubrie Weedling, age 13, of Honolulu. Leanne and Aubrie are Hawaii's top two youth volunteers for the year 2000 in the Prudential Spirit of Community Awards, a nationwide program honoring young people for outstanding acts of volunteerism.

Leanne Nakamura, a senior at James B. Castle High School, co-created "S.A.V.E. Kualoa Beach," an effort to remove marine debris and educate her community about environmental issues. While attending an environmental conference, Leanne learned about beach erosion and the devastating effect marine debris has on the beaches. She did not feel that the suggested action of writing letters to government officials was an adequate solution.

After being alerted by a faculty advisor of foreign fishnets on Kualoa Beach, Leanne organized an effort to remove the nets and conduct a beach clean-up. Leanne recruited volunteers from several school clubs and the University of Hawaii's Environmental Club and persuaded local merchants to donate food for the volunteers. As a result, three-quarters of the fishnets were removed. "I believe that when students took part in this project they learned about beach erosion and how people's carelessness affects the environment," said Leanne. "It allowed students to take responsibility for the earth, creating a relationship between the environment and the student."

Aubrie Weedling, an eighth grader at Moanalua Middle School, volunteers every week at a local food bank and once a month at a homeless shelter organizing, preparing, and serving food. Inspired by her mother, an ordained pastor who frequently talks about the importance of helping the less fortunate, Aubrie accepted an invitation by the food bank's organizer to volunteer her time. "Sometimes it's hard: I am the only young person from my church who works at the food bank and the Institute [shelter]," explains Aubrie. "The happiness on the faces of those we serve in more than I can ask for. I would tell other young people that it is a learning experience we should all have, and the feeling you get back is well worth your time."

I look forward to having the opportunity to meet these special young women and to welcome them to Washington when they come to the Capitol on May 9th. Leanne and Aubrie exemplify the very best of our youth, of Hawaii, and of our nation.

□ 1700

TAX RELIEF, TAX SIMPLIFICATION, AND TAX REFORM

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 6, 1999, the gentleman from Ohio (Mr. PORTMAN) is recognized for 60 minutes as the designee of the majority leader.

Mr. PORTMAN. Mr. Speaker, I am here to talk about taxes. April 15 is drawing near once again, and I am joined by my friend, the gentleman from Pennsylvania (Mr. ENGLISH), a member of the Committee on Ways and Means, and others, to talk about taxes, a topic that is on a lot of Americans' minds right now. It is a bottom line issue for families and businesses in my district and around the country as we draw close to tax filing deadline.

Tax season is, in a sense, a time for renewed focus, and that focus, I think, ought to be on two things. First is the fact that taxes are too high, and second the fact that our Tax Code is far too complex. This afternoon we are going to focus a little on what this Congress has done and what it is trying to do to address these problems through real tax relief, through tax simplification, and through tax reform.

There are a lot of different ideas out there, a lot of good ideas, and I think we will hear a little about them this afternoon. I would like to start by stepping back a few years, back when I was first elected to Congress, which was 1993. Just before I was elected, Congress, then run by the other party on the other side of the aisle, passed the largest tax increase in American history. In fact, Vice President AL GORE had to go to the Senate to break the tie vote in order for that to pass.

We have to look at the changes that have happened since then, in a relatively short period of time. It has been 6 or 7 years, and we have made some progress. Instead of the tax increases that did mark those first years of the Clinton-Gore administration, we have had some tax relief. We have held the line on taxes and also we have been able to put through some good proposals.

One is the child tax credit. A $500 per child tax credit to help families make ends meet. We have gotten that signed into law. We have also eliminated the unfair capital gains that people paid when they sold their homes. This is both tax relief and tax simplification. No longer do people have to keep records of every home improvement they make to make sure they can reduce their capital gains. This is the kind of legislation Congress ought to be passing.

We have also developed, and we got it enacted into law, legislation that dramatically reforms and overhauls the Internal Revenue Service. That happened in 1998. It was the first time we had had major reform of the IRS in 46 years. It expanded taxpayer rights, adding 52 new taxpayer rights. It improves taxpayer services and brings the second largest agency in the Federal Government into the information technology age. We have still got a lot of work to do with the IRS, but at least now they are on a track towards real reform and reorganization.

Just last year we attempted to follow through on these successes by passing legislation in this House that attempted to return a substantial portion of the nonSocial Security tax surplus. Not the surplus that goes into Social Security and Medicare, but the general revenues surplus. We tried to pass a substantial amount of that back to the taxpayers, who, after all, earned every dime of it. We did it because we believe that taxes are too high, that tax relief is appropriate as we build up these big surpluses, but also because we think the Tax Code is unfair.

Yes, we provided tax relief across the board, tax relief to millions of Americans, but we also went into the Tax Code and found out what is not working. For instance, there is an unfair penalizing of marriage today. The marriage penalty is something we addressed in our tax legislation. We did this because we believe that families ought to be encouraged and we ought not to have a higher tax just because someone gets married. On average, it is $1400 per couple in this country.

We also do not believe in taxation without representation, which is why we believe the unfair death tax ought to be repealed, and we passed that in this House.

We also passed education tax relief. We passed health care tax relief. We passed tax relief for those who want to save and invest in our economy. And, finally, yes, we passed tax relief in the area of expanding 401(k)s, IRAs, and other pension vehicles to allow people to save more tax-free money for their own retirement. These are very important measures that will help millions of Americans keep more of their hard-earned money for their own needs and for their families' needs rather than relying on the government.

Unfortunately, President Clinton chose to veto that tax legislation last year. This year we are back again. Congress has continued the fight to give taxpayers in this country a break. We have already passed in the last month here in Congress tax relief again focusing on the marriage penalty, to get rid of this unfair penalty on marriage. We have also passed our retirement security reforms, again to expand 401(k) coverage for every American. And we have also passed some estate tax relief as part of the small business tax package we passed a few weeks ago.

Again, these are part of our effort not only to return a substantial part of that nonSocial Security surplus back to the people who earned it, but also to make the Tax Code work better, to make it fairer, to correct some of the basic flaws we see in our Tax Code. Ultimately, of course, we need to take steps to fundamentally simplify and reform the Tax Code.

The current income Tax Code and its associated regulations now contain 5.6 million words, seven times as many words as the Bible, and it is not nearly as interesting. Taxpayers now spend about 5.4 billion hours a year trying to comply with the 2,500 pages in the Tax Code and the 6,500 pages of tax rules and 8 billion pages of tax forms. The

cost of complying with the Federal income tax in this country is now believed to be in excess of $200 billion a year.

That is more than 25 percent of the revenue of all the taxes collected. What a waste of money. And it hurts the economy, it hurts job growth, it hurts investment, and it means less economic opportunity for all of us.

I learned firsthand from spending a couple of years working intensively on IRS reform just how many problems our Tax Code causes not just for taxpayers, which is evident to many of us as taxpayers, but also for the IRS itself. It is very difficult to have an IRS that works well given the complexity of the Tax Code. It makes the IRS bigger and more intrusive than any of us would like it to be, and it makes the IRS more costly and less efficient than it could be with real tax reform.

That is why, for example, the new IRS reform law does contain some long overdue tax simplification encouragement. These measures are designed to force Congress prospectively, with new tax legislation, to come up with simpler ways to achieve the same results. There is now a tax complexity analysis that every new piece of legislation has to go through as it works its way through Congress. It will help Members of Congress consider for the first time the additional complexity caused by what might be otherwise good, sound and well-intentioned tax legislation.

So tax relief and tax simplification and reform to correct the problems with the current code are very important steps we can and should take together. But it is time for us to take that next step to replace the current Tax Code with something that is simpler, fairer and less intrusive for all Americans. Again, there are a lot of good ideas out there for doing that. We will hear about some tonight.

Some have proposed a flat tax on income. Others have proposed a fairer tax, a national sales tax, in place of an income tax. Other proposals out there as well are a value added tax, or more selective simplification of major parts of our current Tax Code.

We need to get the public attention focused on this need for fundamental tax reform, and to encourage that, the Committee on Ways and Means here in the House of Representatives, next week, will host the first ever congressional tax reform summit. It will be an opportunity for all the Members of Congress and the public to come forward and to talk about tax reform issues and to examine the range of alternatives to our current tax system.

For the past few years we have come to the floor close to April 15 with another interesting piece of legislation, it is called the Sunset the Code Bill. It eliminates the current Tax Code by a date certain, forcing Congress and the administration to work together in that interim period to come up with an alternative. That legislation has passed the House in the past. I hope it will pass the House again this year.

It has never been enacted into law, of course, because it has not gotten through the process or signed by the President. But next week we will try that again. This time under the leadership of our colleague, the gentleman from Oklahoma (Mr. LARGENT). We are going to try to bring a new Sunset the Code Bill to the floor that will, in addition to sunsetting the code, establish a new bipartisan, bicameral, the House and the Senate, congressional-presidential, meaning the House and the Senate and the administration, tax reform commission.

This commission is going to have a very simple task, which is to make recommendations to Congress for fundamental tax reform and simplification. The commission is modeled on the National Commission for Restructuring the IRS that I headed up with Senator BOB KERREY. I know commissions have a checkered past in this town, and it is easy to give problems to a commission and hope they go away, but some commissions do work. The IRS commission worked because it forced Congress to tackle that reform and to clean up the IRS.

That is the hope here in having a nonpartisan panel to look at this very complicated, very contentious issue, study the issue, bring some expertise to bear, and try to take the politics out of the process and lay the foundation here in Congress for some very needed and important changes to our Tax Code.

The commission will have 15 members, three appointed by the President, four each appointed by the Senate majority leader and the speaker, and two each appointed by the House and Senate minority leaders.

The important thing is most members in this commission will be from outside Congress, from outside the Federal bureaucracy. They will be members on the commission from around the country with expertise to bring to bear. There will be one Member from the House that will be a Republican and one Member from the House that will be a Democrat, same on the Senate, one Democrat, one Republican. But, again, most members will be people from the outside who can bring expertise in a nonpartisan approach to this important problem.

The commission will have a short timetable, 18 months, to complete its work and make a report to Congress, again on ways to fundamentally simplify and reform, fundamentally, reform the Tax Code. I would like to urge my colleagues listening tonight to support this effort and to vote for that legislation next week that is so important to move us from our current broken system to one that meets all our needs better.

The tax season is a frustrating time of year for so many Americans. Many of us are doing our taxes now. The amount of taxes we have to pay, the complexity and basic unfairness of the Tax Code, makes a lot of us wonder if there is not a better way. There has got to be a better way. And Congress has heard those concerns. We are committed to changing the status quo. Let us start with meaningful tax relief and simplification where we can this year, but let us go beyond, let us also lay the foundation for the kind of long-term reforms that will give all Americans a fairer, a simpler, and a less intrusive Tax Code.

With that, Mr. Speaker, I would like to yield back my time, with the understanding that my friend, the gentleman from Pennsylvania (Mr. ENGLISH), a distinguished member of the Committee on Ways and Means, along with my friend, the gentleman from Georgia (Mr. LINDER), another distinguished member of the Congress who has a lot of expertise on tax issues, will have a chance to continue this dialogue.

CONTINUED DIALOGUE ON TAX RELIEF AND TAX REFORM

The SPEAKER pro tempore (Mr. THUNE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. ENGLISH) is recognized for the balance of the 60 minutes as the designee of the majority leader.

Mr. ENGLISH. Mr. Speaker, after concluding opening remarks, I will be yielding to the gentleman from Georgia (Mr. LINDER) who has some very interesting ideas to outline for us.

Mr. Speaker, I was struck by the tenor of my colleague's comments, the gentleman from Ohio (Mr. PORTMAN), who laid out a bill of particulars of what this Congress has done to make this Tax Code much more pro working family. But at the same time, we need to recognize that more needs to be done, and it is time for Congress to move in the direction of fundamental structural tax reform.

Next week, as the gentleman from Ohio noted, the House Committee on Ways and Means will be sponsoring a tax reform summit where many of the ideas of alternatives to the current tax system will be outlined. I have one that I intend to outline tonight, but let me say that the gentleman from Georgia (Mr. LINDER), myself, and the gentleman from Ohio (Mr. PORTMAN) share a common perspective which I believe is why we feel we need to move forward quickly on this subject and begin to define alternatives to the current tax system.

The American tax system looms like a Frankenstein's monster that terrorizes individual taxpayers while casting

a cold shadow over the productive sectors of the U.S. economy. It is too complicated and riddled with obvious inequities, it punishes savings and investment, it reduces economic growth, and it burdens domestic industries struggling to remain competitive.

We in Congress cannot complacently sit back and watch as this complicated, antiquated tax system erodes our Nation's confidence in its economy. We must reform the American tax system in a way that makes sense to average citizens and that, therefore, will pass the test of time. Because not only do we need a fair and sensible Tax Code, we need a stable one.

As bad as the current Tax Code is, and I am one of its severest critics, in my view the last thing we need to enact is some reform that is so radical and experimental that it results in an irresistible demand to redo it again a few years later. The simplified USA Tax Act that I have introduced does all of that and more. H.R. 134 is based on sound and familiar principles that we all understand and we know will work.

The Tax Code, Mr. Speaker, must give Americans a fair opportunity to save part of their earnings. After all, thrift has helped provide Americans the security and independence that is the foundation of freedom. We understand that savings is the seed corn of the modern economy. Savings buys the tools to make Americans more productive. Productivity raises our living standards to the highest in the world.

In my tax reform proposal, USA stands for unlimited savings allowance. Everyone is allowed an unlimited Roth IRA in which they can put the portion of each year's income they save after paying taxes and living expenses. After 5 years, all money in the account could be withdrawn for any purpose, and all withdrawals, including accumulated interest and other earnings and principal, are tax free. Nothing can be simpler and nothing could give the people a better opportunity to save, especially young people. Because only new income earned after enactment of the simplified USA tax can be put into the USA Roth IRA, young people starting to move into their higher earning years are the ones who will benefit the most in the long run.

□ 1715

The Tax Code must also give everyone the opportunity to keep what they save and, if they wish, to pass it along to succeeding generations.

To that end, my tax reform proposal repeals the Federal death tax. Under the new Tax Code, tax rates must be low, especially for wage earners who now must pay an income tax and a 7.65 percent FICA payroll tax on the same amount of wages. The simplified USA tax starts out with low tax rates, 15 percent at the bottom, 25 percent in the middle, and 30 percent at the top.

Then the rates are reduced even further by allowing wage earners a full tax credit for the 7.65 percent Social Security and Medicare payroll tax that is withheld from their paychecks under current law.

Mr. Speaker, I do not propose to repeal the payroll tax, because to do so would imperil Social Security. But I do allow a credit for it; and when the credit is taken into account, the rates of tax on workers wages are very low, indeed, in the 7 percent to 17 percent range, for nearly all Americans.

The simplified USA tax provides tax relief for all Americans, especially those who own their home, give to their church, educate their children, and set aside some money for a better tomorrow.

Under my proposal, everyone receives a deduction for the mortgage interest on their home and for charitable contributions that they choose to make. In addition, USA tax allows a deduction for tuition paid for college and postsecondary vocational education.

This type of incentive is relatively new, and given the importance of education, long overdue to encourage investment in human capital. Generous personal and family exemptions are also allowed under my proposal. On a joint return, the family exemption is $8,140; and there is an additional 2,700 exemption for each member of the family. Thus a married couple with two children pays no tax on their first $18,940 of income.

The simplified USA tax is just that, simple, 75 percent simplier than the current Tax Code by one estimate. The tax return will be short, only a page or two for most of us; but more to the point, the tax return will be understandable.

For the first time in many years, America's tax system will make sense to the citizens who file the tax returns and pay the taxes. And for the first time since inception of the Federal income tax, Americans will have a full and fair opportunity to save whatever proportion of their income they wish and for whatever purpose they wish.

Working families will be allowed a credit for the payroll tax they pay. Families will have generous taxfree allowance for the education of their children. My proposal, Mr. Speaker, also contains a new and better way of taxing corporations and other businesses and this is something that every worker in the international economy has stake in. It allows them to compete and win in global markets in a way that exports American-made products, not American jobs.

Experts who have studied my plan believe that if enacted in America, this innovative approach to business taxation will soon become the worldwide standard to which other countries aspire. All businesses, corporate and noncorporate, are taxed alike under my plan at an 8 percent rate on the first $150,000 of profit and at 12 percent on all amounts above that, small business level.

All businesses will be allowed a credit for the payroll tax they pay under current law. All costs for plant, equipment, and inventory in the United States will be expensed into the year of purchase. This is a critical reform that will allow capital formation in those businesses competing in the international economy that most need it.

This is an important point, Mr. Speaker. All export sales income is exempt, as is all other foreign source income. All profits earned abroad can be brought back home for reinvestment in America without penalty. Because of a 12 percent import adjustment, all companies that produce abroad and sell back in the U.S. markets will be required to bear the same tax as companies that both produce and sell in the U.S.

Mr. Speaker, I hope to push forward a bipartisan effort with the simplified version of the USA tax. I invite all of my colleagues in the House to join me in an effort to provide the American people the fair and sensible tax system they deserve.

Mr. Speaker, for too long the Tax Code has been a terrible drag on our economy that is not very smart and certainly is not fair to those Americans whose living standards are lower now because of it. For years, its complex inanities have been the object of ridicule. It is also the ultimate source of bureaucratic excesses and abuse by the IRS that is inconsistent with our free society.

In my view, it is high time we restore people's faith in the integrity and basic fairness of their tax system and in the process, take a major step toward restoring people's confidence in the good character of their government.

Mr. Speaker, we believe that these are priorities worth pursuing, and I believe that this plan is one that can push us in the right direction.

To hear about another plan, the fair tax plan, I would like to yield such time as he may consume to the prime sponsor of that bill, the gentleman from Georgia (Mr. LINDER), who we expect will outline a challenging alternative to the proposal I have just laid before us.

Mr. LINDER. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. ENGLISH) for yielding, and I thank the gentleman from Erie for his plan and the gentleman from Cincinnati (Mr. PORTMAN) for arranging a special order.

Let me say, Mr. Speaker, before I get into my plan, that any one of these proposals is better than the current system. What we have learned after 86 years of the current system, if we had sat down at the beginning in 1913 and said how can we build a tax system that will punish people for working

hard and earning, that will be obstructive of capital formation, we could not have done a better job than we have done here.

Our tax system is the single biggest impediment to people reaching from the first rung of the economic ladder to the second, because the harder you work, the more you save, the more you invest, the more we take. It is a system that is inefficient. We have seen testimony from the Kemp Commission to Harvard studies that say for a small businessman or woman to comply with the code, collect and remit $1 in business income taxes, it costs them anywhere from $4 to $7 to do that.

It is un-understandable. Our own IRS tells us that if you call the IRS for help filling out your own tax return for an answer to a question, 25 percent of the answers they give you are in error. Money Magazine sent the same data to 49 different tax preparers for a hypothetical family and found 49 different tax returns varying by thousands of dollars.

We should get away from the notion of taxing what people put into society, their productivity, their job creation, their work, and tax what they take out of it, their consumption.

When you think about it, there is no way for a business in America to pay a tax. There is not a mechanism for it. If you have a business, and I have had several, there is not a secret drawer where the money piles up, where you find your share of the payroll tax.

There is not another secret drawer where the money piles up, where you pay your income tax from.

It all comes out of price, as well as your electric bill and labor cost, but it is all in price. If you have a loaf of bread, a farmer has touched it, a trucking company, a processing company, a bakery, a distribution company, a retail outlet, not to mention the cardboard manufacturers and the plastics people. All of them have tax costs, payroll tax costs, income tax costs, accountants and attorneys to avoid the tax codes. All of that gets put into the price of that loaf of bread.

And we think, from the study we have done at Harvard, that it is 22 percent. On average what you pay at retail is 22 percent inflated by the embedded cost to the IRS. How do you fix that? You get rid of the IRS. Get rid of the income tax on both corporate and individuals, get rid of the payroll tax which is the largest tax that three-fourths of America pays. Three-fourths of us pay more for Social Security and Medicare than we do in income taxes.

Get rid of the death tax, the capital gains tax, the tax on dividends, the gift tax; and replace it with a one-time retail sales tax. If you spend $100, the first $23 goes to Uncle Sam, the rest goes to the merchant. Currently, $22 is going to the embedded costs to the IRS.

Our numbers show that as of 1995 that we are bringing the same amount of money as the current system. Now, what will this do in the world? You will have a percent higher cost of living, but you get to keep your whole check. If you are an average income earner in America at 28 percent withholding level, 28 percent income tax withholding and 7.65 percent is your share of the payroll tax costs, your employer pays an equal amount for you, you will have a 56 percent increase in take-home pay the next day. You can afford the penny.

What happens in the world? If we are the only Nation in the world selling into the global economy with no tax component in our prices are we going to be more competitive? If a corporation finds more value in equity than debt, today there is more value in debt, because if you borrow money, you get to deduct the entire interest costs.

If you have equity, shareholders, you pay tax on the profits; and when you give it to them as dividends, they pay tax one more time. And if they sell stuff, they pay tax on the capital gain. Under our system, with no taxes on business, no taxes on investment, there would be fewer people in the borrowing markets and the interest rates will go down 25 percent across the board for school loans, homes, cars.

If you are at an international corporation like Coca-Cola from my hometown with sales across the globe and dollars stranded overseas because it is cheaper to borrow here at 8 percent than to repatriate those dollars at 35 percent. All of those dollars come home. The plant gets built in this country, foreign companies find it attractive to build a plant in this country, because there is no tax consequences.

Every investor in the world will be in on our stock markets because there is no tax consequence. The markets go up. Who is opposed to this? Not CPAs. You think CPAs like this system? They are at risk every time they sign a tax return.

We have not even promulgated the rule for some of the tax changes that we have. CPAs can make far more money planning the future for their clients, the growth of the business, the financing of that growth, than they can recording the past. This town does not like the bill. It will be the largest transfer of power from Washington to individuals in the history of our government. We know too much about you. We would give that away.

There are 100,000 people at the IRS that know more about me than I am willing to tell my children, and I want them out of my life and yours. These are not bad people. These are people doing the job that this Congress by statute has directed them to do, but we should not have any agency of government that knows how you make money or how much you make or how you spend it. That should be none of our business.

Unlike the simple tax return that you heard from my friend from Erie talk about, my tax return is nonexistent. You never, ever keep a receipt or a record or file a tax return. Now, people will say this is hurtful on the poor, because they spend all of their money for living, to which my response is this: they are already paying a 22 percent cost to the IRS in everything they buy.

We are going to get rid of that. But beyond that, we do not believe anybody should pay tax on necessities. Every year the Department of Health and Human Services says that a household of one needs to spend, last year it was $8,500, with my tax included, to pay for their necessities. My mother in an apartment in Minnesota can pay for her health care, housing, food, clothing for $8,500 dollars, that is called poverty living; but that is what HHS says you can get by in your necessities. My daughter and my son-in-law and three grandsons in Memphis need to spend $25,000 for their necessities.

□ 1730

Our rebate will totally return to them on a monthly basis the total tax consequences of spending up to the poverty line. So no family, rich or poor, has to pay taxes on their necessities. Beyond that, we are all discretionary spenders. We should all pay the same. Just imagine a world in which you are a voluntary taxpayer. We do not have to pass bills like we have done and the gentleman from Erie, we worked on a bill to make the IRS more friendly because it was a huge adversarial relationship with our taxpayers. We do not need that because you are going to be a voluntary taxpayer. You are going to pay taxes exactly when you choose to pay them and exactly as much as you choose to pay them. If you want to buy a used house instead of a new one or a used car instead of a new one, no taxes. Only new things for personal consumption, personal use. Because we believe that a house already has a 30 percent embedded cost of the IRS in it and you should only pay taxes on anything one time.

I want you to have the privilege in a free society of being anonymous again. We should not know as much about you as we do. We should not have anybody who can look into your records and know your history. I think the privilege of anonymity is the single greatest gift a free society can give its citizens.

Let me further say this: We have built a tax system that every time the government wants more of your money, we promise you it is only going to increase the taxes on the top 1 percent. Remember 1990? Do you remember 1993? It is only going to increase

the taxes on the top 1 percent. So 99 percent say, Go get them. Fine with me. It's not going to hurt me.

Guess what? We all pay. In 1990, when President Bush agreed to a tax increase on the top 1 percent, the top 1 percent paid $106 billion in taxes. In 1991 after the tax was increased, they paid $100 billion in taxes.

Guess what? Rich people are often smart people and they find ways to change the way they get their income. They can control it and reduce their obligation. I do not blame them. I want the next tax increase to be so important that we all pay, including my mother on that loaf of bread. We all ought to be involved in this.

Russell Long when he was chairman of the Senate Finance Committee had a wonderful saying. He said, ''Don't tax him and don't tax me but tax that man behind the tree.'' And we are all willing to do that. But what we find out is it comes back through the system and we all pay at the checkout line at retail.

So let us be honest about it. Let us have a transparent, frank, obvious tax at retail that we all know how much our government is costing us and we all pay equally. This bill totally untaxes the poor. It untaxes necessities, and it treats everybody else exactly the same. It gives us a world in which investment is attractive, consumption is not. It gives us a world where we are all treated equally.

I want to remind you what was said in 1913 when they passed the 16th amendment to allow the income tax. A Senator was ridiculed so bad that he was laughed off the floor of the Senate for saying something that was absolutely outrageous to the rest of the Senators. He said this: ''Mark my words, before this is over, the government is going to be taking 10 percent of everything we earn.'' Oh, how I wish it were so. That gave fresh meaning to my favorite country and western song: ''If 10 Percent's Enough for Jesus, It Ought to Be Enough for Uncle Sam.''

Mr. ENGLISH. I thank the gentleman, and I appreciate his contribution to this debate. He has laid out for us the vista of a very different tax system and one that I believe would potentially have a great impact on the American economy. One of the areas of similarity between his plan and my plan, I note, is the fact that he on the business side offers a border adjustable tax.

Before I slip into the jargon, what I mean by that is we would take the taxes off of exports and put a fair tax on imports. Now, I have been very concerned, Mr. Speaker, about our trade balance in this country. I have been very concerned about the competitiveness of American jobs. I have been very involved in working with the steel industry to address the problem of steel imports.

One of the proposals that always does not seem to get a full focus when we discuss these things is the fact that by changing our tax system, we could improve the competitive position of our economy and potentially the balance of trade. The tax system that the gentleman just outlined would not tax job creation in basic industry and it would allow us to export tax free.

My tax system has many of the same incentives and would allow us to grow capital intensive jobs. I look forward to hearing more about the gentleman's tax system next week when we discuss it in the House Committee on Ways and Means as part of our tax summit. I am also looking forward to the opportunity to discuss with colleagues on both sides of the aisle in our committee the merits of my tax proposal which I conceive to be a hybrid between a simplified income tax and a consumption tax. It has many of the same incentives of a consumption tax and yet addresses many of the equity issues that I believe concern Americans and concern their elected representatives.

I am hopeful that we can attract bipartisan support for real tax reform. In the interim, I am pleased that Republicans have chosen to move forward and to raise this issue and consider how we can simplify the tax code to the benefit of individual taxpayers and certainly to the benefit of the economy.

One parting shot. It really frightens me when I see estimates that suggest that the cost of the current tax system to our economy is somewhere upward of $300 billion annually. That is a dead loss to our economy. It comes through complexity, it comes through the cost of the system itself, it comes through bad decisions that people make because of the tax code and its perverse incentives. We need to change the tax system if we are going to leave this century the way we have entered it with the most productive economy and the preeminent economy in the world.

A FUTURE OF HOPE FOR TURKEY: ONE OF PEACE AND JUSTICE FOR THE KURDS

The SPEAKER pro tempore (Mr. THUNE). Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. FILNER) is recognized for 60 minutes as the designee of the minority leader.

Mr. FILNER. Mr. Speaker, yesterday I introduced a resolution, House Resolution 461, to ask for the freedom of Leyla Zana, Hatip Dicle, Orhan Dogan and Selim Sadak as well as the lifting of the ban on the Kurdish language and culture in Turkey. Now, these names may be unfamiliar to some, but the names I just read are those of Kurdish parliamentarians, Kurdish Congress members who have been in prison, yes, Mr. Speaker, in prison as Congresspeople for the last 6 years. The language and culture that they represent are the Kurds, an indigenous people of the Middle East who live in an ancient land called Kurdistan. These representatives are in prison solely because they are Kurds, and the Kurds are not free because their land is ruled by Turkey, Syria, Iran, and Iraq.

Now, this body has previously heard of the name Leyla Zana who, according to The New York Times, is the most famous Kurdish dissident in the world. This country has heard of the Kurds because Saddam Hussein gassed them with his chemical and biological weapons in 1988 and threatened to do so again in 1991. But neither this country nor this body has really paid any attention to the plight of the Kurds living as they still do on their ancient lands and still persecuted now even as I speak by the governments in Ankara, Damascus, Tehran, and Baghdad.

Mr. Speaker, I am going to restrict my commentary today to Turkey, because it is a country we honor as an ally, we support as a friend and we favor as a partner. Turkey boasts of having a sophisticated U.S. arsenal in its inventory: M–16 machine guns, M–60 battle tanks, Cobra attack helicopters, and F–16 fighter planes. American Special Forces in fact train Turkish commandoes in Turkey. Turkish leaders are fond of referring to their people as an ''army nation'' and talks are now under way to supply Turkey with an additional 145 attack helicopters worth $4 billion.

Now, is Turkey really worthy of these investments? Have our fighter planes, our attack helicopters, our battle tanks, and our machine guns protected the liberty of its citizens? Why are we training Turkish commandoes who are known to behead their victims and haul their dead bodies behind armored vehicles? In Turkey today, Mr. Speaker, I note with trepidation that liberty is under assault. Cultural genocide is the law of the land. A way of life known as Kurdish is disappearing at an alarming rate.

Mr. Speaker, we are not always as a country indifferent to the plight of the Kurds. Our 28th President, Woodrow Wilson, supported the right of subject peoples to self-determination. In an address to the Senate on January 22, 1917 he said:

> No nation should seek to extend its policy over any other nation or people but that every people should be left free to determine its own polity, its own way of development, unhindered, unthreatened, unafraid, the little along with the great and powerful.

Three months after this statement, the United States entered the war on the side of the Allies. The war cry ''making the world safe for democracy'' resonated with subject peoples all over the world and families from North Africa to Central Europe and people who named their sons after our President. But the prophetic words of President

Wilson were disregarded, especially in the Ottoman provinces. The Armenians were massacred and the Kurds were subdued after the emergence of the Turkish republic. What followed has been chronicled as nothing other than a slow-motion genocide.

In Turkey, a people known to historians as the Kurds and a land known to geographers as Kurdistan simply disappeared from the official discourse overnight just 1 year after the inception of the young Turkish republic. The Kurds, said the Turkish officials, were not really Kurds but mountain Turks and their land was not really Kurdistan but eastern Turkey. This act of social engineering and historical revisionism has been propagated as the law of the land ever since. Thousands of Kurds have died in rebellion after rebellion. Millions have been uprooted. Some wish to raise a Rest in Peace sign over the entire Kurdish nation.

Perhaps of all the stories that have come out of the Kurdish land administered by the Turks, that of Layla Zana captures the essence of what it means to be a Kurd in Turkey. She was born in 1961 in a small Kurdish village near Farqin. Her earliest recollections of the Turks were either as tax collectors or as soldiers. In elementary school the lone Turkish teacher that she had told her she should learn Turkish because it was the language of the civilization. She was able to go to school for only 3 years. Then she worked on a farm, helped out in the house and occasionally heard of the name Mehdi Zana, who was her future husband, as the rising star of Kurdish politics.

In fact in 1976, she married Mehdi Zana and moved to the largest Kurdish city in the world known as Amed, or Diyarbakir, in northern Kurdistan. In 1977, Mehdi Zana was elected to the post of mayor of the city. Turkish officials were appalled. Here was an ardent Turkish nationalist who managed to earn the trust of his fellow Kurds. The city Amed was put under siege. Its funds were frozen. Mayor Zana appealed to his European colleagues for help. French mayors responded by giving 30 buses and trucks filled with office supplies and for a short while the bus fares in the city were simply abolished. Leyla Zana's education in politics began in those tumultuous years.

On September 12, 1980, a general in the Turkish army named Kenan Evren declared himself the supreme leader of the country. He deposed the elected government and dissolved the parliament. His soldiers then began arresting dissidents, especially the Kurds. The rising star of Kurdish politics, Mehdi Zana, was high on their list. Twelve days later, he was arrested without any charges being posted. And for the next 8 years, he would be tortured in the infamous Diyarbakir military prison. He would witness the death of 57 of his friends. But through it all he did not break, he endured as did his wife and small children.

Mehdi Zana was kept in prison for 3 additional years in various Turkish prisons in Turkey proper. He has chronicled his ordeals in a book entitled Prison No. 5, now available in bookstores in this country as well as on amazon.com. I had the fortune of meeting this nonviolent champion of Kurdish rights a couple of years ago and was humbled by the generosity of his feelings toward his tormentors. Like President Nelson Mandela in South Africa, Mehdi Zana does not seek revenge. He wants peace for himself and his family and his people.

□ 1745

In words that still haunt me, he urged me to speak out against the slow motion genocide against the Kurds. ''The Armenians,'' he noted, ''were massacred. The Kurds are being put to permanent sleep.''

Mr. Speaker, Leyla Zana's schooling consisted of adversity, torture, humiliation, and State-sanctioned persecution that has never slackened to this day. She had given birth to a son when Mehdi was the Mayor of Amed and would later give birth to a daughter after her husband's arrest. She would learn Turkish the hard way, from the police who harassed her for being the wife of a popular mayor, and the courts who ruled that he was a trader and deserved to die.

In 1998, she herself was thrown into jail and endured abuse, humiliation, and torture for organizing the wives of Kurdish political prisoners to demand visitation rights. Although behind bars, the authorities, fearing a chain reaction, gave in to these mothers' demands, and Layla Zana has related this brush with the police as a turning point in her awakening as a political activist. She began reading voraciously, wrote for various publications, passed a proficiency exam for a high school diploma; in fact, the first Kurdish woman to do so in her city.

These were the years when the wall in Berlin came down, the Soviet Union let go of its subject nations, the Cold War that had dominated international politics was supplanted with a rapprochement between the East and the West. The winds of change that brought democracy to former communist nations, people now hoped with visit the lands administered by ''our dictators'' in such places as South Africa, Indonesia and Turkey.

We all know that South Africa has made its transition to democracy. And just last year, the official world welcomed one of its smallest nations to the fold, the people of East Timor. But the Kurds, the Kurds, thus far, have been kept off of this forward march toward liberty. The adversaries of the Kurds and their misguided friends have managed to define them as the misfits of the world. But this cause of liberty is a just one, and the veil of oppression over the Kurds must come down.

There was a time when the prospects of peace and reconciliation between the Kurds and the Turks almost became a reality. In October 1991, the country held a general election. Twenty-two Kurds were elected to the Turkish parliament. The names I mentioned when I first began tonight, Leyla Zana, Hatip Dicle, Orhan Dogan and Selim Sadak were part of that group. Hopes were raised that these newly and duly elected representatives would be the mediators with the Turks and peace and justice might once again come to the land of the Kurds.

But these hopes were dashed when Mehmet Sincar, a newly-elect Kurdish member of the parliament, was murdered in broad daylight on September 3, 1993. One year later, 6 Kurdish parliamentarians were arrested for their advocacy of a peaceful resolution of the Kurdish question. Six others, who were feeling the sword of Damocles hanging on their shoulders, fled abroad to seek political asylum in Europe, and the remaining nine Kurdish deputies in the parliament either resigned from their posts or changed parties to save their lives.

An all-out war was then declared with devastating results. Turkish troops using American weapons wanted to silence the Kurdish resistance once and for all. The Kurdish cease-fire offers were spurned. The Kurdish villagers were forced to either take up arms against their family members, the Kurdish rebels, or face the consequences of the destruction of their villages. Over 3,400 villages have been destroyed; 37,000 people, mostly Kurds, have been killed; 3 million Kurds have become refugees.

Mr. Speaker, 3 years ago our distinguished colleague from Illinois (Mr. PORTER) sent out a ''Dear Colleague'' letter which was signed by 153 Members of the 105th Congress to President Clinton urging him to intervene on behalf of Leyla Zana. A year later, in fact, the gentleman from Illinois (Mr. PORTER) visited her in Turkish prison and urged the Turkish authorities to do the same. Unfortunately, nothing came of these efforts. Her imprisonment continues and the intransigence of the Turks is still at an all-time high.

The Porter letter, which was dated October 30, 1997 addresses some of the concerns of the resolution I have introduced in this Congress, and I would like to read that ''Dear Colleague'' for the RECORD.

It states: ''Dear Mr. President: We want to draw your attention to the tragic situation of Leyla Zana, the first Kurdish woman ever elected to the Turkish parliament. Mrs. Zana, who is the mother of two children, was chosen to represent the Kurdish city of Diyarbakir by an overwhelming margin

in October 1991. She was arrested by Turkish authorities in March of 1994 in the Parliament Building and subsequently prosecuted for what Turkish authorities have labeled ''separatist speech'' that is stemming from her exercise of her right to free speech in the defense of the rights of the Kurdish people. She was sentenced to 15 years in prison in December 1994 and remains in Ankara today.

One of the charges against Mrs. Zana was her 1993 appearance here in Washington before the Helsinki Commission of the United States Congress. We find it outrageous that although she was invited to participate at the request of Members of Congress, her participation was one of the activities that led to her imprisonment.

Mrs. Zana's pursuit of democratic change through nonviolence was honored by the European Parliament which unanimously awarded her the 1995 Sakharov Peace Prize. In addition, Amnesty International and Human Rights Watch have raised concern about her case.

''Mr. President,'' the letter goes on, ''Turkey is an important partner of the United States, a NATO member, and a major recipient of our foreign aid, but its abuse of its Kurdish citizens and their legitimately-elected representatives is unacceptable. Mrs. Zana's majority Kurdish constituency gave her the mandate to represent them, but the government of Turkey has made an unconscionable effort to stop her. Her voice should not be silenced. This is just one of the many cases in which the Turkish Government has used the power of the State to abuse people, based on their political beliefs.

We ask you and your administration, Mr. President, to raise Mrs. Zana's case with the Turkish authorities at the highest level and seek her immediate and unconditional release so that we may, once again, welcome her to our shores.''

Mr. Speaker, that was the letter that 153 of us wrote recently. Since then, Amnesty International has adopted Leyla Zana and her duly-elected members of parliament as prisoners of conscious. In 1995 and 1998, the Noble Peace Committee that assigns its prestigious Peace Prize to people who embody our most deepest aspirations for a more tolerant world acknowledged that Leyla Zana was one of their finalists. The City of Rome has awarded her honorary citizenship. European organizations have bestowed on her numerous awards of their own.

In 1867, Mr. Speaker, a great American, Frederick Douglas, in his ''Appeal to Congress for Impartial Suffrage,'' summarized the situation of his family which is akin to what this resolution is demanding from the Turkish Government. Reflecting on Mr. Douglas's historical remarks, I was reminded of my encounter with Mehdi Zana and how he too echoed the same sentiments as our own great emancipator. Mr. Douglas wrote that, ''We have marvelously survived all of the exterminating forces of slavery, and have emerged at the end of 250 years of bondage, not morose, misanthropic, and revengeful, but cheerful, hopeful and forgiving. We now stand before Congress and the country, not complaining of the past, but simply asking for a better future.'' Simply asking for a better future.

Mr. Speaker, my resolution, supported at this time by my esteemed colleagues, the gentleman from Illinois (Mr. PORTER), the gentleman from New Jersey (Mr. SMITH), the gentleman from Virginia (Mr. WOLF), the gentlewoman from California (Ms. ESHOO), the gentleman from Michigan (Mr. BONIOR), and the gentleman from New Jersey (Mr. PALLONE), calls for a better future for the Kurds. In that future, public service is not rewarded with punishment, but honored with gratitude. In that future, languages are not banned, but cultivated as a gift of God to a people and of a people to its offspring. And only in that future, Mr. Speaker, lies the promise of peace and justice for the Kurds and a brighter future with the Turks.

Mr. Speaker, I ask my friends to support us as we help the peoples of Turkey to leap into the future for the good of themselves, as well as our battered humanity.

Mr. Speaker, asking for a better future is what we are doing here tonight.

COMMUNICATION FROM THE DEPUTY CHIEF ADMINISTRATIVE OFFICER

The SPEAKER pro tempore laid before the House the following communication from John Straub, Deputy Chief Administrative Officer:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 5, 20000.

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for production of documents to Custodian of Personnel Records, U.S. House of Representatives issued by the Superior Court of the District of Columbia.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

JOHN STRAUB,
Deputy Chief Administrative Officer.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WELDON of Florida (at the request of Mr. ARMEY) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DAVIS of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. METCALF, for 5 minutes, today.

Mr. NORWOOD, for 5 minutes, today.

Mrs. NORTHUP, for 5 minutes, April 12.

Mr. SCARBOROUGH, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

Mr. ROGAN, for 5 minutes, today.

Mr. THUNE, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1374. An act to designate the United States Post Office building located at 680 U.S. Highway 130 in Hamilton, New Jersey, as the ''John K. Rafferty Hamilton Post Office Building''.

H.R. 3189. An act to designate the United States Post Office building located at 14071 Peyton Drive in Chino Hills, California, as the ''Joseph Ileto Post Office''.

ADJOURNMENT

Mr. FILNER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until Monday, April 10, 2000, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6978. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of lieutenant general on the retired list of Lieutenant General William J. Donahue, United States Air Force; to the Committee on Armed Services.

6979. A letter from the Secretary of Defense, transmitting the approved retirement

and advancement to the grade of lieutenant general on the retired list of Lieutenant General Stewart E. Cranston, United States Air Force; to the Committee on Armed Services.

6980. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA–7729] received February 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6981. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA–7728] received February 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6982. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Reoganization of Federal Housing Finance Board Regulations [No. 2000–02] (RIN: 3069–AA87) received February 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6983. A letter from the Secretary of Labor, Department of Labor, transmitting the Department's final rule—Process for Electing State Agency Representatives for Consultations With Department of Labor Relating to Nationwide Employment Statistics System (RIN: 1290–AA19) received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6984. A letter from the Acting Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting the Department's final rule—Interim Final Rule for Reporting by Multiple Employer Welfare Arrangements and Certain Other Entities That Offer or Provide Coverage for Medical Care to the Employees of Two or More Employers (RIN: 1210–AA54) received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6985. A letter from the Secretary, Bureau of Consumer Protection, Federal Trade Commission, transmitting the Commission's final rule—Children's Online Privacy Protection Rule (RIN: 3084–AA84) received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6986. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing license agreement with France [Transmittal No. DTC 012–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

6987. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Report to Congress on Regulations Implementing the Chemical Weapons Convention Implementation Act of 1998; to the Committee on International Relations.

6988. A letter from the Acting Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Reissuance of 48 CFR Chapter 5 (RIN: 3090–AE90) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6989. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the Shelikof Strait Conservation Area in the Gulf of Alaska [Docket No. 991223348–9348–01; I.D. 021000C] received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6990. A letter from the Secretary of the Interior, transmitting the 1999 annual report on the Migratory Bird Conservation Commission, pursuant to 16 U.S.C. 715b; to the Committee on Resources.

6991. A letter from the Government Affairs, Amtrak, transmitting the 1999 Annual Report, and Amtrak's FY 2001 Legislative Report and Grant Request, pursuant to 12 U.S.C. 1701y(f)(2); to the Committee on Transportation and Infrastructure.

6992. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendments to Class D and Class E Airspace, Tupelo, MS [Airspace Docket No. 00–ASO–3] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6993. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace; Jackson, WY [Airspace Docket No. 99–ANM–11] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6994. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision to the Legal Description of the Burlington International Class C Airspace Area; VT [Airspace Docket No. 99–AWA–12] (RIN: 2120–AA66) received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6995. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; London, KY [Airspace Docket No. 99–ASO–23] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6996. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Lexington, KY [Airspace Docket No. 99–ASO–25] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6997. A letter from the Chairman, Office of Proceedings, Surface Transportation Board, transmitting the Board's final rule—Class exemption for motor passenger intra-corporate family transactions [STB Finance Docket No. 33685] received February 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6998. A letter from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting the Department's final rule—Eligibility Criteria for the Montgomery GI Bill—Active Duty and Other Miscellaneous Issues (RIN: 2900–AI63) received February 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6999. A letter from the Chief, Regulations Branch, Customs Service, Department of the Treasury, transmitting the Department's final rule—Importation of Chemicals Subject to the Toxic Substances Control Act [T.D. 00–13] (RIN: 1515–AC04) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7000. A letter from the Secretary, Judicial Conference of the United States, transmitting a draft bill cited as, ''Federal Judgeship Act of 2000''; jointly to the Committees on the Judiciary and Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 3615. A bill to amend the Rural Electrification Act of 1936 to ensure improved access to the signals of local television stations by multichannel video providers to all households which desire such service in unserved and underserved rural areas by December 31, 2006; with an amendment (Rept. 106–508 Pt. 2). Referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. HYDE: Committee on the Judiciary. H.R. 371. A bill to expedite the naturalization of aliens who served with special guerrilla units in Laos; with amendments (Rept. 106–563). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 3767. A bill to amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under section 217 of such Act; with an amendment (Rept. 106–564). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. CHENOWETH-HAGE:

H.R. 4198. A bill to declare the policy of the United States with regard to the constitutional requirement of a decennial census for purposes of the apportionment of Representatives in Congress among the several States; to the Committee on Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARGENT (for himself, Mr. HALL of Texas, Mr. PORTMAN, Mr. ADERHOLT, Mr. ARMEY, Mr. BACHUS, Mr. BAKER, Mr. BALLENGER, Mr. BARR of Georgia, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mrs. BIGGERT, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BLILEY, Mr. BLUNT, Mr. BONILLA, Mr. BRADY of Texas, Mr. BRYANT, Mr. BURR of North Carolina, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALVERT, Mr. CAMP, Mr. CAMPBELL, Mr. CANADY of Florida, Mr. CANNON, Mr. CHABOT, Mr. CHAMBLISS, Mrs. CHENOWETH-HAGE, Mr. COBLE, Mr. COBURN, Mr. COLLINS, Mr. COMBEST, Mr. CONDIT, Mr. COOK, Mr. COOKSEY, Mr. COX, Mr. CRANE, Mrs. CUBIN, Mr. CUNNINGHAM, Mr. DEAL of Georgia, Mr. DELAY, Mr. DEMINT, Mr. DICKEY, Mr. DOOLITTLE, Mr. DUNCAN, Ms. DUNN, Mr. EHRLICH, Mrs. EMERSON, Mr. ENGLISH, Mr. FLETCHER, Mr. FOLEY, Mr. FORBES, Mr. FOSSELLA, Mrs. FOWLER, Mr. FRANKS of New Jersey, Mr. GILLMOR, Mr. GOODE, Mr. GOODLATTE, Mr. GOODLING, Mr. GOSS,

Mr. GRAHAM, Ms. GRANGER, Mr. GREEN of Wisconsin, Mr. HASTERT, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HEFLEY, Mr. HERGER, Mr. HILL of Montana, Mr. HILLEARY, Mr. HOEKSTRA, Mr. HORN, Mr. HOSTETTLER, Mr. HOUGHTON, Mr. HULSHOF, Mr. HUNTER, Mr. HUTCHINSON, Mr. HYDE, Mr. ISAKSON, Mr. ISTOOK, Mrs. JOHNSON of Connecticut, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KASICH, Mr. KNOLLENBERG, Mr. LATHAM, Mr. LATOURETTE, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LUCAS of Oklahoma, Mr. MANZULLO, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MCINNIS, Mr. MCINTOSH, Mr. MCINTYRE, Mr. MCKEON, Mr. METCALF, Mr. MICA, Mr. MILLER of Florida, Mr. GARY MILLER of California, Mr. MORAN of Kansas, Mrs. MYRICK, Mr. NETHERCUTT, Mr. NEY, Mr. NORWOOD, Mr. NUSSLE, Mr. OXLEY, Mr. PACKARD, Mr. PAUL, Mr. PETERSON of Minnesota, Mr. PETERSON of Pennsylvania, Mr. PICKERING, Mr. PITTS, Mr. POMBO, Ms. PRYCE of Ohio, Mr. RADANOVICH, Mr. RAMSTAD, Mr. RILEY, Mr. ROGAN, Mr. ROHRABACHER, Ms. ROS-LEHTINEN, Mrs. ROUKEMA, Mr. ROYCE, Mr. RYAN of Wisconsin, Mr. RYUN of Kansas, Mr. SALMON, Mr. SANFORD, Mr. SCARBOROUGH, Mr. SCHAFFER, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHADEGG, Mr. SHAW, Mr. SHIMKUS, Mr. SHOWS, Mr. SIMPSON, Mr. SMITH of New Jersey, Mr. SMITH of Michigan, Mr. SOUDER, Mr. SPENCE, Mr. STEARNS, Mr. STUMP, Mr. SUNUNU, Mr. SWEENEY, Mr. TALENT, Mr. TANCREDO, Mr. TAUZIN, Mr. TAYLOR of Mississippi, Mr. TERRY, Mr. THOMAS, Mr. THORNBERRY, Mr. THUNE, Mr. TIAHRT, Mr. TOOMEY, Mr. TRAFICANT, Mr. VITTER, Mr. WAMP, Mr. WATKINS, Mr. WATTS of Oklahoma, Mr. WELDON of Florida, Mr. WELLER, Mr. WHITFIELD, Mr. WICKER, and Mr. YOUNG of Alaska):

H.R. 4199. A bill to terminate the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Ms. JACKSON-LEE of Texas:

H.R. 4200. A bill to amend the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens and to assure fair distribution of employment-based immigrant visas, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PICKERING (for himself, Mr. OXLEY, Mr. TAUZIN, Mr. LARGENT, and Mr. STEARNS):

H.R. 4201. A bill to amend the Communications Act of 1934 to clarify the service obligations of noncommercial educational broadcast stations; to the Committee on Commerce.

By Mr. EHRLICH:

H.R. 4202. A bill to prohibit the imposition of access charges and other unfair fees and charges on the provision of Internet services, and for other purposes; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEACH (for himself, Mr. LAFALCE, Mr. BAKER, and Mr. KANJORSKI):

H.R. 4203. A bill to establish a comprehensive regulatory framework over the clearing of over-the-counter derivative instruments that will operate under the supervision of the Federal banking agencies, to clarify the lawfulness of the use of multilateral clearing systems for over-the-counter derivative instrument transactions, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committees on Commerce, Agriculture, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAKER (for himself, Mr. ARMEY, Mr. COOKSEY, Mr. DELAY, Mr. HERGER, Mr. KUYKENDALL, Mr. MCCRERY, Mr. TANCREDO, Mr. TAUZIN, and Mr. UDALL of Colorado):

H.R. 4204. A bill to amend the Internal Revenue Code of 1986 to extend the period for filing for a credit or refund of individual income taxes to 7 years; to the Committee on Ways and Means.

By Mr. SPENCE (for himself and Mr. SKELTON) (both by request):

H.R. 4205. A bill to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes; to the Committee on Armed Services.

By Ms. DELAURO (for herself, Mrs. MORELLA, Mr. HOYER, Mr. MCGOVERN, Mr. FROST, Mr. NEAL of Massachusetts, Mrs. CLAYTON, Mr. ABERCROMBIE, Mr. WEYGAND, Mr. CARDIN, Mr. OLVER, Ms. KILPATRICK, Mr. JACKSON of Illinois, Ms. LOFGREN, Mrs. MALONEY of New York, Mr. KENNEDY of Rhode Island, Mr. CUMMINGS, Mr. LANTOS, Mr. FILNER, Mr. FORD, Mrs. MCCARTHY of New York, and Ms. SLAUGHTER):

H.R. 4206. A bill to establish a grant program to improve the quality and expand the availability of child care services, and of family support services, for families with children less than 3 years of age; to the Committee on Education and the Workforce.

By Mr. GANSKE (for himself, Mr. DINGELL, Mr. LEACH, Mr. WAXMAN, Mr. COX, Mr. BOSWELL, Mr. HANSEN, Mr. SNYDER, Mr. GILCHREST, Mrs. MALONEY of New York, Mrs. MORELLA, Mr. MORAN of Virginia, Mrs. ROUKEMA, Mr. MCDERMOTT, Mr. HORN, Mr. BRADY of Pennsylvania, Mr. SALMON, Mr. GILMAN, Mr. MCKEON, and Ms. DEGETTE):

H.R. 4207. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to tobacco products, and for other purposes; to the Committee on Commerce.

By Ms. GRANGER:

H.R. 4208. A bill to expedite the implementation of the per diem allowance for members of the Armed Forces subjected to lengthy or numerous deployments, to extend the allowance to the Coast Guard, and to reevaluate the eligibility criteria for the allowance, to require a study on the need for a tax credit for businesses that employ members of the National Guard and Reserve, and to require a study on the expansion of the Junior ROTC and similar military programs for young people; to the Committee on Armed Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KELLY (for herself, Mr. MALONEY of Connecticut, and Mr. METCALF):

H.R. 4209. A bill to amend the Federal Reserve Act to require the payment of interest on reserves maintained at Federal reserve banks by insured depository institutions, and for other purposes; to the Committee on Banking and Financial Services.

By Mrs. FOWLER (for herself, Mr. TRAFICANT, Mr. TERRY, Mr. BATEMAN, Mr. ISAKSON, Mr. SHAYS, Mr. CHAMBLISS, Mr. SPENCE, Mr. MCCOLLUM, and Mr. WATTS of Oklahoma):

H.R. 4210. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for improved Federal efforts to prepare for and respond to terrorist attacks, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. LOWEY (for herself, Ms. PELOSI, Mr. SHAYS, and Mr. GREENWOOD):

H.R. 4211. A bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations and multilateral organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961; to the Committee on International Relations.

By Mr. MINGE:

H.R. 4212. A bill to amend the Internal Revenue Code of 1986 to exclude payments under the conservation reserve program from net earnings from self-employment; to the Committee on Ways and Means.

By Mr. NEY:

H.R. 4213. A bill to provide expanded substantive protections for especially vulnerable consumers against abusive mortgage lending practices and to streamline the framework regulating mortgage originations; to the Committee on Banking and Financial Services.

By Mr. PITTS (for himself, Mrs. CHENOWETH-HAGE, Mr. SPENCE, Mr. HUNTER, Mr. WELDON of Pennsylvania, Mr. ENGLISH, Mr. HANSEN, Mr. HOSTETTLER, Mr. SMITH of Washington, Mr. HAYES, Mr. EVANS, Mr. COX, Mr. GRAHAM, Mrs. CUBIN, Mr. STUPAK, Mr. SOUDER, Mr. JONES of North Carolina, Mr. SCHAFFER, Mr. DICKEY, Mr. PAUL, Mr. TANCREDO, Mr. TIAHRT, Mr. METCALF, Mr. GREEN of Wisconsin, Mr. DOOLITTLE, Mr. LARGENT, Mr. MCGOVERN, Mr. OSE, and Mr. ARMEY):

H.R. 4214. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts paid under certain Federal programs for the repayment of student loans of members of the Armed Forces; to the Committee on Ways and Means.

By Mr. POMBO (for himself, Mr. MILLER of Florida, Mrs. THURMAN, and Mr. ADERHOLT):

H.R. 4215. A bill to amend title VI of the Clean Air Act with respect to the phaseout schedule for methyl bromide; to the Committee on Commerce.

By Mr. RADANOVICH (for himself, Mr. MCKEON, and Mr. GOODLING):

H.R. 4216. A bill to amend the Workforce Investment Act of 1998 to authorize reimbursement to employers for portable skills training; to the Committee on Education and the Workforce.

By Ms. SANCHEZ:

H.R. 4217. A bill to amend the Safe and Drug-Free Schools and Communities Act of 1994 to promote activities to improve pedestrian and bicyclist safety; to the Committee on Education and the Workforce.

By Mr. THOMAS (for himself and Mr. RADANOVICH):

H.R. 4218. A bill to amend the Agricultural Adjustment Act to allow for the continued dissemination of statistical industry information relating to olive handlers with the consent of those handlers; to the Committee on Agriculture.

By Mr. WATKINS (for himself, Mr. WATTS of Oklahoma, Mr. JEFFERSON, Mr. PETERSON of Pennsylvania, Ms. STABENOW, Mr. HILLEARY, Mr. BOUCHER, Mr. CONYERS, Mr. BISHOP, Mr. PICKERING, Mr. BALDACCI, Mr. GOODE, Mr. HOEKSTRA, Mr. LUCAS of Oklahoma, Mr. MCHUGH, Mr. BARCIA, Mr. COOK, Mr. HOUGHTON, Mr. HAYES, Mr. METCALF, Mr. HEFLEY, Mr. PASTOR, Mr. HALL of Texas, Mr. CLYBURN, Mr. SWEENEY, Mr. FROST, Mr. SANDLIN, Mr. BARRETT of Nebraska, Mr. STUPAK, Mr. SESSIONS, Mr. BALLENGER, Mr. EVANS, Mr. WALSH, Ms. LEE, Mr. BOEHLERT, Mr. MCINTOSH, Mr. SCHAFFER, Mr. BASS, Mr. LAFALCE, Mr. RAHALL, and Mr. WEYGAND):

H.R. 4219. A bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAM JOHNSON of Texas (for himself and Mr. REGULA):

H.J. Res. 92. A joint resolution providing for the reappointment of Manuael L. Ibanez as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mr. SAM JOHNSON of Texas (for himself and Mr. REGULA):

H.J. Res. 93. A joint resolution providing for the appointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mr. SESSIONS (for himself, Mr. HALL of Texas, Mr. ADERHOLT, Mr. ANDREWS, Mr. ARCHER, Mr. ARMEY, Mr. BACHUS, Mr. BAKER, Mr. BALLENGER, Mr. BARCIA, Mr. BARR of Georgia, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BASS, Mrs. BIGGERT, Mr. BILBRAY, Mr. BRADY of Texas, Mr. BILIRAKIS, Mr. BLILEY, Mr. BLUNT, Mr. BOEHNER, Mr. BONILLA, Mr. BRYANT, Mr. BURR of North Carolina, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. CALVERT, Mr. CAMP, Mr. CANNON, Mr. CASTLE, Mr. CHABOT, Mr. CHAMBLISS, Mrs. CHENOWETH-HAGE, Mr. COBLE, Mr. COBURN, Mr. COLLINS, Mr. COMBEST, Mr. COOK, Mr. COOKSEY, Mr. COX, Mr. CRANE, Mrs. CUBIN, Mr. CUNNINGHAM, Ms. DANNER, Mr. DEAL of Georgia, Mr. DELAY, Mr. DEMINT, Mr. DICKEY, Mr. DOOLITTLE, Mr. DUNCAN, Ms. DUNN, Mrs. EMERSON, Mr. ENGLISH, Mr. EVERETT, Mr. EWING, Mr. FLETCHER, Mr. FOLEY, Mr. FORBES, Mr. FOSSELLA, Mrs. FOWLER, Mr. FRANKS of New Jersey, Mr. FRELINGHUYSEN, Mr. GALLEGLY, Mr. GIBBONS, Mr. GILCHREST, Mr. GILMAN, Mr. GOODE, Mr. GOODLATTE, Mr. GOODLING, Mr. GRAHAM, Ms. GRANGER, Mr. GREEN of Wisconsin, Mr. GREENWOOD, Mr. GUTKNECHT, Mr. HANSEN, Mr. HASTERT, Mr. HASTINGS of Washington, Mr. HAYES, Mr. HAYWORTH, Mr. HEFLEY, Mr. HILLEARY, Mr. HOEKSTRA, Mr. HORN, Mr. HULSHOF, Mr. HUNTER, Mr. ISAKSON, Mr. ISTOOK, Mr. JENKINS, Mr. JOHN, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KASICH, Mrs. KELLY, Mr. KINGSTON, Mr. KNOLLENBERG, Mr. KUYKENDALL, Mr. LAHOOD, Mr. LARGENT, Mr. LATHAM, Mr. LATOURETTE, Mr. LAZIO, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LOBIONDO, Mr. LUCAS of Kentucky, Mr. LUCAS of Oklahoma, Mr. MANZULLO, Mr. MALONEY of Connecticut, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MCINNIS, Mr. MCINTOSH, Mr. MCINTYRE, Mr. MCKEON, Mr. METCALF, Mr. MICA, Mr. MILLER of Florida, Mr. GARY MILLER of California, Mrs. MYRICK, Mr. NETHERCUTT, Mr. NEY, Mrs. NORTHUP, Mr. NORWOOD, Mr. NUSSLE, Mr. OXLEY, Mr. PACKARD, Mr. PAUL, Mr. PEASE, Mr. PETERSON of Pennsylvania, Mr. PICKERING, Mr. PITTS, Mr. POMBO, Mr. PORTER, Mr. PORTMAN, Ms. PRYCE of Ohio, Mr. QUINN, Mr. RADANOVICH, Mr. RAMSTAD, Mr. RILEY, Mr. ROGAN, Mr. ROHRABACHER, Mrs. ROUKEMA, Mr. ROYCE, Mr. RYAN of Wisconsin, Mr. RYUN of Kansas, Mr. SALMON, Mr. SANFORD, Mr. SAXTON, Mr. SCARBOROUGH, Mr. SCHAFFER, Mr. SENSENBRENNER, Mr. SHADEGG, Mr. SHERWOOD, Mr. SHIMKUS, Mr. SHOWS, Mr. SHUSTER, Mr. SIMPSON, Mr. SKEEN, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SMITH of Michigan, Mr. SOUDER, Mr. SPENCE, Mr. STEARNS, Mr. STUMP, Mr. SUNUNU, Mr. SWEENEY, Mr. TALENT, Mr. TAUZIN, Mr. TANCREDO, Mr. TAYLOR of North Carolina, Mr. TERRY, Mr. THUNE, Mr. TIAHRT, Mr. TOOMEY, Mr. TRAFICANT, Mr. UPTON, Mr. WALDEN of Oregon, Mr. WAMP, Mr. WATKINS, Mr. WATTS of Oklahoma, Mr. WELDON of Pennsylvania, Mr. WELDON of Florida, Mr. WELLER, Mr. WHITFIELD, and Mr. YOUNG of Alaska):

H.J. Res. 94. A joint resolution proposing an amendment to the Constitution of the United States with respect to tax limitations; to the Committee on the Judiciary.

By Mrs. MORELLA (for herself, Mr. HORN, Mr. HASTERT, Mr. LEACH, Mr. TURNER, Mr. BARCIA, Mr. LAFALCE, Mr. DAVIS of Virginia, Mr. MEEKS of New York, Mrs. BIGGERT, Mr. GILMAN, Mr. SABO, Mr. WALDEN of Oregon, Mrs. MALONEY of New York, Mr. OSE, Mrs. MINK of Hawaii, and Mr. KANJORSKI):

H. Con. Res. 300. Concurrent resolution recognizing and commending our Nation's Federal workforce for successfully preparing our Nation to withstand any catastrophic Year 2000 computer problem disruptions; to the Committee on Government Reform.

By Mr. GILMAN (for himself, Mr. GEJDENSON, Mr. ENGEL, Mr. WEINER, Mr. ROHRABACHER, Mr. ACKERMAN, and Mr. LANTOS):

H. Res. 464. A resolution expressing the sense of Congress on international recognition of Israel's Magen David Adom Society and its symbol the Red Shield of David; to the Committee on International Relations.

By Mrs. JOHNSON of Connecticut (for herself, Mr. DELAY, Mr. GOODLING, Mrs. JONES of Ohio, Mr. CALLAHAN, Mr. CAMP, Ms. PRYCE of Ohio, Mr. OBERSTAR, Mr. MCINNIS, Mr. WATKINS, Mr. FOLEY, Mr. SMITH of New Jersey, Mr. ENGLISH, and Ms. JACKSON-LEE of Texas):

H. Res. 465. A resolution expressing the sense of the House of Representatives that local, State, and Federal governments should collect and disseminate statistics on the number of newborn babies abandoned in public places; to the Committee on Education and the Workforce.

By Mr. THOMPSON of Mississippi (for himself, Mr. HILLIARD, Ms. MILLENDER-MCDONALD, Mr. JACKSON of Illinois, Mrs. MEEK of Florida, Mr. OWENS, Ms. CARSON, Ms. KILPATRICK, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Mr. CLAY, Mr. WYNN, Mr. PAYNE, Ms. BROWN of Florida, Mr. DIXON, Mr. RUSH, Mr. MALONEY of Connecticut, Mr. CUMMINGS, Mr. ENGEL, Mr. DAVIS of Illinois, Mr. TOWNS, Mr. MEEKS of New York, Ms. MCKINNEY, Mr. WEXLER, Ms. LEE, Mr. FROST, Mr. FILNER, and Mr. RANGEL):

H. Res. 466. A resolution expressing the sense of the House of Representatives with regard to the continued display of Confederate flags; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

312. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 214 memorializing the Congress of the United States to enact legislation permitting military retirees to receive disability compensation for service injuries without any reduction in retirement pay; to the Committee on Armed Services.

313. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 213 memorializing the Congress of the United States to provide proper compensation and protection to members of the Military Reserves and National Guard when called to active duty; to the Committee on Armed Services.

314. Also, a memorial of the General Assembly of the State of Iowa, relative to Senate Concurrent Resolution No. 101 memorializing the United States Corps of Engineers to conduct a new study regarding the management of the lower Des Moines River; to the Committee on Transportation and Infrastructure.

315. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 205 memorializing the Congress of the United States to assure that quality and access to health care for Veterans are maintained or improved; to the Committee on Veterans' Affairs.

316. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to Resolutions memorializing the Congress of the United States to make an investigation and study of the shortage and cost of home heating oil in the Northeast; jointly to the Committees on Commerce and the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 48: Mr. SAXTON.
H.R. 65: Mr. QUINN.
H.R. 110: Mr. KILDEE and Mr. BAIRD.
H.R. 175: Mr. EWING.
H.R. 252: Mr. KNOLLENBERG and Mr. GILMAN.
H.R. 303: Mr. MCINTOSH.
H.R. 353: Mr. HALL of Texas and Mr. NORWOOD.
H.R. 371: Mr. KUYKENDALL.
H.R. 372: Mr. BEREUTER.
H.R. 531: Mr. POMBO and Mr. VISCLOSKY.
H.R. 534: Mr. HULSHOF.
H.R. 583: Mr. BROWN of Ohio.
H.R. 632: Mr. REGULA and Mr. JEFFERSON.
H.R. 756: Mr. SMITH of New Jersey.
H.R. 802: Mr. KLECZKA and Mrs. LOWEY.
H.R. 828: Mr. LEACH.
H.R. 864: Mr. KUCINICH, Mr. SOUDER, and Mr. GOODE.
H.R. 920: Mr. MARKEY.
H.R. 979: Mr. SANDLIN, Mr. FILNER, Mr. HILLIARD, and Mr. KILDEE.
H.R. 1055: Mr. PICKETT.
H.R. 1071: Mr. JOHN.
H.R. 1119: Mr. FORBES.
H.R. 1182: Mr. OXLEY.
H.R. 1187: Ms. SCHAKOWSKY and Mr. WICKER.
H.R. 1194: Mr. SESSIONS and Mr. GANSKE.
H.R. 1217: Mr. SKEEN.
H.R. 1354: Mr. EDWARDS.
H.R. 1358: Mr. UDALL of Colorado.
H.R. 1366: Ms. PRYCE of Ohio.
H.R. 1387: Ms. DELAURO and Mr. BARTLETT of Maryland.
H.R. 1413: Mr. BAIRD and Mr. DEAL of Georgia.
H.R. 1454: Mr. MEEKS of New York.
H.R. 1505: Mr. SANFORD.
H.R. 1525: Mr.DEFAZIO and Mr. MARKEY.
H.R. 1592: Mr. GUTKNECHT.
H.R. 1621: Ms. WATERS.
H.R. 1984: Mrs. THURMAN.
H.R. 2066: Mr. HALL of Ohio, Mr. DEAL of Georgia, Mr. REGULA, Mr. KOLBE, Mr. THOMPSON of Mississippi, Ms. BALDWIN, and Ms. PRYCE of Ohio.
H.R. 2077: Mr. LANTOS.
H.R. 2267: Mr. PETERSON of Pennsylvania and Mr. SCARBOROUGH.
H.R. 2321: Mr. BRADY of Pennsylvania and Mr. FROST.
H.R. 2333: Mr. KUCINICH, Mr. DEUTSCH, Mr. FALEOMAVAEGA, and Mrs. NAPOLITANO.
H.R. 2345: Mr. GEJDENSON.
H.R. 2362: Mr. BUYER, Mr. ROGAN, and Mr. HOEKSTRA.
H.R. 2380: Ms. NORTON and Mr. UDALL of Colorado.
H.R. 2446: Mr. WEXLER.
H.R. 2511: Mr. DEAL of Georgia.
H.R. 2543: Mr. HEFLEY.
H.R. 2594: Mr. GILCHREST.
H.R. 2687: Mr. FORBES.
H.R. 2712: Mrs. NAPOLITANO and Mr. KENNEDY of Rhode Island.
H.R. 2726: Mr. POMBO, Mr. CANNON, and Mr. MINGE.
H.R. 2733: Mr. LAMPSON, Mr. MALONEY of Connecticut, Mr. MATSUI, Mr. CUNNIGHAM, Mr. SALMON, Mr. CAMP, and Mr. RILEY.
H.R. 2738: Mr. BERMAN.
H.R. 2883: Mr. PASCRELL.
H.R. 2901: Mr. CAMP.
H.R. 2907: Mr. BARRETT of Wisconsin and Ms. BERKLEY.
H.R. 2934: Mr. SNYDER and Ms. HOOLEY of Oregon.
H.R. 2953: Mr. GORDON, Mr. EVANS, and Mr. UDALL of Colorado.
H.R. 2982: Mr. WEYGAND.
H.R. 3008: Mr. GORDON.
H.R. 3032: Ms. ESHOO.
H.R. 3044: Mr. GREEN of Texas, Mr. HINOJOSA, and Mr. RANGEL.
H.R. 3054: Mr. FATTAH.
H.R. 3055: Mr. FROST, Mr. FRANK of Massachusetts, Mr. LAFALCE, and Mrs. MINK of Hawaii.
H.R. 3125: Mr. SMITH of Texas.
H.R. 3143: Mr. BONIOR.
H.R. 3198: Mr. SANFORD.
H.R. 3212: Mr. SOUDER.
H.R. 3249: Mr. GREENWOOD, Mr. DELAHUNT, and Mr. SWEENEY.
H.R. 3295: Mr. RAMSTAD and Mr. MATSUI.
H.R. 3396: Mr. ABERCROMBIE, Mr. CALVERT, Mr. HERGER, Mr. HORN, Mr. HUNTER, Mr. OSE, Mr. PACKARD, Mr. RADANOVICH, and Mr. ROHRABACHER.
H.R. 3408: Mr. TANCREDO and Mr. GOODE.
H.R. 3514: Mr. SCHAFFER.
H.R. 3573: Mr. COSTELLO and Mr. BONILLA.
H.R. 3575: Mr. YOUNG of Florida.
H.R. 3576: Mr. COOKSEY and Mr. HALL of Texas.
H.R. 3615: Mr. UDALL of Colorado, Mr. EDWARDS, Mr. DEFAZIO, Mr. RODRIGUEZ, and Mr. DEAL of Georgia.
H.R. 3634: Mr. BISHOP, Mr. BRADY of Texas, Mr. FORD, Ms. MCCARTHY of Missouri, Mr. PALLONE, Mr. PRICE of North Carolina, and Mr. WYNN.
H.R. 3663: Mr. METCALF, Mr. NETHERCUTT, Mr. UPTON, Mr. HANSEN, Mr. HOSTETTLER, Mr. KOLBE, Mr. LAZIO, Mrs. JONES of Ohio, Mr. BRADY of Texas, Mr. CROWLEY, Mr. DREIER, and Mr. HOBSON.
H.R. 3680: Mr. MEEKS of New York, Ms. HOOLEY of Oregon, Mr. MORAN of Virginia, Mr. HAYES, Mr. GILLMOR, Mr. CROWLEY, Mr. BERMAN, Ms. ROS-LEHTINEN, Mrs. CAPPS, Mr. ROHRABACHER, Mr. BEREUTER, Mr. PICKETT, Ms. SANCHEZ, Mr. RADANOVICH, Mr. BRADY of Texas, Mr. CHABOT, Mr. ARMEY, and Mr. COOKSEY.
H.R. 3686: Mr. MCDERMOTT.
H.R. 3688: Mr. DOGGETT, Mr. MEEHAN, Mr. BONIOR, and Mr. PALLONE.
H.R. 3700: Mr. PRICE of North Carolina, Mr. LAFALCE, Mrs. JONES of Ohio, Ms. BROWN of Florida, Mr. CAPUANO, Mr. MEEKS of New York, and Ms. JACKSON-LEE of Texas.
H.R. 3732: Mr. EVANS, Mr. HUTCHINSON, Mr. STENHOLM, Ms. DEGETTE, and Ms. PELOSI.
H.R. 3765: Mr. MARKEY, Mr. GREEN of Texas, Mr. BARRETT of Wisconsin, and Ms. SLAUGHTER.
H.R. 3798: Mr. MALONEY of Connecticut.
H.R. 3806: Ms. STABENOW.
H.R. 3816: Mr. SHOWS, Mrs. JONES of Ohio, Mr. KENNEDY of Rhode Island, and Mrs. MINK of Hawaii.
H.R. 3842. Mr. MORAN of Kansas, Mr. KLECZKA, Mr. BROWN of Ohio, Mr. FRANK OF MASSACHUSETTS, MR. GREENWOOD, Mr. HEFLEY, and Mr. MALONEY of Connecticut.
H.R. 3844: Mr. FORBES.
H.R. 3850: Mr. LARGENT and Mr. BROWN of Ohio.
H.R. 3872: Mr. HALL of Texas, Mrs. LOWEY, Mr. SHERMAN, Mr. BASS, and Mr. UPTON.
H.R. 3880: Mr. BAIRD and Mr. SPENCE.
H.R. 3887: Mr. PASTOR and Mr. BOUCHER.
H.R. 3900: Mr. HASTINGS of Washington.
H.R. 3905: Mr. MCGOVERN, Mr. RANGEL, Mr. MCNULTY, Mr. RAMSTAD, and Mr. CAMP.
H.R. 3906: Mr. PICKERING.
H.R. 3907: Mr. PICKERING.
H.R. 3916: Mr. MANZULLO, Mr. OXLEY, Mr. BARTON of Texas, and Mr. HALL of Texas.
H.R. 3983: Mr. RANGEL, Ms. MILLENDER-MCDONALD, Mr. DICKS, and Mr. ACKERMAN.
H.R. 4006: Mr. MCKEON and Mr. WELDON of Florida.
H.R. 4011: Mr. PETERSON of Minnesota.
H.R. 4033: Mr. SHAYS, Mr. SNYDER, Mr. LEWIS of Georgia, Mr. PICKETT, Mr. BLILEY, Ms. ESHOO, Mr. MARTINEZ, and Mr. BILIRAKIS.
H.R. 4040: Mr. PALLONE.
H.R. 4053: Mr. SALMON, Mr. BRADY of Texas, and Mr. CHABOT.
H.R. 4061: Mr. JOHN, Ms. SCHAKOWSKY, and Mr. BONIOR.
H.R. 4085: Mr. NORWOOD.
H.R. 4090: Mr. NETHERCUTT, Mr. BEREUTER, and Mr. TRAFICANT.
H.R. 4094: Mr. KIND, Mr. PICKETT, Mr. ROMERO-BARCELO, Ms. HOOLEY of Oregon, Ms. ESHOO, Ms. PELOSI, Mr. GEJDENSON, and Mr. MARKEY.
H.R. 4106: Mr. BURR of North Carolina and Mr. HOEKSTRA.
H.R. 4108: Mr. ETHERIDGE and Mr. EVANS.
H.R. 4131: Ms. CARSON, Mr. SHOWS, Mr. PETERSON of Minnesota, and Mr. ABERCROMBIE.
H.R. 4154: Mr. SPENCE, Mr. GREEN of Wisconsin, and Mr. NETHERCUTT.
H.R. 4182: Mr. OWENS, Mr. KILDEE, Mr. HOUGHTON, and Mr. CAMPBELL.
H.R. 4192: Mr. KANJORSKI.
H.J. Res. 48: Mr. THORNBERRY.
H. Con. Res. 58: Mrs. FOWLER.
H. Con. Res. 62: Mr. COOK and Ms. LEE.
H. Con. Res. 220: Mr. MCDERMOTT, Mr. RODRIGUEZ, Mr. LEACH, and Mr. KILDEE.
H. Con. Res. 225: Mr. KENNEDY of Rhode Island, Mr. PASCRELL, Mr. GEJDENSON, and Ms. EDDIE BERNICE JOHNSON of Texas.
H. Con. Res. 252: Mr. HASTINGS of Florida, Mr. PICKETT, Mr. TIAHRT, Mr. GUTIERREZ, Mr. SAXTON, Mr. MICA, Mr. LAHOOD, Mr. NEY, Mr. STEARNS, Mr. LUCAS of Oklahoma, Mr. SMITH of Michigan, Ms. BROWN of Florida, Ms. WOOLSEY, Mr. HILL of Indiana, Mr. BATEMAN, Mr. SABO, Mr. HILLEARY, Mr. HOLDEN, and Mr. SHIMKUS.
H. Con. Res. 256: Mr. NUSSLE.
H. Con. Res. 262: Mr. CALLAHAN.
H. Con. Res. 271: Mr. THORNBERRY.
H. Con. Res. 285: Mr. GONZALEZ.
H. Res. 15: Mr. TURNER.
H. Res. 82: Ms. LOFGREN.
H. Res. 238: Mr. MATSUI, Mr. SALMON, and Mr. RILEY.
H. Res. 458: Mrs. KELLY, Mr. LAFALCE, Mr. WELDON of Florida, and Mr. RANGEL.

PETITIONS, ETC.

Under clause 3 of rule XII,

85. The SPEAKER presented a petition of Essex County Board of Supervisors, Elizabethtown, New York, relative to a Resolution petitioning the United States Department of Housing and Urban Development to amend the terms of the $200,000 1998 Small Cities Community Development Block Grant to increase the lending and employee limits; which was referred to the Committee on Banking and Financial Services.

SENATE—*Thursday, April 6, 2000*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. The Right Reverend John B. Cairns, Moderator of the General Assembly of the Church of Scotland, Edinburgh, Scotland, will give the prayer.

PRAYER

The guest chaplain, Rt. Rev. John B. Cairns, Moderator of the General Assembly of the Church of Scotland, Edinburgh, Scotland, offered the following prayer:

Let us pray:

Loving God, through Your love the world was formed, by Your love it is sustained, in Your love is its life. There is a color, richness, and variety throughout Your creation that brings a response of wonder and praise, of thankfulness for so many gifts.

We give thanks for the unquenchable desire for liberty and justice sown in the hearts of women and men throughout the world, for the heartfelt aspiration for peace in individuals and nations, and that, though many wrong turnings are taken, there is still a road of hope ahead.

We acknowledge with thanksgiving the many contributions of this Nation toward the world's well-being: its welcome and defense of the weak and oppressed, its sacrifice in the interests of freedom for those beyond its shores, its inventiveness and its culture, a developing blend of differing traditions and understandings.

We pray for all in authority and government, particularly the Senators as they fulfill the call to leadership. May they exercise their power with wisdom and compassion and so contribute to the coming of that day when, for this and all nations, every way shall be a way of gentleness and every path a path of peace.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. CRAPO). The distinguished majority leader is recognized.

NATIONAL TARTAN DAY

Mr. LOTT. Mr. President, today I rise to commemorate the second anniversary of National Tartan Day. I will be assisting those who do not have on their plaids, their Tartans, during the day to make sure you have one for your lapel—if not around your neck. We welcome our special guest chaplain in the Senate, the Right Reverend John Cairns, Moderator of the General Assembly of the Church of Scotland. It is my understanding that the office of Moderator is the highest honor that the Church of Scotland can bestow on a minister. The Moderator has had a distinguished career in the ministry, and we are truly privileged to have him as our guest for today's Tartan Day activities.

I remind my colleagues that the resolution which established National Tartan Day was Senate Resolution 155. It passed by unanimous consent on March 20th of 1998. As an American of Scottish descent, I appreciate the efforts of individuals, clan organizations, and other groups such as the Scottish Coalition, who were instrumental in generating support for the resolution. These groups have worked diligently to foster national awareness of the important role that Americans of Scottish descent have played in the progress of our country.

The purpose of National Tartan Day is to recognize the contributions that Americans of Scottish ancestry have made to our national heritage. It also recognizes the contributions that Americans of Scottish ancestry continue to make to our country. National Tartan Day is an opportunity to pause and reflect on the role Scottish Americans have played in advancing democracy and freedom. They have helped shape this Nation. Their contributions are innumerable. In fact, I myself was surprised to learn that three-fourths of all American Presidents can trace their roots to Scotland.

In addition to recognizing Americans of Scottish ancestry, National Tartan Day reminds us of the importance of freedom. It honors those who strived for freedom from an oppressive government on April 6, 1320. It was on that day that the Declaration of Arbroath, the Scottish Declaration of Independence, was signed. This important document served as the model for America's Declaration of Independence.

In demanding their independence from England, the men of Arbroath wrote, ''We fight for liberty alone, which no good man loses but with his life.'' These words are applicable today to the heroism of our American veterans and active duty forces who know the precious cost of fighting for liberty.

Senate Resolution 155 has served as a catalyst for the many States, cities, and counties that have passed similar resolutions recognizing the important contributions of Scottish Americans.

I hail originally from Carroll County, MS, where the neighborhood was made up of Watsons, my mother's family; McCains, Senator JOHN MCCAIN's family; McCalebs, McLeans, McKellys, and the list goes on and on. Most of them were ''Macs.'' I don't know how the Watsons got in there.

I thank all of my colleagues who supported this resolution in the past and who helped to remind the world of the stand for liberty taken on April 6—almost 700 years ago—in Arbroath, Scotland. A call for liberty which still echoes through our history and the history of many nations across the globe.

It has been my hope that this annual event will grow in prominence each year, similar to St. Patrick's Day and Columbus Day, and the ceremonies and activities taking place today and over the next few days demonstrate that these goals are coming to fruition. I believe April 6 can also serve as a day to recognize those nations that have not achieved the principles of freedom which we hold dear. The example of the Scotsmen at Arbroath—their courage—their desire for freedom—serves as a beacon to countries still striving for liberty today.

SCHEDULE

Mr. LOTT. Mr. President, the Senate will resume consideration of S. Con. Res. 101, the budget resolution. By a previous order, there will be two back-to-back votes beginning at 10:30 a.m. The vote on the Byrd amendment will be the first, to be followed by a vote on the Roth amendment. Following the votes, the Durbin amendment regarding tax cuts will be the pending amendment.

For the information of all Senators, the so-called vote-arama—and I hope it will not rise to that level; maybe it will just be a few votes we will have to take one after the other—is expected to begin at some point this evening. I do want to emphasize, though, unless we are successful, on both sides of the aisle—let me say, Senator REID has been working very hard on the Democratic side of the aisle. They have a reasonably low number of amendments still pending. We hope to reduce the number on this side of the aisle, too. We should be able to determine by late

this afternoon whether we can finish tonight or we will go over to tomorrow. I think we need to go ahead and tell our colleagues they should plan on being in and having votes in the morning because at this point, with some 60 amendments pending, I do not see how we can finish it tonight by any kind of reasonable hour.

I will stay in touch with Senator DOMENICI and Senator LAUTENBERG, the floor managers, and Senator REID and Senator NICKLES on our side, to assess the additional time that might be needed. Senators should adjust their schedules accordingly.

I know there is an event tonight, a dinner. But we can finish tonight or we can finish tomorrow, or whatever it takes. We have to complete our work. There are only about 8½ hours remaining of time, so we should be able to finish that all right today. The remainder of the time will be determined by how many amendments we have remaining.

I will be glad to yield to Senator DOMENICI.

Mr. DOMENICI. Let me just verify, as the one who is working with these amendments, Senators should not assume it is very likely that we finish tonight. I reported that to the leader earlier this morning. I do not know how many amendments are pending on the other side. We are working with our people who have about 31 amendments, most of them sense-of-the-Senate amendments. I will give my colleague that list soon and see if he can help us. I will work at it and talk some Senators into understanding they would not have to offer them; they could offer them some other time when the Senate is considering another matter.

If you just look at 8½ hours plus whatever it is going to take for half those amendments in vote-arama, I assume we will be in tomorrow.

Mr. LOTT. I have been urging Senators, and I know Senator DASCHLE has also, to prepare to be in session on this Friday, knowing the budget resolution was headed for this date for at least a couple of weeks. So we should proceed with that in mind. If we get a lot of cooperation and something could be worked out, that would be different, but I do not see how we can predict anything at this point but having votes on Friday morning.

I yield the floor.

RESERVATION OF LEADERSHIP TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

FISCAL YEAR 2001 BUDGET—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. Con. Res. 101, which the clerk will report.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 101) setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

Pending:

Stevens amendment No. 2931, to strike certain provisions relating to emergency designation spending point of order.

Stevens amendment No. 2932, to strike certain provisions to congressional firewall for defense and nondefense spending.

Byrd/Warner amendment No. 2943, to express the sense of the Senate on the continued use of Federal fuel taxes for the construction and rehabilitation of our Nation's highways, bridges, and transit systems.

Roth amendment No. 2955, to strike the revenue assumption for Arctic National Wildlife Refuge (ANWR) receipts in fiscal year 2005.

Robb amendment No. 2965, to reduce revenue cuts by $5.9 billion over the next 5 years to help fund school modernization projects.

Durbin amendment No. 2953, to provide for debt reduction and to protect the Social Security trust fund.

AMENDMENT NO. 2953

The PRESIDING OFFICER. The pending amendment is the Durbin amendment, amendment No. 2953. The Senator from Nevada.

Mr. REID. The minority yields 20 minutes off the resolution to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 20 minutes, with the time coming off the resolution.

Mr. DURBIN. Mr. President, I thank Senator REID and Senator LAUTENBERG for yielding me this time.

The amendment I have offered is a straightforward opportunity for Members of the Senate to go on record in reference to the proposed tax cut by George W. Bush, the nominal candidate for President on the Republican side.

The reason I am offering this amendment is I believe it offers a clear choice to the Members of the Senate and certainly to the people of this Nation. Every one of us understands we have been going through a period of unprecedented prosperity in America. In fact, I believe we have set records in terms of the period of economic growth without recession. This is not an accident. It is by design of an administration that has been determined to continue to bring Federal spending under control, to keep interest rates manageable, and to encourage growth in the economy. This policy of the administration is complemented by the policies of the Federal Reserve Board under Chairman Alan Greenspan.

We are now at an unusual point in our history where we are considering the possibility of surpluses. That is something that would have been unthinkable a few years ago in Washington when we were drowning in red ink with deficit after deficit piling on to our national debt. It reached such a point of desperation that a proposal was made in the Congress to amend the Constitution of the United States and give to the Federal judiciary the power to rein in the spending of Congress.

It was an unprecedented transfer of power to the judiciary away from the legislative branch of Government. Some people were so despondent and so desperate, they were prepared to back such a constitutional amendment for a balanced budget. It is hard to imagine that was only about 4 years ago.

Today in the course of debating the budget resolution, our focus is the use of the surplus, the revenues we will generate from our economy far and above what is necessary for the needs of Government and current programs. There is a difference of opinion about what to do with this surplus.

On the Democratic side, we believe the first priority should be the reduction of our national debt. We collect each day in America $1 billion in taxes from individuals, businesses, and families, and that money is used for the sole purpose of paying interest on our national debt. That $1 billion does not educate a child; it does not build a road; it does not make America any safer. It pays interest on debt, a debt primarily held by foreign bond holders.

We believe on the Democratic side that our first priority should be to bring down this debt and reduce these interest costs so we can say to our children: You are not going to inherit our mortgage, a mortgage which we incurred for our needs in our generation. We are going to give you a better chance to build your America in the vision of your future instead of being saddled with our old debt.

That is the highest priority on the Democratic side, and my colleagues will hear it expounded by the Democratic leader, Senator LAUTENBERG, when he offers his Democratic alternative to the budget.

The way we reduce this debt is by investing money in Social Security so that system will be available for seniors and the disabled for decades to come and also, of course, and by investing in Medicare. Medicare is a word which many people in this Chamber fear to use. They are afraid on the other side of the aisle to even make reference to Medicare and its future. But for 40 million-plus Americans, Medicare is an important word in their everyday life. That Medicare system provides health insurance for the elderly and disabled of America. It has been, frankly, one of the most successful programs in the modern era because it represents a commitment by the Federal Government that no one, when they have reached a certain age, will go wanting when it comes to quality health care, and it has worked.

In the 40 years since the institution of Medicare, our seniors have lived longer; they have had a better life; they are more independent; they are

healthier; they are stronger, and Medicare has a lot to do with it. We on the Democratic side believe that part of the surplus generated in this economy should be dedicated to Medicare's future to make sure this health insurance is around for many years to come.

We also believe we should target tax cuts. We think we can take an appropriate amount of this surplus and convert it into tax cuts which families really need. I will give two specific examples. We on the Democratic side believe that we should have a targeted tax cut so families can deduct college education expenses. How many families do we know that have sent a son or daughter off to college and then worried about how much debt that child incurred in the course of their higher education?

By providing the deductibility of college education expenses as a targeted tax cut on the Democratic side, we will provide some relief to these families, up to, say, $2,800, for example, each year which will defray the cost of college education expenses. I hope it will be more in the future, but that depends, of course, on the economy and how it is moving and whether the surpluses continue.

Secondly, the largest growing group of Americans are those over the age of 85. People who have parents and grandparents who are now reaching their golden years find they need additional care, in many instances. Whether it is in the nature of a visiting nurse or in a nursing home, this additional care can be costly. We have proposed on the Democratic side a targeted tax cut that will allow families to defray some expenses of long-term care for a parent or aging relative. We believe this is sensible and reflects what modern families have to deal with and struggle with on a daily basis. So our targeted tax cuts come right behind our plan for debt reduction.

Finally, the last piece in our proposal on the Democratic side is our investment in our future. We understand, and most historians will agree, the 20th century had a lot to do with education. We want to make certain the 21st century is an American century as well, and that means investing in our children to make certain they have the very best education, the very best teachers, and the schools are modernized so they can accommodate the new technology.

Along with the President, we invest money for education, as well as for an important program I have found to be immensely popular across Illinois and around the Nation. That program is a prescription drug benefit. The idea behind it, of course, is we will find a way under Medicare to provide a prescription drug benefit for the elderly and disabled that will help them pay for their drugs and also keep them in a position, if they have an expensive pharmaceutical bill, of not having to choose between food or medicine.

We also believe the cost element is important in this debate on a prescription drug benefit. We believe prescription drugs in America should be fairly priced. Pharmaceutical companies are entitled to a profit—they need it for future research—but when we hear stories about exactly the same drug made in America costing half as much in Canada and costing less if one buys it for their dog than if they buy it for their aunt, people are saying this is an outrage. We ought to have prescription drugs fairly priced so this benefit under Medicare will work.

That is a condensation of the Democratic approach to our surplus, our future, and our budget priorities.

On the other side, George W. Bush, the Governor of Texas running for President of the United States, has a much different view of America. He believes we should change dramatically and radically the path we have followed over the past 7½ years.

He has proposed, instead of reducing debt, investing in Social Security, investing in Medicare, targeted tax cuts, education, and health care, that we should have a massive tax cut, a tax cut primarily for the wealthiest people in America.

Take a look at the first year of this tax cut and one can understand this graphic. This graphic shows the American economy moving forward, steaming into the ocean. Look at this tiny little $168 billion cap of an iceberg. This is the first year of the George W. Bush tax cut. Look what comes and follows. This tax cut grows in size and eventually, I believe, could endanger the economy and its growth.

My position on that is not unique nor is it partisan. Chairman Alan Greenspan has said: Tax cuts are not our highest priority in America. Our highest priority is debt reduction. That is the Democratic alternative. I think Chairman Greenspan is right. I think George W. Bush is wrong.

The amendment which I offer is an up-or-down vote by the Members of the Senate about whether they want to follow the course that has led to such economic progress or whether they want to sign up for the George W. Bush tax cut.

Let me tell you what this tax cut would cost America. It would cost us, in the first 5 years, $483 billion; then, over a 10-year period of time, more than $1.2 trillion. It is a substantial investment in tax cuts.

As I have said many times on the floor, every politician likes to stand up and call for a tax cut. It is one of the most popular speeches we can make. But it may not be the most responsible thing to do. The American people are thinking twice about this promise by George W. Bush of a tax cut of this magnitude because they understand that every proposal has its cost.

Let me show you a chart.

The impact of the Bush tax plan is to not only spend the surplus that we have discussed but to reach beyond the surplus, which we are generating in our Government, and to call on spending the Social Security trust fund for the George Bush tax cut.

Those on the Senate floor who want to vote in favor of the Bush tax plan are really saying we should reach into the Social Security trust fund surplus and take the money out of Social Security to fund this George W. Bush tax plan.

This chart shows that in the first 5 years of the George Bush tax cut, we have a non-Social Security surplus of $171 billion. George Bush would spend not only that but another $312 billion to fund this tax cut. Where does he find the additional money? He has to take it from the Social Security trust fund. In raiding the Social Security trust fund, I believe he breaks faith with a promise made, on a bipartisan basis, by Congress that we would make certain the fund is protected.

Let's take a closer look at what it means in terms of the Republican budget resolution, as well.

Recalling again the $171 billion non-Social Security surplus, on the Republican side, in their budget resolution, they call for a tax cut in the neighborhood of $168 billion to $223 billion over a 5-year period. You will note, this is perilously close and in many instances exceeds, again, the non-Social Security surplus.

In order to fund this plan, they will either have to reach deep into the Social Security trust fund or, as an alternative, will have to make cuts in spending.

Cuts in spending may sound harmless today, but when we put them on the spot and ask, ''Where will you cut,'' they refuse to point to it. Many of us believe that investments in education, in our infrastructure, and in our Nation's defense are too important to be left in this uncertainty.

Looking again at the Bush tax cut—the original figure of $483 billion that he proposed, plus an additional $60 billion in interest—it shows you the disparity between the non-Social Security surplus and the Bush tax cut. This is the tax cut I am asking my colleagues in the Senate to vote on yes or no today. I will be voting no. I will be voting against a tax cut which threatens the Social Security trust fund. I hope my colleagues will stand up and be counted as to whether they believe the Bush tax cut is good policy for the future of America.

Let's take a closer look at what this tax cut means to American families. Most families who I represent could certainly use a tax cut. I think, in many instances, it would be helpful to them to meet their expenses and to provide for their future.

Take a close look at the Bush tax cut and the winners and the losers. Families making over $301,000 a year, under the George Bush tax cut, would see an annual tax break of over $50,000. Think of it—a family already making $300,000 a year, plus a $50,000 tax break under the George Bush tax cut. Sixty percent of working families in America, with incomes below $39,300, would see an annual tax break, under the Bush tax cut, of $249.

My colleagues in the Senate will have their choice. Do they want to support the Bush tax cut, which threatens Social Security by raiding the Social Security trust fund, and provides virtually no tax relief to 60 percent of America's working families, at the same time providing a generous $50,000-plus tax cut for those making over $300,000 a year?

Many on the Republican side have already appeared with George W. Bush, put their arms around him and endorsed him. If they endorse his tax cut, they have a chance to vote for it today.

Twice in the Senate Budget Committee they ran away from this decision. They refused to face a vote, up or down, on the Bush tax cut. Today they will have another clear choice, a choice as to whether or not they believe America is moving in the right direction—whether we should take the Democratic alternative of reducing debt, investing in Social Security and Medicare, with targeted tax cuts for families, with investments in education—or whether they will take what I consider to be a risky and dangerous course and follow the suggestion of the Presidential candidate of the Republican Party, George W. Bush.

This morning's Roll Call newspaper spelled out that the George Bush tax plan makes it virtually impossible for him to meet the needs of America's future—to fund the prescription drug benefit, to fund additional medical research, things that Americans understand to be an important part of our future.

George W. Bush has made his choice. He has decided this tax cut is more important than those other things. It is time for the Senate to make its choice. It is time for the Senate to stand up and be counted.

I hope, unlike in the Senate Budget Committee, my colleagues in the Senate—whether they are for or against this tax cut—will stand up and be counted. If they believe, as I do, that America is moving in the right direction and that taking this risky strategy could imperil our future, I hope they will join me in voting no on this tax cut.

I yield back the remainder of my time.

Mr. DOMENICI. Mr. President, parliamentary inquiry: Are we scheduled to vote at 10:30?

The PRESIDING OFFICER (Mr. BUNNING). The Senate is scheduled to have a 10-minute debate at 10:30 a.m., which will be followed by a vote.

Mr. DOMENICI. Is there a vote following that, also?

The PRESIDING OFFICER. Following that vote, there will be a 2-minute debate on the Roth amendment, which will be followed by a vote.

Mr. DOMENICI. I hope all Senators heard that. Let me repeat it. We will have a 10-minute debate starting at 10:30 on the Byrd amendment, to be followed by an up-or-down vote. When that vote is completed, there will be 2 minutes to debate the next amendment.

What did the Chair say the second amendment is?

The PRESIDING OFFICER. The Roth amendment.

Mr. DOMENICI. The Roth amendment on ANWR. After 2 minutes of debate, there will be a vote on or in relation to that. So Senators ought to know that is going to occur.

I say to the Senator, I am at some point going to use some time. I could take 5 minutes now—or 10—and discuss it.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. First, Mr. President, let me see if I understand the amendment Senator DURBIN has offered, which he claims to be Governor Bush's tax proposal.

On page 4, line 4, what I note is that there is a reduction in revenues in the resolution by $4.8 billion. I wonder if the Senator would confirm that that is correct. I am reading it off the Senator's amendment.

Mr. DURBIN. I do not have a copy. I sent my copy to the desk. I will have a copy in a moment.

Mr. DOMENICI. All right. On page 4, line 4, revenues in the resolution are reduced by $4.8 billion. Is that correct?

Mr. DURBIN. On page 4 of this amendment? I am sorry, I say to the Senator, I do not see that reference.

Mr. DOMENICI. On the bottom of the first page of the amendment, it says: ''On page 4, line 4, decrease the amount by $4,843,000,000.'' Is that correct?

Mr. DURBIN. That is correct.

Mr. DOMENICI. Could you tell me what year that is?

Mr. DURBIN. It begins in the year 2002.

Mr. DOMENICI. 2001?

Mr. DURBIN. 2002. I am sorry, it is 2001. I stand corrected.

Mr. DOMENICI. Does the Senator know there is no tax cut in 2001 in the Bush proposal?

Mr. DURBIN. Governor Bush has offered two proposals. The first proposal is the one that we have followed in offering this amendment. He has come back to offer a second proposal starting with 2002. We stuck with his original proposal, which is the period of time which this budget resolution we are considering on the floor addresses.

Mr. DOMENICI. My next question was going to be, did you know that Governor Bush's tax plan covered 2002 through 2006? You have it starting in 2001 with almost $5 billion, but you have given an explanation for that. There are two plans out there, and you chose one over the other.

Mr. DURBIN. That is correct. I chose the first one he offered, the one that mirrors this budget resolution in terms of the period of time that we are addressing.

Mr. DOMENICI. Is it fair to assume that a candidate for President is not bound by the economic assumptions that we make in the Senate or that the CBO makes or OMB makes?

Mr. DURBIN. I conclude that a Presidential candidate can assume anything he or she wants to assume. In fairness, if somebody is going to make the cornerstone of their campaign a tax cut, it should make sense and should hold up when anyone analyzes it. With the figures I brought to the floor today, I suggest that Bush's proposed tax cut would invade the Social Security surplus by virtually any estimation.

Mr. DOMENICI. Let me make a point to the Senator, and I thank the Senator for yielding. Presidential candidate George W. Bush had three of the best economists in America working with him on this tax proposal. Interestingly enough, they made economic assumptions different from the Congressional Budget Office, or the OMB, for the next 5 years.

Interestingly enough, the assumptions of the Congressional Budget Office and the OMB have been wrong, and most of the time they have been wrong by underestimating the performance of the economy. They have underestimated the growth in the economy, underestimated the revenue stream, and each year, we have come along later on and had to make adjustments to it. He is entitled to use his economic assumptions, which I have read and are very realistic. And that makes a very big difference if one has slight economic assumptions of a positive nature higher than one would assume in our budget.

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

Mr. DOMENICI. Yes.

Mr. DURBIN. Which assumptions did the Senator use in drawing up the budget resolution he proposes today?

Mr. DOMENICI. I am bound by the rules of the Senate to use the CBO. The President doesn't, however. He uses OMB. Frequently, we are different. As a matter of fact, over the last 3 years, we have gone to the President's numbers, and we have gone back to CBO's numbers because we are trying to find out which is more apt to be right. So there is nothing precise about this. One is entitled—just as President Clinton did when he ran for office—to use his own economic experts as he puts his plan together.

Mr. DURBIN. Is the Senator saying, then, that Presidential candidate George W. Bush is using assumptions that come from neither the CBO or OMB, but much more optimistic ones to justify his massive tax cut?

Mr. DOMENICI. Absolutely, except they are not markedly different, but they are different. There is only one Bush plan, as far as the Senator from New Mexico knows. It is December 1, 1999. I have a copy of it in front of me. What has been offered in the Senate is not the Bush plan. Nonetheless, I don't want to argue that exclusively. I can let everybody know that it isn't the Bush plan.

I think what is more important is that soon-to-be-President Bush is entitled to put a budget and a tax plan together, and he is entitled to use his best economic advisers. Let me suggest something. I honestly believe that if George W. Bush were the President instead of Bill Clinton being the President, there would be a couple of huge changes this year that would make it a lot easier to achieve the Bush tax plan.

First of all, we would not have a President recommending that domestic spending grow at 14 percent a year. That is what we are fighting with here—not with a President who is trying to have small Government so he could give some relief to the taxpayers. We are arguing with a President who has the largest increase in discretionary spending since the Jimmy Carter years. That is a lot, when you can beat one of those years with inflation in double digits. This year it is 14 percent. That is what he is asking for. We have to compete with that in our budgets. We can't just do what a Republican President, who isn't elected yet, would recommend as to how we spend money.

As a matter of fact, I have already said that I believe this budget resolution is kind of a holding budget resolution because I believe either man—Bush or Gore—when elected, will ask us to dramatically change this budget. I know George W. Bush will because he will find ways to consolidate and change the priorities of domestic spending in a significant way. When he does that, I have no doubt that he will be able to recommend to the Congress a very good tax plan.

Frankly, if we wanted to debate the value of a tax plan and its worth in society, its soundness, we could have a debate on his precise plan. It is a pretty good plan. Frankly, it does a lot of things that a huge majority of this Senate would like to see done to the Tax Code of the United States.

So we will have a vote on this amendment. Everybody should understand that it is not really the Bush plan. Everybody should understand that Bush will do his own plan. He will do his own plan on taxes, and he told us what it probably will be. He will do his own budget. It is very important we understand that. It won't be this budget because we have to work off a President's budget with increases of the type I just explained to you. He will have his own budget to work off of. I believe he didn't start his tax cut until one year later because he wanted the opportunity to work on a budget and a fiscal plan for this Nation along with a tax plan.

At some point in time, we will either have a vote in relationship to the Durbin amendment, or we will have a second-degree amendment to it. If he insists later on, he can have a vote on his. That is ultimately the way the rules work.

With that, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I ask unanimous consent that the time charged to the quorum call I will soon initiate be charged equally to both sides under this amendment.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I yield all of our time on the amendment.

The PRESIDING OFFICER. The Chair would like to announce that there will be two minutes equally divided on the Byrd-Warner amendment at 10:30.

AMENDMENT NO. 2943

The PRESIDING OFFICER. There are 2 minutes equally divided on the Byrd-Warner amendment.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the Amendment by the distinguished Senator from West Virginia. In supporting this Amendment, however, I would like to make clear my views on the question of the repeal of the federal gas tax.

I do not think that, under present circumstances, repeal of the federal gas tax is necessary or warranted. Yes, gas prices have gone up precipitously over the past several months—to more than $2 a gallon in California—but there is some evidence that prices may now be easing.

More important, I have discussed this issue with the chief executive officers of several major U.S. oil companies, and none could promise that any of these savings would be passed on to consumers. Market forces—supply and demand—dictate how much, if any, of a fuel tax cut would be seen at the pump.

For California, repealing more than 9 cents of the federal gasoline tax merely triggers an automatic increase in the state gasoline tax. Under the California tax code, if the federal gas tax drops below 9 cents per gallon and if Federal Highway Trust Fund payments to California are reduced accordingly, the state tax goes up.

In other words, if all federal fuel taxes are eliminated and funding for the highway trust fund is therefore reduced, the overall tax will remain the same in California and Californians hurt by high gasoline prices will not benefit.

I am also concerned that repeal of the federal fuel tax may endanger the Highway Trust Fund and imperil important highway projects. The highway trust fund, which is funded by the federal fuel tax, provides about half a billion dollars a year for California, money which is used to seismically retrofit bridges to protect them against earthquakes; replace the I–80, which was destroyed by the 1992 earthquake; repair potholes; and otherwise maintain our roads and bridges.

The bottom line is that the current spike in gas prices is due to a supply squeeze: There is simply not enough oil in the market to meet demand. Although I was pleased that members of OPEC, as well as Norway, Mexico, and Venezuela, have agreed to increase production somewhat, it is still unclear if these production increases will be sufficient to meet demand over the next several months.

For that reason, I think it is important to underscore that just as I do not feel we should repeal the federal fuel tax now, I do not believe we should precipitously foreclose our options.

Alongside initiatives to increase fuel efficiency and develop alternate sources, suspension or repeal of a portion of the federal fuel tax in a way that benefits the consumer and does not harm highway spending may be necessary later if this crisis does not ease, and I intend to continue keeping a close eye on this issue.

Mr. BYRD. Mr. President, 2 years ago Congress enacted landmark transportation legislation, the Transportation Equity Act for the 21st Century. In that legislation we restored the trust to the highway trust fund and we set forth highway funding levels that State and local governments could expect to receive over the 6-year life of TEA–21.

There are efforts now to reduce the gas tax revenues going into the highway trust fund, thereby endangering the promises we have made regarding funding levels for the Nation's highways and bridges.

This amendment puts the Senate on record in opposition to any efforts to repeal or to reduce gas tax revenues, either temporarily or permanently. In adopting this amendment, the Senate will confirm the position that it took in enacting TEA–21, that all gas tax revenues should go to the States for critical transportation infrastructure needs and that we meant it when we said we were restoring the ''trust'' to the highway trust fund.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, again I commend the distinguished Senator from West Virginia for his leadership on this issue—not only this particular measure before the Senate, but it goes all the way back to when I was privileged to be bringing to the floor the ISTEA, TEA–21 legislation. Then, in the course of that deliberation, we took the 4.3 cents out of the general revenue and put it in the highway trust fund for the express purpose to improve our Nation's highways.

I commend the leadership.

I also express my gratitude to the myriad organizations, from the National Governors' Association, the League of Cities and Communities, and hundreds of others that have worked so hard to keep the Congress well informed about the needs of our infrastructure, of transportation.

I wish to add one word, and that is ''stability.'' This Nation must have stability in the funding to make this program successful.

The PRESIDING OFFICER. All time has expired.

Mr. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 2943. The clerk will call the roll.

The senior assistant bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?—

The result was announced—yeas 65, nays 35, as follows:

[Rollcall Vote No. 57 Leg.]

YEAS—65

Akaka	Dodd	Johnson
Allard	Domenici	Kennedy
Ashcroft	Dorgan	Kerrey
Baucus	Durbin	Kerry
Bayh	Edwards	Kohl
Bennett	Enzi	Landrieu
Bingaman	Feingold	Lautenberg
Bond	Feinstein	Leahy
Boxer	Frist	Levin
Breaux	Graham	Lieberman
Bryan	Grassley	Lincoln
Burns	Hagel	Mikulski
Byrd	Harkin	Moynihan
Chafee, L.	Helms	Murray
Cleland	Hollings	Reed
Conrad	Hutchinson	Reid
Daschle	Inouye	Robb
DeWine	Jeffords	Roberts
Rockefeller	Thomas	Warner
Sarbanes	Thompson	Wellstone
Schumer	Torricelli	Wyden
Stevens	Voinovich	

NAYS—35

Abraham	Gramm	Murkowski
Biden	Grams	Nickles
Brownback	Gregg	Roth
Bunning	Hatch	Santorum
Campbell	Hutchison	Sessions
Cochran	Inhofe	Shelby
Collins	Kyl	Smith (NH)
Coverdell	Lott	Smith (OR)
Craig	Lugar	Snowe
Crapo	Mack	Specter
Fitzgerald	McCain	Thurmond
Gorton	McConnell	

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

CHANGE OF VOTE

Mr. CRAPO. Mr. President, on rollcall vote No. 57, I voted ''aye.'' It was my intention to vote ''nay.'' Therefore, I ask unanimous consent that I be recorded as a ''nay.'' This would not affect the outcome of the vote.

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

(The foregoing tally has been changed to reflect the above order.)

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I want to take a moment to thank the 64 Senators who joined this morning in making an affirmative statement in opposition to any reduction in the gasoline tax. The vote this morning on the Byrd-Warner-Baucus-Voinovich-Lautenberg-Bond amendment represented a defining victory for those Senators that want to keep the ''trust'' in the Highway Trust Fund and assure that every penny of highway spending is backed up by fuel taxes deposited into that Trust Fund. It was a defeat for any effort to reduce the gas tax or substitute gas tax revenues with general revenues in the distribution of federal highway funds.

I especially want to thank the original cosponsors of my amendment who joined with me to protect the Highway Trust Fund. It is no coincidence that all of these original cosponsors are members of the Environment and Public Works Committee that has jurisdiction over the Trust Fund. They are the experts in this area. They know better than anyone the threat that is posed by reckless proposals to alter the funding stream to the Trust Fund. They know better than anyone that monkeying around with the funding stream to the Trust Fund poses great danger to our ability to provide our states, counties and cities with a consistent, predictable and growing allocation of federal dollars for the repair and expansion of their highways and bridges.

During the debate over the Transportation Equity Act for the 21st Century, Senator JOHN WARNER served as the Chairman of the Surface Transportation Subcommittee. Senator MAX BAUCUS served as the Ranking Member of that subcommittee as well as the full Environment and Public Works Committee. It would be impossible to overemphasize the contributions those two Senators made to that landmark legislation. Senator WARNER permanently altered the long-standing debate over so-called ''donor'' states by guaranteeing each state a fair return on its investment to the Trust Fund. Senator BAUCUS saw to it that the legislation recognized the unique circumstances of the rural Western states, those states with relatively few citizens but a great many miles of highway. When Senator GRAMM of Texas and I developed an amendment to assure that the 4.3 cent gas tax would be fully spent on highway construction, we were just two non-Committee members with a good idea. When Senators WARNER and BAUCUS agreed to join as original cosponsors and lend their prestige and expertise to our amendment, our good idea became a genuine movement that garnered 54 co-sponsors and would eventually result in our adding close to $26 billion in guaranteed spending to the highway bill.

Senator VOINOVICH was not in the Senate during the debate over TEA–21. He was, however, one of the most outspoken governors on the importance of adequate transportation funding. He has been diligently attentive to transportation issues since he assumed the Chairmanship of the Surface Transportation Subcommittee from Senator WARNER. I appreciate very much his leadership in this area.

Senator LAUTENBERG, like Senator BOND, has the unique role of serving on both the Environment and Public Works Committee and the Transportation Appropriations Subcommittee. Indeed, Senator LAUTENBERG has served either as the Chairman or the Ranking Member of that subcommittee for more than a dozen years. As such, his name is always at the center of every transportation debate. He represents the most congested state in the nation and, as such, has been a national leader in protecting and expanding our nation's rail and transit systems. Senator BOND should be credited for his longstanding efforts at streamlining the environmental review processes that govern our highway construction enterprise. As a Senator from a mountainous state that is sorely in need of improved highways, I applaud his efforts at ensuring that our highways can be built more expeditiously but in an environmentally friendly manner.

Mr. President, our victory this morning was the result of the leadership of these fine Senators as well as the efforts of our other cosponsors—Senators ROBB, BINGAMAN, REID, LINCOLN, and

others. It was a victory for every American that drives on our nation's highways. It was a victory for the integrity of the Highway Trust Fund. It was a defeat for any proposal to de-link our federal highway spending from the level of gas tax revenues.

AMENDMENT NO. 2955

The PRESIDING OFFICER. There are now 2 minutes, equally divided between the Senator from Delaware and the Senator from Alaska.

Mr. LIEBERMAN. Mr. President, I rise today to join the distinguished Senator from Delaware in voicing my strenuous objections to opening the Arctic National Wildlife Refuge to oil exploration, and in urging our colleagues not to sacrifice this natural wonder at the altar of short-term economic expediency.

I recognize that ANWR is once again a tempting target at this moment of record high oil and gasoline prices and low consumer patience. Proponents of drilling, as they have many times before, hold out the promise of a quick fix to this recent price spike and a long-term solution to our dependence on foreign oil. They go so far as to portray the refuge as a kind of energy security blanket that will protect us from the whims of foreign producers.

But appealing as that sounds, the truth remains that ANWR is not the answer to our current oil woes. Opening this pristine place of wilderness to drilling will not bring down gas prices months or years from now, let alone in the immediate future. And it will not yield anywhere near the amount of crude needed to successfully wean us from our addiction to OPEC in years to come. What it will do, we know from plenty of analysis and experience, is immeasurable and irreversible damage to one of the last pure preserves of its kind in the world and one of God's most awesome creations. That is the real price at issue here, and it is far too high to pay for the modest benefit it will bring to our domestic oil supply and to those who produce it.

I would suggest to my colleagues that ''modest'' is a generous characterization. The fact is that we have no guarantees about the potential recovery of oil in ANWR. More than 20 different independent and federal studies have been completed on the amount of oil in ANWR, and estimates vary wildly. One of those, completed during the Reagan Administration, determined that there was only a one in five chance of finding any commercially recoverable oil at all. More recently, an assessment by the U.S. Geological Survey estimates that 5.2 billion barrels of oil would be ''economically recoverable'' from the refuge for the rest of its life. Compared against projections of the potential for an aggressive program to produce biomass ethanol to displace oil—2.5 million barrels per day by 2030 and over 3 million per day in 2035—the oil promise of the Refuge is minuscule. The Refuge would probably never meet more than a negligible percentage of our Nation's energy needs at any given time.

In exchange for this minimal return, we would threaten one of the most unique animal and plant habitats in the world. Consider the fate of the Porcupine Caribou Herd, for which the Coastal Plain within the refuge is an important calving ground. An Environmental Impact Statement issued by the Interior Department in 1995 shows that development of ANWR will likely have significant negative effects on the PCH, displacing them to areas of higher predator density, reducing the amount and quality of forage species available during calving, and restricting the animals' access to areas where they can get relief from insects. Experts predict similar risks await polar bears, muskoxen, brown bears, snow geese, wolves, seals, and whales.

That is if all goes well with the drilling, which is not a safe assumption. Data from the Alaska Department of Conservation show that the Trans-Alaska and Prudhoe Bay oil fields have caused an average of 427 spills annually since 1996. The most common spills involve crude and diesel oil, but more than 40 substances, from acid to waste oil, could be released. What is more, current oil operations in Alaska's North Slope emits about 56,427 tons of nitrous oxides, which contribute to smog and acid rain, and about 24,000 tons of methane, a greenhouse gas, per year. Drilling for more oil in ANWR thus compounds the serious problem of global climate change, generating methane emissions in addition to the carbon dioxide emissions that result from increased dependence on oil resources.

It is this lopsided tradeoff—uncertain dividends for likely devastation—that has generated cries of outrage from practically every environmental group every time Congress has attempted to open ANWR to drilling, generated several veto threats from President Clinton, and prompted editorials in newspapers from Seattle to Tampa to Des Moines to Atlanta questioning the wisdom of such a move. It was not right then, it's not right now, and it won't be right come the next price spike.

Nor is it right to mislead the public into thinking a quick fix exists. The reality is we don't have any easy answers to our foreign oil addiction. There is no untapped domestic oil oasis out there that will end our dependence on foreign oil and minimize our vulnerability to fluctuations of the global market. But that is not to say we are helpless. In fact, there are several steps we as a nation could take over the next year that would go a long way toward curing our OPEC addiction.

The solution, I would argue to my colleagues, is nurturing alternative energy sources and improving our energy efficiency. First, we should invest more in exploring the power potential of wind and geothermal energy, fuel cells, and organic materials, and developing long-range strategies for harnessing these renewable energy sources. We have made a good start this year by passing legislation sponsored by Senator LUGAR to spur more research into harvesting energy from common crops. I hope we will build on that progress by adopting the President's budget recommendation of increased funding for research, development, and deployment of renewable energy technologies by 30 percent. Second, we should take stock of the domestic energy market and evaluate national and individual consumer decisions affecting our own energy supply and efficiency. In some areas the results are encouraging. As the President has noted, conservation measures taken by U.S. businesses have significantly improved the efficiency of the overall economy. During the crisis of the 1970s, nearly nine percent of our GDP was spent on oil, compared with only three percent today. But we can and should do better.

The promise of this approach was spelled out in detail by leading experts at a recent hearing held by the Senate Governmental Affairs Committee. To cite just one example, Dr. John Holdren, the Director of the Program on Science, Technology, and Public Policy at Harvard University's Kennedy School of Government, and Chairman of the President's Committee of Advisors on Science and Technology, stated that if the U.S. increases its efficiency by 2.2 percent per year, it could reduce its dependence on oil by more than 50 percent, approximately 5.5 million barrels of oil per day. This goal is more than realistic, for as Dr. Holdren noted, the U.S. decreased its energy intensity by 1.7 percent from 1972 to 1979 and by 3.2 percent from 1979 to 1982.

In short, we don't have to defile the Alaskan wilderness to declare our energy independence. Assaulting ANWR is bad energy policy, it's even worse environmental policy, and it's simply not necessary to help the American consumer and protect our economy. For that reason, I implore my colleagues to once again stand as firm as the tundra and uphold the ban on drilling in the Arctic Refuge.

Mr. GRAMS. Mr. President, I want to take just a few minutes to address the assumption in the budget of oil leasing revenues from activities within the Section 1002 area of Alaska.

First, however, I think it's important to understand just a few of the facts surrounding the current state of the Clinton energy policy. In 1977, the Carter Administration and Congress responded to the energy crisis by creating the Department of Energy and charging it with increasing U.S. energy

security and reducing our reliance on foreign oil. In the early 1970's, our Nation relied upon foreign oil to meet roughly 35 percent of our needs. Today, after investing billions of dollars into the Department of Energy, our Nation is now reliant upon foreign oil to meet almost 60 percent of our needs. That reliance will increase to 65 percent by 2020.

Those numbers are real, they're tangible, and everyone has been able to see it happening. The Clinton Administration has had seven years to respond to our growing reliance on foreign oil and to increase our domestic energy security. So you might ask, what have they done to improve the situation? I regret to say they've done very little. Since 1992, U.S. oil production has decreased by 17 percent while at the same time our energy consumption has increased by 14 percent. In 1990, U.S. jobs in oil and gas exploration and production were roughly 405,000 today those jobs have been reduced to roughly 290,000, a 27 percent decline. And in 1990, the U.S. was home to 657 working oil rigs. Today, there are only 153 working oil rigs scattered across the Nation a 77 percent decline.

Likewise, since coming to office, President Clinton has known that the U.S. Department of Energy was obligated by contract to pick up and remove spent nuclear fuel from civilian nuclear reactors across the country. In my home state of Minnesota, the Department's failure to remove nuclear fuel could force the shutdown of two nuclear reactors and the loss of 20 percent of Minnesota's generation capacity. Again, not only has this Administration failed to respond, I believe they've made the situation even worse by rejecting legislation that has passed both Houses of Congress with overwhelming, bipartisan majorities. Those bills would have not only moved waste from states, thereby fulfilling the Department's obligation, they would have helped ensure the continued use of emissions-free nuclear power well into the future.

As if that weren't enough, the Clinton Administration has taken a very hostile approach to coal-fired generation, they've termed hydropower a non-renewable resource and are now working to breach dams in the Northwest, and they've closed vast areas of land to exploration for natural gas reserves.

When confronted with the truth about high oil costs and increasing reliance on foreign oil, the only thing this Administration can say is that they support renewable energy sources. Well, I too, am a strong supporter of renewable energy technologies. I've been a strong proponent of the development and promotion of ethanol and biodiesel as a means of reducing our reliance on foreign oil and improving the environment. I was a cosponsor of legislation signed into law last year extending the tax credit for electricity generated from wind and expanding that tax credit to electricity generated from poultry waste. I have written letters in each of the past two years to Senate appropriators supporting significant increases in renewable energy programs, and I was one of 39 Senators to vote in support of a $75 million increase for renewable energy programs last year. I wrote to President Clinton this year asking him to include more money for renewable energy programs in his budget. However, I know that simply calling for increased funding for renewable energy can't even approach the loss of generation in hydropower, nuclear, coal, and other sources that this Administration has pursued through its energy policies.

I think it's clear that, since coming to Washington in 1993, this Administration has been asleep at the wheel in developing a coherent energy policy. They're more interested in pursuing the limited agenda of a few interest groups than in planning for the energy needs of a growing economy.

Instead of strapping on the same blinders that narrowly guide the Clinton Administration, I believe Congress must put all of our options on the table and begin to plan for the long-term energy needs of our nation's consumers. One of those options is clearly the topic we're discussing today, our nation's tremendous oil reserves in the Section 1002 area of Alaska.

Mr. President, history shows that for two decades, Congress has placed special consideration upon this area because of its potential for significant oil and gas reserves. In 1980, Congress passed the Alaska National Interest Lands Conservation Act—or ANILCA. In addition to setting aside over 100 million acres of Alaska for National Parks, Refuges, and Wilderness, the ANILCA legislation specifically left open the future management of a 1.5 million-acre area on the coastal plain of the Arctic National Wildlife Refuge. The legislation also required the Department of Interior to undertake geological and biological studies of the Section 1002 area and report back to Congress.

After more than five years of conducting these studies, the Department of Interior, in 1987, recommended to Congress that the Section 1002 area be made available for oil and gas exploration and production, and that it be done in an environmentally sound manner.

Congress has responded to this recommendation a number of times since receiving it from the Department of Interior. In fact, both Houses of Congress passed an authorization for oil and gas leasing in the Section 1002 area as part of the 1995 budget reconciliation legislation, but it was eventually vetoed by President Clinton.

Today, as a result of increasing prices for oil and decreasing domestic oil and gas production, we find ourselves again debating some decades-old questions. Do we move forward in an environmentally sound manner to develop domestic oil and gas reserves, or do we ask other nations to produce oil for us without similar environmental safeguards? Do we keep American jobs and investments inside our borders, or do we ship our jobs and industries to foreign nations? Do we increase our energy and national security while we have a chance to do so, or do we run around the world begging friend and foe alike to ''feel our pain'' every time we have an oil supply disruption? For me, the answer is simple.

This budget resolution assumes that we're going to move forward to develop oil and gas reserves in the Section 1002 area of Alaska—our nation's most promising deposit of recoverable oil and gas. In 1998, the U.S. Geological Survey produced an assessment of estimated in-place oil resources reaffirming previous studies that showed the tremendous potential of the Section 1002 area. In fact, it showed that Section 1002 contains as much as 16 billion barrels of recoverable oil—enough to offset 30 years worth of Saudi Arabian imports. Clearly, this area has great potential for easing the growing vulnerability we have to oil supply disruptions abroad.

I think it is important to note that we're not talking about turning the Section 1002 area over to oil companies and then walking away forever. If we're going to allow oil and gas exploration and production, it will be done in an environmentally sound manner and with due consideration to the needs of fish and wildlife populations. Senator MURKOWSKI has introduced legislation that accomplishes those very goals. S. 2214—The Arctic Coastal Plain Domestic Energy Security Act—contains a number of provisions to protect the environment. The bill directs the Secretary of Interior to issue regulations that protect fish and wildlife, their habitat, subsistence resources, and the environment of the Coastal Plain of Alaska. The bill provides the Secretary with the authority to close areas of the Coastal Plain, on a seasonal basis, to protect caribou calving and other fish and wildlife species. The bill would also require those obtaining federal leases to comply with federal and state environmental laws, reclaim leased lands to the condition in which they were found, and ensure the protection of fish, wildlife, and the environment. To ensure these actions are done, the Secretary will require bonds to any lands and surface waters affected and conduct semi-annual inspections of every facility to ensure compliance with all environmental regulations.

To my colleagues who oppose exploration of the Section 1002 area, do you think other nations on whom we rely for our oil supplies are employing similar protections? Do you think Iran,

Libya, or Iraq are going the extra mile to protect wildlife? Do you think the OPEC nations are holding themselves to these stringent environmental standards? We all know the answer is an emphatic NO. Yet this Administration is opposing any exploration of the Section 1002 area for environmental reasons, while at the same time begging Iran, Iraq, Libya and others to increase their production for us. I ask my colleagues, who are the real environmentalists here? Certainly not the Clinton Administration. It's clear to me that this Administration's policy against exploration in the Section 1002 area, when compared against its policy of begging for increased oil production abroad, is a net loss for American jobs, family checkbooks, domestic energy security, and the environment.

Mr. President, I urge my colleagues to take a hard look at the intellectual dishonesty of refusing to explore our domestic oil and gas reserves for environmental reasons, while asking other nations to find and produce more oil with significantly fewer environmental protections than we require. I support the inclusion of this assumption in the budget resolution and I hope we vote to maintain it.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, there will be 2 minutes of debate, and then we will have another vote. Votes don't count against this time. So if you take 20, 30 minutes on a vote, we just have to add that much more to the resolution because we are not counting vote time under the statute. I hope you will stay around and vote shortly, after the debate is completed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, my amendment would simply protect the Arctic National Wildlife Refuge from oil drilling. Following in the footsteps of conservationist President Theodore Roosevelt, President Dwight Eisenhower set aside this Arctic wilderness area for all time and all generations.

While my amendment protects a wilderness, it also protects a legacy. It is a legacy forged of foresight and conservation that has been handed down from generation to generation. I hope we will pass this legacy on today to future generations—just as we have received it from past ones. My amendment will insure that we do.

This is not a partisan debate. The Presidents I have named were both Republicans. I am joined in support of my amendment by many Democrats. Together, both parties have a stake in this wilderness area. I hope today that both parties will join hands in protecting it. I urge my colleagues to support my amendment.

I yield the remainder of my time to the Senator from California.

Mrs. BOXER. I thank my colleague. This is truly a bipartisan effort. As this budget stands, it is the most antienvironmental budget in history because it is the first time any budget resolution has called for drilling in a wildlife refuge. We know that when President Eisenhower declared this a refuge, he never envisioned drilling in it. Drilling in a refuge is not only unnecessary; it is destructive.

Please support the Roth-Boxer amendment.

The PRESIDING OFFICER. The Senator from Alaska, Mr. STEVENS, is recognized.

Mr. STEVENS. Mr. President, I regret to do this, but my colleague from Delaware is wrong. I was there. President Eisenhower set aside an arctic wildlife range that was open to oil and gas exploration. It was not until 1980 that it was designated an area subject to oil and gas exploration. An environmental impact statement was provided by the Congress. It was not set aside by President Eisenhower or anybody as wilderness yet.

The PRESIDING OFFICER. The Senator from Alaska, Mr. MURKOWSKI, is recognized.

Mr. MURKOWSKI. Mr. President, we have had this issue in the budget package before. Make no mistake, if the amendment of the Senator from Delaware is adopted, the Senate will go on record in support of a failed energy policy that rewards the price fixers in OPEC and the military ambitions of Saddam Hussein.

The Department of Commerce has indicated that our 56-percent reliance on foreign oil threatens the national security. One out of two barrels is imported. Our growing dependence on imported oil will mean 30 giant supertankers loaded with 500,000 barrels of crude oil will dock in this country every single day of the year. That is more than 10,000 ships a year. That is surely an environmental disaster waiting to happen.

America has the highest environmental standards and laws in the world. By increasing energy imports, we are simply exporting environmental problems to other countries.

Former Senator Mark Hatfield said, ''I would vote to open up that small sliver of ANWR any day, rather than send American boys overseas to risk their lives in a war over oil.''

Mr. President, yesterday the issue of exports of Alaskan oil came up on the floor. I indicated at that time that when export contracts are completed this April, British Petroleum has assured me that it will cease exports of Alaska crude.

I have a letter dated March 23, 2000, from BP's Vice President for U.S. Government Affairs, Larry Burton, reiterating BP's pledge on exports. I ask unanimous consent that a copy of the letter be printed in the RECORD.

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

BP AMOCO CORP.,
Washington, DC, March 23, 2000.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I would like to respond to your inquiry regarding BP Amoco's plans concerning Alaska North Slope oil exports. Pending completion of contracts due at the end of April, at this time we do not have subsequent plans to export.

We applaud the Administration and the Congress for its wisdom to permit the market to work and to remove an historical penalty imposed on Alaska North Slope oil. The West Coast is part of the global crude market. The ultimate destination of Alaskan crude has no effect on either West Coast supply or gasoline prices. Once our acquisition of ARCO is complete, we would expect to run all of our Alaska crude through ARCO's excellent West Coast refining and marketing network.

Sincerely,

LARRY D. BURTON.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MURKOWSKI. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on the motion to table amendment No. 2955. The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 58 Leg.]

YEAS—51

Abraham	Enzi	McCain
Akaka	Frist	McConnell
Allard	Gorton	Moynihan
Ashcroft	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Roberts
Breaux	Gregg	Santorum
Brownback	Hagel	Sessions
Bunning	Hatch	Shelby
Burns	Helms	Smith (OR)
Campbell	Hutchinson	Specter
Cochran	Hutchison	Stevens
Coverdell	Inhofe	Thomas
Craig	Inouye	Thompson
Crapo	Kyl	Thurmond
DeWine	Lott	Voinovich
Domenici	Mack	Warner

NAYS—49

Baucus	Feinstein	Lugar
Bayh	Fitzgerald	Mikulski
Biden	Graham	Murray
Bingaman	Harkin	Reed
Boxer	Hollings	Reid
Bryan	Jeffords	Robb
Byrd	Johnson	Rockefeller
Chafee, L.	Kennedy	Roth
Cleland	Kerrey	Sarbanes
Collins	Kerry	Schumer
Conrad	Kohl	Smith (NH)
Daschle	Landrieu	Snowe
Dodd	Lautenberg	Torricelli
Dorgan	Leahy	Wellstone
Durbin	Levin	Wyden
Edwards	Lieberman	
Feingold	Lincoln	

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2953

The PRESIDING OFFICER. The question is on agreeing to the Durbin amendment. There are 32 minutes in opposition.

Mr. GRAMM addressed the Chair.

Mr. DOMENICI. I yield to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I yield the remaining time on the Durbin amendment.

AMENDMENT NO. 2973 TO AMENDMENT NO. 2953

(Purpose: To express the sense of the Senate on proposals ''to accomplish the strategic goal of completely eliminating the internal combustion engine over, say, a twenety-five year period'')

Mr. GRAMM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 2973 to amendment No. 2953.

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

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

The amendment is as follows:

FEDERAL REVENUE TOTALS

On page 4, line 3, decrease the amount by $0.

On page 4, line 4, decrease the amount by $1.

On page 4, line 5, decrease the amount by $1.

On page 4, line 6, decrease the amount by $1.

On page 4, line 7, decrease the amount by $1.

On page 4, line 8, decrease the amount by $1.

FEDERAL REVENUE CHANGES

On page 4, line 12, increase the amount by $0.

On page 4, line 13, increase the amount by $1.

On page 4, line 14, increase the amount by $1.

On page 4, line 15, increase the amount by $1.

On page 4, line 16, increase the amount by $1.

On page 4, line 17, increase the amount by $1.

NEW BUDGET AUTHORITY

On page 4, line 21, increase the amount by $0.

On page 4, line 22, increase the amount by $1.

On page 4, line 23, increase the amount by $1.

On page 4, line 24, increase the amount by $1.

On page 4, line 25, increase the amount by $1.

On page 5, line 1, increase the amount by $1.

BUDGET OUTLAYS

On page 5, line 6, increase the amount by $0.

On page 5, line 7, increase the amount by $1.

On page 5, line 8, increase the amount by $1.

On page 5, line 9, increase the amount by $1.

On page 5, line 10, increase the amount by $1.

On page 5, line 11, increase the amount by $1.

NET INTEREST BUDGET AUTHORITY

On page 26, line 3, increase the amount by $0.

On page 26, line 7, increase the amount by $1.

On page 26, line 11, increase the amount by $1.

On page 26, line 15, increase the amount by $1.

On page 26, line 19, increase the amount by $1.

On page 26, line 23, increase the amount by $1.

NET INTEREST OUTLAYS

On page 26, line 4, increase the amount by $0.

On page 26, line 8, increase the amount by $1.

On page 26, line 12, increase the amount by $1.

On page 26, line 16, increase the amount by $1.

On page 26, line 20, increase the amount by $1.

On page 26, line 24, increase the amount by $1.

PUBLIC DEBT

On page 5, line 22, increase the amount by $0.

On page 5, line 22, increase the amount by $1.

On page 5, line 24, increase the amount by $1.

On page 5, line 25, increase the amount by $1.

On page 6, line 1, increase the amount by $1.

On page 6, line 2, increase the amount by $1.

DEBT HELD BY THE PUBLIC

On page 6, line 5, increase the amount by $0.

On page 6, line 6, increase the amount by $1.

On page 6, line 7, increase the amount by $1.

On page 6, line 8, increase the amount by $1.

On page 6, line 9, increase the amount by $1.

On page 6, line 10, increase the amount by $1.

TAX CUT

On page 29, line 3, increase the amount by $1.

On page 29, line 4, increase the amount by $1.

DEFICIT INCREASE

On page 5, line 14, increase the amount by $0.

On page 5, line 15, increase the amount by $1.

On page 5, line 16, increase the amount by $1.

On page 5, line 17, increase the amount by $1.

On page 5, line 18, increase the amount by $1.

On page 5, line 19, increase the amount by $1;

and insert the following:

SEC. . SENSE OF THE SENATE ON THE INTERNAL COMBUSTION ENGINE.

It is the sense of the Senate that the levels in this resolution assume that the Senate will not, on behalf of Vice President Al Gore, increase gasoline and diesel fuel taxes by $1.50 per gallon effective July 1, 2000, and by an additional $1.50 per gallon effective fiscal year 2005, as part of ''a coordinated global program to accomplish the strategic goal of completely eliminating the internal combustion engine over, say, a twenty-five year period'' since ''their cumulative impact on the global environment is posing a mortal threat to the security of every nation that is more deadly than that of any military enemy we are ever again likely to confront.''

Mr. GRAMM. Mr. President, I thank Senator DURBIN for offering his version of the tax cut proposed by Governor Bush. I believe he will get an opportunity next year to vote on it. I look forward to having that opportunity. I intend to vote for it when it is offered by then-President George Bush. I hope and believe it will pass the Senate by an overwhelming margin.

But let me try, if I might, to explain the dilemma we have in terms of trying to do the Bush tax cut now, as if this were a serious proposal. Then I want to discuss my substitute.

Quite aside from the fact the years do not actually match up because if George Bush is elected President, he will take the oath on January 20 of next year, and therefore his tax cut would begin in fiscal year 2002 in all probability, but let me explain the problem. I am grateful for the opportunity because it tells a story that miraculously the general public does not appear to understand; that is, why can't we have Clinton's budget and George Bush's tax cut?

The reason we cannot—it is an old fact of life—you can't have your cake and eat it too. President Clinton has proposed a budget that, in the 5 years from 2002 through 2006, would spend, relative to what we are spending now, an additional $494 billion. For the years that this tax cut amendment would be in force, the President's budget that was submitted this year, if enacted, would raise spending by $494 billion.

During that same period, the Bush tax cut, if adopted, would reduce taxes by $483 billion. That gives rise to two points. First of all, we cannot increase spending on some 80 new programs and program expansions which President Clinton has proposed, increasing spending by half a trillion dollars in 5 years—we cannot have the Government spend all that money and at the same time give it back to working families so they can spend it. We cannot do both. We are going to have to choose.

The question we are all going to have to answer—and by ''all'' I do not mean just 100 Members of the Senate; I mean every voter in America—the question we are going to have to answer is: Do we want these 80 new programs and program expansions so we can spend in Washington another $500 billion over the first 5 years of the new Presidency, or would we rather eliminate the marriage penalty?

Today, Americans meet, fall in love and get married and they discover they end up paying about $1,200 of additional taxes for the right to be married. Let me make it clear. My wife is worth $1,200—a bargain at the price. But it seems to me she ought to get the money and not the Federal Government.

How can it make sense in America, if you have a janitor with three children and a waitress with two children, they meet, their dreams come true, they fall in love—under the American Tax Code they both lose their earned-income tax credit and they are suddenly in the 28-percent tax bracket? So they look at the dollars and cents and many of them decide not to get married.

How does it make sense? If two people get out of college, meet, and fall in love and get married, forming the most powerful bond for human happiness and progress in world history, why is that a taxable event? Why is love and marriage taxed by the Federal Government?

Governor Bush says it should not be taxed. If he is elected President, he wants to repeal the marriage penalty so love and marriage are not taxable events.

If you agree with Senator DURBIN, and if you agree with the Vice President, AL GORE, then you believe you can spend that money in Washington better than all of those married couples could spend it, and you do not want to eliminate the marriage penalty. You want all these new government programs.

Rather than starting a new spending spree, spending $494 billion on some 80 new and expanded programs, Governor Bush has proposed that he would rather eliminate the death tax.

What does the death tax do? Death is a taxable event under the American Tax Code. Americans work their whole lives, they build up a small business, they build up a family farm, they pay taxes on every dollar they earn in their lives. Yet when they die and leave their life's work to their children, the people they built the life's work for, too often in America those children have to sell the farm or sell the business to give Government up to 55 cents out of every dollar of their life's work. They paid taxes on every dollar they earned, but because they accumulated, because they saved, because they sacrificed, their children end up having to sell the business and sell the family farm in order to give another tax to Government.

Senator DURBIN and Vice President GORE say: Don't do that. Don't repeal the marriage penalty. Don't repeal the death tax. Let us spend this money for you in Washington.

You think that by keeping the farm your daddy and mama worked a lifetime for that you would be better off, but they say: You would not. Let us take your farm because we are going to give you all these Government programs.

They say: Look, you think you know how to spend an extra $1,200 on your children, but you are wrong. AL GORE and Senator DURBIN know better how to spend that money than you do.

This amendment is really about choice. President Clinton gives us one choice, and George Bush gives us another.

President Clinton's choice is, between 2004 and 2006, some 80 new and expanded programs will get $494 billion. That is what he wants to do. He can spend this money and make everything wonderful for you and your family, and if you believe that, you ought to elect AL GORE as President because that is his program. In fact, he wants to spend far more than President Clinton does.

Governor Bush believes you can spend that money better than the Government. So rather than giving the Government another $494 billion to spend—we are not talking about Social Security; we are not talking about Medicare; we are talking about spending basically on discretionary programs.

The President's discretionary nondefense budget goes up by a whopping 14 percent when one makes the adjustments for all the phony revenues and shifting when somebody is paying and when they are not paying.

If you believe President Clinton and Vice President GORE are right, that we would be better off spending the $494 billion in Washington on your behalf to help you and your family, then you ought to be for spending this money. But if you believe repealing the marriage penalty and repealing the death tax so your family can keep more money to spend on their children so you don't have to sell your farm or sell your business—and 73 percent of small businesses do not make it into the second generation, in part because of death taxes. If you believe you would be better off spending $483 billion, along with every other family in America, than having Washington spend $494 billion for you, then you are going to get to vote on it. This is going to be on the ballot in November, but it is going to have AL GORE's name next to the spending and it is going to have George Bush's name next to the tax reductions.

How people are being confused is that many of our colleagues and the Vice President and President say George Bush wants to give $483 billion in tax cuts, he wants to stop penalizing couples for getting married, he wants to stop taking farms away from people when they die, and he wants to reduce tax rates across the board, and that is dangerous.

I say to Senator DOMENICI, they say it is dangerous to give back $483 billion in tax refunds to working people, but they do not say it is dangerous to spend $494 billion. I ask the question: If it is dangerous to give it back to the American people and let them spend it, how come it is not dangerous to spend it right here in Washington, DC? How can it be irresponsible for Governor Bush to be talking about $483 billion in tax reductions, letting working people keep more of what they earn, and how come it is not irresponsible for President Clinton to be talking about spending $494 billion more in Washington?

Mr. DOMENICI. Will the Senator yield?

Mr. GRAMM. I will be happy to yield.

Mr. DOMENICI. Mr. President, I want to make an observation and see if my colleague agrees with me. As a matter of fact, if we took President Clinton's budget and adopted it—and it has a 14-percent increase in nondefense discretionary spending; that is, 13 appropriations bills less defense and military construction. It has a 14-percent increase. I believe it was the Senator who found that is the highest increase in domestic discretionary spending since the years of Jimmy Carter's Presidency when inflation was rampant.

Mr. GRAMM. Exactly.

Mr. DOMENICI. How many years does my colleague think it would take to eat up all the surplus and be right there ready to use the Social Security surplus if we increased that spending 14 percent a year for the next few years? How many years?

Mr. GRAMM. It would take 3 years to consume the entire surplus. Why is it less dangerous to let them spend the whole thing in 3 years than giving a tax cut and giving most of that surplus back? The reason this amendment is so important is that I do not think we are ready to debate the Presidential campaign on the floor of the Senate.

The point is, our colleague from Illinois has offered an amendment that he claims will have us voting on the Bush tax cut. Here is the dilemma: We cannot have Clinton spending and the Bush tax cut. We have to choose between the two. That is what the election is about. If you want this spending, you ought to vote for AL GORE, and if you would rather repeal the marriage penalty so we do not charge young couples $1,200 a year for the right to be married, if you think we ought to repeal the death tax so that you do not have to sell your daddy's and mama's farm when they die on which they spent a lifetime and paid taxes on every dollar they earned, plowed money back into that farm, skimped for it, sacrificed for it—or if you are a small business—if you think you should not have to sell it just because they die, then you ought to vote for Governor Bush.

We cannot adopt the Bush tax cut now because we have the Clinton budget before us. We are going to get an opportunity next year to have a Bush

budget and the Bush tax cut. At that time, I hope we will get votes from some of our Democrats. I predict today that we will get at least 15 of them who will vote for it.

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

Mr. GRAMM. I will be happy to yield. Let me talk a little bit about my amendment, and then I will yield.

Now that we are into Presidential politics, I have offered a substitute, and that is, we ought to vote on the Gore tax increase. As many of my colleagues know, because they probably received a signed copy, our Vice President has written a book, ''Earth in the Balance.'' The principal proposal of this book is as follows:

He wants a coordinated program to accomplish the strategic goal of completely eliminating the internal combustion engine over, say, 25 years. That means the pickup you have your umbrella and gun slung across the back of is going to be gone. That means this new car you either have today or are hoping to buy is going to be gone. Eliminating the internal combustion engine is a pretty dramatic change, especially over a 25-year period.

He goes on to say the reason he wants to do this is—talking again about these cars and these trucks:

> Their cumulative impact on the global environment is posing a mortal threat to the security of every nation that is more deadly than any military enemy we are ever again likely to face.

There is no way we can eliminate the internal combustion engine without starting out over the next 5 years, maybe now with a $1.50-a-gallon tax, maybe in 4 years another $1.50, and to get rid of the internal combustion engine we would have to get gasoline up $10, $20, $50 a gallon.

Since our colleague from Illinois decided today was the day we ought to begin to debate the Presidential campaign on the floor of the Senate, I thought we ought to have an opportunity for Senators to go on record saying they do not agree with the Vice President; they are not quite ready to kiss the internal combustion engine goodbye. I am still hoping to get a four-wheel-drive truck. I am not ready to let AL GORE come in and impose his values that say it is OK for my people who live in rural areas of my State and commute 40, 50 miles a day to work to try another mode of transportation to get rid of their car or pickup.

Mr. DURBIN. Will the Senator yield?

Mr. GRAMM. I am not ready to do that.

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

Mr. GRAMM. The Senator will get his 30 minutes. I have my 30 minutes, with all due respect.

What I have done is offer an amendment that says it is the sense of the Senate we should not to be doing this; we should not be raising gasoline taxes so the Vice President can get rid of our cars and our trucks.

Since the Senator from Illinois decided today we ought to vote on the two alternatives, his argument is that it is OK for President Clinton in his budget to spend a new $494 billion in taxes but it is not all right, it is risky, I say to Senator DOMENICI, it is terribly risky if, instead of us spending it, we let the taxpayers spend it. I do not get it. I do not understand how it is not risky for us to spend it but somehow it is risky to repeal the marriage penalty or the death tax.

So what I have offered, since we cannot do the Bush tax cut until George Bush becomes President—and I would like to hurry the day; if we could do something today that could make it come sooner, God knows, I would sign on as a cosponsor. But I do not think we are going to be able to do it before the Constitution says we can. In any case, what I have done, since we have started this debate, is I have taken the Vice President's book, and I have put in the first installments of what would be required to get rid of all the internal combustion engines, and the first installment would be a $1.50 tax on gasoline today, then another $1.50 tax 4 years from now. That would only start it. We would have to go up from there. But I want to take a conservative approach, as I always do.

Finally, for those who say, OK, the Vice President wrote this book, but he did not mean it. This book was written for environmentalists. He meant it for them, but he did not mean it for people in Texas or New Mexico—let me read his response when he was asked about it.

He said, ''There is not a statement in that book that I don't endorse, not one.''

I do not endorse them. I am against raising gasoline taxes. I am against taking away my pickup truck. I am opposed to it.

I thought this was going to be saved for us to vote on in the election. But since our colleague from Illinois decided to debate the Presidential campaign today, let's debate it.

Let me conclude with this remark, and then I will reserve the remainder of my time and let our colleague speak.

I am happy to say the man I support for President wants to cut your taxes. I am proud of it. I want the world to know it. I suspect our colleague from Illinois is not going to be proud of the fact that AL GORE wants to raise gasoline taxes as part of a program for a ''coordinated global program to accomplish the strategic goal of completely eliminating the internal combustion engine.''

So we are offering a sense of the Senate today to say we are not for that. He may be for it. AL GORE is for it. He says he is for it. He wrote the book. He said he was for it as late as 4–26–99. The point is, not that he is not for it—he is for it —but that we are against it. That is the purpose of this amendment.

Should we be debating the Presidential campaign on the floor of the Senate? I do not know whether we should or not. But since our colleague from Illinois decided to bring it up, I thought we ought to give people an alternative. It is the same choice they are going to have on election day, on the first Tuesday after the first Monday in November of this year.

It is a profound choice. The lives of every American family will be changed if we repeal the death tax, if we repeal the marriage penalty, if we cut tax rates. The life of every American family will be changed if we have confiscatory taxes on gasoline to achieve some extremist goal of eliminating the internal combustion engine.

Improve it? Yes. Make it more efficient? Yes. Make it more environmental friendly? Yes. But kiss it and modern civilization good-bye as part of some extremist environmental agenda? I say, no. I say, no. I believe the Senate will say no today. They are going to say no today. I would not be surprised if all 100 Senators said no.

The American people are going to say no in November.

I reserve the remainder of my time.

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

Mr. REID. I ask for the yeas and nays on the amendment offered by the Senator from Texas.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. REID. Mr. President, the statements of the Vice President that my good friend from Texas referred to are certainly valid. He stands by those.

I am wondering if the Senator from Texas stands by the statement he made on August 5, 1993, when we were working on the budget Deficit Reduction Act, which has set this economy on fire doing great things for the economy.

My friend from Texas, speaking about the President's deficit reduction plan, said:

> This program is going to make the economy weaker. Hundreds of thousands of people are going to lose their jobs as a result of this program.

He also went on to say:

> I believe hundreds of thousands of people are going to lose their jobs as a result of this program. I believe that Bill Clinton will be one of those people.

He further said:

> I want to predict here tonight that if we adopt this bill the American economy is going to get weaker and not stronger, the deficit 4 years from today will be higher than it is today and not lower. When all is said and done, people will pay more taxes, the economy will create fewer jobs, Government will spend more money, and the American people will be worse off.

I yield to the Senator, under the resolution, 20 minutes. If the Senator needs more time, it is available.

Mr. DURBIN. I thank the Senator from Nevada.

Mr. GRAMM. Will the Senator yield so I can respond?

Mr. DURBIN. The Senator from Texas would not yield for a question. But I would like to ask him a question. I hope I am not inviting a speech. It is a very simple question.

I am holding Vice President GORE's book, ''Earth in the Balance'' in my hand. Can the Senator from Texas tell me which page he refers to when he says that Vice President GORE has called for a $3 gasoline tax increase? I want to turn to that page immediately. Can the Senator give me the number of the page?

Mr. GRAMM. I would be happy to respond by saying he calls for the elimination of the internal combustion engine over 25 years. Does anybody believe that you could achieve that without taxes driving up the price of gasoline? I think——

Mr. DURBIN. I reclaim my time.

Mr. GRAMM. He tells us what he wants, but he does not tell us the bad news about how we get it.

Mr. DURBIN. I reclaim my time, Mr. President.

If you have been around politics for about 5 minutes 30 seconds, you know that when you do not have an answer, you answer a question with a question. That is what has happened.

Vice President GORE does not propose a $3 gasoline tax increase. He never has. The Senator from Texas knows it. He is coming to the floor trying to suggest a tax increase that he has dreamed up of $3 a gallon because he does not want to face the music when it comes to the real tax increases and cuts proposed by the Republican candidate for President, his Governor from the State of Texas, George W. Bush.

That is for real. That is the cornerstone of his campaign. You cannot stand it, Senator, but it is a fact. You make up taxes and put it in the mouth of AL GORE. We take the words spoken by George Bush.

When I ask the Senate to vote on George W. Bush's tax cut—the mainstay of his campaign—you would think the Republicans would rally behind George W. Bush. This is their man. This is the one they want to see elected to the White House. But they run, in the words of our former Senator Dale Bumpers, like the devil runs from holy water, when it comes to a vote on the George W. Bush tax cut. They cannot stand the thought of going on record for what the Senator from Texas says he is so very proud of. He is so very proud of George W. Bush's tax cut, he has offered a substitute to it. He does not want to be on the record. He does not want to go back to Texas and try to explain that tax cut. I do not blame him. It is a bad idea. It is bad policy.

I make no apology for bringing to the floor of the Senate the major issues in the Presidential campaign. For goodness sakes, what would the world think if the Senate stopped talking to itself and talking about issues that are being debated in America? This is the No. 1 issue in the campaign. I make no apology for bringing it to the floor, asking Democrats on this side and Republicans on the other, to go on record: Do you support it or don't you?

I make no apology for the progress we have made in this Nation over the last 7½ years under the Clinton-Gore administration. I tell the Senator from Texas and anyone following this debate, I would gladly run on the record of this administration and our economy. I would take it to every State in the Union because we know what has happened: Unemployment is down, housing starts are up, business creation is up, inflation is under control. We have seen America prosper in a way that has never happened in our history.

It bothers my Republican friends to acknowledge this fact. They think it dropped out of Heaven. They do not think the President had anything to do with it. We know better. We know that on the floor of this Senate, and in the House of Representatives, President Clinton's budget plan, that started reducing the deficits and moving us in the right direction, was passed without a single—not one—Republican vote in support. It kills them.

Senator GRAMM was just quoted on the floor. He said it would be the end of—I have forgotten his exact words—but the end of civilization as we know it if the Clinton plan passed. Well, guess what. It did pass, and America got a lot better. American families know we are moving in the right direction. It is interesting to me that my Republican friend from Texas just loves this Bush tax cut to pieces, but he can't bring himself to go on record to vote for it. He doesn't want to have to go back home and explain it—even in Texas, Governor Bush's own State.

I am offering the Bush tax cut as he has proposed it in his own words. Senator GRAMM is offering a figment of his imagination about what Al Gore might have said. When I ask him for a specific page in this book, where there is a $3 gas tax increase, I get a question back to me. Well, if you have been through the first grade, you know how to open a book and go to the right page. That is what the teacher teaches you. Senator GRAMM can't take us to the right page in Vice President Gore's book referring to a $3 gas tax because it isn't there. He is making it up.

Look at what the so-called fair Bush tax cut means to American families. If you happen to have an income of $31,100 a year, it means a $500-per-year tax break under the Bush tax cut. But, boy, if you are in an income category over $300,000, there is a $50,000-a-year tax cut coming from the Bush proposal, the one for which I want the Senate to go on record.

Is this fair? It isn't fair whether you drive a pickup truck or walk along the shoulder of the highway. It isn't fair to working families who have to drive pickup trucks to survive. I think we ought to vote, and I think the Senator from Texas ought to withdraw his amendment so we can vote up or down on something of which he is so proud.

Look at what happened to the deficits under various Presidents. I think the record is clear. I am sure it hurts my Republican colleagues to acknowledge the obvious. We have seen the deficits grow under Presidents Reagan and Bush. But look at what has happened under President Clinton. The deficits have come down.

Mr. REID. If the Senator will yield, I quoted the chairman of the Banking Committee, PHIL GRAMM of Texas, where he says, verbatim, among other things, on August 5 in the CONGRESSIONAL RECORD:

> The deficit 4 years from today will be higher than it is today and not lower.

Does the Senator's chart indicate that that statement is totally without foundation and not true?

Mr. DURBIN. It indicates that when you are asking the Senator from Texas, Mr. GRAMM, for advice on where the economy is going, you ought to do just the opposite. He said the deficit is going up but the deficit went down.

Mr. REID. I say to my friend from Illinois, on October 6, 1993, a few weeks after he made the statement about the deficit increasing, he said this: ''This program''—he meant the Clinton deficit reduction plan—''is going to make the economy weaker. Hundreds of thousands of people are going to lose their jobs as a result of this program.''

Is the Senator from Illinois aware that we have created 21 million jobs since this statement was made that hundreds of thousands of people would lose their jobs?

Mr. DURBIN. I even have it on good authority that they have created new jobs in Texas because of the prosperity coming forth from this administration. I can't believe the Senator from Texas, who is in close touch with his State, hasn't noticed that, and that with the Clinton-Gore approach on our economy, with the help of the Federal Reserve, America is moving in the right direction. Even Texas may be moving in the right direction. I don't want to speak for that State.

Mr. REID. Here is another statement from August 6, 1993: ''I believe that hundreds of thousands of people are going to lose their jobs as a result of this program.''

He is speaking of the Clinton deficit reduction plan.

Mr. DURBIN. Who said that?

Mr. REID. Senator PHIL GRAMM of Texas. He further said, ''I believe that

Bill Clinton will be one of those people. We have a Presidential election coming up soon.''

Would the Senator comment on the statements made about President Clinton losing his job and hundreds of thousands of people losing their jobs.

Mr. DURBIN. Well, of course, President Clinton was reelected in a rather decisive victory over former Senator Bob Dole. The American people like the way America is moving forward. I am sure it has been painful for Senator GRAMM and others who opposed the President's suggested policy to get America back on track to realize they were wrong. The facts have shown them to be wrong. In fact, we have had the longest period of growth and prosperity in America's economic history.

They want to change that, I say to the Senator from Nevada. Their Presidential candidate, George W. Bush, doesn't like the way things have been going. He thinks that instead of the policies that have brought America forward, we ought to change it all—a dramatic, radical, and risky tax cut that would go to the wealthiest people in America.

When I asked the Republicans in the Senate to vote up or down on whether they want to stand by Governor Bush, they came in with a substitute. They want to change the subject and invent a tax that they cannot even identify with Vice President AL GORE. Vice President GORE has not called for a $3 gas tax increase.

I think the Vice President is right to heighten our awareness of the need to do something to improve air quality in America. I might say to the Senator from Texas—he may not know this—about 6 years ago, the Vice President, along with President Clinton, went to the major automobile makers of the United States and challenged them to come up with a more fuel-efficient engine, and it is possible, even in my lifetime, that what we know as the internal combustion engine will be gone, and we will have something that is cheaper to operate and safer for the environment. Whether you are from Texas or Illinois, that would be a good change.

When I listen to the critics of Vice President GORE on the environment, I find it hard to believe. I can't believe that even in the State of Texas you aren't at least sensitive to air and water quality. But to say that anybody who brings up the environment is some pinheaded professor that parks his bicycle straight overstates the case. The American people, particularly younger people in this country, want a cleaner nation, with air that is safe to breathe and water that is safe to drink. If the Vice President is heightening our awareness of environmental issues, so about be it. All political leaders should do that.

Mr. REID. If the Senator will yield, there has been a lot of discussion in the last few weeks about the cost of fossil fuel, gasoline, and diesel fuel being so expensive. It has come to my attention that 56 percent of the fuel that we use in this country comes from foreign nations. Does the Senator think the Vice President was concerned about that and was trying to do something so we would be less dependent on the oil barons of the Middle East?

Mr. DURBIN. I think the Senator from Nevada is exactly right. It is about time America gets serious about an energy policy. I can recall that in previous administrations we had statements of fuel efficiency on vehicles and on appliances, and, frankly, some people on the other side of the aisle thought that was a heavyhanded move by the Government. They have been fighting off that information at a time when we should have it. We ought to be looking to alternative sources, not only alternative sources for fuel, responsible sources in the United States, but also alternative fuels. This is not radical thinking. It is sensible that we would look for alternatives to our dependence on foreign fuel. I think when Vice President GORE raises environmental concerns, those are concerns most Americans share.

Let me go on to another point raised by the Senator from Texas. He raised the marriage tax penalty, which is imposed on people who, because their combined incomes bring them to a higher tax rate, pay more after they are married than before. I say to the Senator from Texas—he probably knows this—the Democrats, the Republicans, and the President agree that this should be changed. There is no controversy here. For him to raise it in the debate baffles me.

Second, when it comes to the estate tax, do you know what percentage of Americans pay the estate tax? I will answer this question. It is 1.3 percent of the estates that pay the estate tax.

Now, yesterday, I had a chance to meet a gentleman by the name of Bill Gates, who runs Microsoft Corporation. He has had a bad month. His net worth went down from $70 billion to $52 billion. When he passes away, I don't believe it is unreasonable that he would pay some taxes back to the America, which has given him a chance to succeed, to pay for education and opportunities for the next generation.

Obviously, the Senator from Texas thinks that is unfair and unjust. I do not. I do concur with his belief that we ought to change the estate tax law so that family farmers and family businesses can pass their enterprises on without penalty, under most circumstances. I already introduced a resolution to that effect in the Senate last year. I hope we can do that. But to eliminate the estate tax on Bill Gates doesn't strike me as the progressive thinking of the Senator from Texas. He is entitled to his point of view.

Let me talk to you about his conjecture that President Clinton in his budget is going to dramatically increase spending.

The Senator from Texas will never tell you on what specifics President Clinton wants to spend money. You would think it is a wasteful expenditure here, there, and the other place. My guess is, if you take a close look at the specific areas of spending, you will find that most American families agree. There are areas where we should spend more taxpayer dollars.

Let me give you a couple of illustrations.

Can we start with education? Is there anyone who couldn't believe we should invest in education, hold the teachers and the establishment of education accountable for what comes out of the classroom but give them the resources to do a good job; pay teachers a decent salary; put the computers and technology in the classroom so they can teach adequately; and make sure schools are modernized for the 21st century?

I think that is one of the ''wasteful'' programs the Senator from Texas would have us eliminate so we can give a tax cut to the wealthiest people in America.

Look at some of the proposals by President Clinton for spending. I guess the Senator from Texas should have taken a look at this list. It appears he wants to spend some more money on additional defense for America. I don't think that is altogether a bad idea. I think that is part of the preamble of the Constitution—that the United States wants to provide for the common defense. And I am glad President Clinton has shown leadership there.

When it comes to foreign assistance, he, for example, wants to invest money to make America's embassies overseas safe from terrorism. Is that a wasteful expenditure we should do away with in the name of a $50,000-a-year tax cut that George W. Bush proposes for people making over $300,000 a year?

The list goes on and on.

Environmental toxic cleanup: The President wants to spend more on that. So do I. I don't want those toxic chemicals in the soil leaching into ground water and contaminating water supplies across America.

The President is right, and the American people know it.

In the area of agriculture, we had an effort to help our farmers across America struggling through the most difficult times. Yes. That is President Clinton's proposal for spending. Is it a valid one? You bet it is. For 2 straight years, we have passed emergency appropriations for farmers.

I take it the Senator from Texas doesn't believe we should do that; instead, we should take the George W. Bush tax cut and give a $50,000-a-year tax break to some of the wealthiest people in this country.

The list goes on and on.

Investments in transportation: So that the FAA can have modern equipment; so that when we get on an airplane with our family we have peace of mind that the best technology is available.

Yes, President Clinton wants to spend money on that, and apparently the Senator from Texas thinks that is wasteful.

I don't know how he gets back and forth to Texas. When I travel to Illinois, it is on an airplane. I want it safe for me and my family and for all of the other people who use it.

In the education area, the President's proposal would not only modernize our classrooms but increase the number of teachers so we have smaller class sizes.

A national literacy program that both Presidential candidates agree on so kids by the third grade can read and write: Is that a good proposal and a goal for the 21st century? I think so. But the Senator from Texas, obviously, takes exception. He thinks that is another wasteful Government expenditure.

He would rather give a tax cut to the wealthiest people in America. I think that is wrong. That is what elections are about.

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

Mr. DURBIN. I am happy to yield to my colleague.

Mr. REID. The Senator outlined very clearly the importance of certain spending taking place in this country. I would like the Senator to comment on the fact that when President Bush took office, the yearly deficits, not counting the Social Security surpluses which made the deficit look smaller, were about $300 billion a year.

In addition to the President requesting some spending that the Senator outlined so clearly, what is the status of the deficits of this country since President Clinton became President?

Mr. DURBIN. I am glad the Senator asked. As Senator BYRD carries the Constitution in his pocket, I carry with me a card which has a record of what is happening under the Clinton-Gore administration. Record budget deficits have been erased.

In 1992, the deficit was a record $292 billion. The Congressional Budget Office said it was going to grow to $455 billion by the year 2000, this year. Instead, we have a projected $167 billion surplus, the third one in a row. That is $622 billion in savings not drained by the Government in 1 year alone. And we have had the largest paydown of debt in the history of the United States—$297 billion.

All the deficit hawks on the other side of the aisle hate to hear these numbers, but they are the facts.

Under the Clinton-Gore administration, we have addressed the deficit situation. We are no longer talking about a constitutional amendment to balance the budget but are moving in the right direction. The American people want us to continue doing that.

We have people who visit this Capitol at this time of year, usually classrooms from across America. These young men and women who come to watch this Senate and visit our offices deserve an America with a reduced national debt. That is the goal of the President's proposal and his budget. It is one not shared by George W. Bush. He believes we should give a massive and risky tax cut across the board. We believe targeted tax cuts make more sense and deficit and debt reduction are absolute priorities.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

Mr. REID. I yield the Senator from Illinois an additional 15 minutes under the resolution.

The PRESIDING OFFICER. The Senator is recognized.

Mr. REID. Historically, my friend from Illinois talked about what has happened since Bush was no longer President and how the deficit came down. From where did this huge national debt of $5 trillion come?

Mr. DURBIN. I think the Senator from Nevada can remember that we accumulated more debt in the history of the United States with the election in 1980 of President Reagan until President Clinton, and about 1994 or 1995 started to turn the corner, than we had accumulated in the entire history of the United States, more debt than we had accumulated in our entire history.

We collect $1 billion in taxes every day to pay interest on the debt that we accumulated during the Reagan-Bush era. President Clinton has finally moved away from that. We are starting to reduce that debt, and we think that is the highest priority. But it isn't the highest priority of Gov. George W. Bush. He believes the highest priority is a tax cut—a tax cut for some of wealthiest people in this country.

We believe we should target the tax cut to the families who need it. For example, a lot of families send their kids to college. They know it is a very expensive undertaking.

We propose on the Democratic side that you be able to deduct from your taxes college education expenses. This gives a helping hand to middle-income families across America so that the kids will finish school with less debt, and maybe no debt.

I think that is a targeted tax cut that makes sense. It makes a lot more sense than a $50,000-a-year tax cut for somebody making $300,000 a year. That is the George W. Bush tax cut.

We also want to target the tax cut to help pay for long-term care. Families know when their parents and grandparents are elderly that it is expensive to care for them. They want to give them the best. It takes a lot from their savings. We give a tax cut for that purpose—a targeted tax cut to help pay for long-term care. That is a sensible approach.

We think the highest priority should be debt reduction. We are not the only ones who suggest it. For anyone who believes this is a partisan proposal, take a look at this particular article that appeared in the Washington Post. This is from the business section. Alan Greenspan, not known to be a Democrat, the Chairman of the Federal Reserve Board: ''Pay down the debt first.''

That newspaper was obviously not delivered in Texas because neither the Senator who is speaking today on behalf of his amendment nor the Presidential candidate on the Republican side heard the news. Greenspan said debt reduction should be the highest priority—not in their book. From their point of view, the highest priority is making sure the wealthiest people in this country pay less in taxes. That to me doesn't make sense. Let us pay down this awful debt that has been accumulated during the Reagan-Bush years.

Let us try to put this behind us so future generations have more flexibility in their own lives; so that we have less demand for capital; and interest rates coming down.

So those who are following the debate understand where we are, I put forward on the floor the Bush tax cut asking the Democrats and Republicans to go on the record one way or the other. The Senator from Texas says: No. Let's try a substitute. He dreams up a gas tax increase and cannot point to one page in Vice President GORE's book that enumerates that increase, and he wants us to vote on that.

I encourage my friends on the floor to turn down the Gramm gas tax increase. We don't need a $3 increase. Nobody on this side of the aisle called for it.

I think Senator GRAMM should understand at this point in time it would be devastating. That is what he wants to vote on because he doesn't want to vote on the Bush tax cut, which is well documented. That is painful, I am sure, but I think it is important we do it.

Back to the estate tax for a second. In 1995, approximately 2.3 million people died in America; 31,000 out of 2.3 million ended up paying the Federal estate tax, 1.37 percent. The vast majority of our Nation's citizens simply do not leave estates valued at $600,000 or more, which is the present annual tax threshold, which is going to increase to $1 million, which I support.

The Senator from Texas would have us believe everyone passing away has as their last act, before the undertaker wheels them out, filing a Federal tax form for the Federal estate tax. It doesn't happen. The vast majority, over 98 percent of the American people,

don't pay this tax. Some of the wealthiest people in this country do. He thinks we should wage this Presidential campaign over the 1.37 percent of the population. I think that is a mistake.

I think, honestly, those who have done well in America and prospered and made millions of dollars and left huge estates owe something back to America. That is part of the cost of living and prospering in this country, as far as I am concerned. We see that differently.

The Senator wants to preserve and protect those in the highest income categories, give them the Bush tax cut, and turn his back on things such as education spending—which he thinks is wasteful government spending. I disagree.

There are some radicals on his side of the aisle who want to eliminate the Department of Education. That is a serious mistake. I am not going to put those words in the mouth of any single Senator, but we have heard it over and over from the other side of the aisle. They would take away the authority of the Department of Education to provide for the 5, 6, or 7 percent of Federal aid to education across America. I think that is a mistake, too.

The President understands, as most American families do, that education is critical for our future. If the Senator from Texas wants to walk away from this commitment to education, I think he is walking away from a commitment which is important for our children to make sure they have the skills and education not only to prosper in this Nation but to be able to compete in a global economy. He may think a tax cut for wealthy people is more important than making certain that our kids are well educated, but I disagree with that. I think most American families understand they get one chance to educate their kids, and they want to do it right.

Mr. REID. Will the Senator yield?

Mr. DURBIN. I am happy to yield to the Senator.

Mr. REID. We have talked about income taxes; that is what the Senator from Texas talked about and that is what the Bush tax cut mainly talks about, the Federal income tax.

Is the Senator aware of the article that ran in the Washington Post 8 or 9 days ago, and then ran all over the country, indicating that the Federal income tax now is at a 40 to 50-year low?

Mr. DURBIN. Yes, the Senator from Nevada is correct. Despite all the statements to the contrary, Federal taxes have been going down on American families and they have been held to the 1970 level. We have been making real progress in that regard.

What we have tried to do when the Democrats had a voice in the process is make sure that tax cuts went to working families. Those are the folks who need a helping hand. If there is an increased tax burden in this country, it comes primarily from State and local sources and from payroll taxes associated with the Medicare and Social Security programs which, quite honestly, we have to sustain until we address meaningful reform.

On that subject, let me add, President Clinton and Vice President GORE are talking about investing this surplus back into Social Security and back into Medicare to reduce their debt and to make certain those programs will be here for decades to come. The Republican side of the aisle does not want to address those issues, and they should. Instead, they want the George W. Bush tax cut. Instead of putting this money into debt reduction and strengthening Social Security and Medicare, providing for prescription drug benefits under Medicare, they would give a tax cut to the wealthiest people in our country. That is the clear choice in the Presidential campaign.

The Senator from Texas does not believe I should raise this issue on the floor of the Senate. He says since I have, it is open season for debate on it. I welcome the debate. For goodness sakes, if we cannot come to this floor and debate the issues that are central to the most important choice Americans will make in the year 2000 in the Presidential election, then this great deliberative body has lost its way. I think it is important that all Members come to the floor and be recorded on this vote.

I invite the Senator from Texas to withdraw his substitute amendment so he can have an up-or-down vote on the Bush tax cut. Surely GRAMM wants to go back to Texas and see your Governor and say: I stood by you. I was with you to the bitter end. I defended you against your critics. I am for the Bush tax cut.

Certainly you don't want to go back and say to your Governor: I didn't want to vote on your tax cut so I put up a substitute. I dreamed up an Al GORE gas tax. I did my darnedest to avoid being on the record.

I am certain Texas pride demands standing by your Governor, as many on your side of the aisle, I am sure, want to do. In order to do that, you have to take away the substitute amendment. You have to face the music. You have to understand that if you are going to buy this tax cut from George W. Bush, you have to go on the record and do it and not just make speeches when you are off the Senate floor.

I yield back the time offered to me by Senator REID under the resolution.

Mr. REID. How much time did the Senator have remaining?

The PRESIDING OFFICER. He had 5 minutes remaining.

The Senator from Texas.

Mr. GRAMM. Mr. President after listening to that, I feel like a mosquito in a nudist colony. I don't know quite where to hit.

Let me start at the beginning. Bill Clinton's plan was not just the largest tax increase in American history; it was a stimulation package of $16 billion where spending exploded before the tax increase ever went into effect. Republicans in the Senate killed that stimulation plan.

Bill Clinton's plan was to have the Government take over and run the health care bill. I remember distinctly somebody standing up and saying the Clinton health care bill will pass over my cold, dead, political body. That political body is still alive and the Clinton health care bill is dead.

Bill Clinton, when he sent Congress a budget in 1995, proposed a $200 billion deficit, and his budget had a $200 billion deficit through this year. Who lost their jobs? When we killed the Clinton health care bill and defeated the stimulus package, they lost their jobs. We elected a Republican majority in both Houses of Congress. When we elected a Republican majority, we rejected the Clinton budget and the deficit started to go away and we have a surplus today.

In terms of a reasonable policy to protect the environment, forgive me, but completely eliminating the internal combustion engine is not a reasonable policy to protect the environment. It is an extremist policy that deserves to be rejected and it will be rejected. They are ashamed of it.

I ask the following question: How is he going to eliminate the internal combustion engine? Maybe they are just going to confiscate the cars or trucks. Maybe they are going to take us off to prison.

If you don't do it with taxes, how do you do it? The point is, they don't know how you would do it—at least they don't know before the election. The American people are going to want to know.

They are for eliminating the marriage penalty—baloney. Where's the beef? Their tax cut actually raises taxes for 5 years. Middle-income Americans would get virtually no tax relief under their policy.

Finally, as to this ''tax the wealthy,'' what a phony issue that is. In the President's first budget, they proposed raising taxes on people earning $25,000 a year who were drawing Social Security. That is what they call ''rich.''

They were able to take a family making $44,000 a year and under Clinton's first budget make it $75,000 by saying: To tax somebody, you count the rent value of the home they own; you count the value of their life insurance; you count the value of their parking place.

To the Democrats, anybody who works and makes money is rich. Whenever we try to cut anybody's taxes, they are always rich. They have every excuse in the world to do anything except to give the American people a tax cut.

Finally, let me say again the part of the story that they are not telling is the following: Their budget, which they support, proposes that over the next 5 years we spend $494 billion on new and expanded programs. That is the Clinton budget.

What Governor Bush is proposing is that rather than spend all this money on these programs, we give part of it back to working families. Why is it not risky for us to spend $494 billion on new programs, which is the Clinton budget that they support, and why is it risky for Governor Bush to propose giving less than that amount back to families to let them spend it?

I have 3 minutes remaining. I yield to Senator DOMENICI.

Mr. DOMENICI. Mr. President, we have heard an interesting political discussion today. The idea we should be debating the Bush tax cut on the Senate floor is totally political. It brought a political answer. So we are now engaged in a Presidential election instead of a budget.

The truth of the matter is, we do not have before us a Bush budget. What we have before us is the budget of the President of the United States. For those on the Democrat side who are talking about Bush's budget, let me say they have never offered the President's budget. Nobody has dared offer it because it is so bad that even they know they would not get the votes for it.

That is not the kind of budget we are going to get next year, if George Bush is President. He is going to give us a budget that calls for less Government but priorities in Government. There is going to be sufficient money left over in his budget to have a tax cut, tax relief for the American taxpayer, and take care of the Social Security trust fund. There is no doubt in my mind he will present that kind of budget.

We can argue all we want today about what fits in this year's budget. We are operating against the competition of a budget from the President. We are not working with a President who wants to have tax relief. As a matter of fact, this President's budget sets the way to increase taxes in the first year, not decrease them, and to increase them over the first 5 years, not decrease them. As a matter of fact, it is a tax increase budget. We have to compete with that and try to get our business done, having to work with him in the appropriations process. Now we have somebody coming down here telling us Bush's budget does not fit in ''your'' budget. Of course, it doesn't fit in our budget because we have not yet seen what President-elect Bush would submit to us to do with all these duplicative programs. We heard there are 342 programs in economic development. He is not going to leave those around. He is going to provide a completely different tone, a different kind of budget with high priorities in education and the issues he has described.

I want to close by saying it is somewhat of a lark to come down here and talk about how big the deficit got following Jimmy Carter. Ronald Reagan had to take over an America whose military had gone right down the drain, an America that had an economy that was dead weak. He had to sit there and let the inflation come out of that and then, yes, build back defense and provide some tax relief for the American people. That was a great economy. He took over when it was a basket case.

If we want to debate things past, I will conclude by saying: Does anybody believe this robust economy of America was made robust because Bill Clinton and the Democrats increased taxes $293 billion? Does anybody really believe that? I am certain a majority of American economists would say it was coming back strong, we plunked this on top of it, and it didn't break the economy; it just let it go ahead. It probably would be stronger if we had not adopted the $293 billion. That is my guess.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Is there time remaining with the majority?

The PRESIDING OFFICER. All their time has expired.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I yield back my time.

AMENDMENT NO. 2985 TO AMENDMENT NO. 2953

Mr. DURBIN. I send a perfecting amendment to the desk.

Mr. DOMENICI. Parliamentary inquiry. Is that amendment in order?

The PRESIDING OFFICER. The Senator has a right to modify his amendment. Therefore, a second-degree amendment would not be in order.

Mr. DOMENICI. I don't understand. We have a second-degree pending. What kind of amendment is he sending? Is it amending the second-degree amendment or the underlying amendment?

The PRESIDING OFFICER. It is a second-degree perfecting amendment, but it is an amendment to his own amendment which the Senator has the right to modify. It can be accepted as a modification.

Mr. DOMENICI. I say to my friend, I did not think we were going to be doing this. That is what you kind of said to me. But that is all right. I thought we were going to vote on second degrees, you would have another round of votes on your own, but it is OK if you want to change that now.

Mr. REID. I say to my friend from New Mexico, we are not changing anything. In all due respect, if their amendment had been prepared properly, there wouldn't have been an opportunity for us to do our amendment. We think there should be an up-or-down vote. We said all along we are going to get an up-or-down vote, no matter how long it takes, whether the majority is going to approve their Presidential nominee's tax cut; it is as simple as that. We asked for an up-or-down vote for the last 24 hours.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, parliamentary inquiry. Is it an appropriate time for a Senator to send an amendment to the desk? Is it appropriate for a Senator to send an amendment to the desk unrelated to the pending amendment, the one that has just been debated, and ask it be placed in the queue for consideration?

The PRESIDING OFFICER. It would take unanimous consent.

Mr. WARNER. I ask unanimous consent this amendment be placed in the queue for consideration.

Mr. REID. Objection—just lining it up for later on? OK.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I don't know what the words ''queue it up'' mean. We ought to get it straight. I don't object to his sending an amendment to the desk, but I do object to gaining any kind of preferential treatment for that amendment.

Mr. WARNER. Mr. President, I have not requested any preferential treatment. I simply wish to send it to the desk.

The PRESIDING OFFICER. The Senator has a right to submit an amendment. The amendment is submitted. The Senator from Nevada.

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. DURBIN, proposes an amendment numbered 2985 to Amendment No. 2953.

Mr. REID. I ask unanimous consent to waive the reading of the amendment.

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

The amendment is as follows:

At the end of the amendment add the following:

Notwithstanding any other provisions of this resolution the following numbers shall apply:

FEDERAL REVENUE TOTALS

On page 4, line 3, decrease the amount by $0.

On page 4, line 4, decrease the amount by $4,843,000,000.

On page 4, line 5, decrease the amount by $35,146,000,000.

On page 4, line 6, decrease the amount by $65,248,000,000.

On page 4, line 7, decrease the amount by $99,450,000,000.

On page 4, line 8, decrease the amount by $128,552,000,000.

FEDERAL REVENUE CHANGES

On page 4, line 12, increase the amount by $0.

On page 4, line 13, increase the amount by $4,843,000,000.
On page 4, line 14, increase the amount by $35,146,000,000.
On page 4, line 15, increase the amount by $65,248,000,000.
On page 4, line 16, increase the amount by $99,450,000,000.
On page 4, line 17, increase the amount by $128,552,000,000.

NEW BUDGET AUTHORITY

On page 4, line 21, increase the amount by $0.
On page 4, line 22, increase the amount by $136,000,000.
On page 4, line 23, increase the amount by $1,280,000,000.
On page 4, line 24, increase the amount by $4,186,000,000.
On page 4, line 25, increase the amount by $8,785,000,000.
On page 5, line 1, increase the amount by $15,334,000,000.

BUDGET OUTLAYS

On page 5, line 6, increase the amount by $0.
On page 5, line 7, increase the amount by $136,000,000.
On page 5, line 8, increase the amount by $1,280,000,000.
On page 5, line 9, increase the amount by $4,186,000,000.
On page 5, line 10, increase the amount by $8,785,000,000.
On page 5, line 11, increase the amount by $15,334,000,000.

NET INTEREST BUDGET AUTHORITY

On page 26, line 3, increase the amount by $0.
On page 26, line 7, increase the amount by $136,000,000.
On page 26, line 11, increase the amount by $1,280,000,000.
On page 26, line 15, increase the amount by $4,186,000,000.
On page 26, line 19, increase the amount by $8,785.
On page 26, line 23, increase the amount by $15,334,000,000.

NET INTEREST OUTLAYS

On page 26, line 4, increase the amount by $0.
On page 26, line 8, increase the amount by $136,000,000.
On page 26, line 12, increase the amount by $1,280,000,000.
On page 26, line 16, increase the amount by $4,186,000,000.
On page 26, line 20, increase the amount by $8,785,000,000.
On page 26, line 24, increase the amount by $15,334,000,000.

PUBLIC DEBT

On page 5, line 22, increase the amount by $0.
On page 5, line 23, increase the amount by $4,979,000,000.
On page 5, line 24, increase the amount by $36,426,000,000.
On page 5, line 25, increase the amount by $69,434,000,000.
On page 6, line 1, increase the amount by $108,235,000,000.
On page 6, line 2, increase the amount by $143,886,000,000.

DEBT HELD BY THE PUBLIC

On page 6, line 5, increase the amount by $0.
On page 6, line 6, increase the amount by $4,979,000,000.
On page 6, line 7, increase the amount by $36,426,000,000.
On page 6, line 8, increase the amount by $69,434,000,000.
On page 6, line 9, increase the amount by $108,235,000,000.
On page 6, line 10, increase the amount by $143,886,000,000.

TAX CUT

On page 29, line 3, increase the amount by $4,843,000,000.
On page 29, line 4, increase the amount by $333,239,000,000.

DEFICIT INCREASE

On page 5, line 14, increase the amount by $0.
On page 5, line 15, increase the amount by $4,979,000,000.
On page 5, line 16, increase the amount by $36,426,000,000.
On page 5, line 17, increase the amount by $89,434,000,000.
On page 5, line 18, increase the amount by $108,235,000,000.
On page 5, line 19, increase the amount by $143,886,000,000

Mr. DOMENICI. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Before I relinquish the floor, might I ask what this amendment is?

The PRESIDING OFFICER. This is the perfecting amendment to the underlying Durbin amendment.

Mr. DOMENICI. So Senators would like a vote on the Durbin amendment? Is that what all this is about? Is that it?

Mr. REID. That is it.

Mr. DOMENICI. Let's just do it.

Mr. REID. That will be perfect. We think that would be very appropriate.

Mr. DOMENICI. Can we agree we are going to vote on the Gramm amendment and then we will vote on the Durbin amendment, regardless of what happens to the Gramm amendment?

Mr. DURBIN. Will the Senator from New Mexico yield?

Mr. REID. I think the staff is preparing an appropriate unanimous-consent agreement. I think we can work this out.

Mr. DOMENICI. What we are going to do is have a vote on Senator DURBIN's amendment, then have a vote on Senator GRAMM's amendment?

Mr. REID. That is right.

Mr. DURBIN. I ask the Senator from New Mexico to yield for a moment.

Mr. REID. We yield time under the resolution.

Mr. DURBIN. Would the Senator from New Mexico allow us, despite all the debate this morning, to describe our actual amendments before the actual vote?

Mr. REID. We usually have 2 minutes.

Mr. DURBIN. That will be fine. Thank you.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the votes relative to the following amendments be scheduled to occur at 2 p.m. in the sequence listed, with no second-degree amendments in order, where applicable, prior to the votes, and there be 2 minutes prior to each vote for explanation, and all votes after the first vote in the sequence be limited to 10 minutes. The amendments are as follows: Reid amendment No. 2985, which I understand is a Durbin amendment, essentially—is that correct, Senator?—and then Gramm amendment No. 2973—and Senator Gramm is here. It is the same amendment to which he has been speaking—and then Durbin amendment No. 2953, as amended, if amended.

I also ask unanimous consent that following the allotted 1 hour of debate, the pending amendments be laid aside until the stacked votes. It may be that there is no time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I understand Senator MCCAIN has an amendment. We have agreed heretofore on the floor—the minority and majority—that he would proceed as the next amendment. To do that, we have to yield back time that we have on the pending amendment. I yield back any time I have.

Mr. REID. As does the minority.

The PRESIDING OFFICER. All time is yielded back.

The Senator from Arizona is recognized.

Mr. MCCAIN. I understand that the pending amendment has been set aside.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 2988

(Purpose: To end the ''Food Stamp Army'')

Mr. MCCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 2988.

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

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

The amendment is as follows:

On page 9, line 2, increase the amount by $2,500,000.
On page 9, line 3, increase the amount by $2,500,000.
On page 9, line 6, increase the amount by $10,000,000.
On page 9, line 7, increase the amount by $10,000,000.
On page 9, line 10, increase the amount by $6,000,000.
On page 9, line 11, increase the amount by $6,000,000.
On page 9, line 14, increase the amount by $4,200,000.
On page 9, line 15, increase the amount by $4,200,000.
On page 9, line 18, increase the amount by $2,800,000.
On page 9, line 19, increase the amount by $2,800,000.
On page 9, line 22, increase the amount by $2,000,000.

On page 9, line 23, increase the amount by $2,000,000.

On page 4, line 21, increase the amount by $2,500,000.

On page 4, line 22, increase the amount by $10,000,000.

On page 4, line 23, increase the amount by $6,000,000.

On page 4, line 24, increase the amount by $4,200,000.

On page 4, line 25, increase the amount by $2,800,000.

On page 5, line 1, increase the amount by $2,000,000.

On page 5, line 6, increase the amount by $2,500,000.

On page 5, line 7, increase the amount by $10,000,000.

On page 5, line 8, increase the amount by $6,000,000.

On page 5, line 9, increase the amount by $4,200,000.

On page 5, line 10, increase the amount by $2,800,000.

On page 5, line 11, increase the amount by $2,000,000.

On page 5, line 14, increase the amount by $2,500,000.

On page 5, line 15, increase the amount by $10,000,000.

On page 5, line 16, increase the amount by $6,000,000.

On page 5, line 17, increase the amount by $4,200,000.

On page 5, line 18, increase the amount by $2,800,000.

On page 5, line 19, increase the amount by $2,000,000.

Mr. MCCAIN. Mr. President, I thank Senator DOMENICI and Senator REID for allowing me to propose this amendment. I don't intend to take a very long time. I know there are many other pending amendments.

Mr. President, I rise today to introduce an amendment to the Congressional budget resolution for fiscal years 2001 through 2005 that would provide the funding necessary to end the ''food stamp army'' once and for all.

This amendment increases the defense budget by $28 million over five years—an average of less than $6 million per year—to pay for an additional allowance of $180 a month to military families who are eligible for food stamps. Additionally, the Congressional Budget Office estimates the amendment would save millions of dollars in the food stamp program by removing servicemembers from the food stamp rolls for good.

Last week, I introduced S. 2322, the ''Remove Servicemembers from Food Stamps Act of 2000'', that will provide junior enlisted servicemembers who are eligible for food stamps in the paygrade E–1 through E–5 an additional subsistence allowance of $180 a month. A not-yet-published Department of Defense report estimates that approximately 6,300 servicemembers receive food stamps, while the General Accounting Office and Congressional Research Service place this number at around 13,500. Regardless of this disparity, the fact that just one servicemember is on food stamps is a national disgrace, and this situation cries out for repair.

In recent years, annual military pay increases have barely kept pace with inflation—lagging at least 8 percent behind the pay increases in the private sector during the same period. To put the impact of such trends in plain dollar amounts, the lowest enlisted rank, an E–1, currently earns as little as $12,067 per year, plus $2,766 in allowances, which is well below the poverty level for a family of four. In fact, the number of men and women in the military earning less than $20,000 per year constitutes 45 percent of the Army, 46 percent of the Marine Corps, 26 percent of the Navy, and 18 percent of the Air Force. Of these servicemembers, 111,600 have families and 6,515 are single parents.

Because of this serious disparity in military versus civilian pay, the Congress took action last year to significantly increase military pay across the board. The Senate-passed military pay bill, S. 4, included the same food stamp relief plan in S. 2322, and it was also approved by the Senate as part of the National Defense Authorization bill. However, I was greatly disappointed when the Senate-approved food stamp relief provision was rejected by conferees from the House of Representatives despite the strong support of Admiral Jay Johnson, the Chief of Naval Operations, and General Jim Jones, the Commandant of the Marine Corps. With thousands of military families on food stamps, and possibly thousands more eligible for the program, I cannot understand the Congress' refusal to rectify this problem in last year's National Defense Authorization Act.

It is outrageous that Admirals and Generals received a 17 percent pay raise last year, while enlisted families continue to line up for free food and furniture. Last year, we poured hundreds of millions of dollars into programs the military did not request and that were not identified by the Joint Chiefs as a priority item. It is difficult to reconcile how Congress could waste $7.4 billion on pork-barrel spending in the defense budget last year alone, yet refuse to provide a few million dollars to get military families off food stamps.

It is unconscionable that the men and women who are willing to sacrifice their lives for their country have to rely on food stamps to make ends meet, and it is an abrogation of our responsibility as Senators to let this disgrace go on. Sadly, politics, not military necessity, remains the rule, not the exception.

I will not stand by and watch as our military is permitted to erode to the breaking point due to the President's lack of foresight and the Congress' lack of compassion. These military men and women on food stamps—our soldiers, sailors, airmen, and Marines—are the very same Americans that the President and Congress have sent into harm's way in recent years in Somalia, Bosnia, Haiti, Kosovo, and East Timor. They deserve our continuing respect, our unwavering support, and a living wage.

S. 2322 is supported by The American Legion, the Veterans of Foreign Wars, the National Association for Uniformed Services, the Disabled American Veterans, The Retired Officer's Association and every enlisted association or organization that specifically supports enlisted servicemember issues in the Military Coalition and in the National Military/Veterans Alliance. Associations include the Non Commissioned Officers Association, the Retired Enlisted Association, the Fleet Reserve Association, the Air Force Sergeants Association, the U.S. Coast Guard Chief Petty Officers Association, the Enlisted Association of the National Guard of the U.S., and the Naval Enlisted Reserve Association. I ask unanimous consent to include their letters of support in the RECORD following my remarks.

I urge my colleagues to support this amendment to the budget resolution that provides the funding for the food stamp relief in S. 2322. It is a step in the right direction toward meeting our responsibilities to our servicemembers and their families.

Mr. President, we must end the days of a ''food stamp Army'' once and for all. Our military personnel and their families deserve better.

Mr. President, I ask unanimous consent that letters from various service organizations in support of this amendment be printed in the RECORD.

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

THE AMERICAN LEGION,
Washington, DC, April 5, 2000.

Hon. JOHN MCCAIN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: On behalf of more then 4 million members of The American Legion family we want to thank you for introducing S. 2322, the ''Remove Servicemembers from Food Stamps Act of 2000.'' This critical legislation provides junior enlisted servicemembers in the pay grade E–1, through E–5, who are eligible for food stamps, an additional subsistence allowance of $180 a month.

The American Legion continues to support quality of life features for members of the Armed Forces and their dependents as well as military retirees. People are the foundation of the Nation's fighting forces.

Military pay must be reasonably comparable to compensation in the private sector if the Armed Forces aspire to compete for quality volunteers and retain an experienced military force for the long term.

With military families on food stamps, passage of relief legislation to compensate junior enlisted servicemembers with an additional subsistence allowance is critical to maintaining adequate morale and ensuring retention of America's military families in the Armed Forces.

American Legion National Commander Alan Lance's first hand observations after

meeting with soldiers, sailors and airmen in Kosovo, Bosnia, and aboard the aircraft carrier, USS George Washington serves to reaffirm your resolve in assisting America's enlisted sons and daughters in uniform.

Thank you again for recognizing the sacrifice of America's men and women in uniform. America's servicemembers stand in harm's way in Somalia, Bosnia, Haiti, Kosovo, and East Timor. They deserve continuing respect, unwavering support, and a living wage from a grateful nation.

Sincerely,

STEVE A. ROBERTSON,
Director, National Legislative Commission.

VETERANS OF FOREIGN WARS OF THE UNITED STATES,
Washington, DC, March 29, 2000.

Hon. JOHN MCCAIN,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the 2 million members of the Veterans of Foreign Wars of the United States (VFW) I thank you for taking the initiative to introduce your bill titled ''Remove Servicemembers from Food Stamps Act of 2000.'' We certainly share your concern that today, regretfully, several thousand enlisted members of our active duty force participate in the food stamp program. They do this out of necessity rather than opportunism.

In our collective judgment the $180 per month Special Subsistence Allowance (SSA) you propose is an equitable amount of money in addition to the presently authorized Basic Allowance for Subsistence (BAS) paid to those servicemembers with dependents in the rank of E–1 through E–5. We also strongly agree with your proposed termination of date for SSA being after September 30, 2005.

In closing, and based on the above facts, the VFW will support all efforts to have your proposed piece of legislation enacted immediately in law. It is a national disgrace to require even a few military families today to need food stamps as part of their lifestyle. Thank you again for having the courage and the time to address this unconscionable situation.

Sincerely,

JOHN W. SMART,
Commander-in-Chief.

NATIONAL ASSOCIATION FOR UNIFORMED SERVICES,
Springfield, VA, March 30, 2000.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: This letter is being provided to you on behalf of the National Association for Uniformed Services to express our strong support for your bill to establish a special subsistence allowance for members of the Uniformed Services eligible for food stamps.

It is disgraceful that the level of compensation of any of the nation's warriors is so low that they qualify for food stamps. This legislation would help those with the most serious problems and is a necessary and welcome step toward correcting the inequitable compensation provided to members of the Uniformed Services.

We appreciate your long-standing concerns for our men and women in uniform and strongly support the ''Remove Servicemembers from Food Stamps Act of 2000.''

Sincerely,

RICHARD D. MURRAY,
President.

DISABLED AMERICAN VETERANS,
Washington, DC, March 30, 2000.

Hon. JOHN MCCAIN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the Disabled American Veterans (DAV), I commend you for introducing the ''Remove Servicemembers from Food Stamps Act of 2000.'' Your efforts on behalf of the men and women who serve our nation in its Armed Forces is greatly appreciated.

It is indeed unconscionable that the men and women who are willing to sacrifice their lives in defense of our nation and its ideals are forced to depend on food stamps to feed their families. It also effects the nation's state of military readiness when our servicemembers deployed around the world must worry about their loved ones at home, and whether their needs are being met. This is not conducive to a strong national defense.

These military men and women, who are continually put in harm's way by the President and the Congress, should never have to rely on charity to make ends meet. We must never let our defenders of freedom down, especially when they are deployed in protection of world freedoms.

The delegates to our last National Convention, held August 21–25, 1999, in Orlando, Florida, passed Resolution No. 052, which calls for adequate funding for the defense of our nation, both at home and abroad. I have enclosed a copy of this resolution for your information.

Thank you again for your efforts on behalf of our nation's military members and for your support of veterans' issues.

Sincerely,

JOSEPH A. VIOLANTE,
National Legislative Director.

THE RETIRED OFFICERS ASSOCIATION,
Alexandria, VA, April 4, 2000.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the nearly 400,000 members of The Retired Officers Association (TROA), I am writing to express TROA's support for your bill, S. 2322, the ''Remove Service Members from Food Stamps Act of 2000.''

All Americans are concerned when thousands of younger families serving their Nation in uniform have become eligible for public assistance. TROA believes strongly that the ultimate answer is to increase military pay sufficiently to restore pay comparability with the private sector and wipe out the double-digit military pay raise gap that has accumulated over almost two decades. In addition, housing allowances must be increased to fully offset the cost of adequate housing for each pay grade.

Until the Executive and Legislative Branches are prepared to allocate the funding required to accomplish these goals, the only way to resolve the food stamp issue is a special allowance such as provided for in S. 2322.

TROA applauds your concern for the well-being of our men and women in uniform, and particularly for those in lower grades for whom past pay constraints pose the most significant impacts on their standard of living.

Sincerely,

PAUL W. ARCARI,
Colonel, USAF (Ret),
Director, Government Relations.

NCOA,
Alexandria, VA, March 29, 2000.

Hon. JOHN MCCAIN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: The Non Commissioned Officers Association of the USA (NCOA) is writing to state its strong support for the ''Remove Servicemembers from Food Stamps Act of 2000,'' legislation that you are preparing to introduce in the very near future. In these times of unprecedented prosperity in America, it is impossible to reconcile how even one U.S. Armed Forces member should be in the position of qualifying for food stamps.

The fact that this legislation is needed is a further statement on how Congress and the Administration have allowed military basic pay and other components of the total compensation package to seriously erode. While the Remove Servicemembers from Food Stamps Act of 2000 will not solve the underlying problems, NCOA believes it is a positive, compassionate step in the right direction. This legislation demands the full support of all of your Senate colleagues—it is the right thing to do.

The Association extends its sincere appreciation for your leadership and support for the enlisted men and women of the U.S. Armed Forces. Count on NCOA's support to get this legislation enacted.

Sincerely,

LARRY D. RHEA,
Director of Legislative Affairs.

THE RETIRED ENLISTED ASSOCIATION,
Alexandria, VA.

Hon. JOHN MCCAIN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the 110,000 members and auxiliary of The Retired Enlisted Association (TREA), TREA National President Fred Athans and TREA National Auxiliary President Kay Claman, I would like to express our support for your efforts on behalf of these members of the Armed Forces currently receiving food stamps.

As we enter into the 21st Century, it is unconscionable that individuals who are serving this great nation are forced to rely on government assistance in order to properly support their families. As you are certainly aware, today's military is ''doing more with less'' than any time in the recent past. Those in uniform are spending more hours on the job with an ever increasing operational tempo, yet many of these soldiers, sailors, airmen and Marines cannot properly feed their children. the time has come to address this issue once and for all.

TREA strongly supports your amendment to the budget resolution which will provide for the Department of Defense to ensure today's military personnel, particularly the junior enlisted force—the future non-commissioned officers, can take care of their families without relying on food stamps.

In closing, I would again like to thank you for your leadership and attention to this very important issue. If TREA can be of any further assistance please do not hesitate to contact me.

Sincerely,

MARK H. OLANOFF,
Legislative Director.

FLEET RESERVE ASSOCIATION,
Alexandria, VA, March 29, 2000.

Hon. JOHN MCCAIN,
U.S. Senator, Russell Senate Building, Washington, DC.

DEAR SENATOR MCCAIN: Please be advised that the Fleet Reserve Association (FRA) endorses your proposed bill, the ''Remove Service Members from Food Stamps Act of 2000.'' The bill will certainly alleviate the unfavorable publicity concerning junior enlisted members of the Armed Forces who must depend upon food stamps to supplement their meager pay. In addition, the Association understands that the Chief of Naval Operations and the Commandant of the Marine Corps support the proposal.

The unfortunate fact that junior enlisted members are forced to rely on food stamps reflects the inadequacy of military compensation. Although there was progress toward closing the significant pay gap between military and civilian pay levels last year, more must be done and this measure helps address this reality.

Petty Officers and Non-commissioned Officers are the backbone of the military services and deserve fair and equitable compensation for their great service to our Nation. Retaining these essential personnel must be a high priority and FRA remains committed to improving their pay and benefits.

FRA salutes you for your strong commitment to the men and women serving in our Nation's uniformed services.

Sincerely,

CHARLES L. CALKINS,
National Executive Secretary.

AIR FORCE SERGEANTS ASSOCIATION,
Temple Hills, MD, March 29, 2000.

Hon. JOHN MCCAIN,
U.S. Senate, Russell Senate Office Building, Washington, DC

DEAR SENATOR MCCAIN: On behalf of the 150,000 members of the Air Force Sergeants Association, I thank you for introducing legislation important to the enlisted men and women of all components of the Air Force. This bill would provide $180 dollars a month to any military member who meets the food stamp income qualification threshold. As you indicated, it is unconscionable that our nation allows these brave men and women to subsist below the poverty level. As such, your legislation would provide some much-needed monetary relief to this group until such time as our national leaders correct the situation.

Indeed, the lowest ranking members of our Armed Forces often express their dismay as they observe this country's spending priorities. In so many different ways, we fail to thank them for their sacrifice. In so many ways, we communicate to them (by the things we do and don't support) that they are just not very important to this nation.

Again, Senator, thank you for introducing this legislation to provide those who meet the food stamp program threshold with an additional monthly stipend. The message this legislation sends is, ''We are proud of you, we honor you, we depend on you, and we will support you and your families.' As always, this association is ready to support you on this legislation and other matters of mutual concern.

Sincerly,

JAMES E. STATON,
Executive Director.

EANGUS,
Alexandria, VA, March 29, 2000.

Hon. JOHN MCCAIN,
Senate Russell Building,
Washington, DC.

DEAR SENATOR MCCAIN: The Enlisted Association of the National Guard of the United States applauds your efforts to assist our Junior Enlisted members within the military.

Although we ask these young men and women to endanger themselves for their country, their country does not provide adequate pay and allowances to provide support for their families.

In the FY 00 Authorization Bill, Congress authorized a mid-year increase for supposedly mid-grade service members. However, in some cases, high-ranking officers making tens of thousands of dollars received upwards of a 17% salary increase, while junior grades received a 5.2% increase overall.

We spend millions of dollars yearly recruiting individuals to join the military. Why can't we find enough monies to enable those who serve in the military to feed their families?

Senator McCain, we wholeheartedly endorse your legislation to help our Junior Enlisted members.

Working for America's Best!

MSG MICHAEL P. CLINE (RET),
Executive Director.

NAVAL ENLISTED
RESERVE ASSOCIATION,
Falls Church VA, April 3, 2000.

Re Remove Servicemembers from Food Stamps Act of 2000.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: Enlisted Sailors, Marines and Coasties who are constituents of the Naval Enlisted Reserve Associated (NERA) are again in your debt for championing their causes.

Your proposed ''Remove Servicemembers from Food Stamps Act of 2000'' addresses both squarely and collaterally several issues near and dear to the hearts of our members, among them the respect and dignity that must accrue to those who answer the call to service, and pay parity, which detracts from virtually all the services' efforts to attract talent in the junior enlisted ranks, and retain that talent at mid-career.

Our support for your bill is wholehearted and affirmative.

Thanks again for being there for us.

DENNIS F. PIERMAN,
Executive Director.

Mr. MCCAIN. Mr. President, I want to provide a couple of brief anecdotes which are sometimes disturbing. In a July 20, 1999, piece in the Washington Post entitled ''Feeling the Pinch of A Military Salary; For Some Families Pay Doesn't Cover The Basics,'' it starts out by describing:

On a muggy Saturday at Quantico Marine Corps Base, about two dozen Marines and family members quietly poked through piles of discarded furniture, clothing, and household goods in what has become a weekly ritual at the big Northern Virginia installation. At 8 a.m., the patch of lawn was covered with beds, tables, dressers, and desks. Within 45 minutes, almost all the furniture was gone. The price was right—Everything was free.

The items had been gathered by volunteers who go ''trashin'' every Tuesday, scouring garbage left at curbs on the base. Every Saturday, they give away what they collect to needy, eager Marine families.

''We're talking about the basics of life here, and they don't have it,'' said Lisa Joles, a Marine wife who created the Volunteer Network 2 years ago. ''Sometimes, they don't have a thing. I didn't know how large the problem was until I got to Quantico.''

One result is that members of the military routinely work second jobs, often without permission from superiors, military officials acknowledged. Enlisted men and women sell goods at Potomac Mills, flip hamburgers at fast food restaurants, do construction work, and deliver packages for UPS. ''It seems like everybody who has been here a while has a part-time job,'' said Marine Lance Corporal Robert Hayes, who has a second job as a mover. ''You really don't have enough money to make it to the next paycheck otherwise.''

Several evenings each week, as soon as he finishes duty at Quantico, Lance Corporal Harry Schein darts off base, picks up his 14-month-old son from day care and drops him off with the boy's mother. Then he drives up I–95 to Arlington and joins a group of Marines who moonlight moving office furniture until about 11 p.m. On Saturdays and Sundays, he works from 4 p.m. until midnight as a security guard in Alexandria.

The stories go on and on. About a year ago, there was a piece on 20/20 shown out at Camp Pendleton. Enlisted men and women and their families were lining up for cartons of food. We have a lot of retention problems in the military and we have a lot of recruiting problems. These, I know, are going to be well ventilated by the Armed Services Committee as time goes on. In my earlier years, it would have been hard for me to comprehend these kinds of conditions prevailing among the men and women in the military, particularly in the All Volunteer Force.

Mr. President, I ask for a recorded vote on this amendment, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. I thank the managers, Senator DOMENICI and Senator REID.

I yield the floor.

Mr. DOMENICI. Will the Senator yield off his time?

Mr. MCCAIN. I yield the remainder of my time after Senator DOMENICI speaks, or after anyone else who wants to speak on this amendment.

Mr. DOMENICI. I thank the Senator.

We will try to stack this vote, if it is all right with the Senator. We are going to have the three votes.

I commend Senator MCCAIN. I hope what he is suggesting on the floor happens, because the truth is, the U.S. Department of Defense is making it very difficult for this to happen. We have worked with them on a number of occasions. You would actually be shocked at some of the correspondence I have received.

I want to quote one piece of correspondence. When I said, why don't you tell us how to take care of the food

stamp problem, this is what the Secretary of Defense for Personnel and Readiness, Edwin Dorn, wrote to me: It would be a mistake to give higher pay to military personnel who had ''a larger family than he or she can afford.''

You can see why that becomes part of the issue, as the Senator from Arizona understands. We have an all-volunteer military that we have asked to stay on for long periods of time. It is not like draftees who spend 2 years in uniform. They have families. They have children. In fact, we have not quite figured it out. Maybe the Senator from Arizona can figure it out in his committee. With this targeting of money today—not a lot of money—we will start solving the problem with those who are not earning much. That is the intent of the proposal of the Senator from Arizona.

But essentially it is very difficult for the military to come up with a conclusion that we have to make sure we don't penalize big families in the military. I never heard of any implication that we had an all-volunteer military and we were going to start by saying to them: Don't have too many children.

I believe the Senator from Arizona would join me in saying that is an absurd policy. What if they have five children? I think that is all right. If they want to serve 30 years in the military with five children, we ought to give them the benefits they deserve. Because they have that many children, we ought not to cause them to be on food stamps. That is the basic problem we have.

I want to put in the RECORD letters I wrote in 1996, the response I received from Edwin Dorn and from Secretary of Defense Bill Cohen.

I ask unanimous consent that they be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON THE BUDGET,
Washington, DC, May 15, 1996.

Hon. EDWIN DORN,
Under Secretary of Defense for Personnel and Readiness, Department of Defense, Washington, DC.

DEAR UNDER SECRETARY DORN: I am writing to express my very strong concern about an issue involving the fundamental quality of life of many U.S. military personnel. I am also requesting that as the defense Department official with purview over the 8th Quadrennial Review of Military Compensation you look into the matter and consider solutions as the Review Commission prepares to make its recommendations on the military compensation system to Congress this summer.

The issue that troubles me is the fact that according to Department of Defense (DoD) estimates, there are currently almost 12,000 active duty military personnel whose families qualify for and receive food stamps. I further understand from DoD research that while pay for single enlisted personnel is sufficiently high such that none qualify for food stamps or other forms of welfare, married personnel with families with as few as one dependent, for an E–1, do in some cases qualify. I also understand that even sergeants and some junior officers can qualify, depending on their number of dependents and pay allotments. Furthermore, many of these military personnel live off base and receive an additional housing allowance in their paycheck and yet their pay remains sufficiently low that they still qualify for food stamps.

Frankly, I do not believe it is acceptable that the men and women who serve in our Armed Forces and who experience all the rigors of prolonged overseas deployments, family separations, other sacrifices the Nation asks of them should have pay so low that they must accept food stamps, or any other form of welfare. This situation reflects extremely poorly on the ''Quality of Life'' for Armed Forces personnel that is described to be the primary point of emphasis in The President's defense budget. This situation not only fails to reward U.S. military personnel at an appropriate level, it will also exacerbate recruiting and retention problems for the military services, especially as the pool of available quality recruits shrinks and as downsizing in the services has finally ended.

According to DoD calculations, under the existing military compensation system, a supplemental allowance by family based on grade and number of dependents could put the pay of virtually all current military food stamp recipients above the gross income eligibility criteria for food stamps and would cost $72.6 million. This is, of course, only one possible solution to this problem. Because I know, you and the 8th Quadrennial Review of Military Compensation are considering the entire compensation of that complex system, I do not want to presume the optimal solution. I do, however, want to impress on you the need to address the problem and to seek a level of compensation for Armed Forces personnel that precludes overall compensation so low that their families qualify for food stamps or any other form of welfare.

I very much appreciate your taking my concerns into consideration. I look forward to working with you on this important issue after the 8th Quadrennial Review of Military Compensation makes its report to Congress this summer.

Sincerely,

PETER V. DOMENICI,
U.S. Senator.

UNDER SECRETARY OF DEFENSE,
Washington, DC, July 22, 1996.

Hon. PETE V. DOMENICI,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOMENICI: Thank you for your May 15 letter about military families on food stamps. I share your concern for this problem and have given a lot of thought to it. For those reasons. I am especially apologetic about the slowness of my response to you.

The Department has studied this issue twice recently, in 1991 and in 1995, and thus I elected not to include it in the Quadrennial Review of Military Compensation. Their studies confirm an insight contained in your letter; the number of military families eligible for food stamps is largely an artifact of a system that does not count the value of military housing when computing food stamp eligibility. If we were to control for value of housing and for family size (another criterion), the number of military families in this category in 1995 would drop from 12,000 to fewer than 5,000.

This computation does not dispose of the problem. I remain concerned that thousands of military families are eligible for food stamps, and that they are regarded by some as impoverished. However, my concern is tempered by the realization that the military member and his/her spouse have made a decision to increase the size of his/her family. The Department does a number of things to accommodate servicemembers' personal choices. As the number of dependents increases, for example, the member become eligible for larger family quarters. And, there is no limit on the number of minor dependents eligible for the Defense health program.

This is a difficult issue because it requires us to weigh our concern for military family members against the military member's obligation to exercise judgment. I do not believe it would be prudent to adapt the military compensation system further to accommodate a member's decision to have a larger family that he/she can afford.

I appreciate and share your concern for the quality of life of military families. If thee is additional information I can provide, I shall be happy to do so.

Sincerely,

EDWIN DORN.

U.S. SENATE,
COMMITTEE ON THE BUDGET,
Washington, DC, February 11, 1997.

Hon. WILLIAM S. COHEN,
Secretary of Defense, Department of Defense, Washington, DC.

DEAR SECRETARY COHEN: During your inaugural press conference on January 31, you were asked a question about the 12,000 Armed Forces personnel who are currently using foodstamps. You responded to the question by stating that it is ''not acceptable'' for service men and women to be foodstamp recipients. Responding to the same question, General Shalikashvili stated that he believed that the condition of these military families should be changed. Your and General Shalikashvili's responses to this question were, for me, very welcome news; that so many military families qualify for foodstamps does not indicate that the Administration is serious about ''quality of life'' for our Armed Forces; it indicates the opposite.

Last year, I had an exchange of correspondence on this subject with under Secretary Dorn, urging him to address the problem. Unfortunately, he chose not to review this matter during last year's Quadrennial Review of Military Compensation. Under Secretary Dorn also seemed to argue that family size is purely a matter of choice to service men and women and that he ''did not believe it would be prudent to . . . accommodate a [service] member's decision to have a larger family than he/she can afford.'' A copy of this exchange of correspondence is enclosed.

I hope that you will agree with me that the time has come to take action on this matter and to adjust compensation for those enlisted personnel who you judge to be truly in need. I am in complete agreement with you that the current situation is not acceptable, and I would be very happy to work with you to resolve it.

With best regards,

PETE V. DOMENICI,
U.S. Senator.

THE SECRETARY OF DEFENSE,
Washington, DC, March 19, 1997.
Hon. PETE V. DOMENICI,
U.S. Senate,
Washington, DC.

DEAR PETE: Thank you for your letter of February 11, expressing your concern about military members who receive food stamp benefits. You are correct. I did say that it was unacceptable to have members of the military on food stamps during the January 31, 1997 press conference. However, both General Shalikashvili and I believe that this is a very complex issue, which not only involves the Department's compensation system, but also the structure of government food stamp programs.

I will continue to closely monitor this issue, as I am committed to ensuring that our service men and women enjoy the quality of life they have earned and deserve.

Sincerely,

BILL.

Mr. DOMENICI. Mr. President, I say to the Senator from Arizona that this is not a lot of money he is asking for here. I guess technically you can't direct it in a budget resolution. But I think when we vote for this this afternoon—I hope everyone will vote for it—we will be saying: Let's begin to solve this problem. Let's not sit around and say families within the military are too big. Let's fix it.

Am I kind of speaking for what the Senator from Arizona is worried about? Am I on the right track?

Mr. MCCAIN. If the Senator will yield, yes, he is doing exactly what I had in mind. I appreciate very much his long-term commitment on this issue. It is long overdue. We should fix it. I share his dissatisfaction with the Department of Defense in its responsibility towards these young men and women.

I thank the Senator from New Mexico.

Mr. DOMENICI. I believe all time has been yielded on our side. Are we ready for another amendment?

Mr. REID. If the Senator will withhold the unanimous consent request, I want to consult with our leader. I am pretty sure it is OK. I want to doublecheck.

We have so many amendments to be offered, and we know the other side is next in line to offer the next amendment. Until their Member shows up, we would like Senator REED to speak off the resolution about an amendment which he will offer at a subsequent time.

Mr. President, the minority yields the time on the McCain amendment.

The PRESIDING OFFICER. All time is yielded.

Mr. REID. Mr. President, we yield time to the Senator from Rhode Island off the resolution.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Thank you, Mr. President. I thank the Senator from Nevada for yielding time. I am going to take a moment to discuss an amendment that I will propose later today.

On May 20 of last year, this Senate passed effective, commonsense gun safety legislation as part of the juvenile justice bill. The vote was overwhelming—73–25. It was in response to the tragedy at Columbine High school, a tragedy that shook the very foundation of America's sense of security, their sense of the well-being for their children. In response to that great tragedy, this Senate acted. It passed a commonsense gun control provision that would close loopholes in our Nation's gun laws—not only to help prevent future Columbines but to try to stop this pervasive wave of gun violence that is sweeping America and claiming 12 children each and every day.

Yet here we are, almost 1 year from the day of the Columbine tragedy, and we still have not brought to this floor the conference report so that we can vote upon it and send it to the President for his signature.

Leadership, both the House and the Senate, has stood idly by while all of America asked us for a very simple request to get on with the business we started last May to bring the juvenile justice bill to the floor for a vote, for passage we hope, and for the signature of the President.

What happened in the intervening year is that this conference committee met only once last August. In effect, the message that I think is being communicated is there is a hope and an expectation by the Republican leadership in the House and Senate that this problem will go away, that people will forget about Columbine, and that people will forget about this tragedy. We cannot forget. We have to take active steps to ensure that the measure we pass will at least come back for a clear vote and, hopefully, come back so we can incorporate it in real legislation.

It is very unusual that a conference would take this long. I can recall being part of a financial service modernization bill—very contentious legislation; legislation that involved numerous interest groups; legislation that effectively failed at the very last moment in the last Congress; and, again, in this Congress—that was subject to a tumultuous series of legislative maneuvers on both sides of Congress. Yet it only took us 3 months to rationalize, to compromise, and to ultimately pass this bill in the conference.

We just spent 1 month dealing with the issues of transportation in the Transportation Act, a $209 billion legislative initiative.

My suggestion is pretty clear, that this is not routine business as usual by taking this long for a conference. It represents a deliberate decision not to act, a deliberate decision to try by stalling, by delay, by tying this up with the approaching elections so that effectively what we will do is end prematurely the important steps we began last May 20 by adopting commonsense gun control legislation.

This is something the American people clearly want. It is something that, when they are asked, they will overwhelmingly say are commonsense measures.

A poll was recently conducted in which over 90 percent of Americans responded by saying they wanted child safety locks. In this group, 85 percent of the gun owners responded saying they, too, wanted child safety locks. They also want us to close the loopholes on the gun shows by an overwhelming majority. Yet despite overwhelming public support, despite our already accomplished legislation in this party the bill languishes in conference.

In this debate, there is a great hue and cry that we don't need more laws, just enforce the ones on the books. In this debate, law enforcement is on our side. They recognize that in addition to enforcing the laws, we need other commonsense laws that will give them additional tools, that will go to the heart of many issues that have to be addressed if we want a sane and peaceful society.

This chart indicates the number of associations of law enforcement officials that are strongly supportive of our initiative, including the International Association of Chiefs of Police and the International Brotherhood of Police Officers. Police are on our side. They stand with us to demand we take effective, prompt action to send this juvenile justice legislation to the President for his signature.

In addition to that, I was this morning with a group of police officers from my home State of Rhode Island and others from Maryland. They were quite clear; they want to see prompt action. When we have the American people overwhelmingly supporting this provision, when we have law enforcement, those men and women who stand most in the line of fire, demanding this legislation be passed, it is indeed puzzling we are not taking effective steps to pass this legislation.

Let me briefly review what is at issue in the juvenile justice bill so we can be clear about the nature of this legislation. First, in the juvenile justice bill we passed an amendment requiring that a secure storage or safety device be sold with all handguns. Unlike virtually every other product in the United States, firearms produced in this country are not subject to regulation by the Consumer Product Safety Commission.

Again, one of the great ironies of present-day America is that a toy gun is subject to safety provisions of the Consumer Product Safety Commission; a real gun that can cause real harm and real damage—death in many cases—is not subject to such regulation. As a result, manufacturers of firearms produce weapons lacking, in some

cases, even the most rudimentary safety features designed to prevent the accidental or intentional shooting of children or by children.

The tragic consequences are undeniable. Each year, suicides and accidental shootings make up more than half of the tens of thousands of gun deaths in the United States. Kids are frequently the victims. This is an important point. The gun lobby tries to suggest that the victims of shootings are being waylaid by armed desperados who are law breakers who will never follow laws. In fact, the reason they are on the streets is that the laws are ineffectual for putting them behind bars. More than half the shootings are accidents, with no criminal intent, or suicide, in which the individual is so depressed and despondent, they are seizing a weapon to destroy themselves.

We have been shocked recently by the tragic death of Kayla Rowland, a 6-year-old shot by another 6-year-old in Mount Morris Township, MI. I believe if a Member came to this floor last May 20 and predicted that a 6-year-old child would be shot by another 6-year-old child in a schoolroom in the United States, we would have been hooted down as hysterical demagogs. Sadly and tragically, that has happened.

Mr. DOMENICI. Will the Senator yield?

Mr. REID. I am happy to yield to the Senator.

Mr. DOMENICI. I don't want my remarks to interrupt his statement. I ask unanimous consent a vote in relation to the pending McCain amendment, No. 2988, occur in the stacked sequence under the same terms as outlined in the previous consent agreement.

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

Mr. DOMENICI. In light of this agreement, there will now be three recorded votes at 2 o'clock.

Mr. REED. Mr. President, as I pointed out, we were all shocked by the death of Kayla Rowland. That week, People magazine conducted a review of other deaths of children which are symptomatic of what is happening in America. They don't capture the headlines across the country as the tragic death of that 6-year-old did, but they suggest what is happening day in and day out—the 12 children in America killed each day.

I will recite some of the stories in which youngsters were killed by firearms. A woman in Carroll County, MD, 18 years old, died of an accidental gunshot wound to the head after she and her friends were admiring her father's .22-caliber revolver. Her parents were out of the country. They were doing missionary work in Costa Rica.

A simple safety lock on that weapon perhaps could have saved that young woman's life. This is one of those classic accidents the gun lobby doesn't want to talk about because it can be effective and should be passed by our legislation which will put trigger locks on the weapons. It is not a question of irresponsible, reckless parents whose moral or ethical values contribute to the death of a child. These parents are missionaries, literally doing the Lord's work, in Costa Rica, when their child accidentally shoots herself.

A 6-year-old boy and a friend in Shopiere, WI, were horsing around with a .22-caliber pistol his mother kept for protection and usually stored in her dresser. After posing with the gun for a photograph, the boy pointed the gun at his head. It went off, killing him. As his grandmother said: It was kid's play, total kid's play.

Again, would a trigger lock have helped? Perhaps.

How about the 15-year-old boy in San Bernardino, CA, who found his stepfather's handgun while his pregnant mother slept, and he used it to shoot himself.

A 16-year-old girl in Altoona, PA, argued with her father, a gun collector, about her curfew, and then took a .22-caliber handgun from under his mattress while he was out and shot herself in the head.

All of these young lives were lost in just 1 week in America. We could catalog such deaths every week in America.

The gun lobby says we don't need gun locks; we don't need gun laws; we just have to do a better job enforcing those already on the books. How is law enforcement going to save the lives of kids such as those I have talked about? They are not hardened criminals. They are not in bad families. They are not out robbing banks or terrorizing in gangs.

The only way they can be helped is through prevention—not enforcement but prevention. That is what will save these kids. Prevention is the key—not to the exclusion of enforcement; we have to enforce our laws and be tough.

Later today, Senator DURBIN will introduce a resolution that will amend it and ask us to put more resources into enforcement. I strongly support that. But we need prevention and enforcement. We require safety caps on bottles of aspirin and bottles of prescription drugs. It makes no sense that we don't require the same types of safety devices on handguns.

We have to do it. It is included in our juvenile justice bill. If we maintain it in conference and bring it to the floor, we can save many children in this country.

Regarding gun shows—and I see my colleague from New Jersey, Senator LAUTENBERG, who was the leader in this effort—with the help of Vice President GORE, by one vote we were able to pass sensible rules to close the gun show loophole to require that background checks would always be conducted for all the thousands of gun shows around the country.

Currently at most gun shows, one-fourth or more of the dealers are unlicensed. Therefore, they do not have to perform a Brady law background check. This is a serious loophole. If someone is a felon, if someone has a shady background, if someone is irrational and looking for a gun, he or she would go to a gun show, go to a licensed dealer, and then the dealer would explain they have to do a gun check. Then what would happen? That person would certainly keep looking around until he found an unlicensed dealer who had a whole cache of guns and say, Do I have to do a background check?

No, no, not at all.

We can see in that supermarket, that bazaar of guns, that is where, likely, those people who do not want a check can go and today they will be able to get a handgun.

It is just common sense to effectively enforce the Brady law, to make sure this gun show loophole is closed, and closed in a way that allows for checking those people who should be checked, the ones for whom you might have to find State records that are not available on a weekend; for whom you might need indeed more than 72 hours to conduct a background check.

Another is the ban on juvenile possession of assault weapons. There is absolutely no reason a youngster should have an assault weapon. These weapons were designed to kill people.

I served in the Army at the point where the transition was made between the old M–14 weapon, which was a rifle that had great accuracy, that was part of what some people derided as the old musket Army of aimed fire, and the tactics of the strategists back in the 1960s who said: We do not need aimed fire; we just need a weapon that, in close quarters, can deliver massive rates of fire, high rates of cyclical fire. The whole purpose being not hunting, not target shooting, but destroying other people, which is the nature of warfare. That is where the assault weapon comes. No child needs to have those.

A ban on the importation of large-capacity clips is another provision. It is illegal for these clips to be produced by American manufacturers, but through another loophole they can be imported into the country. Once again, if you are a sportsman out hunting, you do not need a magazine that can accommodate 45 rounds. People who need these types of magazines are folks who should not have them, in a sense, because the potential for violence, the potential for criminal activity is much more enhanced, I believe, when you have a magazine that has 40 or 50 rounds rather than those old-fashioned hunting rifles which are part and parcel of the American story.

In addition to these provisions, the underlying legislation would increase

the enforcement capacity of Federal agents and local agents by expanding the successful youth crime gun interdiction initiative to 250 cities by the year 2003, enhancing the efforts to trace guns used in crime and identify and arrest adults who sell guns to children. All of these other worthy provisions are there; also, increased penalties on so-called straw purchases—those individuals who buy guns knowing the ultimate recipient is unable to have the gun either because of a criminal record or because of age. It would keep guns out of the hands of violent offenders. It would also allow the Federal Trade Commission and Attorney General to study the extent to which the gun industry markets and distributes its products to juveniles.

They are all reasonable measures. All should be done. But what has been done? Because of the inaction, and deliberate inaction, of the leadership, nothing has been done. The American people have waited too long. Later today, I will be offering, along with 22 of my colleagues, a sense-of-the-Senate resolution calling on the juvenile justice conferees to complete and submit the conference report before April 20, the first anniversary of the Columbine shooting, and to include in the conference report the amendments I have just discussed, that were passed by this Senate, seeking to limit access to firearms by juveniles, convicted felons, and other persons prohibited by law from purchasing or possessing firearms.

Will the passage of this amendment stop every gun crime in this country? No, but it will save lives, the lives of those children I talked about, the lives of children shot accidentally, the lives, perhaps, of people who, if they do not have easy access to firearms, may think a moment before taking their lives.

If we do these things: Close the gun show loophole, require safety locks to be sold with handguns, if we ban the importation of large-capacity clips and juvenile possession of assault weapons, we will bring some sense to our gun laws and we will provide a meaningful memorial to those children who died at Columbine and those children who die each day by gun violence.

I notice my colleagues from New Mexico and from Vermont are here. I suspect they would like to speak also. As a result, I yield the floor.

Mr. REID. I yield 5 minutes to the Senator, the ranking member of the Judiciary Committee, off the resolution.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the Senator from Rhode Island, and I thank the other Senator from Rhode Island, and I thank the Senator from Nevada and the Senator from New Jersey. I am proud to cosponsor the amendment to report the juvenile justice conference by April 20. I think the distinguished senior Senator from Rhode Island does the whole Senate and the country a service by his amendment.

Congress has kept the country waiting too long for action on juvenile justice legislation. It kept the country waiting too long for action on sensible gun laws. In fact, we are almost up to the first-year anniversary of the shooting in Columbine High School in Littleton, CO.

This morning I was watching the news, seeing some of these young people talking about what they went through, and the memories all came back about what had happened there when 14 students and a teacher lost their lives, nearly 12 months ago, on April 20, 1999.

I mention that date, April 20, 1999, because it has been 11 months since then that the Senate passed the Hatch-Leahy juvenile justice bill. This bill was not a close call. The vote was 73–25. It was a bipartisan bill. It included some very modest but, I believe, effective gun safety measures. Ten months ago, the House passed its own juvenile crime bill.

Then we did not meet or have a conference; we did not meet to talk about it until about 8 months ago. Then we met only briefly. We did nothing and recessed for a 4- or 5-week vacation.

Now it is very easy to see what has happened. By delaying and delaying and delaying, some might have the best of all possible worlds. They could say: Yes, I stood up and voted for some modest gun safety laws; and at the same time they could say to the powerful gun lobby: Don't worry, it is not going anywhere. We have that bottled up somewhere in a committee, a committee of conference that never meets. Nobody even knows where it is. I doubt if there are 10 people in the House or the Senate who could even name the members of it.

The majority in Congress convened this conference on August 5, 1999, less than 24 hours before the Congress adjourned for its long August recess.

You do not have to be a cynic to recognize this for what it was: a transparent ploy to deflect criticism for delays while ensuring the conference did not have enough time to prepare comprehensive juvenile justice legislation to send to the President before school began in September, 1999.

This is a serious matter. The Senate Democrats and the House Democrats have been ready for months to reconvene the juvenile justice conference and work with Republicans to have an effective juvenile justice conference report, one that has reasonable gun safety provisions, something along the lines of what we passed 3–1 here in the Senate. Unfortunately, the Republican leadership would not act.

I know they are facing fierce opposition from the gun lobby. One only has to turn on the television set to see an aging actor telling us why we should not be protecting our young children. I wish instead of listening to somebody who is acting a role and playing a role and has made their livelihood acting out other people's fantasies, they would listen to the Nation's law enforcement officers. These are the men and women whom we ask every single day to put their lives on the line for us. These are the people who die protecting us. These are the people most concerned about effective gun laws.

Ten national law enforcement organizations, representing thousands of law enforcement officers, have endorsed the Senate-passed gun safety amendments, and they support loophole-free firearms laws, from the International Association of Chiefs of Police, International Brotherhood of Police Officers, Major Cities Chiefs, National Sheriffs Association, and on and on.

I spent 8 years in law enforcement. I know how much they care. They believe in keeping guns out of the hands of people who should not have them. I am not talking about people who use guns for sports and hunting. I am talking about criminals and unsupervised children.

These thousands of law enforcement officers are asking us to do our duty. Instead of taking all these recesses and vacations, we should stay here a couple of days and pass juvenile justice legislation.

Every parent, every teacher, every student in this country is concerned about school violence. We know there is not any one thing that will stop school violence, but we do know that in the Hatch-Leahy juvenile justice bill there are provisions that help bring about safety in our schools. Don't we owe it to the parents, don't we owe it to the students, don't we owe it to the teachers to make this a safer country? We do not owe or should not owe anything to any powerful lobby, left or right. We owe our privilege of serving here to the people who sent us here, and the vast majority of people who sent us here, Republicans and Democrats, want us to move forward on this sensible piece of legislation.

Mr. REID. Mr. President, as a matter of formality, I will yield time off the resolution to the manager of this bill. I do it for a specific reason. There has been a lot of attention focused in recent months on gun violence in America. The Senator from New Jersey, who has decided to retire from the Senate, has been the leader on this issue for many years. For example, 33,000 people have been prevented from having guns as a result of the initial work done by the Senator from New Jersey. Those are people who commit acts of domestic violence and are convicted of

crimes dealing with domestic violence. Those people can no longer have permits to carry weapons. They can no longer have handguns.

One of the few pioneers in the Senate on the Brady bill was the Senator from New Jersey, Mr. LAUTENBERG. He was the person who initially started the work in the Senate and in the Congress on the Brady bill. What does that mean? It means that over 400,000 felons who have attempted to purchase weapons have been prevented from buying those guns.

In addition to that, of course, he sponsored a law eliminating funding of an ATF program that allowed convicted felons with weapons violations to apply for and waive probation. In short, it is very good that we have so much attention focused on guns and gun violence and legislation dealing with guns.

Before yielding time to the Senator from New Jersey, I want the record to reflect that we are dealing with gun legislation more easily today than we were when this man had the vision to act on some of these laws. Jim Brady depended on FRANK LAUTENBERG to pass the Brady bill.

I commend and applaud the Senator from New Jersey for the work he has done, and I yield to him such time as he may consume, off the resolution.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Nevada for his courtesy and kind remarks.

We have done a lot of work. I commend Senator REED from Rhode Island for his leadership. He had a career in the military before he came to the Congress. He used that background to understand the problem and to put it into perspective. I commend him for his leadership on gun violence issues.

I was pleased to hear from our friend from Vermont, the ranking member on the Judiciary Committee. Vermont is known to have a lot of hunters. Vermont is known as a place where there are a lot of guns. As I heard Senator LEAHY say, a lot of these hunters were disappointed at the unwillingness of the gun lobby, personified by the National Rifle Association, in their organization's unwillingness to step forward and make some commonsense adjustments to the law, getting legislation on the books that says guns should not be available willy-nilly to people who want to buy a lethal weapon.

I hope we will soon deal with an amendment that will codify our interest in controlling gun violence. We are soon coming upon a very important anniversary. April 20 is the 1-year anniversary of the awful tragedy at Columbine High School. Few can forget that awful day, the shock we all felt when we heard about young people in the high school being assaulted by gunmen and looking at the pictures on television and seeing a young man reaching out for help, fearful for his life, and young people running frantically from the school to get out of the way of the bullets. The consequences were disastrous: 12 classmates were killed, the 2 killers, and a teacher. Twenty-three other students and teachers wounded. I shutter when I recall that bloody carnage.

No parent or grandparent can avoid thanking the Lord for the safety of their own families when they see the horror of those moments. Yet that assault was not only an assault on Columbine High School, it was an assault on the sensibilities of our country—the innocent young people scared, desperate, running away from gunmen.

Frankly, I thought that would be the ultimate outrage; that would be the ultimate insult to the lawfulness of our society, to our respect for law, to our respect for life; that this would be it and people would stand up and say: Enough; we have had enough; we want to make a change. The cries of people, the tearful students who lost friends and those who lost relatives, sons and daughters, sent an image across this country which I thought would shake through the halls of this Congress which says: Hey, listen, it's time.

Poll after poll was done at that time. The numbers were that 80 to 90 percent of the people said they wanted the gun show loophole closed. There are over 4,000 gun shows a year where anyone—any thief, any felon, anyone who is listed on the 10 most wanted list of the FBI—can walk up, take the money out of their pocket, put it down on the table, and nobody asks: What is your name? Where do you live? From what town do you come?

That is not what the American people want. I do not understand the NRA and other members of the gun lobby who say this is somehow an intrusion on their personal rights. Where are the personal rights of the family to know that when their children go to school each and every day, they will return home in the same healthy condition as when they went to school?

Everyone here has to be aware that on May 14 we are going to have the Million Mom March. I met with people from New Jersey who are participating. I will tell you something. If you talk to women's groups, talk to individual women across this country about what really counts with them, what is the most important thing on their agenda: Is it equal opportunity for jobs? Is it to make sure that pay scales are the same for men and women? What is it that is the most important thing? I will tell you what the most important thing is: To know their children are safe when they go to school. The Million Mom March is organized around that precept that children should be safe, that this society of ours has had enough of guns and the havoc it wreaks in our Nation.

That tragic day, almost a year ago, was enough to offend women across the country to organize a million person march in State after State where it will be taking place.

But what has the Congress done to answer the anguished cries of people who have lost a child? Anybody who knows a family who has lost a child, particularly to violence—I guess it does not matter how you lose a child; once you lose a child, it is a terrible thing. The family never recovers. The circumstances never change. Columbine High School will never be the same, even though they had yet another crazy incident there.

What happens to those cries? What happens to those pleas? They fall on deaf ears. That is what happens. Not enough people listen, to say: You know what. Yes, we understand there is some debate about the possession of a weapon. But there is nothing in the Constitution—no matter how hard the proponents of guns try—that says you cannot wait a few days while we check to see who you are before we give you a gun. Before we give you an automobile, we check out who you are.

What is it that prevents us from saying, look, come on; get together, gun lovers, NRA and the others? What is it that says we have to permit gun purchases by anonymous buyers? There isn't anything in the Constitution that says that. There isn't anything in the Constitution that says you should not have to have a license, that you should not have to be trained before you buy a gun.

The Senator from Rhode Island, who is going to propose this amendment, as I indicated, was in the Army as an officer. He is a West Point graduate. He served in Vietnam. He knows what it is to be in war. He served during the period of the Vietnam conflict. I served in Europe during World War II when the shooting was going on. I know what the purpose of a gun is. I learned how to use it. I have never owned one since I got my discharge, I can tell you.

But what is it that prevents us from taking up the simplest, commonsense legislation? It is the gun lobby. The response to the cries of the people who want their kids to be able to go to school safely and return is: No, we have a greater allegiance to the NRA and the gun lobby than we have to families across America. What an outrage. But it does not get anything done.

I am hoping, with Senator REED's leadership, we are going to get something done today.

Congress has done nothing since that time to protect families from gun violence. When I wrote the law to prohibit domestic abusers from getting guns, it was said that it was an unnecessary thing, it was an imposition of law on our citizens. But 33,000—I thank the Senator from Nevada for mentioning it—33,000 domestic abusers have been

prevented from owning a gun. We know something else.

We know the statistics show that about 150,000 times a year a gun is put to the head of a woman, often in front of her children, and a man threatens to blow her brains out. There is no visible wound, but I guarantee you, there are wounds that carry through life. The children never forget. But we cannot act on it.

We are now waiting for something to happen. We are waiting for the juvenile justice bill, which passed overwhelmingly and went to the House, with our gun-loophole-show closer, and it died. The conference committee has been appointed, but nothing has happened since that time.

We have had support in the past from Senators on the other side of the aisle on the gun show amendment. Senators DEWINE, FITZGERALD, LUGAR, VOINOVICH, WARNER, and Senator Chafee—who is no longer with us—voted for my amendment at that time.

The final juvenile justice bill, as we heard from Senator LEAHY, passed by a vote of 73–25. So there was strong bipartisan support for moving forward on juvenile crime and trying to reduce gun violence.

But that was back on May 20—11 months ago. What has happened since then? Shootings have not stopped. We saw a 6-year-old murder another 6-year-old in Michigan.

From Mount Morris, MI, to Los Angeles, CA; from Fort Worth, TX, as youngsters in a prayer session were violated by a gun-wielding assaulter, to Conyers, GA; no community is safe from gun violence.

But while the vast majority of Americans want Congress to act, some special interests—the National Rifle Association, the gun lobby—have worked with their few allies in Congress, where less than 3 million members of the NRA determine what actions we take on behalf of 260 million Americans.

It is not right. Sooner or later, the voters are going to rebel and say: If you do not vote to put common sense into gun possession in this country, we are going to vote you out of office. That is what ought to happen. Boy, if one time that happens in an area where this is the dominant subject, that would be the end of the gun lobby.

It is the same old reaction. Every time Congress wants to pass gun safety laws, the NRA works hard to prevent its passage. Lately, we heard a lot of criticism about the enforcement of gun laws. But this is kind of a joke because the rhetoric ignores the facts. The number of Federal firearms cases prosecuted by the U.S. attorneys increased 16 percent from 1992 to 1999—4,754 in 1992 to 5,500 in 1999.

So the suggestion that law enforcement is not fighting gun crimes is just wrong. But more importantly, this rhetoric suggests a false choice between enforcement or stronger laws. What we need is both.

Mr. President, I yield the floor, but not without making mention of the fact that Smith & Wesson, a prominent gun manufacturer, has agreed that they need to do more on gun safety. The company reached an agreement with the administration that will incorporate many of the measures stalled in the conference committee: Background checks at gun shows, child safety locks, and preventing the use of ammunition clips with more than 10 rounds.

Congress ought not be trailing behind gun manufacturers when it comes to gun safety. The conference committee ought to complete its job. I support Senator REED's resolution. When it is presented, I hope that all of my colleagues will vote for it.

I yield the floor.

AMENDMENT NO. 2985

The PRESIDING OFFICER. There are 2 minutes available, evenly divided, on the Reid amendment.

Who yields time?

Mr. REID. Senator REID yields to Senator DURBIN.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I offer this amendment and urge the Senate to go on record opposing the George W. Bush tax cut. It is a risky proposal. It threatens our economy. It raids the Social Security trust fund. It provides no funding protection for Social Security or Medicare. It eliminates needed investments in education. Sadly, the tax cuts go primarily to the wealthiest people in America. The Bush tax cut is a $50,000 tax cut if you make over $300,000 a year. For 60 percent of American families, it is a tax cut of $249.

Some of my Republican colleagues who say they have endorsed George W. Bush and his plan have a chance to follow the admonition of that noted political philosopher, Tammy Wynette, who said: ''Stand by your man.'' But for those who want this economy to continue to prosper, and America to continue to be strong, vote ''no'' on the George W. Bush tax cut.

(Mr. VOINOVICH assumed the chair.)

Mr. DOMENICI. Mr. President, even though Senators REID and DURBIN have been talking about it for a couple of hours, and Senator GRAMM and I spoke on it for about a half hour, essentially, the tax plan George W. Bush has is not part of the President's proposal, but it will be part of President-elect George W. Bush's budget. So we wait for him to deliver his budget, which will indeed accommodate his tax cut. All this is a political scuffle here today in advance of his budget. He hasn't even had a chance to give us one and tell us what kind of Government he wants.

They want us to adopt this while we are fighting over a Clinton budget that increases spending beyond anything President George W. Bush would do. I commend soon-to-be-President-elect Bush for suggesting a major tax reform. When the American people actually see it, they are going to think it is good for America. It will fit in his budget. That is an important time.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on the motion to table amendment No. 2985. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) is necessarily absent.

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 59 Leg.]

YEAS—99

Abraham	Enzi	Lott
Akaka	Feingold	Lugar
Allard	Feinstein	Mack
Ashcroft	Fitzgerald	McCain
Baucus	Frist	McConnell
Bayh	Gorton	Mikulski
Bennett	Graham	Moynihan
Biden	Gramm	Murkowski
Bingaman	Grams	Murray
Bond	Grassley	Nickles
Boxer	Gregg	Reed
Breaux	Hagel	Reid
Brownback	Harkin	Robb
Bryan	Hatch	Roberts
Bunning	Helms	Rockefeller
Burns	Hollings	Santorum
Byrd	Hutchinson	Sarbanes
Campbell	Hutchison	Schumer
Chafee, L.	Inhofe	Sessions
Cleland	Inouye	Shelby
Cochran	Jeffords	Smith (NH)
Collins	Johnson	Smith (OR)
Conrad	Kennedy	Snowe
Coverdell	Kerrey	Specter
Craig	Kerry	Stevens
Crapo	Kohl	Thomas
Daschle	Kyl	Thompson
DeWine	Landrieu	Thurmond
Dodd	Lautenberg	Torricelli
Domenici	Leahy	Voinovich
Dorgan	Levin	Warner
Durbin	Lieberman	Wellstone
Edwards	Lincoln	Wyden

NOT VOTING—1

Roth

The motion was agreed to.

AMENDMENT NO. 2973

The PRESIDING OFFICER. There are 2 minutes of debate. Who yields time?

Mr. GRAMM. Mr. President, I want to close the debate.

Mr. DURBIN. I am happy to make my statement.

Senator GRAMM came to the floor and waved Vice President GORE's book, saying it calls for a $3 tax increase but could not point out the page. It is not in there, nor is there a statement made by the Vice President to that effect.

Because of the political pain my Republican colleagues have experienced in just voting against the tax program which Governor George W. Bush proposed, they are asking Members to vote

against a tax program which Vice President GORE has never proposed.

This is easy. Vote yes; save a copy of the last roll call.

Mr. GRAMM. Mr. President, in his book ''Earth in the Balance,'' the Vice President calls for the complete elimination of the internal combustion engine.

I have a sense-of-the-Senate resolution that says we should not undertake that activity, that raising the price of gasoline to the degree that would be required to achieve that goal would be devastating to the American economy.

I believe the Vice President saying we should have a policy to completely eliminate the internal combustion engine in 25 years is irresponsible policy. It ought to be rejected. The only way to achieve it would be astronomical taxes, rationing, and confiscating people's cars or trucks. I want the world to know and the Vice President to know we are against it.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2973. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) is necessarily absent.

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—99

Abraham	Enzi	Lott
Akaka	Feingold	Lugar
Allard	Feinstein	Mack
Ashcroft	Fitzgerald	McCain
Baucus	Frist	McConnell
Bayh	Gorton	Mikulski
Bennett	Graham	Moynihan
Biden	Gramm	Murkowski
Bingaman	Grams	Murray
Bond	Grassley	Nickles
Boxer	Gregg	Reed
Breaux	Hagel	Reid
Brownback	Harkin	Robb
Bryan	Hatch	Roberts
Bunning	Helms	Rockefeller
Burns	Hollings	Santorum
Byrd	Hutchinson	Sarbanes
Campbell	Hutchison	Schumer
Chafee, L.	Inhofe	Sessions
Cleland	Inouye	Shelby
Cochran	Jeffords	Smith (NH)
Collins	Johnson	Smith (OR)
Conrad	Kennedy	Snowe
Coverdell	Kerrey	Specter
Craig	Kerry	Stevens
Crapo	Kohl	Thomas
Daschle	Kyl	Thompson
DeWine	Landrieu	Thurmond
Dodd	Lautenberg	Torricelli
Domenici	Leahy	Voinovich
Dorgan	Levin	Warner
Durbin	Lieberman	Wellstone
Edwards	Lincoln	Wyden

NOT VOTING—1

Roth

The amendment (No. 2973) was agreed to.

VOTE ON AMENDMENT NO. 2953, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2953, as amended.

The amendment (No. 2953), as amended, was agreed to.

AMENDMENT NO. 2988

The PRESIDING OFFICER. Who yields time on the McCain amendment?

Mr. DOMENICI. I will take the time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I do not think anybody objects to this amendment. This is an effort to say to the Department of Defense we want them to fix the problem of food stamps in the military. It adds a small amount of money over the years to target the solving of the food stamp problem in the military.

That is essentially the McCain amendment. We should adopt it. He wants a rollcall vote. I believe the yeas and nays have been ordered.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. LEVIN. Mr. President, I am not sure who controls time in opposition. I do not oppose it, but I would like 30 seconds. I ask unanimous consent that I have 30 seconds.

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

Mr. LEVIN. Mr. President, I am going to vote for the amendment—I believe most Members will—but we want to make sure we do not create an inequity, an unfairness in the process. We will be paying different amounts of money to the same people, same rank, and we may actually be giving the extra money to the wrong people.

Senator MCCAIN's amendment, it seems to me, has exactly the right purpose: to get rid of food stamps going to some members. But we have to do it right. Senator WARNER is going to be holding hearings in our committee on this whole food stamp situation. We, hopefully, can accomplish this goal in a way which does not create a discriminatory situation.

I have one last fact. We all should be glad to know the number of our service members on food stamps has gone down, from 19,400 in 1991 to 11,900 in 1995, to 6,300 in 1999. The number of people on food stamps has been going down dramatically, not only numerically but also as a percentage of the force.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2988. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) is necessarily absent.

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 61 Leg.]

YEAS—99

Abraham	Enzi	Lott
Akaka	Feingold	Lugar
Allard	Feinstein	Mack
Ashcroft	Fitzgerald	McCain
Baucus	Frist	McConnell
Bayh	Gorton	Mikulski
Bennett	Graham	Moynihan
Biden	Gramm	Murkowski
Bingaman	Grams	Murray
Bond	Grassley	Nickles
Boxer	Gregg	Reed
Breaux	Hagel	Reid
Brownback	Harkin	Robb
Bryan	Hatch	Roberts
Bunning	Helms	Rockefeller
Burns	Hollings	Santorum
Byrd	Hutchinson	Sarbanes
Campbell	Hutchison	Schumer
Chafee, L.	Inhofe	Sessions
Cleland	Inouye	Shelby
Cochran	Jeffords	Smith (NH)
Collins	Johnson	Smith (OR)
Conrad	Kennedy	Snowe
Coverdell	Kerrey	Specter
Craig	Kerry	Stevens
Crapo	Kohl	Thomas
Daschle	Kyl	Thompson
DeWine	Landrieu	Thurmond
Dodd	Lautenberg	Torricelli
Domenici	Leahy	Voinovich
Dorgan	Levin	Warner
Durbin	Lieberman	Wellstone
Edwards	Lincoln	Wyden

NOT VOTING—1

Roth

The amendment (No. 2988) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, if the Senator from Alaska will withhold, I yield 3 minutes to the Senator from New York for a request involving another Senator.

The PRESIDING OFFICER. The Senator from New York is recognized.

(The remarks of Mr. SCHUMER pertaining to the introduction of S. 2370 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, regular order.

AMENDMENT NO. 2931

The PRESIDING OFFICER. The clerk will report the amendment previously proposed.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) for himself, and Mr. BYRD, Mr. INOUYE, Mr. LEAHY, Mr. SHELBY, Mr. CAMPBELL, and Mr. COCHRAN proposes an amendment numbered 2931:

Strike Section 208.

Mr. STEVENS. Mr. President, I have at the desk another amendment, the third one I mentioned previously. I ask unanimous consent that it be put in line after the second one.

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

Mr. STEVENS. Mr. President, because of time circumstances, I ask

unanimous consent that this amendment be temporarily laid aside so that Senator ROBB may offer his amendment.

I understand arrangement has already been made on that and that we will proceed. It is my understanding that my amendment would be pending when the Robb amendment has been disposed of. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. I ask unanimous consent that be the procedure.

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

AMENDMENT NO. 2965

The PRESIDING OFFICER. There are 10 minutes equally divided. The Senator from Virginia.

Mr. ROBB. Thank you, Mr. President. We had an opportunity to discuss and debate this particular amendment last night to accommodate Senators. Very simply, this is an amendment to reduce the amendment for the tax cut by $5.9 billion over the next 5 years. It doesn't call for the passage of any specific school construction or renovation proposal that has been discussed. It simply sets aside the money to pay for them. Five years ago, the unmet needs in our schools nationally totaled about $185 billion. Today, those unmet needs total over $306 billion.

We hear a lot about State surpluses. If we used all of the fiscal year 1999 surpluses from all of the States, we would still only address about 10 percent of the unmet backlog in terms of school construction and school modernization.

I showed this picture last night. I will show this one again. This is a picture of Loudon County High School, just outside the beltway. This is a trailer being put in place in the parking lot. There are a number of trailers in the parking lot. There are over 3,000 trailers currently in use in Virginia alone. Loudon County needs 22 new schools at an average cost of $18 million each. That is over $400 million for one county alone.

School enrollment is at record levels. Currently, there are 53.2 million students in the United States. In the next 10 years, it will increase by another 1 million students. The average school today is 42 years old. The last major investment in schools was made back in the Eisenhower administration. It was a $1 billion investment then. The same amount of money today, in current terms, would be $5.4 billion. This amendment simply sets aside $5.9 billion over the next 5 years to accomplish at least a portion of the pressing unmet school construction needs in this country today. I hope it will be the wisdom of my colleagues to agree to this particular amendment and vote for schools.

I think I adequately covered the amendment last night. I yield to my distinguished colleague from Georgia or others who may wish to address this particular amendment.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, the Senator from Virginia has been debating this for an extended period of time. School construction and renovation is traditionally the responsibility of local and State governments. It traditionally has been and it still is.

The Robb amendment, in effect, has the effect of raising taxes by $4.2 billion over 5 years to have the Federal Government take over part of this responsibility. Even under the President's proposal, which would cost even more, we would only be able to cover about one-fourth of the total cost of improving schools, according to the General Accounting Office.

As we have said repeatedly over the last couple of days, this budget resolution includes more money for education than the President—$600 million more in 2001 and $2.2 billion more over 5 years. We have made plenty of room for different options on education policy in this budget resolution.

All of these issues will be discussed and debated in the ESEA reauthorization coming up in May. The spending increase in this amendment is unnecessary.

In addition, if the Federal Government is going to become a major and direct party in the issue of school construction, along with it will come the same kind of intervention that the last two Congresses have been endeavoring to undo. They have been trying to make it more flexible, not less.

It is my personal opinion, given the way school construction has been managed, that any Federal program of this nature will by necessity have the tendency to pick winners and losers because as everybody acknowledges, it doesn't get to the total requirement and it will also have the effect of rewarding local jurisdictions that have been less attentive to the work that they are responsible for or for which they are responsible.

Invariably, districts that have gotten the job done or are in the business of doing it will be second-class citizens to those jurisdictions that have overlooked or not been attentive to the nature of their responsibility of school construction.

How much time remains?

The PRESIDING OFFICER. The Senator from Georgia has 1 minute 40 seconds and the Senator from Virginia has 2 minutes 14 seconds.

Mr. COVERDELL. I yield the floor to the Senator from Virginia.

Mr. ROBB. Mr. President, I respond to my distinguished colleague from Georgia by saying, first of all, this is not an amendment to raise taxes. This is simply an amendment to give up $5.9 billion of the tax cut that is in the resolution.

Second, there are no Federal strings attached. One of the benefits of this particular approach is we are not dealing with school policy, which can be very sensitive. We are dealing with bricks and mortar. For the most part, we are doing this through a tax credit that leverages the money so they can get a whole lot more bang for the buck. It is a way to keep us from being involved in local school policy. It provides maximum flexibility in the way the funds are used.

Finally, with all due respect to my distinguished colleague, he talked about less attentive. You can translate "less attentive" into "less resourced." Most of the Federal programs designed to help are for those localities and institutions that simply don't have the resources to meet the critical needs of their students. This is designed to help some of those localities, including localities with very old schools that have leaking roofs and simply don't have modern heating, air conditioning, ventilation, and other accommodations that are part of the modern school system or could not have the modern technology.

This gives them a chance to compete on a more equal footing. I hope it will be the pleasure of our colleagues to set aside this part of the tax cut for the very important purpose of investing ultimately in our children, by investing in a nonintervention, nonintrusive way in school policy, in the bricks and mortar that will provide the kind of environment where they can learn.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, the bottom line, whether you call it a tax increase or reduction of a tax relief proposal, the net effect is between $4 billion and $6 billion is not going to be in the checking accounts of American citizens if this amendment is adopted that could theoretically otherwise be there. Taxpayers will have less if the amendment is adopted.

The second point the Senator from Virginia makes about underresourced has merit. But so does mine. Yes, there are some school districts that are underresourced; those are the responsibility of those States, not the Federal Government.

It is equally true that many of these jurisdictions do have the resources and for whatever reason have not made that the priority it maybe ought to have been. There is no doubt about it. We can name any number of jurisdictions that have underequipped schools that sit in municipalities or counties that have innumerable resources.

Mrs. MURRAY. Mr. President, I take a moment to commend my colleagues—Senator ROBB, Senator HARKIN, Senator LAUTENBERG, and Senator DORGAN, for bringing this important amendment to the floor.

I commend the work they have done and their commitment to school modernization which means so much to our communities and the children who attend the public schools in this country.

I have heard the other side say throughout this debate they have made a commitment to education. But I am concerned, as I look at their budget, that a real commitment is missing. I believe that part of making a real commitment to education requires providing resources to our schools. Today, my colleagues are offering an amendment as a way to offer this choice.

Today, a record 53.2 million children are enrolled in elementary and secondary schools. By 2009, this number will reach 54.2 million. As a result, local communities need to build or modernize 6,000 public schools, and repair an additional 8,300 public schools. In addition, the average public school building in this country is 42 years old. These schools need improvements.

What kind of message do we send to our children when they can go to shopping malls, movies theaters, and baseball stadiums that are significantly nicer than their schools? What kind of message does that send about our priorities?

This amendment would once again provide us with a clear choice on the issue of education. Do we want a tax cut, or do we want to provide to modernize our schools. This amendment would allow the federal government to take a roll as a partner in helping our districts meet the pressing need of modernizing our school buildings.

The amendment would provide $1.3 billion in grants and loans to help schools address urgent facilities issues, and provide tax credit bonds to help communities finance the cost of new construction and major repairs for schools.

This Congress has made a commitment over the past two years to reducing class size. This program is truly making a difference in our schools. I believe we have the opportunity this year to continue the efforts to reducing class size, and providing funds for school to make sure they have the facilities to provide for these smaller classes.

A decent sized class in an adequate facility is not too much for our children. I hope you are all able to make this choice and support this amendment.

Mr. ROBB. How much time remains on this side?

The PRESIDING OFFICER. Nine seconds.

Mr. ROBB. I yield the entire 9 seconds to the distinguished Senator from Iowa.

Mr. HARKIN. Mr. President, I wholeheartedly support the amendment of the Senator from Virginia. It is what is needed for this country. It is a national obligation. We ought to be rebuilding and modernizing our schools. The Senator from Virginia has it right.

AMENDMENT NO. 3010 TO AMENDMENT NO. 2965

(Purpose: To reduce revenue cuts by $5.9 billion over the next 5 years)

Mr. COVERDELL. I send the substitute to the Robb amendment No. 2965 to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL] proposes an amendment numbered 3010 to amendment 2965.

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

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

The amendment is as follows:

On page 4, line 4, increase the amount by $1.

On page 4, line 5, increase the amount by $1.

On page 4, line 6, increase the amount by $1.

On page 4, line 7, increase the amount by $1.

On page 4, line 8, increase the amount by $1.

On page 4, line 13, increase the amount by $1.

On page 4, line 14, increase the amount by $1.

On page 4, line 15, increase the amount by $1.

On page 4, line 16, increase the amount by $1.

On page 4, line 17, increase the amount by $1.

On page 4, line 22, increase the amount by $1.

On page 4, line 23, increase the amount by $1.

On page 4, line 24, increase the amount by $1.

On page 4, line 25, increase the amount by $1.

On page 5, line 1, increase the amount by $1.

On page 5, line 7, increase the amount by $1.

On page 5, line 8, increase the amount by $1.

On page 5, line 9, increase the amount by $1.

On page 5, line 10, increase the amount by $1.

On page 5, line 11, increase the amount by $1.

On page 18, line 7, increase the amount by $1.

On page 18, line 8, increase the amount by $1.

On page 18, line 11, increase the amount by $1.

On page 18, line 12, increase the amount by $1.

On page 18, line 15, increase the amount by $1.

On page 18, line 16, increase the amount by $1.

On page 18, line 19, increase the amount by $1.

On page 18, line 20, increase the amount by $1.

On page 18, line 23, increase the amount by $1.

On page 18, line 24, increase the amount by $1.

On page 29, line 3, decrease the amount by $1.

On page 29, line 4, decrease the amount by $1.

On page 29, after line 5, insert the following:

In lieu of the language proposed to be inserted, insert the following:

SEC. . (a) The Senate finds that on March 2, 2000, the Senate passed S. 1134, by a vote of 61–37, the Affordable Education Act of 2000, which—

(1) authorizes up to 2.5 billion dollars a year in new bond authority to allow public-private partnerships to build new schools;

(2) allows small school districts to build more schools by providing them greater flexibility in dealing with complex IRS regulations;

(3) allows 14,000,000 families or 20,000,000 children to benefit from Education Savings Accounts, which would generate $12,000,000,000 in new resources for kindergarten through college education;

(4) allows 1,000,000 college students in State pre-paid tuition plans to receive tax relief to make college more affordable;

(5) allows 1,000,000 workers studying part-time to receive education assistance through their employers;

(6) guarantees that every college student and recent college graduate in America will receive a tax break on the interest on their student loans;

(7) gives all of our Nation's elementary and secondary school teachers needed tax relief for their professional development expenses;

(8) gives America's teachers needed tax relief by providing them a deduction for their out-of-pocket classroom expenses;

(9) allows America's classrooms to benefit from new technology by encouraging the charitable donation of computers to the classroom;

(b) Therefore, it is the Sense of the Senate that this budget resolution assumes that Congress should pass, and the President should sign significant education tax relief legislation for America's teachers and students.

The PRESIDING OFFICER. Who yields time?

Mr. COVERDELL. Parliamentary inquiry: It is my understanding that with the second-degree amendment before the Senate, there is now an hour equally divided on this measure; is that correct?

The PRESIDING OFFICER. On the second-degree amendment, that is correct.

Mr. COVERDELL. Mr. President, the bipartisan education savings account which was passed in March and had been threatened by a veto from the President makes education more affordable for millions of Americans. I might say, during that debate of our proposal to empower parents, to empower local school districts and communities, there was a similar debate with the Senator from Virginia on a similar subject. We prevailed at that time.

At that time, the Senator from Virginia basically was attempting to fund this idea of his by removing the loss of tax revenue that occurs in the education savings account. As I understand the amendment now, it would reduce the tax relief in the budget resolution. So it is a very similar debate that

is occurring between the Senator from Virginia and our side.

I want to refresh the Senate on what has passed the Senate and will soon find its way to the President's desk. As I said a little earlier, the President has at least given an indication that he would veto it, so I think it is entirely appropriate that we reassert our position in the budget resolution.

The education savings account starts with the current law, which allows families to save up to $500 per year while the interest in an account is exempt from taxes as long as the savings are used for college education. We have taken the same proposal and expanded it to $2,000 per year instead of $500, and we have said a family can use the savings in that account anywhere in the education of the child, from kindergarten through college—even after college if the student is a dependent.

We have taken what everybody on both sides of the aisle has said is a grand idea and expanded it. Everybody is a winner: Public education, private education, home schooling education, kindergarten through college. It remains puzzling to me that this bipartisan proposal, supported by Members on both sides of the aisle, is now threatened by the President.

On State prepaid tuition relief, the legislation makes interest earned on qualified public and private school higher education tuition plans tax free. Some 41 States today—I think soon it will be all—offer a State prepaid tuition plan to help parents prepare their students for the cost of college. The problem is, when those benefits come to the student, they get taxed, so it is diminished significantly. Under this proposal, that tax would no longer hit the savings account. It would be there and available for the family to help that child through college.

The proposal extends employer-provided educational assistance for undergraduate studies; in other words, it helps make it possible for employers to assist employees in their continuing education. It is estimated that some million employees will be the beneficiaries of this proposal that has now passed the Senate.

I failed to mention that it is estimated those who would open education savings accounts, such as those we are enumerating here, are 14 million families who are the custodians, those who are taking care of 20 million children. That is about 40 percent of the entire population in school in the United States.

The proposal repeals the 60-month rule on student loan interest deductions and allows many individuals to claim tax deductions on interest they pay on their student loans without the imposition of a time limit. Currently, you have an exemption on that kind of benefit, but it runs out after a certain number of years. This removes the time limit.

With regard to school construction, the Affordable Education Act contains a provision originally offered by Senator GRAHAM of Florida to create a new category of exempt bonds for privately owned, publicly operated K–12 schools. So we do not obviate or ignore the issue of construction problems in the country. This provision would make available up to $2.5 billion each year in school construction bonds, enough to build hundreds of new schools in America every year. But it would be totally controlled locally. It would not be the Federal Government picking which schools, it would be the districts themselves deciding whether they wanted to use this new provision in order to deal with school construction needs in their district.

The bill would allow school districts to issue more tax-exempt bonds for school construction without having to comply with complex IRS arbitrage rebate rules. This would lower the cost of school construction for many small and rural school districts.

The billions of dollars in Federal assistance are on top of what State and local governments are already doing to build schools without, as I said a moment ago, Federal interference from Washington or any selection being made by Federal bureaucrats. According to the U.S. Census Bureau, State and local governments spent $13 billion in 1999 on public school and university facilities. An American school and university survey shows, between 1990 and 1999, public school construction expenditures increased by 60 percent—that is without the Federal Government; they have done that on their own, making their own decisions—while overall economic activity only increased by 32 percent, and student population increased by only 10 percent.

So, in summary, what this sense of the Senate does is ask the President to recognize how many winners are generated by the Senate's idea on the Affordable School Act: 14 million families will benefit, 20 million schoolchildren; there will be $12 billion in new savings without the Federal Government investing a dime; 1 million college students in State prepaid tuition plans; 1 million workers receiving education assistance; countless schools will be built across the country; and countless Americans will receive a break on the interest they pay on their student loans.

Reserving the remainder of my time, I yield the floor so we might hear from the Senator from Virginia.

Mr. REID. Mr. President, I ask for the yeas and nays on the Coverdell amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Under the resolution, I yield 5 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I thank my distinguished colleague from Georgia. I did not see the movie ''Groundhog Day,'' but this reminds me of ''Groundhog Day.'' We have been here before. We wasted an entire week of the Senate's valuable time on the precise bill that the distinguished Senator from Georgia is now presenting to us as an alternative.

I listened as the clerk read the language of the initial part of the bill, taking all the amounts that would be put aside to help schools and reducing them to a single dollar. In Virginia, we call that the shad treatment: You leave the skeleton but you surgically remove the entire skeletal structure so there is nothing remaining. Then you substitute a piece of legislation that has already passed this body, notwithstanding the fact that the authors and proponents of the legislation knew from the very beginning this particular bill would not be signed by the President.

With all due respect to my distinguished colleague from Georgia, he knew and they knew from the beginning we were wasting a week on that particular legislation. To suggest this is a possible new development or a surprise now, with all due respect, is a bit disingenuous.

We have the same problem as before. We are trying to do an end run to bring about vouchers. With this legislation, this Senate would be finding a way to put a disproportionate amount of money—if I recall the figures; I do not have them in front of me—about $37 or so per family for those students who, for the most part, are already sending their children to private schools or parochial schools and about, if I recall, $7 for those in public schools.

This is designed to get around the difficulty the distinguished Senator found in incorporating a voucher provision. Vouchers address 10 percent of the population. Our responsibility is to the 90 percent of the children who are in schools in America who do not have access to them. Even if we were to make vouchers available to every schoolchild in America, we only have infrastructure that can support a little over 10 percent of the population. This takes money that would otherwise be available, in this case, for much needed school construction which the States cannot afford and which, by his own admission, would help disproportionately those school districts that do not have the resources, that do not get a chance to play on a level playing field.

It would take the money we could use to leverage to build even more schools and renovate even more schools to run the voucher route, again, in a

bill that will not even go to the President. This particular resolution does not go to the President for signature. It will have no impact on whatever the President chooses to do about the particular legislation the Senator and those who supported his position passed last time around.

Let's not support vouchers in another form to find a way to make it impossible for the Federal Government, without strings attached, to provide support for bricks and mortar in local school districts and divisions that need the assistance. We want to move away from a situation where we have trailers instead of classrooms. If colleagues support the underlying amendment, they will be supporting school construction and renovation. If they support the substitute, they will be supporting school vouchers. I hope it will be the pleasure of this body to reject the substitute and support the underlying amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I yield 5 minutes to the Senator from Iowa, Mr. HARKIN, off the resolution.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank our minority whip for yielding me this time. I do speak strongly in favor of the underlying Robb amendment of which I am a cosponsor.

Senator ROBB has it right when he tries to invest in rebuilding and modernizing our public schools. States and local communities are struggling right now to renovate existing schools. School construction and modernization is necessary for our kids in the 21st century.

The average school in America right now, as Senator ROBB said, is 42 years old. Technology is placing new demands on our schools. As a result of increased use of technology, many schools must install new wiring, telephone lines, and electrical assistance. The demand for the Internet is at an all-time high, but in the Nation's poorest schools only 39 percent of classrooms have Internet access.

In 1998, the American Society of Civil Engineers issued a report on our Nation's infrastructure. The report found many problems with a lot of our infrastructure, but the most startling finding was with respect to our Nation's public schools.

The American Society of Civil Engineers reported that public schools are in worst condition than any other sector of our national infrastructure. This is an alarming fact. I ask unanimous consent that a copy of the American Society of Civil Engineers report card be printed in the RECORD.

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

AMERICAN SOCIETY OF CIVIL ENGINEERS—1998 REPORT CARD FOR AMERICA'S INFRASTRUCTURE

Subject	Grade	Comments
Roads	D−	More than half (59 percent) of our roadways are in poor, mediocre or fair condition. More than 70 percent of peak-hour traffic occurs in congested conditions. It will cost $263 billion to eliminate the backlog of needs and maintain repair levels, Another $94 billion is needed for modest improvement—a $357 billion total.
Bridges	C−	Nearly one of every three bridges (314 percent) is rated structurally deficient or functionally obsolete. It will require $80 billion to eliminate the current backlog of bridge deficiencies and maintain repair levels.
Mass Transit	C	Twenty percent of buses, 23 percent of rail vehicles, and 38 percent of rural and specialized vehicles are in deficient condition. Twenty-one percent of rail track requires improvement. Forty-eight percent of rail maintenance buildings, 65 percent of rail yards and 46 percent of signals and communication equipment are in fair or poor condition. The investment needed to maintain conditions is $39 billion. It would take up to $72 billion to improve conditions.
Aviation	C−	There are 22 airports that are seriously congested. Passenger enplanements are expected to climb 3.9 percent annually to 827.1 million in 2008. At current capacity, this growth will lead to gridlock by 2004 or 2005. Estimates for capital investment needs range from $40-60 billion in the next five years to meet design requirements and expand capacity to meet demand.
Schools	F	One-third of all schools need extensive repair or replacement. Nearly 60 percent of schools have at least one major building problem, and more than half have inadequate environmental conditions. Forty-six percent lack basic wiring to support computer systems. It will cost about $112 billion to repair, renovate and modernize our schools. Another $60 billion in new construction is needed to accommodate the 3 million new students expected in the next decade.
Drinking Water	D	More than 16,000 community water systems (29 percent) did not comply with the Safe Drinking Water Act standards in 1993. The total infrastructure need remains large—$138.4 billion. More than $76.8 billion of that is needed right now to protect public health.
Wastewater	D+	Today, 60 percent of our rivers and lakes are fishable and swimmable. There remain an estimated 300,000 to 400,000 contaminated groundwater sites. America needs to invest roughly $140 billion over the next 20 years in its wastewater treatment systems. An additional 2,000 plants may be necessary by the year 2016.
Dams	D	There are 2,100 regulated dams that are considered unsafe. Every state has at least one high-hazard dam, which upon failure would cause significant loss of life and property. There were more than 200 documented dam failures across the nation in the past few years. It would cost about $1 billion to rehabilitate documented unsafe dams.
Solid Waste	C−	Total non-hazardous municipal solid waste will increase from 208 to 218 million tons annually by the year 2000, even though the per capita waste generation rate will decrease from 1,606 to 1,570 pounds per person per year. Total expenditures for managing non-hazardous municipal solid waste in 1991 were $18 billion and are expected to reach $75 billion by the year 2000.
Hazardous Waste	D−	More than 500 million tons of municipal and industrial hazardous waste is generated in the U.S. each year. Since 1980, only 423 (32 percent) of the 1,200 Superfund sites on the National Priorities List have been cleaned up. The NPL is expected to grow to 2,000 in the next several years. The price tag for Superfund and related clean up programs is an estimated $750 billion and could rise to $1 trillion over the next 30 years.

America's Infrastructure G.P.A. = D. Total Investment Needs = $1.3 Trillion (estimated five-year need). Each category was evaluated on the basis of condition and performance, capacity vs. need, and funding vs. need.
A = Exceptional; B = Good; C = Mediocre; D = Poor; F = Inadequate.

Mr. HARKIN. Mr. President, because of increasing enrollments and aging buildings, local and State expenditures for school construction have increased dramatically by 39 percent in the last several years. However, this increase has not been enough to address the needs.

The National Education Association recently surveyed States about their need to modernize public schools and upgrade education technologies. According to their preliminary report, $254 billion is needed to modernize school facilities; $54 billion is needed to upgrade education technology. In my State of Iowa, for example, $3.4 billion is needed for school facilities and $540 million for education technology.

It is a national disgrace that the nicest places our children see are shopping malls, sports arenas, and movie theaters, and some of the most rundown places they see are their public schools. What kind of a signal does that send about the value we place on them, their education, and their future? How can we prepare our kids for the 21st century in schools that did not even make the grade in the 20th century?

This amendment by Senator ROBB provides a comprehensive two-pronged response: $1.3 billion each year to make grants and no-interest loans for emergency repairs to schools.

The second part of this strategy is to underwrite the cost of building nearly $25 billion of new school facilities. This amendment provides the tax credits to subsidize the interest on new construction projects to modernize public schools.

Last year, six Iowa school districts received grants to underwrite the cost of building new school facilities. Over and over, school officials said the availability of the Federal grant was responsible for convincing local citizens to support a school bond issue to finance the bulk of the project. Modern, up-to-date school buildings are essential for student achievement.

Studies show students in overcrowded schools, or schools in poor fiscal condition, scored significantly lower on math and reading than their peers in less crowded conditions.

This is a very serious national problem. In Iowa alone during the 1990s, there were 100 fires in Iowa public schools. During the previous decade, there were only 20. The wiring is getting old, schools are catching on fire, water pipes are bursting, and they do not have the new technology our students need.

If there is one thing that cries out for our intervention on a national level, it is this issue: to upgrade and modernize our schools and to build new schools where needed. All one has to do is read Jonathan Kozol's book ''Savage Inequalities: Children in America's Schools'' to understand in this system of ours in America where schools are financed by local bond issues, that if you have an area with high-income residents, high property values, you get pretty darn good schools. But go to areas where there are low-income people and low property values; that is where we find the poor schools.

Yet a child educated in one of those poor schools does not stay in that local school district. That child moves to Iowa, California, Virginia, Georgia, or anywhere else and becomes a burden on all of society. That is why this cries out for a national solution.

To hear my friends on the other side, they say leave it up to the local school districts and let them handle it. Sure, if you live in a rich school district, you are fine.

But if you live in a poor area of America—rural or urban—you do not have the wherewithal to build those new schools and to get the wiring and the upgrading that you need.

That is why it is a national problem. It requires a national solution. That is why I hope the Coverdell amendment will be defeated and that we could get to the underlying Robb amendment and let the kids of this country and their parents and their families know that this national effort is going to go forward to rebuild our schools.

I compliment the Senator from Virginia for his amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

The Senator from Georgia.

Mr. COVERDELL. Mr. President, I will be very brief.

The Senator from Virginia and I have an honorable disagreement about how the Federal Government ought to respond to being a better partner in education. But the one issue that I would take some exception to and would like to clarify is the question of whether this is designed to be a voucher. It is not a voucher. The good Senator from New Jersey, Mr. TORRICELLI, who vehemently does not support vouchers, is a coauthor because he does not view this as a voucher.

I would not say that of the 70 percent of the families who would open an account who are in public schools, some family somewhere with that savings account might not make a change. But it would be statistically insignificant. If they did, I think it is a right that they should have.

As the Senator from Virginia said, 90 percent-plus of our students are in public schools. I venture to say that 10 years from now, 90 percent-plus of our students are still going to be in public schools.

The proposal is not designed to be a disguise for vouchers. It never has been. As I said, 70 percent of the people who open these accounts are estimated to have children in public schools and 30 percent are in some other school.

Of the $12 billion that will be saved and used for schools, it is divided about 50–50. In my view, that is because those families who have the child in the private school know they have a higher hurdle, that they have to pay the local school taxes and the tuition, so they tend to save more.

It may not be persuasive to the Senator from Virginia, but I did want to make the point that I never viewed this, and I think generally speaking it has never been viewed, as a voucher.

I yield the floor. When the Senator from Virginia concludes his remarks, I think we are both prepared to yield back time on this substitute amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. I request, from the Senator from Nevada, 2 minutes from the resolution.

Mr. REID. The Senator from Virginia is given 2 minutes from the resolution.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I will be very brief.

I thank my colleague from Georgia for the clarification. I did not suggest that this was a voucher. I suggested it was an end run around the difficulty in establishing vouchers. The fact is that three-quarters of the benefits under the education IRA that the distinguished Senator from Georgia was able to pass through this body, which will be vetoed by the President of the United States, would go to people who are already enrolled in private schools. So it may not be a duck, but it certainly looks, talks, and walks like a duck.

With respect to the need, I suggest to the Senator from Georgia—and I do this in a friendly spirit—looking at all of the schools and the current estimates, Georgia faces an $8.5 billion shortfall for school modernization, which includes $7.1 billion for infrastructure and $1.5 billion for technology needs. There is projected a 26.5-percent increase in this shortfall in the decade ahead. Georgia would be among the States to benefit from this particular provision.

But the bottom line is that we have a choice between a plan that we know the President would support and sign, which would provide some 6,000 schools built or modernized and some 25,000 schools repaired, as opposed to the alternative, where we would have 198 schools built or modernized and none repaired.

At the same time, we would be transferring funds that could be used to support public education that would be supporting private education. It is as simple as that. I ask our colleagues to reject the substitute and support the underlying amendment.

With that, I yield to the distinguished Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. The ranking member of the Budget Committee, who has been working today with his staff to resolve our vote-athon later, to get rid of a lot of these amendments that are around, is yielded 5 minutes off the resolution.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank my friend from Nevada.

I commend the Senator from Virginia for his very thoughtful amendment. I listened carefully to what he had to say. Senator ROBB has the respect of all of us, regardless on which side of the aisle your political initiation or interests fall.

As he said, if it looks like and sounds like and talks like it, then we kind of know what it is. I think that is a proper characterization, in all fairness to the distinguished Senator from Georgia. If it is a tax-saving device that later can be used for contributions to private schools, it obviously is. If it is not a voucher, it sure enough resembles one so much that the disguise is more than penetrable.

But I wish to talk about the Robb amendment. Senator ROBB talks about the need to modernize our Nation's schools. Boy, I salute that. I am the product of public education. In fact, my parents barely could afford to send me to a free school.

I have taken an interest in the community from which I came, Paterson, NJ. It is industrialized, one of the poorest cities in the State of New Jersey—in fact, one of the poorest cities in America in ranking.

I looked at the situation with the schools there, schools that I attended. In particular, I looked at one school, a school that we called school No. 6, that I attended where they are barely able to keep plaster on the walls and keep the place in fit condition. I also went to high school in the same city for a while. Knowing my age, one recognizes how old those schools might be. The fact is, we both weathered storms, the schools and I, over a lot of years. But wear and tear shows.

We look at these schools and see how inadequately prepared they are for contemporary times. We question what we ought to do there. Since I come out of the computer business, those are my roots. I am a member of something that probably is not noticeable on everybody's calendar, but I am a member of the Information Processing Hall of Fame, which is in Dallas, TX. My former colleague, Bill Bradley, was a Hall of Famer, but of a much more recognizable Hall of Fame, also a much more recognizable participant.

But what I know is that unless we go to the Patersons of the country, unless we go to the cities of the country that are in desperate need of improvements in the physical structure of their schools, we are going to find ourselves leaving out a significant portion of our population—whether rural or urban.

I do not mean to boast, but I personally made a contribution to a school in Paterson and stood there and pulled wires with people from the telephone company, who, on a voluntary basis, all pulled wires. And I paid for some small part of the installation of cable

that would enable this school, if they ever got the equipment, to at least hook up to the Internet and the world outside their physical building.

That is necessary. It is not that we are being good to these kids. We are being good to America. We have to have people who can learn, and we don't care what their background is. If they have the capacity to learn, we ought to give them the tools, as the most advanced country, the largest power in the world that has students who can learn but who don't always get the benefits of the proper tools for an education. That includes the simplest thing, not just pulling cable to hook them up to the Internet, but to make sure the buildings are sound enough to provide reasonable temperatures in the summer and the winter.

Nothing is more discouraging to the learning process than to expect someone to function in a school that doesn't have the basic comforts. We have all heard the horror stories about sanitary facilities located floors away from where the classrooms are, where windows are broken, kids can be injured by falling plaster or, worse, even today, asbestos still used in the construction.

I commend the Senator from Virginia for standing up for what is right. It is a small cost, when you think about it, as to what we might get in return on investment. Those of us who are in the business world do look at return on investment, and this is one really good one.

I hope we are going to get by the partisan divide. We are worried about the digital divide, but we also have to worry about the partisan divide as we discuss the budget and its requirements. We have to kick this football. This is where the game starts, right here in the budget resolution. What we ought to do is have a good clean kickoff and make sure we do it right. I hope when the roll is taken, we defeat the Coverdell amendment and support the Robb amendment.

The PRESIDING OFFICER (Mr. GORTON). Who yields time on the pending amendment? If neither side yields time on the amendment, it will be deducted equally from both sides.

Mr. COVERDELL. Mr. President, on the Coverdell substitute, we are prepared to yield back our time. It is the understanding that the other side will do the same.

Mr. REID. I yield back our time.

AMENDMENT NO. 3013 TO AMENDMENT NO. 2965

(Purpose: To express the sense of the Senate regarding the need to reduce gun violence in America)

Mr. REID. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. REED, for himself, Mr. DASCHLE, Mrs. FEINSTEIN, Mr. LEAHY, Mr. LAUTENBERG, Mr. SCHUMER, Mr. DURBIN, Mrs. MURRAY, Mr. KOHL, Mr. TORRICELLI, Mr. LEVIN, Mrs. BOXER, Mr. ROBB, Mr. KENNEDY, Mr. BIDEN, Mr. BYRD, Mr. KERRY, Mr. REID, Mr. INOUYE, Mr. BRYAN, Mr. HARKIN, Mr. WYDEN, Ms. MIKULSKI, and Mr. L. CHAFEE, proposes an amendment numbered 3013 to Amendment No. 2965.

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

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

The amendment is as follows:

At the end of the amendment add the following:

SEC. ____. SENSE OF THE SENATE REGARDING THE NEED TO REDUCE GUN VIOLENCE IN AMERICA.

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

(1) On average, 12 children die from gun fire everyday in America.

(2) On May 20, 1999, the Senate passed the Violent and Repeat Offender Accountability and Rehabilitation Act, by a vote of 73 to 25, in part, to stem gun-related violence in the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in function 750 of this resolution assume that Congress should—

(1) pass the conference report to accompany H.R. 1501, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act, including Senate-passed provisions, with the purpose of limiting access to firearms by juveniles, convicted felons, and other persons prohibited by law from purchasing or possessing firearms; and

(2) consider H.R. 1501 not later than April 20, 2000.

Mr. REID. Mr. President, I will take time now on the resolution to say this to the acting manager of the bill so the majority knows what we are doing. This matter has already been debated. The Senator from Rhode Island came earlier today and debated this amendment. Therefore, what we are going to do to use our half hour of time allotted under the second-degree amendment is time will be yielded to the Senator from Maryland, Ms. MIKULSKI, who also is going to, at a subsequent time, offer an amendment on the digital divide. Her half hour will be on the digital divide, not on the Reed amendment. You, of course, would have your half hour to speak about anything the majority cares to. I wanted to explain that to the majority.

Mr. COVERDELL. You are essentially using your half hour to deal with the Senator from Maryland.

Mr. REID. On another amendment, that's right. Mr. President, under the resolution, that is what we are going to do. It should move this matter along. The Senator from Maryland—when she gets here—will speak.

Mr. STEVENS. Will the Senator yield for a minute? I want to make sure I haven't inadvertently lost the floor.

Mr. REID. Without losing my right to the floor, I say to the chairman of the Appropriations Committee, what we have here now is we have filed a second-degree amendment to the pending amendment. We have an hour of debate, which the Senator from Maryland is going to use at this time.

Mr. STEVENS. A second degree to my pending amendment?

Mr. REID. No, the Robb amendment.

Mr. STEVENS. I appreciate that.

Mr. DOMENICI. I have a question. Did Senator COVERDELL not offer a substitute to the Robb amendment?

Mr. COVERDELL. Mr. President, we have offered a substitute and we yielded back time.

Mr. REID. The same problem of this morning.

I yield to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Parliamentary inquiry to my Democratic whip: Am I offering my amendment now or only speaking on it?

Mr. REID. We offered it.

Ms. MIKULSKI. I am ready to do it anyway. Thanks to you and the Democratic leadership, President Bill Clinton, and AL GORE, we are talking about a plan to cross the digital divide. A few minutes earlier, Senator CHUCK ROBB of Virginia spoke eloquently and persuasively about how we needed to deal with the problem of wiring schools in the United States. I absolutely support that Robb amendment because we have schools that are deteriorating, and they are in such bad shape we can't wire them for the Internet.

While we are creating a new physical infrastructure for our schools, we also need to look to the future. We want to help our children by making sure that public education gets them ready for the new future and a new economy. This is why I believe very strongly that no child in the United States of America should ever face the digital divide.

What is the digital divide? The divide is between those who have access to technology and who have access to learning and how to use the technology. If you are on the right side and have access to technology, and access to those who will teach you how to use it, both as a person and a community, you will feel very empowered and have a bright future. But if you are on the wrong side of the divide, where you don't have access to technology—Mr. President, the Senate is not in order.

Mr. STEVENS. Mr. President, I am still disturbed, if the Senator will yield about the procedure.

Ms. MIKULSKI. Mr. President, I have the floor.

Mr. STEVENS. Point of order: I call for regular order. The regular order is my amendment.

Mr. REID. Mr. President, this was an amendment in the second-degree.

The PRESIDING OFFICER. The Senator from Maryland has the floor. As long as she has the floor, no one else

can call for regular order with respect to amendments.

Ms. MIKULSKI. Mr. President, I have the floor. I in no way mean to have sharp elbows with the Senator from Alaska. I was only trying to get order to continue my presentation.

The PRESIDING OFFICER. The Senator is entitled to be heard.

Ms. MIKULSKI. If people want to argue about who has the floor, they can go off the floor and continue those arguments. Mr. President, I would like, if we are going to have exchanges——

The PRESIDING OFFICER. Will those who are having discussions in the right side of the well take their conversations off the floor.

Ms. MIKULSKI. Thank you, Mr. President.

What I was talking about was that if you have access to technology and access to those who can teach you technology, your future as a person, a community, and even our country, is bright. But if you are on the wrong side of the divide and don't have access to technology, and will never know how to learn to use technology, your future is quite dismal and, as a person, you could end up functionally obsolete in the United States of America.

The Presiding Officer comes from the State of Washington, which is one of the most robust, high-tech States in the United States of America. He knows from his conversations with those tech tycoons that what we are facing in the United States of America is a workforce shortage of people who know how to use technology. Also, not only in the new ''dot-coms'' or the new ''dot-commers,'' what we also face is a skill shortage, even in the old economy.

In my own hometown of Baltimore, where they make steel or build automobiles, we have gone from smokestacks to ''cyberstacks.'' Walk with me along the minivan plant in Baltimore or come with me in the steaming steelmills of Baltimore, and you will see steelworkers and automobile workers are now tech workers.

I want to be sure that every person in the United States of America is ready for that new economy. That is why we want to emphasize K through 12. We will practice the basics from K through 12. We are going to ensure that no child is left out or left behind in this new economy. We want to practice in the budget the ABCs. We want to make sure there is universal access to technology in schools, libraries, and community centers. We want to practice the ''B'' which is the ''best'' trained teachers. We also want to practice a ''C'' called ''computer'' literacy for every child by the time they finish the eighth grade.

Those are our national goals. That is what I hope we are able to do. But in order to do that, we have to put our resources with our national commitment.

First of all, I truly believe that the Government cannot do this alone. That is why an amendment I will be offering later on will put aside $200 million in tax incentives to encourage public-private partnership.

Why is this important? Because the Government can't do it alone. The private sector is already doing important, exciting work, and improving access to technology. But technology empowerment can't be limited to a few ZIP Codes, or recycled factories, where great work is being done in my own hometown. We need to encourage private sector donations of high-quality technology, sponsorship of community centers, and the sponsorship of training. I have seen many examples in my own hometown.

While we look forward to providing technology, one of the most important things is to make sure our teachers are trained. If our teachers are not trained, our technology could end up in closets and our children could be left not learning what they need to learn. The budget amendment calls for $600 million for teacher training.

Everywhere I go, teachers tell me they want to help their students cross the digital divide. But they need the training to do this. Technology without training is a hollow opportunity.

In my own home State of Maryland, the superintendent of public education established what we call a ''tech academy'' so that public schoolteachers could come from across the State to learn how to use this. Guess what. Six hundred teachers came and 400 had to be turned away. We now have an incredible waiting list.

No teacher should have to stand in line to learn how to use technology so they can teach children how to use technology. This is why we want to make sure that young people coming up in our teacher schools learn technology. Those teachers who are the fourth grade reading specialists should know as much about technology as some computer whiz.

In addition to that, our amendment provides access—$400 million—for school technology and school libraries, for hardware and software technology everywhere. We want to make sure our school libraries are high-tech media centers.

Why is this important?

In my own community, in some schools we have a ratio of one computer per five children.

To the Senator from Georgia, I would note that in some of our private schools it will be mandated that every child come with a laptop.

But I say to my colleague and others who are listening, if you are a poor child, it is more likely you live in a poor neighborhood. The poor neighborhood has poorer schools. They do not have technology in their classroom or a media center in their library.

Please, in the United States of America, with all the money we are going to spend in this budget, let's put $400 million to be sure our schools and our libraries do have the hardware and software where they need it.

Our children don't only learn in schools and in libraries, though those are crucial places. Many of them learn out in the community. This is why our amendment will provide $100 million to create 1,000 community technology centers. Community leaders have told me that we need to bring technology to where the children learn. They don't learn only in schools; they learn in communities.

I saw for myself what technology meant to a community center at a public housing project. The adults learned technology during the day and the children learned technology through structured afterschool activities sponsored by the Boys and Girls Clubs in the afternoon.

In my own town of Baltimore, I spoke to the Urban League to see what they were doing to help get our children ready for the future. They told me they had to forage for funds, and there was not one Federal dollar available to help the Urban League help those children get ready for the future.

Certainly, if we can spend $18,000 a year on one person in prison, we can spend the money to create 1,000 community centers to keep our children in school and get ready for the new economy.

Mr. President, in addition to that, speaking of the Boys and Girls Clubs, we are including in our amendment Senator BIDEN's excellent proposal to provide $20 million to place computers and trained personnel in those Boys and Girls Clubs. What a tremendous opportunity.

In April we are celebrating Boys and Girls Clubs Month. There are great alumni from the Boys and Girls Club. Michael Jordan is one; President Bill Clinton went to one when his mother worked as a nurse and the Boys and Girls Clubs was one of his afterschool activities. Boys and Girls Clubs have been training and helping young people stay on the right track for a number of years. We not only want to teach them about hoop dreams; we want to team them about technology. This is why this is so crucial.

We will also provide $25 million to create an e-Corps within AmeriCorps. This will provide funds for 2,000 volunteers to teach technology in their schools and community centers.

In addition, we want to make sure we provide private sector deployment of broadband networks in underserved urban and rural communities. We need these funds to build the super information highway with on and off ramps for all.

I have in my State the Mountain Counties, a nice tourism word for Appalachia. With the old economy fading

in coal mining and without the railroad jobs and so on, we are trying to create a super information highway there. Guess what. If you are a constituent in Cumberland, your on and off ramp is in Pittsburgh. This makes service slow and unreliable. It slows down e-commerce and prevents new jobs from coming to an area that badly needs them. These funds will be used to help the private sector bring the super information highway to every corner.

We need to test new ways to bring technology into the home, with innovative applications. We need to look out for Native Americans. We are living in a very exciting time. The opportunities are tremendous to use technology to improve our lives, to use technology to remove the barriers caused by income, race, ethnicity, or geography. If we can help every one of our children and make sure they cross this digital divide, this will be the most important legislation this United States can pass. It will be as important as the Civil Rights Act of 1964. Technology is the tool, but empowerment is the outcome.

It could mean, through the work we do here, the death of distance as a barrier for economic development. But it also could mean the death of discrimination because poor children and children of color would be able to leapfrog into the future.

My amendment takes the Federal dollars and makes public investments in our schools, our community-based organizations, our libraries, our teachers, and, most of all, our children. At the right time, I will be offering my amendment. That is, indeed, a brief summary of this amendment.

Obviously, this isn't the most compelling thing on Senators' minds, and it is disappointing I have had to speak in an environment where everybody else's conversation was more important than the person speaking. That is OK because deep down I know America is listening. Deep down, I know this is a very important coalition issue. It brings people together of all different geographies, rural and urban, whether poor white or a child from a family of African, Latino, or Native American background. It also means if you are disabled, you will be able to learn the tools needed to ensure, though you might have a physical disability, you will not have barriers.

This amendment is about hope. This amendment is about opportunity. This amendment is about one more rung on the opportunity ladder of the United States of America. I think it has broad-based appeal on a bipartisan basis. I hope when the time comes to offer my amendment and when we have a rollcall vote, the men and women of the Senate will vote to ensure that our children can have a future and many children can leapfrog into the future, leaving behind the legacies of poverty.

I yield the floor.

Mr. SARBANES. Mr. President, I rise in support of the National Digital Empowerment Amendment to be offered by my colleague, Senator MIKULSKI. Let me begin by expressing my deep thanks to Senator MIKULSKI for her leadership in the Senate in crafting this initiative. And I should mention that she has not only worked with her Senate colleagues on this, but has reached across to the House of Representatives, joining with the members of the Congressional Black and Hispanic Caucuses, to ensure that it addresses the digital divide in a comprehensive and extensive way. She has also sought out the opinions of parents, teachers, children, business people and working people all across our State and the Nation to ensure that every community can reap the benefits of technology.

Moreover, I am pleased that members of the technology sector of our economy are participating so fully and have played such a key role in helping to develop this initiative. With the technological giants joining us in this effort, we are off to a great start in helping to ensure that every man, woman and child in our country will have the opportunity to access the Internet.

I believe we have a tremendous opportunity right now, with our economic prosperity, to begin closing this digital divide. We have the lowest unemployment rate and the lowest inflation rate in our country in more than 30 years. In our African-American and Hispanic communities, unemployment has fallen to some of the lowest levels in history.

And to help sustain this economic recovery, we must provide the tools to enable our people to obtain the skills necessary to compete in a global economy—an economy that is growing by leaps and bounds in part due to the technology sector and the opportunities it presents.

We are the world's leader of this technological revolution and our children are on the cusp of enjoying the full benefits of what it has to offer. In order to assist them in this endeavor, we must move forward to empowering each and every community with the technological skills and resources it requires. We can take a major step in this regard by passing this legislation—America's future deserves no less. So I lend my strong support to this amendment and I urge my colleagues to do the same.

Mr. STEVENS. What is the parliamentary situation?

The PRESIDING OFFICER. We are on amendment No. 3013 of the Senator from Rhode Island, Mr. REID. It is a second-degree perfecting amendment to the Robb amendment.

Mr. STEVENS. It was my intention to delay debate on my amendment until the Robb amendment and the second-degree amendment were finished. As I understand it, a substitute was filed rather than a second-degree. I am not sure that process is over. I want to keep our commitment. I apologize to the Senator from Maryland; I thought that was over when I came to the floor.

I am prepared to allow my good friend from Georgia to complete this process, if that is the desire of the Senate. We will get to my amendment when this amendment is disposed of.

Mr. REID. I say to my friend from Alaska, and the manager of the bill, we are still on the Robb amendment. We have whatever time is left on our side.

We have one more speaker on our side.

Ms. MIKULSKI. I understand there was confusion. I was yielded 30 minutes, and I have consumed 16 minutes. I yield my 14 minutes back to the Democratic whip to use such time as he deems appropriate.

Mr. REID. We have no more amendments to offer on this particular measure. Does the majority wish to spend more time on this amendment?

Mr. COVERDELL. We have 30 minutes allotted on the amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. COVERDELL. In answer to the question of the Senator from Nevada, yes, we have several speakers on the amendment and will probably use the majority of the 30 minutes on our side.

Mr. REID. We don't appear to have any speakers.

There was no attempt—and I explained this in detail to the Senator from New Mexico—to do anything other than complete the work on the Robb amendment.

There are a lot of people I might try to take advantage of, but one of them is not the Senator from Alaska.

Mr. STEVENS. I appreciate the Senator's comments. I was misinformed. I apologize to the Senator.

I want to make certain when the time comes, we get to the floor as intended.

The PRESIDING OFFICER. Who yields time on the Reed amendment?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COVERDELL. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Parliamentary inquiry. Under this circumstance, the time is being equally divided?

The PRESIDING OFFICER. If no one yields time, it is equally divided.

Mr. REID. Mr. President, unless the majority is ready to proceed, we have a Senator to speak, and I can yield him some time off the resolution. But if the Senator from Idaho is ready to proceed?

Mr. COVERDELL. We are. Mr. President, I yield up to 10 minutes of our time to the Senator from Idaho.

Mr. DOMENICI. Mr. President, might I ask a question of the Senator who has been managing? How much time does he have on his amendment?

Mr. COVERDELL. The full 30 minutes, well, minus—what is it, 25 minutes?

The PRESIDING OFFICER. The Senator has 25 minutes remaining.

Mr. DOMENICI. Thank you.

Mr. CRAIG. Mr. President, I want to be brief, but I think it is important to respond for the record because we have had a Senator stand up and suggest we ought to instruct the judiciary committees that are in conference now over juvenile justice—and he is doing it based on guns and guns alone. So for a few moments let me talk about what is in the juvenile justice bill that has been covered up by the debate that has produced no results for this country and, most importantly, should not.

I know the Senator has not talked about the alcohol prevention for minors that is in the bill or the cultural violence issues or the gangs or the juvenile Brady bill and the gun safety provisions that were already in a bill before Columbine and before Senators came to the floor and began to muck up the process of a very well thought out juvenile crime bill. There are provisions for juvenile offenders to allow the U.S. attorney to prosecute juveniles as adults for violent felonies and serious drug offenses. It treats Federal delinquency records for serious crimes such as murder and rape and armed robbery and assault similar to records of adults and other offenders.

Why are we stymied? Why has the Congress not rushed to judgment on gun laws? More gun laws—adding more to the 35,000 gun laws that are already on the books of America's cities, counties, State, and Federal Government. Let me tell you why.

In a recent poll by Zogby, recognized by most as a very creditable pollster, here was the question asked of the American citizens: Which of the following is the best way to solve the gun violence in America? Mr. President, 52 percent said prosecuting criminals who use a gun in the commission of a crime—well over a majority of the American people are saying no more laws; Attorney General Janet Reno, go after the criminal who misuses his or her rights under the Constitution.

Then 15 percent said having parents and schools teach self-control. Now we are up to 67 percent of the American people who, when asked the question, are saying: Don't pass more laws; enforce the ones you have. Work on the cultural problems that America has. Only 2 percent of the American people say Congress should legislate more gun laws—only 2 percent.

So when the Senator from California brought this amendment to the floor some time ago, and it was defeated, that was the reason it was defeated. Now the Senator from Connecticut comes forward with the identical amendment and is going to ask the Senate to repeat the action. A political ''gotcha'' is what they think it is.

America is very aware of what we are doing here. It is not what we are not doing here. They know we are not passing more gun laws. They know the reason is because that does not work. Only 2 percent of the American public are willing to suggest that somehow the Congress can miraculously change the culture of our society or the violence in America. The juvenile justice bill itself, absent what was put on it by this Senate, will go a great deal further in curbing juvenile crime than anything else.

The Senate will vote its will on this issue, and it should. That is appropriate. But it will not be voting the will of America, an America that is saying to this Justice Department: Get busy and enforce the law; saying to the parents of school-age children of America: Get involved in the lives of your children. Work with them in developing self-control. Work with your schools and your communities. That is not passing a law. That is changing your schedule as a parent. That is taking time out of your busy lives to get involved with your kids.

That was the tragedy of Columbine and that is the tragedy of America today. Somehow we have become so busy we cannot give our children time. When violence erupts in America as a result of a juvenile offender and a misdirected child, we run to the Congress of the United States and say: Fix it.

We cannot fix these kinds of things, and the American people innately know it. That is why they so clearly said to the Senator from California or to the Senator from Connecticut or to other Senators: Stacking up laws and stacking up law books does not a safer world make. That is why the Senate has rejected it. That is why the House has rejected it. That is why my colleagues on the other side of the aisle gain absolutely no value and political traction on this issue—because the American people have it figured out.

I am not surprised. The American people are collectively much brighter than most of us. I ask the Senate to reject this amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Nevada.

Mr. REID. I yield to the Senator from California for 5 minutes.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank the assistant Democratic leader for this time. I came to talk about the MIKULSKI amendment, which I was honored to carry for her in the Budget Committee. But I also feel the need to respond to my friend from Idaho, who is an eloquent voice for the status quo when it comes to gun violence.

The Senate did act, the Senate did act on five sensible gun laws. The fact is, we should be pushing for them because over his opposition we did pass those laws and they are stuck in the conference committee. The Reid amendment would simply call on the conference committee to do its work and report these laws out so we can turn around the tragedy that is meeting too many families, too many children.

I heard a statistic the other day: 75 percent of all gun murders of children in the world occur in the United States of America, the land of the free and the home of the brave. It does not matter how brave a child is. Twelve a day are killed. I say to my friend from Rhode Island, I appreciate him offering his amendment.

Also, I say to the Senator from Maryland, Ms. MIKULSKI, I was honored to offer a very similar amendment in the Budget Committee. The good news is that amendment was adopted unanimously, and Chairman DOMENICI accepted it. The difference between Senator MIKULSKI's amendment, which I cosponsor with her, and the one in the committee is that this one has solid numbers behind it. The amendment in the committee was a general vow of support from the Budget Committee to bridge that digital divide. We offer in this amendment a comprehensive approach to building human capital and physical infrastructure that is needed for sustained success in this century.

I want to make two points about the great need we face for our children. We have a public education system in this Nation that is essentially a great equalizer. It gives all children a chance to grow up and be what they want to be, in my case a Senator. I want to see that occur for all of our children. It will not occur if they do not have access to computers and teachers who understand how to use the computers.

I come from a State that boasts Silicon Valley. In Los Angeles, we have a similar high-tech area. In San Diego, we have a magnificent high-tech area, and it is moving all over our State. Those companies have to go to foreign countries to get human capital. People are being offered very high salaries to come to America. Therefore, we must train our young people or all those good jobs will not go to Americans, and that will be a very sad situation, indeed.

The last point I will make is that if you have young children or if you have grandchildren—and I am fortunate to have a grandchild—you can see that 2- and 3-year-olds find their way on computers. A lasting memory I have of my grandson is at the age of 2½, with his thumb stuck in his mouth, his blanket hanging down, and the other hand on

the mouse figuring out how to use the computer. Now he is 5. I hate to admit it, but he understands computers probably as well as I do. At least when the computer freezes up, he figures out a way to make it work.

If children are gravitating in that direction and they can understand at that age—because their brain capacity is expanding at amazing rates at age 3, 4, and 5—we have to make sure our families can give them this opportunity. It is the right thing to do for them. It is the right thing to do for our education system. It is the right thing to do for our Nation.

The Mikulski-Boxer amendment, which is supported by many others too numerous to mention, is so important. Since we can look back at the budget vote and see that a similar amendment was, in fact, adopted across the board by the committee in a bipartisan vote, this is the logical next step—to put the numbers behind the idea that every single child in America should come on board this information age and do well in school, do well in the family, and do well in a future career.

I thank the Chair, and I thank my assistant minority leader.

The PRESIDING OFFICER. Who yields time?

Mr. COVERDELL. How much time remains on our side?

The PRESIDING OFFICER. Twenty-one minutes.

Mr. COVERDELL. I yield up to 10 minutes to the distinguished Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the distinguished Senator from Georgia and welcome the opportunity to share a few remarks about violence in America and what we can do to make our streets and communities safer and, specifically, what we ought to do about firearms in America.

Over half the homes in America have a gun. It is a traditional part of American life, and it will always be. It is protected by the second amendment to the Constitution. It provides the right to keep and bear arms. That is a tradition and a legal right given to the American people, unless it is taken away by an amendment to the Constitution of the United States.

However, even though we have firearms, firearms are dangerous and they should not be in the hands of people who are dangerous.

We have a string of laws that help us deal with that, laws that I used to enforce for 15 years as a Federal prosecutor, and 12 years as U.S. attorney. We had a project under President Bush called Project Triggerlock, which he promoted and I promoted in my district. I sent out a newsletter to every sheriff and every chief of police telling them that we were willing and able to use tough Federal firearms legislation to help them crack down on crime where firearms were used; that we would prosecute people who had been convicted of a felony who possessed a firearm; that we would, indeed, prosecute them aggressively if they wanted to bring those cases to the Federal prosecutors. We increased those prosecutions substantially. I believe that helped reduce crime. I believe it helped make our communities safer.

Years went by and President Clinton took office. I expected, since he talked so much about illegal guns and stopping guns—they talk about this inanimate object, a metal firearm as if it is an evil force, when, obviously, the person behind it is the one who causes the trouble. I thought we would see a further step-up of the prosecution of laws.

As one can see from the chart behind me, exactly the opposite occurred. It is astounding to me. I left office in 1992, and under President Bush's administration, there were 7,048 prosecutions of criminals for illegal use of guns under existing laws then, and we have more laws today than we had then. Look what happened. They steadfastly set about to reduce those gun prosecutions to 3,807 in 1998. I find that astounding.

I came to this body 3 years ago. I know how to pull out the Department of Justice statistics book. I used it every day as a Federal prosecutor. I could see how my district was doing and other districts were doing. I looked at the numbers. It was stunning to me.

In the last 3 years I have been here, I do not believe I have missed one opportunity to call those numbers to the attention of the Attorney General of the United States, the Deputy Attorney General of the United States, the Associate Attorney General of the United States, or the Chief of the Criminal Division. It has been 10, 15, or more times. Most of the time I have had this very chart with me.

I said: I am astounded.

They said: The States are prosecuting more cases, and we are trying to go after big gun cases.

Fundamentally, the numbers went down. The intensity of the effort went down.

Then an experiment occurred. The U.S. attorney in Richmond, VA, appointed by President Clinton, got with the chief of police in Richmond, who is a young, aggressive African American, to do something about gun violence in Richmond. So they attempted to do what we called Project Triggerlock. They called it Triggerlock with Steroids. They prosecuted the types of cases we were doing, and they ran TV advertisements and announcements. They thought the combination would help.

They credited their efforts in Richmond, VA—President Clinton's own appointee—with a 30-percent reduction in the number of deaths and murders in Richmond, VA—40 percent. It may be more than that over 2 years, but 30 percent was the number they testified to in a hearing I held.

Oddly enough, the day before the hearing, which was going to be on a Monday, the President, the Department of Justice, and Janet Reno tried their best to put off the hearing. They did not want to go into these numbers. They did not want to talk about them. Finally we said: We are going to have this hearing; we have been talking about it for years.

So we set it and went forward. Then that Saturday before the hearing was to be held, President Clinton dedicated his national radio address to Project Exile in Richmond and bragged about how good it was. He said in that radio address: I am directing the Attorney General of the United States and the Secretary of the Treasury—which has the Bureau of Alcohol, Tobacco, and Firearms that does most of the investigations—to step up their prosecution of criminals with guns.

A month or so later, the Attorney General came before the committee on another matter, and I asked her about it. She apparently had not done anything about it. I remember asking her: How did she get the message from the President? Did she have to turn on the radio or did he send it to her in writing? He said it on the radio: I am directing you to enhance these prosecutions. He should; but it has not been done.

A lot of other laws have been passed in recent years that are supposed to work. I am telling you about the 7,000 prosecutions of felons who were in the possession of a gun during the commission of a crime, the 7,000 prosecutions of felons, in the possession of automatic weapons, lying on their forms when they applied to buy one, and that sort of thing. That is the bread and butter of prosecuting gun cases. That is the meat and potatoes of it. We passed a lot of other laws.

They want to pass another law to go even further than what this Congress has passed to restrict the sale of guns at a gun show saying it is going to affect crime in America. That is absolutely bogus. That is baloney. That is politics.

We tried to reach a reasonable agreement, but I am not going to vote for some sort of restriction on gun shows that says to people who have been doing this for 50 years that they have to wait 3 days before they can sell a gun. By then the show is closed and has gone back to a State somewhere far away. That is not necessary.

We have tried to reach an accord with the White House on that. They do not want an accord. They think they can get a political issue.

Let me show you what I am talking about, what is really important on guns.

They passed a law called 922(q), title 18, involving the possession of firearms

on school grounds. That was a few years ago before I came to the Senate. It was not too many years ago.

In 1997, they had five prosecutions in the whole United States. In 1998, they had eight prosecutions in the whole United States. They passed a law that it is unlawful to transfer firearms to juveniles. I support that law. I support the one on the possession of firearms on school grounds, too. But, look, in 1997, they prosecuted five of those cases; and in 1998, six of those cases.

Another law deals with the possession or transfer of a semiautomatic weapon; that is, the assault weapons. You remember we had to have this assault weapon ban. It was worthy of debate.

An assault weapon looks like a military M–16, an AK–47, but it really is not. The assault weapons are semiautomatic, not fully automatic as are the military weapons. If it is fully automatic, if it is a machine gun, an automatic weapon, it has been illegal since the days of Al Capone. I do not believe I have ever failed to prosecute a case in Alabama when a person had an automatic weapon, a machine gun.

We did not need these new laws to prosecute that. But if they had a weapon that looked like an M–16, they wanted to make it illegal, even though it fired one shot. That was eventually done. That was going to stop crime in America. Right?

In 1997, there were four prosecutions; in 1998, there were four prosecutions.

Look, we want to reduce crime in America. We want to reduce the incidence of illegal weapons. Children do not need to be playing with weapons. Everybody who has a weapon in their home needs to keep that weapon locked up.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator's time has expired.

The Senator from Georgia.

Mr. COVERDELL. I yield another 5 minutes to the Senator from Alabama.

Mr. SESSIONS. Mr. President, we want to do the right thing. But there is a constitutional right to keep and bear arms in this country. How far do we want to go? These laws that are not being enforced, does that suggest this administration is guilty of hypocrisy?

They said this was so important, that we had to pass it, and we were going to enforce these laws. But their prosecutions have plummeted under the administration.

I say to the people of America, and the Members of this Senate, if we replicated, throughout this country, Project Exile in Richmond, and if it were carried out under existing laws, that all these laws and those gun laws were enforced steadfastly—if criminals who are using guns are given enhanced sentences, as Federal law requires; if you carry a firearm during a drug deal, you must receive 5 years without parole consecutive to any sentence you receive for the drug offense—the word starts getting out.

It did in Mobile, AL, where I prosecuted. Drug dealers quit carrying guns because if they carried a gun, they would be taken to Federal court, and when they were prosecuted, they would be sentenced and sent off, in exile, to some Federal prison way out of the State.

It does work. It worked in Richmond. That is what we need to do. We need to be skeptical of the news media that always judges whether or not somebody is against gun violence by whether they vote for every bill the Clinton administration proposes. If you do not vote for every bill they propose, then you are for gun violence.

I was a prosecutor. I prosecuted a lot more cases, firearms cases, than the Clinton administration did and my brother U.S. attorneys did. So that offends me. I do not believe it is right.

This amendment that has been proposed, this sense of the Senate, is just a political deal. I worked hard with Senator HATCH, and others on the Judiciary Committee, to pass a juvenile crime bill that I believe will work to reduce crime in America. It has some gun amendments on it that restrict gun use in America. It makes it a felony to sell one of these assault weapons to a young person. And there are other offenses we added to that. But they are not going to really affect crime in America, frankly. Certainly, they will not if they do not get enforced.

I suggest that what we need to do is to enforce the laws we have. I know Mr. Wayne LaPierre, the executive director of the National Rifle Association, made the comment that the President wanted violence in America, and that is why he would not enforce these laws. He got so mad about it, he said he thought it was deliberate. I do not agree with that.

But I will say to you right now what I said in the hearings before my committee: There have been good and decent people all over America who are dead today because this administration will not enforce and carry out a proven program such as Project Exile in Richmond, VA, to target criminals who are using guns to kill people.

They claim they have had a 30-percent reduction in murder in Richmond. Think what would happen if every city in America could achieve that by carrying out such a program. It could be done if the Attorney General would direct it, if the President would insist on it, and we would get about that business—instead of just talking about guns, talking about some new esoteric law, some wording in some transaction at a gun show, as if that is going to make a difference.

Trust me. I have been there. I prosecuted these cases. I care about this issue. I believe we need to quit playing politics. We need to pass that juvenile crime bill. It is a good bill. It is being held up because we will not go as far as the President wants to go on gun show legislation. The House voted it down substantially, with some Democratic opposition. We need to get that legislation passed, quit playing politics with this issue, and get on with the business of the Senate.

I thank the Chair and yield the floor.

Mr. REID. Mr. President, from the resolution, I yield 5 minutes to the Senator from Rhode Island, the sponsor of the legislation which is the subject matter of this discussion.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I thank the Senator from Nevada.

My resolution is very clear. It asks that the conferees return the report back to us on the juvenile justice bill so we can vote up or down on the measures we passed on May 20 of last year, in response to Columbine, which provide for safety locks on handguns, ban large clips for automatic weapons, and would also close the gun show loophole. All of these measures are supported by an extraordinary majority of Americans.

Nearly 90 percent of Americans favor requiring child safety locks on all new handguns, including 85 percent of the gun owners who were surveyed. In addition, 89 percent also favor background checks on all sales at gun shows. This is what the American people want. It is not what the gun lobby wants. That is why we have waited 1 year, not in principles compromise and debate but essentially trying to strangle this measure we passed so that it won't come back to the floor.

There has been one meeting of the conferees, which is just trying to kill it off by indifference, hoping we will forget about Columbine, that we will forget about the violence that is plaguing the country.

Anyone who is suggesting that these measures are designed to end crime in America is being slightly hyperbolic. What it might do is prevent those hundreds, perhaps thousands, of deaths a year by handguns through accidents, through suicides, through the mishandling of weapons. That in itself will be a great achievement.

I had the opportunity this morning to talk about some of the incidents involving children, young people, who might have been deterred, not from criminal activity but gun accidents, gun violence. I was particularly shocked in my home community of Providence by a bunch of young people, 16-, 17-year-olds, horsing around, getting into a little bit of an ego contest. What happened? They were in a place where, when they turned around, somebody in the crowd had a gun. Not the two young people wrestling but somebody had a gun. They got the weapon.

One person, out of a sense of just total irrationality, fired, hitting the other young man in the head, critically wounding the young man, and was so distraught by remorse for what he had done that he ran into a backyard and killed himself.

That is what we are talking about in terms of gun violence. There is no law that would prevent that.

Mr. SESSIONS. Will the Senator yield?

Mr. REED. I would like to finish my remarks.

We can do much more, and we should do much more. I have heard people say all weapons should be secured in the home, if they are stored there. The child safety lock will ensure that takes place.

On the gun show loophole, the GAO has done a report that suggested, under the Brady instant check, 73 percent of these background checks are finished almost immediately, conducted almost simultaneously with the request, that 95 percent of all checks are completed within 2 hours. It is only those checks that raise serious questions that go beyond 2 hours, which will in no way interfere with the operation of a gun show. It is in those checks where the most likely violations occur in terms of getting a weapon which you should not have. In fact, those people are 20 times more likely to be unable to acquire a weapon.

In the nature of a gun show, many of the dealers at gun shows are licensed gun dealers. They are subject to the Brady law. They have to do the background check. We can't abandon reason when we come to the floor. If you are looking for a weapon and you know you are going to face a Brady check when you go to a gun show, where are you going to go? You will go not to the licensed gun dealer but someone who is selling guns and doesn't have to do a background check. Then you will hope, if any check is done, it will be done so arbitrarily that you won't be caught. That is what the statistics show in the GAO report.

Mr. SESSIONS. Will the Senator yield on one point?

Mr. REED. I would like to finish. My colleagues want to speak on other matters. Let me say something about this mantra about enforcement: You just have to enforce the laws.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. REED. I ask for 2 additional minutes.

Mr. REID. Two minutes under the resolution.

Mr. REED. The NRA, the gun lobby, talks about enforcement. They have persistently, over decades, frustrated real enforcement. For 10 years they refused to support the Brady bill and told their members it would effectively destroy the right to bear arms in America, resulting in total, strict gun control on all Americans.

With respect to the operation of inspections, in 1986 the McClure-Volkmer Act was supported strongly by the NRA—$1.5 million of lobbying activity. That legislation limits ATF's ability to conduct unannounced inspections. If you want to enforce the law, that is fine. Then why does the gun lobby go ahead and try to constrain the law so that we can't effectively enforce laws that are on the books already? If you look at the number of ATF agents, it has declined. Fortunately, they have increased over the last year. As a result, we have more prosecutions, more referrals.

The Wall Street Journal suggests, based upon evidence from a Chicago investigation:

> While firearm-rights enthusiasts argue that there are enough gun laws on the books, and the problem is merely lax enforcement, the Chicago case illustrates that in some areas, the gun laws have holes and enforcement is harder than one might think.

That is the Wall Street Journal, not some radical newspaper in this country.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. REID. Mr. President, I am going to yield time now to Senator GRAHAM of Florida. Senator GRAHAM and some of his colleagues—Senator BAYH, Senator EDWARDS, Senator LANDRIEU—have a very important education amendment they have been waiting to offer. They will not be able to offer it now, but they will offer it at some subsequent time. The 25 minutes remaining under this amendment are going to be divided among them to speak on this very important education amendment. I yield 5 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. DOMENICI. Mr. President, I have a Senator who wants to speak on the actual amendment itself, Mr. HATCH.

Mr. HATCH. I will be happy to wait for 5 minutes.

Mr. REID. We have other people to speak. We will hear from Senator GRAHAM and then go to you. How much time do you wish to take?

Mr. HATCH. How much time do we have left on this side?

Mr. DOMENICI. Do we have 6 minutes remaining on our side?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I will yield Senator HATCH 4 minutes of that.

Mr. REID. Senator GRAHAM is going to speak for 5 minutes, and then Senator HATCH is going to speak on the Reed amendment. Then we will go back to the other individuals.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I will be offering an amendment, which is described as Graham amendment No. 1, in which I am joined by Senators LIEBERMAN, BAYH, LANDRIEU, LINCOLN, BREAUX, ROBB, and EDWARDS, which relates to a new approach to the Federal role in primary and secondary education.

This is the first major legislative initiative of the Senate New Democrats. We are a group of Democrats who feel passionately about the importance of a partnership between the Federal Government and the State and local school districts for the benefit of our children, but we feel pragmatic as to the means by which we can achieve that appropriate partnership.

We are going to advocate that that partnership has several fundamental principles. One of those is accountability for student results. A second is additional resources.

If I could put it in a common form, we believe you will not make the cow bigger by just weighing the cow every day; that you have to provide the resources in order to be able to achieve the goals, the high goals, and to meet the accountability standards we believe are necessary to set for our children in order to achieve our national objectives.

We also are believers in the principle of greater flexibility at the State and local levels; that our Federal programs should be more focused and concentrated. We believe the primary focus of Federal programs should be on the children in the greatest need, the at-risk children, the children who too often fall through the cracks of current American education.

Individual members of our group will speak to the various principles of this legislation. I want to use the remainder of my time to talk about the issue of accountability because, in my opinion, that is a central and fundamental issue. It is a word that has many different meanings. Some people define accountability in the context of an accountant—that accountability is to be certain you have properly accounted for all of those things that were input into the education system; that you have the appropriate number of books in the school library, as an example. We believe those are important.

We do not believe that is the accountability the Federal Government should be looking for from States and local school districts. We also do not believe that accountability is accountability for student performance alone. We recognize that student performance is heavily influenced by many factors, particularly the socioeconomic circumstances of the family of the student. The challenge, rather, is an accountability that focuses on those aspects of the experience in the school and the classroom that has contributed to the students' educational growth and development.

So we will be attempting to present an accountability that is school based, school focused, but is determined by

how much educational value the school experience has added to the students' progress.

I ask unanimous consent to have printed in the RECORD an opinion article that appeared in the Tallahassee Democrat entitled ''Bush Plan Grades Students Poverty Levels,'' as illustration of these different approaches to the concept of accountability.

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

[From the Tallahassee Democrat, Aug. 16, 1999]

BUSH PLAN GRADES STUDENTS POVERTY LEVELS

(By Walter Tschinkel)

The Bush administration and the legislature, after months of lobbying, wrangling, dealing and agonizing, has given us the A+ Plan with its school accountability report (www.firn.edu/doe/schoolgrades/account.htm). Upon analysis, it turns out to be merely an elaborate and expensive way to grade schools on the poverty or affluence of their students.

The Bush/Brogan report assigns each school a grade primarily on its raw, overall standardized test scores. Because standardized test performance is reliably predicted by poverty, the poverty-level of a school is by far the strongest predictor of that school's grade from the governor. In fact, if you tell me the percent of a school's students who are on supported lunch (an indicator of low family income). I will tell you its Bush/Brogan grade with 80 percent accuracy.

If you think I'm bluffing, let me show you that it's true. Let us simply classify schools by their affluence/poverty makeup—very affluent, moderately affluent, moderately poor, very poor—with the most affluent schools get an A, the next group getting a B, and so on. The table shows how closely the grades based on poverty correspond to those assigned by the Bush/Brogan School Accountability Report. Simply by considering school/affluence/poverty, we are able to assign the same grade as the Bush/Brogan 'performance-based' system with 26 out of 33 schools in Leon County. And we did this without looking at a single test score.

SCORES DON'T TELL US ABOUT PERFORMANCE

Is this a fair, or even a sensible, way to grade our schools? Only if you think poverty should be punished. Does the Bush/Brogan grade tell us anything new about a schools' educational performance? Of course it does not. It tells us what proportion of the student body comes from poor families.

It is not my purpose to dwell on the poverty-performance link. But no school grading system that does not take this socioeconomic factor into account is useful in telling us how well our schools are really doing. Would it not be much fairer to adjust school performance for poverty before grading them?

I think it would, and hereby offer the Prof. Walter's Level-Playing-Field School-Grading System as an alternative to the Bush/Brogan School Accountability Report.

We begin with a so-called regression analysis of the school performance data (three standardized tests) against the poverty level of the student body. This statistical method shows about 80 percent of the test scores are predicted by the poverty level of the student body. I detailed this relationship in a March 14 My View column (also found on my website at www.fsu.edu/biology/faculty/wrt.html). For every percent that poverty increases, the school's scores drop by an average of 1.6 points. The most affluent schools, those with fewer than 15 percent poor students, have scores higher than 230, while the poorest, with more than 75 percent poor students, have scores below 120, less than about half those of the most affluent schools. Next, we take the difference between each school's actual test scores and the test score predicted by the regression for a school of that socioeconomic condition. These differences tell us how much better or worse than average a school tested, given its particular level of poverty. By doing this, we have removed the effect of poverty on test scores. The result is that the maximum difference in test scores has shrunk from 175 points to only about 70 (the lost 105 points are the effect of poverty). Differences less than zero indicate that (with poverty effects removed) a school did less well than average; above zero indicate that it did better than average.

My scale assigns letter grades as follows: above 25 gets an A; between 5 and 25 gets a B; between −20 and 5 gets a C; between −35 and −20 gets a D; anything below −35 gets an F. The table below lists our elementary and middle schools in the order of the grades assigned by the Bush/Brogan Plan.

When graded according to the Level-Field system, we can recognize that schools like Riley, Hartsfield, and Woodville are doing relatively well compared to other schools of similar socioeconomic makeup. My system recognizes this and rewards them with A's and B's instead of the C's and D's assigned by the Bush/Brogan system.

On the other hand, my system also shows that schools like Swift Creek, Buck Lake and Griffin do not deserve their Bush/Brogan A's because they are only average as compared to other schools of similar socioeconomic makeup. Hence, the Level-Field system assigns them a C, because the Level-Field system does not reward schools for being lucky enough to be teaching mostly affluent students.

The case of Griffin highlights another flaw of the Bush/Brogan plan. Giffin received an A, not because of its terrific performance on standardized tests, but because (1) the percent of long absences or suspensions was below state averages; (2) greater than 95 percent of the student body was tested; (3) no subgroup fell below minimum criterion; (4) reading scores improved without a decline in math and writing over 1998.

Only the last two can actually be considered academic performance. The first two are bureaucratic tricks. It is a bit like requiring that an athlete run the 100-yard dash in 10 seconds, but you credit him with half a second if he wears the right color shorts, and another half second if she pulls her socks up before starting. Neither has anything to do with performance, and both serve to obscure real performance.

INSIST ON BETTER GRADING SYSTEM

You may ask, ''Well, how are we supposed to know how our schools are really doing?'' I suggest that we insist on a much more sophisticated analysis of school data by the state Department of Education, instead of letting it just plunk it onto their web site or onto a newspaper page so the public can worry about what it means.

At the very least, school performance needs to be adjusted for the nature of the student body. Better yet, let us not pretend that a single number can adequately assess the performance of our schools. Performance must be measured, not by any single number, but by the relationship between what goes into a school and what comes out. The large and expensive bureaucracy at DOE can reasonably be expected to explain to the public how the data are related to each other, what they mean and how our schools are really doing. This will allow us to discover what works and what doesn't work, and thus to spend money more effectively.

Mr. GRAHAM. Mr. President, this group of Senate Democrats appreciates this opportunity and accepts the challenge. We understand that education is fundamental to the growth of America today and even more fundamental to our progress tomorrow. Our willingness to invest intelligently in our children is a test of our Nation's intelligence about shaping its future. I am pleased to be joined by my colleagues in this effort and look forward to their illumination on these principles of our education proposal.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I thank Senator DOMENICI, chairman of the Budget Committee, for his outstanding leadership on the budget resolution.

Mr. President, I feel compelled to make some short remarks today because the topic has strayed away from the budget and focused once again on gun control. This topic—and many misleading statements about it—are paraded out year after year when the Senate considers the budget resolution.

This year, I hope we can see through the rhetoric and focus on what objective observers already know to be true: The statistics prove that the Clinton administration has failed to enforce federal gun laws. For example:

Between 1992 and 1998, so-called Triggerlock prosecutions—prosecutions of defendants who use a firearm in the commission of a felony—dropped nearly 50 percent, from 7,045 to approximately 3,800.

Despite over 6,000 incidents of children carrying guns into public schools last year, the Clinton Justice Department prosecuted only eight cases under the federal law against possessing firearms on school grounds in 1998, and only five such cases in 1997.

It is a federal law to transfer a firearm to a juvenile, yet the Clinton Justice Department prosecuted only six cases in 1998, and only five in 1997.

Similarly, for all its talk about the dangers of semiautomatic assault weapons, the Clinton Justice Department has an equally abysmal record for prosecuting cases under the current laws governing those weapons. The Clinton administration brought only four cases in 1998, and only four in 1997, under the federal law criminalizing the transfer or possession of semiautomatic assault weapons.

Now, Mr. President, you will not hear the Clinton administration or the gun control advocates in Congress talk about these statistics, even though it

is these statistics—not a wish-list of more laws and regulations—that reveal the true story of gun misuse in America. Instead, the number that gun control advocates talk about is the 500,000 felons and other prohibited purchasers that the Brady background check prevented from buying firearms since the Brady law was enacted.

Let me point out that with the original Brady law this administration wanted was a 7-day delay once you tried to buy a weapon. We reduced it to 5 days. We knew that wasn't going to work, so we instituted an instant check system so you can find out immediately whether a person is capable of purchasing a weapon. It was our instant check system that caught these, according to the President, 500,000 people. Actually, it was about 400,000 people.

But even this statistic points out the Clinton administration's lack of commitment to enforcing federal gun laws. Every one of those 500,000 people who were thwarted in their attempts to purchase firearms violated 18 U.S.C. section 922(a)(6) by stating under oath that they were not disqualified from purchasing a firearm. How many of those 500,000 were prosecuted between 1996–1999? Only about 200 were even referred for prosecution.

Mr. President, the only thing worse than this poor enforcement record is the Clinton administration's disingenuous and concerted effort to blame the lack of federal gun prosecutions on a lack of resources. The facts demonstrate that, during the period when federal gun prosecutions decreased nearly 50 percent, the overall budget of the Department of Justice has increased by 54 percent.

The Clinton administration also tries to hide its failure to prosecute gun crimes behind its never-ending calls for more federal gun control laws. The irony of the administration's position was evident at an oversight hearing last year, when I questioned Attorney General Reno about the decline in federal firearms prosecutions. She replied that many firearms violations have been prosecuted in state court, and she indicated that state court is the proper forum for these cases. As chairman of the board of the Federalist Society, I agree that most firearms crimes can be prosecuted in state court as well as federal court. Nevertheless, I find it ironic and hypocritical for the administration to argue that crimes involving firearms should be prosecuted in state court at the same time they are calling for more federal gun control laws. If the administration really believes that its dismal record on gun prosecutions is because gun laws are a state issue, it should be consistent and stop pressuring Congress for even more federal gun control laws that it does not intend to enforce.

The relevance of all this to the budget resolution is that there are several actions the Justice Department could take right now—with no additional laws or resources—that would have a positive impact on reducing crime in America. First, the Justice Department should use state law enforcement grants to encourage States to enact mandatory minimum sentences for firearm offenses based on 18 U.S.C. 924(c), and to prosecute such offenses in state court. The key to Project Triggerlock is the 5-year mandatory minimum prison sentence for any person who uses or carries a firearm in a crime of violence or serious drug trafficking offense. This 5-year prison sentence is in addition to the prison term for the underlying crime. As I mentioned earlier, most of these gun crimes can be prosecuted in state court as well as federal court. By encouraging States to enact stronger penalties for gun crimes, there will be less need to prosecute these cases in federal court.

Mr. President, there is a precedent for the federal government encouraging States to increase prison sentences. The Truth-in-Sentencing Grant Program provides prison construction funds to States that adopt truth-in-sentencing laws. Truth-in-sentencing laws require violent criminals to serve at least 85 percent of their sentences. Due to truth-in-sentencing grants, more than 70 percent of prison admissions last year occurred in states requiring criminals to serve at least 85 percent of their sentence.

Another positive step the Justice Department should take is using the funds provided in the budget resolution to designate at least one assistant United States attorney in each district to prosecute federal firearms violations. As the U.S. attorney's office in Richmond, Virginia has shown, federal prosecutors, in cooperation with state and local law enforcement, can help reduce violent crime. The U.S. attorney's offices should focus their efforts on federal firearms violations until the States enact stronger sentences for state firearm offenses.

Finally, the Justice Department should place mental health adjudications on the National Instant Check System (NICS). It is a federal crime for any person who has been adjudicated as a mental defective or who has been committed to a mental institution to possess or purchase a firearm. Despite this commonsense federal law, mental health adjudications are not placed on the NICS system. Consequently, mentally ill persons can buy firearms from licensed dealers because the dealers are not notified by the NICS system of the mental disqualification. The NICS system will never reach its potential until mental health adjudications are included. These commonsense ideas would go a lot further toward reducing the number of crimes committed with firearms than the administration's current practice of ignoring federal violations, asking for more gun restrictions, and blaming lack of funding for their abysmal record of prosecutions.

It is pathetic that there are 2,000 laws, rules, and regulations on the books that aren't being taken care of now, and now we have some who say let's have a political recitation here on this resolution to try to embarrass people instead of standing up and doing something about the misuse of weapons in our society.

Mr. DOMENICI. Mr. President, I want to use my 2 minutes to express to the Senate—referring to no singular Senator but all of us—this budget resolution idea has become preposterous. Any kind of sense of the Senate is in order, including one to instruct the committee that is in conference. We are going so far overboard that we are making this floor much like a circus. Actually, I am hopeful it won't be too long from now that the Parliamentarian will reverse himself. I don't know how we will do it. Maybe we will instruct him to do it himself. A Parliamentarian ruled that senses of the Senate were in order on budget resolutions even if they did nothing to the resolution.

Now we are dreaming them up. We have a gun amendment on a budget resolution. We have instructions to a committee in conference on a Budget Committee. I don't know what kind of points people are making, but if anybody thinks they are effective just because they win one of these sense of the Senates, let me say, constituents and politicians don't believe they are effective because they do nothing.

So if you want to run a TV ad that you got something passed in a sense of the Senate, I hope the other guy is smart enough to say that is baloney; it did nothing. We would be out of here if we didn't have these—out of here as far as substantive amendments. It is getting worse, not better, on both sides. On our side, we have 20 sense-of-the-Senate resolutions. I am going to ask them to file them pretty soon and see how many have the courage to call them up and have votes on those.

I yield the floor.

Mr. REID. Mr. President, I yield 5 minutes to the Senator from Indiana to speak on the education amendment that will be offered at a subsequent time.

Mr. BAYH. Thank you, Mr. President. I thank my colleagues. I particularly express my appreciation to Senator GRAHAM, and my colleagues, Senators EDWARDS, LANDRIEU, LIEBERMAN, LINCOLN, and others, who are also speaking on the issue that has been near and dear to my heart for many years. It is the cause of improving the public education system in this country and the opportunity that we give to schoolchildren across the United States of America.

Mr. President, for more than 100 years, our Republic has been dedicated to the proposition that every child growing up in our country—every child, not just a few, not just the privileged and the elite—should have access to a quality public education.

In the 1960s, there was a growing recognition, particularly for those children in our country who are less fortunate, that the dream of a good education was a promise unfulfilled, and the Elementary and Secondary Education Act was born.

We gather here today to say that for too many of our young people the dream of a good education is still a promise unfulfilled, the status quo is not good enough, that we must do better, that we must have a significant rethinking and rededication to the principle that a good education is essential for opportunity and for every child growing up in our country.

That is what the Graham amendment is really all about. It begins with resources in the recognition that if we don't give our public schools the tools with which to get the job done, we can't possibly expect them to succeed.

The Graham amendment calls for setting aside an additional $15 billion in resources for reform and improvement in public education over the next 5 years. This is about one-tenth of the size of the tax cut included in the budget resolution before us.

While I favor cutting taxes, and in fact have sponsored and supported several of the measures that would reduce taxes in our country, I believe investing in education is just as important to the future well-being of this Nation.

I don't think a Member of the Senate can possibly say that cutting taxes is 10 times more important than putting quality public school teachers in every classroom in this country, or 10 times more important than ensuring that the latest educational technology is available to our students, or 10 times more important than ensuring that remedial help is available to our young people who need to do better reading, writing, and basic science.

Making these investments is vitally important to the important challenge of improving public education for every child. But Senator GRAHAM's approach does not just throw money at the problem. It deals with fundamental reform and starts with accountability and a recognition that we need to focus not just upon how much money is spent but, instead, how much our children learn.

We need to focus on outcomes of the process, just as we add inputs necessary to achieving additional success. We need to also focus on high academic standards that are important to the success of all of our children. This is important because there is a growing gap between the haves and have-nots in our society, and there is just as much gap in knowledge and learning as in anything else.

We must ensure that every child gets good access to education and is held to these high educational standards to ensure that for the first time in the history of our Nation we don't experience the creation of an underclass characterized by people who do not have enough knowledge and learning to participate in the opportunities of the 21st century.

Just briefly, this approach is targeted on things that are important, such as adding good teachers, the latest technology, and focusing upon students who are at greatest risk, which is at the heart of the challenge we face as a country.

In closing, let me say this: The cause of educating our children is, by definition, the cause of shaping our future. But in doing so, we stay in touch with the fullest wellsprings of our past. It was Thomas Jefferson, the third President of the United States, who, after his public career, founded the University of Virginia and dedicated his life to the cause of education, who once said that, ''a society that expects to be both ignorant and free is expecting something that never has been and never shall be.''

As we debate this amendment, I urge my colleagues to support it because, in doing so, we not only ensure the future well-being of our economy, not only what kind of society we will one day have, but the vitality of our democracy itself.

I thank my colleagues for their forbearance.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, last May, in the wake of the Columbine massacre, this Senate took action, passing a comprehensive juvenile justice bill that would begin the long process of addressing the problems that plague the youth in this country.

Parts of the bill addressed our crisis of violence.

These provisions included: A comprehensive package of measures I authored with Senator HATCH to fight criminal gangs; increased penalties for adults who recruit children into criminal activity or provide them with firearms; the James Guelff Body Armor Act, an amendment I authored, which contains reforms to take body armor out of the hands of criminals and put it into the hands of police; and other provisions related to juvenile confinement, juvenile record-keeping, and countless other important issues.

Parts of the bill addressed our crisis of guns: a ban on juvenile possession of assault weapons and high capacity ammunition magazines; a provision to close the gun show loophole; a requirement that safety locks be included with every handgun sold in America; and my provision to ban the importation of large capacity ammunition magazines.

But the crisis in leadership remains.

Despite passage by both Houses of Congress almost one year ago, the conference committee on this bill has met only once—in early August of last year. No real issues have been discussed. No progress has been made. The bills sit in legislative purgatory, apparently never to see the light of day again.

It now seems clear that these bills will die a quiet death at the end of this short session. As a result, all of the important issues we debated will remain un-addressed. Gang violence, juvenile detention, firearm regulation reform, and a host of other problems will remain unsolved.

And nobody within the walls of this Chamber or elsewhere has any doubt why this stalemate persists. This bill would have passed months ago were it not for those four, simple, targeted gun measures buried within the text of the bill.

This, Mr. President, demonstrates just how deeply this Congress is dominated by just one special interest group—these people who fervently resist any regulations on firearms, no matter how mild, no matter how targeted, and no matter how much the American people want it.

Some argue that we don't need more gun control laws—enforcing our current laws would be enough. But those arguments miss the point entirely.

Of course we should be enforcing our current laws. And we are. The evidence clearly shows that gun prosecutions are up. In fact; since 1992, the total number of federal and state prosecutions has increased sharply—about 25 percent more criminals are sent to prison for state and federal weapons offenses now than in 1992 (from 20,681 to 25,186).

The number of higher-level federal firearms offenders sent to prison (those sentenced to five or more years) has gone up more than 34 percent (from 1049 to 1406) in six years.

The number of inmates in federal prisons on firearm or arson charges (the two are counted together) increased 51 percent from 1993 to 1998, to 8,979.

And we are working to improve this situation.

Just last week, my colleague Senator KOHL and I introduced legislation that would expand Project Exile to 50 cities and provide law enforcement with ballistics technology that will make it far easier to identify and to punish the perpetrators of gun violence.

Early last year, I wrote the Secretary of the Treasury several times to demand greater attention to those who violate the Brady Law. I asked why so few violators had been prosecuted, and I was told that the resources just aren't there.

That is why I support the President's request to fund at least 500 additional

ATF agents and 1,000 new prosecutors to focus on guns.

But enforcing our current laws has been made tougher by the concerted efforts of the NRA to disparage and to destroy the very people tasked with enforcing those laws. The NRA called AFT agents ''jack-booted thugs,'' in a letter that was completely contradictory to what they are saying they want now.

In fact, every time the opportunity arises to increase federal law enforcement capabilities by increasing ATF investigatory ability, the NRA fights it tooth and nail:

The NRA fought the Brady bill for 10 years.

They successfully defeated all attempts to allow the Consumer Products Safety Commission to regulate the safety of firearms.

In 1986, the NRA got legislation passed which restricts ATF inspection of gun dealers to once per year. Even dealers who are the source for hundreds of crime guns cannot be routinely inspected more than once a year without a special court warrant.

For years, the NRA has successfully blocked ATF computerization of gun sale records from gun dealers that have gone out of business. As a result, when a gun is traced as part of a criminal investigation, the files must often be retrieved manually from warehouses where the old records are kept. This can add days or even weeks to the time it takes to start tracking down the perpetrators of gun violence. By the time the records are found, the trail may already be cold.

And most importantly, the NRA fights against funding our law enforcement agencies at levels adequate to enforce our current laws. As former New York City Police Commissioner William Bratton has said, ''The NRA has strenuously opposed increased financing for the [ATF] and has successfully lobbied against giving it the authority to quickly investigate the origins of guns sales.''

The ATF has been left underfunded, understaffed, and unable to adequately enforce our current gun laws.

And the simple fact is that our current laws—even if fully enforced—are just not enough. Those laws are riddled with NRA-induced loopholes. Guns are still too easy to get. And too many children die every day for us to ignore the problem. The Columbine incident shocked this nation and this Congress to its core—as did the school shootings in Jonesboro, Arkansas; West Paducah, Kentucky; Pearl, Mississippi; Springfield, Oregon; and Edinboro, Pennsylvania. And in my own state of California, we saw a hateful bigot kill a postal worker and then wound five others at the North Valley Jewish Community Center in Granada Hills.

Those incidents were tragic. But countless incidents go relatively unreported, but with equally tragic results. Every day in this country, another dozen children die of gunshot wounds.

A new study published in the April issue of the American Journal of Public Health found that over a third of American children live in a home where there is also a gun—in 43% of those homes, the firearm is stored unlocked.

Who knows how may lives could be saved if trigger locks were made available to gun owners?

The pictures of those young children in Granada Hills being led away from the scene of the tragedy were not only heart-wrenching but also clearly depicted the trickle-down of gun crimes in this country. The victims of gun violence get younger, and younger.

We must close the gun law loopholes for those children.

We must pass the juvenile justice bill so that we can at least begin the process of solving some of these problems.

We must pass this bill for the fifth grader from San Francisco who wrote me that ''One day I saw a neighbor of mine get shot on her way to the candy house. She got shot 4 times. She got shot 3 times in her side and once in her leg. Now she's paralyzed for life. That really hurt me and a lot of other people. She was only 12 years old and she was a nice little girl.''

We should pass this bill for the other fifth grader who told me ''every year I hear at least 20 gunshots. I am scared at night because I think it's going to be a drive-by. I even sometimes can't go outside to recess because gunshots are heard.''

We must pass this bill for the little girl who wrote me that ''I do not like to be locked in my room just because my mom feels I can't be safe in my own neighborhood and I think everybody deserves to live just like human beings.''

We must pass this bill so that the next six year old child who decides to seek revenge on a classmate is not able to find a gun so easily.

And so that the next kindergartner who gets a timeout from the teacher and tries to bring his grandfather's gun to school the next day to get revenge is likewise left without a weapon.

I say, enough is enough. The least this Congress can do is turn to the juvenile justice bill and move forward with the Senate-passed gun provisions. These provisions are no-brainers. And there is no excuse for inaction.

Before I conclude, I want to talk briefly about the problem of gang violence in this country. This is a problem that I have taken seriously for many years—every since my days on the San Francisco County Board of Supervisors and as Mayor for 9 years when I worked to create the city's first anti-gang task force after the infamous gang massacre at the Golden Dragon Restaurant in 1977. In those shooting, gang members killed five people, including two tourists, and injured 11 others.

For the last 4 years in the Senate, I have worked with Senator HATCH to craft national legislation giving law enforcement the tools they need to fight gang crime and gang violence.

Criminal youth gangs have become a national problem, extending their virulent reach and bringing with them murder, drive-by shootings, drug sales, intimidation, and destruction of theft of property.

Gangs plague more than 4,700 cities in all 50 states.

There are some 25,000 gangs with over 650,000 members, and the problem continues to spread.

In Los Angeles, for example, there are currently 408 gangs with more than 64,000 members. This is 15,000 more members than 10 years ago.

That means that there are currently more gang members in L.A. alone than there are people in most of America's cities and towns. For instance, the number of gang members in L.A. is almost double the population of the largest city in Vermont.

And these gang members do not stay in California. The state ''exports'' more gang members than any other state.

For instance, two of the largest gangs, the Bloods and Crips—with more than 60,000 members—are based in Southern California, but operate in more than 119 cities in the West and Midwest. In fact, one recent survey found gangs claiming affiliation with the Bloods and/or Crips in 180 cities in 42 states. (Department of Justice)

The mere existence of gangs is a terrible social problem. Gang members are far more likely to commit crimes than non-gang youths, even those who may have grown up under similar circumstances.

This is especially true for homicides; drive-by shootings; using, selling, and stealing drugs; auto theft; carrying concealed weapons in school; and intimidating or assaulting victims and witnesses.

In fact, the Los Angeles Police Department has told me that almost half of violent crime in the city is committed by gang members.

And the problem is just as acute in other cities, big and small. Just a few months ago in my home city of San Francisco, for example, an innocent bystander was caught in the crossfire between two warring gangs in the Mission District. He was shot through both legs and may be crippled for life. A brave witness assisted police in apprehending the perpetrators. But gang members later cornered the witness, held a automatic gun to his head and threatened to blow his head off if he continued to help the police.

Also, recently in San Francisco, gang members stuck an assault weapon in the face of a victim in an attempted robbery. When the victim resisted, he

was shot 17 times. The victim survived but will never walk again.

Let me give some specifics about gang-sponsored violent crime.

Killings: Around the country, every year, gang members kill over 3,000 people. Last year in Los Angeles alone, there were 136 gang-related killings.

Drugs: A survey of law enforcement agencies suggests that about 75% of gang members are involved in illegal drug sales; that about one-third of gangs are organized specifically for the purpose of trafficking in drugs; and that gangs make over 30% of crack cocaine and marijuana sales. (Department of Justice)

Guns: Ninety percent of gang members report that their fellow gang members carry concealed weapons and 80% report that those members had taken guns to school. Worse, the study showed that gang members favor powerful, lethal weapons over smaller caliber handguns. (Ohio State University study).

The Senate-passed juvenile justice bill includes a number of key measures to address this complex problem. The bill:

Provides $100 million annually in federal aid for certain intense gang activity areas, so those communities can afford to create joint task forces with federal and local law enforcement and to support community gang prevention efforts;

Increases sentences for interstate drug gang activity;

Makes it a Federal offense to recruit youngsters into a gang;

Enables Federal law enforcement to prosecute gangs who cross state lines to commit gang crimes such as drive-by shootings; and

Increases penalties for transferring handguns to minors.

Since we passed the juvenile justice bill last May, an estimated 30,000 people have died from gunshot wounds, including 3,700 children.

If history is any judge, millions of large capacity ammunition feeding devices have been approved for import—in the year preceding the juvenile justice bill, more than 11 million of those clips were approved.

All of the commonsense gun, gang, and other provisions in the juvenile justice bill are now at risk of disappearing without a trace, and I urge the majority to proceed with the conference and come to a compromise.

The compromise should preserve intact the Senate-passed gun control legislation, which represents the bare minimum we should do this year to stem the gun violence that is increasingly common on our streets and in our schools.

I also urge this body to pass the President's gun enforcement initiative. That initiative, which will fund more than 500 new ATF agents and 1,000 new prosecutors, is vital to the enforcement of our current gun laws.

The crisis of leadership has come to a head. It is time for this Congress to take serious and bipartisan steps to stem the tide of youth and gun violence that continues to plague this nation.

I thank the Chair and yield the floor.

Mr. REID. Mr. President, I yield 10 minutes off the resolution to the ranking member of the Budget Committee, Senator LAUTENBERG, to speak on the Reed amendment.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I will try to consolidate my remarks because I know everybody is anxious to complete work on the budget resolution.

I am compelled, as I listen to the discussion here, to talk to the Reed amendment and to talk to those who would disparage our efforts to have sensible gun violence control in this society.

I heard it said that what we need in law enforcement is more enforcement; that what we need is a more sincere effort, as if to imply that President Clinton and his administration want to let criminals wander the streets. It is somewhat akin to the argument we hear from those who are NRA spokespersons who say President Clinton is looking for more killings to make his political case. It is an outrageous thing. We hear that all we have to do is note how many laws are on the books.

I ask the question: Is the deciding factor how many laws we have on the books?

I heard someone say today we have 20,000 laws on the books related to guns. But in this country we kill more than 20,000 a year with guns. We kill over 30,000. That is only a page per victim, if you want to judge it on that basis. It is outrageous.

That is not the problem. The problem is that people here don't believe guns kill. People here don't believe a gun is a lethal weapon. People here don't believe we ought to know who it is who buys a gun at a gun show. That is the problem.

This morning, I had the privilege of standing with Senator REED and the head of the State police department from Maryland. What he was advocating was more law enforcement, more laws to give them the tools to work with.

We had police officers from the area around Providence, RI. They were asking the same thing. They said, give us the tools. It is said, you have enough tools, like the weight of the number of the bills, the numbers of pieces of legislation that you have—again, as if that were the yardstick by which we measure the performance of the society.

Go tell the parents of the kids who were killed in Columbine or those who stood in prayer in Fort Worth, TX, or the kids who attended the school in Los Angeles who ran away in fear of a gunman's weapon or in Conyers, GA. Tell those families we have enough laws on the books. Tell them we don't enforce the laws sufficiently—that they will accept that as OK. Well, then I can understand the sacrifice that was made in my family, my home, and the school.

I said earlier today that we have a Million Mom March headed for Washington on May 14 this year—a million women from across the country. What are they saying to us? They are saying to us, if you really want to protect women's rights, then tell us our children can go to school, enter the school safely, and leave in the same condition at the end of the day.

These are hollow arguments.

I hear that we don't prosecute enough.

In 1996, there were 22 percent more criminals behind bars for weapons offenses than in 1992. Firearms crimes put 25,000-plus in jail in 1996 compared to 20,681 in 1992.

Prosecutions were up 16 percent in 1996 compared to 1992.

In 1992, there were 4,754 Federal firearm prosecutions; 1999, 5,500.

The argument misses the point when it comes to talking about law enforcement, when in some cases there is no law to enforce. Anybody can walk up at a gun show, go to an unlicensed dealer—an unlicensed dealer can operate in most gun shows, and he is kind of the piggy bank for those who want to escape identity—put their money on the table, and he won't ask them a question. He just gives them as many guns as they can carry, or maybe more than they can carry, in one trip if they want to buy them. Whether you are on the Ten Most Wanted list or you are Osama bin Laden, a terrorist who took refuge in Afghanistan, it doesn't matter; you can buy a gun.

We are trying to defend in some peculiar way the right of people to buy guns anonymously. We don't know who they are; we don't know where they are taking the guns. We do know in the Columbine killing, a young woman related to that killing testified before the Colorado Legislature. Robyn Anderson testified she and the two boys, Eric Harris and Dylan Klebold who killed the other students, went to the Tanner gun show on a Saturday. She testified:

> I remember this as being November or December of 1998. When Eric and Dylan had gone the previous day, a dealer told them they needed to bring someone back who was 18. They were both 17 at the time. This was a private—not a licensed dealer. While we were walking around Eric and Dylan kept asking sellers if they were private or licensed. They wanted to buy their guns from someone who was private—and not licensed—because there would be no paperwork or background check.
>
> They bought guns from three sellers. They were all private. They paid cash. There was

no receipt. I was not asked any questions at all. There was no background check. All I had to do was show my driver's license to prove I was 18. Dylan got a shotgun. Eric got a shotgun and a black rifle that he bought clips for.

The rest, unfortunately, is history. She says:

I don't know if Eric and Dylan could have been able to get guns from another source, but I would not have helped them. It was too easy. I wish it had been more difficult. I wouldn't have helped them to buy the guns if I faced a background check.

We may need a couple more laws. Despite the fact there are some 20,000 on the books, that hasn't protected approximately 33,000 who lose their lives every year. There are 13,000 homicides, a bunch to suicides, a bunch to accidents.

I think the ultimate example of carelessness with guns in our society was when the 6-year-old killed the 6-year-old in Michigan. The gun was left out casually where the child could reach it. Shouldn't we have laws that say a person who owns a gun is responsible for keeping it out of the hands of children? I certainly think so.

We are finding the NRA has a broad reach. It reaches into this Chamber. The hand of the NRA muffles sound. It muffles the sound of tearful parents—not necessarily those who lost children but those who are afraid their children might get lost. Those are the sounds we hear, the parents and the grandparents who are saying, in poll after poll: For crying out loud, close that loophole; close that gun show loophole.

It is common sense. It doesn't make sense to the gun lobby because they are afraid one inch is a yard. It is ridiculous when we are talking about human lives.

I agree with the Senator from New Mexico that we are doing some silly things. But the silliest is to defend against some sensible gun legislation. Ask the people around the country. I know what they want to see. They want their kids protected, their households protected, their communities protected.

One thing we have yet to try in this country is to know who owns guns and where the guns will be. We had an incredible battle some years ago when we tried to put the Brady law into place. It is demonstrated on this placard: Gun show loophole goes right through the Brady law. Under Brady, 400,000 people, judged not fit to own a gun, were denied gun permits. We still argue about whether or not there is enough time to check applicants' backgrounds sufficiently to make sure they are not unfit to own a gun. They want to reduce the time from 3 business days to 24 hours. The FBI will tell you; they are out there hunting for 1,500 guns that were sold improperly because they didn't have time to check the information.

As we near the close of this debate on a budget resolution, citizens across this country should be aware not only did we work on the numbers, not only did we work on the resources, not only did we work on the guns, we also worked on protecting your children when they go to school. We know the costs that guns have exacted on our society. Yet we cannot pass sensible gun legislation.

I commend the Senator from Rhode Island for his amendment. I sincerely hope we can get past the partisan discussion and look into the faces of the families, distant though they are, listen to the pleas of the mothers, the fathers, the grandfathers, grandmothers, brothers, and sisters and say we have done the right thing—we have tried to reduce gun violence in our society.

I yield the floor.

Mr. DOMENICI. Mr. President, I thank the distinguished minority whip for his tremendous cooperation. Without his help and cooperation, we wouldn't be where we are. We might, indeed, get this budget resolution finished. Many thanks for that go to Senator REID.

In the interest of orderliness, I ask consent that all first-degree amendments to the pending budget resolution be submitted at the desk by 7 p.m. this evening.

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

Mr. DOMENICI. Members, for first-degree amendments, walk up and file them. You don't have to stand on the floor. Just give them to the clerk so we can have a list of all of them filed and they will have a number and we can work with them in an orderly fashion to finish this task.

I also ask any subsequent second-degree amendments offered from the floor must be relevant to the first-degree amendment that they are amending.

Mr. REID. It would be tremendously helpful, especially to the staff, if after the amendment is filed at the desk there be a copy left with both managers.

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

Mr. DOMENICI. I think that is an excellent suggestion. We will understand where we are.

On behalf of the leader, let me one more time say any Member who has not submitted their first-degree amendment at the desk must do so by 7 p.m. in order for it to be available to be called up for consideration during the remainder of the budget resolution.

Mr. REID. Mr. President, under the time on the Reed amendment, I offer 10 minutes to the Senator from North Carolina to speak about his education amendment or on whatever else he chooses to speak.

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

Mr. DOMENICI. Will the Senator yield?

Mr. EDWARDS. I yield the floor.

Mr. DOMENICI. I note the presence of the Senator from California, Mrs. BOXER.

During the debate on this ANWR amendment, the distinguished Senator stated this was the first budget resolution that ever addressed ANWR, and in the meantime called it an anti-environment resolution.

I clarify, and I think she agrees, that in 1996 in the budget resolution we not only referred to ANWR but we reconciled the ANWR instruction to the Energy and Natural Resources Committee. I wonder if the Senator would acknowledge that.

Mrs. BOXER. I absolutely acknowledge it and state that was one of the reasons the President vetoed that legislation and we beat it back. We will have this fight again. My friend is absolutely right. It is the second time that ANWR was put into a budget resolution. He is correct.

Mr. LAUTENBERG. Since we are clarifying the record, could I ask the Senator from California whether or not she discussed the photograph that she displayed on the floor?

Mrs. BOXER. Yes, we have gotten confirmation. This has to do with Senator MURKOWSKI. We have gotten confirmation from the biologist who took that photo, that that photo is in the proposed ruling area, and he has sent us chapter and verse of exactly where he was.

Senator DOMENICI is correct, this is the second time we had this in. We beat it back the last time, and I hope we can beat it back this time.

Mr. REID. Senator EDWARDS, the Senator from North Carolina, is to be recognized for 10 minutes.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, first I would like to speak on the Graham amendment. The single most important thing we do as a country is educate our children. What we should be doing in this debate is talking about making this decade the education decade. We have great roads, great technology, great airports, a great economy in this country. We should be working toward making our schools the envy of the world. Instead, we have children who go to the local mall and go to beautiful, shiny buildings and stores and then the next morning go to schools that are falling down, with roofs leaking, with floors that are covered over with patchwork carpet. We have to do better.

We need to send a clear and unmistakable signal to the American people that we are committed and dedicated to doing what is necessary to improve our public schools. I have filed a sense-of-the-Senate amendment that provides for two things: First, that the level of education spending will be maintained at the current level, taking

inflation into account over the next 10 years. Second, that we commit a minimum of 10 percent of the non-Social Security surplus to spending on education.

It is a very simple resolution. It is intended to signal our commitment to do what is necessary to support our public schools. I also, though, want to speak about the Graham amendment which does some very important things that need to be done in our public schools. There are basically five components to the Graham amendment.

No. 1, it invests the resources that are so desperately needed in our education system; resources that can be used to rebuild crumbling schools; resources that can be used to modernize schools where the roof is leaking, where kids have to go outside to get to the restroom, where kids are going to school in mobile classrooms. Those resources are desperately needed. We need to show our commitment, and the Graham amendment does that.

No. 2, it provides for local control. Those of us supporting this amendment believe very strongly that the school system should not be run from Washington, DC; that, instead, our schools should be run at the local level. It is local folks who know what is needed in the local schools. That is where the control should be. That is what the Graham amendment provides. That is what the American people believe in and support.

No. 3, accountability. Senator GRAHAM talked about accountability. We cannot simply continue throwing money at our education system. We need to provide those systems with the resources they need for all the things we have talked about: crumbling schools, technology, afterschool programs, hiring more teachers, and reducing class size so the teachers can do their jobs.

But we need to hold these schools accountable. We need to make sure they are performing; that schools that are not doing well are improving; that kids who are going to schools that are not performing well will be getting the kind of education they need and deserve. Accountability is absolutely crucial to making our public education system work. The Graham amendment provides for accountability. It is a critical component of what needs to be done in our education system in this country.

No. 4, this amendment targets those kids who are most in need, the kids in this country who are having the most problems in the poorest areas, in the rural areas, particularly in places such as rural North Carolina, rural eastern and western North Carolina—chronically economically disadvantaged areas where the kids are not on a level playing field. They do not have a chance. They do not have self-esteem. They don't feel as if they can compete with kids who go to school in richer, urban areas.

We need to give these children a chance. We need to put them on the launching pad with all other children so they can compete. That is what this amendment does. It targets the money to those kids who most need the help.

Finally, it takes the resources that we are providing them and focuses those resources in the places where they will do the most good.

So these five components are things that all will go toward improving our public school system: more resources; local control where we want the control to be; accountability, holding school systems responsible for performing; making sure the resources are focused; and making sure they are targeted at those kids who are most in need.

We need to show, in this body, that we are committed to the single most important thing we do in this country, which is educating our kids.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I yield to the Senator from Arkansas, Mrs. LINCOLN, 5 minutes off the resolution; and yield 5 minutes off of the amendment to the Senator from Louisiana, Ms. LANDRIEU.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I am proud to rise in strong support of the amendment by my good friend, Senator BOB GRAHAM. There are several of us in this body who have come together to build a consensus of a commonsense, result-oriented solution to educating our children in this Nation. This amendment combines two concepts that are essential to improving our system of public education—greater investment and tough accountability standards.

Now Mr. President, before I get into the details of why this amendment is so important, I think we have to take a minute to consider the current state of education in this country.

I am not sure how the rest of my colleagues feel, but I think it is difficult to deny that the status quo in our education system is simply not acceptable. It is not working, and we are not doing a good enough job in educating our children. We are certainly not doing the best job we could be doing.

And if we think things are bad now, we should stop and look 10 or 15 years into the future. I continue to be amazed at the pace of high-tech development in this country and the incredible advancements that take place every day. This progress is only going to continue, and our children are the ones who will be left behind in the global high-tech world.

If we do not do something to change the way we approach education, if we do not increase our Federal investment and demand more accountability from our system and our educators, then we are only fooling ourselves, and we are cheating our children.

Our children are our greatest national resource, and their education is worthy of a significant investment. Unfortunately, the budget resolution before us today once again falls short of our responsibility to make quality education a top priority in this Nation.

Under the budget resolution before us, Arkansas would receive $6.6 million less in title I funds than it would under the administration's plan. That means more than 10,000 students in my home State would be denied the critical support this program provides.

In addition to the annual budget, we in the Senate have the difficult task before us this year of passing legislation that reauthorizes the Elementary and Secondary Education Act.

Quite frankly, we need a bold new approach that targets resources to the neediest areas, puts decisions in the hands of local educators, and maintains national priorities like school safety and educational technology.

I have joined with a group of my moderate Democratic colleagues in the Senate to promote a ''Third Way'' on ESEA, one that synthesizes the best ideas of both sides into a whole new approach to federal education policy.

Like our ''Three Rs'' bill, the additional funding contained in this amendment would allow schools to raise student achievement, implement effective professional development programs for teachers, improve English language instruction and encourage innovation in the classroom.

This investment is especially important to rural school districts, like many of those in Arkansas, that cannot afford to meet all of their needs with limited local resources.

We must do more than just throw more money at the problem of underachievement in the classroom. We also must demand results.

To qualify for additional funding under this amendment, educational proposals authorized by the Elementary and Secondary Education Act would have to contain greater accountability; incentives to set high student achievement standards; an emphasis on education for disadvantaged students; and funding targeted to our neediest, most impoverished schools.

Congress must do all it can to help our schools meet the challenges they face today and will face in the future.

Our most important responsibility is to help States and local school districts raise academic achievement and deliver on the promise of equal opportunity for all students.

I believe in the children of this country. I believe that through this amendment, we can truly make a difference by making a bigger investment and setting our children's education as one

of our top national priorities. I urge the support of this amendment, and I thank my colleagues for their attention. I yield back any remaining time I may have to the Democratic leader.

The PRESIDING OFFICER (Mr. BENNETT). Who yields time?

Mr. REID. Mr. President, we still have time left under our amendment. We have 8 more minutes before the other side can offer an amendment. I yield 3 minutes to the Senator from Connecticut to speak on the amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, with deference to my friend and colleague from Louisiana, I am going to be brief.

Mr. President, I rise today in support of the amendment offered by my colleague, Senator GRAHAM. This amendment would set aside and protect $15 billion over the next five years, holding funds in reserve so that resources are available once legislation re-authorizing ESEA is enacted. The amendment adds that to qualify for funds, ESEA reauthorization must contain a few fundamental elements: (1) increased accountability; (2) the ability of States and localities to set high student performance standards; (3) the targeting of funds to the most impoverished areas and schools most in need of improvement; and (4) the concentration of Federal resources on key national goals of compensatory education for disadvantaged children, teacher quality, innovative education strategies, serving limited English proficient students, student safety, and educational technology.

During the upcoming debate on ESEA, I will join with several of my colleagues in offering a new approach that meets these qualifications. It is an approach that would refocus our national policy on helping States and local school districts raise academic achievement for all children, putting the priority for Federal programs on performance instead of process, and on delivering results instead of developing rules. Our approach calls on States and local districts to enter into a new compact with the Federal Government to work together to strengthen standards and improve educational opportunities, particularly for America's poorest children. It would provide States and local educators with significantly more Federal funding and significantly more flexibility in targeting aid to meet the specific needs. In exchange; it would demand real accountability, and for the first time impose consequences on schools that continually fail to show progress.

In order to implement effective educational policy, we have to first recognize that there are serious problems with the performance of many public schools, and that public confidence in public education will continue to erode if we do not acknowledge and address those problems soon. While student achievement is up, we must realize the alarming achievement gap that separates minorities from whites and low-income students from their more affluent counterparts. According to the State-by-State reading scores of fourth graders on the National Assessment of Educational Progress, the achievement gap between African American and white students grew in 16 States between 1992 and 1998. The gap between Hispanic and white students grew in nine States over the same period of time. Most alarmingly, student data reveals that the average African-American and Latino 17-year-old has about the same reading and math skills as the average white 13-year-old.

We must also question whether our schools are adequately preparing our youth to enter the globally competitive market place when, as one report states, "Students are being unconsciously eliminated from the candidate pool of Information Technology (IT) workers by the knowledge and attitudes in their K-12 years. Many students do not learn the basic skills of reasoning, mathematics and communication that provide the foundation for higher education or entry-level jobs in IT work."

We also have to acknowledge that we have done a very good job in recent years in providing every child with a well-qualified teacher, a critical component to higher student achievement. We are failing to deliver teachers to the classroom who truly know their subject matter—one national survey found that one-fourth of all secondary school teachers did not major in their core area of instruction, and that in the school districts with the highest concentration of minorities, students have less than a 50 percent chance of getting a math or science teacher who has a license or a degree in their field.

While more money alone will not solve our problems, we cannot honestly expect to reinvent our schools without it either. The reality is that there is a tremendous need for additional investment in our public schools, not just in urban areas but in every kind of community. Not only are thousands of crumbling and overcrowded schools in need of modernization, but a looming shortage of two million new teachers to hire and train lurks on the horizon. Add to this, billions in spiraling special education costs to meet.

We also have to recognize the basic math of trying to raise standards at a time of profound social turbulence that we will need to expend new sums to reach and teach children who in the past we never asked to excel, and who in the present will have to overcome enormous hurdles to do so. At the same time that schools are trying to cope with new and complex societal changes, we are demanding that they teach more than they ever have before. Employers and parents alike want better teachers, stronger standards, and higher test scores for all students, as well as state-of-the-art technology and skills to match.

It is a tribute to the many dedicated men and women who are responsible for teaching our children that the bulk of our schools are as good as they are, in light of these intensifying pressures. I believe any child can learn—any child—and that has been proven over and over again in the best schools in both my home state of Connecticut and in many of America's cities.

There are, in fact, plenty of positives to highlight in public education today, which is something else that we have to acknowledge, yet too often do not. I have made a concerted effort over the last few years to visit a broad range of schools and programs in Connecticut, and I can tell you that there is much happening in our public schools that we can be heartened by, proud of, and learn from.

There is the exemplary John Barry Elementary School in Meriden, CT, which has to contend with a high-poverty, high-mobility student population, but through intervention programs has had real success improving the reading skills of many of its students. In addition, there is the Side by Side Charter School in Norwalk, one of 17 charter schools in Connecticut, which has created an exemplary multiracial program in response to the challenge of Sheff v. O'Neill to diminish racial isolation. Side by Side is experimenting with a different approach to classroom assignments, having students stay with teachers for two consecutive years to take advantage of the relationships that develop, and by all indications it is working quite well for those kids.

And there is the BEST program, which, building on previous efforts to raise teacher skills and salaries, is now targeting additional state aid, training, and mentoring support to help local districts nurture new teachers and prepare them to excel. The result is that Connecticut's blueprint is touted by some, including the National Commission on Teaching and America's Future, as a national model for others to follow.

A number of other States, led by Texas and North Carolina, are moving in this same direction—refocusing their education systems not on process but on performance, not on prescriptive rules and regulations but on results. More and more of them are in fact adopting what might be called a "reinvest, reinvent, and responsibility" strategy, by (1) infusing new resources into their public education systems; (2) giving local districts more flexibility; and (3) demanding new measures and mechanisms of accountability, to increase the chances that these investments will yield the intended return,

meaning improved academic achievement for all students.

To ensure that more States and localities have the ability to build on these successes and prepare student to succeed in the classroom, we must invest more resources. That is why we would boost ESEA funding by $35 billion over the next five years. But we also believe that the impact of this funding will be severely diluted if it is not better targeted to the worst-performing schools and if it is not coupled with a demand for results. That is why we not only increase Title I funding by 50 percent, but use a more targeted formula for distributing these new dollars to schools with the highest concentrations of poverty. And that is why we develop a new accountability system that strips federal funding from states that continually fail to meet their performance goals.

We also agree with those concerned with the current system that federal education programs are too numerous and too bureaucratic. That is why we eliminate dozens of federally microtargeted, micromanaged programs that are redundant or incidental to our core mission of raising academic achievement. But we also believe that we have a great national interest in promoting broad national educational goals, chief among them delivering on the promise of equal opportunity. It is not only foolish, however, but irresponsible to hand out federal dollars with no questions asked and no thought of national priorities. That is why we carve out separate titles in those areas that we think are critical to helping local districts elevate the performance of their schools.

The first would enhance our longstanding commitment to providing extra help to disadvantaged children through the title I program, while better targeting $12 billion in aid—a 50 percent increase in funding—to schools with the highest concentrations of poor students. The second would combine various teacher training and professional development programs into a single teacher quality grant, increase funding by 100 percent to $1.6 billion annually, and challenge each state to pursue the kind of bold, performance-based reforms that my own state of Connecticut has undertaken with great success.

The third would reform the Federal bilingual education program and hopefully defuse the ongoing controversy surrounding it by making absolutely clear that our national mission is to help immigrant children learn and master English, as well as achieve high levels of achievement in all subjects. We must be willing to back this commitment with essential resources required to help ensure that all limited English proficient students are served.

Under our approach, funding for LEP programs would be more than doubled to $1 billion a year, and for the first time be distributed to states and local districts through a reliable formula, based on their LEP student population. As a result, school districts serving large LEP and high poverty student populations would be guaranteed federal funding, and would not be penalized because of their inability to hire savvy proposal writers for competitive grants.

The fourth would respond to the public demands for greater choice within the public school framework, by providing additional resources for charter school start-ups and new incentives for expanding local, intradistrict choice programs. And the fifth would radically restructure the remaining ESEA and ensure that funds are much better targeted while giving local districts greater flexibility in addressing specific needs. We consolidate more than 20 different programs into a single High Performance Initiatives title, with a focus on supporting bold new ideas, expanding access to summer school and after school programs, improving school safety, and building technological literacy. We increase overall funding by more than $200 million, and distribute this aid through a formula that targets more resources to the highest poverty areas.

The boldest change we are proposing is to create a new accountability title. As of today, we have plenty of rules and requirements on inputs, on how funding is to be allocated and who must be served, but little if any attention to outcomes, on how schools ultimately perform in educating children. This bill would reverse that imbalance by linking Federal funding to the progress States and local districts make in raising academic achievement. It would call on State and local leaders to set specific performance standards and adopt rigorous assessments for measuring how each district is faring in meeting those goals. In turn, States that exceed those goals would be rewarded with additional funds, and those that fail repeatedly to show progress would be penalized. In other words, for the first time, there would be consequences for poor performance.

In discussing how exactly to impose those consequences, we have run into understandable concerns about whether you can penalize failing schools without also penalizing children. The truth is that we are punishing many children right now, especially the most vulnerable of them, by forcing them to attend chronically troubled schools that are accountable to no one, a situation that is just not acceptable anymore. This bill minimizes the potential negative impact of these consequences on students. It provides the States with three years to set their performance-based goals and put in place a monitoring system for gauging how local districts are progressing, and also provides additional resources for States to help school districts identify and improve low-performing schools. If after those three years a State is still failing to meet its goals, the State would be penalized by cutting its administrative funding by 50 percent. Only after 4 years of under performance would dollars targeted for the classroom be put in jeopardy. At that point, protecting kids by continuing to subsidize bad schools becomes more like punishing them.

I must address another concern that may be raised that this is a block grant in sheep's clothing. There are substantial differences between a straight block-grant approach and this streamlined structure. First, in most block-grant proposals the accountability mechanisms are vague, weak and often non-existent, which is one reason why I have opposed them in the Senate. Our bill would have tangible consequences, pegged not just to raise test scores in the more affluent suburban areas, but to closing the troubling achievement gap between students in poor, largely minority districts and their better-off peers.

It is a commonsense strategy—reinvest in our public schools, reinvent the way we administer them, and restore a sense of responsibility to the children we are supposed to be serving. Hence the title of our bill: the Public Education Reinvention, Reinvestment, and Responsibility Act, or the Three Rs for short. Our approach is humble enough to recognize there are no easy answers to turning around low-performing schools, to lifting teaching standards, to closing the debilitating achievement gap, and that most of those answers won't be found here in Washington anyway. But it is ambitious enough to try to harness our unique ability to set the national agenda and recast the federal government as an active catalyst for success instead of a passive enabler of failure.

I am pleased to support the Graham amendment which will ensure we have the necessary resources in reserve to provide for the kind of education reform that I have outlined. Reauthorization of the status quo is not the answer. We need real reform that concentrates resources around central national goals, targets those resources to the most impoverished areas and schools in greatest need, and holds States and localities to a new, higher standard of accountability for results in raising student academic achievement.

I am pleased to support the Graham amendment which will ensure we have the necessary resources in reserve to provide for the kind of education reform that I have outlined. Reauthorization of the status quo is not the answer. We need real reform that concentrates resources around central national goals, targets those resources to

the most impoverished areas and schools in greatest need, and holds States and localities to a new, higher standard of accountability for results in raising student academic achievement.

I am very grateful for the strong statements that have been made by my colleagues in support of this amendment by Senator GRAHAM. This amendment is, in a sense, our first statement of support for a major reform of the Elementary and Secondary Education Act, which we intend to offer when that act comes before the Senate in May.

There are two facts to state about the Federal role in education and what is happening throughout the country.

The first is that we have not achieved what the ESEA was adopted to achieve in 1965, and that is to close the academic achievement gap between advantaged and disadvantaged children. The proposal that I will offer, along with Senators BAYH, LANDRIEU, LINCOLN, KOHL, GRAHAM, ROBB, and BREAUX, is aimed at investing more money in the education of disadvantaged children while giving local authorities the flexibility to set achievement goals and decide what they think is the best way to achieve them, and then to hold them accountable for producing measurable results. It will reward those who succeed and, for the first time ever, impose real consequences on those who do not.

The second reality in American education today is that there are also cases of magnificent reform happening at the local and State level, which we must recognize. These success stories include many of the same elements—more accountability, more innovation, more public school choice, higher teaching standards, and superb work by great teachers and school administrators.

Our proposal will streamline more than 40 current ESEA programs into five performance-based grants that will support and expand these reform efforts that are occurring at the grassroots level in America. It is a common sense proposal built upon the core principles of reinvestment, reinvention, and responsibility that will finally provide the full, decent, and equal education we want for all our children, and the educational reform that our children need.

I thank my friend and colleague from Florida for offering this amendment. We have a very strong working group in favor of reform. We hope this proposal not only represents innovation and change that will be a catalyst for broad-scale national education reform, but that it will constitute a bridge on which Members of both parties can meet in the Senate to accomplish the most sweeping reform of the Elementary and Secondary Education Act in its 35-year history.

I thank the Chair and my friend from Nevada, and particularly my patient and learned friend from Louisiana. I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I rise in support of the Graham amendment. I acknowledge the very helpful comments made by my colleague from Connecticut and others who have spoken about this amendment.

I realize my time is short. I would like to begin by saying that in 1965, when President Lyndon Johnson first signed the Elementary and Secondary Education Act, it was 32 pages long with 5 program titles. Today, the bill is over 1,000 pages and contains over 60 programs. We need to get back to basics, and that is what the Graham amendment is about.

If these 1,000 pages of rules, regulations were working. If micromanagement of these 60 programs is the answer, then we should be satisfied with the status quo. A few minutes ago, my colleague from Arkansas spoke about what the status quo means for our children. I rise to urge my colleagues, Republicans and Democrats, to say no to the status quo.

As the Senator from Connecticut, our leader on this issue, has acknowledged, there are many wonderful schools and many wonderful teachers, and some wonderful superintendents and active parents. The problem is they are becoming the exception rather than the rule. Let me just share just a few startling and disturbing statistics.

In many school districts, 40-, 50-, or 60-percent failure rates are the rule, not the exception to the rule.

Every day in America, 2,806 children drop out of the school system because it is not working for them.

According to the National Education Goals Report, 80 percent of our fourth graders scored below proficient in math and 70 percent scored below proficient in reading.

For every 100 children who start kindergarten each year, only 27 percent eventually graduate from college.

If you are happy with these statistics, then do not vote for the Graham amendment. I, for one, cannot live with these numbers and am here to insist on change for our kids.

Let me say that although we are all talking about change, there is right change and there is wrong change. There is change that gets us on the right road, and there is change that takes us further away from where we want to go.

Some Republican leaders offer vouchers as the solution to the dilemma I just outlined. Those same Republican leaders also talk about block grants, minimal accountability, and then waiting 5 years for results. I personally do not think that is the solution.

On the Democratic side, unfortunately, there are many leaders who just want to talk about more programs, more money, more strings, more pages, and more micromanagement. But more money and more programs are not the answer.

The Graham amendment is about a clean break away from the old ways. Away from sort of the ''romance,'' if you will, of vouchers, which really are an abandonment of our public schools and the children who need them the most.

The Graham amendment says we need to talk about performance and outcomes. We need to minimize the paperwork, the redtape, the regulations. We need to help our schools set high performance standards, reward them when they meet those performance standards, and make sure there are serious consequences when they fail to do so.

We cannot have a system any longer that fails a third of our children. It is important for us to break with the past. That is what this amendment attempts to do.

It does not do it all. There are many other steps we have to take. But it is an important step. A bold step. It talks about real accountability. It requires that States and local districts set and meet targets for boosting student performance. It will offer awards to those who meet their goals and withhold funding from those who repeatedly fail to do so.

The amendment suggests greater flexibility. It acknowldedges that the local level has the tools necessary to make these decisions and gives them the power to do so. While it does not call for consolidation specifically, it does call for us to concentrate our resources around broad titles, including teacher quality, professional development, smaller classroom sizes

Finally—I know I am getting to the end of my time—it increases funding because it is time that we truly invest in our children's future. Derek Bok, Former President of Harvard once said, ''If you think Education is expensive . . . try ignorance.''

I am proud to stand here and support the Graham amendment because it is the only way for our Nation to build the kind of foundation we need for the future.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I yield to the Senator from Florida, Mr. GRAHAM, 3 minutes off the resolution.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I express my appreciation to my colleagues in the Senate, our new Democrats, for having so eloquently outlined the goals of our amendment and what those goals represent in our vision of American public education.

We believe American public education is fundamental to our Nation's progress. We are going to be faced with enormous economic challenges from around the world. The only way America will be able to maintain its current standard of living and improve that standard for the next generation is by an investment in our people, which means an investment in public education.

We believe passionately in the importance of that. We recognize that the States and local school districts have the primary responsibility, but we think the Federal Government should be a meaningful and constructive partner and that the principles in this amendment and the principles we will be offering when we debate the Elementary and Secondary Education Act are critical to achieving that constructive partnership.

The most obvious thing this amendment will do—since we are talking about an amendment to a budget resolution—is to reserve an additional $15 billion, over the next 5 years, for the purposes of the Federal Elementary and Secondary Education Act.

We do that because we believe that additional amount of Federal contribution, particularly with the flexibility, targeted at the most in-need students, with an accountability system that relates to student performance in the classroom, that that investment is going to be a necessary part of lifting the performance of our American students, especially those who are most in need.

If we fail to do that, if we fail, at the Federal level, to make that additional commitment to their education, I am afraid we are consigning the next decade of American public education to the same critique we hear so much of today—that we are not doing an adequate job of preparing our children for the future, that we are contributing not just to a digital divide but to a socioeconomic divide among our children, and that those children who do not have the kind of support we have traditionally associated with the family's contribution to child development will continue to fall further and further behind their fellow students who are more advantaged.

We believe this is a pragmatic approach to a passionately held goal of improved American education.

Mr. President, I urge the adoption of this amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Off the resolution, I yield to the Senator from Minnesota 15 minutes. Also, I say the Senator from Minnesota and the Senator from South Dakota, Mr. JOHNSON, have an outstanding amendment to be offered at a subsequent time. I applaud and commend them for their diligence in allowing us to hear the debate on this issue.

I yield Senator WELLSTONE 15 minutes.

Mr. WELLSTONE. I thank my colleague from Nevada.

Mr. President, I hope Senator JOHNSON—I have contacted his office—will be down here because I am really joining Senator JOHNSON who has taken the lead on this amendment and has been very involved, going back to his work on the Budget Committee.

Let me, first of all, give credit where credit is due. Over the last several years, we have been fighting what is called the flatline budget.

Last year, the administration presented to the Congress a veterans budget that was woefully inadequate. This year, they have really significantly increased their investment. It is an additional $1.4 billion over where they were. The Budget Committee has stuck with that. That is a huge help.

But Senator JOHNSON and I have had the honor and the opportunity to work with a lot of veterans organizations—the VFW, the Paralyzed Veterans of America, the Disabled American Veterans—who have put together an independent budget. They did this, starting last year, and did a lot of good grassroots organizing around the country.

It went way beyond just veterans coming to Washington, DC, and testifying because the message from the Congress to the veterans was: We are not just interested in what you are opposed to or what you say you need more money for. We want to see a careful outline.

This independent veterans budget is just such a budget proposal. What Senator JOHNSON has done—and I am pleased to join him—is called for an additional $500 million above and beyond the $1.4 billion increase from the Senate Budget Committee that would be an investment, especially in veterans' health care.

We have a real challenge in veterans' health care. We talked about this in our millennium bill. What we have authorized is essentially decent care for a veterans population that is an aging population. We have many veterans who are 75, 80 years old. What we have said—and we should be looking at the whole population in this country in the same way—is this is a population where there are some huge gaps, some huge needs. We need to get serious about it.

How can we pass legislation saying, veterans, we are going to make a commitment to long-term care. We are especially going to make a commitment to making sure you are not forced into nursing homes. We will make a commitment to making sure that there is the support for you to stay at home and live at home in as near a normal circumstance as is possible with dignity.

I was in the VA medical center about a month ago. It was very poignant. Quite often the men are World War II veterans. They have had a hip operation, a knee operation. If you spend any time out there in the lounge and talk to their wives, they are scared to death about when their husbands come home because they can't take care of them any longer without help. They don't know what they are going to do. Whether it be respite care, whether it be public health nurses within the VA health care system, we have to get serious about this.

The $500 million doesn't do the job, but it goes in the direction of having a veterans budget that is an honest-to-God response to the needs of veterans in this country.

In my State of Minnesota, I think the real heroes and heroines are the county veterans' service officers. They are not a part of the VA, but they are on the front lines of veterans' health care. They are on the front lines of meeting the needs of veterans and their families. I have had several meetings with these county veterans' service officers—lots of people come; a lot of veterans come—who are advocates for the veterans. In our State, the medical center in Minneapolis is really a flagship place, but veterans wait for up to 18 months for some of the specialized care they need. That is too long a wait. We have too long a waiting list. We have staff that are overworked, sometimes having to work one shift after another.

We have an aging veterans population. We have made the commitment in the millennium bill, but we have not backed it up with the investment of resources. We have too high a percentage of the veterans population that is a part of the homeless population. Too many of them are Vietnam vets, still struggling with posttraumatic stress syndrome.

If my colleagues have had any meetings with these vets, they know they are the most poignant meetings. Quite often, veterans will be sitting in a room with you. People will get up and leave and come back and get up and leave. They are struggling; you can see it. Quite often, you have substance abuse that occurs with this as well. We are not providing the treatment.

This amendment is a terribly important amendment. I yield the rest of my time to my colleague from South Dakota, Senator JOHNSON, who took the lead on the Budget Committee. He is the one who introduced the amendment. I am proud to be on the floor with him in partnership pushing for this.

Mr. STEVENS. Will the Senator yield for a parliamentary inquiry?

Mr. JOHNSON. Yes.

Mr. STEVENS. Mr. President, I have the right to call for regular order, but how much more time is left on this amendment?

Mr. WELLSTONE. I say to my colleague, I think about 7 minutes.

The PRESIDING OFFICER. The Senator from Minnesota has 6 minutes 7 seconds.

Mr. STEVENS. I thank the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I commend my colleague, Senator WELLSTONE of Minnesota, for his extraordinary work on this issue. He has long been a champion of veterans in our Nation. I have enjoyed the opportunity to work with him on this and many other issues.

I am appreciative of Chairman DOMENICI's effort to secure a $1.4 billion increase in outlays in the budget. We have come a considerable distance from a year ago, when I was offering on this floor a $3 billion increase in veterans' health care appropriations which was necessary at that time to catch up after 3 years of frozen VA budgets. Of the $3 billion that was passed, ultimately, by the time the Appropriations Committee was done, we had about $1.7 billion. Even so, it was a significant increase. It has done a lot to breathe additional viability into our VA health care system.

This year, Senator DOMENICI has proposed a $1.4 billion increase. That is encouraging. However, the Authoritative Independent Budget produced by 40 different veterans groups and medical societies—including Amvets and Disabled American Vets, Paralyzed Veterans of America, and the VFW—reminds us that even then we still need an additional $500 million in outlays over the Budget Committee's level to raise the funding level to the point where it is requested in the independent budget of a $1.9 billion increase for fiscal 2000. This amendment pays for this. This amendment would get us to that needed level.

We need to make a fundamental decision in this body about where our priorities lie. We are talking now about multibillion-dollar surpluses in the Federal budget over the coming years. We ought to be cautious about whether they materialize or not, but certainly we can be optimistic that we will be in black ink in the coming years.

The question then is, Are we going to fully fund the veterans' health care programs at the level the veterans organizations themselves contend—I think rightfully so—is necessary? Are we going to put them as a first priority honoring those people who put their lives on the line and made our liberties possible or are we going to fall back to the point where, again, we only use the dollars that are left over after other things have been done?

To me, this ought to be a first-priority item. We have an opportunity on the floor this evening to make it very clear to our colleagues in the other body that, in fact, veterans' health care is a first priority item and that we will take care of that. When we are done with dealing with veterans' health care issues, we will then move on to whatever our other priorities might be, whether they be tax cuts, education, health care, or other matters facing the country. This ought to be at the top or near the top of our agenda as we debate the look of the Federal budget in this coming year.

I applaud the constructive steps that have been taken on veterans' health care. I certainly am appreciative of the work of Senator WELLSTONE in helping to raise the visibility of this issue. At this juncture, as we shape this budget resolution which creates a roadmap, which creates the parameters for where the appropriations committees will go next, we need to send them this kind of message that, in fact, we want full funding for veterans' health care.

This is our opportunity to make that statement. We should not let this opportunity go by without making it clear that we are committed to this reasonable level of funding, after those many years of frozen VA budgets, that the VA requires.

Mr. President, I yield back my time.

AMENDMENT NO. 2931

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, what is the regular order.

The PRESIDING OFFICER. The regular order is the Stevens amendment No. 2931.

Mr. STEVENS. Mr. President, this is the first of a series of three amendments that deals with points of order in the budget resolution, as it was reported to the Senate.

I have the feeling that this is deja vu because every year we face the same kind of concept. In the current budget resolution, for instance, that we are operating on for this fiscal year, there is, in fact, a point of order against emergency spending that requires 60 votes for emergency spending of a nondefense character. The resolution that was reported to the floor extends that to cover defense spending also.

It also has what we call a firewall that covers both budget authority and outlays for defense and nondefense. And it has a series of two other points of order that deal with delayed obligations and advance appropriations. Those make the management of the 13 bills our subcommittees work on annually and the supplemental and emergency bills that we face extremely difficult.

We have had a long series of conversations. I told someone I sort of feel like Houdini. Every year, I get a different set of chains and the configuration of the box I am put in before I am put in the water differs, but everybody expects me to get out of it. I must say to the Senate, before this year is over, you might find some new approaches that help me get out of the chains. But these mechanisms, primarily for enforcement, ought to apply to the Senate as a whole, not only to the Appropriations Committee.

In fact, if you examine the rules, as I did early this morning when I got up and started thinking about these amendments, I think you will find it very interesting. We have a series of rules that govern the Senate, and if we ever really followed them, we would not have the trouble that we have once in a while here on the floor. The interesting thing is that those rules do not apply to the appropriations process in most instances because the framers of those rules understood the real complexities of the appropriations process and the fact that we do deal with emergencies and with various extraordinary circumstances in the course of each year's consideration of these 13 bills.

We were prepared to offer three amendments to delete these three sections: 208, 210, and 211. I have had long discussions with my good friend, Senator DOMENICI, the manager of the bill, chairman of the Budget Committee, and he has made an offer to us, which I am reluctant to agree to, but I have no alternative because no committee needs the budget resolution more than the Appropriations Committee. The points of order that are in the Budget Act apply to the Senate Appropriations Committee. They don't even apply to the House bill because the House controls its access to the floor and amendments through the rules process.

We, therefore, have to negotiate with the Budget Committee to obtain the best possible regime under which to present the appropriations bills for the fiscal year 2001. I am going to yield to my friend. It is my understanding that he will offer an amendment and that the amendment will be debated here. It is my intention, if it is what I believe it to be—as I said, I am reluctantly going to agree to support it, primarily because we need this budget resolution, and also because I have great trust and faith in the chairman of the Budget Committee. He is seeking to get his job done, and I am seeking to be able to do the job that has been assigned to our committee.

Mr. President, I yield to my friend to carry on the discussions. He will yield to the Senator from Texas and others. How much time do I have on this amendment?

The PRESIDING OFFICER. The Senator has 49 minutes.

Mr. STEVENS. If I have 49 minutes, I yield 45 minutes to my friend, and I will reserve 4 minutes in case I have to come back into this discussion at some point. It is my understanding that he has the authority, then, to yield to other Members on this side who might wish to discuss the matter, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. REID. Mr. President, parliamentary inquiry: It is my understanding

that the Senator from Alaska offered an amendment to which he has 1 hour, is that correct?

The PRESIDING OFFICER. There was not enough time for 1 hour, so it is 54 minutes to each side.

Mr. REID. Who is in opposition to the Stevens amendment other than the Democrats?

Mr. DOMENICI. Nobody here is in opposition.

The PRESIDING OFFICER. The minority leader controls the time.

Mr. REID. So we have 54 minutes?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. I will retain 4 minutes of the time and yield the rest of the time to the Senator from New Mexico. He will yield time to my friend from Virginia, as well as the Senator from Texas.

The PRESIDING OFFICER. The Senator from New Mexico has control of the 45 minutes.

Mr. DOMENICI. Mr. President, I want to talk with Senator STEVENS for a moment. First of all, let me say that there are a couple of Senators who want to speak for 2 or 3 minutes on my side. Since I have almost an hour, I will yield to them. We haven't been able to have any time because of the way things are. Senator GORTON wishes to speak. How much time would Senator GORTON take?

Mr. GORTON. Two minutes.

Mr. DOMENICI. I yield 2 minutes to Senator GORTON.

Mr. GORTON. Mr. President, I ask unanimous consent that the current amendment be set aside and we call up, first, amendment No. 2942, and then 3011, both of which have been agreed to by both sides.

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

AMENDMENT NO. 2942

(Purpose: To express the sense of the Senate regarding the establishment of a national background check system for long-term care workers)

Mr. GORTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. KOHL, for himself, Mr. REID, and Mr. GRASSLEY, proposes an amendment numbered 2942.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING THE ESTABLISHMENT OF A NATIONAL BACKGROUND CHECK SYSTEM FOR LONG-TERM CARE WORKERS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The impending retirement of the baby boom generation will greatly increase the demand and need for quality long-term care and it is incumbent on Congress and the President to ensure that medicare and medicaid patients are protected from abuse, neglect, and mistreatment.

(2) Although the majority of long-term care facilities do an excellent job in caring for elderly and disabled patients, incidents of abuse and neglect and mistreatment do occur at an unacceptable rate and are not limited to nursing homes alone.

(3) Current Federal and State safeguards are inadequate because there is little or no information sharing between States about known abusers and no common State procedures for tracking abusers from State to State and facility to facility.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this concurrent resolution on the budget assume that a national registry of abusive long-term care workers should be established by building upon existing infrastructures at the Federal and State levels that would enable long-term care providers who participate in the medicare and medicaid programs to conduct background checks on prospective employees.

Mr. GORTON. Mr. President, this is an amendment by Senator KOHL of Wisconsin regarding the establishment of a national background check system for long-term care workers. It has been agreed to, and I think we can take it directly to a vote.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2942) was agreed to.

AMENDMENT NO. 3011

(Purpose: To express the sense of the Senate concerning the price of prescription drugs)

Mr. GORTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself and Mr. JEFFORDS, proposes an amendment numbered 3011.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING THE PRICE OF PRESCRIPTION DRUGS IN THE UNITED STATES.

(a) FINDINGS.—The Senate makes the following findings:

(1) Today, two-thirds of senior citizens in the United States have access to prescription drugs through health insurance coverage.

(2) However, it is difficult for many Americans, including senior citizens, to afford the prescription drugs that they need to stay healthy.

(3) Many senior citizens in the United States leave the country and go to Canada or Mexico to buy prescription drugs that are developed, manufactured, and approved in the United States in order to buy such drugs at lower prices than such drugs are sold for in the United States.

(4) According to the General Accounting Office, a consumer in the United States pays on average ⅓ more for a prescription drug than a consumer pays for the same drug in another country.

(5) The United States has made a strong commitment to supporting the research and development of new drugs through taxpayer-supported funding of the National Institutes of Health, through the research and development tax credit, and through other means.

(6) The development of new drugs is important because the use of such drugs enables people to live longer and lead healthier, more productive lives.

(7) Citizens of other countries should pay a portion of the research and development costs for new drugs, or their fair share of such costs, rather than just reap the benefits of such drugs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that the cost disparity between identical prescription drugs sold in the United States, Canada, and Mexico should be reduced or eliminated.

Mr. GORTON. Mr. President, this amendment relates to the discrimination in the price for prescription drugs on the part of American companies between drugs sold in the U.S. and drugs sold for less overseas, and it expresses the concern of the Senate about that discrimination and the desire that it be reduced or eliminated.

Mr. REID. Mr. President, I ask my friend from Washington, Senator GORTON, has this been approved by the majority and minority, signed off on; is that true?

Mr. GORTON. Yes.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3011) was agreed to.

Mr. DOMENICI. Now, Mr. President, Senator ALLARD wishes to speak. Can he do what he wanted to do in 3 minutes?

Mr. ALLARD. I can.

Mr. DOMENICI. I yield 3 minutes on the amendment.

Mr. ALLARD. Thank you. Mr. President, frankly, I had no intention to come to the floor today, as I received a generous amount of time yesterday to debate my amendment concerning the national debt. I appreciate the chairman of the Budget Committee giving me some time to speak momentarily. After listening to the dialog today and reading the content of the sense-of-the-Senate amendment by the Senator from Rhode Island, I felt a sincere need to come and speak to you all this evening.

Since last April's tragic events in my home State at Columbine High School, the town of Littleton, it seems as though the students and community of the Columbine High School have been mentioned almost on a daily basis on the floor of the Senate in Washington, DC. This tragic event has become a new flag to be waved by those in this body who seek to further politicize the issues of crime, law enforcement, and the second amendment. I ask you, Mr.

President, what has this politicking done to help heal the wounds in my home State? I have staff from Littleton. I have staff in Littleton, and I have staff in my State offices who will go home this very night in Littleton, CO.

This tragic event shocked the people in that community, and to date I fail to see any benefit to those in Littleton from the continued publicity and polarization coming from this Chamber.

I have with me two articles published this week: Denver Rocky Mountain News editorial documenting the April 12 visit of President Clinton to Littleton:

It would be utterly tasteless for any politician—from the President to local state representative—to attempt to make political hay over Columbine on the brink of its anniversary.

Washington Post Article ''Columbine, Reflections of a Painful Past'':

Students, parents and school officials here are viewing this anniversary with trepidation. They are apprehensive about the emotions it may rekindle—and about the crush of journalists and curiosity seekers expected to arrive.

A Columbine Senior said, ''It is not the kind of thing that really falls away very quickly. We're healing. But it is always in people's emotions. There is always a hint of it in the background.''

I am ashamed that part of background noise that disturbs the healing of these tender wounds in a Colorado community is the increasing effort by some to make this event the driving force behind their own policy goals.

As the chairman of last year's Juvenile Justice Task Force I worked closely with a number of members of this body to determine causes and solutions for America's juvenile justice problems. The causes are intricate and many. We made our recommendations and we contributed to the juvenile justice bill currently in conference committee.

We are here today to work on a budget resolution for the coming fiscal year. We have had, and will have again, policy debates on the many issues this amendment addresses. We should have those debates in the realm of sensible, comprehensive policy. What we should not do is continue painful rhetoric that inflames the wounds of the Littleton community.

I ask unanimous consent that the Denver Rocky Mountain News article and the Washington Post article mentioned in my statement be printed in the RECORD.

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

[From the Washington Post, Apr. 6, 2000]

AT COLUMBINE, REFLECTIONS ON A PAINFUL PAST

(By Amy Goldstein)

LITTLETON, COLO., April 5.—One of Matt Varney's best friends is Pat Ireland, a Columbine High School student who, last April 20, was captured on television tumbling, shot and bleeding, out a school window. A year later, Varney said that his friend inspires and sobers him still.

''Watching him heal—his everlasting pursuit to get better—has healed me,'' said Varney, a Columbine senior. Yet, he said, ''I have trouble seeing him, knowing these two guys took away so much from him.''

Varney had left Columbine for lunch two minutes before a pair of fellow students rampaged through the building, murdering 13 people and wounding two dozen others before killing themselves. Tonight, Varney was one of two dozen Columbine students and staff members who volunteered to sit on a stage for a town meeting to describe how the nation's deadliest school shooting has influenced their school and themselves.

For nearly two hours, they talked of friendships that have tightened. The solidarity of teachers willing to fill in for one another on a difficult day. The solace they draw from faith and family and writing poetry.

They talked too, of sadness that endures. ''Sometimes, I just want to shout out at night, 'I don't know why it was us,' '' said Sergio Gonzales, a senior. ''It isn't the regular life of a teenager.''

The strains that linger, mental health and school officials say, are mounting in the days leading to the first anniversary of the massacre. The community is responding with a series of events intended to commemorate the occasion and, at the same time, minimize the disruption to a community still striving for equilibrium.

Tonight's town meeting was the opening event and the first time that the Jefferson County school district has convened students and staff to speak publicly about the shooting and its aftermath. ''Columbine'' suddenly became known worldwide as a synonym for school violence on a late Tuesday morning when a pair of juniors, Eric Harris and Dylan Klebold, crossed a soccer field and entered the building with guns blazing, fatally shooting a dozen students and a science teacher before turning their guns on themselves in the high school library. They had also laced the building with bombs, most of which never went off.

Like other commemorative events that will take place this month, tonight's 90-minute forum, ''Conversations With Columbine,'' was tightly controlled, with reporters allowed to request individual interviews with participants afterward only by handing their business cards to school system representatives. Reporters and television crews who want a glimpse inside the school may have one—but only in small, guided tours arranged for them early this Sunday, when the building will otherwise be vacant.

Students, parents and school officials here are viewing this anniversary with trepidation. They are apprehensive about the emotions it may rekindle—and about the crush of journalists and curiosity-seekers expected to arrive.

Based on the crowd that thronged Oklahoma City one year after the 1995 bombing of a federal office building there, and the proximity of the Littleton anniversary to Easter vacations, school officials have predicted that perhaps 100,000 people will arrive here later this month. Community leaders also have heard reports that members of the National Rifle Association may turn out in force to try to counteract welling support here for tighter gun control measures being debated in the Colorado legislature.

''We don't want the masses, but we have to be prepared for the masses,'' Rick Kaufman, a school system spokesman, said this week.

Outwardly, Littleton has recovered a sense of normalcy. Adjacent to the Columbine campus, the grass has grown back in Clement Park, which last spring became a muddy encampment for dozens of television satellite trucks and a makeshift shrine for students bringing flowers and placards to memorialize the dead. This week, the park was filled with young boys playing lacrosse after school in the spring sunshine.

The police tape was removed long ago from the school, a sprawling beige brick structure near the entrance to a quiet residential neighborhood. But there are reminders and frailties, still. The student who walks into class and tells a teacher he had a flashback and ended up crashing a car. The unfailing shivers from the sound of a helicopter whirring overhead. The sight of a few students still propelling themselves down the school's corridors in wheelchairs.

''It is not the kind of thing that really falls away very quickly,'' said senior Peter Forsberg, who hid last April 20 in the school's Spanish office for hours. ''We're healing. But it is always in people's emotions. There is always a hint of it in the background.''

[From the Denver Rocky Mountain News]

THE TIMING OF CLINTON'S VISIT

Would Bill Clinton politicize the anniversary of Columbine? Perish the thought! Why, didn't the president wait three whole days after the Columbine shootings last year before he publicly linked them to a lack of gun control? And didn't he cool his heels a full week before he introduced a package of gun measures that the White House described as ''the most comprehensive gun legislation any administration has put forward in 30 years''? There's sensitivity for you.

Yes, this president has been the very model of self-control in resisting the temptation to exploit the Columbine tragedy to advance a long-held political agenda. Most impressive of all, he waited a whole month after Columbine—think of the forbearance!—before he called for a Federal Trade Commission probe into the marketing of violent video games and other products.

That's why we are so shocked that anyone would suggest that Clinton might actually try to politicize the anniversary of Columbine when he visits Colorado on April 12 to campaign for a state initiative that would mandate background checks at gun shows. What on Earth in the president's record raises that unworthy suspicion?

It would be utterly tasteless for any politician—from the president to a local state representative—to attempt to make political hay over Columbine on the brink of its anniversary. President Clinton, whose tastefulness in all matters is legendary, would be just about the last person we'd expect to resort to such a crude maneuver.

So by all means, let the public accept the assurances of SAFE Colorado, the gun-control group pushing the ballot initiative, that the timing of the president's visit so close to the Columbine anniversary of April 20 is a mere coincidence and meant to signify nothing. Of course that's true. There are only 52 weeks in a year, after all, and this paltry number puts a terrific strain on the schedule of such a busy world leader. If you wonder why Clinton would come to Colorado barely a week before the Columbine anniversary to attend a political rally on gun control, blame the burdens of the presidency if you

must blame something, but please do not blame this man whose very career is a tribute to discretion and respect for private grief.

As impressed as we are with Clinton's sensitivity, we are also pleased to see that his upcoming visit is evoking the usual carefully reasoned rhetoric from gun-rights advocates. ''I just think (Clinton's) just doing what he always does, wading through the blood of the victims to push his agenda,'' said Bill Dietrick, legislative director of the Colorado State Shooting Association. Dietrick's thoughtful analysis is yet another enlightened contribution to the debate over guns, and it follows a series of equally diplomatic comments last month by the executive vice president of the National Rifle Association.

Among other things, the NRA's Wayne LaPierre claimed that President Bill Clinton ''needs a certain level of violence in this country. He's willing to accept a certain level of killing to further his political agenda and his vice president's, too.''

It is heartening to see, as the Columbine anniversary approaches, so much evidence of maturity and mutual respect on both sides in the gun-control debate. Now you see why we're so confident that the exploitation of Columbine is the furthest thing from the minds of Clinton, those who arranged his visit and those who will protest it.

After all, how could anyone possibly complain about their behavior up till now?

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the distinguished manager, Senator DOMENICI.

Senator STEVENS and I have an amendment at the desk calling for a $4.1 billion increase in total defense spending.

We recognize that the House of Representatives is taking similar action. This would be parallel action.

At no time in contemporary history have there been more threats and more challenges affecting the security of this country. At the same time, at no time in my memory—I have been associated with the military as far back as World War II—has there been really less incentive for the young men and women of the Nation to join and proudly wear the uniform and incentives for those in the middle grades of our military to stay in after enormous expenses for the taxpayers to train them. When they finish their obligated period and first-term enlistments—the first term for officers and oftentimes pilots is 6 to 8 years—they are highly sought after by the private sector in our magnificent expanding economy.

We have this coincidence of pressures being put on the military today.

I urge my colleagues to vote favorably on the current version of the Stevens-Warner amendment of $4 billion for extra defense spending to meet the threats worldwide and to provide the proper benefits and care for the men and women of the Armed Forces and their families; to provide for the increase in procurement for the modernization they need with the additional dollars for training.

This Nation has witnessed the deployment of the men and women of the Armed Forces beyond our shores in the last 6 or 8 years, more times than any other President has sent them out into harm's way. For too many years, the size of our defense budget has been based on constrained funding, not on the threats facing our country or the military strategy necessary to meet those threats. We began to make some progress last year when, for the first time in 14 years, we had a real increase in the authorized level of defense spending. We must continue the momentum we started last year in an effort to correct the most critical readiness, modernization, and recruiting and retention problems in our military.

Any analysis of our defense budget should begin with an analysis of the worldwide threat that our military faces—both now and in the future. The world remains complex and dangerous, and the United States is continually called upon to provide the requisite leadership to resolve the many conflicts which continue to erupt in this rapidly changing world. The negative impact that the large number of contingency operations in which our military is engaged worldwide is having on the readiness of our military forces concerns me. We have had troops in the Persian Gulf—engaged in active military operations against Iraq—for over a decade, in Bosnia for over four years, and now in Kosovo—with no end in sight for any of these operations.

The Joint Chiefs of Staff have testified that they still have a shortfall in funding of $9.0 billion for this fiscal year—fiscal year 2000; a requirement for an additional $15.5 billion above the budget request to meet shortfalls in readiness and modernization for fiscal year 2001; and a requirement for an additional $85.0 billion over the next five years. These were requirements identified by the Service Chiefs as their unfunded, validated requirements—not a set of ''wish lists.''

As the elected representatives of the American people, we have no higher responsibility than ensuring the safety and security of our people by maintaining a strong and capable military. As chairman of the Armed Services Committee, I cannot sit idly by—knowing of the many shortfalls in defense funding that currently exist—without at least trying to address the many urgent needs of our military.

The Administration's budget request for fiscal year 2001 took some positive steps forward. The Budget Committee added an additional $500 million, but more needs to be done.

While the fiscal year 2001 defense budget request does reach the $60 billion modernization goal set in fiscal year 1995, this goal has not kept pace with requirements and has never been adjusted for inflation. Estimates from the Congressional Budget Office (CBO) have more accurately placed the funding necessary to meet modernization requirements at $90.0 billion annually, with other organizations stating that even larger increases are necessary.

We must continue the momentum we started last year when the Congress provided the personnel incentives necessary to reverse the negative trends in recruiting and retention. The Secretary of Defense, the Chairman of the Joint Chiefs, and the Service Chiefs have all said that fulfilling our commitment for healthcare to our military retirees will be among the highest priorities this year. I believe, there is overwhelming support in the Senate to correct many of the shortfalls in the military healthcare system for our service members, their families, and our military retirees. it is critical to enact the important initiatives contained in the bipartisan healthcare legislation introduced by the Senate and the Armed Services Committee leadership. Adding the funds in this amendment makes it possible to fund this important initiative for military retiree healthcare.

The increase of $4.0 billion contained in our amendment will allow us to bring defense spending to a more appropriate level and address some of the urgent unfunded requirements of the military chiefs. By adding the funding in this amendment, we will not be forced to fund needed increases for defense using emergency spending. Adding these funds now, allows the Senate to follow the normal procedures of authorization first, and not to be forced to deal with added spending as an emergency.

The challenges that this country will face in the new millennium are diverse—new threats, new battlefields, and new weapons. It is important that we remain vigilant, forward thinking, and prepared to address these challenges.

Mr. Tenet, the Director of Central Intelligence, concluded his excellent opening statement at a very sobering hearing before the Armed Services Committee in January by saying:

> The fact that we are arguably the world's most powerful nation does not bestow invulnerability; in fact, it may make us a larger target for those who don't share our interest, values, or beliefs.

We must ensure that our military forces remain ready to meet present and future challenges.

I want to express my appreciation again to the distinguished chairman of the Appropriations Committee and the chairman of the Budget Committee for assisting us on this amendment. I want to also thank the highly professional staff members of the Appropriations Committee and the Budget Committee for their assistance for working out this amendment.

I also want to thank Senator DOMENICI and his staff in assisting me last evening in working out a solution which will provide for the implementation of a Thrift Savings Plan for the

active and reserve components of our military.

I urge adoption of this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 2931, AS MODIFIED

Mr. STEVENS. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 2931) as modified is as follows:

On page 4, line 22, increase the amount by $4,000,000,000.

On page 5, line 7, increase the amount by $2,000,000,000.

On page 5, line 15, decrease the amount by $2,000,000,000.

On page 9, line 6, increase the amount by $4,000,000,000.

On page 9, line 7, increase the amount by $2,000,000,000.

On page 27, line 7, decrease the amount by $4,000,000,000.

On page 27, line 8, decrease the amount by $2,000,000,000.

Strike page 41, line 5 and all that follows through page 45, line 22; and insert the following:

(g) EXCEPTION FOR DEFENSE SPENDING.—Subsection (b) shall not apply against an emergency designation for a provision making discretionary appropriations in the defense category.

SEC. 209. RESERVE FUND PENDING INCREASE OF FISCAL YEAR 2001 DISCRETIONARY SPENDING LIMITS.

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

(1) The functional totals with respect to discretionary spending set forth in this concurrent resolution, if implemented, would result in legislation which exceeds the limit on discretionary spending for fiscal year 2001 set out in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985. Nonetheless, the allocation pursuant to section 302 of the Congressional Budget and Impoundment Control Act of 1974 to the Committee on Appropriations is in compliance with current law spending limits.

(2) Consequently unless and until the discretionary spending limit for fiscal year 2001 is increased, aggregate appropriations which exceed the current law limits would still be out of order in the Senate and subject to a supermajority vote.

(3) The functional totals contained in this concurrent resolution envision a level of discretionary spending for fiscal year 2001 as follows:

(A) For the discretionary category: $600,579,000,000 in new budget authority and $592,326,000,000 in outlays.

(B) For the highway category: $26,920,000,000 in outlays.

(C) For the mass transit category: $4,639,000,000 in outlays.

(4) To facilitate the Senate completing its legislative responsibilities for the 106th Congress in a timely fashion, it is imperative that the Senate consider legislation which increases the discretionary spending limit for fiscal year 2001 as soon as possible.

(b) ADJUSTMENT TO ALLOCATIONS.—Whenever a bill or joint resolution becomes law that increases the discretionary spending limit for fiscal year 2001 set out in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, the appropriate chairman of the Committee on the Budget shall increase the allocation called for in section 302(a) of the Congressional Budget Act of 1974 to the appropriate Committee on Appropriations.

(c) LIMITATION ON ADJUSTMENT.—An adjustment made pursuant to subsection (b) shall not result in an allocation under section 302(a) of the Congressional Budget Act of 1974 that exceeds the total budget authority and outlays set forth in subsection (a)(3).

SEC. 210. CONGRESSIONAL FIREWALL FOR DEFENSE AND NON-DEFENSE SPENDING.

(a) DEFINITION.—In this section, for fiscal year 2001 the term ''discretionary spending limit'' means—

(1) for the defense category, $310,819,000,000 in new budget authority and $297,050,000,000 in outlays; and

(2) for the nondefense category, $289,760,000,000 in new budget authority and $327,583,000,000 in outlays.

(b) POINT OF ORDER IN THE SENATE.—

(1) IN GENERAL.—After the adjustment to the section 302(a) allocation to the Appropriations Committee is made pursuant to section 208 and except as provided in paragraph (2), it shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that exceeds any discretionary spending limit set forth in this section.

(2) EXCEPTION.—This subsection shall not apply if a declaration of war by Congress is in effect.

(c) WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 211. MECHANISMS FOR STRENGTHENING BUDGETARY INTEGRITY.

(a) DEFINITION.—For purposes of this section, the term ''budget year'' means with respect to a session of Congress, the fiscal year of the Government that starts on October 1 of the calendar year in which that session begins.

(b) POINT OF ORDER WITH RESPECT TO ADVANCED APPROPRIATIONS.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any bill, resolution, amendment, motion or conference report that—

(A) provides an appropriation of new budget authority for any fiscal year after the budget year that is in excess of the amounts provided in paragraph (2); and

(B) provides an appropriation of new budget authority for any fiscal year subsequent to the year after the budget year.

(2) LIMITATION ON AMOUNTS.—The total amount, provided in appropriations legislation for the budget year, of appropriations for the subsequent fiscal year shall not exceed $23,000,000,000.

(c) POINT OF ORDER WITH RESPECT TO DELAYED OBLIGATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider any bill, resolution, amendment, motion, or conference report that contains an appropriation of new budget authority for any fiscal year which does not become available upon enactment of such legislation or on the first day of that fiscal year (whichever is later).

(2) EXCEPTION.—Paragraph (1) shall not apply with respect to appropriations in the defense category; nor shall it apply to appropriations reoccuring or customary or for the following programs provided that such appropriation is not delayed beyond the specified date and does not exceed the specified amount:

Mr. DOMENICI. Mr. President, will the Senator yield?

Mr. STEVENS. Yes.

Mr. DOMENICI. Let me suggest that this modification is supported by Senator STEVENS, Senator DOMENICI, Senator GRAMM, and Senator WARNER, and I understand on the Democratic side Senator INOUYE has told Senator STEVENS he supports it.

We are obviously trying tonight to complete our work and get a budget resolution, that we can take to conference with the House, of which we are proud.

Frankly, we came out of committee with $595.6 billion available in program authority for defense and domestic accounts.

In addition, we said in that budget resolution that we were reinstating what we had used for 3 years: The first 3 years of the balanced budget agreement between the President and the Congress—to wit, a firewall—so the defense money couldn't be used for domestic spending or vice versa.

In this amendment, we retain that, but we have added $4 billion in program authority to defense.

There will be no mingling of that money with domestic and no mingling of domestic money with defense.

That firewall stays in this modification offered by Senator STEVENS on behalf of himself and other cosponsors.

In addition, the budget resolution had a 60-vote point of order for emergencies.

With this amendment, we have returned to the law as it was before this budget resolution; that is, last year we had in the budget resolution that 60-vote point of order which would apply to domestic spending. That is retained, not modified, and it is not expanded to include defense.

In addition, the House of Representatives adopted in the budget resolution a limitation on advanced appropriations, a technicality often used but not always used by Presidents and Congress as they complete their appropriations work. It is a legitimate tool of appropriating. The House, in their resolution, has $23 billion as the maximum amount allowed in program authority to be advanced.

Then there is a point of order, if you do more. We are agreeing here to do what the House did.

Senator STEVENS has negotiated with us, and we are going to the House level on that number. That means for those who are concerned, we are keeping some very rigid discipline, but we are going to the House number, and the number that was very much discussed in the Budget Committee, we are back to that number.

Senator GRAMM of Texas has agreed with their compromise, and he was one who wanted to lower the number.

We are beginning to develop a package that looks to have consensus on our side. I wasn't sure any Democrats were going to vote for our budget resolution. I hope they do with these modifications. We have Senator INOUYE agreeing with these modifications. It doesn't mean he is committed to the budget resolution.

There are no nondefense delayed obligations except for those listed in the budget and those that are ordinary and historic.

Senator STEVENS made two commitments to us. Frankly, I have committed to him. We worked together. He is going to make every effort to stay within the limitations in this budget.

That means there is $289 billion in budget authority, and $327.6 billion in outlays for the nondefense part of this budget.

Depending on how you figure it, it is anywhere from a 3.35-percent increase—looking at it another way, it may be as much as 6, or 6½, depending upon a couple of things such as a $4.3 billion budget authority that is going to be made available when we pass a certain bill that was required by the Budget Act of 1997.

The distinguished chairman is committing to do everything in his power to live within the budget resolution. That is all anybody ever asked. He has agreed not to violate the $23 billion in advanced funding. There would be no reason to put it in the budget resolution if we weren't going to do it.

I express my extreme gratitude to the distinguished Appropriations Committee chairman for working with me, working with Senator GRAMM, and working with Senator LOTT and others on our side, and the distinguished Senator WARNER who carved out this budget enforcement compromise. I think it is an excellent one.

I think we ought to adopt it.

From what I can understand, all segments of the Republican Party that had diverse views on this budget resolution ought to be in concurrence on this. I believe it does precisely what most of us would like.

I remind those who are thinking about domestic spending that we have increased the advanced appropriations amounts from $13 billion to $23 billion. That is a pretty good one that will allow flexibility of management, which is what the appropriators are looking for. But it is not too high because the House has accepted it also as something they can live with based on this year's levels and the levels of last year.

I think overall it is a good compromise. It is now the pending business, as Senator STEVENS indicated in his submission to the desk as a modification of his original amendment.

We still have some additional time. The distinguished Senator from Texas, who is a valued Member of the Senate and of the Budget Committee, with whom I worked very hard to carve the budget resolution, is here. I yield 7 minutes to the distinguished Senator from Texas.

Mr. GRAMM. Mr. President, I would hate to have to make a living negotiating with Senator STEVENS. In the dull moments when we sit here and listen to some droning speech and look at the names written in our desk drawers—many of which we do not even recognize and never heard of—my guess is that someday people will see Senator STEVENS' name in one of these drawers and they will know who he was.

I believe we have a stronger budget as a result of this agreement. I think we have a stronger enforcement process as a result of this agreement because Senator DOMENICI and I had words written on paper, but we didn't have a consensus in the majority party to enforce those words. We have that consensus today.

I take the word of the distinguished senior Senator from Alaska to be more powerful and worth more than points of order. When he says he will lead the effort to the best of his ability to live within the nondefense discretionary numbers of this budget and to stay with the limit we have agreed to on advanced appropriations, I believe that is the strongest enforcement mechanism we can have.

We have preserved our 60-vote point of order for emergencies that are nondefense in nature. Senator STEVENS raised the point that in an emergency for defense, you could require a supermajority, and if you had a partisan issue on defense, you could deny the ability to meet the defense needs of the Nation. A point well made and a point well taken.

But we have the enforcement mechanism that prevents the piling of items of a nondefense nature into bills and designating them as emergencies when, in fact, they are not emergencies.

We kept the firewalls so when we get money for defense, it stays in defense. We have adjusted the advanced appropriation level to the level we had last year, the level that is in the House, with a strong 60-vote point of order to hold it in place. We prohibit nondefense delayed obligations, which is an important new power in the budget process. We have a unified Republican commitment to live within a discretionary budget written here and to stay with that number through the process.

This has been a long and difficult negotiation. We are dealing with people who have jobs to do. I think as a result of this agreement we can move forward together to do that job. I thank Senator DOMENICI. I thank Senator STEVENS. I believe we have a good product. I believe it is worthy of support. I believe we have a fighting chance to hold it through the appropriations process. If we do, the Nation will be the big beneficiary.

I reserve the remainder of my time.

Mr. THURMOND. Mr. President, as the Senate debates the Fiscal Year 2001 Budget Resolution, I want to again bring to the attention of my colleagues the testimony by General Shelton, the Chairman of the Joint Chiefs of Staff, before the Senate Armed Services Committee on September 29, 1998.

''It is the quality of the men and women who serve that sets the U.S. military apart from all potential adversaries. These talented people are the ones who won the Cold War and ensured our victory in Operation Desert Storm. These dedicated professionals make it possible for the United States to accomplish the many missions we are called on to perform around the world every single day.''

It has been glaringly evident to me, and I suspect to some of my colleagues, that there has been little or no mention of national security issues during this debate on the budget resolution. Maybe it is because defense does not rank very high in the polls which reflect the concerns of the American people. Or maybe it is because everyone assumes that the defense budget is adequate and there is no reason to debate it. I am here today, along with the Chairman of the Armed Services Committee, Senator WARNER, and members of the Armed Services Committee, to tell you that the level of defense spending proposed by the President and this budget resolution is inadequate.

To highlight the problem let me point out that despite the two percent increase in the President's budget over fiscal year 2000 and another $500 million increase in the budget resolution, the Joint Chiefs of Staff have identified a requirement for an additional $15 billion to meet shortfalls in readiness and modernization for fiscal year 2001.

Mr. President, we have the best soldiers, sailors, airmen and Marines, however, all their professionalism is for naught if they do not have the equipment, weapons and supplies to carry out their mission. Since the end of Operation Desert Storm, which reflected both the professionalism and material quality of our Armed Forces, the defense budget has declined by $80 billion. Yet the pace of the military operations has not declined, in fact the pace of operations exceeds that of the Cold War era. Not only are the men and women of our military stretched to the limits, but also their equipment. The $4 billion increase in the Defense Budget proposed by Chairman WARNER's amendment will not resolve the shortfall identified by the Nation's most senior military commanders, it will however provide the necessary funding to improve recruiting, retention, health care, and most important readiness.

Mr. President, I urge the adoption of Senator WARNER's amendment to ensure we meet the Nation's security needs. We must not leave the false impression that the increase in the President's budget and the additional funding proposed in the budget resolution will result in increased security for our Nation.

Mr. DOMENICI. How much time remains on the amendment as modified?

The PRESIDING OFFICER. The Senator has 26 minutes.

Mr. DOMENICI. I yield 4 minutes to Senator SMITH from New Hampshire.

Mr. SMITH of New Hampshire. I thank my colleague for yielding this time.

I have an amendment, No. 3031, called prescription drug amendment, along with my colleague, Senator ALLARD. Three or four minutes does not give much time to explain a complicated amendment, but I say to my colleagues on the other side of the aisle it meets the criteria of the Democrat plan with a couple of additions for improvement.

It is revenue neutral. It eliminates the need to spend $40 billion in the budget. It takes effect as early as 2001, and there is no premium increase for seniors. It is voluntary. It is accessible to all Medicare beneficiaries. It is designed to provide meaningful protection. It is affordable for all beneficiaries. It is administered using the private sector. It is consistent with broader Medicare reform. It is revenue neutral. It does not increase premiums. It provides full prescription drug benefits as early as 2001.

The cost to the trust fund under Smith-Allard is zero; the cost to the trust fund under the Clinton proposal is $203 billion over the next 20 years.

It is supported by Mr. King, the former HCFA Administrator, in a letter.

Monthly premiums under the Clinton plan, $51; Smith-Allard, zero for drugs; Part B, $45.50, versus $45.50; Medigap, $134 versus $88.

The total is $230 versus $133. The Smith-Allard premium savings is $96.83 a month. It works simply. The annual deductible under Clinton is $876—$776 plus $100. Under Smith-Allard, the combined deductible is $675. And prescription drugs are in part going toward the deductible.

In conclusion, this is a very good approach. It saves $40 billion out of this budget resolution, with which we could do a lot of things. It is revenue neutral. It takes effect as early as 2001. There is no premium increase for seniors.

I encourage my colleagues to support my amendment. I yield the floor.

Mr. DOMENICI. Senator CHAFEE has been asking for time. I yield 2 minutes to Senator CHAFEE.

Mr. L. CHAFEE. Mr. President, I am sending amendment No. 2944 to the desk for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

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

Mr. REID. Mr. President, it is my understanding this is not the time to offer amendments.

The PRESIDING OFFICER. It would require unanimous consent to offer the amendment.

Mr. REID. Objection.

The PRESIDING OFFICER. The objection is heard.

Mr. DOMENICI. The Senator from Rhode Island understands the amendment is not in order unless agreed upon on the other side, but I yield time for him to speak.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. L. CHAFEE. Mr. President, I am pleased to be joined by a bipartisan group of cosponsors, including Senators MIKULSKI, SNOWE, and GRASSLEY, in offering this amendment.

In 1990, Congress passed legislation to authorize the Centers for Disease Control to pay for screening tests to detect breast and cervical cancer on low-income and uninsured women. Regrettably, this legislation did not authorize the treatment for those screening tests tragically indicating cancer. I cannot believe any legislator would not want to correct this omission.

Diagnosis without treatment is leaving women with the life-threatening disease nowhere to turn. Screening must be coupled with treatment to reduce mortality. Specifically, the sense of the Senate mirrors legislation introduced by Senator John Chafee which would give States the option to provide treatment through the Medicaid program for women diagnosed with breast or cervical cancer under the CDC screening program. I truly believe this is a corrective measure.

Yes, this program costs $315 million over 5 years. However, the House included funding for this program in its budget 2 weeks ago, and the House leadership has committed to a vote on this bill by Mother's Day, May 14. This is not a permanent entitlement. Women would only be eligible for Medicaid during the duration of treatment. The coverage would continue only until the treatment and followup visits are completed. Without Medicaid coverage, we are leaving these women to an unreliable, fragile, and deteriorating system of charity care where they are often unable to get the treatment they need. Only about 6,200 women nationwide would be eligible for Medicaid under this legislation. This small investment stands to save lives for low-income and uninsured women with breast and cervical cancer all over America. Since we have already made the commitment in Congress to diagnose these women, we owe it to them to provide followup treatment.

I urge my colleagues to join me in supporting this amendment. We must finish the job we started in 1990 by filling this gap in a vital Federal program.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRASSLEY. Mr. President, I am happy to join Senator CHAFEE in introducing the sense-of-the-Senate amendment to urge the Senate to pass S. 662, the Breast and Cervical Cancer Treatment Act.

This bill was originally introduced by the late Senator John Chafee, who dedicated much time and energy to this important legislation. It is with great honor that we carry with his efforts for passage of this critical legislation.

I would like to submit for the RECORD a letter I received from an Iowan. Her story illustrates the urgent need for passage of this bill.

Barbara Morrow of Evansdale, Iowa, was diagnosed in January 1995 with breast cancer after being screened by the CDC Early Detection Program. Because she had no insurance and no money, she had little hope of finding medical care to treat her disease.

After exhaustive efforts, she was able to secure medical treatment from doctors willing to perform charity care.

Unfortunately, in January 1999, she learned that her breast cancer had spread to her lungs. She returned to the same doctor who treated her earlier. For 14 months, she has been receiving chemotherapy and is alive today.

Ms. Morrow owes more than $70,000 for treatment she has received. She pays what she can each month to the hospital where she receives her care. The bills cause great worry and she considers stopping treatment to stop the bills.

She is a mother and a grandmother and she wants to live.

It is urgent that Congress pass S. 662 to allow women to receive the treatment they need to beat this disease. We have an opportunity to make a real difference in the lives of thousands of women and mothers across the Nation.

I urge your support for this amendment.

I ask unanimous consent that the letter sent to me by Barbara Morrow be printed in the RECORD.

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

HON. CHARLES GRASSLEY,
444 N. Capitol Street, NW, Washington, DC.

DEAR SENATOR GRASSLEY: I am writing to urge you to pass S. 662, The Breast and Cervical Cancer Treatment Act. In January 1995 I was diagnosed with breast cancer after receiving a mammogram through the Center for Disease Control Breast and Cervical Cancer Early Detection Program (CDCBCCEDP). I had no insurance and no money to pay for treatment. I have been struggling ever since.

My struggles began when the results of my CDC mammogram suggested breast cancer. Initially two doctors refused to perform a biopsy because I had no insurance. Finally, Dr. Gerrelts in Waterloo agreed to take me as a

patient and perform a biopsy for free. The biopsy was malignant and three to four days later Dr. Gerrelts performed a lumpectomy. Dr. Gerrelts made an appointment for me with Dr. Nadipuram, a Waterloo oncologist. Dr. Nadipuram agreed to provide chemotherapy treatment and a radiologist provided 8 weeks of radiation without charge. I needed a surgically implanted cath-a-port for administration of the chemotherapy. Dr. Gerrelts did this surgery for free. I received six months of chemotherapy ending in September 1995.

Even though my initial treatment for breast cancer was complete without a lot of bills, the expenses began to mount from then on. I needed a cath-a-port flush every 6 weeks, check ups every six months, and a bone scan every time I had an ache. In January 1999, Dr. Gerrelts sent me for an x-ray of my lungs. It was found the breast cancer had spread to my lungs.

Dr. Gerrelts once again sent me to Dr. Nadipuram. Dr. Nadipuram sent me to the University of Iowa Hospitals and Clinics in Iowa City for treatment. At the University of Iowa I had many biopsies, scans, and tests. Recurring breast cancer was found in my brain also. University of Iowa told me I did not fit the criteria for their stem cell transplant program and all they could offer me is chemotherapy that would keep me alive for six months.

I returned to my home in the Waterloo area devastated, with no money, no insurance, and no hope. I once again asked Dr. Nadipuram to treat my recurring breast cancer. He has been treating me with chemotherapy ever since and I am still alive 14 months later.

I applied for Social Security disability benefits after my diagnosis for recurring breast cancer. Over a year later, I will finally begin to receive benefits April 19, 2000. However, my medical bills have accumulated and these bills must still be paid by me. I owe over $70,000. I send what I can each month to Allen Hospital, Covenant Hospital, Covenant Clinic, a radiologist, and Dr. Nadipuram all of Waterloo. I also send money to the University of Iowa Hospitals and Clinics and the doctors at the University of Iowa. In spite of this I continue to be hounded by all of these institutions and doctors asking me to pay more. My bills are so high I often wonder if I should quit treatment so I will not saddle myself and my family with so much debt.

But, my grandson was diagnosed with cancer at age 9. He is now 16 and my daughter and I continue to care for him. I must stay alive to help my daughter and grandson.

Breast cancer and it's treatment are overwhelming. Being unable to pay for treatment is devastating. Please pass S. 662 so that women who are diagnosed with breast cancer through the CDCBCCEDP can receive treatment.

Sincerely,

BARBARA MORROW.

Mr. STEVENS. Mr. President, using my time, I would be honored if the Senator would let me be a cosponsor of the amendment.

Mr. WARNER. Likewise, I ask the Senator if I might be a cosponsor. My father was a medical doctor and devoted much of his career to the very subject the Senator addressed in his amendment.

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

The Senator from New Mexico.

Mr. DOMENICI. I reserve 2 minutes of our time. How much time do we have left?

The PRESIDING OFFICER. The Senator from New Mexico has 18 minutes. The Senator from Alaska has 3 minutes.

Mr. DOMENICI. I yield myself 4 minutes.

Mr. President, I say to the Senate, I am not sure I will have a chance later tonight to summarize this budget resolution that I hope sometime tomorrow we are going to adopt, with an amendment that the distinguished Senator from Alaska, Mr. STEVENS, and others put together, that we have been discussing and of which I was a part.

Let me first say this budget resolution has the right priorities. It increases defense at the same time it increases spending for such things as education—at least the equivalent amount of increase the President has.

We leave how the education program is to be structured up to the appropriate authorizing committees and the appropriators, but we give them plenty of resources to have an increase. With some reform, we may be able to do better at education than we have done in the past.

In addition, we have extra funding for the National Institutes of Health—not as much as some people would want but a very substantial increase—$1.1 billion. I know some would like more than that, but I remind everyone, for the last 3 years we have increased the National Institutes of Health more than they have been increased in their entire history, year over year. That is why they are doing such remarkable things and that is why in a few more years of increases we may find breakthroughs in cancer and many other diseases that beset mankind.

In addition, we have reduced the debt of the United States in this budget resolution by $177 billion. It was not too many years ago, perhaps Lyndon Johnson's budget, that the whole budget was $177 billion. This year we are reducing the deficit—the debt owed to the public—by $177 billion.

For those who think our tax relief in this budget is too much, let me remind you: In the first year, if we accomplish them, they are $13 billion. That is $13 billion compared to $177 billion in debt reduction. It is pretty good, Americans, pretty good. If we end up in that way for the next 7 or 8 years, we will indeed leave a stronger and better America with more prosperity than we have today. In addition, if you take the whole 5 years, we have eight times as much debt reduction, to wit, $1.1 trillion debt reduction, $8 for every $1 in tax relief.

The tax relief we dream of, and we hope the Finance Committee will enact—and we can do nothing more than give them our best advice; they will do what they want in the public interest, and it will be right—we have the marriage tax penalty. Married couples, new ones and those who have been married for a long time, will not have an average penalty of $1,200 to $1,400 for having been married and working and filing one return as a husband and a wife. They are now punished. We say reform the Tax Code now—not 10 years from now. We are putting plenty of money on the debt. We ought to put some money on reforming the Tax Code for the marriage penalty, for small business changes, and a few other things such as that. That is what this budget is going to provide for Americans, so I am proud we have it here.

For the appropriated accounts, all the rest of Government, when you take the fact that there were $9 billion last year in items that are not recurring, and you take the increase that we have in this budget, and $4.1 billion they will get when they pass another bill that we ought to pass because it is in the balanced budget amendment with reference to Social Security and veterans—it merely changes pay dates as required by the balanced budget agreement—they will have a rather significant increase that can be done in this very difficult political year.

I wrap my argument up by saying it will be tough, appropriators and all of us, because the President has submitted a political budget. Why is it political? Because it is a 14-percent increase in domestic spending. Really, nobody thinks you can do that big an increase. He put it in. It could only be for one reason—to present us with a political budget. Then we are going to have to have to match our wits with getting something done while he tells the Americans he did more.

Of course you do more, but if you added 14 percent every year on this budget on only domestic spending, you would consume all of the surpluses that are accumulated and you would dip into the Social Security trust fund to a huge extent, just by adding the amount the President offered as an increase this year. So he clearly must not have intended it to go on forever. So what was it? It was a submission to try to either embarrass us or make us spend precisely what he wants, which is way too much.

So we will be busy doing that. It will be tough. But if we can get out of here tomorrow, leave the Senate and say we did some good work, we have a budget resolution, let's go to conference—we are pretty close with the House—then the appropriators can start their work.

My final comments go to Senator STEVENS. Senator STEVENS and I have become friends. I have been here a long time. He has been here longer. I am chairman of the Budget Committee; he is chairman of Appropriations. I think neither of us thought—at least he waited a long time for his chairmanship. Might I say, I believe when we are finished today everybody will be thankful

he was willing to sit down with us and work this out.

I thank the distinguished majority leader for his help, Senator LOTT, and I thank the Senator from Texas, Mr. GRAMM, and all Members who have participated in getting us this far.

There are many more amendments, there is no doubt about that, in the vote-arama and otherwise, but I think we will come out with a budget resolution we can confer upon that will be very close.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. L. CHAFEE). The assistant minority leader.

Mr. REID. I yield to the distinguished Senator from West Virginia, Mr. BYRD, 25 minutes.

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

Mr. BYRD. Mr. President, let me preface my remarks by saying I had joined with Senator STEVENS in two amendments that were at the desk earlier, one dealing with section 208, and one dealing with section 210.

I understand both of those have been modified. I still want to speak, however, to the subject matter here. In doing so, may I say I have no closer friend in this body than Senator STEVENS. It has been that way, and it is going to continue to be that way. He is chairman of the Appropriations Committee, and I think I have supported him throughout all the time he has been chairman, and he has certainly been a great supporter of mine. He is the chairman; I am not. He carries some responsibilities that I do not carry at this moment. So what I have to say is not to be perceived as any criticism of TED STEVENS. I hope no one will perceive it as that, and I hope he will not. I merely want to speak to the subject matter of the two sections we were about to strike and to say why I am opposed to those two sections. I want to make that case for at least my side of the aisle, and I want to make it for the people out there who are watching. I do not bear any rancor toward anyone on the other side of the aisle, but I think these things ought to be said.

I rise, Mr. President, to speak about the two amendments we would have offered. The first of our amendments would have stricken section 208 of the budget resolution. That section would establish a 60-vote point of order in the Senate against the use of an emergency designation in any spending or revenue legislation.

Senators will recall that last year's Senate budget resolution contained a simple majority point of order against any emergency designations on all discretionary spending—both defense and nondefense. But, when the budget resolution last year came out of the conference with the House, the Senate provision had been changed. The conference agreement on last year's budget resolution did away with the simple majority point of order and replaced it with a 60-day point of order on nondefense discretionary spending only! The conferees chose to eliminate the point of order for defense emergency spending altogether. When the conference agreement on last year's budget resolution came back to the Senate, there was no way to attack that particular provision. Budget resolution conference reports are limited as to time and, therefore, filibuster proof. The Budget Act sets a time limit on their consideration, after which a final vote will occur. The majority had the votes to adopt that conference agreement, and did so. That is why, for fiscal year 2000, we have the ridiculous and totally unjustifiable requirements on emergency spending.

Let me say that again, Mr. President. When the budget resolution last year was acted upon by the Senate, it had a simple majority vote point of order, but when it went to conference with the Members of the other body, it came back to us with a 60-vote point of order. The House conferees had a voice in changing that point of order by which the Senate has had to live in the intervening time.

I think our Members ought to be fully aware of that. It did not leave the Senate floor last year with a 60-vote point of order. It went to the conference with the other body, and they helped to change the rules, if I may use that term, by which we have to live. They are not bound by the 60-vote point of order, but we are. It came back to us in the conference report which we could not change.

We ought to be aware of those things when we send these resolutions to the other body. I do not blame the other body. I am not criticizing them. They may actually have had nothing to do with it, but it was changed in conference.

Here is the perfectly ridiculous aspect of this 60-vote point of order requirement under which we have to live here. If your constituents suffer from any of the myriad natural disasters that can occur at any time, such as droughts, floods, hurricanes, tornadoes, earthquakes, or any other catastrophe—maybe an act of God—emergency spending for the relief of those constituents is subject to a 60-vote point of order in the Senate. The House has no such supermajority point of order.

In the Senate for fiscal year 2000, if any Senator wishes to raise a point of order against emergency spending in the nondefense area, it will take 60 votes, or that emergency spending will be deleted from any appropriations bill or conference report thereon.

For example, if the Senator from Hawaii, Mr. INOUYE, has a catastrophe, if there is an act of God that is visited upon his State, he may be perfectly justified in asking for an emergency appropriation to deal with that catastrophe. But in the Senate, a 60-vote point of order will lie against that funding for the relief of his State, and 41 Members of the Senate can deny him and deny his people relief. God forbid that any catastrophe should hit his State, or the State of the Senator from Nevada who is sitting before me. If his State is suddenly hit by a catastrophe and they need disaster relief, 41 Members, a minority in the Senate, can say no, and the people of Nevada would be denied that relief.

In other words, we can send our brave men and women in uniform around the world, whether it be to Bosnia or to Kosovo or to Iraq or anywhere else, and provide emergency funding to pay for those operations, regardless of the costs, without facing a point of order against such spending. But when it comes to helping the people at home, the constituents who send us here, when it comes to helping them in their dire extremities that have been brought on by an act of God, no, a point of order can be made against that funding, and it would take 60 votes for those people in that disaster-stricken State to get relief.

That is preeminently unfair. One can say what one wants, but that is unfair. I cannot understand why anyone would want to insist on a point of order that would require 60 votes when it comes to helping the people who send us here, the people who pay the taxes.

We should not unduly hamstring spending intended to cover either defense or nondefense emergencies. While we have discretionary spending caps in the law, provisions must be made to deal with the unexpected. And we should not encumber the flexibility to answer those emergency needs with parliamentary devices which make responding to them difficult.

I should point out, Mr. President, that, as chairman of the Appropriations Committee during the time of the 1990 budget summit and as a participant in that summit, I worked very hard to include the exemption for emergency spending that is now contained in section 251(b)(A) of the Balanced Budget and Emergency Deficit Control Act. That 1990 budget summit between the Bush administration and Congress was necessary in order to avoid huge across-the-board sequesters of Federal spending that would have otherwise occurred under Gramm-Rudman. Those sequesters, or automatic across-the-board cuts, were in the magnitude of 40 percent, and could have devastated the Nation. And so, we had no choice but to reach an agreement. In the end, after months of negotiations both here in Congress and at Andrews Air Force Base, an agreement was finally reached and subsequently enacted by Congress and signed by President Bush.

An important feature of the 1990 budget agreement was that, for the first time, statutory caps were placed on discretionary spending. As a participant in those negotiations, I was intimately involved in the setting of those discretionary spending caps and the other budgetary enforcement provisions contained in the 1990 budget summit agreement. In order to agree to those caps, I felt that it was critical that the Appropriations Committees be held ''harmless'' for economic and technical miscalculations that occur in each year's budget projections. In other words, if discretionary appropriations were to be held to a specific spending cap each year, that discretionary spending should not be automatically cut because of technical or economic miscalculations by either the Office of Management and Budget or the Congressional Budget Office.

Another critical exception was the allowance of emergency spending to be included in annual appropriations acts, without having the cost of those emergencies charged against the discretionary spending caps. No human being can determine what nature has in store for the Nation in terms of natural disasters, such as, hurricanes, tornadoes, drought, floods, fire, or military emergencies around the world. So, we had to have some way to address those needs outside of the very stringent budgetary caps that were being placed on discretionary spending. The result was the enactment of section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act. That Section of the Budget Act has by and large worked well since its enactment in 1990. However, in recent years, without going into detail, there have been a number of instances where such emergency designations might not have been fully justified. Therefore, I would support the inclusion in the budget resolution, criteria such as those set forth in section 208(a)(2). Those criteria read as follows:

(A) In general, the criteria to be considered in determining whether a proposed expenditure or tax change is an emergency requirement are:

(i) necessary, essential, or vital (not merely useful or beneficial);

(ii) sudden, quickly coming into being, and not building up over time;

(iii) an urgent, pressing, and compelling need requiring immediate action;

These are real emergencies.

(iv) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(v) not permanent, temporary in nature.

(B) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

So, Mr. President, what I object to is not that any emergency requirement should have to meet those criteria. What I object to is the creation of a 60-vote point of order against all—against all—emergency designations in any appropriations bill, whether they meet the criteria or not. In other words, Section 208 of the budget resolution would allow any Senator to make a point of order against any emergency designation, even if it met the criteria set forth in section 208. That point of order could then be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members duly chosen and sworn.

In other words, a minority of 41 could thwart the efforts of Senators or a Senator to deal with a catastrophe that had stricken his State. A minority, a minority of 41, could thwart the effort. It takes 60 votes, a supermajority.

Mr. President, this onerous section should be stricken from the budget resolution.

Mr. President, Alexander Hamilton had something to say about supermajorities. Let's see what he had to say about supermajorities.

In the Federalist No. 75, here is what Hamilton said:

. . . all provisions which require more than the majority of any body to its resolutions have a direct tendency to embarrass the operations of the government and an indirect one to subject the sense of the majority to that of the minority.

That is Alexander Hamilton speaking.

What did Madison have to say about supermajorities? In the Federalist No. 58, here is what James Madison said about supermajorities:

It has been said that more than a majority ought to have been required for a quorum; and in particular cases, if not in all, more than a majority of a quorum for a decision.

That is what we are talking about here. We are talking about the need for more than a majority—60 votes for a decision.

That some advantages might have resulted from such a precaution cannot be denied. It might have been an additional shield to some particular interests, and another obstacle generally to hasty and partial measures. But these considerations are outweighed by the inconveniences in the opposite scale. In all cases where justice or the general good might require new laws to be passed, or active measures to be pursued, the fundamental principle of free government would be reversed.

That is what we are talking about here. Let's read that again. Madison said:

In all cases where justice—

Any Senator whose State has been hit by a catastrophe would feel it is only justice—only justice—that his State receive some disaster relief.

Madison said:

In all cases where justice or the general good might require new laws to be passed, or active measures to be pursued—

We are talking about an active measure here. That is what Madison had in mind.

In all cases where justice or the general good might require new laws to be passed, or active measures to be pursued, the fundamental principle of free government would be reversed.

He is talking about the requirement of supermajorities now. He is saying that the fundamental principle of free government would be reversed. It would be no longer the majority that would rule. The power would be transferred to the minority. In this instance, in this legislation, the power to rule is going to be transferred to a minority.

This is a democratic republic. A lot of people say it is a democracy. It is not a democracy. It is a republic. All legislative bodies that abide by democratic principles, all republics that abide by democratic principles, have as the basis of those principles the principle that the majority rules. That is not the case here. If Senator INOUYE's State needs help because of a typhoon, the majority won't necessarily rule. It won't in the State of New Mexico. It won't in the State of Senator REID. It won't in my State. A minority can rule. Forty-one votes can come between justice and the people of our States.

I am against the 60-vote point of order when it comes to nondefense or defense spending. That is what we were trying to do in the amendments that were originally sent to the desk.

Madison again is speaking:

It would be no longer the majority that would rule: the power would be transferred to the minority. Were the defensive privilege limited to particular cases, an interested minority might take advantage of it to screen themselves from equitable sacrifices to the general weal, or, in particular emergencies, to extort unreasonable indulgences.

Madison foresaw that in situations where supermajorities were required, there could be situations in which the minority would extort unreasonable indulgences in return for their support.

So much for Hamilton and Madison for today. They are certainly not going to be listened to, I would anticipate.

Its adoption would severely curtail the ability of Congress to respond to the unforeseen urgent needs of the people of this country who have suffered devastation caused by floods, severe droughts, tornadoes, hurricanes, and earthquakes.

Under section 208, a minority of just 41 Senators could prevent the enactment of the spending to address all of these needs. What would happen under this provision in the case of regional emergencies which may only affect one State, such as an earthquake in California or a hurricane in North Carolina or floods in North Dakota, or drought conditions in Texas? Funding for disasters such as these, which affect only one area of the country, could be in danger. If a point of order is made by any Senator who may have his nose out of joint for some reason—he may just not want to help another Senator to help his people—those emergency funding provisions for particular States or

regions would need 60 votes or funding for disaster assistance would not be forthcoming.

The PRESIDING OFFICER. The time that has been yielded to the Senator from West Virginia has expired.

Mr. REID. How much time does the minority have on this, Mr. President?

The PRESIDING OFFICER. Twenty-nine minutes.

Mr. REID. I yield the Senator 9 minutes.

Mr. BYRD. I thank the distinguished minority whip.

This point of order is an unwise and cumbersome device that could prevent the committee from responding to the urgent needs of our Nation. Now, why do we want to do that?

The second amendment, which I joined in offering, would have stricken section 210 from the budget resolution. That section would reinstitute a congressional firewall on defense and nondefense discretionary spending for fiscal year 2001. This section of the budget resolution would set defense spending for fiscal year 2001 at $306,819,000,000 in new budget authority and $295,050,000,000 in outlays. For the nondefense category, the cap would be set at $289.7 billion in new budget authority and $327.5 billion in outlays.

In other words, this budget resolution would cap defense spending at a level that is $9 billion above what it would take to maintain this year's level of spending adjusted for inflation. But the cap for nondefense spending would be set at a level requiring a cut. The cap for nondefense spending—hear me now—the cap for nondefense spending would be set at a level requiring a cut of $19 billion in budget authority below this year's spending level. In other words, section 210 of the budget resolution now before the Senate would take away from the Appropriations Committee the ability to determine, through their committee markups, what the appropriate levels of defense spending or domestic spending should be.

Imagine that. How silly can we get? The Appropriations Committee is being prevented from using the judgment of its members, their expertise, to decide even the most basic levels of defense and domestic spending for this Nation. Instead, this budget resolution sets that figure. I have been on the Appropriations Committee now going on 42 years. That is longer than anybody has ever served. The budget resolution sets that figure for the Appropriations Committee prior to their even having finished their hearings. The Budget Committee will have usurped all of those decisions with the construction of these firewalls.

I believe this is unwarranted and unacceptable micromanagement on the part of some Members. I don't blame all of the members of the Budget Committee. I know they have their problems. I have great respect for the chairman of the Budget Committee. He has always been very fair to me. He sits on the Appropriations Committee likewise. He knows what this does to the Appropriations Committee. He is trying to do a good job and he does a splendid job. But a lot of these things, those who are in the driver's seat at a particular given moment have the votes, and those who would do otherwise, such as Senator STEVENS, in other cases, or Senator DOMENICI, they have to look at the votes.

I thought we had all learned our lesson about substituting structural devices for human judgment with the Gramm–Rudman experience. Setting up procedural barricades often creates more problems than are solved when it comes to funding real priorities for a vast and complex nation. Autopilot politics amounts to an abdication of our responsibility to debate and weigh reasonable alternatives, as we are expected to do and as we are elected to do by the people.

The distinguished chairman of the Appropriations Committee, my good friend, Senator STEVENS, is one of the most knowledgeable experts in the history of the Senate when it comes to the funding needs of the Department of Defense. Do we have to squander his experience and the accumulated expertise of the members of the Appropriations Committee? Here sits one on my left, Senator INOUYE. He is on the Defense Appropriations Subcommittee of the Senate.

Do we have to squander their experience, their accumulated expertise, by constructing these mindless, artificial firewalls which attempt to game the funding process before it is even begun? Well, these sections, I assure you, my fellow Senators, will greatly increase the difficulty faced by the Appropriations chairman in marking up and presenting to the Senate the 13 fiscal year 2001 appropriations bills. The speed and efficiency sought by all of us to get this essential work done will not be aided by these unwise and irresponsible budget barnacles. Let us scrape them off before they do their damage.

Mr. President, how much time do I have left of my 9 minutes?

The PRESIDING OFFICER. One minute.

Mr. BYRD. I thank the Chair. I know that my remarks tonight will result in no favorable action that will override the die that has already been cast. I am confident of that. And to that extent, they were remarks made in futility. But for the record they were not futile.

I think that we should let the people know what is being done here. The people out there want us to use our best judgment in the Appropriations Committee and to have our hands free when it comes to appropriating funds for disaster. We can't foresee those. They may strike my State next. They may strike the State of any Senator who sits within the sound of my voice; they may be the next. In all my years, I have never voted against a dollar for any State that has been hit with a disaster, and I don't expect to ever do that.

I don't think we ought to be handcuffed and gagged and bound foot and hand when it comes to dealing with emergencies. Now we are going to have a supermajority thrust upon us. We have been laboring under that process. I had hoped that we could rid ourselves of those shackles—not for ourselves but for our people. Well, Mr. President, the wheel goes around and some day perhaps we will come to our senses and throw off these shackles and get back to where we are free agents and can act in the best interests of our constituents, without having to overcome supermajorities such as are being imposed upon us here.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. STEVENS. Will the Senator from Nevada yield so I may make one comment? I will use 1 minute of my time.

Mr. REID. Yes.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I want the Senator from West Virginia to know I appreciate the restraint that he has used in coming out on the procedure we followed. In my judgment, there was no alternative. I agree with much of what the Senator from West Virginia has said. But the necessity for obtaining a budget resolution soon so we can get on with our business on appropriations motivated me to join with my good friend from New Mexico. I think the Senator understands that problem, and I do thank him for his restraint in commenting upon my behavior here today.

Mr. BYRD. Mr. President, if I may retain a minute. I wasn't commenting on the behavior of my distinguished friend. I understand his situation, and I have no quarrel with him, no complaint; I only have admiration for him. I am sorry for the circumstances with which he has to deal. I hope those circumstances will change.

Mr. REID. Mr. President, I have spoken to the staff of the minority leader, and we are going to be here forever tomorrow if we don't get copies of the amendments. Both sides should make sure that the other side has copies of the amendments. We are now up to 153 amendments that will be voted on or disposed of in some manner. We hope they are disposed of. So I hope the majority will do everything they can to make sure the minority staff has copies of the amendments so we can move on.

At this time, I yield 5 minutes to the Senator from New York, who has been so instrumental in all matters before the Senate during his term.

Mr. DOMENICI. Will the Senator from New York yield for a unanimous consent request first?

Mr. SCHUMER. I am happy to yield.

Mr. DOMENICI. Mr. President, I ask unanimous consent that votes relative to the following amendments be scheduled to occur at the expiration of time on the budget resolution, they occur in the sequence listed, with no second-degree amendments in order, and there be 2 minutes prior to each vote for explanation, and all votes after the first vote in the sequence be limited to 10 minutes. The amendments are as follows: the Stevens amendment, No. 2931; the Robb amendment, No. 2965 and, if not tabled, then votes in relation to the Reed of Rhode Island amendment, No. 3013; and the Coverdell amendment, No. 3010.

Mr. REID. We have no objection.

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

Mr. DOMENICI. Therefore, several votes will occur beginning at approximately 8:15, is that correct?

Mr. REID. That is right.

Mr. DOMENICI. This evening, in a stacked sequence, as just agreed upon by the Senate.

I yield the floor.

Mr. REID. Mr. President, I yield 5 minutes to the Senator from New York, hoping that next year he will be with the majority.

Mr. SCHUMER. I thank the Senator from Nevada. I would love to call him majority whip, a job he would perform as admirably well as he does the job minority whip. I thank him for his friendship and leadership. I also thank my friend from West Virginia. It is always a pleasure to sit on the floor and listen to his words and his wisdom.

I rise in support of the amendment of Senator REED, my good friend from Rhode Island, who has done such a fabulous job with his leadership on this budget, on closing the gun show loophole, the Lautenberg amendment, which passed this body a while back. I will address one point. My colleagues laid out very well the many reasons to be for the Reed amendment. I want to add an additional reason.

The only argument that we have heard from the National Rifle Association, and others, against closing the gun show loophole is that allowing for a 3-day waiting period would effectively shut down gun shows because they are weekend operations. They argue if somebody bought a gun on Saturday morning and it took 72 hours to check, by then it would be Tuesday morning and the gun show, which predominates on the weekend—something that I stipulate is true—would be closed.

Fortunately, one of our colleagues—somebody with whom I disagree, Senator CRAIG THOMAS of Wyoming—asked the GAO to do a report on purchases at gun shows. This is what the report said, and I urge my colleagues to read it. It didn't get much publicity, but I think it is dispositive in this debate. The report debunks the myth that the 3-day waiting period will shut down gun shows. This is what the report showed, colleagues, and I hope people will listen because I think it is important: ''Seventy-eight percent of all the instant checks are completed within 3 minutes.'' That means 78 percent of those guns checked at gun shows—because we believe they would be no different than others—would be purchasable within 3 minutes. And 95 percent are completed within 2 hours. So the person would go to a gun show and be able to buy the gun in 2 hours. That is 19 of every 20 purchases. And only 5 percent take more than 1 day to complete.

Now, you say, what about those 5 percent? Why should we hold them up? Well, let me tell you why, my colleagues. Those 5 percent are far and away the most likely Brady checks to turn up a felon. In fact, it is 20 times more likely that the 5 percent of the checks that take more than 1 day will show up a felon than in the 95 percent where the check takes 3 minutes or 2 hours.

The background check won't affect gun shows more than a pittance. Ninety-five percent of all guns will be able to be purchased by people who have the right to purchase those guns having passed the Brady check within 2 hours.

My colleagues, there is no reason why we can't pass the Lautenberg amendment, as the Reed amendment exhorts us to do, because very simply it is not going to close down gun shows.

Will it stop a good number of felons from receiving guns? By all means. That is the purpose. I don't think anybody in this body would challenge the fact that we don't want felons to receive guns.

Second, perhaps tomorrow, probably in the vote-arama, the Senator from Illinois and I will offer an amendment on enforcement. I know he will address that at great length. But that amendment does just what many who disagree with us on gun control have asked us to do. They said: Why don't we enforce the present law?

The fact is, that every time we try to increase enforcement by adding ATF agents and giving those agents more authority, we have been opposed by the very people who are asking us for enforcement.

But there is real hope. Something called Project Exile, supported by the NRA and by CHUCK SCHUMER, has now sprung up and has done well in three cities, including Rochester in my State.

Last year on this floor, when we debated the budget, we added some $50 million to Project Exile. And now four cities in my State of New York—Buffalo, Rochester, Syracuse, and Albany—will get the advantage of Project Exile.

The NRA and gun control advocates such as myself have agreed on this issue. Perhaps we can agree on more. I hope we will get universal support for the Durbin-Schumer amendment.

Getting back to the other Reed amendment, I hope my colleagues will listen to the facts that I gave out. If we would agree to the Reed amendment, we would ratify the Lautenberg amendment as passed out in the conference, and we would move forward on an issue that is so vital for the safety of Americans and for the future of our country.

Mr. President, I thank the Senator from Nevada for his generosity.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, how much time do I have?

The PRESIDING OFFICER. Eleven minutes.

Mr. DOMENICI. I yield 4 minutes to the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I thank my colleague from New Mexico, especially for his leadership on the Budget Committee and for his efforts in 1997 which greatly contributed to the fiscal policy that has led this country from an era of deficits to an era in which we anticipate budget surpluses for the foreseeable future.

He has had a challenging job crafting budget resolutions that balance the many real and competing needs of the Nation. He has been a strong advocate for education and an even stronger advocate for funding IDEA. In fact, last year, I joined him in calling for an increase in education funding of $40 billion over five years. Regrettably our colleagues on the House Budget Committee did not share this commitment.

This year he has, once again, taken up the challenge of balancing the competing needs. The budget resolution that he has brought before us is a product of difficult negotiations between competing viewpoints.

Because of my deep respect for him, I do not come to the floor with an amendment lightly. I come to the floor with an amendment only because of my conviction that there is a Federal obligation that must now be met in full.

This amendment, which I will offer tomorrow, has been cosponsored by Senators DODD, STEVENS, KENNEDY, COLLINS, FEINGOLD, SNOWE, CHAFEE, HARKIN, LEAHY, KOHL, and MIKULSKI, among others.

I will begin my remarks with a question to which I will time and time again return. In 1974 we made a commitment to fully fund IDEA. If 25 years later we cannot meet this commitment in an era of unprecedented economic prosperity and budgetary surpluses, when do we plan to keep this pledge.

The American people have a right to ask us—If not now, then when?

In the early years, when we were running large budget deficits, it was understandable that we couldn't meet those commitments.

During those same years this body, by almost unanimous votes, voted—99 Members sometimes—that ''when feasible'' we would fully fund our commitment to our States and our school districts. That time has come. We now have large surpluses with more than enough resources to meet our commitment now and well into the future.

I have behind me a chart which compares the funding levels in my amendment with the funding levels in this budget resolution and with the levels that will be required to fully fund IDEA. This shows where full funding is. This shows the bipartisan amendment I will be offering and how it will take us to full funding. And this is where we will be if we do nothing but live within this budget that is before us. Make no mistake. The budget resolution before us does not fully fund IDEA. Despite the repeated pledges we have made to fully fund IDEA, this budget resolution sends a clear message that this body has no intention of fulfilling this commitment anytime in the next five years.

I was one of the few, now in this body, that were present at the time that P.L. 94–142, The Education of all Handicapped Act was passed. As a freshman Member of Congress, I was proud to sponsor that legislation and to be named as a member of the House and Senate conference committee along with then Vermont Senator Bob Stafford.

At that time, despite a clear Constitutional obligation to educate all children, regardless of disability, thousands of disabled students were denied access to a public education. Passage of the Education of All Handicapped Act offered financial incentives to states to fulfill this existing obligation. Recognizing that the costs associated with educating these children was more than many school districts could bear alone, we pledged to pay 40% of the costs of educating these students.

We pledged to pay 40% of these costs but we never have. We have continuously claimed that we couldn't afford to. We started in 1976 with 12.5%. Then we slipped to 6%. Those were tough budget deficit times. Lately we have come up to 13 percent—still less than ⅓ of our pledge.

Today, however, instead of making good on our promise now, those who object to my amendment cry, that would be mandatory spending—that's bad. How can it be bad policy to fund this vital program that we have guaranteed to fully fund—over and over again? It is now feasible. It is now painlessly possible and it must be done.

We must pay our share of educating children with disabilities. No more excuses. The time is now.

I know that there is some disagreement about whether or not a commitment was made. I want to tell you as someone that was there at the time that we made a pledge to fully fund this program.

The time is now.

I didn't have to ask my constituents in Vermont whether the Federal government made a commitment. I will show you what I got when I was home. This is a petition from every school district in the State of Vermont that says: Do what you promised to do; fund IDEA; fund special education. The chart behind me shows you what those petitions look like.

Vermonters know that we made that commitment. Passing this amendment will do more to help our school districts meet their obligation to improve education in this country than nearly anything else we can do. Our amendment will triple what they presently receive. We promised. We should deliver it. The time to make good on this promise is now.

Now some of you may think that because you were not here in 1975 that you were not party to a pledge to fully fund IDEA.

In 1997 Congress once again took up this landmark legislation. This is a complex bill that has profound impact on classrooms across the Nation. With the strong leadership of Senator LOTT, Senator FRIST, Senator GREGG, Senator KENNEDY, Senator DODD, Senator HARKIN, Senator COLLINS and others on my Committee, we passed the first reauthorization of IDEA in 22 years. It is an accomplishment that we are all very proud of.

At that time, we reaffirmed our commitment to pay 40% of the costs of educating these children. We made this pledge to families, to school boards, and to the Governors of our States. Over the past three years, with the leadership of my colleague from New Hampshire, Senator GREGG, we have made some progress.

But as he has pointed out several times over the past year, we are only supporting 13 percent of these costs. In 1975, we made a pledge which we did not keep. In 1997 we made that same pledge once again when we reauthorized IDEA.

I say to my colleagues on both sides of the aisle; If not now, then when?

In the 105th Congress we felt it important to reaffirm our commitment to full funding for IDEA. We added language to the FY 1999 Budget that stated that IDEA should be fully funded as soon as feasible. This language was adopted unanimously by the Senate. At that time, we still faced budget deficits and it was argued that full funding was not feasible. Today, however, in an era of unprecedented economic prosperity and with budget surpluses projected far into the future, full funding is within our grasp.

If not now, then when?

In the 106th Congress we continued to press for full funding for IDEA. The FY 2000 budget resolution made room for about a $500,000,000 increase in funding for IDEA. Once again, the Senate adopted language that I advocated with Senator GREGG calling for full funding of IDEA as soon as feasible. The House of Representatives adopted a bipartisan free standing resolution that called for full funding.

The budget resolution that is before us assumes that funding for IDEA will increase by $1 billion in FY 2001 and $2.5 billion in FY 2002. If there is time remaining, I will take time later on to discuss my concerns about whether these assumptions require cuts in other programs that we will not have the will to make at the end of the day. What is very clear, however, is that this budget resolution does not claim to fulfill our obligation to fully fund IDEA. The budget resolution assumes that the Federal government will never fund more than about 20% of the costs of educating disabled students. One half of what we have promised over and over again.

If our amendment fails, adoption of this budget resolution will state clearly to the Nation that this Congress does not intend to fulfill its commitment any time in the next five years.

Our amendment is simple. It provides a path by which we will achieve full funding for IDEA in fiscal year 2005. It sends a clear message to the Nation that we, as a body, make good on the commitments we make.

I want to tell you that I am tired of being party to promises that this body hasn't kept. The time is now.

I urge you to ask your people back in your state. Ask parents, teachers, and education administrators. Ask your governors. ''What would you prefer—the possibility of a future tax cut, or fully funding IDEA so you can have more money for education, and pay less property taxes?''

Fulfill the pledge that you made to your people. I tell you that if you want a hero's welcome, you will vote in favor of this. If it wins, let me tell you that they will be out on the streets marching to meet you when you come home. If you do not, I wouldn't want to go home.

Tomorrow morning I will have a chance to drive this point home once again. Tonight I want to close by thanking my cosponsors for their stalwart commitment to fully funding IDEA. Senator STEVENS, Chairman of the Appropriations, has been a strong advocate for IDEA. Senator FEINGOLD has worked closely with me on this amendment and has been instrumental to getting us to the place we are today. Senator COLLINS has worked long and

hard to persuade members of this body that we should fully fund IDEA. I also want to thank Senators DODD and KENNEDY and HARKIN with whom I have worked for many many years to improve educational opportunities for disabled students. Similarly, I am grateful for the efforts of Senator SNOWE and Senator CHAFEE. I feel confident that with their efforts, our amendment will prevail.

Thank you.

Mr. REID. Mr. President, I yield to the Senator from New Jersey 5 minutes.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I thank Senator REID of Nevada for giving me the time earlier in the debate.

My colleague from North Carolina, Mr. EDWARDS, rose to remind our colleagues that while the flooding earlier in the year may be over and not in the headlines of our newspapers, Hurricane Floyd is still a reality for many communities around our country.

Towns such as Bound Brook, NJ—and, as indeed Mr. EDWARDS pointed out, Princeville, NC—Florida to Maine, Hurricane Floyd left a path of destruction so large that FEMA declared it to be the eighth worst disaster of the decade. In New Jersey by comparison, it was worse:

Two-hundred and fifty-three municipalities in New Jersey, the populations of 4.2 million people, were stricken.

More than 43,000 structures, including homes, schools, and businesses, suffered severe damage.

Over 20,000 residents of New Jersey alone applied for Federal assistance, and municipalities submitted over 2,000 requests for public assistance to remove debris or to repair damages.

While FEMA has led an effort of providing assistance to homeowners, the greatest problem is how to rebuild their own economic infrastructure.

Bound Brook, NJ, alone, a community that was entirely inundated by this flooding, lost 7 percent of its annual revenue and 37 percent of its property value. A month after Floyd, the New Jersey government appropriated $80 million for disaster relief.

The reality is that the magnitude of the loss is so overwhelming that, without Federal aid, these communities will not simply suffer—some will actually cease to exist.

Main Streets were inundated, businesses lost, local governments lost revenues.

They will close their doors and no longer be the communities where people live and work.

The amendment I have offered with Mr. EDWARDS provides needed resources by increasing funding for communities in a regional development by $250 million. It includes $150 million for community development block grants; $50 million for the EDA; $50 million for community facilities block grants.

This, my colleagues, is not an unusual approach. In 1997 the supplemental disaster bill provided flood aid for the upper Midwest of $500 million for communities in desperate need in North and South Dakota and Minnesota.

In 1998, the disaster supplemental bill provided $250 million for community development block grants in Alabama, Florida, Louisiana, Mississippi, Puerto Rico, and the Virgin Islands as they recovered from Hurricane George.

Now we return to those States damaged from Florida to Maine, particularly in North Carolina, Delaware, Maryland, New York, and New Jersey. Hurricane Floyd destroyed many of our communities. We need this Congress to respond again.

Tomorrow this amendment will be offered. I hope in this budget resolution we can make room for this $250 million to respond to the need of these communities.

I thank the Senator from Nevada for yielding and I yield the floor.

Mr. EDWARDS. Mr. President, I would like to discuss very briefly the Torricelli-Edwards amendment on hurricane relief. First of all, let me say what is happening in North Carolina, 7 months after the hurricane hit. We still have more than 8,000 people who live in trailers that have been provided by FEMA. We have many other people who are living with families and friends. We have roads and bridges that were washed out by the flood that are still not repaired. We have, literally, towns that have been wiped out, places such as Princeville, Tarboro, all smaller towns in eastern North Carolina, that were devastated.

The people whose lives have been destroyed in North Carolina as a result of Hurricane Floyd are completely innocent. They are people who for generations have been law-abiding, taxpaying citizens, and for the first time in their lives, instead of writing tax checks to go to Washington, they are asking for something in return. If our Government cannot respond to a crisis such as Hurricane Floyd, we serve absolutely no purpose.

Our people in North Carolina are hurting and they need help. This amendment provides for $250 million for those programs that would best address the needs of the people in 13 States, not only North Carolina, that were devastated by Hurricane Floyd.

These are the components. First, $50 million for economic development. These communities that have been destroyed need long-term relief plans, and they need the resources to develop and implement those plans. Places such as Princeville and Tarboro that were literally completely wiped out by the hurricane have lost wastewater treatment plants, plants that have to be replaced. We have to provide the resources for that.

There is $150 million in community block grants. North Carolina has imminent emergency housing needs. Our State has responded by providing millions and millions and millions of dollars in State money to help with these needs. These are people who were in rental housing who have no place to live now. That rental housing will never be replaced if we do not provide the resources to do it. It is going to leave literally thousands of North Carolinians with no place to live, without a home—families totally wiped out.

Finally, there is $50 million for community facilities in a grant program which is specifically designed to address the needs of individual communities. For example, Princeville lost its fire station; the town of Windsor lost its library. These are things that need to be replaced, and these folks need help.

My people in North Carolina do not ask this Senate for a handout. They are doing everything they know how to do. The people of North Carolina have responded heroically to this tragedy. The State of North Carolina has responded by providing hundreds of millions of dollars—unprecedented in the history of this country. All they are saying now is that it is time for the Federal Government in Washington to respond in a responsible way, and to provide these folks whose lives have been devastated, whose communities have been completely wiped out, with the help they so desperately need.

They are not asking for a handout. They are asking us to do what any responsible Federal Government would do under these circumstances, which is to provide them with the resources to put themselves back on their feet.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. REID. I yield 1 minute to the Senator from Maine.

Mr. DOMENICI. I yield 2 minutes.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. I thank the chairman of the Budget Committee. He has done a terrific job. I thank Senator REID as well for yielding me time so I can discuss this very important matter.

I am very pleased to be a cosponsor of Senator JEFFORDS' amendment to finally start on the path toward paying the share of special education costs that the Federal Government promised to pay when the legislation was passed 25 years ago.

During the last recess of the Senate, I met with more than 70 superintendents and principals from northern and eastern Maine to discuss education issues. Originally, my thought was to discuss the reauthorization of the Elementary and Secondary Education Act, but the No. 1 issue on their minds was the escalating costs of meeting the needs of children with special needs, the costs of special education.

If the U.S. Government kept the promise it made back in 1975, it would mean an additional $60 million to the schools in the State of Maine. That is money that would free up other money so that schools could meet their own needs—whether this is hiring more teachers, improving their libraries, upgrading their science labs or providing special professional development—whatever the need of that particular school and that particular community.

If we take this step of starting to meet our obligations under the special education law, it will make a tremendous difference not only to the schools in Maine but to schools throughout our country. The Jeffords-Collins amendment would mean an additional $155 million to the schools of Maine over the next 5 years.

I am very pleased to be an original cosponsor. This has been one of my priorities since my election to the Senate. I know it is the No. 1 priority of the school districts in the State of Maine.

I thank my colleagues for making the time available to me. If I have additional time, I yield it back to the chairman of the Budget Committee. I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Alaska.

AMENDMENTS NOS. 2932 AND 3009 WITHDRAWN

Mr. STEVENS. Mr. President, I wish to use the remaining time to withdraw amendment 2932 and amendment 3009. I ask unanimous consent they be withdrawn.

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

The amendments (Nos. 2932 and 3009) were withdrawn.

Mr. STEVENS. Mr. President, I thank those who listened regarding the appropriations process and the actions we have taken to try to assure we will have the ability to meet the needs of the Nation. It is a very trying process. I think the compromise we have worked out will be enough for us to do our work. I am indebted to the chairman of the Budget Committee and all who have worked on this matter.

Mr. DOMENICI. Mr. President, I have two observations.

I wish Senator BYRD were on the floor. He spoke about the 60-vote point of order in terms of history, and what great Americans have said about supermajority being applicable in the year we are in, and the 60-vote point of order on emergencies. We have passed very large emergency appropriations for agriculture. In fact, I think it might have been as much as $8 billion. Nobody raised a point of order. There was no point of order voted upon.

We had hurricane assistance; we had Y2K emergency assistance, all of which fell within the purview of meeting 60 votes. Nobody raised it. Had they raised it, it would have gotten 60 votes.

I don't believe what is being predicted will happen. I believe when there are real emergencies, they will get adopted on the floor of the Senate and nobody will even raise that 60 votes. If they do, they will get 60 votes.

My last observation is we have lots of 60 vote points of order in the Budget Act, some of which the distinguished Senator from West Virginia has supported in the past. We entered into a 5-year agreement with the President, bipartisan, both Houses, with a firewall on defense for the first 3 of the 5 years. We lived with it in exactly the way that has served the distinguished Senator tonight. But it succeeded. The cap on defense was high enough for defense, and none of the defense was used for domestic for the first 3 years of the agreement to balance the budget.

I think it will work again, especially with the modifications we have added tonight.

I yield whatever time I had remaining.

Mr. REID. I miscalculated the time when I spoke earlier, and I still have 7 minutes. I yield 5 minutes to Senator DURBIN on the Reed amendment.

Mr. DOMENICI. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the Senator from Nevada. April 20, 1999, is a day we will remember for a long time in America. That was the day of the Columbine High School shooting. Remember when you first heard about it? You remember the first time you saw the scenes on television, with the high school kids running away from the school? There was one poor young man who had been shot, dragging himself out of a window, trying to escape the shooting taking place.

America was stunned. Colorado was stunned. This Congress was stunned. We responded by passing legislation, with the help of Vice President GORE, which did three things to try to reduce gun violence in America.

First, a background check at gun shows so that the people who buy guns at those shows would be subject to the same questions and inquiries as those who go to gun dealers. We don't want to sell guns to criminals. We don't want to sell them to kids. We certainly don't want to see gun shows as a loophole for selling guns to those who shouldn't own them.

Second, trigger locks so if guns are going to be stored they are stored safely and securely so a young child can't pick it up and hurt himself or others.

Third, the prohibition against those high capacity ammo clips that were being brought in from overseas that turn an ordinary gun into a dangerous, murderous weapon. Three very sensible changes for gun safety in America. It only passed because Vice President GORE showed up on the floor to break the tie. But we thought the Congress had learned a lesson from Columbine, not just for the Members of Congress and families across America, but for the students who go to school across America and want to be in safe buildings.

That bill passed the Senate, and it has been sitting over in the House of Representatives in a conference committee that refuses to call it for consideration. My colleague, Senator JACK REED of Rhode Island, believes that on the anniversary of Columbine we owe it, not only to the families in Colorado but across the Nation, to consider this important legislation. I support him completely. Close the loopholes, keep guns out of the hands of criminals and kids.

Second, tomorrow I will be offering an amendment which addresses the gun issue from a different perspective. There are some who say: Oh, you don't need to close the loopholes. I disagree with them. I think we need to close them. They say, instead, we need more enforcement. Let's have people who are going to investigate and prosecute gun criminals. Put them in jail.

Do you know what? I agree with them. But I think we need both. Close the loopholes and make sure we have the resources for enforcement of gun laws. The amendment I will offer tomorrow, with Senator SCHUMER of New York, my seatmate here on the floor of the Senate, provides the President's initiative: 500 new ATF investigators to look after the gun dealers across America, to make certain they are not selling guns to the wrong people.

Are they? You bet they are. Out of 80,000 gun dealers across America, we have traced gun crimes and found that the guns for 57 percent of the criminals in America come from 1,000 gun dealers out of 80,000. What it tells us is the overwhelming percentage of gun dealers across America are obeying the law. But there are bad people out there who are licensed gun dealers who are breaking the law and giving guns to criminals who commit crimes with those guns and harass us in our neighborhoods and our schools. My amendment creates more enforcement authority to keep those gun dealers from breaking the law.

Next, more prosecutors. It is not enough to arrest somebody. You need a prosecuting attorney at the State, local, or Federal level, who is going to put that person behind bars. I say to the National Rifle Association and all the people who speak for them, if we are going to have enforcement, vote for the Durbin amendment so you have the resources at ATF and across the Nation to make sure gun laws are enforced.

It is a complementary approach: Close the loopholes, increase the enforcement, and let us hope in the near term, in the near future, we can say this Congress responded in a way that answers to American families that we

heard the cries of the parents and the families at Columbine and we responded to them. We should not leave ourselves in a position where we back off from our responsibility because of any special interest group.

I yield the floor.

The PRESIDING OFFICER. The time has expired.

Mr. STEVENS. How much time do we have remaining?

The PRESIDING OFFICER. The Senator from Alaska has 1 minute. The Senator from New Mexico has 3 minutes. The Senator from Nevada has 2 minutes.

Mr. DOMENICI. I yield my time.

Mr. REID. I yield the time of the minority.

VOTE ON AMENDMENT NO. 2931, AS MODIFIED

Mr. STEVENS. I yield back my time and ask for a vote on my amendment.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to amendment No. 2931, as modified.

The amendment (No. 2931), as modified, was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2965

Mr. DOMENICI. Mr. President, parliamentary inquiry. Is it not correct that the Robb amendment, No. 2965, is now pending for a vote?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. There are 2 minutes? I waive my minute if the minority will waive its minute.

Mr. REID. We waive our minute.

Mr. DOMENICI. Mr. President, I move to table the Robb amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to table amendment No. 2965. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

Mr. NICKLES. I announce that the Senator from Alabama (Mr. SESSIONS) is necessarily absent.

The result was announced, yeas 54, nays 45, as follows:

[Rollcall Vote No. 62 Leg.]

YEAS—54

Abraham	Chafee, L.	Fitzgerald
Allard	Cochran	Frist
Ashcroft	Collins	Gorton
Bennett	Coverdell	Gramm
Bond	Craig	Grams
Brownback	Crapo	Grassley
Bunning	DeWine	Gregg
Burns	Domenici	Hagel
Campbell	Enzi	Hatch
Helms	McCain	Smith (OR)
Hutchinson	McConnell	Snowe
Hutchison	Murkowski	Specter
Inhofe	Nickles	Stevens
Jeffords	Roberts	Thomas
Kyl	Roth	Thompson
Lott	Santorum	Thurmond
Lugar	Shelby	Voinovich
Mack	Smith (NH)	Warner

NAYS—45

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Moynihan
Boxer	Hollings	Murray
Breaux	Inouye	Reed
Bryan	Johnson	Reid
Byrd	Kennedy	Robb
Cleland	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Schumer
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NOT VOTING—1

Sessions

The motion was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, that was a 35-minute vote. I apologize for letting it go on that long. You can see how hard it is going to be to get through a vote-arama if we do that. Our plan now is to have two more votes tonight. If Senators would stay in the Chamber or close to the Chamber, we could do those votes in no more than 15 or 20 minutes. Maybe we could cut the second one down to 10. That would certainly help.

We are now ready to go into the period for the votes on the number of amendments that are pending, the so-called vote-arama.

Having said that, any Senator who has timely filed their amendment at the desk can call it up for Senate consideration. However, there is no allotted time for debate.

Therefore, I ask unanimous consent that, as we did last year, in a way that I think is the fairest to try to explain what the amendments are, in that brief period of time, there be 2 minutes equally divided prior to each vote for explanation, and all votes in the vote-arama be limited to 10 minutes each after the first vote.

Mr. DASCHLE. Reserving the right to object, I just suggest that we also ensure that either side has at least a block of five amendments that are going to be offered so we can look at them ahead of time. Nobody knows, on either side, what the amendments are. If we can at least take them five by five, we can analyze them and decide whether we will table them, second degree them, or whatever. I think it is very important to do that. I suggest that as well.

Mr. LOTT. I think that is obviously a good suggestion. Let me add to this, if I could, Mr. President, that we are going to go forward with two more amendments tonight, one on each side—the Bond amendment on our side and the Reed amendment on their side. After that, we are going to stop for tonight because we still have a large number of amendments that have not been able to be worked through. I am going to ask the managers on both sides to get all these amendments lined up and to get the first five on each side ready for in the morning so we won't have to wait until we come in. Also, we will come in at 9 o'clock so we can get an early as possible start. Some would like to be able to go home or do commitments as early as possible. But as it now stands, because of the number of amendments and the fact that we haven't had an opportunity to line up all the amendments in order, the managers requested we do it this way.

I emphasize that as soon as we finish the votes on amendments that are offered, and a vote is required, when we finish those, we will be through. So you may want to take that into consideration as to whether or not you insist on your amendment tomorrow. We can finish at 10 or 11 o'clock, or 12, but we need to go ahead and complete that.

Having said that, I am looking that way, but I could more easily be looking our way. A lot of amendments are still pending on both sides that really could be handled in some other way. I hope Senators will consider doing that. I thank the managers for the time they spent and the cooperation we have been getting from Senator DASCHLE and Senator REID doing his usual good job. But our managers need this time tonight and early in the morning to start getting amendments racked up so we can vote on the first five.

Mr. DASCHLE. Mr. President, I wonder if the majority leader might entertain having a 10-minute vote on the first vote now. We have all come to vote. It seems we can accelerate that process.

Mr. LOTT. I will accept that suggestion.

Mr. LAUTENBERG. Mr. President, I would like to ask this. Can't we limit the clock and keep the promise to 10 minutes instead of having 1 or 2 persons cause the other 98 to be here?

Mr. LOTT. We can do that. It requires that Senators stay here and that we stay attentive and say ''turn it in.'' We are trying to be considerate of both sides. Obviously, we need to stop. If we get unanimous consent for it to be 10 minutes, we will stop it. I amend the UC so that we may have 2 minutes equally divided on each amendment and that this vote and the next vote be 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. With that, I yield the floor.

AMENDMENT NO. 2913

(Purpose: To express the sense of Senate against the Federal funding of smoke shops)

Mr. BOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 2913.

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

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

The amendment is as follows:

At the end of title III, add the following:

SEC. ___. SENSE OF THE SENATE AGAINST FEDERAL FUNDING OF SMOKE SHOPS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Smoking begun by children during their teen years and even earlier turns the lives of far too many Americans into nightmares decades later, plagued by disease and premature death.

(2) The Federal Government should leave a legacy of more healthy Americans and fewer victims of tobacco-related illness.

(3) Efforts by the Federal Government should seek to protect young people from the dangers of smoking.

(4) Discount tobacco stores, sometimes known as smoke shops, operate to sell high volumes of cigarettes and other tobacco products, often at significantly reduced prices, with each tobacco outlet often selling millions of discount cigarettes each year.

(5) Studies by the Surgeon General and the Centers for Disease Control and Prevention demonstrate that children are particularly susceptible to price differentials in cigarettes, such as those available through smoke shop discounts.

(6) The Department of Housing and Urban Development is using Federal funds for grants to construct not less than 6 smoke shops or facilities that contain a smoke shop.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budget levels in this resolution assume that no Federal funds may be used by the Department of Housing and Urban Development to provide any grant or other assistance to construct, operate, or otherwise benefit a smoke shop or other tobacco outlet.

Mr. BOND. Mr. President, this amendment simply says the Department of HUD should stop using community development block grant funds to build discount cigarette stores known as smoke shops.

A year ago, a doctor called up and said there was a new discount smoke shop in his neighborhood and it was funded by Federal dollars. I didn't know what the sign said, so I sent staff out. Here it is: Smoke Shop, Discount Tobacco. Our policy is supposed to discourage cigarette smoking. Inside, we found wall-to-wall cigarettes, 25 percent or more off. These are your tax dollars at work.

Instead of funding what we could have funded, $4.2 million went to six of these in the last 3 years—instead of building a water tower or elders' wellness centers.

I wrote to HUD and said stop funding them. The letter I got back from the assistant said: You haven't proven that discount cigarettes encourage smoking. Well, it is about time we taught HUD some common sense. The Secretary of Housing now says: If you tell me to stop funding it, if you stop me from funding them, I will stop.

I urge colleagues to vote aye.

Mr. INOUYE. Mr. President, I am against smoking, but this amendment picks on Indians. Why don't we include all discount tobacco stores? Why don't we include Wal-Mart, Kmart, and all these places that sell discount tobacco? Why just pick on Indians?

Mr. BOND. Mr. President, the amendment says we should not fund any discount smoke shops. It doesn't say Indians.

Mr. INOUYE. The Senator's sense of the Senate mentions Indians, Indian smoke shops.

Mr. BOND. It does not.

Mr. INOUYE. Mr. President, I am against this sense-of-the-Senate resolution, and I hope we will vote it down.

Mr. CAMPBELL. Mr. President, in 1997 this body considered wide-sweeping tobacco legislation and the Indian Affairs Committee held several hearings on the issue and in fact reported a bill to reduce smoking in Native communities.

The rate of smoking in Native communities is the highest in the country and Natives suffer emphysema, lung cancer, and related problems as a result of that smoking.

The resolution we are now considering would as a practical matter apply to smoke-shops that offer ''discount tobacco'' products without defining that term.

There are ''discount cigarette'' stores right across the river in Virginia, there are ''discount tobacco'' outlets in airports around the country, and there are ''discount stores'' on Indian lands.

Now, if this resolution were to apply to all tobacco outlets, I would support it. I am dismayed that Secretary Cuomo would support the amendment given that it would not affect Community Development Block Grant funds for non-Indian tobacco outlets.

As a practical matter only Indian outlets are affected and there are no potential non-Indian tobacco sellers that would be affected. Though it may not be the preferred economic activity of some in this chamber, many Indian tribes rely on selling tobacco, which is a legal commodity, to generate revenues.

The targeted nature of this resolution as well as the economic hardships created by it led me to support the Vice Chairman of the Committee on Indian Affairs, Senator INOUYE, and his Motion to Table the Bond Amendment.

Mr. HOLLINGS. Madam President, it has been over 30 years since I set off on my hunger tour of South Carolina, where I observed first-hand the shocking condition of health care and nutritional habits in rural parts of my state. The good news is, we have come a long way since then. The bad news is, there is still much work to be done. Like the ''hunger myopia'' I described in my book ''The Case Against Hunger,'' we suffer today from a sort of ''health care myopia,'' a condition in which a booming economy and low unemployment rates mask a reality—that many Americans eke out a living in society's margins, and most of them lack health insurance. Ironically, as the stock market soars, so do the numbers of uninsured in our country, at a rate of more than 100,000 each month; 53 million Americans are expected to be uninsured by 2007.

The health care debate swirls around us, reaching fever pitch in Congress, where I have faith that we will soon reach an agreement on expanding coverage and other important issues. However, I see a need to immediately address the health care concerns of these left-behind and sometimes forgotten citizens. They cannot and should not have to wait for Congress to hammer out health care reform in order to receive the medical care so many of us take for granted. That's why I am sponsoring, along with Senator BOND, a sense-of-the-Senate amendment to double the funding for health centers over the next five years. The Bond-Hollings Resolution to Expand Access to Community Health Centers (REACH) recommends that we start the process with a $150 million increase in FY 2001. Let me emphasize that this measure is a cost-saving investment, not an increase in spending.

While ideas about health care have changed dramatically, community health centers have remained steadfast in their mission, quietly serving their communities and doing a tremendous job. Last year, community health centers served 11 million Americans in decrepit inner-city neighborhoods as well as remote rural areas, 4.5 million of which were uninsured. It's no wonder these centers have won across-the-board, bipartisan support. They have a proven track record of providing no-nonsense, preventive and primary medical services at rock-bottom costs. They're the value retailers of the health care industry, if you will, treating a patient at a cost of less than $1.00 per day, or about $350 annually.

Not only are these centers providing care at low costs, but they are saving precious health care dollars. An increased investment in health centers will mean fewer uninsured patients are forced to make costly emergency room visits to receive basic care and fewer will utilize hospitals' specialty and inpatient care resources. As a consequence, a major financial burden is lifted from traditional hospitals and government and private health plans.

Every federal grant dollar invested in health centers saves $7 for Medicare, Medicaid and private insurance: $6 from lower use of specialty and inpatient care and $1 from reduced emergency room visits.

The value of community health centers can be measured in two other significant ways. First of all, the centers' focus on wellness and prevention, services largely unavailable to uninsured people, will lead to savings in treatment down the road. And secondly, health centers foster growth and development in their communities, shoring up the very people they serve. They generate over $14 billion in annual economic activity in some of the nation's most economically depressed areas, employing 50,000 people and training thousands of health professionals and volunteers.

It should also be noted that community health centers are just that—community-based. They are not cookie cutter programs spun from the federal government wheel, but area-specific, locally-managed centers tailored to the unique needs of a community. They are governed by consumer boards composed of patients who utilize the center's services, as well as local business, civic and community leaders. In fact, it is stipulated that center clients make up at least 51 percent of board membership. This set-up not only ensures accountability to the local community and taxpayers, but keeps a constant check on each center's effectiveness in addressing community needs.

In South Carolina, community health centers have a long history of meeting the care requirements of the areas they serve. The Beaufort-Jasper Comprehensive Health Center in Ridgeland, the Franklin C. Fetter Family Health Center in Charleston, and Family Health Centers, Inc. in Orangeburg were among the first community health centers established in the nation. The Beaufort-Jasper Center was very innovative for its day, in the late 1960s, tackling not only health care needs, but related needs for clean water, indoor toilets and other sanitary services. Today, the number of South Carolina health centers has grown to 15. They currently provide more than 167,000 people, 10 percent of which are uninsured, with a wide range of primary car services. Yet despite the success story, a need to throw a wider net is obvious. Of the 3.8 million South Carolinians, nearly 600,000 have no form of health insurance. That means roughly 15% of the state population is uninsured. Another 600,000 residents are ''underinsured,'' meaning that they do not receive comprehensive health care coverage from their insurance plans and must pay out-of-pocket for a number of specialty services, procedures, tests and medications.

South Carolina's statistics are mirrored nationwide. The swelling ranks of the uninsured are outgrowing our present network of community health centers. Adopting this sense of the Senate amendment will ensure the reach of community health centers expands to meet increasing demand. It is our responsibility to continue providing our neediest citizens with a basic health care safety net. What better way to do that than by building on a program with a record of positive, fiscally responsible results? Everyone can benefit and take pride in such a worthwhile investment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2913.

Mr. INOUYE. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, I ask that we proceed to the vote.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 2913. The yeas and nays have been ordered. The clerk will call the roll on the motion to table.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 19, nays 81, as follows:

[Rollcall Vote No. 63 Leg.]

YEAS—19

Akaka
Biden
Campbell
Cleland
Daschle
Edwards
Helms
Hollings
Inouye
Levin
Moynihan
Murkowski
Murray
Reid
Robb
Rockefeller
Stevens
Warner
Wellstone

NAYS—81

Abraham
Allard
Ashcroft
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Chafee, L.
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Nickles
Reed
Roberts
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Wyden

The motion was rejected.

The question is on agreeing to the amendment.

The amendment (No. 2913) was agreed to.

Mr. BOND. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2964

(Purpose: To express the sense of the Senate regarding the need to reduce gun violence in America)

Mr. REED. Mr. President, I call up amendment No. 2964.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island (Mr. REED), for himself, Mr. DASCHLE, Mrs. FEINSTEIN, Mr. LEAHY, Mr. LAUTENBERG, Mr. SCHUMER, Mr. DURBIN, Mrs. MURRAY, Mr. KOHL, Mr. TORRICELLI, Mr. LEVIN, Mrs. BOXER, Mr. ROBB, Mr. KENNEDY, Mr. BIDEN, Mr. BYRD, Mr. KERRY, Mr. REID, Mr. INOUYE, Mr. BRYAN, Mr. HARKIN, Mr. WYDEN, Ms. MIKULSKI, and Mr. L. CHAFEE, proposes an amendment numbered 2964.

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

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

The amendment is as follows:

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING THE NEED TO REDUCE GUN VIOLENCE IN AMERICA.

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

(1) On average, 12 children die from gun fire everyday in America.

(2) On May 20, 1999, the Senate passed the Violent and Repeat Offender Accountability and Rehabilitation Act, by a vote of 73 to 25, in part, to stem gun-related violence in the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in function 750 of this resolution assume that Congress should—

(1) pass the conference report to accompany H.R. 1501, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act, including Senate-passed provisions, with the purpose of limiting access to firearms by juveniles, convicted felons, and other persons prohibited by law from purchasing or possessing firearms; and

(2) consider H.R. 1501 not later than April 20, 2000.

Mr. KENNEDY. Mr. President, several weeks ago, the Treasury Department and HUD made a significant announcement on Smith and Wesson's willingness to make guns safer and keep them out of the hands of criminals.

Momentum is building for Congress to break the stranglehold of the National Rifle Association. It is appalling

that this Republican Congress refuses to respond to the urgent need for responsible gun control. Our Republican colleagues should stop listening to the National Rifle Association and start listening to the American people. The American people and America's children are calling on Congress to move forward on commonsense gun provisions.

The National Rifle Association continues to talk about Second Amendment rights. But we say what about the right to live of the 12 children a day, every day, who die because of firearms in this country? What about the right of citizens to be free from crime, when criminals can go to gun shows and purchase weapons without a background check? What about the right of law-abiding citizens to live peaceably in their neighborhoods? It is time for Congress to stop kowtowing to the NRA. It is long past time for Congress to act responsibly, and adopt sensible measures to close the loopholes in our current gun laws.

That means—closing the gun show loophole—requiring the sale of child safety locks with firearms—prohibiting juveniles from possessing semiautomatic assault weapons—banning imports of large capacity ammunition clips—expanding the number of cities that participate in gun tracing—giving ATF and other federal law enforcement agencies the resources they need for more effective enforcement of our gun laws.

Nothing we do will interfere with the rights of responsible gun owners. But, it has everything to do with the rights of men, women, and children to live peacefully in their communities.

Ninety percent of the American people support background checks at gun shows; 88% favor child-proofing guns. But every attempt we make to act is met by a stonewall of resistance from our Republican colleagues. And every day, we learn of more tragedies of families who lose loved ones to senseless gun violence because we fail to act.

Congress must end its obstruction and enact critical reforms that have been pending for too long. If this Congress won't act, the American people will elect a Congress in November that will act.

It has been almost a year since the tragic shooting at Columbine High School. In literally dozens of cases since then, children have brought guns to schools, and there have been at least seven school shootings since Columbine.

According to the Department of Education, over 6,000 students were expelled in the 1996–1997 school year for bringing guns to public schools. According to a study by the Centers for Disease Control, 8% of all students reported bringing a gun to school in a 30-day period.

It is time for Congress to finish the job we began last year and pass the gun control provisions in the juvenile justice legislation. Students, parents and teachers across America are waiting for our answer.

We need to help teachers and school officials recognize the early warning signals and act before violence occurs.

We need to assist law enforcement officers in keeping guns away from criminals and children.

We need to close the gun show loophole.

Above all, we need to require child safety locks on firearms, so that we can do all we can to prevent senseless shocking shootings like the first grade gun killing that occurred a few weeks ago in an elementary school in Michigan.

The Senate passed this needed legislation last year. It is time for House and Senate conferees to write the final bill and send it to the President, so that effective legislation is in place as soon as possible.

The lack of action is appalling and inexcusable. Each new tragedy is a fresh indictment of our failure to act responsibly.

We have a national crisis, and commonsense approaches are urgently needed. If we are serious about dealing with youth violence, the time to act is now. There is no reason why this Congress cannot enact this needed legislation now. The citizens of this country deserve better than what this kow-tow-to-the-NRA Congress has given them so far.

Mr. REED. Mr. President, on April 20 of last year, America and the world was shocked by the gun violence and carnage at Columbine High School. Shortly thereafter, on May 20, this Senate passed legislation within the juvenile justice bill that provided for sensible gun control measures, including safety locks for handguns, background checks on all guns at gun shows and the ban on the importation of large clips for automatic weapons. Since our vote on May 20, the measure has languished in the conference committee that has met only once—last August.

My amendment is very straightforward and simple. It asks that the conferees send to the House this measure so we can vote so we can do what the American people want. Over 90 percent of the American people want gun locks on weapons. A large number of them want to close all the loopholes in the gun shows. We must do that to respond to America, not just with respect to Columbine, but for the 12 young children each day that die in America because of gunfires.

I urge passage of this amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

Mr. HATCH. The juvenile justice bill provides $450 million in accountability in block grants for all kinds of problems; $547.5 million in prevention grants for juveniles, $75 million in grants to update felony records, et cetera, none of which basically will pass as long as we stay in the gunfight.

A majority of Republicans and Democrats in the House will not support the Lautenberg amendment. A majority of the Republicans and Democrats in the Senate will not support the Dingell amendment. So we are stuck with one of the most important anticrime juvenile justice bills in history because we can't resolve the gun process.

The best thing we can do is strip it out, fight that another day, and do it this way. We cannot get a conference report and call a conference when all we will do is polarize the situation and divide people even more. I think we have to come to a conclusion and pass the juvenile justice bill, regardless of what happens. I hope we can vote down this amendment. It is not helping.

Mr. CRAIG. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 2964. The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 64 Leg.]

YEAS—53

Abraham	Feingold	Lugar
Akaka	Feinstein	McCain
Bayh	Fitzgerald	Mikulski
Biden	Graham	Moynihan
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Chafee, L.	Kerrey	Roth
Cleland	Kerry	Sarbanes
Conrad	Kohl	Schumer
Daschle	Landrieu	Smith, (OR)
DeWine	Lautenberg	Torricelli
Dodd	Leahy	Warner
Dorgan	Levin	Wellstone
Durbin	Lieberman	Wyden
Edwards	Lincoln	

NAYS—47

Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Baucus	Gramm	Nickles
Bennett	Grams	Roberts
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Snowe
Cochran	Hutchinson	Specter
Collins	Hutchison	Stevens
Coverdell	Inhofe	Thomas
Craig	Jeffords	Thompson
Crapo	Kyl	Thurmond
Domenici	Lott	Voinovich
Enzi	Mack	

The amendment (No. 2964) was agreed to.

Mr. REED. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

MINERAL RECEIPT SHARING ADMINISTRATIVE COSTS

Mr. BINGAMAN. Mr. President, I wish to engage in a colloquy with the Chairman of the Budget Committee regarding the reserve fund for stabilization of payments to counties in support of education contained in section 203.

Mr. DOMENICI. I will be pleased to speak with my colleague regarding this issue. This reserve fund will accommodate legislation recently reported by the Energy and Natural Resources Committee that will correct a very large problem for counties across the country which have historically shared receipts taken in by the Forest Service and BLM. The decline in those receipts over the last ten years has had devastating effects on many rural school districts, especially in the rural West, and the Budget Committee has provided $1.1 billion over the next five years to stabilize the flow of resources to these counties.

Mr. BINGAMAN. I know that Senator DOMENICI is aware of another situation that has had a negative impact on States' share of Federal mineral receipts. Subtitle C of Title X of the Omnibus Budget Reconciliation Act of 1993 put in place a system for allocating mineral revenues between the States and the United States that is complicated and difficult to administer. It has resulted in confusion and conflict between States and the Federal Government, and the Inspector General of the Department of the Interior has noted that the agencies' budgeting processes and accounting systems were not designed to accumulating costs in the detail required for administering the system. The system is criticized by both the States and the Federal agencies charged with administering it, and it is time for it to be changed.

Mr. DOMENICI. Senator BINGAMAN is correct, and I understand he has introduced legislation to correct that provision. We now have a CBO preliminary estimate of the budgetary impact of that bill.

Mr. BINGAMAN. In that regard, I ask the Chairman of the Budget Committee if the amount available in the section 203 reserve fund would accommodate this legislation, and if it could be included within the intent of this reserve fund.

Mr. DOMENICI. As we are considering this resolution, I cannot say for sure that the reserve fund would accommodate Senator BINGAMAN's bill, since the estimate of the budgetary impact of the recently reported legislation is not yet complete. It is my hope, however, that when we convene the conference on this resolution, we will have estimates on the impacts of both bills. It is my intention to move in that conference that the House recede to the Senate position with an amendment to accommodate both the Forest Service receipt stabilization legislation, and the mineral receipt sharing legislation.

Mr. BINGAMAN. I thank the Chairman for taking the time to clarify this point for us. I can assure you that this issue is very important to our States, and we look forward to working with you and the rest of our colleagues to address this situation in the near future.

THRIFT SAVINGS ACCOUNTS

Mr. WARNER. Mr. President, in the National Defense Authorization Act for Fiscal Year 2000, the Congress authorized active and reserve members of the uniformed services to participate in the Thrift Savings Plan now available for federal civil service employees. This was an important part of the recruiting and retention package which the Senate passed, and which was enacted into law last year.

Under that authority, provided in last year's Defense Authorization Act, service members would be eligible to deposit up to five percent of their basic pay, before tax, each month. The government is not required to match the service member's contributions. In addition, service members would be permitted to directly deposit special pays for enlistment, reenlistment and the lump-sum for electing to remain in the "Redux" retirement program—pre-tax—up to the extent allowable under the Internal Revenue Code of 1986, into their Thrift Savings account.

Last year's legislation required the President to identify sufficient offsets in order to implement this important program. Unfortunately and inexplicably, the President failed to identify the offsets in the budget he submitted to the Congress in February. Mr. President, we must adjust the outlays and revenues in the Budget Resolution to permit the Thrift Savings Plan to be extended to members of the uniformed services. This Thrift Savings Plan does not cause the loss of revenues, but defers the tax due until the service member retires. This is an important point—there are no lost revenues, and the cost of this initiative is cheaper than losing our most qualified military personnel.

Making the Thrift Savings Plan available to military personnel would come at a critical time for the military services. Participating in a Thrift Savings account would encourage personal savings and enhance the retirement income for service members, who currently do not have access to a 401k savings plan. Under current Thrift Savings Plan regulations, participants may borrow from Thrift Savings accounts for such worthy purposes as college tuition and purchasing a home. When implemented, military personnel would be able to join federal workers in a savings program that would enhance the value of their retirement system and permit them to improve their quality of life.

The Armed Services Committee continues to receive testimony strongly supporting a Thrift Savings Plan for military personnel as a strong incentive for both recruiting and retention. Testimony from the Joint Chiefs of Staff, Service Secretaries and the military personnel chiefs confirm that the Thrift Savings Plan would be an important incentive for recruiting military personnel and retaining highly trained military personnel on active duty or in the Ready Reserve. The Service Chiefs have indicated that this plan, combined with the pay raise, the repeal of the Redux retirement system, and the increased bonuses in the FY 2000 bill, would alleviate the hemorrhage of trained and experienced military personnel we are now experiencing.

This critical initiative was not included in the President's budget request, but it is necessary to assist in retaining our military service personnel. We must correct this shortcoming in the President's budget.

The Senate has supported extending the Thrift Savings Plan to military personnel on three previous occasions. It is time that we complete the process and provide the necessary funding that would permit military personnel to join the federal workforce in the Thrift Savings Plan.

Mr. DOMENICI. The Chairman of the Armed Services Committee has crafted an important provision that can improve retention in our Armed Services. The cost effectiveness of the provision is particularly notable. It is regrettable that the Administration's lack of compliance has caused the delay of an entire year in the effective date of this provision of last year's Department of Defense Authorization bill. Servicemen and women have lost out because of the Administration's failure to act.

I understand that you also have a problem with moving forward on legislation that permits military personnel to participate in the Thrift Savings Plan because deferred revenue or a "revenue loss" is attributable to such legislation and this makes the legislation potentially vulnerable to a Budget Act point of order.

As my friend from Virginia knows, our budget resolution, S. Con. Res. 101, as well as the budget resolution passed by our colleagues in the House of Representatives, H. Con. Res. 290, last week, provides for up to $150 billion in revenue reductions over the next five years. It is my understanding that the revenue loss in the form of deferred revenue associated with your TSP provision is $10 million in 2001 and $321 million over the next five years.

Let me assure my colleague, the Chairman of the Armed Services Committee, that the revenue assumptions in the budget resolution can accommodate the revenue loss associated with your TSP statute. Moreover, let me say that I will happily make it clear in

the statement of managers on the conference report on this year's budget resolution that the revenue assumptions will permit your TSP provision to move forward and to be implemented without the threat of a Budget Act point of order.

Mr. WARNER. I thank my friend for his commitment to correct this shortcoming in the President's budget and his help in reducing the hemorrhage of trained and experienced military personnel. I also want to express my appreciation to the highly professional staff of the Budget Committee for their assistance in working out a solution to this vital issue.

Mr. L. CHAFEE. Mr. President, I voted against the amendment offered by Senator ROBB, which would use the tax code to provide assistance to school districts to build and renovate school facilities. There is no doubt that many states and local school districts need help to address the dilapidated conditions of their schools. However, I do not believe that the approach presented by Senator ROBB, which has been repeatedly defeated by the Senate, is the best solution.

Earlier this year, I was pleased to cosponsor legislation known as BRICKS—the Building, Renovating, and Constructing Schools Act—which Senator SNOWE introduced. Senator SNOWE's bill authorizes the use of $20 billion for school construction and repairs. She pays for her proposal by borrowing from the Exchange Stabilization Fund (ESF).

According to the Snowe proposal, states would receive funds only at the request of the Governor. They would be distributed in accordance with the formula prescribed under Title I, which provides federal assistance to the lowest achieving, low income students. I believe this is a far better approach with potential for bipartisan support.

Mr. President, it will be regrettable if the outcome of the vote on the Robb amendment prevents a vote on an amendment by the senior Senator from Rhode Island, Senator REED. I am an original cosponsor of the Reed amendment which simply expresses the sense of the Senate that gun safety provisions approved by the Senate last year should be brought before the Senate for final action. As a cosponsor of the Reed amendment and a strong supporter of gun safety laws, particularly those which are intended to keep guns out of the hands of children, my vote against the Robb amendment should in no way be considered a vote against the Reed amendment.

Mr. WELLSTONE. Mr. President, I rise to address a serious problem with one of the obscure assumptions both of this budget resolution and the President's budget. Both the Administration's submission and this budget resolution contain an assumption that $350 million of anticipated Medical Care Cost Recovery Fund (MCCF) receipts will be remitted to the Treasury from the VA. I strongly oppose this assumption. It flies in the face of current policy—and all logic—since it would result in a $350 million decrease in VA health care funding at the same time that Congress proposes an increase. The budget resolution is essentially assuming the VA is being given a ''loan'' from Treasury which it must pay back.

The VA has historically had difficulty in meeting their projected third party collection goals as it is, using the projected collections as a means to pad the budget on paper. By substantially reducing the incentive for aggressive collections by the VA, the MCCF receipts are even less likely to reach projected levels—meaning fewer funds for veterans health care.

This proposal is nothing more than an obscure, cynical maneuver to give extra scoring room on the appropriations bills later in this year at the expense of veterans. However, this provision will require legislation to be put into effect, and I want my colleagues to know that I will strongly oppose any efforts to pass such legislation as that process moves forward this year.

Mrs. FEINSTEIN. Mr. President, as we debate the priorities for spending in the federal budget for the next fiscal year, I am pleased to have voted yesterday for the Bingaman education amendment. Unfortunately, the Senate tabled this amendment yesterday by a 54 to 46 vote. This amendment begins to address some of the critical needs of our schools. But more importantly, it says, ''We think education is important. We think education is a priority. We think education should be nourished, not starved.''

This amendment adds important resources in several ways:

It supports the $4.5 billion or 12.6 percent increase for education that the President proposed for FY 2001 over the previous year.

It adds $1 billion for Title I, the program that helps school districts educate disadvantaged students. If Congress follows through with FY 2001 appropriations, this would bring total Title I funding next year to $9.9 billion, up from $8.5 billion in FY 2000.

It adds $2 billion to train new teachers and current teachers.

It provides $1.75 billion to continue to reduce class sizes in the early grades.

It increases funds for afterschool programs to give students extra help.

It provides $1.3 billion to repair schools in high-need areas.

It adds $1 billion for special education, programs to help disabled students.

It raises the maximum Pell Grant, aid for needy college students, from $3,500 to $3,700.

This amendment is timely because the federal share of elementary and secondary education has declined from 14 percent in 1980 to 6 percent in 1999–2000. Hopefully, this amendment will begin to reverse that decline.

The schools in my state face huge challenges—low test scores, crowded classrooms, teacher shortages, growing enrollments, decrepit buildings. In short, they are overwhelmed.

California has 5.8 million students, more students in school than 36 states have in total population and one of the highest projected enrollments in the country.

California will need 300,000 new teachers by 2010. Eleven percent or 30,000 of our 285,000 teachers are on emergency credentials.

California has 40 percent of the nation's immigrants; we have 50 languages in some schools. Children from these families need special attention, not just in English language learning but in dealing with huge adjustments of learning to live in a new country.

California's students lag behind students from other states. Only about 40 to 45 percent of the state's students score at or above the national median, on the Stanford 9 reading and math tests.

For school construction, modernization and deferred maintenance, California needs $21 billion by 2003 or 7 new classrooms per day. Two million California children go to school today in 86,000 portable classrooms.

California's Head Start programs serve only 13 percent of eligible children.

For higher education, the University of California has the most diverse student body in the US. Federal programs provide nearly 55 percent of all student financial aid funding that UC students received. Our colleges and universities are facing ''Tidal Wave II,'' the demographic bulge created by children of the baby boomers who will inundate California's colleges and universities between 2000 and 2010 because the number of high school graduates will jump 30 percent.

California's schools are in crisis. The needs of my state are huge.

While these needs cry out for resources, the federal government is contributing only 6 percent of total education funding. Funds are so short in my state that California teachers are spending around $1,000 a year out of their own pockets to pay for books, magic markers, scissors and other school supplies, according to the San Diego Tribune, August 16, 1999.

Why should we be increasing funds for education? Let me answer that question by giving you an example of the state of our schools, as expressed by a young student. I would like to read a letter from Hannah Wair, a 14-year-old from Santa Rosa, California, who graphically describes her school:

SANTA ROSA, CA,
December 13, 1999.

DIANE FEINSTEIN,
Hart Senate Office Building,
Washington, DC.

DEAR MS. FEINSTEIN: My name is Hannah Wair, and I am 14 years old and I attend Rincon Valley Middle School in California. I am writing you this letter because I am concerned about the amount of money that is given to the Santa Rosa City Schools. It seems as though far too many kids attend these schools without enough supplies, computers, books, and sports equipment. On top of that, most of the schools (with an exception of a few new ones) are in need of extreme repairs. Many schools have trashy, dirty, bathrooms and locker rooms that have not been repaired or updated in about 20 years. The fields and tracks are invaded with weeds and rocks, and there have been many injuries because of this. Many of the classes are over-populated, with an average of 30 or 35 students per class. This gives the students less attention, which makes it harder to learn.

Although there are many aspects that need to be improved about our schools, they are all still great schools, and I'm sure that you could change all of this in only a matter of time. Thank you so very much for your time. I hope to hear from you soon!

Sincerely,

HANNAH WAIR.

The Clinton-Gore Administration has proposed to increase education funding in FY 2001 by 12.6 percent, to $40.1 billion. Yet the budget before us does not add, it cuts the President's education request by $4.7 billion. I submit, Mr. Chairman, that this is no time to be cutting education:

American students lag behind their international counterparts in many ways. American twelfth grade math students were outperformed by students from 21 other countries, scoring higher than students from only two countries, Cyprus and South Africa.

Three-quarters of our school children cannot compose a well-organized, coherent essay, says the National Assessment Governing Board in September.

U.S. eighth graders score below the international average of 41 other countries in math. U.S. twelfth graders score among the lowest of 21 countries in both math and science general knowledge.

Three-quarters of employers say that recent high school graduates do not have the skills they need to succeed on the job. Forty-six percent of college professors say entering students do not have the skills to succeed in college, according to a February Public Agenda poll.

These statistics speak for themselves. Our schools are failing many of our youngsters. It is not the students' fault. It is our fault. We need to be nourishing education, not starving it, especially at a time of budget surpluses when the needs of our children are so stark.

I am especially pleased that this amendment increases funds for Title I, adding $1 billion to the program.

Title I provides grants to help disadvantaged children, grants designed by Congress in 1965 to provide supplementary services to low-achieving children in areas with high concentrations of poverty. Title I reaches virtually every school district and is very important in my state. Schools serving disadvantaged populations of students receive fewer resources than other schools, according to the Public Policy Institute of California in a new report.

With 18 percent of the country's Title I students, California only receives 11.4 percent of Title I funds. At least, 775,000 eligible Title I students are not getting services in my state.

It is my hope that when Congress takes up the Elementary and Secondary Education Act reauthorization and the FY 2001 appropriations bill, we will rectify the long-standing inequities in the funding formula to give fast-growing states like mine their fair share of Title I and other funds.

In 1994, Congress included in the Title I law a requirement to annually update the number of poor children so that the allocation of funds would truly reflect the most up-to-date number of poor children. This is a very important provision to growing states like mine. However, despite my opposition, a ''hold harmless'' provision has been included in annual appropriations bills, effectively overriding the census update requirement and locking in historic funding amounts for states despite the change in the number of poor children.

As Secretary of Education Riley said last year, ''a basic principle in targeting should be to drive funds to where the poor children are, not to where they were a decade ago.'' While today's amendment includes an assumption that Title I would go up $1 billion and does not address the ''hold harmless'' one way or another, I want to make it clear that a ''hold harmless'' should not be part of our final funding bill.

I am also pleased that the amendment adds $2 billion for teacher training. What are the needs? For starters, my state has 30,000 teachers on emergency credentials. That is 11 percent of our 285,000 teachers. We have high teacher turnover. We face a severe teacher shortage. California will need 300,000 new teachers by 2010.

Not only do we face a serious teacher shortage, we need to beef up training of current teachers in order to improve student learning. There is no substitute for a good teacher. A good teacher can make a lifetime of difference in a student, especially a struggling or low-performing student. Teacher quality has more impact on student achievement than any other single factor, including family income and parent education, according to a Texas study by Ronald Ferguson of Harvard University. Studies show that the teacher's qualifications account for more than 90 percent of the variation in student achievement in reading and math.

Another disturbing statistic in my state is this: In California, the lowest-scoring students are five times more likely than high-scoring children to be placed in a classroom with under qualified teachers, concluded a study by the Center for the Future of Teaching and Learning last December. ''More than a million children in California go to school where they have particularly high concentrations of teachers who are under prepared to teach them,'' the study said. Similarly, the National Commission on Teaching and America's Future noted,

In the nation's poorest schools, where hiring is most lax and teacher turnover is constant, the results are disastrous. Thousands of children are taught throughout their school careers by a parade of teachers without preparation in the fields they teach, inexperienced beginners with little preparation and no mentoring, and short-term substitutes trying to cope with constant staff disruptions. It is more surprising that some of these children manage to learn than that so many fail to do so.

Without strong teachers, our children suffer. We must enhance teacher training.

The National Commission on Teaching and America's Future found that teacher training has suffered for years saying it has been ''historically thin, uneven and poorly financed.'' That commission has called for strengthening teacher training requirements and better rewarding teaching knowledge and skill.

I welcome the additional funds in this amendment to train more teachers and to strengthen teacher training.

This debate today is not just about raw numbers, this increase or that decrease. This debate is about the future of our nation. We must ask some fundamental questions about our spending priorities. Why it is important to increase spending on education? Here are some reasons:

The economy of my state is transitioning from manufacturing toward a more higher-skilled, service and technology jobs. Since 1980, jobs in the ''new economy'' (services and trade) have jumped nearly 60 percent.

Over the next 10 years, nationally, computer systems analyst jobs will grow by 94 percent; computer support specialists, by 102 percent; computer engineers, 108 percent. Jobs for the non-college educated are stagnating.

High tech employers say they cannot find qualified people. They plead for Congress to expand visas to bring in employees from abroad.

Low literacy levels are powerful predictors of welfare dependency and incarceration. More than half the adult prison population has literacy levels below those required by the labor market.

Near 40 percent of adjudicated juvenile delinquents have treatable learning disabilities that went untreated in school.

Seventeen years ago, the nation's attention was jolted by a report titled A Nation at Risk. In April 1983, the Reagan Administration's Education Secretary, Terrell Bell, told the nation that we faced a fundamental crisis in the quality of American elementary and secondary education. The report said:

Our nation is at risk. If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war.

The report cited declines in student achievement and called for strengthening graduation requirements, teacher preparation and establishing standards and accountability.

Today, we still face mediocrity in our schools. While there are always exceptions and clearly there are many excellent teachers and many outstanding schools, we can do better. To those who say we cannot afford to spend more money on education, I say we cannot afford to fail our children. Our children do not choose to be illiterate or uneducated. It is our responsibility and we must face up to it.

I urge adoption of the education amendment.

Mr. JOHNSON. Mr. President, the Senate yesterday approved my amendment to the fiscal year 2001 budget resolution that establishes a reserve fund which creates room in the Senate budget resolution for military retiree health care improvements. I thank Budget Committee Chairman DOMENICI for working with me and supporters of my amendment. I also want to recognize the driving force behind this issue: the thousands of military retirees and their dependents across this country who have established an impressive grassroots effort. Their work, in conjunction with the efforts of the Retired Enlisted Association, the National Association of Uniformed Services, the National Military and Veterans Association, and the Retired Officers Association, have brought military health care to the forefront.

My amendment would allow the Senate Armed Services Committee to increase spending on military retiree health care while considering the fiscal year 2001 Department of Defense Authorization bill. It is important to note that my amendment must also be approved by the House and Senate conference committee on the budget resolution in order for the Senate Armed Services Committee to use the reserve fund.

A promise of lifetime health care has been broken. Testimony from military recruiters themselves, along with copies of recruitment literature dating back to World War II, show that health care was promised to active duty personnel and their families upon the personnel's retirement.

However, the creation on June 7, 1956, of space-available care for military retirees at military hospitals has led to a broken promise of health care coverage for these men and women and their families. Post-cold-war downsizing of military bases and their medical services have left many retirees out in the cold. A final insult is the fact that military retirees and their dependents are kicked off of the military's health care system, Tricare, upon turning age 65.

Chairman of the Joint Chiefs of Staff, Gen. Henry Shelton, testified before the Senate Armed Services Committee and said: ''Sir, I think the first thing we need to do is make sure that we acknowledge our commitment to the retirees for their years of service and for what we basically committed to at the time that they were recruited into the armed forces.''

Defense Secretary William Cohen testified before the Senate Armed Services Committee and said: ''We have made a pledge, whether it's legal or not, it's a moral obligation that we will take care of all those who served, retired veterans and their families, and we have not done so.''

My oldest son, Brooks, served as a peacekeeper with the United States Army in Bosnia, and he was recently deployed to Kosovo. I know how important ''quality of life'' issues are to military personnel and their families. Our country asks young men and women to willingly work in combat zones and receive minimal pay compared to the private sector. As compensation, military personnel have been promised that their health care needs and those of their families will be taken care of now and upon retirement. Despite the best efforts of many talented health care providers in the military, this promise has been broken, and it is impacting a young man or woman's decision to make a career of the military.

The question is whether Members of Congress want to make military retiree health care a priority instead of an afterthought. I am hopeful that, working on a bipartisan approach similar to that seen with my reserve fund amendment, we in Congress can choose military retiree health care as a priority this session.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alabama.

Mr. SESSIONS. Mr. President, in order to make some logic out of this vote-arama process, on behalf of the leader, I ask unanimous consent that the first 10 amendments to be voted on tomorrow be the following and that as stated earlier all votes after the first vote be limited to 10 minutes, with 2 minutes for explanation prior to each vote. The amendments are: the Santorum amendment on military/vets benefits; the Conrad amendment on lockbox; the Abraham amendment on SOS lockbox; the Johnson amendment on veterans; the Ashcroft amendment on SOS Social Security investment; the Mikulski amendment on digital divide; the Bob Smith amendment on RX; the Graham of Florida amendment on education; the Voinovich amendment on strike tax reconciliation; and the Kennedy amendment on Pell grants.

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

MORNING BUSINESS

Mr. SESSIONS. Mr. President, on behalf of the leader, I now ask unanimous consent that there be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

HONORING THE GOOD WORKS OF THE SOCIETY FOR MATERNAL-FETAL MEDICINE

Mr. THURMOND. Mr. President, I rise to recognize the vital work performed by a group of tireless and dedicated professionals: The members of the Society for Maternal-Fetal Medicine (SMFM). I congratulate the Society for its outstanding achievements, and note this year they celebrated their 20th annual meeting.

It is often said that the United States is home to the finest pool of health care professionals in the world. I could not agree more. Each and every day, these professionals provide cutting edge care for millions across the country. Treatments that did not exist just ten years ago are now saving lives on a routine basis. I am hopeful that we never take this high level of care for granted.

The Society for Maternal-Fetal Medicine is one group that demonstrates the tremendous talent we have in our country. For many of us, ''maternal-fetal medicine'' may not be an everyday term. However, we all acknowledge that mothers experiencing complicated pregnancies require and deserve the best care possible. Maternal-fetal specialists provide care or consultation during complicated pregnancies. In addition, they provide education and research concerning the most recent approaches to the diagnosis and treatment of obstetrical problems. As a result, these specialists promote awareness of the diagnostic and therapeutic techniques for optimal management of these complicated pregnancies. In addition, it should be noted that maternal-fetal medicine specialists are complementary to obstetricians in providing consultations, co-management or direct care before and during pregnancy.

Mr. President, I urge my colleagues to join me in congratulating the members of the Society of Maternal-Fetal

Medicine for their outstanding work. I also want to acknowledge the fine work of Dr. Peter Van Dorsten, President of the SMFM, who resides in my home state of South Carolina. There is no doubt that Americans across the country join me in thanking these unique individuals.

Mr. KENNEDY. Mr. President, seven months have elapsed since the House of Representatives passed the bi-partisan Norwood-Dingell bill to end insurance company and HMO abuses, and more than six months have passed since House and Senate conferees were appointed to prepare the final version of this important measure.

Today, I am releasing a new study by the Minority Staff of the Health, Education, Labor and Pensions Committee that documents how devastating this long delay has been for millions of Americans and their families, and how urgent it is for the House-Senate conference to complete its work as soon as possible.

Drawing on data gathered by the University of California School of Public Health and the Harvard School of Public Health, the report documents unacceptably high numbers of patients who are denied needed care, who suffer increased pain, or whose health has seriously declined because too many HMOs and insurance companies put profits ahead of patients.

According to the study, 59,000 patients each day—22 million patients a year—report added pain and suffering as the result of the actions of their health plans. Large numbers of patients have specialty referrals delayed or denied. Others are forced to change doctors. Still others are forced to take prescription drugs that are different from the drugs their doctor prescribed.

In addition to patients' reports of significant problems as the result of actions of their health plans, thousands of physicians report seeing patients every day whose health has seriously declined as the result of abuses such as the failure to cover recommended prescription drugs, denial of needed diagnostic tests and procedures, and unwillingness to allow referrals for specialty care.

This study provides powerful new evidence of the need for Congress to move promptly to pass a strong Patient's Bill of Rights. Millions of families are suffering because of the failure of Congress to act. Families across America deserve protection, and it is time for Congress to fulfill its responsibility and see that they get it.

I ask unanimous consent the study be printed in the RECORD.

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

THE IMPACT ON PATIENTS OF DELAYS IN PASSING A PATIENTS' BILL OF RIGHTS: A SENATE HEALTH, EDUCATION, LABOR AND PENSIONS COMMITTEE MINORITY STAFF STUDY

Delays in passing legislation to curb insurance company abuse result in injury to thousands of patients daily and millions of patients annually. Drawing on two prior studies on the incidence of abusive health plan practices, this report looks at the number of patients affected daily, weekly, monthly and yearly.

The estimates are based on patient self-reports of experiences with health plans and on physicians' reports of the frequency of various abuses and the seriousness of injuries sustained by the patients they see in their own practices.

Highlights

According to patient reports, every day, as the result of actions of their health plan: 59,000 patients experience added pain and suffering; 41,000 patients experience a worsening of their condition; 35,000 patients have needed care delayed; 35,000 patients have a specialty referral delayed or denied; 31,000 patients are forced to change doctors; and 18,000 patients are forced to change medications.

According to physician reports, every day: 14,000 physicians see patients whose health has seriously declined because an insurance plan refused to provide coverage for a prescription drug; 10,000 physicians see patients whose health has seriously declined because an insurance plan did not approve a diagnostic test or procedure; 7,000 physicians see patients whose health has seriously declined because an insurance plan did not approve referral to a medical specialist; 6,000 physicians see patients whose health has seriously declined because an insurance plan did not approve an overnight hospital stay; and 6,000 physicians see patients whose health has seriously declined because an insurance plan did not approve a referral for mental health or substance abuse treatment.

Table 1 shows the incidence of plan restrictions on care and patient injuries resulting from plan actions by day, week, month, and annually, as reported in the survey of patients. Table 2 shows the number of physicians seeing plan abuses that result in serious declines in patient health each day, month, week, and year.

TABLE 1.—PATIENT SURVEY

Health plan abuse	Number of patients affected per year	Number of patients affected per month	Number of patients affected per week	Number of patients affected per day
Delay in Needed Care	12,880,000	1,073,000	247,000	35,000
Delay or Deny Specialty Referral	12,880,000	1,073,000	247,000	35,000
Forced to Change Doctors	11,270,000	939,000	216,000	31,000
Forced to Change Medications	6,440,000	537,000	124,000	18,000
Results of Health Plan Abuse:				
Added Pain and Suffering	21,638,000	1,803,000	415,000	59,000
Worsening of Condition	14,876,000	1,240,000	285,000	41,000

Source: Committee Analysis Based on Helen H. Schauffler's "California Managed Health Care Improvement Task Force Survey of Public Perceptions and Experiences with Health Insurance Coverage." U.C. Berkeley School of Public Health and Field Research Corporation, September, 1997, reported in Improving Managed Health Care in California, Findings and Recommendations, Volume Two, January 1998, tables 4 and 19, projected to the national level.

TABLE 2.—PHYSICIAN SURVEY

Health plan abuse	Number of doctors each year seeing patients with serious decline in health plan abuse	Number of doctors each month seeing patients with serious decline in health from plan abuse	Number of doctors each week seeing patients with serious decline in health from plan abuse	Number of doctors each day seeing patients with serious decline in health from plan abuse
Denied coverage of recommended prescription drug	137,000	111,000	71,000	14,000
Denied coverage of needed diagnostic test	149,000	100,000	51,000	10,000
Denied referral for needed specialty care	122,000	76,000	37,000	7,000
Denied overnight hospital stay	110,000	65,000	29,000	6,000
Denied referral for mental health or substance abuse treatment	116,000	63,000	30,000	6,000

Source: Committee Analysis Based on Kaiser Family Foundation and Harvard School of Public Health, "Survey of Physicians and Nurses," July, 1999.

METHODOLOGY

The data presented in this report was drawn from two sources. Patients' self-reports on difficulties with their health plans and illness and injury caused by actions of their health plans was drawn from a random sample survey of individuals in California with private health insurance conducted by the Center for Health and Public Policy Studies, School of Public Health, University of California at Berkeley. Helen Schauffler, Ph.D., was the principal investigator. The survey was conducted during September, 1997 for the Managed Care Improvement Task Force of the State of California, and reported in Improving Managed Health Care in California, Findings and Recommendations, Volume Two, January, 1998, Tables 4 and 19.

The survey asked whether the respondent experienced specific difficulties with a health plan. Those who experienced difficulties were asked about the impact of the difficulty on their health. The figures presented in this report assume that the incidence of such events is the same among the total U.S. population of privately insured individuals as it is among the privately insured popu-

lation in California. Daily, weekly, and monthly figures were derived by dividing annual rates by 365, 52, and 12, respectively. All figures in the tables are rounded to the nearest 1,000 patients.

Data on physicians' reports of health plan practices and serious declines in health experienced by patients as the result of health plan actions were drawn from the 1999 Survey of Physicians and Nurses by the Kaiser Family Foundation and the Harvard School of Public Health. The survey was conducted between February 11 and June 5, 1999. Physicians were asked how frequently a set of plan practices occurred (weekly, monthly, every six months, yearly, never, or not applicable to my practice). Physicians who reported that the practice occurred were asked for the impact on the health of their patients.

The figures reported in the survey were converted into daily, weekly, monthly, and annual totals by adding the proportions seeing the specified event during the specified time period. For example, to derive a weekly total, the numbers of doctors reporting seeing such patients weekly was added to one-fourth of the doctors reporting seeing such patients monthly plus one-fifty-second of the doctors reporting seeing such patients annually. The proportion was then multiplied by the size of the sampling universe of 470,364 physicians. All figures reported in the table are rounded to the nearest 1,000 patients.

Note that the tables are not comparable, since one reports on numbers of patients affected, while the other reports on numbers of doctors seeing affected patients. Many doctors saw numerous affected patients. Moreover, judgments of doctors who attribute health declines to specific plan practices may not coincide with patients' own conclusions. Also, the doctor survey reports on patient injuries due to specific plan practices which are not identical with the problems identified in the patient survey.

SMITH AND WESSON AGREEMENT

Mr. LEVIN. Mr. President, for the first time in the United States, a gun manufacturer has agreed to make major changes to the design, distribution and marketing of its products. In a historic settlement reached by Smith & Wesson, the Administration, and cities and states around the country, Smith & Wesson will make sweeping changes to its business practices.

Under the terms of the agreement, several cities and counties will drop lawsuits filed against Smith & Wesson in exchange for reforms designed to make guns safer and limit access to them by unauthorized users. Specifically, Smith & Wesson agreed to increased safety standards, such as the inclusion of external locking devices on all of its guns immediately, and internal safety locks on its pistols within two years; more stringent performance standards for its handguns, including rigorous drop tests; and a commitment to include ''smart gun'' technology in its newly designed handguns within three years.

In addition, Smith & Wesson agreed to revamp the way it distributes and sells firearms. Smith & Wesson will conduct business transactions only with authorized distributors and dealers who abide by a code of conduct. The distributor or dealer must agree in writing to perform and complete a background check for all sales, including those at gun shows; impose limits on the bulk purchase of guns; implement a security plan to prevent firearm and ammunition theft; require juveniles to be accompanied by a parent or guardian where guns and ammo are stored or sold. Other parts of the voluntary agreement include a trust fund for a public service campaign about the risk of firearms in the home and lessons for proper home storage. Also, Smith & Wesson made assurances that their guns will not be marketed to appeal to children or criminals and will not be advertised in the vicinity of schools, high crime zones, or public housing.

Finally, with this agreement, a firearm manufacturer has agreed to the basic demands of the American people: to keep guns out of the hands of children and criminals. I hope other gun manufacturers will follow their lead and work to reduce the level of gun violence in America.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, April 5, 2000, the Federal debt stood at $5,758,940,935,120.58 (Five trillion, seven hundred fifty-eight billion, nine hundred forty million, nine hundred thirty-five thousand, one hundred twenty dollars and fifty-eight cents).

One year ago, April 5, 1999, the Federal debt stood at $5,662,955,000,000 (Five trillion, six hundred sixty-two billion, nine hundred fifty-five million).

Five years ago, April 5, 1995, the Federal debt stood at $4,878,158,000,000 (Four trillion, eight hundred seventy-eight billion, one hundred fifty-eight million).

Ten years ago, April 5, 1990, the Federal debt stood at $3,093,268,000,000 (Three trillion, ninety-three billion, two hundred sixty-eight million).

Fifteen years ago, April 5, 1985, the Federal debt stood at $1,737,241,000,000 (One trillion, seven hundred thirty-seven billion, two hundred forty-one million) which reflects a debt increase of more than $4 trillion—$4,021,699,935,120.58 (Four trillion, twenty-one billion, six hundred ninety-nine million, nine hundred thirty-five thousand, one hundred twenty dollars and fifty-eight cents) during the past 15 years.

ADDITIONAL STATEMENTS

NATIONAL STUDENT EMPLOYMENT WEEK

• Mr. CRAIG. Mr. President, I rise today in honor of National Student Employment Week. I would like to show appreciation for the good work that the past and present interns in my office have done, and say a few words about the mutual benefits of a congressional student internship program.

These days, as people turn to government more frequently for answers, it is especially important for young people to learn about government. It is crucial that they know how it affects their lives and the lives of others and what they can do to improve it. There is no better way for a student to discover how government works than by participating in the legislative process. Real-world experience helps a student develop optimistic, practical expectations of government.

An internship is often a student's first brush with the professional world. The congressional office gives them an opportunity to develop their professional skills. Each year, after working on Capitol Hill or in a state or district office, thousands of former student interns commit themselves to public service or choose a career path in the private sector. These young people bring the high standards with which they were trained to their first job.

Internships also allow students to gain experience specific to jobs in a congressional office. They allow students to try out different tasks, which gives them the chance to discover jobs they are well suited for and would not know about without hands-on office experience.

Many of us who hold office today credit a student internship as the inspiration for our commitment to public service. In fact, I believe that right now there are many young people who are planning to devote part of their careers to public service because of their student internships. Although not all former interns pursue a public service career, these young people are usually left with an ongoing interest in politics. The result of a student intership, is at the very least, an informed and thoughtful citizen.

I have the great fortune to work with some of the sharpest and most eager minds to come out of our colleges and universities. Among them this spring are Melissa Simpson of Blackfoot and Boise State University, Richard Andrus of Rexburg and Utah State University, Sarah Bonzer of Boise and Boise State University, Laura Atchely of Ashton and the University of Idaho, Melynda Topelian of Herndon High, Herndon, Virginia, and Holly Sonneland of Hailey and The Community School in Sun Valley, in my personal office in Washington, DC. The interns in my Republican Policy Committee office include Elisha Tiplett from Woodbridge, Virginia, and James Madison University, Nathan Johnson of Lewiston, Maine, and Brigham Young University, Carolyn Laird of Edmonton, Alberta Canada and the University of Alberta. The interns in my

state offices are: Jose Melendez, a student from Northwest Nazarene University in the Boise office; Angela Nyland of Idaho State University and Mark H. Liedtke of Century High School in the Pocatello office; Kjersta Baum of Ricks College and Kristina Pack of Skyline High School in the Idaho Falls office. Past interns in the Idaho Falls office whom I would like to recognize include Pricilla Giddings of Salmon River, Jr./Sr. High School and Jared Lords of Idaho State University.

These interns are a welcome addition to my Idaho and Washington, DC, offices. They have brought their energy and scholastic ability with them and helped make my office more responsive to constituents at home.

In return for their effort, these students gain the satisfaction of helping their fellow citizens, the reward of being a well-trained worker, and the opportunity to make lifelong political contacts. Some have incorporated their study into their curriculum and will receive academic credit for their endeavors.

For these reasons, I will continue to provide internship opportunities to Idaho students. Student internship programs are an excellent example that student employment is pivotal in the continuation of a well-trained work force.

I commend my colleagues who have done their part by opening their offices to interns. I hope that they have seen, as I have, that student internships offer numerous benefits to both the congressional office and the student.

I thank the students who have participated in an internship. Their time as interns has made them knowledgeable citizens on the subject of government, and their participation has enriched our nation's legislative process.●

16TH ANNUAL TUFTONIA'S WEEK CELEBRATION AT TUFTS UNIVERSITY

● Mr. KENNEDY. Mr. President, this month marks the 16th annual observance of Tuftonia's Week by Tufts University in Medford, Massachusetts. As part of this impressive celebration, large numbers of the 80,000-plus Tufts alumni from around the world return to honor their outstanding university. We are fortunate to have many distinguished Tufts alumni working on Capitol Hill, so many of us are well aware of the high quality of these graduates.

This celebration always has special meaning for me. My daughter, Kara, is a graduate of Tufts, and I've also worked closely with many Tufts scholars on a wide range of public policy issues. I am proud to count myself as a member of the Tufts family, and to add my congratulations to the official proclamations by Governors and Mayors across the country.

For the past 148 years, Tufts has trained many of our nation's outstanding scholars and distinguished political leaders. Tufts has provided outstanding leadership in medicine, engineering, nutrition and education. In addition to Tufts' strong academic tradition, it is a national leader in emphasizing service learning and providing opportunities for students to combine community service with their academic life. This program called ''TuftServe'' was highlighted when President Clifton held his Summit for America' Future in 1997, and it continues to be a model for the country. Campus Compact, housed at Tufts, has assisted Massachusetts colleges in participating in America Reads and America Counts, two initiatives that continue to improve the lives and futures of children in public schools.

I commend Tufts for the wide range of opportunities that it continues to offer to its students and alumni, and I also commend Tufts' President, John DiBiaggio, and all the members of the Tufts community for their impressive accomplishments in enhancing education and contributing so effectively to Massachusetts, the nation, and the world.●

232ND ANNIVERSARY OF THE CHAMBER OF COMMERCE

● Mr. GRAMS. Mr. President, April 5th marked the 232nd anniversary of the founding of the first Chamber of Commerce in the United States. A full eight years before the colonies declared their ''independence'' from English rule, New York City business owners banded together to create a unified voice. Today, there are thousands of local Chambers from Anchorage, Alaska to Zumbrota, Minnesota.

Over the past eight years, I have had to honor to work with these grassroots organizations on a wide variety of issues. Whether its been estate tax relief or permanent normalized trade with China, Minnesota's chambers have been there, working for Minnesota's job providers, every step of the way. That is why I was so proud to receive the Chamber's Spirit of Enterprise award earlier this year.

When Washington talks about our strong economy, debating what to do with the billions in federal surplus dollars, it sometimes appears as though Congress wants to take all the credit. Policy makers focus on the innovations, the increased productivity, the ''globalization'' of today's marketplace as proof of their good work. I don't need to remind my colleagues that the only thing Government can do is to remove the barriers to competition and provide a level playing field. The rest is a direct result of the entrepreneurial spirit of the men and women who've sacrificed to build businesses around Minnesota and around the country. Employers and employees, working hand in hand and with their chamber of commerce, have helped to turn this nation around.

So Mr. President, while our chamber members are taking care of business back home, we must recognize they are looking to the Congress for leadership to stem the tide of burdensome regulations and oppressive taxes. I believe working together, we can create an environment where all can thrive. And as we mark the anniversary of the first chamber of commerce, let us celebrate the contributions of all our chambers.●

IN RECOGNITION OF CHARLES STEWARD MOTT COMMUNITY COLLEGE AND MR. PETER LEVINE, MPH

● Mr. LEVIN. Mr. President, I rise to congratulate Mott Community College and Mr. Peter Levine, MPH on being selected as the 1999 Corporate and Individual Health Advocates of the Year by the American Lung Association of the Michigan-Genesee Valley Region. Mott Community College and Mr. Levine are being honored by the Lung Association for their efforts to encourage, promote and raise awareness about improving the health of the Genesee Valley Region.

Mott Community College (MCC) is a dynamic community institution serving the needs of all the residents of Genesee County. This commitment to community service is manifested in the school's efforts to promote public health on campus and in the community. MCC has implemented a pro-active lung health program that not only eliminates smoking in all campus buildings, but also assists smokers in their efforts to ''kick the habit''. MCC provides counseling for employees who desire to quit smoking, and its health insurance providers offer educational programs to support employees who desire to quit smoking.

In addition, MCC has become a leader in community service. The college encourages faculty and staff to serve on local boards for community-based, nonprofit organizations, and the school allows employees to fulfill these commitments on company time, if necessary. The school also serves as a gathering place for community health special events. The annual MCC Health Fair brings community and health officials together, and Tipper Gore chaired a recent mental health town meeting on campus. MCC students and faculty in the health sciences share their expertise by assisting school groups, churches and the Genesee County Public Health Department with a variety of community health initiatives.

Peter Levine has served his community, state, and country in countless ways. He serves as the Executive Director of the Genesee County Medical Society. The Society is a progressive organization which seeks to be pro-patient and pro-physician. During Mr. Levine's tenure, the Medical Society has

grown from a small association employing a few people into a set of four corporations serving the medical and general community with approximately 80 employees. The Society focuses on medical, social, bioethics, environmental health and resource allocation issues.

Mr. Levine has been on the faculty of Michigan State University since 1985, where he is currently an Associate Adjunct Professor in the College of Human Medicine. He has published extensively about health issues in scholarly and popular journals. In 1992, Health Care Weekly Review cited him as one of the eight most influential health care policy individuals or organizations in the State of Michigan. Peter Levine was a founding Board Member and volunteer for the Genesee County Free Medical Clinic. He also serves on the board of numerous civic and professional organizations. Currently he is the Chair of the Michigan Council of County Medical Society Executives.

Mr. President, I have mentioned only a small sampling of the many ways in which Charles Steward Mott Community College and Mr. Peter Levine have used their creativity, hard work and unflagging commitment to public service to make this community and our nation a better place to live. I know my colleagues will join me in honoring Mott Community College and Peter Levine for service on behalf of the Genesee Valley Region and State of Michigan.●

FORTIETH ANNIVERSARY OF THE DEATH OF CHARLIE MOHR

● Mr. MOYNIHAN. Mr. President, I rise today to pay tribute to the memory of Charles ''Charlie'' Joseph Mohr, the University of Wisconsin's last 165-pound collegiate boxing champion. In April 1960, Charlie was badly beaten in a NCAA championship bout against San Jose State's Stuart Bartell. Minutes later he began convulsing in the locker room and lost consciousness. A week afterward, Charlie died without regaining consciousness.

Charlie grew up in Merrick, NY, and learned to box in nearby Long Beach. At age 18, he reached the semifinals of the prestigious New York City Golden Gloves amateur boxing tournament. In 1955, Charlie wrote a letter to Wisconsin's boxing Coach John Walsh asking about the possibility of receiving a scholarship. Coach Walsh eagerly obliged.

At the university, he excelled in all aspects of campus life. He was a good student who helped others study for their exams. Charlie was very involved with the local parish St. Paul's Church and even thought about becoming a priest.

However, it was in the ring where he gained his notoriety. In his freshman year, he won two university tournaments despite not being able to compete on the varsity team. The next year he won seven of his nine fights. As a junior, he captured the NCAA's 165-pound championship after defeating Jesse Klinkenberg.

The cause of Charlie's death is still in question. Doctors dispute whether the brain hemorrhaging that led to his untimely passing was caused by a blow at the hands of Bartell or an aneurysm. No one can dispute the profound impact his death had on the University and the intercollegiate sport. A couple of weeks after Charlie's death the faculty decided to disband the school's boxing program. Soon after, the NCAA followed suit, abolishing boxing as a sanctioned sport.

On January 19, 1999, I proposed S. 143, the Professional Boxing Safety Act Amendments of 1999 in order to try to protect fighters from lasting and debilitating head injuries in the ring. The bill passed, as an amendment to S. 305, the Muhammad Ali Boxing Reform Act, on July 27 of last year. The bill will require fighters to undergo a computer axial tomography (CAT) scan before a fighter can renew their professional license. Hopefully, the lesson taught to us by Charlie Mohr will not be forgotten.●

IN RECOGNITION OF BETH DANIEL

● Mr. HOLLINGS. Mr. President, it is a pleasure for me to recognize one of South Carolina's most outstanding athletes, Beth Daniel, who was recently inducted into the Ladies Professional Golf Association (LPGA) Tour Hall of Fame—only the 16th woman to claim this prestigious honor.

A native of Charleston, SC, Daniel moved to Greenville to attend Furman University and play collegiate golf. While a student at Furman, she captured the U.S. Women's Amateur title twice, in 1975 and 1977. She was a member of the 1976 and 1978 U.S. Curtis Cup teams and the 1978 World Cup team. Since joining the LPGA Tour in 1979, she has collected an impressive 32 career victories and seven LPGA awards, including the 1979 LPGA Rookie of the Year award.

Beth had a phenomenal year in 1990, winning seven tournaments, including a major—the Mazda LPGA Championship—and setting a record for consecutive rounds in the 60s with nine. Also in 1990, she was named the Rolex Player of the Year and the United Press International Female Athlete of the Year. In 1995, she entered the South Carolina Golf Hall of Fame and, in 1996, became the third player in LPGA history to cross the $5 million mark in career earnings. She was also a member of the victorious 1996 U.S. Solheim Cup team.

Beth Daniel's accomplishments on the LPGA Tour and her many contributions to women's golf make her an excellent addition to the LPGA Hall of Fame. She is a credit to her sport, to Charleston, and to the State of South Carolina.●

TRIBUTE TO MICHAEL DOBMEIER

● Mr. CONRAD. Mr. President, I rise today to pay tribute to Michael Dobmeier and to recognize him as a member of a distinguished group of North Dakotans who have demonstrated extraordinary leadership in their military careers and civilian life.

Michael was recently elected National Commander of the million-member Disabled American Veterans, a group with a historic tradition of advocating responsible legislation to assist disabled veterans, their families and survivors. Speaking of the DAV recently Michael said, ''I soon discovered the critical role the DAV serves in the lives of disabled veterans and their families in my community and communities nationwide.'' I wholeheartedly agree with this statement and attest to the fact that Michael has exemplified through his many significant achievements the great importance of the Disabled American Veterans.

Michael Dobmeier is a native of Grand Forks, North Dakota. After graduating from high-school, he enlisted in the navy in 1969. Following boot camp in San Diego, he trained as an engine man in Great Lakes, IL, attended Submarine School in New London, CT, and, later, Diver's School in San Diego.

While serving off the coast of Washington in April 1972 aboard the USS *Trigger*, Michael was severely burned when an engine crankcase oil heater exploded. It sprayed him with flaming oil and caused him 2nd and 3rd degree burns over more than 30 percent of his body.

Following this accident, Michael received a military discharge and joined the Grand Forks' Disabled American Veterans Chapter 2. Since then, he has held almost every local, state, and national leadership position in the organization and has held all chapter and department leadership positions. At the 1994 DAV National Convention, Michael was chosen to serve on the National Executive and Finance Committee, was elected 4th and 3rd Junior Vice Commander consecutively at the 1995 and 1996 DAV National Conventions, and at the 1997 National Convention was elected 1st Junior Vice Commander. In 1998, Michael was elected Senior Vice Commander at the National Convention in Las Vegas, NV. He was also the president of the North Dakota Veterans Home Foundation and was chosen the 1985 DAV Outstanding Member of the Department of North Dakota.

Michael Dobmeier resides in Grand Forks with his wife Sandra Jo and their two children. As owner and President of Dobmeier, Inc., an independent

insurance company, Michael has also found success in the business world.

I am proud to honor Michael Dobmeier as a person who has served his country with distinction and accepted the challenges and risks associated with this service. As Michael recently stated, ''Taking risks means moving forward while others are waiting for better times, while others are waiting for proven results, and while others are waiting for applause for their past performance. The greatest risk of all, however, is to take no risks * * * make no changes.'' We thank Mr. Dobmeier today for taking those risks. The world is truly a better place because of him.●

IN RECOGNITION OF BURTON H. BOYUM

● Mr. LEVIN. Mr. President, I rise today to recognize Burton H. Boyum, who is being honored on April 13th for his significant contributions to the preservation of the history of mining in Michigan's Upper Peninsula.

Burton H. Boyum was born in Minneapolis, Minnesota in 1919 and moved to the Upper Peninsula in 1941. He quickly learned to love the beauty of the U.P. and the outstanding character of its people. He worked as a mining engineer for one of the U.P.'s largest employers at the time, Cleveland Cliffs International, from his arrival in the U.P. until his retirement in 1984. Mr. Boyum's experience with Cleveland Cliffs inspired him to teach the public about the geology, mineralogy and mining heritage of his adopted home.

Mr. Boyum has contributed greatly to the preservation of the U.P.'s mining heritage throughout the years. In 1961, he was a founding Board Member of the Quincy Mine Hoist Association and was named its first Secretary. He served as President of the Board of the Association from 1973 until 1998, when he was named the first Chairman of the Board. Mr. Boyum has also served on the Advisory Commission of the Keweenaw National Historical Park, served as President of the Historical Society of Michigan, helped gain State approval for the Michigan Iron Industry Museum, and helped to create the Marquette Range Iron Mining Heritage Theme Park. He has written two books about the mining experience in the U.P., Saga of Iron Mining in Michigan's Upper Peninsula and The Mather Mine, and has also produced two videos about the history of U.P. mining.

As important as the mining experience has been to the U.P., Mr. Boyum also embraced the U.P.'s love for the outdoors and outdoor sports. He successfully campaigned for the creation of the National Ski Hall of Fame in Ishpeming, Michigan, and served as its first President and Curator. He also helped to organize the Great Lakes Olympic Training Center Association and served as its President for 10 years.

Mr. President, the history of Michigan's Upper Peninsula is deeply intertwined with the iron and copper mining industries. Burton H. Boyum has served the people of the U.P. well by dedicating himself to the preservation of its mining heritage. I know my colleagues will join me in wishing him well and in thanking him for his efforts.●

IN MEMORY OF MARY BODNE

● Mr. HOLLINGS. Mr. President, last month a former Charleston, SC resident and longtime friend, Mary Bodne, passed away at the age of 93. She and her husband, Ben, a Charleston native, owned and operated the Algonquin Hotel in New York City for over 41 years. In honor of their dedication to historic preservation and their service to all of those who had the pleasure of staying at the Algonquin, I ask that the attached article from the New York Times be printed in the RECORD.

The article follows:

[From the New York Times, Mar. 4, 2000]

MARY BODNE, EX-OWNER OF ALGONQUIN HOTEL, DIES AT 93

(By Douglas Martin)

Mary Bodne, who with her husband, Ben, fell in love with the Algonquin Hotel on their honeymoon and later owned it for 41 years, died on Monday at Lenox Hill Hospital in Manhattan. She was 93.

She lived at the elegant Midtown hotel, the literary hangout of the Jazz Age, from 1946 until her death, spending most afternoons in her lobby armchair greeting regulars.

It all began when the Bodnes, newly married, lunched at the Algonquin in the early 1920's and sighted Will Rogers, whom they had seen the night before at the Ziegfeld Follies; Douglas Fairbanks Sr., Sinclair Lewis, Eddie Cantor, Gertrude Lawrence and Beatrice Lillie. The bride joked to her husband, an oil distributor in Charleston, S.C., that after he bought the baseball team he dreamed about, he should get her the hotel.

Although Mr. Bodne toyed with buying the Pittsburgh Pirates, he never bought a ball club. But in 1946 he paid around $1 million for the 200-room hotel at 59 West 44th Street, between Fifth Avenue and the Avenue of the Americas. The couple promptly moved in.

For the former Mary Mazo, the Algonquin was the final address in an odyssey that began in Odessa, Ukraine, where she was the second child in a large Jewish family that fled the pogroms when she was an infant. A family story has it that the baby Mary began to cry in an attic while Cossacks rampaged below, but that she miraculously hushed up before it was too late. It is said that Mrs. Bodne's later loquaciousness was compensation for that momentary silence.

The Mazo family immigrated to Charleston, where the father, Elihu, opened the city's first Jewish delicatessen. When George Gershwin and DuBose Heyward were working on ''Porgy and Bess,'' they were frequent customers. They would also discuss the creation of the show at dinners in the Mazo family home.

Decades later, the Mazo tradition of hospitality would continue at the Algonquin. Mrs. Bodne cooked chicken soup for an ailing Laurence Olivier. She baby-sat for Simone Signoret, who called her ''one of my three truest friends.''

Mrs. Bodne had a gift for acquiring house seats for sold-out Broadway shows for desperate friends. Ella Fitzgerald was so grateful that she regularly sang to Mrs. Bodne whenever she stayed at the hotel.

The Irish writer Brendan Behan was so touched by a courtesy that he declared, ''Mary, your son will live to be pope,'' even though Mrs. Bodne was Jewish and had two daughters.

The daughters, Renee Colby Chubet and Barbara Anspach, both live in Manhattan. Mrs. Bodne is also survived by four sisters: Annie Rabin and Celie Weissman, both of Manhattan, and Minnie Meislin and Norma Mazo, both of Charleston.

The Bodnes bought the Algonquin, built in 1902 in the French Renaissance style, from Frank Case, who had catered to writers and editors from The New Yorker and other nearby publications. Among them were Dorothy Parker, Robert Benchley, Franklin P. Adams, Edna Ferber and Alexander Woollcott. They gathered around several tables before settling on the round one that became famous, not least because of Mr. Case's knack for publicity.

When he bought the hotel, Mr. Bodne, who enjoyed promoting boxing matches, said he would not attempt to recreate Mr. Case's role as boniface of the literati. But he said he regarded the Algonquin as an investment and, as such, had no intention of changing its essential character. So he kept the mahogany panels and deep-pile carpeting, while adding such amenities as color television and air-conditioning.

The Bodnes ended up playing host to a new generation of literary and show business celebrities, like the writer John Henry Faulk when he was blacklisted and exiled from Hollywood. Alan Jay Lerner and Frederick Loewe made so much noise working on a musical that the other guests complained; the show was the hugely successful ''My Fair Lady.''

Mr. Bodne, who died in 1992, had vowed that he would sell the charmingly dowager hotel the day it needed self-service elevators. He sold it in 1987 to the Aoki Corporation, the Brazilian subsidiary of a Japanese corporation, which in a 1991 renovation installed self-service elevators.

In 1997, Aoki sold the hotel to the Camberley Hotel Company, which promptly did its own $4 million renovation, promising no major changes. In an article in The New York Times, Julie V. Iovine noted that the newsstand had been sacrificed for space to sell coffee mugs, and that door numbers had been replaced by plaques featuring remarks by the famed Algonquin wits. The impression, she wrote, was ''self-consciousness verging on kitsch.''

At a party celebrating the makeover, Mrs. Bodne sat on the new velvet chair that had replaced her beloved old sagging one. ''What I've seen looks very nice, but it will never look like my old Algonquin now,'' she said. ''No, darling, I know it will never be the same.''

Except for the cat. Each owner of the Algonquin, including the Bodnes, has kept a lobby cat. The current one is named Matilda●.

TRIBUTE TO SARAH DAHLIN

● Mr. JOHNSON. Mr. President, I rise today to strongly commend and honor Sarah Dahlin of Vermillion, South Dakota. Sarah has been a highly-valued

member of my legislative staff for approximately eight years, and I wanted to take this opportunity to publicly thank her for years of hard work and dedication to the people of South Dakota. Sarah will no longer be working on my staff after this week, and I, along with my entire staff, will miss her greatly. I have had the pleasure of knowing Sarah and her family for years, as we are both residents of Vermillion.

Fortunately for us and for Congress, Ms. Dahlin will not be leaving Capitol Hill, as she will be joining the office of Representative KAREN MCCARTHY. Sarah is truly a public servant, as demonstrated by her efforts in my office since 1992, when she joined my staff in the House of Representatives as a legislative correspondent. Sarah quickly earned my trust and confidence, as well as that of my senior staff, and she soon became a legislative assistant covering my Natural Resources Committee assignment, as well as a whole range of issues, from energy and environment, to defense and education, issues that are critically important to South Dakota. Issues and projects that Sarah has worked on for me and the people of South Dakota are too numerous to list, but Sarah has left a lasting contribution in many ways, from helping rural transit-providers receive a fair share of federal transit funds to helping South Dakota recover from devastating blizzards and flooding. Sarah's efforts over a number of years have helped make the Springfield bridge over the Missouri River a reality, with the Vermillion bridge not far behind. Sarah is the staff person who worked with me to pass an amendment to secure federal funds for the ongoing rehabilitation of the James River in South Dakota, an effort that will have a longstanding positive impact on the James River valley. She has helped create a new National Park Service facility to preserve a missile silo site, as well as help preserve important historical sites known as Spirit Mound and Blood Run.

After working on my House staff for more than four years, Sarah moved over to my Senate staff where she became a Senior Legislative Assistant. As well as staffing my Energy and Natural Resources Committee assignment during the last three plus years I have served in the Senate, most recently Sarah has also been responsible for staffing my Senate Budget Committee assignment. During consideration of the fiscal year 2000 and 2001 budget resolutions, Sarah has been instrumental in the passage of my amendments to increase funding for veterans health care, as well as the passage of an amendment to create a reserve fund for military retirees health care.

I know Sarah's parents, family, friends and colleagues are all very proud of her. She has a wonderful career and life in front of her, and I know she will continue to succeed at whatever she chooses to do. Hopefully she will have an opportunity to one day again serve the people of South Dakota. Mr. President, on behalf of my wife Barbara and I, and my entire staff, I want to thank Sarah Dahlin for her dedication and years of hard work for the people of South Dakota.●

REGISTRATION OF MASS MAILINGS

The filing date for 2000 first quarter mass mailings is April 25, 2000. If your office did no mass mailings during this period, please submit a form that states ''none.''

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510–7116.

The Public Records office will be open from 8:00 a.m. to 6:00 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224–0322.

2000 APRIL QUARTERLY REPORTS

The mailing and filing date of the April Quarterly Report required by the Federal Election Campaign Act, as amended, is Saturday, April 15, 2000. All Principal Campaign Committees supporting Senate candidates in the 2000 races must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510–7116. You may wish to advise your campaign committee personnel of this requirement.

The Public Records office will be open from 12:00 noon until 4:00 p.m. on April 15th, to receive these filings. For further information, please do not hesitate to contact the Office of Public Records on (202) 224–0322.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

THE FISCAL YEAR 1998 ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR THE ARTS—MESSAGE FROM THE PRESIDENT—PM 100

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Health, Education, Labor, and Pensions.

To the Congress of the United States:

In accordance with the provisions of the National Foundation on the Arts and Humanities Act of 1965, as amended (20 U.S.C. 959(d)), I transmit herewith the annual report of the National Endowment for the Arts for 1998.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *April 6, 2000*.

MESSAGE FROM THE HOUSE

At 12:10 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3660. An act to amend title 18, United States Code, to ban partial-birth abortions.

H.R. 3671. An act to amend the Acts popularly known as the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects and increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating opportunities for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and execution of those Acts, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 1374. An act to designate the United States Post Office building located at 680 U.S. Highway 130 in Hamilton, New Jersey, as the ''John K. Rafferty Hamilton Post Office Building.''

H.R. 3189. An act to designate the United States post office located at 14071 Peyton Drive in Chino Hills, California, as the ''Joseph Ileto Post Office.''

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 3671. An act to amend the Acts popularly known as the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects and increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating opportunities for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and execution of those Acts, and for other purposes; to the Committee on Environment and Public Works.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, which were referred as indicated:

EC–8363. A communication from the Director, Cash Management Policy and Planning, Financial Management Service, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled ''Federal Government Participation in the Automated Clearing House'' (RIN1510–AA81), received April 5, 2000; to the Committee on Finance.

EC–8364. A communication from the Secretary of the Interior, transmitting a draft of proposed legislation entitled the ''Coalfields Security Act of 2000''; to the Committee on Finance.

EC–8365. A communication from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled ''Extension for Johannisberg Riesling; Additional Grape Varieties'' (RIN1512–AB80), received April 3, 2000; to the Committee on Finance.

EC–8366. A communication from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled ''Yountville Viticultural Area'' (RIN1512–AA07), received April 3, 2000; to the Committee on Finance.

EC–8367. A communication from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled ''Chiles Valley Viticultural Area'' (RIN1512–AA07), received April 3, 2000; to the Committee on Finance.

EC–8368. A communication from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled ''Increase in Tax on Tobacco Products and Cigarette Papers and Tubes'' (RIN1512–AB88), received April 3, 2000; to the Committee on Finance.

EC–8369. A communication from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled ''Floor Stocks Tax for Cigarettes'' (RIN1512–AB95), received April 3, 2000; to the Committee on Finance.

EC–8370. A communication from the Director, Office of Personnel Management, transmitting a draft of proposed legislation entitled ''Omnibus Federal Human Resources Administrative Improvements Act of 2000''; to the Committee on Governmental Affairs.

EC–8371. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Prevailing Rate Systems; Abolishment of the King, WA, Nonappropriated Fund Wage Area'' (RIN3206–AI75), received April 4, 2000; to the Committee on Governmental Affairs.

EC–8372. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Government National Mortgage Association management report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–8373. A communication from the Chief of Staff/Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''New Mexico Regulatory Program'' (SPATS No. NM–037–FOR, Part III), received April 4, 2000; to the Committee on Energy and Natural Resources.

EC–8374. A communication from the Chief of Staff/Acting Director, Office of Surface Mining, Department of the Interior transmitting, pursuant to law, the report of a rule entitled ''New Mexico Regulatory Program'' (SPATS No. NM–037–FOR, Part III), received April 4, 2000; to the Committee on Energy and Natural Resources.

EC–8375. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Planning and Management Program; Integrated Resource Planning Approval Criteria'' (RIN1901–AA84), received April 4, 2000; to the Committee on Energy and Natural Resources.

EC–8376. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled ''Amendments to the Bank Secrecy Act Regulations—Requirement that Money Transmitters and Money Order and Traveler's Check Issuers, Sellers, and Redeemers Report Suspicious Transactions'' (RIN1506–AA20), received April 3, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8377. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, the 1999 annual report; to the Committee on Banking, Housing, and Urban Affairs.

EC–8378. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–8379. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the National Institutes of Health Loan Repayment Program for Research Generally for fiscal year 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–8380. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Indirect Food Additives: Polymers'' (Docket No. 97F–0157), received April 4, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8381. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Indirect Food Additives: Polymers'' (Docket No. 97F–0246), received April 4, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8382. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Indirect Food Additives: Paper and Paperboard Components'' (Docket No. 93F–0132), received April 4, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8383. A communication from the Assistant Secretary of the Army, Civil Works transmitting, pursuant to law, the report of a rule entitled ''Final Rule Establishing an Administrative Appeal Process for the Regulatory Program of the Corps of Engineers'' (RIN0710–AA41), received April 4, 2000; to the Committee on Environment and Public Works.

EC–8384. A communication from the Chairman, The Morris K. Udall Foundation transmitting a draft of proposed legislation entitled ''Native Nations Institute for Leadership, Management and Policy Act of 2000''; to the Committee on Environment and Public Works.

EC–8385. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans Georgia: Approval of Revisions to the Georgia State Implementation Plan: Transportation Conformity Interagency Memorandum of Agreement'' (FRL # 6573–5), received April 4, 2000; to the Committee on Environment and Public Works.

EC–8386. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Antelope Valley Air Pollution Control District and Mojave Desert Air Quality Management District'' (FRL # 6570–9), received April 4, 2000; to the Committee on Environment and Public Works.

EC–8387. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Allegheny County, Pennsylvania; Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerators'' (FRL # 6571–5), received April 4, 2000; to the Committee on Environment and Public Works.

EC–8388. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans; California-South Coast'' (FRL # 6570–7), received April 4, 2000; to the Committee on Environment and Public Works.

EC–8389. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Mississippi'' (FRL # 6574–3), received April 4, 2000; to the Committee on Environment and Public Works.

EC–8390. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''EPA Review and Approval of State and Tribal Water Quality Standards'' (FRL # 6571–7), received April 4, 2000; to the Committee on Environment and Public Works.

EC–8391. A communication from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report relative to cabin air quality research; to the Committee on Commerce, Science, and Transportation.

EC–8392. A communication from the Acting Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce,

transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; Western Pacific Pelagic Fisheries; Hawaii-Based Pelagic Longline Fishery Line Clipper and Dipnet Requirement; Guidelines for Handling of Sea Turtles Brought Aboard Hawaii-Based Pelagic Longline Vessels'' (012100C), received April 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8393. A communication from the Acting Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Spiny Dogfish Fishery Management Plan; Delay of Effectiveness'' (RIN0648–AK79), received April 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8394. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries; Swordfish Quota Adjustment'' (I.D. 102299B), received April 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8395. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Opens Directed Fishing for Several Groundfish Species in the Central Regulatory Area in the Gulf of Alaska'', received April 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8396. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska-Pollock Closure in the West Yakutat District of the Gulf of Alaska'', received April 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8397. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of Fishery for Logio Squid'', received April 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8398. A communication from the Deputy Assistant Administrator, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce transmitting, pursuant to law, the report of a rule entitled ''Coastal Ocean Program Supplemental Notice of Funds Availability for the Coastal Ecosystem Research Project in the Northern Gulf of Mexico'' (RIN0648–ZA78) (Docket No. 0002023–0023–01), received April 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8399. A communication from the Deputy Assistant Administrator, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce transmitting, pursuant to law, the report of a rule entitled ''Coastal Ocean Program Supplemental Notice of Funds Availability for the South Florida Ecosystem Restoration Prediction and Modeling Program and the South Florida Living Marine Resources Program'' (RIN0648–ZA79) (Docket No. 0002024–0024–01), received April 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8400. A communication from the Deputy Assistant Administrator, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce transmitting, pursuant to law, the report of a rule entitled ''Coastal Ocean Program Supplemental Notice of Funds Availability for the Global Ocean Ecosystem Dynamics (GLOBEC) Research Project'' (RIN0648–ZA77) (Docket No. 000127019–0019–01), received April 4, 2000; to the Committee on Commerce, Science, and Transportation.

REPORT OF COMMITTEE

The following report of committee was submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1936. A bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes (Rept. No. 106–256).

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. CAMPBELL for the Committee on Indian Affairs:

Thomas N. Slonaker, of Arizona, to be Special Trustee, Office of Special Trustee for American Indians, Department of the Interior.

(The above nomination was reported with the recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FRIST:

S. 2368. A bill to authorize studies on water supply management and development; to the Committee on Environment and Public Works.

By Mr. KERRY:

S. 2369. A bill to amend title 49, United States Code, to waive federal preemption of State law providing for the awarding of punitive damages against motor carriers for engaging in unfair or deceptive trade practices in the processing of claims relating to loss, damage, injury, or delay in connection with transportation of property in interstate commerce; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHUMER (for himself, Mr. ROTH, Mr. SMITH of New Hampshire, Mr. BAUCUS, Mr. VOINOVICH, Mr. HATCH, Mr. DASCHLE, Mr. LOTT, Mr. AKAKA, Mr. BAYH, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BRYAN, Mr. BYRD, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HARKIN, Mr. INOUYE, Mr. KENNEDY, Mr. KERRY, Mr. KERREY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. SARBANES, Mr. TORRICELLI, Mr. WELLSTONE, Mr. WYDEN, Mr. BENNETT, Mr. BOND, Mr. L. CHAFEE, Mr. COCHRAN, Mr. COVERDELL, Mr. CRAIG, Mr. DEWINE, Mr. GRAMM, Mr. HELMS, Mrs. HUTCHISON, Mr. JEFFORDS, Mr. NICKLES, Mr. SANTORUM, Mr. THOMAS, Mr. THOMPSON, Mr. WARNER, Mr. FITZGERALD, Mr. GORTON, and Mr. GRAMS):

S. 2370. A bill to designate the Federal Building located at 500 Pearl Street in New York City, New York, as the ''Daniel Patrick Moynihan United States Courthouse''; to the Committee on Environment and Public Works.

By Mr. HELMS:

S. 2371. A bill to suspend temporarily the duty on Cibacron Red LS–BHC; to the Committee on Finance.

By Mr. HELMS:

S. 2372. A bill to suspend temporarily the duty on Cibacron Brilliant Blue FN–G; to the Committee on Finance.

By Mr. HELMS:

S. 2373. A bill to suspend temporarily the duty on Cibacron Scarlet LS–2G HC; to the Committee on Finance.

By Mr. HELMS:

S. 2374. A bill to suspend temporarily the duty on certain TAED chemicals; to the Committee on Finance.

By Mr. HELMS:

S. 2375. A bill to suspend temporarily the duty on a certain polymer; to the Committee on Finance.

By Mr. HELMS:

S. 2376. A bill to suspend temporarily the duty on isobornyl acetate; to the Committee on Finance.

By Mr. HELMS:

S. 2377. A bill to suspend temporarily the duty on sodium petroleum sulfonate; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. LIEBERMAN, Mr. KERREY, and Mr. BRYAN):

S. 2378. A bill to amend titles XVIII and XIX of the Social Security Act to improve the safety of the medicare and medicaid programs, and for other purposes; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. L. CHAFEE, and Mr. GRAHAM):

S. 2379. A bill to provide for the protection of children from tobacco; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG (for himself, Ms. SNOWE, Mrs. BOXER, and Mrs. MURRAY):

S. 2380. A bill to provide for international family planning funding for the fiscal year 2001, and for other purposes; to the Committee on Foreign Relations.

By Mr. KENNEDY (for himself, Mr. REID, Mr. STEVENS, Mr. KERRY, Mr. AKAKA, Ms. LANDRIEU, Mr. DURBIN, Mr. BINGAMAN, Mr. ASHCROFT, Mr. BIDEN, Mr. COCHRAN, Mr. INOUYE, Mr. FEINGOLD, Mr. LEVIN, Mr. GRAHAM, Mr. DEWINE, Mr. THURMOND, Mr. ABRAHAM, Mr. LIEBERMAN, Mr. SANTORUM, Mr. WARNER, Mrs. MURRAY, Mr. ROBB, Mr. BURNS, Mr. HOLLINGS, Mr. MOYNIHAN, Mr. CONRAD, Mr. SESSIONS, and Mrs. FEINSTEIN):

S.J. Res. 44. A joint resolution supporting the Day of Honor 2000 to honor and recognize

the service of minority veterans in the United States Armed Forces during World War II; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY:

S. 2369. A bill to amend title 49, United States Code, to waive federal preemption State law providing for the awarding of punitive damages against motor carriers for engaging in unfair or deceptive trade practices in the processing of claims relating to loss, damage, injury, or delay in connection with transportation of property in interstate commerce; to the Committee on Commerce, Science, and Transportation.

MOVING COMPANY RESPONSIBILITY ACT

• Mr. KERRY. Mr. President, I rise today to introduce the Moving Company Responsibility Act of 1999 to improve the protections afforded to consumers who hire moving companies to carry their possessions from one state to another. Under current law, consumers whose goods are lost or stolen during transit have no redress against moving companies that deceive or mistreat them during the claims process.

This problem was first brought to my attention by my constituents, Jane Rini and John Pucci. In 1990, Ms. Rini hired a moving company to transport her household goods from South Carolina to Massachusetts to attend Smith College's Ada Comstock Program. Among Ms. Rini's possessions were valuable original paintings and art objects that had been passed down through her family. When her belongings were delivered by the driver employed by the moving company, Ms. Rini noticed that the boxes containing the works of art were missing. Although the company's driver was not able to locate the boxes, he demanded that Ms. Rini sign inventory sheets indicating that her goods had been properly delivered and refused to leave her house until she signed for the delivery. Under pressure, Ms. Rini signed the inventory sheets, noting on them that boxes containing the works of art were missing. She was not informed by the company that she should note missing boxes on the bill of lading, nor was she given the pamphlet containing this information, as required by federal law. The next day, Ms. Rini and her family unpacked the boxes that had been delivered and determined conclusively that eleven works of art were missing. They have never been recovered.

From that point on, Ms. Rini did everything to obtain redress that reasonably could be expected of a consumer. She filed her claim with the moving company in a timely manner, and she went to great lengths to supply the moving company's claims adjusters with all the information they needed to process her claim. However, her efforts to recover damages for the lost artwork were met with abusive and deceptive tactics seemingly designed to discourage her claim.

At the beginning of the claims process, the company demanded that Ms. Rini provide it with documentation such as canceled checks, recent appraisal information, insurance riders, or cash receipts. Ms. Rini had no recent information on the works because they had been handed down through her family for generations, but she was able to supply the company with photographs of most of the missing pieces, and she even paid for professional appraisals of the works based on the photos. She also provided the company with a letter from 1929 which reflected the authenticity of some of the pieces.

Mr. President, this should have been more than enough to satisfy the company as to the validity of Ms. Rini's claim, but the company refused to accept appraisals unless they were based upon actual examination of the objects. Meanwhile, Ms. Rini was told by a company representative that a thorough investigation of her claim would be conducted, but the representative negligently failed to interview or take written statements in a timely manner from any of the employees involved in the move who might have been able to substantiate the claim.

Almost nine months later, the company denied Ms. Rini's claim on the grounds that all items were delivered and signed for on the bill of lading without a notation indicating missing items; that the company had not received adequate documentation to substantiate Rini's claims; and that the company had not uncovered any evidence that the works had not been delivered to Northampton.

Ms. Rini finally took her case to a District Court in Massachusetts. During the trial, the moving company's own expert witnesses testified that reliable and fair estimates of the value of works of art are commonly obtained through examination of photographs, but the company maintained that Ms. Rini's documentary proof was insubstantial and denied that it had a duty to settle the claim. Upon hearing the testimony, the court found Ms. Rini's documentation provided sufficient evidence upon which the moving company should have settled her claim. It further characterized the company's tactics as ''unfair,'' ''unethical,'' and ''deceptive,'' and found that Ms. Rini was entitled to recover damages for injury she suffered as a result of the company's negligence and misrepresentation throughout the claims process. However, the District Court's decision, which was based on Massachusetts law, was overturned by the First Circuit Court of Appeals, which found that state law providing relief to Ms. Rini is preempted by the federal law establishing uniform liability for motor carriers.

Mr. President, Ms. Rini's story is just an illustration of the larger problem. Under current law, irresponsible, unethical moving companies are allowed to mistreat those who depend on them for service, and there is no recourse for consumers who are the victims of negligence or deception. Consumers who place their trust in moving companies should have a reasonable expectation that they will be treated with consideration and respect at all times; and when a company fails to deliver on its promise to transport household goods in good condition, consumers' efforts to recover damages should not be met with the kind of abuse and deception that Ms. Rini experienced. No consumer should have to suffer that sort of treatment.

Unfortunately, current law provides little or no incentive for moving companies to make sure that customer claims are handled fairly. In fact, under current law, moving companies can act irresponsibly and unfairly with impunity. According to the Department of Transportation, well over 2,500 complaints were filed against moving companies in 1998, the most recent year for which this information is available. That's more than 2,500 consumers who believe they were treated unfairly—and those are just the consumers who actually took the time to file complaints. The time for Congress to act to protect consumers is now, and passage of the Moving Company Responsibility Act is the first step.

The Moving Company Responsibility Act would provide customers with a means of redress against unethical companies by allowing them to pursue claims under state law. The penalties and fines available under state laws would serve as an incentive to companies to treat customers fairly throughout the business relationship. This is a simple bill, but it is needed to ensure that consumers are adequately protected when they contract with moving companies.

I would like to thank my constituents, Ms. Rini and Mr. Pucci, for bringing this important consumer protection matter to my attention.

This bill will provide important protections to consumers, and I hope my colleagues on both sides of the aisle will join me in supporting it so that we can pass it quickly.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2369

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

SECTION 1. STATE COURT AWARDS OF PUNITIVE DAMAGES FOR UNFAIR OR DECEPTIVE PRACTICES OF MOTOR CARRIERS IN CONNECTION WITH CLAIMS FOR LOSS, DAMAGE, INJURY, OR DELAY OF TRANSPORTED PROPERTY.

(a) PUNITIVE DAMAGES AUTHORIZED.—Section 14706 of title 49, United States Code, is amended by adding at the end the following:

''(h) PUNITIVE DAMAGES FOR UNFAIR OR DECEPTIVE PRACTICES.—Nothing in this section limits the liability of a carrier for punitive damages authorized under applicable State law for any act or omission of the carrier in connection with the investigation, settlement, adjudication, or other aspect of the processing of a claim under this section that constitutes an unfair or deceptive trade practice under such State law.''.

(e) RETROACTIVE EFFECTIVE DATE AND APPLICABILITY.—Subsection (h) of section 14706 of title 49, United States Code (as added by subsection (a)), shall take effect as of January 1, 1990, and shall apply with respect to receipts and bills of lading referred to in subsection (a)(1) of such section that are issued on or after that date.●

By Mr. SCHUMER (for himself, Mr. ROTH, Mr. SMITH of New Hampshire, Mr. BAUCUS, Mr. VOINOVICH, Mr. HATCH, Mr. DASCHLE, Mr. LOTT, Mr. AKAKA, Mr. BAYH, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BRYAN, Mr. BYRD, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HARKIN, Mr. INOUYE, Mr. KENNEDY, Mr. KERRY, Mr. KERREY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. SARBANES, Mr. TORRICELLI, Mr. WELLSTONE, Mr. WYDEN, Mr. BENNETT, Mr. BOND, Mr. L. CHAFEE, Mr. COCHRAN, Mr. COVERDELL, Mr. CRAIG, Mr. DEWINE, Mr. GRAMM, Mr. HELMS, Mrs. HUTCHISON, Mr. JEFFORDS, Mr. NICKLES, Mr. SANTORUM, Mr. THOMAS, Mr. THOMPSON, Mr. WARNER, Mr. FITZGERALD, Mr. GORTON, and Mr. GRAMS):

S. 2370. A bill to designate the Federal Building located at 500 Pearl Street in New York City, New York, as the ''Daniel Patrick Moynihan United States Courthouse''; to the Committee on Environment and Public Works.

LEGISLATION S. 2370 TO NAME THE FEDERAL COURTHOUSE AT 500 PEARL STREET IN NEW YORK CITY FOR SENATOR DANIEL PATRICK MOYNIHAN

Mr. SCHUMER. Mr. President, I rise today with 61 of my colleagues to introduce a bill to name the beautiful Federal Courthouse located at 500 Pearl Street in Manhattan, after my esteemed colleague and champion of this project, Senator DANIEL PATRICK MOYNIHAN.

When I think about the many accomplishments of the distinguished Senator or the numerous accolades that he has received, I am left with very big shoes to fill and very few words that have yet to be used to describe the man and his legacy. His roles throughout his 47-year career in public service include legislator, scholar, reformer, teacher and last, but definitely not least, builder. In New York, PAT MOYNIHAN has taught us the value of beautiful public works.

It is especially for his role as builder that we honor PAT MOYNIHAN today. The Federal Courthouse at 500 Pearl Street embodies the same spirit as his previous architectural endeavors—an extraordinary work of art, inside and out. Completed in 1994, the Courthouse was designed by the distinguished architectural firm of Kohn Pederson Fox with a dignity worthy of the weighty judicial matters considered within its walls. It is a magnificent structure of solid granite, marble, and sturdy oak, built to last 200 years, adorned with public art from notable contemporary artists Ray Kaskey and Maya Lin.

Not coincidentally, the Courthouse's presence and elegance befit the man who was most responsible for its creation—Senator DANIEL PATRICK MOYNIHAN, who has been an enduring champion of excellence in public architecture, both here in Washington and at home in New York. Senator MOYNIHAN toiled for nearly a decade prodding the Congress, General Services Administration, three New York City mayors, and anyone else he needed, to see this spectacular Courthouse built.

Senator MOYNIHAN has always been an important force for architecture in New York. He was responsible for the restoration of the spectacular Beaux-Arts Custom House at Bowling Green in Lower Manhattan and beloved in Buffalo for reawakening that city's appreciation for its architectural heritage, which includes Frank Lloyd Wright houses and the Prudential Building, one of the best-known early American skyscrapers by the architect Louis H. Sullivan—a building which MOYNIHAN helped restore and then chose as his Buffalo office. MOYNIHAN has also spurred a powerful popular movement in Buffalo to build a new signature Peace Bridge over the Niagara River.

But the project for which he is best known is his beloved Pennsylvania Station. In 1963, PAT MOYNIHAN was one of a group of prescient New Yorkers who protested the tragic razing of our City's spectacular Penn Station—a glorious public building designed by McKim, Mead & White, the Nation's premier architectural firm of the time.

It was PAT MOYNIHAN who recognized years ago that across the street from what is now a sad basement terminal that functions—barely—as New York City's train station, sits the James A. Farley Post Office Building, built by the same architects, in much the same grand design, as the old Penn Station. PAT MOYNIHAN recognized that we could use the Farley Building to once again create a train station worthy of our great City. I, along with many of my colleagues, offered a bill last year to name that new train station after him, but Senator MOYNIHAN, with characteristic modesty, asked that the station keep the Farley name.

Fortunately, the Courthouse at 500 Pearl Street will serve as an equally fitting tribute and provide an enduring monument in the heart of the City that PAT MOYNIHAN and I both love so dearly, a monument for the millions of New Yorkers and their fellow Americans who love and admire Senator DANIEL PATRICK MOYNIHAN.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2370

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

SECTION 1. DESIGNATION OF DANIEL PATRICK MOYNIHAN UNITED STATES COURTHOUSE.

The Federal building located at 500 Pearl Street in New York City, New York, shall be known and designated as the ''Daniel Patrick Moynihan United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the Daniel Patrick Moynihan United States Courthouse.

Mr. LAUTENBERG. Mr. President, I commend Senator SCHUMER for submitting this resolution. I, too, have had the privilege of working with Senator PAT MOYNIHAN on the Environment and Public Works Committee for almost 18 years. There are few people who have a better knowledge of history, design, and concept than does our friend, PAT MOYNIHAN.

I join Senator SCHUMER in his comments about Senator PAT MOYNIHAN. I am very familiar with the railroad station. Many people from New Jersey, and people from all over the country, will get to see this station and the contributions Senator MOYNIHAN has made to our national well-being.

I urge passage of the bill.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, as has the distinguished Senator from New Jersey, I have had the privilege of serving with our friend, Senator MOYNIHAN, for many years on the Environment and Public Works Committee. If I may say with some little immodesty, I have been sort of a silent partner with Senator MOYNIHAN, not so much on this project—this was entirely his, I say to the junior Senator—but the Ronald Reagan Airport, for example, and the completion of the Federal Triangle are major, significant landmarks which will go forward for future generations.

But for this quiet, modest, knowledgeable man—I doubt if he would ever be a cosponsor of this resolution—it is most befitting that this be done to recognize a man who stands for the rule of law.

I thank the Senator.

By Mr. GRASSLEY (for himself, Mr. LIEBERMAN, Mr. KERREY, and Mr. BRYAN):

S. 2378. A bill to amend titles XVIII and XIX of the Social Security Act to improve the safety of the Medicare and Medicaid programs, and for other purposes; to the Committee on Finance.

STOP ALL FREQUENT ERRORS (SAFE) IN MEDICARE AND MEDICAID ACT OF 2000

• Mr. GRASSLEY. Mr. President, I am pleased to introduce this important legislation today with my colleagues, Senator LIEBERMAN, Senator KERREY, and Senator BRYAN. This bill represents an important step toward ensuring patients receive safe, quality health care in our nation's hospitals and healthcare facilities.

The Institute of Medicine (IOM) Report released last fall indicates that nearly 44,000 to 98,000 people die or are seriously hurt in hospitals every year. That is equivalent to having three jumbo jets filled with passengers crash every two days. Should we be safer flying in an airplane than going to a hospital for routine surgery?

Take the case of Gary Masiello, who lost his daughter when her breathing tube was accidentally disconnected. Nine months later he lost his wife in another hospital when she choked on her medication. He no longer has the confidence that he or his family are safe when entering the hospital.

The case of Betsy Lehman, a Boston Globe health reporter, is yet another example of how medical mistakes can lead to death. She received a drug overdose in 1994 during her chemotherapy treatment.

Ironically, even one of the contributors to the IOM report was touched by a medical error. Mary Wakefield, while she was preparing the report, discovered that her 83 year old mother was operated on the wrong hand.

Today, Senator LIEBERMAN, Senator KERREY, Senator BRYAN, and I are introducing a bipartisan bill to make patient safety a national healthcare priority. We recognize that mistakes happen, and that in our complex healthcare system, problems will occur. But in a country that is the leader in healthcare research, technology, and advancement, we should be able to do much, much better when it comes to patient safety.

We are not here today to point the finger or to blame. We are here to provide a solution to this disturbing problem—a problem we think is preventable.

Our legislation establishes a reporting and patient safety program for hospitals and other healthcare providers that participate in the Medicare and Medicaid programs, which would include virtually every healthcare facility in the United States. Billions of federal tax dollars go to these programs. The taxpayers deserve to know that the healthcare system they invest in provides safe, high-quality care.

This bill extends confidentiality protections to ensure that providers will report without risk of retaliation by trial lawyers. By creating a safe environment, this bill will foster reporting and corrective action plans in hospitals and healthcare facilities across the country.

Our legislation will improve patient safety and give providers the tools they need to address medical mistakes before patients are harmed. These errors are not intentional by any means, but they are preventable. So, I ask that my colleagues on both sides of the aisle support this bill to ensure that medical errors become a thing of the past.

I ask unanimous consent that a summary of the bill be printed in the RECORD.

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

SECTION-BY-SECTION OF THE STOP ALL FREQUENT ERRORS (SAFE) IN MEDICARE AND MEDICAID ACT OF 2000

Section I. Title and Table of Contents.

Section II. Purpose—This section describes the intent of the legislation which is to create a non-punitive medical error reduction program under the Medicare and Medicaid programs through identification of medical errors, extension of confidentiality with limited disclosure, and implementation of systems and processes to reduce the number of adverse events that occur.

Section III. Improvement of Patient Safety under the Medicare Program—This section establishes the guidelines for the medical error reduction program in the Medicare and Medicaid programs as a condition of participation.

Facilities that choose to participate in the Medicare and Medicaid programs including hospitals, critical access hospitals, skilled nursing facilities, comprehensive outpatient rehabilitation facilities, home health agencies, hospice, renal dialysis facilities, and ambulatory surgery centers would have to meet the requirements of this Act.

Hospitals would be required to participate one year after the date of enactment of this Act. The other institutions would be phased-in on a timetable to be determined by the Secretary of Health and Human Services.

Providers would have to implement a patient safety program to reduce medical errors. The program will target both sentinel events and additional events associated with injury as targeted by the Secretary, or local providers. The program shall utilize active investigation to discover health care errors and achieve measurable improvement in the rates of health care errors.

In addition, providers would be required to report sentinel events and additional designated errors to the following: (1) their state health department; (2) a national accrediting organization when applicable, i.e. the Joint Commission on the Accreditation of Healthcare Organizations (JCAHO); and (3) the Medicare peer review organizations. The facility would be responsible for performing a root-cause analysis and implementing a corrective action plan that reduces the risk of such event happening in the future. Providers can designate which agency or entity described above to approve their compliance with the reporting and correction program. Aggregated reports without identifiers would be submitted to the Secretary by the agency or entity.

Confidentiality and privacy protections based on current peer review protections would be extended to ensure that institutions would be encouraged to report and to implement effective patient safety programs. Information would also be protected for the purposes of conducting peer review activities and root cause analysis.

A definition of poor performance is complying with the reporting and correction program will be specified by the Secretary, JCAHO, the Agency for Healthcare Research and Quality (AHRQ), the peer review organizations, providers and consumer organizations. When a facility has a pattern of poor performance, this information is reported to the Secretary and the Secretary shall then release this information to the public. This would occur if the pattern of poor performance continues for more than two years, and a provider fails to report sentinel events and implement corrective actions to address safety problems.

Section IV. Improvement of Patient Safety Under the Medicaid Program—This section extends the Medicare provisions above to congregate care providers in the Medicaid program. Congregate care provider is defined as facilities in the Medicaid program that provide hospital services, nursing facility services, services of intermediate care facilities for the mentally retarded, hospice care, residential treatment centers for children, services in an institution for mental diseases, and inpatient psychiatric hospital services for individuals under age of 21.

Section V. Establishment of the Center for Patient Safety—This section establishes a Center for Patient Safety (Center) within HHS. The mission of the Center is to improve patient safety and reduce the incidence of medical errors. The Center would establish national goals for patient safety and mechanisms to track such goals. In addition, the Center would prepare and submit an annual report to the President and Congress with recommendations concerning patient safety. Among some of its duties, the Center would develop a national health care patient safety research agenda, disseminate information and evaluate mechanisms to improve patient safety, and conduct pilot projects to conduct new or innovative patient safety reporting systems.

Section VI. Grants to Establish Patient Safety Programs—This section authorizes the Center to award grants to providers and health professionals affiliated with such providers for the establishment and operation of patient safety programs.

Section VII. Authorization of Appropriations—This section authorizes the following amounts:

(1) For fiscal year 2001, $30,000,000.
(2) For fiscal year 2002, $35,000,000.
(3) For fiscal year 2003, $40,000,000.
(4) For each fiscal year thereafter, such sums as may be necessary.•

By Mr. HARKIN (for himself, Mr. L. CHAFEE, and Mr. GRAHAM):

S. 2379. A bill to provide for the protection of children from tobacco; to the Committee on Health, Education, Labor, and Pensions.

KIDS DESERVE FREEDOM FROM TOBACCO ACT OF 2000

Mr. HARKIN. Mr. President, I am pleased today to be joined by Senators CHAFEE and GRAHAM to introduce the ''KIDS Deserve Freedom from Tobacco Act of 2000.''

Just over 2 years ago, on March 31, 1998, Senators HARKIN, CHAFEE and GRAHAM teamed up to introduce the first comprehensive bipartisan legislation to reduce teen smoking. Today, I am pleased to announce that Senators HARKIN, CHAFEE and GRAHAM are teaming up again with the same goal. This bill is the first bipartisan Senate effort to restore the Food and Drug Administration's authority to protect our kids from tobacco.

We feel it is absolutely critical to show bipartisan support for picking up the ball the Supreme Court dropped in our lap just two weeks ago. We hope that our announcement today will be the beginning of a bipartisan push to get this type of common sense legislation passed.

The need is clear. As the Supreme Court recognized, tobacco use among children and adolescents is probably the single most significant threat to public health in the United States. A new study released just yesterday shows how the tobacco industry continues to successfully target our children. Seventy-three percent of teens reported seeing tobacco advertising in the previous two weeks, compared to only 33% of adults. And 77% of teens say it is easy for kids to buy cigarettes.

That is why 3,000 kids start smoking every day and fully 1,000 of them will die prematurely because of it. That's the equivalent of 3 jumbo jets packed with kids crashing every day. And that is why cigarette smoking among high school seniors is at a 19-year high. There is no question we face a public health crisis of unmatched proportions and we have the opportunity this year to stop it.

Passing comprehensive legislation that would dramatically reduce the number of American children hooked on this deadly habit is a once and a lifetime opportunity. Unfortunately, though, the tobacco debate in Washington has so far been largely partisan. That's why we've joined arms across party lines behind the KIDS Deserve Freedom From Tobacco Act, the KIDS Act. We hope and believe that the introduction of our bipartisan bill will change the debate and significantly increase the odds that reforms will be made this year.

Let me be clear. Nicotine is an addictive product and cigarettes kill. Even the tobacco companies are starting to admit it. In fact, Big Tobacco has known this for so long, they deliberately manipulate the nicotine in cigarettes to get more people addicted.

The FDA regulations, struck down by the Supreme Court two weeks ago, were about stopping kids from smoking. These regulations were an investment in the future of our kids.

Our legislation will re-affirm the FDA's authority over tobacco products. It will classify nicotine as a drug and tobacco products as drug delivery devices. It will allow FDA to implement a ''public health'' standard in its review and regulation of tobacco products. By codifying FDA's regulation of 1996, our legislation will also allow for continuation of the critically important youth ID checks. It will provide needed youth access restrictions such as requiring tobacco products to be kept behind store counters and ban vending machines. It will also include sensible advertising limits as well as other important provisions of the original FDA rule designed to reduce teen access to tobacco.

For the sake of our kids and the public health, we have a responsibility to act quickly on this. Today, we begin that important effort.

Mr. President, I urge my colleagues to examine our legislation and give us their comments. We should not leave this year without taking this type of common sense step to protect our kids.

Mr. L. CHAFEE. Mr. President, I am pleased to join Senators HARKIN and BOB GRAHAM in introducing the Kids Deserve Freedom From Tobacco Act of 2000, which would give the Food and Drug Administration the authority to regulate the manufacture and sale of tobacco. This legislation is a commonsense and bipartisan approach to ensure that tobacco products do not get into the hands of minors, especially in light of the Supreme Court's recent decision that the FDA does not have the authority to regulate tobacco products.

The Supreme Court's recent decision is disappointing. This judgment, while following the letter of the law, will cause unnecessary harm to millions of people unless Congress acts quickly to stem its affects. We must ensure that the FDA regulations are enacted into law.

Not only does tobacco pose a significant risk to the individual smoker, but it reaps a high cost from the American public. The widespread use of tobacco is eating away at our society's physical and financial health. Tobacco's physical toll in deaths and diseases is well-documented. However, the financial weight that tobacco places on America's overburdened health care system is often overlooked. As the single most preventable cause of premature death, disease and disability facing our nation, tobacco use is also the single biggest preventable expense to our nation's health care system.

America's publicly financed health care system has also suffered. Nearly half the costs of treating tobacco related illnesses—approximately $25 billion in 1993, according to the Centers for Disease Control—fall to state and federal governments through such programs as Medicare and Medicaid. This unnecessary fiscal burden has hit the health care industry hard, increasing the cost of health care, while driving millions into the ranks of the uninsured. As Congress struggles to pull the Medicare program back from the brink of insolvency, it is clear that the huge costs of the preventable illnesses caused by tobacco need to be addressed. We have a clear choice: attack the problem of preventable disease, or place a greater burden on our already financially strapped health care system.

The Supreme Court did not argue the scientific evidence: nicotine is a drug and cigarettes are drug delivery devices. Nicotine is addictive, it lures children, kills adults, and drives up our nation's health care costs. In fact, the Court's majority opinion admitted that tobacco use was ''perhaps the single most significant threat to public health in the United States.''

The only thing the FDA lacks, they said, was explicit authority to regulate tobacco products. Fine! Today, we propose to give them that authority. This bipartisan measure will abide by the intent of the Court's ruling by granting the FDA explicit authority to regulate these deadly and addictive products as it does for all other drugs.

Congress cannot afford to wait. The three thousand children who get hooked on tobacco each day cannot afford to wait. Our overburdened health care system cannot afford to wait. I hope my colleagues in both Houses of Congress will come together in a bipartisan spirit to grant the FDA authority to stop the spread of the tobacco contagion.

Mr. GRAHAM. Mr. President, for far too long, the health and welfare of America's children have been jeopardized by a relatively unregulated tobacco industry.

''The Food and Drug Administration (FDA) has amply demonstrated that tobacco use, particularly among children and adolescents, poses perhaps the single most serious threat to public health in the United States.''

These words aren't mine. They are Justice Sandra Day O'Connor's, the author of the majority opinion in Food and Drug Administration v. Brown and Williamson—the recent case which prevents the FDA from effectively regulating tobacco.

We have worked hard to protect our children from the perils of tobacco, but we clearly have not done enough.

A study recently released by the Substance Abuse and Mental Health Services Administration (SAMHSA) shows that over 18 percent of youth between the ages of 12 and 17 are smokers.

That translates into 4.1 million kids. And, every day, another 3,000 children join the ranks of their smoking peers.

Not only are these children exposing themselves to the long-term health

risks that we know tobacco to pose, they are increasing the likeliness that they will develop other harmful addictions.

SAMHSA's study has revealed that children who smoke are over 11 times more likely to use illicit drugs and 16 times more likely to drink heavily than are their nonsmoking peers. Specifically, children who smoke are 100 times more likely to also smoke marijuana and 32 times more likely to use cocaine than nonsmoking children.

Today, of the 4.1 million children who currently smoke, approximately: 35% smoke marijuana; 8% take hallucinogenic drugs; 5% use cocaine; and 4% sniff inhalants.

The Supreme Court has placed the burden of protecting not only these children, but all children from tobacco squarely on the shoulders of the Congress. This is indeed a heavy weight to bear, but it is one from which we cannot afford to shy away.

We are here today to announce that we have accepted this charge, and are introducing legislation that will provide America's children with real protections from tobacco.

Currently, the FDA has the authority to regulate virtually all products which we consume or apply to our skin—food, drugs, cosmetics and medical devices—protecting Americans by ensuring that these products meet certain health standards.

Yet, today, FDA authority—and thus, FDA protection—does not apply to tobacco.

Congress can extend these protections by giving the FDA the authority to truly regulate tobacco products.

Our legislation would do just that. It would give the FDA authority to: (1) reduce harmful components—such as nicotine—in tobacco products; (2) impose appropriate advertising and marketing restrictions to reduce teenage tobacco use; (3) require manufacturers to submit information about the health effects of their product to the FDA; (4) require strong warning labels; and (5) regulate health claims and ''Reduced Risk'' products.

Mr. President, we are all in agreement that it is our responsibility to promote a healthier America. This legislation will help us achieve that collective goal, by giving the FDA the authority to regulate the tobacco industry. I urge my colleagues to support this important measure.

By Mr. LAUTENBERG (for himself, Ms. SNOWE, Mrs. BOXER, and Mrs. MURRAY):

S. 2380. A bill to provide for international family planning funding for the fiscal year 2001, and for other purposes; to the Committee on Foreign Relations.

SAVING WOMEN'S LIVES THROUGH INTERNATIONAL FAMILY PLANNING ACT OF 2000

• Mr. LAUTENBERG. Mr. President, I rise today to introduce the Saving Women's Lives through International Family Planning Act of 2000. I would like to thank Senator SNOWE, Senator BOXER, and Senator MURRAY for joining me as cosponsors and I invite others to join us. Congresswoman MALONEY introduced this legislation in the House in February, and it has gained the support of 94 cosponsors on both sides of the aisle in that body.

Mr. President, while global population growth has slowed, the world's population reached 6 billion in 1999 and is expected to rise to 8.9 billion by 2050. Nearly all of this growth is occurring in developing nations. High population density puts tremendous strain on water and other resources and takes an increasing toll on the quality and length of human life.

Each year, more than 585,000 women die from complications related to pregnancy and childbirth. And millions of women suffer serious health problems following childbirth.

International family planning programs are our best hope to slow population growth and decrease mortality rates, and that's why the legislation I'm introducing today is so important.

Tomorrow is World Health Day, an appropriate occasion to remember that international family planning programs save the lives of millions of women all over the world. Providing reproductive health care and health education results in safer pregnancies and safer motherhood.

Yet this country is paying hundreds of millions of dollars less on international family planning programs today than it did five years ago. We need to restore this country's commitment to helping those in developing countries raise their standards of living, and family planning must be an important part of that assistance. Without this renewed commitment, high fertility rates and rapid population growth will prevent people in the poorest countries from rising out of poverty.

The Saving Women's Lives through International Family Planning Act of 2000 authorizes $541.6 million—the funding level requested by President Clinton—for bilateral family planning programs and related assistance abroad. It also provides $35 million for the United Nations Population Fund, known as UNFPA. This would return our level of international family planning assistance to where it was in fiscal 1995. This is a sound investment that will bring returns for decades to come.

This bill would also reverse the so-called ''gag rule'' that restricts USAID grants to non-governmental organizations abroad that use their own funds to advocate a woman's right to choose or to perform legal medical procedures. Under this bill, the requirements we apply to NGOs would not be more restrictive that the requirements on foreign governments that receive similar assistance.

I have fought for years, as a member of the Foreign Operations Appropriations subcommittee, for adequate funding for international family planning programs without restrictions which would limit the reach or effectiveness of our aid.

Last year, we were forced to accept the gag rule in exchange for congressional agreement to pay U.S. arrears to the United Nations. It was a bitter pill to swallow and we must eliminate this provision now. It's unfair and undemocratic. By restricting the freedom of organizations to engage in public policy debates, the gag rule undermines a central goal of U.S. foreign policy, the promotion of democracy—which has at its core the principles of free and open debate and citizen involvement in government decisions. And this restriction is a serious impediment to our efforts to bring global population levels under control and to protect the lives of millions of women by letting them choose to have only as many children as they can care for responsibly.

Mr. President, family planning is even more critical to the health of people in developing countries than it is here in America. Many developing countries lack the hospitals and clinics and doctors and other health-care professionals to provide women with the advice and care they need to have a safe pregnancy. Many lack the facilities and expertise to provide obstetrical and prenatal care women need to deliver healthy babies.

Sometimes, a pregnancy can be dangerous, especially if the woman is too young or too old to bear a child. In many poor societies, families have many children because so many die before they reach adulthood and children provide the only support in their parents' later years. As a result, families too often have more children than they can realistically support and face malnutrition or even starvation. Finally, there are those who do not properly consider the potential transmission of deadly diseases such as AIDS or who do not have access to contraceptive devices.

For many poor women abroad, family planning clinics offer the only general health care available. Without the critical funding provided in this bill, many of these women will unnecessarily suffer and even die. With this assistance, women and children will have a better chance of living longer, healthier lives.

We need this legislation to reduce mortality rates, to combat the spread of HIV/AIDS and other diseases, and to give the poorest nations an opportunity to meet their social, environmental, and economic needs by making family planning available worldwide.

Mr. President, I urge my colleagues to join in support of the Saving Women's Lives through International Family Planning Act of 2000. We all have a

stake in helping people in the worlds poorer nations plan their families and helping control the impact of population growth on the planet we share.●

By Mr. KENNEDY (for himself, Mr. REID, Mr. STEVENS, Mr. KERRY, Mr. AKAKA, Ms. LANDRIEU, Mr. DURBIN, Mr. BINGAMAN, Mr. ASHCROFT, Mr. BIDEN, Mr. COCHRAN, Mr. INOUYE, Mr. FEINGOLD, Mr. LEVIN, Mr. GRAHAM, Mr. DEWINE, Mr. THURMOND, Mr. ABRAHAM, Mr. LIEBERMAN, Mr. SANTORUM, Mr. WARNER, Mrs. MURRAY, Mr. ROBB, Mr. BURNS, Mr. HOLLINGS, Mr. MOYNIHAN, Mr. CONRAD, Mr. SESSIONS, and Mrs. FEINSTEIN):

S.J. Res. 44. A joint resolution supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II; to the Committee on the Judiciary.

MAY 25—''DAY OF HONOR 2000''

Mr. KENNEDY. Mr. President, today Senator DANIEL AKAKA, Senator DANIEL INOUYE, Senator TED STEVENS, and I, along with 24 other Senators, are introducing a Senate Joint Resolution to designate May 25, 2000, as a national Day of Honor for minority veterans of World War II. Representative SHEILA JACKSON-LEE of Texas is introducing an identical resolution in the House of Representatives.

Forty-five years ago, the bloodiest war in our history came to an end and millions of American service men and women returned to the United States to rebuild their lives after fighting so courageously and successfully to defend our country.

These brave veterans included large numbers of minorities. More than 1.2 million African Americans, more than 300,000 Hispanic Americans, more than 50,000 Asian Americans, more than 20,000 Native Americans, more than 6,000 Hawaiians and Pacific Islanders, and more than 3,000 Native Alaskans risked their lives to preserve our democracy.

On land, sea and air, far from their homes, they fought brilliantly to defeat fascism and protect our freedom. And large numbers of them did so in spite of the racism and injustice they had suffered in our society, and even in their military service.

Too often, when they returned to America and raised the question of freedom and equal justice here at home, the answer came back, ''no.'' Too often, when fundamental issues of equality and respect of their service in the war arose, Jim Crow and racial discrimination replied with a resounding ''no.''

Even during the war itself, these brave men and women in uniform had faced racial discrimination and violent and cruel treatment from their fellow citizens—and often from their fellow American service men and women. Even here on American soil during the war, German prisoners of war were allowed to go to places in the United States where black Americans were not allowed to go.

Last December, President Clinton dealt at long last with one example of these injustices when he pardoned Freddie Meeks, one of 50 African-American sailors who were convicted of mutiny and sentenced to prison and hard labor in 1944 for refusing to continue loading ammunition after a deadly explosion at the Port Chicago naval facility new San Francisco. That explosion of 10,000 tons of ammunition at the loading dock resulted in the deaths of 320 persons, two-thirds of whom were black.

As President Clinton noted, Meeks had participated in the ''extraordinarily difficult job of picking up human remains'' following the blast. White sailors were given 30-day leaves after the blast, but black sailors were ordered back to work. Meeks and 257 others were court-martialed after they refused to continue loading the ammunitions, because the order was so blatantly racist and the danger was so great. The pardon, granted by the President, was eminently justified. The Navy had agreed in a 1994 review of the case that the sailors had been victims of racial discrimination, but it had not overturned their convictions.

Historians feel that the Port Chicago case was a major factor in convincing President Harry Truman to issue his famous Executive order in 1948, banning segregation in the armed forces.

Japanese Americans were also subjected to shameful discrimination during the war. The Supreme Court upheld the internment of tens of thousands of U.S. citizens of Japanese ancestry during the war, because the government was fearful that their allegiance might to be to Japan. In recent years, reparations have been paid as amends for these shameful deeds against Japanese Americans, but no reparations can ever fully compensate for such gross violations of human liberties.

As a nation, we have long since recognized the unfair treatment of minorities as a travesty of justice. The landmark decisions of the Supreme Court and the enactment of fundamental civil rights laws by Congress over the past half century have remedied the worst of these injustices and made our nation a freer and fairer land. But we have yet to give adequate recognition to the service, struggles and sacrifices of these brave Americans who fought so valiantly in World War II for our future.

Veterans of that war are now dying at a rate of more than 1,000 a day. It is especially important, therefore, for Congress and the Administration to do their part now to pay tribute to these men and women who served so valiantly in that conflict. This Day of Honor Resolution is part of The Day of Honor Celebration being planned for communities across the country, which is being organized by the Massachusetts-based Day of Honor 2000 Project. Our goal is that the nation will have an opportunity to pause on that day to express our gratitude to the veterans of all minority groups who served the nation so well.

Included in that group of honored veterans are two of our outstanding colleagues in the Senate, Senator AKAKA of Hawaii and Senator INOUYE of Hawaii, and my former colleague from Massachusetts, Senator Edward W. Brooke. Senator INOUYE and Senator Brooke both speak eloquently and passionately of their World War II experiences in the film, ''The Invisible Soldiers: Unheard Voices,'' which is a part of the Day of Honor events in local communities.

By recognizing May 25th as a national Day of Honor in tribute to these extraordinary men and women, we can help to remedy the many wrongs inflicted on them in years gone by, and we can take another step toward true justice in this country. These men and women are part of what has been called America's greatest generation. In a very real sense, we owe them our liberty today and we shall never ever forget them.

I urge all members of the Senate to join in sponsoring this resolution.

ADDITIONAL COSPONSORS

S. 459

At the request of Mr. BREAUX, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 514

At the request of Mr. COCHRAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 514, a bill to improve the National Writing Project.

S. 805

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 805, a bill to amend title V of the Social Security Act to provide for the establishment and operation of asthma treatment services for children, and for other purposes.

S. 1006

At the request of Mr. TORRICELLI, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1006, a bill to end the use of conventional steel-jawed leghold traps on animals in the United States.

S. 1017

At the request of Mr. MACK, the name of the Senator from Rhode Island (Mr.

CHAFEE) was added as a cosponsor of S. 1017, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit.

S. 1163

At the request of Mr. ASHCROFT, his name was added as a cosponsor of S. 1163, a bill to amend the Public Health Service Act to provide for research and services with respect to lupus.

S. 1345

At the request of Mr. LAUTENBERG, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1345, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 1448

At the request of Mr. HUTCHINSON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1448, a bill to amend the Food Security Act of 1985 to authorize the annual enrollment of land in the wetlands reserve program, to extend the program through 2005, and for other purposes.

S. 1638

At the request of Mr. ASHCROFT, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1638, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty.

S. 1762

At the request of Mr. COVERDELL, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1762, a bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resources projects previously funded by the Secretary under such Act or related laws.

S. 1800

At the request of Mr. GRAHAM, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1800, a bill to amend the Food Stamp Act of 1977 to improve onsite inspections of State food stamp programs, to provide grants to develop community partnerships and innovative outreach strategies for food stamp and related programs, and for other purposes.

S. 1822

At the request of Mr. ASHCROFT, his name was added as a cosponsor of S. 1822, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1921

At the request of Mr. CAMPBELL, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 1939

At the request of Mr. HELMS, the names of the Senator from North Carolina (Mr. EDWARDS), and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 1939, a bill to amend the internal revenue code of 1986 to allow a credit against income tax for dry cleaning equipment which uses reduced amounts of hazardous substances.

S. 1941

At the request of Mr. DODD, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 1961

At the request of Mr. JOHNSON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1961, a bill to amend the Food Security Act of 1985 to expand the number of acres authorized for inclusion in the conservation reserve.

S. 1988

At the request of Mr. DASCHLE, the names of the Senator from Kansas (Mr. ROBERTS), and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 1988, a bill to reform the State inspection of meat and poultry in the United States, and for other purposes.

S. 1993

At the request of Mr. THOMPSON, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1993, a bill to reform Government information security by strengthening information security practices throughout the Federal Government.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2060

At the request of Mrs. FEINSTEIN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2060, a bill to authorize the President to award a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world, and for other purposes.

S. 2068

At the request of Mr. GREGG, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 2068, a bill to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations.

S. 2073

At the request of Mr. LEAHY, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 2073, a bill to reduce the risk that innocent persons may be executed, and for other purposes.

S. 2231

At the request of Mr. COVERDELL, the names of the Senator from Kansas (Mr. BROWNBACK), and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 2231, a bill to provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the "I Have A Dream" speech.

S. 2265

At the request of Mrs. HUTCHISON, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 2265, a bill to amend the Internal Revenue Code of 1986 to preserve marginal domestic oil and natural gas well production, and for other purposes.

S. 2280

At the request of Mr. MCCONNELL, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 2280, a bill to provide for the effective punishment of online child molesters.

S. 2293

At the request of Mr. SANTORUM, the names of the Senator from Tennessee (Mr. FRIST), the Senator from Nebraska (Mr. HAGEL), and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 2293, a bill to amend the Federal Deposit Insurance Act and the Federal Home Loan Bank Act to provide for the payment of Financing Corporation interest obligations from balances in the deposit insurance funds in excess of an established ratio and, after such obligations are satisfied, to provide for rebates to insured depository institutions of such excess reserves.

S. 2307

At the request of Mr. DORGAN, the names of the Senator from New Mexico (Mr. BINGAMAN), and the Senator from

Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 2307, a bill to amend the Communications Act of 1934 to encourage broadband deployment to rural America, and for other purposes.

S. 2314

At the request of Mr. SMITH of New Hampshire the names of the Senator from Arizona (Mr. KYL), and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of S. 2314, a bill for the relief of Elian Gonzalez and other family members.

S. 2321

At the request of Mr. ROCKEFELLER, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2321, a bill to amend the Internal Revenue Code of 1986 to allow a tax credit for development costs of telecommunications facilities in rural areas.

S. 2323

At the request of Mr. MCCONNELL, the names of the Senator from Maine (Ms. COLLINS), and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 2323, a bill to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the Act.

S. 2336

At the request of Mr. BINGAMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2336, a bill to authorize funding for networking and information technology research and development at the Department of Energy for fiscal years 2001 through 2005, and for other purposes.

S. 2344

At the request of Mr. BROWNBACK, the names of the Senator from Iowa (Mr. HARKIN), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2344, a bill to amend the Internal Revenue Code of 1986 to treat payments under the Conservation Reserve Program as rentals from real estate.

S. 2353

At the request of Mr. AKAKA, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2353, a bill to amend the Higher Education Act of 1965 to improve the program for American Indian Tribal Colleges and Universities under part A of title III.

S. 2363

At the request of Mr. CRAPO, the names of the Senator from Idaho (Mr. CRAIG), the Senator from Wyoming (Mr. ENZI), and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 2363, a bill to subject the United States to imposition of fees and costs in proceedings relating to State water rights adjudications.

S. 2366

At the request of Mr. FRIST, the names of the Senator from Oklahoma (Mr. NICKLES), and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 2366, a bill to amend the Public Health Service Act to revise and extend provisions relating to the Organ Procurement Transplantation Network.

S. RES. 248

At the request of Mr. ROBB, the names of the Senator from Missouri (Mr. BOND), the Senator from West Virginia (Mr. BYRD), the Senator from Washington (Mrs. MURRAY), the Senator from Alabama (Mr. SHELBY), and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. Res. 248, A resolution to designate the week of May 7, 2000, as ''National Correctional Officers and Employees Week.''

S. RES. 260

At the request of Mr. BOND, the names of the Senator from Georgia (Mr. CLELAND), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. Res. 260, A resolution to express the sense of the Senate that the Federal investment in programs that provide health care services to uninsured and low-income individuals in medically under served areas be increased in order to double access to care over the next 5 years.

S. RES. 268

At the request of Mr. HAGEL, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. Res. 268, A resolution designating July 17 through July 23 as ''National Fragile X Awareness Week.''

AMENDMENT NO. 2911

At the request of Mrs. BOXER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 2911 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 2924

At the request of Mr. JEFFORDS, the names of the Senator from Ohio (Mr. DEWINE), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 2924 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 2931

At the request of Mr. DOMENICI, his name was added as a cosponsor of amendment No. 2931 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Mr. WARNER, his name was added as a cosponsor of amendment No. 2931 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Mr. GRAMM, his name was added as a cosponsor of amendment No. 2931 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 2933

At the request of Mr. BAYH, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 2933 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 2934

At the request of Mr. JOHNSON, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 2934 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 2940

At the request of Mr. ASHCROFT, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of amendment No. 2940 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 2944

At the request of Mr. L. CHAFEE, the names of the Senator from California (Mrs. FEINSTEIN), and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of amendment No. 2944 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Mr. WARNER, his name was added as a cosponsor of amendment No. 2944 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Mr. STEVENS, his name was added as a cosponsor of amendment No. 2944 intended to be proposed to S. Con. Res. 101, an original

concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 2947

At the request of Mr. SANTORUM, the names of the Senator from Idaho (Mr. CRAIG), and the Senator from Washington (Mr. GORTON) were added as cosponsors of amendment No. 2947 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 2951

At the request of Mr. KENNEDY, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Maryland (Ms. MIKULSKI), the Senator from Vermont (Mr. LEAHY), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Rhode Island (Mr. REED), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 2951 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 2954

At the request of Mr. SCHUMER, his name was added as a cosponsor of amendment No. 2954 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Mrs. BOXER, her name was added as a cosponsor of amendment No. 2954 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of amendment No. 2954 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of amendment No. 2954 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Mr. LEAHY, his name was added as a cosponsor of amendment No. 2954 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Mr. KENNEDY, his name was added as a cosponsor of amendment No. 2954 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Mr. REED, his name was added as a cosponsor of amendment No. 2954 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 2958

At the request of Mr. FITZGERALD, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of amendment No. 2958 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 2961

At the request of Mr. FITZGERALD, the names of the Senator from Georgia (Mr. COVERDELL), the Senator from Oklahoma (Mr. NICKLES), the Senator from New Hampshire (Mr. GREGG), the Senator from Ohio (Mr. VOINOVICH), the Senator from New Hampshire (Mr. SMITH), the Senator from Wyoming (Mr. ENZI), the Senator from Arizona (Mr. KYL), the Senator from Michigan (Mr. ABRAHAM), the Senator from Florida (Mr. MACK), the Senator from Texas (Mr. GRAMM), the Senator from Idaho (Mr. CRAPO), and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of amendment No. 2961 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENTS SUBMITTED

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2001

GRAHAM (AND OTHERS) AMENDMENT NO. 2966

(Ordered to lie on the table.)

Mr. GRAHAM (for himself, Mr. LIEBERMAN, Mr. BAYH, Mrs. LANDRIEU, Mrs. LINCOLN, Mr. BREAUX, Mr. ROBB, and Mr. EDWARDS) submitted an amendment intended to be proposed by them to the concurrent resolution (S. Con. Res. 101) setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000; as follows:

At the appropriate place, insert the following:

SEC. ___. RESERVE FUND FOR ADDITIONAL ESEA FUNDING IN THE SENATE.

(a) IN GENERAL.—In the Senate, upon reporting of a bill, the offering of an amendment thereto, or the submission of a conference report thereon that allows local educational agencies to use appropriated funds to carry out activities under a reauthorized Elementary and Secondary Education Act that complies with subsection (b), the Chairman of the Committee on the Budget of the Senate may increase the functional totals and outlay aggregates and allocations—

(1) for fiscal year 2001 by not more than $3,000,000,000; and

(2) for the period of fiscal years 2001 through 2005 by not more than $15,000,000,000.

(b) CONDITION.—Legislation complies with this subsection if it provides—

(1) increased accountability;

(2) encouragement of State educational agencies (SEAs) and local educational agencies (LEAs) to establish high student performance standards;

(3) a concentration of resources around central education goals, including compensatory education for disadvantaged children and youth, teacher quality and professional development, innovative education strategies, programs for limited English proficiency students, student safety, and educational technology; and

(4) an allocation of funds that targets the most impoverished areas and schools most likely to be in distress.

GRAHAM AMENDMENT NO. 2967

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

On page 4, line 8, increase the amount by $42,000,000,000.

On page 4, line 17, decrease the amount by $42,000,000,000

On page 5, line 1, increase the amount by $42,000,000,000.

On page 5, line 11, increase the amount by $42,000,000,000.

On page 6, line 10, decrease the amount by $43,033,000,000.

On page 22, line 23, increase the amount by $42,000,000,000.

On page 22, line 24, increase the amount by $42,000,000,000.

On page 29, line 4, decrease the amount by $42,000,000,000.

INHOFE (AND OTHERS) AMENDMENT NO. 2968

(Ordered to lie on the table.)

Mr. INHOFE (for himself, Mr. SESSIONS, and Mr. COCHRAN) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, insert the following:

SEC. ___ SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) local educational agencies are obligated to provide a free public education to all children even though Federal activity may deprive the local educational agencies of the ability to collect sufficient property or sales taxes to support the education of the children;

(2) the Impact Aid program is designed to compensate local educational agencies for the substantial and continuing financial burden resulting from tax revenue lost as a result of Federal activities;

(3) the Impact Aid program has not been fully funded since 1980 and this shortfall has caused local educational agencies to forego needed infrastructure repairs, delay the purchase of educational materials, delay the purchase of properly equipped buses for disabled children, and delay other pressing needs; and

(4) both Congress and the Administration have committed to making education a top priority.

(b) SENSE OF THE SENSE.—It is the sense of the Senate that the levels in this resolution assume that the Impact Aid Program strive to reach the goal that Section 8003(b) of the program is funded at 64% in fiscal year 2001 appropriation cycle; 76% in fiscal year 2002 appropriation cycle; 88% in fiscal year 2003 appropriation cycle; and 100% in fiscal year 2004 appropriation cycle.

DORGAN AMENDMENT NO. 2969

(Ordered to lie on the table.)

Mr. DORGAN submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING PAYMENTS TO RURAL PROVIDERS UNDER THE MEDICARE PROGRAM.

(a) FINDINGS.—The Senate makes the following findings:

(1) Nearly 1 in 4 medicare beneficiaries live in rural areas.

(2) Rural medicare beneficiaries pay into the medicare program under title XVIII of the Social Security Act at the same rate as their urban counterparts, but they receive fewer benefits.

(3) Currently, 50 percent (2,525 hospitals) of the Nation's 5,070 hospitals have fewer than 100 beds, and 56 percent of the Nation's hospitals are located in rural areas.

(4) For some rural hospitals, medicare payments account for as much as 87 percent of the total revenues of the hospital.

(5) A 1999 study of the impact of Balanced Budget Act of 1997 (in this section referred to as the ''BBA'') on hospital profit margins found that hospitals with less than 100 beds, which are predominately rural hospitals, are financially hardest hit by the BBA.

(6) Left unchecked, the BBA would cause the profit margins of these predominantly rural hospitals to decrease from positive 4.2 percent in fiscal year 1998 to negative 5.6 percent in fiscal year 2002, a drop of 233 percent.

(7) On average, reimbursement for items and services under the medicare program provided in rural areas is substantially lower than in urban areas, and this inequity cannot be explained by current differences in the costs associated with providing items and services in rural and urban areas.

(8) Currently, increasing numbers of rural communities face critical losses of local health professionals through retirement or the emigration of these professionals to larger communities offering opportunities for better income.

(9) Similarly, a lack of opportunity occurs for each Medicare+Choice organization that offers a Medicare+Choice plan in a rural county because the annual Medicare+Choice capitation rate for a beneficiary enrolled in such a plan is less than ½ of the rate paid to such an organization under the medicare program on behalf of a beneficiary enrolled in a Medicare+Choice plan in an urban county.

(10) Congress took a step forward in confronting and addressing the funding crisis for medicare beneficiaries requiring hospital care, home health care, skilled nursing care, and other basic care in rural communities through the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this concurrent resolution on the budget assume that, during deliberations on structural reforms to the medicare program under title XVIII of the Social Security Act—

(1) Congress should ensure the viability of all health services to medicare beneficiaries residing in rural communities, including inpatient hospital care, outpatient care, skilled nursing facility and therapy services, home health care, and services provided under a Medicare+Choice plan; and

(2) the President and Congress should address the continuing inequities between payments under the medicare program to providers for items and services furnished to medicare beneficiaries residing in urban communities versus payments for such items and services furnished to medicare beneficiaries residing in rural communities, as such inequities result in a chronic shortage of providers of care for rural beneficiaries, who pay into the medicare program at the same rate as beneficiaries in urban areas.

DORGAN (AND ROBB) AMENDMENT NO. 2970

(Ordered to lie on the table.)

Mr. DORGAN (for himself and Mr. ROBB) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, add the following:

SEC. ___. SENSE OF CONGRESS REGARDING THE NEED FOR ADDITIONAL FEDERAL FUNDING AND TAX INCENTIVES FOR EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES AUTHORIZED AND DESIGNATED PURSUANT TO 1997 AND 1998 LAWS.

(a) FINDINGS.—The Senate finds that—

(1) providing Federal tax incentives and other incentives to distressed communities across the Nation to help them rebuild and grow was one of the important goals of the Taxpayer Relief Act of 1997 and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999;

(2) to help reach that goal, the Taxpayer Relief Act of 1997 authorized 20 additional empowerment zones, 15 urban and 5 rural, followed by 20 new rural enterprise communities authorized in 1998;

(3) the 1997 law authorizing this second round of empowerment zones (EZs) was also significant and important because it broadened empowerment zone eligibility, for the first time, to Indian tribes and rural regions suffering from massive out-migration;

(4) many of our urban and rural communities are not sharing in the benefits of the prolonged economic expansion now enjoyed by many other parts of our country;

(5) a total of more than 250 economically distressed urban and rural communities competed for the 20 new empowerment zones and 20 new rural enterprise communities, and those areas designated as zones and communities should be provided with the Federal incentives and encouragement they need to attract new businesses, and the jobs they provide, in order to stimulate economic growth and improvement;

(6) unfortunately, those areas that are designated EZs or ECs under the 1997 and 1998 laws or rural economic area partnerships (REAPs) by the Department of Agriculture, are not given the full advantage of Social Services Block Grant funds, tax credits, and some other Federal incentives that Congress provided to the first round of empowerment zones and enterprise communities authorized pursuant to 1993 budget legislation;

(7) Congress should act swiftly to provide such designated areas an equal share of tax incentives, grant benefits, and other Federal support at aggregate levels of at least that provided by Congress to distressed urban and rural empowerment zones and enterprise communities pursuant to the 1993 omnibus budget reconciliation bill; and

(8) a fully funded second round of EZs and ECs is estimated to create and retain about 90,000 jobs and stimulate $10,000,000,000 in private and public investments over the next decade.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the levels in this resolution assume that—

(1) if Congress and the President agree to a substantial tax relief measure, such measure should include full funding for the second round of empowerment zones and enterprise communities authorized in 1997 and 1998 as well as those areas currently designated rural economic area partnerships (REAPs) by the Department of Agriculture; and

(2) all such designated distressed areas, rural and urban, should equally share at least the same aggregate level of funding, tax incentives, and other Federal support that Congress provided to urban and rural empowerment zones and enterprise communities authorized by the 1993 omnibus budget reconciliation bill.

DORGAN AMENDMENT NO. 2971

(Ordered to lie on the table.)

Mr. DORGAN submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING THE ENFORCEMENT OF TRADE AGREEMENTS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States Trade Representative's 2000 National Trade Estimate Report on Foreign Trade Barriers documents numerous foreign barriers to United States exports that are not consistent with international trade rules and which are actionable under United States trade law and the World Trade Organization.

(2) Foreign barriers that impede United States exports contribute substantially to the United States merchandise trade deficit which has been expanding at an alarming rate, and which soared to $347,000,000,000 in 1999.

(3) Huge chronic trade imbalances are not in the national interest of the United States, and cannot be sustained indefinitely without harming the economic prosperity of the United States.

(4) United States lives and communities are being injured by a flood of foreign goods coming across United States borders. Many goods are being dumped unfairly below their true value.

(5) It is important to United States workers, farmers, ranchers, and businesses that the United States have sufficient tools and resources to enforce the commitments made by its trading partners.

(6) The United States merchandise trade deficit with the People's Republic of China surged to nearly $70,000,000,000 in 1999, and the burden on those who enforce our trade agreements will increase enormously under the proposed United States-China World Trade Organization accession agreement.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) Congress should fully fund the trade enforcement initiative contained in the budget submitted by the President for fiscal year 2001 pursuant to section 1105 of title 31, United States Code, so the United States can begin to dedicate sufficient manpower and resources to matters and transactions dealing with trade monitoring and enforcement, and negotiation of trade agreements that benefit United States producers, businesses, and communities;

(2) the President and the executive branch of the Government should aggressively enforce United States trade agreements with the full range of United States trade laws, including sections 310, 201, and 301 of the Trade Act of 1974, and United States antidumping laws; and

(3) the President and executive branch of the Government should give high priority to reducing the United States trade deficit.

DORGAN (AND WELLSTONE) AMENDMENT NO. 2972

(Ordered to lie on the table.)

Mr. DORGAN (for himself and Mr. WELLSTONE) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

On page 48, strike lines 1 through 15 and insert the following:

SEC. 212. SENSE OF THE SENATE REGARDING BUREAU OF INDIAN AFFAIRS SCHOOL CONSTRUCTION TRUST FUND.

It is the sense of the Senate that the levels in this resolution assume that Congress should enact legislation this year that contains the following provision:

"SEC. ___. SCHOOL CONSTRUCTION TRUST FUND.

"(a) SHORT TITLE.—This section may be cited as the 'School Construction Trust Fund Act of 2000'.

"(b) ESTABLISHMENT OF TRUST FUND.—There is established in the Treasury of the United States a trust fund, to be known as the School Construction Trust Fund (in this section referred to as the 'Trust Fund'). The Trust Fund shall be administered by the Secretary of the Treasury.

"(c) DEPOSITS.—Funds made available under section 7(a)(3) of the Federal Reserve Act (12 U.S.C. 289(3)), as added by this section, shall be deposited in the Trust Fund in accordance with that section.

"(d) EXPENDITURE OF TRUST FUNDS.—The Secretary of the Treasury shall make the amount in the Trust Fund available to the Bureau of Indian Affairs, annually, to remain available until expended, for the construction, expansion, improvement, or repair of Bureau funded schools (as defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)).

"(e) SOURCE OF FUNDS.—Section 7(a) of the Federal Reserve Act (12 U.S.C. 289) is amended by adding at the end the following:

"'(3) TRANSFER OF FUNDS TO SCHOOL CONSTRUCTION TRUST FUND.—From any amount in the surplus fund of any Federal reserve bank, there shall be transferred to the School Construction Trust Fund established under the School Construction Trust Fund Act of 2000—

"'(A) a total of $300,000,000 in fiscal year 2001; and

"'(B) a total of $200,000,000 in each of fiscal years 2002 through 2005.'".

GRAMM AMENDMENT NO. 2973

Mr. GRAMM proposed an amendment to the concurrent resolution, S. Con. Res. 101, supra; as follows:

FEDERAL REVENUE TOTALS

On page 4, line 3, decrease the amount by $0.

On page 4, line 4, decrease the amount by $1.

On page 4, line 5, decrease the amount by $1.

On page 4, line 6, decrease the amount by $1.

On page 4, line 7, decrease the amount by $1.

On page 4, line 8, decrease the amount by $1.

FEDERAL REVENUE CHANGES

On page 4, line 12, increase the amount by $0.

On page 4, line 13, increase the amount by $1.

On page 4, line 14, increase the amount by $1.

On page 4, line 15, increase the amount by $1.

On page 4, line 16, increase the amount by $1.

On page 4, line 17, increase the amount by $1.

NEW BUDGET AUTHORITY

On page 4, line 21, increase the amount by $0.

On page 4, line 22, increase the amount by $1.

On page 4, line 23, increase the amount by $1.

On page 4, line 24, increase the amount by $1.

On page 4, line 25, increase the amount by $1.

On page 5, line 1, increase the amount by $1.

BUDGET OUTLAYS

On page 5, line 6, increase the amount by $0.

On page 5, line 7, increase the amount by $1.

On page 5, line 8, increase the amount by $1.

On page 5, line 9, increase the amount by $1.

On page 5, line 10, increase the amount by $1.

On page 5, line 11, increase the amount by $1.

NET INTEREST BUDGET AUTHORITY

On page 26, line 3, increase the amount by $0.

On page 26, line 7, increase the amount by $1.

On page 26, line 11, increase the amount by $1.

On page 26, line 15, increase the amount by $1.

On page 26, line 19, increase the amount by $1.

On page 26, line 23, increase the amount by $1.

NET INTEREST OUTLAYS

On page 26, line 4, increase the amount by $0.

On page 26, line 8, increase the amount by $1.

On page 26, line 12, increase the amount by $1.

On page 26, line 16, increase the amount by $1.

On page 26, line 20, increase the amount by $1.

On page 26, line 24, increase the amount by $1.

PUBLIC DEBT

On page 5, line 22, increase the amount by $0.

On page 5, line 23, increase the amount by $1.

On page 5, line 24, increase the amount by $1.

On page 5, line 25, increase the amount by $1.

On page 6, line 1, increase the amount by $1.

On page 6, line 2, increase the amount by $1.

DEBT HELD BY THE PUBLIC

On page 6, line 5, increase the amount by $0.

On page 6, line 6, increase the amount by $1.

On page 6, line 7, increase the amount by $1.

On page 6, line 8, increase the amount by $1.

On page 6, line 9, increase the amount by $1.

On page 6, line 10, increase the amount by $1.

TAX CUT

On page 29, line 3, increase the amount by $1.

On page 29, line 4, increase the amount by $1.

DEFICIT INCREASE

On page 5, line 14, increase the amount by $0.

On page 5, line 15, increase the amount by $1.

On page 5, line 16, increase the amount by $1.

On page 5, line 17, increase the amount by $1.

On page 5, line 18, increase the amount by $1.

On page 5, line 19, increase the amount by $1;

and insert the following:

SEC. ___. SENSE OF THE SENATE ON THE INTERNAL COMBUSTION ENGINE.

It is the sense of the Senate that the levels in this resolution assume that the Senate will not, on behalf of Vice President Al Gore, increase gasoline and diesel fuel taxes by $1.50 per gallon effective July 1, 2000, and by an additional $1.50 per gallon effective fiscal year 2005, as part of "a coordinated global program to accomplish the strategic goal of completely eliminating the internal combustion engine over, say, a twenty-five year period" since "their cumulative impact on the global environment is posing a mortal threat to the security of every nation that is more

deadly than that of any military enemy we are ever again likely to confront.''

BIDEN (AND OTHERS) AMENDMENT NO. 2974

(Ordered to lie on the table.)

Mr. BIDEN (for himself, Mr. HATCH, and Mr. CLELAND) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING SUPPORT FOR FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT AND FOR THE VIOLENT CRIME REDUCTION TRUST FUND.

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

(1) Our Federal, State, and local law enforcement officers provide essential services that preserve and protect our freedom and safety, and with the support of Federal assistance such as the Local Law Enforcement Block Grant program, the Juvenile Accountability Incentive Block Grant Program, the COPS Program, and the Byrne Grant program, State and local law enforcement officers have succeeded in reducing the national scourge of violent crime, illustrated by a violent crime rate that has dropped in each of the years since the fund was established.

(2) Assistance, such as the Violent Offender Incarceration/Truth in Sentencing Incentive Grants, provided to State corrections systems to encourage truth in sentencing laws for violent offenders has resulted in longer time served by violent criminals and safer streets for law abiding people across the Nation.

(3) Through a comprehensive effort by State and local law enforcement to attack violence against women, in concert with the efforts of dedicated volunteers and professionals who provide victim services, shelter, counseling, and advocacy to battered women and their children, important strides have been made against the national scourge of violence against women.

(4) Despite recent gains, the violent crime rate remains high by historical standards.

(5) Federal efforts to investigate and prosecute international terrorism and complex interstate and international crime are vital aspects of a national anticrime strategy, and should be maintained.

(6) The recent gains by Federal, State, and local law enforcement in the fight against violent crime and violence against women are fragile, and continued financial commitment from the Federal Government for funding and financial assistance is required to sustain and build upon these gains.

(7) The Violent Crime Reduction Trust Fund, enacted as a part of the Violent Crime Control and Law Enforcement Act of 1994, funds the Violent Crime Control and Law Enforcement Act of 1994, the Violence Against Women Act of 1994, and the Antiterrorism and Effective Death Penalty Act of 1996, without adding to the Federal budget deficit.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that the Federal Government's commitment to fund Federal law enforcement programs and programs to assist State and local efforts to combat violent crime, such as the Local Law enforcement Block Grant Program, the Juvenile Accountability Incentive Block Grant Program, the Violent Offender Incarceration/Truth in Sentencing Incentive Grants program, the Violence Against Women Act, the COPS Program, and the Byrne Grant program, shall be maintained, and that funding for the Violent Crime Reduction Trust Fund shall continue to at least fiscal year 2005.

BIDEN (AND OTHERS) AMENDMENT NO. 2975

(Ordered to lie on the table.)

Mr. BIDEN (for himself, Mr. HARKIN, Mr. ROBB, Mr. SCHUMER, and Mr. CLELAND) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING THE COPS PROGRAM.

(a) FINDINGS.—The Senate makes the following findings:

(1) State and local law enforcement officers provide essential services that preserve and protect our freedom and safety and, with the support of the Community Oriented Policing Service program (referred to in this section as the ''COPS program''), State and local law enforcement officers have succeeded in reducing the national scourge of violent crime.

(2) As a result of the assistance provided under the COPS program, our Nation's crime rate has reached its lowest level in more than a generation.

(3) As a result of the COPS program, State and local law enforcement agencies have received funds for more than 103,000 officers and more than 60,000 of those officers are on the beat, fighting crime, and improving the quality of life in our neighborhoods and schools.

(4) The COPS program has assisted in advancing community policing nationwide. Today, 87 percent of the Nation is served by a law enforcement agency that conducts community policing.

(5) All major national law enforcement and government organizations including the International Association of Chiefs of Police, the International Brotherhood of Police Officers, the Fraternal Order of Police, the National Sheriffs' Association, the National Troopers Coalition, the International Union of Police Associations, the Federal Law Enforcement Officers Association, the National Association of Police Organizations, the National Organization of Black Law Enforcement Executives, the Police Executive Research Forum, the Police Foundation, the Major Cities Chiefs, the United States Conference of Mayors, and the County Executives of America support the continuation and full funding of the COPS program through fiscal year 2005.

(6) The implementation of community policing as a law enforcement strategy is an important factor in the recent reduction of crime in our streets and communities. The national crime rate has fallen for an unprecedented 7½ years. The COPS program and the crime fighting strategies developed by the initiative have demonstrated the Nation's commitment to help reduce the crime rate to levels unseen for the past 25 years.

(7) Despite recent gains, crime is still too high in the United States. A violent crime is committed every 21 seconds, a woman raped every 6 minutes, and a person murdered every 31 minutes in the United States. We must continue to fight this battle against crime and violence and reinvest in the gains made by the COPS program.

(8) The COPS program has been at the forefront of addressing violence in our schools. During the past year, the COPS program has funded over 2,200 school resource officers and estimates that an additional 1,500 officers will be funded by the end of fiscal year 2000.

(9) More than $31,000,000 has been awarded to law enforcement agencies and school districts through the School Based Partnership and School Based Partnership 1999 grant programs. These funds have assisted agencies in fostering problem-solving partnerships with local communities and schools to address the catastrophic youth violence and delinquency crisis that has plagued our Nation.

(10) Communities throughout the United States desperately need the expertise and assistance that the COPS program provides through grants as well as training and technical assistance.

(11) The COPS program has experienced much success during the past 6 years, but our Nation still has a struggle ahead. The crime rate is down, but it is still too high. We must strengthen our commitment to public safety and continue the support that the COPS program provides to the law enforcement community.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume the commitment of the Federal Government to continue funding the COPS program, and that funding for the COPS program should continue at least through fiscal year 2005.

BAYH (AND OTHERS) AMENDMENT NO. 2976

(Ordered to lie on the table.)

Mr. BAYH (for himself, Mr. DOMENICI, Mr. BINGAMAN, Mr. BREAUX, Mr. EDWARDS, Mr. SESSIONS, Mr. GRAHAM, Mr. CLELAND, Ms. LANDRIEU, Mr. JOHNSON, Mr. LIEBERMAN, Mr. LUGAR, and Mr. ABRAHAM) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING THE PROMOTION OF RESPONSIBLE FATHERHOOD.

(a) FINDINGS.—The Senate finds that—

(1) 40 percent of children who live in households without a father have not seen their father in at least 1 year and 50 percent of such children have never visited their father's home;

(2) approximately 50 percent of all children born in the United States spend at least ½ of their childhood in a family without a father figure;

(3) nearly 20 percent of children in grades 6 through 12 report that they have not had a meaningful conversation with even 1 parent in over a month;

(4) 3 out of 4 adolescents report that ''they do not have adults in their lives that model positive behaviors'';

(5) many of the United States' leading experts on family and child development agree that it is in the best interest of both children and the United States to encourage more two-parent, father-involved families to form and endure;

(6) it is important to promote responsible fatherhood and encourage loving and healthy relationships between parents and their children in order to increase the chance that children will have two caring parents to help them grow up healthy and secure and not to—

(A) denigrate the standing or parenting efforts of single mothers, whose efforts are heroic;

(B) lessen the protection of children from abusive parents;

(C) cause women to remain in or enter into abusive relationships; or

(D) compromise the health or safety of a custodial parent;

(7) children who live apart from their biological father are, in comparison to other children—

(A) 5 times more likely to live in poverty;

(B) more likely to bring weapons and drugs into the classroom;

(C) twice as likely to commit crime;

(D) twice as likely to drop out of school;

(E) twice as likely to be abused;

(F) more likely to commit suicide;

(G) more than twice as likely to abuse alcohol or drugs; and

(H) more likely to become pregnant as teenagers;

(8) the Federal Government spends billions of dollars to address these social ills and very little to address the causes of such social ills;

(9) violent criminals are overwhelmingly males who grew up without fathers and the best predictor of crime in a community is the percentage of absent father households;

(10) compared with Great Britain, Canada, Australia, Germany, and Italy, the United States has the highest percentage of single parent households with dependent children;

(11) the number of children living with only a mother increased from just over 5,000,000 in 1960, to 17,000,000 in 1999, and between 1981 and 1991 the percentage of children living with only 1 parent increased from 19 percent to 25 percent;

(12) between 20 percent and 30 percent of families in poverty are headed by women who have suffered domestic violence during the past year and between 40 percent and 60 percent of women with children who receive welfare were abused at some time in their life;

(13) responsible fatherhood should always recognize and promote values of nonviolence;

(14) child support is an important means by which a parent can take financial responsibility for a child and emotional support is an important means by which a parent can take social responsibility for a child; and

(15) because children learn by example, community programs that help mold young men into positive role models for their children need to be encouraged.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that the legislation implementing this concurrent resolution on the budget should include provisions that—

(1) encourage the Senate to take action to address the issue of fatherlessness by holding hearings and considering legislation on the Senate floor before June 18, 2000, Father's Day;

(2) encourage States in, not restrict them from, the implementation of programs that provide support for responsible fatherhood, strengthen fragile families, and promote married two-parent families; and

(3) implement programs that encourage media campaigns by States and community organizations that are targeted to promote responsible fatherhood, strengthen fragile families, and promote the maintenance of married two-parent families.

LANDRIEU AMENDMENTS NOS. 2977–2979

(Ordered to lie on the table.)

Ms. LANDRIEU submitted three amendments intended to be proposed by her to the concurrent resolution, S. Con. Res. 101, supra; as follows:

AMENDMENT NO. 2977

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING SPENDING FOR PROGRAMS RELATING TO CHILDREN.

(a) FINDINGS.—The Senate finds that—

(1) only 50 percent of the children in the United States who are eligible for assistance under the Head Start Act (42 U.S.C. 9831 et seq.) receive the assistance;

(2)(A) only 10 percent of the children from families eligible for Federal child care assistance receive the assistance; and

(B) no State serves all of the families eligible for Federal child care assistance, as determined under Federal guidelines;

(3) only 49 percent of children who live in poverty, and who are eligible for food stamp assistance under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), receive the food stamps; and

(4) only 41 children out of every 100 children who live in poverty in the United States received assistance in 1998 under part A of title IV of the Social Security Act (42 U.S.C. 601), relating to temporary assistance for needy families, the lowest percent of such children receiving assistance under that part for any year since 1970.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that—

(1) the needs of the children in the United States are of paramount importance to the Nation's future; and

(2) programs that provide assistance for children, including assistance described in subsection (a), should be funded at their currently authorized levels.

AMENDMENT NO. 2978

At the end of title III, add the following:

SEC. ___. SENSE OF THE SENATE REGARDING MULTIYEAR PROCUREMENTS UNDER MAJOR DEFENSE ACQUISITION PROGRAMS.

It is the sense of Congress that the levels in this resolution assume that—

(1) the Secretary of Defense should study the utility of shifting to a multiyear procurement system for procurements under major defense acquisition programs;

(2) the Secretary of Defense should identify a major defense acquisition program and carry out a pilot project for multiyear procurement under that program; and

(3) the results of the pilot project should be used to determine the advisability of shifting to multiyear procurements for all major defense acquisition programs.

AMENDMENT NO. 2979

At the end of title III, add the following:

SEC. ___. SENSE OF CONGRESS REGARDING FUNDING FOR THE PARTICIPATION OF MEMBERS OF THE UNIFORMED SERVICES IN THE THRIFT SAVINGS PLAN.

It is the sense of Congress that the levels of funding for the defense category in this resolution—

(1) assume that members of the Armed Forces are to be authorized to participate in the Thrift Savings Plan; and

(2) provide the $980,000,000 necessary to offset the reduced tax revenue resulting from that participation through fiscal year 2009.

CLELAND (AND OTHERS) AMENDMENT NO. 2980

(Ordered to lie on the table.)

Mr. CLELAND (for himself, Mr. MIKULSKI, Mr. COVERDELL, Mr. KENNEDY, Mr. BINGMAN, Mrs. MURRAY, and Mr. DURBIN) submitted an amendment intended to be proposed by them to the concurrent reslution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) FINDINGS.—The Senate finds that—

(1) as the Nation's prevention agency, the Centers for Disease Control and Prevention leads the public health response to bioterrorist attacks, infectious diseases, foodborne pathogen outbreaks, and other public health threats against our citizens;

(2) the Centers for Disease Control and Prevention's environmental health laboratory is responsible for providing critical laboratory response to potential chemical weapon terrorist attacks as well as responding to emergencies involving large-scale exposures to toxic chemicals;

(3) research on the smallpox virus, which may be used as a bioterrorist agent, is consuming one-half of the Biosafety Level 4 ''Hot Lab'' space leaving little room for research on other deadly pathogens;

(4) the Centers for Disease Control and Prevention is constantly engaged in multiple overlapping epidemic investigations, such as the West Nile-like virus in the eastern United States, the Nipah virus in Malaysia, and the Ebola virus in Africa, which require the majority of the current infectious disease fighting capacity of the Centers; and

(5) the Centers for Disease Control and Prevention is facing a potential national security and public health crisis because of its current antiquated and dilapidated infrastructure.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the level in this resolution assume that—

(1) the critical role of the Centers for Disease Control and Prevention in detecting and preventing national security-related and other threats to public health emphasizes the need for Congress to increase the current construction funding level to $175,000,000; and

(2) without adequate and safe buildings and laboratories, the Centers for Disease Control and Prevention can not recruit or retain needed scientists, ensure the safety of employees and citizens, or be sure of its ability to fulfill its goals and mission.

CLELAND (AND OTHERS) AMENDMENT NO. 2981

(Ordered to lie on the table.)

Mr. CLELAND (for himself, Ms. MIKULSKI, and Mr. AKAKA) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, add the following:

SEC. ___. SENSE OF THE SENATE FOR THE ESTABLISHMENT OF A LONG-TERM HEALTH CARE INSURANCE PROGRAM FOR FEDERAL EMPLOYEES, POSTAL WORKERS, MEMBERS OF THE FOREIGN SERVICE, UNIFORMED SERVICES AND RESERVE.

(a) FINDINGS.—The Senate finds that—

(1) almost 6,000,000 Americans aged 65 years or older currently need long-term health care;

(2) the cost of nursing home care now exceeds $40,000 per year in many parts of the Nation, and home health visits for nursing care or physical therapy cost $100 per visit;

(3) 41 percent of women in caregiver roles quit their jobs or take family medical leave to care for a frail older parent or parent-in-law;

(4) many Americans mistakenly believe that Medicare and their regular health insurance cover long-term health care and assistive living needs; and

(5) by providing a Federal employer-based long-term health care program to Federal employees, postal workers, members of the Foreign Service, uniformed services, Reserve and National Guard, retirees of applicable agencies, and the spouses, parents, and parents-in-law of such employees, members, and retirees, millions of Americans will have the opportunity to buy long-term health care insurance.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that, during the 2d session of the 106th Congress, it is imperative to enact legislation to establish a Federal employer-based long-term health care program to address the long-term health care and assistive care needs of an aging America.

FEINSTEIN AMENDMENT NO. 2982

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF SENATE ON ENVIRONMENTAL RESTORATION AT MILITARY INSTALLATIONS APPROVED FOR CLOSURE UNDER THE BASE CLOSURE LAWS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Department of Defense has a responsibility to ensure the timely and safe completion of environmental restoration at military installations approved for closure under the base closure laws.

(2) The goal of the environmental restoration process under the base closure laws is to facilitate economic reuse and development of the property at military installations approved for closure under such laws by the communities in the vicinity of such installations.

(3) The Department of Defense has identified 2,742 sites at military installations approved for closure under the base closure laws that require additional environmental restoration.

(4) The Department of Defense has spent $3,680,000,000 for environmental restoration at military installations approved for closure under the base closure laws.

(5) The Department of Defense estimates that an additional $3,100,000,000 will be necessary to complete environmental restoration at such installations.

(6) In fiscal year 2000, Congress appropriated only $346,400,000 for environmental restoration at military installations approved for closure under the base closure laws, an amount equal to half the amount appropriated for fiscal year 1999 for environmental restoration at such installations.

(b) SENSE OF SENATE.—It is the sense of the Senate that the levels in this resolution assume that Congress should provide not less than $700,000,000 for fiscal year 2001 for environmental restoration at military installations approved for closure under the base closure laws.

HUTCHISON (AND OTHERS) AMENDMENT NO. 2983

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself, Mr. SMITH of New Hampshire, Mr. BREAUX, and Mr. COCHRAN) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 191, supra; as follows:

At the end of title III, add the following:

SEC. ___. SENSE OF THE SENATE REGARDING MARGINAL WELL TAX CREDITS.

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

(1) The United States now imports over 55 percent of its daily oil consumption from overseas.

(2) This level of foreign dependence represents a significant economic and strategic threat to the United States and contributes to the power of the Organization of Petroleum Exporting Countries (OPEC) and to the volatility of world oil prices and supply.

(3) The production of oil from marginal wells in the United States, those that produce less than 15 barrels of oil per day and an average of less than 3 barrels of oil per day, accounts for about 20 percent of the Nation's domestic, on-shore production, or about the same amount of oil the United States imports from Saudi Arabia.

(4) During the 1997 to 1999 oil price crash, when the price of oil fell below $10 a barrel, an estimated 150,000 marginal oil and gas wells were capped or permanently plugged because the largely small, independent producers who own these wells lost money on their operation and could no longer afford to keep the wells open.

(5) This loss of marginal well production caused a loss of between 300,000 and 400,000 barrels of daily United States oil production and significant natural gas production, caused an estimated 65,000 American jobs to be lost, and severely impacted numerous American communities in oil producing regions of the country.

(6) Despite the relatively high price of oil today, independent producers are still unable to re-activate these marginal wells because of the high cost of doing so and the lack of assurance that they will not again lose money if the price of oil again falls below the break-even range of $14 to $17 per barrel.

(7) Repeated ''boom-and-bust'' cycles like this have contributed to the continued decline of the ability of the United States to supply its own energy needs and to the resulting growing dependence on foreign oil.

(8) Supporting marginal well production during periods of low oil prices through counter-cyclical tax code policies makes sound economic sense and is a part of the long-term solution to the Nation's growing reliance on foreign oil and rapidly growing need for natural gas.

(9) Support for marginal well production does not raise significant environmental or public land use concerns since such support targets oil and gas production primarily where it already takes place.

(10) Supporting a marginal well tax credit like that proposed in S. 2265, the Marginal Well Preservation Act, represents a relatively low-cost way to support this key component of the Nation's domestic energy production and will help to preserve American jobs, schools, and communities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that Congress provide for tax incentives to support the production of oil and natural gas from ''marginal'' wells that produce less than 15 barrels of oil per day (and a corresponding level of natural gas) by enacting a tax credit for a maximum of $3 per barrel for the first 3 barrels of daily production from an existing marginal oil well, to be fully effective when the price of oil reaches $14 per barrel (with a corresponding level and trigger for any existing marginal natural gas well).

JEFFORDS (AND OTHERS) AMENDMENT NO. 2984

(Ordered to lie on the table.)

Mr. JEFFORDS (for himself, Mr. DODD, Mr. STEVENS, Mr. KENNEDY, Ms. COLLINS, Mr. FEINGOLD, Mr. L. CHAFEE, Mr. HARKIN, Mr. LEAHY, Mr. KOHL, Ms. MIKULSKI, and Ms. SNOWE) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

On page 4, line 4, decrease the amount by $2,000,000,000.

On page 4, line 5, decrease the amount by $4,000,000,000.

On page 4, line 6, decrease the amount by $6,000,000,000.

On page 4, line 7, decrease the amount by $8,000,000,000.

On page 4, line 8, decrease the amount by $11,000,000,000.

On page 4, line 13, increase the amount by $2,000,000,000.

On page 4, line 14, increase the amount by $4,000,000,000.

On page 4, line 15, increase the amount by $6,000,000,000.

On page 4, line 16, increase the amount by $8,000,000,000.

On page 4, line 17, increase the amount by $11,000,000,000.

On page 4, line 22, increase the amount by $2,000,000,000.

On page 4, line 23, increase the amount by $4,000,000,000.

On page 4, line 24, increase the amount by $6,000,000,000.

On page 4, line 25, increase the amount by $8,000,000,000.

On page 5, line 1, increase the amount by $11,000,000,000.

On page 5, line 7, increase the amount by $2,000,000,000.

On page 5, line 8, increase the amount by $4,000,000,000.

On page 5, line 9, increase the amount by $6,000,000,000.

On page 5, line 10, increase the amount by $8,000,000,000.

On page 5, line 11, increase the amount by $11,000,000,000.

On page 18, line 7, increase the amount by $2,000,000,000.

On page 18, line 8, increase the amount by $2,000,000,000.

On page 18, line 11, increase the amount by $4,000,000,000.

On page 18, line 12, increase the amount by $4,000,000,000.

On page 18, line 15, increase the amount by $6,000,000,000.

On page 18, line 16, increase the amount by $6,000,000,000.

On page 18, line 19, increase the amount by $8,000,000,000.

On page 18, line 20, increase the amount by $8,000,000,000.

On page 18, line 23, increase the amount by $11,000,000,000.

On page 18, line 24, increase the amount by $11,000,000,000.

On page 29, line 3, decrease the amount by $2,000,000,000.

On page 29, line 4, decrease the amount by $31,000,000,000.

REID (AND DURBIN) AMENDMENT NO. 2985

Mr. REID (for himself, and Mr. DURBIN) proposed an amendment to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of the amendment add the following:

Notwithstanding any other provisions of this resolution the following numbers shall apply:

FEDERAL REVENUE TOTALS

On page 4, line 3, decrease the amount by $0.

On page 4, line 4, decrease the amount by $4,843,000,000.

On page 4, line 5, decrease the amount by $35,146,000,000.

On page 4, line 6, decrease the amount by $65,248,000,000.

On page 4, line 7, decrease the amount by $99,450,000,000.

On page 4, line 8, decrease the amount by $128,552,000,000.

FEDERAL REVENUE CHANGES

On page 4, line 12, increase the amount by $0.

On page 4, line 13, increase the amount by $4,843,000,000.

On page 4, line 14, increase the amount by $35,146,000,000.

On page 4, line 15, increase the amount by $65,248,000,000.

On page 4, line 16, increase the amount by $99,450,000,000.

On page 4, line 17, increase the amount by $128,552,000,000.

NEW BUDGET AUTHORITY

On page 4, line 21, increase the amount by $0.

On page 4, line 22, increase the amount by $136,000,000.

On page 4, line 23, increase the amount by $1,280,000,000.

On page 4, line 24, increase the amount by $4,186,000,000.

On page 4, line 25, increase the amount by $8,785,000,000.

On page 5, line 1, increase the amount by $15,334,000,000.

BUDGET OUTLAYS

On page 5, line 6, increase the amount by $0.

On page 5, line 7, increase the amount by $136,000,000.

On page 5, line 8, increase the amount by $1,280,000,000.

On page 5, line 9, increase the amount by $4,186,000,000.

On page 5, line 10, increase the amount by $8,785,000,000.

On page 5, line 11, increase the amount by $15,334,000,000.

NET INTEREST BUDGET AUTHORITY

On page 26, line 3, increase the amount by $0.

On page 26, line 7, increase the amount by $136,000,000.

On page 26, line 11, increase the amount by $1,280,000,000.

On page 26, line 15, increase the amount by $4,186,000,000.

On page 26, line 19, increase the amount by $8,785,000,000.

On page 26, line 23, increase the amount by $15,334,000,000.

NET INTEREST OUTLAYS

On page 26, line 4, increase the amount by $0.

On page 26, line 8, increase the amount by $136,000,000.

On page 26, line 12, increase the amount by $1,280,000,000.

On page 26, line 16, increase the amount by $4,186,000,000.

On page 26, line 20, increase the amount by $8,785,000,000.

On page 26, line 24, increase the amount by $15,334,000,000.

PUBLIC DEBT

On page 5, line 22, increase the amount by $0.

On page 5, line 23, increase the amount by $4,979,000,000.

On page 5, line 24, increase the amount by $36,426,000,000.

On page 5, line 25, increase the amount by $69,434,000,000.

On page 6, line 1, increase the amount by $108,235,000,000.

On page 6, line 2, increase the amount by $143,886,000,000.

DEBT HELD BY THE PUBLIC

On page 6, line 5, increase the amount by $0.

On page 6, line 6, increase the amount by $4,979,000,000.

On page 6, line 7, increase the amount by $36,426,000,000.

On page 6, line 8, increase the amount by $69,434,000,000.

On page 6, line 9, increase the amount by $108,235,000,000.

On page 6, line 10, increase the amount by $143,886,000,000.

TAX CUT

On page 29, line 3, increase the amount by $4,843,000,000.

On page 29, line 4, increase the amount by $333,239,000,000.

DEFICIT INCREASE

On page 5, line 14, increase the amount by $0.

On page 5, line 15, increase the amount by $4,979,000,000.

On page 5, line 16, increase the amount by $36,426,000,000.

On page 5, line 17, increase the amount by $89,434,000,000.

On page 5, line 18, increase the amount by $108,235,000,000.

On page 5, line 19, increase the amount by $143,886,000,000

WARNER (AND STEVENS) AMENDMENT NO. 2986

(Ordered to lie on the table.)

Mr. WARNER (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

On page 4, line 22, strike "$1,471,817,000,000" and insert "$1,475,817,000,000".

On page 5, line 7, strike "$1,447,795,000,000" and insert "$1,499,395,000,000".

On page 5, line 15, strike "$53,863,000,000" and insert "$52,263,000,000".

On page 43, line 10, strike "$306,819,000,000" and insert "$310,919,000,000".

FEINSTEIN AMENDMENT NO. 2987

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF SENATE ON ENVIRONMENTAL RESTORATION AT MILITARY INSTALLATIONS APPROVED FOR CLOSURE UNDER THE BASE CLOSURE LAWS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Department of Defense has a responsibility to ensure the timely and safe completion of environmental restoration at military installations approved for closure under the base closure laws.

(2) The goal of the environmental restoration process under the base closure laws is to facilitate economic reuse and development of the property at military installations approved for closure under such laws by the communities in the vicinity of such installations.

(3) The Department of Defense has identified 2,742 sites at military installations approved for closure under the base closure laws that require additional environmental restoration.

(4) The Department of Defense has spent $3,680,000,000 for environmental restoration at military installations approved for closure under the base closure laws.

(5) The Department of Defense estimates that an additional $3,100,000,000 will be necessary to complete environmental restoration at such installations.

(6) In fiscal year 2000, Congress appropriated only $346,400,000 for environmental restoration at military installations approved for closure under the base closure laws, an amount equal to half the amount appropriated for fiscal year 1999 for environmental restoration at such installations.

(b) SENSE OF SENATE.—It is the sense of the Senate that the levels in this resolution assume that Congress should provide not less than $700,000,000 for fiscal year 2001 for environmental restoration at military installations approved for closure under the base closure laws.

McCAIN (AND OTHERS) AMENDMENT NO. 2988

Mr. McCAIN (for himself, Mr. ROBB, and Mr. KERRY) proposed an amendment to the concurrent resolution, S. Con. Res. 101, supra; as follows:

On page 9, line 2, increase the amount by $2,500,000.

On page 9, line 3, increase the amount by $2,500,000.

On page 9, line 6, increase the amount by $10,000,000.

On page 9, line 7, increase the amount by $10,000,000.

On page 9, line 10, increase the amount by $6,000,000.

On page 9, line 11, increase the amount by $6,000,000.

On page 9, line 14, increase the amount by $4,200,000.

On page 9, line 15, increase the amount by $4,200,000.

On page 9, line 18, increase the amount by $2,800,000.

On page 9, line 19, increase the amount by $2,800,000.

On page 9, line 22, increase the amount by $2,000,000.

On page 9, line 23, increase the amount by $2,000,000.

On page 4, line 21, increase the amount by $2,500,000.

On page 4, line 22, increase the amount by $10,000,000.

On page 4, line 23, increase the amount by $6,000,000.

On page 4, line 24, increase the amount by $4,200,000.

On page 4, line 25, increase the amount by $2,800,000.

On page 5, line 1, increase the amount by $2,000,000.

On page 5, line 6, increase the amount by $2,500,000.

On page 5, line 7, increase the amount by $10,000,000.

On page 5, line 8, increase the amount by $6,000,000.

On page 5, line 9, increase the amount by $4,200,000.

On page 5, line 10, increase the amount by $2,800,000.

On page 5, line 11, increase the amount by $2,000,000.

On page 5, line 14, increase the amount by $2,500,000.

On page 5, line 15, increase the amount by $10,000,000.

On page 5, line 16, increase the amount by $6,000,000.

On page 5, line 17, increase the amount by $4,200,000.

On page 5, line 18, increase the amount by $2,800,000.

On page 5, line 19, increase the amount by $2,000,000.

COLLINS (AND DODD) AMENDMENT NO. 2989

(Ordered to lie on the table.)

Ms. COLLINS (for herself and Mr. DODD) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, add the following:

SEC. 3___. SENSE OF THE SENATE ON DISTRIBUTION OF EXCESS FEDERAL GASOLINE TAX REVENUES.

(a) FINDINGS.—The Senate finds that—

(1) on May 22, 1998—

(A) the Senate overwhelmingly approved the conference committee report on H.R. 2400, the Transportation Equity Act for the 21st Century, in a 88–5 roll call vote; and

(B) the House of Representatives approved the conference committee report on that bill in a 297–86 recorded vote;

(2) on June 9, 1998, the President signed that bill into law, thereby enacting Public Law 105–178;

(3) the Transportation Equity Act for the 21st Century (112 Stat. 107) is a comprehensive reauthorization of Federal highway and mass transit programs, authorizing approximately $216,000,000,000 in Federal transportation spending for fiscal years 1998 through 2003;

(4) the revenue aligned budget authority provision in section 110 of title 23, United States Code (as added by section 1105 of that Act (112 Stat. 130)) specifies that any excess Federal gasoline tax revenues shall be provided to the States in accordance with the formulas established by that Act and the amendments made by that Act; and

(5) the President's fiscal year 2001 budget request contains a proposal to distribute approximately $1,300,000,000 in excess Federal gasoline tax revenues in a manner that—

(A) is not consistent with section 110 of title 23, United States Code; and

(B) would deprive States of needed revenues.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution, and any legislation enacted pursuant to this resolution, assume that the proposal in the President's fiscal year 2001 budget request to change the manner in which any excess Federal gasoline tax revenues are distributed to the States will not be implemented, but rather that those excess revenues will be distributed to the States in accordance with section 110 of title 23, United States Code.

COLLINS (AND OTHERS) AMENDMENT NO. 2990

(Ordered to lie on the table.)

Ms. COLLINS (for herself, Mr. KENNEDY, Mr. SPECTER, Mr. JEFFORDS, Mr. LEAHY, Mr. HARKIN, Mr. BREAUX, Mr. GRAHAM, and Mr. WYDEN) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

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

SEC. 3___. SENSE OF THE SENATE ON HUNGER RELIEF.

(a) FINDINGS.—The Senate finds that—

(1) a broad range of current studies by the General Accounting Office, the Department of Agriculture, numerous State agencies, churches and synagogues and other direct service providers, the United States Conference of Mayors, academics, and foundations consistently document unacceptably high rates of hunger and food insecurity within the United States;

(2) in spite of record economic expansion, hunger continues;

(3) 1,200 religious, civic, social service, and community-based organizations that are active in every State in the United States on the local, State, and national levels have urged Congress to respond to existing needs with hunger relief legislation;

(4) bipartisan coalitions have formed in both the Senate and the House of the 106th Congress to support the Hunger Relief Act, introduced in both the House and Senate (S. 1805 and H.R. 3192), and to affirm that Congress did not intend for working families and children to face hunger and food insecurity; and

(5) ensuring access to adequate nutrition is necessary as a means of protecting the public and private investments made throughout the United States in educating our children, improving health care, and maintaining a productive workforce.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution, and any legislation enacted pursuant to this resolution, assume that—

(1) hunger relief is an urgent national priority that should be addressed in the levels and legislation; and

(2) Congress should enact legislation this year to enable low-income children and working families to have better access to—

(A) the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), including households that own a vehicle that would not disqualify the households for assistance in their State under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); and

(B) the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.).

COLLINS (AND OTHERS) AMENDMENT NO. 2991

(Ordered to lie on the table.)

Ms. COLLINS (for herself, Mr. BOND, Mr. REED, Mr. JEFFORDS, Mr. SANTORUM, Mr. ABRAHAM, Mr. DEWINE, Mr. BAUCUS, Mrs. Hutchison, Ms. MIKULSKI, Ms. SNOWE, Mr. BINGAMAN, and Mr. HELMS) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING PAYMENTS TO HOME HEALTH AGENCIES.

(a) FINDINGS.—The Senate makes the following findings:

(1) America's home health agencies provide invaluable services that have enabled a growing number of our most frail and vulnerable beneficiaries under the medicare program under title XVIII of the Social Security Act to avoid hospitals and nursing homes and to remain in the comfort and security of their own homes.

(2) A sharp rise in home health spending under the medicare program from 1989 to 1996 prompted Congress and the President, as part of the Balanced Budget Act of 1997 (in this section referred to as the ''BBA''), to initiate changes intended to slow this growth.

(3) The cuts in home health spending under the medicare program made by the BBA have been deeper and have affected more home health agencies than Congress intended.

(4) From fiscal year 1997 to fiscal year 1999, medicare home health spending dropped by almost 50 percent, from $17,800,000,000 to $9,700,000,000, surpassing the savings goals set by Congress for home health services under the BBA by a large margin.

(5) The dramatic payment cuts made by the BBA, coupled with overly burdensome new regulatory requirements, have—

(A) placed home health agencies in financial peril; and

(B) restricted the ability of these agencies to deliver much-needed care to medicare beneficiaries, particularly to those beneficiaries that are chronically ill and have complex care needs.

(6) Over 2,500 agencies (about ¼ of all home health agencies nationwide) have either closed or stopped serving medicare beneficiaries.

(7) According to a study by the Lewin Group conducted for the American Hospital Association, the spending cutbacks resulting from the enactment of the BBA have resulted in a 30.5 percent reduction in hospital-based home health services.

(8) An additional 15 percent reduction in payments to home health agencies under the medicare program is scheduled to go into effect on October 1, 2001.

(9) Implementation of an additional 15 percent reduction—

(A) would ring the death knell for low-cost, efficient home health agencies currently struggling to remain in business, thus reducing the access of medicare beneficiaries to critical home health services; and

(B) is unnecessary because we have already surpassed the savings targets set forth under the BBA.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this concurrent resolution on the budget assume that—

(1) the 15 percent reduction in payments to home health agencies under the medicare program under title XVIII of the Social Security Act should not go into effect, as scheduled, on October 1, 2001; and

(2) Congress and the President should work to provide sustainable payments to home health agencies under such program.

COLLINS (AND SCHUMER) AMENDMENT NO. 2992

(Ordered to lie on the table.)

Ms. COLLINS (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, add the following:

SEC. 3___. USE OF THE STRATEGIC PETROLEUM RESERVE.

(a) FINDINGS.—The Senate finds that—

(1) as Congress found in section 151(a) of the Energy Policy and Conservation Act (42 U.S.C. 6231(a)), the storage of substantial quantities of petroleum products will diminish the vulnerability of the United States to the effects of a severe energy supply interruption and provide limited protection from the short-term consequences of interruptions in supplies of petroleum products;

(2) the Secretary of Energy has authority under existing law to fill the Strategic Petroleum Reserve through time exchanges (''swaps'') by releasing oil from the Strategic Petroleum Reserve in times of supply shortage in exchange for the infusion of more oil into the Strategic Petroleum Reserve at a later date;

(3) the Organization of Petroleum Exporting Countries (''OPEC'') has created a worldwide supply shortage by choking off petroleum production by anticompetitive means; and

(4) at its meetings beginning on March 27, 2000, OPEC failed to increase petroleum production to a level sufficient to rebuild depleted inventories.

(b) SENSE OF THE SENATE CONCERNING USE OF THE STRATEGIC PETROLEUM RESERVE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) if the President determines that the supply of crude oil has been significantly diminished due to anticompetitive manipulation by foreign countries and a release of oil from the Strategic Petroleum Reserve under swapping arrangements would not jeopardize national security, the Secretary of Energy should, as soon as is practicable, use the authority under existing law to release oil from the Strategic Petroleum Reserve in an economically feasible way by means of swapping arrangements providing for future increases in Strategic Petroleum Reserve reserves;

(2) the Secretary of Energy should implement swapping arrangements at times when prices of fuel increase because of significant reductions in the production of crude oil and market conditions are favorable for swaps; and

(3) the President should immediately commission an interagency panel—

(A) to develop market data to increase the transparency of petroleum markets; and

(B) to determine—

(i) what quantities should be held in the Strategic Petroleum Reserve;

(ii) the appropriate uses of the Strategic Petroleum Reserve; and

(iii) whether the authority to release oil from the Strategic Petroleum Reserve should be modified to better address oil crisis like the one the U.S. faced during the winter of 1999 and 2000.

SPECTER AMENDMENTS NOS. 2993–2994

(Ordered to lie on the table.)

Mr. SPECTER submitted two amendments intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

AMENDMENT NO. 2993

On page 27, line 7, decrease the amount by $2,600,000,000.

On page 27, line 8, decrease the amount by $2,600,000,000.

On page 42, line 5, increase the amount by $2,600,000,000.

On page 43, line 14, increase the amount by $2,600,000,000.

AMENDMENT NO. 2994

On page 4, line 22, increase the amount by $1,600,000,000.

On page 5, line 7, increase the amount by $1,600,000,000.

On page 5, line 15, increase the amount by $1,600,000,000.

On page 19, line 7, increase the amount by $1,600,000,000.

On page 19, line 8, increase the amount by $1,600,000,000.

On page 27, line 7, decrease the amount by $1,600,000,000.

On page 27, line 8, decrease the amount by $1,600,000,000.

On page 42, line 5, increase the amount by $1,600,000,000.

On page 42, line 6, increase the amount by $1,600,000,000.

On page 43, line 14, increase the amount by $1,600,000,000.

On page 43, line 15, increase the amount by $1,600,000,000.

ASHCROFT (AND OTHERS) AMENDMENT NO. 2995

(Ordered to lie on the table.)

Mr. ASHCROFT (for himself, Mr. BAUCUS, Mr. CRAIG, and Mr. DORGAN) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE CONCERNING THE ENFORCEMENT OF TRADE AGREEMENTS MADE BY THE PEOPLE'S REPUBLIC OF CHINA

(a) FINDINGS.—The Senate finds that—

(1) the budget resolution assumes enforcement of United States trade and tariff laws, and the successful negotiation of bilateral and multilateral trade agreements between the United States and other governments;

(2) Congress may soon consider legislation that grants permanent normal trade relations (PNTR) status for China in light of the fact that China is seeking accession to the World Trade Organization (WTO);

(3) individual Senators may have differing views on the specific concessions made in the bilateral U.S.-China agreement, but it is agreed that the United States must have adequate means to enforce the agreement;

(4) farmers, ranchers, workers, and businesses in the United States should receive the benefits promised to them in U.S. trade agreements;

(5) there is substantial dissatisfaction across America's heartland with the United States' inability to enforce some trade commitments on agriculture—specifically, the European Union has a long history of trying to block bananas, U.S. beef, and other farm products;

(6) China has a history of not readily complying with past trade agreements; and,

(7) the U.S. Congress (which must make the ultimate decision about U.S.-China trade relations) needs to demonstrate to the American people that trade agreements are enforceable, not only in agriculture, but also in manufactured goods, services, intellectual property, wood products, textiles and other sectors.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that—

(1) Congress will take into account the concerns of those in the agricultural community and other industry sectors as it proceeds with consideration of permanent normal trade relations (PNTR) status for China;

(2) the President will demonstrate that the United States retains sufficient leverage to enforce the WTO commitments made by China in November 1999; and,

(3) the President will devote adequate resources to monitoring and enforcing Chinese compliance with the agreements made in connection with China's accession to the WTO.

BINGAMAN AMENDMENT NO. 2996

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF SENATE REGARDING ENHANCEMENT OF CAPACITY OF VETERANS BENEFITS ADMINISTRATION TO PROCESS BENEFITS CLAIMS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Veterans benefits serve to recognize service to the Nation, and also serve to mitigate economic disadvantages imposed by sacrifices made while serving.

(2) The Nation has 3,300,000 veterans or families that share approximately $18,500,000,000 in veterans pension and disability benefits annually through the Department of Veterans Affairs.

(3) Benefits have been promised to the Nation's veterans, and those promises must be honored.

(4) To remain effective, veterans benefits programs must be updated to reflect changes in hardships encountered during military service as well as changes in the economic and social circumstances of the Nation.

(5) The accurate and reliable assessment of service-connected disabilities has become an increasingly complex process, particularly with regard to evaluating the incidence and effects of Agent Orange, Persian Gulf Syndrome, and Post Traumatic Stress Disorders.

(6) The veterans benefits appeal process often involves repeated remands requiring additional processing that can occur over an extended length of time.

(7) Veterans benefits claims processing is undergoing a major technological transition from manual to electronic data filing and processing.

(8) The number of full-time equivalent (FTE) employees assigned to process veterans benefits claims has decreased significantly from 13,249 in 1995 to 11,254 in 1998.

(9) The pending workload for veterans benefits claims has increased dramatically during the same period from 378,366 cases in 1995 to 445,012 cases in 1998.

(10) Nationwide, veterans must wait an average of 159 days for their benefits claims to be resolved, and the National Performance Review has a goal of handling such claims in an average of 92 days.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, in order to ensure the efficient and timely processing of claims for veterans benefits by the Veterans Benefits Administration, the amounts made available to the Department of Veterans Affairs for fiscal year 2001 should be increased over amounts made available to the Department for fiscal year 2000—

(1) by $139,000,000, in order to permit the hiring by the Veterans Benefits Administration of an additional 287 full-time equivalent employees to perform duties relating to claims processing; and

(2) by $2,500,000, in order to implement the Systematic Technical Accuracy Review (STAR) Program to ensure the accuracy of work performed at Veterans Benefits Administration field stations.

BINGAMAN (AND OTHERS) AMENDMENT NO. 2997

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself, Mr. DODD, Mr. KENNEDY, Mr. HARKIN, and Mr. FEINGOLD) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

On page 4, line 4, increase the amount by $360,000,000.

On page 4, line 5, increase the amount by $5,680,000,000.

On page 4, line 6, increase the amount by $6,960,000,000.

On page 4, line 7, increase the amount by $7,100,000,000.

On page 4, line 8, increase the amount by $7,100,000,000.

On page 4, line 13, increase the amount by $360,000,000.

On page 4, line 14, increase the amount by $5,680,000,000.

On page 4, line 15, increase the amount by $6,960,000,000.

On page 4, line 16, increase the amount by $7,100,000,000.

On page 4, line 17, increase the amount by $7,100,000,000.

On page 4, line 22, increase the amount by $7,100,000,000.

On page 4, line 23, increase the amount by $7,100,000,000.

On page 4, line 24, increase the amount by $7,100,000,000.

On page 4, line 25, increase the amount by $7,100,000,000.

On page 5, line 1, increase the amount by $7,100,000,000.

On page 5, line 7, increase the amount by $360,000,000.

On page 5, line 8, increase the amount by $5,680,000,000.

On page 5, line 9, increase the amount by $6,960,000,000.

On page 5, line 10, increase the amount by $7,100,000,000.

On page 5, line 11, increase the amount by $7,100,000,000.

On page 18, line 7, increase the amount by $7,100,000,000.

On page 18, line 8, increase the amount by $360,000,000.

On page 18, line 11, increase the amount by $7,100,000,000.

On page 18, line 12, increase the amount by $5,680,000,000.

On page 18, line 15, increase the amount by $7,100,000,000.

On page 18, line 16, increase the amount by $6,960,000,000.

On page 18, line 19, increase the amount by $7,100,000,000.

On page 18, line 20, increase the amount by $7,100,000,000.

On page 18, line 23, increase the amount by $7,100,000,000.

On page 18, line 24, increase the amount by $7,100,000,000.

On page 29, line 3, decrease the amount by $360,000,000.

On page 29, line 4, decrease the amount by $27,200,000,000.

BINGAMAN (AND OTHERS) AMENDMENT NO. 2998

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself, Mr. BAUCUS, Mr. JOHNSON, and Mr. FEINGOLD) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

On page 4, line 4, increase the amount by $5,000,000.

On page 4, line 5, increase the amount by $18,500,000.

On page 4, line 6, increase the amount by $43,000,000.

On page 4, line 7, increase the amount by $50,000,000.

On page 4, line 8, increase the amount by $50,000,000.

On page 4, line 13, increase the amount by $5,000,000.

On page 4, line 14, increase the amount by $18,500,000.

On page 4, line 15, increase the amount by $43,000,000.

On page 4, line 16, increase the amount by $50,000,000.

On page 4, line 17, increase the amount by $50,000,000.

On page 4, line 22, increase the amount by $50,000,000.

On page 4, line 23, increase the amount by $50,000,000.

On page 4, line 24, increase the amount by $50,000,000.

On page 4, line 25, increase the amount by $50,000,000.

On page 5, line 1, increase the amount by $50,000,000.

On page 5, line 7, increase the amount by $5,000,000.

On page 5, line 8, increase the amount by $18,500,000.

On page 5, line 9, increase the amount by $43,000,000.

On page 5, line 10, increase the amount by $50,000,000.

On page 5, line 11, increase the amount by $50,000,000.

On page 18, line 7, increase the amount by $50,000,000.

On page 18, line 8, increase the amount by $5,000,000.

On page 18, line 11, increase the amount by $50,000,000.

On page 18, line 12, increase the amount by $18,500,000.

On page 18, line 15, increase the amount by $50,000,000.

On page 18, line 16, increase the amount by $43,000,000.

On page 18, line 19, increase the amount by $50,000,000.

On page 18, line 20, increase the amount by $50,000,000.

On page 18, line 23, increase the amount by $50,000,000.

On page 18, line 24, increase the amount by $50,000,000.

On page 29, line 3, decrease the amount by $5,000,000.

On page 29, line 4, decrease the amount by $166,500,000.

BURNS (AND OTHERS) AMENDMENT NO. 2999

(Ordered to lie on the table.)

Mr. BURNS (for himself, Mr. FRIST, Mr. GRAMS, Mr. HELMS, Mr. ENZI, Mr. CRAIG, Mr. ABRAHAM, and Mr. GRASSLEY) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE REPEAL OF THE MODIFICATION OF INSTALLMENT METHOD.

(a) FINDINGS.—The Senate finds that—

(1) on December 17, 1999, President Clinton signed into law the Ticket to Work and Work Incentives Improvement Act of 1999, which contained a provision that prohibits accrual method taxpayers from using the installment method when they sell an asset;

(2) the new law is having, and will continue to have, a dramatic negative impact on small business owners; and

(3) According to the National Federation of Independent Businesses, roughly 260,000 businesses a year are likely to be affected.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that—

(1) the Senate should consider modifying or repealing section 536(a) of the Ticket to Work and Work Incentives Improvement Act of 1999 (relating to the repeal of the installment method for accrual method taxpayers) to ensure that the provision does not deny the ability of small businesses to use the installment method with respect to sales and other dispositions occurring on or after the date of enactment of such Act.

TORRICELLI (AND ASHCROFT) AMENDMENT NO. 3000

(Ordered to lie on the table.)

Mr. TORRICELLI (for himself and Mr. ASHCROFT) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE ON AID FOR INDEPENDENT TRUCK DRIVERS.

(a) FINDINGS.—The Senate finds that—

(1) The price of diesel fuel in the United States is exorbitantly high, topping $2 per gallon in February, 2000;

(2) there are more than 250,000 independent truck drivers operating in the United States;

(3) independent truck drivers averaged less than $250 to fill their fuel tanks a year ago, but are paying an average of over $500 now;

(4) high diesel fuel prices are extremely harmful to independent truck drivers, who pay for their own fuel;

(5) many independent truck drivers are forced to dip into family savings to pay for

fuel, and some are being forced out of business, because they can't fill their tanks;

(6) the United States is reliant upon these independent truck drivers to deliver goods to the marketplace.

(7) independent truckers who are forced to park their rigs are unable to deliver goods to marketplace;

(8) high prices are forcing independent truck drivers off the road, and have the potential to harm our economy, not to mention, cripple the trucking industry, which is responsible for the transportation of commodities across the country;

(9) despite OPEC's recent announcement that it would raise oil production by 1.7 million barrels per day, which may stabilize prices by the end of the year, independent truck drivers have felt the effects of high diesel fuel prices for months, and stabilizing prices will not allow them to recover lost income;

(10) providing direct cash grants to independent truck drivers will prevent further damage to the trucking industry, and ensure the continued transportation of goods to the marketplace.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that significant funds will be made available to the Small Business Administration (SBA) in order to enable the SBA to meet the needs of independent truck drivers through emergency loans and grant programs.

TORRICELLI (AND OTHERS) AMENDMENT NO. 3001

(Ordered to lie on the table.)

Mr. TORRICELLI (for himself, Mr. EDWARDS, Mr. LAUTENBERG, and Mr. ROBB) submitted an amendment intended to be propsed by them to the concurrent resolution, S. Con. Res 101, supra; as follows:

On page 4, line 4, increase the amount by $52,000,000.

On page 4, line 5, increase the amount by $63,000,000.

On page 4, line 6, increase the amount by $74,000,000.

On page 4, line 7, increase the amount by $35,000,000.

On page 4, line 8, increase the amount by $18,000,000.

On page 4, line 13, increase the amount by $52,000,000.

On page 4, line 14, increase the amount by $63,000,000.

On page 4, line 15, increase the amount by $74,000,000.

On page 4, line 16, increase the amount by $35,000,000.

On page 4, line 17, increase the amount by $18,000,000.

On page 4, line 22, increase the amount by $250,000,000.

On page 5, line 7, increase the amount by $52,000,000.

On page 5, line 8, increase the amount by $63,000,000.

On page 5, line 9, increase the amount by $74,000,000.

On page 5, line 10, increase the amount by $35,000,000.

On page 5, line 11 increase the amount by $18,000,000.

On page 17, line 6, increase the amount by $250,000,000.

On page 17, line 7, increase the amount by $52,000,000.

On page 17, line 11, increase the amount by $63,000,000.

On page 17, line 15, increase the amount by $74,000,000.

On page 17, line 19, increase the amount by $35,000,000.

On page 17, line 23, increase the amount by $18,000,000.

On page 29, line 3, decrease the amount by $52,000,000.

On page 29, line 4, decrease the amount by $242,000,000.

MURRAY (AND OTHERS) AMENDMENT NO. 3002

(Ordered to lie on the table.)

Mrs. MURRAY (for herself, Mr. DORGAN, Mr. JEFFORDS, Mr. LEVIN, Mr. CONRAD, Mr. BURNS, Mr. MOYNIHAN, and Mr. SCHUMER) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert:

The Senate finds that the number of trucks and planes bringing commercial goods across the Northern Border has increased by 25% between 1998 and 1999. No new Custom Inspector positions have been authorized for the Northern Border since 1996 and only 26 percent of Immigration Inspectors are on the Northern Border;

The Senate finds that our Northern Border (excluding Alaska) extends almost 4,000 miles. But last year, this border only had about 300 agents—about one agent for every thirteen miles of border. In comparison, the Southwest Border is 2,000 miles and had 8,000 agents—four agents for every mile;

The Senate finds that many ports on the Northern Border can barely cover core operations and regular shifts without resorting to significant amounts of overtime for all inspectors. Many additional enforcement efforts aimed at specific anti-drug initiatives and outbound programs have been abandoned;

The Senate finds that border agents in Washington state apprehended a potentially dangerous terrorist entering the country from Canada this past December with bomb making equipment and explosive materials that could have caused enormous devastation;

The Senate finds that this incident led to a heightened state of alert on the Northern Border throughout the 1999/2000 holiday season requiring the redeployment of over 700 inspectors from other areas of the country; and

The Senate finds that the lack of adequate frontline Customs Inspectors and Immigration and Naturalization personnel at our ports of entry greatly increases the risk of terrorist products, illicit drugs and other dangerous contraband coming into our country and hinders legitimate trade.

1. It is the sense of the Senate that the functional totals in this resolution assume that the Senate should provide additional funding to increase U.S. Customs Service and U.S. Immigration and Naturalization Service personnel at the Northern Border.

STEVENS (AND OTHERS) AMENDMENT NO. 3003

(Ordered to lie on the table.)

Mr. STEVENS (for himself, Mr. KENNEDY, Mr. JEFFORDS, Mr. LAUTENBERG, Mr. BOND, Mrs. MURRAY, Mr. COCHRAN, Mr. KERRY, Mr. DODD, Mr. L. CHAFEE, Mr. REED, Mr. WARNER, Mr. DURBIN, and Mr. SMITH of Oregon) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res 101, supra; as follows:

At the end of title II, insert the following:

SEC. . RESERVE FUND FOR EARLY LEARNING AND PARENT SUPPORT PROGRAMS.

(a) ADJUSTMENT.—When the Committee on Education and Workforce of the House of Representatives or the Committee on Health, Education, Labor, and Pensions of the Senate reports a bill, an amendment is offered in the House of Representatives or the Senate, or a conference report is filed that improves opportunities at the local level or early learning, brain development, and school readiness for young children from birth to age 6 and offers support programs for such families, particularly those with special needs such as mental health issues and behavorial disorders, the relevant chairman of the Committee on the Budget may increase the allocation aggregates, functions, totals, and other budgetary totals in the resolution by the amount of budget authority (and the outlays resulting thereform) provided by the legislation for such purpose in accordance with subsection (b) if the legislation does not cause an on-budget deficit.

(b) LIMITATIONS.—The adjustments to the aggregates and totals pursuant to subsection (a) shall not exceed $8,500,000,000 on budget authority (and the outlays resulting thereform) for the period fiscal year 2001 and 2005.

KENNEDY AMENDMENTS NOS. 3004–3005

(Ordered to lie on the table.)

Mr. KENNEDY submitted two amendments, intended to be proposed by him to the concurrent resolution, S. Con. Res 101, supra; as follows:

AMENDMENT NO. 3004

At the appropriate place, insert:

SEC. . RESERVE FUND FOR MEDICARE AND MEDICAID.

(a) IN GENERAL.—In the Senate, aggregates, allocations functional totals, and other budgetary levels and limits may be revised in an amount up to $20 billion for fiscal years 2001 through 20 for legislation to assure adequate payments to community hospitals, teaching hospitals, nursing homes, health centers, home health agencies and others who provide quality health care services to Medicare and Medicaid beneficiaries, provided that the enactment of that legislation will not cause an on-budget deficit for—

(1) fiscal year 2001; or

(2) the period of fiscal years 2001 through 2005.

(b) REVISED LEVELS.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregations shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

AMENDMENT NO. 3005

On page 4, line 4, increase the amount by $5,500,000,000.

On page 4, line 5, increase the amount by $4,500,000,000.

On page 4, line 6, increase the amount by $4,000,000,000.

On page 4, line 7, increase the amount by $3,000,000,000.

On page 4, line 8, increase the amount by $3,000,000,000.

On page 4, line 13, increase the amount by $5,500,000,000.

On Page 4, line 14, increase the amount by $4,500,000,000.

On page 4, line 15, increase the amount by $4,000,000,000.

On page 4, line 16, increase the amount by $3,000,000,000.

On page 4, line 17, increase the amount by $3,000,000,000.

On page 4, line 22, increase the amount by $5,500,000,000.

On page 4, line 23, increase the amount by $4,500,000,000.

On page 4, line 24, increase the amount by $4,000,000,000.

On page 4, line 25, increase the amount by $3,000,000,000.

On page 5, line 1, increase the amount by $3,000,000,000.

On page 5, line 7, increase the amount by $5,500,000,000.

On page 5, line 8, increase the amount by $4,500,000,000.

On page 5, line 9, increase the amount by $4,000,000,000.

On page 5, line 10, increase the amount by $3,000,000,000.

On page 5, line 11, increase the amount by $3,000,000,000.

On page 20, line 7, increase the amount by $5,500,000,000.

On page 20, line 8, increase the amount by $5,500,000,000.

On page 20, line 11, increase the amount by $4,500,000,000.

On page 20, line 12, increase the amount by $4,500,000,000.

On page 20, line 15, increase the amount by $4,000,000,000.

On page 20, line 16, increase the amount by $4,000,000,000.

On page 20, line 19, increase the amount by $3,000,000,000.

On page 20, line 20, increase the amount by $3,000,000,000.

On page 20, line 23, increase the amount by $.

On page 20, line 24, increase the amount by $.

On page 29, line 3, decrease the amount by $.

On page 29, line 4, decrease the amount by $.

CLELAND (AND OTHERS) AMENDMENT NO. 3006

(Ordered to lie on the table.)

Mr. CLELAND (for himself, Mr. ENZI, Mr. HOLLINGS, and Mr. GRAHAM) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, add the following:

SEC. ___. SENSE OF THE SENATE TO SUPPORT THE INTEGRITY OF STATE TAX LAWS AND A LEVEL PLAYING FIELD FOR BUSINESSES.

(a) FINDINGS.—The Senate finds that—

(1) the Constitution reserves for the States the right to collect and impose taxes;

(2) 45 States and the District of Columbia collect over 40 percent of overall revenue from sales taxes to fund vital public services, such as education, social services, emergency services, infrastructure development, and local healthcare;

(3) Internet sales are estimated to grow into the hundreds of billions of dollars in the next few years;

(4) businesses who choose not to go on-line should not be at a competitive tax disadvantage to on-line businesses; and

(5) the Advisory Commission on Electronic Commerce was unable to reach an agreement by the statutorily required minimum of two-thirds of the Commissioners for valid recommendations and findings on the treatment of retail sales transactions conducted over the Internet.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the levels in this resolution assume that the Federal Government respects the sovereignty of States to determine their taxes and tax structures, including the taxation of goods and services sold by all businesses and the establishment of a level playing field between traditional ''brick-and-mortar'' retailers and new Internet ''e-tailers.''

KYL AMENDMENT NO. 3007

(Ordered to lie on the table.)

Mr. KYL submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING FREEDOM OF HEALTH CARE CHOICE FOR MEDICARE BENEFICIARIES.

(a) FINDINGS.—The Senate makes the following findings:

(1) Beneficiaries under the medicare program under title XVIII of the Social Security Act do not have the same right to obtain health care from the provider of their choice as do Members of Congress and virtually all other Americans.

(2) As a result of the 2-year opt-out provision of the Balanced Budget Act of 1997, medicare beneficiaries must decide between the right to choose their own doctor and the right to protect their medical records.

(3) Legislation protecting health care choice is timely for the following 2 reasons:

(A) In the Health Care Financing Administration's January 1998 ''Carriers Program Memorandum'', the agency carves out a circumstance under which a physician or practitioner who has not opted-out of medicare for 2 years may not file a claim where ''the beneficiary, for reasons of his or her own, declines to authorize the physician or practitioner to submit a claim or to furnish confidential medical information to the medicare program that is needed to submit a proper claim.''.

(B) In the July 20, 1999, testimony on its current medicare report to Congress, the Comptroller General of the United States, David Walker, concluded that the Health Care Financing Administration lacks the ability to properly guard medicare beneficiaries' medical records, ''continues to have vulnerabilities in its information management systems'', and ''lacks the ability to readily provide beneficiaries with an accounting of disclosures or misuse in violation of the Privacy Act of 1974.''.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this concurrent resolution on the budget assume that Congress and the President should enact legislation that—

(1) codifies the Health Care Financing Administration's directive to provide beneficiaries under the medicare program under title XVIII of the Social Security Act permanent and unambiguous choice of their treatments, doctors, and reimbursement arrangements;

(2) goes beyond the Health Care Financing Administration's directive by specifying that, in order to prevent abuses, such an arrangement can only be entered into ''if the beneficiary and the physician or practitioner enter into a written contract that includes a statement of the beneficiary's desire to withhold such authorization.'';

(3) provides this protection for medicare beneficiaries now, whether or not the Health Care Financing Administration is able to implement the recommendations of the General Accounting Office, and also whether or not Congress enacts comprehensive medical records reform legislation;

(4) provides that medicare beneficiaries have the right to see the physician or health care provider of their choice, and not be limited in such right by the imposition of unreasonable conditions on providers who are willing to provide medicare beneficiaries with this choice; and

(5) ensures medicare beneficiaries the right of health care choice.

KYL (AND KERREY) AMENDMENT NO. 3008

(Ordered to lie on the table.)

Mr. KYL (for himself and Mr. KERREY) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE REGARDING ESTATE TAXES.

(a) FINDINGS.—The Senate finds that—

(1) the Internal Revenue Code allows a taxpayer to defer the recognition of capital gains earned from the involuntary conversion of property relating to theft, destruction, seizure, requisition, or condemnation, so that no tax is imposed until the property is sold;

(2) gains earned on property that is transferred by virtue of the owner's death are not eligible for such deferral as allowed for property that is involuntarily converted, and the entire value of the property is subject instead to an estate tax rate as high as 55 percent; and

(3) in order to prepare for and pay the estate tax, numerous small businesses must liquidate all or part of their assets, while others are drained of the capital they need to invest in the research and development, new equipment, and new workers that would otherwise keep them competitive in the marketplace.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) Congress should pass legislation providing estate tax relief, and should consider replacing the Federal estate tax with a tax on the gain attributable to inherited assets due when those assets are sold;

(2) that the tax basis in such property used to determine tax liability should be the decedent's basis; and

(3) that a limited step-up in basis should be preserved for small estates so that they are not subject to a new tax burden as a result of these changes.

STEVENS (AND OTHERS) AMENDMENT NO. 3009

Mr. STEVENS (for himself, Mr. INOUYE, and Mr. COCHRAN) proposed an amendment to the concurrent resolution, S. Con. Res. 101, supra; as follows:

On page 45, line 7 strike ''$14,200,000,000'' and all that follows through page 47, line 25 and insert in lieu thereof:

''$23,000,000,000.

''(c) SUNSET.—This section shall expire effective October 1, 2002.''

COVERDELL AMENDMENT NO. 3010

Mr. COVERDELL proposed an amendment to amendment No. 2965 proposed by Mr. ROBB to the concurrent resolution, S. Con. Res. 101, supra; as follows:

On page 4, line 4, increase the amount by $1.

On page 4, line 5, increase the amount by $1.

On page 4, line 6, increase the amount by $1.

On page 4, line 7, increase the amount by $1.

On page 4, line 8, increase the amount by $1.

On page 4, line 13, increase the amount by $1.

On page 4, line 14, increase the amount by $1.

On page 4, line 15, increase the amount by $1.

On page 4, line 16, increase the amount by $1.

On page 4, line 17, increase the amount by $1.

On page 4, line 22, increase the amount by $1.

On page 4, line 23, increase the amount by $1.

On page 4, line 24, increase the amount by $1.

On page 4, line 25, increase the amount by $1.

On page 5, line 1, increase the amount by $1.

On page 5, line 7, increase the amount by $1.

On page 5, line 8, increase the amount by $1.

On page 5, line 9, increase the amount by $1.

On page 5, line 10, increase the amount by $1.

On page 5, line 11, increase the amount by $1.

On page 18, line 7, increase the amount by $1.

On page 18, line 8, increase the amount by $1.

On page 18, line 11, increase the amount by $1.

On page 18, line 12, increase the amount by $1.

On page 18, line 15, increase the amount by $1.

On page 18, line 16, increase the amount by $1.

On page 18, line 19, increase the amount by $1.

On page 18, line 20, increase the amount by $1.

On page 18, line 23, increase the amount by $1.

On page 18, line 24, increase the amount by $1.

On page 29, line 3, decrease the amount by $1.

On page 29, line 4, decrease the amount by $1.

On page 29, after line 5, insert the following:

In lieu of the language proposed to be inserted, insert the following:

SEC. . (a) The Senate finds that on March 2, 2000, the Senate passed S. 1134, by a vote of 61–37, the Affordable Education Act of 2000, which—

(a) authorizes up to 2.5 billion dollars a year in new bond authority to allow public-private partnerships to build new schools;

(2) allows small school districts to build more schools by providing them greater flexibility in dealing with complex IRS regulations;

(3) allows 14,000,000 families or 20,000,000 children to benefit from Education Savings Accounts, which would generate $12,000,000,000 in new resources for kindergarten through college education;

(4) allows 1,000,000 college students in State pre-paid tuition plans to receive tax relief to make college more affordable;

(5) allows 1,000,000 workers studying part-time to receive education assistance through their employers;

(6) guarantees that every college student and recent college graduate in America will receive a tax break on the interest on their student loans;

(7) gives all of our Nation's elementary and secondary school teachers needed tax relief for their professional development expenses;

(8) gives America's teachers needed tax relief by providing them a deduction for their out-of-pocket classroom expenses;

(9) allows America's classrooms to benefit from new technology by encouraging the charitable donation of computers to the classroom;

(b) Therefore, it is the Sense of the Senate that this budget resolution assumes that Congress should pass, and the President should sign significant education tax relief legislation for America's teachers and students.

GORTON (AND JEFFORDS) AMENDMENT NO. 3011

(Ordered to lie on the table.)

Mr. GORTON (for himself and Mr. JEFFORDS) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING THE PRICE OF PRESCRIPTION DRUGS IN THE UNITED STATES.

(a) FINDINGS.—The Senate makes the following findings:

(1) Today, two-thirds of senior citizens in the United States have access to prescription drugs through health insurance coverage.

(2) However, it is difficult for many Americans, including senior citizens, to afford the prescription drugs that they need to stay healthy.

(3) Many senior citizens in the United States leave the country and go to Canada or Mexico to buy prescription drugs that are developed, manufactured, and approved in the United States in order to buy such drugs at lower prices than such drugs are sold for in the United States.

(4) According to the General Accounting Office, a consumer in the United States pays on average ⅓ more for a prescription drug than a consumer pays for the same drug in another country.

(5) The United States has made a strong commitment to supporting the research and development of new drugs through taxpayer-supported funding of the National Institutes of Health, through the research and development tax credit, and through other means.

(6) The development of new drugs is important because the use of such drugs enables people to live longer and lead healthier, more productive lives.

(7) Citizens of other countries should pay a portion of the research and development costs for new drugs, or their fair share of such costs, rather than just reap the benefits of such drugs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that the cost disparity between identical prescription drugs sold in the United States, Canada, and Mexico should be reduced or eliminated.

SANTORUM (AND OTHERS) AMENDMENT NO. 3012

(Ordered to lie on the table.)

Mr. SANTORUM (for himself, Mr. ALLARD, and Mr. CRAIG) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE ON DEBT REDUCTION BY SENATE OFFICES.

It is the sense of the Senate that the levels in this resolution assume that—

(1) any amount appropriated for Senators' official personnel and office expenses for a fiscal year shall only be available for that fiscal year; and

(2) any amounts remaining after all payments are made for the expenses described in paragraph (1) shall be deposited in the Treasury to reduce the Federal debt held by the public.

REED (AND OTHERS) AMENDMENT NO. 3013

Mr. REID (for Mr. REED for himself, Mr. DASCHLE, Mrs. FEINSTEIN, Mr. LEAHY, Mr. LAUTENBERG, Mr. SCHUMER, Mr. DURBIN, Mrs. MURRAY, Mr. KOHL, Mr. TORRICELLI, Mr. LEVIN, Mrs. BOXER, Mr. ROBB, Mr. KENNEDY, Mr. BIDEN, Mr. BYRD, Mr. KERRY, Mr. REID, Mr. INOUYE, Mr. BRYAN, Mr. HARKIN, Mr. WYDEN, Ms. MIKULSKI, and Mr. L. CHAFEE) proposed an amendment to amendment No. 2965 proposed by Mr. ROBB to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of the amendment add the following:

SEC. ___. SENSE OF THE SENATE REGARDING THE NEED TO REDUCE GUN VIOLENCE IN AMERICA.

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

(1) On average, 12 children die from gun fire everyday in America.

(2) On May 20, 1999, the Senate passed the Violent and Repeat Offender Accountability and Rehabilitation Act, by a vote of 73 to 25, in part, to stem gun-related violence in the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in function 750 of this resolution assume that Congress should—

(1) pass the conference report to accompany H.R. 1501, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act, including Senate-passed provisions, with the purpose of limiting access to firearms by juveniles, convicted felons, and other persons prohibited by law from purchasing or possessing firearms; and

(2) consider H.R. 1501 not later than April 20, 2000.

BAUCUS AMENDMENT NO. 3014

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, add the following:

SEC. 3___. SENSE OF THE SENATE CONCERNING FUNDING FOR WILDFIRE MANAGEMENT BY THE SECRETARY OF THE INTERIOR.

(a) FINDINGS.—The Senate finds that—

(1) fire prevention in the western States is of imminent concern;

(2) more and more houses are being built on the forest interface throughout the West;

(3) more houses in those areas increase the risk of danger to lives and property from catastrophic disasters such as wildfires;

(4) local fire departments often rely on volunteers, but in many places fire departments do not exist, leaving communities dependent on Federal funding;

(5) the Federal Government should do its share in preventing losses of life and property as a result of rampant wildfires;

(6) snow pack has been below normal throughout the West increasing the chances of widespread fires;

(7) some experts point to the existence of a 6-year fire cycle that States should be prepared for; and

(8) in 1988, devastating fires raged throughout the West, and 2000 has the potential to be just as devastating.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals underlying this resolution assume that the wildlife management program delivered by the Department of the Interior should be funded above the levels in this resolution for fiscal year 2001 to ensure protection of lives and property to individuals residing in forest interface areas.

GREGG (AND OTHERS) AMENDMENT NO. 3015

(Ordered to lie on the table.)

Mr. GREGG (for himself, Ms. COLLINS, and Mr. VOINOVICH) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING FUNDING FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) FINDINGS.—The Senate makes the following findings:

(1) In 1975, the Federal Government made a commitment in the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) (referred to in this resolution as the ''Act'') to pay 40 percent of the programs described in part B of such Act.

(2) The Act guarantees that all children with disabilities receive a free and appropriate public education.

(3) In 1997, 1998, and 1999, Congress increased funding for such programs by 113 percent, but was unable to affect such increases without the help or support of the Administration.

(4) Despite such increases in funding, Federal funding for such programs is still far short of the nearly $15,000,000,000 required to receive the originally promised funding.

(5) The Federal Government currently pays only 12.6 percent of such funding for the programs, which represents a great disparity from the 40 percent that was originally promised under the Act.

(6) Honoring the obligation to fund such programs at the originally promised level will allow State and local governments, some of which spend up to 19 percent of the State or local budget on special education costs, to have more flexibility to spend the local resources to meet the unique educational needs of all students in the locality.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that Congress; first priority should be to fully fund the programs described under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) at the originally promised level of 40% before Federal funds are appropriated for new education programs.

CONRAD AMENDMENT NO. 3016

(Ordered to lie on the table.)

Mr. CONRAD submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, insert the following:

SEC. ___. SAVE SOCIAL SECURITY AND MEDICARE LOCKBOX.

(a) DEFINITION.—In this section, the term ''Social Security and Medicare lockbox'' includes—

(1) the amount of the Social Security surplus (as defined in section 311(b)(1) of the Congressional Budget Act of 1974), with respect to any fiscal year; and

(2) the amount of the ''Medicare surplus reserve'' defined as a minimum of one-third of the on-budget surplus as estimated by the Congressional Budget Office for each of the 3 applicable time periods, which are—

(A) the budget year;

(B) the budget year plus the subsequent 4 years; and

(C) the budget year plus the subsequent 9 years.

(b) BUDGET RESOLUTION POINT OF ORDER.—It shall not be in order in the Senate to consider any concurrent resolution on the budget (or amendment, motion, or conference report on the resolution) that would decrease the on-budget surplus below the levels of the Medicare surplus reserve, except for legislation that reforms the Medicare program and provides coverage for prescription drugs.

(c) SUBSEQUENT LEGISLATION POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that together with associated interest costs would decrease the on-budget surplus below the level of the Medicare surplus reserve, except for legislation that reforms the Medicare program and provides coverage for prescription drugs.

(d) SOCIAL SECURITY OFF-BUDGET POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider a concurrent resolution on the budget (or any amendment thereto or conference report thereon) or any bill, joint resolution, amendment, motion, or conference report that would violate section 13301 of the Budget Enforcement Act of 1990.

(e) STRENGTHENING SOCIAL SECURITY POINTS OF ORDER.—It shall not be in order in the Senate to consider a concurrent resolution on the budget (or any amendment thereto or conference report thereon) or any bill, joint resolution, amendment, motion, or conference report that would—

(1) decrease Social Security surpluses in any year covered by this resolution below the levels established in this resolution; or

(2) amend section 301(i) or 311(a)(3) of the Congressional Budget Act of 1974 to allow Social Security surpluses to be decreased below the levels established in this resolution.

(f) SUPERMAJORITY WAIVER.—

(1) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised pursuant to this section.

(g) SENATE PAY-AS-YOU-GO RULE EXTENDED THROUGH 2010.—Section 207(g) of H. Con. Res. 68 (the Concurrent Resolution on the Budget for fiscal year 2000) is amended by striking ''2002'' and inserting ''2010''.

On page 4, line 4, increase the amount by $2,026,000,000.

On page 4, line 5, increase the amount by $0.

On page 4, line 6, increase the amount by $5,067,000,000.

On page 4, line 7, increase the amount by $7,230,000,000.

On page 4, line 8, increase the amount by $6,620,000,000.

On page 4, line 13, increase the amount by $2,026,000,000.

On page 4, line 14, increase the amount by $0.

On page 4, line 15, increase the amount by $5,067,000,000.

On page 4, line 16, increase the amount by $7,230,000,000.

On page 4, line 17, increase the amount by $6,620,000,000.

On page 5, line 15, increase the amount by $2,026,000,000.

On page 5, line 16, increase the amount by $0.

On page 5, line 17, increase the amount by $5,067,000,000.

On page 5, line 18, increase the amount by $7,230,000,000.

On page 5, line 19, increase the amount by $6,620,000,000.

On page 5, line 23, decrease the amount by $2,026,000,000.

On page 5, line 24, decrease the amount by $0.

On page 5, line 25, decrease the amount by $5,067,000,000.

On page 6, line 1, decrease the amount by $7,230,000,000.

On page 6, line 2, decrease the amount by $6,620,000,000.

On page 6, line 6, decrease the amount by $2,026,000,000.

On page 6, line 7, decrease the amount by $0.

On page 6, line 8, decrease the amount by $5,067,000,000.

On page 6, line 9, decrease the amount by $7,230,000,000.

On page 6, line 10, decrease the amount by $6,620,000,000.

On page 29, line 3, decrease the amount by $2,026,000,000.

On page 29, line 4, decrease the amount by $20,943,000,000.

BREAUX (AND OTHERS) AMENDMENT NO. 3017

(Ordered to lie on the table.)

Mr. BREAUX (for himself, Ms. SNOWE, and Mr. ROBB) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title II, insert the following:

SEC. ___. POINT OF ORDER AGAINST CONSIDERATION OF OMNIBUS APPROPRIATIONS CONFERENCE REPORTS IF NOT AVAILABLE FOR 2 DAYS.

It shall not be in order in the Senate to consider a conference report on an Omnibus Appropriations bill (an appropriations bill containing 2 or more of the 13 regular appropriations Acts) unless that conference report has been available at least 2 days prior to consideration.

BOND (AND OTHERS) AMENDMENT NO. 3018

(Ordered to lie on the table.)

Mr. BOND (for himself, Mr. HOLLINGS, Mr. HUTCHINSON, Mr. DEWINE, Mr. STEVENS, Mr. BREAUX, Mrs. MURRAY, Mr. JOHNSON, Mr. FEINGOLD, Mrs. LINCOLN, Mr. WELLSTONE, Mr. DODD, Mr. INOUYE, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. EDWARDS, Mr. LUGAR, Mr. CLELAND, Mr. BINGAMAN, Mr. BAUCUS, Mr. KOHL, and Ms. COLLINS) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING UNINSURED AND LOW-INCOME INDIVIDUALS IN MEDICALLY UNDERSERVED COMMUNITIES.

(a) FINDINGS.—The Senate finds that—

(1) the uninsured population in the United States continues to grow at over 100,000 individuals per month, and is estimated to reach over 53,000,000 people by 2007;

(2) the growth in the uninsured population continues despite public and private efforts to increase health insurance coverage;

(3) nearly 80 percent of the uninsured population are members of working families who cannot afford health insurance or cannot access employer-provided health insurance plans;

(4) minority populations, rural residents, and single-parent families represent a disproportionate number of the uninsured population;

(5) the problem of health care access for the uninsured population is compounded in many urban and rural communities by a lack of providers who are available to serve both insured and uninsured populations;

(6) community, migrant, homeless, and public housing health centers have proven uniquely qualified to address the lack of adequate health care services for uninsured populations, serving over 4,500,000 uninsured patients in 1999, including over 1,000,000 new uninsured patients who have sought care from such centers in the last 3 years;

(7) health centers care for nearly 7,000,000 minorities, nearly 600,000 farmworkers, and more than 500,000 homeless individuals each year;

(8) health centers provide cost-effective comprehensive primary and preventive care to uninsured individuals for less than $1.00 per day, or $350 annually, and help to reduce the inappropriate use of costly emergency rooms and inpatient hospital care;

(9) current resources only allow health centers to serve 10 percent of the Nation's 44,000,000 uninsured individuals;

(10) past investments to increase health center access have resulted in better health, an improved quality of life for all Americans, and a reduction in national health care expenditures; and

(11) Congress can act now to increase access to health care services for uninsured and low-income people together with or in advance of health care coverage proposals by expanding the availability of services at community, migrant, homeless, and public housing health centers.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals underlying this resolution on the budget assume that—

(1) appropriations for consolidated health centers under section 330 of the Public Health Service Act (42 U.S.C. 254b) should be increased by 100 percent over the next 5 fiscal years in order to double the number of individuals who receive health care services at community, migrant, homeless, and public housing health centers; and

(2) appropriations for consolidated health centers should be increased by $150,000,000 in fiscal year 2001 over the amount appropriated for such centers in fiscal year 2000.

GREGG (AND KERREY) AMENDMENT NO. 3019

(Ordered to lie on the table.)

Mr. GREGG (for himself and Mr. KERREY) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE ON PUBLIC EDUCATION ON THE SOCIAL SECURITY PROGRAM.

(a) FINDINGS.—The Senate makes the following findings:

(1) Today and in the future, Social Security is the foundation of retirement income for most Americans. Preserving and protecting Social Security for the long-term is a vital national priority and essential for the retirement security of today's working Americans, current and future retirees, and their families.

(2) Under current assumptions, Social Security would enter into cash-flow deficits in 2015. Under those same assumptions, the Social Security Trust Funds have sufficient financing to pay full current-law benefits through 2037. According to separate analyses by the Congressional Budget Office (CBO) and the Office of Management and Budget (OMB), the existence of positive balances in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund in periods of program cash deficits would in and of itself have no direct effect upon the Federal Government's ability to pay benefits, with the result that levels of either benefits, tax revenues, or Federal borrowing would need to be changed in order to finance benefit payments, carrying important consequences for beneficiaries and wage-earners alike.

(3) There appears to be a lack of confidence about the future of Social Security among the general public. Congress and the Social Security Administration should work together to restore confidence in the Social Security system. For example, although Americans of all ages indicate in polls that they strongly support Social Security, many younger Americans believe that they will receive either no benefits or sharply reduced benefits at retirement, although Social Security would have sufficient annual revenues to pay on average (under current assumptions) 72 percent of benefits even after reserves of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are exhausted in 2037.

(4) Proper understanding both of how Social Security is financed and the challenges facing the Social Security program, as well as the impact of Social Security on the Federal Budget and on the economy, is essential to proper evaluation by the American people and Congress of the options to achieve long-term program sustainability.

(5) Many statistics currently used to explain Social Security finances are highly technical and not accessible to the average American, such as actuarial balance as a percent of payroll. Simpler measures could provide a clearer picture of Social Security's future finances and of the options for improving those finances.

(6) As the Nation enters the 21st Century, the United States is experiencing unprecedented changes in business, employment, and the economy; in demographics and in science. Such changes should be considered in understanding the issues facing Social Security.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution on the budget assume the following:

(1) PUBLIC EDUCATION.—Education of the general public regarding Social Security needs to be improved. Toward that end, the Social Security Administration should examine all material that is distributed in print or online for public review, including the Summary of the Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund and social security account statements, to ensure that Americans can clearly understand how Social Security works and the challenges facing Social Security.

(2) ECONOMIC AND BUDGET ESTIMATES.—Public and congressional understanding of the relationship between Social Security, the economic well-being of seniors, the Federal Budget, and the economy is essential to protecting and preserving Social Security for the long term. Toward that end, the Senate commends the Congressional Budget Office (CBO) for its investment in providing long-term estimates, and expresses the desire for periodic reports from the CBO regarding Social Security payments and revenues, including implicit general revenue commitments, the economic well-being of seniors, national savings, and other important economic outcomes.

(3) IMPROVEMENTS TO THE REPORTS OF THE BOARD OF TRUSTEES.—The Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund should carefully continue to consider recent recommendations by the 1999 Technical Panel on Assumptions and Methods of the Social Security Advisory Board and recommendations of other such groups regarding additional information that should be presented to the public.

DOMENICI (AND OTHERS) AMENDMENT NO. 3020

(Ordered to lie on the table.)

Mr. DOMENICI (for himself, Mr. CLELAND, and Mr. DODD) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) the tragic acts of school violence in Arkansas, Colorado, Georgia, Kentucky, Michigan, and other areas across the Nation have prompted a national dialogue on how best to ensure the safety and security of our Nation's children;

(2) an increasing number of parents, teachers, and community and business leaders across the Nation believe that schools must reinforce efforts to foster good character in children;

(3) 23 States have enacted character education legislation and others are considering such legislation;

(4) strengthening students' sense of community in school has lasting effects on students' overall development, including improving conduct in school and reducing violent behavior outside of school;

(5) the more character education is inculcated in the teaching of academics, the more teachers and other adults in a school apply core values like caring, citizenship, fairness, respect, responsibility, and trustworthiness to their relationships among themselves and with their students; and

(6) providing children the opportunity to reflect and act on core values increases their awareness of the impact of their actions, with positive results reported in many schools that offer character education, such as antisocial behavior being reduced, attendance improving, attentiveness in class going up, substance abuse declining, schools becoming safer places, and even academics improving.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that Congress should—

(1) allocate sufficient resources for character educations programs in schools; and

(2) take all other appropriate steps to encourage and support character education, including continued support of National Character Counts Week.

GRASSLEY (AND OTHERS) AMENDMENT NO. 3021

(Ordered to lie on the table.)

Mr. GRASSLEY (for himself, Mr. HATCH, Mr. ABRAHAM, Mr. DEWINE, and Mr. COVERDELL) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert:

SEC. ___. SENSE OF THE SENATE ON COUNTER-NARCOTICS FUNDING.

(a) FINDINGS.—The Senate finds that—

(1) The drug crisis facing the United States is a top national security threat.

(2) The spread of illicit drugs through United States borders cannot be halted without an effective drug interdiction strategy.

(3) Effective drug interdiction efforts have been shown to limit the availability of illicit narcotics, drive up the street price, support demand reduction efforts, and decrease overall drug trafficking and use.

(4) The armed conflict and resulting lawlessness in Colombia present a clear and present danger to the security of the front line states, to law enforcement efforts intended to impede the flow of cocaine and heroin, and, therefore, to the well-being of the people of the United States.

(5) The conflict in Colombia is creating instability along its borders with neighboring countries, Ecuador, Panama, Peru, and Venezuela, several of which have deployed forces to their border with Colombia.

(6) Coca production has increased 28 percent in Colombia since 1998, and already 75 percent of the world's cocaine and 75 percent of the heroin seized in the northeast United States is of Colombian origin.

(7) The percentage change in drug use since 1992, among graduating high school students who used drugs in the past 12 months, has substantially increased—marijuana use is up 80 percent, cocaine use is up 80 percent, and heroin use is up 100 percent.

(8) The U.S. Customs Service and the U.S. Coast Guard are critical front line agencies in stopping the flow of illegal drugs into the United States.

(9) The Department of Defense is a lead agency for the detection and monitoring of aerial and maritime transit of illegal drug into the United States.

(10) The Department of State, through INL, is a lead agency in protecting the United States from the foreign drug and crime threat.

(b) SENSE OF THE SENATE.—It is the sense of the Senate, the functional totals included in this resolution assume the following:

(1) All counter-narcotics agencies will be given the highest priority for fully funding their counter-narcotics mission.

(2) That front line drug fighting agencies are dedicating more resources for international efforts to continue restoring a balanced drug control strategy.

(3) Congress should re-authorize the modernization of the U.S. Customs service and ensure it has adequate resources and authority not only to facilitate the movement of internationally traded goods but to ensure it can aggressively pursue its law enforcement activities to stop the flow of drugs into the United States.

(4) Congress should adequately fund U.S. Coast Guard and ensure that it has adequate resources to aggressively pursue its maritime law enforcement activities.

(5) By pursuing a balanced effort which requires investment in three key areas: demand reduction (such as education and treatment); domestic law enforcement; and international supply reduction. Congress believes we can reduce the number of children who are exposed to and addicted to illegal drugs.

(6) Congress should adequately fund the Department of Defense to ensure it has sufficient personnel, equipment, and facilities to support drug interdiction efforts and other counter-drug activities.

(7) Congress should adequately fund the Department of State to ensure that INL has the resources necessary to aggressively and effectively pursue protection of U.S. borders.

HATCH (AND OTHERS) AMENDMENT NO. 3022

(Ordered to lie on the table.)

Mr. HATCH (for himself, Mr. GRASSLEY, and Mr. HELMS) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING COMBATING DRUG TRAFFICKING OVER THE INTERNET.

(a) FINDINGS.—The Senate finds that—

(1) Millions of Americans use the Internet daily for educational and informational purposes. It contains a vast universe of products and services and offers legitimate business owners and consumers a private venue to conduct transactions.

(2) The Internet is also being utilized by criminals and drug dealers to conduct illegal sales in violation of federal drug laws.

(3) 21 U.S.C. 863 makes it a crime to sell or offer for sale drug paraphernalia. Yet, on the Internet, anyone can purchase illegal drug paraphernalia from one of the numerous pro-drug sites. Web sites also advertise for sale marijuana and poppy seeds in violation of federal law.

(4) The Drug Enforcement Administration is the lead federal agency charged with investigating domestic drug trafficking. In order to combat and prevent drug dealers from using the Internet to conduct their illegal operations, it is imperative that Congress provide sufficient funding to the Drug Enforcement Administration for investigating these illegal activities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in the resolution assume that—

(1) the Drug Enforcement Administration requires a program enhancement of $5 million in FY 2001 to combat, prevent, and deter the illegal use of electronic communications, including the Internet, to violate federal drug laws; and

(2) the Drug Enforcement Administration will study the extent to which these violations are occurring and report the findings of such study to the Committees on the Judiciary of the Senate and House of Representatives.

HATCH (AND OTHERS) AMENDMENT NO. 3023

(Ordered to lie on the table.)

Mr. HATCH (for himself, Mr. GRASSLEY, Mr. HUTCHINSON, Mr. HELMS, Mr. INHOFE, Mr. FRIST, Mr. SMITH of Oregon, Mr. BOND, and Mr. THOMAS) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. SENSE OF THE SENATE REGARDING PROVIDING ADEQUATE FUNDING FOR METHAMPHETAMINE LABORATORY CLEANUP.

(a) FINDINGS:—The Senate finds that—

(1) The number of methamphetamine laboratory seizures the Drug Enforcement Administration (DEA) participates in annually has increased drastically since 1994. In 1994, the DEA participated in the seizures of only 306 clandestine laboratories, 86% of which were methamphetamine laboratories. Last year, a total of 6,325 methamphetamine and amphetamine laboratories were seized in the United States, and the DEA participated in 1,948 of those seizures. The DEA and State and local law enforcement agencies spend millions of dollars every year cleaning up the pollutants and toxins created and left behind by operators of these laboratories.

Methamphetamine manufacturing poses serious dangers to human life and the environment. The chemicals and substances used in the methamphetamine manufacturing process are unstable, volatile, and highly combustible. The smallest amounts of these chemicals, when mixed improperly, can cause explosions and fires, and the fact that

most of these laboratories are situated in residences, motels, trailers, and vans makes the problem even more dangerous. Additionally, for every one pound of methamphetamine that is produced, over five pounds of toxic waste is produced and left behind.

(3) The DEA has been assisting State and local law enforcement agencies in cleaning up methamphetamine laboratory sites. State and local agencies lack the financial ability, equipment, and training to cleanup these toxic sites, and thus, they rely predominantly, if not entirely, on the DEA to cleanup methamphetamine laboratories.

(4) By March 2000, the DEA has exhausted the funds set aside in its FY 2000 budget for State and local methamphetamine laboratory cleanup. The DEA projects that methamphetamine laboratory seizures will continue to rise in FY 2001.

(5) It is imperative that Congress provide sufficient funding to the DEA for methamphetamine laboratory cleanup.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in the resolution assume that—

(1) the Drug Enforcement Administration requires a program enhancement of $21 million in FY 2001 to assist State and local law enforcement agencies in cleaning up toxic waste sites created by illegal operators of methamphetamine laboratories; and

(2) the funding for methamphetamine laboratories cleanup should supplement and not supplant funding for other law enforcement activities of the Drug Enforcement Administration.

COVERDELL (AND LINCOLN) AMENDMENT NO. 3024

(Ordered to lie on the table.)

Mr. COVERDELL (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING AGING FLOOD CONTROL STRUCTURES.

(a) FINDINGS.—The Senate finds that—

(1) since 1948, communities and the Natural Resources Conservation Service of the Department of Agriculture have constructed over 10,400 flood control structures in 47 States, at an estimated infrastructure investment of $14,000,000,000;

(2) many of those structures are now reaching the end of their design life; and

(3) unless those aging structures are rehabilitated, the structures may—

(A) pose significant threats to human health, public safety, property, and the environment; and

(B) pose risks of potential hardship to the communities in the vicinities of the structures, including through potential loss of flood control, community water supplies, ability to conserve natural resources, and economic benefits, that were brought about as a result of those flood control structures.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution, assume that the Federal Government will offer technical assistance and cost-shared financial assistance to communities to ensure that the flood control structures constructed by the communities and the Natural Resources Conservation Service of the Department of Agriculture are rehabilitated and continue to serve the protective purposes for which they were constructed.

SMITH (AND OTHERS) AMENDMENT NO. 3025

(Ordered to lie on the table.)

Mr. SMITH of Oregon (for himself, Mr. CONRAD, Mr. DOMENICI, Mr. CRAIG, Mr. CRAPO, and Mr. BINGAMAN) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF SENATE REGARDING RENTAL RATES FOR RIGHTS-OF-WAY FOR FIBER OPTIC CABLES ON FEDERAL LAND.

It is the sense of the Senate that the levels in this resolution assume that the Bureau of Land Management will continue to apply the existing linear rent schedule (in section 2803.1–2(c) of title 43, Code of Federal Regulations) for each fiber optic cable that is subject to rent, regardless of the number of optical fibers contained in the cable.

BREAUX (AND OTHERS) AMENDMENT NO. 3026

(Ordered to lie on the table.)

Mr. BREAUX (for himself, Ms. SNOWE, and Mr. ROBB) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title II, insert the following:

SEC. ___. POINT OF ORDER AGAINST CONSIDERATION OF OMNIBUS APPROPRIATIONS CONFERENCE REPORTS IF NOT AVAILABLE FOR 2 DAYS.

It shall not be in order in the Senate to consider a conference report on an Omnibus Appropriations bill (an appropriations bill containing 2 or more of the 13 regular appropriations Acts) unless that conference report has been available at least 2 days prior to consideration.

SMITH AMENDMENTS NOS. 3027–3028

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire submitted two amendments intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

AMENDMENT NO. 3027

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING A PERMANENT MORATORIUM ON THE IMPOSITION OF TAXES ON THE INTERNET.

It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that there should be a permanent moratorium on the imposition of taxes on the Internet.

AMENDMENT NO. 3028

At the end of title III, insert the following:

SEC.___. SENSE OF THE SENATE REGARDING THE CENSUS.

It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that no American will be prosecuted, fined or in anyway harassed by the Federal government or its agents for failure to respond to any census questions which refer to an individual's race, national origin, living conditions, personal habits or mental and/or physical condition.

HATCH AMENDMENT NO. 3029

(Ordered to lie on the table.)

Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING ENFORCEMENT OF FEDERAL FIREARMS LAWS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Clinton Administration has failed to adequately enforce Federal firearms laws. Between 1992 and 1998, Triggerlock gun prosecutions—prosecutions of defendants who use a firearm in the commission of a felony—dropped nearly 50 percent, from 7,045 to approximately 3,800.

(2) The decline in Federal firearms prosecutions was not due to a lack of adequate resources. During the period when Federal firearms prosecutions decreased nearly 50 percent, the overall budget of the Department of Justice increased 54 percent.

(3) It is a Federal crime to possess a firearm on school grounds under section 922(q) of title 18, United States Code. The Clinton Department of Justice prosecuted only 8 cases under this provision of law during 1998, even though more than 6,000 students brought firearms to school that year. The Clinton Administration prosecuted only 5 such cases during 1997.

(4) It is a Federal crime to transfer a firearm to a juvenile under section 922(x) of title 18, United States Code. The Clinton Department of Justice prosecuted only 6 cases under this provision of law during 1998 and only 5 during 1997.

(5) It is a Federal crime to transfer or possess a semiautomatic assault weapon under section 922(v) of title 18, United States Code. The Clinton Department of Justice prosecuted only 4 cases under this provision of law during 1998 and only 4 during 1997.

(6) It is a Federal crime for any person "who has been adjudicated as a mental defective or who has been committed to a mental institution" to possess or purchase a firearm under section 922(g) of title 18, United States Code. Despite this Federal law, mental health adjudications are not placed on the national instant criminal background system established under section 103(b) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note).

(7) It is a Federal crime for any person knowingly to make any false statement in the attempted purchase of a firearm under section 922(a)(6) of title 18, United States Code. It is also a Federal crime for convicted felons to possess or purchase a firearm under section 922(g) of title 18, United States Code.

(8) More than 500,000 convicted felons and other prohibited purchasers have been prevented from buying firearms from licensed dealers since the Brady Handgun Violence Prevention Act was enacted. When these felons attempted to purchase a firearm, they violated section 922(a)(6) of title 18, United States Code, by making a false statement under oath that they were not disqualified from purchasing a firearm. Nonetheless, of the more than 500,000 violations, only approximately 200 of the felons have been referred to the Department of Justice for prosecution.

(9) Notwithstanding this poor record of enforcement, the Clinton Administration continues to push for new Federal firearms laws instead of enforcing existing Federal firearms laws.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this concurrent resolution on the budget assume that Federal funds will be used for an effective law enforcement strategy requiring a commitment to enforcing existing Federal firearms laws by—

(1) designating not less than 1 Assistant United States Attorney in each district to prosecute Federal firearms violations and thereby expand Project Exile nationally;

(2) hiring additional Bureau of Alcohol, Tobacco, and Firearms agents and Assistant United States Attorneys to investigate and prosecute Federal firearms violations;

(3) upgrading the national instant criminal background system established under section 103(b) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) by encouraging States to place mental health adjudications on that system and by improving the overall speed and efficiency of that system; and

(4) providing incentive grants to States to encourage States to impose mandatory minimum sentences for firearm offenses based on section 924(c) of title 18, United States Code, and to prosecute those offenses in State court.

SMITH (AND OTHERS) AMENDMENT NO. 3030

(Ordered to lie on the table.)

Mr. SMITH of Oregon (for himself, Mr. CONRAD, Mr. DOMENICI, Mr. CRAIG, Mr. CRAPO, and Mr. BINGAMAN) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF SENATE REGARDING RENTAL RATES FOR RIGHTS-OF-WAY FOR FIBER OPTIC CABLES ON FEDERAL LAND.

It is the sense of the Senate that the levels in this resolution assume that the Bureau of Land Management will continue to apply the existing linear rent schedule (in section 2803.1–2(c) of title 43, Code of Federal Regulations) for each fiber optic cable that is subject to rent, regardless of the number of optical fibers contained in the cable.

SMITH (AND OTHERS) AMENDMENT NO. 3031

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire (for himself, Mr. ALLARD, and Mr. DOMENICI) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE ON MEDICARE PRESCRIPTION DRUGS.

It is the sense of the Senate that the levels in this budget resolution assume that among its reform options, Congress should explore a medicare prescription drug proposal that—

(1) is voluntary;

(2) increases access for all medicare beneficiaries;

(3) is designed to provide meaningful protection and bargaining power for medicare beneficiaries in obtaining prescription drugs;

(4) is affordable for all medicare beneficiaries and for the medicare program;

(5) is administered using private sector entities and competitive purchasing techniques;

(6) is consistent with broader medicare reform;

(7) preserves and protects the financial integrity of the medicare trust funds;

(8) does not increase medicare beneficiary premiums; and

(9) provides a prescription drug benefit as soon as possible.

ASHCROFT (AND OTHERS) AMENDMENT NO. 3032

(Ordered to lie on the table.)

Mr. ASHCROFT (for himself, Mr. BROWNBACK, Mr. VOINOVICH, and Mr. GRAMS) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title II, insert the following:

SEC. 211. PROTECTION OF MEDICARE SURPLUSES.

(a) FINDINGS.—Congress finds that—

(1) the fiscal year 2001 budget submitted by the President, instead of protecting Medicare, reduces payments to Medicare providers by $53 billion over 10 years;

(2) the fiscal year 2001 budget submitted by the President calls for an increase in spending for fiscal year 2001 of $58 billion and would increase taxes collected next year by $12 billion;

(3) the fiscal year 2001 budget submitted by the President continues to use the Medicare, Part A surplus to mask the President's proposed increases in spending; and

(4) in contrast to the President's budget, this budget resolution protects Medicare, rejects the President's Medicare cuts and provides $40 billion for prescription drug coverage for needy seniors.

(b) MEDICARE SURPLUSES OFF-BUDGET.—The net surplus of any trust fund for part A of Medicare shall not be counted as a net surplus for purposes of the congressional budget.

(c) POINTS OF ORDER TO PROTECT MEDICARE SURPLUSES.—

(1) CONCURRENT RESOLUTIONS ON THE BUDGET.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget, or conference report thereon or amendment thereto, that would set forth an on-budget deficit for any fiscal year.

(2) SUBSEQUENT LEGISLATION.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—

(A) the enactment of that bill or resolution as reported;

(B) the adoption and enactment of that amendment; or

(C) the enactment of that bill or resolution in the form recommended in that conference report; would cause or increase an on-budget deficit for any fiscal year.

(3) DEFINTIION.—For purposes of this section, the term ''on-budget deficit'', when applied to a fiscal year, means the deficit in the budget as set forth in the most recently agreed to concurrent resolution on the budget pursuant to section 301(a)(3) of the Congressional Budget Act of 1974 for that fiscal year.

(d) MEDICARE LOOK-BACK SEQUESTER.—If in any fiscal year, the Medicare, Part A surplus has been used to finance general operations of the Federal government, an amount equal to the amount used shall be sequestered for available discretionary spending for the following fiscal year for purposes of any concurrent resolution on the budget.

(e) SUPER MAJORITY REQUIREMENT.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

GRASSLEY AMENDMENT NO. 3033

(Ordered to lie on the table.)

Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING THE DEVELOPMENT OF AN AGENDA FOR A NEW ROUND OF MULTILATERAL TRADE NEGOTIATIONS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The 8 rounds of multilateral trade negotiations since 1947 have resulted in the reduction or elimination of thousands of tariff and nontariff trade barriers, increasing the prosperity of the United States, and complementing and promoting many areas of economic activity in the United States.

(2) Trade accounts for one-fourth of the Gross Domestic Product of the United States.

(3) The economic activity generated by United States trade and investment contributes substantially to Federal revenues.

(4) The failure of the Seattle Ministerial Conference to launch a new round of multilateral trade negotiations will slow further trade liberalization.

(5) The slowdown in trade liberalization will result in the United States economy generating lower levels of economic activity and thus less Federal revenues.

(6) The process of trade liberalization in the World Trade Organization will not go forward without strong and consistent United States leadership.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that the President and other appropriate officials in the executive branch of the Government should, without delay, seek to resume negotiations on developing an agenda for a new round of multilateral trade negotiations in the World Trade Organization.

GRASSLEY (AND GRAHAM) AMENDMENT NO. 3034

(Ordered to lie on the table.)

Mr. GRASSLEY (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, add the following:

SEC. ___. SENSE OF THE SENATE REGARDING LONG-TERM CARE TAX RELIEF.

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

(1) In 2020, one of six Americans will be age 65 or older, for a total of 20,000,000 more senior citizens than there are now.

(2) By 2040, the number of Americans aged 85 and older, the group most likely to require long-term care, will more than triple to over 12,000,000.

(3) The Nation's current arrangements for providing and paying for long-term care to the Nation's senior citizens are inadequate in the face of the looming burdens that will be placed upon such arrangements by the inevitable growth in the population of senior citizens.

(4) Millions of older Americans who need long-term care are able to maintain a degree of independence and avoid institutionalization by relying on family caregivers, typically wives and daughters, for assistance. Caregivers often sacrifice their own wages, benefits, or even jobs in order to provide care to loved ones.

(5) Even modest financial assistance would help offset long-term care costs and augment access to additional long-term care services.

(6) If an older individual requires long-term care in a nursing facility, the cost of that care, an average of more than $46,000 a year and rising, is out of the reach of most households. Such expenses can wipe out a lifetime of savings before a spouse, parent, or grandparent becomes eligible for long-term care assistance through medicaid.

(7) Stronger tax incentives for the purchase of private long-term care insurance coverage, coupled with strong consumer protection standards, would help individuals and families protect themselves against the financial risk of long-term care and give consumers much better long-term care choices.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that Congress should enact Federal tax relief for those with current long-term care needs and for those seeking to protect themselves with comprehensive private long-term care insurance coverage, including—

(1) a $3,000 long-term care Federal income tax credit for individuals with current long-term care needs or for their caregivers; and

(2) the allowance of full Federal income tax deductibility for long-term care insurance premiums and the allowance of long-term care coverage under employee benefits ''cafeteria plans'' and flexible spending arrangements in order to encourage the purchase of private long-term care insurance issued under strong consumer protection standards.

GRASSLEY (AND OTHERS) AMENDMENT NO. 3035

(Ordered to lie on the table.)

Mr. GRASSLEY (for himself, Ms. LANDRIEU, Mr. DEWINE, and Mr. ROCKFELLER) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING ACCOUNTABILITY WITHIN OUR NATION'S CHILD WELFARE SYSTEM.

(a) FINDINGS.—The Senate makes the following findings:

(1) According to the Department of Health and Human Services, more than 547,000 children currently reside in foster care, up from 270,000 in 1985.

(2) Approximately 20,000 adolescents leave the Nation's foster care system each year because they are no longer eligible to receive assistance as a ward of the State and are expected to support themselves.

(3) According to the Department of Health and Human Services, there were 117,000 children waiting for adoption as of March 31, 1999.

(4) Of those waiting children, the median time each child had been in continuous foster care was 38 months.

(5) Of those waiting children, the median age at time of the child's removal from home was 3.2 years and the median age of those children on March 31, 1999, was 7.7 years. Based upon those statistics, the median child waited 4.5 years for permanency.

(6) According to the House Ways and Means Committee Green Book for 1998, the incidence of all children in the United States who are in foster care has increased from 3.9 per 1,000 in 1962 to an estimated 6.9 per 1,000 in 1996.

(7) According to the Department of Health and Human Services, the Federal Government will make $4,400,000,000 in foster care payments in fiscal year 2000 to cover the Federal share of providing for children in foster care. Conservatively estimated, the State share of providing foster care services for fiscal year 2000 will cost over $8,800,000,000. In fiscal year 1990, the Federal Government share equaled only $1,500,000,000.

(8) In addition to financial savings to the United States Treasury and State treasuries, finding permanent and loving homes for children and youth contributes to the emotional, mental, and physical well-being of the child and therefore benefits the child, the family, and society.

(9) The Adoption and Safe Families Act of 1997 establishes that safety, permanency, and well-being are paramount when planning for children in foster care.

(10) Under the Adoption and Safe Families Act of 1997, States are required to make reasonable efforts to locate permanent families for all children, including older children and teens, for whom reunification with their biological families is not in the best interests of the children.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals underlying this resolution on the budget assume that—

(1) the Senate should reaffirm its commitment, as stated in the Adoption and Safe Families Act of 1997, to improving outcomes and seeking permanency for our Nation's most vulnerable children and youth;

(2) the Senate, when considering legislation impacting the child welfare system, should maintain vigilance in seeking accountability measures that benefit children and youth in foster care; and

(3) the Secretary of Health and Human Services should use all the resources at the Secretary's disposal to ensure the shortest possible stay in foster care for each child.

BOXER (AND OTHERS) AMENDMENT NO. 3036

(Ordered to lie on the table.)

Mrs. BOXER (for herself, Mr. SCHUMER, Mrs. FEINSTEIN, Mr. LAUTENBERG, and Mr. TORRICELLI) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING PREFERENCE IN FIREARMS PROCUREMENT.

(a) FINDINGS.—The Senate finds that—

(1) On March 17, 2000, Smith & Wesson entered into an agreement with the Administration in which the company consented to make changes in the way it manufactures and distributes firearms.

(2) Among other things, Smith & Wesson agreed to—

(A) provide child safety devices with all handguns immediately and to have internal locks on all handguns within 2 years;

(B) design all handguns with a second, hidden serial number;

(C) subject handguns to a safety performance test;

(D) do business only with those dealers who engage in responsible and safe sales and distribution practices, including—

(i) refusing to participate in a gun show unless that gun show conducts criminal background checks on all gun sales;

(ii) refusing to traffic in semiautomatic assault weapons and high-capacity ammunition clips; and

(iii) requiring individuals who purchase firearms to take a certified firearms safety course or pass a safety exam;

(E) stop doing business with dealers and distributors who sell a disproportionate number of guns that are used in crimes; and

(F) devote 2 percent of its revenues to the development of ''smart'' guns and to incorporate that technology on all new models within 3 years.

(3) These steps represent a set of reasonable, commonsense measures to keep guns out of the hands of criminals and children, and are important steps to help close the loopholes in and enhance enforcement of existing federal law.

(b) SENSE OF THE SENATE.—

(1) IN GENERAL.—It is the sense of the Senate that the levels in this resolution assume that law enforcement agencies that purchase firearms give preference to those firearm manufacturers that agree to—

(A) manufacture handguns that meet appropriate safety design standards;

(B) sell only to authorized dealers and distributors who engage in responsible and safe sales and distribution practices;

(C) not market guns in any way that is intended to appeal to juveniles or criminals; and

(D) terminate or suspend sales to authorized dealers and distributors who have a disproportionate number of guns used in crimes traced to them within 3 years of sale.

(2) EXCEPTIONS.—It is the sense of the Senate that the levels in this resolution assume that preference in the purchase of firearms by law enforcement agencies will not be given if—

(A) a preference would in any way jeopardize the safety of law enforcement officers;

(B) a preference would in any way hinder law enforcement operations; or

(C) firearms necessary for law enforcement operations are not obtainable from preferred manufacturers.

REED (AND OTHERS) AMENDMENT NO. 3037

(Ordered to lie on the table.)

Mr. REED (for himself, Mr. BINGAMAN, Mr. JEFFORDS, Mr. LAUTENBERG, Mr. DURBIN, Mr. L. CHAFEE, Mr. WYDEN, Mr. WELLSTONE, Mr. HARKIN, Mrs. MURRAY, Mr. GRAHAM, and Mr. DODD) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. REGULATION OF TOBACCO PRODUCTS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Cigarette smoking and tobacco use is the single most preventable cause of death and disability in the United States.

(2) Cigarette smoking and tobacco use cause approximately 400,000 deaths each year in the United States.

(3) Health care costs associated with treating tobacco-related diseases are $80,000,000,000 per year, and almost half of such costs are paid for by taxpayer-financed government health care programs.

(4) In spite of the well established dangers of cigarette smoking and tobacco use, there is no Federal agency that has authority to regulate the manufacture, sale, distribution, and use of tobacco products.

(5) Major tobacco companies spend over $5,600,000,000 each year ($15,000,000 each day) to promote the use of tobacco products.

(6) Ninety percent of adult smokers first started smoking before the age of 18.

(7) Each day 3,000 children become regular smokers and ⅓ of such children will die of diseases associated with the use of tobacco products.

(8) The Food and Drug Administration regulates the manufacture, sale, distribution, and use of nicotine-containing products used as substitutes for cigarette smoking and tobacco use and should be granted the authority to regulate tobacco products.

(9) Congress should restrict youth access to tobacco products and ensure that tobacco products meet minimum safety standards.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that—

(1) the Food and Drug Administration is the most qualified Federal agency to regulate tobacco products; and

(2) Congress should enact legislation in the year 2000 that grants the Food and Drug Administration the authority to regulate tobacco products.

BUNNING (AND MCCONNELL) AMENDMNT NO. 3038

(Ordered to lie on the table.)

Mr. BUNNING (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, add the following:

SEC. 3___. SENSE OF THE SENATE CONCERNING USE OF THE ABANDONED MINE RECLAMATION FUND.

(a) FINDINGS.—Congress finds that—

(1) in 1977, Congress passed the Surface Mine and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.), and set Federal standards for environmental protection at surface coal mining operations, while establishing an Abandoned Mine Reclamation Fund to pay for reclamation of abandoned coal mines;

(2) the Abandoned Mine Reclamation Fund is funded by levies on coal production and currently has an unappropriated balance of approximately $1,200,000,000;

(3) spending from the Abandoned Mine Reclamation Fund is limited by the curbs on annual discretionary funding;

(4) the Environmental Protection Agency has stated that the most pressing environmental problem in Appalachia is the acid drainage in water runoff caused by abandoned and unreclaimed mine sites;

(5) abandoned mines constitute an environmental and safety hazard for residents of Appalachia and other mining areas;

(6) Congress has estimated the cost of abandoned mine reclamation to be as high as $33,000,000,000;

(7) Congress has also seen fit to dedicate interest from money invested in the Abandoned Mine Reclamation Fund to help ensure the availability of health care benefits to retired miners and their families; and

(8) because of upheaval and difficulties in the coal mining industry, many retired miners and their families would not, without the Abandoned Mine Reclamation Fund, receive the benefits that the miners have been contractually promised from their employers.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budget levels in this resolution assume that Congress will enact legislation to spend the money in the Abandoned Mine Reclamation Fund to—

(1) reclaim abandoned coal mine sites as soon as possible; and

(2) take whatever steps are necessary to ensure that the health care needs of retired coal miners and their families are met.

SMITH (AND OTHERS) AMENDMENT NO. 3039

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire (for himself, Mr. MACK, and Mr. GRAHAM) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, add the following:

''It is the sense of the Senate that the levels in this budget resolution assume that Congress should pass a bill granting permanent resident alien status to Elian Gonzalez, Juan Miguel Gonzalez, Nelsy Carmenate, Jianny Gonzalez, Mariela Gonzalez, Raquel Rodriguez, and Juan Gonzalez.''.

HUTCHISON (AND OTHERS) AMENDMENT NO. 3040

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself, Mr. ABRAHAM, Mr. TORRICELLI, Mr. LUGAR, and Mr. HELMS) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING THE REVISION OF THE PAYMENT UPDATE FOR PPS HOSPITALS UNDER THE MEDICARE PROGRAM.

(a) FINDINGS.—The Senate makes the following findings:

(1) According to the Medicare Payment Advisory Commission (MedPAC), the overall financial performance of hospitals has dropped to the lowest point in decades.

(2) Total hospital margins, a measure of financial strength, dropped from 6.3 percent in 1997, to 4.3 percent in 1998, to 2.7 percent in 1999.

(3) Confidence by lenders regarding the financial strength of hospitals is on the decline, which not only inhibits hospitals from keeping pace with improvements in health care delivery and technology, but forces many institutions to reduce important services to the community.

(4) Downgrades in bond ratings for hospitals were the most ever in 1999, outpacing upgrades by 5 to 1.

(5) The costs of providing services to medicare beneficiaries by hospitals rose by a total of more than 8 percent during fiscal years 1998 through 2000, while inflation payment updates under the medicare program totaled only 1.6 percent during such years.

(6) The rise in costs of providing services to medicare beneficiaries by hospitals is due primarily to labor shortages, technology improvements, and pharmaceutical improvements, as well as burdensome and excessive regulatory mandates imposed by the Health Care Financing Administration.

(7) According to the Congressional Budget Office, the provisions of the Balanced Budget Act of 1997 will result in savings of $227,000,000,000 to the medicare program, which exceeds by more than $100,000,000,000 the amount of savings to such program by reason of such provisions that was estimated at the time of the enactment of such Act .

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this concurrent resolution on the budget assume that Congress and the President should enact legislation that eliminates the scheduled reductions in the update factor under section 1886(b)(3)(B)(i) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)(i)) that is used in making payments to prospective payment system hospitals under part A of the medicare program.

LIEBERMAN (AND OTHERS) AMENDMENT NO. 3041

(Ordered to lie on the table.)

Mr. LIEBERMAN (for himself, Mr. ABRAHAM, Mr. SANTORUM, Mr. BAYH, Mrs. FEINSTEIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. KERREY, and Mr. ROBB) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING ASSET-BUILDING FOR THE WORKING POOR.

(a) FINDINGS.—The Senate finds that—

(1) 33 percent of all American households and 60 percent of African American households have either no financial assets or negative financial assets;

(2) 46.9 percent of children in America live in households with no financial assets, including 40 percent of Caucasian children and 75 percent of African American children;

(3) in order to provide low-income families with more tools for empowerment, incentives, including individual development accounts, are demonstrating success at empowering low-income workers;

(5) middle and upper income Americans currently benefit from tax incentives for building assets; and

(6) the Federal Government should utilize the Federal tax code to provide low-income Americans with incentives to work and build assets in order to escape poverty permanently.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that Congress should modify the Federal tax law to include individual development account provisions in order to encourage low-income workers and their families to save for buying a first home, starting a business, obtaining an education, or taking other measures to prepare for the future.

KOHL (AND OTHERS) AMENDMENT NO. 3042

(Ordered to lie on the table.)

Mr. KOHL (for himself, Mr. DORGAN, Mr. BINGAMAN, Mr. FEINGOLD, Mr.

GRASSLEY, Mr. JOHNSON, Mr. KERRY, Mr. SMITH of Oregon, Mr. HARKIN, Mr. CONRAD, Mrs. LINCOLN, Mr. WELLSTONE, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING MEDICARE EQUITY.

(a) FINDINGS.—The Senate makes the following findings:

(1) All medicare beneficiaries deserve access to high quality health care, regardless of where they live.

(2) The promise of the Medicare+Choice program, including options for benefits such as prescription drugs, eyeglasses, and hearing aids, should be available and affordable for all medicare beneficiaries, including beneficiaries living in rural areas.

(3) Current reimbursement policy for the traditional medicare fee-for-service program results in different medicare payments depending upon where beneficiaries live, particularly affecting beneficiaries and health care providers in rural areas.

(4) The Balanced Budget Act of 1997 included provisions to expand choices for medicare beneficiaries through the Medicare+Choice program, but lack of funding has prevented the full implementation of the improvement to payment rates.

(5) Congress took a step forward in confronting and addressing the funding crisis for medicare beneficiaries needing hospital care, home health care, skilled nursing care, and other basic care in rural communities through the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this concurrent resolution on the budget assume that—

(1) Congress should ensure the viability of health care services to all medicare beneficiaries, regardless of where they live; and

(2) the President and Congress should address regional and rural inequities in medicare payments to providers of services for medicare beneficiaries.

GRAMS (AND SANTORUM) AMENDMENTS NOS. 3043–3044

(Ordered to lie on the table.)

Mr. GRAMS (for himself and Mr. SANTORUM) submitted two amendments intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

AMENDMENT NO. 3043

At the appropriate place in the resolution, insert the following new section:

SECTION. . SENSE OF THE SENATE TO GUARANTEE AMERICANS FULL SOCIAL SECURITY BENEFITS.

SENSE OF THE SENATE.—It is the sense of the Senate that the federal government should guarantee a legal right of all eligible Americans to receive Social Security benefits under title II of the Social Security Act in full with an accurate annual cost-of-living adjustment.

AMENDMENT NO. 3044

At the appropriate place in the resolution, insert the following new section:

SECTION. . SENSE OF THE SENATE TO GUARANTEE AMERICANS FULL SOCIAL SECURITY BENEFITS.

SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this budget resolution assume that the federal government should guarantee a legal right of all eligible Americans who are entitled to receive Social Security benefits under title II of the Social Security Act to receive those benefits in full with an accurate annual cost-of-living adjustment.

MURRAY AMENDMENT NO. 3045

(Ordered to lie on the table.)

Mrs. MURRAY submitted an amendment intended to be proposed by her to the concurrent resolution, S. Con. Res. 101, supra; as follows:

On page 34, line 21, after "specialty crops", insert the following: ", which may include modifications to market development and access programs".

BINGAMAN AMENDMENT NO. 3046

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF SENATE REGARDING ENHANCEMENT OF CAPACITY OF VETERANS BENEFITS ADMINISTRATION TO PROCESS BENEFITS CLAIMS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Veterans benefits serve to recognize service to the Nation, and also serve to mitigate economic disadvantages imposed by sacrifices made while serving.

(2) The Nation has 3,300,000 veterans or families that share approximately $18,500,000,000 in veterans pension and disability benefits annually through the Department of Veterans Affairs.

(3) Benefits have been promised to the Nation's veterans, and those promises must be honored.

(4) To remain effective, veterans benefits programs must be updated to reflect changes in hardships encountered during military service as well as changes in the economic and social circumstances of the Nation.

(5) The accurate and reliable assessment of service-connected disabilities has become an increasingly complex process, particularly with regard to evaluating the incidence and effects of Agent Orange, Persian Gulf Syndrome, and Post Traumatic Stress Disorders.

(6) The veterans benefits appeal process often involves repeated remands requiring additional processing that can occur over an extended length of time.

(7) Veterans benefits claims processing is undergoing a major technological transition from manual to electronic data filing and processing.

(8) The number of full-time equivalent (FTE) employees assigned to process veterans benefits claims has decreased significantly from 13,249 in 1995 to 11,254 in 1998.

(9) The pending workload for veterans benefits claims has increased dramatically during the same period from 378,366 cases in 1995 to 445,012 cases in 1998.

(10) Nationwide, veterans must wait an average of 159 days for their benefits claims to be resolved, and the National Performance Review has a goal of handling such claims in an average of 92 days.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, in order to ensure the efficient and timely processing of claims for veterans benefits by the Veterans Benefits Administration, the amounts made available to the Department of Veterans Affairs for fiscal year 2001 should be increased over amounts made available to the Department for fiscal year 2000—

(1) by $139,000,000, in order to permit the hiring by the Veterans Benefits Administration of an additional full-time equivalent employees to perform duties relating to claims processing.

MURKOWSKI AMENDMENT NO. 3047

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF SENATE ON REDUCING AMERICAN DEPENDENCE ON IMPORTED OIL.

(a) FINDINGS.—The Senate finds that:

(1) The United States' imports of crude oil have risen from 43 percent of domestic consumption in 1992 to 56 percent in 2000.

(2) Since 1992, United States crude oil production has declined by 17 percent, while U.S. crude oil consumption has increased 14 percent.

(3) The President has determined, pursuant to Section 232 of the Trade Expansion Act, that reliance on imports of crude oil threaten to impair the national security;

(4) The Department of Energy predicts that U.S. dependence on foreign sources of oil will rise to 65 percent of domestic consumption by 2015;

(5) The United Nations maintains extensive economic sanctions on Iraq for that nation's refusal to comply with inspection programs to ensure that Iraq is not producing weapons of mass destruction;

(6) The United States has spent more than $10 billion since the end of the Gulf War to ensure that the government of Iraq does not engage in aggregate actions within and outside of its borders;

(7) The United States currently has 8,500 sailors, 5,700 airmen and 2,300 soldiers in the Middle East with the sole purpose of preventing aggressive actions by the government of Iraq;

(8) The fastest growing single source of crude oil imports into the United States is Iraq—imports having risen from 300,000 barrels a day in 1998 to 700,000 barrels a day today;

(9) Continued reliance on Iraq for imported crude oil is in direct conflict with the national interests of the United States and poses a threat to the national security;

(10) Continued reliance on Iraq for imported crude oil has undermined U.S. foreign policy objectives and forced the United States to sponsor a resolution in the United Nations allowing Iraq to purchase equipment and spare parts for its oil industry.

(11) The only sure means to reduce such threats to national security is to limit the dependence of the United States on foreign sources of crude oil.

It is the Sense of the Senate that the level in this budget resolution assumes that:

(1) The United States should develop a national energy strategy whose primary goal is to reduce the dependence of the United States on imports of crude oil, especially crude oil imported from Iraq;

(2) To reduce dependence on imports of crude oil, the United States government should:

(A) encourage exploration and development of all domestic sources of energy;

(B) encourage the development of alternative energy technologies;

(C) encourage energy conservation measures.

DEWINE (AND OTHERS) AMENDMENT NO. 3048

(Ordered to lie on the table.)

Mr. DEWINE (for himself, Mr. ASHCROFT, Mr. ABRAHAM, Mr. SANTORUM, Mr. GRAMS, Mr. COVERDELL, Mr. GRASSLEY, and Mr. HATCH) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING RESOURCES TO REDUCE YOUTH DRUG USE.

(a) FINDINGS.—The Senate finds that—

(1) from 1985 to 1992, the Federal Government's drug control budget was balanced among education, treatment, law enforcement, and international supply reduction activities and this resulted in a 13 percent reduction in overall drug use from 1988 to 1991;

(2) between 1993 and 1998, the Federal investment in reducing the flow of drugs outside the borders of the United States declined both in real dollars and as a proportion of the Federal drug control budget, even though the Federal Government is the only United States entity that can seize and destroy drugs outside the borders of the United States;

(3) since 1992, overall drug use among teens aged 12 to 17 rose by 70 percent;

(4) cocaine production from Colombia rose from 230 metric tons in 1995 to 520 metric tons in 1999;

(5) cocaine use among 10th graders increased 133 percent from 1992 to 1999;

(6) crack use among 10th graders increased 167 percent from 1992 to 1999;

(7) heroin use among 12th graders increased 67 percent from 1992 to 1999;

(8) despite the increase in youth drug use, the Department of Education cut more than $5,700,000 of the Federal investment in school-based antidrug prevention and education programs, placing our investment in these programs in fiscal year 2000 below the amounts provided for fiscal year 1999; and

(9) effectively reducing youth drug use requires a balanced and comprehensive Federal investment in eradication, interdiction, education, treatment, and law enforcement programs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this concurrent resolution on the budget assume that—

(1) funding for Federal drug control activities should be at a higher priority than that proposed in the President's budget request for fiscal year 2001; and

(2) investments in Federal drug control activities should include—

(A) the programs and activities authorized in the Western Hemisphere Drug Elimination Act;

(B) programs and activities to secure the United States borders from illegal drug smuggling;

(C) the programs and activities authorized in the proposed Drug-Free Century Act (S. 5 as introduced in the Senate on January 19, 1999);

(D) programs and activities to eliminate methamphetamine laboratories in the United States;

(E) the programs and activities authorized in the proposed reauthorization of the Safe and Drug-Free Schools and Communities Program; and

(F) the programs and activities authorized in the proposed Youth Drug and Mental Health Services Act (S. 976 as passed in the Senate on November 4, 1999).

DEWINE (AND OTHERS) AMENDMENT NO. 3049

(Ordered to lie on the table.)

Mr. DEWINE (for himself, Mr. ABRAHAM, Mr. BREAUX, Mr. COVERDELL, Mr. FEINGOLD, Mr. GRASSLEY, Mr. GRAHAM, Mr. KOHL, Ms. LANDRIEU, and Mr. MURKOWSKI) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. FISCAL YEAR 2001 FUNDING FOR THE UNITED STATES COAST GUARD.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States Coast Guard in 1999 saved approximately 3,800 lives in providing the essential service of maritime safety.

(2) The United States Coast Guard in 1999 prevented 111,689 pounds of cocaine and 28,872 pounds of marijuana from entering the United States in providing the essential service of maritime security.

(3) The United States Coast Guard in 1999 boarded more than 14,000 fishing vessels to check for compliance with safety and environmental laws in providing the essential service of the protection of natural resources.

(4) The United States Coast Guard in 1999 ensured the safe passage of nearly 1,000,000 commercial vessel transits through congested harbors with vessel traffic services in providing the essential service of maritime mobility.

(5) The United States Coast Guard in 1999 sent international training teams to help more than 50 countries develop their maritime services in providing the essential service national defense.

(6) Each year, the United States Coast Guard ensures the safe passage of more than 200,000,000 tons of cargo cross the Great Lakes including iron ore, coal, and limestone. Shipping on the Great Lakes faces a unique challenge because the shipping season begins and ends in ice anywhere from 3 to 15 feet thick. The ice-breaking vessel MACKINAW has allowed commerce to continue under these conditions. However, the productive life of the MACKINAW is nearing an end. The Coast Guard has committed to keeping the vessel in service until 2006 when a replacement vessel is projected to be in service, but to meet that deadline, funds must be provided for the Coast Guard in fiscal year 2001 to provide for the procurement of a multipurpose-design heavy icebreaker.

(7) Without adequate funding, the United States Coast Guard would have to radically reduce the level of service it provides to the American public.

(b) ADJUSTMENT IN BUDGET LEVELS.—

(1) INCREASE IN FUNDING FOR TRANSPORTATION.—Notwithstanding any other provision of this resolution, the amounts specified in section 103(8) of this resolution for budget authority and outlays for Transportation (budget function 400) for fiscal year 2001 shall be increased as follows:

(A) The amount of budget authority for that fiscal year, by $700,000,000.

(B) The amount of outlays for that fiscal year, by $700,000,000.

(2) OFFSETTING DECREASE IN FUNDING FOR GENERAL GOVERNMENT.—Notwithstanding any other provision of this resolution, the amounts specified in section 103(17) of this resolution for budget authority and outlays for Allowances (budget function 920) for fiscal year 2001 shall be decreased as follows:

(A) The amount of budget authority for that fiscal year, by $700,000,000.

(B) The amount of outlays for that fiscal year, by $700,000,000.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the provisions of this resolution, as modified by subsection (b), should provide additional budget authority and outlay authority for the United States Coast Guard for fiscal year 2001 such that the amount of such authority in fiscal year 2001 exceeds the amount of such authority for fiscal year 2000 by $700,000,000; and

(2) any level of such authority in fiscal year 2001 below the level described in paragraph (1) would require the Coast Guard to—

(A) close numerous stations and utilize remaining assets only for emergency situations;

(B) reduce the number of personnel of an already streamlined workforce;

(C) curtail its capacity to carry out emergency search and rescue; and

(D) reduce operations in a manner that would have a detrimental impact on the sustainability of valuable fish stocks in the North Atlantic and Pacific Northwest and its capacity to stem the flow of illicit drugs and illegal immigration into the United States.

DEWINE (AND OTHERS) AMENDMENT NO. 3050

(Ordered to lie on the table.)

Mr. DEWINE (for himself, Mr. MCCAIN, Mr. ALLARD, Mr. CLELAND, Mrs. HUTCHISON, and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

SEC. ___. TROOPS TO TEACHERS PROGRAM.

(a) FINDINGS.—The Senate finds that—

(1) the Troops-to-Teachers program was created in 1994 to assist former military personnel who served in programs that were being downsized, to enable the personnel to enter public education as teachers;

(2) since 1994, 3,670 service members have made the transition from the military to classrooms;

(3) the program has been successful in bringing dedicated, mature, and experienced individuals into the classroom;

(4) when school administrators were asked to rate Troops-to-Teachers program participants who were teaching in their schools, the administrators said that 26 percent were among the best teachers in their schools, 28 percent were well above average, and 17 percent were above average;

(5) a 1999 study, ''Alternative Teacher Certification'' by C. Emily Feistritzer reported that—

(A) Troops-to-Teachers program participants have qualities needed in today's teachers; and

(B) for example—

(i) 30 percent of the participants are minorities, compared to 10 percent of all teachers;

(ii) 30 percent of the participants are teaching mathematics, compared to 13 percent of all teachers;

(iii) 25 percent of the participants teach in urban schools; and

(iv) 90 percent of the participants are male, compared to 26 percent of all teachers;

(6) the Troops-to-Teachers program is clearly a teacher recruitment program that should be funded through the Department of Education but is most effectively administered by the Department of Defense;

(7) title XVII of the National Defense Authorization Act for fiscal year 2000 authorizes appropriations for the Troops-to-Teachers program only through September 30, 2000, and transfers the Troops-to-Teachers program to the Department of Education;

(8) without clear indication that the program will be continued, Troops-to-Teachers program employees may begin to pursue other employment before the September 30, 2000 date and the loss of critical employees could be detrimental to the program; and

(9) without authorization to continue funding beyond September 30, 2000, the Troops-to-Teachers program will discontinue operations.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that—

(1) the Troops to Teachers program has been highly successful in recruiting qualified teachers for the Nation's classrooms;

(2) before October 1, 2000 Congress will pass legislation that—

(A) extends the authorization of appropriations for the program;

(B) provides funding for the program through the Department of Education; and

(C) notwithstanding the National Defense Authorization Act for Fiscal Year 2000, provides for the administration of the program by the Defense Activity for Non-Traditional Education Support of the Department of Defense, through a transfer of funds to the Defense Activity; and

(3) Congress will authorize and appropriate $30,000,000 for fiscal year 2001 to continue and expand that successful program through the Department of Education.

ENZI AMENDMENT NO. 3051

(Ordered to lie on the table.)

Mr. ENZI submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE REGARDING FUNDING FOR THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION.

(a) FINDINGS.—The Senate finds that—

(1) The President has requested an increase of $44.4 million for the budget of the Occupational Safety and Health Administration (OSHA).

(2) This requested increase is over half the amount of the increases received by OSHA over the last four years combined.

(3) OSHA's budget materials demonstrate that OSHA intends to dedicate by far the largest portion of its fiscal year 2001 budget to enforcement activities. Statistics indicate that there is no connection between these enforcement activities and a decrease in workplace injuries and illnesses.

(4) Helping employers comply with the Occupational Safety and Health Act by providing assistance to prevent accidents and illnesses before they occur is more likely to decrease injuries and illnesses than after-the-fact punishment.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that before any budget increase for OSHA is granted, OSHA must demonstrate how these increases will result in a reduction in workplace injuries and illnesses and why such a large portion of its budget should be directed at enforcement activities rather than compliance assistance.

EDWARDS AMENDMENT NO. 3052

(Ordered to lie on the table.)

Mr. EDWARDS submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE ON MAKING EDUCATION A NATIONAL PRIORITY.

(a) FINDINGS.—The Senate makes the following findings:

(1) Investment in education will establish that the Congress is dedicated to preparing our schools and our students for the 21st Century.

(2) Investment in education will be a significant down payment on the future of our children and the future of our Nation.

(3) The need for investment in education has never been greater.

(4) Overcrowded and crumbling schools are damaging students' safety and ability to learn. Student enrollment is higher than ever and is expected to continue increasing. Many students are crammed into buildings and trailers with leaking roofs and crumbling walls.

(5) Nearly ¾ of the Nation's schools are more than 30 years old and are ill-equipped to handle modern enrollment and technological needs.

(6) School construction and modernization are necessary to improve learning conditions, end overcrowding, and make smaller classes possible.

(7) The lack of qualified teachers limits student achievement by bloating student/teacher ratios and keeping students from receiving the closer attention that makes learning more efficient and the classroom more orderly.

(8) Rising costs of a college education are prohibiting deserving students from seeking degrees that will enable them to advance in a rapidly changing world. These rising costs impact not only the students, but the growing economy that requires well-educated and well-trained individuals.

(9) The purchasing power of Federal Pell Grants under subpart 1 of part A of title IV of the Higher Education Act of 1965 is declining rapidly, further eroding the ability of young adults to seek the education that will benefit them, their families, and the Nation.

(10) Underfunding of Federal TRIO programs under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 that provide outreach and support services to high school, college, and university students is causing a severe crisis in the ability of these programs to meet the needs of thousands of students.

(11) Dedicating 10 percent of the non-Social Security budget surplus to investment in education still leaves 90 percent of that surplus for use to pay down the debt, shore up the social security and medicare programs, or pay for tax cuts.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this concurrent resolution assume that Function 500 (education) spending shall, at a minimum, be held constant for inflation, and that 10 percent of any non-Social Security budget surplus shall be dedicated to education initiatives and school construction in addition to that spending level.

ENZI (AND JEFFORDS) AMENDMENT NO. 3053

(Ordered to lie on the table.)

Mr. ENZI (for himself and Mr. JEFFORDS) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res., 101, supra; as follows:

At the appropriate place, insert:

SEC. 316 . SENSE OF THE SENATE ON FUNDING EXISTING, EFFECTIVE PUBLIC HEALTH PROGRAMS BEFORE CREATING NEW PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) The establishment of new categorical funding programs has led to cuts in the Preventive Health and Health Services Block Grant to states for broad, public health missions;

(2) Preventive Health and Health Services Block Grant dollars fill gaps in the otherwise-categorical funding states and localities receive, funding such major public health threats as cardiovascular disease, injuries, emergency medical services and poor diet, for which there is often no other source of funding;

(3) In 1981, Congress consolidated a number of programs; including certain public health programs, into block grants for the purpose of best advancing the health, economics and well-being of communities across the country;

(4) The Preventive Health and Health Services Block Grant can be used for programs for screening, outreach, health education and laboratory services;

(5) The Preventive Health and Health Services Block Grant gives states the flexibility to determine how funding available for this purpose can best be used to meet each state's preventive health priorities;

(6) The establishment of new public health programs that compete for funding with the Preventive Health and Health Services Block Grant could result in the elimination of effective, localized public health programs in every state.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels of this resolution and legislation enacted pursuant to this resolution assume that there shall be funding at the fiscal year 1999 level or higher for the Preventive Health and Health Services Block Grant, prior to the funding of new public health programs.

ENZI (AND BOND) AMENDMENT NO. 3054

(Ordered to lie on the table.)

Mr. ENZI (for himself and Mr. BOND) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra as follows:

At the appropriate place, insert:

SEC. ___. SENSE OF THE SENATE ON PREVENTING ENFORCEMENT OF THE OCCUPATIONAL SAFETY AND HEALTH ACT IN HOME OFFICES.

(a) FINDINGS.— The Senate finds that—

(1) Giving employees the ability to work from home offices and telecommute helps employees balance the many demands of work and family, helps employers use an important tool to recruit and retain valuable employees and helps society by reducing highway congestion, pollution and accidents;

(2) The Occupational Safety and Health Administration (OSHA) earlier this year jeopardized telecommuting by indicating that it would extend its jurisdiction into home offices;

(3) OSHA has since stated in a compliance directive that it will not inspect home offices and will not issue fines or penalties based on telecommuting;

(4) In order to encourage telecommuting, OSHA should not be permitted to interfere with telecommuting arrangements between employers and employees.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that Congress should ensure that OSHA does not inspect home offices or issue fines or penalties related to telecommuting.

LAUTENBERG AMENDMENT NO. 3055

(Ordered to lie on the table.)

Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert:

(a) FINDINGS.—The Senate finds that—

(1) in P.L. 105–134 the Congress declared that ''intercity rail passenger service is an essential component of a national intermodal passenger transportation system'';

(2) the Congress and the President, through enactment of this legislation, have effectively agreed that Congress will provide adequate funding to permit Amtrak to achieve the goal of operating self-sufficiency.

(3) Capital investment is critical to reducing operating costs and increasing the quality of Amtrak service;

(4) Investment in passenger rail creates jobs directly in the construction, engineering, manufacturing, and service industries, and indirectly in the local economies where increased commerce takes place because of the existence of improved transportation options;

(5) Underutilized rail infrastructure and high tech advances in train equipment and communications systems offer us the opportunity to revitalize our communities through investment in passenger rail and its resulting downtown redevelopment, job creation, mobility improvements, and air quality improvements.

(6) Existing rail corridors can provide the critical transportation right-of-way through clogged areas. In fact, investing in the capacity of our rail system could free up our highways and airports to better fulfill their potential roles.

(7) As congestion increases and air quality worsens, the quality of life in both urban and suburban communities suffers. Rail provides a solution for transporting people AND improving air quality.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this budget resolution assume capital funding for the development of high-speed rail corridors must be funded either through the appropriations process or through the leveraging of private investment through tax incentives. As stated by the DOT Inspector General, and unanimously by the Nation's Governors, the development of high-speed rail corridors is an essential component of a balanced transportation system and an economically smart and environmentally friendly way to help ease the increasing levels of traffic congestion on our roads and aviation delays at our airports.

GREGG (AND OTHERS) AMENDMENT NO. 3056

(Ordered to lie on the table.)

Mr. GREGG (for himself, Mr. VOINOVICH, and Mr. JEFFORDS) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

In lieu of the matter to be proposed, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING FUNDING FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) FINDINGS.—The Senate makes the following findings:

(1) In 1975, the Federal Government made a commitment in the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) (referred to in this resolution as the ''Act'') to pay 40 percent of the programs described in part B of such Act.

(2) The Act guarantees that all children with disabilities receive a free and appropriate public education.

(3) In 1997, 1998, and 1999, Congress increased funding for such programs by 113 percent, but was unable to affect such increases without the help or support of the Administration.

(4) Despite such increases in funding, Federal funding for such programs is still far short of the nearly $15,000,000,000 required to receive the originally promised funding.

(5) The Federal Government currently pays only 12.6 percent of such funding for the programs, which represents a great disparity from the 40 percent that was originally promised under the Act.

(6) Honoring the obligation to fund such programs at the originally promised level will allow State and local governments, some of which spend up to 19 percent of the State or local budget on special education costs, to have more flexibility to spend the local resources to meet the unique educational needs of all students in the locality.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that Congress' first priority should be to fully fund the programs described under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) at the originally promised level of 40% before Federal funds are appropriated for new education programs.

SANTORUM AMENDMENTS NOS. 3057–3061

(Ordered to lie on the table.)

Mr. SANTORUM submitted five amendments intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

AMENDMENT NO. 3057

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE ON DEBT REDUCTION BY SENATE OFFICES.

It is the sense of the Senate that the levels in this resolution assume that—

(1) any amount appropriated for Senators' official personnel and office expenses for a fiscal year shall only be available for that fiscal year; and

(2) any amounts remaining after all payments are made for the expenses described in paragraph (1) shall be deposited in the Treasury to reduce the Federal debt held by the public.

AMENDMENT NO. 3058

On page 23, line 7, strike ''47,568,000,000''. and insert ''48,068,000,000''.

On page 23, line 8, strike ''47,141,000,000''. and insert ''47,641,000,000''.

On page 27, line 7, strike ''−59,931,000,000''. and insert ''−60,431,000,000''.

On page 27, line 8, strike ''−48,031,000,000''. and insert ''−48,531,000,000''.

At the appropriate place insert the following:

''(A) It is the sense of the Senate that the provisions in this resolution assume that if CBO determines there is an on-budget surplus for FY 2001, $500 million of that surplus will be restored to the programs cut in this amendment.

''(B) It is the sense of the Senate that the assumptions underlying this budget resolution assume that none of these offsets will come from defense or veterans, and to the extent possible should come from administrative functions.''

AMENDMENT NO. 3059

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING FUNDING FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

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

(1) All children deserve a quality education, including children with disabilities.

(2) The Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) provides that the Federal Government and State and local governments are to share in the expense of educating children with disabilities and commits the Federal Government to provide funds to assist with the excess expenses of educating children with disabilities.

(3) While Congress committed to contribute up to 40 percent of the average per pupil expenditure of educating children with disabilities, the Federal Government has failed to meet this commitment to assist States and localities.

(4) To date, the Federal Government has never contributed more than 12.8 percent of the national average per pupil expenditure to assist with the excess expenses of educating children with disabilities under the Individuals with Disabilities Education Act.

(5) Failing to meet the Federal Government's commitment to assist with the excess expense of educating a child with a disability contradicts the goal of ensuring that children with disabilities receive a quality education.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that Congress should more than double the funding provided for programs under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) to more closely fulfill the commitment to provide 40 percent funding for such programs under such Act.

AMENDMENT NO. 3060

At the appropriate place, insert the following:

SEC. ___. SENSE OF CONGRESS ON THE VALUE OF CHARITABLE CHOICE AND SUPPORT FOR EXPANSION OF CHARITABLE CHOICE TO OTHER FEDERALLY FUNDED PROGRAMS.

(a) FINDINGS.—Congress finds that—

(1) charitable choice encourages public officials to obtain services from nongovernmental community-based organizations, and community-based solutions are critical to successful efforts to fight poverty and dependency;

(2) charitable choice protects the rights of recipients to receive services without religious coercion by requiring that the recipients have the option to choose to receive the services through an alternative provider, rather than a religious provider;

(3) charitable choice prevents discrimination against religious providers by requiring the government not to discriminate against churches, synagogues, and other faith-based nonprofit organizations when awarding contracts or deciding which groups can accept vouchers to provide services; and

(4) charitable choice provisions have empowered faith-based and other charitable organizations to compete for contracts or participate in voucher programs on an equal basis with other private providers whenever a State uses nongovernmental providers, improving the effectiveness of welfare-to-work and other federally funded initiatives in those States that have actively implemented those provisions.

(b) SENSE OF CONGRESS.—It is the sense of Congress, that the budgetary levels in this resolution assume that—

(1) the charitable choice provisions, such as section 104 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 604a) and section 679 of the Community Services Block Grant Act (42 U.S.C. 9920), which currently apply to certain federally funded programs, should be expanded to apply to other federally funded programs;

(2) the expansion of those provisions will encourage innovation and to enable the Nation to profit more fully from the many effective faith-based programs that are transforming lives and restoring neighborhoods and communities around the Nation.

AMENDMENT NO. 3061

At the end of title III, add the following:

SEC. ____. SENSE OF THE SENATE REGARDING INCREASING ACCESS TO HEALTH INSURANCE.

(a) FINDINGS.—The Senate finds that—

(1) 44,400,000 Americans are currently without health insurance—an increase of more than 5,000,000 since 1993—and this number is expected to increase to nearly 60,000,000 people in the next 10 years;

(2) the cost of health insurance continues to rise, a key factor in the increasing number of uninsured;

(3) more than half of these uninsured Americans are the working poor or near poor;

(4) the uninsured are much more likely not to receive needed medical care and much more likely to need hospitalization for avoidable conditions and to rely on emergency room care, trends which significantly contribute to the rising costs of uncompensated care by health care providers and the costs of health care delivery in general; and

(5) there is a consensus that working Americans and their families will suffer from reduced access to health insurance.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that increasing access to affordable health care coverage for all Americans, in a manner which maximizes individual choice and control of health care dollars, should be a legislative priority of Congress.

SANTORUM (AND OTHERS) AMENDMENT NO. 3062

(Ordered to lie on the table.)

Mr. SANTORUM (for himself, Mr. LEAHY, Mr. DEWINE) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE THAT THE 106TH CONGRESS, 2ND SESSION SHOULD REAUTHORIZE FUNDS FOR THE FARMLAND PROTECTION PROGRAM.

(a) FINDINGS.—The Senate makes the following findings—

(1) The Farmland Protection Program has provided cost-sharing for nineteen states and dozens of localities to protect over 127,000 acres on 460 farms since 1996;

(2) For every federal dollar that is used to protect farmland, an additional three dollars is leveraged by states, localities, and non-governmental organizations;

(3) The Farmland Protection Program is a completely voluntary program in which the federal government does not acquire the land or the easement;

(4) Funds from the original authorization for the Farmland Protection Program were expended at the end of Fiscal Year 1998, and no funds were appropriated in Fiscal Year 1999 and Fiscal Year 2000;

(5) Demand for Farmland Protection Program funding has outstripped available dollars by 600%;

(6) Through the Farmland Protection Program, new interest has been generated in communities across the country to help save valuable farmland;

(7) In 1999 alone, the issue of how to protect farmland was considered on twenty-five ballot initiatives;

(8) The United States is losing 3.2 million acres of our best farmland each year which is double the rate of the previous five years;

(9) These lands produce three-quarters of the fruits and vegetables, and over half of the dairy in the United States;

(10) The President's Budget for Fiscal Year 2001 includes $65 million to protect prime farmland through the Farmland Protection Program;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals contained in this resolution assume that the Farmland Protection Program will be reauthorized in the 106th Congress, 2nd Session at a level consistent with the President's budget request.

ABRAHAM (AND OTHERS) AMENDMENT NO. 3063

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself, Mr. DOMENICI, Mr. ASHCROFT, Mr. SANTORUM, Mr. GRAMS, Mr. CRAIG, Mr. COVERDELL, and Mr. CRAPO) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

"SEC. . PROTECTION OF THE SOCIAL SECURITY SURPLUSES.

(a) The Senate finds that—

(1) Congress balanced the budget excluding the surpluses generated by the Social Security trust funds in 1999, and should do so in 2000 and every future fiscal year;

(2) reducing the federal debt held by the public is a top national priority, strongly supported on a bipartisan basis, as evidenced by Federal Reserve Chairman Alan Greenspan's comments that debt reduction "is a very important element in sustaining economic growth";

(3) according to even the most profligate spending projection by the Congressional Budget Office, balancing the budget excluding the surpluses generated by the Social Security trust funds will totally eliminate the net debt held by the public by 2010;

(4) the Senate adopted a Sense of the Senate amendment to last year's budget resolution by a vote of 99–0 that called for a legislative mandate that the Social Security surpluses only be used for the payment of Social Security benefits, Social Security reform or to reduce the federal debt held by the public, and that a Senate super-majority Point of Order lie against any bill, resolution, amendment, motion or conference report that would use Social Security surpluses on anything other than the payment of Social Security benefits, Social Security reform or the reduction of the federal debt held by the public;

(5) the House adopted on a vote of 416–12, H.R. 1259, a bill to provide a legislative lockbox to protect the Social Security surpluses;

(6) the Senate has failed to hold a vote on passage of any Social Security lock box legislation having failed five times to overcome filibusters against both Senate and the House of Representatives' legislative proposals; and

(7) the Senate Committee on the Budget unanimously adopted an amendment to this Concurrent Resolution that provided a permanent Senate super-majority Point of Order against any budget resolution that would produce an on-budget deficit.

(b) It is the Sense of the Senate that the functional totals in this concurrent resolution on the budget assume that during this session of Congress the Senate shall pass legislation which—

(1) reaffirms the provisions of section 13301 of the Omnibus Budget Reconciliation Act of 1990 that provides that the receipts and disbursements of the Social Security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985, and provides for a Point of Order within the Senate against any concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates that section;

(2) mandates that the Social Security surpluses are used only for the payment of Social Security benefits, Social Security reform or to reduce the federal debt held by the public, and not spent on non-social security programs or used to offset tax cuts;

(3) provides for a Senate super-majority Point of Order against any bill, resolution, amendment, motion or conference report that would use Social Security surpluses on anything other than the payment of Social Security benefits, Social Security reform or the reduction of the federal debt held by the public;

(5) Ensures that all Social Security benefits are paid on time; and

(6) Accommodates Social Security reform legislation.

ABRAHAM (AND CRAPO) AMENDMENT NO. 3064

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. TAXATION OF PROFESSIONAL ASSOCIATIONS.

(a) FINDINGS.—The Senate finds that—

(1) the President's fiscal year 2001 Federal budget proposal to impose a tax on the interest, dividends, capital gains, rents, and royalties in excess of $10,000 of trade associations and professional societies exempt under section 501(c)(6) of the Internal Revenue Code of 1986;

(2) such taxation represents an unjust and unnecessary penalty on legitimate association activities;

(3) while this budget resolution projects on-budget surpluses of $42,500,000,000 over the next five years, the President proposes to increase the tax burden on trade and professional associations by $1,550,000,000 over that same period;

(4) the President's association tax increase proposal will impose a tremendous burden on thousands of small and mid-sized trade associations and professional societies;

(5) with the President's associations tax increase proposal, most associations with annual operating budgets of as low as $200,000 will be taxed on investment income and as many as 70,000 associations nationwide could be affected by this proposal;

(6) associations rely on this targeted investment income to carry out exempt-status-related activities, such as training individuals to adapt to the changing workplace, improving industry safety, providing statistical data and community services;

(7) keeping investment income free from tax encourages associations to maintain modest surplus funds that cushion against economic and fiscal downturns; and

(8) although corporations can increase prices to cover increased costs, small and medium-sized local, regional, and State-based associations do not have such an option, and thus the increased costs imposed by the President's associations tax increase would reduce resources available for the importation standard-setting, educational training, and professionalism training performed by associations.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the functional totals in this concurrent resolution on the budget assume that Congress shall reject the President's proposed tax increase on investment income of associations as defined under section 501(c)(6) of the Internal Revenue Code of 1986.

ABRAHAM AMENDMENTS NOS. 3065–3066

(Ordered to lie on the table.)

Mr. ABRAHAM submitted two amendments intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

AMENDMENT NO. 3065

Strike page 32, line 23, after the word ''care'', through page 33, line 4, and insert the following: ''which provides adequate reimbursements for Medicare providers, and excluding the cost of extending and modifying the prescription drug benefit crafted pursuant to section (a) or (b), then the chairman of the Committee on the Budget may change committee allocations and spending aggregates by no more than $20,000,000,000 total for fiscal years 2001 through 2005 to fund the prescription drug benefit if such legislation will not cause an on-budget deficit in any of these 5 fiscal years.''

AMENDMENT NO. 3065

Strike from page 33, line 5 through line 9, and insert the following:

(d) ADJUSTMENT.—If legislation is reported by the Senate Committee on Finance that improves reimbursements for Medicare providers, without decreasing beneficiaries' access to health care, then the Chairman of the Committee on the Budget may change committee allocations and spending aggregates for fiscal years 2001, 2002, 2003, 2004 and 2005 to fund this legislation if it will not cause an on-budget deficit in any of these 5 fiscal years.

(e) BUDGETARY ENFORCEMENT.—The revision of allocations and aggregates made under this section shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.''

HATCH AMENDMENT NO. 3067

(Ordered to lie on the table.)

Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE UNITED STATES PATENT AND TRADEMARK OFFICE'S RETENTION OF USER FEE FUNDED RESOURCES.

(a) FINDINGS.—The Senate finds that—

(1) Technology and innovation are key to American competitiveness and the present and future growth of the American economy in the 21st Century;

(2) As recognized by the Founding Fathers, intellectual property, and patents in particular, are fundamental to promoting American innovation and the progress of science and useful arts;

(3) As American inventors and companies have discovered that patents and trademarks can be used to improve financial performance and enhance their overall competitiveness, the importance of and demand for intellectual property protection has increased exponentially;

(4) The United States Patent and Trademark Office was established by Congress to promote innovation through the granting and issuing of patents and the registration of trademarks;

(5) Fees collected by the Patent and Trademark Office represent payments by American inventors and businesses for services to be performed by the Patent and Trademark Office, including the examination, granting, and issuing of patents, and the registration of trademarks, as well as related products and services;

(6) In 1981, Congress increased patent and trademark fees by nearly 400 percent in order to reduce patent pendency and place the Office on a course of achieving self-sufficiency;

(7) Congress later enacted the Omnibus Budget Reconciliation Act of 1990, which totally eliminated general taxpayer support for the Patent and Trademark Office beginning in fiscal year 1991 in favor of the current fee-funded agency model under which the entire costs of services are recouped by fees paid for those services;

(8) Since fiscal year 1991, Congress has diverted or withheld authorization for the Patent and Trademark Office to spend more than $564 million in user fee revenues paid by inventors and trademark owners, directing this money instead to other government programs totally unrelated to supporting America's inventors and high technology industries.

(9) As a result of the diversion and withholding of fees, patent pendency has risen from 20.8 months to 26.2 months, costing American inventors on average six months of return on their investments in technology and innovation, and delaying the availability of innovative products to the American people for the same period;

(10) Continued withholding of patent and trademark fees is projected to lead to an increase in average patent pendency of an additional six months, totaling nearly three years, by fiscal year 2005;

(11) Moreover, the Patent and Trademark Office faces a host of new and significant challenges, including those related to dramatic increases in workloads and new and more complex fields of innovation;

(12) In order to meet these challenges, the Patent and Trademark Office must be able to hire, train, and retain adequate numbers of technologically qualified examiners and make available for their use adequate tools and search files, including a comprehensive prior art database for the examination of Internet-related business method patent applications.

(13) The Patent and Trademark Office's ability to provide these services in a manner that assures the highest quality and efficiency, and that meets these new challenges, is compromised by the withholding and diversion of patent and trademark fees to other Federal functions.

(14) The dedication of Patent and Trademark Office resources to serving American innovators is an investment in the nation's economy which will help to preserve the United States' status as the world's leader in technology and innovation and is necessary to keep faith with the American innovators who pay these fees and build the American economy.

(b) SENSE OF THE SENATE.—For all of the foregoing, it is the sense of the Senate that—

(1) As a fully fee-funded agency charged with promoting innovation and fostering the growth of technology that drives the American economy, the Patent and Trademark Office must be allowed to retain the fees it collects from American inventors and trademark owners in order to provide the technology-related services for which they were paid in a manner that meets the highest standards of quality and timeliness, rather than having these fees diverted to other government uses;

(2) The levels in the resolution assume that the offsetting fee collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 shall be made fully available in the fiscal year in which they are collected for necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Director of Patents and Trademarks, and shall remain available until expended;

(3) The assumptions of the resolution should be maintained and implemented through the budget and appropriations processes to safeguard the integrity of the Patent and Trademark Office's fee-funded agency model and continued American innovation.

SHELBY AMENDMENT NO. 3068

(Ordered to lie on the table.)

Mr. SHELBY submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) Our Nation's children have become the ever increasing targets of marketing activity.

(2) Such marketing activity, which includes Internet sales pitches, commercials broadcast via in-classroom television programming, product placements, contests, and giveaways, is taking place every day during class time in our Nation's public schools.

(3) Many State and local entities enter into arrangements allowing marketing activity in schools in an effort to make up budgetary shortfalls or to gain access to expensive technology or equipment.

(4) These marketing efforts take advantage of the time and captive audiences provided by taxpayer-funded schools.

(5) These marketing efforts involve activities that compromise the privacy of our Nation's children.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) in-school marketing and information-gathering activities—

(A) are a waste of student class time and taxpayer money;

(B) exploit captive student audiences for commercial gain; and

(C) compromise the privacy rights of our Nation's school children and are a violation of the public trust Americans place in the public education system;

(2) State and local educators should remove commercial distractions from our Nation's public schools and should protect the privacy of school-aged children in our Nation's classrooms;

(3) Federal funds should not be used in any way to support the commercialization of our Nation's classrooms or the exploitation of student privacy, nor to purchase advertisements from entities that market to school children or violate student privacy during the school day; and

(4) Federal funds should be made available to State and local entities in order to provide the entities with the financial flexibility to avoid the necessity of having to enter into relationships with third parties that involve violations of student privacy or the introduction of commercialization into our Nation's classrooms.

HARKIN AMENDMENTS NOS. 3069–3072

(Ordered to lie on the table.)

Mr. HARKIN submitted four amendments intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

AMENDMENT NO. 3069

At the appropriate place, insert:

(a) FINDINGS.—The Senate finds that—

(1) Tax relief provided as a result of this resolution should be targeted and distributed equitably to modest and middle income Americans;

(2) Those with young children and those who are taking care of other relatives requiring special care have significant needs that are difficult for many modest and middle income taxpayers;

(3) The Congress should reduce the higher taxes paid by those who are married with two incomes who are penalized under the existing tax code, a burden not significantly felt by those with the highest incomes paying the highest rate of tax since that rate does not differentiate between married and single taxpayers;

(4) While a significant portion of income taxes is paid by those with the highest one percent of income, their share of payroll and excise taxes which make up almost half of all federal revenue is far lower;

(5) The amount of tax relief provided to those with the highest income levels reduces tax relief available to the great majority of taxpayers; and

(6) It has been estimated that the those in the top one percent of income have incomes in excess of no less than $319,000 per year and have an average income of $915,000.

(b) SENSE OF THE SENATE.—It is sense of the Senate that the budget levels in this resolution assume that not more than one percent of the tax reduction provided for under this resolution shall go, in the aggregate, to the one percent of taxpayers with the highest one percent of income.

AMENDMENT NO. 3070

At the appropriate place, insert:

(a) FINDINGS.—The Senate finds that—

(1) Tax relief provided as a result of this resolution should be targeted and distributed fairly to modest and middle income Americans:

(2) Those with young children and those who are taking care of other relatives requiring special care have significant needs that are difficult for many modest and middle income taxpayers;

(3) The Congress should reduce the higher taxes paid by those who are married with two incomes who are penalized under the existing tax code, a burden not significantly felt by those with the highest incomes paying the highest rate of tax since that rate does not differentiate between married and single taxpayers;

(4) While a significant portion of income taxes is paid by those with the highest one percent of income, their share of payroll and excise taxes which make up almost half of all federal revenue is far lower;

(5) The amount of tax relief provided to those with the highest income levels reduces tax relief available to the great majority of taxpayers; and

(6) It has been estimated that the those in the top one percent of income have incomes in excess of no less than $319,000 per year and have an average income of $915,000.

(b) SENSE OF THE SENATE.—It is sense of the Senate that the budget levels in this resolution assume that not more than one percent of the tax reduction provided for under this resolution shall go, in the aggregate, to the one percent of taxpayers with the highest one percent of income.

AMENDMENT NO. 3071

On page 35, line 4, after the period insert "Legislation complies with this section if it specifies that no individual directly or indirectly may receive more than $250,000 in any fiscal year in total contract or other payments described in paragraphs (1) through (4) of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) and any similar or additional market loss or income support payments.".

AMENDMENT NO. 3092

On page 35, line 4, after the period insert "It is the sense of the Senate that any legislation enacted under this section should specify that no individual directly or indirectly may receive more than $250,000 in any fiscal year in total contract or other payments described in paragraphs (1) through (4) of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) and any similar or additional market loss or income support payments.".

HARKIN (AND OTHERS) AMENDMENT NO. 3073

(Ordered to lie on the table.)

Mr. HARKIN (for himself, Mr. KENNEDY, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, add the following:

SEC. ___. SENSE OF SENATE REGARDING CASH BALANCE PENSION PLAN CONVERSIONS.

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

(1) Defined benefit pension plans are guaranteed by the Pension Benefit Guaranty Corporation and provide a lifetime benefit for a beneficiary and spouse.

(2) Defined benefit pension plans provide meaningful retirement benefits to rank and file workers, since such plans are generally funded by employer contributions.

(3) Employers should be encouraged to establish and maintain defined benefit pension plans.

(4) An increasing number of major employers have been converting their traditional defined benefit plans to "cash balance" or other hybrid defined benefit plans.

(5) Under current law, employers are not required to provide plan participants with meaningful disclosure of the impact of converting a traditional defined benefit plan to a "cash balance" or other hybrid formula.

(6) For a number of years after a conversion, the cash balance or other hybrid benefit formula may result in a period of "wear away" during which older and longer service participants earn no additional benefits.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that pension plan participants whose plans are changed to cause older or longer service workers to earn less retirement income, including conversions to "cash balance plans," should receive additional protection than what is currently provided, and Congress should act this year to address this important issue. In particular, at a minimum—

(1) all pension plan participants should receive adequate, accurate, and timely notice of any change to a plan that will cause participants to earn less retirement income in the future;

(2) pension plans that are changed to a cash balance or other hybrid formula should not be permitted to "wear away" participants' benefits in such a manner that older and longer service participants earn no additional pension benefits for a period of time after the change; and

(3) Federal law should continue to prohibit pension plan participants from being discriminated against on the basis of age in the provision of pension benefits.

NOTICES OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Committee on Health, Education, Labor, and Pensions, Subcommittee on Children and Families, will be held on Tuesday, April 11, 2000,

9:30 A.M., in SD–430 of the Senate Dirksen Building. The subject of the hearing is ''Early Childhood Programs for Low Income Families: Availability and Impact''. For further information, please call the committee, 202/224–5375.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MCCONNELL. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., Wednesday, April 12, 2000, in Room SR–301 Russell Senate Office Building, to receive testimony on compelled political speech.

For further information concerning this meeting, please contact Hunter Bates at the Rules Committee on 4–6352.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that an Executive Session of the Committee on Health, Education, Labor, and Pensions will be held on Wednesday, April 12, 2000, 11:00 a.m., in SD–430 of the Senate Dirksen Building. The following is the committee's agenda.

AGENDA

S. 2311, The Ryan White CARE Act.

S. , Organ Procurement and Transplantation Network Act Amendments of 2000.

Presidential Nominations.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Health, Education, Labor, and Pensions will be held on Thursday, April 13, 2000, 10:00 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Protecting Pension Assets. For further information, please call the committee, 202/224–5375.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Thursday, April 13, 2000, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to conduct oversight on the United States Forest Service's proposed revisions to the regulations governing National Forest Planning. This hearing will be in lieu of the previously scheduled hearing for S. 2034, a bill to establish the Canyons of the Ancients National Conservation Area.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey or Bill Eby at (202) 224–6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, April 6, 2000. The purpose of this meeting will be to discuss interstate shipment of State inspected meat.

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

COMMITTEE ON ARMED SERVICES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 6, 2000 at 9:30 a.m., in open session to receive testimony on procedures and standards for the granting of security clearances at the Department of Defense.

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

COMMITTEE ON FINANCE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, April 6, 2000, for hearings on China's Accession to the World Trade Organization.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, April 12, 2000, at 9:30 a.m., to conduct a hearing on the Report of the National Academy of Public Administration titled ''A Study of Management and Administration: The Bureau of Indian Affairs.'' The hearing will be held in the Committee room, 485 Russell Senate Building. A business meeting to mark up pending legislation will precede the hearing. Those wishing additional information may contact the Committee at 202/224–2251.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, April 6, 2000 at 2:15 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON AVIATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Aviation Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, April 6, 2000 at 9:30 a.m. for a closed briefing on aviation security and at 10 a.m. hearing on aviation security.

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

SUBCOMMITTEE ON CRIMINAL JUSTICE OVERSIGHT

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Criminal Justice Oversight be authorized to meet on Thursday, April 6, 2000 at 2:30 p.m., in SD226.

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

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, EXPORT AND TRADE PROMOTION AND SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Export and Trade Promotion and Subcommittee on East Asian and Pacific Affairs be authorized to meet during the session of the Senate on Thursday, April 6, 2000 at 10:00 a.m. to hold a joint hearing.

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, April 6, 2000 at 9:30 a.m. to conduct an oversight hearing. The subcommittee will receive testimony on the proposed five-year strategic plan of the U.S. Forest Service in compliance with the Government Results and Performance Act.

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

PRIVILEGES OF THE FLOOR

Mr. DOMENICI. Mr. President, on behalf of Senator MCCAIN, I ask unanimous consent that his legislative fellow, Navy Commander Douglas Denneny, be granted floor privileges during consideration of S. Con. Res. 101.

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

Mr. REID. Mr. President, I ask unanimous consent that Dr. Lisa Spurlock, congressional fellow with the Senate Finance Committee, be granted floor privileges throughout the duration of the debate on S. Con. Res. 101.

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

Mr. DOMENICI. I ask consent that Gary Tomasulo, a Coast Guard fellow in Senator MIKE DEWINE's office, be granted privilege of the floor during consideration of this resolution.

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

Mr. GORTON. Mr. President, I ask unanimous consent that Mike Daly, a fellow in the office of Senator ABRAHAM, be granted floor privileges for the period of consideration of Senate Concurrent Resolution 101.

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

ORDERS FOR FRIDAY, APRIL 7, 2000

Mr. SESSIONS. Mr. President, if there are no Senators seeking to speak in morning business, I ask unanimous consent that when the Senate completes its business today it adjourn until the hour of 9 a.m. on Friday, April 7. I further ask consent that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. Con. Res. 101, the budget resolution.

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

PROGRAM

Mr. SESSIONS. For the information of all Senators, the Senate will begin the vote-arama at 9 a.m. tomorrow morning. To make this process as smooth as possible, on behalf of the leader, I ask all Senators to remain in the Chamber between votes. As a reminder, there will be 2 minutes, equally divided, between each vote for explanation of the amendments. The majority leader asks all Senators for their cooperation.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. SESSIONS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:43 p.m., adjourned until Friday, April 7, 2000, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate April 6, 2000:

FARM CREDIT ADMINISTRATION

MICHAEL V. DUNN, OF IOWA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 13, 2000, VICE MARSHA P. MARTIN.

MICHAEL V. DUNN, OF IOWA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION FOR A TERM EXPIRING OCTOBER 13, 2006. (REAPPOINTMENT)

THE JUDICIARY

KENT J. DAWSON, OF NEVADA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA, VICE A NEW POSITION CREATED BY PUBLIC LAW 106–113, APPROVED NOVEMBER 29, 1999.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN R. DALLAGER, 0000

EXTENSION OF REMARKS

WEST POINT HONORS GENERAL ROSCOE ROBINSON, JR.

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Mr. CLAY. Mr. Speaker, I am happy to advise my colleagues that West Point will dedicate its first permanent memorial in memory of a distinguished African-American graduate, on April 7, 2000. The life of the late General Roscoe Robinson, Jr., a St. Louis native, will be honored as his name is placed on the most prominent lecture facility at the United States Military Academy located in historic Thayer Hall.

A member of the USMA Class of 1951, General Roscoe Robinson, Jr. was the first African-American graduate of West Point to achieve four-star rank in the Army. The Academy presented him the Association of Graduates Distinguished Graduate Award shortly before his death in 1993. He is interred at Arlington National Cemetery.

During his distinguished career as an Infantry officer, General Robinson was noted for his outstanding leadership and his love for the American soldier. He served in the 7th Infantry Division in Korea and commanded 2nd Battalion, 7th Cavalry Regiment in Vietnam. His major commands include US Army Garrison, Okinawa (The Ryukus), 82nd Airborne Division, and United States Army Japan/IX Corps. After earning his fourth star, General Robinson served as the United States Representative to the North Atlantic Treaty Organization Military Committee. He retired from the Army in 1983.

This highly visible memorial will commemorate one of America's most respected soldiers. General Robinson's widow, Mrs. Mildred Robinson, and other family members will participate in the ceremony. Other attendees will include political leaders, senior retired and active duty military officers, as well as USMA staff, faculty and cadets.

The Dedication Project Officer, responsible for the organization and successful execution of this momentous occasion is LTC Charles Dunn III. He is the Executive Officer of the Department of Electrical Engineering and Computer Science. I send my best wishes to all who will participate in this historic ceremony celebrating the memory of General Roscoe Robinson, Jr., a truly outstanding African-American leader.

CONGRATULATING THE PEOPLE OF SRI LANKA

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Mrs. MORELLA. Mr. Speaker, today I am introducing a resolution congratulating the people of Sri Lanka for their commitment to democracy in the face of on-going terrorism. I am pleased to be joined in this effort by Congressman PALLONE of New Jersey, who with me co-chairs the Congressional Caucus on Sri Lanka.

In December's presidential elections, the incumbent, Chandrika Kumaratunga, was reelected to a second six-year term with 51 percent of the vote. Her nearest rival got 43 percent. The final days of the campaign were marred by a terrorist attack in which the President was injured. A total of 22 people were killed and more than 100 others injured in that attack and in another terrorist incident. These attacks have been blamed on the Liberation Tigers of Tamil Eelam (LTTE), an organization that has been waging a violent campaign against the Sri Lanka Government for more than 25 years. The LTTE has been designated a terrorist organization by the U.S. State Department.

Yet, despite this shadow of violence, 8.6 million of the nation's 11.8 million registered voters cast ballots, for an impressive voter turn-out of 73 percent. This demonstrates the strong commitment of the Sri Lankan people to democracy and their refusal to be intimidated by terrorism. International observers, invited by the Sri Lankan government, were on hand to monitor the election. U.S. State Department spokeman James P. Rubin stated on November 30th that the U.S. Government applauded Sri Lanka's decision to invite the international observers.

Mrs. Kumaratunga, who was elected as the nation's first woman President in 1994, was sworn in to her second term on the day after the elections. In her address to the nation, the President pledged to combat terrorism and urged her compatriots to join her in establishing peace. She reached out to her main rival in the presidential race to join her in building a consensus to achieve these goals.

I hope that Members will join me in support of this resolution recognizing the commitment of the people of Sri Lanka and their government to democracy and to achieving peace.

SUPPORT THE COMMON SENSE CENSUS ENFORCEMENT ACT OF 2000

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Mr. COLLINS. Mr. Speaker, I rise today on behalf of the many Georgians who have contacted me to complain that this year's census questionnaire is too intrusive. Today, I am introducing legislation that will address these serious concerns—The Common Sense Census Enforcement Act of 2000.

As every Member of the House of Representatives is acutely aware, the census is constitutionally mandated for the purpose of apportioning federal legislative districts, and the population information gathered is also used in drawing state legislative district lines. The Constitution requires the federal government to conduct the census, and federal law (13 U.S.C. § 221) also requires that residents answer the census completely and truthfully. Failure to answer any questions can result in fines of up to $100. Furthermore, if one intentionally provides inaccurate information in response to the census, the law provides for fines up to $500. These penalties are understandable with regard to questions directly related to apportionment, in light of its central importance to our constitutional system. I do, however, question the appropriateness of imposing such penalties for refusal to answer questions unrelated to apportionment, and I am introducing legislation to remedy this situation.

Today, I am introducing The Common Sense Census Enforcement Act of 2000, which would eliminate the fine for failure to answer Census 2000 questions unrelated to apportionment. By taking this action, Congress can limit the intrusive nature of the census while still providing the government with the basic information necessary to administer our republic.

This legislation reflects the concerns many of my constituents have expressed with regard to the length and the content of this year's census. Most of the questions on the long form of the census clearly are not asked for purposes of apportionment, but rather to collect information necessary for the administration of any number of federal programs. Information gathered in the census is currently used for federal and state planning and funding of education and health care programs, transportation projects, etc. While it is true that federal law requires much of this information for program administration, the law does not require that this information be collected via the census or under any penalty at law. A great deal of information that was once collected through the census is already being gathered through surveys that do not bear the census' strict legal requirements.

In closing, I share the belief of many Georgians who find it inappropriate for the federal government to coerce citizens to provide personal information by packaging non-apportionment-related questions with the constitutionally required and legally enforceable apportionment census questions. In the future, either the information should be collected separately, or it should be made clear that no penalty will be applied to those who refuse to answer questions unrelated to apportionment. I urge my colleagues to join me in support of The Common Sense Census Enforcement Act of 2000.

A TRIBUTE TO ENTREPRENEUR OF THE YEAR YOLANDA COLLAZOS KIZER

HON. ED PASTOR
OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2000

Mr. PASTOR. Mr. Speaker, I rise before you today to pay tribute to an outstanding fellow Arizonan, Yolanda Collazos Kizer. Yolanda is a well-respected business and community leader in Arizona and Phoenix, and someone I'm proud to call my friend.

Yolanda was recently awarded the prestigious Entrepreneur of the Year award by the Arizona Hispanic Chamber of Commerce for the year 2000. This award was established to honor extraordinary individuals that have not only been successful in the business world, but who have contributed to the community on a broader scale. The award recognizes Ms. Kizer for her influence as a role model among small business owners and in the Hispanic community.

Yolanda is the owner and president of three Phoenix-based businesses: CASA Fenix Merchandising owns and operates retail concessions at Phoenix Sky Harbor International Airport; Builder's Book Depot is a retail, mail order and electronic commerce bookstore that specializes in construction, architecture, interior design and engineering books; and Builders' Book Publishing Company produces speciality business management texts for the construction industry.

Yolanda is an active community leader and has served on a multitude of boards and commissions. Currently she sits on the Executive Committee of the City of Phoenix Sister Cities Commission and on the Governor's Diversity Council. She has professional affiliations that include memberships in the National Association of Women Business Owners, the Arizona Hispanic Chamber of Commerce, the Arizona Chamber of Commerce, the Association of Minority Owned Airport Concessions, and the American Booksellers Association. She has previously served on the City of Phoenix Commission on the Economy, First Interstate Bank Community Advisory Board, Arizona Veterans Memorial Coliseum and Exposition Center Board of Directors, and the Governor's Strategic Plan for Economic Development. She is also the former President and Board member of the Arizona Hispanic Chamber of Commerce.

Not only is Yolanda a tireless worker in the business community, she also spends many hours giving back and facilitating the success of others. Yolanda has served as a mentor to many young women, and she is a founding member of MUJER, a Hispanic women's organization in Arizona. Yolanda has given freely of her experience and expertise by giving seminars and lectures throughout the Valley of the Sun. As a policy maker, through her various civic roles, she has made important contributions to and helped to shape today's business environment.

Mr. Speaker, as you can surmise, Yolanda Kizer is an exemplary community leader and a true role model for young entrepreneurs across the nation. Therefore, I am pleased to pay tribute to my friend Yolanda, congratulate her on this most recent accomplishment, and wish her continued success.

CONCERNING ORGAN PROCUREMENT AREA IN KENTUCKY

HON. ED WHITFIELD
OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2000

Mr. WHITFIELD. Mr. Speaker, April 4, Mr. DINGELL referenced the different waiting times for liver transplants between the two Kentucky transplant centers. As you might know, both centers are in the same organ procurement area (OPA). The different waiting times are the result of the different status levels of the individuals on the waiting list. It is not a reflection of geographic unfairness. Seriousness of condition, not time on the waiting list, is the determining factor for who gets a liver transplant. As the Institute of Medicine report stated, aggregated waiting time is a poor measure of equity in the transplant field.

At the request of both Kentucky organ transplant centers, I was pleased to cosponsor H.R. 2418, the Organ Procurement and Transplantation Network Amendments Act. Let's keep important transplant decisions with the physicians and transplant centers who actually save lives. Let's keep the Washington, bureaucrats out of this issue.

END THE BERMUDA TAX DODGE

HON. RICHARD E. NEAL
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2000

Mr. NEAL of Massachusetts. Mr. Speaker, the Hartford Courant recent ran an editorial endorsing an effort to ''end the Bermuda tax dodge.'' I agree with this editorial, which is why I am joining my colleague Representative NANCY JOHNSON in introducing legislation to put an end to this loophole.

During the past year, several Bermuda-based companies have either acquired a U.S. property-casualty insurer, or U.S. reinsurers have relocated to Bermuda. A major reason for these actions was to allow insurers to avoid U.S. income tax on investment income by reinsuring their U.S. owned subsidiaries' reserves to a parent located in a tax haven such as Bermuda, which has no income tax. It works like this: the company pays a one-time 1 percent federal excise tax to reinsure offshore, and in return, the foreign reinsurer earns tax-free investment income on the transferred reserves for as long as they are held offshore. By escaping all U.S. income tax, these companies can have up to ten percent pricing advantage over U.S. taxpaying companies in the U.S. marketplace.

Mr. Speaker, such an advantage to foreign companies over U.S. owned companies is patently unfair and should be eliminated immediately. Our legislation solves the problem by imputing investment income to the U.S. subsidiary of the foreign reinsurer or business sent offshore to a tax haven. This language is intended to affect only reinsurance transactions with foreign reinsurers domiciled in tax haven countries such as Bermuda, and it only impacts business ceded between related parties.

This is not a trade issue, as some would like to make it. The purpose of insurance is to enable property-casualty companies to spread risk among several companies. The practice of reinsurance allows greater access to insurance for consumers, promotes solvency in the marketplace, and helps ensure claims are paid to customers. But this is not the true purpose of the transactions affected by this bill. In these cases, reinsurance is written between related parties—a U.S. subsidiary cedes U.S. business to its foreign based parent—simply to obtain a tax benefit. No risk has been spread in this transaction, the company is simply moving money from one pocket to another pocket within the same corporate entity. The primary purpose is to escape U.S. income tax.

Mr. Speaker, we welcome any comments or suggestions on this legislation from the Treasury Department, the Joint Committee on Taxation, any party affected by this bill, or anyone concerned that they might be. This is clearly a very technical issue, but that should not stop Congress from moving quickly to shut down this loophole. If we do not stop this practice, then other U.S. companies will be forced to relocate to Bermuda, or be bought by a Bermuda based parent, in order to stay competitive. This, in turn, will result in a significant reduction in U.S. corporate tax payments, and has implications not only for the property casualty business but also for affiliated corporations, especially life insurance companies, who could in theory benefit from this loophole.

Now is the time to take action, and hopefully Congress will act now.

STATEMENT BEFORE THE APPROPRIATIONS SUBCOMMITTEE ON FOREIGN OPERATIONS

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2000

Mr. KUCINICH. Mr. Speaker, I recently testified before the Appropriations Subcommittee on Foreign Operations on FY 2001 Budget Request on March 30, 2000. I submit my statement for the RECORD.

CONGRESSMAN DENNIS J. KUCINICH'S STATEMENT BEFORE THE APPROPRIATIONS SUBCOMMITTEE ON FOREIGN OPERATIONS ON FY 2001 BUDGET REQUEST

Thank you Chairman Callahan and Ranking Member Pelosi for offering me an opportunity to relate my thoughts on the President's budget request for foreign operations to you and other Committee members.

I would like to begin by reminding my colleagues that it has been a full year since the start of the NATO air campaign on Yugoslavia. My comments will focus on United States and NATO efforts since this bombing campaign and the costs associated with these efforts, specifically with regard to peacekeeping operations and funding democracy activities in the region.

To start, the peacekeeping mission in Kosovo has only compounded our failures in the Balkans. A year later we are witnessing reversed ethnic cleansing of Serbs and Gypsies by Albanians. Since June of last year, more than 240,000 Serbs, Roma and Muslim Slav Gurani have fled the province of Kosovo. The composition of Kosovo is now almost completely Albanian as Serbs and other non-Albanians continue to flee for fear of their lives. Moreover, an Amnesty International report issued last month concluded that six months of peacekeeping efforts in the region that ''human rights abuses and crimes continue to be committed at an alarming rate, particularly against members of minority communities.'' It goes on to say that U.N. police and KFOR troops have been ''unable to prevent violent attacks, including human rights abuses, often motivated by a desire of retribution, against non-Albanians.'' Many refugees are forced to live in nearby enclaves under heavy NATO protection. The U.N.'s goals of maintaining a multi-ethnic Kosovo has failed. For example, an attempt to reintegrate Serb and Kosovar children in school in the village of Plementina recently failed. In response, the U.N. Kosovo Mission (UNMIK) decided to build a separate school several kilometers away for security reasons. These failures have forced the head of the U.N. Kosovo Mission, Bernard Kouchner, to concede that ''the most one can hope for is that

One of the goals of the peacekeeping mission was to disarm and disband the armed militia groups. However, many members of these groups remain as active as ever under KFOR occupation. For example in the villages of Presovo, Medvedja and Bujanovac (UCPMB), which line the south Western border of Serbia where both ethnic Albanians and Serbs still live, an extremist group called the Liberation Army for Presovo is now active, though it did not exist before the peacekeeping mission began. Many members of this group are said to have been former militia members. The group has been blamed for a killing of a Serb police officer and attacks on UN staff.

Indeed, armed conflict could well get worse in the future under UN peacekeeping forces. Recently, American soldiers raided a radical group's command post seizing hundreds of stashed weapons. This region seems to be indicative of what seems to be a broader expansionist goal of creating a greater Albania. There are reports that violent clashes may spill into Macedonia and Montenegro. According to a Reuters news report last week, ''The Yugoslav army and Montenegro policy agreed on Saturday to set up a joint checkpoint between the coastal republic and Kosovo in a bid to stop smuggling and terrorism spilling over from the province.''

Moreover, I am concerned that continued peacekeeping operations may actually facilitate an escalation in violence in the region. It is my understanding that part of the mission of KFOR is not only to ''keep the peace'' in the region, but to also train local residents into a civilian police force. My concern is that UN troops are legitimizing and institutionalizing extremist or radical elements of society there by training them to be a police force. If that's true, then our forces and our funds are propping up extremist elements in Kosovo and consolidating their power.

If, indeed, UN troops are training rogue elements to become part of the civilian police force, Kosovo, then thus funding will not merely have been wasted, but will have contributed to instability in the region. I would like to put an American perspective on the proposed spending of $29 million for continued peace keeping operations in the region. You might be interested in knowing that we have a program in the United States called the Troops to COPS program, which provides law enforcement incentives to hire veterans who have served in our armed forces to serve as police officers. Funds are used to reimburse law enforcement agencies for training costs of qualified veterans. Since 1996, funding for this program has reached only $2.3 million-in 4 years. Why should we spend $29 million dollars in one year on peacekeeping operations that could put extremist elements in charge of Kosovo and that so far has provided inadequate? Maybe we should be using these funds to train law abiding US veterans to become community police officers here in America.

Now, I would like to touch upon the funding request for the Support Eastern European Democracy (SEED) program—a program which, among other things, supports democratic movements in the region. The funding request has increased from $77 million in 1999 to $175 million in Kosovo and from $6 million to over $41 million in Serbia, Yugoslavia. It indicates increased and intensified US involvement in the internal politics of the area. Here, too, our efforts have backfired. Democratic opposition groups in Serbia are weaker today than they were a year ago. Milosevic is stronger. It should concern Congress that funds for promoting democracy can result in weakening the popular appeal of democracy advocates. Congress needs to place limitations on this funding to restore its integrity. Specifically, Congress should place the following limitations:

No funds should be appropriated for use by any armed group or advocates of violence.

No funds should be appropriated for use by any group that advocates the violent overthrow of the Serbian government.

I conclude by saying that you should be skeptical of the budget request for peacekeeping operations and the SEED program in Kosovo and Serbia based on the past year's failure. I support the reduction of funding for peacekeeping forces in the Balkans.I support the advancement of peace and democracy in the Balkans. To achieve these goals, Congress will have to place limitations on spending in the Balkans. Otherwise, we will be adding to the problem of instability and a lack of democracy in the Balkans region.

Thank you.

POLITICAL INSTITUTIONS IN THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Ms. KAPTUR. Mr. Speaker, functioning democracy in the newly emerging independent states of the former Soviet Union requires setting up new political institutions and developing the means of conducting the people's business. As we have seen in many of these countries, this is proving to be a challenge beyond the patience and political will of their leaders, particularly given the harsh economic conditions throughout the region. More often than not, responsible economic policies represent, in the short term, even greater hardships for the people whose support is essential if democracy and market economy are to be sustained in these countries.

In Ukraine this challenge was put to test earlier this year when the Verkhovna Rada, Ukraine's parliament, was confronted with a serious political crisis over the selection of the Speaker and other leadership positions. The Leftist forces, though in the minority, have managed to control the parliament for the past 18 months, thwarting the majority's efforts to implement President Kuchma's legislative agenda.

A vivid description of how the leftist speaker, Oleksandr Tkachenko, thwarted the majority and the subsequent developments that lead to his ouster are provided in a report by the U.S.-Ukraine Foundation. In Update on Ukraine, February 24, 2000, Markian Bilynskj writes. ''Until January 21, the final day of the fourth parliamentary session, the Rada was presided over by a chairman whose political ambitions and sense of indispensability were matched only by his limitations. Oleksandr Tkachenko had been elected essentially by default 18 months earlier as elements within the Rada and beyond fought to prevent the chairmanship from falling into the hands of anyone harboring presidential ambitions. His eventual, somewhat surprise decision to run brought about a further politicization of the legislative process and was the principal reason behind the Rada's growing ineffectiveness. Tkanchenko's final unabashed identification with the communist candidate—a fitting conclusion to what can only be described as a parody of an election campaign—represented an abandonment of any pretense as impartiality and irreversibly undermined his credibility as Rada chairman. At the same time, President Leonid Kuchma's re-election altered the broader political context within which the Rada had to operate to such an extent that Tkachenko was transformed from a largely compromise figure into an anachronism''.

After the December election, President Kuchma's administration joined with the proreform majority to challenge Speaker Oleksandr Tkachenko and his Communist-Left forces and succeeded in electing a new Speaker and many of the leadership positions in the Rada. The result is a newly constituted parliament with a majority now occupying key positions that is capable of responding to

President Kuchma and Prime Minister Yuschenko's reform agendas.

I would like to submit for the record and bring to the attention of my colleagues an interview with Grigority Surkis, a prominent, businessman and member of the Rada.

IT'S TIME FOR TRANSPARENCY

(By Grigoriy Surkis)

It would be desirable if our Parliament did not have deep divisions between the majority and minority factions; however this is not possible due to deep-rooted ideological divisions in the country.

Former Speaker Tkachenko, leader of the Communists in the Rada, demonstrated his inability to work out a compromise even when the majority announced a willingness to work cooperatively with Communist leaders on a legislative program.

By the way, leaders of the Ukraine Communists should learn a lesson from their Russian counterparts, who recently made a deal with the pro-government factions in organizing the Duma and distributing assignments among party leaders. They have a difficult time understanding that Communist authoritarianism does not exist in post-Soviet societies, nor is it as strong after eight years of democracy.

However, it remains to be seen how the pro-government bloc in Russia will get the Communist Speaker of the Duma to act on progressive legislation and actually achieve results. I sincerely wish that this arrangement will work so that the people of Russia benefit from progressive changes that will improve living standards that make for a better society.

In my opinion, Ukraine has chosen the right path. In parliament, we formed a majority bloc by uniting the ''healthy'' forces who were committed to reform legislation. This is necessary to ensure speedy action on a range of progressive proposals to deal with the problems of our pension system, taxes, and the criminal and civil code. This will help us to clean house in the Rada and institute badly needed changes that, in the past, impeded our efforts to confront these needs.

Is compromise possible? Let's think about it. We want our people to live in a new environment but there are some who want to pull us back to the old Soviet system. To go back is to lose hope and confidence in our ability to improve our situation. The reformers want a government that will enable people to own property while the Communists want people to be the property of the state. We believe that the Constitution is the basic law, but they still believe the ''Party'' is the supreme authority.

Finally, in a democracy it is acceptable to have a compromise, which is how people work out their differences. But the old guard distrusts working with what they see as the ''bourgeois'' and reject efforts to resolve differences amicably. So we are not talking about compromise in terms of confronting the issues and resolving differences, but the Communists see any negotiations with reformers as selling out or imposing a kompromat on us. I am reminded of the words of the great Golda Meir, who was born in Kiev, who once said: ''We want to live. Our neighbors want to see us dead. I am afraid that this does not leave any space for compromise''.

The problem would not be so serious if we were talking only about Parliament. However, we are talking about society as a whole. The Leftists seem committed to destroying the Rada, the one institution that ensures representation of the people in government decision-making. Perhaps they do not know about Abraham Lincoln's statement that a house divided cannot succeed and that their intransigence will prevent democracy from taking root in Ukraine. Everyone knows what happens to the person if his right leg makes two steps forward and the left remains rooted in the same spot.

I want to stress again that after the 1999 presidential election, it became obvious that a divided parliament with a Communist as Speaker would prove unacceptable and only serve to obstruct the reform agenda of the government. Had the Communists prevailed, they would have taken the country down the back road of political fatalism. Yet there are some who worry that the unfairness of winners hides the guilt of losers. I can only say that if the Leftists had won the election, we would not be asking these questions.

I am afraid that if the majority had allowed a Communist to remain as Speaker, it would have proved to be a temporary solution, similar to what will happen with the Duma. In the United States, it is possible for the Republicans to control the Congress and the other party to have the Presidency. This is possible because America has 200 years of experience working within a democratic system.

Our country does not have time to wait. For us, every day without enacting and implementing laws is a huge setback for a country that must accomplish so much in a critically short time. The majority knows that it is impossible to form a parliament without the opposition, and it is our intention to treat proposals from the opposition seriously. We have assumed political responsibility that gives us an opportunity to cooperate with the newly re-elected president who bears the main responsibility for society as a whole.

We recognize that it is the president who must provide the leadership and direct the institutions of government. Throughout the years of Ukraine's independence, there is not a single case when the three branches of power simultaneously worked together on behalf of Ukrainian citizens. Today we must take responsibility and are ready to be accountable for our actions.

Once again, we do not have time. The majority of Ukrainian citizens spoke very clearly in the recent election by giving President Kuchma a new four-year term. By this vote, they rejected the Communist Party and the idea of turning back to the old system where freedom and human rights did not exist.

The Communists, of course, feel threatened by the new democratic forces and their reform agenda. They do not want to relinquish power and recognize that a new generation of intelligent and resourceful leaders is taking charge. That is the promise of democracy and, if given a chance to succeed, the future of Ukraine in the new millennium.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Mrs. MYRICK. Mr. Speaker, due to necessary medical treatment, I was not present for the following votes. If I had been present, I would have voted as follows:

April 3, 2000:

Rollcall vote 96, on the motion to suspend the rules and pass H.R. 1089, the Mutual Fund Tax Awareness Act, I would have voted "yea."

Rollcall vote 97, on the motion to suspend the rules and pass H.R. 3591, providing the gold medal to former President Ronald Reagan and his wife Nancy Reagan, I would have voted "yea."

April 4, 2000:

Rollcall vote 98, on agreeing to the LaHood amendment to H.R. 2418, I would have voted "nay."

Rollcall vote 99, on agreeing to the DeGette amendment to H.R. 2418, I would have voted "yea."

Rollcall vote 100, on agreeing to the Luther amendment to H.R. 2418, I would have voted "nay."

Rollcall vote 101, on passage of H.R. 2418, the Organ Procurement and Transplantation Network Amendments, I would have voted "yea."

THE TWO-HUNDRED AND SEVENTY-FIFTH ANNIVERSARY OF EASTON, MASSACHUSETTS

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Mr. MOAKLEY. Mr. Speaker, as we celebrate the beginning of a New Millennium, we are reminded of the history and accomplishments of our forebears in past centuries who "brought forth" as President Lincoln said, "on this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal." This year, 2000, also marks the Two-hundred and Seventy-fifth Anniversary of the Founding of Easton, Massachusetts, which shares a unique role in the Colonial and Civil War history of this great country. I acknowledge the monumental spirit of the citizens of Easton, and to recognize their many contributions to the growth and development of the United States, and the Commonwealth of Massachusetts.

THE CONFEDERATE FLAG

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. THOMPSON of Mississippi. Mr. Speaker, there are a million reasons why the Confederate Flag should not be flying over any state capitol, comprise a part of any state flag, or be displayed in any place of honor or distinction. From its racist past to its polemic present, the one thing that can be stated unequivocally, is that today, the flag has become shrouded in an over-simplified, revisionist version of American history."

"Claims that the flag represents a benign segment of Southern history, ruled by some sort of gentile charm and virtuous code of conduct, are patently offensive to every American whose ancestors were brutalized by the stinging pains of slavery or ostracized by its illegitimate progency, Jim Crow."

"This legislation is intended to set the record straight. The Leaders of the Confederate States of America were traitors. Had they been allowed to succeed in their ultimate act of betrayal, they would have destroyed all of the principles and freedoms we hold dear as Americans. It is impossible to celebrate the Confederate Flag and simultaneously profess one's love of democracy. It is self-delusional to attribute equality, freedom and opportunity to the Confederacy when its treasonous acts would have destroyed all of these values—these American values."

"As our nation tries to deal with rise in conspicuous acts of racial violence and hate, the one glaring fact with which we are frequently confronted is that we have not adequately and honestly dealt with our past. Once again, this resolution will be a constructive first step in starting that dialogue. I challenge one person who presently supports the flying of the Confederate flag to read the words contained in this legislation and say that the beliefs of the Confederacy, articulated in this bill, do not stand direct conflict with the principles we enjoy as one nation united and indivisible under God."

"At the end of the day, this bill is about the true history of the flag flying over the Capitol building in South Carolina. It clarifies the symbolism connected with the battle flag contained in the Mississippi and Georgia state flags. At the end of the day, this legislation begs the question, 'Will we, as Americans, united and God-fearing, allow ourselves to posthumously give the Confederacy the divided nation they so desperately fought to create, or will we embrace the fundamental principles which presently govern the moral conscience of our nation and work toward a day when the actions of our shared, Americans heroes overshadow the treasonous acts of a group of traitors whose actions would have destroyed our nation."

RECOGNIZING 25 SAN MATEO COUNTY HIGH SCHOOL SENIORS FOR OVERCOMING OBSTACLES AND SERVING AS ROLE MODELS

HON. TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 2000

Mr. LANTOS. Mr. Speaker, this morning at a breakfast in Redwood Shores, California, the Family Service Agency of San Mateo County honored 25 high school students at a "Winners Breakfast," an annual recognition of high school seniors who have overcome great odds and are role models for their peers. Some six hundred people joined in celebrating the achievements of these outstanding students.

The Family Service Agency of San Mateo County is a private, non-profit social service organization which has established and supported programs throughout the County for children, seniors and families, and the Agency started the Winners Breakfast five years ago together with local businesses, the San Mateo County Office of Education and community leaders.

Mr. Speaker, this year the Family Service Agency is recognizing students who have faced a wide range of challenges, from homelessness, poverty and family and gang violence to chronic illness, personal tragedy, substance abuse and single parenthood. The students were chosen by personnel at the schools which they attend, and each honored student received a scholarship of $500 paid for by sponsors of the program.

Heather Angney of the San Mateo County Times has written a series of excellent articles which appear in today's issue of the newspaper paying tribute to those students being honored today, and the Times is one of the supporters of the effort to provide funds for these students.

Mr. Speaker, I invite my colleagues in the Congress to join me in paying tribute to these outstanding students who were honored today for their perseverence in overcoming the tremendous difficulties they faced. These students are as follows:

Alexandra Chiles of Atherton was diagnosed with cancer at age 12 and endured endless rounds of chemotherapy and radiation treatments. Many years, she was too sick to enjoy Christmas. When she was able to go to school, she often went with thin hair and her face swollen by drugs. Through all this, Alex achieved more than most students, qualifying for the National Honor Society, gentling a nervous horse and volunteering in soup kitchens. In Alex's case, the recognition is bittersweet. She died March 22. Her parents, Anita and Robert Chiles of Atherton, will attend the breakfast and join in recognizing other students who are succeeding in spite of great challenges. As Alexandra's mother said, "She was a wonderful model of how we should all confront our problems in life."

Maria Ruth Alvarado of Woodside High School prevailed over abuse, homelessness and poverty to become an activist at school and in her East Palo Alto neighborhood, tutoring at community centers and starting a support group for gay and HIV-positive people.

Albert Balbutin of Oceana High School faced his father's death, his mother's depression and financial hardship and decided to turn his life in a positive direction. He raised his grades from Ds and Fs to As and Bs, became co-president of his class and started Unity 2000, a campus organization dedicated to stopping teen violence.

Sarah Carr of Pescadero High School was considered a discipline problem with a bad attitude who wouldn't graduate. But she turned herself around with the encouragement of school staff and has improved her grades, stopped using bad language and started smiling. She plans to attend college next year.

Karen Cerri of Westmoor High School was abused by her biological and foster families until she was adopted into a loving home at age 10. She now coaches a swim team and serves as a peer counselor, and she hopes to become a paramedic or firefighter and adopt a foster child.

Rosalyn Curincita of Redwood High School and Sequoia High School was distracted from her school work while caring for relatives and marrying at an early age. She entered Redwood and made up two-and-a-half years of work in just one year. Although she works to support her family, she maintains excellent grades, enabling her to return to Sequoia to finish her senior year.

Jared Frias of Carlmont High School was in an automobile accident in which he lost a leg and two people died, including a friend who was like a brother to him. While in the hospital, Jared organized a Holiday Toy Drive for children in the hospital. And last fall, with the aid of a prosthetic limb, he returned to his favorite sport — football.

Renee Frost of Aragon High School has worked hard despite lifelong family disruptions and financial disadvantages. She attends the Regional Occupational Program, where she is described as "best in her class" in a Travel and Hospitality Careers course. As the school's receptionist, she greets the public, organizes the career center bulletin board and helps students enroll in classes.

Robert Gomez of Mills High School has been in a wheelchair since childhood because of cerebral palsy. With divorced parents, he has relied on himself to achieve his academic goals. Despite physical limitations, Robert participates in school activities, attends ball games and supports other students. He hopes to attend college and become a lawyer.

Diana Gonzalez of Community School North lived the life of a gang member from age 11 to 16. She attributes her transformation to the help of God, her best friend and her boyfriend. She graduated from the Gateway Center program with straight A's and enrolled in Community School North. She is on schedule to graduate with a GED by June and will attend Bryman College in San Francisco.

Robert "Tito" Gonzalez of Terra Nova High School is deaf in one ear, which affects his school performance. He was placed in special education in fourth-grade but worked so hard he switched to mainstream classes by sixth-grade. Robert has a 3.2 gpa, was voted "best artist" by his senior class and is considering a career in microbiology and genetics.

Emily Jaime gives credit for her achievement to a fourth grade tutor who encouraged her to read, and that moves her to volunteer at an elementary school twice a week, and now 12 years after failing first grade, she's heading to Temple University in Philadelphia, Pennsylvania. Emily's father left the family when she was four, and she hasn't seen him much since, but her mother and grandmother encouraged her to make the most of opportunities, gap and told her to get a college diploma, something neither of them was able to do.

Lauren Kass of Pilarcitos High School had struggled in school starting in junior high. But after transferring to the Cabrillo district's independent study program, she thrived academically and personally. She received her diploma in February and now works at a preschool and rides and trains horses. She hopes to eventually open her own preschool.

Linda Khiev of Sequoia High School has held her family together since her mother's illness last year, working part-time and handling household duties. Despite the stress, she remains at the top one percent of her class academically. Linda hopes to become a physician.

Victor Lopez of Aragon High School has been largely independent since his mother returned to Mexico to care for his grandmother when Victor was 14. Victor has been a Peer Helper for three years and is a member of student government. He doesn't let negative peer

influences deter him, and his dream is to become a pediatrician.

Wendy Maravilla of Thornton High School had a baby in her junior year and had to work part-time and enroll in an independent study program. She is training to become a certified nurse's assistant and working part-time at Marshall's. Wendy firmly believes she can accomplish her dreams, including her goal to become a registered nurse.

Osvaldo Munoz of El Camino High School faced his father's long illness and death this past October. Throughout this difficult time, he has remained a strong, mature and constant support to his mother and family and volunteered at Family Service Agency's Club Leo J. Ryan after-school program. Osvaldo plans to attend Skyline College and study computer science.

Daniel "Dan" Nawahine of Hillsdale High School has a "can do" attitude despite the challenges of having speech and language delays and various learning and motor challenges. He is a student in the Disorders of Language Program and plans on working at San Francisco International Airport in the Ramp Service after he completes the ROP Airport Training Program.

Sulia Pale of Capuchino High School was in an extremely traumatic car accident in 10th-grade, leaving her with deficits in learning, memory, attention and problem solving, along with emotional and personality changes. In June, Sulia will be the first in her family to graduate from high school. She plans to attend community college and have a career in the air and travel industry.

Amanda Peacock of South San Francisco High School has dealt with tragedy twice in her life. When she was seven, her baby sister died of leukemia. In March of this year, she lost her 8-year-old sister to leukemia. Despite this, Amanda completed ROP's Hotel and Hospitality Services Class and plans to attend a junior college after graduation.

Jason Shaughnessy of Hillsdale High School was abandoned by his father when he was two years old. His mother disappeared when he was in fifth-grade. The support of his grandfather, aunt, uncle and cousins has enabled Jason to have a sense of belonging, to build confidence and to have maturity beyond his years. He plans on attending a four-year college and majoring in psychology.

Amelia Tauataina of Peninsula High School was chronically truant and her parents day laborers who spoke little English, had difficulty providing the academic support she needed. Through an interpreter, her parents connected with her teachers and counselors, and Amelia is now a star student. She completed a 125-hour internship at Alaska Airlines and was hired there. She plans to enroll in San Francisco City College.

Meghan Walsh of El Camino High School has had to bear more responsibility than usual for a person her age. When she was four, her mother was diagnosed with multiple sclerosis and must use a wheelchair. Her father became her mother's full-time caretaker, putting financial strain on the family. Meghan maintained a positive attitude and is a peer tutor, maintains a 3.7 gpa and is on the yearbook staff.

Ricky Whitfield of Sacred Heart Preparatory Academy was one of only eight students of color enrolled in Sacred Heart Preparatory Academy. Learning difficulties made school challenging. Then, on Dec. 26, 1999, his mother died after a battle with cancer. Ricky maintained his academic goals and stayed active in school drama and choral activities. He is considering becoming a minister or educator and wants to make a difference in his East Palo Alto community.

Tiffany Williams of South San Francisco High School moved to California during the summer of her sophomore year with hopes of attending a college in the University of California system. Without her parents and friends, she was homesick, scared and lonely, but she joined school clubs, tutored after school and became copy editor of the yearbook. She hopes to major in biology in college and later attend medical school.

IN RECOGNITION OF FRED LIPPMAN AND WILL TROWER

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. DEUTSCH. Mr. Speaker, I rise today to honor Fred Lippman and Will Trower, soon to be awarded the Tree of Life Award given annually by the Jewish National Fund in recognition of outstanding community involvement and dedication to the cause of American-Israeli friendship. The extraordinary vision that these men share make them exemplary citizens, and I congratulate them both on this well deserved award.

The State of Florida as a whole has greatly benefitted from Fred Lippman's vision and leadership: Fred represented much of South Broward County in the Florida House of Representatives 1978 to 1998. A fervent supporter of the preservation of Jewish history, Fred received an award in 1997 for his efforts in creating and adopting Holocaust education curricula in Florida. He is also known as the "father" of the State of Florida's Area Health Education Center (AHEC) Program, a joint federal and state program that seeks to improve the supply and distribution of primary care health providers in medically under served areas.

A 30 year veteran of the healthcare industry, Will Trower is currently President/CEO of the fourth largest public hospital system in the nation, the North Broward Hospital District. He has tirelessly worked to fulfill the North Broward Hospital District's mission of providing healthcare to Broward County residents through an integrated system, emphasizing community-based health programs. By advocating the expansion of services for primary care, mental health, and care for the chronically ill, Will has demonstrated his intense desire to better the lives of those around him in the South Florida community.

Mr. Speaker, I wish to convey Fred Lippman and Will Trower a heartfelt congratulations for this wonderful honor. Indeed, we owe both of these distinguished individuals a tremendous debt of gratitude, and I would like to thank both Fred and Will for their efforts on behalf of the entire South Florida community.

CONGRATULATIONS TO THE UNIVERSITY OF WISCONSIN WOMEN'S BASKETBALL TEAM ON THEIR WNIT CHAMPIONSHIP

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Ms. BALDWIN. Mr. Speaker, today I congratulate the University of Wisconsin women's basketball team for their outstanding season which recently culminated in their WNIT Championship victory.

The Badgers, led by Coach Jane Albright, advanced to the WNIT Championship for the second year in a row. However, this time their persistence was rewarded when they defeated Florida by a score of 75–74 and won the Championship!

The Badgers started the tournament by defeating both Fairfield and DePaul. They then went on to the third round and easily handled rival Michigan State. With three solid victories in hand, the Badgers could see the WNIT Championship in sight and did not look back. The team then advanced to the semifinals and dominated Colorado State through the entire game. In the Final, the Badgers were in championship form and pushed through to beat Florida and take home the WNIT Championship Title!

The Badgers are a role model for teamwork. The challenges they overcame would be difficult in the best of circumstances, but they overcame those challenges and achieved their goals in the high pressure atmosphere of the WNIT Tournament! I commend Coach Albright and the entire team for their exemplary performance. They represent well both the University of Wisconsin and the city of Madison. I would like to thank them for a very exciting season and congratulate them on their victory.

HONORING STATE REPRESENTATIVE RICHARD LEE "DICK" LIVINGSTON

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. PICKERING. Mr. Speaker, today I recognize and pay tribute to a remarkable man, State Representative Richard Lee "Dick" Livingston, who passed away on Tuesday, March 28, 2000, following a six week battle with cancer. "Dick," as he was affectionately called, was a lifelong resident of Scott County, and a Democrat who served in the Mississippi Legislature for more than 29 years. He represented parts of Rankin, Scott, and Smith Counties. He followed in the footsteps of his father, the late Elwin Livingston, who also served in the Mississippi House of Representatives.

"Dick" was a native of Morton, MS. He was a graduate of Morton High School, East Central Community College, and Millsaps College. At Morton High School and Millsaps College he was a star athlete in football and baseball. In 1998, he was named Alumnus of the Year for East Central Community College. He was

a former teacher and coach in the Scott County School System and owned and operated Dick Livingston Real Estate Company. He was a member of the National Guard, the Mississippi Wildlife Federation, the Morton Lions Club, the Morton Chamber of Commerce, and the Independence United Methodist Church, where he served as Church Lay Leader, Chairman of the Administrative Board, and taught in the Adult Sunday School.

In the Mississippi Legislature, "Dick" served as Chairman of the Game and Fish Committee, and was a member of the Appropriations Committee, the Public Buildings and Library Committee, and the Education Committee. As Chairman of the Game and Fish Committee, he strongly believed in promoting scenic streams legislation, developing a strong state park system, and providing the necessary leadership on all hunting and fishing matters. "Dick" was a firm believer in leading by example. He was an avid outdoors man, and in 1999, he received the Wildlife Federation's "Conservation Legislator of the Year" Award.

"Dick" Livingston had a passion for God's creation, and nothing thrilled him more than being in the outdoors and enjoying the beauty of the trees, streams, and woods. He was extremely dedicated to his family, which included his wife, Martha W. Livingston, his daughters Lee Ann Palmer, Jennifer Miles, Marsha Barnes, Rori Bridges, his son David, and his grandchildren, Blake and Bethany.

The legacy Richard Lee "Dick" Livingston leaves behind is one of service to his God, his country, his state and his community. I extend my deepest sympathy to his family, and at the same time, express my appreciation, and that of all citizens of the Third District, for his life of service to his fellow man.

INTRODUCTION OF LEGISLATION FOR OLIVE CROPS

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. THOMAS. Mr. Speaker, I am introducing legislation today which will allow the U.S. Department of Agriculture to continue publishing information on the American olive industry. The industry, composed of 1,000 olive growers and the olive processors in California, heartily supports this proposal and urges that we act upon it as soon as possible.

Under federal law, the Department has allowed publication of information on olive crops and inventory for years. These statistics have given farmers, processors and food buyers critical information about the state of the industry. The statistics cover crop outlook, including expected production, inventories and carryover stocks, sales and other matters.

These statistics are important for a variety of reasons. Farmers use them when they bargain collectively with processors to sell a crop. The crop information also helps set assessments growers will pay to support research, marketing and inspection in the industry. The inventory and quality information made available to potential buyers helps create a more efficient market for sales of processed olives.

These figures are important because olives are an "alternate bearing" crop—every other year, crop size varies substantially. In some years, the crop will be double what was produced in the year before. When you consider that olive farmers may see crops vary by as much as 100,000 tons, you can see why farmers, processors and food companies would want accurate information about stocks and future supplies.

We need to pass legislation to allow the statistics to be issued because California has seen the number of olive processors fall during the past decade. With only two processors left in the foreseeable future, the Department of Agriculture is unable to publish information as the law is written today. My bill will give the Department the authority to continue releasing information on the industry.

The bill I am introducing offers a simple, targeted solution to the industry's trouble. The bill will permit the Department to release information if both the remaining processors (called "handlers" under the law) agree in writing that statistics on their operations may be released. The amendment would apply only to olives.

The bill has the strong support of California and national industry groups. It has been endorsed by the Olive Growers Council, The California Olive Association, the California League of Food Processors and the National Food Processors Association. They hope as do I that Congress will complete action on the bill in the near future.

THE MOST MEMORABLE FLIGHT OF 1999

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. BARR of Georgia. Mr. Speaker, in March 1999 a flight crew from Lockheed Martin's Marietta, Georgia plant flew a C–130J into the record books. Aboard this flight was Lyle Schaefer, then Chief Experimental Test Pilot for Lockheed Martin, Pilot Arlen Rens, and Loadmaster Tim Gomez. They flew an unmodified C–130J with a payload of 22,500 pounds, and set 16 new world aviation records. Included in these was a record set in the Short Takeoff and Landing Category, where the crew took off and landed in less than the required 1,640 feet. For this and the many other records, the National Aeronautic Association dubbed this the "Most Memorable Flight of 1999," during a March 27, 2000 ceremony at the National Air and Space Museum.

The C–130J currently holds 54 world records and is the indisputable world leader in air-lifting capabilities. This is due in no small part to the men and women who build this fantastic aircraft, but especially the crew from Marietta, Georgia who piloted the "Most Memorable Flight of 1999."

TRIBUTE TO JUDY WHITBRED

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. DUNCAN. Mr. Speaker, a woman who has performed more than 30 years of service to this Nation is retiring, and I feel like I am losing my right arm.

Judy Whitbred has been my Chief of Staff the entire time I have been in Congress, and I am now in my 12th year in the House.

I have relied on Judy for thousands of things, big and small, day in and day out for all these years.

She has served with great dedication to the people of the Second District of Tennessee for almost 20 years, working first for my father and then for me.

She worked for more than a decade for Congressman John Hunt of New Jersey and Congressman Bill Young of Florida before starting to work for the people of Tennessee.

I have heard Judy Whitbred described by several people as "the best on Capitol Hill." I believe this to be true.

No one could have worked for the citizens of the Second District with more kindness and compassion than Judy. I know that no one would have worked harder.

Almost every night and most weekends, she took work home. I do not know how she was ever able to do nearly as much as she did.

Perhaps more importantly than simply working hard and putting in long hours, she produced results. She got the job done.

Many projects for the Second District and many problems that were solved for individuals, and for which I sometimes received credit, were really the result of Judy's hard work.

Judy unfortunately for me is taking early retirement to be able to spend more time with her husband, Andy, and help in the family business.

Judy's retirement is a great loss for me and my constituents, but it is very well deserved. I wish her the very best in the years ahead in every way.

To sum up, Mr. Speaker, Judy Whitbred is a young woman from the old school—dedicated to the Congress and to the American people.

She is a truly great American, and this Country would be a much better place if we had more people like my friend, my boss, my pal, Judy Whitbred.

PARTIAL-BIRTH ABORTION BAN ACT OF 2000

SPEECH OF

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Mr. DEMINT Mr. Speaker, during the great debates between Senator Stephen Douglas and Abraham Lincoln in 1858, Lincoln stood before thousands of hostile spectators to contest the moral issue of slavery in America. He warned of a nation that treaded upon the principles of equality and freedom, "Let us," Lincoln said, "united as one people throughout

this land, until we shall once more stand up declaring that all men are created equal.'' His words, and dreams, renewed the heart of the nation to fulfill our promise to all people no matter their color, creed, or class.

Today, we too stand at a moment of decision. The debate on banning partial birth abortion provides us an opportunity of a lifetime—to protect the most innocent lives among us. This debate strikes at the very heart of who we are as a people—the core of our conscience and the character of our nation. It is our time, just as Lincoln answered the call of his convictions, to defend the defenseless and speak for those without voices.

What a privilege it is to make the right decision today.

Some in this House have cheapened this debate through distortions and distractions—not willing to unveil the reality that only seconds and inches separate thousands of children from life and death every year.

In Lincoln's time, our nation deemed slaves sixty-percent human. We shackled their legs and beat their backs. We disposed of them as mere chattel, auctioning them like cattle and demanded they give their life and labor for our prosperity. Are we much different today? We deem innocent babies—with kicking feet and beating hearts—less than human. We dispose of them as useless, in pretentious compassion discarding them as ''unwanted.''

Abortion is the civil rights issue of our time. This partial-birth abortion ban rescues our children from the slavery of choice.

I ask this body to make the right choice. Join Lincoln in the hallmarks of history as people who shall once more stand up declaring that all men are created equal. Mr. Speaker, I rise in strong support of the ban on partial birth abortions.

DESIGNATION OF APRIL 9, 2000 AS WILLIE AND BERNICE RUCKER DAY IN THIRTIETH CONGRESSIONAL DISTRICT OF TEXAS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Ms. EDDIE BERNICE JOHNSON. Mr. Speaker, I proclaim April 9, 2000 as ''Willie and Bernice Rucker Day'', in the Thirtieth Congressional District of Texas. This distinction marks the fiftieth wedding anniversary of Mr. and Mrs. Rucker.

Mr. and Mrs. Rucker grew up, met and married in New Orleans, LA. Mr. Willie Rucker retired from the United States Army in 1971 after serving over 21 years. He worked for the Regional Transportation District in Denver CO, taught ROTC for Denver Public Schools, and, upon moving to Dallas, worked for Dallas Area Rapid Transit, retiring in 1996. Mr. Rucker can attribute much of his successful career to the support of his wife. Mrs. Bernice Rucker has been a constant companion, friend and mother. Mr. and Mrs. Rucker are the parents of six wonderful children, Vernon, Rodney, Clyde, Candace, Debra, and Patrick, who have become productive members of society.

Mr. Speaker, The Ruckers are a prime example of true family values. They are a testament to the virtue of marriage and an asset to Texas. I ask the citizens of the Thirtieth Congressional District of Texas to unite with me in paying tribute to these great Americans. Please join me in celebrating ''Willie and Bernice Rucker Day'' on April 9, 2000.

RECOGNIZING THE WESTERN MASSACHUSETTS CHAMPION LUDLOW HIGH SCHOOL GIRLS SOCCER TEAM

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. NEAL of Massachusetts. Mr. Speaker, today I recognize the accomplishments of the 1999 Ludlow High School girls soccer team. The Ludlow girls soccer team won the program's third Western Massachusetts title last year by defeating defending State champion Cathedral High School. The Lions defeated Central Massachusetts Champion Shrewsbury en route to the State final match, where they fell just short of their goal.

The Ludlow girls soccer team finished the year with a record 19–2–1. Ludlow was able to dominate a tough league in Western Massachusetts in 1999 by employing a highly skillful style of play. A team that was tough when it needed to be, Ludlow was capable of outclassing most of its opponents. As a result of their high class style, the Lions enjoyed the fervent support of the residents of the Town of Ludlow throughout the season.

Head Coach Jim Calheno has built a very successful program at Ludlow High School. Coach Calheno is well-respected in the teaching community and his team is duly feared. The Ludlow talent pool runs very deep, and the Lions are certain to be the team to beat in 2000. A group of talented Juniors, including All-American selection Liz Dyjak and All-New England selection Stephanie Santos, will be looking to claim the State title next season.

Mr. Speaker, allow me to recognize here the players, coaches, and managers of the 1999 Ludlow High School girls soccer team. The Seniors are: Melissa Dominique, Sandy Salvador, Angela Goncalves, Jen Crespo, Marcy Bousquet, Lynsey Calheno, Jenn Genovevo, and Leana Alves. The Juniors are: Nicole Gebo, Lindsay Robillard, Lindsay Haluch, Kara Williamson, Sarah Davis, Liz Dyjak, Stephanie Santos, Tina Santos, and Jessica Vital. The Sophomores are: Michele Goncalves, Lindsey Palatino, and Kristine Goncalves. The Freshmen are: Natalie Gebo, Lauren Pereira, Beth Cochenour, Darcie Rickson, and Amy Rodrigues. The Head Coach is Jim Calheno, and he is assisted by Saul Chelo, Nuno Pereira, Melanie Pszeniczny, and Mario Monsalve. The managers are Melissa Santos and Elizabeth Barrow.

Mr. Speaker, once again, allow me to congratulate the Ludlow High School girls soccer team on a season well played. I wish them the best of luck for the 2000 season.

TRIBUTE TO MONSIGNOR SCANLAN HIGH SCHOOL GIRLS VARSITY BASKETBALL TEAM

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. SERRANO. Mr. Speaker, I pay tribute to and congratulate the Monsignor Scanlan High School Girls Varsity Basketball Team for a very successful year. This group of 13 young women finished their season with a record of 29 wins and 1 loss.

With this record they have demonstrated that they have the ability and the desire to be assets and role models in our community. We are proud of their accomplishments and I hope they will continue to be successful both on and off the basketball court. They are terrific examples for young women throughout our communities.

Again, I congratulate them and wish them the best of luck in their future enterprises.

Mr. Speaker, I ask my colleagues to join me in paying tribute to and congratulating Monsignor Scanlan High School Girls Varsity Basketball Team.

HONORING DEYOSSIE HARRIS

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. LAMPSON. Mr. Speaker, today I honor Deyossie Harris, Vice President of the Galveston County AFL–CIO and former Galveston County Democratic Precinct Chairperson. I unfortunately will not be able to be with him when he receives the award this Saturday, but I want to congratulate him as he is recognized by the AFL–CIO for his many year of loyal service.

Deyossie is not only a great Galvestonian, but is a great American. He meets the description of a leader, and has been involved with every aspect of the community. Deyossie has contributed so much to the community of Galveston and the people who live here. He believes in Galveston and its residents, and has unfalteringly placed his time and energy into their well being.

He is a champion of the American worker, and has truly lived up to the mission of the AFL–CIO: to improve the lives of working families by bringing economic justice to the workplace and social justice to the nation. As an officer with the NAACP, Deyossie has unfalteringly put his energy into creating a better America for all people.

A proud veteran, Deyossie served this country during World War II and was part of the forces that invaded Italy. He continued his service as a letter carrier, and upon retirement went to the University of Houston at Clear Lake and received both his bachelors and masters degrees. After graduation he taught history at the College of the Mainland. He is truly an inspiration to all, and is an example that education is something that can touch anybody, at any age. He epitomizes the phrase ''education is for a lifetime.''

Deyossie is a man who has committed his life not to himself, but to the people of Southeast Texas. He is a true believer in the democratic process and the idea that every body has a voice, and fought to make sure the working family's voice was strong. As an officer of the Central Labor Council, he created a tie between the community and local workers.

Mr. Speaker, it is my honor to speak on behalf of Mr. Deyossie Harris and all of his accomplishments. He is a man that I look to for inspiration as I continue to work for the communities and neighborhoods of Texas. While I can not be with him when he receives his award, I am proud to recognize him now.

RECOGNIZING BRADLEY FAY'S CRUSADE TO CURE DIABETES

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. SWEENEY. Mr. Speaker, today I recognize Mr. Bradley Fay, a nine year old hero, who inspires residents from my district through is tireless efforts in support of increased funding for diabetes research. Bradley, from Chatham, New York, was diagnosed with Type I Diabetes four and one half years ago. Since that time, Bradley has led a local crusade to educate citizens about the disease and raise additional funds to find a cure for diabetes.

Bradley fights to live a normal life in his upstate New York home—as normal as possible around the daily ritual of finger prick blood sugar tests, five insulin shots, and a strictly regimented diet. He actively participates in soccer, swimming, track, and the Boy Scouts. He also sings and plays the drums and bass.

Bradley recently visited my Washington, DC office in his role as Diabetes Ambassador for the American Diabetes Association. He won the trip by collecting 2,500 signatures on a petition in support of finding a cure for the disease. Bradley spent countless hours speaking to local citizens enroute to achieving his goal. I thank Bradley for educating the citizens of my district, as well as bringing his enthusiastic message to Capitol Hill.

Bradley's determination and desire to cure diabetes is commendable. I join Bradley in advocating a $1 billion budget increase for diabetes research at the National Institutes of Health. Diabetes is a serious, debilitating, and deadly disease that must be cured.

Mr. Speaker, please join me in recognizing the accomplishments of Bradley Fay and his Herculean efforts to increase funding for diabetes research. Also, please join me in advocating a budget increase to find a cure for this disease.

A TRIBUTE IN HONOR OF MR. GLENN J. WILLIAMS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. BARCIA. Mr. Speaker, today I honor a good friend of mine and a loyal champion of Second Amendment rights, Mr. Glenn J. Williams of Greenbush, Michigan. Glenn is the Founder and Executive Director of the Michigan Big Game Hunters Association, an organization which is widely recognized as the proud voice of the many hunters in the great state of Michigan. In fact, Mr. Speaker, I believe it would be fair to say that Glenn's strong commitment to big game hunting and the outdoors is only overshadowed by the many admirers and friends he has in Michigan and throughout the United States.

Glenn was born in Detroit, Michigan and graduated from Dearborn High School, where he lettered in baseball and track and was Captain of the cross country team. He later graduated from Henry Ford Community College and attended the University of Kentucky and University of Michigan. When Glenn was asked to serve his country, he did so without hesitation and served admirably in the United States Army. He later went on to a very successful career as a financial analyst with Ford Motor Company.

As long as I have known Glenn, I have known him to be a dedicated husband and a committed family man. In 1967, Glenn married Grace A. Dansbury, an exemplary role model and devoted mother to their daughter, Marcy. They recently fulfilled their lifelong dream of building a beautiful home on Cedar Lake in Greenbush, Michigan. There, Grace and Glenn enjoy their other hobbies, fishing and golf. And of course, they enjoy watching their two favorite teams, the Detroit Pistons and the Detroit Tigers, with their family and numerous friends.

Not only is Glenn a dedicated family man, but his formidable hunting skills have earned him many awards, and he holds a number of hunting records across our country. In the Safari Club International Record Book, he holds six records for whitetail deer, and two state records in Ohio. Glenn won the 1992 and 1993 Commemorative Bucks of Michigan Scoring Awards, and he received the ''Don Bonafield Memorial Award'', named after one of the founders of the Commemorative Bucks of Michigan.

Glenn's formidable hunting skills have earned him the respect of hunters everywhere, but it is his leadership and work in protecting the rights of the hunting community which have earned him the admiration of all those who enjoy the outdoors. Some years ago, Glenn asked for my support, which I was pleased to give, in founding the Coalition of Michigan Sportsmen. With Glenn's typical energetic style and relentless perseverance, he has made this organization a strong advocate for hunters' rights and wildlife conservation efforts, and I, along with hunters everywhere, appreciate his tireless efforts.

Mr. Speaker, I invite you and our colleagues to join with me in commending Glenn Williams for his work on behalf of our many hunters in Michigan and in our country. I can state without reservation that Glenn has been a powerful advocate on behalf of sportsmen everywhere, and those of us who seek to protect all Americans' Second Amendment rights.

INTRODUCTION OF H. RES. 464 CALLING FOR THE MAGEN DAVID ADOM SOCIETY'S ADMITTANCE INTO THE INTERNATIONAL COMMITTEE OF THE RED CROSS AND RED CRESCENT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. GILMAN. Mr. Speaker, on behalf of a distinguished group of co-sponsors, I am introducing today a resolution calling for a reaffirmation of congressional support for the admittance of the Magen David Adom Society as a full member into the International Red Cross and Red Crescent Movement.

The Magen David Adom Society, an Israeli relief agency that is equivalent to the American Red Cross, has served countless people in need from many nations for over seventy years. The Magen David Adom Society has given this aid to individuals regardless of race, religion or nationality. In the last year alone, Magen David Adom Society members were directly involved in relief work in Kosovo, Greece, Turkey and Indonesia. They were also invaluable in helping American relief agencies in the wake of the tragic bombings of our embassies in Kenya and Tanzania in 1998.

It might come as a shock then that, while the national organizations of countries such as Iraq, Libya, and North Korea are all full members of the International Conference of the Red Cross and Red Crescent, the Magen David Adom Society is not. Why has the Magen David Adom Society been denied membership in the International Red Cross and Red Crescent Movement sine 1949? The answer to this question is simple, and sadly enough, political. The Magen David Adom Society has fulfilled the criteria for full membership, but has requested recognition of the Shield of David as its symbol. Out of respect for the sensibilities of Egypt, Turkey and other Islamic member nations, the International Movement has accepted the Red Crescent as a joint symbol, but has been unwilling to do the same for the Israel's Shield of David.

Israel's opponents have politicized the International Conference of the Red Cross and Red Crescent against her, a practice the American Red Cross describes as ''an injustice of the highest order.'' The American Red Cross has repeatedly sought to have the Magen David Adom Society admitted as part of the International Movement, but has been thwarted by the political prejudices of a small number of nations.

In 1987, Congress affirmed its support for the Magen David Adom Society by requesting that they be admitted to the International Movement as full members. After 13 years, the International Committee of the Red Cross (ICRC) is still dragging its feet on the issue, and the Israeli relief agency remains the victim of politics. We must reinforce our support for this praiseworthy organization by adopting this resolution and letting the other members of the International Movement know that we do not look favorably on political bias in international humanitarian organizations.

The following is an excerpt from the International Statutes of the Movement. "The International Conference of the Red Cross and Red Crescent makes no discrimination as to nationality, race, religious beliefs, class or political opinions. The Movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature."

Along with my colleagues, I believe in the ideals expressed in the Statutes. We call on all members of the Movement to live up to its high standards of providing relief to people in need around the world in an effective and impartial fashion, by admitting the Magen David Adom Society of Israel and according it all the appropriate protections under international law.

I submit the full text of this measure to be printed in the RECORD:

H. RES. 464

Whereas Israel's Magen David Adom Society has provided emergency relief to people in many countries in times of need, pain, and suffering since 1930, regardless of nationality or religious affiliation;

Whereas in the past year alone, the Magen David Adom Society has provided invaluable services in Kosovo, Indonesia, and Kenya following the bombing of the United States Embassy in Kenya, and in the wake of the earthquakes that devastated Greece and Turkey;

Whereas the American Red Cross has recognized the superb and invaluable work done by the Magen David Adom Society and considers the exclusion of the Magen David Adom Society from the International Committee of the Red Cross and Red Crescent Movement "an injustice of the highest order";

Whereas the American Red Cross has repeatedly urged that the International Red Cross and Red Crescent Movement recognize the Magen David Adom Society as a full member;

Whereas the Magen David Adom Society utilizes the Red Shield of David as its emblem, in similar fashion to the utilization of the Red Cross and Red Crescent by other national societies;

Whereas the Red Cross and the Red Crescent have been recognized as protected symbols under the Statutes of the International Red Cross and Red Crescent Movement;

Whereas the International Committee of the Red Cross has ignored previous requests from the United States Congress to recognize the Magen David Adom Society;

Whereas the Statutes of the International Red Cross and Red Crescent Movement state that it "makes no discrimination as to nationality, race, religious beliefs, class or political opinions" and it "may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature";

Whereas although similar national organizations of Iraq, North Korea, and Afghanistan are recognized as full members of the International Red Cross and Red Crescent Movement, the Magen David Adom Society has been denied membership since 1949; and

Whereas in fiscal year 1999 the United States Government provided $119,400,000 to the International Committee of the Red Cross and $7,300,000 to the Federation of Red Cross and Red Crescent Societies: Now, therefore, be it

Resolved, That—

(1) the International Committee of the Red Cross should immediately recognize the Magen David Adom Society and the Magen David Adom Society should be granted full membership in the International Committee of the Red Cross and Red Crescent Movement;

(2) the Federation of Red Cross and Red Crescent Societies should grant full membership to the Magen David Adom Society immediately following recognition by the International Committee of the Red Cross of the Magen David Adom Society as a full member of the International Committee of the Red Cross; and

(3) the Red Shield of David should be accorded the same protections under international law as the Red Cross and the Red Crescent.

ASSISTANT SECRETARY OF STATE JULIA TAFT DISCUSSES HUMAN RIGHTS CONDITIONS IN TIBET

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. LANTOS. Mr. Speaker, today the House International Relations Committee held a hearing focusing on the status of the negotiations between China and Tibet. The principal witness representing the Administration was the Honorable Julia V. Taft, Special Coordinator for Tibetan Refugee Issues and also the Assistant Secretary of State for Population, Refugees, and Migration.

Assistant Secretary Taft gave a particularly insightful analysis of the current situation in Tibet. She noted that "tight controls on religion and other fundamental freedoms continued and intensified" during the past year. She further noted that there were "instances of arbitrary arrests, detention without public trial, and torture in prison" as well as "intensification of controls over Tibetan monasteries and on monks and nuns. Religious activities were severely disrupted through the continuation of the government's patriotic education campaign."

Mr. Speaker, we have a number of important upcoming matters involving China and its human rights record. At the United Nations Commission on Human Rights, the United States has tabled a resolution calling for an investigation of human rights abuses in China. The Administration and many of us in the Congress are now engaged in a major effort to win international support of members of the Human Rights Commission for the full consideration of the resolution that our government has presented in Geneva.

Later next month, the House of Representatives will consider the Administration's proposal to grant Permanent Normal Trade Relations status for our trade with China. Many of us in the Congress have extremely serious concerns about the advisability of extending this status to China because of Beijing's human rights record.

Because the printed transcript of today's hearing of the International Relations Committee will not be available to member of the Congress for several months, Mr. Speaker, I ask that the outstanding testimony of Assistant Secretary Taft be placed in The RECORD. I urge my colleagues to give careful and thoughtful consideration to her statement as we consider the issues that will be before the Congress in the next few months.

STATEMENT OF JULIA V. TAFT, SPECIAL COORDINATOR FOR TIBETAN ISSUES, HOUSE INTERNATIONAL RELATIONS COMMITTEE APRIL 6, 2000

Mr. Chairman and members of the Committee, it is a great honor to appear before you today to testify on the current situation in Tibet.

I was appointed a little over a year ago to serve as Special Coordinator for Tibetan Issues. My policy goals are two-fold: first to promote a substantive dialogue between the Chinese government and the Dalai Lama or his representatives, and second, to help sustain Tibet's unique religious, linguistic, and cultural heritage.

Mr. Chairman as you and your colleagues know, disputes over Tibet's relations with the Chinese government have a long, complex history. Recognizing that this is your third hearing on Tibet, I do not propose to summarize it again today. Instead, I would like to describe the current circumstances in Tibet, talk a little about developments over the past year, and what I've been doing since my appointment.

CURRENT SITUATION IN TIBET

As our human rights report on China for 1999 makes clear, tight controls on religion and other fundamental freedoms continued and intensified during a year in which there were several sensitive anniversaries and events. This year's report documents in detail widespread human rights and religious freedom abuses. Besides instances of arbitrary arrests, detention without public trial, and torture in prison, there was also an intensification of controls over Tibetan monasteries and on monks and nuns. Religious activities were severely disrupted through the continuation of the government's patriotic education campaign that aims to expel supporters of the Dalai Lama from monasteries and views the monasteries as a focus of "anti-China" separatist activity. UNHCR reported that 2905 Tibetans left Tibet during the year, and Tibet Information Network reported that approximately ⅓ of those left to escape campaigns and pursue religious teaching in India. In fact, two of Tibet's most prominent religious figures have left Tibet during the past 18 months reportedly for these reasons. The 14-year-old Karmapa, leader of Kagyu sect, and the third most revered leader in Tibetan Buddhism, left Tibet in late December to pursue religious teachings in India. Agya Rinpoche, former abbot of Kumbum Monastery, a senior Tibetan religious figure and an official at the Deputy Minister level, left China in November 1998. Among reported reasons for his departure were increased government pressure on Kumbum Monastery including the stationing of 45 government officials, the imposition of patriotic re-education, and a heightened role demanded of him by the Government in its campaign to legitimize Gyaltsen Norbu, the boy recognized by the Chinese leadership as the 11th Panchen Lama.

Although China has devoted substantial economic resources to Tibet over the past 20 years, it remains China's poorest region. Language problems severely limit educational opportunities for Tibetan students, and illiteracy rates are said to be rising sharply. The average life span of Tibetans is reportedly dropping, infant mortality is climbing, and most non-urban children are chronically undernourished.

Recent reports suggest that privatization of health care, increased emphasis on Chinese language curriculum, and continuing

Han migration into Tibet are all weakening the social and economic position of Tibet's indigenous population. Lacking the skills to compete with Han laborers, ethnic Tibetans are not participating in the region's economic boom. In fact, rapid economic growth, the expanding tourism industry, and the introduction of more modern cultural influences also have disrupted traditional living patterns and customs, causing environmental problems and threatening traditional Tibetan culture.

In Lhasa (the capital of Tibetan Autonomous Region) Chinese cultural presence is obvious and widespread. Buildings are of Chinese architectural style, the Chinese language is widely spoken, and Chinese characters are used in most commercial and official communications. Drawn by economic incentives to the region, ethnic Han Chinese are estimated to comprise more than half the population of Lhasa; some observers estimate the non-Tibetan population of the city (mostly Han and Hui) to be roughly 90 percent. Chinese officials estimate that 95 percent of Tibet's officially registered population is Tibetan, with Han and other ethnic groups making up the remaining 5 percent. These numbers reportedly do not include the large number of ''temporary'' Han residents, including military and paramilitary troops and their dependents, many of whom have lived in Tibet for years. The Dalai Lama, Tibetan experts, and others have expressed concern that development projects and other central Government policies encourage massive influxes of Han Chinese, which have the effect of overwhelming Tibet's traditional culture and diluting Tibetan identity.

Reports indicate that increased economic development combined with the influx of migrants, has contributed to an increase of prostitution in the region. Experts who work in the region report that hundreds of brothels operate openly in Lhasa; up to 10,000 commercial sex workers, mostly ethnic Han, may be employed in Lhasa alone. Much of the prostitution reportedly occurs in sites owned by the Party or the Government, under military protection. The incidence of HIV among prostitutes in Tibet is unknown, but is believed to be relatively high.

Because of the deterioration of the Chinese Government's human rights record the U.S. Government announced on January 12 its intention to introduce a resolution focusing international attention on China's human rights record at this year's session of the United Nations Commission on Human Rights (UNCHR) in Geneva. We are working hard with other nations to defeat China's anticipated no-action motion and to pass the resolution.

Our criticism of China's human rights practices reflects core values of the American people and widely-shared international norms—freedom of religion, conscience, expression, association, and assembly. These rights are enshrined in international human rights instruments, including the International Covenant on Civil and Political Rights, which China has signed but not yet ratified or implemented.

OTHER DEVELOPMENTS

In addition to utilizing multilateral human rights fora, the President and Secretary Albright have continued to use every available opportunity to urge the Chinese leadership to enter into a substantive dialogue with the Dalai Lama or his representatives. President Jiang Zemin indicated to President Clinton during their June 1998 summit in Beijing that he would be willing to engage in such dialogue if the Dalai Lama affirmed that Tibet and Taiwan are part of China. Despite our repeated efforts throughout the year to foster such dialogue and the willingness expressed by the Dalai Lama, the Chinese leadership has not followed up on Jiang's remarks to the President. Nevertheless, the Administration remains committed to implementing an approach to human rights that combines rigorous external focus on abuses while simultaneously working to promote positive trends within China including, in the case of Tibet, Chinese willingness to engage with the Dalai Lama to resolve Tibet issues. I am convinced that this principled, purposeful engagement will produce results over the long-term.

We have also continued to raise individual cases of concern. Most notable is the issue of the welfare and whereabouts of Gendhun Cheokyi Nyima the boy recognized by the Dalai Lama as the Panchen Lama and his parents, who have been held incommunicado now for nearly 5 years. When we received disturbing, unconfirmed reports the boy had died in Gansu province and was cremated in secrecy, our Embassy made formal representations expressing concern about his whereabouts and welfare. Although the reports of his death were unsubstantiated and thought to be untrue by the Tibetan exile community, the Administration publicly urged the Chinese Government to address continuing concerns of the international community about the safety and well-being of the child by allowing the boy and his family to receive credible international visitors, and to return home freely. The Chinese government has continued to refuse to allow direct confirmation of his well-being.

In response to an inquiry from the Congress, the Chinese Government acknowledged the whereabouts and earlier ill-health of Ngawang Choephel, the Tibetan ethnomusicologist and former Middlebury College Fulbright Scholar who was incarcerated in 1996 and is now serving an 18-year sentence on charges of subversion. We have repeatedly urged the Chinese government to allow his mother to visit him while incarcerated, as is her right under the Chinese Prison Law. However, her repeated requests to be allowed to visit him have not been granted. We have also urged China to release Ngawang Choephel on medical grounds as a humanitarian gesture.

WHAT I'VE BEEN DOING OVER THE LAST YEAR?

Over the past year I have made it a point to learn all that I can about Tibetan issues so that I am able to ensure the effective presentation of these issues in our U.S.-China bilateral discussions. I have maintained close contact with the Dalai Lama's Special Envoy to Washington, Lodi Gyari. Throughout the year, I requested meetings with the Chinese Ambassador, however, such meetings have not been granted. I am hopeful that this year I will be able to sit down with the Ambassador and discuss the Chinese government's views on social, political, and economic issues related to Tibet, as well as explore ways we can help get the dialogue back on track.

I've met with scores of people from like-minded countries, government officials, people from foundations and academia, experts in U.S.-China relations and NGO officials. Each meeting has produced ideas on how to improve the situation inside Tibet, as well as substantive thoughts about how to restart dialogue. Despite the fact that I am the only Special Coordinator for Tibetan Issues world wide, my appointment has prompted other nations to identify counterparts to discuss this issue. I realize now that there is a wealth of knowledge and talent around the world interested in helping to improve the situation in Tibet. In fact, I just returned from Brussels where the European Parliament held an all-Party Parliamentarian Session on Tibet to discuss multilateral efforts and how we can best coordinate future strategies.

In January I visited Dharmasala, India in my capacity as Assistant Secretary for Population, Refugees and Migration. The purpose of my trip was to evaluate and review the $2 million in assistance programs the United States provides for Tibetan refugees.

After receiving a very warm welcome, I had the opportunity to meet with many members of the Central Tibetan Administration (CTA) to discuss the grant. I was overwhelmed by the tremendous sense of good will and community, especially among the younger generation despite the fact that this generation has never even seen Tibet. I learned on my visit that nearly the entire Central Tibetan Administration is made up of Fulbright Scholars. These bright, young adults undoubtedly had much more lucrative opportunities in the United States, Europe or India, yet a remarkable 96% have returned to Tibetan settlements to make their talents available to the CTA. Equally impressive is how traditional Tibetan culture is integrated into nearly every facet of daily life.

However, having just been to Nepal in October where I met with new arrivals who were traumatized and had endured great hardship while crossing the Himalayas, I was anxious to visit the transit center in Dharmasala where all new arrivals spend some time before being placed in settlements throughout India. During my visit the center was teeming with refugees. The new arrivals were quiet, but far more animated than the refugees I had seen in Kathmandu just three months earlier. The rooms were crowded, but clean and orderly. Many were wearing the new shoes and dark pants they received after arriving at the Kathmandu reception center. Attached to the transit center was a small, three-room medical clinic for routine medical care.

Although the USG grant makes a very positive impact on the lives of these refugees by providing support for the reception centers, preventive health care, basic food, clothing, clean water and income-generating projects, I am looking into funding repatriation for Tibetans that return to Tibet from the PRM budget as well as exploring ways that IO's, NGO's, and private industry might be helpful in developmental assistance.

Additionally, I met with the Dalai Lama twice over the past year and I look forward to seeing him this summer when he is in Washington for the Smithsonian Folk Life Festival. During the meetings I have had with him, he reiterated his concern about the marginalization of the Tibetan people living in Tibet and requested that I devote some attention to finding ways to improve the lives of those still in Tibet through culturally sustainable enterprises. As I began to narrow down options on ways to be helpful, Congress appropriated $1 million to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibet. The responsibility of the earmark was assigned to the Bureau of East Asia and Pacific Affairs and my office will have an important role in managing the money and monitoring the performance of these new programs over the course of the year.

A Congressional Notification is before Congress which would allocate $750,000 to the

Bridge Fund for several agricultural and micro credit initiatives in Tibet. The remaining $250,000 will be made available through a competitive process for NGO's who qualify for project funding.

CONCLUSION

The treatment of Tibetans by the Chinese government over the past 50 years has been inconsistent with international norms and standards of respect for fundamental human rights. The Dalai Lama has shown enormous courage in accepting the impracticality of insisting on independence and calling for ''genuine autonomy'' within Chinese sovereignty. Chinese spokesmen have responded by stating their willingness to engage in a dialogue with the Dalai Lama if he renounces independence and pro-independence activities. The problem appears to be solvable. Ultimately it comes down to a question of will, especially on Beijing's side. There are significant Chinese interests that could be advanced in moving forward on Tibetan autonomy. The Dalai Lama is still active and healthy; his prestige will be crucial in carrying the opinion of the Diaspora and most Tibetans in the autonomous regions. Only he can ensure the successful implementation of a negotiated settlement.

Conversely, maintaining order over an unhappy population is a drain on the resources of a still developing country. Widespread knowledge of China's human rights offenses in Tibet has brought about pressure on China's leadership to explain its Tibet policy to the international community. My impression is that the situation in Tibet deeply troubles China's international partners and foreign leaders and that this is affecting their diplomatic engagement in Western countries.

Since China's number one priority is the stability and the unity of the PRC, Chinese leaders may find that a more enlightened policy toward Tibet would be an important step toward enhancing the respect they have earned from the economic transformation of their country. It is my sincere hope that parties will resume dialogue that looked so promising in 1998. Preservation of Tibet's unique cultural and religious traditions depends on it.

In closing, I would like to thank you for this opportunity to testify today. I look forward to working with you another year on this extremely important issue.

TRIBUTE TO BASTROP HIGH SCHOOL ENERGY AND ENVIRONMENT COMMITTEE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. PAUL. Mr. Speaker, today I pay tribute to the Student Council Energy and Environment Committee of Bastrop High School in Bastrop, Texas. This dedicated group of students has been working diligently on projects to increase awareness about energy conservation and the environment.

Some of their projects include trash pick-up, recycling, efficient driving and car maintenance training, and coordination of Earth Day festivities in Bastrop on the third weekend of April. They have also spread information by way of books, pamphlets and posters around their community. Not only has their work improved the safety and appearance of the campus and surrounding area, but it has also increased feelings of school unity and pride among the students.

Their local focus is an example to all of us that local involvement is key to solving most problems faced by Americans today. I am proud to represent such a responsible and dedicated group of young people.

Mr. Speaker, I urge my colleagues to join me in saluting the Student Council of Bastrop High School. This is an excellent way to show sincere appreciation for those who take the time and energy to improve their communities for themselves and others.

HONORING THE WAKE FOREST UNIVERSITY MEN'S BASKETBALL TEAM

HON. RICHARD BURR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. BURR of North Carolina. Mr. Speaker, although yesterday was the day for the Michigan State men's and University of Connecticut women's basketball teams to shine, I wanted to take this opportunity to recognize the winners of the other national championship that took place during the month of March. While North Carolina and Duke both performed admirably during the NCAA Men's Basketball Tournament, only one team from Tobacco Road returned home this past weekend with the champion's hardware and only one team from the ACC will begin next year's season on a winning streak—my hometown Wake Forest Demon Deacons—the past Thursday evening in Madison Square Garden the Deacons easily disposed of Notre Dame to win its first national invitational tournament. Now the critics of this tournament will be quick to call Wake Forest the ''65th best team in the Nation''—a reference to not making the NCAA field of 64. And several Wake fans, in midst of a 3–9 midseason slump, might have taken a 65th place finish, but the Deacons, led by Coach Dave Odom and his staff chose to turn this season around, winning 8 of its last 9 games, salvaging a 22–14 record and a national championship. Credit for this victory goes to all the Deacon players, from leading scorer Darius Songalia and NIT Tournament MVP Robert O'Kelley to strong bench support from Craig Dawson and Josh Shoemaker. The Deacons losing only two players from this year's team, look to carry the momentum of this late season success into next year's season, when they hope to readily hand over the NIT championship trophy as they make their way to the ultimate goal—the NCAA Torunament.

Once again—congratulations to Wake Forest.

H. RES. 458, AUTISM AWARENESS

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. BAKER. Mr. Speaker, I rise to acknowledge the importance of autism awareness, as well as to offer my support and to express my admiration for my constituents, Shelly and Aiden Reynolds, for their hard work and dedication in co-founding Unlocking Autism.

Unlocking Autism is an organization dedicated to raising public awareness about autism as well as raising money for biomedical research. This organization has launched a national awareness project called Open Your Eyes, and is striving to collect 58,000 pictures of persons with autism from across the United States. This collection will debut in Washington, DC from April 5th thru 9th of this year.

The Hear-Their-Silence Rally is a response to the fact that autism and related conditions have been estimated to occur in as many as 1 in 500 individuals (Centers for Disease Control and Prevention 1997). This statistic is higher than the incidences of Multiple Sclerosis, Downs Syndrome, or Cystic Fibrosis. At least 400,000 people in the United States are affected, and yet little is known about this disease.

When people become aware of a disease, they will begin to strive for, and demand action to further the understanding and prevention of that disease.

To this end, I am pleased to be sponsoring legislation that will express the sense of the House of Representatives. I urge the Citizens' Stamp Advisory Committee to recommend to the Postmaster General a commemorative postage stamp which would further the cause of autism awareness and place autism before the American people.

Shelly and Aiden Reynolds have used the reality of their son Liam's diagnosis of autism to fuel their fight to bring this disease to the fore front of national awareness. Countless others have joined their efforts. A commemorative stamp would give a face to those individuals afflicted with autism. Let us give them a voice

CHRISTINE BELL—A GOOD CITIZEN

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. MORAN of Kansas. Mr. Speaker, it is my pleasure to submit this outstanding essay on ''good citizenship'' for the CONGRESSIONAL RECORD. It was written by one of my constituents, Christine Bell, a high school student in Morland, KS who won first place in an essay contest sponsored by the National Society of the Daughters of the American Revolution in Hays, Kansas. Christine's essay reminds us all that it is an honor to be a citizen of the United States and that the key to maintaining our freedoms and liberties is to exercise them. She pays tribute to our founding fathers, the veterans, and active military who put their lives on the line for our country and reminds us all what has been risked to protect the red, white and blue. Christine also points out that there are numerous ways to serve our country in addition to the military. Voting in elections and removing your hat during the Star Spangled Banner are to small ways that Christine mentions people can show good citizenship.

I was extremely impressed with Christine Bell's essay and her belief in the need for

good citizenship. I hope she will continue her efforts on behalf of the merits of good citizenship. Treating others with respect is the most basic concept of maintaining freedom, and Christine has already discovered this early in her life. I congratulate Christine on her insight and her efforts in promoting good citizenship and respect for those who have made this country so great.

OUR AMERICAN HERITAGE AND OUR RESPONSIBILITY TO PRESERVE IT

''I pledge allegiance to the flag of the United States of America.'' Students of this nation once stood in their classrooms with their right hand over their heart in allegiance to the flag which symbolizes their freedom. Students across the country no longer stand to pledge allegiance to their flag every morning and many could not correctly recite the pledge if asked to do so.

When I attend ball games and watch the parents' example. I begin to see why respect for the flag has been lost. Many adults do not remove ball caps, and the majority fail to put their right hand on their heart or even look at the flag when the ''Star Spangled Banner'' is sung.

Have Americans forgotten how fortunate they are to live in a free country? The fathers of this country fought to break free from the bondage of Great Britain. Many lives were lost as blood and tears were shed for the freedom of every single person who lives in the United States. On July 4, 1776, we declared independence and then won, in battle, the right to that independence.

When I talk to soldiers in our United States Army, I find that these people truly desire to preserve a nation so well-founded. Our soldiers are very honorable and deserve respect for volunteering their lives to serve this country. Our veterans deserve even more recognition for fighting for our country.

Why then, do United States soldiers have to put up with mocking civilians who implicitly spit on and shame them? These ignorant civilians do not realize that the tax money they are so fervently worried about is spent to serve them in times of crisis. The money our government invests in armed forces is to protect and preserve this country that serves its citizens. The lack of respect for the flag and for our soldiers, however, is not the only downfall in the American public.

With every presidential election of the twentieth century, the number of those who vote has systematically lowered. If that trend continues at the rate it has, after only a few more elections, the number of votes will be so low that we, as voters, may lose our right to vote for the President of the United States. In a country where the people have such an opportunity to make their voices heard, it is said to see less than half of the eligible voters cast a vote. The people of America need to take more interest in their country and strive to preserve their rights. If we do not exercise them, we very well may lose them.

The individuals in our government also need to earn respect and become the honorable leaders they should be. Honesty would be a very good first step. Americans have lost respect for President Clinton because of his occasional inability to tell the truth. The Clinton sex scandals are not far in the back of our minds, and the events at Waco, Texas have brought controversy also.

A combination of honesty, respect, and remembrance may just be the key to preserving our American heritage.

NATIONAL INSTITUTE OF NURSING RESEARCH

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mrs. CAPPS. Mr. Speaker, I stand today as a former nurse and strong supporter of the National Institute of Nursing Research, to draw your attention to the tremendous challenges faced by women suffering from chronic health conditions that affect their productivity and quality of life. I urge my colleagues to join me in making the advancement of women's health a national priority.

Because of my nursing background, I know first-hand that it is imperative to assure access to quality healthcare. And as a woman, I know that we have special health needs. Studies show that women suffer from a variety of ailments such as heart disease, breast cancer, and depression at alarming rates. Women experience more chronic illness and are prescribed more medications by their physicians than men. Depression, for example, most often strikes women between the ages of 25 and 44. Because of the devastating impact of depression on women during these prime productive years, depression now ranks as the number one cause of disability in women.

I was proud to co-sponsor a recent congressional briefing with the Friends of the National Institute of Nursing Research entitled, "Reaching Gender Equity in the 21st Century: A Renewed Focus on Women's Health." The briefing featured nurse researchers who presented compelling data on different chronic, debilitating conditions that affect women three times more often than men.

The National Institute for Nursing Research (NINR) appreciates the affects of chronic diseases on a woman's productivity and has merely touched the tip of the iceberg relative to women's health needs and concerns. I am proud to be a member of the nursing community and support the continued work at the NINR. I am circulating a letter to the Appropriations Committee, calling for a significant increase in funding for NINR. NINR is currently undertaking important research to help Americans most efficiently manage their health care problems, so that they will not have to seek hospital care. The purpose of NINR is to support and conduct research and research training to reduce the burden of illness and disability, to improve health-related quality of life, and to promote health and prevent disease, including research on the best methods to help people choose health-promoting behaviors and lifestyles. Research programs supported by the NINR address a number of critical public health and patient care questions, including women's health issues.

Here in Congress, we need to support efforts to empower more women to understand and effectively manage chronic illnesses and live more productive and happier lives. We also need to reaffirm our commitment to advancing the understanding of women's health in this country and to assure that scientific knowledge is quickly put into medical practice. I am proud to support NINR and its research, and to have co-sponsored their recent event focusing on women's health. We have made major accomplishments in this area, but we in Congress must keep supporting these efforts. There is still so much to be done.

PARTIAL-BIRTH ABORTION BAN ACT OF 2000

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Mr. MOORE. Mr. Speaker, many fingers have been pointed today and much has been said about what this side believes and what that side believes. I am here to tell you what I believe.

I am a cosponsor of H.R. 2149, the Late-term Abortion Restriction Act. Roe v. Wade and successor decisions are the law of the land and this bill is consistent with the law.

The bill would ban all late-term abortions, regardless of the type of procedure used, with exceptions only to protect the life of the mother and to avert serious adverse health consequences. Because it bans abortions based upon viability of the fetus rather than the type of procedure used, it will prevent late-term abortions in a morally and constitutionally sound manner.

I considered many factors in deciding to cosponsor H.R. 2149. I am a believer in the Constitution. The Supreme Court has repeatedly confirmed that our rights include the right to make our own medical decisions.

No one can say ending a pregnancy is an easy decision, nor can anyone claim the idea of late term abortions for only convenience is anything but ethically wrong. This bill strikes a balance and adheres to the Court's requirement that any law protect the life and health of the pregnant woman. H.R. 2149 meets all these constitutional requirements.

This bill should be law because it addresses what the American people truly want to stop—the termination of a viable fetus during late stages of pregnancy, unless there is a serious threat to life or health of the mother.

The President has said he would sign H.R. 2149 into law. If opponents of abortion truly want to stop late-term abortions, this is the bill that will do it.

Today, I will vote against H.R. 3660, the Partial Birth Abortion Ban Act. I urge my colleagues to consider H.R. 2149 as an effective and constitutionally sound solution to this deeply personal issue.

TRIBUTE TO ALABAMA A&M UNIVERSITY IN NORMAL, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to an outstanding academic institution in my district, Alabama A&M University on the occasion of their 125th anniversary. Since its founding by Dr. William Hooper Councill,

Alabama A&M has flourished and brought accolades and honors galore back to North Alabama.

On May 1, 1875, Alabama A&M opened with a state appropriation of 1000 dollars, 61 students and 2 teachers. Today it is a thriving university boasting a wide variety of degree programs ranging from the associate to the Ph.D. degree. Their commitment to academic excellence and individual student need are almost unparalleled.

This is a fitting tribute for an institution that has instilled knowledge and character in so many young people for over a century. I am proud of Alabama A&M and their under-graduate and graduate school offerings. Alabama A&M is North Alabama's only source for an accredited master's degree in social work. For the past three consecutive years, they have had five students listed on the USA Today Academic Team and they are listed among the Top 50 Black Enterprise/DayStar Schools.

On behalf of the U.S. Congress, I pay homage to Alabama A&M and thank them for the countless contributions they have made to our community. I congratulate the university on their 125th anniversary and look forward to many more years of success and growth.

PARTIAL-BIRTH ABORTION BAN ACT OF 2000

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Mr. BLUMENAUER. Mr. Speaker, today, I will vote against HR 3660. For the third time in five years, the House of Representatives is considering a bill to ban so-called ''partial birth'' abortions. For the third time since I came to Congress we will be voting on a bill that is almost certainly unconstitutional and will be vetoed by the President.

The advocates of the bill suggest that this version has been changed to address some of the constitutional concerns. This bill does recognize that the lives of mothers have a claim to protection, but it remains silent when there is a threat to a woman's health.

During the previous consideration of this type of legislation, Congress and the President heard from many women for whom this type of legislation would have dire consequences. These women and their families were all confronted with tragic situations and, with the qualified medical direction of their doctors, made the incredibly personal and difficult decision to terminate their pregnancy. Congress has no place in that decision. This legislation would have a catastrophic effect on the lives of families like these.

HR 3660 is more about politics than good policy. If the Congress were serious about preventing abortion, it would not be fighting efforts to make family planning more widely available. If it were serious about protecting children, it would do much more to ensure available child care and quality schools.

Proponents of this bill show gruesome pictures of objectionable procedures and ignore the pictures of the many real families who have had to make difficult decisions in the face of tragic circumstances. We cannot continue to ignore those pictures and the wrenching reality they represent.

My position on this most sensitive of personal decisions is very simple: Congress should not interfere. I will oppose this legislation.

C.B. KING UNITED STATES COURTHOUSE

SPEECH OF

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 2000

Mr. BISHOP. Mr. Speaker, the late C.B. King of Albany, Georgia was born on October 12, 1923, one of eight children of Clennon W. and Margaret Slater King, who raised a truly extraordinary family. Following graduation from high school, he served in the Navy and then earned his bachelor's degree from Fisk University in Nashville, Tennessee and his law degree from Case Western Reserve University in Cleveland, Ohio. Although other promising opportunities were available to him, he decided to return home and become the only black attorney practicing in his community, and one of only three practicing in Georgia outside of Atlanta.

As an attorney, a civil rights leader, and a pioneering political candidate, C.B. King spent the remainder of his life making contributions to the cause of justice, opportunity, and dignity for all Americans. Although he remained Albany-based throughout his career, limiting his activities primarily to the areas of southwest Georgia where he was raised, he became a nationally-known figure whose impact was felt throughout our state and the nation at-large.

He was a courageous leader of the Albany Movement, suffering a severe beating and facing many threats to his life during a campaign described by Dr. Martin Luther King, Jr. as one of the crucial battles of the civil rights struggle. He ran political races for President, Congress and as the first black gubernatorial candidate in Georgia since Reconstruction, not because he thought he would win, but because his candidacy provided a forum for the causes he represented and helped pave the way for future minority candidates. He was a compassionate citizen, devoting much of his time to pro bono law work for the poor and volunteering his time and talent in community projects for the needy. He was a Navy veteran, a faithful member of his church, and a loving husband and father. Perhaps he is remembered most of all as the lead attorney in a series of landmark law suits that broke down old walls of discrimination and opened new doors of opportunity.

It is therefore fitting, Mr. Speaker, for this Congress to name the new federal courthouse in Albany, Georgia for the late Chevene Bowers King, and I want to thank all of my colleagues on both sides of the aisle for their wholehearted support of this legislation.

The list of breakthrough cases that he won is extensive. Among them are:

Gaines v. Dougherty County Board of Education; Lockett v. Board of Education of Muscogee County; Harrington v. Colquitt County Board of Education. These cases, involving multiple appeals over a period of years, led to full compliance with Brown v. Board of Education in those communities, accelerating the pace of desegregation in other areas.

Anderson v. City of Albany; Kelly v. Page. These cases reaffirmed the right of citizens to peaceably assemble.

Bell v. Southwell. This case ended the use of segregated polling booths, voiding an election where separate booths were used.

Brown v. Culpepper; Foster v. Sparks; Thompson v. Sheppard; Pullum v. Greene; Broadway v. Culpepper; Rabinowitz v. United States. These cases prohibited the use of jury selection lists on which blacks were under represented and ended the exclusion of blacks on juries on the basis of race.

Johnson v. City of Albany. This case led to the end of discriminatory practices in local government employment.

C.B. King possessed many extraordinary qualities. Courage was certainly one. There are countless examples of how he stood his ground in the face of danger. Although he acknowledged there were times when he was frightened, he never once backed down when he believed he was in the right. His tenacity was legendary. Once he entered the fray, you knew he would be in the thick of the battle until the end. He never gave up. His skills certainly were awesome, as his record as an attorney confirms. Through it all, he was a man who cared deeply for his community, state, and country and for people of all races, creeds, and backgrounds.

I wonder what our state and country would be like had C.B. King not challenged the status quo in federal court and forced desegregation of the public schools in many communities, raising the quality of education for many children. Would we ever have seen the talent of a Hershel Walker, a Charlie Ward, or Judge Herbert Phipps?

Had C.B. King not gone into Albany's Federal Court to force compliance with laws prohibiting discrimination in employment based on race, creed, religion, or gender, how many local governments would have been deprived of the talent of countless African-American public-sector employees? This was a milestone in the history of the South and southwest Georgia.

What kind of justice system would we have if C.B. King had not gone into federal court to end the age-old practice of excluding blacks and women from serving on juries? What if C.B. King had not been there to have our federal courts protect the rights of citizens of all colors to peaceably assemble, have equal access to public facilities, and to be free of discrimination in voter registration, in the voting booth and in running for office? Indeed, I nor any other African-American would be able to hold public office, regardless of our qualifications or abilities, had it not been for C.B. King's work.

On March 15, 1988, this great leader passed away following a long illness.

Mr. Speaker, it's not the two dates on our tombstone that are important. It's what happens in-between. What happened in the life of C.B. King changed the course of our history.

CONGRATULATIONS TO THE UNIVERSITY OF WISCONSIN BADGERS MEN'S BASKETBALL TEAM FOR AN OUTSTANDING SEASON

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Ms. BALDWIN. Mr. Speaker, today I congratulate the University of Wisconsin men's basketball team for their outstanding season and their advancement last weekend to the NCAA Final Four.

The Badgers demonstrated outstanding teamwork and sportsmanship at the Final Four. Not since 1941 have the Badgers advanced so far in the NCAA tournament. While they may not have scored more points than Michigan State, they played with heart and spirit. In doing so, they proved to everyone that they have what it takes to win a National Championship in the future. I applaud Dick Bennett and this exemplary team for an amazing season and a truly monumental tournament.

The Badgers are a clear illustration that perseverance, determination, and hard work can take you to great places. The games over the past season have brought together the University of Wisconsin, evoked strong school spirit, and shown to everyone how thrilling it is to be a Badger! It has been an outstanding year for the Badgers and as an alumna it is exciting to be a part of something so special. I commend the basketball team and look forward to many exciting seasons to come!

IN HONOR OF THE NORTH OLMSTED HIGH SCHOOL MARCHING BAND AND EAGLETS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor the North Olmsted High School Marching Band and Eaglets, of North Olmsted, Ohio.

This 194 member marching band deserves praise for their hard work and dedication. These committed young people, most having played an instrument since 5th grade, have been practicing every morning and Wednesday evening since the beginning of the year. Because of this devotion, the band had the opportunity to play in the annual St. Patrick's Day Parade, in Cleveland, winning both the best band and best unit categories. Under the direction of John Kepperley, Martin Witczak, and William Ciabattari, the North Olmsted Marching Band and Eaglets will have the honor of playing in this years Cherry Blossom Festival in D.C. on April 8, 2000.

It takes a special individual to participate in marching band. You must be a team player, sacrificing the needs of the individual for the collective interests of the unit. You must be diligent, precise, dedicated, and focused. The many hours of practice can tax even the most patient of souls. The North Olmsted marching band has made a special mark on the North Olmsted community and their experience will serve them well, as both fond memories of their trip and in knowing that their efforts have brought pleasure to their audiences.

I ask you fellow colleagues to join me in honoring The North Olmsted High School Marching Band and Eaglets for their hard work and dedication.

HONORING THE 100TH ANNIVERSARY OF CLARENCE GRANGE NO. 892

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. REYNOLDS. Mr. Speaker, I rise today to mark the 100th Anniversary of Clarence Grange No. 892.

More than 250 years ago, George Washington wrote "I know of no pursuit in which more real and important services can be rendered to any country than by improving its agriculture." Despite the passing of the centuries between our generation and that of our Founding Fathers, their wisdom is eternal.

Since its conception as an agricultural organization, the Grange has grown to be much more than that. It reflects and embraces the spirit of fellowship, community, faith and family.

For the past 100 years, Clarence members have embodied the purposes and the principles of the Grange—"meeting together, talking together, working together," striving to "secure harmony, good will and brotherhood."

As a longtime member of the Grange myself, I've seen the great work they do, their commitment to community, and devotion to faith and family.

Mr. Speaker, I ask that this Congress join me in extending both our heartiest congratulations on the 100th birthday of Clarence Grange No. 892, and our sincerest best wishes for continued success as they begin another century of service to the community.

PERSONAL EXPLANATION

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Ms. VELÁZQUEZ. Mr. Speaker, due to an error by the House Tally Clerk, I was incorrectly shown as voting "no" on rollcall No. 103, and "not voting" on rollcall No. 104. I was present during both rollcall votes and during voting for rollcall No. 103, I voted "yes", and during rollcall No. 104, I voted "no."

HONORING DR. SAMI REPISHTI ON HIS SEVENTY-FIFTH BIRTHDAY

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. KING. Mr. Speaker, today I honor and congratulate an exemplary constituent of mine, Dr. Sami Repishti, on his seventy-fifth birthday. Throughout his life, Dr. Repishti has been dedicated to fighting human rights violations to which he has been long exposed.

Dr. Repishti was born in Shkoder, Albania in 1925. He and his family were victims of Italian fascist and Nazi terrorism. Despite being arrested and jailed for "pro-American" activities, Dr. Repishti immigrated to the United States in 1962. He continued his college education and eventually received a Doctorate in French in 1977 from the City University of New York and the University of Paris, France. From 1966 to 1991, he taught French and Italian in the Malverne Public School System, serving as District Chairman of the Department of Foreign Languages from 1976 to 1991, and from 1976 to 1991 was an adjunct professor at Adelphi University. He retired in 1991 after a dedicated and fruitful teaching career.

After his retirement, Dr. Repishti founded the National Albanian American Council in 1996 and served as its president until 1998. This organization is dedicated to fighting for freedom and human rights for all Albanians. He has testified before the United States Congress several times, and nobly represented the Albanian American community at the White House and Department of State. He has long been a leader of cultural and political activities and is a well-respected member of his community.

Dr. Repishti currently resides in Baldwin, New York with his wife Diane. They have two children: Daron, a physician, and Ava, a lawyer.

Mr. Speaker, I am truly honored to represent such a respectable man. Dr. Repishti's life should serve as an example for all Americans. It is my pleasure and honor to congratulate Dr. Sami Repishti on his birthday and to sincerely offer him my best wishes.

TRIBUTE TO SISTER EDMUNETTE PACZESNY, HILBERT COLLEGE PRESIDENT

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. QUINN. Mr. Speaker, I am honored to rise today to pay tribute to my longtime friend and colleague, Sister Edmunette Paczesny, who this evening will be formally recognized and honored for her 25 years of service as president of Hilbert College.

I've had the true pleasure of working closely with Sister Edmunette as a Councilman and Supervisor for the Town of Hamburg where Hilbert is located, and during these past 8 years as a Member of this Honorable Body.

Throughout the past 25 years, Sister Edmunette's tenure as president has been distinguished through the expansion from a 2-year to a 4-year institution. She has seen the college grow, with the completion of Franciscan Hall. A year ago, she added an economic crime investigation degree program, which is one of only two such degree programs nationwide.

Sister Edmunette's long-standing affiliation with Hilbert began in 1962, when she served

as an instructor in psychology and philosophy and later served as Academic Dean.

In addition to her outstanding commitment to Hilbert, Sister Edmunette has been widely recognized for her tireless efforts and dedicated service to our community. She has received the Liberty Bell Award for the Erie County Bar Association, the Community Service Award from the Southtowns Coalition of Community Service, and was recently named the 1999 Citizen of the Year by the Hamburg Independent Citizens Club.

For the past 44 years, Sister Edmunette has maintained an active membership with the Franciscan Sisters of St. Joseph. In addition to her religious service, Sister Edmunette is a member and past secretary of the Western New York Consortium of Higher Education and the Rotary Club of Hamburg/Sunrise, a member of the Mirror Board of Mercy/Our Lady of Victory hospitals and on the board of directors of Hopevale, Inc.

Mr. Speaker, today I would like to join the faculty, staff, and administration of Hilbert College, the countless students who have studied at Hilbert, and indeed, all of Western New York in tribute to Sister Edmunette Paczesny. Best wishes to her in her next quarter century at Hilbert.

IN HONOR OF AL GUZMAN, RESPECTED POLICE CHIEF AND LEADER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. STARK. Mr. Speaker, I would like to take a moment in order to express my gratitude and thanks to the Union City, California Chief of Police Al Guzman, who unfortunately will be retiring at the end of June.

Al Guzman came to Union City so that he could fish along the shoreline. Later, as a college student, Guzman volunteered his time to ride along with the newly founded Union City Police Department. Soon after, he was invited to join the police force as a reserve officer.

In March of 1968, Al Guzman was hired by the Union City Police Department as a full time officer and remained loyal to the force for 33 years. Moreover, he served as the Department's Chief of Police for 13 years. Chief Guzman is a leader in involving the community with police concerns so that conflicts and tensions within the city are solved more efficiently and quickly, ensuring a safe and healthy city.

Coupled with Guzman's loyal service to the police force, he worked closely with school officials and parents to address the needs of students. This resulted in his creation of the School Resource Officers program in Union City and the New Haven Unified School District.

Furthermore, through his leadership and vision, Union City initiated many innovative programs including the Head Start Child Care Center located in the Decoto Park Plaza. Additionally, another achievement of Chief Guzman's is the adoption of the graffiti abatement program and the creation of the Fred Castro Park. Chief Guzman also was a cofounder of the Police Activities League in Union City which is responsible for providing sports for young people as well as sponsoring the Community Health and Science Fair.

Despite all of Al Guzman's extraordinary accomplishments, he is also the first Police Chief in California to involve civilians in the creation of both a Community Oriented Policing and Problem Solving program as well as the COPPS officers program. In addition to their creation, under Chief Guzman's leadership, two resource centers were established that housed the COPPS program with community based organizations that provide services for Union City residents. Guzman's COPPS program was recognized by Chiefs Magazine as the model program for California.

Union City recently earned recognition by the National Civic League as an All-American City and also received the Helen Putnam Award for Excellence by the League of California Cities. And all of this was accomplished during the tenure of Chief Guzman.

I ask my colleagues to join me in paying tribute to this great community leader and visionary. Chief Al Guzman played an immense role in making Union City a safe and model city for others to follow and respect.

HONORING THE EXEMPLARY SERVICE OF SGT. CHARLES A. DAVIS

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. HOLT. Mr. Speaker, I rise today to honor a true American role model. Sgt. Charles A. DaVis has faithfully served the residents of Eatontown and the State of New Jersey for 25 years. He has diligently performed his duties and has acted in such specialized positions including, Patrolman, Detective, Juvenile Officer, Patrol Sergeant and most recently as the Community Affairs Officer.

As a Juvenile Officer he utilized his college training in Social Sciences and began a Family Crisis Unit in Eatontown, where he spent many hours with troubled teens and assisted them and their parents in ways to find common bridges over the "generation gap". He spent countless hours in our local public schools, explaining to children about the hazards of illegal drugs and alcohol abuse. He also spent time teaching younger children through such programs as "Danger Stranger" and Halloween Safety.

Most recently he has served as our Community Affairs Officer and has acted as an intermediary to help neighbors resolve their differences before they escalate into courtroom battles. In addition he has initiated a new program entitled The Citizen Police Academy. This program indoctrinates interested citizens in many different aspects of police work and helps them to understand how a police department diversifies itself to address crime, traffic and public service in our town. As you can see, Sgt. DaVis has worked very hard at advancing the concept of "Community Policing" in Eatontown.

If this isn't enough, Sgt. DaVis initiated the Bicycle Patrol in Eatontown and he is presently regarded as one of the leading training officers in the state of New Jersey for Police Bicycle Patrol. Sgt. DaVis has been an instructor at the Monmouth County Police Academy for nearly 20 years. He is a martial arts expert and he instructs police recruits as well as veteran officers in hand to hand defense tactics, use of the police baton, and in the use of martial arts.

All of his specialized efforts have been sandwiched around the normal duties of a uniformed police officer who began his career in 1973 and who has spent the last 12 years as a supervisor. Sgt. DaVis has spent his career serving the people of Central New Jersey and I rise today to honor this stellar career.

PERSONAL EXPLANATION

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. SHOWS. Mr. Speaker, I was away from the floor of the House on Monday, April 3, 2000, on official business and was unable to cast recorded votes on rollcalls 96 and 97.

Had I been present for rollcall 96, I would have voted "yea" on the motion to suspend the rules and pass H.R. 1089, the Mutual Fund Tax Awareness Act, as amended.

Had I been present for rollcall 97, I would have voted "yea" on the motion to suspend the rules and pass H.R. 3591, to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

SENATE—*Friday, April 7, 2000*

The Senate met at 9:02 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Father, help us to accept our humanity. Life is a struggle when we pretend to have it all together. We end this week in honest confession of the times that we forgot You, went for hours, even days, without asking for Your help, and endured life's pressures as if we could be our own source of strength. In the quiet of this moment, we invite You to fill our depleted resources with Your spirit. We want to let You love us, forgive us, renew us, and grant us fresh strength. To this end, we admit our needs and accept Your power. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. DOMENICI. Mr. President, today the Senate will continue to vote on the remaining amendments to S. Con. Res. 101. Needless to say, votes are expected to occur throughout the morning with an expectation of voting this afternoon and perhaps into the evening, if we are not able to resolve some of the pending sense-of-the-Senate amendments and other amendments.

There are 2 minutes of explanation on amendments prior to each vote. To make this process as smooth as possible, I ask that Senators remain in the Chamber between votes. I thank my colleagues for their cooperation.

We will be talking with various Senators about amendments. So that everybody will know, there are 75 amendments filed by Republicans and 36 by Democrats. We are going to work with our Democratic minority whip and the ranking member of the Budget Committee to see if we can encourage a number of Senators to accept sense-of-the-Senate proposals and let us accept them on both sides. We will be working diligently at that. If we don't have success, then looking at this, I say that probably we would not finish before 6 o'clock tonight, or even later. We will work very hard. If Members will help us, we can do better than that.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Nevada.

Mr. REID. Mr. President, we have lined up five votes on each side. I say, however, to my friend, the manager of the bill, there is a tremendous amount of staff time that is still going to be required. Each side has not been able to review each other's amendments. I respectfully suggest to the majority that the minority doesn't think we have done anything untoward in offering amendments. We have offered half as many as the majority. This doesn't mean they should have twice as many cleared as we have cleared. If both sides can work out the clearance, that is fine.

The point I am trying to make is that we are trying to work our way through this amendment process. If there is some effort, in effect, to try to punish us by staying here late to work through these amendments, we are willing to do that. I think the more logical way to go would be to work our way through the amendments.

I say to the distinguished Senator from New Mexico, we would be much better off if we gave the staff a matter of hours, perhaps days, to work their way through these amendments. These are very difficult subjects. As to the sense-of-the-Senate aspect, most of those have been resolved. There are some that are very substantive in nature, and we need to work our way through them.

I personally think it is going to be impossible to finish this bill today. If we have to vote on all these amendments, we are not talking about 6 o'clock tonight; we are talking about 6 o'clock Monday morning. It is up to the majority whether they want to put us through this. I think the more logical way to do it would be to have our very proficient staffs work on these amendments over the weekend and get it down to a reasonable number so we can complete this bill next week.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. We will carry the Senator's message to the majority leader. Right now, we have 10 votes that we are willing to proceed with, 5 on each side. The first one is the Santorum amendment on military benefits; followed by Conrad on lockbox; Abraham on Social Security lockbox; Johnson on veterans; Ashcroft on Social Security investment; Mikulski on digital divide; Senator Bob Smith on prescription drugs; Graham of Florida on education; Voinovich on reconciliation instruction and taxes; and Kennedy on Pell grants.

I yield the floor.

FISCAL YEAR 2001 BUDGET—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. Con. Res. 101, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 101) setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 3058

(Purpose: To express the sense of the Senate supporting additional funding for fiscal year 2001 for medical care for our nation's veterans)

Mr. SANTORUM. Mr. President, I understand my amendment is next in the queue. I ask the amendment be called up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM] proposes an amendment numbered 3058.

The amendment is as follows:

On page 23, line 7, strike "47,568,000,000" and insert "48,068,000,000".

On page 23, line 8, strike "47,141,000,000" and insert "47,641,000,000".

On page 27, line 7, strike "–59,931,000,000" and insert "–60,431,000,000".

On page 27, line 8, strike "–48,031,000,000" and insert "–48,531,000,000".

At the appropriate place insert the following:

"(A) It is the sense of the Senate that the provisions in this resolution assume that if CBO determines there is an on-budget surplus for FY 2001, $500 million of that surplus will be restored to the programs cut in this amendment.

"(B) It is the sense of the Senate that the assumptions underlying this budget resolution assume that none of these offsets will come from defense or veterans, and to the extent possible should come from administrative functions."

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, my amendment increases veterans' health care benefits by $500 million, which is what the Independent Budget, which is supported by a variety of veterans organizations, has come forward and said they need to provide adequate health care for our Nation's veterans.

I commend the chairman of the Budget Committee for increasing veterans' health care benefits by $1.4 billion, but that isn't enough to provide

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

for the needs of our veterans population.

This is an important issue to keep the promise that we made to our veterans to provide adequate health care. It is also important for our military. What we need to do is to show the people in the service right now, who want to stay in the service and make careers out of the service, that we are going to keep our promises to them when they leave the service. This is an important amendment to provide adequate health care benefits for our veterans as well as to show our people in the current military that we are going to keep our promises.

I ask unanimous consent that Senator ABRAHAM be added as a cosponsor of the amendment.

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

The Senator from South Dakota is recognized.

Mr. JOHNSON. Mr. President, I applaud anybody who attempts to address issues of veterans' health care. However, I think it is regrettable that the Senator from Pennsylvania chose not to work in a bipartisan fashion with Senators CRAIG, WELLSTONE, myself, and other veterans organizations across the country with our amendment that we will be offering very shortly, which has a longer-term, 5-year fix for the veterans' health care funding shortfall.

Our amendment will far more significantly address the problems with veterans' health care in this Nation. The one offered by Senator SANTORUM is a fine step, in a small sense. I have no problems supporting it. I think the body needs to understand that we will come to a far more significant amendment shortly. The amendment this morning will deal with a 5-year approach to veterans' health care.

I yield to Senator WELLSTONE.

Mr. WELLSTONE. Mr. President, I think the Independent Budget is very important. We have been out here working on it. This amendment follows the amendment we introduced. One year is fine, but we need 5 years. Let's vote for this amendment as well.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3058) was agreed to.

Mr. CRAIG. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

AMENDMENT NO. 3016

(Purpose: To protect Social Security surpluses and reserve a portion of on-budget surpluses for Medicare and debt reduction)

Mr. CONRAD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD] proposes an amendment numbered 3016.

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

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

The amendment is as follows:

At the end of title III, insert the following:

SEC. ____. SAVE SOCIAL SECURITY AND MEDICARE LOCKBOX.

(a) DEFINITION.—In this section, the term ''Social Security and Medicare lockbox'' includes—

(1) the amount of the Social Security surplus (as defined in section 311(b)(1) of the Congressional Budget Act of 1974), with respect to any fiscal year; and

(2) the amount of the ''Medicare surplus reserve'' defined as a minimum of one-third of the on-budget surplus as estimated by the Congressional Budget Office for each of the 3 applicable time periods, which are—

(A) the budget year;

(B) the budget year plus the subsequent 4 years; and

(C) the budget year plus the subsequent 9 years.

(b) BUDGET RESOLUTION POINT OF ORDER.—It shall not be in order in the Senate to consider any concurrent resolution on the budget (or amendment, motion, or conference report on the resolution) that would decrease the on-budget surplus below the levels of the Medicare surplus reserve, except for legislation that reforms the Medicare program and provides coverage for prescription drugs.

(c) SUBSEQUENT LEGISLATION POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that together with associated interest costs would decrease the on-budget surplus below the level of the Medicare surplus reserve, except for legislation that reforms the Medicare program and provides coverage for prescription drugs.

(d) SOCIAL SECURITY OFF-BUDGET POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider a concurrent resolution on the budget (or any amendment thereto or conference report thereon) or any bill, joint resolution, amendment, motion, or conference report that would violate section 13301 of the Budget Enforcement Act of 1990.

(e) STRENGTHENING SOCIAL SECURITY POINTS OF ORDER.—It shall not be in order in the Senate to consider a concurrent resolution on the budget (or any amendment thereto or conference report thereon) or any bill, joint resolution, amendment, motion, or conference report that would—

(1) decrease Social Security surpluses in any year covered by this resolution below the levels established in this resolution; or

(2) amend section 301(i) or 311(a)(3) of the Congressional Budget Act of 1974 to allow Social Security surpluses to be decreased below the levels established in this resolution.

(f) SUPERMAJORITY WAIVER.—

(1) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised pursuant to this section.

(g) SENATE PAY-AS-YOU-GO RULE EXTENDED THROUGH 2010.—Section 207(g) of H. Con. Res. 68 (the Concurrent Resolution on the Budget for fiscal year 2000) is amended by striking ''2002'' and inserting ''2010''.

On page 4, line 4, increase the amount by $2,026,000,000.

On page 4, line 5, increase the amount by $0.

On page 4, line 6, increase the amount by $5,067,000,000.

On page 4, line 7, increase the amount by $7,230,000,000.

On page 4, line 8, increase the amount by $6,620,000,000.

On page 4, line 13, increase the amount by $2,026,000,000.

On page 4, line 14, increase the amount by $0.

On page 4, line 15, increase the amount by $5,067,000,000.

On page 4, line 16, increase the amount by $7,230,000,000.

On page 4, line 17, increase the amount by $6,620,000,000.

On page 5, line 15, increase the amount by $2,026,000,000.

On page 5, line 16, increase the amount by $0.

On page 5, line 17, increase the amount by $5,067,000,000.

On page 5, line 18, increase the amount by $7,230,000,000.

On page 5, line 19, increase the amount by $6,620,000,000.

On page 5, line 23, decrease the amount by $2,026,000,000.

On page 5, line 24, decrease the amount by $0.

On page 5, line 25, decrease the amount by $5,067,000,000.

On page 6, line 1, decrease the amount by $7,230,000,000.

On page 6, line 2, decrease the amount by $6,620,000,000.

On page 6, line 6, decrease the amount by $2,026,000,000.

On page 6, line 7, decrease the amount by $0.

On page 6, line 8, decrease the amount by $5,067,000,000.

On page 6, line 9, decrease the amount by $7,230,000,000.

On page 6, line 10, decrease the amount by $6,620,000,000.

On page 29, line 3, decrease the amount by $2,026,000,000.

On page 29, line 4, decrease the amount by $20,943,000,000.

Mr. CONRAD. Mr. President, this amendment is designed to safeguard both Social Security and Medicare. We have, on a bipartisan basis, achieved consensus now that we should not spend the Social Security surplus for other programs. That is an enormous advancement. That is a commitment to fiscal responsibility. We ought to take the next step now and protect Medicare as well. That is what this lockbox amendment does. It protects every penny of Social Security for Social Security in each and every year, and it commits one-third of the non-Social Security surplus to Medicare. So we are taking care of our two major programs that are most at risk, Social Security and Medicare.

I hope my colleagues will support this lockbox amendment so we can

leave this Congress with a full commitment to Social Security and Medicare.

Mr. DOMENICI. Mr. President, it is almost comical that this is called a Medicare lockbox because it has nothing to do with Medicare. The Social Security lockbox at the Social Security trust fund actually puts those away. This amendment never references the Medicare trust fund. It says we are to run on-budget surpluses equal to a third of the Congressional Budget Office surpluses, using the most recent baseline projections. I don't think we ought to do that. We have priorities set up in the budget. It violates the Budget Act.

I make a point of order that it is not germane to provisions of the Budget Act. I therefore raise that point of order.

Mr. CONRAD. Pursuant to section 904 of the Congressional Budget Act, I move to waive the applicable sections of the Budget Act for consideration of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to waive the Budget Act in relation to the Conrad amendment No. 3016.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The yeas and nays resulted—yeas 44, nays 56, as follows:

[Rollcall Vote No. 65 Leg.]

YEAS—44

Akaka	Edwards	Lieberman
Baucus	Feingold	Lincoln
Bayh	Feinstein	Mikulski
Biden	Graham	Moynihan
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Cleland	Kerry	Sarbanes
Conrad	Kohl	Schumer
Daschle	Landrieu	Torricelli
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Durbin	Levin	

NAYS—56

Abraham	Frist	McConnell
Allard	Gorton	Murkowski
Ashcroft	Gramm	Nickles
Bennett	Grams	Roberts
Bond	Grassley	Roth
Brownback	Gregg	Santorum
Bunning	Hagel	Sessions
Burns	Hatch	Shelby
Campbell	Helms	Smith (NH)
Chafee, L.	Hutchinson	Smith (OR)
Cochran	Hutchison	Snowe
Collins	Inhofe	Specter
Coverdell	Jeffords	Stevens
Craig	Kerrey	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voinovich
Enzi	Mack	Warner
Fitzgerald	McCain	

The PRESIDING OFFICER. On this vote the ayes are 44, the nays are 56. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. DOMENICI. Mr. President, may we have order?

The PRESIDING OFFICER. There will be order in the Chamber.

Mr. DOMENICI. Mr. President, I believe Senator ABRAHAM has the next amendment.

AMENDMENT NO. 3063

(Purpose: To provide for the protection of Social Security trust funds surpluses)

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. ABRAHAM], for himself, Mr. DOMENICI, Mr. ASHCROFT, Mr. SANTORUM, Mr. GRAMS, Mr. CRAIG, Mr. COVERDELL, and Mr. CRAPO, proposes an amendment numbered 3063.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . PROTECTION OF THE SOCIAL SECURITY SURPLUSES.

(a) The Senate finds that—

(1) Congress balanced the budget excluding the surpluses generated by the Social Security trust funds in 1999, and should do so in 2000 and every future fiscal year;

(2) reducing the federal debt held by the public is a top national priority, strongly supported on a bipartisan basis, as evidenced by Federal Reserve Chairman Alan Greenspan's comments that debt reduction "is a very important element in sustaining economic growth";

(3) according to even the most profligate spending projection by the Congressional Budget Office, balancing the budget excluding the surpluses generated by the Social Security trust funds will totally eliminate the net debt held by the public by 2010;

(4) the Senate adopted a Sense of the Senate amendment to last year's budget resolution by a vote of 99–0 that called for a legislative mandate that the Social Security surpluses only be used for the payment of Social Security benefits, Social Security reform or to reduce the federal debt held by the public, and that a Senate super-majority Point of Order lie against any bill, resolution, amendment, motion or conference report that would use Social Security surpluses on anything other than the payment of Social Security benefits, Social Security reform or the reduction of the federal debt held by the public;

(5) the House adopted on a vote of 416–12, H.R. 1259, a bill to provide a legislative lockbox to protect the Social Security surpluses;

(6) the Senate has failed to hold a vote on passage of any Social Security lock box legislation having failed five times to overcome filibusters against both Senate and the House of Representatives' legislative proposals; and

(7) the Senate Committee on the Budget unanimously adopted an amendment to this Concurrent Resolution that provided a permanent Senate super-majority Point of Order against any budget resolution that would produce an on-budget deficit.

(b) It is the Sense of the Senate that the functional totals in this concurrent resolution on the budget assume that during this session of Congress the Senate shall pass legislation which—

(1) reaffirms the provisions of section 13301 of the Omnibus Budget Reconciliation Act of 1990 that provides that the receipts and disbursements of the Social Security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985, and provides for a Point of Order within the Senate against any concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates that section;

(2) mandates that the Social Security surpluses are used only for the payment of Social Security benefits, Social Security reform or to reduce the federal debt held by the public, and not spent on non-social security programs or used to offset tax cuts;

(3) provides for a Senate super-majority Point of Order against any bill, resolution, amendment, motion or conference report that would use Social Security surpluses on anything other than the payment of Social Security benefits, Social Security reform or the reduction of the federal debt held by the public;

(5) Ensures that all Social Security benefits are paid on time; and

(6) Accommodates Social Security reform legislation.

Mr. ABRAHAM. Mr. President, if I might, in the Budget Committee as we prepared the resolution to come to the floor, we were successful in making the lockbox mechanism a permanent part of the budget process and making it enforceable with a 60-vote point of order. I consider that to be a victory on this matter.

In the interest of setting a good precedent today, I therefore seek unanimous consent to withdraw the amendment at this time, and hope others who have similar kinds of amendments will help us to expedite the process.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. LAUTENBERG. Mr. President, while this amendment expresses the sense of the Senate that Congress ought to pass legislation to establish the security lockbox, we are concerned. I think it is fair to say all of us endorse that principle. We want the Social Security funds reserved for Social Security recipients. I am going to support this amendment.

The PRESIDING OFFICER. The amendment has been withdrawn.

Mr. LAUTENBERG. I am sorry, I was not paying attention. I am glad the Senator withdrew the amendment.

Mr. ABRAHAM. Since no objection was raised, apparently, to the amendment, and since there may be an ability to have an immediate voice vote, I am happy to accept the proposal of the Senator from New Jersey and voice vote the amendment rather than withdrawing it to save time.

Mr. LAUTENBERG. I stopped in the middle of my statement because I was astonished by the Senator's generous attitude, and so we will skip the amendment as long as he will withdraw the amendment.

Mr. DOMENICI. The Senator was asking the question, since the Senator from New Jersey does not object to it, could we accept it?

Mr. LAUTENBERG. Given the opportunity to clean the slate and move along, I withdraw my statement.

Mr. DOMENICI. Thank you very much.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for 1 minute.

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

Mr. BYRD. Mr. President, tomorrow, April 8, is the anniversary of the ratification by the State of Connecticut of the 17th amendment. But for that amendment, I would not be here and for that amendment, a good many of us would not be here.

That amendment provides for the popular election of Senators. I just wanted to call that to our colleagues' attention. Tomorrow is quite an important day for most of us. Does anyone think the West Virginia Legislature would have selected me for the Senate? I did not have two nickels I could rub together. Nobody knew me. My dad was a coal miner. I expect a lot of us can say somewhat the same things. Just keep that in mind tomorrow, how thankful we should be for the 17th amendment. I yield the floor.

Mr. DOMENICI. Mr. President, can I have 30 seconds?

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, the Senator probably agrees the popular election created a better Senate.

Mr. BYRD. Well, yes.

Mr. DOMENICI. So I ask that this better Senate help us get rid of some of these amendments that are irrelevant.

Mr. BYRD. I must say I expect some of those who were proponents of the 17th amendment would probably be disappointed in the Senate if they could see it today.

Mr. DOMENICI. I thank the Senator.

Mr. BYRD. A lot of the Senators who were here when I came would likewise be chagrined, embarrassed, and disappointed.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 2934

(Purpose: To increase funding for veterans health care)

Mr. JOHNSON. Mr. President, I call up amendment No. 2934.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. JOHNSON], for himself, Mr. WELLSTONE, Mr. BINGAMAN, Mr. DORGAN, Mrs. MURRAY, Mr. ROBB, Mr. JEFFORDS, Ms. MIKULSKI, Mr. KENNEDY, Mr. BRYAN, Mr. KERRY, Mr. CONRAD, and Mr. HARKIN, proposes an amendment numbered 2934.

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

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

The amendment is as follows:

On page 4, line 4, increase the amount by $500,000,000.

On page 4, line 5, increase the amount by $500,000,000.

On page 4, line 6, increase the amount by $500,000,000.

On page 4, line 7, increase the amount by $500,000,000.

On page 4, line 8, increase the amount by $500,000,000.

On page 4, line 13, increase the amount by $500,000,000.

On page 4, line 14, increase the amount by $500,000,000.

On page 4, line 15, increase the amount by $500,000,000.

On page 4, line 16, increase the amount by $500,000,000.

On page 4, line 17, increase the amount by $500,000,000.

On page 4, line 22, increase the amount by $500,000,000.

On page 4, line 23, increase the amount by $500,000,000.

On page 4, line 24, increase the amount by $500,000,000.

On page 4, line 25, increase the amount by $500,000,000.

On page 5, line 1, increase the amount by $500,000,000.

On page 5, line 7, increase the amount by $500,000,000.

On page 5, line 8, increase the amount by $500,000,000.

On page 5, line 9, increase the amount by $500,000,000.

On page 5, line 10, increase the amount by $500,000,000.

On page 5, line 11, increase the amount by $500,000,000.

On page 23, line 7, increase the amount by $500,000,000.

On page 23, line 8, increase the amount by $500,000,000.

On page 23, line 11, increase the amount by $500,000,000.

On page 23, line 12, increase the amount by $500,000,000.

On page 23, line 15, increase the amount by $500,000,000.

On page 23, line 16, increase the amount by $500,000,000.

On page 23, line 19, increase the amount by $500,000,000.

On page 23, line 20, increase the amount by $500,000,000.

On page 23, line 23, increase the amount by $500,000,000.

On page 23, line 24, increase the amount by $500,000,000.

On page 29, line 3, decrease the amount by $500,000,000.

On page 29, line 4, decrease the amount by $2,500,000,000.

Mr. JOHNSON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. JEFFORDS. Mr. President, I wish to add my voice to those who have already spoken eloquently about the need to increase funding for America's veterans. While I appreciate Senator DOMENICI's efforts to provide the increase requested by the administration, many of my colleagues agree with me that this is not sufficient to meet the needs of America's veterans. Years of underfunding coupled with spiraling health care costs have left the system struggling to provide the quality care that veterans expect and deserve. This trend must be stopped and reversed. We owe it to future generations to keep federal spending under control. But we must first recognize the prior claim of veterans who have already given of themselves and who expect to receive the medical care and benefits they are promised.

Mr. President, veterans in my State of Vermont are very lucky. They have been served for many years by a very dedicated and high quality VA system, headquartered in White River Junction with clinics in Burlington and Bennington. But this system is being stretched to the limit. Numbers of veterans wanting to use the services of the VA are increasing. While the cost of providing quality medical care has risen less at our VA hospital than it has in the private sector, more funding is still required just to provide the same services this year as last. Budget shortfalls of about 10 percent per year for several years have forced administrators to demand sacrifices of their personnel that would not be tolerated in many other systems and make cuts in services that are regrettable. Thanks to our dedicated staff, Vermont veterans are still receiving quality health care, but these trends can't continue. It is high time the system was given the funding it needs to do the job right.

In an improvement over last year, the President's budget for fiscal year 2001 requested an increase of $1.3 billion for veterans health care. But that is still about $600 million below the amount that is needed to maintain existing programs and fulfill the funding requirements of the Veterans Millennium Health Care and Benefits Act, passed by Congress last year. This amount, $21.2 billion, has been identified by the Independent Budget coalition as the minimum acceptable funding level for veterans health care programs.

While veterans, just like all Americans, would love to see their benefits increase, this request does not do that. Funding the Veterans Health Administration at $21.2 billion would merely take a bite out of the increasing cost of medical care, particularly pharmaceutical costs, for an aging veterans population. Demand for VA health care continues to rise and enrollment is going up at many facilities, with no corresponding increase in funding to cover those veterans. The Millennium bill authorized better nursing home care, home health and long-term care services, greatly needed by veterans. It also provided veterans with long-desired emergency room coverage, and recognizes the imperative of covering

the increasing number of hepatitis C cases among veterans. But if additional funds are not provided to cover these costs, these promises will be hollow.

I am very pleased to join Senators JOHNSON and WELLSTONE in offering this amendment to add $500 million to the budget for the Veterans Health Administration. I urge all my colleagues to support this worthy effort. This is the very least we can do!

Mr. JOHNSON. Mr. President, I thank Senators WELLSTONE, DOMENICI, and CRAIG for working out an agreement on a veterans amendment which increases outlays for veterans' health care by $500 million over the Budget Committee's level in each year of the budget resolution and raises the funding to the level requested in the veterans' Independent Budget, a $1.9 billion increase over fiscal year 2000.

This level of funding is advocated by 40 veterans groups and medical societies. I urge all Senators to support this critically important amendment which ensures adequate funding for veterans over a 5-year period.

The PRESIDING OFFICER. The Senator from Idaho.

AMENDMENT NO. 3074 TO AMENDMENT NO. 2934

Mr. CRAIG. Mr. President, I have a second-degree amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for himself, Mr. MURKOWSKI, Mr. HUTCHINSON, Mr. DEWINE, and Mr. ABRAHAM, proposes an amendment numbered 3074 to amendment No. 2934.

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

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

The amendment is as follows:

On page 4, line 4, increase the amount by $1.

On page 4, line 5, increase the amount by $1.

On page 4, line 6, increase the amount by $1.

On page 4, line 7, increase the amount by $1.

On page 4, line 8, increase the amount by $1.

On page 4, line 13, increase the amount by $1.

On page 4, line 14, increase the amount by $1.

On page 4, line 15, increase the amount by $1.

On page 4, line 16, increase the amount by $1.

On page 4, line 17, increase the amount by $1.

On page 4, line 22, increase the amount by $1.

On page 4, line 23, increase the amount by $1.

On page 4, line 24, increase the amount by $1.

On page 4, line 25, increase the amount by $1.

On page 5, line 1, increase the amount by $1.

On page 5, line 7, increase the amount by $1.

On page 5, line 8, increase the amount by $1.

On page 5, line 9, increase the amount by $1.

On page 5, line 10, increase the amount by $1.

On page 5, line 11, increase the amount by $1.

On page 23, line 7, increase the amount by $500,000,000.

On page 23, line 8, increase the amount by $430,000,000.

On page 23, line 11, increase the amount by $500,000,000.

On page 23, line 12, increase the amount by $485,000,000.

On page 23, line 15, increase the amount by $500,000,000.

On page 23, line 16, increase the amount by $497,000,000.

On page 23, line 19, increase the amount by $500,000,000.

On page 23, line 20, increase the amount by $498,000,000.

On page 23, line 23, increase the amount by $500,000,000.

On page 23, line 24, increase the amount by $498,000,000.

On page 29, line 3, decrease the amount by $0.

On page 29, line 4, decrease the amount by $0.

At the end add the following: Notwithstanding any other provision of this resolution the appropriate levels for function 920 are as follows—

For fiscal year 2001:
(A) New budget authority, −$60,431,000,000.
(B) Outlays, −$48,461,000,000.
For fiscal year 2002:
(A) New budget authority, −$60,229,000,000.
(B) Outlays, −$71,796,000,000.
For fiscal year 2003:
(A) New budget authority, −$500,000,000.
(B) Outlays, −$5,287,000,000.
For fiscal year 2004:
(A) New budget authority, −$500,000,000.
(B) Outlays, −$7,268,000,000.
For fiscal year 2005:
(A) New budget authority, −$500,000,000.
(B) Outlays, −$6,570,000,000.

SEC. . SENSE OF SENATE REGARDING MEDICAL CARE FOR VETERANS.

It is the sense of the Senate that—

(1) the provisions of this resolution assume that if the Congressional Budget Office determines there is an on-budget surplus for fiscal year 2001, $500,000,000 of that surplus will be restored to the programs cut by this amendment; and

(2) the assumptions underlying this resolution assume that none of the offsets made by this amendment will come from defense or veterans and should, to the extent possible, come from administrative functions.

Mr. CRAIG. Mr. President, my amendment to the Johnson amendment is the exact amendment that Senator JOHNSON put on the budget resolution last year. It increases veterans spending the same amount that the Johnson amendment does, by $500 million a year, but instead of blocking our ability to give tax cuts, as his would do, mine is spread across a 5-year discretionary pattern.

American citizens, along with veterans, deserve to be treated equally. We ought to recognize our veterans and do as Senator JOHNSON has proposed. At the same time, we ought to recognize American families who are now taxed at the highest level in our Nation's history and give them an opportunity for some tax relief. My amendment grants us that option. I urge consideration of the second-degree amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I hope all Senators will vote for this amendment. A recorded vote is important because there are a lot of gaps in the veterans health care system. For my own part, I would far rather take it out of tax cuts which are disproportionately aimed at higher income people. I hope there is a 100-percent vote for this. The veterans need our support.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3074.

Mr. WELLSTONE. We asked for the yeas and nays.

The PRESIDING OFFICER. Not on the second-degree amendment.

Mr. DOMENICI. There has been no rollcall vote requested on this amendment.

Mr. WELLSTONE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 66 Leg.]

YEAS—100

Abraham	Feingold	Mack
Akaka	Feinstein	McCain
Allard	Fitzgerald	McConnell
Ashcroft	Frist	Mikulski
Baucus	Gorton	Moynihan
Bayh	Graham	Murkowski
Bennett	Gramm	Murray
Biden	Grams	Nickles
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Boxer	Hagel	Robb
Breaux	Harkin	Roberts
Brownback	Hatch	Rockefeller
Bryan	Helms	Roth
Bunning	Hollings	Santorum
Burns	Hutchinson	Sarbanes
Byrd	Hutchison	Schumer
Campbell	Inhofe	Sessions
Chafee, L.	Inouye	Shelby
Cleland	Jeffords	Smith (NH)
Cochran	Johnson	Smith (OR)
Collins	Kennedy	Snowe
Conrad	Kerrey	Specter
Coverdell	Kerry	Stevens
Craig	Kohl	Thomas
Crapo	Kyl	Thompson
Daschle	Landrieu	Thurmond
DeWine	Lautenberg	Torricelli
Dodd	Leahy	Voinovich
Domenici	Levin	Warner
Dorgan	Lieberman	Wellstone
Durbin	Lincoln	Wyden
Edwards	Lott	
Enzi	Lugar	

The amendment (No. 3074) was agreed to.

AMENDMENT NO. 2934

The PRESIDING OFFICER. The question is on the underlying amendment, as amended. The yeas and nays have been ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the yeas and nays be vitiated.

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

The question is on agreeing to amendment No. 2934, as amended.

The amendment (No. 2934), as amended, was agreed to.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 2946

(Purpose: To express the sense of the Senate concerning the investment of the social security trust funds)

Mr. ASHCROFT. Mr. President, I call up sense-of-the-Senate amendment No. 2946. It is a sense of the Senate rejecting the President's plan for direct Government investment of Social Security as an option.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. ASHCROFT], for himself, Mr. INHOFE, Mr. BROWNBACK, Mr. GREGG, Mr. ALLARD and Mr. SANTORUM, proposes an amendment numbered 2946.

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

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

The amendment is as follows:

At the appropriate place, insert:

SEC. ___. SENSE OF THE SENATE CONCERNING INVESTMENT OF SOCIAL SECURITY TRUST FUNDS.

(a) FINDINGS.—The Senate finds that—

(1) Government investment of the social security trust funds in the stock market is a gamble Congress should be unwilling to make on behalf of the millions who receive and depend on social security to meet their retirement needs;

(2) in 1999, the Senate voted 99–0 to oppose Government investment of the social security trust funds in private financial markets;

(3) in addition to the unanimous opposition of the United States Senate, Federal Reserve Chairman Alan Greenspan and Securities and Exchange Commissioner Arthur Levitt also oppose the idea; and

(4) despite this opposition, and despite the dangers inherent in having the Government invest social security trust funds in private financial markets, President Clinton has once again suggested, on page 37 of the Administration's proposed fiscal year 2001 Federal budget, that the Government invest part of the social security trust funds in corporate equities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that the Federal Government should not directly invest contributions made to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401), or any interest derived from those contributions, in private financial markets.

Mr. GRAMS. Mr. President, I rise to strongly support Senator ASHCROFT's amendment to the budget resolution. I commend his leadership on this vitally important issue. This amendment reassures the American people that Congress will not spend a penny of their Social Security and Medicare money. It will put the Senate on record that we honor our commitment.

This is a crucial step to truly protect the Social Security and Medicare surpluses and save them exclusively for American's retirement and health care needs, not for tax relief, not for government spending.

Beginning in 2008, 78 million babyboomers will become eligible for retirement, and without immediate action taken by the Congress the system will begin to collapse. From that point on, we will have more retirees than ever before, and fewer workers paying into the system.

Washington has made the situation even worse because it keeps raiding the Social Security and Medicare trust funds. In 1998, American workers paid $489 billion into the Social Security system, but most of that money, $382 billion, was immediately paid out that same year to 44 million beneficiaries. That left a $106 billion surplus. The total accumulated surplus in the trust fund is more than $750 billion.

Unfortunately, this surplus exists only on paper. The government has consumed all that $750 billion for non-Social Security related programs. All it has are Treasury IOUs.

Even the Clinton administration admits that the trust fund does not actually exist. Here is what the President's last budget stated:

> These trust funds balances are available to finance future benefit payments and other trust fund expenditures—but only in a bookkeeping sense. These funds are not set up to be pension funds, like the funds of private pension plans. They do not consist of real economic assets that can be drawn down in the future to fund benefits. Instead, they are claims on the Treasury, that, when redeemed, will have to be financed by raising taxes, borrowing from the public, or reducing benefits or other expenditures.

That's not acceptable. We must say no to anyone who wants to spend even a penny of the Social Security surplus because we promised the American people we would save it. There is no excuse in an era of budget surplus to continue raiding the Social Security trust funds. Washington has done enough damage to America's retirement system.

The just-released annual report of the Social Security Trust Fund's Board of Trustee's shows short-term improvement but continued long-term deterioration. The government will have to come up with $11.3 trillion from general revenues between 2015 and 2036 to make up the annual shortfall in the Social Security System. The inflation-adjusted cumulative deficit between 2015 and 2075 is now projected to be $21.6 trillion, up nearly 7 percent compared with last year's projection. If the economy takes a turn for the worse, or if the demographic assumptions are too optimistic, the trust fund could go bankrupt much sooner.

This makes our work to save and reform Social Security and Medicare even more urgent.

The Ashcroft amendment will bring us one step closer to protecting Social Security and Medicare. Unlike the previous Social Security lockbox, which locks up only the Social Security surplus, this amendment would extend that protection to the Medicare surplus as well. The Medicare part A surplus will be about $20 billion a year. This surplus should be preserved only for the medical expenses of senior Americans, not the general government spending.

If enacted, the Ashcroft amendment would, in effect, prevent anyone, whether it is the Congress or the administration, for raiding the Social Security and Medicare surplus. I believe this is absolutely the right thing to do.

Mr. President, the American people demand that we truly protect the Social Security and Medicare surplus, and they want to stop the federal government's practice of so-called ''borrowing'' from the Social Security and Medicare trust funds. They are very worried that retirement funds will not be there for them, and they are concerned that the government will not be able to return the more than $750 billion ''borrowed'' and spent by the government.

Over the next 10 years, American workers will put more than $2.3 trillion into the Social Security system. We must do everything we can to prevent the government from spending this Social Security and Medicare surplus under any circumstances. We need an enforcement mechanism to keep our promise to the American people.

The Ashcroft amendment provides the protection for Americans' retirement and health care money. I urge my colleagues to support this amendment.

Mr. ASHCROFT. Mr. President, this is an amendment which would express the sense of the Senate that the Government should not invest the Social Security trust fund in the stock market. I believe there is a consensus on both sides that this is the case.

Last year, we voted 99–0 to say we did not want the Government playing stockbroker for a day with the retirement security of the American people.

I personally believe we could do this on a voice vote as a matter of saving the time and energy of this body. I suggest we do so.

I yield back the remainder of my time.

Mr. LAUTENBERG. Mr. President, we agree with the Senator's idea of a voice vote. Then we can move on.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2946.

The amendment (No. 2946) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Maryland.

AMENDMENT NO. 2956

(Purpose: To express the sense of the Senate concerning an increase in funding for digital opportunity)

Ms. MIKULSKI. Mr. President, I call up amendment No. 2956, a sense-of-the-Senate resolution on the necessary budget funding to cross the digital divide.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for herself, Mrs. BOXER, Mr. BINGAMAN, Mr. SARBANES, Mr. KERRY and Mr. KENNEDY, proposes an amendment numbered 2956.

Ms. MIKULSKI. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ____. SENSE OF THE SENATE CONCERNING DIGITAL OPPORTUNITY.

(a) FINDINGS.—The Senate makes the following findings:

(1) A digital divide exist in America. Low-income, urban and rural families are less likely to have access to the Internet and computers. African American and Hispanic families are only ⅖ as likely to have Internet access as white families. Access by Native Americans to the Internet and to computers is statistically negligible.

(2) Regardless of income level, Americans living in rural areas lag behind in Internet access. Individuals with lower incomes who live in rural areas are half as likely to have Internet access as individuals who live in urban areas.

(3) The digital divide for the poorest Americans has grown by 29 percent since 1997.

(4) Access to computers and the Internet and the ability to use this technology effectively is becoming increasingly important for full participation in America's economic, political and social life.

(5) Unequal access to technology and high-tech skills by income, educational level, race and geography could deepen and reinforce the divisions that exist within American society.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals underlying this resolution on the budget assume that—

(1) to ensure that all children are computer literate by the time they finish the eighth grade, regardless of race, ethnicity, gender, income, geography or disability, to broaden access to information technologies, to provide workers, teachers and students with information technology training, and to promote innovative online content and software applications that will improve commerce, education and quality of life, initiatives that increase digital opportunity should be provided for as follows:

(A) $200,000,000 in tax incentives should be provided to encourage private sector donation of high quality computers, sponsorship of community technology centers, training, technical services and computer repair;

(B) $450,000,000 should be provided for teacher training;

(C) $150,000,000 for new teacher training;

(D) $400,000,000 should be provided for school technology and school libraries;

(E) $20,000,000 should be provided to place computers and trained personnel in Boys & Girls Clubs;

(F) $25,000,000 should be provided to create an E-Corps within Americorps;

(G) $100,000,000 should be provided to create 1,000 Community Technology Centers in low-income urban and rural communities;

(H) $50,000,000 should be provided for public/private partnerships to expand home access to computers and the Internet for low-income families;

(I) $45,000,000 should be provided to promote innovative applications of information and communications technology for underserved communities;

(J) $10,000,000 should be provided to prepare Native Americans for careers in Information Technology and other technical fields; and

(2) all Americans should have access to broadband telecommunications capability as soon as possible and as such, initiatives that increase broadband deployment should be funded, including $25,000,000 to accelerate private sector deployment of broadband and networks in underserved urban and rural communities.

Ms. MIKULSKI. Mr. President, the amendment is very simple. It states it is the sense of the Senate that the Federal budget will provide the framework and the funding necessary to ensure that all Americans cross the digital divide.

The goal of the legislation is to ensure that every child is computer literate by the eighth grade, regardless of race, ethnicity, income, gender, geography, or disability. It is the single most empowering tool we could pass this year.

This amendment would increase funds for teacher training and school technology, create 1,000 community-based tech centers, strengthen tax incentives for public-private partnerships, create an e-Corps within AmeriCorps, and be able to make wise and prudent use of Federal funds.

It will be absolutely crucial to get our children ready to be able to leapfrog into the future and participate in the new economy.

Mr. President, I really do hope the Senate will adopt this. If we could come to an agreement on a voice vote to accept it, I would be delighted and not insist on a rollcall vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Might I ask the Senator, I believe this is a sense-of-the-Senate amendment; is that correct?

Ms. MIKULSKI. That is absolutely correct.

Mr. DOMENICI. We have no objection. We could accept it.

Mr. REID. I ask unanimous consent Senator BAUCUS of Montana be added as a cosponsor of the amendment.

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

Ms. MIKULSKI. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2956.

The amendment (No. 2956) was agreed to.

Ms. MIKULSKI. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3031

(Purpose: To express the sense of the Senate regarding the type of medicare prescription drug benefit that Congress should pass)

Mr. SMITH of New Hampshire. Mr. President, I call up amendment No. 3031.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for himself, Mr. ALLARD, and Mr. DOMENICI, proposes an amendment numbered 3031.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ____. SENSE OF THE SENATE ON MEDICARE PRESCRIPTION DRUGS.

It is the sense of the Senate that the levels in this budget resolution assume that among its reform options, Congress should explore a medicare prescription drug proposal that—

(1) is voluntary;

(2) increases access for all medicare beneficiaries;

(3) is designed to provide meaningful protection and bargaining power for medicare beneficiaries in obtaining prescription drugs;

(4) is affordable for all medicare beneficiaries and for the medicare program;

(5) is administered using private sector entities and competitive purchasing techniques;

(6) is consistent with broader medicare reform;

(7) preserves and protects the financial integrity of the medicare trust funds;

(8) does not increase medicare beneficiary premiums; and

(9) provides a prescription drug benefit as soon as possible.

Mr. SMITH of New Hampshire. Mr. President, this amendment is quite simple. It saves $40 billion that is now in the budget which we don't have to spend because the Smith-Allard amendment costs nothing. It is revenue neutral. It provides no increase in premiums for seniors. It takes effect as

early as 2001, rather than 2009 under the President's plan. It covers 50 percent of prescription drugs, up to $5,000. For every dollar spent, 50 cents is covered, up to $5,000, and the prescription drug goes toward the deductible. So if we want to save money on the budget and allow seniors to have prescription drug coverage at no cost to the Government—revenue neutral, no increase in premiums to seniors—it is a good deal. I encourage my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I will not suggest that people vote against the amendment of the Senator from New Hampshire, but it is interesting to me that in his original amendment, he said that Congress ''should'' pass a Medicare prescription drug benefit. He changed it to the budget resolution ''assumes that among its reform options, Congress should explore a Medicare prescription drug.'' That is a very different content statement regarding the seriousness about prescription drugs. I do not, however, oppose his amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3031.

The amendment (No. 3031) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2966

(Purpose: To establish a reserve fund for additional ESEA funding)

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I call up amendment No. 2966.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM], for himself, Mr. LIEBERMAN, Mr. BAYH, Ms. LANDRIEU, Mrs. LINCOLN, Mr. BREAUX, Mr. ROBB, and Mr. EDWARDS, proposes an amendment numbered 2966.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. RESERVE FUND FOR ADDITIONAL ESEA FUNDING IN THE SENATE.

(a) IN GENERAL.—In the Senate, upon reporting of a bill, the offering of an amendment thereto, or the submission of a conference report thereon that allows local educational agencies to use appropriated funds to carry out activities under a reauthorized Elementary and Secondary Education Act that complies with subsection (b), the Chairman of the Committee on the Budget of the Senate may increase the functional totals and outlay aggregates and allocations—

(1) for fiscal year 2001 by not more than $3,000,000,000; and

(2) for the period of fiscal years 2001 through 2005 by not more than $15,000,000,000.

(b) CONDITION.—Legislation complies with this subsection if it provides—

(1) increased accountability;

(2) encouragement of State educational agencies (SEAs) and local educational agencies (LEAs) to establish high student performance standards;

(3) a concentration of resources around central education goals, including compensatory education for disadvantaged children and youth, teacher quality and professional development, innovative education strategies, programs for limited English proficiency students, student safety, and educational technology; and

(4) an allocation of funds that targets the most impoverished areas and schools most likely to be in distress.

Mr. GRAHAM. Mr. President, I ask unanimous consent that Senators FEINSTEIN and KOHL be added as cosponsors of this amendment.

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

Mr. GRAHAM. Mr. President, this amendment would reserve $15 billion over the next 5 years to be able to meet the projected additional funding for the Elementary and Secondary Education Act. We propose this additional funding as part of a comprehensive Elementary and Secondary Education Act reform which focuses on principles such as accountability based on student performance, greater flexibility in terms of the States and local school districts' ability to utilize this money, and a strong focus on the at-risk child, the child who today is falling further and further behind and is going to be less able to be an equal contributant to the new economy era in which they will be living, unless the Federal Government increases the strength of its partnership with the States and local school districts. I urge adoption of this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, we add $23 billion to education in this budget. I don't think we need a reserve fund. This amendment violates the Budget Act because it is not germane to the budget. Therefore, I make a point of order in that regard.

Mr. GRAHAM. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for consideration of the pending amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to waive the Budget Act in relation to the Graham amendment No. 2966. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 46, nays 54, as follows:

[Rollcall Vote No. 67 Leg.]

YEAS—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NAYS—54

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee, L.
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 54.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected, the point of order is sustained, and the amendment falls.

AMENDMENT NO. 2907

(Purpose: To strike the reconciliation instruction for tax cuts, thereby allowing surpluses to go toward debt reduction)

Mr. VOINOVICH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. VOINOVICH] proposes an amendment numbered 2907.

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

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

The amendment is as follows:

On page 28, strike beginning with line 22 and all that follows through page 29, line 5.

Mr. VOINOVICH. Mr. President, my amendment is easy to understand. Rather than reduce taxes by $150 billion over the next 5 years, about $13.5 billion in this particular budget, my amendment would use those dollars to reduce the national debt. Most families and businesses that finally had a surplus of funds like we have would be paying off their debt. Today, 13 cents out of every dollar we spend goes to pay interest on the debt. That is almost as much as we spend on defense, and more than we spend on Medicare.

All of the leading economists in this country say we should take the on-

budget surplus and use it to pay down the debt. It encourages more savings and investment, and it lowers interest rates, which is a real tax savings.

Last, but not least, it fulfills a moral obligation to our children and grandchildren to remove the debt Congress has put on their backs because Congress did not have the courage to either pay for the things it wanted, or do without.

We have the resources now. We ought to use those resources to pay down the national debt.

Mr. DOMENICI. Mr. President, this amendment strikes the reconciliation instructions. What we have said in our budget resolution is, if we don't get any tax relief, the money will go to reducing the debt. I believe the budget resolution needs to have a reconciliation instruction if we are going to give a fair chance at the tax reforms that are proposed—any size, from $10 billion to $75 billion or whatever can be done. Without the reconciliation, we would get none of it done.

Therefore, I oppose it and hope it will be defeated. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 2907. The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 44, nays 56, as follows:

[Rollcall Vote No. 68 Leg.]

YEAS—44

Akaka
Baucus
Biden
Boxer
Bryan
Byrd
Chafee, L.
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Specter
Voinovich
Wellstone
Wyden

NAYS—56

Abraham
Allard
Ashcroft
Bayh
Bennett
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kerrey
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner

The amendment (No. 2907) was rejected.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2939

(Purpose: The amendment would reduce the GOP tax cut by less than 1 percent in FY2001, and 1.8 percent over 5 years, to increase the Pell grant maximum by a total of $400—raising the basic Pell grant from the current $3,300 to $3,700. This increase is over the Committee increase of $200 to $3,500)

Mr. KENNEDY. Mr. President, I call up amendment 2939 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. FEINGOLD, Mr. DODD, Mr. REED, Mr. BINGAMAN, Mr. JOHNSON, Mr. WELLSTONE, Mrs. MURRAY, Mr. HARKIN, and Mr. SCHUMER, proposes an amendment numbered 2939.

The amendment is as follows:

On page 4, line 4, increase the amount by $124,000,000.

On page 4, line 5, increase the amount by $612,000,000.

On page 4, line 6, increase the amount by $635,000,000.

On page 4, line 7, increase the amount by $646,000,000.

On page 4, line 8, increase the amount by $657,000,000.

On page 4, line 13, increase the amount by $124,000,000.

On page 4, line 14, increase the amount by $612,000,000.

On page 4, line 15, increase the amount by $635,000,000.

On page 4, line 16, increase the amount by $646,000,000.

On page 4, line 17, increase the amount by $657,000,000.

On page 4, line 22, increase the amount by $623,000,000.

On page 4, line 23, increase the amount by $633,000,000.

On page 4, line 24, increase the amount by $644,000,000.

On page 4, line 25, increase the amount by $655,000,000.

On page 5, line 1, increase the amount by $666,000,000.

On page 5, line 7, increase the amount by $124,000,000.

On page 5, line 8, increase the amount by $612,000,000.

On page 5, line 9, increase the amount by $635,000,000.

On page 5, line 10, increase the amount by $646,000,000.

On page 5, line 11, increase the amount by $657,000,000.

On page 18, line 7, increase the amount by $623,000,000.

On page 18, line 8, increase the amount by $124,000,000.

On page 18, line 11, increase the amount by $633,000,000.

On page 18, line 12, increase the amount by $612,000,000.

On page 18, line 15, increase the amount by $644,000,000.

On page 18, line 16, increase the amount by $635,000,000.

On page 18, line 19, increase the amount by $655,000,000.

On page 18, line 20, increase the amount by $646,000,000.

On page 18, line 23, increase the amount by $666,000,000.

On page 18, line 24, increase the amount by $657,000,000.

On page 29, line 3, decrease the amount by $124,000,000.

On page 29, line 4, decrease the amount by $2,674,000,000.

Mr. KENNEDY. Mr. President, I offer this on behalf of myself, Senator FEINGOLD, our education committee, Senator SARBANES, and others; and Senator JEFFORDS, Senator COLLINS, and Senator CHAFEE. This is a bipartisan amendment. It is a very simple amendment. At the present time, we are providing $3,300 on the Pell grants. The Budget Committee has raised that up to $3,500. This amendment would make it $3,700. It costs $1.4 billion a year. This amendment applies for 5 years.

This chart indicates what the Pell grant has meant to education for children. Back in the 1970s it paid effectively 90 percent of the public education for children. It has gone down, now, to about 40 percent for public education—20 percent in private colleges. Ninety percent of the children who are getting Pell grants have incomes of $9,000 or less.

Finally, for families that have incomes of $74,000, 90 percent of their children are going on to higher education, whether public education or private education. For families with $25,000, it is 26 percent. Talk about a digital divide, this is growing and growing and growing.

The money in this amendment all goes to tuition; nothing for rooms, nothing for food, nothing for additional services.

I ask unanimous consent to have printed in the RECORD letters from the various groups that support this amendment.

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

AMERICAN COUNCIL ON EDUCATION,
OFFICE OF THE PRESIDENT,
Washington, DC, April 3, 2000.

DEAR SENATOR: I write to urge you to support Senator Kennedy's amendment to the FY 2001 Budget Resolution that would increase funding for the Pell Grant program by $1.4 billion. These funds would translate into a much-needed $400 increase in the maximum Pell Grant award.

As you know, Congress has made progress in recent years in providing much-needed increases in funding for the Pell Grant program. As a result, millions of low- and middle-income students who would not otherwise be able to access a college education have done so.

The $30 increase in the maximum Pell Grant award included in the S. Con. Res. 101 would, however, halt this progress. It would not allow for a single additional Pell Grant recipient next year and translates into an increase of only $15 in the average Pell Grant award.

Senator Kennedy's amendment will make a significant difference to students who are seeking to finance a college education. I urge

you to support Senator Kennedy's amendment to increase funding for the Pell Grant program.

Sincerely,

STANLEY O. IKENBERRY,
President.

STUDENT AID ALLIANCE,
Washington, DC, April 3, 2000.

Re: support Kennedy amendment to increase the maximum Pell Grant by $400.

DEAR SENATOR: We write on behalf of the Student Aid Alliance—a coalition of 60 organizations representing colleges and universities, students, and parents—to urge you to support Senator Kennedy's amendment to the FY 2001 Budget Resolution that would increase funding for the Pell Grant program by $1.4 billion. These funds would translate into a much-needed $400 increase in the maximum Pell Grant award.

As you know, the Pell Grant is the foundation of student aid packages for millions of low- and middle-income students who would not otherwise be able to access a college education. Senator Kennedy's amendment would make a real difference to students seeking to finance a college education.

Alternatively, the $30 increase in the Maximum Pell Grant award included in S. Con. Res. 101 would not allow for a single additional Pell Grant recipient next year and would translate into an increase of only $15 in the average Pell Grant award.

We strongly urge you to support Senator Kennedy's amendment to increase funding for the Pell Grant program.

Sincerely,

STANLEY O. IKENBERRY,
Co-Chair.
DAVID L. WARREN,
Co-Chair.

COMMITTEE FOR EDUCATION FUNDING,
Washington, DC, April 5, 2000.

Re: support education amendments on S. Con. Res. 101 to increase education funding.

MEMBER,
U.S. Senate, Washington, DC.

DEAR SENATOR: The Committee for Education Funding, a nonpartisan coalition of over 90 organizations reflecting the broad spectrum of the education community, urges you to support amendments during floor debate to increase education investment in S. Con. Res. 101, the FY01 Budget Resolution reported by the Senate Budget Committee on March 30. The proposed budget resolution provides an increase of only $2.2 billion for discretionary funding for Function 500, education and related programs and is $4.7 billion below the President's request.

We welcome Chairman Domenici's stated support for making education a top budget priority. The Budget Resolution proposes an increase of $2.6 billion for elementary and secondary education, including $1 billion for the Individuals with Disabilities Education Act, and assumes a modest increase in the Pell Grant maximum award. While these increases are important, they are $2.2 billion below the President's request for a $4.5 billion increase in discretionary spending for education and would require cuts and freezes in other education and related programs to meet the total increase for the function of only $2.2 billion. The budget resolution also provides $2.3 billion in mandatory funds for a proposed Performance Bonus Fund that has not yet been enacted and would not make grants until after FY05.

We urge you to support amendments that would add funding to more adequately reflect the important role of education in the overall fiscal health and competitiveness of the nation's economy and its high priority among the American people.

For example, the Bingaman-Kennedy amendment would add $5.6 billion to the Budget Resolution in FY01 for such key programs as Title I aid for disadvantaged students, Pell grants for student aid, class size reduction, IDEA, school modernization, teacher recruitment and professional development, after school, GEAR UP, TRIO and college work study. The Kennedy-Feingold amendment increases the Pell grant maximum award to $400. The Jeffords-Dodd amendment would fully fund IDEA at $15.8 billion over five years and meet the federal commitment of support for special education. CEF strongly supports these amendments and other amendments that increase funding for education. It does not support amendments that increase funding for one education program at the expense of another.

Recent polls show that 61% of the American public believe that the federal government spends too little on education. Americans expect the federal budget to reflect a national commitment to improve and expand educational opportunities for America's children, youth and adults to meet the pressing challenges of the new century. We urge you to support a budget resolution with amendments, such as the Bingaman, Kennedy and Jeffords amendments that make that national commitment.

Sincerely,

ELLIN NOLAN,
President.
EDWARD KEALY,
Executive Director.

ASSOCIATION OF JESUIT
COLLEGES AND UNIVERSITIES,
April 5, 2000.

Hon. TED KENNEDY,
U.S. Senate, Washington, DC

DEAR SENATOR KENNEDY: On behalf of the twenty-eight Jesuit colleges and Universities, I want to commend you and Senators Feingold and Dodd for introducing an amendment to the budget Resolution for FY2001 that would increase the maximum amount per student for Pell Grants to $400.

The higher education community remains concerned with a budget that in essence would freeze any increases for grant programs and campus-based aid programs, except for a marginal increase of $30 for Pell Grants. Our needs are great and will continue to be so over the next ten years. While on-budget federal funds for higher education decreased by 28% from 1983 to 1998, after factoring in inflation, enrollments rose by 17.4% between 1982 and 1998. And, according to the ''Baby-Boom Echo Report on Higher Education'' issued by the Department of Education, enrollment in higher education will continue to rise rapidly over the next ten years by a whopping 16% to 20%.

Pell Grants are the cornerstone of all student financial aid. Sadly, Pell Grants are only 75% of the value that they were in 1980. Our twenty-eight Jesuit colleges and institutions have given institutional grants to needy students for centuries. Assisting poor needy students to receive quality education is at the cornerstone of Jesuit higher education. Currently, our twenty-eight institutions give an average of 40% in institutional aid to needy students to make up for declining federal dollars. We will always remain committed to assisting needy students but continue to need the assistance and committed support of the federal government to educate all young Americans regardless of their income.

Please know that we have been appreciative for the increases that higher education has received over the last four years. We know that the American public agrees with our premise that education should be the number one priority in this country. It is our hope that the Senate will see fit to concur with the American public by adopting your Pell amendment. And, it is our long-term hope that the Senate will adopt a budget that offers opportunities for more disadvantaged Americans across the country so that they too can dream the same dreams that other Americans do without an income prohibition.

Thank you for taking the initiative once against to assist needy students. Our association commends your efforts.

Sincerely,

CYNDY LITTLEFIELD,
Director of Federal Relations.

Mr. FEINGOLD. Mr. President, I rise in strong support of Senator KENNEDY's amendment which would raise the individual maximum Pell grant Award to $3,700, an increase of $400.

Higher education is one of the most important investments our Federal government can make. After all, for the United States to continue its economic growth, we need an educated workforce.

I recognize that the federal government cannot guarantee that all Americans will be able to attend a post secondary institution. But we must ensure that all qualified Americans have equal access to a post secondary education.

After all, Congress created need-based student financial aid programs to ensure that individuals from low-income families are not denied post secondary education because they cannot afford it.

Grant aid, specifically Pell grant aid, is the key that enables many individuals to graduate from college.

I am deeply concerned about the emergence of a widening educational gap between rich and poor. Statistic after statistic illustrates that students from low-income families are pursuing a post-secondary education at a much slower rate than individuals from middle and upper income families.

With more and more students attending college, the situation may get much worse unless Congress fully funds Pell. Over the next ten years, more than 14 million undergraduates will be enrolled in colleges and universities around the country—an increase of 11 percent.

Many of these students will be the first in their families to attend college and one in five of these students will come from families with incomes below the poverty level. The same students that rely on need-based student grant aid.

Without Pell grants, many individuals simply can't consider college—and without a college degree or serious post-secondary training, some employers won't consider hiring these individuals.

Statistic after statistic shows that a college education helps those who graduate from college with a bachelor's degree earn 74 percent more than those who only complete high school.

What is so tragic is the decrease in Pell grant funding. The Pell grant has failed to keep up with inflation. Over the past 25 years, the value of the average Pell grant has decreased by 23 percent—the average grant is now worth only 77 percent of what Pell grants were worth in 1975.

What is even more troubling about the trend of increasing tuition and decreasing impact of grant value is how students, especially low-income students, make up the difference between aid and tuition.

This chart illustrates grant and loan funding as a percentage of total aid.

As you can see, twenty years ago, grant aid comprised approximately fifty-two percent of a student's aid package, and loans comprised about forty-two percent.

Over the past 20 years, this trend has reversed itself—loans now constitute almost 60 percent of total aid, and grants have plummeted to about forty percent.

Unfortunately, some aren't aware of the recent funding trends for the Pell Grant or its importance. Let's take a look at a recent headline of the Eau-Claire Leader-Telegram:

> Bush Averse to more college grant funding. Let students get loans, candidate says in Eau Claire.

Apparently, Governor Bush isn't aware that most students are already having to fund their education through loans and more and more debt. Well, Mr. President, as I visit college campuses each year in Wisconsin, I hear from students who are forced to turn to credit cards to pay the difference on tuition, for books or groceries.

In fact, last year alone, the number of students who took out non-federal loans increased by 25 percent.

Well, it seems that Governor Bush believes that Congress needs to force students to take on even more debt. Again, Governor Bush's views on how students should pay for a post secondary education:

> Some of it you are going to have to pay back, and that's just the way it is because there is nothing free in society. College is not free.

What, then, is need-based grant aid? Congress created need-based grant aid to ensure that individuals from low and middle income families are not denied post secondary education because they cannot afford it.

Congress created the student grant aid programs under the Higher Education Act for the specific purpose of making college affordable for those in need.

Even after someone pointed out that some students already carry a heavy loan repayment burden, Governor Bush didn't get the picture. According to the Leader-Telegram, Bush responded to this statement by saying "too bad."

Congress should not say "too bad" to students who are in need. I believe that everyone deserves fair and equal access to a higher education.

After all, that is why Congress created need based grant aid.

By supporting this amendment and an increase for the Pell grant program, Congress has a chance to renew its commitment to equal access for all to higher education. I thank my colleagues for their time and support.

The PRESIDING OFFICER. Who yields time? The Senator from New Mexico.

Mr. DOMENICI. Mr. President, in the Budget Committee, there was an amendment offered to raise the Pell grants in this budget to the exact level the President of the United States requested, up to $3,500. That is what the President asked for. That is what is in the budget. I do not think the President of the United States, the education President, would be underfunding Pell grants. He has increased them in his budget, and it seems as if it is never enough.

What we have done is right and fair and leaves some room for other education programs. We do not use up all the money doing that extra add-on the Senator is asking for, but we do increase it up to the level of the President. I do not believe we should add to it at this point. I hope Senators will reject the amendment. I yield the floor.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 2939. The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 69 Leg.]

YEAS—51

Akaka	Edwards	Lieberman
Baucus	Feingold	Lincoln
Bayh	Feinstein	McCain
Biden	Graham	Mikulski
Bingaman	Harkin	Moynihan
Boxer	Hollings	Murray
Breaux	Inouye	Reed
Bryan	Jeffords	Reid
Byrd	Johnson	Robb
Chafee, L.	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Collins	Kerry	Schumer
Conrad	Kohl	Snowe
Daschle	Landrieu	Specter
Dodd	Lautenberg	Torricelli
Dorgan	Leahy	Wellstone
Durbin	Levin	Wyden

NAYS—49

Abraham	Bond	Campbell
Allard	Brownback	Cochran
Ashcroft	Bunning	Coverdell
Bennett	Burns	Craig

Crapo	Helms	Santorum
DeWine	Hutchinson	Sessions
Domenici	Hutchison	Shelby
Enzi	Inhofe	Smith (NH)
Fitzgerald	Kyl	Smith (OR)
Frist	Lott	Stevens
Gorton	Lugar	Thomas
Gramm	Mack	Thompson
Grams	McConnell	Thurmond
Grassley	Murkowski	Voinovich
Gregg	Nickles	Warner
Hagel	Roberts	
Hatch	Roth	

The amendment (No. 2939) was agreed to.

Mr. DOMENICI. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, might I list, without asking unanimous consent, what we currently plan as the next 10 amendments.

The amendments, in the following order, are presently expected to be the order they are considered in the Senate: Ashcroft amendment No. 3032, on Medicare lockbox; Lautenberg amendment No. 2957 on Democrat alternative; Jeffords amendment No. 2984 on aid to education; Edwards amendment No. 3001 on aid to CDBG and provides for some hurricane considerations; Specter amendment No. 2994 on aid to education; Schumer-Durbin amendment No. 2954 on law enforcement; Smith amendment No. 3028 on the census; Kennedy amendment No. 2951 on the minimum wage; Stevens amendment No. 3003 on child reserve fund; and Landrieu amendment No. 2979 on SOS military threat.

As I understand it, Senator ASHCROFT is next, Mr. President.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 3032

(Purpose: To protect the Medicare surpluses through strengthened budgetary enforcement mechanisms)

Mr. ASHCROFT. Mr. President, I call up amendment No. 3032.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. ASHCROFT], for himself, Mr. BROWNBACK, Mr. VOINOVICH, and Mr. GRAMS, proposes an amendment numbered 3032.

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

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

The amendment is as follows:

At the end of title II, insert the following:

SEC. 211. PROTECTION OF MEDICARE SURPLUSES.

(a) FINDINGS.—Congress finds that—

(1) the fiscal year 2001 budget submitted by the President, instead of protecting Medicare, reduces payments to Medicare providers by $53 billion over 10 years;

(2) the fiscal year 2001 budget submitted by the President calls for an increase in spending for fiscal year 2001 of $58 billion and

would increase taxes collected next year by $12 billion;

(3) the fiscal year 2001 budget submitted by the President continues to use the Medicare, Part A surplus to mask the President's proposed increases in spending; and

(4) in contrast to the President's budget, this budget resolution protects Medicare, rejects the President's Medicare cuts and provides $40 billion for prescription drug coverage for needy seniors.

(b) MEDICARE SURPLUSES OFF-BUDGET.—The net surplus of any trust fund for part A of Medicare shall not be counted as a net surplus for purposes of the congressional budget.

(c) POINTS OF ORDER TO PROTECT MEDICARE SURPLUSES.—

(1) CONCURRENT RESOLUTIONS ON THE BUDGET.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget, or conference report thereon or amendment thereto, that would set forth an on-budget deficit for any fiscal year.

(2) SUBSEQUENT LEGISLATION.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—

(A) the enactment of that bill or resolution as reported;

(B) the adoption and enactment of that amendment; or

(C) the enactment of that bill or resolution in the form recommended in that conference report; would cause or increase an on-budget deficit for any fiscal year.

(3) DEFINTIION.—For purposes of this section, the term ''on-budget deficit'', when applied to a fiscal year, means the deficit in the budget as set forth in the most recently agreed to concurrent resolution on the budget pursuant to section 301(a)(3) of the Congressional Budget Act of 1974 for that fiscal year.

(d) MEDICARE LOOK-BACK SEQUESTER.—If in any fiscal year, the Medicare, Part A surplus has been used to finance general operations of the Federal government, an amount equal to the amount used shall be sequestered for available discretionary spending for the following fiscal year for purposes of any concurrent resolution on the budget.

(e) SUPER MAJORITY REQUIREMENT.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

The PRESIDING OFFICER. There are 2 minutes of debate.

The Senator from Missouri.

Mr. ASHCROFT. I would like to begin by praising Chairman DOMENICI for producing this responsible budget, which I intend to support.

Chairman DOMENICI's budget will fully protect Social Security over 5 years. This represents a sea change in the way business is done in Washington. When I came to Washington, Congress routinely spent money out of the Social Security trust fund, something that Chairman DOMENICI's budget does not even consider.

As a result of this hard-fought fiscal discipline, this budget will retire $1.1 trillion in publicly held debt over 5 years, and $177 billion next year. If we continue upon the path laid out by this budget, we will completely eliminate the publicly-held debt over the next 13 years.

In addition to responsibly paying off our debt, this budget allows for $150 billion in tax cuts over 5 years, including $13 billion in FY 2001, and responsible increases in other discretionary accounts, including a 4.8% increase in national defense.

I would like to commend Senator DOMENICI for crafting this budget, and emphasize what a pleasure it is to work with him.

Last year, I worked with Senator DOMENICI on a rule in last year's budget that created a point of order against any budget that spends money out of the Social Security surplus.

As a result of last year's budget rule, the CBO has stated that the FY 2000 budget will not spend a penny out of the Social Security surplus for the first time in 40 years. This year, the Senate Budget Committee estimates that the United States government will have an on-budget surplus of $8 billion. This on-budget surplus allows the government to protect the Social Security trust fund and to help reduce our publicly held debt by $300 billion by the end of this year.

Early last year, I introduced the first legislation designed to lockbox the Social Security trust fund. This legislation formed the basis of the Ashcroft rule protecting Social Security included in last year's budget resolution.

In addition, we spent much of last year working on the Abraham-Domenici-lockbox, which also would have protected all of the Social Security surpluses from new spending.

Unfortunately, the Democrats saw fit to block this legislation, filibustering the lockbox 6 times.

Despite this opposition, we have succeeded in creating in practice what we have not yet achieved in legislation.

This year Senator DOMENICI included last year's Social Security rule in the FY 2001 budget, and Senator ABRAHAM successfully offered a committee amendment to extend that point of order to 60 votes, which was my original intention.

Protecting Social Security through the Social Security lockbox has been a giant step forward in the fight for responsible budgeting. Now it is time to take that fight one step further.

Today I am offering an amendment that creates points of order in the Senate and the House against any budget resolution or subsequent bill that uses the Medicare or Social Security surpluses to finance on-budget deficits. We do not have that protection now.

This new rule I am proposing expands the Social Security budget rule by adding Medicare part A to the Social Security lockbox, ensuring that Congress must balance the budget without using any money from the annual Social Security or Medicare part A surpluses. If Congress does dip into the Medicare part A surplus, my amendment calls for a sequester of discretionary spending in the amount of the violation.

While protecting the Medicare surplus seemed to be an unattainable goal just a few short years ago, this goal is now within our reach. In addition to funding the government for fiscal year 2000 without spending a penny out of the Social Security trust fund, CBO projections demonstrate that we now have enough revenue available to protect the $22 billion part A Medicare surplus as well.

It is imperative that we limit spending this year so that we do not dip into the Medicare surplus in FY 2001.

Both Medicare and Social Security are funded out of payroll taxes specifically delineated for their respective purposes, and are supposed to be reserved for those purposes. If there are surpluses in these accounts, if these accounts take in more money than is necessary for their stated purposes in a specific year, then that money should not suddenly be available for general government spending.

Any and all surpluses in those two accounts should be reserved for their stated purposes, or be used to help shore up those accounts. This legislation promotes honest accounting, and requires the government to use funds for their advertised purposes.

In addition to protecting these essential funds, the Medicare lockbox rule will send the powerful message that protecting Medicare and Social Security is our highest priority.

Social Security is scheduled to go bankrupt by 2037. Medicare is projected to become insolvent even sooner, in 2023. We have made real progress on these two fronts since the beginning of the Republican Congress. Social Security's projected insolvency has been extended from 2029 to 2037, while Medicare's bankruptcy has been pushed back by a greater amount, from 2002 to 2023. Despite this progress, we still have more work to do.

Lockboxing Social Security and Medicare surpluses is an essential first step in securing the long term financial solvency of Medicare and Social Security.

It is vitally important that we ensure that the government not spend monies dedicated for the trust funds that sustain these essential programs.

The Medicare lockbox rule will change the way business is done in Washington. We should pass the Medicare lockbox rule, so that protecting Social Security and Medicare will be part of the rules of the Senate. Passing this rule will be the next step on our journey to secure the long term solvency of Social Security and Medicare.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am opposed but I yield half of my time to Senator LAUTENBERG.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, the amendment sounds as if it protects Medicare, but it would cause even deeper cuts in education and law enforcement and would make implementing Medicare reforms more difficult in the future, including implementing a prescription drug benefit. I recommend that my colleagues vote against this amendment and hope it will be defeated.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I do not believe we ought to take the HI trust fund off budget. That is what this amendment does. In the budget resolution, we have $40 billion for Medicare and we do not accept the President's cuts for Medicare. I think we have done right by Medicare. If we can incorporate these numbers in a bill this year, I think we will be on the right track. This just won't work. Medicare is not a trust fund like Social Security. I am grateful that Senator ASHCROFT is trying to do this. He has been a leader in protecting Medicare and Social Security. I do not think this will work.

Mr. President, I make a point of order that the amendment is not germane to the budget resolution.

Mr. ASHCROFT. Mr. President, I move to waive the budget point of order. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question occurs on agreeing to the motion to waive the Budget Act in relation to the Ashcroft amendment No. 3032. The clerk will call the roll.

The legislative clerk called the roll.

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

The yeas and nays resulted—yeas 30, nays 70, as follows:

[Rollcall Vote No. 70 Leg.]

YEAS—30

Abraham
Allard
Ashcroft
Bond
Brownback
Bunning
Campbell
Craig
Crapo
Enzi
Feingold
Fitzgerald
Grams
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kyl
McCain
McConnell
Roberts
Santorum
Sessions
Smith (NH)
Specter
Voinovich

NAYS—70

Akaka
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Breaux
Bryan
Burns
Byrd
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Feinstein
Frist
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hollings
Inouye
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Schumer
Shelby
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

The PRESIDING OFFICER. On this vote, the yeas are 30, the nays 70.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

AMENDMENT NO. 2957

(Purpose: To provide a substitute)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 2957.

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

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

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

Mr. ROBB. Mr. President, I am pleased to support the substitute Budget Resolution introduced by Senator LAUTENBERG. Unlike the Republican Budget Resolution, Senator LAUTENBERG's Democratic alternative puts real teeth into priorities such as prescription drugs, Social Security, education, and paying down the debt. I support the Democratic proposal because it focuses on our national priorities first. But I want to add a word of caution. Our national defense is underfunded in both resolutions. We cannot afford, as a nation, to continue to underfund our nation's security. Freedom has a price. We can't take it for granted. We're not building enough new weapons platforms and systems to be able to meet our obligations here at home or our commitments to our allies abroad. We can't recruit and maintain the soldiers, sailors, airmen and Marines we need. We can't adequately modernize, much less revolutionize, our Armed Forces without putting more money into our defense budget. I look forward to working with my colleagues from both sides of the aisle to meet our responsibilities in this area.

Mr. LAUTENBERG. Mr. President, the Democratic alternative reflects six key principles in its budget. It protects every penny of the Social Security surplus; it pays down the public debt by 2013; it funds a badly needed prescription drug benefit; it includes targeted tax cuts for working Americans, and it funds important defense and domestic priorities such as education, health, research, and agriculture.

Unlike the Republican budget, this plan is based on realistic assumptions about domestic spending. It contains projections for a full 10 years so we know what will happen.

In sum, we have a responsible package that focuses on the needs of ordinary Americans today and the needs of our Nation in the future. I urge my colleagues to support this Democratic alternative.

Mr. DOMENICI. Mr. President, this is a full substitute. It is a so-called Democrat budget, and essentially the big difference between the two budgets is that over time this Democrat budget will give back to the American people 4 percent of the non-Social Security surplus. We think over time we should give them back 11 percent. The difference is the Democrats spend 22 percent and we spend 17 percent of the surplus.

We think this is not the time to grow Government that much but, rather, leave a little bit more than 4 percent for tax relief for the American people. There are many other differences, but this essentially is the difference.

I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. BUNNING). Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 2957. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 45, nays 55, as follows:

[Rollcall Vote No. 71 Leg.]

YEAS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Chafee, L.
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NAYS—55

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback

Bunning
Burns
Campbell
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Edwards
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

The amendment (No. 2957) was rejected.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 2984

(Purpose: To provide full funding for IDEA)

Mr. JEFFORDS. I call up amendment No. 2984.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for himself, Mr. DODD, Mr. STEVENS, Mr. KENNEDY, Ms. COLLINS, Mr. FEINGOLD, Mr. L. CHAFEE, Mr. HARKIN, Mr. LEAHY, Mr. KOHL, and Mr. LIEBERMAN, proposes an amendment numbered 2984.

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

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

The amendment is as follows:

On page 4, line 4, decrease the amount by $2,000,000,000.

On page 4, line 5, decrease the amount by $4,000,000,000.

On page 4, line 6, decrease the amount by $6,000,000,000.

On page 4, line 7, decrease the amount by $8,000,000,000.

On page 4, line 8, decrease the amount by $11,000,000,000.

On page 4, line 13, increase the amount by $2,000,000,000.

On page 4, line 14, increase the amount by $4,000,000,000.

On page 4, line 15, increase the amount by $6,000,000,000.

On page 4, line 16, increase the amount by $8,000,000,000.

On page 4, line 17, increase the amount by $11,000,000,000.

On page 4, line 22, increase the amount by $2,000,000,000.

On page 4, line 23, increase the amount by $4,000,000,000.

On page 4, line 24, increase the amount by $6,000,000,000.

On page 4, line 25, increase the amount by $8,000,000,000.

On page 5, line 1, increase the amount by $11,000,000,000.

On page 5, line 7, increase the amount by $2,000,000,000.

On page 5, line 8, increase the amount by $4,000,000,000.

On page 5, line 9, increase the amount by $6,000,000,000.

On page 5, line 10, increase the amount by $8,000,000,000.

On page 5, line 11, increase the amount by $11,000,000,000.

On page 18, line 7, increase the amount by $2,000,000,000.

On page 18, line 8, increase the amount by $2,000,000,000.

On page 18, line 11, increase the amount by $4,000,000,000.

On page 18, line 12, increase the amount by $4,000,000,000.

On page 18, line 15, increase the amount by $6,000,000,000.

On page 18, line 16, increase the amount by $6,000,000,000.

On page 18, line 19, increase the amount by $8,000,000,000.

On page 18, line 20, increase the amount by $8,000,000,000.

On page 18, line 23, increase the amount by $11,000,000,000.

On page 18, line 24, increase the amount by $11,000,000,000.

On page 29, line 3, decrease the amount by $2,000,000,000.

On page 29, line 4, decrease the amount by $31,000,000,000.

Mr. L. CHAFEE. Mr. President, I am pleased to join with Senator JEFFORDS, Chairman of the Health, Education, Labor, and Pensions Committee, and a bipartisan group of Senators in offering this amendment which reaches the goal of fully-funding IDEA—the Individuals with Disabilities Education Act—within five years.

IDEA was first enacted in 1975 and authorizes funding, mostly in the form of state grants, to assist states in paying for educational services for disabled young people from 3–21. It requires states which provide public education, also to provide a ''free, appropriate public education'' to this population. Prior to enactment, an estimated 2 million young people either were not receiving any public educational services, or the services they were receiving were inadequate. A number of judicial decisions held that it was unconstitutional for States which provide public education to withhold services from a specific group—the disabled. As a result, States felt compelled to provide educational services to individuals with disabilities and sought help to do so at the Federal level.

The Federal Government responded by enacting IDEA. This important protection for young people with disabilites suggests that the Federal Government will pay for up to 40 percent of the average per pupil expenditure for these students. Regrettably, despite Republican efforts to increase IDEA funding each year for the past several years, we have fallen far short of that goal. Also, Senator DOMENICI has included a significant increase for IDEA in this Budget Resolution that is before us, and I commend him for his effort to address this problem. But I believe we must do even more.

I would like to read the lead paragraph from an article that appeared in the Providence Journal yesterday on this subject. Headline: ''Special-ed costs soaring, board is told.'' Dateline: Warwick—I was Mayor of Warwick for seven years and am very familiar with its funding needs:

The school committee was told last night that the system's special education costs, already a heavy burden for schools throughout the state, are continuing to grow and that there will be less federal money around to help pay for it next year.

Already at 20 percent of the city's education budget, the article went on to say, special education is the fastest growing cost for the school district.

It's important to remember that typically school costs are borne by property taxpayers. If we want to help the taxpayers, we should be helping the property taxpayers. This is a message that will resonate back home.

Of course, this situation isn't unique to Warwick or a problem just in Rhode Island. I would venture to say that there probably isn't a Senator in this Chamber who hasn't heard from his state's school boards about the spiraling costs of special education. Now, Senator JEFFORDS has crafted an amendment which will bring Federal funding for special education up to the promised 40 percent level within five years. This is an amendment in which I believe wholeheartedly, and I urge my colleagues to vote for it.

Mr. FEINGOLD. Mr. President, I rise today as an original cosponsor of the amendment offered by the Senator from Vermont, Mr. JEFFORDS, to strike a small part of the overly large tax cut included in this budget resolution and instead use that money for grants to the states under the Individuals with Disabilities Education Act, IDEA.

For too long the federal government has failed to live up to its responsibility to provide to the States the up to 40 percent of the national average per pupil expenditure for each disabled child served allowed by IDEA.

During the current fiscal year, the federal government will fund only about 12.6 percent of the national average per pupil expenditure. This is 37.4 percent less than the maximum amount allowed under IDEA—an amount that the federal government has not once provided to the states since this funding formula was created.

According to the Congressional Research Service, Congress is appropriating only about a third of what would be required to fully fund IDEA.

As I travel around my home state of Wisconsin every year to host listening sessions in each of our 72 counties, I hear time and time again from frustrated parents, school administrators, teachers, school board members, and others about the need for an increase in special education funding at the federal level.

Just last week at my Dane County listening session, one of my constituents told me that full funding of the

maximum federal share of IDEA would have meant an additional $17 million for his school district during the 1999–2000 school year. And there are stories like that across my state and around the country.

In Wisconsin, and in many other states, the population of students eligible for special education is outpacing the modest annual increases in the Federal share of special education funding, and state and local governments are struggling to keep up.

Mr. President, the efforts of our pubic schools to serve students with disabilities are a hallmark of our national commitment to a free appropriate public education for all children. Since 1975, public schools have helped students with disabilities become more self-sufficient, to prepare for employment, and to learn the skills they will need to lead productive lives. America's public schools have led the way toward the full integration of individuals with disabilities in our national life. Our society is richer for it.

IDEA has provided access to free, appropriate public education for millions of previously unserved or underserved students. Through assessments, evaluations, and Individual Education Program (IEPs), every disabled student is served based on his or her individual educational needs in the setting where those needs can best be met.

We must do more to help state and local governments pay for the cost of educating these children.

I urge my colleagues to support his common sense amendment. It will move toward fully funding the federal share of IDEA, and it will help to provide badly needed relief for a deserving group of Americans.

Mr. HARKIN. Mr. President, I strongly support this bipartisan effort to provide more funding for the Individuals with Disabilities Education Act. As I've said time and again, disability is not a partisan issue. We all share an interest in ensuring that children with disabilities and their families get a fair shake in life. And the 25th anniversary of IDEA is the perfect year to improve the capacity of school districts to meet their responsibilities to children with disabilities.

Currently, the State grant program within IDEA receives $5 billion. Estimates by the Congressional Research Service suggest that the program needs to be funded at $15.8 billion each year to meet the targets established in 1975. Our amendment would increase funding for IDEA annually in roughly $2 billion increments over the next five years and would put us on track to meet our goal of 40 percent funding.

I know many of you have heard this speech before. Every year I stand on the Senate floor at least once or twice and give a short history lesson around IDEA. Well, this year is no different.

In the early seventies, two landmark Federal district court cases—PARC versus Commonwealth of Pennsylvania and Mills versus Board of Education of the District Court of Columbia—established that children with disabilities have a constitutional right to a free appropriate public education. In 1975, in response to these cases, Congress enacted the Education of Handicapped Children Act, the precursor to IDEA—to help states meet their constitutional obligations.

Congress enacted PL 94–142 for two reasons. First, to establish a consistent policy of what constitutes compliance with the equal protection clause of the 14th amendment with respect to the education of kids with disabilities. And, second, to help States meet their constitutional obligations through federal funding. The Supreme Court reiterated this in Smith versus Robinson: ''[EHA] is a comprehensive scheme set up by Congress to aid the states in complying with their constitutional obligations to provide public education for handicapped children.''

I strongly agree with the policy of this amendment and the infusion of more money into IDEA. A Senator JEFFORDS has explained, this is a win-win for everyone. Students with disabilities will be more likely to get the public education they have a right to because school districts will have the capacity to provide such an education—without cutting into their general education budgets.

However, as much as I agree with the policy of our amendment, I disagree with some of the rhetoric around this issue.

As I see it, a mythology has been created around the 40 percent figure. Some people describe it as a ''promise'' or ''pledge'' on the part of the federal government to fund IDEA at 40 percent. Well, the 40 percent figure is simply a funding formula, just like the funding formulas found in lots and lots of other statutes.

In 1975, the EHA authorized the maximum award per state as being the number of children served times 40 percent of the national average per pupil expenditure—known as the APPE. The formula does not guarantee 40 percent of national APPE per disabled child served; rather, it caps IDEA allotments at 40% of national APPE. In other words, the 40 percent figure was a goal, not a commitment.

As the then ranking minority member on the House Ed and Labor Committee, Representative Albert Quie, explained: ''I do not know in the subsequent years whether we will appropriate at those [authorized] levels or not. I think what we are doing here is laying out the goal. Ignoring other Federal priorities, we thought it acceptable if funding reaches that level.''

The important point in the Congressman's statement is that we cannot fund IDEA grant programs at the cost of other important federal programs. That is why historically the highest appropriation for special education funding was in FY 1979, when allocations represented 12.5 percent APPE. During the Reagan years, the appropriation went back down.

But, over the last five years, as ranking member on the Labor-H Appropriations Subcommittee, I have worked with my colleagues across the aisle to more than double the IDEA appropriation so that we're back up to over 12.5 percent.

And, today, we are in an even better position to do the right thing. We are presented with a non-Social Security budget surplus. Our economy is in great shape. We have the opportunity to pay off the public debt. We will continue to protect the Social Security trust fund. And—even better—we can use money from the non-Social Security surplus to ensure that seniors get prescription drugs, school kids benefit from smaller class size, and students with disabilities get the services they have a right to.

All of these proposals make more sense than providing wealthy Americans with tax cuts that will eat up the non-Social Security surplus.

Last year's Supreme Court decision regarding Garret Frey of Cedar Rapids, Iowa underscores the need for Congress to help school districts with the financial costs of educating children with disabilities. While the excess costs of educating some children with disabilities is minimal, the excess costs of educating other children with disabilities, like Garret, is great.

Under our amendment, my home state of Iowa would receive a total increase of over $346 million over the next five years.

Of course, lots of places are already doing a great job of educating all of our kids. I just found out about a school district in Iowa—a district that includes my hometown of Cumming—that's delivering on IDEA's promise of full inclusion . . . on budget! According to the superintendent, IDEA works for everyone. For example, a girl with cerebral palsy takes home economics and French in the regular classroom. Just imagine varsity football players working on home-ec projects with a girl in a wheelchair. Each student learns about their value as individuals and their value as members of a team and community.

These new dollars would go a long way toward making a real difference for both children with disabilities and their families. I've heard from parents in Iowa that their kids need more qualified interpreters for deaf and hard of hearing children and they need better mental health services and better behavioral assessments. And the additional funds will help local and area education agencies build capacity in these areas.

We must redouble our efforts to help school districts meet their constitutional obligations. We need to increase dollars to every program under IDEA, not just the state grant programs.

And, of course, by receiving federal dollars, states take on certain responsibilities. IDEA dollars are intended to provide children with disabilities an equal opportunity to public education. States must use this money in a way that builds their capacity to deliver necessary educational and related services to students with disabilities and meet their obligations under the law.

As I understand it, one of the National Governors' Association's top priorities is to get more funding for special education. And that's just what our amendment does. The Education Task Force of the Consortium for Citizens with Disabilities strongly supports this amendment, along with the National Association of Directors of Special Education, the National School Boards Association, and American Association of School Administrators.

As I said at the beginning, we can all agree that states should receive more money under IDEA. And, today, we have the incredible opportunity to fund IDEA—at no real cost to other national programs. I thank Senator JEFFORDS and Senator DODD for their leadership on this issue. I encourage my colleagues to join us in support of the amendment.

Mr. KENNEDY. Mr. President, I strongly support the amendment by Senator JEFFORDS and Senator DODD to increase funding for IDEA by $2 billion a year for the next five years.

For 22 years, IDEA has brought hope to young persons with disabilities that they too can learn, and that their learning will enable them to become independent and productive citizens and live fulfilling lives. For millions of children with disabilities, IDEA has meant the difference between dependence and independence, between lost potential and productive careers.

In 1975, 4 million handicapped children did not receive the help they needed to be successful in school. Few disabled preschoolers received services, and 1 million children with disabilities were excluded from public school. Now, IDEA serves 5.4 million children with disabilities from birth through age 21. Every state in the nation offers public education and early intervention services for children with disabilities.

Today, fewer than 6,000 disabled children are living in institutional settings away from their families, compared to 95,000 children in 1969. We are keeping families together, and reducing the cost to the taxpayers of paying for institutional care, which averages $50,00 a child each year.

The number of disabled students completing high school with a diploma or certificates has increased by 10% in the last decade. The number of students with disabilities entering higher education has more than tripled since the implementation of IDEA.

Most important, 57% of disabled youth are competitively employed within five years of leaving school today, compared to an employment rate of only 25% for disabled adults who have not benefited from IDEA.

These accomplishments do not come without financial costs. It is time for Congress to meet its commitment to help schools provide the services and support that give children with special needs the educational opportunities to pursue their dreams. I urge my colleagues to support this amendment.

Ms. COLLINS. Mr. President, 25 years ago, the United States Congress made a commitment to pay each school in America 40 percent of the national average per pupil expenditure for every special education student it enrolled—Washington promised it would help our local communities meet the cost of educating students with special needs.

Unfortunately, the Federal Government has failed to meet this obligation, creating an unfunded mandate that must be borne by every state and community in America. For the current school year the average per pupil expenditure is $6,000, yet we have appropriated only $702 per student only 11.7% of the cost—slightly more than one fourth of out promise. To meet the Federal commitment, the budget resolution should assume an expenditure of $15.8 billion for this year. I commend Senator DOMENICI and the Budget Committee for recognizing the importance of this commitment and for providing a $1 billion increase in fiscal year 2001. But this is not enough, and we must do more—we must embark on a short path to full funding. We have the resources to do it, and the amendment before the Senate starts us on our journey to full funding.

What would this mean for our states and local school districts? Let's take Maine as an example. For this year the Individuals with Disabilities Education Act promises Maine $2,400 per student receiving special education services. However, the Federal Government will spend only slightly more than $702 per student—which means that Maine will receive $60 million less than it was promised. According to the U.S. Department of Education, the unmet mandate stands at an astounding $11 billion nationally. We can not continue to shift this burden to our local communities. We must meet the Federal commitment to help pay for special education and end this unfunded mandate.

Last month, I met with about 75 superintendents and principals from northern and eastern Maine to discuss the reauthorization of the Elementary and Secondary Education Act. What was supposed to be a wide-ranging dialog about Federal funding under the ESEA immediately settled into a discussion about special education. They told me that in each of their schools and districts, meeting the special education mandate requires dollars that otherwise could be used for school construction, teacher salaries, new computers, and other effort to improve the performance of their students. They called on us to meet our promise to help pay for special education. They spoke with one voice in strong, unified support for more special education funding, not for new Federal programs.

The Jeffords-Collins amendment would means an additional $155 million for Maine schools over the next five years. Mr. President, we need to meet our commitment to bear our fair share of special education costs. When faced with the siren's call for new Federal programs, we must keep in mind what our parents, teachers, and local administrators have told us. If we want to do something for the children of America, let us fund special education, and our schools will be able to hire their our own teachers and build their own schools. The best thing this Congress can do for education is to move toward fully funding the Federal Government's share of special education—not to stand in place as the President's budget would have us do.

I urge my colleagues to support the Jeffords-Collins amendment and give our states and local communities the financial help they have been promised and so desperately need. Let's finally keep the promise made more than 25 years ago.

Mr. DODD. Mr. President, we have a clear choice before us today. We have the opportunity to fulfill our commitment to fully fund the Individuals with Disabilities Education Act (IDEA). We can accomplish this long overdue goal by simply reducing this measure's tax relief. We can strengthen our commitment to special needs children, their parents, and our local school boards, or instead, we can once again shirk our commitment to special education in favor of even larger tax relief, the great majority of which benefits the most wealthy.

The Jeffords-Dodd amendment is simple. When Congress passed IDEA in 1975, we made a commitment to provide 40 percent of special education costs. Presently we provide 12.7 percent, the highest level ever reached by the federal government. Our amendment would fully fund IDEA over a five-year period, at the 40 percent level Congress originally pledged, by increasing the allocation to Function 500 of the budget resolution for special education, and for the first time will allow us to meet our obligation to special needs children and local schools.

In my own state of Connecticut, Mr. President, the state spends more than $700 million annually, or 18 percent of

the state's overall education budget, to fund special education programs. In Connecticut's towns, the picture is even worse. Too often our local school districts are struggling to meet the needs of their students with disabilities. In Torrington, Connecticut, special education costs recently increased from $635,000 to $1.3 million over a two year period. Our schools need our help.

The National Governors' Association (NGA) recently wrote me—in a letter dated March 7, the NGA writes: ''Governors believe the single most effective step Congress could take to help address education needs and priorities, in the context of new budget constraints, would be to meet its commitment to fully fund the federal portion of the Individuals with Disabilities Education Act (IDEA).''

Additional organizations in support of this amendment include the Consortium for Citizens with Disabilities, the National School Boards Association, the National League of Cities, the National Education Association, the National Federation of Teachers, and the National Association of State Directors of Special Education.

Mr. President, isn't it time Congress made good on its pledge to special needs of children? We have an opportunity before us today to strengthen our commitment to children with special needs. We have the opportunity to simply reduce the tax cuts contained within the budget resolution, and by doing so, offer our state and local school district help in providing educational services to children with disabilities. By supporting this amendment, we not only fulfill our commitment to special education, we also alleviate the burden we place on our local school districts by not providing our fair share of special education costs. I ask that my colleagues seize this opportunity and support this amendment and choose to help our schools better serve children with disabilities.

Mr. JEFFORDS. Mr. President, I ask that Senator LIEBERMAN be added as a cosponsor.

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

Mr. JEFFORDS. Mr. President, I urge my colleagues to vote in favor of the amendment by Senators JEFFORDS, DODD, STEVENS, KENNEDY, COLLINS, SNOWE, L. CHAFEE, and FEINGOLD. We have voted many times, often 99–0, to fully fund IDEA. Failure to agree to this amendment will tell the Nation we do not ever intend to make good on this pledge. We have unprecedented economic prosperity. We have surpluses well into the future. We can do it now.

For 25 years, we have promised to pay 40 percent of the cost of educating students with disabilities. Today, we pay 13 percent. The chart behind me shows the truth about the budget resolution. It proposes to move us from 13 percent to 18 percent. It says clearly to the Nation, despite all our rhetoric, we never intend to keep our word.

Our amendment will fully fund our promise. I ask my colleagues: If not now, when?

The time is now.

Mr. VOINOVICH addressed the Chair.

Mr. JEFFORDS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. VOINOVICH. Mr. President, I send a second-degree amendment to the Jeffords amendment to the desk.

Mr. DOMENICI. Mr. President, I have 1 minute.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. As good as this idea sounds, we ought not do this. This is taking a major appropriation, a program we fund in appropriations every year, and making it an entitlement.

There are a lot of great education programs. What if we start taking every appropriations bill that has exciting ideas for Americans and we say we don't want to appropriate them anymore; we will just turn them up as if they are Social Security, entitled to automatic funding.

It is not the right thing to do, no matter what the program is. It is our responsibility to pay for IDEA, and special ed, not an entitlement against the American people without anybody voting on it again.

It is not the right thing to do. I yield the floor.

AMENDMENT NO. 3075 TO AMENDMENT 2984

(Purpose: To provide full funding for IDEA)

Mr. VOINOVICH. Mr. President, I send to the desk a second-degree amendment to the Jeffords amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. VOINOVICH], for himself, Mr. GREGG, and Mr. SANTORUM, proposes an amendment numbered 3075 to amendment 2984.

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

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

The amendment is as follows:

At the end of the amendment, add the following:

Notwithstanding any other provisions of this resolution, the following numbers shall apply:

On page 4, line 4, decrease the amount by $1.

On page 4, line 5, decrease the amount by $1.

On page 4, line 6, decrease the amount by $1.

On page 4, line 7, decrease the amount by $1.

On page 4, line 8, decrease the amount by $1.

On page 4, line 13, increase the amount by $1.

On page 4, line 14, increase the amount by $1.

On page 4, line 15, increase the amount by $1.

On page 4, line 16, increase the amount by $1.

On page 4, line 17, increase the amount by $1.

On page 4, line 22, increase the amount by $1.

On page 4, line 23, increase the amount by $1.

On page 4, line 24, increase the amount by $1.

On page 4, line 25, increase the amount by $1.

On page 5, line 1, increase the amount by $1.

On page 5, line 7, increase the amount by $1.

On page 5, line 8, increase the amount by $1.

On page 5, line 9, increase the amount by $1.

On page 5, line 10, increase the amount by $1.

On page 5, line 11, increase the amount by $1.

On page 18, line 7, increase the amount by $1.

On page 18, line 8, increase the amount by $1.

On page 18, line 11, increase the amount by $1.

On page 18, line 12, increase the amount by $1.

On page 18, line 15, increase the amount by $1.

On page 18, line 16, increase the amount by $1.

On page 18, line 19, increase the amount by $1.

On page 18, line 20, increase the amount by $1.

On page 18, line 23, increase the amount by $1.

On page 18, line 24, increase the amount by $1.

On page 29, line 3, decrease the amount by $1.

On page 29, line 4, decrease the amount by $1.

At the end add the following:

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that Congress' first priority should be to fully fund the programs described under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) at the originally promised level of 40% before Federal funds are appropriated for new education programs.

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

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll.

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

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

Mr. VOINOVICH. Mr. President, the budget resolution provides a generous increase in spending in education, just as the FY 2000 education appropriations bill did. Basically, this amendment says that within the framework

of the budget resolution, IDEA should be given priority. We have increased discretionary spending on education 100 percent during the last 10 years, but during that same period, the most we have spent is 12.6 percent of the cost of IDEA, and we are supposed to be spending 40 percent. This amendment gives priority to IDEA without spending another $31 billion over the next 5 years, as suggested in the underlying amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, this amendment is a sense-of-the-Senate second-degree amendment. It does not do anything at all. I listened to my colleague from New Mexico talk about the pointlessness of sense-of-the-Senate amendments.

The Senator from Vermont is offering the Senate an opportunity to do something that every Governor and mayor in this country wants, and that is to increase funding for special education.

The Governors were here only a month ago, and their top priority was special education. The Senator from Vermont is offering a real amendment, and that is, over the next 4 to 5 years, reduce this tax cut a little bit and apply those resources to special education; send the money back to our communities and States.

With all due respect, the second-degree amendment says it is the sense of the Senate that we ought to do something about it sometime. We are not going to do anything about it if we do not adopt the Jeffords amendment. I urge rejection of the amendment offered by the Senator from Ohio.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, this will use $31 billion of the surplus. It will eat it up with a brand new entitlement, and it will take jurisdiction away from the appropriators in the normal course of allocating what America's Government ought to be doing.

I repeat, the sense-of-the-Senate amendment establishes this as the highest priority, but we should not be setting a $31 billion entitlement program in motion today for a piece of education. Because we did not do our job on this, we should not make an entitlement to make up for our deficiency in not funding it properly.

Mr. JEFFORDS. Mr. President, I move to table the second-degree amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion to table amendment No. 3075. The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 47, nays 53, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—47

Akaka	Feingold	Lieberman
Baucus	Feinstein	Lincoln
Bayh	Graham	Mikulski
Biden	Harkin	Moynihan
Bingaman	Hollings	Murray
Boxer	Inouye	Reed
Bryan	Jeffords	Reid
Chafee, L.	Johnson	Robb
Cleland	Kennedy	Rockefeller
Collins	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kohl	Snowe
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden
Edwards	Levin	

NAYS—53

Abraham	Fitzgerald	McConnell
Allard	Frist	Murkowski
Ashcroft	Gorton	Nickles
Bennett	Gramm	Roberts
Bond	Grams	Roth
Breaux	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Byrd	Helms	Smith (OR)
Campbell	Hutchinson	Specter
Cochran	Hutchison	Stevens
Coverdell	Inhofe	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	Mack	Warner
Enzi	McCain	

The motion was rejected.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3075.

The amendment (No. 3075) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2984, as amended.

The amendment (No. 2984), as amended, was agreed to.

AMENDMENT NO. 3001

(Purpose: To provide $250,000,000 in economic development aid to assist communities in re-building from Hurricane Floyd, including $150 million in CDBG funding, $50 million in EDA funding, $50 million in rural communities facilities grants, to provide long-term economic recovery aid to flood-ravaged communities)

Mr. EDWARDS. Mr. President, I call up amendment No. 3001.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. EDWARDS], for Mr. TORRICELLI, for himself, Mr. EDWARDS, Mr. LAUTENBERG, and Mr. ROBB, proposes an amendment numbered 3001.

The amendment is as follows:

On page 4, line 4, increase the amount by $52,000,000.

On page 4, line 5, increase the amount by $63,000,000.

On page 4, line 6, increase the amount by $74,000,000.

On page 4, line 7, increase the amount by $35,000,000.

On page 4, line 8, increase the amount by $18,000,000.

On page 4, line 13, increase the amount by $52,000,000.

On page 4, line 14, increase the amount by $63,000,000.

On page 4, line 15, increase the amount by $74,000,000.

On page 4, line 16, increase the amount by $35,000,000.

On page 4, line 17, increase the amount by $18,000,000.

On page 4, line 22, increase the amount by $250,000,000.

On page 5, line 7, increase the amount by $52,000,000.

On page 5, line 8, increase the amount by $63,000,000.

On page 5, line 9, increase the amount by $74,000,000.

On page 5, line 10, increase the amount by $35,000,000.

On page 5, line 11 increase the amount by $18,000,000.

On page 17, line 6, increase the amount by $250,000,000.

On page 17, line 7, increase the amount by $52,000,000.

On page 17, line 11, increase the amount by $63,000,000.

On page 17, line 15, increase the amount by $74,000,000.

On page 17, line 19, increase the amount by $35,000,000.

On page 17, line 23, increase the amount by $18,000,000.

On page 29, line 3, decrease the amount by $52,000,000.

On page 29, line 4, decrease the amount by $242,000,000.

AMENDMENT NO. 3001, AS MODIFIED

Mr. EDWARDS. Mr. President, I ask unanimous consent to modify the amendment by striking page 1 through page 2, line 14, and lines 7 through 10 on page 4, which I understand has been agreed to.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 4, line 22, increase the amount by $250,000,000.

On page 5, line 7, increase the amount by $52,000,000.

On page 5, line 8, increase the amount by $63,000,000.

On page 5, line 9, increase the amount by $74,000,000.

On page 5, line 10, increase the amount by $35,000,000.

On page 5, line 11, increase the amount by $18,000,000.

On page 17, line 6, increase the amount by $250,000,000.

On page 17, line 7, increase the amount by $252,000,000.

On page 17, line 11, increase the amount by $63,000,000.

On page 17, line 15, increase the amount by $74,000,000.

On page 17, line 19, increase the amount by $35,000,000.

On page 17, line 23, increase the amount by $18,000,000.

Mr. EDWARDS. Mr. President, 7 months after Hurricane Floyd hit North Carolina and other States along the east coast, we still have thousands of people who are living in trailers and thousands more who have no place to

live. We have towns such as Princeville and Tarboro that have literally been wiped out. Innocent, law-abiding, taxpaying people desperately need our help. This amendment provides $250 million in relief for the people of North Carolina and all of the victims of Hurricane Floyd.

This photograph, taken the day before yesterday, shows that we are still suffering and are still struggling. I thank my colleagues very much for their support of this amendment, and I yield to the Senator from New Jersey.

Mr. TORRICELLI. I thank the Senator.

Hurricane Floyd may be out of the headlines, but it is not out of people's lives. From Florida to Maine, thousands of people lost their homes. Communities are facing devastating tax increases to repair bridges and roads and schools. This addition to the budget will allow us to begin the planning to help these families. I urge my colleagues to vote in favor of it, and I thank Senator DOMENICI for his help.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, they have modified the amendment so that it is no longer objectionable on our side. We accept it without a rollcall vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3001, as modified.

The amendment (No. 3001), as modified, was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2994

(Purpose: Increase discretionary health funding by $1,600,000,000)

Mr. SPECTER. Mr. President, I call up amendment No. 2994.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 2994.

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

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

The amendment is as follows:

On page 4, line 22, increase the amount by $1,600,000,000.

On page 5, line 7, increase the amount by $1,600,000,000.

On page 5, line 15, increase the amount by $1,600,000,000.

On page 19, line 7, increase the amount by $1,600,000,000.

On page 19, line 8, increase the amount by $1,600,000,000.

On page 27, line 7, decrease the amount by $1,600,000,000.

On page 27, line 8, decrease the amount by $1,600,000,000.

On page 42, line 5, increase the amount by $1,600,000,000.

On page 42, line 6, increase the amount by $1,600,000,000.

On page 43, line 14, increase the amount by $1,600,000,000.

On page 43, line 15, increase the amount by $1,600,000,000.

Mrs. FEINSTEIN. Mr. President, I am pleased to co-sponsor the Specter-Harkin amendment to increase funding for health research by $2.7 billion, an increase of 15 percent over last year.

For Fiscal Year 2001, the President is requesting a 5.6 percent increase. That is not enough. Congress has shown its commitment to our five-year goal of doubling NIH funding. In 1997, the Senate voted 98–0 to adopt the Mack-Feinstein amendment, which urged Congress to double the budget of the National Institutes of Health over 5 years. To stay on target, we must add 15 percent again this year, bringing NIH funding to $20.5 billion. That is what this amendment does.

This Fiscal Year, the National Institutes of Health is only funding an estimated 31 percent of grant applications. The National Institute on Aging is only funding 22 percent, and the National Institute of Environmental Health Sciences, 25 percent. NIH officials believe that at least 35 percent of applicants are worthy of funding and others say 50 percent should be funded. Without a significant increase in funding, hundreds of important projects will go without funding. What is it we aren't learning? How many millions of people aren't treated, or cured?

Every day 1,500 people in the U.S. die of cancer, our nation's second leading cause of death. This year over half a million people will die of cancer, and 1.2 million will face a new cancer diagnosis. While the mortality rate has dropped for major cancers, including lung, colorectal, breast, and prostate, the mortality rate has risen for liver cancer and non-Hodgkin's lymphoma.

The National Cancer Institute has a number of promising areas of research, including: (1) better understanding the unique characteristics of cells and how they become cancerous; (2) molecule-directed prevention approaches, such as Herceptin for advanced breast cancer, Rituximab for non-Hodgkin's lymphoma, and STI 571 for leukemia; and (3) early detection of cancer and cancer risk through genetic explanation for cancer risks, environmental influences, and responses to therapies. But we spend one-tenth of one cent of every federal dollar on cancer research.

There are still too many diseases for which we have no cure. AIDS has surpassed accidents as the leading killer of young adults; it is now the leading cause of death among Americans ages 25 to 44. Diabetes and asthma rates are rising. Forty-thousand infants die each year from devastating diseases. Seven to 10 percent of children are learning disabled. Birth defects affecting function occur in 7 percent of deliveries; that's 250,000 children.

Another compelling reason to double NIH funding is that the baby boom generation is getting older. Over the next 30 years, the number of Americans over age 65 will double. As our population ages, we are seeing an increase in chronic and degenerative diseases like arthritis, cancer, osteoporosis, Parkinson's and Alzheimer's. For example, the 4 million people with Alzheimer's Disease today will more than triple, to 14 million, by the middle of the next century—unless we find a way to prevent or cure it. Health care costs will grow exponentially and we see that in part reflected in our budget debates over Medicare and Medicaid expenditures. The total annual cost of Alzheimer's today is $100 billion. By finding new treatments through research, if we delay the onset of this disease by 5 years, we can save $50 billion annually.

This increase in funding for the NIH is important to California. California organizations receive 20 percent of all NIH grants, and the University of California is one of the top recipients of NIH funding. I am proud to say that California and the UC system contribute immeasurably to medical research supported by NIH grants. With support of NIH, many California researchers have helped find new cures and treatments. For example, Dr. Naomi Balaban at the University of California, Davis, with funding from the NIH, discovered a revolutionary way to fight staph infections without antibiotics by blocking the occurrences that make the bacteria harmful to humans. Then, she created a vaccine that successfully aided mice in resisting this infection.

We have made tremendous strides in medical research in the last decade. The Association of American Medical Colleges states, in a June 1999 paper on clinical research:

Perhaps the most profound challenge of this era is the sheer scope of scientific and technologic opportunity. The future of scientific advancement and its potential to transform medical practice and improve the health of the public have never been brighter. Astonishing advancements in the basic sciences have profoundly increased understanding of disease mechanisms and identified a plentitude of novel targets for therapeutic and preventive interventions.

Better treatments are available, and scientists are learning more and more about how to treat diseases. Patient access to cutting-edge treatments is critical to further research and improve the health of Americans. The NIH is beginning to expand clinical research and, with additional funds, more people can reap the benefits of clinical trials and more effective treatments can be found.

For example, the NIH is working on a vaccine for AIDS, better treatments for diabetes, and a better understanding of

the entire human genome and its implications. Understanding a person's genetic make-up is helping researchers understand how genes affect a person's susceptibility to disease. This year's development of a new flu drug is a direct result of AIDS research, and a drug now used to treat hepatitis B was originally created to treat AIDS. Additionally, studies have produced better glucose-sensing devices that will greatly reduce the number of finger pricks that diabetics endure.

The United States is the world's leader in understanding disease, in developing sophisticated treatments for illnesses and diseases, in making important medical discoveries, and in improving human life expectancy. Yet, we are spending only three cents of every health care dollar on health research. NIH's budget is less than one percent of the federal budget.

Inconsistent funding for the NIH discourages the medical community from pursuing research. According to the National Academy of Sciences, we are not producing enough research scientists. That is, in part, due to the uncertainty in health research funding.

Simply put, we can do better. We must try to ensure that all promising areas of research are pursued.

The public is with us. Fifty-five percent of Californians said they would spend one dollar more in taxes per week for medical research, and 55 percent of Americans said that it is important for the U.S. to remain a world leader in medical research. Every day, I hear from Californians who want a cure for their children, a better treatment for a parent, and more knowledge to prevent disease in themselves. I believe the public wants us to fight a war on disease and that the public sees medical research as a top priority for the federal government. I urge passage of this amendment.

Mr. SPECTER. Mr. President, this amendment seeks to add $1.6 billion for NIH funding to fulfill the commitment made by the Senate on the unanimous 98–0 vote to double NIH funding over 5 years.

The National Institutes of Health are the crown jewel of the Federal Government. In fact, they are the only jewel of the Federal Government. There will be a second-degree amendment offered that will seek to establish a priority for this money, to take it from somewhere else, which is meaningless. The only way to fund NIH in accordance with the commitment of the Senate is to adopt this amendment, which is cosponsored by Senators HARKIN, MACK, DODD, SNOWE, COLLINS, BINGAMAN, SARBANES, MIKULSKI, BREAUX, BOXER, JOHNSON, GRAHAM of Florida, FEINSTEIN, WELLSTONE, KENNEDY, and DURBIN.

We have gotten a detailed appraisal from NIH as to what they have done with the money. It is being wisely used. It is the most important capital investment for America for the future.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, that is an incorrect statement. The NIH can go up the amount the Senator desires if he and his subcommittee, which will be receiving a 14-percent increase under the allocation we have made—and I would not be surprised if this got more than a 14-percent increase by the time allocations are completed. In other words, the subcommittee with NIH in it is already going up about 14 percent. NIH is going up to a huge sum of $19 billion.

But the Senator who chairs the committee can decide he wants to spend more than $19 billion. He will have to look at that myriad of programs—you know, $100 billion in that subcommittee —and decide whether he can find money to increase NIH even more. We increased it $1.1 billion in this budget.

That is our recommendation. Frankly, all we are doing here is spending more money. It really doesn't have anything to do with NIH. It is raising the amount of money available to be spent on domestic programs.

The PRESIDING OFFICER. The time of the Senator has expired.

AMENDMENT NO. 3076 TO AMENDMENT NO. 2994

(Purpose: Increase discretionary health funding by $1,600,000,000)

Mr. DOMENICI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 3076 to Amendment No. 2994.

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

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

The amendment is as follows:

On page 4, line 22, increase the amount by $1,600,000,000.

On page 5, line 7, increase the amount by $1,600,000,000.

On page 5, line 15, increase the amount by $1.

On page 19, line 7, increase the amount by $1,600,000,000.

On page 19, line 8, increase the amount by $1,600,000,000.

On page 27, line 7, increase the amount by $1,600,000,000.

On page 27, line 8, increase the amount by $1,600,000,000.

On page 42, line 5, increase the amount by $1.

On page 42, line 6, increase the amount by $1.

On page 43, line 14, increase the amount by $1.

On page 43, line 15, increase the amount by $1.

Mr. DOMENICI. Mr. President, this is a simple amendment. It says that the Senate, if it votes for the Domenici substitute, is saying to the Appropriations Committee, within that $100 billion or more you are going to have to spend on labor, health, and human services, the highest priority shall be given to the National Institutes of Health. That is what this amendment says. If that isn't enough of an instruction, saying how we feel, I don't know how we can do it. But we don't have to increase the overall spending by the amount requested by the distinguished Senator. We can just say find it within this 14-percent increase that is going to his subcommittee to be spent on labor, health, and human services in this country.

I yield the floor.

Mr. SPECTER. Mr. President, it is true that the budget for three major departments is a large budget. But it is not possible to find $2.7 billion in the budget as proposed, when we have other education programs, where we have other health programs, where we have other labor programs on worker safety. The choice really is up to the Senate; that is, whether they will authorize the $2.7 billion increase, which is what NIH needs to fulfill the commitment already made by the Senate on the unanimous 98–0 vote. A vote in favor of this second-degree amendment is a vote against NIH funding for $2.7 billion.

I yield the remainder of my time to Senator HARKIN.

Mr. HARKIN. I thank the Senator. He is absolutely right. The nondiscretionary budget we have to work with is $7 billion below a freeze. It is not a 14-percent increase. As the Senator knows, we took some of that BA last year and put it into this year. So we had an artificially low BA that year. What is in the Specter amendment is so important.

Mr. SPECTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the second-degree amendment offered by the Senator from New Mexico. The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 45, nays 55, as follows:

[Rollcall Vote No. 73 Leg.]

YEAS—45

Allard	Crapo	Hatch
Ashcroft	Domenici	Helms
Bennett	Enzi	Hutchinson
Bond	Fitzgerald	Hutchison
Brownback	Frist	Inhofe
Bunning	Gorton	Kyl
Burns	Gramm	Lott
Campbell	Grams	Lugar
Cochran	Grassley	McConnell
Coverdell	Gregg	Murkowski
Craig	Hagel	Nickles

Roberts
Roth
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—55

Abraham
Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Chafee, L.
Cleland
Collins
Conrad
Daschle
DeWine
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mack
McCain
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Santorum
Sarbanes
Schumer
Snowe
Specter
Torricelli
Wellstone
Wyden

The amendment (No. 3076) was rejected.

CHANGE OF VOTE

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. L. CHAFEE. Mr. President, on rollcall vote No. 73, I voted aye. It was my intention to vote no. Therefore, I ask unanimous consent that I be permitted to change my vote, since it would in no way change the outcome of the the vote.

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

(The foregoing tally has been changed to reflect the above order.)

Mr. SPECTER. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question occurs on the first-degree amendment.

The amendment (No. 2994) was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2954

(Purpose: To provide adequate funding for a gun enforcement initiative to add 500 new federal ATF agents and inspectors and fund over 1,000 new federal, state, and local prosecutors to take dangerous gun offenders off the streets)

Mr. DURBIN. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Mr. SCHUMER, Mrs. BOXER, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. LEAHY, Mr. KENNEDY and Mr. REED, proposes an amendment numbered 2954.

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

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

The amendment is as follows:

On page 4, line 4 increase the amount by $121,341,000.

On page 4, line 5 increase the amount by $84,399,000.

On page 4, line 6 increase the amount by $68,925,000.

On page 4, line 7 increase the amount by $68,925,000.

On page 4, line 13 increase the amount by $121,341,000.

On page 4, line 14 increase the amount by $84,399,000.

On page 4, line 15 increase the amount by $68,925,000.

On page 4, line 16 increase the amount by $9,225,000.

On page 4, line 22 increase the amount by $283,890,000.

On page 5, line 7 increase the amount by $121,341,000.

On page 5, line 8 increase the amount by $84,399,000.

On page 5, line 9 increase the amount by $68,925,000.

On page 5, line 10 increase the amount by $9,225,000.

On page 24, line 7 increase the amount by $283,890,000.

On page 24, line 8 increase the amount by $121,341,000.

On page 24, line 12 increase the amount by $84,399,000.

On page 24, line 16 increase the amount by $68,925,000.

On page 24, line 20 increase the amount by $9,225,000.

On page 29, line 3 increase the amount by $121,341,000.

On page 29, line 4 increase the amount by $283,890,000.

Mr. SARBANES. Mr. President, I rise today to express my strong support for the amendment offered by Senators DURBIN, SCHUMER and KENNEDY to fully fund the President's firearms law enforcement initiatives.

Clearly, the gun violence facing our Nation is a complex problem, and there is disagreement in the Congress about the need for additional firearms legislation. However, many of my colleagues—both Democratic and Republican alike—are heeding the call of their constituents and advocating more stringent enforcement of our existing gun laws. With our Nation experiencing unprecedented fiscal health, we now have the opportunity to provide law enforcement with the resources it so urgently needs to enforce those laws. The Administration recognized that opportunity, and included in its proposed budget approximately $284 million to fund the largest national gun enforcement initiative in our history.

Mr. President, the Republican budget resolution does not include this $284 million for gun enforcement measures and, as a result, jeopardizes programs that have begun to make a real impact and helped to reduce firearms violence. For example, in my own State of Maryland, our United States Attorney, Lynne Battaglia has utilized Project DISARM—a cooperative effort between Federal, State, county, and local law enforcement officials that targets violent and repeat offenders for prosecution under Federal firearms laws. Similar to Richmond, Virginia's well-known ''Project Exile,'' Project DISARM was initiated in 1994 and has real potential for reducing firearm violence across the State.

Despite the initial success of Project DISARM—and tough Maryland laws that also prohibit felons from possessing firearms —the program simply does not have the resources to prosecute every person who violates these Federal laws. Project DISARM works with a limited staff, which is also responsible for prosecuting complex drug and money laundering cases. Simply put, for Project DISARM to effectively reduce further gun violence, additional prosecutors are needed. The President's $284 million gun control and enforcement initiative would add 500 new Federal ATF agents and over 1,000 new Federal, State and local prosecutors; $14.5 million of these funds would be used to create 163 positions—including 113 attorneys—to bolster firearms prosecution efforts like Project DISARM.

The resources provided in the President's budget are critical to Maryland's efforts to prevent gun violence, and could save lives in my State. Whatever our views on new gun control measures, we must work to ensure that our existing laws are enforced to their fullest extent—which will not occur unless law enforcement agencies have the resources to investigate and prosecute crimes.

I urge my colleagues to join me in supporting this amendment to fully fund the President's gun control and enforcement initiative. This is a simple proposition that we should all agree on—the enforcement of our existing gun laws is a necessary step in reducing crime and making the Nation a safer place for us all.

Mr. DURBIN. Mr. President, I yield my 1 minute to my colleague and cosponsor of the amendment, Senator SCHUMER.

Mr. SCHUMER. Mr. President, I thank the Senator for yielding and for his leadership on this amendment.

This is an amendment on guns but one on which we can all come together because it simply deals with increasing enforcement. It would add 500 new Federal ATF agents and inspectors and 1,000 Federal, State, and local prosecutors, at a cost of $284 million, and should be included in the budget resolution.

It is no secret we in this Chamber have had many disagreements on the issue of guns. The one place I think we can all come together is on a view that there ought to be more enforcement. I, for instance, in my State, have worked with the National Rifle Association on something called Project Exile, which is a forerunner of what we are proposing here, in many ways, because what we do is give money to prosecutors at the Federal and State levels, as

well as ATF agents, whose sole job is to prosecute gun crimes.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Idaho.

Mr. DOMENICI. Mr. President, I wonder if the Senator can make a 1-minute argument against it and then a minute on his.

Mr. REID. The amendment has not been reported.

The PRESIDING OFFICER. The Senator from Idaho has the floor.

Mr. REID. The amendment has not been reported.

Mr. CRAIG. Mr. President, it is a second-degree amendment.

Mr. REID. Mr. President, point of order.

The PRESIDING OFFICER. The appropriate procedure is for the 1 minute on the first-degree amendment to expire before the second-degree amendment is offered.

Mr. CRAIG. Mr. President, I will use that 1 minute yielded to me for purposes of explanation.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

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

The PRESIDING OFFICER. The Senator from Idaho was recognized by the Chair.

Mr. CRAIG. Mr. President, I will send a second-degree amendment to the desk to the amendment of the Senator from Illinois. The Senator from New York and I and most of us agree we need more money and effective law enforcement against gun violence. The amendment I will offer uses the same amount of money the Senator from Illinois has proposed. It does not take it out of the tax cut pool; it takes it out of the 902 fund. It directs it to hire Federal prosecutors, U.S. attorneys in Project Exile, puts them on the ground, gives State grants for gun violence reduction, and causes States also to put their mental adjudicant into the background check program. That is exactly what it does.

It also does not prohibit this Congress from offering up a reasonable tax cut to the American citizens. I believe it is the kind of legislation we are expecting and want. But it also addresses the very issue my colleagues from Illinois and New York wish to address.

The PRESIDING OFFICER. The time of the Senator has expired.

AMENDMENT NO. 3077 TO AMENDMENT NO. 2954

(Purpose: To express the sense of the Senate regarding the enforcement of Federal firearms laws)

Mr. CRAIG. I now send my second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 3077 to amendment No. 2954.

Mr. CRAIG. I ask unanimous consent to dispense with the reading.

Mr. DURBIN. I object.

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

The PRESIDING OFFICER. Is there an objection to terminating the reading of the amendment?

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

The PRESIDING OFFICER. Is there objection to the terminating the reading of the amendment?

Mr. DURBIN. I object.

The PRESIDING OFFICER. The clerk will read the amendment.

Mr. DURBIN. Mr. President, reserving the right to object, I do not speak for my colleague from the State of Nevada, but I address this, not to my friend who offered the amendment but to the Senate in general. It would be much better, I think, if, when we file amendments, we have two copies so they can be shared with each side, rather than suspending the reading and having no knowledge of the substance of the amendment. That is the reason I object at this point. If there is a copy to be shared for us to read it, I would have no objection.

Mr. REID. If I may say to my friend from Illinois, we understand it is frustrating from everybody's standpoint. We are moving very rapidly. It is a moving target. The reason the absence of a quorum was suggested was so we could have time to read the amendment. The majority has been trying to supply us with the second-degree amendments. They were unable to do that at this time.

So, if it is appropriate, will my friend withdraw his objection? Will the Senator withdraw his objection to the waiving of the reading?

Mr. DURBIN. I withdraw my objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The reading of the amendment is dispensed with.

The amendment is as follows:

At the end of the amendment, add the following:

On page 4, line 4, increase the amount by $1.

On page 4, line 5, increase the amount by $1.

On page 4, line 6, increase the amount by $1.

On page 4, line 7, increase the amount by $1.

On page 4, line 13, increase the amount by $1.

On page 4, line 14, increase the amount by $1.

On page 4, line 15, increase the amount by $1.

On page 4, line 16, increase the amount by $1.

On page 29, line 4, decrease the amount by $1.

On page 29, line 4, decrease the amount by $1.

At the end, add the following:

Notwithstanding any other provision of this resolution, the appropriate levels for function 920 are as follows:

Fiscal year 2001:

(A) New budget authority, −$60,214,890,000.

(B) Outlays, −$48,152,341,000.

Fiscal year 2002:

(A) New budget authority, −$59,720,000,000.

(B) Outlays, −$71,395,399,000.

Fiscal year 2003:

(A) New budget authority, $0.

(B) Outlays, −$858,925,000.

Fiscal year 2004:

(A) New budget authority, $0.

(B) Outlays, −$6,779,225,000.

Fiscal year 2005:

(A) New budget authority, $0.

(B) Outlays, −$6,072,000,000.

SEC. ___. SENSE OF THE SENATE REGARDING ENFORCEMENT OF FEDERAL FIREARMS LAWS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Clinton Administration has failed to adequately enforce Federal firearms laws. Between 1992 and 1998, Triggerlock gun prosecutions—prosecutions of defendants who use a firearm in the commission of a felony—dropped nearly 50 percent, from 7,045 to approximately 3,800.

(2) The decline in Federal firearms prosecutions was not due to a lack of adequate resources. During the period when Federal firearms prosecutions decreased nearly 50 percent, the overall budget of the Department of Justice increased 54 percent.

(3) It is a Federal crime to possess a firearm on school grounds under section 922(q) of title 18, United States Code. The Clinton Department of Justice prosecuted only 8 cases under this provision of law during 1998, even though more than 6,000 students brought firearms to school that year. The Clinton Administration prosecuted only 5 such cases during 1997.

(4) It is a Federal crime to transfer a firearm to a juvenile under section 922(x) of title 18, United States Code. The Clinton Department of Justice prosecuted only 6 cases under this provision of law during 1998 and only 5 during 1997.

(5) It is a Federal crime to transfer or possess a semiautomatic assault weapon under section 922(v) of title 18, United States Code. The Clinton Department of Justice prosecuted only 4 cases under this provision of law during 1998 and only 4 during 1997.

(6) It is a Federal crime for any person ''who has been adjudicated as a mental defective or who has been committed to a mental institution'' to possess or purchase a firearm under section 922(g) of title 18, United States Code. Despite this Federal law, mental health adjudications are not placed on the national instant criminal background system established under section 103(b) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note).

(7) It is a Federal crime for any person knowingly to make any false statement in the attempted purchase of a firearm under section 922(a)(6) of title 18, United States Code. It is also a Federal crime for convicted felons to possess or purchase a firearm under section 922(g) of title 18, United States Code.

(8) More than 500,000 convicted felons and other prohibited purchasers have been prevented from buying firearms from licensed dealers since the Brady Handgun Violence Prevention Act was enacted. When these felons attempted to purchase a firearm, they violated section 922(a)(6) of title 18, United States Code, by making a false statement under oath that they were not disqualified from purchasing a firearm. Nonetheless, of the more than 500,000 violations, only approximately 200 of the felons have been referred to the Department of Justice for prosecution.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this concurrent resolution on the budget assume that Federal funds will be used for an effective law enforcement strategy requiring a commitment to enforcing existing Federal firearms laws by—

(1) designating not less than 1 Assistant United States Attorney in each district to prosecute Federal firearms violations and thereby expand Project Exile nationally;

(2) upgrading the national instant criminal background system established under section 103(b) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) by encouraging States to place mental health adjudications on that system and by improving the overall speed and efficiency of that system; and

(3) providing incentive grants to States to encourage States to impose mandatory minimum sentences for firearm offenses based on section 924(c) of title 18, United States Code, and to prosecute those offenses in State court.

Mr. BINGAMAN. Mr. President, I rise today to comment on why I will vote against the Craig amendment to the budget resolution, amendment #3007. While the amendment offered by Senator CRAIG has many law enforcement provisions that I support, I am very concerned that Senator CRAIG deleted funding for the Bureau of Alcohol, tobacco and Firearms (ATF) in his amendment.

If we are serious about providing the necessary resources to effectively pursue offenders of existing federal firearms laws, we cannot exclude the ATF. A true law enforcement initiative should provide sufficient funding for both ATF agents and inspectors. Afterall, the ATF is the federal agency whose mission is to reduce violent crime by enforcing our laws and regulations concerning firearms and explosives. Because the Craig amendment deliberately deleted funding for the ATF, I decided to vote against it. I repeatedly hear that in order for prosecutors to do their job, they need law enforcement, such as the ATF, to detect interstate drug running and to investigate gun dealers making illegal transfers of firearms.

Due to Senate procedures, the amendment offered by Senator CRAIG vitiated a vote on amendment #2954, an amendment offered by Senator DURBIN, that I fully supported. The Durbin amendment included funding for more than 1,000 local, State and Federal prosecutors to prosecute firearms offenses. The Durbin amendment also provided funding to expand Project Exile across the country and funding for ballistics testing programs to support law enforcement efforts. As opposed to the Craig amendment, the Durbin amendment provided $94 million in funding for an increase in ATF agents and inspectors.

Mr. President, prosecutors and federal task forces aimed at enforcing our existing firearms laws will be missing a key element if the ATF's funding is excluded from a federal law enforcement funding initiative.

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

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. I ask the pending amendment be set aside.

Mr. CRAIG. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CRAIG. Mr. President, I withdraw my objection.

AMENDMENT NO. 3003

(Purpose: To establish a reserve fund for early learning and parent support programs)

Mr. STEVENS. Mr. President, I ask the Chair lay before the Senate amendment No. 3003.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself, Mr. KENNEDY, Mr. JEFFORDS, Mr. LAUTENBERG, Mr. BOND, Mrs. MURRAY, Mr. COCHRAN, Mr. KERRY, and Mr. SMITH of New Hampshire, proposes an amendment numbered 3003.

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

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

The amendment is as follows:

At the end of title II, insert the following:

SEC. . RESERVE FUND FOR EARLY LEARNING AND PARENT SUPPORT PROGRAMS.

(a) ADJUSTMENT.—When the Committee on Education and the Workforce of the House of Representatives or the Committee on Health, Education, Labor, and Pensions of the Senate reports a bill, an amendment is offered in the House of Representatives or the Senate, or a conference report is filed that improves opportunities at the local level for early learning, brain development, and school readiness for young children from birth to age 6 and offers support programs for such families, particularly those with special needs such as mental health issues and behavioral disorders, the relevant chairman of the Committee on the Budget may increase the allocation aggregates, functions, totals, and other budgetary totals in the resolution by the amount of budget authority (and the outlays resulting therefrom) provided by the legislation for such purpose in accordance with subsection (b) if the legislation does not cause an on-budget deficit.

(b) LIMITATIONS.—The adjustments to the aggregates and totals pursuant to subsection (a) shall not exceed $8,500,000,000 on budget authority (and the outlays resulting therefrom) for the period fiscal years 2001 through 2003.

Mr. KENNEDY. Mr. President, I commend Senators STEVENS, DODD, JEFFORDS, BOND, KERRY, COCHRAN, MURRAY, GORDON SMITH, LAUTENBERG, CHAFEE, DURBIN, REED, WARNER, MURKOWSKI, and BINGAMAN for their leadership on this amendment to ensure that children begin school ready to learn.

The amendment establishes a reserve fund of $8.5 billion over the next five years to support local investment in early learning and school readiness initiatives for children from birth through age six. Over the past decade medical research has confirmed that stimulation is essential for proper brain development in infants and toddlers. The building blocks for later learning begin to develop during these early years. Stimulation through reading, visual and vocal interaction with adults, and group activities with other children is essential to develop the connection within the brain that result in effective educational, social, and motor skills for each child.

It is long past time to put these medical discoveries into practice. Many parents are well aware of the stimulation needed by their infants and toddlers, and they amply provide it. But many working parents face barriers, including their own lack of education and their inability to obtain quality child care for their children. As a result, millions of children never get the chance to reach their full potential. This is a tragedy for the child, and an unacceptable price for the nation to pay, since many of society's most complex and costly long-run problems can be avoided by paying greater attention to children early in their lives.

To deal with these problems more effectively, Senators STEVENS, JEFFORDS, DODD, and I have taken a number of steps to improve early learning. First, we need to fill in the gaps in existing programs, and make activities such as childhood literacy training, parenting support, and parenting education more widely available to all parents who seek these services. Second, we need to support local councils that can assess early learning needs of communities and allocate resources to meet those needs. These councils are already formed in some states. In Massachusetts, it is known as the Massachusetts Community Partnerships for Children. Our amendment brings us closer to enabling such councils to direct resources where they are needed most.

Finally, we need to expand access to effective programs like Head Start. More parents are satisfied with Heard Start than any other government program, but only two in five eligible children have access to Head Start today.

Today's Senate action is a significant step forward for the nation on this fundamental issue. It shows what can be accomplished when we reach across party lines and work together for educational goals that are clearly in the country's best interest. Early learning should be a high priority for this Congress. It is pro-family and pro-work,

and it is one of the best long-term investments we can make in the country's future security and prosperity.

The $8.5 billion in additional resources proposed by today's budget amendment will make it much easier to enable more children to obtain the services they need in the years ahead. I look forward to the day when every child begins school ready to learn, and I will continue working to pass legislation that makes this day come as soon as possible.

Mr. STEVENS. Mr. President, this amendment establishes a priority of funding for early education of children. It has broad bipartisan support. It does not make it mandatory.

We now know the stimulus children get at a very early age contributes to the development of their brain and increases the ability of children who receive that stimulus to learn readily.

This creates a program for stimulation and sets aside funds for grants to the States. It is not a mandatory program. It will be put in the discretionary level. I do hope the Senate will accept this. My understanding is the managers will accept it.

Mr. REID. No objection.

Mr. DOMENICI. No objection.

Mr. STEVENS. I urge adoption of the amendment.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 3003.

The amendment (No. 3003) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3077

Mr. REID. Mr. President, I believe the pending business is the Schumer-Durbin amendment No. 2954.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. If that is the pending business, my second-degree amendment is the pending business. I believe it is appropriate then that I now speak for 1 minute in support of the second-degree amendment.

The PRESIDING OFFICER. The Senator is correct. The Senator is recognized.

Mr. CRAIG. Mr. President, all of us are concerned about law enforcement and making sure those who misuse firearms are appropriately prosecuted. The Senator from Illinois and the Senator from New York have that same concern. I choose to get the money from the 920 account and not take it out of tax cuts. I direct it at the hiring of Federal prosecutors.

I also direct it to the States for grants in law enforcement because the States continue to put into the background check program those who are legally mental adjudicants. We direct it to law enforcement, which is what the American people say we should do, on the ground where the criminal activity is occurring. The $283 million increases the intensity of effort against gun violence.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I urge Members of the Senate to oppose this amendment. We have debated gun safety back and forth and one side says we need more enforcement. The second-degree amendment before us provides no new ATF agents. If we are going to enforce the laws to find the 1,000 Federal gun dealers responsible for selling 57 percent of the guns traced in crime, we need more ATF agents. If we are going to stop interstate gunrunning, we need more ATF agents. This second-degree amendment provides no new ATF agents. If my colleagues say enforcement is the key to gun safety, they have to oppose this amendment and support the underlying amendment which provides new ATF investigators, as well as new prosecutors, across America. I hope my colleagues will oppose the second-degree amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURBIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The question is on agreeing to amendment No. 3077.

The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 54, nays 46, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—54

Abraham	Frist	McConnell
Allard	Gorton	Murkowski
Ashcroft	Gramm	Nickles
Bennett	Grams	Roberts
Bond	Grassley	Roth
Brownback	Gregg	Santorum
Bunning	Hagel	Sessions
Burns	Hatch	Shelby
Campbell	Helms	Smith (NH)
Cochran	Hutchinson	Smith (OR)
Collins	Hutchison	Snowe
Coverdell	Inhofe	Specter
Craig	Jeffords	Stevens
Crapo	Kyl	Thomas
DeWine	Lott	Thompson
Domenici	Lugar	Thurmond
Enzi	Mack	Voinovich
Fitzgerald	McCain	Warner

NAYS—46

Akaka	Daschle	Kennedy
Baucus	Dodd	Kerrey
Bayh	Dorgan	Kerry
Biden	Durbin	Kohl
Bingaman	Edwards	Landrieu
Boxer	Feingold	Lautenberg
Breaux	Feinstein	Leahy
Bryan	Graham	Levin
Byrd	Harkin	Lieberman
Chafee, L.	Hollings	Lincoln
Cleland	Inouye	Mikulski
Conrad	Johnson	Moynihan
Murray	Rockefeller	Wellstone
Reed	Sarbanes	Wyden
Reid	Schumer	
Robb	Torricelli	

The amendment (No. 3077) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2954, as amended.

The amendment (No. 2954), as amended, was agreed to.

Mr. NICKLES. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The distinguished Senator from New Mexico.

AMENDMENT NO. 3028, AS MODIFIED

(Purpose: To express the sense of the Senate regarding the census)

Mr. DOMENICI. Mr. President, I think we are ready to call up the Smith amendment No. 3028, as modified. It has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI, for Mr. SMITH of New Hampshire] proposes an amendment numbered 3028, as modified.

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

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

The amendment is as follows:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE CENSUS.

It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that no American will be prosecuted, fined or in anyway harassed by the Federal government or its agents for failure to respond to any census questions which refer to an individual's race, national origin, living conditions, personal habits or mental and/or physical condition.

At the end of the amendment strike the period and insert a comma and add the following: "but that all Americans are encouraged to send in their census forms."

Mr. DOMENICI. I yield back any time we have on the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3028, as modified.

The amendment (No. 3028), as modified, was agreed to.

Mr. NICKLES. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2951

(Purpose: To express the sense of the Senate concerning an increase in the Federal minimum wage)

Mr. DOMENICI. Mr. President, I believe the next amendment is the minimum wage amendment by Senator KENNEDY.

The PRESIDING OFFICER (Mr. THOMAS). The distinguished Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I call up amendment No. 2951.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 2951.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE CONCERNING THE MINIMUM WAGE.

It is the sense of the Senate that the levels in this resolution assume that Congress should enact legislation to amend the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) to increase the Federal minimum wage by $1.00 over 1 year with a $0.50 increase effective May 1, 2000 and another $0.50 increase effective on May 1, 2001.

Mr. KENNEDY. Mr. President, we have tried for over the last 2 years to get an increase in the minimum wage for those Americans who are at the lowest rung of the economic ladder and who have not had any pay increase. This chart shows what has happened to the minimum wage since the 1960s. As the minimum wage has been going down, the poverty line has been going up. There are more Americans working harder today who are living in poverty than at any time in the history of the country.

Why is this an important issue? Close to 60 percent of the minimum-wage workers are women. One-third of those workers have children, so it is a women's issue. It is a children's issue. It is a civil rights issue because over one-third of minimum-wage workers are men and women of color. It is fundamentally an issue of fairness.

I think in this country individuals who work 40 hours a week, 52 weeks of the year should not live in poverty. We are asking for the opportunity to have a vote on an increase in the minimum wage. Since the minimum wage was last increased, those workers have lost the equivalent of $500 in purchasing power. It is time that the Senate go on record in support of increasing the minimum wage.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, we voted on this amendment in November. It didn't pass. What we did pass on November 9 was the Domenici amendment. It passed 54–44. It was an amendment that would increase the minimum wage not over 13 months, as proposed by Senator KENNEDY, but over 28 months. In addition, we provided for some small business tax relief, those businesses that would be negatively impacted by a big increase in the minimum wage. We did that. That passed.

I will be sending a second-degree amendment to the desk that would reiterate our support for that. I hope our colleagues will join us in a request to move that amendment, which was attached to bankruptcy, to the House-passed minimum wage so we can go to conference and pass a minimum wage package with tax relief.

AMENDMENT NO. 3078 TO AMENDMENT NO. 2951

(Purpose: To express the Sense of the Senate that any increase in the minimum wage should be accompanied by tax relief for small businesses)

Mr. NICKLES. Mr. President, I now send the second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 3078 to amendment No. 2951.

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

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

The amendment is as follows:

In the amendment strike all after the first word and insert the following:

SENSE OF THE SENATE

(B) It is the sense of the Senate that the functional totals underlying this resolution on the budget assume that the minimum wage should be increased as provided for in amendment #2547, the Domenici and others amendment to S. 625, the Bankruptcy Reform legislation.

Mr. NICKLES. This is the same amendment we passed in November. This is an amendment that says we should have 100 percent deductibility for self-employed individuals. Right now they only get 60 percent. This is an amendment that says we should give an above-the-line deduction for individuals so they can deduct health care costs. This is not a big tax cut. This is a tax cut targeted towards small business and people who would have a hard time paying the minimum wage. It also says we should stretch out the minimum wage, instead of doing it over 13 months as proposed by Senator KENNEDY. The language we passed will do it over the next 24 months or 28 months.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the proposal that is offered by the Senator is to cut taxes by $100 billion without paying for them. It stretches the minimum wage increase of a dollar over 3 years. According to CBO, it is $100 billion in unpaid tax cuts. We are prepared to work with our friends on the other side for a reasonable proposal to offset any potential kinds of challenges for small business. This is $100 billion in tax cuts over 10 years. Why should minimum-wage workers be held hostage to this kind of proposal?

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma has 22 seconds.

Mr. NICKLES. Mr. President, for the information of our colleagues, my colleague was incorrect on his figures. The net cost of our tax cut was $25 billion over the next 5 years. The budget resolution before us says $150 billion over 5 years. It is clearly within the budget. It is affordable. It is targeted. I don't know where he got the $100 billion. Maybe that is over 10 years. Over 5 years, the net tax cut targeted toward small business is $25 billion. I urge my colleagues to adopt the amendment.

The PRESIDING OFFICER. The Senator from Massachusetts has 26 seconds.

Mr. KENNEDY. Mr. President, his tax cuts are over 5 years. The ten year cost is $100 billion, which are unpaid for. All we are saying is, why stretch it for the hard-working Americans when we have the greatest prosperity in the history of this country and we are denying those hard-working Americans 50 cents a year this year and 50 cents a year next year? That is what our proposal does.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. NICKLES. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to amendment No. 3078. The clerk will call the roll.

The senior assistant bill clerk called the roll.

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

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—51

Abraham	Fitzgerald	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Roth
Bunning	Gregg	Santorum
Burns	Hagel	Sessions
Campbell	Hatch	Shelby
Cochran	Helms	Smith (NH)
Collins	Hutchinson	Smith (OR)
Coverdell	Hutchison	Snowe
Craig	Inhofe	Stevens
Crapo	Kyl	Thomas
DeWine	Lott	Thompson
Domenici	Lugar	Thurmond
Enzi	Mack	Warner

NAYS—49

Akaka	Breaux	Daschle
Baucus	Bryan	Dodd
Bayh	Byrd	Dorgan
Biden	Chafee, L.	Durbin
Bingaman	Cleland	Edwards
Boxer	Conrad	Feingold

Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Specter
Torricelli
Voinovich
Wellstone
Wyden

The amendment (No. 3078) was agreed to.

Mr. NICKLES. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3079 TO AMENDMENT NO. 2951

(Purpose: To express the sense of the Senate concerning an increase in the Federal minimum wage)

Mr. REID. I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] for Mr. KENNEDY, proposes an amendment numbered 3079 to amendment No. 2951.

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

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

The amendment is as follows:

At the end of the amendment add the following:

SEC. . SENSE OF THE SENATE CONCERNING THE MINIMUM WAGE.

It is the sense of the Senate that the levels in this resolution assume that Congress should enact legislation to amend the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) to increase the Federal minimum wage by $1.00 over 1 year with a $0.50 increase effective May 2, 2000 and another $0.50 increase effective on May 2, 2001.

Mr. REID. I ask to take a minute in leader time; how long did the last vote take?

The PRESIDING OFFICER. Sixteen minutes.

Mr. REID. There has been a suggestion we go to 7½ minutes. If that happens, we have to stay in here to do that. There are people doing their very best. They spent all day here ready to vote and others walk away to other meetings. If people are not here, they should not be recorded, I respectfully submit on behalf of the leader.

Mr. LOTT. Will the Senator yield?

Do you ask consent we go to 7½ minutes?

Mr. REID. I do at the present time.

Mr. LOTT. That was agreed to?

The PRESIDING OFFICER. No, it was not presented in a unanimous consent request.

Mr. LOTT. I ask unanimous consent we limit the next votes to 7½ minutes.

Mr. STEVENS. Reserving the right to object, on this vote people are out to lunch. I don't mind saying the next one will be 7½ minutes.

Mr. REID. A lot of people are out to lunch all the time.

Mr. STEVENS. This one just came back from lunch.

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

Mr. KENNEDY. Mr. President, this is effectively the identical amendment in the sense the time has been changed, but it still provides a 50-cent increase this year, and 50 cents next year.

I have every intention of continuing to offer these amendments until we get a vote on the amendment. I think we are entitled to that. This has been an issue we have been raising for over 2 years. We have effectively been denied that opportunity.

During that period of time, those at the lowest end of the economic ladder have been falling further and further behind. Six months ago was the last increase we have had on the minimum wage. Since that time, the purchasing power of these men and women has fallen $500. It will continue to do so unless we take action.

Who are the minimum-wage workers? They are workers working in nursing homes; they are working in childcare centers; they are working with teachers. Those are hard-working people. They are entitled to this body going on record.

Mr. NICKLES. I hope my colleagues vote no. If the Senator from Massachusetts wants to support minimum wage, he should support the unanimous consent request Majority Leader LOTT has made twice, saying let's break it apart from bankruptcy and go to conference with the House.

What the Senator's amendment says is increase minimum wage 20 percent in 13 months with no tax relief.

We just passed an amendment that said we should pass minimum wage with tax relief. That is the right position. I urge my colleagues not to vote on this big minimum wage increase with no tax relief for small business.

Mr. KENNEDY. I have 15 seconds remaining.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 3079. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. BENNETT) is necessarily absent.

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—51

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Chafee, L.
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Schumer
Snowe
Specter
Torricelli
Wellstone
Wyden

NAYS—48

Abraham
Allard
Ashcroft
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Bennett

The amendment (No. 3079) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, amendment No. 2951, as amended, is agreed to.

The amendment (No. 2951), as amended, was agreed to.

Mr. SARBANES. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, under the arrangement between the majority and minority, the next amendment is amendment No. 2979 offered by the Senator from Louisiana, Ms. LANDRIEU.

AMENDMENT NO. 2979

(Purpose: To express the sense of Congress on the sufficiency of the funding in the Concurrent Resolution on the budget for fiscal year 2001 for allowing members of the Armed Forces to participate in the Thrift Savings Plan)

The PRESIDING OFFICER. The clerk will report the amendment.

The senior assistant bill clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 2979.

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

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

The amendment is as follows:

At the end of title III, add the following:

SEC. . SENSE OF CONGRESS REGARDING FUNDING FOR THE PARTICIPATION OF MEMBERS OF THE UNIFORMED SERVICES IN THE THRIFT SAVINGS PLAN.

It is the sense of Congress that the levels of funding for the defense category in this resolution—

(1) assume that members of the Armed Forces are to be authorized to participate in the Thrift Savings Plan; and

(2) provide the $980,000,000 necessary to offset the reduced tax revenue resulting from that participation through fiscal year 2009.

The PRESIDING OFFICER. The Senator may proceed.

Ms. LANDRIEU. Mr. President, since the men and women in our armed services provide 100 percent of our national security, they deserve at least 1 percent of the tax cuts as outlined in this budget resolution. We are the largest employer as the Federal Government. The members of our armed services constitute the largest single workforce in America not yet covered by a thrift savings plan.

This amendment does not ask for the same match program we have but that simply they be allowed to have a thrift savings plan. It allows for the participation by all members of our armed services, and it will not replace the current military retirement plan.

I understand this amendment is acceptable, and I ask for a voice vote.

Mr. DOMENICI. We have no objection to the amendment. I yield back my time.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2979) was agreed to.

Mr. REID. Mr. President, under the agreement of the manager of the bill, Senator DOMENICI, we now go to amendment No. 2941, Senator KOHL and Senator LEAHY.

AMENDMENT NO. 2941

(Purpose: To strike the reserve fund for allocation of any additional surplus forecast by the Congressional Budget Office in July to the Committee on Finance for tax cuts)

Mr. KOHL. Mr. President, I call up amendment No. 2941, which is filed at the desk, and I ask unanimous consent that Senators LEAHY, LIEBERMAN, ROBB, GRAHAM, BRYAN, KERREY, LEVIN, and FEINGOLD be added as cosponsors.

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

The senior assistant bill clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for himself, Mr. LEAHY, Mr. LIEBERMAN, Mr. LEVIN, Mr. ROBB, Mr. BRYAN, Mr. FEINGOLD, Mr. KERREY, and Mr. GRAHAM, proposes an amendment numbered 2941.

The amendment is as follows:

On page 36, strike beginning with line 1 and all that follows through page 37, line 5.

Mr. KOHL. Mr. President, this is a simple amendment. The budget before us allots to tax cuts any extra surplus forecast by CBO this summer. Our amendment strikes that section and saves the extra surplus for debt reduction. That is good for the economy and good for the solvency of Social Security.

There are $150 billion for tax cuts and $19 billion for debt reduction in this budget. Our amendment does not change that. It just says that—if we end up with extra money this summer—it ought to go to the debt reduction side of the equation.

Some have argued that the extra surplus go to tax cuts because otherwise Congress will spend it. That argument is a straw man. Under the budget as it stands, there is a point of order against spending the extra surplus on anything except tax cuts. Under the budget as we would amend it, there is a point of order against spending the extra surplus on anything. It has to be saved for debt relief.

The Concord Coalition and Taxpayers for Common Sense have endorsed the amendment. I ask unanimous consent that their statements of support be printed in the RECORD.

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

THE CONCORD COALITION,
Washington, DC, April 6, 2000.

Hon. HERB KOHL,
Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATORS KOHL and LEAHY: The Concord Coalition is pleased to support your amendment striking Section 206 from the Senate Budget Resolution (S. Con. Res. 101). We believe that striking Section 206, which allows the proposed five-year tax cut to be increased by the amount of any increase in the current on-budget surplus projection, would strengthen the Senate's bipartisan commitments to reducing publicly held debt, and maintaining balanced budgets without borrowing from the Social Security trust fund. Because these goals are widely endorsed on both sides of the aisle, The Concord Coalition hopes that you will seek, and receive, bipartisan support for your amendment.

The Concord Coalition is greatly heartened by the vast improvement in the federal government's short-term fiscal position over the last several years. Members of both parties can claim a share of the credit for this turnaround. Concord also fully supports the bipartisan commitment to reserve 100 percent of the Social Security surplus, regardless of the differences of opinion that exist over how this money can best be used to ensure Social Security's future.

And yet, it is important to remember that we are not out of the woods. As a nation, we currently have no strategy for dealing with the huge unfunded obligations of Social Security and Medicare, estimated at about $15 trillion dollars. The Concord Coalition, therefore, recommends a fiscal goal beyond merely achieving short-term on-budget balance. We advocate using the current economic, fiscal, demographic and political windows of opportunity to address the long-term Social Security and Medicare deficits that will accompany the aging of our nation's population. These deficits threaten to undo the hard work and fiscal discipline of recent years and undermine our potential for future economic growth.

In the absence of substantive Social Security and Medicare reform, the next best thing we can do to prepare for the future is use every penny of surplus that happens to come our way to reduce the publicly held debt. Debt reduction will enhance net national savings, thereby freeing up resources for investments in productivity that will lead to stronger economic growth in the future. A larger economy will, in turn, help case the burden on today's preschoolers who will find it a struggle, when they become working age taxpayers, to finance the retirement and health care costs of a dramatically older population.

Recognizing the benefits of debt reduction, the Senate Budget Resolution properly sets aside the entire Social Security surplus for this purpose. But this commitment is not self-executing. Fiscal responsibility is still required to ensure that we do not return to the days when the Social Security trust fund surpluses were used to pay for general government expenses. Vigilance is required on both the spending and tax sides of the budget. So while it is legitimate to debate competing uses of the non-social Security surplus, including tax cuts, great caution is in order. Surplus projections are inherently uncertain, particularly over many years. For that reason, policy options that depend upon these surplus projections should contain an ample margin for error.

As it currently stands, the Senate Budget Resolution contains little margin for error. It assumes that discretionary spending can be held below inflation over the next five years—a very ambitious goal given the experience of the last two years—and includes a commitment to spend more on priorities such as defense and education. Moreover, a bipartisan consensus is developing around the need to add a prescription drug benefit to Medicare. While $40 billion is conditionally set aside in the Budget Resolution for this purpose, it is only the tip of the iceberg. No matter how it is designed, a Medicare prescription drug benefit would be an expensive, permanent and growing entitlement expansion. Finally, the Budget Resolution already assumes a five-year tax cut of $150 billion. Assuming enactment of all these policies, and the accuracy of the projections on which they are based, the Budget Resolution has a razor thin margin for error of just $19.5 billion in non-Social Security surpluses over the next five years.

Given this narrow margin for error, it is all the more important that any increase in the projected non-social Security surplus be reserved for debt reduction. Unfortunately, Section 206 of the Budget Resolution would allow any such increase to be used immediately, and in its entirety, to enlarge the size of the tax cut, thus consuming any additional margin for error that may be provided later this year by continued economic growth.

Your amendment is simple and clear. It would not prejudice the $150 billion tax cut already provided for the Budget Resolution. Strictly speaking, it would not even prevent a large tax cut if the Congressional Budget Office does increase its on-budget surplus projection in its summer update. Your amendment would, however, make debt reduction the preferred use of any such windfall and strengthen the chances that the budget will remain in balance without having to borrow from Social Security. The Concord Coalition believes that this approach would be a more fiscally prudent way of dealing with unanticipated surpluses than the approach provided in Section 206.

The Concord Coalition commends your effort to improve the Budget Resolution's commitment to debt reduction and preserving the Social Security surplus. We hope

your amendment striking Section 206 will receive strong bipartisan support.

Sincerely,

ROBERT L. BIXBY,
Executive Director.

TAXPAYERS FOR COMMON SENSE,
April 5, 2000.

Hon. HERBERT H. KOHL,
Hon. PATRICK J. LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATORS KOHL AND LEAHY: Taxpayers for Common Sense is pleased to support your efforts to strengthen the Senate's commitment to debt reduction by offering an amendment to strike Section 206 of the Budget Resolution.

Section 206 would allow tax cuts to be paid for from the possible budget surplus that would be identified by the Congressional Budget Office in July. Taxpayers for Common Sense is concerned about the current $5.8 trillion national debt. We believe that before money is spent on major new tax cuts or major new spending programs, the national debt should be reduced.

The budget surplus is not a reality; it is an illusion based on projections. If we spend money based on projections that turn out to be wrong, then deficits could reemerge instead of the rosy future now in the forecast.

TSC would urge all Senators to vote for your amendment.

Sincerely,

JILL LANCELOT,
Legislative Director.

Mr. KOHL. I yield the remainder of the time to the Senator from Vermont, Mr. LEAHY.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, we Vermonters know that if you have a debt, you pay it off. It is time to pay off the national debt so our children do not have to. This will help us pay it off.

I thought it was time to introduce a dose of Yankee thrift in this debate. Though he is not a Yankee, the distinguished Senator from Wisconsin seems to share Vermonters' thrifty outlook. The amendment we are introducing is simple, but important. This amendment strikes Section 206 of the budget resolution to ensure that additional surpluses estimated by the Congressional Budget Office (CBO) reduce the national debt, instead of being used for irresponsible tax cuts.

The next CBO update in July is expected to increase the on-budget surplus by at least $40 billion over the next five years. As it now stands, Section 206 would allow Congress to apply those additional projected dollars to tax cuts, on top of the $150 billion in tax cuts already called for in the resolution. That would amount to $190 billion in tax cuts over five years, which is even larger than the fiscally irresponsible tax bill that Congress passed last year, and the President sagely vetoed. That bill would have cost $156 billion over five years and $850 billion over 10 years.

Without Section 206, which our amendment would strike, any windfall surplus estimated by CBO would go automatically towards reducing the national debt. In addition, striking this section would ensure that any increase in the projected surplus would further protect Social Security surpluses from additional spending. I thank Senator KOHL and our other cosponsors of this amendment for making the sensible choice, the thrifty choice, the Yankee choice, to make paying down the national debt our top priority.

In the 1980's, Congress went on a tax cut binge and left the bill for our children. During those years we all saw the lip service and slogans about balancing the budget, while Congress, President Reagan and President Bush simultaneously tripled the national debt and ran the biggest deficits of any nation in the history of the world. As a result, the national debt now stands at $3.6 trillion and the Federal government pays almost $1 billion in interest every working day on this debt. Now that we have surpluses, we have a chance and an obligation to pay off that debt. Let's not make the mistakes of the 1980's. Let's not just talk about balancing the budget and paying down the debt. Let's actually do it.

Nothing would do more to keep our economy strong than paying down our national debt. Paying down our national debt will keep interest rates low. Consumers gain ground with lower mortgage costs, car payments, credit card charges with low interest rates. And small business owners can invest, expand and create jobs with low interest rates.

A sound economy rests on a solid foundation of balanced revenue and spending policies. I am proud to have voted for the 1993 deficit reduction package, which was a tough vote around here, and has brought the deficit down. I am also proud to have voted for the 1997 balanced budget and tax cut package—tax cuts that were fully paid for by offsetting spending cuts, not by pie in the sky projected surpluses that had not yet materialized.

For the past seven years, the President and Congress have built this solid foundation by reducing the deficit and restraining spending. In 1992, President Clinton inherited a deficit of $290 billion. Since then, the Administration and Congress have steadily cut it down, turning it into a projected record surplus of $171 billion in 2000. Because of our sound fiscal policies, the national debt was $1.7 trillion lower in 1999 than was projected in 1993—that is $25,000 less debt for each family of four in Vermont.

These balanced policies have also kept interest rates down and employment up. Since 1993, the unemployment rate in Vermont has dropped from 5.8% to just 2.7%. Now that we have a projected surplus, we should stay the course of fiscal discipline rather than make irresponsible tax cuts. Paying down the debt, protecting Social Security and Medicare, investing in education, and providing hard working Americans with targeted tax cuts should be our top priorities.

The budget resolution we have before us would use almost the entire non-Social Security surplus for tax breaks which would primarily benefit the wealthy. CBO's recent estimates predict that over the next 5 years, the non-Social Security surplus will be $171 billion. The budget resolution calls for a minimum of $150 billion in tax cuts. When you take into account the cost of future interest payments due to a reduction in future surpluses, that brings us to $168 billion. That is 98% of the projected surplus. Not 25%, not 50%, not even 75%, but close to 100% of the projected surplus that will NOT be used to pay down the national debt, according to this resolution. This does not make fiscal sense.

Imagine that you had a credit card debt of $20,000 and you received a bonus of $1,000. Would you use only 2%, which is $20, of that bonus to pay down your substantial debt. Would you continue to carry a debt and waste money on interest payments when it is within your means to pay it down? I do not know of a single Vermonter who would make that choice and yet, incredibly, that is what the budget before us would recommend.

This budget resolution would use only 2% of projected non-Social Security projected surpluses to pay down the debt. Is this Congress serious about paying down the debt? Committing only 2% of projected surpluses to debt reduction suggests that the majority is not. Regardless of slogans offered or lip service paid to reducing the debt, the numbers speak for themselves.

Alan Greenspan and nearly every other economist who has testified before the Senate Budget and Finance Committees has stated that our nation's budget surpluses should be used to pay down the debt. And yet, the Republican budget resolution proposes far less debt reduction than the budgets developed by President Clinton and others. During markup in the budget committee, Senator LAUTENBERG offered an alternative budget that would have reduced $330 billion in debt over ten years, while providing almost $300 billion in targeted tax cuts—cuts that would go towards eliminating the marriage tax penalty, permitting the self-employed a full tax deduction for their health insurance and providing estate tax relief for family farmers and small business owners. Such cuts would be fair and targeted to help all Vermonters.

In 1993, Congress and President Clinton charted a course of fiscal discipline and the country has reaped the benefits of this successful plan. Republicans and Democrats can rightfully claim their

shares of the credit for getting the nation's fiscal house in order. The important thing now is to keep our budget in balance, to pay down our debt, and to keep our economy growing. The amendment that I have offered with Senator KOHL will help us to reach these goals by ensuring that additional surpluses are used to pay down our national debt. I urge my colleagues to support our amendment.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, with the full understanding that the Senator from New Mexico is taking this amendment-laden resolution to conference and that it may come back much skinnier and thinner, I agree to accept the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2941) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. REID. The next amendment is offered by Senator REED from Rhode Island, No. 3037.

Mr. DOMENICI. We have Senator FITZGERALD.

Mr. REID. I am sorry.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 2961

(Purpose: To express the sense of the Senate that the Social Security trust funds should be protected through sequestration)

Mr. FITZGERALD. Mr. President, I have amendment No. 2961 at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. FITZGERALD], for himself, Mr. ASHCROFT, Mr. CRAIG, and Mr. GRAMS, proposes an amendment numbered 2961.

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

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

The amendment is as follows:

At the end of title III, insert the following:

SEC. . PROTECT THE SOCIAL SECURITY TRUST FUNDS.

It is the sense of the Senate that the levels in this resolution assume that the Congress shall pass legislation which provides for sequestration to reduce federal spending by the amount necessary to ensure that, in any fiscal year, the Social Security surpluses are used only for the payment of Social Security benefits, retirement security, social security reform, or to reduce the Federal debt held by the public.

Mr. FITZGERALD. Mr. President, this is a sense-of-the-Senate amendment which provides that in the event it is determined we have spent any of the Social Security trust fund moneys on any other program, we will provide for a sequestration law that will cause across-the-board cuts to ensure that we are not dipping into Social Security for any other purpose.

There are 25 cosponsors of this amendment. In my judgment, it is a more effective way than any of the other ways we have talked about, with points of order and the like, to assure that Congress and Washington are not plundering the Nation's Social Security trust fund.

Congress has passed laws that prohibit private employers from dipping into their employees' pension funds. We even passed laws that prohibit State and local governments from dipping into their employees' pension funds for any other purpose. Yet we have no law on the books that ensures we will not spend Social Security money on other programs.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMENICI. Mr. President, I do not believe the other side has any objection.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2961) was agreed to.

AMENDMENT NO. 3037

(Purpose: To express the sense of the Senate that Congress should grant the Food and Drug Administration the authority to regulate tobacco products)

Mr. REED. Mr. President, I call up amendment No. 3037.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Rhode Island [Mr. REED], for himself, Mr. BINGAMAN, Mr. JEFFORDS, Mr. LAUTENBERG, Mr. DURBIN, Mr. L. CHAFEE, Mr. WYDEN, Mr. WELLSTONE, Mr. HARKIN, Mrs. MURRAY, Mr. GRAHAM, Mr. DODD, and Mr. KENNEDY, proposes an amendment numbered 3037.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. REGULATION OF TOBACCO PRODUCTS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Cigarette smoking and tobacco use is the single most preventable cause of death and disability in the United States.

(2) Cigarette smoking and tobacco use cause approximately 400,000 deaths each year in the United States.

(3) Health care costs associated with treating tobacco-related diseases are $80,000,000,000 per year, and almost half of such costs are paid for by taxpayer-financed government health care programs.

(4) In spite of the well established dangers of cigarette smoking and tobacco use, there is no Federal agency that has authority to regulate the manufacture, sale, distribution, and use of tobacco products.

(5) Major tobacco companies spend over $5,600,000,000 each year ($15,000,000 each day) to promote the use of tobacco products.

(6) Ninety percent of adult smokers first started smoking before the age of 18.

(7) Each day 3,000 children become regular smokers and ⅓ of such children will die of diseases associated with the use of tobacco products.

(8) The Food and Drug Administration regulates the manufacture, sale, distribution, and use of nicotine-containing products used as substitutes for cigarette smoking and tobacco use and should be granted the authority to regulate tobacco products.

(9) Congress should restrict youth access to tobacco products and ensure that tobacco products meet minimum safety standards.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that—

(1) the Food and Drug Administration is the most qualified Federal agency to regulate tobacco products; and

(2) Congress should enact legislation in the year 2000 that grants the Food and Drug Administration the authority to regulate tobacco products.

Mr. REED. Mr. President, this amendment is cosponsored by my colleague, Senator BINGAMAN, and others. It expresses the sense of the Senate that Congress enact legislation this year that grants the Food and Drug Administration authority to regulate tobacco products. This amendment does not specify what form of regulation will be adopted, but it authorizes the FDA to adopt a legislative scheme to regulate tobacco products.

I ask unanimous consent that Senator KENNEDY be added to the amendment as a cosponsor.

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

Mr. REED. Mr. President, with the recent Supreme Court decision, it is imperative Congress act, and it is imperative it act this year to ensure we can properly regulate tobacco products in society. I urge adoption of this amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I believe this amendment has been worked out with Members on our side who have a genuine interest. We have no objection.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3037) was agreed to.

AMENDMENT NO. 2997

(Purpose: Redirect tax cuts to the program for disadvantaged children in order to meet the bipartisan commitment to increase Title I funding to $15 billion)

Mr. BINGAMAN. Mr. President, I call up amendment No. 2997.

The PRESIDING OFFICER. The clerk will report the amendment.

The senior assistant bill clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] for himself, Mr. DODD, and Mr. KENNEDY, proposes an amendment numbered 2997.

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

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

The amendment is as follows:

On page 4, line 4, increase the amount by $360,000,000.

On page 4, line 5, increase the amount by $5,680,000,000.

On page 4, line 6, increase the amount by $6,960,000,000.

On page 4, line 7, increase the amount by $7,100,000,000.

On page 4, line 8, increase the amount by $7,100,000,000.

On page 4, line 13, increase the amount by $360,000,000.

On page 4, line 14, increase the amount by $5,680,000,000.

On page 4, line 15, increase the amount by $6,960,000,000.

On page 4, line 16, increase the amount by $7,100,000,000.

On page 4, line 17, increase the amount by $7,100,000,000.

On page 4, line 22, increase the amount by $7,100,000,000.

On page 4, line 23, increase the amount by $7,100,000,000.

On page 4, line 24, increase the amount by $7,100,000,000.

On page 4, line 25, increase the amount by $7,100,000,000.

On page 5, line 1, increase the amount by $7,100,000,000.

On page 5, line 7, increase the amount by $360,000,000.

On page 5, line 8, increase the amount by $5,680,000,000.

On page 5, line 9, increase the amount by $6,960,000,000.

On page 5, line 10, increase the amount by $7,100,000,000.

On page 5, line 11, increase the amount by $7,100,000,000.

On page 18, line 7, increase the amount by $7,100,000,000.

On page 18, line 8, increase the amount by $360,000,000.

On page 18, line 11, increase the amount by $7,100,000,000.

On page 18, line 12, increase the amount by $5,680,000,000.

On page 18, line 15, increase the amount by $7,100,000,000.

On page 18, line 16, increase the amount by $6,960,000,000.

On page 18, line 19, increase the amount by $7,100,000,000.

On page 18, line 20, increase the amount by $7,100,000,000.

On page 18, line 23, increase the amount by $7,100,000,000.

On page 18, line 24, increase the amount by $7,100,000,000.

On page 29, line 3, decrease the amount by $360,000,000.

On page 29, line 4, decrease the amount by $27,200,000,000.

Mr. KENNEDY. Mr. President, disadvantaged communities need more help to ensure that all public schools give children a good education. Increased funding for Title I sends a strong signal that we will increase support for low-achieving children attending schools with high concentrations of poor students.

Nationwide, Title I reaches more than 50,000 schools in over 13,000 school districts. It serves over 11 million students. Approximately 99% of Title I dollars go to local school districts. In addition, Title I is much more targeted to high-poverty districts than state and local funds.

Title I is working effectively in schools. It has contributed to the rapid development of challenging state standards that apply to all students in Title I schools. Teachers are using these standards to guide instruction. States that have implemented high standards and assessments consistent with Title I show increased achievement levels in high-poverty schools. It is clear that Title I is driving higher standards in poor districts and schools.

The National Assessment of Educational Progress has shown significant increases in math scores in the 4th, 8th, and 12th grades. Reading and math performance among nine-year-olds in high-poverty public schools and among the lowest-achieving fourth-graders has improved significantly.

The achievement gap between minority students and white students has narrowed since 1982, one of the greatest gains in science were made by black and Hispanic students.

Average SAT scores—math and verbal—were higher in 1999 than the averages for either 1983 or 1989. These improvements have come at the same time that the proportion of test-takers with a native language other than English has been increasing (to 8 percent in 1999). Test results are continuing a 10-year trend of stable or increasing scores. At the same time, record numbers of students are taking the tests.

More than 80 percent of poor school districts, and almost half of all districts nationwide, report that Title I is ''driving standards-based reform in the district as a whole.'' In addition, Title I funds, as well as all federal education funds, are more targeted to high-poverty districts than state and local funds. Title I now supports 95% of the highest-poverty schools and is helping these schools to dramatically improve student performance.

In Atlanta, Georgia, Burgess Elementary School is a Title I school that serves 430 students. 99% of them are black, and more than 80% are eligible for free or reduced-price lunches. In 1998, 64% of students performed above the national norm in reading, an increase of 35% over 1995. 72% scored above the national norm in math, an increase of 38% over 1995.

In Baltimore County, Maryland, all but one of the 19 Title I schools showed increased student performance between 1993 and 1998. The success has come from Title I support for extended year programs, implementation of effective programs in reading, and intensive professional development for teachers.

In Boston, the Harriet A. Baldwin School is a Title I program that serves 283 students. 93 percent of them are minorities, and 80 percent are eligible for free or reduced-price lunches. From 1996 to 1998, math and reading scores improved substantially, and are currently well above the national median and are much higher than district scores.

In spite of this progress, there is still a substantial achievement gap between students in the highest poverty schools and students in low-poverty schools. The time is now to build on these successes and make them available to more schools in more communities. We should increase support for Title I to show the nation that we are committed to a level playing field to help all children achieve high standards. I urge my colleagues to support this amendment.

Mr. BINGAMAN. Mr. President, I am offering this amendment on behalf of myself, Senator DODD, and Senator KENNEDY. What it does is set aside in this budget $15 billion in next year's budget funding of title I.

This is an issue that came up in the authorization committee when we were considering the title I reauthorization. Senator DODD offered an amendment at that time to raise this to $15 billion. It was unanimously agreed to. Now is the chance for everybody to go ahead and vote for the funds to carry out that which all agree should be done.

Senator DODD would like to speak for a minute. I yield my time to him.

Mr. DODD. I thank our colleague from New Mexico.

Title I funds go to the poorest students, the poorest school districts in the United States. All of us know that in the 21st century these children have to be the best prepared generation we have ever produced. My hope is to get the resources back to these communities.

It was unanimously adopted by the Democrats and Republicans in the committee. We urge the adoption of the amendment.

Mr. DOMENICI. Mr. President, first, I say to Senators, we have been very helpful. But we only have 1 minute on the amendments—not 2, not 3, not 1 and a half. I ask the Chair to enforce the rule. Everybody is playing by the game. There should be no exceptions.

From our standpoint, we do not want a rollcall vote on this but just a voice vote. I oppose it. We do not need it. It is another effort trying to raise the expenditure level, reducing the money available for the taxpayers. I think we ought to do what we have done to the other ones and vote it down.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2997.

The amendment (No. 2997) was rejected.

Mr. BINGAMAN. Mr. President, I would like to take a moment to express my disappointment with the failed vote on my amendment to increase funding for the Title I education program for disadvantaged children. Disadvantaged communities need more help to ensure that all public schools give children a good education. Title I is working in many schools across the country. We

should help bring success to every community. Ninety-nine percent of Title I funds go to local school districts and Title I is much more targeted to high poverty districts than state and local funds. Yet, current federal resources dedicated to the program fall far short of meeting the existing need. Many schools that are eligible for the program do not receive funding due to insufficient appropriations.

During the recent debate of the reauthorization of the Elementary and Secondary Education Act in the HELP committee, Senator DODD offered an amendment to authorize an increase in funding for Title I to $15 billion. The amendment was unanimously adopted. My amendment to the budget resolution would ensure that funds will be available to carry out this bipartisan goal. It is unfortunate that my colleagues on the other side of the aisle blocked passage of this amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts.

AMENDMENT NO. 2962

(Purpose: To expand Medicaid and S-CHIP coverage to low-income families by decreasing Republican tax break for the wealthy)

Mr. KENNEDY. Mr. President, I call up amendment No. 2962.

The PRESIDING OFFICER. The clerk will report the amendment.

The senior assistant bill clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] for himself, Mr. LAUTENBERG, and Mr. ROCKEFELLER, proposes an amendment numbered 2962.

The amendment is as follows:

On page 4, line 4, decrease the amount by $100,000,000.

On page 4, line 5, increase the amount by $1,300,000,000.

On page 4, line 6, increase the amount by $2,300,000,000.

On page 4, line 7, increase the amount by $3,100,000,000.

On page 4, line 8, increase the amount by $4,600,000,000.

On page 4, line 13, decrease the amount by $100,000,000.

On page 4, line 14, increase the amount by $1,300,000,000.

On page 4, line 15, increase the amount by $2,300,000,000.

On page 4, line 16, increase the amount by $3,100,000,000.

On page 4, line 17, increase the amount by $4,600,000,000.

On page 4, line 22, increase the amount by $100,000,000.

On page 4, line 23, increase the amount by $1,300,000,000.

On page 4, line 24, increase the amount by $2,300,000,000.

On page 4, line 25, increase the amount by $3,100,000,000.

On page 5, line 1, increase the amount by $4,600,000,000.

On page 5, line 7, decrease the amount by $100,000,000.

On page 5, line 8, increase the amount by $1,300,000,000.

On page 5, line 9, increase the amount by $2,300,000,000.

On page 5, line 10, increase the amount by $3,100,000,000.

On page 5, line 11, increase the amount by $4,600,000,000.

On page 19, line 7, decrease the amount by $100,000,000.

On page 19, line 8, decrease the amount by $100,000,000.

On page 19, line 11, increase the amount by $1,300,000,000.

On page 19, line 12, increase the amount by $1,300,000,000.

On page 19, line 15, increase the amount by $2,300,000,000.

On page 19, line 16, increase the amount by $2,300,000,000.

On page 19, line 19, increase the amount by $3,100,000,000.

On page 19, line 20, increase the amount by $3,100,000,000.

On page 19, line 23, increase the amount by $4,600,000,000.

On page 19, line 24, increase the amount by $4,600,000,000.

On page 29, line 3, increase the amount by $100,000,000.

On page 29, line 4, decrease the amount by $11,200,000,000.

Mr. KENNEDY. Mr. President, in 1997, as a result of a bipartisan effort, the Senate and Congress went on record to provide $24 billion, over 5 years, in a program called CHIP; that is, to try to provide health insurance for poor children. Those are above the Medicaid level. We are making progress on that.

This amendment says we are going to now try to provide the health insurance for the parents of those children to try to keep the families together. It amounts to $11 billion off the tax break over a 5-year period.

This is a family values issue to try to keep needy families together. It permits the States to make the judgment as to how it is going to be implemented. Every single State now has a CHIP program. This builds on the CHIP program. It is accepted by the States. It is virtually free from bureaucracy. It will make a major difference to 7 million parents in this country.

The PRESIDING OFFICER. The Senator's time has expired.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, this is another entitlement, $11.2 billion added to the CHIPS program. In many States they have not even used the money yet for this program. I believe there are numerous States that have not been able to cover children with it because it is very difficult to locate them and put them under the program.

I do not believe we ought to be adopting this at this time. We do not need it. We have plenty of money in the CHIP program. We are committed to continue the funding of the CHIP program.

With that, I yield back any time I have and move to table the Kennedy amendment and ask for the yeas and nays.

The PRESIDING OFFICER (Mr. STEVENS). Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion to table amendment No. 2962. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.—

The result was announced—yeas 49, nays 49, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—49

Abraham	Gorton	Nickles
Allard	Gramm	Roberts
Ashcroft	Grams	Roth
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Cochran	Hutchinson	Specter
Coverdell	Hutchison	Stevens
Craig	Inhofe	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voinovich
Enzi	Mack	Warner
Fitzgerald	McConnell	
Frist	Murkowski	

NAYS—49

Akaka	Edwards	Lieberman
Baucus	Feingold	Lincoln
Bayh	Feinstein	Mikulski
Biden	Graham	Moynihan
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Jeffords	Robb
Byrd	Johnson	Rockefeller
Chafee, L.	Kennedy	Sarbanes
Cleland	Kerrey	Schumer
Collins	Kerry	Snowe
Conrad	Kohl	Torricelli
Daschle	Landrieu	Wellstone
Dodd	Lautenberg	Wyden
Dorgan	Leahy	
Durbin	Levin	

NOT VOTING—2

Bennett	McCain

The motion was rejected.

Mr. KENNEDY. Mr. President, a record 44 million Americans were uninsured last year, and that shameful number grows relentlessly by a million more each year. No man, woman, or child in America should have the quality of their health measured by the quantity of their wealth. The United States remains isolated as the only industrial nation in the world, except South Africa, that doesn't guarantee health insurance to its citizens. Our failure to do so is a national disgrace.

A budget is a statement of principles and priorities. This budget states that lavish tax breaks for the wealthy are more important than providing families with health insurance. The amendment I am offering with Senator LAUTENBERG and Senator ROCKEFELLER is a

significant step toward that goal. It reduces the tax breaks for the wealthy by $11 billion over five years, and the savings are used to provide health insurance to the parents of children covered by Medicaid and CHIP. It is supported by the American Federation of State, County and Municipal Employees, the American Nurses Association, the American Public Health Association, the Center on Disability and Health, Families USA, the National Association of Community Health Centers, the National Association of Public Hospitals & Health Systems, the National Council of Senior Citizens, the National Partnership for Women & Families, and the Service Employees International Union, as well as thirteen other organizations. I ask unanimous consent that their letter of support be printed in the RECORD following my remarks.

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

[See exhibit 1.]

We have budget surpluses as far as the eye can see. We have a strong and growing economy. Yet the divide between those who have and those who have not is growing at an alarming pace. Millions of Americans are left out and left behind under the Republican budget plan. Alarming rates of hunger, homelessness and lack of health care are indicators that our economy is healthy, but our society is not. If we can't take steps to address these challenges now, when will we ever do it?

Our colleagues argue that their budget accommodates some so-called ''health'' tax breaks. But the health-oriented tax proposals in the Republican budget are a raw deal for the American people. These proposals do very little to expand coverage among the uninsured. Instead, they propose to squander tens of billions of dollars on proposals that would largely give new subsidies to those who already have insurance.

I am all in favor of making insurance more affordable. After all, unfair rating practices and price gouging by insurance companies is part of the problem. However, the Republican tax subsidies are not targeted to those without health insurance, and they are too low to be of any real assistance to the millions of uninsured Americans who are uninsured because they can't afford the high cost of adequate coverage.

An overwhelming majority of the uninsured are working men or women, or family members of workers. Of these workers, the vast majority are members of families with at least one person working full-time.

Most uninsured workers are uninsured because their employer either does not offer coverage, or because they are not eligible for the coverage if it is offered. Seventy percent of uninsured workers are in firms where no coverage is offered. Eighteen percent are in firms that offer coverage, but they are not eligible for it, usually because they are part-time workers or have not worked in the firm long enough to qualify for coverage. Only 12 percent of uninsured workers are offered coverage and decline.

Most of the uninsured have low or moderate incomes. Thirty-seven percent are at or below the federal poverty level. Twenty-eight percent have incomes between 100 and 200 percent of poverty. Fifteen percent have incomes between 200 and 300 percent of poverty. Only one in five have incomes above 300 percent of poverty.

While good coverage for all Americans may not be feasible at this time, we can and must do more to close the current health insurance gap.

It is a national scandal that lack of insurance coverage is the seventh leading—and most preventable—cause of death in America today. Numerous studies indicate that lack of insurance leads to second-class health care or no health care at all. Those without insurance are less likely to get the care they need to stay healthy and productive. A recent article in the Journal of the American Medical Association found that angina patients with insurance are more than twice as likely as uninsured patients to receive needed bypass surgery. Across the nation, more than 32,000 patients are going without needed heart surgery because of their lack of insurance.

The numbers are equally dramatic when it comes to cancer. Early detection and treatment of cancer often makes the difference between life and death. Uninsured patients are two and a half times more likely not to receive an early diagnosis of melanoma and one and a half times more likely not to benefit from early detection of breast cancer, prostate cancer, or colon cancer. Tragically, the new and promising treatments resulting from our national investment in the NIH are out of reach for millions of uninsured Americans.

In 1997, we took a major step toward guaranteeing health insurance to millions of children in low-income working families whose earnings are above the cut-off for Medicaid. Every state is now participating in the children's health insurance plan, and most states have plans to increase coverage under these programs again this year.

As of January, two million children had been enrolled in the program, and many other children had signed up for Medicaid as a result of the outreach efforts. Soon, more than three-quarters of all uninsured children in the nation will be eligible for assistance through either CHIP or Medicaid.

An article in the Journal of the American Medical Association found that 57 percent of uninsured children had an unmet major medical need before enactment of CHIP. But just one year after receiving coverage, only 16 percent of these same children had an unmet medical need.

The lesson is clear. We have the resources. We have good programs. We must do all we can to increase their effectiveness.

Clearly, the states and the federal government have more to do. Fewer than a quarter of post-welfare jobs offer health insurance as a benefit—and even when it is offered, too few companies make it available for dependents.

The overwhelming majority of uninsured low-wage parents are struggling to support their families. Too often, there is too little left to pay for health care. Parents who work hard, 40 hours a week, 52 weeks a year, should be eligible for assistance to buy the health insurance they need to protect their families. Our message to them today is that help with health care is on the way.

Currently, Medicaid is generally available only to single-parent families. Our proposal repeals this ''health marriage tax,'' a serious penalty for low-wage two-parent families, comparable to the ''marriage penalty'' in the tax code.

This proposal also rewards work. Most parents in families with an employed person are not eligible for Medicaid, while families headed by non-workers are eligible if their income is low enough.

Coverage for parents also means that coverage for their children is more likely too. Parents are much more likely to enroll their children in health insurance programs, if the parents themselves can obtain coverage.

This step alone will give up to six and a half million more Americans the coverage they need and deserve. Our goal should be to enact this coverage before the end of this year. Our amendment lays the ground work for this coverage by including this important idea in the Budget Resolution. I urge my colleagues to support it.

EXHIBIT 1

APRIL 6, 2000.

Sen. EDWARD KENNEDY,
Committee on Health, Education, Labor and Pensions, Health Office, Hart Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: The undersigned organizations support your efforts to reduce the size of the tax cut in order to provide funds for health coverage for low-wage working families.

Now that states are implementing the State Child Health Insurance Program, we are faced with the glaring problem of these children's parents going without health coverage. The numbers of uninsured Americans continue to grow; yet in 32 states, a parent working full-time at the minimum wage is considered too well off to qualify for Medicaid.

In addition, low-wage working parents are less likely to be offered health benefits than higher-wage workers. Of employees earning $15 or more per hour, 93 percent are offered health benefits by their employer; by contrast, only 43 percent of employees earning

$7 or less per hour are offered such coverage. Even when low-wage workers are offered coverage, the required average contribution—$130 a month—is considerably higher than the $94 a month the average higher-wage worker is required to contribute.

Your amendment will help millions of low-wage families gain access to health coverage that is currently out of their reach. We commend your efforts to help America's uninsured families.

Sincerely,

AIDS Action; Alpha 1; American Association on Mental Retardation; American Federation of State, County and Municipal Employees; American Nurses Association; American Public Health Association; Association of Jewish Aging Services; Bazelon Center for Mental Health Law; Brain Injury Association; Center on Disability and Health; Families USA; National Association of Community Health Centers; National Association of People with AIDS.

National Association of Public Hosptials & Health Systems; National Association of Social Workers; National Council of Senior Citizens; National Hispanic Council on Aging; National Partnership for Women & Families; Neighbor to Neighbor; NETWORK A Catholic Social Justice Lobby; Paralyzed Veterans of America; Public Citizen's Congress Watch; Service Employees International Union.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2942. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

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

The result was announced—yeas 49, nays 49, as follows:

[Rollcall Vote No. 78 Leg.]

YEAS—49

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Chafee, L.
Cleland
Collins
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Snowe
Torricelli
Wellstone
Wyden

NAYS—49

Abraham
Allard
Ashcroft
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—2

Bennett
McCain

The amendment (No. 2962) was rejected.

Mr. DOMENICI. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2911

(Purpose: To express the sense of the Senate regarding after school programs)

Mr. REID. Mr. President, the next amendment in order is the Boxer amendment No. 2911.

The PRESIDING OFFICER. The clerk will report the amendment by title.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 2911.

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) The demand for after school education is very high, with more than 1,000,000 students waiting to get into such programs.

(2) After school programs improve educational achievement and have widespread support, with over 90 percent of the American people supporting such programs.

(3) 450 of the Nation's leading police chiefs, sheriffs, and prosecutors, along with the presidents of the Fraternal Order of Police, and the International Union of Police Associations, support government funding of after school programs.

(4) Many of our Nation's governors endorse increasing the number of after school programs through a Federal and State partnership.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that this resolution assumes that the President's level of funding for after school programs in fiscal year 2001 will be provided, which will accommodate the current need for after school programs.

Mrs. BOXER. Mr. President, this Senate should be very proud because in the last few years with our action and that of the administration, we have accommodated a million kids into after-school programs. That is the good news.

The bad news is that 1 million kids are waiting in line. This sense of the Senate simply says we should take action to accommodate those next million children.

I understand we are going to have this accepted. I am very pleased about that.

I yield back my time.

Mr. DOMENICI. We have no objection to this. This will be a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2911) was agreed to.

AMENDMENT NO. 3073, AS MODIFIED

(Purpose: Sense of the Senate regarding protection of workers whose employers convert to cash balance pension plans)

Mr. REID. Mr. President, the next amendment in order is Senator HARKIN's amendment No. 3073.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, and Mr. JEFFORDS, Mr. KENNEDY, and Mr. ROCKEFELLER, proposes an amendment numbered 3073, as modified.

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

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

The amendment is as follows:

At the end of title III, add the following:

SEC. ___. SENSE OF SENATE REGARDING CASH BALANCE PENSION PLAN CONVERSIONS.

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

(1) Defined benefit pension plans are guaranteed by the Pension Benefit Guaranty Corporation and provide a lifetime benefit for a beneficiary and spouse.

(2) Defined benefit pension plans provide meaningful retirement benefits to rank and file workers, since such plans are generally funded by employer contributions.

(3) Employers should be encouraged to establish and maintain defined benefit pension plans.

(4) An increasing number of major employers have been converting their traditional defined benefit plans to "cash balance" or other hybrid defined benefit plans.

(5) Under current law, employers are not required to provide plan participants with meaningful disclosure of the impact of converting a traditional defined benefit plan to a "cash balance" or other hybrid formula.

(6) For a number of years after a conversion, the cash balance or other hybrid benefit formula may result in a period of "wear away" during which older and longer service participants earn no additional benefits.

(7) Federal law should continue to prohibit pension plan participants from being discriminated against on the basis of age in the provision of pension benefits.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that pension plan participants whose plans are changed to cause older or longer service workers to earn less retirement income, including conversions to "cash balance plans," should receive additional protection than what is currently provided, and Congress should act this year to address

this important issue. In particular, at a minimum—

(1) all pension plan participants should receive adequate, accurate, and timely notice of any change to a plan that will cause participants to earn less retirement income in the future; and

(2) pension plans that are changed to a cash balance or other hybrid formula should not be permitted to ''wear away'' participants' benefits in such a manner that older and longer service participants earn no additional pension benefits for a period of time after the change.

Mr. HARKIN. This has to do with pension plans. All too often when the pension plans are changed, older workers who have been there a long time see nothing added to their pensions; younger workers see their pensions grow. This is age discrimination.

This puts the Senate on record saying we need to change the law so workers receive adequate notice of their pension plan changes and eliminate the so-called ''wear away'' where older workers get nothing added to their pension plans for years.

I yield the remainder of my time to the Senator from Vermont, Mr. JEFFORDS.

Mr. JEFFORDS. Mr. President, when a pension plan is converted, long-time loyal employees should not see their normal retirement benefits frozen. I believe ''wear away'' is wrong and Congress should act this year.

I hope the majority of my colleagues will join us supporting this amendment.

Mr. KENNEDY. Mr. President, I join Senators JEFFORDS, HARKIN and ROCKEFELLER in calling on the Senate to strengthen our Nation's pension laws. This amendment reaffirms the value of defined benefit pension plans for workers, and our commitment to protecting workers from age discrimination in the provision of pension benefits.

Too many American workers have discovered that the pension promises made to them by their employers are virtually worthless. It is disturbing in this period of unprecedented economic prosperity and rising profits that major corporations are shortchanging their older and longer serving workers. These companies have changed the rules unfairly, by converting traditional defined benefit pension plans to so-called ''cash balance'' plans.

Companies have made these conversions quietly, without informing workers of the impact of the changes on their retirement security. When workers ask for an explanation, all too often they are given devious responses. Some employers have done the right thing and allowed older and longer service workers to remain covered under the original plan, but other employers have not.

In addition, many cash balance plans deny benefits to older workers for a period of time after the conversion, using a discriminatory practice known as ''wear away.'' This practice prevents older and longer service workers from earning new benefits under the cash-balance plan until that benefit exceeds the original promised benefit. We must end the practice of wear away immediately.

Our amendment calls on Congress to enact legislation this year requiring, at a minimum, that employers provide workers with adequate notice of a change in their pension plan that reduces future benefits. It also prohibits the discriminatory practice of wear away. Our amendment makes clear that Congress will take whatever action is necessary to assure older workers that they will not be short-changed when it comes to their retirement security. It is long past time for Congress to act and protect our older and longer service workers. We value older workers in America—we don't ''wear them away.''

Mr. DOMENICI. We have no objection to the amendment, and I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3073), as modified, was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

Mr. DOMENICI. Senator BOND wants to speak on one of his amendments for a minute.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

AMENDMENT NO. 3018

(Purpose: To express the sense of the Senate that Federal investment in programs which provide health care services to uninsured and low-income individuals in medically underserved areas be increased in order to double access to care over the next 5 years)

Mr. BOND. Mr. President, I want to call to the attention of all colleagues that amendment No. 3018 is a REACH amendment. It is designed to put us on record as doubling the funding for community health centers over 5 years. These are the health facilities that reach the most poor and most needy. It is a bipartisan amendment, cosponsored by Senator HOLLINGS. I know it is cleared on both sides. I ask it be approved by voice vote.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself and Mr. HOLLINGS, Mr. HUTCHINSON, Mr. DEWINE, Mr. STEVENS, Mr. BREAUX, Mrs. MURRAY, Mr. JOHNSON, Mr. FEINGOLD, Mrs. LINCOLN, Mr. WELLSTONE, Mr. DODD, Mr. INOUYE, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. EDWARDS, Mr. LUGAR, Mr. CLELAND, Mr. BINGAMAN, Mr. BAUCUS, Mr. KOHL, and Ms. COLLINS, proposes an amendment numbered 3018.

The PRESIDING OFFICER. Without objection the reading of the amendment is waived.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING UNINSURED AND LOW-INCOME INDIVIDUALS IN MEDICALLY UNDERSERVED COMMUNITIES.

(a) FINDINGS.—The Senate finds that—

(1) the uninsured population in the United States continues to grow at over 100,000 individuals per month, and is estimated to reach over 53,000,000 people by 2007;

(2) the growth in the uninsured population continues despite public and private efforts to increase health insurance coverage;

(3) nearly 80 percent of the uninsured population are members of working families who cannot afford health insurance or cannot access employer-provided health insurance plans;

(4) minority populations, rural residents, and single-parent families represent a disproportionate number of the uninsured population;

(5) the problem of health care access for the uninsured population is compounded in many urban and rural communities by a lack of providers who are available to serve both insured and uninsured populations;

(6) community, migrant, homeless, and public housing health centers have proven uniquely qualified to address the lack of adequate health care services for uninsured populations, serving over 4,500,000 uninsured patients in 1999, including over 1,000,000 new uninsured patients who have sought care from such centers in the last 3 years;

(7) health centers care for nearly 7,000,000 minorities, nearly 600,000 farmworkers, and more than 500,000 homeless individuals each year;

(8) health centers provide cost-effective comprehensive primary and preventive care to uninsured individuals for less than $1.00 per day, or $350 annually, and help to reduce the inappropriate use of costly emergency rooms and inpatient hospital care;

(9) current resources only allow health centers to serve 10 percent of the Nation's 44,000,000 uninsured individuals;

(10) past investments to increase health center access have resulted in better health, an improved quality of life for all Americans, and a reduction in national health care expenditures; and

(11) Congress can act now to increase access to health care services for uninsured and low-income people together with or in advance of health care coverage proposals by expanding the availability of services at community, migrant, homeless, and public housing health centers.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals underlying this resolution on the budget assume that—

(1) appropriations for consolidated health centers under section 330 of the Public Health Service Act (42 U.S.C. 254b) should be increased by 100 percent over the next 5 fiscal years in order to double the number of individuals who receive health care services at community, migrant, homeless, and public housing health centers; and

(2) appropriations for consolidated health centers should be increased by $150,000,000 in

fiscal year 2001 over the amount appropriated for such centers in fiscal year 2000.

Mr. BOND. I rise today to offer an amendment that addresses what is perhaps the biggest problem we face in health care—the fact that millions of Americans can't get health care when they need it.

Part of this problem is cause by the fact that about 44 million Americans aren't covered by any type of health plan or health insurance. For obvious reasons, it can be difficult to get care if you don't have any insurance coverage.

An equally serious part of the access problem is many people's simple inability to get in to see a health care provider. Even if they have insurance, a young couple with a sick child is out of luck if they can't get in to see a pediatrician. And in too many urban and rural communities across the country, there just aren't enough doctors to go around.

This whole issue is a hot topic, and there have been a number of recent plans that address it. Some have made proposals that call for something close to a large, government takeover of our health care system—something that we soundly rejected in 1994. Others have proposed tax credits or other tax benefits to allow more people to buy into the existing market-based health care system.

There are clearly many differences between all of these plans, but they all have one thing in common—it will be difficult or impossible for them to become law this year. Whether because of policy differences or political differences, they're just not likely to pass.

So today I'm offering an amendment with strong bipartisan support—based on what I call the REACH Initiative—that begins to address the health care access problem, and which does have a chance to pass this year. There's no need to wait—we can start this year.

This proposal builds on the crucial work that organizations known as community health centers do to provide care and ensure access for millions of Americans.

Heath centers are private, nonprofit clinics that provide primary care and preventive health care services in medically underserved communities across the country. They exist in every State in hundreds of rural and urban communities. Overall, there are about 750 separate centers with more than 3,000 clinics nationwide. This year, health centers will provide basic care for about 11 million people every year, 4 million of whom are uninsured.

The goal of this amendment and of the REACH Initiative is simple—to make sure that even more people have access to health care. We do this by calling for a doubling in funding for community health centers over a period of 5 years, including a 1-year increase of $150 million.

This will ultimately allow up to 10 million more women, children, and others in need to receive care at health centers. If we are successful, we can practically double the number of uninsured and underinsured people that health centers care for.

I am pleased that 15 other Senators have joined me as cosponsors of the REACH Initiative—the full 5-year plan. And I am ecstatic that 63 of my colleagues have agreed to join in a letter to support the $150 million increase in this coming year.

Now, out of all the ways we can address health care access problems, why are health centers a good solution and a worthwhile target for additional funding?

Building on an existing program that produces results. Too many health care proposals out there suggest huge—even revolutionary—changes to our health system. While I realize that we have many problems, we must realize that many people are pleased with it despite the flaws. Instead of radical new proposals, I believe it make sense to build on an existing part of the system that's been proven to provide cost-effective, high-quality care.

Health centers already play an essential role. It's amazing to me how few people realize just how important community health centers are in our existing health system. Think about this—health centers provide care to close to one out of every 20 Americans—11 million people overall. In addition, health centers provide care to one out of every 12 rural residents, one out of every 6 low-income children, and one of every 5 babies born to low-income families.

Health centers truly target the health care access problem. By definition, health centers must be located in ''medically underserved'' communities—which simply means places where people have serious problems getting access to health care. So health centers attack the problem right at its source.

Relatively cheap. Health centers can provide primary and preventive care for less than $1 dollar per person per day—about $350 per year. Even better, with the base federal grants, health centers are able to leverage additional private funding. This means that health centers can basically turn one federal dollar into several—all of which can be used to address the health care needs in these underserved communities. With an extra billion dollars a year—the goal of the REACH Initiative in its fifth year—health centers could be caring for an additional 10 million people.

Not a government takeover of health care. While this amendment and the REACH Initiative call for some additional government spending, this is NOT a government takeover. Out of all the plans to address the health insurance and health access problem, the REACH Initiative is by far the least costly. Unlike many of the other plans, this new funding would not go to create a huge new bureaucracy. Instead, the REACH Initiative would invest additional funds into private organizations that have consistently proven themselves to be efficient, high-quality, and cost-effective health care providers.

To me, all of these reasons point to one logical conclusion—a need for drastically increased funding for health centers. Health centers are already helping millions of Americans get health care. But they can still help millions more—pregnant women, children, and anyone else who desperately needs care.

Simply put, we need to take the goal of this amendment and of the REACH Initiative—doubled funding for health centers within 5 years—and make it happen.

I thank my colleagues who have taken a leadership role in support of this issue—Senator HOLLINGS; Senator HUTCHINSON; and Senator STEVENS, who I am very pleased has joined as a cosponsor of this amendment. I join with these powerful voices and urge my colleagues to vote ''yes.''

Mr. HUTCHINSON. Mr. President, I introduced an amendment earlier this week which calls for a doubling of funding for community health centers over the next 5 years, and I am pleased to join my colleagues, Senator BOND and HOLLINGS, in a similar amendment, which I hope will pass the Senate unanimously.

In my home State of Arkansas, Community Health Centers serve rural, low-income areas where access to primary health care is limited, if even existent. They serve anyone who walks through their door, whether they have money or not, or whether they have insurance or not.

Back when there was a great ice storm in Arkansas, a 75-year-old farm laborer came into the community health center in Portland, AR, complaining of terrible tiredness.

Upon examination and an electrocardiogram, it was found that he was in severe heart failure. His heart rate was so slow, it could barely be detected.

With no money and no transportation, he had walked to the clinic. The clinic staff immediately got to work and gave him medication and arranged for ambulance transfer to a larger hospital in Little Rock.

With ice forming, ambulances were hesitant to go, but one finally agreed. He and his wife were transferred and he arrived in time for live-saving surgery.

In Dermott AR, a 2-year-old child was rushed into the Mainline Health Clinic with convulsions. A blood test was performed and he was diagnosed with meningitis, which is normally fatal for such a young child. Life-saving medication was given, and he was

transferred to Arkansas Children's Hospital for intensive treatment.

If it were not for these community health centers, both the farmer and this little child would be dead.

Community health centers serve where no other medical professionals usually want to go and they are often the difference between life and death. They are the front line in rural America and their mission must be supported by Congress.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I ask my colleagues to adopt this on a voice vote.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3018) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from New Mexico.

AMENDMENT NO. 3049, AS MODIFIED

Mr. DOMENICI. Mr. President, I ask amendment 3049, of Senator DEWINE, be called up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. DEWINE, for himself, Mr. ABRAHAM, Mr. BREAUX, Mr. COVERDELL, Mr. FEINGOLD, Mr. GRASSLEY, Mr. GRAHAM, Mr. KOHL, Ms. LANDRIEU, and Mr. MURKOWSKI, proposes an amendment numbered 3049, as modified.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. FISCAL YEAR 2001 FUNDING FOR THE UNITED STATES COAST GUARD.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States Coast Guard in 1999 saved approximately 3,800 lives in providing the essential service of maritime safety.

(2) The United States Coast Guard in 1999 prevented 111,689 pounds of cocaine and 28,872 pounds of marijuana from entering the United States in providing the essential service of maritime security.

(3) The United States Coast Guard in 1999 boarded more than 14,000 fishing vessels to check for compliance with safety and environmental laws in providing the essential service of the protection of natural resources.

(4) The United States Coast Guard in 1999 ensured the safe passage of nearly 1,000,000 commercial vessel transits through congested harbors with vessel traffic services in providing the essential service of maritime mobility.

(5) The United States Coast Guard in 1999 sent international training teams to help more than 50 countries develop their maritime services in providing the essential service national defense.

(6) Each year, the United States Coast Guard ensures the safe passage of more than 200,000,000 tons of cargo cross the Great Lakes including iron ore, coal, and limestone. Shipping on the Great Lakes faces a unique challenge because the shipping season begins and ends in ice anywhere from 3 to 15 feet thick. The ice-breaking vessel MACKINAW has allowed commerce to continue under these conditions. However, the productive life of the MACKINAW is nearing an end. The Coast Guard has committed to keeping the vessel in service until 2006 when a replacement vessel is projected to be in service, but to meet that deadline, funds must be provided for the Coast Guard in fiscal year 2001 to provide for the procurement of a multipurpose-design heavy icebreaker.

(7) Without adequate funding, the United States Coast Guard would have to radically reduce the level of service it provides to the American public.

(b) ADJUSTMENT IN BUDGET LEVELS.—

(1) INCREASE IN FUNDING FOR TRANSPORTATION.—Notwithstanding any other provision of this resolution, the amounts specified in section 103(8) of this resolution for budget authority and outlays for Transportation (budget function 400) for fiscal year 2001 shall be increased as follows:

(A) The amount of budget authority for that fiscal year, by $300,000,000.

(B) The amount of outlays for that fiscal year, by $300,000,000.

(2) OFFSETTING DECREASE IN FUNDING FOR ALLOWANCES.—Notwithstanding any other provision of this resolution, the amounts specified in section 103(19) of this resolution for budget authority and outlays for Allowances (budget function 920) for fiscal year 2001 shall be decreased as follows:

(A) The amount of budget authority for that fiscal year, by $300,000,000.

(B) The amount of outlays for that fiscal year, by $300,000,000.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the provisions of this resolution, as modified by subsection (b), should provide additional budget authority and outlay authority for the United States Coast Guard for fiscal year 2001 such that the amount of such authority in fiscal year 2001 exceeds the amount of such authority for fiscal year 2000 by $300,000,000; and

(2) any level of such authority in fiscal year 2001 below the level described in paragraph (1) would require the Coast Guard to—

(A) close numerous stations and utilize remaining assets only for emergency situations;

(B) reduce the number of personnel of an already streamlined workforce;

(C) curtail its capacity to carry out emergency search and rescue; and

(D) reduce operations in a manner that would have a detrimental impact on the sustainability of valuable fish stocks in the North Atlantic and Pacific Northwest and its capacity to stem the flow of illicit drugs and illegal immigration into the United States.

Mr. KENNEDY. This year, the nation has set a new record for elementary and secondary student enrollment. The figure has reached an all-time high of 53 million students—500,000 more students than last year.

Serious teacher shortages are being caused by this rising student enrollment. The nation's public schools will need to hire 2.2 million teachers over the next ten years just to maintain current student teacher ratios which are already viewed as too high. The teacher shortage is being worsened by the growing number of teacher retirements, and by the fact that too many new teachers leave within the first three years of teaching, including 30–50% of teachers in urban areas.

The Troops to Teachers program was established in 1993 by Congress to encourage military personnel who leave the service to become public school teachers. Since its inception, over 3,000 service men and women have made the transition under this program, filling teaching positions in 48 states. This highly successful program is providing teachers in areas where educators face the greatest shortages.

The program has worked and has been highly successful in recruiting and retaining high quality teachers, especially in high-need subject areas and disadvantaged neighborhoods. Studies show that these service men and women who become teachers are likely to fill the most urgent current needs:

—2 percent of them are math teachers, compared to 13% of all public school teachers.

—29 percent of them are minorities, compared to 10% of all public school teachers.

—The overwhelming majority—90%—are male, compared to 23% of all public school teachers.

—24 percent of them are teaching in inner-city schools, compared to 16% of all public school teachers.

They are also highly committed, with very high retention rates. 82% of them continue in teaching beyond the first year.

Troops to Teachers is a program that works. California has hired nearly 300 teachers through the program, including a former Navy pilot who used to hunt submarines, but now faces almost two dozen kindergarten students. He says, ''It doesn't pay as much, but the job satisfaction is incredible.''

Florida hired more than 200 teachers through the program, including a former Navy instructor who now teaches honors algebra to high school students. The students say, ''He gets all excited about this stuff. He definitely knows what he's talking about.'' Though the teacher had to take a pay cut, he said, ''I enjoy the kids, and I enjoy the school.''

We need to do much more to help communities recruit qualified teachers, but Troops to Teachers is a strong step in the right direction.

Senator DEWINE's Sense of the Senate Amendment makes the authorization and funding of the successful

Troops to Teachers program within the Department of Education a priority, and I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me suggest, this is for Senator DEWINE and others, including Democrats. We are willing to accept it. The Democrats are willing to accept it.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3049), as modified, was agreed to.

Mr. DOMENICI. Let me say to all Senators, we only have one rollcall vote left. That will be final passage.

The PRESIDING OFFICER. I am not sure Senators can hear you. The Chair is to get order. We have welcome news from the Senator from New Mexico.

Mr. DOMENICI. Mr. President, we only have one vote remaining. It is on final passage. But we have about 50 sense of the Senates that we have agreed on, on both sides. We will just offer those rather quickly here and then go to final passage. But we are being asked, and appropriately so, by a Senator, that we read off the Senators and the subject matter. We did not have that all prepared in that manner, but we are working on it now. It should not take us very long. We will do our very best. Both sides are working on it, not just one.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that it be in order that the following amendments be made the pending business, that they be agreed to en bloc, and that the motion to table and motion to reconsider be agreed to en bloc, and that any statements be printed in the RECORD.

Now, let me list what is in this, so Senator BYRD and others will know.

First, what you have to know is these are all sense-of-the-Senate amendments. We have worked them out so they are acceptable in the manner I have just described. We will not have to vote on them. They will go to conference along with the other sense-of-the-Senate amendments that we had. I am going to start by just using the Senators' names.

The PRESIDING OFFICER. The Senator will suspend. May we have order please.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I will state the Senator's name and the general nature of the amendment: Senator LINCOLN, a sense-of-the-Senate amendment on flood control; Senator BAYH, human genome; Senator REID, women's health; Senator REID, notch babies; Senator REID, computers; Senator KENNEDY, civilian/military research; Senator DORGAN, rural providers; Senator DORGAN, empowerment zones; Senator DORGAN, trade; Senator BAYH, fatherhood; Senator LANDRIEU; children; Senator LANDRIEU, military procurement; Senator LANDRIEU, thrift savings plan—military; Senator CLELAND, Centers for Disease Control; Senator CLELAND, long-term health; Senator FEINSTEIN, environmental cleanup; Senator LIEBERMAN, asset building; Senator KOHL, Medicare equity; Senator LAUTENBERG, Amtrak; Senator BINGAMAN, veterans' benefits; Senator MURRAY, customs; Senator BOND, medically underserved; Senator ABRAHAM, as modified, Medicare choice; Senator BUNNING, mining; Senator COLLINS, hunger relief; Senator COLLINS, excess gas revenues; Senator COLLINS, home health; Senator COVERDELL, flood control; Senator DEWINE, troops to teachers; Senator FITZGERALD, trust fund commission; Senator FITZGERALD, child safety seats; Senator GRASSLEY, World Trade Organization; Senator GRASSLEY, long-term care; Senator GRASSLEY, child welfare; Senator GREGG, Social Security education; Senator JEFFORDS, LIHEAP; Senator KYL, estate taxes; Senator SANTORUM, farmland; Senator SHELBY, as modified, defense; Senator SMITH of Oregon, fiber optics; Senator L. CHAFEE, breast and cervical cancer; Senator BURNS, taxes; Senator KYL, Medicare choice; Senator GRAMS, Social Security; Senator INHOFE, impact aid; Senator HUTCHISON, oil; Senator ENZI, as modified, home office; Senator ENZI, as modified, prevention health. We add Senator HATCH, No. 3022, sense-of-the-Senate on Internet drugs, and No. 3023 on methamphetamines.

That is it.

The PRESIDING OFFICER. The modification will be sent to the desk. The Senator from Montana.

Mr. BAUCUS. Mr. President, I have a sense-of-the-Senate amendment which has been cleared, No. 3014, that somehow was dropped from the list. Is the Senator aware of that?

Mr. DOMENICI. Senator HUTCHINSON had No. 2918, high-intensity drugs.

Now we have a question from the distinguished Senator from Montana.

Mr. BAUCUS. A sense-of-the-Senate amendment No. 3014. My understanding is it has been cleared and inadvertently dropped.

Mr. DOMENICI. Does the Senator remember what it is about?

Mr. BAUCUS. It is firefighters.

Mr. DOMENICI. Has that been accepted on the Senator's side? It is all right with us. We will add it to the list.

The PRESIDING OFFICER. Without objection, it will be added to the list.

What is the request of the Senator from New Mexico?

Mr. DOMENICI. I asked unanimous consent, as I stated originally, that all of these amendments I have listed and explained be in order; that they be made the pending business; that they be agreed to, en bloc; that the motion to table and the motions to reconsider be agreed to, en bloc; and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Is there any objection?

Mr. BYRD. Reserving the right to object, Mr. President, we are seeing bad, bad go to worse. There are many things that can be said about the way this Senate is operating with respect to budget resolutions. Vote-arama is bad enough, but now to ask the Senate to take all of these amendments in bloc is just asking too much. I do not say this critically of the distinguished Senator from New Mexico. He has a tough assignment, and he does it well. He is trying to accommodate a lot of Senators here. I would personally be willing to take him at his word. But this is no way to legislate.

I will not be a part of gang rape of the legislative process. That is what this has become. If we are going to do all these amendments—I did not count them; I do not know how many amendments there may be here—but if we are going to do all of these just by voice vote, pig in a poke, just so we can get out—and I want to get out, too—then why shouldn't we have done it at the start of the process? Why have we gone through all this rigamarole voting on these matters? If we come to the end and we still have two-thirds of the amendments left undone, and we are just going to say: OK, let's go home; we will accept them all, sight unseen, and let them go to conference—I am not going to be a part of that, Mr. President. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, if I may respond to my friend from West Virginia, we have worked now for 4 days on this resolution, and we have worked our way through what we thought were the difficult amendments that required votes. Staff has been working for several days on amendments that have been cleared on both sides.

I respectfully suggest to my distinguished leader, this happens on every piece of legislation, where staff gets together, subject to the matters of the bill, and approves legislation by unanimous consent. That is what we did here.

Mr. BYRD. Mr. President, I have been in this Senate now going on 42 years. I know what is going on. We have time. We could come back next week and vote on these amendments. The Senators who have offered the amendments are entitled to a vote on each amendment. They are entitled to

have some debate. Those of us who do not know what are in the amendments are entitled to know what they are about, and we are also entitled to a vote on the amendments if we so desire. I have already objected.

We can stay here this evening. We can come back tomorrow. We can come back Monday and finish voting on the amendments. We do not have to legislate in this fashion. I am just not going to be a part of it. I may earn the enmity of every Senator in this body, but I am keeping a good relationship with my own conscience on this. We are seeing the legislative process go downhill in this Senate.

More and more, this Senate is becoming like the other body. I am not for that. And if I have to stand alone, I will stand alone. I have no problems with that. I object.

Mr. DASCHLE. I suggest the absence of a quorum. I withhold the request.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I say to Senator BYRD, first, I appreciate the kind remarks he made about the Senator from New Mexico, but on a budget resolution, we are dealt what we are dealt. It just happens that a Parliamentarian had ruled that all these sense-of-the-Senate amendments are in order on a budget resolution. The Senator from West Virginia knows as well as I know that many of them are not going to do anything, but if a Senator wants to offer them, not as legislation or law—they will not be that, no matter what we do; even if we kept every one in conference, they would not be law.

We have worked our best to let every Senator who had an amendment who wanted a vote—the Senator raised the issue of why don't we vote on these. I make the point that every Senator who had an amendment and wanted a vote got a vote.

I do not think you had any of the sense of the Senates here, but every Senator whose amendment I read agreed that they did not need a rollcall vote. It is not like they want a vote. They do not want a vote. They want to do it this way.

Mr. BYRD. I did not say they wanted a vote. I said every Senator has a right.

Mr. DOMENICI. You said they should be entitled to.

Mr. BYRD. Every Senator has a right to a vote.

Mr. DOMENICI. You say they have a right. They do not want to exercise that right. They want to do it this way.

Frankly, we can stop and the leaders can decide where we go next. But these sense-of-the-Senate amendments that we are adopting here should not really hold up the budget because they do not affect the budget. They are sense of the Senates that have to do with how we feel about things and what we want to make people think about the Senate with reference to the subject matter of the sense-of-the-Senate resolutions.

But you have every right, and you exercise it with dignity, although for many of us it is a pretty tough pill. Even your dignity makes it a tough pill.

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

Mr. DOMENICI. Yes.

Mr. MURKOWSKI. I believe it was just a few years ago we had this stage of frustration. We were addressing the merits of these nonbinding sense-of-the-Senate resolutions. I put the matter to a vote. After much self-examination, why, the Senate decided not to support my amendment to do away with these nonbinding sense-of-the-Senate resolutions. But the debate was rather interesting because it addressed the right of a Senator to express himself or herself. Yet the realization that these should not be a part of the budget process, I think, was generally agreed upon by most Members.

I leave that for you to ponder because I think it represents a degree of frustration here.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. I guess I have a question of the manager and maybe a parliamentary inquiry.

The question is, Are all of these sense-of-the-Senate amendments; every one of them?

Mr. DOMENICI. Yes, sir.

Mr. LOTT. I have to agree with what Senator BYRD has said about the way we vote on the budget resolution at the end with the vote-arama. Although I must say, to everybody's credit, we only had 14 seriatim this time.

The sense-of-the-Senate resolutions are not binding at all. They may make a statement that makes you feel good, but many Senators are being asked to agree to these en bloc without knowing what the details are.

So the parliamentary inquiry is, since there has been objection, is the status that these, then, are not agreed to, and we are ready to go to adoption of the concurrent resolution?

The PRESIDING OFFICER. These amendments have not yet been proposed. The agreement was objected to; therefore, they have not been presented for formal action.

Mr. LOTT. So what is the status, Mr. President? Are they all still pending?

The PRESIDING OFFICER. They are not. The amendments have been identified but are not pending before the Senate.

Mr. LOTT. I believe we are ready to go to the adoption of the concurrent resolution, Mr. President.

The PRESIDING OFFICER. Unless they are called up, that is correct.

Mr. LOTT. Mr. President, I move regular order.

The PRESIDING OFFICER. There is no pending amendment.

Ms. SNOWE. Mr. President, today marks an historic point for the Senate. Not only did the Federal Government last year experience a balanced Federal budget without the use of the Social Security surplus for the first time since 1960, but we are now considering a budget resolution that will ensure we have a balanced Federal budget without the use of the Social Security surplus for three consecutive years—the first time this has happened since 1947 to 1949—and that takes us one step further on the path to actually eliminating our Nation's publicly-held debt by the year 2013.

Needless to say, such a change in the way the Government does business is not only a significant step for the Senate and the Congress, but a welcome relief to a generation of Americans who have become all too accustomed to the terms "deficit" and "debt."

Mr. President, in light of the non-Social Security budget surpluses we are now enjoying, I thank the chairman of the Senate Budget Committee, PETE DOMENICI, for his unwavering commitment to a balanced budget and fiscally responsible decision-making over the years. Thanks, in part, to his leadership and efforts, the turbulent waves of annual deficits and mounting debt have been temporarily calmed. And, if we are willing to adhere to these principles in this year's budget resolution and others yet to come, we may be able to maintain the current budgetary calm for many years in the future.

The budget resolution reported by the Senate Budget Committee—and that we are now considering on the floor—not only maintains fiscal discipline, but it also ensures that critical priorities are protected and addressed in fiscal year 2001 and beyond.

Specifically, the Senate budget resolution contains the following key provisions:

First, it protects every penny of the Social Security surplus in upcoming years by devoting it solely to reducing publicly-held debt.

Second, through an amendment I offered in the Budget Committee markup with Senator WYDEN and Senator SMITH (OR), provides a "down-payment" for a new Medicare prescription drug benefit, while ensuring a strong impetus for much-needed, comprehensive Medicare reforms.

Third, it provides a fiscally responsible increase in Federal spending, while targeting funds for critically needed priorities including education and defense.

Fourth, it provides tax relief for Americans at a time when the typical family's tax burden exceeds the cost of food, clothing, and shelter combined. And as a result of another amendment I offered during markup, it places tax relief for higher education tuition paid and for interest paid on student loans as a top priority in any tax cut package that is ultimately crafted. When

considering that the cost of college has risen twice as fast as inflation and eight times as fast as median household incomes over the past 20 years—and students borrowed more during the 1990s than during the 1960s, 1970s, and 1980s combined—I can think of no tax cut that would be more appropriate in any upcoming tax package.

Collectively, I believe these principles and priorities reflect those of most Americans—especially the protection of Social Security's monies. Accordingly, I believe this resolution deserves broad bipartisan support in the Senate and, ultimately, by the entire Congress.

To truly appreciate what is contained in this budget resolution, I believe it is appropriate to compare it with the only other major proposal on the table: the budget proposal put forth by President Clinton in early-February.

Specifically, as we have learned from CBO's analysis of his budget, President Clinton has proposed $1.3 trillion in new spending over the coming 10 years. This new spending—of which $866 billion would be for discretionary spending program—would utilize 70 percent of the projected on-budget surpluses over this period of time.

Furthermore, despite his initial claim of providing working Americans with a tax cut of $250 billion over the coming 10 years, we now know that the President's budget not only increases taxes by $5 billion in FY 2001, but he only cuts taxes by $4 billion over the coming five years and $146 billion over 10 years, representing eight percent of the projected on-budget surpluses, and the net result is far below his original proposal of a $250 billion tax cut!

In contrast, the Senate budget resolution provides a strong, but fiscally-responsible, increase in discretionary spending of $27 billion next year—a 4.6 percent increase from the current fiscal year—and $125 billion over the coming five years. Furthermore, the resolution also provides a tax cut of up to $13 billion in FY 2001 and up to $150 billion over the coming five years—an amount that ensures for every dollar in tax relief, there will be $13 in debt reduction.

Finally, the Senate resolution contains a provision I authored with Senators WYDEN and SMITH (OR) that will be critical to our efforts to move forward on an issue of critical importance to our nation's seniors: a reserve fund that will provide up to $40 billion for a new Medicare prescription drug benefit. In contrast, the President's budget would provide less than $30 billion for such a benefit over the coming five years.

As my colleagues are aware, the need for a new Medicare prescription drug benefit could not be more clear. When Medicare was created in 1965 it followed the private health insurance model of the time—inpatient health care. Today, thirty-five years later it is sadly out of date and it is time to bring Medicare back to the future by providing our seniors with prescription drug coverage.

The lack of a prescription drug coverage benefit is the biggest hole—a black hole really—in the Medicare system. HCFA will tell you that up to 69 percent of Medicare beneficiaries have drug coverage from other sources—but that number simply doesn't tell the whole story.

Specifically, ten percent of Medicare beneficiaries get drug coverage from one of the three Medigap policies that cover drugs. Two of these policies require a $250 deductible and then only cover 50 percent of the cost of the drug with a $1,250 cap. You can run up that cap pretty fast with today's drug prices. The third policy provides a cap of $3,000 but the premium ranges anywhere from $1,699 to $3,171 depending on where you live. That is a significant amount of money for someone living on a fixed income.

An estimated 8 percent get drug coverage from participating in Medicare HMOs and another 11 percent receive coverage from Medicaid. Of course to do that, they must be very low-income to begin with and may have to spend a great deal out of pocket for their drugs—what we commonly refer to as spending down—before they are eligible in a given year for coverage. Finally there are those lucky enough—31 percent—to have employer sponsored drug coverage through their retiree program.

In my view, a solution to the pressing problem of prescription drug coverage can't come soon enough. Drug coverage should be part and parcel of the Medicare system, not a patchwork system where some get coverage and some don't. Prescription drug coverage shouldn't be a ''fringe benefit'' available only to those wealthy enough or poor enough to obtain coverage, it should be part and parcel of the Medicare system that will see today's seniors, and tomorrow's into the 21st Century.

Accordingly, during the markup of the Senate budget resolution, I offered an amendment—along with Senators WYDEN and GORDON SMITH—that ensures the Congress can move forward in creating a prescription drug benefit before we adjourn this fall, while still providing a strong impetus for comprehensive Medicare reform. Specifically, the reserve fund we offered not only provides a ''down-payment'' of $20 billion for such a benefit over the coming three years, but it provides an additional $20 billion in years four and five if Congress moves forward on legislation that extends the solvency of the Medicare program without any gimmicks. Furthermore, it ensures that the Finance Committee has ample time—until September 1, to be exact—to craft a new benefit that utilizes the $20 billion ''down-payment'' prior to these monies being freed-up for stand-alone proposals on the floor.

Why is this reserve fund and its structure so important? Put simply, by providing a ''down-payment'' on a new prescription drug benefit over the coming three years—but by linking the long-term funding of the benefit to substantive reforms—my amendment ensures that a benefit can be crafted immediately without undercutting the long-term reform effort. In fact, by linking the extension of this new benefit to actual reforms, my amendment serves as a strong impetus for reform as no member of Congress would want to risk having such a benefit expire due to a failure to act on broader reforms.

Ultimately, I believe this reserve fund—which was adopted by voice vote in the Budget Committee—will serve as a catalyst for the most important changes to the Medicare program since its inception, both in terms of creating a much-needed new benefit and in terms of enacting comprehensive reforms.

By maintaining fiscal discipline, protecting Social Security surpluses, buying down debt, providing funds for a Medicare prescription drug benefit, and enhancing funding for shared priorities such as education, I believe the Senate budget resolution deserves strong support by the full Senate.

Ultimately, while Members from either side of the aisle may disagree with specific provisions in the resolution that has been crafted, the simple fact is that this is a budget framework—or ''blueprint''—that establishes parameters and priorities, but is not the final word on these individual decisions. Rather, specific spending and tax decisions will initially be made in the Appropriations and Finance Committees, and ultimately by Members on the floor.

Therefore, I am hopeful that amendments offered to this framework do not harm the broad and reasoned parameters that have been set, and commend the Chairman DOMENICI, again, for his efforts in crafting this balanced resolution.

Mr. SARBANES. Mr. President, I rise in opposition to the Majority's budget resolution pending before the Senate—a budget that, in my view, will take the country in the wrong direction.

We meet at a time when the Nation is enjoying remarkable economic prosperity. Thanks to the strong economy and the fiscal discipline begun in 1993, the country is in a fiscal position no one thought possible even a few years ago. In 1997, the Congressional Budget Office, the Office of Management and Budget, and nearly everyone else were predicting substantial budget deficits far into the next decade—as high as $159 billion in FY2000, $153 billion in

FY2002 and continuing into the foreseeable future. Instead, the Nation is enjoying the longest economic expansion in its history. Since 1993, 20.8 million new jobs have been created, real wages have increased by 6.6 percent, the median family's income has grown by 12 percent, and the unemployment rate is the lowest it has been in 30 years.

I am proud to have been a part of the effort in 1993 that helped to create this positive economic climate. Working together, the President and Congressional Democrats crafted a package that finally brought the Federal deficit under control. By making difficult but critical decisions to cut Federal programs and raise revenues, we tamed the deficits that plagued the Nation throughout the 1980's, placed enormous pressure on important Federal initiatives, and hampered our economic growth. Most Republicans argued at the time that this responsible package would ruin the economy and send markets tumbling. They were dead wrong.

When you look at the choice we face for our economic future, we are at a sort of fork in the road. We can continue down the path of fiscal discipline begun in 1993, shoring up Social Security and Medicare, paying down the debt, investing more in our people—or we can take the other fork in the road embodied by irresponsible and unrealistic tax cuts that have been passed by the Majority in the Budget Committee, a path that will eventually eliminate any projected surplus, cause deep cuts in funding for critical education, health care, environmental or other programs, and put us back on a path toward deficits.

In my view, we have a tremendous opportunity right now with the strongest economy in history to move our country in the right direction—to strengthen Social Security and Medicare, to shore up education and address the issue of the digital divide, to expand access to health care and provide a meaningful prescription health benefit, to clean up the environment, to bring down the crime rate, and on and on. We can build on this effort and use this opportunity to secure a bright and prosperous future for our Nation and its citizens, or we can squander it with irresponsible decisions.

It is my strongly held view that any surplus realized in the near future should be seen as an opportunity to pay down the Nation's debt, invest in our Nation's future, and shore up vital programs. I am deeply concerned that much like the budget proposal put forward by the Majority last year, this year's budget resolution fails to take advantage of an unprecedented opportunity to ensure that the Federal government will meet its obligations after the baby boomers retire and beyond.

I am also concerned because the budget resolution before us would endanger our hard-won progress and shortchange national priorities that the American people want to see addressed. This is an opportunity for us to think seriously about our Nation's needs and priorities as we look into the 21st century, and chart an appropriate course for the future. The Republican budget resolution is less a forward-looking policy blueprint than a political document aimed at short-term gain. Let us take a balanced approach, and continue the fiscal discipline that has allowed our Nation to prosper.

The Democrats proposed a responsible budget resolution to the Committee. That alternative covered ten years and would have reduced $330 billion in debt over ten years, while providing almost $300 billion in targeted tax cuts. Unlike the Republican budget resolution, it proposed realistic levels of discretionary spending, including the President's full requests for education and defense spending. It also reserved funding for very important programs, such as health coverage for uninsured Americans. Unfortunately, the Democratic alternative was defeated on a party-line vote.

We have come far economically and must be very careful as we move forward about how we use any budget surplus. In my view, we must emphasize paying down the national debt, protecting Social Security and Medicare, increasing spending for programs important to our Nation's future, and providing targeted tax cuts for working Americans. The Republican budget before us, in contrast, contains a $150 billion tax cut—enough to consume almost 98% of the non-Social Security surplus over the next 5 years. This leaves nothing for prescription drug coverage, education increases, and other initiatives critical to the future well-being of our Nation.

Mr. President, the Republican priorities evident in this resolution simply are not shared by most of the American people. The Majority's budget proposal falls far short of the mark in almost every respect and would take our country in the wrong direction. I strongly oppose this resolution, and I urge my colleagues to reject it.

Mr. BIDEN. Mr. President, I am disappointed in this budget resolution, because it endangers our national security.

The budget resolution does so by reducing the President's request for international affairs by over 10 percent. This reduction may appear to be a politically easy way to keep spending down. But mark my words: the reductions assumed by this budget resolution will end up costing us more elsewhere in future budgets.

Literally speaking, our diplomats are on the front lines of our national defense. They are out in force around the capitals of the world, defending and protecting our national interests every day—preventing and mitigating conflicts, fighting drug trafficking, promoting U.S. exports, reducing environmental degradation, and advancing American values and ideals. Most of them live and work under less than ideal circumstances. Many of them live in very dangerous places like Lebanon or Colombia. This budget breaks faith with those people because it will not provide enough money for secure embassies to protect them, and it does provide enough money for critical tools of diplomacy—exchange and assistance programs—that will enable them to adequately perform their missions.

We are deluding ourselves as a nation into thinking that we can remain a great power while continuing to skimp on spending to maintain a robust international presence.

We have made important progress in the past several years in restoring funding for international affairs. Unfortunately, we haven't made enough progress, and the budget remains below historical levels. According to a recent study by the Congressional Research Service prepared at my request, the discretionary budget authority for Function 150 in Fiscal 2000, $22.264 billion in FY 2000 dollars, is 9.3 percent below the average of the past two decades, $24.56 billion. As a percentage of total budget authority, Function 150 funding in FY 2000 is 1.24 percent, nearly one-fifth below the annual average, 1.571 percent, for the past two decades.

Mr. President, I hope that as the budget process moves forward, the leadership on the other side will find a way to accommodate the legitimate needs of our foreign policy and increase the allocations to these accounts. I urge the Chairman to do everything possible in the coming months to work toward to that objective.

Mr. LEVIN. Mr. President, I cannot support the budget resolution which the majority has presented to the Senate. In my judgement, this budget represents the wrong priorities. It places too much reliance on risky estimates about the Federal surplus over the next five years and provides for an unwise tax cut in lieu of greater reduction in the national debt and emphasis on protecting Social Security and Medicare as well as investments in the future of young Americans through education.

For the past several months we have heard a familiar refrain—that the budget of the Federal Government will be in surplus over the next ten years. In fact, all throughout the first session of this Congress, the American people were told over and over again that, after years of running huge deficits, the Federal budget was about to start running enormous surpluses—tens, or even hundreds, of billions of dollars per year. While these were only projections, they seem constantly to improve, painting a very rosy scenario of America's fiscal future—that is until Congress passed the Fiscal Year 2000

appropriations bills. Shortly after passage, the Congressional Budget Office, in its End of Session Summary, projected a $17 billion on-budget deficit for this year—meaning $17 billion of the Social Security surplus would be used—the result of the tens of billions of dollars in so-called ''emergency'' spending. In the intervening months, the CBO has revised its forecasts and now projects a $26 billion surplus for the current fiscal year, assuming no supplemental appropriations and no downturn in the economy. But we won't really know whether we have a surplus or a deficit for fiscal year 2000 until it ends in October. By the same token, we won't really know for sure whether we'll have a 10-year surplus or deficit until fiscal year 2010 draws to a close.

With that in mind, I want to share a reality check on the projected ten year budget surplus and on the tax cuts proposed by the Senate Budget Committee majority and by Governor George W. Bush. In January of this year, the Congressional Budget Office released three surplus estimates, each based on a different assumption about the level of discretionary spending over the next ten years. These estimates were updated by the CBO on March 9th. The largest non-Social Security surplus estimate, $1.95 trillion, assumes that Congress will spend decreasing amounts for discretionary spending through fiscal year 2002, as required by the existing budget caps created in law and that discretionary spending will then increase at the rate of inflation. But Congress basically ignored these caps for the fiscal year 2000 budget passed back in November. Almost nobody believes it is realistic to assume that they will be adhered to for the next two years.

The second surplus estimate, $1.89 trillion, assumes that we freeze discretionary spending for the next ten years at the fiscal year 2000 level. Freezing spending at this year's level for the next ten years means that we can't maintain Federal services at their current levels because we'd be ignoring the effect of inflation. So we'd be cutting federal services from their current level for ten years in a row. Over ten years this amounts to an $835 billion cut in current Federal services or 12%. That's a totally unrealistic assumption on which to project a surplus. Just look at the last ten years—an era supposedly characterized by fiscal restraint: Non-defense discretionary spending grew at a nominal annual average rate of almost 5%—that's 2% above inflation. The last three years, during which the budget caps have supposedly been in effect, total discretionary spending has outpaced inflation by 1.2%.

The third CBO surplus estimate, $893 billion, is by far the most realistic—and indeed it too may be optimistic. This estimate assumes that discretionary spending will keep pace with inflation for the next ten years. If spending follows that path and if the economy performs reasonably well, the surplus, exclusive of Social Security revenues, could amount to $171 billion over the next five years and $893 billion over the next ten years. I emphasize the words ''if'' and ''could.'' This surplus estimate is just that—an estimate, far from certain, that depends upon several assumptions about things like economic growth rates, interest rates, and discretionary spending. If any of these assumptions is off, even by just a little, the surplus could shrink considerably.

Obviously, Congress can't legislate economic growth or interest rates. But, Congress can and does have responsibility for discretionary spending, taxes, managing the National Debt and the continued strength of programs like Medicare and Social Security. So, we must carefully analyze and try to project faithfully and fairly what happens to the surplus when we look at our promises and our responsibilities to the American people over the next ten years: our responsibility to help provide seniors with access to the prescription drugs they need to live, our responsibility to our children to pay down the publicly held National Debt, our responsibility to protect Medicare, and our responsibility to stimulate the research and development of new technologies necessary to continue to strengthen the economy in the new millennium.

Both parties seem to agree that the rising cost of prescription drugs makes some type of prescription drug plan for Medicare beneficiaries a necessity. The President's plan would have no deductible and pay half of all beneficiaries' prescription drug costs up to $5,000 when fully phased in by 2009. If you subtract the plan's ten year cost of $98 billion from the $893 billion surplus estimate of the CBO, the surplus shrinks to $795 billion.

The Medicare Hospital Insurance Trust Fund is estimated to encounter problems beginning in 2010, when expenditures start to exceed income. The difference will be made up by using the interest income on securities held by the Trust Fund. Beginning in 2015, the Trust Fund will have to start drawing down principal to meet its obligations. And by 2023, the Hospital Insurance Trust Fund will be insolvent—with principal depleted and income able to meet only 80% of its obligations. In any case, the Concord Coalition estimates that the entire Medicare program will suffer a huge cash deficit on the order of over $250 billion over the next ten years, unless substantial changes are made and/or dollars infused into it. The President's plan calls for both and he would provide $299 billion to extend Medicare's solvency beyond 2030. When these dollars are allocated to the Medicare Hospital Insurance Trust Fund, they are not paid out immediately to beneficiaries. And since current law requires that these dollars be invested in government securities, this allocation would also reduce the publicly held National Debt. So, if you subtract $299 billion from the surplus for protecting Medicare which also helps pay down the Debt, the surplus shrinks to $496 billion over the next ten years.

Given those other demands on the budget surplus, the President proposes tax cuts targeted toward low and moderate income Americans: increasing the Low Income Housing Tax Credit, education incentives, health care incentives, encouraging charitable contributions. If we subtract the net cost of these tax cuts, $256 billion, the surplus shrinks to $240 billion.

If we ignored these priorities and did nothing with the surplus, under current law, it would automatically go toward debt reduction. With the exception of programs such as Medicare and Social Security, each dollar of the surplus that gets allocated to one of these important domestic priorities cannot go toward reducing the publicly held National Debt and that costs money because of the interest that must be paid. While the exact amount of interest varies depending on how the surplus is allocated, the Office of Management and Budget estimates this cost to be $64 billion. When we subtract this amount, the surplus shrinks to $176 billion.

At this point, if the economy keeps up and projections are accurate, we'll still have a surplus of $176 billion over ten years. But all this math still doesn't take several things into account—things like a 3.2% average annual increase in the rate of discretionary spending—which was the annual average discretionary spending increase from FY97–FY00. If we continued at that historic pace, that would decrease the surplus by another $107 billion. If we don't assume that increase, given the budget committee action increasing defense spending, domestic discretionary spending for programs like Head Start, COPS, the Superfund, and hiring new teachers would have to be cut very substantially. And what of the tax cuts that the Senate or the House have already passed? Just one of these bills, the Bankruptcy Reform Bill, contains tax cuts that would decrease the surplus by another $103 billion over ten years. Also, over the next 10 years, up to 21 different tax provisions, such as the Research and Experimentation Tax Credit, will need to be renewed by Congress or they will expire. Congress has routinely renewed these credits. This will cost another $100 billion over ten years. Finally, if Congress decides to provide relief to farmers suffering from

droughts and other disasters, as well as low prices, and to healthcare providers reeling from prior-year Medicare cuts, that could cost another $60 billion over ten years. And the list goes on.

So, if we take into account certain important responsibilities over the next ten years, the surplus could easily turn into a deficit. That is the sobering reality of the situation.

Some have suggested that Congress' first priority in reaction to budget surpluses should be to cut taxes. Governor George W. Bush, has proposed such a plan.

Governor Bush proposes to cut taxes by roughly $483 billion over five years and $1.2 trillion over the next ten years. Even before factoring in the interest costs that result from this tax cut, the surplus would evaporate completely under Governor Bush's plan.

Bad enough, his proposed tax cut leaves nothing to protect Medicare or extend its solvency by one day. Nothing to pay down the publicly held National Debt. In fact, it would add hundreds of billions to the National Debt and cut into the Social Security surplus. The reality of the situation illustrated here is that, without spending a dime on any of America's other priorities, the Bush tax cut converts an $893 billion surplus into an $572 billion deficit, and that means cutting into the Social Security surplus by $572 billion.

Sinking back into the deficit ditch is the wrong direction for the budget and for the economy. We ought not to go in that direction.

The Budget Resolution now before the Senate goes in that same direction. The Budget Resolution contains $150 to $200 billion in tax cuts over five years. The Budget Resolution passed by House Republicans contains tax cuts which eat up 98% of CBO's $171 billion, five-year non-social security surplus. These tax cuts not only come at the expense of other domestic priorities, they endanger the on-budget surplus and threaten the Social Security surplus. To pay for this tax cut, Senate and House Republicans continue in the misguided direction of the Bush plan by proposing enormous cuts in domestic Federal services while giving lip service to priorities such as a Medicare prescription drug benefit. First, both the Senate and House Republican Budget Resolutions would cut many domestic Federal services by almost 10 percent over the next five years. Second, the Resolutions create a ''reserve fund'' of $40 billion that, in the Senate's version, could go toward a prescription drug benefit if a Medicare reform bill is introduced. I emphasize the words ''could'' and ''if.'' Unlike the tax provisions in the Budget Resolution—that direct the Finance Committee to produce legislation cutting taxes—there are no enforceable instructions compelling anyone in Congress to do anything when it comes to prescription drugs for Medicare beneficiaries. So the reality of Republican Budget is clearly a double standard: Serious action when it comes to a large tax cut, and loose language when it comes to prescription drugs.

What is particularly disturbing is that the House and Senate Republican budgets evade realistic scrutiny by producing only a 5-year plan. Last year, faced with the same situation, the Senate considered a ten year plan. This year, the majority hides the explosive effect of their tax breaks over the next ten years that could plunge the federal budget back into large deficits.

So, before we become too enchanted by the promise of huge surpluses in the hundreds of billions or trillions of dollars, before anyone writes any checks on surplus dollars, or enacts large tax cuts which are also difficult to reverse, I wanted to offer this reality check to show how, if Congress acts unwisely and with too little caution, the surplus boom could too easily turn into a deficit bust.

Mr. President, the Budget Resolution the Senate considers today in my judgement takes such a risk. It is premised on the shaky foundation of surplus projections reliant upon unrealistically large cuts in spending for domestic programs like Head Start, programs to reduce class size in schools, clean up superfund pollution sites, and to hire new police officers. It does too little to protect Medicare and Social Security and to provide for a prescription drug benefit under Medicare. And, it contains an unwise tax cut while hiding the exploding costs of that cut in future years.

While a few changes which I have supported have been made over the past few days, such as increasing Pell grants and devoting more dollars to veterans' health care, I cannot support this Budget Resolution. This budget emphasizes the wrong priorities and runs the risk of heading back toward reliance on the Social Security surplus to keep us out of the deficit ditch.

Mrs. FEINSTEIN. Mr. President, it is with great regret that I rise in opposition to this Republican budget resolution.

It is with regret because I had sincerely hoped that this year, thanks to a booming economy and a federal budget surplus, Congress would be able to approach the budget resolution in a bipartisan and responsible manner, and do what is necessary to protect Social Security and Medicare, make sure we have adequate funds to meet important domestic priorities like education and the environment, and provide fair tax cuts for working Americans.

Indeed, thanks to unprecedented economic growth, the tough choices we made on the budget in 1993, and the discipline we have demonstrated since passing the Revenue Reconciliation Act of 1997, this year we have an opportunity to structure a fiscally responsible budget that pays down the national debt and makes important investments in America's domestic priorities.

Unfortunately, this Republican budget resolution threatens to blow a hole in the budget by instituting irresponsibly large tax cuts. It does not provide sufficient funding for important domestic priorities and the long-term fiscal solvency of Social Security and Medicare.

When I first came to the Senate seven years ago, we faced $200 billion annual federal deficits as far as the eye could see. Thanks to fiscal discipline and the current economic boom we are running surpluses. The Congressional Budget Office estimates that the non-Social Security budget surplus over the next ten years will be over $890 billion.

Thanks to the size of the surplus we have a once in a lifetime opportunity to pay down our national debt and meet the challenges of the future.

We have the opportunity to extend the solvency of Social Security and Medicare so that these programs are available for the next several generations of recipients.

We have the opportunity to invest in education, the environment, and health care. To reduce class size and increase Title I funding. To clean up our environmental treasures, including Lake Tahoe. To provide health care for all children.

We have the opportunity to provide prescription drugs for seniors who currently have to make the choice between paying for food or prescription drugs.

And we have the opportunity to provide fiscally responsible and targeted tax cuts for working Americans.

Unfortunately, this budget resolution is not fiscally responsible, and it does not meet these needs.

The budget resolution calls for $150 to $200 billion in tax cuts over the next five years. Who knows how much these cuts will cost over the next ten years? Tax cuts that appear to be modest and reasonable at first will mushroom in years six to ten to something like $1 trillion. To hide this the Republicans on the Budget Committee did not even try to estimate the size of these tax cuts in the so-called ''out'' years. They did not even try because the reality is that these tax cuts will be greater than the non-Social Security budget surplus over 10 years, just as they are over 5 years.

This budget resolution uses the surplus for tax cuts, not debt reduction. The non-Social Security budget surplus is expected to be $171 billion over the next five years, but this budget resolution calls for $168 to $218 billion in tax cuts over the same period. Quite simply, this resolution does not protect Social Security surpluses.

The Republican budget calls for increases in spending on defense, education, veterans health care, and income support payments for farmers. I applaud these increases. We need a strong defense. To take care of veterans. To educate our children. To protect our farmers from income fluctuations that are the result of weather, disease and market conditions.

Unfortunately, to increase funding for these priorities while providing almost $1 trillion in tax breaks would result in a ten percent across-the-board cut in all other non-defense discretionary spending.

Let me tell you what this means for ordinary people. Over the next 5 years a 10 percent across-the-board budget cut would cut: 750,000 low-income women, infants and children from WIC; 1,100 FBI and 900 DEA agents; 316,000 Pell Grants for needy students; and 40,000 students from Head Start.

This budget resolution would leave the COPS program about 40,000 police officers short of the goal of 150,000. It would prevent us from providing urgent repairs for 5,000 schools. It could force us to abandon plans to put 100,000 new teachers in our classrooms and reduce class sizes.

The reality is that even though this budget is predicated on slashing these programs, and more, the Republican Congress has not been able to slash non-defense discretionary spending. Domestic spending grew in 1997, 1998, 1999, and 2000. In fact, it grew by more than ten percent last year.

So what are our options?

This budget resolution forces us to decide between an across-the-board ten percent budget cut in domestic spending or dipping into the Social Security Trust Fund. This is not fiscal discipline. This is not fiscally responsible.

We must extend the solvency of Social Security and Medicare. This budget resolution opens the door to raiding the Social Security and Medicare trust funds, thereby reducing the solvency of these entitlements.

We must take this once in a lifetime opportunity to provide prescription drugs for seniors that cannot afford them. This budget resolution will not do so.

We must take this opportunity to expand Title I, secure funding for 100,000 new teachers, modernize schools, and increase Head Start funding. To extend the 100,000 COPS program and protect our children from gun violence. To bolster the Immigration and Naturalization Service's ability to protect our borders. To protect the environment and expand mass transit in California and other states.

Let me be clear: In addition to spending on these important domestic priorities, I also believe that we have a responsibility to provide tax relief.

In fact, last year Senator GRASSLEY and I introduced the Tax Relief for Working Americans Act of 1999. This is legislation to provide tax relief for working families in a fiscally responsible manner—$271 billion over ten years—and in a budget framework which protects Social Security and Medicare. It includes provisions to eliminate the marriage penalty for 21 million working couples, provide for health insurance and child care, promote long-term care, create more affordable housing, make education more affordable, and keep our economy strong through incentives such as the research and development tax credit.

We must provide targeted tax relief; Eliminate the marriage penalty; Expand the earned income tax credit; Establish a long-term care tax credit; Establish educational savings accounts and Individual Development Accounts; Permanently expand the research and experimentation tax credit.

I believe that given the health of our economy and the Federal budget surplus we can provide the American people with real tax relief, responsible tax relief. But this Republican budget resolution does not do so.

The current economic boom has presented us with a unique opportunity—we can save Social Security and Medicare, invest in domestic priorities, provide for a strong national defense and give working Americans targeted tax relief. All while paying down the national debt.

Unfortunately, this budget resolution includes unrealistic tax cuts that risk upsetting the current economic climate. This resolution may set us down a path of fiscal irresponsibility that will endanger all of our gains of the past few years.

I urge my colleagues to oppose this budget resolution.

Mrs. MURRAY. Mr. President, this Republican budget fails to reflect the priorities of families across America.

If this budget were submitted in any math class—it would get an F—because the numbers just don't add up. The reality doesn't match the rhetoric.

And while Republicans are talking about how great their budget is, when you do the math the things Americans care about—improving education, reducing the debt, saving Social Security, strengthening and modernizing Medicare—have all been left behind.

The things that matter to families have been sacrificed in the name of an irresponsible tax cut.

Mr. President, I am disappointed that this budget abandons the progress we have made since 1993. Since I first joined the Budget Committee, our nation's financial strength has grown dramatically. Through the hard work of the President, the Vice President, and others, we have turned deficits into surpluses.

And we learned two important lessons. First, budgets must be realistic—they have to take into account what our nation needs and what we are capable of providing.

Second, budgets must be responsible. A responsible budget meets our obligations. It makes sure that Social Security, Medicare and other existing commitments aren't left hanging.

But, Mr. President, this budget fails both tests—it is neither realistic nor responsible. This budget fails to provide the necessary investments in education, health care and prescription drug coverage. Instead, this Republican budget sacrifices our priorities for $200 billion in tax cuts.

This tax cut could eat up all of the on-budget surplus. Given this Congress' track record on tax cuts, it is fair to assume when we see the specifics they will be similar to Governor Bush's plan and to the tax bill Republicans tried to pass last year.

In both of those Republican plans, the top 10% of the people, get more than 60% of the benefits. The President and the American people rejected that tax plan last year, and I expect they will reject it again.

Mr. President, so far the majority has expressed interest in two specific tax provisions. Unfortunately, their efforts have been misguided.

First, the Majority has moved to repeal the marriage penalty. I support making sure that families in America are not penalized by our tax code. In fact, I am a cosponsor of S. 8, which would eliminate the marriage penalty. Our bill addresses a real problem—too many lower and middle income families are penalized by the current system.

But the majority's proposal—by giving further tax relief to those who already enjoy a marriage bonus—simply creates new inequities while still burdening lower and middle income families with a marriage penalty.

Mr. President, the Republicans have a second proposal—related to small businesses. Democrats fought to pass a minimum wage increase, which some of America's hardest workers desperately need. But the majority would only go along if their tax proposal was included.

What did we end up with? A minimum wage increase over 3 years instead of 2—so workers would have to wait an extra year to get the full benefit—and a tax plan that kept growing. While I support targeted tax cuts that will really help small businesses, I do not support the majority's approach, which abandons fiscal responsibility by the sheer size of their combined proposals.

Mr. President, I do want to take just a moment to mention three important positive statements we were able to include in the budget resolution.

I am pleased that my amendment placing a high priority on the unique needs of women in the Social Security debate was adopted in committee. This

amendment recognizes the economic safety net of social security for women and puts the Senate on record in support of using the reform process to improve the economic condition of women.

This resolution also includes my amendment regarding the urgency of reauthorizing the Violence Against Women Act and the need to support full funding for these programs. We are facing a deadline on reauthorization—I want to make it clear that we will not abandon battered women and children during this short, legislative year. Regardless of the actions of Congress or the courts, we will work to continue funding for VAWA programs.

The third positive statement included in this budget resolution is my amendment on pipeline safety—which was adopted unanimously by the Budget Committee. My amendment says that pipeline safety efforts should be funded at the levels called for in my bill, S. 2004—the Pipeline Safety Act of 2000.

While I am proud that we were able to win concessions for these three important areas, overall this budget still puts tax cuts above vital investments.

Mr. President, while Republicans are saying that their budget funds key priorities, their rhetoric doesn't match the reality of their budget. The reality is that to make room for their tax cut, Republicans shortchange the investments that matter to the American people. In fact, in key areas, this budget doesn't even keep up with inflation.

Let me give you a few examples of how this misguided budget leaves America's priorities behind. The bad decisions in this budget will be felt in classrooms across America. This budget would decimate the progress we have made reducing overcrowded classrooms. Over the past two years, we've hired 29,000 new, fully qualified teachers to reduce class size. And today 1.7 million students are learning the basics in a disciplined environment. We should be building on our progress, but this Republican budget abandons our progress.

This budget tells students—''sorry, you'll have to sit in an overcrowded classroom next year because under the Republican tax plan—you are not a priority.''

Mr. President, it's a priority that we save Social Security while our economy is so strong. We shouldn't wait until later to fix what we know needs to be changed. But this budget tells every American who will rely on Social Security in the years to come—''sorry, this budget won't save Social Security for you because under the Republican tax plan—you are not a priority.''

Mr. President, it's a priority that we pay down our national debt—instead of passing that burden along to our children. But this budget tells every young American—''sorry, you better start saving money now to pay off the national debt—because under the Republican plan—you are not a priority.''

Mr. President, it's a priority that we strengthen and modernize Medicare. It's a priority that seniors get help buying the medicine they need—because no one should have to choose between buying medicine and buying food.

But this budget tells seniors—''sorry, you can't get the prescription drug coverage you need because under the Republican tax plan—you are not a priority.''

Mr. President, the American people want real budgets—not gimmicks. They want to know that our nation's vital priorities are being treated like priorities. They don't want the things that matter in their lives to be squeezed out by unbalanced tax cuts that would benefit only a few people.

Unfortunately, the driving force of this resolution has been tax cuts—tax cuts that explode in the outer years and jeopardize our fiscal strength. We should be using the surplus to honor our commitments to our children and our seniors. Now is the time to address the long-term solvency of Social Security and Medicare and to provide resources to local communities to make our classrooms ready for the 21st century. Those are the things a responsible budget does.

But as I look at this budget, the only priority I see is this exploding tax cut. Who gets left behind in this budget?

Students—who could lose the smaller classes they need; every American who will depend on Social Security; young people—who will still be burdened with our national debt; and seniors—who rely on Medicare and need prescription drug coverage.

They all get left behind, and that is wrong. I'm on the floor to say that they are priorities, and we will fight for them.

Mr. President, we should pass a budget that reflects the priorities of the American people and one that is realistic. This budget fails the American people on both counts, and therefore I must oppose it. Let's give the people we represent a responsible budget that meets their needs.

EMERGENCY AGRICULTURE ASSISTANCE FOR SEED PRODUCERS

Mr. SMITH of Oregon. Mr. President, on behalf of my colleague from Wyoming, Senator ENZI, and myself, I wish to engage in a colloquy with the Chairman of the Budget Committee regarding the reserve fund for agriculture contained in section 204.

Mr. DOMENICI. I will be pleased to speak with my colleagues regarding this issue. I am very much aware that these are difficult times for many farmers and ranchers across the Nation. For that reason, the Budget Committee set aside $5.5 billion in FY 2000 budget authority to provide assistance for agriculture producers.

Mr. ENZI. We wanted to draw the Chairman's attention to a crisis amongst farmers that produce forage grass seed and turf grass seed in a number of Western states. Due to the recent bankruptcy filing of AgriBioTech, one of the Nation's largest handlers of seed products, thousands of farmers are facing financial disaster.

Mr. SMITH of Oregon. For a state like Oregon, whose grass seed farmers are owned an estimated $40 million by AgriBioTech, the slow progress of bankruptcy proceedings threatens the very future of our grass seed industry, our third largest commodity. Many Oregon grass seed growers simply do not have the capital to keep their farms in operation without receiving payment for their product already delivered to, or stored under contract to, AgriBio Tech.

Mr. ENZI. Similarly, in my state of Wyoming, we have close to one hundred alfalfa seed growers who may lose their farms without timely assistance of some form. These growers are owed close to $4.5 million on seed they have already delivered. Many of my growers have found that the continuing uncertainty surrounding the bankruptcy case has made it impossible to secure even the short-term credit needed to see them through another year.

Mr. SMITH of Oregon. Is it Mr. Chairman's understanding that the agriculture assistance levels in this resolution do not preclude assistance to agricultural producers adversely impacted by the AgriBio Tech case?

Mr. DOMENICI. That is correct. The funding levels assumed for agriculture assistance in this resolution do not foreclose the possibility that assistance could be provided for that purpose.

Mr. ENZI. I thank the chairman for taking the time to clarify this point for us. I can assure you that this issue is of paramount importance for many small farmers in our states, and we look forward to working with you and the rest of our colleagues to address their situation in the near future.

Mr. LIEBERMAN. Mr. President, I rise to explain my opposition to the Senate Budget Committee's resolution for FY2001. How unfortunate that during these great economic times, my Republican colleagues have outlined a fiscal policy that will squander our hard earned on-budget surplus on misguided economic priorities. Instead of using our on-budget surplus to make important investments for our economic future, this plan calls for large tax cuts that will devour nearly all of our on-budget surplus. Simply put, the budget we are considering today does not reflect my economic priorities of fiscal discipline and wise investment in our people in order to ensure that all Americans participate in our history's greatest economic expansion.

The committee's budget makes unrealistic assumptions about the level of

discretionary spending for the next five years and assumes that the projected surplus will materialize to pay for a large tax cut. The Budget Resolution provides for FY2001 $596 billion for total discretionary spending. When defense discretionary spending is taken out, there is a ten percent across the board cut from FY2000 spending levels. This means that important investments in our economic future will not be made. For example, 20,000 new teachers will not be hired. Subsidies and grants for school construction to 5,000 schools would be eliminated and 62,000 students will not be able to participate in Head Start.

Instead, the Republican budget calls for a $150 to $200 billion tax cut over five years. When an additional $17 billion is added for servicing the larger national debt created by the tax cut, the Republican tax plan will consume at least $168 billion of the $170 billion CBO projected on-budget surplus. Moreover, at a time when the Federal Reserve is already nervous about inflation and has been raising interest rates to protect against higher inflation, a tax cut will only increase inflationary pressure. At this time of strong growth I cannot see a benefit to a tax cut other than that it serves as a consumption subsidy.

By assuming unrealistic spending levels and using the surplus for a large tax cut, this budget leaves no funding for debt reduction. It only dedicates $1 billion for debt reduction in FY2001. If the on-budget surplus funds were used to service the debt, the result would be less inflationary pressure and lower interest rates—a de facto tax cut for all Americans, not just the wealthiest Americans. Paying down the debt would also reflect a commitment to fiscal discipline. After we have worked so hard to balance the budget, it seems only reasonable that it should stay balanced and that we use the surplus funds to benefit our economy not hurt it.

This budget does not promote savings and reduce the growing income and wealth gaps in our economy. The budget proposed by the majority party does not take advantage of our booming economy to rectify some of our greatest economic inequalities.

The economic expansion that began in April, 1991 is the longest in American history. It is now more than 9 years old and shows few signs letting up. Both inflation and unemployment remain remarkably low. The key to economic vitality, worker productivity, hit a 7 year high last year. This expansion is being fueled by combination of new and old economy fundamentals, technological innovation and fiscal discipline.

Along with this phenomenal economy we would expect to see the circle of opportunity expanding to include many more Americans. But we do not. Despite this historic era of growth, we are seeing the opposite—a growing gulf between the have and have nots, with more Americans falling further behind and out of the economic mainstream. As we have celebrated continued economic successes, we have scarcely noticed a swelling opportunity gap that is as much about wealth as it is about income.

Several recent studies have documented a growing income gap in the U.S.—an increasing income disparity between the rich and poor with declining incomes for both poor and low-income families. In addition to that income gap, a report released recently by the Federal Reserve Bank, has identified a significant wealth gap in this country. A gap where the net worth—or assets—of the typical American family has risen substantially since 1989, while the net worth—or assets—of lower income families has actually declined during the economic boom of recent years.

According to the Fed report, families earning under $10,000 a year had a median net worth of $1,900 in 1989. That climbed to $4,800 in 1995, but had slipped back to $3,600 by 1998. Those families earning $10,000 to $25,000 saw their net worth drop from $31,000 in 1995 to $24,800 in 1998. More specifically, while the percent of all U.S. families that own a home or business has risen during the boom years of 1995–98, the percent among lower income families has decreased. For example, in 1995, 36.1% of families earning under $10,000 annually owned their home. By 1998 the rate had dropped to 34.5%. The drop for families earning $10,000 to $25,000 was from 54.9% to 51.7%. The same story is true for the percent of lower income families owning a business. Other recent studies show that this wealth gap is even more profound in certain parts of our society. We also know that wealth accumulation is generational; it runs in families. According to some studies, up to 50% of all household wealth is passed down from generation to generation.

If this trend is not corrected, we are putting at risk some of the very fundamentals of the American Dream—essential values like home ownership and the small, family-owned business. But closing the wealth gap is not just an issue of opportunity and fairness. If this trend is not corrected, we also put at risk future economic growth. We must begin to question how sustainable is our economy if its growth continues to elude so many. How many potential entrepreneurs are we leaving behind and to what extent are we limiting our future economic growth by doing so?

We can take steps to address this wealth gap and expand economic opportunity. One innovative and powerful approach to help low-income, working families save and develop the assets they need to get ahead and thrive in the new economy is Individual Development Accounts, or IDAs. Similar to Individual Retirement Accounts, IDAs are incentive-based savings accounts that can be opened and used only for specific, predetermined purposes. Deposits into an IDA by an account holder are matched dollar for dollar through public and private funding. The matching funds are held in a parallel account until the account holder completes a financial education course and saves enough to purchase an asset. Low income individuals and families may use their IDA to purchase a home, start a small business, or seek postsecondary education—to pursue the American Dream.

Currently, there are nearly 250 IDA programs across the country with approximately 5,000 account holders. The early evidence from these programs is convincing. It shows that IDAs are highly effective in promoting savings and asset building among the working poor. In less than two years, 1,300 account holders in the largest national IDA program saved more than $375,000 and leveraged an additional $740,000 in matching funds. Participants made an average deposit of just $33 a month. The majority of account holders are women. Twenty percent of account holders had never even held a bank account before enrolling in the IDA program.

In the new economy, where job churn is the norm and individuals are increasingly responsible for funding their own retirements, wealth-building assets are rapidly becoming the main source of economic security. IDAs can give millions of low income working families, parents, their children, and future generations, an opportunity for upward mobility and economic stability.

By proposing such a large and unrealistic tax cut, the majority will make it harder to resource our military at the level it will need to maintain its battlefield capability today and begin the difficult and costly process to transform the force into one that can counter the kinds of threats we are likely to see in the future. We have worked very hard over several years to raise the defense budget to ensure our soldiers, sailors, and airmen are fairly and adequately compensated for their unique and arduous sacrifices to protect our freedoms. The President has also proposed a budget that increases procurement spending to $60 billion, a level that the Quadrennial Defense Review deemed necessary in 1997, but until this year was not achievable. Indeed, the President's proposed budget increases defense over the previous years' budget in real terms for the first time since 1985, and keeps us on a path to modernize our current force and transform it in later years.

Although the rhetoric of this Resolution would increase spending over the

President's budget this year and in the immediate out years, we can only hope that it will allow us to transform our military over the long term because the huge tax cut that is being proposed will most likely squash our superiority in readiness and technology in the long term. As more than one military commander has noted, hope is not a method. The majority wants to provide a large tax cut and talk the talk of strong defense. Unfortunately, they will not be able to have it both ways, and given a choice, we should all vote against such a large tax cut, and walk the walk with responsible defense spending now and in the future.

We are at a critical time in our society where more young people, particularly minorities and low-income individuals, are being left behind in the new economy because they are not learning the basic skills of reasoning, mathematics, and communication that provide the foundation for higher education or entry-level jobs in high tech work. The committee's budget fails to invest the level of resources necessary to ensure that all of our children are adequately prepared to compete in this challenging marketplace.

While more money alone won't solve our problems, we cannot honestly expect to reinvent our schools without it either. The reality is that there is a tremendous need for additional investment in our public schools, not just in urban areas but in every kind of community. Not only are thousands of crumbling and overcrowded schools in need of modernization, but a looming shortage of two million new teachers to hire and train lurks on the horizon. Add to this, billions in spiraling special education costs to meet.

During the upcoming debate on the Elementary and Secondary Education Act reauthorization, several of my colleagues and I will offer a reform proposal, which concentrates our national efforts on closing the achievement gap between the haves and have-nots, fostering English proficiency for immigrant children, improving the quality of teaching for all children, promoting choice and competition within the public system, and stimulating innovative and high performance educational initiatives. We would ask the states to set performance standards in each of these areas, and in exchange for the funding and flexibility, we would—for the first time ever—hold states accountable for delivering demonstrable results.

The Function 300 account of the budget—the function that funds core environmental and conservation projects—contains some important increases in funding for particular programs, but suffers from the overall cuts in discretionary spending. While I support additional funding for water infrastructure projects and land management, I remain concerned that core programs of the Environmental Protection Agency are suffering unjustified cuts. Discretionary decreases can substantially undermine clean-ups at Superfund sites, review of pesticide tolerances under the Food Quality Protection Act, and ongoing work to identify air toxics.

I am particularly concerned that the Senate mark includes $1.2 billion in assumed revenues from oil drilling in the Arctic National Wildlife Refuge. These revenues are fiscally irresponsible, as drilling is not in place to bring in net receipts over the five year time frame of the budget. More importantly, I, like the majority of the American public, am opposed to drilling in the Refuge as it would irreversibly damage a critical national ecological treasure. A responsible strategy would be to set aside about one-third of the surplus during this period of growth to pay for a drug benefit, to strengthen Medicare against the future, and to address the desperate condition of many facilities in Connecticut and other states. The approach of the Republican majority saves about 2% of the on-budget surplus, and uses the rest to fund new tax breaks.

If this budget passes, the Medicare program will have $331 billion less—$331 billion less to cover drug benefits for our seniors, $331 billion less to keep hospitals and nursing homes open, and $331 billion that our children will have to pay.

Our past investments in research, made in all scientific disciplines and supporting work performed in universities, industry, and government labs, have been the driving force for creating the technologies that have driven our high tech economic boom, preserved our national security, and created fantastic new advances in medical care. Yet, this budget resolution calls for only a small increase in federal investments in science and technology over last year's levels. This budget resolution presents a timid and incremental approach to innovation, even though the Senate has recognized the importance of research and development and last year passed the Federal Research Investment Act unanimously—which called for a doubling of funding for civilian science and technology over the next decade.

Unfortunately, the small increase in the budget resolution does not match the administration's aggressive program for civilian science investments, nor the spirit of the Senate's own legislation, for many key agencies. In particular, I support the Administration's efforts to restore balance to the federal research portfolio by aggressively funding work in the physical sciences and engineering, through programs at the National Science Foundation and Department of Energy. A number of my colleagues and I are introducing a Sense of the Senate Resolution which calls for funding science at increasing levels each year in order to achieve a goal of doubling the federal investment in civilian R&D over an eleven year period, as well as for annually increasing funding of the Department of Defense's Science and Technology program—whose products are critical to the safety of our nation's warfighters.

In conclusion, Mr. President, I would like to support a budget resolution that more closely reflects sound budget and economic priorities. It should be a budget plan that follows the policy of fiscal discipline and strategic investment that achieved and has sustained our current economic expansion. Unfortunately, this resolution does not and it will only lead us back into deficit.

Mr. LEVIN. Mr. President, I would like to state for the record why I voted against Senator BOND's amendment yesterday. The Bond amendment states that "It is the sense of the Senate that the budget levels in this resolution assume that no Federal funds may be used by the Department of Housing and Urban Development to provide any grant or other assistance to construct, operate, or otherwise benefit a smoke shop or other tobacco outlet." The broad language of the amendment could easily be interpreted to mean that the Department of Housing and Urban Development should not use federal funds to support any economic development project, including housing for senior citizens, which has a retail outlet that sells, among other things, cigarettes. To cut off federal support for such projects that have a retail outlet that sells cigarettes as one of hundreds of other items, is too extreme. Instead, I support nondiscriminatory legislation that targets establishments whose primary business is the sale of tobacco products.

Mr. BOND. Mr. President, my amendment 2913 to the budget resolution expresses the sense of the Senate that no Federal funds may be used by the Department of Housing and Urban Development to subsidize or otherwise assist smoke shops or tobacco outlets. The amendment refers to those facilities or designated portions of facilities which focus almost exclusively on cigarette and other tobacco product sales. Free standing tobacco outlets funded by HUD in recent years devote nearly ninety percent of their in-store inventory to cigarettes and other tobacco products. Larger HUD-funded facilities containing designated tobacco stores still devote as much as eighty percent of their total in-store inventory to cigarettes or other tobacco products. These cigarette and tobacco stores stand in contrast to convenience, grocery and general discount stores where cigarette and tobacco products generally account for no more than thirty percent of total in-store sales volume.

The Campaign for Tobacco-Free Kids, American Lung Association, American

Heart Association, American Medical Association, American Cancer Society and American Academy of Pediatrics supported this amendment after agreement that HUD support of businesses that exist primarily to sell tobacco products is totally inconsistent with the Clinton Administration's efforts to curb youth smoking. The National Congress of American Indians agrees this amendment will treat Indian and non-Indian HUD grantees alike, and thus they also supported this amendment.

Mr. JEFFORDS. Mr. President, I rise today to support the permanent protection of the Arctic National Wildlife Refuge.

I certainly understand the concerns raised by those calling for more domestic energy production. I don't disagree that this nation should do more to kick our addiction to foreign oil. I agree it's time to develop more of our nation's clean, renewable energy resources. I urge my colleagues to look carefully at creating incentives for clean, domestically produced energy such as ethanol, methanol, natural gas, wind, solar and biomass power. However, we must withhold efforts to drill in one of our nation's most pristine nature preserves and instead look at alternatives.

It may be easy for some to look at maps of the Arctic National Wildlife Refuge and envision it as an empty expanse of land that should be valued only for its small and scattered oil pockets. However, this is a beautiful stretch of land that contains an incredible variety of plant and animal life. This is the only national conservation area that provides a complete range of arctic ecosystems, and it is home to two large caribou herds and 72 species of land mammals and fish. The founders of the Refuge recognized the special characteristics of this land and its value to the American public as a wild and free land.

In the summer of 1997, I traveled to the Refuge and was able to see first hand how beautiful and important this land is to both Alaska and the Nation. As part of a Senate delegation, I visited the Port of Valdez, where oil is loaded onto tankers, and I traveled along the pipeline that brings oil from the north. I also flew over the Refuge itself, getting a perfect birds-eye view of this quiet, peaceful landscape. In particular, I was silenced by the beauty of the Mollie Beattie Wilderness. As my colleagues will remember, we dedicated a large portion of the refuge to Mollie Beattie, a friend and fellow Vermonter.

Mollie oversaw all of Vermont's public lands as Commissioner of the Vermont Department of Forests, Parks and Recreation, instituting policies which today are a model of environmental protection. She then brought her passion and extensive knowledge of the natural world to Washington to head the U.S. Fish and Wildlife Service.

I was astounded by the natural beauty of this area and proud as I reflected back on Mollie's contribution and dedication to preserving wildlife and wildlife habitat. I could not think of a better tribute than to have named the eight million acres of wilderness in the Arctic Refuge after Mollie. It's been three years since she passed away and we miss her dearly. Although I can no longer work by her side in common cause, her spirit and enthusiasm for preserving our nation's wildlife is always with me.

While in Alaska I also visited a number of native communities along the North Slope and spoke to the inhabitants about their life in this unique environment, one that they depend on for both their cultural identity and their survival. I understand the needs these people have and they must be addressed.

As a nation we must continue to protect this vital ecosystem while working to bring good jobs, education, and health care to these native communities. Our nation's dependence on oil and its byproducts cannot overshadow the importance of keeping ANWR free from the traditional impacts of oil drilling and exploration. Drilling and exploration in this gentle Arctic wilderness could have a lasting impact that would forever damage the environment of this region.

I applaud Senator ROTH's commitment to permanent protection for this unique linkage of ecosystems upon which local communities depend, and the American community as a whole should value as a national and natural treasure.

Mr. HATCH. Mr. President, I would like to take just a few minutes to comment about the status of the Medicare program and the more immediate issue of adding outpatient prescription drugs as a covered benefit.

First of all, I think we can be pleased with the news from the Social Security and Medicare Board of Trustees on March 31 regarding the financial status of the Medicare program. The Trustees' annual reports on the financial status of Medicare and Social Security were, indeed, encouraging to the nearly 84 million Americans who rely on these two critically important entitlement programs.

The news for the Medicare program was especially good. The Trustees' reported that Medicare's Part A Hospital Insurance Trust Fund, which pays for inpatient hospital expenses, is projected to remain solvent until the year 2023. Last year, the Trustees' reported the Part A Trust Fund would remain solvent until 2015. Thus, we have gained an additional eight years of solvency under the projections recently issued by the Trustees' report.

This is very welcome news. But we must recognize that the fiscal soundness of the Medicare program cannot be attributed to the underlying health of Medicare itself. Medicare's projected bankruptcy has been extended eight years to 2023 because of the strong economy, and not because of the overall health of the Medicare program.

As one witness before the Finance Committee testified last year, if there is as much as a hiccup in the economy, that could translate into lowering the solvency date by as much as five to ten years. Medicare is not solvent indefinitely.

In fact, beginning in 2010, the Part A Trust Fund will begin deficit spending taking in fewer dollars than it spends until 2023 when it is projected to be bankrupt. That is why Medicare reform is needed, and why it is needed now.

The Finance Committee, on which I serve, is currently considering several proposals that, in addition to reforming Medicare, would also provide Medicare beneficiaries with a drug benefit. There is not one member I am aware of on the committee who is opposed to adding prescription drugs as a Medicare benefit. And, I doubt there are many, if any, members in the Senate or House who do not believe prescription drugs should be added as a covered benefit.

Prescription drugs are as much a part of modern medicine as is any component of health care. In fact, drug therapy has often provided a successful alternative to more extensive and expensive medical interventions. To preclude prescription drugs from Medicare's benefit package today is tantamount to precluding hospital care back in 1965 when the Medicare program was enacted.

Some of my friends on the other side of the aisle want to cast Republicans as the barrier to a new drug benefit. That could not be farther from the truth. In fact, I was one of the three sponsors of legislation in 1997 along with the Chairman of the Finance Committee, Senator ROTH, and the Ranking Minority Member, Senator MOYNIHAN, that created the National Bipartisan Commission on the Future of Medicare Reform.

That Commission held great promise to identify and forge a bipartisan proposal to reform Medicare, including the development of a drug benefit. But, by just one vote—which was cast by the President's own commission appointee—the nearly two years of work by the seventeen member commission failed to receive the necessary super majority vote to formally report recommendations to Congress.

In fact, all of the President's appointees voted against the commission's recommendations. As a result, the commission was unable to formally recommend to Congress a strong bipartisan proposal that would clearly have

helped provide the impetuous toward reforming Medicare and providing a drug benefit.

The issue now before the Finance Committee is not so much should we have a prescription drug benefit, but rather how a benefit would be structured and how much a benefit would cost the Medicare program. These are very real and complicated issues that will clearly need to be fully vented and addressed before any legislation can move forward.

For example, one of the key issues which will need to be addressed, but on which there has been little discussion, is who will administer or manage the new drug benefit? This is not an insignificant decision, Mr. President.

Under the President's program, the Health Care Financing Administration, along with pharmacy benefit managers, or PBMs, would be responsible for administering the drug benefit. Another proposal by Senator BREAUX and Senator FRIST—who I would add is the only physician that serves in the Senate—would create a new Medicare Board to be the administering entity.

Now, I don't mean to be too critical of my friends at HCFA, but I do believe that involving the Health Care Financing Administration in the management of the drug benefit is not the prudent course of action.

Moreover, HCFA has been besieged by complaints from providers over reimbursement policies and practices. Although, in all fairness to HCFA, it is not totally at fault. There are clearly management issues involving third-party fiscal intermediaries, or the insurance carriers, which actually administer the reimbursement component of the Medicare program.

I do not think the current structure is a good model on which to base a new drug benefit. It seems to me we need to fix the current structure under which HCFA and the fiscal intermediaries operate before we add-on a whole new layer of responsibility which, in many respects, will be one of the costliest benefits Medicare beneficiaries receive.

I believe we can fix the current administrative structure. There are many good people at HCFA, including the administrator and the deputy administrator, who are committed to improving program integrity and accountability by the carriers. But I simply do not believe that the kind of significant administrative reforms necessary to make the President's proposal work can be approved by Congress and implemented in time to make a drug benefit available within the foreseeable future.

A new Medicare Board as proposed under the Breaux/Frist legislation makes inherently greater sense in the overall scheme of providing a drug benefit. The proposal is modeled on the Federal Employees Health Benefits Program which has successfully served federal employees, including the President of the United States and each member of the U.S. Congress, for over 40 years. Moreover, the proposal promotes choice by allowing seniors a voluntary option to either stay in the current, traditional Medicare fee-for-service system, as run by HCFA, or enroll in a private plan, as run by the Medicare Board. Both options would offer prescription drugs.

This is just one example of the numerous logistical and structural issues that must be addressed before a drug benefit can be implemented. Even under the Breaux/Frist proposal, there will need to be considerable lead time to get the Medicare Board up and running, and fully functional. So I am very pleased the Budget Committee has reported a budget resolution which provides $40 billion over five years for this purpose. This is certainly an important first step.

The Finance Committee is now currently considering all options under the very able leadership of our Chairman, Senator ROTH. I would only reiterate the importance of fully addressing the critical management and administrative issues because they clearly will be instrumental in the success of any new drug benefit Congress enacts. Once again, the provisions in the Budget Resolution represent an important first step in moving forward.

But there remains a great deal of work on the details and little time in which to address them. Our work will have to be bipartisan and it will require the support and leadership of President Clinton. Otherwise, we jeopardize the very real prospect of a drug benefit this year.

I will continue to work with my colleagues on the Finance Committee in the development of a drug proposal that meets the needs of Medicare beneficiaries while preserving the underlying financial integrity of the Medicare program.

We owe it to our seniors, and to those with disabilities, to do this the right way.

Mr. LIEBERMAN. Mr. President, I rise today to clarify the intent of a Sense of the Senate amendment we passed earlier today regarding the Census. That amendment, which we passed unanimously, expressed the sense of the Senate that Americans should not be prosecuted, fined or harassed for not answering certain Census questions. At the same time, the amendment expresses our encouragement that all Americans should fill out and send back their Census forms.

I want to emphasize that there has not been a prosecution for failing to fill out the Census in decades. The American people should not fear the Census; we should fear an incomplete or inaccurate count due to lack of participation. The Constitution requires an enumeration of our population every 10 years. While the data the Census Bureau collects are used for purposes of apportionment of the House and redistricting, this information is also used to help determine funding for thousands of Federal, state and local programs that benefit all Americans. Moreover, the law requires Census forms to be kept confidential for 72 years—not only from the public but from all other government agencies.

We should support the Census Bureau in its effort to carry out this massive task. I encourage every resident to fill out and send back his or her census form and to cooperate with census-takers or enumerators who will be in the neighborhoods in the coming weeks. I also want to make clear that the amendment is not intended to impede census-takers or enumerators in appropriate followup actions they may need to undertake.

The PRESIDING OFFICER. The question before the Senate is on adoption of the concurrent resolution, as amended.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I ask unanimous consent that the Senate turn to the House companion resolution, H. Con. Res. 290.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 290) establishing the congressional budget for the fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005.

Mr. DOMENICI. Mr. President, I ask unanimous consent that all after the resolving clause be stricken, the text of S. Con. Res. 101 be inserted, a vote occur on adoption of the concurrent resolution, all without any action, and that following that vote, the Senate insist on its amendment, request a conference with the House, the Chair be authorized to appoint conferees on the part of the Senate, and the Senate concurrent resolution then be placed back on the calendar. I also ask consent that the conference ratio be 4 to 3.

The PRESIDING OFFICER. Is there objection to the request of the manager of the bill?

Without objection, it is so ordered.

The question is on adoption of H. Con. Res. 290, as amended.

Are the yeas and nays requested?

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on adoption of H. Con. Res. 290, as amended. The clerk will call the roll.

Mr. REID. Mr. President, on this vote I have a pair with the Senator from

Utah (Mr. BENNETT). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

I further announce that, if present and voting, the Senator from Utah (Mr. BENNETT) would vote "yea."

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

On this vote, the Senator from Nevada (Mr. REID) is paired with the Senator from Utah (Mr. BENNETT).

If present and voting, the Senator from Utah would vote "aye" and the Senator from Nevada would vote "nay."

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

The result was announced—yeas 51, nays 45, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—51

Abraham	Frist	McConnell
Allard	Gorton	Murkowski
Ashcroft	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Roth
Bunning	Gregg	Santorum
Burns	Hagel	Sessions
Campbell	Hatch	Shelby
Cochran	Helms	Smith (NH)
Collins	Hutchinson	Smith (OR)
Coverdell	Hutchison	Snowe
Craig	Inhofe	Specter
Crapo	Jeffords	Stevens
DeWine	Kyl	Thomas
Domenici	Lott	Thompson
Enzi	Lugar	Thurmond
Fitzgerald	Mack	Warner

NAYS—45

Akaka	Durbin	Leahy
Baucus	Edwards	Levin
Bayh	Feingold	Lieberman
Biden	Feinstein	Lincoln
Bingaman	Graham	Mikulski
Boxer	Harkin	Murray
Breaux	Hollings	Reed
Bryan	Inouye	Robb
Byrd	Johnson	Rockefeller
Chafee, L.	Kennedy	Sarbanes
Cleland	Kerrey	Schumer
Conrad	Kerry	Torricelli
Daschle	Kohl	Voinovich
Dodd	Landrieu	Wellstone
Dorgan	Lautenberg	Wyden

PRESENT AND GIVING A LIVE PAIR—1

Reid, against

NOT VOTING—3

Bennett	McCain	Moynihan

The concurrent resolution (H. Con. Res. 290), as amended, was agreed to.

(The concurrent resolution will be printed in a future edition of the RECORD.)

Mr. DODD. Mr. President, I would like to take this opportunity to discuss briefly the Fiscal Year 2001 Budget Resolution that was passed by the Senate this afternoon.

Regrettably, I was unable to support this budget resolution. I believe the focus of this resolution was skewed at best. Instead of investing critical dollars in modernizing our nation's aging schools, in providing a comprehensive prescription drug benefit for seniors, in protecting our natural environment, or in reducing our national debt, this resolution chose as its priority a set of risky and irresponsible tax cuts that our country cannot afford.

There are several reasons I feel compelled to oppose the resolution. First, this budget resolution calls for at least $150 billion in tax cuts over the next five years to be paid for out of the non-Social Security surplus. This substantial tax cut will result in increased interest payments of nearly $18 billion dollars. So at a minimum, the tax provisions within the resolution have a real cost of $168 billion.

The CBO has estimated that the on-budget surplus for the next five years will be $171 billion. The math here is simple, Mr. President. The tax cuts consume nearly 98 percent, at a minimum, of the projected on-budget surplus and leave nothing for other crucial investments.

If these tax cuts reach $200 billion over five years—as they well may—then they will exceed the on-budget surplus and eat into current programs. There are only so many places to turn to for funding once the on-budget surplus has been drained. One is the Social Security surplus—a surplus we have committed to keeping off-limits to new spending or tax relief measures. Are our colleagues going to break that commitment to pay for their tax cuts? I would hope not. Another is to sharply cut spending for priorities such as education and law enforcement. That option is also highly troubling.

Mr. President, I represent a state that has the highest per capita income in the country. And on a per capita basis, my constituents would stand to benefit a great deal from the tax cuts proposed in this resolution. However, in my travels across Connecticut, not one of my constituents has ask me to support the tax breaks in this resolution. On the contrary, they have urged that the surplus be dedicated to lowering the debt, to strengthening Social Security and Medicare, and to improving the quality of education for America's schoolchildren.

Second, this resolution chips away at our fiscal discipline. By only covering the next five years as opposed to the ten in last year's resolution, the exploding costs of the tax cuts in later years remain hidden. Furthermore, this tactic prevents any meaningful enforcement mechanisms that would serve to control these run-away costs. After all the progress we have made over the past seven years in eliminating the budget deficits, this resolution would take us back to those grim days of runaway deficits.

Third, I am also troubled by the deep cuts in discretionary spending proposed in this resolution. The use of the on-budget surplus for tax cuts would require that non-defense discretionary priorities be cut by nearly $105 billion, or 6.5 percent, over the next five years.

These cuts would therefore cause 62,000 fewer students would be served by Head Start. Twenty-thousand new teachers could not be hired which would severely impede efforts to reduce class size. Significant cuts in new housing vouchers would threaten millions of low-income families in tenuous living situations. Funding for the COPS Program would be cut by 73 percent, making it impossible to meet the President's goal of hiring up to 150,000 new police officers. And funding for the National Science Foundation would be cut by $500 million, preventing the training of 19,100 researchers and educators needed to address our high-skilled worker shortage. Mr. President, these are just some of the consequences of the risky tax scheme that is the centerpiece of the resolution.

The resolution offered by my colleagues on the other side of the aisle ignored these critical priorities, and when offered the chance to address these important issues, they repeatedly failed to make a bad resolution better. Moreover, I was discouraged that Democratic amendments were defeated to improve the resolution and redirect its priorities away from risky tax breaks and toward important commitments like debt reduction, Medicare and education.

One such amendment, offered by Senators KENNEDY and BINGAMAN, would have bolstered our investment in education by $31.7 billion over the next five years. It increased funding for the GEAR UP program, expanded after-school opportunities for children, and provided $2 billion to recruit and mentor qualified teachers.

Senator ROBB offered an amendment, also defeated, that would have required that the surplus be spent on a prescription drug benefit before those funds could be used for a tax cut.

The Ranking Member of the Budget Committee, Senator LAUTENBERG, offered a Democratic alternative resolution that would have reduced the debt by $330 billion while providing almost $300 billion in targeted tax cuts. The amendment fully funded education and defense and reserved funding for important initiatives such as health coverage for the uninsured. Regrettably, it was defeated on a party-line vote.

Our Republican colleagues also failed to support a bipartisan amendment that I was proud to offer with Senator JEFFORDS. It would have reduced the size of the resolution's tax cut and directed resources to help families, schools, and local taxpayers bear the rising cost of special education. The National Governor's Association calls special education their highest priority. Unfortunately, the Senate ignored their request for federal assistance.

Senator VOINOVICH offered an amendment that directed the $150 billion slated for tax cuts toward debt reduction. His proposal would have helped ensure that future generations have the ability and resources to make their own investments without also having to pay our bills. This amendment drew support from both sides of the aisle, but this, too, was defeated. Federal Reserve Chairman Alan Greenspan has stated on numerous occasions, and even recently before Senate committees, that debt reduction should be our number one priority. I regret that my colleagues chose to ignore his recommendation to instead support tax breaks over placing our country on sound financial footing.

In short, Mr. President, this resolution jeopardizes the prosperity that so many have worked so hard to achieve. It mortgages our children's future, rather than helps them prepare for it. I regret that the Senate could not fashion a resolution that protects our values and advances our priorities—debt reduction, Social Security, Medicare, and a better education for America's schoolchildren.

Mr. DOMENICI. Mr. President, does the minority leader wish to speak?

Mr. DASCHLE. Yes, briefly. I appreciate that very much.

I compliment the distinguished chairman for his work. This is not easy. While we may have ended up at different places at the end of the resolution, I admire him for the work he has done and applaud him for the way he did it.

Let me also thank and congratulate our ranking member, Senator LAUTENBERG. This is the last time he will manage a budget. He has been an outstanding member of the Senate Budget Committee. I consider Senator LAUTENBERG a close personal friend. I have admired his work not only on this committee but all of the work he does on appropriations and other issues he cares about.

Let me also thank our assistant Democratic leader, Senator REID. He is the best. We could not have come to this point in the debate and concluded this afternoon were it not for his work as well. A lot of work has gone into the completion of the budget resolution. We are very fortunate to have the leadership and the extraordinary work done by our chair and our ranking member.

I wanted to take a moment to thank them both.

I want to thank our colleagues on the other side of the aisle for joining us in saying that the long delay over reasonable gun-safety measures must end. The Juvenile Justice conference committee must send us its report—with the Senate-passed gun safety measures included—no later than the first anniversary of the Columbine tragedy, so we can vote on those measures.

I also want to congratulate my Republican colleagues on another accomplishment. The law says Congress must pass a budget resolution by April 15. By passing this resolution today, you are well on your way to meeting that deadline. Considering the difficulty you have had doing that in the past, passing the calendar test is no mean feat.

On every other test that matters, however, this budget resolution—your budget resolution—fails. This budget resolution does not continue the fiscal discipline that is at the heart of today's unprecedented economic prosperity. This budget resolution does not reflect the priorities of ordinary Americans. This budget resolution does not use honest numbers. This budget resolution does not give priority to paying down our national debt; in fact, if it were to become law, it would almost certainly risk a return to the days where we relied on the Social Security surplus to fund the rest of the government.

Despite all the assurances to the contrary, this budget resolution does not extend the solvency of Social Security or Medicare. This budget resolution does not guarantee a real Medicare prescription drug benefit. This budget resolution does not allow us to increase our investments in education, the environment, or any other critical national priority; in fact, if it were to pass, this budget resolution would force deep cuts—of up to 12 percent—in many of these priorities.

So, this budget resolution passes the first test. It meets the calendar deadline. But it fails all the tests that really matter.

It's worth reviewing what we tried to do this week.

First, Senator ROBB offered an amendment that said simply: Before we pass a huge tax cut, we ought to add an affordable, voluntary prescription drug benefit to Medicare. An overwhelming majority of Americans agree with that statement. A majority of this Senate also agrees with it. Unfortunately, we were not able to clear the 60-vote hurdle erected by those who oppose it. So this budget resolution now puts tax cuts ahead of prescription drugs.

Senator BINGAMAN offered an amendment to reduce the Republican tax cut by $28 billion and use that money to improve America's public schools. We would have reduced the $150 billion Republican tax cut by less than 20 percent. And we would have used that money to do things like reduce class size, improve teacher training, and help students pay for college. That amendment, too, was defeated—largely along party lines.

Senator CONRAD offered an amendment to reduce the Republican tax cut by $75 billion, and use that money to pay down the federal debt. This Republican budget allows for $150 billion—or more—in tax cuts, but only $19 billion in deficit reduction. We could have done better. Instead of a paltry down payment on the debt, we could have made a significant down payment. That amendment also was defeated.

Senator ROBB offered a second school-related amendment—a plan to reduce the Republican tax cut by nearly $6 billion, and use that money instead to modernize our children's public schools. To repair schools that are in disrepair, replace schools that are too crowded, and make sure every school is connected to the Internet. Despite all of the talk we hear about the importance of education, that amendment, too, was defeated.

Senators SCHUMER and DURBIN offered an amendment to reduce the Republican tax cut by $284 million and use that money to hire 1,000 new local, state and federal law enforcement officers—to ensure better enforcement of existing gun laws. Given all the talk we've heard recently on the need to enforce gun laws, you would have thought that amendment would pass 100–0. Instead, it was rejected.

Finally, Senator DURBIN offered as an amendment the Bush tax cut, the same tax cut so many of our Republican colleagues have implicitly—and in some cases explicitly—endorsed. Four times previously—once in the House Ways and Means Committee, once in the House Rules Committee, and twice in the Senate Budget Committee, our Republican colleagues were asked to vote up or down on the Bush tax cut. Every time, they used some parliamentary procedure to duck the vote. To borrow a phrase used by our old friend Dale Bumpers and resurrected by our colleague DICK DURBIN, they ran from the Bush tax cut like the devil runs from holy water. They tried to duck the vote again on the Senate floor during this debate. But they were unable to do so.

So what did our Republican colleagues do when they were finally forced to take a stand on the Bush tax cut? Every single Republican Senator rejected the Bush tax cut. This Senate voted 99–0 vote to table the plan.

The vote against the Bush tax cut was probably the most significant of all the votes we cast on this budget resolution—because tax policy isn't just the centerpiece of the Bush candidacy. Tax policy is the centerpiece of any economic and fiscal program.

By repeatedly refusing to support the Bush tax plan, our Republican colleagues have sent a very clear message. That message is: They know the Bush tax cut will not work. They know we cannot afford the Bush tax cut. They know that, in order to pay for the Bush tax cut, we will have to raid Social Security, and cut critical programs deeply, and hurt working families.

So, we are now about to vote on a budget that would end this economic expansion by abdicating the fiscal discipline that has produced and nurtured

it. A budget that blows the entire non-Social Security surplus on risky, exploding tax cuts—leaving virtually nothing for Medicare, or prescription drugs. Nothing for debt reduction. And nothing for increased investment in education, law enforcement, the environment and other urgent, national priorities.

If this budget were to become law, there are only three ways we could pay for those tax cuts and still make essential investments in education and other priorities: We could make massive cuts in the rest of the budget. We could raid Social Security. Or, we could drive up the deficit, and the debt. At a time when we could have so many good choices before us, it is astounding that this budget presents us only with bad choices.

The next step is for our colleagues to reconcile their budget with the plan passed by House Republicans—a plan that contains even bigger tax cuts, and even deeper budget cuts in key priorities. I have no doubt they will reconcile their plans. And this budget will go from bad to worse. The real test, though, is not in reconciling the House plan and the Senate plan. The real test is in trying to reconcile either plan with reality. Frankly, there is no way they can meet that test. The numbers simply do not add up.

Our colleagues did everything they could this week to limit debate on their plan. Right out of the box, they yielded back over 20 hours of debate time on their budget. That's how determined they were to limit debate on their plan. That's how desperate they were to avoid any discussion of their priorities, versus our priorities, and the priorities of the American people.

I would remind our friends across the aisle, though, that this debate has only begun. We have months to go before this budget is finished. We will raise these issues again and again and again so that every American knows the choices facing our nation, and the consequences of those choices. We will make the improvements in this budget that we sought to make this week, or the proposals contained in this budget will not become law.

So I say again to our colleagues across the aisle, congratulations on meeting this first test of your budget. We look forward to working with you in coming months to produce a budget that passes the tests that truly matter.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. There are a lot of people I am certain I should thank, but I think they all know how much I appreciate their efforts—the majority staff, the minority staff—and hard work and long hours on a difficult product with very difficult procedures.

I hope before too long we will find a way to have these procedures streamlined so it is not so difficult and it is easier to understand and so we are not burdened by scores upon scores of sense-of-the-Senate resolutions when we are talking about numbers in a basic budget.

I thank by name Senator LAUTENBERG, who will not be here when we do a budget resolution in the future because he will be leaving the Senate. I thank him again for the way he conducts himself and the way he asks his staff to conduct themselves in relationship to the majority and in relationship to his duties.

I believe this was a pretty rare achievement, a very hard budget, with very different philosophical and ideological points of view. I think we accomplished on our side what we wanted to do. It does not take a long explanation.

We did protect Social Security. We did strengthen Medicare by putting $40 billion in a reserve fund for Medicare, including prescription drugs. We reduced the national debt substantially. We provided some tax fairness for the American people. For those who are very worried about putting enough money toward the national debt, this will be the largest installment against the national debt in the history of the Republic; $177 billion will go to the debt. Most of that is by not using the Social Security trust fund.

I am very grateful it has finally come to pass that the ideal which I conceived immediately after the President suggested 62 percent of Social Security should be saved, and I said why not 100 percent, looks as if it is going to come to pass. We are locking up 100 percent of the Social Security trust fund. That means there will not be big swings in expenditures in our Government, there will not be huge swings in tax reform, because we are setting aside for the senior citizens what is theirs and not spending a nickel of it.

Overall, this is a good budget for this year. We are in a Presidential election, and somebody next year, a new President, will tell us what changes they want. If it is a President of the Republican Party and his name is Bush, he will recommend a brand-new budget that will be very different, in which case the tax reform we seek and the tax relief we seek will be part of his budget. He did not seek any tax relief until 1 full year from now, so that it would be time for him to be in office and work on things.

Having said that, let me close saying to all the Senators who worked with Senator LAUTENBERG, Senator REID of Nevada, myself, and our respective staffs to get on that long list of agreed-upon amendments, some Members have hard feelings tonight because they agreed and worked with us; having done that, Members did not get an opportunity to offer their amendments.

I don't think we had any other way to do it tonight. We would not have finished this budget resolution for a very long time had the majority leader not suggested the regular order following the objection of Senator BYRD to our agreed-upon list.

My last praise goes to Senator REID, the minority whip, for spending a lot of time on the floor on every bill. He was tremendously helpful and instrumental in getting the Senate where we are.

Obviously, on my side, I thank the majority leader for helping get the budget resolution completed and all the others who helped. A hearty thanks from this Senator.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, before Senator DOMENICI leaves the floor, I wish to thank him.

I know the public may wonder why it is that Democrats all voted one way yet we say a consensus has been arrived at. I will take a minute to explain it.

Yes, the Democrats voted against this budget resolution. It wasn't so much on the issues we wanted to have taken care of. It is fair to say, if one listened to the debate, one could determine that each side wants to protect Social Security in different degrees and in different ways. One could observe we both want to do something about Medicare but, once again, in different degrees and in different ways. The list goes on.

There are many things on which we purely disagree. But the fact is, though I am disappointed in the outcome and I prefer the budget resolution to be done differently, I cannot say there weren't times when we agreed we wanted to get to point A, B, or C on things that affect the public generally.

We agreed on strengthening defense. We agreed on taking better care of our veterans. We agreed on raising the minimum wage against the objections of most of our friends on the other side.

The budget is passed. It is a consensus in a peculiar way. It is not a consensus arrived at necessarily by Democrats and Republicans, but here I have to commend Senator DOMENICI. He has a rare touch. He knows his business. He understands the budget thoroughly. There isn't anybody I know here who would say he isn't a good, decent guy.

He deals with the differences of view that perhaps are the result of being in the majority. People want to make sure their views are taken care of.

The minority finds it a little easier to unite, perhaps, because we unite behind issues we think are important, that we realize will not be typically dealt with in the fashion we would like. We are not in the majority.

By structure of the branches of Government, we have a President. The President can only lay down his recommendations; he cannot necessarily

get them through. There is no veto right in this process. So it makes it a different structure.

The public may be scratching their heads as they look at this and saying: What do they agree on? Senator DOMENICI said something that is so true: much of what we did will not have ultimately the effect of becoming law. Why did we do it? We did it because each Member of this body has a right to express themselves about issues. We are concerned about the relevance of a lot of the resolutions that were presented.

I hope we will do something about organizing the process, though I will not be here to do it, for the public interest. Before this budget resolution has the effect of turning into appropriations bills that will fund these programs, there is a fairly long way to go. For me, it is the last time I will have a role in passing a budget resolution. I arrive at this point with some wistfulness and anticipation that in years ahead I will be arriving at this time of the year with a degree of nostalgia.

It is hard to imagine one could miss this kind of exercise after witnessing the process we just completed. But I must confess, the challenge of arriving at the resolution, as I see it, produces a debate that does raise a conscientious review of the issues, even though we disagree on the paths to get to places we want to be. But each of us, again, has the right to express himself or herself as this process evolves.

I am certain the public views some of the antics we have gone through here as curious, to say the least. We heard Senator BYRD, the distinguished Senator BYRD, the historian of the Senate among Members, say he was disappointed in some things. I hope, therefore, a review of the process will take place so we can have a more concise, more orderly program for getting to a budget resolution.

In the process, however, of this year 2001 budget resolution, I have to say thank you to Senator DOMENICI, to his chief of staff, now loaded down with the product of his work, Bill Hoagland. I thank Bill, who worked arduously to make sure we had the information we needed, even though we disagreed on some of the process to get to the end of the game.

I am grateful to HARRY REID, the Democratic whip, for the role he played in getting this year's budget resolution passed. He was part of a support team for me and left me with time to do some of the things for which I am responsible. He did a wonderful job as a friend and as a leader on the Democratic side, helping us get done.

I thank Leader DASCHLE for his faith and support of me throughout the budget resolution negotiations.

I thank my colleagues on the Budget Committee, the Republicans, but I am particularly obliged to my Democratic friends and colleagues because of the unity we had through the process.

I cannot conclude my remarks without saying the staff support was really special.

No. 1 on my team is Bruce King, who is the chief of staff of the Budget Committee, the Democratic staff on the Budget Committee. Sue Nelson is an expert on so many areas, particularly in the health area, on whom lots of the Senators called; Lisa Konwinski and Mitch Warren, who used to work on my personal staff as well; Marty Morris, Nisha Antony, Claudia Arko, Frederic Baron, Gabrielle Batkin, Steve Benson, Maggie Bierwirth, Pat Bogenberger, Rok Chung, and Jim Esquea.

I want to thank Randy DeValk, who is part of Senator DASCHLE's team, the person who works on budget for Senator DASCHLE. He was very helpful throughout.

I thank our floor staff. They were diligent and always there for information and for support, defining the process so we did not step on too many toes. I think I might have stepped on a couple along the way, but it was not cataclysmic. The process takes a long time to learn. Senator DOMENICI has been doing it for a long time. He is one of the best experts we have.

So I thank everyone for their work, some of our Republican friends who voted with us on occasion, and even those Senators with whom I had disagreements on occasion.

I want to say—maybe as part of a swan song because come next January I will be doing other things—that even those with whom I most ardently disagreed still earned my respect as Senators, though I could vehemently disagree with their point of view. These are people who are sent here by a constituency we have to recognize. The majority is what it is because the American people sent them here to be a majority. I wish it were otherwise, make no mistake about that. I wish we were in the majority and I had my last year as chairman of the committee. But next best to the chairman on the other side is to be the ranking member and work with a good and decent manager.

With that, I say, this is a conclusion of part No. 1 of FRANK LAUTENBERG's retirement from the Senate, an experience which I shall treasure and remember fondly, forever.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, let me acknowledge the remarks of the Senator from New Jersey. I suspect this time next year the Senator from New Jersey will be looking fondly at us from the ski slopes of Utah, wishing us well but being very happy with his fondness for skiing.

INSTITUTING A FEDERAL FUEL TAX HOLIDAY

Mr. MURKOWSKI. Mr. President, given the cloture vote taken last week on the motion to proceed to the gas tax bill, and with the overwhelming result of an 86–11 vote, I now ask unanimous consent the Senate proceed to S. 2285 regarding the Federal fuels tax.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2285) instituting a Federal fuels tax holiday.

There being no objection, the Senate proceeded to consider the bill.

Mr. MURKOWSKI. Mr. President, I ask consent that only gas-tax-related amendments be in order to the pending bill.

The PRESIDING OFFICER. Is there objection?

Mr. LAUTENBERG. We object.

The PRESIDING OFFICER. Objection is heard.

CLOTURE MOTION

Mr. MURKOWSKI. In light of the objection, and in order to keep the Senate on the subject matter of the gasoline tax that is affecting virtually every American who fills up his or her automobile at the gas pump, I now send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 473, S. 2285, a bill instituting a Federal fuels tax holiday:

Trent Lott, Judd Gregg, Connie Mack, Kay Bailey Hutchison, James Inhofe, Frank H. Murkowski, Paul Coverdell, Michael Crapo, Thad Cochran, Charles Grassley, Jim Bunning, Gordon Smith, Ben Nighthorse Campbell, Larry E. Craig, Bob Smith, Don Nickles.

Mr. MURKOWSKI. This cloture vote will occur on Tuesday. I ask unanimous consent the cloture vote occur at 2:25 p.m. on Tuesday, and there be 10 minutes equally divided prior to the vote, and the mandatory quorum be waived.

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

Mr. MURKOWSKI. Mr. President, I hope much of Monday and Tuesday morning will be designated for debate on the gas tax issue.

With that in mind, I announce the next rollcall vote will occur at 2:15 on Tuesday.

MORNING BUSINESS

Mr. MURKOWSKI. I now ask consent there be a period for the transaction of morning business, with Members permitted to speak for up to 10 minutes each.

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

STRAIGHT TALK ON SOCIAL SECURITY ACT

Mr. McCAIN. Mr. President, I would like to take this opportunity to once again remind my colleagues of the very precarious financial condition of the entire Social Security system and the urgent need for a serious, bipartisan effort to reform and revitalize this cornerstone of many Americans' retirement planning.

The only way to achieve real reform of the Social Security system is to work together in a bipartisan manner. It's time to abandon the irresponsible game of playing partisan politics with Social Security. Democrats will have to stop using the issue to scare seniors into voting against Republicans. Republicans will have to resist using Social Security revenues to finance tax cuts. And both parties must stop raiding the Trust Funds to waste retirement dollars on more government spending. We must face up to our responsibilities, not as Republicans or Democrats, but as elected representatives of the American people with a common obligation to protect their interests.

We have an obligation to ensure that Social Security benefits are paid as promised, without putting an unfair burden on today's workers.

We also have an obligation to talk straight with working Americans about the true financial status of the Social Security program. This means providing each worker with honest information about the financial status of the Social Security program including the real value of their personal retirement benefits.

Under the current system, hard working Americans—young and old—are not receiving straight, honest information regarding the actual financial status of the Social Security program including how much it is receiving in payroll taxes and how much is needed to give promised benefits to seniors. This includes clearly telling Americans exactly when the program will no longer have sufficient funds for paying full benefits.

Furthermore, we must begin providing working Americans with accurate, easy to understand information regarding the average rate of return they can expect to receive from Social Security as compared to the amount of taxes an individual pays into the program. It is only fair to be straight with everyone and let them know the true facts about how much they will pay in payroll taxes and what the limited return will be on their contributions.

It is time for us to talk straight to Americans about Social Security and begin working together in a bipartisan fashion to make the necessary changes to strengthen and save the nation's retirement program for the seniors of today and tomorrow.

DEMOCRACY IN TAIWAN

Mr. AKAKA. Mr. President, on March 18th the people of Taiwan elected Democratic Progressive Party (DPP) leaders Chen Shui-bian, former mayor of Taipei, to be President, and Annette Lu to be Vice-President of Taiwan.

This was an historic vote, representing the first recorded, peaceful transfer of power in any Chinese political system in 5,000 years. A free and fair vote by 80 percent of the electorate occurred without violence with a military that remained in the barracks.

It was a vote with implications not only for the people on Taiwan but also for China and the United States.

First, the vote represented a rejection by a majority of the voters of the traditional ruling Kuomintang Party (KMT) and a vote in favor of political reform and change in Taiwan. There was a clear desire by the people to cleanse the political system that they viewed as corrupt. That the DPP could win a national election after having only been formed in 1986 indicates the maturity of the political system, as well as the deep desire for change.

The first steps by President-elect Chen Shui-bian indicate the political sophistication of Taiwan's future leaders. He made conciliatory statements towards China, stating that he would avoid declaring independence and emphasizing that ''the people's top priority is peaceful cross-strait relations'' while declaring his willingness to ''negotiate cross-strait air travel, trade and investment, peace agreements, and military conference-building measures with the mainland.'' He has offered to meet with China's leaders, even to travel to Beijing. His party is now considering dropping its pro-independence policy in its party platform.

He has nominated the current Kuomintang Defense Minister, Tang Fei, to be his Premier. General Tang was born in China. And in another step towards reform both major parties have reached an agreement to reduce the powers of the National Assembly and to strengthen those of the Legislative Yuan, the nation's parliament.

The breath of fresh air blowing through Taiwan has not been matched in Beijing. In the run-up to the election the only wind out of China was the fierce breath of threats. Central Military Commission Vice-Chairman General Zhang and Vice Premier Qian Qichen both declared that ''Taiwan independence means war.'' A People's Liberation Army publication stated that ''the PLA is determined to liberate Taiwan. If they meet hard resistance, then they can choose to use weapons of mass destruction, like neutron bombs.''

Since the election, there has been some diminishment of the intensity of the attacks but Beijing remains consistent in its criticism and insistence on Taiwanese concessions. Last week, at a conference on Taiwan in Washington organized by the Center for Strategic and International Studies, PLA Senior Colonel Luo Yuan observed that ''if you no longer acknowledge you are Chinese and sell off Chinese national interests, the Chinese government will definitely punish this national traitor. [. . .] Once the Taiwan independence provokes an impasse, then we have no choice but the use of blood to uphold the authority.'' China's official Xinhua News Agency has commented that ''Lee Teng-hui's ignominious fate proves that all those who engage in 'Taiwan independence' and splittism and try resorting to trickery to hoodwink the world will come to no good end. The wages of sin is death.'' Vice Premier Qian has insisted that there can be no negotiations with Chen or his envoys unless he accepts the principle that Taiwan is part of China and commits to negotiating only over the modalities of reunification.

The quandary China finds itself now in is typified by the Beijing waiter, quoted in a recent Washington Post article, who commented as he watched news of the Taiwan elections, ''their lives are better than ours, economically and politically. They have more freedom. They can elect their leaders.''

One of the first actions by the Taiwanese political parties was to reform its political structure by reducing the role of the National Assembly sending another powerful signal to the Mainland where its hand-picked, 2,978 strong, National People's Congress delegates just met for stage-managed debates.

China's leaders have been struggling to earn the degree of legitimacy through economic reform alone and through the continued use of force to suppress dissent that Taiwan's leaders have earned at the ballot box through the exercise of free speech and free trade. No longer can China's leaders look across the Straits and see a mirror of themselves in Taiwan's former exiled rulers.

Instead they see an example of a political system which evolved in a few short years from totalitarian rule to a democracy. Martial law rule ended in Taiwan in 1987. A new legislature was elected in 1992. There were presidential elections in 1996, local elections in 1997 and 1998, and a second presidential election in 2000.

China's Deputy Chief of Mission in Washington Liu Xiaoming described Taiwan's presidential election as ''a local election in an area of China.'' Yet, even if his description is accepted, it demonstrates how far the rest of China has to go: in China, a germinating democracy has not progressed

beyond the stage of local village elections. Municipal or national elections have yet to be held.

As President Clinton so succinctly observed, ''the election provides a fresh opportunity for both sides to reach out and resolve their differences through dialogue.''

Ironically, it is China, which had urged Taiwan to adopt direct trade, postal, and telecommunications links while Taiwan under President Lee rejected such direct ties, that now rejects President-elect Chen's offers to institute direct contacts.

There apparently is the perception even inside China that their policy needs to be changed. One official was quoted over the weekend as saying, ''we are painting ourselves into a corner. We are tough when we should be soft and passive when we should be taking the initiative.''

Yet, even as Taiwan has grown apart from China, it has also grown closer. It has invested $24 billion in China and China now accounts for 23 percent of all Taiwanese exports. Taiwan's and China's economic progress have become mutually self-sustaining.

As a result, we should not be painting China into a corner now. As it attempts to come to terms with the new realities in Taiwan, we should be taking steps to welcome China into a greater, more responsible role in the international system. A critical step in that regard is granting China Permanent Normal Trade Relations (PNTR). This critical vote in the U.S. Congress promises to open up China's markets to greater competition and more goods from the West. PNTR does not mean that China will be a democracy, nor does it mean instant benefits for the American economy, but it is a step towards integrating China into the new world community.

Shortly after China joins the World Trade Organization, Taiwan will join. This is the third new reality with which American policymakers must contend. Taiwan has changed. It is not the single-party dictatorship which it was when the Taiwan Relations Act or the three communiques were promulgated. It is a vibrant democracy with a strong economy. It has long clamored to be allowed to play a more active role in the world community by providing assistance to international aid organizations or in UN Specialized Agencies. Can a new role be found for the Taiwan of today in tomorrow's world? Finding one may well be the key if China and Taiwan are to resolve their differences and achieve conciliation.

VETERANS

Mr. BURNS. Mr. President, I rise today to add my name as a co-sponsor of Senate Bill 1810, ''Veterans Claims and Appeals Procedures Clarification and Improvement Act.''

Recent court decisions have made it more difficult for veterans to get their rightful assistance from the Veterans Administration, VA, and to develop their claims. This bill will clearly lay out the rules of how the VA will assist veterans with these claims. This bill will remove many of the barriers now standing in the way of veterans gathering information from many different sources to make their claim ''well-grounded.''

Right now, many veterans who have filed claims with the Department of Veterans Affairs must wait for months and, in some cases, even years for the claims to be decided. This creates a hardship on our veterans who have served our country with pride. In my state of Montana, I have seen veterans wait five to 10 years for their claim and the necessary appeals to make it through this bureaucratic system. Over the past few years, I have seen my veterans' casework increase due to veterans having problems in obtaining information that the VA previously provided.

My President, can you imagine a homeless veteran finding out that they must call this federal agency or write to this private hospital to obtain his or her own information for a claim? Often, many veterans just give up when they face these many bureaucratic obstacles. They fall though the cracks of a system that is fast becoming a legal nightmare and a system that was supposed to be there for them when they came home. Why? It is because the Department of Veterans Affairs has ceased being helpful to the veterans in the development of their claims.

We must honor our commitment to our veterans and ensure the VA is being as helpful as possible to all veterans. This bill will do just that. I urge my colleagues to support this bill and bring an end to the nightmare that America's veterans are having with the present system.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, April 6, 2000, the Federal debt stood at $5,762,301,865,002.06 (Five trillion, seven hundred sixty-two billion, three hundred one million, eight hundred sixty-five thousand, two dollars and six cents).

One year ago, April 6, 1999, the Federal debt stood at $5,665,194,000,000 (Five trillion, six hundred sixty-five billion, one hundred ninety-four million).

Five years ago, April 6, 1995, the Federal debt stood at $4,872,968,000,000 (Four trillion, eight hundred seventy-two billion, nine hundred sixty-eight million).

Ten years ago, April 6, 1990, the Federal debt stood at $3,092,513,000,000 (Three trillion, ninety-two billion, five hundred thirteen million) which reflects a doubling of the debt—an increase of almost $3 trillion—$2,669,788,865,002.06 (Two trillion, six hundred sixty-nine billion, seven hundred eighty-eight million, eight hundred sixty-five thousand, two dollars and six cents) during the past 10 years.

ADDITIONAL STATEMENTS

TRIBUTE TO THE HONORABLE VINCENT A. BIFFERATO

• Mr. BIDEN. On March 31st, hundreds of people gathered in a lobby of the courthouse in Wilmington, Delaware. The focal point of the dignified but unassuming room is an information desk, with a big board behind it that's used to post the daily schedule for Delaware's Superior Court. It is, quite literally, where the Court meets the public, and it was the ideal—and perhaps the only—place for this particular occasion, a reception honoring Judge Vincent A. Bifferato as he retired following 32 years on Superior Court, a total of 36 years of public service.

''Biff,'' as Judge Bifferato is universally known outside of the courtroom, is not the type for a country-club send-off. Part of it is roots. His father, born in Italy and never having had an education himself, always said he knew his son would go to college, and got to see his son sworn in as a member of the Delaware Bar. Biff remembers his father on that day, sitting in the front row, crying; ''To him,'' Biff says, ''it was the American dream.''

And Biff knew, as his life since he became a lawyer has proved, that there is a second chapter to any true American dream story. It's the chapter written after you get there, the story of what you do with power and status once you've got them. And the truth is, it's the part of the story that matters most.

What Biff has done in his position as a judge is to combine the forceful exercise of authority and the vigorous application of the law with an uncommon sense of compassion for and responsibility to the people he was there to serve. He had never forgotten what drew him to public service in the first place—the opportunity to help people who need government, people who need someone on their side in order to have a chance. And he has never let those of us around him forget it either, always reminding colleagues and students—and anyone else who might need to be reminded—of our particular obligation to the least powerful of our fellow citizens.

Biff's concern for how people treat each other is, in fact, the hallmark of his character. In his courtroom, small-town lawyers from one-person firms knew they stood on equal footing with heavy-hitters from the big city. Litigants and witnesses were treated with

fairness and respect. Decorum and civility were not ideals but practiced standards.

Biff initiated a monthly forum for lawyers because he saw that solo practitioners and young attorneys from small firms were not getting the mentoring they needed, and also, as he said, that ''[t]here was a need for people to be nice to each other.'' That effort to promote professionalism and ethics—one lawyer described it as a ''blue-collar Inn of Court''—is now called the Judge Bifferato Superior Court Trial Practice Forum. And for his leadership in that undertaking and in countless others, formal and informal, Biff received the inaugural Distinguished Mentoring Award from the Delaware State Bar Association.

As Resident Judge for New Castle County, Biff also made it his mission to ensure that the courthouse staff was appreciated as it should be. His emphasis was never on hierarchy but always on the common effort, never on the power or prestige of his office but on the contribution of each person who helped make the justice system work. It was the Court's staff Biff talked about most at his retirement reception, concluding simply, ''I love them all.''

''Love'' is a word heard often in relation to Vincent A. Bifferato. It was striking how often it was used at his retirement. Alongside words more expected at such occasions, like respect and esteem, ''love'' for Judge Biff was expressed by almost every speaker, including the Governor, the Mayor and the President Judge of the Court. No amount of ability, no standard of professionalism earns that kind of affection; it is, rather, a response to this man's grace of spirit, to the warmth and sincerity he brings to relationships, to the openness of his heart.

That heart was on generous loan to the Superior Court and to the people of Delaware, but it belongs, first and always, to Biff's family—to his wife, Marie, to his children and grandchildren, to his sister and to his mother, who was there, sitting in the front row, 37 years after that first swearing-in ceremony. She had always been proud of him, she said, long before any of his public accomplishments and contributions, because he was always ''a nice, young boy.''

Biff remarked at his send-off that it was ''a hell of a tribute for just doing your job.'' But it was, of course, much more a tribute to who he is, a ''nice, young boy'' who made the most of his opportunities and then sought relentlessly to open opportunity for others; a leader who not only recognizes but genuinely feels his common humanity with those in need of help; a man who fulfilled and enriched his father's dream—for his family and for all of us.

Biff will have a successor but never a replacement. As he begins to write the next chapter of his life, he has our immeasurable thanks and, indeed, our love.●

QUINCY MINE HOIST ASSOCIATION HONORS MR. BURTON H. BOYUM

● Mr. ABRAHAM. Mr. President, I rise today to recognize Mr. Burton H. Boyum, who on April 13, 2000, is being honored by the Board of Directors of the Quincy Mine Hoist Association. Mr. Boyum is being recognized for his many contributions to the history and preservation of the iron and copper mining heritage in Michigan's Upper Peninsula.

Mr. Boyum was born in Minnesota in 1919. In 1941, he came to the Upper Peninsula, and from that time until his retirement in 1984, he served Cleveland Cliffs International as a Mining Engineer. Mr. Boyum is considered the foremost expert on the geology, mineralogy, and mining heritage of the Upper Peninsula. He has published two books and two historical videos on the subject, and has also provided many fortunate citizens with free tours of the area.

In his time there, Mr. Boyum has been an active member of many groups that help to preserve not only the history, but also the pure natural beauty, of Michigan's Upper Peninsula. What is important to note, I believe, is not only Mr. Boyum's involvement in these organizations, but his leadership within them. In 1957, he served as Chairman of the U.P. Section of the American Institute of Mining Engineers, and worked to preserve the World's largest steam hoist. He is the only serving member of the Board of the Quincy Mine Hoist Association who took part in its foundation in 1961, and thus has played a pivotal role in making the Association the premier preserved mine site in the State of Michigan. He hosted the first Michigan State Historical Society Annual Meeting in Marquette. He organized the first Marquette County Historical Society county-wide conference. He led the charge in forming the Michigan Iron Industry Museum; the Marquette Range Iron Mining Heritage Theme Park; the National Ski Hall of Fame, located in Ishpeming, Michigan; and the Great Lakes Olympic Training Center, located in Marquette, Michigan. And in 1996, under President Boyum's leadership, the Quincy Mine Hoist Association built the first Cog Railroad in the Midwest.

In 1998, due to his incredible efforts for the organization, Mr. Boyum was named the Quincy Mine Hoist Association's first Chairman of the Board. He was also recognized in perpetuity by his peers, who created the Burton H. Boyum Award in his honor. On behalf of the entire Senate, I extend a much deserved thank you to Mr. Boyum for all of his incredible work.●

KELLOGG-HUBBARD LIBRARY

● Mr. LEAHY. Mr. President, Montpelier, Vermont is a very special city. It is our state's capital, but it is also one with a great sense of community. Much of that community pride comes from the Kellogg-Hubbard Library.

The happiest memories of my childhood in Montpelier revolve around my family and the Children's Library in the Kellogg-Hubbard Library.

I ask that an article I wrote for our local newspaper, The Times Argus, about the Kellogg-Hubbard Library, its children's wing and its former librarian, Mrs. Holbrook, be printed in the RECORD.

[From the Times Argus, June 13, 1996]

MONTPELIER BOY REALIZES MISS HOLBROOK WAS RIGHT

(By Patrick Leahy)

The 100th anniversary of the Kellogg-Hubbard Library triggers memories for all of us who have lived in Montpelier. And they are great memories.

While I was growing up, Montpelier did not have television. We children did not have the advantage of cable TV with 10 channels giving us the opportunity to buy things we didn't need and would never use or another 10 offering blessings or redemptions for an adequate contribution.

Deprived as we were, we made do with the Lone Ranger and Inner Sanctum on the radio and Saturday's serials at the Strand Theater on Main Street. For a few minutes on Saturday afternoon, we could watch Hopalong Cassidy, Tarzan, Flash Gordon, Jungle Jim or Batman face death-defying predicaments that would guarantee you would be back the next Saturday, 14 cents in hand, to see how they survived (and I recall they always did).

Having exhausted radio, Saturday matinees, the latest comic books (I had a favorite) and childhood games and chores, we were left to our own imagination.

That was the best part.

We were a generation who let the genies of our imagination out of the bottle by reading. Then, as now, reading was one of my greatest pleasures.

My parents had owned the Waterbury Record Weekly newspaper and then started the Leahy Press in Montpelier, which they ran until selling it at their retirement. The Leahy family was at home with the printed word and I learned to read early in life.

At 5 years old I went down the stairs of the Kellogg-Hubbard Children's Library, and the years that followed provided some of the most important experiences of my life.

In the '40s and '50s, the Kellogg-Hubbard was blessed with a white-haired children's librarian named Miss Holbrook. Her vocation in life had to be to help children read and to make reading enjoyable. She succeeded more than even she might have dreamed.

She had the key to unlocking our imagination.

With my parents' encouragement, the Kellogg-Hubbard was a regular stop every afternoon as I left school. On any day I had two or three books checked out. My sister Mary, brother John and I read constantly.

In my years as U.S. senator, it seems I never traveled so far or experienced so much as I did as a child in Montpelier with daily visits to the library. With Miss Holbrook's encouragement I had read most of Dickens and Robert Louis Stevenson in the early part of grade school.

To this day, I remember sitting in our home at 136 State St. reading Treasure Island on a Saturday afternoon filled with summer storms. I knew I heard the tap, tap, tap of the blind man's stick coming down State Street and I remember the great relief of seeing my mother and father returning from visiting my grandparents in South Ryegate.

Miss Holbrook was right. A good and an active imagination creates its own reality.

In my profession, I read computer messages, briefing papers, constituent letters, legislation and briefings, the Congressional Record—and an occasional book for pleasure—in all, the equivalent of a full-length book each day.

Interesting as all this is, and owing much of my life to those earlier experiences at the library, the truest reading pleasure was then. I worry that so many children today miss what our libraries offer.

During the past few years I have had many of my photographs published. DC Comics and Warner Brothers have also asked me to write for Batman or do voice-overs on their TV series. In each case, I have asked them to send my payment to the Kellogg-Hubbard Library to buy books for the Children's Library.

It is my way of saying: ''Thank you, Miss Holbrook.''●

RECOGNITION OF YMCA HEALTHY KIDS DAY

● Mr. GRAMS. Mr. President, I rise today to recognize the YMCA organization and Ys across America as they celebrate Healthy Kids Day this April 8.

Every year on Healthy Kids Day, Ys focus their attention on children as they organize and provide an opportunity for the whole family to spend time together while improving their health. Last year, more than 1,200 YMCAs participated in Healthy Kids Day events. In Minnesota, some 100 Ys have developed their own activities for this year's Healthy Kids Day to serve their local needs. From cookouts to mentoring programs, this Saturday is for the children's benefit as well as their families.

Of course, the good work of the nation's YMCAs extends beyond Healthy Kids Day and into every day of the year. YMCAs promote healthy living habits and provide Americans of all ages with the tools to develop good character, empathizing respect and responsibility. Ys are for people of all faiths, races, abilities, and incomes. No one is turned away for inability to pay, as YMCA is the largest not-for-profit community service organization in America. The strength of America's YMCAs is in the people they bring together.

More than half of YMCA members are under the age of 18. Ys involve more than 8 million children in programs to help them build lasting habits of good health, including regular exercise, healthy eating and avoidance of substance abuse. YMCA volunteers and staff act as role models for these children to expose them to all facets of life. Local Ys allow kids to have a place to call their own, and the programs they take part in allow them to develop a community with their peers.

Instead of taking a cookie-cutter approach to community service, YMCAs adjust their programs to fit the needs of their local communities. Whether through day camps, the Black Achievers Program, swimming lessons, family literacy programs, job training, transitional housing, or any number of other important efforts, the nation's YMCAs are reaching out to our communities and offering individualized service.

Not merely an American institution, YMCAs stretch around the globe, serving more than 30 million people in 120 countries and helping to foster strong kids, families and communities worldwide.

Mr. President, this April 8 will build on that impressive record of service. I commend those involved in this year's celebration of YMCA Healthy Kids Day for their tireless efforts and wish continued success to every YMCA for making a difference in not only a child's life, but the lives of people of all ages.●

TRIBUTE TO NATIVE HAWAIIAN MASTER ARTIST ROCKY KA'IOLIOKAHIHIKOLO'EHU JENSEN

● Mr. AKAKA. Mr. President, I rise to pay tribute to a Native Hawaiian Master Artist Rocky Ka'ioliokahihikolo'Ehu Jensen. Ka'ioliokahihikolo'Ehu, ''The black-hawk-striving-towards-the-source-child-of-the-Ehu,'' is the descendant of High Chief Iwikauikau; Hawaiian warrior chiefs from the islands of Hawai'i (Keli'iwaiho'ikeone); Kaua'i (Kahihikolo); Moloka'i (Keka' alauniu); and O'ahu (Ka'io); and Kahuna (Shaman) from Ko'olaupoko, O'ahu (Mamaki) and Manoa, O'ahu (Papanu' umealani). Rocky is one of Hawai'i's brightest local talents who has dedicated his life to the perpetuation of Hawaiian culture through his powerful artistry. He is recognized by our State Foundation on Culture and the Arts as a master sculptor and is talented in other media as well.

Born in Honolulu on April 8, 1944, Rocky Jensen absorbed cultural traditions from his grandparents with whom he spent his summers. His artistic talents were recognized at an early age when he won his first art scholarship from the Honolulu Academy of Arts at the age of nine. He was educated in Hawai'i and the mainland where he graduated from junior college. This talented artist continued his post-secondary education in Hawai'i and was tutored by renown artists. He has in turn lectured, conducted seminars, advised and served as a consultant on Hawaiian issues, and written magazine and newspaper articles on Hawaiian history and art. He continues to do so.

Rocky Jensen has held numerous exhibitions in leading museums of the world, including several first such as the organizing Hale Naua III, the first native art society and the first contemporary native Hawaiian are exhibit at Honolulu Hale as well as the Bishop Museum. He has been recognized in American Artists of Renown: 1981–1982, Crafts of America (1987–1989), and the California Art Review: 1990.

Rocky Jensen's better known works include his 1970 illustration of ''twenty men'' for ''Men of Ancient Hawai'i,'' in which he set a precedent for proper historical attire and artifacts. To this day, this illustration stands as testimony to meticulous research and artistry. More recently, Rocky has been acclaimed for Na Lehua Helele'i, a memorial which honors pre-contact Hawaiian warriors. Lehua greets visitors at the entrance of the U.S. Army Museum of Hawaii at Fort DeRussy, the most visited Army Museum.

Na Lehua Helele'i, ''the scattered lehua blossoms,'' an ancient Hawaiian phrase that equates the red petals with the blood of fallen warriors, is one of his major works and perhaps his most heroic, sculptured with great force and expression. Lehua, a memorial to pre-contact Hawaiian warriors, consists of five eight-foot-tall images of Ku, the god of war, carved out of native ohi'a logs and ensconced in a semi-circle fronting the museum. Each image is similar but depicts the different faces of Ku, his benign, healing qualities as well as warlike aspects. Na Lehua Helele'i was a twenty-year labor of love and commitment at great personal sacrifice. Since its unveiling a year ago, some have proclaimed it to be one of the best works in the state.

Mr. President, I salute the talent and generosity of Native Hawaiian Master Artist Rocky Ka'ioliokahihikolo' Ehu Jensen. To Lucia, wife and partner, mahalo from the bottom of my heart for sharing Rocky with us. And, taking advantage of a fortuitous and joyful coincidence, happy birthday, Rocky, and many, many more years of outstanding artistry. I also want to take this opportunity to wish you and Lucia every success as you launch Makaku or ''inner Eye,'' your studio/school.●

THE 85TH ANNIVERSARY OF MONROE COUNTY AMERICAN RED CROSS

● Mr. ABRAHAM. Mr. President, I rise today to recognize the 85th Anniversary of the Monroe County Chapter of the American Red Cross. Since April 30, 1915, this chapter has faithfully served the citizens of Monroe County, Michigan, providing aid and comfort in times when it is needed most.

The Monroe County Chapter was founded by several prominent citizens of the community, many of whom were members of the National American Red Cross. During that first year, the founders conducted a membership

drive, recruited an anti-tuberculosis visiting nurse, provided funds to aid the starving in Mexico and began a Red Cross Christmas Stamp campaign. These activities were just the beginning of an 85-year tradition of services that have carried the generosity of Monroe County's residents to people in need in all parts of the world.

In addition to its emergency disaster relief efforts to residents countywide, the Monroe County Chapter has demonstrated remarkable adaptability, enabling it to continue to meet both changing local and global needs. Since the inception of the chapter's annual blood drive, Monroe County donors have generously given over 4,000 units of blood each year. The chapter offers courses in cardiopulmonary resuscitation, first aid, water safety, babysitting and HIV/AIDS education, and remains the primary link between U.S. armed forces personnel and their families in Monroe County.

Mr. President, as I was preparing this statement I was reminded once again of the essential role the American Red Cross plays in our communities. Born from the mythic efforts of Clara Barton during the Civil War, the organization currently has more than 1.3 million volunteers working under its banner, providing disaster relief services for victims of more than 66,000 disasters per year. More importantly, the American Red Cross still holds firm to the principles it was founded upon. The mission remains to prevent and alleviate human suffering wherever it may be found. That is why, when things are at their worst, it continues to be the American Red Cross and its volunteers that are there to make them better.

Mr. President, I applaud the Monroe County Chapter of the American Red Cross on eighty-five years of successful service to the Monroe Community, and I extend a much deserved thank you to the many staff and volunteers whose efforts throughout the years have made this event possible. On behalf of the entire Senate, I wish them continued success in the future.●

MICHAEL DOBMEIER

● Mr. CONRAD. Mr. President, I rise to pay tribute to Michael Dobmeier and to recognize him as a member of a distinguished group of North Dakotans who have demonstrated extraordinary leadership in their military careers and civilian life.

Michael was recently elected National Commander of the million-member Disabled American Veterans, a group with a historic tradition of advocating responsible legislation to assist disabled veterans, their families and survivors. Speaking of the DAV recently Michael said, ''I soon discovered the critical role the DAV serves in the lives of disabled veterans and their families in my community and communities nationwide.'' I wholeheartedly agree with this statement and attest to the fact that Michael has exemplified through his many significant achievements the great importance of the Disabled American Veterans.

Michael Dobmeier is a native of Grand Forks, North Dakota. After graduating from high-school, he enlisted in the navy in 1969. Following boot camp in San Diego, he trained as an engine man in Great Lakes, Illinois, attended Submarine School in New London, Connecticut, and, later Diver's School in San Diego.

While serving off the coast of Washington in April 1972 aboard the U.S.S. *Trigger*, Michael was severely burned when an engine crankcase oil heater exploded. It sprayed him with flaming oil and caused him 2nd and 3rd degree burns over more than 30% of his body.

Following this accident, Michael received a military discharge and joined the Grand Forks' Disabled American Veterans Chapter 2. Since then, he has held almost every local, state, and national leadership position in the organization and has held all chapter and department leadership positions. At the 1994 DAV National Convention, Michael was chosen to serve on the National Executive and Finance Committee, was elected 4th and 3rd Junior Vice Commander consecutively at the 1995 and 1996 DAV National Conventions, and at the 1997 National Convention was elected 1st Junior Vice Commander. In 1998, Michael was elected Senior Vice Commander at the National Convention in Las Vegas, Nevada. He was also the president of the North Dakota Veterans Home Foundation and was chosen the 1985 DAV Outstanding Member of the Department of North Dakota.

Michael Dobmeier resides in Grand Forks with his wife Sandra Jo and their two children. As owner and President of Dobmeier, Inc., an independent insurance company, Michael has also found success in the business world.

I am proud to honor Michael Dobmeier as a person who has served his country with distinction and accepted the challenges and risks associated with this service. As Michael recently stated, ''taking risks means moving forward while others are waiting for better times, while others are waiting for proven results, and while others are waiting for applause for their past performance. The greatest risk of all, however, is to take no risks . . . make no changes.'' We thank Mr. Dobmeier today for taking those risks. The world is truly a better place because of him.●

INTERNATIONAL ASTRONOMY DAY

● Mr. GRAMS. Mr. President, I rise today in recognition of International Astronomy Day. This event seeks ''to promote the forerunner of all scientific endeavors and to provide information, resources, and encouragement in all facets of astronomy.''

Astronomy has played a central role in human history and development. It was somewhere around 4000 B.C. when the first astronomical observations were recorded, and what has followed has been nothing short of amazing. In 240 B.C., Eratosthenes of Cyrene used the stars to calculate the circumference of the earth. Astronomy as we know it today certainly owes Galileo a debt of gratitude for being the first to use a telescope to view the stars, bringing an end to naked-eye astronomy and advancing the science of optics. More recent astronomers include Edwin P. Hubble and Jocelyn Bell. The collective work of the world's astronomers has brought the heavens closer, while offering us great insights into our own life on Earth.

To continue these advances of science, it is vital that we encourage our nation's youth to pursue careers in the fields of astronomy, astrophysics, and mathematics. I look upon the success of the NASA space camps and how they have encouraged our youth to pursue careers in the sciences. Since 1989, NASA has administered the ''Space Grant'' program to enhance aerospace research and education in the United States. This program is an effective partnership among universities, the aerospace industry, and federal, state, and local government that assists in the recruitment and training of professionals in aerospace science, engineering, and technology.

In my home state, the Minnesota Space Grant Consortium is comprised of 13 academic institutions along with the Minnesota Department of Transportation, Honeywell, Boeing, and three community-based entities: The Bakken, Science Museum of Minnesota, and SciMathMN. The 13 academic institutions are: Augsburg College, Bemidji State University, Bethel College, Carleton College, College of St. Catherine, Fond du Lac Community College, Leech Lake Tribal College, Macalester College, Normandale Community College, Southwest State University, University of Minnesota-Duluth, University of Minnesota-Twin Cities, and the University of St. Thomas.

For the last several years, this consortium of local talents has worked effectively to promote aerospace science through fellowships and scholarships, the development of new courses in Physics and Geology, the establishment of a new Space Studies minor among the members, and public lectures relating to space science and engineering.

The scientists, engineers, administrators, and astronauts of NASA have guided this nation to the forefront of aeronautical expertise. I am proud that Minnesotans have been central to

NASA's achievements throughout its history. My state has a well-deserved reputation as a high-technology giant, making our job creators a perfect match with NASA, and the space agency has come to depend upon Minnesota ingenuity and expertise. Dozens of Minnesota firms currently work under NASA's space shuttle program; I was honored to witness their accomplishments first-hand in 1997 when I toured NASA's Florida facilities and viewed the launch of the space shuttle Columbia.

None of these achievements would have been possible without modern astronomy, and our astronomers will no doubt be at the center of space research for years to come. In Minnesota, we are fortunate to have many groups that are determined to keep the interest in astronomy high for all generations. I would like to draw your attention to the Minnesota Astronomical Society, whose members are active in the growing movement to generate interest in astronomy. I commend them for their enthusiasm and their success in turning our attention to the skies.

Mr. President, I would be remiss if I neglected to note the great work being done at the University of Minnesota Department of Astronomy. Department Head Leonard Kuhi directs a staff of more than 30 scientists and professors busy working on a wide variety of research projects that are at the cutting edge of astronomic research. These include projects in space physics, cosmology, computational astrophysics, and others.

We in Minnesota also have the distinct pleasure and privilege of being home to the great Minneapolis Planetarium, a top-rate facility that provides an avenue of discovery for everyone who comes to visit. The Minneapolis Planetarium offers visitors a wide variety of programs for all to enjoy.

I again recognize International Astronomy Day and commend all those in my state—the backyard astronomy clubs that offer many their first glimpse into the cosmos; the planetariums, observatories, and museums that bring the richness of space down to Earth for all; and the Minnesota organizations and companies that are putting our fascination with space to practical use—who are helping to keep the interest in astronomy running high.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 10:18 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1776. An act to expand homeownership in the United States.

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 1776. An act to expand homeownership in the United States; to the Committee on Banking, Housing, and Urban Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–8401. A communication from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled ''Implementation of Public Law 105–34, Section 1417, Related to the Use of Additional Ameliorating Material in Certain Wines'' (RIN1512–AB78), received April 3, 2000; to the Committee on Finance.

EC–8402. A communication from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled ''Implementation of Public Law 105–33, Section 9302, Relating to Tobacco Importation Restrictions, Markings, Minimum Manufacturing Requirements, and Penalty Provisions'' (RIN1512–AB99), received April 3, 2000; to the Committee on Finance.

EC–8403. A communication from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled ''Implementation of Public Law 105–33, Section 9302, Relating to the Imposition of Permit Requirements on the Manufacture of Roll-Your-Own Tobacco'' (RIN1512–AB92), received April 3, 2000; to the Committee on Finance.

EC–8404. A communication from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled ''Implementation of Public Law 105–33, Section 9302, Requiring the Qualification of Tobacco Product Importers and Miscellaneous Technical Amendments'' (RIN1512–AC07), received April 3, 2000; to the Committee on Finance.

EC–8405. A communication from the Chairperson, National Commission on Libraries and Information Science transmitting, pursuant to law, a report entitled ''Preliminary Assessment of the Proposed Closure of the National Technical Information Service (NTIS)''; to the Committee on Commerce, Science, and Transportation.

REPORT OF COMMITTEE

The following report of committee was submitted:

By Mr. HELMS, from the Committee on Foreign Relations, without amendment.

S. 2382. An original bill to authorize appropriations for technical assistance for fiscal year 2001, to promote trade anti-corruption measures, and for other purposes (Rept. No. 106–257).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. McCAIN:

S. 2381. A bill to amend title XI of the Social Security Act to include additional information in social security account statements; to the Committee on Finance.

By Mr HELMS:

S. 2382. An original bill to authorize appropriations for technical assistance for fiscal year 2001, to promote trade anti-corruption measures, and for other purposes; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 283. A resolution to direct the Senate Legal Counsel to intervene in the name of the Senate Committee on Appropriations and the Senate Committee on the Judiciary in United States of America v. Northwest Airlines Corporation, et al.; considered and agreed to.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 284. A resolution to authorize testimony, document production, and legal representation in United States of America v. George Patrick Calhoon; considered and agreed to.

ADDITIONAL COSPONSORS

S. 662

At the request of Mr. L. CHAFEE, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 1017

At the request of Mr. MACK, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1017, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas

(Mrs. LINCOLN) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1036

At the request of Mr. KOHL, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1036, a bill to amend parts A and D of title IV of the Social Security Act to give States the option to pass through directly to a family receiving assistance under the temporary assistance to needy families program all child support collected by the State and the option to disregard any child support that the family receives in determining a family's eligibility for, or amount of, assistance under that program.

S. 1364

At the request of Mr. BAYH, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1364, a bill to amend title IV of the Social Security Act to increase public awareness regarding the benefits of lasting and stable marriages and community involvement in the promotion of marriage and fatherhood issues, to provide greater flexibility in the Welfare-to-Work grant program for long-term welfare recipients and low income custodial and noncustodial parents, and for other purposes.

S. 1452

At the request of Mr. SHELBY, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 1452, a bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 1755

At the request of Mr. BROWNBACK, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 1755, a bill to amend the Communications Act of 1934 to regulate interstate commerce in the use of mobile telephones.

S. 1762

At the request of Mr. COVERDELL, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1762, a bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resources projects previously funded by the Secretary under such Act or related laws.

S. 1810

At the request of Mrs. MURRAY, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 2060

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2060, a bill to authorize the President to award a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world, and for other purposes.

S. 2068

At the request of Mr. GREGG, the names of the Senator from Nevada (Mr. BRYAN) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 2068, a bill to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations.

S. 2070

At the request of Mr. FITZGERALD, the names of the Senator from Louisiana (Mr. BREAUX) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2070, a bill to improve safety standards for child restraints in motor vehicles.

S. 2092

At the request of Mr. DEWINE, his name was added as a cosponsor of S. 2092, a bill to amend title 18, United States Code, to modify authorities relating to the use of pen registers and trap and trace devices, to modify provisions relating to fraud and related activities in connection with computers, and for other purposes.

S. 2246

At the request of Mr. BOND, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2246, a bill to amend the Internal Revenue Code of 1986 to clarify that certain small businesses are permitted to use the cash method of accounting even if they use merchandise or inventory.

S. 2277

At the request of Mr. ROTH, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2277, a bill to terminate the application of title IV of the Trade Act of 1974 with respect to the People's Republic of China.

S. 2299

At the request of Mr. L. CHAFEE, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 2299, a bill to amend title XIX of the Social Security Act to continue State Medicaid disproportionate share hospital (DSH) allotments for fiscal year 2001 at the levels for fiscal year 2000.

S. 2323

At the request of Mr. MCCONNELL, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 2323, a bill to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the Act.

S. 2336

At the request of Mr. BINGAMAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2336, a bill to authorize funding for networking and information technology research and development at the Department of Energy for fiscal years 2001 through 2005, and for other purposes.

S. 2353

At the request of Mr. AKAKA, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2353, a bill to amend the Higher Education Act of 1965 to improve the program for American Indian Tribal Colleges and Universities under part A of title III.

S. 2367

At the request of Mr. ABRAHAM, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 2367, a bill to amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under the Act.

S. CON. RES. 84

At the request of Mr. WARNER, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Con. Res. 84, a concurrent resolution expressing the sense of Congress regarding the naming of aircraft carrier CVN–77, the last vessel of the historic ''*Nimitz*'' class of aircraft carriers, as the U.S.S. *Lexington*.

S. CON. RES. 98

At the request of Mr. DEWINE, the names of the Senator from Colorado (Mr. CAMPBELL), the Senator from Illinois (Mr. DURBIN), the Senator from Colorado (Mr. ALLARD), the Senator from Maine (Ms. COLLINS), the Senator from Michigan (Mr. ABRAHAM), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Louisiana (Mr. BREAUX), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Oregon (Mr. WYDEN), the Senator from Kansas (Mr. ROBERTS), the Senator from Maine (Ms. SNOWE), the Senator from Arizona (Mr. MCCAIN), the Senator from Oregon (Mr. SMITH), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Tennessee (Mr. THOMPSON), the Senator from California (Mrs. FEINSTEIN), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. Con. Res. 98, a concurrent resolution urging compliance with the Hague Convention on the Civil Aspects of International Child Abduction.

AMENDMENT NO. 2933

At the request of Mr. DOMENICI, his name was added as a cosponsor of Amendment No. 2933 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth

the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 2939

At the request of Mr. FEINGOLD, his name was added as a cosponsor of amendment No. 2939 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Mr. DODD, his name was added as a cosponsor of amendment No. 2939 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Mr. REED, his name was added as a cosponsor of amendment No. 2939 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 2939 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Mr. JOHNSON, his name was added as a cosponsor of amendment No. 2939 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Mr. WELLSTONE, his name was added as a cosponsor of amendment No. 2939 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Mrs. MURRAY, her name was added as a cosponsor of amendment No. 2939 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Mr. HARKIN, his name was added as a cosponsor of amendment No. 2939 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Mr. SCHUMER, his name was added as a cosponsor of amendment No. 2939 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Mr. KERRY, his name was added as a cosponsor of amendment No. 2939 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Mr. KENNEDY, the names of the Senator from Maryland (Mr. SARBANES), the Senator from Vermont (Mr. JEFFORDS), the Senator from Maine (Ms. COLLINS) and the Senator from Rhode Island (Mr. L. CHAFEE), were added as cosponsors of amendment No. 2939 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 2941

At the request of Mr. KOHL, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of amendment No. 2941 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 2954

At the request of Mr. KERRY, his name was added as a cosponsor of amendment No. 2954 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Mr. ROBB, his name was added as a cosponsor of amendment No. 2954 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 2956

At the request of Mr. REID, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of amendment No. 2956 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 2961

At the request of Mr. FITZGERALD, the names of the Senator from Wyoming (Mr. THOMAS), the Senator from Nebraska (Mr. HAGEL), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Texas (Mrs. HUTCHISON), the Senator from North Carolina (Mr. HELMS), the Senator from Kansas (Mr. BROWNBACK), the Senator from Alabama (Mr. SESSIONS), the Senator from Oklahoma (Mr. INHOFE), the Senator from Colorado (Mr. ALLARD) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of amendment No. 2961 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 2962

At the request of Mr. KERRY, his name was added as a cosponsor of amendment No. 2962 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 2965

At the request of Mr. ROBB, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 2965 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 2966

At the request of Mr. GRAHAM, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of amendment No. 2966 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Mr. KERRY, his name was added as a cosponsor of amendment No. 2966 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 2971

At the request of Mr. DORGAN, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of amendment No. 2971 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for

fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 2974

At the request of Mr. BIDEN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 2974 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 2975

At the request of Mr. BIDEN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 2975 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 2976

At the request of Mr. BAYH, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of amendment No. 2976 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 2983

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 2983 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Mrs. HUTCHISON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 2983 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 2984

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of amendment No. 2984 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Mr. JEFFORDS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 2984 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 2990

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 2990 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 3000

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 3000 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 3003

At the request of Mr. STEVENS, the names of the Senator from Alaska (Mr. MURKOWSKI), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from California (Mrs. BOXER) were added as cosponsors of amendment No. 3003 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Mr. ROBB, his name was added as a cosponsor of amendment No. 3003 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 3014

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 3014 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 3016

At the request of Mr. BAUCUS, his name was added as a cosponsor of amendment No. 3016 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 3018

At the request of Mr. BOND, the names of the Senator from South Carolina (Mr. THURMOND) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of amendment No. 3018 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 3022

At the request of Mr. HATCH, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of amendment No. 3022 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 3023

At the request of Mr. HATCH, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Michigan (Mr. ABRAHAM), the Senator from California (Mrs. FEINSTEIN) and the Senator from Arizona (Mr. KYL) were added as cosponsors of amendment No. 3023 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 3037

At the request of Mr. REED, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 3037 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 3058

At the request of Mr. SANTORUM, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of amendment No. 3058 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Mr. ROBB, his name was added as a cosponsor of amendment No. 3058 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 3073

At the request of Mr. JEFFORDS, his name was added as a cosponsor of amendment No. 3073 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

SENATE RESOLUTION 283—TO DIRECT THE SENATE LEGAL COUNSEL TO INTERVENE IN THE NAME OF THE SENATE COMMITTEE ON APPROPRIATIONS AND THE SENATE COMMITTEE ON THE JUDICIARY IN UNITED STATES OF AMERICA V. NORTHWEST AIRLINES CORPORATION, ET AL.

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 283

Whereas, in the case of United States v. Northwest Airlines Corporation, et al., Misc. No. 99–424, pending in the United States District Court for the District of Columbia, defendant Northwest Airlines, by seeking to compel the production of documents of the United States General Accounting Office, has placed in issue the privileges of the United States Senate under the Speech or Debate Clause, Art. I, sec. 6, cl. 1, of the United States Constitution;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(c), 288e(a), and 288*l*(a), the Senate may direct its counsel to intervene in the name of a committee of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore, be it.

Resolved, That the Senate Legal Counsel is directed to intervene in the name of the Senate Committee on Appropriations and the Senate Committee on the Judiciary in the case of United States v. Northwest Airlines Corporation, et al., to protect the Senate's privileges under the Speech or Debate Clause of the Constitution.

SENATE RESOLUTION 284—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION, AND LEGAL REPRESENTATION IN UNITED STATES OF AMERICA V. GEORGE PATRICK CALHOON

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 284

Whereas, in the case of *United States of America* v. *George Patrick Calhoon*, Cr. Ho. H–99–111, pending in the United States District Court for the Southern District of Texas, testimony has been requested from Court Koenning and Patrick McCartney, employees in the office of Senator Phil Gramm;

Whereas, pursuant to sections 703(a) and 704(a)(2), of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Court Koenning, Patrick McCartney, and any other employee of Senator Gramm's office from whom testimony may be required, are authorized to testify and produce documents in the case of *United States of America* v. *George Patrick Calhoon*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Court Koenning, Patrick McCartney, and any other employee of Senator Gramm's office in connection with the testimony and document production authorized in section one of this resolution.

AMENDMENTS SUBMITTED

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2001

CRAIG (AND OTHERS) AMENDMENT NO. 3074

Mr. CRAIG (for himself, Mr. MURKOWSKI, Mr. HUTCHINSON, Mr. DEWINE, and Mr. ABRAHAM) proposed an amendment to amendment No. 2934 proposed by Mr. JOHNSON to the concurrent resolution (S. Con. Res. 101) setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000; as follows:

On page 4, line 4, increase the amount by $1.

On page 4, line 5, increase the amount by $1.

On page 4, line 6, increase the amount by $1.

On page 4, line 7, increase the amount by $1.

On page 4, line 8, increase the amount by $1.

On page 4, line 13, increase the amount by $1.

On page 4, line 14, increase the amount by $1.

On page 4, line 15, increase the amount by $1.

On page 4, line 16, increase the amount by $1.

On page 4, line 17, increase the amount by $1.

On page 4, line 22, increase the amount by $1.

On page 4, line 23, increase the amount by $1.

On page 4, line 24, increase the amount by $1.

On page 4, line 25, increase the amount by $1.

On page 5, line 1, increase the amount by $1.

On page 5, line 7, increase the amount by $1.

On page 5, line 8, increase the amount by $1.

On page 5, line 9, increase the amount by $1.

On page 5, line 10, increase the amount by $1.

On page 5, line 11, increase the amount by $1.

On page 23, line 7, increase the amount by $500,000,000.

On page 23, line 8, increase the amount by $430,000,000.

On page 23, line 11, increase the amount by $500,000,000.

On page 23, line 12, increase the amount by $485,000,000.

On page 23, line 15, increase the amount by $500,000,000.

On page 23, line 16, increase the amount by $497,000,000.

On page 23, line 19, increase the amount by $500,000,000.

On page 23, line 20, increase the amount by $498,000,000.

On page 23, line 23, increase the amount by $500,000,000.

On page 23, line 24, increase the amount by $498,000,000.

On page 29, line 3, decrease the amount by $0.

On page 29, line 4, decrease the amount by $0.

At the end add the following:

Notwithstanding any other provision of this resolution the appropriate levels for function 920 are as follows:

For fiscal year 2001:
(A) New budget authority, −$60,431,000,000.
(B) Outlays, −$48,461,000,000.

For fiscal year 2002:
(A) New budget authority, −$60,229,000,000.
(B) Outlays, −$71,796,000,000.

For fiscal year 2003:
(A) New budget authority, −$500,000,000.
(B) Outlays, −$5,287,000,000.

For fiscal year 2004:
(A) New budget authority, −$500,000,000.
(B) Outlays, −$7,268,000,000.

For fiscal year 2005:
(A) New budget authority, −$500,000,000.
(B) Outlays, −$6,570,000,000.

SEC. . SENSE OF SENATE REGARDING MEDICAL CARE FOR VETERANS.

It is the sense of the Senate that—

(1) the provisions of this resolution assume that if the Congressional Budget Office determines there is an on-budget surplus for fiscal year 2001, $500,000,000 of that surplus will be restored to the programs cut by this amendment; and

(2) the assumptions underlying this resolution assume that none of the offsets made by this amendment will come from defense or veterans and should, to the extent possible, come from administrative functions.

VOINOVICH (AND GREGG) AMENDMENT NO. 3075

Mr. VOINOVICH (for himself and Mr. GREGG) proposed an amendment to amendment No. 2984 proposed by Mr. JEFFORDS to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of the amendment add the following:

Notwithstanding any other provisions of this resolution, the following numbers shall apply:

On page 4, line 4, decrease the amount by $1.

On page 4, line 5, decrease the amount by $1.

On page 4, line 6, decrease the amount by $1.

On page 4, line 7, decrease the amount by $1.

On page 4, line 8, decrease the amount by $1.

On page 4, line 13, increase the amount by $1.

On page 4, line 14, increase the amount by $1.

On page 4, line 15, increase the amount by $1.

On page 4, line 16, increase the amount by $1.

On page 4, line 17, increase the amount by $1.

On page 4, line 22, increase the amount by $1.

On page 4, line 23, increase the amount by $1.

On page 4, line 24, increase the amount by $1.

On page 4, line 25, increase the amount by $1.

On page 5, line 1, increase the amount by $1.

On page 5, line 7, increase the amount by $1.

On page 5, line 8, increase the amount by $1.

On page 5, line 9, increase the amount by $1.

On page 5, line 10, increase the amount by $1.

On page 5, line 11, increase the amount by $1.

On page 18, line 7, increase the amount by $1.

On page 18, line 8, increase the amount by $1.

On page 18, line 11, increase the amount by $1.

On page 18, line 12, increase the amount by $1.

On page 18, line 15, increase the amount by $1.

On page 18, line 16, increase the amount by $1.

On page 18, line 19, increase the amount by $1.

On page 18, line 20, increase the amount by $1.

On page 18, line 23, increase the amount by $1.

On page 18, line 24, increase the amount by $1.

On page 29, line 3, decrease the amount by $1.

On page 29, line 4, decrease the amount by $1.

At the end, add the following:

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that Congress' first priority should be to fully fund the programs described under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) at the originally promised level of 40% before Federal funds are appropriated for new education programs.

DOMENICI AMENDMENT NO. 3076

Mr. DOMENICI proposed an amendment to amendment No. 2994 proposed by Mr. SPECTER to the concurrent resolution, S. Con. Res. 101, supra; as follows:

On page 4, line 22, increase the amount by $1,600,000,000.

On page 5, line 7, increase the amount by $1,600,000,000.

On page 5, line 15, increase the amount by $1.

On page 19, line 7, increase the amount by $1,600,000,000.

On page 19, line 8, increase the amount by $1,600,000,000.

On page 27, line 7, decrease the amount by $1,600,000,000.

On page 27, line 8, decrease the amount by $1,600,000,000.

On page 42, line 5, increase the amount by $1.

On page 42, line 6, increase the amount by $1.

On page 43, line 14, increase the amount by $1.

On page 43, line 15, increase the amount by $1.

CRAIG AMENDMENT NO. 3077

Mr. CRAIG proposed an amendment to amendment No. 2954 proposed by Mr. DURBIN to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of the amendment, add the following:

On page 4, line 4, increase the amount by $1.

On page 4, line 5, increase the amount by $1.

On page 4, line 6, increase the amount by $1.

On page 4, line 7, increase the amount by $1.

On page 4, line 13, increase the amount by $1.

On page 4, line 14, increase the amount by $1.

On page 4, line 15, increase the amount by $1.

On page 4, line 16, increase the amount by $1.

On page 29, line 4, decrease the amount by $1.

On page 29, line 4, decrease the amount by $1.

At the end, add the following:

Notwithstanding any other provision of this resolution, the appropriate levels for function 920 are as follows:

Fiscal year 2001:
(A) New budget authority, $60,214,890,000.
(B) Outlays, −$48,152,341,000.
Fiscal year 2002:
(A) New budget authority, −$59,729,000,000.
(B) Outlays, $71,395,399,000.
Fiscal year 2003:
(A) New budget authority, $0.
(B) Outlays, −$858,925,000.
Fiscal year 2004:
(A) New budget authority, $0.
(B) Outlays, −$6,779,225,000.
Fiscal year 2005:
(A) New budget authority, $0.
(B) Outlays, −$6,072,000,000.

SEC. . SENSE OF THE SENATE REGARDING ENFORCEMENT OF FEDERAL FIREARMS LAWS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Clinton Administration has failed to adequately enforce Federal firearms laws. Between 1992 and 1998, Triggerlock gun prosecutions—prosecutions of defendants who use a firearm in the commission of a felony—dropped nearly 50 percent, from 7,045 to approximately 3,800.

(2) The decline in Federal firearms prosecutions was not due to a lack of adequate resources. During the period when Federal firearms prosecutions decreased nearly 50 percent, the overall budget of the Department of Justice increased 54 percent.

(3) It is a Federal crime to possess a firearm on school grounds under section 922(q) of title 18, United States Code. The Clinton Department of Justice prosecuted only 8 cases under this provision of law during 1998, even though more than 6,000 students brought firearms to school that year. The Clinton Administration prosecuted only 5 such cases during 1997.

(4) It is a Federal crime to transfer a firearm to a juvenile under section 922(x) of title 18, United States Code. The Clinton Department of Justice prosecuted only 6 cases under this provision of law during 1998 and only 5 during 1997.

(5) It is a Federal crime to transfer or possess a semiautomatic assault weapon under section 922(v) of title 18, United States Code. The Clinton Department of Justice prosecuted only 4 cases under this provision of law during 1998 and only 4 during 1997.

(6) It is a Federal crime for any person "who has been adjudicated as a mental defective or who has been committed to a mental institution" to possess or purchase a firearm under section 922(g) of title 18, United States Code. Despite this Federal law, mental health adjudications are not placed on the national instant criminal background system established under section 103(b) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note).

(7) It is a Federal crime for any person knowingly to make any false statement in the attempted purchase of a firearm under section 922(a)(6) of title 18, United States Code. It is also a Federal crime for convicted felons to possess or purchase a firearm under section 922(g) of title 18, United States Code.

(8) More than 500,000 convicted felons and other prohibited purchasers have been prevented from buying firearms from licensed dealers since the Brady Handgun Violence Prevention Act was enacted. When these felons attempted to purchase a firearm, they violated section 922(a)(6) of title 18, United States Code, by making a false statement under oath that they were not disqualified from purchasing a firearm. Nonetheless, of the more than 500,000 violations, only approximately 200 of the felons have been referred to the Department of Justice for prosecution.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this concurrent resolution on the budget assume that Federal funds will be used for an effective law enforcement strategy requiring a commitment to enforcing existing Federal firearms laws by—

(1) designating not less than 1 Assistant United States Attorney in each district to prosecute Federal firearms violations and thereby expand Project Exile nationally;

(2) upgrading the national instant criminal background system established under section 103(b) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) by encouraging States to place mental health adjudications on that system and by improving the overall speed and efficiency of that system; and

(3) providing incentive grants to States to encourage States to impose mandatory minimum sentences for firearm offenses based on section 924(c) of title 18, United States Code, and to prosecute those offenses in State court.

NICKLES AMENDMENT NO. 3078

Mr. NICKLES proposed an amendment to amendment No. 2951, proposed by Mr. KENNEDY to the concurrent resolution, S. Con. Res. 101, supra; as follows:

In the amendment strike all after the first word and insert the following:

SENSE OF THE SENATE.

(B) It is the sense of the Senate that the functional totals underlying this resolution on the budget assume that the minimum wage should be increased as provided for in

amendment #2547, the Domenici and others amendment to S. 625, the Bankruptcy Reform legislation.

KENNEDY AMENDMENT NO. 3079

Mr. REID (for Mr. KENNEDY) proposed an amendment to amendment No. 2951 proposed by Mr. KENNEDY to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of the amendment add the following:

SEC. . SENSE OF THE SENATE CONCERNING THE MINIMUM WAGE.

It is the sense of the Senate that the levels in this resolution assume that Congress should enact legislation to amend the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) to increase the Federal minimum wage by $1.00 over 1 year with a $0.50 increase effective May 2, 2000 and another $0.50 increase effective on May 2, 2001.

JOINT RESOLUTION ENCOURAGING FREE AND FAIR ELECTIONS AND RESPECT FOR DEMOCRACY IN PERU

COVERDELL AMENDMENTS NOS. 3080–3081

Mr. MURKOWSKI (for Mr. COVERDELL) proposed two amendments to the joint resolution (S. J. Res. 43) expressing the sense of Congress that the President of the United States should encourage free and fair elections and respect for democracy in Peru; as follows:

AMENDMENT NO. 3080

On page 2, beginning on line 7, strike the word ''modify'' and all through the word ''Peru'' on line 9, and insert the following: ''review and modify as appropriate its political, economic, and military relations with Peru''.

AMENDMENT NO. 3081

In the preamble, in the second whereas clause, insert '', including the Organization of American States, the National Democratic Institute, and the Carter Center,'' after ''Whereas independent election monitors''.

MUHAMMAD ALI BOXING REFORM ACT

REID (AND OTHERS) AMENDMENT NO. 3082

Mr. MURKOWSKI (for Mr. REID (for himself, Mr. BRYAN, and Mr. MCCAIN)) proposed an amendment to the bill (H.R. 1832) to reform unfair and anti-competitive practices in the professional boxing industry; as follows:

On page 6, between lines 17 and 18, insert the following:

''(c) PROTECTIOIN FROM COERCIVE CONTRACTS WITH BROADCASTERS.—Subsection (a) of this section applies to any contract between a commercial broadcaster and a boxer, or granting any rights with respect to that boxer, involving a broadcast in or affecting interstate commerce, regardless of the broadcast medium. For the purpose of this subsection, any reference in subsection (a)(1)(B) to ''promoter'' shall be considered a reference to ''commercial broadcaster''.

On page 17, after line 24, insert the following:

(1) in paragraph (9) by inserting after ''match.'' the following: ''The term 'promoter' does not include a hotel, casino, resort, or other commercial establishment hosting or sponsoring a professional boxing match unless—

''(A) the hotel, casino, resort, or other commercial establishment is primarily responsible for organizing, promoting, and producing the match; and

''(B) there is no other person primarily responsible for organizing, promoting, and producing the match.'';

On page 18, line 1, strike ''(1)'' and insert ''(2)''.

On page 18, line 4, strike ''(2)'' and insert ''(3)''.

NOTICE OF HEARING

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH of Oregon. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Tuesday, April 18, 2000 at 10:00 a.m. in the Bonneville Auditorium at the Bonneville Lock and Dam in Cascade Locks, Oregon.

The purpose of this hearing is to review how pending Federal decisions could affect the operations of the Federal Columbia River hydropower system.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate 364 Dirksen Senate Office Building, Washington, D.C. 20510–6150.

For further information, please call Trici Heninger or Howard Useem, at (202) 224–7875.

DEMOCRACY IN PERU

Mr. MURKOWSKI. Mr. President, I now ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 478, S.J. Res. 43.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 43) expressing the sense of Congress that the President of the United States should encourage free and fair elections and respect for democracy in Peru.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. MURKOWSKI. I ask consent that an amendment to the resolution, which is at the desk, be agreed to.

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

The amendment (No. 3080) was agreed to, as follows:

On page 2, beginning on line 7, strike the word ''modify'' and all through the word ''Peru'' on line 9, and insert the following: ''review and modify as appropriate its political, economic, and military relations with Peru''.

Mr. LEAHY. Mr. President, I want to especially thank Senator COVERDELL, the resolution's chief sponsor, and Senator HELMS, Senator DEWINE, Senator CHAFEE, and Senator MCCONNELL for their leadership and support.

This is an extremely timely resolution which should send a clear message to the Peruvian Government and the Peruvian people that the United States cares deeply about the future of democracy in that country. It is my fervent hope that next week's presidential election in Peru is free and fair, but all indications from independent monitoring groups are that President Fujimori and his supporters have used every possible means to manipulate the electoral process. If the election is not deemed to be free and fair by independent observers, this resolution calls on the administration to review U.S. policy toward Peru and modify our political, economic and military relations accordingly.

We have changed slightly the resolved clause in the resolution from the language that was originally introduced on March 28. Originally, the resolution stated that the U.S. should modify its relations with Peru, ''including its support for international financial institution loans to Peru,'' if the election is deemed to have been unfair. That language has been replaced with language calling on the U.S. to modify our ''political, economic and military relations'' with Peru.

However, I want to emphasize that the phrase ''economic relations'' includes loans from the international financial institutions. I want to be sure that there is no misunderstanding or suggestion that by changing this language we have precluded the administration from modifying U.S. support for international loans, if the election is deemed to have been unfair and such action would be appropriate.

I agreed to this change, both to include the phrase ''military relations'' since our military relations should also be reexamined and modified if appropriate, but also with the understanding that the phrase ''economic relations'' includes the entire spectrum of economic assistance, both from the United States directly and through the international financial institutions.

Mr. MURKOWSKI. I further ask unanimous consent an amendment to the preamble, which is at the desk, be agreed to, and the preamble, as amended, be agreed to, the joint resolution be read a third time and passed, the motion to reconsider be laid upon the

table, and any statements relating to this resolution be printed in the RECORD.

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

The amendment (No. 3081) was agreed to, as follows:

In the preamble, in the second whereas clause, insert ", including the Organization of American States, the National Democratic Institute, and the Carter Center," after "Whereas independent election monitors".

The joint resolution (S.J. Res. 43), as amended, was read the third time and passed, as follows:

S.J. RES. 43

Whereas presidential and congressional elections are scheduled to occur in Peru on April 9, 2000;

Whereas independent election monitors, including the Organization of American States, the National Democratic Institute, and the Carter Center, have expressed grave doubts about the fairness of the electoral process due to the Peruvian Government's control of key official electoral agencies, systematic restrictions on freedom of the press, manipulation of the judicial processes to stifle independent reporting on radio, television, and newspaper outlets, and harassment and intimidation of opposition politicians, which have greatly limited the ability of opposing candidates to campaign freely; and

Whereas the absence of free and fair elections in Peru would constitute a major setback for the Peruvian people and for democracy in the hemisphere, could result in instability in Peru, and could jeopardize United States antinarcotics objectives in Peru and the region: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of Congress that the President of the United States should promptly convey to the President of Peru that if the April 9, 2000, elections are not deemed by the international community to have been free and fair, the United States will review and modify as appropriate its political, economic, and military relations with Peru, and will work with other democracies in this hemisphere and elsewhere toward a restoration of democracy in Peru.

DIRECTING SENATE LEGAL COUNSEL

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 283, submitted earlier by Senator LOTT and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 283) to direct the Senate Legal Counsel to intervene in the name of the Senate Committee on Appropriations and the Senate Committee on the Judiciary in United States of America v. Northwest Airlines Corporation, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, Northwest Airlines, one of the defendants in a civil antitrust action brought by the Department of Justice on behalf of the United States in the U.S. District Court for the Eastern District of Michigan, has subpoenaed the General Accounting Office to produce documents that GAO collected or generated in the course of its preparation of testimony or reports for several Senate committees, including the Committee on Appropriations Subcommittee on Transportation and the Committee on the Judiciary Subcommittee on Antitrust, Business Rights, and Competition.

GAO advised Northwest's counsel that the documents sought were unavailable because they are protected by both the Speech or Debate Clause of the Constitution, which is Congress's legislative privilege, and GAO's own deliberative process privilege. Northwest Airlines has chosen to contest GAO's assertion of privilege by moving in the U.S. District Court for the District of Columbia to compel GAO to produce the documents.

The records that Northwest Airlines is seeking were records that GAO, which is an investigative agency of Congress, collected or created while preparing testimony or reports in response to requests from committees and subcommittees of the Senate. Northwest has not given GAO, the Senate, or the Court any explanation for why it may defeat the privileges inhering in GAO internal work product and deliberative documents, including drafts of proposed testimony, to defend itself in this antitrust action. None of these internal records at issue in this matter has been provided to Northwest's adversary, the Justice Department. Nor are the final reports issued by GAO or GAO's congressional testimony at issue in this matter, as all parties to the litigation, including Northwest Airlines, have been given full access to these materials.

GAO is opposing Northwest's motion to compel, invoking its deliberative process privilege. But the legislative privilege that is grounded on the Constitution's Speech or Debate Clause belongs to the Congress. In order to ensure congressional independence from the other branches of the government, the Constitution affords Congress with an absolute privilege from compelled questioning through the courts about the performance of its legislative responsibilities, such as the gathering of information and preparation of hearings, the conduct of administrative oversight, and the consideration of legislation.

The Senate has a strong interest in the ability of its committees to receive testimony and analysis from GAO, which serves as its investigative arm, without fear that entities whose activities are the subject of that testimony and analysis will be allowed to root around in GAO's internal work papers, drafts, and deliberative documents seeking something of possible help to them in unrelated litigation. That kind of intrusion into the legislation process is precisely what the Speech or Debate Clause was intended to foreclose.

Because the Speech or Debate Clause privilege belongs to the Congress and because it is the committee of Congress that are the direct beneficiaries of GAO's contributions to their legislative work, it is appropriate that the court hear directly from those Senate committees for which GAO was providing analysis how Northwest's attempt to compel production of GAO's internal work product threatens their autonomous performance of legislative duties entrusted to them under the Constitution. Accordingly, this resolution authorizes the Senate Legal Counsel to intervene in this matter in the name of the Committee on the Judiciary and the Committee on Appropriations to assert the Speech or Debate Clause as protection against compelled questioning of GAO, through compelled production of GAO's internal work product when responding to requests from Congress.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 283) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 283

Whereas, in the case of United States v. Northwest Airlines Corporation, et al., Misc. No. 99–424, pending in the United States District Court for the District of Columbia, defendant Northwest Airlines, by seeking to compel the production of documents of the United States General Accounting Office, has placed in issue the privileges of the United States Senate under the Speech or Debate Clause, Art. I, sec. 6, cl. 1, of the United States Constitution; and

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(c), 288e(a), and 288*l*(a), the Senate may direct its counsel to intervene in the name of a committee of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to intervene in the name of the Senate Committee on Appropriations and the Senate Committee on the Judiciary in the case of United States v. Northwest Airlines Corporation, et al., to protect the Senate's privileges under the Speech or Debate Clause of the Constitution.

MUHAMMAD ALI BOXING REFORM ACT

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 421, H.R. 1832.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1832) to reform unfair and anticompetitive practices in the professional boxing industry.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3082

(Purpose: To ensure that rules similar to the rules against coercive contracts between boxers and promoters apply to contracts between boxers and interstate broadcasters, and that casinos, hotels, resorts, etc., that are merely "associated" with a promoter are not subject to the rules applicable to promoters)

Mr. MURKOWSKI. Mr. President, Senators REID, BRYAN, and MCCAIN have an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for Mr. REID, for himself, Mr. BRYAN, and Mr. MCCAIN, proposes an amendment numbered 3082.

The amendment is as follows:

On page 6, between lines 17 and 18, insert the following:

"(c) PROTECTION FROM COERCIVE CONTRACTS WITH BROADCASTERS.—Subsection (a) of this section applies to any contract between a commercial broadcaster and a boxer, or granting any rights with respect to that boxer, involving a broadcast in or affecting interstate commerce, regardless of the broadcast medium. For the purpose of this section, any reference in subsection (a)(1)(B) to "promoter" shall be considered a reference to "commercial broadcaster".

On page 17, after line 24, insert the following:

(1) in paragraph (9) by inserting after "match" the following: "The term 'promoter' does not include a hotel, casino, resort, or other commercial establishment hosting or sponsoring a professional boxing match unless—

"(A) the hotel, casino, resort, or other commercial establishment is primarily responsible for organizing, promoting, and producing the march; and

"(B) there is no other person primarily responsible for organizing, promoting, and producing the match.";

On page 18, line 1, strike "(1)" and insert "(2)".

On page 18, line 4, strike "(2)" and insert "(3)".

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 3082) was agreed to.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and any statement relating to the bill be printed in the RECORD.

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

The bill (H.R. 1832), as amended, was read the third time and passed.

AUTHORIZING TESTIMONY, DOCUMENT PRODUCTION, AND LEGAL REPRESENTATION

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 284, submitted earlier by Senator LOTT and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 284) to authorize testimony, document production, and legal representation in United States of America v. George Patrick Calhoon.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, this resolution concerns a request for testimony in a criminal action in the United States District Court for the Southern District of Texas. In a federal indictment, the defendant has been charged with threatening a public official in violation of federal law. The charge arises out of a threat telephoned to Senator PHIL GRAMM's office in Houston. At the request of the U.S. Attorney who is prosecuting this case, this resolution authorizes employees in Senator GRAMM's office who heard the threat to testify about the threat and produce documents at trial, with representation by the Senate Legal Counsel.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 284) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 284

Whereas, in the case of United States v. George Patrick Calhoon, Cr. No. H–99–111, pending in the United States District Court for the Southern District of Texas, testimony has been requested from Court Koenning and Patrick McCartney, employees in the office of Senator Phil Gramm;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Court Koenning, Patrick McCartney, and any other employee of Senator Gramm's office from whom testimony may be required, are authorized to testify and produce documents in the case of United States v. George Patrick Calhoon, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Court Koenning, Patrick McCartney, and any other employee of Senator Gramm's office in connection with the testimony and document production authorized in section 1 of this resolution.

ORDERS FOR MONDAY, APRIL 10, 2000

Mr. MURKOWSKI. Mr. President, I now ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 12 noon on Monday, April 10, 2000. I further ask consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business, with Senators permitted to speak for up to 10 minutes each, with the following exceptions:

Senator DURBIN, or his designee, 12 noon to 1 o'clock; Senator MURKOWSKI, 1 o'clock to 1:30; Senator THOMAS, or his designee, 1:30 to 2 o'clock; Senator BROWNBACK, 30 minutes; and Senator CRAIG, 30 minutes.

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

PROGRAM

Mr. MURKOWSKI. For the information of all Senators, the Senate will convene at 12 noon on Monday and will be in a period of morning business throughout the day, with some debate on the gas tax repeal legislation. Cloture was filed on the gas tax legislation today, and that vote has been scheduled to occur on Tuesday at 2:25 p.m. That cloture vote will be the first vote of next week. Also, during next week's session, we expect to begin consideration of the marriage tax penalty legislation.

ADJOURNMENT UNTIL MONDAY, APRIL 10, 2000

Mr. MURKOWSKI. Mr. President, I see no other Senator wishing to be recognized. If there is no further business

to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

It has been a relatively long and busy day. Let me wish the Presiding Officer and the collective professional staff a happy weekend.

There being no objection, the Senate, at 3:45 p.m., adjourned until Monday, April 10, 2000, at 12 noon.

NOMINATIONS

Executive Nominations Received by the Senate April 7, 2000:

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

CRAIG B. ALLEN, OF WISCONSIN
CARMINE G. D'ALOISIO, OF MARYLAND
JOHN J. FORGARASI, OF TEXAS
BARRY I. FRIEDMAN, OF NEW YORK
DANIEL E. HARRIS, OF MARYLAND

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

C. FRANKLIN FOSTER, OF VIRGINIA
MICHAEL W. LIIKALA, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

MICHAEL T. HARVEY, OF TEXAS
JANINA ANNE JARUZELSKI, OF NEW JERSEY

DEPARTMENT OF COMMERCE

CYNTHIA A. GRIFFIN, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

VATHANI RAJARATNAM AMIRTHANAYAGAM, OF NEW YORK
MICHAEL LESTER HENNING, OF NEW YORK
MAUREEN A. SHAUKET, OF VIRGINIA
ELYSSA T. TRAN, OF TEXAS

DEPARTMENT OF COMMERCE

PATRICIA M. GONZALEZ, OF TEXAS
EDWIN KEITH KIRKHAM, OF MAINE
MITCHELL GREGORY LARSEN, OF CALIFORNIA
JULIA M. RAUNER-GUERRERO, OF VIRGINIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF COMMERCE AND STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

CHRISTINA JEANNE AGOR, OF NEW YORK
JEFFREY JONATHAN ANDERSON, OF PENNSYLVANIA
SUSAN ANMAHIAN, OF VIRGINIA
KEVIN ANDREW AUSTIN, OF VIRGINIA
WILLIAM M. AYALA, OF CALIFORNIA
BRADFORD JOSEPH BELL, OF PENNSYLVANIA
SONIA BISWAS, OF THE DISTRICT OF COLUMBIA
RAYMOND E. BLACKARD, OF TEXAS
THOMAS E. BOTTS, OF VIRGINIA
NANCY BARICKMAN BRANNAMAN, OF IOWA
BELINDA L. BRODIE, OF VIRGINIA
NATHANIEL S. CLIFFORD, OF VIRGINIA
CELESTE A. CONNORS, OF HAWAII
JAMES T. CROW, OF ARIZONA
HAROLD G. CUNNINGHAM, OF VIRGINIA
JENNIFER D. DAVIS, OF GEORGIA
LINDA DERPARSEGHIAN, OF VIRGINIA
ANN ELIZABETH DONICK, OF NEW YORK
DAWN-MARIE J. DORE, OF VIRGINIA
SATUKI T. DOUGHERTY, OF VIRGINIA
JAY DOUGLAS DYKHOUSE, OF MICHIGAN
JOHN BRADLEY EMERY, OF MASSACHUSETTS
ANTHONY ENES, OF VIRGINIA
JASON FIELD, OF WASHINGTON
LISA L. NYDIA FITZNER, OF MARYLAND
MARC WILLIAM FUNGARD, OF PENNSYLVANIA
MICHAEL GOLDMAN, OF WASHINGTON
MICHAEL C. GONZALES, OF THE DISTRICT OF COLUMBIA
MOLLY ANN GOWER, OF MARYLAND
CHARLES J. GREEN, OF MARYLAND
PAT GRIEL, OF VIRGINIA
STEVEN C. HANNA, OF VIRGINIA
RIAN HARKER HARRIS, OF VIRGINIA
THOMAS R. HASTINGS, OF MARYLAND
SCOTT E. HEMBROUGH, OF THE DISTRICT OF COLUMBIA
ANDREA L. HILDEBRAND, OF VIRGINIA
REBECCA L. HOISINGTON, OF MICHIGAN
ANTHONY R. HOLLADAY, OF VIRGINIA
KEITH HUGHES, OF NEW YORK
JENNIFER LYNN IMREDY, OF MARYLAND
JOSEPH F. INSANA, OF VIRGINIA
JEFFREY R. IZZO, OF NEW YORK
MICHAEL D. JAMES, OF VIRGINIA
L. ELAINE JONES, OF OHIO
SCOTT ENGLE JONES, OF TENNESSEE
JEANNETTE M JURICIC, OF ILLINOIS
EUNJOO KENSINGER, OF VIRGINIA
LESLEY A. KERCHEVAL, OF VIRGINIA
KENNETH A. KERO, OF THE DISTRICT OF COLUMBIA
WILLIAM KLEIN, OF CALIFORNIA
DONALD J. KLUBA, OF VIRGINIA
BARBARA LANKFORD, OF MARYLAND
NORA H. LEE, OF VIRGINIA
MICHELLE M. LEONARD, OF VIRGINIA
KURT E. LICHTFUSS, OF MARYLAND
CHRISTOPHER ANTHONY LINGEMAN, OF MARYLAND
JEFFREY K. LISS, OF VIRGINIA
ANDREW ROBERT LORENZ, OF MINNESOTA
ALISON VICTORIA MAHER, OF FLORIDA
MARCOS CHRISTIAN MANDOJANA, OF TENNESSEE
PANFILO MARQUEZ, OF CALIFORNIA
ANN MARIE ECKERT MCBRIDE, OF VIRGINIA
KATHLEEN ANNE MC GOWAN, OF TEXAS
CRYSTAL KATHRYN MERIWETHER, OF MINNESOTA
EDWARD PETER MESSMER, OF VIRGINIA
GAYLE ANN MILLER, OF CALIFORNIA
PATRICK F. MILLER, OF VIRGINIA
LINDSAY ELIZABETH MORAN, OF MARYLAND
NARITH MICHAEL MUONG, OF VIRGINIA
DENNIS BLAINE NELSON, OF PENNSYLVANIA
ELIZABETH T. NELSON, OF PENNSYLVANIA
MICHAEL ANTHONY NEWBILL, OF THE DISTRICT OF COLUMBIA
ROBERT C. NEWSOME, OF WEST VIRGINIA
DAVID ALLAN OSGOOD, OF OREGON
J. MARK PASCALE, OF VIRGINIA
JAMES E. PERLEY, OF VIRGINIA
ANH-HAO THI PHAN, OF VIRGINIA
KRISTEN L. PISANI, OF NEW YORK
CAMILLE CAMPBELL PURVIS, OF TEXAS
LINDA J. REID, OF VIRGINIA
ANGELO O. RICHARDSON, OF VIRGINIA
TRACY ELIZABETH ROBERTS, OF MISSOURI
DOROTHY BROWNING ROGERS, OF PENNSYLVANIA
MATTHEW SCOTT ROSENSTOCK, OF PENNSYLVANIA
DAVID JAMES ROVINSKY, OF PENNSYLVANIA
RALPH HENRY RUSSOMANDO, OF VIRGINIA
ROBERT PATRICK SANDERS, OF CALIFORNIA
MICHAEL J. SCHREUDER, OF MICHIGAN
PETER S. SHERMAN, OF VIRGINIA
STEVEN M. SHERMAN, OF VIRGINIA
STEPHEN C. SIMPSON, OF FLORIDA
REGGIE SINGH, OF MARYLAND
MARSHA SINKEVICH, OF VIRGINIA
KEVIN D. SKILIN, OF PENNSYLVANIA
LAWRENCE LOUIS SOSNOWICH, OF MARYLAND
ANDREW J. SPARACO, OF VIRGINIA
JUDES E. STELLINGWERF, OF COLORADO
RAKESH SURAMPUDI, OF GEORGIA
SHERRY ZALIKA SYKES, OF FLORIDA
MICHAEL P. TAYLOR, OF WEST VIRGINIA
LENORA R. THOMPSON, OF VIRGINIA
DAVID BRYANT TULLOCH, OF CALIFORNIA
LISA K. VOMOCIL, OF MARYLAND
ANNE M. VON LUHRTE, OF VIRGINIA
TYLER PATRICK WARREN, OF THE DISTRICT OF COLUMBIA
LISSA CLAIRE WELDON, OF MINNESOTA
DEREK H. WESTFALL, OF TEXAS
ELIZABETH S. WHARTON, OF VIRGINIA
CHRISTINE A. WHITE, OF MARYLAND
KIRSTEN WIVEL, OF MARYLAND
DEREK S. WORMAN, OF MINNESOTA
ERIC T. YOUNG, OF VIRGINIA

THE FOLLOWING-NAMED PERSON OF THE AGENCY INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF THE CLASS STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED EFFECTIVE FEBRUARY 28, 1997:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

HAROLD EDWARD ZAPPIA, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE AS INDICATED, EFFECTIVE OCTOBER 11, 1998:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

DEBORAH ANNE BOLTON, OF PENNSYLVANIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE AS INDICATED, EFFECTIVE NOVEMBER 21, 1999:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

MICHAEL PATRICK GLOVER, OF TEXAS

IN THE COAST GUARD

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 211:

To be ensign

JENNIFER L. ADAMS, 0000
KATHRYN R. ALBERTS, 0000
JASON C. ALEKSAK, 0000
JENNIFER A. AMARAL, 0000
JONATHAN A. ANDRECHIK, 0000
SHAMEEN E. ANTHANIO, 0000
FREDDIE M. BACONG, JR., 0000
TIMOTHY G. BALUNIS, JR., 0000
KEVIN M. BARKLAGE, 0000
BRYAN M. BEGIN, 0000
CHRISTOPHER J. BELMONT, 0000
ANDREW R. BENDER, 0000
SCOTT W. BOBIN, 0000
ASHELEY M. BODKIN, 0000
DANIELLE A. BOUCHER, 0000
JOHN C. BOURCET, 0000
JASON T. BOYLE, 0000
PATRICIA J. BRADY, 0000
BRIAN P. BREGUET, 0000
DANIEL J. BROADHURST, 0000
JOHN J. BURNS, 0000
CHRISTOPHER G. BURRUS, 0000
JEREMY P. BUTSCH, 0000
MARCUS A. CANADY, 0000
RONALD J. CAPUTO, JR., 0000
CATHERINE T. CARABINE, 0000
DAWN N. CASADY, 0000
MATTHEW M. CHONG, 0000
MICHAEL A. CINTRON, 0000
AUSTIN H. COHOON, 0000
ANGELA A. COOK, 0000
SARAH A. CORTEVILLE, 0000
JESSICA C. CRANDELL, 0000
KEVIN A. CRECY, 0000
DORIAN B. CURRY, 0000
HAI X. DANG, 0000
MICHAEL V. DANISH, 0000
JON N. DAVIGNON, 0000
TIMOTHY P. DEALY, 0000
RULA F. DEISHER, 0000
MATTHEW C. DERRENBACHER, 0000
JOYCE M. DIETRICH, 0000
JOHN C. DILUNA II, 0000
RICHARD B. DROSHE, 0000
TAD F. DROZDOWSKI, 0000
SAMUEL Z. EDWARDS, 0000
JOHN T. EGAN, 0000
MARK J. EYTCHESON, 0000
DAVID T. FEENEY, 0000
CHRISTOPHER W. FERTIG, 0000
MATHEW S. FINE, 0000
JOHN M. FIORENTINE, 0000
SANDRA Y. FOX, 0000
HSINGYEN J. FU, 0000
KYLE S. GAHAN, 0000
JAMES C. GATZ II, 0000
ZACHARY N. GLASS, 0000
TROY P. GLENDYE, 0000
EVANGELINE R. GORMLEY, 0000
THERESA M. GRANO, 0000
PEGGY M. GROSS, 0000
REBECCA S. HALEY, 0000
RYAN C. HAMEL, 0000
AMANDA D. HARDGRAVE, 0000
DAVID W. HATCHETT, JR., 0000
PRESTON S. HEINEN, 0000
MICHAEL P. HENNESSY, 0000
MATTHEW D. HERON, 0000
ANGELINA HIDALGO, 0000
KATE F. HIGGINS, 0000
AZIZA A. HILL, 0000
BRENDAN J. HILLEARY, 0000
JAY B. HOFLICH, 0000
TIMOTHY C. HOLT, 0000
CATHERINE E. HUCHKO, 0000
SAMUEL J. JACKSON, 0000
GEORGE H. JOHNSON, 0000
NICHOLAS A. KALIN, 0000
SAMUEL P. KASTEN, 0000
PAUL M. KATCHEN, 0000
CHRISTOPHER M. KEEN, 0000
ELIZABETH E. KEMPTON, 0000
NATHAN P. KENDRICK, 0000
MELISSA A. KEPFER, 0000
DAVID M. KESSLER, 0000
SARA E. KIENOW, 0000
MARGARET E. KIEVIT, 0000
JONATHAN N. KIMURA, 0000
PAUL M. LALICATA, 0000
LIAM J. LARUE, 0000
JOHN M. LEACH, 0000
CHRISTINA A. LEAMAN, 0000
MICHAEL J. LEE, 0000
JOHN-DAVID A. LENTINE, 0000
CHRISTINE A. LEOPARDI, 0000

JUNE E. LESHNOVER, 0000
RACHEL L. LEWIS, 0000
PATRICK M. LINEBERRY, 0000
CAROLYN L. LYNCH, 0000
PATRICK J. LYSAGHT, 0000
SCOTT M. MAC CUMBEE, 0000
GREGORY J. MADALENA, 0000
BRIAN J. MAGGI, 0000
JILLIAN C. MALZONE, 0000
MATTHEW C. MANOFSKY, 0000
TIMOTHY J. MARGITA, 0000
VANESSA MARTIN, 0000
MARK A. MC DONNELL, 0000
JENNIFER M. MC GAA, 0000
SHAWN C. MC MILLAN, 0000
BRIAN K. MC NAMARA, 0000
SCOTT R. MEDEIROS, 0000
JOSEPHINE K. MEEUSEN, 0000
CATHERINE L. MELLETTE, 0000
JUAN B. MENDEZ, 0000
MATTHEW A. MICHAELIS, 0000
KATIE A. MILBRANDT, 0000
ROBERT S. MOHR, 0000
PETER M. MORISSEAU, 0000
MEREDITH S. MORRISON, JR., 0000
JANE A. MUNCH, 0000
JONATHAN P. MURPHY, 0000
NICHOLAS E. NEELY, 0000
GINA M. NESE, 0000
MARSHALL E. NEWBERRY, 0000
SHEILA A. OSULLIVAN, 0000
JACLYN E. OBAR, 0000
KIRK G. OBERLANDER, 0000
CHRISTOPHER W. OGLE, 0000
MEDEA R. OMAR, 0000
NEIL ORLICH, 0000
AARON J. ORTENZIO, 0000
HEIDI PARK, 0000
BRIAN J. PRUITT, 0000
LIBBY J. RASMUSSEN, 0000
JEFFERY J. RASNAKE, 0000
TOBIAS C. REID, 0000
ROBERT E. RIMER, 0000
JILL C. ROBERTS, 0000
DANIEL P. ROGERS, 0000
JAMES E. ROSENBERG, 0000
JESSICA A. ROZZI-OCHS, 0000
MARK A. RUSNAK, 0000
JENNIFER A. SADOWSKI, 0000
CARYN A. SANTOGATTA, 0000
ANDREW W. SCHROEDER, 0000
TYSON J. SCOFIELD, 0000
GARY R. SCOTT, 0000
KRISTEN L. SERUMGARD, 0000
ELIZABETH L. SEURYNCK, 0000
JAMES H. SILCOX III, 0000
NICHOLAS R. SIMMONS, 0000
ERIC D. SKOW, 0000
BRIAN A. SMICKLAS, 0000
JAMES J. SMITH, 0000
MARC H. SMITH, 0000
CAROLINE A. SNIPES, 0000
TIMOTHY C. SOMMELLA, 0000
JACOB A. SPINNLER, 0000
NICHOLAS R. SQUIRES, 0000
RICHARD W. STICKLEY, JR., 0000
MICHAEL R. STRUTHERS, 0000
STEPHANIE M. SUPKO, 0000
LEE C. SYNKOWSKI, 0000
MICHAEL A. TEIXEIRA, 0000
DONALD M. TERKANIAN, JR., 0000
BRIAN J. TESSON, 0000
ELIZABETH M. TOYCEN, 0000
CHRISTOPHER A. TREIB, 0000
CHARTER B. TSCHIRGI, 0000
MARC R. VANZETTA, 0000
VELMA C. VINING, 0000
STEPHEN B. WALTERS, 0000
WILLIAM L. WHITEHEAD, 0000
BRIAN R. WILLSON, 0000
MICHAEL T. WOJCIECHOWSKI, 0000
JESSICA S. WORST, 0000
ANDREW W. WRIGHT, 0000
MADELEINE C. WRIGHT, 0000
SARAH J. WYNE, 0000
DAVE J. YADRICK, 0000
JASMINE J. YEOMAN, 0000
BRENT C. YEZEFSKI, 0000
JONATHAN C. YOUNG, 0000
GREGORY D. ZIKE, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF NAVAL OPERATIONS, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5033:

To be admiral

ADM. VERNON E. CLARK, 0000

SENATE—*Monday, April 10, 2000*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Lord of creation, You have written Your signature in the bursting beauty of this magnificent spring day in our Nation's Capital. We thank You for the rebirth of hope that comes with this season of renewal. You remind us: Behold, I make all things new. As the seeds and bulbs have germinated in the earth, so You have prepared us to burst forth in newness of life. We forget the former things and claim Your new beginning for us. Help us to accept Your forgiveness and become giving and forgiving people. Clean out the hurting memories of our hearts so we may be open communicators of Your vibrant, creative spirit as we tackle problems and grasp possibilities of this day for the sake of our beloved Nation's future. By Your power. Amen.

PLEDGE OF ALLEGIANCE

The Honorable Thad Cochran, a Senator from the State of Mississippi, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER. The acting majority leader is recognized.

SCHEDULE

Mr. COCHRAN. Mr. President, on behalf of the majority leader, I am pleased to announce that today the Senate will be in a period of morning business throughout the day with time reserved for Senators DURBIN, THOMAS, CRAIG, MURKOWSKI, and BROWNBACK. Cloture was filed on the gas tax bill on Friday. Therefore, pursuant to rule XXII, all first-degree amendments must be filed by 1 p.m. today. By previous consent, the cloture vote has been scheduled to occur at 2:25 p.m. on Tuesday. That vote will be the first vote of this week. The Senate will also consider the marriage tax penalty bill during this week's session and the budget conference report. Therefore, Senators can expect votes to occur on Friday.

I thank my colleagues for their attention and cooperation.

GAS TAX CONSIDERATION

Mr. REID. Mr. President, we were able to work our way through the budget this past week. It took a lot of time and cooperation, but I think we were able to make a lot of headway. We are disappointed that a number of our amendments were not adopted.

The good news—and I think we should focus on this a little bit this morning—is the fact that gas prices are actually declining, on an average of almost 3 cents a gallon this past week. There is a long way to go to decline to where they first started picking up, but progress has been made.

With the vote on the gas tax bill coming up this week, I think we should recognize that the crisis we did see is certainly being diminished, if not alleviated. No one is happy about the cost of a gallon of gasoline. I stopped over the weekend with my daughter, and she filled up their vehicle's gas tank and commented about the price of gasoline. That is the way it is. Gas is too high. However, what we are attempting to do this week is something we should reexamine. We should recognize that if this bill is passed by the Senate, it will either be held at the desk indefinitely or would be what we call blue slipped, if it is sent to the House of Representatives.

We should focus on things other than this legislation. For example, if the majority is serious about this matter, we could call up H.R. 3081, the House-passed tax bill which concerns the minimum wage. That is on the Senate Calendar. We could work on that. That would allow other amendments to be offered that are meaningful.

There isn't anyone in this body who does not want to see a decrease in the cost of fuel prices. Simply stated, this is not the way to go about it. OPEC has signaled its willingness to produce more oil. Non-OPEC nations have agreed to contribute some 700,000 barrels a day to alleviate this crisis.

We would be better off focusing on doing things so we are not as dependent on foreign oil. We have to import 55 percent of the oil we consume in this country. For example, we need to do something to make sure that the oil that is produced in Alaska is used in the United States and not shipped to Asia. We have to do something to make sure we develop a long-term energy policy and do something with alternative fuels. Solar, wind, and geothermal are areas we need to explore. We have spent very small amounts of money each year on hydrogen fuel development; this, some day, will overtake the fossil fuels that we use.

There are a lot of things we need to do. One of the things we need not do is try to explain to the American public that we are doing something by reducing the 4.3-cent-a-gallon tax for part of this year. No. 1, in a number of States, if the Federal tax is knocked off, the States are obligated by law to pick up that extra 4.3 cents, or whatever it is, that the Federal Government knocks off.

In short, I think we could be using this time in a much more productive fashion than debating the 4.3-cent-per gallon tax reduction which is cosmetic in nature only and is certainly not even a short-term fix.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the time until 1 p.m. shall be under the control of the Senator from Illinois, Mr. DURBIN, or his designee.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I yield myself such time as I may consume.

CONGRATULATING THE UNIVERSITY OF NORTH DAKOTA HOCKEY TEAM FOR THEIR NCAA CHAMPIONSHIP

Mr. DORGAN. Mr. President, I came to the floor today as we begin business this week to talk about two issues. First, let me describe what happened Saturday evening on the east coast. There was a hockey team from the University of North Dakota that went to the east coast to play in the NCAA Division I hockey championship. When they finished that competition, the North Dakota Sioux were Division I national champions once again. In fact,

it is the seventh Division I national championship for the University of North Dakota hockey team.

I am an alumnus of that great school, and it was with great pride I watched the game on television last Saturday evening and saw the North Dakota Fighting Sioux win that contest. We are the home of great skaters, great hockey players, and great tradition. This year, once again, we demonstrated that you don't have to have a 40,000-student population to be a Division I national champion.

I called the White House this morning and asked if they would invite that team to the White House, as is often the custom for championship teams—college football, basketball, and other teams, including professional teams who have been invited to the White House by the President to say congratulations to them. I hope he will do the same for this wonderful group of young men from North Dakota who are now this Nation's champions in Division I hockey.

So my hat is off to the University of North Dakota. It is a wonderful school. I am proud to have gotten my undergraduate degree there. I am increasingly proud year after year as I watch that school. Not only are they great athletes and hockey players, these are also great students and good young men. This is an athletic program without parallel around the country, in my judgment. Again, I congratulate those young men. I am very proud of them.

THE SENATE AGENDA

Mr. DORGAN. Mr. President, I will discuss for a moment the issues that face the Congress, where we are and why we are here, and suggest perhaps a slightly more robust agenda for the next couple of months.

It is now a Monday in April, and it is not quite clear to me what the agenda will be on the floor of the Senate this week. I guess it is not quite clear yet to anyone. We know that in the coming weeks we will do our work as appropriators. I am on the Appropriations Committee, and we will do our work as appropriators and bring appropriations bills to the floor of the Senate, and there are some authorization bills that must get done. But beyond that, it is not quite clear what the agenda is.

Recognizing that my political party, the one I represent in this Chamber, did not win the election, it is also clear we don't set the agenda in the Senate. The political system has a unique way of describing who controls institutions such as this. And those who have the most members, who get the most votes in a general election, have the opportunity to control and create an agenda. That is as it should be. But it is perhaps frustrating for me and others that our agenda is not nearly as robust as it could or should be.

Let me describe some of the things I think we ought to be doing and that I hope the majority leader and others will agree at some point in the coming weeks that we will do.

First, we passed some long time ago a Patients' Bill of Rights. I didn't support the Senate version of it because I didn't think it was a good bill. But the House of Representatives passed a bipartisan piece of legislation coauthored by a Democrat and a Republican in the House of Representatives. It was a very vigorous battle in the House. They passed a real Patients' Bill of Rights bill.

It says in this contest of wills between patients, doctors, the insurance companies, and HMOs, that there are certain rights that patients ought to have.

Every patient in this country who seeks medical treatment ought to have the right to understand all of their options for medical treatment—not just what's the least expensive.

Those who need emergency room treatment ought to be able to expect to have emergency room treatment when needed.

When a woman falls off a 40-foot cliff and is hauled into an emergency room comatose, and then the HMO later says: We will not approve your emergency room cost because you didn't get preapproval for emergency room treatment—there is something wrong with the system.

Are there certain rights that patients ought to have in this health care system? The answer yes. Among those are the rights embodied in the bill in the House of Representatives called the Patients' Bill of Rights. It is now in conference. It is not likely to produce 67 votes, unfortunately, under current circumstances because the House-appointed conferees, who in most cases didn't vote for the bill, sent it to conference.

The Senate, of course, has a piece of legislation that does not do the job. But those of us who support a strong Patients' Bill of Rights remain hopeful that between now and the end of this legislative session we will pass a bipartisan piece of legislation called a Patients' Bill of Rights that really provides the rights and the assistance to patients in dealing with their insurance companies with respect to their health care treatment.

Juvenile justice: We passed a juvenile justice bill in the Senate. That bill was passed in Senate legislation that many do not like.

Among the two pieces of legislation that people do not like on that bill—and the reason I guess it is stalled—is some legislation dealing with guns. We provided two simple components to that piece of legislation.

I come from North Dakota. I grew up hunting. I had a gun when I was a teenager. I pheasant hunted, I deer hunted, and practiced target shooting. I know about guns. I am not somebody running into this Chamber saying let's have gun control. That is not my orientation at all.

But the two pieces dealing with guns that we added to the Juvenile Justice Act are so sensible. One is mandatory trigger locks for handguns. When 6-year-olds go to school and shoot another 6-year-old, ought we not to understand the need for trigger locks on handguns? It seems to me that is eminently sensible.

Second, the issue of gun shows, and the question of whether at gun shows that people set up around this country on Saturdays or Sundays there ought to be an instant check when guns are sold to find out whether you are selling a gun to a convicted felon.

Go to a gun store anywhere in this country and try to buy a gun. They are going to run your name through an instant check to find out if you are a convicted felon because if you are, you cannot buy a gun. But we have a loophole at gun shows which are big, and getting bigger. There are more of them. Many feel—including the Senate, incidentally, by a rather close vote—that we ought to have the opportunity to close that loophole and say if you are going to buy a gun, it does not matter whether it is in a gun store or at a gun show, you ought to have to have your name run through an instant check so we can make sure we are not selling a gun to a felon.

Those two issues—trigger locks for handguns for the safety of children in this country, and closing the gun show loophole—have meant that the juvenile justice bill, which is so important, is now in conference, and apparently we can't get it out. I hope we can be more sensible about this and get that bill out of conference, bring it to the floor of the Senate and the House, and get it to the President for his signature.

There are other items we continue to struggle with, such as the issue of school construction.

I have spoken at great length about walking into the Cannon Ball School and seeing little Rosie Two Bears, a third grader, who says: Mr. Senator, are you going to build me a new school?

I said: No, I don't have the money to build you a new school, Rosie.

This is a school with 150 kids, one water fountain, two toilets, and closings of the school building which is not fit for classes, where sewer gas comes up and they have to evacuate the rooms. Rosie isn't getting the kind of education we want for her as an American.

When we say let's help rebuild, renovate, and construct some of America's schools to bring them back up to standard, we are told, no. You can't do that. That is not the Federal Government's job.

It is interesting. There was a piece in Newsweek by Jonathan Alter, a rather interesting columnist. He said about 4 or 5 years ago the Congress decided they were going to spend $8 billion to upgrade jails and prisons. The State and local governments absolutely spent the money for jails and prisons. The Federal Government can upgrade the jails and prisons but not the schools. Is it less important to bring schools up to standard than a jail or a prison somewhere?

If we can spend $8 billion to improve places to incarcerate criminals, we ought to be able to spend a few billion dollars to help kids go into a classroom door in a school that we as parents could be proud of. That ought to be done in this session of the Congress as well.

Judicial nominations, we want to get through. We don't have a committee in this Congress for lost and found. Almost everywhere else—hotels, airports, every other institution—when you lose something and ask where the lost and found is, they send you there. There is a lost and found over there. In Congress there is no place you can go to the lost and found. Maybe we need a committee on the lost and found. When these policy issues leave here, you never hear from them again.

I hope that in the coming days Republicans and Democrats together can decide that there are certain common elements to an agenda that will strengthen this country and make this a better place in which to live. I don't believe that we have a circumstance where one side of the political aisle is all right, and the other side all wrong. That is not the case. We have good men and women serving in this Chamber on both sides of the political aisle. But it remains a frustration that in some areas where we have passed legislation, it gets sent to a conference somewhere never to be seen again because a small minority refuses to accept sensible judgments of the majority in both the House and the Senate.

I think that is the case with the Patients' Bill of Rights with respect to the vote in the House, and certainly is the case with juvenile justice and decisions in the Senate on things such as trigger locks and also closing the gun show loophole.

I hope we can find a way to address some of these important issues in the coming weeks and months.

I hope we can demonstrate to the American people that we care about education and health care, address the crime issue in a thoughtful way, get nominations through this Chamber, and appoint Federal judges to fill vacancies, which are things that represent part of the agenda that needs to be completed as soon as possible in the Senate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, are we in a period of morning business?

The PRESIDING OFFICER. The leader is correct. Under the previous order, the leadership time has been reserved.

SENATE SCHEDULE

Mr. LOTT. Mr. President, I will talk a few minutes about the schedule for the week and then comment specifically on some of the issues we will be addressing during the schedule for Tuesday, Wednesday, and Thursday.

We have several important issues before the Senate to take up and hopefully complete action on. One of them is the question of our national energy policy. That will be brought to the Senate during the day on Tuesday with a vote on the gas tax issue.

Following that, we will be discussing the marriage penalty tax. This past Saturday, I had occasion to be in a store and one of the other customers asked me: Are we finally going to get rid of the unfair marriage penalty tax? I said we would try to and hoped to do it this week.

I went on about my business and the customer went on about his. The customer came back later and said: Do you think you actually will begin to eliminate the very unfair tax? I said: That is what we are trying to do.

Then he came back a third time and said: You are going to have a vote next week? I said: Yes, we are. He asked if he could get the names of those voting against getting rid of the unfair tax. I said: Yes, it will be in the RECORD. Call my office; we will be glad to get it to you.

That is what we hear in the real world, off of Capitol Hill. People say this is a real problem.

We have been talking about eliminating the marriage penalty tax for years. It is time we get it done. We will have that debate on Wednesday and, I presume, a vote Wednesday or Thursday to see exactly where the Senate is: Do we want to eliminate the marriage penalty tax or not? I think we should. I certainly will vote that way.

Before the week is out, we hope to take up a number of Executive Calendar nominations. We have a number of nominations that we should be able to clear. We will work with interested Senators and committees involved on both sides of the aisle to see if we can clear a number of these nominations.

Last and certainly not least is the fact we will also want to complete action on the conference on the budget. We completed action on the budget resolution of the Senate on Friday. I understand the conferees will be working together during the next 2 days, hopefully, to file the necessary report by Tuesday night. Then we will have the necessary debate, whatever time that might be. It could be up to as much as 10 hours. Then we will have a vote on that conference report Thursday evening or Friday morning.

That leads me to another point I want to be sure to make early in the week. As I have notified Senators in the past, during these weeks right before a recess—in this case the Easter recess—we will go home and be with our constituents and families. Senators should anticipate the possibility or even the likelihood of votes on Friday. If we can complete the work I have outlined by Thursday night then we will not be in session on Friday. But if for some reason we have not been able to complete at least the vote on the conference report on the budget, then we will be in session on Friday. We certainly hope to finish it by noon on Friday, but that will depend on how much time is needed and when the Senate wishes to get to a final vote.

I wanted to go over the schedule for the week so Senators know what to anticipate on Tuesday, Wednesday, Thursday, and the possibility even of Friday votes on the budget resolution conference report.

Now let me go back and talk about some of these issues, to try to make clear what I am trying to do by moving these bills, and explain what the situation is with regard to the gas tax, for instance.

There have been those who said the Senate voted last week during the debate on the budget resolution on a sense of the Senate that basically the Senate would not temporarily suspend or in any way remove the gas tax.

The Federal gasoline tax is 4.3 cents a gallon. That was added back in 1993. But the total amount of the Federal tax is 18.4 cents a gallon. I remind my colleagues, that does not count the State taxes and in many cases local taxes on gasoline. Where I am from, we even have, in addition to the State and Federal taxes, what is known as the seawall tax.

That is quite curious because quite often we do not see anything happening on the seawall, but the tax is being collected and spent on general improvement of roads. Most people do not gripe because we have a developing area and we want to have good roads. I think that is a very important thing.

But, as a matter of fact, the total tax on gasoline in most States is as much as a quarter or a third or more of the total cost of a gallon of gasoline. So the taxes on gasoline are significant.

With regard to this vote last week, the so-called Byrd sense-of-the-Senate resolution said it is the sense of the

Senate that the functional totals in this budget resolution do not assume the reduction of any Federal gasoline taxes on either a temporary or permanent basis. What we will be considering today and tomorrow morning in our gas tax bill is specifically designed to make certain that highway spending, and thus the functional totals, are not changed by our gas tax suspension.

Therefore, the spending assumptions in the budget resolution do not assume the reduction of any Federal gas taxes on either a temporary or permanent basis. The revenue levels in the budget resolution, however, do assume a temporary suspension of the 4.3-cent-a-gallon so-called Gore tax increase.

If the Byrd amendment had been drafted to read, ''it is the sense of the Senate that the functional totals and the revenue levels in this budget resolution do not assume . . .'' then it would have had a very different impact. So I am trying to clarify the difference in what some people thought the resolution did last week and what we are actually doing.

Under the budget resolution, there is no question we could have this debate and have this vote on gas tax because this is what it would do. It says we would temporarily suspend, just for the remainder of this year, 4.3 cents a gallon—I will come back to that in a moment—and, if gasoline prices go to $2 a gallon national average, then the entire 18.4 cents a gallon would be suspended in a gas tax holiday just to the end of the year.

So when people say, How much would this cost? The first answer is it would depend on whether or not gasoline reached the national average of $2 a gallon and when that would occur, when that would take effect.

The amendment language is drafted so this will not affect the highway trust fund. I want to emphasize that: It will not reduce the funds in the highway trust fund. It would hold harmless the highway trust fund. If there is this gas tax holiday, it would come out of the surplus.

I remind my colleagues, we do at this point have a $23 billion on-budget surplus now; that is, surplus in addition to what we have as a result of the FICA, Social Security tax. So there is a surplus there. While we would like to protect that surplus as much as possible and not use it, or see it used to pay down the national debt, this is what I think to be a reasonable way to use some of it, if gasoline prices should actually go up to $2 a gallon.

What I am saying is, there is no difference between what we are trying to do and what the Byrd sense-of-the-Senate resolution said. He was trying, I believe, to make sure it did not come out of the highway trust fund. As a matter of fact, this amendment is drafted in such a way it does not.

Let me remind my colleagues how we got to this additional 4.3-cent-a-gallon gas tax. It was added in 1993. In the Senate, it passed on a tie vote with the Vice President, Vice President GORE, breaking that tie. There was a big debate about whether or not we should be increasing the price of gasoline by raising this tax in the first place.

But there was an even more important, very telling point, and that was, in this case the gas tax would not go into the highway trust fund but it was going to go into the General Treasury to be used for any number of purposes by the Federal Government, not to build highways and bridges and to improve urban mass transportation and rail service or anything of that nature, just to go into the big, deep, dark hole of the Federal Treasury.

By the way, I think about $21 billion of gas tax revenue went into the General Treasury. But then in 1997 Congress changed that and said no, this is a gasoline tax and it should go, like other gasoline taxes, into the highway trust fund. So it started going into the highway trust fund.

With regard to what we are trying to do here, the elite Washington position is: Oh, what difference does 4.3 cents a gallon make? We can afford that.

Yes, maybe, if you live and work on Capitol Hill or for the Federal Government. But if you are out there in the real world, and you are a working family, and you are driving 100 miles a day round trip to get to an industrial job, or to get to where your employment is, while it still will not add up to a lot of money, when you are a blue-collar worker, when you are a union worker, working at a shipyard or International Paper mill, a few dollars more a week in the price of gasoline does make a difference. It comes right out of that family budget.

So it is typically what you get here in Washington, the elite attitude: Well, it will not make that much difference. But it is not only the individual who is paying those higher gas taxes, it also affects smaller business men and women. It affects barge operators on our rivers and inland lakes across America. It affects the truck driver who, by the way, if he is an independent driver—he owns his own rig, he drives not a few hundred miles a week, he drives many hundreds of miles a week up and down this country and back and forth across this country—it is hitting him or her very hard because he is paying this extra cost to run those trucks.

Or, if you are in a business that involves a lot of trucks, a lot of heavy equipment, such as road construction or sand and gravel work, you have seen the cost of doing business go up considerably. It is not a few dollars, it is not hundreds of dollars, it is thousands of dollars in cases such as that.

By the way, that comes right out of the bottom line because quite often you are carrying out a contract for which you have already submitted a bid, you have a price agreement, and now you see you are having to take this extra cost right out of getting this job done. So it is having a real impact.

The next argument against reducing the gasoline tax, or having a gas tax holiday, is that: Look, this is temporary. It was just a spike up in the price of gasoline. We did not see it coming. We were caught napping—according to the Secretary of Energy, Secretary Richardson—and the OPEC countries will open the spigot up a little bit and everything will be fine, prices will go back down.

Maybe they will. They have ticked down some in some areas, although I bought gasoline on Saturday and it cost $1.63 a gallon, and that was not the premium; premium was more than that. In some places it is more than that, in some places it is probably less than that. So maybe it will come down and maybe it will stay down, but I think maybe it might, as a matter of fact, tick back up because world demand is going to exceed supply. We are going to be drawing down reserves around the world. So I am concerned it could go back up, in addition to the fact it is still very high.

So this is an issue we should think about. We should be careful how we proceed. But we should have this debate. It is bigger than just gasoline price and the Federal gas tax, although, I repeat, to a lot of working people it has had an impact and it will continue to do so.

There is a broader question involved, and that is: What is our national energy plan? What are we going to do about the price of fuel, alternative fuels, conservation, environmental impact? All these questions are looming.

I do not think we have a true national energy plan for the future. Our dependence on foreign oil has gone from 45 percent of our needs 10 years ago to around 55 or 56 percent now. I think it is going to go over 60.

What are we going to do? Are we comfortable with that? Are the American people comfortable with that? I do not think so.

In the early seventies, we had the higher prices. We had the gas lines. Nobody liked it. People really got mad. We put forth a lot of effort in Congress to develop a national energy plan and to make ourselves less dependent on oil. It has not worked. It has gone the other way.

We need to ask ourselves what we are going to do about this. What if the OPEC countries and other countries from whom we get our oil decide to cut the spigot down or cut it off? Economically, we would be in a real mess quickly.

We have the Strategic Petroleum Reserve, which is something we did in the aftermath of the last price increase and the long lines. We have SPR filled up

so if we have a national emergency, we can use it for about a month.

Is that enough? Should we do more? What are we going to do in the broader sense? I view this current upward spike as another knock on the door, another tap on the shoulder: Hey, America, you have a problem. You are dependent on Libya and Qadhafi; you are dependent on Iraq for about 700,000 barrels of oil a day. Are you comfortable with that?

When I go home, I have people come up to me and say: Aren't these the same people we went to war for a few years ago? And now they are turning the spigot on and off, and the prices go way low or high. Is this what we want? I do not think so. It is very dangerous.

Then one may ask: What is going to be done? What can be done? We do need to look for more oil reserves of our own. We need to give incentives for our men and women, our independents, our wildcats, the small operators, and the big ones, to find more reserves, to make use of these oil wells that are capped right now. There are a few in my own State and certainly other places around the country. We ought to see if there are other places we can open up.

The Senate voted last week against an amendment that would have prevented using the reserves in ANWR in Alaska. I believe we can get at those oil reserves without causing environmental damage, and we should do that.

It is not just about more oil. The President said we should look at alternatives. I agree. What are the alternatives about which we are talking? One is natural gas. When I sit on my front porch in my hometown of Pascagoula, MS, looking off to the south and the east, I see a natural gas well. I believe natural gas is a good alternative. It is clean, and we can make a lot more use of it if we provide some incentives for making greater use of natural gas. We have tremendous reserves of natural gas. So much of it is in the ground; so much has been capped because it has not been worthwhile to get it out. That is an alternative that is environmentally safe, and we have lots of it. That is one option.

Also, in my part of the country we use coal to provide electricity to our people. It is cheap, and it also is clean-burning coal. Our companies have taken actions to deal with the emissions problems. Yet EPA today is putting genuine hard pressure on five companies in America, including Southern Company in our part of the United States, that will drive up the cost and will cause real problems using coal as their fuel supply in the future.

That is one alternative we ought to keep. We ought to find more oil; we ought to make use of natural gas; we ought to continue to find ways to burn coal with clean technology, with modern technology, but also that it is clean coal being burned.

The next thing is nuclear power. Nuclear power is clean. There is nuclear power already in Europe, China, and Japan. Yet we have been trying for years and have spent billions of dollars finding a repository for nuclear waste. The Senate passed a bill, I believe, two or three times, and the President is threatening to veto a very carefully thought out procedure of a repository for nuclear waste.

Sooner or later, if we cannot deal with that problem, our nuclear plants will be faced with the threat of shutting down. If we do not explore for more oil, if we do not make greater use of natural gas, if we put limits and make it difficult to use coal, if, as a matter of fact, we cannot use nuclear power because we cannot come up with a proper way with which to deal with nuclear waste disposal—talk about an environmental problem. Deciding how to deal with nuclear waste is the biggest environmental problem in America today. We have been batting that ball back and forth for 10 years or more, and we still have not resolved it.

If not oil, not natural gas, not coal, and not nuclear, what? Solar and wind? That will help some, but the statistics I have seen show that will provide a very small percentage of our needs. Ethanol—I have supported ethanol. I just do not believe wind and solar, ethanol, and alternative sources beyond the ones I have been talking about will solve this problem.

I hope, as a result of the debate today and tomorrow, we will admit that we do not have a national energy policy, that we are dependent on foreign oil and are going to be for the foreseeable future unless we sit down, think this through, and come up with some ideas on how to proceed.

I have urged the committees of jurisdiction—the Energy and Natural Resources Committee, the Foreign Relations Committee, and other committees—to have joint hearings or have hearings and ask questions about these long-term problems of how we are going to deal with these issues. I hope after we have this debate and votes tomorrow, we will have a broader, general energy package that will begin to address these long-term problems. I am concerned about it. I hope the Senate will step up to this issue and make a difference beyond what we have done in the past.

The second issue on which the Senate will be working this week is the marriage penalty tax. I believe most Americans have some idea by now of what it is. There have been different proposals on how to deal with it. Some of the arguments are: Yes, but if you are married, you get certain bonuses. I do not think that applies to what we are trying to deal with here.

The fact of the matter is, if you are a young couple or, as we realized last week, an older couple—couples married 25 years get hit with a marriage penalty tax, but for young couples it is particularly startling.

I found that to be the case with my own family. Our daughter got married last May. She has been hearing talk about the marriage penalty tax, so she decided to find out what that would mean for her. She and her husband both work. Together, they have a pretty good income, although they are certainly not wealthy, but they are in that middle bracket. She figured it would cost them about $500 more this year in taxes because they got married.

By the way, it is going to escalate over the next few years to about $1,400 a year. This is just basically wrong. We should encourage people to get married. We should not in any way discourage them by saying: Oh, by the way, if you do get married, you will pay more in taxes.

Some people will complain the package that came out of the Finance Committee is too big; that, as a matter of fact, not only did we deal with the low-income people by increasing what was in the House bill for the so-called earned-income tax credit, EITC, we also said we will double the 15-percent bracket and the 28-percent bracket because we do think if a marriage penalty tax is wrong, it should be wrong for everybody. It should not be wrong just for the entry-level, lower income people; it ought to be also unfair for the upper lower income bracket and the middle-income bracket; as a matter of fact, right across the board.

But we at least broadened its application to the middle bracket to make sure, if you have a young couple who are both working—whether they are in blue-color jobs or whether they are in entry-level professional jobs—they should have this penalty eliminated.

Senator MOYNIHAN of New York, and others, have an alternative proposal. I think it is worth considering. In fact, if we could afford it, I would like to have what we are doing and what Senator MOYNIHAN is proposing in terms of—I guess it is the income splitting option. But I think we ought to have that offered and debated.

I think we can come up with a way that we can have a full debate where there could be amendments with regard to the marriage penalty legislation. I hope we can reach an agreement on how that would come up. Then on Wednesday and Thursday, we would debate the alternatives and we would have a vote. But it is long overdue.

I hope we can do as we did on the Social Security earnings limitation. We passed it unanimously in the Senate. A lot of people said: Oh, gee, that was so easy. Why didn't you do it before? We have been talking about it for 20 years. We couldn't get it done.

They said it cost too much or that senior citizens didn't really need it or it was a part of a package. But for

some reason or another—for years and years—it did not happen. Finally, we isolated it, passed it clean, and passed it overwhelmingly.

The President had a big signing ceremony last week saying: Finally, we have eliminated the Social Security earnings test. Good. The main thing is our seniors who are between 65 and 69, who want to continue working without being penalized in their Social Security benefits, are going to have that opportunity.

But I think the same is true here. It is clear now we have isolated it. The marriage penalty tax is not connected to incentives for people to adopt children. It is not connected to the death tax or the estate tax. It is not connected to anything else. We are just going to have a debate about the marriage penalty tax. Senator HUTCHISON of Texas and Senator ASHCROFT of Missouri, and a number of other Senators on both sides, are going to say: We ought to do this. This is the way to do it.

But in the end, this is the point: We are going to see this week if the Senate is for eliminating the marriage penalty tax or not.

The guy in the store where I was shopping is going to have a list of the names of those who vote against it. I hope the Senate will step up to this and that we will begin the process of totally eliminating the marriage penalty tax.

Then, finally, on the budget resolution, I hope we can get a final agreement on the conference report and that we will pass it before the end of the week so we can go forward with our appropriations bills. That is a very important part of what we need to do this year; that is, pass the 13 appropriations bills for Agriculture, for defense, for the Interior, and for all the various Agencies and Departments of the Government, and more importantly for the American people.

We ought to do it earlier than usual. There is no reason why we should wait until June or July to do the appropriations bills. Let's get started in May. Let's move them earlier. That is where we can include things that we think should be done.

For instance, on the foreign relations bill, I think we should provide aid for Colombia to fight the narcoguerrillas and try to get control of that drug war there. I think we ought to do it, and do it on the foreign relations bill.

With regard to Kosovo and defense, the first bill that comes along, whether it is MilCon—military construction—or the defense bill, I hope we will add that additional funding. This budget resolution conference report will get all of that started.

Then I think important, once again, is, we should give credit to the Budget Committee and to what we are doing in the Congress as a result of this budget resolution. No. 1, for the third year in a row, we have the ability to have a balanced budget—3 years running now. Before that, we had not had one since 1969. Yet this year we have the ability to do that for a third time, and to protect every cent of the Social Security trust fund income. Every cent that comes in from FICA taxes will be preserved and set aside and will not be spent on other Federal Government spending programs.

I do not know exactly what that amount would be for the coming year, but it would be significant. I think maybe the figure is approximately $160 billion, or something close to that. But over a 10-year period, it will be $1 trillion. By not spending it, that is good for the program, it is good for technology, and we can pay down the national debt.

Over a 3-year period now, I understand we may have reduced the national debt by somewhere more than $300 billion. A lot of people never thought they would see the day come when we would actually begin to pay down the national debt.

If we stay on the path we are on, if we stay on the trajectory we now see with technology—and a lot has to happen; we have to have good fiscal responsibility, monetary policy, stable energy prices, right across the board—but if those things will stay within the ranges we are looking for, we could reduce completely the national debt by the year 2013 or 2015. That has not been done since Andrew Jackson was President of the United States. That is really an amazing thing.

If we can continue to keep in place policies by congressional actions, and by monetary policy, and by the administration, and see economic growth year after year of around 4.5 percent—and in recent years it has been more than that; but just 4.5 percent—it would have a tremendous impact on the economy and the explosion of revenue coming into the Social Security trust fund.

When we come to the point, over the next 2 or 3 years, where we are going to have fundamental reform of Social Security, to make sure it is preserved, protected, and, as a matter of fact, it is there for our children and our grandchildren in a way that will be meaningful to them, just that growth in the economy of 4.5 percent will give us the options we need to have a very strong program that will go not just into the year 2040 but go throughout this century.

I think these are very important issues. This is going to be an interesting week to have debate. When we complete that budget resolution, it will be a very positive action and will set the course for not only this year but well into the rest of this decade.

Mr. President, I have been looking forward to this opportunity to have this debate and have these votes this week. I look forward to that process as we go forward.

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

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to restore the remaining, I believe, 15 minutes of the hour that was reserved on the Democratic side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

GAS PRICES

Mr. DORGAN. Mr. President I enjoyed listening to the majority leader. I have always worked well with him, although we have different perspectives and a different philosophy and opinion on some issues. I have worked with him both in the House of Representatives and here in the Senate. When I listen to him I am always reminded why I have always liked him personally. He is a good person. I appreciate his public service.

There are some things on the agenda, however, that we might not agree about. I want to comment about a couple of those issues, especially with respect to an agenda item this week dealing with the repeal of the 4.3-cent-a-gallon gas tax, which is set for a cloture vote tomorrow afternoon here in the Senate Chamber.

My expectation is that the cloture vote will fail. I am not certain of that, but that is my expectation. Just hearing some of the comments and some of the statements that have been made previously, I expect that cloture vote will fail, and I think justifiably so.

Let me describe why.

I think the price of fuel in this country is a pretty tough pill for the American people to swallow. What has happened is the price of gasoline has spiked up. It is not because the free market has caused that. It is because we have a cartel called the OPEC countries that are limiting production and increasing the international price for their product.

That is not the free market. That is monopoly pricing. They have the strength and, I guess, the opportunity to do that. What they have done is, of course, impose a significant new charge on American families, on family farmers, producers, manufacturers, drivers, and others.

There was no vote on that. That was something the OPEC countries did. We didn't have a chance to discuss that or vote on it in the Congress.

The question I ask with respect to the repeal of the 4.3-cent gas tax—which is, after all, rather small in the scheme of what has happened to the price of gasoline—is who would get the benefit of that? Is there a guarantee of

any kind that the American people would actually get the benefit of the gas tax reduction? The gasoline tax is not imposed at the pump. The gasoline tax is imposed up the line. There is no guarantee at all that if the Congress would repeal the 4.3-cent gasoline tax, that that savings wouldn't simply be blended into the profits of the large oil companies. There is no guarantee that the American driver is going to pull up to a gas pump and find that gasoline prices are 4.3 cents a gallon less.

The other question is, What is going to happen to make sure we continue the building of the transportation infrastructure, roads and bridges, the programs we have already approved in the highway program that are done with this money? I am told by some: This money will be made up from the general fund. Where from the general fund? Where do we get that money? How do we know that will be the case?

Someone once said you should never buy anything from somebody who is out of breath. There is a kind of breathless quality about bringing this bill to the floor of the Senate to repeal the 4.3-cent-a-gallon gas tax.

One of the reasons we heard Members stand up last week and ask some very tough questions about this is, most of them understand, this is kind of an immediate, quick reaction that hasn't been thought through very well. It will not necessarily provide any relief to drivers. There is no guarantee this 4.3-cent-a-gallon reduction is going to show up at the pumps.

Secondly, where is the money? Where are we going to make up the money? Which roads aren't we going to fix or which bridges are not going to be repaired? Those are questions that need answering this week. Because they cannot be answered, I think the cloture vote will fail.

I think this is a pretty good discussion we are having with respect to energy policy. The majority leader indicated this country doesn't have much of an energy policy. I don't quarrel with that. We haven't had much under any administration, as a matter of fact. We are far too dependent on foreign sources of energy. There is no question about that. But in many ways this is a helpful discussion because we have had the discussion in recent years about the globalization of our economy. How can one stand in the way of the global economy? We are told this economy is a global economy. Understand it, they say.

Well, where are people going to produce energy in this world? In a global economy, they will produce energy where it is least expensive to produce. You can bring up oil under the sands in the Persian Gulf for a fraction of the cost of bringing up oil in the United States. That is the global economy, I guess. That is a decision the global economy helps make.

The majority leader asked the question—I think a very important question—do we have a national policy with respect to energy and our desire to be somewhat independent of foreign sources? That is a good question not just for oil. It is a good question for steel and for a whole series of things we know are important to the American economy.

We have been told until this time there is nothing that is more important than globalization of our economy; if steel moves and is produced elsewhere, so be it. Do the people who say that feel the same way about oil? Because that is where we are. The oil we consume is produced elsewhere. We now discover that when a cartel manipulates artificially the price of oil by restricting supply, Americans get overcharged. That is part of a monopoly in the global economy that we do not control.

We need to do a lot of things. This administration is proposing something I hope the majority leader and others will support in the area of domestic renewable energy. They are proposing significant new initiatives in wind energy, which I think make a lot of sense. We have new technology on wind-generation devices that is remarkable. If we put some in this Chamber on the right days, we could electrify New York.

In my State, North Dakota, I grew up walking outdoors in the morning with the wind and the breeze. If you take a map and evaluate what is the Saudi Arabia of wind energy, it is North Dakota, and a lot of other northern border States are right behind. Some will say, listening to me speak, they would have known we ranked high on wind energy. But seriously, we have an opportunity, with new technology, to capture wind energy in many parts of this country and extend our energy supply.

The same is true with biomass. The same is true with geothermal, and natural gas, which the majority leader suggested. Absolutely, we have wonderful new discoveries in natural gas and deep well finds. We are doing a lot of that.

We do need to pay attention to the development of oil and the development of coal, which are important in this country. We also need to get behind the proposals coming from the Department of Energy and this President's budget that call for the development of renewable energy resources and what is called green power—environmentally friendly sources of power. I mentioned one: wind energy. We need to fully fund these initiatives.

I hope no one comes to the floor later and says, ''We really care about our energy supply,'' if before that time they voted against these initiatives to extend our energy supply by investing in renewable energy sources. We need to do that.

This, in many ways, is a wonderful discussion. What does the global economy mean? Does it mean we don't have to worry about dependence on anything? We are now discovering it means we have to worry about dependence with respect to oil. What about steel? What about a range of other economic activities without which a country such as ours will not long remain a world economic power? This is a great discussion to have. It is right on point and right on time.

Yes, it is about oil and gas, but it is about much more than that. When we have this vote on cloture on the 4.3-cent gasoline tax repeal, I hope it will be preceded by a rather lengthy discussion of a whole range of these issues. I appreciate the majority leader raising them today.

I don't intend to support cloture. As I said, there is kind of a breathless quality of coming to the floor with a 4.3-cent gas tax repeal that consumers will probably never see, even if we take the 4.3 cents off. I expect it is going into other pockets long before it gets to the consumer. If it gets done, dye the dollars green and then look around for green pockets someplace. You won't find green at the gas pumps. You will find it somewhere upstream. Some bigger enterprise will pocket that money.

MARRIAGE TAX PENALTY

Mr. DORGAN. There is no disagreement in the Senate about the marriage tax penalty, that it ought not exist. We should change it. There are several different proposals to change it. We ought to come together with respect to one of those proposals.

I will describe one approach to address the marriage tax penalty. I am going to be introducing a piece of legislation at some point in the days ahead with my colleagues, Senator JUDD GREGG, a Republican, and Senator DICK DURBIN, a Democrat, and perhaps others, that would dramatically change the income tax system in this country. This approach would eliminate for a large number of Americans the marriage tax penalty. I have been working on this a couple of years and appreciate the work of Senator GREGG and others.

Over 30 countries that have an income tax system allow people to comply with their income tax without having to file a tax return. How do they do it? They just manipulate their W–4 that is filed with the employer to provide a little more information, and their actual withholding becomes their exact tax liability—no questions. That is your liability, no return filed, no searching for records, no long line at the post office on April 15.

Our country can do that. Our country can do it in a way that will allow 70 million Americans to comply with their income tax responsibilities on April 15 without having to file an income tax return. How do we do it? You

take the W–4 form when you sign in with your employer and you say: I have four children. I own a home—check that box. Check about three or four boxes. From that, you provide opportunities for the deduction for, on average, a mortgage interest deduction, and a couple of other things. A table is then provided by the Internal Revenue Service that sets forth the exact amount of taxes that the employer will withhold and send the IRS, and that is the end of the transaction. You are not going to be hassled or forced to search for receipts; you are not going to wait in a long line at the post office to get your income tax return postmarked by April 15.

Now, in doing that, this plan will also eliminate the marriage tax penalty. But the plan only applies to people making $50,000 a year or less in wages, if they are single, or $100,000 a year or less, if they are married filing jointly. If they have less than $2,500 in other income such as interest, dividends or capital gains if they are single, or $5,000 or less in such other income if they are married and filed jointly, they are eligible to check the box that says, yes, I want to use the Fair and Simple Shortcut Tax plan, the FASST plan, which means I don't have to file a tax return. My withholding will be adjusted at my place of work, and the withholding will be sent to the IRS and there is no tax return.

Simple, yes. It is the only plan I know of that discusses simplicity. Everybody who talks about simplifying the tax program, in most cases, ends up proposing things that will make it horribly complicated. This will simplify it—but not for everybody.

Some people have unusual income characteristics, with four different jobs, and investments, and capital gains of $20,000 or $40,000 a year. It won't work for them. For the majority of the American people whose only income is their wage at work and they have a de minimis amount of other income in capital gains or interest—$5,000 a year if they are married and filing jointly—all that other income will be tax free. So that is the incentive for savings and investment; that is the right incentive. All of the wage income—after several major deductions—up to $50,000 single and $100,000 married filing jointly—will be taxed at the single lowest rate. This plan extends the bottom rate and provides a de minimis amount of income tax free and you don't have to file a tax return anymore.

That makes a lot of sense to me and a fellow named Bill Gale at the Brookings Institution, who has done a lot of work on this issue of return-free filing. We are going to introduce legislation, which has been underway for a year and a half, I hope within the next week. As I indicated, Senator JUDD GREGG of New Hampshire has agreed to cosponsor, and Senator DURBIN and, I hope, others, so we can begin discussing real simplification for tens of millions of Americans who always do the right thing. They always file a tax return, they always fill it out correctly, and they believe as an American it is their responsibility because we do things, as a country, to provide for a common defense, to build roads and schools, and to provide for a whole series of things. They understand their obligation to pay for the cost of a civilized society, to pay for the cost of democracy. But they ought to be able to do it in a way that is far simpler than the current system, and that is what we intend to accomplish with this legislation.

Madam President, I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). Under the previous order, the Senator from Alaska is recognized.

THE FEDERAL FUELS TAX HOLIDAY OF THE YEAR 2000

Mr. MURKOWSKI. Madam President, I am very pleased today to join with the majority leader, Senator LOTT, Senator CRAIG, Senator KAY BAILEY HUTCHISON, and a number of Senators on a very important piece of legislation that is before this body, entitled ''The Federal Fuels Tax Holiday of the Year 2000.''

This legislation is necessary because it will put a brake on the ever-rising gasoline prices that American families face every day. Unlike the airlines, the American family can't pass on the increased price in gasoline. Recently, the truckers came to Washington to express their concerns about the gas tax.

Energy and the cost of energy affects all of us in our lives in varying ways. So the idea of putting the brake on the ever-increasing gasoline prices that American families pay each day is very important.

It is my hope that we invoke cloture tomorrow to ensure that the American motorist and workers get a break.

Our legislation provides a tax holiday for all Americans, from the gas tax, that Democrats, with Vice President GORE casting the deciding vote, adopted in 1993. That 30 percent gas tax hike was the centerpiece of one of the largest tax increases in American history and we believe with gas prices approaching $2 a gallon in some parts of the country, the American motorist should not have to continue paying the Gore tax.

I don't know if all my colleagues on the other side would agree with that nomenclature, but I think it is appropriate since the Vice President broke the tie which added a 30-percent gas hike.

In addition to temporarily ending the Clinton/Gore gas tax, our legislation guarantees that if the failed Clinton/Gore energy policies result in the price of gasoline rising over $2 a gallon, all fuel taxes will be lifted until the end of the year.

That means the American motorist will be relieved of the 18.4-cent-per-gallon gas tax. The trucking industry will not have to pay the 24.4-cent-per-gallon diesel tax. Barge operators will be relieved of the 4.4-cent-per-gallon inland waterway tax, and commercial and noncommercial aircraft operators will be relieved of the aviation tax.

It is certainly my hope that average gasoline prices do not rise above $2. But it is clear to me that $2 gasoline is well within the probability of becoming a reality because despite the administration's claims of victory about last week's OPEC meeting, Americans should not expect much, if any, of a price decline at the gas pump. Why? Let's look at it.

OPEC's decision to increase production by 1.7 million barrels per day is not, in my opinion, even a hollow victory for the Administration's, which lobbied for a minimum increase of 2.5 million barrels. The reality is that there isn't a real 1.7-million-barrel increase by OPEC.

Why do I say that? Let's look at the arithmetic.

OPEC agreed last year to 23 million barrels as their quota of production. They cheated by an additional 1.2 barrels, moving it up to 24.2. As a consequence, the difference between 1.2 and what they said we got as an increase of 1.7 is only 500,000 barrels of real increase. OPEC makes up 15.8 percent of American imports. As a result, we will be lucky to see another 78,000 barrels of oil in our market.

Will 78,000 barrels make a dent in gasoline prices? Not likely. Consider that motorists in the Washington, D.C. metropolitan area use more than 121,000 barrels of oil in a single day.

With no relief in sight for the American motorist, we believe that the Gore fuel tax should be temporarily lifted. That would save American motorists about 4.4 barrels over the next 8 months.

If gasoline goes above $2, our bill suspends all fuel taxes resulting in a $19 billion saving to American motorists, truckers, barge operators, and airlines at the same time that fuel prices are near an all-time high. I believe the Government should suspend those taxes and ease the financial burden OPEC has placed on the American motorist and the industries that rely on fuel to move goods throughout this country.

I know some are concerned, if we suspend these taxes, that the highway trust fund, which finances roads, bridges, and mass transit, could be in danger. Again, I would like to put that fear to rest.

Our legislation ensures that the Highway Trust Fund will not lose a single penny during this tax holiday.

We require that all monies that would have gone into the fund had the taxes not been suspended be replaced by other Federal revenue. That could come from the on-budget surplus, as I have indicated, or from what I would like to see, which is a reduction of wasteful Federal spending.

I can assure the American motorist that highway construction projects this year and next year will be unaffected by the tax holiday that we are proposing. And when the trust fund is fully restored, all projects scheduled for beyond 2002 will be completed.

Some of the colleagues believe it is a mistake to establish a precedent wherein general revenues are used to finance highway construction. Ordinarily, I might agree with them, but not in this case.

All of my colleagues should remember that when the Clinton/Gore 4.3-cent gasoline tax was adopted in 1993, not a single penny of that tax was dedicated to highway or bridge construction. All the money was earmarked for Federal spending.

As I stated earlier, it was not until the Republicans adopted the 1997 highway bill that we shifted the 4.3-cent-per-gallon tax back to the highway trust fund.

Further, as I have indicated, Americans have paid $42 billion since the Gore tax went into effect. Of that $42 billion, $28 billion was spent not on highways but on general government and went into the general fund.

Let me repeat that. Of the $42 billion Americans paid under the Gore tax, $28 billion was spent not on highways but on general government.

I believe under these circumstances that it is perfectly reasonable for general revenues to be used to repay the trust fund money that should have been spent on highways.

The question before the Senate today is very simple. Do Senators want to give American motorists a break at the gas pump when gas prices are at near record highs?

I think it is important for everybody to understand that we are the elected representatives of the people. What is their choice? Do the people want to have relief from the gas tax? Is that their priority?

We have polling information that I will submit for the RECORD that indicates overwhelming support for relief at the gas pump. I think the polling clearly shows that the American public, when offered an opportunity to reduce taxes, would much rather take it and run.

A Gallup Poll released last week found that although Americans think high prices are only temporary, they believe several things should be done to reduce taxes.

Eighty percent of the American people—I hope my colleagues and staff are listening and will take notes—favor lowering gas taxes. Seventy-four percent—nearly three out of every four Americans—think that a temporary reduction of the gas tax is a worthy solution. That is three out of four.

Think about that. Seventy-four percent of Americans think a temporary reduction in the gas tax is a worthy solution.

Think about where we are and what the administration is telling us.

First of all, since I have been speaking about policies of the administration and the position of our Vice President, I want to refer to an article that appeared on October 23, 1999, in the State Times Morning Advocate at Baton Rouge, LA. The Vice President says he would be more antidrilling than other Presidents. More anti-drilling? Let me read the quote.

''I will take the most sweeping steps in our history to protect our oceans and coastal waters from offshore oil drilling,'' he said in a press release. ''I will make sure that there will be no new oil leasing off the Keys of California and Florida, and then I will go much further. I will do everything in my power to make sure that there is no new drilling off these sensitive areas, even in areas leased by previous administrations.''

He would cancel contracts and leases out there that were made by previous administrations.

(Mr. CRAIG assumed the Chair.)

Mr. MURKOWSKI. He further states: Existing leases and what oil and natural gas companies could do with them already are the objects of long-running legal disputes.

He says he would cancel leases in areas already leased by previous administrations.

These are existing leases; where is the sanctity of a contractual commitment? I believe if Florida and California don't want OCS activities off their coast, that is fine; that should prevail if that is what people want. In Louisiana, Texas, Mississippi, Alabama, and my State of Alaska, where we produce roughly 22 percent of the total crude oil produced in the United States, these States should go ahead because they want this. They recognize the alternative is not very pleasant—and that is to import more oil.

I leave Members with the very ambiguous reference this administration has given, suggesting things will get better. There is a certain psychology in reassuring citizens that the price will come down. However, in reality, the consumption is up, production is down, we are 56-percent dependent on imports, and the forecast is we will be 65 percent in the year 2015 or thereabouts. These are hardly reassuring notes, taken verbatim from this administration, to suggest things will get better.

In conclusion, from the CBS ''Early Show'' on March 29, 2000, from Secretary Richards, the Secretary was being questioned on his view of whether we could likely see some relief. He states as follows: This means for the American consumer, gasoline prices will gradually and steadily decline, according to the Energy Information Administration and my Department, by as much as 11 cents by the end of September or the end of summer.

That is quite a while. What do we do in the meantime?

Then he says: The bottom line is, I am just quoting our investigators and our official people who are saying 11 cents by the end of summer, possibly 15, 16 cents by the end of the year.

That is an indefinite forecast, in my opinion.

I appeal to the Chair to recognize that we can't believe the Secretary that the price is coming down. Every Member should support this legislation because it will keep the pressure on the administration to ensure it stays below $2 and this tax holiday won't be a reality. It will give the American consumer a safety net. Think about that.

The administration says: Don't worry, prices are on the decline. OK, if prices are on the decline—which I don't believe they are in the short term or the long term, but we will see who is right or wrong—we go ahead and pass the elimination of the 18.4-cent-gallon Federal tax, suspend it for the balance of the year, if the price goes to $2 a gallon for regular. That is a balance that puts the administration on notice to practice what they preach. If they preach the prices are coming down, this will never happen anyway. We are giving the American consumer a safety net. That safety net is real and it says if the price goes up to $2 the 18.4 comes off. I think that is a fair balance.

I will show this chart one more time. I find it outrageous. Who do we look to for imports? We look to Saddam Hussein and Iraq: Last year 300,000; now it is 700,000 barrels a day.

Where does the money go? It is going to Saddam Hussein. We fought a war over there—remember—in 1991. We lost the lives of 147 U.S. men and women. We fought a war to keep Saddam out of Kuwait. What did Saddam do when he lost the war?

Talk about environmental degradation. This is a picture of Kuwait with the oil fields on fire. We see the fires in the background. Here is an American with the firefighters helping put that fire out. That is the kind of guy we are dealing with to depend on imports. We had 23 soldiers taken prisoner over there. It has cost the American taxpayer $10 billion since the war in 1991 to keep Saddam Hussein fenced in enforcing the no-fly zones. Within the last week, we did two bombing runs in Iraq because he was in violation of the no-fly zone, and we had antiaircraft action.

Isn't it incredible? We talk about foreign policy or energy policy of this administration, and we are feeding Saddam Hussein millions and millions of dollars so he can take that cash-flow and pay his Republican Guards who keep him alive. He doesn't funnel that into his economic system for the benefit of his people. He is in cahoots with the North Koreans, developing missile technology and our bombing airplanes are carrying his fuel. How inconsistent, how ironic. Talk about a full circle. We are importing 700,000 barrels a day, we are bombing him, we are using his oil that we refine to fill up our airplanes.

I may be reaching a little bit, but this is reality. We are importing 700,000 barrels a day.

It is my understanding this matter will come up tomorrow and we will have a number of Senators active in the debate on the merits of the basic presentation.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ENERGY CRISIS

Mr. CRAIG. Mr. President, for the last number of minutes I have listened with great interest to the comments of my good friend from Alaska describing the energy crisis in which our Nation now finds itself. I use the word ''crisis'' with some reservation because my guess is most Americans don't think we are in a crisis. They have good jobs, they probably got raises this year, they feel their jobs are secure, they have plenty of spendable income, and while they may be paying 30 or 40 cents or even 50 cents a gallon more for gas this year than last year, at least the gas is still there and the pump does not say ''no fuel available,'' they don't sense a crisis.

I traveled home to my State of Idaho this weekend. I drove out to Dulles Airport. I got on a Boeing 777 that burns tens of thousands of gallons of fuel in the course of a day and I paid $70 or $80 more for each one of my tickets because of the cost of jet fuel. As I traveled across the country I found the airports full of Americans and foreign travelers. Yet, no sense of urgency or crisis did they appear to feel.

When I got home to my home State of Idaho and began to travel across the northern end of the State, I saw that spring is breaking out very quickly in the marvelous wheat belt of northern Idaho that spreads into Washington and Oregon over to Pendleton and Wala Wala. It is a highly productive area that oftentimes yields 100 to 110 bushels of wheat per acre annually without benefit of irrigation.

What was out on those rolling wheat fields this weekend? Large 4-wheel-drive tractors, oftentimes pulling 40- and 50-foot spreads of harrows and springtooths, beginning to till the soil, all of them with a 250- or 400-horse diesel engine under the hood of that tractor, burning hundreds of gallons of diesel fuel each day.

This year those farmers will be paying another 50 or 60 cents a gallon for that fuel. Yet this is just the beginning of the growing season in our Nation. We are now tilling and planting. We will spend the summer cultivating and spraying to protect our crops from weeds and insects. Then in the fall, huge combines will roll out on the fields, once again driven by diesel fuel—a source of energy that has historically been so abundant in our country and so relatively inexpensive.

Today, a river conservation group announced that some rivers in our country are endangered because they have been dammed. In the past America has placed large dams across some rivers and put large turbines in the dams to generate electricity. In a relatively cavalier way, this group said that my river, my Snake River of Idaho, is the most endangered. Why? Because of dams. They want the dams removed. Yet those dams produce hundreds of thousands of kilowatts a year to light the cities of Portland and Seattle, Boise and many other cities and towns. And somehow, all in the name of the environment, they cavalierly suggest we start taking down relatively modern structures that produce large amounts of inexpensive electricity without burning fossil fuels.

The reason I draw these verbal pictures today is that no one senses a crisis. This administration, for the last 8 years, has not proposed a single policy initiative that would produce 1 gallon more domestic crude oil for our Nation. In fact, the Clinton/Gore administration has done quite the opposite. They, through punitive environmental policies, have suggested continually that we close more and more federal land to any further oil and gas exploration and production. They have even proposed to take down some of the hydro dams I have talked about, once again all in the name of the environment.

Now, the Clinton/Gore administration has an energy policy of sorts. They have talked a lot about solar and biomass which is not a bad idea as long as we don't kid ourselves into believing they will solve all of our problems. They have also talked about developing more powerful wind energy technology to produce more power—not a bad idea either.

But the myth of that kind of technology is that to replace the dams on the lower Snake River with photovoltaic cells or windmills, the entire State of Idaho would have to be covered with solar cells just to offset the difference. My guess is there would be a Vice President who would reject such an idea because the result would be unsightly. It would destroy the vistas that are so beautiful in my State right now. It would be uncomely to the American environmental eye. And I would agree with him.

But I would not agree with this Vice President, when he stands and says that he will not tolerate drilling offshore California, offshore Florida, offshore our East coast, or in the Arctic National Wildlife Refuge. The Clinton/Gore administration has an energy policy of sorts and the Vice President's desire to take down dams, prevent new oil and gas exploration, and instead cover my State of Idaho, or Arizona, or California, with solar cells and wind farms is its hallmark.

The reason I mention these frustrations I have, and I think some Americans share, is that for a good long while now we have not had a consistent energy policy for our country that is a combination of all these things: Research for new technology, conservation so we use less and gain more from it, while at the same time producing as much of our own fossil fuel resources as possible.

In just a decade or so, we have increased our electrical generation by some 200 percent by the use of coal, but we have reduced the sulfur oxide emissions from coal during that same time by over 20 percent. Through technology, we are using more fossil fuels more efficiently and more cleanly and more of our electricity is generated with such fuels. That is the way you do it. You do not take those kinds of sources off line; you say those are the sources that can generate the abundance of power that drives our industries and heats and cools our homes.

So let's be wiser and smarter with our technology than just saying to a certain political interest, I am with you, we will just take that all out of production and off line, because it does not fit somebody's environmental agenda.

Among all the things the rivers conservation group said today, about taking dams out on the Snake River, there is something they did not say. They did not say the removal of those dams would destroy the barge traffic on the Snake-Columbia River system. All of the grain and timber and paper and coal that now travels the river in barges would have to move in 18-wheel trucks over the highways of the Pacific Northwest. Tens of thousands more trucks would have to be employed to haul the freight and replace the slack water transportation system that would be destroyed were the dams removed.

Is that an environmentally sound thing to do, to employ thousands and

thousands more trucks, burning hundreds of gallons of diesel fuel a day? I think not. But, of course, that is not a headline. That does not make the kind of press they thought they could make by their release today, all in the name of the environment, all in the name of saving fish.

We will probably debate, on this floor in the next decade, the removal of dams, whether in my State or somewhere else, as it relates to energy policy and protection of the environment and valuable fish. I hope at that time the American people can be given all the facts. I think, when given all the facts and when allowed to view all the alternatives of technology and retrofitting dams, Americans will understand that abundant, inexpensive hydro power energy, can be had along with a clean environment and strong salmon runs.

They will also understand the extent to which farmers and ranchers need abundant, relatively inexpensive supplies of energy to produce the food and fiber our Nation needs. Those commodities were being planted in the soils of north Idaho this weekend by the large 4-wheel-drive diesel tractors pulling 50-foot spreads of equipment I talked about at the beginning of my statement. They had to use energy to accomplish it.

I will also discuss legislation, with which we will deal in the near future, to alleviate some of the concerns about energy policy in the short term and the cost to the consumer while Congress struggles to develop a long-term policy to increase energy production in our country.

I do support legislation that will give us a temporary Federal tax holiday from energy taxes of the kind thrust upon this country by the Clinton-Gore administration several years ago when they argued it was necessary to tax fuel consumption to reduce the deficit structure and the debt structure of our country.

I did not support the tax then, and several years later I was one of those who changed the tax from going into the general fund to reduce the deficit to going into the trust funds of transportation, because up until this President came to town, we had never taxed the American people at the gas pump to fund the general fund expenditures of our Government. We had taxed them only to put it in the transportation trust funds that build the roads, bridges, and infrastructure all of us expect and enjoy and the infrastructure on which our economy runs—goods and services that traffic across America on a daily basis.

One way to give some short-term relief to the American consumer, as these energy prices have gone up, is to reduce for a short term the 4.3-cent-a-gallon gas tax; take it off the pump; take it away from the consumer and allow that tax to stay in the consumer's pocket. The reason is, what does it mean with the current runup in fuel prices? Matt Lauer said the other day on the ''Today'' show: The energy crisis may be over in the short term. Meaning the Secretary had been to the Middle East, he begged and cajoled the producers in the Middle East to turn the valve on a little bit. Then as the spokesperson for energy policy in this country, the Secretary announced to the American people that gas prices were going to come down some maybe. The ''some maybe'' is that maybe they will come down a little bit, but they are still going to be 40 to 50 cents a gallon higher than they were a year ago. There is some belief in the marketplace, depending on whom you study and whom you believe and who has the right information, that the supply the OPEC nations promised may not be as large as promised and, therefore, by late summer we could see an average of $2 prices across this country.

We are going to have to wait and watch for that one. None of us know what the price of gas will be in July or August, but it is going to be a lot higher than it was a year ago. It will, in many ways, determine how the American consumer utilizes his or her free time this year as they think about a vacation, whether it is in the family car, the van, or the SUV, or whether it is booking airline tickets to travel across this country. In all instances, the cost of that leisure time Americans so enjoy will be substantially more expensive than it was a year ago.

I am talking about leisure time. I am not talking about the weekly commute, the daily commute. I am not talking about the goods and services that traffic on America's trucks across our Nation on a daily basis or the food we buy at the local supermarket, all having been transported by trucks that are paying substantially more for fuel.

How much more are truckers now paying and how much will they have to pass through to the consumer as these prices go up?

Diesel fuel costs exceeded $2.10 a gallon in the Northeast this spring. That is a doubling of cost in about a year. The average nationwide was about $1.50 a gallon. To the driver of an 18-wheeler freight truck that traffics America's highways hauling our goods and services, it will mean an additional $150 to $200 to fill his or her tank on a daily basis or a 24-hour transportation period. If they are to stay alive as a business, they have to pass that cost directly through to the consumer: a little here on food prices; a little there on the cost of a piece of carpet; a little somewhere else on any of the goods and services that ultimately the American consumer buys.

Of course, that is the same cost the American farmer is experiencing when he or she cannot pass it on, because they cannot set the price of the commodity they will be selling this fall by an extra 10 cents or 15 cents a hundredweight to offset the cost of the diesel fuel and all of the petrochemicals they will use this year in the production of America's food sources.

To the consumer—that is you and me—who is commuting to work or considering a family vacation, another 60, 70, or 80 cents a gallon could well mean another $10.50 a tankful every time we pull into the service station. Did they put that in the family budget in January? Did they really plan to pay $300 or $400 more this year, including their trips and all of their other expenses? I do not think so. I do not think anyone considered that. Yet that is what one ought to have considered if they have a true and honest budget.

That is why, when recently polled, the American people are beginning to figure out that maybe a 4.3-cent-a-gallon tax reduction for the short term is a good idea to offset at least some of these new costs in energy. Eighty percent of them said the Congress of the United States ought to reduce that tax, at least for the short term, to help compensate for this runup in energy prices we have seen.

I am talking about short-term policy. It does not produce a gallon more of domestic crude oil. It does not in any way provide the reliable sources our country has grown to expect over time in a nation that has experienced relatively inexpensive energy.

Many of our conservation and environmental friends are saying we ought to be paying as much as Europe pays or as much as the rest of the world pays. That is another $1, $2 a gallon, in some instances, and, therefore, we would rely less upon our vehicles and change our lifestyles. Some day we might have to do that, but all of those costs would have to be spread across an economy, and the general cost of living in this country will go up dramatically.

Mr. President, you and I, as consumers in this economy, will have to make choices about how we spend our disposable income and how we spend our income for goods and services. We will have to live a different lifestyle than the one we currently have, if our attitude is only to drive up the cost of energy instead of finding conservation sources and alternative sources and maintaining at least a substantial level of production of crude oil from our own domestic sources.

Last week, this Senate, by 1 vote, recognized the importance of the Arctic National Wildlife Refuge as a potential producer of 16 billion barrels of crude oil, production that will be done in a fragile area of our country but can be done in an environmentally sound way based on new technologies.

We listen to a Department of Energy that says energy dependence on foreign sources will go up to 65 percent by the

year 2010 if we continue the same policy, so says Secretary of Energy Bill Richardson. What he did not say is that to be 65-percent dependent upon foreign sources will require an estimated 12,000 more huge oil tanker dockings each year in the United States. Will that be done safely? In most instances, it will. Will there be a risk with thousands and thousands of more of these supertankers on our open oceans? Will there be some kind of environmental problem? You bet there will. In fact, that is the weak link in the whole process. We have a Vice President who says no drilling offshore because of environmental fragility, and yet by saying that, he is advocating thousands of more supertankers on the open ocean.

Go back and look at the record over the last decade. We have not had environmental problems with offshore drilling. But every so often, one of these big tankers runs ashore and spills crude into very fragile environmental areas.

So, Mr. Vice President, get honest with the American people. Look at a total package of energy policy that produces onshore in safe environmental ways, and that looks at some of the alternatives you are proposing for wind and solar. I do not deny that any of those has certain value.

I suggest that our energy basket, as a nation, be full of all kinds of alternatives but at the same time recognize the base: the conventional forms of energy that drives our agriculture, that drives our industry, and that provides us with the kind of lifestyle Americans expect, and ought to expect, from a free, powerful nation such as ours.

Let me close with these thoughts because we do not often talk about national security. We talk about ourselves, our personal security, our family's security, our food security. Those are the things I have been talking about for the last 10 or 15 minutes. Those are the things that come to our minds immediately when we think we have to spend more of our income on them. Is the food going to be there? Can we live the lifestyle we have had if energy reasonably available?

Here is what Commerce Secretary Daley recently reported to our President. In all honesty, this report was on the President's desk, but he wasn't saying anything about it until Senator FRANK MURKOWSKI, the chairman of the Senate Energy Committee, stood up and said: Mr. President, you have a report on your desk. You ought to talk about it a little bit. You ought to tell the American people what your own Commerce Secretary is telling you.

The President wrote to the Secretary that he concurred with the Secretary's findings and that current policies should aid in dealing with our dependence on imported oil. Secretary Daley said in his report that ''. . . imports of crude oil threaten to impair the national security of this country.''

What does the Secretary mean? He means we are not as stable as we were, as strong as we were. We are dependent upon foreign sources for a lot of our energy. We did not send Secretary Richardson to Houston to talk to the oil producers of Texas or to Anchorage to talk to the oil producers of Alaska. We sent him to the most unstable political area in the world, the Middle East. We begged the sheiks, the producers: Please, please, give us just a little oil. We fought a war for you. We saved you. We saved your palaces. We saved your airplanes and your lifestyles and your limousines. Oh, it cost us 140 American lives, but we saved you. So would you please give us a little oil? Because you are really cramping our lifestyle. What you are doing may damage our economy and put hundreds of thousands of Americans out of work.

I do not think Mr. Richardson said it quite like that, but that is what he, in essence, was saying. He was admitting that we are vulnerable. That is why Secretary Daley told the President we are becoming more dependent on foreign sources, our national security is at risk.

What did the President say? He said: I accept your recommendation that existing policies to enhance conservation and limit dependency on foreign oil ought to be continued. But not one energy proposal has come forth from this administration, except the current budget which has large increases in solar cell and wind technology budgets and hardly any increases for nuclear or hydro technology, hardly any increase in clean coal technology research that could help the large, coal-fired, electrical-energy-producing plants of our Nation.

The President was warned this year by the Secretary of Commerce. In 1995, the President was also warned by the Secretary of Commerce that ''. . . The Nation's growing reliance on imports of crude oil and refined petroleum products threatens the Nation's security because they increase U.S. vulnerability to oil supply interruption.'' That was in 1995.

In late 1998, the OPEC nations were scratching their heads. They weren't making any money with oil prices at $10-a-barrel. So, they decided to reduce production and drive up prices.

They did just that. We saw crude oil prices, in less than a year, go from $10 a barrel to $34 a barrel. That is why I am on the floor today. That is why House Members and Senate Members have been talking about energy policy in the last several months.

We have known it was coming. We have warned the administration for years. Six months ago, our colleagues from the Northeast warned of a runup in home heating fuel prices and what that would do to their constituents. But has this administration done anything about it? No, not anything of consequence.

The Vice President has been outspoken about no new offshore drilling.

He has been outspoken about needing higher taxes for fossil fuels so we would become less reliant upon the internal combustion engine. But nowhere has he suggested increased domestic oil and gas production.

We will debate this week, and I hope we will pass, a temporary Federal tax holiday that will allow the American consumer just a little relief in a time when our Nation's energy policy has failed the American consume. At the same time Congress will look at both short-term and long-term policy in an attempt to create more stability in price and supply.

This is an important issue. We will hear a great deal more about it in days to come if prices at the pump average $2 a gallon at the height of the summer driving season.

When I began these comments, I talked about an energy crisis. The scenario I tried to describe over the last several minutes is that there is, in fact, a crisis going on in our country. It is relatively quiet at the moment. But it is a crisis. We aren't producing enough oil and gas. The White House has no will to build an effective energy policy and will not tell the American people truth about its failures in this regard. We need to find ways to increase oil and gas production, to deal boldly with our neighbors in the Middle East on matters of their physical security and our energy security. The administration has not been very firm with our allies. We are there providing security today, yet we have to beg for our energy.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

IN SUPPORT OF THE DECENNIAL CENSUS

Mr. AKAKA. Madam President, during last week's consideration of S. Con. Res. 101, the congressional budget resolution, the Senate by voice vote agreed to a modified amendment (amendment 3028) offered by the Senator from New Hampshire (Senator SMITH) that:

> Assume(s) that no American will be prosecuted, fined or in anyway harassed by the Federal government or its agents for failure to respond to any census questions which refer to an individual's race, national origin, living conditions, personal habits or mental and/or physical condition, but that all Americans are encouraged to send in their census forms.

There are serious consequences for state, local, and Federal Government

when people are missed by the census. There are approximately 1,327 federal domestic assistance programs that use population information in some way. The breadth of the programs affected that touch families and businesses throughout the nation clearly spells out the need to ensure that all Americans are counted. The questions asked by the census represent a balance between the needs of our nation's communities and the need to keep the time and effort required to complete the form to a minimum. Federal and state funds for schools, employment services, housing assistance, road construction, day care facilities, hospitals, emergency services, programs for seniors, and much more are distributed based on census figures.

The percentage of people undercounted in Hawaii—1.9 percent—was higher than the national average, and the largest component of the undercount by race was projected to be Asians and Pacific Islanders. I was so concerned that Hawaii would once more have a higher than average undercount that on March 14, 2000, I held a forum in Hawaii on the Census 2000. At that forum, I urge Native Hawaiians and other Pacific Islanders to take advantage of the 2000 Census as an opportunity to be accurately represented in data and statistics that will impact our lives for the next 10 years. During the forum, which was attended by Congressman ENI FALEOMAVAEGA from American Samoa, Hawaii's Lieutenant Governor Mazie Hirono, representatives from the Census Bureau, U.S. Department of Commerce, U.S. Department of Interior, and various Native Hawaiian and Other Pacific Islander organizations, I strongly urged everyone to answer their questionnaires.

The Senate agreed to the Smith amendment, as modified, on April 7, 2000. However, if there is no objection, I am submitting to the RECORD a statement by Census Director Kenneth Prewitt, regarding the sense of the Senate amendment, Number 3028 to the concurrent resolution, S. Con. Res. 101:

The Census Bureau is required by law to collect a complete response from every resident in America to both the census short and long forms. Today's sense of the Senate amendment would undermine the quality of information from both forms. Census 2000 is not designed by law as a pick and choose exercise. Serious degradation of census information will negatively affect economic policy-making, public sector expenditures and private sector investment for a decade.

The census procedures require enumerators in the non-response follow up phase to make six attempts to collect information. Congress would have to advise the Census Bureau whether six attempts (or even a single attempt) would constitute harassment.

Kenneth Prewitt,
Director, U.S. Census Bureau,
April 7, 2000.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ADDITIONAL STATEMENTS

TRIBUTE TO MATHEMATICS EDUCATION MONTH

• Mr. GRAMS. Madam President, Galileo understood the importance of mathematics when he said, "Mathematics is the alphabet with which God has created the universe." I proudly rise today in recognition of Mathematics Education Month. Additionally, I take this opportunity to applaud the tireless efforts of our nation's math teachers.

The importance of a strong mathematical education is indisputable. Our math skills prove invaluable on a daily basis. Without them we could not perform simple tasks such as buying groceries, following a recipe, or balancing our checkbooks, much less plan for our retirement or buy a home. Here in Congress, mathematical skills are essential to comprehending the incredibly complex issues of Social Security reform, taxes, and the federal budget process.

My home state of Minnesota boasts some of the best math educators in the country, dedicated men and women who have inspired a lifetime of learning in countless students. This has been proven time and again by Minnesota's status as a national leader in ACT and SAT math scores. Nevertheless, we should continue to make improvements and not be satisfied with our success.

One organization in my state deserves special accolades for its ongoing efforts to initiate those improvements. The Minnesota Council of Teachers of Mathematics is dedicated to the constant betterment of mathematical education at the elementary, secondary, and college levels. The Council's advocacy results in an ongoing effort to raise the bar for better education. I commend its members for their devotion to creating an awareness and interest in mathematics among young people.

As classrooms across America labor over long division, tangents and derivatives this month, it is my hope that students, parents, and teachers alike will reflect on the significance of mathematics in our society and join me in celebrating Mathematics Education Month.•

NATIONAL LIBRARY WEEK

• Mr. SARBANES. Madam President, this week from April 9–15 we are celebrating the 42nd anniversary of "National Library Week." As a strong and vigorous supporter of Federal initiatives to strengthen and protect libraries, I am pleased to take this opportunity to draw my colleagues' attention to this important occasion and to take a few moments to reflect on the significance of libraries to our nation.

When the free public library came into its own in this country in the 19th century, it was, from the beginning, a unique institution because of its commitment to the same principle of free and open exchange of ideas as the Constitution itself. Libraries have always been an integral part of all that our country embodies: freedom of information, an educated citizenry, and an open and enlightened society. They are the only public agencies in which the services rendered are intended for, and available to, every segment of our society.

It has been my longstanding view that libraries play an indispensable role in our communities. From modest beginnings in the mid-19th century, today's libraries provide well-stocked reference centers and wide-ranging loan services based on a system of branches, often further supplemented by travelling libraries serving outlying districts. Libraries promote the reading of books among adults, adolescents, and children and provide the access and resources to allow citizens to obtain reliable information on a vast array of topics.

Libraries gain even further significance in this age of rapid technological advancement where they are called upon to provide not only books and periodicals, but many other valuable resources as well. In today's society, libraries provide audio-visual materials, computer services, internet access terminals, facilities for community lectures and performances, tapes, records, videocassettes, and works of art for exhibit and loan to the public. In addition, special facilities libraries provide services for older Americans, people with disabilities, and hospitalized citizens.

Of course, libraries are not merely passive repositories of materials. They are engines of learning—the place where a spark is often struck for disadvantaged citizens who for whatever reason have not had exposure to the vast stores of knowledge available. I have the greatest respect for those individuals who are members of the library community and work so hard to ensure that our citizens and communities continue to enjoy the tremendous rewards available through our library system.

As we celebrate National Library Week, it should be noted that the Library of Congress will be 200 years old on April 24, 2000. The Library of Congress represents the oldest federal cultural institution in America. As we approach this birthday celebration, we

should recognize that all libraries represent the cornerstone of knowledge in our local communities.

My own State of Maryland has 24 public library systems providing a full range of library services to all Maryland citizens and a long tradition of open and unrestricted sharing of resources. This policy has been enhanced by the State Library Network which provides interlibrary loans to the State's public, academic, special libraries and school library media centers. The Network receives strong support from the State Library Resource Center at the Enoch Pratt Free Library, the Regional Library Resource Centers in Western, Southern, and Eastern Shore counties, and a Statewide database of holdings totalling 178 libraries.

The State Library Resource Center alone gives Marylanders free access to approximately 2 million books and bound magazines, over 1 million U.S. Government documents, 600,000 documents in microform, 11,000 periodicals, 90,000 maps, 20,000 Maryland State documents, and over 19,000 videos and films.

The result of this unique joint State-County resource sharing is an extraordinary level of library services available to the citizens of Maryland. Marylanders have responded to this outstanding service by borrowing more public library materials per person than citizens of almost any other State, with 67 percent of the State's population registered as library patrons.

I have had a close working relationship with members of the Maryland Library Association and others involved in the library community throughout the State, and I am very pleased to join with them and citizens throughout the nation in this week's celebration of ''National Library Week.'' I look forward to a continued close association with those who enable libraries to provide the unique and vital services available to all Americans.●

MR. DONALD T. STORCK HONORED AS LUTHERAN LAYMAN OF THE YEAR 2000

● Mr. ABRAHAM. Madam President, I rise today to recognize Mr. Donald T. Storck, who on Tuesday, April 11, 2000, will be honored by the Lutheran Luncheon Club of Metropolitan Detroit as its Lutheran Layman of the Year 2000. This is the 46th year the Luncheon Club has named a Layman of the Year, and I cannot imagine that any have been more deserving than Mr. Storck. For over thirty-five years, he has displayed a dedication to both his community and his church that are representative of an incredible desire to help others.

Mr. Storck was born in raised in Saint Louis, Missouri. He began working for General Motors in their St. Louis Chevrolet Plant in 1957. In 1964, after graduating from Washington University, he was transferred to the G.M. Building in Detroit, where he worked as an engineer. He and his wife, Ethel Steinmann, settled down in Royal Oak, Michigan, and they have lived there, and been members of the St. Paul Lutheran Church, ever since.

In his thirty-six years in Royal Oak, Mr. Storck has contributed to the community in many ways. Before recycling had become popular, he was part of a paper drive activity that raised over $60,000 for building projects. He has been very active in supporting the Boy Scouts of America, involving himself in a program at the G.M. Willow Run Transmission Plant. He sits on the Board of Directors of the Royal Oak Penguins, a youth swimming club. As a volunteer for Focus: HOPE, he has spent one Saturday per month delivering food to elderly and shut-in individuals. He has worked on many Habitat for Humanity projects, is a teacher of an after-school elementary woodworking class for 1st and 2nd grade youth at the Huntington Woods Community Center, and a regular donor of blood and blood platelets.

His devotion to the religious community has been equally impressive. He currently serves on the Board of Elders and the Board of Trustees of St. Paul Lutheran Church, and sings in the Men's Chorus and Chancel Choir. This is in addition to serving as chief chef of the men's breakfast, a tradition which he founded. He is the current president of the Lutheran Choralaires, a popular male chorus which performs regularly throughout the metropolitan Detroit area. He has been a member of the Lutheran Laymen's League Retreat Committee, and volunteers time at the group's annual retreat. He has also been very active in the Lutheran Luncheon Club, serving as its president in 1984–85, its secretary from 1986–1995, and has sat on the Board of Directors for the last five years.

Recently, he has donated much of his time to helping Grace Lutheran Church in Durham, North Carolina. This ministry provides for the transport of children to and from Belaruse and places these children with host families while they receive needed surgical and medical care at the Duke University Hospital. Mr. Storck discovered the ministry when he was at the Duke University Hospital visiting his youngest grandchild, Mollie, who died at the age of two after a battle with leukemia. At a time when Mr. Storck's faith was put to the test, it never wavered; he remained committed to the church and to helping others in the name of God.

Madam President, I applaud Mr. Storck on his many contributions to both his church and his community. He is truly a role model, and I applaud the Lutheran Luncheon Club for taking the opportunity to recognize him as such. On behalf of the entire United States Senate, I congratulate Mr. Donald R. Storck on being named the 46th Lutheran Layman of the Year.●

THE NEED TO SUPPORT THE U.S.T.T.I.

● Mr. INOUYE. Madam President, I rise today to call attention to a recent New York Times article, ''India's Unwired Villages Mired in the Distant Past.'' It is because of the struggles developing nations face, as illustrated in the article, that I support the United States Telecommunications Training Institute (USTTI) and their work to increase access to telecommunications.

The USTTI is a nonprofit joint venture connecting the public and private sectors, providing tuition-free communications and broadcast training to professionals from around the world. USTTI is geared toward meeting the common training needs of the women and men who are bringing modern communications to the developing world.

The development of the telecommunications industry may be seen as a solution to economic troubles in developing nations. The New York Times article I referred to earlier states, ''. . . the wonders of telecommunications technology—distance learning, telemedicine, the Internet—offer a way out of the 'old India','' where illiteracy, disease, and poverty punctuate the countryside. This scenario is not isolated to India, but may be applied to many developing nations throughout the world. In each instance, a big part of the solution is the deployment of modern telecommunications technology.

The USTTI has been working to bring modern telecommunication services to the developing world for 18 years. The USTTI has offered 935 tuition-free courses and has graduated 5,574 men and women who are now helping to make modern telecommunications a reality in their 161 respective countries. The program participants are government officials responsible for developing and implementing telecommunications policies in their countries.

By allowing developing countries to capitalize fully on the increased educational opportunities provided through the USTTI, countries prosper economically and connect themselves to the modern world.

Madam President, I ask that the full text of the New York Times article be printed in the RECORD.

The article follows:

[From the New York Times, Mar. 19, 2000]

INDIA'S UNWIRED VILLAGES MIRED IN THE DISTANT PAST

(By Celia W. Dugger)

HYDERABAD, INDIA, MARCH 15.—Cyber Towers rises from the campus of a software technology park here, a sleek Internet-connected symbol of the new India that is feverishly

courting foreign investment, selling its wares in the global marketplace and creating wealth at an astonishing rate.

But less than 50 miles away, in the poverty-stricken village of Sheri Ram Reddy Guda, the old India is alive and unwell. Illiteracy, sickness and hunger are the villagers' constant companions. Women and children work in the fields for less than 50 cents a day. The sole telephone—an antique contraption of batteries and antennae—almost never works.

Like most of the villagers, Muhammad Hussain, an unlettered field hand in a ragged loin cloth, has never seen a computer, but offered that he did once watch an office worker at a typewriter. ''I saw the fingers moving, but I did not know what was being written,'' he said.

The chasm between India's educated elite and its impoverished multitudes worries economists, politicians and some software entrepreneurs.

Because of the extraordinary success of Indian engineers in Silicon Valley and the Indian software industry's sales to American companies, India and the United States have forged strong economic ties in high technology. President Clinton will acknowledge those links next Friday with a visit to Hitec City, where Microsoft, Oracle and Metamor are ensconced in the air conditioned comfort of Cyber Towers.

But during his five-day whirlwind tour of five Indian cities, the president will spend little time in the villages, where almost three-quarters of this country's billion people still live and struggle for the basic necessities.

At a time when India's software industry is creating a glamorous digerati and driving a dizzying escalation in stock values on the Bombay exchange, the boom has stirred a debate about the country's social and economic priorities, as well as the potential of high technology to transform the lives of the poor.

Some, like Chandrababu Naidu, the chief minister of the southern state of Andhra Pradesh, whose capital is this bustling city, have an almost messianic faith in technology. Though fewer than one-half of 1 percent of Indian households now have Internet access compared with more than a third in America, the optimists believe that technology is coming that will make connecting to the New cheap enough for a broader spectrum of Indians to afford.

''If a television in a school is connected to the Internet, you can hold literacy classes in the evenings,'' said Randeep Sudan, who oversees information technology for Mr. Naidu. ''You can deliver the best of content to the worst of schools. Imagine the potential to revolutionize the educational process.''

But others worry that the boom may be distracting the country from its chronic problems and fear that the last decade's more rapid economic growth—spawned by India's loosening of restrictions on trade and investment—is leaving the poor, and the poorer states, further behind, even as the size of India's middle class has doubled.

This is still a country where half the women and a quarter of the men cannot read or write; where more than half the children 4 and under are stunted by malnutrition; where one-third of the population, or more than 300 million people, live in absolute poverty, unable to afford enough to eat; where more than 30 million children 6 to 10 are not in school.

K.R. Narayanan, India's first president from an untouchable caste, sounded this alarm in a recent speech.

''We have one of the world's largest reservoirs of technical personnel, but also the world's largest number of illiterates,'' he said, ''the world's largest middle class, but also the largest number of people below the poverty line, and the largest number of children suffering from malnutrition. Our giant factories rise from out of squalor. Our satellites shoot up from the midst of hovels of the poor.''

Even those who believe that the importance of the $5 billion software industry is overblown acknowledge its contributions. It has generated 280,000 jobs for the educated and highly skilled. Those workers, in turn, are creating demand for housing, refrigerators and other goods that help the economy grow.

And there is potential for greater growth. A study by McKinsey & Company, the management consulting firm, forecasts that India's software industry could earn $87 billion and employ 2.2 million people before the decade is done.

The success of the industry has also stirred optimism about India's ability to compete in a global economy. It has offered capitalist, free market models in a country where government still plays a central role and has hastened the tendency of the country's best and brightest young people to choose careers in business rather than the civil service.

''Every country needs a major success story to lift the psyche and to be seen as a powerhouse in something,'' said Krishna G. Palepu, a Harvard Business School professor who is bullish on the industry. ''This is India's chance. Suddenly, there's a sense of self-confidence and visibility internationally.''

But there are also limitations on what high technology can do to increase the productivity of the entire Indian economy, at least for now. The industry itself still generates only about 1 percent of India's gross domestic product and about 1 percent of worldwide software exports.

The country desperately needs to attend to the fundamentals, most economists say, and some state leaders like Mr. Naidu concur. It must invest more in primary education and health care, build a working system of roads and power grids, reduce subsidies for power and fertilizer that go mostly to the better-off and generate higher rates of growth in agriculture and industry, which employ 8 in 10 Indians.

India has lagged behind China, for instance, in educating its children and increasing its exports of textiles, shoes and toys—industries that employ huge numbers of less educated workers in China. By law, India has required those industries to remain small, typically employing fewer than 100 people per workplace—putting them at a tremendous disadvantage with China, where such factories employ thousands.

In the garment trade, India and China started out in 1980 with about the same level of exports, but by 1996, India was selling $4.6 billion of its goods abroad, compared with China's $25 billion.

The Indian government is in dire need of revenues to tackle its daunting ills, but so far the software industry is contributing relatively little to the country's public coffers.

Income from software exports is generally exempted from the 38.5 percent corporate income tax. And unlike companies in other industries, high technology companies do not have to pay the 40 percent to 60 percent customs duties on computers and other technology items they import to operate their businesses.

''The software industry is making gobs and gobs of profits,'' said Anil Garg, an Indian and a Silicon Valley entrepreneur who is setting up an office for Aristasoft, the new company he helped found, in Cyber Towers. ''And yet there is this huge debate about whether it should pay taxes. I don't understand. Having taxes is a good problem. The roads here are broken, for God's sake. The schools are so bad. We have been the privileged class for so long. It's time for us to pay back.''

The software technology park of Hitec City and the village of Sheri Ram Reddy Guda are separated by only a short distance, yet seem to come from different centuries, and to stand at opposite poles, emblems of the new and the old India.

Hitec City is a temple to modernity, with a soaring atrium, gargling fountains, an on-site A.T.M., basement car parking and Internet connections for all. The government has created an island where everything works. There are three separate power systems, ensuring that the lights will never go out. And the businesses do not need decent roads; they can deliver their products via satellite links or fiber-optic cables.

Sheri Ram Reddy Guda, population 400, seems ancient by comparison. No one here owns a car or even a scooter. The ox cart is still the primary means of transportation and word of mouth the main grapevine. There is no health clinic, no cable television. Raggedy children who should be in school play in the dirt with toys made from twisted wire.

The village is connected to the main blacktop highway by a narrow, mile-and-a-half-long dirt road, deeply gouged with ruts, that is nearly impassable in the rainy season.

Most of the villages are from the formerly untouchable castes now known as Dalits, and they are grateful to Mr. Naidu's government for building 23 houses for them. But they say they desperately need a better road, reliable electricity and jobs.

The village gets only about eight hours of power a day, and that is often of such low voltage that it does not operate the irrigation pumps. When rain is scare, as it is now, the fields lie parched and work is scarce.

''Chandrababu has not given us the current,'' said an old man, Baswapuram Yelleah, referring to the chief minister and waving his handmade hatchet as he gestured angrily with his hands. ''Our eyes are filled with tears when we see our fields.''

Yarrea Balamani is a widowed mother of five children, 7 to 18. She and her older children do farm work but lately there have been no more than 10 days of work in a month. ''If there was some industry around, we could get work every day,'' she said. ''That would be better for us. It's a very difficult life we are living.''●

SANDIA LABORATORY INTERNATIONAL ARMS CONTROL CONFERENCE

● Mr. BINGAMAN. Madam President, this week marks the tenth anniversary of the International Arms Control Conference hosted by Sandia National Laboratory in Albuquerque, New Mexico. I extend my congratulations to Dr. Paul Robinson, Director of Sandia Laboratory for his support for this unique international conference that draws hundreds of technical and policy experts from all over the world each year.

It is particularly important at this time in history to recognize this Conference here in the Senate. The conclusion of the Cold War has offered the United States and the nations of the world an historic opportunity to increase security in the international system through seeking cooperative measures that would establish international standards of behavior useful for improving global security. When the Senate voted to ratify the Chemical Weapons Convention in 1997, I am pleased to say, this nation acted in a committed and positive way to capitalize on the opportunity we have been afforded.

Events in the past two years, however, have brought America to a crossroads with respect to the future of arms control. The Senate recently voted to reject the Comprehensive Test Ban Treaty, a treaty signed by 155 countries, that would have established an international standard permanently banning the testing of nuclear weapons in order to combat the spread of nuclear weapons. I deeply regret that vote by the Senate, Mr. President, and am committed to find a way to achieve the goal for which that treaty was negotiated.

Meanwhile, the Russian Duma continues its on again off again consideration of the START II Treaty to reduce the number of strategic weapons in our respective arsenals of nuclear weapons. To date, they have taken no action. Each time a vote in the Duma approaches, an event occurs that postpones its consideration of this important treaty that would reduce the nuclear threat between Russia and the United States and, indeed, to the world as a whole.

Many Russian officials have observed that no further progress in reducing nuclear arsenals is possible if the United States chooses to abrogate the Anti-Ballistic Missile (ABM) Treaty which restricts the ability of the United States and Russia to deploy national missile defense systems. Many experts and public officials in the U.S., however, have concluded that the missile threat from rogue governments is sufficiently real that the U.S. should move forward on deploying a missile defense regardless of its impact on strategic relations between Russia and the United States. The President, however, in signing the National Missile Defense Act, indicated that before deciding to deploy a national missile defense system, he would assess the potential impact of such a decision on arms control regimes that support our national security. The nation awaits a decision that could occur this summer.

While this critical decision lies ahead, U.S. negotiators have been meeting with their Russian counterparts to explore a potential agreement that could permit the U.S. to modify the ABM Treaty in a way that would not threaten the strategic balance between the two countries. The outcome of those negotiations is far from certain. The issues that are involved are complex, and extend beyond the dyadic relations between the United States and Russia. Other nuclear powers, notably China, are watching those negotiations very closely to determine appropriate policy directions regarding their own nuclear strategy and arsenal.

As the U.S. and Russia examine the thorny, complex issues involving the relationship between offensive and defensive strategic arms, and nations of the world consider the Senate's vote against the CTBT, the world nevertheless remains committed to preventing the proliferation of nuclear weapons through the Treaty on the Nonproliferation of Nuclear Weapons (NPT). That Treaty, ratified by 187 countries, recently celebrated its 30th anniversary. In 1995, the states parties to that treaty voted to extend its provisions indefinitely. Later this month, the Sixth Nonproliferation Treaty Review Conference will take place in New York. Given the events in South Asia during the past year, and the vote on CTBT in the Senate this winter, the Review Conference will be a very important convocation at which all states parties, including the U.S., will be called on to reaffirm their commitment to the provisions of the NPT.

Given these current conditions in the international environment, it is indeed timely and vital that efforts such as the International Arms Control Conference hosted by Sandia Laboratory take place. The meetings and dialogues that occur at this Conference have provided important understanding among the international community on major arms control issues and I am confident will continue to do so as long as the world seeks to improve security through cooperation.

I salute Sandia, and in particular, Dr. Jim Brown, who founded the Conference ten years ago and has faithfully served as its organizer and driving force during the past decade. If the nations of the world will be able to build upon cooperative understandings reached through arms control agreements, it will be because of the efforts of people such as Dr. Brown, who has devoted a career toward that goal. I extend my best wishes to conference participants and urge them to work hard to build a safer tomorrow for all of us.●

ALLAN LAW

● Mr. WELLSTONE. Madam President, I rise to talk about a truly extraordinary Minnesotan.

Allan Law has been doing extraordinary work in Minnesota for a very long time. For more than 30 years he was a public school teacher—which merits mention in its own right.

But his work did not stop at the end of the school day. He also is the founder of Minneapolis Recreation Development, Inc., a non-profit organization, which has been providing constructive recreational activities for our urban youth. This after-school and weekend program was developed more than 30 years ago and has been reaching yearly, on average, 400 of our hardest to reach young people.

During that period, Allan has spent untold hours meeting the needs of our inner-city youth. Day-in, day-out Allan Law wakes up and works to make the Twin Cities a better place and the young people living there stronger and healthier. He provides us with a model of what an individual, committed to improving a community, can do.

Allan is an inspiration who has been inspiring people for more than a generation. It is my hope and prayer that he will continue his good work for another 30 years.

I rise, as schools begin adjourning for the year, to pay tribute to Allan and his incredible work in making Minneapolis a better place—one young person at a time.●

NORTH EAST WISCONSIN FAIR HOUSING COUNCIL

● Mr. KOHL. Madam President, I rise to recognize the contribution of the North East Wisconsin Fair Housing Council, which provides fair housing enforcement services in the Fox Valley in Northeastern Wisconsin. I applaud the North East Wisconsin Fair Housing Council's fight to end housing discrimination. It is not only wrong, intolerable and unjust, it's illegal. While we would like to think that housing discrimination is a thing of the past, it still happens. And while we would like to think that in this day and age, equal housing opportunities are available to everyone, too many people are still shut out of the right to live in a home of their choosing. The more frequently citizens are reminded of their rights, the more likely they are to seek justice.

The North East Wisconsin Fair Housing Council's greatest accomplishment has been an ongoing enforcement program. As of March 1, there have been 906 fair housing complaints filed with the North East Wisconsin Fair Housing Council. Every year since 1992 there has been a major pattern and practice study conducted by the North East Wisconsin Fair Housing Council. Through national competition, the North East Wisconsin Fair Housing Council has been the primary contractor on three Fair Housing Initiative Program grants.

The North East Wisconsin Fair Housing Council has been at the forefront of innovative ways to combat illegal housing discrimination. In 1997 the North East Wisconsin Fair Housing Council received a Fair Housing Initiative Program Grant which provided the

financial resources to increase attention to complaints from four targeted populations: Hmong, Native Americans, Hispanics and persons with disabilities. The North East Wisconsin Fair Housing Council developed an Enforcement Network Program with eight advocacy agencies representing those groups. The goals were to develop better communication with the agencies so they would understand how fair housing issues impacted their agencies and clients. Relationships with the agencies were enhanced and more efficient services were provided to the clients.

Fair Housing is a right for all Americans, and I commend the North East Wisconsin Fair Housing Council for their efforts.●

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 3090. A bill to amend the Alaska Native Claims Settlement Act to restore certain lands to the Elim Native Corporation, and for other purposes (Rept. No. 106–258).

By Mr. THOMPSON, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 1993. A bill to reform Government information security by strengthening information security practices throughout the Federal Government (Rept. No. 106–259).

ADDITIONAL COSPONSORS

S. 183

At the request of Mr. INOUYE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 183, a bill to amend title 10, United States Code, to authorize certain disabled former prisoners-of-war to use Department of Defense commissary and exchange stores.

S. 664

At the request of Mr. BREAUX, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 708

At the request of Mr. DEWINE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 708, a bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and the quality and availability of training for judges, attorneys, and volunteers working in such courts, and for other purposes consistent with the Adoption and Safe Families Act of 1997.

S. 821

At the request of Mr. LAUTENBERG, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 821, a bill to provide for the collection of data on traffic stops.

S. 1487

At the request of Mr. AKAKA, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1487, a bill to provide for excellence in economic education, and for other purposes.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the Medicare Program.

S. 2021

At the request of Mr. BROWNBACK, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2021, a bill to prohibit high school and college sports gambling in all States including States where such gambling was permitted prior to 1991.

S. 2181

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 2181, a bill to amend the Land and Water Conservation Fund Act to provide full funding for the Land and Water Conservation Fund, and to provide dedicated funding for other conservation programs, including coastal stewardship, wildlife habitat protection, State and local park and open space preservation, historic preservation, forestry conservation programs, and youth conservation corps; and for other purposes.

S. 2255

At the request of Mr. MCCAIN, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2255, a bill to amend the Internet Tax Freedom Act to extend the moratorium through calendar year 2006.

S. 2271

At the request of Mr. DEWINE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2271, a bill to amend the Social Security Act to improve the quality and availability of training for judges, attorneys, and volunteers working in the Nation's abuse and neglect courts, and for other purposes consistent with the Adoption and Safe Families Act of 1997.

S. 2272

At the request of Mr. DEWINE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2272, a bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997.

S. 2299

At the request of Mr. L. CHAFEE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2299, a bill to amend title XIX of the Social Security Act to continue State Medicaid disproportionate share hospital (DSH) allotments for fiscal year 2001 at the levels for fiscal year 2000.

S. 2308

At the request of Mr. MOYNIHAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2308, a bill to amend title XIX of the Social Security Act to assure preservation of safety net hospitals through maintenance of the Medicaid disproportionate share hospital program.

S. 2323

At the request of Mr. MCCONNELL, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Texas (Mr. GRAMM), the Senator from South Dakota (Mr. DASCHLE), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 2323, a bill to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the Act.

S. 2365

At the request of Ms. COLLINS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2365, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services.

S. CON. RES. 98

At the request of Mr. DEWINE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Con. Res. 98, a concurrent resolution urging compliance with the Hague Convention on the Civil Aspects of International Child Abduction.

AMENDMENT NO. 3018

At the request of Mr. BOND, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 3018 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENTS SUBMITTED

LEGISLATION INSTITUTING A FEDERAL FUELS TAX HOLIDAY

GRAHAM AMENDMENT NO. 3083

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill (S. 2285) instituting a Federal fuels tax holiday; as follows:

At the end add the following:

SEC. ____. DELAY IN EFFECTIVE DATE.

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

(1) The social security program is the foundation upon which millions of Americans rely for income during retirement or in the event of disability.

(2) For nearly two-thirds of seniors living alone, social security comprises 50 percent or more of their total income.

(3) The medicare program provides essential medical care for tens of millions of older and disabled Americans.

(4) During the 35-year history of the program, medicare has helped lift elderly Americans out of poverty and has improved and extended their lives.

(5) According to the 2000 annual report of the Board of Trustees of the social security trust funds—

(A) beginning in 2016, payroll tax revenue will fall short of the amount needed to pay current benefits, necessitating the use of interest earned on trust fund assets and then the eventual redemption of those assets; and

(B) assets of the combined retirement and disability trust funds will be exhausted in 2037.

(6) According to the 2000 annual report of the Board of Trustees of the social security trust funds, assets in the medicare health insurance trust fund will be exhausted in 2023.

(7) The Congressional Budget Office has prepared 3 estimates of the non-social security surplus for the next 10 years which range in size from $838,000,000,000 to $1,918,000,000,000.

(8) The presence of non-social security surpluses present Congress with the opportunity to address the long-term funding shortfall facing the social security and medicare programs.

(b) DELAY IN EFFECTIVE DATE.—Notwithstanding any other provision of, or amendment made by, this Act, no such provision or amendment shall take effect until legislation has been enacted that extends the solvency of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund under section 201 of the Social Security Act through 2075 and the Federal Hospital Insurance Trust Fund under part A of title XVIII of such Act through 2025.

LOTT AMENDMENTS NOS. 3084–3085

(Ordered to lie on the table.)

Mr. LOTT submitted two amendments intended to be proposed by him to the bill, S. 2285, supra; as follows:

AMENDMENT NO. 3084

Strike all after the first word and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Fuels Tax Holiday Act of 2000''.

SEC. 2. TEMPORARY REDUCTION IN FUEL TAXES ON GASOLINE, DIESEL FUEL, KEROSENE, AVIATION FUEL, AND SPECIAL FUELS, BY 4.3 CENTS, OR TO ZERO.

(a) TEMPORARY REDUCTION IN FUEL TAXES.—During the applicable period, each rate of tax referred to in subsection (b)—

(1) shall be reduced by 4.3 cents per gallon, and

(2) if at any time during the applicable period the national average price of unleaded regular gasoline is at least $2.00 per gallon (as determined on a weekly basis by the Secretary of Energy), shall be suspended beginning on the date which is 7 days after the announcement described in subsection (d) and for the remainder of the applicable period, subject to subsection (e).

(b) RATES OF TAX.—The rates of tax referred to in this subsection are the rates of tax otherwise applicable under—

(1) paragraphs (1), (2), and (3) of section 4041(a) of the Internal Revenue Code of 1986 (relating to special fuels),

(2) subsection (m) of section 4041 of such Code (relating to certain alcohol fuels),

(3)(A) in the case of the reduction under subsection (a)(1), subparagraph (C) of section 4042(b)(1) of such Code (relating to tax on fuel used in commercial transportation on inland waterways), and

(B) in the case of the suspension under subsection (a)(2), subparagraphs (A) and (C) of such section 4042(b)(1),

(4) clauses (i), (ii), and (iii) of section 4081(a)(2)(A) of such Code (relating to gasoline, diesel fuel, and kerosene),

(5) paragraph (1) of section 4091(b) of such Code (relating to aviation fuel), and

(6) paragraph (2) of section 4092(b) of such Code (relating to fuel used in commercial aviation).

(c) SPECIAL REDUCTION RULES.—

(1) IN GENERAL.—Paragraph (1) of subsection (a) shall be applied by substituting for ''4.3 cents''—

(A) ''3.2 cents'' in the case of fuel described in section 4041(a)(2)(B)(ii) of the Internal Revenue Code of 1986 (relating to liquefied petroleum),

(B) ''2.8 cents'' in the case of fuel described in section 4041(a)(2)(B)(iii) of such Code (relating to liquefied natural gas),

(C) ''48.54 cents'' in the case of fuel described in section 4041(a)(3)(A) of such Code (relating to compressed natural gas), and

(D) ''2.15 cents'' in the case of fuel described in section 4041(m)(1)(A)(ii)(I) of such Code (relating to certain alcohol fuel).

(2) CONFORMING RULES.—

(A) In the case of a reduction under subsection (a)(1)—

(i) section 4081(c) of such Code shall be applied without regard to paragraph (6) thereof,

(ii) section 4091(c) of such Code shall be applied without regard to paragraph (4) thereof,

(iii) section 6421(f)(2) of such Code shall be applied by disregarding ''and, in the case'' and all that follows,

(iv) section 6421(f)(3) of such Code shall be applied without regard to subparagraph (B) thereof,

(v) section 6427(l)(3) of such Code shall be applied without regard to subparagraph (B) thereof, and

(vi) section 6427(l)(4) of such Code shall be applied without regard to subparagraph (B) thereof.

(B) In the case of a suspension under subsection (a)(2)—

(i) section 40(e)(1) of such Code shall be applied without regard to subparagraph (B) thereof,

(ii) section 4041(d)(1) of such Code shall be applied by disregarding ''if tax is imposed by subsection (a)(1) or (2) on such sale or use'', and

(iii) section 6427(b) of such Code shall be applied without regard to paragraph (2) thereof.

(d) ANNOUNCEMENT BY SECRETARY OF THE TREASURY.—Within 2 days of the determination by the Secretary of Energy described in subsection (a)(2), the Secretary of the Treasury shall announce the suspension described in such subsection or the modification described in subsection (e).

(e) PROTECTING SOCIAL SECURITY TRUST FUNDS.—If upon the determination described in subsection (a)(2), the Secretary of the Treasury, after consultation with the Director of the Office of Management and Budget, and based on the most recent available estimate of the Federal on-budget surplus for fiscal years 2000 and 2001, determines that the suspension described in subsection (a)(2) when added to the reduction described in subsection (a)(1) would result in an aggregate reduction in revenues to the Treasury exceeding such surplus during the remainder of the applicable period, the Secretary shall modify such suspension such that each rate of tax referred to in subsection (b) is reduced in a pro rata manner and such aggregate reduction does not exceed such surplus.

(f) MAINTENANCE OF TRUST FUNDS DEPOSITS.—On April 16, 2000, and, if necessary, on the date described in subsection (a)(2), the Secretary of the Treasury shall determine the amount any Federal trust fund would have received in gross receipts during the applicable period had this section not been enacted. Such amount shall be appropriated and transferred from the general fund to the applicable trust fund in the manner in which such gross receipts would have been transferred by the Secretary of the Treasury and such amount shall be treated as taxes received in the Treasury under the applicable section of the Internal Revenue Code of 1986 described in subsection (b).

(g) APPLICABLE PERIOD.—For purposes of this section, the term ''applicable period'' means the period beginning after April 15, 2000, and ending before January 1, 2001.

SEC. 3. FLOOR STOCKS CREDIT.

(a) IN GENERAL.—If—

(1) before a tax reduction date, a tax referred to in section 2(b) has been imposed on any liquid, and

(2) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited (without interest) to the person who paid such tax (hereafter in this section referred to as the ''taxpayer''), against the taxpayer's subsequent semimonthly deposit of such tax, an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on the tax reduction date.

(b) CERTIFICATION NECESSARY TO FILE CLAIM FOR CREDIT.—

(1) IN GENERAL.—In any case where liquid is held by a dealer (other than the taxpayer) on the tax reduction date, no credit amount with respect to such liquid shall be allowed to the taxpayer under subsection (a) unless the taxpayer files with the Secretary—

(A) a certification that the taxpayer has given a credit to such dealer with respect to such liquid against the dealer's first purchase of liquid from the taxpayer subsequent to the tax reduction date, and

(B) a certification by such dealer that such dealer has given a credit to a succeeding dealer (if any) with respect to such liquid against the succeeding dealer's first purchase of liquid from such dealer subsequent to the tax reduction date.

(2) REASONABLENESS OF CLAIMS CERTIFIED.—Any certification made under paragraph (1) shall include an additional certification that the claim for credit was reasonable based on the taxpayer's or dealer's past business relationship with the succeeding dealer.

(c) DEFINITIONS.—For purposes of this section—

(1) the terms ''dealer'' and ''held by a dealer'' have the respective meanings given to

such terms by section 6412 of the Internal Revenue Code of 1986; except that the term ''dealer'' includes a position holder, and

(2) the term ''tax reduction date'' means April 16, 2000, or the date described in section 2(a)(2).

(d) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this section.

SEC. 4. FLOOR STOCKS TAX.

(a) IMPOSITION OF TAX.—In the case of any liquid on which a tax referred to in section 2(b) would have been imposed during the applicable period but for the enactment of this Act, and which is held on the floor stocks tax date by any person, there is hereby imposed a floor stocks tax in an amount equal to the excess of—

(1) the tax referred to in section 2(b) which would be imposed on such liquid had the taxable event occurred on the floor stocks tax date, over

(2) the amount of such tax previously paid (if any) with respect to such liquid.

(b) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(1) LIABILITY FOR TAX.—A person holding a liquid on the floor stocks tax date to which the tax imposed by subsection (a) applies shall be liable for such tax.

(2) METHOD OF PAYMENT.—The tax imposed by subsection (a) shall be paid in such manner as the Secretary shall prescribe.

(3) TIME FOR PAYMENT.—The tax imposed by subsection (a) shall be paid on or before the date which is 45 days after the floor stocks tax date.

(c) DEFINITIONS.—For purposes of this section—

(1) HELD BY A PERSON.—A liquid shall be considered as ''held by a person'' if title thereto has passed to such person (whether or not delivery to the person has been made).

(2) FLOOR STOCKS TAX DATE.—The term ''floor stocks tax date'' means January 1, 2001.

(3) APPLICABLE PERIOD.—The term ''applicable period'' means the period beginning after April 15, 2000, and ending before January 1, 2001.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

(d) EXCEPTION FOR EXEMPT USES.—The tax imposed by subsection (a) shall not apply to any liquid held by any person exclusively for any use to the extent a credit or refund of the tax referred to in section 2(b) is allowable for such use.

(e) EXCEPTION FOR FUEL HELD IN VEHICLE TANK.—No tax shall be imposed by subsection (a) on any liquid held in the tank of a motor vehicle, motorboat, vessel, or aircraft.

(f) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(1) IN GENERAL.—No tax shall be imposed by subsection (a) on any liquid held on the floor stocks tax date by any person if the aggregate amount of such liquid held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this paragraph.

(2) EXEMPT FUEL.—For purposes of paragraph (1), there shall not be taken into account any liquid held by any person which is exempt from the tax imposed by subsection (a) by reason of subsection (d) or (e).

(3) CONTROLLED GROUPS.—For purposes of this subsection—

(A) CORPORATIONS.—

(i) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(ii) CONTROLLED GROUP.—The term ''controlled group'' has the meaning given to such term by subsection (a) of section 1563 of the Internal Revenue Code of 1986; except that for such purposes the phrase ''more than 50 percent'' shall be substituted for the phrase ''at least 80 percent'' each place it appears in such subsection.

(B) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control if 1 or more of such persons is not a corporation.

(g) OTHER LAW APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by chapter 31 or 32 of such Code shall, insofar as applicable and not inconsistent with the provisions of this section, apply with respect to the floor stock taxes imposed by subsection (a) to the same extent as if such taxes were imposed by such chapter.

SEC. 5. BENEFITS OF TAX REDUCTION SHOULD BE PASSED ON TO CONSUMERS.

(a) PASSTHROUGH TO CONSUMERS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) consumers immediately receive the benefit of the reduction in taxes under this Act, and

(B) transportation motor fuels producers and other dealers take such actions as necessary to reduce transportation motor fuels prices to reflect such reduction, including immediate credits to customer accounts representing tax refunds allowed as credits against excise tax deposit payments under the floor stocks refund provisions of this Act.

(2) STUDY.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the reduction of taxes under this Act to determine whether there has been a passthrough of such reduction.

(B) REPORT.—Not later than September 30, 2000, the Comptroller General of the United States shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the results of the study conducted under subparagraph (A).

AMENDMENT NO. 3085

On page 2, strike lines 7 and 8.

BURNS AMENDMENT NO. 3086

(Ordered to lie on the table.)

Mr. BURNS submitted an amendment intended to be proposed by him to the bill, S. 2285, supra; as follows:

Strike all after the first word, and insert:

SEC. 2. REPEAL OF 4.3-CENT AVIATION FUEL EXCISE TAXES.

(a) IN GENERAL.—Section 4091(b)(1) of the Internal Revenue Code of 1986 (relating to rate of tax) is amended by striking ''21.8 cents'' and inserting ''17.5 cents''.

(b) CONFORMING AMENDMENTS.—

(1) Section 4091(b)(3)(A) of the Internal Revenue Code of 1986 is amended to read as follows:

''(A) The rate of tax specified in paragraph (1) shall be zero after September 30, 2007.''.

(2) Section 4091(c)(1) of such Code is amended—

(A) by striking ''13.4 cents'' both places it appears and inserting ''9.1 cents'', and

(B) by striking ''14 cents'' and inserting ''9.7 cents''.

(3) Section 4091(c) of such Code is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(4) Section 4092(b)(2) of such Code is amended by inserting ''and before the date of the enactment of the ____ Act,'' after ''1995,''.

(5) Section 4081(a)(2)(A)(ii) of such Code is amended by striking ''19.3 cents'' and inserting ''15 cents''.

(6) Section 4081(d)(2) of such Code is amended to read as follows:

''(2) AVIATION GASOLINE.—The rate of tax specified in subsection (a)(2)(A)(ii) shall be zero after September 30, 2007.''.

(7) Section 4041(c)(3) of such Code is amended to read as follows:

''(3) TERMINATION.—The rate of the taxes imposed by paragraph (1) shall be zero after September 30, 2007.''.

(8) Section 6421(f)(2)(B) of such Code is amended by striking ''financing rate'' and all that follows and inserting ''financing rate.''.

(9) Section 6427(l)(4)(B) of such Code is amended by inserting ''and before the date of the enactment of the ____ Act,'' after ''1995,''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

TORRICELLI AMENDMENT NO. 3087

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill, S. 2285, supra; as follows:

At the end add the following:

SEC. ____. MODIFICATIONS TO DISASTER CASUALTY LOSS DEDUCTION.

(a) LOWER ADJUSTED GROSS INCOME THRESHOLD.—Paragraph (2) of section 165(h) of the Internal Revenue Code of 1986 (relating to treatment of casualty gains and losses) is amended—

(1) by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—If the personal casualty losses for any taxable year exceed the personal casualty gains for such taxable year, such losses shall be allowed for the taxable year only to the extent of the sum of—

''(i) the amount of the personal casualty gains for the taxable year, plus

''(ii) so much of such excess attributable to losses described in subsection (i) as exceeds 5 percent of the adjusted gross income of the individual (determined without regard to any deduction allowable under subsection (c)(3))'', plus

''(iii) so much of such excess attributable to losses not described in subsection (i) as exceeds 10 percent of the adjusted gross income of the individual.

For purposes of this subparagraph, personal casualty losses attributable to losses not described in subsection (i) shall be considered before such losses attributable to losses described in subsection (i).'', and

(2) by striking ''10 PERCENT'' in the heading and inserting ''PERCENTAGE''.

(b) ABOVE-THE-LINE DEDUCTION.—Section 62(a) of the Internal Revenue Code of 1986 (defining adjusted gross income) is amended by inserting after paragraph (17) the following:

''(18) CERTAIN DISASTER LOSSES.—The deduction allowed by section 165(c)(3) to the extent attributable to losses described in section 165(i).''

(c) ELECTION TO TAKE DISASTER LOSS DEDUCTION FOR PRECEDING OR SUCCEEDING 2

YEARS.—Paragraph (1) of section 165(i) of the Internal Revenue Code of 1986 (relating to disaster losses) is amended—

(1) by inserting ''or succeeding'' after ''preceding'', and

(2) by inserting ''OR SUCCEEDING'' after ''PRECEDING'' in the heading.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to losses sustained in taxable years beginning after December 31, 1998.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, April 26, 2000, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 2273, to establish the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area, and for other purposes; and S. 2048 and H.R. 3605, to establish the San Rafael Western Legacy District in the State of Utah, and for other purposes.

Those who wish to submit written statement should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mike Menge or Bill Eby at (202) 224–6170.

AUTHORITY FOR COMMITTEES TO MEET

Mr. LOTT. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on April 10, 2000, from 1 p.m.–4 p.m. in Dirksen 106 for the purpose of conducting a hearing.

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

FISCAL YEAR 2001 BUDGET—H. CON. RES. 290

On April 7, 2000, the Senate amended and passed H. Con. Res. 290, as follows:

Resolved, That the resolution from the House of Representatives (H. Con. Res. 290) entitled ''Concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005.'', do pass with the following amendment:

Strike out all after the resolving clause and insert:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2001.

(a) DECLARATION.—Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 2001 including the appropriate budgetary levels for fiscal years 2002, 2003, 2004, and 2005 as authorized by section 301 of the Congressional Budget Act of 1974 and the revised budgetary levels for fiscal year 2000 as authorized by section 304 of the Congressional Budget Act of 1974.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2001.

TITLE I—LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Social Security.
Sec. 103. Major functional categories.
Sec. 104. Reconciliation of revenue reductions in the Senate.
Sec. 105. Appropriate levels for Function 920.
Sec. 106. Further appropriate levels for Function 920.

TITLE II—BUDGETARY RESTRAINTS AND RULEMAKING

Sec. 201. Congressional lock box for Social Security surpluses.
Sec. 202. Reserve fund for prescription drugs.
Sec. 203. Reserve fund for stabilization of payments to counties in support of education.
Sec. 204. Reserve fund for agriculture.
Sec. 205. Tax reduction reserve fund in the Senate.
Sec. 206. Mechanism for additional debt reduction.
Sec. 207. Emergency designation point of order in the Senate.
Sec. 208. Reserve fund pending increase of fiscal year 2001 discretionary spending limits.
Sec. 209. Congressional firewall for defense and nondefense spending.
Sec. 210. Mechanisms for strengthening budgetary integrity.
Sec. 211. Prohibition on use of Federal Reserve surpluses.
Sec. 212. Reaffirming the prohibition on the use of revenue offsets for discretionary spending.
Sec. 213. Application and effect of changes in allocations and aggregates.
Sec. 214. Reserve fund to foster the health of children with disabilities and the employment and independence of their families.
Sec. 215. Exercise of rulemaking powers.
Sec. 216. Reserve fund for military retiree health care.
Sec. 217. Reserve fund for early learning and parent support programs.

TITLE III—SENSE OF THE SENATE PROVISIONS

Sec. 301. Sense of the Senate on controlling and eliminating the growing international problem of tuberculosis.
Sec. 302. Sense of the Senate on increased funding for the Child Care and Development Block Grant.
Sec. 303. Sense of the Senate on tax relief for college tuition paid and for interest paid on student loans.
Sec. 304. Sense of the Senate on increased funding for the National Institutes of Health.
Sec. 305. Sense of the Senate supporting funding levels in Educational Opportunities Act.
Sec. 306. Sense of the Senate on additional budgetary resources.
Sec. 307. Sense of the Senate on regarding the inadequacy of the payments for skilled nursing care.
Sec. 308. Sense of the Senate on the CARA programs.
Sec. 309. Sense of the Senate on veterans' medical care.
Sec. 310. Sense of the Senate on Impact Aid.
Sec. 311. Sense of the Senate on funding for increased acreage under the Conservation Reserve Program and the Wetlands Reserve Program.
Sec. 312. Sense of the Senate on tax simplification.
Sec. 313. Sense of the Senate on antitrust enforcement by the Department of Justice and Federal Trade Commission regarding agriculture mergers and anticompetitive activity.
Sec. 314. Sense of the Senate regarding fair markets for American farmers.
Sec. 315. Sense of the Senate on women and Social Security reform.
Sec. 316. Protection of battered women and children.
Sec. 317. Use of False Claims Act in combatting medicare fraud.
Sec. 318. Sense of the Senate regarding the National Guard.
Sec. 319. Sense of the Senate regarding military readiness.
Sec. 320. Sense of the Senate on compensation for the Chinese Embassy bombing in Belgrade.
Sec. 321. Sense of the Senate supporting funding of digital opportunity initiatives.
Sec. 322. Sense of the Senate regarding immunization funding.
Sec. 323. Sense of the Senate regarding tax credits for small businesses providing health insurance to low-income employees.
Sec. 324. Sense of the Senate on funding for criminal justice.
Sec. 325. Sense of the Senate regarding the Pell Grant.
Sec. 326. Sense of the Senate regarding comprehensive public education reform.
Sec. 327. Sense of the Senate on providing adequate funding for United States international leadership.
Sec. 328. Sense of the Senate concerning the HIV/AIDS crisis.
Sec. 329. Sense of the Senate regarding tribal colleges.
Sec. 330. Sense of the Senate to provide relief from the marriage penalty.
Sec. 331. Sense of the Senate on the continued use of Federal fuel taxes for the construction and rehabilitation of our Nation's highways, bridges, and transit systems.
Sec. 332. Sense of the Senate on the internal combustion engine.
Sec. 333. Sense of the Senate regarding the establishment of a national background check system for long-term care workers.
Sec. 334. Sense of the Senate concerning the price of prescription drugs in the United States.
Sec. 335. Sense of the Senate against Federal funding of smoke shops.
Sec. 336. Sense of the Senate regarding the need to reduce gun violence in America.
Sec. 337. Sense of the Senate supporting additional funding for fiscal year 2001 for medical care for our Nation's veterans.
Sec. 338. Sense of the Senate regarding medical care for veterans.
Sec. 339. Sense of the Senate concerning investment of Social Security trust funds.
Sec. 340. Sense of the Senate concerning digital opportunity.
Sec. 341. Sense of the Senate on medicare prescription drugs.

Sec. 342. Sense of the senate concerning funding for new education programs.
Sec. 343. Sense of the Senate regarding enforcement of Federal firearms laws.
Sec. 344. Sense of the Senate regarding the census.
Sec. 345. Sense of the Senate that any increase in the minimum wage should be accompanied by tax relief for small businesses.
Sec. 346. Sense of the Senate concerning the minimum wage.
Sec. 347. Sense of Congress regarding funding for the participation of members of the uniformed services in the Thrift Savings Plan.
Sec. 348. Sense of the Senate concerning protecting the Social Security trust funds.
Sec. 349. Sense of the Senate concerning regulation of tobacco products.
Sec. 350. Sense of the Senate regarding after school programs.
Sec. 351. Sense of Senate regarding cash balance pension plan conversions.
Sec. 352. Sense of the Senate concerning uninsured and low-income individuals in medically underserved communities.
Sec. 353. Sense of the Senate concerning fiscal year 2001 funding for the United States Coast Guard.

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are the revised levels for fiscal year 2000 and the appropriate levels for the fiscal years 2001 through 2005:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2000: $1,464,604,000,000.
Fiscal year 2001: $1,501,903,341,000.
Fiscal year 2002: $1,547,229,399,000.
Fiscal year 2003: $1,599,474,925,000.
Fiscal year 2004: $1,655,748,225,000.
Fiscal year 2005: $1,721,310,999,999.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2000: −$877,000,000.
Fiscal year 2001: −$12,911,658,996.
Fiscal year 2002: −$24,157,600,996.
Fiscal year 2003: −$30,048,074,996.
Fiscal year 2004: −$36,894,774,996
Fiscal year 2005: −$42,790,999,997.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2000: $1,467,259,500,000.
Fiscal year 2001: $1,478,583,890,003.
Fiscal year 2002: $1,503,416,000,003.
Fiscal year 2003: $1,614,843,200,003.
Fiscal year 2004: $1,670,986,800,003.
Fiscal year 2005: $1,731,182,000,003.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution and the revised fiscal year 2000 resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2000: $1,441,461,500,000.
Fiscal year 2001: $1,451,702,341,003.
Fiscal year 2002: $1,470,727,399,003.
Fiscal year 2003: $1,590,481,125,003.
Fiscal year 2004: $1,644,813,025,003.
Fiscal year 2005: $1,706,375,000,003.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2000: $23,147,500,000.
Fiscal year 2001: $53,473,000,001.
Fiscal year 2002: $76,577,000,001.
Fiscal year 2003: $9,076,200,001.
Fiscal year 2004: $10,975,800,001.
Fiscal year 2005: $14,958,000,001.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2000: $5,625,962,000,000.
Fiscal year 2001: $5,667,144,000,001.
Fiscal year 2002: $5,681,983,000,001.
Fiscal year 2003: $5,768,762,000,001.
Fiscal year 2004: $5,849,465,000,001.
Fiscal year 2005: $5,923,674,000,001.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of the debt held by the public are as follows:

Fiscal year 2000: $3,455,362,000,000.
Fiscal year 2001: $3,248,659,000,001.
Fiscal year 2002: $2,995,663,000,001.
Fiscal year 2003: $2,802,939,000,001.
Fiscal year 2004: $2,594,260,000,001.
Fiscal year 2005: $2,364,124,000,001.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under section 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2000: $479,648,000,000.
Fiscal year 2001: $501,533,000,000.
Fiscal year 2002: $524,854,000,000.
Fiscal year 2003: $547,179,000,000.
Fiscal year 2004: $569,907,000,000.
Fiscal year 2005: $597,326,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under section 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2000: $322,545,000,000.
Fiscal year 2001: $331,869,000,000.
Fiscal year 2002: $339,068,000,000.
Fiscal year 2003: $347,733,000,000.
Fiscal year 2004: $357,737,000,000.
Fiscal year 2005: $368,976,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2000:
(A) New budget authority, $3,160,000,000.
(B) Outlays, $3,187,000,000.
Fiscal year 2001:
(A) New budget authority, $3,429,000,000.
(B) Outlays, $3,378,000,000.
Fiscal year 2002:
(A) New budget authority, $3,471,000,000.
(B) Outlays, $3,438,000,000.
Fiscal year 2003:
(A) New budget authority, $3,505,000,000.
(B) Outlays, $3,473,000,000.
Fiscal year 2004:
(A) New budget authority, $3,541,000,000.
(B) Outlays, $3,507,000,000.
Fiscal year 2005:
(A) New budget authority, $3,576,000,000.
(B) Outlays, $3,543,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal year 2000 (as revised) and fiscal years 2001 through 2005 for each major functional category are:

(1) National Defense (050):
Fiscal year 2000:
(A) New budget authority, $291,585,500,000.
(B) Outlays, $288,114,500,000.
Fiscal year 2001:
(A) New budget authority, $309,843,000,000.
(B) Outlays, $296,074,000,000.
Fiscal year 2002:
(A) New budget authority, $309,091,000,000.
(B) Outlays, $302,278,000,000.
Fiscal year 2003:
(A) New budget authority, $315,489,200,000.
(B) Outlays, $309,366,200,000.
Fiscal year 2004:
(A) New budget authority, $323,193,800,000.
(B) Outlays, $317,463,800,000.
Fiscal year 2005:
(A) New budget authority, $331,534,000,000.
(B) Outlays, $327,950,000,000.

(2) International Affairs (150):
Fiscal year 2000:
(A) New budget authority, $21,967,000,000.
(B) Outlays, $16,019,000,000.
Fiscal year 2001:
(A) New budget authority, $20,139,000,000.
(B) Outlays, $18,625,000,000.
Fiscal year 2002:
(A) New budget authority, $20,868,000,000.
(B) Outlays, $17,932,000,000.
Fiscal year 2003:
(A) New budget authority, $21,420,000,000.
(B) Outlays, $17,573,000,000.
Fiscal year 2004:
(A) New budget authority, $21,907,000,000.
(B) Outlays, $17,741,000,000.
Fiscal year 2005:
(A) New budget authority, $22,645,000,000.
(B) Outlays, $17,892,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2000:
(A) New budget authority, $19,267,000,000.
(B) Outlays, $18,418,000,000.
Fiscal year 2001:
(A) New budget authority, $19,703,000,000.
(B) Outlays, $19,245,000,000.
Fiscal year 2002:
(A) New budget authority, $19,877,000,000.
(B) Outlays, $19,593,000,000.
Fiscal year 2003:
(A) New budget authority, $19,806,000,000.
(B) Outlays, $19,515,000,000.
Fiscal year 2004:
(A) New budget authority, $20,069,000,000.
(B) Outlays, $19,655,000,000.
Fiscal year 2005:
(A) New budget authority, $20,337,000,000.
(B) Outlays, $19,900,000,000.

(4) Energy (270):
Fiscal year 2000:
(A) New budget authority, $1,081,000,000.
(B) Outlays, −$607,000,000.
Fiscal year 2001:
(A) New budget authority, $1,475,000,000.
(B) Outlays, $172,000,000.
Fiscal year 2002:
(A) New budget authority, −$264,000,000.
(B) Outlays, −$1,366,000,000.
Fiscal year 2003:
(A) New budget authority, $1,202,000,000.
(B) Outlays, −$43,000,000.
Fiscal year 2004:
(A) New budget authority, $1,238,000,000.
(B) Outlays, −$124,000,000.
Fiscal year 2005:
(A) New budget authority, $1,210,000,000.
(B) Outlays, −$85,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2000:
(A) New budget authority, $24,487,000,000.
(B) Outlays, $24,245,000,000.
Fiscal year 2001:
(A) New budget authority, $24,936,000,000.
(B) Outlays, $24,905,000,000.
Fiscal year 2002:
(A) New budget authority, $25,023,000,000.
(B) Outlays, $25,045,000,000.
Fiscal year 2003:
(A) New budget authority, $25,019,000,000.
(B) Outlays, $25,203,000,000.
Fiscal year 2004:

(A) New budget authority, $25,066,000,000.
(B) Outlays, $25,065,000,000.
Fiscal year 2005:
(A) New budget authority, $25,059,000,000.
(B) Outlays, $24,876,000,000.
(6) Agriculture (350):
Fiscal year 2000:
(A) New budget authority, $35,257,000,000.
(B) Outlays, $33,916,000,000.
Fiscal year 2001:
(A) New budget authority, $20,894,000,000.
(B) Outlays, $18,779,000,000.
Fiscal year 2002:
(A) New budget authority, $18,950,000,000.
(B) Outlays, $17,235,000,000.
Fiscal year 2003:
(A) New budget authority, $17,965,000,000.
(B) Outlays, $16,366,000,000.
Fiscal year 2004:
(A) New budget authority, $17,354,000,000.
(B) Outlays, $15,910,000,000.
Fiscal year 2005:
(A) New budget authority, $16,092,000,000.
(B) Outlays, $14,593,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2000:
(A) New budget authority, $7,594,000,000.
(B) Outlays, $3,141,000,000.
Fiscal year 2001:
(A) New budget authority, $6,117,000,000.
(B) Outlays, $1,977,000,000.
Fiscal year 2002:
(A) New budget authority, $8,608,000,000.
(B) Outlays, $4,864,000,000.
Fiscal year 2003:
(A) New budget authority, $9,356,000,000.
(B) Outlays, $4,677,000,000.
Fiscal year 2004:
(A) New budget authority, $13,413,000,000.
(B) Outlays, $8,391,000,000.
Fiscal year 2005:
(A) New budget authority, $13,368,000,000.
(B) Outlays, $9,331,000,000.
(8) Transportation (400):
Fiscal year 2000:
(A) New budget authority, $54,352,000,000.
(B) Outlays, $46,656,000,000.
Fiscal year 2001:
(A) New budget authority, $59,247,000,000.
(B) Outlays, $50,822,000,000.
Fiscal year 2002:
(A) New budget authority, $57,536,000,000.
(B) Outlays, $53,486,000,000.
Fiscal year 2003:
(A) New budget authority, $59,101,000,000.
(B) Outlays, $55,516,000,000.
Fiscal year 2004:
(A) New budget authority, $59,135,000,000.
(B) Outlays, $56,138,000,000.
Fiscal year 2005:
(A) New budget authority, $59,174,000,000.
(B) Outlays, $56,418,000,000.
(9) Community and Regional Development (450):
Fiscal year 2000:
(A) New budget authority, $11,336,000,000.
(B) Outlays, $10,725,000,000.
Fiscal year 2001:
(A) New budget authority, $9,271,000,000.
(B) Outlays, $10,438,000,000.
Fiscal year 2002:
(A) New budget authority, $8,822,000,000.
(B) Outlays, $9,878,000,000.
Fiscal year 2003:
(A) New budget authority, $8,665,000,000.
(B) Outlays, $8,823,000,000.
Fiscal year 2004:
(A) New budget authority, $8,657,000,000.
(B) Outlays, $8,290,000,000.
Fiscal year 2005:
(A) New budget authority, $8,744,000,000.
(B) Outlays, $7,904,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2000:
(A) New budget authority, $57,688,000,000.
(B) Outlays, $61,904,000,000.
Fiscal year 2001:
(A) New budget authority, $75,600,000,001.
(B) Outlays, $68,772,000,001.
Fiscal year 2002:
(A) New budget authority, $76,377,000,001.
(B) Outlays, $73,182,000,001.
Fiscal year 2003:
(A) New budget authority, $77,280,000,001.
(B) Outlays, $76,065,000,001.
Fiscal year 2004:
(A) New budget authority, $78,406,000,001.
(B) Outlays, $77,412,000,001.
Fiscal year 2005:
(A) New budget authority, $79,794,000,001.
(B) Outlays, $78,690,000,001.
(11) Health (550):
Fiscal year 2000:
(A) New budget authority, $159,224,000,000.
(B) Outlays, $153,473,000,000.
Fiscal year 2001:
(A) New budget authority, $170,815,000,000.
(B) Outlays, $167,436,000,000.
Fiscal year 2002:
(A) New budget authority, $178,911,000,000.
(B) Outlays, $177,766,000,000.
Fiscal year 2003:
(A) New budget authority, $190,951,000,000.
(B) Outlays, $190,300,000,000.
Fiscal year 2004:
(A) New budget authority, $205,181,000,000.
(B) Outlays, $204,835,000,000.
Fiscal year 2005:
(A) New budget authority, $221,484,000,000.
(B) Outlays, $220,329,000,000.
(12) Medicare (570):
Fiscal year 2000:
(A) New budget authority, $199,601,000,000.
(B) Outlays, $199,507,000,000.
Fiscal year 2001:
(A) New budget authority, $218,751,000,000.
(B) Outlays, $219,005,000,000.
Fiscal year 2002:
(A) New budget authority, $228,635,000,000.
(B) Outlays, $228,604,000,000.
Fiscal year 2003:
(A) New budget authority, $249,762,000,000.
(B) Outlays, $249,520,000,000.
Fiscal year 2004:
(A) New budget authority, $265,318,000,000.
(B) Outlays, $265,546,000,000.
Fiscal year 2005:
(A) New budget authority, $288,730,000,000.
(B) Outlays, $288,681,000,000.
(13) Income Security (600):
Fiscal year 2000:
(A) New budget authority, $238,891,000,000.
(B) Outlays, $248,071,000,000.
Fiscal year 2001:
(A) New budget authority, $253,236,000,000.
(B) Outlays, $255,424,000,000.
Fiscal year 2002:
(A) New budget authority, $264,844,000,000.
(B) Outlays, $267,252,000,000.
Fiscal year 2003:
(A) New budget authority, $274,789,000,000.
(B) Outlays, $278,452,000,000.
Fiscal year 2004:
(A) New budget authority, $284,929,000,000.
(B) Outlays, $288,367,000,000.
Fiscal year 2005:
(A) New budget authority, $297,669,000,000.
(B) Outlays, $301,202,000,000.
(14) Social Security (650):
Fiscal year 2000:
(A) New budget authority, $11,532,000,000.
(B) Outlays, $11,533,000,000.
Fiscal year 2001:
(A) New budget authority, $9,728,000,000.
(B) Outlays, $9,727,000,000.
Fiscal year 2002:
(A) New budget authority, $11,572,000,000.
(B) Outlays, $11,572,000,000.
Fiscal year 2003:
(A) New budget authority, $12,271,000,000.
(B) Outlays, $12,271,000,000.
Fiscal year 2004:
(A) New budget authority, $13,020,000,000.
(B) Outlays, $13,020,000,000.
Fiscal year 2005:
(A) New budget authority, $13,841,000,000.
(B) Outlays, $13,841,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2000:
(A) New budget authority, $46,010,000,000.
(B) Outlays, $45,130,000,000.
Fiscal year 2001:
(A) New budget authority, $48,568,000,000.
(B) Outlays, $48,071,000,000.
Fiscal year 2002:
(A) New budget authority, $49,323,000,000.
(B) Outlays, $49,189,000,000.
Fiscal year 2003:
(A) New budget authority, $51,338,000,000.
(B) Outlays, $51,010,000,000.
Fiscal year 2004:
(A) New budget authority, $52,619,000,000.
(B) Outlays, $52,340,000,000.
Fiscal year 2005:
(A) New budget authority, $56,017,000,000.
(B) Outlays, $55,692,000,000.
(16) Administration of Justice (750):
Fiscal year 2000:
(A) New budget authority, $27,370,000,000.
(B) Outlays, $28,013,000,000.
Fiscal year 2001:
(A) New budget authority, $28,210,890,000.
(B) Outlays, $28,345,341,000.
Fiscal year 2002:
(A) New budget authority, $28,520,000,000.
(B) Outlays, $28,782,399,000.
Fiscal year 2003:
(A) New budget authority, $29,157,000,000.
(B) Outlays, $29,191,925,000.
Fiscal year 2004:
(A) New budget authority, $31,283,000,000.
(B) Outlays, $31,021,225,000.
Fiscal year 2005:
(A) New budget authority, $32,124,000,000.
(B) Outlays, $31,863,000,000.
(17) General Government (800):
Fiscal year 2000:
(A) New budget authority, $13,670,000,000.
(B) Outlays, $14,727,000,000.
Fiscal year 2001:
(A) New budget authority, $14,427,000,000.
(B) Outlays, $14,291,000,000.
Fiscal year 2002:
(A) New budget authority, $13,605,000,000.
(B) Outlays, $13,883,000,000.
Fiscal year 2003:
(A) New budget authority, $13,578,000,000.
(B) Outlays, $13,768,000,000.
Fiscal year 2004:
(A) New budget authority, $13,570,000,000.
(B) Outlays, $13,882,000,000.
Fiscal year 2005:
(A) New budget authority, $13,595,000,000.
(B) Outlays, $13,604,000,000.
(18) Net Interest (900):
Fiscal year 2000:
(A) New budget authority, $284,491,000,000.
(B) Outlays, $284,493,000,000.
Fiscal year 2001:
(A) New budget authority, $286,920,000,001.
(B) Outlays, $286,920,000,001.
Fiscal year 2002:
(A) New budget authority, $285,291,000,001.
(B) Outlays, $285,290,000,001.
Fiscal year 2003:
(A) New budget authority, $279,465,000,001.
(B) Outlays, $279,465,000,001.
Fiscal year 2004:
(A) New budget authority, $275,502,000,001.
(B) Outlays, $275,502,000,001.
Fiscal year 2005:

(A) New budget authority, $270,951,000,001.
(B) Outlays, $270,951,000,001.
(19) Allowances (920):
Fiscal year 2000:
(A) New budget authority, −$3,829,000,000.
(B) Outlays, −$11,702,000,000.
Fiscal year 2001:
(A) New budget authority, −$62,031,000,000.
(B) Outlays, −$50,131,000,000.
Fiscal year 2002:
(A) New budget authority, −$59,729,000,000.
(B) Outlays, −$71,311,000,000.
Fiscal year 2003:
(A) New budget authority, $0.
(B) Outlays, −$790,000,000.
Fiscal year 2004:
(A) New budget authority, $0.
(B) Outlays, −$6,770,000,000.
Fiscal year 2005:
(A) New budget authority, $0.
(B) Outlays, −$6,072,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2000:
(A) New budget authority, −$34,315,000,000.
(B) Outlays, −$34,315,000,000.
Fiscal year 2001:
(A) New budget authority, −$38,366,000,000.
(B) Outlays, −$38,366,000,000.
Fiscal year 2002:
(A) New budget authority, −$41,943,000,000.
(B) Outlays, −$41,943,000,000.
Fiscal year 2003:
(A) New budget authority, −$41,270,000,000.
(B) Outlays, −$41,270,000,000.
Fiscal year 2004:
(A) New budget authority, −$38,374,000,000.
(B) Outlays, −$38,374,000,000.
Fiscal year 2005:
(A) New budget authority, −$40,686,000,000.
(B) Outlays, −$40,686,000,000.

SEC. 104. RECONCILIATION OF REVENUE REDUCTIONS IN THE SENATE.

Not later than September 22, 2000, the Senate Committee on Finance shall report to the Senate a reconciliation bill proposing changes in laws within its jurisdiction necessary to reduce revenues by not more than $12,911,658,999 in fiscal year 2001 and $146,803,109,999 for the period of fiscal years 2001 through 2005.

SEC. 105. APPROPRIATE LEVELS FOR FUNCTION 920.

Notwithstanding any other provision of this resolution the appropriate levels for function 920 are as follows:
Fiscal year 2001:
(A) New budget authority, −$60,431,000,000.
(B) Outlays, −$48,461,000,000.
Fiscal year 2002:
(A) New budget authority, −$60,229,000,000.
(B) Outlays, −$71,796,000,000.
Fiscal year 2003:
(A) New budget authority, −$500,000,000.
(B) Outlays, −$5,287,000,000.
Fiscal year 2004:
(A) New budget authority, −$500,000,000.
(B) Outlays, −$7,268,000,000.
Fiscal year 2005:
(A) New budget authority, −$500,000,000.
(B) Outlays, −$6,570,000,000.

SEC. 106. FURTHER APPROPRIATE LEVELS FOR FUNCTION 920.

Notwithstanding any other provision of this resolution, the appropriate levels for function 920 are as follows:
Fiscal year 2001:
(A) New budget authority, −$60,214,890,000.
(B) Outlays, −$48,152,341,000.
Fiscal year 2002:
(A) New budget authority, −$59,729,000,000.
(B) Outlays, −$71,395,399,000.
Fiscal year 2003:
(A) New budget authority, $0.
(B) Outlays, −$858,925,000.
Fiscal year 2004:
(A) New budget authority, $0.
(B) Outlays, −$6,779,225,000.
Fiscal year 2005:
(A) New budget authority, $0.
(B) Outlays, −$6,072,000,000.

TITLE II—BUDGETARY RESTRAINTS AND RULEMAKING

SEC. 201. CONGRESSIONAL LOCK BOX FOR SOCIAL SECURITY SURPLUSES.

(a) FINDINGS.—Congress finds that—
(1) under the Budget Enforcement Act of 1990, the Social Security trust funds are off-budget for purposes of the President's budget submission and the concurrent resolution on the budget;
(2) the Social Security trust funds have been running surpluses for 18 years;
(3) these surpluses have been used to implicitly finance the general operations of the Federal Government;
(4) in fiscal year 2001, the Social Security surplus will reach $166,000,000,000;
(5) in fiscal year 1999, the Federal budget was balanced without using Social Security;
(6) the only way to ensure that Social Security surpluses are not diverted for other purposes is to balance the budget exclusive of such surpluses; and
(7) Congress and the President should take such steps as are necessary to ensure that future budgets continue to be balanced excluding the surpluses generated by the Social Security trust funds.
(b) POINT OF ORDER.—
(1) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any revision to this concurrent resolution, or any other concurrent resolution on the budget, or any amendment thereto or conference report thereon, that sets forth a deficit for any fiscal year.
(2) DEFICIT LEVELS.—For purposes of this subsection, a deficit shall be the level (if any) set forth in the most recently agreed to concurrent resolution on the budget for that fiscal year pursuant to section 301(a)(3) of the Congressional Budget Act of 1974.
(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this section, the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the House of Representatives or the Senate, as applicable.
(d) EXCEPTION.—Subsection (b) shall not apply if—
(1) the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth for each of the most recently reported quarter and the immediately preceding quarter is less than 1 percent; or
(2) a declaration of war is in effect.
(e) SOCIAL SECURITY LOOK-BACK.—If in any fiscal year the Social Security surplus is used to finance general operations of the Federal Government, an amount equal to the amount used shall be deducted from the available amount of discretionary spending for the following fiscal year for purposes of any concurrent resolution on the budget.
(f) WAIVER AND APPEAL.—Subsection (b) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 202. RESERVE FUND FOR PRESCRIPTION DRUGS.

(a) ALLOCATION.—In the Senate, spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation reported by the Committee on Finance to provide a prescription drug benefit for fiscal years 2001, 2002, and 2003, provided that this legislation will not reduce the on-budget surplus by more than $20,000,000,000 total during these 3 fiscal years, and provided that the enactment of this legislation will not cause an on-budget deficit in any of these 3 fiscal years.
(b) EXCEPTION.—The adjustments provided in subsection (a) shall be made for a bill or joint resolution, or an amendment that is offered (in the Senate), that provides coverage for prescription drugs, if the Senate Committee on Finance has not reported such legislation on or before September 1, 2000.
(c) ADJUSTMENT.—If legislation is reported by the Senate Committee on Finance that extends the solvency of the Medicare Hospital Insurance Trust Fund without the use of transfers of new subsidies from the general fund, without decreasing beneficiaries' access to health care, and excluding the cost of extending and modifying the prescription drug benefit crafted pursuant to section (a) or (b), then the Chairman of the Committee on the Budget may change committee allocations and spending aggregates by no more than $20,000,000,000 total for fiscal years 2004 and 2005 to fund the prescription drug benefit if such legislation will not cause an on-budget deficit in either of these 2 fiscal years.
(d) BUDGETARY ENFORCEMENT.—The revision of allocations and aggregates made under this section shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

SEC. 203. RESERVE FUND FOR STABILIZATION OF PAYMENTS TO COUNTIES IN SUPPORT OF EDUCATION.

(a) ADJUSTMENT.—
(1) IN GENERAL.—Whenever the Committee on Energy and Natural Resources of the Senate reports a bill, or an amendment thereto is offered, or a conference report thereon is submitted, that provides additional resources for counties and complies with paragraph (2), the chairman of the Committee on the Budget may increase the allocation of budget authority and outlays to that committee by the amount of budget authority (and the outlays resulting therefrom) provided by that legislation for such purpose in accordance with subsection (b).
(2) CONDITION.—Legislation complies with this paragraph if it provides for the stabilization of receipt-based payments to counties that support school and road systems and also provides that a portion of those payments would be dedicated toward local investments in Federal lands within the counties.
(b) LIMITATIONS.—The adjustments to the allocations required by subsection (a) shall not exceed $200,000,000 in budget authority (and the outlays resulting therefrom) for fiscal year 2001 and shall not exceed $1,100,000,000 in budget authority (and the outlays resulting therefrom) for the period of fiscal years 2001 through 2005.

SEC. 204. RESERVE FUND FOR AGRICULTURE.

(a) ADJUSTMENT.—
(1) IN GENERAL.—If the Committee on Agriculture, Nutrition, and Forestry of the Senate reports a bill on or before June 29, 2000, or an amendment thereto is offered, or a conference report thereon is submitted that provides assistance for producers of program crops and specialty crops, and enhancements for agriculture conservation programs that complies with paragraph (2), the appropriate chairman of the Committee on the Budget may increase the allocation of budget authority and outlays to that committee by the amount of budget authority (and the outlays resulting therefrom) provided by that legislation for such purpose in accordance with subsection (b).

(2) CONDITIONS.—Legislation complies with this paragraph if it does not cause a net increase in budget authority and outlays of greater than $1,640,000,000 for fiscal year 2001.

(b) LIMITATIONS.—The adjustments to the allocations required by subsection (a) shall not exceed $5,500,000,000 in budget authority and outlays for fiscal year 2000, and $3,000,000,000 in budget authority (and the outlays resulting therefrom) for the period of fiscal years 2001 through 2005.

SEC. 205. TAX REDUCTION RESERVE FUND IN THE SENATE.

In the Senate, the chairman of the Committee on the Budget may reduce the spending and revenue aggregates and may revise committee allocations for legislation that reduces revenues if such legislation will not increase the deficit or decrease the surplus for—

(1) fiscal year 2001; or

(2) the period of fiscal years 2001 through 2005.

SEC. 206. MECHANISM FOR ADDITIONAL DEBT REDUCTION.

(a) IN GENERAL.—If any of the legislation described in subsection (b) does not become law on or before October 1, 2000, then the Chairman of the Committee on the Budget of the Senate shall adjust the levels in this concurrent resolution as provided in subsection (c).

(b) LEGISLATION.—The adjustment required by subsection (a) shall be made with respect to—

(1) the reconciliation legislation required by section 104; or

(2) the Medicare legislation provided for in section 202.

(c) ADJUSTMENTS TO BE MADE.—The adjustment required in subsection (a) shall be—

(1) with respect to the legislation required by section 104, to decrease the balance displayed on the Senate's pay-as-you-go scorecard and increase the revenue aggregate by the amount set forth in section 104 (as adjusted, if adjusted, pursuant to section 205) and to decrease the level of debt held by the public as set forth in section 101(6) by that same amount; or

(2) with respect to the legislation provided for in section 202, to decrease the balance displayed on the Senate's pay-as-you-go scorecard by the amount set forth in section 202 and to decrease the level of debt held by the public as set forth in section 101(6) by that same amount and make the corresponding adjustments to the revenue and spending aggregates and allocations (as adjusted by section 202).

SEC. 207. EMERGENCY DESIGNATION POINT OF ORDER IN THE SENATE.

(a) DESIGNATIONS.—

(1) GUIDANCE.—In making a designation of a provision of legislation as an emergency requirement under section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the committee report and any statement of managers accompanying that legislation shall analyze whether a proposed emergency requirement meets all the criteria in paragraph (2).

(2) CRITERIA.—

(A) IN GENERAL.—The criteria to be considered in determining whether a proposed expenditure or tax change is an emergency requirement are—

(i) necessary, essential, or vital (not merely useful or beneficial);

(ii) sudden, quickly coming into being, and not building up over time;

(iii) an urgent, pressing, and compelling need requiring immediate action;

(iv) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(v) not permanent, temporary in nature.

(B) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(3) JUSTIFICATION FOR FAILURE TO MEET CRITERIA.—If the proposed emergency requirement does not meet all the criteria set forth in paragraph (2), the committee report or the statement of managers, as the case may be, shall provide a written justification of why the requirement should be accorded emergency status.

(b) POINT OF ORDER.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, a point of order may be made by a Senator against an emergency designation in that measure and if the Presiding Officer sustains that point of order, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(c) WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DEFINITION OF AN EMERGENCY REQUIREMENT.—A provision shall be considered an emergency designation if it designates any item an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) FORM OF THE POINT OF ORDER.—A point of order under this section may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(f) CONFERENCE REPORTS.—If a point of order is sustained under this section against a conference report the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(g) EXCEPTION FOR DEFENSE SPENDING.—Subsection (b) shall not apply against an emergency designation for a provision making discretionary appropriations in the defense category.

SEC. 208. RESERVE FUND PENDING INCREASE OF FISCAL YEAR 2001 DISCRETIONARY SPENDING LIMITS.

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

(1) The functional totals with respect to discretionary spending set forth in this concurrent resolution, if implemented, would result in legislation which exceeds the limit on discretionary spending for fiscal year 2001 set out in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985. Nonetheless, the allocation pursuant to section 302 of the Congressional Budget and Impoundment Control Act of 1974 to the Committee on Appropriations is in compliance with current law spending limits.

(2) Consequently unless and until the discretionary spending limit for fiscal year 2001 is increased, aggregate appropriations which exceed the current law limits would still be out of order in the Senate and subject to a supermajority vote.

(3) The functional totals contained in this concurrent resolution envision a level of discretionary spending for fiscal year 2001 as follows:

(A) For the discretionary category: $602,179,000,000 in new budget authority and $593,926,000,000 in outlays.

(B) For the highway category: $26,920,000,000 in outlays.

(C) For the mass transit category: $4,639,000,000 in outlays.

(4) To facilitate the Senate completing its legislative responsibilities for the 106th Congress in a timely fashion, it is imperative that the Senate consider legislation which increases the discretionary spending limit for fiscal year 2001 as soon as possible.

(b) ADJUSTMENT TO ALLOCATIONS.—Whenever a bill or joint resolution becomes law that increases the discretionary spending limit for fiscal year 2001 set out in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, the appropriate chairman of the Committee on the Budget shall increase the allocation called for in section 302(a) of the Congressional Budget Act of 1974 to the appropriate Committee on Appropriations.

(c) LIMITATION ON ADJUSTMENT.—An adjustment made pursuant to subsection (b) shall not result in an allocation under section 302(a) of the Congressional Budget Act of 1974 that exceeds the total budget authority and outlays set forth in subsection (a)(3).

SEC. 209. CONGRESSIONAL FIREWALL FOR DEFENSE AND NONDEFENSE SPENDING.

(a) DEFINITION.—In this section, for fiscal year 2001 the term ''discretionary spending limit'' means—

(1) for the defense category, $310,819,000,000 in new budget authority and $297,050,000,000 in outlays; and

(2) for the nondefense category, $291,360,000,000 in new budget authority and $329,183,000,000 in outlays.

(b) POINT OF ORDER IN THE SENATE.—

(1) IN GENERAL.—After the adjustment to the section 302(a) allocation to the Appropriations Committee is made pursuant to section 207 and except as provided in paragraph (2), it shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that exceeds any discretionary spending limit set forth in this section.

(2) EXCEPTION.—This subsection shall not apply if a declaration of war by Congress is in effect.

(c) WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 210. MECHANISMS FOR STRENGTHENING BUDGETARY INTEGRITY.

(a) DEFINITION.—For purposes of this section, the term ''budget year'' means with respect to a session of Congress, the fiscal year of the Government that starts on October 1 of the calendar year in which that session begins.

(b) POINT OF ORDER WITH RESPECT TO ADVANCED APPROPRIATIONS.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any bill, resolution, amendment, motion or conference report that—

(A) provides an appropriation of new budget authority for any fiscal year after the budget year that is in excess of the amounts provided in paragraph (2); and

(B) provides an appropriation of new budget authority for any fiscal year subsequent to the year after the budget year.

(2) LIMITATION ON AMOUNTS.—The total amount, provided in appropriations legislation for the budget year, of appropriations for the subsequent fiscal year shall not exceed $23,000,000,000.

(c) POINT OF ORDER WITH RESPECT TO DELAYED OBLIGATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider any bill, resolution, amendment, motion, or conference report that contains an appropriation of new budget authority for any fiscal year which does not become available upon enactment of such legislation or on the first day of that fiscal year (whichever is later).

(2) EXCEPTION.—Paragraph (1) shall not apply with respect to appropriations in the defense category; nor shall it apply to appropriations reoccurring or customary or for the following programs: Provided, That such appropriation is not delayed beyond the specified date and does not exceed the specified amount:

(A) DEPARTMENT OF THE INTERIOR.—Operation of Indian Programs School Operation Costs (Bureau of Indian Affairs Funded Schools and Other Education Programs): July 1 not to exceed $401,000,000.

(B) DEPARTMENT OF LABOR.—

(i) Training and Employment Service: July 1 not to exceed $1,650,000,000.

(ii) State Unemployment Insurance: July 1 not to exceed $902,000,000.

(C) DEPARTMENT OF EDUCATION.—

(i) Education Reform: July 1 not to exceed $512,000,000.

(ii) Education for the Disadvantaged: July 1 not to exceed $2,462,000,000.

(iii) School Improvement Program: July 1 not to exceed $975,000,000.

(iv) Special Education: July 1 not to exceed $2,048,000,000.

(v) Vocational Education: July 1 not to exceed $858,000,000.

(D) DEPARTMENT OF TRANSPORTATION.—Grants to the National Railroad Passenger Corporation: September 30 not to exceed $343,000,000.

(E) DEPARTMENT OF VETERANS' AFFAIRS.—Medical Care (equipment-land-structures): August 1 not to exceed $900,000,000.

(F) ENVIRONMENTAL PROTECTION AGENCY.—Hazardous Substance Superfund: September 1 not to exceed $100,000,000.

(d) WAIVER AND APPEAL.—Subsections (b) and (c) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) FORM OF THE POINT OF ORDER.—A point of order under this section may be raised by a Senator as provided in section 313(e) of the Congressional Budget and Impoundment Control Act of 1974.

(f) CONFERENCE REPORTS.—If a point of order is sustained under this section against a conference report, the report shall be disposed of as provided in section 313(d) of the Congressional Budget and Impoundment Control Act of 1974.

(g) PRECATORY AMENDMENTS.—For purposes of interpreting section 305(b)(2) of the Congressional Budget Act of 1974, an amendment is not germane if it contains only precatory language.

(h) SUNSET.—Except for subsection (g), this section shall expire effective October 1, 2002.

SEC. 211. PROHIBITION ON USE OF FEDERAL RESERVE SURPLUSES.

(a) PURPOSE.—The purpose of this section is to ensure that transfers from nonbudgetary governmental entities such as the Federal Reserve banks shall not be used to offset increased on-budget spending when such transfers produce no real budgetary or economic effects.

(b) BUDGETARY RULE.—For purposes of points of order under this resolution and the Congressional Budget and Impoundment Control Act of 1974, provisions contained in any bill, resolution, amendment, motion, or conference report that affects any surplus funds of the Federal Reserve banks shall not be scored with respect to the level of budget authority, outlays, or revenues contained in such legislation.

SEC. 212. REAFFIRMING THE PROHIBITION ON THE USE OF REVENUE OFFSETS FOR DISCRETIONARY SPENDING.

(a) PURPOSE.—The purpose of this section is to reaffirm Congress' belief that the discretionary spending limits should be adhered to and not circumvented by increasing taxes.

(b) RESTATEMENT OF BUDGETARY RULE.—For purposes of points of order under this resolution and the Congressional Budget and Impoundment Control Act of 1974, provisions contained in an appropriations bill (or an amendment thereto or a conference report thereon) resulting in increased revenues shall continue not to be scored with respect to the level of budget authority or outlays contained in such legislation.

SEC. 213. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this concurrent resolution for any measure shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this concurrent resolution.

SEC. 214. RESERVE FUND TO FOSTER THE HEALTH OF CHILDREN WITH DISABILITIES AND THE EMPLOYMENT AND INDEPENDENCE OF THEIR FAMILIES.

(a) ADJUSTMENT.—

(1) IN GENERAL.—Whenever the Committee on Finance of the Senate reports a bill, or an amendment thereto is offered, or a conference report thereon is submitted, that facilitates children with disabilities receiving needed health care at home and complies with paragraph (2), the chairman of the Committee on the Budget may increase the spending aggregate and allocation of budget authority and outlays to that committee by the amount of budget authority (and the outlays resulting therefrom) provided by that legislation for such purpose in accordance with subsection (b).

(2) CONDITION.—Legislation complies with this paragraph if it finances health programs designed to allow children with disabilities to access the health services they need to remain at home with their families while allowing their families to become or remain employed.

(b) LIMITATIONS.—The adjustments to the spending aggregates and allocations required by subsection (a) shall not exceed $50,000,000 in budget authority (and the outlays resulting therefrom) for fiscal year 2001 and shall not exceed $300,000,000 in budget authority (and the outlays resulting therefrom) for the period of fiscal years 2001 through 2005.

SEC. 215. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 216. RESERVE FUND FOR MILITARY RETIREE HEALTH CARE.

(a) IN GENERAL.—In the Senate, aggregates, allocations, functional totals, and other budgetary levels and limits may be revised for Department of Defense authorization legislation reported by the Committee on Armed Services of the Senate to fund improvements to health care programs for military retirees and their dependents in order to fulfill the promises made to them: Provided, That the enactment of that legislation will not cause an on-budget deficit for—

(1) fiscal year 2001; or

(2) the period of fiscal years 2001 through 2005.

(b) REVISED LEVELS.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

SEC. 217. RESERVE FUND FOR EARLY LEARNING AND PARENT SUPPORT PROGRAMS.

(a) ADJUSTMENT.—When the Committee on Education and Workforce of the House of Representatives or the Committee on Health, Education, Labor, and Pensions of the Senate reports a bill, an amendment is offered in the House of Representatives or the Senate, or a conference report is filed that improves opportunities at the local level for early learning, brain development, and school readiness for young children from birth to age 6 and offers support programs for such families, particularly those with special needs such as mental health issues and behavioral disorders, the relevant chairman of the Committee on the Budget may increase the allocation aggregates, functions, totals, and other budgetary totals in the resolution by the amount of budget authority (and the outlays resulting therefrom) provided by the legislation for such purpose in accordance with subsection (b) if the legislation does not cause an on-budget deficit.

(b) LIMITATIONS.—The adjustments to the aggregates and totals pursuant to subsection (a) shall not exceed $8,500,000,000 on-budget authority (and the outlays resulting therefrom) for the period fiscal year 2001 through 2005.

TITLE III—SENSE OF THE SENATE PROVISIONS

SEC. 301. SENSE OF THE SENATE ON CONTROLLING AND ELIMINATING THE GROWING INTERNATIONAL PROBLEM OF TUBERCULOSIS.

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

(1) According to the World Health Organization—

(A) nearly 2,000,000 people worldwide die each year of tuberculosis-related illnesses;

(B) one-third of the world's total population is infected with tuberculosis; and

(C) tuberculosis is the world's leading killer of women between 15- and 44-years old and is a leading cause of children becoming orphans.

(2) Because of the ease of transmission of tuberculosis, its international persistence and growth pose a direct public health threat to those nations that had previously largely controlled the disease. This is complicated in the United States by the growth of the homeless population, the rate of incarceration, international travel, immigration, and HIV/AIDS.

(3) With nearly 40 percent of the tuberculosis cases in the United States attributable to foreign-born persons, tuberculosis will never be eliminated in the United States until it is controlled abroad.

(4) The means exist to control tuberculosis through screening, diagnosis, treatment, patient compliance, monitoring, and ongoing review of outcomes.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assumes that additional resources should be provided to fund international tuberculosis control

efforts at $60,000,000 in fiscal year 2001, consistent with authorizing legislation approved by the Committee on Foreign Relations of the Senate.

SEC. 302. SENSE OF THE SENATE ON INCREASED FUNDING FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT.

(a) FINDINGS.—The Senate finds that—

(1) in 1998, 33.2 percent of women in the labor force have children under 14;

(2) in 1998, 65.2 percent of women with children younger than age 6, and 78.4 percent of women with children ages 6 through 17 were in the labor force, and 41.6 percent of women with children younger than 3 were employed full-time;

(3) 1,920,000 couples both working and with children under 18 had family incomes of under $30,000 (10.3 percent);

(4)(A) in 1998, 11,700,000 children out of 21,300,000 (55.1 percent) under the age of 5 have employed mothers;

(B) 18.4 percent of children under 6 are cared for by their fathers at home;

(C) another 5.5 percent (562,000) are looked after by their mother either at home or away from home; and

(D) in other words, less than a quarter (23.9 percent) of these children are taken care of by 1 parent;

(5) a 1997 General Accounting Office study found that the increased work participation requirement of the welfare reform law will cause the need for child care to exceed the known supply;

(6) a 1995 study by the Urban Institute of child care prices in 6 cities found that the average cost of daycare for a 2-year-old in a child care center ranged from $3,100 to $8,100;

(7) for an entry-level worker, the family's child care costs at the average price of care for an infant in a child care center would be at least 50 percent of family income in 5 of the 6 cities examined;

(8) a large number of low- and middle-income families sacrifice a second full-time income so that a parent may be at home with the child;

(9) the average income of 2-parent families with a single income (a family with children, wife does not work) is $13,566 less than the average income of 2-parent families with 2 incomes;

(10) a recent National Institute for Child Health and Development study found that the greatest factor in the development of a young child is ''what is happening at home and in families''; and

(11) increased tax relief directed at making child care more affordable, and increased funding for the Child Care and Development Block Grant, would take significant steps toward bringing quality child care within the reach of many parents, and would increase the options available to parents in deciding how best to care for their children.

(b) SENSE OF SENATE.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume—

(1) that tax relief should be directed to parents who are struggling to afford quality child care, including those who wish to stay home to care for a child, and should be included in any tax cut package; and

(2) a total of $4,567,000,000 in funding for the Child Care and Development Block Grant in fiscal year 2001.

SEC. 303. SENSE OF THE SENATE ON TAX RELIEF FOR COLLEGE TUITION PAID AND FOR INTEREST PAID ON STUDENT LOANS.

(a) FINDINGS.—The Senate finds that—

(1) in our increasingly competitive global economy, the attainment of a higher education is critical to the economic success of an individual, as evidenced by the fact that, in 1975, college graduates earned an average of 57 percent more than those who just finished high school, compared to 76 percent more today;

(2) the cost of attaining a higher education has outpaced both inflation and median family incomes;

(3) specifically, over the past 20 years, the cost of college tuition has quadrupled (growing faster than any consumer item, including health care and nearly twice as fast as inflation) and 8 times as fast as median household incomes;

(4) despite recent increases passed by Congress, the value of the maximum Pell Grant has declined 23 percent since 1975 in inflation-adjusted terms, forcing more students to rely on student loans to finance the cost of a higher education;

(5) from 1992 to 1998, the demand for student loans soared 82 percent and the average student loan increased 367 percent;

(6) according to the Department of Education, there is approximately $150,000,000,000 in outstanding student loan debt, and students borrowed more during the 1990's than during the 1960's, 1970's, and 1980's combined; and

(7) in Congress, proposals have been made to address the rising cost of tuition and mounting student debt, including a bipartisan proposal to provide a deduction for tuition paid and a credit for interest paid on student loans.

(b) SENSE OF SENATE.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that any tax cut package reported by the Finance Committee and passed by Congress during the fiscal year 2001 budget reconciliation process include tax relief for college tuition paid and for interest paid on student loans.

SEC. 304. SENSE OF THE SENATE ON INCREASED FUNDING FOR THE NATIONAL INSTITUTES OF HEALTH.

(a) FINDINGS.—The Senate finds that—

(1) the National Institutes of Health is the Nation's foremost research center;

(2) the Nation's commitment to and investment in biomedical research has resulted in better health and an improved quality of life for all Americans;

(3) continued biomedical research funding must be ensured so that medical doctors and scientists have the security to commit to conducting long-term research studies;

(4) funding for the National Institutes of Health should continue to increase in order to prevent the cessation of biomedical research studies and the loss of medical doctors and research scientists to private research organizations; and

(5) the National Institutes of Health conducts research protocols without proprietary interests, thereby ensuring that the best health care is researched and made available to the Nation.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume increased funding in function 550 (Health) for the National Institutes of Health of $2,700,000,000, reflecting the commitment made in the fiscal year 1998 Senate Budget Resolution to double the National Institute of Health budget by 2003.

SEC. 305. SENSE OF THE SENATE SUPPORTING FUNDING LEVELS IN EDUCATIONAL OPPORTUNITIES ACT.

It is the sense of the Senate that the levels in this resolution assume that of the amounts provided for elementary and secondary education within the Budget Function 500 of this resolution for fiscal years 2001 through 2005, such funds shall be appropriated in proportion to and in accordance with the levels authorized in the Educational Opportunities Act, S. 2.

SEC. 306. SENSE OF THE SENATE ON ADDITIONAL BUDGETARY RESOURCES.

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

(1) In its review of government operations, the General Accounting Office noted that it was unable to determine the extent of improper government payments, due to the poor quality of agency accounting practices. In particular, the General Accounting Office cited the Government's inability to—

(A) ''properly account for and report billions of dollars of property, equipment, materials, and supplies and certain stewardship assets''; and

(B) ''properly prepare the Federal Government's financial statements, including balancing the statements, accounting for billions of dollars of transactions between governmental entities, and properly and consistently compiling the information in the financial statements.''.

(2) Private economic forecasters are currently more optimistic than the Congressional Budget Office (CBO). Blue Chip expects 2000 real GDP growth of 4.1 percent, whereas the Congressional Budget Office expects 3.3 percent growth. From 1999 through 2005, Blue Chip expects real GDP to grow more than 0.3 percentage points faster per year than the Congressional Budget Office does. Using budgetary rules of thumb, this latter difference translates into more than $150,000,000,000 over the 5-year budget window.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels contained in this resolution assume that—

(1) there are billions of dollars in wasted expenditures in the Federal Government that should be eliminated; and

(2) higher projected budget surpluses arising from reductions in government waste and stronger revenue inflows could be used in the future for additional tax relief or debt reduction.

SEC. 307. SENSE OF THE SENATE ON REGARDING THE INADEQUACY OF THE PAYMENTS FOR SKILLED NURSING CARE.

(a) FINDINGS.—The Senate finds that—

(1) Congress confronted and addressed the funding crisis for medicare beneficiaries requiring skilled nursing care through the Balanced Budget Refinement Act of 1999;

(2) Congress recognized the need to address the inadequacy of the prospective payment system for certain levels of care, as well as the need to end arbitrary limits on rehabilitative therapies. Congress restored $2,700,000,000 to reduce access threats to skilled care for medicare beneficiaries; and

(3) Currently, more than 1,600 skilled nursing facilities caring for more than 175,000 frail and elderly Americans have filed for bankruptcy protection.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) the Administration should identify areas where they have the authority to make changes to improve quality, including analyzing and fixing the labor component of the skilled nursing facility market basket update factor; and

(2) while Congress deliberates funding structural medicare reform and the addition of a prescription drug benefit, it must maintain the continued viability of the current skilled nursing benefit. Therefore, the committees of jurisdiction should ensure that medicare beneficiaries requiring skilled nursing care have access to that care and that those providers have the resources to meet the expectation for high quality care.

SEC. 308. SENSE OF THE SENATE ON THE CARA PROGRAMS.

It is the sense of the Senate that the levels in this resolution assume that, if the Congress and the President so choose, the following programs can be fully funded as discretionary programs in fiscal year 2001, including—

(1) the Land and Water Conservation Fund programs;

(2) the Federal aid to Wildlife Fund;

(3) the Urban Parks and Recreation Recovery Grants;

(4) the National Historic Preservation Fund;

(5) the Payment in Lieu of Taxes; and

(6) the North American Wetlands Conservation Act.

SEC. 309. SENSE OF THE SENATE ON VETERANS' MEDICAL CARE.

(a) FINDINGS.—The Senate finds that—

(1) this budget addresses concerns about veterans' medical care;

(2) we successfully increased the appropriation for veterans' medical care by $1,700,000,000 last year, although the President had proposed no increase in funding in his budget; and

(3) this year's budget proposes to increase the veterans' medical care appropriation by $1,400,000,000, the level of funding in the President's budget.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume an increase of $1,400,000,000 in veterans' medical care appropriations in fiscal year 2001.

SEC. 310. SENSE OF THE SENATE ON IMPACT AID.

(a) FINDINGS.—The Senate finds that—

(1) the Impact Aid, as created by Congress in 1950, fulfills a Federal obligation to local educational agencies impacted by a Federal presence;

(2) the Impact Aid provides funds to these local educational agencies to help them meet the basic educational needs of all their children, particularly the needs of transient military dependent students, Native American children, and students from low-income housing projects; and

(3) the Impact Aid is funded at a level less than what is required to fully fund ''all'' federally connected local educational agencies.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that the Impact Aid Program strive to reach the goal that all local educational agencies eligible for Impact Aid receive at a minimum, 40 percent of their maximum payment under sections 8002 and 8003.

SEC. 311. SENSE OF THE SENATE ON FUNDING FOR INCREASED ACREAGE UNDER THE CONSERVATION RESERVE PROGRAM AND THE WETLANDS RESERVE PROGRAM.

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

(1) The Conservation Reserve Program (CRP) and the Wetlands Reserve Program (WRP) have been successful, voluntary, incentive-based endeavors that over the last decade and a half have turned millions of acres of marginal cropland into reserves that protect wildlife in the United States, provide meaningful income to farmers and ranchers (especially in periods of collapsed commodity prices), and combat soil and water erosion. CRP and WRP also provide increased opportunities for hunting, fishing, and other recreational activities.

(2) CRP provides landowners with technical and financial assistance, including annual rental payments, in exchange for removing environmentally sensitive farmland from production and implementing conservation practices. Currently, CRP includes around 31,300,000 acres in the United States.

(3) Similarly, WRP offers technical and financial assistance to landowners who select to restore wetlands. Currently, WRP includes 785,000 acres nationwide.

(4) Furthermore, bipartisan legislation has been introduced in the 106th Congress to increase the acreage permitted under both CRP and WRP. The Administration also supports raising the acreage limitations in both programs.

(5) Unfortunately, both CRP and WRP may soon become victims of their own success and their respective statutory acreage limitations unless Congress acts. Given the popularity and demand for these conservation programs, the statutory acreage limitations will likely exhaust resources available to producers who want to participate in CRP or WRP. As currently authorized, CRP has an enrollment cap of 36,400,000 acres and WRP is limited at 975,000 acres. As of October 1, 1999, enrollment in CRP stood at approximately 31,300,000 acres and enrollment in WRP at just over 785,000 acres.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that Congress and the Administration should take steps to raise the acreage limits of the CRP and WRP in order to make these programs available to aid the preservation and conservation of sensitive natural soil and water resources without negatively effecting rural communities. Further, such actions should help improve farm income for agricultural producers and restore prosperity and growth to rural sectors of the United States.

SEC. 312. SENSE OF THE SENATE ON TAX SIMPLIFICATION.

(a) FINDINGS.—Congress finds that—

(1) the tax code has become increasingly complex, undermining confidence in the system, and often undermining the principles of simplicity, efficiency, and equity;

(2) some have estimated that the resources required to keep records and file returns already cost American families an additional 10 percent to 20 percent over what they actually pay in income taxes; and

(3) if it is to enact a greatly simplified tax code, Congress should have a thorough understanding of the problem as well as specific proposals to consider.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that the Joint Committee on Taxation shall develop a report and alternative proposals on tax simplification by the end of the year, and the Department of the Treasury is requested to develop a report and alternative proposals on tax simplification by the end of the year.

SEC. 313. SENSE OF THE SENATE ON ANTITRUST ENFORCEMENT BY THE DEPARTMENT OF JUSTICE AND FEDERAL TRADE COMMISSION REGARDING AGRICULTURE MERGERS AND ANTICOMPETITIVE ACTIVITY.

(a) FINDINGS.—Congress finds that—

(1) the Antitrust Division of the Department of Justice is charged with the civil and criminal enforcement of the antitrust laws, including the review of corporate mergers likely to reduce competition in particular markets, with a goal of protecting the competitive process;

(2) the Bureau of Competition of the Federal Trade Commission is also charged with enforcement of the antitrust laws, including the review of corporate mergers likely to reduce competition;

(3) the Antitrust Division and the Bureau of Competition are also responsible for the prosecution of companies and individuals who engage in anti-competitive behavior and unfair trade practices;

(4) the number of merger filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976, which the Department of Justice, in conjunction with the Federal Trade Commission, is required to review, has increased significantly in fiscal years 1998 and 1999;

(5) large agri-businesses have constituted part of this trend in mergers and acquisitions;

(6) farmers and small agricultural producers are experiencing one of the worst periods of economic downturn in years;

(7) farmers currently get less than a quarter of every retail food dollar, down from nearly half of every retail food dollar in 1952;

(8) the top 4 beef packers presently control 80 percent of the market, the top 4 pork producers control 57 percent of the market, and the largest sheep processors and poultry processors control 73 percent and 55 percent of the market, respectively;

(9) the 4 largest grain processing companies presently account for approximately 62 percent of the Nation's flour milling, and the 4 largest firms control approximately 75 percent of the wet corn milling and soybean crushing industry;

(10) farmers and small, independent producers are concerned about the substantial increase in concentration in the agriculture industry and significantly diminished opportunities in the marketplace; and

(11) farmers and small, independent producers are also concerned about possible anticompetitive behavior and unfair business practices in the agriculture industry.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) the Antitrust Division and the Bureau of Competition will have adequate resources to enable them to meet their statutory requirements, including those related to reviewing increasingly numerous and complex mergers and investigating and prosecuting anticompetitive business activity; and

(2) these departments will—

(A) dedicate considerable resources to matters and transactions dealing with agri-business antitrust and competition; and

(B) ensure that all vertical and horizontal mergers implicating agriculture and all complaints regarding possible anticompetitive business practices in the agriculture industry will receive extraordinary scrutiny.

SEC. 314. SENSE OF THE SENATE REGARDING FAIR MARKETS FOR AMERICAN FARMERS.

(a) FINDINGS.—The Senate finds that—

(1) United States agricultural producers are the most efficient and competitive in the world;

(2) United States agricultural producers are at a competitive disadvantage in the world market because the European Union outspends the United States (on a dollar/acre basis) by a ratio of 10:1 on domestic support and by a ratio of 60:1 on export subsidies;

(3) the support the European Union gives their producers results in more prosperous rural communities in Europe than in the United States;

(4) the European Union blocked consensus at the World Trade Organization ministerial meeting in Seattle because Europe does not want to surrender its current advantage in world markets;

(5) despite the competitiveness of American farmers, the European advantage has led to a declining United States share of the world market for agricultural products;

(6) the United States Department of Agriculture reports that United States export growth has lagged behind that of our major competitors, resulting in a loss of United States market share, from 24 percent in 1981 to its current level of 18 percent;

(7) the United States Department of Agriculture also reports that United States market share of global agricultural trade has eroded steadily over the past 2 decades, which could culminate in the United States losing out to the European Union as the world's top agricultural exporter sometime in 2000;

(8) prices of agricultural commodities in the United States are at 50-year lows in real terms, creating a serious economic crisis in rural America; and

(9) fundamental fairness requires that the playing field be leveled so that United States farmers are no longer at a competitive disadvantage.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) the United States should take steps to increase support for American farmers in order to level the playing field for United States agricultural producers and increase the leverage of the United States in World Trade Organization negotiations on agriculture as long as such support is not trade distorting, and does not otherwise exceed or impair existing Uruguay Round obligations; and

(2) such actions should improve United States farm income and restore the prosperity of rural communities.

SEC. 315. SENSE OF THE SENATE ON WOMEN AND SOCIAL SECURITY REFORM.

(a) FINDINGS.—The Senate finds that—

(1) without Social Security benefits, the elderly poverty rate among women would have been 52.2 percent, and among widows would have been 60.6 percent;

(2) women tend to live longer and tend to have lower lifetime earnings than men do;

(3) during their working years, women earn an average of 70 cents for every dollar men earn; and

(4) women spend an average of 11.5 years out of their careers to care for their families, and are more likely to work part-time than full-time.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) women face unique obstacles in ensuring retirement security and survivor and disability stability;

(2) Social Security plays an essential role in guaranteeing inflation-protected financial stability for women throughout their old age;

(3) the Congress and the Administration should act, as part of Social Security reform, to ensure that widows and other poor elderly women receive more adequate benefits that reduce their poverty rates and that women, under whatever approach is taken to reform Social Security, should receive no lesser a share of overall federally funded retirement benefits than they receive today; and

(4) the sacrifice that women make to care for their family should be recognized during reform of Social Security and that women should not be penalized by taking an average of 11.5 years out of their careers to care for their family.

SEC. 316. PROTECTION OF BATTERED WOMEN AND CHILDREN.

(a) FINDINGS.—The Senate makes the following findings:

(1) Each year an estimated 1,000,000 women suffer nonfatal violence by an intimate partner.

(2) Nearly 1 out of 3 adult women can expect to experience at least 1 physical assault by a partner during adulthood.

(3) Domestic violence is statistically consistent across racial and ethnic lines. It does not discriminate based on race or economic status.

(4) The chance of being victimized by an intimate partner is 10 times greater for a woman than a man.

(5) Past and current victims of domestic violence are over-represented in the welfare population. It is estimated that at least 60 percent of current welfare beneficiaries have experienced some form of domestic violence.

(6) Abused women who do seek employment face barriers as a result of domestic violence. Welfare studies show that 15 to 50 percent of abused women report interference from their partner with education, training, or employment.

(7) The programs established by the Violence Against Women Act of 1994 have empowered communities to address the threat caused by domestic violence.

(8) Since 1995, Congress has appropriated close to $1,800,000,000 to fund programs established by the Violence Against Women Act of 1994, including the STOP program, shelters for battered women and children, the domestic violence hotline, and Centers for Disease Control and Prevention injury control programs.

(9) The programs established by the Violence Against Women Act of 1994 have been and continue to comprise a successful national strategy for addressing the needs of battered women and the public health threat caused by this violence.

(10) The Supreme Court could act during this session to overturn a major protection and course of action provided for in the Violence Against Women Act of 1994. In United States v. Morrison/Brzonkala, the Supreme Court will address the issue of the constitutionality of the Federal civil rights remedy under the Violence Against Women Act of 1994, and may overturn congressional intent to elevate violence against women to a category protected under Federal civil rights law.

(11) The actions taken by the courts and the failure to reauthorize the Violence Against Women Act of 1994 has generated a great deal of concern in communities nationwide.

(12) Funding for the programs established by the Violence Against Women Act of 1994 is the only lifeline for battered women and Congress has a moral obligation to continue funding and to strengthen key components of the Violence Against Women Act of 1994.

(13) Congress and the Administration should work to ensure the continued funding of programs established by the Violence Against Women Act of 1994.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that, in light of the pending litigation challenging the constitutionality of the Federal civil rights remedy in the Violence Against Women Act of 1994 and the lack of action on legislation reauthorizing and strengthening the provisions of that Act—

(1) Congress, through reauthorization of the programs established by the Violence Against Women Act of 1994, should work to eliminate economic barriers that trap women and children in violent homes and relationships; and

(2) full funding for the programs established by the Violence Against Women Act of 1994 will be provided from the Violent Crime Reduction Fund.

SEC. 317. USE OF FALSE CLAIMS ACT IN COMBATTING MEDICARE FRAUD.

(a) FINDINGS.—The Senate finds that—

(1) the solvency of the medicare trust funds is of vital importance to the well-being of the Nation's seniors and other vulnerable people in need of quality health care;

(2) fraud against the medicare trust funds is a major problem resulting in the depletion of the trust funds; and

(3) chapter 37 of title 31, United States Code (commonly referred to as the False Claims Act) and the qui tam provisions of that chapter are vital tools in combatting fraud against the medicare program.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that chapter 37 of title 31, United States Code (commonly referred to as the False Claims Act) and the qui tam provisions of that chapter are essential tools in combatting medicare fraud and should not be weakened in any way.

SEC. 318. SENSE OF THE SENATE REGARDING THE NATIONAL GUARD.

(a) FINDINGS.—The Senate finds that—

(1) the Army National Guard relies heavily upon thousands of full-time employees, Military Technicians and Active Guard/Reserves, to ensure unit readiness throughout the Army National Guard;

(2) these employees perform vital day-to-day functions, ranging from equipment maintenance to leadership and staff roles, that allow the drill weekends and annual active duty training of the traditional Guardsmen to be dedicated to preparation for the National Guard's warfighting and peacetime missions;

(3) when the ability to provide sufficient Active Guard/Reserves and Technicians end strength is reduced, unit readiness, as well as quality of life for soldiers and families is degraded;

(4) the Army National Guard, with agreement from the Department of Defense, requires a minimum essential requirement of 23,500 Active Guard/Reserves and 25,500 Technicians; and

(5) the fiscal year 2001 budget request for the Army National Guard provides resources sufficient for approximately 22,430 Active Guard/Reserves and 23,957 Technicians, end strength shortfalls of 1,052 and 1,543, respectively.

(b) SENSE OF THE SENATE.— It is the sense of the Senate that the levels in the resolution assume that the Department of Defense will give priority to funding the Active Guard/Reserves and Military Technicians at levels authorized by Congress in the fiscal year 2000 Department of Defense authorization bill.

SEC. 319. SENSE OF THE SENATE REGARDING MILITARY READINESS.

(a) FINDINGS.—The Senate finds that—

(1) the Secretary of the Air Force stated that the United States Air Force's top unfunded readiness priority for fiscal year 2000 was its aircraft spares and repair parts account and top Air Force officers have said that getting more spares is a top priority to improve readiness rates;

(2) the Chief of Naval Operations stated that the aircraft spares and repair parts account for a top readiness priority important to the long-term health of the Navy;

(3) the General Accounting Office's study of personnel retention problems in the armed services cited shortages of spares and repair parts as a major reason why people are leaving the services;

(4) the fiscal year 2001 budget request decreases the Air Force's spares and repair parts account by 13 percent from fiscal year 2000 expected levels; and

(5) the fiscal year 2001 budget request decreases the Navy's spares and repair parts account by 6 percent from the fiscal year 2000 expected levels.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals in the budget resolution assume that Congress will protect the Department of Defense's readiness accounts, including spares and repair parts, and operations and maintenance, and use the requested levels as the minimum baseline for fiscal year 2001 authorization and appropriations.

SEC. 320. SENSE OF THE SENATE ON COMPENSATION FOR THE CHINESE EMBASSY BOMBING IN BELGRADE.

It is the sense of the Senate that the levels in this resolution assume funds designated to compensate the People's Republic of China for the damage inadvertently done to their embassy in Belgrade by NATO forces in May 1999, should not be appropriated from the international affairs budget.

SEC. 321. SENSE OF THE SENATE SUPPORTING FUNDING OF DIGITAL OPPORTUNITY INITIATIVES.

(a) The Senate finds that—

(1) computers, the Internet, and information networks are not luxury items but basic tools largely responsible for driving the current economic expansions;

(2) information technology utility relies on software applications and online content;

(3) access to computers and the Internet and the ability to use this technology effectively is becoming increasingly important for full participation in America's economic, political, and social life; and

(4) unequal access to technology and high-tech skills by income, educational level, race, and geography could deepen and reinforce the divisions that exist within American society.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that the Committees on Appropriations and Finance should support efforts that address the digital divide, including tax incentives and funding to—

(1) broaden access to information technologies;

(2) provide workers and teachers with information technology training;

(3) promote innovative online content and software applications that will improve commerce, education, and quality of life; and

(4) help provide information and communications technology to underserved communities.

SEC. 322. SENSE OF THE SENATE REGARDING IMMUNIZATION FUNDING.

(a) FINDINGS.—The Senate finds that—

(1) vaccines protect children and adults against serious and potentially fatal diseases;

(2) society saves up to $24 in medical and societal costs for every dollar spent on vaccines;

(3) every day, 11,000 babies are born—4,000,000 each year—and each child needs up to 19 doses of vaccine by age 2;

(4) approximately 1,000,000 2-year-olds have not received all of the recommended vaccine doses;

(5) the immunization program under section 317(j)(1) under the Public Health Service Act, administered by the Centers for Disease Control and Prevention, provides grants to States and localities for critical activities including immunization registries, outbreak control, provider education, outreach efforts, and linkages with other public health and welfare services;

(6) Federal grants to States and localities for these activities have declined from $271,000,000 in 1995 to $139,000,000 in 2000;

(7) because of these funding reductions States are struggling to maintain immunization rates and have implemented severe cuts to immunization delivery activities;

(8) even with significant gains in national immunization rates, underimmunized children still exist and there are a number of subpopulations where coverage rates remain low and are actually declining;

(9) rates in many of the Nation's urban areas, including Chicago and Houston, are unacceptably low; and

(10) these pockets of need create pools of susceptible children and increase the risk of dangerous disease outbreaks.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in the resolution assume that Congress should enact legislation that provides $214,000,000 in funding for immunization grants under section 317 of the Public Health Service Act (42 U.S.C. 247b) for infrastructure and delivery activities, including targeted support for immunization project areas with low or declining immunization rates or who have subpopulations with special needs.

SEC. 323. SENSE OF THE SENATE REGARDING TAX CREDITS FOR SMALL BUSINESSES PROVIDING HEALTH INSURANCE TO LOW-INCOME EMPLOYEES.

(a) FINDINGS.—The Senate finds that—

(1) 25,000,000 workers in the United States were uninsured in 1997 and more than two-thirds of the uninsured workers earn less than $20,000 annually, according to a Henry J. Kaiser Family Foundation report;

(2) the percentage of employees of small businesses who have employer-sponsored health insurance coverage decreased from 52 percent in 1996 to 47 percent in 1998; for the smallest employers, those with 3 to 9 workers, the percentage of employees covered by employer-sponsored health insurance fell from 36 percent in 1996 to 31 percent in 1998;

(3) between 1996 and 1998, health premiums for small businesses increased 5.2 percent; premiums increased by 8 percent for the smallest employers, the highest increase among all small businesses;

(4) monthly family coverage for workers at firms with 3 to 9 employees cost $520 in 1998, compared to $462 for family coverage for workers at large firms; and

(5) only 39 percent of small businesses with a significant percentage of low-income employees offer employer-provided health insurance and such companies are half as likely to offer health benefits to such employees as are companies that have only a small percentage of low-income employees.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that Congress should enact legislation that allows small businesses to claim a tax credit when they provide health insurance to low-income employees.

SEC. 324. SENSE OF THE SENATE ON FUNDING FOR CRIMINAL JUSTICE.

(a) FINDINGS.—The Senate finds that—

(1) our success in the fight against crime and improvements in the administration of justice are the result of a bipartisan effort; and

(2) since 1993 the Congress and the President have increased justice funding by 92 percent, and a strong commitment to law enforcement and the administration of justice remains appropriate.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that funds to improve the justice system will be available as follows:

(1) $665,000,000 for the expanded support of direct Federal enforcement, adjudicative, and correctional-detention activities.

(2) $50,000,000 in additional funds to combat terrorism, including cyber crime.

(3) $41,000,000 in additional funds for construction costs for the Federal Bureau of Prisons and the Federal Law Enforcement Training Center.

(4) $200,000,000 in support of Customs and Immigration and Nationalization Service port of entry officers for the development and implementation of the ACE computer system designed to meet critical trade and border security needs.

(5) Funding is available for the continuation of such programs as: the Byrne Grant Program, Violence Against Women, Juvenile Accountability Block Grants, First Responder Training, Local Law Enforcement Block Grants, Weed and Seed, Violent Offender Incarceration and Truth in Sentencing, State Criminal Alien Assistance Program, Drug Courts, Residential Substance Abuse Treatment, Crime Identification Technologies, Bulletproof Vests, Counterterrorism, Interagency Law Enforcement Coordination.

SEC. 325. SENSE OF THE SENATE REGARDING THE PELL GRANT.

(a) FINDINGS.—The Senate finds that—

(1) public investment in higher education yields a return of several dollars for each dollar invested;

(2) higher education promotes economic opportunity for individuals; for example recipients of bachelor's degrees earn an average of 75 percent per year more than those with high school diplomas and experience half as much unemployment as high school graduates;

(3) access to a college education has become a hallmark of American society, and is vital to upholding our belief in equality of opportunity;

(4) for a generation, the Federal Pell Grant has served as an established and effective means of providing access to higher education;

(5) over the past decade, Pell Grant has failed to keep up with inflation. Over the past 25 years, the value of the average Pell Grant has decreased by 23 percent—it is now worth only 77 percent of what Pell Grants were worth in 1975;

(6) grant aid as a portion of student aid has fallen significantly over the past 5 years. Grant aid used to comprise 55 percent of total aid awarded and loans comprised just over 40 percent. Now that trend has been reversed so that loans comprise nearly 60 percent of total aid awarded and grants only comprise 40 percent of total aid awarded;

(7) the percentage of freshmen attending public and private 4-year institutions from families whose income is below the national median has fallen since 1981.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that within the discretionary allocation provided to the Committee on Appropriations, the funding for the maximum Pell Grant award should be at or above the level requested by the President.

SEC. 326. SENSE OF THE SENATE REGARDING COMPREHENSIVE PUBLIC EDUCATION REFORM.

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

(1) Recent scientific evidence demonstrates that enhancing children's physical, social, emotional, and intellectual development before the age of 6 results in tremendous benefits throughout life.

(2) Successful schools are led by well-trained, highly qualified principals, but many principals do not get the training in management skills that the principals need to ensure their school provides an excellent education for every child.

(3) Good teachers are a crucial catalyst to quality education, but 1 in 4 new teachers do not meet State certification requirements; each year more than 50,000 underprepared teachers enter the classroom; and 12 percent of new teachers have had no teacher training at all.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that the Federal Government should support State and local educational agencies engaged in comprehensive reform of their public education system and that any public education reform should include at least the following principles:

(1) Every child should begin school ready to learn.

(2) Training and development for principals and teachers should be a priority.

SEC. 327. SENSE OF THE SENATE ON PROVIDING ADEQUATE FUNDING FOR UNITED STATES INTERNATIONAL LEADERSHIP.

(a) FINDINGS.—The Senate finds that—

(1) United States international leadership is essential to maintaining security and peace for all Americans;

(2) such leadership depends on effective diplomacy as well as a strong military;

(3) effective diplomacy requires adequate resources both for operations and security of United States embassies and for international programs;

(4) in addition to building peace, prosperity, and democracy around the world, programs in the International Affairs (150) budget serve United States interests by ensuring better jobs and a higher standard of living, promoting the health of our citizens and preserving our natural environment, and protecting the rights and safety of those who travel or do business overseas;

(5) real spending for International Affairs has declined more than 40 percent since the mid-1980's, at the same time that major new challenges and opportunities have arisen from the disintegration of the Soviet Union and the worldwide trends toward democracy and free markets;

(6) current ceilings on discretionary spending will impose severe additional cuts in funding for International Affairs;

(7) improved security for United States diplomatic missions and personnel will place further strain on the International Affairs budget absent significant additional resources;

(8) the United States cannot reduce efforts to safeguard nuclear materials in the former Soviet States or shortchange initiatives aimed at maintaining stability on the Korean peninsula, where 37,000 United States forces are deployed. We cannot reduce support for peace in the Middle East or in Northern Ireland or in the Balkans. We cannot stop fighting terror or simply surrender to the spread of HIV/AIDS. We must continue to support all of these things, which are difficult to achieve without adequate and realistic funding levels; and

(9) the President's request for funds for fiscal year 2001 would adequately finance our International Affairs programs without detracting from our defense and domestic needs. It would help keep America prosperous and secure. It would enable us to leverage the contributions of allies and friends on behalf of democracy and peace. It would allow us to protect the interests of Americans who travel, study, or do business overseas. It would do all these things and more for about 1 penny of every dollar the Federal Government spends.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that additional budgetary resources should be identified for function 150 to enable successful United States international leadership.

SEC. 328. SENSE OF THE SENATE CONCERNING THE HIV/AIDS CRISIS.

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

(1) More than 16,000,000 people have been killed by Acquired Immune Deficiency Syndrome (AIDS) since the epidemic began.

(2) 14,000,000 Africans have died as a result of the AIDS epidemic. Eighty-four percent of the worldwide deaths from AIDS have occurred in sub-Saharan Africa.

(3) Each day, AIDS kills 5,500 Africans, and infects 11,000 more.

(4) By the end of 2000, 10,400,000 children in sub-Saharan Africa will have lost one or both parents, to AIDS.

(5) Over 85 percent of the world's HIV-positive children live in Africa.

(6) Fewer than 5 percent of those living with AIDS in Africa have access to even the most basic care.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the functional totals underlying this resolution on the budget assume that Congress has recognized the catastrophic effects of the HIV/AIDS epidemic, particularly in sub-Saharan Africa, and seeks to maximize the effectiveness of the United States' efforts to combat the disease through any necessary authorization or appropriations;

(2) Congress should strengthen ongoing programs which address education and prevention, testing, the care of AIDS orphans, and improving home and community-based care options for those living with AIDS; and

(3) Congress should seek additional or new tools to combat the epidemic, including initiatives to encourage vaccine development and programs aimed at preventing mother-to-child transmission of the disease.

SEC. 329. SENSE OF THE SENATE REGARDING TRIBAL COLLEGES.

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

(1) More than 26,500 students from 250 tribes nationwide attend tribal colleges. The colleges serve students of all ages, many of whom are moving from welfare to work. The vast majority of tribal college students are first-generation college students.

(2) While annual appropriations for tribal colleges have increased modestly in recent years, core operation funding levels are still about half of the $6,000 per Indian student level authorized by the Tribally Controlled College or University Act.

(3) Although tribal colleges received a $3,000,000 increase in funding in fiscal year 2000, because of rising student populations and other factors, these institutions may face an actual per-student decrease in funding over fiscal year 1999.

(4) Per-student funding for tribal colleges is roughly half the amount given to mainstream community colleges.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) the Senate recognizes the funding difficulties faced by tribal colleges and assumes that priority consideration will be provided to them through funding for the Tribally Controlled College and University Act, the 1994 Land Grant Institutions, and title III of the Higher Education Act; and

(2) such priority consideration reflects Congress' intent to continue work toward current statutory Federal funding goals for the tribal colleges.

SEC. 330. SENSE OF THE SENATE TO PROVIDE RELIEF FROM THE MARRIAGE PENALTY.

(a) FINDINGS.—The Senate finds that—

(1) marriage is the foundation of the American society and a key institution for preserving our values;

(2) the tax code should not penalize those who choose to marry;

(3) a report to the Treasury Department's Office of Tax Analysis estimates that in 1999, 48 percent of married couples will pay a marriage penalty under the present tax system;

(4) the Congressional Budget Office found that the average penalty amounts to $1,400 a year.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the level in this budget resolution assume that the Congress shall—

(1) pass marriage penalty tax relief legislation that begins a phasedown of this penalty in 2001;

(2) consider such legislation prior to April 15, 2000.

SEC. 331. SENSE OF THE SENATE ON THE CONTINUED USE OF FEDERAL FUEL TAXES FOR THE CONSTRUCTION AND REHABILITATION OF OUR NATION'S HIGHWAYS, BRIDGES, AND TRANSIT SYSTEMS.

(a) FINDINGS.—The Senate finds that—

(1) current law, as stipulated in the Transportation Equity Act for the 21st Century (TEA–21), requires all Federal gasoline taxes be deposited into the Highway Trust Fund;

(2) current law, as stipulated in TEA–21, guarantees that all such deposits to the Highway Trust Fund are spent in full on the construction and rehabilitation of our Nation's highways, bridges, and transit systems;

(3) the funding guarantees contained in TEA–21 are essential to the ability of the Nation's Governors, highway commissioners, and transit providers to address the growing backlog of critical transportation investments in order to stem the deterioration of our road and transit systems, improve the safety of our highways, and reduce the growth of congestion that is choking off economic growth in communities across the Nation;

(4) any effort to reduce the Federal gasoline tax or de-link the relationship between highway user fees and highway spending pose a great danger to the integrity of the Highway Trust Fund and the ability of the States to invest adequately in our transportation infrastructure; and

(5) proposals to reduce the Federal gasoline tax threaten to endanger the spending levels guaranteed in TEA–21 while providing no guarantee that consumers will experience any reduction in price at the gas pump.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals in this budget resolution do not assume the reduction of any Federal gasoline taxes on either a temporary or permanent basis.

SEC. 332. SENSE OF THE SENATE ON THE INTERNAL COMBUSTION ENGINE.

It is the sense of the Senate that the levels in this resolution assume that the Senate will not, on behalf of Vice President Al Gore, increase gasoline and diesel fuel taxes by $1.50 per gallon effective July 1, 2000, and by an additional $1.50 per gallon effective fiscal year 2005, as part of "a coordinated global program to accomplish the strategic goal of completely eliminating the internal combustion engine over, say, a twenty-five year period" since "their cumulative impact on the global environment is posing a mortal threat to the security of every nation that is more deadly than that of any military enemy we are ever again likely to confront".

SEC. 333. SENSE OF THE SENATE REGARDING THE ESTABLISHMENT OF A NATIONAL BACKGROUND CHECK SYSTEM FOR LONG-TERM CARE WORKERS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The impending retirement of the baby boom generation will greatly increase the demand and need for quality long-term care and it is incumbent on Congress and the President to ensure that medicare and medicaid patients are protected from abuse, neglect, and mistreatment.

(2) Although the majority of long-term care facilities do an excellent job in caring for elderly and disabled patients, incidents of abuse and neglect and mistreatment do occur at an unacceptable rate and are not limited to nursing homes alone.

(3) Current Federal and State safeguards are inadequate because there is little or no information sharing between States about known abusers and no common State procedures for tracking abusers from State to State and facility to facility.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this concurrent resolution on the budget assume that a national registry of abusive long-term care workers should be established by building upon existing infrastructures at the Federal and State levels that would enable long-term care providers who participate in the medicare and medicaid programs to conduct background checks on prospective employees.

SEC. 334. SENSE OF THE SENATE CONCERNING THE PRICE OF PRESCRIPTION DRUGS IN THE UNITED STATES.

(a) FINDINGS.—The Senate makes the following findings:

(1) Today, two-thirds of senior citizens in the United States have access to prescription drugs through health insurance coverage.

(2) However, it is difficult for many Americans, including senior citizens, to afford the prescription drugs that they need to stay healthy.

(3) Many senior citizens in the United States leave the country and go to Canada or Mexico to buy prescription drugs that are developed, manufactured, and approved in the United States in order to buy such drugs at lower prices than such drugs are sold for in the United States.

(4) According to the General Accounting Office, a consumer in the United States pays on average 1/3 more for a prescription drug than a

consumer pays for the same drug in another country.

(5) The United States has made a strong commitment to supporting the research and development of new drugs through taxpayer-supported funding of the National Institutes of Health, through the research and development tax credit, and through other means.

(6) The development of new drugs is important because the use of such drugs enables people to live longer and lead healthier, more productive lives.

(7) Citizens of other countries should pay a portion of the research and development costs for new drugs, or their fair share of such costs, rather than just reap the benefits of such drugs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that the cost disparity between identical prescription drugs sold in the United States, Canada, and Mexico should be reduced or eliminated.

SEC. 335. SENSE OF THE SENATE AGAINST FEDERAL FUNDING OF SMOKE SHOPS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Smoking begun by children during their teen years and even earlier turns the lives of far too many Americans into nightmares decades later, plagued by disease and premature death.

(2) The Federal Government should leave a legacy of more healthy Americans and fewer victims of tobacco-related illness.

(3) Efforts by the Federal Government should seek to protect young people from the dangers of smoking.

(4) Discount tobacco stores, sometimes known as smoke shops, operate to sell high volumes of cigarettes and other tobacco products, often at significantly reduced prices, with each tobacco outlet often selling millions of discount cigarettes each year.

(5) Studies by the Surgeon General and the Centers for Disease Control and Prevention demonstrate that children are particularly susceptible to price differentials in cigarettes, such as those available through smoke shop discounts.

(6) The Department of Housing and Urban Development is using Federal funds for grants to construct not less than 6 smoke shops or facilities that contain a smoke shop.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budget levels in this resolution assume that no Federal funds may be used by the Department of Housing and Urban Development to provide any grant or other assistance to construct, operate, or otherwise benefit a smoke shop or other tobacco outlet.

SEC. 336. SENSE OF THE SENATE REGARDING THE NEED TO REDUCE GUN VIOLENCE IN AMERICA.

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

(1) On average, 12 children die from gun fire everyday in America.

(2) On May 20, 1999, the Senate passed the Violent and Repeat Offender Accountability and Rehabilitation Act, by a vote of 73 to 25, in part, to stem gun-related violence in the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in function 750 of this resolution assume that Congress should—

(1) pass the conference report to accompany H.R. 1501, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act, including Senate-passed provisions, with the purpose of limiting access to firearms by juveniles, convicted felons, and other persons prohibited by law from purchasing or possessing firearms; and

(2) consider H.R. 1501 not later than April 20, 2000.

SEC. 337. SENSE OF THE SENATE SUPPORTING ADDITIONAL FUNDING FOR FISCAL YEAR 2001 FOR MEDICAL CARE FOR OUR NATION'S VETERANS.

(a) It is the sense of the Senate that the provisions in this resolution assume that if the Congressional Budget Office determines there is an on-budget surplus for fiscal year 2001, $500,000,000 of that surplus will be restored to the programs cut in this amendment.

(b) It is the sense of the Senate that the assumptions underlying this budget resolution assume that none of these offsets will come from defense or veterans, and to the extent possible should come from administrative functions.

SEC. 338. SENSE OF THE SENATE REGARDING MEDICAL CARE FOR VETERANS.

It is the sense of the Senate that—

(1) the provisions of this resolution assume that if the Congressional Budget Office determines there is an on-budget surplus for fiscal year 2001, $500,000,000 of that surplus will be restored to the programs cut by this amendment; and

(2) the assumptions underlying this resolution assume that none of the offsets made by this amendment will come from defense or veterans and should, to the extent possible, come from administrative functions.

SEC. 339. SENSE OF THE SENATE CONCERNING INVESTMENT OF SOCIAL SECURITY TRUST FUNDS.

(a) FINDINGS.—The Senate finds that—

(1) Government investment of the Social Security trust funds in the stock market is a gamble Congress should be unwilling to make on behalf of the millions who receive and depend on Social Security to meet their retirement needs;

(2) in 1999, the Senate voted 99–0 to oppose Government investment of the Social Security trust funds in private financial markets;

(3) in addition to the unanimous opposition of the United States Senate, Federal Reserve Chairman Alan Greenspan and Securities and Exchange Commissioner Arthur Levitt also oppose the idea; and

(4) despite this opposition, and despite the dangers inherent in having the Government invest Social Security trust funds in private financial markets, President Clinton has once again suggested, on page 37 of the Administration's proposed fiscal year 2001 Federal budget, that the Government invest part of the Social Security trust funds in corporate equities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that the Federal Government should not directly invest contributions made to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401), or any interest derived from those contributions, in private financial markets.

SEC. 340. SENSE OF THE SENATE CONCERNING DIGITAL OPPORTUNITY.

(a) FINDINGS.—The Senate makes the following findings:

(1) A digital divide exists in America. Low-income, urban and rural families are less likely to have access to the Internet and computers. African American and Hispanic families are only 2/5 as likely to have Internet access as white families. Access by Native Americans to the Internet and to computers is statistically negligible.

(2) Regardless of income level, Americans living in rural areas lag behind in Internet access. Individuals with lower incomes who live in rural areas are half as likely to have Internet access as individuals who live in urban areas.

(3) The digital divide for the poorest Americans has grown by 29 percent since 1997.

(4) Access to computers and the Internet and the ability to use this technology effectively is becoming increasingly important for full participation in America's economic, political and social life.

(5) Unequal access to technology and high-tech skills by income, educational level, race and geography could deepen and reinforce the divisions that exist within American society.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals underlying this resolution on the budget assume that—

(1) to ensure that all children are computer literate by the time they finish the eighth grade, regardless of race, ethnicity, gender, income, geography or disability, to broaden access to information technologies, to provide workers, teachers and students with information technology training, and to promote innovative online content and software applications that will improve commerce, education and quality of life, initiatives that increase digital opportunity should be provided for as follows:

(A) $200,000,000 in tax incentives should be provided to encourage private sector donation of high-quality computers, sponsorship of community technology centers, training, technical services and computer repair;

(B) $450,000,000 should be provided for teacher training;

(C) $150,000,000 for new teacher training;

(D) $400,000,000 should be provided for school technology and school libraries;

(E) $20,000,000 should be provided to place computers and trained personnel in Boys & Girls Clubs;

(F) $25,000,000 should be provided to create an E-Corps within Americorps;

(G) $100,000,000 should be provided to create 1,000 Community Technology Centers in low-income urban and rural communities;

(H) $50,000,000 should be provided for public/private partnerships to expand home access to computers and the Internet for low-income families;

(I) $45,000,000 should be provided to promote innovative applications of information and communications technology for underserved communities;

(J) $10,000,000 should be provided to prepare Native Americans for careers in Information Technology and other technical fields; and

(2) all Americans should have access to broadband telecommunications capability as soon as possible and as such, initiatives that increase broadband deployment should be funded, including $25,000,000 to accelerate private sector deployment of broadband and networks in underserved urban and rural communities.

SEC. 341. SENSE OF THE SENATE ON MEDICARE PRESCRIPTION DRUGS.

It is the sense of the Senate that the levels in this budget resolution assume that among its reform options, Congress should explore a medicare prescription drug proposal that—

(1) is voluntary;

(2) increases access for all medicare beneficiaries;

(3) is designed to provide meaningful protection and bargaining power for medicare beneficiaries in obtaining prescription drugs;

(4) is affordable for all medicare beneficiaries and for the medicare program;

(5) is administered using private sector entities and competitive purchasing techniques;

(6) is consistent with broader medicare reform;

(7) preserves and protects the financial integrity of the medicare trust funds;

(8) does not increase medicare beneficiary premiums; and

(9) provides a prescription drug benefit as soon as possible.

SEC. 342. SENSE OF THE SENATE CONCERNING FUNDING FOR NEW EDUCATION PROGRAMS.

It is the sense of the Senate that the budgetary levels in this resolution assume that Congress' first priority should be to fully fund the

programs described under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) at the originally promised level of 40 percent before Federal funds are appropriated for new education programs.

SEC. 343. SENSE OF THE SENATE REGARDING ENFORCEMENT OF FEDERAL FIREARMS LAWS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Clinton Administration has failed to adequately enforce Federal firearms laws. Between 1992 and 1998, Triggerlock gun prosecutions—prosecutions of defendants who use a firearm in the commission of a felony—dropped nearly 50 percent, from 7,045 to approximately 3,800.

(2) The decline in Federal firearms prosecutions was not due to a lack of adequate resources. During the period when Federal firearms prosecutions decreased nearly 50 percent, the overall budget of the Department of Justice increased 54 percent.

(3) It is a Federal crime to possess a firearm on school grounds under section 922(q) of title 18, United States Code. The Clinton Department of Justice prosecuted only 8 cases under this provision of law during 1998, even though more than 6,000 students brought firearms to school that year. The Clinton Administration prosecuted only 5 such cases during 1997.

(4) It is a Federal crime to transfer a firearm to a juvenile under section 922(x) of title 18, United States Code. The Clinton Department of Justice prosecuted only 6 cases under this provision of law during 1998 and only 5 during 1997.

(5) It is a Federal crime to transfer or possess a semiautomatic assault weapon under section 922(v) of title 18, United States Code. The Clinton Department of Justice prosecuted only 4 cases under this provision of law during 1998 and only 4 during 1997.

(6) It is a Federal crime for any person "who has been adjudicated as a mental defective or who has been committed to a mental institution" to possess or purchase a firearm under section 922(g) of title 18, United States Code. Despite this Federal law, mental health adjudications are not placed on the national instant criminal background system established under section 103(b) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note).

(7) It is a Federal crime for any person knowingly to make any false statement in the attempted purchase of a firearm under section 922(a)(6) of title 18, United States Code. It is also a Federal crime for convicted felons to possess or purchase a firearm under section 922(g) of title 18, United States Code.

(8) More than 500,000 convicted felons and other prohibited purchasers have been prevented from buying firearms from licensed dealers since the Brady Handgun Violence Prevention Act was enacted. When these felons attempted to purchase a firearm, they violated section 922(a)(6) of title 18, United States Code, by making a false statement under oath that they were not disqualified from purchasing a firearm. Nonetheless, of the more than 500,000 violations, only approximately 200 of the felons have been referred to the Department of Justice for prosecution.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this concurrent resolution on the budget assume that Federal funds will be used for an effective law enforcement strategy requiring a commitment to enforcing existing Federal firearms laws by—

(1) designating not less than 1 Assistant United States Attorney in each district to prosecute Federal firearms violations and thereby expand Project Exile nationally;

(2) upgrading the national instant criminal background system established under section 103(b) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) by encouraging States to place mental health adjudications on that system and by improving the overall speed and efficiency of that system; and

(3) providing incentive grants to States to encourage States to impose mandatory minimum sentences for firearm offenses based on section 924(c) of title 18, United States Code, and to prosecute those offenses in State court.

SEC. 344. SENSE OF THE SENATE REGARDING THE CENSUS.

It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that no American will be prosecuted, fined or in anyway harassed by the Federal Government or its agents for failure to respond to any census questions which refer to an individual's race, national origin, living conditions, personal habits or mental and/or physical condition, but that all Americans are encouraged to send in their census forms.

SEC. 345. SENSE OF THE SENATE THAT ANY INCREASE IN THE MINIMUM WAGE SHOULD BE ACCOMPANIED BY TAX RELIEF FOR SMALL BUSINESSES.

It is the sense of the Senate that the functional totals underlying this resolution on the budget assume that the minimum wage should be increased as provided for in amendment number 2547, the Domenici and others amendment to S. 625, the Bankruptcy Reform legislation.

SEC. 346. SENSE OF THE SENATE CONCERNING THE MINIMUM WAGE.

It is the sense of the Senate that the levels in this resolution assume that Congress should enact legislation to amend the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) to increase the Federal minimum wage by $1.00 over 1 year with a $0.50 increase effective May 2, 2000 and another $0.50 increase effective on May 2, 2001.

SEC. 347. SENSE OF CONGRESS REGARDING FUNDING FOR THE PARTICIPATION OF MEMBERS OF THE UNIFORMED SERVICES IN THE THRIFT SAVINGS PLAN.

It is the sense of Congress that the levels of funding for the defense category in this resolution—

(1) assume that members of the Armed Forces are to be authorized to participate in the Thrift Savings Plan; and

(2) provide the $980,000,000 necessary to offset the reduced tax revenue resulting from that participation through fiscal year 2009.

SEC. 348. SENSE OF THE SENATE CONCERNING PROTECTING THE SOCIAL SECURITY TRUST FUNDS.

It is the sense of the Senate that the levels in this resolution assume that the Congress shall pass legislation which provides for sequestration to reduce Federal spending by the amount necessary to ensure that, in any fiscal year, the Social Security surpluses are used only for the payment of Social Security benefits, retirement security, Social Security reform, or to reduce the Federal debt held by the public.

SEC. 349. SENSE OF THE SENATE CONCERNING REGULATION OF TOBACCO PRODUCTS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Cigarette smoking and tobacco use is the single most preventable cause of death and disability in the United States.

(2) Cigarette smoking and tobacco use cause approximately 400,000 deaths each year in the United States.

(3) Health care costs associated with treating tobacco-related diseases are $80,000,000,000 per year, and almost half of such costs are paid for by taxpayer-financed government health care programs.

(4) In spite of the well established dangers of cigarette smoking and tobacco use, there is no Federal agency that has authority to regulate the manufacture, sale, distribution, and use of tobacco products.

(5) Major tobacco companies spend over $5,600,000,000 each year ($15,000,000 each day) to promote the use of tobacco products.

(6) Ninety percent of adult smokers first started smoking before the age of 18.

(7) Each day 3,000 children become regular smokers and 1/3 of such children will die of diseases associated with the use of tobacco products.

(8) The Food and Drug Administration regulates the manufacture, sale, distribution, and use of nicotine-containing products used as substitutes for cigarette smoking and tobacco use and should be granted the authority to regulate tobacco products.

(9) Congress should restrict youth access to tobacco products and ensure that tobacco products meet minimum safety standards.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that—

(1) the Food and Drug Administration is the most qualified Federal agency to regulate tobacco products; and

(2) Congress should enact legislation in the year 2000 that grants the Food and Drug Administration the authority to regulate tobacco products.

SEC. 350. SENSE OF THE SENATE REGARDING AFTER SCHOOL PROGRAMS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The demand for after school education is very high, with more than 1,000,000 students waiting to get into such programs.

(2) After school programs improve educational achievement and have widespread support, with over 90 percent of the American people supporting such programs.

(3) 450 of the Nation's leading police chiefs, sheriffs, and prosecutors, along with the presidents of the Fraternal Order of Police, and the International Union of Police Associations, support government funding of after school programs.

(4) Many of our Nation's governors endorse increasing the number of after school programs through a Federal and State partnership.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that this resolution assumes that the President's level of funding for after school programs in fiscal year 2001 will be provided, which will accommodate the current need for after school programs.

SEC. 351. SENSE OF SENATE REGARDING CASH BALANCE PENSION PLAN CONVERSIONS.

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

(1) Defined benefit pension plans are guaranteed by the Pension Benefit Guaranty Corporation and provide a lifetime benefit for a beneficiary and spouse.

(2) Defined benefit pension plans provide meaningful retirement benefits to rank and file workers, since such plans are generally funded by employer contributions.

(3) Employers should be encouraged to establish and maintain defined benefit pension plans.

(4) An increasing number of major employers have been converting their traditional defined benefit plans to "cash balance" or other hybrid defined benefit plans.

(5) Under current law, employers are not required to provide plan participants with meaningful disclosure of the impact of converting a traditional defined benefit plan to a "cash balance" or other hybrid formula.

(6) For a number of years after a conversion, the cash balance or other hybrid benefit formula may result in a period of "wear away" during which older and longer service participants earn no additional benefits.

(7) Federal law should continue to prohibit pension plan participants from being discriminated against on the basis of age in the provision of pension benefits.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that pension plan participants whose plans are changed to cause older or longer service workers to earn less retirement income, including conversions to ''cash balance plans,'' should receive additional protection than what is currently provided, and Congress should act this year to address this important issue. In particular, at a minimum—

(1) all pension plan participants should receive adequate, accurate, and timely notice of any change to a plan that will cause participants to earn less retirement income in the future; and

(2) pension plans that are changed to a cash balance or other hybrid formula should not be permitted to ''wear away'' participants' benefits in such a manner that older and longer service participants earn no additional pension benefits for a period of time after the change.

SEC. 352. SENSE OF THE SENATE CONCERNING UNINSURED AND LOW-INCOME INDIVIDUALS IN MEDICALLY UNDERSERVED COMMUNITIES.

(a) FINDINGS.—The Senate finds that—

(1) the uninsured population in the United States continues to grow at over 100,000 individuals per month, and is estimated to reach over 53,000,000 people by 2007;

(2) the growth in the uninsured population continues despite public and private efforts to increase health insurance coverage;

(3) nearly 80 percent of the uninsured population are members of working families who cannot afford health insurance or cannot access employer-provided health insurance plans;

(4) minority populations, rural residents, and single-parent families represent a disproportionate number of the uninsured population;

(5) the problem of health care access for the uninsured population is compounded in many urban and rural communities by a lack of providers who are available to serve both insured and uninsured populations;

(6) community, migrant, homeless, and public housing health centers have proven uniquely qualified to address the lack of adequate health care services for uninsured populations, serving over 4,500,000 uninsured patients in 1999, including over 1,000,000 new uninsured patients who have sought care from such centers in the last 3 years;

(7) health centers care for nearly 7,000,000 minorities, nearly 600,000 farmworkers, and more than 500,000 homeless individuals each year;

(8) health centers provide cost-effective comprehensive primary and preventive care to uninsured individuals for less than $1.00 per day, or $350 annually, and help to reduce the inappropriate use of costly emergency rooms and inpatient hospital care;

(9) current resources only allow health centers to serve 10 percent of the Nation's 44,000,000 uninsured individuals;

(10) past investments to increase health center access have resulted in better health, an improved quality of life for all Americans, and a reduction in national health care expenditures; and

(11) Congress can act now to increase access to health care services for uninsured and low-income people together with or in advance of health care coverage proposals by expanding the availability of services at community, migrant, homeless, and public housing health centers.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals underlying this resolution on the budget assume that—

(1) appropriations for consolidated health centers under section 330 of the Public Health Service Act (42 U.S.C. 254b) should be increased by 100 percent over the next 5 fiscal years in order to double the number of individuals who receive health care services at community, migrant, homeless, and public housing health centers; and

(2) appropriations for consolidated health centers should be increased by $150,000,000 in fiscal year 2001 over the amount appropriated for such centers in fiscal year 2000.

SEC. 353. SENSE OF THE SENATE CONCERNING FISCAL YEAR 2001 FUNDING FOR THE UNITED STATES COAST GUARD.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States Coast Guard in 1999 saved approximately 3,800 lives in providing the essential service of maritime safety.

(2) The United States Coast Guard in 1999 prevented 111,689 pounds of cocaine and 28,872 pounds of marijuana from entering the United States in providing the essential service of maritime security.

(3) The United States Coast Guard in 1999 boarded more than 14,000 fishing vessels to check for compliance with safety and environmental laws in providing the essential service of the protection of natural resources.

(4) The United States Coast Guard in 1999 ensured the safe passage of nearly 1,000,000 commercial vessel transits through congested harbors with vessel traffic services in providing the essential service of maritime mobility.

(5) The United States Coast Guard in 1999 sent international training teams to help more than 50 countries develop their maritime services in providing the essential service national defense.

(6) Each year, the United States Coast Guard ensures the safe passage of more than 200,000,000 tons of cargo cross the Great Lakes including iron ore, coal, and limestone. Shipping on the Great Lakes faces a unique challenge because the shipping season begins and ends in ice anywhere from 3 to 15 feet thick. The ice-breaking vessel MACKINAW has allowed commerce to continue under these conditions. However, the productive life of the MACKINAW is nearing an end. The Coast Guard has committed to keeping the vessel in service until 2006 when a replacement vessel is projected to be in service, but to meet that deadline, funds must be provided for the Coast Guard in fiscal year 2001 to provide for the procurement of a multipurpose-design heavy icebreaker.

(7) Without adequate funding, the United States Coast Guard would have to radically reduce the level of service it provides to the American public.

(b) ADJUSTMENT IN BUDGET LEVELS.—

(1) INCREASE IN FUNDING FOR TRANSPORTATION.—Notwithstanding any other provision of this resolution, the amounts specified in section 103(8) of this resolution for budget authority and outlays for Transportation (budget function 400) for fiscal year 2001 shall be increased as follows:

(A) The amount of budget authority for that fiscal year, by $300,000,000.

(B) The amount of outlays for that fiscal year, by $300,000,000.

(2) OFFSETTING DECREASE IN FUNDING FOR ALLOWANCES.—Notwithstanding any other provision of this resolution, the amounts specified in section 103(19) of this resolution for budget authority and outlays for Allowances (budget function 920) for fiscal year 2001 shall be decreased as follows:

(A) The amount of budget authority for that fiscal year, by $300,000,000.

(B) The amount of outlays for that fiscal year, by $300,000,000.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the provisions of this resolution, as modified by subsection (b), should provide additional budget authority and outlay authority for the United States Coast Guard for fiscal year 2001 such that the amount of such authority in fiscal year 2001 exceeds the amount of such authority for fiscal year 2000 by $300,000,000; and

(2) any level of such authority in fiscal year 2001 below the level described in paragraph (1) would require the Coast Guard to—

(A) close numerous stations and utilize remaining assets only for emergency situations;

(B) reduce the number of personnel of an already streamlined workforce;

(C) curtail its capacity to carry out emergency search and rescue; and

(D) reduce operations in a manner that would have a detrimental impact on the sustainability of valuable fish stocks in the North Atlantic and Pacific Northwest and its capacity to stem the flow of illicit drugs and illegal immigration into the United States.

APPOINTMENT OF CONFEREES—H. CON. RES. 290

The PRESIDING OFFICER. Pursuant to the previous order, the Chair appoints on behalf of the Senate the following conferees for the budget resolution: Mr. DOMENICI, Mr. GRASSLEY, Mr. BOND, Mr. GORTON, Mr. LAUTENBERG, Mr. CONRAD, and Mr. WYDEN.

ORDERS FOR TUESDAY, APRIL 11, 2000

Mr. NICKLES. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Tuesday, April 11. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then be in a period for morning business until 12:30 p.m. with Senators permitted to speak therein for up to 5 minutes each, with the following exceptions: Senator MURKOWSKI or his designee, for 75 minutes, and Senator DASCHLE or his designee, for 75 minutes.

I further ask unanimous consent that the Senate stand in recess from the hours of 12:30 p.m. to 2:15 p.m. for the weekly policy conferences.

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

PROGRAM

Mr. NICKLES. Madam President, for the information of all Senators, the Senate will convene at 10 a.m. and be in a period for morning business until 12:30 p.m. A number of Senators have indicated they would like to speak prior to the cloture vote on the gas tax repeal legislation. Therefore, there will be up to 2½ hours for that debate.

Following the policy luncheons, there will be an additional 10 minutes of debate, to be followed by the vote on

invoking cloture on S. 2285, the Federal Fuels Tax Holiday.

I now ask unanimous consent that Senators have until 2:20 p.m. on Tuesday in order to file timely second-degree amendments to S. 2285.

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

Mr. NICKLES. In addition, it was my hope that today we could have reached agreement for the consideration of the marriage tax penalty. That is not possible today; however, I still hope that we will be able to begin consideration of that measure during tomorrow's session. I will continue to work toward that result. If an agreement is not reached on Tuesday, it may be necessary to begin the process to move that bill forward.

I thank all of my colleagues for their cooperation.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. NICKLES. Madam President, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 3:50 p.m., adjourned until Tuesday, April 11, 2000, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Monday, April 10, 2000*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. WICKER).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 10, 2000.

I hereby appoint the Honorable ROGER F. WICKER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

RECESS

The SPEAKER pro tempore. There being no Members seeking recognition, pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 31 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

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

PRAYER

The Reverend Dr. Ronald Christian, Lutheran Social Services, Fairfax, Virginia, offered the following prayer:

O God, with these words and our thoughts, we acknowledge Your almighty power and recognize our ultimate dependence on Your great mercy.

So we pray, deliver us in Your might this day from callous hearts so that we may be agents of your goodness and orderlies of Your compassion.

Grant that from Your great storehouse of grace, we may receive the blessings of seasonal weather for the spring planting, comity for all communities in their life together, and joy in our pursuit of liberty and justice for all.

Gracious God, dispose our days and our deeds in Your peace.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. TRAFICANT led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1832. An act to reform unfair and anticompetitive practices in the professional boxing industry.

The message also announced that the Senate has passed a joint resolution of the following title in which concurrence of the House is requested:

S. J. Res. 43. Joint resolution expressing the sense of Congress that the President of the United States should encourage free and fair elections and respect for democracy in Peru.

The message also announced that pursuant to the provisions of Senate Concurrent Resolution 89 (106th Congress), the Chair, on behalf of the Vice President, appoints the following Senators to the Joint Congressional Committee on Inaugural Ceremonies—

the Senator from Mississippi (Mr. LOTT);

the Senator from Kentucky, (Mr. MCCONNELL); and

the Senator from Connecticut (Mr. DODD).

The message also announced that pursuant to Public Law 96–114, as amended, the Chair, on behalf of the Majority Leader, announces the appointment of the following individuals to the Congressional Award Board—

Elaine L. Chao, of Kentucky; and

Linda Mitchell, of Mississippi.

The message also announced that pursuant to Public Law 93–415, as amended by Public Law 102–586, the Chair, on behalf of the Majority Leader, after consultation with the Democratic Leader, announces the reappointment of the following individuals to serve as members of the Coordinating Council on Juvenile Justice and Delinquency Prevention:

Michael W. McPhail, of Mississippi, to a one-year term;

Dr. Larry K. Brendtro, of South Dakota, to a two-year term; and

Charles Sims, of Mississippi, to a three-year term.

WASTEFUL SPENDING

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

Mr. GIBBONS. Mr. Speaker, bureaucracy is a word we hear every day. The Federal Government has become so large that it is difficult to follow how individual agencies are spending taxpayer dollars.

Take the Federal Aviation Administration, for example. The FAA spent $4 billion on an air traffic control modernization program that was unreliable, did not work, and was shut down before it was completed. Mr. Speaker, $4 billion just flew out the window.

The General Accounting Office remains concerned about the agency's poor accounting and lack of control over costs, as the agency proceeds with its new $42 billion air traffic modernization program. The GAO has every reason to be concerned about the FAA's decision-making process.

According to the Department of Transportation's report, FAA employees are using programs designed to acquaint air traffic controllers with cockpit operations for personal travel. And as my friend and colleague, the gentleman from the 17th district of Ohio (Mr. TRAFICANT), would say, ''Just beam me up, Scotty.''

One employee took 12 weekend trips in a 15-month period to visit his family in Tampa, Florida, at taxpayers' expense.

Mr. Speaker, the waste of taxpayer dollars just will not fly any more.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface **indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.**

NEED FOR INVESTIGATION AT WACO

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

Mr. TRAFICANT. Mr. Speaker, infrared video technology has proven beyond a reasonable doubt that rapid-fire semiautomatic weapons were fired into the Branch Davidian compound after the explosive fire had ignited. Yet all this time, the Justice Department and the FBI have maintained in their knowledge they never fired into the compound after or before the fire had started.

Janet Reno further said she believed the FBI was telling the truth. Beam me up. 80 Americans were killed, many of them innocent women and children. They continued to lie. Stop the lies. Stop the coverup. Stop lying to Congress and Congress stop letting agencies get away with it. Mr. Speaker, I yield back the need for an investigation into the lies at Waco.

BREAST AND CERVICAL CANCER TREATMENT ACT

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

Mrs. MORELLA. Mr. Speaker, as you know, on May 14, we will celebrate Mother's Day. To honor that day, I am pleased that the leadership has agreed to schedule a vote on H.R. 1070, which is the Breast and Cervical Cancer Treatment Act.

This legislation will provide treatment for low-income, uninsured working women who are diagnosed with breast or cervical cancer. H.R. 1070 will give States the option of providing Medicaid coverage for these women if they are screened by the CDC's early detection program and found to have cancer, that is, the Centers for Disease Control. The program now provides screening for breast and cervical cancer, but can you believe it does not provide for treatment? H.R. 1070 will correct this. If we offer this screening, we must offer the treatment.

Mr. Speaker, the funding for H.R. 1070 is included in the budget resolution that the House recently passed. It enjoys strong bipartisan support. Let us do the right thing.

In honor of Mother's Day, let us pass H.R. 1070.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules but not before 6 p.m. today.

AUTHORIZING THE 2000 DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN TO BE RUN THROUGH THE CAPITOL GROUNDS

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 280) authorizing the 2000 District of Columbia Special Olympics Law Enforcement Torch Run to be run through the Capitol Grounds.

The Clerk read as follows:

H. CON. RES. 280

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

SECTION 1. AUTHORIZATION OF RUNNING OF D.C. SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN THROUGH CAPITOL GROUNDS.

On June 2, 2000, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, the 2000 District of Columbia Special Olympics Law Enforcement Torch Run (in this resolution referred to as the ''event'') may be run through the Capitol Grounds as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics summer games at Gallaudet University in the District of Columbia.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such actions as may be necessary to carry out the event.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event.

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

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

Mr. Speaker, House Concurrent Resolution 280 authorizes the 2000 District of Columbia Special Olympics Law Enforcement Torch Run to be conducted through the grounds of the Capitol on June 2, 2000, or on such date as the Speaker of the House of Representatives and the Senate Committee on Rules and Administration jointly designate.

The resolution also authorizes the Architect of the Capitol, the Capitol Police Board, and the D.C. Special Olympics, the sponsor of the event, to negotiate the necessary arrangement for carrying out the event in complete compliance with the rules and regulations governing the use of the Capitol Grounds.

The sponsor of the event will assume all expenses and liabilities in connection with the event and all sales, advertisements, and solicitations are prohibited.

The Capitol Police will host the opening ceremonies for the run starting on Capitol Hill and the event will be free of charge and open to the public. Over 2,000 law enforcement representatives, Mr. Speaker, from local and Federal law enforcement agencies in Washington will carry the Special Olympics torch in honor of the 2,500 Special Olympians who participate in this annual event to show their support of the Special Olympics.

For over a decade, the Congress has supported this worthy endeavor by enacting resolutions for the use of the grounds. I am proud to support this resolution and urge my colleagues to do the same.

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

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

Mr. Speaker, I am very glad to join forces with my neighbor, the gentleman from Ohio (Mr. LATOURETTE), in supporting this legislation. Rather than being redundant, I will not give my entire statement because I believe the gentleman from Ohio (Mr. LATOURETTE) has described the legislation quite thoroughly.

I would like to add that this was started by Eunice Kennedy Shriver, however, in the mid-1960s as a summer camp for handicapped children; and now this event has grown to involve, as the gentleman from Ohio (Mr. LATOURETTE) has stated, 2,500 Special Olympians competing in more than a dozen events. So I think it is worthy. I support it.

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

Mr. LATOURETTE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from Ohio (Mr. LATOURETTE) for yielding to me this time.

Mr. Speaker, I want to indicate my strong support for the use of the Capitol Grounds for the Special Olympics Torch Run. It is very important and I wholeheartedly support it.

Mr. LATOURETTE. Mr. Speaker, I would urge passage of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 280.

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

A motion to reconsider was laid on the table.

DEEPEST SYMPATHIES TO THE FAMILIES OF DR. GARY POLIS AND MICHAEL ROSE FROM THE UNIVERSITY OF CALIFORNIA AT DAVIS

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

Mr. OSE. Mr. Speaker, I rise today to offer my deepest sympathies to the families of Dr. Gary Polis and Michael Rose. The University of California at Davis community lost two valuable members when these two men were involved in a tragic boating accident in Mexico's Sea of Cortez.

Dr. Polis chaired and taught at UC Davis' Environmental Science and Policy Department. He traveled to Mexico to lead a research expedition with a group of UC Davis students, Japanese visiting scholars, and Earth Watch study tour participants. Michael Rose, postgraduate researcher at the university, was also on that trip. After a routine visit to a nearby island, the boat they were in capsized. Dr. Polis, Mr. Rose, and three advising Japanese scholars drowned.

While we understand that words cannot ease the pain everyone experienced during this tragic time, let us take solace in the fact that these people died doing the work they so loved and so willingly shared with the world. Both Dr. Polis and Michael Rose shared the passion for adventure and learning that epitomizes the spirit of the university. We were blessed by their distinguished academic accomplishments.

Mr. Speaker, please join me and the entire Davis community in offering our deepest heartfelt condolences to the family and friends of Dr. Polis and Michael Rose. Please know that our thoughts and prayers are with you during this difficult time.

AUTHORIZING USE OF CAPITOL GROUNDS FOR GREATER WASHINGTON SOAP BOX DERBY

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 277) authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby, as amended.

The Clerk read as follows:

H. CON. RES. 277

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

SECTION 1. AUTHORIZATION OF SOAP BOX DERBY RACES ON CAPITOL GROUNDS.

The Greater Washington Soap Box Derby Association (in this resolution referred to as the "Association") shall be permitted to sponsor a public event, soap box derby races, on the Capitol Grounds on June 24, 2000, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 2. CONDITIONS.

The event to be carried out under this resolution shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board; except that the Association shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Association is authorized to erect upon the Capitol Grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, and other related structures and equipment as may be required for the event to be carried out under this resolution.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event under this resolution.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event to be carried out under this resolution.

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

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

Mr. Speaker, House Concurrent Resolution 277, as amended, authorizes the use of the Capitol Grounds for the Greater Washington Soap Box Derby qualifying races to be held on June 24, 2000, or on such date as the Speaker of the House of Representatives and the Senate Committee on Rules and Administration jointly designate. The resolution also authorizes the Architect of the Capitol, the Capitol Police Board, and the Greater Washington Soap Box Derby Association, which is the sponsor of the event, to negotiate the necessary arrangements for carrying out the event in complete compliance with the rules and regulations governing the use of the Capitol Grounds.

□ 1415

The event is open to the public and free of charge, and the sponsor will assume responsibility for all expenses and liabilities related to the event. In addition, sales, advertisements, and solicitations are explicitly prohibited on the Capitol Grounds in this event.

The races are going to take place on Constitution Avenue between Delaware Avenue and Third Street, N.W. The participants are residents of the Washington Metropolitan area and range in age from 9 to 16. This event is currently one of the largest races in the country, and the winners of these races will represent the Washington metropolitan area in the national finals to be held in Akron, Ohio.

I support this resolution. I urge my colleagues' support.

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

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

Mr. Speaker, I want to commend the gentlewoman from Maryland (Mrs. MORELLA), as well as the gentleman from Maryland (Mr. WYNN), the gentleman from Virginia (Mr. DAVIS), the gentleman from Virginia (Mr. MORAN), and the gentlewoman from the District of Columbia (Ms. NORTON), and certainly the gentleman from Maryland (Mr. HOYER), the sponsor, for working together. Certainly there is some bipartisanship on this committee for sure.

But I want to take a couple minutes to filibuster, hopefully, so that the gentleman from Maryland (Mr. HOYER), who would like to speak, might make it here. But if he does not, then he can speak on the next one.

So taking that minute, I would like to thank Mr. Rick Barnett and Ms. Susan Brita of the staff. They probably do more work in the Congress than any other committee. This little subcommittee passes more legislation than anybody. They laugh when I say that, but there is an awful lot of work attached to it.

But I would like to talk about the efforts of the gentleman from Maryland (Mr. HOYER). For years, he has taken this upon himself to make sure that that soap box derby is conducted, and he does it with a passion. As my colleagues can see, the gentlewoman from Maryland (Mrs. MORELLA), she was right there, and there are other Members probably who want to speak on it, too.

But I want to just say that the heavy hitter has come in, and I want to personally pay him that respect, because he has made it a personal issue. Everybody joins together with him.

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

Mr. LATOURETTE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time.

Mr. Speaker, I wholeheartedly support this resolution. I am delighted to join the sponsors of this resolution, the gentleman from Maryland (Mr. HOYER), the gentleman from Maryland (Mr. WYNN), the gentleman from Virginia (Mr. MORAN), the gentleman from Virginia (Mr. DAVIS), and the gentlewoman from the District of Columbia (Ms. NORTON), in supporting House Concurrent Resolution 277; and that, as we have heard, allows for participants in the Greater Washington Soap Box Derby to use the Capitol grounds and race along Constitution Avenue on June 24.

For the past 8 years, I have cosponsored this resolution, and it has gotten the almost unanimous support of this House, along with the rest of the Greater Washington Metropolitan Delegation, to promote this annual community service, which is now in its 63rd year of running.

From 1992 to 1999, the Greater Washington Soap Box Derby has been considered one of the largest races in the Nation, averaging over 40 contestants each year.

This year, the first Greater Washington Soap Box Derby of the new millennium expects to top previous enrollment numbers with 50 cars. Participants in the derby, ranging from ages from 9 to 16, live in communities in the great State of Maryland, the District of Columbia, and Virginia. The winners of the local events in June will have the honor of representing the Washington metropolitan area at the National Derby Race in Akron, Ohio on July 22.

The derby truly is a community event, with scores of children, parents, and volunteers working tirelessly to construct and operate the soap boxes. The region's youth have the opportunity to learn the lessons of teamwork, competition, and sportsman and sportswomanship, as well as the physics and mechanics that are involved in building an aerodynamically-shaped soap box car.

I also want to applaud one of my constituents, George Weissgerber of Rockville, Maryland, for his work this year as the derby director. I invite the Members of the House to, not only support this resolution today, but also to attend the Greater Washington Soap Box Derby on June 24.

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

Mr. Speaker, let me say this before I introduce my only speaker, from what I understand, there are many volunteers involved in this derby that give of their time, and time is money. I think the entire delegation has worked to really bring in those types of volunteers. I think that is where they deserve a lot of credit.

I thank the gentleman from Maryland (Mr. HOYER) for his efforts for all of the young people who are involved in this.

Mr. Speaker, I yield such time as he consume to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, timing is important, and I had the opportunity to come into the room just as the distinguished gentleman from Ohio (Mr. TRAFICANT) was talking about my efforts on this matter.

But I would like to mention as well one additional person who sits to the chairman's right, or to the ranking member's right, chairman-in-exile, as I call her, Susan Brita, who has been an extraordinary asset to the House and, frankly, to the committee, the full Committee on Transportation and Infrastructure, for an awful lot of years.

She probably knows as much about these matters, about construction matters and the General Services Administration and so many other matters related to our infrastructure as any staffer on this Hill. I want to thank her for all the efforts she has made. I thank the gentleman from Ohio (Mr. TRAFICANT), the ranking member, too, for working very closely with her so he does not make mistakes. It is always a good judgment that all of us make to have good staff.

Also, I want to thank the chairman, who is not in exile, but who is on the job, for his efforts and my colleague from Montgomery County, Mrs. MORELLA, for rising in support of this resolution.

Mr. Speaker, we have obviously, as the House of Representatives, responsibility for this hallowed Hill, this center of democracy in the world. It is, I think, extraordinarily appropriate that, for the last few number of years, we have made available a part of this Hill over which we have authority for an enterprise that has literally taught thousands and thousands of young people, entrepreneurial spirit, competitive spirit, family working together, because, although those young people are responsible for building their carts, they do get some advice from and counsel from dad and mom and brothers and sisters from time to time, I know.

But this is truly an American enterprise. The Soap Box Derby is something that I think all of us have known about for almost all of our lives. It is an enterprise that takes the contributions of American business, of American volunteers, and certainly of the young people and their families.

This will be the 63rd running of the greater Washington Soap Box Derby, and it will take place as my colleagues have heard, Mr. Speaker, on June 24 of this year.

This resolution authorizes the Architect of the Capitol, as is necessary, as I have said, as well as the Capitol Police Board and the Greater Washington Soap Box Derby Association to negotiate the necessary arrangements for carrying out the running.

That obviously will not be, I think, a difficult job, although the concerns of the Capitol Police and the Architect must be met and, in fact, are met. In the past, the full House has supported this resolution, of course, unanimously.

But I do want to thank all of those in the Washington metropolitan area. This is not a partisan issue, obviously. The gentlewoman from Maryland (Mrs. MORELLA) who has spoken, the gentleman from Maryland (Mr. WYNN), the gentleman from Virginia (Mr. MORAN), the gentleman from Virginia (Mr. DAVIS), the gentlewoman from the District of Columbia (Ms. NORTON), the gentleman from Virginia (Mr. WOLF), and others spoke supporting this resolution.

From 1992 to 1999, the greater Washington Soap Box Derby welcomed over 40 contestants per year which made the Washington, D.C. race one of the largest in the country. Participants, as my colleagues have been told, I am sure, range from approximately 9 years of age to 16 years of age and come from communities in Maryland, the District of Columbia, and Virginia.

The winners of this local event will represent the Washington metropolitan area in the national race which will be held, as it has been through history, in Akron, Ohio on July 22 of this year.

The derby provides our young people with an opportunity to gain valuable skills, not only in those that I mentioned, but in practical skills of engineering, aerodynamics, and other skills necessary to make that go-cart go faster than any other go-cart down that hill. Of course this is a beautiful Hill, Capitol Hill, to use as they go down on the west side of our Capitol.

Furthermore, the derby promotes teamwork, a sense of accomplishment, sportsmanship, leadership, and responsibilities. These are attributes that we should encourage our young people to carry into adulthood. That is why this enterprise, like so many others, is critically important.

I, Mr. Speaker, like so many in this Chamber, have the opportunity to be very much involved in the Boys and Girls Clubs of America. They have a national charter from this Congress, and they report to us annually.

Like the Boys and Girls Club, this enterprise gives young people a positive focus and positive way to participate in directing their energy in ways that will result in benefits to themselves and to our community.

Mr. Speaker, I am more than honored to have been involved in this effort and thank all of the corporate sponsors, all of the volunteers, all of the parents, and, yes, certainly all of the young people who participate in this event. It is right that we give them the opportunity to do so on this historic Hill. I rise in strong support of the resolution.

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

Mr. Speaker, I appreciate the efforts of the gentleman from Maryland (Mr. HOYER) and the entire delegation. I urge an ''aye'' vote.

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

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

Mr. Speaker, as the great chairman of our committee says, there is no such thing as a Republican soap box and no such thing as a Democratic derby. I urge passage of the resolution.

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

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

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

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES IN CONTINUED SYMPATHY FOR VICTIMS OF OKLAHOMA CITY BOMBING ON OCCASION OF 5TH ANNIVERSARY OF BOMBING

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 448) expressing the sense of the House of Representatives in continued sympathy for the victims of the Oklahoma City bombing on the occasion of the 5th anniversary of the bombing.

The Clerk read as follows:

H. RES. 448

Whereas on April 19, 1995, as the result of an act of terrorism, a bomb exploded in Oklahoma City, Oklahoma, collapsing the north face of the 9-story Alfred P. Murrah Federal Building;

Whereas April 19, 2000, marks the 5th anniversary of this tragic event;

Whereas the explosion killed more than 168 people, including 19 children, and injured more than 700 others in the Alfred P. Murrah Federal Building and in and around surrounding buildings;

Whereas the explosion destroyed a childcare facility located in the Alfred P. Murrah Federal Building, killing 15 children;

Whereas 320 surrounding buildings were impacted from the explosion;

Whereas flying glass and debris from the explosion were a major cause of injury; and

Whereas greater awareness and sensitivity to the safe design and operation of buildings could help make the people who live and work in and around the buildings safer: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the countless acts of goodwill by the thousands of volunteers (including those who donated goods and services), rescue workers, and Federal, State, and local officials who assisted in the rescue and recovery efforts following the bombing in Oklahoma City, Oklahoma, on April 19, 1995;

(2) sends continued condolences to the families, friends, and loved ones who still suffer from the consequences of the bombing;

(3) pledges to make Federal buildings safer, while still maintaining a level of openness to the citizens served by the buildings;

(4) pledges to create an awareness of the dangers of flying glass and debris resulting from an act of terrorism, an explosion, or a natural disaster; and

(5) pledges to support efforts to make buildings more secure for people from flying glass and debris and to promote the use of available technology to protect people from such glass and debris.

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

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

House Resolution 448 expresses the sense of the House of Representatives in continued sympathy for the victims of the Oklahoma City bombing on the occasion of the fifth anniversary of that bombing.

On April 19, 1995, one of the worst acts of terrorism in the United States took place. A bomb exploded in Oklahoma City, Oklahoma, collapsing the north face of the Alfred P. Murrah Federal Building. The explosion resulted in the death of 168 people, including 19 children, and injuring more than 700 other people in the area.

This resolution recognizes the countless acts of goodwill, of thousands of volunteers, including those donating goods and services, who aided in rescue and recovery efforts following the bombing. It also sends continued condolences to the family, friends, and loved ones who still suffer from the consequences of that act. It also pledges to make Federal buildings safer while maintaining a level of openness to its citizens.

This resolution also pledges to create an awareness of the dangers of flying glass and debris in the case of such tragedies.

Finally, it pledges to support efforts to make buildings more secure for people by promoting the use of available technology to protect people from flying glass and debris.

Two weeks ago, Mr. Speaker, our subcommittee received testimony from Aren Almon-Kok, a young mother who lost her 1-year-old daughter, Baylee, in this senseless act. This woman has put aside her grief over this loss to speak out on the dangers of flying glass and to promote safety in child care centers.

Ms. Almon-Kok has also established a Web site for individuals concerned about flying glass and child safety at www.protectingpeople.com.

This awareness is slow in coming to the government; but with the help of citizens like Aren, those who attend child care centers can be made safer through conscious efforts on our part. I wholeheartedly support this resolution. I urge our colleagues to do the same.

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

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

Mr. Speaker, I want to echo the comments and associate myself with the words of the gentleman from Ohio (Mr. LATOURETTE) whom I believe has spoken the predicate elements of this particular resolution.

I would just like to add that the events of April 19, 1995 have forever changed the ways in which we shall view the safety of American citizens and all visitors in public places. The tragedy of the bombing of the Murrah Federal Building in Oklahoma City has regrettably become part of an American history we would prefer not to have to remember.

In the aftermath of this senseless act, however, we saw numerous acts of great bravery and countless acts of sacrifice and goodwill by many people. Thousands of volunteers, including Federal, State, and local personnel and workers, as well as rescue teams from all across this great Nation, provided immediate help and support. Even today as Congress convenes, condolences continue to be sent to the victims and their families.

We are here today to join once again in offering our sympathy and our prayers to the victims of this tragic bombing.

Mr. Speaker, I close by saying that the Committee on Ways and Means is working to better secure and make our buildings safe for the visiting public.

I urge an ''aye'' vote, and I compliment my neighbor, the gentleman from Ohio (Mr. LATOURETTE) for his efforts in this regard as well.

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

□ 1430

Mr. LATOURETTE. Mr. Speaker, 5 years ago on April 19, America was glued to radio and TV broadcasts for the latest news, sights and sounds for Oklahoma City. The minutes, hours, and days that followed the senseless destruction of the Murrah Federal Building filled our citizens with shock, horror, anger, rage, and sadness. Each story of pain and loss was shared by everyone in America, each story of heroic rescue by Federal and State safety officials made us proud, and each memorial service caused us to pause and mourn as a Nation.

The character and resilience of the Federal workforce posted in the

Murrah Federal Building and the people of Oklahoma City remain a symbol of courage for the Nation, and it is only fitting and appropriate that the Congress of the United States remember, honor, and commemorate the 5th anniversary of this insane act of terrorism.

And since I have so much time left, Mr. Speaker, if it is not inappropriate, I ask my neighbor and colleague from Ohio to join me in a moment of silence for the victims in Oklahoma City.

Mr. WATTS of Oklahoma. Mr. Speaker, on April 19, 1995 the greatest act of domestic terrorism occurred in my home state of Oklahoma. This heinous bombing of the Alfred P. Murrah building was supposed to strike fear and terror into the hearts of every Oklahoman and every American. 168 people were killed. Including 19 innocent children. To this day the image of little Baylee Almon lying lifeless in the arms of an Oklahoma City firefighter brings tears to my eyes.

However, despite this tragic loss of life, the men who were responsible for this bombing did not succeed in terrorizing America. In the aftermath of the bombing, Oklahomans and Americans did not show signs of fear or terror, they showed signs of love and compassion. I saw Americans respond not as Republicans or Democrats, not as rich or poor, not as black or white, not as man or woman, but I saw this country respond in a difficult time as unified Americans. When I look back on that terrible day 5 years ago, the first thing I remember is not the pain, I remember the compassion.

Today, this House stands together to let you know we will never forget. We will never forget the events that transpired on April 19, 1995; we will never forget the pain we felt, but most importantly we will never forget the overwhelming love that overcame the pain.

Mr. LATOURETTE. Mr. Speaker, I urge passage of the resolution. And, Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. NETHERCUTT). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the resolution, House Resolution 448.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 277, as amended, House Concurrent Resolution 280, and House Resolution 448, the measures just approved by the House.

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

There was no objection.

DECLARING "PERSON OF THE CENTURY" FOR 20TH CENTURY TO HAVE BEEN AMERICAN G.I.

Mr. HAYES. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 282) declaring the "Person of the Century" for the 20th century to have been the American G.I., as amended.

The Clerk read as follows:

H. CON. RES. 282

Whereas the 20th century was a century of conflict between forces of totalitarianism and dictatorship and forces of democracy and freedom;

Whereas American soldiers, sailors, airmen, and Marines (collectively referred to as "G.I.'s") fought, bled, and died in a number of conflicts during the 20th century, including two World Wars, to secure peace and freedom around the world;

Whereas in large measure due to the heroic efforts of the American G.I., more people around the world enjoy the benefits of freedom at the end of the 20th century than at any other time in history;

Whereas the American G.I., in fighting the forces of totalitarianism and dictatorship, had a strong personal sense of right and wrong and did not want to live in a world where wrong prevailed;

Whereas it may truly be said that during the 20th century the American G.I. accomplished great things while doing good things, becoming recognized throughout the world as a representative of freedom and democracy and, fundamentally, as a force for good in the face of evil;

Whereas at the end of the 20th century numerous organizations and publications sought to identify and designate a "Person of the Century" based upon achievements and contributions during that century; and

Whereas in light of the accomplishments of the Armed Forces of the United States during that century both in defeating the forces of tyranny and dictatorship and in embodying a sense of honor, decency, and respect for mankind, it is appropriate that the American G.I. be recognized as the single most significant force affecting the course of the 20th century: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress hereby declares the "Person of the Century" for the 20th century to have been the American G.I.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. HAYES) and the gentleman from California (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. HAYES).

GENERAL LEAVE

Mr. HAYES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 282, now under consideration.

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

There was no objection.

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

Mr. Speaker, as a part of the honor of serving North Carolina's 8th district in the U.S. Congress, I represent Fort Bragg and Pope Air Force Base. I am continually impressed and made proud by their dedication, commitment, and patriotism.

We are just turning the corner on a period in which we ask the American G.I. to do more and more with less and less. As I have gotten to know these brave men and women, one statement continues to ring in my ears, the statement made during a military personnel hearing at the Norfolk Naval Base was, "Sir, whatever you give us, we will get the job done." The spirit of the American G.I., soldier, sailor, airman, and Marine, that "can do spirit," is why we honor today the American G.I. as the Citizen of the Century.

To help make clear why we honor these men and women, let me quote Stephen Ambrose, author of Citizen Soldiers. "American soldiers fought hard to win the war, but strove every step of the way to create peace." My friend and colleague, the gentleman from Missouri (Mr. SKELTON), said in a hearing held before the Committee on Armed Services that this should be the Year of the Troop. I could not agree more. And it is in that same spirit that I offer this resolution honoring the American G.I. as the Citizen of the Century.

Quoting Stephen Ambrose again, "At the core, the American citizen soldiers knew the difference between right and wrong, and they didn't want to live in a world in which wrong prevailed. So they fought and won. And we, all of us living and yet to be born, must be forever profoundly grateful."

We are grateful but must never forget what has been done for us, the Nation and the world, by the American citizen soldier known affectionately as the American G.I.

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

Mr. THOMPSON of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend my friend, the gentleman from North Carolina (Mr. HAYES), for introducing this resolution and for bringing it to the House floor today. As he stated, the 20th century was a century marred by conflict between forces of totalitarianism and dictatorship and the forces of democracy and freedom. It was a century of tremendous turmoil, bloodshed, destruction, and displacement.

But by the end of that century, freedom and democracy flourished in more places than at the century's start. And this was due most of all to the courage and the bravery of millions of American G.I.'s: soldiers, sailors, Marines, airmen, merchant mariners and coasties, both active and reserve.

It was the American G.I., known at different periods of the century by

names such as doughboys, Yanks, Buffalo soldiers, Rough Riders, or the American Expeditionary Force, who carried America's value system abroad and demonstrated unselfish courage aiding those who struggled against tyranny and oppression.

It was the American G.I. who helped defeat fascism, Nazism and Communism.

And it was the American G.I. who undertook the great offensives along the Western Front, who scoured up the beaches of Normandy and across the bloody Solomon Islands into Okinawa. It was the American G.I. who fought in the deserts of North Africa and the jungles of Burma, the Philippines and Indochina.

It was the American G.I.'s who secured air superiority against the Germans and continuously supplied an embattled Britain before finally mastering the sea lanes of the North Atlantic.

The American G.I. secured an uneasy peace on the Korean Peninsula and, for members of my generation, fought in Vietnam.

Reflecting on the last quarter of the 20th century, it is clear that the plight of the people of Grenada, Kuwait, Haiti, Bosnia, and Kosovo would have been considerably different had it not been for the intervention of America and the American G.I.

Indeed, there is probably not a region of the world whose people have not benefited from the presence of the American G.I. during the 20th century.

The role of the American G.I., of course, was not limited to intervening during crises and war. In fact, we cannot forget it was the American G.I. most often called to ensure the peace and who most often delivered and distributed humanitarian aid around the world, whether following a war or internal crisis, or after a natural or manmade disaster.

We also cannot forget the hundreds of thousands of American men and women who served as sentinels of peace and gave their lives defending freedom and Democratic values.

Many of us have personal friends we served with who are buried in cemeteries near and far. Some were childhood friends. Others, men and women that fate and war introduced to us. Each paid another installment of the great debt that will never be erased as long as there is tyranny in the world.

Just like the generations before them, they kept up the payments for all of us. And like their predecessors, they paid in time and effort and in blood.

I do not know any soldier who went to war for personal gain. They did not indulge in parlor room debates about politics or the economies of conflict. They did not engage in finger-pointing or scapegoating.

They reported for duty, and they did so with an intuition about history and a clear understanding about the Hitlers and the Husseins who turn up to remind us all that there are things worth sacrificing for.

General Sherman said, ''War is hell and combat is worse.'' Nobody wants peace more than the veterans and the G.I.'s. Those of us who have been there know that there is a better alternative to war. Bobby Kennedy said that he believed ''many Americans share the broad and deep hope of a world without war, a world where the imagination and energy of mankind is dedicated not to destruction but to the building of a spacious future.''

Mr. Speaker, that is patriotism in the truest, most unadulterated sense of the word. Let us also hope that the bloodshed and the conflict that came to characterize the 20th century does not characterize the 21st century.

As my colleague said when he began, the course of the 20th century was changed for the better as a result of the unselfish courage and sacrifice of the American G.I. Today, we recognize the contributions of these men and women by passing a resolution declaring the person of the 20th century to have been the American G.I. I urge support of this resolution.

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

Mr. HAYES. Mr. Speaker, I yield 2 minutes to the gentleman from Nevada (Mr. GIBBONS), a steely-eyed fighter pilot. But before he begins, I wish to identify myself with the most kind and appropriate and very worthwhile remarks of my airborne friend, the gentleman from California (Mr. THOMPSON).

Mr. GIBBONS. Mr. Speaker, as a veteran of two wars, on active duty during Vietnam and as a National Guard pilot called to active duty during the Persian Gulf War, I rise to lend my voice to the chorus of those who urge this body to honor the American G.I. as the person of the 20th century.

The United States, through two hot World Wars and a long Cold War, and numerous wars and conflicts in all the far-flung reaches of this troubled globe, has been called the arsenal of democracy. Mr. Speaker, the American G.I. was the bearer of those arms and our American flag. He was, and still is, the guardian of our and our allies' security and freedom.

It is fitting that we are here to honor the G.I., the ''Government Issue'' soldier, the average and anonymous American citizen who became a soldier by setting down his tools of trade and picking up the unfamiliar weapons of war. And upon completion of his glorious and historic task, set them down again and to regain his primary status of citizen, to enjoy the rights of freedom he secured for others, secured with his life, his liberty and his sacred honor.

When the call went up, the Nevada ranch hand, the railroad worker, and the miner answered that call. To stop fascism in its evil tracks in Europe and the Pacific, the young man rose from his job in the subways of New York or the fields of California and went to the nearest recruiting station. And he returned to Asia later on to valiantly struggle to return peace to the Korean Peninsula. The jungles and skies of Vietnam rang with the bravery of North Carolina farm boys and the California college students. And in the hot desert sands of the Middle East, the young woman from Ohio toiled mightily for our Nation alongside her fellow soldiers.

Through it all, the sacrifice, dedication, and honor of our soldiers has been a lamp unto the world, the shining beacon of liberty. The American G.I. kept our flame of freedom burning brightly through the grim and dark skies; through blood, sweat and tears; through times of adulation and, sadly, through times of unreasonable contempt. But stand they did.

Mr. THOMPSON of California. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON), the ranking member on the Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, I thank the gentleman from California (Mr. THOMPSON) for yielding me this time so that I might have this moment to support this concurrent resolution declaring the American G.I. to be the person of the century.

I commend the gentleman from North Carolina (Mr. HAYES) for introducing this resolution and the gentleman from California (Mr. THOMPSON) for the work that he has done to further its cause today.

Last December, I joined more than 100 of my House colleagues in urging Time Magazine to select the American G.I. as its Person of the Century. And although the magazine did not select the G.I. for its end-of-the-century cover story, it is more than fitting that the Congress of the United States recognize our Nation's men and women in uniform for their contributions.

□ 1445

The American G.I. changed the course of world history in helping to defeat fascism and communism. Victorious in World War I, World War II, down through Operation Desert Storm, bravely fighting in Korea, Vietnam, and confronting the struggles of the Cold War, U.S. soldiers, sailors, airmen, and Marines have protected our freedom and given hope to freedom-loving people around the world.

The American G.I. has played an indispensable role protecting freedom and preserving the peace through the course of the 20th century. I have no doubt the American G.I. will continue to make all of us proud in the next hundred years.

On a more personal note, Mr. Speaker, it is interesting to note that my

family has been represented in the first World War, as my father was aboard the U.S.S. *Missouri* in 1918 and our son was in Operation Desert Storm as a member of the First Cavalry Division. So I am pleased to say that our family has, through this century, been a part of the opening and the closing of those victorious moments that made the American G.I. the person of the century, in my opinion.

Mr. HAYES. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. KUYKENDALL), a former Marine.

Mr. KUYKENDALL. Mr. Speaker, these remarks are to some extent for me off the cuff because I did not know this was coming up right before I was supposed to have some floor duty here.

But the point I would like everyone to think about in honoring these young G.I.s of America is they are young. Because we do not fight wars with old people. They are always young. They are young men and young women who serve in the Army, the Navy, the Marine Corps, Coast Guard, Air Force, Merchant Marines. And they have all been recognized in various times for combat actions that they were involved in, or some were recognized because they showed up. And thank goodness they did not have a combat action during their time in the service.

We all need to think and look around. If we look at some of us now, we are a little older, we are a little wider, our hair is a little grayer, or we have lost some of it. But today there are young men and women doing the same thing that these veterans did starting clear back at the turn of the 19th century to the 20th.

And it was America's commitment, America's commitment of its youth all across the world, that defended freedom and democracy. We were never committed in an imperialistic mode. We were always committed to keep a country free, regain its freedom, retain the right to have a free election in their country.

That is the reason these young men and women should be America's person of the century. They were young. They did not necessarily know what they went to do, and yet they stood tall when called and voluntarily put themselves in harm's way in many cases.

The Nation should recognize this, and I am glad we are doing so and urge the passage of this resolution.

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

Mr. HAYES. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I certainly want to commend the gentleman from North Carolina (Mr. HAYES) for introducing this resolution. It is most appropriate. I support it wholeheartedly. I want to thank the gentleman from California (Mr. THOMPSON) for his leadership in that regard.

We recently had an event here on Capitol Hill for those veterans in my congressional district who had served in Normandy who were not able to go to Normandy for the anniversary 50 years after it had occurred in 1944. Of that number, I was surprised I had almost 100 in my own district who had served in Normandy. And of the group that attended, about 65 of those who were able to attend, they brought their families. We had over 250 people on the Hill.

When I spoke to these veterans and their families, they were so appreciative of the simple acknowledgment that they had received. The genuine thanks that these veterans conveyed to us reminded me of how important it is to take time out to recognize and honor these heroes from the past. Their sacrifices resulted in the promising future that is now before us.

I can remember my three older brothers served in the Second World War, and I remember as a child how we used to have a little banner in the window with the three stars indicating that they served. There were some families that had gold stars, which indicated that they had lost someone in the war who had totally sacrificed. We recognize that the people in this resolution played an important role in victory.

Now, I want to mention that in 1941 to 1945, over 16 million American women and men joined forces to combat the Axis powers. Of the 16 million, there were two segments of the population that had never before been properly integrated into a war effort and had played significant roles, African Americans and women.

While both groups played a crucial role in the defense of our country since the Revolutionary War, their efforts during World War II were especially important. For example, the Tuskegee Airmen and the Women Army Corps demonstrated their fortitude in battle and forever dispelled any notions of the capabilities of African Americans and women in battle.

I enjoyed Brokaw's book ''The Greatest Generation,'' and I think this resolution confirms and underlines that and says that we in Congress do recognize those people, the American G.I., whose sacrifices produced an extended period of peace and warrants our eternal praise.

Mr. THOMPSON of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to say that, once again, I thank the gentleman from North Carolina (Mr. HAYES) for bringing this measure forward. I would like to thank all the Members who spoke and those who would have spoken had they been able to today.

But, most important, I would like to thank everyone who sacrificed and served in our U.S. military over the last century and those who are serving today. I ask for an ''aye'' vote on this resolution.

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

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

Mr. Speaker, I thank the gentleman from California (Mr. THOMPSON) for his leadership and for his cooperation and for being a part of this memorable resolution.

Let me pause for just a moment, if I may, to particularly thank the moms and the dads, the husbands, the wives, the children who lost loved ones fighting the wars of this and other centuries.

I lost an uncle flying the Hump in Burma, Charles A. Cannon, Jr. I never will forget that my grandfather never forgot. When the door bell rang or the phone rang, he always hoped it was some word that they had found his son.

So in closing, Mr. Speaker, I am proud to bring to the floor a resolution that declares the American G.I. the person of the 20th century. As we reached the end of 1999, people throughout the world had reason to celebrate. Mankind had progressed into a new year, a new century, and a new millennium. Such occasions provide an opportunity to reflect upon our past so that we may remember the people, places, and events that have shaped our culture and our future.

Over the past 100 years, we have enjoyed advancements in almost every facet of our daily lives. In our Nation in particular, the end of the 20th century served occasion to celebrate an era marked by American accomplishment. We, as a Nation, tackled and overcame challenges deemed insurmountable by our forebearers. Most notably, the American commitment to liberty, justice, and freedom has served as a model for democracy for peoples around the globe.

Our achievement has not come without its price, however. As former chairman of the Joint Chiefs of Staff General Colin Powell has expressed, the 20th century can be called many things, but it was most certainly a century of war. Throughout this period, the forces of tyranny and dictatorship rose time and again to wage war on an unsuspecting world. How easy it is to forget those dark moments of our past. But we must not. We can never take for granted the freedom we, as Americans, enjoy. Our liberty is not free and always comes with a price. It has been secured through the years of American sacrifice and American bloodshed.

That is why I put before the Congress a resolution to recognize the American G.I. as the most influential figure of the 20th century. I offer this legislation not to glorify war and the atrocities that accompany it. To do so would be an insult to every American who made

the ultimate sacrifice in service to our Nation.

Instead, I wish to commemorate the soldiers, sailors, airmen, Marines and coasties, collectively referred to as the American G.I., who left their families and their homes to fight on foreign soil for a nobler cause. I offer my resolution to celebrate generations of Americans who refused to live in a world where wrong prevails. Without their sacrifice, the history of the 20th century would have taken a very different course.

Mr. Speaker, I am honored to represent the soldiers and airmen stationed at Fort Bragg and Pope Air Force Base. I visit these installations regularly and over the last 18 months have enjoyed getting to know the young men and women who proudly serve our Nation. Their patriotism and sense of duty reflects the same spirit of generations who served before them. These young men and women would in a moment's notice defend our Nation from her foes. In honoring these courageous Americans who fought for this Nation during the 20th century, we also honor all those who serve today.

Mr. NETHERCUTT. Mr. Speaker, I rise in support of H. Con. Res. 282, which recognizes the American G.I. as the Person of the Century.

This resolution recognizes the defining role that American soldiers have played in charting a safe course for our nation and for democracy around the world. Unlike a certain magazine which recognizes the discrete accomplishments of individuals in its annual "Man of the Year" issue, the contributions of American soldiers cannot be so easily defined. The Americans who have served their country in the last 100 years as soldiers, sailors, airmen, and marines are many, and the sum of their combined contributions defy a simple summary. Nor should the heroism of this group be reduced to a brief summary, for this would only serve to minimize the depth of American sacrifice over the last century.

Americans fought in two world wars for the basic principles of self-determination, democracy, and liberty. In both wars, Americans fought abroad to preserve values that transcended national interest, creating a foundation for a peaceful Europe and Asia that would have been unthinkable in the early years of the century. The rejection of totalitarianism evident in the defeat of the Third Reich continued to define the contributions of the American GI throughout the century. Bloody conflicts in Korea and Vietnam tested American resolution, but the GI unfailingly carried forward the flag in support of liberty and democracy. The stalwart resolves of the American GI checked Soviet aggression in Western Europe and contributed directly to the collapse of the Soviet Empire.

And the fight continues even today. While the official Cold War may be faded into history, Americans stationed on the front lines in South Korea, Saudi Arabia, Bosnia, or any of a myriad of other countries continue to play an important role as guarantors of peace and stability.

Fifty years ago, the second half of the Twentieth Century was dubbed "America's Century," because of the formative role the United States has played in reshaping the world in our image at the conclusion of World War Two. I join my colleagues today in recognizing that we owe the American Century to the steady, faithful efforts of the American GI, the Person of the Century.

Mr. KOLBE. Mr. Speaker, I am in support of this resolution. Throughout this sad and bloody century, it was the GI—the American citizen soldier—who left hearth and home, put his or her personal plans on hold, and traveled to every corner of the world to save the concept of democracy and preserve the value of freedom. Despots and dictators throughout this century were halted in their tracks and driven back to their lairs because Americans were not, as they thought, too soft and decadent to resist their battle-hardened armies.

The warlords of Imperial Germany were the first to learn that the American fighting man was not a pushover. American soldiers at Chateau Thierry and United States Marines at Bellau Wood brought the German's last chance offensive in 1918 to a halt. Later, the Doughboys would be sent into the most difficult terrain in Northern France—the Argonne Forest—to drive the Germans out of positions that had stymied the Allies for over four years. Meanwhile the United States Navy was helping to sweep the seas clear of U-boats and the American Air Service was dueling in the skies with the students of the Red Baron.

The Nazis of Germany, the Fascists of Italy, and the militarists of Japan were the next to try to, in Churchill's words, "plunge the world into a new Dark Age." And again, it was the New World, with all its power and might, stepping forth to the rescue and liberation of the Old. Hitler had nothing but contempt for American fighting prowess. From Kassarine Pass, through Salerno and Anzio, to the maelstrom of Normandy, all the way to final victory in the heart of Europe—the GI shattered the same Wehrmacht that had marched through the Arc de Triomphe and past the Acropolis. In the air, Americans devastated the Luftwaffe that had terrorized Warsaw and destroyed Rotterdam, and then laid waste to the Nazi industrial complex.

The Japanese believed that their troops, culturally imbued with the spirit of Bushido, would easily outfight the soft Americans. They did not expect that Americans would fight in places such as Guadalcanal, Tarawa, New Guinea, or Iwo Jima—where uncommon valor was a common virtue.

The GI managed to so this at the end of supply lines stretching thousands of miles. They could only do this because their colleagues in the Navy kept those sea-lanes safe against submarines, surface raiders and aircraft. The merchant mariners who manned those supply and transport ships were the unsung heroes of that mission—suffering great travails as they got their vital cargoes through. Very few stories of the Second World War are as compelling as the ordeal of Convoy PQ–17, which suffered terrible losses on its way to Murmansk.

As a result of these sacrifices, most Americans believed that tyranny was decisively defeated, that the second half of the century would be free of the perils that market the first. Instead, the GI was forced to wage a long twilight struggle against another form of totalitarianism—Soviet Communism—and stand on guard for nearly another 50 years.

American troops were forced to remain in Europe, to hold back the Iron Curtain from sweeping the entire continent into darkness. Millions of American families grew to recognize places such as the Fulda Gap and Rhein-Main air base. The Sixth Fleet patrolled the Mediterranean to a degree not dreamed of by their ancestors that had stormed the shores of Tripoli.

In Asia, the Cold War grew hot in Korea, where the term "Frozen Chosen" entered the lexicon. Even now, GI's remain on alert to keep the North Korean Peoples Army on their side of the DMZ. Further south, Americans fought, bled, and died in Vietnam—America's longest war—and our most divisive since our Civil War. At last, all recognize that the GI's service there was honorable.

Even now, after the global threat of Communism has collapsed, it is the GI who is called upon when freedom is seriously threatened. From Kuwait to Kosovo, it is only when the American fighting man arrives, that the world knows that aggression will be resisted.

There have been many great people this century who have symbolized the struggle for freedom in the twentieth century—Churchill, Roosevelt, Reagan—but it is the millions of people behind them, the American GI's, who actually delivered on that promise. I ask my colleagues to join me in passing H. Con. Res. 282, to declare that the "Person of the Century" is truly the American GI. He enabled us to be debating in this chamber today.

Mrs. ROUKEMA. Mr. Speaker, I rise today in strong support of H. Con. Res. 282—Declaring the "Person of the Century" for the 20th century to have been the American G.I.

As a co-sponsor of this resolution, I strongly believe that the United States House of Representatives must officially be on record as supporting it.

Mr. Speaker, there is not enough time on this floor today for us to pay full tribute to the importance the American G.I. played in the history of this century. Our democracy, freedom, and liberty owe themselves to the sacrifices of the American G.I.

From World War I to the Persian Gulf, the American G.I. has always stood proud and tall. Ordinary men and women from across every walk of life, when asked, answered the call to duty.

When we think of the darkest moments of the 20th century, it was always the American G.I. that stepped into the breach to defend freedom. It was the G.I. that huddled low while crossing the beach at Normandy. it was the G.I. that bravely fought in the cold at Cho-San. It was the G.I. that did their duty, with honor, at Da'Nang. it was the G.I. that was the lightning in Desert Storm. And, it was the G.I. that has always stood guard between freedom and tyranny. It is for these very reasons that the American G.I. should be recognized as the person of the century.

Defending the Constitution of the United States on foreign soil is the greatest duty the nation can ask of its citizens. The American G.I. answered the call to duty and performed

it to the highest standard. What Winston Churchill said of his soldiers rings true for ours, "Never have so few given so much for so many".

Mr. Speaker, as we speak today we must never forget our duty to our veterans. Our veterans were there when the nation called; now we must be there when they need our help. There can be no compromise when it comes to veterans' health care. I am proud of the actions we have taken so far and to the fact that we will not let our veterans down.

Mr. GILMAN. Mr. Speaker, today I am supporting H. Con. Res. 282, a bill to declare the American G.I. as "The Person of the Century for the 20th Century." I urge my colleagues to join in supporting this timely, appropriate measure.

As the year 1999 drew to a close, it became fashionable among pundits and academians to nominate a person of the century, for the outgoing 20th century. Many such people were selected, including Time magazine's choice of Albert Einstein. Writing for the New York Times, columnist Charles Krauthammer presented an eloquent defense of his nominee, Winston Churchill, without whom, he argued, Britain would have eventually sought a separate peace with Nazi Germany, drastically altering history. Many other distinguished journalists and pundits offered their own choices for this honorable position.

H. Con. Res. 282 takes a different approach to this nomination. Instead of presenting an individual for the award, it makes a collective nomination in declaring the American G.I. to be the best choice for person of the 20th century. Mr. Speaker, I can think of no better choice for this honor.

In the past century, no group of people have given more of themselves in the cause of defending freedom and liberty than the American people. Twice this century the American citizen-soldier left his family and occupation to take up arms in defending freedom on the continent of Europe.

The arrival of the first members of the American expeditionary force served as a vital morale boost to their exhausted British and French counterparts on the western front in 1917. Later, more than 2 million American soldiers arrived in France to check the last desperate offensive of the Kaiser's army and eventually broke the back of imperial Germany's war effort. Without the contributions of the American G.I. the western allies surely would have fallen to the German offensive of 1918 and the U-boat campaign against the British shipping lifeline.

Twenty-five years later, the American G.I. led the first western counteroffensive against Nazi Germany and took on imperial Japan almost single-handedly. Beginning in North Africa, American soldiers rolled back the German war machine, through Algeria, Sicily, the Italian peninsula and later from Normandy to Paris to Germany itself. In the Pacific, American Marines launched a two-pronged island-hopping campaign from springboards in Hawaii and Australia, supported by our Nation's Air Force, against Imperial Japanese forces, culminating in the bitter hard fought conquest of Iwo Jima and Okinawa. Backed by an industrial base with overwhelming production capacity, the American G.I. liberated Europe from the grip of Nazi totalitarianism and the Pacific from Imperial Japanese tyranny.

The American G.I. spent the second half of the 20th century defending freedom from Communist aggression, in Europe, the Middle East, Latin America and in the Far East. While many during the cold war questioned American defense of nations with little or no democratic government in practice, history has vindicated the cold war American G.I. through today's examples of South Korea, Taiwan and most Latin American countries, where democracy is both alive and well.

Mr. Speaker, the world would indeed be a much different place today, were it not for the contributions of the millions of courageous American citizen-soldiers, who, when called upon by their country, selflessly put aside their personal interests and stepped forward to defend freedom and democracy. While we have not done it alone, the American contribution has almost always meant the difference in ultimate victory for the United States and her allies.

Accordingly, I strongly support this as befitting legislation, and strongly urge my colleagues to support its passage.

Mr. THORNBERRY. Mr. Speaker, unfortunately, I cannot support H. Con. Res. 282. I take a back seat to no one in my support, appreciation, and admiration for the individuals who served our Nation in the military over the course of the 20th century. I would support a resolution which recognized their contributions, although I would far prefer a more tangible showing of appreciation, such as fulfilling the promises of health care made to those who served.

I cannot support this resolution, however, for several reasons.

First, it seems to me that the House has enough business on its plate fulfilling its responsibilities under Article I of the Constitution and need not enter into an interesting but purely theoretical debate fostered by a magazine topic.

Secondly, if we were to offer an opinion on the "Person of the Century," it should actually be a person, not a class or category of persons. Words have meaning, and as we alter or stretch those meanings, we may well encourage inaccuracy or stretching of the truth. We have had enough of that recently.

I also believe that we should not diminish the importance of the individual human being. The contributions to world history by American service men and women were accomplished by individuals. A man or woman is brave; an organization or class of persons is not. We should not diminish the importance of what a brave individual can do by redefining "person" to mean an entire category of persons.

The key question to ask in assessing "Person of the Century" is how would things have been different without him or her. I have my personal view on who that should be, but my views are better argued in a magazine article rather than on the floor of the House of Representatives.

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

The SPEAKER pro tempore (Mr. NETHERCUTT). The question is on the motion offered by the gentleman from North Carolina (Mr. HAYES) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 282, as amended.

The question was taken.

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

The yeas and nays were ordered.

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

HONORING MEMBERS OF ARMED FORCES AND FEDERAL CIVILIAN EMPLOYEES WHO SERVED NATION DURING VIETNAM ERA AND FAMILIES OF THOSE INDIVIDUALS WHO LOST THEIR LIVES OR REMAIN UNACCOUNTED FOR OR WERE INJURED DURING THAT ERA

Mr. KUYKENDALL. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 228) honoring the members of the Armed Forces and Federal civilian employees who served the Nation during the Vietnam era and the families of those individuals who lost their lives or remain unaccounted for or were injured during that era in Southeast Asia or elsewhere in the world in defense of United States national security interests.

The Clerk read as follows:

H. CON. RES. 228

Whereas the United States Armed Forces conducted military operations in Southeast Asia during the period (known as the "Vietnam era") from February 28, 1961, to May 7, 1975;

Whereas during the Vietnam era more than 3,403,000 American military personnel served in the Republic of Vietnam and elsewhere in Southeast Asia in support of United States military operations in Vietnam, while millions more provided for the Nation's defense in other parts of the world;

Whereas during the Vietnam era untold numbers of civilian personnel of the United States Government also served in support of United States operations in Southeast Asia and elsewhere in the world;

Whereas May 7, 2000, marks the 25th anniversary of the closing of the period known as the Vietnam era; and

Whereas that date would be an appropriate occasion to recognize and express appreciation for the individuals who served the Nation in Southeast Asia and elsewhere in the world during the Vietnam era: Now, therefore, be it

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

(1) honors the service and sacrifice of the members of the Armed Forces and Federal civilian employees who during the Vietnam era served the Nation in the Republic of Vietnam and elsewhere in Southeast Asia or otherwise served in support of United States operations in Vietnam and in support of United States national security interests throughout the world;

(2) recognizes and honors the sacrifice of the families of those individuals referred to in paragraph (1) who lost their lives or remain unaccounted for or were injured during

that era, in Southeast Asia or elsewhere in the world, in defense of United States national security interests; and

(3) encourages the American people, through appropriate ceremonies and activities, to recognize the service and sacrifice of those individuals.

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

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

GENERAL LEAVE

Mr. KUYKENDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 228.

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

There was no objection.

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

Mr. Speaker, I rise in support of House Concurrent Resolution 228 to recognize and honor members of the Armed Forces and civilian employees who served this Nation during the Vietnam era and the families of those individuals who lost their lives, remain unaccounted for, or were injured during the Vietnam war.

Twenty-five years ago, we ended our involvement in the Vietnam War. And unlike World War II or Korea, our objectives for being in the conflicts in Southeast Asia were not very clear. Why were we there? What forces of evil or wrongdoing compelled the potential sacrifice of American lives? What national security or economic interests of the United States were at stake?

Our involvement in Vietnam sparked tremendous domestic controversy, largely because we could not answer those questions. Our soldiers came home without fanfare or ticker-tape parades or their hero's welcome we have historically showered on returning veterans. Our veterans became an easy target for those who questioned our participation in Vietnam; and, as a country, we turned our backs on them.

As a Nation, we struggle to find solutions to world issues that do not require military force. However, when needed, the young men and women of this Nation answer our call to service.

□ 1500

We must never again let the popularity of any war effort be the measure of when we honor our veterans' service. I will say that again. We must never again let the popularity of any war effort be the measure of when we honor our veterans' service. We cannot rewrite our past, but we can correct those mistakes by acknowledging the service of our Vietnam veterans, military and civilian.

Let me quote Dan Mauro, a Vietnam veteran, to reintroduce my colleagues to our Vietnam patriots. In Dan's words, our Vietnam veterans ''are men and women. We are dead or alive, whole or maimed, sane or haunted. We grew from our experiences or we were destroyed by them or we struggle to find some place in between. We lived through hell or we had a pleasant, if scary, adventure. We were Army, Navy, Marines, Air Force, Red Cross and civilians of all sorts. Some of us enlisted to fight for God and country, and some were drafted. Some were gung-ho, and some went kicking and screaming.

''Like veterans of all wars, we lived a tad bit—or a great bit—closer to death than most people like to think about. If Vietnam vets differ from others, perhaps it is primarily in the fact that many of us never saw the enemy or recognized him or her. We heard gunfire and mortar fire but rarely looked into enemy eyes. Those who did, like folks who encounter close combat anywhere and anytime, are often haunted for life by those eyes, those sounds, those electric fears that ran between ourselves, our enemies and the likelihood of death for one of us. Or we get hard, calloused, tough. All in a day's work.''

We recognized the heroism of those who lost their lives in Vietnam with the creation of the Vietnam Veterans Memorial in 1993. Today, with 2.5 million visitors annually, this memorial is the most visited place in the Nation's capital. This memorial is a fitting tribute to the men and women who served in Vietnam. The wall has helped family members and friends say a final farewell. It has helped others come to terms with their Vietnam service. It has taught a generation about the heroism of those who lost their lives in Vietnam.

It is time now to embrace the service of all our Vietnam veterans, those who lived, those who died, those still missing, and all of us whose lives were unalterably changed by the experience. It is for this reason that House Concurrent Resolution 228 is so important.

May 7, 2000, marks the 25th anniversary of the end of the Vietnam era. House Concurrent Resolution 228 marks this historic anniversary by honoring the duty, courage, service and love of family and country demonstrated by the 2.7 million Americans who served in Vietnam. Let this resolution also stand as notice to those who serve us now, in places like the Balkans, Korea, and the Persian Gulf and for the next generations of patriots: America will stand by you and will praise your service, bravery, and commitment.

I am proud to have served my country in Vietnam and am honored to be recognized as a veteran of that war. Today, I am deeply privileged to salute all who served, lost their lives, were injured or are still missing in Southeast Asia by supporting this resolution. I thank my colleague, the gentleman from California, for his service in Vietnam and his efforts to acknowledge the contributions of Vietnam veterans and their families. I urge my colleagues in Congress and people across the Nation to recognize the contributions of these heroes.

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

Mr. THOMPSON of California. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman from California (Mr. KUYKENDALL) for bringing House Concurrent Resolution 228 to the floor today. This resolution allows Congress and the American people to commemorate the service of the men and women who served in both uniformed and civilian roles during the Vietnam era. On May 7, 2000, our Nation will observe the 25th anniversary of the end of that era. This resolution's genesis are the veterans that I have the honor of representing who live today at the California veterans home in Yountville in my district. I thank all of them and, in particular, John Schmucker, Tom Sarciapone, Sam Hollis, Jr., Robert Moak, and the other members of the Allied Council of the Yountville veterans home for their generous suggestion for honoring Vietnam-era service members and Federal civilian workers.

Like so many others before us, my generation was called to arms. Most of us responded, notwithstanding the controversy and the turmoil the Vietnam War caused. Seventy-nine of our current House colleagues and 16 Senators served, and several served with extraordinary bravery and courage. The images of Vietnam are still vivid in our individual and collective memories. But what is most surprising is the passage of time since our service.

As I mentioned, May 7 will mark the 25th anniversary of the departure of the last U.S. servicemen from Vietnam, a departure that closed the Vietnam era and for many of us an important chapter in our lives. Between 1961 and 1975, more than 3.4 million Americans served in the armed services in Vietnam and throughout Southeast Asia. Elsewhere in the world, other U.S. forces stood as sentinels. Whether it was along the 38th parallel, at Checkpoint Charlie, the DEW line, Diego Garcia, or patrolling undetected under the world's oceans, U.S. servicemen and women ensured the peace.

The Departments of Defense and Veterans Affairs estimate that more than 9.2 million active duty, reserve, and guard personnel protected U.S. national security interests throughout the world during the Vietnam era. Untold millions of Federal civilian workers also contributed to our Nation's defense at a time tensions were growing between world superpowers. On the eve of this anniversary, we pause to commemorate their service and their sacrifice as well.

Mr. Speaker, this resolution commemorates the sacrifice of every individual who served our Nation during that period called the Vietnam Era. As important, the resolution expresses appreciation to the families of those who died, remain unaccounted for, or who were injured during the course of their service during this era. While it is defined in the statute by specific dates, until the last of our missing service members is found or accounted for, the Vietnam era will never be completely closed.

I again thank the majority leader, the Democratic leader, the gentleman from South Carolina (Mr. SPENCE), the gentleman from Missouri (Mr. SKELTON), the gentleman from Indiana (Mr. BUYER), the gentleman from California (Mr. HUNTER), and the gentleman from Michigan (Mr. BONIOR) for their help in making sure this resolution came to the floor at this particular time. I thank the gentleman from California (Mr. KUYKENDALL) for his leadership and urge the support of House Concurrent Resolution 228.

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

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

Mr. GIBBONS. Mr. Speaker, I would like to thank the gentleman from California (Mr. KUYKENDALL) for introducing this and the gentleman from California (Mr. THOMPSON) for their support of this issue as well. As a Vietnam veteran and former fighter pilot, I stand in this well honored and privileged to speak out in support of this issue.

As my colleagues said, it was just 25 years ago that the Vietnam era officially ended with the infamous fall of Saigon. Although many Americans have turned away from this sad chapter in our national history, this country cannot and it will not turn away from those young men and women who wrote that history with their blood, their pain, and their heroic sacrifices. I am proud, as I said, to join my fellow veterans of the Vietnam War and the rest of our country in honoring the service and the sacrifice of all these men and women wearing our Nation's uniform during that very trying time. Let us not forget to honor the families, those who sacrificed with the parent, the child, the brother or a sister off in a distant land defending their Nation, defending our freedom. Some are still in pain with loved ones still missing and unaccounted for but never forgotten.

Honoring these men and women is the least we can do as we start a new millennium, as we start a new era. But one thing is and always will be certain: our need for the types of men and women like these brave soldiers, sailors, airmen and Marines in Vietnam. We need types that are as dedicated and selfless as those who were sacrificing their lives in Vietnam for us.

Therefore, Mr. Speaker, it is with great pride and thanks I urge all my colleagues to support this issue. I urge unanimous passage of this humble recognition and fitting commemoration of our fellow citizens, Vietnam-era veterans and their families.

Mr. THOMPSON of California. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Missouri (Mr. SKELTON), ranking member of the Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, I thank the gentleman for yielding me this time. I wish to pay special commendation to my friend and my colleague, the gentleman from California (Mr. THOMPSON), for introducing this resolution. I might also note, besides being a very active member of our committee, he was a member of the 173rd Airborne Brigade in Vietnam and served his country well and with dedication during the Vietnam era and during that conflict. I thank the gentleman from California (Mr. KUYKENDALL) for his strong support of this resolution.

Although it may not seem it, 25 years have elapsed since the United States military forces fought in Vietnam. While not everyone may agree that the United States should have participated in the conflict, the matter is we did. More important, hundreds of thousands of patriotic Americans gave their lives or were wounded while serving this country. Still others remain unaccounted for. It is only fitting that we recognize their sacrifice on behalf of our great Nation.

This resolution honors the service of the military members and civilians who served during the Vietnam era and also recognizes and honors the families who suffered during this conflict. The heroism and sacrifices made by these individuals deserve to be recognized, and this resolution takes that step.

In these days when we consider how best to improve access to health care for our service members and our military retirees, we must not forget that our efforts are really aimed at fulfilling a commitment to servicemen and women who served not just in Vietnam but also in the Second World War and Korea and the Persian Gulf and elsewhere around the globe. We owe them for their service and for the promises our government made to them. We cannot and must not let them down regarding the very serious issue of health care.

Mr. Speaker, our soldiers, sailors, airmen, Marines, and civilians who served in Vietnam did their duty to protect our freedom and gave hope to the oppressed people of that country. As we approach the 25th anniversary of the Vietnam conflict, it is wholly appropriate that we commend the service and sacrifice of those who served. I urge my colleagues to support this resolution.

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

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

The newspaper back in my district had a front page story this weekend with many pictures in the body of it talking about the Vietnam War's 25th anniversary. For each group of people that served in whatever time period you were in, you cannot help but have your memories come flooding back when you see these newspaper stories, seeing it now with the hindsight of history. It is much different than the day we lived it, when we were serving in that particular capacity.

It is great today as a Member of Congress to be able to recognize on the Vietnam War's 25th anniversary the service of those men and women who served with the gentleman from California (Mr. THOMPSON) and myself in that Southeast Asian conflict. Today, I now have a daughter who serves, and I now recognize what my parents must have thought when they put me on a plane for several trips to Asia. It is a different feeling and yet it is the same feeling you get whether you are doing it today or you were doing it 25 years ago or 25 years before that. That is the reason we have these recognitions, because a Nation that ever forgets to recognize that service has taken one step down a path we do not want to be on.

I would like to encourage everybody, today in this resolution, to recognize Vietnam veterans. Just a few minutes ago, we recognized G.I.'s for the 20th century.

□ 1515

But everybody should look around and say ''thank you'' to that uncle or that grandfather or that son or daughter or brother or sister that you saw serve in the military.

I was proud of my service. All of us that served were proud of our service, and today Congress has a chance in this resolution to recognize on the 25th anniversary the service of veterans, both military and civilian, who served in Southeast Asia. I urge the passage of this resolution.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H. Con. Res. 228, a bill to recognize and honor the sacrifice and service of those members of our Nation's Armed Forces and their civilian defense counterparts who served during the Vietnam era. I urge my colleagues to join in supporting this worthy legislation.

Mr. Speaker, the Vietnam war was neither a popular nor a fully supported conflict among the American public, for a large number of reasons. The remote location of the fighting, the apparent hesitancy of two successive administrations to seek a decisive victory, the

deterioration, over time, of the United States' established commitment to fighting communism in southeast Asia, and the gradual increasing unpopularity of the war among the Nation's youth all contributed to the eventual withdrawal of United States forces from South Vietnam, Laos and Cambodia. A similar, but not quite as severe outcome had occurred in the earlier Korean conflict.

While the returning G.I's from the Korean war had encountered indifference from the American population, those returning from Vietnam were often met with outright hostility. Moreover, it took more than a decade for proper recognition, in the form of a national memorial, to be provided for our Vietnam veterans.

There are still a number of unresolved issues from the Vietnam war. Chief among these is the POW/MIA issue. There still remain over 2,000 unaccounted for servicemembers from the conflict in southeast Asia. Regrettably, in recent years, many have sought to downplay the need for the fullest possible accounting of those missing personnel in pursuit of the establishment of commercial interests in southeast Asia. May this resolution be of some solace to the families and loved ones of our missing and POW's that there are many of us in the Congress committed to a full and final accounting of our missing.

It bears noting that for today's generation entering college, the Vietnam war is as distant as World War II was to the baby boomer generation. It is my hope that this resolution will help to preserve the memory of the dedicated service and ultimate sacrifice made by the members of our Armed Forces who chose to serve their Nation at a time when military service was decidedly unpopular.

Mrs. ROUKEMA. Mr. Speaker, I rise today in strong support of H. Con. Res. 228. This Resolution honors the sacrifice that so many Americans gave during the Vietnam conflict.

There is no way that any American can view the Vietnam Wall without their heart becoming heavy with both pride and sadness. Although this war caused so many different views from so many different people, the one thing that we all can and should agree upon is the honor of the service of those who served in Vietnam.

They served with the same commitment to honor, duty, and country as every American has in wars past. They served during a particularly difficult time in our history. But despite the times, they never wavered from their devotion to duty. Their actions speak volumes about their character when you consider that the average age of the American service person in Vietnam was 19.

Anyone who has read the letters from home between service members and their families know the tremendous toll that the war took on both. We must never forget their sacrifice.

Mr. Speaker, there are still open wounds of the heart that have not healed yet. That is because there is the unresolved cases of our missing MIAs and POWs. Our families can not be at peace until we know the whereabouts of their loved ones' remains. Our government must take every action necessary to resolve these cases as soon as possible.

In sum, Mr. Speaker, today I offer praise and respect to all the Americans, both military and civilian that served in Vietnam. Their sacrifice will never be forgotten.

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

The SPEAKER pro tempore (Mr. NETHERCUTT). The question is on the motion offered by the gentleman from California (Mr. KUYKENDALL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 228.

The question was taken.

Mr. THOMPSON of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

FREEDOM TO E-FILE ACT

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 777) to require the Department of Agriculture to establish an electronic filing and retrieval system to enable the public to file all required paperwork electronically with the Department and to have access to public information on farm programs, quarterly trade, economic, and production reports, and other similar information, as amended.

The Clerk read as follows:

S. 777

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Freedom to E-File Act''.

SEC. 2. ELECTRONIC FILING AND RETRIEVAL.

(a) ESTABLISHMENT OF INTERNET-BASED SYSTEM.—The Secretary of Agriculture shall establish an electronic filing and retrieval system that uses the telecommunications medium known as the Internet to enable farmers and other persons—

(1) to file electronically all paperwork required by the agencies of the Department of Agriculture specified in subsection (b); and

(2) to have access electronically to information, readily available to the public in published form, regarding farm programs, quarterly trade, economic, and production reports, price and supply information, and other similar information related to production agriculture.

(b) COVERED AGENCIES.—Subsection (a) shall apply to the following agencies of the Department of Agriculture:

(1) The Farm Service Agency.

(2) The Risk Management Agency.

(3) The Natural Resources Conservation Service.

(4) The rural development components of the Department included in the Secretary's service center initiative regarding State and field office collocation implemented pursuant to section 215 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6915).

(c) TIME-TABLE FOR IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall—

(1) to the maximum extent practicable, complete the establishment of the electronic filing and retrieval system required by subsection (a) to the extent necessary to permit the electronic information access required by paragraph (2) of such subsection;

(2) initiate implementation of the electronic filing required by paragraph (1) of such subsection by allowing farmers and other persons to download forms from the Internet and submit completed forms via facsimile, mail, or related means; and

(3) modify forms used by the agencies specified in subsection (b) into a more user-friendly format, with self-help guidance materials.

(d) INTEROPERABILITY.—In carrying out this section, the Secretary shall ensure that the agencies specified in subsection (b)—

(1) use computer hardware and software that is compatible among the agencies and will operate in a common computing environment; and

(2) develop common Internet user-interface locations and applications to consolidate the agencies' news, information, and program materials.

(e) COMPLETION OF IMPLEMENTATION.—Not later than two years after the date of the enactment of this Act, the Secretary shall complete the establishment of the electronic filing and retrieval system required by subsection (a) to permit the electronic filing required by paragraph (1) of such subsection.

(f) PROGRESS REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the progress made toward establishing the electronic filing and retrieval system required by subsection (a).

SEC. 3. AVAILABILITY OF AGENCY INFORMATION TECHNOLOGY FUNDS.

(a) RESERVATION OF FUNDS.—From funds made available for each agency of the Department of Agriculture specified in section 2(b) for information technology or information resource management, the Secretary of Agriculture shall reserve an amount equal to not more than the following:

(1) For fiscal year 2001, $3,000,000.

(2) For each subsequent fiscal year, $2,000,000.

(b) TIME FOR RESERVATION.—The Secretary shall notify Congress of the amount to be reserved under subsection (a) for a fiscal year not later than December 1 of that fiscal year.

(c) USE OF FUNDS.—Funds reserved under subsection (a) shall be used to establish the electronic filing and retrieval system required by section 2(a). Once the system is established and operational, reserved amounts shall be used for maintenance and improvement of the system.

(d) RETURN OF FUNDS.—Funds reserved under subsection (a) and unobligated at the end of the fiscal year shall be returned to the agency from which the funds were reserved, and such funds shall remain available until expended.

SEC. 4. CONFIDENTIALITY.

In carrying out this Act, the Secretary of Agriculture—

(1) may not make available any information over the Internet that would otherwise not be available for release under section 552 or 552a of title 5, United States Code; and

(2) shall ensure, to the maximum extent practicable, that the confidentiality of persons is maintained.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Texas (Mr. STENHOLM) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

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

Mr. Speaker, the Freedom to E-File Act, introduced by the gentleman from Illinois (Mr. LAHOOD), requires the United States Department of Agriculture to establish an electronic filing and retrieval system to enable the public to file with the Department all required paperwork electronically. In doing so, the act would allow producers, farmers, and rural America to have access to information on farm programs, quarterly trade, economic and production reports and other similar information. The bill of the gentleman from Illinois (Mr. LAHOOD) allows farmers to do business with the Department of Agriculture over the Internet.

The rapidly evolving e-commerce economy of the 21st century continues to assert itself as the future of worldwide commerce. Like any business today, farmers are using computers and the Internet for a variety of purposes, including financial management systems and market information. It is becoming increasingly important to ensure that all segments of our economy are technologically efficient.

Currently, the United States Department of Agriculture operates in a progressively antiquated computer environment. The continued use of such a system threatens to disable producers and farmers from access to a maturing information technology market. Rural Americans face the very real potential of being left behind in this era of sweeping technological advances. It is vital to empower producers and farmers by providing them with the technological tools to do business via the Internet with the U.S. Department of Agriculture.

The continued absence of a viable common computing environment at the Department will result in the failure to assist the very constituency it is obliged to serve. The Freedom to E-File Act achieves the most important objective of allowing the public the access and freedom to do effective, better business with the U.S. Department of Agriculture via the Internet.

The globally integrated e-commerce economy demands that private and public entities move quickly to establish efficient avenues of commerce. This legislation forces the USDA in the right direction, the direction of enabling producers, farmers, and rural Americans to benefit in an age of technological revolution.

Mr. Speaker, as chairman of the Congressional Internet Caucus, I want to commend the gentleman from Illinois for his leadership on this issue. This legislation is badly needed. Changes at the Department of Agriculture to get up to speed, even with other government agencies, much less with what is happening in the private sector, is long overdue. I also thank the gentleman from Texas for his support of this bipartisan legislation.

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

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

Mr. Speaker, I rise in support of S. 777 as amended by H.R. 852, the Freedom to E-File Act. H.R. 852 was sponsored by the gentleman from Illinois (Mr. LAHOOD), and I, too, commend him for his leadership in this area. It was approved by the House Committee on Agriculture on March 29. It would require the Secretary of Agriculture to establish an Internet-based system to allow farmers and ranchers and other persons to complete and submit program applications electronically and to have electronic access to all relevant economic and administrative program information and data.

The legislation before us today also contains a provision that will ensure that the Secretary of Agriculture maintains the confidentiality of persons, and ensures that that information is released only in accordance with current law.

Mr. Speaker, I have long been a proponent of initiatives at USDA to provide better service to farmers and ranchers through streamlining and the use of new technologies, while at the same time saving taxpayer dollars.

To date, USDA's progress in the information technology arena has been disappointing. For example, a February 2000 General Accounting Office report states that USDA's progress in implementing its initiatives, reorganization, and modernization efforts has been mixed. The report then identifies two primary reasons for its lack of success, the lack of a comprehensive plan to guide the modernization effort and the lack of a management structure with the accountability and authority to resolve differences among the agencies. These findings give me little confidence and further validate my concerns that USDA cannot overcome its stovepipe culture without the intervention of Congress. USDA recognizes this, and, at certain levels, supports this bill.

Growing numbers of farmers and ranchers are using home computers. This fact, coupled with budget demands, is putting enormous pressure on USDA's field service employees. It is, therefore, imperative that USDA take advantage of the Internet for the efficiencies it can offer. Doing so will benefit overworked field service staff, save taxpayer dollars, and allow farmers and ranchers to spend more time on their operations and less time visiting USDA offices.

For these reasons, I believe USDA must improve electronic access to its programs and services. Consequently, I support the goals of S. 777, as amended, otherwise known as the Freedom to E-File Act. While I would prefer a more comprehensive look at USDA reorganization and modernization needs, it unfortunately appears that changes at USDA are only going to be made on an incremental basis.

Mr. Speaker, I urge my colleagues to support this bill.

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

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Illinois (Mr. LAHOOD), the author of the legislation.

Mr. LAHOOD. Mr. Speaker, I want to thank very much the gentleman from Virginia (Mr. GOODLATTE) for his leadership as the chairman of the subcommittee that held hearings on the bill; and the ranking member of that subcommittee, the gentlewoman from North Carolina (Mrs. CLAYTON), also for her leadership and support; and certainly the gentleman from Texas (Mr. STENHOLM), the ranking member of the full committee, for his encouragement over the last year to move ahead with this important legislation.

To put it simply, this legislation will bring the Department of Agriculture into the 21st century by allowing farmers, producers, and people in rural America to do their business with the USDA over the Internet. Like any business, farmers are using computers for a variety of purposes, including financial management, accessing market information, and utilizing precision agriculture management systems.

As I have traveled around the 14 counties that I represent in central Illinois, much of which is agriculture, and visited farm families and visited farm homes, every farmer has a computer today. Every farmer in America has access to the world. One of the first things that farmers do in the early morning hours is they get on their computer and they check the weather. Then in my area they check the price of corn and beans and livestock. Then they look and see how their stocks are doing, if they have the good fortune of having that kind of capability to own stocks.

But then what we are offering them under this legislation is the fact that they do not have to hop in their truck and go down to the FS office to file their forms or to find out what the USDA has to offer them. All of this information will be available to them. After they check the price of corn and beans and after they check the weather, they can find out what else is going on at USDA, a marvelous opportunity. I believe, if given the opportunity, many farmers would choose to file necessary farm program paperwork from their home or office computer.

The interesting thing is that, this year alone, 34 million taxpayers have already filed or will file their income

taxes before April 15th over the Internet, electronically. The Internal Revenue Service has moved taxpayers into the 21st century; and we should be doing that for our farmers and ranchers, and particularly for those who represent large masses of agriculture area, Wyoming, the Dakotas, areas where farmers and ranchers have to travel long distances. This will avail them of wonderful opportunities to save time and energy by having access to this information and filing their forms electronically.

Mr. Speaker, I say that the Freedom to E-File Act is a reasonable, sensible way to help farmers spend less time filling out paperwork and more time doing what they know how to do best, which is farming and ranching. This legislation will not only increase the efficiency of farmers and ranchers, it will also increase the efficiency of the USDA, as has been mentioned, by reducing the amount of paperwork that needs to be filled out in local county offices.

USDA has already started down the road to providing some of the benefits of the Internet to the American farmer. Freedom to E-File will provide the Department with the necessary flexibility and resources to allow USDA to bring agriculture into the Internet age.

Again, I want to thank the gentleman from Texas (Chairman COMBEST), the gentleman from Texas (Mr. STENHOLM), the gentleman from Virginia (Mr. GOODLATTE), and the gentlewoman from North Carolina (Mrs. CLAYTON) and all the staff people on both sides for your help in crafting this legislation, and also to USDA. We have kind of brought them along kicking and screaming in this process, but we think they are with us now; and we hope that they will be able to implement this legislation after it is signed by the President.

Finally, Senator PETER FITZGERALD from the other body was most helpful in having this legislation pass there; and I want to acknowledge his work and encourage all Members to support this very, very important legislation.

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

Mr. Speaker, I would just say in conclusion, I encourage our colleagues to support this bill. We have heard from the gentleman from Illinois all of the reasons why this is needed. The disappointment is that we have not been able to move it faster within USDA, but it is certainly my hope that all of those who may be in the category of ''foot-draggers'' within the various agencies and various employees of USDA might take this legislation and the support of many at USDA and recognize that we will have some additional opportunities this year to do more in this area of information technology, and, in doing more, we will be able to serve our farmers more efficiently.

Mr. Speaker, I thank all of those who have been involved in this legislation; and I urge the support of it.

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

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

Mr. Speaker, I would join in urging my colleagues to support this legislation. It is very true that farmers in many respects are some of our best users of computer technology and the Internet, and it is time that the Department that is designed to support their efforts moves into the 21st century, as the gentleman from Illinois (Mr. LAHOOD) indicated.

□ 1530

So I strongly support this bill. I thank the gentleman for his efforts in this matter.

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

The SPEAKER pro tempore (Mr. NETHERCUTT). The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the Senate bill, S. 777, as amended.

The question was taken.

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

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 777, the Senate bill just considered.

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

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m.

Accordingly (at 3 o'clock and 30 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1703

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 5 o'clock and 3 minutes p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 290. Concurrent Resolution establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005.

The message also announced that the Senate insists upon its amendment to the resolution (H. Con. Res. 290) ''Concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. DOMENICI, Mr. GRASSLEY, Mr. BOND, Mr. GORTON, Mr. LAUTENBERG, Mr. CONRAD, and Mr. WYDEN, to be the conferees on the part of the Senate.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

Mr. CONYERS. Mr. Speaker, I want to announce my intention to offer a motion to instruct conferees on H.R. 1501 tomorrow.

Pursuant to clause 7(c) of rule XXII, I hereby announce my intention to offer a motion to instruct conferees on H.R. 1501. The form of the motion is as follows:

Mr. Conyers moves to instruct conferees on the part of the House that the conferees on the part of the House on the disagreeing votes of the two Houses on the bill, H.R. 1501, be instructed to insist that the committee on conference meet and report a committee substitute that includes both:

One, measures that aid in the effective enforcement of gun safety laws within the scope of conference and, two, common sense gun safety measures that prevent felons, fugitives, and stalkers from obtaining firearms and children from getting access to guns within the scope of the conference. Congresswoman SHEILA JACKSON-LEE of Texas, Congresswoman JULIA CARSON, Congresswoman JUANITA MILLENDER-MCDONALD, and Congresswoman CAROLYN MCCARTHY are cosponsors of this motion.

APPOINTMENT OF CONFEREES ON H. CON. RES. 290, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2001

Mr. KASICH. Mr. Speaker, pursuant to clause 1 of rule XXII, and by the direction of the Committee on the Budget, I move to take from the Speaker's table the concurrent resolution (H. Con. Res. 290) establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth the appropriate budgetary levels for each of fiscal years 2002 through 2005, with a Senate amendment thereto, disagree to the Senate amendment and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Ohio (Mr. KASICH).

The motion was agreed to.

MOTION TO INSTRUCT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Speaker, I offer a motion to instruct the conferees on the budget resolution.

The Clerk read as follows:

Mr. SPRATT moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the concurrent resolution H. Con. Res. 290 be instructed, within the scope of the conference,

(1) to insist that the tax cuts set forth in the reconciliation directives in the concurrent resolution be reported on September 22, 2000, the latest possible date within the scope of the conference, and to require that the reconciliation legislation implementing those tax cuts not be reported any earlier, thereby allowing Congress sufficient time to first enact legislation to reform and strengthen Medicare by establishing a universal Medicare prescription drug benefit, consistent with section 202 of the Senate amendment and provisions in section 10 of the House concurrent resolution, recognizing that more than half of Medicare beneficiaries without drug coverage have income above 150 percent of poverty as officially defined; and

(2) to recede to the lower and less fiscally irresponsible tax cuts in the Senate amendment, which do not include a reserve fund for additional tax reduction contingent on improved projects of future revenues, in preference to tax cuts of $200 billion or more as embodied in the House-passed Resolution, which Chairman Kasich identified during Budget Committee markup and House debate on the budget resolution as a paydown' on the tax cuts proposed by Governor George W. Bush, in order to conserve the budgetary resources needed for the universal Medicare prescription drug benefit and for debt reduction.

Mr. KASICH (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The gentleman from South Carolina (Mr. SPRATT) will be recognized for 30 minutes and the gentleman from Ohio (Mr. KASICH) will be recognized for 30 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPRATT).

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

Mr. Speaker, I am offering this motion to instruct the House conferees on the budget resolution, basically to say to the conferees, let us put the Medicare drug prescription benefit first and foremost, ahead of everything else. Let us do it ahead of the tax cuts. Let us put it on a priority schedule, let us go first with it.

Just today we read in the newspaper that Medicare beneficiaries who do not have drug coverage typically pay at least 15 percent more than those who have the benefit of insurance. I have the experience just a week or two ago with visiting a pharmacist in my district who by mistake had received a billing from an HMO intended for an HMO in Atlanta, Georgia. And when he opened it up, he saw what the HMO was paying for drugs like Zocor and Vasotec and Cumadin, as opposed to what he was paying, and the difference between what he was paying and charging his customers at his pharmacy and what the HMO was paying was as much as 65 or 70 percent in favor of the HMO in certain cases. That is not right.

Mr. Speaker, when we combine that with the fact that drug costs are going up at a rate that is two or three times the rate of the increase in health care generally and the elderly, those over 65 and on Medicare have a greater need for prescription drug benefits than anybody else, we have a crisis on our hands. One cannot go to any senior citizen center in my district, and I dare say this is true across America, without having someone relate some really sad and affecting story about their problem with obtaining prescription drug benefits.

We just had a study done by Boston University School of Public Health, they found that a significant fraction of the prescriptions that are written by doctors for their Medicare patients are never filled, they cannot afford it. This is a problem that is not only pressing, it is becoming urgent.

We need to deal with it now. Before we turn to tax cuts, before we turn to other major budget decisions, we should put this one first and foremost and try to fit it into our budget. In our budget, the Democratic budget, we did it the standard and time-honored way. We said let us have reconciliation directions to the Committee on Ways and Means and the Committee on Commerce, the two committees with jurisdiction, and tell them, ''By a date certain, get your act together. Here is $40 billion for the first 5 years, $155 billion for the second 5 years; within the limits of these resources, report to the floor a prescription drug benefit that will begin to take effect next year for Medicare beneficiaries.'' That is the way to do it.

The gentleman from Ohio (Mr. KASICH) chose a less compelling way of doing it. He put $40 billion in a trust fund, so-to-speak, a reserve fund, and said if the Committee on Ways and Means is able to come up with a bill that reforms Medicare structurally or does Medicare reform, then it can also use this $40 billion to report a drug bill. I would have preferred and did prefer something much more compelling than that, but at least the gentleman put the $40 billion on the table. The Senate has done something similar.

What we are saying now is let us not just do this for show, let us not just do this to tantalize the elderly citizens in our district with the prospect of getting prescription drug coverage. Let us do it in earnest. We can do it right now by passing a motion to instruct our conferees to go to conference and say to the conferees, prescription drug coverage will come first, and principally this will come first ahead of tax cuts.

One of the problems I have with the Republican budget resolution is it puts tax cuts first and foremost, ahead of everything else. Now, our budget resolution provided for $50 billion in net tax cuts in the first 5 years, and $201 billion over the 10-year period of time. We are for tax reduction and tax relief too, but we also had other priorities that we wanted to serve, and not to do tax cuts to the exclusion of those.

The problem we had with their resolution as the gentleman from Ohio (Mr. KASICH) presented it, their budget resolution, the tax cut could easily go up to $250 billion over the next 5 years. We showed by charts in the well of the House, if it went that high, if it went over $200 billion, we not only could not fund the $40 billion for the prescription drug benefit, you would risk putting the Social Security trust fund in danger again.

We are saying, put the tax cuts second. Do the prescription drugs first. Get in earnest about prescription drug coverage. Do that, and then by a date certain, report your tax bill to the floor; and we will take it up in due course. But, in first course, let us do prescription drugs.

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

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

Mr. Speaker, we want to go back just for a second and review precisely what was contained in this Republican budget proposal that passed the other day.

As Members will recall, the first thing we did was to protect 100 percent of the Social Security surplus. That is the first time, I believe in my lifetime, that that has been done, where the government will not take money from the Social Security surplus to fund any other programs.

The second item that we did was we strengthened Medicare and, in fact, created a $40 billion fund. And this fund is available for the purposes of funding a prescription drug program that will pass through the Committee on Ways and Means.

First of all, I would hope that the wealthiest of our seniors would not qualify for this program. Children in many respects have the lowest priority in America, and it is a tragedy that our children are neglected. I begin to wonder if they are neglected because they do not vote or we do not value them. We value them with our rhetoric, but many times we do not value them with our actions.

The fact is that a prescription drug benefit for seniors that are in need of that benefit because they cannot afford it would be right. But what we would not want to do was take resources that can be used either to make families stronger through tax cuts or other programs that may be developed to help our children, to use those dollars to fund the Medicare program for wealthy senior citizens.

□ 1715

We would not want to do that. This does not make any sense here in the 21st century. Members might also recall that we had other actions in there, including paying down $1 trillion of the national debt, and in addition to that, tax fairness.

I must say that it would be a mistake for us not to have passed that earnings limit exclusion program so that our seniors who want to go out, who want to work, who want to be independent, do not lose social security in the process. Thank goodness we pushed that program through. We intend to push other programs like that through, including the easing of the marriage penalty.

So we want to be able to have a process that allows us to pass these tax bills that help various segments of our society, and we believe that is consistent with our program to strengthen Medicare and to provide a prescription drug benefit.

What is interesting is that President Clinton himself has no prescription drug benefit in 2001 and 2002. In fact, he makes very significant reductions in Medicare in order to pay for what program he is going to create in 2003. Frankly, Democrats ought to be embracing this program if they would like to see a strengthening of Medicare. They ought to be really embracing the Republican budget, because we get about it right away.

Also contained in the Democrat motion to instruct are the incendiary words ‘‘irresponsible tax cuts.’’ To me, that is an oxymoron. There is no such thing as an irresponsible tax cut. There are plenty of irresponsible government spending programs, but I do not think there is such a thing as an irresponsible tax cut.

I do not know what we would call an irresponsible tax cut. Is it something that lets families keep more of what they earn? Is it something that lets a senior keep more of what he or she earns, rather than being penalized through reductions of their social security benefits? Is a fiscally irresponsible tax cut one that provides relief to married couples? If people get married today, they can get punished because they get married. They pay more in taxes. Is that fiscally irresponsible?

How about for a small businessman who works a lifetime to build a pharmacy, like my friend, Max Peoples in Westville, Ohio, or friends of the gentleman from Wisconsin (Mr. RYAN) in Janesville, Wisconsin? They work a lifetime, and then when they die, they have to visit the undertaker and the IRS on the same day.

How about reducing or eliminating the death tax so people who work a lifetime can pass their legacy on to their children, rather than having to pass it on to the Federal government?

I do not know what it even means when we talk about a fiscally irresponsible tax cut. It does not make any sense to me. It seems to me as though we ought to stay with the Republican budget plan. That Republican budget plan will keep our mitts off of social security, something that my friends in the majority party were not able to do for 40 years. It is going to strengthen Medicare and provide a prescription drug benefit starting in 2001.

I am told it will be very soon that Republicans in the House will unveil their bill. I hope it will be means-tested. We will pay down $1 trillion of the publicly-held debt by 2013. We will continue to promote tax fairness for families, farmers, and small businesses.

There is no reason to fix something that is not broken, so I would request that the Members on both sides of the aisle defeat the motion to instruct the conferees offered by my good friend, the gentleman from South Carolina (Mr. SPRATT), who I have, by the way, a lot of regard for. He is a very smart man, a very nice man, and I wish everybody would know him and be the recipient of his kindness and intelligence.

But on this motion, I am forced to say that we should object, stick with the Republican budget. It will be the better budget for our seniors, for our children, and frankly, for Americans across the country.

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

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

Mr. Speaker, I thank the gentleman for his compliments, but I would point out that a tax cut that precludes us from obtaining the very priorities they set out in their budget is potentially an irresponsible tax cut. A tax cut, which we showed here in the well of the House, which would take us perilously close to invading social security again surely is not one that we want to undertake. Yet, we are concerned that the gentleman's resolution leads us in that very direction.

Mr. Speaker, I yield 3 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

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

Mr. Speaker, I rise in support of the motion to instruct conferees. We simply say, before any tax cut, and certainly it is irresponsible to make sure that we have a tax cut before we achieve the goals that we want to achieve.

One of the goals stated was that we would have a prescription drug benefit. Therefore, before any tax cut is enacted, we must make sure that our senior citizens, especially those rural citizens who live in rural communities without access to health care, and who pay, by the way, for their medicine higher rates than those in other urban areas, we make sure that they have the medicine and the ability to pay to be free of pain and to live a comfortable life. That is essentially basically and fundamental, that we make sure that our program is enacted before we have a serious and a large tax cut.

Older Americans and people with disabilities without drug coverage typically pay 15 percent more for the same prescription drugs as those with insurance. Many seniors do not have drug coverage at all, and therefore, this particular bill is essential for life and the quality of life that seniors deserve.

The gap between drug prices for people with and without insurance discounts nearly doubled, from 8 to 15 percent, between 1996 and 1998. Uncovered Medicare beneficiaries purchased one-third fewer drugs than those who are covered, but they paid twice as much money. They are denying themselves a prescribed prescription for their health care, but yet, they pay twice as much out of pocket.

Overall, all of these beneficiaries have an annual out-of-pocket cost that is twice as high as those, and with fewer medications.

Chronically ill uninsured Medicare beneficiaries spend over $500 out of pocket for that same coverage. Rural beneficiaries are particularly, particularly vulnerable because the infrastructure to provide that health care is not there.

From what I am hearing, if there is to be an insurance model, I can tell the Members that we do not have the structure, the HMOs, nor do we have other structures that can make this accessible to rural citizens. Rural Medicare beneficiaries are over 50 percent more likely to lack prescription drug

coverage for the entire year than urban beneficiaries.

Mr. Speaker, I urge the adoption of this motion to instruct. It is urgent, it is timely, and it is vital to the health and welfare of many millions of senior citizens.

Mr. KASICH. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I would like to first discuss what this motion to instruct actually does. The motion to instruct right now talks about having a prescription drug plan immediately, but I find it interesting to note that the minority side, when advancing prescription drug legislation in the Committee on the Budget, was proposing a prescription drug plan very similar to the President's plan which did not begin until the year 2003.

More importantly, it dedicated a little over $34 billion to enacting prescription drug legislation when the Committee on the Budget, the majority's plan, dedicates $40 billion for prescription drugs beginning immediately.

Let us go back and remember that the minority side was proposing a prescription drug plan dedicating less resources starting in 2 years versus the Republican plan, which dedicated $40 billion starting immediately.

Mr. Speaker, I would like to talk about some of the benefits of this budget plan. For 30 years, for 30 years this institution, Washington, D.C., has been raiding the social security trust fund. People have been paying their FICA taxes, it has been going into social security, and people in Washington have been taking that money and spending it on other totally unrelated items.

This budget seals that trust fund. This budget says, not a penny of money should come out of social security. Instead, we are going to pay off the debt and fix the problems we have with social security. That is what we are trying to do here.

So what happened last year when the President brought his budget here on the House floor in the State of the Union Address? He called for dedicating 62 percent to the social security surplus, and 38 percent of social security would go to finance other government programs.

Last year we said, that is enough. We should dedicate 100 percent of the social security surplus to social security. That is in fact what we have achieved. If we take a look at what we have done over the last 2 years with this Congress, we have paid back so much debt that we have actually stopped the raid on the social security trust fund beginning last year.

This budget completes that. This budget says no longer will we go back to the days of red, no longer will we go back to the days of taking money out of the social security trust fund to spend on other programs that have nothing to do with social security. Instead, we are going to pay off our national public debt, we are going to put money back into social security, and we are not going to let politicians dip into the social security trust fund.

Last year when the President brought his budget to the floor, he wanted 62 percent in social security and 38 percent out of it. He called for creating 84 new government programs, 84 new government programs in this year's budget, and significantly increasing 160 other government programs, for a grand total of 244 new programs and higher spending on new programs in Washington coming from the social security trust fund.

Mr. Speaker, we have actually achieved a historic goal here. We have stopped the raid on the social security trust fund. Let us build on that success. Let us continue to do that. Let us pass the Republican budget and say no to the motion to instruct.

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

Mr. Speaker, what the gentleman has done is, with his charts there, he has set up a straw man. He has attacked a budget that was never before the House. The minority side's budget, the Democratic side's budget, called for $40 billion beginning in 2001 for a Medicare prescription drug benefit. And not only that, to say it once again, we did it the good old-fashioned way that worked. We said to the Committee on Ways and Means, by a date certain, here is $40 billion. Report out, bring to the floor a resolution, a bill that will provide prescription drug coverage.

They did not have that kind of language in their resolution. Theirs was totally iffy. That is what we are trying to do here today, stiffen the resolve of the conferees and see to it that we do indeed get some legislation that will provide a drug benefit.

Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, the reason this is such an important set of budget instructions is that this House is balanced on a very interesting policy point: Should we provide a tax-supported prescription benefit package for all senior citizens, or should we do what the Republicans are talking about, and that is, find the poorest ones and say, here is a little welfare program. Go on and down and register at the welfare office, and you can get the drug benefit?

The President has proposed that we put a package that covers all senior citizens. Some of us are not very satisfied with the President's plan because it is not very generous, but at least, at least it covers everyone. For us to come out and pass a budget and say that, in the last resort, if we have a little money left after we have passed all these tax cuts we are going to give a little drug benefit, that is simply not good public policy.

The Senate has picked the number of $140 billion in tax cuts. I personally think that is too much. I do not think we need that. I would rather pay down the debt.

However, if they are going to do it, let us take the conservative number in the Senate, the conservative number in the Senate, instead of this liberal wild spending on the Republican side in the House, and use that money to give a benefit for all senior citizens.

Now, when we go out and realize what the average senior citizen spends out-of-pocket, my mother is a perfect example. She lives on the minimum social security benefit, along with 9 million other widows in this country, $888 a month. She spends $400 for where she lives and where she gets her food, okay?

□ 1730

Now she has $400 and she on average across this country is spending $200 a month, $2,500 out of pocket, for pharmaceutical costs in this country. That is simply inexcusable.

We can fix it, but it should be for all senior citizens because even those who have the benefit now, because of the fact that they work for some company or they have the insurance policy or whatever at the moment, may lose it and then where are they? My view is that we should not drive seniors into poverty before we help them with their pharmaceutical costs.

Any sensible person looking at the Medicare program today would say the single biggest problem that we have not dealt with has been the issue of pharmaceutical costs.

I think that it makes sense to take the Senate number. The Senate is not overly generous, but at least we would have the $40 million for a universal benefit.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the gentleman from Connecticut (Mr. SHAYS), will control the time allocated to the gentleman from Ohio (Mr. KASICH).

There was no objection.

Mr. SHAYS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Iowa (Mr. NUSSLE), a member of both the Committee on the Budget and the Committee on Ways and Means.

Mr. NUSSLE. Mr. Speaker, I thank the gentleman from Connecticut (Mr. SHAYS) for yielding me this time.

Mr. Speaker, it is pretty obvious that over the weekend the Democrats did a poll. They rush in here with a motion to instruct conferees on the budget resolution with a time stamp on here of 3:45, not too long ago. The ink is not even dry on this. They rushed in here with this motion to instruct conferees. What does it say? It says, know what? We are getting our brains beat in on

this prescription drug benefit. The Republicans beat us when it came to the budget resolution; they are beating us when it comes to public relations on prescription drugs because they know that our original proposal did not have a thing.

The President's proposal did not have a prescription drug benefit. The original proposal that the Democrats brought forth in the Committee on the Budget did not have a prescription drug benefit that started until the third year. In fact, it cut Medicare. Oh, no, we didn't cut Medicare on beneficiaries. We cut it on providers is what they will say.

In my area, as the gentlewoman from North Carolina (Mrs. CLAYTON) was saying, in rural areas those kind of cuts will be devastating. They may say in the third year that they have a prescription drug benefit; but when all the rural hospitals close, they do not have health care.

Well, this is the situation: we put into our plan instructions that suggest that there is only one thing that the Committee on Ways and Means can do with this $40 billion. It can either reform Medicare and provide a prescription drug benefit or nothing else can happen to that money except it can be used to pay down the debt. That is it.

What do the Democrats suggest? They came in with a technicality on the floor right at the end of the budget debate, and they said but we have a better motion to instruct. They say the Committee on Ways and Means has to use it. Guess what? If they do not, it does not go to debt reduction; it does not go to tax relief. Guess where it can go? To a risky spending scheme that the Democrats have put in place for the last 40 years that wasted social security, that brought us to the point in time where we had this massive debt in the first place, and now they want to start all over again.

Mr. Speaker, this is the situation: this is not just a little drug benefit, as my friend, the gentleman from Washington (Mr. MCDERMOTT), suggested. This is the only drug benefit that is going to pass this particular year because we are not going to pass a drug benefit where the money, if not spent, can be used for other risky spending schemes. We are not going to use this money for anything else except for reform of Medicare and for prescription drugs, different than what the Democrats' plan does.

So instead of voting for this motion to recommit that was drafted just a few hours ago, after it is obvious the Democrats took a poll this weekend, let us vote against this motion to instruct conferees, which would gut the Medicare reform proposal, which would gut the prescription drug proposal, and which would not recognize that in 5 days we have tax day and Americans all over the country have been paying their taxes. This thumbs their noses at the taxpayers of America.

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

Mr. Speaker, once again let me inform the gentleman from Iowa (Mr. NUSSLE) that we in committee we did not offer a resolution. We brought our resolution to the floor, and it had $40 billion over 5 years; $150 billion over 10 years for prescription drug coverage; and it was in reconciliation, mandates to the Committee on Ways and Means, with a date certain for getting it done.

When we were in committee marking up their budget resolution, we took their iffy, mushy language and we said let us convert this to a mandate, let us send it to the Committee on Ways and Means, and we offered to make it reconciliation language and they refused it. They rejected it in committee.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I thank the gentleman from South Carolina (Mr. SPRATT) for yielding me this time.

Mr. Speaker, let me make a couple of points. First of all, to my colleague, the gentleman from Iowa (Mr. NUSSLE), I took no poll over the weekend; but I can say when I was running for Congress 6 years ago, going to senior citizen centers throughout southeast Harris County, Texas, I ran into more and more seniors who said the biggest concern they had was the cost of prescription drugs, and the problems that they had of having to choose between buying their groceries at the end of the month or buying the pharmaceuticals that were being prescribed to them by the doctors. That was the issue, and that was the poll. That was a real poll.

Now let us talk about what this motion to instruct is. I do not think my friends on the other side have read it. All we are saying, if they look at the budget resolution, throughout the budget resolution it is very clear on which dates the Committee on Ways and Means shall, shall report tax reconciliation language. When we look at the Medicare language in there, it says if, it says whenever, but it certainly says nothing about a date certain of what it should be.

My colleagues on the other side have felt the need to use placards. I do not like these. I wish that we would ban these from the floor; but if we are going to use them, I am going to show what the Republican prescription drug plan under Medicare is. It is right here, right here. Now the American people can see it as well. It is laid out pretty clearly what the Republican plan is. There is no Republican plan.

Here is the problem: there are about 70 legislative days left in this Congress. We still have not passed a budget resolution. We have not passed any appropriations bills. We passed a number of tax cutting bills, generally scoped toward the upper-income levels, but we do not even have a prescription drug bill from the Republican side. So I do not know how they think we are going to get this done; and, in fact, their budget resolution does not think we are going to get it done because it says if, whenever.

What Democrats are saying today, what Democrats are saying is let us make prescription drug benefits for all senior citizens as certain as they want to make tax cuts for the wealthiest Americans among us. That is what this resolution is about today. I do not see how they can be against this. It all fits within the budget numbers that both sides use. It does not touch one dollar of the Social Security surplus, we are quite certain on our end.

Their tax cut plan, it can get into the Social Security surplus later on, but most of my colleagues will be gone by then so all we are saying right now is let us put prescription drug benefits for senior citizens on par with their tax cuts, and let us tell the Committee on Ways and Means that they have to come up with a bill and bring it up before this Congress adjourns.

Mr. Speaker, I thank the gentleman for offering this resolution, and I commend it to all of my colleagues.

Mr. SHAYS. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from New Hampshire (Mr. SUNUNU).

Mr. SUNUNU. Mr. Speaker, I thank the gentleman from Connecticut (Mr. SHAYS) for yielding me this time.

Mr. Speaker, I want to take the debate back to the fundamentals of this budget resolution and away from a lot of the rhetoric, some of which we have just heard.

Let us talk about what is really in the budget resolution and what is not. First and foremost, we set aside every penny of the Social Security surplus. Now there is a lot of rhetoric on the other side about whether do we protect all of Social Security, do we not protect all of Social Security? This budget resolution does it, and it does it for the second year in a row.

We had a budget that was put up by the minority last year that spent 40 percent of the Social Security surplus. We have ended that problem in budgeting, set aside every penny of the Social Security surplus. We set aside $40 billion for prescription drug coverage for Medicare beneficiaries.

Now it is true there is no formal piece of legislation before this body right now, but that is reflective of the fact that we have to work on a bipartisan basis to try to put together a good piece of legislation, not just one that provides prescription drug coverage for Medicare beneficiaries but one that reforms and strengthens the program and hopefully gives those beneficiaries more options and more choices.

We pay down the debt. We actually set a course to pay down the entire

public debt by 2013. We have tax relief in this legislation. Of course, we do. We try to make the Tax Code more fair by getting rid of the marriage penalty, getting rid of death taxes, repealing the Social Security earnings limit, and giving individuals full deductibility for their health insurance, and we also invest in defense and education.

I want to focus a little bit in the minute or so remaining, however, on the debt relief I spoke about, because if one travels anywhere in this country, people recognize that it is important that we continue the process of paying down the public debt.

Here is what we have done in just the past 3 years: in 1998, we paid down over $50 billion in public debt; in 1999, last year, we paid down over $80 billion. This year we will pay down $163 billion; and, in fact, over the 4 years, including this budget year that we are debating now, 2001, we will pay down over $450 billion in debt.

That is because of the determination of this Republican Congress to set aside funds, not just for social security but also for debt retirement and to keep that debt going in the right direction.

Now the minority has said repeatedly in this very debate we should get rid of all of these tax cuts, get rid of any tax cuts and pay down more debt. Of course we could do that. We could decide not to repeal the penalty that seniors pay if they choose to continue working and pay down a little bit more debt, but if we did that it would be wrong. We could decide not to eliminate the marriage penalty, to keep penalizing married couples simply because they choose to get married, and pay down a little bit more debt, but if we did that it would be wrong. It would be wrong to sustain a Tax Code that is so unfair.

We could refuse to give individuals health insurance deductibility, but that also would be wrong. We could decide not to give individuals health insurance deductibility and pay down a little bit more debt, but again that would simply be the wrong approach to take.

We need a Tax Code that is more fair. We need to continue to pay down debt, and we need to recognize that what is important is that just as one views their home mortgage, if they have additional income, additional funds, they do not pay down their entire home mortgage in one year. They might put a little bit more toward that mortgage, but what is most important is that they pay down a little bit every year, a little bit with every payment. They reduce the size of the mortgage gradually, and they keep the country and their own budget on a course of fiscal responsibility.

I urge my colleagues to reject the motion to instruct.

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

Mr. Speaker, I would respond to the gentleman from New Hampshire (Mr. SUNUNU) by saying that if he has a $250 billion-plus tax cut instead of $147 billion, which is what the Senate has proposed, that is $103 billion less debt reduction and $103 billion less to work with, fewer resources to work with to provide for a Medicare prescription drug benefit, and that is what this debate is all about.

Mr. Speaker, I yield 3 minutes to the gentleman from Rhode Island (Mr. WEYGAND).

Mr. WEYGAND. Mr. Speaker, I want to thank the gentleman from South Carolina (Mr. SPRATT) for yielding me this time.

Mr. Speaker, perhaps the Republican members of the Committee on the Budget were not there during the process they were going through then when we actually passed a resolution that they promoted, but they refuse to understand the actual alternative that we have proposed.

I offered the amendment, I offered the budget amendment in the committee that actually would provide for the prescription drug benefit. Nowhere in our amendment, nowhere in our resolution, did we require this program to begin in 2003.

My dear colleague, the gentleman from Wisconsin (Mr. RYAN), talked about that this would not start for another couple of years. That is not the truth. The Democratic amendment, the proposal that we put forth, would simply instruct the Committee on Ways and Means to begin immediately to provide a $40 billion benefit for prescription drugs for our seniors.

What came out was a plan that I referred to here as the Bentsen plan that he referred to earlier. This chart that I show right here is the Republican plan for prescription drugs. It was mushy, as our ranking member said. It had nothing to it, no substance whatsoever. They proposed a plan that did nothing for prescription drugs.

Back in Rhode Island where I come from, many seniors who have worked all their lives are facing now $5,000, $6,000, $7,000 and even $8,000 a year with prescription drug costs. A small contractor by the name of Paul Smith and his wife Judy came to me and said, I am 70 years old and my wife is 66. I have to go back to work part time to pay for my $8,300-a-year worth of prescription drugs.

We as Democrats and Republicans should not tolerate that whatsoever. We should be working together to make a plan that is truly a plan, not a white piece of paper.

What we have proposed is simple. Give the money to the Committee on Ways and Means to come up with a proposal right now. We are not adverse to tax cuts. As a matter of fact, our proposal was to have over $50 billion worth of small business tax cuts, but prioritize our business before the Committee on the Budget; put our seniors first.

Those people who cannot afford prescription drugs should have a plan, not a blank piece of paper, and that is what the Republican proposal is.

□ 1745

It has no substance, no plan, no direction.

Today, what we are asking with this motion with regard to instructing conferees is put our seniors first, put our seniors above all of those other groups that really are begging us for tax cuts, but provide our seniors with a benefit for the prescription drugs.

I recently completed a commission to report on Rhode Island that showed the comparison between what our seniors pay and what our pets pay for the very same prescription drug. The very same prescription made by the same manufacturer, the same FDA requirements, the same dosage was 83 percent cheaper for my dog than my mother. We treat our pets better than we treat our senior citizens when it comes to prescription drugs.

How can we not have a plan? How can we tolerate a white piece of paper? How can we tolerate what my colleagues have put forward? Vote to approve the motion to instruct conferees.

The SPEAKER pro tempore (Mr. PEASE). Does the gentleman from Texas (Mr. THORNBERRY) claim the time from the gentleman from Connecticut (Mr. SHAYS) who claimed the time from the gentleman from Ohio (Mr. KASICH)?

Mr. THORNBERRY. Mr. Speaker, I ask unanimous consent to claim the time for purposes of control.

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

There was no objection.

Mr. THORNBERRY. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

Mr. Speaker, the bottom line is we are going to protect 100 percent of Social Security. We did that last year, the first time since 1960. We are doing it in this year's budget, and we are going to do it in next year's budget, the plan that we are bringing forward.

We are strengthening Medicare and prescription drugs. We are setting aside $40 billion to implement our ultimate plan. It is no different than the motion to instruct the conferees. It is basically a blank paper. It sets aside money like we do. We retire the public debt by the year 2013, and we promote tax fairness for families, farmers, and seniors, and restore America's defense and strengthens support for education and science.

Our GOP plan ends the marriage penalty. It is interesting, the Democrats

voted for it, but I guess they do not want to cut taxes, but they voted for it. It repeals Social Security earnings test. They voted for it but say they do not want to set aside money for a tax cut. We reduced the death tax. They voted for that, many of them. We expand educational savings accounts. We increase health care deductibility. We provide tax breaks for poor communities. We strengthen private pension plans.

What interests me, the gentleman from South Carolina (Mr. SPRATT) called this an irresponsible tax cut. It is interesting because, in the next 5 years, we have $10 trillion of revenue. We want a tax cut of $200 billion. That is 2 percent of all revenue. What is irresponsible about reducing taxes 2 percent? Maybe it is irresponsible that we are not doing more.

Then I heard this was wild spending. Only the gentleman from Washington (Mr. MCDERMOTT) could call tax cuts spending.

I will tell my colleagues what I think is irresponsible. The President increases taxes by $10 billion in the first year of his plan. We cut it by $10 billion. We ultimately set aside $200 billion for a tax cut. We lock in $150 billion. We set aside a reserve of $50 billion. If there is a potential surplus, we will have another $50 billion, just slightly over 2 percent of all revenues that will come in the next 10 years.

No, a tax cut is not irresponsible unless it is not enough. It is certainly not spending, as the gentleman from Washington (Mr. MCDERMOTT) would call it. It is a tax cut. We give it back to the American people.

The bottom line, we set aside $40 billion for the Committee on Ways and Means to bring forward a Medicare plan, a Medicare plan that will have prescription drugs payments for our seniors. That is what we do, and that is why we are so strongly in support of our plan.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, I stand in favor of this motion to instruct, which would tell the conferees to make a Medicare prescription drug benefit a higher priority than a tax cut that would override all other priorities.

This motion to instruct conferees rejects the House's fiscally irresponsible $200 billion tax cut which our Republican friends describe as a down payment on the $483 billion plan outlined by Governor Bush, a tax cut that would eat up the entire nonSocial Security surplus and begin to eat into funds borrowed from Social Security.

Mr. Speaker, we can afford a modest tax cut, but we cannot afford the kind of tax cut that would compromise the future of Social Security and Medicare. We need to address the future of Medicare. We need to address the deficiencies of Medicare. The most striking deficiency, the most important deficiency is its failure to cover prescription drugs.

We need a prescription drug benefit now, not later. Prescription drugs now account for about one-sixth of all out-of-pocket health spending by the elderly. Almost 40 percent of those over age 85 do not have prescription drug coverage.

Spending and utilization of prescription drugs is growing at twice the rate of other health spending. Between 1993 and 1998, spending for prescription drugs increased at an annual rate of 12 percent compared to about 5 percent for other kinds of health spending.

So this motion to instruct conferees takes the lower tax cut number in the Senate resolution so that the tax cut does not use all of our budgetary resources. Then it instructs conferees to use the latest date possible for tax cuts, September 22, so Congress will have time and will have the resources to enact a Medicare prescription drug benefit before it acts on the tax cuts.

Mr. Speaker, let us put first things first. Let us support this motion to instruct conferees.

Mr. THORNBERRY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, seniors in my district are very concerned about the costs of prescription drugs, and they are glad that we will be addressing that issue this year. But seniors in my district are also very concerned about being able to pass along the fruits of their labors to their children, because many of the seniors in my district are farmers and ranchers and small business people, and they are weighed down by the effects of the death tax and their inability to pass along what they have worked for all their lives to their children and grandchildren. Many of them are still involved in their farms and ranches and small businesses. So as taxes go higher and higher, their costs of production go higher, and it is harder for them to make a living. So tax relief is an important part of this bill for seniors and for their children and for their grandchildren.

The budget resolution that the House passed is a good balance that includes a prescription drug benefit and tax relief, and it also includes strengthening our country's defense. This budget resolution increases defense spending 6 percent over last year. It helps us do a better job of taking care of our people.

But we know that more money alone doesn't solve all of our problems. We also have to reexamine our commitments and all of the deployments around the world. We have to address the fact that, in fiscal year 1998, $24 billion of defense spending is in unreconciled transactions. We do not know where it was spent.

We have got to do a better job of making sure our money is spent smarter and more effectively, and this budget resolution as well as the continuing activities of this committee will help get us in that direction.

Mr. SPRATT. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, America is completely entranced by the television show, ''Who Wants to be a Millionaire?'' I think that is the game that is being played out here on the floor today. The Republicans, they are starting the game kind of with the faster finger contest.

So what they do is they put a chart together, and they list six things that they want to accomplish. They want to protect 100 percent of Social Security. They want to strengthen Medicare. They want to retire the public debt. They want to promote tax fairness. They want to restore America's defense, and they want to promote education.

Now, the trick in the fastest finger contest is which order does one think the Republicans are going to put the answers in. Because we think and the American people think that the Republicans are really playing a different game. They think, as we do, that the real game on the Republican side is who wants to help a millionaire?

So number four down here, yes, they want tax fairness for families, but the families they are talking about are the families in the country club. They want big tax breaks. So answer number one for them is helping the wealthiest families in the country with a big tax cut. But the Democrats, we are saying our answer is, who wants to help the elderly? Who wants to help the sick? Who wants to help kids get an education.

So we are moving up those issues up to number one, two and three. That is what the Democratic resolution says out here on the floor.

Let us make sure that we get this answer correctly, because there should be no taxation breaks before medication benefits for senior citizens in our country. We should ensure that the list, which is up here as a wonderful set of objectives that the Republican Party is listing, but they do not tell us what their priorities are. It tells us nothing about what they want to do first.

If we look back to past history, their first and primary objective is cutting social programs, especially for senior citizens in our country so they can have the biggest tax breaks for those that have been most benefited by the enormous prosperity of the 1990s.

So do not kid ourselves. This is all about who wants to make more money for more millionaires in our country. That is the game which the Republicans are playing. The Democrats are just making sure that we get the order first, prescription drugs to senior citizens before more tax breaks for millionaires.

The SPEAKER pro tempore. Does the gentleman from Connecticut (Mr. SHAYS) seek unanimous consent to reclaim his time?

Mr. SHAYS. I do, Mr. Speaker.

The SPEAKER pro tempore. Without objection, the gentleman from Connecticut (Mr. SHAYS) controls the time.

There was no objection.

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

Mr. Speaker, I remind the gentleman from Massachusetts (Mr. MARKEY) that the first two tax cuts that went through were ending the marriage penalty so that young couples would not have to pay $1,400 more, and ending Social Security penalty, which I think the gentleman voted for, hardly cuts tax for the wealthy.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman from Connecticut for yielding me this time.

Mr. Speaker, the budget passed by this Chamber provides the framework and the foundation for continued prosperity. We know where the Republican priorities are. In 1993, I came to Washington. I came to Washington because I watched the other side spend the Social Security surplus for 40 years. We are now on our way to the 3rd year balancing the budget by not spending one dime of Social Security.

The Republicans have their priorities right. We are going to strengthen Medicare by setting aside $40 billion for a prescription drug program. We are going to work at retiring public debt rather than accumulating public debt as we did for 40 years. We are going to promote tax fairness for families, farmers, and seniors. We are going to restore American defense. We are going to strengthen education in America.

I want to talk a little bit more about how we strengthen education in America. We have seen one approach to strengthening education, which is creating program after program after program here in Washington, throwing $35 billion into an agency that cannot even keep its own books. It cannot balance its own books.

What does that mean? It means that it does not even think enough about our kids to make sure that every dollar that we invest in education makes it into a classroom, makes it to a child where it actually can make a difference.

There is a better way. Rather than having an education bureaucracy in Washington which is mandating to local school districts and to parents how to spend their educational dollars, in the Republican plan, we maintain the funding, we increase the funding, but we give it to the school districts in a way that gives them maximum flexibility.

We increase funding for the Individuals With Disabilities Act. As we give the school districts and local districts more money, it frees up their money to move those dollars to the areas that they feel are most important.

We preserve funding for the Innovative Education Program Strategies. What is this? This is a very flexible block grant back to local school districts. It says we trust them to take some of this money and allocate it to the things that they think are most important. The President has not even requested funding for this program since 1994.

We reject cuts in impact aid. This is where money flows to local school districts because they have a significant impact because of Federal programs and facilities in their districts. We increase spending for Pell Grants. The Pell Grant program helps lower income students attend college.

□ 1800

There is a clear difference. One program says we are going to invest in Washington; the other says we are going to invest in our local schools and our local kids.

Mr. SPRATT. Mr. Speaker, may I inquire how much time is remaining on this side.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from South Carolina (Mr. SPRATT) has 6 minutes remaining; and the gentleman from Connecticut (Mr. SHAYS) has 7 minutes remaining.

Mr. SPRATT. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I wish to congratulate the gentleman from South Carolina for this motion. I rise to endorse it and ask my colleagues to accept it.

My district showed a definitive difference in the amount of monies paid by senior citizens for prescription drugs. It was higher in the 18th Congressional District in Houston than in Canada and in Mexico.

We find that those who are 85 years old, 40 percent of them do not even have the ability to pay for any drugs. They have no benefit whatsoever, and we must realize that seniors are living longer.

We also find that seniors are paying twice as much for their prescription drugs if they are Medicare beneficiaries and they do not have that provision, and so they are buying one-third less drugs. What does that mean? It means sicker seniors. That is what it means. Mr. Speaker, these are individuals who have worked hard in our communities.

Then we find the cost of our prescription drugs, the amount of money our seniors pay, is far more than any other health need that they have. And this, I would say to my colleagues, begs for us to have a prescription drug benefit under the Medicare provisions.

I do not know why it is so difficult. This is something we should support. I cannot go home and tell my seniors in the 18th Congressional District that in the United States of America they cannot have a drug benefit; but yet in Mexico and Canada prescription drugs are cheaper.

I would say it is time now to support this motion to instruct, Mr. Speaker.

Mr. Speaker, today I rise in support of the Spratt motion to instruct the conferees on the budget resolution. The Spratt motion sets the stage for enacting a Medicare prescription drug benefit or other legislation to improve Medicare before the reporting date for a tax cut reconciliation bill by setting September 22 as the date for reporting a tax cut bill protected by reconciliation. Furthermore, the Spratt motion recedes to the Senate's slightly smaller tax cut and also recede to the Senate by dropping the reserve fund language in the House-passed resolution that provides for an additional $50 billion in tax cuts.

While the Republicans propose large tax cuts over the next 5 years and reconcile the Finance and Ways and Means Committees to report legislation, Republicans do not show the 10-year cost of this tax cut which could be as large as the $792 billion that the Republicans proposed and the American people rejected in 1999. Moreover, the Republicans do not intend to strengthen or support Medicare due to the fact that there are no reconciliation instructions to require legislation that would actually use the $40 billion "reserve" earmarked in the budget resolution. In addition, the Republicans have cut non-defense appropriations while defense significantly increased.

For the third consecutive year Republicans have chosen to provide large tax breaks for the wealthy. This budget resolution provides at least $200 billion in tax breaks over the next 5 years for the financial elite of America. Furthermore, this resolution is a major down payment for George W. Bush's proposed trillion-dollar tax scheme. I will not stand by while our children's future is bankrupted to fund this irresponsible budget resolution.

This budget contains deep cuts in domestic spending by $114 billion over the next 5 years; fails to provide anything to strengthen Social Security or Medicare; cuts nondefense discretionary spending by $19.7 billion in 2001 and $138 billion over the next 5 years below the level needed to maintain purchasing power after adjusting for inflation; and pretends to reserve $40 billion for a Medicare prescription drug benefit contingent upon essentially turning Medicare into a voucher program. Republicans have used slight of hand to hide the facts of their irresponsible budget by showing the effects of proposed tax cuts for only the first 5 years and not the full 10-year projections commonly used during the last 4 years.

I am disappointed in the budget resolution because I do not believe that it provides adequate investment in our Nation's future. America's future depends on that of her young people—in providing them adequate resources and opportunities to become our future leaders including providing them education and access to adequate health care.

The budget resolution provides inadequate resources for the education of our young people. I firmly believe that we must focus our attention and our energy on one of the most important challenges facing our country today—

revitalizing our education system. Strengthening education must be a top priority to raise the standard of living among American families and to prolong this era of American economic expansion.

Education will prepare our nation for the challenges of the 21st century, and I will fight to ensure that the necessary programs are adequately funded to ensure our children's success.

We must provide our children access to superior education at all ages from kindergarten to graduate school. Recent studies emphasize the importance of quality education early in a child's future development. And yet despite these studies, the Budget Resolution still inadequately funds programs that would provide for programs targeting children in their younger years.

In addition, we need to open the door of educational opportunity to all American children. It is well known that increases in income are related to educational attainment. The Democratic budget alternative rejects the Republican freeze on education funding and allocates $4.8 billion more for education for fiscal year 2001, than the Republican budget. Over 5 years, the Democratic Party demonstrates its commitment to education by proposing $21 billion more than the Republican budget resolution.

The Congressional Black Caucus [CBC] offered an amendment in the nature of a substitute that promised to invest for the future of our Nation. The CBC substitute is a budget that maximizes investment and opportunity for the poor, African-Americans, and other minorities. This Budget for Maximum Investment and Opportunity supports a moderate plan to pay down the national debt; protects Social Security; and makes significant investments in education and training.

The CBC budget requests $88.8 billion in fiscal year 2001 for education, training, and development. This is $32 billion more than the Republican budget provides. The CBC substitute proposed a $10 billion increase over the President's Budget for school construction. Other projected increases include additional funding for Head Start, Summer Youth Employment, TRIO programs, Historically Black Colleges and Universities, and Community Technology Centers. In an age of unprecedented wealth the CBC has the vision to invest in the American family and not squander opportunities afforded by a budget surplus.

I will not support the failed policies of the past. Senator MCCAIN has best characterized this budget resolution as one that is fiscally irresponsible. I support a budget that invest strengthening Social Security; provides an affordable prescription drug benefit for all seniors; helps communities improve public education with quality teachers, smaller classes, greater accountability and modern schools; and pay down the national debt. These are the policies that invest in our children and in the future of our Nation in the 21st century.

Mr. SHAYS. Mr. Speaker, I yield myself 20 seconds to just remind my colleagues that I was here for 13 years, and I never saw in a Democrat budget any prescription drugs. In the Republican budget we have prescription drugs.

It is interesting to note that my colleagues on the other side want to make it universal, so they want to give millionaires prescription drugs. Somehow that does not bother them. So I guess they like some millionaires and not others. I guess taxes, whatever.

Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I would like to outline the six points of the Republican budget plan and compare it a bit with the Democrat plan, or the plans they have had over the last 30 years when they were in power.

Number one. Last year the House of Representatives passed a measure that I sponsored, the Social Security Lockbox, by an overwhelming 416 to 12 vote. This budget reinforces that effort by ensuring that Social Security dollars will not be spent on unrelated programs. It protects 100 percent of the Social Security.

In this budget all of the $166 billion Social Security surplus is off limits to Clinton-Gore spending. This will be the second year in a row that Republicans have protected the Social Security surplus.

Secondly, we are strengthening Medicare with prescription drugs. It sets aside $40 billion to help needy seniors to be able to afford their prescription drugs; and at the same time, it rejects the $18.2 billion Clinton-Gore Medicare cuts. The other side would like to cut Medicare.

Point three. Our Federal public debt stands now at $3.6 trillion. This equates to $56,000 for the average family of four. This year, nearly $1,000 in taxes from every man, woman, and child in the United States will be used just to pay the interest on the debt. The Republican budget resolution leads our Nation on the path towards eliminating public debt by paying off $1 trillion over the next 5 years. Our budget discipline has already repaid $302 billion since 1998.

Mr. Speaker, those are numbers; but paying off the public debt is not just about numbers, it is about people. It is about the future of our Nation. It is about children living in my northern California district and elsewhere in our Nation that are saddled by this debt unless we pay it off. This budget takes the bold step for ourselves and future generations by taking on the challenge to pay off this national public debt.

The next point it promotes, point number four, is tax fairness for families. Farmers and seniors. This is not for fat cats, as the other side would have us believe. It provides for those in the House-passed marriage tax penalty provision who, on average, pay $1,400 extra just because they are married.

It also provides for a small business tax relief and education and health care assistance amounting to $150 billion, and it rejects the $96 billion growth tax increase over the next 5 years in the Clinton-Gore budget.

Number five. It restores American defense 6 percent more than last year for our overdeployed armed forces. The GOP defense budget provides $1 billion more than the Clinton-Gore plan.

And finally, number six, it strengthens support for education and science, 9.4 percent more for elementary and secondary education, and IDEA increases of nearly $2 billion. Also, it fights cancer, AIDS, diabetes, and other diseases with $1 billion more for NIH, as well as $1 billion extra for basic research in biology, science, engineering, and math.

Mr. Speaker, this is a good budget resolution; and I urge my colleagues to reject this motion to instruct.

Mr. SPRATT. Mr. Speaker, I yield 1½ minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I thank the distinguished gentleman from South Carolina (Mr. SPRATT) for his leadership on this issue.

Mr. Speaker, let us put first things first. First things first are the seniors who cannot afford their medications; who are cutting their pills in half, cutting the potency, thereby running the risk that they do not get better earlier. Those are the people who we are trying to put first; the people who cannot afford their prescription drugs because they are too expensive.

We have developed all this taxpayer-funded research, and the people who are supposed to be benefiting from it cannot even afford the drugs once they are developed. We need to put first things first, and this motion puts first things first.

Our seniors are being forced to choose between food, fuel, and prescription drugs. A study that just came out showed that those paying 15 percent more than anybody else are the ones who do not have the insurance or on Medicare. The ones that are the most vulnerable are the ones paying the most.

Mr. Speaker, these are individuals who have contributed to their communities. They have sacrificed; they have worked for their families and lived their whole lives and tried to make their families and their communities better. They are the most vulnerable amongst us, and they are the ones we should help first. Not a very large tax break providing for the very wealthy people to be able to enjoy, but the most vulnerable amongst us who need our care and support in their prescription medication, who have led a full and productive life for their families and their communities.

Mr. Speaker, this motion is putting first things first.

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

Mr. SPRATT. Mr. Speaker, I believe I have the right to close.

The SPEAKER pro tempore. The gentleman is correct.

Mr. SPRATT. Mr. Speaker, I reserve the balance of my time to close.

Mr. SHAYS. Mr. Speaker, I yield the balance of my time to the gentleman from Ohio (Mr. KASICH).

The SPEAKER pro tempore. The gentleman from Ohio (Mr. KASICH) is recognized for 2¾ minutes.

Mr. KASICH. Mr. Speaker, I would have to say this is the most overused chart I think I have seen on the House floor in maybe a dozen years. It is used by the Republicans and the Democrats alike. And we would like the Democrats to use it more and keep repeating our themes because we think it is really a good message.

In fact, I was in Reading, Pennsylvania, the other night and I made a talk; and I never really talk about the budget but I talked about the budget, and I said, ''I want you to know what is in it because I am so amazed that we were able to accomplish the fact that we are going to keep our mitts off Social Security and keep that surplus there and use it to fix Social Security for three generations of Americans. Not just the seniors, but the babyboomers and particularly the kids, who are really at risk.''

And we are going to strengthen Medicare. Frankly, Medicare has got to become a much more free market program. And we have to provide supplements in private savings accounts in order to really solve the Medicare problem long term. But at this point we want to strengthen it, and we want to make sure our seniors have access to the prescription drugs because, frankly, we may be able to avoid surgeries, for example, and have a more inexpensive way of keeping people healthy through the use of prescription drugs.

But we certainly do not want people of real means to qualify for another entitlement program offered by the Federal Government that, frankly, takes away from people who are more needy.

We pay down $1 trillion in the publicly held debt. That is better than Regis Philbin did if we add up all his shows together. We are going to pay down $1 trillion in the publicly held debt, and we are going to cut taxes. And we are going to cut taxes for people who pay taxes.

I am in favor of that. I am not a big fan of cutting taxes for people who do not pay any taxes. So we are going to have a program that will help the family farmer and the small businessperson. We are going to help the married couples. We are going to help everybody who is out there paying taxes and let them pay a little less and get this government to clean itself up a little bit.

We are going to restore America's defense. We do not want our troops to be up against the wall without the training money they need, the basic supplies that they need.

And, finally, we are going to strengthen support for education. We believe in basic science. We love the human genome project. As one philosopher once said, advanced science is sometimes indistinguishable from magic. And the fact is that human genome project almost looks like magic; it is so amazing and it offers so much hope to everybody.

So with these six principles, we do not think we ought to change course. We think we are headed in the right direction. We think this will strengthen America, will strengthen our families, our communities; and so I would ask my colleagues to reject the motion of the gentleman from South Carolina.

Let us stay the course and get this budget done and offer something to the American people that I believe will improve their lives.

Mr. SPRATT. Mr. Speaker, I yield myself the balance of my time.

This whole debate began when the President sent us a budget and said let us do prescription drug coverage; there is a gaping hole in the comprehensive care we ought to provide in Medicare. And I absolutely agree with that.

When the Republicans brought their resolution to the Committee on the Budget, they provided for prescription drug coverage in an iffy conditional kind of way. The usual procedure in a budget resolution, the one tool we have to get something done on the Committee on the Budget, is to impose reconciliation instructions on the committees of jurisdiction, to tell them by a date certain to report out language to the House floor so that we can act upon the purpose that we have set for ourselves.

We, in our resolution on the Democratic side, did just that. We resorted to the time-honored tool of reconciliation and said to the Committee on Ways and Means and to the Committee on Commerce, reconcile the budget; here is $40 billion for the first 5 years, $155 billion over the next 10 years, establish a prescription drug benefit for Medicare.

That is all we want to do today. We want to take this iffy, mushy language now in this resolution and stiffen it up. We want to stiffen the spine and resolve of the conferees and tell them, go to conference determined to see that the first order of business of this House is not tax cuts, it is a prescription drug benefit. Then they can turn to tax cuts. We do not rule that out.

We provide in our budget resolution for tax reduction of $50 billion over the next 5 years, $201 billion over the next 10 years, and we say in this resolution recede to the Senate tax proposal, which is $147 billion.

Why do we say that? Because, Mr. Speaker, going back to a chart I used repeatedly when we argued this resolution, we think that the other side is coming perilously close to putting us in the position of being back in the red, back into the Social Security surplus once again.

The budget resolution the Republicans brought to the floor produces, according to their numbers, a surplus of $110 billion over 5 years, provided they can hold discretionary spending below the rate of inflation to the tune of $117 billion over 5 years. A very big proviso.

□ 1815

But if they then go from a $150 billion tax cut to a $200 billion tax cut, that $110 billion is reduced by 50. And then if they do the prescription drug benefit at 40, they take another 50 off. They are down to a $110 billion surplus over the next 5 years. By our calculation, Mr. Speaker, they will have a $10 billion surplus next year, but every year thereafter they will have a zero surplus.

They are skating on thin ice. They are putting us in danger of invading the Social Security surplus again. And when that crunch comes, prescription drug coverage will never get done. That is why we say do it first.

Now, this is simply a test of their sincerity. If they are earnest, if they are sincere, if they really want to do prescription drugs, vote for this resolution.

Mr. Speaker, I include the following chart for the RECORD:

THE REPUBLICAN BUDGET RESOLUTION USES UP THE ENTIRE SURPLUS—AND MAYBE MORE

[All figures exclude the Social Security surplus; negative signs indicate savings; dollars in billions]

	2000	2001	2002	2003	2004	2005	Five years	Ten years
CBO Surplus w/o Social Security	27	15	29	36	42	48	171	893
Tax cuts (before use of ''reserve'')	....	10	22	31	42	45	150	750
Non-defense cuts including timing shifts	12	−16	−13	−21	−30	−37	−117	−377
Defense	....	3	2	2	3	2	12	23
Farm payments	6	1	1	2	2	2	7	18
Extend expiring Customs Service fee	....	....	....	....	−1	−2	−3	−13
Medicaid/CHIP access and benefits	....	([1])	([1])	([1])	([1])	([1])	1	2
Interest costs of policies	([1])	1	1	2	3	4	11	75

THE REPUBLICAN BUDGET RESOLUTION USES UP THE ENTIRE SURPLUS—AND MAYBE MORE—Continued

[All figures exclude the Social Security surplus; negative signs indicate savings; dollars in billions]

	2000	2001	2002	2003	2004	2005	Five years	Ten years
Surplus claimed by Republicans	8	17	16	20	24	33	110	415
Reserve for $50 billion additional tax cuts	....	5	10	10	10	15	50	250
Reserved for Medicare "reform" and drugs	....	2	5	8	11	14	40	155
Interest cost of reserves	....	(1)	1	2	3	4	10	80
Surplus/Deficit(−) when reserves are used	8	10	0	0	0	0	10	−70

[1] means "less than $½ billion".

The SPEAKER pro tempore (Mr. PEASE). All time has expired.

Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from South Carolina (Mr. SPRATT).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

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

The yeas and nays were ordered.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules and then on the motion to instruct conferees on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H. Con. Res. 282, by the yeas and nays; H. Con. Res. 228, by the yeas and nays; S. 777, by the yeas and nays; and the motion to instruct conferees on H. Con. Res. 290, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

DECLARING AMERICAN G.I. "PERSON OF THE CENTURY" FOR 20TH CENTURY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 282, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. HAYES) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 282, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 397, nays 0, answered "present" 1, not voting 36, as follows:

[Roll No. 111]

YEAS—397

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clyburn
Coble
Collins
Combest
Condit
Conyers
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Thornberry

NOT VOTING—36

Ackerman
Bilbray
Blunt
Borski
Buyer
Campbell
Canady
Cannon
Clement
Coburn
Cook
Cooksey
Cox
DeGette
Frost
Gutierrez
Jenkins
Jones (OH)
Martinez
McCollum
McIntosh
Mink
Moakley
Nadler
Neal
Owens
Oxley
Pryce (OH)
Reyes
Rodriguez
Ryun (KS)
Schaffer
Stark
Tanner
Weldon (PA)
Wise

□ 1837

Mr. MALONEY of Connecticut and Mr. SMITH of Michigan changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

HONORING MEMBERS OF ARMED FORCES AND FEDERAL CIVILIAN EMPLOYEES WHO SERVED NATION DURING VIETNAM ERA AND FAMILIES OF THOSE INDIVIDUALS WHO LOST THEIR LIVES OR REMAIN UNACCOUNTED FOR OR WERE INJURED DURING THAT ERA

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 228.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. KUYKENDALL) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 228, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 399, nays 0, not voting 35, as follows:

[Roll No. 112]

YEAS—399

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clyburn
Coble
Collins
Combest
Condit
Conyers
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—35

Ackerman
Bilbray
Blunt
Borski
Buyer
Campbell
Canady
Cannon
Clement
Coburn
Cook
Cooksey
Cox
DeGette
Frost
Gutierrez
Jenkins
Jones (OH)
Martinez
McCollum
McIntosh
Mink
Moakley
Nadler
Neal
Owens
Oxley
Pryce (OH)
Reyes
Rodriguez
Ryun (KS)
Schaffer
Sisisky
Tanner
Wise

□ 1845

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BILBRAY. Mr. Speaker, unfortunately, my flight from San Diego, California to Washington, D.C. was delayed this evening, and I was unable to record my vote for H. Con. Res. 282 and H. Con. Res. 228. Had I been present, I would have voted "aye" on H. Con. Res. 282 and "aye" on H. Con. Res. 228.

FREEDOM TO E-FILE ACT

The SPEAKER pro tempore (Mr. PEASE). The pending business is the question of suspending the rules and passing the Senate bill, S. 777, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the Senate bill, S. 777, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 1, not voting 36, as follows:

[Roll No. 113]

YEAS—397

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant

Burr
Burton
Callahan
Calvert
Camp
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clyburn
Coble
Collins
Combest
Condit
Conyers
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Sanford

NOT VOTING—36

Blunt
Borski
Buyer
Campbell
Canady
Cannon
Clement
Coburn
Cook
Cooksey
Cox
DeGette
Frost
Gutierrez
Herger
Jenkins
Jones (OH)
Maloney (NY)
Martinez
McCollum
McIntosh
Mink
Moakley
Nadler
Neal
Owens
Oxley
Pryce (OH)
Reyes
Rodriguez
Ryun (KS)
Schaffer
Sisisky
Tanner
Tierney
Wise

□ 1852

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the Senate bill was amended so as to read: ‘‘A bill to require the Secretary of Agriculture to establish an electronic filing and retrieval system to enable farmers and other persons to file paperwork electronically with selected agencies of the Department of Agriculture and to access public information regarding the programs administered by these agencies.’’.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. OXLEY. Mr. Speaker, I was unavoidably absent from the House chamber for roll call votes held the evening of Monday, April 10. Had I been present I would have voted ‘‘yea’’ on H. Con. Res. 282, H. Con. Res. 228, and S. 777.

APPOINTMENT OF CONFEREES ON HOUSE CONCURRENT RESOLUTION 290, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2001

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. SPRATT

The SPEAKER pro tempore. The pending business is the question of agreeing to the motion to instruct on the concurrent resolution (H. Con. Res. 290) establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005, offered by the gentleman from South Carolina (Mr. SPRATT).

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from South Carolina (Mr. SPRATT) on which the yeas and nays were ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 198, nays 201, not voting 35, as follows:

[Roll No. 114]

YEAS—198

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Ganske
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Moore
Moran (VA)
Morella
Murtha
Napolitano
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NAYS—201

Archer	Goss	Petri
Armey	Graham	Pickering
Baker	Granger	Pitts
Ballenger	Green (WI)	Pombo
Barr	Greenwood	Portman
Barrett (NE)	Gutknecht	Quinn
Bartlett	Hansen	Radanovich
Barton	Hastings (WA)	Ramstad
Bass	Hayes	Regula
Bateman	Hayworth	Reynolds
Bereuter	Hefley	Riley
Biggert	Herger	Rogan
Bilbray	Hill (MT)	Rogers
Bilirakis	Hilleary	Rohrabacher
Bliley	Hobson	Ros-Lehtinen
Boehlert	Hoekstra	Roukema
Boehner	Horn	Royce
Bonilla	Hostettler	Ryan (WI)
Bono	Houghton	Salmon
Brady (TX)	Hulshof	Sanford
Bryant	Hunter	Saxton
Burr	Hutchinson	Scarborough
Burton	Hyde	Sensenbrenner
Callahan	Isakson	Sessions
Calvert	Istook	Shadegg
Camp	Johnson (CT)	Shaw
Castle	Johnson, Sam	Shays
Chabot	Jones (NC)	Sherwood
Chambliss	Kasich	Shimkus
Chenoweth-Hage	Kelly	Shuster
Coble	King (NY)	Simpson
Collins	Kingston	Skeen
Combest	Knollenberg	Smith (MI)
Crane	Kolbe	Smith (NJ)
Cubin	Kuykendall	Smith (TX)
Cunningham	LaHood	Souder
Davis (VA)	Largent	Spence
Deal	Latham	Stearns
DeLay	LaTourette	Stump
DeMint	Lazio	Sununu
Diaz-Balart	Leach	Sweeney
Dickey	Lewis (CA)	Talent
Doolittle	Lewis (KY)	Tancredo
Dreier	Linder	Tauzin
Duncan	LoBiondo	Taylor (NC)
Dunn	Lucas (OK)	Terry
Ehlers	Manzullo	Thomas
Ehrlich	McCrery	Thornberry
Emerson	McHugh	Thune
English	McInnis	Tiahrt
Everett	McKeon	Toomey
Ewing	Metcalf	Upton
Fletcher	Mica	Vitter
Foley	Miller (FL)	Walden
Fossella	Miller, Gary	Walsh
Fowler	Moran (KS)	Wamp
Franks (NJ)	Myrick	Watkins
Frelinghuysen	Nethercutt	Watts (OK)
Gallegly	Ney	Weldon (FL)
Gekas	Northup	Weldon (PA)
Gibbons	Norwood	Weller
Gilchrest	Nussle	Whitfield
Gillmor	Ose	Wicker
Gilman	Packard	Wilson
Goode	Paul	Wolf
Goodlatte	Pease	Young (AK)
Goodling	Peterson (PA)	Young (FL)

NOT VOTING—35

Blunt	Frost	Neal
Borski	Gutierrez	Owens
Buyer	Jenkins	Oxley
Campbell	Jones (OH)	Pryce (OH)
Canady	Lee	Reyes
Cannon	Martinez	Rodriguez
Clement	McCollum	Ryun (KS)
Coburn	McIntosh	Schaffer
Cook	Mink	Sisisky
Cooksey	Moakley	Tanner
Cox	Mollohan	Wise
DeGette	Nadler	

□ 1903

Mr. BOEHLERT changed his vote from ''yea'' to ''nay.''

So the motion was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr, JENKINS. Mr. Speaker, had I been present, I would have voted ''yea'' on the following: H. Con. Res. 282; H. Con. Res. 228; S. 277; and H. Con. Res. 290.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Without objection, the Chair names the following conferees: Messrs. KASICH, CHAMBLISS, SHAYS, SPRATT, and HOLT.

There was no objection.

COMMUNICATION FROM HON. JOE SCARBOROUGH, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOE SCARBOROUGH, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 27, 2000.

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

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

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

Sincerely,

JOE SCARBOROUGH.

INTERNATIONAL ABDUCTION—KENNETH AND JODI CARLSEN

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

Mr. LAMPSON. Mr. Speaker, I rise today to tell a story of Kenneth and Jodi Carlsen, the father and stepmother of one of the 10,000 American children who have been abducted internationally.

The United States court system awarded Mr. Carlsen custody of his daughter and gave visitation rights to the mother. In September of 1993, her mother and her boyfriend picked up Mr. Carlsen's daughter from school and abducted her to Germany.

When Mr. Carlsen filed for a court hearing in Germany, he was asked by the German authorities to pay 1,400 to initiate proceedings. Fourteen months later, he got a hearing and the German Youth Authority testified that his daughter was settled in her new environment and objected to being returned to the United States. The Youth Authority never interviewed Mr. Carlsen and the lower court in Germany denied the return of his daughter.

Mr. Speaker, Mr. Carlsen's daughter was 8 when she was abducted and now is 15 years old. Since then, she has seen her father only twice and both times were under strict supervision of the German Youth Authority.

Mr. Speaker, this House has the responsibility and the duty to help American parents bring their children home. I urge my colleagues to support H. Con. Res. 293, American children need our help.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRAIN WHISTLES TO DISRUPT MILLIONS OF LIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

Mr. LIPINSKI. Mr. Speaker, I rise tonight to highlight a serious problem that all of America will soon experience. As early as next January, thousands of cities, towns, villages, and hamlets will be deafened by the wail of a train whistle. That is right, if the Federal Railroad Administration's proposed rule on the sounding of locomotive horns at every highway crossing goes into effect as planned, the ear-splitting sounds of train whistles will wake people at night and generally disrupt people's lives.

Unfortunately, few Members of Congress know about the problem that confronts us. As mandated by the Swift Rail Act of 1994, the FRA came up with rules on train horns, and in January the FRA came out with a proposed rule.

While I understand that the rule is intended to save people's lives, the way in which the rule was written will severely impact millions of people in a negative way. For instance, although the FRA states that over 74,000 people in Illinois currently living near a crossing that does not allow whistle-blowing will be severely impacted by this rule, in reality, according to the Chicago Area Transportation Study, 2.5 million residents in Illinois live within one quarter mile of a crossing, and would be severely impacted.

This is a tremendous number of people that will be impacted by train whistles that range from 92 decibels to 144 decibels, an unhealthy level that rises above the threshold of pain.

So what can be done about this rule? I and other Members of the Illinois delegation could argue that Illinois, and specifically Chicago, should have an exception from the FRA's rule because Illinois has done a good job in reducing accidents at crossings.

In northeastern Illinois, injuries have declined by 70 percent and fatalities

have declined by 65 percent since 1988. During the same period of time, the number of incidents dropped. Train traffic and average motor vehicle miles have both increased by 45 percent. Clearly, Illinois has been doing a good job with a tough assignment, and they should be allowed to continue with their rail safety program.

But what if this rule does go into effect? In order to avoid the disruption of the whistles, money is needed to implement alternatives to whistle blowing, money that local communities do not have. The FRA estimates costs of $116 million for whistle ban communities based on assumptions that every community will install the lowest-cost alternative to whistles.

The Chicago Area Transportation Study estimates the cost of reality-based alternatives to be between $440 million and $590 million for whistle ban communities across the Nation. This is a huge amount of money that our local communities simply do not have, and they will turn to their Congressmen to help them find the funding.

So I say to my colleagues, join me and others in finding a solution that is available to everyone. Let us work on this rule so crossings could be made safer and so people can go along with their lives in a livable manner.

At the very least, let us increase the amount of money going to grade crossings by passing my rail safety bill, H.R. 2060, that will double the amount of money that DOT gives to States for grade crossing safety. Because when next January rolls around, we had better be prepared for the train that is coming down the track for all of us.

THE NAVY'S MANIPULATIVE USE OF PREVAILING WAGES ON GUAM FOR THE PWC BOS CONTRACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam (Mr. UNDERWOOD) is recognized for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, I speak again on the issue of the implementation of a commercial study, the A–76 program, which basically is designed to outsource a number of jobs in my home island of Guam.

I rise again to point out some very serious difficulties with this process, and point out to the Members and especially the Members of the Committee on Armed Services that these kinds of problems which we are experiencing in Guam will inevitably be experienced by everyone as they undergo this A–76 process.

Yesterday on Guam, Raytheon Technical Services commenced their contract with the U.S. Navy for base operation support functions. Approximately 800 Federal civil service workers were laid off, and most of them were immediately rehired by Raytheon under the so-called right of first refusal to perform the very same jobs as they did last week, only they will be paid a salary of 40 to 60 percent less.

The Navy has told us that the wages that the contractor is required to pay are based on a ''prevailing wage determination,'' as is calculated by the U.S. Department of Labor. These are calculated by a prevailing wage survey. This survey is a composite of job-specific wage rates by industry in a particular community. They do not, however, account for the price of local consumer goods and foodstuffs which must be purchased in order to survive in that community, so Federal jobs also include a cost-of-living allowance that makes up this difference.

□ 1915

The private contractor is not required to pay this. In attempting to comprehend the situation on Guam between the high cost of consumables and the depressed prevailing wage rates, we spoke with the Prevailing Wage section of the Guam Department of Labor. We were informed that the Guam Department of Labor is responsible for the wage determination for foreign laborers under the H–2 program and is based on survey results done on Guam and reflective of local conditions.

Furthermore, the Guam Department of Labor noted that the wages established as a result of these surveys have complied with the requirements of the Davis-Bacon Act. The Guam Department of Labor is aware that the Navy contract with Raytheon is neither in line with Guam Department of Labor prevailing wage, nor mainland wage standards. Guam DOL has said that the wage survey for the Navy contract was not done on island and thus questions the survey's methodology.

Mr. Speaker, the question now begs where did the Navy get this wage data from? Well, one conclusion that we can draw from these depressed wages is that they pick the lowest possible salaries as determined from a whole range of areas of unofficial wage-study areas.

Now, I provide an example. We will use a real live Raytheon job offer against similar positions on Guam, using the Guam DOL prevailing wage survey, again a survey that is done under U.S. DOL supervision and is intended for foreign workers. For administration and accounting services, under the Navy service contract an accounting clerk is now being offered a wage of $5.80 an hour, compared with the Guam prevailing wage rate of $8.48 an hour. For a data entry operator, Raytheon has offered $11.86 an hour versus the Guam prevailing wage of $13.25 an hour.

Mr. Speaker, this is outrageous. Not only does it seem that the Navy was utilizing faulty data of an unknown source, but the Navy is taking advantage of the fact that the U.S. Department of Labor does not have sufficient oversight capabilities to enforce the requirements made on the Navy under the Services Contracting Act.

In fact, under the provisions of the Services Contracting Act, the Navy is required to request the U.S. Department of Labor to conduct a wage determination by filing a notice with the U.S. DOL for such a survey, and I believe that the U.S. Navy has violated this requirement and thus created an environment whereby wage busting could occur.

Let me just summarize here. What has happened on Guam has happened in other communities, perhaps unbeknownst to those communities, and will continue to happen, and that is if the Navy is allowed to compute their own prevailing wages apart from the actual wages in that community, they will continue to not only pay the people less than they would have under the civil service, they will continue to pay them less than even the prevailing wages in that community.

This has happened on Guam, and it is ironic that if one was a foreign worker coming to Guam, and this disincentive that is created under the Guam prevailing wage one would be getting more money today than they would under this Navy-induced contract with Raytheon. It is an outrage.

I call again upon the Department of the Navy and the Pentagon to halt this contract, to call for an Inspector General investigation, and I call for a congressional hearing on this matter.

ANY PARTICIPATION IN MULTILATERAL ORGANIZATIONS THAT AFFECTS THE INDEPENDENCE AND SOVEREIGNTY OF UNITED STATES IS WRONG AND SHOULD BE DISCONTINUED

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, many have asked me why I have cosponsored House Joint Resolution 90, which gives Members of this body the opportunity to vote on the United States continued participation in the World Trade Organization. A simple answer: I firmly believe that any participation in multilateral organizations that in any way affects the independence and sovereignty of these United States is wrong and should be discontinued.

Unfortunately, it has become obvious that the WTO will be able to remove jurisdiction over virtually any economic activity from Federal, State, and local governments. Global elitists have gravitated to the new centers of power, the transnational corporations, believing that we are evolving beyond the nation state. If that is the case, we are moving from a condition of rule

under law, created by representative government, representing all the needs and interests of society, toward rule by unelected elites representing only the most powerful of interests, the only entities which have the power and reach across the world to really influence new international forms such as the WTO.

Corporate governance, in fact, is the newest concept being pressed forward at the WTO, the OECD, the IMF, and the World Bank. There has been little written on the topics outside the confines of independent governance organizations. The independent state is to be replaced with the corporate state; the concept of the people as sovereigns replaced by the notion of corporations as the new sovereigns.

The increasing centralization of industries, through monopoly mergers and acquisitions, has been given much of its global impetus through the mechanism of the WTO. This anti-competition evolution, when far enough along, will end any sense of free enterprise being the normal global market norm. Corporations are not good or evil, but corporate boards prioritize actions that increase the profitability and power of the corporation. Their officers increasingly speak and act as if they do not affiliate or identify with any one country or any one home.

Do the large transnational corporations have the same degree of concern for the defense of the United States as the average citizen? What about environmental standards which are the product of our system of governance, or hard-fought labor protections jeopardized by drastic wage and labor standard differentials between the United States and the Third World? What decisions will be made by the unelected, corporate-influenced members of the WTO in the long run?

Corporatism never implied a need for democracy. We hear about the WTO adhering to recognized international core labor standards, but we do not hear how little the wages of foreign workers have increased, how often they have fallen to new lows, just how little the standards of living have changed for the average citizens of these countries. The only way to protect American jobs from further disappearing to lesser developed countries is by foreign workers receiving higher wages. Lowering trade barriers is lowering standards, period.

When we read about the growing irrelevancy of national governments in dealing with the transnational corporations, we must ask where does that leave the citizens of our Nation? Every nation that is a free republic, based upon democratic principles, has a citizenry who are the sole sovereigns. If they are not sovereign, there is no true democracy. This is why the word sovereignty has real meaning. This is why this fight for the sovereignty of the United States, challenged by the emergence of the WTO, is a real fight for the constitutional rights of each and every American. Many believe the undemocratic WTO, ruling far from our homeland, can be reformed. I sincerely doubt this, and I ask, are we really willing to take that kind of a gamble with American independence, with the liberty that we aspire to for each citizen? I hope not.

OUR DEEPEST SYMPATHIES ARE EXTENDED TO THE FAMILIES OF MAJOR GRUBER AND ALSO STAFF SERGEANT NELSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I have been coming to the floor once a week for the last 2½ months to talk about our men and women in uniform that are on food stamps and how I think it is unacceptable that this Congress, and this government quite frankly, would ask anyone that would be willing to die for this Nation to be on food stamps; but tonight, Mr. Speaker, I am here on the floor because there was a tragedy on Saturday night. I think we all know that a V–22 Osprey on a training mission in Arizona went down and 19 Marines were killed. It so happens that two of those Marines were from eastern North Carolina.

Major Brooks Gruber was a pilot on the mission and also there was a Staff Sergeant William B. Nelson, who was stationed at New River Air Station in Onslow County, North Carolina.

I just started thinking, as I heard about the terrible tragedy, that many of us, not just talking about Members of Congress but those of us around this Nation, we do take our military for granted. I do not think we intend to do that, but it is just maybe because out of sight out of mind. But when we hear about a training accident where men and women are killed, in this case it was 19 men, that it does remind us that our freedoms are guaranteed by those who are willing to serve.

I just wanted to come to the floor tonight, and I am sure all Members of Congress would join me in extending our deepest sympathy to the families of Major Gruber and also Staff Sergeant Nelson, as well as the other 17 men that were killed on this training flight in Arizona.

I think that it is a reminder to all Americans that the members of the United States military make the ultimate sacrifice on a daily basis, whether it is here in this country or outside of the borders of the United States of America. It is a tragedy, because we think that our men and women in training are always going to be safe and protected, but it does not always happen that way. Certainly there is an investigation going on now. We will find out soon what happened to the V–22 that made it fail in the air and kill these wonderful, brave American military Marines, it happens to be in this case.

I am going to cut my remarks short tonight because, again, I sense the sadness from talking to the Marines in the liaison office today as I am saddened myself; and again I am sure each and every Member on the floor tonight is saddened. I do hope, as I close, after extending my deepest sympathy to the families of these 19 Marines, that those of us in the House will remember that we do have those on food stamps and that we will do something before this session of Congress ends to make sure that we do show those 7,000 men and women in uniform on food stamps that we care about them and we are going to do something to help them so they will not be so dependent on food stamps.

Mr. Speaker, I do again extend to the families of these 19 my deepest sympathies on behalf of my colleagues who serve on the floor of the United States, the House of Representatives, and while words are trivial at this time, we thank you for giving your sons to this country and may God be with you and God bless you through this time of sadness.

CENSUS DAY PLUS 10

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentlewoman from New York (Mrs. MALONEY) is recognized for 60 minutes as the designee of the minority leader.

Mrs. MALONEY of New York. Mr. Speaker, this is census day plus 10. My message to the American people is, if they have not already filled out their form, please do so now and mail it in. Be part of this great civic ceremony.

As of today, over 61 percent of Americans have responded to the census, with 39 percent to go. This is a critically important milestone for the 2000 Census, and I am extremely encouraged by the American people's effort and by the Census Bureau's transparent tabulation efforts. Just months ago, the General Accounting Office warned that the initial response rate for the 2000 Census might peak at 61 percent. Well, with 8 days still to spare, the 2000 Census has reached this point and forms continue to flow in daily.

I am extremely heartened by the response thus far, and tonight I say to the remaining 39 percent, please complete your forms. Do it today. Put it in the mail. As always, this is our main message. Fill out your form today.

Unfortunately, we have reached 61 percent despite the amazing comments of some of my Republican colleagues and even Members of the Republican leadership. With 39 percent of the

American people still not heard from, we have Members of Congress who should all know better telling the American people that the census is optional. We have Members of Congress saying that they, and I quote, ''believe in voluntarily cooperating,'' end quote, with the government; but beyond that they will not follow the law. Since when did following the law in this country become a voluntary, optional thing?

□ 1930

Others have compared the long form to a college exam where some questions can be skipped. Is it because some people do not know the answers? I certainly hope not. Do they want participation, or do they want to make participation optional?

Last week, Census Director Ken Prewitt testified that the initial response rate for the long form has been almost 12 percent below the response rate for the households receiving the short form. This is almost double the differential from the 1990 census and could seriously threaten the accuracy of the final count.

What is really disheartening is the fact that most of the questions on the long form have been around for decades. They were part of the Bush and Reagan census. Even more astonishing about this new-found concern about the census is that, over 2 years ago, the content of the long and short forms, while they were being finalized, absolutely every Member of Congress received a detailed list of the questions to be asked, including a description of the need for the asking of it, along with the specific legal requirements supporting it.

Notification of Congress is required by title 13 for a very good reason, to prevent the very situation we face today, a census effort at risk because Members of Congress simply do not know or do not care about the importance of the census data.

Members of Congress received this information with all of the questions in 1997 and 1998. I know that all of the Members who are complaining about the census got a copy. Did they not read their mail? The time for input on the questions was then, not now when they will do more harm than good.

Even last week, the Republican leadership convened a press conference supposedly in support of the census. But they went on to urge Americans to skip questions they were uncomfortable with. Maybe the Republican leadership should be reminded that the questions asked by the census represent a balance between the needs of our Nation's communities and the need to keep the time and effort required to complete the form to a minimum. Only information required by Congress to manage or evaluate programs is collected by the census.

Federal and State funds for schools, employment services, housing assistance, road construction, day care facilities, hospitals, emergency services, programs for seniors, and much more are distributed based on census figures.

Also, the Census Bureau uses data acquired from the long form to establish the baseline for many of the economic reports they release year-round, including data on the Consumer Price Index and unemployment. Without accurate data, we would be forced to manage our economic policies with even less information than we currently have available.

We should remember that the Census Bureau has gone to great efforts to make both the short and long forms as brief as possible. The 2000 Census short form contains eight questions, down from nine in 1990. The 2000 Census long form contains 53 questions, down from 57 in 1990, the shortest long form in decades.

The only new question in the census, which was added with my support as part of welfare reform, asked for information on grandparents as care givers.

I am a bit confused, too, because the same people who today are making such a fuss over the long form just 6 months ago tried to add a question to the short form which everyone has to complete.

I have a series of editorials from around the country urging Americans to stand up and be counted for their communities, for their representation, for their distribution of Federal funds. I would like to put in the RECORD an editorial from the Daily News from New York City, the city that I am proud to represent. The editorial is as follows:

STAND UP AND BE COUNTED

That's the slogan of Census 2000, and nowhere is that cry more urgent than in New York. Last time around—10 years ago—New Yorkers sat down. There was an undercount. And the state lost out on everything from political representation to new schools. New York, particularly New York City, must not let this happen again.

The filing deadline came and went April 1. But the ''Be counted'' Web site doesn't shut down until tomorrow. So if you haven't returned your census form, take a few minutes (or a few seconds, if you have the eight-question short form) and do so. Now.

And, please, try not to get your dander up about how nosy some of the questions seem to be. Answers on how you get to work and what time you leave each morning, for example, can be used by local officials for highway and mass-transit improvements. Nobody's tracking your movement. Other answers will aid in planning for health, housing, education, employment, police and so forth. As for those racial-identification categories, just follow the Census Bureau's advice: Put down whatever race or ethnicity you identify with. It's simply a part of drawing an accurate population profile in this multicultural nation.

So far, returns here are hovering about 55%—with some areas (like central Brooklyn, with a dismal 37%) considerably lower.

A study by Price Waterhouse Coopers after the 1990 census determined that New York State was undercounted by 277,000 residents—245,000 of them in New York City. That cost the city three Assembly seats, a state Senate seat and half a congressional seat.

As Rep. Carolyn Maloney (D–Queens), the ranking member of the House census subcommittee put it: ''It's your future, don't leave it blank.''

Mr. Speaker, I am pleased to yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY), an outstanding leader and actually a new Member of Congress, representing the City of Chicago. She has been very active on the Subcommittee on Census and has worked very hard to bring up participation.

Ms. SCHAKOWSKY. Mr. Speaker, I would like to thank the gentlewoman from New York for her tremendous leadership on assuring a complete count of all Americans.

I wish I could be as optimistic. Unfortunately, in the city of Chicago, we are 10th out of the 10 largest cities in the response to the census so far. My hope is that all responsible elected leaders will be encouraging people from our States, from our cities and communities to fill out that census form.

I have heard a lot of political pandering, we all have in our days, but rarely have I heard anything quite as irresponsible as the trashing that is going on of the census long form. One would think that some of those elected officials who are doing it, Members of this body on the Republican side of the aisle who are doing that, one would think that they had never seen that form before.

As the gentlewoman from New York (Mrs. MALONEY) pointed out, every single Member was able to scrutinize every single question. As a consequence, we came up with a form, a long form that is, in fact, shorter than it was in 1990 and adds only one question. All of us are interested in knowing how many grandparents now are taking care of children. We hear that all the time from our constituents.

They had total control over what was going to be in there. There were no complaints in 1990 from them.

How long does it take to get to work? People say, oh, why do you have to know that? Well, why does one think that we want to know that, so that we can understand where we need transportation dollars. Do we need a new road? Do we need more transit to shorten that time? Do we need more affordable housing so that people can live near the jobs?

Employment questions. What is this new economy about? Let us use the census to understand that better. Is our prosperity really being shared? Are there more people who are working for themselves, and are they making a decent living when they are working at home?

In Illinois, in the Chicago area, in Cook County, we undercounted enough

children in 1990 to fill 78 schools. That is why we need an accurate count, so that we can make sure that we get the educational opportunities to our kids.

Now, one listens to John Stossel on 20/20 last Friday night, and one would think that the census is simply a tool of big government, in fact, he said a government that is selling dependency, that is his word, that is what the census is about in his conspiratorial tone.

But who really is using this census data? I would posit that ABC, the very station he was on, that 20/20 probably uses the census data to figure out who the audience is, where to sell advertising. The private sector surely as much as the public sector uses the census data to figure out where investments should be made, where are we going to put our money in communities, who is living out there.

This is not a conspiracy of government. This is a partnership with the people of the United States so that we can distribute public dollars and private dollars.

We need to be doing the census form for ourselves. This is not a favor to anybody. This is going to bring results to every single community. There is not a district in this country that will not be better served if there is a complete count.

So for any politician to get up and pander and say, oh, you do not have to fill this out, it is really intrusive, is counterproductive for their own constituents. Leadership is about explaining to constituents why this is important, why it is in their interest to fill it out. When people complain, we encourage them to understand what the real meaning of this complete count is.

I am so proud to join with the gentlewoman from New York in her work and so many of us who are trying every single day to make sure that the people in this country get what they deserve. Anyone who has ever said, ''I send my tax dollars to Washington, what do I get back, am I getting my fair share?'', if they have not filled out the census form, then that is not an appropriate question, because if they do not fill out this form, then they will not be counted.

So I join my colleagues in urging all Americans to get this census form in. They have got a few more days to do it. I encourage my colleagues, Mr. Speaker, to inform their constituents about the importance.

Mrs. MALONEY of New York. Mr. Speaker, I yield to the gentlewoman from California (Mrs. NAPOLITANO), another leader for a complete count.

Mrs. NAPOLITANO. Mr. Speaker, I certainly want to add to the comments that my colleagues have made in just the last few minutes. But I, most of all, want to thank everyone who has completed their census form so far. Wherever you are, whether you are an American citizen, a recent immigrant or whoever, you are making a difference for your community and setting our Nation on the best path for the new century.

For those of you who have not yet filled out and returned your census questionnaires, please, you have 10 days to finish. Do it today. Do it now. Do it this very minute. It is not too late.

As of last night, over 60 percent of Americans have completed and sent in their census form. This is very exciting news. But we must keep working with the census, with our communities, with our neighborhoods across the Nation to reach out to the remaining 40 percent of Americans who have yet to return their census questionnaire.

As we have heard, 61 percent return has already been received. In my district alone, 68 to 71 percent of the people in the 34th Congressional District have completed and returned their census form. The City of Norwalk completed 71 out of 78 percent targeted; Whittier, 70 out of 72; Montebello, 70 out of 73; Pico Rivera, 68 out of 77 percent; Santa Fe Springs, 71 out of 78 percent; Industry, 69 out of a targeted 33 percent; and La Puente, the best in the area, 70 percent out of a targeted 67. They have overpassed their target. This is better than the anticipated rate out of California and nationwide.

However, there are a lot of people that still have to be counted. If 30 percent of our people go uncounted, that is 30 percent less money to pay for schools. That is less money for repairing our roads, for funding hospitals, for providing services to our senior citizens and for our recreational programs for our youth.

Now, we all know that some people have had difficulties with our census forms, especially the long form which asked 53 questions. Some people find some of those questions intrusive and awkward. Personally, I question the way in which the form asked about my race and my ethnicity. But what I do not question is that it is vitally important to my community of Norwalk and to my surrounding communities, that I be a responsible citizen and complete and return my census form.

An important fact to remember, whether one is filling out the long form or the short form is that one's responses are confidential. The information one gives is not, I repeat, it is not sold to marketing firms. It is not handed over to the IRS, nor to the INS, nor to the FBI. In fact, it is against the law for the Census Bureau to give or sell information to anyone. That is including this House. The law works. In the last census of 1990, not one single case of information leaking occurred.

The Census Bureau has gone to great effort within the mandates of Congress to make the forms as brief as possible. The 2000 Census short form contains eight questions, down from nine in 1990, and the long form contains 53, down from 57 in 1990, the shortest form in history.

The Census Bureau uses long form data as a baseline. That means the bottom line for every single economic indicator they publish. Without this accurate baseline, we cannot produce any economic information needed to run our Nation's economy effectively, to identify the areas in need, and take on other indicators to be able to help our communities.

We need a more accurate count of America's blacks, America's Hispanics, America's Asians, and American Indians. Regardless of what my colleagues on the other side, regardless of their arguments or what they state, for us, it is not optional. For us, it is a necessity.

Republicans have done everything possible to harm Census 2000 effort. We must not fall for their rhetoric. This latest effort to paint questions which had been on the long form for over 50 years as intrusive and unneeded is just another attempt to derail the accurate count of census.

To the people in my district, to the people of the United States and across this great land of ours, I ask that they please remember how important it is to their community, to our community. So I plead again, please complete and return your census form.

Mrs. MALONEY of New York. Mr. Speaker, I yield to the gentlewoman from Florida (Mrs. MEEK), a great leader on a complete count. She even hosted a public hearing in her district and has been a leader here on the floor and in the committee work, and I welcome her tonight.

□ 1945

Mrs. MEEK of Florida. I thank my dear colleague, the gentlewoman from New York. The gentlewoman from New York (Mrs. MALONEY) hails from New York, but her influence on the census has gone throughout this country, and we thank her for that leadership.

Mr. Speaker, I am privileged to come back again tonight. If the gentlewoman were to call us in tomorrow, if she were to call us in every day this week, I would be here, because we do not have enough voices speaking out for the census.

Regrettably, we have had some ill winds. They came in during the Ides of March and they are still here, they are still talking. We are trying our very best to say to the country that the census is a good thing. It is in the Constitution. It is something that we should do. We keep talking about we are a Nation of laws. Well, if that is the case, why can we not stick to our laws? Let us not just use them when they are customized to fit our political ideas, but to use them at all times.

It is extremely disappointing to see some of my good friends in the Republican Party saying to all of our constituents that the census is optional;

that they do not have to fill out all the questions; that it is not mandatory; that citizens do not have to do this. Well, it is. It is important that all of our constituents fill out the census forms.

Now, it is not too late. We do not have the return I would like to see in my district. We have, like, 53 percent. I would like to see 66, 76, 90 percent return. But we still have time. We are still going to churches; we are going to wherever people congregate and saying to them, fill out the forms. For those who have not filled theirs out yet, please fill it out and return it. We are doing our very best to help.

I am just really astounded to see that our most noble elevated body, the Senate, passed a Sense of the Senate Resolution essentially reinforcing the idea that not completing your form is okay. This is completely unacceptable. It is completely irresponsible. The Senate should set a standard for the country instead of undermining an effort which this Congress has seen fit to participate in.

Now, this thing about the questions, maybe we should not have to go over that over and over again because the questions are there and they are not that hard. They are only asking those kind of questions every 10 years. Americans are used to answering questions, particularly questions that will lead to good representation in their community. It is going to lead to a good school board member, it will lead to some good elected representatives, it will lead to some good Congress persons. Now, that is not a trivial thing.

But there are some radio announcers and disk jockeys and pundits in this country who are making that just a trivial thing. It is not trivial when it affects your elected representatives that will go into a governing body and represent you. People keep saying, We don't have a voice. You do have a voice. Be counted and you will have a voice, because there will be enough of you to say, yes, we do deserve another Congressperson in our area; yes, we do deserve another State representative in our area; yes, we do deserve another school board member.

So it is irresponsible and irrational, as far as I am concerned, to tell people that it is optional; that they should not fill out all the forms or they should not fill out any of the forms. The time has come now. We have been talking about the census, and the gentlewoman from New York has led this thing notably and with great merit throughout this process. It is time now that our people step up to the plate.

They will not be able to talk, the pundits will not be able to talk about government does not do what it is supposed to do. They are the first to criticize government. They say government is not doing what it should do. Government wants to do it. It is a good thing if people go out and turn in their census form.

Now, I am a little embarrassed because the governor of my State has come out saying, ''I take the same position as other Republicans do.'' Well, it is not a good idea, Mr. Governor, to say that you take that same position and that it is optional. Florida now has 23 representatives in this Congress. If our people do not go out and be counted, Mr. Governor, you may not have 23 Congresspersons another year from now.

So we are saying to all the people, support the census. Fill out the forms. It is not a cursory thing; it is not something that is fly by night and you can just flippant say, oh, no, we are not going to do it. It is important. Not only does the lifeblood of your community depend on it, your roads, your transportation, and your representation.

And particularly poor people and underserved people. My voice goes out to them every time I stand up. Turn the forms in. You will probably benefit from it more than a lot of other people because you depend on government for most of your basic services. Go to it; turn in those forms. If you need help, call the Census Bureau. If you need help, call your local Congressperson; wake them up. They are the ones depending on this count as well as you are.

So I do hope that everyone within the sound of our voices tonight will go out and be counted. The ball is in their court.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). The gentlewoman will suspend.

The Members will be reminded that it is not in order to characterize Senate action, nor is it in order during debate to specifically urge the Senate to take certain action.

Members will be also reminded that they should make their comments to the Chair and not to the listening or the viewing audience.

The gentlewoman may proceed.

Mrs. MALONEY of New York. Mr. Speaker, another of our colleagues, the gentlewoman from the great State of Texas (Ms. JACKSON-LEE), had a conflict and could not stay with us. She was here, however, and I will submit her statement later for the RECORD.

Another colleague from Texas, however, the gentleman from Texas (Mr. STENHOLM), is here. This Member holds many leadership positions in this body. He is the ranking member on the Committee on Agriculture and is the policy chair of the Blue Dogs, in addition to being a leader in this body on getting a complete and accurate count during the census.

Mr. STENHOLM. Mr. Speaker, I thank the gentlewoman from New York for yielding to me to talk tonight about the general subject we have already heard our colleagues from California and Florida speaking about, and that is encouraging, Mr. Speaker, encouraging all Americans to fill out the form and to send it in.

I guess one of my disappointments tonight is that we do not have the time equally divided between Democrats and Republicans so that we might all stand up tonight and encourage people to fill out the forms and to send them in, instead of some divided voices that we have been hearing from lately, Mr. Speaker. I think that is not in the best interest of this House of Representatives. I hope that we, under the Speaker's leadership, will find ways to encourage all Americans to return their census forms.

As we have already heard, current figures indicate that 61 percent of all citizens have returned their forms. This is good news. But that means 39 percent have not. In Texas, unfortunately, we are running a bit behind the national average. As of last night, 57 percent of Texans have responded.

I want to single out a few counties in my district back home that are not doing as well as California was doing a moment ago, but we are exceeding the national averages: Hood County, Taylor County, Tom Green County, and Young County. So to those people living in towns like Granbury and Tolar, and Abilene and Merkel, and San Angelo and Graham and Olney, I commend you and encourage you to continue to publicize and to work to see that your neighbors in fact send their forms in.

It is all the more important for people in rural areas to respond to the census. In 1990, the census missed approximately 1.2 percent of all rural residents. We must have an accurate count for rural America also in order that we might receive our fair share of representation and tax dollars.

It is very disturbing to me when I look at my rural district and see that when we get outside of the more populated counties that I mentioned, that we are way behind in our response rate. This is disturbing and something that I hope we will in fact be counting soon.

The editors of the San Angelo Standard Times wrote about the importance of responding to the census in their March 15 editorial whey they wrote:

> Texas probably lost a congressional seat in 1990 because an estimated 483,000 Texans either refused to be counted or were missed by census takers. The State also lost nearly $1 billion Federal funding, which is the other primary purpose of the census now, to determine how much money each State will receive for roads, education, health care and other programs.

Mr. Speaker, I would provide the full text of the editorial for the RECORD.

Now, I know there are some citizens that are concerned about the long form. The data is extremely important to administering Federal programs, everything from housing programs and

community development grants to highways, education and health care. The Census Bureau uses long-form data as a baseline for every single economic indicator. Without an accurate baseline, we cannot produce the economic information to better serve our citizens.

The San Angelo Standard Times editors hit on this point as well when they wrote:

It is helpful to have a detailed snapshot of the country and the conditions its citizens are living in, because such information can be useful to policymakers. While it may be annoying, there is no real down side. All census information is confidential and by law cannot be shared either with other government agencies or private entities.

I think the important thing to point out to our constituents is the extensive privacy constraints that we, the Congress, have imposed on the census. Anyone who violates the law and discloses any individual household data will be subject to 5 years in prison and $5,000 in fines. The Census Bureau has a great track record of protecting this data. In 1990, millions of questionnaires were processed without any breach of trust.

So, in conclusion, Mr. Speaker, I want to encourage all Americans, and in particular my constituents in west Texas, who have not returned their census forms to send them in today. It is not too late. You deserve to be counted, and it is in your community's best interest and it is in our Nation's best interest that we count every individual citizen of America so that our representation in this body and in the State legislatures around the country will be based on the most accurate information.

Mr. Speaker, I yield back to the gentlewoman from New York and submit herewith the text of the article I referred to above:

[From the San Angelo Standard Times, Mar. 15, 2000]

TAKE TIME TO FILL OUT CENSUS QUESTIONNAIRE

Some West Texans already have received their 2000 census forms, and the rest will be receiving them in the coming days.

Those who are ambivalent about filling out the forms need to remember a couple of things: There are many reasons to participate and, aside from the time it takes, not a single reason not to. And considering that the short form—which will go to 80 percent of households—takes only about 10 minutes to complete, the time argument doesn't hold much water for most people.

The census has occurred once each decade since the country's beginning. Originally the purpose was to ensure proper representation—that is, since congressional seats are apportioned based on population, it was necessary to know how many people lived in each state to determine how many representatives it would send to the U.S. House of Representatives.

Texas probably lost a congressional seat in 1990 because an estimated 483,000 Texans either refused to be counted or were missed by census-takers. The state also lost nearly $1 billion federal funding, which is the other primary purpose of the census now—to determine how much money each state will receive for roads, education, health care and other programs.

Both arguments for participating matter in San Angelo and Tom Green County as well. The local share of funding is lost for each person who fails to respond to the census. And with West Texas being tremendously outgrown by the rest of the state, our clout in this part of the state is diminished with each person that is missed.

For the first time, a local committee will undertake an aggressive outreach effort to try to limit the number of people who fall through the census cracks. Plans call for having offices where people can go to get help in filling out their census forms, and interpreters will be available for those newer arrivals who need assistance.

It's unfortunate that the Census Bureau got off to a bad start, putting an extra digit on addresses for letters that went out recently informing people that their forms would be arriving and erroneously sending out some information in foreign languages

Still, that doesn't alter the importance of filling out and returning the forms, which, when compiled, will tell much about the nation at the turn of the century.

Some 15 million homes will receive the long form, which does take longer to fill out (about 38 minutes, the U.S. Census Bureau estimates) and does ask some questions that will cause many to wonder why they are necessary.

The answer is that it is helpful to have a detailed snapshot of the country and the conditions its citizens are living in, because such information can be useful to policymakers. While it may be annoying, there is no real downside—all census information is confidential and by law cannot be shared either with other government agencies or private entities.

Consider it a civic duty that pays dividends—and that only has to be performed once every decade.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for his statement, and I would now like to yield to the gentleman from Maryland (Mr. CUMMINGS). He represents the 7th Congressional District in Maryland. The gentleman from Maryland chairs the Complete Count Committee for Baltimore and has served on really the oversight committee for the census, the Committee on Government Reform and Oversight, and I thank him for his leadership on this issue.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentlewoman for all that she has done. Ever since the subcommittee was first formed, I remember that she made it clear that she was going to do everything in her power to make sure that we had a complete count, and she has continued to do that. I really thank her not just on behalf of the Congress of the United States of America but for all Americans for what she has done. I really do appreciate it.

I also want to take a moment to recognize the gentlewoman from Florida (Mrs. MEEK), who just spoke. She has brought this matter to the attention of the African American people over and over again. It has been a major, major concern of the gentlewoman from Florida, and I want to thank her.

This morning, Mr. Speaker, I visited Windsor Hills Elementary School, and this is a school in my district which has a number of young people who are in special education, beneficiaries of Title I funds.

I watched those little children as they put their hands up to their hearts and said, ''I pledge allegiance to the flag of the United States of America and to the republic,'' and I watched them as they talked about this one Nation under God. As I watched them, I thought about a great writer who once said, ''Our children are the living messages we send to a future we will never see,'' and I could not help but think about the census, because the census affects them. It will affect them for the next 10 years.

The fact is those first graders will, in the future, 10 years from now, be 11th graders. The question is how will they have benefited from our actions or fail to benefit from our inactions?

□ 2000

Sadly, we have Members of Congress and prominent leaders of the Republican party telling the American public that the census is optional. I could not believe that.

On Friday, the Senate passed a sense of the Senate resolution essentially reinforcing the idea that not completing one's form is okay. It is not.

Further, Republican Presidential Nominee, Governor Bush has sided with the Republican majority in Congress that has objected to the use of modern scientific methods to provide accurate census data.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman must be reminded not to characterize Senate actions.

The gentleman may proceed.

Mr. CUMMINGS. Mr. Speaker, as a candidate for the presidency, his opposition to using modern scientific methods sends a strong message that has outreached a minority community those traditionally undercounted is not genuine.

It is unfortunate but not surprising that compassionate conservatism does not include the community I represent. Currently, Baltimore City has a dismal 48 percent response rate. The target was 68 percent. Despite our best efforts, we cannot improve this rate nor ensure a complete and accurate census when constituents are bombarded with messages from elected officials that they do not have to fill out the form.

I urge naysayers to stop spreading these negative messages and encourage residents to fulfill their civic duty by completing and returning their census forms. A complete and accurate Census 2000 will ensure that education, accessible health care, child care, access to

jobs, and the protection of civil rights are available for all.

Again, those first-graders sitting there and then standing and pledging allegiance to the flag, where will they be in 10 years? What will they have accomplished if we do not do what we are supposed to do and fill out our forms? It is a simple act. And as I told some constituents the other day, when they fail to fill out that form and they have five people in their house, that means six people are not counted.

And so, Mr. Speaker, again our citizens deserve no less. I want to thank again the gentlewoman from New York (Mrs. MALONEY) for yielding.

Mrs. MALONEY of New York. Mr. Speaker, our next speaker will be the gentleman from the 42nd Congressional District of California (Mr. BACA) the inland empire. But before he speaks, I would like to read a short quote from an editorial published in the Minneapolis Star Tribune on April 2.

A handful of conservative lawmakers in Washington have come up with a creative response. They're urging constituents to simply ignore the questions they don't like. That's a cynical and irresponsible approach from elected officials who should know better. The census long form might be a nuisance, but there is no question that it provides useful, sometimes required, information for Federal agencies to allocate taxpayers' money for private scholars to conduct research and for the government to serve citizens more effectively.

Mr. Speaker, I do not think anybody could have said it any better.

Mr. Speaker, I include the following entire editorial for the RECORD:

[From the Star Tribune, Apr. 2, 2000]

CENSUS RUCKUS; DON'T BOYCOTT THE LONG FORM

One in six American households has received the Census Bureau's dreaded ''long form'' in recent weeks, and most are reacting to its 52 detailed questions with an understandable combination of patience, impatience and procrastination.

But a handful of conservative lawmakers in Washington have come up with a more creative response. They're urging constituents to simply ignore the questions they don't like.

That's a cynical and irresponsible approach from elected officials who should know better. The census long form might be a nuisance, but there is no question that it provides useful—sometimes required—information for federal agencies to allocate taxpayers' money, for private scholars to conduct important research and for the government to serve citizens more effectively.

Senate Majority Leader Trent Lott has led the attack, arguing that the census questionnaire is overlong and intrusive. But the Census Bureau has added only one item since 1990, and it provided all the questions for congressional review two years ago, as required by law.

Rep. Tom Coburn, R–Okla, says the questions are too personal. When pressed for an example last week, a Coburn aide cited a question about bathing habits. But it turns out that the question is actually about mental and physical disability. As a series of examples, the question asks whether the respondent has a disability severe enough to interfere with schooling, holding a job or conducting normal household activities such as eating and bathing.

Granted, that's personal. But it's also a perfectly good example of the census' value. Washington hands out billions of dollars every year to disabled Americans, and every year skeptical lawmakers ask how many Americans are truly so disabled that they need government assistance.

The same could be said for the billions of dollars that Washington spends every year on highways, parks, mortgage subsidies, tuition assistance and so forth. It would be irresponsible for Congress to spend the money without good data on the nation's housing stock, travel habits, recreation needs and educational deficiencies. And that says nothing about the small army of scholars who will dig into census data in coming years to conduct important research on health care, mobility, poverty, education and countless other subjects.

Lott and Coburn say their constituents don't trust the Census Bureau to keep their answers confidential. But responsible leaders would not inflame groundless suspicions. They would remind their constituents of the Census Bureau's excellent 200-year records of vigorously protecting the confidentiality of personal information.

What's most depressing about the Lott-Coburn critique is that it's one more effort to depict the government as an enemy of the people, not an extension of their will. Americans who want their government to function more effectively should support a thorough census. A sophisticated society cannot function without good information about itself. And for those busy souls who haven't labored through the long form yet, we trust they'll approach the task more responsibly than some of their leaders in Washington.

Last Friday, the Senate passed a misguided Sense of the Senate resolution that will only encourage more Americans not to participate in this critically important civic ceremony.

Ironically, many of the Senators raising questions also cosponsored an amendment offered by Senator HELMS which would have asked every American what their marriage status was. Those Senators should realize that they cannot have it both ways.

It is much too late to be raising these questions.

At this time, I would like to read a few quotes from an editorial published in the Minneapolis Star-Tribune on April 2nd.

A handful of conservative lawmakers in Washington have come up with a creative response. They're urging constituents to simply ignore the questions they don't like. That's a cynical and irresponsible approach from elected officials who should know better. The census long form might be a nuisance, but there is no question that it provides useful—sometimes required—information for Federal agencies to allocate taxpayers' money, for private scholars to conduct research, and for the government to serve citizens more effectively.

Mr. Speaker, I yield to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, first of all, I want to thank the gentlewoman from New York (Mrs. MALONEY) for doing an outstanding job in getting out the word to all American people of the responsibility that we have in assuring that every American is counted. It has taken a lot of effort and a lot of time on her part. I commend her for her part, because she realizes the importance of what it means to our Nation to have everyone counted. She is to be commended for her leadership, her vision, and her foresight in assuring that every State receives its fair share of dollars. And the only way that it is going to be done is by doing an accurate count.

By doing an accurate count, I am really appalled at what is going on and am outraged by what is going on or has been suggested by parties on one particular side that has said that it is optional to count. It is not optional. It is our responsibility, it is everybody's responsibility, it is Americans' responsibility to make sure that we all are counted. It is irresponsible and unpatriotic not to be counted.

Let me tell my colleagues I stand here as a veteran, a veteran who has served our country, and many other veterans who have served us, they believe they have fought to assure that we enjoy those freedoms that we enjoy today because they were willing to put themselves and to sacrifice, that we enjoy those freedoms today to make sure that everyone is counted, that everyone enjoys the freedom that we have to assure they participate in our American democracy.

They cannot participate in that American democracy if they do not participate and they are not counted. I ask every individual to participate. We now have had 61 percent of individuals that participated at this point. That is not enough. We need 35 percent additional of the total of Americans to participate in filling out their forms. We need every individual to fill out their form.

We are in an information age. We need reliable information in order to make good decisions for this Nation. Without good data, we cannot administer the laws of this country fairly.

The Census Bureau has long forms on a baseline for every single economic independent indicator to be published. Without an accurate baseline, we cannot produce economic information needed to run this Nation's economics effectively.

Not too long ago, I came here and was elected during a special election. I voted for the budget at that time. It was the first budget that I ever voted for. It was approximately a $790 trillion budget. When I look at that budget, I am saying, how much of that money is coming back to California? In California we have continued to do an undercount.

In Fontana recently, we have had a lot of growth and development in that area. We need to make sure that we do have an accurate count in that immediate area. We are going to lose a lot of funding that goes back, monies that need to go back for education, monies that need to go back for parks and

recreation, monies that need to go back for special ed, monies that need to go back for infrastructure and transportation, monies that need to go back for health services, monies that need to go back for senior citizens.

If we do not do an accurate count, we will not get the monies that we deserve. It is our responsibility to make sure that we receive the funding that is necessary for all of us. It cannot happen unless we take our responsibility.

I urge all Americans to make sure they fulfill their obligation, they take that responsibility. We are in a country where we have those freedoms. Many other individuals do not have those freedoms. We have the freedom to complete the form and look at every dollar that we reserve.

If California wants to reserve its dollars to get back what it deserves, we need to make sure that an accurate count is done. The only way that California will get the additional dollars is that we make sure we do that count.

We have 52 Members in the State of California. We need to continue to make sure we ask for an accurate count. We need to make sure that blacks, Hispanics, Asian-Americans, the American-Indian population, and the total population is actually counted. We need all of them to participate, to make sure they do fill out their forms, that they are not frightened and sabotaged by anyone telling them not to complete the form. I ask them to please complete the form. We urge them. It is important for this Nation. It is important for our country.

Mrs. MALONEY of New York. Mr. Speaker, I put a brief quote in from the Atlanta Journal Constitution on April 3. It says, ''Participation in the census may also be harmed by the political grandstanding it continues to inspire.'' Presidential candidate George W. Bush has criticized the long census sent to one in six American households as some sort of government intrusion on privacy.

However, the Census Bureau takes very seriously its responsibility to keep individual responses absolutely confidential. Leakers inside will be sought out and prosecuted. And hackers on the outside have not been able to get in. If they were caught, they would be prosecuted. In fact, the Bureau is working with leading computer security experts to make sure its data remains untapped.

Mr. Speaker, I include the entire article for the RECORD:

[From the Atlanta Journal Constitution, Apr. 3, 2000]

CONSTITUTION: KEEP THE CENSUS FROM BECOMING POLITICAL FODDER AND PARTICIPATE

Roughly half of America's households did their civic duty and answered the U.S. Census Bureau's Year 2000 postal survey by its April 1 deadline. That level of participation is not nearly good enough if America is to get the accurate picture of itself essential to governing fairly and efficiently at local, state and federal levels.

Fortunately, the bureau still has a ''final, final deadline'' for mail and e-mail replies. It's April 11, the day it will send out its enumerators to count Americans who didn't respond. So if you have yet to fill out your census form, please do so and mail it this week.

Participation in the census may also be harmed by the political grandstanding it continues to inspire. Presidential candidate George W. Bush and Senate Majority Leader TRENT LOTT (R-Miss.) have criticized the long census—sent to one in six American households—as some sort of government intrusion on privacy.

However, the Census Bureau takes very seriously its responsibility to keep individual census responses confidential. Leakers inside will be sought out and prosecuted, as will hackers on the outside. In fact, the bureau is working with leading computer-security experts to make sure its data remain untapped.

Is this year's census survey exceptionally burdensome or intrusive, as its critics suggest? No, the questions on the long form are almost all similar to those asked in previous censuses, including the 1990 census conducted when Bush's father was president. And every question on this year's long form was presented to members of Congress for their comments two years ago. To find fault with those queries at this late date is a cheap shot.

The information being gathered will be used to redraw political districts, calculate how government benefits like Medicare are to be shared equitably, and predict public needs such as mass transit, roads, libraries, schools, fire and police protection. Census figures from 1990 helped federal emergency officials determine quickly where shelters were most needed after Hurricane Andrew smashed south Florida in 1993.

The alternative, as urged by Bush, Lott & Co., would be to operate government uninformed of its people's needs.

Mr. Speaker, the next speaker is the gentlewoman from California (Ms. MILLENDER-MCDONALD) a leader not only in the census but in the Women's Caucus. She is the co-chair of the Women's Caucus.

Ms. MILLENDER-MCDONALD. Mr. Speaker, let me first thank this outstanding Member out of the State of New York (Mrs. MALONEY) who not only leads the census and has been absolutely strong in her deliberations on this issue but is the chairwoman of the Woman's Caucus. She, too, understands, Mr. Speaker, that of the 4 million people who were undercounted, 50 percent of those were our children.

And so, this is why, Mr. Speaker, I am appalled a leading presumptive presidential candidate, a man aspiring to lead this great Nation, cannot figure out whether he will fill out his own confidential census form. This is the same man who wants to take charge of the American people and its government to make public policy based on population figures that affect our daily lives in health, education, transportation, appropriations, and other public responsibilities.

Carrying out his own education proposal unveiled last week would depend upon, Mr. Speaker, accurate data that all of the census produces. How does he plan to produce an accurate Consumer Price Index without accurate long form data? Still, he has not committed enough to government fairness to fill out one of these forms himself.

Now, I have worked with the Census Bureau now for about 2 years to make sure that they count every hard-to-count group. I spearheaded a special project to make sure Africans and Caribbean residents in the Diaspora understood the importance of the census and trusted our laws of confidentiality governing the process.

I also called on homeless shelters, battered women shelters, colleges, universities, and families with children to make sure that we count them, because they will have been historically undercounted individuals.

Shame on any elected official who would undermine our Nation's effort to gather vital information we need for appropriations and planning. The census numbers are extremely important to Government leaders.

In 1990, the census undercounted 486,000 persons in the State of Texas, causing that State to lose about $1 billion in Federal funding for health care, housing, transportation, and other Federal programs. Even California lost $2.3 billion, Mr. Speaker, and a congressional seat.

Children, the target of this presidential candidate's education reform package, are one of the most undercounted groups in America. How many of them fell through the cracks in Texas this past decade because of underfunded public services? It seems, out of self-interest, one would want an accurate assessment of one's home State.

Remember, these same officials who do not want residents filling out census forms oppose using modern scientific methods for a more accurate census count.

Come now, they cannot have it both ways. If all public leaders, no matter what party affiliation, would encourage every resident to fill out and return their forms, we could get the results we need, Mr. Speaker.

Maybe those now questioning the census have other motives for spoiling an accurate census count. Maybe they do not want a true accurate count. Frankly, this reminds me of the 1980s, when South African apartheid government decided not to count the majority of African people as South Africans. Did undercounting tens of thousands of residents who were not acceptable but lived in Johannesberg make them go away? Did it drive down actual unemployment figures and increase the real infant mortality rate? Of course not. This statistical chicanery only lets those in power fool themselves to the realities they need to face.

The Census Bureau has done a great job and has gone to great lengths to carry out the mandates of Congress to make sure the forms are as brief as

possible. In fact, the long form is shorter than the 1990 form by four questions and it is the shortest form in history.

My friends, this is the information age. We need the data from these forms to administer our public duty in this country fairly. Those encouraging citizens to voluntarily suppress an accurate count are doing it as a grave disservice to their State and to Americans across this Nation.

As leaders, they should know the laws of confidentiality governing the census in our great country. This is our process governed by our laws that our courts have upheld. Reasonable and sensible officials swear to uphold the law. And this law has never been violated. Let us stop playing games, my friends, with America's future. Follow the advice of sensible leaders in all political parties. Fill out that census form, and encourage everyone who comes within their purview to do the same.

I thank again the gentlewoman from New York (Mrs. MALONEY) for her leadership.

Mrs. MALONEY of New York. Mr. Speaker, I yield to the gentleman from Illinois (Mr. DAVIS), a member of the Census Subcommittee of the Committee on Government Reform. He has been fighting for an accurate census through two threatened government shutdowns and a flood relief bill held hostage. He fought against the designation of the census as an emergency.

The census has been around since the beginning of our Nation, and he fought every day to get the funding for the census. He is continuing as one of our outstanding leaders for a complete and accurate count. I thank him for all of his hard work.

□ 2015

Mr. DAVIS of Illinois. Mr. Speaker, as I have listened to the discussion this evening, I have been thrilled and delighted. First of all, I want to commend the gentlewoman from New York (Mrs. MALONEY) for her continuing outstanding leadership day after day, night after night. The gentlewoman talks about leaving no stone unturned. She is talking about taking a message to the American people. I really do not think, I say to the gentlewoman, that anybody has ever put more into an issue, into an idea, into a concept than what she has displayed during these last 2 years of trying to make sure that there is an accurate count, an honest count, and that everybody person in this country is, indeed, counted.

Mr. Speaker, I thank her, along with all of those who have expressed all of their appreciation. Listening to the gentlewoman from California (Ms. MILLENDER-MCDONALD), I said to myself, if I was not going to fill out the form, listening to the gentlewoman from California that would have caused me to grab up a pencil, a pen, or whatever it was that I could get my hands on, and run to that form and fill it out.

Unfortunately, there are many people in our country who do not understand the importance. I represent a district that has over 165,000 people who live at or below the level of poverty. Obviously, many of these individuals are at the lower end of the socioeconomic scale, many of them, obviously, are not as well-educated as some other people. Obviously, many of them do not understand. I want to thank all of the people in my community, the churches who have been making the announcements, who have been trying to convince people on a regular basis, the volunteers who went out with me on Saturday.

We ran into people who just did not understand. I ran into one woman who said to us, you know, I am saved and sanctified and filled with the Holy Spirit, and I am not going to fill out these forms. I said to myself, yes, you will be saved and sanctified and broke, filled with the Holy Spirit and your children cannot get daycare. And the Holy Spirit is going to help you do a lot of things, but the Holy Spirit is not going to put a daycare center in your neighborhood so that your grandchildren can go and get early childhood education.

Mr. Speaker, I ran into people who said to us that they did not get the forms, and I looked in their hallways, and there were the forms on the floor. I said, well, you did not get it, but it is here; you have got to pick it up and fill it out and send in the information.

I ran into people who said that we filled it out on the first floor, but the people on the second floor, I am not sure that they got one.

I make a plea to all Americans, notwithstanding anything that anybody else might say, and, yes, I have some problems with those who would encourage people not to fill the forms out, but the real responsibility is on each and every one of us.

We have an old saying in my community that if you fool me once, shame on you; fool me twice, shame on me. Notwithstanding what anybody might say, whether they are elected, appointed, community activists who just do not understand, anybody that is encouraging you or suggesting that you should not fill out your form, then, they do not have your interests at heart.

You have got to say the way that they say at the church that I attend: it is not my mother, it is not my father, but it is me oh, Lord. It is not the deacon. It is not the preacher, but it is me. It is not the Democrats. It is not the Republicans. It is not the House. It is not the Senate, it is my form, and if I do not fill out my form, then it means that I do not count.

So I thank the gentlewoman from New York for her leadership, for all that she has done. Please, Americans, please, residents of the 7th Congressional District in the State of Illinois, please make absolutely certain that you count by filling out the form, because if you do not, then all of America loses.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman from Illinois. I think what he just said he said it beautifully. Added to his words are Senator JOHN MCCAIN who recently exhibited the kind of leadership all Members of Congress should emulate, when he urged all Americans to fill out the entire census form.

Mrs. MALONEY of New York. I congratulate certain Members of the other body who are urging everybody to fill out the form.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentlewoman will suspend. The gentlewoman may not characterize legislative positions of Members of the other body.

GENERAL LEAVE

Mrs. MALONEY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. MALONEY of New York. Mr. Speaker, I would like to remind the House that many of the questions are essentially the same questions approved by former President Ronald Reagan and President Bush, except that they are less than the questions in 1990. I would ask some of my more conservative Members to think about that before they criticize the census.

In the information age, we need reliable information in order to make good decisions for this Nation. Some Members of Congress must be stuck in the 18th century. They do not seem to want to know how America is doing. Without good data, you cannot administer the laws of this country fairly. Their comments are rash and inappropriate.

The good news for the census is that the Census Bureau is following the law. It will try to get the long form questions answered, because the professionals at the bureau do what the law says, the law Congress passes. They go out and try to get an accurate picture of this country and report back to Congress. I guess we now know why the 2000 census was designated an emergency in last year's budget. We just did not know that some Members of Congress were the ones who would be creating the emergency.

On average, the long form takes a little over half an hour to complete. Only information needed to manage or evaluate government programs is collected by the census. Just a half an

hour every 10 years for good data on your country, a photograph of where your country is going. The short form just takes several minutes, just several minutes to be a good citizen. $180 billion a year in Federal money depends on census data. That is close to $2 trillion over the decade. Clearly that is reason enough to fill out the long form which, by the way, goes to only one in six American households.

As I said, Members should remember that they were informed of the questions that would be in the census over 2 years ago. Every single Member got a book that had every question, they had the reason for the question, and they had the congressional law that required it. They had an opportunity to criticize or complain then. But that time has passed. Now is the time to urge everyone to participate in this civic ceremony together as one Nation. It is your future. Do not leave it blank. Please fill out the form.

Mr. Speaker, I include for the RECORD a series of editorials across the country from Seattle to Washington, Sacramento, Palm Beach, Minneapolis, Atlanta; David Broder in the Washington Post; Gail Collins, New York Times; Los Angeles, USA Today, Atlanta Journal; along with many, many other articles that have come out in support of being good citizens and filling out the long form, being part of an accurate census.

[From the Seattle Times Company, March 29, 2000]

OVERLY OVERWROUGHT ABOUT THE 2000 CENSUS

On any given day, citizens are bombarded with dozens of legitimate, stress-producing worries. The U.S. Census Bureau, even its much-maligned long-form questionnaire, ought not be one of them.

Census questionnaires have been mailed to 120 million American households. The seven-question short form was sent to most households; a longer, more-detailed, 52-question form was delivered to one in six households.

Then the yowling began—The Snoops! The invasion of privacy!

The complaints are nine parts hype, one part hooey.

Two important developments have occurred since the last census was taken in 1990. The long form got shorter by four questions, and talk radio got louder.

In fairness to those with census jitters, more people nowadays are concerned about personal privacy. Frequent calls by solicitors and marketing companies wear down a person's patience and goodwill.

Remember, though, the census is the head count prescribed by the Constitution.

The people who make money by whipping up fear—and those who buy into it—substitute paranoia for logic.

The loudest concerns focus on question 31 on the long form, which asks people to report wages, salaries, commissions, bonuses or tips from jobs. This is not a scary question. The federal government, the Internal Revenue Service, already knows the answer for individuals. The Census Bureau is looking for data to report in the aggregate.

Before people allow themselves to be whipped into an unnecessary froth, remember the manner in which the data is reported. It is much like a series of USA Today headlines, ''We're older,'' ''We're more mobile, more diverse'' and so on. The census doesn't announce that Joe Dokes at 123 Pine Street does or says anything. Nor does the Census Bureau share personal information with other agencies.

The questions provide a telling snapshot of America and help determine how large pots of tax dollars are spent on social programs, highways and mass transit, and how congressional seats are distributed among the states. Smile. A big family portrait is being painted with numbers. Nothing scary about that.

[From the Tulsa World, March 30, 2000]

COBURN: DOWN FOR THE COUNT

Rep. Tom Coburn is never going to come to his census. Count on it.

But the Second District Republican congressman should admit that the appropriate time to protest queries on the long form of the Census 2000 questionnaire was more than two years ago when the questions, all required by law (and who passes law?) were circulated among members of Congress.

On Wednesday, Coburn essentially urged his Second District constituents to violate federal law by refusing to complete certain portions of their long-form questionnaires. One in six homes receives the long form.

''The Census Bureau's desire for information is out of control and a violation of privacy rights,'' Coburn said, adding, however, that his constituents should answer the ''essential'' questions on the short form covering a person's name, sex, age, relationship, Hispanic origin and race.

The long form asks 27 more questions about 34 subjects, including marital status, income, mode of transportation to work and work status for the past year.

Coburn said that if a census worker shows up to collect omitted information, Oklahomans should ''politely refuse'' to give it.

Coburn's position doesn't square with that of Gov. Frank Keating and other leaders who have encouraged Oklahomans to fill out the forms so that the state can receive the largest share possible of the $2 trillion in federal funds that are handed out on the basis of census figures. Some of the questions in the long form help agencies calculate the specific needs of a community.

''While I understand the reservations that some Oklahomans may have with regard to some of the questions on the long-form census questionnaire, I urge them to complete and promptly return the entire form to the census bureau,'' Keating said.

Coburn took his position after receiving complaints that long forms were invasive. He accused the census bureau of being ''out of control'' and of violating Americans' privacy.

Even some other conservative members of the Oklahoma congressional delegation, including Rep. Steve Largent and U.S. Sens. Don Nickles and James Inhofe, do not appear to embrace Coburn's position.

If the Census Bureau is asking too many nosy questions, the time to protest is before the questions become law, not in the middle of a census. We should be able to count on our elected officials to know what's going on in time to do something about it.

[From the Virginian-Pilot (Norfolk, VA), March 30, 2000]

HEAD COUNT: YOU'VE GOT UNTIL SATURDAY TO TACKLE THOSE CENSUS QUESTIONS

I am one of the army of people hired to help answer questions about the 2000 census. Many people receiving the long form understand the questions but are reluctant to provide answers. They feel the government ''already knows too much about my personal life and income. And why do they want to know how many flush toilets I have or how much it costs to heat my home?''

There are reasons for including these questions as an adjunct to the main purpose of the census, which is to get a head count of all people residing in the United States on April 1, 2000. Let me try to allay some of the misconceptions.

First, the data is absolutely confidential. Nobody, not the President, the Supreme Court, the FBI, the INS or any local police department, will ever have access to your individual questionnaire. All census workers are sworn to maintain the confidentiality of the data provided, under penalty of a stiff fine and a prison term. This confidentiality has not been breached since the census started in 1790.

Second, the answers that you provide are compiled into statistics, which are then made available to the public and all governmental agencies. These statistics are used to determine how to distribute about $200 billion per year of federal funds to schools, employment services, housing assistance, highway construction, hospital services, child and elderly programs.

When the data show, for instance, that the city of Chesapeake has had phenomenal growth since the past census, additional funding to Chesapeake will be forthcoming in many of the above categories.

Why the questions about toilets and heating costs? The statistical data on plumbing facilities is used by the U.S. agriculture and housing departments to determine rural development policy, grants for residential property rehabilitation and identification of areas for housing rehabilitation loans.

Knowledge derived from the census is essential also to the drawing of samples for all kinds of surveys, for the computation of birth and death rates and the making of actuarial tables, and for the analysis of economic development and business cycles. Above all, the census makes possible the estimation of future trends and is therefore part of all kinds of planning—national, state, local, tribal, citizen groups, business and industry.

Please take the extra time to answer the seemingly ''personal'' questions on your census long form. The official deadline is Saturday. After April 11, you may be visited by a census enumerator if you failed to return your questionnaire. Please don't shoot the messenger. We'll only be doing our job because you didn't do yours.

EDWARD SAMSON,
Chesapeake.

[From the Washington Post, March 31, 2000]

CENSUS BASHING

The Census always produces complaints that an intrusive government is asking for more information then it has a right to know. Usually the complaints are scattered and come the fringe. But this year some radio show hosts have taken up the issue, and now some national politicians who otherwise yield to none in insisting on law and order are telling constituents not to answer questions they feel invade their privacy.

The Senate majority leader, Trent Lott, is one such. He believes that people ought to provide ''the basic census information'' but that if they ''feel their privacy is being invaded by [some] questions, they can choose not to answer,'' his spokesman says. Likewise Sen. Chuck Hagel, whose ''advice to everybody is just fill out what you need to fill

out, and [not] anything you don't feel comfortable with.'' Yesterday, George W. Bush said that, if sent the so-called form, he isn't sure he would fill it out, either.

And which are the questions that offend these statesmen? One that has been mocked seeks to determine how many people are disabled as defined by law, in part by asking whether any have ''difficulty . . . dressing, bathing, or getting around inside the home.'' When it mailed the proposed census questions to members of Congress for comment two years ago—and got almost no response—the bureau explained that this one would be used in part to distribute housing funds for the disabled, funds to the disabled elderly and funds to help retrain disabled veterans. Are those sinister enterprisers? A much-derided question about plumbing facilities is used in part ''to locate areas in danger of ground water contamination and waterborne diseases''; one about how people get to work is used in transportation planning. All have been asked for years.

Earlier this year, Mr. Lott's Senate complained 94 to 0 that a question about marital status had been removed from the basic census form. That was said to be a sign of disrespect for marriage. Come on. This is a critical period for the census. All kinds of harm will be done if the count is defective. A politician not seeking to score cheap political points at public expense might resist the temptation to demagogue and instead urge citizens to turn in their forms. But in an election year such as this, that's apparently too high a standard for some.

[From the Milwaukee Journal Sentinel, March 31, 2000]

CENSUS TOO IMPORTANT TO IGNORE

It seems that lots of people are complaining about having to answer what they claim are invastive questions on this year's census form. Of course, some of these are people who willingly give their credit card numbers to telemarketers offering the latest in siding or to Internet sites that sell really cool lava lamps.

There are also plenty of members of Congress who are now all in a huff, saying they sympathize with citizens who are threatening to refuse to fill out the forms. One wonders what these guardians of the public good were doing when they reviewed—and apparently approved of—the same census questions they are now complaining about. And where they were 10 years ago, when the questions were virtually the same.

The fact is, it's important to fill out the census so the government has an accurate count and so the average citizen has adequate representation in Washington and receives his or her fair share of federal funds.

Admittedly, some of the questions are goofy, and threats to privacy should be of concern to everyone. But asking how many toilets you have is hardly sinister. Besides, the government already knows. Just ask your local assessor.

Government also already knows what race you are and whether you are a veteran. It keeps records on those kinds of things, just as businesses keep records of your commercial transactions.

It's easy to rail against government, but the greatest threat to privacy is not found in government census forms, but in the vast databases being built by private companies about their customers and potential customers.

Want something to worry about? Go to the Internet and search for information about yourself. What some of you may learn there is really scary.

And since the census gives the nation a profile of itself, determines the number of representatives a state has in Congress and decides where federal funds are distributed, the information serves a larger public purpose than that gathered by eBay or Amazon.com.

It is OK to be annoyed by the government for asking all these fool questions. But it's important to fill out the form and make sure the annoying information is at least accurate. Besides, the Census Bureau is barred by law from sharing its information about individuals for three-quarters of a century.

So the information on your toilets will be safe for at least that long.

[From the New York Times, April 1, 2000]

CIVIC DUTY AND THE CENSUS

Some Congressional Republicans are seriously undermining the 2000 census by suggesting that the national head count, which officially takes place today, is an invasion of privacy. That bizarre complaint could discourage the public from participating in a project that is crucial to the functioning of state and federal government. The questions on this year's census form—including questions on household income, plumbing facilities and physical disabilities—have been part of the census for decades. The only new question asks for information on grandparents who are caregivers for children. In fact, this year's long form is the shortest one in 60 years. All answers on census forms are kept confidential. Yet Senator Chuck Hagel of Nebraska has suggested in recent days that people can simply ignore questions on the long form—which goes to one out of six American households—that they find intrusive. A spokesman for Senator Trent Lott, the majority leader, has made similarly inappropriate suggestions. Gov. George W. Bush of Texas has said that people should fill out the forms, but that if he received a long form, he was not sure he would want to fill it out either. These comments are irresponsible. Completing the census form fully and accurately is not optional; it is a civic duty that is required by law. Senator Hagel now says that he does not want to encourage people to break the law, but will introduce legislation to make most of the questions on the long form voluntary.

The federal government has spent billions of dollars trying to produce an accurate count as response rates have continued to decline with each decennial count. Accuracy is critical because the census is used to apportion seats in Congress, draw legislative districts within the states and distribute more than $185 billion in Federal funds. The government uses information from the long form of the census to allocate money to communities for housing, school aid, transportation, services for the elderly and the disabled and scores of other programs. The data are also necessary to calculate the consumer price index and cost of living increases in government benefits.

When individuals fail to give complete information about their households, they risk shortchanging their communities of government aid that they may be entitled to. That is why many state and local government officials are working hard to increase census response rates in their communities. The mindless complaints of some politicians could well sabotage those efforts.

[From the Sacramento Bee, April 1, 2000]

TRASHING THE CENSUS: IRRESPONSIBLE BUSH COMMENTS COULD SABOTAGE COUNT

Just two days ago before Census Day, as U.S. Census Bureau officials were urging Americans to cooperate in the crucial once-in-a-decade national count, Texas Gov. George W. Bush made their job harder. If he had the long census form, Bush told a campaign crowd, he's not sure he'd want to fill it out either. How harmful to this important civic exercise, how irresponsible and unpatriotic.

Bush's remarks come on the heels of Senate Majority Leader Trent Lott's advice to his fellow Americans not to answer any questions on the census long form that they believe invade their privacy. Taken together, those remarks by the leading Republican in Congress and the likely Republican presidential nominee can easily be interpreted as a deliberate attempt to sabotage the 2000 census. They raise questions about the integrity of the census that are unwarranted, unfair and irresponsible.

One in six households receives the census long form. Beyond the basic eight questions about the number, age, and gender and race or ethnicity of people living in the household, the long form asks other questions designed to measure the well-being of Americans, to help government agencies to plan where to put schools or highways or health funding. Included in the long forms are 53 questions such as. How many bedrooms in the house? Has anyone been disabled by health problems in the last six months? Is there a telephone? What is the income of the household? Is there indoor plumbing?

By law the responses are strictly confidential. The U.S. Census cannot share individual household answers with the IRS, FBI, INS or any other government agency or private entity.

Moreover, every single question on the long and short forms is there because of a specific statutory requirement. Most of these questions have been on the form for decades. The only new question added since 1990 was put there at the behest of Republicans in Congress, including Lott. It asks grandparents whether they are caregivers for their grandchildren. The wording of each question was reviewed by Congress in 1997 and 1998. Lott, who now raises objections, pushed a resolution urging the Census Bureau to return to the short form a question about marital status that it had moved to the long form.

The census is the law of the land, enacted by the first Congress. When Bush says he wouldn't fill out the form, he's saying he's prepared to break the law. When Lott advises Americans not to answer questions they don't want to answer, he's telling them to break the law. And although both Lott and Bush limit their specific objections to the long form, the impact will inevitably reverberate more widely—to those who only receive the short form.

In Sacramento, census officials report that the response to the census is already lagging. Only 39 percent of Sacramento households have returned the form so far. Every man, woman or child not counted costs $1,600 in lost federal funds. That's money that would go to our schools and highways and mental health and police protection.

Participating in the census is a civic duty, like voting, serving on juries and defending the country. As duties go, it's not burdensome, for most people, filling out the long form is a once-in-a-lifetime chore. With their thoughtless comments that feed mindless anti-government sentiment—do they really think they can govern better by knowing less about America?—Bush and Lott have done a disservice to the census and the country.

[From the Palm Beach Post, April 1, 2000]

THE CENSUS FOLLIES

Senate Majority Leader Trent Lott, R-Miss., should just be quiet about the census. Greenacres has a complaint. Sen. Lott doesn't.

The Census Bureau, once again, overlooked at least 1,500 apartments in Greenacres, which were fairly new when it missed them 10 years ago. The city, apparently tucked out of government's sight in west-central Palm Beach County, worked with census officials to make sure everyone is counted. The city has a gripe.

Sen. Lott, and some others, now say the long census form, which went to one household in six, is terribly intrusive. Sen. Lott said recipients can list name and address but ''choose not to answer'' other questions. He didn't complain in 1997, when he and all members of Congress received a copy of this year's long form for gathering data that they had ordered. And guess who cosponsored the law requiring a line on the form for marital status?

But three years ago, Sen. Lott was in court with other Republicans insisting on an ''actual enumeration,'' counting individuals, and no use of sampling techniques. If people take his advice now, the Census Bureau will have to get the information Congress requires in the off-years, by sampling. Maybe by then, it will be able to find Greenacres.

[From the Chattanooga Times/Free Press, Apr. 1, 2000]

DON'T LEAVE CENSUS FORM BLANK

After months of preparation, today marks Census Day, when our national head count moves into higher gear.

Questionnaires have been mailed to every household. With much riding on a full and accurate count, it's significant to look at how we are responding.

As of March 29, 46 percent of households across the country had already completed and returned their forms. Comparable rates of response were 43 percent in Tennessee and 41 percent in Georgia. Hamilton County, at 47 percent, leads the five counties in our metropolitan area. Within the county, the town of Signal Mountain shines with a 59 percent response rate. In contrast, the city of Chattanooga lags with 44 percent answering.

These are only preliminary reports and will be updated daily. The more meaningful measurements will come on April 27, when Census 2000 enumerators will initiate a series of follow-up visits and calls to households that have failed to complete their forms.

By that time, local Census officials expect to have over 60 percent of questionnaires returned. The higher the rate of response, the sooner they can focus their efforts on counting population groups and neighborhoods that are harder to reach.

There are plenty of excuses for not complying, but most of them are not valid. Some people just hate paperwork. Yet the short form that went to five out of six households takes only 10 minutes or less to complete.

Some fear creeping big-government intrusion. The longer forms include some questions that may be helpful for statistical purposes, but many citizens find them too nosy about their personal lives and home conditions.

Some census questions do go too far, arousing opposition. And some people will question the promised confidentiality of their records. By law, no individual response (only aggregated information) can be legally reported to any other agency of government.

An official count has taken place every 10 years since 1790. The census is required by the Constitution solely for the purpose of fairly dividing U.S. House of Representatives seats among the states on a population basis, and dividing among the states the votes in the Electoral College, which actually elects our presidents following the popular vote.

But also of great importance is the fact that billions of dollars of your tax money are distributed according to the census count, with more money going where the count is higher.

Amazingly, some heads of households will forget to include the names and ages of their children. An estimated 7,000 people were missed in Hamilton County alone during the last census. The children in those households, if counted, would have demonstrated the need for our new schools and 139 new teachers. Overcrowding of schools and classrooms seems a heavy price to pay for parental omission.

With Census Day upon us, let's resolve to do our personal part to get it right this time. Count us all in.

[From the Memphis Commercial Appeal, Apr. 2, 2000]

CENSUS—POLITICAL BASHING WON'T HELP ACHIEVE FULL COUNT

Mississippi has the lowest response rate of any state so far to this year's federal census: 38 percent as of late last week—and 48 percent in DeSoto County—compared to a 50 percent national rate. (Memphis has nothing to brag about, either, just 39 percent of Memphians have returned their census forms.)

At the same time, Mississippi is threatened with the loss of one of its five U.S. House seats in the population-based reapportionment that will follow the 2000 Census. So you'd think that officials throughout the state would be bending over backward to urge residents to take part in the fullest and most accurate count possible.

Why, then, did Senate Majority Leader Trent Lott (R–Miss.) propose that citizens refuse to answer any census questions they find too ''invasive''? Although the senator insists he supports maximum participation in the census, it's easy to see how people who already are suspicious of the federal government might interpret Lott's suggestion as an invitation to blow off their civic—and legal—duty to take part in the national headcount.

Census bashing has become something of a national sport in recent days, as critics such as Lott allege that the initiative too often amounts to an invasion of privacy. Texas Gov.—and presumptive Republican presidential nominee—George W. Bush said last week that if he had gotten the long (53 question) census form that one of every six households has received, he wasn't sure he would fill it out.

These defenses of personal privacy ignore the fact that members of Congress reviewed each of the questions that appear on the long and short census forms two years ago. Instead of striking ''intrusive'' questions then, senators voted unanimously this year to protest the Census Bureau's removal of a question about marital status.

So it ill behooves lawmakers such as Lott to complain now about the questionnaire. Remember, too, that many lawmakers have opposed the use of statistical sampling to correct the census undercount of millions of Americans because they said it would violate the ''integrity'' of the process they now condemn.

It's understandable that some Americans might object to revealing their income on the census questionnaire, although individual census data must remain confidential as a matter of law. It's timeconsuming to gather the information needed to answer some of the long-form questions accurately, such as annual utility and insurance costs.

But many of the questions routinely ridiculed by census bashers—whether residents of a given household have indoor plumbing, whether they have difficulty dressing or bathing, how they commute to work—have been asked in previous censuses without generating controversy. This year's long form has six fewer questions than the 1990 version.

The questions will yield data that will help federal official fairly distribute aid to help disabled Americans, to fight water pollution and to improve local transportation planning. Are these illegitimate activities?

Bush has proposed allowing parents to use federal Title I money under some circumstances to send their children to private or charter schools. That money is distributed according to census data.

Many Mid-South residents insist they haven't returned their census forms yet because they haven't gotten them. If that is a systematic problem, then the Census Bureau must deal with it, fast.

But that is different matter from encouraging citizens not to cooperate fully with the national enumeration.

Census officials are making special efforts to get millions of households to return their census forms this weekend. In light of the complaints, Census Director Kenneth Prewitt said he fears many Americans have decided ''this information is not very important at all.''

Americans have learned to their chagrin that there isn't an issue, even the constitutionally mandated census, that politicians can't turn into a matter of partisan division, especially in an election year.

But how will Sen. Lott respond if Mississippi, because of a below-average census count this year, does wind up losing a House seat?

And what is it's Republican seat?

[From the Atlanta Journal Constitution, Apr. 3, 2000]

CONSTITUTION: KEEP THE CENSUS FROM BECOMING POLITICAL FODDER AND PARTICIPATE

Roughly half of America's households did their civic duty and answered the U.S. Census Bureau's Year 2000 postal survey by its April 1 deadline. That level of participation is not nearly good enough if America is to get the accurate picture of itself essential to governing fairly and efficiently at local, state and federal levels.

Fortunately, the bureau still has a ''final, final deadline'' for mail and e-mail replies. It's April 11, the day it will send out its enumerators to count Americans who didn't respond. So if you have yet to fill out your census form, please do so and mail it this week.

Participation in the census may also be harmed by the political grandstanding it continues to inspire. Presidential candidate George W. Bush and Senate Majority Leader Trent Lott (R–Miss.) have criticized the long census—sent to one in six American households—as some sort of government intrusion on privacy.

However, the Census Bureau takes very seriously its responsibility to keep individual census responses confidential. Leakers inside will be sought out and prosecuted, as will hackers on the outside. In fact, the bureau is working with leading computer-security experts to make sure its data remain untapped.

Is this year's census survey exceptionally burdensome or intrusive, as its critics suggest? No, the questions on the long form are almost all similar to those asked in previous census, including the 1990 census conducted when Bush's father was president. And every question on this year's long form was presented to members of Congress for their comments two years ago. To find fault with those queries at this late date is a cheap shot.

The information being gathered will be used to redraw political districts, calculate how government benefits like Medicare are to be shared equitably, and predict public needs such as mass transit, roads, libraries, schools, fire and police protection. Census figures from 1990 helped federal emergency officials determine quickly where shelters were most needed after Hurricane Andrew smashed south Florida in 1993.

The alternative, as urged by Bush, Lott & Co., would be to operate government uninformed of its people needs.

[From the Washington Post, Apr. 4, 2000]

DON'T TOY WITH THE CENSUS

(By David S. Broder)

Something about the census makes Republicans crazy. For the better part of two years, they battled the scientific community and the Clinton administration to prevent the use of statistical sampling techniques to correct for the undercount of people—mainly low-income, minority, immigrant, transient and homeless—that marred the 1990 census.

After reaching an impasse in Congress, the Republicans took the issue to court and had to be satisfied with a Supreme Court ruling that barred the use of sampling for apportionment of seats in the House of Representatives but approved it for everything else.

Then last week, just as the publicity effort to persuade people to return their census forms was reaching its peak, several prominent Republicans said that Uncle Sam was getting too personal in some of the census questions and suggested that it would be okay for people to skip over those items they found offensive.

Senate Majority Leader Trent Lott told Mississippi reporters that if he had received one of the long forms (delivered to one of every six households) he might have demurred at answering some of the questions. Texas Gov. George W. Bush, the GOP's presidential choice, said he hadn't opened his census form yet but wasn't sure if he would fill out the whole thing.

Later, both men retreated part-way from their positions (Bush after learning that he was in the short-form majority) and said people should return the forms with as much information as they could in good conscience provide. But Rep. J. C. Watts of Oklahoma, chairman of the House Republican Conference, blamed the bureaucracy for including questions that ''have raised an unprecedented level of concern,'' and other Republicans said they would introduce legislation to make responding to the census voluntary, rather than requiring it by law.

All of this is basically nonsense—the kind of politicians' talk that gives hypocrisy a bad name even as it has serious policy consequences. Every single question on the census 2000 form was vetted with Congress two years ago, and every one has its origin and justification in a requirement included in a law passed by Congress.

In my files on census topics, I have a March 1998 report (that's two years ago, folks) titled ''Questions Planned for Census 2000.'' That same report, I am informed, went to every member of Congress. In the back of that report is a table showing the first census in which each category of questions was asked. One of the questions on census 2000 to which some Republicans have objected asks for the family income. That has been asked in every census since 1940.

Another, the subject of much ridicule, asks, ''Do you have complete plumbing facilities in this house, apartment or mobile home, that is, hot and cold piped water, a flush toilet, and a bathtub or shower?'' That question, too, has been on the long form since 1940.

The plumbing question is asked, along with other measures of housing adequacy, as a way of targeting federal grants to the communities where the need for decent housing is greatest. Is there anyone who doubts that more help should go to South Central Los Angeles than to Beverly Hills?

The income question is used for a much wider variety of federal programs. In all, more than $185 billion of federal grants to state and local governments is distributed on the basis of census information. One of the major concerns about the 1990 undercount—which later surveys suggested may have missed 8 million people while double-counting 4 million others—is that it deprived areas with large numbers of low-income people of the assistance they deserved.

A study released last month by the U.S. Census Monitoring Board and done by the accounting firm Price-waterhouseCoopers estimated that in 169 metropolitan areas where the poorly counted demographic groups are concentrated, the likely net loss of federal assistance may well reach $11 billion in a decade.

Some of the estimated losses are enormous. The Los Angeles-Long Beach area, where hospitals, schools and other public facilities are chronically facing financial crisis, could be a $1.8 billion loser. Miami has a $300 million stake in an accurate count; New Orleans, $97 million. And it is not just the big cities. Flagstaff, Ariz., is at risk for $25 million—in effect, a 3.5 percent local tax or penalty for the undercount.

There's not a bit of evidence to justify the expressed concerns that the Census Bureau professionals will violate the privacy of individual families' responses. There is all too much proof that a flawed census hurts the most vulnerable Americans.

It is time the politicians stop messing around with the census.

[From the New York Times, Apr. 4, 2000]

PUBLIC INTERESTS; DOWN FOR THE COUNT

(By Gail Collins)

How many of you out there have strong reservations about the United States Census? May I see a show of hands?

I thought so. Everybody's cool. Once again, the radio talk-show circuit has plunged us into a violent debate about an issue that stirs the passions of average Americans slightly less than the cancellation of ''Beverly Hills 90210.''

You have no doubt received a census form, probably the short one that takes just a few minutes to fill out. The long form, which goes to about one-sixth of all American households, contains 53 questions, including whether your toilets flush and your relatives are all in their right minds. The answers are going to remain confidential for the next 72 years; at that point a Ph.D. candidate may grant you immortality by writing a dissertation on your indoor plumbing.

Census opponents appear to be mainly opponents of government, period. (James Bovard, the author of ''Freedom in Chains,'' called the census ''a scheme for generating grist for the expansion of the welfare state.'') But they've created some nervous roiling in Congress. Senator Chuck Hagel of Nebraska is working on legislation to remove the $100 penalty for failure to answer the questions, even though the fine hasn't been imposed in decades. He's being assisted by Senator Charles Robb of Virginia, a Democrat up for re-election who's determined to leave no group unpandered to.

The census is actually a noble public enterprise. It represents the founding fathers' breakthrough concept that people should have power not because of their property or titles, but simply because they're there. If we cannot expect election-fevered politicians to be reasonable about, say, Elian Gonzalez, it does seem they could muster up the grit to tell folks that they should regard filling out census forms like voting, and pretend to appreciate the opportunity.

But George W. Bush regards the issue as too hot for rationality. First he announced that ''all of us need to encourage people to fill out the census,'' then instantly added that he could understand why some ''don't want to give all that information to the government. And if I had the long form I'm not sure I'd want to, either.''

A spokesman for Mr. Bush said the governor had received the short form, this year's equivalent of announcing you got a high draft number. An aid to the Senate majority leader, Trent Lott, said recently that Mr. Lott was telling people to just skip over any question they felt was intrusive. Now, the senator's constituents in Mississippi make out like bandits when it comes to federal aid, receiving an average of about $2,000 per person more than they pay in federal taxes. On behalf of all the states that pay more than they get back, let me say: Go to it, Mississippians. Skip the long forms, and the short forms too. We'll give the money to some less conflicted state, perhaps one that hasn't just received a contract to build a monster aircraft carrier the Pentagon doesn't even want . . .

. . . We interrupt this harangue to report that Mr. Lott's office now says the senator wants everybody to fill out the forms, and tells people to skip questions only if they threaten to toss their forms into the river unless their objections are met. When it comes to penalties for non-compliance, his spokesman added, ''the senator is completely agnostic.''

This possibly the first time in history that Mr. Lott's name has been used in the same sentence with the word ''agnostic.''

For every politician who's trying to distance himself from the census, there are four others desperately trying to get their constituents to fill out the forms, and raise their chances of getting more Federal aid. The governor of Georgia has gone on television with an ad urging his state to cooperate ''or our Georgia money will be educating New York children for another 10 years.''

Now, I'm a little wounded by that. Certainly we New Yorkers disagree with Georgians about some minor matters, such as the relative charms of John Rocker. But our elected officials—appalling as they may be—don't try to scare us into doing what they want by threatening to give our tax dollars to kids in Atlanta.

Go yell at the Mississippians for a while.

[From the San Francisco Examiner, Apr. 4, 2000]

WHAT REALLY COUNTS; POCKETS OF NON-CO-OPERATION WITH THE TAKING OF THE U.S. CENSUS DEMONSTRATE AN OVERREACTION TO FEARS OF INVASION OF PRIVACY

In an age of prosperity and sophistication, it's odd but understandable that people have doubts about so many things. On subjects ranging from the sanctity of confidential information to the good will of government institutions, we have become a nation of skeptics.

We may live in the global village, but command central is in some place far away, information is collected by unseen hands and essential decisions about our lives are made without consulting us.

These disconnects are reasons some people choose to rebel against seemingly innocuous practices such as the taking of the federal census every 10 years.

The U.S. Census carries out the useful objective of counting the noses of the country's populace and collecting information about their living conditions and habits. But because individuals have no control over the information once it leaves their hands, and because governments have not always guarded privacy, a minor rebellion has erupted.

Five of every six households get the short census form, which has only seven basic, unintrusive questions. It isn't causing problems. Every sixth household gets the long form, which has 53 questions—some of them more personal. It's the bone of contention.

Some people are refusing to return census forms, even though that is required by law. Some politicians haven't helped matters. Republican presidential candidate George W. Bush said he wasn't sure he would answer all the questions.

Good reasons exist to cooperate. A big enough boycott could affect how federal money, programs and services are divvied up. Census workers are redoubling their efforts to make sure that everyone is counted—which wasn't the case in 1990—so that every city and region gets its fair share of federal help.

The Census is a statistical snapshot of the United States. It tells a lot about who we are as a people and is a manifestation of e pluribus unum (out of many, one), the motto that appears on U.S. currency.

It's irresponsible for any politician, especially one who aspires to be president, to suggest breaking the law by refusing to fill out census forms. And while skepticism toward government is healthy, if citizens weigh all factors, they should be inclined to cooperate with the census takers.

The cure for any potential breaches of confidentiality isn't refusal to answer. It's strict enforcement of privacy laws that prohibit the Census Bureau from sharing confidential information with anyone else, including other government agencies.

The time to demand changes in the census isn't in the midst of one. It's in Congress, in the form of legislation that updates questions, strengthens safeguards and perhaps increases penalties for violating citizens' privacy.

Census officials need to do a better job of explaining the agency's existing protections against leaks and other privacy abuses. Why are Census officials so faceless? It's easier to trust people you've met, or at least seen on television.

Skeptics are fond of asking to see the evidence. In the case of the census, we all know there's a potential for misuse. What true skeptics should be asking is, ''Just where and when have any abuses occurred?''

Failing a convincing answer, the reasonable course for all of us—skeptics or not—is to put away any residual fears and allow ourselves to be counted. For the good of one and all.

[From the San Francisco Chronicle, Apr. 5, 2000]

DON'T SHRED THE CENSUS

One in six American households are facing a question this week: is it really necessary to fill out a lengthy census form that borders on nosy and antiquated? The answer is a resounding yes.

The head count is especially contentious this time around. Along with the time required and the odd questions, there is a political overlay. Republican leaders, including likely GOP presidential nominee George W. Bush, suggest that folks toss the form if they feel it is too intrusive. This suggestion is irresponsible neglect of an important duty.

The census has made its share of mistakes. Some were mailed incorrectly. Its laundry list of 53 questions takes more than half an hour to fill out. For city and suburban residents, who make up the overwhelming majority of Americans, there are quaint questions about farm income and indoor plumbing. Why should citizens be bothered with these far-fetched queries?

There are other arguments. High-tech boosters are upset there are no questions about computer use, a topic that could use some exploring. But census bureaucrats said they were under pressure from single-issue groups ranging from pet lovers to religious leaders for special questions. The census ended up largely as a repeat of the last one, which will limit its potential.

But for better or worse, the census remains an essential task. It asks citizens to complete a picture of their country, not give away personal secrets. Income, ancestry, job history and even driving habits are useful ingredients in depicting America, circa April 2000.

More specifically, the census plays a role in doling out federal aid and congressional districts. It can be used by schools, public health and transit agencies in planning. Change can be measured.

This evolution of the country is exactly why San Francisco officials, civil rights organizations and school boards are pushing hard to get every household to fill out the paperwork. Opponents are wrong to depict a basic government service as an invasion of privacy.

[From the Los Angeles Times, Apr. 5, 2000]

IT'S THE LAW, COUNT ON IT

Senator Majority Leader TRENT LOTT (R–Miss.) and a few of his congressional colleagues seem to have forgotten the oath they swore to uphold the Constitution and the laws of the United States. Responding to constituent complaints about parts of the long-form census questionnaire, they have suggested that questions that some might consider objectionable can simply be ignored. That is plainly and simply, advice to break the law, and considering the source it's especially reprehensible.

About one household in six—approximately 20 million in all—was mailed the long census form; all others got a mere eight questions about the people in the household. The long form aims to gather information that is essential for directing certain federal outlays. In the current decade, expenditures linked directly to census-provided information could total close to $2 trillion.

So there are a purpose and a policy consideration behind every census question, no matter how dubious its relevance may seem. Questions that some find intrusive and none of the government's business—about indoor plumbing or household income, for example—contribute to a national economic and demographic profile that is of great value to both government and the private sector. This information helps determine where roads and schools will be built, where Medicare and Medicaid funds should be channeled, where shopping centers are best located, where the needs of the disabled may be most acute. The Census Bureau would have done well to emphasize this point much earlier.

The census has steadily evolved beyond its limited 18th century purpose of congressional reapportionment. Those in Congress who now counsel leaving some census questions unanswered suffer from a convenient memory lapse: Every one of the questions, many of which are mandated by statute or court rulings, was approved by Congress two years ago.

[From USA Today, Apr. 6, 2000]

200 YEARS PLUS: CENSUS NOSINESS ISN'T NEW

More than 200 years ago, Thomas Jefferson warned George Washington that taking the first U.S. Census, done in 1790, wouldn't be easy. A Census taker could wind up with a musket in the face. And those were the days of a well-regulated militia.

The Census today faces equal mistrust. This is due to the public's innate aversion to government prying, amplified by an unsubtle campaign to discredit the Census as too intrusive. Senate Majority Leader Trent Lott, R–Miss., has told Americans they need not answer questions they find too invasive. So has Republican presidential candidate George W. Bush. Sen. Charles Hagel, R–Neb., wants to change the law to make answering most questions voluntary.

Whether the campaign to malign the long form will affect results won't be known for weeks. But Kenneth Prewitt, director of the Census Bureau, testified in Congress on Wednesday that the return rate is lagging well behind 1990 figures. The Census was aiming for a 61% return over all. Below that, Congress will have to allocate extra money for door-to-door head counting.

That's just one reason the anti-Census crowd is giving bad advice.

Among the others: It's illegal not to answer all of the questions. And self-defeating. Over 10 years, up to $2 trillion in spending will be directed by Census findings. Lott's beloved Mississippi, with one of the lowest response rates and highest illiteracy rates, could be shortchanged on education dollars. It also could lose private-sector investment that is guided in part by Census data.

Lastly, the Census isn't uncommonly intrusive. The short form is the shortest since 1820. The long form, received by 1 in 6 households, is the shortest ever. And some of the most criticized questions—about employment, disability status, etc.—have been asked since the 19th century. The question about income, since 1940. Indeed, Americans give more personal information, more publicly, when they buy a house, pay their taxes or fill out a medical form.

Still, the Census raises predictable questions about nosiness. The long form wants to know about your job and your mortgage, subjects you might not comfortably share with your brother, much less Big Brother.

Plainly, the government has done a poor job of preventive promotion. Worries about

privacy are historic, yet the long form's cover letter barely addresses them.

Most people still answer the forms with speed and candor. But expecting them every 10 years to remember why they are providing personal information without immediate gratification is asking for trouble.

The irony is that many critics today also helped defeat the use of statical sampling to make the head count more accurate.

Their understood motive was to prevent a reapportionment of congressional districts to represent undercounted populations, which tend to vote Democrat. Opponents demanded an actual head count, which is less accurate. Now the motive is simply to align Republican leaders with the public's general distrust of federal data-gathering.

Finally, let's not forget that Congress had a chance to review all of the questions two years ago. If they had problems, that was the time to stand up and be counted. Today's debate: Census forms, but politics, privacy concerns needlessly stoke anger.

IF YOU WANT TO COUNT, BE COUNTED

(By Lynn Sweet)

Chicagoans have made a lousy initial response to the 2000 census, and the entire state of Illinois is lagging as well. This is a sort of collective passive-aggressive behavior for which there is no excuse. And don't start saying that census questions are intrusive.

The early trend shows that the mail-in responses from suburban Cook County and the collar counties are running as much as 20 points higher than the 40 percent from the city. This will only ensure, if the pace keeps up, that the suburbs will have more political muscle than they deserve in the state redistricting that follows each census.

And if Illinoisans don't let themselves be counted, the potential of losing a seat in the House of Representatives because of reapportionment will easier become a reality. The return of Federal funds to Illinois also is dictated largely by census-driven formulas.

Filling out the census form is a ''marvelous opportunity'' for Americans ''to prove they can reverse the trend of civic disengagement,'' said Census Bureau director Kenneth Prewitt, A Downstate Alton native who is a former director of the National Opinion Research Center at the University of Chicago.

Across the nation, people are mailing in census forms—short and long—in disappointing numbers, and Prewitt earlier this week sounded an alarm because the nationwide response rate was at 55 percent, below the 61 percent the bureau had expected by now.

It's not too late to get a mail-in census form by calling (800) 471–9424. And the numbers still can be vastly improved as the census moves on to the next phase, where census employees, called enumerators, start making house calls.

''Someone will be knocking on their door,'' said Prewitt, though it will make the counting operation needlessly more expensive. It costs about $3 to process a mail-in form compared with $35 for a household visit.

The cheap-shot comments of some Republicans—including Texas Gov. George W. Bush, the GOP presidential candidate, and Senate Majority Leader Trent Lott (R–Miss.)—could, knowingly or not, hijack the census.

On the average, about one in six households gets a long census form that asks a total of 53 questions, compared with seven on the short questionnaire.

Lott and Bush suggested that individuals don't answer any census question they consider impertinent.

''If they are worried about the government intruding into their personal lives, they ought to think about it,'' Bush said. Lott was forced to backtrack after he realized that his home state, Mississippi, is near the bottom when it comes to mail-in response rates, 47 percent on Wednesday, compared with 56 percent for Illinois and 58 percent for Indiana. Ohio is the champ so far, with 62 percent.

Lott and the other complaining congressional Republicans—no Democrats so far—are whiners and intellectual phonies. They are objecting to questions that (1) were presented for review to Congress in 1997 and 1998 and (2) were on census forms that went out under Presidents Ronald Reagan and George Bush.

The census has asked about plumbing facilities for decades. There are bigger privacy issues looming right now, especially with the Internet, than being asked about flush toilets in your home.

And for those who don't like the questions about income and mortgages and the like, well, the government already has a lot of information from tax returns. The Census Bureau does not swap data with other agencies. Tax cheaters or people who keep things from spouses or partners may not like answering the questions. But there is no right to absolute privacy in the United States. If there were, height, weight and date of birth would not be on a driver's license.

Cooperating with the census means getting more from the government you already are paying for. It is selfish—and self-defeating—not to be counted.

[From the Daily Bruin, Apr. 7, 2000]

COMPLETING CENSUS FORM HAS FAR-REACHING BENEFITS

Though some people are skeptical of the United States Census, completing these forms can lead to real benefits—including better schools and libraries, quality health care and up-to-date national demographic profiles.

Though the official due date passed nearly a week ago, residents can still be counted. The Census Bureau reports that only 55 percent of U.S. residents have returned their forms so far.

The slow response is caused, in part, by the popular sentiment that the census, especially the long version of the form, invades individuals' privacy. While worries about privacy are understandable, those who fear filling out the census should remember a consequence of their inaction: Neglecting to participate can lead to a significantly inaccurate count.

The short form poses generic questions like name, age, gender and race, while the longer form asks for more specific social and economic characteristics, such as individuals' occupations and housing types. Responses to these questions help determine how critical resources are distributed and which areas need those resources the most.

Specifically, demographic information is used to plan for services like schools, hospitals and roads. It may alert the government to focus its resources in areas reporting high rates of unemployment, or pinpoint regions that require better child care. State and federal governments also allocate funding to individual counties, cities and congressional districts for health care, schools and libraries; all of this information is based on the census results. The government's support is critical to the maintenance of these institutions, and so the number of people who report living in a given community is directly related to how much financing will be allocated to that particular community.

The number of inhabitants reported in each region also determines congressional apportionment. District lines are drawn with respect to census reports, and the number of members in the House of Representatives accorded to each state is also based on census information. If more underrepresented citizens completed their census forms, they might begin to claim deserved representation in Congress.

According to the Los Angeles Times, low responses to the 1990 Census deprived California of an estimated $2 billion and four congressional seats over the last decade. Unless an increasing percentage of forms are returned, this discrepancy may only get worse.

Not only can the new census correct the omissions made by the 1990 version, but the revised questions provide previously unexplored, yet important, statistical data. The 2000 Census is unique because it allows individuals to claim mixed ethnic and racial backgrounds. Compiling this information will give the government a more accurate perspective on racial dynamics in our society and can only help in overcoming one of America's biggest social problems—racial conflict.

Worries about the long form's intrusiveness, however, are legitimate considering the detailed nature of some questions. Still, the census count is a vital responsibility that helps facilitate the functioning of a democratic government.

If you haven't completed the census, you can still do so. Internet census forms are available until April 15. In addition, census workers will be following up with non-respondents by telephone. Go to www.2000.census.gov for more information.

Take a few minutes to finish the questionnaire, obey the law and practice some civic responsibility. Make sure your voice is heard.

[From the Atlanta Journal, Apr. 8, 2000]

CONVERSATION STARTER: DON'T FALL PREY TO PARANOIA ABOUT QUESTIONS

(By Harvey Lipman)

Fear is a natural human emotion. It keeps us safe in times of danger. Fear based on facts is caution, but baseless fear is just paranoia.

The fact is that the Census Bureau has never released any of the individual information that it gathers, not to the IRS, not to the FBI, not to the president, not to anybody. Never. That is a fact. The information gathered once every 10 years is compiled and the summary information, and only the summary information, is used to determine allocations essential to all of us, things like representation in Congress and federal funding of education.

The Census Bureau has proposed using statistical-sampling techniques as an alternate, less burdensome way, to obtain some of the data, but it has been rebuffed by Congress, the Supreme Court and even The Atlanta Journal. Until such time as these less invasive methods are permitted, there is simply no other way to collect this necessary and constitutionally required information.

We have very few obligations as citizens of this country. If our participatory form of government is to work we must honor those obligations. Answering the census is such an obligation. As an American I am proud to do so, since I have no evidence whatsoever to fear that my government will divulge the personal information that I give them.

[From the Washington Post, Apr. 9, 2000]

ANSWER THIS QUESTION: HOW DID THE CENSUS BECOME OUR WHIPPING BOY?

(By William Casey)

Ten years ago this month, I was wearing a Boston Red Sox batting helmet to work.

No, I wasn't playing in the shadow of Fenway Park's hallowed Green Monster of a wall or tending a BoSox souvenir concession. The helmet was just a tool I used during my short-lived career as an enumerator for the 1990 Census. It was my job to track down miscreants who—for one reason or another—had not returned their census forms in a timely fashion. The buildings I covered in downtown Minneapolis were overflowing with young people, so setting myself up at a table in the lobby—official headgear in place—seemed a good way to pull in the curious and disarm the suspicious. As residents trickled in from shift work or nights out, they invariably wandered over to see what was up. With a little pleasant persuasion, presto, the short form—even the long form!—was complete.

It worked. Back then, anyway.

Today, given the grumbling in some quarters about the intrusiveness of the 2000 Census, I might need more than a batting helmet to do that job. We have such unhappy customers as Mr. M. Smith, a gentleman from Virginia Beach who was so annoyed by the long form that ''I threw mine in the trash where it belongs'' and then made his civil disobedience public in a letter to Norfolk's Virginian-Pilot. (Dear Mr. Smith: Those questions have been standard on the census for many decades.)

Then there is Mr. P. Graham of Saline, Mich., who wrote a letter to the Detroit News accusing the Census Bureau of promoting ''alienation'' from government and asserting that most of the long form's 53 questions are ''none of its business.'' (Dear Mr. Graham: Contrary to popular belief, the Census Bureau is asking those specific questions at the direction of Congress, which likes to use the census to collect information it has decided it needs.)

Add the comments from such Republican heavyweights as Senate Majority Leader Trent Lott, Texas Gov. George W. Bush and Oklahoma Rep. Tom Coburn—all of whom have obligingly bashed the census for allegedly invading the nation's privacy—and you would think that the Census Bureau has suddenly transformed itself from an agency that once just counted noses into one that is just plain nosy.

This is—excuse my bluntness, please—a lot of nonsense. It's not the Census Bureau or its forms that have changed. It's us.

Or, more precisely, the fuss is one more dismaying result of the pervasive presence of consumerism and marketing in our lives. I find it puzzling, I admit, that people are bent out of shape by a form sent to them once a decade when—on a daily basis—they habitually reveal (willingly and unwillingly) the most private of data to advertisers, health insurers and Internet companies. Over the past 10 years, even the simplest sales transaction has become an opportunity to capture personal details that can be sold and resold (why do you think the cashier wants to know your phone number?). It's come to the point where you can rarely sit down to dinner without receiving a ''courtesy call'' from someone who knows a lot more about you than just your area code. Those of us concerned about confidentiality might focus on the staggering amount of personal information maintained by largely invisible companies with names like Acxiom and Experian. Yet people think that they still have their ''privacy'' and that the government looms as the greatest threat to taking it away.

How did the census become the whipping boy, the embodiment of Big Brother, a waste of time, a symbol of oppression? The Census Bureau has an exemplary history of keeping the data it collects confidential, but that fact does not seem to have made a dent in the collective consciousness. It's easier to blame the census than to confront the world we've created.

Besides functioning as a worker bee on that 1990 census, I am a long-time user of census information. On both academic and journalistic projects, I've come to appreciate (and depend on) the richness and reliability of the material—which just about anyone can acquire, understand and put to work in a thousand ways. The notion of turning to particular census-driven data sets a few years from now and discovering that the 2000 information is unusable because of ''citizen noncooperation'' is more than an annoyance. It makes my blood run cold.

A good deal of the complaining is directed toward the long form, a questionnaire sent to one of every six households in the past month. It's about the same length as the 1990 version and shorter than some previous census. There are changes—additions, deletions, rewordings—but it's basically the same old thing.

Continuity is a strong factor when it comes to census matters. It's not as if every 10 years, things start from ground zero. Just the opposite. The national statistical snapshots that census results help construct are most useful when they build on what went before.

It's true that census questionnaires are longer and more complex than they were in the first half of the 20th century—but that's hardly surprising. Those were times before the increased scope of governmental activity and responsibility that we take for granted today: an era when there was no Medicare, Medicaid or Social Security, no program of federal assistance to housing, minimal federal involvement with transportation spending and so forth.

There's a certain irony, however, in the fact that the census hasn't changed much last time around. Census 2000 mechanics could have been vastly different—more efficient, more accurate and much less expensive—but they're not. Carefully field-tested efforts to streamline the counting process via statistical sampling were opposed during the past few years for political reasons. It's common knowledge—although it's typically wrapped in layers of doublespeak—that Republicans see undercounting in urban areas as equating to a GOP advantage. (To be sure, if the sampling method threatened Democratic voting bases, then sides would no doubt be switched.) A count based on statistical sampling not only would have been less expensive, it would have helped prevent the higher levels of background noise we're experiencing at the moment.

There have always been ample numbers of people who balk at completing their questionnaires. In 1990, my fellow enumerators and I had to deal with people who—like our friends Mr. SMITH and Mr. GRAHAM above—were not inclined to cooperate. Mostly they were reluctant; occasionally they were almost hostile. But the majority of them completed their forms when asked to do so directly. Sometimes a chance to sound off about their objections was required. I was happy to oblige. ''Whatever it takes'' was my motto—at least during those six weeks.

This year's census has become a snapshot in a way that I didn't expect: It reflects not just how we live, but how we feel about ourselves and our society.

Take, for example, the subject of race. If, as a society, we are stalemated on issues of race, then how can we expect a census form to solve them, or even make them clearer? After reading through the seemingly endless and convoluted choices that the census short form offers (''If person 1 considers his/her race to include two or more races . . .''), is it any surprise that the precooked racial and ethnic categories seem unsatisfactory? I've heard more than a few people say they wrote in ''human''—which seems, in fact, like a very human reaction to the country's current fascination and obsession with race and ethnicity.

Because the census at its core serves a political purpose—determining the number of representatives from each state—the count has always had a political dimension. But I don't recall the census forms being a hot item in the presidential election years of 1960 and 1980. This year, it appears, any issue properly framed and spun is fodder for ''principled'' stands by presidential candidates. One day is could be AL GORE'S sudden, self-serving switch on the Elian Gonzalez case; the next, it could be George W. Bush, aiding and abetting census resisters. ''I can understand,'' the GOP nominee-to-be said, ''why people don't want to give over that information to the government. If I had the long form, I'm not so sure I would do it, either.''

Not to be outdone, Nebraska's rising star of a senator, Republican CHUCK HAGEL, offered to introduce legislation that would make question-answering optional. (Memo to the esteemed Mr. HAGEL: The Census 2000 questions were sent to Congress for review in 1998. No squawk was raised then.) With this kind of ''leadership'' out there—explicitly undermining a program that requires individual citizens to pull together in the interest of the larger whole—no wonder skepticism about the process is rising.

After litigation over the Census Bureau's proposed use of statistical sampling went to the Supreme Court—and sampling was ruled out for apportionment purposes, although its use for redistricting within states remains an open question—one might have hoped that by the time April 1, 2000, rolled around, we would have gotten our act together as a nation and proceeded with the job. I cannot help but wonder if the census is falling victim to our new millennium's variety of cultural solipsism. Societal building blocks such as family, neighborhood and community are subjected today to a wide range of pressures—largely destructive. These institutions were, to a substantial extent, the basis for successful past censuses. But the principle of doing something for the common good—for society's good—doesn't stand a chance if society's leaders won't speak up for it.

On Thursday, I read that hopes are ''dimming for a timely and accurate count'' in Census 2000. If response rates remain underwhelming, that will necessitate time-consuming and expensive enumerator work to track down, cajole, persuade and gather information from those who have not yet submitted it. Remember, ''whatever it takes.''

But later on, after things have settled down, perhaps a lesson regarding the fragility of our social and political fabric will have been learned. It's often said, but still true: It's easier to tear things down than it is to build them up.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to speak about an issue of great importance in the year 2000.

I wish to express thanks to all Americans who are participating in the Census 2000. You are making an enormous difference to your community and setting our nation on the best path for the new century.

As of last night, 60% of Americans have completed and sent in their census forms. Nevertheless, we have much work to do, Mr. Speaker. We need to reach to the 40% of Americans who have yet to complete their census forms.

Regrettably in previous weeks, when everyone has been working to improve the initial response rate, we had Members of Congress, including prominent leaders of the Republican party, people who should better, tell the American public that the census was optional.

Unfortunately, the reality remains that the Census Bureau has missed millions of persons in conducting each decennial census, especially minorities, the poor, children, newly arrived immigrants, and the homeless. We cannot allow this to happen again.

For these reasons, of course, it should come as no surprise that I am disappointed by recent comments by highly respected individuals that advise Americans not to perform their civic duty. As reported in numerous news stories, some lawmakers on the other side urged citizens not to answer questions regarding the long form.

Yet over two years, every Member of Congress received a detailed list of the questions to be asked on the long form, including a description of the need for asking it and specific legal requirements supporting it. The time for input on the question was then. The time to achieve an accurate census count is now.

The low percentage of census forms being returned in certain cities with high minority populations is alarming. We must do all we can to change response rates. These remarks only discourage faster response rates.

Even the Governor of the State of Texas has said he supports his party's position against the use of modern statistical methods—methods that would get a more accurate count of America's African Americans, Hispanic, Asian American, and American Indian populations.

As a member of the Congressional Caucus Task Force on Census, I am obliged to convey my concern that no one is left out of the Census process. Unlike in the 1990 Census where so many minorities were disproportionately missed or "undercounted" as we say, everyone must be counted in the Census 2000.

Our goal for Census 2000 must be the most accurate census possible. We all know that accurate census data has proven vital to people of color, both economically and politically.

Texas lost almost $1 billion due to the 1990 undercount. Over 486,000 Texans were missed in the 1990 Census, which prevented Texas from securing critically-needed federal funding for health care, transportation, housing, and community development.

In the city of Houston, 67,000 people were undercounted in 1990.

A comprehensive analysis of federal funding was prepared by PriceWaterhouseCoopers. The analysis was one at the request of the Presidential members of the U.S. Census Monitoring Board. According to PriceWaterhouseCoopers, the population "undercount" similar to that which occurred in the 1990 Census would cost 26 states a minimum of $9.1 billion. States with the largest numerical undercounts would be hit the hardest. California would lose more than $5 billion, Texas nearly $2 billion, and Florida $5 million. I am particularly concerned that 120,267 are estimated to be undercounted from Census 2000 in Harris County, Texas.

Moreover, $185 billion in federal funds are allocated each year based on each state's respective share of the population, as determined every 10 years by the Census. The PriceWaterhouseCoopers study examined the 15 programs analyzed by the General Accounting Office in its 1999 report on the funding impact of the 1990 census undercount.

The eight programs most affected by the census are Medicaid, Foster Care, Rehabilitation Services Block Grants, Substance Abuse Prevention and Treatment Block Grants Adoption Assistance, Child Care and Development Block Grants, and Vocational Education Block Grants.

Our communities cannot afford to squander the opportunity to secure desperately needed resources to make these programs available to everyone. An accurate Census is the only way to assure that local communities receive their 'fair share' of federal spending; an inaccurate count will shortchange the affected communities for an entire decade.

Keeping response rates high must remain a primary purpose in obtaining an accurate census. Recent news stories have only highlighted this need. Texas has a 33 percent return, but the fourth largest city in the nation only has 26 percent return. That is the city of Houston. This is precisely what we must change. Only a high response rate to the Census 2000 questionnaires will enable our community to secure desperately needed funds.

And while some have recently raised concerns about the legality or constitutionality of the long form, those only serve as a distraction. In fact, the Census Bureau has not prosecuted anyone for not sending in their Census form since the 1960s. They are interested in getting complete and reliable data; they do not want to jeopardize the public trust.

The long form is a sound investment—for a relatively small additional cost, information of very high quality about a number of subjects is collected for many geographic areas. The return on this investment is concrete information that serves the basis for sound public policy decisions and that supports the accurate allocation of over billions of dollars.

Community leaders use the long form for planning a wide range of activities, including neighborhood revitalization, economic development and improved facilitates and services.

We need the long form to build highways, roads, bridges and tunnels in areas that need them. And planners need information about where people live and work and the times they leave for work.

Each long form question provides valuable, indeed essential, information for important public policy and business decisions.

For example, data from the question on the number of telephones in the home area is used to help plan local 911 emergency services. They also are used to help implement the Older Americans Act to provide emergency and health-care services to homebound seniors without phone service.

Data from the question on how long it takes to commute to work is used by federal, state, local and private transportation planners to help design new roads, bus routes, and mass transit transportation and to manage traffic congestion, as well as to distribute federal transportation dollars.

Indeed, data from the question on the veteran's status are used to plan the location of veteran's hospitals and to efficiently deliver veterans health-care and nursing services.

Your answers to Census 2000 are absolutely critical to ensure that every possible dollar is made available to the poor, the sick, and the neglected in our communities.

The U.S. Census only comes around once every ten years, but its information is used throughout the decade. Together, let's make sure that everyone is heard.

TAX LIMITATION CONSTITUTIONAL AMENDMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. SESSIONS) is recognized for 60 minutes as the designee of the majority leader.

Mr. SESSIONS. Mr. Speaker, I take this opportunity tonight to discuss a very important issue that is going to be on the floor of the House of Representatives this week. It is called the tax limitation amendment. The tax limitation amendment, known as H.J. Res. 37, is a very, very simple amendment that was first brought to life some 10 years ago by the gentleman from the 6th District of Texas (Mr. BARTON).

Last week we had a press conference where we talked about, in essence, the passing of the mantle from the gentleman from Texas to myself, being the lead for the tax limitation amendment where we will bring to the floor of the House of Representatives on Wednesday an opportunity for all Members not only to fully debate but also to vote on something which I believe is very, very important.

The essence of H.J. Res. 37 is that we are going to make it more difficult for Washington to raise taxes on America. That is what this debate is all about. It will be about doing those things that Washington talks about, making it more difficult by requiring a supermajority, a two-thirds vote on the floor of the House of Representatives and in the Senate to raise taxes. Part of what we are talking about today, we would assume, is just a conservative idea, and I think that that would be correct. But it is a bipartisan idea. It is an idea not only that has grassroots all across America, people who are pro-business but it also has people who consider themselves Democrats, Democrats

even, who understand that raising taxes should not be easy, because taxes come from people who get up and go to work every day, work diligently, honest people, taxpayers, and then are giving too much money to Washington, D.C.

One of the persons who is the cochairman of this effort, a coleader in this effort, is the gentleman from the 4th District of Texas (Mr. HALL). This evening I am very honored to have the gentleman from Texas with me to help not only the discussion about the tax limitation amendment but also for an opportunity for us to discuss this.

Mr. Speaker, I yield to the gentleman from the 4th District of Texas, a lifelong Democrat, a conservative, and a man who understands it is important to make it more difficult to raise taxes on taxpayers.

Mr. HALL of Texas. I thank the gentleman from Texas for yielding.

Mr. Speaker, I am here today, of course, to express my support for the tax limitation amendment. I have been for this amendment from the word go. I really do not understand that it ought to be a Republican or a Democratic thrust or a liberal or conservative thrust because I think it is an American thrust. Requiring a two-thirds vote to raise taxes would force very serious consideration on this legislation at any time that they would attempt to raise taxes; and it would require, as the gentleman from Texas has said, a supermajority vote on any proposal that would impact the pocketbooks of every hard-working American.

The major test of this legislation would be not what class supports it. We are in for at least 5 wonderful years in this country. We now have, rather than the deficits of the 1980s and the 1990s, a surplus; and we are going to have good times for the next 5, maybe for the next 10, years to have money to be that that we ought to be for people who have no lobby, pay a lot of it on our debt. That is tantamount to a tax break for everyone.

I think that if we would go into our district, and I say ''our district'' because the gentleman and I share districts in Texas. I have part of Dallas County in my district. He has a much larger part of it. I have most of Kaufman. He has a part of Kaufman in his district. He has a part of Smith County which is Tyler; Tyler, Texas. We represent the same type of people, people who want less government, people who want to keep the money that they work for, people who want to plan ahead, people who want to have money in September to buy school clothes without having the taxes that are put on them, that have been historically put on them by a 50 percent vote. A lot of those votes like the Tax Reform Act of 1986 would never have happened if it had taken a two-thirds vote.

□ 2030

So I think if they would go out into their district, into any part of our district, and talk to the first 10 people they see and ask them would you like to see it a little bit more difficult for the Congress of the United States to take money out of your left hip pocket, what do you think their answer would be?

Mr. SESSIONS. Let me say this: the gentleman from Texas, whose district is literally overlaid on my district, the 4th District overlaid on the 5th District, very, very similar, the kind of people, the kind of people's thoughts and ideas, I believe that if you went in the 4th or 5th Districts of Texas, that people would say, I think Washington, D.C. has enough money. First of all, they have got enough money. They don't need to tax us more. They ought to be more efficient.

The second thing I think they would say, as the gentleman has pointed out, is let us make it more difficult. There is no need to go back to the American public to ask for a tax increase, especially when we are in a surplus condition. Right now, today, in America we are working off of a surplus, and yet we know that there are people in Washington, D.C., that want more and more and more money.

I would say to the gentleman from the 4th District of Texas that if we made it more difficult, it would immediately cause this Congress and the administration, whoever is President, to have to go and look within the administration, to go look in these agencies to find where there is waste, fraud and abuse, to find where there was opportunity to save money, rather than going back to the taxpayer.

Mr. HALL of Texas. I think as the gentleman well knows, we represent a conservative area. We both represent a part of the old Rayburn congressional district. We talk about balanced budgets and all that. Mr. Rayburn had a balanced budget the last 8 years of his service here; and as he went back home to Bonham, Texas, to die, he looked back over his shoulder at a balanced budget.

I think we could use some of that good common horse sense now. I think the people of this country want to be able to keep more of the money they are making. I just do not believe the argument that we have a lot more money now, so this amendment is not as important. I think this amendment is more important now than it was during the deficit times, because they have more to lose, and it is going to look like it is easy to put taxes on people.

I just think it is a golden opportunity to raise the bar and protect hard-working Americans from tax increases in the future that are not supported by a majority of two-thirds of the people. I think it is critical that we make a statement that we are committed to controlling government spending, rather than raising taxes, in order to maintain a balanced Federal budget.

I just think that the 10 people that I would talk to on Front Street in Tyler, Texas, or any part of Kaufman County, or any part of the district we share in Dallas County, we would talk to these people and ask this simple question; and I think we ought to invite the rest of the Congress to go home and do the same thing, ask them what do you think about the fact we are trying to make it a little bit more difficult to put taxes on you. What do you think their answer would be?

Mr. SESSIONS. Absolutely. I believe the answer from people, if you talk to people who live in the districts that get up and go to work every day, they would say, We are very pleased. We love America. We support government and the essence of what it does. But today there is more than enough money in Washington, D.C. Make do with what you have. Do not come back to us. We are out producing, meaning the people back home, producing not only in efficiencies, but to the economy, to the local communities and to government, to make it work. This needs to be a bar that gets raised because it is that important of an issue.

You know that there are several parts of the Constitution that put a two-thirds vote that is a requirement to be able to pass something. I believe, and I think the gentleman from Texas (Mr. HALL) agrees, that raising taxes should be one of those things that we make more difficult, that should require a consensus and a two-thirds vote.

I thank the gentleman. I know that the gentleman has got a dinner that he has got to go to, but I thank the gentleman for not only working on behalf of the people of the 4th District of Texas, but also doing it in a national leadership capacity here tonight. I thank him so very much for being a part of what we are doing.

Mr. HALL of Texas. I thank the gentleman for the time, and I certainly am pleased that he has accepted the leadership of this amendment. I pledge that I will work side by side with the gentleman and we will work this floor.

I do not know how we are going to come out, but I do know that we are going to still be swinging at it. I suggest that, no matter how the vote turns out, that we start anew the day we have either won or lost it, to working the other end of the situation and asking those 10 people what they think about it, and asking each Member of Congress here to go home and ask their first 10 people what they think about it. Maybe we are working at the wrong end of the deal here in Washington, D.C. Maybe we ought to be working at home.

Mr. SESSIONS. I thank the gentleman so very much.

This evening we are also joined by one of the stalwarts of freedom, the gentleman from Arizona (Mr. HAYWORTH), who is not only a very good friend of the taxpayer, but a person who understands whose money this really is we are talking about. At this time I would yield to the gentleman from Arizona.

Mr. HAYWORTH. I thank my colleague from Texas, and I thank my colleague from across the aisle from Texas also for joining us here tonight.

Mr. Speaker, observers could not help but note the differing tone of those who preceded us in this Chamber this evening.

Mr. Speaker, I was astounded, but I guess not really surprised, at the level of bile, the venom, the mean-spiritedness and deliberate mischaracterizations that preceded us in this Chamber, and I could not help but notice the difference, Mr. Speaker, as we come here on a bipartisan basis.

Our good friend from Texas asked, what would the people at home say? And, Mr. Speaker, one of the things I hear repeatedly is how sick and tired they are of the endless partisan haranguing and insults and deliberate mischaracterizations of matters of public policy, because, Mr. Speaker, we are involved in dealing with the public trust. All 435 of us in this Chamber are entrusted with an awesome responsibility, to represent the peoples of our districts to the best of our ability, commensurate with full allegiance to the Constitution of the United States.

So, Mr. Speaker, I would just appeal to the American people to understand that we are talking about a bipartisan amendment, and, in the words of the gentleman from Texas (Mr. HALL), it really should not be liberal, conservative, Republican or Democrat. It is quintessentially American, because what will take place on this floor, through the leadership of my good friend from Texas (Mr. SESSIONS) and many of others of us, we will come to this floor and ask for a supermajority vote, ask for 290 of us to line up to say that it should be harder for Congress to raise taxes on the American people.

We were talking about what folks say at home. The 6th Congressional District of Arizona, in square mileage almost the size of the Commonwealth of Pennsylvania. From the small hamlet of Franklin in southern Greenlee County, north to Four Corners, west to Flagstaff, south again to Florence, encompassing parts of Phoenix, Mesa, Scottsdale, a fast growing area, where people come from all over the country, a near universal lament has been well, you common sense folks can get some things done, but that is no guarantee that in 2 years if there is a change in the composition of the Congress, if something happens, that your hard work will not be reversed.

Mr. Speaker, my colleagues, that is precisely why we are bringing this amendment to the floor of the House again, this proposed amendment, because we believe, just as important, just as challenging as it is to amend the Constitution of the United States, to deal with questions such as impeaching a chief executive, or, in the other body, ratifying international treaties, we believe the same standard should apply to the Government reaching into the pockets of everyday, hardworking Americans. That is the key to this amendment.

Mr. Speaker, I would point out that, as is often the case, many of our States, often characterized as laboratories of democracy, the places where we apply with our dynamic system of Federalism the principles of our constitutional Republic, 14 of our 50 states have already adopted State tax limitation provisions, including my home State of Arizona, when in 1992 the legislature and the people decided that a two-thirds vote would be required for any, any, increase in taxation.

Now, it is important, Mr. Speaker, to make this distinction: this does not prohibit tax increases, but it does say to the American people we understand a simple truth. The money does not belong to the Washington bureaucrats; it belongs to you. And we believe that if you work hard, play by the rules, want to provide for your family, want to provide for your children, have an obligation to your parents and other seniors in your community, are glad to shoulder that obligation, since it is your money, it should be tougher for Washington to get to it. It should be a question every bit as important as amending the Constitution of the United States.

So we will come here again seeking a supermajority to enact this notion of a higher standard for tax increases. We are reminded over the last 2 decades, 1980, 1982, 1983, 1990, and, of course, the largest tax increase in American history, which passed in this Chamber and the other body by one vote, which was characterized by some in this town, principally those at the other end of Pennsylvania Avenue, as an ''investment on our future,'' when in fact it really was an assault on seniors, on children, on Americans who had even left the here-and-now to go to the hereafter, so excessive was that tax increase it was retroactive to the first of the year in the grave, if the Congress or a future administration is tempted again to take the easy way out, to pickpocket hard-working American citizens, Mr. Speaker, this amendment would say, whoa, not so fast. Because we are a government of laws, because we are a government where the first three words of the Constitution talk about ''We the people.''

We are accountable to the people, and we want to make it more difficult, we want to raise the standard, so that the same Americans, whether they are in the 5th or 4th Congressional District of Texas, or the 6th Congressional District of Arizona, or any district across the country, will understand that we are going to think long and hard and have compelling reasons to make a change, should we decide to do so collectively in this body with the support of the American people. But that will take away a temptation that has been too often easily employed.

Let us raise the standard and return to the notion that the money belongs to the people, not to Washington. I know my friend from Texas has a few things to say.

Mr. SESSIONS. Mr. Speaker, what the gentleman from Arizona has now clearly laid out is not only the essence of the reason why this is important to people back home, but I now want to add to those reasons and talk about why Washington needs to pay attention to the tax limitation amendment, H.J. Res. 94. I said H.J. Res. 39. That is wrong. That was last year. I have caught up now. H.J. Res. 94.

We must make it harder for Congress to raise taxes on the American people. Now, many people would say, Well, Washington has it down. We have already created a surplus. We are going to have a surplus now for as far as the eye can see.

I would say that, yes, that probably is true, provided we stay in power. But there is so much more that must be understood, and that is that just because the majority party believes that that is the right thing to do, it does not mean that that is what everybody agrees.

Back in 1995, when we were in the midst of the battle, the battle to determine that we would have a balanced budget, that we would be able to work within the confines to balance the budget based upon what the American people have given us before the Committee on Ways and Means, Alice Rivlin, the OMB, Office of Management and Budget, personnel director, said, ''I do not think that adhering to a firm path,'' which means a balanced budget, that you are going to stick to it, ''for a balance by 2002 is very sensible.''

□ 2045

She did not believe it was sensible. It is not always a good policy to have a balanced budget.

Let me say that that was 1995. Here we are, the year 2000, and lo and behold, not only does Alice Rivlin represent her boss, and they said in 1995 the way things would be, but here we see it in print now, this President's budget that he presented, that he took 2 hours to describe to the American public in the State of the Union Address.

We find out that President Clinton and Vice President GORE have more tax increases. Even when we are in the

middle of trying to not only take care of and shore up not only social security and Medicare and a lot of other things, but we have a surplus, and what do they want to do? They want to raise taxes, a $96 billion tax increase, President Clinton and Vice President GORE, tax increases.

Yet we know that there was another person, another group of people, who were right there saying, we will not raise taxes. We are in a surplus circumstance.

Now what we have to do, because we recognize that we have people who even when we have a surplus they want more and more and more not only spending but tax increases, we have to go tell the story. We need to make it more difficult.

Mr. HAYWORTH. If the gentleman will continue to yield, Mr. Speaker, as my friend, the gentleman from Texas, was relating not only the recent history but also the facts and figures amidst the flowery rhetoric that is so often part of what transpires in Washington, I could not help but note the successes that we have had as a commonsense conservative majority, and point out, Mr. Speaker, to the American people that it is very interesting the way Washington has worked heretofore.

We have had some success here, and indeed, we have rolled back taxes, as we were able to enact in the 105th Congress the $500 per child tax credit; as we were able to work to make sure that there was a higher level of tax fairness; when in fact just this past week we were able to procure at long last the signature of the President of the United States on legislation to end the unfair penalty confronting senior citizens who chose to work beyond their assigned retirement age; seniors who, if they were making in excess of $17,000 a year, were taxed to the tune of $1 out of every $3 of their social security benefit, lo and behold, Mr. Speaker, that was finally changed.

But I would note for the record that piece of legislation was first introduced well nigh in excess of two decades ago by the current chairman of the Committee on Ways and Means, the gentleman from Texas (Mr. ARCHER); that our current speaker, when he first arrived here in 1987, the gentleman from Illinois (Mr. HASTERT), introduced the self-same legislation.

While we welcome epiphanies, whether they come in election years or at other times, we are so pleased that at long last those who resisted that fundamental act of fairness finally saw the wisdom in letting seniors hang onto more of their own hard-earned money. Because I think, Mr. Speaker, that truly defines compassion.

The reason I mention it is because it took so long. The anachronistic policies of the mid 1930s that accompanied what at that point was a labor shortage, it took all the way to the dawn of a new century, 70 years, to make that change, the modest but important tax relief we offered in 1997, which came a decade and a half after the tax relief offered in the Reagan years.

So it is extremely difficult here to get this institution, to get those denizens of Washington and those folks in the bureaucracy, focused on actually letting people hang onto more of their own money. We have made some progress, as I have just documented.

One of the reasons is institutionally it has been so easy to raise taxes: A simple majority vote; a chief executive who is of a mind to do that because of previous Congresses and free-spending ways.

Again, this is not a partisan argument. Our friend, the gentleman from Texas (Mr. HALL), was talking about the days of former Speaker Rayburn and the balanced budgets that were formulated with a Republican president, Dwight Eisenhower, and a previous majority in Congress of the other party. But following that time, whether the days of Speaker Martin or the days of Speaker Rayburn, that was then and what followed later was a complete role reversal.

Always, always, always, Mr. Speaker, the notion was, we just need to raise taxes a little bit more. Mr. Speaker, I ask Members to think of what that says to the family in Payson, Arizona, in my district where the husband and wife are doing all they can to establish a fledgling printing business. They are working hard to make that business work, they are creating jobs in their small communities, they are providing a service, and more importantly, they are providing for their children.

I think, Mr. Speaker, one of the key problems we have faced as a people is as follows. For years folks came to this Chamber and asked or told the American people, you have to sacrifice so Washington can supposedly do more. That premise, we understand, in the fullness of time is exactly turned around: Washington bureaucrats should sacrifice, Mr. Speaker, so that American families can have more.

This tax limitation amendment is the right thing to do because it changes constitutionally and institutionally the bias toward always picking the pockets of hard-working Americans. It raises the standard even as we, in a signal both to Wall Street and to Main Street, in a new commonsense conservative Congress have at long last instituted policies of fiscal sanity.

The risky scheme, Mr. Speaker, is to always dip into the pockets of hard-working citizens. The real test of trust and responsibility is to make government more responsive, to make governmental decisions more rational, to reduce the debt and empower everyday hard-working Americans to keep more of what they earn and send less here.

Mr. SESSIONS. I thank the gentleman from Arizona. Wonderful points. We believe, I believe, that the thing that Congress should focus on is to make sure that we are not putting more debt not only on people who work today, but also for our children and our grandchildren.

This chart so accurately describes this, really, and it goes back to 1941. But as we see, the numbers are small until we head to about 1976. The numbers are astronomical. They go up to $350 billion in debts. This is what happened when Republicans and Independents and people who are from other parties, including Ross Perot, began talking about how America's greatest days are not behind her, America's greatest days are ahead; but that it would require responsibility, it would require, as the gentleman from Arizona said, sanity, the ability to balance and to comprehend what was happening to America.

So what happened is that a different vision was given. That was, we should not spend more than what we make. We should take the power that comes with the money to Washington, D.C. and put it back home. That is exactly what happened.

We now see where there has been a debt reduction directly as a result of what we have now accomplished. This did not happen overnight. It was based on a set of principles which we believe, as Republicans, are critical to the country. They include that we are going to protect 100 percent of social security. We have now done that.

Lo and behold, 30 years after spending not just some of social security but all of the surplus from social security, Republicans said that not only will we not do that, but we are going to make sure that we lock it away into a lockbox.

Strengthen Medicare with prescription drug coverage, that is what this marvelous House will be debating in a few short weeks. Forty billion dollars has been set aside, that is the Republican plan, $40 billion to make sure that citizens, not just like the people in the Fifth District of Texas, but like people that the gentleman has in Arizona, who live better lives today because of technology, because of investment that has been made by the private sector.

Yes, we have great doctors, but we have great drugs. Here is one thing we know. We understand and know that for every $1 that is spent on drugs, prescription drugs, we save $4 in hospital stay. It makes sense. It is the right thing to do.

We made sure that we are going to retire the debt by 2013; not add to it, not just let it stay out there, but we are going to pay it off a little at a time. It did not happen overnight, it took 40 years of Democrat-controlled Congresses to do that. We will get it done by 2013.

We are going to support and strengthen education, technology, research. We are going to make sure that education and science work together. That is why we are trying to double, and sticking to it, a commitment that was made by former Speaker Newt Gingrich that we would send double funding to NIH, the National Institutes of Health. Because we understood, and we still get it today, that if we invest in research and development, if we do the things by letting scientists and others who can make breakthroughs in not only prescription drugs and techniques, that what we can do is we can save lives and make life better.

We will promote fairness for families, farmers, and seniors. Half of the Fifth District of Texas is rural. Half of the Fifth District of Texas went through, in an agricultural setting, a terrible drought the last few years. We need to pay attention to rural America.

Restoring America's defenses. We have been able to accomplish so much because we were able to put on a sheet of paper the things that are important to America and Americans. People in the Fifth District of Texas, like the people in the Sixth District of Arizona, represent the topsoil of America. It is not the dirt, it is the people. They are the topsoil of our country. We are paying attention to people. We are going to get it right, and we are going to balance out the things that are important in America.

I yield to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank my colleague the gentleman from Texas, for yielding to me.

In listening to the people of Arizona, as the gentleman so eloquently stated some of the goals there, we look at prescription coverage for seniors as we try to strengthen Medicare.

I think it is important to make this distinction. Almost two-thirds of the senior community currently enjoys some prescription drug benefit through current insurance plans. But I think of the lady in Apache Junction, Arizona, who works not by choice but out of necessity at a fast food restaurant because she and her husband are not in a financial circumstance that enables them to have a complete insurance plan.

So what we say is for the truly needy seniors, for those one-third of the senior community that have somehow eluded this opportunity at prescription drug benefits, we want to provide them. But we are being very careful, because as another one of my constituents reminded me, she came up one day, Mr. Speaker, and said, J.D., I don't want to end up seeing my Medicare premiums rise so that I have the honor and opportunity to pay the prescription bills of Ross Perot.

□ 2100

I think that is a valid point. We want reasonable, rational reforms that strengthen Medicare and help those truly needy seniors.

Mr. SESSIONS. It sounds like that part of this debate is now into the two plans, essentially the two plans that are floating in Washington; one which would tax all seniors, and as I described in the Fifth District of Texas where all the seniors in the room would please take $20 out of their pocket, place them on the table, and then those people who placed the money, everybody placed the money, then if they did not need it, based upon their poverty level, if they did not qualify for prescription drug coverage, just please get up and walk outside the room. It is about 75 to 80 percent of senior citizens who would be paying $20 more out of their own pocket.

I would say to the gentleman from Arizona (Mr. HAYWORTH), here is a $20; $20 out of their own pocket every month for about 15 percent of the seniors who could not afford it. Why did we not come up with a plan, oh but there is one, the Republican plan, that will say, senior citizens, all senior citizens, put that money back in their pocket, put it back in their pocket; we have a budget surplus in Washington, D.C. We will take care of those people who need it most. We are not going to tax every senior citizen to help 15 percent of them. Sounds like a better idea to me.

Mr. HAYWORTH. I thank my colleague, the gentleman from Texas (Mr. SESSIONS), for again very eloquently and practically pointing out the difference.

There is something else we should note. Even as we turn to the subjects of Medicare and Social Security, the institutional bias that always asks for tax increases, even as we celebrate in bipartisan fashion the fact that the President signed into law the end of the earnings penalty on seniors who chose to work past retirement age and we restored fairness that had been 70 years in the making, or should I say 70 years in the waiting, it is worth noting, the gentleman spoke about the largest tax increase in American history, it disproportionately affected seniors. It jacked up Social Security taxes. It hit Americans all across the board but it nailed seniors, and while we have taken this first step to restore tax fairness, it was born of another important step that was taken as the President of the United States was kind enough to come down a couple of years ago and stand at the podium behind my friend, the gentleman from Texas (Mr. SESSIONS), and he said something that was a wonderful rhetorical flourish, but once we took away the bells and the whistles and the theatrics it was a shot across the bow and a warning to all American seniors, and my colleague from Texas I think he has more on that topic right here as we look at this chart.

Mr. SESSIONS. We do, and I thank the gentleman for mentioning that. The President of the United States, just a few short years ago, said Social Security first, Social Security first.

It took the Republican Party and a plan to get that done. We ended the raid of Social Security because it was the right thing to do. 1998 was the last year that the Congress of the United States will allow the surplus in Social Security, the hard-earned money that people have put into it, to then be spent for general budgetary items.

There, as always, are at least two different views. Let us role back the tape. Let us remember just a year ago, when we talked about the year 2000, the Republican plan said 100 percent of Social Security, meaning that if people gave that money for Social Security, it should only be used for Social Security. It should not be used for something else. That is what savings plans are about. That is what the government took it for. The government took the money, it is required by law, and we believe that 100 percent of it, that is the way it should go.

There was another side. There is another story. The other story in Washington, D.C. is, the President has his own plan. We understand that. We are willing to debate it, even on the floor. Of all of the surplus, the President said 62 percent of the surplus goes to Social Security, but 38 percent of Social Security goes to new government spending. How much money are we talking about? We are talking about, in fact, a lot of money. The surplus in the year 2000, $137 billion. That is $137 billion that instead of going to general revenue will be put directly into Social Security.

Now, one would say that is exactly what the gentleman from Arizona said, and I say, yes, that is close, except that the Democrats are still holding back our lockbox. They will not allow us to designate it. So the best we can say is, no money should be spent. The President still has $85 billion of the $137 billion.

In fact, the gentleman from Arizona and I are getting very good at this. If I can find my penny, every single penny that is given by an American for Social Security should only be used for Social Security, and that is what this is all about.

Mr. HAYWORTH. The gentleman has heard it in his district. One of the first things I heard, when I was honored and entrusted with this responsibility of service in the Congress of the United States, at innumerable townhall meetings across the width and breadth of my district, was a concern that funds were commingled. There was a fancy Washington term for it, of course there always is; the bureaucrats spoke of a unified budget. Well, that is a nice word, but what we really should have called it, Mr. Speaker, was a commingled budget, where Social Security money was not set aside and preserved

for Social Security and to the point even now would we have those who lead the executive branch always talk about these plans for spending and trusting government more, it is very interesting that they forget about the basics.

Thank goodness, Mr. Speaker, that a common sense Congress reminds Washington's bureaucrats and big spenders, no, we need to restore that firewall. It has been our intent since day one and now we have done it in our budgetary plans, not a single dime, not a single cent of Social Security money spent on any other program; all of it, all of it, going to save and strengthen Social Security. That is the difference, is it not, Mr. Speaker? Because as I mentioned at the outset, we are entrusted with this constitutional responsibility. We take an oath of office and we are given a responsibility, a role, a mandate, an oath, not to deceive the American people, either by pandering to foreign governments to solicit campaign donations in what is a cynical, sad and macabre twist on the notion of having political opponents, and somehow confusing political opponents with enemies to the point where in a free society those in the highest offices in our land, who took, presumably the same oaths of office, entrusted with those responsibilities, would live up to them. In the same sort of rhetoric here on this House floor, in a speech two years ago, it was said, let us set aside 62 percent of the Social Security surplus for Social Security. What was left unsaid, when we do the math as my colleague pointed out, 38 percent of that money is set aside for Social Security to go to new government programs.

Mr. Speaker, it has been said of those who head up the other branch of government by columnists from their own State, do not listen so much to what they say; watch what they do.

We best secure America's future by restoring trust, by resurrecting that firewall, by putting Social Security funds in a lockbox to be used exclusively for Social Security, by making it more difficult to raise taxes. Rather than having Washington succumb always to the siren song of picking the pockets of hard working Americans, we reaffirm the truth that the money, when all is said and done, does not belong to the Federal Government or the Washington bureaucrats. It belongs to hard working Americans and they ought to hang on to more of it and send less of it here.

Mr. SESSIONS. The gentleman has led directly to the point that I believe is the essence of the tax limitation amendment, and that is in the era of surpluses, when the government has effectively, as a result of the Republican Congress, made sure that Social Security and Medicare will not be spent, it was given for a reason. It will be used for that reason. Then lo and behold, we have extra money called a surplus, that came about, the very essence of it came about because we cut taxes. We encouraged America not only to go work harder but to work smarter. We encouraged America to invest in America.

Just a few short years ago, we were worried about all the jobs in America going offshore. Ten years ago we were told America's greatest days are behind her. The best education is somewhere else; the best of technology is somewhere else; the best of future is somewhere else. We today and every Member of this body tries to take credit for it and that is okay, of the things that have happened in the last 5 years. It is the right thing to do for us to understand that we had to balance the budget; we had to take Social Security off budget; we had to make sure that we created a surplus.

Now tonight we are talking about making it more difficult to raise taxes, a simple thing. We want to make it more difficult for Washington to take your money. H.J. Res. 94, the tax limitation amendment, will be voted on on Wednesday, will be voted on because it is the right thing for America today. What is going to happen with more of the money, the money that is today a surplus? Here is what we are going to do: We are going to make sure that it goes back to the people who gave it to Washington. I am not sure they gave it because they wanted to necessarily, but they gave it and they expect us to do wise things with it.

Responsibility, here is what we are doing: We want to end the marriage penalty. Just a few short months ago in January, President Clinton stood right behind me and he stated he would be more doing away with the marriage penalty.

We are now talking about repealing the senior earnings limit. The President of the United States signed that last Friday in the White House garden. It was beautiful. We are now going to have senior citizens who are no longer penalized with an unfair tax. The gentleman from Texas (Mr. ARCHER) worked on that for 30 years.

We want to reduce, eliminate the death taxes. We want to expand education savings accounts. Lo and behold, in my home I have a 6-year-old Down's Syndrome little boy who could use the money. We could also, by spending it efficiently on all sorts of not only educational tools for our baby, our son, our child, but also to help nurture him to where he will be able to be self sufficient.

We have a 10-year-old at home, a 10-year-old who every single day reads every book and takes everything that we can get our hands on, gobbles it in, understands that his future is the same as our country's future. We are going to spend more money on education. My son understands and so does my wife.

We are going to increase health care deductibility. We want every single working American, and especially those today who are not allowed to, by law, to be able to deduct their health care. We want every single person to have health care. Every single person deserves a right to have their own doctor, not just show up at some clinic, not just to have a doctor available but their doctor who they know and understand.

We want to provide tax breaks for communities that do not have as much money as others, and we want to strengthen private pension plans to where people have an opportunity to save for their future.

What we are talking about is the tax limitation amendment that will be the crowning jewel on responsibility, it is the crown jewel of responsibility, to make it more difficult for the Members of Congress to vote for tax increases. We have enough money. We should do the right thing and yet we recognize, I recognize, that in this town we have not flipped everybody.

□ 2115

The real spenders are still out there, people who will take money. This is why we have to have a tax limitation amendment, a two-thirds majority.

Oh, the debate will happen here on the floor, trust me, the debate where people will stand up and talk about we have got to spend more and more and more and more and raise taxes more and more.

I would say that discipline and responsibility is what will make the difference, and the responsibility comes down to what my party stands for. My party deeply believes that, if we want to have America's greatest days ahead of her, then we will empower people back home, men and women, children, small businesses, large businesses, people to invest in America because they know they can do so because the risk is not there to say, when one becomes successful, the government in Washington, D.C. wants their share, too. I think that they would understand fair share is okay. But in Washington, if one is successful, that means Washington wants more and more and more and more.

That is why we offer the tax limitation amendment. That is why this is bipartisan. It is bipartisan. It makes sense, because we want to create wealth and opportunity for generations to come. We want to get away from where Washington, D.C. all of a sudden sees where, oh, there is now an Internet out there, we ought to tax that. There is something else out there, we have got to raise taxes on that.

We still have been paying, for 70 years, a telephone tax that was done, ah, to raise money for the war. By the way, that was World War II.

Mr. Speaker, I yield to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, it is even more profound than that. In doing

our research, we have crafted, again, bipartisan legislation to end this. But, Mr. Speaker, I am sure the American people will note with interest that a luxury tax was imposed on the telephone really before the advent of the 20th Century. It came in the Spanish American War.

So, Mr. Speaker, Teddy Roosevelt led the charge up San Juan Hill, and patrons of this new technology of the telephone, I guess at that time it was fairly called a luxury, we are paying a luxury tax. Telephone users since that time up until the present day at the advent of the Internet is still paying a luxury tax on telephones instituted in the Spanish American War.

We are taking steps to roll that back. Perhaps that is the most graphic example of the institutional bias in Washington, D.C. toward taxes.

Let us not forget that, in fact, what paved the way for the 16th Amendment to the Constitution that allowed for the direct taxation of personal income was a Supreme Court opinion that said direct taxation of personal income would be constitutional provided it was a temporary measure. That leads to what will transpire in our Committee on Ways and Means this week, hearings on changing our tax system, on offering real reform.

But, Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for shouldering the burden of responsibility and leadership and bringing to the floor the tax limitation amendment. Because real reform starts with this institutional change where we say, if raising taxes is so important to us as a people, let us at least raise the standard, make it difficult, make it more difficult, require a two-thirds majority, a supermajority, as we do on questions of constitutional amendments, as we do on questions of impeachment, of constitutional issues.

If we are willing to take these steps, there should be a standard of accountability and a lack of institutional bias that always favors the bureaucrat. There should be a leveling of responsibility and a higher standard to protect the taxpayer. That is the key, the measure that will be offered by the gentleman from Texas on this floor in the days ahead. It is an important first step.

Mr. Speaker, as I think about Americans who may be within the sound of my voice electronically, who may be there pouring over that Form 1040, maybe succumbing to the EZ Form because the hour grows late or the deadline of April 15, I would hope, Mr. Speaker, that those Americans would take time to write, call, and fax their Members of Congress to let them know where they stand, to let them say to their advocates on Capitol Hill, you should advocate the notion that we should raise the standard and eliminate the institutional bias toward more and more and more taxation and higher and higher spending.

Just one final amendment to the amendment offered, in a friendly rhetorical fashion, to the gentleman from Texas. There is really a better word to use for surplus. Really what we have right now that is widely referred to as a surplus is, in fact, an overcharge of the American people who are now taxed at the highest level in our history parallel only by a period of grave crisis in World War II.

There is no excuse in a time of relative peace, to be assured there are challenges that confront us internationally, and we must provide for the common defense, and we are willing to take those steps to rebuild and restore our national defense, but having said that, there is no excuse for the American people to be taxed at the same level at which they found themselves taxed in World War II.

So with this tremendous overcharge, after setting aside a massive portion for what it was designated for to begin with, strengthening Social Security, strengthening Medicare, we owe it to the people who have placed their trust in us to give that overcharge back.

When one pays for something at a store, if one gives a greater amount of money in that retail exchange, one expects a return, one expects cash back. With this overcharge, we are saying it is time to give that money back to the people to whom it belongs.

That is why I applaud the gentleman from Texas, and that is why I hope Americans, Mr. Speaker, within the sound of my voice will call, write, fax, e-mail, phone their Congressional Representatives and ask them to support this tax limitation amendment.

Mr. SESSIONS. Mr. Speaker, I thank the gentleman from Arizona, from the 6th District. Tonight we have had my colleagues hear a wonderful debate about the tax limitation amendment from the gentleman from Texas (Mr. HALL), a Democrat from the 4th District of Texas, and the gentleman from the 6th District of Arizona (Mr. HAYWORTH). They had the opportunity to talk about, not only their districts, but their vision of what America is all about, and it should be more difficult to raise taxes.

We heard the story about the senior earnings limit, the earnings limit put on seniors years ago. The gentleman from Texas (Mr. ARCHER), chairman of the Committee on Ways and Means, this was the very first bill that he presented upon being a Member of Congress 30 years ago. After years of working on this effort, he finally succeeded in giving the President of the United States, the House, and the Senate, the other body, the opportunity to agree to this bill, what turned out to be unanimous. What 5 years before was impossible, because the gentleman from Texas (Mr. ARCHER) sat in the chair as the majority party representative to the Committee on Ways and Means, it got signed into law.

The tax limitation amendment, H.J. Res. 94, will be debated on Wednesday. I hope my colleagues will join us to support this.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. REYES (at the request of Mr. GEPHARDT) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. EHLERS, for 5 minutes, April 11.

Mr. SWEENEY, for 5 minutes, April 12.

Mr. KNOLLENBERG, for 5 minutes, April 12.

Mr. NORWOOD, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, April 12.

Mr. PEASE, for 5 minutes, April 11.

Mr. METCALF, for 5 minutes, today, April 11, 12, and 13.

Mrs. MORELLA, for 5 minutes, April 11.

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. DIAZ-BALART, for 5 minutes, April 11, 12, and 13.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 43. Joint resolution expressing the sense of Congress that the President of the United States should encourage free and fair elections and respect for democracy in Peru; to the Committee on International Relations.

ADJOURNMENT

Mr. HAYWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, April 11, 2000, at 9:30 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7001. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—National Poultry Improvement Plan and Auxiliary Provisions [APHIS Docket No. 98–096–2] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7002. A letter from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 3 (Native) Spearmint Oil for the 1999–2000 Marketing Year [Docket No. FV00–985–3 IFR] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7003. A letter from the Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule—General Administrative Regulations; Reinsurance Agreement-Standards for Approval; Regulations for the 1997 and Subsequent Reinsurance Years—received February 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7004. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Tomatoes Grown in Florida; Partial Exemption From the Handling Regulation for Producer Field-Packed Tomatoes [Docket No. FV98–966–2 FIR] received February 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7005. A letter from the Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule—Common Crop Insurance Regulations; Forage Production Crop Provisions; and Forage Seeding Crop Provisions—received February 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7006. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Ports Designated for Exportation of Horses; Dayton, OH [APHIS Docket No. 99–102–1] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7007. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Polyoxyethylated Sorbitol Fatty Acid Esters; Tolerance Exemption [OPP–300971; FRL–6490–8] (RIN: 2070–AB78) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7008. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Ethoxylated Propoxylated C12–C15 Alcohols; Tolerance Exemption [OPP–300973; FRL–6491–3] (RIN: 2070–AB78) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7009. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Dimethyl Silicone Polymer With Silica; Silane, Dichloromethyl-, Reaction Product With Silica; Hexamethyldisilizane, Reaction Product With Silica; Tolerance Exemptions [OPP–300972; FRL–6490–9] (RIN: 2070–AB78) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7010. A letter from the Under Secretary of the Navy, Department of Defense, transmitting notification of the Department's decision to study certain functions performed by military and civilian personnel in the Department of the Navy (DON) for possible performance by private contractors, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

7011. A letter from the Under Secretary, Department of Defense, transmitting the Selected Acquisition Reports (SARS) for the quarter ending December 31, 1999, pursuant to 10 U.S.C. 2432; to the Committee on Armed Services.

7012. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7013. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits—received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7014. A letter from the General Counsel, Consumer Product Safety Commission, transmitting the Commission's final rule—Safety Standard for Multi-Purpose Lighters—received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7015. A letter from the Assistant General Counsel for Regulatory Law, Office of Hearings and Appeals, Department of Energy, transmitting the Department's final rule—Criteria and Procedures for DOE Contractor Employee Protection Program (RIN: 1901–AA78) received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7016. A letter from the Director, Regulations Policy Management and Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adhesives and Components of Coatings and Paper and Paperboard Components [Docket No. 92F–0111] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7017. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adhesives and Components of Coatings [Docket No. 92F–0443] received February 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7018. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Drinking Water Tribal Set-Aside Grants Guidance to Applicants— received February 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7019. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendment to the Finding of Significant Contribution and Rulemaking for Certain States for Purposes of Reducing Regional Transport of Ozone [FRL–6542–9] (RIN: 2060–AH10) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7020. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Missouri: Final Authorization of State Hazardous Waste Management Program Revision [FRL–6543–5] received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7021. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Louisiana: Final Authorization of State Hazardous Waste Management Program Revisions [FRL–6543–3] received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7022. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval of the Clean Air Act, Section 112(l), Delegation of Authority to Three Local Air Agencies in Washington; Amendment [FRL–6541–2] received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7023. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Killeen and Cedar Park, Texas) [MM Docket No. 98–176 RM–9363] received February 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7024. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Stanfield, Oregon) [MM Docket No. 99–44 RM–9469] received February 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7025. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Silverton and Bayfield, Colorado) [MM Docket No. 99–76 RM–9400] received February 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7026. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Walton and Livingston Manor, New York) [MM Docket No. 99–10 RM–9435 RM–9688] received February 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7027. A letter from the Lieutenant General, USA, Director, Defense Security Corporation, transmitting a report containing an analysis and description of services performed by full-time USG employees during Fiscal Year 1999, pursuant to 22 U.S.C. 2765(a); to the Committee on International Relations.

7028. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List: Addition—received February 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7029. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List: Additions—received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7030. A letter from the Director, Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting the Office's final rule—Executive Agency Ethics Training Programs Regulation Amendments (RIN: 3209–AA07) received February 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7031. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for Newcomb's Snail From the Hawaiian Islands (RIN: 1018–AE27) received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7032. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No. 991223348–9348–01; I.D. 020700A] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7033. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 29899; Amdt. 420] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7034. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29896; Amdt. No. 1969] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7035. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29895; Amdt. No. 1968] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7036. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29885; Amdt. No. 1967] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7037. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29884; Amdt. No. 1966] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7038. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29864; Amdt. No. 1965] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7039. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29863; Amdt. No. 1964] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7040. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29908; Amdt. No. 1972] received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7041. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29906; Amdt. No. 1970] received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7042. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT8D–200 Series Turbofan Engines [Docket No. 99–NE–32–AD; Amendment 39–11465; AD 99–26–06] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7043. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 and A300–600 Series Airplanes [Docket No. 96–NM–194–AD; Amendment 39–11467; AD 99–26–08] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7044. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes [Docket No. 98–NM–248–AD; Amendment 39–11475; AD 99–26–15] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7045. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Agusta S.p.A. Model A109A and A109A II Helicopters [Docket No. 99–SW–64–AD; Amendment 39–11472; AD 99–26–13] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7046. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Guidance for Project Eligibility and Design Under the Region IX Tribal Border Infrastructure Program—received February 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7047. A letter from the Chief, Regulations Unit, Department of the Treasury, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 2000–9] received February 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7048. A letter from the Assistant Secretary for Import Administration and Assistant U.S. Trade Representative for WTO and Multilateral Affairs, Department of Commerce, transmitting the Subsidies Enforcement Annual Report to the Congress; to the Committee on Ways and Means.

7049. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 20000–2] received February 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7050. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Special Rules Relating to Debt Instruments [Rev. Rul. 2000–12] received February 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COMBEST: Committee on Agriculture. H.R. 852. A bill to require the Department of Agriculture to establish an electronic filing and retrieval system to enable the public to file all required paperwork electronically with the Department and to have access to public information on farm programs, quarterly trade, economic, and production reports, and other similar information; with amendments (Rept. 106–565). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER. Committee on Ways and Means. H.R. 4163. A bill to amend the Internal Revenue Code of 1986 to provide for increased fairness to taxpayers; with an amendment (Rept. 106–566). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 3439. A bill to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations; with amendments (Rept. 106–567). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

The following action occurred on April 7, 2000

H.R. 1742. Referral to the Committee on Commerce extended for a period ending not later than April 11, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KUYKENDALL:

H.R. 4220. A bill to amend title 18, United States Code, to add certain firearms related crimes to the list of crimes giving rise to a presumption of dangerousness for purposes of hearings on the release of defendants before trial; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 4221. A bill to amend the Service Contract Act of 1965 to require entities that enter into certain services contracts with the Federal Government or the District of Columbia to offer the employees that carry out the services before the award of a contract the right to continue employment after the award of the contract; to the Committee on Education and the Workforce.

By Ms. JACKSON-LEE of Texas:

H.R. 4222. A bill to provide for the establishment of a task force within the Bureau of Justice Statistics to gather information about, study, and report to the Congress regarding, incidents of abandonment of infant children; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JEFFERSON:

H.R. 4223. A bill to reduce temporarily the duty on Fipronil Technical; to the Committee on Ways and Means.

By Mr. PETRI:

H.R. 4224. A bill to amend the Federal Election Campaign Act of 1971 to reform the financing and conduct of campaigns for elections for Federal office, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO:

H.R. 4225. A bill to suspend temporarily the duty on Fructooligosaccharides (FOS); to the Committee on Ways and Means.

By Mr. THUNE:

H.R. 4226. A bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with the Black Hills National Forest; to the Committee on Resources.

By Mr. JACKSON of Illinois:

H.J. Res. 95. A joint resolution proposing an amendment to the Constitution of the United States relative to taxing the people of the United States progressively; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 96. A joint resolution proposing an amendment to the Constitution of the United States regarding the right of citizens of the United States to health care of equal high quality; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 97. A joint resolution proposing an amendment to the Constitution of the United States regarding the right of all citizens of the United States to an education of equal high quality; to the Committee on the Judiciary.

By Mr. TERRY:

H. Res. 467. A resolution expressing the sense of the House of Representatives that the tax and user fee increases proposed by the Clinton/Gore administration in their fiscal year 2001 budget should be adopted; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 274: Mr. BEREUTER and Ms. SANCHEZ.
H.R. 357: Mr. WU.
H.R. 516: Mr. ROHRABACHER.
H.R. 518: Mr. ROHRABACHER.
H.R. 632: Mr. OXLEY.
H.R. 664: Mr. JEFFERSON.
H.R. 809: Mr. FILNER.
H.R. 860: Mr. BEREUTER.
H.R. 920: Mr. PAYNE.
H.R. 960: Mr. SAXTON.
H.R. 1020: Mr. BONIOR, Ms. MCKINNEY, and Mr. DOYLE.
H.R. 1071: Mr. KUCINICH.
H.R. 1115: Mrs. FOWLER and Mr. COSTELLO.
H.R. 1168: Mr. KINGSTON and Mr. MCINTOSH.
H.R. 1228: Mr. MCGOVERN, Mr. SMITH of Washington, Mr. EHRLICH, Mr. HASTINGS of Florida, Mr. ENGEL, and Mr. DEFAZIO.
H.R. 1285: Mr. NEAL of Massachusetts.
H.R. 1304: Mr. BOSWELL.
H.R. 1310: Mrs. ROUKEMA, Mr. LEWIS of Kentucky, and Mr. RUSH.
H.R. 1322: Mr. LATHAM, Mr. MCKEON, Mr. CRAMER, Mr. TERRY, Mr. GREEN of Wisconsin, Mr. KNOLLENBERG, Mr. UDALL of New Mexico, Mr. SESSIONS, Mr. MCINTOSH, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MINK of Hawaii, Mr. GILMAN, and Ms. DELAURO.
H.R. 1398: Mr. HOSTETTLER.
H.R. 1413: Mr. EDWARDS.
H.R. 1495: Mr. BERMAN.
H.R. 1515: Mr. UDALL of Colorado, Mr. WEYGAND, and Mr. DOYLE.
H.R. 1560: Mr. SAM JOHNSON of Texas.
H.R. 1645: Mr. BENTSEN.
H.R. 1806: Ms. RIVERS.
H.R. 1885: Ms. BROWN of Florida, Mr. GUTIERREZ, Mr. DAVIS of Illinois, Mr. LIPINSKI, Mr. DOGGETT, and Ms. WOOLSEY.
H.R. 1899: Mr. REYNOLDS.
H.R. 1912: Ms. CARSON and Mr. FALEOMAVAEGA.
H.R. 1926: Mrs. CAPPS.
H.R. 2002: Mr. WAXMAN.
H.R. 2175: Mr. RANGEL.
H.R. 2321: Ms. DELAURO.
H.R. 2485: Mr. WAMP.
H.R. 2498: Mr. MCKEON and Mrs. JONES of Ohio.
H.R. 2543: Mr. SMITH of New Jersey.
H.R. 2596: Mr. DREIER, Mr. CANNON, Mr. DELAY, Mrs. FOWLER, and Mr. SWEENEY.
H.R. 2640: Mr. OXLEY.
H.R. 2641: Mr. SHIMKUS.
H.R. 2722: Ms. CARSON.
H.R. 2736: Mr. YOUNG of Alaska, Mr. BARRETT of Wisconsin, Mr. BONIOR, Mr. SHERMAN, Mr. BOSWELL, Mr. TURNER, Ms. LOFGREN, and Mr. SMITH of Washington.
H.R. 2790: Mr. HORN and Mr. FORBES.
H.R. 2842: Mr. FROST.
H.R. 2883: Mr. GALLEGLY and Mr. BLUMENAUER.
H.R. 2892: Ms. PRYCE of Ohio.
H.R. 2909: Mr. WAXMAN.
H.R. 2955: Mrs. CLAYTON.
H.R. 2973: Mr. PORTMAN.
H.R. 3113: Mr. FRELINGHUYSEN and Mr. WOLF.
H.R. 3125: Mr. DUNCAN, Mrs. NORTHUP, Mr. PETERSEN of Minnesota, Mr. TRAFICANT, and Mr. WAMP.
H.R. 3192: Mr. FRANKS of New Jersey, Mr. GREENWOOD, Ms. CARSON, Mr. OLVER, and Mr. PORTER.
H.R. 3293: Ms. MCCARTHY of Missouri, Mr. JEFFERSON, Mr. HYDE, Ms. BALDWIN, Mr. ARMEY, Mr. MINGE, Mr. NEAL of Massachusetts, Mr. CARDIN, Mr. COLLINS, Mr. WYNN, Mr. CUMMINGS, Mr. THUNE, and Mr. BERRY.
H.R. 3301: Mr. RAHALL, Mr. HINCHEY, Mr. HORN, and Mr. FILNER.
H.R. 3319: Mr. DICKS and Mr. BERRY.
H.R. 3439: Mr. GORDON.
H.R. 3466: Mr. PALLONE.
H.R. 3485: Mr. HORN.
H.R. 3573: Mr. DOOLITTLE, Mr. EVERETT, Mrs. MALONEY of New York, and Mr. RUSH.
H.R. 3575: Mr. FLETCHER.
H.R. 3580: Mr. WELDON of Florida, Mr. RANGEL, Mr. KUCINICH, Mr. LEWIS of Kentucky, Mr. POMEROY, Mr. NUSSLE, Mr. MEEKS of New York, Mr. GOODLING, Mr. MCINTYRE, Mr. TURNER, Mr. SKELTON, Mr. COOK, Ms. BERKLEY, Mr. BISHOP, Mr. GILCHREST, Mr. HAYES, and Mr. PASTOR.
H.R. 3600: Ms. LEE.
H.R. 3609: Mr. PAUL.
H.R. 3634: Ms. ESHOO and Mr. HOYER.
H.R. 3698: Mr. COOK, Ms. BERKLEY, Ms. LEE, Mrs. KELLY, Mr. HAYES, Mrs. NORTHUP, Mr. COMBEST, Mrs. JONES of Ohio, and Mr. PASTOR.
H.R. 3766: Mr. GILMAN, Mr. BARCIA, Mr. WEYGAND, Mrs. NAPOLITANO, Mr. LUTHER, Mr. JEFFERSON, Mrs. MINK of Hawaii, Mrs. CHRISTENSEN, and Mr. SANDLIN.
H.R. 3825: Mr. SAWYER, Mr. BARRETT of Wisconsin, Mr. BOUCHER, and Mr. PETERSON of Minnesota.
H.R. 3861: Mr. LAFALCE, Mr. SANDERS, Mrs. LOWEY, Ms. PELOSI, Ms. LEE, and Ms. MCKINNEY.
H.R. 3915: Mr. SMITH of Washington and Mr. BUYER.
H.R. 3916: Mr. BAKER, Mr. CUNNINGHAM, and Mr. BEREUTER.
H.R. 3981: Ms. WOOLSEY.
H.R. 3983: Mr. BOEHNER and Mr. GREENWOOD.
H.R. 4022: Mr. MCINTOSH and Mr. HOSTETTLER.
H.R. 4033: Mr. RUSH, Mr. ROMERO-BARCELO, Ms. KAPTUR, Mrs. JONES of Ohio, Mrs. MCCARTHY of New York, Mr. WAXMAN, Mr. WAMP, and Mr. KIND.
H.R. 4036: Mr. JACKSON of Illinois and Mr. EVANS.
H.R. 4040: Mr. PETRI and Mr. WELDON of Florida.
H.R. 4051: Mr. SKEEN, Mr. OXLEY, Mr. BLUNT, Mr. SMITH of Washington, Mr. TERRY, Mr. ENGLISH, and Mr. KINGSTON.
H.R. 4053: Mr. LEACH.
H.R. 4059: Mr. BARR of Georgia.
H.R. 4064: Mr. NETHERCUTT, Mr. SKELTON, Mr. COOK, Mr. LEACH, Mr. SMITH of Michigan, and Mrs. EMERSON.
H.R. 4069: Mr. FOLEY, Mr. GONZALEZ, and Mr. WYNN.
H.R. 4071: Mr. GREENWOOD, Mr. BOEHLERT, Mr. GILMAN, and Mr. ENGLISH.
H.R. 4074: Mr. SMITH of Washington.
H.R. 4091: Mr. LAFALCE, Mr. FRANK of Massachusetts, Mr. SANDERS, and Mrs. MEEK of Florida.
H.R. 4118: Mr. ARMEY.
H.R. 4149: Mr. SMITH of New Jersey, Ms. PRYCE of Ohio, Mr. SALMON, and Mr. BILBRAY.
H.R. 4152: Mr. RAMSTAD.
H.R. 4163: Mr. TANNER, Mr. MCNULTY, Mr. DOGGETT, Mr. TERRY, and Mrs. BIGGERT.

H.R. 4199: Mr. REYNOLDS.

H.R. 4207: Mrs. BONO, Mr. BLUMENAUER, Mr. WELDON of Florida, and Mr. MARKEY.

H.R. 4218: Mr. HERGER and Mr. DOOLEY of California.

H.J. Res. 77: Mr. NEY.

H. Con. Res. 108: Mr. BACHUS.

H. Con. Res. 228: Mrs. MINK of Hawaii, Mr. ROHRABACHER, and Mr. BACA.

H. Con. Res. 262: Mr. HEFLEY, Ms. PRYCE of Ohio, Mr. BLILEY, and Ms. PELOSI.

H. Con. Res. 282: Mrs. FOWLER, Mr. MURTHA, Mr. COX, Mr. SHOWS, Ms. DANNER, Mr. FORBES, Mr. ABERCROMBIE, Mr. ADERHOLT, Mr. ARMEY, Mr. BAKER, Mr. BERRY, Mr. BILBRAY, Mr. BLILEY, Mr. BURR of North Carolina, Mr. CAMP, Mr. CHABOT, Mrs. CHENOWETH-HAGE, Mr. CLEMENT, Mr. CUNNINGHAM, Mr. DEMINT, Mr. DICKEY, Mr. ENGLISH, Mr. EVERETT, Mr. GOODE, Mr. GOSS, Mr. HAYWORTH, Mr. HILL of Montana, Mr. HOBSON, Mr. HOUGHTON, Mr. HUNTER, Mr. ISAKSON, Mr. KASICH, Mrs. KELLY, Mr. LARGENT, Mr. LATHAM, Mr. LEWIS of Kentucky, Mr. LUCAS of Kentucky, Mr. MCCRERY, Mr. MCINTYRE, Mr. MANZULLO, Mr. METCALF, Mr. MILLER of Florida, Mr. GEORGE MILLER of California, Mrs. MINK of Hawaii, Mr. LAZIO, Mr. REYNOLDS, Mr. MORAN of Kansas, Mr. NORWOOD, Mr. OLVER, Mr. OXLEY, Mr. PETERSON of Pennvylvania, Mr. PICKERING, Mr. PITTS, Mr. PORTMAN, Mr. ROEMER, Mr. ROHRABACHER, Mr. RYUN of Kansas, Mr. SANFORD, Mr. SHADEGG, Mr. SHAW, Mr. SHIMKUS, Mr. SISISKY, Mr. SKELTON, Mr. STUPAK, Mr. STUMP, Mr. TAUZIN, Mr. TAYLOR of Mississippi, Mr. TOOMEY, Mr. WALSH, Mr. WAMP, Mr. WATTS of Oklahoma, Mr. WEYGAND, Mr. WHITFIELD, Mr. WICKER, Mr. CHAMBLISS, Mrs. MYRICK, Mr. GIBBONS, Mr. LAHOOD, Mr. SWEENEY, Mrs. BIGGERT, and Mrs. ROUKEMA.

H. Con. Res. 295: Mr. BEREUTER, Mr. DAVIS of Virginia, and Ms. SANCHEZ.

H. Res. 442: Mr. STUPAK.

EXTENSIONS OF REMARKS

DON'T USE SHORTAGE TO PROMOTE ANWR, COAST DEVELOPMENT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 2000

Mr. GEORGE MILLER of California. Mr. Speaker, the recent rise in energy prices should serve as a wake-up call for the Republican leadership in Congress. From legislative obstruction that prevents improved auto fuel efficiency to gutting the budgets for energy conservation and efficiency programs, the Republicans in Congress have set the American people up to be exploited by OPEC.

Now, as the predicted crisis hits, the Republicans offer solutions that are as bankrupt and empty as their legislative record over the past five years:

Republicans vote for opening the Arctic National Wildlife Refuge to oil and gas development.

The Republican Whip declares that "the cleanest thing you could do is to drill [for oil] off the coast of California and Florida," repealing the moratoria on offshore oil drilling.

Republicans want to repeal the gas taxes that are paying for urgently needed transportation improvements throughout America.

These are the same leaders who have repeatedly advocated the abolition of the Department of Energy and promoted the export to Asia of domestic oil from Alaska, all the while slashing programs designed to make America less dependent on foreign fuels.

As the Nation prepares for the celebration of Earth Day, these vigorously anti-environmental initiatives by the Republican leadership are extraordinarily ill-timed. But that should not come as a great surprise from a party whose third-ranking leader in the House of Representatives has been quoted as likening the Environmental Protection Agency to the Gestapo.

There is no easy or instant solution to make us more energy independent. Thanks to the budget cuts embraced by the Republican leadership, we have lost years of critical research and development in energy conservation and efficiency programs that were requested by the Clinton administration.

Instead of anti-environmental Republican policies, we should be working together to make the daily activities of Americans more energy-friendly. Who wouldn't want to drive a more fuel efficient car, live in a home that is better insulated, or have utilities which use less water and electricity? These kinds of measures can save much more oil than would ever be produced from the Arctic Refuge and without environmental destruction.

The Republican strategy is to trade energy efficiency for environmental catastrophe. That is not a sane national energy policy. That is a choice the American people should not have to make, and it is a choice they rightly reject.

HONORING MATTHEW NEMERSON FOR OUTSTANDING SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 2000

Ms. DELAURO. Mr. Speaker, I am pleased to join the many that have gathered to pay tribute to one of our community's leading advocates, Matthew Nemerson. A dear friend and colleague, Matthew has had a tremendous impact on the city of New Haven.

As president of the Greater New Haven Chamber of Commerce, Matthew has taken the lead in the revitalization efforts for the city of New Haven. Representing New Haven and 14 surrounding municipalities, the chamber is the primary voice for businesses throughout the region. With an unequaled understanding of the needs of business leaders, Matthew has led the effort to include the concerns of local businesses in city revitalization efforts—actively ensuring the creation of a strong and viable economic climate for the region. It has been an honor and privilege to work with Matthew on the many issues facing our region. His profound dedication to the advancement of southern Connecticut has been an inspiration.

Matthew's commitment to Greater New Haven extends beyond the chamber. His participation in numerous organizations throughout the region serves as an example to us all. His efforts on behalf of the Greater New Haven Urban League, the Greater New Haven United Way, the Greater New Haven Preservation Trust, the Greater New Haven Arts Council, the New Haven Scholarship Fund, and the Connecticut Anti-Defamation League have benefitted countless families across the State of Connecticut. Matthew also serves as a gubernatorial appointee to the Connecticut Port Authority and the Connecticut Employment and Training Commission and a mayoral appointee to the New Haven Coliseum Authority New Haven Development Corporation. Through his outstanding record of service, he has demonstrated a unique commitment to addressing the myriad of issues that face some of our most vulnerable citizens. All of us in the New Haven area have benefited from his work.

For nearly 13 years, Matthew has led the Chamber of Commerce and the Greater New Haven community with an unparalleled spirit that has truly enriched the lives of many. I am proud to join with his wife, Marian, his two children, Elana and Joy, family, friends and colleagues to extend my best wishes as Matthew begins a new chapter in his career. Mere words cannot express our gratitude for all that he has achieved on behalf of our community—we will certainly miss him.

A TRIBUTE IN HONOR OF BARBARA HOWELL, BREAD FOR THE WORLD'S DIRECTOR OF GOVERNMENT RELATIONS

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 2000

Mr. HALL of Ohio. Mr. Speaker, today I honor Barbara Howell, on the occasion of the 25th anniversary of her service to Bread for the World, a nonpartisan Christian citizens' movement against hunger. Barbara Howell has dedicated her career to fighting for the needs of hungry and low-income people.

In April 1975, Barbara opened Bread for the World's first Washington, DC office—just across the street, on the fifth floor of the Methodist Building on Maryland Avenue. Since then, she has been instrumental in guiding Bread for the World's efforts to develop and support public policies to benefit low-income and hungry people in the United States and overseas. Barbara has provided expert testimony to Congress numerous times and has met with U.S. Presidents from President Carter to President Clinton. Due in large part to her leadership and advocacy, in 1995, the U.S. government implemented a groundbreaking measure to collect and report data on hunger and food insecurity in the United States annually.

Perhaps because of the deep love Barbara holds for her own daughters, Leah and Marya, Barbara has been a tireless advocate for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). Barbara's work in support of the WIC program has helped ensure its steady availability to more and more low-income women and their children—even during periods of time when a number of programs assisting low-income people were under attack. In 1999, the National Association of WIC Directors honored Barbara for her longstanding leadership by giving her their WIC Advocacy Award.

Barbara is a woman of deep faith in God. She holds a master's degree in religious education from Union Theological Seminary. She has served her church as an elder and has chaired its missions council. Earlier in her career Barbara worked as a Methodist chaplain, serving three universities over a seven year period.

Barbara Howell has devoted her life to bringing justice to the most vulnerable people in our world. Barbara and her husband Leon spent four years as free-lance journalists in southeast Asia, writing about economic, development assistance, and church-related issues. For the past 25 years, she has been a determined leader on behalf of effective federal policy for low-income people in the United States and overseas. She has attended three United

Nations Women's Conferences—in Copenhagen in 1980, Nairobi in 1985, and Beijing in 1995.

Barbara is a rare individual, and deserves our heart-felt thanks for dedicating her life to serving others. I invite you and our colleagues to join me in thanking Barbara Howell for her distinguished commitment to making our nation's public policy more just for all people.

TRIBUTE TO DOLORES HUERTA

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 2000

Mr. BERMAN. Mr. Speaker, today I pay a heartfelt tribute to Dolores Huerta, pre-eminent American labor leader and social activist, on the occasion of her 70th birthday, which we celebrate today.

Dolores Fernandez Huerta was born April 10, 1930, in Dawson, New Mexico. The mother of 11 children, the grandmother of 14, and the great-grandmother of four, she is a hero to farmworkers, to the Latino community, to women, to the labor movement and to me.

I have known and worked with Dolores for many years, and I can say that this is a person whose brilliance, incomparable leadership ability and sheer energy would have propelled her to prominence no matter what field she might have chosen for her life's work. How very fortunate for the farmworkers of this nation—and for all of us—that she chose La Causa, the cause of justice for farmworkers.

I say all of us because our nation is diminished when some among us, those who do the hard work of harvesting the food we eat, are deprived of decent wages and working conditions. She organized and co-founded the United Farm Workers of America with Cesar Chavez in 1965 in the belief that in the union there is the strength to achieve economic and civil rights for farmworkers.

In the 35 years since then, she has fired the souls and minds of poor farmworkers who, thanks to her, can imagine and achieve better lives for themselves and their children. She is a wellspring of ideas and a brilliant strategist—I can personally attest to that—but she has also physically put herself on the line for her fellow workers and has been subjected to life-threatening injury for it.

It has been my great personal fortune to be able to count Dolores Huerta as a colleague and a friend. Dolores, for the inspiration that you provide by your selfless devotion to improving the lives of farmworkers, for the breakthroughs you have achieved and the goals you continue to set for all of us, and for your example of a life spent in service to others, we thank you and wish you a joyous birthday and many happy returns.

AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1776) to expand homeownership in the United States:

Mr. BLUMENAUER. Mr. Speaker, a livable community is one where our families are safe, healthy, and economically secure. A community without housing options to meet the needs of its residents is not livable. Clearly, action is needed since many throughout our country cannot afford to live in the places in which they work. I am pleased to rise in support of the American Homeownership and Economic Opportunity Act because it creates more housing options and will make our communities better places to live.

This bill contains several employer-assisted housing opportunities. These are important tools for bringing the benefits of homeownership to the citizens who serve us every day. I want to highlight a couple of outstanding programs in my city of Portland, efforts that H.R. 1776 reinforces.

Police At Home is a mortgage loan incentive program to help police officers purchase and live in homes in neighborhoods with higher crime rates. This program gives police officers a personal stake in their communities. It was created in 1995 through a partnership with our Mayor's Office, the Portland Police Bureau, the Rotary Club of Albina, and five lending institutions. Many of the neighborhoods that have attracted officers under this program have seen a decrease in crime. This is an excellent example of the kind of partnerships that are a cornerstone of community policing.

The City of Portland's Hometown Home Loan program offers an array of benefits to city employees who are purchasing or refinancing a house within the city limits. A joint program of the City, Fannie Mae, and Continental Savings Bank, it is open to all benefits-eligible employees of the City of Portland. It was developed to help City employees become homeowners, as well as to encourage employees to live in the city where they work.

Another important item contained in this bill is $275 million for the Housing Opportunities for People with AIDS (HOPWA) program. Portland's effective use of HOPWA dollars is a national model. It offers diverse housing stock including transitional housing for people who are homeless and living with AIDS. It also provides permanent housing for people living with HIV/AIDS at sites such as the Rose Wood Apartments that includes 36 units of rehabilitated affordable rental housing and has received HUD's Blue Ribbon Award for Best practice. Nathaniel's Way is providing housing for HOPWA-eligible families with children. Supported residential care is provided at such places as Swan House and Care House. People served by HOPWA funds receive not only housing but also a variety of social services: legal assistance, health services, mental health counseling and drug and alcohol intervention.

But the need is greater than ever before. Death rates are declining and so more and more people are living with the epidemic. In the Portland region, the unmet need is at least 1000 units of permanent housing. The funding in this bill will help to address that need.

This legislation represents efforts by the housing industry and the government to promote best practices and assure money is targeted to providing more housing. I'm pleased to vote yes.

AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000

SPEECH OF

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1776) to expand homeownership in the United States:

Mr. CARDIN. Mr. Chairman, I rise in support of HR 1776 however, I speak to you today to encourage deliberate caution with concern to FHA and HUD legislation.

Homeownership is a critical building block of strong families and healthy communities. It has helped many households accumulate wealth, and a home owned free of mortgage debt is considered an important part of retirement security.

While the current homeownership rate is at a record high of 66.8%, the purchase of a first home remains difficult or out of reach for many young people and low to moderate income families, particularly single-parent households and minorities.

As the Secretary of Housing and Urban Development said on March 30th: "The economic boom which has produced the highest homeownership rate in history has a downside and that is predatory lending." Unfortunately, we are now just learning the full meaning of that statement.

FHA has in some areas, inadvertently fueled a downward spiral created by purchasing homes, selling to buyers with limited resources or readiness for ownership, allowing foreclosure and leaving boarded up houses sitting and pulling a community even further into despair. While HUD has made a credible start, there is much more that this Congress must do to ensure that these issues are addressed.

WE MUST REPAIR FHA/HUD LENDING PROGRAMS

Baltimore has the highest number of FHA foreclosures per capita in the nation. Baltimore has become one of the worst manifestations in the country of predatory lending.

HUD, responding to complaints that federal housing policies have resulted in tremendous damage to Baltimore neighborhoods, told city nonprofit agencies last week that it would be willing to halt Federal Housing Administrations (FHA) foreclosures in some of Baltimore's hardest hit neighborhoods for eight weeks to have a task force study what is happening.

I agree that we must find out what is happening and I propose that there must be the

formation of a federally led task force that would find a solution to flipping, predatory lending and FHA disposal of houses the agency acquires through foreclosures.

WE MUST DEAL WITH PREDATORY LENDING PRACTICES AND INSTITUTIONS

Just five years ago there were 1,900 loans that went into foreclosure for the entire year of 1995. In the first 3 months of this year 1,700 loans in Baltimore City have gone into foreclosure.

Some say that HUD has fueled these problems. The agency has relaxed its control over the issuance of mortgages insured by one of its agencies, the Federal Housing Administration (FHA) allowing lenders to make questionable loans that often end up in foreclosure.

HUD must have better oversight to make sure that the would-be home buyer is ready as well as the appraisal process needs to be closely monitored. HUD contracts out for the appraisal process which has led to unrealistically high appraisals, which then creates bad loans given by these ''lenders of last resort.'' As you can see this process continues on a vicious downward spiral.

The buyers of these home loans often are single mothers with low-wage jobs who end up defaulting on the mortgages. In cases where FHA insures the loans, the agency pays off the lender and takes title to the house.

Once HUD pays off the lender and acquires title to a property after foreclosure, the house often sits vacant for months—depreciating the value not just of that property but of the neighborhood. HUD then sells the house on an ''as-is'' basis. Often they are in poor shape and unattractive to potential homeowners. Which, as a result leads to yet another phenomenon—they frequently are sold to unscrupulous speculators who quickly ''flip'' them for a huge markup—sometimes marking the homes up to 100% of what they were originally purchased for.

WE MUST REPAIR THE DAMAGE TO THESE NEIGHBORHOODS

I hope that a HUD Task Force on Predatory Lending will find solutions to this problem.

However, we now must also identify, fund and implement programs to repair the damage done to these communities and hold the speculators accountable for their illegal actions. HUD, local governments, and non profit housing organizations must begin working together now!

HONORING DR. GERALD AND MARILYN FISHBONE FOR OUTSTANDING COMMUNITY SERVICE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 2000

Ms. DELAURO. Mr. Speaker, each year the Juvenile Diabetes Foundation International of Greater New Haven Chapter presents an individual or individuals with the ''Living and Giving Award,'' recognizing outstanding contributions to diabetes research and education. It gives me great pleasure to rise today to honor two of New Haven's outstanding citizens, my good friends Gerald and Marilyn Fishbone, this year's recipients of this prestigious award. The Fishbones have been leading advocates in the fight against diabetes for twenty-five years and I cannot think of a more appropriate way for the people of New Haven to express our thanks and appreciation.

Diabetes is the leading cause of new adult blindness, kidney failure, and premature death. The volunteer efforts of the Juvenile Diabetes Foundation to fund research is an essential part of our national effort to find a cure. It is the dedication and commitment of people like Gerry and Marilyn that has fueled the national movement to eliminate this devastating disease. With unparalleled motivation and spirit, they have built an impressive record of service to this organization. They are truly an inspiration to us all.

They are both founding members of the Greater New Haven Chapter of the Juvenile Diabetes Foundation, and have both devoted extraordinary time and energy to this critical endeavor. Gerry is past chairman of the JDF International Board of Directors and continues to serve on the board of chancellors. As the chair of the editorial committee, he oversees the publication of the organization's magazine, COUNTDOWN, which carries the latest news of research and progress across the country.

Marilyn was president of the Greater New Haven Chapter of JDF for 7 years and has been a board member since the organization's inception 25 years ago. Testifying before the State Senate, she helped to establish two Centers for Children with Diabetes—bringing statewide awareness of the need for continued funding for research and education. Marilyn is the former director of fundraising for the Greater New Haven Chapter of JDF. Under her direction the chapter raised more dollars per capita than any other chapter across the nation—truly one of her greatest achievements. Drawing on her own personal experiences with the disease, Marilyn counsels patients and their families, extending a comforting hand as they face the challenges of the disease. Through their work, Gerry and Marilyn have been instrumental in the development and success of the Juvenile Diabetes Foundation.

It is rare to find individuals with the same spirit of giving as we have found in Gerry and Marilyn. Their hard work has enriched the organization—making a real difference in the lives of countless children and families. I am proud to join their children, Scott and Lisa, the Juvenile Diabetes Foundation of Greater New Haven, friends and supporters, as Gerry and Marilyn are presented with the ''Living and Giving Award.'' Words cannot express our gratitude for their many contributions.

RELEASING FOUR KURDISH MEMBERS OF PARLIAMENT OF THE REPUBLIC OF TURKEY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 2000

Mr. PORTER. Mr. Speaker, I am supporting a resolution introduced today calling for the immediate release from prison of four Kurdish members of the Parliament of the Republic of Turkey. I want to thank the gentleman from California (Mr. FILNER) for sponsoring this resolution of which I am a proud co-sponsor.

Currently, four Turkish parliamentarians of the now banned Kurdish based Democracy Party [DEP], Leyla Zana, Hatip Dicle, Orhan Dogan, and Selim Sadak, are serving prison sentences simply because they are Kurds. Leyla Zana, the first Kurdish woman ever elected to the Turkish Parliament, was chosen to represent the city of Diyarbakir by an overwhelming majority in October 1991. In 1993, she traveled to the United States to speak to officials about human rights abuses against the Kurdish minority in Turkey and to testify before the Congressional Human Rights Caucus. She was arrested on March 2, 1994 in the Parliament building and subsequently prosecuted for a so-called ''separatist speech.'' Ever since then Ms. Zana, along with Hatip Dicle, Orhan Dogan, and Selim Sadak have been jailed for the simple act of speaking out for their people—the Kurds—the very people by whom they were elected.

Turkey is a country which claims to be a democracy and is continuously taking steps to be accepted as a western partner, as seen with its current European Union candidacy. However, its recent actions do not show any concrete effort to abide by international human rights standards. In the last week, it has been reported that the Turkish military has been massing troops and tanks along the Iraqi border in an apparent pending offense against the Kurds. Equally as disturbing is the re-arrest of Turkey's most prominent human rights figure, Akin Birdal, for a speech he made in 1996 calling for a peaceful resolution to the conflict between the Turkish state and the Kurdish Workers' Party [PKK].

If Turkey wants to be treated as an equal partner with the west, it is time for it to treat all of its citizens with equal rights and a general respect for human rights. The time has come for Turkey to allow the Kurdish people the right to speak their language and practice their culture. Releasing these parliamentarians would show Turkey and the world that Turkey is ready to respect the human rights of all its citizens and that it is on the right path to be accepted by the international community.

We must not continue to ignore or apologize for Turkey's outrageous behavior. Six years is far too long for these parliamentarians to be in jail, for speaking out for rights which are guaranteed under the United Nations Declaration of Human Rights. We must speak out strongly against these attacks and unfair acts and demand that Turkey end this lawless assault.

PERSONAL EXPLANATION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 2000

Mr. CLEMENT. Mr. Speaker, on rollcall vote No. 105, I was unavoidably detained on official business. Had I been present, I would have voted ''aye.''

RECOGNIZING THE STATE CHAMPION MINNECHAUG REGIONAL HIGH SCHOOL GIRLS' BASKETBALL TEAM

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 2000

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to recognize and congratulate the 1999–2000 Minnechaug Regional High School girls' basketball team. On March 18, 2000, the Falcons captured their third Massachusetts Division I state championship in the past four years at the Worcester Centrum, defeating Brockton High School by a score of 68–61 in a memorable final contest.

The final contest was not an easy one for the Falcons. Minnechaug trailed by as many as 14 points in the first half, and took its first lead in the contest with only 1:32 remaining. The comeback was led by senior Melissa Kowalski, who scored 22 of her 28 points during the final 10 minutes of the game. Kowalski's efforts, along with the play of seniors Maureen Leahy and Christal Murphy accounted for all of Minnechaug's 42 second half points.

A final win in the state championship, as if not impressive enough, capped off a perfect season of 25 wins and no losses for the Falcons. The final game was a battle of the undefeated as Brockton also headed into the final contest with a record of 24 wins and no losses. Minnechaug arrived at the final games as the Western Massachusetts champions for the fourth straight year.

Under the leadership and direction of Coach Dave Yelle, Minnechaug has dominated their competition from around the state. Over the past four seasons, the Falcons have compiled an outstanding total of 91 wins, including 18 wins in the postseason. Defense had been their greatest strength, holding opponents to an average of 32 points for the two playoff contests before the final.

Mr. Speaker, allow me to recognize the Minnechaug Regional High School girls' basketball team. The seniors are Melissa Kowalski, Christal Murphy, Abigail Lipinski and Maureen Leahy. Underclasswomen include Christina Conway, Cheri Murphy, Laura Mulcahy, Erica Bacon, Katie Clark, Sara McCarthy, Marybeth Maziarz and Julie Sullivan. The team is coached by Dave Yelle, and he is assisted by Pete Kowalski, Jason Fenlason and Elizabeth Ouellette. The Falcons are managed by Amy Gregorius, Tom Loper and Meghan Mitchell and the team trainer is Jason Patterson.

Mr. Speaker, I am proud and honored to extend my congratulations to the 1999–2000 Minnechaug Regional High School girls' basketball team. Their consistent record of dominance and excellence is certainly worthy of the attention of this Chamber. I wish Coach Yelle and the state champion Falcons the best of luck in defending their title next season.

IN SUPPORT OF H. CON. RES. 282 AND H. CON. RES. 228

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 2000

Mrs. MCCARTHY of New York. Mr. Speaker, today I am supporting H. Con. Res. 282, The GI As Person of the Century Act, and H. Con. Res. 228, Honor Vietnam-era Armed Forces Act. These important bills recognize the sacrifices endured by our men and women who fought to protect the freedom we cherish.

Throughout our distinguished history, we have been blessed with the courage and determination of brave Americans who were willing to preserve democratic beliefs with their lives. From the gas-filled trenches of World War I to the flaming deserts of the Gulf War, our veterans wrote much of the history that transformed the United States from a young and naive country into a world leader and global superpower. It's a history lesson that makes you proud to be an American and respect those who fought for the freedoms we cherish.

Each regional conflict the United States entered there was always one consistent factors—a brave American in the trenches fighting to stop aggression. These brave men and women defended the most basic of the beliefs on which our Nation was created—that freedom is worth putting our lives in harms way to preserve. We owe them a great deal of gratitude and respect.

That is why I support legislation that designated the "American GI" as the "Person of the Century". We honor them because it was their blood, their resolution, and their love of country that became infectious and spread from one generation to another.

Lastly, we should never forget those brave men and women who never returned home from fighting to protect what our flag symbolizes. Many were either captured or killed. In Vietnam there are still over 2,000 soldiers classified either Prisoners of War or Missing in Action. The anguish they suffer, as well as their families, is indescribable.

The Honor Vietnam-era Armed Forces Act recognizes the service and sacrifices by members of the Armed Forces and federal civilian employees who, during the Vietnam era, served proudly to protect those in need. This measure also honors the sacrifices and hardships endured by the families of individuals who lost their lives or remain unaccounted during this tumultuous era.

Vietnam veterans, like their fallen brethren before them, exemplify a spirit of nationality and patriotism that continues to thrive today.

Veterans are the unsung heros who define our American heritage. They are ordinary citizens who answered their call to duty and fought for something they believed in. They remember the places they were stationed, their training, and they certainly remember their days in combat. It is an experience the rest of us can only read about and marvel at. Although we can never adequately express our thanks to those who could not return to us, we remember them by supporting the legislation before us today.

IN HONOR OF THE SIMON WIESENTHAL CENTER LIBRARY AND ARCHIVES

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 2000

Mr. WAXMAN. Mr. Speaker, I am delighted to recognize the Simon Wiesenthal Center—Museum of Tolerance Library and Archives, an extraordinary institution in the 29th District of California, which I represent, that is dedicated to teaching the importance of Holocaust remembrance and the defense of human rights. The Library and Archives is being honored this week in conjunction with National Library Week; chosen by the Institute of Museum and Library Services (IMLS) as one of four libraries, nationwide, to receive the first annual National Award for Library Services.

The Simon Wiesenthal Center Library and Archives' broad collections document the Holocaust in Nazi Germany and the many other tragic genocides of the 20th century. The library holdings of over 30,000 books and periodicals document antisemitism, racism, and related issues, and are available to researchers, media, students and the public. The archives, containing an extensive array of original documents, manuscripts, personal narratives, diaries, artifacts, photographs, magazines, newspaper, maps, and original artwork, have evolved into a primary research depository for materials dealing with the Holocaust and the pre-World War II Jewish experience.

In partnership with the Simon Wiesenthal Center Museum of Tolerance, the Library and Archives maintains a number of excellent education programs to fulfill its mission of teaching the dangers of bigotry and the importance of tolerance. In addition to answering over 500 inquiries a week, hosts numerous visiting authors, scholars and civic leaders to bring its message to the community. The Library and Archives also sponsors a dynamic "Contact a Survivor" program of direct, electronic, eyewitness discussions between Holocaust survivors and students.

The IMLS award is a tribute to the power of libraries to reach families and communities across America and around the world, and the Simon Wiesenthal Center Library and Archives is a deserving recipient. Under the leadership of Adaire Klein, it continues to make a tremendous contribution to preserving the lessons of the Holocaust and the legacy of its victims for future generations. We owe the Simon Wiesenthal Center, Ms. Klein and her staff a debt of gratitude for this distinguished record of accomplishment. I thank them for the devoted service and extend my best wishes for the future.

CONGRATULATIONS AND GOOD LUCK TO SHEREKA WRIGHT

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 2000

Mr. EDWARDS. Mr. Speaker, I congratulate a great high school student and basketball

player from my Texas congressional district—Shereka Wright—on her selection as the 1999–2000 Gatorade National High School Girls Basketball Champion. Shereka was chosen for this honor out of the 454,000 high school girls basketball players across the country. Past winners of this award include Emmitt Smith, Lisa Leslie, Chris Webber, Peyton Manning, Tim Couch, Kobe Bryant, and Alex Rodriguez.

Shereka Wright will graduate from Copperas Cove High School in Copperas Cove, Texas, next month after four tremendous years as a basketball player. Her long list of achievements already rivals many professional basketball players.

Just this season, Shereka has averaged 25 points, 10 rebounds, four assists, three steals, and two blocks per game. Over the course of her career, she has scored over 3,000 points. That feat places her in the top-25 scorers of all-time. She has been selected as the Most Valuable Player of the Nike Tournament of Champions in California twice. She has also been named to the Conference AAAAA 1st Team All-State in Texas for four consecutive years.

Shereka's commitment to success off the court is equally impressive. she truly is a student athlete and has maintained a 3.6 grade point average. She has also volunteered her time working with the Youth Teen Summit and summer youth basketball camps.

Shereka will attend Purdue University in the fall. I feel certain she will continue to be an outstanding player, student, and leader for many years to come.

I ask Members to join me and offer our heartfelt congratulations on a job well done and best wishes for continued success, to a student and athlete—Shereka Wright.

COMMENDING CHASITY SNYDER

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 2000

Mr. OXLEY. Mr. Speaker, today I commend the courageous acts of Chasity Snyder, a heroine from Lima, OH. Her extraordinary act of bravery can serve as an inspiration to us all.

[From People Magazine, March 27, 2000]

SMALL MARVEL

Afloat on her Yellow Jacket, Chas Snyder, 11, saves a pair of canoeists in peril.

It was one of those delightfully warm days that can fool the winter-weary into thinking the worst is over. So in Lima, Ohio, homemaker Cherie Snyder took her daughter Chasity, 11, down to the reservoir on March 6 to see if they could hook a few fish. Meanwhile, James H. Moore Sr., 36, a delivery driver, and Aaron Schafer, 22, a roofer, had already launched Moore's newly patched canoe on a test run. But the two men were about 25 yards from shore when the canoe started to roll. They jumped—without life jackets—into water so frigid that swimming was nearly impossible. Spotting the men struggling, Snyder, 30, waded in to try to save them, but quickly retreated because of the cold.

That's when Chas sprang into action. "I said, 'Chas, no!'" recalls her mother. But Chas shouted, "Mom, I have to! I've got to do something!" and then shed her yellow winter jacket and leaped in. Using the jacket as a flotation device she paddled out to Moore, who had slipped below the surface, and dragged him to where he could touch bottom. "I had floaties when I was little," says Chas, and explains that the jacket looked similar. Chas then helped Lynn Wallace, 41, who was on an afternoon walk, rescue Schafer. "If that little girl hadn't been there," Moore says of Chas, "I would be in the funeral home."

Back home after the rescue, Chas, who lives with Cherie and her four siblings, says she never doubted she could help the men: "My guardian angel and God gave me courage and told me I could do it and nothing would happen to me."

HONORING THE HAMMOND CARPENTER'S UNION LOCAL 599

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 2000

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate some of the most dedicated and skilled workers in Northwest Indiana. On April 8, 2000, in a salute to their workers' durability and longevity, the Hammond Carpenter's Union Local 599 recognized their members for 25 years or more of dedicated service. They were recognized during a pin ceremony banquet to be held on Saturday at the Carpenter's Union Hall in Hammond, Indiana. These individuals, in addition to the other Local 599 members who have served Northwest Indiana so diligently for such a long period of time, are a testament to the prototypical American worker: loyal, dedicated, and hardworking.

The Carpenter's Local 599, which received its charter in 1899, honored members for their years of devoted service. The members honored for 55 years of service include: John Giba, Sylvester Reising and Tensey Roberts. The members honored for 50 years of service include: Robert J. Busch, Robert Herhold, Earnest Latta, Kenneth Ogden and Oliver J. Vogeler. The members honored for 45 years of service include: Louis B. Biedron, Lafayette M. Bundren, William J. Burgess, Guy Casey, William C. Dowdy, Elmer F. Lucas, Raymond Lukowski and John Sills. The members honored for 40 years of service include: John M. Davich, Robert Dimichelle, C. J. Krupinski, Ethard McIlroy, Richard Meyers, John E. Shoup, William Simmons, Joseph M. Staes and Robert Washington. The members honored for 35 years of service include: John R. Billings, Kenneth E. Clayton, James McCready, Harold Neil, Elmer C. Phelps, Jr., Paul V. Reppa, Dale R. Robert, Harold Sills and Richard C. Thiel. The members honored for 30 years of service include: Robert E. Chorba, Glen E. Flaherty, Jr., Uwe H. Grantz, James Liming, Sr. and Paul W. Steinhauer. The members honored for 25 years of service include: Denny L. Crouse, Thomas A. Dorsey, John P. Hindahl, Donald King, Joseph Lippie and Richard A. Polus.

As Orville Dewey said, "Labor is man's greatest function. He is nothing, he can be nothing, he can achieve nothing, he can fulfill nothing, without working." The men and women of Local 599, in addition to all of the local unions in Northwest Indiana, form the backbone of our economy and community. Without their blood, sweat, and tears, Indiana's First Congressional District would not be a place of which to be proud, it would not be the place I love, nor would it be my home.

Mr. Speaker, I ask that you and my distinguished colleagues join me in congratulating these dedicated, honorable, and outstanding members of the Hammond Carpenter's Union Local 599, in addition to all the hardworking union men and women in America. The men and women of Local 599 are a fine representation of America's union men and women; I am proud to represent such dedicated men and women in Congress. Their hard labor and dauntless courage are the achievement and fulfillment of the American dream.

INTRODUCTION OF BILL TO REDUCE TEMPORARILY THE DUTY ON FIPRONIL TECHNICAL

HON. WILLIAM J. JEFFERSON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 2000

Mr. JEFFERSON. Mr. Speaker, I am introducing legislation to reduce the ad valorem duty on the active ingredient used in a product known as fipronil technical, an insecticide registered for use on dozens of crops, in the animal health industry to control fleas and ticks, and most importantly in urban pest control to stop the spread of destructive termites.

As many of my colleagues know, the entire Gulf Coast is under attack by Formosan termites. The invasion is costing homeowners, businesses and local governments hundreds of millions annually. Biologists have traced these insatiable termites to twelve states. In my district—New Orleans—Formosan termites have caused more damage than tornadoes, hurricanes and floods combined. Experts trace the migration of these voracious termites to the continental United States back to the return of World War II cargo ships from the Far East to ports throughout the country. Since then, the Formosan termite has increased beyond control, infesting trees, homes and other buildings. Traditional forms of pesticides do not work on this termite and while efforts are underway to develop a termiticide that will eradicate the Formosan pests, we must also consider new products.

We have been working with the Environmental Protection Agency (EPA) and with manufacturers of pest control products to bring new products to the market to help us in our efforts to stop these destructive insects. A new product, fipronil, was officially registered for use by the EPA just last September and is being introduced into the market this month. This new product is applied to the perimeter of buildings and within three months the termites have died. The chemical is a non-repellent so the insects carry it to the nest and contaminate it before the other termites can detect it. Other products take much longer to produce results and are more labor intensive.

Fipronil has no domestic producer which would be disadvantaged by the tariff reduction and other termiticides do not work in the same way that fipronil does. Fipronil has also been approved for use in treating trees. We are losing our old historic trees in New Orleans at an alarming rate to the Formosan termites. This product gives us hope that we will be able to stop this attack.

My bill allows the makers of this product to bring the active ingredient into the United States at a reduced tariff rate. The product is finished, packaged and used in the U.S. creating jobs in both the manufacturing side as well as the pest control industry.

I look forward to working with my colleagues to advance this proposal.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 11, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 12

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Corporation for National and Community Service, Community Development Financial Institutions, and Chemical Safety and Hazardous Investigation Board.

SD–138

Indian Affairs

To hold oversight hearings on the report of the Academy for Public Administration on Bureau of Indian Affairs management reform.

SR–485

Commerce, Science, and Transportation

To hold hearings on S. 2255, to amend the Internet Tax Freedom Act to extend the moratorium through calendar year 2006.

SR–253

Judiciary

Administrative Oversight and the Courts Subcommittee

To resume oversight hearings on the handling of the investigation of Peter Lee.

SH–216

Rules and Administration

To resume hearings on campaign finance reform proposals, focusing on compelled political speech.

SR–301

Joint Economic Committee

To hold hearings to examine reform of the International Monetary Fund and the World Bank.

311 Cannon Building

10 a.m.

Banking, Housing, and Urban Affairs

Securities Subcommittee

To hold oversight hearings on multistate insurance agent licensing reforms and the creation of the National Association of Registered Agents and Brokers.

SD–538

Foreign Relations

European Affairs Subcommittee

To hold hearings to examine issues dealing with the Russian presidential elections.

SD–419

Governmental Affairs

To hold hearings to examine the Wassenaar arrangement and the future of multilateral export control.

SD–342

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on missile defense programs.

SD–192

11 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider S. 2311, to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease; the proposed Organ Procurement and Transplantation Network Act Amendments of 2000; the nomination of Mel Carnahan, of Missouri, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation; the nomination of Edward B. Montgomery, of Maryland, to be Deputy Secretary of Labor; the nomination of Marc Racicot, of Montana, to be a Member of the Board of Directors of the Corporation for National and Community Service; the nomination of Alan D. Solomont, of Massachusetts, to be a Member of the Board of Directors of the Corporation for National and Community Service; the nomination of Scott O. Wright, of Missouri, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for the remainder of the term expiring December 10, 2003; and the nomination of Nathan O. Hatch, of Indiana, to be a Member of the National Council on the Humanities for the term expiring January 26, 2006.

SD–430

2 p.m.

Foreign Relations

International Economic Policy, Export and Trade Promotion Subcommittee

To hold hearings on the status of infrastructure projects for Caspian Sea energy resources.

SD–419

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold oversight hearings to examine federal actions affecting hydropower operations on the Columbia River system.

SD–366

APRIL 13

9:15 a.m.

Environment and Public Works

Business meeting to consider the nomination of Edward McGaffigan, Jr., of Virginia, to be a Member of the Nuclear Regulatory Commission; S. 522, to amend the Federal Water Pollution Control Act to improve the quality of beaches and coastal recreation water; H.R. 999, to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters; S. 2370, to designate the Federal Building located at 500 Pearl Street in New York City, New York, as the ''Daniel Patrick Moynihan United States Courthouse''; H.R. 2412, to designate the Federal building and United States courthouse located at 1300 South Harrison Street in Fort Wayne, Indiana, as the ''E. Ross Adair Federal Building and United States Courthouse''; and S. 2297, to reauthorize the Water Resources Research Act of 1984.

SD–406

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the National Aeronautics and Space Administration.

SD–138

Energy and Natural Resources

To resume hearings on S. 282, to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; S. 516, to benefit consumers by promoting competition in the electric power industry; S. 1047, to provide for a more competitive electric power industry; S. 1284, to amend the Federal Power Act to ensure that no State may establish, maintain, or enforce on behalf of any electric utility an exclusive right to sell electric energy or otherwise unduly discriminate against any consumer who seeks to purchase electric energy in interstate commerce from any supplier; S. 1273, to amend the Federal Power Act, to facilitate the transition to more competitive and efficient electric power markets; S. 1369, to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency; S. 2071, to benefit electricity consumers by promoting the reliability of the bulk-power system; and S. 2098, to facilitate the transition to more competitive and efficient electric power markets, and to ensure electric reliability.

SH–216

Commerce, Science, and Transportation
Business meeting to consider pending calendar business.
SR–253

Judiciary
Business meeting to consider pending calendar business.
SD–226

10 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine the National Reading Panel report.
SD–124

Armed Services
To hold hearings to examine the Department of Defense anthrax vaccine immunization program.
SR–222

Banking, Housing, and Urban Affairs
To hold hearings on the structure of securities markets.
SD–106

Health, Education, Labor, and Pensions
To hold hearings to examine issues dealing with protecting pension assets.
SD–430

2 p.m.
Judiciary
Immigration Subcommittee
To hold hearings on the proposed Mother Teresa Religious Worker Act.
SD–226

2:30 p.m.
Appropriations
Treasury and General Government Subcommittee
To hold hearings to examine certain Internal Revenue Service reform issues.
SD–192

Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the United States Forest Service's proposed revisions to the regulations governing National Forest Planning.
SD–366

Foreign Relations
Business meeting to consider pending calendar business.
SD–419

Commerce, Science, and Transportation
To hold hearings on S. 1361, to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation, relief, and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions.
SR–253

APRIL 25

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 2239, to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado River and San Juan River basins.
SD–366

APRIL 26

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense.
SD–192

Armed Services
Readiness and Management Support Subcommittee
To hold hearings on proposed legislation authorizing fund for fiscal year 2001 for the Department of Defense and the Future Years Defense Program, focusing on acquisition reform efforts, the acquisition workforce, logistics contracting and inventory management practices, and the Defense Industrial Base.
SR–222

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 2273, to establish the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area; and S. 2048, to establish the San Rafael Western Legacy District in the State of Utah.
SD–366

APRIL 27

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on pending legislation on agriculture concentration of ownership and competitive issues.
SR–328A

SEPTEMBER 26

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.
345 Cannon Building

POSTPONEMENTS

APRIL 12

10 a.m.
Environment and Public Works
To hold hearings on the disposal of low activity radioactive waste.
SD–406

APRIL 19

9:30 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups.
SR–485

SENATE—*Tuesday, April 11, 2000*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

God our Father, we pause in the midst of the changes and challenges of life to receive a fresh experience of Your goodness. You are always consistent, never changing, constantly fulfilling Your plans and purposes, and totally reliable. There is no shadow of turning with You; as You have been, You will be forever. All Your attributes are summed up in Your goodness. It is the password for Your presence, the metonym for Your majesty and the synonym for Your strength. Your goodness is generosity that You define. It is Your outrushing, unqualified love poured out in graciousness and compassion. You are good when circumstances seem bad. When we ask for Your help, Your goodness can bring what is best out of the most complicated problems.

Thank You for Your goodness given so lavishly to our Nation throughout history. Today, again we turn to You for Your guidance for what is good for our country. Keep us grounded in Your sovereignty, rooted in Your commandments, and nurtured by the absolutes of Your truth and righteousness. May Your goodness always be the source of our Nation's greatness. In the name of our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. CRAPO. Mr. President, today the Senate will be in a period of morning business until 12:30 p.m. Following morning business, the Senate will recess until 2:15 p.m. to accommodate the weekly party conference meetings. When the Senate reconvenes, there will be 10 minutes equally divided prior to the vote on invoking cloture on S. 2285, the Federal fuels tax holiday. Therefore, Senators can expect that the vote will occur at 2:25 p.m.

By previous consent, all second-degree amendments must be filed by 2:20 p.m. today. If cloture is not invoked, it is hoped the Senate can begin consideration of the marriage tax penalty bill.

As announced by the majority leader, the Senate will consider the budget conference report as soon as it becomes available later this week.

It is also possible for the Senate to consider executive nominations before the Senate adjourns for the Easter recess.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. CRAPO). Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for transaction of morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak for up to 5 minutes each.

Under the previous order, the Democratic leader, or his designee, is recognized to speak for up to 75 minutes.

The Senator from Illinois is recognized.

SCHOOL SHOOTINGS

Mr. DURBIN. Mr. President, this week is the last week the Senate will be in session before we take a break for the Easter holiday. During the period of that break, on April 20, we will remember an anniversary. It is a sad remembrance. It is the 1-year anniversary of the shooting at Columbine High School in Colorado.

Most of us can remember the scenes from television played and replayed so often. The scenes of children, not unlike our own children, racing out of the school away from other kids who were shooting away with weapons. You can remember, I am sure—I will always remember—a young man who dragged himself, having already been shot, out of a window, trying to fall to the ground and get away from danger. We saw that terrible scene on television.

We watched as the funerals unfolded one after another; 12 innocent students were killed and 23 were injured.

We finally came to realize as a nation that the tragedy which struck in Colorado could touch any one of us anywhere and at any school. Columbine was not the most predictable place for this to occur. Columbine was a place where you would have thought that would never occur. But sadly, this is the reality of America where too many guns are used in crimes of violence.

If you look through the chronology of school shootings since 1997, Bethel in the State of Alaska; Pearl, MI; West Paducah, KY; Jonesboro, AK; Edinboro, PA; Fayetteville, TN; Springfield, OR; Littleton, CO; Conyers, GA; Deming, NM; Fort Gibson, OK; Mount Morris Township, MI—you will remember that episode in Michigan. It wasn't that long ago. On February 29, a 6-year-old boy went to his first-grade classroom, pulled out a 32-caliber Davis Industries semiautomatic pistol, pointed it at his classmates, and then turned the gun on Kayla Rolland, 6 years old, and fatally shot her in the neck.

This sad reality is on the minds of American families. The obvious question of the Senate and the Congress is: Is there anything you can do? What can you do? What will you do?

The first anniversary of Columbine will come and go next week, and sadly Congress will have done nothing—absolutely nothing.

We passed a bill last year on the floor of the Senate which at least moved us closer to the possibility of keeping guns out of the hands of criminals and children.

There was an idea behind this law that was not an unreasonable or radical idea, which was the suggestion that if a person bought a gun at a gun show, that person would be subject to the same background checks as a person who bought one from a licensed gun dealer. We don't want to sell guns to criminals. We don't want to sell them to people with a history of violent mental illness. We certainly don't want to sell guns to children. Why wouldn't we check at a gun show to make certain that we are keeping guns away from those people? That is what the law said. That was what was passed here in the Senate.

The background check has become automated and computerized. Within 2 hours after the name is submitted, some 95 percent of all of the names submitted—they run them through—95 percent of the people who buy a gun at a gun show would be delayed 2 hours from buying a gun. For the 5 percent where questions are raised and they can't give them an immediate answer, that 5 percent is 20 times more likely to be in a prohibited category; that is, they are 20 times more likely to be criminals, people with a history of violent mental illness, or those who should otherwise be disqualified.

The law we proposed was not a radical idea. It said: Can you wait 2 hours at a gun show so we can do a background check and make sure that people who should not buy guns, don't buy them? It is an inconvenience. But you know, we put up with inconvenience every day for the security of ourselves and our families.

When I flew through O'Hare Airport yesterday to come to Washington, I went through a metal detector. They stopped me: Take the change out of your pockets and go back through. That is an inconvenience. That is a delay. I am prepared to accept that. If it means there will be fewer terrorist attacks and fewer threats on people traveling, I accept it.

That is what this law says; it is an inconvenience. At a gun show, wait for the background check to be completed before you are allowed to get your gun. That is what we proposed.

Second, we said if you are going to own a gun, you have a legal responsibility to store it safely. You exercise your constitutional right under the second amendment to buy a gun, but then when you take it home, for goodness' sake, put it in a place so children can't get their hands on it.

We called for trigger locks, and that is becoming a popular, common suggestion—it is not an unreasonable suggestion, certainly—so children don't get their hands on guns. Every day in America, we lose just as many kids to guns as we lost on April 20, 1999, at that one high school in Colorado—12 kids a day die because of guns. Some are suicides, some are drive-by gangbanger shootings, and others are just accidents where curious kids play with guns and shoot themselves or their playmates.

Our bill said let's require trigger locks on guns, let's make sure they are stored safely and the kids, such as this fellow in Michigan, do not end up with a .32-caliber Davis Industries semiautomatic pistol in the first grade where he killed Kayla Rowland. That was the second part of this bill.

The third part said you don't need these high-capacity ammo clips with hundreds of bullets in them if you are going out to shoot a deer. If you need a semiautomatic weapon to shoot a deer, maybe you ought to stick to fishing. We are saying we don't need to make these clips in the United States nor do we need to import them. These are people killers. These are not guns used in sporting or hunting enterprises. That was the third part of the bill.

We almost lost the gun shows provision I have just described on the Senate floor. The gun shows amendment passed by one vote, the vote of Vice President GORE, who under the Constitution can break a tie. He showed up that day and cast the deciding vote. We passed the gun shows amendment by one vote after Columbine, after this national tragedy. We passed it by one vote. We sent it across the Rotunda to the House of Representatives. Now it is their responsibility. We gave them 2 or 3 weeks to prepare to debate the bill. But we obviously gave the gun lobby at least the same period of time to prepare their campaign against it. And they were successful. They watered down the gun shows amendment. They took the viable parts out of it. They passed a shadow of what we passed in the Senate.

At that point, it goes to the conference committee and the House and Senate sit together and try to work out a compromise. Here we sit, almost a year after Columbine, and we have done absolutely nothing. Families across America who expect this Congress to do the most basic things for gun safety have a right to be angry that this Congress is so insensitive and unwilling to address this critical issue of gun safety, of safety in the classrooms, keeping guns out of the hands of criminals, violently mental ill people, and children.

The other side says, of course, it isn't about new laws. We hear the gun lobby say we have plenty of laws, it is about enforcing the laws on the books. How many times have we heard Charlton Heston and those folks come up with that argument? I don't disagree with them. I think enforcement is critical and existing laws should be enforced.

So last week while we were debating the budget resolution, I brought a proposal on the floor of the Senate. Many Members, frankly, subscribe to the NRA position that we need more enforcement. I said let's put more agents and inspectors in the Bureau of Alcohol, Tobacco and Firearms so they can find the gun dealers who are breaking the law and selling their guns to criminals; let's put 1,000 more prosecutors across America to enforce those laws, prosecute those laws, and put people in jail who violate those laws.

Unfortunately, I couldn't succeed and I didn't prevail. A Senator came to the floor and offered an alternative which took out all the money for the ATF agents and inspectors. He didn't want to put more enforcement in the gun laws of America. And he prevailed. The argument that this is about enforcement doesn't square with the vote that took place last week.

There are 102,000 gun dealers across America, about 80,000 who actively sell weapons that are used in sport and hunting. When we did a survey, out of those 80,000 federally licensed gun dealers, we found if we narrowed it down to those gun dealers who sell guns that end up being used in crime, traceable guns used in crime, only 1,000 of the 80,000 gun dealers are the culprits, the ones selling guns to people that are ultimately used in crime. Over half the guns used in crime in America come from 1,000 of the gun dealers out of 80,000.

It makes sense to me to go after these 1,000, and it makes sense to me to give resources to the ATF and the Department of the Treasury to go after these gun dealers, close them down if we have to, but enforce the law. Don't let people—whether they are in Illinois, my home State, or any other State—sell guns that are going to be used in a crime.

When I put the amendment on the floor, the other side couldn't accept that. They didn't want to put more enforcement in the gun laws. So they came up with a much weaker alternative.

Here we are at the traditional and historic standoff. This Congress failed to act for 1 year after Columbine. The images are still fresh in our mind of those kids running for their lives out of their own high school; those caskets, one after the other, at funerals; grieving parents, grieving communities, and a grieving nation; and this Congress, unable and unwilling to respond or act. It is shameful. It is disgraceful. And it continues. The school violence, the gun violence that struck Columbine, continues. Look beyond the schools. We see it in the streets and the neighborhoods, and more children will die today in America, 12 more, the same number killed at Columbine—12 more—because we will not take the initiative for gun safety.

Has this Congress reached such a point that we are under the thumb of the National Rifle Association and the gun lobby? That we would let those well dressed lobbyists down on K Street rule our agenda to the point where American families are being ignored? I hope not.

I hope when we remember in just a few days the anniversary of Columbine, families across America will take just a few minutes, get on the phone, and call their Congressman and their Senator and ask them one simple question: I just heard about Columbine; what have you done with your vote to make my kids safer in school since this tragedy? If citizens will call and ask that question, perhaps we will see a change of sentiment here on Capitol Hill.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask to speak as in morning business.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. BOXER. Mr. President, I thank once again the Senator from Illinois for his eloquence on the issue of sensible gun laws and add my voice to his plea that the Senate do what it is supposed to do, which is to bring out the juvenile justice bill with five sensible gun control measures, sensible measures that will reduce gun violence.

I thank the Senator from Rhode Island, Mr. REED, who is on the floor as

well, for his very important sense-of-the-Senate Amendment to the budget resolution, which actually says it is the opinion of the Senate that we ought to be voting on those gun measures. It passed by a slim majority, but so far we have not seen any results.

GAS TAX REPEAL

Mrs. BOXER. Mr. President, the reason I take to the floor today is not only to underscore what Senator DURBIN has said but to say that while I think we should be doing this juvenile justice bill and passing the gun measures that lie within it, what we are doing today makes no sense at all, in my view, which is to cancel, if you will, the 4.3-cent Federal tax on a gallon of gasoline which, in the case of my State, if carried out over 2 years, would lose my State $1.7 billion in highway funds and transit moneys.

The people in my State are very smart. We are suffering from the highest gas prices in the United States, but we also understand the answer is not to use this as an excuse to slash highway funds, to begin drilling off the coast of California or to open up the Alaska Wildlife Refuge to drilling. People in my State understand we need an energy policy, not some kind of gimmickry that the other side is using to lash out at Vice President GORE and say he, in fact, wants higher gas taxes, which is just a made-up story.

What we need in this country is an energy policy. What does that mean? First, it means having a Department of Energy that comes forward with an energy policy for safe ways to produce energy in this Nation and ways to save energy.

What does the Republican Congress want to do? I think we can look over history if we want to find out. First, when they took over in 1994—they got sworn in in 1995—one of the first things they tried to do was eliminate the Department of Energy. That makes a lot of sense. We need an energy policy, so what is the first thing they do? Try to eliminate the Department of Energy? I have to say, Bill Richardson did a masterful job of going around the world convincing the producers of oil to do a better job, to increase their supply. But, if the Republicans had their way, there would be no Cabinet position because there would be no Department of Energy. So that is the first thing they did in order to have an ''energy policy.''

What else did they try to do? Every year, year in and year out since they took over, they have not provided adequate funding for alternative and renewable energy, which would lessen our dependence on foreign oil. This is shortsighted and it only means our dependence on foreign oil will increase. We need more investment in energy-efficient technologies, not less.

If you think I am just stating something that perhaps I cannot back up, let me give you the facts. On solar and renewable energy research and development, between the years 1996 and 2000, the Republicans have cut President Clinton's requests by 23.6 percent. On energy and conservation R&D, they have cut the President's requests 20.3 percent. Energy conservation grants, which are so important to encourage energy conservation—by the way, that is the best kind of energy policy, conservation; everybody wins. It costs the consumer less, and it destroys our environment less—they cut those grants by 25.4 percent. So the bottom line is they first wanted to do away with the Department of Energy. That was their program. Then they took the funding for energy efficiency and renewable energy and cut it by 22.2 percent.

How about this one? Our Secretary of Energy goes around the world and gets an increased oil supply of about 1.7 million barrels a day, which is excellent work—he did a good job. We could save 1 million barrels of oil a day if we increased the fuel economy of SUVs and light trucks to 27 miles per gallon. Now they are at about 20. We could save 1 million barrels of oil a day from that simple step. What happens around here? The Republicans, in 1995, put a rider on appropriation bills prohibiting the administration from raising fuel economy standards for SUVs and light trucks just to get it to 27 miles per gallon, which it is at now for cars.

This sounds like ''and a partridge in a pear tree.'' We have continual moves here: Eliminating the Department of Energy, providing in adequate funding for alternative and renewable energy, and riders prohibiting raising fuel economy for SUVs and light trucks.

Here is another one. We know when energy prices go up, it is very important that the President have the ability to tap the Strategic Petroleum Reserve. It is there when there is an emergency. It is very important that he have that power. The Republican Congress has failed to reauthorize the Strategic Petroleum Reserve, and without new reauthorization, no funds can be appropriated for the purchase of new oil for the reserve. So the reserve is not going to increase. That is very important.

This is four policies, all of which undermine an energy policy for this country to lead to U.S. independence from foreign oil: Eliminating the Department of Energy, providing inadequate funding for alternative and renewable energy, stopping us from increasing fuel efficiency for SUVs and light trucks, and failing to reauthorize the Strategic Petroleum Reserve.

What do they come up with today? Repealing the gas tax. That is not an energy policy; it is a disaster—$1.7 billion lost over 2 years to my State. It would hurt my State. The country as a whole would lose $18.8 billion from the measure that is going to come before us. I hope we will not get cloture so we do not take it up. The Senate, frankly, has expressed itself on the budget resolution against this shortsighted amendment.

This is not, however, the only thing my friends on the other side of the aisle are pushing. I mentioned in my opening statement drilling in the Arctic Wildlife Refuge. There is a big debate over that: Should we allow drilling in a wildlife refuge? I say we give this the commonsense test. When President Eisenhower set up this refuge, do you think he thought about oil drilling in a refuge for the most magnificent wildlife you could find? I do not think so. Just think about it. What kind of refuge is it, if you have oil drilling there, with the risk of spills and all the traffic that comes with it?

Some are again calling for drilling off the coast of California. I have to explain to my friends who think that is an energy policy that that would undermine California's economy because our tourism industry is dependent on a beautiful, magnificent coast. Our recreation industry is dependent on a beautiful, unspoiled coast. We should not use this spike in gas prices as an excuse to destroy the highway fund, to destroy the coast, to destroy a wildlife refuge. I think the American people can see through this. It does not an energy policy make, to repeal a tax which is earmarked for highways. It makes no sense whatsoever.

Here is another fact: Right now in America there are 68,000 barrels a day being drilled and exported out of our country. While colleagues are talking about drilling in a refuge and drilling off the coast, we are exporting 68,000 barrels a day.

There are 1 million barrels a day wasted because they will not vote to increase the fuel efficiency standards for SUVs and light trucks. They vote down energy efficiency budget recommendations by this President. They do not give him the tools for increasing the quantity of gas or oil in the Strategic Petroleum Reserve. They turn a blind eye to the oil companies that are merging at a rapid rate. I was an economics major in college many years ago. I am the first one to admit that it was a long time ago. One thing I learned and which has not changed was that competition is important for the consumer. When we have less competition, the consumer suffers. We have seen merger after merger. Yet we do not hear anyone on that side of the aisle saying maybe it is time we put a moratorium on these mergers. On the other hand, they support these mergers, as far as I can tell. We need to impose a moratorium on these mergers.

Mergers are at a near frenzy. Shell and Texaco entered a joint venture, which is essentially a merger, in 1997.

British Petroleum and Amoco merged shortly thereafter. Last year, Exxon and Mobile merged. BP/Amoco is currently attempting to acquire California-based ARCO. If one overlays gas prices with these mergers, it is straight up. It is common sense: Less competition, higher prices.

There are secret oil company documents that we know have been filed as part of the Federal Trade Commission's lawsuit to block the merger. Those secret documents ought to be made public. One can see, if one reads the filing, that the FTC has made explosive charges of oil price manipulation by BP. We know that a lot of BP's oil is being exported from this country. If we are going to allow this merger to take place, we should at least insist that oil stay here rather than stand up in this Chamber and say we are going to repeal the 4.3-cent-a-gallon tax which is going to destroy the highway trust fund. The people in my State are against this proposal.

Between 1973 and 1995, we banned the export of the Alaska North Slope crude. The GAO has said that lifting this export ban increased the price of crude by more than $1 a barrel.

We can create an energy policy that will result in the lowering of gas prices and, by the way, help the environment and clean up our air. What do we do around here? We do not do the long-range planning. We are not listening to the people who have studied this issue for years. We are turning a blind eye to these mergers which make prices skyrocket. We are not doing anything about stopping the exportation of Alaskan oil. We are not increasing the fuel economy standards.

We are taking the short view and trying to make political points by saying: If we take away that 4.3-cent-a-gallon tax, it is going to solve our gas price problem. That is not the answer. The American people are smart. They see this for what it is: A political ploy; it does not do anything; it robs our States of needed money for highways while they keep cutting back the funds the President requests for energy efficiency.

I stand here as someone who has been involved in energy efficiency issues since I was a county supervisor in the seventies. That is when we had those long lines because gas prices were high and people were scared. By the way, that is when the American car companies lost their market share because it was the foreign carmakers that were making the fuel-efficient cars. Why don't we learn from history? Why don't we do the right thing instead of this short-term idea that makes no sense at all, that will only hurt our environment, will hurt our people, will hurt our ability to build the highways we need in the future, and absolutely does nothing about lessening our dependence on foreign oil.

I am very pleased I had this opportunity to speak because I think this issue is clearly one of the most important we can consider.

My last point is, half of our trade deficit is due to imported oil. What is reducing the gas tax 4.3 cents a gallon going to do to lessen our dependence on foreign oil? Zero. Nothing. Nada. Let's do something that is going to help our balance of trade, that is going to help our environment, that is going to help our economy, and that is going to help our people.

I thank the Chair.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island. The Chair inquires how much time the Senator from Rhode Island will use.

Mr. REED. Somewhere between 5 and 7 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. MURKOWSKI. Mr. President, I remind the Chair, ordinarily we go back and forth.

The PRESIDING OFFICER. The Senator from Rhode Island has been here waiting, so the Chair decided to recognize him.

Mr. MURKOWSKI. Mr. President, who controls time on this side?

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska, or his designee, is to be recognized for up to 75 minutes.

Mr. MURKOWSKI. I thank the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

COMMONSENSE GUN CONTROL MEASURES

Mr. REED. Mr. President, last week, by a bipartisan vote of 53–47, the Senate adopted the Reed amendment to the budget resolution calling on the conference committee on the juvenile justice bill to submit a report by April 20 of this year, which is the 1-year anniversary of the tragedy at Columbine High School, and include in that report commonsense gun control provisions which this Senate passed last May.

These provisions include an amendment that child safety locks be sold with all handguns; an amendment to close the gun show loopholes so a complete background check can be done on all purchasers at gun shows; a ban on the importation of high-capacity ammunition clips; and a ban on juvenile possession of semi-automatic assault weapons.

We adopted the Reed amendment, sponsored by many and supported by 53 Senators, because we wanted to send a message to the leadership of the House and Senate that America has waited too long for us to respond to the tragedy at Columbine High School, too long to respond to the pervasive floodtide of gun violence that every day kills 12 American children.

We have been down this road before. In 1993 and 1994, after a long legislative battle, we were able to pass the Brady law and the assault weapons ban over the objections of the gun lobby and their allies in Congress. Since 1993, we have seen a 20 percent reduction in crime in the United States. Gun crimes in particular fell 37 percent between 1993 and 1998.

No one can claim the Brady law or the assault weapons ban alone was the cause of this decline. There are other factors. We also know that preventing 500,000 felons, fugitives, and other prohibited purchasers from easily obtaining firearms has made a significant contribution to that reduction in gun violence.

The American people were with us when we passed those commonsense gun initiatives in 1993 and 1994, and they are with us today. Eighty-nine percent of Americans favor requiring a background check on all sales at gun shows. A similar percentage, 89 percent, favors requiring child safety locks be sold with all handguns.

Unfortunately, the gun lobby and its allies in Congress are trying to hide behind a claim there is inaction in enforcement, arguing that we need tougher enforcement, not new gun laws.

We agree, we need good, strong enforcement of our gun laws. We need additional resources devoted to this task. That is why we support the President's request for substantial new resources for gun law enforcement, including 1,000 new prosecutors, 500 new ATF agents and inspectors, an expansion of the Project Exile program to toughen sentences for gun crimes, and new ballistics testing procedures. We need all these things.

But the gun lobby presents us with a false choice between tougher enforcement or more legislation. The American people know we need both. You cannot enforce a loophole. We need legislation to close these loopholes so our authorities can truly and effectively and efficiently enforce the law.

The gun show loophole is just one example. When one-quarter or more of dealers at gun shows are unlicensed and therefore are not subject to the Brady background checks—they do not have to check the background of the purchaser—it does not take a genius to figure out, if a prohibited person seeks to purchase a weapon, where they will go. They will go right to those unlicensed dealers at the gun shows.

Under current law, someone who is a felon, someone who is prohibited from purchasing a firearm under the Brady law, and other laws, could go to an unlicensed dealer at a gun show and purchase as many weapons as he or she wanted without any type of background check, and they would not be effectively screened for the acquisition of a firearm.

Senator LAUTENBERG has many times on this floor pointed to Robyn Anderson—the woman who went to a Colorado gun show with Dylan Klebold and Eric Harris to help them buy 3 of the guns they used to kill 13 people at Columbine High School—who has said that the process was much too easy. In fact, it is reported that Harris and Klebold repeatedly asked dealers at the gun show if they were licensed or unlicensed, eventually finding a private seller, an unlicensed seller, in order to avoid paperwork and background checks.

What could be clearer? What could be more compelling for the need to close this loophole than the demonstration that these two young men were clever enough—and, frankly, the law is so wide open, you do not have to be that clever—to find a way to purchase weapons when they were supposed to be prevented from doing it? And they did.

Robyn Anderson later testified before the Colorado legislature, saying:

> It was too easy. I wish it had been more difficult. I wouldn't have helped them buy the guns if I had faced a background check.

We need to move promptly and swiftly to pass the Lautenberg amendment which was included in the juvenile justice bill to close this loophole and give our authorities the leverage they need to truly enforce the laws. The time has come for action. We have waited for an entire year. That wait is unforgivable. The memories of those students and what happened there linger. We should have done something much sooner than this. But we have a chance.

What is even worse is that Congress is about to go into a recess at the end of this week. So when all of those grieving families in Colorado and across the country come together on April 20 to ask, ''What have we done,'' not only will we say ''nothing,'' but we will be far from the center of Washington where we should have done something. We can pass this legislation.

What kind of message does that send, not only to the people of Columbine but the families of thousands and thousands of people who die each year? Over half of them are not killed in some type of confrontation; over half of them are killed by accidents and suicides.

We have to do something. We can do something. If we had safety locks on weapons, that could help, or we could think about, as some States do, having a waiting period. We used to have a waiting period with the Brady bill, but, again, to get that legislation through the Congress, we had to—as soon as the instant check system was put into place—abandon the waiting period.

There is more we can do.

Finally, I thank those Republican and Democratic Senators who joined last week to pass the Reed amendment, to send a strong signal to the leadership that we have to do something—words are insufficient—to express truly what we should express with respect to the tragedy at Columbine.

We need action. We need legislation. We need laws that will give our enforcement authorities the tools to do the job and do it well. Although the time is dwindling away, I hope we can move quickly so that on April 20 we will not only commemorate a tragedy but celebrate the passage of legislation that will help prevent, I hope, future tragedies.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized for up to 75 minutes.

Mr. MURKOWSKI. I thank the Chair and wish the occupant of the Chair a good day.

THE FEDERAL FUELS TAX HOLIDAY OF THE YEAR 2000

Mr. MURKOWSKI. Mr. President, we have started our debate, and later this afternoon we will have a vote on the disposition of the waiver of the gas tax.

Upon arriving on the floor, I had the opportunity to hear the remarks of the Senator from California relative to an issue we have discussed on previous occasions; that is, the export of petroleum, energy products. I think the generalization was that she was concerned with the export from the State of Alaska of some 60,000 barrels a day of oil product.

As I have explained on this floor before, the export of our oil product, which is surplus to the west coast, has been carried on by one company that had that access, British Petroleum. British Petroleum has since acquired the non-Alaska segment of ARCO, which includes a number of refineries. BP did not have refineries on the west coast. I have introduced a letter in the RECORD from BP indicating they will curtail exports of Alaskan oil at the end of this month. I also have a letter from Phillips, which has acquired ARCO Alaska, and it is not their intent to export Alaskan oil.

I hope that addresses and resolves the issue and satisfies the concerns of those who continually bring this up in spite of my explanation.

But I will also submit for the RECORD the list of exports of petroleum products by States of exit for the current month. I note that Alaska is listed on this list at 3.9 million barrels a day; that California, the State of which my friend was speaking, shows exports of 6.2 million barrels a day of energy products; that Texas, for example, has 14 million barrels a day of petroleum, energy products; that Louisiana has 4.4 million.

We are currently exporting about 37 million barrels of energy products. This is a combination of jet fuel, motor gas, crude oil, and so forth. But it simply points out a reality that I think the RECORD should note.

Mr. President, this afternoon the Senate is going to have a chance to vote on whether we can quickly give the American motorists some relief from spiraling gasoline costs. I urge my colleagues to objectively evaluate the responsibility they have in representing the American people on this issue and whether the American people clearly want relief.

The 4.3-cent-per-gallon tax, that was adopted in 1993 after Vice President AL GORE cast the deciding tie-breaking vote, raised the gas tax by 30 percent. It is interesting to go back and look at the issue. I know some of my colleagues will come to the floor because they think it is a mistake to establish a precedent wherein general revenues are used to finance highway construction. Ordinarily I would agree with them, but not in this case.

As the record will show, in 1993, when this was passed, the revenue went to fund the general fund. That is the budget. That is the expenditures of the administration as they see fit. There was a substantial revenue stream that went into the general fund of about $21 billion. That is what was collected in that timeframe between 1993 and 1997, when the Republican majority changed the formula and directed that the 4.3 cent a gallon be put into the highway trust fund. That is a little background to keep in mind, as we address the appropriateness of supporting or rejecting the Federal Fuels Tax Holiday Act, which is before us.

The point I make again is that the administration had the benefit of $21 billion of expenditures from the revenue generated from 1993 until 1997, when the Republican majority changed the funding mechanism and put it in the highway trust fund. I also remind my colleagues that the Vice President broke the tie back in 1993 when the 4.3-cent-a-gallon tax was initiated. I think the Vice President has to bear the responsibility of defending his position on the Gore tax, as it has been fondly referred to by those of us on the Republican side of the aisle.

I find it curious to reflect that not a single penny of that tax was dedicated to highway or bridge construction. All the money was earmarked for the administration's spending.

I think we have an obligation to hear from the American public. What do they think? This is a Gallup poll, March 30 through April 2. It asked the question: Would you favor or oppose a temporary reduction in the Federal gas tax by 4.3 cents per gallon as a way of dealing with the increased price of oil? Notice, it does not ask about the highway trust fund. It does not ask whether we will reimburse the highway trust fund. It is quite specific: Would you favor or oppose a temporary reduction in the Federal gas tax of 4.3 cents per

gallon as a way of dealing with the increased price of oil?

In response to this poll, 74 percent of the respondents favor a temporary reduction; those in opposition, 23 percent. I think this is a fair sample of the attitude of the American public with regard to this issue. Seventy-four percent favor the temporary reduction. I encourage my colleagues, as well as the staffs, observing the debate today, to recognize this. I remind all Members of the Gallup poll, March 30 to April 2, 74 percent of the respondents favor a temporary reduction. I think that is significant and represents, certainly, the attitude of a significant portion of the American public.

I think it is appropriate that we make it clear it is the intention, the commitment of those of us who happen to favor providing the American public with relief that we ensure there is no sacrifice made in the highway trust fund program. In addition, our legislative guarantees that if the failed Clinton-Gore energy policy results in the price of gasoline rising above $2 a gallon—that is for regular—all fuel taxes will be lifted until the end of the year.

Let me make sure everybody understands. We are proposing to waive the 4.3 immediately, suspending it for the balance of this year, with the proviso that the highway trust fund will be totally funded. I emphasize, there is no free lunch. It has to come from the budget surplus. I would like to see it come from savings on wasteful Government spending. But it will provide immediate relief, and it will not jeopardize the highway trust fund.

In addition, the legislation guarantees that if the failed Clinton-Gore energy policy results in the price of gasoline rising above $2 a gallon for the average price of fuel—that is regular self serve—all fuel taxes will be lifted until the end of the year.

Isn't this the kind of a safety net the American consumer needs, like the mom who goes down to fill up the Suburban at $1.80 a gallon? That shoots a pretty good hole in a $100 bill for that 40-gallon gas tank. What about the guy who gets up at 4 o'clock in the morning to drive into Washington, DC, to work as a carpenter. He drives 50 or 60 miles in the morning, the same in the evening. Is he looking for some relief? You bet he is.

This is real relief. It appropriately puts the responsibility back where it belongs—on the administration—to ensure us that their projections stand the test of time.

If you look at their projections, they are pretty weak. The statements by the Secretary of Energy were pretty weak as far as predicting the price. I note that on the CBS ''Early Show'' of March 29, the Secretary indicated, when asked by Jane Clayson about the price:

> . . . gasoline prices will gradually and steadily decline, possibly, according to the Energy Information Administration, my department, as much as 11 cents by the end of September. . . .

What are we going to do on Memorial Day? What are we going to do on the Fourth of July? They are hedging. This administration knows it is in trouble on this issue because it does not have an energy policy and is simply saying, ''Well, it is going to go down a little bit, maybe by the end of September.''

Further questioning by the interviewer Jane Clayson:

> So the bottom line, how much can we expect to see a drop at the pump?

Secretary Richardson replied:

> Well, bottom line—I'm just quoting our investigators and other official people—they are saying 11 cents by the end of the summer, possibly over 15, 16, 17 by the end of this year.

That is their answer, not very encouraging.

Let's get a little more current. If my colleagues have any doubt that prices are not going to come down very much, all they have to do is read today's New York Times. The headline story is: ''Oil Prices Fall Nearly Enough For OPEC''—to do what—''to cut production.''

Imagine that: We are seeing a decline, and they are talking about cutting production.

I quote:

> Less than two weeks after OPEC agreed to increase production to bring down the cost of oil, prices have fallen abruptly and are near the level at which the cartel had agreed it would then cut back its output. Ali Rodriguez, President of the Organization of Petroleum Export Countries, said today that it the price of the organization's benchmark basket of crude oil remained below $22 a barrel, the 1.5 million a day agreed to last month would be cut back by one third.

There is the leverage. They are calling the shots. We are not calling the shots.

I find it extraordinary that as this administration looks at the energy crisis, we would simply look to the Mideast for relief by increasing imports.

I ask unanimous consent that the article from the New York Times be printed in the RECORD.

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

[From the New York Times, Apr. 11, 2000]

OIL PRICE FALLS NEARLY ENOUGH FOR OPEC TO CUT PRODUCTION

CARACAS, Venezuela, April 10 (Bloomberg News)—Less than two weeks after OPEC agreed to increase production to bring down the cost of oil, prices have fallen abruptly and are near the level at which the cartel had agreed it would then cut back its output.

Ali Rodriguez, president of the Organization of Petroleum Exporting Countries, said today that if the price of the organization's benchmark basket of crude oil remained below $22 a barrel, the 1.5 million barrel-a-day increase that the organization agreed to last month would be cut back by one third. OPEC was expected to announce that the basket price dipped below $22 today, falling from a five-month low of $22.14 on Friday.

The price ''may fall a little further,'' Mr. Rodriguez said in a television interview. ''But OPEC has already established a corrective mechanism, and if prices fall below $22 a barrel for 20 consecutive days we'll immediately cut back production.''

Mr. Rodriguez, who is also the energy minister of Venezuela, said the traditional slump in demand for oil during the spring also could make the cutback likely. The German news agency Deutsche Presse-Agentur reported today that Saudi Arabia, OPEC's largest producer, would endorse the cuts if prices slipped further.

Oil prices have plunged about 30 percent since last month, when they reached nine-year highs. After a meeting March 29 in Vienna of the 11-member organization, 9 OPEC members agreed to raise oil output quotas by about 1.5 million barrels a day and keep prices within a range of $22 to $28.

Crude oil plunged 4.8 percent to a three-month low of $23.85 on the New York Mercantile Exchange today. OPEC's basket has been trading $2 to $3 cheaper than New York oil.

Mr. Rodriguez said he had the authority as OPEC president to order small adjustments before the group's next meeting in June.

''If the price falls I can communicate to each country how much it must cut back,'' he said.

Iran, OPEC's second-largest producer, refused to join the agreement to increase production, saying the move would lead to a price rout. Iraq, another member that does not participate in the cuts, also said new production would hurt prices.

Mr. Rodriguez said he still expected demand for oil to surge this year, perhaps prompting OPEC to approve further increases in output in June or later.

Mr. MURKOWSKI. Mr. President, if OPEC decides to cut back its increased production by one-third, then where are we? We are right back where we were before OPEC made the decision to raise production.

Think about that—full circle.

I spoke before the ocean industries this morning and expressed my concern. The Secretary of Energy, the Honorable Bill Richardson, spoke before me. I don't think he was able to convey much of a feeling of assurance that, indeed, we had this issue of an energy crisis under control.

If OPEC makes the decision to raise production, I think we have to go back and examine the deal the Secretary made with OPEC. That is rather interesting. I think we need to because OPEC never really increased their production by 1.5 or 1.7 million barrels. If you factor in the reality that OPEC was cheating, what really happened on or before March 27 was OPEC's actual increase of production was a bare 500,000 barrels a day. That is what we really got.

The rationale for that is the recognition, if you read the agreement, that they acknowledge they were posting in the cartel a production of 23 million barrels a day. They were cheating and put out 24.2 million barrels a day. When the administration announced that it was going to get an additional 1.7 million barrels a day, they didn't take into account the reality that they

were already cheating by 1.2 million barrels a day. If you subtract 1.2 from 1.7, you get 500,000 barrels a day. That is actually what we got.

In that case, we are right back where we started before OPEC met.

Do not be misled, my colleagues. All of that doesn't go to the United States. There are other customers of OPEC. We traditionally get 16 percent of our crude oil from OPEC. By the time you look at the allotments of the other countries, it is estimated that out of 500,000 barrels, the U.S. gets somewhere in the area of 75,000 to 88,000 barrels.

Furthermore, if you look at what we consume in the general metropolitan area of Washington, DC, and its extensions, it is about 121,000 barrels a day.

We haven't gotten anything. We are almost assured that we will see higher gasoline prices this summer.

For that reason alone, I believe we should give relief now to the American motorists by rolling back the Gore gas tax.

Yesterday, I indicated that 74 percent of the American people think that the 4.3 cents per gallon should be temporarily lifted.

I ask unanimous consent to have printed in the RECORD the Gallup Poll of March 30 to April 3 which indicated that 74 percent favor a temporary reduction of the Federal gas tax of 4.3 cents per gallon as a way of dealing with the increased price of oil, and 23 percent oppose that.

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

Would you favor or oppose a temporary reduction in the federal gas tax by 4.3 cents per gallon as a way of dealing with the increased price of oil?

	Percent
Favor	74
Oppose	23

Source: Gallup, Mar. 30–Apr. 2.

Mr. MURKOWSKI. Mr. President, it is not just the American motorists who want to see gas taxes come down. There are business organizations, especially small businesses, that have been hit hard by the fuel price jump. Their businesses are being devastated.

I have a letter of support from the National Federation of Independent Businesses which represents more than 600,000 small businesses in America. In their letter, they cite the fuel price hike and what it has meant to an average small business.

I quote:

For a small company that consumes 50,000 gallons of diesel fuel in a month, the increase it prices in the past year will cost that company an additional $40,000 per month. If fuel prices remain high, these costs could eventually be passed on to consumers in the form of higher prices for many goods and services. A 4.3 cent reduction in the cost of fuel would save the company more than $2,000 per month.

The Independent Truckers Association also sent a letter of its support to our legislation.

I ask unanimous consent that be printed in the RECORD along with the letter from the National Federation of Independent Businesses.

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

NFIB,
Washington, DC, March 29, 2000.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, Washington, DC.

DEAR LEADER: On behalf of the 600,000 members of the National Federation of Independent Business (NFIB), I want to express our support for Senate Bill 2285 which would temporarily repeal the 4.3 cent excise tax on fuel, provide additional tax relief should the cost of fuel continue to rise, and protect funding levels in the Highway Trust Fund. NFIB urges members to support its adoption.

Gas prices have been soaring. According to the U.S. Department of Energy, gas prices, which have increased by as much as 50 percent in the past year, are likely to continue to rise into the summer, if not beyond.

These high fuel prices are hitting many Americans, especially small businesses, extremely hard. For a small company that consumes 50,000 gallons of diesel fuel in a month, the increase in prices in the past year will cost that company an additional $40,000 per month. If fuel prices remain high these costs could eventually be passed on to consumers in the form of higher prices for many goods and services. A 4.3 cent reduction in the cost of fuel would save the company more than $2,000 per month.

Your bill goes along way towards providing America's small business owners valuable relief from rising fuel costs. We applaud your proactive efforts to reduce this tax burden on small business while at the same time providing a hold harmless provision for the Highway Trust Fund. This will guarantee that full funding will continue to flow to states and local communities for planned infrastructure projects.

Mr. Leader, thank you for your continued support of small businesses. We look forward to working with you to enact S. 2285 into law.

Sincerely,

DAN DANNER,
Sr. Vice President,
Federal Public Policy.

INDEPENDENT TRUCKERS ASSOCIATION,
Half Moon Bay, CA, April 4, 2000.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: The Independent Truckers Association—the oldest association of the nation's long-haul independent truckers and small fleet owners—endorses wholeheartedly the swift passage of S. 2285, the Federal Fuels Tax Holiday Act of 2000.

This measure would temporarily repeal the 4.3 cents excise tax on fuels and protect funding levels in the highway Trust Fund. We see this as an important first step to help ensure that prices for consumer goods shipped to market will remain stable.

It's important to recognize that truckers—not just the independents and small fleets, but the whole industry—work on a very small profit margin. So, the recent increase of oil prices by OPEC, along with the failed energy policy of the Clinton-Gore Administration, strikes deep into the heart and wallet of America's truckers. Enacting S. 2285 today will help those injured by excessive oil and fuel prices, and help keep the economy rolling along.

Senator Lott, thank you for your support of America's independent truckers. We look forward to working with you to enact S. 2285 into law.

Very Sincerely,

MIKE PARKHURST,
National Chairman.

Mr. MURKOWSKI. Mr. President, I quote from this letter. It says:

It is important to recognize that truckers, not just the independents and small fleets, but the whole industry, work on a very small profit margin. So the recent increase in oil prices by OPEC, along with the failed energy policies of the Clinton/Gore administration, strikes deep in the heart and wallet of American truckers. Enacting Senate bill 2285, the Federal Fuels Tax Holiday Act, today will help those injured by excessive oil and fuel prices and will help keep the economy rolling along.

I also have a letter of support from the National Food Processors Association.

I ask unanimous consent that this letter also be printed in the RECORD.

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

NFPA,
Washington, DC, April 3, 2000.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR LOTT: On behalf of the National Food Processors Association (NFPA), the nation's largest food trade association, I am writing to urge that Congress take action to address rapidly rising fuel prices. From the food industry's perspective, the effects of higher energy prices are about to move from the gas pump to the grocery store, threatening to put a serious crimp in the incomes of America's working families.

You no doubt have heard from the transportation sector about the serious effect of the 50-plus percent fuel price increase since the first of the year. America's agribusiness industry relies heavily on trucks and the rails to transport food from the farm to processor and on to kitchen tables all across the United States. Additionally, the nation's food processors—an industry employing more than 1.5 million workers in some 20,000 facilities across the country—consume no small measure of energy to make available the tasty and nutritious foods that consumers enjoy. Given the intense competition and very small profit margins, under which most food manufacturers operate, they are in no position to absorb these dramatic increases in energy prices.

I believe the absence of an effective national energy policy is largely responsible for this budding crisis. However, there are tools available now to help address this problem, at least for the short term. First, portions of the Strategic Petroleum Reserve could be released, helping reduce prices by increasing, temporarily, the supply of fuel. Second, I encourage Congress to enact at least a temporary suspension of the most recent 4.3-cent gasoline tax increase, which was adopted in 1993 for the purpose of deficit reduction. NFPA also has urged President Clinton to support such actions.

Leadership by Congress is needed to address this serious issue. I hope that the U.S. Senate will work with the President to take action promptly to ease the strain of rapidly increasing fuel costs.

Sincerely,

JOHN R. CADY.

Mr. MURKOWSKI. Mr. President, many Americans accepted the gas tax increase because they believed that the money would go to rebuilding and expanding the Nation's highway infrastructure. Today, that is exactly how the money is used. But, again, since the 4.3-cent-per-gallon tax was adopted in 1993, not a single penny of that went into, as I said, building a highway or repairing a bridge. When the tax was adopted, it was not earmarked for the highway trust fund. It was instead collected from the motorists, transferred to the Treasury Department, and then spent for whatever programs the Clinton administration wanted. But those programs did not include added highway construction.

That changed when Republicans took control of Congress and enacted the 1997 highway bill. Only then did these fuel tax revenues become earmarked for highways, bridges, and mass transit.

I know some are concerned legitimately that if we spend these taxes for the remainder of this year, the highway trust fund, which finances roads, bridges, and mass transit, could be in danger. That is a legitimate concern. I am sure it is going to be a concern in the debate that is forthcoming. But I would like to try at least to put those fears to rest.

Our legislation is quite specific. If you do not believe that we can pass a bill that ensures something, then the argument is moot. But this legislation ensures that the highway trust fund will not lose a single penny during tax holiday. We require that all moneys that would have anything to do with the fund had the taxes not been suspended be replaced by other Federal revenues.

That isn't a free lunch. That is going to be difficult to do. But if this legislation passes, that is what is going to happen. We are going to have to find the money. I hope it will come from on-budget surplus. I would rather see it coming from reducing wasteful Federal programs.

Remember. The consumer can't pass it on. He or she can't pass on this increased price to anybody. They are stuck with it. The truckers that came to Washington can't pass it on. If you look at your airline ticket, it is passed on. Nobody can figure out the cost of an airline ticket. If you fly on a Monday or a Tuesday night, it is all different. The fishermen, the farmers—we don't really look at the impact on our economy. The farmer, for example, is dependent on fertilizer. Where does fertilizer come from? It comes from urea. Urea is made out of gas—all petroleum products. We have a multiplier here.

We have the difficulty of recognizing that we have become beholden to the Mideast for the sources.

I can assure the American motorists that highway construction projects this year and next year will be unaffected by the tax holiday that we are proposing in this legislation. When the trust fund is fully restored, all the projects scheduled for beyond 2002 will be completed. That is in the legislation.

The question before the Senate today is simple. Do Senators want to give the American motorists a break at the gas pump when gas prices are high?

Again, I refer to the Gallop Poll. Seventy-four percent of Americans say yes; 25 percent of Americans say no.

I think we should adopt this temporary tax holiday and invoke cloture on the bill.

The rationale is we are giving the American people a choice. We are the elected representatives. Aren't we? What is the priority? Is there a priority to have a choice and a reduction knowing that the highway trust fund is not going to be jeopardized because we are going to have to make it whole?

I would like to show you a couple more things before I conclude.

This is a picture of the hard, stark reality of where we are today and where we are going. Make no mistake about it. It is a very bleak picture. But it is very real because it shows the world oil balance for the year 2000. It shows where we are currently as we enter the second quarter of the year.

We have global demand at 76.8 million barrels a day and global supply at 74. We have the sources of our crude oil, where it comes from in the world, the non-OPEC, Iraqi production, OPEC 10 nations. The point is, in this country today, at the end of the first quarter, we are using reserves. The world is using up its reserves. In other words, the demand is greater than supply, so the world is drawing down about 2 million barrels of its reserve.

The projection in the second quarter is interesting. It shows a surplus of 200,000 barrels. The third quarter again draws down reserves of 1.3 million barrels a day. The fourth quarter is worse—2.7 million barrels a day.

That is the harsh reality. If things are going to get better, we will have to import more from OPEC or other nations such as Iraq.

I conclude with a reminder many people have forgotten relative to the administration's attitude of how we will get relief in this country as we look at various areas of domestic production. One of the most telling is to recognize that currently a significant portion of our activity is coming from the Gulf of Mexico. At the present time, OCS activity is primarily coming off Louisiana, Texas, Mississippi, and Alabama, producing 30 percent of our natural gas and 22 percent our crude oil. That is the OCS. That is in the Gulf of Mexico.

I cannot help but note an article on October 23, 1999, from the Metropolitan edition of the Capitol City Press State Times, Morning Advocate, Baton Rouge, LA. Vice President GORE says he will be more antidrilling than any other President. It is significant because it represents the attitude, I think, of this administration and certainly the Vice President as he seeks the Presidency.

> I will take the most sweeping steps in our history to protect our oceans and coastal waters from offshore oil drilling.
>
> I will make sure that there is no new oil leasing off the coast of California and Florida and then I will go much further, I will do everything in my power to make sure there is no new drilling off these sensitive areas even in areas already leased by previous administrations.

That is the Vice President saying, if elected President, he in effect would cancel leases leased by previous administrations.

It is ironic our Secretary of Energy takes credit for deep-water royalty relief. I worked with Senator Bennett Johnston on that legislation. We got it passed. He takes some credit for it although it didn't pass on his watch. Now the Vice President of the United States wants to undo it. I find that ironic.

The last point of irony is we are looking to receive our oil from Iraq. I have a chart showing our increased dependence and what the oil fields look like. It is germane to this debate. Our fastest growing source of imports is Iraq. Many people forget we had a war over there in 1991. We lost 147 American lives in that conflict. We had over 500,000 troops over there. We were over there to make sure Saddam Hussein did not take over the oil fields of Kuwait. That is the harsh fact. Iraq and Saddam Hussein had visions of going into Kuwait, taking over the oil fields, and moving on to Saudi Arabia. That was a war over oil. We fought that battle.

This chart demonstrates where we are today. I am outraged. Last year, we imported 300,000 barrels a day from Iraq; we are currently importing 700,000 barrels a day. That is where we are.

In addition to the loss of lives and the fact we had nearly 400 wounded and 23 taken prisoner, what has it cost the American taxpayer? The American taxpayer has been hit for over $10 billion in costs in keeping Saddam Hussein fenced in. Imagine that, $10 billion.

How many remember what happened when Saddam Hussein was defeated? That is what happened. Take a good look. It shows the burning oil fields of Kuwait he left behind. The fires are raging, and there are Americans trying to cap the wells and get this environmental disaster under control. That is the kind of person we are dealing with. We are looking to them to bail this country out from the standpoint of increasing our imports? This is the policy of this administration?

One other thing on which I cannot help but comment. I think it is so ironic, this war is still going on. It is not reported in the Washington press. I

don't know if the folks back home know it. An article from March 29, Wednesday, the International News Service, says:

U.S. Jets Bomb Iraqi Defense System.

U.S. warplanes bombed Iraq air-defense system Wednesday in response to Iraqi artillery fired during their patrol.

There is a little more detail in the French newspaper, Agence France Presse, press reports from April 9:

U.S. war planes bombed northern Iraq Sunday after coming under Iraqi fire during routine patrols over the northern no-fly zone, the U.S. military said. The aircraft dropped ''ordnance on elements of the Iraqi integrated air defense system'' after Iraqi air forces fired anti-artillery northwest of Musul and west of Bashiqah, the U.S. European command base in Stuttgart, Germany, said.

Baghdad said on Thursday that 14 Iraqis were killed and 19 wounded when U.S. and British planes bombed the south of the country, in what was described as the deadliest raid since the beginning of the year.

A total of 176 people have been killed in Iraq in US-British bombings since December 1998.

Still not much notice. That is a French translation.

Here is a Russian translation on the Interfax Russian News, April 10:

Moscow Worried Over U.S., Britain Bombing Southern Iraq.

The foreign ministry has voiced concern over U.S. bombings of southern Iraq.

Baghdad made public its data about the victims of the latest raid, 14 people killed and 19 wounded.

How in the world can we justify being at war with Saddam Hussein, increasing our dependence to 700,000 barrels a day, lifting our export ban to give him the technology, which we did 2 weeks ago, to increase his production for his refining capacity even more, and be at war with him?

I don't understand this. I think it is outrageous. We have lost 147 lives in the Persian Gulf war. We are really taking his oil, putting it into our airplanes, and going over and bombing. Think about that.

Is that the kind of policy we have on energy? Do the American people know what has happened? Do they care? It is unbelievable to me, as we address this issue before us. You might say it is a gas tax. It is the whole issue of lack of an energy policy. We do not have an energy policy for coal. The same clean coal technology supported by this administration—we have seen that. We do not have a nuclear policy. The administration will not address the contractual commitment it made in 1998 to take nuclear waste, although the ratepayers paid the administration $15 billion. That is going to be a legal case of $40 billion to $50 billion when the lawyers are through suing each other. They want to take down the hydrodams. The replacement for that, obviously, is going to put more trucks on the highway in Oregon and Washington if they remove the dams, because so much of the traffic in grains and other produce are moved by barge.

Some say gas is the answer, just plug it in. The National Petroleum Council says we are using 21 trillion cubic feet of gas now, and in next 10 years we will be up to 31 trillion. The infrastructure is not there. It is going to take $1.5 trillion to put in that infrastructure. So don't think gas is going to be cheap. And this administration removed 65 percent of the public lands in the overthrust belt, which obviously means there is less area for exploration.

So the crunch is coming. I think this administration hopes they will get out of town before this becomes a big political issue in the campaign. But I think it is going to be a big political issue in the campaign.

I see many of my colleagues wishing to speak. I again encourage everybody to recognize the attitude of the American people as expressed by this Gallup Poll, which says 74 percent favor elimination of the tax—opposed 23. I had printed the letters of the Independent Truckers Association supporting this, and the NFPA as well, the National Food Processors Association, and the National Federation of Independent Business. We are not talking about jeopardizing the highway trust fund; we are talking about making it whole. We are talking about giving the American people a choice, whether this is a priority for them as represented through their elected representatives—which we are—whether they want relief. It gives us a safety net for the public out there; most of all, a safety net to keep this administration's feet to the fire to ensure that gasoline prices for regular do not go over $2 a gallon, because if they do, then the entire 18.4 cents federal gas tax goes off, it is suspended for the remainder of this year.

I think it is a fair trade. I think it is a reasonable compromise. I encourage my colleagues to support the effort and not be misled by the argument that this is going to jeopardize the highway trust fund. It cannot. We have to live by the commitment, if we pass this legislation, to find the money someplace else—out of the surplus, out of reducing wasteful spending, or whatever. That is actually in the legislation.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Florida.

Mr. GRAHAM. Mr. President, I ask unanimous consent that after my colleague, the Senator from Texas, completes her remarks, if I can have 10 minutes for purposes of introduction of legislation?

Mr. WARNER. Mr. President, reserving the right to object—I shall not object—our distinguished colleague from West Virginia is controlling the time on the gas tax. I would like to have 8 minutes in opposition to the gas tax. I know our distinguished colleague from Ohio has been here for some time. He should be accorded precedence over this Senator at least.

I wonder if we could have some order so Senators can be convenienced. Then certainly we can put in this matter. I seek, from our distinguished colleague, how would he suggest we go about this?

The PRESIDING OFFICER. Under the previous order, there is reserved time. Senator MURKOWSKI has approximately 37 minutes remaining and the Democratic side has approximately 35 minutes remaining. To utilize the time under the previously existing unanimous consent agreement, we would——

Mr. WARNER. If I may interject, it is not necessarily the Democratic side because there is strong bipartisan support, am I not correct, I ask Senator BYRD?

Mr. BYRD. The Senator is correct.

The PRESIDING OFFICER. The time under the control of the Democratic side——

Mr. WARNER. It is under the control of Senator BYRD.

The PRESIDING OFFICER. The Senator can yield to anyone he so chooses. Is there objection to the unanimous consent request?

Mr. BYRD. Reserving the right to object to that consent for a moment, Mr. VOINOVICH has been waiting here for quite some time. I believe he should be recognized next. Then, ordinarily, when we have controlled time like this, we might go to this side. If that is the case, I will yield for 8 minutes to the Senator from Virginia.

Mr. WARNER. I thank the Senator.

Mr. MURKOWSKI. I concur with the suggestion by my good friend from West Virginia. I am conducting a hearing on electric deregulation. I am going to turn the remaining time on this side over to my good friend from Texas to yield to those in support of the gas tax holiday.

Mr. WARNER. Mr. President, could we have the Senator from Maine, who has been waiting, and the Senator from Texas, enter the colloquy on timing? Again, they have been here for some time.

Mr. MURKOWSKI. If I may, I assume the proponents and opponents control the time. We have other speakers who are coming to speak in support of the holiday. The Senator from Texas supports the holiday. I do not know the disposition of the other Republican Members.

Ms. COLLINS. Mr. President, reserving the right to object, I had requested time to introduce a bill. I do not, however, want to interrupt the debate on the gas tax. I suggest I go after the Senator from Florida, who I understand is also going to be introducing a bill, so as not to interrupt the debate on the gas tax issue.

Mr. MURKOWSKI. I assume that will mean the 37 minutes, approximately, for each side, would be used. Then the other morning business would come up. Is that the wish of the other side?

Mr. BYRD. Mr. President, why don't we go in accordance with the times the Senators came to the floor and sat

down and expected to be recognized? When I first came, Mr. VOINOVICH had been waiting and the Senator from Alaska was speaking. I was the next on the floor. I will be happy to yield 8 minutes to the Senator from Virginia.

Mr. WARNER. Mr. President, I will be happy if the Senator wishes to proceed and I can follow. Whatever the Senator from West Virginia wishes.

Mr. BYRD. What does the Senator from Texas have to say?

Mrs. HUTCHISON. I ask the Senator from West Virginia, what he is proposing now is for Senator VOINOVICH to go next, and that is under the Senator's time; is that correct?

Mr. BYRD. That is correct.

Mrs. HUTCHISON. Following that, I would be recognized on Senator MURKOWSKI's time. Following that, then the Senator would have the ability to yield to the Senator from West Virginia, on your time again. And following that, then——

Mr. WARNER. I would like to speak on the gas issue in sequence after the Senator from West Virginia, if I may. We want to stay on the issue, I suggest, because we have a vote. Then we wish to accommodate other Senators.

Mr. MURKOWSKI. If I may, we have other speakers who want to speak on our side on the gas tax issue, so we can follow back and forth.

Mrs. HUTCHISON. If I can get an understanding, then it will be Senator VOINOVICH under Senator BYRD's time, then myself under Senator MURKOWSKI's time, then back to Senator BYRD—and Senator WARNER for however they are going to allocate their time under Senator BYRD's time allotment?

The PRESIDING OFFICER. That is my understanding.

Mr. BYRD. I always like to yield to the ladies. I was brought up the old-fashioned way. But the lady's proposal is going to automatically say she is going to be next after Mr. VOINOVICH. Is that the way she wants it done?

Mrs. HUTCHISON. It was my understanding we would go back and forth, according to the time allotments. Senator VOINOVICH is on the time of the Senator from West Virginia. I thought the sequence would be back to Senator MURKOWSKI's side after that.

If that is not correct, I will be happy to yield whatever time Senator BYRD wants on his side, and then I will control Senator MURKOWSKI's time after Senator VOINOVICH, Senator BYRD, and Senator WARNER. Is that what the Senator from West Virginia is suggesting? It is fine, as long as I know at what point our side will be able to reclaim our time.

Mr. BYRD. Any way is fine. The Senator from Alaska had a lot of time. He spoke a long time. I sat here a long time. I was glad to listen to it. Mr. VOINOVICH was here before I came. He should have his time.

Mrs. HUTCHISON. If the Senator from West Virginia wants to take all three from his side in answer to Senator MURKOWSKI, I will be happy to do that. Then I will take my time after Senator VOINOVICH, Senator BYRD, and Senator WARNER. Is that to what the Senator from West Virginia was referring?

Mr. BYRD. Very well. I thank the Senator.

The PRESIDING OFFICER. The unanimous consent request we have before us came from the Senator from Florida, and he was not mentioned in any of this.

Mr. GRAHAM. If I may modify the request, I am in the category with the Senator from Maine. We have topics we wish to discuss other than the gasoline tax. We appreciate that debate should be completed. We just want to have an order that, after the gasoline tax debate, we may introduce our legislation. We want to be included in the unanimous consent request.

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

Will somebody restate the unanimous consent request, please, so we have an understanding by everybody? Will the Senator from Texas restate the unanimous consent request?

Mrs. HUTCHISON. Mr. President, I will make an attempt. I ask unanimous consent that Senator BYRD be recognized on his time to allocate, as he sees fit, time to Senator VOINOVICH, himself, and Senator WARNER, after which I will be recognized to take control of Senator MURKOWSKI's 37 minutes, after which the Senator from Florida will be recognized for his introduction of legislation.

The PRESIDING OFFICER. Is there objection?

Mrs. HUTCHISON. Mr. President, I apologize. I did not know the Senator from Maine—I made a huge mistake. I amend my unanimous consent request to suggest that Senator COLLINS follow the Senator from Florida.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

The Chair recognizes the Senator from Ohio.

GAS TAX

Mr. VOINOVICH. I thank the Chair. Mr. President, I thank Senator BYRD for yielding time.

I speak against the repeal of the 4.3-cent-a-gallon gas tax for the third time on the floor of the Senate. Although I disagree with my colleague from Alaska in regard to this matter, I do agree this debate has given us an opportunity to identify the real problem of why we have high gas prices in this country, and that is, we lack an energy policy. Our reliance on foreign oil could increase to 65 percent or more by the year 2020.

As a matter of fact, a couple of weeks ago in the Committee on Governmental Affairs, we had a representative from the Energy Department appear before the committee and I asked him: Just how reliant should we be on foreign oil? What is the number? He was unable to give a number.

I mentioned that, as a former Governor, if I had a problem, I would identify what the goal was to solve that problem and put in place strategies to achieve that goal. The fact is, we are here today because we have no energy policy in this country. That is the main issue.

The other issue is whether or not reducing the gas tax by 4.3 cents a gallon is going to make any real difference. I argue it may not bring down the price of gas at the pump. In some States, if the gas tax is reduced, their State laws provide that the state gas tax is increased to make up for the loss of the Federal gas tax. I point out that in terms of the traveling public, the motoring public, getting rid of the 4.3 cent gas tax is only going to save about $43 a year.

This is one of the factors which I think adds to the cynicism of the American public in regard to some of the things we do in the Senate. We argue this is going to make a difference, and then the people realize all we are talking about over a year's period, if they drive 15,000 miles a year, at 15 miles-per-gallon is about $43.

I have been involved in this matter as a Governor and as the former chairman of the National Governors' Association. The Governors were opposed to the 4.3-cent-a-gallon gas tax in 1993 because it was used for deficit reduction and we thought it should be used for building highways.

In 1998, when TEA–21 was negotiated, everyone agreed to put that 4.3 cents a gallon into the highway trust fund so we can use it for new construction of highways and to maintain and repair highways. It also guaranteed to many of the donor States—that is, a State that sends more money to Washington than they get back, like Ohio—that they will get at least 90.5 cents per dollar back every year. It gave us a predictable, reliable source of revenue to get the job done. We thought we had resolved this issue once and for all.

Today we have the issue before us of reducing the gas tax by 4.3 cents a gallon. Someone said: Do not worry about it because we will make up the lost funding from the surplus. I argue, if I have listened carefully to my colleagues on the floor, there are lots of other good things that they want to do with our surplus. If one looks at it from an equity point of view, the tradition in this country is, the people who use the highways pay for them. We are saying reduce their tax and make it up by hitting everybody else in the country and taking it out of the general

fund, which can be used for other things that would benefit the rest of America.

I cannot buy the argument: Do not worry about it, we will make it up from the surplus.

I also point out the National Governors' Association, the National League of Cities, the U.S. Conference of Mayors, the National Association of Counties, all the major State and local organizations are opposed to repealing the 4.3-cent-a-gallon gas tax.

I do not care what the polls say, the one organization I listen to in Ohio which represents the motoring public is the American Automobile Association. This is the premier organization representing the people who drive in this country.

One would think they would be for reducing the gas tax, wouldn't they? The fact is, they are opposed to it because they know that repair and maintenance of our highways and new construction are important to the motoring public, particularly to their safety. They also realize that this country, in so many areas, has turned into a gigantic parking lot, with gridlock, bottlenecks, and hours wasted in America on the highways because our infrastructure is in such bad shape. Gasoline is being wasted sitting in these traffic jams, polluting the air, let alone the stress and strain on the drivers and their loss of time.

Today, the only good thing I can say about the fact we are debating this 4.3-cent-a-gallon gas tax reduction is the fact that it is bringing to the American people's attention that we do not have an energy policy.

As I have said over and over on this floor, gas prices are going to come down. They are going to come down because the administration is going to make sure they come down before the November election.

The real question is: Are we just going to treat it as we have in the past? Do my colleagues remember 1973 when we had the crisis and the prices went up? Are we just going to treat this like we treat a barking dog and say: Give it a bone, it'll stop barking and we will go back to doing things the way we've always done in this country? I hope not.

What we should resolve—Republicans and Democrats, Congress and the administration—is to put together a real energy policy for the United States of America before the end of this year so we can bring down our reliance on foreign oil, which is a threat not only to our nation's economy, but it is a threat to our national security.

So I urge my colleagues, please, today, on the cloture vote, please vote against cloture so that we can get on with other business. And part of that ''other business'' should be, let's put together a bipartisan energy policy.

I thank the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I yield 8 minutes to my distinguished friend, the senior Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I first thank our distinguished Senator from Ohio. When I was chairman of the Subcommittee on Transportation, he was a Governor. He brought together those Governors. He laid the foundation with the National Governors' Association; indeed, a coalition of highway administrators all over the country. He deserves a great deal of credit for the work he did as we, in this body, worked on the legislation. We could not have done it without the help of those organizations. I am so glad the Senator paid proper respect to their services.

I thank our distinguished senior Senator from West Virginia. I have now been privileged to serve with him here in my 22nd year in the Senate. No matter whether he has been the majority leader or minority leader, as a leader in his party, he has always been there taking the lead, making the tough decisions, and pointing the way.

There is an old French saying about a politician one time saying: Tell me, which way is the crowd going so I can jump in front and lead? The senior Senator knows that quote better than I. That is not our senior Senator from West Virginia. He knows which way to lead and then, indeed, the Senate, most often, and the crowd, know which way to go.

Mr. BYRD. I thank the Senator.

Mr. WARNER. But I say to my colleague, there are two separate issues today. Let us divide them.

First is the energy policy of this administration. Our distinguished colleague from Alaska has addressed that issue. Yes, it is flawed. In the words of the Secretary of Energy, they were caught napping. As a consequence, we are suffering at the gas pump. We are suffering in our economy. We are suffering in many ways for these increased prices.

I have compassion and understanding for those people. I support what Senator MURKOWSKI will bring forth as separate legislation to try to once again restore America's preeminence in its ability to develop energy sources and get the rigs out from under the brier patch of laws and regulations where they once drilled oil and gas in this country but are now rusting in stacks.

The Presiding Officer comes from a State which is known for its energy production. He knows full well of that situation.

I do not like to be in opposition to the distinguished leaders of my party, the Republican Party, but I am strongly in opposition to this question of repealing this gas tax.

I will not go back into the history, but we addressed this in the course of TEA–21. We took the funds, the general revenue, and put them into the highway trust fund. That was a commitment to the American public of those dollars so desperately needed to repair and modernize our transportation system.

I think what underlines this debate is the word ''anger.'' Yes, there is anger at the pump. That is understandable. But there is also anger behind the wheel when Americans, driving their vehicles today—whether it is for work or for pleasure, or for whatever purpose—see this cancer of the transportation system slowly eating away at their lifestyle, devouring the time they need at the job, devouring the time they need with their families, devouring the time they need for what little pleasure life provides today in terms of the burdens and commitments on the American family.

So we have a choice: Anger at the pump; anger with the highways. I believe it is most important that the institution of the Senate show a continuity of commitment to the modernization of our highways, our rails, and other transportation modes to reduce the threat to our lifestyle. That is what it is all about.

If we were to repeal this gas tax—I project that the Senate will not, but if we were to repeal it, what Senator could get up and say, with certainty, that that tax reduction will be passed down to the consumer at the gas pump? I will carefully listen to the speeches. What Senator could make that irrefutable commitment to the American public?

The free enterprise system is fraught with uncertainty. I would be willing to—I am not a betting man—wager, though, that that money would not go into the pockets of the American consumers. That will bring about anger at the gas pump far greater than any that was witnessed thus far.

There is the question of the modernization of this highway transportation system and other modes of transportation. Hundreds of thousands of people are involved, from the Governor of a State, to their highway transportation authorities, to the legislatures of the various States. These people have made commitments, passed laws, adopted budgets on the reliability of the Congress to stand behind what they put into that legislation.

I repeat that. Stability in this program is essential because these modernization programs cannot be done overnight. They cannot either pour concrete or have the designers do their work overnight. There has to be a careful, methodical sequence of the steps. Literally hundreds of thousands of people are involved all over America. They sit and listen, astonished that we are about to take away one of the underpinnings of that program.

Those legislatures, in their next session—most of them have completed their sessions for this year—would say: Wait a minute. Before we commit so many State funds in reliance on what the Federal Government might do, let's wait and see. Is the Congress going to do something else to diminish the flow of funds?

We cannot have instability in the highway modernization program. That is fundamental, absolutely fundamental.

I conclude my remarks and hope the distinguished Senator from West Virginia will address the clause in the bill referred to on page 3, which says:

> Maintenance of trust fund deposits.—In determining the amounts to be appropriated to the Highway Trust Fund under section 9503 . . . an amount equal to the reduction in revenues to the Treasury by reason of this subsection shall be treated as taxes received . . .

I just say to my good friend from West Virginia, who has examined this legislation for so many years in this body, I think this is the first of its type. The distinguished Senator, the senior Democrat on the Appropriations Committee, understands the appropriations process. I find that this provision, No. 1, is unique. I don't know of many precedents that I have seen, if any at all. And second, the subject, again, of the uncertainty of taking it with one hand from the highway trust fund, by virtue of the elimination of the tax, then giving it back with the other hand in terms of some commitment, to me, brings about uncertainty. I question how many Senators can rely on that.

I hope my distinguished colleague might look at that provision based on his many years of experience.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WARNER. I see my time is up. I see my colleague on his feet. I wonder if he might address that issue.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I have not prepared remarks in that connection, but I will take a look at that and insert the matter in the RECORD, if I am able to make a contribution.

Mr. WARNER. I thank our distinguished colleague because he has spent these many years in the appropriations process; he has studied all the budget resolutions going back these many years.

I question what the precedent is, and the degree of uncertainty as to this body being able to deliver, and, I might say, the House of Representatives. It would take both bodies; would I not be correct?

Mr. BYRD. The Senator is correct.

Mr. WARNER. I thank the Senator and very much respect and appreciate the leadership he has given. I will work with him on this to the final vote.

Mr. BYRD. I thank my distinguished friend. I thank him for the excellent contribution he has made in this debate. I thank him for his support and cooperation with respect to the amendment we prepared a few days ago, which was voted on favorably by the Senate. I thank him for his leadership on the committee and in the Senate on this subject over the years. We have stood together shoulder to shoulder on previous occasions on this very subject matter, and I am glad to have him standing shoulder to shoulder today.

Mr. WARNER. I thank my colleague.

Mr. BYRD. Mr. President, how much time was taken in the colloquy earlier about who should go first?

The PRESIDING OFFICER. About 10 minutes.

Mr. BYRD. I wonder if we could restore that time, half to the other side and half to this side on the question. I ask unanimous consent.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator now has 19 minutes.

Mr. BYRD. I thank the Chair. I also thank Mr. VOINOVICH for the fine statement he made. I thank him for his courage in taking the position he has today. It isn't easy for him, but I thank him for his solid support of the position I take today. I think he is right, as I think I am right.

Mr. President, just 5 days ago, during consideration of this year's Budget Resolution, the Senate, by a vote of 65 yeas to 35 nays, expressed the Senate's opposition to either a temporary or permanent repeal of Federal gasoline taxes. In addition to myself, the original co-sponsors of the amendment were Senators WARNER, BAUCUS, VOINOVICH, LAUTENBERG and BOND. Additional cosponsors added during the debate were Senators LINCOLN, DOMENICI, BINGAMAN and ROBB. Later today, the Senate will be asked to vote again on essentially the same question, when the cloture vote is taken on S. 2285. That bill would implement a temporary repeal of a portion of the Federal tax on gasoline. To make up for the lost revenues to the Highway Trust Fund that this gas tax repeal would cause, the proponents of this bill advocate the use of revenues from the General Fund of the Treasury. The proponents do not identify a particular source of those revenues. One has to assume that the replenishment of the Highway Trust Fund will either come from the non-Social Security surplus, or from cuts in spending in other areas of the budget, such as education, or if it turns out that there is no non-Social Security surplus, then this bill could cause us to have to return to deficit spending. That would be true, particularly if the Republican tax cut package is enacted, and if the projections of the Congressional Budget Office turn out to be faulty. I, for one, cannot support any proposition such as this, which takes the ''trust'' out of the Highway Trust Fund and could mandate unidentified cuts in other Federal programs. We must not backfill the potholes this bill will leave in funding for adequate maintenance of roads and bridges with money from education, veterans programs or other vital needs.

The proponents of S. 2285 have attempted to downplay the aforementioned vote that was taken on the Budget Resolution against any repeal of Federal gasoline taxes. That amendment to the Budget Resolution, which as I have said, was adopted by a vote of 65 yeas to 35 nays, contained the following language, ''Any effort to reduce the Federal gasoline tax or de-link the relationship between highway user fees and highway spending, poses a great danger to the integrity of the Highway Trust Fund, and the ability of the states to invest adequately in our transportation infrastructure.''

Yet, Mr. President, S. 2285 would in fact de-link the relationship between highway user fees and highway spending. In that respect, S. 2285 poses a great danger to the integrity of the Highway Trust Fund, and thereby, threatens to undermine the ability of the States to invest adequately in our nation's transportation infrastructure.

In I Corinthians 14:8, we are told, ''If the trumpet gives an uncertain sound, who will prepare to the battle?'' When it comes to our Federal investment in our Nation's highways, S. 2285 would give a most uncertain sound. This bill would cut revenues to the Highway Trust Fund by repealing a portion of Federal gasoline taxes. Yet, just two years ago, in landmark legislation, the Transportation Equity Act for the 21st Century, TEA–21, our State and local governments were told that we had put the ''trust'' back into the Highway Trust Fund, and that we had established an automatic mechanism to distribute all gasoline taxes to the states for their highway needs. In so doing, we committed ourselves to retaining the ''trust'' in the Highway Trust Fund forevermore. Now we come along and have a different sound coming from those who trumpet S. 2285. They want to cut Federal gasoline taxes and place in jeopardy the funding stream that we promised to the States in TEA–21. In return for these lost revenues, they would have us adopt a new promise, a promise that we will make up those lost gas tax revenues from the General Fund surpluses or from cutting funding for other vital national investments. The very reason that funding ''guarantees'' were included in TEA–21 was to eliminate the uncertainty surrounding our national highway program. We said that all highway user fees—the Federal gasoline taxes which the American people pay every time they go to the gas pump—would automatically go to the

States so that our Governors, highway commissioners, and State and local officials would have a predictable funding stream to meet their critical highway funding needs.

The goal of TEA–21 was to reverse decades of disinvestment in our national highway infrastructure. The use of our national highway system continues to grow dramatically. In the 15 years, from 1983 to 1998, according to the Federal Highway Administration, the number of vehicle miles traveled on our Nation's highways, has grown from 1.65 trillion miles per year to over 2.62 trillion miles per year. However, our Nation's investment in highways has not come close to keeping pace with this increased traffic. The percent of vehicle miles traveled has been dropping almost every year since we initiated the interstate highway system during the Eisenhower Administration. They dropped steadily until 1997—the most recent year for which data is available.

What has this disinvestment done to the condition of our nation's roads? It has led to a national network of roadways with inadequate pavement conditions. Less then half the miles of roadway in rural America are considered to be in good or very good condition. Of the road miles in rural America, 56.5 percent are in fair to poor condition. Conditions are even worse in urban America, where 64.6 percent of road miles are considered to be in some level of disrepair, and only 35.4 percent of urban roadways are considered to be in good or very good condition. The situation is no better when we turn our attention to the nation's highway bridges. According to the most recent data from the Federal Highway Administration, 28.8 percent of our nation's bridges are either functionally obsolete or structurally deficient. In urban America, 32.5 percent of the bridges are either functionally obsolete or structurally deficient. We are talking about a basic issue of safety here. It is an issue that cannot be ignored in the name of short-term, feel-good tax cut proposals.

Total highway spending by all levels of Government currently equals $41.8 billion annually. However, if we wanted to spend a sufficient sum to simply maintain the current inadequate condition of our national highways and bridges, we would need to spend $9 billion more per year, or $50.8 billion. In order to maintain the current average trip time between destinations, we would have to spend $26.1 billion more per year, or a total of $67.9 billion annually on our Nation's highways. Put another way, Mr. President, as a Nation, we would have to increase highway spending by more than 62 percent each year, simply to prevent traffic congestion from getting any worse. Yet, S. 2285 would place even the present levels of highway spending in jeopardy.

Highway congestion is worsening each and every year in cities, as well as rural communities across America. In the last 15 years, use by motorists of our highways on a per lane basis increased by more than 46 percent. This increased use has led to record levels of congestion. That congestion and the time that motorists spend in traffic jams is a continual and ever-growing drag on our national economy. Whether it's commuters stuck in traffic jams going to or from their jobs, or trucks that are delayed in delivering their products to their destinations, the costs to the nation are tremendous, and growing. In 1982, it was estimated that congestion cost our economy $21.6 billion. Between 1982 and 1997, that figure increased over 234 percent to $72.2 billion per year. That is $72 billion in wasted fuel, wasted time, and lost prosperity, not to mention the untold pollution that is caused by daily traffic congestion, particularly in our Nation's largest cities.

It is for these reasons, Mr. President, that I urge my colleagues to again reject this effort to temporarily repeal Federal gasoline taxes. Gasoline prices are too high, even though we have recently seen a decline in prices at the pump. However, there is no assurance whatsoever, that reduced Federal gasoline taxes, if enacted, would result in reduced gasoline prices at the gas pump. I find that proposition highly doubtful. In any case, I believe that the enactment of S. 2285 would cause grave danger both to the integrity to the Highway Trust Fund and to our ability to meet these huge and ever-growing highway needs.

I urge my colleagues to keep the commitments we made in TEA–21 and vote against cloture on S. 2285.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has eight minutes.

Mr. BYRD. I yield that to Senator BAUCUS.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I rise to oppose the Lott bill to repeal the gasoline tax that funds our nation's highway program.

I do so for two reasons. First, the bill would undermine the landmark 1998 highway bill, which is so important to economic development in Montana and throughout the country. Second, the bill will not reduce the price of gas at the pump.

It is, in short, a bad idea. I urge that it be rejected by a strong, bipartisan, vote.

By way of background, the gas tax was established for one simple reason: to finance the construction of the national highway system.

In 1993, there was a departure. The tax was increased, by 4.3 cents a gallon. And, for the first time, the tax was used not for the highway program, but instead for deficit reduction.

I supported the increase, reluctantly, as part of an overall compromise that was a key step toward balancing the budget.

Even so, many of us were determined to restore the principle that the gas tax should only be used to fund our highway and related transportation programs. We worked, as we said, to "put the trust back in the trust fund."

It was a long, difficult fight. We faced tough opposition, from the administration, the budget committees, and elsewhere. But, in the end, we prevailed. During the Senate's consideration of the 1998 highway bill, we provided that the entire gas tax, including the 4.3 cents, would go into the trust fund and be used exclusively for highway construction and other transportation needs. When an amendment was offered to repeal the 4.3 cent tax, it was defeated.

Don't get me wrong. Nobody likes taxes. But the tax goes directly to improve the roads. As these things go, the gas tax has worked well.

The Lott amendment would turn back the clock. It would repeal the 4.3 cent tax.

Let me explain what this would mean for our nation's highway program.

It puts $20 billion worth of the highway trust fund in jeopardy.

I'll get right to the point. Most of my colleagues were here for the highway bill debate. You know how difficult it was. You know how hard we fought to make sure that each of our states would get enough funding to support our transportation needs.

For my state of Montana, it would mean losing $184 million.

That, in turn, will mean delays and cancellations. Roads won't be repaired. Interchanges won't be built. Safety improvements will be left on the drawing board.

In Montana, The DOT estimates that upwards of 60 projects would be delayed or canceled. Projects that would increase mobility and save lives.

That's not all. If this bill passes, Mr. President, we will be breaking faith. We will be breaking faith with governors. With state transportation agencies. With contractors. And with thousands of hard-working folks who show up every day, in good weather and bad, to build our roads and improve our communities. Who depend on their jobs to support themselves and their families.

Senator LOTT and others argue that the bill won't affect the highway program, because any reductions in highway funding would, in effect, be covered by transfers from other programs.

In other words, the bill would shift the burden somewhere else. But we all know that there aren't any easy alternatives. There are no easy cuts. So we should not assume that these "alternative" cuts will occur. We have to assume that the cuts will come right out

of the highway program. And that, again, would be devastating.

To what end? the proponents of the Lott bill say that, if we cut the tax, it will reduce the price of gas at the pump.

Certainly, there is reason to be concerned about the price of gas at the pump. I represent Montana. The Big Sky State. We drive long distances. We're sensitive to the price of gas at the pump, which has risen from $1.18 gallon a year ago to $1.59 a gallon now. We need to get the price down, as soon as we can.

But there is no reason to believe that a reduction in the Federal gas tax will result in lower prices at the pump. After all, this is a market ruled by a cartel. Until we break the stranglehold of that cartel, we'll be limited. We can cut the gas tax. But we can't guarantee that the price at the pump will be reduced by the same amount. Instead, the difference may well offset by price increases, by either the OPEC producers or by the refiners, marketers, and other middlemen.

Pulling this all together, the Lott amendment will undermine our highway programs without enhancing our energy independence.

There's one final point.

For the past few years, Congress has been criticized for putting partisan politics ahead of the public interest. In short, of not getting much done.

There have been some notable exceptions. Balancing the budget. Reforming the welfare system.

And, yes, reaching a bipartisan compromise on the 1998 highway bill, TEA–21. The bill did not just reauthorize the highway program. It renewed and revitalized the highway program. We passed it overwhelmingly, by a vote of 88–5. It was a great accomplishment.

We can confirm that accomplishment today, by rejecting the Lott bill.

Mrs. HUTCHISON. Mr. President I yield up to 10 minutes to my colleague from Maine, Senator COLLINS.

The PRESIDING OFFICER. The Senator from Maine.

(The remarks of Ms. COLLINS and Mrs. HUTCHISON pertaining to the submission of S. Res. 285 are printed in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

ENERGY POLICY

Mrs. HUTCHISON. Mr. President, I have been listening to the debate on the repeal of the 4.3-cent-a-gallon gasoline tax. I think perhaps there is a misunderstanding of what this resolution does. I will reiterate it.

The bill which Senator LOTT has introduced, along with Senator MURKOWSKI and myself, gives a Federal fuels tax holiday that would suspend through the end of this year the 4.3-cent-per-gallon gas tax that was put on about 3 or 4 years ago. If the average gasoline price in our country reaches $2 a gallon, it would suspend for the rest of this year the entire 18.4-cent-per-gallon Federal excise tax on gasoline. The bill specifically holds harmless all of the trust funds. Social Security, and the highway trust funds would not be affected. So we would make up any lost revenue from other sources, not the highway trust fund.

I do not think the highway contractors should be alarmed. The highway contracts are going to go out just as they have been. We are now 2 years ahead in contracting. There will be no suspension of the contracting under the highway trust fund. I think our highways are a first priority, and I do not think the highway contractors should be concerned in any way that that is going to lessen to any degree.

It is very clear what this does. It says to the traveling public, it says to the family trying to take a vacation, it says to the truckers who are depending on a gasoline price that is stable, so they know what that price is going to be, approximately, when they make their contracts to haul goods back and forth in our country, we are going to have a suspension of up to 18 cents a gallon until prices come down to a level that is reasonable and that could have been anticipated when a contract was made. Airline passengers are paying $75 one way on most trips across this country because of this gasoline price increase.

We need to respond to something so basic to so many people, and that is the transportation costs—for people to take a family vacation, to drive to and from work, or for their very livelihoods, if they are truckers. We are going to respond to this crisis.

I have heard people from foreign countries say: I do not know what you Americans are complaining about; we pay $4 a gallon in Europe—in Brussels, in London. That is not the price on which our economy is based. We travel greater distances. We have an economy that is based on gasoline prices in the $1- to $1.40-a-gallon category. That is an important part of the cost of doing business in our country.

Furthermore, we do have the ability to control our own destiny. We do have the ability to drill and explore in our country. Many private businesses, small businesses, want very much to do that. They want to be able to drill a well as small as one producing only 15 barrels a day.

To put that in perspective, a 15-barrel-a-day well is a very small well. The average well in Alaska produces 650 barrels a day. In the Gulf of Mexico, it could be 10,000 barrels a day. We are talking 15 barrels a day. Our small businesses can continue to do business and make a modest profit on a 15-barrel-a-day well, but they have to know the price is going to be somewhat stable. When oil prices went down to $9, $10 a barrel, 2 years ago, these little guys could not make it. These little producers are small businesses, and they could not break even on $9 or $10 a barrel.

What I would like to propose is that we pass the bill before us today to give instant relief to the consumers and business people in our country, but that we look at the longer term issue as well, and that is, what can we do to encourage our small businesses to be able to stay in business, drilling wells that produce 15 barrels a day or less? If they will stay in business, they will produce the same amount we import from OPEC today. That is the important issue. We will not be at the whim of OPEC, to have huge price spikes, if we will encourage our own people to explore and drill even the small wells.

There is another advantage of that, and that is it keeps the jobs in America. Today we are going to foreign countries and producing because it is cheaper to do it over there in OPEC countries or in Mexico or Venezuela. It is cheap to do it there. That does not create American jobs; it creates jobs in foreign countries.

If we pass the bill before us today and say we are going to give relief immediately to the people who are driving to work, the people who depend on a stable price as they drive their trucks carrying goods back and forth across the country, I am saying let's look at the long term, too. Let's look at the stable price that is necessary for them to enter into contracts that will keep them in business. Let's do it by encouraging our small producers to take the risk to go out and drill either a dry hole or one that would produce up to 15 barrels a day, by giving them a tax credit if the price goes below $17 a barrel, so they can stay in business, much as we do for farmers when the prices they can get on the open market do not allow them to break even.

We want the farmers to stay in business so they will be able to continue to provide food for our country and for export. Why not do that for a small producer? If that well produces 16 or more barrels a day, no tax credits, because the margin, then, is much higher and they will be able to break even in the low-price times.

I am saying let's give immediate relief and let's look at the long term, let's do something that will be a win-win for our country, something that will provide more price stability so we will not have the price spikes we are seeing now. We do that by stopping our 56-percent dependence on foreign imports for the fuel we require every day in this country. Let's do it by creating more American jobs for small businesses, and let's keep those jobs in America so we will be more self-sufficient and more in control of our own destiny.

I hope my colleagues will pass the bill that is before us today, give the instant relief, and say we are going to protect the highway fund absolutely, so the contracts can continue to be let and our highways will continue to be built and improved and maintained.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Florida.

Mr. GRAHAM. Mr. President, I ask unanimous consent for up to 10 minutes for purposes of introduction of legislation.

The PRESIDING OFFICER. Is there an objection?

There is 20 minutes remaining on the time of the Senator from Texas. That will be 10 minutes on your time that will run well into the policy luncheon.

Mrs. HUTCHISON. Mr. President, I do not object to the Senator from Florida going forward because the speakers on my side have not arrived. If, after he has finished his 10-minute presentation, we do not have our speakers, then I will yield the remainder of our time. If we do, I will continue to pursue our debate.

The PRESIDING OFFICER. The Presiding Officer is considering objecting because of the policy conference during this period.

Mrs. HUTCHISON. Mr. President, the Senator from Florida has a unanimous consent agreement that would allow him to introduce his bill. Let's go forward, and if there is someone on our side, I will be happy to relieve the Chair.

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

Mr. GRAHAM. In deference to the Presiding Officer, if a situation arises in which he feels my remarks should be terminated or restrained, if he will so indicate, I will be pleased to defer to his wishes.

The PRESIDING OFFICER. The Senator from Florida has been recognized for up to 10 minutes.

Mr. GRAHAM. I thank the Chair.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 2383 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, at this time the other speakers on our side have not arrived. I will yield back the time, with this reservation: Before the vote on this cloture motion, is there time equally divided for further debate?

The PRESIDING OFFICER. Under a previous order, there are 10 minutes, equally divided, prior to the cloture vote.

Mrs. HUTCHISON. Thank you, Mr. President.

I yield the floor.

RECESS

The PRESIDING OFFICER. All time having been yielded back, under the previous order, the Senate is in recess until the hour of 2:15 p.m.

Thereupon, at 12:41 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

INSTITUTING A FEDERAL FUELS TAX HOLIDAY—Resumed

The PRESIDING OFFICER. There will now be 10 minutes equally divided.

Who yields time?

The Senator from Arkansas.

Mrs. LINCOLN. I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. WARNER. Do I understand, the Senator yields herself 5 minutes? Is there not 10 minutes under joint control on the subject of gas taxes?

The PRESIDING OFFICER. Yes. There are 10 minutes equally divided. She has yielded herself 5 minutes.

Mr. WARNER. Off the control of which Senator's time? My understanding is Senator BYRD controls the time for Senators in opposition, of which I am aligned. Senator MURKOWSKI controls the proponents' time.

Am I not correct on that, Mr. President?

Mrs. LINCOLN. As an opponent on the Democratic side.

The PRESIDING OFFICER. The Senator from Arkansas is taking her 5 minutes in opposition.

Mr. WARNER. That would then remove all opposition time; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. I ask the Senator, could I have the benefit of a minute of that time?

Mrs. LINCOLN. Certainly.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 4 minutes.

Mrs. LINCOLN. I thank the Chair.

Mr. President, I spoke briefly last week about this proposal to reduce the gas tax. I spoke on the need for reforms in our Nation's energy policy.

However, because this bill did not go through committee, and because it has had little technical scrutiny, there are just two points that I believe should be considered before we move ahead with this idea.

First, I appreciate the concern that has recently been shown for the highway trust fund. There is a nice clause in this bill that would take money out of general revenues to pay for the reduction into the highway trust fund.

Last week I called this hocus pocus. It is creative, to say the least. But let's get honest here. This tax cut has to come from somewhere, and this method of accounting is not without consequence.

Regardless of the good intentions being professed by my colleagues, the transfer of this burden to general revenues would result in a tax increase to the people of my State and perhaps other States.

In Arkansas, any reduction, either whole or in part, of the existing excise tax on motor fuels will result in a penny-for-penny increase in tax at the State level. This is the law in my State, and I know that there are similar provisions in Tennessee, Oklahoma, Nevada, and California.

Mr. President, I ask unanimous consent that a copy of section 27–70–104 of the Arkansas Code be printed in the RECORD.

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

§ 27–70–104. Federal excise tax on motor fuels

(a) Should the Congress of the United States extend an option to the State of Arkansas to collect all or part of the existing tax on motor fuels imposed by the Internal Revenue Code, Chapter 31, Retailers Excise Tax, §§ 4041 and 4081, it is declared that the option is executed.

(b) Further, if the Federal excise tax is reduced in any amount, the amount of the reduction will continue to be collected as state highway user revenues.

(c) Any increase in the Federal excise tax, accompanied by state option, shall be disbursed as set forth in subsection (d) of this section.

(d) Any revenues derived under subsection (a) of this section will be classified as special revenues and shall be deposited in the State Treasury to the credit of the State Apportionment Fund for distribution under the Arkansas Highway Revenue Distribution Law, there to be used for the construction of state highways, county roads, and municipal streets.

History: Acts 1975, No. 610, §§ 1, 2; 1981, No. 719, § 1; A.S.A. 1947, §§ 76–337, 76–338.

Mrs. LINCOLN. I agree that this bill might give a minor tax reduction for the oil producers of 45 States, but the tax burden would remain level in as many as five States. Without a reduction in spending, this amounts to a tax increase in my home State and two of my neighboring States, Oklahoma, and Tennessee. In short, if this bill were to pass, taxes, in effect, would go up in Arkansas.

My second point is that this bill would not get relief to the people who need it. I said last week that this tax is collected on the wholesale level and all that this bill offers is a suggestion that the wholesalers pass this on to the consumers. I am not sure that this point is getting out to my colleagues, so I have a quote here from the Supreme Court of the United States concerning this tax.

According to the U.S. Supreme Court in Gurley vs. Rhoden:

> the Federal excise tax on gasoline is imposed solely upon statutory producers, and not on consuming buyers.

Let me repeat that:

the Federal excise tax on gasoline is imposed solely upon statutory producers, and not on consuming buyers.

Therefore, I assert that even the Supreme Court agrees that this tax reduction will not go to consumers. This tax cut will go exclusively to oil producers who will have no legal requirement to pass the cut on. That won't help truckers in my State. It won't help farmers in my State. It won't help small business people in my State. It won't help average consumers.

We cannot forget that despite the fact that the administration has successfully compelled OPEC to pump more oil, and that oil prices are coming down, the high cost of the oil price spike will still be on the bottom line at the end of the year.

We have to do something real and substantial for our truckers, our farmers, and our fuel dependent small businessmen and women.

A 4.3-cent gas tax cut will do essentially nothing for anyone.

I again suggest that a suspension of the heavy vehicle use tax would be a way to get real relief to real truck drivers. This would not drain the highway trust fund to the degree that this gas tax cut would and it would directly help the people who have been hurt the most by the spike in fuel prices.

I have also advocated a short-term no-interest loan program for diesel dependent small business, and lastly I have called for a formalized end-of-the-year tax credit, that would take into account the totality of this oil spike in an environment of dropping prices.

We all want to help those in need and we should consider giving tax credits, but we should also protect the Treasury from windfalls that could arise in this economic environment.

This bill is a bad idea, it would in effect raise the tax burden on my constituents, and it would not help the people who are really hurting from the high prices at the gas pump.

I urge my colleagues, especially those from Oklahoma and Nevada, California and Tennessee, to look at how this bill will affect the tax burden in your States. Ask how this bill will affect the bonds that your State has issued. And most importantly, consider how little this bill will do to help the consumers of our Nation. We can do better, and I hope we can continue the debate on this bill so we will have that opportunity.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. MURKOWSKI. Mr. President, I yield myself 3½ minutes.

In this legislation, there is full recovery to the highway trust fund, if indeed this suspension takes place. There is a balance in it, too. That balance puts the onus on the administration to encourage that the price remain low because if it doesn't and the price goes to $2 a gallon, clearly what will happen is we will eliminate this tax, which is 18.4 cents.

The question has been asked, How do we ensure that it is passed on to the consumer? That is a legitimate question. We provide in the legislation a requirement that the GAO audit and make an issue of anyone who breaks the trust that this differential has to be passed on to the consumer. We have the support of the National Food Processors Association, a letter to that effect, and support from the National Foundation of Independent Businesses and the Independent Truckers Association.

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

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

NATIONAL FOOD PROCESSORS ASSOCIATION,
Washington, DC, April 3, 2000.

Hon. TRENT LOTT,
Majority Leader, United States Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR LOTT: On behalf of the National Food Processors Association (NFPA), the nation's largest food trade association, I am writing to urge that Congress take action to address rapidly rising fuel prices. From the food industry's perspective, the effects of higher energy prices are about to move from the gas pump to the grocery store, threatening to put a serious crimp in the incomes of America's working families.

You no doubt have heard from the transportation sector about the serious effect of the 50-plus percent fuel price increase since the first of the year. America's agribusiness industry relies heavily on trucks and the rails to transport food from the farm to processor and on to kitchen tables all across the United States. Additionally, the nation's food processors—an industry employing more than 1.5 million workers in some 20,000 facilities across the country—consume no small measure of energy to make available the tasty and nutritious foods that consumers enjoy. Given the intense competition and very small profit margins, under which most food manufacturers operate, they are in no position to absorb these dramatic increases in energy prices.

I believe the absence of an effective national energy policy is largely responsible for this budding crisis. However, there are tools available now to help address this problem, at least for the short term. First, portions of the Strategic Petroleum Reserve could be released, helping reduce prices by increasing, temporarily, the supply of fuel. Second, I encourage Congress to enact at least a temporary suspension of the most recent 4.3-cent gasoline tax increase, which was adopted in 1993 for the purpose of deficit reduction. NFPA also has urged President Clinton to support such actions.

Leadership by Congress is needed to address this serious issue. I hope that the U.S. Senate will work with the President to take action promptly to ease the strain of rapidly increasing fuel costs.

Sincerely,

JOHN R. CADY.

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, DC, March 29, 2000.

Hon. TRENT LOTT,
Majority Leader,
U.S. Senate, Washington, DC.

DEAR LEADER: On behalf of the 600,000 members of the National Federation of Independent Business (NFIB), I want to express our support for Senate Bill 2285 which would temporarily repeal the 4.3 cent excise tax on fuel, provide additional tax relief should the cost of fuel continue to rise, and protect funding levels in the Highway Trust Fund. NFIB urges members to support its adoption.

Gas prices have been soaring. According to the U.S. Department of Energy, gas prices, which have increased by as much as 50 percent in the past year, are likely to continue to rise into the summer, if not beyond.

These high fuel prices are hitting many Americans, especially small businesses, extremely hard. For a small company that consumes 50,000 gallons of diesel fuel in a month, the increase in prices in the past year will cost that company an additional $40,000 per month. If fuel prices remain high, these costs could eventually be passed on to consumers in the form of higher prices for many goods and services. A 4.3 cent reduction in the cost of fuel would save the company more than $2,000 per month.

Your bill goes a long way towards providing America's small business owners valuable relief from rising fuel costs. We applaud your proactive efforts to reduce this tax burden on small business while at the same time providing a hold harmless provision for the Highway Trust Fund. This will guarantee that full funding will continue to flow to states and local communities for planned infrastructure projects.

Mr. Leader, thank you for your continued support of small businesses. We look forward to working with you to enact S. 2285 into law.

Sincerely,

DAN DANNER,
Sr. Vice President,
Federal Public Policy.

INDEPENDENT TRUCKERS ASSOCIATION,
Half Moon Bay, CA, April 4, 2000.

Hon. TRENT LOTT,
Majority Leader,
U.S. Senate, Washington, DC.

DEAR SENATOR LOTT: The Independent Truckers Association—the oldest association of the nation's long-haul independent truckers and small fleet owners—endorses wholeheartedly the swift passage of S. 2285, the Federal Fuel Tax Holiday Act of 2000.

This measure would temporarily repeal the 4.3 cents excise tax on fuels and protect funding levels in the Highway Trust Fund. We see this as an important first step to help ensure that prices for consumer goods shipped to market will remain stable.

It's important to recognize that truckers—not just the independents and small fleets, but the whole industry—work on a very small profit margin. So, the recent increase of oil prices by OPEC, along with the failed energy policy of the Clinton-Gore Administration, strikes deep into the heart and wallet of America's truckers. Enacting S. 2285 today will help those injured by excessive oil and fuel prices, and help keep the economy rolling along.

Senator Lott, thank you for your support of American's independent truckers. We look forward to working with you to enact S. 2285 into law.

Very Sincerely,

MIKE PARKHURST,
National Chairman.

Mr. MURKOWSKI. Some say this isn't much of a cut. Tell that to the working man or woman who gets up at 4:30 and drives 75 miles one way to work in this city in his pickup because the Government won't let him work at home in the coal mines, or building roads, forests, because they don't support resource development. It might not mean much to the folks who can afford it, but it means a lot to the folks at home.

As a consequence, ask the public what they think. It is in a Gallup Poll: 74 percent favor a temporary reduction of the 4.3-cent gas tax.

This is a balanced piece of legislation. It is balanced because it would take off the Gore tax. This tax was put on as a consequence of Vice President AL GORE breaking the tie in this body back in 1993. That didn't go into the highway trust fund. That went into the Clinton general fund, and the Clinton administration spent that money as they saw fit. It was the Republican majority in 1998 that turned it around and put it into the highway trust fund. The Clinton administration has enjoyed $21 billion, a windfall they expended out of the general fund for their programs.

As Senators look behind the scenes on this one, be careful because reality dictates that this is good for the consumer. The consumers of this Nation want it. Seventy-four percent favor the temporary reduction of the 4.3-cent-a-gallon gas tax.

If there is anyone who has been misled by this administration and their opinion of what is going to happen, they should have read the New York Times today. The president of OPEC said today that if the price of the organization's benchmark basket of crude oil remained below $22 a barrel, the 1.5-million-barrel-a-day increase the organization agreed to last month would be cut back by one-third.

OPEC is saying: If the price goes down below $22 a barrel, we will cut our production. We are nowhere near home on this by any means. We have been sold a bill of goods. Give the taxpayer a break.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, in the 20-plus years I have been privileged to serve in the Senate, this is a day I will long remember. It is the first time I ever voted against a tax decrease in over two decades.

I see no certainty to this program. The Senator says 74 percent favor a temporary reduction. Why isn't it 100 percent? I know very few people who want to increase taxes. And with all due respect to my friend, the GAO monitoring 100,000 gas stations across America to see whether or not it came down 4.3 cents? That I just cannot accept.

Mr. MURKOWSKI. If that is a question, I would be happy to respond.

Mr. WARNER. On your time, you are welcome to do it.

Mr. President, in all seriousness, the Senate really was a leader in passing the landmark legislation to modernize America's transportation system. This gas tax was included in that highway fund by 80-plus Senators. It is a foundation block for this program. Let us not bring uncertainty to the modernization of America's transportation system by beginning to pull a block here and a block there.

I yield the floor.

Ms. SNOWE. Mr. President, I rise today in support of the motion to proceed to invoke cloture on S. 2285, the Federal Fuels Tax Holiday Act of 2000, a bill introduced by Senator LOTT, which I have been pleased to cosponsor.

This legislation will repeal, until the end of this year, the 4.3 cent-per-gallon increase to the Federal excise tax on gasoline, diesel, kerosene, and aviation fuel added by the Clinton Administration in 1993.

At the same time, both the Highway Trust Fund and the Airport and Airways Trust Fund are held completely harmless. It is a bogus argument that the Trust Funds will be impacted by giving consumers a tax break at the gas pump. The progress of important highway and airport projects will not be affected because the impact would be zero. This legislation allows for reimbursement of the Trust Funds that are financed by the gasoline and aviation fuel taxes. For both of these funds, any lost revenues to be replaced from the budget surplus.

Also, our legislation is set up so that should the national average for regular unleaded gasoline prices breach the $2 mark, it would also repeal, until the end of the year, the 18.3 cent-per-gallon Federal gasoline tax; the 24.3 cent-per-gallon excise tax on highway diesel fuel and kerosene; the 4.3 cents per-gallon railroad diesel fuel; the 24.3 cent-per-gallon excise tax on inland waterway fuel; the 19.3 cent-per-gallon for noncommercial aviation gasoline; the 21.8 cent-per-gallon for noncommercial jet fuel; and 4.3 cents-per-gallon for commercial aviation fuel.

This will provide the nation with a vital ''circuit breaker'' in the midst of the very real possibility of high fuel costs as America takes to the road this summer—and the legislation ensures that any savings will truly be passed on to consumers and not pocketed before customers can benefit from any savings at the pump.

Some of my colleagues say that repealing the 4.3 cent per gallon gas tax will not amount to enough savings for the consumers to even care about. Well, I guess people in Maine think differently, especially after a winter of paying the highest prices in decades for both home heating oil and for fuel at the pump.

This past week, the Maine legislature, both the Senate by a vote of 26–9, and the House, by a vote of 94–54, endorsed a bill that allows for rebates to truckers for the state diesel fuel taxes they paid between February 1 and March 15 when diesel fuel prices skyrocketed to over $2.00 per gallon. While the funding decision now rests with the appropriators, the Maine legislature has spoken clearly that they know it makes a difference, especially where the trucking industry is concerned.

I am aware of a trucking company in Maine that has lost at least $200,000 in the last three months because of the failed energy policy of this Administration that caused diesel prices to spike. How can an owner buy equipment, hire people, keep his trucks rolling, and function within a set budget for the year with losses such as these? Tell him that temporary repeal of the Federal 4.3 cent tax on diesel fuel won't make a difference. Well, let's run the numbers.

This company has a fleet of about 50 trucks that take 200 gallons of diesel every time you fill them up, and since these large rigs get no more than five miles to the gallon, they get filled up quite regularly. So, if we temporarily repeal even just the 4.3 cent Federal gas tax, every time the fleet of trucks gets filled up, the company will be able to save at least $430, adding up to thousands of dollars a month. No wonder hundreds of truckers drove their rigs to Washington, D.C. to protest on two different occasions in the past month. Tell them that a temporary repeal of 4.3 cents per gallon diesel fuel tax won't make a difference.

Look to your own states—California, Connecticut, Florida, Illinois, New York, Wisconsin—all around the country state legislatures are considering their own responses to the rise in all fuel prices.

In California, there is a proposal for a four-month suspension of the 15 cent per gallon state tax. In Connecticut, the Legislature's Finance Committee unanimously approved a seven cent per gallon state gasoline tax over a three-year period. In New York, both parties have called for some sort of state gas tax relief. In Illinois, the State Senate has approved an elimination of the five percent sales tax on gasoline and diesel fuel. Lawmakers in Wisconsin have proposed both repealing or temporarily suspending the state gas tax.

In Florida, the Republican House Speaker has proposed a 10 cents per gallon tax cut, saying, ''If the Federal Government is not going to help the people of Florida, then we need to''.

What this legislation before you today does is take a concrete step toward more reasonable fuel prices for everyone, helping to serve as a buffer for consumers and businesses who are already reeling from the high cost of gasoline and other fuels. Of course, I

hope the provisions for temporary repeal of the full tax will not be necessary. But if they are, they will provide immediate relief to taxpayers and ensure that, if prices are skyrocketing, any savings in fuel costs will be passed on to the purchasers of the gasoline products.

The retail price we pay for refined petroleum products for gasoline, diesel fuel, and home heating oil, for instance, substantially depends upon the cost of crude oil to refiners. We have seen a barrel of crude oil climb to over $34.00 recently from a price of $10.50 in February of 1999. That is a 145 percent increase.

While OPEC agreed last month to only very modest increases in crude oil production, White House officials say that the cost of gasoline at the pump will now decline in the coming months, even though their own Economic Advisor Gene Sperling was quoted in the Washington Post on March 29, as warning that ''there is still significant and inherent uncertainty in the oil market, particularly with such low inventories, and we will continue to monitor the situation very closely''.

While the Administration has ''monitored'' the situation, crude oil prices have gone up and up, and our inventories have gone down and down. As a matter of fact, the Administration admits that it was ''caught napping'' after OPEC decided to decrease production in March of 1999—and while they napped through a long winter's sleep, prices for crude climbed as temperatures and inventories plummeted.

The effect on gasoline, diesel and home heating oil was predictable, and in fact was predicted. Last October—a half a year ago—the Department of Energy, in its 1999–2000 Winter Fuels Outlook, projected a 44 percent increase in home heating oil bills. In a severe winter, the agency estimated, an additional 28 percent increase in costs could be felt for residential customers.

In other words, the Department of Energy itself predicted an increase of over 70 percent, but did nothing. In actuality, home heating oil costs jumped from a fairly consistent national of 86 cents per gallon in the winter of 1998–99 to as high as $2.08 per gallon in Maine early last month—an increase of well over 100 percent. In that same time frame, conventional gasoline prices rose 70 percent or higher.

So now the Administration tells us that gasoline prices will most likely go down by this summer because of the small production increases agreed to by OPEC. Even with an increase in OPEC quotas, there will still be a shortfall in meeting worldwide demand for crude oil. Approximately 76.3 million barrels per day are needed to meet demand, but the anticipated new OPEC production is estimated to be only 75.3 million barrels per day. So you'll have to excuse me if I'm a little hesitant accepting estimates from an Administration that seems to make predictions while their gauge is on empty.

The Administration's projections of an average of $1.46 per gallon for gasoline this summer—which is still 25 percent higher than last summer I might add—does not presume production disruptions at the refinery. I would like to point out that one of the reasons prices went up and supply ran dangerously low a few months ago was the unexpected shutdown of four different refineries that serve the Northeast.

Just last week, DOE's Energy Information Administration stated that, ''. . . motor gasoline markets are projected to exhibit an extraordinarily tight supply/demand balance.'' Against this backdrop, we cannot depend upon the Administration's predictions turning into fact, when they have so far been so incorrect.

Now is the time for Congress to act, even if the Administration refuses to. I want to at least make sure that American businesspeople and consumers have in their pockets what they would have otherwise paid in fuel taxes if the Administration is underestimating prices once again and gasoline hits $2.00 a gallon.

Beyond the pump, consumers are getting hit with extra costs directly attributable to high fuel costs. If you've paid to send an overnight package lately, you probably noted that you were charged a surcharge—a fuel fee—because their cost of diesel fuel has increased by about 60 percent over the past year. And with a 150 percent increase in jet fuel, that airline ticket you buy today will probably include something you've never seen before—a fuel charge of $20.00. How long will it be before costs of other products will also be passed on the consumer?

Consider the impacts to the nations' farmers. In some locations, the planting season has begun. The New York Times reported two weeks ago that a farmer paying 40 cents a gallon more this year to fuel his diesel tractors and combines, will be adding as much as $240 a day to his harvesting costs. In my home State of Maine, we are at the peak season for moving last year's potato crop out of storage and to the large Eastern markets. But the industry still can't get truckers to come into the State to move the potatoes because they are discouraged by the particularly higher price of diesel in Maine.

The only help the potato industry has had recently in getting their product to market was certainly not due to the energy policy of this Administration, but to local truckers who turned to hauling potatoes because wet weather kept them away from taking timber out of the Maine woods.

Soon, we will enter the summer months, when tourism is particularly important to the economy of New England and to Maine in particular. With the high price of gasoline, we need relief now, and that's what this bill provides. As a matter of fact, we could have used the relief in Northern Maine a few months ago—that's a big tourist season for them as snowmobilers from all over the East head to Maine to use the hundreds of miles of trails throughout the northern part of the State.

The choices are clear—do nothing for the taxpayers who are being gouged by failed energy policies, or do something by supporting legislation that gives some relief at the gas pump right now. We should temporarily repeal the 4.3 cent per gallon gas tax and support a bill that also acts as a circuit breaker, giving citizens a break at the gas pump if gas goes over $2.00 a gallon while protecting the Trust Funds that build our highways and airports. I urge my colleagues to support this bill by voting for cloture.

Mrs. FEINSTEIN. Mr. President, I am as upset by the gasoline price spikes as anyone else. Price spikes have been worse in California than in any other State. Today, as I speak, though prices have recently started to come down a bit, they still average more than $2 per gallon in some parts of California.

Having said that, I feel obliged to oppose S. 2285, despite understanding the sentiment behind it. The problem with S. 2285 is that there is no way to guarantee that a reduction in the Federal gasoline tax will be passed on to consumers. Why is this? Because price is a function of supply and demand, not taxes. And right now, world oil markets are extremely tight, so prices are high.

The way to relieve the pressure on the market is to boost supply and reduce demand.

With regard to supply, fourteen nations sell oil to the U.S. under a cartel known as the Organization of Petroleum Exporting Countries, OPEC. Like any monopoly, OPEC controls the price of oil by limiting supply. Decreased production in non-OPEC countries like Venezuela, Mexico, and Norway has also contributed to the squeeze.

Since OPEC is not bound by U.S. law, there are only a few things the U.S. can do to encourage the cartel to increase supply. The preferred alternative is diplomacy. Energy Secretary Bill Richardson has had some success on this front. OPEC ministers announced last month that the cartel would immediately increase supply by 1.7 million barrels a day. Mexico has also agreed to increase production by a small amount.

It takes several weeks for production increases to be felt at the pump, in lower prices. And California has unique problems affecting its supply. No other State requires the kind of reformulated gasoline that California does. So the gasoline has to be refined in California.

And California refiners have had problems—including two fires—operating their plants at full capacity. They are at full capacity now.

Notwithstanding these problems, the announcement of OPEC production increases has driven spot gasoline prices down. They have dropped more than 40 cents, for instance, in the greater Los Angeles area.

The spot price is the price of gasoline on the open market without taxes and other markups figured in. Spot prices are usually good harbingers of the price movement we will eventually see at the pump about a month or two later.

But the increase in OPEC production is, at best, a short-term solution. By the middle of summer when demand for gasoline will peak, we may be back in the same predicament.

As I said a moment ago, S. 2285 doesn't solve the problem of high gasoline prices. Under California law, if the Federal gasoline tax drops by 9 cents per gallon or more, then the State tax automatically rises to off-set the Federal decrease. The law is designed to protect the Highway Trust Fund. I have spoken with members of the California legislature about this. They do not seem inclined to change the law.

Even if the law were changed, the price still wouldn't drop. At least that's what the chief executive officers of the three major California refiners told me. Collectively, they produce 70 percent of California's gasoline. None could guarantee that prices would drop at the pump. They cited the fundamental problem with supply, and also pointed out that they have no control over other entities in the supply chain.

What are our options?

The fact is, we have limited control over supply. Too much of the world's oil is produced elsewhere. The one thing we can control is demand.

The best way to reduce demand is to require that sports utility vehicles (SUVs) and light duty trucks get the same fuel efficiency that passenger vehicles do. If SUVs and light duty trucks had the same fuel efficiency standards as passenger cars, the U.S. would use one million fewer barrels of oil each day.

This is roughly equal to the U.S. shortfall before OPEC increased production.

The Department of Transportation is responsible for setting fuel efficiency requirements under the Corporate Average Fuel Economy (CAFÉ) program. Abut two-thirds of all petroleum used goes to transportation, so boosting fuel efficiency is an important way to wean ourselves off OPEC oil and reduce the price motorists pay for gasoline. Consider, too, the significant environmental and health benefits of higher fuel efficiency.

But CAFÉ standards have not increased since the mid- 1980s. And the situation is made worse by a loophole in the CAFÉ regulations. SUVs and light duty trucks—which are as much passenger vehicles as station wagons and sedans—are only required to average 20.7 miles per gallon per fleet versus 27.5 miles per gallon for automobiles.

Since half of all new vehicles sold in this country are fuel-thirsty SUVs and light duty trucks, this stranglehold on energy efficiency has produced an American fleet with the worst fuel efficiency since 1980. We are going backwards!

According to the non-partisan American Council for an Energy Efficient Economy, the U.S. saves 3 million barrels of oil a day because of CAFÉ standards. Close the SUV loophole, as I said a moment ago, and save another million barrels each day.

Overall, SUV and light duty truck owners spend an extra $25 billion a year at the pump because of the ''SUV loophole.'' Making SUVs and light duty trucks get better gas mileage would save their owners some $640 at the pump each year when the price of gasoline averages $2 per gallon.

The ''bottom line'' is that eliminating some or all of the Federal gasoline tax won't lower prices at the pump. The best way to do that is to reduce our demand. The best way to reduce demand is to increase the gas mileage requirements for SUVs and light duty trucks.

Mr. President, I now ask unanimous consent that an ARCO letter concerning gas prices be printed in the RECORD.

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

ARCO,
Los Angeles, CA, April 5, 2000.

Hon. DIANNE FEINSTEIN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: Thank you for your phone call on Friday, March 31, regarding gasoline prices in California. During that conversation, you inquired regarding the status of ARCO's gasoline inventory. I have outlined below some statistics that were not available to me when we talked.

Currently, ARCO's inventory of CARB gasoline is at our operating target. Total industry gasoline inventories on the West Coast appear to be recovering. The last weekly West Coast gasoline inventory report showed an increase of 1.5 million barrels over the previous week, which was the low point of the year.

With respect to the issue of gasoline prices, no one can predict the future. However, crude oil prices have been coming down over the last few weeks as a result of the recent OPEC meeting. Spot prices also appear to have peaked. Barring some unforeseen circumstances, we can assume that retail gasoline prices will follow suit.

I hope you find this information helpful.

Sincerely,

MIKE BOWLIN,
Chairman and
Chief Executive Officer.

Mr. GRAMS. Mr. President, like many of my colleagues, I've come to the Senate floor on a number of occasions in recent weeks to express my concern with rising fuel costs and the lack of an energy policy by this Administration. I don't have to remind my colleagues how the rising cost of oil threatens almost every aspect of our economy and communities. Senior citizens on fixed incomes cannot absorb extreme fluctuations in their energy costs. Business travelers and airlines cannot afford dramatic increases in airline fuel costs. Families struggling to feed and educate their children cannot withstand higher heating bills, increasing gasoline costs, or the domino effect this crisis has on the costs of goods and services. To be sure, this problem is impacting virtually every facet of American life and may only get worse as we approach the high energy demand of the summer months.

I look at the situation we're now facing with high oil prices and limited supply and have a hard time understanding why it's such a surprise to so many people. I've heard Secretary Richardson refer to the fact that the Energy Department may have been caught ''napping on the job.'' Since coming to Congress in 1993, I've been saying the Energy Department is asleep at the wheel. We have an Energy Department that spends less than 15% of its budget, and even less of its time, on the core energy issues within the Department. I dare say that energy consumers are the last thing they think about over on Independence Avenue—certainly not the first.

With all due respect to Secretary Richardson, I don't think he was necessarily caught napping on the job, but flat out neglecting the energy needs of this country. Under the tenure of the last three Secretaries of Energy, this Administration has done nothing but weaken our energy security, increase our reliance on foreign oil, shut down domestic oil and gas production, and ensure the closure or removal of many of our primary means of electricity generation—coal, nuclear, and hydropower. I think it's time that policymakers in Washington come to the realization that we are now a nation with no energy policy and no ability to respond to even the most limited energy supply disruptions.

Consider the recent effort of the Administration to address the oil price crisis. We've all witnessed this Administration's ''tin-can diplomacy'' over the past few weeks. Instead of planning for the energy needs of our country, this Administration waits for a crisis and then responds by sending its appointees to grovel, plead, or otherwise beg other nations into helping us out. The United States, thanks to this Administration, is a nation running around the world looking for a handout from friend and foe alike.

It's embarrassing that the economy of our nation hinged on the decision of

a few oil ministers sitting in a room in Vienna just a couple of weeks ago. Do we realize that Iran was blocking an OPEC increase of 1.7 million barrels of oil a day? The strength of our economy now may rest on the ability of OPEC oil ministers to convince countries like Iran to help us out in the future. That is quite a statement on the viability of the Clinton Administration energy policy.

But still, this Administration maintains its steadfast opposition to doing anything here in the United States to dramatically decrease our reliance on foreign oil and increase our domestic exploration and production. ANWR is off-limits. They don't want to discuss off-shore drilling. They claim they're open to looking at some activity on public lands, but at the same time they're on a blitz to lock up every last acre of land they can find into some type of new, restrictive designation before President Clinton and Secretary Babbitt leave office.

Well, the farmers of Minnesota can't wait for President Clinton or Secretaries Babbitt or Richardson to leave office before our country places a renewed emphasis on a sound, long-term energy policy. Truckers across America cannot wait for President Clinton to leave office to get some relief at the fuel pump. And energy consumers far and wide cannot stand by while this Administration begs countries like Iran and Libya to ''feel our pain.''

Regrettably, I fear the oil supply and price crisis we're now experiencing is only an early warning of the pain the Clinton Administration's neglect of energy policy is going to level on American energy consumers. It won't be that far into the future before this Administration's appetite for closing down nuclear and coal-fired power plants and destroying hyrdopower facilities will bring similar price increases for electricity consumers.

Many of us have suggested that we need to look closely at both short- and long-term approaches to easing the pain of the current oil crisis on American energy consumers and reducing our nation's reliance on foreign oil. I've spoken at length about how we need to focus our efforts on developing a long-term energy policy that puts American jobs and productivity first, instead of last. Doing so, however, will take time and produce few immediate results to help consumers in the coming months.

In the short-term, I believe Congress must consider temporarily suspending some or all of the Federal fuel taxes, which, along with state excise taxes, account for an average of 40 cents per gallon of gasoline. That is why I've joined Majority Leader TRENT LOTT, Senator LARRY CRAIG and a number of my colleagues in offering S. 2285—The Federal Fuels Tax Holiday Act of 2000. Our legislation would temporarily suspend the 4.3 cent tax on gasoline, diesel fuel, and aviation fuel while protecting both the Highway Trust Fund and the Social Security surplus. The bill will suspend the 4.3 cent tax starting on April 16 through January 1, 2001. For farmers, truckers, airlines, and other large energy consumers, this action will have an even greater positive impact on the large amounts of fuel they consume.

This legislation reflects the leadership of a number of our colleagues. Senator BEN NIGHTHORSE CAMPBELL from Colorado has championed legislation to suspend the diesel fuel tax. Once a trucker himself, Senator CAMPBELL has led the way in assisting truckers and their families who are suffering as a result of the rising price of diesel fuel. And Senator MURKOWSKI, as Chairman of the Senate Energy Committee, has been a leader in calling attention to the growing energy needs of our nation and the Administration's energy policy failures.

I want to add that I'm very aware that many of my colleagues have argued that 4.3 cents a gallon has a negligible impact on consumers. To them, I say look at the amount of fuel a farmer or trucker consumes during an average week. Look at the diesel fuel required to operate a family farm or deliver products across this country. Or look at the tight profit margins that can make the difference between going to work and being without a job. I'm convinced this action is going to help farmers, businesses, truckers, and families in Minnesota and that's why I strongly support it.

I firmly believe that Federal gas taxes should go to the Highway Trust Fund for road, highway and bridge improvements. That's why we're restoring revenues being provided to energy consumers by the 4.3 cent gas tax suspension. The Highway Trust Fund will be reinstated with non-Social Security budget surplus funds from the current fiscal year as well as fiscal year 2001. In addition, no highway projects or airport projects will be delayed or jeopardized, because funds going into the trust fund are fully restored by the surplus. There will be no impact on these projects.

If gas prices reach a national average of $2 a gallon for regular unleaded gasoline, Federal excise gas taxes would be suspended, again without impacting the Highway Trust Fund in any way. This would suspend, until the end of the year, the 18.4 cents per gallon Federal gasoline tax, the 24.4 cents per gallon tax on highway diesel fuel and kerosene, the 19.4 cents per gallon for noncommercial aviation gasoline, the 21.9 cents per gallon for noncommercial jet fuel, and the 4.4 cents per gallon for commercial aviation fuel.

Let me make this very clear: we are not going to raid the Highway Trust Fund with this legislation. In fact, we've ensured that the non-Social Security budget surplus will absorb all of the costs of the gas tax reduction. I also want to assure my colleagues and my constituents that this legislation walls off the Social Security surplus. We will not spend any of the Social Security surplus to pay for the gas tax reduction.

Our legislation is quite simply a tax cut for the American consumer at a time when it's needed most. We're going to use surplus funds—funds that have been taken from the American consumer above and beyond the needs of government—and give them back to consumers every day at the gasoline pumps. This legislation takes concrete steps toward more reasonable fuel prices, helping to serve as a buffer for consumers who are already feeling the impact of the high cost of gasoline and other fuels.

In closing, I want to say that I look forward to working with my colleagues in the coming days, weeks and months in forging a number of both short-term and long-term responses to the needs of farmers, truckers, the elderly, and all energy consumers. I've been a strong supporter of renewable energy technologies and increased funding for the Low Income Home Energy Assistance Program or LiHEAP. I strongly support the efforts of my colleagues to increase domestic oil and gas exploration and production. I remain committed to finding a resolution to our nation's nuclear waste storage crisis—a crisis that threatens to shut down nuclear plants and further weaken our nation's domestic energy security. And I'll continue to be one of the Senate's strongest critics of the Department of Energy's unconscionable neglect of the long-term energy needs of our nation.

Mr. KYL. Mr. President, I rise today to speak in support of S. 2285, the Federal Fuels Tax Holiday Act of 2000. Our country is in dire need of a comprehensive energy policy, including a strategy to reduce fuel prices. Immediately suspending the 4.3 cent per gallon Clinton/Gore gas tax is one thing we can do in the short-term to provide some relief from the high fuel prices we have been experiencing.

S. 2285 would further suspend all but 0.1 percent of Federal excise taxes on fuels if the national average price of a gallon of regular unleaded gasoline rises to $2. While I fully support this concept, we should consider doing more. I have cosponsored legislation in the past that would permanently repeal all but two cents per gallon of the Federal gas tax, allowing states to make up the difference if they choose to fund their own highway-construction needs.

Mr. President, we Arizonans have been sending more gas tax revenues to Washington than we receive back in Federal highway funds. For Arizona, and other so-called donor states, repeal

of the Federal tax would either mean significant tax relief or, if the state does increase its own tax, more dollars actually spent on highway improvements in-state. It is time to divest the Federal Government of this authority, and give it back to the states where it rightfully belongs.

To ensure our energy security in the long-term, we also need a strategy for reducing our dependence on imported oil. Today we are extremely dependent on other countries for our oil—56 percent comes from foreign sources. While our imports are rising, domestic production is decreasing. In just the last decade, U.S. production has declined 17 percent. At the same time, our consumption has increased 14 percent. Unfortunately, we are moving in the direction of greater dependence on foreign oil, not less.

To reverse this trend we need to stop the decline in domestic production, which can only be done by increasing access to lands with high potential for oil and gas resources. Of course this can, and must, be done in an environmentally sensitive manner. While extraction should be part of a larger energy strategy, including the development of alternative fuels, and conservation efforts, it is a critical component. Increasing domestic production will help reverse our rising reliance on imported oil, and will boost supply, thereby lowering prices.

Mr. CAMPBELL. Mr. President, I intend to vote for cloture this afternoon on the Federal fuels tax holiday bill to help address the soaring cost of fuel and our rising dependency on foreign oil. We have had numerous hearings and many statements have been given on the floor to address this grave situation we are in. Unfortunately, it seems like we are going to have to endure this problem for a while longer.

Over the last few weeks, I have had many conversations with truckers, shippers, and concerned citizens about how this problem affects them. Specifically, my conversations boiled down how this crisis affects our American truck drivers. Over 95 percent of all commercial manufacturing goods and agricultural products are shipped by truck at some point. 9.6 million people have jobs directly or indirectly related to trucking. In addition, trucking contributes over 5 percent of America's gross domestic product which is the equivalent of $372 billion to the economy.

Along with these astonishing facts about trucking, here are some more facts about this fuel crisis:

fuel taxes account for about 28 percent of what you pay for a gallon of gas at the pump;

the government imposes 43 different direct and indirect taxes on the production and distribution of gas, bringing the total burden to 54 percent of the price of a gallon of gas;

U.S. oil production is down 17 percent from 1992, consumption is up 14 percent;

DOE estimates the United States will use 65 percent foreign oil by 2020;

the United States spends $300 million per day, and $100 billion per year on foreign oil;

and oil makes up one-third of our trade deficit.

I know what our truckers are going through. I put myself through college driving a truck and I just recently got my Colorado commercial driver's license so that I could get back into driving. Since I own a small rig, I know firsthand how the fuel crisis impacts those who depend on it. My fuel bills have doubled in the last year alone.

Hundreds of truckers from all over have come to Washington to ask for help on three different occasions in the last few weeks. One thing I have learned is that when many private citizens give their time to come to Washington, the issue is not profit margins, or stock prices, it is because they are fighting for their families' very livelihood.

I met a man named Wesley White from Oregon, who said he was on his last run. He could not afford to continue fueling his truck. He has spent his pension to buy the truck, but when he gets home, he's parking it for good. Without the income derived from delivering goods he will not be able to make truck payments and will lose the truck. Another trucker I met was living with his wife and two small children in the truck sleeper because the increase in diesel costs did not leave them enough money to pay their house rent.

Unfortunately, the administration has ignored the plight of these hard working Americans. This administration got us into this mess by their total lack of an energy policy. They stand in the way of domestic oil production by locking up public lands and refuse to release Federal fuel stockpiles already in place.

Now, faced with skyrocketing diesel prices, they still do nothing of substance, instead they wanted to wait for OPEC to meet in Vienna which happened on March 27 and 28 of this year, hoping that the outcome would be favorable for the U.S., which is debatable. But can we trust this outcome when the U.S. has sanctions on 8 out of the 11 OPEC nations?

Recently, the Energy Secretary went to the Middle East with hat in hand, to beg for fuel. He claims that this increase in oil production will lower fuel costs by approximately 11 cents by the end of the summer. Well, what do we do until then? The crisis is happening now. Also, administration officials come before Congress to propose studying alternative energy sources, which is fine, but I have news for them: Trucks today run on diesel, not wind or solar power. Everything we buy to eat and wear comes on a truck. If the trucks stop rolling, this Nation stops rolling.

The benefits from this recent increase in oil production will not be seen for months. We need solutions now before any more Americans lose their jobs because of high fuel prices.

I am pleased the pending legislation includes a provision which is similar to a bill I introduced more than a month ago on March 2, S. 2161 the American Transportation Recovery and Highway Trust Fund Protection Act of 2000. My bill would temporarily suspend the Federal excise tax on diesel fuel for one year or until the price of crude oil is reduced to the December 31, 1999 level. It would replace the lost revenues with monies from the budget surplus in the general fund, while protecting the Highway Trust Fund. S. 2161 is endorsed by the American Trucking Association, the Independent Truckers Association, and the Colorado Motor Carriers Association to name just a few.

The provision in the pending legislation states that in the event the national average price of unleaded regular gasoline rises to $2 per gallon or more, it would further suspend all Federal excise taxes on fuels, while retaining only the 0.1 percent portion devoted to Leaking Underground Storage Tanks Trust Fund. I believe this action would be an important step forward to help relieve the escalating burden on America's truckers and farmers.

But, these bills are only short-term solutions, and only one step which could be taken. Our real problem is our dependence on foreign oil. In 1973, the year of the Arab oil embargo, the U.S. bought 35 percent of its oil from foreign sources. Today, we buy 56 percent, by some reports 62 percent. All the negotiations the administration is doing to get OPEC to open the spigots is not more than a band aid approach to a problem that will continually revisit us as long as we are dependent on foreign oil. It is unfortunate that we, a global superpower, are reduced to begging, and now we have to take what we can get from OPEC. More forceful actions need to be taken to expose the severity of this problem and address it now, not in the months to come. We cannot stand by and do nothing of consequence while good people lose their means of support.

The Federal fuels tax holiday bill is an important step forward to provide relief to hard working Americans from the burden of rising fuel prices, and I urge my colleagues to support cloture so we can pass this bill.

I thank the Chair and yield the floor.

• Mr. ROCKEFELLER. Mr. President, I wish to take this opportunity to explain why I missed the vote on the motion to invoke cloture on S. 2285, the Federal Fuels Tax Holiday bill, and more importantly, to explain why I

would have voted against cloture on this bill.

I had to be absent for this vote because I was traveling to Taiwan, where I became the first Member of the U.S. Congress to visit its newly elected leadership. I made the trip to discuss and reinforce Taiwan's close economic ties with my state of West Virginia, and to relay our country's interest in Taiwan and its continued stable relations with China.

Had I been in Washington, DC, for this vote, I would have most assuredly voted against it. I would have opposed cloture for a number of reasons, including my philosophical opposition to the frequent use of the cloture procedure by the majority to foreclose Democratic initiatives. However, I was happy to see that this cloture motion failed because of more substantive concerns. Quite simply, this bill represents bad tax policy, bad energy policy, and bad transportation policy, all dressed up in an election year wrapper.

Proponents of the gas tax ''holiday'' would have us believe that this bill—which would have cut more than $200 million in Federal highway money for West Virginia—was offered to do something about the recent price increases for gasoline and other fuels. Petroleum products are taxed at the refinery, not at the pump, and consumers would not have seen any of the savings passed through to them. Consumers in some states would even have seen their state gasoline tax go up in response to the Federal tax going down. The effect of this bill would have been the creation of a windfall for oil companies and middlemen, with West Virginians still paying much more than the national average for a gallon of gas.

Mr. President, I would like to briefly discuss some of the problems with this legislation. The proposed 4.3 cent reduction would translate to more than $4 billion in lost revenue that would otherwise go to the Highway Trust Fund. The complete elimination of fuel taxes that would have been triggered by the price of gas going above $2.00 would explode that shortfall to more than $20 billion—all to be made up from a surplus that some would argue does not exist. These funding reductions would have put hundreds of thousands of Americans out of work, jeopardized projects to upgrade our aging transportation infrastructure, and put millions of highway users at risk.

In addition to the severe cutback in the highway funding mechanism, which we were so happy to put in place two years ago with the passage of TEA–21, the impact of the fuel tax repeal would have left the Airport and Airway Trust Fund under-funded to the tune of about $700 million a year. The effect on airline passenger safety, and on airport construction and maintenance projects, would be devastating.

Repeal of the gasoline excise tax would have eliminated the tax incentives we in Congress have instituted to expand the use of alternative fuels. Without the general excise tax from which to partially exempt alternative or blended fuels, there would be no realistic means of bringing our nation into compliance with fuel diversity standards we have previously worked to put in place. As this temporary worldwide shortage of gasoline demonstrates so painfully at the pumps, the United States needs an energy policy that weakens the grip of foreign suppliers.

Finally, Mr. President, I would like to comment on an earlier cloture vote on this issue. On March 30 I voted for the cloture motion on the motion to proceed to this bill. I voted this way not because I supported the gas tax repeal, but precisely because I thought the Senate should proceed to consideration of the bill, so that its many faults could be debated, and the bill could be voted down.●

Mr. BYRD. Mr. President, in response to the inquiry from the senior Senator from Virginia, Mr. WARNER, I would like to pass on my views on the intent and impact of Section 1(f)(4) of S. 2285. This provision, as Senator WARNER pointed out, is indeed unprecedented in the history of the law governing the Highway Trust Fund. As I read this provision, it is an attempt to make up for the losses in deposits that would occur to both the Highway and Airport and Airway Trust Funds as a result of a reduced fuel tax in this bill with transfers from the general fund of the Treasury. As has been pointed out by other Senators during debate on this bill, the legislation does not state with specificity how this diversion of general funds is to occur. It is not clear whether these general funds would be derived from the non-Social Security surplus or be required to be diverted from other areas of Federal spending.

Finally, Mr. President, I would like to recognize the excellent staff work of Ann Loomis of Senator WARNER's staff, Ellen Stein of Senator VOINOVICH's staff, Tracy Henke of Senator BOND's staff, Mitch Warren of Senator LAUTENBERG's staff, Tom Sliter and Dawn Levy of Senator BAUCUS' staff, as well as Peter Rogoff, of my Appropriations Committee staff, on this effort.

Mr. President, I ask unanimous consent that letters of support from a number of interest groups be printed in the RECORD.

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

THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA,
Alexandria, VA, April 10, 2000.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, DC.

DEAR SENATOR BYRD: The Associated General Contractors of America (AGC) greatly appreciates your vote in favor of the Byrd-Warner-Baucus-Voinovich-Lautenberg-Bond Sense of the Senate Amendment to the Budget Resolution. Your vote in support of not tampering with the Federal gas tax and the Highway Trust Fund demonstrates your commitment to improving our nation's highways, bridges and transit systems.

The amendment, which was overwhelmingly approved by the Senate 66 to 34, declares the Senate's support for maintaining the current level of Federal motor fuels taxes. The Senate has consistently rejected efforts to repeal portions of the federal gas tax. In 1998, 72 sitting Senators voted against repeal of the 4.3-cent gas tax. The next day, the entire Senate voted to spend the 4.3 cents for badly needed highway and transit improvements.

It is imperative that the Senate continues to oppose any efforts to reduce the Federal gasoline taxes on either a temporary or permanent basis. These user fees save lives, reduce congestion and create thousands of American jobs. Any reduction or suspension of the Federal gasoline tax threatens to erode the spending levels guaranteed in the Transportation Equity Act for the 21st Century (TEA–21). Moreover, the reduction in gasoline taxes provides no guarantee that consumers will experience any reduction in the price at the pump.

Again, thank you for your support of the Byrd-Warner-Baucus-Voinovich-Lautenberg-Bond Sense of the Senate Amendment to the Budget Resolution. Please continue to help defeat any efforts to reduce the Federal gasoline taxes and preserve the integrity of the Highway Trust Fund.

Sincerely,

JEFFREY D. SHOAF,
Executive Director,
Congressional Relations.

AMERICAN ROAD & TRANSPORTATION BUILDERS ASSOCIATION,
Washington, DC, April 7, 2000.

Hon. PAT ROBERTS,
U.S. Senate,
Washington, DC.

DEAR SENATOR ROBERTS: On behalf of the 5,000 members of the American Road and Transportation Builders Association (ARTBA), thank you for your April 6 vote in support of the Byrd-Warner-Baucus-Voinvoich-Lautenberg-Bond Amendment to the proposed FY 2001 budget resolution.

We greatly appreciate you going on record in opposition to efforts to repeal or suspend the Federal motor fuels tax in response to rising gas prices. We have notified our members in your state that you voted to support retaining the current Federal motor fuels tax and sent a strong signal against proposals that would place funding for state highway and mass transit improvement programs at risk.

Unfortunately, this issue may come before the Senate again the week of April 10. We understand S. 2285, or some variation thereof, may be brought to the Senate floor in the near future as a stand-alone bill or as an amendment to other legislation. S. 2285 would temporarily repeal 4.3 cents of the Federal motor fuels tax from April 15, 2000, through January 1, 2001. The bill would repeal the entire 18.4 cents Federal gas tax if the national average price for a gallon of gasoline rises above $2.00. The bill proposes to use the ''on-budget surplus'' to ''reimburse'' the more than $20 billion that could be lost to the Highway Trust Fund under this scheme.

We hope you will vigorously oppose S. 2285 or like proposals.

This bill introduces uncertainty and risk into state highway and mass transit funding.

Federal investment in these areas is already guaranteed under TEA–21. There is no need to risk this guarantee for a promise that things will be taken care of using the ''on-budget surplus.''

The fact is, S. 2285 could utilize the entire FY 2000 ''on-budget surplus.'' According to the Senate Budget Committee's Informed Budgeteer, the Congressional Budget Office has re-estimated the FY 2000 ''on-budget surplus'' to be $15 billion. Repealing the entire Federal gas tax from April 15 to September 30—a possibility under S. 2285—would cost the Highway Trust Fund approximately $15 billion.

This would leave no room for other Republican or Clinton Administration budget priorities . . . or for using the ''surplus'' to pay down the national debt . . . or to protect Social Security and Medicare. The House has already adopted a supplemental appropriation bill for FY 2000 that would tie-up $16.7 billion of the ''on-budget surplus''! The proposed supplemental is but one of many measures that would utilize the ''on-budget surplus.''

Again, we thank you for your vote April 6. We need you to be with us again in opposition to S. 2285.

Sincerely,

T. PETER RUANE,
President & CEO.

AAA WASHINGTON OFFICE,
Washington, DC, April 4, 2000.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, DC.

DEAR SENATOR BYRD: AAA is pleased to lend its support to your amendment to the Senate budget resolution, S. Con. Res. 101, expressing the ''Sense of the Senate'' that the Federal gasoline tax should not be reduced or repealed.

AAA has serious concerns about efforts to suspend or repeal any portion of the Federal excise tax on gasoline. While attractive at first glance, this course of action will do little to address the root cause of our gasoline price problem today, which is a shortage of supply caused by curtailed production of crude oil by OPEC member nations.

The benefit to motorists from reducing the gas tax is, at best minimal—repealing 4.3 cents would amount to about $1/week for the average consumer. However, as your amendment points out, the resulting loss of revenue to the Highway Trust Fund would be disastrous to the important work of fixing the nation's highways and bridges and improving safety.

It is highway and traffic safety that is of most concern to AAA. Lower receipts to the Highway Trust Fund compromise the safety of the traveling public. We take these roads back and forth to work and on vacations, our children take these roads to school, and our public safety officials use these arteries to respond to emergencies.

Asking Americans to choose between a gas tax reduction and safety is posing the wrong question. The right question is: How should Congress and the Administration manage an energy strategy that reduces dependence upon a foreign cartel? That way motorists would have the safe highways they've paid for through their gas taxes and an oil supply they can rely on. Short-term fixes, while politically popular, are not in the best interests of highway safety and the overall economic well being of the nation.

Congress made a very important decision by creating the Highway Trust Fund and establishing the direct link between user fees paid by motorists and trust fund monies dedicated to improving the nation's surface transportation. Because of TEA–21, the trust fund is now dedicated to providing Americans the safe and efficient transportation system on which they have paid and on which they rely.

Again, AAA appreciates your continued leadership on transportation issues and is pleased to support your amendment.

Sincerely,

SUSAN G. PIKRALLIDAS,
Vice President,
Public & Government Relations.

CONSTRUCTION INDUSTRY
MANUFACTURERS ASSOCIATION,
Washington, DC, April 7, 2000.

Hon. PETE V. DOMENICI,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOMENICI: The Construction Industry Manufacturers Association (CIMA) thanks you for your support of the amendment to S. Con. Res. 101 to oppose a reduction of Federal fuel taxes. CIMA is the full service, innovative business resource for over 500 construction equipment manufacturers and services providers.

CIMA's membership was alerted to this amendment and actively lobbied for a favorable vote. The bipartisan support for the amendment demonstrates that an overwhelming majority of the Senate supports the user fee concept to build and maintain our nation's roads, highways and bridges.

A reliable transportation infrastructure is essential to maintain the strength of the U.S. economy and for the American public to enjoy safe and efficient modes of travel.

CIMA thanks you for your support.

Sincerely,

DENNIS J. SLATER,
President.

LABORERS' INTERNATIONAL UNION
OF NORTH AMERICA,
Washington, DC, March 28, 2000.

DEAR SENATOR: On behalf of the more than 800,000 members of the Laborers' International Union of America, I am writing to urge you to oppose any effort to temporarily repeal the entire 18.4 cents per gallon gas tax to offset the recent increases in the price of gasoline, diesel and aviation fuel. While a repeal of the gas tax would most certainly result in less spending on transportation infrastructure, safety programs and job losses, there is simply no guarantee that it would result in lower prices at the pump.

The current plan likely to be considered on the Senate floor proposes to suspend the 4.3 cents gas tax immediately. However, even if the 4.3-cents tax is suspended, few consumers will likely see savings at the pump for at least two reasons. First, the tax is not actually imposed at the gas pump; rather it is collected shortly after it leaves the refinery. The fuel can pass through several middlemen before it reaches the consumer. None of these middlemen would have to pass along the savings. Those supplying the fuel could simply keep the reduced tax. Past experience has shown that as the wholesale cost of fuel goes up, prices at the pump increase. Decreases in fuel taxes, however, have not necessarily been passed on to motorists and motor carriers.

Several years ago, Connecticut reduced their state fuel tax but it did not translate into a price cut for consumers. As the Hartford Courant noted in 1997, after prices failed to come down.

''Gas taxes and prices are not connected in an ironclad way. The tax can be cut, but the benefits to consumers will be swallowed up in higher prices at the pump. In the future, the governor and legislature should build tax policy on a firmer foundation.''

Secondly, some states, such as California, have laws that automatically increase the state fuel tax with any reduction in the Federal fuel tax. In those states, the consumer would realize no tax savings at all.

The new Senate plan calls for funding the gas tax repeal out of the budget surplus, a proposal that would supplant other legislative priorities. In 1997, Congress transferred the revenue from the taxes imposed on highway users to the Highway Trust Fund to help pay for highway and transit infrastructure, and for highway safety programs. The 4.3-cent tax on gasoline and diesel brings in $7.2 billion to the Highway Trust Fund annually—$5.8 billion for highways and $1.4 billion for transit. When Congress passed the TEA–21 bill, it established a direct link between these funds and the funding returned to the states and cities for highways and transit. Under TEA–21, all highway programs—highway construction, highway safety, transportation enhancements and high-priority projects—are decreased proportionally if tax revenues fall. Using the budget surplus for transportation puts highway construction, highway safety and transit programs at risk when Congress reauthorizes them in 2003, because the funding levels in TEA–21 will not be sustainable without a tax increase or continued transfers from the General Fund.

In essence, repealing the gas tax could reduce spending for highway construction, transit and other transportation infrastructure programs and draw down the budget surplus without ever putting one cent, and at the very most pennies a week, into the pocket of the average consumer. To put it simply, it's a bad idea.

For all the above reasons and more, we ask you to oppose any effort to repeal or suspend any portion of the gas tax if the full Senate considers it.

Sincerely yours,

TERENCE M. O'SULLIVAN,
General President.

AMERICAN PORTLAND
CEMENT ALLIANCE,
Washington, DC, April 6, 2000.

Hon. JOHN WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: On behalf of the American Portland Cement Alliance (APCA), a trade association representing virtually all domestic portland cement manufacturers, thank you for voting in favor of the Byrd-Warner-Baucus-Voinovich-Lautenberg-Bond sense of the Senate amendment to the budget resolution.

As you know, an attempt to repeal or temporarily suspend the Federal fuels user fees (gasoline tax) may occur next week, possibly during consideration of the Marriage Penalty Tax legislation. Because the amendment would likely reimburse the transportation trust funds with General Fund revenues, its enactment could easily consume this year's entire projected budgetary surplus (not required to protect the Social Security Trust Fund). In short, if you have other priorities, such as paying down the national debt, estate and marriage penalty tax reductions, Medicare, or education, the money will be gone.

APCA is deeply concerned that any reduction in the user fee would undermine TEA–21 and the funding commitment that legislation made to the states for highway and

mass transit programs. Any reduction in these user fees would jeopardize the funding guarantee under TEA–21 and, more importantly, introduce uncertainty for state highway and transit improvement programs, and the construction and material supply industries, such as the cement manufacturers. Therefore, I respectfully ask that you vote against any measures to repeal the Federal fuels user fees.

Again, thank you for your support on the Byrd-Warner-Baucus-Voinovich-Lautenberg-Bond sense of the Senate amendment.

Sincerely,

RICHARD C. CREIGHTON,
President.

AAA WASHINGTON OFFICE,
Washington, DC, April 7, 2000.

Hon. DANIEL K. AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: AAA thanks you for your vote in support of the amendment offered by Senator Robert Byrd (D–WV) to the fiscal year 2001 budget resolution. The 66–34 vote in favor of the Byrd amendment is a clear signal that the majority of the U.S. Senate does not support efforts to suspend or repeal any portion of the Federal excise tax on gasoline.

AAA continues to have serious concerns about efforts to reduce the Federal gas tax. Motorists will see very little benefit from the repeal and they could, in fact, face significant safety problems. The loss of revenue to the Highway Trust Fund would be disastrous to the important work that needs to be done to improve the nation's highways, bridges, and safety programs. A gas tax repeal is a short-term fix to a long-term problem and is not in the best interests of highway safety.

AAA encourages you to stand firm in opposition to further consideration of any effort to repeal or suspend the Federal gas tax.

Sincerely,

SUSAN G. PIKRALLIDAS,
Public and Government Relations.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. How much time remains?

The PRESIDING OFFICER. The Senator has 40 seconds.

Mr. MURKOWSKI. I respond by telling my friend, Senator WARNER, that the gas station is the most competitive business in this country. I yield the remaining time to my friend, Senator SMITH of New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. How much time remains?

The PRESIDING OFFICER. The Senator has 30 seconds.

Mr. SMITH of New Hampshire. Mr. President, under S. 2285, lost revenues to the highway trust fund would be made up dollar for dollar from the on-budget surplus. Let's not forget that we are in this position because the President of the United States does not have an energy policy. We cannot continue to risk both the well-being of the American people and our national security. This policy of relying on overseas energy has left us vulnerable to the whims of foreign countries.

Passage of S. 2285 will bring relief to working families and protect our highway trust fund. I urge my colleagues to support the legislation.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I will use a few minutes of my leader time, if I may, because I understand we have no time on our side either.

I ask unanimous consent that a letter sent to me by two Cabinet officials, Larry Summers and Bill Richardson, be printed in the RECORD at this point.

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

APRIL 10, 2000.

Hon. THOMAS DASCHLE,
Minority Leader,
U.S. Senate; Washington, DC. 20910

DEAR SENATOR DASCHLE: The Administration believes that Congress should pass critical tax credits and incentives that would promote energy efficiency and the use of renewably energy resources to enhance our energy security, instead of a temporary suspension of fuel taxes that will offer consumers little tangible benefit while risking highway and mass transit funds and squeezing other key priorities like education and law enforcement.

We urge the Congress to adopt measures that would address fundamental energy needs. The President has proposed a comprehensive tax package, including new tax credits for domestic oil producers and essential incentives to promote energy efficiency and the use of renewable energy sources. Congress should pass the President's tax package and fund fully his fiscal year 2001 budget and 2000 Supplemental to promote energy security through the use of domestic energy technologies. Enactment of these proposals would reduce the effect of high energy prices, decrease our dependence on imported oil, and improve the environment.

Much of the benefit of the proposal would accrue to OPEC and other producers rather than American consumers, in contrast to the Administration's approach, which seeks to enhance energy security by increasing domestic energy supplies and energy efficiency. Reducing fuel taxes would increase the demand for imported oil. The quantity of oil in the world market in effectively fixed in the short term. The combination of increased demand and a fixed supply would increase the price of oil, with much of that increase accruing to OPEC instead of American consumers.

The Transportation Equity Act for the 21st century, PL. 105–178, signed by the President on June 9, 1998, guarantees that funds deposited in the highway account will be automatically spent on Federal highway and construction needs. The transportation fuels taxes are in the nature of user fees to recoup those costs. We believe that this legislation is inconsistent with this national policy that users of the nation's transportation system should pay for the costs of building and maintaining our transportation infrastructure. There is no justification for shifting transportation infrastructure costs, as S. 2285 would do, from the users of this transportation system to taxpayers generally.

We are concerned that S. 2385 only partially protects the Social Security Trust Fund. It provides that the revenue loss from rate reductions in excess of 4.3 cents per gallon may not exceed the on-budget surplus. The 4.3-cents-per-gallon rate reduction, however, would apply even if it remits in an on-budget deficit. In any case in which the rate reduction results in a deficit, the ultimate effect is that a portion of the Social Security Trust Fund equal to the deficit is diverted to maintain highway spending programs at their current level. In addition, S. 2285 would affect receipts and is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990.

Finally, we are concerned that this proposal cannot be administered. S. 2285 provides that the aggregate revenue effect of rate reduction in excess of 4.3 cents per gallon not exceed the on-budget surplus during the period the taxes are reduced. We are concerned about our ability to administer this limitation if the rate reductions in excess of 4.3 cents per gallon are triggered. Because the rate reduction period does not coincide with normal budgetary accounting periods, the budget surplus for the period may never be known.

For the forgoing reasons, we strongly oppose S. 2285. We look forward to working with you on meaningful legislation that will promote domestic energy solutions and reduce our long-term dependency on foreign oil.

Sincerely,

LAWRENCE H. SUMMERS.
BILL RICHARDSON.

Mr. DASCHLE. Basically, the letter says what a number of our colleagues have been saying throughout this debate, that this could have devastating consequences on general revenues as well as on the Social Security trust fund per se.

It says, briefly reading a couple of paragraphs:

> In any case in which the rate reduction results in a deficit, the ultimate effect is that a portion of the Social Security Trust Fund equal to that deficit is diverted to maintain highway spending programs at the current level. In addition, S. 2285 would affect receipts and is subject to the pay-as-you-go requirements of the Omnibus Budget Reconciliation Act of 1990.
>
> We are concerned that this proposal cannot be administered. S. 2285 provides that the aggregate revenue effect of rate reductions in excess of 4.3 cents per gallon not exceed the on-budget surplus during the period the taxes are reduced. We are concerned about our ability to administer this limitation if the rate reductions in excess of 4.3 cents per gallon are triggered. Because the rate reduction period does not coincide with normal budgetary accounting periods, the budget surplus for the period may never be known.

We ought to have a very good and thorough discussion about the implications of this bill prior to the time we are called upon to vote on it. By voting for cloture now, we cut off debate that never was. We cut off a debate that ought to provide a thorough examination of the implications on the Social Security trust fund, of the budget overall, of highway construction this year, of the implications for infrastructure in the outyears, of the solvency of the trust fund in periods beyond this fiscal year. All of those issues have not been debated.

For that reason, I hope my colleagues will join me in opposition to the cloture vote to be cast today.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. All time has expired. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 473, S. 2285, a bill instituting a Federal fuels tax holiday:

Trent Lott, Judd Gregg, Connie Mack, Kay Bailey Hutchison, James Inhofe, Frank H. Murkowski, Paul Coverdell, Michael Crapo, Thad Cochran, Charles Grassley, Jim Bunning, Gordon Smith, Ben Nighthorse Campbell, Larry E. Craig, Bob Smith, and Don Nickles.

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

The question is, Is it the sense of the Senate that debate on S. 2285, a bill instituting a Federal fuels tax holiday, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

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

The yeas and nays resulted—yeas 43, nays 56, as follows:

[Rollcall Vote No. 80 Leg.]

YEAS—43

Abraham	Gramm	Murkowski
Allard	Grams	Nickles
Brownback	Grassley	Roth
Bunning	Gregg	Santorum
Burns	Hagel	Sessions
Campbell	Hatch	Shelby
Cochran	Helms	Smith (NH)
Collins	Hutchison	Smith (OR)
Coverdell	Inhofe	Snowe
Craig	Kyl	Specter
Crapo	Lott	Stevens
DeWine	Lugar	Thompson
Domenici	Mack	Thurmond
Fitzgerald	McCain	
Gorton	McConnell	

NAYS—56

Akaka	Edwards	Levin
Ashcroft	Enzi	Lieberman
Baucus	Feingold	Lincoln
Bayh	Feinstein	Mikulski
Bennett	Frist	Moynihan
Biden	Graham	Murray
Bingaman	Harkin	Reed
Bond	Hollings	Reid
Boxer	Hutchinson	Robb
Breaux	Inouye	Roberts
Bryan	Jeffords	Sarbanes
Byrd	Johnson	Schumer
Chafee, L.	Kennedy	Thomas
Cleland	Kerrey	Torricelli
Conrad	Kerry	Voinovich
Daschle	Kohl	Warner
Dodd	Landrieu	Wellstone
Dorgan	Lautenberg	Wyden
Durbin	Leahy	

NOT VOTING—1

Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 56. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. WARNER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

MARRIAGE TAX PENALTY RELIEF ACT OF 2000

Mr. LOTT. Mr. President, I ask unanimous consent that the Senator proceed to Calendar No. 437, H.R. 6, the marriage penalty tax repeal bill, and that the motion to proceed be agreed to, that the bill be subject to debate only, equally divided, and at 4 p.m. the majority leader be recognized.

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

The assistant legislative clerk read as follows:

A bill (H.R. 6) to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing for adjustments to the standard deduction, 15-percent rate bracket, and earned income credit and to repeal the reduction of the refundable tax credits.

The Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I will briefly explain what we have in mind, and then I believe Senator INHOFE has some comments he wants to make on another issue before we go to the actual debate on the marriage tax penalty.

Senator DASCHLE and I have been talking. As a result of the caucus luncheon, the Democrats have some amendments they want to have made in order. If they are relevant or if they are close to being relevant in a way we can have debate and votes on them, we would like to work out an agreement to do that. I have asked him to provide me a list of those amendments so we can make sure we understand what they are and have a chance to assess their relevancy.

It is preferable we do that rather than filing cloture and having a cloture vote. I believe the American people think it is time to quit talking about the marriage tax penalty and do something about it. I know Senator MOYNIHAN has a different approach as to how to deal with it. It is credible. We have looked at that and debated it in the Finance Committee. Certainly, that substitute or other substitutes should be offered.

Rather than just mark time and not accomplishing anything, this will put us into general debate on the marriage tax penalty until 4 p.m. Then in an hour, we will have a chance to get an agreement on how to proceed. I want us to debate this issue, fully understand the ramifications of what the Finance Committee reported out, have debate on the amendments and vote on those amendments and complete this legislation. The American people believe it is time we do this.

I cannot help remembering what we did on the Social Security earnings test. We made in order a couple of amendments. We had a good debate, and we had a vote or two and passed it unanimously. I believe most Members of the Senate, if not all, realize there are inequities with the marriage tax penalty and we should do something about it. I want to facilitate getting to that point.

The House has acted overwhelmingly. We are going to see if we can work out an accommodation and obtain a UC agreement as to how to proceed.

If I need to, I will take leader time to make this brief comment on the bill on which we just voted. The Senate has spoken, although I note there were 43 Senators who thought there should be some sort of fuels tax holiday so that working Americans could have some relief.

I emphasize, this issue is not over. I fear gasoline prices are going to go up. The fact is, we are still dependent, and going to be even more dependent, on foreign oil, mostly OPEC oil, for 55 percent or more of our needs. We need to do something. We do not have an adequate energy policy, if there is one at all. This issue will not go away.

My comment to those who voted against it on both sides is: if not this, what? And if not now, when are we going to do something about our energy dependence on foreign oil? There is a danger here, and we need to find a way to address it.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The minority whip.

Mr. REID. Mr. President, did the leader ask consent as to what is happening between now and 4 o'clock?

Mr. LOTT. If the Senator will yield, we are going ahead with general debate on the marriage tax penalty until 4 o'clock with the time equally divided.

Mr. REID. Will the leader agree the time should be equally divided?

Mr. LOTT. It was in the request. The time will be equally divided.

Mr. REID. I am sorry; I missed that.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized as in morning business.

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

MORE EVIDENCE OF COVERUP

Mr. INHOFE. Mr. President, I understand a lot of people are preparing their remarks to address this very significant subject of the marriage tax penalty. I know the Senator from

Texas has addressed this subject many times, as I have, and I intend to do that.

Regrettably, I want to report to the Senate and to the American people something different, which is more evidence of the hypocrisy, corruption, and coverup which pervades this administration. Something happened last week. At a hearing of the Senate Armed Services Committee, we finally got some answers about the ''investigation'' concerning the March 1998 incident in which information from Linda Tripp's confidential Government security file was deliberately leaked to the media.

Linda Tripp was and still is a Government employee who works out of the Pentagon. I understand nobody wants to hear about this. They would rather hear warm and fuzzy things. People say they have already heard it before, which they have not, but they think they have. They say there are only 9 months left in this President's term. Everybody says: Shut up; let it go; leave it alone; there is nothing you can do about it. They say: Just move on to something else.

For those concerned about the politics of it, that is probably wise counsel, but some of us are less concerned about the politics than we are about the truth.

I wish I did not have to say anything about this subject, but somebody has to do it. We are talking about another crime committed in this administration. Politicians do not want to make people feel uncomfortable. As Henry Ward Beecher said:

> I don't like those cold, precise, perfect people who, in order not to say wrong, say nothing; and in order not to do wrong, do nothing.

A lot of say nothing and do nothing takes place in this Senate. That is why I asked Donald Mancuso, the Pentagon's acting inspector general, a series of questions at the hearing last week. His answers revealed for the first time a number of things we previously did not know.

He told us: No. 1, the Pentagon Office of Inspector General completed its investigation of this matter in July of 1998. Spokespeople in the administration have been implying for the last 20 months that the Pentagon itself was still investigating. This is not true. It is just another Clinton lie.

What we have is evidence of a lie, a coverup, and a transparent effort to drag it out as long as possible, hoping to run out the clock as the administration's time in office winds down.

No. 2, we learned that the report—this is the report on the leak in 1998—was given to the Justice Department for criminal prosecution, and quoting Mancuso:

> We felt we had found sufficient information to warrant consultation with the Department of Justice.

This means it was a criminal referral. The Pentagon IG obviously believed there was sufficient evidence that a crime had been committed.

No. 3, the inspector general concluded that Pentagon Director of Public Affairs Ken Bacon was involved in illegal activity. Quoting again Inspector General Mancuso:

> The facts show that information was released by Mr. Bacon and it related to Linda Tripp.

No. 4, the Justice Department, after a 20-month coverup, quietly told the Pentagon in the last 2 weeks it would not prosecute anyone in the case.

We would not even have known about it if it had not been for the fact this came out during a hearing. This came out in a hearing that was live on C-SPAN. It was a public hearing, a public forum, so no one is going to be held legally accountable for what happened.

Remember, this is the President, who, in November 1992, said he would immediately fire anyone who was caught disclosing information from confidential Government personnel files.

All these things were not publicly known previously. I repeat, these four new findings we learned for the very first time only last week: First, we discovered that the Pentagon Office of Inspector General completed its investigation of the matter in July of 1998.

Second, we learned that the report was given to the Justice Department for criminal prosecution.

Third, we learned that the inspector general concluded that Pentagon Director of Public Affairs Ken Bacon was involved in the illegal activity.

Mancuso said:

> The facts show that information was released by Mr. Bacon and it related to Linda Tripp.

Under the circumstances, releasing this information was clearly a criminal act, whether the Justice Department wants to believe this or not.

Fourth, we learned that the Justice Department has been covering up the crime for 20 months and only now tells us that no one will be prosecuted and no one will be held accountable.

This would never have come to light if it had not been for this hearing.

This is the same Justice Department that has botched up the investigation of the theft of information on the W–88 warhead, that has refused to appoint an independent counsel to investigate campaign fundraising illegalities, and that continues to cover up vital information in defiantly refusing to release the LaBella and Freeh memos suggesting that crimes may have been committed in the Chinagate scandal.

All this was ''breaking news'' last week. Did we read about it in the New York Times, in the Washington Post, or in the Los Angeles Times, or any of those publications? Did we hear about it on ABC, CBS, NBC, or CNN? No, we did not. With the noted exception of the Washington Times, the mainstream media largely ignored this important story.

Have we come to the point, 7 years and 3 months into this President's term, that the media, that is supposed to be the watchdogs of democracy, has given up caring about lawbreaking and abuses by the incumbent administration? Is that what this is all about? Are they so tired and bored by it all that they cannot report the obvious facts to the American people?

I appeal to the media right now to cover this story, and to cover it well. Just tell the truth. Expose the facts. Expose the hypocrisy. Do not, by your silence, allow yourselves to become pawns and participants in another Clinton coverup.

This is still America. The truth still matters. Let's look at some history. Let's recall a time when the media played a much different role than they are playing now. Watergate was 25 years ago, a time before the ''death of outrage,'' when the media boasted of its role explaining the immense significance of lawbreaking and coverups in high places.

Charles Colson, a guy I happen to know, I say to Senator BYRD—I attend a Bible study with him; an outstanding individual; at that time he was not so outstanding—was special counsel to President Nixon. He went to jail for doing essentially what Ken Bacon did. He released information to the media about a Pentagon employee that came from a confidential Government file in an attempt to discredit that person. This was a crime then; and it is a crime now.

What exactly did Colson do? This is what he said he did, in his own words. This is going back to 1991:

> I got hold of derogatory FBI reports about Ellsberg and leaked them to the press.

He said further, in 1976:

> I happily gave an inquiring reporter damaging information . . . compiled from secret FBI dossiers.

So what happened to Colson?

In the midst of the media firestorm surrounding Watergate, Colson pleaded guilty to the charge that he obstructed justice by disseminating to the media derogatory information from a confidential FBI file about Daniel Ellsberg.

Colson was sentenced by U.S. District Court Judge Gerhard Gesell to a prison term of 1 to 3 years and fined $5,000. At the sentencing, Judge Gesell deplored Colson's ''deliberate misconduct'' and he lectured him to understand that ''Morality is a higher force than expediency.''

In his book, ''Born Again,'' Colson talked about the significance of what he had done. He recalled that Judge Gesell said, in his pretrial hearing:

The whole purpose of this case, beyond its immediate objective, is to direct some attention to the desirability of having a government of law, not a government of men. That is what this is [all] about.

Colson continued, in his own words:

It is something I remembered from Civics I in school.

He said:

These were the cardinal principles of American government, the real bull-work against man-made tyranny. When a man's constitutional rights are in jeopardy, the violation, even cloaked in the time-honored protective shroud of national security, is simply intolerable.

Colson served 7 months in jail before the court reduced his sentence to time served.

Now, what did Ken Bacon do?

Let's go to the Washington Post of May 22, 1998:

The Pentagon's chief spokesman (Ken Bacon) apologized today for authorizing the release to a reporter of information contained in Linda R. Tripp's 1987 security clearance form, saying, ''In retrospect, I'm sorry the incident occurred.''

Bacon's remarks came after he acknowledged in a deposition last Friday that he provided the New Yorker writer Jane Mayer with the Tripp information.

So, in other words, he admitted it. There is no question about whether or not he committed this crime. There is no doubt about it, no dispute about it.

Bacon said:

I'm sorry that I did not check with our lawyers or check with Linda Tripp's lawyers about this.

Sorry? Sorry didn't cut it for Chuck Colson. Colson committed his crime in July of 1971. He admitted his guilt and pleaded guilty on June 3, 1974, and was sentenced to jail June 21, 1974.

Bacon committed his crime in March 1998. He admitted what he had done in June of 1998. The Pentagon inspector general referred the matter for criminal prosecution in July of 1998. So now, 2 years later, in April of 2000, the Clinton Justice Department says it is going to take a pass, hoping nobody will see or care at this late date.

Colson went to jail and served time in prison. If there was justice, an equal application of the law, Bacon would also go to jail and serve time in prison.

Is this the first time the Clinton administration has been involved in lawbreaking and corruption? Hardly. It has almost become a way of life: Travelgate, Filegate, Buddhist Temple fundraisers, illegal foreign campaign contributions, the compromise of high-technology nuclear secrets to China, not to mention perjury and obstruction of justice—the list goes on and on.

Why is any of this important? It is all about a concept that is basic to America, a concept as basic as going to church on Sunday. That concept is: Equal application of the law.

Only the media can ultimately protect this fundamental principle by informing the people about what is happening. If the people do not know, of course, they will not care. The role of the media is critical in protecting our liberties. So again, I appeal to the media to cover this story, not to cover up this story.

Does anyone care? I believe the American people care. But they must be informed first.

Let me conclude by recalling the words of Chuck Colson. In writing about his own case, he said:

I pleaded guilty after being told by Watergate prosecutor Leon Jaworski that my conviction would deter such a thing from [ever] happening again.

So I am here today to tell the American people, it just happened again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

MARRIAGE TAX PENALTY RELIEF ACT OF 2000—Continued

Mr. ROTH. Mr. President, I rise to discuss the centerpiece of our efforts to reduce the tax overpayment by America's families. The Marriage Tax Penalty Relief Act of 2000 delivers savings to virtually every married couple in America. And it does so within the context of fiscal discipline and preserving the Social Security surplus.

The importance of this measure cannot be overstated. According to the most recent CBO estimates, in 1999, 43 percent of married couples—about 22 million couples—faced the marriage tax penalty. The average penalty was $1,480 per couple. This was levied on individuals who are already overburdened with expenses—the costs associated with buying homes, paying for education, raising children, and building financial security for retirement.

It isn't fair, Mr. President. It isn't fair that when two individuals marry their combined tax liability becomes greater than if they had remained single and continued to pay taxes at their single rate. But unfortunately, this has been the case—to one degree or another—for more than 30 years.

Now it's time for a change.

It's time to restore equity—to bring balance and fairness into the tax equation for these married couples. This, of course, is not as simple as it might appear. Our tax system has tried to balance three disparate goals—progressivity, equal treatment of married couples, and marriage neutrality. And it is impossible to achieve all three principles at the same time.

The principle of progressivity holds that taxpayers with higher incomes should pay a higher percentage of their income in taxes. The principle of equal treatment of married couples holds that households with the same amount of income should pay the same level of tax. And the principle of marriage neutrality holds that a couple's income tax bill should not depend on their marital status. The tax code should neither provide an incentive nor a disincentive for two people to get married.

Our policy response differs depending on how we balance these different principles. For instance, if we want to ensure that when two singles get married their total tax bill will not rise—but we do not mind if two married couples with the same overall income level are treated differently, then we arrive at one result. However, if we want to make sure that two singles who marry do not face increased taxes—and we want to make sure that two married couples with the same income level are treated evenly—then we arrive at a different result.

Last year, the Senate position in the Taxpayer Relief Act of 1999 embraced the first policy result. We focused on the difference between what two spouses would pay in taxes if they were single versus what they would pay in taxes if they were married. In order to fully address that problem, we developed a system whereby a married couple would have an option. The couple could continue to file a joint return using the existing schedule of married filing jointly. Or the couple could choose to file a joint return using the separate schedules for single taxpayers. It was straightforward, and it was universal—we did not try to impose arbitrary income limits to cut off the relief.

As I said last year, this approach had a lot of good things about it. Most importantly, I liked the way that it basically eliminated the marriage penalty for all taxpayers who suffered from it. It delivered relief to those in the lowest brackets as well as to those in the highest brackets. It also delivered relief to those who itemized their deductions as well as those who took the standard deduction.

Nevertheless, I did not propose, or support, the separate filing plan this year. As the Chairman of the Finance Committee, I am responsible for developing tax policy in a rational manner. I am also responsible for working with members of my Committee and of the full Senate.

After listening to my colleagues' views on marriage tax relief, I came to the conclusion that the best approach at this time is to build on the foundation that Congress has already approved. Last year, in the conference report of the Taxpayer Relief Act of 1999, the Congress adopted three components of marriage penalty relief. These include an expansion of the standard deduction for married couples filing jointly; a widening of the tax brackets; and an increase in the income phaseouts for the earned income credit. A different part of the bill also addressed the minimum tax issue. This year, the House passed a marriage penalty tax bill that included the first three components.

And the Finance Committee bill, the Marriage Tax Penalty Relief Act of 2000, has built on this foundation. Under current law, for the year 2000, the standard deduction for a single taxpayer is $4,400. The standard deduction for a married couple filing a joint return is $7,350. That means that for couples who use a standard deduction—and those are generally low and middle income couples—they are losing $1,450 in extra deductions each year. At a 28% tax rate, that lost deduction translates into an extra tax liability of $406 each and every year.

The Finance Committee bill increases the standard deduction for married couples so that it is twice the size of the standard deduction for singles. And we do that immediately, for the 2001 tax year. When fully effective, this provision provides tax relief to approximately 25 million couples filing joint returns, including more than 6 million returns filed by senior citizens.

Increasing the standard deduction also has the added benefit of simplifying the tax code. Approximately 3 million couples who currently itemize their deductions will realize the simplification benefits of using the standard deduction.

Second, the Marriage Tax Penalty Relief Act of 2000 addresses the cause of the greatest dollar amount of the marriage tax penalty—the structure of the rate brackets. Under current law, the 15% rate bracket for single filers ends at taxable income of $26,250. The 15% rate bracket for married couples filing jointly ends with taxable income of $43,850, which you can see is less than the sum of two times the single rate bracket. In practical terms, that means that when two individuals who each earn $30,000 get married and file a joint tax return, $8,650 of their income is taxed at the 28% rate rather than at the 15% rate that the income would have been subject to if they had remained single. The extra tax liability for that couple each year comes out to $1,125.

The Finance Committee bill remedies that fundamental unfairness. The bill adjusts the end point of the 15% rate bracket for married couples so that it is twice the sum of the end point of the bracket for single filers. Recognizing that the rate structure hurts married couples in the higher brackets, the bill also adjusts the end points of the 28% rate bracket as well.

When fully effective, and we make that happen a year earlier than the House, this provision will provide tax relief to approximately 21 million couples filing joint returns, including more than 4 million returns filed by senior citizens.

Third, the Marriage Tax Penalty Relief Act of 2000 addresses the biggest source of the marriage tax penalty for low income, working families—the earned income credit. This complicated credit is determined by using a schedule for the number of qualifying children, and then multiplying the credit rate by the taxpayer's earned income up to a certain amount. The credit is phased out above certain income levels. What that means is that two people who are each receiving the earned income credit as singles may lose all or some of their credit when they get married.

In order to address that problem, the Finance Committee bill increases the beginning and ending points of the income levels of the phase-out of the credit for married couples filing a joint return. For a couple with two or more qualifying children, this could mean as much as $526 in extra credit. This provision would also expand the number of married couples who would be eligible for the credit. It will help over one million families.

The PRESIDING OFFICER. The time allotted to the majority has expired.

Mr. ROTH. Parliamentary inquiry: I didn't think there was any time limit.

The PRESIDING OFFICER. Pursuant to the unanimous consent agreement, the time between 3 and 4 o'clock was equally divided between the majority and the minority, or their designees. The Senator from Montana has 29 minutes.

Does the Senator from Montana have a question?

Mr. BAUCUS. Mr. President, I offer a unanimous consent request, if I may.

The PRESIDING OFFICER. The Senator may present the request.

Mr. BAUCUS. Mr. President, the Chair restated the agreement, as I understood it, correctly. But I don't think the chairman of the committee, Senator ROTH from Delaware, was on the floor when that unanimous consent was propounded and agreed to. He was unaware of the time constraint. I think it is only fair, frankly, that the Senator from Delaware be able to present his views. I am willing to yield as much time as I have to the Senator. How much does the Senator need?

Mr. ROTH. I would say 10 minutes.

Mr. BAUCUS. Ten minutes. Fine, Mr. President.

Mrs. BOXER. Mr. President, reserving the right to object—I will not object—I would not want to give away 10 minutes of time from this side because there are others who want to speak and are counting on the minutes. I have no problem doing a unanimous consent request giving the Senator an additional 10 minutes. But I would like to retain 30 minutes of time on this side.

The PRESIDING OFFICER. There was no unanimous consent request. The time was under the control of the Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the time be extended to 10 minutes after 4 p.m. and that this side have 29 minutes—whatever it is—and the remainder of time be allotted to the Senator from Delaware.

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

Mr. ROTH. I have a parliamentary question. It was my understanding that Senator INHOFE was speaking as if in morning business. Does that time count?

The PRESIDING OFFICER. I believe that is the source of the misunderstanding. Senator INHOFE did speak as if in morning business. However, the unanimous consent request was that the time between 3 and 4 be allocated equally. Therefore, I believe the unanimous consent request just propounded by the Senator from Montana would probably very closely correct that misunderstanding. I believe all of us were operating under that understanding.

Mr. ROTH. I thank the distinguished Senator from Montana for his courtesy.

Mrs. HUTCHISON. Parliamentary inquiry: What is the time allocation between now and 10 minutes after 4 o'clock?

The PRESIDING OFFICER. The time allocation at this time is 10 minutes to the majority and 29 minutes remaining for the minority.

Mr. ROTH. Mr. President, finally, the Marriage Tax Penalty Relief Act of 2000 tries to make sure that families can continue to receive the family tax credits that Congress has enacted over the past several years. Each year, an increasing number of American families are finding that their family tax credits—such as the child credit and the Hope Scholarship education credit—are being cut back or eliminated because of the alternative minimum tax. Last year, Congress made a small down-payment on this problem, temporarily carving out these family tax credits from the minimum tax calculations. This year, we are building on that bipartisan approach, by permanently extending the preservation of the family tax credits.

Because of this provision, millions of taxpayers will no longer face the burden of calculating the alternative minimum tax.

In making the changes that I have just described—whether it is the change in the rate brackets or the change in the earned income credit—we have tried to meet an important objective. That goal, which I talked about earlier, is to treat all married couples with the same amount of income equally. It is a principle that is ignored by using a combined return with separate schedules or by using a second earner deduction. With the Senate Finance Committee bill, we do not create a new, so-called ''homemaker penalty.'' Our bill ensures that simply because a family has only one wage earner, it is not treated any differently than a family where both spouses work. Many people have argued that tax policy

should not discourage one parent from staying at home and raising the family. It is a laudable goal and one that I support.

How much does this marriage tax penalty relief help? It helps a lot. Over forty million families will get marriage tax relief under this legislation. In my state of Delaware, over 100,000 families will benefit. Every family earning over $10,000 per year will see their tax bill fall at least one percent—except those at high income levels. The key to this legislation is that it helps the middle class. Sixty percent of this bill's tax relief goes to those families making $100,000 or less.

Who are these people? They're two married civil engineers, or a pharmacist who is married to a school teacher. They're the policeman and his wife who runs a small gift shop in Dover. They are the firefighter who is married to a social worker, or a librarian who is married to an accountant. These are the families who will benefit.

And they will benefit even more, as you examine the impact this tax relief will have over time. Consider the effect if these tax savings were put away for their children's education and retirement. If a couple with two children making just $30,000 took their tax savings from this bill and put it into an education savings account like the one recently passed by the Senate, they would have $40,000 for those children's college education. Based on the stock market's historical rate of return, that's $40,000 if they did not set aside another penny! If the family was that of two elementary school teachers with two children and earning average salaries of $70,000 combined, they would have $65,000 after 18 years.

If those two married school teachers then started to put their tax savings from this bill into a ROTH IRA after 18 years, this same couple would have $224,100 when they retired 27 years later.

By transforming these tax savings into personal savings, we see that these real tax savings translate into real opportunities for these families.

And consider the effect on the economy. According to an analysis by the Heritage Foundation, when fully phased-in this marriage tax penalty relief legislation will result in 820,000 additional jobs. It will increase the personal savings rate by three-tenths of a percent, which in turn will lower interest rates. It also increase investment by $20 billion and gross domestic product by $54 billion. So not only do married families gain, not only do their children gain, but the entire country gains. They gain more jobs, better jobs, and higher wages because of this marriage tax relief legislation.

Mr. President, the marriage tax relief legislation I bring to the floor today amounts to just five percent of the total budget surplus over the next five years. It amounts to just 17.6 percent of the non-Social Security surplus over the next five years. It amounts to just 42 percent of the new spending provided for in this year's budget over the next five years. Finally, it amounts to less than half of the tax cut that has been allotted to the Finance Committee for tax cuts over the next five years in this year's budget. By any comparison or estimation, this marriage tax penalty relief is fiscally responsible.

This bill does all these things for America's working families while preserving every cent of Social Security's surplus. These tax cuts do not have to pit America's families against America's seniors. Nor does it extend a tax cut in a fiscally irresponsible manner. These tax cuts fit in this year's budget, along with the other Republican priorities that we have already passed for education, health care, and small businesses. Our priorities add up to what's good for America, and our numbers add up to what's fiscally responsible.

It is time we divorce the marriage penalty from the tax code once and for all. I urge all my colleagues to support the Marriage Tax Penalty Relief Act of 2000.

The PRESIDING OFFICER. The Senator from Montana has 29 minutes.

Mr. BAUCUS. I yield myself such time as I may consume.

The so-called marriage penalty is not a penalty. It is the result of the code. Nobody in Congress decided we were going to penalize married couples by making changes in the Tax Code so that married couples would pay more than two singles would pay with their respective incomes.

It is not a penalty in the sense of anyone ever thought of harming anybody. Rather, this is a consequence of the complexity of the Tax Code. It is a consequence of the mathematical impossibility of trying to do all things for all people. Most Americans want a progressive tax rate so married couples who have the same income, regardless of who earns the income, and how much, are taxed the same; in addition to that, have marriage neutrality so married couples do not have to pay more than singles.

It is impossible to do all three. Therefore, the Congress has to make choices and judgments according to what it thinks makes the most sense.

A little history would be instructive. When the income tax was first enacted, individuals were treated as a taxable unit, regardless of whether they were married or not. If a person had $50,000 in income, he or she paid taxes on that $50,000. If he or she married and that person had zero income, that individual who earned the income would still be treated as the taxable entity and his spouse would not, regardless how much the spouse earned. That was the rule for quite a few years.

The problem arose in community property States when the couples could split the income because whatever the major wage earner earned was community property and therefore could be split. Courts upheld that.

A little later, Congress thought if that was the case in community property States, it should be the case all around the country.

Congress, in 1948, decided couples could split their incomes; that is, if the man earned $70,000 and his wife earned zero, they combined, and they each paid on $35,000. That was the law in 1948. That helped married couples. The trouble was, it hurt singles. In 1969, the disparity was so great, in some cases a single taxpayer could be paying 42 percent more in income taxes than a couple would pay with the same income.

Congress thought that was not right. They came up with different rates—one set of rates for singles and another set of rates for married couples—and set the proportion of about 60 percent so that individuals would not have to pay up to twice as much as what they otherwise would pay. That has been the law ever since, although we have made some changes. In 1981, there was a deduction for the lower earner of a couple, to try to address the marriage penalty; that was changed, and another inequity came with the tax bill passed in 1993.

We are trying to figure out today a solution to be fair to most people. There has been a big demographic shift in our country since 1969. There are a lot more couples who both earn income, many more now than was the case in 1969.

It is important to note that although there is a marriage penalty, there is also a marriage bonus. More married couples receive a bonus when they get married than receive a penalty. It is pretty close. About 51 percent of Americans, because they are married, receive a bonus. Say the husband earns quite a bit more than his spouse, or vice versa; when they get married, they get a bonus. The penalty occurs when both incomes are about the same. Again, more Americans receive a bonus today—not a penalty—as a consequence of getting married.

According to the Congressional Budget Office, $29 billion was incurred by married couples as a penalty and $33 billion was received by married couples as a bonus. That problem has emerged because of the shifting demographic characteristics of our country, with both man and wife now having earned income at equal levels. The more equal the earnings of the spouses, the more likely a marriage penalty will occur.

The proportion of working-age married couples with two earners grew from 48 percent in 1969 to 72 percent in 1995. Also, we have seen a rise in the quality of income of married couples. In 1969, only 17 percent of the households of married couples had both spouses contributing at least one-third

to the income of the household, but by 1995 that number increased to 34 percent. In the same period, the percentage of households where one or neither spouse has earnings decreased from 52 percent to 28 percent.

Without these shifts, more married couples would receive marriage bonuses with few marriage penalties. The unintended problem which has emerged is that half of married couples incur this so-called penalty. The question is, what do we do? The Finance Committee bill reported out by the majority of the committee is a good-faith effort to try to address the problem.

It is only fair to point out, there are significant, in my judgment, flaws with the bill that came out of committee. As a consequence, the Democrats will have an alternative which we think addresses a lot of the flaws.

What are the flaws? First, one of the big flaws is it is very complex. It adds additional complexity to the code. We all know the code is complex enough as it is. This adds even more complexity. The standard deduction for married couples is double; the brackets are the 15-percent bracket, the 28-percent bracket, double for marrieds. That is a change in the code. The earned-income tax credit ''phased ins'' and ''phased outs'' are changed from current law. AMT personal credits are exempted in certain areas but not in others. It adds considerable new complexity to the code. I am not saying it is fatal to the proposal reported out by the Finance Committee, but it is a fact it adds additional complexities compared with current law.

Second, I think it is important to point out there are real problems with the amount and size of the proposal. It is fiscally irresponsible. It is going to cost a lot of money at a time when I think most Americans want to pay down the national debt.

When I talk to people around my State of Montana, and I talk to Senators from around the country, they tell me when they talk to their people at home they pose the choice: Do you want to use the surplus that we have, wonderfully, now, in the United States of America to pay down the debt or do you want to use the surplus to lower taxes? I will not say dramatically, but I will say overwhelmingly it is my experience, and I think it is the experience of most Members of the House and Senate when they ask that question, the answer is: Pay down the debt. Americans today would rather pay down the debt.

Why? Because they are innately smart; they have a sense of things. We all trust the good faith and good common sense of the American people. There is a conservative element that says: Here we are in times of great national prosperity. We have big budget surpluses. It probably makes sense to start paying down that $7 trillion national debt. We may not have this opportunity again. We would like to think we will, and we hope we will, but we do not know we will. So first I think people want to pay down the debt.

The proposal now on the floor is quite large. In fact, the costs for more than half the benefits of this bill go to married taxpayers who are already in a bonus situation.

I will state that a different way. More than half of the costs of this bill do not address the marriage penalty problem at all because the lower tax is given to married couples who are already at a bonus situation. They get the bonus because they are married. This bill says: You already have a bonus. We are not going to give you more.

The point, I thought, was to address the penalty situation; to try to correct the problem where people, when they get married, pay more taxes as a couple than they would pay individually. That is the problem we are trying to address. The Finance Committee bill addresses a part of that, but more than half of the cost of that Finance Committee bill does not. It does something else. Even the other portion, which purports to address the marriage penalty, does not totally. There are lots of areas in the code where the marriage penalty would still exist. Where are they? In about 62 parts of the code.

There are 65 provisions in our income Tax Code which today create the so-called inequities causing bonuses for families—65. The majority bill, Finance Committee bill, addresses only three. There are 62 other provisions in the code which cause a marriage penalty which are not addressed by the Finance Committee bill.

What are they? They are things such as the child tax credit, Social Security benefits, savings bonds for education, IRA deductions, student loan interest deductions, and 56 others. The adoption expense credit, for example—there are couples who want to adopt kids. They get married and because of where they might be in the brackets, the progressive rates, they may find themselves paying a penalty because they are married as a consequence of the adoption expenses credit—or perhaps some of the others. So it is a fiscally irresponsible bill. More than half does not address the problem. Rather, it is given to people who already have a bonus—not a penalty but a bonus. The remaining part is skewed. A good part of it does go to address the problem, but in 62 cases inequities, disparities, and penalties still exist.

In addition, about 5 million additional taxpayers will become subject to the alternative income tax as a consequence of the majority bill. I do not think we want that. We have all heard the problems created by the alternative minimum tax, the AMT. It is getting to be more and more of a problem as Americans earn a little more income and therefore they are more likely to be subject to that, the alternative minimum tax, which hits a lot of taxpayers pretty hard. As a consequence of the majority committee bill, about a million American taxpayers will now become subject to the alternative minimum tax.

So what is a better approach? Speaking generally, we think a better approach is to do something very simple. It has the elegance of simplicity—people can understand it—and it is more fair. What is it? Essentially, we say to a married couple: You have your choice. File jointly or file separately. It is your choice. You just do whatever you want to do. Presumably, you will pick the choice that results in a lower income tax for you.

What could be simpler? It is simple to the people of America to explain it to them so they can understand it. It does not add additional complexities that are in the majority bill, but rather it is something very simple. You say to a couple: We don't care what your total income is, we don't care how it is distributed, whether the wife makes 80 percent and the husband 20 percent—it makes no difference. You can have your choice. You file jointly or file separately. Obviously, you file the return that results in the lower income tax.

I might add, this already is the case in many States around the country. There are about 10 States today which have just that, to attempt to address the marriage penalty in just that way. That is optional filing. It is optional to file jointly or you have the option to file separately in the States of Arkansas, Delaware, District of Columbia, Iowa, Kentucky, Mississippi, Missouri, my State of Montana, Tennessee, and Virginia. You see, the mix of States is varied. There are high-income States and some low-income States—that is per capita income. It is geographically dispersed. But 10 States decided, for the sake of simplicity, or whatever the reason, that was what they wanted to do, and we have heard no complaints. It is an approach that works.

The second benefit of the Democratic alternative is this: It addresses all of the marriage penalties—not some of them, all of them. How? By addressing all of the 65 provisions in the Tax Code today which result in marriage bonus/penalty inequity. All of them. You say: How do you do that without additional complexity? It is very simple—because of the effect of optional filing. You just file optionally, individually, calculate your AMT, calculate your child adoption expense, whatever it is, or jointly. And you just choose. That way we address all of them.

I might say, the Democratic alternative is also fiscally responsible. Why do I say that? Because we are focused only on the penalty part. As I mentioned earlier, the majority bill, the

Finance Committee bill, gives more than half the benefits to people who already have a bonus, who do not need the help. They already have a bonus. In effect, more than half this bill is a general tax cut bill. That is fine. But then we should call it what it is, a general tax cut bill more than it is a marriage tax penalty reduction bill. It is a general tax cut. If that is the case, then we should have a debate on the code and what is the best way to lower taxes, to deal with taxes for all Americans. It is truth in labeling. It is what we purport to be doing, and that is focusing only on the marriage tax penalty.

I might also say the minority bill, the Democratic alternative, does not exacerbate the singles penalty, whereas the majority bill does. Don't forget, we have widows, widowers, single people who need tax help, too. The majority bill in particular—but in all fairness, the minority bill, too—does not address singles, widows, and widowers. It basically deals with married people. Think for a moment; if you are married with no kids and you are receiving the so-called marriage bonus, you get a tax cut in the majority bill. On the other hand, if you are a single mom and you have three kids, you get no tax cut. Let me state that again. If you are married and have no kids, you are already receiving the so-called marriage bonus, you get a tax cut under the majority bill. On the other hand, under the majority bill, if you are a single mom and you have three kids, there is no tax cut. I do not think that is fair. I do not think that is fair at all.

That is representative of the inequity of the bill coming out of the Finance Committee. It is not a marriage tax penalty bill; it is a tax cut. If they want a tax cut, then we should have that debate on what the distribution should be, what we should do with the brackets, what incentives do we want to create? What disincentives do we want to address?

The Tax Code is pretty big. There are lots of provisions of the Tax Code that affect people on the corporate side and the income side. If we want to cut taxes, let's see how we want to focus that, how to manage it, and how to tailor it. Let's call this what it really is.

We have other priorities we have to address. The majority bill costs about $248 billion over 10 years. The minority bill is $151 billion over 10 years. The projected on-budget surplus for the next 10 years is close to $900 billion. It is $893 billion.

I will list some of the tax legislation that is pending: This one is $248 billion; the Patients' Bill of Rights will cost about $70 billion; the minimum wage bill in the House is about $122 billion; educational savings is about $22 billion; debt service costs about $100 billion. That means the total of the pending tax legislation is about $566 billion, and what remains is for debt reduction—not very much—and for Social Security and Medicare reform, which is probably not going to be enacted this year.

What about prescription drug benefits? Where does that fit in? What about debt reduction and prescription drugs? There is not very much left.

When we address the marriage tax penalty, I submit we focus on the problem, and the problem is the marriage tax penalty. The problem is not the marriage bonus; it is the marriage tax penalty. If we focus on the problem, we will solve the problem in a more fiscally responsible way. That is clear.

Second, let's make sure the benefits go to those who are facing the problem.

I know as this debate unfolds, some of these points will become more clear, but I urge Senators to think before they leap because this is a fairly complex problem.

I reserve the remainder of my time. I believe neither side has any speakers. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator yields back the remainder of his time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. NICKLES. Mr. President, I am going to speak on the underlying bill. Shortly, I think the majority leader will be in to make a motion on the bill.

First, I wish to compliment Senator ROTH, in his leadership, and the Finance Committee, for reporting out a good bill. It is my hope we will be able to pass this bill in the next couple of days to provide relief from the so-called marriage tax penalty. Married couples need relief. We need to pass it.

I have heard the President say he is for it, although he has not come to the forefront. I think Senator ROTH, chairman of the Finance Committee, has come up with a good proposal. I am going to talk a little about that. But I also compliment my colleague, Senator HUTCHISON, who has been fighting for this for the last several years.

I believe this year we have a chance to make this law. I hope we will have bipartisan cooperation to make it happen. I compliment the House for their leadership in moving forward to make it happen.

The President recently invited many of us down to the White House for the signing of the bill to eliminate the so-called Social Security earnings penalty tax. If you were a working senior between the ages of 65 and 70, and you had an income above $17,000, for every $3 that you earned, you would lose $1 of Social Security. We eliminated that penalty. The President signed it. I am sure he was taking credit for it. I did not make the signing ceremony. He invited me. That was nice.

But we acted together. We eliminated an unfair provision in the Tax Code that for years many of us thought was unfair. We eliminated that. That is now the law of the land.

Now we are looking at another provision, the so-called marriage tax penalty. It needs to be eliminated. It needs to be eliminated now, this year, not 20 years from now, and not in some token way that is only verbal, as the President has proposed.

I believe my colleague, Senator ROTH, and many of us on the Finance Committee, have taken the right step to eliminate this unfair tax.

What we have done is, we have said we should double the 15-percent tax bracket for couples. It should be twice as much for couples as it is for an individual.

Many people say: What do you mean by that? Individuals who have a taxable income of up to $26,000, they pay 15 percent. Above that taxable income, they pay 28 percent. What we are saying is, if it is 15 percent for $26,000 earned by an individual, it should be twice that amount for a couple. So a couple could have income of up to $52,500, and that would be taxed at 15 percent.

What is current law? Current law is, for a couple, the first $43,850 is taxed at 15 percent, and above that amount it is taxed at 28 percent. So there is $8,650 which is actually taxed at 28 percent. What is the difference? That is a difference of $1,125.

If you have a couple making $52,500, the bill we have before us would offer them relief of $1,125. That is just on the rate change.

We also double the standard deduction. Basically, the standard deduction is $7,350. That would increase to $8,800. That is a savings of $218 for a couple in the 15-percent tax bracket.

So again, we are offering tax relief by simplifying the code, saying let's double the 15-percent bracket for couples, as compared to individuals. And let's double the 28-percent bracket so we provide that relief through the code.

I think it is important. I think it is fair. I think it provides relief for married couples, and it also does not penalize someone if they happen to be a stay-at-home spouse. We do not discriminate against them either. Maybe it is a farmer who has a spouse who does not receive earned income in the form of a check but yet they still work. They work on the farm. They work on the ranch. They work raising kids. We provide them a modest amount of tax relief as well.

I think the bill we have before us is a good bill. It is one that provides tax relief for middle-income Americans. It is one that eliminates the marriage

penalty for all practical purposes so we don't find discrimination in the code.

I will give a different example. You have a married couple with two differing incomes, where one income is $40,000, maybe one is taxed or has income of $20,000. Let's say the $20,000 is earned by an occasional worker who might work one year but might not work the next year. The practical impact is that $20,000 is added to the $40,000 income, and they are taxed at a higher bracket, the 28 percent, instead of 15 percent.

For that additional work they do under the present code, they are penalized by paying at their spouse's highest tax bracket. That is current law. We want to change that. The bill we have before us does change that.

I compliment Senator ROTH. I urge my colleagues not to play games. Let's make this law. Let's have a signing ceremony at the White House in another couple of weeks. Let's have Democrats and Republicans and even the White House take credit for it. It is a positive change. It is a good change. It is a needed change. It is a change that should become law this year. It is an accomplishment on which all of us can congratulate ourselves and say we got something done: We eliminated the Social Security earnings penalty, and we eliminated the unfair marriage penalty.

Married couples should not be penalized to the tune of $1,400 a year for the fact they are married. That is a fact; that is what is happening under the present law. We should eliminate that. We do that with the bill that is before us today. I urge my colleagues to support it when we come to that time. I hope we will pass it by tomorrow.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the majority leader is recognized.

Mr. LOTT. Mr. President, I do want to try to be brief because I want Senator HUTCHISON and others to be able to speak.

I have been having some discussions with Senator DASCHLE trying to work out an agreement as to how to proceed on amendments. We are going to continue to do that. We had asked for a list, a description of the amendments they might have in mind. We don't have that yet. I assume it is just a physical problem for right now. We will continue to discuss that and see if there is a way we can come to an agreement that will allow us to vitiate cloture, but we need to go on with the debate.

We have Senators here ready to speak. We have the chairman of the committee here who would like to get on record on this issue. So we could go ahead and have cloture filed so, if necessary, we would have a vote on cloture on Thursday, but we could go ahead then with debate only. While we are doing that, we can continue to have discussions about how we can work out an agreement.

Let me emphasize again, I think we can work out an agreement that would allow for a substitute to be offered, or substitutes for that matter, that are relevant to the marriage tax penalty. I understand these amendments may relate to Medicaid. They may relate to prescription drugs. It may be a complete prescription drug proposal. I don't know how that would be relevant or how we would have time to evaluate that. I fear we are headed off down a trail that is not in line with what I had offered or hoped for. I repeat, substitutes or relevant marriage penalty elimination amendments, we can work that out. I don't want to say what we won't do at this point. I will say we are going to go forward. We will continue to try to work to get a fair agreement.

In the end, this is the point: For 10 years we have talked about the unfairness of the marriage penalty tax. Ever since the Senator from Texas has been in the Senate—now for 6 years—she has been relentless on the subject. So we are going to have a vote on the marriage penalty tax, and we are going to see who is for eliminating it and who is not.

I hope we can do it without getting tangled up in procedural questions. If necessary, we will have a vote on cloture and we will know where we are. I hope we will have the votes on cloture to cut off the filibuster and then move on to the final vote. For now, I want us to make sure we get time this afternoon to have a good debate on this issue, and so I will go ahead and go through this process.

I am still hopeful we can reach agreement on the number of amendments. It could be as many as three or four, it could be six, all dealing with the marriage tax penalty or closely relevant issues. We will keep working on that.

AMENDMENT NO. 3090

(Purpose: To provide a committee amendment)

Mr. LOTT. I now send to the desk an amendment on behalf of the Finance Committee.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. ROTH, proposes an amendment numbered 3090.

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

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

The amendment is as follows:

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Marriage Tax Relief Act of 2000".

(b) SECTION 15 NOT TO APPLY.—No amendment made by this Act shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

SEC. 2. ELIMINATION OF MARRIAGE PENALTY IN STANDARD DEDUCTION.

(a) IN GENERAL.—Paragraph (2) of section 63(c) of the Internal Revenue Code of 1986 (relating to standard deduction) is amended—

(1) by striking "$5,000" in subparagraph (A) and inserting "200 percent of the dollar amount in effect under subparagraph (C) for the taxable year";

(2) by adding "or" at the end of subparagraph (B);

(3) by striking "in the case of" and all that follows in subparagraph (C) and inserting "in any other case."; and

(4) by striking subparagraph (D).

(b) TECHNICAL AMENDMENTS.—

(1) Subparagraph (B) of section 1(f)(6) of such Code is amended by striking "(other than with" and all that follows through "shall be applied" and inserting "(other than with respect to sections 63(c)(4) and 151(d)(4)(A)) shall be applied".

(2) Paragraph (4) of section 63(c) of such Code is amended by adding at the end the following flush sentence:

"The preceding sentence shall not apply to the amount referred to in paragraph (2)(A).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 3. PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT AND 28-PERCENT RATE BRACKETS.

(a) IN GENERAL.—Subsection (f) of section 1 of the Internal Revenue Code of 1986 (relating to adjustments in tax tables so that inflation will not result in tax increases) is amended by adding at the end the following new paragraph:

"(8) PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT AND 28-PERCENT RATE BRACKETS.—

"(A) IN GENERAL.—With respect to taxable years beginning after December 31, 2001, in prescribing the tables under paragraph (1)—

"(i) the maximum taxable income amount in the 15-percent rate bracket, the minimum and maximum taxable income amounts in the 28-percent rate bracket, and the minimum taxable income amount in the 31-percent rate bracket in the table contained in subsection (a) shall be the applicable percentage of the comparable taxable income amounts in the table contained in subsection (c) (after any other adjustment under this subsection), and

"(ii) the comparable taxable income amounts in the table contained in subsection (d) shall be ½ of the amounts determined under clause (i).

"(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be determined in accordance with the following table:

"For taxable years beginning in calendar year—	The applicable percentage is—
2002	170.3
2003	173.8
2004	180.0
2005	183.2
2006	185.0
2007 and thereafter	200.0.

"(C) ROUNDING.—If any amount determined under subparagraph (A)(i) is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.".

(b) TECHNICAL AMENDMENTS.—

(1) Subparagraph (A) of section 1(f)(2) of such Code is amended by inserting "except as provided in paragraph (8)," before "by increasing".

(2) The heading for subsection (f) of section 1 of such Code is amended by inserting

''PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT AND 28-PERCENT RATE BRACKETS;'' before ''ADJUSTMENTS''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 4. MARRIAGE PENALTY RELIEF FOR EARNED INCOME CREDIT.

(a) IN GENERAL.—Paragraph (2) of section 32(b) of the Internal Revenue Code of 1986 (relating to percentages and amounts) is amended—

(1) by striking ''AMOUNTS.—The earned'' and inserting ''AMOUNTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the earned''; and

(2) by adding at the end the following new subparagraph:

''(B) JOINT RETURNS.—In the case of a joint return, the phaseout amount determined under subparagraph (A) shall be increased by $2,500.''.

(b) INFLATION ADJUSTMENT.—Paragraph (1)(B) of section 32(j) of such Code (relating to inflation adjustments) is amended to read as follows:

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined—

''(i) in the case of amounts in subsections (b)(2)(A) and (i)(1), by substituting 'calendar year 1995' for 'calendar year 1992' in subparagraph (B) thereof, and

''(ii) in the case of the $2,500 amount in subsection (b)(2)(B), by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) of such section 1.''.

(c) ROUNDING.—Section 32(j)(2)(A) of such Code (relating to rounding) is amended by striking ''subsection (b)(2)'' and inserting ''subsection (b)(2)(A) (after being increased under subparagraph (B) thereof)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 5. PRESERVE FAMILY TAX CREDITS FROM THE ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subsection (a) of section 26 of the Internal Revenue Code of 1986 (relating to limitation based on tax liability; definition of tax liability) is amended to read as follows:

''(a) LIMITATION BASED ON AMOUNT OF TAX.—The aggregate amount of credits allowed by this subpart for the taxable year shall not exceed the sum of—

''(1) the taxpayer's regular tax liability for the taxable year reduced by the foreign tax credit allowable under section 27(a), and

''(2) the tax imposed for the taxable year by section 55(a).''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (d) of section 24 of such Code is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(2) Section 32 of such Code is amended by striking subsection (h).

(3) Section 904 of such Code is amended by striking subsection (h) and by redesignating subsections (i), (j), and (k) as subsections (h), (i), and (j), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

CLOTURE MOTION

Mr. LOTT. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment (No. 3090) to the marriage tax penalty bill.

Trent Lott, Kay Bailey Hutchison, Judd Gregg, Tim Hutchinson, Rick Santorum, Connie Mack, Michael B. Enzi, Craig Thomas, Robert F. Bennett, Chuck Grassley, Jim Bunning, Gordon Smith of Oregon, Ben Nighthorse Campbell, Wayne Allard, Jeff Sessions, and Bill Roth.

CLOTURE MOTION

Mr. LOTT. Mr. President, I now send a cloture motion to the desk to the pending bill itself.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the marriage tax penalty bill:

Trent Lott, Kay Bailey Hutchison, Judd Gregg, Tim Hutchinson, Rick Santorum, Connie Mack, Michael B. Enzi, Craig Thomas, Robert F. Bennett, Chuck Grassley, Jim Bunning, Gordon Smith of Oregon, Ben Nighthorse Campbell, Wayne Allard, Jeff Sessions, and Bill Roth.

Mr. LOTT. Mr. President, this cloture vote, if necessary, if it is not vitiated, would occur then on Thursday of this week at a time that would be announced after consultation with the leaders on both sides. It is, again, my hope that we can work out an agreement that would provide for full debate and discussion of amendments and swift passage of the bill itself. But while these negotiations are going on, I will stay in touch with the minority leader, and we will make sure all Members are notified as to how the proceedings are going.

I ask unanimous consent that the mandatory quorum under rule XXII be waived and the bill be pending for debate only.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, the leader has not made a request yet that we be here for debate only on this bill, has he?

Mr. LOTT. I just did.

Mr. REID. Objection is made. I respectfully say to the leader, we believe, very clearly and without any equivocation, it is time we started acting like the Senate, started debating bills. We will in good faith for the majority leader try to come up with a list of amendments we believe should be offered. We will try to do that. In the meantime, we want to start off on amendments to this legislation.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, ordinarily when we file cloture, at the end of that proceeding we ask for the mandatory quorum under rule XXII to be waived and the bill be pending for debate only so that we make use of the time to begin debating the substance of the bill or the alternatives. That has been objected to.

As an alternative, so we can make use of the time we have this afternoon—surely we can spend another hour and a half or so allowing Senators to discuss their positions on the marriage penalty or any other issue—I proposed that we go into a period for the transaction of morning business.

I am told there may be objection to that, which kind of surprises me—that we will not even allow morning business to go forward so Senators can speak.

You talk about the Senate. The way the Senate works is Senators get to speak when they need to and want to on any subject certainly in morning business.

But it was suggested, since that apparently was going to be objected to, that maybe we were ready to go forward with debate on the bill and debate on the Moynihan substitute, or one of the Democratic substitutes, and that maybe you are ready to go with that.

In an effort to be fair and get the debate to go forward, and to address one of the issues that certainly is a legitimate one—Senator MOYNIHAN, and probably Senator BAUCUS, offered this in the Finance Committee, and we talked about it, had votes on it—so we can go ahead and engage the discussion about what is the best way to deal with the marriage penalty tax, this is a different way of doing it, and I think it merits being addressed by the Senators.

I ask unanimous consent that the bill be open for one amendment, the so-called Democratic alternative by Senator MOYNIHAN, Senator BAUCUS, or their designee, with no other amendments or motions to commit or recommit being in order.

Mr. REID. Mr. President, reserving the right to object, I say to my friend, for whom I have the greatest respect, the majority leader, that this isn't really senatorial activity. This is make-believe senatorial activity. We are not really being Senators. My friend, the majority leader, is treating

us as if we are in the House and he is the Rules Committee—the one-man Rules Committee. He is now being so generous to us that he is saying we can offer one amendment, and he designates what the amendment is. We, the minority, believe that we have rights that have been developed in this body for over 200 years, and we are tired of playing make-believe Senators.

I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, since objection is heard, I want to make sure people understand this didn't in any way foreclose any other agreement that might be involved with making other amendments in order and having amendments considered. I presume there will be other amendments that are relevant on the marriage tax penalty provision—I assume on the Democratic side and perhaps on this side, also. This doesn't foreclose any agreement. All I am trying to do is to facilitate the debate and discussion on this very important piece of legislation.

There was an indication from the Democratic side that you were interested in going forward with your amendment or amendments, and the one that was clearly identifiable is the one that had been offered in the Finance Committee as an alternative on how to proceed. I certainly don't feel as if that is foreclosing any Senators the opportunity to be heard and to offer amendments. But objection has been heard.

Mr. DORGAN. Mr. President, will the majority leader yield?

Mr. LOTT. I would be happy to yield, but let me finish this.

I offered to have a period for the transaction of morning business with Senators to talk about any subject they chose. It could be the gas tax bill. It could be the budget resolution. It could be stock options. It could be anything. That has been objected to, which I find highly unusual.

Then I offered, to try to accommodate what I thought may be a way to get the debate started and some progress to be made, to go with the Democratic alternative.

Again, in terms of one-man action here, all I am trying to do is to get debate on this very important issue, the marriage penalty tax.

Does the Senate want to have a debate and vote on that or not? We have been talking about it for years. Now we are up to the point where we would like to go forward. We haven't been able to get a list of amendments or enter into an agreement. But I am still hopeful we will be able to get a list of amendments and agree to proceed. But I was trying to go ahead and protect our rights to file cloture, if it is needed, on Thursday. That is being objected to.

Does Senator DORGAN wish me to yield?

Mr. DORGAN. Obviously, Senator DASCHLE would like to propound a question.

Mr. LOTT. I would be glad to yield to Senator DASCHLE.

Mr. DASCHLE. Mr. President, let me say that I talked briefly to the majority leader about an hour or so ago. He made the request at that time for a list of our amendments. I must say I want to accommodate the majority leader. But here we are on a bill of some consequence, a bill that has not yet had any time for debate on the Senate floor. It was the subject of good consideration and discussion in the committee. But now, on the very first day, we are on this bill on the Senate floor and cloture has been filed. We don't object to proceeding to the bill. That was done by unanimous consent. But now the majority leader has chosen already to file cloture on the bill. I remind my colleagues that filing cloture is to end the debate. Once again, for the second time in the same day, we are ending debate before it even begins.

We don't want to hold up a good debate and a good discussion with some other ideas with regard to how to proceed on the marriage tax penalty. We can do that. But a good debate entails offering alternatives, other ideas, and other suggestions.

All we are simply saying is, why don't we have the opportunity to offer some amendment? Let's lay down the amendments. Let's get on with it. But what the majority seems to be saying is we will not have the debate at all. We will move on to morning business, if we can't have a list of amendments defined and specified prior to the time the debate even begins.

I am sure the majority leader can empathize with our frustration at being given yet another situation where we do not have the opportunity to have that debate, and we are closing the debate before it even starts.

I will work with the majority leader. We will see if we can't come up with a list. We want to pass marriage penalty reduction, but we think we can do it in ways that aren't as costly and that could be a lot more focused. We will deal with that.

But I am disappointed, frankly, that we aren't able to offer amendments. That is why the objection is made to the request made by the majority leader.

I thank the leader.

Mr. LOTT. Mr. President, I know Senator DASCHLE wasn't on the floor. I was hoping we could maybe mark a little time until he got here. He may not be aware that we asked when we filed the cloture that the mandatory quorum under the rule be waived and the bill be pending for debate only. And there was objection to that.

Then I suggested a period for the transaction of morning business because there are Senators who may want to speak on this or any other subject. That was objected to.

Then I suggested we go to the Democratic substitute offered by Senator MOYNIHAN and others and begin debate on that, which I thought was a good usage of time; It didn't foreclose other amendments being offered or agreed to at a later point.

Perhaps others in his stead were trying to make a point. But my point is that I want us to have time for debate. I want us to use this afternoon and tomorrow. For those who may not be aware, when I file cloture, all I am doing is protecting our right to have a vote on ending the filibuster, which doesn't ripen for 2 days. We could and would be having debate this afternoon and all day Wednesday. If we work out an agreement on a list of amendments, we could vitiate that at any time.

I note we have already done that several times this year. In fact, in the first of the year we vitiated the cloture I had filed on the education savings account legislation, as I recall. Several times we have done it as a protection to make sure we get a vote before the week's end. But we wound up working something out and thought we didn't need to do it. I am hoping that is what will happen here.

But also, if I don't do it now this afternoon, since we haven't gotten a list of the amendments, this is not a surprise. It has been around a long time. Everybody knew the marriage tax penalty would be coming up this week. The Finance Committee marked it up a couple weeks ago.

Any Member who had or has amendments probably had an idea of what they wanted to do. We have not asked to be given the final amendment, but to be given at least some descriptive paragraph as to what the amendments might do before we enter into an agreement.

If I didn't file cloture and we went out of session Thursday night, if we completed our business, completed the stock options bill and completed the budget resolution conference report and went out Thursday night, if I didn't file cloture now but waited until tomorrow, if we couldn't reach an agreement, then the marriage penalty issue would not have come up until after the recess.

I worked on my income tax last night and I am not in a happy mood about taxes. I know a lot of other people, coming up on April 15, would like to know the marriage tax penalty at last will be coming to an end in whatever form, either by a formula developed by the Finance Committee majority, Senator MOYNIHAN, or others.

I emphasize for those who may not be aware of all the Senate rules, we have to file cloture now to be assured to have a vote on that by Thursday. I will work with Senator DASCHLE. We have worked out some pretty thorny issues

and some knots in the past that looked as if they were unsolvable and we were able to agree and move to a final conclusion. I hope we can do that.

We do not want to get far afield and start debating Medicaid issues, Medicaid reforms, which the Finance Committee has never considered—or somebody suggested a complete prescription drug package—without overall Medicare reform and without looking at the details of that package. I understand it may be a pretty detailed package, but the amendment may not be ready. How can we possibly agree to an amendment when we are not even sure of its structure, let alone what the details are. Maybe by tomorrow that amendment will be available and we can take a look at it and other amendments and maybe come to an agreement to get to a conclusion sometime tomorrow during the day, tomorrow night, or Thursday.

Senator HUTCHISON has been very patiently waiting. She has put a lot into this. I yield for a question or comment.

Mrs. HUTCHISON. Mr. President, I ask the majority leader to yield for a question.

I am confused. It appears the distinguished deputy minority leader suggested you were not conducting the Senate like the Senate. Yet you have offered to go forward on the bill, you have offered to have the Democratic amendment that is a substitute come forward, and you have offered to go into morning business so that no one is obligated.

The alternative, it seems to me, is to shut down the Senate entirely. I don't think that is conducting the business of the Senate as the Senate should be conducted.

I ask the distinguished leader, does it appear that the distinguished group from the minority doesn't want to debate the marriage tax penalty at all and would prefer to shut down the Senate rather than talk about this very important tax correction for the hard-working people of this country?

Mr. LOTT. If we can't get an agreement to have consideration of amendments or to have general debate or to have a morning business opportunity, the only other option I have now is to move to close the Senate for the day.

I hope we can find some way to work that out.

Mr. REID. If I could respond to my friend from Texas, I think maybe we have watched the Senate operate the way it is not supposed to for so long, we think the way it has operated the past year is the way it is supposed to operate. The way the Senate is supposed to operate is when bringing a piece of legislation to the floor, it is open for debate and amendment—not morning business, not debate only.

We have the opportunity under the Standing Rules of the Senate to offer amendments to pieces of legislation. That is all we are asking. We have been here for some time. This session of Congress is about over. We have had two opportunities to offer amendments to pieces of legislation, two amendments that were agreed upon by our distinguished majority leader, and also the ad hoc chairman of the Rules Committee in the Senate.

I think it is time we have legislation brought to this floor and we treat it the way the Senate has always treated it for 200-plus years.

Mr. LOTT. Mr. President, if I could respond to Senator REID's comments and will yield further to Senator HUTCHISON, I believe just last week we had the budget resolution, and we had well over 100 amendments. Some of them were voted on, some of them were accepted, some of them were voted on in the vote-arama. A number of them didn't relate to the budget for the year. Everything imaginable was thrown in. I don't think Senators have felt as if they haven't had a chance to offer amendments on any kind of extraneous matter.

This issue of the marriage tax penalty is clear and understandable: Are Members for it or against it?

I fear my colleagues on the Democratic side are trying to change the subject. I cannot believe they don't want to eliminate the marriage tax penalty. Let's have a full debate, let's have amendments on the marriage penalty. But to get off into every other possible issue as a way to try to distract attention from doing what the American people support overwhelmingly, I don't understand that.

I think what we are trying to do makes good, common sense. Let's have a full debate on the issue. Let's have relevant amendments. There are a lot of amendments that could be construed as being relevant.

I remember the Democrats came up with a way to offer a gun amendment to the education savings account, as I recall. They went way around the corner to get it done, but we had a vote on it, and we moved on.

Senator HUTCHISON wants to comment or ask a question.

Mrs. HUTCHISON. I was going to ask the distinguished leader if the comments made are correct that he has approved every amendment that came forward. It seems to me we have voted on a number of amendments that wouldn't have been the choice of the majority leader, but the majority leader has tried to accommodate the minority. I can't think of anything we haven't voted on this year. Frankly, I can't think of one issue that we haven't addressed, whether we wanted to or not.

The idea being put forward that somehow the majority leader is running the Senate as if it is under his control, I think, is so far out of bounds it is almost laughable. I hope we could at least have morning business to talk about whatever issues Members want to discuss.

I want to talk about the marriage tax penalty. My distinguished colleague from Illinois wants to talk about organ transplants. I can't imagine why the distinguished minority would object to morning business so Members from his side and Members from our side could talk until, hopefully, the majority and minority leader are able to come to an agreement on some kind of reasonable timetable so we can enact marriage tax penalty relief for the 21 million American couples who pay a penalty, who are going to be writing their checks to the U.S. Government this week, realizing they are paying $800, $1,000, $1,400 or more just because they are married and because the Tax Code clearly has an inequity that we have the ability to address.

We can have legitimate disagreements on this issue. If we are going to have irrelevant amendments, I ask the American people to look at the issue for what it is. Let Members debate, let Members talk about our differences on the issue. I hope the distinguished minority won't shut down the Senate.

Mr. LOTT. I thank the Senator for her comments.

Let me add, perhaps it is just that Senator DASCHLE and the Democrats need more time to work on amendments and to get to our side some description of the amendments. Maybe we can go ahead and go out tonight. That way, we have the rest of the evening and the night to work on amendments and pick up again tomorrow.

I am trying to find a way to keep the discussion going. We could use another hour or so to debate this or other issues.

If we can think of a way to do that, I am open to considering other options.

I indicated to Senator DORGAN I would yield to him.

Mr. DORGAN. I appreciate the majority leader yielding. I want to make an observation with the question: As I understand, the majority leader has sent to the desk two cloture motions, one on the underlying bill and one on the substitute, for purposes, as he described, to shut off a filibuster which I suggest does not exist. That is all right. That is within the rules. We have all read the rule book in the Senate.

Circumstances in the Senate should exist in the following manner. You bring a piece of legislation to the floor of the Senate. Every Senator here has a desk. You come here and you have certain rights and certain opportunities. One of those is to offer an amendment to legislation brought before the Senate. As I understand the Senator from Mississippi, he is saying he wants to see amendments Senators are going

to offer. He would like to see them before he makes a judgment about whether in fact they will be allowed to be offered.

I say the reason there is a substantial amount of anxiety building up in this Senate is that people were not elected from various States to say: Go and do your thing in the Senate under the rules, and, by the way, we would like the majority leader to decide which amendments you offer shall be in order.

Mr. LOTT. Mr. President, if I could respond to that particular point, it is a common practice around here, as I am sure the Senator knows, to give the courtesy of identifying what amendments we have and even the amendments. We are not asking to see the amendments. We are asking to have some idea of the general parameters of what is being proposed.

I do not believe that is asking too much. We do that for each other. Senator DASCHLE wants to see what we want to offer, and we want to see what you want to offer. That is a common practice around here.

Mr. DORGAN. Except, if the majority leader will yield further, that is not what you are trying to do. What you have indicated is you want to limit the amendments. It is not a case of being curious to see what we are going to offer. This goes on bill after bill after bill that is brought to the Senate. You want to limit the amendments.

My point is this. When we deal with legislation on the floor of the Senate, everyone here has a right, it seems to me, to come and offer amendments and have a debate on them. You have just filed two cloture motions to shut off debate on a filibuster that doesn't exist. This happens time and time again, and we are getting tired of it.

Mr. LOTT. I can understand the Senator's frustration. Also, I am sure he can understand that, as the majority leader, I have to pay attention to the schedule, the time that is available, and the fact that there are, I think, an overwhelming number of Americans—and Senators—who would like to get this marriage tax penalty removed from the Tax Code.

This is the week we can do it. When we come back, we will have other important issues to deal with: The agriculture sanctions issue; we have the Elementary and Secondary Education Act; we have appropriations bills; we have the China permanent trade status—we have a long list of things we need to try to do. We have not said it has to be three or six, but we are saying we would like to see what we are talking about.

Mr. DORGAN. Might I make a suggestion then?

Mr. LOTT. What is really at stake is, once again, we want to get the marriage tax penalty eliminated. We can talk schedules, procedures, rules, quorums, and all the other stuff into which the Senate gets caught.

On occasion, I hear from my mother. She says: You know, what is all that stuff you all talk about up there, all those rules and all the extraneous things? Get to the point.

The point is, we want to get rid of the marriage tax penalty. Let's see if we can find a way to do that this week.

Mr. DORGAN. Might I offer a suggestion, briefly? Discussion earlier was, by Senator REID: Why do we not just have it open for amendment? The leader objected to that. You did not want that to happen. Why don't we proceed and have it open for amendments and proceed on that basis?

Mr. LOTT. Can we get agreement we can proceed on the bill and all relevant amendments to that bill? To the American people, and I think to most Senators, that makes good sense, to have the requirement that it be relevant to a marriage tax penalty. Again, I have not said we could not go with something that moves afield from that. All I am saying is we would like to see what we are talking about and know it is fair, we have thought it out, and the committee of jurisdiction has had an opportunity to review it.

So that is what I am trying to work out. Senator DASCHLE has been patiently waiting while we have exchanged pleasantries. I must say this. I, a little bit, kind of enjoy finding someone else getting frustrated trying to find a way to make this move forward. I know how you feel.

I yield.

Mr. DASCHLE. Mr. President, one thing we all agree is we want to resolve the problem of the marriage tax penalty. I think that is unanimous. Republicans and Democrats want to find a way to end the marriage tax penalty.

I think there is also a possibility we can reach agreement on how to proceed on this bill. We are not going to do it today under the confines that have been laid down. I think the majority leader's suggestion we go out now is appropriate. Let's go back, try to define the list, let's share lists, let's look at what we have, let's see if we cannot resolve this procedurally first thing in the morning, and we will go from there.

I share the frustration expressed by my colleague. We are not going to resolve this matter this afternoon. In the interests of expediting this bill, and in consideration of the debate, why don't we just go out and pick it up first thing tomorrow.

Mr. LOTT addressed the Chair.

Mr. REID. Will the leader yield for a brief comment? I can't pass this up. The example my friend, the majority leader, used is the budget bill where we had all these amendments. I say, first of all, that is not substantive in nature. The President has no right to veto that bill. The amendments are basically set by statute. So that is not a good example.

I think you would have to hunt hard to find another example.

Mr. LOTT. Mr. President, I just remind my colleagues, tomorrow is Wednesday and the next day is Thursday. If we do not get the marriage tax penalty done in those 2 days, then it will be pending until after tax day, April 15, when we come back. That may be all right.

Let me say we are going to eliminate the marriage tax penalty this year. We are going to do it on this day, and this week, or we will do it later and we will do it with another procedure. We have talked about getting this done too long and haven't gotten it done. So we are going to come back to this one repeatedly this year. But it would be, I think, very helpful to the people involved and to all of us if we could find a way to go ahead and do it this way.

ORDERS FOR WEDNESDAY, APRIL 12, 2000

Mr. LOTT. With that, Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn to the hour of 9:30 a.m. on Wednesday, April 12, 2000. I further ask consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until the hour of 12 noon, with Senators permitted to speak up to 5 minutes, with the following exceptions:

Senators ROBERTS and CLELAND in control of up to 2 hours, from 9:30 to 11:30 a.m. I will note, that is a request from these two Senators, one a Republican and one a Democrat, that will take a major portion of the morning on a very important national security discussion, so half of the day tomorrow will go for that request which has been pending for at least a week;

Senator HAGEL for 15 minutes;

Senators CRAIG and GRAMS for 15 minutes total;

Senator HUTCHINSON for 10 minutes.

I further ask unanimous consent that following morning business, the majority leader be recognized.

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

PROGRAM

Mr. LOTT. Tomorrow morning, there will be a period of morning business until noon. It is my hope we can reach agreement for the consideration of this very important marriage tax penalty issue.

ORDER FOR ADJOURNMENT

Mr. LOTT. If there is no further business to come before the Senate, I now

ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator HUTCHISON of Texas, Senator FITZGERALD, Senator CLELAND, Senator KYL, for debate or bill introduction only.

Mr. REID. Mr. President, if I could understand, what was the last part of the unanimous consent request? What would these Senators be doing?

Mr. LOTT. Senators HUTCHISON of Texas, Senator FITZGERALD, Senator CLELAND, Senator KYL, for debate or bill introduction only.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona is recognized.

MARRIAGE TAX PENALTY RELIEF ACT OF 2000—Continued

Mr. KYL. Mr. President, I appreciate the members of the minority allowing me to speak for a moment on this important piece of legislation. It is legislation I cosponsored when Congress convened earlier last year. It was KAY BAILEY HUTCHISON's bill to repeal the marriage tax penalty. Since that time, the legislation has been adopted to provide for an essential repeal for most Americans. That is the pending business before us. I have supported similar measures ever since I came to the Senate in 1995, and I am very pleased the majority leader has attempted to schedule a vote on this prior to tax day.

As we have just seen, it may not be possible for the Senate to actually vote on repealing the marriage tax penalty prior to tax day, but it would certainly be our hope that that could be accomplished immediately thereafter, if not before.

This will be the third time in 5 years we have acted to mitigate the marriage tax penalty. In 1995, Congress passed legislation that would have provided a tax credit to married couples to partially offset this penalty. President Clinton vetoed that bill. In 1999, Congress again approved a measure to provide married couples with some relief. Last year's bill would have set the standard deduction for couples at twice the deduction allowed for singles. It also would have set the lowest income tax bracket for married couples at twice that allowed for single taxpayers. Again, President Clinton vetoed that last September.

According to the nonpartisan Tax Foundation, the total tax burden borne by American taxpayers dipped slightly in 1998. That is the good news. The bad news is Americans still spent more on Federal taxes than on any of the other major items in their household budget. For the median-income two-earner family, for example, Federal taxes still amounted to 39 percent of the family budget, more than what they spent on food, housing, and medical care combined. One of the reasons why they paid so much is the continuation of the marriage tax penalty that exists in the Nation's Tax Code.

According to the Congressional Budget Office, nearly half of all married taxpayers—about 21 million couples—filing a joint return paid a higher tax than they would have if each spouse had been allowed to file as a single taxpayer.

The marriage tax penalty hits the working poor particularly hard. Two-earner families making less than $20,000 often must devote a full 8 percent of their income to pay the marriage tax penalty. Eight percent is an extraordinary amount for couples who count on every dollar to make ends meet.

I will give an example of the marriage tax penalty at work. In this example, the penalty comes about because workers filing as single taxpayers get a higher standard deduction and because income tax bracket thresholds for married couples are lower than the thresholds for singles. Consider a married couple with each spouse earning about $30,000 a year. They would have paid $7,655 in Federal income taxes last year. By comparison, two individuals earning the same amount but filing a joint return would have paid $6,892 between the two of them. That is a marriage tax penalty of $763, about a 10-percent penalty simply for being married.

The average penalty paid by couples is even higher than that—about $1,400 a year, according to the Congressional Budget Office. Think what families could do with an extra $1,400. They could pay for 3 or 4 months of day care if they chose to send a child outside the home, or make it easier for one parent to stay at home and take care of the children if that is what they decide is best for them. They could make four or five payments on a car or minivan. They could pay their utility bill for 9 months.

The bill reported by the Finance Committee is the most comprehensive effort yet to eliminate the marriage penalty. It will increase the standard for couples filing jointly to twice the deduction allowed for single taxpayers. It will widen the 15-percent and 28-percent tax brackets. It will allow more low-income married couples to qualify for the earned-income credit and preserve the family tax credits that are currently phased out by the alternative minimum tax.

Unlike President Clinton's so-called relief bill, the plan Chairman ROTH brings to us today does not neglect married couples who choose to have one parent stay at home to raise their children. It gives them relief and, in so doing, it let's them know we value the choice they have made to stay home and raise a family.

Unlike the Clinton plan, which would preserve the penalty for many couples, our plan would eliminate the marriage tax penalty in its entirety. Sure, that means revenue loss associated with this legislation is greater than the President proposed, but the smaller cost of providing relief under the Clinton plan is also indicative of just how little it would do to solve the problem. We should not be stingy when attempting to ensure fairness in the Tax Code.

Passage of this legislation will continue the good progress we have made this year in making the Tax Code fairer. First, we passed the measure to repeal the Social Security earnings limitation, a tax that has unfairly penalized seniors for more than 60 years simply because they wanted to earn extra income to supplement their monthly retirement checks. The measure is now law.

Hopefully, the marriage tax penalty repeal bill will pass with a strong bipartisan majority, and President Clinton will rethink his opposition and sign it when it reaches his desk.

Another thing we can do to make the Tax Code fairer is eliminate the death tax. Although most Americans will probably never pay the death tax, overwhelming majorities still sense there is something terribly wrong with a system that allows Washington to seize more than half of whatever is left after someone dies—a system that prevents hard-working Americans from passing the bulk of their nest eggs to their children or grandchildren.

We can debate the merits of any number of changes in the Tax Code—whether a flat tax is preferable to a sales tax; whether tax rates should be reduced across the board; or whether we should make the Tax Code more conducive to savings and investment. There are legitimate points to be made on all sides. But when it comes to fairness, we need to do what is right. The marriage tax penalty, as the earnings limit and the death tax, is wrong; it is unfair; and it is time to put it to rest.

I thank Senator KAY BAILEY HUTCHISON from Texas for her hard work. I thank Chairman ROTH for bringing it forward. I appreciate the work of the majority leader in getting this matter before the Senate for a vote so we can finally end the marriage tax penalty.

I again thank Senator HUTCHISON for deferring to me for my remarks.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the distinguished Senator from Arizona for making a wonderful statement about the importance of the marriage tax penalty and tax relief in general for the hard-working people of our

country. He is absolutely right; people are paying a higher rate of tax than they have ever paid in peacetime.

I am concerned that there seems to be a problem with taking up this bill and debating amendments. I am very concerned about what appears to be an effort to not take up this bill and have relevant amendments considered.

We are going to disagree on the merits of the marriage tax penalty. I hope we come to a conclusion that will significantly lower the marriage tax penalty for most of the 21 million American couples who now pay that penalty just because they are married.

I hope the distinguished minority will allow us to go forward with the debate. I hope my colleagues will allow us to talk about our differences on this issue.

I want to be clear; the questions we have just heard in the last hour appear to be related to offering amendments which are not relevant to the marriage tax penalty and could, in fact, kill the marriage tax penalty bill. If it is the Democrats' strategy to kill the marriage tax penalty bill for 21 million Americans in the name of other amendments they want to offer that are not relevant, I hope they will think about that.

We all want to address Medicare and prescription drugs. We have addressed minimum wage. There are many issues on which we can disagree, but I hope we can all agree that those are not relevant to the marriage tax penalty, and that we will not let our disagreements on issues such as minimum wage or the way we want to provide prescription drugs to interfere with a very simple concept, a very clean bill that gives marriage tax penalty relief to 21 million American couples, which is exactly what the bill before us does.

In the Finance Committee, Republicans and Democrats of good will debated the marriage tax penalty. They passed a bill out of their committee, and it deals with the marriage tax penalty. It did not deal with extraneous issues because, in fact, the President asked us to send specific bills to him so that he could make his decision on what he would sign and what he would not, one tax cut at a time.

We will be able to test the President and his commitment to giving marriage tax penalty relief. We sent him marriage tax penalty relief last year. We sent significant marriage tax penalty relief to the President last year, and the President vetoed the bill.

The President said: Oh, you have the marriage tax penalty relief in conjunction with all these other tax cuts. We had across-the-board tax rate cuts that would have helped every American paying taxes. We had significant cuts in the inheritance tax. We had other tax cuts for small businesspeople. The President said: That is too much. In fact, I think he said it was reckless to give people that much of the money they earned back to them. I believe he said it was reckless.

The President said: Give me smaller tax cuts. So that is exactly what we are doing. We are trying to give him a significant cut in the marriage tax penalty. We are trying to say to the President: We want marriage tax penalty relief. You have said you are for it. We are going to send you a bill that includes marriage tax penalty relief, that deals just with marriage tax penalty relief.

I would think the Senate would be able to come to an agreement on a marriage tax penalty bill—with relevant amendments of any type—and go forward to discuss our differences on the merits on marriage tax penalty relief.

That is what the majority leader offered the Democratic minority. He offered them the ability to have relevant amendments and disagreements on the merits of this bill. That is fair. We all understand that. We have a little different approach on marriage tax penalty relief. We can debate those issues—if we have the chance. But it seems the Democrats do not want us to have that chance. It seems they do not want to be required to have relevant amendments so we can discuss this and give it to the President to sign.

I hope it is not the Democrats' view that we should put this off. I hope they are not going to require that we not pass marriage tax penalty relief this week before we go into recess for a week to spend Easter with our families. I certainly hope that is not the result we are going to see here. I hope the result will be reached of a good marriage tax penalty relief bill before we leave for a week of recess over the Easter holiday. I think we owe that to the people of this country.

I have received some mail from my constituents.

Mr. BROWNBACK. Mr. President, I wonder if the distinguished Senator from Texas will allow me to ask a question of her.

Mrs. HUTCHISON. I would be happy to answer a question from the Senator from Kansas who, by the way, has been one of the leaders in seeking marriage tax penalty relief. He is a cosponsor of the bill before us today, along with myself. He was a cosponsor of the bill we sent to the President last year. He has talked on the floor about this issue perhaps more than any one of us.

I would be happy to answer a question by the Senator from Kansas.

Mr. BROWNBACK. I thank my distinguished colleague from Texas.

My question simply deals with an issue I have been raising now for 3 weeks on this floor, saying that when we get to the time of being able to actually pass marriage tax penalty relief—and we are there, and it is on the floor—let us not have a bunch of extraneous amendments that are irrelevant to the issue, that do not pertain to the issue of the marriage tax penalty. For 3 weeks I have been coming to the floor saying, let's not get to that point in time or let's not have the great Democratic Party saying, we are for marriage penalty relief, and then block us with other nongermane amendments.

My simple question to the Senator from Texas is, it appears from what she is describing now, we are actually at that point where we could pass marriage tax penalty relief before April 15, and we are being blocked by nongermane amendments of the Democratic Party. Is that the correct situation we are actually in now?

Mrs. HUTCHISON. I would just say, the distinguished Senator from Kansas is making a very good point. He has raised this point for the last 3 weeks. That is, are the Democrats going to block consideration of a real marriage tax penalty relief bill by requiring that extraneous amendments that have nothing to do with marriage tax penalty relief be offered as a condition for bringing this bill to the floor? I think the distinguished Senator from Kansas is exactly right.

I have to stand up for my majority leader. I am so proud of our majority leader for standing on the floor and offering the Democrats every single option that would keep this floor open for debate. He offered them the option of going forward on their prime amendment. He offered them the option of offering any relevant amendment. He offered them the option of just having morning business so that anyone can come to the Senate floor and talk about their issues of concern. That is exactly what our majority leader did. He did exactly what he should be doing to move the business of the Senate along.

I have to say, in response to the Senator from Kansas, I think it is very important it be known that the majority leader has allowed any amendment to come before the Senate. Just last week, on the budget, many of us had amendments that were knocked off—just knocked off the budget—by an objection from a distinguished Member on the Democratic side because he did not want to vote on those amendments en bloc. There were many amendments from both sides of the aisle that were just knocked off.

The distinguished majority leader did not do that. He allowed them all to come in. I think he has been the most open he could possibly be in allowing every single amendment of every possible conception to be offered on many of the bills we have had before us this year and, most recently, last week on the budget bill. We have taken a position on every single controversial issue that has been brought up in our country since the session started in January.

The distinguished majority leader today is asking that we be able to debate marriage tax penalty relief, with any number of amendments that are relevant, because the distinguished majority leader believes we can have differences in approach.

We passed a marriage tax penalty relief bill last year to which we all agreed. It was overwhelmingly passed. We sent it to the President, and it was vetoed. The President said: The tax cut is too much. We don't want to give that much money back to the people who worked so hard for it. Send me something smaller.

That is exactly what the Finance Committee is doing. The Finance Committee voted a bill out—smaller, but it does give relief to every single married person in this country. It gives total relief to people in the 15-percent bracket and the 28-percent bracket. It increases the earned-income tax credit for the poorest working people in our country. That is what the bill does. So why wouldn't we be able to take the bill to the floor and debate it?

I think the Senator from Kansas is on to something. The Senator from Kansas is saying, why would the Democrats want to kill marriage tax penalty relief with extraneous amendments?

We have had sense of the Senates.

Mr. BROWNBACK. Mr. President, I wonder if my distinguished colleague from Texas would yield for another question.

Mrs. HUTCHISON. I am happy to yield to the distinguished Senator from Kansas for a question.

Mr. BROWNBACK. I thank my colleague from Texas. I appreciate her leadership and the work she has done on this particular issue.

I guess what is troubling to me about the issues that are being raised now on the floor is that we actually have a chance to get this done. It is not a sense-of-the-Senate resolution. This isn't a policy statement by any of the various parties. This is an actual chance for us to pass the bill.

The bill has cleared through the House. We could pass it in the Senate. We could get it to the President. The President has said he wants to be able to have a smaller tax cut. Here is one that would deal with the marital tax penalty.

We are getting it blocked. It seems to me the President ought to step in now and call on the Democrat Members of the Senate to say, no, let's let this bill clear on through. This is similar to the disaster relief issue. I remember a couple years ago—my colleague might—we had a supplemental bill come through and people wanted to have some budget constraints in that bill. There was an emergency need for that supplemental, some disaster relief; some flooding was taking place. The Democratic Party said: We have to have this supplemental for this emergency relief and really hammered on a lot of people about that issue until we passed it so that people could get disaster relief. And we should have given that disaster relief.

Here you have virtually the same situation. We have a chance to actually do it—no more sense of the Senate; no more talking about it; no more just saying we ought to do it. With this bill we do it. We are actually being blocked by a parliamentary maneuver on the Democrat side of the aisle.

I hope the President will enter into this debate and call on Democrat colleagues of ours to say, no, let's have a vote. Let's debate the different sides of this issue of marriage tax penalty relief. There are different policy ways to handle it. Let's have that good debate, but don't tie it up with endless amendments or with what is taking place now, where we are virtually shutting the floor down because we can't get agreement. This is too important to play that sort of politics.

I hope my Democrat colleagues are actually for eliminating the marriage tax penalty. Let us have a spirited debate about their different ideas. I appreciate my colleague from Texas carrying this issue forward. We have to deal with this now. Ahead of the April 15 deadline would be the time to do it. This is the point in time to do it. People filling out their forms are seeing the marriage tax penalty they are paying. Let's tell them hope is on the way; we will be able to get this dealt with.

I appreciate my colleague doing this. I hope we can get the President involved in calling some of our Democrat colleagues to say, let's pass a bill and let's look at this issue on the merits. I know my colleague from Texas will continue to press that issue on the floor and everywhere else she can.

Mrs. HUTCHISON. I thank the Senator from Kansas for making a very good point. He is saying maybe now it is time for the President to step in and show his commitment on this issue. Maybe he can work with the distinguished Democratic minority in saying, I think this is something we ought to do, such as an emergency.

I guarantee Kervin and Marsha Johnson believe it is an emergency, as they are filling out their tax forms this week. Kervin is a D.C. police officer. His wife is a Federal employee. They were married last July. This year they will pay $1,000 more in taxes because they got married 7 months ago.

I guarantee that Eric and Ayla Hemeon believe this is an emergency. Eric is a volunteer firefighter and works for a printing company. Ayla works for a small business. They have been married for 2 years and are expecting their first child in about a month. Last year they paid almost $1,100 in a marriage tax penalty just because they got married and that they would not have paid if they were single. They are filling out their tax forms right now, and they would like to see the Congress give them relief from paying that $1,100 next year so they can buy something for their new baby.

Lawrence and Brendalyn Garrison believe this is an emergency. He is a corrections officer at Lorton prison. She is a teacher in Fairfax County, VA. Last year we estimate they paid nearly $600 in a marriage tax penalty. They are really upset about it. When I talked to them last week, they said: We have been married 25 years and we think you should pass marriage tax penalty relief and make it retroactive.

I think they have a good point. They have been paying the penalty for 25 years. This is an error in the Tax Code that must be corrected.

Jerri Dahl of Arlington, TX, believes this is an emergency. He wrote me a letter and said:

> It is tax time again, and I am not going to let it go by without attempting to do something about what I feel is a terrible injustice to working people. I am not joking when I tell you that my husband and I are seriously contemplating divorce in order not to be penalized financially next year.

I think we have a number of people in this country who believe this is an emergency, who, as they are writing the check to the Government, believe the Senate should act on a bill that would give them relief from a payment they should not have to make. Most people in our country believe they owe a fair share of taxes to the Government. They love this country and they want to do their part, but most people don't want to do more than they think is fair. When a single person in an office is sitting next to a married person in an office and they have the same job and make the same salary and the married person has to pay more in taxes than the single person sitting at the next desk making the same salary, that doesn't pass the test of fairness.

I commend the majority leader for attempting to bring this bill to the floor. I commend my colleague, the Senator from Kansas, the Senator from Missouri, Mr. ASHCROFT, the Senator from Michigan, Mr. ABRAHAM, and the Senator from Delaware, Mr. ROTH. They have been working on this legislation for a long time. Senator ROTH brought the bill forward last year. The President vetoed it and said it was too much. Senator ROTH came back this year. He originally had a different bill—it was a doubling of the 15-percent bracket—but he listened to many of us who said, let's go to 28 percent so people in that middle-income bracket can get relief. That is the middle-income couple who needs that money to be able to do more for their children or to buy their first house or to pay for the car.

The working people of our country deserve better government than they are getting today. They deserve better

government than the Democrats shutting down the Senate because they don't want open debate on marriage tax penalty relief.

I hope tomorrow they will change. I hope they will change and say it is OK to discuss this issue. It is OK to have disagreements, but let's keep our eye on the ball. Let's come together, Democrats and Republicans, and correct the inequity in the Tax Code in this country that says a married person and a single person in the same job making the same salary should pay the same taxes.

That is what we are seeking today. I hope the Democrats will come back fresh tomorrow and say: We agree with you. Now is the time to do the responsible thing. Let's correct the Tax Code to say every person working in this country should pay their fair share of taxes but no more. Let's give tax relief to the hard-working married couple who has been paying a penalty for 6 months or a year or 25 years. Let's correct it now because now is the time we can.

As the majority leader said about the gas tax reduction that we also tried to give people today: If not now, when? If not this, how?

Let us be a little more forthcoming in creativity when it comes to helping the hard-working people of this country have the marriage penalty relief they deserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. FITZGERALD. Thank you, Mr. President. I compliment my friend and colleague from the State of Texas for all of her hard work and leadership in trying to correct the marriage tax penalty. It is an unfair quirk in our Tax Code that we hope we can finally bring to an end at some point this year.

(The remarks of Mr. FITZGERALD pertaining to the introduction of S. 2398 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CLELAND addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CLELAND. I thank the Chair.

(The remarks of Mr. CLELAND pertaining to the introduction of S. 2402 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

AVIATION SECURITY

Mr. MCCAIN. Mr. President, I am an original cosponsor of Senator HUTCHISON's bill to improve aviation security. Our colleague from Texas brings unique expertise to this issue as a former member of the National Transportation Safety Board. I want to thank her for her diligence in this area over the past several years as a member of the Commerce Committee Aviation Subcommittee.

Among other things, Senator HUTCHISON's bill would make pre-employment criminal background checks mandatory for all baggage screeners at airports, not just those who have significant gaps in their employment histories. It would require screeners to undergo extensive training requirements, since U.S. training standards fall far short of European standards. The legislation would also seek tighter enforcement against unauthorized access to airport secure areas.

I cannot overemphasize the importance of adequate training and competency checks for the folks who check airline baggage for weapons and bombs. The turnover rate among this workforce is as high as 400 percent at one of the busiest airports in the country. The work is hard, and the pay is low. Obviously, this legislation does not establish minimum pay for security screeners. By asking their employers to invest more substantially in training, however, we hope that they will also work to ensure a more stable and competent workforce.

Several aviation security experts appeared before the Aviation Subcommittee at a hearing last week. They raised additional areas of concern that I expect to address as this bill proceeds through the legislative process. For instance, government and industry officials alike agree that the list of "disqualifying" crimes that are uncovered in background checks needs to be expanded. Most of us find it surprising that an individual convicted of assault with a deadly weapon, burglary, larceny, or possession of drugs would not be disqualified from employment as an airport baggage screener.

Fortunately, this bill is not drafted in response to loss of life resulting from a terrorist incident. Even so, it is clear that even our most elementary security safeguards may be inadequate, as evidenced by the loaded gun that a passenger recently discovered in an airplane lavatory during flight.

I look forward to working with Senator HUTCHISON, as well as experts in both government and industry circles, to make sure that any legislative proposal targets resources in the most effective manner. By and large, security at U.S. airports is good, and airport and airline efforts clearly have a deterrent effect. What is also clear, however, is that we cannot relax our efforts as airline travel grows, and weapons technologies become more sophisticated.

"EXXON VALDEZ" OIL SPILL

Mr. BINGAMAN. Mr. President, the Senate passed S. 711, calendar No. 235, a bill to allow for the investment of joint Federal and State funds from the civil settlement of damages from the *Exxon Valdez* oil spill, on November 19 last year, in the last hours of the First Session.

The bill states that moneys in the settlement fund are eligible for the new investment authority so long as they are allocated in a manner identified in the bill. Specifically, S. 711 provides that $55 million of the funds remaining on October 1, 2002 shall be allocated for habitat protection programs.

The accompanying report, S. Rept. 106–124, contains a provision in the section-by-section analysis, subsection 1(e), stating that, with respect to the $55 million for habitat protection programs, "[a]dditionally, any funds needed for the administration of the Trust will also be deducted from these monies." I was surprised to see this provision in the report because I do not believe that it reflects the committee's intent with respect to the bill.

Mr. MURKOWSKI. I think the committee did speak clearly in the actual legislative language of the bill, which requires that the new investment authority be allocated "consistent with the resolution of the Trustees adopted March 1, 1999 concerning the Restoration Reserve." Among other things, this resolution separates the remaining funds into two distinct "pots" of money: a $55 million pot which can be used for habitat acquisition; and a $115 million "pot" that will be used for research and monitoring activities.

As the Trustees have explained the resolution to me, the cost of administration for habitat acquisition will come from the $55 million and the cost of administration for the monitoring and research will come from the $115 million. Therefore, I am confident that the actual legislative language of the bill is clear and that this was the committee's intent. This provision was very important to me in drafting this bill because I have always been concerned about the tens-of-millions of dollars the Trustees have spent on administration of the funds.

We prepared a statement to clarify this matter last November. It should have appeared in the RECORD at the point where the bill was passed (S15162–S15163). Regrettably, the statement was mislaid and did not appear where it should have.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, April 10, 2000, the Federal debt stood at $5,761,021,041,671.35 (Five trillion, seven hundred sixty-one billion, twenty-one million, forty-one thousand, six hundred seventy-one dollars and thirty-five cents).

Five years ago, April 10, 1995, the Federal debt stood at $4,869,423,000,000 (Four trillion, eight hundred sixty-nine billion, four hundred twenty-three million).

Ten years ago, April 10, 1990, the Federal debt stood at $3,083,479,000,000

(Three trillion, eighty-three billion, four hundred seventy-nine million).

Fifteen years ago, April 10, 1985, the Federal debt stood at $1,729,371,000,000 (One trillion, seven hundred twenty-nine billion, three hundred seventy-one million).

Twenty-five years ago, April 10, 1975, the Federal debt stood at $510,599,000,000 (Five hundred ten billion, five hundred ninety-nine million) which reflects a debt increase of more than $5 trillion—$5,250,422,041,671.35 (Five trillion, two hundred fifty billion, four hundred twenty-two million, forty-one thousand, six hundred seventy-one dollars and thirty-five cents) during the past 25 years.

ADDITIONAL STATEMENTS

IN RECOGNITION OF EDGAR A. SCRIBNER

• Mr. LEVIN. Mr. President, I rise today to pay tribute to a friend of mine who is also a friend to the working men and women of Michigan, Edgar A. Scribner. Ed recently retired from his position as President of the Metropolitan Detroit AFL–CIO.

Ed Scribner began his working career with the Detroit Free Press in 1950, a career which was interrupted from 1952–1954 when he served his country in Korea with the United States Army. He has always been an active supporter of the rights of workers, and was elected Vice President of Teamster Local Union #372 in 1962. He also served his local as Trustee and President, and was selected for additional leadership positions with Michigan Teamsters Joint Council #43. In 1988, he was first elected President of the Metropolitan Detroit AFL–CIO, a position he has held until this year.

Ed's contribution to community life has truly known no bounds. He has worked tirelessly on behalf of numerous charities and took a leadership role on behalf of United Community Services, metro Detroit's Torch Drive agency. In 1992, duty called Ed in a new direction when he was elected to the Board of Governors of Wayne State University, helping one of the nation's leading urban research universities find new ways to serve metropolitan Detroit.

Through it all, as a labor leader, a humanitarian, and an education leader, Ed's calling card has been his sincerity. Those who know him have come to appreciate the genuine affection he holds for people. While he's never been reluctant to take a stand concerning the big issues of his day, Ed has never forgotten that in the end it's all about people and making their lives better.

Caring about people has been a way of life for Ed Scribner, not just a job. So I have no doubt that even in his retirement, Ed will continue to serve his community in many ways. I am sure that his children, and especially his grandchildren, will keep him at least as busy as his commitments to the many non-profit and educational institutions with which he is currently involved. And I also know that the men and women of the AFL–CIO can count on Ed to continue to stand with them in their ongoing efforts on behalf of the working people of our nation.

Mr. President, I know my colleagues will join me in extending congratulations and best wishes to Ed Scribner, President of the Metropolitan Detroit AFL–CIO, on the occasion of his retirement.•

RECOGNITION OF FRANKLIN MIDDLE SCHOOL PRINCIPAL RICK OTTO

• Mr. GORTON. Mr. President, for the past seven years, the children at Franklin Middle School in Yakima, Washington have benefitted greatly from the dedication and hard work of their principal, Mr. Rick Otto. He has been credited by his colleagues for turning the school around with his new ideas, helping disadvantaged students, and creating a positive atmosphere. I applaud Principal Otto's work to bring about such important changes and improvements in his school and am proud to present Principal Otto with my next ''Innovation in Education'' Award.

Principal Otto has a distinguished record of service at Franklin Middle School. For many years, he taught technology classes before working as an assistant principal. In 1993, he became the principal and realized that in order to improve Franklin Middle School, the community would have to become more involved. Throughout his tenure, Principal Otto has built a strong relationship with parents, community leaders and residents of the surrounding neighborhoods. The work of Principal Otto and the community has made a tremendous impact resulting in a renewed sense of discipline and higher expectations in student performance.

One of the challenges taken on by Principal Otto was improving the academic achievement of its high-concentration of non-English speaking families as well as helping students traditionally described as disadvantaged. Under Mr. Otto's leadership, Franklin created an ''At-Risk'' program which targets the children who are having trouble in school, gives them more attention in the classroom, and monitors their improvement. In the past five years, 69 percent of the students participating in the ''At-Risk'' program have improved in all areas of their education. The ''At-Risk'' program has also vastly improved the morale of students and staff across the Franklin campus.

I have heard many words of praise from members of the Franklin Middle School community who regard him as a model educator and admire his steadfast dedication to his students. Their words speak more highly of Principal Otto than I, as a United States Senator, ever could.

Clearly, Principal Otto is a leader in the field of education who recognizes the challenges that exist in his school and works each day to meet those challenges and make his students better learners. I applaud Principal Otto and know that the past, present and future children attending Franklin Middle School will be better students because of him.•

RESIGNATION OF LARRY WILKER, KENNEDY CENTER PRESIDENT

• Mr. KENNEDY. Mr. President, a few days ago, the president of the Kennedy Center, Lawrence J. Wilker, announced that he will resign his position at the Center at the end of this year. He plans to launch a new Internet entertainment company, and I know that he will bring the same ability, energy, and enthusiasm to that initiative as he brought to the Kennedy Center.

Larry Wilker has been a superb president for the Kennedy Center over the past decade. He has made outstanding improvements in the Center's facilities and its programming. He has led the Center effectively during a time of significant growth and expansion. One of his most impressive achievements has been the creation of the Millennium Stage, which offers free performances every afternoon at the Center.

I know that Larry Wilker will continue to be a leader in the national performing arts community and an enduring part of the Kennedy Center, and I wish him well in his important and pioneering new undertaking.

Today's Washington Post contains an excellent editorial praising Larry and his many contributions to the Kennedy Center and the arts in the nation. I ask that the editorial may be printed in the RECORD.

The article follows:

[From the Washington Post, April 11, 2000]

A KENNEDY CENTER DEPARTURE

Lawrence Wilker, president of the Kennedy Center since 1991, is taking off for the dot-com world, leaving an institution more vital and deeper in talent than before his arrival. Former chairman James Wolfensohn, who hired Mr. Wilker, did much to set the direction of the center toward showcasing national and regional arts, livelier relations with the local scene and a strong focus on arts education. Under Mr. Wilker and center chairman James Johnson those changes deepened and took institutional hold. Signs of this emphasis range from the hugely popular free ''Millennium State'' events daily at 6 p.m. in the Grand Foyer—catering, as often as not, to a jeans-and-sweaters crowd—to the splashy black-tie gala that marked the unveiling of a refurbished Concert Hall in 1997.

Outreach doesn't accomplish much if the quality isn't there to back it up. That lesson also has reverberated in the Wilker era with

the arrival of recognized names such as the Washington Opera's Placido Domingo and the National Symphony Orchestra's Leonard Slatkin. Mr. Wilker's own background in theater production bolstered Kennedy Center sponsorship of the Fund for New American Plays, which distributes as much as $25,000 (gleaned mostly from corporate sources) for production of promising works by young playwrights all over the nation—some of which end up in Washington, some not.

Mr. Wilker says his Internet venture will make arts and entertainment more widely available. His Kennedy Center tenure has been, in large measure, an exercise in that same mission, and one that has achieved success—despite being waged not on the Net but in the clunkier coin of bricks, mortar and federal budget battles.●

THE AMERICAN LUNG ASSOCIATION OF MICHIGAN-GENESEE VALLEY REGION HONORS DR. PETER LEVINE

● Mr. ABRAHAM. Mr. President, I rise today to recognize Dr. Peter Levine, who on April 13, 2000, will be honored by the American Lung Association of Michigan-Genesee Valley Region as its Individual Health Advocate of the Year. Each year, the organization recognizes one individual whose efforts have greatly contributed to supporting the health, education and overall well-being of the Genesee Valley community.

Since 1986, Dr. Levine has served as the Executive Director of the Genesee County Medical Society in Flint, Michigan, which represents over 600 physicians. As Executive Director, Dr. Levine oversees the day-to-day operations of the Medical Society, ranging from the responsibilities of its financial, policy and staffing actions, to its lobbying activities, educational programming and media relations. He also serves as the Executive Director of the Society's three subsidiaries: the Medical Society Foundation, a 501C–3 educational and social policy charitable foundation; the Physicians Programs, Inc.; and the Emergency Medical Centre of Flint, an urgent care center designed to provide a low cost alternative care site for the community at large. The Emergency Medical Centre provides care for approximately 18,000 visitors per year.

Prior to 1986, Dr. Levine served as Program Director for the Greater Flint Area Hospital Assembly. In this capacity, Dr. Levine directed a six-hospital cooperative venture enabling these hospitals to provide better cancer care services to their patients. He developed and implemented strategies for cooperation in research, education, bioethics, resource coordination, standards of care, fiscal strategies, communication with hospital staffs, promotion of member hospitals outside of the region, innovative programming, cancer screening, and computerized tumor registry and data system. He staffed a multi-hospital joint venture to implement Magnetic Resonance Imagery technology in the Flint area, and served as the Executive Director of Community Hospice, Inc., a multi-hospice association designed to foster hospice growth in the region.

Dr. Levine is also a founding board member and volunteer for the Genesee County Free Medical Clinic, and a charter member of the Michigan Hospice Organization Board of Directors. He serves on the Medicare Advisory Board for the Ninth Congressional District of Michigan, sits on the Board of Directors of Health Education Systems, Inc., and is a Consultant to Michigan State Medical Society Committees on Bioethics, on Membership Recruitment and Retention, and on Medical Economics. He is also the State Medical Society's Liaison with Blue Cross/Blue Shield, and a member of its task force on professional liability.

Mr. President, I applaud Dr. Levine for his outstanding work for not only Genesee County, but the State of Michigan. His efforts have contributed to a higher standard of medical care throughout the state. On behalf of the entire United States Senate, I congratulate Dr. Levine on being named the Individual Health Advocate of the Year by the American Lung Association of Genesee Valley. He is truly deserving of this honor.●

DELAWARE'S MOTHER OF THE YEAR

● Mr. BIDEN. Mr. President, I rise today to honor Mrs. Mary Jane DeMatteis, Delaware's Mother of the Year 2000.

The story of Mrs. DeMatteis is one of strength and devotion. After her loving husband of twenty years passed away, she was left to raise their six children alone. Mrs. DeMatteis used her faith and her love for her children to persevere through the most difficult of times. While maintaining a job in the Delaware court system, she was able to find the time and energy to care for her children and teach them the importance of family and love.

I have had the opportunity to witness the product of Mrs. DeMatteis' many years of commitment to her children. Claire, her daughter, is one of my most senior advisors and her intellect and strength of character is certainly a reflection of the profound influence her mother has had on her life. Today the legacy of Mary Jane DeMatteis continues as her ten grandchildren are graced with the success and love that Mrs. DeMatteis infused into the lives of her children. I am sure that her impact will be felt for countless generations to come.

We all know that being a parent is the most important job in the world. I am extremely proud to recognize this wonderful honor that Mrs. DeMatteis so well deserves.●

THE AMERICAN LUNG ASSOCIATION OF MICHIGAN-GENESEE VALLEY REGION HONORS MOTT COMMUNITY COLLEGE

● Mr. ABRAHAM. Mr. President, I rise to today to recognize Mott Community College, which on April 13, 2000, will be honored by the American Lung Association of Michigan-Genesee Valley Region as its 1999 Corporate Health Advocate of the Year. Mott Community College is being awarded for promoting lung health in the workplace, for encouraging its employees to participate in local non-profit organizations, for demonstrating financial support to these organizations, and for exhibiting an overall dedication to improving the quality of life of residents in the Genesee Valley area.

Mott Community College has a definitive plan to promote lung health in the workplace consistent with the mission of the American Lung Association of Michigan. There is a ban on smoking in all college buildings, the college's health insurance providers offer various educational programs to support employees who want to quit smoking, and smoking cessation material and counseling is available at the annual Mott Community College Health Fair. The college also has a program of assistance available to all students and staff who are disabled or suffering from disease, and has expended millions of dollars to make its campus fully accessible to the whole community.

Mott Community College is by its very nature a community service, but the college works hard to provide more to Genesee County than educational opportunity. Within its educational programs, and particularly in the health sciences, there is an interactive community component: senior nursing students work with area schools to provide health education classes, along with basic health screening, for students; faculty and staff work with the Genesee County Health Department to train teams, working through area churches, to provide citizens with health information; and the community has access to diverse facilities and programs on campus, programs which are all aimed at improving the health of the community.

Mott Community College also hosts many important events where health education is the theme. The annual Mott Community College Health Fair is a popular event which brings health professionals and the community together. The college holds national mental health town meetings, including a recent public forum which Ms. Tipper Gore chaired. On February 5, 2000, the college hosted the first annual ''Family Asthma Day,'' in which three asthma specialists presented informal sessions on the management of asthma. The event also included interactive sessions for adults and children.

Mr. President, for over seventy-five years, Mott Community College has

worked to improve the quality of life of residents in the Genesee Valley area. On behalf of the entire United States Senate, I congratulate Mott Community College on being named the Corporate Health Advocate of the Year by the American Lung Association of Michigan-Genesee Valley Region. This award is the representation of the hard work of many people who truly care about the Genesee County community.●

NATIONAL TELECOMMUNICATOR'S WEEK

● Mr. BURNS. Mr. President, I rise today to bring recognition to a very special group of people in our Nation, our public safety communicators. These people are the ones who, hour after hour, stand by ready to dispatch emergency assistance to Americans in times of crisis and often tragedy. In 1992, President George Bush set aside the week of April 9th through the 15th to bring special recognition to all of those who dispatch emergency aid across this great country. Everyday Americans reach for the telephone to dial the numbers 9–1–1, seeking a voice that will bring them the help they so desperately require. A parent holding a child who has suffered a life threatening injury, an elderly person who has no one else to turn to, or a family who has awakened to a home filled with smoke; they are all calling this number just waiting for the voice that will bring them much needed assistance. The men and women who answer the 9–1–1 call are the ones who often make the difference between life and death for thousands of people in this country every single day. Our 9–1–1 dispatchers are on call 365 days a year, 24 hours a day, always there with that calm reassuring voice that puts hope back in the hearts of those in need. It is a great honor for me to bring recognition to these unsung heroes of our country and I hope that you will join me in offering your praise and thanks.●

DR. JAMES BROWN AND THE TENTH ANNIVERSARY OF THE INTERNATIONAL ARMS CONTROL CONFERENCE

● Mr. DOMENICI. Mr. President, I rise today to acknowledge the upcoming Tenth Annual Arms Control Conference taking place in Albuquerque, New Mexico. In recognition of this Tenth Anniversary, I wish to emphasize the tireless efforts of this conference's founder, coordinator, and inspiration, Dr. James Brown.

Dr. Brown's career has long emphasized arms control. Not only has Jim Brown devoted himself to this conference for the past decade, but he has also been a practitioner. He served in several different capacities at the Arms Control and Disarmament Agency, where he helped develop verification regimes for implementation of the UN Security Council Resolution to eliminate Iraq's weapons of mass destruction. He also worked in the Pentagon as a special assistant to the Deputy Undersecretary for Planning and Resources.

His academic résumé is also impressive. Jim was a professor at Southern Methodist University, and a visiting professor at Air University. He was a founding director of the John Tower Center for Political Studies and co-taught courses with Senator Tower for eight years. Jim Brown was also selected as a senior Fulbright Scholar at the University of Ankara. Most notably, he has authored and edited nine volumes of scholarly work and 35 articles on Arms Control.

Dr. James Brown has dedicated many years of his professional life in pursuit of international understanding as a fundamental prerequisite to progress on arms control and disarmament. Every year this conference reflects the culmination of his personal commitment. It is important to acknowledge the unique contribution that this conference has made and continues to make toward achievement of global peace and stability.

The disarmament and non-proliferation work of Sandia National Laboratories and the Cooperative Monitoring Center are greatly enhanced and supported by the annual Arms Control Conference. This event should serve to underscore Sandia Laboratories' staunch commitment to a safe and stable international security environment.

The success of this annual event owes itself to Jim's reputation, his integrity, his personal relationships with a broad range of policy makers throughout the global arms control community and their trust in him. Jim's diligence has enabled the Albuquerque conference to grow even more in stature each year bringing credit on Sandia, the Department of Energy and the State of New Mexico.

Mr. President, New Mexico is fortunate to have Dr. Brown as a citizen.●

RECOGNITION OF MR. DARVIN ECKLUND, FOUNDER OF THE CEDAR HEIGHTS ENVIRONMENTAL RESOURCES LEARNING CENTER

● Mr. GORTON. Mr. President, in a continuing effort to recognize excellence in education I would like to award Darvin Ecklund of the Cedar Heights Environmental Resources Learning Center in Port Orchard, Washington with an 'Innovation in Education' Award. Two years ago, Mr. Ecklund, a Natural Resources teacher at Cedar Heights Junior High, created an after school center that focuses on environmental activities and teaches students the importance of rehabilitating our local natural resources. I think Mr. Ecklund's concept is a remarkable after school option for junior high students as an alternative, safe environment where they can learn and have fun at the same time.

The focus of the Cedar Heights Environmental Resources Learning Center aims to stimulate kids toward saving the environment around them. Recently, the Center renovated local ponds and developed plant life to be used in future rehabilitation projects. Children learn to identify common and scientific names of plants and wildlife. To date, over six hundred salmon have been raised in this Center! This is a truly remarkable way to integrate science into children's lives with a hands on approach.

We all know that we live in a busy world where sometimes kids end up waiting for their parents to return from work. I cannot think of a better way to see kids spend a few hours after-school, as well as getting parents involved in their children's after-school activities. Currently, there are over one hundred kids participating in this program. High school students are also part of Mr. Ecklund's staff and help organize activities and provide assistance as well.

Mr. Ecklund has also found a way for kids at the Cedar Heights Environmental Resources Learning Center to develop a relationship with the retirement community across the street. The Center offers retirees an educational as well as relaxing place to come and share time with the students. The Center has made the paths around the Environmental Center wheel-chair accessible. After hearing this, I was encouraged that this community has found a way to connect young people not only to the environment, but to their elders. I applaud Mr. Ecklund for creating such an innovative program that connects older and younger students to helping the environment and spending time with seniors.

Ms. Pat Green, Principal of Cedar Heights Junior High, said the following about Mr. Ecklund: ''He is passionate about the environment and teaching kids how to raise fish as a sustainable resource. The kids are learning hands-on science in action!''

Mr. Pat Oster, Assistant Principal of Cedar Heights Junior High commends Mr. Ecklund's efforts, describing him as, ''a very caring and energetic person who devotes generous time to the many students he interacts with on a daily basis.''

I have been a long supporter of preserving the environment. I am impressed by the originality of this program and hope other after-school centers will follow in the footsteps of the Cedar Heights Environmental Resources Learning Center. This is truly science in action!●

MRS. KATHERINE G. HEIDEMAN'S 90TH BIRTHDAY

• Mr. ABRAHAM. Mr. President, I rise to recognize Mrs. Katherine Grayson Graham Heideman, resident of Hancock, MI, who today is celebrating her 90th birthday. It is my pleasure to honor her not only for having reached this landmark birthday, which is quite an accomplishment in itself, but also, and I think more importantly, for having lived her life in a manner truly worthy of commendation.

Mrs. Heideman was born in Audubon, Iowa, the daughter of Katherine Grayson Brown and James Melville Graham. She was the youngest of six daughters. After attending high school in Audubon, she headed out west to continue her education, first receiving a B.A. from the University of California-Los Angeles in 1931, and then in 1934 earning an M.A. from the University of Southern California. For the next twenty years, Mrs. Heideman taught English literature classes to intermediate students in four different states: California, Michigan, Illinois, and the District of Columbia.

On July 6, 1934, Katherine married Bert Heideman. The couple remained together until in 1991, when Mr. Heideman passed away. They had three children together, Eric, Bert, and Eric. The eldest child unfortunately died just six months after he was born, and Mr. and Mrs. Heideman named their third child in his honor and memory.

In 1958, Mrs. Heideman became the first woman to be named Houghton County, Michigan, Superintendent of Schools. She served in this capacity for four years, then spent twelve years as Superintendent of the Copper Country Intermediate School System, which includes Houghton, Baraga, and Keweenaw counties. During these years, Mrs. Heideman was a pioneer in developing special education initiatives. All of her efforts culminated in 1974, when the Heideman Bill, HB5013, was passed into law in the State of Michigan. This law made it possible for an intermediate school district to own and operate a school for handicapped children.

In 1982, Mrs. Heideman was elected to the Hancock City Council, and there she has continued to fight not only for the rights of disabled individuals, but also for the environment and the historic preservation of Houghton county. She is the author of a resolution forbidding any nuclear or toxic waste to be transported through the city of Hancock, and of a resolution condemning the dumping of iron ore tailings into Lake Superior. Mrs. Heideman was a charter member of the Hancock Historic Preservation Commission, and continues to be a strong voice in the efforts to retain the city's old world charm. She has played an instrumental role in the attempt to get the city of Hancock recognized as being the Finnish American culture center of the United States. And, due to her efforts, a sister city relationship was formed with the citizens of Porvoo, Finland. A candidate seven times, she now begins her eighteenth year representing the first ward.

Mr. President, I applaud Mrs. Heideman for her selfless dedication to improving the quality of life for individuals not only in the city of Hancock, but the entire State of Michigan. She is a remarkable woman and a true role model. On behalf of the entire United States Senate, I wish Mrs. Heideman a happy ninetieth birthday, and best of luck in the future.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 10:31 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 228. Concurrent resolution honoring the members of the Armed Forces and Federal civilian employees who served the Nation during the Vietnam era and the families of those individuals who lost their lives or remain unaccounted for or were injured during that era in Southeast Asia or elsewhere in the world in defense of United States national security interests.

H. Con. Res. 277. Concurrent resolution authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby.

H. Con. Res. 280. Concurrent resolution authorizing the 2000 District of Columbia Special Olympics Law Enforcement Torch Run to be run through the Capitol Grounds.

H. Con. Res. 282. Concurrent resolution declaring the ''Person of the Century'' for the 20th century to have been the American G.I.

The message also announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 777. An act to require the Department of Agriculture to establish an electronic filing and retrieval system to enable the public to file all required paperwork electronically with the Department and to have access to public information on farm programs, quarterly trade, economic, and production reports, and other similar information.

The message further announced that the House disagrees to the amendment of the Senate to the concurrent resolution (H. Con. Res. 290) establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. KASICH, Mr. CHAMBLISS, Mr. SHAYS, Mr. SPRATT, and Mr. HOLT.

ENROLLED BILL SIGNED

At 4:05 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1287. An act to provide for the storage of spent nuclear fuel pending completion of the nuclear waste repository, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 228. Concurrent resolution honoring the members of the Armed Forces and Federal civilian employees who served the Nation during the Vietnam era and the families of those individuals who lost their lives or remain unaccounted for or were injured during that era in Southeast Asia or elsewhere in the world in defense of United States national security interests; to the Committee on the Judiciary.

H. Con. Res. 277. Concurrent resolution authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby; to the Committee on Rules and Administration.

H. Con. Res. 280. Concurrent resolution authorizing the 2000 District of Columbia Special Olympics Law Enforcement Torch Run to be run through the Capitol Grounds; to the Committee on Rules and Administration.

H. Con. Res. 282. Concurrent resolution declaring the ''Person of the Century'' for the 20th century to have been the American G.I.; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–8406. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report on the fiscal year 1998 operations of the Office of Workers' Compensation Programs; to the Committee on Health, Education, Labor, and Pensions.

EC–8407. A communication from the Acting Assistant General Counsel for Regulations, Office of Postsecondary Education, Department of Education transmitting, pursuant to law, the report of a rule entitled ''Final Regulations-Teacher Quality Enhancement

Grants Program'', received April 6, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8408. A communication from the Executive Director, Congressional Members, and the Executive Director, Presidential Members, Census Monitoring Board transmitting, pursuant to law, a report entitled ''Field Observations of the New York and Dallas Regional and Local Census Offices, Alaska Enumeration, and Household Matching Training''; to the Committee on Governmental Affairs.

EC–8409. A communication from the Administrator, General Services Administration transmitting a draft of proposed legislation entitled ''Federal Property Asset Management Reform Act of 2000''; to the Committee on Governmental Affairs.

EC–8410. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Assistance to Foreign Atomic Energy Activities'' (RIN1992–AA24), received March 30, 2000; to the Committee on Foreign Relations.

EC–8411. A communication from the Senior Banking Counsel, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled ''Financial Subsidiaries'' (RIN1505–AA77), received March 27, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8412. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Single Family Mortgage Insurance; Appraiser Roster Removal Procedures'' (RIN2502–AH29) (FR–4429–F–03), received April 5, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8413. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fenhexamid; Pesticide Tolerances'' (FRL # 6553–7), received April 7, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8414. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''Assigning Values to Non-Detected/Non-Quantified Pesticide Residues''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8415. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled ''Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Decreased Assessment Rate'' (Docket Number FV00–985–4 IFR), received April 7 , 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8416. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Section 29, Nonconventional Source Fuel Credit/Inflation Adjustment Factor/Reference Price for Calendar Year 1999'' (Notice 2000–23), received April 7, 2000; to the Committee on Finance.

EC–8417. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Charitable Split-Dollar Insurance Reporting Requirements'' (Notice 2000–24), received April 6, 2000; to the Committee on Finance.

EC–8418. A communication from the Acting Assistant Secretary, Import Administration, International Trade Administration, Department of Commerce transmitting, pursuant to law, the report of a rule entitled ''Amended Regulation Concerning the Revocation of Antidumping and Countervailing Duty Orders'' (RIN0625–AA54), received April 6, 2000; to the Committee on Finance.

EC–8419. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Andres-Murphy, NC; Docket No. 00–ASO–4 (4–3/4–3)'' (RIN2120–AA66) (2000–0081), received April 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8420. A communication from the Secretary of the Commission, Federal Trade Commission transmitting, pursuant to law, the report of a rule entitled ''Antitrust Guidelines for Collaborations Among Competitors'', received April 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8421. A communication from the Deputy Chief, Industry Analysis Division, Common Carrier Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled ''Local Competition and Broadband Reporting'' (FCC 00–114) (CC Doc. 99–301), received April 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8422. A communication from the General Counsel, Department of Commerce transmitting a draft of proposed legislation relative to the establishment of the National Marine Sanctuary Foundation; to the Committee on Commerce, Science, and Transportation.

EC–8423. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Notice of Acceptability'' (FRL # 6575–7), received April 7, 2000; to the Committee on Environment and Public Works.

EC–8424. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Interim Enhanced Surface Water Treatment Rule (IESWTR), the Stage 1 Disinfectants and Disinfection Byproducts Rule (Stage 1DBPR), and Revisions to State Primacy Requirements to Implement the Safe Drinking Water Act (SDWA) Amendments'' (FRL # 6575–9), received April 7, 2000; to the Committee on Environment and Public Works.

EC–8425. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Withdrawal of Certain Federal Human Health and Aquatic Life Water Quality Criteria Applicable to Rhode Island, Vermont, the District of Columbia, Kansas and Idaho'' (FRL # 6576–2), received April 7, 2000; to the Committee on Environment and Public Works.

EC–8426. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Voluntary Submission of Performance Indicator Data'' (NRC Regulatory Issue Summary 2000–08), received April 6, 2000; to the Committee on Environment and Public Works.

EC–8427. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Use of Risk-Informed Decisionmaking in License Amendment Reviews'' (NRC Regulatory Issue Summary 2000–07), received April 6 , 2000; to the Committee on Environment and Public Works.

EC–8428. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Threatened Status for the Santa Ana Sucker'' (RIN1018–AF34), received April 6, 2000; to the Committee on Environment and Public Works.

EC–8429. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Revised VOC Rules'' (FRL # 6574–7A), received April 6, 2000; to the Committee on Environment and Public Works.

EC–8430. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Interim Final Determination that State has Corrected the Plan Deficiency and Stay of Sanctions; Phoenix PM–10 Nonattainment Area, Arizona'' (FRL # 6575–2), received April 6, 2000; to the Committee on Environment and Public Works.

EC–8431. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Transportation Conformity Amendment: Deletion of Grace Period'' (FRL # 6574–7), received April 6, 2000; to the Committee on Environment and Public Works.

EC–8432. A communication from the Administrator, General Services Administration, transmitting an informational copy of a lease prospectus for the Department of the Interior; to the Committee on Environment and Public Works.

EC–8433. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''Enforcement Alert Newsletter: Volume 3, Number 2''; to the Committee on Environment and Public Works.

EC–8434. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''Enforcement Alert Newsletter: Volume 3, Number 3''; to the Committee on Environment and Public Works.

EC–8435. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''Enforcement Alert Newsletter: Volume 3, Number 4''; to the Committee on Environment and Public Works.

EC–8436. A communication from the Director, Office of Regulatory Management and

Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''Interim Guidance for Enforcing the TSCA 402 Abatement Rule 'Firm and Lead Abatement Professional Certification Requirements' ''; to the Committee on Environment and Public Works.

REPORT OF COMMITTEE

The following report of committee was submitted:

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 2045. A bill to amend the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens (Rept. No. 106–260).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRAHAM:

S. 2383. A bill to amend the Immigration and Nationality Act to provide temporary protected status to certain unaccompanied alien children, to provide for the adjustment of status of aliens unlawfully present in the United States who are under 18 years of age, and for other purposes; to the Committee on the Judiciary.

By Mr. TORRICELLI:

S. 2384. A bill to direct the Secretary of Transportation to require the use of dredged material in the construction of federally funded transportation projects; to the Committee on Environment and Public Works.

By Mr. TORRICELLI:

S. 2385. A bill to direct the Secretary of the Army to establish a program to market dredged material; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Mr. BAUCUS, Mr. MURKOWSKI, Mr. CLELAND, Mr. DURBIN, Ms. LANDRIEU, Mr. SMITH of Oregon, Mr. LAUTENBERG, Mr. JOHNSON, Mr. KENNEDY, Mr. EDWARDS, Mr. CAMPBELL, Mr. ABRAHAM, Mr. KERRY, Mr. FEINGOLD, Mr. SANTORUM, Mr. LEAHY, Mr. INHOFE, Mr. WELLSTONE, Mr. BINGAMAN, Mr. MOYNIHAN, Mr. HATCH, Mr. SNOWE, Mr. HAGEL, Mr. BIDEN, Mr. MACK, Mr. GRASSLEY, Mr. ASHCROFT, Mr. BRYAN, Mrs. MURRAY, Mrs. BOXER, Ms. MIKULSKI, Mr. REID, Mr. BREAUX, Mr. DODD, Mr. LIEBERMAN, Mr. KERREY, Mr. DASCHLE, Mr. JEFFORDS, and Mr. ROTH):

S. 2386. A bill to extend the Stamp out Breast Cancer Act; to the Committee on Government Affairs.

By Mr. LEAHY (for himself, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Mr. DURBIN, and Mr. WELLSTONE):

S. 2387. A bill to improve global health by increasing assistance to developing nations with high levels of infectious disease and premature death, by improving children's and women's health and nutrition, by reducing unintended pregnancies, and by combating the spread of infectious disease, particularly HIV/AIDS, and for other purposes; to the Committee on Foreign Relations.

By Mr. HOLLINGS (by request):

S. 2388. A bill to authorize appropriations for Fiscal Year 2001 for certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ROTH:

S. 2389. A bill to provide additional assistance for fire and emergency services, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DEWINE (for himself, Mr. WARNER, Mr. HUTCHINSON, Mr. SESSIONS, Mr. HELMS, and Mr. ABRAHAM):

S. 2390. A bill to establish a grant program that provides incentives for States to enact mandatory minimum sentences for certain firearms offenses, and for other purposes; to the Committee on the Judiciary.

By Mr. ROTH:

S. 2391. A bill to suspend temporarily the duty on (S)-6-chloro-3,4-dihydro-4-cyclopropylethynyl-4-trifluoromethyl-2(1H)-quinazolinone; to the Committee on Finance.

By Mr. ROTH:

S. 2392. A bill to suspend temporarily the duty on (S)-6-chloro-3,4-dihydro-4-E-cyclopropylethynyl-4-trifluoromethyl-2(1H)-quinazolinone; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. FEINGOLD):

S. 2393. A bill to prohibit the use of racial and other discriminatory profiling in connection with searches and detentions of individuals by the United States Customs Service personnel, and for other purposes; to the Committee on Finance.

By Mr. MOYNIHAN (for himself, Mr. KENNEDY, Mr. SCHUMER. Mr. HELMS, Mr. KERREY, Mrs. BOXER, Mr. INOUYE, Mr. SANTORUM, Mr. TORRICELLI, Mr. JOHNSON, Mrs. FEINSTEIN, Mr. SMITH of Oregon, Mr. KERRY, Mr. DEWINE, Mr. EDWARDS, Mr. CLELAND, Mr. LIEBERMAN, Mr. LEVIN, Mr. SARBANES, Mr. WELLSTONE, Mr. REED, Mrs. MURRAY, Ms. MIKULSKI, and Mr. SPECTER):

S. 2394. A bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments; to the Committee on Finance.

By Mr. MOYNIHAN (by request):

S. 2395. A bill to promote economic development and stability in Southeast Europe by providing countries in that region with additional trade benefits; to the Committee on Finance.

By Mr. BENNETT:

S. 2396. A bill to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; to the Committee on Energy and Natural Resources.

By Mr. HUTCHINSON (for himself, Mr. THURMOND, Mr. SESSIONS, Mr. CRAIG, Mr. SMITH of New Hampshire and Mr. INHOFE):

S. 2397. A bill to amend title 10, United States Code, to deny Federal educational assistance funds to local educational agencies that deny the Department of Defense access to secondary school students or directory information about secondary school students for military recruiting purposes, and for other purposes; to the Committee on Armed Services.

By Mr. FITZGERALD (for himself, Mr. SCHUMER, Mr. DURBIN, Mr. SANTORUM, Mr. SPECTER, Ms. MIKULSKI, Mr. SARBANES, and Mr. KERREY):

S. 2398. A bill to amend the Public Health Service Act to revise and extend the programs relating to organ procurement and transplantation; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself and Mr. LEVIN):

S. 2399. A bill to amend title XVIII of the Social Security Act to revise the coverage of immunosuppressive drugs under the Medicare program; to the Committee on Finance.

By Mr. ALLARD:

S. 2400. A bill to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District; to the Committee on Energy and Natural Resources.

By Mr. GREGG (for himself and Mr. KOHL):

S. 2401. A bill to provide jurisdictional standards for imposition of State and local business activity, sales, and use tax obligations on interstate commerce, and for other purposes; to the Committee on Finance.

By Mr. CLELAND (for himself, Mr. LEVIN, and Mr. BINGAMAN):

S. 2402. A bill to amend title 38, United States Code, to enhance and improve educational assistance under the Montgomery GI Bill in order to enhance recruitment and retention of members of the Armed Forces, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. COLLINS (for herself, Mr. MOYNIHAN, Mr. GREGG, Mr. KYL, Mr. LEAHY, and Mrs. HUTCHISON):

S. Res. 285. A resolution expressing the sense of the Senate that there should be parity among the countries that are parties to the North American Free Trade Agreement with respect to the personal exemption allowance for merchandise purchased abroad by returning residents, and for other purposes; to the Committee on Finance.

By Mr. CLELAND:

S. Con. Res. 103. A concurrent resolution honoring the members of the Armed Forces and Federal civilian employees who served the Nation during the Vietnam era and the families of those individuals who lost their lives or remain unaccounted for or were injured during that era in Southeast Asia or elsewhere in the world in defense of United States national security interests; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM:

S. 2383. A bill to amend the Immigration and Nationality Act to provide temporary protected status to certain unaccompanied alien children, to provide for the adjustment of status of aliens unlawfully present in the United States who are under 18 years of age, and for other purposes; to the Committee on the Judiciary.

ALIEN CHILDREN PROTECTION ACT OF 2000

Mr. GRAHAM. Mr. President, for many weeks, we have been dealing with the tragedy of Elian Gonzalez. If this tragedy teaches us anything, it is that the U.S. immigration laws have not

been constructed in a manner that accounts for the special needs of our Nation's most precious resource—I also say our world's most precious resource—our children.

Yesterday, CNN-USA Today released a Gallup Poll on the Elian Gonzalez tragedy. That poll said by a 2-to-1 margin Americans believe Elian Gonzalez should live with his father in Cuba rather than with relatives in the United States. But that same poll, also by a 2-to-1 margin, found that Americans disapprove of the way the Government has handled this case. That disapproval of the way in which the Government has handled this case could be a disapproval of hundreds of cases if they had the same notoriety as Elian.

I come this afternoon to introduce legislation that will require the Federal Government to dramatically improve its treatment of the thousands of unaccompanied children who arrive in the United States each year.

Many of us are parents. I personally have been blessed with four beautiful daughters and 10 wonderful grandchildren. We all know the special joy a child brings to our lives. We know that bond across generations that relationship between a parent or a grandparent and a child brings. We all want to pour all of the history, all of our personal experience into safeguarding and into paving the way in the best interests of our children.

The Bible tells us to take this responsibility seriously. In the book of Proverbs, it imparts this wisdom:

> Train up a child in the way he should go, and when he is old he will not depart from it.

We all have that responsibility to train up a child.

As that passage from Proverbs suggests, we have a responsibility to protect and nurture all of our children. Their future—our planet's future—depends on it.

Unfortunately, U.S. law prevents us from carrying out that responsibility with respect to some of this planet's most vulnerable children.

Each year, there are about 5,000 unaccompanied children who are detained by the U.S. Immigration and Naturalization Service. Some children come to this country seeking asylum, others hope to be reunified with families, and others seek nothing but a better life. While many of these children ultimately are deported or voluntarily returned home, some have legitimate claims which merit our attention.

Regardless of the outcome of their cases, in most instances, these children must endure the rigors of an immigration system that is anything but child friendly. Unfortunately, many children in INS custody end up spending time in jail-like settings while their cases are pending. They have no one to guide them through complex immigration law and procedure.

Moreover, immigration laws are technical and inflexible and do not permit compassion or frequently even common wisdom to enter into the equation when determining the fate of a child.

I will give some examples. Six Chinese children were detained by the INS last year in Oregon. Though charged with no crime, they were sent to a juvenile detention facility for 8 months where they were exposed to violent youthful offenders who had committed crimes such as murder and drug trafficking. One of the group, a 15-year-old girl, was forced to remain at the jail for several weeks after she had been granted asylum, even though she had relatives living in New York.

Such innocent children should not have to endure exposure to hardened juveniles and criminals as part of their experience with the U.S. immigration process.

Equally compelling is the story of a Kosovar Albanian boy who was suffering from severe depression. He was held in a juvenile correctional facility for over 6 months during his immigration proceedings. The INS provided psychiatric care but by a professional who spoke only English. After a mental episode, the boy was placed in the maximum security section of the jail rather than being provided with appropriate care. The INS even balked at placing the boy in foster care after he was granted asylum, thus further delaying his stay in an inappropriate facility.

The Federal Government's insensitivity to child immigrants is also illustrated by a recent case of two children from the Caribbean. Their mother is a legal, permanent resident in the United States, but she had left her minor children behind with the belief they would soon follow. The mother promptly applied for visas for her children. Yet the children were required to wait in their home country for months and, in some cases, even years before they could even get an interview at the local U.S. Embassy to pave the way for reunification with their mother.

These are just three examples of children who were improperly treated as a result of our current immigration laws. Many of these cases are the result of INS's inherent conflict of interest: Children are detained and frequently deported by the same agency that is responsible for caring for them and protecting their legal rights. This system does not work well enough, and it needs improvement. Children are entitled to receive care from child welfare authorities who will act in their best interest and who are trained to protect children's rights.

Indeed, there is an irony. The Federal Government requires States to place children in facilities that are separate and apart from adult correctional facilities. The INS should at least abide by the same standard with respect to alien children.

To address these problems, my legislation takes four actions: First, it requires that INS place children in its custody in a facility appropriate for children; in other words, no jails. These facilities are required to provide for the health, welfare, and educational needs of children.

Two, provide children in INS custody with a guardian ad litem to champion that child's best interest. Notably, this guardian would not be associated with the INS in order to eliminate any conflict of interest.

Three, give the Attorney General the flexibility and the authority in extraordinary cases to evaluate a child's case on the basis of what is in the best interest of the child.

Four, to direct the General Accounting Office to conduct a study and report back to Congress regarding whether and to what extent U.S. diplomatic officials are fulfilling their obligation to reunify on a priority basis children in foreign countries whose parents are legally present in the United States.

With these changes in the law, children will no longer be forced to struggle through the immigration process alone under the adverse conditions to which they are currently exposed. The INS will have the flexibility to treat children in its custody with greater compassion and common sense.

I hope the recent attention which has and will continue to surround the Elian Gonzalez tragedy will encourage us to shield all our children from the vagaries of U.S. immigration law. Our future generations deserve to be protected, not persecuted or prosecuted. They deserve to be inspired, not incarcerated. They deserve to have decisions about their future made consistent with what is in their best interest, not confused by conflicts of interest.

I conclude with hope that this Congress will give attention to an issue which affects not one child but thousands of children who are in the custody of the United States and whose treatment reflects our fundamental American values of justice and concern for their rights.

Mr. President, I ask unanimous consent that the bill and three newspaper articles and editorials on the subject of ''INS Treats Children Shamefully'' be printed in the RECORD.

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

S. 2383

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Alien Children Protection Act of 2000''.

SEC. 2. USE OF APPROPRIATE FACILITIES FOR THE DETENTION OF ALIEN CHILDREN.

(a) IN GENERAL.—Except as provided in subsection (b), in the case of any alien under 18 years of age who is awaiting final adjudication of the alien's immigration status

and who does not have a parent, guardian, or relative in the United States into whose custody the alien may be released, the Attorney General shall place such alien in a facility appropriate for children not later than 72 hours after the Attorney General has taken custody of the alien.

(b) EXCEPTION.—The provisions of subsection (a) do not apply to any alien under 18 years of age who the Attorney General finds has engaged in delinquent behavior, is an escape risk, or has a security need greater than that provided in a facility appropriate for children.

(c) DEFINITION.—In this section, the term ''facility appropriate for children'' means a facility, such as foster care or group homes, operated by a private nonprofit organization, or by a local governmental entity, with experience and expertise in providing for the legal, psychological, educational, physical, social, nutritional, and health requirements of children. The term ''facility appropriate for children'' does not include any facility used primarily to house adults or delinquent minors.

SEC. 3. ADJUSTMENT TO PERMANENT RESIDENT STATUS.

Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

''(l)(1) The Attorney General may, in the Attorney General's discretion, adjust the status of an alien under 18 years of age who has no lawful immigration status in the United States to that of an alien lawfully admitted for permanent residence if—

''(A)(i) the alien (or a parent or legal guardian acting on the alien's behalf) has applied for the status; and

''(ii) the alien has resided in the United States for a period of 5 consecutive years; or

''(B)(i) no parent or legal guardian requests the alien's return to the country of the parent's or guardian's domicile, or with respect to whom the Attorney General finds that returning the child to his or her country of origin would subject the child to mental or physical abuse; and

''(ii) the Attorney General determines that it is in the best interests of the alien to remain in the United States notwithstanding the fact that the alien is not eligible for asylum protection under section 208 or protection under section 101(a)(27)(J).

''(2) The Attorney General shall make a determination under paragraph (1)(B)(ii) based on input from a person or entity that is not employed by or a part of the Service and that is qualified to evaluate children and opine as to what is in their best interest in a given situation.

''(3) Upon the approval of adjustment of status of an alien under paragraph (1), the Attorney General shall record the alien's lawful admission for permanent residence as of the date of such approval, and the Secretary of State shall reduce by one the number of visas authorized to be issued under sections 201(d) and 203(b)(4) for the fiscal year then current.

''(4) Not more than 500 aliens may be granted permanent resident status under this subsection in any fiscal year.''.

SEC. 4. ASSIGNMENT OF GUARDIANS AD LITEM TO ALIEN CHILDREN.

(a) ASSIGNMENT.—Whenever a covered alien is a party to an immigration proceeding, the Attorney General shall assign such covered alien a child welfare professional or other individual who has received training in child welfare matters and who is recognized by the Attorney General as being qualified to serve as a guardian ad litem (in this section referred to as the ''guardian''). The guardian shall not be an employee of the Immigration and Naturalization Service.

(b) RESPONSIBILITIES.—The guardian shall ensure that—

(1) the covered alien's best interests are promoted while the covered alien participates in, or is subject to, the immigration proceeding; and

(2) the covered alien understands the proceeding.

(c) REQUIREMENTS ON THE ATTORNEY GENERAL.—The Attorney General shall serve notice of all matters affecting a covered alien's immigration status (including all papers filed in an immigration proceeding) on the covered alien's guardian.

(d) DEFINITION.—In this section, the term ''covered alien'' means an alien—

(1) who is under 18 years of age;

(2) who has no lawful immigration status in the United States and is not within the physical custody of a parent or legal guardian; and

(3) whom no parent or legal guardian requests the person's return to the country of the parent's or guardian's domicile or with respect to whom the Attorney General finds that returning the child to his or her country of origin would subject the child to physical or mental abuse.

SEC. 5. SENSE OF CONGRESS.

Congress commends the Immigration and Naturalization Service for its issuance of its ''Guidelines for Children's Asylum Claims'', dated December 1998, and encourages and supports the Service's implementation of such guidelines in an effort to facilitate the handling of children's asylum claims.

SEC. 6 GENERAL ACCOUNTING OFFICE REPORT.

The General Accounting Office shall prepare a report to Congress regarding whether and to what extent U.S. Embassy and consular officials are fulfilling their obligation to reunify, on a priority basis, children in foreign countries whose parent or parents are legally present in the United States.

[From the St. Petersburg Times, Mar. 8, 2000]

INS TREATS CHILDREN SHAMEFULLY

Reaching the U.S. mainland usually is no easy feat for illegal immigrants fleeing their homelands. Whether crossing the ocean by boat or trudging miles across desert, immigrants nearly always face a journey that is dangerous and traumatic. For the children of these immigrants, who often have no say in their parents' decision to flee to the United States, that trauma too often is compounded once they arrive—by an American immigration system that treats kids like criminals.

The Immigration and Naturalization Service says children detained by the agency must be moved to a safe, kid-friendly environment within 72 hours of their initial detention, unless they are suspected criminals or considered a flight risk. Advocates for these children say that rule rarely is enforced. Instead, immigrant children typically are separated from their loved ones and locked in juvenile detention facilities, often before the INS has a chance to determine the family's status.

Because of a worsening space crunch at INS facilities, nearly 1,000 of the 4,000 children detained by the INS within the past year have been remanded to secure, jail-like facilities where many have remained for months. The children typically wear prison uniforms, and many are forced to mingle with the teenage convicts also housed in the facilities. Unlike the convicts, immigrant children get no legal representation, and no adult guardians are appointed to protect their interests.

This shameful treatment of children is a symptom of the broader problems plaguing U.S. immigration policy. It is a system that allows legal U.S. residents to be detained indefinitely on the basis of secret evidence. It is a system that no longer gives judges discretion in deportation cases. And it is a system that even the INS's own chief has described as slow, inefficient and poorly managed.

The INS is expected to issue new rules that will require jails housing non-criminal INS detainees to meet specific standards of care. Immigrant advocates hope the new rules will give detainees the right to make phone calls, meet with lawyers and prevent guards from subjecting them to arbitrary strip searches.

Even if those rules pass, they should be only the first of many reforms initiated by the INS and Congress to ensure that all detainees—especially children—are treated more humanely by the U.S. government.

[From the Seattle Post-Intelligencer, Mar. 21, 2000]

IMMIGRATION LAW BUSTS UP FAMILIES

(By Llewelyn G. Pritchard)

Llewelyn G. Pritchard is a Seattle attorney at Helsell Fetterman. He is chairman of the American Bar Association Advisory Committee to the Immigration Pro Bono Development and Bar Activation Project. He is a former member of the boards of the Washington State Bar Association and the American Bar Association.

Lately we have been bombarded with media stories about immigrant families being ripped apart due to draconian measures undertaken by the U.S. Immigration and Naturalization Service.

There is the Atlanta story about the German mother of two who, having applied for citizenship, faces deportation instead because years ago she admitted to pulling another girl's hair over the affections of a boy.

There is the Falls Church, Va., mom who called police after repeatedly being beaten by her husband. She was arrested for biting him after he sat on her. She faces deportation and separation from her children, all of whom were born in the United States.

But we don't have to look beyond he boundaries of Washington to hear terrible tales.

There is the case of Emma Hay. This Puyallup mother of four—all U.S. citizens—is being deported. Her crime was to answer the telephone for a visiting relative who said he didn't speak English well enough to talk to the caller.

By simply saying her relative ''couldn't help the caller today, but could help tomorrow,'' Hay was caught in a drug sting and charged with ''using a communications facility to facilitate the distribution of cocaine.'' Although she claimed she wasn't aware of her cousin's activities, she pleaded guilty and was convicted on federal drug charges. She got no jail time, and was placed on probation for three years, which she successfully completed.

After living in our state for more than 20 years and running a restaurant, Hay now faces deportation. While the original incident earned her a probationary sentence because she agreed to plead guilty, it has now become a deportable offense.

Hay was grabbed by the INS upon returning from a vacation, all because the tough 1996 Illegal Immigration Reform and Immigrant Responsibility Act has tipped the legal scales against non-citizens * * *. This draconian law reclassifies past infractions and

makes them deportable offenses even in cases where no prison time has been served or where there is evidence of rehabilitation.

This law also widely expanded the definition of aggravated felony. Non-citizens convicted of ''aggravated felonies'' are now not only deportable, but are also ineligible for a waiver from deportation or even judicial review.

Woe to the immigrant who applies to become a citizen only to be trapped in the INS web, as in the case of the German mother in Atlanta, or who seeks to re-enter the country as Hay did.

So now Hay sits in a Louisiana jail, thousands of miles away from her lawyer and her children, awaiting deportation. Her 20-year-old daughter has quit school to support the family.

What's the benefit of justice to her, her family or our country? There is none under this new act.

The INS has the fastest growing prison population in the United States. There are more than 17,000 immigrants detained, with predictions of 23,000 by year's end. Most detainees do not have legal representation, even though the INS adopted standards in 1998 allowing lawyer access in federal INS facilities.

The majority, or 60 percent, are warehoused in state and local jails, at great cost to our overburdened prison budget. Those folks are far away from immigration lawyers and have no guarantee of legal access. Even those in federal INS facilities are in remote areas and access is often difficult.

We should be outraged. This can't be happening in America. Newcomers live in all our communities, work at our sides, attend our churches and our schools. They are our neighbors and our friends.

But there is some good news.

The 60,000 member American Bar Association Section of Litigation, which will meet in Seattle in early April, announced that it will adopt our ABA immigration project as one of its pro bono efforts, pairing up with lawyers with detainees around the country.

Their efforts will help some of the most defenseless in our country. I applaud and welcome them in this worthy fight.

We must make certain that the basic premise and promise of our country is not forgotten: ''Justice for all.''

[From the Miami Herald, Jan. 9, 2000]

THE LITTLEST REFUGEES MERIT BETTER TREATMENT FROM INS

Immigration and Naturalization Service Commissioner Doris Meissner projects uncommon compassion. ''Both U.S. and international law recognize the unique relationship between parent and child,'' she said in announcing her decision to return 6-year-old Elian Gonzalez to his father in Cuba. ''Family reunification has long been a cornerstone of both American Immigration law and INS practice.''

Unfortunately her agency doesn't always practice what she preaches. Case in point: Two children, ages 8 and 10, were repatriated to Haiti while their mother, desperate with worry not knowing what had happened to them, was brought to Miami for medical care.

Yvena Rhinvil and her children were among some 400 passengers on the boat from Haiti that ran aground off Key Biscayne on New Years Eve. They were trying to enter the United States illegally. Both the Coast Guard and INS now say that they didn't know about the children. Had it known, INS says it would have tried to keep the kids with their mother.

But Ms. Rhinvil says she spoke of her kids both to an interpreter before being taken off the ship and once again on land. What mother wouldn't?

KIDS DON'T COME FIRST

If indeed the INS didn't know, it should have known before it sent the children back. Nobody asked, which is inexcusable. Fortunately an aunt watched Ms. Rhinvil's children. But who knows if there were other unaccompanied youths aboard that boat?

The problem is that the INS is not equipped either by mission or staffing to look out for the welfare of children. First and foremost it is an enforcement agency, charged with protecting our borders. Both policy and practice reflect it.

Another case: A 15-year-old Chinese girl remained in a Portland, Ore., juvenile jail more than six weeks after being granted asylum and after an uncle in New York had agreed to take her. She and five other teens fled China in April, only to spend eight months in a criminal facility.

Unfortunately, locking up minors such as these teens is not an exception. That's because INS practices regarding children vary widely by their nationality and INS district. Even though international law and common decency dictate that refugee children be detained only as a last measure and only for a short time, detention in criminal juvenile facilities happens regularly in some districts. Without caretakers and most often without legal advisers, what hope can detained children have of knowing or demanding their legal rights?

LITTLE PROTECTION

For the most part, the Florida INS District treats minors better than most. Unaccompanied children without U.S. relatives are often placed with Catholic Charities facilities such as Boystown. Children who arrive with parents are typically placed in a hotel until the family is deported or released from detention.

Ideally all minors could be released to caring relatives, and the INS frequently does this. Yet without the intervention of child-welfare authorities, there is little protection from abuse. The INS mandates such intervention only when the child is from China or India because of the track record of child servant-slaves. Yet Haitian children, too, have been known to be sold into servitude.

Capricious and inconsistent treatment of children simply is unacceptable when last year alone the INS had some 5,300 minors in its custody.

By Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Mr. BAUCUS, Mr. MURKOWSKI, Mr. CLELAND, Mr. DURBIN, Ms. LANDRIEU, Mr. SMITH of Oregon, Mr. LAUTENBERG, Mr. JOHNSON, Mr. KENNEDY, Mr. EDWARDS, Mr. CAMPBELL, Mr. ABRAHAM, Mr. KERRY, Mr. FEINGOLD, Mr. SANTORUM, Mr. LEAHY, Mr. INHOFE, Mr. WELLSTONE, Mr. BINGAMAN, Mr. MOYNIHAN, Mr. HATCH, Ms. SNOWE, Mr. HAGEL, Mr. BIDEN, Mr. MACK, Mr. GRASSLEY, Mr. ASHCROFT, Mr. BRYAN, Mrs. MURRAY, Mrs. BOXER, Ms. MIKULSKI, Mr. REID, Mr. BREAUX, Mr. DODD, Mr. LIEBERMAN, Mr. KERREY, Mr. DASCHLE, Mr. JEFFORDS, and Mr. ROTH):

S. 2386. A bill to extend the Stamp out Breast Cancer Act; to the Committee on Governmental Affairs.

BREAST CANCER RESEARCH STAMP REAUTHORIZATION ACT OF 2000

Mrs. FEINSTEIN. Mr. President, I rise to introduce the bill entitled the Breast Cancer Research Stamps Reauthorization Act of 2000. I am pleased that Senator KAY BAILEY HUTCHISON has joined me as the lead cosponsor.

The Breast Cancer Research stamp is the first stamp in our nation's history dedicated to raising funds for a special cause. Since the stamp's issuance in the summer of 1998, the U.S. Postal Service has sold 164 million Breast Cancer Research stamps—raising over $12 million for breast cancer research. In addition, the stamp has focused public awareness on the devastating disease and has stood out as a beacon of hope and strength around which breast-cancer survivors can rally.

Unfortunately, without congressional action, the Breast Cancer Research stamp will expire on July 28, 2000. The Breast Cancer Research Stamp Reauthorization Act of 2000 would permit the sale of the Breast Cancer Research stamp for 2 additional years. The stamp would continue to cost 40 cents and sell as a first class stamp. The extra money collected will be directed to breast cancer research at the National Institutes of Health and the Department of Defense.

A Breast Cancer Research stamp remains just as necessary today as 2 years ago. Breast cancer is the most commonly diagnosed cancer among women in every major ethnic group in the United States. More than 2 million women are living with breast cancer in America, 1 million of whom have yet to be diagnosed.

Breast cancer continues to be the number one cancer killer of women between the ages of 15 and 54. This year alone, 182,800 women will be diagnosed with breast cancer, and 40,800 women will die from the disease. The disease claims another woman's life every 15 minutes in the United States.

Thanks to breakthroughs in cancer research, more and more people are becoming cancer survivors rather than cancer victims. According to the American Association for Cancer Research, 8 million people are alive today as a result of cancer research. The bottom line is that every dollar we continue to raise will save lives.

I am pleased to report that this reauthorization bill has over 39 original cosponsors and broad support within the health community.

Let me just repeat a couple of the glowing comments from the many groups in support of this bill. It shows the truly astounding impact of this stamp.

The Susan G. Komen Foundation writes:

The Breast Cancer Research stamp has not only raised millions of dollars by providing a

convenient and innovative mechanism for public participation in the [battle against breast cancer], but it has also focused public awareness on this devastating disease.

Betsy Mullen of Women's Information Network—Against Breast Cancer adds:

This bill, if passed will provide an innovative, simple and now proven way for individuals to make a substantial contribution to fund federal cancer research and to continue to be a part of what has become an effective public-private partnership.

The American Association of Health Plan attests:

We've heard from our physicians about women who have scheduled examinations or mammograms after purchasing the stamp or receiving a card or letter posted with it.

Oliver Goldsmith, chairman of the Southern California Permanente Medical Group, writes:

The Breast Cancer Research stamp captures the essence of innovation, volunteerism and partnership that are such an integral aspect of our country's history and spirit. This vital legislation will give all of us the opportunity to continue to work together to eradicate breast cancer. The American people can realistically continue to raise millions of dollars a year to fund cutting edge research to end this rampant disease that claims the lives of all too many breast cancer victims in this country and around the world.

Other supporters of the Breast Cancer Stamp Reauthorization Act of 2000 include the American Cancer Society, the American Medical Association, the Y-Me National Breast Cancer Organization, Leadership America, the National Association of Women's Health, the American Cancer League, the American College of Surgeons, Friends of Cancer Research, the California Nurses Association, the Association of Reproductive Health Care Professionals, and many others.

I urge my colleagues to join me in enacting this important legislation.

By Mr. LEAHY (for himself, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Mr. DURBIN, and Mr. WELLSTONE):

S. 2387. A bill to improve global health by increasing assistance to developing nations with high levels of infectious disease and premature deaths, by improving children's and women's health and nutrition, by reducing unintended pregnancies, and by combating the spread of infectious diseases, particularly HIV/AIDS, and for other purposes; to the Committee on Foreign Relations.

GLOBAL HEALTH ACT OF 2000

Mr. LEAHY. Mr. President, today the Foreign Operations Subcommittee held its third hearing on global health since 1997. Our first hearing was the first of its kind in the Congress, when we highlighted how disease outbreaks and impoverished public health systems half a world away directly threaten Americans. Since then, the interest in these issues in the Congress, the Administration, the media and the public has skyrocketed.

Today, there are about a dozen pieces of legislation pending which deal with some aspect of global health, the President has proposed major increases in funding and policy initiatives to encourage the pharmaceutical companies to invest in new vaccines against HIV/AIDS, malaria, TB, and other major killers, and the World Health Organization is setting the pace for us all to tackle these challenges with new energy and new resources.

This sea change is a reflection of the magnitude of the challenges and opportunities, as well as a recognition of the essential role the United States must play in global health.

There is no need to recite at length what has spurred this interest, but I do want to cite a couple of illustrative facts:

In America, each year we spend over $4,000 per person on health care.

In the countries where 2 billion of the world's people live in desperate poverty, only $3 to $5 per person per year is spent on health care.

It would cost just $15 per person per year to address most of the urgent health needs of those 2 billion people.

With that $15 per person, we could prevent or cure the many millions of deaths caused by tuberculosis, malaria, pneumonia, diarrheal diseases, measles, HIV/AIDS, and pregnancy related diseases.

That is the challenge we face. The benefits to the world, and to the United States, should be obvious. In an increasingly interdependent world, reducing the threats posed by infectious diseases and poor reproductive health, and the social and economic consequences of poverty and disease, is absolutely key to our own future security and prosperity.

The Congress has become increasingly seized with these issues. However, while I strongly support most of the bills that have been introduced—and I am a cosponsor of Senator KERRY's ''Vaccines for the New Millennium Act,'' they have tended to focus narrowly on the eradication of specific diseases and the development of new vaccines.

These are admirable and important goals, but I have always believed that global health consists of a broader set of issues that must be addressed together. Our primary challenge is to provide the resources to enable developing countries to build the capacity—both human and infrastructure, to support effective public health systems. That was the motivation for my infectious disease initiative three years ago, which since then has provided an additional $175 million to support programs in surveillance, anti-microbial resistance, TB, and malaria.

Today, in an effort to build on that initiative, I am introducing new legislation to authorize an additional $1 billion to support five key components of global health. The ''Global Health Act of 2000,'' targets HIV/AIDS; other deadly infectious diseases such as TB, malaria, and measles; children's health; women's health; and family planning.

Together, these five groups of issues account for over 80 percent of the disproportionate burden of disease and death borne by the 2 billion people living in the world's poorest countries. This legislation, an identical version of which Congressman JOSEPH CROWLEY has introduced in the House, has the strong support of the Global Health Council, the world's largest consortium of private and public companies and organizations, agencies and governments, involved in public health.

We have the technology to do this. The key missing ingredient is political will, and resources.

We can, and we must, recognize that we need to think in terms of far larger amounts of money if we are serious about global health. Every dollar of the additional $1 billion called for in my legislation, which is approximately double the amount we currently spend on these activities, is justified and urgently needed. And the payoff would be enormous, both in terms of lives saved and in future health care cost savings.

Senator MCCONNELL, the chairman of the Foreign Operations Subcommittee, has been a strong supporter of global health, and I will be working in the Appropriations Committee to obtain the funds we need to achieve these goals.

By Mr. ROTH;

S. 2389. A bill to provide additional assistance for fire and emergency services, and for other purposes; to the Committee on Environment and Public Works.

21ST CENTURY FIRE AND EMERGENCY SERVICES ACT OF 2000

• Mr. ROTH. Mr. President, firefighters and EMS personnel are truly our nation's first responders. When the tragic images of natural or manmade disasters flash across our TV screens, there is one image that stands alone. The American firefighter is always there to rescue the family from a burning building, always there in the wake of a natural disaster, and is always there should a terrorist strike in our nation's heartland. These scenes are played out around our country on a daily basis. And while we see these images on TV as just a part of our society today, what is not realized is the cost our first responders bear.

The 1.2 million men and women that serve in our nation's 32,000 fire departments do so with little fanfare, and often with little or no pay. Our nation's first responders ask very little of us, but, thankfully, they are always there when we need them.

That is why I have introduced the 21st Century Fire and Emergency Services Act which is a companion to the

House-passed legislation. This legislation is an important step forward for the fire and EMS community.

Every year I hear from fire departments in Delaware who are looking to acquire state-of-the-art equipment to enhance their performance on a fire scene, or attempting to secure funding to train personnel in arson detection. I also hear from fire personnel seeking funds to create all-important fire prevention programs at local elementary schools. These are just a few examples. The point is that for all too many departments, after the general operating expenses are calculated, there is no funding for this equipment or special program. Funds raised through chicken dinners, bingo and bake sales can only go so far.

Back home, the Delaware Volunteer Firemen's Association is sending out the call for help. My legislation establishes two grant programs at the Federal Emergency Management Agency. The first is an $80 million competitive grant program for volunteer and paid fire and emergency services departments. With these 50/50 matching grants, I believe this legislation will give departments throughout our country an opportunity to have the thermal imaging camera or the health and wellness program needed to help them do their jobs even better.

Second, this bill establishes a $10 million burn research grant program through FEMA. Under this program, safety organizations, hospitals, and governmental and nongovernmental entities that are responsible for burn research, prevention, or treatment are eligible for competitive grants to continue their important work.

Finally, this bill recognizes the contributions of volunteer firefighters by providing $10 million to fully fund the USDA's Volunteer Fire Assistance Program. This program allows the nearly 28,000 rural fire departments nationwide to apply for cost-share grants for training, equipping and organizing their personnel. These rural fire departments represent the first line of defense for rural areas coping with fires and other emergencies.

Personally, I am excited about the technology that is available to first responders today, and I am committed to working to ensure that every department in Delaware and throughout the country has the tools it needs to make us all safer in our homes and communities. Let's not wait for the next disaster to hear the call.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2389

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''21st Century Fire and Emergency Services Act of 2000''.

SEC. 2. DEFINITIONS.

In this Act:

(1) AGENCY.—The term ''Agency'' means the Federal Emergency Management Agency.

(2) BURN PROGRAM.—The term ''burn program'' means the Burn Services Grant Program established by section 3(a).

(3) DIRECTOR.—The term ''Director'' means the Director of the Agency.

(4) FIRE PROGRAM.—The term ''fire program'' means the ''Fire Services Grant Program'' established under section 4(a).

SEC. 3. BURN SERVICES GRANT PROGRAM.

(a) ESTABLISHMENT.—There is established within the Agency a grant program to be known as the ''Burn Services Grant Program''.

(b) COMPETITIVE GRANTS.—The Director may make a grant under the burn program, on a competitive basis, to—

(1) a safety organization that has experience in conducting burn safety programs, for the purpose of assisting the organization in conducting or augmenting a burn prevention program;

(2) a hospital that serves as a regional burn center, for the purpose of conducting acute burn care research; or

(3) a governmental or nongovernmental entity, for the purpose of providing after-burn treatment and counseling to individuals that are burn victims.

(c) PROGRAM OFFICE.—The Director shall establish within the Agency an office to—

(1) establish criteria for use by the Director in awarding grants under the burn program; and

(2) administer grants awarded under the burn program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000, to remain available until expended.

SEC. 4. FIRE SERVICES GRANT PROGRAM.

(a) ESTABLISHMENT.—The Director shall establish within the Agency a grant program known as the ''Fire Services Grant Program'' to award grants to volunteer, paid, and combined volunteer-paid departments that provide fire and emergency medical services.

(b) USE OF FUNDS.—A grant awarded under the fire program may be used to—

(1) acquire—

(A) personal protective equipment required for firefighting personnel by the Occupational Safety and Health Administration; and

(B) other personal protective equipment for firefighting personnel;

(2) acquire additional firefighting equipment, including equipment for communication and monitoring;

(3) establish wellness and fitness programs for firefighting personnel to reduce the number of injuries and deaths related to health and conditioning problems;

(4) promote professional development of fire code enforcement personnel;

(5) integrate computer technology to improve records management and training capabilities;

(6) train firefighting personnel in—

(A) firefighting;

(B) emergency response; and

(C) arson prevention and detection;

(7) enforce fire codes;

(8) fund fire prevention programs and public education programs on—

(A) arson prevention and detection; and

(B) juvenile fire setter intervention; and

(9) modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel.

(c) APPLICATIONS.—An applicant for a grant awarded under the fire program shall submit to the Director an application that includes—

(1) a demonstration of the financial need of the applicant;

(2) evidence of a commitment by the applicant to provide matching funds from non-Federal sources for the project that is the subject of the application in an amount that is at least equal to the amount of funds requested in the application;

(3) a cost-benefit analysis linking the funds requested to improvements in public safety; and

(4) a commitment by the applicant to provide information to the National Fire Incident Reporting System for the period for which the grant is received.

(d) AUDITS.—The Director shall conduct audits of grant recipients to ensure that grant funds are used for the purposes for which the grant is awarded.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $80,000,000, to remain available until expended.

SEC. 5. COOPERATIVE FORESTRY ASSISTANCE.

The Secretary of Agriculture shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out paragraphs (1) through (3) of section 10(b) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106(b)), not to exceed $10,000,000, to remain available until expended.●

By Mr. DEWINE (for himself, Mr. WARNER, Mr. HUTCHINSON, Mr. SESSIONS, Mr. HELMS, and Mr. ABRAHAM):

S. 2390. A bill to establish a grant program that provides incentives for States to enact mandatory minimum sentences for certain firearms offenses, and for other purposes; to the Committee on the Judiciary.

PROJECT EXILE: THE SAFE STREETS AND NEIGHBORHOODS ACT OF 2000

● Mr. DEWINE. Mr. President, I come to the floor today because I am troubled. Guns are falling into the wrong hands. It's killing our children. It's killing our friends and our neighbors. It's creating mayhem in communities across America. That's why I'm introducing Project Exile: The Safe Streets and Neighborhoods Act of 2000.

It's no secret that gun control measures are very controversial and are subject to a great deal of debate—as they should be. But, in the heat of that debate, we must not lose sight of the real issue—gun violence. There is nothing controversial about protecting our children, our families and our communities by keeping guns out of the wrong hands—the hands of armed criminals—not law-abiding citizens, Mr. President, but criminals.

The Safe Streets and Neighborhoods Act offers a simple, commonsense approach to fighting gun violence. My bill would provide $100 million in grants over 5 years to those states agreeing to impose mandatory minimum 5-year jail sentences on criminals who use or possess an illegal gun.

As an alternative, a state can also qualify for the grants by turning armed criminals over for federal prosecution under existing firearms laws. Therefore, a state has the option of having armed felons prosecuted in state or federal courts. Qualifying states can use their grants for any purpose that would strengthen the ability of their criminal or juvenile justice systems to deal with violent criminals.

Back in 1991, the Federal Government implemented a program to aim antigun violence efforts at the root of the problem—at criminals. This program—known as project Triggerlock—directed every U.S. attorney to coordinate with federal, state, and local investigators to bring federal weapons charges against armed criminals. Sentences for these prosecutions were generally more severe than they would have been under state laws. The program was hugely successful. In fact, simply by making gun prosecutions a federal priority, starting in 1991, Project Triggerlock took away over 2,000 guns from violent felons in just 18 months.

Tragically, Mr. President, despite the success of Project Triggerlock, the current administration has not aggressively prosecuted all armed criminals. Between 1992 and 1998, for example, the number of gun cases filed for prosecution dropped from 7,048 to about 3,807—that's a 46-percent decrease. As a result, the number of federal criminal convictions for firearms offenses have fallen dramatically.

Even worse, some federal firearms laws are almost never enforced by this administration. While Brady law background checks have stopped nearly 300,000 prohibited purchasers of firearms from buying guns, less than one-tenth of one percent have been prosecuted. Similarly, federal criminal prosecutions for possession of a firearm on school grounds numbered just eight in 1998, despite the fact that 6,000 individuals were caught carrying guns to school. There's something wrong with this picture, Mr. President, something terribly wrong.

I believe most Americans would agree that we should take guns out of the hands of armed criminals. I believe that most Americans would agree that criminals who possess a firearm or use a firearm during the commission of a violent crime or a serious drug trafficking offense should face severe penalties. And, Mr. President, I also believe that most Americans would favor legislation that offers a single, noncontroversial, commensense approach to fighting gun violence.

So, today, I, along with my colleagues, introduce Project Exile: The Safe Streets and Neighborhoods Act, which builds on the previous success of programs like Project Triggerlock and offers the kind of practical solution we need to thwart gun crimes.

This approach works, Mr. President. For example, in 1997, Virginia revived Project Triggerlock under the name ''Project Exile.'' Specifically, the city of Richmond and the U.S. attorney implemented a program based on one simple principle: any criminal caught with a gun serves a minimum mandatory sentence of 5 years in federal prison. Period. End of story. As a result, gun-toting criminals are being prosecuted six times faster, and serving sentences up to four times longer than they otherwise would under state law. Moreover, the homicide rate in Richmond already has dropped 40 percent.

It is clear that programs like Project Triggerlock and Virginia's Project Exile work, while at the same time being very simple. But still, federal gun prosecutions have declined considerably during this administration because it has not emphasized these programs. Why? I have repeatedly questioned Attorney General Reno and her deputies about this decline, and their standard response is that the Department of Justice is focusing on so-called ''high-level'' offenders, instead of ''low-level'' offenders who commit a crime with a gun. With all due respect, I consider that response to be bureaucratic nonsense. One thing I learned as Greene County Prosecutor in my home state of Ohio is that any criminal who commits a crime with a gun is a high-level offender. And, I'm willing to bet that any citizen who has ever been a victim of a gun-crime would agree.

Furthermore, the idea that there are a lot of so-called ''low-level'' offenders, who commit only one crime with a gun, is just plain wrong. The average armed criminal commits 160 crimes a year; that is an average of three crimes per week. These people are, by themselves, walking crime waves.

Along the same lines, Attorney General Reno recently said that she would aggressively prosecute armed criminals, but only if they commit a violent crime. Again, that type of law enforcement policy just does not make sense. Current law prohibits felons from possessing guns—we should enforce the law. We should aggressively prosecute armed criminals before they use those guns to injure and kill people.

We need to take all of these armed criminals off the streets. That is how we will prevent crime and save lives. Why wait for armed criminals to commit more heinous crimes before we prosecute them to the full extent of the law? Why wait when we can do something that will make a difference now, before another Ohioan—or any American—becomes a victim of gun violence.

Every state should have the opportunity to implement Project Exile in their high-crime communities. The bill that we are introducing today will make this proven, commonsense approach to reducing gun violence available to every state. Programs like Project Triggerlock and Project Exile will take guns out of the hands of violent criminals. They will make our neighborhoods safer. They will save lives.

We can take concrete steps toward making our streets and neighborhoods safer from armed criminals by passing the ''Safe Streets and Neighborhoods Act.'' I urge my colleagues on both sides of the aisle to support and pass this legislation. It's time to protect our children and our families. It's time to get guns out of the wrong hands. It's time we take back our neighborhoods and our communities from the criminals and take action to stop gun crimes.●

By Mr. ROTH:

S. 2391. A bill to suspend temporarily the duty on (S)-6-chloro-3,4-dihydrol - 4 - cyclopropyethynyl-4-trifluoromethyl-2(1H)-quinazolinone; to the Committee on Finance.

S. 2392. A bill to suspend temporarily the duty on (S)-6-chloro-3,4-dihydro-4E-cyclopropyethynyl - 4 - trifluoro–methyl-2(1H)-quinazolinone; to the Committee on Finance.

LEGISLATION TO TEMPORARILY REDUCE TARIFFS ON HIV-COMBATING DRUGS

Mr. ROTH. Mr. President, I rise today to introduce two bills, each of which would temporarily suspend the tariff collected on imports of two HIV-combating drugs, thus lowering their price for HIV-infected consumers in the United States.

The two drugs are DPC 961 and DPC 083. They have been selected from hundreds of candidates to have superior attributes relative to currently marketed similar drugs. As such, their combined potency, excellent resistance profile, lower protein binding, and longer plasma half life increases the probability that these drugs will successfully treat both HIV patients who have not previously had a similar treatment as well as those HIV patients who have already developed resistance to currently available agents. According to publicly available information, there is no other HIV treatment in clinical trials that is expected to be able to treat most patients with resistance to currently available agents. DPC 961 and DPC 083 are also expected to have the advantage of once daily therapy.

In addition, it is my expectation that the revenue impact of these measures will be determined by the Congressional Budget Office to be de minimus. There is no manufacturer of these drugs in the United States. It is my hope that these measures will win the unanimous support of my colleagues.

By Mr. DURBIN (for himself and Mr. FEINGOLD):

S. 2393. A bill to prohibit the use of racial and other discriminatory profiling in connection with searches

and detentions of individuals by the United States Customs Service personnel, and for other purposes; to the Committee on Finance.

THE REASONABLE SEARCH STANDARDS ACT

• Mr. DURBIN. Mr. President, I rise today to introduce the Reasonable Search Standards Act. This act prohibits racial or other discriminatory profiling by Customs Service personnel. Representative JOHN LEWIS from Georgia has introduced similar legislation in the House.

Two years ago, I requested a GAO study of the U.S. Customs Service's procedures for conducting inspections of airport passengers. The need for this study grew out of an investigation report by Renee Ferguson of WMAQ–TV in Chicago and several complaints from African-American women in my home state of Illinois who were strip-searched at O'Hare Airport for suspicion of carrying drugs. No drugs were found and the women felt that they had been singled out for these highly intrusive searches because of their race. These women, approximately 100 of them, have filed a class action suit in Chicago.

The purpose of the GAO study was to review Customs' policies and procedures for conducting personal searches of airport passengers and to determine the internal controls in place to ensure that airline passengers are not inappropriately targeted or subjected to personal searches.

Approximately 140 million passengers entered the United States on international flights during fiscal years 1997 and 1998. Because there is no data available on the gender, race and citizenship of this traveling population, GAO was not able to determine whether specific groups of passengers are disproportionately selected to be searched.

However, once passengers are selected for searches, GAO was able to evaluate the likelihood that people with various race and gender characteristics would be subjected to searches that are more personally intrusive, such as strip-searches and x-rays, rather than simply being frisked or patted down.

The GAO study revealed some very troubling patterns in the searches conducted by U.S. Customs Service inspectors.

GAO found disturbing disparities in the likelihood that passengers from certain populations groups, having been selected for some form of search, would be subjected to the more intrusive searches including strip-searches or x-ray searches. Moreover, that increased likelihood of being intrusively searched did not always correspond to an increased likelihood of actual carrying contraband.

Because of the intrusive nature of strip-searches and x-ray searches, it is important that the Customs Service avoid any discriminatory bias in forcing passengers to undergo these searches.

GAO found that African-American women were much more likely to be strip-searched than most other passengers. This disproportionate treatment was not justified by the rate at which these women were found to be carrying contraband. Certain other groups also experienced a greater likelihood of being strip-searched relative to their likelihood of being found carrying contraband.

Specifically, African-American women were nearly 3 times as likely as African-American men to be strip-searched, even though they were only half as likely to be found carrying contraband. Hispanic-American and Asian-American women were also nearly 3 times as likely as Hispanic-American and Asian-American men to be strip-searched, even though they were 20 percent less likely to be found carrying contraband.

In addition, African-American women were 73 percent more likely than White-American women to be strip-searched in 1998 and nearly 3 times as likely to be strip-searched in 1997, despite only a 42 percent higher likelihood of being found carrying contraband. Moreover, among non-citizens, White men and women were more likely to be strip-searched than Black and Hispanic men and women, despite lower rates of being found carrying contraband.

As with strip-searches, x-rays are personally intrusive and it is of particular concern that the Customs Service avoid any discriminatory bias in requiring x-ray searches of passengers suspected of carrying contraband.

GAO found that African-Americans and Hispanic-Americans were much more likely to be x-rayed than other passengers. This disproportionate treatment was not justified by the rate at which these passengers were found to be carrying contraband.

Specifically, GAO found that African-American women were nearly 9 times as likely as White-American women to be x-rayed even though they were half as likely to be carrying contraband. African-American men were nearly 9 times as likely as White-American men to be x-rayed, even though they were no more likely than White-American men to be carrying contraband. Moreover, Hispanic-American women and men were nearly 4 times as likely as White-American women and men to be x-rayed, even though they were only a little more than half as likely to be carrying contraband. And among non-citizens, Black women and men were more than 4 times as likely as White women and men to be x-rayed, even though Black women were only half as likely and Black men were no more likely to be found carrying contraband.

For these reasons, I am introducing the Reasonable Search Standards Act. This bill is a direct response to the concerns raised by the GAO report. The bill prohibits Customs Service personnel from selecting passengers for searches based in whole or in part on the passenger's actual or perceived race, religion, gender, national origin, or sexual orientation.

To ensure that a sound reason exists for selecting someone to be searched, the bill requires Customs Service personnel to document the reasons for searching a passenger before the passenger is searched. The only exception to this requirement is when the Customs official suspects that the passenger is carrying a weapon.

The bill also requires all Customs Service personnel to undergo periodic training on the procedures for searching passengers, with a particular emphasis on the prohibition on profiling. The training shall include a review of the reasons given for searches, the results of the searches and the effectiveness of the criteria used by Customs to select passengers for searches.

Finally, the bill calls for an annual study and report on detentions and searches of individuals by Customs Service personnel. The report shall include the number of searches conducted by Customs Service personnel, the race and gender of travelers subjected to the searches, the type of searches conducted—including pat down searches and intrusive non-routine searches—and the results of these searches.

With this proposed legislation, I call on the Congress of the United States to act, to make a commitment giving all persons entering and leaving our borders, regardless of gender, race, color, religion, or ethnic background, the right to be treated fairly.

Lyndon B. Johnson once said, "I am a free man, an American, a United States Senator, and a Democrat, in that order." I am also all of these, in that order.

As a man, I am saddened that, in this new millennium, women and minorities are disproportionately selected for intrusive searches at our nation's borders.

As an American, I am deeply troubled by the thought that any citizen, or non-citizen, might be detained and stripped or x-rayed because of their gender or the color of their skin.

As a United States Senator, I am proposing legislation to prohibit racial or other inappropriate profiling and establish statutory procedures to track and prevent disproportionate search rates. This approval reflects our nation's basic posture of common sense and common justice.

I implore my colleagues to examine this issue from the viewpoint of the nation and its entire people. In the immortal words of John F. Kennedy, "The rights of every man are diminished when the rights of one man are threatened."•

(By Mr. MOYNIHAN (for himself, Mr. KENNEDY, Mr. SCHUMER, Mr. HELMS, Mr. KERREY, Mrs. BOXER, Mr. INOUYE, Mr. SANTORUM, Mr. TORRICELLI, Mr. JOHNSON, Mrs. FEINSTEIN, Mr. SMITH of Oregon, Mr. KERRY, Mr. DEWINE, Mr. EDWARDS, Mr. CLELAND, Mr. LIEBERMAN, Mr. LEVIN, Mr. SARBANES, Mr. WELLSTONE, Mr. REED, Mrs. MURRAY, Ms. MIKULSKI, and Mr. SPECTER):

S. 2394. A bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments; to the Committee on Finance.

THE TEACHING HOSPITAL PRESERVATION ACT OF 2000

• Mr. MOYNIHAN. Mr. President, today I am introducing a bill—The Teaching Hospital Preservation Act of 2000—that would provide much needed financial support for America's 144 accredited medical and osteopathic schools and 1,250 graduate medical education (GME) teaching institutions. Teaching hospitals are national treasures; these institutions are the very best in the world. Yet, today they find themselves in a precarious financial situation as market forces reshape the health care delivery system in the United States.

Markets do not provide for public goods such as teaching hospitals. Everyone benefits from public goods but no one has any incentive to pay. It follows, therefore that for the most part teaching hospitals have to be paid for by the public either indirectly through tax exemption or directly through expenditure.

The legislation I am introducing is similar to S. 1023—The Graduate Medical Education Payment Restoration Act of 1999—a bill I introduced during the first session. Congressman RANGEL is introducing an identical bill in the House today.

My particular interest in this subject began in 1994, when the Finance Committee took up the President's Health Security Act. I was Chairman of the Committee at the time. In January of that year, I asked Dr. Paul Marks, M.D., President of Memorial Sloan-Kettering Cancer Center in New York City, if he would arrange a ''seminar'' for me on health care issues. He agreed, and gathered a number of medical school deans together one morning in New York.

Early on in the meeting, one of the seminarians remarked that the University of Minnesota might have to close its medical school. In an instant I realized I had heard something new. Minnesota is a place where they open medical schools, not close them. How, then, could this be? The answer was that Minnesota, being Minnesota, was a leading state in the growth of competitive health care markets, in which managed care organizations try to deliver services at lower costs. In this environment, HMOs and the like do not send patients to teaching hospitals, absent which you cannot have a medical school.

We are, my friends, in the midst of a great era of discovery in medical science—an era which might end prematurely if we are not careful with our finances. It is certainly not a time to close medical schools. This great era of medical discovery is occurring right here in the United States, not in Europe like past ages of scientific discovery. And it is centered in New York City. Progress over the past 60 years has been remarkable: images of the inside of the human body based on the magnetic resonance of bodily tissues; laser surgery; micro surgery for reattaching limbs; and organ transplantation, among other wonders. Physicians are now working on a gene therapy that might eventually replace bypass surgery. I can hardly imagine what might be next.

The growth of managed for-profit care, which does not fund public goods, combined with reductions in Medicare support for GME, is having a deleterious effect on the financial position of teaching hospitals. The Medicare program is the nation's largest explicit financier of GME, with annual payments of about $5.4 billion in 1999. However, because of payment reductions set forth by the Balanced Budget Act (BBA) of 1997, Medicare support is eroding as well—down from $6.3 billion in 1997. According to the Medicare Payment Advisory Commission, between 1997 and 1998, the margins for major teaching hospital have been slashed by more than half, and are at their lowest point of the century. And this is an average; individual hospitals have fared far worse.

With declining margins and many hospitals operating in the red, the mission of these fine institutions is in jeopardy. The teaching hospitals that we know and depend on today—including those in my state of New York—may not be able to continue their work, or even to survive. If this is to happen, we could face what Walter Reich has called ''the dumbing down of American medicine.''

Last year, we forestalled some cuts enacted in the BBA by passing the Balanced Budget Refinement Act (BBRA) of 1999, however, this legislation provided only short-term relief and does not go for enough. To ensure that this precious public resource is maintained and the United States continues to lead the world in quality health care, my bill, the Teaching Hospital Preservation Act of 2000 would maintain critically required funding.

The Teaching Hospital Preservation Act of 2000, with a total of 23 cosponsors, would freeze the scheduled reductions to the indirect portion of GME funding. Under the BBA, the indirect payment adjustor was scheduled to be reduced from 7.7 percent to 5.5 percent by FY 2001. Last year, the BBRA slowed the cuts by holding the indirect payment adjuster at 6.5 percent in FY 2000, 6.25 percent in FY 2001 and 5.5 percent in FY 2002 and thereafter. BBRA restored about $500 million—over 5 years—in funding for teaching hospitals. The bill I introduce today would maintain the indirect payment adjuster at 6.5 percent. In total, this bill restores about another $2 billion over 5 years in GME funding for teaching hospitals.

This bill would protect our nation's teaching hospitals and ensure that the United States will continue to be in the forefront of developing new cures, new medical technology, and training of the worlds finest medical professionals. Without this bill, the state of our nation's teaching hospitals and the delivery of health care will remain in jeopardy.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2394

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Teaching Hospital Preservation Act of 2000''.

SEC. 2. REVISION OF REDUCTION OF INDIRECT GRADUATE MEDICAL EDUCATION PAYMENTS.

Section 1886(d)(5)(B)(ii) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)(ii)) (as amended by section 111(a) of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–329), as enacted into law by section 1000(a)(6) of Public Law 106–113) is amended—

(1) in subclause (IV), by adding ''and'' at the end; and

(2) by striking subclauses (V) and (VI) and inserting the following:

''(V) on or after October 1, 2000, 'c' is equal to 1.6.''.•

• Mr. KENNEDY. Mr. President, the Teaching Hospital Preservation Act that we are introducing today will restore much-needed support for the nation's teaching hospitals by freezing the Medicare Indirect Medical Education adjustment at 6.5 percent. The so-called IME payments under Medicare go to teaching hospitals to help defray their added costs of caring for the sickest patients, training physicians, and providing an environment in which clinical research can flourish. Under current law, the IME payments will be reduced from their current level of 6.5 percent to 6.25 percent for fiscal year 2001 and 5.5 percent for fiscal year 2002 and future years. If these reductions take place, they will have a devastating impact on the nation's teaching hospitals.

Enactment of this relief is essential to complete the task we began last

year in the Balanced Budget Restoration Act of 1999. Across the country, teaching hospitals continue to suffer severe financial losses. According to the Association of American Medical Colleges, even with enactment of last year's measure, the typical teaching hospital will still lose more that $40 million in Medicare payments between 1998 and 2002. At the most recent meeting of the Medicare Payment Advisory Committee, it was reported that the margins of major teaching hospitals dropped from 5.1 percent in 1997 to 2.3 percent in 1998. Notwithstanding major efforts by the leadership of this institutions to reduce their costs, there is every reason to believe this ominous trend is continuing.

In Boston, teaching hospitals lost $22 million just in the first quarter of the current fiscal year, and Boston is far from alone. The financial problems of the nation's pre-eminent teaching hospitals around the country are well-known. Cutbacks in care for patients, research, and teaching have already been implemented by many of these respected institutions, and are being considered by many others. These teaching hospitals are the backbone of our health care system, and Congress should not stand silent in the face of these distressing developments.

Teaching hospitals are facing substantially higher costs for drugs, labor, medical devices and new technologies. The tight labor market is pushing wages higher and higher. Despite these heavy financial pressures. Medicare is scheduled to impose serious cutbacks in its reimbursements to teaching hospitals. The result of this shortfall may well be disastrous for these indispensable institutions.

A significant part of the problem was caused by the excessive and unintended Medicare reductions required by the Balanced Budget Act of 1997. Last year's Balanced Budget Restoration Act delayed reductions in the IME adjustment. That relief was an important first step, but it was only a first step. The legislation we are introducing today will ensure that Medicare support for teaching hospitals remains at its current level.

The pre-eminence of American academic medicine is at stake. The nation's teaching hospitals provide the highest quality health care to the sickest patients. They ensure the highest quality physicians training, and an unparalleled research capability. In addition, teaching hospitals are the safety net for 44 percent of the uninsured, despite comprising only 6 percent of all hospitals. They perform a vast array of services to their communities, from neighborhood health programs to drug treatment programs to well baby clinics. All of these programs are in jeopardy if the currently scheduled cutbacks take place. We cannot afford to let teaching hospitals fail. I urge my colleagues to join us in enacting this important bill this year.●

By Mr. BENNETT:

S. 2396. A bill to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; to the Committee on Energy and Natural Resources.

LEGISLATION REGARDING THE WEBER BASIN WATER CONSERVANCY DISTRICT

Mr. BENNETT. Mr. President, I am pleased to take a step in addressing the long-term water needs of Summit County, Utah. The bill I am introducing today, to make a necessary technical correction, authorizes the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District. This legislation would permit non-federal water intended for domestic, municipal, industrial, and other uses to utilize federal facilities of the original Weber Basin Project for various purposes such as storage and transportation.

In this case, the Smith Morehouse Dam and Reservoir was constructed by the Weber Basin Water Conservancy District in the early 1980's using local funding resources in order to create a supply of non-federal project water. However, it has been determined that there is currently a need to deliver approximately 5,000 acre feet of this non-federal Smith Morehouse water in conjunction with approximately 5,000 acre feet of federal Weber Basin project water to the Snyderville Basin area of Summit County, Utah and to Park City, Utah.

In 1996, the Weber Basin Water Conservancy District entered into aMemorandum of Understanding and Agreement to deliver this water approximately 14 miles from Weber Basin Weber River sources within a certain time frame and dependent upon the execution of an Interlocal Agreement with Park City and Summit County. The Warren Act requires that legislation be enacted to enable the District to move ahead with this agreement with Summit County and Park City to deliver the water utilizing Weber Basin Project facilities built by the Bureau of Reclamation.

There is an immediate need for the delivery of water to this area. The Utah State Engineer halted the approval of new groundwater developments in the area last year. At the same time, Summit County is experiencing tremendous growth; in fact it is one of the highest growth areas in the state. Within the areas to be served, taxed by the Weber Basin District, there is a definite public need for an adequate, reliable, and cost effective water delivery project in order to meet the future demands of this area.

Since there is precedent allowing the wheeling of non-federal water through federal facilities, my colleagues should realize that this is a non-controversial piece of legislation. Therefore, I hope that Congress will move quickly to pass this legislation next session and I look forward to working closely with my colleagues on the Committee on Energy and Natural Resources to move it quickly.

By Mr. FITZGERALD (for himself, Mr. SCHUMER, Mr. DURBIN, Mr. SANTORUM, Mr. SPECTER, Ms. MIKULSKI, Mr. SARBANES, and Mr. KERREY):

S. 2398. A bill to amend the Public Health Service Act to revise and extend the programs relating to organ procurement and transplantation; to the Committee on Health, Education, Labor, and Pensions.

ORGAN TRANSPLANTATION FAIRNESS ACT OF 2000

Mr. FITZGERALD. Thank you, Mr. President.

Mr. President, I rise today to introduce the Organ Transplantation Fairness Act of 2000.

I thank my original cosponsors on this bill: Senators SCHUMER, DURBIN, SANTORUM, SPECTER, MIKULSKI, SARBANES, and KERREY.

Our Nation's organ procurement and transplant system is in serious need of change.

We could be saving more lives through organ transplants in this country than we are at the present time.

The purpose of our bill and the goals of our bill are threefold.

First, we want to increase the amount of organs that are being donated all across the country.

There are many more people who need to receive organs to remain alive. They need organ transplants, and there are not a sufficient number of people donating those organs. This bill attempts to address that issue.

Second, we want to bring greater fairness to how we allocate scarce organs after they are donated.

Right now those organs are not allocated in the best possible way. And because of problems in our allocation system, people are dying unnecessarily. We could be saving more lives.

The third goal of the bill is to seek to implement many of the recommendations of the Institute of Medicine in their 1999 report entitled ''Organ Procurement and Transplantation.''

In attempting to improve the system of organ procurement transplants in this country, we have picked out many of the Institute of Medicine's recommendations, and we tried to enact them into law. Our system is saving many more lives than it used to.

Organ transplantation is fairly new to this country. If you go back 20 years or so, there were very few organs being transplanted. But now many more people are benefiting and going on to live

healthy lives thanks to people who have donated organs, and thanks to successful transplants. But as many lives as our system has saved, we are not saving as many lives as we could.

I have a chart to demonstrate this. As of today, there are over 68,000 American patients waiting for a life-saving organ transplant.

In 1998, the most recent statistics available, over 4,800 people died while on that organ transplant waiting list.

That means about 13 people a day are dying in this country while waiting to get an organ that can be transplanted into their bodies.

I said earlier that we are not saving as many lives as we could save.

Let me demonstrate why that is the case, and why we know we are not saving enough lives.

According to the Department of Health and Human Services, in 1998, some 71 percent of livers were transplanted to patients in the least urgent medical status categories. But at the same time that we were transplanting those livers into patients in the least urgent medical status categories, in the same year, 1,300 patients died while waiting for a liver.

How can it be that we are transplanting livers into patients who aren't in the most critically ill categories, while at the same time people in the most critical condition were dying for lack of a liver transplant?

The reason for that is we have a system in our country that is based on where you live. Whether you live or die because of an organ transplant may depend not on how sick you are but on where you live in this country.

Let's examine this a little bit more closely.

There is a private not-for-profit corporation in this country that has been given the authority to be in charge of our Nation's organ transplant and procurement network. They have set up a series of regions. They divided the whole country into regions. There are organs that are available within those regions. But if you live outside one of the regions where an organ is available, you are not liable to get one of the organs when it comes up.

As a Senator from Illinois, I think the simplest thing for me to do in illustrating this problem is to use Illinois as an example. Most of Illinois is in organ procurement organization district 29. You can have a patient who lives in northern Illinois, just a few miles from the border of Wisconsin, and this patient could need a liver transplant. He or she could be in status 1 medical condition, which means he or she is in the most critical category and in need of a liver transplant immediately. A liver may become available just over the border in region 37, the Wisconsin network. But that liver can't be sent to the person in Illinois because that person in Illinois is in region 29—not 37.

If a liver becomes available from a donor in Wisconsin, they will first look to see if they have a very critically ill person who needs a liver transplant in region 37. If they don't find such a person, then they will go to somebody who is in a less urgent situation who doesn't need the liver as quickly as that other person in Illinois. Thus, somebody who may be in status 2, or even what they call status 3 medical condition, which isn't as critical as status 1, could get the liver transplant up in Wisconsin. But that person a few miles south of the border who needs the liver immediately, because he or she happens to live in Illinois, cannot get it. If an organ doesn't become available in that region in which he or she lives, that person may not survive.

There is a saying in the real estate industry by the real estate brokers and agents. When you go to them, they always tell you that everything and the value of your home depends on ''location, location, location.'' I bet not many Americans realize that in some cases if you are in need of a liver transplant or a heart transplant, your chances of survival are going to depend on your location, your location, your location.

The purpose of our bill is to try to open this system up, and instead of directing the organs to the people depending on where they live, instead of determining whether people are going to live or die simply based on accidents of geography, we try to bring sense to this whole system. We try to get organs to people in the most critical need of those organs as soon as possible. We would hope to get those to the sickest people as soon as possible—the sickest people who have the chance of going on and having a successful transplant.

There comes a point when your organs are so damaged and you are so sick that it could be that a transplant would no longer help you. Certainly, we have to be careful to make sure that we get the organs to those who are the sickest but who still have a good chance of surviving an organ transplant.

In addition, attempting to get the organs to the sickest patients first, making that our Nation's public policy, we would like to encourage a broader sharing of organs.

The Institute of Medicine's report suggested that each of these areas should contain at least 9 million people. That is the minimum level for optimal sharing to get the organs out and save the most lives. We want to make sure we broaden these networks.

It isn't possible in all cases for all organs to be shared nationally. With the heart, for example, a heart cannot last much more than 4 hours after it has been given by a donor. It has to be transplanted quickly. Other organs, such as kidneys, my understanding is we can preserve them for over 24 hours, or even longer, and in that circumstance it would be possible to have more nationwide sharing to get those organs allocated to the people who need them the most.

Another important provision of our legislation is to take a strong stand for the proposition that the private not-for-profit corporation that now runs the whole Nation's organ procurement and transplant network should have some public accountability. Members may have heard that a bill passed by the House of Representatives provides no public accountability for this private corporation that has life or death control over at least 68,000 Americans. There is no accountability in that bill. They wouldn't be accountable to elected officials. They could not be regulated by the Department of Health and Human Services. If people had a complaint with how that organization was being run, there would be little or no recourse. I guess you could knock on their doors at their corporate headquarters in Richmond, VA, and ask them to listen to you, but they wouldn't have to. They are private not-for-profit corporations with no responsibility to make sure the best public policy goals of this country are achieved.

I don't think that is right. I think we want this corporation to be publicly accountable to make sure that it is meeting the objectives of the laws that are on the books and serving the public interest.

In addition, the Organ Transplantation Fairness Act of 2000 would create a national organ transplant advisory board. It implements the recommendations of the Institute of Medicine in this regard by creating an advisory board that reviews the organ procurement and transplantation network policies and advises the Secretary of our Department of Health and Human Services.

We also put in place a process, based on sound medical criteria, for the certification and recertification of what they call OPOs—organ procurement organizations. It requires the OPOs that fail to meet performance criteria to file a corrected plan, and they will have 3 years to implement such a plan. We have to have a way of making sure the organ procurement organizations in this country are doing a good, professional job. There has to be some accountability of those organizations.

One of the most important issues, of course, is encouraging more organ donations. Earlier this morning I had the opportunity to meet in my office with several individuals who had actually been the recipients of donated organs. Those transplants they had had saved their lives. One of them was a constituent of mine. His name was Kent Schlink from Peoria, IL. When Kent was in his late twenties, he had to have a heart transplant to correct a defect

he had in his heart dating from his early childhood. He was very sick. He was on the waiting list for quite some time. He ultimately had a heart transplant at St. Francis Hospital in Peoria, IL, that saved his life. His life was saved at a time when he had a 6-month-old child. He has gone on to have another child. To see him talk about the joy to be with his young kids drives home what a gift people who donate organs make—a gift of life.

We also had the opportunity to meet in my office with Britney Green, a young girl whom I believe is 13 years old. She had a liver transplant when she was 3 years old. She is currently on a waiting list for a new heart. She has had a very tough road to hoe, but she is a bright and cheerful young lady. She is very supportive and hopes we can improve the system in this country.

Finally, I wish to mention one other young man who impressed me. His name is Danny Canal. Danny is 14 years old, and he is an incredibly bright, wonderful young man. He is a transplant recipient who actually had a four-organ transplant, if you can believe that. Not only did he have four organs transplanted, he actually had two sets of those organs before the third set began functioning properly. This wonderful young kid who has been saved by these organ transplants probably wouldn't have had to have so many organs transplanted into him, because he originally only needed a transplant of a small intestine. Unfortunately, it took so long, he was on the waiting list for the transplant of that intestine so long that his other organs started to fail, to the point where he had to have his pancreas and other organs replaced. Then there were problems and it took three times before they got that right. He is a wonderful young man. It was a very moving experience to hear his story.

We need to encourage more people to donate organs so there can be more Danny Covals and Kent Schlinks and Britney Greens whose lives can be saved in this country. Our bill does a lot to address that. We seek to establish a grant program to assist organ procurement organizations and other not-for-profit organizations in developing and expanding programs aimed at increasing organ donation rates.

We create a congressional donor medal to honor living organ donors and organ donor families, and give credit to the tremendous gift they are giving by giving an organ. We establish a system of support for State programs to increase organ donation, and we provide some financial support to pay for nonmedical travel expenses of living donors.

We have long had a transplant policy in this country that it was against public policy, against the law to pay people for donating organs. That creates many medical and ethical issues. I agree with that prohibition against paying people for donating organs. Everybody who does it is doing it just for the internal reward of helping somebody else. They are not doing it for any financial gain. However, I think it is appropriate that we could at least help defray some of the nonmedical travel expenses of the living donors. Most health insurance policies do, in fact, now in this country cover the medical expenses associated with donating the organ.

The bill also bans lobbying by the organ procurement and transplant network administrator. That is the private not-for-profit corporation in Richmond, VA. We prohibit that firm which administers the program under contract with the Department of Health and Human Services from using fees that it collects from transplant patients to lobby Members of Congress. That firm is collecting, I believe, $375 from every person who is on an organ donor waiting list in the country. We want to make sure those fees are helping to match organs with patients so that more people can be saved. We do not think they need to be using those funds to lobby Members of Congress.

Finally, one of the things the bill does is it actually comes in and abolishes State laws that are on the books in several States that are referred to as organ hoarding laws. Several States now, I regret to say, have enacted laws saying organs donated within their State borders cannot be given to people outside of their States. One of those States is the State of Wisconsin, that borders on my State of Illinois.

I love Wisconsin. I think it is one of the most beautiful States in our country. Every summer my family and I go up and we vacation in northern Wisconsin. We enjoy their fishing and beautiful forests and the wildlife there. But I disagree with the law they have on the books that says if somebody in Wisconsin donates an organ, it cannot save a life in Illinois. I know Walter Payton, if he could have had an organ donated from a Green Bay Packer fan, would have gladly accepted it.

We do not need to be engaging in the Balkanization of our country. We do not need to have these kinds of barriers erected between States. We are, in the end, one nation, one giant State. This Balkanization has no place in our country. A report from the Institute of Medicine and other reports have indicated the statutes on the books in these several States greatly diminish the effectiveness and equity of a national organ transplant policy. We need to make sure that is no longer allowed.

The other thing I point out is many of the people from Wisconsin may come down and get listed on a transplant list at a hospital in Chicago. Then the effect of that law, passed by the Wisconsin legislature, would be to deny their own resident of the State of Wisconsin the ability to get the transplant at maybe a very renowned hospital in Chicago, or even one they go to in New York or another big State. That is inappropriate. It is not good public policy. Our bill would very firmly say that those laws would no longer be allowed in the States, and I think we would be on our way toward developing a much better national policy.

With that, Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 2398

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Organ Transplantation Fairness Act of 2000''.

SEC. 2. FINDINGS.

(a) IN GENERAL.—Congress makes the following findings:

(1) It is in the public interest to maintain and continually improve a national network to ensure the fair and effective distribution of organs among patients on the national waiting list irrespective of their place of residence or the location of the transplant program with which they are listed, and to ensure quality and facilitate collaboration among network members and individual medical practitioners participating in the network activities.

(2) The Organ Procurement and Transplantation Network (referred to in this section as the ''Network'') was created in 1984 by the National Organ Transplant Act (Public Law 98–507) in order to facilitate an equitable allocation of organs among all patients on a national basis.

(3) The Federal Government should continue to provide Federal oversight of the Network and is responsible for protecting the public's health care interest and ensuring that the policies of the Network meet the goals established by this Act.

(4) The responsibility for developing, establishing, and maintaining medical criteria and standards for organ procurement and transplantation should be a function of the Network, and the Secretary of Health and Human Services should provide oversight to ensure compliance with this Act and other applicable laws.

(5) The network should be operated by a private organization under contract with the Department of Health and Human Services.

(6) The Federal Government is responsible for ensuring that the efforts of the Network serve patients and donor families in the procurement and distribution of organs.

(7) The Federal Government should take immediate action to improve organ donation rates and increase the number of organs available for transplantation.

(8) There is a significant disparity between the number of organ donors and the number of individuals waiting for organ transplants, and it is in the public's best interest to have a system of organ allocation that ensures that transplant candidates with similar severity of illness have similar likelihood of transplantation irrespective of their place of residence or the location of the transplant program with which they are listed.

(b) SENSE OF CONGRESS REGARDING ORGAN DONATION.—It is the sense of Congress that—

(1) the factors that impact organ donation rates are complex and require a multifaceted approach to increase organ donation rates;

(2) the Federal Government should lead the national effort to increase organ donation and develop programs with the transplant community to research and implement a best practices approach to increasing organ donation; and

(3) a generous contribution has been made by each individual who has donated an organ to save a life.

SEC. 3. ORGAN PROCUREMENT ORGANIZATIONS.

Section 371 of the Public Health Service Act (42 U.S.C. 273) is amended to read as follows:

''SEC. 371. ORGAN PROCUREMENT ORGANIZATIONS.

''(a) AUTHORITY OF THE SECRETARY.—The Secretary may make grants to, and enter into contracts with, qualified organ procurement organizations described in subsection (b), and other nonprofit private entities, for the purpose of carrying out special projects designed to increase the number of organ donors.

''(b) QUALIFIED ORGANIZATIONS.—

''(1) REQUIREMENTS.—A qualified organ procurement organization for which grants may be made under subsection (a) is an organization that, as determined by the Secretary, will carry out the functions described in paragraph (2), and that—

''(A) is a nonprofit entity;

''(B) has accounting and other fiscal procedures (as specified by the Secretary) necessary to ensure the fiscal stability of the organization;

''(C) has an agreement with the Secretary to be reimbursed under title XVIII of the Social Security Act for the procurement of kidneys;

''(D) notwithstanding any other provision of law, has met the other requirements of this subsection and has been certified or recertified by the Secretary as meeting the performance standards to be a qualified organ procurement organization through a process that—

''(i) granted certification or recertification within the previous 4 years with such certification in effect as of October 1, 2000, and remaining in effect through the earlier of—

''(I) January 1, 2002; or

''(II) the completion of recertification under the requirements of clause (ii); or

''(ii) is set forth in regulations prescribed by the Secretary not later than January 1, 2002, that—

''(I) require recertifications of qualified organ procurement organizations not more frequently than once every 4 years;

''(II) rely on outcome and process performance measures that are based on available, practical empirical evidence of organ donor potential or other related factors in each service area of qualified organ procurement organizations;

''(III) use multiple outcome measures as part of the certification process;

''(IV) provide for the filing and approval of a corrective action plan by a qualified organ procurement organization if the Secretary notifies the organ procurement organization that it has failed to meet the performance measures after the first 2 years of the 4 year certification period, which corrective action plan shall apply for the 3 years following approval of such plan;

''(V) provide for a qualified organ procurement organization to appeal a decertification to the Secretary on substantive and procedural grounds;

''(E) has procedures to obtain payment for nonrenal organs provided to transplant centers;

''(F) has a defined service area that is of sufficient size to assure maximum effectiveness in the procurement of organs;

''(G) has a director and other such staff, including the organ donation coordinators and organ procurement specialists necessary to effectively obtain organs from donors in its service area; and

''(H) has a board of directors or an advisory board that—

''(i) is composed of—

''(I) members who represent hospital administrators, intensive care or emergency room personnel, tissue banks, and voluntary health organizations in its service area;

''(II) members who represent the public residing in such area;

''(III) a physician with knowledge, experience, or skill in the field of histocompatibility or an individual with a doctorate degree in biological science with knowledge, experience, or skill in the field of histocompatibility;

''(IV) a physician with knowledge or skill in the field of neurology; and

''(V) from each transplant center in its service area, a member who is a surgeon who has practicing privileges in such center and who performs organ transplant surgery;

''(ii) has the authority to recommend policies for the procurement of organs and the other functions described in paragraph (2); and

''(iii) has no authority over any other activity of the organization.

''(2) FUNCTIONS.—An organ procurement organization shall—

''(A) have effective agreements, to identify potential organ donors, with all of the hospitals and other health care entities in its service area that have facilities for organ donation;

''(B) conduct and participate in systematic efforts, including professional education, to acquire all usable organs from potential donors;

''(C) arrange for the acquisition and preservation of donated organs and provide quality standards for the acquisition of organs which are consistent with the standards adopted by the Organ Procurement and Transplantation Network under section 372(b)(2)(F), including arranging for testing with respect to preventing the acquisition of organs that are infected with the etiologic agent for acquired immune deficiency syndrome;

''(D) arrange for the appropriate tissue typing of donated organs;

''(E) assist the Organ Procurement and Transplantation Network in the equitable distribution of organs among patients on a national basis;

''(F) provide or arrange for the transportation of donated organs to transplant centers;

''(G) have arrangements to coordinate its activities with transplant centers in its service area;

''(H) participate in the Organ Procurement and Transplantation Network established under section 372;

''(I) have arrangements to cooperate with tissue banks for the retrieval, processing, preservation, storage, and distribution of tissues as may be appropriate to assure that all usable tissues are obtained from potential donors;

''(J) evaluate annually the effectiveness of the organization in acquiring potentially available organs; and

''(K) assist hospitals in establishing and implementing protocols for assuring that all deaths and imminent deaths are reported to the appropriate organ procurement organization.''.

SEC. 4. ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK.

Section 372 of the Public Health Service Act (42 U.S.C. 274) is amended to read as follows:

''SEC. 372. ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK.

''(a) IN GENERAL.—The Secretary shall by regulation provide for the establishment and operation of an Organ Procurement and Transplantation Network that meets the requirements of subsection (b).

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—The Organ Procurement and Transplantation Network shall carry out the functions described in paragraph (2) and shall—

''(A) be operated by a private entity under contract with the Department of Health and Human Services; and

''(B) have a board of directors—

''(i) not more than 50 percent of which members are transplant surgeons or transplant physicians;

''(ii) at least 25 percent of which members are transplant candidates, transplant recipients, organ donors, and family members; and

''(iii) that includes representatives of organ procurement organizations, voluntary health associations, and the general public; and

''(iv) that shall establish an executive committee and other committees, whose chairpersons shall be selected to ensure continuity of the board.

''(2) FUNCTIONS.—The Organ Procurement and Transplantation Network shall—

''(A) establish and maintain one or more lists derived from a national list of individuals who need organ transplants;

''(B) establish a national system, through the use of computers and in accordance with established medical criteria, to match organs and individuals included on such lists;

''(C) establish membership criteria for hospitals, for performing organ transplants, and for individual members;

''(D) maintain a 24-hour telephone service to facilitate matching organs with individuals included in such lists;

''(E) allocate organs so that transplant candidates with similar severity of illness have similar likelihood of receiving a transplant irrespective of their place of residence or the location of the transplant program with which they are listed;

''(F) adopt and use standards of quality for the acquisition and transportation of donated organs, including standards for preventing the acquisition of organs that are infected with the etiologic agent for acquired immune deficiency syndrome;

''(G) prepare and distribute, on a national basis, samples of blood sera from individuals who are included on such lists in order to facilitate matching the compatibility of such individuals with organ donors;

''(H) coordinate, as appropriate, the transportation of organs from organ procurement organizations to transplant centers;

''(I) provide information to physicians and other health professionals and the general public regarding organ donation;

''(J) collect, analyze, and publish data concerning organ donation and transplants;

''(K) provide data to the Secretary in order to permit the Secretary to carry out the Secretary's responsibilities under this part, and to the Scientific Registry maintained pursuant to section 373;

''(L) respond in a timely fashion and to the extent permitted, to requests for data from researchers and investigators;

''(M) carry out studies and demonstration projects for the purpose of improving procedures for organ procurement and allocation;

''(N) work actively to increase the supply of donated organs;

''(O) submit to the Secretary an annual report containing information on the comparative costs and patient outcomes at each transplant center affiliated with the Organ Procurement and Transplantation Network; and

''(P) submit to the Secretary an annual report containing such financial information, as determined by the Secretary, to be necessary to evaluate the cost of operating the Organ Procurement and Transplantation Network.

''(3) AVAILABILITY OF PATIENT LISTING FEES AND PARTICIPATION FEES.—

''(A) IN GENERAL.—Any fees described in subparagraph (B) that are collected by the Organ Procurement and Transplantation Network—

''(i) shall be available to the Organ Procurement and Transplantation Network, without fiscal year limitation, for use in carrying out the functions of the Organ Procurement Transplantation Network under this section; and

''(ii) shall not be used for any activity (including lobbying or other political activity) that is not authorized under this section.

''(B) COVERED FEES.—Subparagraph (A) applies with respect to the following:

''(i) Listing fees.

''(ii) Fees imposed as a condition of being a participant in the Organ Procurement and Transplantation Network.

''(C) CONSTRUCTION.—No provision of this paragraph may be construed to prohibit the Organ Procurement and Transplantation Network from—

''(i) collecting fees other than the fees described in subparagraph (B); or

''(ii) using fees covered by clause (i) for an activity covered by subparagraph (A)(ii) or other activity.

''(c) ORGAN ALLOCATION.—

''(1) DEVELOPMENT OF POLICIES.—The Organ Procurement and Transplantation Network shall develop organ-specific policies (including combinations of organs, such as for kidney-pancreas transplants), subject to the review of and approval by the Secretary, for the equitable allocation of cadaveric organs to individuals on the national waiting list.

''(2) LISTING CRITERIA.—Standardized minimum listing criteria for including individuals on the national list shall be established and, to the extent possible, shall—

''(A) contain explicit thresholds for the listing of a patient;

''(B) avoid futile transplants or the wasting of organs;

''(C) be expressed through objective and measurable medical criteria; and

''(D) be reviewed periodically and revised as appropriate.

''(3) REQUIREMENTS RELATING TO TRANSPLANT CANDIDATES.—Where appropriate for the specific organ, transplant candidates shall—

''(A) be grouped by status categories from most to least medically urgent with—

''(i) sufficient categories to avoid grouping together individuals with substantially different medical urgency;

''(ii) explicit thresholds for differentiating among patients; and

''(iii) explicit standards for the movement of individuals among the status categories;

''(B) be expressed through objective and measurable medical criteria; and

''(C) be reviewed periodically and revised as appropriate.

''(4) REQUIREMENTS FOR ALLOCATION POLICIES AND PROCEDURES.—Organ allocation policies and procedures shall be established in accordance with sound medical judgment and shall—

''(A) be designed and implemented to allocate organs among transplant candidates—

''(i) in order of decreasing medical urgency status;

''(ii) over the largest geographic area practicable in a manner consistent with organ viability so that neither place of residence nor place of listing shall be a major determinant; and

''(iii) so as to maintain organ viability and avoid organ wastage; and

''(B) be reviewed periodically and revised as appropriate.

''(5) POLICIES WHERE MEDICAL URGENCY IS NOT AN APPROPRIATE MEASUREMENT.—Where medical urgency is not an appropriate measurement for organ allocation, policies and procedures shall be established in accordance with sound medical judgment.

''(d) AUTHORITY OF THE SECRETARY.—The policies and rules established by the Organ Procurement and Transplantation Network that are to be enforceable shall be subject to review and approval by the Secretary. The Secretary shall—

''(1) in consultation with the Organ Procurement and Transplantation Network, develop mechanisms to promote and review compliance with the requirements of this section;

''(2) establish and approve all fees, dues, or similar costs charged to support the operation of the Organ Procurement and Transplantation Network;

''(3) establish procedures for receiving from interested persons critical comments relating to the manner in which the Organ Procurement and Transplantation Network is carrying out the duties of the Network under subsection (b); and

''(4) take such action, as determined by the Secretary, to enforce the requirements of this section as well as the requirements under title XVIII of the Social Security Act.

''(5) if the Organ Procurement and Transplantation Network fails to submit a policy on a matter which the Secretary determines should be enforced under this section or section 1138 of the Social Security Act, or the Organ Procurement and Transplantation Network submits a policy that the Secretary determines is inconsistent with the goals of this Act, submit to the board of directors or advisory board of the Organ Procurement and Transplantation Network the Secretary's version of such policy.

''(e) NATIONAL TRANSPLANT ADVISORY BOARD.—

''(1) ESTABLISHMENT.—The Secretary shall, by regulation, provide for the establishment of a National Organ Transplant Advisory Board (referred to in this subsection as the 'Board').

''(2) MEMBERSHIP.—The Board shall carry out the functions described in paragraph (3) and shall be comprised of individuals that—

''(A) include a broad spectrum of representatives of the medical and scientific community, including transplant surgeons, transplant physicians, epidemiologists, and health service researchers, as well as representatives from organ procurement organizations and the community of transplant patients, family members and donor families;

''(B) are selected by the Secretary;

''(C) serve terms of not less than 3 years.

''(3) FUNCTIONS.—The Board shall assist the Secretary in ensuring that the Organ Procurement and Transplantation Network is grounded on the best available medical science and is effective and equitable as possible and shall—

''(A) at the request of the Secretary, review the policies and rules of the Organ Procurement and Transplantation Network;

''(B) advise and propose to the Secretary policies, rules, and regulations affecting organ procurement and transplantation;

''(C) at the request of the Secretary, review and consider policies and regulations affecting organ transplantation developed by the Secretary;

''(D) advise the Secretary with respect to comments received by the Secretary under subsection (d)(3);

''(E) meet at the request of the Secretary, but not less than 2 times each year; and

''(F) elect a Chairperson and Vice-chairperson as well as any other officers as determined appropriate by the Board.

''(4) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated $1,000,000 for each of the fiscal years 2000 through 2005.''.

SEC. 5. SCIENTIFIC REGISTRY.

Section 373 of the Public Health Service Act (42 U.S.C. 274a) is amended to read as follows:

"SEC. 373. SCIENTIFIC REGISTRY.

''The Secretary shall, by grant or contract, develop and maintain a scientific registry of the recipients of organ transplants. The registry shall include such information concerning patients and transplant procedures as the Secretary determines to be necessary to an ongoing evaluation to the scientific and clinical status of organ transplantation. The registry shall also include such information concerning both donors and patients in transplants involving living donors. The Secretary shall prepare for inclusion in the report under section 376 an analysis of information derived from the registry.''.

SEC. 6. ADMINISTRATION.

Section 375 of the Public Health Service Act (42 U.S.C. 274c) is amended to read as follows:

"SEC. 375. ADMINISTRATION.

''The Secretary shall designate and maintain an identifiable administrative unit in the Public Health Service to—

''(1) administer this part and coordinate with organ procurement activities under title XVIII of the Social Security Act;

''(2) administer and coordinate programs, as determined by the Secretary, to increase organ donation rates;

''(3) provide technical assistance to organ procurement organizations, the Organ Procurement and Transplantation Network established under section 372, and other entities in the health care system involved in organ donations, procurements, and transplants; and

''(4) provide information—

''(A) to patients, their families, and their physicians about transplantation; and

''(B) to patients and their families about resources available nationally and in each State, and the comparative costs and patient outcomes at each transplant center affiliated with the Organ Procurement and Transplantation Network, in order to assist the patients and families with the costs associated with transplantation.''.

SEC. 7. ADDITIONAL AMENDMENTS.

Part H of title III of the Public Health Service Act (42 U.S.C. 273 et seq.) is amended—

(1) in section 374 (42 U.S.C. 274b)—

(A) in subsection (b)(1), by striking ''and may not exceed $100,000'' and inserting ''and other organizations for the purpose of increasing the supply of transplantable organs''; and

(B) in subsection (b)(2), by striking the second sentence;

(2) in section 376 (42 U.S.C. 274d), by striking ''Committee on Energy and Commerce'' and inserting ''Committee on Commerce''; and

(3) by striking section 377 (42 U.S.C. 274f).

SEC. 8. PAYMENT OF TRAVEL AND SUBSISTENCE EXPENSES INCURRED TOWARD LIVING ORGAN DONATION.

Part H of title III of the Public Health Service Act (42 U.S.C. 273 et seq.) is amended by inserting after section 376 the following section:

''SEC. 376A. TRAVEL AND SUBSISTENCE PAYMENTS FOR LIVING ORGAN DONATION.

''(a) IN GENERAL.—The Secretary may make awards of grants or contracts to States, transplant centers, qualified organ procurement organizations under section 371, or other public or private entities for the purpose of—

''(1) providing for the payment of travel and subsistence expenses incurred by individuals toward making living donations of their organs (referred to in this section as 'donating individuals'); and

''(2) in addition, providing for the payment of such incidental nonmedical expenses that are so incurred as the Secretary determines by regulation to be appropriate.

''(b) ELIGIBILITY.—

''(1) IN GENERAL.—Payments under subsection (a) may be made for the qualifying expenses of a donating individual only if—

''(A) the State in which the donating individual resides is a different State than the State in which the intended recipient of the organ resides; and

''(B) the annual income of the intended recipient of the organ does not exceed $35,000 (as adjusted for fiscal year 2002 and subsequent fiscal years to offset the effects of inflation occurring after the beginning fiscal year 2001).

''(2) CERTAIN CIRCUMSTANCES.—Subject to paragraph (1), the Secretary may in carrying out subsection (a) provide as follows:

''(A) The Secretary may consider the term 'donating individuals' as including individuals who in good faith incur qualifying expenses toward the intended donation of an organ but with respect to whom, for such reason as the Secretary determines to be appropriate, no donation of the organ occurs.

(B) The Secretary may consider the term 'qualifying expenses' as including the expenses of having one or more family members of donating individuals accompany the donating individuals for purposes of subsection (a) (subject to making payment for only such types of expenses as are paid for donating individuals).

''(c) LIMITATION ON AMOUNT OF PAYMENT.—

''(1) IN GENERAL.—With respect to the geographic area to which a donating individual travels for purposes of section (a), if such area is other than the covered vicinity for the intended recipient of the organ, the amount of qualifying expenses for which payments under such subsection are made may not exceed the amount of such expenses for which payment would have been made if such area had been the covered vicinity for the intended recipient, taking into account the costs of travel and regional differences in the cost of living.

''(2) COVERED VICINITY.—For purposes of this section, the term 'covered vicinity' with respect to an intended recipient of an organ from a donating individual, means the vicinity of the nearest transplant center to the residence of the intended recipient that regularly performs transplants of that type of organ.

''(d) RELATIONSHIP TO PAYMENTS UNDER OTHER PROGRAMS.—An award may be made under subsection (a) only if the applicant agrees that the award will not be expended to pay the qualifying expenses of a donating individual to the extent that payment has been made, or can reasonably be expected to be made, with respect to such expenses—

''(1) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

''(2) by an entity that provides health services on a prepaid basis.

''(e) DEFINITIONS.—In this section:

''(1) COVERED VICINITY.—The term 'covered vicinity' has the meaning given such term in subsection (c)(2).

''(2) DONATING INDIVIDUAL.—The term 'donating individual' has the meaning indicated for such term in subsection (a)(1), subject to subsection (b)(2)(A).

''(3) QUALIFYING EXPENSES.—The term 'qualifying expenses' means the expenses authorized for purposes of subsection (a), subject to subsection (b)(2)(B).

''(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $5,000,000 for each of fiscal years 2000 through 2005.''.

SEC. 9. PROGRAMS AND DEMONSTRATION PROJECTS TO INCREASE ORGAN DONATION.

Part H of title III of the Public Health Service Act (42 U.S.C. 273 et seq.) is amended by inserting after section 377 the following:

''SEC. 377A. INITIATIVES TO INCREASE ORGAN DONATION.

''(a) PUBLIC AWARENESS.—The Secretary shall (directly or through grants or contracts) carry out a program to educate the public with respect to organ donation.

''(b) STUDIES AND DEMONSTRATIONS.—The Secretary may make grants to public and nonprofit entities for the purpose of carrying out studies and demonstration projects with respect to increasing rates of organ donation. The Secretary shall—

''(1) give priority to those studies and demonstration projects that are founded upon a best practices approach to increasing organ donation consent rates;

''(2) give priority to those geographic areas with lower organ donation consent rates, especially among minorities;

''(3) provide assistance to qualified organ procurement organizations described under section 371 to implement programs and projects, that as determined by Secretary through studies and demonstration projects, have proven to be effective in increasing organ donation rates; and

''(4) provide assistance to the study and consideration of presumed consent as an opportunity to increase organ donation rates.

''(c) GRANTS TO STATES.—The Secretary may make grants to States for the purpose of carrying out public education and outreach programs designed to increase the number of organ donors within the State. To be eligible, each State shall—

''(1) submit an application to the Secretary, in such form as prescribed by the Secretary; and

''(2) establish yearly benchmarks for improvement in organ donation rates in the State.

''(d) CONGRESSIONAL MEDAL.—

''(1) DESIGN.—The Secretary shall design a bronze medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary, to commemorate organ donors and their families.

''(2) ELIGIBILITY.—Any organ donor, or the family of any organ donor, shall be eligible for a medal under this subsection.

''(3) REQUIREMENTS.—The Secretary shall direct the Organ Procurement and Transplantation Network, established under section 372, to—

''(A) establish an application procedure requiring the relevant organ procurement organizations, described in section 371, through which an individual or their family made an organ donation, to submit documentation supporting the eligibility of that individual or their family to receive a medal; and

''(B) determine through the documentation provided, and, if necessary, independent investigation, whether the individual or family is eligible to receive a medal.

''(4) DELIVERY.—The Secretary shall make suitable arrangements as necessary with the Secretary of the Treasury to strike and deliver the medals described in paragraph (3).

''(5) PRESENTATION.—The Secretary shall provide for the presentation to the relevant organ procurement organizations all medals struck pursuant to this section to individuals or families that, in accordance with paragraph (3), the Organ Procurement and Transplantation Network has determined eligible to receive medals.

''(6) LIMITATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), only 1 medal may be presented to a family under paragraph (5). Such medal shall be presented to the donating family member, or in the case of a deceased donor, the family member who signed the consent form authorizing, or who otherwise authorized, the donation of the organ involved.

''(B) ADDITIONAL MEDALS.—In the case of a family in which more than 1 member is an organ donor, an additional medal may be presented to each such organ donor or their family.

''(7) DUPLICATES.—The Secretary or the Organ Procurement and Transplantation Network may provide duplicates of a medal—

''(A) to any recipient of a medal under paragraph (4) under such regulation as the Secretary may issue; and

''(B) the cost of which shall be sufficient to cover the costs of such duplicates.

''(8) NATIONAL MEDALS.—The medals struck pursuant to this subsection are national medals for purposes of section 5111 of title 31, United States Code.

''(9) APPLICABILITY OF PROVISIONS.—No provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this subsection.

''(10) FUNDING.—

''(A) AGREEMENTS.—The Secretary of the Treasury may enter into an agreement with the Organ Procurement and Transplantation Network to collect funds to offset expenditures relating to the issuance of medals authorized under this subsection.

''(B) PAYMENT AND LIMITATION.—

''(i) PAYMENT.—Except as provided in clause (ii), all funds received by the Organ

Procurement and Transplantation Network under this paragraph shall be promptly paid to the Secretary of the Treasury.

''(ii) LIMITATION.—Not more than 5 percent of any funds received under this paragraph may be used to pay administrative costs incurred by the Organ Procurement and Transplantation Network as a result of an agreement established under this subsection.

''(C) DEPOSITS AND EXPENDITURES.—Notwithstanding any other provision of law—

''(i) all amounts received by the Secretary of the Treasury under paragraph (10)(A)(i) shall be deposited in the Numismatic Public Enterprise Fund, as described in section 5134 of title 31, United States Code; and

''(ii) the Secretary of the Treasury shall charge such fund with all expenditures relating to the issuance of medals authorized under this subsection.

''(D) START-UP COSTS.—A one-time amount of not to exceed $55,000 shall be provided by the Secretary to the Organ Procurement and Transplantation Network to cover initial start-up costs to be paid back in full within 3 years of the date of enactment of this section from funds received under this subsection.

''(11) DEFINITION.—For the purposes of this section, the term 'organ' means the human kidney, liver, heart, lung, pancreas, and any other human organ (other than corneas and eyes) specified by regulation by the Secretary.

''(12) EFFECTIVE DATE.—This subsection shall be effective for the 5-year period beginning on the date of the enactment of this section.

''(e) ANNUAL REPORT TO CONGRESS.—The Secretary shall submit to the Congress an annual report on the activities carried out under this section, including provisions describing the extent to which the activities have affected the rate of organ donation.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For the purpose of carrying out this section, there are authorized to be appropriated $10,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 through 2005. Such authorization of appropriations is in addition to any other authorizations of appropriations that are available for such purpose.

''(2) PUBLIC AWARENESS.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary may not obligate more than $2,000,000 for carrying out subsection (a).''.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Section 378 of the Public Health Service Act (42 U.S.C. 274g) is amended to read as follows:

''SEC. 378. AUTHORIZATION OF APPROPRIATIONS FOR ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK.

''For the purpose of providing for the Organ Procurement and Transplantation Network under section 372, and for the Scientific Registry under section 373, there are authorized to be appropriated $4,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 through 2005.''.

SEC. 11. PREEMPTION.

Part H of title III of the Public Health Service Act (42 U.S.C. 273 et seq.) is amended by inserting after section 378 the following:

''SEC. 378A. PREEMPTION.

''No State or political subdivision of a State shall establish or continue in effect any law, rule, regulation, or other requirement that would restrict in any way the ability of any transplant hospital, organ procurement organization, or other entity to comply with the organ allocation policies of the Network under this part.''.

SEC. 12. EFFECTIVE DATE.

The amendments made by this Act shall take effect on October 1, 2000, or upon the date of enactment of this Act, whichever occurs later.

By Mr. DURBIN (for himself and Mr. LEVIN):

S. 2399. A bill to amend title XVIII of the Social Security Act to revise the coverage of immunosuppressive drugs under the Medicare program; to the Committee on Finance.

COMPREHENSIVE IMMUNOSUPPRESSIVE DRUG COVERAGE FOR TRANSPLANT PATIENTS ACT OF 2000

• Mr. DURBIN. Mr. President, I rise to make a few remarks concerning this bill I am introducing today, which will help many Medicare beneficiaries who have had organ transplants.

Every year, over 4,000 people die waiting for an organ transplant. Currently, over 62,000 Americans are waiting for a donor organ. It is this scarcity that has fueled the current controversy over organ allocation.

Given that organs are extremely scarce, Federal law should not compromise the success of organ transplantation. Yet that is exactly what current Medicare policy does, because Medicare denies certain transplant patients coverage for the drugs needed to prevent rejection.

Medicare does this in three different ways. Firstly, Medicare has time limits on coverage of immunosuppressive drugs. Permanent Medicare law only provides immunosuppressive drug coverage for 3 years with expanded coverage totaling 3 years and 8 months between 2000 and 2004. However, 61 percent of patients receiving a kidney transplant after someone has died still have the graft intact 5 years after transplantation. 76.6 percent of patients receiving a kidney from a live donor still have their transplant intact after 5 years post transplantation. For livers, the graft survival rate after 5 years is 62 percent. For hearts, the 5 year graft survival rate is 67.7 percent. So many Medicare beneficiaries lose coverage of the essential drugs that are needed to maintain their transplant.

Secondly, Medicare does not pay for anti-rejection drugs for Medicare beneficiaries, who received their transplants prior to becoming a Medicare beneficiary. So for instance, if a person received a transplant at age 64 through their health insurance plan, when they retire and rely on Medicare for their health care they will no longer have immunosuppressive drug coverage.

Thirdly, Medicare only pays for anti-rejection drugs for transplants performed in a Medicare approved transplant facility. However, many beneficiaries are completely unaware of this fact and how it can jeopardize their future coverage of immunosuppressive drugs. To receive an organ transplant, a person must be very ill and many are far too ill at the time of transplantation to be researching the intricate nuances of Medicare coverage policy.

The bill that I am introducing today, the ''Comprehensive Immunosuppressive Drug Coverage for Transplant Patients of 2000 Act'' would remove these short-sighted limitations. The bill sets up a new, easy to follow policy: All Medicare beneficiaries who have had a transplant and need immunosuppressive drugs to prevent rejection of their transplant, would be covered as long as such anti-rejection drugs were needed.

I am introducing this bill on behalf of some of the constituents that I have met who are unfortunately very adversely affected by the current gaps in Medicare coverage.

Richard Hevrdejs was a Chicago attorney in private practice until 1993. Unfortunately, he suffered a debilitating heart attack that year, which left him unable to work and on disability. In 1997, suffering from congestive heart failure, he was placed on a Heart-Mate machine at the University of Illinois Medical Center (UIC). In April of 1998, he received a heart transplant at UIC but because UIC was not at the time a Medicare approved facility for heart transplants, Medicare will not cover his immunosuppressive drugs. Richard was near death when he had his transplant and was in no condition to research the intricacies of Medicare coverage policies. His drug costs are now around $25,000 per year. He gets some assistance from the drug company medical assistance plans and he has a Medigap policy that provides a little assistance. But for the most part, he is forced to watch all his savings dwindle because of Medicare's coverage gaps.

Anita Milton is from Morris, Illinois. In 1995, she became so disabled that she was no longer able to work and was forced onto disability. The following year, her lungs gave up and she had to have a bilateral lung transplant. Because Medicare is not available for 2 years after a person becomes eligible for disability, Anita was not on Medicare when she had the transplant. Today, the huge bills for the transplant remain at collection agencies. Because Anita was not on Medicare when she received her transplant, she does not receive Medicare coverage for the antirejection drugs that she needs. She receives $940 in disability payments per month. She is now on Medicaid but due to the spend down requirements in Illinois, she must spend $689 on drug costs to get Medicaid coverage for her drugs. In effect, she gets coverage every month. Anita cannot afford her anti-rejection drugs and she tried to scale back on them. This caused her to nearly reject the transplant. Consequently,

she has lost a third of her lung capacity permanently. As Anita said at a Town Hall meeting in Chicago in January ''these Medicare and Medicaid rules make no sense.''

I am introducing this bill on the same day that another bill the ''Organ Transplant Act of 2000'', which I am an original cosponsor is also being introduced. The ''Organ Transplant Fairness Act'' also seeks to change another aspect of Federal law to improve the Nation's organ allocation system. The two bills are good companions. It makes little sense to improve the organ allocation system to maximize the success of organ transplantation and increase the number of lives saved, if we do not at the same time reduce the ways that Medicare jeopardizes transplants by denying transplant patients the anti-rejection drugs they need to maintain their transplant.

Mr. President, I ask unanimous consent that a copy of the bill the ''Comprehensive Immunosuppresive Drug Coverage for Transplant Patients of 2000'' be printed in the RECORD.

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

S. 2399

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act of 2000''.

SEC. 2. REVISION OF COVERAGE OF IMMUNOSUPPRESSIVE DRUGS UNDER THE MEDICARE PROGRAM.

(a) REVISION.—

(1) IN GENERAL.—Section 1861(s)(2)(J) of the Social Security Act (42 U.S.C. 1395x(s)(2)(J)) (as amended by section 227(a) of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–354), as enacted into law by section 1000(a)(6) of Public Law 106–113) is amended by striking '', to an individual who receives'' and all that follows before the semicolon at the end and inserting ''to an individual who has received an organ transplant''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1832 of the Social Security Act (42 U.S.C. 1395k) (as amended by section 227(b) of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–354), as enacted into law by section 1000(a)(6) of Public Law 106–113) is amended—

(i) by striking subsection (b); and

(ii) by redesignating subsection (c) as subsection (b).

(B) Subsections (c) and (d) of section 227 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–355), as enacted into law by section 1000(a)(6) of Public Law 106–113, are repealed.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to drugs furnished on or after the date of enactment of this Act.

(b) EXTENSION OF CERTAIN SECONDARY PAYER REQUIREMENTS.—Section 1862(b)(1)(C) of the Social Security Act (42 U.S.C. 1395y(b)(1)(C)) is amended by adding at the end the following: ''With regard to immunosuppressive drugs furnished on or after the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act of 2000, this subparagraph shall be applied without regard to any time limitation.''.●

By Mr. GREGG (for himself and Mr. KOHL):

S. 2401. A bill to provide jurisdictional standards for imposition of State and local business activity, sales, and use tax obligations on interstate commerce, and for other purposes; to the Committee on Finance.

THE NEW ECONOMY TAX SIMPLIFICATION ACT

● Mr. GREGG. Mr. President, I rise today with Senator KOHL to introduce the New Economy Tax Simplification Act or NETSA. Electronic commerce is reshaping our society. In many ways, the strong economic conditions we currently enjoy are a result of the convenience, lower costs, and global connections provided by the internet. The question for us as a nation is how to manage this new enterprise so that it continues to benefit our nation's economy, particularly in regard to the taxation of e-commerce.

So far, the government's hands-off approach is working. Our nation's unemployment and inflation rates are at record lows and higher paying jobs are being created at a tremendous rate. Many financial experts attribute the record low inflation rates to the Internet. A University of Texas study found that the Internet economy grew an astounding 68% rate in the past 12 months.

Another sign of the good times is the surplus revenue flowing into federal and state treasuries all over the nation. The federal government's budget is balanced for the first time in a generation and the 50 states ended 1998 with a collective surplus of $11 billion. States are seeing revenue increases of more than 5 percent a year through the 1990's. This hardly seems like a compelling rationale for levying taxes on the Internet. Yet a heated debate is raging between those who want to keep the internet free of taxes and state and local governments who seek to impose widespread taxes on internet sales.

The Advisory Commission on Electronic Commerce (ACEC), set up by Congress last year to develop recommendations on Internet taxes, recently concluded its final meeting but failed to reach the required supermajority to make any formal recommendations. Notably, it did agree by a simple majority vote to extend the current moratorium on Internet taxes for five years.

The Commission is set to deliver it's report to Congress tomorrow. It will recommend that we extend the internet tax moratorium for another five years and I fully support this. The Commission will also ask Congress to establish nexus safeguards—to make clear when a State or municipality has the power to levy taxes. Our legislation establishes these important nexus safeguards.

Currently, online sales are governed by the very same tax rules that govern mail order sales. The existing rules of the road are based upon two prior Supreme Court decisions—National Bellas Hess case in 1967, and the Quill case in 1992. Both decisions established the power of state tax authority to be limited by nexus—or the scope of a company's connection to the taxing state.

Local sales taxes are incredibly complex. There are 7,600 different tax jurisdictions across the country—within these systems about 600–700 rate changes occur per year. There are 46 different sets of rules (45 states and the District of Columbia have state sales tax). If forced to comply with these rules, companies would be filing 425 tax returns each month or 5,100 a year.

The Gregg/Kohl bill, the New Economy Tax Simplification Act (NETSA), codifies these mail order tax rules as outlined in the Quill decision, updating this decision for the 21st century.

Sales/use tax nexus rules are court-based, and income tax nexus rules are based upon a 1950s federal statute that applies only to tangible goods. The Gregg/Kohl plan would codify nexus standards across the board. This legislation would update and strengthen the nexus standards for the 21st Century economy—ensuring that intangible sales, web pages and servers do not cause nexus. It maintains current constitutional principles and keeps state powers within their jurisdictions, and does not try to pre-empt a state's tax authority within its own borders.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 2401

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''The New Economy Tax Simplification Act (NETSA)''.

SEC. 2. JURISDICTIONAL STANDARDS FOR THE IMPOSITION OF STATE AND LOCAL BUSINESS ACTIVITY, SALES, AND USE TAX OBLIGATIONS ON INTERSTATE COMMERCE.

Title I of the Act entitled ''An Act relating to the power of the States to impose net income taxes on income derived from interstate commerce, and authorizing studies by congressional committees of matters pertaining thereto'', approved on September 14, 1959 (15 U.S.C. 381 et seq.), is amended to read as follows:

''TITLE I—JURISDICTIONAL STANDARDS

''SEC. 101. IMPOSITION OF STATE AND LOCAL BUSINESS ACTIVITY, SALES, AND USE TAX OBLIGATIONS ON INTERSTATE COMMERCE.

''(a) IN GENERAL.—No State shall have power to impose, for any taxable year ending after the date of enactment of this title, a business activity tax or a duty to collect and remit a sales or use tax on the income derived within such State by any person from

interstate commerce, unless such person has a substantial physical presence in such State. A substantial physical presence is not established if the only business activities within such State by or on behalf of such person during such taxable year are any or all of the following:

''(1) The solicitation of orders or contracts by such person or such person's representative in such State for sales of tangible or intangible personal property or services, which orders or contracts are approved or rejected outside the State, and, if approved, are fulfilled by shipment or delivery of such property from a point outside the State or the performance of such services outside the State.

''(2) The solicitation of orders or contracts by such person or such person's representative in such State in the name of or for the benefit of a prospective customer of such person, if orders or contracts by such customer to such person to enable such customer to fill orders or contracts resulting from such solicitation are orders or contracts described in paragraph (1).

''(3) The presence or use of intangible personal property in such State, including patents, copyrights, trademarks, logos, securities, contracts, money, deposits, loans, electronic or digital signals, and web pages, whether or not subject to licenses, franchises, or other agreements.

''(4) The use of the Internet to create or maintain a World Wide Web site accessible by persons in such State.

''(5) The use of an Internet service provider, on-line service provider, internetwork communication service provider, or other Internet access service provider, or World Wide Web hosting services to maintain or take and process orders via a web page or site on a computer that is physically located in such State.

''(6) The use of any service provider for transmission of communications, whether by cable, satellite, radio, telecommunications, or other similar system.

''(7) The affiliation with a person located in the State, unless—

''(A) the person located in the State is the person's agent under the terms and conditions of subsection (d); and

''(B) the activity of the agent in the State constitutes substantial physical presence under this subsection.

''(8) The use of an unaffiliated representative or independent contractor in such State for the purpose of performing warranty or repair services with respect to tangible or intangible personal property sold by a person located outside the State.

''(b) DOMESTIC CORPORATIONS; PERSONS DOMICILED IN OR RESIDENTS OF A STATE.—The provisions of subsection (a) shall not apply to the imposition of a business activity tax or a duty to collect and remit a sales or use tax by any State with respect to—

''(1) any corporation which is incorporated under the laws of such State; or

''(2) any individual who, under the laws of such State, is domiciled in, or a resident of, such State.

''(c) SALES OR SOLICITATION OF ORDERS OR CONTRACTS FOR SALES BY INDEPENDENT CONTRACTORS.—For purposes of subsection (a), a person shall not be considered to have engaged in business activities within a State during any taxable year merely by reason of sales of tangible or intangible personal property or services in such State, or the solicitation of orders or contracts for such sales in such State, on behalf of such person by one or more independent contractors, or by reason of the maintenance of an office in such State by one or more independent contractors whose activities on behalf of such person in such State consist solely of making such sales, or soliciting orders or contracts for such sales.

''(d) ATTRIBUTION OF ACTIVITIES AND PRESENCE.—For purposes of this section, the substantial physical presence of any person shall not be attributed to any other person absent the establishment of an agency relationship between such persons that—

''(1) results from the consent by both persons that one person act on behalf and subject to the control of the other; and

''(2) relates to the activities of the person within the State.

''(e) DEFINITIONS.—For purposes of this title—

''(1) BUSINESS ACTIVITY TAX.—The term 'business activity tax' means a tax imposed on, or measured by, net income, a business license tax, a business and occupation tax, a franchise tax, a single business tax or a capital stock tax, or any similar tax or fee imposed by a State.

''(2) INDEPENDENT CONTRACTOR.—The term 'independent contractor' means a commission agent, broker, or other independent contractor who is engaged in selling, or soliciting orders or contracts for the sale of, tangible or intangible personal property or services for more than one principal and who holds himself or herself out as such in the regular course of his or her business activities.

''(3) INTERNET.—The term 'Internet' means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocols to such Protocol.

''(4) INTERNET ACCESS.—The term 'Internet access' means a service that enables users to access content, information, electronic mail, or other services offered over the Internet, and may also include access to proprietary content, information, and other services as a part of a package of services offered to users.

''(5) REPRESENTATIVE.—The term 'representative' does not include an independent contractor.

''(6) SALES TAX.—The term 'sales tax' means a tax that is—

''(A) imposed on or incident to the sale of tangible or intangible personal property or services as may be defined or specified under the laws imposing such tax; and

''(B) measured by the amount of the sales price, cost, charge, or other value of or for such property or services.

''(7) SOLICITATION OF ORDERS OR CONTRACTS.—The term 'solicitation of orders or contracts' includes activities normally ancillary to such solicitation.

''(8) STATE.—The term 'State' means any of the several States, the District of Columbia, or any territory or possession of the United States, or any political subdivision thereof.

''(9) USE TAX.—The term 'use tax' means a tax that is—

''(A) imposed on the purchase, storage, consumption, distribution, or other use of tangible or intangible personal property or services as may be defined or specified under the laws imposing such tax; and

''(B) measured by the purchase price of such property or services.

''(10) WORLD WIDE WEB.—The term 'World Wide Web' means a computer server-based file archive accessible, over the Internet, using a hypertext transfer protocol, file transfer protocol, or other similar protocols.

''(f) APPLICATION OF SECTION.—This section shall not be construed to limit, in any way, constitutional restrictions otherwise existing on State taxing authority.

''SEC. 102. ASSESSMENT OF BUSINESS ACTIVITY TAXES.

''(a) LIMITATIONS.—No State shall have power to assess after the date of enactment of this title any business activity tax which was imposed by such State or political subdivision for any taxable year ending on or before such date, on the income derived for activities within such State that affect interstate commerce, if the imposition of such tax for a taxable year ending after such date is prohibited by section 101.

''(b) COLLECTIONS.—The provisions of subsection (a) shall not be construed—

''(1) to invalidate the collection on or before the date of enactment of this title of any business activity tax imposed for a taxable year ending on or before such date; or

''(2) to prohibit the collection after such date of any business activity tax which was assessed on or before such date for a taxable year ending on or before such date.

''SEC. 103. TERMINATION OF SUBSTANTIAL PHYSICAL PRESENCE.

''If a State has imposed a business activity tax or a duty to collect and remit a sales or use tax on a person as described in section 101, and the person so obligated no longer has a substantial physical presence in that State, the obligation to pay a business activity tax or to collect and remit a sales or use tax on behalf of that State applies only for the period in which the person has a substantial physical presence.

''SEC. 104. SEPARABILITY.

''If any provision of this title or the application of such provision to any person or circumstance is held invalid, the remainder of this title or the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.''.●

Mr. KOHL. Mr. President, today Senator GREGG and I are introducing legislation, the New Economy Tax Simplification Act, to ask government to step out of the way of the growing Internet economy and take a middle ground approach to taxation of Internet commerce. Our legislation does not stop any one State from forcing Internet companies within its borders to collect the sales taxes collected by any other business within its borders. But it does stop every one of the over 7,000 local taxing jurisdictions from imposing every one of their unique rules, regulations, and rates on every business that sells over the Internet or through the mail.

We are not here today to ask for special treatment for companies that sell on the Internet. We simply want to make sure that businesses that are tackling the market with 21st century technology are not bled to death by the Byzantine local tax system.

All companies—regardless of whether they now sell over the Internet or not—benefit from the economic boom and consumer convenience provided by computer commerce. If you don't sell over the Internet now; you probably buy there. If you don't work for a company whose economic fortune is tied to

Internet sales or information, your spouse, child, or neighbor probably does. If you haven't invested in one of these successful Internet businesses, they have probably invested in you: in the charities in your community, in the jobs that are growing our economy everywhere; in the State programs financed by the taxes these companies rightly pay to the States in which they have a physical presence.

Our bill provides a clear set of standards for businesses operating across state lines through mail-order sales or the Internet. And—very significantly—it also protects the rights of state and local officials to determine tax policy within their own jurisdictions.

Some have called for a complete ban on sales taxes on Internet goods. Still others have claimed that companies should collect sales taxes on all of their products without regard to the point of sale or the state or residence of the consumer.

We strike a balance between these two extremes. Just as my Wisconsin constituents should not have to pay local sales taxes for schools and sewers in Texas, Nebraska, or New York; it also makes sense that a Wisconsin business should not be forced to collect taxes to support fire and police protection in the other states. Businesses should collect the sales taxes that support the government services they receive.

But the main reason I am here today is to protect against a Federal red tape nightmare that would prevent the very growth that we all wish to promote. There are over 7,000 tax jurisdictions in this country, all with their own tax rates, exemptions, audit requirements and appeals procedures. Requiring compliance with all those jurisdictions would mean learning and complying with 46 sets of rules. Under this scenario, companies would have to file more than 425 tax returns every month. That amounts to approximately 5,100 tax returns every year.

Internet and mail order companies, as well as traditional main street stores who are developing or using Internet services, serve consumers who like the convenience of phone or Internet shopping or who are unable to leave their homes to shop. They offer greater convenience and greater choice. And they offer small specialty businesses the chance to grow into successful big businesses.

Our bill will allow these vital markets to continue to flourish—free from a tangle of tax red tape. It will also allow state and local officials to continue to collect taxes as they see fit within their own jurisdictions. We believe it strikes the proper balance, and we look forward to convincing our colleagues that it is worthy of their support.

By Mr. CLELAND:

S. 2402. A bill to amend title 38, United States Code, to enhance and improve educational assistance under the Montgomery GI bill in order to enhance recruitment and retention of members of the Armed Forces, and for other purposes; to the Committee on Veterans' Affairs.

HELPING OUR PROFESSIONALS EDUCATIONALLY (HOPE) ACT OF 2000

Mr. CLELAND. Mr. President, I come before you today to introduce legislation that addresses the educational needs of our men and women in uniform and their families. I call this measure the HOPE Act of 2000: HOPE, Helping Our Professionals Educationally—that is, our military professionals.

The great Stephen Ambrose, the marvelous historian of World War II, the author of ''D-Day'' and other books, has said the GI bill is the single best piece of legislation ever passed by the Federal Government.

Last year, Time magazine named the American GI as the Person of the Century—how appropriate. That alone is a powerful statement about the high value of our military personnel. They are recognized around the world for their dedication and commitment to fight for our country and for peace in the world. This past century has been the most violent one in modern memory. The American GI has fought in the trenches during the first World War, the beaches at Normandy, in the hills of Korea, in the jungles of Vietnam, in the deserts of the Persian Gulf, and most recently in the valleys of the Balkans.

During that period, the face of our military and the people who fight our wars has changed dramatically. The traditional image of the single, mostly male, drafted, and ''disposable'' soldier is now gone. Today we are fielding the force for the 21st century. This new force is a volunteer force, filled with men and women who are highly skilled, married, and definitely not disposable. Gone are the days when quality of life for a GI meant a beer in the barracks and a 3-day pass. Now, we know we have to recruit a soldier but retain a family.

We have won the cold war. This victory has further changed the world and our military. The new world order has given way to a new world disorder. United States is responding to crises around the globe—whether it be strategic bombing or humanitarian assistance—and our military is often seen as our most effective response and our best ambassadors. In order to meet these challenges, we are retooling our forces to be lighter, leaner, and meaner. This is a positive move. Along with this lighter force, our military professionals must be highly educated and highly trained.

Our Nation is currently experiencing the longest continuous peacetime economic growth in our history. This economic expansion has been a boon for our country. However, there has been a downside to this growing economy insofar as our Armed Forces are concerned. With the enticement of quick prosperity in the civilian sector it is more difficult than ever to recruit and retain our highly skilled forces.

In fiscal year 1999, the Army missed it recruiting goals by 6291 recruits, while the Air Force missed its goal by 1,732 recruits. Pilot retention problems persist for all services; for fiscal year 1999 the Air Force ended up 1,200 pilots short and the Navy ended 500 pilots short. We have other problems. The Army is having problems retaining captains, while the Navy faces manning challenges for surface warfare officers and special warfare officers. It is estimated that $6 million is spent to train a pilot. We as a nation cannot afford to continually train our people, only to lose them to the private sector. It is unarguably far better to retain than retrain.

There is hope that we are now beginning to address these challenges. Last year was a momentous one for our military personnel. The Senate passed legislation that significantly enhances the quality of life for our military personnel. I am the Ranking Democrat on the Armed Services Committee. The Senate, with my vote and support, passed legislation that significantly enhances the quality of life for our military personnel from retirement reform to pay raises. This Congress is on record supporting our men and women in uniform. However, more must be done.

In talking with our military personnel on my visits to the military bases in Georgia and around the world, we know that money alone is not enough. One of the things I would like to do is focus on education as a wonderful addition to the positive incentives we offer people to come into the military and stay in the military. Education, as a matter of fact, is the No. 1 reason service members come into the military. Unfortunately it is also the No. 1 reason why its members are leaving. We have to restructure our educational program in the military. We have to have a new GI bill. We have to provide hope to our military people, hope that the military can become the greatest university they will ever encounter.

Last year the Senate began to address this issue by supporting improved education benefits for military members and their families but we encountered some concerns in the House. Since last year, we have gone back and studied this issue further. In reviewing the current Montgomery GI bill—named after the wonderful Representative from Mississippi, Congressman Sonny Montgomery—we found several disincentives and conflicts among the

education benefits offered by the services. These conflicts make the GI bill, which is actually an earned benefit, less attractive than it could be.

My legislation will improve and enhance the current educational benefits and create the GI bill for the 21st century.

One of the most important provisions of my legislation would give the Service Secretaries the ability to authorize a service member to transfer his or her basic MGIB benefits, educationally, to family members. Many service members tell us that they really want to stay in the service, but do not feel that they can stay and provide an education for their families. This proposed change will give them an opportunity to stay in the service and still provide an education for their spouses and children. It will give the Service Secretaries a very powerful retention tool by allowing them to authorize transfer of basic GI bill benefits, that are earned through the service of the service man or woman, anytime after 6 years of service.

To encourage members to stay longer, the transferred benefits could not be used until completion of at least 10 years of service. I believe that the services can use this much like a reenlistment bonus to retain valuable service members. It can be creatively combined with reenlistment bonuses to create a very powerful and cost effective incentive for highly skilled military personnel to stay in the Service. In talking with service members upon their departure from the military, we have found that family considerations play a crucial role in the decision of a member to continue their military career.

I found in discussions with military families and service members that at the 8- to 10- to 12-year mark when young service members are beginning to make a choice about whether to stay in the military, that choice is driven not so much by their own choice to serve the country—obviously they want to serve the country and stay in the military—that choice is more and more driven by family needs, whether their spouse is employed or whether their spouse would like to gain an extra degree or whether they need to create a college fund for their kids.

Reality dictates that we must address the needs of the family in order to retain our soldiers, sailors, airmen, and marines.

My legislation would also give the Secretaries the authority to authorize the Veterans' Educational Assistance Program, known as VEAP. Those VEAP participants and those active duty personnel who did not enroll in Montgomery GI bill to participate in the current GI bill program. The VEAP participants would contribute $1,200, and those who did not enroll in the Montgomery GI bill would contribute $1,500. The services would pay any additional costs of the benefits of this measure.

Another enhancement made by my proposal to the current GI bill extends the period in which the members of Reserve Components can utilize the program. I was shocked to find out that currently, Reserve members lose their education benefits when they leave the service or after 10 years of service. Amazing, they have no benefits when they leave service. My legislation will permit them to use the benefits up to 5 years after their separation from the military. This will encourage them to stay in the Reserves for a full career.

It is obvious we are calling upon our reservists and our guards men and women more and more to fulfill our commitments around the globe. This will, I think, fulfill this Nation's commitment, certainly to our reservists, for an improvement in their educational opportunities.

Other provisions of this legislation would allow the Service Secretaries to pay 100 percent tuition assistance or enable service members to use the GI bill to cover any unpaid tuition and expenses when the services do not pay 100 percent of tuition.

This will allow a service member an additional incentive to use the GI bill in service. Education begets education.

I believe this is a necessary next step for improving education benefits for our military members and their families. We have to offer them credible choices. If we offer them such options and treat the members and their families properly, we will show them our respect for their service and dedication, which they expect. Maybe then we can turn around our current sad retention statistics. This GI bill is an important retention tool for the services.

We must continue to focus our resources on retaining our personnel based on their actual life needs, particularly their need for an educational opportunity. This bill gives them hope.

ADDITIONAL COSPONSORS

S. 682

At the request of Mr. HELMS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 682, a bill to implement the Hague Convention on Protection of Children and Co-operation in Respect of Intercounty Adoption, and for other purposes.

S. 729

At the request of Mr. CRAIG, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 729, a bill to ensure that Congress and the public have the right to participate in the declaration of national monuments on federal land.

S. 1016

At the request of Mr. DEWINE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1016, a bill to provide collective bargaining for rights for public safety officers employed by States or their political subdivisions.

S. 1116

At the request of Mr. NICKLES, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1116, a bill to amend the Internal Revenue Code of 1986 to exclude income from the transportation of oil and gas by pipeline from subpart F income.

S. 1507

At the request of Mr. CAMPBELL, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1507, a bill to authorize the integration and consolidation of alcohol and substance programs and services provided by Indian tribal governments, and for other purposes.

S. 1638

At the request of Mr. ASHCROFT, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 1638, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty.

S. 1642

At the request of Mr. COCHRAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1642, a bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes.

S. 1729

At the request of Mr. CAMPBELL, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from Wisconsin (Mr. FEINGOLD), and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 1729, a bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails, and for other purposes.

S. 1738

At the request of Mr. JOHNSON, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1738, a bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for a packer to own, feed, or control livestock intended for slaughter.

S. 1755

At the request of Mr. DORGAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1755, a bill to amend the Communications Act of 1934 to regulate interstate commerce in the use of mobile telephones.

S. 1855

At the request of Mr. MURKOWSKI, the name of the Senator from Missouri

(Mr. BOND) was added as a cosponsor of S. 1855, a bill to establish age limitations for airmen.

S. 1941

At the request of Mr. DODD, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 1946

At the request of Mr. INHOFE, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1946, a bill to amend the National Environmental Education Act to redesignate that Act as the ''John H. Chafee Environmental Education Act,'' to establish the John H. Chafee Memorial Fellowship Program, to extend the programs under that Act, and for other purposes.

S. 1998

At the request of Mr. MCCAIN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1998, a bill to establish the Yuma Crossing National Heritage Area.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2062

At the request of Mr. DEWINE, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2062, a bill to amend chapter 4 of title 39, United States Code, to allow postal patrons to contribute to funding for organ and tissue donation awareness through the voluntary purchase of certain specially issued United States postage stamps.

S. 2082

At the request of Mr. DEWINE, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2082, a bill to establish a program to award grants to improve and maintain sites honoring Presidents of the United States.

S. 2084

At the request of Mr. LUGAR, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2084, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes.

S. 2255

At the request of Mr. MCCAIN, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 2255, a bill to amend the Internet Tax Freedom Act to extend the moratorium through calendar year 2006.

S. 2272

At the request of Mr. DEWINE, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2272, a bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997.

S. 2280

At the request of Mr. MCCONNELL, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 2280, a bill to provide for the effective punishment of online child molesters.

S. 2311

At the request of Mr. JEFFORDS, the names of the Senator from Utah (Mr. BENNETT), and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 2311, a bill to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes.

S. 2314

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2314, a bill for the relief of Elian Gonzalez and other family members.

S. 2323

At the request of Mr. MCCONNELL, the names of the Senator from California (Mrs. FEINSTEIN), and the Senator from Florida (Mr. MACK) were added as cosponsors of S. 2323, a bill to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the Act.

S. 2330

At the request of Mr. ROTH, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2340

At the request of Mr. BROWNBACK, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2340, a bill to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing substances by athletes, and for other purposes.

S. CON. RES. 81

At the request of Mr. ROTH, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. Con. Res. 81, a concurrent resolution expressing the sense of the Congress that the Government of the People's Republic of China should immediately release Rabiya Kadeer, her secretary, and her son, and permit them to move to the United States if they so desire.

S.J. RES. 3

At the request of Mr. KYL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S.J. Res. 3, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

SENATE CONCURRENT RESOLUTION 103—HONORING THE MEMBERS OF THE ARMED FORCES AND FEDERAL CIVILIAN EMPLOYEES WHO SERVED THE NATION DURING THE VIETNAM ERA AND THE FAMILIES OF THOSE INDIVIDUALS WHO LOST THEIR LIVES OR REMAIN UNACCOUNTED FOR OR WERE INJURED DURING THAT ERA IN SOUTHEAST ASIA OR ELSEWHERE IN THE WORLD DEFENSE OF UNITED STATES NATIONAL SECURITY INTERESTS

Mr. CLELAND submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 103

Whereas the United States Armed Forces conducted military operations in Southeast Asia during the period (known as the ''Vietnam era'') from February 28, 1961, to May 7, 1975;

Whereas during the Vietnam era more than 3,403,000 American military personnel served in the Republic of Vietnam and elsewhere in Southeast Asia in support of United States military operations in Vietnam, while millions more provided for the Nation's defense in other parts of the world;

Whereas during the Vietnam era untold numbers of civilian personnel of the United States Government also served in support of United States operations in Southeast Asia and elsewhere in the world;

Whereas May 7, 2000, marks the 25th anniversary of the closing of the period known as the Vietnam era; and

Whereas that date would be an appropriate occasion to recognize and express appreciation for the individuals who served the Nation in Southeast Asia and elsewhere in the world during the Vietnam era: Now, therefore, be it

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

(1) honors the service and sacrifice of the members of the Armed Forces and Federal civilian employees who during the Vietnam era served the Nation in the Republic of Vietnam and elsewhere in Southeast Asia or otherwise served in support of United States operations in Vietnam and in support of United States national security interests throughout the world;

(2) recognizes and honors the sacrifice of the families of those individuals referred to in paragraph (1) who lost their lives or remain unaccounted for or were injured during

that era, in Southeast Asia or elsewhere in the world, in defense of United States national security interests; and

(3) encourages the American people, through appropriate ceremonies and activities, to recognize the service and sacrifice of those individuals.

SENATE RESOLUTION 285—EXPRESSING THE SENSE OF THE SENATE THAT THERE SHOULD BE PARITY AMONG THE COUNTRIES THAT ARE PARTIES TO THE NORTH AMERICAN FREE TRADE AGREEMENT WITH RESPECT TO THE PERSONAL EXEMPTION ALLOWANCE FOR MERCHANDISE PURCHASED ABROAD BY RETURNING RESIDENTS, AND FOR OTHER PURPOSES

Ms. COLLINS (for herself, Mr. MOYNIHAN, Mr. GREGG, Mr. KYL, Mr. LEAHY, and Mrs. HUTCHISON) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 285

Whereas the personal exemption allowance is a vital component of trade and tourism;

Whereas many border communities and retailers depend on customers from both sides of the border;

Whereas a United States citizen traveling to Canada or Mexico for less than 24 hours is exempt from paying duties on the equivalent of $200 worth of merchandise on return to the United States, and for trips over 48 hours United States citizens have an exemption of up to $400 worth of merchandise;

Whereas a Canadian traveling in the United States is allowed a duty-free personal exemption allowance of only $50 worth of merchandise for a 24-hour visit, the equivalent of $200 worth of merchandise for a 48-hour visit, and the equivalent of $750 worth of merchandise for a visit of over 7 days;

Whereas Mexico has a 2-tiered personal exemption allowance for its returning residents, set at the equivalent of $50 worth of merchandise for residents returning by car and the equivalent of $300 worth of merchandise for residents returning by plane;

Whereas Canadian and Mexican retail businesses have an unfair competitive advantage over many American businesses because of the disparity between the personal exemption allowances among the 3 countries;

Whereas the State of Maine legislature passed a resolution urging action on this matter;

Whereas the disparity in personal exemption allowances creates a trade barrier by making it difficult for Canadians and Mexicans to shop in American-owned stores without facing high additional costs;

Whereas the United States entered into the North American Free Trade Agreement with Canada and Mexico with the intent of phasing out tariff barriers among the 3 countries; and

Whereas it violates the spirit of the North American Free Trade Agreement for Canada and Mexico to maintain restrictive personal exemption allowance policies that are not reciprocal: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States Trade Representative and the Secretary of the Treasury, in consultation with the Secretary of Commerce, should initiate discussions with officials of the Governments of Canada and Mexico to achieve parity with respect to the personal exemption allowance structure; and

(2) in the event that parity with respect to the personal exemption allowance of the 3 countries is not reached within 1 year after the date of the adoption of this resolution, the United States Trade Representative and the Secretary of the Treasury should submit recommendations to Congress on whether legislative changes are necessary to lower the United States personal exemption allowance to conform to the allowance levels established in the other countries that are parties to the North American Free Trade Agreement.

Ms. COLLINS. Mr. President, I thank the Senator from Texas and salute the work she has done on behalf of retail businesses in border communities in Texas on the very issue I am about to discuss.

Mr. President, I rise today to submit a resolution seeking parity among the countries that are parties to the North American Free-Trade Agreement with respect to the personal exemption allowance for merchandise purchased by returning residents. I am pleased to be joined today by Senators MOYNIHAN, KYL, GREGG, HUTCHISON, and LEAHY as original cosponsors.

NAFTA was intended to remove trade barriers among the countries of the United States, Canada, and Mexico. While some of the goals of NAFTA have been realized, glaring inequities remain. One such inequity that affects small businesses, particularly retailers, located in border communities is the difference in personal exemption allowances permitted by the U.S. versus the allowances permitted by Canada and Mexico.

For Maine citizens living near the U.S./Canadian border, moving freely and frequently between the two countries is a way of life. Cross-border business and family relationships abound. The difference in personal exemption allowances, however, puts Maine businesses near the Canadian border at a considerable disadvantage in relation to their Canadian counterparts. Let me explain why. A United States citizen traveling to Canada for fewer than 24 hours is exempt from paying duties on $200 worth of merchandise. For trips over 48 hours, the exemption increases to $400 worth of merchandise. Under our laws, Canadian stores are able to serve both Canadian and American customers and, because of the exemption level, can sell Americans a significant amount of merchandise duty-free.

Unfortunately, this situation only works one way. A Canadian citizen is allowed a duty-free personal exemption allowance of only $50 for a 24-hour visit and $200 for a 48-hour visit. This means that a Canadian shopping for the day in the border communities of Fort Kent, Madawaska, or Calais or indeed anywhere in Maine can bring home only $50 worth of merchandise before a duty is imposed. This is a significant deterrent to Canadians who would otherwise shop in Maine communities.

This disparity harms many Maine businesses, including Central Building Supplies, a small, family-owned home building materials business that has been in the same location in Madawaska, Maine for 35 years. Its owner wrote to me concerned about this issue. Over the past couple years, his small store has lost sales in kitchen cabinets, windows, wood flooring, and ceramic tile largely due to the inequity in duty allowances and the exchange rate. Whether they are located in the St. John Valley or in Washington County, small businesses cite similar problems. The allowance disparity also hurts stores in the Aroostook Centre Mall and the Bangor Mall, which have traditionally attracted Canadian shoppers.

This discrepancy in personal exemption allowances gives an enormous competitive advantage to the Canadian and Mexican retailers. It gives these retailers to our north and the south access to cross-border shoppers while limiting that same opportunity for American retailers. Mr. President, this is not fair trade, and this is not free trade. This parity should be eliminated.

The resolution I am submitting today would express the sense of the Senate that the United States Trade Representative and the Secretary of the Treasury should initiate discussions with officials of the Governments of Canada and Mexico to achieve parity with respect to the personal exemption allowance structure. In the event that parity in the personal exemption is not reached within one year after the date of the adoption of this resolution, this resolution would require the United States Trade Representative and the Secretary of the Treasury to submit recommendations to Congress on whether legislative changes are necessary to achieve personal exemption parity. The steps set forth in this resolution would begin to resolve this inequity. I urge my colleagues to support its swift passage.

I thank the Senator from Texas for not only yielding but for cosponsoring this resolution.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I commend my colleague from Maine for submitting this resolution. It is very similar to a resolution I submitted 2 years ago. Unfortunately, the U.S. Trade Representative has not taken this cause as a serious cause. I hope with bipartisan support on Senator COLLINS' resolution the U.S. Trade Representative will see this is an issue on the northern border and on the southern border. It is a very serious issue that severely disadvantages retailers in the United States and also is a handicap for the consumers in both Canada and Mexico that want to purchase big items such as television sets, refrigerators, washing machines,

and dryers available on the borders that they are not able to purchase without huge tariffs.

We passed the North American Free Trade Agreement to do away with tariffs so we would have free and open trade across our borders. It is not working when it comes to retailing in that cross border area where people walk back and forth. Parity is achieved if you fly in and out of our three countries, but not if you go across by car.

It is a terrible inequity. I hope Senator COLLINS' resolution gets the attention of our U.S. Trade Representative about the seriousness of this issue. I commend her for the resolution.

AMENDMENTS SUBMITTED

LEGISLATION INSTITUTING A FEDERAL FUELS TAX HOLIDAY

COLLINS AMENDMENTS NOS. 3088–3089

(Ordered to lie on the table.)

Ms. COLLINS submitted two amendments intended to be proposed by her to the bill (S. 2285) instituting a Federal fuels tax holiday; as follows:

AMENDMENT NO. 3088

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Fuels Tax Holiday Act of 2000".

SEC. 2. TEMPORARY REDUCTION IN FUEL TAXES ON GASOLINE, DIESEL FUEL, KEROSENE, AVIATION FUEL, AND SPECIAL FUELS, BY 4.3 CENTS.

(a) TEMPORARY REDUCTION IN FUEL TAXES.—During the applicable period, each rate of tax referred to in subsection (b) shall be reduced by 4.3 cents per gallon.

(b) RATES OF TAX.—The rates of tax referred to in this subsection are the rates of tax otherwise applicable under—

(1) paragraphs (1), (2), and (3) of section 4041(a) of the Internal Revenue Code of 1986 (relating to special fuels),

(2) subsection (m) of section 4041 of such Code (relating to certain alcohol fuels),

(3) subparagraph (C) of section 4042(b)(1) of such Code (relating to tax on fuel used in commercial transportation on inland waterways),

(4) clauses (i), (ii), and (iii) of section 4081(a)(2)(A) of such Code (relating to gasoline, diesel fuel, and kerosene),

(5) paragraph (1) of section 4091(b) of such Code (relating to aviation fuel), and

(6) paragraph (2) of section 4092(b) of such Code (relating to fuel used in commercial aviation).

(c) SPECIAL REDUCTION RULES.—

(1) IN GENERAL.—Subsection (a) shall be applied by substituting for "4.3 cents"—

(A) "3.2 cents" in the case of fuel described in section 4041(a)(2)(B)(ii) of such Code (relating to liquefied petroleum),

(B) "2.8 cents" in the case of fuel described in section 4041(a)(2)(B)(iii) of such Code (relating to liquefied natural gas),

(C) "48.54 cents" in the case of fuel described in section 4041(a)(3)(A) of such Code (relating to compressed natural gas), and

(D) "2.15 cents" in the case of fuel described in section 4041(m)(1)(A)(ii)(I) of such Code (relating to certain alcohol fuel).

(2) CONFORMING RULES.—In the case of a reduction under subsection (a)—

(A) section 4081(c) of such Code shall be applied without regard to paragraph (6) thereof,

(B) section 4091(c) of such Code shall be applied without regard to paragraph (4) thereof,

(C) section 6421(f)(2) of such Code shall be applied by disregarding "and, in the case" and all that follows,

(D) section 6421(f)(3) of such Code shall be applied without regard to subparagraph (B) thereof,

(E) section 6427(l)(3) of such Code shall be applied without regard to subparagraph (B) thereof, and

(F) section 6427(l)(4) of such Code shall be applied without regard to subparagraph (B) thereof.

(d) MAINTENANCE OF TRUST FUNDS DEPOSITS.—On April 16, 2000, the Secretary of the Treasury shall determine the amount any Federal trust fund would have received in gross receipts during the applicable period had this section not been enacted. Such amount shall be appropriated and transferred from the general fund to the applicable trust fund in the manner in which such gross receipts would have been transferred by the Secretary of the Treasury and such amount shall be treated as taxes received in the Treasury under the applicable section of the Internal Revenue Code of 1986 described in subsection (b).

(e) APPLICABLE PERIOD.—For purposes of this section, the term "applicable period" means the period beginning after April 15, 2000, and ending before January 1, 2001.

SEC. 3. FLOOR STOCKS CREDIT.

(a) IN GENERAL.—If—

(1) before a tax reduction date, a tax referred to in section 2(b) has been imposed on any liquid, and

(2) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited (without interest) to the person who paid such tax (hereafter in this section referred to as the "taxpayer") against the taxpayer's subsequent semimonthly deposit of such tax an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on the tax reduction date.

(b) CERTIFICATION NECESSARY TO FILE CLAIM FOR CREDIT.—

(1) IN GENERAL.—In any case where liquid is held by a dealer (other than the taxpayer) on the tax reduction date, no credit amount with respect to such liquid shall be allowed to the taxpayer under subsection (a) unless the taxpayer files with the Secretary—

(A) a certification that the taxpayer has given a credit to such dealer with respect to such liquid against the dealer's first purchase of liquid from the taxpayer subsequent to the tax reduction date, and

(B) a certification by such dealer that such dealer has given a credit to a succeeding dealer (if any) with respect to such liquid against the succeeding dealer's first purchase of liquid from such dealer subsequent to the tax reduction date.

(2) REASONABLENESS OF CLAIMS CERTIFIED.—Any certification made under paragraph (1) shall include an additional certification that the claim for credit was reasonable based on the taxpayer's or dealer's past business relationship with the succeeding dealer.

(c) DEFINITIONS.—For purposes of this section—

(1) the terms "dealer" and "held by a dealer" have the respective meanings given to such terms by section 6412 of the Internal Revenue Code of 1986; except that the term "dealer" includes a position holder, and

(2) the term "tax reduction date" means April 16, 2000.

(d) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this section.

SEC. 4. FLOOR STOCKS TAX.

(a) IMPOSITION OF TAX.—In the case of any liquid on which a tax referred to in section 2(b) would have been imposed during the applicable period but for the enactment of this Act, and which is held on the floor stocks tax date by any person, there is hereby imposed a floor stocks tax in an amount equal to the excess of—

(1) the tax referred to in section 2(b) which would be imposed on such liquid had the taxable event occurred on the floor stocks tax date, over

(2) the amount of such tax previously paid (if any) with respect to such liquid.

(b) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(1) LIABILITY FOR TAX.—A person holding a liquid on the floor stocks tax date to which the tax imposed by subsection (a) applies shall be liable for such tax.

(2) METHOD OF PAYMENT.—The tax imposed by subsection (a) shall be paid in such manner as the Secretary shall prescribe.

(3) TIME FOR PAYMENT.—The tax imposed by subsection (a) shall be paid on or before the date which is 45 days after the floor stocks tax date.

(c) DEFINITIONS.—For purposes of this section—

(1) HELD BY A PERSON.—A liquid shall be considered as "held by a person" if title thereto has passed to such person (whether or not delivery to the person has been made).

(2) FLOOR STOCKS TAX DATE.—The term "floor stocks tax date" means January 1, 2001.

(3) APPLICABLE PERIOD.—The term "applicable period" means the period beginning after April 15, 2000, and ending before January 1, 2001.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or the Secretary's delegate.

(d) EXCEPTION FOR EXEMPT USES.—The tax imposed by subsection (a) shall not apply to any liquid held by any person exclusively for any use to the extent a credit or refund of the tax referred to in section 2(b) is allowable for such use.

(e) EXCEPTION FOR FUEL HELD IN VEHICLE TANK.—No tax shall be imposed by subsection (a) on any liquid held in the tank of a motor vehicle, motorboat, vessel, or aircraft.

(f) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(1) IN GENERAL.—No tax shall be imposed by subsection (a) on any liquid held on the floor stocks tax date by any person if the aggregate amount of such liquid held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this paragraph.

(2) EXEMPT FUEL.—For purposes of paragraph (1), there shall not be taken into account any liquid held by any person which is exempt from the tax imposed by subsection (a) by reason of subsection (d) or (e).

(3) CONTROLLED GROUPS.—For purposes of this subsection—

(A) CORPORATIONS.—

(i) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(ii) CONTROLLED GROUP.—The term ''controlled group'' has the meaning given to such term by subsection (a) of section 1563 of the Internal Revenue Code of 1986; except that for such purposes the phrase ''more than 50 percent'' shall be substituted for the phrase ''at least 80 percent'' each place it appears in such subsection.

(B) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control if 1 or more of such persons is not a corporation.

(g) OTHER LAW APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by chapter 31 or 32 of such Code shall, insofar as applicable and not inconsistent with the provisions of this section, apply with respect to the floor stock taxes imposed by subsection (a) to the same extent as if such taxes were imposed by such chapter.

SEC. 5. BENEFITS OF TAX REDUCTION SHOULD BE PASSED ON TO CONSUMERS.

(a) PASSTHROUGH TO CONSUMERS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) consumers immediately receive the benefit of the reduction in taxes under this Act, and

(B) transportation motor fuels producers and other dealers take such actions as necessary to reduce transportation motor fuels prices to reflect such reduction, including immediate credits to customer accounts representing tax refunds allowed as credits against excise tax deposit payments under the floor stocks refund provisions of this Act.

(2) STUDY.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the reduction of taxes under this Act to determine whether there has been a passthrough of such reduction.

(B) REPORT.—Not later than September 30, 2000, the Comptroller General of the United States shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the results of the study conducted under subparagraph (A).

AMENDMENT NO. 3089

Strike all after the first word and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Fuels Tax Holiday Act of 2000''.

SEC. 2. TEMPORARY REDUCTION IN FUEL TAXES ON GASOLINE, DIESEL FUEL, KEROSENE, AVIATION FUEL, AND SPECIAL FUELS, BY 4.3 CENTS.

(a) TEMPORARY REDUCTION IN FUEL TAXES.—During the applicable period, each rate of tax referred to in subsection (b) shall be reduced by 4.3 cents per gallon.

(b) RATES OF TAX.—The rates of tax referred to in this subsection are the rates of tax otherwise applicable under—

(1) paragraphs (1), (2), and (3) of section 4041(a) of the Internal Revenue Code of 1986 (relating to special fuels),

(2) subsection (m) of section 4041 of such Code (relating to certain alcohol fuels),

(3) subparagraph (C) of section 4042(b)(1) of such Code (relating to tax on fuel used in commercial transportation on inland waterways),

(4) clauses (i), (ii), and (iii) of section 4081(a)(2)(A) of such Code (relating to gasoline, diesel fuel, and kerosene),

(5) paragraph (1) of section 4091(b) of such Code (relating to aviation fuel), and

(6) paragraph (2) of section 4092(b) of such Code (relating to fuel used in commercial aviation).

(c) SPECIAL REDUCTION RULES.—

(1) IN GENERAL.—Subsection (a) shall be applied by substituting for ''4.3 cents''—

(A) ''3.2 cents'' in the case of fuel described in section 4041(a)(2)(B)(ii) of such Code (relating to liquefied petroleum),

(B) ''2.8 cents'' in the case of fuel described in section 4041(a)(2)(B)(iii) of such Code (relating to liquefied natural gas),

(C) ''48.54 cents'' in the case of fuel described in section 4041(a)(3)(A) of such Code (relating to compressed natural gas), and

(D) ''2.15 cents'' in the case of fuel described in section 4041(m)(1)(A)(ii)(I) of such Code (relating to certain alcohol fuel).

(2) CONFORMING RULES.—In the case of a reduction under subsection (a)—

(A) section 4081(c) of such Code shall be applied without regard to paragraph (6) thereof,

(B) section 4091(c) of such Code shall be applied without regard to paragraph (4) thereof,

(C) section 6421(f)(2) of such Code shall be applied by disregarding ''and, in the case'' and all that follows,

(D) section 6421(f)(3) of such Code shall be applied without regard to subparagraph (B) thereof,

(E) section 6427(l)(3) of such Code shall be applied without regard to subparagraph (B) thereof, and

(F) section 6427(l)(4) of such Code shall be applied without regard to subparagraph (B) thereof.

(d) MAINTENANCE OF TRUST FUNDS DEPOSITS.—On April 16, 2000, the Secretary of the Treasury shall determine the amount any Federal trust fund would have received in gross receipts during the applicable period had this section not been enacted. Such amount shall be appropriated and transferred from the general fund to the applicable trust fund in the manner in which such gross receipts would have been transferred by the Secretary of the Treasury and such amount shall be treated as taxes received in the Treasury under the applicable section of the Internal Revenue Code of 1986 described in subsection (b).

(e) APPLICABLE PERIOD.—For purposes of this section, the term ''applicable period'' means the period beginning after April 15, 2000, and ending before January 1, 2001.

SEC. 3. FLOOR STOCKS CREDIT.

(a) IN GENERAL.—If—

(1) before a tax reduction date, a tax referred to in section 2(b) has been imposed on any liquid, and

(2) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited (without interest) to the person who paid such tax (hereafter in this section referred to as the ''taxpayer'') against the taxpayer's subsequent semimonthly deposit of such tax an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on the tax reduction date.

(b) CERTIFICATION NECESSARY TO FILE CLAIM FOR CREDIT.—

(1) IN GENERAL.—In any case where liquid is held by a dealer (other than the taxpayer) on the tax reduction date, no credit amount with respect to such liquid shall be allowed to the taxpayer under subsection (a) unless the taxpayer files with the Secretary—

(A) a certification that the taxpayer has given a credit to such dealer with respect to such liquid against the dealer's first purchase of liquid from the taxpayer subsequent to the tax reduction date, and

(B) a certification by such dealer that such dealer has given a credit to a succeeding dealer (if any) with respect to such liquid against the succeeding dealer's first purchase of liquid from such dealer subsequent to the tax reduction date.

(2) REASONABLENESS OF CLAIMS CERTIFIED.—Any certification made under paragraph (1) shall include an additional certification that the claim for credit was reasonable based on the taxpayer's or dealer's past business relationship with the succeeding dealer.

(c) DEFINITIONS.—For purposes of this section—

(1) the terms ''dealer'' and ''held by a dealer'' have the respective meanings given to such terms by section 6412 of the Internal Revenue Code of 1986; except that the term ''dealer'' includes a position holder, and

(2) the term ''tax reduction date'' means April 16, 2000.

(d) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this section.

SEC. 4. FLOOR STOCKS TAX.

(a) IMPOSITION OF TAX.—In the case of any liquid on which a tax referred to in section 2(b) would have been imposed during the applicable period but for the enactment of this Act, and which is held on the floor stocks tax date by any person, there is hereby imposed a floor stocks tax in an amount equal to the excess of—

(1) the tax referred to in section 2(b) which would be imposed on such liquid had the taxable event occurred on the floor stocks tax date, over

(2) the amount of such tax previously paid (if any) with respect to such liquid.

(b) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(1) LIABILITY FOR TAX.—A person holding a liquid on the floor stocks tax date to which the tax imposed by subsection (a) applies shall be liable for such tax.

(2) METHOD OF PAYMENT.—The tax imposed by subsection (a) shall be paid in such manner as the Secretary shall prescribe.

(3) TIME FOR PAYMENT.—The tax imposed by subsection (a) shall be paid on or before the date which is 45 days after the floor stocks tax date.

(c) DEFINITIONS.—For purposes of this section—

(1) HELD BY A PERSON.—A liquid shall be considered as ''held by a person'' if title thereto has passed to such person (whether or not delivery to the person has been made).

(2) FLOOR STOCKS TAX DATE.—The term ''floor stocks tax date'' means January 1, 2001.

(3) APPLICABLE PERIOD.—The term ''applicable period'' means the period beginning after April 15, 2000, and ending before January 1, 2001.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

(d) EXCEPTION FOR EXEMPT USES.—The tax imposed by subsection (a) shall not apply to any liquid held by any person exclusively for any use to the extent a credit or refund of the tax referred to in section 2(b) is allowable for such use.

(e) EXCEPTION FOR FUEL HELD IN VEHICLE TANK.—No tax shall be imposed by subsection (a) on any liquid held in the tank of a motor vehicle, motorboat, vessel, or aircraft.

(f) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(1) IN GENERAL.—No tax shall be imposed by subsection (a) on any liquid held on the floor stocks tax date by any person if the aggregate amount of such liquid held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this paragraph.

(2) EXEMPT FUEL.—For purposes of paragraph (1), there shall not be taken into account any liquid held by any person which is exempt from the tax imposed by subsection (a) by reason of subsection (d) or (e).

(3) CONTROLLED GROUPS.—For purposes of this subsection—

(A) CORPORATIONS.—

(i) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(ii) CONTROLLED GROUP.—The term ''controlled group'' has the meaning given to such term by subsection (a) of section 1563 of the Internal Revenue Code of 1986; except that for such purposes the phrase ''more than 50 percent'' shall be substituted for the phrase ''at least 80 percent'' each place it appears in such subsection.

(B) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control if 1 or more of such persons is not a corporation.

(g) OTHER LAW APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by chapter 31 or 32 of such Code shall, insofar as applicable and not inconsistent with the provisions of this section, apply with respect to the floor stock taxes imposed by subsection (a) to the same extent as if such taxes were imposed by such chapter.

SEC. 5. BENEFITS OF TAX REDUCTION SHOULD BE PASSED ON TO CONSUMERS.

(a) PASSTHROUGH TO CONSUMERS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) consumers immediately receive the benefit of the reduction in taxes under this Act, and

(B) transportation motor fuels producers and other dealers take such actions as necessary to reduce transportation motor fuels prices to reflect such reduction, including immediate credits to customer accounts representing tax refunds allowed as credits against excise tax deposit payments under the floor stocks refund provisions of this Act.

(2) STUDY.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the reduction of taxes under this Act to determine whether there has been a passthrough of such reduction.

(B) REPORT.—Not later than September 30, 2000, the Comptroller General of the United States shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the results of the study conducted under subparagraph (A).

MARRIAGE TAX PENALTY RELIEF ACT OF 2000

ROTH AMENDMENT NO. 3090

Mr. LOTT (for Mr. ROTH) proposed an amendment to the bill (H.R. 6) to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty by providing that the income tax rate bracket amounts, and the amount of the standard deduction, for joint returns shall be twice the amounts applicble to unmarried individuals; as follows:

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Marriage Tax Relief Act of 2000''.

(b) SECTION 15 NOT TO APPLY.—No amendment made by this Act shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

SEC. 2. ELIMINATION OF MARRIAGE PENALTY IN STANDARD DEDUCTION.

(a) IN GENERAL.—Paragraph (2) of section 63(c) of the Internal Revenue Code of 1986 (relating to standard deduction) is amended—

(1) by striking ''$5,000'' in subparagraph (A) and inserting ''200 percent of the dollar amount in effect under subparagraph (C) for the taxable year'';

(2) by adding ''or'' at the end of subparagraph (B);

(3) by striking ''in the case of'' and all that follows in subparagraph (C) and inserting ''in any other case.''; and

(4) by striking subparagraph (D).

(b) TECHNICAL AMENDMENTS.—

(1) Subparagraph (B) of section 1(f)(6) of such Code is amended by striking ''(other than with'' and all that follows through ''shall be applied'' and inserting ''(other than with respect to sections 63(c)(4) and 151(d)(4)(A)) shall be applied''.

(2) Paragraph (4) of section 63(c) of such Code is amended by adding at the end the following flush sentence:

''The preceding sentence shall not apply to the amount referred to in paragraph (2)(A).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 3. PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT AND 28-PERCENT RATE BRACKETS.

(a) IN GENERAL.—Subsection (f) of section 1 of the Internal Revenue Code of 1986 (relating to adjustments in tax tables so that inflation will not result in tax increases) is amended by adding at the end the following new paragraph:

''(8) PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT AND 28-PERCENT RATE BRACKETS.—

''(A) IN GENERAL.—With respect to taxable years beginning after December 31, 2001, in prescribing the tables under paragraph (1)—

''(i) the maximum taxable income amount in the 15-percent rate bracket, the minimum and maximum taxable income amounts in the 28-percent rate bracket, and the minimum taxable income amount in the 31-percent rate bracket in the table contained in subsection (a) shall be the applicable percentage of the comparable taxable income amounts in the table contained in subsection (c) (after any other adjustment under this subsection), and

''(ii) the comparable taxable income amounts in the table contained in subsection (d) shall be ½ of the amounts determined under clause (i).

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be determined in accordance with the following table:

''For taxable years beginning in calendar year—	The applicable percentage is—
2002	170.3
2003	173.8
2004	180.0
2005	183.2
2006	185.0
2007 and thereafter	200.0.

''(C) ROUNDING.—If any amount determined under subparagraph (A)(i) is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.''.

(b) TECHNICAL AMENDMENTS.—

(1) Subparagraph (A) of section 1(f)(2) of such Code is amended by inserting ''except as provided in paragraph (8),'' before ''by increasing''.

(2) The heading for subsection (f) of section 1 of such Code is amended by inserting ''PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT AND 28-PERCENT RATE BRACKETS;'' before ''ADJUSTMENTS''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 4. MARRIAGE PENALTY RELIEF FOR EARNED INCOME CREDIT.

(a) IN GENERAL.—Paragraph (2) of section 32(b) of the Internal Revenue Code of 1986 (relating to percentages and amounts) is amended—

(1) by striking ''AMOUNTS.—The earned'' and inserting ''AMOUNTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the earned''; and

(2) by adding at the end the following new subparagraph:

''(B) JOINT RETURNS.—In the case of a joint return, the phaseout amount determined under subparagraph (A) shall be increased by $2,500.''.

(b) INFLATION ADJUSTMENT.—Paragraph (1)(B) of section 32(j) of such Code (relating to inflation adjustments) is amended to read as follows:

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined—

''(i) in the case of amounts in subsections (b)(2)(A) and (i)(1), by substituting 'calendar year 1995' for 'calendar year 1992' in subparagraph (B) thereof, and

''(ii) in the case of the $2,500 amount in subsection (b)(2)(B), by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) of such section 1.''.

(c) ROUNDING.—Section 32(j)(2)(A) of such Code (relating to rounding) is amended by striking ''subsection (b)(2)'' and inserting ''subsection (b)(2)(A) (after being increased under subparagraph (B) thereof)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 5. PRESERVE FAMILY TAX CREDITS FROM THE ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subsection (a) of section 26 of the Internal Revenue Code of 1986 (relating to limitation based on tax liability; definition of tax liability) is amended to read as follows:

''(a) LIMITATION BASED ON AMOUNT OF TAX.—The aggregate amount of credits allowed by this subpart for the taxable year shall not exceed the sum of—

''(1) the taxpayer's regular tax liability for the taxable year reduced by the foreign tax credit allowable under section 27(a), and

"(2) the tax imposed for the taxable year by section 55(a).".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (d) of section 24 of such Code is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(2) Section 32 of such Code is amended by striking subsection (h).

(3) Section 904 of such Code is amended by striking subsection (h) and by redesignating subsections (i), (j), and (k) as subsections (h), (i), and (j), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

GRAHAM AMENDMENT NO. 3091

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment to be proposed by him to the bill, H.R. 6, supra; as follows:

At the end add the following:

SEC. ____. DELAY IN EFFECTIVE DATE.

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

(1) The social security program is the foundation upon which millions of Americans rely for income during retirement or in the event of disability.

(2) For nearly two-thirds of seniors living alone, social security comprises 50 percent or more of their total income.

(3) The medicare program provides essential medical care for tens of millions of older and disabled Americans.

(4) During the 35-year history of the program, medicare has helped lift elderly Americans out of poverty and has improved and extended their lives.

(5) According to the 2000 annual report of the Board of Trustees of the social security trust funds—

(A) beginning in 2016, payroll tax revenue will fall short of the amount needed to pay current benefits, necessitating the use of interest earned on trust fund assets and then the eventual redemption of those assets; and

(B) assets of the combined retirement and disability trust funds will be exhausted in 2037.

(6) According to the 2000 annual report of the Board of Trustees of the social security trust funds, assets in the medicare health insurance trust fund will be exhausted in 2023.

(7) The Congressional Budget Office has prepared 3 estimates of the non-social security surplus for the next 10 years which range in size from $838,000,000,000 to $1,918,000,000,000.

(8) The presence of non-social security surpluses present Congress with the opportunity to address the long-term funding shortfall facing the social security and medicare programs.

(b) DELAY IN EFFECTIVE DATE.—Notwithstanding any other provision of, or amendment made by, this Act, no such provision or amendment shall take effect until legislation has been enacted that extends the solvency of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund under section 201 of the Social Security Act through 2075 and the Federal Hospital Insurance Trust Fund under part A of title XVIII of such Act through 2025.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Tuesday, April 11, 2000, at 9:30 a.m., in SR–332, to conduct a full committee hearing to consider the nomination of Christopher McLean to be Administrator for the Rural Utilities Service for the Department of Agriculture and to examine how likely reductions in the use of MTBE in reformulated gasoline will affect the demand for renewable fuels.

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

COMMITTEE ON ARMED SERVICES

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 11, 2000, at 9:30 a.m., in open session to consider the nominations of Honorable Bernard D. Rostker to be Under Secretary of Defense for Personnel and Readiness, Mr. Gregory R. Dalhberg to be Under Secretary of the Army and Ms. Madelyn R. Creedon to be Deputy Administrator for Defense Programs, National Nuclear Security Administration at the Department of Energy.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, April 11, 2000, at 9:30 a.m., on trade relations with China and WTO.

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

COMMITTEE ON FOREIGN RELATIONS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 11, 2000, at 9 a.m. and 2:30 p.m., to hold two hearings.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Children and Families, be authorized to meet for a hearing on "Early Childhood Programs for Low-Income Families: Availability and Impact" during the session of the Senate on Tuesday, April 11, 2000, at 9:30 a.m.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, April 11, at 10 a.m., to conduct a hearing. The committee will receive testimony on S. 282, the Transition to Competition in the Electric Industry Act; S. 516, the Electric Utility Restructuring Empowerment and Competitiveness Act of 1999; S. 1047, the Comprehensive Electricity Competition Act; S. 1284, the Electric Consumer Choice Act; S. 2173, the Federal Power Act Amendments of 1999; S. 1369, the Clean Energy Act of 1999; S. 2071, Electric Reliability 2000 Act; and S. 2098, the Electric Power Market Competition and Reliability Act.

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

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on April 11, 2000, from 10 a.m.–1 p.m., in Dirksen 106 for the purpose of conducting a hearing.

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

PRIVILEGE OF THE FLOOR

Mr. CLELAND. Mr. President, I ask unanimous consent my military fellow, Tricia Heller, be granted access to the floor at this time.

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

TECHNICAL ASSISTANCE AUTHORIZATION

Mr. GRAMM. Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated April 11, 2000, from myself to Senator LOTT in regard to S. 2382.

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

COMMITTEE ON BANKING,
HOUSING, AND URBAN AFFAIRS,
Washington, DC, April 11, 2000.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: As you know, paragraph 1(j)(10) of Rule XXV of the Standing Rules of the Senate provides that "at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to [the International Monetary Fund and other monetary organizations] reported by the Committee on Foreign Relations shall be referred to the Committee on Banking, Housing, and Urban Affairs."

On April 7, 2000, the Committee on Foreign Relations reported S. 2382, an original measure that includes several key IMF reform and authorization provisions. Therefore, on behalf of the Committee on Banking, Housing, and Urban Affairs, I hereby request the referral of S. 2382 to the Committee on Banking.

Thank you for your attention to this matter.

Yours respectfully,

PHIL GRAMM,
Chairman.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 6:05 p.m., adjourned until Wednesday, April 12, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 11, 2000:

DEPARTMENT OF STATE

MICHAEL G. KOZAK, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BELARUS.

ANNE WOODS PATTERSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COLOMBIA.

THE JUDICIARY

BERLE M. SCHILLER, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA VICE ROBERT S. GAWTHROP, DECEASED.

RICHARD BARCLAY SURRICK, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA VICE LOWELL A. REED, JR., RETIRED.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. RAYMOND P. AYRES, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. EMIL R. BEDARD, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. BRUCE B. KNUTSON, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM L. NYLAND, 0000

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

ROBERT F. BYRD, 0000

To be lieutenant colonel

ROBERT K. DOWNEY, 0000
MICHAEL S. MATHER, 0000
MICHAEL W. PELTZER, 0000
GREGORY L. TATE, 0000
JOHN Q. WATTON, 0000
MICHAEL A. WINGFIELD, 0000

To be major

MARK A. CLANTON, 0000
TIMOTHY D. CROFT, 0000
ROCH B. LAROCCA, 0000
JOHN S. MCFADDEN, 0000
KEVIN C. ROGERS, 0000
JAMES C. SEAMAN, 0000
SCOTT L. SMITH, 0000
JOHN B. STEELE, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10 U.S.C., SECTION 12203:

To be colonel

JAMES M. BROWN, 0000
GEORGE M. CAMPBELL, JR., 0000
RICHARD E. FLATH, 0000
JAMES L. HOKE, 0000
RONALD W. JONES, 0000
ALAN M. KOLLER, 0000
AUGUST G. LAGEMAN IV, 0000
LEONARD G. LEE, 0000
KENNETH G. LUNDEEN, 0000
CHARLES H. MC DANIEL, 0000
MELVIN R. SCHROEDER, 0000
RICHARD L.J. SCHWEINSBURG, 0000
CHARLES E. SIMPSON, 0000
TOMMY W. SMITH, 0000
THOMAS E. STOKES, JR., 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JAMES R. LAKE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

RICHARD L. PAGE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

DONALD M. ABRASHOFF, 0000
MICHAEL R. ALLEN, 0000
PATRICK E. ALLEN, 0000
ROBERT L. ALLEN, 0000
BRUCE L. ANDERSON, 0000
CHARLES R. ARMSTRONG, 0000
THOMAS E. ARNOLD, 0000
STEVEN B. ASHBY, 0000
JOSEPH P. AUCOIN, 0000
DONALD E. BABCOCK, 0000
ALLEN BANKS, 0000
CARL S. BARBOUR, 0000
BRENT H. BARROW, 0000
MARK L. BATHRICK, 0000
LAWRENCE R. BAUN, 0000
PHILIP G. BEIERL, 0000
DAVID C. BEYRODT, 0000
DOUGLASS T. BIESEL, 0000
JAMES J. BIRD, 0000
ROBERT W. BLAKLEY, 0000
ROBERT E.L. BOND, 0000
EDWARD M. BOORDA, 0000
CHARLES P. BOURNE, 0000
JOSEPH M. BRADLEY, 0000
LOREN R. BREMSETH, 0000
MARK R. BREOR, 0000
SANDRA K. BROOKS, 0000
ANDRES A. BRUGAL, 0000
ROBERT L. BUCKLEY, 0000
PETER S. BUCZYNSKI, 0000
JEROME L. BUDNICK, 0000
KENNETH J. BURKER, 0000
RICHARD S. CALLAS, 0000
HIPOLITO L. CAMACHO, 0000
CHARLES J. CARSON, JR., 0000
LAURIE A. CASON, 0000
JEFFREY M. CATHEY, 0000
DAVID J. CHESLAK, 0000
SUSAN M. CHIARAVALLE, 0000
DENNIS K. CHRISTENSEN, 0000
ROGER W. COLDIRON, 0000
BRUCE A. COLE, 0000
LOUIS J. CORTELLINI, 0000
BRIAN A. COSGROVE, 0000
SAMUEL J. COX, 0000
GEORGE P. CROY III, 0000
BRIAN P. CULLIN, 0000
MARK W. CZARZASTY, 0000
ROBERT E. DEAN, 0000
EDWARD H. DEETS III, 0000
STEVEN P. DESJARDINS, 0000
FERDINAND DIEMER, 0000
KING H. DIETRICH, 0000
KEVIN M. DONEGAN, 0000
CHARLES V. DOTY, 0000
HELEN F. DUNN, 0000
DAVID C. DYKHOFF, 0000
REED A. ECKSTROM, 0000
GARY W. EDWARDS, 0000
CAROL J. H. ELLIS, 0000
JOHN ELNITSKY II, 0000
ADREON M. ENSOR, 0000
JAMES R. EVERETT III, 0000
JOSEPH M. FALLONE, 0000
MAUREEN A. FARREN, 0000
DENNIS E. FITZPATRICK, 0000
KENNETH E. FLOYD, 0000
TIMOTHY V. FLYNN III, 0000
ROBERT L. FORD, 0000
CHARLES W. FOWLER III, 0000
JOHN G. GALLAGHER, 0000
PAUL C. GALLAGHER, 0000
KEVIN P. GANNON, 0000
FRANK W. GARCIA, JR., 0000
EDDIE J. GARDINER, JR., 0000
EARL L. GAY, 0000
MICHAEL C. GERON, 0000
DONALD D. GERRY, JR., 0000
CHRISTOPHER O. GEVING, 0000
MARK A. GILBERTSON, 0000
MARTHA C. GILLETTE, 0000
LARRY M. GILLIS, 0000
KENNETH L. GINADER, 0000
JOSEPH C. GLADYSZEWSKI, 0000
MICHAEL A. GOMORI, 0000
MARK J. GONZALEZ, 0000
JAMES L. GOSNELL, 0000
DENNIS E. GRANGER, 0000
JAMES S. GRANT, 0000
JOHN M. K. GRITTON, 0000
BRUCE E. GROOMS, 0000
PAUL S. GROSSGOLD, 0000
JAMES C. GRUNEWALD, 0000
MARK D. GUADAGNINI, 0000
ALAN E. HAGGERTY, 0000
JOHN R. HALEY, 0000
JANICE M. HAMBY, 0000
JOHN H. HARRINGTON III, 0000
ROBERT M. HARRINGTON, 0000
WILLIAM G. HARRISON, JR., 0000
RICHARD HASCUP, 0000
CHRISTOPHER A. HASE, 0000
EDWARD S. HEBNER, 0000
ANTONY O. HEIMER, 0000
MARVIN H. HEINZE, 0000
DEREK H. HESSE, 0000
THOMAS J. HEWITT, 0000
ROBERT M. HIBBERT, 0000
JAMES K. HISER, 0000
WILLIAM F. HOEFT, 0000
TIMOTHY J. HOWINGTON, 0000
GORDON J. HUME, 0000
PAUL M. INSCH, 0000
JONATHAN C. IVERSON, 0000
STEVEN M. JACOBSMEYER, 0000
DOREEN E. JAGODNIK, 0000
STEVEN C. JOACHIM, 0000
BRADLEY E. JOHANSON, 0000
JOSEPH A. JOHNSON, 0000
KEVIN R. JOHNSON, 0000
DAVID A. JONES, 0000
TERRANCE G. JONES, 0000
GEORGE J. KAROL, 0000
DEREK B. KEMP, 0000
STEPHEN S. KING, 0000
MARK D. KLATT, 0000
WILLIAM J. KLAUBERG, JR., 0000
LENDALL S. KNIGHT, 0000
CAROLINE B. KONCZEY, 0000
DAVID L. KRUEGER, 0000
ANTHONY M. KURTA, 0000
PHILLIP R. LAMONICA, 0000
ALBERT G. LANG, JR., 0000
DAVID L. LASHBROOK, 0000
ALFRED LEDESMA, 0000
WANDA F. LEONARD, 0000
WILLIAM K. LESCHER, 0000
JERRY W. LEUGERS, 0000
DAVID H. LEWIS, 0000
STEVEN W. LITWILLER, 0000
ALBERT F. LORD, JR., 0000
RENATA P.Y. LOUIE, 0000
KEITH W. LUDWIG, 0000
DAVEN L. MADSEN, 0000
MICHAEL T. MALINIAK, 0000
BARBARA A. MARMANN, 0000
SHELLEY S. MARSHALL, 0000
CHARLES P. MARTELLO, 0000
DANNY E. MASON, 0000
STEPHEN D. MATTS, 0000
THOMAS E. MC CAFFREY, 0000
JAMES F. MC CARTHY, 0000
CHARLES A. MC CAWLEY, 0000
LESLIE J. MC COY, 0000
JAMES R. MC GOVERN, JR., 0000
ROBERT A. MC NAUGHT, 0000
DAVID E. MEADOWS, 0000
RICHARD A. MEDLEY, 0000
JAMES M. MELESKY, 0000
CHRISTOPHER A. MELHUISH, 0000
TERRY L. MERRITT, 0000
GREGORY A. MILLER, 0000
SCOT A. MILLER, 0000
DENNIS E. MITCHELL, 0000
ALAN R. MOORE, 0000
CHARLES R. MORGAN, 0000
MICHAEL D. MORGAN, 0000
DANIEL J. MORGIEWICZ, 0000
DAVID T. MORONEY, 0000
ALAN C. MOSER, 0000
JAMES A. MURDOCH, 0000
JOSEPH W. MURPHY, 0000
KENNETH P. NEUBAUER, 0000
SANTIAGO R. NEVILLE, 0000
DAVID A. NEWLAND, 0000
GERALD F. NIES, 0000

DANIEL I. NYLEN, 0000
ANN C. OCONNOR, 0000
WILLIAM G. OKONIEWSKI, 0000
DAVID A. OLIVIER, 0000
MARY M. ORBAN, 0000
DANIEL L. OUIMETTE, 0000
FRANK C. PANDOLFE, 0000
LUKE R. PARENT, 0000
CHRISTOPHER L. PARENTE, 0000
RICHARD J. PERA, 0000
CLIFTON E. PERKINS, JR., 0000
DANIEL J. PETERS, 0000
JOHN W. PETERSON, 0000
JOSEPH P. PETERSON, 0000
PRESTON C. PINSON, 0000
DAVID B. PORTER, 0000
ROBERT G. PRESLER, 0000
BETTY J. PUTNAM, 0000
RONALD G. RAHALL, 0000
TERRY D. RAINS, 0000
MICHAEL W. REEDY, 0000
PHILIP G. RENAUD, 0000
WALTER J. RICHARDSON, JR., 0000
TERESA W. ROBERTS, 0000
KENNETH M. ROME, 0000
SCOTT L. ROME, 0000
BENJAMIN F. ROPER, 0000
THORNWELL F. RUSH, JR., 0000
GABRIEL R. SALAZAR, 0000
FERDINAND L. SALOMON III, 0000
JEAN M. SANDO, 0000
WILLIAM V. SCARDINA, JR., 0000
BRIAN C. SCOTT, 0000
LELAND H. SEBRING, JR., 0000
AUGUST J. SERENO, JR., 0000
KATHARINE J. SHANEBROOK, 0000
KATHY A. SHIELD, 0000
JAMES L. SMITH, 0000
JUDY L. SMITH, 0000
JOHN W. SNEDEKER, JR., 0000
DANIEL J. SOPER, 0000
THOMAS L. SPARKS, 0000
JOHN G. SPEER, 0000
SEAN J. STACKLEY, 0000
VICTOR A. STEINMAN, 0000
CHRISTIAN M. STEINMETZ, 0000
ANN F. STENCIL, 0000
JAMES G. STEVENS, 0000
RICHARD V. STOCKTON, 0000
ROBERT B. STONEY, 0000
STEVEN I. STRUBLE, 0000
SEAN P. SULLIVAN, 0000
RICHARD D. SUTTIE, 0000
SCOTT H. SWIFT, 0000
STEPHEN L. SZYSZKA, 0000
GEORGE R. TEUFEL, 0000
DAVID M. THOMAS, 0000
ROBERT L. THOMAS, JR., 0000
MANNING M. TOWNSEND, 0000
NORA W. TYSON, 0000
KEVIN K. UHRICH, 0000
JON H. UNDERWOOD, 0000
FRANK D. UNETIC, JR., 0000
MARK A. VANCE, 0000
GORDAN E. VANHOOK, 0000
ROBERT J. VOIGT, 0000
KENNETH D. WALKER, 0000
SUSAN E. WALTERS, 0000
MICHAEL C. WARMBIER III, 0000
JAMES L. WARREN, 0000
RONALD E. WEISBROOK, 0000
TERRY S. WICHERT, 0000
PETER I. WIKUL, 0000
MARY E. WILLIAMS, 0000
ROBERT S. WINNEG, 0000
DARLENE R. WOODHARVEY, 0000
MARK S. WOOLLEY, 0000
DAVID C. WOOTEN, 0000
NATALIE K. S. YOUNGARANITA, 0000
CHARLES ZINGLER, 0000

HOUSE OF REPRESENTATIVES—*Tuesday, April 11, 2000*

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore (Ms. GRANGER).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 11, 2000.

I hereby appoint the Honorable KAY GRANGER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SHAYS) for 5 minutes.

IN RECOGNITION OF LIFE AND SERVICE OF ABNER WOODRUFF SIBAL

Mr. SHAYS. Madam Speaker, I rise in recognition of the life and service of Abner Woodruff Sibal, former U.S. Representative from the Fourth District of Connecticut, the district I now represent.

Abner Sibal died this past January at age 78, leaving behind a large family and an honorable legacy. He would be celebrating his 79th birthday today. Mr. Sibal was a member of this body from 1961 to 1965 in the 87th and 88th Congresses. While here, he served on the Interstate and Foreign Commerce Committee and its Subcommittee on Transportation and Aeronautics.

Mr. Sibal was born in Ridgewood, New York, and grew up in Connecticut. He graduated from Norwalk High School in 1938 and Wesleyan University in 1943, entered the U.S. Army after graduation from college, and served in both the European and Pacific theaters during World War II.

When Mr. Sibal was discharged as a first lieutenant in September 1946, he went on to St. John's Law School, where he received his law degree in 1949. Abner Sibal was admitted to the Connecticut bar in 1949 and the Federal bar in 1965. He led an impressive career both before and after his time as a public servant.

From 1951 to 1955, he served as a prosecuting attorney in the city of Norwalk. Mr. Sibal served as a member of the Connecticut State senate from 1956 to 1960. He sat as a member of the Corporation Counsel of Norwalk from 1959 to 1960. He rose to the position of Republican minority leader for the last 2 years of his State senate tenure.

His hard work and leadership earned him the position of chairman of the Connecticut Commission on Corporate Law in 1959.

In addition, he was a delegate to each Connecticut Republican State Convention from 1952 through 1968 and a delegate to the Republican National Convention in 1964.

After his years in Congress, Mr. Sibal practiced law in Washington before being appointed general counsel of the Equal Employment Opportunity Commission by Gerald Ford in 1975. In 1979, he resumed his private law practice, joining the firm of Farmer, Wells, McGuinn & Sibal.

On a personal note, I was entering high school when Mr. Sibal became the Congressman of my Connecticut district. It was during this time I started to really become politically aware. I was learning about Congress and who my elected officials were.

Abner Sibal stands out in my mind as having been a leader I respected, admired, and wanted to emulate. Abner Woodruff Sibal is remembered as an honorable man, a hard working public servant, and an able legislator.

DEPARTMENT OF DEFENSE SHOULD LEAD BY EXAMPLE FOR MORE LIVABLE COMMUNITIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, national security is a powerful concept; and in the name of national security, we have done extraordinary things, perhaps none more momentous than the victory during World War II and the huge mobilization that it required.

At times we use national security to cover up things perhaps we should not do, some tragic mistakes abroad, not being truthful with the American public. Here at home, we have occasionally used national security to rationalize good things we probably should have done anyway. Our interstate highway system was done in the name, in part, of national defense, or the student defense loans in the 1960s and 1970s, or research that led to the Internet.

Today there is no greater threat to our national security worldwide than is posed by pollution, poverty, disease, and the unrest and misery that they produce.

We have serious environmental problems here at home that are the terrible hidden legacy of 60 years of our defense activities, among them, in my own Pacific Northwest, the terrible pollution at the Hanford Nuclear Reservation, or Rocky Flats in Colorado, chemical weapons, toxic waste.

One of the most powerful ways to protect the environment and make community livable is for the Federal Government to lead by example, whether it is maybe requiring a post office to obey local land use laws and zoning codes and planning regulations, or have the GSA lead by example, being an exemplary landlord in our communities around the country, or maybe having the Federal Flood Insurance program reformed so it does not subsidize people living in places where God has repeatedly shown that he does not want them.

But the biggest, richest, and most visible opportunity to lead by example is to be found in the Department of Defense, whether, as I mentioned on this floor before, dealing with model ways to environmentally sensitively dismantle ships, or look at the opportunities posed by base closings around the country.

Our population is going to double in the course of this century. There are many great examples of over the long haul how, done right, base closings can help save the taxpayers' money and revitalize communities, not devastate them.

Army facilities nationwide are rich in historic buildings, structures, and districts. These historic properties potentially represent a significant and valuable heritage not just for the Army but for the Nation and particularly for the community in which they are located.

The National Trust for Historic Preservation has helped develop a methodology for this and has helped launch more than 1,500 commercial districts

around the country to be revitalized. There is a tremendous potential for them to work with us nationally with military projects.

Look at Fort Ord, with 28,000 acres, the largest military base closed in the country. It is now the campus for California State University at Monterey Bay. More than 1,100 new jobs have been created already. Seven thousand acres have been turned over to the Bureau of Land Management to be preserved as open space.

Unfortunately, since the base was closed in 1993, the housing has not yet been returned to the community for reuse due to burdensome bureaucratic requirements and, even though some progress has been made in the course of this last year, not before much damage has been caused to the vacant housing and loss to the community.

We could speak further about the opportunities before embarking upon new projects. I think it is important for the military to deal with the legacy of the problems we have now.

One such legacy of military operations is the threat left by bombs and shells that did not go off when fired for testing and training. Commonly we are talking about 5 or 10 percent. It is estimated it is going to cost $15 billion to remove this unexploded ordnance in the United States alone. At the rate of $150 million that we are spending a year now, it is going to take over 100 years to deal with this problem.

The budget for environmental security in the Department of Defense is $4 billion out of a total budget of $305 billion. It is time for us to take a step back to make sure that, if we can in the name of politics give the military money it cannot afford for projects that it does not need or want, then in the name of environment and livable communities, we can pay the bill and do it right.

This is a special opportunity for the Department of Defense and Congress. We should not take shortcuts with the environment in the name of national security. Instead, the Department of Defense should lead by example for more livable communities.

GENE TECHNOLOGY HAS COME OF AGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Madam Speaker, gene technology has come of age. It is referred to under different names: genetic engineering, gene splicing, bioengineering, recombinant DNA. No matter the name used to describe it, this technology represents the latest tool in a continuum of techniques researchers have developed and adopted over the centuries.

As chairman of the Subcommittee on Basic Research of the Committee on Science, we have spent the last 14 months studying this new biotechnology of genetically modifying products. We will be releasing probably the most inclusive and detailed report this coming Thursday at 2:30 at a press conference in Room 2320, the Committee on Science room. It is a summation of the findings of a series of three hearings held during the first session of the 106th Congress by our Subcommittee on Basic Research entitled, ''Plant Genome Science: From the Lab to the Field to the Market.'' Additionally we have talked to and counciled with many other world experts on this subject.

What is truly powerful about this technology is that it allows individual, well-characterized genes to be transferred from one organism to another, thus increasing the genetic diversity available to improve important commercial crop plants as well as pharmaceuticals.

The potential benefits to mankind are limited only by the resourcefulness of our scientists. Biotechnology has been used safely for many years to develop new and useful products used in a variety of industry.

More than a thousand products have now been approved for marketing, and many more are being developed. These products include dozens of therapeutics, including human insulin for diabetics, growth factors used in bone marrow transplants, products for treating heart attacks, hundreds of diagnostic tests for AIDS and hepatitis, and other infectious agents, enzymes used in food production, such as those used for the production of cheese and other products.

And this is just the beginning. In agriculture, new plant varieties created with these techniques will offer foods with better taste, more nutrition, longer shelf life, and farmers will be able to grow these improved varieties more efficiently, leading to lower costs for consumers and greater environmental protection.

Soybeans that produce high oleic oil containing less saturated fat and less processing; cotton plants that fight pests or produce naturally colored cotton, reducing the need for chemical dies; bananas that deliver vaccines to fight enteric diseases are just a few examples of what is in store.

While millions of lives all over the world have been protected and enriched by biotechnology, its application to agriculture has been coming under attack by well-financed activist groups. The controversy they have generated revolves around probably three basic questions as I have defined them: one, are agricultural biotechnology and classical breeding methods conceptually the same? Two, are these products safe to eat? And three, are they safe for the environment?

The testimony and other material made available to the subcommittee as we have met with leading scientists throughout the world lead me to conclude that the answer to all three questions is a resounding yes.

In fact, modern biotechnology is so precise and so much more is known about the changes being made that plants produced using this technology may even be safer than traditionally bred plants.

This report contains background information on the development and oversight of plant genetics and agricultural biotechnology, a summary of the subcommittee hearings, and my findings and recommendations based on these hearings. I hope that it will be of use to all of the scientists and researchers in America as we examine this important issue of biotechnology.

The human genome effort and the plant genome effort with the arabidopsis thaliana is being completed well ahead of schedule and will have a tremendous impact on our lives and the lives of people all over the world. We need to move ahead, but we need to make sure that scientific facts and not rumors and scare tactics are the basis of information to the general public. Politically motivated misinformation can slow down the advancement of a science that has so much potential for mankind.

□ 0945

SMITH & WESSON

The SPEAKER pro tempore (Ms. GRANGER). Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Madam Speaker, last week I spoke regarding the coerced agreement between the Federal Government and the firearms manufacturer Smith & Wesson. I would like to continue my discussion this morning by highlighting a few more quotes from those who participated in this coercion through litigation. I would like to emphasize that these are not statements that this country should be proud of, and these are not statements one will find in an official press release.

John Coale, one of the trial lawyers involved in the lawsuits against firearm manufacturers was quoted in The Washington Post as saying ''the legal fees alone are enough to bankrupt your industry.''

Regarding this agreement, the New York Attorney General Eliot Spitzer reportedly said to another firearms manufacturer, Glock, Incorporated, ''If you do not sign, your bankruptcy lawyers will be knocking at your door.''

On April 2, Mr. Shultz, CEO of Smith & Wesson was interviewed on the ABC news show, This Week, regarding the

agreement that was reached with the Federal Government on gun control proposals.

Twice, my colleagues, in this interview, he referred to the ''survival'' of his company as a primary reason behind his settlement. In fact, in announcing this agreement, Smith & Wesson stated ''these actions are about insuring the viability of Smith & Wesson as an ongoing business entity in the face of crippling costs of litigation.''

Speaking of crippling litigation, last week's edition of National Review reported that Colt firearms manufacturer chose to cease producing firearms for civilian purchase because of the ruinous lawsuits. And this is a company that was voluntarily pioneering smart gun technology and had recently received a $50,000 grant to develop smart guns. Here was a company working towards a common goal of the gun control advocates, but that did not matter. Those same advocates and their trial lawyers continued to pursue this costly litigation against Colt into a fait accompli.

Finally, an op-ed in today's Washington Post by Tom Cannon further characterized the agreement with Smith & Wesson. He stated ''this agreement is a legally binding contract, not just between Smith & Wesson and the government, but also between the manufacturer and every wholesaler, retailer and private customer of Smith & Wesson's product, even though these parties were not consulted, advised or asked for their consent.''

Mr. Cannon goes on to say that a preferential purchase of Smith & Wesson firearms would be a purchase that requires the voluntary surrender of the rights of choice association and privacy.

Madam Speaker, I ask that Mr. Cannon's op-ed be made a part of the RECORD.

[From the Washington Post, Apr. 11, 2000]

(By Tom Cannon)

If you follow the gun issue at all, you're aware that last month Smith & Wesson, one of the oldest American gun manufacturers, signed a deal with several government entities at all levels. The primary purpose of this deal was to release Smith & Wesson from the lawsuits being filed against gun manufacturers seeking to hold them responsible for the criminal misuse of their products by unrelated third parties.

Among other things, this agreement is a legally binding contract not just between Smith & Wesson and the government but also between the manufacturer and every wholesaler, retailer and private customer of Smith & Wesson products—even though these parties were not consulted, advised or asked for their consent. Any wholesaler or retailer who wishes to continue carrying Smith & Wesson products will be required to agree to the terms of this contract, and force its customers to do likewise. My primary objection is that the last time I checked, I had not granted Smith & Wesson power of attorney.

In immediate response to this ''unholy alliance'' between a once-respected company and the government, gun owners from all over the country, myself included, contacted their local gun stores and begged them to discontinue carrying Smith & Wesson products. The Michigan Coalition for Responsible Gun Owners sent a letter to every S&W dealer in Michigan, asking on behalf of our thousands of members that they drop the line. Across the country, thousands if not millions of us pledged not to patronize a business that sold Smith & Wesson products under the terms of this new agreement.

Whether because of this market pressure or because of the onerous terms of the agreement itself, many dealers have decided to drop the Smith & Wesson line. As a free market economy, it seemed our work was done; our dollars had spoken for themselves. We would provide a harsh object lesson for the manufacturers about the attitudes of the market.

But shortly after the Smith & Wesson agreement was announced, several of the same government entities that signed the deal announced investigations of S&W's competitors for alleged violations of antitrust laws. In short, the message seems to be: ''You will buy Smith & Wesson.'' Personally, I find this even more insidious than the original lawsuits that brought on this foolishness. In gangster movies this would be called a ''protection racket.'' It brings to mind the bus boycott in Montgomery, Ala., during the civil rights movement, and the local government's reaction to it.

There is nothing to prevent Smith & Wesson from opening its own retail stores in every gun-buying market or from franchising its retail licenses, unless of course you count the fact that they won't sell many firearms to the traditional gun-buying public. A friend of mine, a collector whose passion is Smith & Wesson revolvers and who reportedly has ''more Smiths than Smith,'' says he is done buying new Smith & Wesson products. Their days in this market are probably numbered.

Can Smith & Wesson survive? Sure, it could limp along on government contracts, or get some other kind of help from its new best friends. After all, our government has propped up thousands of businesses over the years long after they should have succumbed to market pressure and closed up shop.

Or anti-gun groups such as Handgun Control Inc., with their incessant claims of support from suburban ''soccer moms,'' could create a new market by encouraging these moms to buy Smith & Wesson in support of their so-called ''dedication to safety.'' Handgun Control Inc. has already posted articles on its web site praising Smith & Wesson for its actions, so it's really only a half-step farther to promote Smith & Wesson's products to its audience.

And that could just be the icing on the cake. More people would own guns, thus being able to defend themselves against crime, and traditional gun owners like me would split our sides laughing at the ironic spectacle of HCI shilling for S&W.

If the soccer moms want guns who purchase requires the voluntary surrender of the rights of choice, association and privacy, then let the soccer moms buy them.

The writer is on the board of directors of the Michigan Coalition for Responsible Gun Owners.

Madam Speaker, I think these are the kinds of quotes that should send chills through the spine of every American. In essence, a precedent has been set which has the government lawyers and private lawyers conspiring, conspiring to coerce private industry into adopting public policy changes through the threat of abusive litigation. The option? Adopt our proposals or you will go bankrupt.

Madam Speaker, this is not a way to run a Republic. We should confront this threat to our constitution immediately and stop any future attempts at coercive litigation by our government.

Every Member of Congress, regardless of political philosophy, should be concerned with this type of action. Any future executive branch could circumvent Congress anytime it disagrees with our policy. As elected officials, we are sworn to uphold the constitution. We should not condone coercive litigation to circumvent the legislative function of the Congress. This is not a political issue. This is a Constitutional issue.

Madam Speaker, I have introduced a resolution disapproving of the executive branch using litigation in a coercive manner to circumvent the legislative function of the Congress. I urge every one of my colleagues to cosponsor and defend the constitutional authority of Congress, its right to make national policy here in the House of Representatives.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 11 a.m.

Accordingly (at 9 o'clock and 51 minutes a.m.), the House stood in recess until 11 a.m.

□ 1100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SHIMKUS) at 11 a.m.

PRAYER

The Reverend David Harmon, Big Emory Baptist Church, Harriman, Tennessee, offered the following prayer:

Our Father: I wish I had the vocabulary of angels. I wish, my Father, that I could speak the words of Heaven today to express what I feel in my heart. We thank You so much for our great Nation. We praise You for the wonderful things that You have done for us down through these years.

My Father, our Lord, we need and seek Your face in our Nation and pray that Your kind hand be upon these men and women who represent this great Nation here today.

Soon I am sure that these folks will forget me, but I hope there is never a moment that we forget You, Lord.

My Lord, You know our major needs, so I will not attempt to pray for them

specifically. However, I pray that Your will be done in this place today, as it is in Heaven.

My Lord, we indeed seek Your input and guidance in every decision. We also pray that You will bring harmony to our Nation and peace to our world.

Heal our land, heal our people and saturate our hearts with the greatest love and compassion the world could ever know in our Lord Jesus Christ. And it is in His precious and holy name that we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. Wamp led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 one-minutes on each side.

PROJECT EXILE

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

Mr. GIBBONS. Mr. Speaker, today I rise in strong support of H.R. 4051, Project Exile, the Safe Streets and Neighborhood Act of 2000. This bill helps make neighborhoods and communities safer by implementing programs that ensure tough prison time for criminals who use guns.

H.R. 4051 will provide financial resources totaling $100 million over 5 years to help States aggressively enforce their own laws, laws already on the books, laws already there to ensure that gun criminals are held accountable.

Qualifying States can use this money to strengthen their criminal and juvenile justice systems and promote effective and swift prosecution of violent criminals. Project Exile is a proven, common sense approach to fighting gun crime and making our neighborhoods safer. I call upon my colleagues to pass this important legislation so we can exile violent gun criminals to prison to do the hard time they deserve.

THE INTERNATIONAL ABDUCTION OF REBECCA COLLINS' SON

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

Mr. LAMPSON. Mr. Speaker, I rise today to talk about the continued problem that is of utmost importance, and that is the abduction of American children to foreign countries. The gentleman from Ohio (Mr. CHABOT) and I introduced legislation with 126 original cosponsors, a testament to the importance of this issue.

Rebecca Collins, a mother from North Carolina, was granted temporary custody of her son while her divorce was pending. In July of 1991, her ex-husband took her son to Germany during a scheduled visitation and the U.S. police filed charges against him.

In August of that year, Rebecca was awarded custody and the immediate return of her son was ordered. Despite the decision, a lower German court transferred custody to the father. Rebecca was granted access rights, but the German court refused to enforce these rights when the father failed to abide by them.

Rebecca's son was 7 months old at the time of the abduction. He is now 8 years old, and she has not seen him at all since the abduction. She spoke with him once on the phone in 1997, but her son has been told that his father's new partner is his natural mother.

Mr. Speaker, American children and their parents should not be kept apart by court systems that refuse to comply with the law. We must make sure that signatory countries of the Hague Convention of the Civil Aspects of International Child Abduction abide by their agreement.

AIR HILLARY

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

Mr. PITTS. Mr. Speaker, in 1991, White House Chief of Staff John Sununu was harshly criticized by the news media for using official aircraft for personal use. There seemed at the time to be a consensus on the part of the news media that despite his position, taking military aircraft on personal trips was inappropriate. But, Mr. Speaker, 9 years later, we have a First Lady whose use of official aircraft to run for political office has already cost the taxpayers more than $182,000, and the election is still 7 months away.

Chief of Staff Sununu was criticized for using government airplanes for personal use. Is not using government aircraft to run for a political office in a political campaign even more questionable?

Every one of us in this body lives and works under strict ethics rules designed to prevent the misuse of official tax paid resources. Is it not wrong to charge 80 percent of your campaign travel costs to the taxpayer? The First Lady's campaign costs the taxpayer over $3,700 for every hour she is in the air.

Mr. Speaker, I am amazed that this has gone on so long unquestioned by many in the media.

527 CORPORATIONS MUST DISCLOSE THEIR CONTRIBUTORS

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

Mr. DOGGETT. Mr. Speaker, a 527 is not a bird or some new model of aircraft, but it is the Superman or super weapon of this political season. Operating under section 527 of the Internal Revenue Code, these new political groups can spew out hate over the airwaves and fill our mailboxes with misinformation. These new political groups can take unlimited amounts of money, and they can take unlimited amounts of foreign money. The Iraqis, the Cubans, the Chinese can pour money into these secret Swiss accounts of the political season and use it to spew out more hate over the airwaves.

The favorite feature of those who rely on 527s is that they can hide every bit of any dirty money that they collect. They can keep their sources secret. Unfortunately, the House Republican leadership is so tied to these secret political accounts and so reliant on campaigns of hate that they will finance in the Fall that they are denying this House today the opportunity to require these groups to disclose their contributors. This is wrong, and the House should reject this tactic.

SENIOR HEALTH CHOICE PRESERVATION ACT

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

Mr. FOLEY. Mr. Speaker, today I am introducing the Seniors Health Choice Preservation Act. This bill will protect Medicare Choice HMOs from additional payment cuts. Furthermore, the bill will assist Medicare HMOs that cover prescription drugs so that they can continue to provide this important benefit.

I believe we have a commitment to America's seniors to provide dependable health care through the Medicare program. I strongly supported giving seniors more options and flexibility when I voted for the Medicare Choice in the Balanced Budget Act.

Empowering consumers to choose their care is the best way to improve quality and affordability in the health care system. Unfortunately, more than

700,000 Medicare beneficiaries in the Medicare Choice HMOs nationwide will have had their coverage either disrupted or discontinued over the past 2 years.

In some Congressional districts, like mine, many seniors were forced to return to Fee for Service Medicare because there were no other options in their area. Even in areas that still have Medicare HMOs, seniors have been hit hard with increased out-of-pocket costs and reduced benefits.

Seniors in my district love their HMOs. They get things like prescription drug coverage, dental care, and eye glass exams.

At a time when HMOs are getting a bad rap in a lot of places, we want to keep our HMOs in Florida.

I urge my colleagues to cosponsor the Seniors Health Care Preservation Act.

CHINA IS BUYING MISSILES WITH AMERICAN CASH AND THEN AIMING THEM AT AMERICAN CITIES

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

Mr. TRAFICANT. Mr. Speaker, this China-White House business bothers me. China's trade surplus with Uncle Sam will exceed $70 billion this year and it is common knowledge that China is buying missiles with American cash and then aiming those missiles at American cities.

Beam me up. I recommend that any deal with China, number one, require a 5-year waiting period before China can fire a missile at America; number two, that China cannot sell stolen U.S. technology at missile shows; and number three, all Chinese missiles shall have trigger locks.

Now on a serious note, I yield back the greatest threat ever to America's national security: Communist China.

THANKS FOR THE SUPPORT

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

Mr. CRANE. Mr. Speaker, I am very pleased to return this week to continue my work in the House. I am rejoining my family, friends, colleagues and supporters in good health and I feel better physically and mentally. I am ready to resume my duties, including my legislative responsibilities, and serving the needs of my constituents. I look forward to the hard work necessary to successfully continue my service in the U.S. House of Representatives and to my country and to the Eighth Congressional District of Illinois.

This has been a deeply humbling experience for me as I continue on my road to recovery, but I want to thank everyone, including Speaker Hastert and my colleagues, for their understanding and the tremendous outpouring of support I have received on both sides of the aisle. God bless you all.

PROJECT EXILE

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

Mr. TANCREDO. Mr. Speaker, I come to the floor this morning in strong support of H.R. 4051, the Safe Streets and Neighborhoods Act of 2000. It will be coming to the floor today under suspension.

This legislation seeks to build on Project Exile programs which started in Richmond, Virginia, in 1997 and using the existing law to go after criminals who illegally possess firearms or use firearms in the commission of a crime.

Since the incorporation of Project Exile in Richmond, the program has spread throughout the entire State. Other cities and States have also taken up similar initiatives to rid their communities of gun wielding criminals. In fact, my own State of Colorado started a Project Exile program back in September and already we are beginning to see a rise in the number of prosecutions against criminals in violation of firearms law.

H.R. 4051 would provide resources to the States that have sought to stringently enforce firearms laws and ensure a mandatory minimum sentence for criminals who violate such statutes. Likewise, these funds can be used to defray the costs associated with tougher enforcement stance, whether it be hiring more prosecutors or expanding jail space.

At a time when our society is grappling with the plague of violence, I encourage Members of this body to pass H.R. 4051.

□ 1115

JUDGE RULES AGAINST CONTROVERSIAL HISTORIAN

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

Mr. LANTOS. Mr. Speaker, before I begin my 1-minute, on behalf of all of my Democratic colleagues, I want to welcome back to the House the gentleman from Illinois (Mr. CRANE), our colleague and friend. We are delighted to have him back.

Mr. Speaker, today we celebrate the victory of history over hate. The pseudohistorian in England, David Irving, who denied the Holocaust, had his comeuppance in a British court yesterday. The great American scholar of the Holocaust, Professor Deborah Lipstadt of Emory University, called David Irving a Holocaust denier. Yesterday, British justice agreed. That is why we celebrate history over hate.

Steven Spielberg and others in countless documentaries have used film to show what the Holocaust was, that it resulted in the mass murder of 6 million people. Pseudohistorian David Irving, a racist and anti-Semite, has destroyed his own career. He is banned from Germany, Canada, and Australia. Today, I am introducing legislation to ban him from ever visiting the United States.

CELEBRATING YOUTH IN THE 11TH CONGRESSIONAL DISTRICT OF OHIO

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

Mrs. JONES of Ohio. Mr. Speaker, this past weekend, in the City of Warrensville Heights, Ohio, in the 11th Congressional District of Ohio, we celebrated that the Warrensville Heights Tigers won the State championship in basketball. We also celebrated that in Bedford, they were the runners-up, right in the 11th Congressional District of Ohio. It is wonderful to be able to celebrate that our youth are doing great things.

Mr. Speaker, in addition, this coming weekend in the 11th Congressional District, we will be hosting our Reclaiming Our Youth Empowering Yourself leadership conference. We are looking to build leaders in the 11th Congressional District. One of the workshops is called ''I am so angry.'' Another one is called ''Decision-making, developing your skills.''

We will be doing a workshop on the media and, finally, solutions and impacts. A panel of high school students and college students will discuss issues and choices that they make. It is a wonderful opportunity to be with such wonderful young people in the 11th Congressional District. In fact, our art competition is on Sunday, and we had 99 people who submitted artworks for our competition.

NATIONAL MISSILE DEFENSE

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

Mr. KUCINICH. Mr. Speaker, the deployment of a national missile defense system will violate the 1972 Antiballistic Missile Treaty. It will spark a global nuclear arms race. It will weaken U.S. military by crowding out effective and cheaper means of defending the United States. More than 162 nations, including Russia and China, have signed on to a United Nations resolution for an international ban on weapons in space.

Mr. Speaker, the United States must sign on to that U.N. resolution. The U.S. Space Command calls for expanded war fighting capabilities in outer space.

The guiding words in this country ought to be ‘‘thy will be done on Earth as it is in heaven,’’ not ‘‘war be done in heaven as it is on Earth.’’ Let us work for peace on Earth, not war in space.

NUCLEAR NONPROLIFERATION

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

Ms. WOOLSEY. Mr. Speaker, nuclear nonproliferation must be the foundation of any U.S. security policy. I have introduced House Resolution 82 to codify this principle; but, unfortunately, a national missile defense system is contrary to nonproliferation.

Mr. Speaker, the British parliament, our closest ally, has put forth two motions, one, to acknowledge the importance of nonproliferation, and the second stating that the reduction and elimination of threat is far wiser than investing in the double and doubtful effectiveness of a missile defense system.

Mr. Speaker, we must allow our allies and we must follow our allies and recognize the principles of nonproliferation. I ask my colleagues to consider the NMDS and reconsider it as it relates to nonproliferation and to support H. Res. 82 that recognizes the true security interests of the United States by supporting total nuclear disarmament.

STEALTH 527 GROUPS: DISCLOSURE NOW

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

Mr. ALLEN. Mr. Speaker, when opponents of campaign finance reform opposed the Shays-Meehan reform bill last year, their alternative was disclose, disclose, disclose; but when asked to require disclosure on section 527 stealth political groups, Republicans cried conceal, conceal, conceal.

During debate on the Shays-Meehan reform bill last fall, the majority whip, the gentleman from Texas (Mr. DELAY), said on this House floor, ‘‘What reform can restore accountability more than an open book?’’

Last week, the Committee on Ways and Means had a chance to open the books on the shadowy political organizations being set up under section 527 of the Tax Code, but every Republican on the committee voted to keep the books closed on these stealth groups that have reportedly become a favorite tool of the majority whip, according to press accounts. Every Democrat on the committee voted to open the books.

When it comes to campaign finance disclosure, it is time for the Republican leadership to do what they say they believe.

STEVE BRUNS

(Ms. HOOLEY of Oregon asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Mr. Speaker, I rise today to recognize a familiar figure to the people in Newport, Oregon, one of the coastal communities in my district. After 37 years with the United States Postal Service, on March 30, Steve Bruns officially hung up his mail bag for good. Since 1963, Steve Bruns through wind and rain, and we have a lot of that on the Oregon coast, has always delivered.

Mr. Speaker, he has been a fixture and a beloved member of the Newport community. Steve is one of the most personable people that you will ever meet, and he is going to be missed on his daily route by the thousands of people that he has touched over the years.

Recently he was honored into the Million Mile Club by the U.S. Postal Service. To be inducted into this exclusive club, one needs to have walked or driven 1 million miles for the Postal Service. This would be equivalent to over 160 round trips from Newport, Oregon, to Washington, D.C. That is a quite a feat.

I commend Mr. Bruns for a job well done and for the commitment and service to his community that he has shown throughout his 37 years to the Postal Service.

SUPPORTING THE BREAST AND CERVICAL CANCER TREATMENT ACT

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

Ms. BERKLEY. Mr. Speaker, I rise today in strong support of H.R. 1070, the Breast and Cervical Cancer Treatment Act, legislation which will give the States the ability to provide treatment for uninsured and underinsured women battling breast and cervical cancer.

I am pleased that the leadership has finally agreed to bring this critically important legislation to the House floor for a vote no later than Mother’s Day, May 14. There is absolutely no excuse to miss this opportunity to save women’s lives in this country.

To date, the bill has 290 bipartisan cosponsors, well over the required number to pass a bill on the Suspension Calendar. In addition, the National Breast Cancer Coalition and over 500 leading health care and women’s organizations have said that passage of H.R. 1070 is one of their top priorities this Congress.

Let us give our grandmothers, our mothers, our sisters, and our daughters the gift of life. Let us pass H.R. 1070 at the earliest opportunity.

30 PERCENT SALES TAX IS NOT TAX REFORM

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

Mr. SHERMAN. Mr. Speaker, as we approach the tax deadline, our thoughts go toward tax reform. We ought to have genuine tax reform, code section by code section, unraveling the loopholes and the special interest provisions.

That is why, Mr. Speaker, I regret what the Committee on Ways and Means is doing right now as we sit here. They are considering replacing our existing tax law with a 30 percent sales tax on everything every American buys, from rent to services to goods.

They disguise it as a 23 percent tax. They claim it is a 23 percent tax, and here is their logic. One buys something for 100 bucks, one pays a $30 tax. They say that is only 23 percent tax on the $130 total price. It is a 30 percent sales tax.

But the nonpartisan Joint Committee on Taxation says that, in order to be revenue neutral and replace all Federal revenues, the tax would have to be 59.9 percent. All of this so that Steve Forbes can make tens of millions here, spend it on the Italian Riviera, and not pay a penny in American tax.

CAMPAIGN FINANCE REFORM

(Mr. CAMP asked and was given permission to address the House for 1 minute.)

Mr. CAMP. Mr. Speaker, I yield to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, let me thank the gentleman from Michigan for yielding me this time.

I have heard a lot this morning in 1-minutes on campaign finance reform and some tactics used in the Committee on Ways and Means in order to extract it. I did not hear anybody ask for the Vice President’s e-mail records. I did not ask anybody to look at the memos from the Justice Department and the FBI about prior scandals in this administration.

Lo and behold, the sad tragedy today is the Justice Department refused to investigate at the request of the FBI, and yet two nuns in the Buddhist order have been indicted. Two nuns have been indicted. Yet everyone else in the administration is let off scot-free.

So my colleagues demand campaign finance reform today. I would urge them to ask Mr. GORE to submit his e-mail records. Let us look at Justice

Freeh's memorandum of understanding to Mrs. Reno. Let us finally look at campaign finance reform as the laws apply today. But, no, let us create a smoke screen.

LEAVE STAR WARS TO THE MOVIES

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Mr. Speaker, 17 years and over $40 billion, one would hope that such an investment would be directed towards upgrading our schools, providing job training, or making payments on our national debt.

Instead, this astronomical amount has been squandered on Star Wars. Now, they have changed the name to National Missile Defense, but it is the same thing. After 20 years of trying, it still does not work.

Reagan started it to beat the Soviets. Now they say we need it to protect us from Iraq. But Timothy McVeigh was not in Iraq.

The greatest threat to our country is having leadership that fails to recognize real threats. Instead of funding more government waste, deadly corporate welfare, and a missile build-up that jeopardizes the ABM Treaty, I suggest that we concentrate on our problems at ground zero and leave Star Wars to the movies.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record votes on House Resolution 465 and H.R. 4051 will be taken after debate has concluded on those motions.

Record votes on remaining motions to suspend the rules will be taken later today.

ENCOURAGING GOVERNMENTS TO DISSEMINATE STATISTICS ON ABANDONED NEWBORN BABIES

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 465) expressing the sense of the House of Representatives that local, State, and Federal governments should collect and disseminate statistics on the number of newborn babies abandoned in public places.

The Clerk read as follows:

H. RES. 465

Whereas April is Child Abuse Prevention Month, which provides Congress the opportunity to focus attention and raise awareness of the problem of newborn babies abandoned in public places;

Whereas the Department of Health and Human Services reports that, in 1998, 31,000 babies were delivered and abandoned in hospitals by mothers;

Whereas an unknown number of newborn babies are abandoned in dumpsters, trash bins, alleys, warehouses, and bathrooms;

Whereas the Department of Health and Human Services conducted an informal survey of major newspapers and found that, in 1998, 105 babies were found abandoned in public places in the United States, of which 33 were found dead, and that, in 1991, 65 babies were abandoned, of which 8 were found dead;

Whereas national statistics on the number of infants abandoned in public places are not kept, though States are required to submit data to the Department of Health and Human Services on the number of children who enter foster care as a result of abandonment in general;

Whereas Texas is the only State to have enacted a law designed to address this social problem, though 24 other states are considering such legislation, including Alabama, California, Colorado, Florida, Georgia, Indiana, Kansas, Kentucky, Maryland, Minnesota, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Tennessee, Connecticut, Oregon, Illinois, Ohio, Wisconsin, Mississippi, Michigan, and New Mexico; and

Whereas there are innovative model programs in Houston, Mobile, Minneapolis, and Syracuse that protect mothers who take newborns to hospitals or some other safe haven rather than dumping them in a trash bin or leaving them on a doorstep: Now, therefore, be it

Resolved, That local, State, and Federal statistics should be kept on the number of babies abandoned in public places.

□ 1130

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentlewoman from California (Ms. WOOLSEY) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

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

I rise in support of House Resolution 465, focusing our attention on the thousands of infants who are abandoned in this country every year.

In November of 1996, two college freshmen, Brian Peterson and his girlfriend, Amy Grossberg, were charged in the death of their newborn son, found wrapped in plastic at a Dumpster near a Newark, Delaware motel.

In June of 1998, the body of a 6-pound baby boy was found in a trash can at a Smyrna, Delaware car wash. The parents were never found.

Today, two Virginia teens are fighting extradition to Delaware where their baby girl was found abandoned on the floor of a portable lavatory on a housing construction site in Bear, Delaware.

This is my State of Delaware alone, the size of each of our 435 congressional districts by population.

Recently, a writer sorted through 1,000 newspaper articles on infant murders between 1990 and 1999 and found 700 cases in which the mother killed her child. Of course, these were the cases where the murder was committed, the mother was found, and the story was reported in the newspaper.

According to child welfare experts, States include infant abandonment with the abandonment of children of other ages in their records, so there are no specific figures on the number of newborns abandoned each year. Therefore, it is fitting that this resolution calls on localities, States, and the Federal Government to keep statistics on the number of infants abandoned in public places each year. With this data, we will have the ability to better assess the scope of this problem and then take steps to address it.

In fact, after 13 infants were found abandoned in the Houston area, Texas became the first State to pass a law protecting parents who leave newborns in safe places. In fact, State Representative Geanie Morrison, from Victoria, Texas, who was the sponsor of this legislation breaking the ice on this subject, is here with us in the gallery.

Many States, including my State of Delaware, are considering similar legislation designed to reduce the number of infant deaths.

For more than a decade, April has been recognized as Child Abuse Prevention Month. During April, public and private agencies, community organizations, volunteers, and concerned citizens unite to highlight the problem of child abuse and to educate the public about how it can be prevented. Therefore, it is only fitting that the House of Representatives pass this resolution to focus the national attention on the problem of infant abandonment.

I urge the adoption of this resolution.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded they should not make references to visitors in the gallery.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume, and I am honored to be sponsoring this resolution with my colleague, the gentleman from Delaware (Mr. CASTLE).

Mr. Speaker, today's resolution, H. Res. 465, recognizes the necessity to keep statistics on the number of newborn babies abandoned in public places. This is a horrible and, unfortunately, an increasing situation. We need additional data so that we can better assess this growing problem so that we can strengthen our efforts to reduce it and prevent it entirely.

Too often, Mr. Speaker, we turn on the evening news or wake up to the morning papers to find out that yet another baby has been abandoned in an alley, on a park bench, or some other

public place. Too often these babies are sick, injured, suffering from exposure, if indeed they are lucky enough to be alive at all.

When the baby does live, communities are very generous. They respond with offers of help for the abandoned baby in the form of clothing and in the form of financial resources. Truly, it is a heart-warming response. While this generosity responds to the immediate problems of the newborn child, it absolutely does not respond to the cause of the problem.

Mr. Speaker, our current data on the number of abandoned babies comes from newspaper accounts and other media reports. In order to truly understand this problem and improve our efforts to address it, we need to have all levels of government, local, State, and Federal keep statistics on the number of babies abandoned in public places. It is my hope that this resolution, H. Res. 465, will both encourage our Nation to collect this much-needed data and also invigorate our efforts to make the abandonment of babies a thing of the past.

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

Mr. CASTLE. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. Mr. Speaker, I thank the gentleman for yielding me this time. I too want to commend Representative Morrison from the State of Texas for her leadership on this issue.

We have read horrifying stories in the news about babies being abandoned at birth in public places. One child was found in a river, another in a garbage Dumpster. These are all sad, heartbreaking stories. But States and communities have been responding to this crisis both with new laws and new programs to ensure that these babies have a chance at life; programs that allow parents, with no questions asked, to deliver their children, their babies, to a hospital instead of hiding the baby away or leaving the child to die.

What we lack is accurate data on how many babies are abandoned in public places. We have a pretty good handle on how many babies are left in hospitals. Almost 31,000 are abandoned in hospitals annually. But we can only guess at how many babies are abandoned in alleys or bathrooms or other public places. We think it is around 105, but we just do not know.

This legislation today calls on government at every level to collect and publicize statistics in this area so we can respond with the right solution. One solution, a permanent and loving solution, is adoption. I and many Members of the Congress have continually worked on a bipartisan basis to make adoption easier.

The Committee on Ways and Means, since 1994, has adopted a number of provisions, tax credits for adoption, ending discrimination in adoption, the Adoption and Safe Families Act, which either says families should be reunited or a loving permanent family should be found to end languishing in foster care. We have a number of provisions to make a real choice for families.

Stories of abandoned babies dying alone break everyone's heart, but it brings even more tears to the eyes of those couples in my hometown of Midland, Michigan or towns like Richmond, Virginia or Omaha, Nebraska families waiting and waiting to adopt a new baby.

Let us get the data, let us work for a solution, and let us make sure not one baby is abandoned to die.

Ms. WOOLSEY. Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), who is and has been facing this problem in her home State by organizing a successful billboard campaign that is showing results, and she has introduced H. Res. 4222 here in the House so that she can take her efforts national.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from California (Ms. WOOLSEY) for yielding me this time, and I thank her for her leadership, as well as that of the gentleman from Delaware (Mr. CASTLE).

I am rising in support of this resolution in commemoration of Child Abuse Month. I think this is an important first step. What this does is it lays the ground work for us then to pass legislation, such as H.R. 4222, that will require a reporting system so that this information can be calculated and give us the basis upon which we will be able to make the kind of legitimate laws that we should make.

This is a serious issue, and let me congratulate and express my appreciation for the leadership our State Representative Morrison has taken in the State of Texas. But let me also say that when we pass legislation, there must be action behind legislation. I am very gratified for the action and community organization of my community in Houston, Texas.

Let me share with my colleagues some of the horror that we experienced from December 1998 through 1999. We saw 13 babies abandoned over a 9-month period in greater Houston. It was this tragedy that caused me to gather individuals from Houston in my congressional office in the early spring of 1999. These members, Annette Emery, Regenia Hicks, Peter Durkin, Marianne Ehrlich, George Ford, Louella Steller, Dr. Christine Dobson, representing the Baylor College of Medicine, the Harris County Children's Protective Services, Planned Parenthood, and the Texas Department of Protective and Regulatory Services came together to say that we must take the hard coldness of legislation and make it real.

These individuals organized and determined what we should do to try to save the lives of babies. I am very proud of their work. Their work included not only their own efforts but included the help of the University of Houston, Texas Women's University, the City of Houston Health Department, Memorial Herman Hospital, Office of Dr. Janice Beale, Bayou City Medical Center, Healthy Family Initiatives, Texas Department of Protective and Regulatory Services, Harris County Children's Protective Services, Communities in Schools, Depelchin Children's Center, University of Texas Medical Branch, Head Start Education Services, Houston Advocates for Mental Health in Children, and an entire community of individuals whose names I will further submit into the RECORD.

We felt we must get the word out on the legislation in Texas that allowed individuals who felt themselves lonely, who felt themselves frustrated, who felt themselves fearful and were pregnant to come forward and to talk about what they could do. And so we had this campaign that shared the information in Spanish and English and other languages, with an 800 number, that said to those young people that were fearful and pregnant that they did not have to abandon their babies; that they can save lives.

The legislation, H.R. 4222, which I have introduced, will help us further save lives because we will organize a Department of Justice task force to collect this data and to instruct us appropriately on how we, as a Federal Government, can help the States who are looking at legislation, along with the State of Texas that has passed legislation, to ensure that we save babies' lives.

I can only say that this is momentum. Let us not let this momentum fall. Let us create not only the momentum but let us also create the spirit to save the lives of these babies before they are lost.

I am sure my colleagues can understand how tragic it is for those who follow this and who have worked on this to find that one baby was discovered with ants on its face, that one baby was found in a Dumpster. One of the young women was a student in one of the high schools that I represent, a 15 year old, that was ultimately prosecuted in a criminal prosecution. I would imagine that if we had had the opportunity to provide her with some comfort, with an 800 number, with someplace to call, she would have been able to do something other than to lose that baby and to cause that baby a loss of life.

Let me thank, Mr. Speaker, the following additional community groups: Metropolitan One Church, Eller Media Company, Planned Parenthood, Family Assistance Center, Covenant House, C.R.A.F.T.Y., which is Christian Reform Alliance for Today's Youth,

AAMA, AVANCE, Harris County Child Abuse Task Force, City of Houston Fire Department, New Generation Maternity Home, Lyndon Baines Johnson Hospital, Northwest Cypress United Methodist, Interfaith Ministries, Saleah, Inc., Justice for Children, Ultimate Care Rehabilitation and Wellness Center, Judge Berta Mejia, the New Generation Maternity Home, Texas Children's Hospital, Tilson Newborns, Victoria Waters, and Eller Media.

Mr. Speaker, I am eager to indicate that these individuals have all been part of this effort because it is a community effort. And it is important that this resolution be noted as an instruction so that we can move forward to pass legislation to help the communities who are seeking to do something and to be on the map to save lives.

I believe this is an important first step, and I look forward to moving collectively and in a bipartisan way.

Mr. Speaker, I am thankful for this opportunity to speak on this important resolution that will help focus attention upon the growing problem of baby abandonments in this country.

In recognition of April as Child Abuse Prevention Month, I feel that it is imperative that we raise awareness of this tragic situation.

As a Chair and founder of the Congressional Children's Caucus, I have been active in the battle to end this growing tragedy.

Just last week I spoke at a Luncheon by Childhelp along with colleagues on both sides of the aisle to recognize the "Day of Hope." This day, like this resolution, was meant to recognize the plight of abused children everywhere.

I am particularly aware of the abuse children are experiencing in our country because in my hometown of Houston, Texas, we have experienced a rash of newborns abandoned in public places.

Thus, I supported the formation of the Baby Abandonment Task Force and the enactment of H.R. 3423 that is the first state law implemented to combat this problem.

H.R. 3423, the Texas law, came into effect on September 1, 1999.

The Texas law amends the Penal Code to allow this affirmative defense if the person abandoning the child voluntarily delivers the child to an emergency medical services provider as defined under the Texas Family Code.

The Texas legislation further outlines the guidelines by which the EMT must provide for the abandoned child and indicated that the EMT must contact CPS within 24 hours. There is also a hotline in effect for desperate mothers to call.

The Texas law took effect September 1, 1999. Since that time, according to the Texas Department of Protective and Regulatory Services.

This resolution, like my bill which I will be introducing this week recognizes that there is no comprehensive study in place to track the number of newborns abandoned across the nation.

Although HHS conducted an informal study on newborns abandoned in 1998, this study was only an estimate taken from newspaper reports. For FY 1998 there were 105 newborns abandoned in public places and 31,000 in hospitals (boarder babies).

Consequently, it is imperative that we have an accurate study in place to truly understand how to prevent this abandonments in the future.

First, what people must understand when interpreting these statistics is that there is a difference between babies abandoned outside of a hospital and those babies delivered at the hospital, but left by the parent(s). The latter are called "boarder babies."

According to HHS, from 1991 to 1998, "boarder babies" increased 38%, to 13,400 from 9,700. Abandoned babies, those being treated but unlikely to go home with their biological parents—grew 46%, to 17,400 in 1998 from 11,900 in 1991. From this limited study, we do know that about two thirds of these babies were exposed to drugs.

All states are experiencing this problem of newborn abandonments.

It started Dec. 23, 1998 when a baby boy was found in a hospital restroom. From then, the numbers catapulted. Five other babies were abandoned in the next two months. Between May and September of last year, seven more babies were dumped.

In Indianapolis, at least 17 babies have been abandoned in Indiana since 1990, not counting those in hospitals and in Florida, just last month; a newborn was found outside a church in Volusia County and others in West Palm Beach and Tampa.

Programs exist to address baby abandonment in the states of Alabama and Minnesota also. Laws are being debated in 14 other states including: Georgia, California, Colorado, Connecticut, Florida, Georgia, Illinois, Kentucky, Mississippi, New Mexico, New York, Ohio, Oregon, Wisconsin and here in Washington, D.C.

Anyone trying to address this problem would know that the problem lies in the absence of any official reporting mechanism for nationwide abandonment newborns.

My proposed legislation will authorize a study to be conducted that would gather information from law enforcement agencies and social services agencies about the incidences of babies, defined as children newborn to age 1, that have been abandoned or discarded by any mother (teen or older).

This information would be kept by the U.S. Department of Justice and the information would define the best approach the federal government can utilize to stop this abandonment of babies and save lives—save our precious children.

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. DELAY), the majority whip of the House of Representatives.

Mr. DELAY. Mr. Speaker, I rise to express my unqualified support for this resolution.

Tales of babies being left to die in dumpsters and alleys are almost too horrifying to believe, but they are true. Steps must be taken to combat the crisis.

The Department of Health and Human Services estimates that more than 30,000 babies are abandoned in hospitals by their mothers every year. This is troubling, but these babies are the lucky ones because they have a chance to live and are eventually adopted.

Babies left in hospitals get the care they need during their first crucial hours and days. The little ones left in trash bins and on street corners do not often live past their first day. Today, there are no reliable statistics that accurately detail how many such tragedies occur.

April is Child Abuse Prevention Month. This is a time when we all need to think more seriously about child abuse and neglect and consider new ways to combat it.

□ 1145

One essential tool is data. We must know how bad the problem is before we can stop it. This resolution simply states that this Congress holds that local, State, and Federal governments should chronicle statistics regarding abandonment of newborn babies.

Mr. Speaker, we must do everything in our power to make the world more welcoming to newborn babies. We must do everything in our power to learn what circumstances precipitate the unthinkable acts that hurt and kill our children. And finally, as individuals, as communities and as legislators, we must do everything in our power to protect these vulnerable lives and afford them the opportunity to thrive in secure and permanent homes and to become productive members of our society.

I applaud the efforts made thus far on this issue in Texas, including the work of my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), and State Representative Genie Morrison, who is here visiting the Capitol today.

I just urge all of my colleagues to support this legislation and other efforts to confront child abuse and abandonment.

Ms. WOOLSEY. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Speaker, I stand in strong support of House Resolution 465.

Several weeks ago in New York, I went to a funeral and it was a funeral of a baby that was abandoned; and it was probably one of the saddest events that I have had to participate in.

When we think about these children being left in Dumpsters, garbage bags, we have to do everything that we possibly can to make sure this does not happen.

In my State of New York, we have legislation right now that is looking to make sure that these women that are going to abandon their child can find a safe haven.

I strongly support it certainly on the New York State level, and I would like to see it some day here on the Federal level. We should reach out to these women to make sure that we can save every single child that we can.

So I stand in very strong support of House Resolution 465, and I encourage all my colleagues to support it also.

Mr. CASTLE. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I thank the gentleman for yielding me the time, and I stand in strong support of the resolution as a cosponsor and as a concerned citizen for the depravity of leaving a child in a public place to die.

It is sad when we wake up in the morning and read another instance where a mother or parent has decided to leave their child and walk away from their responsibility. So I hope we will consider this as a strong measure of trying to identify just how many times it is occurring.

The Department of Health and Human Services conducted a survey in 1998 and found 105 babies were found abandoned in public places in the United States, in which 33 were found dead. Sixty-five babies were abandoned in 1991, eight of which were found dead, which is not only alarming but it is frightening and sad that in a day and era when there are so many parents willing to adopt and in fact are going overseas to find children that these babies would be allowed to be placed in such an unsafe condition.

But it also goes to the heart of another problem that we have to speak about, and that is unwanted and unplanned pregnancies, welfare dependencies. All of these are intertwined. We need to educate people about the consequences of unwanted and unplanned pregnancy.

And, yes, I support Planned Parenthood because I think education is the only way we will stop some of these abuses and some of these problems. It is sad. Every life is precious. And I think both sides of the aisle agree, whether they are pro-choice or pro-life, that every life is viable and valuable and must be protected.

This is a measure in which we can weigh how many are in fact being abandoned. But let us not just stop with the resolution. Let us start looking at education. Let us fundamentally change the way people look at children and childbearing and child raising. Let us make sure they recognize that responsibility.

We all talk about laws and enactment of tougher penalties to get tough on criminals. Let us find a way to make certain those penalties include recognizing the responsibility every person bears, both male and female, when they conceive and bring a child into this world. And it does not just stop after the act of having fun. It means 9 months later they have to accept that responsibility.

So I support this amendment and urge my colleagues its adoption.

Ms. WOOLSEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, I wanted to add to the comments made by my colleague from New York and my colleague from California and my colleague from Florida. Every life is special.

I would hope that this is a day today that we catapult ourselves in a bipartisan manner to talk about children and hope. Just last week, we had a meeting with a group that emphasized hope for children.

I want to say that we can do more litigation that is negative litigation, but we can do legislation that is positive. And so, I would hope that as we look to trying to be positive that we will have a bipartisan effort to support an action item, H.R. 4222, which answers some of the concerns that my colleagues have talked about, getting the numbers to come into the Federal Government on how babies are abandoned, not only by young people but the 20,000 babies that are abandoned in hospitals, what drives people to come to hospitals and walk away from their children, how do we make parents better parents, what kind of initiative should we have to do that, and what do we do when a teenager age 15 who comes from a different culture is pregnant and does not know where to turn.

And so this legislation that I am looking forward to passing in the House will ask the questions of the prevalence of such incidents, the demographics of such children and their parents, the factors that influence the decision, and the circumstances of abandonment.

My colleagues do not know the tears that we faced in the little girl that abandoned her baby in a high school dumpster. This is what we are facing. I believe that if we pass instructive legislation that will require these data to come into the Federal Government for us to assess that we will be able to make determinations that can collaborate with the efforts made by States.

I join my colleagues in today standing up on behalf of children and saving their lives. Let us pass this resolution and further legislation.

Mr. CASTLE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Mrs. FOWLER).

Mrs. FOWLER. Mr. Speaker, I rise in strong support of this resolution, which takes a sensible step toward finding a solution to a horrible problem.

Recent high-profile cases of women and girls giving birth in hotel rooms without any support from their families or friends and then abandoning their babies in Dumpsters and public restrooms have made us all aware of the unfortunate reality of baby abandonment and infanticide.

These horrific stories are not currently captured by national statistics. Only those instances where the mother abandons her baby in the hospital are kept in our records. The babies who are left elsewhere are forgotten in the statistics.

This resolution would urge governments at all levels to keep track of those instances where babies are abandoned in public places. This resolution would also encourage State and local policymakers to seek solutions to these problems.

Many States, including my home State of Florida, are currently contemplating such solutions. Ideas such as decriminalizing abandonment at certain safe havens such as fire stations can go a long way towards saving these children from possible death.

As we go forward in celebrating Child Abuse Prevention Month, we should not forget those children who spend their first moments of life abandoned, neglected and abused. To that end, I urge my colleagues to support House Resolution 465.

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

Mr. CASTLE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. GARY MILLER).

Mr. GARY MILLER of California. Mr. Speaker, I rise in support of this life-affirming resolution.

When mothers abandon their own children, we have a problem in our society with how we value life. In California, and in the Los Angeles area specifically, the reports of abandoned babies have increased dramatically. This resolution will help us understand the full scope of the problem.

In addition to gathering information on how prevalent this problem is, those of us in Washington need to take some concrete steps to make sure that the laws value life.

We should support protection for mothers who take newborns to hospitals or some other safe haven rather than dumping them in a trash bin or leaving them on a doorstep. We should support the legislation of the gentleman from Virginia (Mr. BLILEY) and the gentleman from South Carolina (Mr. DEMINT) to encourage adoption; and Title 10 money should be used to value life by allowing for the women to be counseled on the option of adoption.

We need to send a message loud and clear from this Chamber that life is valuable and that there are options beside abandoning a baby. Then we need to go home and instill respect for life in our families and in our communities.

I urge my colleagues to support this resolution and to support life.

Mr. CASTLE. Mr. Speaker, I yield 2¼ minutes to the distinguished gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Speaker, it is a sad day when we have to come to the floor of the House and acknowledge that the number of babies abandoned in public places is growing.

While some 30,000 babies each year are born in hospitals and then abandoned by their mothers, there are many, many more born in public places and then abandoned. These nameless children born around this country are never given a chance at life and a loving home.

It is a sad commentary on our society that we do not hold life as more precious, more dear than to leave little children alone to face the world. Some miraculously live. Many die.

Not only do we need better reporting of the number of baby abandonments which take place throughout the Nation's alleys, trash cans and bathrooms; but we need to do something about the root of the problem.

These women who leave their babies in different places feel they have no place to go, that there is no future for them or their child, that they cannot care for their child.

Mr. Speaker, as has already been referenced, I have a bill pending before the House of Representatives, H.R. 2511, the Adoption Awareness Act, which would help these women learn of the loving alternatives of adoption.

Adoption is a wonderful option because it brings a positive end to what could be difficult circumstances. The birth mother can place her child in a loving family. The child receives a warm and welcome home. An adoptive couple gets to wear one of the greatest titles in America, parent.

If these women only knew that for every abandoned baby there is a couple eagerly awaiting to give that child a home, maybe they would choose adoption. If these women only knew that they could get help in defraying the cost of medical care, maybe they would choose to give birth in a medical facility and make an adoption plan. If these women only knew that there may be unwanted pregnancies but there are no unwanted children, they might have made a different decision.

I commend my colleague from Connecticut for introducing H. Res. 465 because it is important for us to have a better grasp on how many babies are being abandoned all over this country so we can attempt to provide support and hope for these women in need.

Mr. CASTLE. Mr. Speaker, could I inquire as to the time remaining on either side.

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from Delaware (Mr. CASTLE) has 6 minutes remaining, and the gentlewoman from California (Ms. WOOLSEY) has 9 minutes remaining.

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. Mr. Speaker, I rise today in support of House Resolution 465 and compliment those that are responsible for bringing this issue to the floor today. It is extremely important.

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

Mr. Speaker, I would like to add to the list of the gentleman from Florida (Mr. FOLEY) of parental responsibilities that could prevent these baby abandonments in the first place, and that is child support.

Possibly, if the mother who is considering abandonment did not feel abandoned by the father of the child, then there would be a team effort to make this child's life a life that the mother could then support.

□ 1200

For certain, H. Res. 465 will give us the information we need on a local, a State, and a national level to prevent baby abandonment. My State of California is also considering legislation in Sacramento on this issue because, as we learn the real numbers, we will learn the real reasons and the causes for child and baby abandonment and we will move on to prevention, so that indeed the harmful effects of baby abandonment will stop and will stop forever. I heartily ask all of my colleagues to support H. Res. 465 and support the end of baby abandonment. I thank the gentleman from Delaware (Mr. CASTLE) for letting me do this as his partner.

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

Mr. CASTLE. Mr. Speaker, I thank the gentlewoman from California for her support.

Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. Mr. Speaker, let me reemphasize how important it is that this resolution be brought to the floor today and how proud I am that those of you that are responsible have taken the initiative to bring it to the attention of the Congress.

We have a program in Mobile that is quite unique. It is a program that already is in effect. It was started by a television reporter in my district. Jodi Brooks of WPMI–TV, Channel 15, helped develop a program that allows a woman with an unwanted newborn to take her baby to an area's hospital emergency room, hand it over to a doctor or a nurse and walk away, no questions asked. It is completely confidential. The district attorney's office has agreed not to prosecute anyone who uses this program as long as the baby is not harmed.

If a newborn is left at the hospital, the Alabama Department of Human Services will seek protective custody and attempt to locate an appropriate resource within the community. The department will assess viable alternatives for placement, including appropriate relative resources. The newborn will be released from the hospital as soon as medical clearance is obtained and an appropriate home is found.

As a result of the Secret Safe Place for Newborns program, many babies have already been served in Mobile, Alabama. Since the program began at the end of 1998, no dead babies have been found in Mobile or the surrounding areas. Moreover, at least four babies have been brought in by their mothers for adoption. I am really pleased that this program started in Mobile, Alabama, but even more pleased that it has spread now to other counties in Alabama and other cities and other States.

In addition, many states are developing programs of their own. I congratulate Texas for having enacted a new law. What this will do is not a Federal unfunded program, it is simply a statistical gathering resource that will be available to encourage every area in this country to adopt such a program as this, because it is a viable alternative to a very horrible situation that is taking place in this country. Once again I rise in total support of this resolution. I urge its adoption today.

Mr. CASTLE. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding me this time. I thank my colleague for bringing this resolution to the floor. It is extremely important that we develop a system that responds to the real life needs of young women who have unwanted pregnancies and that the cost of inappropriate births not be borne by the child.

So the kinds of things that are beginning to develop in America where people actually can bring children someplace where they will be safe, cared for and put up for adoption is really a wonderful turn of events. Ultimately we know very little about these babies that are so tragically either abandoned or even worse disposed of in Dumpsters, trash bins, alleys or warehouses.

An informal survey of the Nation's newspapers conducted by the Department of Health and Human Services in 1998 discovered 105 cases of abandoned babies in public places. Thirty-three were found dead. This is simply a tragedy and so unnecessary. I am delighted that a number of cities have thought about how to deal with this problem. State Representative Geanie Morrison in Texas has really worked to bring this to the attention of the Texas legislature. Our own colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), has created a task force in her district

in Houston, a billboard campaign and an 800 number so women can get support. I urge passage of this resolution.

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

The gentlewoman from California has been extremely positive in terms of her support as well as the support of everybody from that side of the aisle for this legislation. Everybody on this side of the aisle has supported this legislation. It is very simple. It just calls on local governments and States and the Federal Government to keep statistics on the number of infants abandoned in public places each year. We have heard a lot of stories as to why that should happen. It should happen. I would encourage everybody in the House of Representatives to not only support this legislation today but to make sure it is carried out in their home districts as well.

Mr. STARK. Mr. Speaker, I rise today to point out the hypocrisy of H. Res. 465, a resolution to collect and distribute Statistics on Babies Abandoned in Public Places.

This resolution to count the number of babies that have been abandoned in public places shamefully represents the fact that the Republican Majority is all talk and no action in helping the children of America. This resolution offers to count the number of children who are abandoned, but provides nothing toward preventing these devastating events from occurring.

I am all for keeping good statistics on America's social problems, however I am more interested in providing funding to programs necessary to address these problems. Teenage pregnancy, parents' substance abuse and lack of access to mental health benefits are the most cited causes by researchers for abuse and neglect of children.

Instead of increasing access to these services, this Congress has denied people access to these services. Last year, Congress reduced the Social Services Block Grant by $125 million. This program has been essential in providing funding for family planning services.

HHS released a report last year that found parental substance abuse to be a problem in 26 percent of child welfare cases. Last year, the Majority House Appropriations bill responded to this report by reducing the funding to the SAMHSA Substance Abuse Block Grant by $115 million under the President's request.

The Majority also refuses to act on bills that increase the affordability and accessibility of mental health benefits to Americans. I have a bill, the National Mental Health Parity Act of 1999, that would require parity for physical and mental private health benefits and increase mental health benefits in Medicare. The Majority has refused to act on it or any other item. This bill is just one of many that attempt to ensure that Americans receive adequate mental health benefits.

I wish the Majority would stop providing resolutions that are nothing more than empty statements. It is time to help the American people and pass substantive legislation to prevent the tragedy of parents abandoning their children in public places. Congress could achieve this by increasing accessibility and affordability to family planning services, mental health benefits and counseling for substance abuse—not through empty resolutions like the one offered here today.

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

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and agree to the resolution, House Resolution 465.

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

A motion to reconsider was laid on the table.

PROJECT EXILE: THE SAFE STREETS AND NEIGHBORHOODS ACT OF 2000

Mr. McCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4051) to establish a grant program that provides incentives for States to enact mandatory minimum sentences for certain firearms offenses, and for other purposes.

The Clerk read as follows:

H.R. 4051

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Project Exile: The Safe Streets and Neighborhoods Act of 2000''.

SEC. 2. FIREARMS SENTENCING INCENTIVE GRANTS.

(a) PROGRAM ESTABLISHED.—Title II of the Violent Crime Control and Law Enforcement Act of 1994 is amended—

(1) by redesignating subtitle D as subtitle E; and

(2) by inserting after subtitle C the following new subtitle:

''Subtitle D—Firearms Sentencing Incentive Grants

''SEC. 20351. DEFINITIONS.

''For purposes of this subtitle:

''(1) The term 'violent crime' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault, or a crime in a reasonably comparable class of serious violent crimes as approved by the Attorney General.

''(2) The term 'serious drug trafficking crime' means an offense under State law for the manufacture or distribution of a controlled substance, for which State law authorizes to be imposed a sentence to a term of imprisonment of 10 years or more.

''(3) The term 'part 1 violent crime' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

''(4) The term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

''SEC. 20352. AUTHORIZATION OF GRANTS.

''(a) IN GENERAL.—From amounts made available to carry out this subtitle, the Attorney General shall provide Firearms Sentencing Incentive grants under section 20353 to eligible States.

''(b) ALLOWABLE USES.—Such grants may be used by a State only for the following purposes:

''(1) To support—

''(A) law enforcement agencies;

''(B) prosecutors;

''(C) courts;

''(D) probation officers;

''(E) correctional officers;

''(F) the juvenile justice system;

''(G) the expansion, improvement, and coordination of criminal history records; or

''(H) case management programs involving the sharing of information about serious offenders.

''(2) To carry out a public awareness and community support program described in section 20353(a)(2).

''(3) To build or expand correctional facilities.

''(c) SUBGRANTS.—A State may use such grants directly or by making subgrants to units of local government within that State.

''SEC. 20353. FIREARMS SENTENCING INCENTIVE GRANTS.

''(a) ELIGIBILITY.—Except as provided in subsection (b), to be eligible to receive a grant award under this section, a State shall submit an application to the Attorney General that complies with the following:

''(1) The application shall demonstrate that such State has implemented firearms sentencing laws requiring 1 or more of the following:

''(A) Any person who, during and in relation to any violent crime or serious drug trafficking crime, uses or carries a firearm, shall, in addition to the punishment provided for such crime of violence or serious drug trafficking crime, be sentenced to a term of imprisonment of not less than 5 years (without the possibility of parole during that term).

''(B) Any person who, having at least 1 prior conviction for a violent crime, possesses a firearm, shall, for such possession, be sentenced to a term of imprisonment of not less than 5 years (without the possibility of parole during that term).

''(2) The application shall demonstrate that such State has implemented, or will implement not later than 6 months after receiving a grant under this subtitle, a public awareness and community support program that seeks to build support for, and warns potential violators of, the firearms sentencing laws implemented under paragraph (1).

''(3) The application shall provide assurances that such State—

''(A) will coordinate with Federal prosecutors and Federal law enforcement agencies whose jurisdictions include such State, so as to promote Federal involvement and cooperation in the enforcement of laws within that State; and

''(B) will allocate its resources in a manner calculated to reduce crime in the high-crime areas of the State.

''(b) ALTERNATE ELIGIBILITY REQUIREMENT.—

''(1) IN GENERAL.—A State that is unable to demonstrate in its application that such State meets the requirement of subsection (a)(1) shall be eligible to receive a grant award under this section notwithstanding that inability if that State, in such application, provides assurances that such State has in effect an equivalent Federal prosecution agreement.

''(2) EQUIVALENT FEDERAL PROSECUTION AGREEMENT.—For purposes of paragraph (1),

an equivalent Federal prosecution agreement is an agreement with appropriate Federal authorities that ensures 1 or more of the following:

''(A) If a person engages in the conduct specified in subsection (a)(1)(A), but the conviction of that person under State law for that conduct is not certain to result in the imposition of an additional sentence as specified in that subsection, that person is referred for prosecution for such conduct under Federal law.

''(B) If a person engages in the conduct specified in subsection (a)(1)(B), but the conviction of that person under State law for that conduct is not certain to result in the imposition of a sentence as specified in that subsection, that person is referred for prosecution for such conduct under Federal law.

''SEC. 20354. FORMULA FOR GRANTS.

''(a) IN GENERAL.—The amount available for grants under section 20353 for any fiscal year shall be allocated to each eligible State, in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made, bears to the average annual number of part 1 violent crimes reported by all eligible States to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made.

''(b) UNAVAILABLE DATA.—If data regarding part 1 violent crimes in any State is substantially inaccurate or is unavailable for the 3 years preceding the year in which the determination is made, the Attorney General shall utilize the best available comparable data regarding the number of violent crimes for the previous year for the State for the purposes of allocation of funds under this subtitle.

''SEC. 20355. AUTHORIZATION OF APPROPRIATIONS.

''(a) AUTHORIZATIONS.—There are authorized to be appropriated to carry out this subtitle—

''(1) $10,000,000 for fiscal year 2001;

''(2) $15,000,000 for fiscal year 2002;

''(3) $20,000,000 for fiscal year 2003;

''(4) $25,000,000 for fiscal year 2004; and

''(5) $30,000,000 for fiscal year 2005.

''(b) LIMITATIONS ON FUNDS.—

''(1) USES OF FUNDS.—Funds made available pursuant to this subtitle shall be used only to carry out the purposes described in section 20352(b).

''(2) NONSUPPLANTING REQUIREMENT.—Funds made available pursuant to this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources.

''(3) ADMINISTRATIVE COSTS.—Not more than 3 percent of the funds made available pursuant to this section shall be available to the Attorney General for purposes of administration, research and evaluation, technical assistance, and data collection.

''(4) CARRYOVER OF APPROPRIATIONS.—Funds appropriated pursuant to this section during any fiscal year shall remain available until expended.

''(5) MATCHING FUNDS.—The Federal share of a grant received under this subtitle may not exceed 90 percent of the costs of a proposal as described in an application approved under this subtitle.

''SEC. 20356. REPORT BY THE ATTORNEY GENERAL.

''Beginning on October 1, 2001, and each subsequent July 1 thereafter, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the implementation of this subtitle. The report shall include information regarding the eligibility of States under section 20353 and the distribution and use of funds under this subtitle.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 2 of that Act is amended—

(1) by redesignating the item relating to subtitle D of title II as subtitle E of such title; and

(2) by inserting after subtitle C of such title the following:

''Subtitle D—Firearms Sentencing Incentive Grants

''Sec. 20351. Definitions.
''Sec. 20352. Authorization of grants.
''Sec. 20353. Firearms sentencing incentive grants.
''Sec. 20354. Formula for grants.
''Sec. 20355. Authorization of appropriations.
''Sec. 20356. Report by the Attorney General.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

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

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, today we bring to the House floor legislation that offers a bipartisan, common sense solution to the problem of gun violence. The real heart ache regarding so much gun violence is that it involves avoidable tragedy. Avoidable in the sense that so many gun criminals are back on the streets before they should be and they are then committing additional violent crimes.

The legislation before us today, Project Exile, the safe streets and neighborhoods act of 2000, provides incentive block grants for State criminal justice systems totaling $100 million over 5 years. To qualify, a State must ensure a mandatory minimum 5-year prison sentence without parole for anyone who uses or carries a firearm during any violent crime or serious drug trafficking crime or for a previously convicted violent felon who is caught possessing a gun. The mandatory minimum sentence must be in addition to the punishment provided for the underlying crime. States can qualify through State sentencing laws or an agreement with the Federal Government to prosecute under existing Federal gun criminal laws which carry minimum mandatory sentences.

Project Exile will make neighborhoods and communities safer by promoting tough State prison time for violent criminals who use guns. This proven approach to reducing gun crime combines enforcing the gun laws already on the books and ensuring mandatory minimum sentences for criminals who break them. Project Exile is a common sense approach that is enjoying growing bipartisan support around the country. At the Subcommittee on Crime hearing on this legislation, we received testimony from across a broad spectrum in support of Exile.

It provides some common ground for Congress as we seek to do what we can to address gun violence. I am hopeful that many of my colleagues from the other side of the aisle will join us today to support this responsible enforcement initiative. In States and cities around the country where aggressive prosecution of gun crimes has been coupled with tough prison sentences, violent crime has gone down.

Getting such criminals off the streets leads to a dramatic reduction in crime and sends an unmistakable deterrent message, we will not tolerate gun crimes. Project Exile builds on the success of the truth-in-sentencing program that Congress has funded over the last 5 years. Truth-in-sentencing is an incentive grant program to support State prisons for States which require convicted violent offenders and drug traffickers to serve at least 85 percent of their sentences. Since the grant program was first offered, the number of States with truth-in-sentencing has gone from five to 27. Most experts credit this program with much of the violent crime reduction reflected in recent national statistics. Funds received by States under Project Exile can be used for hiring and training more judges, prosecutors and probation officers, increasing prison capacity, strengthening juvenile justice systems and for a wide variety of other improvements in State criminal justice systems.

Florida is one of six States which already qualifies for funding under the bill thanks to Governor Jeb Bush's 10–20–Life bill which became law last July. In Florida, if during a crime you pull a gun on another person, you will go to prison for 10 years. If during a crime you pull the trigger, it means 20 years in prison. And if you shoot someone during commission of a crime, you will get 25 years to life in prison. Project Exile encourages other States to follow suit.

I want to make clear that Project Exile is only part of the solution to the gun and school violence problems. These are complex problems that demand comprehensive response. As legislators and as citizens, we must do also what all is within our power to address the strength of families and the health of our culture. We must reform our overwhelmed juvenile justice systems, and we must do much more to enforce gun laws already on the books.

In addition to taking action to make this bill a reality on a national level, certain other measures need to be taken. Such provisions include child safety locks, workable mandatory gun show background checks, a juvenile Brady law, a ban on juvenile possession of assault weapons and a ban on the importation of large capacity ammunition clips.

But let us be clear. Even if we did all of these things tomorrow, we would not really be getting at the problem unless we are serious about enforcing the laws already on the books, there are more than 20,000 of them at the Federal and State level, and making sure that violent gun criminals serve appropriate sentences. Tough mandatory sentences for violent gun criminals must be the cornerstone of any meaningful effort to make our neighborhoods safer.

The success of Project Exile in Virginia where the program was first initiated has been truly remarkable. Prior to Project Exile's implementation, Richmond, Virginia had one of the highest murder rates in the world and an exploding violent crime problem. Since 1997 when Project Exile was begun in Richmond, homicides have dropped 46 percent, the lowest level since 1987; crimes involving guns have dropped 65 percent; aggravated assaults have dropped 39 percent; and the overall number of violent crimes have dropped by 35 percent.

Mr. Speaker, at the hearing on Project Exile, we heard from Rick Castaldo, the father of Richard Castaldo, a Columbine high school student who was shot eight times during the tragic school shooting at Columbine last April. Richard survived but is now paralyzed from the chest down. Mr. Castaldo asked the following question during his testimony: ''How do we communicate to the public that we are serious about solving the crime problem?'' He suggested the answer to his own question: ''One way is clear: swift and tough prosecution of laws that we already have in this country. Nothing could be more simple and nothing has more of an impact on crime.''

I think most of us in the House and the overwhelming majority of Americans would agree with Mr. Castaldo. Better enforcement of our current laws against gun criminals is not the only thing we must do but it must be a central part of our comprehensive response.

Mr. Speaker, Project Exile will save lives. I ask my colleagues to join me in passing this important bill.

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

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

Mr. Speaker, although this sounds good and makes for a good slogan, this is not good policy. First, this bill goes down the failed road of mandatory minimum sentencing. We have heard anecdotes from proponents of the bill suggesting that Project Exile, like the Shadow, strikes fear in the hearts of evil men. However, we have not been presented with any convincing evidence that mandatory minimums and Project Exile have reduced violent crime to any greater extent than the decrease in Virginia generally without Project Exile.

□ 1215

This fearful shadow, therefore, is just merely a shadow.

Mr. Speaker, mandatory minimums are bad policy for a number of reasons. In the March 17, 2000, letter to the Committee on the Judiciary, the Judiciary Conference of the United States reiterated its opposition to mandatory minimum sentences for the 12th time, noting that the mandatory minimum sentences undermine the sentencing guidelines established by Congress to promote fairness and proportionality, and that far from fostering certainty in punishment, mandatory minimums result in unwarranted sentencing disparity because they require the sentencing court to impose the sentence on offenders, when sound policy and common sense called for different punishments.

In addition to being unfair, several studies have reflected the discriminatory impact of mandatory minimums, concluding that minorities were substantially more likely than whites under comparable circumstances to receive mandatory minimum sentences.

Like the emperor who has no clothes, Mr. Speaker, there is no evidence that these mandatory minimums have worked in the city of Richmond. The evidence has been shown that the violent crime rate under mandatory minimums is not affected. Several studies have concluded that. The Rand study, for example, showed that mandatory minimums essentially wasted the taxpayers' money because there were much more effective ways of reducing crimes than mandatory minimums.

The mandatory minimums associated with Project Exile show no better results. The proponents suggest that the violent crime rate has gone down 39 percent in the city of Richmond under Project Exile. At the same time it went down 43 percent in Norfolk, 58 percent in Virginia Beach and 81 percent in Chesapeake without Project Exile.

Even if Project Exile had some value, this bill is simply inadequate. According to the sponsors, only six States would qualify for funding under the bill, and even if 10 States qualified, the funding is only for $10 million on average per State, and simple math at $25,000 per year per incarceration would reflect that each State could only incarcerate about five additional defendants per year.

In the city of Richmond we have over 3,000 people in jail today, and incarcerating a handful more certainly is not a serious attempt to reduce the overall crime rate in the Commonwealth of Virginia or across our Nation.

Accordingly, Mr. Speaker, I oppose the use of this costly, unfair, ineffective mandatory minimum sentence. If we are going to be serious about doing anything about crime, we should take the common sense approach recommended by the Bipartisan Task Force on Juvenile Crime, which encourages us to use funds for prevention and early intervention programs that have been proven to reduce crime, and we should ignore the rhymes and slogans which are ineffective and waste the taxpayers' money. We can start doing that by voting against this bill.

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

Mr. McCOLLUM. I yield 2 minutes to the gentlewoman from North Carolina (Mrs. MYRICK), the author of a predecessor bill to this one.

Mrs. MYRICK. Mr. Speaker, in my hometown of Charlotte, North Carolina, a disturbing number of criminals are set free because of a lack of funding for prosecutors in the court system. It also seems that every day we are reading about another story of some gun-toting criminal committing a violent act against a law-abiding citizen.

A recent news item tells the story of a young man in our city who began a life of crime at the age of 8. By the time he was 16, he was carrying a gun. In the 20 months after his 16th birthday, he was arrested seven times, but none of those arrests resulted in jail time. In April of 1997 he was walking free, carrying a gun, when he began to punch a man sitting in his car. As the man drove away trying to escape, the thug fired two shots. The police caught him, but again he was released on bond. Two months later he shot a man in the thigh. Prosecutors dropped the case. Finally, two weeks later, he shot and killed a 38-year-old man after an argument. At long last a guilty plea helped put this lifelong criminal in jail. In a jailhouse interview, the murderer explained how easy it was to avoid serving time.

Under Project Exile this gun-carrying criminal would have served hard time much earlier and may have been deterred by the tough mandatory minimum sentences the bill would impose.

We must conduct a two-pronged assault on these problems. Project Exile does just that. If States enact the laws, violent criminals and drug traffickers with guns will pay a price for their crime. In return for the strict laws, the States will get critical funding for law enforcement and prosecution, and the key here is that the funding can be used wherever the community needs it, which is not the case in most of the things that we do up here.

As I showed in my Federal mandatory minimum sentencing bill last

Congress, I strongly favor a zero tolerance approach for gun violence. I urge all of my colleagues to pass this bill unanimously, as they did that bill last year.

Mr. SCOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I want to commend the gentleman from Virginia (Mr. SCOTT), who has followed this measure more closely than most, because it has never had a fair chance for a hearing in the House of Representatives or in the Committee on the Judiciary.

Mr. Speaker, this bill has a certain measure of incorrectness about it, and I think the Republican leadership knows it. It is a measure endorsed by the National Rifle Association, and I think it is a kind of way of getting political cover for us not taking action on the gun safety measures that are before us, because here the Republican leadership has aborted the normal legislative process.

Here is a measure before the House that has never had a markup in a subcommittee of the Committee on the Judiciary, has never had a markup or hearing in the full committee, and in the Committee on Rules there was no rule. This just went straight to the floor. There must be a reason for this, and I am the one that has been assigned to raise this now.

Why have we thrown the regular legislative process away to get this measure before the House today? I think it is happening because the majority fears that amendments that we have on enforcement and gun safety would unveil this bill for the fraud that it is. They know this because of the way our alternatives, the Democratic alternatives, have uncovered the posturing of the National Rifle Association and the majority who have sponsored gun safety initiatives.

Now, what is wrong with this bill? Number one, because only six States would qualify for funds, funds so small, as the gentleman from Virginia (Mr. SCOTT) has indicated, they would never be sufficient to do the job; because those States that do use the funds can use them for any purpose that they choose, including carpeting of judges' offices, paving tennis courts, or anything, you name it; there are no restrictions, and because this bill continues to parrot the NRA line that we cannot close the gun enforcement loopholes in the law that allow criminals to rearm with guns and ammunition by utilizing the ''restoration of rights'' loophole. In other words, they pit gun safety versus prosecution of gun violations.

I say that enforcement of the law and gun safety are not positions that we have to choose between. We can have both. That is what we want to do. So we know the majority in this Congress is using this process really as an excuse to thumb their nose at the American people, who want both gun safety and enforcement legislation. We can and should have both. Somehow they are saying that process prevents them from coming to a conference meeting on the bipartisan gun show loophole that is begging to be closed.

Mr. Speaker, I do not think the people are going to be fooled, because they know that our leadership now is in the throes of the NRA's control. This leadership is being run on this subject by the NRA. They reject the idea we can have gun safety and gun enforcement, and the truth is we can have both. The truth is that we need both; and if we are to do enforcement, it should be real, and not just the political cover that this bill represents.

The gentlewoman from New York (Mrs. MCCARTHY) and I have introduced the Enforce Act. This bill does nothing to crack down on the bad apple gun dealers, the 2 percent who are responsible for up to half the guns that are traced back to crime. They cannot do that because the NRA continues to resist any attempts to crack down on bad-apple dealers.

Unlike the Enforce Act, this bill does nothing to fund the agencies with responsibility for investigating gun crimes, like ATF, Alcohol, Tobacco and Firearms. They cannot do it because, again, the National Rifle Association does not want it. They call the ATF ''jack-booted thugs,'' but we still will not give them the resources that they need to do the enforcement that is being complained about.

Unlike the Enforce Act, this bill urges Federal prosecution of gun crimes without providing any money for the Federal prosecutors' need. Unlike the Enforce Act, this bill provides money to States that does not even have to be used for enforcement, but instead could be used for any purposes whatsoever.

The Republican leadership wants us to forget that they have been promising to call a gun safety conference since August 5, 1999, and that the anniversary of Columbine is fast approaching without enacting into law a single piece of Federal gun safety legislation. But this bill does nothing to close the loophole that allows criminals to buy guns at gun shows. This bill does nothing to require child safety locks. This bill does nothing to ban the importation of large-capacity ammunition clips.

REQUEST TO OFFER AMENDMENT TO H.R. 4051

Mr. CONYERS. Mr. Speaker, it is for that reason, Mr. Speaker, that I ask unanimous consent to offer the Senate-passed gun safety provisions as an amendment to this bill.

The SPEAKER pro tempore. Under suspension of the rules, any amendment is to be included in the original motion, in this case by the gentleman from Florida.

The Chair will not entertain other proposals to amend.

Mr. CONYERS. Mr. Speaker, in that case, then I would like to ask unanimous consent to offer the McCarthy-Conyers measure called the Enforce Act as an amendment in the nature of a substitute to this bill.

The SPEAKER pro tempore. To the gentleman from Michigan, the Chair can only reiterate what was said before. Under suspension of the rules, any amendment is to be included in the original motion, in this case by the gentleman from Florida.

The Chair will not entertain other proposals to amend.

Mr. CONYERS. Mr. Speaker, what I am finding out then is that we are now using the rules to prevent any amendments and alternatives to this measure whatsoever from our side of the aisle. Is that correct?

The SPEAKER pro tempore. The pending motion is not amendable.

□ 1230

Mr. CONYERS. Mr. Speaker, we regret the process. We have never been to the Committee on Rules. We have never been to the full committee, the Committee on the Judiciary.

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. EHRLICH), who has been a principle author of this bill and a cosponsor.

Mr. EHRLICH. Mr. Speaker, five quick points.

One, congratulations to the chairman, the gentleman from Florida (Mr. MCCOLLUM). It is a terrific bill.

Secondly, I share concerns with respect to mandatory minimum sentences. However, when it deals with gun-toting criminals, felons who are caught with guns, minimum mandatory sentences are clearly appropriate.

Third, contrary to what we just heard, the NRA and Handgun Control supports Project Exile. Handgun Control supports Project Exile.

Fourth, contrary to what we just heard with respect to allowable uses under Project Exile, under this bill we have police prosecutors, courts, probation officers, the juvenile justice system, prison expansion, criminal history record improvements, and case management program innovation. They are allowable uses under this bill.

Fifth and finally, Mr. Speaker, my personal road here is an interesting one. I have complained an awful lot in this House about the failure of both sides to talk about gun control effectively.

I heard a year and a half ago about Richmond. I have gone down to Richmond. I have talked to the prosecutors, the Governor, the gentlemen down there. It just works. It may not be the

gun control agenda from the left, but Project Exile just works, and it works because the State legislature is involved passing statutes that comport with the Federal statutes so we do not federalize the criminal justice system, prosecutors work together. Egos are put aside, unbelievably, in this town so that State and Federal prosecutors work together. Thirdly, the private sector funds the communications effort that educates the bad guys that they should not carry guns on the streets. That is what the minority party opposes today.

Mr. Speaker, this is a great piece of legislation. I again congratulate my good friend, the gentleman from Florida (Mr. MCCOLLUM).

Mr. SCOTT. Mr. Speaker, I yield 4 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Speaker, I thank the gentleman for yielding time to me, and I thank the gentleman from Michigan (Mr. CONYERS).

Mr. Speaker, I am sorry that we were not able to work together on this bill, because I think it could have been even a better bill than what it is. I will support H.R. 4051 with the hopes that when it gets to the Senate, that we can improve it to the point where it will help all 50 States.

Members need to understand what they are voting on today. This Project Exile bill is not the same Project Exile program as most Members know it. The Project Exile program that occurred in Richmond, Virginia, was a successful Federal, State and local partnership to increase gun prosecutions.

The legislation before us block grants more than $1 million to just six States over 5 years. These States include Virginia, Florida, Texas, Colorado, Louisiana, and South Carolina, according to the bill's sponsor. That leaves 44 States without funding to enhance gun enforcement.

I personally think if we are going to do this, all the States should be involved in this. The legislation permits these six States to use the money on gun enforcement. They could also use it on juvenile justice programs, correction officers, and public awareness programs.

Earlier this year, the gentleman from Michigan (Mr. CONYERS) and I introduced legislation supported by the Clinton administration. It is called the ENFORCE bill, and it is a comprehensive gun enforcement bill that affects all 50 States and costs $280 million.

Let me tell the Members what H.R. 4051 does not do that our bill does do:

First, H.R. 4051 does not fund a single ATF agent or inspector. ENFORCE funds 600 ATF agents and inspectors.

We constantly talk about that we are not enforcing the laws that are already on the books. Our bill would do that.

Second, H.R. 4051 does not fund a single local, State, or Federal gun prosecutor. ENFORCE funds more than 1,100 local, State, and Federal gun prosecutors, everyone working together to make our State safer.

Third, H.R. 4051 does not close the loophole that now permits felons to get their gun rights back. ENFORCE does close this loophole.

Fourth, H.R. 4051 does not fund the National Forensic Ballistics Network to assist law enforcement in solving crimes. ENFORCE funds the national ballistics network.

We have already spent considerable time during the 106th Congress when it comes to gun safety legislation. The House leadership has brought this bill to the floor today by short-circuiting the legislative process. The gentleman from Illinois (Chairman HYDE) from the Committee on the Judiciary chose neither to have a subcommittee markup nor a full committee markup. He has denied Members of this House the right to offer floor amendments.

H.R. 4051 is a start. It will assist a selected group of States with gun enforcement. It is my hope that working with the gentleman from Florida (Mr. MCCOLLUM) and others in the Senate, that we could amend H.R. 4051 with ENFORCE to bring more gun enforcement to all 50 States.

If we are going to make a commitment in this House to reduce gun violence in this country, we should have had the opportunity to work together so that all 50 States could make sure we are all on the same page. So I support this amendment, but I hope we can make it a better amendment.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent that time on this debate be extended by 20 minutes, equally divided.

Mr. MCCOLLUM. Mr. Speaker, reserving the right to object, I yield to the gentleman from Virginia to please explain what he is asking.

Mr. SCOTT. Mr. Speaker, I request 20 additional minutes of debate, to be equally divided between the majority and the minority.

Mr. MCCOLLUM. Reserving the right to object, Mr. Speaker, we have a legislative schedule to keep today. I understand that we would not be able to do that if we yielded or agreed to it.

Mr. Speaker, I regrettably must object. I do object.

The SPEAKER pro tempore (Mr. HANSEN) Objection is heard.

Mr. MCCOLLUM. Mr. Speaker, I yield 3 minutes to the gentlewoman from New Mexico (Mrs. WILSON), one of the principal cosponsors of this bill.

Mrs. WILSON. Mr. Speaker, I want to thank and commend the gentleman from Florida (Mr. MCCOLLUM) for bringing forward this bill, and also the gentleman from Maryland (Mr. EHRLICH) for his leadership on this issue.

I have to admit that I did not initially hear about it from them. I heard about this issue and this project from my Community Crime Advisory Council in Albuquerque, New Mexico. It was Ray Wilkinson, who volunteers with a group called Student Pledge Against Gun Violence, that initially brought this to my attention. He told Eileen Maddock, who is with the Metro Crimestoppers in Albuquerque, and we talked about it there in the community first.

It has the support of my sheriffs, Joe Bowdich in Bernalillo County, and Pete Golden out in Torrance County, and the chief of police of the Albuquerque Police Department, Chief Galvin. So this is not about a Washington bill, it is about how we get States and D.A.s and the Federal government and the U.S. Attorneys to start working together to prosecute and give a hard time to armed crime.

There is a little neighborhood in my district called the Trumbull La Mesa neighborhood. Charlene and Don Gould are the head of the Trumbull Neighborhood Association. That neighborhood has been troubled for a long time with drug dealers and real serious problems with folks who are moving in and out of that neighborhood and causing all kinds of problems.

They got together the landlords and the cops, and they started taking back their neighborhood from the drug dealers. One of the problems that they have had is that they go down to the courts and watch these guys who have gotten arrested turned back into their neighborhood with a slap on their wrist when they have been doing serious drug trafficking offenses with weapons. It is time those people spend at least 5 years behind bars for trafficking drugs in our neighborhoods to our kids.

We talk about mandatory minimums, here. I am one that believes in judicial flexibility, but I have to tell the Members, this idea that somebody who uses a gun to murder somebody, rape somebody, aggravated assault, serious drug trafficking, or robbery, and 5 years is too much?

If one uses a gun in a crime in my neighborhood like that, I do not want to see that person back. It is time to stop the revolving door of justice in this country and put these people away in Federal prison or State prison, or any way we can.

I want to commend the gentleman from Florida for his leadership. Ultimately, this is not so much about sentencing as it is about fear. We live in the freest country in the world, but if we are afraid to walk around our neighborhoods at night, then we are not really free. It is time to restore freedom to normal, everyday Americans so that they can let their kids play outside in their front yards.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. WEINER), a member of the Committee on the Judiciary.

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

Mr. Speaker, it is truly heartening to sit on this floor and watch my colleagues on the other side of the aisle trip over themselves to embrace Project Exile and find a way to somehow do it without giving credit to the creators of the program. Project Exile, as we all know here, is a Clinton administration policy. It was put into place by a Clinton-appointed U.S. Attorney.

There are good reasons why my friends are rushing to adopt Clinton's crime-fighting strategies. Simply put, they have been the most successful in history. Violent crime has dropped 20 percent between 1992 and 1998. Since 1993, funding for State and local law enforcement has increased by nearly 300 percent, due in large part to the crime bill that so many of my Republican friends oppose.

Twenty-two percent more criminals are incarcerated for State and Federal weapons charges than when the Clinton administration took office. The number of prosecutions has increased by more than 34 percent under the Clinton administration. The bottom line is this chart. Since 1992, violent crimes with firearms have dropped precipitously under Bill Clinton and Janet Reno.

But my friends, as they try to ride the Clinton coattails on crime, they have made some mistakes, some omissions. First, they have left out the other half of the crime-fighting plan, and that is reasonable gun control legislation, gun locks, an enhanced Brady law.

I could not help noticing they also left out about 40 States. Surprise, Florida is not one of them. I am shocked that Texas is one of the States that is eligible. Apparently, if one's Governor is not named Bush, they really do not need to apply to this program this year.

I just hope, Mr. Speaker, that when this Clinton Project Exile comes to Florida and comes to Texas, I hope Governor Jeb and Governor W. stand up and invite Janet Reno to the press conference, because she deserves the credit for the results.

Mr. MCCOLLUM. Mr. Speaker, I yield 1½ minutes to the gentleman from Georgia (Mr. BARR), a member of the committee.

Mr. BARR of Georgia. Mr. Speaker, I thank the gentleman from Florida for his leadership on this issue.

Mr. Speaker, this is a very unusual program that we are talking about here today, Project Exile. It is a project that we have heard through testimony and through action that is supported by both ends of the gun control spectrum; by the grass roots organization, the National Rifle Association, on the one hand, and Handgun Control on the other. Both organizations have come together in Richmond in support of Project Exile because, as the gentleman from Maryland stated, it works. It simply works.

We had the Clinton administration last year and again this year testify before committees of this Congress, and far from not giving them credit, we are eager to give the Clinton administration credit for Project Exile as it has been instituted in Richmond, Virginia, which is simply a program using existing resources and existing laws to prosecute criminals who use firearms. It is not a program that clamored for new laws and massive new funding. Perhaps that is why those on the other side of the aisle do not like it.

However, what we have also urged the Clinton administration to do is to learn from its success, to use this program, put politics aside, put the gun control agenda aside, and help the American people through replicating Project Exile in communities across America.

In the absence of support from the Clinton administration, the chairman of this subcommittee and others are putting forward a commonsense approach to help communities across America and States across America support Project Exile as it has worked in Richmond. Let us make it work across this land by supporting this legislation.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATERS), a member of the Committee on the Judiciary.

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

Here we go again. If it is an election year, then it must be time to pass another mandatory minimum sentencing law. Today the Republican leadership has decided to put H.R. 4051 on suspension because they do not want a real debate on the gun control issue.

What this bill would really do is placate the NRA's demand for a meaningless gun law. Nothing in this bill provides for a mandatory background check, gun locks, or closing the loophole in gun show laws. A minor could go to a gun show and buy a gun, get into a brawl, brandish the gun, and end up with mandatory minimum sentencing and even be tried as an adult at 14 years old.

Instead, this bill would establish a grant program that provides $100 million over a period of 5 years to those States that have enacted a mandatory 5-year minimum sentencing for firearm offenses. We know that mandatory minimums do not work. We are witnessing the abysmal failure of mandatory minimum drug sentences, and now the Republican leadership wants to extend that failure to the gun area.

Studies conducted by the Rand Commission and the Judicial Center clearly show that mandatory minimums fail to prevent crime, distort the sentencing process, and discriminate against people of color and low-level offenders. Even the conservative Supreme Court Justice Rehnquist has criticized Congress' reliance on mandatory minimum sentences.

If the Republicans want to prevent senseless deaths they would support the McCarthy-Conyers bill, which incorporates the administration's $280 million gun enforcement initiative that would fund 600 new ATF agents, over 1,000 additional Federal, State, and local gun prosecutors, forensic ballistics testing and smart gun technology research & development.

□ 1245

Unfortunately, this is an election year. That means that crime will once again be politicized for cheap political gain. The Million Mom March will be here, and they will not be tricked or fooled by this legislation.

Mr. MCCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise today in support of H.R. 4051, The Safe Streets and Neighborhoods Act of 2000. This bill will authorize incentive grants to States which impose 5-year mandatory minimum sentences on convicted violent felons who possess firearms or on anyone who uses a firearm in the commission of a violent felony.

This program has proven its worth by imposing swift and serious consequences on armed criminals and produced results demonstrating that prosecution is prevention. A recent poll has shown that only 2 percent of Americans would like to see more gun control legislation coming out of this Congress, whereas a vast majority would like to see rigorous prosecution of criminals who commit crimes with a weapon.

The recent case of Joseph Palczynski is an excellent example, after multiple convictions for violent crimes, some with a weapon, he ultimately killed four people and held three people hostage for many weeks in Maryland. That man should have been behind bars. This legislation is needed. I recommend its strong support.

The SPEAKER pro tempore (Mr. HANSEN) The gentleman from Virginia (Mr. SCOTT) has 1 minute remaining, the gentleman from Florida (Mr. MCCOLLUM) has 4½ minutes remaining.

Mr. MCCOLLUM. Mr. Speaker, I yield 1½ minutes to the gentleman from Arkansas, (Mr. HUTCHINSON), a member of the committee.

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman for yielding me the time, and I appreciate his work on this important bill.

Mr. Speaker, I am pleased to support Project Exile, The Safe Streets and Neighborhoods Act. Let me first make

a couple points that this is not a mandate upon the States. I read the bill, I was concerned about that. It is not a mandate. It is an incentive program that if the States want to utilize this $100 million, then they will have to comply with the mandatory minimums for crimes of drug trafficking or violent crime that have a gun.

To my friends on this side of the aisle, I just heard the gentlewoman from California object about mandatory minimums, and I share their concerns that we should not extraordinarily expand mandatory minimums; I think that moves us in the wrong direction. If my colleagues believe there is a problem with the use of guns in this country, if they believe that is the case, then surely, a mandatory minimum of 5 years is appropriate, is appropriate to deal with the problems of violence and criminals using guns.

I think it is a strong statement. It addresses a serious national issue and, therefore, I think it is appropriate, this one area for a mandatory minimum. I have seen how it works in Federal court wherever we have a marijuana patch in Arkansas in which a person uses a firearm to protect that marijuana patch, they have a mandatory minimum of 5 years.

Will it work? I believe that that discourages the use of firearms, the illegal use of firearms, the criminal action with firearms. I believe that it is certainly important. It is appropriate for the States.

The SPEAKER pro tempore. The gentleman from Florida (Mr. MCCOLLUM) has 3 minutes remaining, the gentleman from Virginia (Mr. SCOTT) has 1 minute remaining.

Mr. MCCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I rise in support of this bill. I thank my colleague for yielding me the 1 minute. Project Exile first started in Richmond, Virginia, and it has overwhelming success. In my home State of Texas, we have started the only Statewide version of this innovative crime-control program. Hopefully, that is why Texas is one of the States that was selected to participate.

Last fall, Texas State officials launched Texas Exile, which has assigned eight new prosecutors to major Texas cities. Their sole purpose is to lock up criminals who use guns to commit crime. To date, the program is responsible for 197 arrests, 115 indictments, 10 convictions, and 632 guns confiscated.

The word on the street, it is on the street. Just last week, when Austin police arrested a career criminal with a gun, they asked him why he ran from the scene, his response was ''I heard about that new program that would get me 5 extra years in jail.''

It is about time that the criminals, not citizens, are the one running scared. Thanks to this program, they are. And in Texas, criminals know that gun crime means more hard time in Texas.

Mr. SCOTT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York, (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise today to protest the House leadership's continued refusal to enact reasonable gun safety legislation.

We are now one week from the first anniversary of the tragedy at Columbine. But instead of reasonable legislation that requires child-safety locks on all guns, closes the gun show loophole, and bans large-capacity clips the Republican leadership is putting forward a limited half-measure that will only help six states.

Does the Republican leadership truly believe that only children in those states deserve to be protected from gun violence?

Mr. Speaker, this legislation will do nothing for the victims of gun violence in my state. It will not help the thousands of New Yorkers who are victims of gun violence. It will do nothing to prevent criminals from buying guns at gun shows. It will do nothing to prevent another six year-old from bringing an unlocked gun to school.

Mr. Speaker, before another child dies from senseless gun violence we must take action. I implore the leadership of the Congress to move forward with reasonable gun-safety legislation.

Mr. SCOTT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, this is a sad, sad day for the American people. Because as the first anniversary of the Columbine massacre approaches, we in Congress have done nothing. We have done nothing to close the gun show loophole. We have done nothing to keep guns out of the hands of children and criminals. And we have done nothing to support our state and federal governments as they enforce existing gun safety laws designed to keep our streets and schools safe.

And I'm sorry to say, that today's offering from our Republican leadership is more of the same—nothing. This bill, jammed down our throats with no opportunity for serious debate or amendment, will not fund 500 new ATF agents, it will not fund 1,000 federal, state, and local gun prosecutors, and it will not fund ballistics testing and smart gun research. The ENFORCE bill, which I have cosponsored and which we have not been allowed to debate today, will. And while this bill thankfully will not reverse existing gun safety or enforcement measures—it is merely a drop in the bucket compared to what the American people deserve from Congress.

We have been waiting for nearly a year, as the Republican leadership has delayed and procrastinated in doing anything about the problem of gun violence in our society. And, at long last, this is what they offer the American people? They should be ashamed.

Those of us who have been fighting this fight, who believe the American people deserve more than the smoke and mirrors they are getting from the other side of the aisle, will continue to work toward making real progress on reducing gun violence. I urge my colleagues to make this bill a point of departure, not a destination. I am voting for this bill but let's not stop until we have passed the real gun safety and enforcement measures that our country deserves.

Mr. SCOTT. Mr. Speaker, although there was no subcommittee mark and no committee mark, we have been denied an extension of time. Everybody knows this is a waste of money.

Mr. Speaker, I have one speaker remaining within the time period. I yield that 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the committee.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Virginia (Mr. SCOTT) for yielding me the time.

This is difficult. Mr. Speaker, I wish we had more time to discuss this issue, primarily because I agree with my colleague, the gentleman from Arkansas (Mr. HUTCHINSON), this is an issue that is tragically impacting Americans, guns in America.

I say to the gentleman from Florida (Mr. MCCOLLUM), I would like to work with the gentleman, but the difficulty that we have with this legislation is that it should have gone through the committee process. It is good legislation, to the extent that it would have the ability of having the input of all of the Members to be able to design and craft legislation that would address the question of gun prevention, gun safety in this Nation, along with the enforcement of gun laws against those who would use them illegally.

What we have in Project Exile is the opportunity to serve only a few States. Yes, I stand here from the State of Texas, but not the 44 other States. Tragically every single day, gun violence occurs.

What do we do to the 9-year-old in my community that lost his life because he had a gun accidentally held in his hand? This bill does not answer those concerns and I would appreciate if we could work collaboratively together, Mr. Speaker.

I would hope that we would pass gun safety legislation, gun prevention and gun laws.

Mr. Speaker, I rise to take a moment to discuss the abuse of the legislative process by certain members of the majority.

The latest abuse of the legislative process is represented by H.R. 4051. "Project Exile: The Safe Streets and Neighborhoods Act of 2000." The bill is sponsored by Representative MCCULLUM.

The Subcommittee on Crime held a hearing on April 6 concerning this legislation, but has taken no further action on this legislation. Indeed, the legislation was not even scheduled for an ordinary mark-up. The Republicans have placed this legislation for consideration on today's suspension calendar so that no one can debate the merits of the bill.

In the past week, the Judiciary Republicans have regrettably abused the process in the same way on the Partial Abortion bill and the constitutional amendment on tax increases, scheduled for later this week.

This procedural gamesmanship is designed because Republicans fear a debate and vote on Democratic and Administration alternatives. They do not want too much discussion about their failure to allow debate about meaningful gun control legislation.

H.R. 4051 is the latest in a series of efforts by opponents of common senses gun safety measures like those passed by the Senate last year to shift the focus away from resources like the legislation that would close the gun show loophole that is currently bottled up in the juvenile justice conference.

Project Exile was established in 1997, in response to Richmond, Virginia's homicide rate. The goal was to reduce gun violence by changing the culture of violence by using a multi-dimensional strategy, which includes a law enforcement/prosecution effort as well as community outreach and education programs.

An essential part of the project has been an innovative community outreach/education effort through various media to get the message to the criminals about this crackdown, and build a coalition directed at the problem. The program has been very successful, increasing citizen reports about guns and emerging the community to support police efforts.

Project Exile soon became a symbol of a successful enforcement effort that involved exclusive prosecution of gun enforcement. That has, unfortunately, come for at the expense of an emphasis on gun prevention.

Indeed, Project Exile's appeal as a symbol for gun enforcement has prompted state officials to develop their own versions at the state level, including in my state.

Unfortunately, the ''Project Exile'' legislation would not allow Democrats to address the fact 44 states will not qualify for funds, that federal funds can be used for as trivial purposes as carpeting judges offices, and that the Republican proposal is altogether too barren and fails to close enforcement loopholes.

The bill reflects the NRA's common approach to deceive the public into thinking that we should simply enforce the laws already enacted to make streets safer.

Specifically, H.R. 4051 would (1) provide resources to states that ensure a mandatory minimum sentence of five years (without parole) for any person who uses or carries a firearm during a violent crime; (2) requires that the mandatory minimum sentence must be in addition to the punishment provided for the underlying crime; and (3) gives states the option to prosecute offenders in either state or federal court, so long as the states ensure that mandatory minimum sentence of five years is served.

The Republicans are pushing this legislation to the floor as a matter of pure politics. The arrival of the one-year anniversary of the Columbine Massacre on April 20 has basically given the Republicans the impetus to do something, however hollow regarding real common senses gun control it may be.

H.R. 4051 imposes stiff 5-year mandatory minimum sentences in addition to the punishment for the underlying crime.

This is especially objectionable to Democrats because in there is a strong perception that federalizing all crimes gun crimes in Richmond and in other cities has had a disproportionate effect on African Americans, because prosecuting them in federal court changed the composition of the federal juries and resulted in stiff 5-year mandatory minimum sentences.

''Texas Exile,'' modeled after the Virginia model, will be implemented in my state over the next two years. The goal of Texas Exile is the reduction of gun violence statewide by targeting criminals who use and carry weapons. This prosecution effort will be complemented by a public awareness campaign which markets the message to criminals that if they illegally possess or commit a crime with a gun, they will go to prison for a significant period of time.

Law enforcement officials from my state say they have scheduled meetings with U.S. Attorneys, District Attorneys, Mayors, and Police Chiefs in several cities in Texas, including Houston, to discuss implementation to Texas Exile.

As officials begin to gather statistics on the number of prosecutions relating to Texas Exile, I am concerned that not enough community outreach and education will be devoted to education about gun prevention.

Programs that empower citizens to keep guns away from their communities can work if they work in strong collaboration with local and federal officials.

Finally, statistics show that the record on enforcement of existing gun laws in Texas is less than ideal.

In Texas, many cases have not been prosecuted despite Governor Bush's efforts to show the effect of solid enforcement of existing gun laws in Texas.

Data indicates that between January 1, 1996 and August 31, 1999, 2658 applications for concealed carry licenses were denied. As many as 771 of these denials were because the applicant was a convicted felon (including applicants from people who were convicted of sexual assault of a child, homicide, attempted murder, indecency with a child, and aggravated assault with a weapon).

Because they as already taken the prerequisite safety course, they had broken state law by possessing a gun. As was made clear last week during the Subcommittee on Crime of the House Judiciary Committee, the Texas government officials have not yet responded as to why any of these 771 people had not been prosecuted since 1996.

Without a coordinated approach that includes community outreach and education regarding gun prevention efforts, we will not obtain the results we seek in reducing gun violence in America.

Mr. MCCOLLUM. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I want to thank everybody for this debate today. I realize there are some differences about what we should be doing today or not be doing today, but I have heard very little real criticism of the substance of this legislation but rather there are concerns that there are other things that could help in the effort of gun violence. I think all of us would agree there are other things. Certainly more funding for the Bureau of Alcohol, Tobacco and Firearms would be helpful, and I would support an appropriate level of increase in that.

We have already talked about the need for trigger locks and for other gun safety measures which are in other pieces of legislation that are pending right now, but today we have a chance to pass a bill, a bill that will provide incentive grants to the States to do something that we know is proven and effective to stop gun violence.

The real heartache, as I said earlier, regarding so much violence with guns involves avoidable tragedies, avoidable in the sense that many gun criminals are back on the streets before they should be and they are committing additional violent crimes.

This bill today provides $100 million in grants to the States that are willing to pass laws that assure that those who carry or use guns in violent crimes have to serve at least a minimum mandatory 5-year sentence without parole, in addition to any underlying sentence, or that they must agree in some manner to prosecute those felons that are back out on the streets who carry a gun or possess a gun, whether they are committing a crime or not. I think that that is a very positive step.

We have seen the results in Richmond and elsewhere on Project Exile which is what this is today. We should pass these incentive grants to encourage States to do that and, no, all States do not qualify, only six do, but that is the whole idea.

When we did Truth in Sentencing, we went from 5 to 27 States that had those laws that now require those who commit violent crimes to serve at least 85 percent of their sentences. If we pass this incentive grant program today, we should go from at least the 6 States who qualify to the 27 and probably a whole lot more when this bill is law that have a provision that says that if one commits a crime carrying a gun or using a gun they are going to have to serve a minimum mandatory sentence of at least 5 years.

Ms. LEE. Mr. Speaker, I rise today in strong support of the motion to instruct the conferees on the Juvenile Justice bill.

These laws would help bring an end to the unnecessary deaths occurring among our children; unfortunately, we have seen too many massacres, too much heartbreak and too many tragedies, sometimes, even at the hands of our children.

We promised the American people common sense gun control legislation. We have not delivered on that promise. In fact, we have gone in the other direction—engaging in a war of words only. Two weeks ago, the Congress had an opportunity to act responsibly and at a minimum insist that the conferees to the juvenile justice bill meet immediately. Yet the motion was pulled from the calendar.

In my district, in Northern California, the Oakland City Council has taken a strong

stance on gun control. They are putting human lives first by prohibiting the sale of compact hand guns, penalizing firearms ''straw sales,'' and prohibiting people under the age of 18 from entering establishments that display firearms. Yet here in Congress we won't, even take the minimum steps, such as child safety trigger locks, to ensure the safety of our children.

We can no longer afford to play partisan politics while so many children's lives remain at stake. The Juvenile Justice Conferees must meet immediately. Congress must pass common sense gun control legislation and deliver on its promise.

Ms. STEARNS. Mr. Speaker, today we are taking a positive step toward effectively addressing gun violence. H.R. 4051, fashioned after the successful enforcement program in Richmond, VA, will send the message to criminals that an illegal gun will get you an automatic 5 year sentence without parole.

Under this bill, States like Florida that have similar firearms laws would qualify for funding under this legislation. The grants can be used to strengthen all aspects of the State's criminal and juvenile justice systems.

This is a commonsense approach to curbing gun violence. We are not just throwing money at new federal agents, we are addressing this issue at the State and local level—where it counts. Giving those States with tough firearms laws the assistance to aggressively enforce them, and helping other States adopt similar laws so that eventually, every criminal will know that wherever he travels within the U.S., if he has an illegal firearm—he is exiled to prison.

Mr. REYES. Mr. Speaker, I rise in strong support of this bill.

Gun violence is a growing concern of the public. We have watched with horror as gun related incidents have taken place around the country. With multiple shooting at our schools, community centers, in the workplace, and in every part of the country, we have tragically seen innocent victims injured and killed from gunfire. While some of these have been isolated incidents with a variety of circumstances, it is wake up call that more must be done to stem gun violence and deter those who would freely carry weapons and use them to commit acts of violence.

In response, Project Exile has established itself as an excellent initiative to address this problem, having originated in Virginia and now being replicated around the country, and specifically in my state of Texas.

Project Exile, establishes five year minimum mandatory sentences for carrying or using a gun during the commission of a crime. It also establishes greater coordination between state and federal prosecutors, so that prosecutors can more readily access the heavier sentences available under the federal sentencing guidelines. As a consequence, Project Exile works because it brings together all of law enforcement—local, state and federal law—to focus on the illegal use of guns along with stiff sentencing. As someone who spent over 26½ years in law enforcement, I can tell you that the threat from gun violence requires this kind of coordinated approach from law enforcement and the community.

Since the Texas Exile program was initiated at the beginning of this year, we have already seen positive results from this approach.

The Safe Streets and Neighborhoods Act which we are considering today, provides an important incentive to other states to replicate Project Exile for their state residents. By providing $100 million dollars in incentive grants to those states implementing Project Exile through this bill, we establish a national initiative to aggressively prosecute and sentence gun offenders.

In conclusion, with passage of this bill I am convinced that we put criminals around the nation on notice that if they use a gun during the commission of a crime they will face extremely aggressive prosecution and lengthy sentences without parole upon conviction. In this way we can reduce violent crime not only in Virginia and Texas, but around the country.

I therefore support this bill, and ask my colleagues to vote for its passage.

Mr. CROWLEY. Mr. Speaker, I rise today to express my serious concerns with H.R. 4051, Project Exile, the Safe Streets and Neighborhoods Act.

Project Exile is a worthwhile program that provides collaboration between federal, state and local law enforcement, along with community involvement. Too bad H.R. 4051 only seeks to link itself to Project Exile in name and does not take this lesson to heart. H.R. 4051, despite its stated intentions, will not do enough to keep our streets safe and keep guns out of the hands of criminals and children.

In 1998 Congress appropriated $1.5 million to provide Philadelphia prosecutors with funding to help combat gun violence. However, H.R. 4051 provides only $10 million for all of the States eligible for grants under this program. Clearly, this level of funding is insufficient to address the monumental problem of gun violence in our society.

Now, I agree with the supporters of this legislation in one key respect, the U.S. Congress must provide enhanced resources to enforce existing gun control laws.

That is why I have joined with Ranking Member CONYERS, Congresswoman CAROLYN MCCARTHY and a number of my colleagues in supporting H.R. 4066, the Act for the Effective National Firearms Objectives for Responsible Common-sense Enforcement of 2000 or ENFORCE Act.

H.R. 4066, unlike H.R. 4051, provides real resources to assist law enforcement officials in the apprehension and prosecution of those who violate our gun control laws.

Mr. Speaker, H.R. 4066 authorizes funding for 500 new Alcohol, Tobacco and Firearms agents and inspectors, as well as over 1,000 Federal, state and local gun prosecutors. This legislation also improves gun tracing and ballistics testing systems, funds smart gun technologies and closes the dangerous loopholes that allow criminals and children to obtain guns by hindering the enforcement of gun control laws.

H.R. 4066 would go a long way toward apprehending and prosecuting criminals who violate gun control laws. Too bad H.R. 4051 was brought directly to the floor as a suspension without any opportunity for Democrats to offer amendments. Too bad my colleagues across the aisle are only interested in paying lip service to the enforcement of existing gun control laws, because if they were serious, they would bring up the ENFORCE Act under suspension or allow it as an amendment.

Mr. Speaker, I find it hard to believe that despite the overwhelming desire by the American people for reasonable and common sense limitations on access to guns, this Congress has still not passed and sent to the President the Senate version of the Juvenile Justice bill.

The parents of America are concerned. And, given the tragedies that have occurred across this nation, they have a right to be. They are concerned about the proliferation of guns, of kids gaining access to guns without trigger locks, of guns being bought and sold at gun shows and flea markets without adequate background checks, and of the ability to buy guns anonymously over the Internet.

They are concerned, Mr. Speaker, because current U.S. law is inadequate to prevent guns from easily falling into the wrong hands. They are concerned and want action by this Congress.

Mr. Speaker, despite my very serious concerns with H.R. 4051, I plan to vote in favor of this legislation for two reasons. One, it does provide some additional resources for the fight against gun violence. Two, I have high hopes that the Senate will do the right thing and make this into a better piece of legislation that will make our streets and neighborhoods safer.

Mr. BARR of Georgia. Mr. Speaker, I commend you for bringing H.R. 4051 the ''Project Exile; Safe Streets and Neighborhoods Act'' to the House Floor for a vote. Project Exile is an extremely successful program that drastically reduces gun violence, and needs to be expanded throughout the United States.

This project, run by the U.S. Attorney's office, is credited with substantially reducing violent crime in Richmond, Virginia. Under ''Exile,'' all felons, without exception, who illegally possess firearms are prosecuted and sentenced to stiff, federal mandatory prison terms. The program publicly and visibly advertises the new sentencing procedure, to further deter the illegal possession of firearms, and emphasizes joint, coordinated prosecution involving federal, state, and local police and prosecutors.

The program proves that when political debates about gun control take a back seat to coordinated, consistent and aggressive enforcement of existing laws, violent crime is dramatically reduced and lives saved. ''Project Exile'' sends a clear message to criminals, that having an illegal firearm will earn a swift and tough sentence in federal prison. Under this plan, the efforts of prosecutors, backed by a community advertising plan, has made it common knowledge on the streets of Richmond that felons caught with firearms will be swiftly ''exiled'' to federal prison for a minimum of five years. We know the vast majority of gun violence is committed by individuals with prior felonies. If we can keep these felons from carrying firearms, we can dramatically reduce gun violence.

In return for taking these simple steps, the City of Richmond has achieved a significant drop in violent crime. Richmond's homicide

rate alone has been cut over 33% by the program, in the past two years. In the process, prosecutors have achieved a 90% conviction rate on 509 indictments.

This is a program that should be extended by the Department of Justice to other cities across America. The Department of Justice's failure to direct ''Exile'' projects in other major U.S. cities such as Atlanta, is unacceptable. It is another example of the Department's refusal to enforce existing gun laws. For example, in 1998, the Department prosecuted only one felon who tried to purchase a firearm and was caught by the instant check system. In the same year, there were 6,000 students caught with guns in school, but only eight prosecutors. From 1992 to 1998, the number of federal prosecutions for criminal use of guns has declined almost fifty percent while funding to the Department of Justice and Department of Alcohol, Tobacco and Firearms has almost doubled.

Programs such as ''Project Exile'' are proven to be effective in the fight against crime. It is time for all cities to implement such a program and get tough with criminals. H.R. 4051 will allow this to happen. I am proud to be a supporter of the ''Project Exile'' program and a cosponsor of this bill. I urge you to support both.

Mr. UDALL of Colorado. Mr. Speaker, I will support this bill, but I am disappointed with the way it is being brought to the floor and with the bill itself.

I am disappointed that the Republican leadership has brought the bill before the House under a procedure that prohibits any amendments and allows for only a minimal time for discussion.

I also am disappointed with the way the bill has been drafted. Parts of it are too narrow, so that only a few states would qualify for the proposed law-enforcement assistance. Other parts are too broad, so that the funds that would be provided to the states would not necessarily be used for better enforcement of gun laws. Instead, it could go for almost anything related to law enforcement or corrections.

I think the House can and should do better than this. We can and should take time to fully discuss this bill and to consider amendments that could strengthen it so that it would come closer to living up to its title of the ''Project Exile: The Safe Streets and Neighborhood Act of 2000.''

I strongly support the kind of increased enforcement that the bill's title tries to suggest would be the result of enacting this measure. In Colorado our United States Attorney, Tom Strickland, is working in cooperation with state and local law-enforcement officials, for that kind of increased enforcement.

I want to do all I can to help that important initiative—so, while this bill is not everything that I think it could and should be, I will support it. The bill would at least take a small step toward better enforcement in Colorado and the five other states that now meet the bill's criteria for receiving assistance, and I urge its approval.

Mr. BLILEY. Mr. Speaker, I am supporting the expansion of a program that has been extremely successful in my hometown of Richmond, VA—Project Exile. I am pleased to be an original cosponsor of this legislation, Project Exile: The Safe Streets and Neighborhood Act of 2000 (H.R. 4051), introduced by Congressman BILL MCCOLLUM (R–FL).

Crime is a serious problem which effects every member of society, yet I do not feel that gun control is the solution. I let my record speak best of my views of the Second Amendment. I have never voted to ban guns because I believe they infringe upon the rights of responsible citizens who own guns or would like to own them in the future. We do not need more gun control laws; we need more enforcement of the laws we already have. That is exactly what Project Exile does.

Until Project Exile, people in Richmond were afraid to leave their homes at night—parts of Richmond had been taken over by gun toting criminals. Richmond had one of the highest murder rates in the world. Then in 1997, Project Exile started. The turn around has been remarkable. In three short years, homicides have dropped 46 percent. Crimes involving guns have dropped a remarkable 65 percent. Aggravated assaults fell 39 percent. Violent crimes have fallen 35 percent.

The citizens of Richmond are taking back our city—they did this by letting the criminals know that if they use a gun illegally, they are going to prison. It is for this reason that I support expanding this program—a program that stops crime—to the rest of the country. Project Exile saves lives and protects families and their children from the destructive and deadly acts of violent criminals. If you doubt me, then I invite you to drive down to Richmond and talk to our police, business owners, religious leaders and the hard working citizens of Richmond. You will quickly see the positive impact Project Exile has had on Richmond.

Law enforcement and stronger penalties, including prison without the possibility of parole, remain the most powerful weapons of the Congress in fighting crime. In Richmond, Project Exile has proven that effective law enforcement along with aggressive prosecution reduces violence and crime. Project Exile saves lives and protects families and their children from the destructive and deadly acts of violent criminals.

As an original cosponsor of this legislation, I look forward to the day that all people in this country will be protected by this effective program that saves lives. I ask my colleagues to vote yes on this important legislation.

Ms. WOOLSEY. Mr. Speaker, H.R. 4051 is another smoke screen for the Republicans and the NRA to hide behind. While Republicans are wasting time with this ''do nothing'' gun bill, 12 children will die today from gun violence. That's 12 children gone forever.

This is not a game, Mr. Speaker, this is about children's lives.

Next week we will commemorate the one year anniversary of Columbine. As Representative MCCULLOM admitted, our children need mandatory safety locks; they need powerful ammunition clips to be banned; they need effective background checks; and, they need the gun show loopholes closed.

Additionally, what is truly needed is for the NRA to loosen its grip on the Republican leadership. Our children need real gun safety legislation and they need it now.

Guns kill, It's that simple.

This bill does nothing more than say we should have enforcement of gun laws. What a joke.

I urge my Republican colleagues to stop standing up for the NRA and, instead, stand up for children.

Mr. WATTS of Oklahoma. Mr. Speaker, for months we have engaged in a national debate or rhetoric on the issue of gun violence. Both sides of the political spectrum have had their opinion on how to end gun violence in our country. Today, this body will consider common sense legislation that will be the first step to ending gun violence. Today, this Congress sends a simple and convincing message to criminals around the country. If you are a convicted felon and are in the possession of a firearm you will go to prison for at last 5 years. If you possess a firearm on school property in a threatening manner you will go to prison for at least 5 years. If you possess a firearm and illegal drugs such as heroin or cocaine you will go to prison for at least 5 years.

My colleagues on both sides of the aisle agree that tougher enforcement of gun laws is needed. We all have a common goal. Today we make our goal a reality. Today, we give our state and local governments the means to achieve this desired goal. We have the opportunity to provide $100 million dollars in grants to our states to prosecute violators of gun laws. This money will be used to hire and train judges, hire criminal prosecutors, and pay for new prisons to hold those convicted of violating our gun laws. Today we will start making our gun laws work, we will start enforcing them across the country.

I urge all of my colleagues to stand together today and send a message to all criminals across America. I urge you to stand tall and say we will no longer stand for gun violence in our country. We need to stop infringing on the Constitution, and actually enforce the laws that are on the books. I urge you to stand with me and vote for H.R. 4051, ''Project Exile: The Safe Streets and Neighborhoods Act of 2000.''

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MCCOLLUM) that the House suspend the rules and pass the bill, H.R. 4051.

The question was taken.

Mr. MCCOLLUM. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 358, nays 60, not voting 16, as follows:

[Roll No. 115]

YEAS—358

Abercrombie	Baldacci	Bateman
Ackerman	Baldwin	Becerra
Aderholt	Ballenger	Bentsen
Andrews	Barcia	Bereuter
Archer	Barr	Berkley
Armey	Barrett (NE)	Berry
Baca	Barrett (WI)	Biggert
Bachus	Bartlett	Bilbray
Baird	Barton	Bilirakis
Baker	Bass	Bishop

Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vento
Visclosky
Vitter
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Young (AK)
Young (FL)

NAYS—60

Allen
Berman
Brady (PA)
Campbell
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Cummings
Davis (IL)
Delahunt
Fattah
Filner
Ford
Frank (MA)
Hastings (FL)
Hinchey
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kennedy
Kilpatrick
LaFalce
Lee
Lewis (GA)
Lofgren
Markey
McCarthy (MO)
McDermott
McGovern
McKinney
Meek (FL)
Meeks (NY)
Millender-McDonald
Olver
Owens
Paul
Payne
Pelosi
Rangel
Rush
Sabo
Sanders
Sanford
Schakowsky
Scott
Serrano
Snyder
Stark
Thompson (MS)
Tierney
Towns
Velazquez
Waters
Watt (NC)
Woolsey

NOT VOTING—16

Cook
Cubin
DeGette
Ewing
Gilman
Goodling
Hefley
Johnson, Sam
Kleczka
Martinez
McIntosh
Morella
Reyes
Rodriguez
Walden
Wynn

□ 1316

Mr. DELAHUNT, Ms. MILLENDER-McDONALD, and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from ''yea'' to ''nay.''

Mr. GUTIERREZ and Mr. BECERRA changed their vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. EWING. Mr. Speaker, on rollcall No. 115, had I been present, I would have voted "yes."

Mr. GILMAN. Mr. Speaker, during rollcall No. 115 I was unavoidably detained, while attending the funeral of Jack Brady, former Chief of Staff of the House International Relations Committee, and missed the vote. If I had been present I would have voted "aye."

VISA WAIVER PERMANENT PROGRAM ACT

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3767) to amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under section 217 of such Act, as amended.

The Clerk read as follows:

H.R. 3767

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Visa Waiver Permanent Program Act''.

TITLE I—PERMANENT PROGRAM AUTHORIZATION

SEC. 101. ELIMINATION OF PILOT PROGRAM STATUS.

(a) IN GENERAL.—Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) is amended—

(1) in the section heading, by striking ''PILOT'';

(2) in subsection (a)—

(A) in the subsection heading, by striking ''PILOT'';

(B) in the matter preceding paragraph (1), by striking ''pilot'' both places it appears;

(C) in paragraph (1), by striking ''pilot program period (as defined in subsection (e))'' and inserting ''program''; and

(D) in paragraph (2), in the paragraph heading, by striking ''PILOT'';

(3) in subsection (b), in the matter preceding paragraph (1), by striking ''pilot'';

(4) in subsection (c)—

(A) in the subsection heading, by striking ''PILOT'';

(B) in paragraph (1), by striking ''pilot'';

(C) in paragraph (2)—

(i) by striking ''subsection (g)'' and inserting ''subsection (f)''; and

(ii) by striking ''pilot''; and

(D) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking ''(within the pilot program period)'';

(ii) in subparagraph (A), in the matter preceding clause (i), by striking ''pilot'' both places it appears; and

(iii) in subparagraph (B), by striking ''pilot'';

(5) in subsection (e)(1)—

(A) in the matter preceding subparagraph (A), by striking ''pilot''; and

(B) in subparagraph (B), by striking ''pilot'';

(6) by striking subsection (f) and redesignating subsection (g) as subsection (f); and

(7) in subsection (f) (as so redesignated)—

(A) in paragraph (1)(A) by striking ''pilot'';

(B) in paragraph (1)(C), by striking ''pilot'';

(C) in paragraph (2)(A), by striking ''pilot'' both places it appears;

(D) in paragraph (3), by striking ''pilot''; and

(E) in paragraph (4)(A), by striking ''pilot''.

(b) CONFORMING AMENDMENTS.—

(1) DOCUMENTATION REQUIREMENTS.—Clause (iv) of section 212(a)(7)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(7)(B)(iv)) is amended—

(A) in the clause heading, by striking ''PILOT''; and

(B) by striking ''pilot''.

(2) TABLE OF CONTENTS.—The table of contents for the Immigration and Nationality Act is amended, in the item relating to section 217, by striking ''pilot''.

TITLE II—PROGRAM IMPROVEMENTS

SEC. 201. EXTENSION OF RECIPROCAL PRIVILEGES.

Section 217(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1187(a)(2)(A)) is amended by inserting '', either on its own or in conjunction with one or more other countries that are described in subparagraph (B) and that have established with it a common area for immigration admissions,'' after ''to extend)''.

SEC. 202. MACHINE READABLE PASSPORT PROGRAM.

(a) REQUIREMENT ON ALIEN.—Section 217(a) of the Immigration and Nationality Act (8 U.S.C. 1187(a)) is amended—

(1) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively; and

(2) by inserting after paragraph (2) the following:

''(3) MACHINE READABLE PASSPORT.—On and after October 1, 2006, the alien at the time of application for admission is in possession of a valid unexpired machine-readable passport that satisfies the internationally accepted standard for machine readability.''.

(b) REQUIREMENT ON COUNTRY.—Section 217(c)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)(B)) is amended to read as follows:

''(B) MACHINE READABLE PASSPORT PROGRAM.—

''(i) IN GENERAL.—Subject to clause (ii), the government of the country certifies that it issues to its citizens machine-readable passports that satisfy the internationally accepted standard for machine readability.

''(ii) DEADLINE FOR COMPLIANCE FOR CERTAIN COUNTRIES.—In the case of a country designated as a program country under this subsection prior to May 1, 2000, as a condition on the continuation of that designation, the country—

''(I) shall certify, not later than October 1, 2000, that it has a program to issue machine-readable passports to its citizens not later than October 1, 2003; and

''(II) shall satisfy the requirement of clause (i) not later than October 1, 2003.''.

SEC. 203. DENIAL OF PROGRAM WAIVER BASED ON GROUND OF INADMISSIBILITY.

(a) IN GENERAL.—Section 217(a) of the Immigration and Nationality Act (8 U.S.C. 1187(a)), as amended by section 202, is further amended by adding at the end the following:

''(9) AUTOMATED SYSTEM CHECK.—The identity of the alien has been checked using an automated electronic database containing information about the inadmissibility of aliens to uncover any grounds on which the alien may be inadmissible to the United States, and no such ground has been found.''.

(b) VISA APPLICATION SOLE METHOD TO DISPUTE DENIALS OF WAIVER BASED ON GROUNDS OF INADMISSIBILITY.—Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), as amended by section 101(a)(6) of this Act, is further amended by adding at the end the following:

''(g) VISA APPLICATION SOLE METHOD OF DISPUTING GROUND OF INADMISSIBILITY FOUND IN AUTOMATED SYSTEM.—In the case of an alien denial a waiver under the program by reason of a ground of inadmissibility uncovered through a written or verbal statement by the alien or a use of an automated electronic database required under subsection (a)(9), the alien may apply for a visa at an appropriate consular office outside the United States. There shall be no other means of administrative or judicial review of such a denial, and no court or person otherwise shall have jurisdiction to consider any claim attacking the validity of such a denial.''.

(c) PAROLE AUTHORITY.—Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) is amended—

(1) in subparagraph (A), by striking ''subparagraph (B)'' and inserting ''subparagraph (B) or (C)''; and

(2) by adding at the end the following:

''(C) The Attorney General may not parole into the United States an alien who has applied under section 217 for a waiver of the visa requirement, and has been denied such waiver by reason of a ground of inadmissibility uncovered through a written or verbal statement by the alien or a use of an automated electronic database required under section 217(a)(9), unless the Attorney General determines that compelling reasons in the public interest, or compelling health considerations, with respect to that particular alien require that the alien be paroled into the United States.''.

SEC. 204. EVALUATION OF EFFECT OF COUNTRY'S PARTICIPATION ON LAW ENFORCEMENT AND SECURITY.

(a) INITIAL DESIGNATION.—Section 217(c)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)(C)) is amended to read as follows:

''(C) LAW ENFORCEMENT AND SECURITY INTERESTS.—The Attorney General, in consultation with the Secretary of State—

''(i) evaluates the effect that the country's designation would have on the law enforcement and security interests of the United States (including the interest in enforcement of the immigration laws of the United States);

''(ii) determines that such interests would not be compromised by the designation of the country; and

''(iii) submits a written report to the Committee on the Judiciary of the United States House of Representatives and of the Senate regarding the country's qualification for designation that includes an explanation of such determination.''.

(b) CONTINUATION OF DESIGNATION.—Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)) is amended by adding at the end the following:

''(5) WRITTEN REPORTS ON CONTINUING QUALIFICATION; DESIGNATION TERMINATIONS.—

''(A) PERIODIC EVALUATIONS.—

''(i) IN GENERAL.—The Attorney General, in consultation with the Secretary of State, periodically (but not less than once every 5 years)—

''(I) shall evaluate the effect of each program country's continued designation on the law enforcement and security interests of the United States (including the interest in enforcement of the immigration laws of the United States);

''(II) shall determine whether any such designation ought to be continued or terminated under subsection (d); and

''(III) shall submit a written report to the Committee on the Judiciary of the United States House of Representatives and of the Senate regarding the continuation or termination of the country's designation that includes an explanation of such determination and the effects described in subclause (I).

''(ii) EFFECTIVE DATE.—A termination of the designation of a country under this subparagraph shall take effect on the date determined by the Attorney General, but may not take effect before the end of the 30-day period beginning on the date on which notice of the termination is published in the Federal Register.

''(iii) REDESIGNATION.—In the case of a termination under this subparagraph, the Attorney General shall redesignate the country as a program country, without regard to subsection (f) or paragraph (2) or (3), when the Attorney General, in consultation with the Secretary of State, determines that all causes of the termination have been eliminated.

''(B) AUTOMATIC TERMINATION.—

''(i) REQUIREMENT.—On and after October 1, 2005, the designation of any program country with respect to a report described in subparagraph (A)(i)(III) has not been submitted in accordance with such subparagraph during the preceding 5 years shall be considered terminated.

''(ii) EFFECTIVE DATE.—A termination of the designation of a country under this subparagraph shall take effect on the last day of the 5-year period described in clause (i).

''(iii) REDESIGNATION.—In the case of a termination under this subparagraph, the Attorney General shall redesignate the country as a program country, without regard to subsection (f) or paragraph (2) or (3), when the required report is submitted, if the report includes a determination by the Attorney General that the country should continue as a program country.

''(C) EMERGENCY TERMINATION.—

''(i) IN GENERAL.—In the case of a program country in which an emergency occurs that the Attorney General, in consultation with the Secretary of State, determines threatens the law enforcement or security interests of the United States (including the interest in enforcement of the immigration laws of the United States), the Attorney General shall immediately terminate the designation of the country as a program country.

''(ii) DEFINITION.—For purposes of clause (i), the term 'emergency' means—

''(I) the overthrow of a democratically elected government;

''(II) war (including undeclared war, civil war, or other military activity);

''(III) disruptive social unrest;

''(IV) a severe economic or financial crisis; or

''(V) any other extraordinary event that threatens the law enforcement or security interests of the United States (including the interest in enforcement of the immigration laws of the United States).

''(iii) REDESIGNATION.—The Attorney General may redesignate the country as a program country, without regard to subsection (f) or paragraph (2) or (3), when the Attorney General determines that—

''(I) at least 6 months have elapsed since the effective date of the termination;

''(II) the emergency that caused the termination has ended; and

''(III) the average number of refusals of nonimmigrant visitor visas for nationals of that country during the period of termination under this subparagraph was less than 3.0 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during such period.

''(D) TREATMENT OF NATIONALS AFTER TERMINATION.—For purposes of this paragraph—

''(i) nationals of a country whose designation is terminated under subparagraph (A), (B), or (C) shall remain eligible for a waiver under subsection (a) until the effective date of such termination; and

''(ii) a waiver under this section that is provided to such a national for a period described in subsection (a)(1) shall not, by such a designation termination, be deemed to have been rescinded or otherwise rendered invalid, if the waiver is granted prior to such termination.''.

SEC. 205. USE OF INFORMATION TECHNOLOGY SYSTEMS.

(a) IN GENERAL.—Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), as amended by section 203(b), is further amended by adding at the end the following:

''(h) USE OF INFORMATION TECHNOLOGY SYSTEMS.—

''(1) AUTOMATED ENTRY-EXIT CONTROL SYSTEM.—

''(A) SYSTEM.—Not later than October 1, 2001, the Attorney General shall develop and

implement a fully automated entry and exit control system that will collect a record of arrival and departure for every alien who arrives by sea or air at a port of entry into the United States and is provided a waiver under the program.

''(B) REQUIREMENTS.—The system under subparagraph (A) shall satisfy the following requirements:

''(i) DATA COLLECTION BY CARRIERS.—Not later than October 1, 2001, the records of arrival and departure described in subparagraph (A) shall be based, to the maximum extent practicable, on passenger data collected and electronically transmitted to the automated entry and exit control system by each carrier that has an agreement under subsection (a)(4).

''(ii) DATA PROVISION BY CARRIERS.—Not later than October 1, 2002, no waiver may be provided under this section to an alien arriving by sea or air at a port of entry into the United States on a carrier unless the carrier is electronically transmitting to the automated entry and exit control system passenger data determined by the Attorney General to be sufficient to permit the Attorney General to carry out this paragraph.

''(iii) CALCULATION.—The system shall contain sufficient data to permit the Attorney General to calculate, for each program country and each fiscal year, the portion of nationals of that country who are described in subparagraph (A) and for whom no record of departure exists, expressed as a percentage of the total number of such nationals who are so described.

''(C) REPORTING.—

''(i) PERCENTAGE OF NATIONALS LACKING DEPARTURE RECORD.—Not later than January 30 of each year (beginning with the year 2003), the Attorney General shall submit a written report to the Committee on the Judiciary of the United States House of Representatives and of the Senate containing the calculation described in subparagraph (B)(iii) for each program country for the previous fiscal year.

''(ii) SYSTEM EFFECTIVENESS.—Not later than October 1, 2004, the Attorney General shall submit a written report to the Committee on the Judiciary of the United States House of Representatives and of the Senate containing the following:

''(I) The conclusions of the Attorney General regarding the effectiveness of the automated entry and exit control system to be developed and implemented under this paragraph.

''(II) The recommendations of the Attorney General regarding the use of the calculation described in subparagraph (B)(iii) as a basis for evaluating whether to terminate or continue the designation of a country as a program country.

''(2) AUTOMATED DATA SHARING SYSTEM.—

''(A) SYSTEM.—The Attorney General and the Secretary of State shall develop and implement an automated data sharing system that will permit them to share data in electronic form from their respective records systems regarding the admissibility of aliens who are nationals of a program country.

''(B) REQUIREMENTS.—The system under subparagraph (A) shall satisfy the following requirements:

''(i) SUPPLYING INFORMATION TO IMMIGRATION OFFICERS CONDUCTING INSPECTIONS AT PORTS OF ENTRY.—Not later than October 1, 2002, the system shall enable immigration officers conducting inspections at ports of entry under section 235 to obtain from the system, with respect to aliens seeking a waiver under the program—

''(I) any photograph of the alien that may be contained in the records of the Department of State or the Service; and

''(II) information on whether the alien has ever been determined to be ineligible to receive a visa or ineligible to be admitted to the United States.

''(ii) SUPPLYING PHOTOGRAPHS OF INADMISSIBLE ALIENS.—The system shall permit the Attorney General electronically to obtain any photograph contained in the records of the Secretary of State pertaining to an alien who is a national of a program country and has been determined to be ineligible to receive a visa.

''(iii) MAINTAINING RECORDS ON APPLICATIONS FOR ADMISSION.—The system shall maintain, for a minimum of 10 years, information about each application for admission made by an alien seeking a waiver under the program, including the following:

''(I) The name of each immigration officer conducting the inspection of the alien at the port of entry.

''(II) Any information described in clause (i) that is obtained from the system by any such officer.

''(III) The results of the application.''.

(b) CONFORMING AMENDMENT.—Section 217(e)(1) of the Immigration and Nationality Act (8 U.S.C. 1187(e)(1)) is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting '', and''; and

(3) by adding at the end the following:

''(D) to collect, provide, and share passenger data as required under subsection (h)(1)(B).''.

SEC. 206. CONDITIONS FOR VISA REFUSAL ELIGIBILITY.

Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)), as amended by section 204(b) of this Act, is further amended by adding at the end the following:

''(6) COMPUTATION OF VISA REFUSAL RATES.—For purposes of determining the eligibility of a country to be designated as a program country, the calculation of visa refusal rates shall not include any visa refusals which incorporate any procedures based on, or are otherwise based on, race, sex, sexual orientation, or disability, unless otherwise specifically authorized by law or regulation.''.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous material on H.R. 3767, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, the Visa Waiver Pilot Program allows aliens traveling from certain designated countries to come to the United States as temporary visitors for business or pleasure without having to obtain the nonimmigrant visa normally required. The program authorizes the Attorney General to waive the ''B'' visa requirement for traveling aliens coming from those certain countries that have qualified. There are currently 29 countries participating in this program.

Since its initial enactment as a temporary program in 1986, the Visa Waiver Pilot Program, often referred to as the VWPP, has been regularly extended by Congress. The current legislation expires on April 30. Fourteen years is a long time for a pilot program. It is time to make the VWPP permanent. H.R. 3767, the Visa Waiver Permanent Program Act, will make the visa waiver program permanent, more secure, and end the need to permanently reauthorize the program.

H.R. 3767 is a bipartisan bill. It was passed unanimously by the Subcommittee on Immigration and Claims and the Committee on the Judiciary. The tourism and travel industry strongly supports this legislation. Visa-free travel under the program has increased tourism in the United States from participating countries. More than 17 million visitors enter the United States under the visa waiver program each year. A permanent program will be a long-term benefit to the tourism industry and remove the uncertainty caused by the periodic expiration of the program.

While a permanent visa waiver program would be good for the American travel industry, a permanent program should not be authorized if the program posed a threat to the safety and well-being of the United States or exposed our country to situations in which large numbers of aliens could use the program to circumvent our immigration laws.

The current requirement that participating countries have a machine readable passport has been strengthened by establishing a date certain for all countries in the program to implement such a machine readable passport. Some countries that have been in the program for nearly 10 years still have not introduced the machine readable passport they committed to develop as a condition of their entry into the program. Setting a deadline that is firm is reasonable and fair.

H.R. 3767 also addresses what has been a major concern about the visa waiver program, the inability of the INS to monitor overstays by visa waiver travelers. Because the INS has failed to establish a credible system for calculating or estimating overstay rates, the only mechanism in the current statute for monitoring the compliance of countries in the program does not work. Thus, there has been a concern that once a country entered the program, it would be in forever, even if conditions in the country deteriorated

and nationals of the country began to abuse the program.

H.R. 3767 requires the INS to develop a fully automated system for tracking the entry and departure of visa waiver travelers entering by air and sea, which is approximately 98 percent of all visa waiver pilot program travelers. Such a system could easily build on existing technology used to develop the advanced passenger information system, which INS has developed in cooperation with the airlines. Once the automated tracking system is in place, the information it produces can be used to calculate overstay rates and visas.

H.R. 3767 also establishes procedures for periodic reviews of countries already in the program and for dealing with emergency situations should they arise. Such procedures are an absolute necessity to ensure a permanent visa waiver program does not pose a threat to the law enforcement and security interests of the United States.

Once again, Mr. Speaker, I urge my colleagues to support this permanent program of the visa waiver and, to make sure that we have a good program, we need to include the provisions that I have mentioned.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to be an original cosponsor of the Visa Waiver Permanent Program Act. I want to commend the subcommittee chairman, the gentleman from Texas (Mr. SMITH) and his staff for working with me and my staff to make the appropriate changes that will encourage and expand tourism to the United States while at the same time protecting our Nation and its citizens.

The Visa Waiver Pilot Program was created by Congress to allow short-term visitors to travel to the United States without having to obtain a visitor visa, thereby encouraging and facilitating international tourism to the United States. This program is not only about immigration, it is about jobs and trade. International tourism to the U.S. in 1999 resulted in 47 million visitors, $95 billion in expenditures, and produced 1 million direct U.S. jobs.

The positive economic impact of this bill can be seen in my home State and in my district. Texas ranks fourth in the Nation in overall visitor spending and also ranks fourth in the Nation for having the greatest number of visitors who included an historical place or event on their trip. Nearly 19 million visitors traveled to the greater Houston area in 1997; and in 1996, visitors spent just under $5 billion, which resulted in 85,000 tourism-related jobs in the area. Many of those include our international travelers.

I also feel it is very important to remind my colleagues that as home to NASA's Johnson Space Center, Six Flags AstroWorld, the world's first domed stadium, and now Enron Field, we hope Texas, along with every other State in the Union, will continue to draw international visitors. I am confident that I have the support of the subcommittee chairman on that statement, being that he is from Texas.

It is time to take the pilot out of this program. H.R. 3767 makes this program permanent. A permanent program will give our international program participants the certainty and continuity they deserve. The State Department, the Travel Industry Association of America, and the National Governors' Association all support a permanent visa waiver program.

In the full committee markup, I was able to add language that would substitute the word terminate wherever the word rescind appears. This would make the loss of the visa waiver privilege prospective from the date on which the termination goes into effect. The bill also provides any national who is in the United States when the privilege is terminated would be permitted to remain lawfully until the end of the period for which he or she was admitted. This would be less disruptive to the individual who actually came into this country legally and something occurred that would intervene and cause their nation not to be part of the program anymore.

Another unintended consequence could occur if the provisions for reinstatement of the visa privilege are not modified. If renewal of the privilege is sought after it has been taken away for cause, H.R. 3767 would require the country to meet the same standards that have to be met for an initial grant of the privilege. This includes showing that the average number of refusals for nonimmigrant visitor visas for the previous two fiscal years was less than 3 percent of the total number of visas that was requested for that period.

A country that has just had the visa waiver privilege taken away would not have a record of visa requests to base such a statistic on. Its nationals would have been entering the United States without visas pursuant to the privilege. Consequently, such a country would not be able to satisfy this requirement for at least 2 years.

This bill authorizes the Attorney General to redesignate the country when 6 months has elapsed since the effective date of the termination, the emergency that caused the termination has ended, and the average number of refusals of nonimmigrant visitor visas for nationals of that country during the termination period was less than 3.0 percent of the total number of nonimmigrant visitor visas for the nationals of that country which were granted or refused during such period.

H.R. 3767 also provides that the designation of any country shall be considered terminated if a report on whether the privilege should be continued is not submitted every 5 years. The bill would require the Attorney General to reinstate the country when the required report is submitted. Of course, this would only apply if the report concludes that the country should continue as a program country.

In committee, Mr. Speaker, we had a very, very strong and vigorous debate about the various conditions for admission to the visa waiver program. No more than 3 percent of a country's applications for U.S. nonimmigrant visas can be refused. Currently, no countries in the Caribbean or Africa meet this threshold. I am troubled by this reality and will continue to work with the State Department and my colleagues, including the gentleman from North Carolina (Mr. WATT), to remedy this problem. We must still study why all the applicants for the visa waiver program in Africa and the Caribbean are being refused.

The bill now prohibits the inclusion of any visa denied by the Department of State on certain other criteria such as race, sex, sexual orientation or disability when calculating the visa refusal rate to determine a country's eligibility.

The committee report language notes that it would be a violation of deeply-rooted American principles of equality of treatment and fair play to make determinations regarding visa eligibility based upon existing discriminatory criteria. We need to fix that.

Lastly, I am also very pleased to learn that an emerging and increasingly important trading partner, South Africa, already complies with one of the new provisions H.R. 3767 has in it, in that the country already issues machine readable passports to its citizens. As recently as 4 years ago, South Africa had a visa refusal rate of less than 3 percent.

□ 1330

I would like to encourage the Department of State and the INS, through its Interagency Working Group, to consider South Africa as a possible candidate in the near future, I might add, in the very near future.

Interest into the Visa Waiver Program could help in attracting many more visitors from that great nation, and we should look at the concerns I have with respect to other developing world countries. And it would help to demonstrate our commitment to be a strong trade partner and a friend of South Africa.

In conclusion, Mr. Speaker, as we work through this legislation to fix other aspects of it, I urge Members to support H.R. 3767 in order to make the Visa Waiver Pilot Program permanent.

Mr. Speaker, I am pleased to be an original co-sponsor of H.R. 3767, the Visa Waiver Permanent Program Act. I want to commend Subcommittee Chairman SMITH and his staff for

working with me and my staff to make the appropriate changes that will encourage and expand tourism to the United States while at the same time protecting our nation and its citizens.

The Visa Waiver Pilot Program was created by Congress to allow short-term visitors to travel to the U.S. without having to obtain a visitor visa, thereby encouraging and facilitating international tourism to the United States. This program is not only about immigration, it is about jobs and trade. International tourism to the U.S. in 1999 resulted in 47 million visitors, $95 billion in expenditures, and produced 1 million direct U.S. jobs.

The positive economic impact of this bill can be seen in my home state and in my district. Texas ranks 4th in the nation in overall visitor spending, and also ranks 4th in the nation for having the greatest number of visitors who included a historical place or cultural event on their trip. Nearly 19 million visitors traveled to the Greater Houston area in 1997, and in 1996 visitors spent just under $5 billion, which resulted in 85,000 tourism-related jobs in the area. I also feel it is very important to remind my colleagues that as home to NASA's Johnson Space Center, Six flags Astro World, and the world's first domed stadium—Houston and Texas—will continue to be a strong draw for international visitors. I am confident that I have Chairman SMITH's support on this statement.

It is time to take the "pilot" out of this program. H.R. 3767 makes this program permanent. A permanent program will give our international program participants the certainty and continuity they deserve. The State Department, the Travel Industry Association of America, and the National Governors' Association, all support a permanent Visa Waiver Program.

In the Full Committee mark-up I was able to add language that would substitute the word "terminate" wherever the word "rescind" appears. This would make the loss of the visa waiver privilege prospective from the date on which the termination goes into effect. The bill also provides that any national who is in the United States when the privilege is terminated would be permitted to remain lawfully until the end of the period for which he or she was admitted.

Another unintended consequence could occur if the provisions for reinstatement of the visa waiver privilege are not modified. If renewal of the privilege is sought after it has been taken away for cause, H.R. 3767 would require the country to meet the same standards that have to be met for an initial grant of the privilege. This includes showing that the average number of refusals for nonimmigrant visitor visas for the previous two fiscal years was less than 3% of the total number of visas that were requested for that period. A country that has just had the visa waiver privilege taken away would not have a record of visa requests to base such a statistic on. Its nationals would have been entering the United States without visas pursuant to the privilege. Consequently, such a country would not be able to satisfy this requirement for at least two years.

This bill authorizes the Attorney General to redesignate the country when six months have elapsed since the effective date of the termination; the emergency that caused the termination has ended; and the average number of refusals of nonimmigrant visitor visas for nationals of that country during the termination period was less than 3.0% of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during such period.

H.R. 3767 also provides that the designation of any country shall be considered terminated if a report on whether the privilege should be continued is not submitted every five years. The bill would require the Attorney General to reinstate the country when the required report is submitted. Of course, this would only apply if the report concludes that the country should continue as a program country.

In committee, Mr. Speaker, we had a heavy debate about the various conditions for admission to the visa waiver program. No more than 3% of a country's applications for U.S. non-immigrant visas can be refused. Currently, no countries in the Caribbean or Africa meet this threshold. I am troubled by this reality, and will continue to work with the Department of State to try to remedy this problem. We must still study why all the applicants for the visa waiver program in Africa and the Caribbean are being refused. The bill now prohibits the inclusion of any visa denied by the Department of State on the basis of race, sex, sexual orientation or disability—when calculating the visa refusal rate for determining the eligibility of a country for the waiver program. The Committee report language notes that it would be a violation of deeply-rooted American principles of equality of treatment and fair play to make determinations regarding visa eligibility based on discriminatory criteria.

Lastly, I am also very pleased to learn that an emerging and increasingly important trading partner, South Africa, already complies with one of the new provisions in H.R. 3767, in that the country already issues machine readable passports to its citizens. As recently as four years ago, South Africa had a visa refusal rate of less than 3%, and I would like to encourage the Department of State and the INS, through its Inter-Agency Working Group, to consider South Africa as a possible candidate in the near future. Entrance into the Visa Waiver Program could help in attracting many more visitors from that great nation, and would help to demonstrate our commitment to be a strong trade partner and friend.

In conclusion, Mr. Speaker, I urge Members to support H.R. 3767 in order to make the Visa Waiver Pilot Program permanent.

Mr. SMITH of Texas. Mr. Speaker, I have no other speakers, and I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, let me say up front that I intend to vote for this bill. I voted for it in the committee, and I will vote for it on the floor.

The notion of having a Visa Waiver Program is a good and honorable notion that I think all of us support. But I think we would be less than fair with our colleagues if we did not say up front that the criteria which is currently being used for countries to get into the Visa Waiver Program are not the right criteria.

Right now we are letting countries into the Visa Waiver Program based on the visa refusal rate that countries have experienced. And, unfortunately, there are a number of instances where that refusal rate is colored by considerations that ought not go into the evaluation: the race of applicants, the economic status of applicants, various biases that people who are considering whether to grant a visa or not are being taken into account. This is not the correct criteria.

The criteria which should be being used is whether people who come to our country overstay their visa authority in our country. We are trying to move to a system that evaluates that, and we do not have that system in place.

Now, the gentleman from Texas (Chairman SMITH) said 14 years is a long time to have a pilot program. The reason we have had a pilot program for 14 years is we have been working on this system, the valid reliable system that we ought to be using to determine whether countries are included in the Visa Waiver Program, for 14 years; and we still do not have the system in place.

The problem that I have with calling this a permanent program is that we, in effect, then are sanctioning the process or impliedly sanctioning the process of considering visa denials, which then sanctions the biases that are in that whole denial and approval process. And that is troubling to me.

So while I will support this bill, it is with the express understanding that we are moving to a system of evaluating visa overstays which ought to be the criteria for determining whether a country gets into this program or not, not some arbitrary race bias or economic bias or other biased process that quite often is the basis for refusing a visa in a source country in the first place.

That having been said, this is a program that is worthwhile. We hope we get the criteria right at some point, and I do encourage my colleagues to vote for the program even though I still have reservations about the criteria that we will be using on a short-term basis.

Ms. JACKSON-LEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I simply say that I associate myself with the comments of the distinguished gentleman from North Carolina (Mr. WATT) and acknowledge that we must continue to work through these issues that play into the discriminatory aspects of the law.

I would hope that, as we have cleared up discrimination in the United States with legislation and not cleared it up

in totality but cleared it up with at least a statement of being in opposition to discrimination on race, sex, sexual orientation, disability, that we would find the ability to do so and carry through on this issue of visas.

I would hope that we will continue the discussion on this legislation and, as well, that we will see the implementation of this program as a permanent program to be of value economically to the United States as well as to increase the very positive relations that we have with many of those nations who are on this visa list.

I would see us improving relations even more with our friends in the Caribbean, with our friends in Africa, and our friends additionally in South America and other parts who have not had this privilege if we can make determinations on overstays along with the issues of refusal rates.

With that, I would ask my colleagues to support this legislation.

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

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

Mr. Speaker, I just want to acknowledge the legitimate point made by our colleague, the gentleman from North Carolina (Mr. WATT), a minute ago. We do, in fact, need a better program to determine the visa overstay rates.

Mr. McCOLLUM. Mr. Speaker, I rise today to support the travel and tourism industry and to support legislation to make permanent the Visa Waiver Pilot Program. I am fortunate to represent one of the most popular tourist destinations in the country, Orlando, Florida. Over 38 million people visit the Orlando area each year, creating a total economic impact of more than $17 billion. Nearly 3 million of these visitors are from overseas, coming to Florida from Western Europe, South America and the Far East. Those visitors are essential to the local economy and well-being of the state of Florida.

Travel and tourism is one of the nation's top three industries providing jobs spanning across our communities, from employees at theme parks, museums, airlines, car rental companies, food service and hotels. The Visa Waiver program, which encourages international travel to the United States by waiving the visitor visa requirements for 29 countries, has added to the growth in overseas tourism. Frequent reauthorization of the pilot program creates confusion for those who work in the tourism industry and for individual travelers. H.R. 3767 makes this critical program permanent and also adds security enhancements that will make the program even more secure. Passage of this bill is a win-win for Congress and makes winners of the millions of constituents who work in the travel and tourism industry.

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3767, as amended.

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

A motion to reconsider was laid on the table.

CIVIL ASSET FORFEITURE REFORM ACT OF 2000

Mr. HYDE. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1658) to provide a more just and uniform procedure for Federal civil forfeitures, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Civil Asset Forfeiture Reform Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Creation of general rules relating to civil forfeiture proceedings.
Sec. 3. Compensation for damage to seized property.
Sec. 4. Attorney fees, costs, and interest.
Sec. 5. Seizure warrant requirement.
Sec. 6. Use of forfeited funds to pay restitution to crime victims.
Sec. 7. Civil forfeiture of real property.
Sec. 8. Stay of civil forfeiture case.
Sec. 9. Civil restraining orders.
Sec. 10. Cooperation among Federal prosecutors.
Sec. 11. Statute of limitations for civil forfeiture actions.
Sec. 12. Destruction or removal of property to prevent seizure.
Sec. 13. Fungible property in bank accounts.
Sec. 14. Fugitive disentitlement.
Sec. 15. Enforcement of foreign forfeiture judgment.
Sec. 16. Encouraging use of criminal forfeiture as an alternative to civil forfeiture.
Sec. 17. Access to records in bank secrecy jurisdictions
Sec. 18. Application to alien smuggling offenses.
Sec. 19. Enhanced visibility of the asset forfeiture program.
Sec. 20. Proceeds.
Sec. 21. Effective date.

SEC. 2. CREATION OF GENERAL RULES RELATING TO CIVIL FORFEITURE PROCEEDINGS.

(a) IN GENERAL.—Chapter 46 of title 18, United States Code, is amended by inserting after section 982 the following:

"§983. General rules for civil forfeiture proceedings

"(a) NOTICE; CLAIM; COMPLAINT.—

"(1)(A)(i) Except as provided in clauses (ii) through (v), in any nonjudicial civil forfeiture proceeding under a civil forfeiture statute, with respect to which the Government is required to send written notice to interested parties, such notice shall be sent in a manner to achieve proper notice as soon as practicable, and in no case more than 60 days after the date of the seizure.

"(ii) No notice is required if, before the 60-day period expires, the Government files a civil judicial forfeiture action against the property and provides notice of that action as required by law.

"(iii) If, before the 60-day period expires, the Government does not file a civil judicial forfeiture action, but does obtain a criminal indictment containing an allegation that the property is subject to forfeiture, the government shall either—

"(I) send notice within the 60 days and continue the nonjudicial civil forfeiture proceeding under this section; or

"(II) terminate the nonjudicial civil forfeiture proceeding, and take the steps necessary to preserve its right to maintain custody of the property as provided in the applicable criminal forfeiture statute.

"(iv) In a case in which the property is seized by a State or local law enforcement agency and turned over to a Federal law enforcement agency for the purpose of forfeiture under Federal law, notice shall be sent not more than 90 days after the date of seizure by the State or local law enforcement agency.

"(v) If the identity or interest of a party is not determined until after the seizure or turnover but is determined before a declaration of forfeiture is entered, notice shall be sent to such interested party not later than 60 days after the determination by the Government of the identity of the party or the party's interest.

"(B) A supervisory official in the headquarters office of the seizing agency may extend the period for sending notice under subparagraph (A) for a period not to exceed 30 days (which period may not be further extended except by a court), if the official determines that the conditions in subparagraph (D) are present.

"(C) Upon motion by the Government, a court may extend the period for sending notice under subparagraph (A) for a period not to exceed 60 days, which period may be further extended by the court for 60-day periods, as necessary, if the court determines, based on a written certification of a supervisory official in the headquarters office of the seizing agency, that the conditions in subparagraph (D) are present.

"(D) The period for sending notice under this paragraph may be extended only if there is reason to believe that notice may have an adverse result, including—

"(i) endangering the life or physical safety of an individual;

"(ii) flight from prosecution;

"(iii) destruction of or tampering with evidence;

"(iv) intimidation of potential witnesses; or

"(v) otherwise seriously jeopardizing an investigation or unduly delaying a trial.

"(E) Each of the Federal seizing agencies conducting nonjudicial forfeitures under this section shall report periodically to the Committees on the Judiciary of the House of Representatives and the Senate the number of occasions when an extension of time is granted under subparagraph (B).

"(F) If the Government does not send notice of a seizure of property in accordance with subparagraph (A) to the person from whom the property was seized, and no extension of time is granted, the Government shall return the property to that person without prejudice to the right of the Government to commence a forfeiture proceeding at a later time. The Government shall not be required to return contraband or other property that the person from whom the property was seized may not legally possess.

"(2)(A) Any person claiming property seized in a nonjudicial civil forfeiture proceeding under a civil forfeiture statute may file a claim with the appropriate official after the seizure.

"(B) A claim under subparagraph (A) may be filed not later than the deadline set forth in a personal notice letter (which deadline may be not earlier than 35 days after the date the letter is mailed), except that if that letter is not received, then a claim may be filed not later than

30 days after the date of final publication of notice of seizure.

''(C) A claim shall—

''(i) identify the specific property being claimed;

''(ii) state the claimant's interest in such property (and provide customary documentary evidence of such interest if available) and state that the claim is not frivolous; and

''(iii) be made under oath, subject to penalty of perjury.

''(D) A claim need not be made in any particular form. Each Federal agency conducting nonjudicial forfeitures under this section shall make claim forms generally available on request, which forms shall be written in easily understandable language.

''(E) Any person may make a claim under subparagraph (A) without posting bond with respect to the property which is the subject of the claim.

''(3)(A) Not later than 90 days after a claim has been filed, the Government shall file a complaint for forfeiture in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims or return the property pending the filing of a complaint, except that a court in the district in which the complaint will be filed may extend the period for filing a complaint for good cause shown or upon agreement of the parties.

''(B) If the Government does not—

''(i) file a complaint for forfeiture or return the property, in accordance with subparagraph (A); or

''(ii) before the time for filing a complaint has expired—

''(I) obtain a criminal indictment containing an allegation that the property is subject to forfeiture; and

''(II) take the steps necessary to preserve its right to maintain custody of the property as provided in the applicable criminal forfeiture statute,

the Government shall promptly release the property pursuant to regulations promulgated by the Attorney General, and may not take any further action to effect the civil forfeiture of such property in connection with the underlying offense.

''(C) In lieu of, or in addition to, filing a civil forfeiture complaint, the Government may include a forfeiture allegation in a criminal indictment. If criminal forfeiture is the only forfeiture proceeding commenced by the Government, the Government's right to continued possession of the property shall be governed by the applicable criminal forfeiture statute.

''(D) No complaint may be dismissed on the ground that the Government did not have adequate evidence at the time the complaint was filed to establish the forfeitability of the property.

''(4)(A) In any case in which the Government files in the appropriate United States district court a complaint for forfeiture of property, any person claiming an interest in the seized property may file a claim asserting such person's interest in the property in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims, except that such claim may be filed not later than 30 days after the date of service of the Government's complaint or, as applicable, not later than 30 days after the date of final publication of notice of the filing of the complaint.

''(B) A person asserting an interest in seized property, in accordance with subparagraph (A), shall file an answer to the Government's complaint for forfeiture not later than 20 days after the date of the filing of the claim.

''(b) REPRESENTATION.—

''(1)(A) If a person with standing to contest the forfeiture of property in a judicial civil forfeiture proceeding under a civil forfeiture statute is financially unable to obtain representation by counsel, and the person is represented by counsel appointed under section 3006A of this title in connection with a related criminal case, the court may authorize counsel to represent that person with respect to the claim.

''(B) In determining whether to authorize counsel to represent a person under subparagraph (A), the court shall take into account such factors as—

''(i) the person's standing to contest the forfeiture; and

''(ii) whether the claim appears to be made in good faith.

''(2)(A) If a person with standing to contest the forfeiture of property in a judicial civil forfeiture proceeding under a civil forfeiture statute is financially unable to obtain representation by counsel, and the property subject to forfeiture is real property that is being used by the person as a primary residence, the court, at the request of the person, shall insure that the person is represented by an attorney for the Legal Services Corporation with respect to the claim.

''(B)(i) At appropriate times during a representation under subparagraph (A), the Legal Services Corporation shall submit a statement of reasonable attorney fees and costs to the court.

''(ii) The court shall enter a judgment in favor of the Legal Services Corporation for reasonable attorney fees and costs submitted pursuant to clause (i) and treat such judgment as payable under section 2465 of title 28, United States Code, regardless of the outcome of the case.

''(3) The court shall set the compensation for representation under this subsection, which shall be equivalent to that provided for court-appointed representation under section 3006A of this title.

''(c) BURDEN OF PROOF.—In a suit or action brought under any civil forfeiture statute for the civil forfeiture of any property—

''(1) the burden of proof is on the Government to establish, by a preponderance of the evidence, that the property is subject to forfeiture;

''(2) the Government may use evidence gathered after the filing of a complaint for forfeiture to establish, by a preponderance of the evidence, that property is subject to forfeiture; and

''(3) if the Government's theory of forfeiture is that the property was used to commit or facilitate the commission of a criminal offense, or was involved in the commission of a criminal offense, the Government shall establish that there was a substantial connection between the property and the offense.

''(d) INNOCENT OWNER DEFENSE.—

''(1) An innocent owner's interest in property shall not be forfeited under any civil forfeiture statute. The claimant shall have the burden of proving that the claimant is an innocent owner by a preponderance of the evidence.

''(2)(A) With respect to a property interest in existence at the time the illegal conduct giving rise to forfeiture took place, the term 'innocent owner' means an owner who—

''(i) did not know of the conduct giving rise to forfeiture; or

''(ii) upon learning of the conduct giving rise to the forfeiture, did all that reasonably could be expected under the circumstances to terminate such use of the property.

''(B)(i) For the purposes of this paragraph, ways in which a person may show that such person did all that reasonably could be expected may include demonstrating that such person, to the extent permitted by law—

''(I) gave timely notice to an appropriate law enforcement agency of information that led the person to know the conduct giving rise to a forfeiture would occur or has occurred; and

''(II) in a timely fashion revoked or made a good faith attempt to revoke permission for those engaging in such conduct to use the property or took reasonable actions in consultation with a law enforcement agency to discourage or prevent the illegal use of the property.

''(ii) A person is not required by this subparagraph to take steps that the person reasonably believes would be likely to subject any person (other than the person whose conduct gave rise to the forfeiture) to physical danger.

''(3)(A) With respect to a property interest acquired after the conduct giving rise to the forfeiture has taken place, the term 'innocent owner' means a person who, at the time that person acquired the interest in the property—

''(i) was a bona fide purchaser or seller for value (including a purchaser or seller of goods or services for value); and

''(ii) did not know and was reasonably without cause to believe that the property was subject to forfeiture.

''(B) An otherwise valid claim under subparagraph (A) shall not be denied on the ground that the claimant gave nothing of value in exchange for the property if—

''(i) the property is the primary residence of the claimant;

''(ii) depriving the claimant of the property would deprive the claimant of the means to maintain reasonable shelter in the community for the claimant and all dependents residing with the claimant;

''(iii) the property is not, and is not traceable to, the proceeds of any criminal offense; and

''(iv) the claimant acquired his or her interest in the property through marriage, divorce, or legal separation, or the claimant was the spouse or legal dependent of a person whose death resulted in the transfer of the property to the claimant through inheritance or probate;

except that the court shall limit the value of any real property interest for which innocent ownership is recognized under this subparagraph to the value necessary to maintain reasonable shelter in the community for such claimant and all dependents residing with the claimant.

''(4) Notwithstanding any provision of this subsection, no person may assert an ownership interest under this subsection in contraband or other property that it is illegal to possess.

''(5) If the court determines, in accordance with this section, that an innocent owner has a partial interest in property otherwise subject to forfeiture, or a joint tenancy or tenancy by the entirety in such property, the court may enter an appropriate order—

''(A) severing the property;

''(B) transferring the property to the Government with a provision that the Government compensate the innocent owner to the extent of his or her ownership interest once a final order of forfeiture has been entered and the property has been reduced to liquid assets; or

''(C) permitting the innocent owner to retain the property subject to a lien in favor of the Government to the extent of the forfeitable interest in the property.

''(6) In this subsection, the term 'owner'—

''(A) means a person with an ownership interest in the specific property sought to be forfeited, including a leasehold, lien, mortgage, recorded security interest, or valid assignment of an ownership interest; and

''(B) does not include—

''(i) a person with only a general unsecured interest in, or claim against, the property or estate of another;

''(ii) a bailee unless the bailor is identified and the bailee shows a colorable legitimate interest in the property seized; or

''(iii) a nominee who exercises no dominion or control over the property.

''(e) MOTION TO SET ASIDE FORFEITURE.—

''(1) Any person entitled to written notice in any nonjudicial civil forfeiture proceeding under a civil forfeiture statute who does not receive such notice may file a motion to set aside

a declaration of forfeiture with respect to that person's interest in the property, which motion shall be granted if—

''(A) the Government knew, or reasonably should have known, of the moving party's interest and failed to take reasonable steps to provide such party with notice; and

''(B) the moving party did not know or have reason to know of the seizure within sufficient time to file a timely claim.

''(2)(A) Notwithstanding the expiration of any applicable statute of limitations, if the court grants a motion under paragraph (1), the court shall set aside the declaration of forfeiture as to the interest of the moving party without prejudice to the right of the Government to commence a subsequent forfeiture proceeding as to the interest of the moving party.

''(B) Any proceeding described in subparagraph (A) shall be commenced—

''(i) if nonjudicial, within 60 days of the entry of the order granting the motion; or

''(ii) if judicial, within 6 months of the entry of the order granting the motion.

''(3) A motion under paragraph (1) may be filed not later than 5 years after the date of final publication of notice of seizure of the property.

''(4) If, at the time a motion made under paragraph (1) is granted, the forfeited property has been disposed of by the Government in accordance with law, the Government may institute proceedings against a substitute sum of money equal to the value of the moving party's interest in the property at the time the property was disposed of.

''(5) A motion filed under this subsection shall be the exclusive remedy for seeking to set aside a declaration of forfeiture under a civil forfeiture statute.

''(f) RELEASE OF SEIZED PROPERTY.—

''(1) A claimant under subsection (a) is entitled to immediate release of seized property if—

''(A) the claimant has a possessory interest in the property;

''(B) the claimant has sufficient ties to the community to provide assurance that the property will be available at the time of the trial;

''(C) the continued possession by the Government pending the final disposition of forfeiture proceedings will cause substantial hardship to the claimant, such as preventing the functioning of a business, preventing an individual from working, or leaving an individual homeless;

''(D) the claimant's likely hardship from the continued possession by the Government of the seized property outweighs the risk that the property will be destroyed, damaged, lost, concealed, or transferred if it is returned to the claimant during the pendency of the proceeding; and

''(E) none of the conditions set forth in paragraph (8) applies.

''(2) A claimant seeking release of property under this subsection must request possession of the property from the appropriate official, and the request must set forth the basis on which the requirements of paragraph (1) are met.

''(3)(A) If not later than 15 days after the date of a request under paragraph (2) the property has not been released, the claimant may file a petition in the district court in which the complaint has been filed or, if no complaint has been filed, in the district court in which the seizure warrant was issued or in the district court for the district in which the property was seized.

''(B) The petition described in subparagraph (A) shall set forth—

''(i) the basis on which the requirements of paragraph (1) are met; and

''(ii) the steps the claimant has taken to secure release of the property from the appropriate official.

''(4) If the Government establishes that the claimant's claim is frivolous, the court shall deny the petition. In responding to a petition under this subsection on other grounds, the Government may in appropriate cases submit evidence ex parte in order to avoid disclosing any matter that may adversely affect an ongoing criminal investigation or pending criminal trial.

''(5) The court shall render a decision on a petition filed under paragraph (3) not later than 30 days after the date of the filing, unless such 30-day limitation is extended by consent of the parties or by the court for good cause shown.

''(6) If—

''(A) a petition is filed under paragraph (3); and

''(B) the claimant demonstrates that the requirements of paragraph (1) have been met; the district court shall order that the property be returned to the claimant, pending completion of proceedings by the Government to obtain forfeiture of the property.

''(7) If the court grants a petition under paragraph (3)—

''(A) the court may enter any order necessary to ensure that the value of the property is maintained while the forfeiture action is pending, including—

''(i) permitting the inspection, photographing, and inventory of the property;

''(ii) fixing a bond in accordance with rule E(5) of the Supplemental Rules for Certain Admiralty and Maritime Claims; and

''(iii) requiring the claimant to obtain or maintain insurance on the subject property; and

''(B) the Government may place a lien against the property or file a lis pendens to ensure that the property is not transferred to another person.

''(8) This subsection shall not apply if the seized property—

''(A) is contraband, currency, or other monetary instrument, or electronic funds unless such currency or other monetary instrument or electronic funds constitutes the assets of a legitimate business which has been seized;

''(B) is to be used as evidence of a violation of the law;

''(C) by reason of design or other characteristic, is particularly suited for use in illegal activities; or

''(D) is likely to be used to commit additional criminal acts if returned to the claimant.

''(g) PROPORTIONALITY.—

''(1) The claimant under subsection (a)(4) may petition the court to determine whether the forfeiture was constitutionally excessive.

''(2) In making this determination, the court shall compare the forfeiture to the gravity of the offense giving rise to the forfeiture.

''(3) The claimant shall have the burden of establishing that the forfeiture is grossly disproportional by a preponderance of the evidence at a hearing conducted by the court without a jury.

''(4) If the court finds that the forfeiture is grossly disproportional to the offense it shall reduce or eliminate the forfeiture as necessary to avoid a violation of the Excessive Fines Clause of the Eighth Amendment of the Constitution.

''(h) CIVIL FINE.—

''(1) In any civil forfeiture proceeding under a civil forfeiture statute in which the Government prevails, if the court finds that the claimant's assertion of an interest in the property was frivolous, the court may impose a civil fine on the claimant of an amount equal to 10 percent of the value of the forfeited property, but in no event shall the fine be less than $250 or greater than $5,000.

''(2) Any civil fine imposed under this subsection shall not preclude the court from imposing sanctions under rule 11 of the Federal Rules of Civil Procedure.

''(3) In addition to the limitations of section 1915 of title 28, United States Code, in no event shall a prisoner file a claim under a civil forfeiture statute or appeal a judgment in a civil action or proceeding based on a civil forfeiture statute if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous or malicious, unless the prisoner shows extraordinary and exceptional circumstances.

''(i) CIVIL FORFEITURE STATUTE DEFINED.—In this section, the term 'civil forfeiture statute'—

''(1) means any provision of Federal law providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense; and

''(2) does not include—

''(A) the Tariff Act of 1930 or any other provision of law codified in title 19;

''(B) the Internal Revenue Code of 1986;

''(C) the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.);

''(D) the Trading with the Enemy Act (50 U.S.C. App. 1 et seq.); or

''(E) section 1 of title VI of the Act of June 15, 1917 (40 Stat. 233; 22 U.S.C. 401).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 46 of title 18, United States Code, is amended by inserting after the item relating to section 982 the following:

''983. General rules for civil forfeiture proceedings.''.

(c) STRIKING SUPERSEDED PROVISIONS.—

(1) CIVIL FORFEITURE.—Section 981(a) of title 18, United States Code, is amended—

(A) in paragraph (1), by striking ''Except as provided in paragraph (2), the'' and inserting ''The''; and

(B) by striking paragraph (2).

(2) DRUG FORFEITURES.—Paragraphs (4), (6) and (7) of section 511(a) of the Controlled Substances Act (21 U.S.C. 881(a) (4), (6) and (7)) are each amended by striking '', except that'' and all that follows before the period at the end.

(3) AUTOMOBILES.—Section 518 of the Controlled Substances Act (21 U.S.C. 888) is repealed.

(4) FORFEITURES IN CONNECTION WITH SEXUAL EXPLOITATION OF CHILDREN.—Paragraphs (2) and (3) of section 2254(a) of title 18, United States Code, are each amended by striking '', except that'' and all that follows before the period at the end.

(d) LEGAL SERVICES CORPORATION REPRESENTATION.—Section 1007(a) of the Legal Services Corporation Act (42 U.S.C. 2996f(a)) is amended—

(1) in paragraph (9), by striking ''and'' after the semicolon;

(2) In paragraph (10), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(11) ensure that an indigent individual whose primary residence is subject to civil forfeiture is represented by an attorney for the Corporation in such civil action.''

SEC. 3. COMPENSATION FOR DAMAGE TO SEIZED PROPERTY.

(a) TORT CLAIMS ACT.—Section 2680(c) of title 28, United States Code, is amended—

(1) by striking ''any goods or merchandise'' and inserting ''any goods, merchandise, or other property'';

(2) by striking ''law-enforcement'' and inserting ''law enforcement''; and

(3) by inserting before the period at the end the following: '', except that the provisions of this chapter and section 1346(b) of this title apply to any claim based on injury or loss of goods, merchandise, or other property, while in the possession of any officer of customs or excise or any other law enforcement officer, if—

''(1) the property was seized for the purpose of forfeiture under any provision of Federal law providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense;

''(2) the interest of the claimant was not forfeited;

''(3) the interest of the claimant was not remitted or mitigated (if the property was subject to forfeiture); and

''(4) the claimant was not convicted of a crime for which the interest of the claimant in the property was subject to forfeiture under a Federal criminal forfeiture law.''.

(b) DEPARTMENT OF JUSTICE.—

(1) IN GENERAL.—With respect to a claim that cannot be settled under chapter 171 of title 28, United States Code, the Attorney General may settle, for not more than $50,000 in any case, a claim for damage to, or loss of, privately owned property caused by an investigative or law enforcement officer (as defined in section 2680(h) of title 28, United States Code) who is employed by the Department of Justice acting within the scope of his or her employment.

(2) LIMITATIONS.—The Attorney General may not pay a claim under paragraph (1) that—

(A) is presented to the Attorney General more than 1 year after it accrues; or

(B) is presented by an officer or employee of the Federal Government and arose within the scope of employment.

SEC. 4. ATTORNEY FEES, COSTS, AND INTEREST.

(a) IN GENERAL.—Section 2465 of title 28, United States Code, is amended to read as follows:

''§2465. Return of property to claimant; liability for wrongful seizure; attorney fees, costs, and interest

''(a) Upon the entry of a judgment for the claimant in any proceeding to condemn or forfeit property seized or arrested under any provision of Federal law—

''(1) such property shall be returned forthwith to the claimant or his agent; and

''(2) if it appears that there was reasonable cause for the seizure or arrest, the court shall cause a proper certificate thereof to be entered and, in such case, neither the person who made the seizure or arrest nor the prosecutor shall be liable to suit or judgment on account of such suit or prosecution, nor shall the claimant be entitled to costs, except as provided in subsection (b).

''(b)(1) Except as provided in paragraph (2), in any civil proceeding to forfeit property under any provision of Federal law in which the claimant substantially prevails, the United States shall be liable for—

''(A) reasonable attorney fees and other litigation costs reasonably incurred by the claimant;

''(B) post-judgment interest, as set forth in section 1961 of this title; and

''(C) in cases involving currency, other negotiable instruments, or the proceeds of an interlocutory sale—

''(i) interest actually paid to the United States from the date of seizure or arrest of the property that resulted from the investment of the property in an interest-bearing account or instrument; and

''(ii) an imputed amount of interest that such currency, instruments, or proceeds would have earned at the rate applicable to the 30-day Treasury Bill, for any period during which no interest was paid (not including any period when the property reasonably was in use as evidence in an official proceeding or in conducting scientific tests for the purpose of collecting evidence), commencing 15 days after the property was seized by a Federal law enforcement agency, or was turned over to a Federal law enforcement agency by a State or local law enforcement agency.

''(2)(A) The United States shall not be required to disgorge the value of any intangible benefits nor make any other payments to the claimant not specifically authorized by this subsection.

''(B) The provisions of paragraph (1) shall not apply if the claimant is convicted of a crime for which the interest of the claimant in the property was subject to forfeiture under a Federal criminal forfeiture law.

''(C) If there are multiple claims to the same property, the United States shall not be liable for costs and attorneys fees associated with any such claim if the United States—

''(i) promptly recognizes such claim;

''(ii) promptly returns the interest of the claimant in the property to the claimant, if the property can be divided without difficulty and there are no competing claims to that portion of the property;

''(iii) does not cause the claimant to incur additional, reasonable costs or fees; and

''(iv) prevails in obtaining forfeiture with respect to one or more of the other claims.

''(D) If the court enters judgment in part for the claimant and in part for the Government, the court shall reduce the award of costs and attorney fees accordingly.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 163 of title 28, United States Code, is amended by striking the item relating to section 2465 and inserting following:

''2465. Return of property to claimant; liability for wrongful seizure; attorney fees, costs, and interest.''.

SEC. 5. SEIZURE WARRANT REQUIREMENT.

(a) IN GENERAL.—Section 981(b) of title 18, United States Code, is amended to read as follows:

''(b)(1) Except as provided in section 985, any property subject to forfeiture to the United States under subsection (a) may be seized by the Attorney General and, in the case of property involved in a violation investigated by the Secretary of the Treasury or the United States Postal Service, the property may also be seized by the Secretary of the Treasury or the Postal Service, respectively.

''(2) Seizures pursuant to this section shall be made pursuant to a warrant obtained in the same manner as provided for a search warrant under the Federal Rules of Criminal Procedure, except that a seizure may be made without a warrant if—

''(A) a complaint for forfeiture has been filed in the United States district court and the court issued an arrest warrant in rem pursuant to the Supplemental Rules for Certain Admiralty and Maritime Claims;

''(B) there is probable cause to believe that the property is subject to forfeiture and—

''(i) the seizure is made pursuant to a lawful arrest or search; or

''(ii) another exception to the Fourth Amendment warrant requirement would apply; or

''(C) the property was lawfully seized by a State or local law enforcement agency and transferred to a Federal agency.

''(3) Notwithstanding the provisions of rule 41(a) of the Federal Rules of Criminal Procedure, a seizure warrant may be issued pursuant to this subsection by a judicial officer in any district in which a forfeiture action against the property may be filed under section 1355(b) of title 28, and may be executed in any district in which the property is found, or transmitted to the central authority of any foreign state for service in accordance with any treaty or other international agreement. Any motion for the return of property seized under this section shall be filed in the district court in which the seizure warrant was issued or in the district court for the district in which the property was seized.

''(4)(A) If any person is arrested or charged in a foreign country in connection with an offense that would give rise to the forfeiture of property in the United States under this section or under the Controlled Substances Act, the Attorney General may apply to any Federal judge or magistrate judge in the district in which the property is located for an ex parte order restraining the property subject to forfeiture for not more than 30 days, except that the time may be extended for good cause shown at a hearing conducted in the manner provided in rule 43(e) of the Federal Rules of Civil Procedure.

''(B) The application for the restraining order shall set forth the nature and circumstances of the foreign charges and the basis for belief that the person arrested or charged has property in the United States that would be subject to forfeiture, and shall contain a statement that the restraining order is needed to preserve the availability of property for such time as is necessary to receive evidence from the foreign country or elsewhere in support of probable cause for the seizure of the property under this subsection.''.

(b) DRUG FORFEITURES.—Section 511(b) of the Controlled Substances Act (21 U.S.C. 881(b)) is amended to read as follows:

''(b) SEIZURE PROCEDURES.—Any property subject to forfeiture to the United States under this section may be seized by the Attorney General in the manner set forth in section 981(b) of title 18, United States Code.''.

SEC. 6. USE OF FORFEITED FUNDS TO PAY RESTITUTION TO CRIME VICTIMS.

Section 981(e) of title 18, United States Code, is amended by striking paragraph (6) and inserting the following:

''(6) as restoration to any victim of the offense giving rise to the forfeiture, including, in the case of a money laundering offense, any offense constituting the underlying specified unlawful activity; or''.

SEC. 7. CIVIL FORFEITURE OF REAL PROPERTY.

(a) IN GENERAL.—Chapter 46 of title 18, United States Code, is amended by inserting after section 984 the following:

''§985. Civil forfeiture of real property

''(a) Notwithstanding any other provision of law, all civil forfeitures of real property and interests in real property shall proceed as judicial forfeitures.

''(b)(1) Except as provided in this section—

''(A) real property that is the subject of a civil forfeiture action shall not be seized before entry of an order of forfeiture; and

''(B) the owners or occupants of the real property shall not be evicted from, or otherwise deprived of the use and enjoyment of, real property that is the subject of a pending forfeiture action.

''(2) The filing of a lis pendens and the execution of a writ of entry for the purpose of conducting an inspection and inventory of the property shall not be considered a seizure under this subsection.

''(c)(1) The Government shall initiate a civil forfeiture action against real property by—

''(A) filing a complaint for forfeiture;

''(B) posting a notice of the complaint on the property; and

''(C) serving notice on the property owner, along with a copy of the complaint.

''(2) If the property owner cannot be served with the notice under paragraph (1) because the owner—

''(A) is a fugitive;

''(B) resides outside the United States and efforts at service pursuant to rule 4 of the Federal Rules of Civil Procedure are unavailing; or

''(C) cannot be located despite the exercise of due diligence,

constructive service may be made in accordance with the laws of the State in which the property is located.

''(3) If real property has been posted in accordance with this subsection, it shall not be necessary for the court to issue an arrest warrant in rem, or to take any other action to establish in rem jurisdiction over the property.

''(d)(1) Real property may be seized prior to the entry of an order of forfeiture if—

''(A) the Government notifies the court that it intends to seize the property before trial; and

''(B) the court—

''(i) issues a notice of application for warrant, causes the notice to be served on the property owner and posted on the property, and conducts a hearing in which the property owner has a meaningful opportunity to be heard; or

''(ii) makes an ex parte determination that there is probable cause for the forfeiture and that there are exigent circumstances that permit the Government to seize the property without prior notice and an opportunity for the property owner to be heard.

''(2) For purposes of paragraph (1)(B)(ii), to establish exigent circumstances, the Government shall show that less restrictive measures such as a lis pendens, restraining order, or bond would not suffice to protect the Government's interests in preventing the sale, destruction, or continued unlawful use of the real property.

''(e) If the court authorizes a seizure of real property under subsection (d)(1)(B)(ii), it shall conduct a prompt post-seizure hearing during which the property owner shall have an opportunity to contest the basis for the seizure.

''(f) This section—

''(1) applies only to civil forfeitures of real property and interests in real property;

''(2) does not apply to forfeitures of the proceeds of the sale of such property or interests, or of money or other assets intended to be used to acquire such property or interests; and

''(3) shall not affect the authority of the court to enter a restraining order relating to real property.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 46 of title 18, United States Code, is amended by inserting after the item relating to section 984 the following:

''985. Civil forfeiture of real property.''.

SEC. 8. STAY OF CIVIL FORFEITURE CASE.

(a) IN GENERAL.—Section 981(g) of title 18, United States Code, is amended to read as follows:

''(g)(1) Upon the motion of the United States, the court shall stay the civil forfeiture proceeding if the court determines that civil discovery will adversely affect the ability of the Government to conduct a related criminal investigation or the prosecution of a related criminal case.

''(2) Upon the motion of a claimant, the court shall stay the civil forfeiture proceeding with respect to that claimant if the court determines that—

''(A) the claimant is the subject of a related criminal investigation or case;

''(B) the claimant has standing to assert a claim in the civil forfeiture proceeding; and

''(C) continuation of the forfeiture proceeding will burden the right of the claimant against self-incrimination in the related investigation or case.

''(3) With respect to the impact of civil discovery described in paragraphs (1) and (2), the court may determine that a stay is unnecessary if a protective order limiting discovery would protect the interest of 1 party without unfairly limiting the ability of the opposing party to pursue the civil case. In no case, however, shall the court impose a protective order as an alternative to a stay if the effect of such protective order would be to allow 1 party to pursue discovery while the other party is substantially unable to do so.

''(4) In this subsection, the terms 'related criminal case' and 'related criminal investigation' mean an actual prosecution or investigation in progress at the time at which the request for the stay, or any subsequent motion to lift the stay is made. In determining whether a criminal case or investigation is 'related' to a civil forfeiture proceeding, the court shall consider the degree of similarity between the parties, witnesses, facts, and circumstances involved in the 2 proceedings, without requiring an identity with respect to any 1 or more factors.

''(5) In requesting a stay under paragraph (1), the Government may, in appropriate cases, submit evidence ex parte in order to avoid disclosing any matter that may adversely affect an ongoing criminal investigation or pending criminal trial.

''(6) Whenever a civil forfeiture proceeding is stayed pursuant to this subsection, the court shall enter any order necessary to preserve the value of the property or to protect the rights of lienholders or other persons with an interest in the property while the stay is in effect.

''(7) A determination by the court that the claimant has standing to request a stay pursuant to paragraph (2) shall apply only to this subsection and shall not preclude the Government from objecting to the standing of the claimant by dispositive motion or at the time of trial.''.

(b) DRUG FORFEITURES.—Section 511(i) of the Controlled Substances Act (21 U.S.C. 881(i)) is amended to read as follows:

''(i) The provisions of section 981(g) of title 18, United States Code, regarding the stay of a civil forfeiture proceeding shall apply to forfeitures under this section.''.

SEC. 9. CIVIL RESTRAINING ORDERS.

Section 983 of title 18, United States Code, as added by this Act, is amended by adding at the end the following:

''(j) RESTRAINING ORDERS; PROTECTIVE ORDERS.—

''(1) Upon application of the United States, the court may enter a restraining order or injunction, require the execution of satisfactory performance bonds, create receiverships, appoint conservators, custodians, appraisers, accountants, or trustees, or take any other action to seize, secure, maintain, or preserve the availability of property subject to civil forfeiture—

''(A) upon the filing of a civil forfeiture complaint alleging that the property with respect to which the order is sought is subject to civil forfeiture; or

''(B) prior to the filing of such a complaint, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that—

''(i) there is a substantial probability that the United States will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

''(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered.

''(2) An order entered pursuant to paragraph (1)(B) shall be effective for not more than 90 days, unless extended by the court for good cause shown, or unless a complaint described in paragraph (1)(A) has been filed.

''(3) A temporary restraining order under this subsection may be entered upon application of the United States without notice or opportunity for a hearing when a complaint has not yet been filed with respect to the property, if the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought is subject to civil forfeiture and that provision of notice will jeopardize the availability of the property for forfeiture. Such a temporary order shall expire not more than 10 days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time and prior to the expiration of the temporary order.

''(4) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.''.

SEC. 10. COOPERATION AMONG FEDERAL PROSECUTORS.

Section 3322(a) of title 18, United States Code, is amended—

(1) by striking ''civil forfeiture under section 981 of title 18, United States Code, of property described in section 981(a)(1)(C) of such title'' and inserting ''any civil forfeiture provision of Federal law''; and

(2) by striking ''concerning a banking law violation''.

SEC. 11. STATUTE OF LIMITATIONS FOR CIVIL FORFEITURE ACTIONS.

Section 621 of the Tariff Act of 1930 (19 U.S.C. 1621) is amended by inserting '', or in the case of forfeiture, within 2 years after the time when the involvement of the property in the alleged offense was discovered, whichever was later'' after ''within five years after the time when the alleged offense was discovered''.

SEC. 12. DESTRUCTION OR REMOVAL OF PROPERTY TO PREVENT SEIZURE.

Section 2232 of title 18, United States Code, is amended—

(1) by striking subsections (a) and (b);

(2) by inserting ''(e) FOREIGN INTELLIGENCE SURVEILLANCE.—'' before ''Whoever, having knowledge that a Federal officer'';

(3) by redesignating subsection (c) as subsection (d); and

(4) by inserting before subsection (d), as redesignated, the following:

''(a) DESTRUCTION OR REMOVAL OF PROPERTY TO PREVENT SEIZURE.—Whoever, before, during, or after any search for or seizure of property by any person authorized to make such search or seizure, knowingly destroys, damages, wastes, disposes of, transfers, or otherwise takes any action, or knowingly attempts to destroy, damage, waste, dispose of, transfer, or otherwise take any action, for the purpose of preventing or impairing the Government's lawful authority to take such property into its custody or control or to continue holding such property under its lawful custody and control, shall be fined under this title or imprisoned not more than 5 years, or both.

''(b) IMPAIRMENT OF IN REM JURISDICTION.—Whoever, knowing that property is subject to the in rem jurisdiction of a United States court for purposes of civil forfeiture under Federal law, knowingly and without authority from that court, destroys, damages, wastes, disposes of, transfers, or otherwise takes any action, or knowingly attempts to destroy, damage, waste, dispose of, transfer, or otherwise take any action, for the purpose of impairing or defeating

the court's continuing in rem jurisdiction over the property, shall be fined under this title or imprisoned not more than 5 years, or both.

''(c) NOTICE OF SEARCH OR EXECUTION OF SEIZURE WARRANT OR WARRANT OF ARREST IN REM.—Whoever, having knowledge that any person authorized to make searches and seizures, or to execute a seizure warrant or warrant of arrest in rem, in order to prevent the authorized seizing or securing of any person or property, gives notice or attempts to give notice in advance of the search, seizure, or execution of a seizure warrant or warrant of arrest in rem, to any person shall be fined under this title or imprisoned not more than 5 years, or both.''.

SEC. 13. FUNGIBLE PROPERTY IN BANK ACCOUNTS.

(a) IN GENERAL.—Section 984 of title 18, United States Code, is amended—

(1) by striking subsection (a) and redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively;

(2) in subsection (a), as redesignated—

(A) by striking ''or other fungible property'' and inserting ''or precious metals''; and

(B) in paragraph (2), by striking ''subsection (c)'' and inserting ''subsection (b)'';

(3) in subsection (c), as redesignated—

(A) by striking paragraph (1) and inserting the following: ''(1) Subsection (a) does not apply to an action against funds held by a financial institution in an interbank account unless the account holder knowingly engaged in the offense that is the basis for the forfeiture.''; and

(B) in paragraph (2), by striking ''(2) As used in this section, the term'' and inserting the following:

''(2) In this subsection—

''(A) the term 'financial institution' includes a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978 (12 U.S.C. 3101(b)(7))); and

''(B) the term''; and

(4) by adding at the end the following:

''(d) Nothing in this section may be construed to limit the ability of the Government to forfeit property under any provision of law if the property involved in the offense giving rise to the forfeiture or property traceable thereto is available for forfeiture.''.

SEC. 14. FUGITIVE DISENTITLEMENT.

(a) IN GENERAL.—Chapter 163 of title 28, United States Code, is amended by adding at the end the following:

''§2466. Fugitive disentitlement

''A judicial officer may disallow a person from using the resources of the courts of the United States in furtherance of a claim in any related civil forfeiture action or a claim in third party proceedings in any related criminal forfeiture action upon a finding that such person—

''(1) after notice or knowledge of the fact that a warrant or process has been issued for his apprehension, in order to avoid criminal prosecution—

''(A) purposely leaves the jurisdiction of the United States;

''(B) declines to enter or reenter the United States to submit to its jurisdiction; or

''(C) otherwise evades the jurisdiction of the court in which a criminal case is pending against the person; and

''(2) is not confined or held in custody in any other jurisdiction for commission of criminal conduct in that jurisdiction.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 163 of title 28, United States Code, is amended by adding at the end the following:

''2466. Fugitive disentitlement.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any case pending on or after the date of enactment of this Act.

SEC. 15. ENFORCEMENT OF FOREIGN FORFEITURE JUDGMENT.

(a) IN GENERAL.—Chapter 163 of title 28, United States Code, is amended by adding at the end the following:

''§2467. Enforcement of foreign judgment

''(a) DEFINITIONS.—In this section—

''(1) the term 'foreign nation' means a country that has become a party to the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (referred to in this section as the 'United Nations Convention') or a foreign jurisdiction with which the United States has a treaty or other formal international agreement in effect providing for mutual forfeiture assistance; and

''(2) the term 'forfeiture or confiscation judgment' means a final order of a foreign nation compelling a person or entity—

''(A) to pay a sum of money representing the proceeds of an offense described in Article 3, Paragraph 1, of the United Nations Convention, or any foreign offense described in section 1956(c)(7)(B) of title 18, or property the value of which corresponds to such proceeds; or

''(B) to forfeit property involved in or traceable to the commission of such offense.

''(b) REVIEW BY ATTORNEY GENERAL.—

''(1) IN GENERAL.—A foreign nation seeking to have a forfeiture or confiscation judgment registered and enforced by a district court of the United States under this section shall first submit a request to the Attorney General or the designee of the Attorney General, which request shall include—

''(A) a summary of the facts of the case and a description of the proceedings that resulted in the forfeiture or confiscation judgment;

''(B) certified copy of the forfeiture or confiscation judgment;

''(C) an affidavit or sworn declaration establishing that the defendant received notice of the proceedings in sufficient time to enable the defendant to defend against the charges and that the judgment rendered is in force and is not subject to appeal; and

''(D) such additional information and evidence as may be required by the Attorney General or the designee of the Attorney General.

''(2) CERTIFICATION OF REQUEST.—The Attorney General or the designee of the Attorney General shall determine whether, in the interest of justice, to certify the request, and such decision shall be final and not subject to either judicial review or review under subchapter II of chapter 5, or chapter 7, of title 5 (commonly known as the 'Administrative Procedure Act').

''(c) JURISDICTION AND VENUE.—

''(1) IN GENERAL.—If the Attorney General or the designee of the Attorney General certifies a request under subsection (b), the United States may file an application on behalf of a foreign nation in district court of the United States seeking to enforce the foreign forfeiture or confiscation judgment as if the judgment had been entered by a court in the United States.

''(2) PROCEEDINGS.—In a proceeding filed under paragraph (1)—

''(A) the United States shall be the applicant and the defendant or another person or entity affected by the forfeiture or confiscation judgment shall be the respondent;

''(B) venue shall lie in the district court for the District of Columbia or in any other district in which the defendant or the property that may be the basis for satisfaction of a judgment under this section may be found; and

''(C) the district court shall have personal jurisdiction over a defendant residing outside of the United States if the defendant is served with process in accordance with rule 4 of the Federal Rules of Civil Procedure.

''(d) ENTRY AND ENFORCEMENT OF JUDGMENT.—

''(1) IN GENERAL.—The district court shall enter such orders as may be necessary to enforce the judgment on behalf of the foreign nation unless the court finds that—

''(A) the judgment was rendered under a system that provides tribunals or procedures incompatible with the requirements of due process of law;

''(B) the foreign court lacked personal jurisdiction over the defendant;

''(C) the foreign court lacked jurisdiction over the subject matter;

''(D) the defendant in the proceedings in the foreign court did not receive notice of the proceedings in sufficient time to enable him or her to defend; or

''(E) the judgment was obtained by fraud.

''(2) PROCESS.—Process to enforce a judgment under this section shall be in accordance with rule 69(a) of the Federal Rules of Civil Procedure.

''(e) FINALITY OF FOREIGN FINDINGS.—In entering orders to enforce the judgment, the court shall be bound by the findings of fact to the extent that they are stated in the foreign forfeiture or confiscation judgment.

''(f) CURRENCY CONVERSION.—The rate of exchange in effect at the time the suit to enforce is filed by the foreign nation shall be used in calculating the amount stated in any forfeiture or confiscation judgment requiring the payment of a sum of money submitted for registration.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 163 of title 28, United States Code, is amended by adding at the end the following:

''2467. Enforcement of foreign judgment.''.

SEC. 16. ENCOURAGING USE OF CRIMINAL FORFEITURE AS AN ALTERNATIVE TO CIVIL FORFEITURE.

Section 2461 of title 28, United States Code, is amended by adding at the end the following:

''(c) If a forfeiture of property is authorized in connection with a violation of an Act of Congress, and any person is charged in an indictment or information with such violation but no specific statutory provision is made for criminal forfeiture upon conviction, the Government may include the forfeiture in the indictment or information in accordance with the Federal Rules of Criminal Procedure, and upon conviction, the court shall order the forfeiture of the property in accordance with the procedures set forth in section 413 of the Controlled Substances Act (21 U.S.C. 853), other than subsection (d) of that section.''.

SEC. 17. ACCESS TO RECORDS IN BANK SECRECY JURISDICTIONS.

Section 986 of title 18, United States Code, is amended by adding at the end the following:

''(d) ACCESS TO RECORDS IN BANK SECRECY JURISDICTIONS.—

''(1) IN GENERAL.—In any civil forfeiture case, or in any ancillary proceeding in any criminal forfeiture case governed by section 413(n) of the Controlled Substances Act (21 U.S.C. 853(n)), in which—

''(A) financial records located in a foreign country may be material—

''(i) to any claim or to the ability of the Government to respond to such claim; or

''(ii) in a civil forfeiture case, to the ability of the Government to establish the forfeitability of the property; and

''(B) it is within the capacity of the claimant to waive the claimant's rights under applicable financial secrecy laws, or to obtain the records so that such records can be made available notwithstanding such secrecy laws;

the refusal of the claimant to provide the records in response to a discovery request or to take the action necessary otherwise to make the records available shall be grounds for judicial sanctions, up to and including dismissal of the claim with prejudice.

''(2) PRIVILEGE.—This subsection shall not affect the right of the claimant to refuse production on the basis of any privilege guaranteed by the Constitution of the United States or any other provision of Federal law.''.

SEC. 18. APPLICATION TO ALIEN SMUGGLING OFFENSES.

(a) AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.—Section 274(b) of the Immigration and Nationality Act (8 U.S.C. 1324(b)) is amended to read as follows:

''(b) SEIZURE AND FORFEITURE.—

''(1) IN GENERAL.—Any conveyance, including any vessel, vehicle, or aircraft, that has been or is being used in the commission of a violation of subsection (a), the gross proceeds of such violation, and any property traceable to such conveyance or proceeds, shall be seized and subject to forfeiture.

''(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this subsection shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, including section 981(d) of such title, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in that section shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Attorney General.

''(3) PRIMA FACIE EVIDENCE IN DETERMINATIONS OF VIOLATIONS.—In determining whether a violation of subsection (a) has occurred, any of the following shall be prima facie evidence that an alien involved in the alleged violation had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law:

''(A) Records of any judicial or administrative proceeding in which that alien's status was an issue and in which it was determined that the alien had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law.

''(B) Official records of the Service or of the Department of State showing that the alien had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law.

''(C) Testimony, by an immigration officer having personal knowledge of the facts concerning that alien's status, that the alien had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law.''.

(b) TECHNICAL CORRECTIONS TO EXISTING CRIMINAL FORFEITURE AUTHORITY.—Section 982(a)(6) of title 18, United States Code, is amended—

(1) in subparagraph (A)—

(A) by inserting ''section 274(a), 274A(a)(1), or 274A(a)(2) of the Immigration and Nationality Act or'' before ''section 1425'' the first place it appears;

(B) in clause (i), by striking ''a violation of, or a conspiracy to violate, subsection (a)'' and inserting ''the offense of which the person is convicted''; and

(C) in subclauses (I) and (II) of clause (ii), by striking ''a violation of, or a conspiracy to violate, subsection (a)'' and all that follows through ''of this title'' each place it appears and inserting ''the offense of which the person is convicted'';

(2) by striking subparagraph (B); and

(3) in the second sentence—

(A) by striking ''The court, in imposing sentence on such person'' and inserting the following:

''(B) The court, in imposing sentence on a person described in subparagraph (A)''; and

(B) by striking ''this subparagraph'' and inserting ''that subparagraph''.

SEC. 19. ENHANCED VISIBILITY OF THE ASSET FORFEITURE PROGRAM.

Section 524(c)(6) of title 28, United States Code, is amended to read as follows:

''(6)(A) The Attorney General shall transmit to Congress and make available to the public, not later than 4 months after the end of each fiscal year, detailed reports for the prior fiscal year as follows:

''(i) A report on total deposits to the Fund by State of deposit.

''(ii) A report on total expenses paid from the Fund, by category of expense and recipient agency, including equitable sharing payments.

''(iii) A report describing the number, value, and types of properties placed into official use by Federal agencies, by recipient agency.

''(iv) A report describing the number, value, and types of properties transferred to State and local law enforcement agencies, by recipient agency.

''(v) A report, by type of disposition, describing the number, value, and types of forfeited property disposed of during the year.

''(vi) A report on the year-end inventory of property under seizure, but not yet forfeited, that reflects the type of property, its estimated value, and the estimated value of liens and mortgages outstanding on the property.

''(vii) A report listing each property in the year-end inventory, not yet forfeited, with an outstanding equity of not less than $1,000,000.

''(B) The Attorney General shall transmit to Congress and make available to the public, not later than 2 months after final issuance, the audited financial statements for each fiscal year for the Fund.

''(C) Reports under subparagraph (A) shall include information with respect to all forfeitures under any law enforced or administered by the Department of Justice.

''(D) The transmittal and publication requirements in subparagraphs (A) and (B) may be satisfied by—

''(i) posting the reports on an Internet website maintained by the Department of Justice for a period of not less than 2 years; and

''(ii) notifying the Committees on the Judiciary of the House of Representatives and the Senate when the reports are available electronically.''.

SEC. 20. PROCEEDS.

(a) FORFEITURE OF PROCEEDS.—Section 981(a)(1)(C) of title 18, United States Code, is amended by striking ''or a violation of section 1341'' and all that follows and inserting ''or any offense constituting 'specified unlawful activity' (as defined in section 1956(c)(7) of this title), or a conspiracy to commit such offense.''.

(b) DEFINITION OF PROCEEDS.—Section 981(a) of title 18, United States Code, is amended by adding at the end the following:

''(2) For purposes of paragraph (1), the term 'proceeds' is defined as follows:

''(A) In cases involving illegal goods, illegal services, unlawful activities, and telemarketing and health care fraud schemes, the term 'proceeds' means property of any kind obtained directly or indirectly, as the result of the commission of the offense giving rise to forfeiture, and any property traceable thereto, and is not limited to the net gain or profit realized from the offense.

''(B) In cases involving lawful goods or lawful services that are sold or provided in an illegal manner, the term 'proceeds' means the amount of money acquired through the illegal transactions resulting in the forfeiture, less the direct costs incurred in providing the goods or services. The claimant shall have the burden of proof with respect to the issue of direct costs. The direct costs shall not include any part of the overhead expenses of the entity providing the goods or services, or any part of the income taxes paid by the entity.

''(C) In cases involving fraud in the process of obtaining a loan or extension of credit, the court shall allow the claimant a deduction from the forfeiture to the extent that the loan was repaid, or the debt was satisfied, without any financial loss to the victim.''.

SEC. 21. EFFECTIVE DATE.

Except as provided in section 14(c), this Act and the amendments made by this Act shall apply to any forfeiture proceeding commenced on or after the date that is 120 days after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1658.

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

There was no objection.

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

Mr. Speaker, this bill represents the culmination of a 7-year effort to reform our Nation's civil asset forfeiture laws. We would not be here today without the momentum generated by the House's passage of H.R. 1658 last June by the overwhelming vote of 375–48. That vote was made possible by the tireless support of my colleagues, the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary; the gentleman from Georgia (Mr. BARR); and the gentleman from Massachusetts (Mr. FRANK) and their staffs.

House passage was also made possible by the support of a multitude of organizations who put aside their differences to work toward a common goal: the National Association of Criminal Defense Lawyers, Americans for Tax Reform, the American Civil Liberties Union, the National Rifle Association, the American Bar Association, the National Association of Realtors, the Credit Union National Association, the American Bankers Association, the Aircraft Owners and Pilots Association, the National Association of Home Builders, the Boat Owners Association of the United States, United States Chamber of Commerce, the National Apartment Association, the American Hotel and Motel Association, and the Law Enforcement Alliance of America.

H.R. 1658 only got us through the House. Forfeiture reform would not have become a reality had the cause not been adopted by ORRIN HATCH, the

chairman of the Senate Committee on the Judiciary; and PAT LEAHY, the committee's ranking member. I owe a debt of gratitude to the Senators and their staffs for succeeding in crafting a bill that could get through the Senate and yet retain all the necessary elements of reform.

I must thank Senators SESSIONS and SCHUMER and their staffs for negotiating in the utmost good faith in helping craft a bill that both reforms our forfeiture laws and yet leaves civil forfeitures as an important crime-fighting tool for Federal, State, and local law enforcement.

Similar thanks must go to Attorney General Reno and Assistant Attorney General Robert Raben. They can all be proud of what they helped to accomplish.

I also must thank our former colleague Bob Bauman and Brenda Grantland of Forfeiture Endangers American Rights for their long and dedicated work on behalf of forfeiture reform, and Chicago Tribune columnist Stephen Chapman for first alerting me to the great abuses of forfeiture laws.

And I must thank David Smith, who has been there since the beginning. David helped me draft my first forfeiture reform bill, the Civil Asset Forfeiture Reform Act of 1993, and helped draft Senators LEAHY's and HATCH's reform bill and helped draft the Senate-passed bill we are considering today. This bill is truly his accomplishment.

And finally, George Fishman of our Committee on the Judiciary staff has been tireless in helping shepherd this legislation through the House and Senate.

Let me briefly outline the main points of H.R. 1658 as passed by the Senate. The bill makes eight fundamental reforms:

(1) The bill requires the Government to prove by a preponderance of the evidence that the property is subject to forfeiture. Currently, when a property owner goes to Federal court to challenge a seizure of property, all the Government needs to do is make an initial showing of probable cause that the property is subject to civil forfeiture. The owner then must establish that the property is innocent.

(2) The bill provides that if the Government's theory of forfeiture is that the property was used to commit or facilitate the commission of a crime or was involved in the commission of a crime, the Government must show that there was a substantial connection between the property and the crime.

(3) The bill provides that property can be released by a Federal court pending final disposition of a civil forfeiture case if continued possession by the Government would cause the property owner substantial hardship, such as preventing the functioning of a business or leaving an individual homeless, and the likely hardship outweighs the risks that the property will be destroyed, damaged, lost, concealed or transferred if returned to the owner.

(4) The bill provides that property owners who substantially prevail in court proceedings challenging the seizure of their property will receive reasonable attorney's fees. In addition, the bill allows a court to provide counsel for indigents if they are represented by appointed counsel in related criminal cases. Currently, property owners who successfully challenge the seizure of their property almost never are awarded attorney's fees. In addition, indigents have no right to appointed counsel in civil forfeiture cases.

(5) The bill eliminates the cost bond requirement, under which a property owner must now post a bond of the lesser of $5,000 or 10 percent of the value of the property seized merely for the right to contest a civil forfeiture in Federal court. The bill provides that if a court finds that a claimant's assertion of an interest in property was frivolous, the court may impose a civil fine.

(6) The bill creates a uniform innocent owner defense for all Federal civil forfeiture statutes. Importantly, the defense protects property owners who have given timely notice to the police of the illegal use of their property and have in a timely fashion revoked or made a good faith attempt to revoke permission to use the property from those engaging in the illegal conduct.

(7) The bill allows property owners to sue the Federal Government for compensation for damage to their property when they prevail in civil forfeiture actions. Currently, the Federal Government is exempt from liability for damage caused during the handling or storage of property being detained by law enforcement officers.

(8) The bill provides a uniform definition of the forfeitable proceeds of criminal acts. In cases involving illegal goods or services, unlawful activities and telemarketing and health care fraud schemes, proceeds are properties obtained directly or indirectly as a result of the commission of the offenses giving rise to forfeiture, and any properties traceable thereto, and are not limited to the net gain or profit realized from the offenses. In cases involving lawful goods or services that are sold or provided in an illegal manner, proceeds are money acquired through the illegal transactions less the direct costs incurred in providing the goods or services.

H.R. 1658 also contains a number of provisions addressing the needs of the Justice Department and State and local law enforcement.

□ 1345

These include increasing the availability of criminal forfeiture and the civil forfeiture of the proceeds of crimes, relaxing the statute of limitations governing civil forfeiture actions, allowing Federal courts discretionary use of the fugitive disentitlement doctrine, allowing Federal courts to enhance forfeiture judgments of foreign nations, allowing Federal courts to impose sanctions up to and including dismissal of an owner's claim if property owners who have filed claims in civil forfeiture cases refuse to provide the government with access to potentially material financial records in foreign countries, and allowing Federal courts to issue civil restraining orders against property where there is a substantial probability the government will prevail in civil forfeiture actions.

This bill is one we can all be proud of. It returns civil asset forfeiture to the ranks of respected law enforcement tools that can be used without risk to the civil liberties and property rights of American citizens. We are all better off that this is so.

Mr. Speaker, I insert into the RECORD at this point a Congressional Budget Office letter on this matter. I urge my colleagues to support this bill today.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 5, 2000.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1658, the Civil Asset Forfeiture Reform Act of 2000.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Lanette J. Keith (for federal costs), who can be reached at 226–2860, and Shelley Finlayson (for the state and local impact), who can be reached at 225–3220.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 1658—Civil Asset Forfeiture Reform Act of 2000

Summary: H.R. 1658 would make many changes to federal asset forfeiture laws that would affect the processing of about 60,000 civil seizures conducted each year by the Department of justice (DOJ) and the Department of the Treasury. (The Treasury Department makes an additional 50,000 seizures annually that would not be affected by this act.) Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 1658 would cost $9 million over the 2001–2005 period to pay for additional costs of court-appointed counsel that would be authorized by this legislation. In addition, enacting the legislation would affect direct spending and receipts; therefore, pay-as-you-go procedures would apply.

Because CBO expects that enacting H.R. 1658 would result in fewer civil seizures by DOJ and the Treasury Department, we estimate that governmental receipts (i.e., revenues) deposited into the Assets Forfeiture Fund and the Treasury Forfeiture Fund would decrease by about $115 million each year beginning in fiscal year 2001. Under current law, both forfeiture funds are authorized to collect revenue and spend the balance without further appropriation. Thus, the corresponding direct spending from the two

funds would also decline, but with some lag. CBO estimates that enacting this provision would decrease projected surpluses by a total of $46 million over the fiscal years 2001 and 2002 (the difference between lower revenues and lower direct spending over those years), but that by fiscal year 2003 the changes in receipts and spending would be equal, resulting in no net budgetary impact thereafter.

H.R. 1658 also would require the Legal Services Corporation (LSC) to represent certain claimants in civil forfeiture cases and would require the federal government to reimburse the LSC for its costs. CBO estimates that this provision would increase direct spending by $5 million over the 2001–2005 period.

In addition, H.R. 1658 would make the federal government liable for any property damage, attorney fees, and pre-judgment and post-judgment interested payments on certain assets to prevailing parties in civil forfeiture proceedings. CBO cannot estimate either the likelihood or the magnitude of such awards because there is no basis for predicting either the outcome of possible litigation or the amount of compensation.

H.R. 1658 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA), but CBO expects that enacting this legislation would lead to a reduction in payments to state and local governments from the Assets Forfeiture Fund and the Treasury Forfeiture Fund.

Description of the Act's major provisions: H.R. 1658 would make various changes to federal laws relating to the forfeiture of civil assets. In particular, the act would:

Establish a short statutory time limit for the federal government to notify interested parties of a seizure and to file a complaint;

Eliminate the cost bond requirement, whereby claimants have to post bond in an amount of the lesser of $5,000 or 10 percent of the value of the seized property (but not less than $250) to preserve the right to contest a forfeiture;

Permit federal courts to appoint counsel for certain indigent claimants;

Increase the federal government's burden of proof to a preponderance of the evidence;

Require the federal government to compensate prevailing claimants for property damage;

Establish the federal government's liability for payment of attorney fees and pre-judgment and post-judgment interest; and

Authorize the use of forfeited funds to pay restitution to crime victims.

Estimated cost to the Federal Government: As shown in the following table, CBO estimates that implementing H.R. 1658 would increase discretionary spending for court-appointed counsel by $9 million over the 2001–2005 period, assuming appropriation of the necessary funds. (For the purposes of this estimate. CBO assumes that spending for this purpose would be funded with appropriated amounts from the Defender Services account.) In addition, we estimate that over the 2001–2005 period, the reductions in direct spending of funds from forfeited assets would be smaller than the reductions in revenues estimated to occur as a result of enacting H.R. 1658, resulting in a net cost of $46 over the five-year period. Finally, CBO estimates that additional payments to the Legal Services Corporation would be about $1 million each year. The costs of this legislation fall within budget function 750 (administration of justice).

	By fiscal year, in millions of dollars					
	2000	2001	2002	2003	2004	2005
Spending subject to appropriation						
Spending Under Current Law Defender Services:						
Estimated Authorization Level [1]	375	387	397	408	419	429
Estimated Outlays	373	389	398	408	419	429
Proposed Changes:						
Estimated Authorization Level	0	1	2	2	2	2
Estimated Outlays	0	1	2	2	2	2
Spending Under H.R. 1658 for Defender Services:						
Estimated Authorization Level [1]	375	388	399	410	421	431
Estimated Outlays	373	390	399	410	421	431
Changes in revenues and direct spending						
Changes in Forfeiture Receipts:						
Estimated Revenues	0	−115	−115	−115	−115	−115
Spending of Forfeiture Receipts:						
Estimated Budget Authority	0	−115	−115	−115	−115	−115
Estimated Outlays	0	−76	−108	−115	−115	−115
Payments to the Legal Services Corporation:						
Estimated Budget Authority	0	1	1	1	1	1
Estimated Outlays	0	1	1	1	1	1

[1] The 2000 level is the amount appropriated for that year. The estimated authorization levels for 2001 through 2005 reflect CBO baseline estimates, assuming adjustments for anticipated inflation.

Basis of estimate: For purposes of this estimate, CBO assumes that H.R. 1658 will be enacted by the end of fiscal year 2000 and that the necessary amounts will be appropriated for each fiscal year. We also assume that outlays for defender services and the use of forfeiture receipts will continue to follow historical patterns.

Spending subject to appropriation

H.R. 1658 would allow for court-appointed counsel for certain parties contesting a forfeiture who already have been appointed counsel in a related criminal case. The act also would eliminate the requirement that claimants post bond before the case is tried in federal court. Consequently, CBO anticipates that enacting H.R. 1658 would make it easier for people whose assets have been seized to challenge the forfeiture of such assets. Based on information from DOJ, we estimate that the percentage of seizures that would result in contested civil cases would increase from 5 percent annually to at least 20 percent in fiscal year 2001. As the defense bar becomes increasingly aware of and more familiar with the provisions of H.R. 1658, CBO expects that the percentage of contested civil cases would increase to about 30 percent each year.

While the decision to appoint counsel would be at the discretion of the judge assigned to each case, CBO expects that judges would not want to encourage litigation in many cases. Moreover, CBO expects that many of the contested cases would involve larger assets, and such cases usually do not involve indigent claimants who would need court-appointed counsel. Based on information from DOJ, CBO estimates that a small number of indigent claimants in civil forfeiture cases would also have a criminal case pending. Specifically, we estimate that court-appointed counsel would be provided in about 5 percent of contested civil cases. In addition, because forfeiture cases involve property, the courts might have to appoint more than one attorney to represent multiple claimants in the same case. Historical data suggest an average of 1.5 claims per case.

While H.R. 1658 does not specify a level of compensation paid to court-appointed counsel for a civil forfeiture case, CBO expects such payment would be equivalent to amounts paid in criminal cases. Based on information from the Administrative Office of the United States Courts, CBO estimates that court-appointed counsel would be paid about $3,000 per claimant per case. In total, we estimate that additional defender services related to civil asset forfeiture proceedings would cost about $9 million over the next five years.

In addition, other discretionary spending could be affected by this act. On the one hand, the federal court system could require additional resources in the future if additional cases are brought to trial and the amount of time spent on each case increases. On the other hand, some savings in law enforcement resources could be realized if fewer seizures and conducted each year. While CBO cannot predict the amount of any such costs or savings, we expect that, on balance, implementing the act would result in no significant additional discretionary spending other than the increases for court-appointed counsel.

Revenues and direct spending

Based on information from DOJ and the Treasury Department, CBO estimates that about 23,000 seizures that would otherwise occur each year under current law would be eliminated under H.R. 1658. (Such seizures primarily involve assets whose value is less than $25,000.) The various changes to civil forfeiture laws under this act would make proving cases more difficult and more time-consuming for the federal government. In many instances, law enforcement agencies, including the state and local agencies that work on investigations jointly with the federal government and then receive a portion of the receipts generated from the forfeitures, many determine that certain cases, especially those with a value less than $25,000, may no longer be cost-effective to pursue. While the federal government and other law enforcement agencies would take a few years following enactment of the legislation to realize the full effects of its provisions on the forfeiture and claims process, CBO expects

that the total number of seizures would decrease by nearly 40 percent. CBO estimates that such a reduction in seizures would reduce total forfeiture receipts by about $115 million in fiscal year 2001 and by $575 million over the 2001–2005 period.

The receipts deposited into the Assets Forfeiture Fund and the Treasury Forfeiture fund are used to pay for all costs associated with the operation of the forfeiture program, the payment of equitable shares of proceeds to foreign, state, and local law enforcement agencies, and other expenses not directly associated with a forfeiture case, such as payment of awards to informants. In recent years about 67 percent of total asset forfeiture receipts collected in a given year are spent in the same year in which they are collected; therefore, we estimate that enacting H.R. 1658 would result in a decrease in federal spending of $76 million in fiscal year 2001, $108 million in 2001, and $115 million annually in subsequent years.

In addition, H.R. 1658 would require the Legal Service Corporation to represent claimants in financial need and whose claim involves an asset that is the claimant's primary residence. Under H.R. 1658, the court must enter a judgment in favor of the LSC for the cost of legal representation. Based on historical data, CBO estimates that such judgments would increase direct spending by about $1 million a year.

Additional potential budgetary impacts

In addition, this act would make the federal government liable for any property damage, attorney fees, and pre-judgment and post-judgment interest payments on certain assets to prevailing parties in civil forfeiture proceedings. However, CBO cannot estimate either the likelihood or the magnitude of such awards because there is no basis for predicting either the outcome of possible litigation or the amount of compensation. Compensation payments could come from appropriated funds or occur without further appropriation from the Judgment Fund, or from both sources.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The following table summarizes the estimated pay-as-you-go effects of H.R. 1658. For the purposes of enforcing pay-as-you-go procedures, only the effects in the current year, the budget year, and the succeeding four years are counted.

	By Fiscal Year, in Millions of Dollars										
	200	201	202	203	204	205	206	207	208	209	2010
Changes in outlays	0	−75	−107	−114	−114	−114	−114	−114	−114	−114	−114
Changes in receipts	0	−115	−115	−115	−115	−115	−115	−115	−115	−115	−115

Estimated impact on state, local, and tribal governments: H.R. 1658 contains no intergovernmental mandates as defined in UMRA. However, because CBO expects that the seizure of assets would decline under the act, CBO estimates that payments to state and local law enforcement agencies from the Assets Forfeiture Fund and the Treasury Forfeiture Fund would decline by about $230 million over the 2001–2005 period. State and local law enforcement agencies receive, on average, about 40 percent of the receipts in these forfeiture funds either because they participate in joint investigations that result in the seizure of assets, or because they turn over assets seized in their own investigations to the federal government, which conducts the civil asset forfeiture case. In both cases the receipts from a seizure are accumulated in the funds and a portion is distributed to state and local agencies according to their involvement.

Estimated impact on the private sector: This act would impose no new private-sector mandates as defined in UMRA.

Previous CBO transmitted a cost estimate for H.R. 1658 as reported by the House Committee on the Judiciary on June 18, 1999. While the two versions of the legislation are similar, we estimate they would have different costs. CBO estimates the House version would result in a greater loss of forfeiture receipts, by $25 million annually, than the version approved by the Senate Committee on the Judiciary because the House version would place the burden of proof in assets forfeiture cases more heavily on the federal government.

In addition, the House version of H.R. 1658 would not require payments to the Legal Services Corporation for representation of certain claimants whose principal residence has been seized. Finally, CBO estimates that the Senate version of the legislation would authorize less spending than the House version for the legal representation of indigent claimants because it restricts the eligibility requirements for this service more than the House legislation. We estimate this representation would cost about $2 million annually under the Senate version and about $13 million annually under the House version.

Estimate prepared by: Federal Costs: Lanette J. Keith. Impact on State, Local, and Tribal Governments: Shelley Finlayson. Impact on the Private Sector: John Harris.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

Mr. Speaker, since no Committee Report was filed for H.R. 1658 by the Senate Judiciary Committee, the House Judiciary Committee Report remains the best legislative history as to the bill. *See* H.R. Rep. No. 106–192 (1999). However, since new provisions were added to the bill in the Senate and other provisions were modified from their original House form, it will be useful for me to make a number of clarifying points.

STANDARD OF PROOF (SECTION 2—CREATING 18 U.S.C. SEC. 983(C))

H.R. 1658, as amended by the Senate, reduced the standard of proof the government has to meet in civil asset forfeiture cases from clear and convincing evidence to a preponderance of the evidence. While this is obviously a lower standard, Congress remains extremely dubious as to the probative value of certain types of evidence in meeting this standard.

First, as noted in the Committee Report to H.R. 1658, Congress is very skeptical that a person's carrying of "unreasonably large" quantities of cash is indicative of involvement in the drug trade. *See* H.R. Rep. No. 106–192 at 8. Many federal courts have ruled that a person's carrying of large amounts of cash does not even meet the current government burden of probable cause. The Seventh Circuit so ruled in *U.S.* v. *$506,231 in U.S. Currency,* 125 F. 3d 442 (7th Cir. 1997). The court found that "[a]s far as we can tell, no court in the nation has yet held that, standing alone, the mere existence of currency, even a lot of it, is illegal. We are certainly not willing to be the first to so hold." *Id.* at 452. The court also found it necessary to remind a U.S. Attorney that "the government may *not* seize money, even half a million dollars, based on its bare assumption that most people do not have huge sums of money lying about, and if they do, they must be involved in narcotics trafficking or some other sinister activity." *Id.* at 454 (emphasis in original). The Ninth Circuit found similarly. *See U.S.* v. *$191,910 in U.S. Currency,* 16 F.3d 1051, 1072 (9th Cir. 1994) ("[A]ny amount of money, standing alone, would probably be insufficient to establish probable cause for forfeiture."); *See also U.S.* v. *One Lot of U.S. Currency ($36,634*), 103 F.3d 1048, 1055 n.9 (1st Cir. 1997); *U.S.* v. *$121,100*, 999 F.2d 1503, 1507 (11th Cir. 1993). Congress disagrees with those courts that have suggested otherwise. *See U.S.* v. *$37,780 in U.S. Currency,* 920 F.2d 159, 162 (2nd Cir. 1990). Clearly, if large amounts of cash do not meet the probable cause standard, they do not meet the higher standard of preponderance of the evidence.

The government can rely on large amounts of cash in conjunction with other evidence in attempting to meet its standard of proof. For instance, large amounts of cash found in proximity to drugs are often relied upon. However, the probative value of this evidence is much lower when the amount of drugs found is consistent with personal use. *See U.S.* v. *Real Property Located at 110 Collier Dr.*, 793 F. Supp. 1048, 1052 (N.D. Ala. 1992) ("The simultaneous presence of $8,861 in mildewed currency and a small amount of drugs for personal use . . . does not establish probable cause that the currency was intended to be used for the exchange of drugs.")

In any event, the relative evidentiary contribution of cash in meeting a standard of proof, especially one raised above mere probable cause, should rarely be significant. Why? As the court found in *U.S.* v. *One Lot of U.S. Currency Totalling $14,665*, 33 F. Supp.2d 47 (D. Mass. 1998), reliance on cash can involve invidious assumptions: "[m]any immigrants and Americans with limited means—hard working and law abiding—prefer to use cash in lieu of bank accounts and credit cards. * * * Indeed, the whole notion that carrying cash is indicative of illegal conduct reflects class and cultural biases that are profoundly troubling." *Id.* at 53–54.

Of especially little probative value is the method by which cash is carried. As the court found in *One Lot of U.S. Currency Totalling $14,665:*

I do not doubt that drug couriers and dealers use rubber bands to bundle their illgotten gains. However, drug dealers also presumably use belts to hold up their trousers; under the government's analysis, if [the claimant] was wearing a belt at the time of the seizure, it would suggest his involvement

with illegal activity. Although many courts appear to disagree, I find that the government's 'rubber band' hypothesis doesn't stretch quite that far.

Id. at 54 (footnotes omitted). *See also $506,231 in U.S. Currency*, 125 F.3d at 452.

The second type of evidence whose probative value is questioned by Congress is the fact that airline tickets are purchased with cash. *See* H.R. Rep. No. 106–192 at 8. *See also One Lot of U.S. Currency ($36,634),* 103 F.3d at 1055 n. 9. *U.S.* v. $40,000 in U.S. Currency, 999 F. Supp. 234, 238 (D.P.R. 1998); *U.S.* v. *Funds in the Amount of $9,800,* 952 F. Supp. 1254, 1261 (N.D. Ill. 1996).

The third type of disfavored evidence is narcotic dog alerts on currency. As one commentator has noted:

It has been estimated that one out of every three circulating bills has been involved in a cocaine transaction. Cocaine and other drugs attach to the oily surface of currency in a variety of ways. Each contaminated bill contaminates others as they pass through cash registers, cash drawers, wallets, and counting machines. If, in fact, a substantial part of the currency in this country will cause a trained dog to alert, then the alert obviously has no evidentiary value.

Smith, 1 *Prosecution and Defense of Forfeiture Cases* sec. 4.03, p. 4–82.3 (footnotes omitted). The author cites experts finding that 70–97% of all currency is contaminated with cocaine. *Id.* at sec. 4.03, p. 4–82.1–4–82.2.

Many federal courts have agreed as to the low probative value of dog alerts. *See, e.g., $506,231 in U.S. Currency,* 125 F.3d at 453; *Muhammed* v. *Drug Enforcement Agency,* 92 F.3d 648, 653 (8th Cir. 1996)("The fact of contamination, alone, is virtually meaningless and gives no hint of when or how the cash became so contaminated."); *U.S.* v. *$5,000 in U.S. Currency,* 40 F.3d 846, 849 (6th Cir. 1994) ("[T]he evidentiary value of narcotics dog's alert [is] minimal.") (footnote omitted); *U.S.* v. *U.S. Currency, $30,060*, 39 F.3d 1039 (9th Cir. 1994) ("'[T]he continued reliance of courts and law enforcement officers on [drug dog alerts] to separate 'legitimate' currency from 'drug-connected' currency is logically indefensible.'" *Id.* at 1043, *quoting Jones* v. *U.S. Drug Enforcement Administration*, 819 F. Supp. 698, 721 (M.D. Tenn. 1993) (footnote omitted)); *U.S.* v. *$53,082 in U.S. Currency*, 985 F.2d 245 (6th Cir. 1993) ("[A] court should 'seriously question the value of a dog's alert without other persuasive evidence. . . .'" *Id.* at 250–51 n.5, *quoting U.S.* v. *$80,760 in U.S. Currency*, 781 F. Supp. 462, 476 (N.D. Tex. 1991), *aff'd*, 978 F.2d 709 (5th Cir. 1992); *One Lot of U.S. Currency Totalling $14,665*, 33 F. Supp.2d at 58. *See also U.S.* v. *$639,558 in U.S. Currency*, 955 F.2d 712, 714 n.2 (D.C. Cir. 1992). Dog alerts of little value in meeting a standard of probable cause, and are of even less value in meeting a standard of preponderance of the evidence.

Adding the above factors together, "[t]he government must come forward with more than a 'drug-courier profile' and a positive dog sniff [to meet the standard of probable cause]." *Funds in the Amount of $9,800,* 952 F. Supp. at 1261." As the court ruled in *$80,760 in U.S. Currency,* 781 F. Supp. at 475, "[p]rofile characteristics are of little value in the forfeiture context without other persuasive evidence establishing the requisite substantial connection." *See also Jones,* 819 F. Supp. at 719 ("The mere fact that a traveler matches some elements of a drug courier profile does not amount to even articulable suspicion, much less probable cause."). The same holds true, to an even greater extent, when the standard is preponderance of the evidence.

Lastly, "[a]n owner does not have to prove where he obtained money until the government demonstrates that it has [met its burden] to believe the money is forfeitable." *$506,231 in U.S. Currency,* 125 F.3d at 454.

I should also note that while hearsay may be used to establish probable cause for seizure, *see U.S.* v. *One 56 Foot Motor Yacht Named Tahuna*, 702 F.2d 1276, 1282–83 (9th Cir. 1983), it is not admissible to establish the forfeitability of property by a preponderance of the evidence. And, while the government may use evidence obtained after the forfeiture complaint is filed to establish the forfeitability of the property by a preponderance of the evidence, the government must still have had enough evidence to establish probable cause at the time of filing (or seizure, if earlier). The bill is not intended to limit the right of either party to bring a motion for summary judgment after the filing of the complaint pursuant to Fed. R. Civ. P. 56(a) or 56(b).

FACILITATING PROPERTY (SECTION 2—CREATING 18 U.S.C. SEC. 983(C))

While H.R. 1658 as it was introduced and originally passed in the House contained no provision reforming the standards regarding "facilitation" forfeiture, this is an issue about which I have been long concerned. *See* Hyde, *Forfeiting Our Property Rights: Is Your Property Safe From Seizure*? 61 (1995) I am gratified that it is addressed in the Senate amendment to H.R. 1658.

There are many facilitation-type civil forfeiture provisions in the U.S. Code. Most importantly, the federal drug laws make subject to civil forfeiture "[a]ll conveyances . . . which are used, or intended for use . . . in any manner to facilitate the transportation, sale, receipt, possession, or concealment of [controlled substances] . . . ." 21 U.S.C. sec. 881(a)(4). They also make subject to forfeiture "[a]ll moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this subchapter . . . .", 21 U.S.C. sec. 881(a)(6), and "[a]ll real property . . . which is used, or intended to be used, in any manner or part, to . . . facilitate the commission of a violation of this subchapter punishable by more than one year's imprisonment . . . [,]" 21 U.S.C. sec. 881(a)(7). Also, federal law make subject to civil forfeiture "[a]ny property, real or personal, involved in a transaction or attempted transaction in violation of [certain money laundering laws] . . . ." 18 U.S.C. sec. 981(a)(1)(A).

How strong need the connection be between the "facilitating" property and the underlying crime? As to 881(a)(6), courts have interpreted its legislative history as requiring there to be a "substantial connection" between the property and the crime. *See* Psychotropic Substances Act of 1978, Joint Explanatory Statements of Titles II and III, 95th Cong., 2nd Sess., *reprinted in* 1978 U.S. Code Cong. & Admin News 9518, 9522.

As to 881(a)(7), many courts require there to be a substantial connection. *See, e.g., U.S.* v. *Parcel of Land & Residence at 28 Emery St.,* 914 F.2d 1, 3–4 (1st Cir. 1990); *U.S.* v. *26.075 Acres, Located in Swift Creek Township,* 687 F. Supp. 1005 (E.D.N.C. 1988), *aff'd sub nom. U.S.* v. *Santoro,* 866 F.2d 1538, 1542 (4th Cir. 1989); *U.S.* v. *Forfeiture, Stop Six Center,* 781 F. Supp. 1200, 1205–06 (N.D. Tex. 1991). Others do not. The Seventh Circuit has ruled that the facilitating property need only have "more than an incidental or fortuitous connection to criminal activity . . . ." *U.S.* v. *Real Estate Known as 916 Douglas Ave.,* 903 F.2d 490, 493 (7th Cir. 1990), *cert. denied sub nom. Born* v. *U.S.* 498 U.S. 1126 (1991). *See also U.S.* v. *Property at 4492 S. Livonia Rd.,* 889 F.2d 1258, 1269 (2nd Cir. 1989) (test is "sufficient nexus").

How significant is the difference? The Seventh Circuit in *916 Douglas Ave.* has found that "[t]he difference between th[e substantial connection] approach and our own appears largely to be semantic rather than practical." 903 F.2d at 494. This might be the case—the Fourth Circuit has ruled that under the substantial connection test, "[a]t minimum, the property must have more than an incidental or fortuitous connection to criminal activity[!]" *U.S.* v. *Schifferli,* 895 F.2d 987, 990 (4th Cir. 1990). Some courts don't even feel the need to choose between the tests, ruling that facilitation has been shown in particular cases under either test. *See U.S.* v. *Rd 1, Box 1, Thompsontown,* 952 F.2d 53, 57 (3rd Cir. 1991); *U.S.* v. *Real Property and Residence at 3097 S.W. 111th Ave.,* 921 F.2d 1551, 1556 (11th Cir. 1991), *cert. denied,* 111 S.Ct. 1090 (1991).

As to 881(a)(4), some courts have applied the substantial connection test. *See U.S.* v. *1966 Beechcraft Aircraft,* 777 F.2d 947, 953 (4th Cir. 1985); *U.S.* v. *One 1979 Porsche Coupe,* 709 F.2d 1424, 1426 (11th Cir. 1983). Others have not. See *U.S.* v. *1964 Beechcraft Baron Aircraft,* 691 F.2d 725, 727 (5th Cir. 1982), *cert. denied,* 461 U.S. 914 (1983).

H.R. 1658 provides that the substantial connection test should be used whenever facilitating property is subject to civil forfeiture under the U.S. Code. And the test is intended to mean something, it is intended to require that facilitating property have a connection to the underlying crime significantly greater than just "incidental or fortuitous."

In one area in particular, courts have been much too liberal in finding facilitation. An especially high standard should have to be met before we dispossess a person or family of their home. A primary residence should be accorded far greater protection than mere personal property. *See U.S.* v. *Certain Lots in Virginia Beach,* 657 F. Supp. 1062, 1065 (E.D. Va. 1987). But, courts have not always felt this way in applying section 881(a)(7). In *U.S.* v. *Premises and Real Property at 250 Kreag Rd.,* 739 F. Supp. 120, 124 (W.D.N.Y. 1990), the court found a home forfeitable because the owner grew 17 stalks of marijuana in his backyard of home for personal use (standard used was unclear). *See also U.S.* v. *One Parcel of Real Property*, 960 F.2d 200, 205 (1st Cir. 1992). The court in *916 Douglas Ave.* found a home forfeitable on the basis of three phone calls made to or from it regarding the sale of

two ounces of cocaine. "The loss of one's home for the sale of a small amount of cocaine is undoubtedly a harsh penalty", but that is what Congress intended. 903 F.2d at 494 (no substantial connection needed). In *U.S.* v. *Plescia,* 48 F.3d 1452, 1462 (7th Cir. 1995), one phone call to set up a large drug deal resulted in the forfeiture of a home (no substantial connection needed). *See also U.S.* v. *Zuniga*, 835 F. Supp. 622 (M.D. Fla. 1993) (Under a "substantial connection" or lesser test, ten calls involving drug offenses resulted in the forfeiture of a house (under a criminal forfeiture statute with an "identical" burden as 881(a)(7)).). None of these cases would meet the substantial connection test provided in H.R. 1658.

Under the substantial connection test, should an entire bank account be forfeitable because some of its assets were involved in money laundering? In *U.S.* v. *All Monies ($477,048.62 in account #90–3617–3,* 754 F. Supp. 1467 (D.Haw. 1991), the court ruled that under sec. 881(a)(6) and 18 U.S.C. sec. 981(a)(1)(A), the government showed probable cause that an entire bank account worth approximately $477,000 was forfeitable for being involved in/facilitated drug and money laundering offenses, not just the approximately $242,000 in the account representing the proceeds of a drug crime. The court found that "both the legitimate and tainted money in the account aided [the laundering of drug proceeds]. The account provided a repository for the drug proceeds in which the legitimate money could provide a 'cover' for those proceeds, thus making it more difficult to trace the proceeds." *Id.* at 1475–76 (substantial connection required).

Such a doctrine can quickly lead to unfair and disproportionate results. The 10th Circuit presents the proper limitation:

> [T]he mere pooling or commingling of tainted and untainted funds in an account does not, without more, render the entire contents of the account subject to forfeiture. . . . [F]orfeiture of legitimate and illegitimate funds commingled in an account is proper as long as the government demonstrates that the . . . [owner] pooled the funds to facilitate, i.e., disguise the nature and source of, his scheme. * * *

U.S. v. *Bornfield,* 145 F.3d 1123, 1135 (10th Cir. 1998) (criminal forfeiture under 18 U.S.C. sec. 982(a)(1)) (citations omitted) (standard used was unclear). *See also U.S.* v. *Contents of Account,* 847 F. Supp. 329, 335 (S.D.N.Y. 1994) ("The facilitation theory is appropriate in the present case where [the owner] established and controlled the [accounts], and commingled legitimate and illegitimate funds in these accounts, for the purpose of disguising the nature and source of the proceeds of [the] scheme.") (forfeiture under 18 U.S.C. sec. 981(a)(1)(A)) (standard used was unclear).

Under H.R. 1658's substantial connection test, in order for an entire bank account composed of both tainted and untainted funds to be forfeitable, a primary purpose of its establishment or maintenance must be to disguise a money laundering scheme. This rule should also apply when the government seeks to forfeit an entire business because tainted funds were laundered in a firm bank account. For the business to be forfeitable, a primary purpose for the establishment or maintenance of the entire business must be to disguise a money laundering scheme. *See U.S.* v. *Any and All Assets of Shane Co.,* 816 F. Supp. 389, 401 (M.D.N.C. 1991) (Business that was a front for money laundering was forfeitable.) (forfeiture under 18 U.S.C. sec. 981(a)(1)(A) (substantial connection required).

PROPORTIONALITY (SECTION 2—CREATING 18 U.S.C. SEC. 983(G))

This provision is designed to codify *U.S.* v. *Bajakajian* 524 U.S. 321 (1998).

STATUTE OF LIMITATIONS (SECTION 11)

This provision amends 19 U.S.C. sec. 1621, enlarging the time in which the government may commence a civil forfeiture action by allowing the government to commence an action within five years after the time the alleged offense was discovered, or two years after the time when the involvement of the property in an offense is discovered, whichever is later. 19 U.S.C. sec. 1621 has been construed as requiring the government to exercise reasonable care and diligence in seeking to learn the facts disclosing the alleged wrong. Thus, the courts have held under sec. 1621 that the time begins to run as soon as the government is aware of facts that should trigger an investigation leading to discovery of the offense. *See* Smith, 1 *Prosecution and Defense of Forfeiture Cases* sec. 12.02. This construction will require the government to exercise reasonable diligence in seeking discovery of assets involved in an offense once the offense is discovered.

The provision should not be read as extending the statute of limitations in cases that are already time-barred as of the date of enactment of the bill.

UNIFORM DEFINITION OF PROCEEDS (SECTION 20)

S. 1931's uniform definition of proceeds is self-explanatory. However, it is important to note Congress' disapproval of the "ink drop" test for proceeds forfeiture developed by the Eleventh Circuit. In *U.S.* v. *One Single Family Residence,* 933 F.2d 976, 981 (11th Cir. 1991) (proceeds forfeiture under 21 U.S.C. sec. 881(a)(6)), the court ruled that "[a]s to a wrongdoer, any amount of the invested proceeds traceable to drug activities forfeits the entire property. We have never held that as to a wrongdoer only the funds traceable to illegal activities may be forfeited." To the contrary, only that portion of a piece of property purchased with tainted funds is forfeitable.

DESTRUCTION OR REMOVAL OF PROPERTY (SECTION 12)

18 U.S.C. sec. 2232 is amended to expand the scope of conduct which constitutes an offense for damaging or removing property which is subject to a lawful search or seizure. Subsection (a), which makes it a crime to damage or remove property which has not yet been seized, should be interpreted in a commonsense fashion to apply to a person or persons who had knowledge that a law enforcement agency is attempting, has attempted, or was about to attempt to seize the property. Subsection (b), which has been added to this section, makes it an offense to remove or destroy property which is already the subject of the *in rem* jurisdiction of a United States District Court.

EFFECTIVE DATE (SECTION 21)

For purposes of the effective date provision, the date on which a forfeiture proceeding is commenced is the date on which the first administrative notice of forfeiture relating to the seized property is sent. The purpose of this provision is to give the Justice Department and the U.S. courts four months from the date of enactment of the bill to educate their employees as to the bill's changes in forfeiture law.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation has been long in coming. I know on behalf of the gentleman from Michigan (Mr. CONYERS), we want to thank the gentleman from Illinois (Mr. HYDE) because this is legislation that the gentleman from Illinois has worked on extensively and without rest. The gentleman from Illinois has worked in a bipartisan manner. He has those of us who have had disagreements sometimes rally around this legislation because in every single one of our districts we found someone's mother, someone's wife, someone's sister, some innocent person who has been law abiding but because we are part of a great family, have found some family member outside of the law who has brought down the heavy hand of the law on hardworking people who have retained, if you will, or worked hard for the properties that they have.

I want to pay tribute to the gentleman; and I know the gentleman from Michigan would because, as I just heard a few moments ago, this is truly a bipartisan bill. I want to distinguish the fact that this is on the suspension calendar because we have had some vigorous debates here just earlier this morning about the process of suspensions bypassing committee, and I would not want this legislation to be defined accordingly.

This bill has been worked and worked and worked and your staff, George, we thank you, we know you have been on the battle line working hard to make sure that this comes together. I want to acknowledge Perry Apelbaum and Cori Flam likewise and say that we rise in support of this legislation, a bipartisan bill that is a result of extensive negotiations and deliberations with our colleagues in the Senate, Senators HATCH, LEAHY, SESSIONS and SCHUMER as well as the Department of Justice. I might do a slight editorial note and say that out of the bipartisan effort, the bill from the House may not be the exact same and I might have wanted the bill from the House maybe because I am a House Member but we are gratified that we finally resolved it and it has come back for a vote.

Mr. Speaker, the Civil Asset Forfeiture Reform Act makes common sense changes to our civil asset forfeiture laws to make these procedures fair and more equitable. H.R. 1658 strikes the right balance between the

needs of law enforcement and the right of individuals to not have their property forfeited without proper safeguards. I recall that we actually had hearings on this, and I recall some of the really horrific stories of individuals losing their only house, their only source of income because of this law.

Would you believe that under current law, the government can confiscate an individual's private property on the mere showing of probable cause? That is under current law. Then even though that person has never been arrested, much less convicted of a crime, the government requires a person to file action in a Federal court to prove that the property is not subject to forfeiture just to get the property back. Well, that is true.

We can imagine that the gentleman from Michigan enthusiastically embraced and worked with the gentleman from Illinois on this legislation. There is no question that forfeiture laws can, as Congress intended, serve legitimate law enforcement purposes. My own police department, a simple and small example, promotes and utilizes or has utilized civil forfeiture laws as relates to drug intervention and drug crimes. But they are currently susceptible to abuse. That is why the bill makes reforms to the current civil forfeiture regimen.

To highlight a few examples, the bill places the burden of proof where it belongs, with the government agency that performed the seizure, and it protects individuals from the difficult task of proving a negative, in other words, proving that their property was not subject to forfeiture. H.R. 1658 also permits the awarding of attorney's fees if the claimant substantially prevails, creates an innocent owner defense and permits a court to provisionally return property to a claimant on a showing of substantial hardship where, for example, the forfeiture crippled the functioning of a business, prevented an individual from working or left an individual homeless. Is that not justice for Americans? These reforms simply balance the scales so that innocent people have a level playing field on which to challenge improper seizures.

H.R. 1658 also makes certain changes to help law enforcement crack down on criminal activities. For example, the bill permits courts to enter restraining orders to secure the availability of the property subject to civil forfeiture, and it clarifies that the law prohibiting the removal or destruction of property to avoid prosecution applies to seizures as well as forfeitures.

As I see the ranking member on the floor of the House, I know that he will have much to say about this bipartisan effort. But I am hoping that this bill, although it appears on the suspension calendar, will evidence the hard work that we have done collectively on the Committee on the Judiciary on this very issue. I thank both the chairman and the ranking member for their efforts. I am very proud to support this bill today personally and to ask my colleagues to join us in supporting this important legislation.

Mr. Speaker, I am in support of this bill which calls for civil asset forfeiture reform. This is a good bipartisan bill which now shifts the burden of proof to the government to prove by clear and convincing evidence when seizing property and permits the appointment of counsel for indigent claimants while protecting innocent owners.

Unlike criminal forfeiture, civil forfeiture requires no due process before a property owner is required to surrender their property.

Studies suggest that minorities are acutely affected by civil asset forfeitures. As we are well aware by now, racial profiling by the police has alarmingly increased the number of cases of minorities involved in traffic stops, airport searches and drug arrests. These cases afford the government, sometimes justifiably, with the opportunity to seize property. Since 1985, the justice department's asset forfeiture fund increased from $27 million to $338 million.

Since a deprivation of liberty is not implicated in a civil forfeiture, the government is not bound by the constitutional safeguards of criminal prosecution. The government needs only show probable cause that the property is subject to forfeiture. The burden shifts to property owner to prove that the property is not subject to forfeiture.

The property owner may exhaust his or her financial assets in attorney's fees to fight for the return of property. If the financial burden of attorney's fees is not rushing enough, the owner has to post a bond worth 10 percent of the value of the property, before contesting the forfeiture. Independent owners are not entitled to legal counsel.

Interestingly enough, persons charged in criminal cases are entitled to a hearing in court and the assistance of counsel. The government need not charge a property owner with a crime when seizing property under civil laws. The result is that an innocent person, or a person not charged with a crime, has fewer rights than the accused criminal. This anomaly must end.

Reform of civil asset forfeiture laws is long overdue. I urge you to support this bill to ensure that innocent owners are provided some measure of due process before their property is seized.

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

Mr. HYDE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, I thank the distinguished chairman of the Committee on the Judiciary for yielding me this time. I would like to commend the gentleman from Illinois for his tremendous work over many years' time on reforming Federal asset forfeiture laws which, as we all know, are an important tool for Federal law enforcement and indirectly for local law enforcement which frequently because of their participation in cases resulting in seized assets participate in the disposition of those seized assets once they are forfeited.

Many of us, including myself as a former United States attorney, while having tremendous regard and respect for our civil asset forfeiture laws and what an important tool they are for law enforcement also recognize they are subject to abuse and have been abused. This legislation on which the gentleman from Illinois has been working for many years and which will be one of the most important hallmarks of his tenure as both chairman of the Committee on the Judiciary and his long and distinguished service as a Member of the House of Representatives will go a long way towards bringing back into balance a system that has become sorely out of balance. I commend the gentleman for his work, and I commend both sides of the aisle for bringing this forward in a bipartisan manner. I urge its adoption.

Mr. Speaker, I also rise today with the chairman of the Committee on the Judiciary to discuss the intent of section 983(a)(2)(C)(ii) which states, ''A claim shall state the claimant's interest in such property and provide customary documentary evidence of such interest if available and state that the claim is not frivolous.''

Mr. Speaker, I interpret this language to require only prima facie evidence to establish such an interest. I assume the gentleman from Illinois concurs with my representation but would like for the record to clarify what type of documentation would be necessary to establish this interest in the seized property, sufficient to make a claim under this legislation.

This documentary evidence should be fairly easy to obtain while still establishing the claimant has a legitimate, nonfrivolous interest in such property. This interest can be established by documents including but not limited to a copy of an automobile title, a loan statement for a home, or a note from a bank for a monetary account. For property such as cash in which no documentary evidence is normally available, this provision would be loosely applied and there would be an assumption of the claimant's interest in such property by simply making a claim and asserting its nonfrivolous nature.

Mr. HYDE. Mr. Speaker, if the gentleman will yield, I thank the gentleman from Georgia for bringing this issue to the attention of the House. The gentleman's explanation is accurate and reflects the intent of the legislation. There was a need for such an explanation and I appreciate the gentleman from Georgia's clarification of this issue.

Mr. BARR of Georgia. I thank the gentleman for engaging in the colloquy.

Mr. HYDE. Mr. Speaker, I yield myself 30 seconds. I want to thank the

gentlewoman from Texas for her very cordial remarks. I want to particularly thank the gentleman from Michigan and his staff and make a point. This Committee on the Judiciary in this House of Representatives can work together in a bipartisan fashion to turn out good legislation. This is one example. There are many others. This bill had its genesis in a newspaper article written by Steve Chapman of the Chicago Tribune several years ago. When I read what was going on under civil asset forfeiture, I thought it was more appropriate for the Soviet Union than the United States, and it has taken 7 years but we are there today and it is a great moment.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Speaker, I thank the gentleman for yielding me this time. I want to say, a year ago I rose on this floor with my colleagues the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from New York (Mr. WEINER) in opposition to this bill. I come today in support of this particular provision. I rose in opposition a year ago because I was concerned about the effects on criminal justice and specifically the effects on law enforcement, but I have to point out that the chairman and the Committee on the Judiciary, as has been noted, in a bipartisan manner has done a tremendous job to ease those concerns.

They have provided us great improvements on the bill. The compromise provides important procedural protections to law-abiding property owners without compromising law enforcement's ability to shut down criminal enterprises. Specifically the bill shifts the burden of proof in forfeiture cases from property owners to the government with the appropriate threshold of a preponderance of the evidence.

The compromise also limits the appointment of court-appointed lawyers to indigent claimants whose primary residence is subject to forfeiture. I want to say that there is one concern that I have and I think a couple of my colleagues have as well as it relates to this legislation, and, that is, that we have a continuing reservation that the removal of the cost bond requirement could impair the asset forfeiture program in the future.

We know that the Justice Department is already overwhelmed with challenges to asset seizures, and I am fearful that the removal of the cost bond could further paralyze that effort. But let me say this, I hope to and I know my colleagues who stood with me a year ago hope to work with the chairman and the committee to oversee the implementation of cost bond provisions requiring up-front certification and posthearing penalties and ensure that my fears do not become a reality for law enforcement. But overall, Mr. Speaker, this is a victory for the American people. I want to salute the Committee on the Judiciary and its great chairman. I urge support for this bill.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the gentleman from Michigan (Mr. CONYERS) will control the time previously granted to the gentlewoman from Texas (Ms. JACKSON-LEE).

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself 2 minutes.

I would like to begin by pointing out that the chairman of this committee and I have worked together on this measure for at least a couple of Congresses. I have been working on it, also, unbeknownst to the gentleman from Illinois in the Committee on Government Reform. I think we have come quite a long way. The bill retains the core of some of the main reforms that was in Hyde-Conyers.

We have adopted the Senate version. But the shifting of the burden of proof is very important. The appointment of counsel is a critical improvement. The return of property in case of substantial hardship is very important. And the innocent owner defense is now strong in the bill. The claim for property damages while in the government's custody is a valid concern. And an award of interest. The bill allows prejudgment interest to be awarded when cash is improperly seized by the government. And we eliminate the cost of bond which would be a part of the current requirement that a claimant challenging a civil asset forfeiture file a cost of bond.

Who would have believed that under our current law, the government can confiscate an individual's private property on a mere showing of probable cause? Then even though a person has never been arrested, not to mention convicted, of a crime, the government requires the person to file an action to prove that the property is not subject to forfeiture to get the property back.

□ 1400

It is important that we have asset forfeiture, but this puts it under controls that have not existed before.

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

Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. WEINER), a distinguished member of the Committee on the Judiciary.

Mr. WEINER. Mr. Speaker, I rise in support of the Senate amendments to H.R. 1658, and I want to commend the gentleman from Illinois (Chairman HYDE), our chairman, for his year-long effort to reform our asset forfeiture laws. The gentleman quite literally wrote the book on the subject. When the history is written of his prodigious work in this House, this certainly warrants mention.

Last year, a somewhat divided House considered H.R. 1658. While it garnered the support of the majority of our colleagues, it was adamantly opposed by the administration, as well as by every major law enforcement group. Because of this opposition, I offered, along with the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from New York (Mr. SWEENEY), a substitute version of H.R. 1658 on the floor of the House.

The substitute would have made needed reforms by placing the burden of proof on the Government to prove by a preponderance of the evidence that property seized was used in an illegal activity. It would have allowed for counsel to be appointed in those proceedings. It would have protected innocent owners, and it would have allowed property to be returned to claimants in instances of hardship.

It was, I thought, a balanced approach that had the support of all major law enforcement organizations, as well as 155 of my colleagues. That amendment failed, although it had some support, and many of us voted against the base bill for that reason.

Mr. Speaker, today's amendment, today's bill I am pleased to vote in favor of. It puts the burden of proof where it should be, on the Government; and it rightfully protects the owners and spouses and children, if they can show they were not involved in illegal activity.

Perhaps, most importantly, today's bill has the approval of the men and women of law enforcement. Like our substitute, today's bill allows civil asset forfeiture to continue to be used as a tool by police and prosecutors across the country to shut down crack houses and seize drug-running speedboats.

Mr. Speaker, I applaud the authors of this compromise and my colleagues who voted in favor of reform originally.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume, merely to point out in the colloquy between the gentleman from Georgia and the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the committee, that I stand in agreement about the interpretation given by the chairman of section 983A(2)(c)(2), which dealt with the claimant's interests in such property and provide customary documentary evidence of such evidence, if available, and state that the claim is not frivolous.

Mr. Speaker, I just wanted to join in a clarification of the intent that, for example, a person should not be barred from challenging an improper forfeiture if he or she has misplaced a receipt or if the person does not have the evidence on hand. I think that response is consistent with the gentleman from Illinois (Mr. HYDE) and the gentleman from Georgia, and I just wanted to weigh in on that.

This has taken quite awhile, but it is an important measure, and my compliments are out to the gentleman from Illinois (Mr. HYDE), the chairman of the committee, and to all of the Members who have gone through a rethinking process to bring the bill to the kind of support that I believe it is enjoying on the floor this afternoon.

Mr. Speaker, I began looking at this matter from the old Government Operations Committee, and I was very pleased to learn that the gentleman from Illinois had, indeed, studied the matter, had put together his thoughts in a book on the matter, and it led us to bringing forth a bill jointly that now has the imprimatur, I believe, of most of the Members in both bodies.

It is in that spirit that we will want to make sure that it is implemented fairly and that it adds to the good body of law that comes out of the House Committee on the Judiciary.

Mr. Speaker, with those remarks, I reserve the balance of our time.

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

Mr. Speaker, I wish to express my gratitude again to the gentleman from Michigan (Mr. CONYERS) and his staff and everyone who worked on this bill. We did not mention Jon Dudas and Rick Filkins. I just want to say, George Fishman who is sitting here, he was the single most indispensable element of this bill, and I am grateful to him.

Mr. BARR of Georgia. Mr. Speaker, I would like to thank Mr. HYDE for working so rigorously to come to a reasonable agreement with the Senate on civil asset forfeiture reform. The compromise is fair and will restore fairness to this process.

Civil asset forfeiture is a mechanism allowing law enforcement authorities to seize assets such as homes, property, cash, and cars that are used in furtherance of criminal activity. However, in recent years, the laws have been used overly broadly, and have been cited by civil libertarians as excessive and open to abuse.

One of the most important challenges Congress faces is balancing individual liberties against the need for effective law enforcement. Generally, our laws do this fairly well. However, our civil asset forfeiture laws are tilted too far in one direction. Current civil asset forfeiture laws allow police to seize a person's assets, regardless of whether the person has been, or ever is, convicted of a crime, if police have nothing more than probable cause to believe the property was used for criminal purposes. You are presumed guilty until you can prove yourself innocent.

In effect, our current asset forfeiture system targets both criminals and law-abiding citizens, takes their cars, cash, homes, and property away, and then forces them to prove they are innocent in order to get their assets back. The goal of this reform legislation is to change a system that sometimes violates the rights of the law-abiding, while retaining those provisions that allow law enforcement to target criminals, and hit them where it hurts—in their pocket books.

As I know from my service as a federal prosecutor, the majority of jurisdictions in America use asset forfeiture laws sensibly and fairly. Unfortunately, in some cases, law enforcement officers intentionally target citizens and seize their assets, because they know proving innocence under the constraints of the current law is extremely difficult if not impossible. The burden of proof for the government is minimal, the person may have less than 2 weeks to file a defense, and they have to post a bond even though the government has seized their assets.

H.R. 1658 was introduced to address this matter of allowing law enforcement to use this important tool of asset forfeiture, while still requiring them to be more mindful of due process and individual rights.

This legislation enjoys wide bi-partisan support, and passed the House on June 24, 1999 by a vote of 375–48. Additionally, the 65,000 member Law Enforcement Alliance of America supports it, as do many other line officers and retired police chiefs from across America. It returns balance and fairness to an area of law that has been abused to violate the rights of innocent citizens for too long.

This reform legislation does not deny law enforcement the ability to seize and forfeit assets that truly are used for criminal endeavors. It does, however, more properly balance those powers against civil liberties.

Mr. UDALL of Colorado. Mr. Speaker, I strongly support this measure. Passage of this bill is long overdue, and I urge all Members to join me in voting to send it to the President for signing into law.

Since the House passed this bill last year, it has been the subject of intensive negotiations that have involved the administration and law enforcement organizations as well as Members of both the House and Senate. Those negotiations have resulted in the revised version of the bill now before the House. I am sure that it is not everything that some might want, but it is acceptable to all concerned, and I think it deserves approval.

Enactment of this bill will correct serious imbalances in the law regarding civil forfeitures—cases in which the government seizes property allegedly connected to a violation of law. Under current law, seized property won't be returned unless the person whose property was seized can prove either that the property was not connected to the alleged crime or that the owner did not know about or consent to the allegedly illegal use of the property.

This bill shifts the burden of proof to the government, where it belongs, so that it would be up to the government to show by preponderance of the evidence that an asset was sufficiently connected to a crime to be subject to civil forfeiture. While this is a somewhat less stringent requirement than in the bill as originally passed by the House, it is a great improvement over the current law.

The bill also makes a number of other important improvements over the current law. It will require that seizures be made pursuant to a warrant. It will eliminate the need for people to post a bond in order to contest a civil-forfeiture case. It will create a uniform "innocent owner" defense for all civil-forfeiture cases. It will allow property to be released from government custody before final disposition of a case where continued custody would be a hardship to the owner outweighing any risk to the government. And it will allow people to seek to recover from the government if seized property is damaged while in custody.

I congratulate all those whose hard work has made it possible for the bill to be on the floor today, and I urge its approval.

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

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1658.

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

The motion to reconsider is laid on the table.

SENSE OF CONGRESS THAT MIAMI, FLORIDA, SHOULD SERVE AS PERMANENT LOCATION FOR SECRETARIAT OF FTAA

Mr. CRANE. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 71) expressing the sense of the Congress that Miami, Florida, and not a competing foreign city, should serve as the permanent location for the Secretariat of the Free Trade Area of the Americas (FTAA) beginning in 2005.

The Clerk read as follows:

S. CON. RES. 71

Whereas deliberations on establishing a "Free Trade Area of the Americas" (FTAA) will help facilitate greater cooperation and understanding on trade barrier reduction throughout the Americas;

Whereas the trade ministers of 34 countries of the Western Hemisphere agreed in 1998 to create a permanent Secretariat in order to support negotiations on establishing the FTAA;

Whereas the FTAA Secretariat will employ persons to provide logistical, administrative, archival, translation, publication, and distribution support for the negotiations;

Whereas the FTAA Secretariat will be funded by a combination of local resources and institutional resources from a tripartite committee consisting of the Inter-American Development Bank (IDB), the Organization of American States (OAS), and the United Nations Economic Commission on Latin America and the Caribbean (ECLAC);

Whereas the temporary site of the FTAA Secretariat will be located in Miami, Florida, from 1999 until February 28, 2001, at which point the Secretariat will rotate to Panama City, Panama, until February 28, 2003, and then rotate to Mexico City, Mexico, until February 28, 2005;

Whereas by 2005 the FTAA Secretariat will have international institution status providing jobs and tremendous economic benefits to its host city;

Whereas a permanent site for the FTAA Secretariat after 2005 will likely be selected from among the 3 temporary host cities;

Whereas the city of Miami, Miami-Dade County, and the State of Florida have long served as the gateway for trade with the Caribbean and Latin America;

Whereas trade between the city of Miami, Florida, and the countries of Latin America and the Caribbean totaled $36,793,000,000 in 1998;

Whereas the Miami-Dade area and the State of Florida possess the necessary infrastructure, local resources, and culture necessary for the FTAA Secretariat's permanent site;

Whereas the United States possesses the world's largest economy and is the leading proponent of trade liberalization throughout the world; and

Whereas the city of Miami, Florida, the State of Florida, and the United States are uniquely situated among other competing locations to host the ''Brussels of the Western Hemisphere'': Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should direct the United States representative to the ''Free Trade Area of the Americas'' (FTAA) negotiations to use all available means in order to secure Miami, Florida, as the permanent site of the FTAA Secretariat after February 28, 2005.

The SPEAKER pro tempore (Mr. OSE). Pursuant to the rule, the gentleman from Illinois (Mr. CRANE) and the gentleman from Michigan (Mr. LEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. CRANE).

GENERAL LEAVE

Mr. CRANE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on S. Con. Res. 71.

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

There was no objection.

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

Mr. Speaker, S. Con. Res. 71 is a noncontroversial resolution which would express the sense of the Congress that the USTR should use all available means to make Miami, Florida, the permanent site of the Secretariat for the Free Trade Area of the Americas, FTAA, after the year 2005. The resolution passed the Senate by unanimous consent last November.

The FTAA facilitates open cooperation and the reduction of trade barriers throughout the Americas. Right now the Secretariat is rotating among various cities until 2005. The permanent home is important because the host country gains international institution status and economic benefits. This legislation would send an important signal to the administration and to our trading partners in the Western Hemisphere that Congress wants the United States to continue its leadership role in trade negotiations.

Mr. Speaker, I yield the balance of my time to the gentleman from Florida (Mr. SHAW) and ask unanimous consent that he be permitted to yield blocks of time.

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

There was no objection.

Mr. LEVIN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, I rise in support of S. Con. Res. 71, expressing the sense of the Congress that Miami, Florida, and not a competing foreign city, should serve as the permanent location of the Secretariat of the Free Trade Area of the Americas beginning in 2005.

In 1994, Miami was host to 34 heads of state and governments who gathered for the historic Summit of the Americas. From this meeting came the idea to create a Free Trade Area of the Americas by the year 2005.

The temporary site of the FTAA Secretariat has been in Miami and will remain there until February 28, 2001, when it will move to Panama City, Panama, and stay there until February 28, 2003. It will then move to Mexico City, Mexico, until February 28, 2005. A permanent site for the FTAA Secretariat will then likely be chosen from the then temporary host cities.

The FTAA Secretariat is potentially the single most important job creation vehicle for Florida in this generation. The city that secures the Secretariat will become the business and trade capital of the Americas.

As a resident of Miami, some may ask, why choose Miami? Trade between Latin America and the Caribbean with Miami totalled $36.8 billion in 1998 as reported by the Beacon Council and the Bureau of the Census. In 1998, $69 billion in international trade passed through Florida. Fifteen of the FTAA countries were among the top 25 trading partners with the Port of Miami. Exports and imports through Miami customs district, mainly with Latin America, reached over $47 billion in 1997. The Miami Free Zone is a valuable asset for international trade.

Mr. Speaker, Miami is home to the tenth largest airport in the world, providing the most flights out of the United States into Latin America and the Caribbean. Miami International Airport is the leading airport for international air cargo. Miami International Airport provides air service that links 200 cities on five continents.

The Port of Miami served 3.2 million passengers in 1997, reaffirming the Port of Miami as the cruise capital of the world. In July 1999, the Port of Miami signed a sister seaport agreement with Buenos Aires. Miami offers a vast highway system and a convenient metrorail system as an alternative to driving.

Miami, Mr. Speaker, is a culturally diverse area. More than 2 million people reside in Miami, bringing a rich cultural diversity to the area. Fifty-four percent of the population of Dade County is Latin. The City of Miami is home to one of the largest number of bi-national chambers of commerce in the country.

As for the quality of security that the FTAA will need, the Miami-Dade Police Department is the largest police force in the southeastern United States, employing over 2,951 officers. They are recognized as one of the leading law enforcement agencies in the Nation. The State of Florida has five Air Force bases, 10 Naval bases, and two Coast Guard stations.

Miami is strategically located between all the FTAA countries, providing a gateway for commerce, cultural exchange, and communication. Securing a permanent Secretariat in Miami is essential because it will expand our businesses' unique access to the international trade process and exposure to the potentially expanding locations of the OAS, IBD, World Bank, and international finance institutions.

There is no doubt that the President should direct the United States Representative to the Free Trade Area of the Americas negotiations to use all available means to secure Miami, and not a competing foreign city, as the permanent site of the FTAA Secretariat after February 28, 2005.

Mr. Speaker, I want to thank the gentleman from Michigan (Mr. LEVIN) for this opportunity to represent Miami for the Free Trade Area Secretariat.

Mr. SHAW. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. FOLEY), a distinguished member of the Committee on Ways and Means.

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

Mr. Speaker, first I want to applaud both the comments of the gentlewoman from Miami, Florida (Mrs. MEEK), as well as the leadership of the gentleman from Florida (Mr. SHAW), who represents Dade, Broward and Palm Beach Counties, who has been working very closely with our Florida Secretary of State in establishing what we hope will be an economic opportunity, an outstanding viable trade mission, something that will not only produce and provide jobs for Floridians and people who live in the United States, but will also serve as a welcome station for countries around the hemisphere.

□ 1415

Clearly New York is blessed to have the United Nations, where people from all over the world assemble to debate and discuss the merits of international treaties, trade, and other important things that they consider.

We now have a chance, through this legislation, this resolution, to establish the permanent Secretariat in Miami. The United States has been negotiating with other countries in the Americas to establish free trade area of the Americas. As part of that, we agreed 2 years ago to create a permanent Secretariat to help further the FTAA.

Miami, as was described by the gentlewoman from Florida (Mrs. MEEK), is

now the temporary home of the Secretariat. This bill would make permanent Miami as its home, and we believe strongly as members of the South Florida delegation that it ought to be here in Miami, in Florida.

The State of Florida is now already the gateway to trade between North and South America, with much of this trade going through the Port of Miami. It is an international bilingual city that has long had roots in the Latin American culture, making it all the more equipped to be the center of trade of the Americas. Well over 700,000 Cuban Americans call Dade County home, and there are a multitude of other nationalities that equally call Miami their home now, Nicaraguans, Guatemalans, Haitians, all types of nationalities, which makes it even more fitting, and it makes it more equipped to be the center for trade for the Americas.

We have a marvelous opportunity now to make a United States city the focal point for trade within the Americas, and Miami is clearly the best candidate.

Again, I urge my colleagues to vote for this bill, and again, I want to personally commend the gentleman from Florida (Mr. SHAW), who is looking to bring what I believe will be one of the most vital opportunities to his Dade County in both the creation of jobs, in recognizing that the United States is for trade, it is for open trade, and will make a hospitable location for future deliberations.

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

Mr. Speaker, as indicated, this is a bill that passed the Senate. It was unanimous. It was noncontroversial. This is a bill mainly about facilities, about headquarters for the further negotiations of an FTAA. I want to support it in that vein.

I also want to say, if I might, just a brief word about the content, about the subject matter. There is a reference in the concurrent resolution to greater cooperation and understanding on trade barrier reduction throughout the Americas. I am pleased that, as the ministers have been meeting, that their perspective on trade issues has widened and is more vast than relating only to trade barrier reduction, as important as that may be.

I am pleased that in recent weeks, as I understand it, that the trade ministers have placed on the agenda for discussion at the next meeting of trade ministers in Buenos Aires, Argentina, the issue of core labor standards and their role in the trade equation. I believe very much that that has to be considered, and in the end part of the negotiations relating to an FTAA.

It seems to me that in view of the discussions to date, that there is an understanding among the trade ministers that there needs to be a diligent effort to look at all of the critical aspects of trade in these further negotiations.

As I said, this bill, however, is not basically about the content of the negotiations, it is about where the Secretariat should be located. The Florida delegation very understandably would like to see that placed in Miami. I think there is an advantage not only to Florida, but to the rest of the Nation.

I support this in the vein with the comments that I have made regarding the subject matter of future negotiations regarding an FTAA. At some point there will have to be consideration by this body as to the procedures which will guide the eventual negotiations.

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

Mr. SHAW. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. ROS-LEHTINEN), a distinguished member of the Florida delegation and chairman of the Subcommittee on International Economic Policy and Trade of the Committee on International Relations.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of making Miami, Florida, the permanent location for the Secretariat of the Free Trade Area of the Americas, FTAA. I am a proud cosponsor of this legislation, which is being led by our colleague, the gentleman from Florida (Mr. SHAW). His resolution expresses the sense of Congress that Miami, and not a foreign city, should serve as the permanent location for the FTAA.

Mr. Speaker, Miami, Florida, is currently the temporary location for the FTAA, which is comprised of 34 free nations with a combined gross domestic product of $14 trillion. The only city in the United States being considered as the permanent location of the FTAA is Miami, but it is competing with Panama and Mexico City.

I and my colleagues from Florida believe that Florida is indeed the best choice for the FTAA. Its strategic location, which many have hailed as the gateway to the Americas, makes Miami a natural choice for the FTAA. It enables our city to become the cultural, the diplomatic, and the commercial center of the Americas.

Additionally, Miami is already considered by many as the business and trade capital of the Americas. Due to its geographic location, Miami is already positioned to house the permanent Secretariat. The city has the highest number of flights to and from Latin America and the Caribbean, and the Port of Miami serves over 100 ports in this area as well, and a very large number of international companies have already made South Florida their regional headquarters for Latin America, including Federal Express, UPS, DHL, to name just a few. They also have international service centers based in Miami.

Winning the Secretariat means increased and strengthened technological investment, not just for us in Miami but for the entire state of Florida, and indeed, our Nation. The State's ten largest trading partners are located in Latin America and the Caribbean. Therefore, having the permanent Secretariat located in Florida would tremendously increase the State's hemispheric trade.

An important issue that we must also consider in this matter is the opportunity for Florida to become the e-business center for trade and e-business start-up companies, and this is a wonderful opportunity to begin warmer relations with our neighbors to the south.

The current revolution in e-commerce and the boom in e-business start-up companies requires us to seriously consider the consequences of not being a dominant player in the telecommunications industry. We cannot overlook the potential for hundreds and thousands of jobs that would be generated by a strong communications infrastructure arising from having the Secretariat in our Nation.

A great number of high-tech firms have already made Miami their home, and we would capitalize on this fact. The creation of jobs is vitally important to our area, and the Secretariat would provide an environment that encourages more companies to establish their operations, thereby increasing employment opportunities throughout the United States.

Having Florida as the Secretariat's permanent home benefits us as a whole. It would improve trade and commerce between the United States and the Americas, thereby enabling us to retain our current dominant position as a trade partner. It would also allow us the opportunity to surpass European exporters, who are moving forward to redouble their businesses with Latin America.

The issue of having Miami as the home of the permanent Secretariat of the FTAA enjoys strong support throughout the State. The Secretary of the State of Florida has expressed her strong support for this, particularly as it pertains to accelerating e-business and trade in the Americas. The Governor of Florida, Jeb Bush, is also committed to positioning the Internet in Florida for economic growth. The FTAA would help push these goals forward.

Mr. Speaker, I am very proud to support the legislation of the gentleman from Florida (Mr. SHAW) making the permanent home of the Secretariat of the FTAA to be Miami. It is a win-win situation, and I urge support of this important issue that is important for all of us in the State of Florida and, indeed, throughout the Nation.

I congratulate the leadership of the gentleman from Florida (Mr. SHAW) on this and many other issues.

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

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

Mr. Speaker, I rise today in strong support of Senate Concurrent Resolution 71, which is a bipartisan concurrent resolution expressing the sense of the Congress that Miami and not a competing foreign city should serve as a permanent location for the Free Trade Area of the Americas Secretariat, FTAA, beginning in the year 2005.

I introduced the companion House concurrent resolution, House Concurrent Resolution 217, to the legislation before us today. I am pleased that nearly every member of the Florida delegation is a cosponsor of this bill.

Mr. Speaker, in 1998 the trade ministers of 34 Western Hemisphere countries agreed to create a permanent Secretariat in order to support negotiations on establishing the free trade area of the Americas. The temporary site of the FTAA Secretariat is now located in Miami. Starting next year, the FTAA Secretariat will rotate to Panama City and then rotate to Mexico City until the year 2005.

The purpose of this legislation is to put the Congress on record as supporting Miami for the permanent location of the FTAA talks. This legislation is particularly good news for South Florida. If the FTAA permanently locates in Miami, thousands of jobs will be created to support this institution. Miami will join the ranks of Washington, D.C. and New York as the only American cities to host a large international organization.

If Miami is ultimately chosen, some day Miami may be as closely associated as being the center of world trade as now it is known for its famous beaches and sunshine and climate.

Locating the FTAA talks in Miami also will make sense on a practical level. The city of Miami and Miami-Dade County and the State of Florida have long served as the gateway for trade with the Caribbean Nations and Latin America. Moreover, Miami-Dade County possesses the necessary infrastructure, local resources, and the cultural diversity that is necessary for the FTAA Secretariat's permanent site. Miami also is a multicultural, bilingual city that is de facto financial capital of Latin America today.

In sum, Miami is the logical and most attractive location to permanently hold the FTAA talks. In a broader sense, the home of the FTAA should be an American city. Since the end of World War II, the United States has been the leading proponent of trade liberalization throughout the world. Today our leadership on free trade is under close scrutiny, with many of our allies openly questioning our continuing commitment to expanding world trade.

Let us send a strong signal today that America will continue its leadership position on this issue, especially to our neighbors in this hemisphere, by having a unanimous vote to locate the FTAA Secretariat in Miami.

Mr. Speaker, I thank the gentleman from Illinois (Chairman CRANE) and the gentleman from Texas (Chairman ARCHER) and all of my Florida colleagues for bringing this important bill to the floor today.

I especially thank Florida Secretary of State Katherine Harris, whose tireless work on this legislation was a major reason for its consideration today. I am confident that under Secretary Harris's leadership, Miami will one day be known as the Brussels of the West.

Mr. Speaker, I ask for a yea vote on this bill. It is important to Dade County and Miami, it is important to the State of Florida, and as my good friend, the gentleman from Michigan (Mr. LEVIN) pointed out, it is good for America.

Mr. MILLER of Florida. Mr. Speaker, I rise in support of this bi-partisan resolution directing the President and the United States Trade Representative to pursue all available means to insure that the permanent home of the Free Trade Area of the Americas' (FTAA) Secretariat is located in the city of Miami, Florida. Miami already boasts a strong economic and cultural connection to our country's southern neighbors and trading partners, and is now positioned to become the "Brussels of the Western Hemisphere" by hosting the permanent home of the FTAA.

For those who may be unaware, the Free Trade Area of the Americas (FTAA) is the product of agreements among the United States and the nations of the Western Hemisphere to establish a means for cooperation to promote trade and further reduce barriers to trade within this hemisphere. As part of that goal, the trade ministers of 34 countries agreed to establish an organization, the FTAA Secretariat, to aid the process of trade liberalization. By 2005 the FTAA Secretariat will have international institution status providing jobs and tremendous economic benefits to its host city akin to the European regional economic and governmental organizations in Brussels. The agreement establishing the FTAA Secretariat calls for its location to rotate on a temporary basis between three cities: Panama City, Panama; Mexico City, Mexico; and Miami, Florida. A choice on the permanent site of the Secretariat has not yet been made from among these three competing cities, but will be soon.

The FTAA Secretariat will be funded by a combination of local resources and institutional resources from a tripartite committee consisting of the Organization of American States (OAS), the Inter-American Development Bank (IDB), and the United Nations Economic Commission on Latin America and the Caribbean (ECLAC).

Mr. Speaker, I would advise my colleagues that it does not matter what your position on free trade or on some of our Latin American trading partners may be, this resolution deserves the support of every Member of Congress. This is a noncontroversial and patriotic resolution which simply affirms that we, as a Congress, desire that the FTAA Secretariat should be permanently located in the United States rather than either Panama or Mexico. Miami is the only United States city in contention to become the permanent home of the FTAA Secretariat, and the city of Miami and the State of Florida deserve the support of Congress in this effort.

The city of Miami and the State of Florida have long served as the gateway for trade with the Caribbean and Latin America. Trade between the city of Miami, Florida and the countries of Latin America and the Caribbean totaled $36,793,000,000 in 1998. Furthermore, Miami is better equipped with the necessary infrastructure to support the Secretariat, including the area of information technology. Miami is best positioned of the three locations to further accelerate the already rapid expansion of the Internet and E-commerce into Latin America through the FTAA, and become not only the "Brussels of the Western Hemisphere" but the Latin American gateway to Silicon Valley as well.

I would be remiss if I did not thank Florida Secretary of State Katherine Harris, who is from my own Congressional District, and my colleague Congressman CLAY SHAW for all their hard work to bring this bill to the floor and to bring the FTAA to Miami.

Mr. Speaker, the United States has always been the leader in expanded trade and in this hemisphere, and Congress can help ensure that we do not abdicate that role by doing our part to locate the FTAA Secretariat here in this country, in Miami, Florida. I strongly urge my colleagues to vote in favor of this important resolution.

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

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Florida (Mr. SHAW) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 71.

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

A motion to reconsider was laid on the table.

TAXPAYER BILL OF RIGHTS 2000

Mr. ARCHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4163) to amend the Internal Revenue Code of 1986 to provide for increased fairness to taxpayers, as amended.

The Clerk read as follows:

H.R. 4163

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

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Taxpayer Bill of Rights 2000''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; etc.

TITLE I—PENALTIES AND INTEREST

Sec. 101. Failure to pay estimated tax penalty converted to interest charge on accumulated unpaid balance.
Sec. 102. Exclusion from gross income for interest on overpayments of income tax by individuals.
Sec. 103. Reductions of penalty for failure to pay tax.
Sec. 104. Abatement of interest.
Sec. 105. Deposits made to stop the running of interest on potential underpayments.
Sec. 106. Expansion of interest netting for individuals.

TITLE II—CONFIDENTIALITY AND DISCLOSURE

Sec. 201. Disclosure and privacy rules relating to returns and return information.
Sec. 202. Expansion of type of advice available for public inspection.
Sec. 203. Collection activities with respect to joint return disclosable to either spouse based on oral request.
Sec. 204. Taxpayer representatives not subject to examination on sole basis of representation of taxpayers.
Sec. 205. Disclosure in judicial or administrative tax proceedings of return and return information of persons who are not party to such proceedings.
Sec. 206. Prohibition of disclosure of taxpayer identification information with respect to disclosure of accepted offers-in-compromise.
Sec. 207. Compliance by State contractors with confidentiality safeguards.
Sec. 208. Higher standards for requests for and consents to disclosure.
Sec. 209. Notice to taxpayer concerning administrative determination of browsing; annual report.
Sec. 210. Disclosure of taxpayer identity for tax refund purposes.

TITLE III—OTHER REQUIREMENTS

Sec. 301. Clarification of definition of church tax inquiry.
Sec. 302. Expansion of declaratory judgment remedy to tax-exempt organizations.
Sec. 303. Employee misconduct report to include summary of complaints by category.
Sec. 304. Increase in threshold for Joint Committee reports on refunds and credits.
Sec. 305. Annual report on awards of costs and certain fees in administrative and court proceedings.
Sec. 306. Annual report on abatement of penalties.
Sec. 307. Better means of communicating with taxpayers.
Sec. 308. Explanation of statute of limitations and consequences of failure to file.

TITLE I—PENALTIES AND INTEREST

SEC. 101. FAILURE TO PAY ESTIMATED TAX PENALTY CONVERTED TO INTEREST CHARGE ON ACCUMULATED UNPAID BALANCE.

(a) PENALTY MOVED TO INTEREST CHAPTER OF CODE.—The Internal Revenue Code of 1986 is amended by redesignating section 6654 as section 6641 and by moving section 6641 (as so redesignated) from part I of subchapter A of chapter 68 to the end of subchapter E of chapter 67 (as added by subsection (e)(1) of this section).

(b) PENALTY CONVERTED TO INTEREST CHARGE.—The heading and subsections (a) and (b) of section 6641 (as so redesignated) are amended to read as follows:

"SEC. 6641. INTEREST ON FAILURE BY INDIVIDUAL TO PAY ESTIMATED INCOME TAX.

''(a) IN GENERAL.—Interest shall be paid on any underpayment of estimated tax by an individual for a taxable year for each day of such underpayment. The amount of such interest for any day shall be the product of the underpayment rate established under subsection (b)(2) multiplied by the amount of the underpayment.

''(b) AMOUNT OF UNDERPAYMENT; INTEREST RATE.—For purposes of subsection (a)—

''(1) AMOUNT.—The amount of the underpayment on any day shall be the excess of—

''(A) the sum of the required installments for the taxable year the due dates for which are on or before such day, over

''(B) the sum of the amounts (if any) of estimated tax payments made on or before such day on such required installments.

''(2) DETERMINATION OF INTEREST RATE.—

''(A) IN GENERAL.—The underpayment rate with respect to any day in an installment underpayment period shall be the underpayment rate established under section 6621 for the first day of the calendar quarter in which such installment underpayment period begins.

''(B) INSTALLMENT UNDERPAYMENT PERIOD.—For purposes of subparagraph (A), the term 'installment underpayment period' means the period beginning on the day after the due date for a required installment and ending on the due date for the subsequent required installment (or in the case of the 4th required installment, the 15th day of the 4th month following the close of a taxable year).

''(C) DAILY RATE.—The rate determined under subparagraph (A) shall be applied on a daily basis and shall be based on the assumption of 365 days in a calendar year.

''(3) TERMINATION OF ESTIMATED TAX INTEREST.—No day after the end of the installment underpayment period for the 4th required installment specified in paragraph (2)(B) for a taxable year shall be treated as a day of underpayment with respect to such taxable year.''.

(c) INCREASE IN SAFE HARBOR WHERE TAX IS SMALL.—

(1) IN GENERAL.—Clause (i) of section 6641(d)(1)(B) (as so redesignated) is amended to read as follows:

''(i) the lesser of—

''(I) 90 percent of the tax shown on the return for the taxable year (or, if no return is filed, 90 percent of the tax for such year), or

''(II) the tax shown on the return for the taxable year (or, if no return is filed, the tax for such year) reduced (but not below zero) by $2,000, or''.

(2) CONFORMING AMENDMENT.—Subsection (e) of section 6641 (as so redesignated) is amended by striking paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(d) CONFORMING AMENDMENTS.—

(1) Paragraphs (1) and (2) of subsection (e) (as redesignated by subsection (c)(2)) and subsection (h) of section 6641 (as so designated) are each amended by striking ''addition to tax'' each place it occurs and inserting ''interest''.

(2) Section 167(g)(5)(D) is amended by striking ''6654'' and inserting ''6641''.

(3) Section 460(b)(1) is amended by striking ''6654'' and inserting ''6641''.

(4) Section 3510(b) is amended—

(A) by striking ''section 6654'' in paragraph (1) and inserting ''section 6641'',

(B) by amending paragraph (2)(B) to read as follows:

''(B) no interest would be required to be paid (but for this section) under 6641 for such taxable year by reason of the $2,000 amount specified in section 6641(d)(1)(B)(i)(II).'',

(C) by striking ''section 6654(d)(2)'' in paragraph (3) and inserting ''section 6641(d)(2)'', and

(D) by striking paragraph (4).

(5) Section 6201(b)(1) is amended by striking ''6654'' and inserting ''6641''.

(6) Section 6601(h) is amended by striking ''6654'' and inserting ''6641''.

(7) Section 6621(b)(2)(B) is amended by striking ''addition to tax under section 6654'' and inserting ''interest required to be paid under section 6641''.

(8) Section 6622(b) is amended—

(A) by striking ''PENALTY FOR'' in the heading, and

(B) by striking ''addition to tax under section 6654 or 6655'' and inserting ''interest required to be paid under section 6641 or addition to tax under section 6655''.

(9) Section 6658(a) is amended—

(A) by striking ''6654, or 6655'' and inserting ''or 6655, and no interest shall be required to be paid under section 6641,'', and

(B) by inserting ''or paying interest'' after ''the tax'' in paragraph (2)(B)(ii).

(10) Section 6665(b) is amended—

(A) in the matter preceding paragraph (1) by striking '', 6654,'', and

(B) in paragraph (2) by striking ''6654 or''.

(11) Section 7203 is amended by striking ''section 6654 or 6655'' and inserting ''section 6655 or interest required to be paid under section 6641''.

(e) CLERICAL AMENDMENTS.—

(1) Chapter 67 is amended by inserting after subchapter D the following:

"Subchapter E—Interest on Failure by Individual to Pay Estimated Income Tax

''Sec. 6641. Interest on failure by individual to pay estimated income tax.''.

(2) The table of subchapters for chapter 67 is amended by adding at the end the following new items:

''Subchapter D. Notice requirements.

''Subchapter E. Interest on failure by individual to pay estimated income tax.''.

(3) The table of sections for part I of subchapter A of chapter 68 is amended by striking the item relating to section 6654.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to installment payments for taxable years beginning after December 31, 2000.

SEC. 102. EXCLUSION FROM GROSS INCOME FOR INTEREST ON OVERPAYMENTS OF INCOME TAX BY INDIVIDUALS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by redesignating section 139 as section 139A and by inserting after section 138 the following new section:

"SEC. 139. EXCLUSION FROM GROSS INCOME FOR INTEREST ON OVERPAYMENTS OF INCOME TAX BY INDIVIDUALS.

''(a) IN GENERAL.—In the case of an individual, gross income shall not include interest paid under section 6611 on any overpayment of tax imposed by this subtitle.

''(b) EXCEPTION.—Subsection (a) shall not apply in the case of a failure to claim items resulting in the overpayment on the original return if the Secretary determines that the principal purpose of such failure is to take advantage of subsection (a).

''(c) SPECIAL RULE FOR DETERMINING MODIFIED ADJUSTED GROSS INCOME.—For purposes of

this title, interest not included in gross income under subsection (a) shall not be treated as interest which is exempt from tax for purposes of sections 32(i)(2)(B) and 6012(d) or any computation in which interest exempt from tax under this title is added to adjusted gross income.''.

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 is amended by striking the item relating to section 139 and inserting the following new items:

''Sec. 139. Exclusion from gross income for interest on overpayments of income tax by individuals.

''Sec. 139A. Cross references to other Acts.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to interest received in calendar years beginning after the date of the enactment of this Act.

SEC. 103. REDUCTIONS OF PENALTY FOR FAILURE TO PAY TAX.

(a) REDUCTIONS OF PENALTY FOR FAILURE TO PAY TAX.—

(1) REDUCTION OF PENALTY BY 50 PERCENT.—

(A) IN GENERAL.—Paragraphs (2) and (3) of section 6651(a) are each amended by striking ''0.5'' each place it appears and inserting ''0.25''.

(B) CONFORMING AMENDMENT.—Paragraph (1) of section 6651(d) is amended by striking ''by substituting '1 percent' for '0.5 percent' '' and inserting ''by substituting '0.5 percent' for '0.25 percent' ''.

(2) REDUCTION OF PENALTY TO ZERO DURING PERIOD OF INSTALLMENT AGREEMENT.—Subsection (h) of section 6651 is amended by striking ''by substituting '0.25' for '0.5' '' and inserting ''by substituting 'zero' for '0.25' ''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply for purposes of determining additions to tax for months beginning after December 31, 2000.

(b) PROHIBITION OF FEE FOR INSTALLMENT AGREEMENTS USING AUTOMATED WITHDRAWALS.—

(1) IN GENERAL.—Section 6159 (relating to agreements for payment of tax liability in installments) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

''(e) PROHIBITION OF FEE FOR INSTALLMENT AGREEMENTS USING AUTOMATED WITHDRAWALS.—The Secretary may not charge a taxpayer a fee for entering into an agreement with the Secretary under this section only for so long as payments under such agreement are made by means of electronic transfer or by similar automated means.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to installment agreements entered into more than 30 days after the date of the enactment of this Act.

SEC. 104. ABATEMENT OF INTEREST.

(a) ABATEMENT OF INTEREST IF GROSS INJUSTICE WOULD OTHERWISE RESULT.—Section 6404 is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

''(i) ABATEMENT OF INTEREST IF GROSS INJUSTICE WOULD OTHERWISE RESULT.—The Secretary may abate the assessment of all or any part of interest on any amount of tax imposed by this title for any period if the Secretary determines that—

''(1) a gross injustice would otherwise result if interest were to be charged, and

''(2) no significant aspect of the events giving rise to the accrual of the interest can be attributed to the taxpayer involved.''.

(b) ABATEMENT OF INTEREST FOR PERIODS ATTRIBUTABLE TO ANY UNREASONABLE IRS ERROR OR DELAY.—Subparagraphs (A) and (B) of section 6404(e)(1) are each amended by striking ''in performing a ministerial or managerial act''.

(c) ABATEMENT OF INTEREST WITH RESPECT TO ERRONEOUS REFUND CHECK WITHOUT REGARD TO SIZE OF REFUND.—Paragraph (2) of section 6404(e) is amended by striking ''unless—'' and all that follows and inserting ''unless the taxpayer (or a related party) has in any way caused such erroneous refund.''

(d) ABATEMENT OF INTEREST TO EXTENT INTEREST IS ATTRIBUTABLE TO TAXPAYER RELIANCE ON WRITTEN STATEMENTS OF THE IRS.—Subsection (f) of section 6404 is amended—

(1) in the subsection heading, by striking ''PENALTY OR ADDITION'' and inserting ''INTEREST, PENALTY, OR ADDITION'', and

(2) in paragraph (1) and in subparagraph (B) of paragraph (2), by striking ''penalty or addition'' and inserting ''interest, penalty, or addition''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to interest accruing on or after the date of the enactment of this Act.

SEC. 105. DEPOSITS MADE TO STOP THE RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS.

(a) IN GENERAL.—Subchapter B of chapter 67 (relating to interest on overpayments) is amended by redesignating section 6612 as section 6613 and by inserting after section 6611 the following new section:

''SEC. 6612. DEPOSITS MADE TO STOP THE RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS, ETC.

''(a) AUTHORITY TO MAKE DEPOSITS OTHER THAN AS PAYMENT OF TAX.—Any taxpayer may make a cash bond deposit with the Secretary to offset any potential underpayment of tax imposed by this title for any taxable period. Such a deposit shall be made in such manner as the Secretary shall prescribe.

''(b) DEPOSITS USED TO PAY UNDERPAYMENT ALSO OFFSET RUNNING OF INTEREST ON UNDERPAYMENT.—Any cash bond deposit used to pay tax under this title shall offset interest under subchapter A during the period of such deposit on such tax under such procedures as the Secretary shall prescribe.

''(c) TAXPAYER MAY REQUEST RETURN OF CASH BOND DEPOSIT.—

''(1) IN GENERAL.—On written request of a taxpayer who made a cash bond deposit, the Secretary shall return to the taxpayer any amount of such deposit specified by the taxpayer.

''(2) NO INTEREST.—In the case of a deposit which is so returned—

''(A) the amount returned shall not offset interest under subchapter A for any period, and

''(B) except as provided in subsection (d), no interest shall be allowed on such amount.

''(3) EXCEPTIONS.—Paragraph (1) shall not apply to any amount if—

''(A) such amount has been treated by the Secretary as a payment of tax after a final determination of the disputed items to which such amount relates,

''(B) such amount has been designated by the taxpayer as being a payment of tax,

''(C) the Secretary determines that assessment or collection of tax is in jeopardy, or

''(D) the amount is applied in accordance with section 6402.

Subparagraph (D) shall not apply to a payment to a taxpayer if the taxpayer is entitled to be paid interest under subsection (d) on such payment.

''(d) INTEREST ON AMOUNTS RETURNED IN CERTAIN CIRCUMSTANCES.—

''(1) IN GENERAL.—Interest shall be allowed and paid on the amount of any cash bond deposit for a taxable period which is returned to the taxpayer only if the deposit is attributable to a dispute reserve account for such period.

''(2) ATTRIBUTION TO DISPUTE RESERVE ACCOUNT.—For purposes of paragraph (1), an amount is attributable to a dispute reserve account for any taxable period only to the extent that the aggregate of the cash bond deposits for such period (reduced by the amount of such deposits which has been previously returned to the taxpayer or treated as a payment of tax) does not exceed the deposit limit for such period.

''(3) DEPOSIT LIMIT.—For purposes of paragraph (2)—

''(A) IN GENERAL.—The deposit limit for any taxable period is the amount specified by the taxpayer at the time of the deposit as the taxpayer's reasonable estimate of the potential underpayment for such period with respect to disputable items identified (at such time) by the taxpayer with respect to such deposit.

''(B) SAFE HARBOR BASED ON 30-DAY LETTER.—In the case of a taxpayer who is issued a 30-day letter for any taxable period, the deposit limit for such period shall not be less than the amount of the proposed deficiency specified in such letter.

''(4) DEFINITIONS.—For purposes of paragraph (3)—

''(A) DISPUTABLE ITEM.—The term 'disputable item' means any item if the taxpayer—

''(i) has a reasonable basis for its treatment of such item, and

''(ii) reasonably believes that the Secretary also has a reasonable basis for disallowing the taxpayer's treatment of such item.

''(B) 30-DAY LETTER.—The term '30-day letter' means the first letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals.

''(5) RATE AND PERIOD OF INTEREST.—

''(A) RATE.—The rate of interest allowable under this subsection shall be the Federal short-term rate determined under section 6621(b), compounded daily.

''(B) PERIOD.—Interest under this subsection on any payment to a taxpayer shall be payable from the date of the deposit to which such payment is attributable to a date (to be determined by the Secretary) preceding the date of the check making such payment by not more than 30 days. For purposes of the preceding sentence, cash bond deposits for any taxable period shall be treated as used and returned on a last-in first-out basis.

''(e) CASH BOND DEPOSIT.—For purposes of this section—

''(1) IN GENERAL.—The term 'cash bond deposit' means any payment which is designated by the taxpayer as being a cash bond deposit for a specified taxable period.

''(2) AMOUNTS DESIGNATED OR USED AS PAYMENT OF TAX.—A cash bond deposit shall cease to be treated as such for purposes of this section beginning on the date that the taxpayer designates such deposit as a payment of tax for purposes of this title, or, if earlier, on the date such deposit is so used.

''(f) CHANGE IN PERIOD FOR WHICH DEPOSIT MADE.—Subject to the requirements of subsection (d), a taxpayer may change the taxable period to which a cash bond deposit relates.''

(b) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 67 is amended by striking the last item and inserting the following new items:

''Sec. 6612. Deposits made to stop the running of interest on potential underpayments, etc.

''Sec. 6613. Cross references.''

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to interest for periods after the date of the enactment of this Act.

(2) SPECIFICATION OF DISPUTED ITEMS.—In the case of amounts held by the Secretary of the Treasury on the date of the enactment of this Act as a deposit in the nature of a cash bond

pursuant to Revenue Procedure 84–58, the date that the taxpayer makes the identification under subsection (d)(3)(A) of section 6612 of the Internal Revenue Code of 1986, as added by this section, shall be treated as the date such amounts were deposited for purposes of such section 6612.

SEC. 106. EXPANSION OF INTEREST NETTING FOR INDIVIDUALS.

(a) IN GENERAL.—Subsection (d) of section 6621 (relating to elimination of interest on overlapping periods of tax overpayments and underpayments) is amended by adding at the end the following: ''Solely for purposes of the preceding sentence, section 6611(e) shall not apply in the case of an individual.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to interest accrued after December 31, 2000.

TITLE II—CONFIDENTIALITY AND DISCLOSURE

SEC. 201. DISCLOSURE AND PRIVACY RULES RELATING TO RETURNS AND RETURN INFORMATION.

(a) IN GENERAL.—Subsection (a) of section 6103 (relating to general rule for confidentiality and disclosure of returns and return information) is amended by striking ''title—'' and inserting ''title and notwithstanding any other provision of law—''.

(b) PROCEDURAL AND JURISDICTIONAL RULES.—Subsection (p) of section 6103 (relating to procedure and recordkeeping) is amended by adding at the end the following new paragraph:

''(9) PROCEDURAL RULES APPLICABLE TO CERTAIN DISCLOSURES.—

''(A) IN GENERAL.—The Secretary shall prescribe regulations for purposes of providing for disclosures of return and return information under subsections (c), (e), and (k) (1) and (2). Such regulations shall include a schedule of fees, and waivers and reductions of such fees, applicable to the processing of requests for such disclosures.

''(B) DETERMINATIONS OF WHETHER TO COMPLY WITH DISCLOSURE REQUESTS.—

''(i) INITIAL REQUESTS.—In response to a request that reasonably describes the return or return information sought and is made in accordance with the published rules, the Secretary shall—

''(I) determine within 20 days after the receipt of any request for disclosure of return or return information under subsections (c), (e), and (k) (1) and (2) whether to comply with such request, and

''(II) immediately notify the person making such request of such determination and the reasons therefor, and of the right of such person to appeal to the Commissioner any adverse determination.

''(ii) APPEAL.—The Commissioner shall—

''(I) make a determination with respect to any appeal of any adverse determination under clause (i)(I) within 20 days after the receipt of such appeal, and

''(II) if on appeal the denial of the request for disclosure of such return or return information is in whole or in part upheld, the Commissioner shall notify the person making such request of the provisions for judicial review of that determination under subparagraph (D).

''(iii) EXTENSION OF PERIODS FOR UNUSUAL CIRCUMSTANCES.—

''(I) IN GENERAL.—The time limits prescribed in clause (i) and clause (ii) (as the case may be) may be extended for not more than 10 days in unusual circumstances by providing to the person making such request for disclosure written notice which sets forth the unusual circumstances for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than 10 working days, except as provided in subclause (II).

''(II) MODIFICATION OF REQUEST OR TIME PERIOD.—If, with respect to a request for which the time limits are extended under subclause (I), the Secretary determines that the request cannot be processed within the time limit so specified, the Secretary shall notify the person making the request and shall provide the person an opportunity to limit the scope of the request so that it may be processed within that time limit or an opportunity to arrange with the agency an alternative time frame for processing the request or a modified request. Refusal by the person to reasonably modify the request or arrange such an alternative time frame shall be considered as a factor in determining whether exceptional circumstances exist for purposes of subparagraph (C).

''(iv) UNUSUAL CIRCUMSTANCES DEFINED.—For purposes of clause (iii), the term 'unusual circumstances' means, but only to the extent reasonably necessary to the proper processing of the particular requests—

''(I) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request,

''(II) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request, or

''(III) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

''(v) 20-DAY PERIOD EXCLUDES CERTAIN DAYS.—The 20-day periods referred to in clauses (i) and (ii) shall not include Saturdays, Sundays, and legal public holidays.

''(C) FAILURE TO MEET TIME LIMITS.—

''(i) IN GENERAL.—Any person making a request for the disclosure of return or return information which is subject to this paragraph shall be deemed to have exhausted his administrative remedies with respect to such request if the Secretary fails to comply with the applicable time limit provisions of this paragraph. If the Secretary can show exceptional circumstances exist and that the agency is exercising due diligence in responding to the request, the court may retain jurisdiction and allow the agency additional time to complete its review of the records. Upon any determination by the Secretary to comply with a request for records, the records shall be made promptly available to such person making such request. Any notification of denial of any request for records under this subsection shall set forth the names and titles or positions of each person responsible for the denial of such request.

''(ii) EXCEPTIONAL CIRCUMSTANCES DEFINED.—For purposes of clause (i), the term 'exceptional circumstances' does not include a delay that results from a predictable workload of the Secretary relating to requests subject to this paragraph, unless the Secretary demonstrates reasonable progress in reducing its backlog of pending requests.

''(iii) REFUSAL TO MODIFY REQUEST OR TIME FRAME.—Refusal by a person to reasonably modify the scope of a request or arrange an alternative time frame for processing a request (or a modified request) under subparagraph (B)(ii) after being given an opportunity to do so by the agency to whom the person made the request shall be considered as a factor in determining whether exceptional circumstances exist for purposes of this subparagraph.

''(D) JUDICIAL PROCEEDINGS.—

''(i) JURISDICTION OF THE DISTRICT COURTS.—

''(I) IN GENERAL.—On complaint, the district courts of the United States in the district in which the complainant resides, or has his principal place of business, or in which his return or return information is situated, or in the District of Columbia, shall have jurisdiction to enjoin the Secretary from withholding return or return information which is subject to disclosure under subsection (c), (e), or (k) (1) or (2), and to order the production of any return or return information improperly withheld from the complainant.

''(II) EXPEDITED PROCESSING.—No district court of the United States shall have jurisdiction to review a denial by the Secretary of expedited processing of a request for return or return information after the Secretary has provided a complete response to the request.

''(ii) PROCEDURAL MATTERS.—In a case arising under clause (i), the court shall determine the matter de novo (on the record before the Secretary at the time of the determination in the case of a request for expedited processing), and may examine the contents of such return or return information in camera to determine whether such return or return information or any part thereof shall be withheld under any of the provisions of this title, and the burden shall be on the Secretary to sustain its action. In addition to any other matters to which a court accords substantial weight, a court shall accord substantial weight to an affidavit of the Secretary concerning the Secretary's determination as to technical feasibility relating to, and reproducibility of, such return and return information.

''(E) DEADLINE FOR SECRETARY TO ANSWER COMPLAINT.—Notwithstanding any other provision of law, the Secretary shall serve an answer or otherwise plead to any complaint made under this paragraph within 30 days after service upon the Secretary of the pleading in which such complaint is made, unless the court otherwise directs for good cause shown.''.

(c) ATTORNEY FEES.—Subsection (a) of section 7430 (relating to general rule for awarding of costs and certain fees) is amended by inserting after ''title,'' the following: ''and in any court proceeding in connection with the disclosure of return and return information under section 6103(p)(9),''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 202. EXPANSION OF TYPE OF ADVICE AVAILABLE FOR PUBLIC INSPECTION.

(a) IN GENERAL.—Subparagraph (A) of section 6110(i)(1) is amended—

(1) by striking ''national office component of the Office of Chief Counsel'' and inserting ''component of the Office of Chief Counsel or of the Service'', and

(2) in clause (i) by striking ''field or service center employees of the Service or regional or district'' and inserting ''employees of the Service or''.

(b) CONFORMING AMENDMENTS.—

(1) Section 6110(i)(2) is amended by inserting ''or the Service'' after ''Office of Chief Counsel''.

(2) The following provisions of section 6110 are amended by striking ''Chief Counsel advice'' each place it appears and inserting ''official advice'':

(A) Paragraph (1) of subsection (b).

(B) Subparagraph (A) of subsection (i)(1).

(C) Paragraphs (3) and (4) of subsection (i).

(3) Subparagraph (A) of section 6110(g)(5) is amended by inserting ''official advice and'' before ''technical advice''.

(4) The heading for subsection (i) of section 6110 is amended by striking ''CHIEF COUNSEL'' and inserting ''OFFICIAL''.

(5) The heading for paragraph (1) of section 6110(i) is amended by striking ''CHIEF COUNSEL'' and inserting ''OFFICIAL''.

(6) The headings for paragraphs (2) and (3) of section 6110(i), and for subparagraphs (A) and

(B) of paragraph (4) of such section, are each amended by striking ''CHIEF COUNSEL'' and inserting ''OFFICIAL''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to any official advice issued more than 90 days after the date of the enactment of this Act.

(2) DOCUMENTS TREATED AS OFFICIAL ADVICE.—If the Secretary of the Treasury by regulation provides pursuant to section 6110(i)(2) of the Internal Revenue Code of 1986, that any additional advice or instruction issued by the Office of Chief Counsel shall be treated as official advice, such additional advice or instruction shall be made available for public inspection pursuant to section 6110 of such Code, as amended by this section, only in accordance with the effective date set forth in such regulation.

(3) OFFICIAL ADVICE TO BE AVAILABLE ELECTRONICALLY.—The Internal Revenue Service shall make any official advice issued more than 90 days after the date of the enactment of this Act and made available for public inspection pursuant to section 6110 of the Internal Revenue Code of 1986, as amended by this section, also available by computer telecommunications within 1 year after issuance.

SEC. 203. COLLECTION ACTIVITIES WITH RESPECT TO JOINT RETURN DISCLOSABLE TO EITHER SPOUSE BASED ON ORAL REQUEST.

(a) IN GENERAL.—Paragraph (8) of section 6103(e) (relating to disclosure of collection activities with respect to joint return) is amended by striking ''in writing'' the first place it appears.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 204. TAXPAYER REPRESENTATIVES NOT SUBJECT TO EXAMINATION ON SOLE BASIS OF REPRESENTATION OF TAXPAYERS.

(a) IN GENERAL.—Subsection (h) of section 6103 (relating to disclosure to certain Federal officers and employees for purposes of tax administration, etc.) is amended by adding at the end the following new paragraph:

''(7) TAXPAYER REPRESENTATIVES.—Notwithstanding paragraph (1), the return of the representative of a taxpayer whose return is being examined by an officer or employee of the Department of the Treasury shall not be open to inspection by such officer or employee on the sole basis of the representative's relationship to the taxpayer unless a supervisor of such officer or employee has approved the inspection of the return of such representative on a basis other than by reason of such relationship.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 205. DISCLOSURE IN JUDICIAL OR ADMINISTRATIVE TAX PROCEEDINGS OF RETURN AND RETURN INFORMATION OF PERSONS WHO ARE NOT PARTY TO SUCH PROCEEDINGS.

(a) IN GENERAL.—Paragraph (4) of section 6103(h) (relating to disclosure to certain Federal officers and employees for purposes of tax administration, etc.) is amended by adding at the end the following new subparagraph:

''(B) DISCLOSURE IN JUDICIAL OR ADMINISTRATIVE TAX PROCEEDINGS OF RETURN AND RETURN INFORMATION OF PERSONS NOT PARTY TO SUCH PROCEEDINGS.—

''(i) NOTICE.—Return or return information of any person who is not a party to a judicial or administrative proceeding described in paragraph (4) shall not be disclosed under clause (ii) or (iii) of subparagraph (A) until after the Secretary makes a reasonable effort to give notice to such person and an opportunity for such person to request the deletion of matter from such return or return information, including any of the items referred to in paragraphs (1) through (7) of section 6110(c). Such notice shall include a statement of the issue or issues the resolution of which is the reason such return or return information is sought. In the case of S corporations, partnerships, estates, and trusts, such notice shall be made at the entity level.

''(ii) DISCLOSURE LIMITED TO PERTINENT PORTION.—The only portion of a return or return information described in clause (i) which may be disclosed under subparagraph (A) is that portion of such return or return information that directly relates to the resolution of an issue in such proceeding.

''(iii) EXCEPTIONS.—Clause (i) shall not apply to—

''(I) any ex parte proceeding for obtaining a search warrant, order for entry on premises or safe deposit boxes, or similar ex parte proceeding,

''(II) disclosure of third party return information by indictment or criminal information, or

''(III) if the Secretary determines that the application of such clause would seriously impair a criminal tax investigation.''.

(b) CONFORMING AMENDMENTS.—Paragraph (4) of section 6103(h) is amended by—

(1) by striking ''PROCEEDINGS.—A return'' and inserting ''PROCEEDINGS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a return'',

(2) by redesignating subparagraphs (A), (B), (C), and (D) clauses (i), (ii), (iii), and (iv), respectively, and

(3) in the matter following clause (iv) (as so redesignated), by striking ''subparagraph (A), (B), or (C)'' and inserting ''clause (i), (ii) or (iii)'' and by moving such matter two ems to the right.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to proceedings commenced after the date of the enactment of this Act.

SEC. 206. PROHIBITION OF DISCLOSURE OF TAXPAYER IDENTIFICATION INFORMATION WITH RESPECT TO DISCLOSURE OF ACCEPTED OFFERS-IN-COMPROMISE.

(a) IN GENERAL.—Paragraph (1) of section 6103(k) (relating to disclosure of certain returns and return information for tax administrative purposes) is amended by inserting ''(other than address and TIN)'' after ''Return information''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disclosures made after the date of the enactment of this Act.

SEC. 207. COMPLIANCE BY STATE CONTRACTORS WITH CONFIDENTIALITY SAFEGUARDS.

(a) IN GENERAL.—Paragraph (8) of section 6103(p) (relating to State law requirements) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) DISCLOSURE TO CONTRACTORS.—Notwithstanding any other provision of this section, no return or return information shall be disclosed by any officer or employee of any State to any contractor of the State unless such State—

''(i) has requirements in effect which require each contractor of the State which would have access to returns or return information to provide safeguards (within the meaning of paragraph (4)) to protect the confidentiality of such returns or return information,

''(ii) agrees to conduct an annual, on-site review (mid-point review in the case of contracts of less than 1 year in duration) of each contractor to determine compliance with such requirements,

''(iii) submits the findings of the most recent review conducted under clause (ii) to the Secretary as part of the report required by paragraph (4)(E), and

''(iv) certifies to the Secretary for the most recent annual period that all contractors are in compliance with all such requirements.

The certification required by clause (iv) shall include the name and address of each contractor, a description of the contract of the contractor with the State, and the duration of such contract.''.

(b) CONFORMING AMENDMENT.—Subparagraph (C) of section 6103(p)(8), as amended by subsection (a), is amended by striking ''subparagraph (A)'' and inserting ''subparagraphs (A) and (B)''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to disclosures made after December 31, 2001.

(2) The first certification under section 6103(p)(8)(B)(iv) of the Internal Revenue Code of 1986, as added by subsection (a), shall be made with respect to calendar year 2002.

SEC. 208. HIGHER STANDARDS FOR REQUESTS FOR AND CONSENTS TO DISCLOSURE.

(a) IN GENERAL.—Subsection (c) of section 6103 (relating to disclosure of returns and return information to designee of taxpayer) is amended by adding at the end the following new paragraphs:

''(2) REQUIREMENTS FOR VALID REQUESTS AND CONSENTS.—A request for or consent to disclosure under paragraph (1) shall only be valid for purposes of this section or sections 7213, 7213A, or 7431 if—

''(A) at the time of execution, such request or consent designates a recipient of such disclosure and is dated, and

''(B) at the time such request or consent is submitted to the Secretary, the submitter of such request or consent certifies, under penalty of perjury, that such request or consent complied with subparagraph (A).

''(3) RESTRICTIONS ON PERSONS OBTAINING INFORMATION.—Any person shall, as a condition for receiving return or return information under paragraph (1)—

''(A) ensure that such return and return information is kept confidential,

''(B) use such return and return information only for the purpose for which it was requested, and

''(C) not disclose such return and return information except to accomplish the purpose for which it was requested, unless a separate consent from the taxpayer is obtained.

''(4) REQUIREMENTS FOR FORM PRESCRIBED BY SECRETARY.—For purposes of this subsection, the Secretary shall prescribe a form for requests and consents which shall—

''(A) contain a warning, prominently displayed, informing the taxpayer that the form should not be signed unless it is completed,

''(B) state that if the taxpayer believes there is an attempt to coerce him to sign an incomplete or blank form, the taxpayer should report the matter to the Treasury Inspector General for Tax Administration, and

''(C) contain the address and telephone number of the Treasury Inspector General for Tax Administration.''.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Treasury Inspector General for Tax Administration shall submit a report to the Congress on compliance with the designation and certification requirements applicable to requests for or consent to disclosure of returns and return information under section 6103(c) of the Internal Revenue Code of 1986, as amended by subsection (a). Such report shall—

(1) evaluate (on the basis of random sampling) whether—

(A) the amendments made by subsection (a) are achieving the purposes of this section,

(B) requesters and submitters for such disclosure are continuing to evade the purposes of this section and, if so, how, and

(C) the sanctions for violations of such requirements are adequate, and

(2) include such recommendations that the Treasury Inspector General for Tax Administration considers necessary or appropriate to better achieve the purposes of this section.

(c) CONFORMING AMENDMENT.—Section 6103(c) is amended by striking ''TAXPAYER.—The Secretary'' and inserting ''TAXPAYER.—

''(1) IN GENERAL.—The Secretary''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to requests and consents made after 3 months after the date of the enactment of this Act.

SEC. 209. NOTICE TO TAXPAYER CONCERNING ADMINISTRATIVE DETERMINATION OF BROWSING; ANNUAL REPORT.

(a) NOTICE TO TAXPAYER.—Subsection (e) of section 7431 (relating to notification of unlawful inspection and disclosure) is amended by adding at the end the following: ''The Secretary shall also notify such taxpayer if the Treasury Inspector General for Tax Administration determines that such taxpayer's return or return information was inspected or disclosed in violation of any of the provisions specified in paragraph (1), (2), or (3).''.

(b) REPORTS.—Subsection (p) of section 6103 (relating to procedure and recordkeeping), as amended by section 201(b), is further amended by adding at the end the following new paragraph:

''(10) REPORT ON UNAUTHORIZED DISCLOSURE AND INSPECTION.—As part of the report required by paragraph (3)(C) for each calendar year, the Secretary shall furnish information regarding the unauthorized disclosure and inspection of returns and return information, including the number, status, and results of—

''(A) administrative investigations,

''(B) civil lawsuits brought under section 7431 (including the amounts for which such lawsuits were settled and the amounts of damages awarded), and

''(C) criminal prosecutions.''.

(c) EFFECTIVE DATE.—

(1) NOTICE.—The amendment made by subsection (a) shall apply to determinations made after the date of the enactment of this Act.

(2) REPORTS.—The amendment made by subsection (b) shall apply to calendar years ending after the date of the enactment of this Act.

SEC. 210. DISCLOSURE OF TAXPAYER IDENTITY FOR TAX REFUND PURPOSES.

Paragraph (1) of section 6103(m) (relating to disclosure of taxpayer identity information for tax refunds) is amended by inserting '', and through any other means of mass communication,'' after ''media''.

TITLE III—OTHER REQUIREMENTS

SEC. 301. CLARIFICATION OF DEFINITION OF CHURCH TAX INQUIRY.

Subsection (i) of section 7611 (relating to section not to apply to criminal investigations, etc.) is amended by striking ''or'' at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting '', or'', and by inserting after paragraph (5) the following:

''(6) information provided by the Secretary related to the standards for exemption from tax under this title and the requirements under this title relating to unrelated business taxable income.''.

SEC. 302. EXPANSION OF DECLARATORY JUDGMENT REMEDY TO TAX-EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Paragraph (1) of section 7428(a) (relating to creation of remedy) is amended—

(1) in subparagraph (B) by inserting after ''509(a))'' the following: ''or as a private operating foundation (as defined in section 4942(j)(3))'', and

(2) by amending subparagraph (C) to read as follows:

''(C) with respect to the initial qualification or continuing qualification of an organization as an organization described in section 501(c) (other than paragraph (3)) which is exempt from tax under section 501(a), or''.

(b) COURT JURISDICTION.—Subsection (a) of section 7428 is amended in the material following paragraph (2) by striking ''United States Tax Court, the United States Claims Court, or the district court of the United States for the District of Columbia'' and inserting the following: ''United States Tax Court (in the case of any such determination or failure) or the United States Claims Court or the district court of the United States for the District of Columbia (in the case of a determination or failure with respect to an issue referred to in subparagraph (A) or (B) of paragraph (1)),''.

(c) FAILURE OF SERVICE TO ACT ON DETERMINATIONS TREATED AS EXHAUSTION OF REMEDIES.—The second sentence of paragraph (2) of section 7428(b) (relating to exhaustion of administrative remedies) is amended to read as follows: ''An organization requesting the determination of an issue referred to in subsection (a)(1) shall be deemed to have exhausted its administrative remedies with respect to—

''(A) a failure by the Secretary to make a determination with respect to such issue at the expiration of 270 days after the date on which the request for such determination was made if the organization has taken, in a timely manner, all reasonable steps to secure such determination, and

''(B) a failure by any office of the Service (other than the office which is responsible for initial determinations with respect to such issue (hereinafter in this subparagraph referred to as the 'initial office'), to make a determination with respect to such issue at the expiration of 180 days after the date on which any request for such determination was made by the initial office if the organization has taken, in a timely manner, all reasonable steps to secure such determination.''.

(d) EFFECTIVE DATES.—

(1) DECLARATORY JUDGMENT.—The amendments made by subsections (a) and (b) shall apply to pleadings filed with respect to determinations (or requests for determinations) made after the date of the enactment of this Act.

(2) FAILURE OF SERVICE TO ACT.—The amendments made by subsection (c) shall apply to applications received in the national office of the Internal Revenue Service after the date of the enactment of this Act.

SEC. 303. EMPLOYEE MISCONDUCT REPORT TO INCLUDE SUMMARY OF COMPLAINTS BY CATEGORY.

(a) IN GENERAL.—Clause (ii) of section 7803(d)(2)(A) is amended by inserting before the semicolon at the end the following: '', including a summary (by category) of the 10 most common complaints made and the number of such common complaints''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to reporting periods ending after the date of the enactment of this Act.

SEC. 304. INCREASE IN THRESHOLD FOR JOINT COMMITTEE REPORTS ON REFUNDS AND CREDITS.

(a) GENERAL RULE.—Subsections (a) and (b) of section 6405 are each amended by striking ''$1,000,000'' and inserting ''$2,000,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, except that such amendment shall not apply with respect to any refund or credit with respect to a report that has been made before such date of the enactment under section 6405 of the Internal Revenue Code of 1986.

SEC. 305. ANNUAL REPORT ON AWARDS OF COSTS AND CERTAIN FEES IN ADMINISTRATIVE AND COURT PROCEEDINGS.

Not later than 3 months after the close of each Federal fiscal year after fiscal year 1999, the Treasury Inspector General for Tax Administration shall submit a report to Congress which specifies for such year—

(1) the number of payments made by the United States pursuant to section 7430 of the Internal Revenue Code of 1986 (relating to awarding of costs and certain fees),

(2) the amount of each such payment,

(3) an analysis of any administrative issue giving rise to such payments, and

(4) changes (if any) which will be implemented as a result of such analysis and other changes (if any) recommended by the Treasury Inspector General for Tax Administration as a result of such analysis.

SEC. 306. ANNUAL REPORT ON ABATEMENT OF PENALTIES.

Not later than 6 months after the close of each Federal fiscal year after fiscal year 1999, the Treasury Inspector General for Tax Administration shall submit a report to Congress on abatements of penalties under the Internal Revenue Code of 1986 during such year, including information on the reasons and criteria for such abatements.

SEC. 307. BETTER MEANS OF COMMUNICATING WITH TAXPAYERS.

Not later than 18 months after the date of the enactment of this Act, the Treasury Inspector General for Tax Administration shall submit a report to Congress evaluating whether technological advances, such as e-mail and facsimile transmission, permit the use of alternative means for the Internal Revenue Service to communicate with taxpayers.

SEC. 308. EXPLANATION OF STATUTE OF LIMITATIONS AND CONSEQUENCES OF FAILURE TO FILE.

The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable but not later than 180 days after the date of the enactment of this Act, revise the statement required by section 6227 of the Omnibus Taxpayer Bill of Rights (Internal Revenue Service Publication No. 1), and any instructions booklet accompanying a general income tax return form for taxable years beginning in 2000 and later (including forms 1040, 1040A, 1040EZ, and any similar or successor forms relating thereto), to provide for an explanation of—

(1) the limitations imposed by section 6511 of the Internal Revenue Code of 1986 on credits and refunds, and

(2) the consequences under such section 6511 of the failure to file a return of tax.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. ARCHER) and the gentleman from Pennsylvania (Mr. COYNE) will each control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

□ 1430

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material, on H.R. 4163.

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

There was no objection.

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

Mr. Speaker, while some might find it surprising, I still do my own taxes. Often people ask me why, and the answer is easy. I think that as chairman of the Committee on Ways and Means I should understand fully all of the difficulties, all of the headaches, all of the confusion, that Americans face in dealing with our complicated tax system.

Over the past 5 years, we have cut taxes and we have tried to simplify the code. Clearly, one of the greatest simplifications is the elimination of taxes on home sales. Now one does not have to bring a shoe box full of receipts to their tax preparer when they sell their home. Yet the Tax Code is still too complicated and confusing, and we eventually need to get the IRS out of the lives of individual Americans.

In the meantime, we should be sure that the current system treats taxpayers fairly while protecting their rights and privacy. That is why we are here today, to begin work on a new taxpayer bill of rights.

This Taxpayer Bill of Rights 2000 builds on the IRS Reform Act which we passed in 1998, which by the way was the first reform of the IRS since 1952. Our new plan will help taxpayers even further to protect taxpayer privacy, level the playing field between taxpayers and the IRS, and take at least some small steps to help simplify the process of paying taxes.

While taxpayer rights are important, we also believe taxes should be lower. Federal taxes, as a percentage of GDP, are the highest since World War II. So we want to fix the marriage tax penalty, help families save for education, and bury the death tax.

We also passed incentives for health research, long-term care, adoption, small businesses and many, many other worthwhile activities; but we are not through yet.

Today I am pleased that my Democratic colleagues have joined with us to make this a bipartisan taxpayer bill of rights, and I commend the gentleman from New York (Mr. HOUGHTON) of the Subcommittee on Oversight, the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Arizona (Mr. HAYWORTH) for putting this package together on our side, as well as the gentleman from New York (Mr. RANGEL), the gentleman from Pennsylvania (Mr. COYNE) and others for joining with us on the other side.

As the old saying goes, there is nothing certain but death and taxes. We cannot do anything about death but we can and should make taxes as fair and easy as possible, and I urge my colleagues to join together and pass this important taxpayer friendly legislation.

Mr. Speaker, I ask unanimous consent to now yield the balance of my time to the gentleman from New York (Mr. HOUGHTON), the chairman of the Subcommittee on Oversight, and that he be permitted to yield blocks of time.

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

There was no objection.

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

Mr. Speaker, I support H.R. 4163, the measure that is before us today. I would like to commend the chairman of the Subcommittee on Oversight, the gentleman from New York (Mr. HOUGHTON), for developing this bipartisan measure that we will be voting on very shortly.

As the ranking member of the subcommittee, I can say that the review of pro-taxpayer proposals by the Joint Committee on Taxation, the Internal Revenue Service's taxpayer advocate, and Treasury proposals was well worth our while.

The bill before us today will help taxpayers nationwide. The bill changes two current failure to pay tax penalty provisions for individual taxpayers. The bill allows the IRS to abate interest in cases that the IRS taxpayer advocate advised us that the IRS made a mistake. Too many taxpayers believe that they paid their taxes only to find out that the IRS calculated the final balance due incorrectly. Taxpayers deserve relief from interest charges in these particular situations.

The bill also addresses situations where the IRS has caused an unreasonable delay or where abatement would prevent gross injustice. This legislation also allows the Congress to obtain more and better information about the IRS to ensure more effective agency and congressional oversight. This bill will make the IRS more accountable by requiring the Treasury Inspector General for Tax Administration to report to the Congress on the reasons for penalty abatements and awards of attorneys' fees.

The Taxpayer Bill of Rights of 2000 will give us better insight into how the IRS is working 2 years after we passed the IRS Reform and Restructuring Act of 1998. The American people expect that we will continue to work to enhance the fairness of the Tax Code. They also expect to make it easier for people to file and pay their taxes on an annual basis.

At this time I would like to recognize the hard working men and women of the Internal Revenue Service and commend them for the work that they do sometimes under very, very difficult circumstances.

The Taxpayer Bill of Rights of 2000 is a direct response to the enactment of IRS reforms in 1998. It represents timely follow-up of our oversight responsibilities. Unlike the proposals before the Committee on Ways and Means this week, the taxpayer bill of rights is a serious proposal that will be signed into law.

I urge my colleagues to support this bill and continue our efforts to make our tax system more equitable.

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

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

Mr. Speaker, I would, first of all, like to thank the gentleman from Pennsylvania (Mr. COYNE). It has been wonderful to work with the gentleman from Pennsylvania (Mr. COYNE) and also the Members of the Democratic group.

As Peter Druker has always said that all great ideas ultimately degenerate into work, and as a result I would like to thank Mac McKenney on our side, Hugh Hatcher, and Beth Vance. They have done a wonderful job, but particularly the gentleman from Pennsylvania (Mr. COYNE). It has been wonderful to work with him.

Also I would like to thank my associates, the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Arizona (Mr. HAYWORTH) who will be speaking and also the gentleman from New York (Mr. RANGEL) who is the full committee ranking Democrat.

Now I am not going to review the bill's 25 provisions. That would take too long. Instead, let me give some examples of what this bill would do.

I would like to describe some of the stories we have heard at the Subcommittee on Oversight, and I want to explain what some of these provisions mean to real taxpayers. The National Taxpayer Advocate told us that the IRS erroneously refunded $59,000 to a particular taxpayer. This is the story. The taxpayer sent the check back to the IRS. The IRS sent the check back to the taxpayer. The taxpayer then returned the check a second time and then the IRS manually refunded the money. The taxpayer deposited the money in the bank until the problem could be solved. When the matter was resolved and the taxpayer returned the money, the IRS required the taxpayer to pay interest.

What kind of sense does that make? And so on and so forth.

Under current law, really the problem is the IRS has no authority. There is no law to help it, to abate interest in such a case. So the problem is not the men and women who work very hard, as the gentleman from Pennsylvania (Mr. COYNE) referred to earlier, for the IRS. The problem is the law. The bill requires instant abatement in taxes like this one.

The National Association of Enrolled Agents told us about a taxpayer, here is another story, who went to work for low wages in 1989. The company failed to withhold taxes during the year and at the end of the year the taxpayer was given a form 1099 miscellaneous and he could not pay his taxes. He now owes $17,000; $1,600 in penalties and $9,000 in interest, if one can believe it.

So under this bill, our bill, the failure to pay penalty will be repealed for taxpayers who enter into the installing agreement with the IRS and interest can be waived if a gross injustice would result. Unfortunately, of course, this bill comes too late for our particular taxpayer who I mentioned earlier, but it will help others, we hope, who find themselves in a similar situation.

The Taxpayer Advocate also told us of another taxpayer who discovered that his partners were defrauding the government. The taxpayer helped the IRS in securing a conviction. In 1990, the taxpayer asked the IRS how much he owed in taxes. The IRS said the information was not yet available and told the taxpayer to wait for a bill. So in 1997, 7 years later, the taxpayer received that bill. It was for $113,000. The taxpayer paid the $113,000 in 1998, but the taxpayer received another bill for $115,000 in interest.

See, it does not make any sense at all. Once again, the problem is not the Internal Revenue Service. The problem is the law and that is what we are intending to change. Our bill will allow the taxpayers who find themselves in such a predicament to stop the running of interest by making a deposit in a dispute reserve account. Amounts deposited in escrow could be withdrawn with interest or used to satisfy an underpayment of tax. Any taxpayer in the dispute with the IRS could choose to put the money in the dispute reserve account to stop the running of interest; very important.

So, Mr. Speaker, the Taxpayer Bill of Rights 2000 will do several things. It will reform the penalties and interests. It will strengthen the taxpayer privacy, very important condition. It will reduce the compliance burden and, lastly, level the field between the IRS and taxpayers. It will literally help millions of taxpayers. That is our hope.

Now this is an important first step, and it is a first step. There are needed reforms, but we also need to simplify the Tax Code. Many of these provisions would be unnecessary if the Tax Code was less confusing. So I look forward to working with my colleagues on tax simplification, and I am pleased to join my colleagues from the Committee on Ways and Means, Republicans and Democrats, in bringing this needed bill before the House, and I urge my colleagues to support its adoption.

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

Mr. COYNE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT), who has a very important proposal relative to a financial disclosure amendment that he would like to discuss.

Mr. DOGGETT. Mr. Speaker, this is a good bill. I support it. I am a cosponsor of it. I think we need more taxpayer rights, but this afternoon's debate is a strange one. Last week at the scheduling colloquy, the Republican leadership announced that we would have full and open debate on the question of taxpayer rights so that any Member could come forward with their ideas about how we might expand those rights. Today we do not have that opportunity because Republicans discovered one amendment that I have been offering, of which they were very fearful. This amendment addresses the right of taxpayers to know, specifically to know about taxpayer-subsidized, nonprofit political bank accounts that can keep their contributors unknown to the public and can spew out unlimited amounts of hate on the airwaves while they take hidden money. This is the so-called section 527, the new Swiss bank account for politicians this year.

The Republican leadership was so very scared that their members would have to vote out here on the floor today against public disclosure that they terminated the debate. They have now limited us to 20 minutes to a side and prohibited any member from offering any amendment on any subject. Regarding these 527 organizations, I stood with JOHN MCCAIN on Friday, just outside this Capitol, and he said ''527 organizations are the latest manifestation of corruption in American politics.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will suspend. Under cl. 1 of Rule XVII, the gentleman may not quote senators.

PARLIAMENTARY INQUIRY

Mr. DOGGETT. Mr. Speaker, I would make a parliamentary inquiry. The gentleman may quote any American citizen. I did not refer to any Senator. I referred to JOHN MCCAIN, a presidential candidate, and I would ask at this point, Mr. Speaker, if in fact it is not appropriate to quote other American citizens on the floor, particularly when they speak out as eloquently as Mr. JOHN MCCAIN of Arizona did on this question of corruption of American politics by 527 political organizations.

The SPEAKER pro tempore. The Chair would advise the gentleman that the weight of recent precedent and the purposes of the rule prohibit references to speeches or statements of senators occurring outside the Senate Chamber.

□ 1445

Mr. DOGGETT. Mr. Speaker, just so that I am clear, then, and so that I will be able to urge the same point in the future, any reference to a member of the Senate, even though the title Senator is not mentioned, and even though the comments, instead of being on the floor of the Senate, were outside of the Capitol building with Common Cause as they released their ''stealth-PAC'' report against these 527 organizations, I may not utter the name JOHN MCCAIN or that of any other member of the Senate on the floor, even though they speak in a private capacity.

The SPEAKER pro tempore (Mr. OSE). The Chair would advise the gentleman from Texas that, for the purposes of comity on the floor of the House, that the precedent states that the personal views of the Senator not uttered in the Senate are not allowed to be quoted in the House.

The weight of recent precedent and the purposes of the rule prohibit references to speeches or statements of Senators occurring outside the Senate Chamber, and the reference to Senator MCCAIN, who is clearly a member of the Senate, falls within that purview.

Mr. DOGGETT. So that the Chair is instructing me I may not mention the name ''JOHN MCCAIN'' on the floor of the House, Mr. Speaker. Is this not an exception? I could understand why some might not want it mentioned.

The SPEAKER pro tempore. The Chair would advise the gentleman that, to the extent the quotations of the Senator are occurring outside the Senate Chamber, then it does not come under any of the exceptions to clause 1 of rule XVII.

Mr. DOGGETT. Does a statement that JOHN MCCAIN as a citizen makes outside the Capitol with Common Cause at a press conference to point out the evils of these stealth PACs fall under one of these exceptions or not?

The SPEAKER pro tempore. That does not come under the exception of clause 1 of rule XVII.

Mr. DOGGETT. I am pleased to be informed, though I consider it a strange ruling, Mr. Speaker.

A great American hero from Arizona has said that section 527 organizations are ''the latest manifestation of corruption in American politics.'' Yet this House Republican leadership refuses to let this House deal with this issue today because they are afraid to give taxpayers the right to force groups like this ''Shape the Debate'' group, shown on this poster, to disclose who gave them their dirty money. It could come from China or any foreign source. It could come from a homegrown special-interest group.

This is wrong. Taxpayers should have the right to know about all of this. They are being denied that right to learn who is corrupting the American political system through these 527 political organizations. I do not believe it helps people of either party. I do think it cuts to the heart of our American democracy.

Mr. HOUGHTON. Mr. Speaker, I yield 3½ minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from New York, the subcommittee chairman, for yielding me the time.

I will admit the fact that the gentleman from Texas comes to the floor, taking what is a positive piece of legislation, and tearing it asunder, because if there is genuine concern on the part

of those who represent all 435 districts in this House about campaign finance abuses, Mr. Speaker, the first place we should look is down at the other end of Pennsylvania Avenue.

The gentleman from Texas (Mr. DOGGETT) just mentioned China. It is a sad fact that the President of the United States, on numerous occasions, sought the help of the Chinese Communists in his reelection campaign. It is a sadder fact that the presumptive nominee of the Democratic Party was active in soliciting funds from the Chinese Government.

I would just ask Members of this body, if we want to have a real political donnybrook and tug-of-war, we can do that. Never mind the recent amnesia about the fact that every tax bill debate here comes under a closed rule. So we debate the merits of the tax bill.

If my friends were interested in genuine reform, how curious it is that no action was taken in the Committee on Government Reform, the gentleman from Indiana (Mr. BURTON) in the chair. How curious it is that no one reached out to a Member of this body on the committee of jurisdiction, allegedly. I received no communication from the gentleman from Texas (Mr. DOGGETT) to take up this alleged reform. But how much more important it would be to do the substantive work to help people.

Mr. DOGGETT. Mr. Speaker, will the gentleman yield?

Mr. HAYWORTH. No, I will not yield.

Mr. DOGGETT. Well, I can understand that.

Mr. HAYWORTH. Mr. Speaker, it is fascinating to me to watch how the people's work is set aside. I understand the political principle at work. Why go on the defensive? Always be on the offense. Always be involved in misdirection. I guess if I had to defend the legacy of shame that has been brought and heaped upon this country by those who willingly, knowingly took campaign donations from the Communist Chinese, then I guess I would scramble and profess shock and dismay about the current campaign finance structure.

Mr. Chairman, I have said it before; I will say it again: for this crowd to stand in this Chamber and lecture us and the American people on campaign finance reform is akin to Bonnie and Clyde, at the height of their crime spree, holding a press conference to call for tougher penalties on bank robbery.

It is sad. It is despicable. The true search for truth would demand that we look at those who would willingly solicit campaign donations from foreign powers.

Mr. COYNE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. NEAL).

Mr. DOGGETT. Mr. Speaker, since the gentleman from Arizona (Mr. HAYWORTH) would not yield, will the gentleman from Massachusetts yield to me?

Mr. NEAL of Massachusetts. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Speaker, the gentleman from Massachusetts is aware, is he not, that during the Committee on Ways and Means last week, before the Committee on Ways and Means convened, then again on Friday after the Committee on Ways and Means, I invited the gentleman from Arizona (Mr. HAYWORTH) and every Member of the Republican leadership and Members of this House to join to make this a truly bipartisan effort to clean up what one great Arizonan has said is ''a manifestation of corruption in American politics''?

Mr. NEAL of Massachusetts. Mr. Speaker, as shocking as it is, I have to agree with the gentleman from Texas (Mr. DOGGETT). He is right on target.

Mr. Speaker, the gentleman from Arizona (Mr. HAYWORTH) who took to the well here, he mentioned a couple of terms to describe the current American campaign finance system. Those people sitting up there in the Chamber, they know that the only word that he said that was accurate was despicable.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. References to visitors in the gallery are inappropriate according to the rules of the House.

Mr. NEAL of Massachusetts. Mr. Speaker, there are some visitors in this Chamber as well as Members who would describe the current campaign finance system as being despicable. I think that there is general agreement across the Nation today that that is the case.

This legislation as proposed, does indeed make some modest improvements in interest and penalty provisions of the Tax Code, and it ought to be supported by the House. These improvements, however, are overshadowed, unfortunately, by the Suspension Calendar that prevents Democrats from offering a germane amendment. This amendment would have been offered by the gentleman from Texas (Mr. DOGGETT). It would require the public disclosure of contributions to and expenditures by section 527 political committees.

These committees are increasingly being used to circumvent the public's right to know who is trying to influence elections in this Nation. They are like an underground economy and are increasingly being formed because they exist in the shadows and get around normal election rules that apply to everyone else.

All the gentleman from Texas (Mr. DOGGETT) wants to do is to apply some antiseptic to these committees. He does not challenge their right to exist. He merely wants them to respect the public's right to know. Disclosure, I thought, was the Republican mantra for campaign finance reform. Now we find out that, for many, it is simply a position that they take.

Mr. Speaker, too little public information exists on these organizations. They seem to be growing dramatically to support the election efforts of the other side. But they are also in support of some Democrats. The truth is we do not really know, and that is why we should move ahead with disclosure right now without delay.

We are going to overwhelmingly pass this modest bill and leave the only significant reform behind. That is too bad, but given the fact that the three days of hearings on tax reform and the other three tax bills on the floor this week exist only for political purposes, I guess at this moment it is the best that we can expect.

Mr. HOUGHTON. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I thank the gentleman from New York (Chairman HOUGHTON) for yielding me this time and for his leadership on this package.

I hate to disappoint the crowd who has gathered here, but I am going to talk about taxpayer rights and not campaign finance reform. As someone who has worked for the last 7 years on IRS reform with the gentleman from Pennsylvania (Mr. COYNE) and with others, I think this is something that we ought to focus on, which is expanding taxpayer rights.

I think this campaign finance discussion, while interesting, is an entirely different subject that ought not to be part of this bill. I think it is incorrect to say that tax bills come up on this floor under an open rule or anybody can offer an amendment. It has never happened in the 7 years that I have served.

I think that the legislation that the gentleman from Texas (Mr. DOGGETT) is talking about is not ready as compared to this legislation, which is carefully considered, the result of numerous reports, including from the Joint Committee on Taxation, including from the IRS, the Taxpayer Advocate.

I think, in fact, that we ought to wait for the Treasury Department's report on this very topic, which is, incidentally, already late, overdue, under the law. It was supposed to already be here; it is not here yet. I think at the very least my friends on the other side of the aisle would want to wait until the Clinton administration Treasury Department comes up with its recommendations on this topic.

Again, I hate to disappoint folks, but rather than killing these important taxpayer rights provisions with a partisan poison pill on 527, a campaign finance issue, rather than focusing on that, I would like to focus on what we are doing together on a bipartisan

basis to continue the effort to reform the IRS and make our tax system work better.

Again, I want to thank the gentleman from New York (Chairman HOUGHTON) for his work in this regard; the gentleman from Arizona (Mr. HAYWORTH), who was here earlier who worked on the taxpayer rights; the gentleman from Pennsylvania (Mr. COYNE); and others who put together this legislation that we are considering.

The gentleman from New York (Chairman HOUGHTON) has touched on a lot of the key provisions. Let me just talk about how this came about because I think it is important for the House to understand where we are and why we are here.

Two years ago, after 2 years of work, this Congress passed the historic IRS Restructuring and Reform Act. It did a lot of things. But it was based on a year-long, bipartisan national commission on restructuring the IRS. It was the most dramatic overhall of the IRS since 1952, long overdue.

Yes, among other things, we dramatically improved taxpayer rights. We added over 50 new taxpayer rights. We affected over 70 taxpayer rights, changing them to make the IRS work better for the taxpayer.

The long-term goal of these reforms is that, within a period of time, we think 3 to 5 years, we will have an IRS that actually offers every taxpayer the level of service, efficiency, and respect that they deserve and that approaches the private sector customer service standards. It is a daunting task.

But by our action today, if we can approve these taxpayer rights and keep to this topic and move this forward, we will actually be continuing our efforts, which are encouraging and bipartisan, to truly have a new IRS and new taxpayer system.

One of the taxpayers rights that we changed, for instance, 2 years ago was shifting the burden of proof. So now when one goes to tax court, rather than having the burden of proof be on one as a taxpayer, it is on the IRS, as it should be, as it is in the criminal justice system, as it is in other forums.

We also do not allow the IRS to seize one's homes and properties anymore unless they are subject to judicial reviews. We also allow taxpayers to seek damages from the IRS for wrongful collection actions.

These are very significant reforms, again, that this Congress put forward after a lot of work over a 2-year period as part of last year's, or 2 years ago, through the Structuring and Reform Act.

Finally, it did two very important things with regard to taxpayer rights for the future. It required that the Taxpayer Advocate issue a report and made the Taxpayer Advocate independent enough to be able to issue a bona fide report on problems taxpayers face, to encourage more taxpayer rights.

What are we talking about today? We are talking about provisions that come from that Taxpayer Advocate's report, which was reported on earlier this year. Second, we required that the Joint Committee on Taxation conduct studies on two issues: one is interest and penalties, a very complex, difficult issue for the IRS and for many taxpayers.

□ 1500

And, second, on taxpayer privacy, such as the disclosure of tax return information.

Two good Joint Tax Committee reports underlie what we are doing today. In fact, a number of our provisions come straight out of those Joint Tax Committee reports that were mandated under the Restructuring and Reform Act.

Again, these are common sense proposals that are the natural next step in our ongoing effort to create a better tax system and to truly reform the IRS. I hope we will keep our focus on that this afternoon.

The gentleman from New York (Mr. HOUGHTON) again has talked about some of these provisions, and I will just touch on a couple.

One, it does expand privacy with regard to taxpayers. Very important.

We provide more protection against computer hackers gaining access to your and my taxpayer records. We require the IRS to notify taxpayers immediately if taxpayer information has been obtained illegally.

We increase tax fairness in a number of ways, including improving notification of undelivered refund checks.

For taxpayers who pay estimated taxes, we increase the estimated tax threshold providing more of a buffer, doubling it from $1,000 to $2,000.

We have very important provisions that enable taxpayers to stop the escalation of interest charges that build up and up and up during disputes with the IRS and taxpayers. We encourage taxpayers and, by the way, we drafted this provision to get into installment agreements with the IRS to resolve their issues.

These are important provisions. And, Mr. Speaker, I would just say finally that this is a carefully considered, thoughtful package, and I hope all my colleagues will support it.

Mr. COYNE. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank the gentleman from Pennsylvania (Mr. COYNE) for yielding me this time. I rise today in support of the amendment of the gentleman from Texas (Mr. DOGGETT) that the Republicans voted down in committee and blocked from being offered to the Taxpayers' Bill of Rights today.

Every person in America realizes the importance and the necessity of fixing our system of financing elections. This amendment is an important step toward campaign finance reform. It will close another loophole in the financial disclosure laws. It would clean up the mess created by section 527 political organizations.

These organizations can take unlimited money from almost any source, even foreign money, and make expenditures without any disclosure to anyone. It is a sham, it is a shame, and it is a disgrace.

The American people deserve better. Much better. The amendment requires simple disclosure by these organizations. The American people have a right to know. They have a right to know who is funding political campaigns in our country. They have a right to know who is behind the attack ads.

The American people have a right to a free and fair election process. We need to end the pollution of the political process in our country. There is already too much money in the political process. There is no room for secrecy.

Mr. Speaker, I am very disappointed that the Doggett amendment will not be included in this bill. We need to fix the mess and we need to fix it now. I urge all of my colleagues to vote for the Doggett amendment when it finally comes up for a vote on the House floor.

Mr. COYNE. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I rise today to express my frustration with the fact that while this bill itself is worthy, an essential amendment was denied a hearing today, the amendment by my friend, the gentleman from Texas (Mr. DOGGETT).

For months, actually for years, we have heard the solution to campaign finance reform is disclosure. Yet when the gentleman from Texas (Mr. DOGGETT) introduces an amendment calling on disclosure of 527 funds, that amendment is denied consideration.

If we asked the American people a couple of questions, although I think we know the answers, if we asked them, Do you think your representatives should spend more time on the phone or more time with constituents?, they would say more time with constituents. If we asked them, Do you think there should be unlimited, untraceable, unreported donations from whoever chooses?, the American people would say that is wrong.

When we talk about a Taxpayers' Bill of Rights, my colleagues, it is a right of the taxpayers to know where this money is coming from that is influencing our political process, and this amendment should have been ruled in order.

No organization which is granted section 527 status should be allowed to

hide their list of donors or be less than forthright when it comes to telling citizens how they are spending their money. If these 527 organizations have the right and ability to influence campaigns, the people have a right to know where the money comes from.

We need to address this issue and address it now.

Mr. Speaker, I rise today to express my frustration with the fact that this important measure has been relegated to the suspension calendar rather than being given a chance to have a full and open debate.

I am dismayed that the House Leadership continues to oppose any and all types of substantive campaign finance reform. They fought tooth and nail to keep the bipartisan Shays-Meehan legislation from coming to the House floor. They have resisted time and time again giving this debate the attention it deserves, maintaining that the American people don't care about this issue.

They are simply wrong. If we ask American voters a couple of questions, we know the answers: Do you want your elected representatives to spend more time on the phone begging for dollars or more time with their constituents and studying issues? Do you want unlimited amounts of external money from untraceable sources to influence the outcome of your election or do you want the character, knowledge and ability of the candidates in competition to influence the outcome of the election? Do you want the legislative process to be skewed by big dollars or to be determined by the merits of the policy arguments?

So why did the Rules Committee make out of order a sound amendment from my good friend from Texas, LLOYD DOGGETT, that would go a long way to making "527 Stealth PAC organizations" more accountable to the American people?

Absolutely no organization which is granted "Section 527" status should be allowed to hide their list of donors, or be less than forthright when it comes to telling citizens how it is spending their money to influence the political process. If these "Section 527" organizations have the right and the ability to influence campaigns, then the American people have a right to know where the money is coming from and how that money is being spent.

I want to be clear—I do not oppose the provisions of this bill; I don't have problems with the content of the bill. What I do have problems with is the tactical maneuvers surrounding today's action. What we're doing today is simply wrong and I urge the Members of this body to give this measure a sufficient amount of time for floor debate.

Mr. COYNE. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I support this bill to give taxpayers more rights when dealing with the IRS, but taxpayers should also be protected from shady political organizations. This would be a better bill if it included the Doggett amendment on so-called 527 groups.

These are tax-exempt political organizations trying to influence elections. They spend millions of dollars on negative ads, direct mail campaigns, and phone banks. Where do they get their money? From the shadows.

527 groups do not have to disclose how much money they raise or where their money comes from. Voters do not know then who is behind the 30-second TV ads trashing their candidates. There is absolutely no accountability, and the American taxpayer is footing the bill.

There is an old saying, Sunshine is the best disinfectant. The Doggett amendment would bring a little sunshine into this shadowy corner of politics.

As tax day approaches, Mr. Speaker, I urge the House leadership to let us vote on the Doggett amendment so we can give the American taxpayer and the American voter the break they deserve.

Mr. HOUGHTON. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. MCINNIS).

Mr. MCINNIS. Mr. Speaker, I am a little frustrated as well as the other side in listening to some of my colleagues.

The gentleman, with his amendment, is simply trying to divert from the fact that taxpayers have rights in this country. I think the gentleman ought to focus his energy on helping the taxpayer out there. Instead, what we saw in committee over there and what we are seeing now, is that this gentleman is trying to focus attention away from the taxpayers of this country who are demanding some attention from the IRS, as far as the rights they should be entitled to, and he is trying to move it into the trial lawyers' circle. He is trying to move it into the circle of campaign reform.

How interesting all of a sudden that this gentleman steps forward and starts talking about campaign reform. I urge the gentleman to step forward and start talking about taxpayer rights. I urge the gentleman to take a look at the taxpayers of this country and not to raise their taxes, but to give these taxpayers fair notice. Put them on an even playing field with the government.

What is happening here is simply a diversion, and that is all there is to it. It is very easy to see what is occurring here, but it grabs lots of attention. Let us get on the floor and let us draw away as much as we can attention from the needs of the taxpayer and let us talk about this theoretical campaign reform.

And by the way I would be very interested to see the gentleman's entire package and see what it does with the trial attorneys' association. I would be very interested to see the gentleman's package and what it does with the labor unions. I would be very interested to see the disclosures the gentleman himself has filed in regards to his campaign expenditures.

That is not the issue we are here for today. The issue that we are dealing with here today are taxpayers' rights. My colleagues, the burden on the taxpayers is the heaviest it has been since World War II. There are a lot of working men and women out there who deserve to have rights when they deal with the government.

There are a lot of new people in this new generation, I had a small class of them in my office the other day, young people who, for the first time, have taken summer jobs, and they are asking me what do these taxes go for.

I urge the gentleman to withdraw his amendment. Do not put this amendment forward. Put the energy where it needs to be, and that is with the taxpayers of this country.

Mr. COYNE. Mr. Speaker, may I inquire as to the time remaining on each side?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Pennsylvania (Mr. COYNE) has 8½ minutes remaining, and the gentleman from New York (Mr. HOUGHTON) has 2 minutes remaining.

Mr. COYNE. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

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

What we are talking about with the amendment here is getting at the heart of our democracy, of our form of government. Of course we are interested in taxpayer rights, and I support the underlying bill, but the Doggett amendment should be in order.

We are talking about transparency. The 527 organizations seek to influence elections under the cloak of secrecy. And I can tell my colleagues, Mr. Speaker, that we have not seen the worst. The worst is yet to come.

I hope that this House will see fit to adopt the Doggett amendment.

Mr. DOGGETT. Mr. Speaker, will the gentleman yield?

Mr. HOLT. I yield to the gentleman from Texas.

Mr. DOGGETT. The gentleman is aware that with this measure we are asking the 527s to do the same thing that trial lawyers and labor unions, myself, yourself, and every candidate already does. That is all this bill does; is that correct?

Mr. HOLT. That is absolutely correct.

Mr. DOGGETT. So the last speaker was totally out of order in his suggestion that we were avoiding taxpayer rights, because what we are involved with is giving all American taxpayers a new right, the right to know what these phony organizations do that taxpayers are forced to subsidize—where they get their money, just as they already can learn about the gentleman, myself, or any other candidate for federal office.

Mr. HOLT. The gentleman is correct.

Mr. COYNE. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I watched the distinguished Member from Colorado and I saw he was lathered up here, and I was really beginning to be fearful for his mental health, watching him go on. He did not seem to understand what political contributions have to do with the Tax Code.

Now, I want to explain something to him. Most Members who get elected have to raise a lot of money. A lot of money has to be raised, and they get it from all these corporations who want something to happen in these hallowed halls. They do not give that money for no reason at all. If they cannot get it from the Member, then they cannot get their message across. So they form up these 527 organizations. They have unlimited amounts of money. They can take money from anywhere in the world, and nobody will ever know where it came from.

So if the gentleman is worried about the taxpayers of this country and he is not worried about what it is that changes the tax structure and who gets the breaks around here, the gentleman ought to go down to K Street and take a little look around. Those offices down there are paid for by the same people who have the 527 organizations who want the tax structure to work for them.

And if the gentleman is worried about taxpayers, he ought to worry about what happens when these organizations can pour unlimited money into the airwaves to assault the Congress with these ads, and the public, about the way things are going.

Now, everybody says there is this terrible problem with all this money in politics. And, as a matter of fact, I read here what Fred Werthheimer, who used to be the head of Common Cause said. ''We have an elected official with power and influence and the ability to do favors for undisclosed donors.'' Undisclosed donors.

Everybody says they want an open book. Then they ought to vote for the amendment of the gentleman from Texas (Mr. DOGGETT).

Mr. COYNE. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. DOGGETT).

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

Mr. Speaker, being, myself, a cosponsor of this Taxpayer Bill of Rights, I like the bill we have, but I believe we could make it much better with the amendment that I sought to offer. And so does the Joint Committee on Taxation, which happens to be chaired by a Republican Member, the chairman of the House Committee on Ways and Means. That Joint Committee, this January, called for disclosure of these 527 organizations. And what has the House Committee on Ways and Means or this House as a whole done about it until now? Absolutely nothing. Until I offered this amendment in the committee, once again, Republicans were going to sit on their hands to oppose reform.

I just want the American people to know that when they turn on their television set and they begin seeing one attack ad after another, probably from both sides, spewing out hate and misrepresenting someone, that today it was the House Republican leadership that blessed that kind of conduct, because they have denied us an opportunity to at least learn, when the attack ads hit the airwaves, who the attackers are.

□ 1515

As to the phoney claim made today that there is a need to find out more about this or that other organization, all we are trying to do is to apply the same standards to these 527 organizations that already apply to every Member of Congress, Republican and Democrat, with reference to their individual campaigns.

I think that the American taxpayers who are subsidizing these organizations, American taxpayers who are filling out their own tax forms right now, should know that these 527 organizations usually get away tax free. They are subsidized by the hard-working men and women of America. And one of these groups is called ''Shape the Debate.''

My colleagues can pull up that Web page right now, and they will see an advertisement on it to promote more hate ads. It calls for the giving of unlimited amounts of contributions. It says they can be from any source. And I might note that that source, while it can be a corporate treasury written right out of the corporate treasury, it could also be China or Iraq or Cuba or any other country because it is all hidden money.

Just focusing on this as one example, which any American can pull up on the World Wide Web right now, you will find an effort to solicit just that kind of money, unlimited amounts of money that can come directly from a corporate treasury. And what do they go on to promise those who give? Well, these contributions, they tell us, ''are not reported to the Federal Election Commission or any State agency, and they do not count against contribution limits.'' The whole idea is nobody will know.

This Republican Party has become so wed to secret money funding. Within the last week we have heard reports of a million-dollar contribution, a million dollars of undisclosed money from one source we have heard. They can spend it on a townhouse. They can spend it on a truck. They can spend it on sky boxes. Or they can spend it on hate ads. And that is what these 527 organizations do, they spew out hate.

And they want to be able to continue to operate under some pleasant-sounding name like ''Americans for Better Government,'' when, in fact, the money that they are using is from some special-interest group that wants to control the agenda of Congress.

Let me give my colleagues another example of the kind of organization that Republicans are protecting. Many of us have heard from our seniors that they ought not to be having to pay twice as much as the most favored customers of pharmaceutical companies on purchases of their prescription drugs. And so now we have some group out there called ''Citizens for Better Medicare.'' It is a 527 organization just like ''Shape the Debate.''

''Citizens for Better Medicare'' can go around and attack all of us who want to end the price discrimination against our seniors on prescription drugs and claim they are on the side of the seniors. And who is funding that organization? Well, we will never know from the IRS. We will never know from the disclosure reports like I and every other Member of Congress must file. But what we have learned, in fact, is it is the pharmaceutical companies themselves fighting to protect the discrimination they want to continue against our seniors.

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

Mr. Speaker, this is a very important and appropriate follow-up, the legislation that we are discussing here today, of the oversight subcommittee's work in the early 1990s under the leadership of Congressman Jake Pickle. The work that the gentleman from New York (Mr. HOUGHTON) has done on this legislation and other members of the subcommittee, I think, warrants us voting for this in overwhelming proportions, and I hope that it passes. It is a good piece of legislation.

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

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

Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. COYNE) for his comments.

I am really disappointed that this thing has gone down into sort of the political pits where one party is accusing the other party. That was not the essence of what we were trying to do. We were trying do this on a bipartisan basis, the gentleman from Pennsylvania (Mr. COYNE), myself, the gentleman from Texas (Mr. ARCHER), and the gentleman from New York (Mr. RANGEL). That was the essence of it.

Every member of the Committee on Ways and Means has a bill he or she would like to add to this. But I have always felt, particularly now, we owe it to the taxpayers of this country to approve the taxpayer rights package and

save any campaign finance debate for another forum.

I really feel this, and I feel it not only as a Republican but also as a Member of this Chamber and really in a bipartisan mode. That is the important thing that we do now.

Mr. PELOSI. Mr. Speaker, I support Representative DOGGETT's proposal to require political organizations operating under Section 527 of the Tax Code to file publicly-disclosed reports with the IRS that include the names of contributors and expenditures. These Section 527 political operations have gained too much political influence and can swing elections without any public monitoring or oversight. I am disappointed the House Republican leadership did not allow this amendment to be offered today on the House floor.

Recently, the Republican led House Ways and Means Committee voted 21 to 15 on party lines to defeat Representative LLOYD DOGGETT's initiative to close this existing loophole in U.S. campaign finance disclosure laws that is enabling an expanding number of organizations to channel tens of millions of dollars into political campaigns. While DOGGETT's initiative would not impose any limits on use of funds, it would require greater disclosure to illuminate the motivation and sponsor of political attacks and help the implied targets of such attacks identify their attackers.

At present, political organizations operating under Section 527 can operate without disclosing who they are and collect unlimited contributions without paying tax on the funds. As long as their activities are focused on ''issues,'' as opposed to specific candidates, they are exempt from the reporting requirements of federal election laws. Representative DOGGET's proposal mirrors the filing and disclosure rules that Federal political parties and campaign committees must follow under the Federal election laws administered by the Federal Election Commission [FEC], and mirrors the existing Internal Revenue Code penalties on tax-exempt organization that fail to file and fail to publically disseminate reports.

We must reform our tax laws and political campaign laws to ensure that money does not destroy our democracy. I support Representative DOGGETT's proposal and am disappointed the House Republican leadership prevented us from debating this issue of critical importance to our democracy.

Mr. WATTS of Oklahoma. Mr. Speaker, during this dreaded week of headaches and frustration for the American taxpayer who has just finished or is still trying to file their income tax forms to the IRS, I rise today in strong and enthusiastic support of H.R. 4163—The Taxpayer Bill of Rights.

A common theme that we have pursued since attaining the majority in Congress has been to make government smarter, simpler, and fairer in its treatment of our citizens. We should never forget that we are here to serve the people, and not the other way around.

In addition to our continuing efforts to explore ways to make the income tax a fairer and more equitable system, this Republican-led Congress has been working hard to make the Internal Revenue Service more responsive to the American taxpayer. It is essential, Mr. Speaker, that we continue to ensure that the IRS evolves into a responsive service organization for the 21st century, providing better service to the American taxpayer while ensuring that the IRS meets the highest standards for professionalism, accountability, and efficiency. H.R. 4163 is one more step on the road to reform that began just a few years ago when we enacted the IRS Reform and Restructuring Act in 1998.

Today's bill, the Taxpayer Bill of Rights, builds on this success by further simplifying the income tax filing and IRS appeal process, providing even more rights and protections to the American taxpayer, all while holding the IRS accountable for its actions.

For example, the issue of privacy in this age of computerization and inter-connectivity via the internet, is of increasing concern to many Americans today. This bill places additional protections in place to prevent unauthorized access to tax return information by non-IRS organizations. In fact, even IRS employees would need a supervisor's determination that sufficient grounds warrant inspection of a tax return before they would be allowed authorization to review this information.

An additional essential reform to restore fairness to the income tax system is the provision to allow the IRS to eliminate interest on past-due taxes for cases when the IRS makes a mistake or causes an unreasonable delay, as well as cases in which the taxpayer relies on erroneous written statements from the IRS. Mr. Speaker, it's past time that we stop holding the American taxpayer hostage to IRS errors and bureaucracy. This bill goes a long way to restoring common sense and reasonableness to the operation of this agency.

Once again, this bill is just one more step in our hard-fought efforts to try to bring common sense back to our government, and I encourage my colleagues to join me in strong support of H.R. 4163, the Taxpayer Bill of Rights.

Mr. EWING. Mr. Speaker, on April 15, the citizens of this country will once again face the annual task of paying their taxes. For many Americans preparing their tax return has become a daunting endeavor. Under the current tax system there are more than 700 different tax forms and over 17,000 pages of rules and regulations. The system has become so complex that nearly 60% of all taxpayers seek assistance when filing their returns, but the tax system has become so confusing that even these professional tax preparers have trouble properly calculating returns. In a survey conducted by Money magazine in 1997, 46 professional tax preparers were asked to calculate a hypothetical family's tax return, they received 46 different answers.

The problem does not end there. According to a report by GAO during the 1999 tax filing season the IRS committed 9.8 million errors. Who winds up paying for these errors? Ordinary citizens, even when the IRS is at fault. The IRS operates under a dual standard. It is quick to penalize individuals for mistakes, even those to which it contributes, but is very slow and unrewarding when it is at fault. The time has come to level the playing field.

The IRS Restructuring and Reform Act of 1998 attempted to resolve some of these problems by reforming the IRS and providing 74 new taxpayer rights and protections. While the reforms and rights and protections included in that bill have generally been successful they were merely the first in a series of steps toward truly reforming the IRS. The Taxpayer Bill of Rights of 2000 builds upon the success of that bill and carries the attempt to reform the IRS another step forward.

First and foremost the bill reforms penalties and interest. It repeals the failure to pay penalty for taxpayers who enter into installment agreements with the IRS, and allows for abatement of interest if a gross injustice would otherwise result, in cases attributable to any unreasonable IRS error or delay, or instances of error where a taxpayer has relied on written advice from the IRS.

The bill also allows taxpayers to stop the running of interest by voluntarily depositing amounts in a ''dispute reserve account,'' similar to an escrow account, that would stop the running of interest on amounts in dispute and allow taxpayers to earn interest on that amount if they prevail.

Additionally, it reduces the compliance burden by raising the threshold at which taxpayers would be liable for interest for underpaying estimated taxes from $1,000 to $2,000 and simplifies the calculation of interest on underpayments by providing one interest rate per underpayment period.

The second main feature of the Taxpayer Bill of Rights of 2000 is that it strengthens taxpayer privacy. It accomplishes this by stengthening safeguards against unauthorized disclosure of federal income tax return information by States and State contractors as well as prohibiting anyone, banks and lenders for instance, from asking or coercing a taxpayer to sign a consent to disclose their tax information unless the form is dated and it is clear who will be receiving the information.

The bill also contains a provision that tightens restrictions on ''browsing'' of taxpayer information by IRS employees. The IRS is required to notify taxpayers after the Treasury Inspector General for Tax Administration determines that a taxpayer's return or return information has been disclosed or inspected without authorization.

Finally this bill levels the field between the IRS and the Taxpayer. It accomplishes this first by excluding interest paid by the IRS from the income of individual taxpayers. Under current law, taxpayers cannot deduct interest that they pay to the IRS, but they have to pay taxes on any interest payment they receive from the IRS.

Secondly, it provides access to the working law of the IRS. All final, written legal interpretations issued to IRS employees that affect a member of the public are made publicly available. If taxpayers are expected to comply with an IRS interpretation of the law, the interpretation should be available. Currently, taxpayers have no way of determining whether the IRS applying the tax laws evenly across the U.S. This will permit taxpayers to determine what is the appropriate legal analysis applicable to their facts and circumstances.

As the complexity of the tax code increases, the need to pretect taxpayers has also increased. We must be diligent and ensure Americans receive the protection they deserve. This bill takes the steps necessary to endure that taxpayers are treated fairly and the information they disclose is protected. It

extends the reforms began in 1998 by reigning in and finally putting the taxpayer on an equal footing with the IRS.

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from New York (Mr. HOUGHTON) that the House suspend the rules and pass the bill, H.R. 4163, as amended.

The question was taken.

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

The yeas and nays were ordered.

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

SENSE OF CONGRESS ON CLINTON/GORE TAX HIKES

Mr. MCINNIS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 467) expressing the sense of the House of Representatives that the tax and user fee increases proposed by the Clinton/Gore administration in their fiscal year 2001 budget should be adopted.

The Clerk read as follows:

H. RES. 467

Whereas on February 7, 2000, President Clinton and Vice President Gore submitted a budget for fiscal year 2001 that raises taxes and fees on working families by $116 billion over 5 years, creates 84 new Federal programs, places Government spending increases on auto-pilot, and fails to offer any serious proposal to strengthen social security or medicare;

Whereas over the next decade the Clinton-Gore budget would spend $1.3 trillion on bigger Government—consuming 70 percent of the projected $1.9 trillion in budget surpluses—thus spending more for the Federal bureaucracy, and less for the American family;

Whereas as part of the $116 billion in tax and fee increases—

(1) the President proposes to raise taxes by $12.8 billion on the insurance products which Americans rely on to protect their families, homes, and businesses,

(2) the President proposes a stealth tax on our children by raising the death tax by $3.5 billion,

(3) the President asks us to increase taxes on energy by $1.5 billion at a time of rising energy prices and increasing dependence on foreign oil, and

(4) the President wants to raise medicare premiums and other health care costs by $3.2 billion at the very time we are trying to insure our seniors' health security by preserving and protecting medicare; and

Whereas the President's solution is to take hard-earned money and send it to Washington where politicians can spend it: Now, therefore, be it

Resolved, That is it the sense of the House of Representatives that—

(1) despite having successfully balanced the budget and created budget surpluses,

(2) despite having protected social security and restored the integrity of the social security trust fund,

(3) despite the fact that in 1999 governments at all levels collected $9,562 in taxes for every man, woman and child,

(4) despite the fact our tax burden is at 20.0 percent of gross domestic product—a post-World War II record high, and

(5) despite the fact that our oversight activities have identified billions of taxpayer's dollars that are subject to waste, fraud and abuse,

the Congress should support the adoption of the package of tax and user fee increases proposed by the Clinton/Gore administration in their fiscal year 2001 budget, as reestimated by the Joint Committee on Taxation, and as outlined below.

PROPOSED TAX AND FEE INCREASES

(Millions of dollars)

	2000–05
I. PROPOSED TAX INCREASES	
A. Corporate Tax Provisions	
1. Five corporate tax provisions with general application	2,340
2. Require accrual of time value element on forward sale of corporate stock	41
3. Modify treatment of ESOP as S corporation shareholder	169
4. Limit dividend treatment for payments on self-amortizing stock	10
5. Prevent serial liquidations of U.S. subsidiaries of foreign corporations	43
6. Prevent capital gains avoidance through basis shift transactions involving foreign shareholders	270
7. Prevent mismatching of deductions and income inclusions in transactions with related foreign persons	229
8. Prevent duplication or acceleration of loss through assumption of liabilities	93
9. Amend 80/20 company rules	167
10. Modify corporate-owned life insurance (''COLI'') rules	2,026
11. Increase depreciation life by service term of tax-exempt use property leases	66
B. Financial Products	
1. Require cash-method banks to accrue interest on short-term obligations	76
2. Require current accrual of market discount by accrual method taxpayers	52
3. Modify and clarify certain rules relating to debt-for-debt exchanges	136
4. Modify and clarify straddle rules	95
5. Provide generalized rules for all income-stripping transactions	65
6. Require ordinary treatment for options dealers and commodities dealers	93
7. Prohibit tax deferral on contributions of appreciated property to swap funds	NR [1]
C. Provisions Affecting Corporations and Pass-Through Entities	
1. Conform control test for tax-free incorporations, distributions, and reorganizations	86
2. Treat receipt of tracking stock as property	477
3. Require consistent treatment and provide basis allocation rules for transfers of intangibles in certain nonrecognition transactions	145
4. Modify tax treatment of certain reorganizations in which portfolio interests in stock disappear	283
5. Clarify definition of nonqualified preferred stock	73
6. Clarify rules for payment of estimated taxes for certain deemed asset sales	120
7. Modify treatment of transfers to creditors in divisive reorganizations	46
8. Provide mandatory basis adjustments if partners have significant built-in loss in partnership property	159
9. Modify treatment of closely-held REITs	45
10. Apply RIC excise tax to undistributed profits of REITs	4
11. Allow RICs a dividends paid deduction for redemptions only if the redemption represents a contraction in the RIC	1,911
12. Require REMICs to be secondarily liable for the tax liability of REMIC residual interest holders	69
13. Deny change in method treatment in tax-free transactions	25
14. Deny deduction for punitive damages	233
15. Repeal the lower-of-cost-or-market inventory accounting method	2,032
16. Disallow interest on debt allocable to tax-exempt obligations	87
17. Capitalization of commissions by mutual fund distributors	461
D. Cost Recovery Provisions	
1. Provide consistent amortization periods for intangibles	969
2. Establish specific class lives for utility grading costs	307
3. Extend the present-law intangibles amortization provisions to acquisitions of sports franchises	245
E. Insurance Provisions	
1. Require recapture of policyholder surplus accounts	1,622
2. Modify rules for capitalizing policy acquisition costs of insurance companies	5,084
3. Increase the proration percentage for property and casualty insurance companies	323
4. Modify rules that apply to sales of life insurance contracts	140
5. Modify qualification rules for tax-exempt property and casualty insurance companies	87
F. Tax-Exempt Organization Provisions	
1. Subject investment income of trade associations to tax	730
2. Penalty for failure to file Form 5227	7
G. Estate and Gift Tax Provisions	
1. Restore phaseout of unified credit for large estates	430
2. Require consistent valuation for estate and income tax purposes	50
3. Require basis allocation for part-sale, part-gift transactions	5
4. Eliminate the stepped-up basis in community property owned by surviving spouse	229
5. Require that qualified terminable interest property for which a marital deduction is allowed be included in the surviving spouse's estate	8
6. Eliminate non-business valuation discounts	2,985
7. Eliminate gift tax exemption for personal residence trusts	28
8. Eliminate the Crummey rule and modify requirements for annual exclusion gifts	45
H. Pension Provisions	
1. Increase elective withholding rate for nonperiodic distributions from deferred compensation plans	60
2. Increase section 4973 excise tax on excess IRA contributions	39
3. Impose limitation on prefunding of welfare benefits	873
4. Subject signing bonuses to employment taxes	27
5. Clarify employment tax treatment of choreworkers employed by State welfare agencies	RS [2]
6. Prohibit IRAs from investing in foreign sales corporations	126
I. Compliance Provisions	
1. Modify the substantial understatement penalty for large corporations	15
2. Repeal exemption for withholding on certain gambling winnings	31

PROPOSED TAX AND FEE INCREASES—Continued
(Millions of dollars)

	2000–05
3. Require information reporting for private separate accounts	NR[1]
4. Increase penalties for failure to file correct information returns	47
J. Miscellaneous Revenue-Increasing Provisions	
1. Modify deposit requirement for Federal Unemployment Tax Act (''FUTA'')	1,367
2. Reinstate Oil Spill Liability Trust Fund excise tax and increase trust fund ceiling to $5 billion (through 9/30/10)	1,022
3. Repeal percentage depletion for non-fuel minerals mined on Federal and formerly Federal lands	410
4. Impose excise tax on purchase of structured settlements	12
5. Require taxpayers to include rental income of residence in income without regard to period of rental	75
6. Eliminate installment payment of heavy vehicle use tax	320
7. Require recognition of gain from the sale of a principal residence if acquired in a like-kind exchange within 5 years of the sale	45
K. International Provisions	
1. Require reporting of payments to, and restrict tax benefits for income flowing through, identified tax havens	100
2. Modify treatment of built-in losses and other attribute trafficking	524
3. Simplify taxation of property that no longer produces income effectively connected with a U.S. trade or business	NR[1]
4. Impose mark-to-market tax on individuals who expatriate	500
5. Expand U.S.-effectively connected income rules to include more foreign-source income	26
6. Limit basis step-up for imported pensions	50
7. Replace sales-source rules with activity-based rules	7,828
8. Modify rules relating to foreign oil and gas extraction income	1,151
9. Recapture overall foreign losses when controlled foreign corporation stock is disposed	18
10. Modify foreign office material participation exception applicable to certain inventory sales	25
L. Other Provisions Requiring Amendment of the Internal Revenue Code	
1. Hazardous Substance Superfund Taxes:	
a. Reinstate environmental tax imposed on corporate taxable income and deposited in the Hazardous Substance Superfund	3,600
b. Reinstate excise taxes deposited in the Hazardous Substance Superfund	3,853
2. Convert a portion of the excise taxes deposited in the Airport and Airway Trust Fund to cost-based user fees (Administration's estimate)	6,667
3. Increase excise taxes on tobacco products	37,313
4. Repeal harbor maintenance excise tax and authorize imposition of cost-based harbor services user fee	−2,742
5. Accelerate rum excise tax coverover payments to Puerto Rico and the U.S. Virgin Islands	—
6. Restore Premiums for United Mine Workers of American benefit fund	43
Total: Provisions increasing revenue	**88,946**

PROPOSED TAX AND FEE INCREASES—Continued
(Millions of dollars)

	2000–05
II. PROPOSED FEE INCREASES	
A. Proposals for Discretionary User Fees	
1. Offsetting collections deposited in appropriation accounts	
Department of Agriculture:	
Food Safety Inspection Service fees	3,098
Animal and Plant Health Inspection Service	55
Grain Inspection, Packers and Stockyards Administration	115
Department of Commerce:	
National Oceanic and Atmospheric Administration, Navigational assistance fees	70
Fisheries management fees	100
Department of Health and Human Services:	
Food and Drug Administration fees	95
Health Care Financing Administration fee proposals:	
Managed care application and renewal fees	105
Provider initial certification fees	65
Provider recertification fees	250
Paper claims submission fees	415
Duplicate and unprocessable claims fees	265
Increase Medicare + Choice fees	646
Nursing home criminal abuse registry fee	20
Department of the Interior:	
User fees on Outer Continental Shelf lands	50
Department of Justice:	
Hart-Scott Rodino pre-merger filing fees	190
Department of Transportation:	
Coast Guard, navigational services fees	2,826
Federal Railroad Administration, rail safety inspection fees	515
Hazardous materials transportation safety fees	95
Surface Transportation Board fees	85
Department of the Treasury:	
Customs, automation modernization fee	1,050
Federal Trade Commission:	
Hart-Scott Rodino pre-merger filing fees	190
National Transportation Safety Board:	
Commercial accident investigation fees	50
2. Offsetting collections deposited in receipt accounts	
Department of Justice:	
Immigration premium processing fee	85
Increase inspection user fees	835
Department of Transportation:	
Pipeline safety fees	59
Environmental Protection Agency:	
Pesticide registration fees	16
Pre-manufacture notice (PMN) fees	36
Nuclear Regulatory Commission:	
Extend Nuclear Regulatory Commission user fees	1,475
Subtotal, proposals for discretionary user fees	12,856
B. Proposed Fee Increases to Offset Mandatory Spending	
1. Offsetting collections deposited in appropriation accounts	
Department of Agriculture:	
Federal crop insurance	69
Department of Labor:	
Implement alien labor certification fees	626
Federal Emergency Management Agency:	
Flood map license fee for flood map modernization	546
2. Offsetting collections deposited in receipt accounts	
Department of Agriculture:	
Recreation and entrance fees	162
Concession, land use, right of way, and filming permits	52

PROPOSED TAX AND FEE INCREASES—Continued
(Millions of dollars)

	2000–05
Department of Health and Human Services:	
Medicare premiums	1,446
Department of the Interior:	
Recreation and entrance fees	297
Filming and special use permits fees	19
Hardrock mining production fees	86
Department of the Treasury:	
Customs, extend conveyance/passenger fee	889
Customs, extend merchandise processing fee	2,095
Subtotal user fee proposals to offset mandatory spending	6,287
Total user fee proposals	**19,143**

[1] Negligible or no revenue effect.
[2] Requires specification.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. MCINNIS) and the gentleman from New York (Mr. RANGEL) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. MCINNIS).

GENERAL LEAVE

Mr. MCINNIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Res. 467.

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

There was no objection.

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

Mr. Speaker, the resolution that we have in front of us lays it on the table. It was interesting to hear some of the comments from the people immediately preceding this about sunshine and let us open it up. I think that is exactly what we ought to do with the budget of the President and the Vice President that they have sent over to us.

That budget raises taxes. There is no question about it. It raises taxes. It is hidden in the fine print. What this resolution does is say, hey, let us put all the cards on the table. If the President and the Vice President are going to raise taxes on the American taxpayers, let us be forthright and let us lay it on the table and see exactly how many Democrats are going to vote for it.

That is what this resolution does. It says, does their party really follow the administration wanting to raise taxes, like death taxes for example? And I can go through those in specific. We are going to give them the opportunity to vote on it. Because I think the American people, while our economy is still good, I do not think are very excited about their philosophy to raise taxes. And the administration, I think under the guise of a terrific booming economy, think it is time to squeeze into the pocketbook.

I think it is time to see under openness, under sunshine makes great growing, or whatever that quote was in the last speech. Now is the opportunity for us to see where they stand on raising taxes.

Mr. Speaker, I yield 5 minutes to the gentleman from Nebraska (Mr. TERRY). I hope he addresses this issue in his comments.

Mr. TERRY. Mr. Speaker, I thank my friend and colleague from Colorado (Mr. MCINNIS) for yielding me the time.

Mr. Speaker, I rise today to bring to the floor another package of tax and fee increases proposed by the Clinton-Gore administration for the fiscal year 2001. This legislation proposes additional taxes and fees totaling $116 billion over the next 5 years.

Now, this body a few weeks ago and the Senate just last week and this week, hopefully, will deal with the conference report on our budget. The thing to keep in mind is that our budget does not raise taxes. In fact, it cuts taxes by $150 billion over the next 5 years.

Our budget protects the Social Security Trust Fund. Our budget pays down the public debt. And we did this without asking our constituents and the American public to pay one more dollar of their hard-earned money to the Federal Government. We think it is better that they keep their money in their pockets than in Washington.

This resolution exposes the Clinton-Gore tax-and-fee package for what it really is, $116 billion in new fees and taxes. The President and Vice President propose 84 new spending programs.

So as maybe some of the American public have watched the nightly news, they may have said, how do they do it? I hear them talking about spending or taking down the debt and expanding the size of government. Well, what they are not hearing is the fact that in that proposal is $116 billion worth of new taxes to do that. That is the smoke and mirrors.

This package raises, for example, $12.8 billion on insurance products which Americans rely on to protect their families. Since I have gotten here, I fought hard to eliminate the death tax. This administration has proposed a stealth tax on our children, raising death taxes a whopping $3.8 billion.

At the time that the price of oil and gas have risen to historic heights, and now leveling off, though, the President submitted a budget which included $1.6 billion in new energy taxes.

Congress has made an effort to help our senior citizens by locking away their Social Security and protecting Medicare. Now this administration submits a budget raising Medicare premiums and other health care costs by $3.2 billion. This is what we are fighting to save them from.

Now, I could go on with many more specific examples. But, Mr. Speaker, I will not. There is something in this resolution for everyone to dislike.

I, for one, plan to demonstrate my opposition to this tax package and these fee increases; and I encourage all of my colleagues to join me in voting ''no'' to these fees and tax increases.

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

Mr. Speaker, this is a great honor for me to be a part of the Committee on Ways and Means and see that the Republican leadership is now sharing the tax writing authority with other members on their side.

This, I think, is good and healthy. That way, the chairman of the Committee on Ways and Means does not have the responsibility of having to explain this tomfoolery that we are dealing with on the floor today. Because it just seems to me that anybody on our committee that would be talking about the President's tax revenue raises would also be talking about the President's program.

Because I would welcome the opportunity to vote for a $100 billion tax increase over a 5-year period if I thought for one minute that the majority party was prepared to repair the Social Security system for our kids and our grandkids; if I thought there was just one scintilla of interest in having Medicare be held whole for those that follow up; if I thought this was the price that we would pay so that our senior citizens would have affordable prescription drugs; if I thought that this bill, which my colleagues just pulled out the cost and the pain, that this would be something to allow us to reduce our Federal debt and the interest on that debt; if I thought for one minute that the Committee on Ways and Means was asking people to pay this increase in taxes because we were going to invest in our education system so that all of our kids, from whatever community, will be exposed to the education and the training that will be necessary for this great Republic of ours to maintain our competitive edge in technology.

But I do not know who would do this on our economy to just find out the cost of government and pull that out and say, why do they not pay for the pain when the majority party is not even concerned about the security of our Social Security system.

Now, the reason I am not annoyed is because I know that they are not serious about this. And the reason I know it is because there are a series of so-called ''tax bills'' that would be reaching the floor. Far more exciting, I would think, and far more creative and, of course, far more irresponsible is the idea that they are going to sunset the whole Code and they will do this on the week that Americans have to pay their income taxes. And I would suspect that when they go to sunset the Internal Revenue Code that they will say at some point in time in the distant future they will substitute the Code with something else.

Well, back in Harlem they call that a pig in the poke, that they do not buy what you do not know. And certainly they have not demonstrated the leadership to give us any alternative.

I have been here on the Committee on Ways and Means. The chairman has no bill. The Speaker has no bill to substitute the Code. But we will pull it up by the roots and let America decide what we are going to do in the future.

I know that they have to have something to go back home to at the end of these 2 years that they have been down here in charge, and so it does not bother me that that is the reason why they are bringing this to the floor. But it should bother some of the people on the tax writing committee that have to explain this.

I mean, give the other fellows an opportunity to talk about taxes. But for those who have the responsibility to explain it, give us a break.

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

□ 1530

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

Mr. Speaker, first of all the gentleman from New York talks about the quote out of Harlem called a pig in a pork or something like that. Let us come back to America and talk about a quote in the fine print. That is in the fine print I say to the gentleman from New York. Those tax increases, they are in the fine print. Those 85 new Federal programs are in the fine print. It is his administration that put it in the fine print. I would like to see him vote for that. Is that what he really supports? He really supports a tax increase for the people?

Mr. RANGEL. Mr. Speaker, does the gentleman want an answer?

Mr. MCINNIS. I control the floor, Mr. Speaker.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman may proceed.

Mr. MCINNIS. I tell the gentleman, go ahead and stand up and vote for those 84 programs. Go ahead. But let us be frank with the American people. Let us not tuck it away in a stack of papers this high and stick a tax increase in there. Let us not go into this stack of papers and stick down there 84 new Federal programs and then under the guise of a great economy and under the guise of we are going to save Social Security for Americans, under the guise of all good words that sound hopeful, we are going to stick this tax increase in there. Forget the pig in the pork stuff. Let us talk about the fine print.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. PORTMAN) my colleague on the Committee on Ways and Means.

Mr. PORTMAN. Mr. Speaker, I would say to my friend from New York who

said he would be willing to vote for these $116 billion in new taxes and fees if he knew we could preserve Social Security and maintain and improve Medicare, I have good news for him. The Republicans are going to make good on our budget resolution that passed the floor and we are going to give him the opportunity to preserve Social Security and improve Medicare, including offering prescription drug coverage, without any tax increases. So I think we can do both. I think we can address the necessary problems, the problems that we face as a country as well as not adding to the already very high burden on the American people of the highest per capita tax that we have faced since World War II.

This resolution is great. It is straightforward. It just says, yes or no, do you support or not support the President's own budget proposal? It is interesting a Republican is offering it because I am going to have to vote no on it. I hope the gentleman from Nebraska and the gentleman from Colorado do not mind.

The reason I have to vote no on it and the reason they are going to vote no on it is that it increases taxes in a number of critical areas. One is Medicare premiums. It contains $3.2 billion in increased Medicare premiums. Again we have disagreements on where Medicare ought to go maybe, but I do not think we want to overburden people even further on the Medicare system and take away even more funding from Medicare by adding $3.2 billion in increased Medicare premiums. $1.5 billion in increased energy costs at a time we are all worried about rising gas prices. $3.5 billion in increased death taxes, $12.8 billion in increased costs and fees on insurance products, primarily these are products that would lead to savings. These are ways in which Americans save for their retirement.

At a time when all economists, right, left and center, agree we have a savings crisis in this country, let us not add $12.8 billion in increased costs and fees on savings. I think that does not make any sense at all. A report issued recently, just last month by the Employee Benefits Research Institute showed that personal savings have dropped by 50 percent in the last 5 years. This is a crisis. It is not something that we ought to tax, it is something we ought to encourage, which is more savings. I am pleased my colleagues will have an opportunity to vote on the Clinton/Gore budget today. I commend my colleagues from Colorado and Nebraska for raising it.

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

I was asking my friend from the Committee on Ways and Means to yield only because I wanted to respond to what I thought, what I did think were questions to me, and, that is, I was saying that this was a pig in the poke, p-o-k-e, and he was saying that this was reduced to writing, his proposals. It does not make it more accurate just because he has been able to reduce it to words. It is words that are irresponsible. We cannot talk about the President's increase in taxes without talking about a package of benefits that the President has in this package.

But I think the American people, all I can ask them to do is that if you are sincere in the resolution, vote for it, because I am convinced that what you have done is to create a resolution to embarrass the President that has taken all of the facts as relate to the benefit of his budget and stripped that off and just talked about the pain of operating government. Anybody that would vote for this standing alone would be very, very silly. But since the proponent has come from your side, how you intend to handle this, I do not know.

Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT) a senior member of the Committee on Ways and Means, a member of the Committee on the Budget and someone who truly understands how to be responsible about facing up to the problems facing our great country.

Mr. MCDERMOTT. Mr. Speaker, I am sitting back here wondering why this bill was out here just now, and I think I broke the code. In the House we try and pick an important day to bring something up. I remember we came out here on Valentine's Day and we passed the marriage tax penalty. I do not know where it is. It went off somewhere but everybody thought they got a valentine from the House of Representatives. Now today we have the Taxpayer Bill of Rights. We get that out here and everybody says, Oh, well, now, I've finally got some rights, right? Now we go over to the Committee on Ways and Means, and it must be tax time.

I cannot explain it any other way except over in the Committee on Ways and Means we are having a hearing about tearing up the Tax Code by the roots and imposing a 30 percent sales tax on everything. Just imagine you are going to buy a house and you are going to pay a 30 percent tax on it, or you are going to buy a car and you are going to pay a 30 percent tax on it. Or you are going to buy a shirt, and you are going to pay a 30 percent tax. That is what they are talking about over in the Committee on Ways and Means now. If the taxpayers had any sense at all, they would be over in the Committee on Ways and Means instead of hearing these silly bills about a Taxpayer's Bill of Rights.

This bill, the one we are on right now, is even more interesting. As the gentleman from New York has pointed out, you pass taxes to pay for something. The President put the ''something'' out there and said I am going to give you a prescription benefit for senior citizens, I am going to take care of the schools, I am going to take care of a whole lot of things and it will cost something. That is how you do it.

No, no, not my distinguished colleagues from the Committee on Ways and Means. They bring the money out here and say, Just vote for the money, just vote for the money, and then trust us, we'll spend it for you. I brought Mr. Bush's tax bill to the Committee on Ways and Means and said to them, this man is running nationwide saying if you elect me, I will give you $500 billion worth of tax cuts. And everybody on the committee has endorsed Mr. Bush. But none of them would vote for Mr. Bush's tax proposal when it was put before them. You have to wonder if this is not just some kind of electioneering rather than any substantive policy.

Bringing the President's bill out here, I consider it the highest form of flattery to be imitated. I put that bill in over in the Committee on Ways and Means a couple of weeks ago and everybody was all exercised when the headlines said, GOP in House Rejects Bush Tax Plan. They just were upset by that so they thought, Oh, I know what we'll do, we'll run out here with the President's taxes and throw it on the table. But it makes no sense. The President said what he would spend it for. We have not done anything about Medicare. We have not done anything about Medicaid. We have not done anything about Social Security. I think everybody is going to vote no on this.

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume. First of all the previous speaker talks about playing politics because of the fact that we bring out the tax increases that the Democrats want on the American people. I call it sunshine. Bring it out. Get into that big stack of papers and let us reveal exactly what is happening on taxes. You can take a look at the other programs, but let us talk about 84 new Federal government programs, the creation of 84 new programs under this budget. It is tucked away in the fine print.

Let us talk about those tax increases. That is not something we call fair game. That ought to be the legitimate practice of representing the people of this Nation. Tell them what you are about to do to them in regards to tax increases. Tell them about the fact that many Members on your side of the aisle oppose the death tax or at least when people are talking to their constituents they oppose the death tax but when the administration sends a bill over here, it increases the death tax. It does not talk about keeping it the same. It does not reduce the death tax. It increases the death tax. I hope the gentleman gets some expert advice. Come up here, and I would be happy to

go over those death tax increases with him.

Mr. Speaker, I yield 2½ minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. I thank my colleague from Colorado for yielding me this time.

Mr. Speaker, I rise in strong opposition to this proposal, but I appreciate the courtesy of my colleagues for bringing this to the floor to really show the American people what is at work here. It is true there are two different philosophies and it is not a matter of breaking a code or, shoot, even listening to cellular telephone conversations, it is just simply a chance to lay out for the people what is clear.

Those on the left are committed to taking more of your hard-earned money to spend on more and more wasteful Washington programs. It is fine. It is a legitimate difference of opinion. But, Mr. Speaker, I would just ask my colleagues to focus on the teacher who visited me this morning with kids from the northern part of my district. I know it will shock the pundits and the spinmeisters who tell us people do not care about the money they send to the Federal Government, but not only the students but the teacher was very interested in taxation. The teacher shared with us the story that he and his spouse will have to write a check close to $600, a good portion of a paycheck for their salary, to the Federal Government this week begging the question, why do those who work hard and play by the rules always find themselves penalized?

Mr. Speaker, I rise in opposition to the President's multibillion-dollar tax increase. The simple fact that I understand the money belongs to the people, not to the Washington bureaucrats, and that for years there have been those denizens of the left who tell us again and again and again that families ought to sacrifice so that Washington can do more. Mr. Speaker, I think the opposite is true. I think that Washington bureaucrats ought to sacrifice so that families can have more.

Again not out of embarrassment but out of courtesy, since my friends on the left did not want to offer the current President of the United States a chance to have his tax increases debated, we brought this to the floor as a courtesy. They now have the opportunity to embrace the tax increases. Because, Mr. Speaker, the money has to come from somewhere, and it comes from the hardworking people like the teacher who visited with me this morning who works hard and plays by the rules and wonders where his money goes.

Mr. RANGEL. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. KLECZKA) a senior member of the Committee on Ways and Means.

Mr. KLECZKA. Mr. Speaker, let me thank the vice chairman of the Committee on Ways and Means, the gentleman from New York (Mr. RANGEL), for giving me this time.

Mr. Speaker, I have been in Congress a couple of years now, and I fought like the devil to get on the Committee on Ways and Means because I wanted to be in a position so I could hopefully shape the tax laws of this country. The committee also deals with Social Security, trade policy, Medicare, but it seems that service on the committee is to be taken for granted today because bills like this just pop up out of nowhere. This bill was introduced yesterday. So for you folks who are watching this thinking that Members have public hearings on bills, read bills, that is nonsense. It was popped in yesterday, we have to come to the floor today to defend it or to argue against it.

As I speak today, the Committee on Ways and Means, the real committee, is meeting across the road here in the Longworth Office Building and before us is a proposal to incept a national sales tax, to pull the tax code out by its roots, throw it away in the garbage can and in lieu you folks will pay a 30 percent sales tax on every good and service that you need or purchase.

□ 1545

But instead of being there to listen to that weighty debate, we are here talking about a bill that just was popped before us yesterday; but it is not new, because it was before us last year.

One of my Republican colleagues indicated that this is the President's budget we are voting on. My friends, it is not the President's budget, so do not be led astray. What it is, and I will read the first paragraph, ''Expressing the sense of the House of Representatives that the tax and user fee increases proposed by the Clinton-Gore administration in their fiscal year 2001 budget should be adopted.'' So the author of the bill says these things should be adopted. So in a short while we are going to have a vote on this, and we are all going to vote no.

Remember when we were growing up there used to be this Shmoo balloon. We blew up the Shmoo and put it in a knot and put it in these little shoes, and the game was to hit the Shmoo, the Shmoo would fall on the ground and it would pop back up. These folks introduced this bill, and the only reason is they want to knock it down.

Well, one would seem to think that after the debate from our Republican colleagues that in here there is an increase for the income tax, an increase for the corporate tax. None of that. These are fees and user taxes for people who use various services. If the user uses the service, they should pay; and if you do not use it, you do not pay. Some are good, some are bad. Some I support; some I do not support.

All right, let me challenge my Republican colleagues to respond to some of these suggested changes in the tax law. Under the corporate tax provision, prevent serial liquidation of U.S. subsidies of foreign corporations. Foreign corporations. What is wrong with that? There is not a one of them who knows what the heck that does.

Another one, require cash method banks to accrue interest on short-term obligations. Sounds like fair tax policy. I bet the author of the bill does not even know what the heck that does.

Here is another one. Prohibit tax deferral on contributions of appreciated property to swap funds. Closing a tax loophole. What is wrong with that? How many of you guys and ladies are going to pay that? Zero. A tax loophole.

But we are asked here to say no to all of these, even though in the entire context of the budget they make some sense. But the President's budget is not here. This is a little silly game we are playing today, and I want everyone to stay tuned, because we have got a sillier one coming on Thursday, and that is to repeal the income tax code, effective year 2002, and replace it with, we have not thought of that yet.

So they are going to repeal the income tax and one day maybe the Committee on Ways and Means I serve on, maybe not, will come up with an alternative, an alternative. But that alternative is not here today.

This is shenanigans. Let us play the game.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would remind all Members to address their comments to the Chair, and not to members of the audience and not to members outside this Chamber.

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

I just listened to this previous speaker. He talks about a silly game. Of course it does not mean much to him there is 82 new Federal programs coming in. Of course it does not mean much to him that the people of our country are going to have a tax increase. Why? He does not want the fine print of that Clinton-Gore budget discovered. It has been discovered.

I would caution my friend up here, he talks about why do this bill? Why are you bringing this up today? Well, you know what, it is an old adage: every action brings a reaction. This is the reaction. And what is it a reaction to? It is a reaction to the Democrats going out there and not just raising user fees, but raising death taxes; not just raising taxes, but creating new Federal programs.

Mr. KLECZKA. Mr. Speaker, will the gentleman yield?

Mr. MCINNIS. Mr. Speaker, I will not yield.

Mr. Speaker, I can assure all the Members on this side of the aisle, the Democrats on this side——

Mr. KLECZKA. Mr. Speaker, will the gentleman yield?

Mr. MCINNIS. Mr. Speaker, I have control of the floor. Would the gentleman recognize the courtesies of the House?

The SPEAKER pro tempore. The gentleman has indicated he will not yield.

The gentleman may proceed.

Mr. MCINNIS. Mr. Speaker, if the gentleman does not have a point of order, he is out of order; and he continues to be out of order in defiance of the Speaker's demands.

Mr. KLECZKA. Mr. Speaker, I am just standing here saying nothing.

The SPEAKER pro tempore. The gentleman from Colorado may proceed.

Mr. MCINNIS. So when you have a reaction, do you want to know why we are here today about these tax increases, about these 80 new Federal programs? It is because you guys recommended them, your administration, GORE, the Vice President, and President Clinton. They come up with these new programs, 80 new Federal programs. Of course we are going to have a reaction to that. Of course we are going to have a reaction to increasing the death taxes.

I wish my colleague could come out to Colorado and visit with some of these ranching families, including some of my own, that are about to get nailed on this death tax. And you guys want to increase it? Of course you are going to have that kind of reaction.

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

Mr. RANGEL. Mr. Speaker, I yield 15 seconds to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, the question I was going to ask of my colleague from the Republican side of the aisle was in here is a provision to reinstate the Oil Spill Liability Trust Fund excise tax. Evidently he is for oil spills. We want to clean them up. There is one going on right now in Maryland.

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

Mr. Speaker, I hope I have not said anything to anger the Members on the other side. The only frustration that we feel is that it is very unusual for tax bills to come on the floor that are not sponsored by Members of the committee so that at least they could talk with us about them. It is even more unusual that the bill never would even come through the committee so that our staffs would have been attuned to understand better what the implications would be about the bill; and, of course, one has to be very suspicious when in the middle of the night a bill is introduced and it just reaches the floor on the Suspension Calendar.

Mr. Speaker, you cannot talk about hundreds of billions of dollars, or I guess some people can talk about hundreds of billions of dollars, without having it come before the committee; but we would like to believe that somewhere in here it makes some sense. Obviously, you have not really had enough time to make any sense out of this, because you are bringing up a bill and you are asking Democrats to vote for it, but the people who drafted the bill are asking Republicans to vote against it.

Now, I know people do not think much about the Congress, but this really confuses them. If you have a bill, at least you should be supporting it.

Those of us on the other side are saying this, that if the $100 billion we are talking about seems to be an excessive burden on the taxpayer, should you not in all fairness talk about what this is supposed to pay for? Are you not supposed to say what you have done is said to the President that I am prepared to ignore the Social Security System as it is, I am prepared to ignore the Medicare system, that I am not going to do anything about affordable drugs for the aged, that education is not on our agenda. So, Mr. President, when you talk about all of these things that you would like to see done, all we want to know is how much does it cost, and what we will do is extract these things, put them in a bill, bring it to the floor, and we will not vote for it, but we will ask Democrats to vote for it.

No, no, Mr. Speaker. This not only does not make sense, but I do not really think that it is sound legislative policy. If there is something that you want a vote for, be creative. But if you are going to bring legislation to the floor, and then when people pick up the newspapers tomorrow they find out that the Republicans brought this bill to the floor, House Resolution 467, but after they understood it, they voted against it, what can I tell you?

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

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

Mr. Speaker, I think it is very important. The gentleman from New York has brought up the question of why would you bring up a resolution that you are going to vote no on? Do you know why? Because you are not bringing up the tax increases. We want to be open to the American taxpayers. We think the American taxpayers ought not to have 82 new Federal programs tucked away in several thousand pages of a budget. We want to bring it up. You all put it in the budget. I want to see if you got enough guts to vote for it on the floor. There is nothing wrong with that.

I believe in sunshine. I want to remind you that the previous speakers talked about the sunshine and how we have to have more of an open process and not have these secrets. That is what we are doing.

Everybody that disagrees with something in that budget ought to have a discussion right here on the House floor. We ought to discuss on this House floor whether or not we want 80 new Federal programs. I do not think we do. Certainly on the Republican side we do not want 82 new Federal programs. We do not want another $116 billion in tax increases on the Republican side, and especially we do not want an increase in the death tax.

Mr. MCDERMOTT. Mr. Speaker, will the gentleman yield?

Mr. MCINNIS. Mr. Speaker, I will not yield to the gentleman.

Mr. MCDERMOTT. Mr. Speaker, will the gentleman yield?

Mr. MCINNIS. Mr. Speaker, this is the second time I told the gentleman I will not yield. I would appreciate the gentleman showing me the courtesy of controlling the floor and proceeding.

On our side of the aisle, take a look at our position on this death tax.

Mr. MCDERMOTT. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Colorado has to yield for that purpose.

The gentleman may proceed.

Mr. MCINNIS. Mr. Speaker, on this side of the aisle, we take ardent opposition to the death tax; and we think in fact it should be expected, it should be a fiduciary duty of ours to bring it up on this House floor, to let people know what you are attempting to do with that death tax. The Clinton-Gore administration wants to increase the death taxes. That is hurting a lot of people out there. We ought to eliminate it.

What I would suggest to the gentleman is why do you not bring up a bill to eliminate the death tax and get everybody over here to support it. We could take away one of the greatest injustices in this tax system, and you can get the credit for it.

We need to have on this floor open exposure to what is happening; 82 new Federal programs. Of course we ought to have sunshine on it.

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

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

Mr. Speaker, if I understand the gentleman correctly, if I understand the gentleman from Colorado correctly, the reason he is bringing up this bill today and asking his colleagues on the Republican side to vote against it was so we could kill it. In other words, he does not want to put this tax burden on the American people. So the gentleman has this new creative way of killing legislation by having Republicans to introduce the legislation, and then to kill it. That is his goal.

Well, let me share with the gentleman that your side has been killing legislation in a different way, and you have been very effective, and that is you just do not bring it up. The Social Security legislation, you have not brought up a bill; the Medicare legislation, you have not brought up a bill;

giving affordable prescription drugs to the elderly people, you know how to kill that. You do not bring up a bill.

Since when in any legislative body, in any small community, in any county, in any city, in any State legislature, have we come up with such cockamamie idea that the way you kill legislation when you are in the majority is to introduce it? Now, you have got to take a deep breath. You kill legislation when you are in the leadership by introducing the legislation, and then you vote against it.

Now, I have to admit, since there has not been any positive legislation coming from your side in the last couple of years, that this keeps Members' voting records up. But can you imagine the precedent that you are setting, where with everything that you do not like, you introduce a bill and then tell people to vote against it? Talking about wasting taxpayers' money, this is really extreme.

□ 1600

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

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

First of all, the gentleman asked, and I think it is a legitimate question, why do we bring up this bill to kill it?

It is kind of like a tiger in the cage. We have a tax tiger in the cage. This tiger is proposing to raise taxes. This tiger is proposing to raise the death tax. This tiger is proposing 80 new Federal programs. Why not lure it out of the cage? Once we have it out of the cage, we have all kinds of people who will help to take that down.

The American people, they want social security earnings, that waiver that we put in as Republicans; they wanted the Republicans' reduction on capital gains, when we sell our personal property; but they do not want 82 new Federal programs. Republicans and Democrats across the country do not want 82 new Federal programs.

So of course we want to lure the tiger out of the cage, get it out of its safe haven, out in open territory where we have a fair fight going on.

Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. DEMINT).

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

Mr. Speaker, it is interesting. I do not remember, when the Clinton-Gore administration has talked about their new budget, there is very seldom any publicity about the taxes and fees that are incorporated in this budget to pay for it. That is why I commend my colleague, the gentleman from Nebraska (Mr. TERRY), for introducing this bill, to show that not only do we bring it up and do not vote for it, but that very few in this House are willing to vote for the taxes and fees that have been proposed on the American people to pay for more giveaways from this administration.

Mr. Speaker, instead of raising the taxes and fees, we need to look at the terrible waste in the government. I will just give one example from the Employment and Training Administration, that receives $9 billion a year, more than three-fourths of the total discretionary Labor Department funds. But when asked by the Committee on Education and the Workforce for an accounting of these grants and contracts, the agency said the information was not available in single volume or in detail. In addition, they said it was too complicated to report every year.

Mr. Speaker, this is $9 billion in taxpayer money that is not accounted for. There are people in jail who have not been able to account for a lot less money than that.

We need to bring these taxes and fees to the public view, and we will see who votes on them and supports this part of the President's plan.

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

Mr. Speaker, I am glad the gentleman from Colorado explained the reasoning behind this, that the gentleman has something in the cage and he wants to kill it before it comes out of the cage. That has made more sense than anything I have heard on the floor today. The President's bill is in a cage, so the gentleman now takes the President's bill, takes it out of the cage, because he wants to kill it.

Mr. Speaker, well, now, that is creative legislation. I just would like to say that also in that cage is the social security system, the Medicare system, assistance to our aged for prescription drugs, the education system, the minimum wage system, systems for our national defense. All of these things are in that cage. I just hope that the gentleman does not kill it all.

It seems to me that the gentleman might do better in explaining, a more effective way than this tiger in the cage legislative process is by saying that we are not bringing up any positive legislation, so the gentleman just wants to take those things from the President's budget that might prove to be painful because they do not intend to provide the things that are good for this Republic, for this country, that can make this country proud.

We do not need Republican legislation and Democrat legislation, we do not need to be fighting each other over tigers in cages. What we have to do is pause, work together, and find out what is good for the Congress, but more importantly, what is good for the American people.

Mr. MCINNIS. Mr. Speaker, I yield the balance of my time to my colleague, the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, I appreciate the compliment from my colleague, the gentleman from New York, on my creativity, but I did feel the necessity to unlock that cage so the world could see this tiger. Because what my friends on the other side of the aisle were doing was putting a tarp over it so nobody could see that in this cage was $116 billion worth of new taxes and 84 new programs.

I thought we needed to shed some light on this, and nobody on their side of the aisle took the leadership to show the public this. So I will back up my talk with the walk, and we can vote on it today.

Mr. Speaker, I also heard that we were trying to embarrass the President. Frankly, I wish the teachers that were here today were listening to this and showing it to their civics classes, because today, Mr. Speaker, we saw the difference. We saw the difference between us. We saw how they will advocate for a tax increase of $116 billion to support their 84 more programs. That is taxing and spending, Mr. Speaker. That is the difference.

We are here saying that the way we help everybody in America is that we control the growth of government. In a time when we are dealing with trillion dollar surpluses, that is not a time to grow government for more taxes. Now is the time to start saying, how do we help the people that are overpaying taxes?

Yes, I would be embarrassed to introduce a budget that included $116 billion of new tax increases, several of which include taxation of our senior citizens in Medicare, the Medicare system, creating higher fees for nursing homes, for Medicare+Choice programs.

When we talk about the tigers that are in the cage, what we are talking about is bringing out the new and the healthier tigers, the ones that we on the Republican side have, the healthy social security tigers, the healthy Medicare. I urge all of my colleagues to vote no.

Mr. STEARNS. Mr. Speaker, when did President Clinton tell the American people that the era of big government was over?

You know, I really can't remember when he made that statement, and I'm willing to believe the President himself has forgotten. And I think it's obvious, with the $1.3 trillion in proposed spending along with $116 billion in tax and user fee increases included in the President's budget.

I think that in actuality the era of big government prior to the Clinton/Gore administration is indeed over. And that's because the Clinton/Gore administration brought in a new era of bigger government. I'm sure my colleagues will remember one of the largest tax increases in history. That was passed by a Democrat controlled House, a Democrat controlled Senate and signed into law by the Clinton/Gore administration. And each year, the administration continues to propose new taxes and user fee increases.

So we are here today to say stop! Stop spending money on wasteful federal programs. Stop increasing user fees and raising

taxes on everyday Americans. The average two-income family tax burden is 39% of that family's income. We need to reduce the tax burden on Americans, not increase it.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Nebraska (Mr. TERRY) that the House suspend the rules and agree to the resolution, H. Res. 467.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those having voted in favor thereof, the rules——

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

The yeas and nays were ordered.

PARLIAMENTARY INQUIRY

Mr. RANGEL. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. RANGEL. Mr. Speaker, on the voice vote, what was the Speaker's announcement?

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present having voted in favor thereof, the rules are suspended and the resolution is agreed to, and the gentleman from Nebraska (Mr. TERRY) asked for the yeas and nays.

Mr. RANGEL. The Chair is saying this bill passed?

The SPEAKER pro tempore. The Chair ruled that the motion was agreed to, and then yeas and nays were ordered.

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

BUSINESS CHECKING MODERNIZATION ACT

Mr. LEACH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4067) to repeal the prohibition on the payment of interest on demand deposits, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4067

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Business Checking Modernization Act''.

SEC. 2. AMENDMENTS RELATING TO DEMAND DEPOSIT ACCOUNTS AT DEPOSITORY INSTITUTIONS.

(a) INTEREST-BEARING TRANSACTION ACCOUNTS AUTHORIZED.—

(1) FEDERAL RESERVE ACT.—Section 19(i) of the Federal Reserve Act (12 U.S.C. 371a) is amended by inserting at the end the following: ''Notwithstanding any other provision of this section, a member bank may permit the owner of any deposit, any account which is a deposit, or any account on which interest or dividends are paid to make up to 24 transfers per month (or such greater number as the Board may determine by rule or order), for any purpose, to a demand deposit account of the owner in the same institution. Nothing in this subsection shall be construed to prevent an account offered pursuant to this subsection from being considered a transaction account for purposes of this Act.''.

(2) HOME OWNERS' LOAN ACT.—

(A) IN GENERAL.—Section 5(b)(1) of the Home Owners' Loan Act (12 U.S.C. 1464 (b)(1)) is amended by adding at the end the following new subparagraph:

''(G) TRANSFERS.—Notwithstanding any other provision of this paragraph, a Federal savings association may permit the owner of any deposit or share, any account which is a deposit or share, or any account on which interest or dividends are paid to make up to 24 transfers per month (or such greater number as the Board of Governors of the Federal Reserve System may determine by rule or order under section 19(i) to be permissible for member banks), for any purpose, to a demand deposit account of the owner in the same institution. Nothing in this subsection shall be construed to prevent an account offered pursuant to this subsection from being considered a transaction account (as defined in section 19(b) of the Federal Reserve Act) for purposes of the Federal Reserve Act.''.

(B) REPEAL.—Effective at the end of the 3-year period beginning on the date of the enactment of this Act, section 5(b)(1) of the Home Owners' Loan Act (12 U.S.C. 1464 (b)(1)) is amended by striking subparagraph (G).

(3) FEDERAL DEPOSIT INSURANCE ACT.—Section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended by adding at the end the following new paragraph:

''(3) TRANSFERS.—Notwithstanding any other provision of this subsection, an insured nonmember bank or insured State savings association may permit the owner of any deposit or share, any account which is a deposit or share, or any account on which interest or dividends are paid to make up to 24 transfers per month (or such greater number as the Board of Governors of the Federal Reserve System may determine by rule or order under section 19(i) to be permissible for member banks), for any purpose, to a demand deposit account of the owner in the same institution. Nothing in this subsection shall be construed to prevent an account offered pursuant to this subsection from being considered a transaction account (as defined in section 19(b) of the Federal Reserve Act) for purposes of the Federal Reserve Act.''.

(b) REPEAL OF PROHIBITION ON PAYMENT OF INTEREST ON DEMAND DEPOSITS.—

(1) FEDERAL RESERVE ACT.—Section 19(i) of the Federal Reserve Act (12 U.S.C. 371a) is amended to read as follows:

''(i) [Repealed]''.

(2) HOME OWNERS' LOAN ACT.—The 1st sentence of section 5(b)(1)(B) of the Home Owners' Loan Act (12 U.S.C. 1464(b)(1)(B)) is amended by striking ''savings association may not—'' and all that follows through ''(ii) permit any'' and inserting ''savings association may not permit any''.

(3) FEDERAL DEPOSIT INSURANCE ACT.—Section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended to read as follows:

''(g) [Repealed]''.

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall take effect at the end of the 3-year period beginning on the date of the enactment of this Act.

SEC. 3. INCREASED FEDERAL RESERVE BOARD FLEXIBILITY IN SETTING RESERVE REQUIREMENTS.

Section 19(b)(2) of the Federal Reserve Act (12 U.S.C. 461(b)(2)) is amended—

(1) in clause (i), by striking ''the ratio of 3 per centum'' and inserting ''a ratio not greater than 3 percent''; and

(2) in clause (ii), by striking ''and not less than 8 per centum''.

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

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

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

Mr. Speaker, under current law, there is a prohibition on the payment of interest on demand deposits, particularly as they affect business institutions. This prohibition has been in law since 1933.

What this bill does is offer and allow banks the right to make daily sweep adjustments and interest to be paid in these daily sweeps to business accounts, and then eventually, that is, at the end of 3 years, for the prohibition on the payment of demand interest to be fully removed.

In essence, this bill symbolically is the most pro-customer banking legislation in modern times. It is pro-small business, for it will allow for the first time small businesses, in small rural settings in particular, to be paid interest on their hard-earned extra funds or savings. It is pro-small bank because small banks are not in a position to use some of the sophisticated techniques of their larger bank competitors in this particular arena. It is pro-competition because it simply says the market should act freely without legislative intervention.

The market today is stilted. One reason banks in the savings business have been declining in size is because of legislative protectionism of this kind of nature. It is no accident that over the last 3½ decades or so, the banks' share of the saved dollars have been reduced from about two-thirds to one-quarter because Americans want to go to places they can get the greatest return on their investments, and they have found when there are legislative restraints, that they have incentives to move assets elsewhere, to money market mutual funds, to CMAs of securities firms.

The American business community deserves a better deal. As far as banks are concerned, we are finding finally the recognition that protectionism is counterproductive.

Let me say as strongly as I can that banking, just like any other business in America, if it is going to be sustaining, has to be concerned for the customer. Pro-customer institutions in America survive. Those that have restraints on dealing with the customer are placed in a more difficult position.

Mr. Speaker, what this bill in the final measure does is say that the free market will prevail, that the customers' concerns will be dominant, and that it is no accident, again, that customers throughout the country, as symbolized by their associations in business and banking, have come to support this legislation. It has been a long time in coming, but I am convinced it is the right thing to do.

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

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

Mr. Speaker, I rise in support of H.R. 4067, the Business Checking Modernization Act. I, too, would like to associate myself with all of the remarks of the gentleman from Iowa (Mr. LEACH), the distinguished chairman of the Committee on Banking and Financial Services.

As a result of our bipartisan work on this and other legislation, today we are able to take another step in the modernization of our financial services industry. The ban on interest-bearing checking accounts was adopted in the Great Depression out of fear that banks seeking business accounts would bid against each other with higher interest rates and thus contribute to bank insolvencies.

In the 1980s, Congress recognized these concerns had faded and removed the legislative prohibition against paying interest on the checking accounts of individuals. Of course, Congress was responding to market forces, too, and the tremendous disintermediation that had taken place.

Today we complete that work by permitting the payment of interest on business demand deposits. This is something we should have done years ago. We do it today.

The current law and market conditions prevent many small businesses from obtaining easy access to interest-bearing checking accounts. For this reason, the repeal of the ban on interest-bearing business checking accounts is strongly supported by the business community. A yes vote for H.R. 4067 promotes healthy competition within the financial services community for commercial checking accounts, which can only benefit the business community, particularly the small business community, with more efficient, cost-effective financial services.

Mr. Speaker, I yield the balance of my time, to control the time, to the gentlewoman from Oregon (Ms. HOOLEY).

The SPEAKER pro tempore. Without objection, the gentlewoman from Oregon (Ms. HOOLEY) will control the time of the gentleman from New York (Mr. LAFALCE.)

There was no objection.

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

Mr. Speaker, let me first express my enormous gratitude to the gentleman from New York (Mr. LAFALCE) for his tremendous cooperation on this issue, as well as the minority party in general.

But then I would like to note that this is a bill that has been the bedrock concern of one Member of the United States Congress and that is the gentleman from Washington (Mr. METCALF), who is retiring at the end of the year. If there is a bill and sponsor which have been identified together more, I do not know what it is in the Congress.

Mr. Speaker, I express to the gentleman from Washington (Mr. METCALF) particular appreciation and gratitude for his thoughtfulness on this piece of legislation, but also for his enormous thoughtfulness on the committee on which he serves. I am very grateful for his leadership and friendship.

Mr. Speaker, I yield 5 minutes to the gentleman from Washington (Mr. METCALF).

□ 1615

Mr. METCALF. Mr. Speaker, I would like to express my appreciation of the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE), the ranking member, for their strong support of repealing an archaic Great Depression era statute preventing banks from offering interest on business checking accounts.

I am pleased to say that H.R. 4067 enjoys bipartisan support and was passed by the full Committee on Banking and Financial Services by voice vote.

The current prohibition against banks offering interest-bearing business checking accounts makes no sense. Allow me to highlight what a couple of banks have said to me about this issue.

A banker from North Carolina said repeal would save maintaining a separate sweep money market account and expenses related to tracking the number of sweeps per month to ensure compliance.

A banker from Texas said, small businesses have a right to earn interest on their money and national and State banks should have a right to offer this service.

A banker from Wisconsin said that they use a sweep account to pay interest but that repealing the prohibition would make their job easier and more competitive.

A banker from Nebraska summed up his views even more succinctly about abolishing this statute. The sooner the better.

We should vote today to remove this unnecessary regulation and allow banks the opportunity to better address business concerns of their local communities without having to undergo costly, cumbersome procedures.

Federal Reserve Chairman Alan Greenspan has written in support of repealing this prohibition against paying interest on business checking accounts.

The legislation also enjoys broad-based support among others: The U.S. Chamber of Commerce; the world's largest business federation, the National Federation of Independent Businesses, which represents over 600,000 small and independent businesses; America's Community Bankers; the American Banking Association; and the Association for Financial Professionals which represents over 10,000 cash management professionals within the corporate sector.

Let us pass this bill today and move forward to help our financial institutions be more competitive in the marketplace and free small business from outdated regulations.

Ms. HOOLEY of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from New York (Mr. LAFALCE), the ranking member, and the gentleman from Iowa (Chairman LEACH), as well as the gentleman from Washington (Mr. METCALF), for their leadership in bringing to the floor today H.R. 4067, the Business Checking Modernization Act.

This bill is very simple. It allows businesses to earn interest on their checking accounts.

The ban on paying interest on commercial accounts was adopted during the Depression for policy reasons that are no longer relevant today. The banking regulators all agree that this legislation is overdue.

This legislation will promote healthy competition within the financial services community for commercial checking accounts, which will benefit all businesses, especially small businesses who will now be able to earn interest on the business checking accounts.

Currently, business customers are able to earn interest on their bank checking accounts only by placing their funds in banks that are able to offer sweep accounts. So this is really good for big businesses and big banks where they can afford to offer these sweep accounts.

Other businesses use securities firms that offer liberal check writing services or ATM access or similar services through interest-paying transaction accounts.

This compromise legislation appropriately provides a 3-year transition period so that financial institutions that offer sweep accounts or other concessions in lieu of interest can make necessary changes in their pricing to accommodate the repeal of this prohibition.

Finally, during this transition period, all insured depository institutions will be able to offer interest through a 24-transfer per month, money market accounts.

Again, this is a very simple bill, long overdue, that allows businesses to earn

interest on their checking accounts with a 3-year period for implementation.

Because the bill opens up competition in the business checking market in a fair and equitable manner, I urge my colleagues to support its adoption.

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

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

Mr. Speaker, let me just say that historically what occurred is that Congress disadvantaged America's business community to protect its banks. Then as time went on, it became clear that the effect was that Congress disadvantaged its banking community in favor of banking competitors. What this legislation amounts to is a free market return to basic American competitive values. It is a congressional ''mea culpa'' to America's business and banking community. It is good for the country, good for the financial system and good for the precept of a free and unfettered market that this country stands for, and I urge its adoption.

Mrs. KELLY. Mr. Speaker, I rise today in support of the legislation before us. Today in the financial services sector the laws, rules and regulations of the 1930's have little to do with safety and soundness of today's banks. Before us we have legislation to bring some of the laws pertaining to commercial checking accounts into the 21st Century. While I do not consider this package perfect, it does constitute a reasonable middle ground to banks and industry which must be preserved as this legislation moves forward.

This legislation contains a three year transition period that gives banks the ability to sit down with their business customers and decide how their accounts are best served. We must note that while banks have been prohibited from paying interest to their commercial accounts, they have been offering other services to attract their accounts. This three year transition period must be preserved.

In this transition period we give banks the ability to expand their current sweep activities. Sweeps are a way that banks can currently pay interest on commercial accounts by moving a portion or all of the money out of the account into an interest investment, like treasury bills, which is then redeposited in the checking account at a specified time with interest. Currently, banks are only allowed to do this six times a month. This legislation increases this to 24 times a month so an account could be swept every night giving those with smaller balances the ability to participate in these activities.

One of the issues that has troubled me about this legislation is the new cost it will impose upon banks, particularly small banks. This is not the first time a bill with these provisions has come before the House, but in the past the cost of this legislation was at least in part addressed. Last year Laurence Meyer from the Board of Governors of the Federal Reserve System came before the Banking Committee and stated in this testimony that quote—The higher costs to banks would be partially offset by the interest on reserve balances—end quote. The problem arises because the initiative that allowed Federal Reserve Banks to pay interest on reserve balances is not included in this bill now before us.

I have introduced legislation with the sponsor of this bill [Mr. METCALF] and the Gentleman from Connecticut [Mr. MALONEY] to address this problem. The chairman of the Banking Committee has been supportive of this effort by scheduling a hearing on this issue in the near future. I hope that if this bill is conferenced with a Senate bill that contains the authority to allow Federal Reserve Banks to pay interest on reserves we could accept those provisions. If not, I fear that the cost of this legislation will simply be passed onto the commercial customers through higher loan rates. Without the Federal Reserve Bank interest authority the benefits of this legislation could be lost.

I urge my colleagues to join me in support of this bill.

Mr. VENTO. Mr. Speaker, I rise in support of this bill, H.R. 4067, which was reported out of the Banking and Financial Services Committee on a bipartisan basis. This bill will repeal a curious prohibition on banks and thrifts paying interest on business checking accounts. It will help community banks and countless small businesses currently not able to offer or compete for "sweep" accounts that move money out of non-interest earning accounts into other accounts that will earn interest for corporate customers. During the transition period, a new daily sweep—or 24-hour transaction per month allowance—would be an option.

Although there is a small rift within and among the various financial institutions, on the main, the repeal of the prohibition is a shared goal. The bill is broadly supported by small businesses. Not surprisingly, a National Federation of Independent Business membership survey shows that 86 percent of small business owners support this repeal that would allow their checking accounts to earn interest. H.R. 4067 does not mandate the payment of interest. It merely removes the last vestiges of controls on bank accounts that arose during the Great Depression. In so doing, the bill will make possible more competition and hopefully better service to business customers.

Although an immediate repeal would be sensible, there are some entities that have developed the programs and systems to limit the effect of the existing prohibition and that would prefer a "phase in" of the commercial interest repeal. The Committee found that three years from the date of enactment was a good compromise from the starting point of one year and those seeking a six-year sunset period. I am uncomfortable with any further extension of the delay in allowing interest on business checking accounts, a sound public policy change that should really be effective as soon as possible. Three years is long enough time in this Internet e-world. Six years is just too long.

I am pleased that what we have before this House today is not a negative bill. It is a straightforward bill that does not adversely affect customers or undercut our laws that protect safety and soundness of our financial institutions.

Mr. Speaker, I do need to take this opportunity to suggest, however, that here we are again "modernizing" another banking law. This one to help community bankers and small businesses. Yet there is so much consumer protection in financial services that has yet to even receive a hearing, let alone action. We need a consumer financial modernization act that will modernize Truth in Lending limits, high cost mortgage protections, and vital consumer law updates. To just stand still is to lose ground in today's dynamic marketplace and consumers are losing ground. It is well past the time that this Congress should act upon some of the positive, proactive proposals introduced by many of our Colleagues so that these measures might be enacted into law. Sound consumer relief and modernization is needed and should be the order of the day.

I do have reservation about a provision of the bill added in the Committee markup. This provision changes the reserve requirement in the Federal Reserve Act for transaction accounts to give the Federal Reserve the discretion to lower reserve ratios to as little as nothing because the minimum statutory ratios for reserve requirements. Although the Federal Reserve has not argued against this provision, they have stated that this is authority they would not use. However, its addition would certainly shift the field of lobbying solely to the Federal Reserve for the purpose of lowering bank reserves. The Board should use extreme caution in exercising this new flexibility being conveyed in this bill especially if the policy is to reduce the reserves to "zero."

The inherent stability of the banking system and the implementation of monetary policy dictate that a minimal level of reserves is appropriate. Although their role may have waned somewhat, lower reserve levels could lead to increased volatility in the federal funds interest rate, which in turn could harm institutions attempting to manage their clearing and reserves needs. Further, as I stated in the markup of the bill, consultation with the Congress on any adjustment to reserve requirements would be a prudent course of action by the Federal Reserve.

I ask my colleagues to join me in supporting this bill.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today in support of H.R. 4067, the Business Checking Modernization Act. This critically needed legislation would lift the sixty-five year prohibition against banks paying interest on business checking accounts.

Present law restricts the ability of the banking industry to provide interest-bearing checking accounts for businesses. H.R. 4067 would repeal this Depression-ear ban on such accounts by allowing banks to competitively price their products and services in an open market to business customers. Additionally, this legislation offers an important opportunity for small business owners to establish a more complete relationship with their financial service provider.

I applaud Chairman LEACH and Representative METCALF who when crafting this vital piece of legislation recognized that a transition time period is necessary to allow banks to implement these sweeping changes that would alter the long-standing way banks have been conducting their relationships with business customers. Because of the prohibition against

paying interest on corporate demand deposits, many banks have structured their relationship with business customers to take this into account by providing additional services, such as handling payroll accounts, or establishing lower loan rates for these customers. A substantial transition period is needed to allow for the conclusion of these existing relationships and provides banks an opportunity to enter into new relationships with their business customers that are priced to reflect the change in law. I strongly support a reasonable transition period to allow banks to adapt to these new banking practices. Should this bill go to conference, I believe that it would be detrimental to the banking industry to agree to any shorter transition period than that provided in H.R. 4067.

While I do strongly support the positive changes this bill will bring to the banking industry, I do have one concern that this bill failed to address. Several banks in my district have expressed their alarm that the shift towards a direct interest payment on business checking accounts will impose new burdensome costs on banks because of the interest payments themselves and the cost of establishing these new types of accounts. In 1998, when we passed legislation similar to H.R. 4067, we provided banks with an offset for these expenses. In this previous bill the Federal Reserve would have paid interest on required and excess reserves that depository institutions maintain as balances at Federal Reserve Banks. The Federal Reserve has testified in support of paying interest on these "sterile reserves" because it could induce banks to increase their reserve balances.

I am encouraged by Chairman LEACH's promise to further explore this option by holding a Banking Committee hearing on this issue on May 5, 2000. I believe that the hearing will reveal a strong need by the banking industry to ease the cost-burdens associated with this bill and the Federal Reserve's willingness to collaborate on this matter. It is my hope that the Chairman will support allowing for the payment of interest on sterile reserves, as provided for in related legislation in the Senate, should this bill go to conference.

I applaud Chairman LEACH and Representative METCALF for their hard work on this initiative to increase fair competition in the marketplace and economic efficiency in banking practices. It is my hope that we can continue to work towards perfecting this bill at conference in the near future. I urge all my colleagues to vote in support of the Business Checking Modernization Act.

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the bill, H.R. 4067, as amended.

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

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 4163, by the yeas and nays; and

H. Res. 467, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

TAXPAYER BILL OF RIGHTS 2000

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4163, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ARCHER) that the House suspend the rules and pass the bill, H.R. 4163, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 10, as follows:

[Roll No. 116]

YEAS—424

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—10

Calvert
Cook
DeGette
Dingell
John
McIntosh
Miller, George
Myrick
Rodriguez
Young (AK)

□ 1644

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CALVERT. Mr. Speaker, on rollcall No. 116 I was inadvertently detained. Had I been present, I would have voted "yes."

SENSE OF CONGRESS ON CLINTON/GORE TAX HIKES

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 467.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. MCINNIS) that the House suspend the rules and agree to the resolution, H.Res. 467, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 1, nays 420, answered "present" 2, not voting 11, as follows:

[Roll No. 117]

YEAS—1

Matsui

NAYS—420

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

ANSWERED "PRESENT"—2

Blumenauer
Larson

NOT VOTING—11

Cook
DeGette
Dingell
Ford
John
McIntosh
Miller, George
Myrick
Rodriguez
Rogers
Young (AK)

□ 1652

Mr. BOEHLERT changed his vote from "yea" to "nay."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

□ 1830

PERSONAL EXPLANATION

Mr. JOHN. Mr. Speaker, on rollcall number 116 and also 117 I was unavoidably detained and was absent for those two votes. Had I been present I would have voted "yea" on 116 and "nay" on 117.

MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

Mr. CONYERS. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore (Mr. LAHOOD). The Clerk will report the motion.

The Clerk read as follows:

Mr. CONYERS moves to instruct conferees on the part of the House that the conferees on the part of the House on the disagreeing votes of the two Houses on the bill, H.R. 1501, be instructed to insist that the committee of conference meet and report a committee substitute that includes both:

(1) Measures that aid in the effective enforcement of gun safety laws with the scope of conference and

(2) Common-sense gun safety measures that prevent felons, fugitives and stalkers from obtaining firearms and children from getting access to guns within the scope of conference.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Illinois (Mr. HYDE) will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

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

My colleagues, I am delighted to bring this motion to instruct conferees on the part of the House to insist that the committee of conference meet and report a committee substitute.

This motion to instruct suggests to our committee of conference members that we include both measures that aid in enforcement of gun safety and also

include common sense gun safety measures that prevent felons, fugitives and stalkers from obtaining firearms and children from getting access to guns within the scope of the conference, and that the conference meet immediately.

I am joined on this motion by the gentlewoman from Indiana (Ms. CARSON), the gentlewoman from Texas (Ms. JACKSON-LEE), the gentlewoman from California (Ms. MILLENDER-MCDONALD), and the gentlewoman from New York (Mrs. MCCARTHY). What we are trying to do is to make it clear that this Congress and our instructions include that we meet immediately on our conference and report both sensible gun violence and gun enforcement provisions. We can and should do both.

The President of the United States has been trying to get our conference moving and, hopefully, this motion to instruct will accomplish that very important objective. Remember, the truth is that enforcement of gun laws is up under the Clinton administration. Gun prosecutions are up 22 percent in the Clinton years, the number of people behind bars for violent crimes with guns is considerably up, and violent gun crimes are down by 35 percent.

No President has ever had a more successful record in driving down violent crime than President Clinton, but we should do more and we want to do more. And so the only way that that can happen is that my distinguished colleague, the chairman of the committee, urge that we meet in conference and get the gun violence and the gun enforcement and the juvenile justice matters resolved, and get something on the floor and get a law on the books, or additional laws, as soon as possible.

□ 1700

This motion says that we can do better. So if we want to separate ourselves from the extremities, from the inaction, if we want to associate ourselves with the clear sentiment of the vast majority of Americans, this is our opportunity to do so.

This motion tells the chairman of the conference to stop not meeting, to stop hiding behind process, and to get to work with a conference meeting that deals with both existing loopholes in gun laws and with stronger enforcement by closing loopholes that exist.

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

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

Mr. Speaker, I say to my good friend, the gentleman from Michigan (Mr. CONYERS), that I am with him a hundred percent on this resolution. We are going to support it. It asks for what we think ought to happen. We ought to have a meeting. We ought to discuss these things. We ought to settle them.

I would point out parenthetically that paragraph number 2, ‘‘common sense gun safety measure that prevent felons, fugitives and stalkers from obtaining firearms and children from getting access to guns,’’ is already the law.

The Brady bill, the Brady Law, Title 18, section 922(g), already prohibits fugitives, stalkers, and felons from buying or possessing a gun. And children already cannot buy handguns. I am proposing in my offer a ban on assault weapons being available to youngsters.

Now, I have been proposing a gun control bill for many, many months. Last November 4, I sent a copy of it to the gentleman from Missouri (Mr. GEPHARDT), and we have been talking about it on and off for, lo, these many months.

The proposal that I have offered accepts the trigger lock requirement, in fact, as a stand-alone bill, it passed 311–115; a juvenile Brady that says, if a juvenile commits a disqualifying crime, they will never be eligible for a gun. That passed 395–27. We passed a ban on these large ammunition clips, 10 cartridges or more. That passed by voice vote. And then we had a prohibition on juveniles from possessing assault weapons, which I mentioned earlier. That passed 254–69.

So we have already passed these things. We could have the makings of a decent gun bill. There is one sticking point and that is the so-called ‘‘gun show loophole.’’

Now, we are confronted with two versions of a solution to the gun show loophole. We have the solution of the gentleman from Michigan (Mr. DINGELL) out here, which is, in my humble opinion, unacceptable because it limits the instant check time to one day.

Now, we can get 95 percent of the applicants in one day. But there is 5 percent that require three business days. They are not easily cleared up. They are not easily answered. And those are the difficult ones. Those are the ones that may have criminal records. Those may be the people we do not want to get a gun. And, therefore, we need three business days. The gentleman from Michigan (Mr. DINGELL) does not allow that, so I cannot accept that.

Now, over here we have the other Democrat gun show provision, and that is by the great Senator from New Jersey, Senator LAUTENBERG. Well, his bill literally defines gun shows out of existence. He has the three business days. That is fine. But he also requires such burdensome provisions on people who are conducting a gun show that it is just unsupportable. It is too much the other way.

I propose meeting in the middle, a compromise, that requires every gun sold at a gun show to have an instant check, the purchaser, that requires three business days for the 5 percent that we have trouble getting the instant check on, and creating a class of instant-check registrars who are not licensed gun dealers but, nonetheless, are certified to be able to provide the instant check so the volume can be dealt with.

Now, that is a solution that meets the gun show loophole. It tightens that existing law, gives us the trigger locks, gives us a ban on the large ammunition clips, gives us a juvenile Brady, keeps assault weapons from the children.

What are we waiting for? Nobody will talk to me.

The gentleman from Michigan (Mr. CONYERS) has written me a letter saying he will not negotiate with me unless and until the Senator calls a meeting of the conferees. Let us confront him with an accomplished fact, a fait accompli. Let us say, here is our proposal.

Now, all I need is three Democrats to join and we will have a proposal that they cannot ignore. What do they say? An offer they cannot refuse. Join me and ask the President to help. Give me just three signatures and we are off to the races.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I thank the gentleman because I think we have created a way to get there. The 1-day check with the 95 percent that will clear in one day, plus the escape hatch for those who may take longer, two more days.

And so, when the gentleman asks, what we are waiting for, I want him to know I am not waiting for anything. I think that is an excellent way to resolve the matter. I only wish this were the conference committee itself. But I would urge that we both join in together in urging our dear chairman of the committee, based upon this, that we send him a letter telling him what we are agreeing to on the floor if he is not looking at it at this moment.

Mr. HYDE. Mr. Speaker, reclaiming my time, I think that is a great idea. I say to my friend, I will join him in the letter or he can join me. But I suggest that he and I finish our job over here and confront the distinguished Members of the other body, as we refer to them deferentially, with an accomplished fact, our gun bill; and I think they will take it, and then we will have put this honorably to rest.

Mr. CONYERS. Mr. Speaker, if the gentleman will continue to yield, I thank the gentleman very much. I am also very grateful for his support of the motion to instruct the conferees.

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

Mr. CONYERS. Mr. Speaker, I am now pleased to yield 3 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Speaker, I thank the distinguished gentleman from Michigan (Mr. CONYERS) for yielding me the time.

Mr. Speaker, I rise today in support of his motion to instruct conferees. I am joined by the honorable gentlewoman from Texas (Ms. JACKSON-LEE) and the gentlewoman from California (Ms. MILLENDER-MCDONALD).

This motion to instruct, Mr. Speaker, promotes the enforcement of existing gun safety laws and advocates for common sense gun safety measures that protect children.

Just today, Mr. Speaker, in my clips that I receive from my Indianapolis office, in Fort Wayne, Indiana, an 8-year-old boy is lucky to be alive after his 12-year-old brother accidentally shot him while playing with a gun.

In Franklin, Indiana, Mr. Speaker, a boy charged in the fatal shooting of his cousin has been moved to a private residential treatment center in Pennsylvania. The boy was charged with criminal recklessness for tampering with his father's illegal gun when he fired it, killing 7-year-old Curtis Smith.

Mr. Speaker, I have been intrigued by the colloquy that has occurred between the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS) and believe that what I heard is that the gentleman from Illinois (Mr. HYDE) is willing to support the gentleman from Michigan (Mr. CONYERS) and others in their motion to instruct the conferees. I am very excited about that. I think it is a time that is long overdue, and I applaud the two gentlemen for their agreement on moving forward with sensible gun legislation in the way that they have described.

Mr. Speaker, I rise today in strong support of the motion to instruct offered by the gentleman from Michigan (Mr. CONYERS).

This motion to instruct promotes the enforcement of existing gun safety laws and advocates for common-sense gun safety measures that protect children.

I am outraged that once again we are standing here talking about gun violence and yet Congress has failed to act and protect our children.

Over three weeks ago, the House went on record in support of the juvenile justice conference committee holding a meeting within two weeks. As of today, that deadline goes ignored.

We are now standing here again to ask the conferees to move forward and take action.

What are we waiting for? How many more children have to die? This Congressional do-nothing approach on gun violence shows Americans that the NRA lobby is more important than our children.

We have all too often witnessed the devastating effect that gun violence has on our children. Nearly 12 children die each day from gunfire in America, approximately one every two hours. That is the equivalent of a classroom of children every two days.

Next week is the anniversary of Columbine and we still have not passed strong common-sense gun legislation. We have seen a six-year-old shoot and kill his classmate and yet we have failed to provide preventative measures to protect our children.

Recently, I spoke with children from an elementary school within my district (the 10th district of Indiana) about gun violence. I asked the children how many had guns in their homes. About half raised their hands. I asked how many knew where these guns were in their homes. Most of them knew where to find the guns.

The answers to these questions show the scary reality that children face in this country.

I call on the Republican leadership to join together with Democrats in order to promote passage of sensible gun legislation that closes the gun show loophole, requires registration and licensing for all gun owners, and provides child-safety devices on handguns.

We, as Members of Congress, have the great privilege of establishing laws that promote the well-being of Americans, but with that privilege comes great responsibility to do what is right and what is ethical—and that is, supporting strong gun safety legislation and protecting our children.

Please, stand up for our children and support the motion to instruct.

Mr. HYDE. Mr. Speaker, I am very pleased to yield 5 minutes to the gentleman from Florida (Mr. MCCOLLUM).

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

Mr. Speaker, I think that every one of us here today wants to support this resolution because, on its face, I cannot imagine anybody who is not for effective enforcement of gun safety laws or common sense gun safety measures. That is certainly where I am, and that is where I have been all along on these matters.

I thought the chairman of the committee expressed it very well a few minutes ago that we come to a point now in the debate over what is going on with the juvenile crime bill in discussing the gun issues where common sense ought to prevail. And common sense is very straight forward.

I know because I have been down that road and presented something pretty close to what the chairman has proposed that I am in agreement on now to try to compromise this matter, and we never got a vote on it on the floor. Instead, we had the two opposite ends arguing their motions and their amendments, and they had votes on those and not on the underlying proposition.

The reality is that when they go to a gun show to get their gun and want to buy it, there are certain dealers there and there are certain people who are not and they go to buy and they get an instant check in a matter of just a few minutes, if we have a provision which all of us agree on where an unlicensed person goes to the gun dealer who is the president of the gun show and asks that it be checked.

The problem with it is that about half the States have records that show if they have been arrested for a felony, whether they were convicted or it was dismissed or whether a plea bargain occurred, or whatever; and in those cases the check that they are doing will not show up the answer to that. So if their name goes in, bang, they find that out in a matter of just a few minutes. But in that tiny fraction of those whose names appear from the other 25 States that do not have the disposition results, they just are going to show that they were arrested for a felony, they might or might not be qualified and until the courthouse opens on Monday morning we are not going to know.

And it is only reasonable that we conform the check time for those few people who have their names appear to the current three business-day wait to do the check. And I think that is the right solution. That is the common sense solution.

The problem also, though, is that effective enforcement of gun safety is not what this administration has been doing on other levels; and I am really concerned about that. That is why we had Project Exile out here today in part.

The fact of the matter is that we are talking about the fact that many laws have not been enforced that are on the books. There are some 20,000 of them out there across the country. What I think is great about the bill we passed earlier today called Project Exile is that it provides a grant amount of money to the States and says to those States, for all their criminal justice needs if they want it, they can have this money, this $100 million over 5 years that is available, if they will simply agree to do what Virginia has done; and that is to provide that for those who are found to be in the possession of a handgun, carrying it during the course of the commission of a violent crime or drug trafficking offence or using it in that case, there is going to be a tack-on minimum mandatory 5-year sentence without the right to parole in addition to the underlying sentence.

They get an additional tack-on of 5 years minimum mandatory sentence if they are found to have the gun in their possession during the commission of those crimes. And if the State does not have that law, it can still qualify to get the grant money if it would agree to provide an understanding with the U.S. attorney in the area or the attorney general for the whole State to prosecute with this agreement those who are convicted felons in the State who are found in simple possession of a gun, whether they are in the commission of a crime or not. Because under the existing Federal law, there is a minimum mandatory sentence for 5 years there, too.

Why is this important? This is important because it is truly an effective gun measure. It provides deterrents that say, we are not going to stand for anybody using a gun in the commission of a crime; and if they commit a crime

and the States adopt these rules, and most of the crimes in the States are in the States, not in the Federal system, then they are going to go away for a long period of time. And we have avoidable tragedies that are going to finally be avoidable.

They are avoidable in the sense that if they have people out on the streets who have been locked up before who have committed these violent crimes and go back out again, they are there to commit crimes again. And most of the violent crime with guns in this country, unfortunately, are committed by those who have been in prison previously.

So those tragedies are avoidable if the States will come forward and enact what Virginia has done in Project Exile and what we have encouraged in this bill we have passed earlier today, and that is a minimum mandatory 5-year sentence on top of what other crime they have if they committed it with a gun. And in addition, of course, we have the deterrent message that is involved in it. That is the kind of enforcement we need.

We are here today, though, talking about in this motion to instruct getting together on another bill. And I am all for doing it. I am for the safety locks, and I am for trying to have a small capacity involved in this with fewer clips; and I am for a lot of other things that are in that bill.

The sticking point in the gun shows can be resolved. It should be resolved. Common sense, which is the other part of this resolution, says it should be. I am for common sense. Let us adopt this motion to instruct and get it done.

Mr. CONYERS. Mr. Speaker, I am delighted to yield 3 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Speaker, I have to say, since last August, we have certainly been trying to meet and come up with some agreement. But this is spring, and spring is always the rebirth and the rethinking and the replanting and the regrowing. So maybe because we finally are seeing the American people and maybe because the Million Moms March is coming up on Mother's Day we are getting a lot of pressure to get actually something done because the American people want something done.

□ 1715

Certainly this side of the aisle is more than willing to work and hopefully we can get a bill done because I have always said, it does not matter whether you are Republican or Democrat, we should be protecting our children and our citizens. We certainly do support the Senate-backed gun safety provisions. They included closing the gun show loophole, banning high capacity ammunition clips, and requiring child safety locks on all new guns. To me those are all common sense.

Today obviously we have seen the President, he has been right next door in Maryland signing legislation that requires child safety locks in that State. New York State, we have got Governor Pataki putting forth his initiatives on gun violence in this country. We are seeing it with all our governors. I am very happy to see that the NRA has decided to work with us and say, well, maybe we should be doing something here today. I am very happy to work with the NRA. We always have been. Certainly I am sure they will be sitting with us when we come up to the conferees.

The gentleman from Michigan (Mr. CONYERS) and I, we agree on something else. Today we passed and voted on the gentleman from Florida's bill, but I happen to think that Enforce, which is a bill that the gentleman from Michigan and I are there with, would add more resources to trying to stop the gun violence in this country, and the only way we are going to be able to do that, if we give our police, our ATF, and our local prosecutors and Federal prosecutors the backup that they need.

I hope while we are all in this good mood right before we go back on vacation that we can get all this done. I would be absolutely thrilled. Actually you might see me smile for the first time in a number of years. But all kidding aside, I am happy that we have come to this point. I am happy we have come to this point and I am happy that we are actually talking, because since August we have lost too many children on a daily basis, we have lost too many citizens on a daily basis, and we do not even have a count on how many are injured and have survived.

So anything that we can do to move this forward, to show the American people that we do care, because I have to tell you, the American people are starting to have a lot of second thoughts about the sanity that was inside this building. If we could all come together and work together to have a meaningful bill passed, with this motion I certainly support it and thank everybody for getting us to this point.

Mr. HYDE. Mr. Speaker, I want to congratulate the gentlewoman from New York (Mrs. MCCARTHY). She is certainly sincere. I just am concerned that expectations are so high that passing this sort of legislation is somehow going to fill the hearts and the souls of our young people that now somehow are empty and consumed with violence with sweetness and light. There is much more to the problem of the culture that encourages antisocial conduct, much more profound than simply restricting the availability of the weapons that cause all the problems.

I do not mean to demean the fact that we need legislation to narrow the access to these weapons of destruction, but to think that that is going to solve the problem I think misses the mark. There were some 17 Federal laws and some 14 State laws that were violated at Columbine. Adding more laws, I still think it is worth the effort, I do not denigrate that. It is worth the effort. We have to keep the focus on these things. But let us not end our quest for a solution to the wanton destruction of life, especially among our young people thinking if we remove the instruments of death somehow we will remove the incentives for treating life as a thing and as a throwaway item.

As I have said before, and I welcome this opportunity to say it again, we have a bill, we want your support, we have had it for many months, and the only contentious part is the gun show part, and the gun show part that we propose is a middle ground between the Dingell amendment and the Lautenberg amendment. Let us get on this and let us confront the Senate with it, which is another galaxy as we all know, but let us confront them with it and say, Here it is, we need your support.

If we can do that, as I say, the problem, the immediate problem of getting a decent, common sense response to the high school killings can be solved. I believe we can do it. I hate to be cynical. I hate to think that some people want the issue and not a bill, not a solution. I do not believe that. I refuse to believe that. I will not believe that. But right now we need cooperation and consultation. Let us put politics aside and let us agree that we have a plan and it is going to work.

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

Mr. CONYERS. Mr. Speaker, I yield myself 15 seconds to thank the gentleman, the chairman of the committee for his remarks, and also to thank him for joining in the letter that we are sending to the chairman of the conference committee, ORRIN HATCH.

Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD) who has worked on gun safety for a couple of Congresses now.

Ms. MILLENDER-MCDONALD. Mr. Speaker, let me first thank the ranking member of the Committee on the Judiciary the gentleman from Michigan (Mr. CONYERS) for offering this motion, bringing us back to this point where we can engage in, hopefully, dialogue in conference. I would like to thank the gentleman from Illinois for his position in wanting to be open to get this to conference and to resolve this issue.

We have long struggled as mothers and grandmothers in seeing so many children being killed at the touch of a gun, a gun that a trigger lock can be placed on and perhaps prevent the killings of over 13 children per day. Yes, I have introduced a bill in the 105th Congress and the 106th Congress

talking about child safety locks. I looked at that as just common sense legislation, nothing too onerous but simply trying to make sure that our children are safe. There are mothers who are crying to me in the area that I represent in Watts, one of the most violent areas in this country, where violence has just absolutely permeated the streets. They are asking for this type of safety measure that will help us to bring our children back to some sensibility and hopefully will bring families together.

I agree with the gentleman from Illinois that this is not the end-all of all of it but it is the beginning of helping us cope with this issue. I say to the chairman and the ranking member, I hope in their final words today that they will give us some definitive dates or date by which we can convene this conference so that we can speak to the many questions that mothers are asking and fathers are asking about gun safety and their children. I say to them that this Nation has entrusted us with trying to do the best we can in the halls of Congress to bring about sensible legislation that will protect our children. I think this is a move in the right direction. I urge the chairman and the ranking member to give us dates as they leave today to help us to come to the point that we want to get to.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, this motion directs members of the conference committee on the Senate-passed bipartisan gun violence bill to immediately meet and report both sensible gun violence and gun enforcement provisions. We can and should do both.

Instead, the majority bowing to the NRA has tried to stifle both gun violence legislation and gun enforcement legislation. They will not have the conference committee meet even though they tell the President they will try to do otherwise. Just weeks ago, the NRA attacked President Clinton with the rhetoric that made members of the majority party run away from them. They even opposed the Lofgren motion that directed the conference to meet.

Even NRA sees that its extremeness has backfired. They are today supporting this motion that goes beyond Lofgren to say that we should meet and report legislation on loopholes and enforcement. Even the NRA is running for cover. But we do not want cover. We want action. Today, an enforcement bill was passed. I did not get a chance to speak on that issue but that bill does nothing more than prosecutors and U.S. attorneys can already do. Janet Reno implemented trigger lock, and trigger lock is already a program that allows U.S. attorneys and local prosecutors to proceed with serious enforcement of offenses committed with guns. So it was, in my opinion, not a good idea to vote for that because it only applied to six States.

The gentleman from Illinois (Mr. HYDE) talked about it is more than mere enforcement. Yes, it is. Prosecution is more than just mere enforcement. Sometimes for children it means intervention, sometimes for children it means diversion, sometimes for children it means rehabilitation and not just warehousing which is what we traditionally do in this country with children who commit crimes.

I am not for people using guns and violence and I am not for people saying that they ought to be able to carry guns because in many of our States they do have a carrying a concealed weapon provision. You can walk around anywhere and carry a gun.

What I am for and what I am encouraging my colleagues to do is to in fact say, we are tired of this. What we want to do today is pass sensible, common sense gun enforcement and gun safety. Let us stop talking about we want to get rid of guns and in State legislatures enacting carrying concealed weapons provisions. Let us stop talking about we want to reduce violence in our country and then we proceed to pass nonsensical positions. Let us stop talking about we want to do enforcement when we want to say, well, we are not going to pass a loophole because we are going to keep it open for another day, that people ought to be able to buy a gun even when you cannot clear a record check. It does not make sense to me. Let us be sensible. The people of America expect us to be sensible and use common sense.

Mr. CONYERS. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. LOFGREN), a member of the Committee on the Judiciary.

Ms. LOFGREN. Mr. Speaker, as I have listened to the words here today, I must say that I am more encouraged today than I have been since last August by what has been said. I am hopeful that we will in fact be able to achieve what I think is achievable. I think it is simply wonderful that the gentleman from Illinois and the gentleman from Michigan are going to send a letter over to the chairman of the committee and ask that we meet. I commend both of them for doing that.

I was grateful to hear about the discussion that I know has been discussed privately but never I do not believe on the floor before today of how we can close the gun show loophole in a way that works that the gentleman from Illinois described and the gentleman from Michigan has described. I would just like to say that I hope that the very positive language is followed up with very positive action.

I know that action is hard to do because there are forces in the country that are opposed to taking action, and it will take us all working together to make sure that this gets done. I agree with the gentleman from Illinois that there are many problems that face America. The overavailability of guns is one of them. But we know that there are people who are emotionally unstable, people suffering from untreated mental illness that go on rampages, children that have been abused or neglected and who do wrong things. All of those problems will continue to exist. But if we can reduce the availability of weapons that can hurt so many, then we will have achieved something and we will still have the other issues to work on.

I would just say that I am happy to hear the words. I am eager to see the action. I am hopeful that the gentleman from Michigan and the gentleman from Illinois can sit down as soon as possible even after the vote on this motion today. The letter I think has now been reprinted and will be sent off. I am willing to do anything I can to be supportive of achieving this for the children and parents of America. We will be watching very carefully to make sure that we all do our part to make sure that this action actually becomes a reality.

□ 1730

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2½ minutes to my friend, the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Speaker, I thank the gentleman for yielding me time, and thank our colleagues for bringing this motion to instruct conferees.

Mr. Speaker, as I think about the fate of some of our felons in America, they cannot vote; it is difficult to get a job. I often have those who have paid their dues and served time calling the congressional office back in Tennessee asking for assistance in trying to get a job to support their family. They have a hard time getting a job.

Yet they can go right across the bridge from where I live, I am from Memphis, TN, Mr. Speaker; and they can go right across the bridge into Arkansas and even parts of my State to a gun show; and, if they are lucky, if it does not come up quite quick enough that they are a convicted felon, they can buy a gun. Now, we do not allow them to get a job to support their family, but if they get mad enough, we allow them to buy a gun to shoot their family. Cannot vote; cannot get a job.

This conference committee has not met since last August. We do a lot of talking in this chamber about caring for American families and American workers. What worker in America cannot go to work for 7 or 8 months and claim that they are on the job?

We claim that we are busy around here. We all know better. We know that we are not accomplishing much legislatively here in this Congress. We have a minimum wage bill languishing in the Senate; we have a Patients' Bill

of Rights languishing in conference. Finally those on that conference committee have gotten together. We have seniors clamoring for a seniors drug benefit. What is it we are doing that we are so busy we cannot work on this matter?

The States of Massachusetts, Maryland, and New York, all led by Republican Governors, have all stared down Charlton Heston. Shame on Charlton Heston for referring to the President as a liar. Shame on Wayne LaPierre for suggesting that the President had blood on his hands for the shooting death of the former basketball coach of Northwestern University.

I understand tempers can flair and emotions can rise, and perhaps mine is right now, Mr. Speaker. But I am a member of that generation. I come from that generation that would have to deal with the legacy of laws passed here in this Congress. I applaud the gentleman from Illinois (Chairman HYDE) for his reaching out in the earlier part of this debate, and I join my colleagues in hoping that a resolution can be achieved between both sides. But that should not stop this conference committee from doing its work.

I close with this. Some on the other side suggested we ought to be focused on gun enforcement as opposed to gun safety. We can do both, and we know that. The gentleman from Michigan (Mr. CONYERS) and Senator SCHUMER have offered something that will allow us to do that very thing.

I thank the chairman. I look forward to working with him. I ask the conference committee on juvenile justice to do the right thing, to come together and meet. I do not know of any worker in America who could not go to work for 8 months and ask for a paycheck.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in strong support of this motion; and I am very glad, Mr. Chairman, that according to my colleague, the gentlewoman from California (Ms. LOFGREN), a Member who has been working on this issue, and our ranking member of the committee, I am very glad that they seem optimistic that there has been some discussion on the floor today that there will be meetings, that there will be movement, that we can get a bill passed, because I do not know how the rest of my colleagues feel, but I am so frustrated.

I listen to my friends, my neighbors, my constituents. They are angry. They are all preparing for that Million Mom March on Mother's Day, and they are angry. They do not get it; they do not understand it. They feel that no matter how much we argue, no matter how hard we work, our efforts to pass common sense gun safety legislation and to strengthen the enforcement of gun safety laws seem to be blocked by this Congress.

The cries of the American people, the cries that so many of my colleagues and I have tried to echo and amplify in this Chamber, have fallen on deaf ears. While our constituents demand real concrete action, the Republican leadership puts up impassable roadblocks to progress on any front. Any bill with teeth, any bill that will really enforce gun safety laws and will really prevent children and felons from getting guns, is immediately disqualified from consideration.

I do believe the American people get it. They are on to the tactics of the NRA and its friends in this Congress. So it is time for Congress to pay attention to the American people, not just lip service. The Juvenile Justice Conference Committee should meet now, and it should not stop meeting until we have a real bill to consider, with effective common sense gun safety and enforcement provisions.

Preventing the committee from meeting and blocking the debate from happening is undemocratic. We have no room for these tactics. I urge my colleagues to support this motion.

Mr. CONYERS. Mr. Speaker, I include for the RECORD a letter recently signed by myself and the gentleman from Illinois (Chairman HYDE) to Chairman HATCH asking that we have a Juvenile Justice Conference meeting.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, April 11, 2000.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN HATCH: We write to request a juvenile justice conference meeting as soon as possible.

As you are aware, in the last two months, we have witnessed a succession of gun violence tragedies. We have been shocked by a six-year-old shooting a six-year-old in Mount Morris Township, Michigan. We have seen a nursing home held hostage and a mass shooting in Pittsburgh. In February, Memphis firefighters responding to a call were shot and killed by a disturbed man. It is clear that the Nation would like Congress to respond.

We know that there is not complete agreement on all of the issues before the Conference. We also recognize the need for compromise. We have already agreed in principle to proposed language to reduce the waiting period to 24 hours in most cases, but are still trying to resolve appropriate ''safety hatch'' exceptions.

We have pledged to each other to begin anew negotiations. We believe, however, that beginning the work of the Conference will play a constructive role in the necessary process of narrowing our differences.

We appreciate your consideration of this request.

Sincerely,

HENRY J. HYDE,
Chairman, House Judiciary Committee.
JOHN CONYERS, Jr.,
Ranking Member, House Judiciary Committee.

Mr. Speaker, it is my pleasure to yield 4½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Committee on the Judiciary, for 4 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I would say to the gentleman from Illinois (Mr. HYDE), I think I was on the floor earlier today and acknowledged that the legislation that we were debating, the civil asset forfeiture law, was truly a bipartisan legislative initiative. It had wound its way to the floor, and we were glad to support it as both Democrats and Republicans.

I can truly say today that where we are today represents at least bipartisan commitment on behalf of the House of Representatives. So I thank the gentleman from Illinois (Chairman HYDE) for being part of this debate, but as well acknowledging that the motion to instruct as offered by the ranking member pursuant to his leadership, along with myself and the gentlewoman from Indiana (Ms. CARSON), the gentlewoman from California (Ms. MILLENDER-MCDONALD), and the gentlewoman from New York (Ms. MCCARTHY), is in fact the right way to go.

Just a few hours ago I took issue with the Project Exile, not because the State of Texas might not have the opportunity to be a participant, but I used the term ''holistic.'' That is why I think this motion to instruct is effective, because it talks about the holistic approach to gun regulation. It acknowledges that we do have a Constitution, but in fact it talks about preventing children from getting guns. That is the angst of what all of us are crying out, that is the pain of Columbine, that is the pain of Kentucky, that is the pain of Arkansas, when our children get guns and do violence.

The picture of this precious life reflects when a child has gotten a gun. It has nothing to do with Project Exile and locking up grown people that have guns. It has a lot to do with keeping guns out of the hands of children. The motion to instruct talks about keeping guns out of the hands of children.

I would hope that we could encourage the other body to sit down and meet. I would hope that we, Members of the House of Representatives, now knowing that the NRA and Handgun, Inc., is supporting this motion to instruct that deals specifically with access to guns and keeping them away from children, can we not have a meeting of the minds to save lives?

Just last week in my district, a young boy took four pistols, I did not say one, I did not say two or three, but I said four, in his knapsack, if you will, to his school. That shows that locking up criminals, which is extremely important, that use guns, and I am a strong supporter of that, it requires us

to have gun prevention; it requires us to hold adults responsible when they have guns, and allow them to get in the hands of children.

So what I say today is can we not stand on the floor of the House with the motion to instruct and have it embedded not only in our heart, but in our action? Can we realize that this life would not have been saved on the basis only of locking up that criminal who had a gun? It would likewise have been saved with a trigger lock. It would likewise have been saved with holding adults responsible for letting guns get in the hands of children.

The American Association of Pediatrics has put it in the right way. This is a health phenomenon. We are losing more children's lives through guns. In 1997, there were 32,000 firearm-related deaths; 4,000 of those victims were children and adolescents 20 years of age and younger.

So the American Association of Pediatrics has said that the most important thing is that we decrease the number of guns in the hands of our children and in the hands of this Nation.

Guns, yes. Guns are something that we happen to own in this country, and I recognize that. I recognize the second amendment. But I think it is important that we also recognize that we collectively can save lives. I would hope that the mutual work of those of us who have offered this motion to instruct, and I would hope that the ranking member and chairman of this Committee on the Judiciary will find the momentum to move us forward to holistically approach this, gun safety, gun regulation, gun wisdom, and, of course, guns that are in the hands of individuals that will not cause us to lose lives.

Mr. HYDE. Mr. Speaker, finding myself with more time than I need, I would be pleased to yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman very much for yielding me time.

Mr. Speaker, I would like in particular to read the statement of the American Association of Pediatrics, and that is that because firearms-related injury to children is associated with deaths and severe morbidity and is a significant public health problem, child health care professionals can and should provide effective leadership in efforts to stem this epidemic.

The statement concludes that while there has been a slight decrees in numbers in the last few years, the number of victims of firearm-related injuries constitutes a public health problem that must be addressed. Therefore, they recognize the importance of a variety of countermeasures, educational, environmental, engineering, enactment, enforcement, economic incentives, and evaluation.

The most important aspect of this is to keep guns out of the hands of children and out of the homes where children are.

So I close my remarks, and I thank the chairman very much, because this has hit all of us very close to home. Because of the fact it has hit us very close to home, I do not think we can wait any longer to pass legislation. So I would hope that though we think that we can only do it by enforcing those hard laws, which are part of it, we can also do it with prevention, closing the gun show loopholes, providing trigger locks, holding parents responsible, so that we can ensure that we do not lose these precious lives on the basis of the reckless use of guns or children getting guns.

Mr. Speaker, I thank the chairman for his bipartisan spirit. I hope we get that kind of vote on this motion.

Mr. Speaker, I rise today along with my colleague from Michigan, Mr. CONYERS, Ms. CARSON from Indiana, Ms. MILLENDER-MCDONALD from California and Ms. MCCARTHY from New York. As a cosponsor of this motion I offer this motion to instruct conferees on the Juvenile Justice legislation. This is the second motion to instruct the conferees to meet to have substantive meetings to offer the President and the people of the United States a viable gun bill.

I strongly support this motion to instruct because the American people have waited long enough for us to act on this legislation. We can no longer delay. We must move forward before another tragedy like that of 3-year old Alisha Jackson who died just a couple of weeks ago because she got a hold of a gun while playing in her home.

Little Alisha Jackson, a vivacious 3-year-old girl who liked to watch Barney and the Teletubbies, was killed Thursday, March 23 as she was playing with a gun in her home. Her father stated that Alisha had found a pistol in the house and was handling it when it somehow discharged.

As the motion states, I agree that the committee on the conference must not only meet to discuss the current Juvenile Justice Bill, the committee report should include:

Measures that aid in the effective enforcement of gun safety laws within the scope of the conference, and

Common-sense gun safety measures that prevent felons, fugitives and stalkers from obtaining fire arms and children from getting access to guns within the scope of conference.

Just yesterday, in my state of Texas a 13-year-old eighth-grader carried four pistols—three loaded—into a junior high school classroom in a gym bag here. Fortunately he was caught, but the question remains how did this child get a hold of these guns.

The American Academy of Pediatrics (AAP) strongly stresses that the most effective measure to prevent firearm-related injuries to children and adolescent is to remove guns from homes and communities.

Though this may stop the proliference of firearm tragedies, I do believe that there are alternative means to decrease the prevalence of child firearm injuries.

The Juvenile Justice Bill provides such an alternative and it is time for the conferees to meet to address the concerns of the American people.

In the past few weeks my office has received many calls and letters from constituents whom mistakenly believe that we support legislation that will take away their guns.

It is obvious that the propaganda machine of the national Rifle Association is working to change our focus from the issue of children and guns and gun ownership in general. Like many of my Colleagues, I do not oppose responsible gun ownership.

However, like President Clinton, I am concerned about children and their access to guns. I am concerned that guns are not regulated in the same way that toys are regulated.

I am concerned that we do not have safety standards for locking devices on guns. I am concerned that we do not prohibit children from attending gun shows unsupervised. I am concerned that we have not focused on the statistics on children and guns.

According to the AAP statement:

The United States has the highest rates of firearm-related deaths among industrialized countries.

The overall rate of firearm-related deaths for children younger than 15 years of age is nearly 12 times greater than that found for 25 other industrialized nations.

The Academy even predicts that by the year 2003, firearm-related deaths may become the leading cause of injury-related death!

Already, among black males 10 through 34 years of age, injuries from firearms are the leading cause of deaths.

Even more tragic is the fact that most firearm-related deaths of children occur before their arrival at the hospital.

Thus, most of our children that injured by firearms do not even have a chance. This is the reality in our country that must not be denied!

Another important fact pointed out by the American Academy of Pediatrics is that:

In 1994, the mean medical cost per gunshot injury was approximately $17,000 producing 2.3 billion in lifetime medical costs, 1.1 billion of which was paid by U.S. taxpayers.

Thus, it not only makes common sense, but economic sense for the Juvenile Justice bill to include child safety measures so that we can prevent tragedies like Columbine and Littleton Colorado from occurring again.

Thirteen die everyday from firearms. Why can we not rise above our political differences to pass effective gun legislation that would address this heartbreaking situation?

It would seem that in almost the year since the Littleton shootings, we have done little to move forward on the Juvenile Justice Bill.

Despite the majority's reluctance to meet and discuss the current Juvenile Justice Bill, I am confident that the American people will not allow this matter to rest.

This motion to instruct urges the conferees to act immediately on the Juvenile Justice Bill. We cannot wait for another tragedy to occur. I urge my Colleagues to support this motion.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

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

Mr. Speaker, I rise today in strong support of this motion to instruct conferees on H.R. 1501, the juvenile justice bill. I appreciate the constructive comments made by the distinguished chairman, the gentleman from Illinois (Mr. HYDE).

Mr. Speaker, how many Americans must die before Congress makes a commitment to keeping guns out of the hands of children and criminals? How many more news reports do we need to see of innocent children gunned down, of families and communities devastated by gun violence? At Columbine High last year, 13 children were killed, 23 injured, with a weapon originating at a gun show. We thought this was the last straw, but we thought Paducah was the last straw, we thought Conyers was the last straw, we thought Jonesboro was the last straw, we thought Springfield was the last straw.

Just weeks ago, little Kayla Rolland was gunned down in a Michigan elementary school, murdered by a 6-year-old child who learned how to kill with a handgun before he learned how to read.

□ 1745

It is time to put a stop to these tragedies. Compare our record, compare the epidemiology with any other country. We have a serious public health epidemic. Yes, epidemiology is the right word. This is a public health problem.

This motion to instruct conferees on H.R. 1501 to meet and report a committee substitute is important. It would include common-sense gun safety measures. The conferees must take action to close gun show loopholes that allow criminals and children and the mentally ill to buy firearms.

Mr. Speaker, it must include provisions to require child safety locks and other safety measures that save children's lives. They must provide maximum support for measures that help enforce our Nation's gun safety laws and protect our children from gun violence.

Now is the time for action. Let us prevent tragedies. Let us pass this motion.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, we are approaching the 1-year anniversary of the tragic shooting at Columbine High School. That horrible day not only claimed the lives of innocent students but also shed new light on the gun violence that robs too many of our young people.

The Columbine shootings were a watershed event that reshaped the way that Americans think about gun violence. Parents asked themselves today, Is it safe to send my daughter to school? They pray, Don't let a shooting like Colorado claim my son's life.

People understand that the causes of such tragedies are complex and varied. They also want to keep kids and criminals from obtaining deadly weapons. They overwhelmingly support common-sense measures that would keep guns out of the wrong hands without jeopardizing the rights of law-abiding citizens, but the Republican leadership, taking their cues from the gun lobby, has failed to enact common sense gun safety laws.

In that year since Columbine, the Republican leadership has tried to cover their failure with sleight of hand by presenting a false choice between enforcement and efforts to close gaping loopholes that allow criminals to buy guns. The American people rightly reject this false choice, and we were here to say that Congress should take a strong stand in favor of both enforcement and of enactment of needed gun safety measures.

Mr. Speaker, I call on my Republican colleagues to join Democrats and support effective enforcement of gun laws, support the President's measure to devote more resources and prosecutors to tackling gun crimes. Congress must also send to the President gun safety provisions passed by the Senate, shut down the loopholes at gun shows that puts guns in the hands of criminals, require a child safety lock to be sold with handguns, and ban the importation of high capacity ammunition clips. These are simple steps voted on in a bipartisan way in the United States Senate.

These are simple steps which close dangerous avenues to illegal gun ownership.

The SPEAKER pro tempore (Mr. LAHOOD). The time of the gentlewoman from Connecticut (Ms. DELAURO) has expired.

Mr. CONYERS. Mr. Speaker, I yield my last 30 seconds to the gentlewoman from Connecticut.

Mr. HYDE. Mr. Speaker, if I may, I yield 30 more seconds to the gentlewoman so she may have a full minute.

Ms. DELAURO. Mr. Speaker, how generous of the chairman.

Mr. HYDE. Mr. Speaker, this is bipartisan day.

Ms. DELAURO. It is. It is wonderful. I urge the gentleman from Illinois to support the motion.

Mr. Speaker, too much delay, too many lives lost have been destroyed since Columbine. Americans want and they deserve better.

Yesterday, in North Haven, Connecticut, I stood with the head of the Connecticut Chiefs of Police; the Chief of Police, Kevin Connelly of North Haven; with the representatives of Mossberg & Company, gun manufacturers; Marlin Firearms, which manufactured guns in my community; with a representative of the National Sports Shooting Foundation.

Mr. Speaker, the reason why I was there was to talk about gun safety locks on guns. It was a collaborative effort with the industry, with the law enforcement community, and with the political structure that can come together around these issues. If only the Members of this body could come together and say that, yes, in fact, what we are going to do is to make sure that we do have enforcement, but at the same time pass those gun safety measures that would make a difference in the lives of our community today.

Mr. HYDE. Mr. Speaker, the gentleman from Michigan (Mr. CONYERS) has the right to close. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. CONYERS. Mr. Speaker, might I have a minute for the gentleman from Colorado (Mr. UDALL)?

Mr. HYDE. I am happy to yield 1 minute to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Speaker, I thank my colleague, the gentleman from Illinois (Mr. HYDE) for yielding me the 1 minute.

Mr. Speaker, I support this motion. Its adoption will remind the conferees that they have a job to do and call on them to get started. Each of us have been elected to debate and act on proposals to address the country's business. Of course, it is not always convenient, and sometimes it does mean foregoing other things that we would like to do.

Mr. Speaker, for example, I would have liked to have accepted the invitation tomorrow to accompany the President when he travels to Colorado for a public appearance related to these very issues we are asking the conferees to consider, gun safety and steps to make it harder for criminals to obtain firearms.

But even though I would have liked to have gone to Colorado, I have decided I am going to stay here in order to take part in the debates and votes on the matters that will come before the House. For me that is the priority, and I think that seeking to reach agreement on these important public safety issues should be a priority for the conferees, so I urge the House to agree to this motion.

Mr. HYDE. Mr. Speaker, I am honored to yield 4 minutes to the distinguished gentleman from Alabama (Mr. CALLAHAN).

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

Mr. Speaker, I rise almost to a point of inquiry of the sponsor of the bill, the gentleman from Michigan (Mr. CONYERS), or the supporter of the bill, the gentleman from Illinois (Mr. HYDE).

Certainly, what the Members have explained to the Congress this afternoon I do not think anyone could object to. I am happy to see that the two Members are drinking out of the same dipper, as we say in Alabama. But

there is a question that I have that is sort of confusing to me. That is the underlying bill.

As I understand the motion the gentleman from Michigan has made, we are instructing the conferees to do a couple of things that sound good, measures that aid in the effective enforcement of gun safety laws within the scope of the conference. Certainly we support that. I think all of us in this House would do that.

Two is commonsense gun safety measures that prevent felons, fugitives, and stalkers from obtaining firearms and children from getting access to guns, within the scope of the conference. Who could be opposed to that?

Our problem is, Mr. Speaker, that the Members also instruct the conferees to immediately report out a compromise measure. If I vote in favor of instructing the conferees to do these two things, and then thirdly, instruct them to report a compromise bill out, what if I am opposed to what they compromise on? Does my vote here in favor of this indicate that regardless of what they send out of the conference committee, am I obligating myself to vote for that, in the gentleman's opinion?

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding, Mr. Speaker.

There are three things we do. First of all, we ask them to meet, and then accomplish these two things. I will leave to the gentleman's conscience and to the Members' conscience whether we are going to vote on the finished product, because nobody knows what it is going to be. But these are our instructions, and I hope that they can come as close to them as they can.

Two of the members of the conference are on the floor, maybe three, so they will be trying to live up to this commitment in our motion to instruct.

Mr. CALLAHAN. To those of us, Mr. Speaker, who are not famous on the floor of this House for voting for any gun control measures, we could have a strategy where the longer an offensive bill stayed in the conference, the better off we are.

Yet, I am in a position of double jeopardy. I support what the gentleman is saying with respect to effective enforcement of gun safety laws within the scope of the conference, and commonsense gun safety measures. I support that. But this does not compel the conferees, as I understand it, to comply with the gentleman's request. It just simply says, reach a compromise and report back to this House some gun safety law.

I am afraid that if indeed the conferees are inclined, they might bring something back to the floor that is so offensive to me that I might have to vote against it, which is all right. That is my prerogative. But at the same time, I am really giving up the position that I am in now, where I know as long as it stays in conference, it is not going to be offensive to me.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I appreciate the gentleman's analysis. He will at all times retain his autonomy and vote, as he has in the years he has been here, according to the dictates of his conscience and his judgment. But this is simply an effort to get some motion forward.

We are confronted with this issue. It is not going to go away. I think we can solve it on the merits intelligently and effectively. I hope and pray that we can come up with a product that would satisfy the gentleman, and I know the gentleman's predilection against gun control measures. I hope the gentleman gives us an opportunity to proceed.

Mr. CALLAHAN. I will do that, sir.

Mr. HYDE. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I rise today in support of this motion. I appreciate the manner in which it is presented. I appreciate the fact that the ranking member of this committee and the chairman of this committee can articulate the fact that reasonable people may disagree sometimes on the means to be able to acquire the goal, but there is a common goal here. That is firearms safety, protecting our children, protecting our families.

Mr. Speaker, the motion before us is very simple. First of all, I think it is the place where we can all meet. The first part of this motion specifically says that we need to take measures to aid in the effective enforcement of gun safety laws within the scope of the conference.

It can also be pointed out, the fact that there is more we need to do in enforcement of the law. The President in the State of the Union pointed out and said that we are not doing enough of enforcing the laws we have on the books. I think we can all agree to that. I think that both Republicans and Democrats can join with the President in saying we need to have more enforcement.

But the other point of this motion also points out that commonsense safety measures are not a threat to the second amendment rights, they are the best guarantee in the long run of preserving those rights. We are not talking about extraordinary measures here.

There have been disagreements between Republicans and Democrats on certain issues. One of those issues that we have been talking about is the gun show loophole. The ranking member, actually the dean of the Democratic Party, may disagree with some of us who are Republicans saying that there is a gap there that needs to be addressed. The ranking member agrees with this Member that there was never meant to be a loophole to allow people to purchase guns at a gun show that they could not purchase outside from a licensed dealer.

Now, I know that there are Members on both sides of the aisle that may talk about the fact that to close the loophole would end gun shows as we know it. I want to point out to the Members that California has a 10-day waiting period, and has the largest gun shows in the world.

It is not the way to destroy gun shows. It is an inconvenience, but frankly, as a gun owner, a lot of us feel that that inconvenience is well worth the process.

Mr. Speaker, I would just ask all of us to look at the motion and let us talk about this. The extremists on either side do not want this motion to pass, and they do not want this issue to be settled before this Congress adjourns. There are people in extreme components on both sides of this aisle that want to see this issue be used for political advantage, rather than public safety.

I want to commend the chairman of this committee, the gentleman from Illinois (Mr. HYDE), and the ranking member, the gentleman from Michigan (Mr. CONYERS), for bridging that gap and leaving those extremists out where they belong, in the wings. I want to thank the Members for bringing this motion up to address this issue.

I would ask everyone to take the words of the chairman saying, as the House of Representatives, let us sit down and build a common agenda to present to the other body so that we can move this agenda and get it done and do what we tell the American people we really want done, that we actually want good gun law, that we actually want gun safety, not just partisan political bickering.

□ 1800

Mr. Speaker, I appreciate the chance to be able to address this issue. It is a very emotional issue. It is an issue that bears a lot of weight and I just think that those of us that really want to be able to go back to our district and say we stood up for gun safety, we stood up for public safety, we stood up for people's rights to be protected and to be safe in their home and the fact is now is the time for the ranking member and the chairman to get together, for us to follow their leadership and find time to agree on good, common sense safety measures and let us walk away from the excuses of always finding a way to fight about this issue. This is a place we can meet and I thank the chairman for that chance.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Michigan (Mr. CONYERS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CONYERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 406, nays 22, not voting 6, as follows:

[Roll No. 118]

YEAS—406

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Herger
Hill (IN)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—22

Barr
Chenoweth-Hage
Coburn
DeMint
Goode
Hayworth
Hill (MT)
Hostettler
Jenkins
Jones (NC)
Metcalf
Mollohan
Paul
Peterson (MN)
Pombo
Rahall
Riley
Sanford
Souder
Stump
Wamp
Young (AK)

NOT VOTING—6

Bliley
Cook
DeGette
McIntosh
Myrick
Rodriguez

□ 1822

Messrs. SOUDER, WAMP, PETERSON of Minnesota, RAHALL, MOLLOHAN, and YOUNG of Alaska changed their vote from “yea” to “nay.”

Mr. BRADY of Texas and Mr. HEFLEY changed their vote from “nay” to “yea.”

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2328, THE CLEAN LAKES PROGRAM

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–571) on the resolution (H. Res. 468) providing for consideration of the bill (H.R. 2328) to amend the Federal Water Pollution Control Act to reauthorize the Clean Lakes Program, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–572) on the resolution (H. Res. 469) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3039, CHESAPEAKE BAY RESTORATION ACT OF 1999

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–573) on the resolution (H. Res. 470) providing for consideration of the bill (H.R. 3039) to amend the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 94, TAX LIMITATION CONSTITUTIONAL AMENDMENT

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–574) on the resolution (H. Res. 471) providing for consideration of the joint resolution (H.J. Res. 94) proposing an amendment to the Constitution of the United States with respect to tax limitations, which was referred to the House Calendar and ordered to be printed.

SENSE OF CONGRESS THAT PRESIDENT OF UNITED STATES SHOULD ENCOURAGE FREE AND FAIR ELECTIONS AND RESPECT FOR DEMOCRACY IN PERU

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the Senate joint resolution (S.J. Res. 43) expressing the sense of Congress that the President of the United States should encourage free and fair elections and respect for democracy in Peru, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from New York?

Ms. LEE. Mr. Speaker, reserving the right to object, I yield to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I thank the gentlewoman from California for yielding to me.

This resolution, Mr. Speaker, makes an important statement of American policy towards Peru. It was passed unanimously by the Senate.

Independent election monitors in Peru have expressed grave doubts about the fairness of the electoral process now under way in Peru.

This resolution notes the absence of free and fair elections in Peru would constitute a major setback for the Peruvian people and for democracy in the hemisphere. It could result in instability in Peru and could jeopardize United States anti-narcotic objectives in Peru and the region.

Mr. Speaker, at this moment, Peru's electoral authorities are moving to finalize the vote count for the first round of that election. It is important that the House add its voice to the unanimous voice in the Senate and send a proper signal of U.S. support for democracy in Peru.

Ms. LEE. Mr. Speaker, further reserving the right to object, I want to thank the gentleman from New York (Chairman GILMAN) for bringing this resolution to the floor.

This resolution really comes at a very decisive moment in Peru's history. The votes from this past Sunday's election in Peru are being counted as we speak. International and Peruvian observers have already declared the electoral process to be damaged. The Organization of American States, the National Democratic Institute, and the Carter Center are among them.

Mr. Speaker, I have served as an international observer in the recent Nigerian elections and also in the elections in South Africa several years ago. We must value the importance of our international observers in their understanding and clarification of what is taking place abroad.

These nonpartisan Peruvian observers also have included the well-respected group Transparencia, and they have noted that the Fujimori government has attempted to unfairly manipulate this process to President Fujimori's advantage.

Now, the legitimacy of the entire process is in the balance. Pre-election polls and, more telling, election day exit polls and independent quick counts all point to President Fujimori's coming short of the 50 percent vote needed to win in the first round. Official vote counts appear to be inching toward 50 percent while independent tabulations show the count to be 47 to 49 percent.

This resolution, S.J. Res. 43, actually calls on Peru's government to ensure a clean, legitimate electoral process. For the Peruvian people and for the U.S.-Peruvian relations, we implore President Fujimori's efforts, and we implore him to do the right thing in this instance.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 43

Whereas presidential and congressional elections are scheduled to occur in Peru on April 9, 2000;

Whereas independent election monitors, including the Organization of American States, the National Democratic Institute, and the Carter Center, have expressed grave doubts about the fairness of the electoral process due to the Peruvian Government's control of key official electoral agencies, systematic restrictions on freedom of the press, manipulation of the judicial processes to stifle independent reporting on radio, television, and newspaper outlets, and harassment and intimidation of opposition politicians, which have greatly limited the ability of opposing candidates to campaign freely; and

Whereas the absence of free and fair elections in Peru would constitute a major setback for the Peruvian people and for democracy in the hemisphere, could result in instability in Peru, and could jeopardize United States antinarcotics objectives in Peru and the region: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of Congress that the President of the United States should promptly convey to the President of Peru that if the April 9, 2000, elections are not deemed by the international community to have been free and fair, the United States will review and modify as appropriate its political, economic, and military relations with Peru, and will work with other democracies in this hemisphere and elsewhere toward a restoration of democracy in Peru.

The Senate joint resolution was agreed to.

A motion to reconsider is laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on Senate Joint Resolution 43.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Such record votes on proposed questions will be taken tomorrow.

ENERGY POLICY AND CONSERVATION ACT REAUTHORIZATION

Mr. BARTON of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2884) to extend energy conservation programs under the Energy Policy and Conservation Act through fiscal year 2003, as amended.

The Clerk read as follows:

H.R. 2884

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

SECTION 1. ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.

The Energy Policy and Conservation Act is amended—

(1) by amending section 166 (42 U.S.C. 6246) to read as follows:

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 166. There are authorized to be appropriated for fiscal years 2000 through 2003 such sums as may be necessary to implement this part.'';

(2) in section 181 (42 U.S.C. 6251) by striking ''March 31, 2000'' both places it appears and inserting in lieu thereof ''September 30, 2003''; and

(3) in section 281 (42 U.S.C. 6285) by striking ''March 31, 2000'' both places it appears and inserting in lieu thereof ''September 30, 2003''.

SEC. 2. PURCHASE OF OIL FROM MARGINAL WELLS.

(a) PURCHASE OF OIL FROM MARGINAL WELLS.—Part B of Title I of the Energy Policy and Conservation Act (42 U.S.C. 6232 et seq.) is amended by adding the following new section after section 168:

''PURCHASE OF OIL FROM MARGINAL WELLS

''SEC. 169. (a) IN GENERAL.—From amounts authorized under section 166, in any case in which the price of oil decreases to an amount less than $15.00 per barrel (an amount equal to the annual average well head price per barrel for all domestic crude oil), adjusted for inflation, the Secretary may purchase oil from a marginal well at $15.00 per barrel, adjusted for inflation.

''(b) DEFINITION OF MARGINAL WELL.—The term ''marginal well'' means a well that—

''(1) has an average daily production of 15 barrels or less;

''(2) has an average daily production of 25 barrels or less with produced water accounting for 95 percent or more of total production; or

''(3) produces heavy oil with an API gravity less than 20 degrees.''.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy and Conservation Act is amended by inserting after the item relating to section 168 the following:

''Sec. 169. Purchase of oil from marginal wells.''.

SEC. 3. NORTHEAST HOME HEATING OIL RESERVE.

(a) AMENDMENT.—Title I of the Energy Policy and Conservation Act is amended by—

(1) redesignating part D as part E;

(2) redesignating section 181 as section 191; and

(3) inserting after part C the following new part D:

''PART D—NORTHEAST HOME HEATING OIL RESERVE

''ESTABLISHMENT

''SEC. 181. (a) Notwithstanding any other provision of this Act, the Secretary may establish, maintain, and operate in the Northeast a Northeast Home Heating Oil Reserve. A Reserve established under this part is not a component of the Strategic Petroleum Reserve established under part B of this title. A Reserve established under this part shall contain no more than 2 million barrels of petroleum distillate.

''(b) For the purposes of this part—

''(1) the term 'Northeast' means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, and New Jersey; and

''(2) the term 'petroleum distillate' includes heating oil and diesel fuel.

''AUTHORITY

''SEC. 182. To the extent necessary or appropriate to carry out this part, the Secretary may—

''(1) purchase, contract for, lease, or otherwise acquire, in whole or in part, storage and related facilities, and storage services;

''(2) use, lease, maintain, sell, or otherwise dispose of storage and related facilities acquired under this part;

''(3) acquire by purchase, exchange (including exchange of petroleum product from the Strategic Petroleum Reserve or received as royalty from Federal lands), lease, or otherwise, petroleum distillate for storage in the Northeast Home Heating Oil Reserve;

''(4) store petroleum distillate in facilities not owned by the United States;

''(5) sell, exchange, or otherwise dispose of petroleum distillate from the Reserve established under this part; and

''(6) notwithstanding paragraph (5), on terms the Secretary considers reasonable, sell, exchange, or otherwise dispose of petroleum distillate from the Reserve established under this part in order to maintain the quality or quantity of the petroleum distillate in the Reserve or to maintain the operational capability of the Reserve.

''CONDITIONS FOR RELEASE; PLAN

''SEC. 183. (a) The Secretary may release petroleum distillate from the Reserve under section 182(5) only in the event of—

''(1) a severe energy supply disruption;

''(2) a severe price increase; or

''(3) another emergency affecting the Northeast,

which the President determines to merit a release from the Reserve.

''(b) Within 45 days of the date of enactment of this section, the Secretary shall transmit to the President and, if the President approves, to the Congress a plan describing—

''(1) the acquisition of storage and related facilities or storage services for the Reserve;

''(2) the acquisition of petroleum distillate for storage in the Reserve;

''(3) the anticipated methods of disposition of petroleum distillate from the Reserve; and

''(4) the estimated costs of establishment, maintenance, and operation of the Reserve.

The storage of petroleum distillate in a storage facility that meets existing environmental requirements is not a 'major Federal action significantly affecting the quality of the human environment' as that term is used in section 102(2)(C) of the National Environmental Policy Act of 1969.

''NORTHEAST HOME HEATING OIL RESERVE ACCOUNT

''SEC. 184. (a) Upon a decision of the Secretary of Energy to establish a Reserve under this part, the Secretary of the Treasury shall establish in the Treasury of the United States an account know as the 'Northeast Home Heating Oil Reserve Account' (referred to in this section as the 'Account').

''(b) The Secretary of the Treasury shall deposit in the Account any amounts appropriated to the Account and any receipts from the sale, exchange, or other disposition of petroleum distillate from the Reserve.

''(c) The Secretary of Energy may obligate amounts in the Account to carry out activities under this part without the need for further appropriation, and amounts available to the Secretary of Energy for obligation under this section shall remain available without fiscal year limitation.

''EXEMPTIONS

''SEC. 185. An action taken under this part—

''(1) is not subject to the rulemaking requirements of section 523 of this Act, section 501 of the Department of Energy Organization Act, or section 553 of title 5, United States Code; and

''(2) is not subject to laws governing the Federal procurement of goods and services, including the Federal Property and Administrative Services Act of 1949 (including the Competition in Contracting Act) and the Small Business Act.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out part D of title I of the Energy Policy and Conservation Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentleman from Virginia (Mr. BOUCHER) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. BARTON).

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on the bill, H.R. 2884.

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

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I want to thank the minority staff and the minority leadership on the Subcommittee on Energy and Power as well as the full Committee on Commerce, and the majority staff on the same committees for working to put this bipartisan compromise together.

I want to also thank the chairman of the full committee, the gentleman from Virginia (Mr. BLILEY), who was unavoidably detained and could not be on the floor this evening for his support of this very necessary measure.

Mr. Speaker, what we are doing right now is we are authorizing the Energy Policy and Conservation Act through the year 2003. This is an act that was first put on the books in 1992. It includes necessary legislative language for the Strategic Petroleum Reserve, which is vital to our Nation's security. I think it is a very worthwhile piece of legislation. It is a clean reauthorization of the existing act, with two exceptions, and I am going to very briefly touch on those.

Under current law, oil that is put into the Strategic Petroleum Reserve has to be purchased from foreign oil sources. It cannot be purchased from domestic sources. The bill, as reported from the committee, included a provision that would allow the Secretary of Energy the discretion, would not mandate but would allow the Secretary of Energy the discretion, if world oil prices fell below $15 a barrel, to purchase oil from stripper wells. Stripper wells are wells that produce less than $15 per barrel.

So this provision would allow the Secretary of Energy the discretion to purchase stripper well oil from domestic sources and put them in the reserve. The oil in the reserve today currently has an average acquisition cost of $27 per barrel. So this provision would be just slightly more than half the current acquisition cost.

What it would do, in strategic terms, is allow a domestic resource, these small wells that are barely producing much oil, to stay in production and not be shut in. Once these stripper wells are shut in, very few of them ever come back.

If we had had this provision in the law 2 years ago, and if the Secretary had used the discretion to implement it, it is estimated that between a half a million and a million barrels of oil would still be being produced today in the United States that is not currently being produced. So we think this is a valuable addition to the SPR and is a worthwhile amendment to come out of committee.

The other amendment that we are adding on the floor this evening that was not put in in committee is at the request and suggestion of the gentleman from Massachusetts (Mr. MARKEY), who is on the floor, the Secretary

of Energy at the Department of Energy, and the Clinton-Gore administration and affected Republicans in the Northeast.

It reauthorizes the refined product reserve and it also changes the trigger mechanism for the refined product reserve on a regional basis so that one could get a declaration on a regional basis, like we had the heating oil emergency in the Northeast several months ago. If the Markey language had been law at that time, and if we had had refined products in a reserve, a regional declaration could have been declared by the President and that fuel oil could have been drawn down for homeowners in the Northeast.

So this is, at the top end, I think, a good amendment in a good piece of legislation. It was not put in at full committee but it has been added at the Committee on Rules and is in the bill that is before us.

So, to summarize, Mr. Speaker, H.R. 2884, as amended, is an excellent piece of legislation. It has two additions, one addition when prices are low and, in addition, it would help us when prices are high. So I would hope the House would pass this by unanimous consent.

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

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

Mr. Speaker, I rise in support of this legislation, despite my reservations about deficiencies in the measure that could well have been addressed had the bill been brought to the floor in a more timely manner. It is unfortunate that it was not until well after gasoline prices rose sharply that the House leadership awoke to the need to reauthorize EPCA, a statute which expired on March 31.

EPCA is the foundation of our emergency energy preparedness. It permits the United States to participate in activities of the International Energy Agency. It also authorizes the President to maintain and, if necessary, draw down oil from the 570 million barrels in the Strategic Petroleum Reserve. That reserve is not a tool to be deployed lightly.

EPCA stipulates that a drawdown occur only if the President finds that a severe energy supply interruption exists. Moreover, the storage caverns can only be filled and drained a few times before their structural integrity is affected. But the very existence of the reserve provides an insurance policy against a major oil crisis and reminds foreign oil producers that this Nation is not at their mercy.

As part of his effort earlier this year to bring gasoline prices down, the President asked Congress to ensure that this vital authority did not expire. That call has gone unheeded until this late moment.

I supported H.R. 2284 when it was reported by the Committee on Commerce last October. I signed dissenting views, along with a majority of my committee Democrats, protesting the bill's failure to renew important energy efficiency provisions of the original act. Had this legislation been brought to the floor in a more timely manner, under a rule that permitted amendments, this omission could have been rectified.

Let me say that I am very pleased that an accommodation has been reached on an amendment that establishes a heating oil reserve and helps to increase production of U.S. oil reserves as proposed by our friend and colleague, the gentleman from Massachusetts (Mr. MARKEY). Since the bill was reported from committee more than 5 months ago, it is very difficult for me to understand why we are reduced to what amounts to a last-minute scramble that prevents its consideration under more normal procedures.

Nonetheless, recent events underscore the importance of having EPCA on the books to ensure that the President has the necessary tools at his disposal to respond to an energy emergency. It appears this legislation is the sole legislative vehicle that the majority is willing to make available to avert an extended lapse of this essential statute. So, under the circumstances, we have little alternative other than to support the legislation.

In conclusion, while I recognize the bill's substantive shortcomings, and deplore the unnecessary delay in addressing this matter, I plan to vote for the legislation and I encourage my colleagues to do the same.

Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to compliment the gentleman from Texas for constructing kind of a classic Austin-Boston piece of legislation here.

The gentleman from Texas represents a concern that the stripper well industry has, that they have not had the proper set of incentives in order to continue to keep their wells open. What the legislation says is that when the price of stripper well oil goes below $15 a barrel, that there would be an authorization for that oil to be purchased in order, one, to fill up the Strategic Petroleum Resereve but, secondly, in order to keep the price of stripper well oil high enough so that there is an incentive for that industry to continue to make the proper investment in maintaining them as viable sources of energy for our country.

As well, the legislation makes it possible for there to be constructed a regional home heating oil reserve in the northeastern part of the United States. That is very important to those of us that live within a region that does have, on an ongoing basis, the threat that we are going to be cut off from that home heating oil supply.

Now, maybe over the next 20 years, as Sable Island, this rich resource of natural gas off of the Newfoundland coast comes on line, we will not need this kind of protection. But that is not really going to be possible for another 5, 10, 15 years before it fully penetrates all of the Northeast. And by the Northeast, I also mean eastern Pennsylvania, all of New Jersey, and the State of New York. Those are the parts of our country that are very much dependent upon imported home heating oil.

Now, we have, without question, the need to give the President the flexibility that he needs to release the heating oil from the reserve in the event we have a repetition of the type of severe price spikes or severe weather situations that we saw last winter which drove home heating oil prices over the $2 a gallon level. This provision helps assure that as we are reauthorizing EPCA, that we are addressing both the needs of the producing States, who are worried about what happens when prices go too low, and the consuming States, who worry about what happens when prices get too high.

So this is kind of our Goldilocks solution here. Not too hot. Not too cold. Just right. Try to get the right balance that makes it possible for us, to be honest, to pass legislation. We have to do this. This is the classic deal we have been cutting since Sam Rayburn and John McCormick sat on this floor in the 1930s.

It is a good bill. I want to thank again the gentleman from Texas for bringing it out. I want to compliment the gentleman from Maine and the gentleman from Rhode Island and the gentleman from Vermont for pushing on this legislation. And by that I mean respectively the gentleman from Maine (Mr. BALDACCI), the gentleman from Rhode Island (Mr. WEYGAND), and the estimable independent from the State of Vermont, their constant pressure. I see the gentleman from Massachusetts (Mr. CAPUANO) up there as well. This is legislation that, without question, is a perfect compromise.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, this bill is on the suspension calendar because we think that it has broad bipartisan support and should be an automatic ''yes'' for all the Members.

We have worked very hard to reach a compromise both at the policy level and at the political level, and I hope that if and when we have a rollcall vote on this that people would all vote ''yes'' for it.

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

Mr. BOUCHER. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to commend the

chairman, the gentleman from Texas (Mr. BARTON), and the ranking member, the gentleman from Virginia (Mr. BOUCHER), for bringing this important measure to this body.

I stand in strong support of it and urge my colleagues to think as this bill moves forward how America can, in fact, be energy independent.

□ 1845

We are two-thirds dependent on foreign sources of supply, and the Strategic Petroleum Reserve offers us a temporary cushion here at home.

I think, as the bill moves forward in the other body and as compromises are reached, I would urge my colleagues to consider swapping a portion of the oil that is in the reserve for ethanol and biodiesel, or even as new fuel is purchased and there is currently a gap in the reserve of several million barrels, to consider looking at ethanol as one of the ways in which America can become more self-sufficient in fuel production and usage.

I would recommend a level of about 300 million gallons of ethanol and 100 million of biodiesel. Both of these are at competitive prices now if one looks at the market. And even if all of that were purchased and stored on farm, we would still only be looking at 1 to 2 percent of the entire fuel reserve being comprised of these biobased fuels.

In terms of what is happening in rural America today, this is absolutely a way forward for our country. And if one looks at the State of Ohio, we are one of the biggest ethanol users in the Nation. About 40 percent of the additives in our fuels, as opposed to MTBE, is actually comprised of biofuels, ethanol being the leading one.

So I would implore the chairman of the subcommittee and the ranking member, as these discussions proceed in the Senate, to please consider this. It would make economic sense. I think it makes defense sense. It certainly makes energy sense for our country in view of what is happening across our country with farmers facing the necessity of looking at new fuels. This is a wonderful new market.

In addition to that, representing the coal belt of America, from Pennsylvania through the Virginias, through Illinois, and so forth, I would also recommend looking at cleaning up coal and using the methane that can be spun off of that as another additive. I would hope that as these discussions proceed that those in charge of the Strategic Petroleum Reserve would also be looking at energy self-sufficiency for the Nation as an imperative.

I again commend the gentleman from Virginia (Mr. BOUCHER) for this measure and thank him for yielding me the time.

Mr. BOUCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I would like to thank the gentleman from Virginia (Mr. BOUCHER) for yielding me the time and for his leadership in the committee.

Mr. Speaker, I want to thank the subcommittee chairman for his work in trying to craft this legislation and move it forward in an attempt to reach out to everybody to advance the national interest. We appreciate that.

I would like to thank my good friend and colleague, the gentleman from Massachusetts (Mr. MARKEY), who was here when McCormick and Rayburn were here, as somebody else referred to in the hallway. He gave me that line.

But I would also like to thank the leadership in the Northeast region with the gentleman from Rhode Island (Mr. WEYGAND) and the gentleman from Vermont (Mr. SANDERS) and the gentleman from Massachusetts (Mr. CAPUANO) and many other Members in the Northeast that have worked together bipartisanly so that we could work on this issue.

There has been a gap in the authorization to be able to use the SPR and to be able to begin work on this reserve, but it is better late than never. This legislation is very good legislation. It is bipartisan. It recognizes that these events can happen on a regional basis.

I guess to have been sitting in Boston at a summit that was held, in listening to the discussion go on, and to realize how dangerously low we were on inventory levels and to recognize that all jet fuel, diesel fuel, gasoline and petroleum products had to be reconfigured into home heating oil, putting additional pressures on our gasoline market and causing gasoline prices to spike, we also were able to see how a regional shortage and concern was then developed into a national one and one which we are still dealing with to this day.

So I think that this legislation is a good insurance policy, it is a good beach head, it will protect us against those waves that come in again, and it will be able to help us to be part of a national policy that deals with a comprehensive energy policy that becomes less energy dependent and becomes more energy independent so that we are not relying on foreign sources and that we will have national security and not have to worry about when the next shipment of oil or gas or coal or ethanol or whatever it may happen to be.

So by being able to develop these policies and working with the administration and the Secretary of Energy and the work that has gone on to try to help stabilize the market, which I believe they have gone to great measures to do, along with this legislation, we are going to begin to make sure that what we have gone through in the past does not happen again.

I tell people that the original one was a bad movie and the sequels have not been any better since and, hopefully, we never have to witness this particular situation again in the future.

I would like to thank the chairman and the people who were involved and look forward to advancing this legislation.

Mr. BOUCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Rhode Island (Mr. WEYGAND).

Mr. WEYGAND. Mr. Speaker, I want to thank the gentleman from Virginia (Mr. BOUCHER) for yielding me the time, as well as our colleague, the gentleman from Texas (Mr. BARTON), for allowing us to move forward on this bill.

The Northeast has traditionally been a geographically hard location for much transportation of resources, like home heating oil and gasoline. We also have a very older style of architecture which often causes us to have very inefficient buildings and, unfortunately, that leak during the wintertime of heat and resources and energy. We also have a much colder environment in the Northeast than most parts of the country. All these factors lead to us as being big consumers of home heating oil.

Unfortunately, also over the years we have reduced the amount of inventory that we have traditionally had the capability of keeping in the Northeast. In 1991 we had about 4 million barrels of home heating oil on reserve in the Northeast. Since the Gulf War, we have traditionally built it up, to last year we had about 17 million barrels on hand. But this year we dropped to almost an all-time low back down to about 4.5 million barrels.

Inventory is an important part of making sure that the Northeast has an adequate supply to provide for home heating oil. This bill will go a long way to improving the inventory. I compliment the members from the majority side for bringing this bill forward that we have been working so hard on.

We must recognize, though, that only 2 million barrels is hardly a drop in the bucket to what we really need. I would hope that as we move this bill through conference that they would look at increasing the home heating oil reserve to in the neighborhood of 3 or 4 million barrels versus the 2 million barrels that is proposed.

We also must do other things, though. We have to look at alternative sources of energy such as natural gas, such as making sure we have solar power. We must also provide the kinds of tax incentives we need for conservation. That is for better winterization programs, for building materials and other things that will help enhance and reduce the amount of energy loss that we have in our buildings. All of these elements taken in composite will make us a more efficient user of energy, such as petroleum products.

I hope that as we begin to move forward with this session and as we wrap

up before this fall, we will truly have a number of tax incentives for winterization and conservation, alternative sources of energy, as well as improving our stocks of inventory, as we are under this bill.

I thank both the majority and minority for bringing this bill forward. I also want to compliment my colleagues who have been working so hard on this, particularly the gentleman from Vermont (Mr. SANDERS), the gentleman from Massachusetts (Mr. MARKEY), the gentleman from Massachusetts (Mr. CAPUANO), and of course, the gentleman from Maine (Mr. BALDACCI).

We have all been working hard because our constituents hurt very hard this winter. We saw prices in Rhode Island go from 99 cents a gallon to over $2.05 a gallon in a matter of weeks. This will help reverse that trend, and this will be better for the constituents of the Northeast. And I thank my colleagues for that.

Mr. BOUCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Vermont (Mr. SANDERS).

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

Mr. Speaker, I thank the gentleman from Texas (Chairman BARTON), the gentleman from Virginia (Mr. BOUCHER) the ranking member, the gentleman from Massachusetts (Mr. MARKEY), the gentleman from Maine (Mr. BALDACCI), the gentleman from Rhode Island (Mr. WEYGAND), and I also want to thank the President and Secretary Richardson for their support of the consent of a Northeast home heating oil reserve.

Mr. Speaker, it is no secret that this winter the people in the Northeast were hit very, very hard by the large increase in home heating oil prices; and many of the folks in the State of Vermont in the Northeast were having a very, very difficult time paying a doubling of the price of home heating oil from just 1 year before. It was a serious crisis. It remains a crisis. And it is no secret that we were not prepared for it.

On February 4, I introduced H.R. 3608, the Home Heating Oil Price Stability Act; and in this short period of time since then, we now have 98 cosponsors, including 24 Republicans and 27 Representatives who are not from the Northeast. So this is a bipartisan piece of legislation. It is a national piece of legislation.

The bottom line is that we were caught unprepared, and the bottom line is that we have got not to be caught unprepared again. A home heating oil reserve of at least 2 million barrels, and that is the legislation included within this bill, would make certain that when the weather becomes very cold, when home heating oil prices zoom up, we will have something to call upon to control the escalating price of home heating oil. And that is what the reserve does. So I think this is a significant step forward in controlling escalating home heating oil prices.

I would hope, as previous speakers have indicated, that we could expand the concept. Two million barrels in the Northeast is a good start. The original legislation calls for another 4.7 million barrels in the Gulf Coast, which is part of what the Strategic Petroleum Reserve is.

My understanding is that the President has the authority, in fact, to do that on his own; and I hope that he will.

The bottom line is that this is a significant step forward in preventing another spike in home heating oil in the Northeast. It will save substantial sums of money for the people in the Northeast and, in fact, for people throughout this country.

I very much thank the chairman and the ranking member and those who have made this legislation possible.

Mr. BOUCHER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I use this time to commend my friend and colleague, the gentleman from Texas (Mr. BARTON), the chairman of our energy subcommittee, for his excellent work on this measure. The procedural difficulties that I referenced earlier were not of his doing. I know that, given his way, we would have had a different process and one that I think would have been somewhat more thorough.

I urge my colleagues to approve this measure. It will reauthorize the authority of the President to manage the SPR. That is fundamentally important. I would encourage all Members to support the legislation.

The SPEAKER pro tempore (Mr. LAHOOD). All time has expired.

The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the bill, H.R. 2884, as amended.

The question was taken.

Mr. BARTON of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

APPOINTMENT AS MEMBER TO NATIONAL SKILL STANDARDS BOARD

The SPEAKER pro tempore. Without objection, pursuant to Section 503(b)(3) of the National Skill Standards Act of 1994 (20 U.S.C. 5933), and upon the recommendation of the majority leader, the Chair announces the Speaker's appointment of the following member on the part of the House to the National Skill Standards Board for a 4-year term to fill the existing vacancy thereon:

Mr. William L. Lepley, Hershey, Pennsylvania.

There was no objection.

SO LONG TO SYLVAN RODRIGUEZ, ONE OF HOUSTON'S NATIVE SONS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, first let me offer my deepest concern and sympathy for the Marines who lost their lives on behalf of this Nation, and to a native son from Houston and his family.

This morning, Mr. Speaker, I rise to salute and acknowledge Sylvan Rodriguez, a ''minister of information,'' a local news anchor for Channel 11 news in Houston, Texas, who passed away last week. Sylvan Rodriguez was an anchor for 23 years, but what we know him most for, those of us who watched him in the community, is as a caring deliverer of the news, someone who believed that the news should be informational but passionate and compassionate.

He died from cancer. The viewers of Channel 11 will miss him and the Houston Community will miss him.

Rodriguez was born in San Antonio, Texas, on March 20, 1948. He came to Houston in 1977. He went to Los Angeles but returned to our Houston family in 1987. He anchored the noon and 6:00 p.m. newscast. He reported on major issues in our community.

He was a founding member of the I Have a Dream Foundation, but most importantly, Mr. Speaker, he loved his family and his community. I salute him and my regrets and sympathy go to his wife; his two daughters; his son; his stepson; and as well his stepdaughter; his mother and three brothers and sister in Louisiana.

Mr. Speaker, we have lost a valued leader, a member of the Houston Community who will be remembered as much for how much he cared for people as for his professional approval to delivering the news to us. Sylvan Rodriguez through his work was a friend to us all, he will be missed by our entire city.

Mr. Speaker, I rise to commemorate the life of Mr. Sylvan Rodriguez, distinguished Houston news anchor, journalist and community activist. Mr. Rodriguez recently passed away after a bout with cancer.

Since the shattering news of his illness, Sylvan showed determination and courage. Instead of turning inward when this disease was diagnosed, Sylvan realized that he could play a special role in educating the community about cancer, its devastation, and one's ability to survive. Sylvan continued to educate the Houston Community about cancer and tirelessly raised funds for numerous charities while still fighting this horrific disease.

More than one of Houston's most beloved news anchor and journalist; Sylvan was a

leader in the community and dedicated his life's work to making this world a better place than the way he found it. Sylvan was a very special person and meant a lot to all who knew him. He loved people and he made us better because he educated and challenged us!

At this time, I do not think Sylvan would have wanted the Houston communities to anguish over his passing; instead, he would want all of us to pick up the torch of leadership and responsibility, and work together to ensure that our communities continue to grow and learn from one another, and to continue God's work.

Nevertheless, Sylvan's passing will forever leave a void in all of our hearts in Houston, and throughout the great state of Texas. I hope that in time, his family, friends, and colleagues are comforted by the legacy of accomplishments Sylvan leaves behind. In addition, I hope that fond memories of Sylvan Rodriguez will continue to inspire all who knew him and the Houston community for the future. In closing, I offer my deepest sympathy on Sylvan Rodriguez passing and bid him a fond farewell.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 1800

MICROSOFT BREAK-UP

The SPEAKER pro tempore (Mr. LATOURETTE). Under a previous order of the House, the gentleman from Washington (Mr. BAIRD) is recognized for 5 minutes.

Mr. BAIRD. Mr. Speaker, we are a Nation of laws. Without a codified, uniform, and fairly administered systems of laws, American society would be harmed, lives would be ruined and businesses would falter and fail.

I also know that our system is not perfect. Sometimes it is possible for existing laws to be misapplied or misinterpreted. Sometimes it is possible for reasonable men and women to look at the same set of facts and to simply draw different conclusions. And sometimes our very human and very American desire to side with the little guy overwhelms our objectivity and colors our view of the facts; that I believe is happening in the case of Microsoft versus the Department of Justice.

Mr. Speaker, I believe that Microsoft is being unfairly judged, not only in the federal courtroom, but also in the court of public opinion, and I believe this good company stands a chance of being unfairly punished. That is why I am here today to do what I can to stop an injustice from occurring.

Microsoft is the great American success story. Today, it is a company whose products have increased the efficiency of our work force immeasurably. It is a company whose products are used and respected worldwide. It is a company who has shared more of its wealth creation with its workers than any other business in this country. It is a company whose founder has made more charitable contributions than any other business leader in the entire world.

And this American success story is under attack today, because it wanted to offer better products to its customers in order to stay competitive. That seems absurd to me. Even more absurd is the precedent that this decision would set for all of American business, because the attack on Microsoft is not simply an attack on a single very successful company.

It is an attack on the very principles of business competition and technological innovation. It is an attack that threatens to undermine one of the most successful engines of economic growth and technological innovation in our Nation.

One of the first rules of business is to anticipate changing markets, to predict what competitors will do, and try to do better. The way to win in a competitive marketplace is to produce better products more quickly and more economically. That is the basis of our free enterprise system. It is why our economy leads the world, and it is why we are the envy of the rest of the world.

It is a terribly, terribly serious matter for the government to intrude in that process of healthy competition. And it is simply not acceptable or reasonable for our government to seek to destroy a fundamental engine of our economy.

Microsoft is a generous and responsible corporate citizen, one of the most innovative and creative success stories in American history. Microsoft should not be attacked simply because they sought to provide more integrated, advanced, and efficient products to the marketplace, that is what consumers want companies to do. Far from harming consumers, that is what consumers want from products that and the companies that make them.

The theory behind antitrust actions is to prevent monopolistic or anticompetitive practices that could stifle development or competition and thereby hurt the consumer.

I understand that principle, but the key phrase is thereby hurt the consumer. And what is most important to consider here is not whether there is a specific level of competition, but whether consumers have, in fact, been harmed.

It is equally important that we carefully, very carefully, examine the possibility that a proposed response, a proposed response could be more harmful to consumers, more harmful to competition. Let us be clear about something. It is perfectly acceptable to ensure the competition is not unfairly restrained by monopolistic entities. But it is not acceptable, it is not reasonable to use the antitrust process to penalize companies for trying to improve their products for the sake of competitive advantage.

If protecting the consumer is the guiding principle behind antitrust proceedings, it is only fair to ask where the consumers have been in all of this. From the time this process began, right up to the present, there has not been an uprising of consumers demanding Microsoft being prosecuted or penalized.

In fact, consumers use and benefit from Microsoft products every day. And when it comes to choices, consumers have a multitude of choices of various software systems and operating systems.

Competition is alive and well in the software industry. Beyond the matter of choice in consumer satisfaction, it would be difficult to argue that prices have been driven up by Microsoft because every day the price of computer systems and more powerful systems are actually going down.

What is really going on? The case against Microsoft is not fundamentally about protecting consumers, it is really about competing businesses in the States in which those businesses reside seeking to get the upper hand on one another by using litigation where innovation has failed, by using the power of the government to usurp the power of the marketplace.

Our Federal Government should not be party to this, and our government must not stifle competition in the name of protecting consumers. Break up should not be an option.

Mr. Speaker, I have visited Microsoft. I know well the fine work they do, and I know how essential it is for the success of that company that products be integrated. We must not allow break up to harm consumers in the name of protecting them.

COMMEMORATING THE 85TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore (Mr. SHERWOOD). Under a previous order of the House, the gentlewoman from Maryland (Mrs. MORELLA) is recognized for 5 minutes.

Mrs. MORELLA. Mr. Speaker, tomorrow evening on this floor there will be a special order commemorating the 85th anniversary of the Armenian Genocide. I will not be present because of a conflict tomorrow evening, and, therefore, I chose this evening to rise in remembrance of all of those who perished during the Armenian Genocide. The commemoration of the Turkish persecution of its Armenian citizens is important because only by educating

ourselves about the past can we prevent repetition of similar tragic situations in the future.

April 24 is a special day for the Armenian people. It marks the day that 200 Armenian leaders were arrested in Constantinople and murdered. This was not an isolated incident, rather, it was the beginning of a chain of persecution that had begun under the rule of Ottoman Sultan Abdul.

In just 2 years, between 1894 to 1896, 300,000 Armenians had lost their lives. This event marked the coming of years of oppression, torture and murder for the Armenian-Turkish population.

After Sultan Abdul's reign was over, a new group called the Young Turks came to power. They made pan-Turkism the national ideology, and they set out to rid Turkey of all its minority groups, mainly its Armenians. By 1923, 1.5 million Armenians had been slaughtered and more than 500,000 had been exiled from their homes.

Less than a century ago, the massacre of the Armenian people was unknown to the world. To this day it is still denied by the Turkish government, just as the Nazis two decades later denied the Holocaust. Both of these atrocities could have been prevented, or at least mitigated, if the public had been aware of them. Sadly, it was only after the world learned of the Holocaust and the depths to which human beings could sink in their treatment of each other that the massacre of the Armenian population of Turkey gained attention as genocide.

As we aspire to attain universal human rights for all, we need to have a full knowledge and understanding of the truth. Although we are much more aware of human rights violations, they are still occurring to this day. From the torture of political prisoners, to the Armenian genocide, to the repression of Kurdish people by Turkey and Iraq, to the human rights issues in Kosovo, we can see ethnic cleansing is still in existence. But we can also see the worldwide concern, and we have been able to act to protect innocents.

The denial of this by the Turkish government needs to end and an open and honest acknowledgment of the Armenian genocide must be made before significant progress can be made in Turkish-Armenian relations. To prevent such crimes against humanity from recurring, we must intensify our efforts to establish a growing respect for the truth and oppose and condemn human rights violations wherever they may occur.

THE PASSING OF KENNETH PADDIO AND THE OTHER SOLDIERS WHO PASSED ON THE MV–22 OSPREY TRAGEDY APRIL 11, 2000

The SPEAKER pro tempore (Mr. SHERWOOD). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, today I pay tribute to the 19 remarkable and valiant Marines, who made the ultimate sacrifice for their country this past Saturday. My prayers and condolences go out to their family, friends and loved ones during this difficult time.

I urge all Americans to recognize the enormity of what these fallen Marines have afforded us. Our nation is blessed—providing us with a political system that guarantees each of us life, liberty, and the pursuit of happiness. We are free to speak our minds. We are free to practice our faiths. We are free to travel this great land and be with whomever we choose. These precious gifts of freedom have not come free. They have endured through the blood of American heroes and heroines.

President John F. Kennedy once remarked: "A man does what he must in spite of personal consequences, in spite of obstacles and dangers and pressures, and that is the basis of all human mortality." This quote clearly describes these heroes who risked their lives this past weekend so that our great nation's military readiness remains strong and intact.

These Marines were conducting a standard training mission in support of Operational Evaluation when they MV 22 Osprey aircraft crashed near a municipal airport in Marana, Arizona. These Marines conducted this standard evaluation to ensure that this aircraft was suitable for operation by the Marine Corps.

Fittingly, these 19 soldiers symbolize the commitment and dedication that all of our military forces have displayed throughout history in protecting this great democracy. Whether it be peacekeeping missions abroad or training exercises on American soil, members of our Armed Forces risk their lives to ensure that our democracy is preserved. From the early heroes of the Revolutionary War to those who are currently enlisted in our Armed Forces, millions of Americans have sacrificed their lives to preserve our precious freedom and to meet our commitments to allies around the globe. As a nation, we mourn their loss and we are privileged to enjoy the benefits of the ultimate sacrifice that these men and women in our Armed Forces have made on our behalf.

In addition, I pay additional tribute to Private Kenneth O. Paddio, a resident of the 18th Congressional District of Houston, Texas, and one of the 19 solders onboard this fatal military operation. After graduating High School a year ago, Private Paddio moved to the 18th Congressional District of Houston, Texas to be close to his beloved mother Ella. Truly a remarkable young man, his family and loved ones recall that Kenneth was a "quiet, independent and determined young man who joined the Marines to better himself." On behalf of the 18th Congressional District, we mourn your loss and pay tribute to your heroism.

In closing, I again offer all of the families my deepest sympathy. I hope that in time, you are comforted by the legacy of accomplishments that your loved ones have left behind. May God bless you all.

TRIBUTE TO THE LATE HERMAN B. WELLS, LIVING LEGEND OF INDIANA HISTORY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON. Mr. Speaker, last month Indiana lost a favorite son of great distinction, a living legend of Indiana history. I rise to acquaint the larger world with Dr. Herman B. Wells of Indiana University who died at the age of 97.

The standard details of his life mark great attainment: Economics professor, then Dean of the Business School, he became President of the University in 1937, and served until 1962. Then, retiring not at all, he continued his service as Chancellor of the University until his death. Were that all there was, he would be worthy of great honor.

But there was more, marking his true greatness: he gave himself to the University and to its many thousands of students, leading learning and leading change in important ways. He protected controversial research; he developed a world-class school of music; he used his personal power to roll back racial discrimination at the campus; he helped the school to integrate its basketball team; and, friend and counselor to generations of students, with his counsel he helped make Indiana and the Nation a better place.

In our loss of Herman Wells, Indiana has lost a towering figure of American higher education.

100TH ANNIVERSARY OF UNITED STATES SUBMARINE SERVICE AND VETERANS HEPATITIS C EPIDEMIC

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. KELLY) is recognized for 5 minutes.

Mrs. KELLY. Mr. Speaker, I rise to honor men who bravely served the United States in our most trying times as a Nation. Today marks the 100th anniversary of the U.S. submarine force. Will Rogers once said, ''We can't all be heroes because somebody has to sit on the curb and clap as they go by. Today we applaud the heroes and we honor fellow submariners who remain on eternal patrol. May we never forget them and their brave deeds.'' Those are the words of Mr. Rogers.

The thoughts of Will Rogers live with us today. During the most serious challenges our Nation has faced, the men of the submarine service did their jobs above and beyond the call of duty. They were essential to creating victory in war and remain essential to keeping America strong in peace. War fought under the sea developed its own physics and harsh realities completely different from the experiences of any soldier who came before them. These men

placed complete and total trust in their skippers and their skippers had to have the same faith in their men. During World War II, the price they paid for their successes was heavy. The submarine service carried the highest mortality rate of any U.S. service, more than a 20 percent loss of life. However, one has only to look at the statistics to see how effective our submariners really were. With only 1.6 percent of all Navy personnel, the submarine service sank over 55 percent of all Japanese ships sunk in the war, including one-third of all Japanese Men-of-War.

President Roosevelt when he was secretly told of the success of our submarines said, ''I can only echo the words of Winston Churchill: 'Never have so many owed so much to so few.' '' Those lost on submarines in the line of duty for their country will never be forgotten. We must not forget those who still serve in the silent service. Happy birthday to the U.S. submarine force.

Mr. Speaker, I also want to speak about something else that is important to all veterans in this Nation. I want to speak about what the Department of Veterans Affairs has described as an epidemic. I am talking about the staggeringly high infection rates of hepatitis C among our country's veterans population.

□ 1915

Hepatitis C is a fatal disease that can incubate for over 30 years before any symptoms occur. Over 70 percent of those Americans infected with Hepatitis-C are unaware that they even carry the virus. Treatment and testing are both available through the Veterans Administration for any veteran who believes that he or she is at risk.

I am told that my area of the country has a 28 percent infection rate among veterans, while the general population experiences a 1.8 percent infection rate. I represent the greater New York area. With a 28 percent infection rate, I call upon our veterans to be aware of this.

In my hand I hold a very simple home test kit for Hepatitis-C, and I am calling on all of our veterans to try to get tested. The veterans can get one of these test kits if they go to a VA hospital or if they contact the American Liver Foundation at 1–800–GO-LIVER for information about these testing programs.

Testing is very easy. It is a four-step process. It is very, very simple. First you pick up the phone and you get a personal ID number, then you take your sample, it is only one drop of blood, and you mail it in a pre-paid envelope. Ten days later you call for a completely confidential result.

It is important that every veteran who has been exposed to any blood-to-blood contact pick up one of these Hepatitis-C check kits and call 1–800–GO-LIVER or go to their VA hospital, because it is important, especially in our greater New York area, that the veterans in that area get tested. Please get tested, especially if you are a veteran, before the symptoms of severe liver disease begin to show themselves. By the time that they do, it is almost too late.

LOWERING THE COST OF PRESCRIPTION DRUGS IN AMERICA

The SPEAKER pro tempore (Mr. SHERWOOD). Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise tonight to talk about an important issue that more and more Americans are concerned about, and that is the high cost of prescription drugs here in the United States. I want to show a chart that reflects just how severe this problem is.

This chart talks about one of the most commonly prescribed drugs in the United States, called Prilosec. It is a drug that deals with a gastrointestinal problem of too much acid. If you buy that drug, a 30-day supply in Minneapolis, Minnesota, it will sell for about $99.95. Now, if you happen to be vacationing in Manitoba, in Winnipeg, Manitoba, you take exactly that same prescription into a prescription supply of some kind, a drugstore, you will be able to buy that drug for $50.88, exactly the same drug, made in exactly the same plant, same dosage, everything. But, interestingly enough, if you take that same prescription into a drugstore in Guadalajara, Mexico, you can buy that drug for $17.50.

Mr. Speaker, this is the day and age of NAFTA, the North American Free Trade Agreement. Goods and services are supposed to be able to go across our borders freely. That is true of almost every other product, except drugs.

We are not alone in saying that prescription drugs have gone up a lot. Our own estimates by our own government say that over the last 4 years, prescription drugs here in the United States have gone up 56 percent. Last year alone they went up 16 percent. Talking about these differences, just between Minnesota and Canada, one of the HMOs in Minneapolis estimates if they could simply buy their drugs for their HMO Members, subscribers, in Manitoba, they could save over $30 million a year for their subscribers. We are talking about real money.

Mr. Speaker, it is clear that we need to do something. The Canadian government itself has done its own study, and this is the latest study comparing drug prices in the United States to drug prices in Canada. Again, this is for exactly the same drugs. They estimate the last year that they had the figures that the differences are over 50 percent, the difference between the drug prices in Canada and Mexico.

There is another group out of Utah, the Life Extension Foundation; and every Member, if they will contact my office, we will send them one of these brochures. They have done a beautiful job of differentiating the price differences between us and Europe, for example.

Let me read some differences in drug prices. A very commonly prescribed drug, Premarin, in the United States two capsules will sell for $14.98 on average. In Europe, they pay only $4.25. Synthroid, another commonly prescribed drug, the United States price, $13.84. In Europe they can buy it for $2.95 equivalent. Coumadin, this is a drug that my dad takes, a blood thinner, in the United States that drug sells for $30.25. In the European market it sells for $2.85. Mr. Speaker, this goes on and on and on.

Now, I believe the drug companies have to be allowed to make a reasonable profit. We understand that they have to have reasonable profits if they are going to plow it back into research. But the unvarnished truth is that American consumers are paying most of the freight for the research being done; and worse than that, we are paying for most of the profit.

There is an answer. I have a bill, H.R. 3240, which would allow importation of drugs that are approved by the FDA.

Mr. Speaker, it is clear that we should do more to make prescription drugs available to seniors who cannot afford them. But we should not be foolish enough to do nothing to make those drugs more affordable for all Americans. We should not allow our own FDA to stand between Americans and lower drug prices.

I hope all Members will join me in supporting and cosponsoring H.R. 3240.

Once again, Mr. Speaker, I remind Members if they would like a copy of this brochure, they simply have to call my office. We will send it out to them. It explains better than I can why it is important that we allow markets and competition to bring drug prices into line here in the United States.

PROJECT EXILE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Maryland (Mr. EHRLICH) is recognized for 60 minutes as the designee of the majority leader.

Mr. EHRLICH. Mr. Speaker, my good colleague, the gentleman from Colorado (Mr. TANCREDO) will join me in this special order. I welcome my colleague.

Mr. TANCREDO. I thank the gentleman. It is a pleasure to be here.

Mr. EHRLICH. Mr. Speaker, we have a very important topic this evening,

Project Exile, a bill that passed on the floor of the House today by an overwhelming majority on the Suspension Calendar, something I know that pleases the gentleman, pleases myself, and should please our respective constituents and the people of the United States of America.

My personal experience with this program, Mr. Speaker, began about a year and a half ago when a member of my staff came in to me and expressed frustration about my frustration concerning the fact that on gun control debates, we always talk by one another. We could not get anything done, and the PACs and interest groups raised money, and that helps politically, but it does not hit the bottom line, which is bad guys with guns.

I heard about Project Exile, and he said, and this was a former Baltimore county detective, and he said I am going to go find out about this program. I said, Go for it. We found out about Project Exile and took a bipartisan group of Maryland State legislators to Richmond, Virginia, and talked to the attorneys down there, and talked to the street cops; and we talked to the Federal prosecutor and the business community and NAACP. We talked to everybody, and, you know what? It works. It works, because it is common sense.

This is an interesting initiative, because rarely do you hear the NRA and handgun control supporting the same gun-related initiative. It is certainly working in Richmond, it works in Virginia, it works in New York, it works in Texas, and now hopefully around the country, given what we passed on this floor today.

I also heard during the course of the debate today some unfortunate mischaracterizations from the minority party. The two that really came to mind was, one, who supports this program. The observation was made that this is an NRA initiative. It is only the NRA. Of course, as I just said, it is also supported by the handgun folks, handgun control. It is the right and left coming together to get something done for a change.

Finally, the representation was made that this money could be wasted on all sorts of frivolous activities, and the fact is the bill specifies how the money can be used with respect to police, prosecutors, courts, probation officers, the juvenile justice system, prison expansion, criminal history, records retention, case management programs, innovation, crime control, the bottom line.

I personally want to congratulate the gentleman from Florida (Mr. MCCOLLUM) who has been a great leader in this effort, who brought this issue to the national limelight, in conjunction with Governor Gilmore and other members of our conference. I truly believe that this is a logical follow-up to Truth in Sentencing, another issue initiative initiated by the gentleman from Florida (Mr. MCCOLLUM) some years ago.

Mr. Speaker, I want to recognize my colleague from Colorado, I know who has some salient observations to make about this common sense approach that targets gun-toting felons, people who should not have guns in the first place, and, when caught, sentences them, exiles them to either Federal time if the State status is not in place, or State time if the State legislatures have really gotten on board with respect to Project Exile.

I recognize my colleague.

Mr. TANCREDO. Mr. Speaker, I thank the gentleman; and I appreciate the opportunity to share a few thoughts about this.

In many ways our experience was the same in terms of how we came to know this issue. I was reading a newspaper article out of Virginia where they had arrested a suspect for possession of narcotics. The amount of narcotics in the possession of this individual was quite significant. It was not just a baggy; it was like a truckload.

In the past, any time that this kind of thing had happened before, any time that an individual with this much narcotics in his possession had been arrested, they had found a weapon with him. So they kept looking, because the police naturally assumed that he had to have one. When they did not find it initially, they kept pressing. Then they kept pressing him as to where it was, essentially why he did not have it. This went on for hours.

Finally, the suspect, frustrated at being pummeled by the police, figuratively speaking, said, ''It is 5 years, man. It is 5 years, man.'' What he was, of course, saying to the policemen was that he had gotten the message, the message of Project Exile. If he had been caught with a firearm in the commission of the crime, in this case transportation of illegal narcotics, he would get a minimum of 5 years tacked on to anything else that he ended up with.

Now, here was a, I cannot say convicted, but a suspect, someone who had been arrested, explaining it essentially to the rest of the world as to why he did not have a firearm in his possession.

At that point in time when I read that article, I thought to myself, you know, this is pretty common sense stuff. No wonder it is so hard for many of us, maybe in the Congress of the United States or in the administration, to actually come to grips with the possibility that this could work.

What we are saying to people, make it clear here, what Project Exile is saying, whether it is in Richmond, or now in Denver, Colorado, or in the other places that my colleague mentioned, what we are saying is if you use a gun in the commission of a crime or if you are in possession of an illegal firearm, you are going to look at hard time and you are going to look at a minimum of 5 years, and you are not getting out of it.

Lo and behold, when you put this into effect, surprise, surprise, levels of gun violence begin to go down. They have gone down in Virginia; they are going down every place else where this has been put into place. So it is not theoretical. This is empirically proven to work. Again, it is such common sense stuff that you wonder why people have not really kind of warmed up to it.

I wonder certainly why some of our colleagues from the other side today were so adamant in their opposition to it. I wondered why, frankly, as I was driving over here, I heard on the radio that the President of the United States referred to this bill, to the passage of it today, as a cruel joke. A joke.

Well, let me tell you what the joke might be. It just may be, Mr. Speaker, that we have a joke being perpetrated on the American public. But it is not this bill. Let me tell you what that joke may in fact be.

□ 1930

It may be the allusion to a desire on the part of the minority party and on the part of the President of the United States to actually have something work, to actually get to a solution; not the ultimate solution, of course. I am sure, even if we put this in place in every city in America, that there would still be some aspect of gun violence, but this is a positive step that we know works.

Why would we be opposed to this? Why would we refer to it as a joke if in fact we really want a solution? But maybe, just maybe, that is the joke, that some people in this body and maybe even the President of the United States in fact do not want a solution, they want an issue to continue to debate into the campaign. If that is true, it is a cruel joke.

But I will tell the Members what this bill is not: This bill is not a joke. This bill provides financial support to communities all over the country to do something about gun violence.

Mr. EHRLICH. The gentleman's point is very well taken, Mr. Speaker. It may not just be the agenda of the left. That may be the reason they do not like Project Exile, because to the extent Exile works it takes some steam away from their true agenda, which is gun control. Reasonable people will agree or disagree on gun control, but we are talking about crime control.

So I think the gentleman's point is very, very well taken and well articulated.

Mr. Speaker, I love the way the gentleman found out about it, because we have all found out about it through the press, because they have done a pretty

good job in publicizing Project Exile. What I like is the multi-tiered approach. We start out federally but go to State legislatures, ask them to pass laws, which is what today's bill is all about. If we do the right thing, there are the dollars, so resource is really not an issue.

What struck me about Richmond is the lack of ego of State prosecutors and Federal prosecutors. They work together. They divide up the case. They sit down on a weekly basis and divide up the cases as a function of which bad guy is going to get hit hardest in which system; a terrific idea, a lot of common sense.

Probably the best part of Exile is the private sector. It is not government money that funds the communications effort, it is the people whose livelihoods depend upon safe streets. It is asking them to invest in their own communities, what the merchants in Richmond, Virginia, and now all over the country and in Denver have done, come up with the dollars, put their money where their mouth is, fund the communications effort in order to educate that relatively narrow group of bad guys who have guns, who shoot other people, who make us less free.

Is this not a great idea?

Mr. TANCREDO. If the gentleman will continue to yield, Mr. Speaker, it is such a good idea and so bipartisan in its original intent that in Colorado, actually, and this is another interesting point, Mr. Speaker, the President of the United States today, as I say, called this a joke. Yet it is in fact his U.S. Attorneys who have put this in place in Richmond, Virginia, and in Denver, Colorado, attorneys appointed by this administration who do not believe that it is a joke, who believe that it is in fact a very good program.

When we inaugurated this in Denver, I was there. I was invited to participate in the kickoff of the program. On the stage were a lot of individuals, but just let me name two. One was Jim Brady and one was Wayne LaPierre, the head of the NRA, and Mr. Brady, of course, the unfortunate victim of an assassin's bullet who now, of course, is doing everything possible to bring about gun control legislation. Both of them were on the podium supporting Project Exile.

Mr. Speaker, I wonder if the President would actually consider going to Mr. Brady and telling him that Project Exile is a joke. I doubt it. I doubt that he would do that, because in fact we know that this is not a joke. This may in fact work.

Mr. Speaker, here are the Federal laws on guns. Here are the Colorado laws on guns. The point I make here, Mr. Speaker, is that it is not a lack of inventory that is the problem. I am not saying that maybe other gun laws would not be necessary. I am not saying that. I have actually voted on this floor, I have voted for other gun laws. I voted for the juvenile justice bill. Actually, it went down. I voted for it. I believed that those would be positive steps. So I am not telling the Members that nothing is necessary.

However, I am saying that no one could suggest for a moment that it is a lack of gun law inventory that is the problem, that is causing all of the problem in America with regard to gun violence. It has been a problem with regard to enforcement. That is where we are. That is where we are coming down with this issue of Project Exile. We are telling people that we are in fact going to begin to enforce the laws on the books; again, a very logical, commonsense approach that is no joke.

Mr. EHRLICH. The President's words are profoundly disturbing, but when we are a press release politician, of course, the act is done when the press conference is over. Forget about the laws. I could do the same pile of papers in the State of Maryland, and I am sure all my colleagues could do with their respective States.

I think the gentleman's point is so well taken. I hope the President did not mean what he said, because, as my colleague rightfully points out, many, not all, not in Maryland, but many of his U.S. Attorneys, particularly in Richmond, were the driving force behind Project Exile.

Just as a bottom line, when we think about it, we take a situation where egos do not matter, unbelievable in this town, but we force people to cooperate. Who cares who gets the credit. It is the bottom line, the bad guys. So we take egos and put them aside.

Then we target not nonviolent criminals, not even some violent criminals, but we target the most dangerous, people who shoot other people; a rather narrow group as we know, recidivists all, usually. So we target that particular group.

We ask the business community to fund it. We ask the State legislature to pass the laws. We give the resources, as we did today with our Federal bill, to local prosecutors to let them do what they wish with these extra dollars. And what do we get? Safer streets. Look at the dramatic numbers. Look at the results.

It may not be the agenda of some Members in this Chamber, and that is a philosophical orientation. We can debate that until the cows come home, and I am sure we will. But at least let us agree that Exile works. Let us fund it and let us pass it.

I yield to the gentleman from Colorado (Mr. TANCREDO) for a few final words.

Mr. TANCREDO. I sincerely appreciate my colleague's willingness to bring this point to the attention of our colleagues here, and hopefully to the general public, because this is one of those things that needs greater exposure.

People have to understand what was done today, what was the purpose of this legislation, and what we hope to achieve based upon what has in fact happened where Project Exile has been put into place. Yet, it has been with the support or actually the inspiration of, the idea came from members of the administration who are now acting in the capacity of U.S. Attorneys.

I give them full credit. There is no pride of authorship here. I did not come up with the idea of Project Exile. I wish I had. I did not. I simply am a supporter. A Democrat U.S. Attorney in Colorado held an event that I went to and gave as much support as I possibly could, because it works, because the concept is good.

Again, it is not the only thing we can do, but it is an insult to suggest that this piece of legislation today is anything but an honest attempt on the part of the Members of this Congress to deal with the issue of gun violence in America.

Mr. EHRLICH. I thank my friend. Mr. Speaker, there is no pride of authorship here, just enthusiasm for what works.

Today, Mr. Speaker, six States in this country will qualify for these dollars. Unfortunately, my State, Maryland, would not. Hopefully my General Assembly next session, in the 2001 session of the Maryland General Assembly, will pass the laws needed to qualify for these dollars so Project Exile can be implemented in Maryland and in Colorado and all the States in this great Union.

TRIBUTE TO THE LATE CHEVENE BOWERS KING, A GREAT GEORGIAN

The SPEAKER pro tempore (Mr. SHERWOOD). Under the Speaker's announced policy of January 6, 1999, the gentleman from Georgia (Mr. BISHOP) is recognized for 60 minutes as the designee of the minority leader.

Mr. BISHOP. Mr. Speaker, I am honored and humbled to have the opportunity today to take this time with some of my colleagues to pay tribute to the life of a good and a great Georgian, the late Chevene Bowers King.

On last Monday, April 3, this House passed a measure, Senate bill 1567, which designated the United States courthouse located at 223 Broad Avenue in Albany, Georgia, as the C.B. King United States Courthouse.

Oh, what a wonderful tribute, what a tribute to a life that has been given in unselfish service for so many people.

Someone wrote the poem:

GOOD TIMBER

''A tree that never had to fight
For sun and sky and air and light,
That stood out in the open plain
And always got its share of rain,
Never became a forest king,
But lived and died a scrubby thing.

A man who never had to toil
By hand or mind in life's turmoil,
Who never had to earn his share
Of sun and sky and light and air,
Never became a manly man,
But lived and died as he began.
Good timber doesn't grow in ease;
The stronger winds, the tougher trees.
The farther sky, the greater length,
The rougher storm, the greater strength.
By wind or rain, by sun or snow,
In trees or man good timbers grow.''

Chevene Bowers King was a man who was great timber, he was good timber, and the legacy that he left in his beloved Southland is one that will be enjoyed and revered and remembered for many, many years to come.

When we talked about introducing the bill to name the courthouse after C.B. King, it was interesting that there were four chief cosponsors, two of them United States Senators from the State of Georgia, Senator PAUL COVERDELL, Senator MAX CLELAND, and two of them House members from the State of Georgia, the honorable gentleman from Georgia (Mr. LEWIS), and myself, SANFORD BISHOP. We introduced bills in both houses to designate the courthouse on Broad Avenue in Albany, Georgia, the C.B. King United States Courthouse.

How ironic it is that two white U.S. Congressmen, perhaps the descendents of slave owners, and two African-American Congressmen, perhaps the descendents of slaves, were able to come together with a common history in our beloved South to give tribute to a man who brought the races together and who helped to break down the walls of racial discrimination.

Just as Robert Benham, Chief Justice of the Georgia Supreme Court, wrote a letter in support of legislation to name the courthouse, he described C.B. King as ''A man who proved to be all things to all people. His vision, innovation, brilliant legal reasoning skills, compassion, and courage led to reforms that impacted not only the good people of the State of Georgia, but the entire Nation.''

He felt that it was fitting that a Federal courthouse is named in his honor. ''His leadership and legal mastery in several landmark cases established a groundwork for school desegregation, voting rights, and jury selection reform. He worked tirelessly to promote equal access to employment, health care, public facilities, and services on a national level.''

□ 1945

There is no finer example of professionalism, he said, than C.B. King, extremely competent, a public servant, community activist, led the fight for the rights of all people; an organizer, a participant, an attorney for the Albany Movement. The Albany Movement was a series of demonstrations and sit-ins held during the early 1960s designed to help end discrimination and segregation in South Georgia and throughout the South.

Dr. Martin Luther King viewed the Albany Movement as a pivotal campaign in the civil rights movement. C.B. King was Dr. Martin Luther King's lawyer, his trusted friend, his confidant. C.B. represented many noted leaders who were forerunners in the fight for equality; and as a result, he motivated countless minorities and women to become part of the noble legal profession.

His shining example has inspired lawyers and judges everywhere. So I am just honored and humbled that I am able to come today to stand here in these hallowed chambers to pay tribute to a man who not only touched my life but touched the lives of so many others across Georgia and across this Nation.

I have been joined by one of my colleagues who knew C.B. as I did, the honorable gentleman from Georgia (Mr. LEWIS). In a moment I will yield to him after I make a few more brief comments about C.B.

Chevene Bowers King was born October 12, 1923, in Albany, Georgia, the third of eight children of Clinton King, owner of an apparel shop and supermarket, and Mrs. Margaret Slater King. He attended Mercer Street Elementary School and Madison Street High School in Albany, Georgia, and after graduation he attended Tuskegee University and then he enlisted in the United States Navy.

After his 3 years of service in the Navy, he enrolled at Fisk University where he earned his bachelor's degree in political science. Pursuing his education further, he attended Case Western Reserve University School of Law in Cleveland, Ohio. He attended Case Western Reserve because for a young black college graduate in the South, there were no law schools for him to attend. So he had to go North.

He went to Case Western. He graduated from law school, but unlike so many who fled the South, C.B. was committed to returning to his homeland to make a difference, to try to break down the walls of discrimination and the racism that inhibited the growth and development of millions and millions and millions of young people. So he returned to Albany, Georgia, and he started up the practice of law.

He married Carol Roumain and he had a family; four sons, Chevene, Jr., Kenyan, Leland, Clennon, and a daughter, Peggy.

C.B. practiced law for many years, and he truly made a difference.

The kinds of cases that C.B. handled are the kinds of cases that inspired us and that ultimately transformed the South from a land that was dreaded to a land of opportunity and a land which now leads the Sunbelt in these United States. C.B. is remembered, perhaps, most for his legal activism in the South. He became the leading civil rights attorney in southwest Georgia, being only one of three African American lawyers in the entire State of Georgia. He worked closely with the local chapters of the National Association for the Advancement of Colored People and was a cooperating attorney with the NAACP Legal Defense and Educational Fund.

His work spanned the entire range of civil rights litigation. He handled school desegregation cases. He was a lead attorney in the school desegregation cases in Dougherty County, in Georgia, in Muscogee County in Georgia, in Colquitt County in Georgia. He was one of the earlier manifestations of the need for political involvement by African Americans, and he led the fight to ensure the right to peaceably assemble and to demonstrate. He led the fight to allow African American voters and candidates for office to not be subjected to unconstitutional segregation and discrimination, whether it be on the registration being denied the opportunity to register to vote or being forced to vote in separate voting booths.

C.B. led the fight for voting rights and political rights. Not only did he lead the fight in terms of voting, in terms of desegregation, but he also, in the halls of justice, saw injustice when women and African Americans were denied the right to serve on juries. So he went into the Federal courthouse in Albany, Georgia, and attacked these matters. As a result of several of these jury discrimination cases, in Mitchell County, Quitman County, Dougherty County, Terrell County, Baker County and indeed in the Federal court system there in the Middle District of Georgia, he led and successfully opened the opportunity for blacks and for women to serve on juries.

Of course, it is interesting that he also expanded his civil rights struggle to block discrimination in employment, particularly public employment. The city of Albany, he handled that case. He was known as a legal scholar. He was an excellent orator. He had a royal presence, and he brought an intensity to the civil rights movement. I am just honored and delighted that this House and this Nation has finally recognized the legacy and the contribution of this great Georgian.

Mr. Speaker, at this time I yield to my colleague, the gentleman from Georgia (Mr. LEWIS), a son of the South, a product of the civil rights movement, who knew C.B. King as I did on a personal basis and who has personal experiences and a personal legacy that he can relate regarding C.B. King. At this time I would like to yield to the distinguished gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend and my colleague, the gentleman from Georgia (Mr. BISHOP), for yielding and for bringing to the attention of this body and to

our Nation the life and times of C.B. King.

C.B. King possessed a gifted legal mind. He was an amazing member of the bar. C.B. King combined a flair for words with the unique ability to talk to people from all walks of life. He could give simple legal advice to a poor client and a minute later force a judge to dust off his dictionary. Along with other lawyers in his staff like Fred Gray of Montgomery, Arthur Shores and Peter Hall of Birmingham, and Jack Young of Jackson, Mississippi, C.B. King used his gift to bring about a nonviolent revolution under the rule of law.

In the struggle for civil rights, even the shield of law was often not enough. Despite intimidation and the attacks, C.B. King refused to retreat from his principles. When a cane-swinging Albany sheriff split his head open for showing up at the local jail to meet a client, C.B. King refused to back down. When his pregnant sister-in-law lost her child after being slapped and kicked by police during a protest in South Georgia, C.B. King refused to back down; and when his brother Preston King was forced to flee the country rather than be unjustly imprisoned, C.B. King refused to back down.

C.B. King came by his resolve honestly. He often compared his father's determination to that of Hannibal, the general who led his troops on elephants across the Alps. Like his father, C.B. was driven and he paid little mind to long odds.

In 1970, I recall C.B. King became the first black person since reconstruction to run for governor of Georgia. I had the great honor of hosting a fund-raiser for him that summer in the backyard of my home. C.B. King did not win the governor's office but he did win hundreds and thousands of followers and friends, and C.B. King understood that one had to plow the field before they planted the crop.

C.B. King plowed that field and the seeds of change were sown in his wake. Today I stand as a Member of Congress with my colleague, the gentleman from Georgia (Mr. BISHOP), as a living legacy to his struggle. I owe him a great deal of gratitude. I think we all do. So tonight I must thank my colleague, my friend and my brother, the gentleman from Georgia (Mr. BISHOP), for offering the legislation to name a courthouse in honor of C.B. King.

C.B. King would be very proud of the gentleman from Georgia (Mr. BISHOP) and the way he represents the good people of South Georgia. So it is fitting that the gentleman leads the effort to honor this legend of the Georgia bar, this humane and good man that helped to make our Nation a different place, a better place. I can think of no better tribute than to name a courthouse in C.B. King's honor.

The mention of C.B. King's name once prompted an undertaker who was busy burying one of C.B.'s brothers to pause, look down at C.B. King's simple headstone and a family plot and say, ''He was something else.''

I have to admit I could never have said it any better because he was something else.

I thank my friend, the gentleman from Georgia (Mr. BISHOP), for holding this special order.

Mr. BISHOP. Mr. Speaker, I thank the gentleman from Georgia (Mr. LEWIS), my good friend and a friend of C.B. King. I found it so very interesting that the gentleman and I, both natives of Alabama now residents of Georgia and Georgia citizens, have now begun to live out the legacy of C.B. King.

Interestingly enough, for C.B. fighting for voting rights, for the end of segregation in voter registration, the end of segregation in the voting booths in Georgia, South Georgia in particular, that was not enough for him. He thought that the transformation could not just stop at the courthouse doors. So as the gentleman pointed out, he demonstrated for us that it was possible for us to run for office.

He ran for President in 1960 and he ran for governor in 1970, and in 1964 he ran for Congress in the Second Congressional District, the seat that I now hold. It is also interesting that at the same time C.B. King was contesting the Georgia primary in 1970, one of his opponents was Jimmy Carter, who was then running for governor. C.B. did not win the primary. Jimmy Carter ultimately did and became governor, but there were hundreds of thousands of people all across the State who gained a new respect for C.B. King and for the fact that there was an articulate orator, eloquent, debonair who could use polysyllabic words in a way that none had been heard on the campaign stumps in Georgia. When he did his televised debate, we all were proud knowing that perhaps he would not win but he represented us well. So he planted the seed for us that, yes, one day it is possible that we might not only run but we might win. For that, we all owe C.B. King a debt of gratitude.

□ 2000

I was contacted by a constituent after the naming of the courthouse where C.B. King was introduced and it appeared in the press. I received afternoon e-mail from a constituent who was very irate, who just did not think that it was appropriate for that courthouse to be named after C.B. King.

I was struck, but then I understood that, perhaps, there are so many in our beloved State of Georgia, so many across the Nation who really do not fully understand the tremendous import of the life and career that this man had in transforming our native Georgia into the place that it is now, not perhaps as perfect as we want it to be, but certainly so much better than it used to be, better because of the life of C.B. King.

I responded to this constituent by reminding him that it was C.B. King's accomplishments, peacefully utilizing the Constitution and the laws of the United States to assure equal opportunity under the law for all Georgians regardless of race.

I reminded this constituent that it should never have been an issue, that given the course the history of slavery and Jim Crow, segregation, discrimination, the Civil Rights Movement, and eventually the successes and the acknowledgment by the courts that all Americans of all races must be afforded equal rights under the law, that C.B. King had, indeed, made a positive difference.

I raised the question, what would southwest Georgia be like had C.B. King not challenged the status quo in Federal court and forced desegregation of the public schools and many of our south Georgia school systems.

Had he not gone into that Federal courthouse in Albany, Georgia, would we ever have seen the talent of a Herschel Walker, the talent of a Charlie Ward, or the talent of a Judge Herbert Phipps who now sits on the Georgia Court of Appeals, or a Robert Benham who is chief justice of the Georgia Supreme Court.

Had C.B. King not gone into Albany's Federal court to force the City of Albany to comply with laws prohibiting discrimination in employment based on race, creed, color, religion, or sex under Title VII of the Civil Rights Act of 1964, Albany and many south Georgia municipalities would have been deprived of the talents of countless African American public sector employees, such as the current city manager in Albany or the police chief or the fire chiefs, and many, many, many others who have served in various capacities in the public sector.

This was a milestone in the history of the south. It was a milestone in south Georgia. It was the life and the efforts of C.B. King that really made it possible.

What kind of justice system would we have in southwest Georgia if C.B. King had not gone into our Federal courthouse to end the age-old practice of excluding blacks and women from serving on juries in State and Federal cases?

What if C.B. King had not been there to have our Federal courts protect the rights of citizens of all colors to peaceably assemble and petition their government, to be free of discrimination and voter registration in the voting booth and in running for office?

Indeed, I, the gentleman from Georgia (Mr. LEWIS), the gentleman from South Carolina (Mr. CLYBURN), the gentleman from North Carolina (Mr. WATT), and many of the members of the Congressional Black Caucus would

not be here serving in this body, and many thousands of others would not be serving in municipalities, on school board, in the State legislatures all across the south had it not been for the work of C.B. King.

I have been joined by the distinguished gentleman from South Carolina (Mr. CLYBURN), another of my colleagues who was a part of the movement, who even participated in the Albany Movement, who knew C.B. King, and who has gone on to, in the legacy of C.B. King, distinguish himself. He is the chairman of the Congressional Black Caucus. He perhaps, as well as any, knows, feels, experienced, and has lived the legacy of C.B. King.

Mr. Speaker, I am delighted to yield to the gentleman from South Carolina (Mr. CLYBURN), my friend and colleague.

Mr. CLYBURN. Mr. Speaker, I thank the gentleman from Georgia so much for yielding me a few moments to speak about that period in our lives that tend to mold and make us what we are today. I often reflect upon my childhood growing up in South Carolina.

I remember when I was but a teenager, when my mother, who owned a beauty shop, came one day and asked that I accompany her to the Sumter County, South Carolina courtroom because she wanted me to see some transformation taking place in our State and Nation.

When I went down that day, I had the great honor of watching in utter amazement a great South Carolinian, Matthew Perry, who was arguing a case called Nash against the South Carolina Conference of Branches of NAACP.

My mother wanted me to see Matthew Perry because she said to me on that day, ''I want you to see what you can be if you stay in school, study hard, and grow up to live out your dreams.'' I always held that day with me as I went away to college at South Carolina State University.

It was in my junior year that I was bitten by the bug that we all call the Student Movement. In the spring of my junior year, I went to Raleigh, North Carolina where I joined with other black students from all over the country in trying to fashion a response to what had just taken place in February of that year at North Carolina A&T University.

That following fall, we all met in Atlanta, Georgia. I will never forget the weekend, October 13, 14 and 15 of 1960. It was that weekend that I met the gentleman from Georgia (Mr. LEWIS), and so many others. There we were fashioning what later became known as the Student Nonviolent Coordinating Committee. Many of us on that weekend met for the first time Martin Luther King, Jr.

It was in discussions that took place there that we learned at his knee. I will never forget sitting up all night in a dormitory, I never remember the name of the dormitory there at Moorehouse College, where we sat with Martin Luther King, Jr. all night until 5:30, 6:00 a.m. in the morning, as he tried to get us to understand his nonviolent philosophy.

It was from there that many of us followed him to Albany and the now famous Albany Movement where I first had an encounter, and I did not know really who he was at the time, I now know, and of course I have known for some time, that it was C.B. King.

So when I saw that the gentleman from Georgia (Mr. BISHOP) had introduced legislation to name a courthouse in the State of Georgia in honor of C. B. King, I began to think about all of that.

Of course those of us in South Carolina, we always looked upon what was going on in Atlanta and Georgia, at those guys as being the forerunners in so much of this. But I teased the gentleman from Georgia (Mr. BISHOP) over the last few weeks about having come here with him in 1993 and having vowed when I got here that the very first thing I was going to do was to erect in my own way a memorial to that period in my life that meant so much to me and now my children and grandchildren.

I did that by introducing as my first piece of legislation a bill to name the new courthouse plan for Columbia, South Carolina in honor of Matthew J. Perry. That bill is now law. We are getting ready to break ground on that courthouse, and that courthouse is going to be named for Matthew J. Perry. Now Matthew's name is going to go on the courthouse a little bit later. C.B. King's name will go on the courthouse in Georgia.

But for the first time in our lives, I got out in front of the gentleman from Georgia (Mr. BISHOP) on something with connection with that period in our lives.

But it is important to him to memorialize the life of C.B. King in this way, just as it was important to me to memorialize the life of Matthew J. Perry. Because in that period of our history, we see a lot going on today that people sort of take for granted.

But at that period, in 1960, 1961, 1962, those men and women who took it upon themselves to represent us as we filled up the jails all over the south, many times took their own human safety into their hands.

I still remember another attorney from Columbia, Boulware. Boulware was kind of interesting. Boulware, on one instance, I think it was Greenwood, South Carolina, had to be smuggled out of town in the trunk of his automobile.

This is what C.B. King, Matthew J. Perry, and many others across the south, practicing attorneys had to endure in order to lay the groundwork that eventually led to many of the court decisions that eventually brought many of us here to these hallowed halls.

So to be here this evening to participate in this special order is something that I find very, very satisfying to me, because it tends to bear out a little admonition that my mother laid on me when I was about 12 years old when I was saying to one of her customers in the beauty shop, it was a long-time family friend, what I wanted to be when I grow up. I told that young lady on that day about my dreams and aspirations to be involved in the body politic of South Carolina and this Nation. On that day, that lady said to me, ''Son, don't you ever let anybody else hear you say that again.''

On that evening, my mother said to me, as she brought me to the kitchen table and told me not to pay any attention to what I had been told in the beauty shop that day, for me to hold fast to my dreams. As I later read from National Views, ''For if dreams die, life is a broken winged bird that cannot fly.''

□ 2015

I held to those dreams. And with my mother's love, my father's support, that of family and friends, and with the hard working sacrifice of the C.B. Kings of the world, I was able to get here as a Member of this august body.

To have this courtroom, this courthouse, named for C.B. King, as we are doing in Columbia for Matthew J. Perry, these are living memorials to a period in our history that makes this country get closer to living out its great dream for all of us, to fulfill all that we can be.

So I am pleased to be here tonight to participate in this special order, and I thank my good friend, the gentleman from Georgia (Mr. BISHOP), for having the wisdom and the fortitude to honor this giant among men, C.B. King, in this way.

Mr. BISHOP. Mr. Speaker, may I inquire as to how much time we have remaining?

The SPEAKER pro tempore (Mr. TANCREDO). The gentleman from Georgia (Mr. BISHOP) has approximately 22 minutes.

Mr. BISHOP. Mr. Speaker, at this time I am delighted to yield the gentleman from North Carolina (Mr. WATT).

The gentleman from North Carolina, as I was in my life before coming to Congress, was a practicing attorney. In fact, we both were civil rights attorneys. We both shared an experience as Earl Warren Fellows of the NAACP Legal Defense and Education Fund. In that capacity, we attended biyearly conferences where we were studying the recent developments in civil rights law.

The gentleman from North Carolina, of course, was with one of the most, if not the most, prominent civil rights law firm in Charlotte, North Carolina, Chambers, Stein, Ferguson and Lanning. And I, of course, was in Georgia, after leaving New York, practicing there in Columbus, Georgia.

I met the gentleman during those years, 1971–1972. All up through the next 10 years we would run into each other at least twice a year as we labored in the vineyards of civil rights litigation across the south, and as we came to Airlie House in Warrenton, Virginia to meet with stalwarts like C.B. King and Julius Chambers. The gentleman from North Carolina knew C.B. as I knew C.B., and I am delighted to yield to him.

Mr. WATT of North Carolina. Mr. Speaker, I want to put a slightly different spin on this this evening, because I was wondering, when they write the history of the 20th Century, what will they write? When they write the history of the Civil Rights movement, what will they write?

They, obviously, will write about Martin Luther King and Fannie Lou Hamer and the tremendous sit-ins and the movement. But I submit to my colleagues that if they write an accurate history of that period, they will write about Thurgood Marshall and Jim Nabrit at the NAACP Legal Defense and Education Fund; they will write about Julius Chambers and James Ferguson in Charlotte, North Carolina; they will write about Matthew Perry and Ernest Finney in South Carolina; they will write about Avon Williams in Nashville, Tennessee; they will write about Don Hollowell and Howard Moore in Atlanta, Georgia; and Jack Young in Mississippi, and Arthur Shores and Fred Gray in Alabama; and, of course, they will write about C.B. King in Albany, Georgia.

Everybody that I have named, almost one black lawyer per State, maybe two in some instances, were the people who were not always participating in the sit-in demonstrations because somebody had to be out there available to go and make the legal arrangements to get those people out of jail after they got locked up. They had to represent the demonstrators. They had to be in the courtrooms after Brown versus Board of Education said ''You shall desegregate the schools with all deliberate speed.'' And the deliberate speed took 10 years and 15 years.

These lawyers had to be showing up in court to convince southern jurors and southern judges, who did not want to implement what the United States Supreme Court had said in Brown versus Board of Education. They wanted it to take place with the kind of ''all deliberate speed'' that would have still had us trying to desegregate the schools today. But these lawyers, these fearsome lawyers, were in there fighting for justice. Quietly sometimes. Sometimes with very soft voices, as Julius Chambers always had. Sometimes with that big bass voice, like C.B. King, who could just as well have been a Southern Baptist preacher with a booming voice like that.

That is what I remember about this man who was about the size of the gentleman from Georgia (Mr. BISHOP). He was not a big guy, but he had that big magnificent voice. And he had a sense of timing and understanding of what was needed in the Civil Rights movement, and no less commitment to change than any of the people who were demonstrating in the streets. But the knowledge that he had, the skills and training and education, would make our legal system and the laws live out the promise that the constitution had committed to us.

And all of these wonderful lawyers, Julius Chambers, James Ferguson, Matthew Perry, Ernest Finney, Avon Williams, Don Hollowell, Howard Moore, Fred Gray, C.B. King, all of them had one thing in common: They would stand before a judge, sometimes be called all kinds of names that we dare not mention in this chamber today, but they would stand firm in the eye of the legal storm that was taking place. They would strategize. They would always be there.

So it is from that angle that I give my high tribute to all of these wonderful people, the lawyers whose story may never be written, certainly will never be written in an adequate fashion, because they were the people behind the scenes. But for these brave people, the Civil Rights movement and the changes that we have experienced, indeed our very presence here in this Congress of the United States, would never have occurred.

I commend my colleague for doing this special order. I commend the gentleman from South Carolina (Mr. CLYBURN) for his tribute to Matthew Perry. I commend the gentleman from Georgia (Mr. BISHOP) for his tribute to C.B. King and for naming these buildings for them. And I hope that we will give them the kind of justice they are due when the history books are written about the 20th Century and the Civil Rights movement.

Mr. Speaker, I yield back to the gentleman.

Mr. BISHOP. Mr. Speaker, I thank the gentleman from North Carolina (Mr. WATT), Lawyer WATT.

I truly can say that the Matthew Perrys, the Donald Hollowells, the Avon Williamses, the John Walkers in Arkansas, the Jack Ruffins of Augusta, Georgia, the Horrace T. Wards in Georgia, all of these have been inspirations to us. The late Tom Jackson of Macon, Georgia. They were dignified. They were fearless. They were courageous. They were intelligent. They were lawyers' lawyers. They were committed to upholding and defending the dignity of the common man, the black man, the black woman, the disenfranchised. They were true advocates. And for them, and the likes of C.B. King, we are grateful.

Mr. Speaker, I am happy to yield to the distinguished gentlewoman from Houston, Texas (Ms. JACKSON-LEE), who was also an Earl Warren Fellow, and who grew in the legacy of these great legal giants like C.B. King; and who, like those of us who have spoken before her this evening, are living the legacy of their hard work.

I am delighted to yield to her to hear her perspective on this great legal giant Chevene Bowers King.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman from Georgia (Mr. BISHOP), Mr. Speaker, and I would say to him and to the gentleman from Georgia (Mr. LEWIS), and to the gentleman from North Carolina (Mr. WATT), and to the gentleman from South Carolina (Mr. CLYBURN) that as the gentleman has called the role, C.B. King is smiling.

He is smiling, I say to the gentleman from Georgia (Mr. BISHOP), because the gentleman has come to this place, these hallowed halls and, as he C.B. King has watched the gentleman legislate, as he has watched the gentleman advocate, he is smiling to see that, in the tradition of a lawyer's lawyer, the gentleman has made his work to be not in vain.

□ 2030

I thank you for your leadership. I thank you for honoring C.B. King, both in terms of a fixed memorial in Georgia and for this special hour.

I had the pleasure of being one of the beneficiaries, as so many who are unnamed and who are not here, of the kind of legal activism of a C.B. King, so I could not miss this opportunity to cite him as one of the soldiers who complimented the activism of a John Lewis and a Martin King.

I marched with the gentleman from Georgia (Mr. LEWIS) in a re-commemoration of the Selma to Montgomery march. The marches I had were slightly different from those that were experienced by Martin King and John Lewis and Jose Williams and many others of the SCLC and SNCC. We engaged in the Black Student Movements in the institutions in the North throughout the 1960s and the 1970s.

I think the specialness of why we salute C.B. King is because their work in the courts was universal to all of us who advocated through agitation. I think it motivated all of us who were given the opportunity to go on to college, and then choose a way of acting out this activism, to choose law school and, out of the opportunity, to see and admire those heroes in the courtrooms in the days when it was not as light as the times that we may have gone, who

established the precedent upon which we could argue our cases.

Mr. Speaker, I am reminded of my activism on death penalty cases, being able to use the old civil rights laws or the cases that many had already plowed ahead. This is a special time to honor C.B. King. He is not an unknown hero. He is part of that cadre of men and women we should be repeating time after time in our schools and in our celebration and commemoration of Black History Month. These were the mechanics, the intellectual mechanics, these who fixed things and put them back together again.

They were fearless. They were articulate. They stayed up long hours. They were paid few dollars. Their hearts and their minds were strong.

On this coming Sunday, April 16, it will be Census Day in Houston, Texas, Census Sunday, in fact. And I will spend my time encouraging our churches and those who gather in them the value of being counted, the value of acknowledging that you are somebody, the value of saying to the United States of America we need to be counted. We are claiming our birthright and claiming our rights and our responsibility as a citizen, and we will act upon it.

Why is that relevant to C.B. King? It is relevant because C.B. King was part of the mechanics to translate what one person, one vote truly meant. He is part of the mechanics of allowing us to assemble peaceably, to partition against segregation, to allow us to vote freely and to speak upon who we want to represent us. C.B. King would be proud if we got ourselves counseled, for he is well aware that approaching in the year 2000, we will be looking ahead to see whether or not these seats, of which all of us hold from the South, all creatures of Thurgood Marshall and C.B. King and Julius Chambers and Horace Ward and so many others, all creatures of this whole concept of the Voting Rights Act and redrawing of the lines, to ensure there is one vote, one person.

Would it not be a tragedy in 2001, similar to 1901, 100 years ago when Congressman White stood in this very place as he was drawn out of the United States Congress, the last African American Congress person to have come through the reconstruction and to stand here in these chambers, but he said to this very hollowed body, the Negro will rise like the phoenix. Although, this is my last opportunity to debate, my last opportunity to be representative, the Negro would rise like the phoenix.

To C.B. King, I owe him much. I owe his mother and his father who trained him well. I owe the fact that he left Albany, Georgia, and went on to Case Western Reserve Law School, but he came back home. I owe the fact that I had the honor of working for the Southern Christian Leadership Conference as a young college student. I came to Albany, Georgia, to continue part of the Albany Movement that was still going on in the 1970s, to press for the right to vote and the right for individuals to choose their elected representatives.

This evening as we honor these heroes, I would like to accept the challenge of the gentleman from North Carolina (Mr. WATT), the gentleman from Georgia (Mr. LEWIS), I would like us to chronicle the numbers of heroes who use the law in the courtroom as the gentleman from Georgia (Mr. BISHOP) has done for us this evening, maybe we can collaborate and get all of these individuals who silently worked, starting with Thurgood, who we well know, but there are others who quietly worked in the 1940s, who we may not even have knowledge of them, to be able to say that they truly took the law, the tools that were given them, and did not use them selfishly or for personal self aggrandizement, but they used them to free a people. America is a better place because they worked to make us free.

With that, I thank the gentleman from Georgia (Mr. BISHOP) for giving me the courtesy of allowing me to salute a gentleman that I admired greatly and that I tried among others to emulate as I got the skills of a lawyer. I hope we will be able to honor them more and more.

Mr. Speaker, I rise tonight to pay tribute to Chevene B. King an outstanding man and distinguished attorney. As a participant in the Earl Warren NAACP Legal Defense and Educational Fund training program, I am honored to inform the American people of a man who championed civil rights and carried the movement into the political arena.

Chevene Bowers King was born on October 12, 1923, in Albany, Georgia, the third of eight children of Clennon W. King, the owner of an apparel shop and supermarket and Mrs. Margaret Slater King. Mr. King attended Mercer Street Elementary School and Madison Street High School in Albany. After graduation he attended Tuskegee University for a year and then decided to enlist in the United States Navy. After three years of service, Mr. King left the Navy and enrolled at Fisk University where he earned his bachelors degree in Political Science.

Pursuing his political education, Mr. King attended Case Western Reserve University, School of Law in Cleveland, Ohio. After law school he became a pre-eminent civil rights attorney in southwest Georgia, working with other African American lawyers from Atlanta, Macon, and Savannah. He worked closely with the local chapter of the NAACP, and was a cooperating attorney with the NAACP legal Defense and Educational Fund.

His accomplishments and work spanned the entire range of civil rights from school desegregation to the Voting Rights Act. He represented African American voters and candidates for office in the struggle against at the time unconstitutional segregation and discrimination. He led the way in making the basic right to serve on juries a reality in rural Georgia by bringing a series of lawsuits that exposed the discriminatory practices that had continued for more than 100 years after the U.S. Supreme Court first held that discrimination in the selection of jurors violated the Fourteenth Amendment.

When the civil rights struggle secured the ability to work in America free from discrimination, Mr. King fought to ensure that this right was enforced. Mr. King brought a number of actions to enforce the provisions of Title VII of the Civil Rights Act of 1964 and to provide equal job opportunities for African American workers.

Mr. King was known as a great scholar of jurisprudence and a superb orator. His regal demeanor in the courtroom brought a thoughtful and tranquil specter to the meaning of the civil rights movement. In the tradition of men like Charles Houston, Thurgood Marshall, and William H. Hastie he approached the practice of the law with activism and a commitment to excellence in legal scholarship. Because of his reputation he was counsel to Dr. Martin Luther King, Jr. Elijah Muhammad and the Albany Civil Rights Movement of the early 1960's.

In 1960, Mr. King ran for President of the United States and for governor of Georgia in both cases as a write in candidate. In 1964, with utter determination he ran for the congressional seat of the 2nd District of Georgia.

For his courage and commitment to civil rights he received the N.C.B.L. Lawyer of the year Award in 1975, A.T. Walden Library Award in 1977, and the L.S.C.R.R.C. Pro Bono Public Award of the State of Georgia. On March 15, 1988, Mr. King passed away at the age of 64 survived by his wife, Carol Roumain, and his four sons, Chevene B. Jr., Leland, Clennon, and his daughter Peggy.

In closing, I am reminded of the great quote by President Theodore Roosevelt,

> The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs and comes short again and again, who knows the great enthusiasms, the great devotions, and spends himself in a worthy cause; who at best, knows the triumph of high achievement; and who, at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who know neither victory nor defeat.

Chevene Bowers King the American people will always remember your contributions and we shall always remain in your debt.

Mr. BISHOP. Mr. Speaker, I thank the gentlewoman from Texas (Ms. JACKSON-LEE) for her comments. As we draw this special order to a close, this hour to a close, I am just personally grateful that I had the opportunity to know C.B. King. He made a tremendous impact on my life, as did Howard Moore, Jr. and Donald Hollowell.

I remember attending law school and wondering if the courses I was taking in law school were relevant to the Movement, and contemplating leaving law school to engage in some more direct action and getting the advice and counsel that the gentleman from South Carolina (Mr. WATT) so aptly described,

that when people in the Movement are locked up, somebody has got to be there legally to get them out.

Mr. Speaker, I wanted to have a useful skill. I followed in their footsteps, went to New York with the Legal Defense Fund, went back to Georgia to do as my grandmother said, son, try to brighten the corner where you are, improve the community where you live. The South is my home. It is my native land. It is where I belong and where I will do all within my power to make better following the role models of these great giants and, in particular, C.B. King.

C.B. King really is good timber. Just like the tree that never had to fight for sun and sky and air and light, that stood out in the open plain and always got its share of rain, but never became a forest king, but lived and died a scrubby thing.

A man who never had to toil by hand or mind in life's turmoil, who never had to earn his share of sun and sky and light and air, never became a manly man, but lived and died as he began.

Good timber doesn't grow in ease, the stronger winds, the tougher trees, the farther sky, the greatest length, the rougher storm, the greater strength.

By wind or rain, by sun or snow, in trees or man, good timbers grow. C.B. King was good timber. We are all better because he lived and passed this way.

Mr. Speaker, I want to thank our two senators, Senator COVERDELL and Senator CLELAND, for their commitment and their vision in introducing the legislation on the Senate side, which ultimately passed this House, which was a companion legislation to the legislation introduced by the gentleman from Georgia (Mr. LEWIS) and myself here on the House floor to name the United States Courthouse on Broad Avenue in Albany, Georgia the C.B. King United States Courthouse; what a fitting tribute.

NIGHTSIDE CHAT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, first of all, I would like to address my colleague, the gentleman from Georgia (Mr. BISHOP). Having been here for a while and listened to the remarks of the various people, I wish I would have had the privilege to meet the gentleman. That was fabulous. I thought your presentation was very, very good, and what a remarkable man. I just wanted to tell you. I thought it was terrific.

Mr. Speaker, it is time for another nightside chat from the mountains of Colorado, so to speak. As you know, my district is the 3rd Congressional District in Colorado. There are a number of different areas that I would like to cover this evening.

We have April 15th coming up, Tax Day. And I think there are a number of issues we need to talk about relative to the taxes in this country. Now, look, this is not going to be a horse and pony show. What is important here is to talk about substantive changes, changes that you can take to the bank that have occurred under the Republican leadership.

Mr. Speaker, I can say that tonight it is not my intent to get into a partisan battle with my colleagues, but clearly when it comes to taxes, that is one of the distinguishing elements between the Democratic party and the Republican party.

I would like to go through a few of those elements. Now, again as I said, it is not an attack, but it is a statement to clarify and to highlight what the differences between the parties are when it comes to many of these tax issues. By the way, I want to go through the tax issues, then I would like to cover a little on some of the education issues. Of course, we can mix all of that.

If we have an opportunity this evening, I would like to talk with my colleagues about the jobs and the economy. These jobs, even though we have a very healthy economy today, we cannot ignore the fact that to survive tomorrow, to keep our jobs strong in this kind of an economy, we have to work on our education. We have to have the best education.

This world that we are in is going to become very, very competitive in the years ahead. Fortunately, one of the finest tools you can get your hands on, the United States has it, and that is that next generation behind us.

On a regular basis, I have many high school students through a program called Close-up and 4H programs, programs like that, excellent programs. I will tell you they come into my office, they visit with me, I give them an opportunity to ask questions. These kids are bright. If we can give them the educational opportunities that they need and that they deserve and that this country needs to preserve its status as the only superpower in the world, we are going to be in pretty good shape, but it is a challenge we have to take. I am going to talk a little bit about that.

If we have time, I would like to talk a little about Microsoft, my feelings on the Microsoft judgment that came down.

RELIGIOUS HYPOCRISY

Mr. MCINNIS. Mr. Speaker, I do want to begin this evening with a little concern I have about some hypocrisy that I think has probably gone on. As many of you know, in the last few weeks, we have had some verbiage, I guess you would say, some talk around the Capitol about the issue of Catholics. I am a Roman Catholic. I am no saint, obviously, but I know something about the church.

I also know that the Roman Catholic Church, it does not matter what color you are, it does not matter what your nationality is. There are Catholics throughout the world. In the last few weeks, there has been kind of a focused effort, primarily from the Democrats, saying that for some reason the Republicans are biased against Catholics. Obviously, you can take a look at that comment on its face, and you know that it is typical political rhetoric during an election year.

I thought it was especially pointed to note, not very many months ago, I stood up here in front of my colleagues and I asked for the support in condemning a museum in New York City that decided to put up a showing of an art piece called Sensation.

□ 2045

It was a painting, a portrait or some structure, of the Virgin Mary.

Now, in the Catholic religion the Virgin Mary is a very sacred symbol in our church. What happened is this museum allowed, with taxpayer dollars, allowed this exhibit to be shown. What the exhibit was was the Virgin Mary with dung, or cow pie, so-to-speak, in this particular case it was elephant dung, thrown against the picture, clearly degrading, if you want to take a shot at Catholic Church degrading that religious symbol.

What was more appalling to me than this particular art exhibit was the fact that the Board of Directors and other members affiliated with this museum actually stuck up for the artist and said that the artist should be entitled to utilize taxpayer dollars to degrade the Catholic religion by putting the Virgin Mary up there in a portrait that shows the Virgin Mary with crap thrown on the picture. Excuse my language, but that is what it is. It was appalling. It was amazing to me.

Come on. There is a lot of at the Brooklyn Art Museum. Why would they lower themselves to do this? It is not freedom of expression. The issue here is should taxpayer dollars be used by this museum, and then should this museum endorse that kind of degrading art towards a religion?

I want you to know that when I brought that issue up, I did not have very many, in fact, I cannot remember one, Democrat who came up to me and said, ''Boy, we are with you. You talk about bias against the Catholic religion. We feel so strongly about protecting the Catholics from bias, that we are going to join you in your criticism of the Brooklyn Art Museum.'' Not one person on that side of the aisle came up.

I think it is important, not to be overly combative here tonight, but I just want to point out, when I hear members on your side of the aisle criticizing Republicans because we had a Catholic mass last week, that somehow this is some kind after prejudice, and yet when the real test comes, when the real McCoy is out there, and that is that kind of exhibit degrading it, you sat silent. You sat silent.

If that would have been a symbol from the Jewish religion, or a Buddhist symbol, or would have been a symbol against some other type of religion in this country, I suspect all of you would have come off your hands, gone to that Brooklyn Art Museum, you would have had protests and been protesting violently, or ''strongly'' I guess is a better word. But not one. You sat on your hands when we talked about the Brooklyn Art Museum and the Catholic church and the degrading of that symbol.

So I hope this pro-Catholic, anti-Catholic stuff kind of dies down, because I am telling you, some of you that start to criticize the fact that the Republicans had a Catholic mass, I am telling you that you are not entering this with clean hands.

What needs to happen is this issue ought to just resolve itself. Let everybody in this chamber practice the religion that they wish to practice. I do not think you need to go on an attack, telling a person, whether they hold public office or not, that they are biased against one religion or another. I just do not think it is necessary.

THE BUDGET AND THE DEATH TAX

Let us move off of that issue to an issue that I think is fundamentally more important.

First we have got to talk a little about the process when we work through the budget. We have a process back here in the United States Congress called the annual budget. The President as a guiding tool for Congress proposes his own budget. Now, this is a very complicated document, as is the budgetary document that comes out of the House of Representatives. The budget is very complex. Obviously it involves a lot of money. But when we got the President's budget, of course, and I am a Member on the Committee on Ways and Means, and the Committee on Ways and Means decides the tax issues. We have the broadest jurisdiction probably of any committee in Congress. We decide the trade issues, very active in that area this year, Medicare-Medicare issues, very active in that area, Social Security issues, very active in that area.

But when the President's budget comes, we analyze that budget. We look at the fine print on that budget. We take a look and see, you know, what is in that budget that we ought to understand. Is it a wolf in sheep's clothing, what is contained in the fine print.

I will tell you what we found in the fine print, we had a lot of debate about it today on the House floor, and that is we discovered there are 84, mark this, 84 new, brand new programs, in the Federal budget under the President's budget. Eighty-four new programs.

I need to tell you, our economy is going well and our constituents are pretty satisfied with the economy. But let us do not try and throw a bunch of new Federal programs on them, because this economy may not stay strong forever.

We know if you look on an historic basis of our economy, you see dramatic shifts throughout the years. At some point in time the big boom we are having, the strong growth that we have enjoyed, it is going to turn. We know that. It is cyclical in its nature and by its nature.

So when the times are good, you have to practice self-restraint. You cannot go out and blow all the money. It is kind of like coming across a windfall of money individually in your own budget. I think it would be a mistake, personally, for you to take a sudden windfall of money and go out and spend it all, or even overcommit yourself to the future, assuming at some point in time you are going to come across another windfall of money.

This is not the time to be building up the size of the Federal Government. This is the time to start reducing the size of the Federal Government and shifting these programs to the state and local government, where accountability is much, much better, where management of their budget is much more accountable to the taxpayer.

That is why today we had some pretty heated debate. We had a very heated debate about these 84 programs. The Democrats, frankly, were trying to defend the programs. In fact, one of the arguments that came across was why do you just bring out the fact that 84 new programs are there? Why do you not bring out the good things in the budget?

Look, our job is to point out things that I think are going to create some problems. That whole budget is not bad. There are some things in that budget that are acceptable, we all know that. But we have an obligation, in fact I think we have a fiduciary responsibility to the taxpayers of this country, to go through that budget line-by-line and point out what is going to happen.

Somebody said, well, why do you bring it out? The reason we bring it out is I want all of our constituents to know that if we adopt the President's program, the President's budget, they are going to have with the signing of a pen 84 new Federal programs, in addition to what we have right now.

There is also something that I found very alarming in the President's budget. It impacts my district significantly, and I venture to say it impacts every one of my colleagues' districts significantly. Let me tell you what it is about.

The death tax. When you take a look at the Federal tax system, probably the most punitive element of our tax system, the element that has the least amount of justification, although it is followed closely by the marriage penalty, is the death tax.

What is the death tax? The death tax means that the Federal Government comes to your estate, i.e., the property left after you pass on, they come to your estate, and if your estate is valued over a certain amount of money, $650,000 or a little more than that, they then assess what in essence is a very punitive or punishing tax against your estate.

Now, mind you, this is the United States of America. This is the country where we tell our young people, go out and build a fortune, go out, and it does not have to be in money, go out and build a farm, go out and have a ranch, go out and be a great teacher, go out and find the home of your dreams. And yet when they do, if you are too successful, all of a sudden you see your own government saying whoa, whoa, whoa, you have been too successful. You actually were able to build a farm that maybe you can pass on to the next generation. We do not want that to happen. We better punish you for success.

That is exactly what the death tax is about, punishment for success. The incentive that makes our country great, that makes the capitalistic system work, is that you are rewarded for success. You are not punished for success, you are rewarded for success.

This death tax needs to be eliminated. It is in our system today. How did it get in the system? If you look back at the history of taxation, what happened was some people decided, hey, that is the way to transfer wealth. Instead of transferring wealth through the capitalistic system, i.e., you come up with a better idea, or you come up with a product, they decided we need to do it by fiat. We need to go ahead and have the government waive a magic wand and look at people and say hey, you have been too successful, so we are going to penalize you when you die. Instead of allowing your family to continue the operation of your small business or the operation of a ranch or a farm or for you to have assets, by the way, of which you have paid taxes on your entire life, these are not untaxed assets, these are assets of which you have already paid your taxes on, you have paid your fair share, and the government comes in and says we are going to transfer it.

You know, after a while it begins to bother the person who works, if you continue to transfer things of gain from the person who works and award

it to the person who does not. How long do you think a society can continue to operate if you penalize the working person and reward the person that is not working, who, by the way is capable of working? I am not talking about disabled people. I am talking about fully capable of working?

This is a transfer tax. It is a defiance of the capitalistic system. It is a tax that would have Adam Smith turn in his grave. His Wealth of Nations has a special chapter devoted to just exactly this problem in a capitalistic system.

But when we discuss the death tax, let us take a look at what the President's budget does with the death tax. The Republicans have a pretty simple proposal: The Republicans say about the death tax, let it meet its death. No pun intended. Let us strike it. Get rid of the death tax. You cannot justify it. It is not fair to the taxpayers.

When you really look at the details of the death tax, the amount of revenue that we collect is not a whole lot more than the amount of revenue that we put in, and when you take a look what the death tax does to the environment in terms of damage, and you say, wait a minute, SCOTT, you are confused. You are saying the death tax has something to do with the environment, it hurts the environment?

I can tell you in Colorado, the 3rd Congressional District, I am proud as the dickens of my district out there in Colorado, proud as punch of the district and proud as punch of the people out there. But our district has been discovered, and we have got a lot of people who want to move out into our district.

I will tell you, we want to sustain our farm and our agriculture base and our ranches out there, it is important, and that open space, beautiful, spectacular. Any of you that have skied in Colorado, you skied in my district, colleagues. You know where it is. It is the mountains, the highest district in the Nation. Many of you would love to live out there. Many of your constituents do live out there.

But what is happening, because of the punitive nature of the death tax and because of the increasing value of the property in my district, we are having families who not in their wildest imagination ever thought that the Federal Government would come in, take the ranch or the farm or the small business they put together and break it up, and break it up. Not because of antitrust, not because of some violation of the law by this family, but because that family worked too hard and they became, God forbid, successful.

So our government decides to tax it. That is why the Republicans, and there is a distinct line drawn between the parties on this, has said get rid of the death tax.

The President has made it very clear, and the vice president has made it very clear, and the Secretary of Treasury has made it very clear, the Secretary of Treasury as you might remember said about this: ''This is selfish for you to talk about getting rid of that. How selfish of you to talk about that.'' How dare you say to the government, why are you entitled?

Maybe somebody else ought to ask the government, why are you entitled to take this? What gives you the fundamental right to go into a family and take it, a ranching family for example, who for generations struggled to make this go, and, all of a sudden the property goes up in value, and somebody meets an untimely death and the government is able to take it away?

The President's and vice president's position is hey, we oppose doing away with the death tax. The reason? Well, it is unfair. It is unfair. You know, it is unfair to the government to do away with it. Not unfair to the people, but unfair to the government to do away with it.

Well, I have accepted the fact that until we have a change in administration, that Vice President GORE's and President Clinton's policy is going to continue to be to have the death tax. I was not caught off guard by that. They made their statements very clear. The Republicans have made it very clear they want to eliminate the death tax, and President Clinton and Vice President GORE have made it very clear they want to sustain, they want to keep the death tax.

□ 2100

So I was not caught off guard until I read that budget, the President's budget. I feel like they have sold us down the river on this.

Do Members know what they do with the death tax? They keep it, all right. They keep it. They increase it, they do not cross it out. They do not cross it out, they keep it. Then do Members know what they do? Look at this word: Increase the death tax. That is exactly what the President's budget does.

That caught us off guard. We knew the President was going to defend this tax, which I think is indefensible. We knew the Vice President was going to stand right by him, as he has with all the other troubles that the President has had. But we did not expect it, and I am not sure, maybe the Democratic Party expected it, maybe they knew about it in advance, but it caught us off guard.

Today several Members on that side of the aisle got very aggressive. When we brought that up, they said, why do you bring up the death tax in the President's budget? Why do Members not bring up the good programs in the President's budget? Because there are a lot of programs that are good programs in the President's budget that we may not have a problem with.

But the Republicans have a real problem with, one, the existence of the death tax, and two, the audacity of the administration through its policies, and the Vice President through his policies, to increase the death tax, increase it.

If we talk about an insult to the working people of America, come on, government. Back off. Do we want to destroy these ranches and family businesses?

It has always been a father's and mother's dreams that some day they could be in a business they could pass on to the next generation, or to the next 50 generations. We all work at that. Every one of us in these chambers think of our demise at some point in the future and we want to build something for our kids. We want to build something to give to them, whether it is a small business or something of a value to help them get a start. We all want that.

The government ought not to be stepping in there to take it away from us, and they sure as heck should not be increasing it. I would hope that every one on the Democratic side would join us on the Republican side and say no to any further increase in the death tax.

It does not take a hero to say no on this thing. It is an easy policy question. It should not have occurred.

I want to move on a little and talk about some of the taxes and the tax breaks and things we talked about.

Every time we have tax season, we hear people get up on both sides and they talk about, well, this is how much taxes have raised. It is true, the biggest bite in the history of the country, I think, or since World War II, the biggest percentage of tax bite in the country exists today. There are a lot of statistics I can tell Members about.

But what I think we need to do, I think we need to say, hey, let us face the music. Let us talk about really what kind of substantive tax changes have taken place that benefit our constituents, the people out there who are working for a living; what really have we done?

I want to take an example of what the Republicans have done. I am very proud of the Republican leadership on taxes. I can tell the Members that there has been a diversion, a red herring thrown out there, so to speak, by the Democrats talking about, well, the Republicans want to cut taxes and they are going to ruin social security, or the Republicans want to cut taxes and it is going to ruin Medicaid or Medicare, or the seniors are not going to be able to eat tomorrow. We hear all that rhetoric.

Let us, though, put the rhetoric aside. Let us talk about the differences, because it is a fair discussion. It is not under-the-belt politics, it is a fair discussion, what are the differences in taxes.

Another fair question is, since control of the House of Representatives is

going to be up in November, another fair question to ask of the Republicans, all right, Republicans, where is your proof in the pudding? What is the proof in the pudding? What have you done for the American people about taxes? What have you done?

Let us go through a few things. The one that I am probably the most proud of is the House. When we took control of the United States Congress, despite opposition from the Democratic Party, we looked out there and said, what is a reasonable tax reduction program that we can do to help the average Jane and the average Joe out there working away? What can we do to give them some help?

We sat down and we had lots of discussions about this. The conclusion we came up with is that there are a lot of people in American that own homes. Even since we had that discussion, the amount of home ownership has gone like this. What a great country. It is a wonderful country that people, most people in this country have the opportunity to own their own home.

That opportunity starts at a very young age. I have employees who owned their own home when they were in their early twenties, 21 or 22 years old. That is great news. But what happens with this house? How can we help the homeowner in this country, which are most of Members' constituents? Most of our constituents own homes out in our districts.

So the Republicans decided as a priority we should get some kind of tax relief for the homeowner. Does it amount to anything more than a hill of beans? You bet it does. You bet it does. This tax reduction that we put in place a couple of years ago is probably the largest tax break that any of our constituents have gotten in the last 20 years. It is a huge tax break if someone owns a home in this country.

What are we talking about? Let us go through a little history on this. Let me talk about the old law before the Republicans changed it. It was our leadership, and I am proud of that. Again, let me just caution, I am not trying to get partisan here, but I am describing somebody that deserves a pat on the back and a distinguishment between the parties. That is fair game, as I said.

The old law on home ownership is that if you bought a home say, for example, for $100,000, and you were in an area of growth 15 or 20 years ago, although today with the kind of economy we have we see this appreciation in value occurring at a much faster rate, but let us say over 15 or 20 years you bought a $100,000 house and you sold it for $350,000. Unless you were over 55 years of age, and even then only once in a lifetime, then you would get an exemption up to, I think, $125,000.

But what happened, you bought the home for $100,000. Let us say you are under 55, or maybe over, but you already took your once-in-a-lifetime exemption. Let us say this is a 40-year-old couple. Let us say they bought a home, using this example here, they bought the home for $200,000. They bought it 20 years ago. The years are not important, but let us just give the years for appreciation and value of the home.

They sold the home for $700,000. That means their profit on the home was $500,000. They made $500,000 on the profit of their home. Under the old law, they were taxed on the $500,000 net profit. Under the law that the Republicans passed, and we did have, by the way, support, and initially we had opposition by the Democratic leadership, but they came around when they saw it was going to be a done deal. We did have some support from some Democrats, and some conservative Democrats helped us all along, by the way.

What we did is passed a bill that goes out to couples, individual homeowners as well. It says, we are going to allow you the first $250,000. The first $250,000 of profit that you make on the sale of your home, we are going to allow you to have that tax-free. You get to put that first $250,000 per person, and now remember, most homes are owned by couples, so it is $500,000 per couple, you get to take that money, put it in your pocket, no taxes.

Under the old law, the only way one could defer the taxes, and they still had to pay the taxes, but the only way to defer the taxes was to go ahead and buy a home of at least the same cost or a greater cost than the price that you sold your home for.

So what we did is went out to every homeowner in this country, and we have said, if you have had any kind of value growth in your home and you sell that home recognizing that value growth, or in other words, you sell that home for a profit, that profit, up to $250,000 goes right into your pocket.

Mr. Speaker, my colleagues have had many of their constituents, probably, who have sold homes in the last 2 years. Members ought to go see what kind of smile is on their face because of the fact we went out to the homeowner, and it did not break the government, and despite what the administration says, it did not break social security, it did not cost us money in education, it did not impact in any kind of negative fashion the health care delivery in this country.

What it did do is it went out to people, and in most cases this is our constituents' largest asset in their holdings, is their home. We went out to their largest asset for the average American and said, look, when the time comes that you can sell that home for a profit, you get to keep as an individual up to $250,000, and you get to put it right in your pocket and walk away from the deal. If you are married, you each get to keep up to $250,000.

What else is great about this? It does not happen once in a lifetime. The old law says you get to do it once. The new law says you get to do it every 2 years. You can take the money, go buy another home, and let us say a more reasonable approach, let us say you sell a home today as a couple, you make a couple of hundred thousand dollars profit, tax-free, put it in your pocket. Let us say you go buy another home. You buy a $100,000 home. You live in that home for the next 2 years. Let us say that the economy continues to grow stronger and you sell it for $175,000, so you have made $75,000 profit.

Two years have gone by, you get to take that $75,000, which, by the way, it is your money, and you get to put it in your pocket tax-free. That is probably the most significant tax break that our constituents have received in the last 20 years. By gosh, I am proud to be a Republican and I am proud to say it was under our leadership that we got that done.

Let us talk about another tax bill that we got done out of this House, and I am confident it is going to move out of the Senate. It was done under Republican leadership, despite opposition by the administration, although now the administration says they will sign it. Why? They see the writing on the wall. It is fair. How can anyone argue against it? That is the conclusion, in my opinion, that the White House reached.

What is it? Remember some of the great things that have made our country such a superpower, a superpower in many definitions of the word? We can start it by talking about family. Family is a fundamental pillar in this country. Religion is a fundamental pillar in this country. Freedom is a fundamental pillar in this country. Education is a fundamental pillar in this country.

Let us talk about one of those pillars: Marriage. This country as a policy should encourage marriage, should encourage families. Families are what have made this country great. We have an obligation to build as strong families as we can. In the government, we have an obligation to encourage families, encourage marriage.

What did this government do? They penalized people who got married. Our tax rate in many cases was higher simply because of the fact that you were married. For no other reason besides the fact that you were married you paid a higher tax than if you were to file as two single individuals.

Is that intelligent thinking? Is that how we encourage people to go out and get married, is to penalize them for getting married? We just talked about what we do, we penalize people, their survivors, when they die. But that was not enough for this government. They had to go out and hit in the other end,

as soon as they die, and in between we are going to nail them again and again.

The marriage penalty, this House passed it. Again, I am proud of the Republican leadership. We took the lead on that. We should feel no shame in going out to our constituents and talking about the fact that we want to get rid of that death tax, that it is unfair; that the marriage penalty that we lead on, we are going to get rid of that. The homeowner tax break that we put in place, there was that. We are giving homeowners an opportunity. Those are three major pieces of legislation that have been accomplished under Republican leadership.

But we are not done. We are not done. What else happened in the last couple of years?

□ 2215

A big factor, a big thing. Almost it is somewhere pushing, I think certainly over 50 percent, but years ago not very many people owned stock in the stock market. That really was kind of a rich man's, a rich woman's, game. It was a sophisticated operation. It still is sophisticated, but really one only saw the upper echelon of our society in economic categories investing in the stock market. That has changed dramatically just in the last 10 years.

Today, Mr. Speaker, well over 50 percent of our constituents have investments in the stock market. Now a lot of them may not realize they have investments in the stock market because they own shares of a mutual fund or they do not know that their retirement monies are invested in a stock market, but they are. They also do not realize that when these investments are sold that this government has another tax they pull out of the sky called the capital gains taxation.

Where did this tax come from? Let me say, first of all, most of the European countries do not have it or if they have it it is at a much lower rate. Why? Because it does not create capital. It defies the system of capitalism. It encourages nonproduction. It encourages people to sit on their duff and not do anything because if they do do something the government comes in as a partner that did not participate much and takes a big chunk out of it, what is called capital gains taxation.

What we did in the Republican leadership, and again I am proud of it, and I do have to say there were some conservative Democrats that joined us, but frankly the Democratic leadership did not. They opposed us. They said it was a rich man's game. Well, let me say, if this is a rich man's game I have a lot of rich people in my district playing a rich man's game, and these rich people happen to be everything from stocker at the local grocery store to teachers and so on and so forth. They are not wealthy as far as an asset category is concerned. They may be wealthy in their profession and wealthy in love and so on, but this covers a lot of people.

We felt an obligation to lower that tax which at one time was 28 percent. It was 28 percent when we got our hands on it. We lowered it to 20 percent. We wanted to get rid of it but the President would not hear of it. The President insisted it stay at 28 percent. We were able to compromise. We got it down to 20 percent and it was signed into law.

Now one says 8 percent. Come on, what is 8 percent? What kind of a difference does 8 percent make? It makes a lot of difference and it makes a lot of difference to our constituents. Take 8 percent off that tax bite and that means something. Those are a lot of dollars.

I have had several constituents come up to me and say, wow, thanks. That was terrific. Know what happened when we lowered the capital gains taxation rate? We did not break Social Security. We did not cause anyone to get less delivery in health care. We did not have all of these kind of nightmare scenarios that people that are opposed to legitimate, logical tax reductions, we did not see the sky fall in, not at all.

Now let me say, some of the people who criticized some of the ideas for tax reduction, some of their criticisms are right with particular ideas. Some ideas work the opposite way. I mean, our government has to have taxes to operate. We all acknowledge that, but we acknowledge that the government ought to be accountable with those tax dollars. We think the government ought to have individual responsibility in this country and the government should not go under the days of the great society like we had under Lyndon Johnson where the government provided for everything; that they felt that the individual power and responsibility should be shifted to a central government in Washington, D.C. It was a huge failure. It was an experiment that failed.

There are some ideas that are pretty wild about tax reduction. Some people would like to have no taxes at all. Logic, your gut, your gut reaction says that is not going to work. We have to approach this in a fair and in a balanced manner. That is what we have done.

Let me again go through these tax reductions. Number one, we need to get rid of that death tax summarily. That death tax is punitive and it is unfair, and eliminating the death tax, certainly opposing the President and vice president's proposal in their budget this year to raise the death tax, to increase the death tax, is a non-starter.

I wish the vice president and the President would work towards elimination of the death tax, not towards increasing their dependence on it and hiking it up. We are going to continue that fight. With the proper changes in November, I hope we can eliminate the death tax but in the meantime we have to fight this proposed increase by the Clinton-Gore team to raise the death tax.

The second thing we have done, we repealed the capital gains tax on the sale of that home. Remember I talked about that, the capital gains, when someone sells their home we give them a $250,000 per person renewable every two years tax break. One gets to keep that income, gets to put it in their pocket.

Take a look at the marriage penalty. Out of this House we said and it was under Republican leadership, it is not fair to punish people that are getting married. We eliminate that marriage penalty tax. It is not right. I think we are going to get that to the President in the not too distant future and I think the President who originally opposed it is going to sign it.

Our capital gains reduction program, remember that we have taken capital gains from 28 percent down to 20. It was a logical move.

If one wants to see what had a major impact and boosted this economy over the last 3 or 4 years, I think we can tie a great portion of that gain directly to the fact that we freed up capital by reducing the capital gains taxation. That was a smart, logical tax reduction.

The sale of one's own personal residence is a smart, logical tax deduction. Elimination of the death tax is not only smart, it is not only logical, it is punitive to keep it. It is unfair to keep it. The marriage penalty, if we want to encourage families, it is a logical, fundamentally fair path to take by eliminating that.

Now some people have said, hey, what about seniors? What is going to be done about seniors, Republicans? It is interesting how in an election year all of a sudden we hear bashing, Republicans do not care about seniors. That is ridiculous. I do not know one Member on this floor, Democrat or Republican, I do not know one Democrat or Republican, in fact I do not know anybody anywhere, who is going to stand up and say I do not care about seniors. Yet that statement is a political statement that actually picks up some votes, perhaps, for people making the statement.

I mean really, think about it. How many people do any of us know, Mr. Speaker, that do not want to help seniors; that want to just abandon seniors; that do not want seniors to have health care? Well, I can say that in the 40 years when the Democrats held control of this House, they did not eliminate the death tax. In fact, it was put in place. They did not eliminate the homeowner tax. In fact, it was put in place. They did not eliminate the marriage penalty. In fact, it was put in place. Now when they talk about seniors, there is a delineation again.

It is the Republicans, after repeated opposition by the President and the vice president and the Democratic leadership on the floor, it is the Republicans who stepped forward and said, wait a minute, we have something wrong in our tax system as it deals with seniors. Let us talk about what is happening to seniors out there, specifically seniors between 65 and 69 years old.

Under the current tax system, if one is a senior and there are 800,000 out of them out there, if one is a senior in that age bracket and they go to work, the government, after they make more than $17,000, punishes them for working. What? Yes. Let us repeat that. The government says if seniors want to work and they are between 65 and 69 years old, we are only going to allow them to make $17,000 and no matter how hard they work, no matter how badly they need seniors to fill this job, we are going to penalize them $1 for every $3 they make. That is right, we are going to penalize them $1 for every $3 that they make.

How can something like that come into being? Logically, what brought that about? What happened is many, many decades ago there were not enough jobs. Today we face just exactly the opposite scenario; there are too many jobs. I guess we can never have too many jobs. Let us say there are too many jobs that are not filled. Back then, there were not enough jobs so once again Washington, the think-tank back here in the Potomac, turned on the light and said, well, this is what we will do, let us penalize, let us force seniors, let us push them out of the job market. Let us get those old fogies, let us move them out of there, by gosh.

It is not right, but that is what happened. The policy adopted just like the great society in the sixties, which was a great failure, and I guess we cannot call a failure great, it was a huge failure, this, too, has become a huge failure. Why would we push senior citizens out of the labor market?

Well, under Republican leadership I am proud to say, and it is interesting to note, that after all of the years that we have tried to get this done and we have had objections from the other side of the aisle, from the Democrats, it is interesting to note that when we finally, when we finally put it up so that this bill could face the music, when we really put the challenge up there and the vote had to be registered on this board up here, I think that left the House a week or so ago unanimously. I do not think there was a no vote in the Chamber. I do not think there was a no vote in the Chamber.

What does it do? We now say to seniors between 65 and 69 years old, guess what? The government has changed its policy. We have determined that it is not a good policy to punish seniors for staying in the labor market. So every one of us on both sides of the aisle can go back, but I have to say while I say on both sides of the aisle, in fairness when my colleagues go back to their constituents they ought to say it was Republican leadership that got it done. Democrats had 40 years to do some of these things: The house credit, the capital gains reduction, the death tax, the marriage penalty and now the seniors. But they deserve some of the credit. After all, they voted for it when it came up. We did not have any no votes on the House Floor.

The fact is this: Seniors, 800,000 of them between 65 and 69, they have good news headed their way. The President is going to sign that bill and they are not going to pay taxes, they are not going to be punished because they want to work in the labor force. In fact, we encourage them to be in the labor force. I think it makes them live longer. I think it is great for them and I think they provide a terrific asset to our economy.

Well, let me move from all of these taxes. The reason I have hit taxes in our night side chat this evening so intensely is because we have April 15 coming up but it is time for a new topic.

AMERICA, THE ONLY SUPERPOWER IN THE WORLD

Mr. McINNIS. Mr. Speaker, I have had an opportunity to travel fairly extensively throughout the world, and there are a few things I want to talk about regarding the United States of America, Mr. Speaker. First of all, we are the only superpower in the world, and we are the superpower because of American ingenuity, because of American energy, because of patriotism within our borders and friendliness and strength demonstrated outside of our borders. That is why we are a superpower.

When I travel in the world I carry a little index card about a fourth the size of this, and on that index card I have an American flag; actually, a little picture of an American flag. When I travel to different countries, I make it a point of getting away off the regular path and kind of going down an unknown path. As they say, never walk the same path twice. I go down an alley or find a merchant and show them that index card. I have yet to find one person anywhere in the world that cannot identify the flag of the United States of America.

People know the strength of the United States of America, but it did not just fall out of the skies. Many of our European colleagues have a much, much longer history. Speaking from an industrial aspect, they have a lot longer history. Most of the countries in the world are much older than our country but no country in the world even comes close to matching our country. Why? Because we have a few principle beliefs that we push, and one of them, one of the fundamental ones, happens to be education. There are others. Health care, a strong military. One can never be number two in the military. The stronger one is in the military, the less fights they are going to get into. Religion, family, we could talk and on about those, but let us just go down to a couple of them.

First of all, let me say that also in my travels throughout the world I have an opportunity not because of SCOTT MCINNIS but because of the position as a U.S. Congressman, I have an opportunity to meet people in other countries that are very wealthy. I have had opportunities to meet kings and queens and members of parliament and members of respected governments and prime ministers. I have had those opportunities. To the best of my recollection, when I have asked the question, whenever somebody in some other country other than the United States wants to send their kids to college, a lot of the time they send those kids to be educated where? In the United States of America.

What else? When those families have somebody who has a deadly disease or a terrible disease like cancer, most of those wealthy people, what their choice is, they send them for health care to the United States of America.

Our country is a leader in health care. We are number one in the world. Our country is number one in the world on education. Now, sure, we have test score problems, we have areas we have to shore up on. We have to rededicate ourself to the proposition that the most important person in the classroom is the student and that the resources going to that classroom should be focused on the student, not on all kinds of Federal programs, not on all kinds of Federal bureaucracies that we find in the Department of Education and other areas. We have to focus on the student. Education is an important issue but there are some concerns that I have out there.

□ 2130

One of the concerns that I have about education in our country is discipline in the classroom. Our country, again, another fundamental pillar to our success, is that we exercise and we expect individual responsibility; and that if an individual did not carry out that responsibility, there were consequences. There were consequences for their lack of action.

It is the same thing in the classroom. There was a book, and for the life of me, I cannot think of the title of it, a lot of my colleagues out here will remember this book, I cannot remember, but anyway the book compared the 10 most serious discipline problems 30 years ago or 40 years ago. In that list, chewing gum, talking out loud in the classroom, talking out of turn, not answering the teacher ''yes, ma'am'',

''yes, sir''. It was those kind of things. I remember that. That is what I used to get in trouble for.

Then it talked about the 10 most common discipline problems in today's classroom. I will tell my colleagues, I think one can draw a coalition between chewing gum and drugs. I think one can look in there and see that the government, not the teachers, the teachers, in my opinion, for the most part, have done a commendable job. Unfortunately, we keep bad teachers, and we are not rewarding the good teachers in my opinion. But if one drew a line, I think one can draw a direct coalition between the discipline, between the fact that our society, our government all of a sudden is starting to say, look, we should not have consequences.

It is interesting, the other day I read about or heard about some students that got in a fight at their school. For the first time, I heard a term, ''third-year freshman''. I thought, third-year freshman? What is a third-year freshman?

I asked my sister Kathleen, she is a school counselor, what is a third-year freshman? Oh, that is somebody who has been in high school three years and does not have any high school credits. What? In the old days, look, if one did not want to try in school, if one were not going to make an effort at it, get out. We have got a lot of students in our schools that want to make an effort at it. We have got a lot of students in our schools that want to succeed.

Our society has become so politically correct in education that discipline has almost all but been taken away from our teachers. How can we expect teachers and instructors that will deliver the kind of product that will continue to make this country a superpower if we do not give them the tools they need? One of those tools happens to be discipline, to make our students accept responsibility for their actions and to have consequences for the actions that they take. That is where we are going to increase production out of our schools.

I have been very excited lately because, frankly, in the State of Colorado, in my opinion, we have ended up with a darn good Governor, and he has been very aggressive on education reform. It is very interesting. He came out and said we are going to grade schools.

What was interesting about the criticism, a number of people from schools, school administrators, and people dealing with the schools came out and said, ''Governor, how could you possibly use grades, grade schools?'' It is pretty interesting. I always thought, ''Wait a minute, schools. That is what you do. You use grades to grade students. Why should we not use grades to see whether your school is doing what it ought to be doing?''

We have got a Governor in Colorado who stood up to some pretty tough opposition from people in my opinion who do not want to change the status quo and people in my opinion that I would question whether the focus is on the student or on the well-being of some bureaucrats that have opposed this plan.

But this plan was signed into law. This is a good plan. Who is the winner? The winner are the students. When students win, who else wins? The teacher wins. The teachers. I will tell my colleagues, most teachers I know are very proud. Most teachers dedicate a lifetime to a career of seeing success in their students.

My sister, for example, or my aunt, Jewel Geiger, down there in Walsenburg, Colorado, they take great pride, not in the money they make, they do not make much money as teachers, they take great pride when years after they have sent a student on their way, the student comes back and has a remarkable pattern of success because they were taught responsibility at the lower levels of school.

I will tell my colleagues I am excited about education. I have got to tell my colleagues I had a group of students in today. We had some students from Ouray, Colorado. We had some students from Steamboat Springs, Colorado. I had some 4–H students, one from Grand Junction, Delta. So I had several communities in my district represented today, and not all at once. So I had three or four meetings with these students. Canyon City students.

I asked the students, I said, let us open it up for questions. I am telling my colleagues, they have experienced it, my gosh, these questions were solid, well-thought-out questions. Their thoughts on policy were well thought out.

We have got a great bunch of young people coming up behind us. This next generation is going to have multitudes of more opportunities than any generation that has ever preceded them. This generation has more possibilities, more capabilities than any other generation that preceded them. But this generation could be handicapped by being too politically correct in our schools, by being too politically correct to say to our students they have individual responsibility. They have certain behavior that they have to recognize. There are consequences for misbehavior.

If we can give this generation with so much hope and so much promise, if we can set aside the politically correct stuff and just react from our gut and let our local people work on their school boards, I will tell my colleagues this, there is nothing that will stop this next generation. They will lead our country to continue to be the greatest country the world has ever known.

We can be safe knowing that, when we turn our country over to this next generation, that we are turning it over to a better management team, to a management team that will make our results look somewhat slow.

But we have got to give these young people the tools. It is as good for them as it is for our society to teach individual responsibility.

Mr. Speaker, let me wrap up, then, by my conclusion. Number one, I want to caution my colleagues, I am not trying to use this floor for a partisan attack, but we do have in this country, we do have a balance of powers. I spoke tonight about the Republican program, the tax reduction on capital gains, the tax reduction for the homeowners in this country, the tax reduction on the marriage penalty, our pursuit to eliminate the death tax and our elimination of the earnings limit on seniors. We have hit every category out there that I can think of. I am proud of that as a Republican. I think that we should go out, and when we talk to our constituents, we should remember these programs, because what we have done is give incentive to the capitalistic system.

Now, everybody out there, regardless of their economic category, wants success. Government only impedes success with taxes that are unfair or punitive or have no sense on their face. We have recognized that, and the Republicans have taken the lead to do something about it.

I thank my conservative colleagues on the Democratic side who have joined us. I also thank all of my colleagues who, when the real vote came up there, when it came time to face the music, we had all ''yes'' votes to eliminate for the seniors that earnings limitation.

This country is a great country. But we must resolve to be fair to our taxpayers. We must resolve to deliver the best educational product that we can to our next generation, our young people. We must resolve to keep the foundations, the pillars in our foundations strong, those of a strong military, of a strong education system, of a strong health care system, and of a strong military.

HMO REFORM

The SPEAKER pro tempore (Mr. VITTER). Under a previous order of the House, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes.

Mr. GANSKE. Mr. Speaker, tonight we will talk about two aspects of health care that are important. The first will be about the conference committee that is going on in regards to the HMO reform bill that passed both the House and the Senate. For our colleagues and constituents, it should be noted that the bipartisan Managed Care Reform Act of 1999, the Norwood-Dingell-Ganske bill passed the House back in October 275 to 151. The Senate bill had passed sometime before that.

So the Speaker of the House and the Majority Leader in the Senate, as well as the minority leaders in both bodies, appointed Members of Congress to meet together to iron out the differences between the bill that passed the House and the bill that passed the Senate. Once that is done, then the unified bill is brought back, both to the House and to the Senate for a vote. If it would pass in both Houses, then it would be sent to the President for signature and become law.

Now, the conference committee has been meeting for some time. I am told that they are currently working on internal and external appeals. Even though I helped write the bill, I unfortunately was not named to the conference, and I cannot be more specific than that. I would note that, of all the Republicans from the House that were named to the conference, only one actually voted for the bill that passed the House with such a large margin.

But I want to talk about one particular aspect of the Managed Care Reform bill that is crucial to getting it right, and that is on the issue of whether the HMO at the end of the day can define as ''medically necessary'' anything that they want to. Now, my colleagues may say, well, how can that be? The answer, Mr. Speaker, is that, under a 27-year-old law that Congress passed, Federal legislation, an employer plan can define as ''medically necessary'' anything they want to, regardless of whether it meets medical standards of care.

Now, way back in 1996, a year or so after we started debate on HMO reform, so it has already been 4 years, a woman who was a medical reviewer at an HMO gave testimony before my committee, the Committee on Commerce. I think it is important to go back through her testimony, even though I have read this testimony on the floor several times in the past, because it is so crucial to whether we are going to get a bill that is worth the paper that it is written on.

This medical reviewer said, ''I wish to begin'', this is her testimony before the Committee on Commerce, ''I wish to begin by making a public confession. In the spring of 1987, I caused the death of a man. Although this was known to many people, I have not been taken before any court of law or called to account for this in any professional or public forum. In fact, just the opposite occurred. I was rewarded for that. It brought me an improved reputation in my job and contributed to my advancement afterwards. Not only did I demonstrate that I could do what was expected of me, I was the good company employee. I saved half a million dollars.''

She continued, ''Since that day, I have lived with this act and many others eating into my heart and soul.''

□ 2145

For me, a professional is charged with the care or healing of his fellow human beings. The primary ethical norm is do no harm. I did worse, ''I caused death.'', said this HMO reviewer.

She went on to say, ''Instead of using a clumsy bloody weapon, I used the simplest cleanest of tools; my words. This man died because I denied him a necessary operation to save his heart. I felt little pain or remorse at the time. The man's faceless distance soothed my conscience. Like a skilled soldier, I was trained for this moment. When any moral qualms arose, I was to remember, 'I am not denying care, I am only denying payment.' ''

She then listed the many ways managed care plans deny care to patients, but she emphasized one particular issue, the right to decide what care is medically necessary.

She went on to say, ''There is one last activity that I think deserves a special place on this list, and this is what I call the smart bomb of cost containment, and that is medical necessity denials. Even when medical criteria is used, it is rarely developed in any kind of standard traditional clinical process. It is rarely standardized across the field. The criteria is rarely available for prior review by the physicians or members of the plan.''

She went on, ''We have enough experience from history to demonstrate the consequences of secretive, unregulated systems that go awry.'' And the thought of the Holocaust came to my mind at that point.

She finished by saying, ''One can only wonder how much pain, suffering, and death will we have before we have the courage to change our course. Personally, I have decided even one death is too much for me.''

Well, Mr. Speaker, what we are talking about here is the ability of an employer health plan to define as medically necessary anything they want to or to exclude anything they want to.

Let me give my colleagues an example. Before coming to Congress, I was a reconstructive surgeon. I still go overseas and do these types of operations. Here was one of my patients. This was a little baby born with a complete cleft lip and cleft palate.

Now, the standard of care for this birth defect is surgical correction of the lip and of the roof of the mouth. But, Mr. Speaker, there are some HMOs out there that are defining as medically necessary ''the cheapest, least expensive care as defined by us, the HMO.''

Now, some of my colleagues may say, what is wrong with the cheapest, least expensive care? Here is an example. Let us take this little baby with this hole in the roof of his mouth. He cannot speak normally. He will never learn to speak normally if that is not corrected. Food goes up his nose and comes out his nose. He cannot eat right. But under that HMO's ridiculous definition of medical necessity, the HMO could justify not treating this child with surgery to fix the roof of his mouth but by merely requiring or authorizing the construction of a little piece of plastic, like an upper denture; something to sort of plug the hole. That is wrong. Where is the quality?

The parents of that little baby would have no recourse with their health plan, because a 27-year-old Federal law, the Employee Retirement Income Security Act, says that an employer health plan can define that medical care in any way they want to.

And so what has been the result? Well, more than 50 percent of the reconstructive surgeons in this country who have had children with this type of birth defect, and who requested to perform operations to correct this, have been denied as not medically necessary by HMOs.

Here is a little baby that was born with a lack of fusion of the bones between the eyes, so that the eyes are very widely spaced, as my colleagues can see. Much more widely than normal. I have treated some children with this defect where the eyes are almost on the sides of their head, almost like a fish.

Now, there is a surgical operation, it is an intensive operation, it is a big operation, to fix that. It involves making an incision across the top of the head, peeling the soft tissues off the bones, taking some of the bones of the face out and the skull out, remolding them and putting them back together, and then bringing all the tissues back up so that the gap between the eyes is narrowed.

This is a birth defect. That is not a cosmetic operation. A cosmetic operation is where we have a normal process, like aging, where there are droopy eyelids or droopy skin of the face and we make it, or we try to make it better than normal. A reconstructive procedure like this is where we are trying to get that person back to normal so that they do not look so abnormal that they feel like they cannot even go out in public.

A few weeks ago we had a press conference here in Washington in which some families and some children with these types of birth defects came to town. Stacy Keach, a famous actor, was the emcee. He did this because he was born with a cleft lip and a cleft palate and he has a real feeling in his heart for children born with this type of deformity and for the problems that they are experiencing with HMOs in denying their treatment as not medically necessary.

So I am going to take the opportunity tonight to read to my colleagues some of the statements by the mothers and fathers of some of the

children that were born with these types of defects.

This little girl's name is Breanna Fox. Here she is before her operation. This is after the operation. This shows that Breanna's skull bones came together, grew together prematurely, and resulted in a significant deformity of her forehead, her eyes, and her skull. These are the words from her mother and the problems that they had with an HMO in trying to get this birth defect fixed. This is Breanna's mother's words.

''Our daughter Breanna was born July 30, 1998. We knew she would be arriving into this world with a craniofacial deformity, as this had been detected during a prenatal sonogram in my 8th month of pregnancy. As predicted, Breanna was born with a misshapen head and was diagnosed with craniosynostosis, that is where the bones of the skull fuse together, and a severe plagiocephaly, that is the description for the type of facial anomaly that she has.

''Before we left the hospital, we learned that a baby's skull is really a collection of many smaller bones adjacent to one another at sites known as sutures. As the brain grows, the sutures allow for expansion of the skull. When brain growth is complete, the sutures gradually become fused. In Breanna's case, two of the sutures had already fused. Her growing brain was forced to grow away from the fused sutures, resulting in an abnormally-shaped face and skull. Fortunately, surgery could correct her condition.

''Because the first year of life is when the most rapid brain growth takes place, surgery should be performed in early infancy. Delayed surgery could lead to brain damage or worsen the facial deformity requiring more complex and risky surgery later on. Our pediatrician, neonatologist and obstetrician all recommended the same skilled surgeon. We were comforted by the wealth of information we had obtained and the knowledge that this surgeon had been successfully treating children with craniofacial deformities for almost 30 years.

''Then the insurance nightmare began. When we left the hospital to take Breanna home, we planned to see this doctor as soon as possible. Our HMO told us that a craniofacial surgeon was not available in the physician network. We assumed that because Breanna's condition required a team of craniofacial specialists she would be allowed to go out of network to a qualified surgeon. We confidently sent our HMO a form requesting an out-of-network referral. Boy, was our assumption wrong. We had no idea that the next 3½ months would turn into a constant battle with our HMO.

''We were ready to do whatever was necessary to ensure our daughter's health. Our initial referral request was turned down. The insurance company found a surgeon in-network that performed cranial vault reconstruction 'every now and then.' We were advised to 'stay in-network.' To appease our HMO, we made an appointment with the network physician. We were not satisfied with the surgeon's experience and qualifications. It was his opinion that only one, not two, of Breanna's skull sutures were fused, and had not bothered to look at her CT Scan results.'' The mother said, ''We shudder to think what could have happened.''

Mom continued. ''We requested a reconsideration of the denial for an out-of-network referral. After numerous calls, the HMO authorized one visit to Dr. Salyer. The authorization letter stated 'service approved', not services. We knew the battle was on.

''At age 7 weeks our surgeon finally examined Breanna. My husband and I were impressed with his qualifications and experience. We were shown before and after photos of other children with craniofacial deformities. We were assured Breanna would be fine. What a sense of relief. We knew we were in the right place.

''So we sent the HMO a request for a follow-up visit to this doctor. One additional visit was approved. One. The HMO asked, 'We have an in-network provider. Why can't Breanna stay in-network?' Breanna's complex case requires experienced specialists that are not available in-network, we explained.

''During the second appointment, a January 18 surgery date was set. It was critical that surgery be completed on schedule to prevent brain damage. Our doctor explained the role of a multidisciplinary team, including an assisting neurosurgeon and a geneticist. The mandatory referral request forms were sent to the HMO, along with all the required medical documentation. Our HMO questioned the medical necessity of each and every appointment and x-ray.

''At this point, the sixth precertification manager,'' sixth, ''to follow Breanna's case continued the company line and pressured us to go in-network. We again explained that our little girl's complex case required an experienced team of specialists who were not on staff at the in-network hospital. We were told that we were not following protocol and we should have known what we were getting into when we signed up for an HMO.

''Breanna's future quality of life and health was on the line. We simply could not sit back and risk delaying the surgery or the possibility of pending brain damage. Two weeks prior to the appointment with the multidisciplinary team of specialists, we filed a complaint with the Texas Department of Insurance.

''Authorization for the CT Scan and specialist visit had still not arrived 2 days before the scheduled appointments. After numerous calls to the HMO, I was advised that because the primary care physician had not forwarded the necessary documentation, a medical necessity decision could not be made on the geneticist and neurosurgeon's visits.''

This mother was furious. Why? Because this mother works for Breanna's primary care physician, and she had witnessed the office insurance manager sending the requested documentation on many occasions.

She continued. ''I had been in communication with the HMO by phone or fax at least twice a week for the entire month of November. I faxed all the requested documentation again for the fifth time. I received approval for the CT Scan and the surgeon and the geneticist visit 1 day before the preop appointments. The HMO reported no record of a request to see the neurosurgeon and again accused the primary care physician of not supplying the necessary information.''

Remember, this is her boss. ''I faxed the requested documentation for the sixth time. After repeated phone calls and complaints, I received the last preop appointment authorization approval at 4:45 p.m.

□ 2200

The Texas Department of Insurance's investigation of our HMO must have helped Breanna's case. Suddenly, the intimidation and the obstruction ceased.

This mother continued. I am sure many of you have children and can remember a time when they were ill. Remember the pain you felt as a parent when you wanted so badly for them to feel better, how much you wanted to take away their pain. Now, imagine a child with a severe craniofacial deformity, and magnify that pain and misery 10 times.

Our hope today is that insurance companies will no longer be allowed to intimidate the families whose children suffer from birth defects or deformities. Families should never have to encounter the same obstacles we experienced. Please do not allow insurance companies to dictate who can or cannot treat these children. Many children with craniofacial deformities require the expertise of surgeons and other skilled medical professionals.

Remember this is a child's face, and all children must be allowed a chance at a normal life. And she finished her testimony.

I would say to my colleagues, this mother worked in a doctor's office, she knew how to negotiate the system. She knew that they had sent from the primary care doctor's office the information six times. What was that HMO doing? They were doing what they do all the time, they were delaying. They were denying. They were obstructing, because, you know, they figured that if

they do that often enough, a lot of people will not know how to navigate the system, and they will just give up.

In this case, fortunately, for this little girl, her mother was an insider. She worked in a doctor's office and she knew how to navigate the system. But I ask my colleagues, how many of our constituents would have been able to have done what this mother did to get her daughter the kind of care that she needed?

Another mother testified, her little daughter Brenna was born August 25, 1987. This is her picture before surgery. You will note her craniofacial deformity. She has protrusive eyeballs. The middle face is forward. She has basically no jaw. Her eyes are widely set. This is her mother's testimony. We knew at the time of her birth that Brenna had a congential birth defect, but it was not until 2½ years that she was diagnosed with Hajdu-Cheney syndrome.

Brenna has the abnormal facial features characteristic of this syndrome. Her eyes are set too far apart, with overgrowth of the eye sockets causing the eyeballs to protrude unprotected. Like any preteen girl, this is in the mother's words, as Brenna has grown older, she has become more and more aware and concerned with her appearance. But, unlike her peers who endure the usual adolescent bad hair days, Brenna suffers from the knowledge that she truly does look different.

As you may have expected, Brenna has been teased by her peers. She is hurt by these remarks. It is not something that someone just gets used to; however, despite the emotional pain, she has hope. Through consultation with a reconstructive surgeon, we learned that reconstructive surgery is available to reconstruct her face to a semblance of normality. However, because of this severity of her deformity, she will need a series of operations.

The first surgery was scheduled, a minor procedure, to see how well she would tolerate surgery. The remaining procedures would be more intensive, involving reconstruction of the bones around her eyes.

With high hopes, we sent the preauthorization forms to our HMO. Two days before Brenna's surgery, we received a letter from Cigna HealthCare denying the first procedure. Brenna's surgery was categorized as ''cosmetic'' and, therefore, not a covered defect. See, we are back here again to the definition of medical necessity.

When Brenna was informed of the insurance company's denial, she became distraught. She was worried that she could not have the surgery and also worried about the financial burden it would place on her family. We simply cannot understand how the insurance company could possibly consider her surgery ''cosmetic.''

Simple every day activities, like a trip to the mall or grocery store are not enjoyable for Brenna. People stare at her. The looks come from other children, as well as adults. I have seen people go out of their way to get a better look. Brenna rarely says anything about it, but I watch her shift her position, this is her mother telling the story, usually trying to get behind me to avoid the stares.

She may suddenly claim to have a headache and want to go home. At times like this, her mother continued, my fierce protective instincts kick in, and I shield Brenna as much as possible. However, this is part of Brenna's life every single day. I am not with her every moment. She is remarkably brave, but she is a child.

Will she limit her participation in education and social activities fearing that she looks like a funny-looking kid? Without the medically necessary care she needs, of course, I worry about the lifelong impact that this may have on her.

Her mother finished by saying, Brenna's craniofacial surgery will not be performed on a normal face to remove wrinkles or to make her face appear more youthful. Her reconstructive surgery will be performed on a face with congential abnormalities with the goal of constructing her face to appear more normal. These are not cosmetic procedures.

She finished by saying, no family should have to wonder if their child will receive medically necessary care. No family should be forced to take on a financial burden for medically necessary care the insurance companies refuse to pay for.

Insurance companies should be required to cover reconstructive surgical procedures for those children with congential or developmental abnormalities.

I would add this, a famous surgeon from the Midwest a long time ago, one of the founders of the Mayo Clinic, Will Mayo had this to say, it is the divine right of man to look human. When somebody is born with their eyes on each side of their head, they do not look human.

This little girl has functional reasons why she needs surgery. Her eyeballs, as you can see, are very protuberant. When she grows older, that will get worse. It may even affect her vision, but it certainly leaves her eyes in an unprotected position because they are not surrounded as eyes normally are by a bony socket. She is at increased risk for trauma to her eyes.

I would say this, even if that were not the case, it is an arbitrary definition by her insurance company to deny her the coverage of this.

Let me talk about a few other types of medical necessity denials that HMOs have done. This woman with her family was denied a type of treatment for breast cancer by her HMO. She was featured on a cover story in Time magazine a few years ago. Her doctors and consultants recommended the treatment, but the HMO said it wasn't ''medically necessary.'' And they denied it, and this woman died.

Mr. Speaker, I recently received a letter from an emergency room doctor in Iowa who had sent this letter to the medical director of an HMO in my home State. Let me read this letter to you. Dear Dr. so and so, Dear Dr. medical doctor, this letter is in response to the ''educational'' letter I received from your HMO regarding the admission of, let us call him Smith, Mr. Smith presented with a hypertensive urgency to the emergency room, and after two doses of IV Trandate, his continued hypertensive urgency required hospital admission.

He previously had a documented myocardial infarct and stent treatment in September 1999. He had been observed in the emergency room for persisting extreme elevation of his blood pressure, and he was admitted to the intensive care unit, because we cannot monitor patients in our emergency room by our hospital regulations in Marshalltown. His blood pressure became well controlled that night.

He was discharged the following day. The patient's risk factors and extreme blood pressure elevation necessitated ICU admission for monitoring, and I had no recourse but to admit the patient.

He had got an educational letter from the patient's HMO questioning why would that patient have to go spend a night in the hospital. He went on and continued, routine harassment by HMO organizations for cases like this demonstrates why physicians and patients will push Congress for legislative relief.

I have to spend time responding to questions about a very appropriated mission when my time would be much better spent taking care of patients, especially when I was obligated by hospital regulations that the patient be admitted. Your HMO continues to place roadblocks and unnecessary obstacles in front of both patients and physicians for obtaining routine care.

I will continue to fight inappropriate letters and hassles by HMOs, including yours, and I will do everything I can to try to see that the Federal regulations are changed, and HMOs have to be responsive both to their patients and the physicians taking care of those patients.

Let me give you another example, Mr. Speaker, of the emergency care problems that could be taken care of if we could deal with the emergency care provisions in the Bipartisan Consensus Managed Care Reform Act that passed this floor, but also if we could take care of the problems as it relates to HMOs, employer health plans' ability

to define as medically necessary anything they want to.

This is a well-known case of a young woman who fell off a 40-foot cliff, 50 miles, 60 miles west of Washington, D.C. When she was out hiking with her boyfriend, she fell off a cliff. She was lying at the bottom of the cliff with a fractured skull, broken arm, broken pelvis, semicomatose. Her boyfriend managed to get a helicopter in there.

This is her picture as they are bundling her up to take her to the emergency room. They took her to the emergency room. They stabilized her. They put her in the hospital. She got IV morphine for the pain and was treated. Needless to say, she was out of touch with the world for several weeks.

Her insurance company refused to pay the bill. Why, you ask. Well, because she did not phone ahead for prior authorization. Mr. Speaker, I just have to ask you, what was this young lady supposed to do? Was she supposed to have a crystal ball and know she was going to fall off this 40-foot cliff and before that happened phone ahead and get prior authorization from her HMO?

Then the HMO backed down a little bit and said, well, you know, once you were in the hospital, you should have phoned and let us know, we are still not going to pay your bill. She pointed out that she had been on IV morphine for a considerable period of time, and the thought just did not cross her mind that she had to phone her HMO.

This young lady was fortunate, because the type of health plan she had enabled her to go to her State insurance commissioner, a State ombudsman, and get help, and the HMO ended up paying the bill.

□ 2215

But the problem, Mr. Speaker, is that most people in this country receive their health insurance through their employer, and those employer plans are shielded from state insurance oversight. So they have nowhere to turn when an HMO would arbitrarily say, you know, ''It does not fit our definition of medically necessary. We are just not going to pay for this.''

Let me give you another example of a real live tragedy caused by an HMO's decision, which under current Federal law they can defend as ''medically necessary.'' This was a little boy a few years ago, you see him here tugging at his sister's sleeve, who one night had a temperature of about 104 degrees. It is about 3 in the morning. His mother and dad look at him and they know he is sick and he needs to go to the emergency room, so they do what they are supposed to do, they phone their HMO. They dial that 1–800 number, and they get some clerk 1,000 miles away, and they explain that little Jimmy here has a really high temperature and looks sick and he needs to go to the emergency room.

That clerk makes a medical decision, over the phone, never having seen the child, and that decision is well, we will authorize a visit, but only to our hospital which is 60, 70 miles away. If you go, by the way, to another hospital as an emergency without our authorization, you will pay for that visit.

So mom and dad bundle up little Jimmy and they start their trek about 3:30 in the morning. It is stormy and rainy out. They live south of Atlanta, Georgia. The hospital that they have been authorized is clear on the north side, so they have to drive through Atlanta. Less than halfway there they past three hospitals with fine emergency rooms that they could have stopped at, but they did not have an authorization from that HMO.

Not being medical professionals, they push on. Unfortunately, en route, before they get to the authorized hospital, little Jimmy has a cardiac arrest. Picture yourself as the dad driving frantically trying to find the hospital, the mother trying to keep this little baby alive. They go squealing into an emergency room entrance, mother leaps out carrying Jimmy, screaming ''help me, help me, help save my baby,'' and a nurse comes out, starts resuscitation. They get the IVs in, and they get little Jimmy back to life.

Unfortunately, they are not able to save all of little Jimmy. At least as a contributing factor, his arrest en route, when he could have gone to a nearer hospital, Jimmy ends up with gangrene in both hands and both feet. No blood supply, both hands and both feet are dead. So the doctors have to amputate both hands and both feet. Here is a picture of Jimmy after his HMO treatment.

Now, if this happens to you and your baby and your insurance is in an ERISA self-insured plan, an employer plan, your recourse, the responsibility of that health plan under Federal law, is simply to provide the cost of treatment, in this case the cost of Jimmy's amputations.

Is that fair? Is that justice? Knowing that you, the health plan, are not legally liable for anything other than the cost of care denied, are you likely to skimp on definitions of medical necessity?

Well, it sure happens, my friends. It sure happens, and it needs to be fixed, and the only way it can be fixed is for Congress to fix it.

Jimmy today is able to pull on his leg stumps, his leg prosthesis, with his arm stumps, and he is able to hold a pen with his arm stumps. He does have bilateral arm prosthesis hooks, but he needs help to get them on. And he is a good little guy, and because of particular circumstances with his insurance, he was able to receive some compensation. But most people who would have gotten their insurance through their employers would not be able to recover anything other than the cost of care denied.

So, my friends, as the conference is meeting, we need to adopt the provisions on external appeals that were in the bipartisan Consensus Managed Care Reform Act, the Norwood-Dingell-Ganske Act, that passed the floor of the House, and that basically said that if there is a disagreement between the patient or his parents and the company on a denial of care, that you can take that through an internal appeals, but then take it to an independent appeals board consisting of doctors that have no relationship to the HMO, and that that group of physicians is able to determine what is medically necessary, as long as it does not involve a specific exclusion of coverage in the plan, i.e., a plan might say our plan does not cover liver transplants. But as long as there is not a specific exclusion of coverage, then the independent panel ought to be able to make that determination, and these are the crucial words that need to be in the legislative language that comes out of the conference, that independent panel should ''not be bound by the plan's guidelines.''

They can take the plan's guidelines under advisement, they can consider the patient's history, they can consider NIH Consensus Statement, they can consider the medical literature, all sorts of things, but they should not be bound by the plan's own guidelines.

That is what is in the Senate bill. That is why the Senate bill is not worth the paper that it is written on, because it is a circular bill. It does not do anything. At the end of the day, it does not address the problem that you have to address if you are going to do HMO reform, and that is you have to break the Federal law that says that an employer health plan can define as medically necessary anything they want to, or can deny it, according to their own guidelines.

TOBACCO

Well, Mr. Speaker, I want to talk just a few minutes about probably the number one public health problem in the country today, and that is tobacco. Each year more than 400,000 people in this country die of disease related to tobacco. Mr. Speaker, that is more people than die in a single year combined from AIDS, automobile accidents, homicides, suicides, burns, certainly medical errors. You can add all those things together, and it is still less than the number of people that are dying each year from tobacco-related diseases.

Each day in this country, each day, 3,000 children, 3,000 adolescents, start smoking, and 1,000 of those kids will die of a disease related to smoking.

As a surgeon, I have had to take care of people who have cancers of their mouth, that have required resection of most of their mandibles. In response to

that, many states have done settlements, including my own State of Iowa, so we are now seeing billboards like this one, which is in Des Moines. This was put up by the Attorney General of Iowa, Iowa Department of Public Health, Centers for Disease Control. It shows two Marlboro-type cowboys. ''Bob, I have got emphysema.'' There is another one in Des Moines that says ''Bob, I have lost my lung.''

These will help, but we need to do more, because we know that the tobacco companies have in the past and are continuing to target and market kids. We know from internal tobacco company documents that they know that nicotine is one of the most addictive drugs we know of. It is more addictive, or at least as addictive, as morphine and cocaine, and they know that, the tobacco companies know, that the earlier they can get kids addicted, the harder it is to quit. That is why this cartoon shows big tobacco lighting up a ''kids'' cigarette with a ''victims'' cigarette, a chain smoker.

And it is not just that the tobacco companies have marketed and targeted cigarettes towards kids. Did you know, for instance, Mr. Speaker, that a survey was done not too long ago that showed that 80 percent of five-year-old children could associate cigarettes with Joe Camel?

Tobacco companies are also marketing and targeting kids, especially high school boys, for smokeless tobacco, chewing tobacco. There are over 1 million high school boys today who regularly use chewing tobacco.

I point out, Mr. Speaker, that we have not had tobacco spittoons in this House chamber for a long, long time.

What is the consequence of chewing tobacco? Well, as a surgeon I can tell you firsthand what the consequences are. It is like this surgical specimen. This shows the teeth of the anterior lower jaw, part of the tongue, the lymph nodes underneath the jaw. This is a surgical resection for a cancer caused by chewing tobacco. And what have the tobacco companies done? Well, they have made that chewing tobacco taste good. They have tested the flavors to see which flavors would be enticing to kids, and that is how they get them hooked on that tobacco product.

Just in Iowa alone, 37 percent of high school students smoke. Each year in Iowa, each year in Iowa, and we only have about 2.8 million people in my home state, each year 12,000 kids under the age of 18 become new smokers. Each year in Iowa more than 3 million packages of cigarettes are illegally sold to kids.

The number of people who die each year in Iowa from smoking is almost 5,000. The number of Iowa kids alive today who will die from smoking is 53,000.

It annually costs Iowa $610 million to take care of diseases directly related to tobacco use. The Iowa government Medicaid payments directly related to tobacco use are $70 million.

Mr. Speaker, I could go on with a whole bunch of statistics, but the reason that we are talking about this is that 3 weeks ago the Supreme Court by a 5 to 4 decision said Congress must authorize the Food and Drug Administration to regulate tobacco.

□ 2230

I can read from Sandra Day O'Connor's closing statement. The Supreme Court said that because there are implications for other regulatory agencies. But that did not mean that they did not think that Congress should do that, and they certainly did not think or give any indications that there would be anything unconstitutional with Congress giving the FDA that authority.

Here is what Sandra Day O'Connor said:

''By no means do we question the seriousness of the problem that the FDA has sought to address. The agency has amply demonstrated that tobacco use, particularly among children and adolescents, poses perhaps the single most significant threat to public health in the United States.'' Justice O'Connor is practically begging Congress to grant the FDA authority to regulate tobacco.

So last week I introduced, along with the gentleman from Michigan (Mr. DINGELL), a bill that would do that. The bill simply says that the FDA has authority to regulate tobacco; that the 1996 FDA regulations would be law.

Let me point out, Mr. Speaker, that this is not a tax bill. There would be no increases in the price of cigarettes with this bill. This is not a liability bill. This does not confer any legal immunity to tobacco companies.

This is not a prohibition bill. I have in this bill a provision that says that the FDA does not need to ban this substance. All of the health groups agree that we cannot just cold turkey all of the addicted smokers out there. After all, this is a very strong addiction.

The bill has nothing to do with the tobacco settlement.

This bill simply recognizes the facts: Tobacco and nicotine are addicting. Tobacco kills over 400,000 people in this country each year. Tobacco companies have and are targeting children to make them addicted to smoking. The FDA should have congressional authority to regulate this drug and, as they put it, the ''delivery devices.'' That is in the tobacco companies' words, those cigarettes are drug delivery devices.

Mr. Speaker, I just want to call on my colleagues to cosponsor this legislation. This is H.R. 4207. As I said, I introduced this with the gentleman from Michigan (Mr. DINGELL). Here are some of the people who are currently already cosponsors:

The gentleman from Iowa (Mr. LEACH), the gentleman from California (Mr. WAXMAN), the gentleman from California (Mr. COX), the gentleman from Iowa (Mr. BOSWELL), the gentleman from Utah (Mr. HANSEN), the gentleman from Arkansas (Mr. SNYDER), the gentleman from Maryland (Mr. GILCHREST), the gentlewoman from New York (Mrs. MALONEY), the gentlewoman from Maryland (Mrs. MORELLA), the gentleman from Virginia (Mr. MORAN), the gentlewoman from New Jersey (Mrs. ROUKEMA), the gentleman from Washington (Mr. MCDERMOTT), another physician, just like the gentleman from Arkansas (Mr. SNYDER), the gentleman from California (Mr. HORN), the gentleman from Texas (Mr. BRADY), the gentleman from Arizona (Mr. SALMON), the gentleman from New York (Mr. GILMAN), the gentleman from California (Mr. MCKEON), the gentlewoman from Colorado (Ms. DEGETTE), the gentlewoman from California (Mrs. BONO), the gentleman from Oregon (Mr. BLUMENAUER), the gentleman from Florida (Mr. WELDON), the gentleman from Massachusetts (Mr. MARKEY), the gentleman from Illinois (Mr. PORTER), Mr. BARRETT, the gentleman from California (Mr. BILBRAY), the gentleman from Massachusetts (Mr. OLVER), the gentleman from California (Mr. CUNNINGHAM), the gentleman from Nebraska (Mr. BEREUTER), the gentlemen from California, Mr. GALLEGLY and Mr. HUNTER, the gentlewoman from New York (Ms. SLAUGHTER), the gentleman from California (Mr. CAMPBELL), the gentleman from New Jersey (Mr. SMITH), and the gentleman from New York (Mr. WEINER).

These are just cosponsors. Many others are looking at this bill. This is a very, very important issue that Congress should address. We need cosponsors for this. It will not be easy to get an FDA tobacco authority bill to the floor. But the more people that we have sign up for this, the better the chances are that we will have to address the number one public health problem in the country today, and especially for children.

Once again, I call on my colleagues from both sides of the aisle to join in a bipartisan effort to do the right thing. As I said, this is not a tax bill. This is not a liability bill. This bill would allow the FDA to regulate tobacco, especially as it is marketed and targeted to children, and it would allow the 1996 regulations to go into effect.

These are the regulations that the FDA put out that said, tobacco companies cannot market kids. They cannot put billboards up by schools, they cannot put tobacco enticement ads into children's magazines. Vending machines, cigarette vending machines, need to be in adults-only places so kids cannot just go and get cigarettes, and that kids should be carded to make sure they are the proper age before

they can receive cigarettes. Those are reasonable regulations.

Also, we ought to have full disclosure on the contents of tobacco products as well, not proprietary trade secrets.

THE PROBLEM OF ILLEGAL NARCOTICS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes.

Mr. MICA. Mr. Speaker, I am pleased to come to the floor again tonight to talk about the subject I usually attempt to address on Tuesday night before the House when we have these Special Orders to call to attention to the House of Representatives, my colleagues, Mr. Speaker, and the American people, one of the most serious social problems we are facing as a Nation. That is the problem of illegal narcotics, their disastrous impact on the United States, our economy, on families across this Nation, the tremendous toll it takes on our judicial system, and the loss of lives.

In fact, in the last recorded year, 1998, some 15,973 Americans lost their lives as a direct result of illegal narcotics. If we take in all of the other figures that are not reported, our national drug czar, the director of our Office of National Drug Control Policy, Barry McCaffrey, has testified before our Subcommittee on Criminal Justice, Drug Policy, and Human Resources that the toll exceeds some 50,000 each year in the United States.

That is truly a devastating number when we consider that we have incarcerated nearly 2 million Americans, and that some 70 percent of them are there because of drug-related offenses or committing crimes, in most cases two and three felonies on their record, under the influence of illegal narcotics and substance abuse, and we know that something is seriously wrong and something needs our attention, not only as a Congress but as a people who care about people and should care about their fate.

Unfortunately, the toll continues to mount, the tremendous impact illegal narcotics have had again on our Nation. Tonight I wanted to cite just some of the most recent statistics we have, and how some of the people who are most at risk in our national population are some of the highest victims as far as percentage, again in this terrible conflict with illegal narcotics.

According to the 1998 National Household Survey on Drug Abuse, drug use increased from 5.8 percent in 1993 to 8.2 percent in 1998 among young African-Americans; again, the victims of illegal narcotics and drug use, in particular the minority population, and in this case not quite doubling but a dramatic increase for African-Americans.

Also, according to this 1998 survey on drug abuse, drug use increased from 4.4 percent in 1993 to 6.1 percent in 1998 among young Hispanics. The Hispanic minority in this country, and particularly the youth, have been tremendously impacted by illegal narcotics. If we look at the population in our prisons, if we look at the population in our detention facilities and jails across this Nation, we would see a disproportionate number of minorities incarcerated in those facilities, and many of them there because of drug-related problems.

We hear a great deal about legacies at this time of year, especially after a 7-year administration. I do not have blow-ups of these particular charts tonight, but certainly when history records the legacy of the Clinton administration, some of these charts must be included in the pages of that history.

These were recently given to me by the director of our agency called SAMHA, the Substance Abuse and Mental Health Agency, Dr. Chavez. Dr. Chavez presented me with these charts that show from 1992 problems relating to amphetamine and methamphetamine use, and these are admission rates for abuse treatment from 1992 to 1997.

If we look at these charts we see dramatic increases, almost turning entirely dark on this chart here in the numbers that are now required for treatment and addiction to methamphetamine. This is particularly among our young people, but also among our adult population.

In fact, we get to the Midwest and the West and we have methamphetamines in epidemic proportion and use. I am going to talk about methamphetamine in a hearing that I did in California just several weeks ago, and again, what has taken place in this particular area.

If we look at heroin substance abuse treatment, again, this chart is not very big, but we can barely see some coloring here in 1992, up to some solid coloring in 1997. My own State of Florida is not darkened in, but in my area and Central Florida, heroin substance abuse and use of heroin has so dramatically increased that now last year the headlines blurted out in what is really tranquil Central Florida, the greater Orlando area, that heroin drug overdoses now exceed homicides; again, part of what has not been done to address a very serious problem and growing problem across our land.

The marijuana chart is even more revealing. We barely see any severity in admission rates or high admission rates in 1992 for marijuana substance abuse and admissions, particularly young people addicted to the marijuana. And it is not the marijuana of the sixties and seventies, with the low purity and low toxicity level. We see now again areas almost totally darkened in from a policy of ''Just say maybe,'' or ''If I had it to do all over again, I would inhale.'' Certainly that type of policy, those statements, have an impact, particularly among our young people, a legacy for substance abuse that again I think is part of the failure of this administration to address this.

In fact, with the President we can count on probably two hands the number of times that he has talked about drug abuse at any length. Even in his last speech before the State of the Union, and only less than a sentence, a passing note, did the President address this problem again that has incredible social impact across our land.

The results are pretty dramatic. It may not be talked about. We did spend several days of debate just in the last 2 weeks here because of the crisis in Colombia, because of the sheer amount and volume of illegal narcotics now pouring into our country because some of the guards that we have traditionally had in place, such as Panama, which was a forward operating surveillance operation for all of our drug operations in the Caribbean and over South America, had been dismantled, again with the Clinton administration's failure to negotiate a treaty to allow even our drug surveillance operations to continue in Panama.

With that closed down we have lost most of our surveillance capability, and now have cobbled together in Ecuador and the Dutch Antilles some minor coverage, but there is a huge gap that allows heroin or cocaine and other illegal narcotics to pour in almost unabated.

It certainly must be one of the primary responsibilities of this Congress to see that illegal substances and substances that harm our population, and particularly when we have this number of people incarcerated, when we have somewhere in the area of a quarter of a trillion dollars of damages to our economy and to our country every year with illegal narcotics, and some close to 16,000 direct deaths in just one year, that is 1998, the last recorded, and some 50,000 total, certainly it is incumbent upon the representatives of this Nation to do something about that problem.

□ 2245

The Federal portion of that problem certainly is to interdict and stop those illegal substances from coming onto our shores before they even reach our borders, but that, in fact, has not been the policy of this administration. It has been a policy of changing the emphasis on taking apart successful programs of the Reagan and Bush administrations, where we had drug abuse on a steady decline and drug use on a steady decline, and have it now skyrocketing as these charts so aptly describe.

I spoke for a few minutes about methamphetamine and the national epidemic that we have. We have held several hearings on the subject of methamphetamine, both here in Washington and field hearings. I was shocked to find the incredible impact that methamphetamines have had in the West, also, of course, in the Midwest, rural areas like Iowa, other tranquil areas like Minnesota, where we heard testimony at our hearings here in Washington of incredible amounts of Mexican methamphetamine coming in to those areas, and the action of the individuals who consume methamphetamine is as bizarre, as strange and damaging as anything we had in the crack cocaine epidemic of the 1980s, in fact probably even more of a detrimental impact on families and individuals.

One hearing that I conducted at the request of the gentleman from California (Mr. OSE) was in his district, which encompasses part of the capital city of California, which is Sacramento. Testimony that we had in Sacramento by one caregiver there was particularly revealing, something that even shocked me and I have heard testimony from a number of witnesses that is quite moving, but this individual who testified put together a program in Butte County, and Butte County is a small county in California compared to others, I think it is in the 200,000 population range, and this witness testified that since 1993 they created a drug endangered children's program which was established and actually allowed the program to detain 601 children from drug houses.

Now, again, we have to think of this as a small county, but 601 children were rescued from drug houses. One hundred sixty-two of those children were detained from methamphetamine labs so these children actually lived where their parents or guardians who were producing methamphetamine. This all came about as a result of an L.A. newspaper staff reporter, I believe his name was Don Winkle, who began writing a story after three children were left to burn to death by their mother when a methamphetamine lab exploded in Los Angeles. His story brought him to Butte County, and there this particular reporter reviewed the program that had been put in place. The testimony by this social worker was most revealing, and of course we hear on the news from time to time the very attention-getting child killing child with a gun case, and I have also cited both of the most recent cases where a 6-year-old child killed a 6-year-old child, brought in a gun and a horrible crime and everyone focused on the gun but very few in the media and others took time to reveal to the public or discuss that the child came, in fact, from a crack house, from a cocaine-infested home, if it could be called that. The father, I believe, was in jail and had been involved in illegal narcotics charges, but again the focus was on the gun but not on the setting.

Many of the other children who I will talk about here have not been publicized. This one particular case, where 3 of these children died in Los Angeles, again illustrates some of the problems that we face from illegal narcotics; in this case, from methamphetamines. The 601 children that this care worker talked about, she went on to describe in her testimony to us and let me read a little bit of what she said. The 601 children's names and faces are different but each case and story is the same. One would think that 9 years later, with hundreds of suspects arrested, countless doors kicked in and the writing of thousands of reports that I would grow callous, but upon entering the bad guy's house again and seeing those small, round, innocent eyes looking up at me, finally someone came to save me, I turn a marshmallow. I do not have to make up stories or use the same photographs or tell the worst of the worst. They are all bad.

Her testimony went on, and let me describe this, if I may, the yard is covered with garbage, old bicycles, toys and rusted car parts. Three or four dogs run under the house or aggressively approach. Inside the house it is dark with no electricity. The stench of rotten food, animal urine and feces and soiled diapers permeate the house. Chemical odors irritate my eyes and nose. We fumble down hallways into bedrooms stepping on filthy clothing and debris. The children are startled when a flashlight shines in their way. They are sleeping on soiled mattresses with no sheets or blankets. They sleep in clothes for the third day in a row. They have not had a bath in days and cannot remember when they last ate. They rarely attend school due to lice infestation and cockroaches have become their pets. The soiled food stored in an ice chest is moldy. There is no running water and the methamphetamine laboratory is all over the kitchen. The children draw pictures for me of mommy with a methamphetamine pipe and show me bruises where mom's boyfriend hit them. The oldest child comforts the younger sibling as obviously trying to parent. None of the kids cry or, for that matter, show any emotion at all. They all exhibit a classic attachment disorder. Domestic violence is obvious with the holes kicked in the doors and the walls. A loaded firearm is found next to the couch and another under the bed, both where children have access.

Again she goes on, a description of what she sees in this house and it is unfortunately very typical. She told us that she saw these scenes over and over and over again. She said these children were lucky. We rescued them before they were injured, maimed or killed.

The newspaper clippings I collected from all over the State and even a few other States tell more horrific stories. These are some of the clippings that she provided our subcommittee and stories: Fifteen month overdoses on methamphetamine; five month old tests positive for methamphetamine and succumbs to death with 12 rib fractures, a burned leg and scarred feet by a methamphetamine addict in Los Angeles; 13 month old dies of heart trauma, broken spine and neck by methamphetamine addict. She was also raped and sodomized.

Twenty-five month old Oregon toddler overdoses on methamphetamine; a 2 year old dies with methamphetamine in the system, San Jose, California; a 2 year old eats methamphetamine from a baby food jar in Twenty-Nine Palms, California; a 14 month old drinks lye in water from a parent's methamphetamine laboratory, hospitalized permanently with severe organ damage; new baby dies from mother breast milk laced with methamphetamine in Orange County; 8 week old, 11 pound boy dies from methamphetamine poisoning found inside baby bottle in Orange County; an 8 year old watches and hears mom die in a methamphetamine laboratory in Oroville, California; a 6 month old overdoses semi-comatose seizuring, hospitalized, drank methamphetamine, also in Oroville, California; a 4 year old tests positive for methamphetamine, beaten and hair pulled out by mom and boyfriend, Chico, California; 8 children exposed to methamphetamine laboratory in day care center in southern California; and mom on methamphetamine and her addicted boyfriend drown a 2 year old in a bathtub in Sacramento.

This is just a sampling of the death, destruction and mayhem that was provided to us by this one witness from one county in California.

Most people do not know much about methamphetamines, and the addiction and epidemic is limited at this point to the Midwest and to the far West, but spreading across the country. We had Dr. Leshner, who is head of NIDA, National Institute of Drug Abuse, come and testify before our subcommittee and give us the latest information on what methamphetamines do to people. Most people who are involved in taking methamphetamine really do not know that they are setting themselves up for brain damage and destruction. We found also that the damage that is done to the brain causes such bizarre behavior that parents abandon their children.

In California, we were told where they attempted to return 35 of these children to their parents, only 5 parents were capable or willing, after being on methamphetamines, to take their children back. We were told of one parent on methamphetamine who tortured their child and then finished the child off by boiling the child alive.

This is the type of bizarre behavior that methamphetamine produces in the brain in individuals who take methamphetamine.

This is the scientific data that Dr. Leshner provided our subcommittee. This first slice of brain and this view of the brain shows dopamine, with normal dopamine levels that are required for an active, healthy brain. The second and third illustration here is a gradual reduction in dopamine levels in the brain due to methamphetamine uses. The fourth illustration here that has been provided is a brain from an individual who suffers from Parkinson's disease, and we can see the deterioration of methamphetamine from a normal brain into various stages of methamphetamine, the most severe stage, this happens to be Parkinson's but also mirrors methamphetamine. So this is what this wonderful drug has done for one county in California, what it can do for an individual, and again the damage that can be imposed on individuals. It really is shocking and I do not think most people who get hooked on methamphetamines have any idea what they are doing to themselves or the potential damage they can do to their family or their children.

The cases we have are just unbelievable.

□ 2300

Again, I do not want to go into any more of them tonight, but I will be glad to provide Members upon request additional information on what our subcommittee has found relating to methamphetamine and its horrible impact.

The other chart that I showed is heroin. I showed how heroin has now caused tremendous problems across the United States. We have a heroin epidemic in many regions of the country, including the area that I represent, which is central Florida. Heroin use and abuse is up dramatically.

Heroin is not the heroin of the 1960s, 1970s, or even 1980s. The purity in those days was in the low percentile, single digits, a 9 percent pure. The heroin that we are getting in from South America and Mexico is now running 70, 80 percent pure. That is why we have an incredible death rate in Central Florida and around the country.

Young people and others are taking heroin. They are mixing it with some other substance, alcohol or some other drug. Or even first-time users are hit with this high 70 percent pure heroin, go into convulsions, and die.

Now, I think that many people would believe that heroin has been glorified by Hollywood, and heroin is the type of drug that the stars and others in important places use. Most people do not realize the severe consequence of heroin.

Unfortunately, I am one Representative that has heard more about the tragedy of heroin than many of my colleagues. As I said, in Central Florida, our heroin overdose deaths, particularly among our young people, now exceed our rate of homicides.

One of the parents provided me with the permission to show the effects of heroin. This is particularly a gruesome depiction of the end of the life of this constituent's death, a young man in Central Florida. This is how the coroner placed the body before the body was removed.

Now, again, I know young people and many people across this land think that heroin use is somewhat glamorous. The picture I am about to show is her son as the coroner found him in Orlando, a rather gruesome picture. I show it only to show what the potential holds for using this high purity heroin. This young man died a horrible death. His mother told me. The autopsy would reveal that.

This is not glamor. This is not celebrity status. This is death by heroin. The pure deadly heroin that suffocates one to death, causes one's blood vessels to burst. It causes one to go into uncontrollable seizures and then die one of the most horrible deaths imaginable.

Time and time again, in Central Florida, this has happened and happened in record numbers again this last year. This is only one victim. But people must understand what is happening with heroin and what heroin, what methamphetamines, and some of these other narcotics can do to their lives and their bodies. One ends up being taken out by the coroner in this fashion. These pictures end up as the last reminder your parents have of you or your family has of you.

Unfortunately, I have met many of the parents of young men and women in my district whose child has or loved one has ended up in that condition. That is one reason why I come to the floor every Tuesday night, why I continue to hammer away to get the attention of the House of Representatives, the Congress, and the American people on what is taking place with illegal narcotics. We should not have one more person fall victim as we have had in Central Florida.

Some of the most disturbing news I received is during a recent recess when I was home and talking with our law enforcement officials. They told me that we have, in fact, more drug-related deaths in Central Florida, particularly heroin. Again, there is an unabated flow coming in from Colombia, from Central and South America.

Tomorrow, we are going to focus a hearing on some of that trafficking pattern, particularly as it relates to Haiti. We have focused on the major source of production which is Colombia, which produced the heroin that killed the young man whose picture I showed just a few minutes ago.

But what is particularly sad about all of this is that, in fact, we could prevent much more of this death and destruction. We could stop a great deal more of the hard narcotics coming into this country. Certainly we have a responsibility to stop illegal narcotics coming into this country.

Unfortunately, the Clinton administration in 1993 dramatically changed the policy that kept some of these illegal narcotics from coming into our borders.

In fact, we were making good progress. Heroin was dramatically down. Cocaine was dramatically down. As my colleagues saw from the charts I presented earlier, methamphetamines were not even on the charts in 1992.

Unfortunately, this administration made a complete reversal in policy. They decided to put all of their eggs in the treatment basket.

Since 1993, we have nearly doubled the amount of money in treatment. In fact, we have also, through Republican efforts, added another billion dollars in money for education. But it has been the focus, particularly treatment, treating the wounded in this battle, rather than conducting a war on drugs as we had in the 1980s under the Bush and the Reagan administration.

The results are most telling. The Clinton administration slashed the international programs, the programs of stopping drugs at their source in the source countries by some 50 percent beginning in 1993 when they controlled the House, the White House, and the other body.

Next they slashed the interdiction programs. Interdiction is also cost effective in that it stops illegal narcotics before they get to our borders. The most expensive way to go after illegal narcotics is once it gets into our streets and communities. It requires us to put massive police forces and massive resources in law enforcement to keep up with the sheer volume that spreads and is diffused among our communities and our streets and our schools throughout our society.

But a very serious mistake was made in 1993 in cutting the source country programs and cutting the interdiction programs and use of the military for surveillance. The military never has and never will, because of our laws, become involved in enforcement. They merely provide intelligence and surveillance and information, particularly to source countries, so they could go after both the production of illegal narcotics, the trafficking of illegal narcotics, and the transit of illegal narcotics out of their country. A very effective strategy because, again, we had dramatic decreases in drug use and drug trafficking and the sheer availability of hard narcotics.

The results again are devastating. We are seeing, particularly in the last few years, huge, huge volumes of heroin coming in.

□ 2310

In 1993, there was almost zero, almost no heroin produced in Colombia. Almost none. Since 1993, again through a policy that really has been a policy of failure, the Clinton administration has managed to turn Colombia into the major source of heroin coming into the United States.

This is hard to believe, but in 1993, there was almost no coca, no cocaine produced in Colombia. There was transit from Peru and Bolivia, and some processing and transshipment from Colombia, but it was not the source of growth of coca and production. Today, Colombia is now the source of some 80 percent of the cocaine coming into the United States. And, again, a much more deadly and purer form of cocaine that is reaching our shores and killing our population.

It was not easy for the Clinton administration to make Colombia the largest producer and transiter in some 6 or 7 years, but they did manage to do it. And it has been in spite of protests by the Republican majority, in spite of direct legislative actions, in spite of appropriations trying to get resources to Colombia.

The fiasco started in 1994, when the Clinton administration stopped information sharing to Colombia and stopped intelligence exchanges with that country and some of the other source countries. It took us several years to straighten out that fiasco. And, again, in the last 2 years, the Clinton administration is now repeating the fiasco. And we see where we have been able to decrease the production of cocaine in Peru by some 66 percent, in Bolivia by some 55 percent. For the first time in just the last few months some increase in production in Peru, again because the Clinton administration has shut down some of the exchange of intelligence.

That is all documented in a report that was provided to me by GAO. I asked this independent agency to conduct a review of what is taking place. This report was produced by the General Accounting Office. It says Drug Control Assets DOD Contributes to Reducing the Illegal Drug Supply Have Declined. This is a documentation and information of what has taken place.

In fact, even the President's own ambassador to Peru cautioned that the United States should not drop its surveillance information being provided to Peru because a successful program of the information sharing was reducing the production of illegal narcotics and transiting of illegal narcotics in that country. So we have even the representative of the President speaking out against the administration's change in policy, a second disastrous change after the 1994 fiasco.

Then we have documentation here that, in fact, the DOD assets as far as flight times have dramatically decreased; that, in fact, flying hours dedicated to tracking suspect shipments in transit to the United States declined from 46,264 to 14,770, or a 68 percent decline in flight time.

So, basically, when they closed down the war on drugs, they did a very effective job not only with flight surveillance but also with the maritime shipments. This report also indicates a 62 percent decrease in maritime tracking of illegal narcotics shipments. Again, documentation of a policy that has failed and steps, including the decertification of Colombia without a national interest waiver, which would have allowed resources to get to Colombia to fight illegal narcotics.

So, basically, for the last number of years, they have allowed Colombia no assistance. Aid even appropriated and designated by this Congress has been denied to that country. And that is what has brought us to the situation we currently find ourselves in requesting the President coming forward, with a region in disarray, with 35,000 people being killed in Colombia, with complete disruption of that important and strategic region of our hemisphere, the President coming forward at the last minute with a request for a billion dollar-plus aid package. We have passed that in the House. We hope that the Senate will take action on that.

That is a little bit of the history of where we are and how we have gotten ourselves into this situation with Colombia and also with the tide of illegal narcotics coming into the United States. We know the programs we have put in place, where we have been allowed to in Peru and Bolivia, will work if properly resourced, and with very little money, very few funds in comparison to a $17.8 billion drug budget having gone to the source country programs or to alternative crop substitution programs or stopping drugs at their source or before they get to our border.

The other thing that I wanted to address tonight is the attack on some of the zero tolerance policies. We know that zero tolerance policies have worked very well across the landscape where they have been instituted. Probably the most successful example of a zero tolerance drug policy in the United States has been that of New York City and that devised by the current mayor, Rudy Giuliani.

I know that Rudy Giuliani has been attacked recently for some of the problems that they have had with their enforcement of some of the laws in that community. And to watch television and to hear the liberal media, one would think that New York City police are out of control and that, in fact, a zero tolerance policy somehow is a policy of intolerance and a policy that would abuse the rights of individuals.

A story by, and I guess an editorial piece by columnist Judy Mann in the Friday March 24 Washington Post really set me off, and I spoke before about this, but the title of her liberal piece was The War on Drugs Can't Help But Run Amuck. She's a very determined liberal and she has used the case of Patrick Dorismond, who was shot in New York City, as a case in point for a zero tolerance drug policy that has run amuck; a war on drugs that cannot work.

She went on in her article saying that the attempted drug buy that led to Dorismond's death was part of Giuliani's latest scheme to reduce the rising homicide rate in the city.

□ 2320

This liberal reporter would have you believe that murders and homicides are up under Mayor Giuliani. Our subcommittee called Mr. Giuliani in last January, we have updated some of this information.

Before Mayor Giuliani came into office in New York, there were actually over 2,000 murders per year in New York City. In 1998, it was 629, and it rose slightly to about 670 in 1999, last year, which we do not have on the chart. Does this in any way show an increase in murder? In fact, if we had stayed at the same rate, we would be killing some 1,300 to 1,400 per year under this policy.

Now, this liberal columnist would also have you believe, and she says so, civil liberties have been another casualty on the war on drugs. This is the type of liberal nonsense that she spews out.

In fact, we looked at New York City from our subcommittee research, and we found the latest statistics revealed that crime is down 57.6 percent overall for major crimes. Murder is down 58.3 percent. Rape is down 31 percent under the Giuliani plan. Robbery is down some 62.1 percent. Felony assaults are down 35.4 percent. Burglary in New York City is down 61.7 percent. Grand larceny is down some 41.9 percent. Grand larceny auto is down some 68.8 percent.

Now, Ms. Mann and the liberals on the other side of the aisle here would have you believe that the Giuliani policy is a failure. These happen to be the facts. Now, of course, the liberals do not like to deal with facts. The facts only confuse the situation. These are the facts about crime in New York City under a zero tolerance policy.

Now, Ms. Mann and the liberals and the media out there would have you believe that there is some type of intolerance, their loss of civil liberties, or that the New York City Police department or Mayor Giuliani is in some way out of control, and that there are these rampant shootings by police officers and abuse by police officers.

The facts are, and we checked this carefully, our subcommittee did, for example, the number of fatal shootings

by police officers in 1999, 11 was the lowest any year since 1973. What is absolutely more amazing is Mayor Giuliani increased the police force by 25 percent. Now, that may sound like just a small figure, or a minor figure, but New York went from 30,000 to 40,000 police, a 25 percent, 10,000 increase in police officers, and the lowest number of fatal shootings by police officers since 1993.

This zero tolerance policy that is so offensive to the liberal population, it has probably saved thousands and thousands of lives, people that would have been murdered. And we cannot even calculate the number of people that would have been raped, robbed, victims of felony assault, burglary, grand larceny or auto larceny.

Now, they go on. They would have you believe that, in fact, this drug policy and zero tolerance policy enforcement would take its toll in some other way. I wonder where Ms. Mann and the liberals were when Mayor Giuliani was not in office back in 1990, under that administration in the city. In 1990, 41 police killings took place with a fewer number of police. Moreover, the number of rounds intentionally fired by police declined 50.6 percent since 1993.

This is tough policy that is so impossible for the liberals to deal with, and the facts relating to what has taken place in New York City and the number of intentional shootings, incidents by police dropped 66.5 percent, while the number of officers actually increased during that period some 37.9 percent.

In the last 5 years alone, there were 159 cases in which police were fired upon and did not return fire, 42 officers were wounded and 6 killed in those incidents. There is probably not a more restrained-on an incident basis or population basis, police or law enforcement agency in the United States of America.

Now, where were the liberals when David Dinkins was in office? There were 62 percent more shootings by police officers per capita in the last year of David Dinkins' administration than last year under Mayor Giuliani. Specifically in 1993, there were 212 incidents involving police officers in intentional shootings; in 1994, there were 167; in 1998, under Mayor Giuliani, there were 111.

It is terrible when the liberals have to deal with fact. Heaven forbid Ms. Mann should ever research fact. Heaven forbid she should ever look at the actual statistics relating to New York City and what Mayor Giuliani has done, but she can slam a zero tolerance enforcement policy, a zero tolerance on drug policy. She can slam and try to twist facts that murders have somehow increased.

These listed are the seven major felony categories from 1993 to 1998 from 429,000 down to 212,000. I am not great at math, but I think that is about half, 50 percent reduction. Ms. Mann and the liberals would want you to be confused and make you think that zero tolerance and tough law enforcement is done in some harmful way.

These, in fact, are the facts. These, in fact, are the statistics. I always liked to contrast them, and I will close tonight, contrast with the liberal policies, the hero of the liberal side, try those drugs, folks, they are fine for you. Go ahead, let your kids use them. God forbid we should have any enforcement.

Baltimore, Maryland is the example. Thank heavens Mayor Schmoke is gone. Thank heavens we have a new mayor, Mayor O'Malley. We conducted a subcommittee hearing there a little over a week ago, the best thing that came from that hearing, I believe the mayor fired the police chief, and we have hired in Baltimore one of the prime developers of the New York City's zero enforcement policy, but this is the record of Baltimore, where Mayor Schmoke said we are not going to enforce.

I was stunned at the hearing to find out that HIDTM, high intensity drug traffic money, made available by the Federal Government for tough enforcement in Baltimore, the police chief, who again was removed, told me that they did not use those funds to go after major open drug markets. These are the results, the deaths in 1998, 212; 1999, 300.

In the last 8, 10 years under this policy, probably 3,000 young people in Baltimore were slaughtered. These are the constant kinds of numbers that we have seen in Baltimore.

□ 2330

What was more stunning with this liberal policy that the other side embraces that Ms. Mann thinks is the way to go in Baltimore is now, from the chart that we have here that was provided by DEA, Baltimore has gone from some 39,000 drug addicts to somewhere between 60,000 and 80,000 drug addicts in just the City of Baltimore. It is absolutely incredible, the damage that has been done to Baltimore through this liberal policy. In fact, one of the City Council Members, Councilwoman Ricki Spector, said it is more like 1 in 8 is now a drug addict in Baltimore.

The former Mayor Schmoke's non-enforcement liberal policy provided these things for Baltimore. In 1996, Baltimore led the Nation in drug-related emergency admissions, 785 per 100,000 population. Of 20 cities analyzed by NITA, or the National Institute of Drug Abuse, Baltimore ranked second in heroin emergency admissions. Baltimore accounted for 63 percent of all of Maryland's drug overdoses.

This is the policy that the other side is advocating, along with the liberal commentators. This is just a health problem. The tough enforcement will harm people, their civil rights will be violated, there will be shootings, that there will be some type of harmful enforcement.

This is the harm, an addicted city population, dead in incredible numbers. Remember the numbers in New York City, which is 20 to 30 times the population of Baltimore, is just about double this figure, and that is a reduction of some 60 percent since Mayor Giuliani took office.

So these are the facts, these are the options. Tomorrow our subcommittee will focus on the emerging drug threat from Haiti, part of the Clinton Administration's failed foreign policy no one likes to focus on, but a policy in which we spent nearly $4 billion in taxpayer money in nation building, primarily to support a law enforcement and judiciary which is now in charge of the biggest drug trafficking operation in the Caribbean and probably the source of more transit of illegal hard narcotics into the United States from across Haiti through the Dominican Republic up through Puerto Rico and the Caribbean into Florida and other parts of the United States, and then into our streets and schools, and their gift to our children, after spending so much of the money of American taxpayers in that nation in an effort to rebuild it.

Tomorrow we will hear that failed story, and we will find out where the Clinton Administration intends to go from here, and, hopefully, we can develop a better policy, learn by the mistakes, learn by the failures of this administration, and not repeat them. To do otherwise would be an injustice to the American people and to the next generation.

Mr. Speaker, I know my time is about to expire and I will not return until after the break for one of these, when we will provide another update, but I do appreciate your indulgence, Mr. Speaker, and the staff, who stayed to this late hour. But this is an important message. It needs to be repeated over and over again, until we have action by the Congress, until we have interest by the American people, and that we turn this deadly situation and plague on our population around.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BOUCHER) to revise and extend their remarks and include extraneous material:)

Mr. BAIRD, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and

extend their remarks and include extraneous material:)

Mrs. KELLY, for 5 minutes, today.

Mr. LUCAS of Oklahoma, for 5 minutes, April 12.

Mr. PORTER, for 5 minutes, April 12.

Mr. CUNNINGHAM, for 5 minutes, April 12.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. THUNE, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. ROYCE, for 5 minutes, April 12.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Mrs. MORELLA, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1287 An act to provide for the storage of spent nuclear fuel pending completion of the nuclear waste repository, and for other purposes.

ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 34 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 12, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7051. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendment: Requirements for Preparation, Adoption, and Submittal of State Implementation Plans [FRL–6540–1] received February 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7052. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Volatile Organic Compound Emission Standards for Architectural Coatings [AD–FRL–6539–2] (RIN: 2060–AE55) received February 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7053. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Tennessee: Approval of 111(d) Plan for Muncipal Solid Waste Landfills in Knox County [TN–227–1–200001a; FRL–6539–8] received February 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7054. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Tennessee: Approval of 111(d) Plan for Municipal Solid Waste Landfills in Chattanooga-Hamilton County [TN–219–2–200008a; FRL–6539–6] received February 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7055. A letter from the Secretary of the Interior, transmitting the Annual Program Performance Report for the fiscal year 1999, required by the Government Performance and Results Act of 1993; to the Committee on Government Reform.

7056. A letter from the Secretary of Education, transmitting the two-volume Government Performance and Results Act (GPRA) report; to the Committee on Government Reform.

7057. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; MD Helicopters Inc. Model 500N and 600N Helicopters [Docket No. 99–SW–71–AD; Amendment 39–11564; AD 99–25–08] (RIN: 2120–AA64) received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7058. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SE 3130, SA 3180, SE 313B, SA 318B, and SA 318C Helicopters [Docket No. 98–SW–65–AD; Amendment 39–11563; AD 2000–03–06] (RIN: 2120–AA64) received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7059. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc RB211–524H–36 Series Turbofan Engines [Docket No. 2000–NE–01–AD; Amendment 39–11565; AD 2000–03–07] (RIN: 2120–AA64) received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7060. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Partenavia Costruzioni Aeronautics S.p.A. Models AP68TP 300 ''Spartacus'' and AP68TP 600 ''Viator'' Airplanes [Docket No. 99–CE–37–AD; Amendment 39–11577; AD 2000–03–18] (RIN: 2120–AA64) received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7061. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–90–30 Series Airplanes [Docket No. 99–NM–210–AD; Amendment 39–11567; AD 2000–03–08] (RIN: 2120–AA64) received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7062. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Industrie Aeronautiche e Meccaniche Model Piaggio P–180 Airplanes [Docket No. 99–CE–34–AD; Amendment 39–11578; AD 2000–03–19] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7063. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters [Docket No. 99–SW–79–AD; Amendment 39–11579; AD 2000–02–12] (RIN: 2120–AA64) received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7064. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes [Docket No. 99–NM–174–AD; Amendment 39–11575; AD 2000–03–16] (RIN: 2120–AA64) received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7065. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 and MD–11F Series Airplanes [Docket No. 99–NM–173–AD; Amendment 39–11574; AD 2000–03–15] (RIN: 2120–AA64) received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7066. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes [Docket No. 99–NM–172–AD; Amendment 39–11573; AD 2000–03–14] (RIN: 2120–AA64) received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7067. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes [Docket No. 99–NM–170–AD; Amendment 39–11571; AD 2000–03–12] (RIN: 2120–AA64) received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7068. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes [Docket No. 99–NM–169–AD; Amendment 39–11570; AD 2000–03–11] (RIN: 2120–AA64) received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes [Docket No. 99–NM–168–AD; Amendment 39–11569; AD 2000–03–10] (RIN: 2120–AA64) received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7070. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnel Douglas Model MD–11 Series Airplanes [Docket No. 99–NM–171–AD; Amendment 39–11572; AD 2000–03–13] (RIN: 2120–AA64) received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7071. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Aircraft Engines CF34 Series Turbofan Engines [Docket No. 98–ANE–19–AD; Amendment 39–11566; AD 99–23–26–R1] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the

Committee on Transportation and Infrastructure.

7072. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fairchild Aircraft, Inc. SA226 and SA227 Series Airplanes [Docket No. 99–CE–59–AD; Amendment 39–11576; AD 2000–03–17] (RIN: 2120–AA64) received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LEACH: Committee on Banking and Financial Services. H.R. 4067. A bill to repeal the prohibition on the payment of interest on demand deposits, and for other purposes; with an amendment (Rept. 106–568). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3417. A bill to complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska; with an amendment (Rept. 106–569). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4021. A bill to authorize a study to determine the best scientific method for the long-term protection of California's giant sequoia groves (Rept. 106–570). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 468. Resolution providing for consideration of the bill (H.R. 2328) to amend the Federal Water Pollution Control Act to reauthorize the Clean Lakes Program (Rept. 106–571). Referred to the House Calendar.

Mr. REYNOLDS: Committee on Rules. House Resolution 469. Resolution providing for consideration of motions to suspend the rules (Rept. 106–572). Referred to the House Calendar.

Mr. REYNOLDS: Committee on Rules. House Resolution 470. Resolution providing for consideration of the bill (H.R. 3039) to amend the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay, and for other purposes (Rept. 106–573). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 471. Resolution providing for consideration of the joint resolution (H.J. Res. 94) proposing an amendment to the Constitution of the United States with respect to tax limitations (Rept. 106–574). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X, the Committee on Commerce discharged. H.R. 1742 referred to the Committee on the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Texas (for himself, Mr. CAMPBELL, and Mr. GOODLATTE):

H.R. 4227. A bill to amend the Immigration and Nationality Act with respect to the number of aliens granted nonimmigrant status described in section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act, to implement measures to prevent fraud and abuse in the granting of such status, and for other purposes; to the Committee on the Judiciary.

By Mr. GILMAN (for himself, Mr. MARKEY, Mr. BEREUTER, Mr. KUCINICH, and Mr. COX):

H.R. 4228. A bill to amend the North Korea Threat Reduction Act of 1999 to enhance congressional oversight of nuclear transfers to North Korea, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. ROUKEMA:

H.R. 4229. A bill to amend the Harmonized Tariff Schedule of the United States to correct the definition of certain hand-woven wool fabrics; to the Committee on Ways and Means.

By Mr. LARGENT:

H.R. 4230. A bill to terminate the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mr. BRYANT:

H.R. 4231. A bill to amend chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), to clarify and reaffirm the intent of Congress regarding the court-martial sentence of confinement for life without eligibility for parole; to the Committee on Armed Services.

By Mr. CUMMINGS (for himself, Mr. WAXMAN, Mrs. MORELLA, Ms. NORTON, and Mr. WYNN):

H.R. 4232. A bill to amend title 5, United States Code, to provide for the establishment of a program under which the Government shall furnish a home computer and Internet access to each of its employees, at no cost to the employee, and for other purposes; to the Committee on Government Reform.

By Mr. DUNCAN:

H.R. 4233. A bill to limit the amount of assistance for Egypt under the ''Foreign Military Financing Program'' account for fiscal year 2001; to the Committee on International Relations.

By Mr. FOLEY:

H.R. 4234. A bill to amend the Internal Revenue Code of 1986 to allow individuals who have attained age 65 a credit against income tax for certain drug and health insurance expenses; to the Committee on Ways and Means.

By Mr. FOLEY:

H.R. 4235. A bill to establish a voluntary program for low-income Medicare beneficiaries to obtain assistance in paying for outpatient prescription drugs; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOLEY (for himself, Mrs. KELLY, Mr. COOK, Mr. BASS, and Mr. CANADY of Florida):

H.R. 4236. A bill to amend part C of title XVIII of the Social Security Act to improve payments under the Medicare+Choice Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER (for himself, Mr. HUTCHINSON, Mr. GOODLING, Mrs. MCCARTHY of New York, Mr. CANADY of Florida, Mr. WEINER, Mr. TOWNS, Mrs. LOWEY, Mr. ENGEL, Mr. FROST, Mr. OWENS, Mr. CROWLEY, and Mrs. MORELLA):

H.R. 4237. A bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PRICE of North Carolina:

H.R. 4238. A bill to suspend temporarily the duty on Cyclanilide Tech; to the Committee on Ways and Means.

By Mr. RANGEL (for himself, Mr. WEYGAND, Mr. MOAKLEY, Mr. MCDERMOTT, Mrs. THURMAN, Mr. LEWIS of Georgia, and Mr. NEAL of Massachusetts):

H.R. 4239. A bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGAN:

H.R. 4240. A bill to amend the Individuals with Disabilities Education Act to provide full funding for assistance for education of all children with disabilities; to the Committee on Education and the Workforce.

By Mr. RYAN of Wisconsin (for himself, Mr. BARRETT of Wisconsin, Mr. SENSENBRENNER, Mr. KLECZKA, Mr. KIND, Ms. BALDWIN, Mr. PETRI, Mr. GREEN of Wisconsin, Mr. OBEY, and Mr. MARKEY):

H.R. 4241. A bill to designate the facility of the United States Postal Service located at 1818 Milton Avenue in Janesville, Wisconsin, as the ''Les Aspin Post Office Building''; to the Committee on Government Reform.

By Mr. THORNBERRY:

H.R. 4242. A bill to amend section 527 of the Federal Food, Drug and Cosmetic Act with respect to clinically superior modifications to previously approved or licensed drugs; to the Committee on Commerce.

By Mr. TRAFICANT:

H.R. 4243. A bill to redesignate the Federal building located at 935 Pennsylvania Avenue, NW, in Washington, DC, as the ''Robert F. Kennedy and Martin Luther King, Jr., Federal Building''; to the Committee on Transportation and Infrastructure.

By Mr. LEWIS of Georgia (for himself, Mr. DAVIS of Virginia, and Ms. JACKSON-LEE of Texas):

H.R. 4244. A bill to establish a national center on volunteer screening to reduce sexual and other abuse of children; to the Committee on Education and the Workforce.

By Mr. DEFAZIO (for himself, Mr. SANDERS, Mr. JACKSON of Illinois, and Ms. KAPTUR):

H. Con. Res. 301. Concurrent resolution expressing the sense of the Congress that the United States, in concert with the international community, should enact transaction taxes on short-term, cross-border foreign exchange transactions to deter speculation; to the Committee on Banking and Financial Services, and in addition to the Committees on Ways and Means, and International Relations, for a period to be subsequently determined by the Speaker, in each

case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROHRABACHER (for himself and Mr. MURTHA):

H. Con. Res. 302. Concurrent resolution calling on the people of the United States to observe a National Moment of Remembrance to honor the men and women of the United States who died in the pursuit of freedom and peace; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Mr. GEJDENSON, Mr. SAXTON, and Mr. KING.

H.R. 65: Mr. BONIOR.

H.R. 121: Mr. WU.

H.R. 229: Ms. MCKINNEY.

H.R. 303: Mr. BONIOR and Mr. COMBEST.

H.R. 374: Mr. PASCRELL, Mr. WYNN, Mr. GREEN of Texas, Mr. YOUNG of Alaska, and Mrs. ROUKEMA.

H.R. 566: Mr. BONIOR.

H.R. 612: Mr. HALL of Texas and Mr. RAHALL.

H.R. 731: Mr. CARDIN.

H.R. 783: Mr. FILNER and Mr. UDALL of New Mexico.

H.R. 802: Ms. DELAURO.

H.R. 826: Mr. STUPAK.

H.R. 828: Mr. OWENS.

H.R. 1044: Mr. SKELTON.

H.R. 1046: Mr. LATHAM.

H.R. 1108: Mr. KIND.

H.R. 1187: Mr. SMITH of New Jersey.

H.R. 1194: Mr. JEFFERSON and Mr. LARSON.

H.R. 1195: Mr. BRYANT and Mr. STEARNS.

H.R. 1366: Mr. BONIOR, Mr. TAUZIN, and Ms. ROS-LEHTINEN.

H.R. 1367: Mr. SAXTON.

H.R. 1396: Ms. SANCHEZ.

H.R. 1456: Mr. MOAKLEY, Mr. WELDON of Pennsylvania, Mr. HOLT, Ms. CARSON, Mr. OWENS, Mr. OBERSTAR, Mr. HUTCHINSON, Mr. SPRATT, and Mr. COYNE.

H.R. 1503: Mr. HASTINGS of Washington.

H.R. 1523: Mr. THOMAS and Mr. RILEY.

H.R. 1795: Mr. NEAL of Massachusetts, Mr. TANCREDO, Mr. TALENT, Mr. PETRI, Mr. SHAW, and Mr. OLVER.

H.R. 2121: Mr. BROWN of Ohio, Mr. MOAKLEY, Mr. CUMMINGS, Mr. Smith of Washington, and Mr. BLUMENAUER.

H.R. 2129: Mr. COX, Mrs. BIGGERT, Mr. SHAW, Mr. KOLBE, and Mr. HUTCHINSON.

H.R. 2141: Mr. FORBES.

H.R. 2166: Mr. FARR of California.

H.R. 2263: Mr. BILBRAY.

H.R. 2264: Mr. BILBRAY.

H.R. 2269: Mr. FILNER, Mr. MARTINEZ, Mr. KENNEDY of Rhode Island, Mr. GUTIERREZ, Ms. BALDWIN, Ms. MILLENDER-MCDONALD, Mr. MORAN of Virginia, Mr. OWENS, Mr. SERRANO, Mrs. TAUSCHER, Ms. WATERS, and Mr. PAYNE.

H.R. 2341: Ms. DANNER, Mr. COMBEST, Mr. LANTOS, Ms. CARSON, Mr. ISAKSON, Mr. ENGLISH, Mr. MCINTYRE, Mr. CANADY of Florida, Mr. FATTAH, and Mr. POMEROY.

H.R. 2365: Ms. MCKINNEY.

H.R. 2420: Mr. HILL of Indiana, Mr. FILNER, Mr. PETRI, Mr. BACA, and Mr. DICKEY.

H.R. 2631: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2722: Ms. MCKINNEY.

H.R. 2736: Ms. DEGETTE, Mr. FALEOMAVAEGA, Mr. OWENS, and Mr. ETHERIDGE.

H.R. 2817: Mr. UDALL of New Mexico.

H.R. 2870: Ms. ROS-LEHTINEN and Ms. LOFGREN.

H.R. 2909: Mr. UDALL of New Mexico.

H.R. 2953: Mrs. KELLY and Ms. SANCHEZ.

H.R. 3105: Mr. SAXTON.

H.R. 3161: Mr. MCNULTY, Mr. PALLONE, Mr. PRICE of North Carolina, Mr. MEEKS of New York, Mr. NEAL of Massachusetts, and Ms. DELAURO.

H.R. 3174: Mr. BASS.

H.R. 3193: Mr. KILDEE and Mr. FRANK of Massachusetts.

H.R. 3224: Mrs. MORELLA.

H.R. 3225: Ms. DUNN, Mr. LAMPSON, and Mr. MCDERMOTT.

H.R. 3235: Mr. KUYKENDALL.

H.R. 3250: Mr. BRADY of Pennsylvania, Mr. SANDLIN, Mr. BONIOR, Mr. EVANS, MRS. THURMAN, Mr. CARDIN, Mr. BERMAN, and Mr. MEEHAN.

H.R. 3293: Mr. BRADY of Pennsylvania, Mr. BLUNT, Ms. WOOLSEY, Mr. LEWIS of California, Mr. RILEY, and Mr. WALSH.

H.R. 3308: Mr. KINGSTON.

H.R. 3313: Mr. PORTER.

H.R. 3315: Mr. ROTHMAN.

H.R. 3408: Mr. ISAKSON.

H.R. 3508: Mr. DOGGETT and Mr. HOLT.

H.R. 3514: Mr. OBERSTAR and Mr. NADLER.

H.R. 3525: Mr. GREEN of Texas.

H.R. 3571: Mr. OWENS.

H.R. 3574: Mr. MCINNIS, Mr. PAUL, and Mr. GIBBONS.

H.R. 3590: Mr. STUMP.

H.R. 3593: Mr. SWEENY, Mr. LAHOOD, and Mr. STUMP.

H.R. 3594: Mr. JOHN and Mr. BAIRD.

H.R. 3661: Mr. MORAN of Kansas, Mr. BASS, Mr. BOSWELL, Mr. LEWIS of Kentucky, and Mr. BACHUS.

H.R. 3686: Mr. WYNN.

H.R. 3806: Mr. NEAL of Massachusetts and Mr. FALEOMAVAEGA.

H.R. 3842: Mr. GONZALEZ, Mr. CLAY, and Mr. KENNEDY of Rhode Island.

H.R. 3916: Mr. COBURN, Mr. LEWIS of Kentucky, and Mr. FRELINGHUYSEN.

H.R. 3928: Mr. RAHALL, Mr. ENGEL, Mr. DEUTSCH, Mr. BRADY of Pennsylvania, and Mr. GEJDENSON.

H.R. 4011: Mr. BLAGOJEVICH and Mr. GREEN of Wisconsin.

H.R. 4032: Mr. LARGENT.

H.R. 4033: Mr. MOLLOHAN, Mrs. MALONEY of New York, Mr. FALEOMAVAEGA, Mr. ROTHMAN, Ms. LEE, Mr. DOYLE, and Ms. RIVERS.

H.R. 4051: Mrs. BIGGERT, Mr. SHAYS, and Mr. BACA.

H.R. 4064: Mr. STENHOLM, Mr. OBEY, Mr. HAYES, Mr. THUNE, Mr. PICKERING, Mr. GUTKNECHT, Mr. WATKINS, Mr. BOEHNER, Mr. GILCHREST, Mr. WALDEN of Oregon, Mr. SHOWS, Mr. HOSTETTLER, Mr. PETERSON of Minnesota, Mr. BURR of North Carolina, Mr. MCINTYRE, Mr. ETHERIDGE, Mr. BEREUTER, Mr. JONES of North Carolina, Ms. DANNER, Mr. SESSIONS, Mr. EWING, Mr. BLUNT, Mr. HULSHOF, and Mr. TALENT.

H.R. 4069: Mrs. CLAYTON.

H.R. 4082: Mr. SESSIONS, Mr. POMEROY, Mr. BARRETT of Wisconsin, Mr. STENHOLM, Mr. SANDLIN, Mr. BARR of Georgia, Mr. ENGLISH, and Mr. GONZALEZ.

H.R. 4094: Mr. VISCLOSKY, Mr. RAHALL, Mr. COSTELLO, Mr. SCOTT, Mr. HALL of Ohio, Mr. DAVIS of Florida, Mr. SMITH of New Jersey, and Ms. KAPTUR.

H.R. 4108: Mr. MCHUGH, Mr. BONITOR, and Mr. PAYNE.

H.R. 4124: Mr. WATTS of Oklahoma.

H.R. 4144: Mr. MASCARA and Mr. COSTELLO.

H.R. 4154: Mr. BARTLETT of Maryland, Mr. COBURN, and Mr. YOUNG of Alaska.

H.R. 4182: Mr. MILLER of Florida, Mrs. NORTHUP, Mr. EHLERS, Mr. GREENWOOD, Mr. ROHRABACHER, Mr. ETHERIDGE, Mrs. FOWLER, Mr. NORWOOD, and Mr. DELAY.

H.R. 4206: Mr. FRANK of Massachusetts, Mr. RUSH, Mr. FATTAH, and Mr. FALEOMAVAEGA.

H.R. 4207: Mr. PORTER, Mr. BARRETT of Wisconsin, Mr. OLVER, Mr. BILBRAY, Mr. BEREUTER, Mr. GALLEGLY, Mr. HUNTER, Ms. SLAUGHTER, and Mr. CAMPBELL.

H.R. 4211: Mr. CROWLEY, Mr. ENGEL, Mr. HINCHEY, Mr. NADLER, Mr. BALDACCI, Ms. WOOLSEY, Mr. BERMAN, Mrs. MORELLA, Ms. DELAURO, Mrs. KELLY, Mr. MCGOVERN, and Mr. ALLEN.

H.R. 4219: Mr. KOLBE, Mr. RODRIGUEZ, Mr. MCGOVERN, Mr. HANSEN, and Ms. LOFGREN.

H.J. Res. 94: Mrs. BONO.

H. Con. Res. 101: Mr. EWING.

H. Con. Res. 220: Ms. RIVERS and Ms. DELAURO.

H. Con. Res. 256: Mr. MCINTOSH.

H. Con. Res. 259: Mrs. MEEK of Florida, Mr. SANDERS, Mr. LARSON, Ms. MCKINNEY, and Ms. RIVERS.

H. Con. Res. 271: Mr. FRANKS of New Jersey and Mr. DOYLE.

H. Res. 415: Mr. LANTOS.

H. Res. 452: Mr. FROST, Mr. LIPINSKI, Mr. ACKERMAN, Mr. EVANS, Mr. STARK, Mr. LAFALCE, Mr. BARRETT of Wisconsin and Ms. DANNER.

H. Res. 465: Mr. CANADY of Florida and Mr. GREENWOOD.

EXTENSIONS OF REMARKS

THE SENIORS HEALTH CHOICE PRESERVATION ACT

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. FOLEY. Mr. Speaker, today, I am introducing the Seniors Health Choice Preservation Act. This bill will protect Medicare+Choice HMOs from additional payments cuts. Furthermore, the bill will assist Medicare HMO's that cover preservation drugs so that they can continue to provide this important benefit.

I believe we have a commitment to America's seniors to provide dependable health care through the Medicare program.

I strongly supported giving seniors more options and flexibility when I voted for Medicare+Choice in the Balanced Budget Act.

Empowering consumers to choose their care is the best way to improve quality and affordability in the health care system.

Unfortunately, more than 700,000 Medicare beneficiaries in Medicare+Choice HMOs nationwide have had their coverage either disrupted or discontinued over the past two years.

In some congressional districts—like mine—many seniors were forced to return to fee-for-service Medicare because there were no other options in this area. Even in areas that still have Medicare HMOs, seniors have been hit with increased out-of-pocket costs and reduced benefits,

Seniors in my district love their HMOs. They get things like prescription drug coverage, dental care, and eye exams and glasses. At a time when HMOs are getting a bad rap in a lot of places, we want to keep our HMOs in Florida.

Unfortunately, the policies of the Health Care Financing Administration are making this very hard to do. They have taken some well-intentioned provisions in the Balanced Budget Act and twisted them in order to cut payments to the HMOs who need it most, forcing them to leave certain areas—like rural areas—where they can't cover their expenses.

Even though we provided these HMOs with some relief last year, we need to build on this work to guarantee that current and future generations of Medicare beneficiaries have a strong health care system that offers them choices in how they receive care.

I urge my colleagues to cosponsor the Seniors Health Choice Preservation Act in order to preserve their constituents health care choices and to prevent future crisis for seniors on Medicare.

COMMENDING JAMES SPELLMAN, SR. OF PAWCATUCK, CONNECTICUT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. GEJDENSON. Mr. Speaker, today I commend Mr. James Spellman, Sr. of Pawcatuck, Connecticut for more than five decades of public service on behalf of his Town, State and Country. On April 28, Mr. Spellman will mark his 80th birthday.

Mr. Spellman has dedicated the better part of his adult life in roles assisting the residents of his community and beyond. He served as a member of the Board of Education between 1948 and 1953. From 1955 and 1961, he was Judge on the Stonington Town Court. In 1961, Mr. Spellman was elected to his initial term as First Selectman. He would be reelected to this position successively for another 11-terms until he stepped down in 1985. His long tenure is a testament to the excellence of his service which was marked by innovation, foresight and a balanced stewardship of Town affairs.

During those years, the Town of Stonington went through a period of considerable growth, adding three new schools, a police station and a significant amount of public infrastructure necessary to serve a growing population and to respond to economic development fueled by the tourism industry. Throughout his career as Chief Elected Official and Chief Administrative Officer, Mr. Spellman was known for his concern for all segments of the community, his willingness to respond to constituent needs at all times of the day and night, and his sincerity in pursuing the duties of the office.

Jim Spellman has also served his nation in a number of capacities. He was in the Navy in the Pacific during World War II. He was a member of the Atlantic States Marine Fisheries Commission for nearly 15 years. In this assignment, he worked to ensure that the region's fishery resources would be healthy for existing and future generations of fishermen from Stonington and throughout southeastern Connecticut.

Mr. Speaker, James Spellman, Sr. has a record of service to his community that few will ever equal. Although he no longer holds formal positions on boards or commissions, he continues to remain active in the community offering his bountiful experience and energy to help Stonington in the Twenty First Century. I joint citizens in Stonington in wishing him all the best in the years ahead.

HONORING STEVEN T. KOIKE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. RADANOVICH. Mr. Speaker, today I honor Steven T. Koike for being named the recipient of the second annual Award for Outstanding Achievement, by the Friends of Agricultural Extension.

The Friends of Agricultural Extension is a volunteer group that supports the Agricultural Extension program in the San Joaquin Valley. Each year Friends of Agricultural Extension publicly recognizes the author of an outstanding program in adaptive research and extension, which addresses a problem or opportunity facing production agriculture. This year, Koike's program, on the subject "Research and Education about Spinach Diseases: A Model for Responding to the Needs of Growers of Minor Crops in California", has been selected.

Steven T. Koike serves as the Plant Pathology Farm Advisor for Monterey County as well as the counties of Santa Cruz and San Benito. Koike's research specializes in regional diagnosis of diseases of vegetables and floral plants.

Koike, in assuming the position he now holds, brought to the region the vision of a country-based pathology laboratory to provide rapid diagnostic and research services to the farming community.

Koike envisioned and brought into being (through grants, industry support, and county resources) a pathology laboratory fully equipped to deal with most fungal, bacterial, and nematode pests.

Steven T. Koike, with the laboratory in place, is able to provide California farmers timely and accurate diagnostic methods, serving growers and farm advisors from no less than 15 California counties.

Mr. Speaker, it is my pleasure to honor Mr. Steven T. Koike for his extraordinary research in the field of plant pathology, and to congratulate him on being named the recipient of the second annual Award for Outstanding Achievement. I urge my colleagues to join me in wishing Mr. Koike many more years of continued success.

AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000

SPEECH OF

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

The House in Committee of the Whole House on the State of the Union had under

consideration the bill (H.R. 1776) to expand homeownership in the United States:

Mr. PASCRELL. Mr. Chairman, I rise in support of this amendment by my estimable colleague from California, Congresswoman WATERS.

As a former Mayor of a large city, I know a thing or two about depending on Community Development Block Grants (CDBG) and the HOME Investment Partnership Program (HOME) to pay for services and housing for poor communities. And let me tell you—there is never enough money in the pot to meet the needs of those communities.

I think the proposals made here today are great. I think creating incentives for teachers and police officers to move into distressed communities is a great idea. Mixed income communities provide lower income neighborhoods with much-needed role models and opportunities.

But let us be very clear about the funding for these changes. The money for these proposals we are discussing here today will have to come from the same pot of money that is currently set aside for the very neediest of Americans.

And there isn't enough of it to go around.

Today the floor is filled with talk about the need to reinvest in our communities. What I want to know is—when we are all back here in the fall debating the budget, will we be as committed to these programs—to these communities—as we are today?

Will we be willing to put our money where our mouth is today?

I support this underlying legislation. We should work together to revitalize those areas that need our attention.

If we are going to take these programs beyond their intended mission, we should be prepared to increase the funding necessary to add each of the groups we want to make eligible.

We cannot stretch dollars too thin at the expense of the people we say we are trying to lift up. I look forward to working with the sponsors of this legislation to ensure that the funding is in place to meet our shared goals.

HONORING THE DISTINGUISHED CAREER OF RAY MINTON

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. GORDON. Mr. Speaker, I rise today to congratulate Ray Minton on his retirement as the Cannon County Election Commission's Administrator of Elections. He has served as Cannon County's chief election officer for 32 years.

A lot has changed since 1968, the year Ray started working for the Cannon County Election Commission. Ballots have gone from paper to computer, and records from handwritten to typed to computer. District lines have been redrawn. Candidates have won or lost by the will of the voting public.

No doubt the biggest change in Ray's life and the event that led him to the election commission was the discovery of a cancerous spinal tumor. After losing the use of his legs, he began to work part time at the election commission as part of his recovery. Ray has said that the work kept him busy and made him feel needed. And I can assure you that Ray has been, and still is, needed by his community and friends like myself.

We will sorely miss him, but I'm sure Ray will continue to be a positive role model, admired for his attitude and service to his community.

Ray, I wish you the best of luck in any new endeavors you decide to take on and for you to have a long and happy retirement spent with your family and friends.

HONORING DOCTOR ROCCO ORLANDO FOR OUTSTANDING SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today and join the Italian American Historical Society of Greater New Haven as they pay tribute to one of our community's outstanding citizens, my cousin, Dr. Rocco Orlando. This evening family, friends, and colleagues will gather as Rocco is honored with this year's Distinguished Service Award.

I often speak of our Nation's need for talented, creative, enthusiastic teachers who are ready to help our children learn and grow. Rocco is just that kind of educator. Throughout his career he has touched the lives of children from elementary school to college. His career culminated as he was appointed as a professor in the Sixth Year Graduate Program in Educational Leadership at Southern Connecticut State University—charged with preparing students for administrative positions in public school systems themselves.

Public education is the cornerstone of the American dream, leveling the playing field and providing every child with the opportunity to make the most of his or her talents. It is talented professionals like Rocco who truly shape the leaders of tomorrow. His unique dedication to education extends outside the classroom into the community itself. Rocco has long been affiliated with the New Haven Scholarship fund, currently serving as vice president, enabling hundreds of needy students to continue their education.

Shortly after the Connecticut General Assembly passed a collective bargaining law in 1966, Rocco began to study the effectiveness of the provided mediation process. His doctoral dissertation studied the collective bargaining negotiations between teacher organizations and Boards of Education in Connecticut. His extensive research led to his appointments, which he continues to hold, as an Arbitrator with the Connecticut State Board of Arbitration and Mediation, the Connecticut Board of Education and the Office of Policy and Management of the State of Connecticut. Rocco has worked diligently to ensure that the concerns and goals of employees and management are heard in a fair and just forum—helping to create an environment which meets the best interests of all Connecticut residents.

Today, as Rocco is honored with this very special award, I would like to express my deepest thanks and appreciation for his tireless efforts on behalf of our young people. He has made a real difference in the lives of many, leaving an indelible mark on our children and community. I am honored to join with his wife, Rae; children, Lisa and her husband Michael, Rocco and his wife, Joanne; grandchildren, Laura, Alexander, and Rocco; family; friends; colleagues; and the Italian American Historical Society to congratulate Rocco as the recipient of this year's Distinguished Service Award. His remarkable contributions are a reflection of the very spirit of this award.

INTRODUCTION OF THE FEDERAL WORKFORCE DIGITAL ACCESS ACT

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. CUMMINGS. Mr. Speaker, with the Government's increasing dependence on information technology to accomplish agency goals, and at the fast pace with which technology is changing, the Government is finding it difficult to hire, train, and retain a technology literate workforce. The ability to use computers and the Internet has become indispensable to employees' education, career, social, and cultural advancement. Technology literacy has become not only a basic job requirement, but also a basic life skill.

Economists and policymakers have highlighted an acceleration in the growth of productivity, which measures worker output per hour, as a key reason the economy has performed so well in recent years. Economists have attributed the rise in productivity to better management, and to a wave of business investment that has allowed firms to take advantage of major technological advances, particularly in computing and information processing. The Government is no exception.

Last month, David Walker, Comptroller General for the General Accounting Office (GAO), testified before the Senate Government Affairs Committee on "Managing Human Capital in the 21st Century." He stated, and I quote:

"One of the principal strategies that agencies have used to deliver services with fewer staff has been an increased reliance on information technology. However, the agencies' ability to make the most of this strategy could be jeopardized by the competitive disadvantage they report facing in hiring and retraining skilled information technology staff."

He went on to say that if the government does not improve its human resource systems, in this regard, it will earn GAO's high risk designation in 2001. The Federal Times, a federal employees newspaper, recently reported that federal agencies are facing skills gaps, particularly in the area of technology, and are facing the potential loss of 30 percent of their employees within five years.

Which the advent of the Information Age, the need for technologically skilled people is escalating. Meanwhile, the number of skilled

American high technology workers has declined. This comes at a time when efforts are underway to create an e-Government. E-Government is the widespread application of information and communications technology to deliver government services—fostering digital government.

Filing your income taxes on-line is just the beginning. In e-Government, citizens can log onto one Internet site, easily find the government services they are looking for, and use that site to conduct online transactions; businesses can fill out one Internet form for all their local, state and federal environmental regulatory compliance requirements and government officials can make all purchases and payments electronically, saving millions of dollars. To support e-Government, you must have an e-workforce.

In response to an increasingly competitive job market, federal agencies will need tools and flexibilities to attract, hire, and retain technologically savvy talent. The work that federal agencies do requires a workforce that is sophisticated in new technologies, flexible, and open to continuous learning. The present federal workforce is aging. The baby boomers, with their valuable skills and experience, are drawing nearer to retirement and will be replaced by new employees who have different employment options and different career expectations from the generation that preceded them.

These new employees place a great premium on opportunities to learn, a work life personal life balance, independence and creativity, and flexible work arrangements. The relative security offered by federal jobs is no longer an important factor for many Generation X'ers who expect to change jobs frequently to learn new skills, earn a higher salary, and make a variety of contributions.

Continuing education and training is critical in today's marketplace, where job skills are changing rapidly and global competition demands world-class and ever-improving productivity. The federal Government must equip its employees with the skills and knowledge required of a high performance workforce. The Federal Workforce Digital Access Act allows the Government to take steps to do just that.

The Federal Workforce Digital Access Act (FWDA) provides that permanent employees in the executive, legislative, and judicial branches of the federal Government, who complete one year of employment, will be eligible to receive a computer, and Internet service at home at no charge. The benefit provides that federal agencies make use of, primarily, Internet Based Training (IBT) and onsite training to enhance the technological skills of their employees. The benefit provided for under the FWDA is called the ''digital access benefit.'' The employee has the option of declining the digital access benefit package or choosing Internet service only.

In order to promote greater technological proficiency within the Government's workforce, the General Services Administration (GSA) and the Office of Personnel Management (OPM) will work together to establish and operate the digital access benefit program. GSA will be responsible for negotiating the digital access benefit contract. OPM will be responsible for general oversight of the program. To evaluate the program's operation, agencies will submit a report to the Office of Management and Budget on cost efficiencies, organizational performance, increased productivity, and training opportunities realized from the implementation of the Act. The report, which must be submitted to Congress in the fourth year of the program's operation, will help Congress assess whether the program should be reauthorized.

Agencies will be appropriated the funds to execute the Act and will deposit those funds in the Employees' Digital Access Fund. The Fund is available for all payments for goods and services under the Act, including GSA's and OPM's administrative costs.

FWDA is an imperative for those Federal employees across the country who work in mail rooms or who serve in the field as law enforcement officers, who have limited contact with a computer. It is also an imperative for those employees who daily underutilize computers by using them for simple word processing and e-mail functions. Providing federal employees with computers at home will expose employees to computer technology on a daily basis and IBT will broaden their knowledge and application of new technologies.

Internet or web-based delivery of educational content, supplemented by numerous online tools, is an inexpensive, flexible and convenient way to empower Federal employees to become technologically proficient. IBT provides a hands-on approach to technology education. It permits employees to access content from inside and outside brick and mortar training facilities, to learn at their own pace, view video and other visual explanation of technology, and allows them to test themselves online to assess comprehension and retention. IBT takes the fear and intimidation out of learning new and emerging technologies. The result is a technologically savvy and creative employee that can not only support e-Government, but can help to create and develop it.

The FWDA gives the Federal government and its future and current workforce, the tools it needs to better serve the citizenry and be a leader in a knowledge-based economy.

TRIBUTE TO THE LATE KEITH J. DAVIS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. RADANOVICH. Mr. Speaker, today I pay tribute to Keith J. Davis, a longtime friend, who passed away on January 23, 2000. He was 77. Mr. Davis was a Veteran as well as an upstanding member of the community.

Mr. Davis was born on August 31, 1923 in Salt Lake City, Utah. He graduated from the University of Utah with a degree in engineering. Mr. Davis joined the United States Army in 1942 and retired in 1978 with the rank of Colonel.

Throughout his life Mr. Davis held many positions in his community. He was a member of the Mariposa Veterans of Foreign Wars Post #6042. He was also a member of the Elks Lodge, a member of the Operating Engineers Union, and a past president of the Mariposa County Republicans Central Committee. He was a private pilot and an avid hunter, as well.

Mr. Davis is survived by his daughters, Kathleen Saz of Citrus Heights and Kristi Smith of Sacramento; son James Subisaretta of Texas; sisters Miriam Hurley of Davis and Dorothy Hendrickson of Oregon; eight grandchildren and one great-grandchild.

Mr. Speaker, I pay tribute to Keith J. Davis for his dedication to his community and his service to this country. His family members, and those who knew him, will remember Mr. Davis for his integrity, honesty, and hard work. I urge my colleagues to join me in extending my condolences to the Davis family.

TRIBUTE TO GROVER ROBINSON III AND SANDRA LOWREY ROBINSON

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. SCARBOROUGH. Mr. Speaker, the citizens of Escambia and Santa Rosa Counties and the State of Florida have been blessed with two people who have dedicated their careers to the pursuit of excellence in all aspects of life. These fine people have distinguished themselves as community leaders and the models of honesty and integrity in public service. The couple that I speak about today is Grover Robinson III and Sandra Lowrey Robinson.

Most of the residents of Northwest Florida remember and admire Grover for his years of public service, during which he served as the District 3 Representative in the Florida House. However, what I admire most about Grover is that he always went above and beyond the call of duty to help others. At a time when our nation calls out for principled leadership from public officials, it is fitting that today we honor a true gentleman who always went the extra mile to represent the under-represented and to promote excellence within the community, the State of Florida, and the nation. During his distinguished career. Grover never forgot how important the little guy is to the American way of life. It is little wonder that Grover Robinson III is known as one of the most popular elected officials in Escambia County history.

When he ended his political career in 1986, he joined his wife, Sandra, in putting new life into community and church life, serving the people of Northwest Florida with compassion and loving care.

Grover was active in the Pensacola Jaycees, the March of Dimes, the Pensacola Chamber of Commerce, the United Way, and most especially Christ Episcopal Church.

His wife, Sandra Lowrey Robinson, was made from the same cloth as Grover. She was active in the Northwest Florida community and a member of the Pensacola Junior College Foundation Board, and Baptist Hospital Foundation Board, the Junior League of Pensacola, and Episcopal Church.

Mr. Speaker, the lives of these two people were cut tragically short earlier this year. But

as we celebrate the accomplishments and the lives of Grover and Sandra, we can take pride in knowing they have influenced so many people in a positive way. As a fellow elected official and as a friend, I appreciate the importance of dedication and devotion to public office and the community. Their legacy will be a constant reminder that together, two people can make an extraordinary difference in the lives of many.

BACK TO HEALTH WEEK

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mrs. KELLY. Mr. Speaker, today is the first day of "Back to Health Week," a national campaign created to increase awareness of back pain as well as possible causes and prevention. Sponsored by the North American Spine Society, this week is designed to educate Americans about their spine and how they can prevent common back pain.

The facts of back pain speak for themselves. Did you know that at some point in their lives, more than 80% of American adults experience back pain? Or, that 1 out of 14 adults will visit a physician this year due to back or neck pain and that back pain is the second most common reason people visit a physician? These statistics demonstrate how important it is to raise awareness about this health problem that affects so many Americans.

One Famous American who suffers from back pain is two-time Cy Young Award winner and Major League Baseball pitcher Randy Johnson. After Johnson won the Cy Young in 1995, he was sidelined because of back problems for most of the 1996 season. Johnson captured his second Cy Young last year after surgery to correct a herniated disk and months of physical therapy.

Another highlight of "Back to Health Week" is an event to distribute information about back pain. "Back to Health Day" will be held Thursday April 13th in the Capitol. "Back to Health Day" will provide an array of educational materials, including guidelines to a healthy back, exercises to strengthen your back, and how to prevent back pain. In addition, representatives from the North American Spine Society will be on hand to discuss commonly asked questions about back pain, causes, and prevention. I encourage my colleagues to join us for "Back to Health Day" as we learn the most effective ways to prevent and alleviate back pain.

I commend the North American Spine Society for organizing "Back to Health Week" and for their commitment to ensuring Americans learn to keep their backs healthy.

"THE QUILTS OF TEARS"—HONORING VIETNAM VETERANS AND THEIR LOVED ONES WHO HAVE SUFFERED FROM AGENT ORANGE

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. EVANS. Mr. Speaker, the loss and suffering of Vietnam veterans and their loved ones due to the use of Agent Orange is one of the sad legacies of the Vietnam War that continues to haunt our nation. Because of our nation's use of herbicides during the war, tens of thousands of Vietnam veterans have died or live daily with the scars of disease. As any veteran will tell you, the scars of war are not just physical, but also emotional. Too many veterans and their loved ones live each day with the continuing pain of dealing with the loss and the illnesses caused by Agent Orange.

Next week, the "quilts of tears" will arrive in Washington, DC. This is an important event because the quilts tell many of the stories that need to be told about the devastation this tragedy has exacted on too many lives.

Recently, I received a letter from Ms. Jennie R. LeFevre, an Agent Orange widow, who eloquently describes her own experiences as well as the legacy left of broken soldiers and broken families. I believe it captures the essence of the Agent Orange tragedy as well as the costs that our nation continues to pay for a war that ended almost twenty-five years ago.

The quilts will arrive on the Mall on April 17 and will be available for viewing near the Vietnam Memorial. They will also be on display on Memorial Day on the banks of the Reflecting Pool. I urge my colleagues to visit this moving and unforgettable memorial. The letter from Ms. LeFevre follows:

THE QUILTS OF TEARS

Agent Orange has been interwoven into the fabric of the lives of many Vietnam Veterans and their families. To tell their story, the "Quilts of Tears" project was created. It is to show the world the suffering and pain that the Agent Orange Victims and their families have endured. Each block in the "Quilts of Tears" reflect their struggles with life and death issues of Agent Orange. Agent Orange has left invisible scars on the hearts and minds of these victims and their families.

I have recently heard these words about Vietnam Veterans. The words are, "All gave some, but some gave all". Such is the case of the thousands of who have already lost their lives to the great tragedy Agent Orange, for they were killed in Vietnam and didn't know it. They were killed by the silent and invisible bullet, Agent Orange. Their names do not appear on the black granite Wall in Washington, DC, the "Quilts of Tears" are their Wall.

The "Quilts of Tears" was founded by Jennie R. LeFevre of Shady Side, MD, Founder and President of the Agent Orange Victims and Widows Support Network. The quilts are a Tribute, Memorial and Honor to the Vietnam Agent Orange Victims, both living and dead. Each block represents a victim, and they show the victim's unit in Nam, years served in Nam and the nature of the victim's health problems relating to Agent Orange. At present, there are ten quilts, each measuring 80 by 100 inches, each quilt contains 20 blocks. At displays, the quilts are hung on walls or spread on the ground with walking space between each one to allow viewing from any angle. "The Quilt of Tears" project is mentioned throughout the Internet on many of the Vietnam Veterans websites and e-mail forums and indeed the "Quilts of Tears" has a website of its own as well.

Mothers, sisters, and other family members have adorned the blocks with their loved one's picture, unit patches, military emblems, medals, awards, etc., etc. The quilts were displayed for the first time on the Mall in Washington, DC several years ago. They have since traveled to a quilt show in NJ, several Vietnam Veteran's Reunions in St. Louis, MO, and were also displayed at the Vietnam Veteran Reunion in Kokomo, Ind. They were on display a year ago Veterans Day in the Rotunda of the Utah State Capitol. The quilts are called the "Quilts of Tears" because many tears have been shed for these victims. "The Quilts of Tears" already have letters of acknowledgment and endorsement from both the Agent Orange Coordinating Council and Vietnam Veterans of America, Inc., headquarters in Washington, DC.

I am an Agent Orange widow myself, my late husband, a veteran of both the Korean and Vietnam War, died with cancer in ten parts of his body. Unfortunately, the VA states the cancer he had was not related to his exposure to Agent Orange so there I am not compensated. I believe Agent Orange did cause his death. I am a member of the Agent Orange Coordinating Council, chaired by the late Admiral Zumwalt and have been on the Council for seven years. I made a block for Admiral's son with the words inscribed "A Great Warrior Son" which Admiral Zumwalt requested to be put on his son's block. The block is now a part of the Quilts of Tears.

"The Quilts of Tears" are the Wall for the Agent Orange Victims. Their stories need to be mentioned for all of the suffering and pain they have endured in love and honor for their country, the quilts do just that. One has only to look at the quilts to see for themselves what has happened to these victims. After the display in Kokomo, I received a letter from a veteran who stated the quilts were the most moving piece of art he had seen since the Wall in Washington, DC. A veteran with Agent Orange problems saw the display in Washington, he said he had no one to make a block for him, I told him that I would do it for him. Later he sent me his Purple Heart to put on the block. One of his prized possessions, he insists that it be placed on his block.

These quilts are very dear to the hearts of the Vietnam Veterans, the Agent Orange Victims, and their families. Over Memorial Day weekend last year, a big burly veteran looked at the quilts beside the Reflecting pool, walked a short distance away, fell to his knees and burst into tears. When I went to him and hugged him, he asked "Am I next?". The next display of the quilts will be on Monday April 17, 10:00 a.m. at the "In Memory" ceremony near the Wall, weather permitting, and they will be on the banks of the Reflecting Pool over memorial Day weekend. I invite you and the general public to come and view them.

Recently, I was at an Agent Orange meeting and another Agent Orange widow took a pin off her blouse and put it on my sweater. The pin was a black heart edged in gold, a jagged streak was across the heart to represent a broken heart and in the center of

the heart was an orange teardrop. Yes, our hearts are broken for the Agent Orange Victims.

The late Admiral Elmo Zumwalt Jr. was a real friend and advocate for the Agent Orange Victims and their families. May his memory and devotion to the Agent Orange issue live on in our hearts forever. Those of us who are a part of the Agent Orange struggle say ''We will never allow the Agent Orange Victims to be Forgotten''.

Most Sincerely,

JENNIE R. LEFEVRE,
Agent Orange Widow.

CONGRATULATIONS TO DR. IRWIN JACOBS

HON. RANDY ''DUKE'' CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. CUNNINGHAM. Mr. Speaker, I rise today to congratulate my friend and constituent, Dr. Irwin Jacobs. America is well aware that Dr. Jacobs is the founder and CEO of Qualcomm, home of the CDMA wireless telecommunications standard. In addition to his work with Qualcomm, however, Dr. Jacobs is very active in San Diego's technology community.

Dr. Jacobs was named scientist of the year by the San Diego Chapter of Achievement Reward for College Scientists. Ms. Toni Nickell, the president of the San Diego chapter, said that Dr. Jacobs was given this award ''because of his great contributions to technology''. Specifically, Dr. Jacobs, as the CEO of Qualcomm, has been conducting research that would expand the use of cellular phones and make them the personal computers of tomorrow.

Irwin Jacobs deserves our congratulations for a job well done. Thanks in no small part to him, San Diego County is the global headquarters for CDMA wireless telecommunications technology.

I commend my colleagues to read this attached article from the San Diego Union Tribune of April 6, 2000 describing this most recent honor for Dr. Jacobs.

[From the San Diego Union-Tribune, Apr. 6, 2000]

QUALCOMM CHIEF NAMED SCIENTIST OF THE YEAR BY WOMEN'S GROUP

(By David E. Graham)

Technology is emerging now that will blur the distinctions between a cellular phone and a desktop computer, Irwin Jacobs, the CEO of Qualcomm, said last night at an awards banquet in his honor.

The leader of the San Diego wireless telecommunications company was named scientist of the year by the San Diego chapter of Achievement Reward for College Scientists. The women's group raises money for scholarships for university students studying science.

While celebrating the need for talented students to fuel innovation, Jacobs said his company is interested in expanding the capabilities of digital cellular phones. ''That device is able to do many, many things for us,'' Jacobs said.

The company's code-division-multiple-access technology is a standard technology for transferring information to the phones. Soon, however, cellular phones will be able to tell users that location in a city or within a building, using a global-positioning technology. Other changes likely will include the ability to connect to the Internet and download and store great amounts of information—and even download and play back music.

Holding a cellular phone, he told the audience: ''I believe for many people it will be their computer.''

When someone needed a larger keyboard for writing and a screen for large display of information, the phone could be dropped into a device at a hotel or airport, for example, where work could be done.

The information could be used from within the phone set or against plugged into another larger display at another site, he said.

Many consider Jacobs a voice not to be ignored. Buoyed by the CDMA technology used in portable phones and by other business moves, Qualcomm has been a darling of Wall Street, its stock having soared last year.

Jacobs said he also is interested in the distribution of cinematic film to theaters digitally rather than on traditional film.

Jacobs was chosen for the Achievement Reward for College Scientists award ''because of his great contributions to technology,''said Toni Nickell, president of the group's San Diego chapter.

The chapter provided $425,000 in scholarships last fall to 49 graduate and undergraduate students at UCSD, SDSU and The Scripps Research Institute.

Since the chapter was organized in 1985, it has given more than $2.4 million in scholarships to 375 students.

THE PHARMACEUTICAL INDUSTRY CAN AFFORD A MEDICARE DRUG BENEFIT AND MORE RESEARCH

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. STARK. Mr. Speaker, the pharmaceutical industry alleges that government intervention will lead to cost containment and price controls which will stifle research and development of new drugs. In fact, they are not spending enough on R&D.

According to today's Wall Street Journal survey on executive compensation, the average CEO of a pharmaceutical company received $14.9 million in salary, bonus, and stock options in 1999.

Rather than maximizing the R&D of new therapies and cures for diseases, they are spending it on pay for their executives. Today's Wall Street Journal article shows what the pharmaceutical industry's real priorities are.

The top five highest compensated CEOs of pharmaceutical companies surveyed were: (1) Charles A. Heimbold, Jr., $44 million, Bristol-Myers Squibb; (2) Richard Jay Kogan, $36.7 million, Schering-Plough; (3) Ralph S. Larsen, $34.9 million, Johnson & Johnson; (4) Sidney Taurel, $33.3 million, Eli Lilly; and (5) Fred Hassan, $15 million, Pharmacia & Upjohn.

The income of these 5 men is roughly half the cost of discovering a blockbuster drug that could cure millions of people.

Mr. Speaker, we shouldn't let this industry tell us they can't afford to participate in a Medicare drug benefit and continue research.

HONORING GILBERT SERVIN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. RADANOVICH. Mr. Speaker, today I honor Gilbert Servin, the outgoing President of the Central California Hispanic Chamber of Commerce. The Central California Hispanic Chamber of Commerce (C.C.H.C.C.) is the largest Hispanic business organization in the Central Valley.

Servin, a founding Board member of the C.C.H.C.C., was the California Hispanic Chamber of Commerce President for one year. Along with his achievements as President of the Central California Hispanic Chamber of Commerce, Mr. Servin was also elected to serve for two years as treasurer for the State Hispanic Chamber.

Gilbert Servin graduated from California State Polytechnic University in Pomona in March 1976. For the next fifteen years he was employed by the Clinicas de Salud Del Pueblo, In., in Brawley, California, as a Business Manager and Assistant Executive Director. In 1980 Gilbert Servin accepted the opportunity of serving as Business Manager for United Health Centers of San Joaquin Valley, Inc., a considerably larger health center.

Gilbert Servin's experience and expertise, obtained while employed by the United Health Centers and the Clinicas de Salud, propelled him to become an independent consultant in healthcare financing and management in March of 1983. In addition, Gilbert Servin, CEO for CAGSI International (previously Gilbert Servin Associates), and his highly experienced staff provide professional services in the preparation of financial feasibility studies. Currently, Gilbert Servin has focused his efforts in expanding its services to assist local governments and community groups in financing projects. These projects will promote economic development, with an emphasis on rural areas.

Mr. Speaker, I want to honor Gilbert Servin as the outgoing President of the Central California Hispanic Chamber of Commerce. I urge my colleagues to join me in wishing Gilbert Servin many more years of continued success.

HELP FOR THE NATION'S PREMIER TEACHING HOSPITALS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. RANGEL. Mr. Speaker, I am pleased to join today with Senator PATRICK MOYNIHAN,and a number of my House and Senate colleagues in introducing legislation to stop further Medicare cuts in the indirect medical education (IME) program.

IME payments are extra payments made to teaching hospitals for the fact that they are training the next generation of doctors, and that the cost of training a young doctor—like any apprenticeship or new person on the job—is more expensive than just dealing with experienced, older workers. The young person requires mentoring, orders more tests, and makes mistakes unless closely supervised. It is natural that a group of young residents in a hospital will reduce a hospital's efficiency and increase its costs. Medicare should help pay for these extra ''indirect'' costs, if we want—as we surely do—future generations of competent, highly skilled doctors.

The Balanced Budget Act took the position that the extra adjustment we pay a hospital per resident should be reduced from 7.7% in FY 1997 to 5.5% in FY 2001. This provision was estimated to save about $6 billion over 5 years and $16 billion over ten—in addition to about another $50 billion in hospital cuts in other portions of the BBA. In the Balanced Budget Refinement Act which was enacted last November, we recognized that these cuts were too much, and froze the fiscal year 2000 rate at 6.5%, reduced it to 6.25% in 2001 and then dropped it to 5.5% thereafter.

Mr. Speaker, last fall's delay and spread out of the cuts is helpful—but these cuts are still too much. The nation's teaching hospitals, which do so much to serve the uninsured and poor, and which are the cradle of new clinical research and technical innovation, are hemorrhaging red ink.

Our bill stops further scheduled cuts in the IME, freezing the adjustment factor at 6.5% rather than letting it fall to 5.5%, and saving teaching hospitals about billions of dollars that would otherwise be taken from them.

I hope this legislation will receive consideration this year, before the cuts resume, and these premier medical institutions are faced with cuts, layoffs, and reduced service that will literally cost us lives in the years to come.

HONORING THE CENTENNIAL OF THE U.S. SUBMARINE FORCE

HON. SAM GEJDENSON
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 11, 2000

Mr. GEJDENSON. Mr. Speaker, it is with tremendous pride that I rise today to congratulate the U.S. Navy Submarine Force on the occasion of its 100th anniversary of service to America.

We have a rich maritime heritage in southeastern Connecticut and a long legacy of outstanding craftsmen as well as patriots. When the Navy purchased the *Holland* from a relatively unknown shipyard on April 11, 1900, it set in motion a legacy unequaled in our nation's history. Commanded by Lt. Harry H. Caldwell, the *Holland* traveled through yet uncharted depths, setting the standard for all who followed. For shipbuilders and sailors, having set the technological clock in motion, the Submarine Force has never looked back. The Submarine Force has met challenge after challenge head on—first identifying them, then dissecting them, and finally overcoming them.

In April 1775, the first Minute Men confronted the British regulars to begin the American Revolution. One hundred and 25 years later, the early patriots—Washington, Adams, Hancock, Revere, and Hale—were joined by the likes of Nimitz, O'Kane, Dealey, Cromwell, Fluckey, and Gilmore. While Nathan Hale's defiant proclamation ''I only regret that I have but one life to lose for my country!'' was immortalized as unselfish patriotism, so was that of Commander Howard Gilmore, who commanded, ''Take her down!'' Helping to turn the tide in the Pacific, United States submarines sank 5½ million tons of Japanese naval and merchant shipping—55 percent of Japanese shipping destroyed—at a loss of 52 submarines and more than 3,500 valiant men. Adm. Chester A. Nimitz, commander of the United States Navy in the Pacific during the Second World War, said: ''It is to the everlasting honor and glory of our submarine personnel that they never failed us in our days of great peril.''

During the cold war, the ''Forty-One for Freedom'' Polaris/Poseidon and succeeding Trident submarines ensured that our nation would never be the target of nuclear aggression. Daring intelligence missions provided a clear picture of the capabilities and the goals of the Soviets and other nations which threatened our national interests. As Secretary of Defense William S. Cohen said, ''the peaceful end to 45 years of confrontation is the modern legacy of the Submarine Force.'' Following in the footsteps of the Minute Men, our modern day submariners are ready at a moment's call and spend every moment in constant vigilance.

But even in peace time, our submariners were not free from the dangers of the sea. Along with the many sacrifices during wartime, there were other tragic losses, such as the S–4, the Thresher and Scorpion.

The insignia of the Submarine Force is a submarine flanked by two dolphins. Dolphins or porpoises are the traditional attendants to Poseidon, Greek God of the Sea and patron deity of sailors. They are symbolic of a calm sea and are called the ''sailor's friend.'' Every individual who sports this insignia may truly be recognized for their significant contributions to a tranquil sea of peace in which they valiantly fought and sacrificed so much.

Supporting the greatness of their achievements are the ships in which they sail. John Holland, a schoolteacher born in Ireland, designed the Navy's first submarine. Isaac Rice merged the Electro-Dynamic Company with the Holland Torpedo Boat Company in 1899, to form the Electric Boat Company of Groton, CT, Electric Boat has continued to be in the forefront of design and construction over the past century.

During World War I and the years immediately following, Electric Boat built 85 submarines for the U.S. Navy. It produced another 74 submarines during World War II. Working under the watchful eye of Adm. Hyman G. Rickover, who provided the major impetus behind the development of nuclear-powered submarines and surface ships, EB built the world's first nuclear-powered submarine—the U.S.S. *Nautilus* (SSN–571). EB followed less than a decade later with the Navy's first fleet ballistic-missile submarine—the U.S.S. *George Washington* (SSBN–598). Improving on that accomplishment it designed and developed the mammoth 560-foot Ohio-class ballistic-missile submarine capable of carrying a total of 24 Trident missiles. The company constructed the U.S.S. *Seawolf* (SSN–21) and the U.S.S. *Connecticut* (SSN–22)—the two fastest, quietest, most heavily armed submarines in the world. Today, Electric Boat is designing and building the first of the New Attack Submarines, now known as the Virginia-class after the first ship in the line. It will team with Newport News Shipbuilding to produce the remainder.

On behalf of the citizens of the Second Congressional District, our State of Connecticut and the Nation, I congratulate the exceptional performance of the Submarine Force and extend our deepest appreciation to our submariners and their families for a century of service to America.

THE FEDERAL WORKFORCE DIGITAL ACCESS ACT

HON. ELIJAH E. CUMMINGS
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 11, 2000

Mr. CUMMINGS. Mr. Speaker, today I have introduced the Federal Workforce Digital Access Act. A section-by-section analysis follows:

Section 1 provides that the title of this legislation is the ''Federal Workforce Digital Access Act.''

Section 2 amends title 5, United States Code, to include digital access, for the purpose of residential use, a computer and Internet service as a benefit option for employees in the executive, legislative, and judicial branches of Government.

Provides that a permanent employee who completes a probationary period, or who has been employed not less than 1 year, will be eligible to receive a computer and Internet service at home at no charge. The employee has the option of declining the digital access package or choosing Internet service only.

In order to promote greater technological proficiency within the Government's workforce, the General Services Administration (GSA) and the Office of Personnel Management (OPM) shall, in addition to duties and responsibilities assigned to each of them by the President, establish and operate the digital access benefit program.

The digital access benefit must allow the employee to perform office automation and e-learning functions. Internet-based and on-site training in the use of the computers and software applications, shall be included in the package. Upgrades to the digital access benefit will be made at the employee's request and expense.

Section 2 also provides that residential Internet service must link the employee to Government sites and resources, and support communication between Government agencies and the employee.

GSA may contract with any qualified person to carry out this section. The contracts shall include: the time and manner in which ownership of the digital access package shall be transferred to the employee; options for the technological refreshment of the benefit package; restrictions on commercial advertising to subsidize benefits; measures to prevent unauthorized tracking of computer use

and to protect the user's privacy; measures to prevent unauthorized sale or release of names or other identifying information; options for the renewal or extension of benefits; provisions to make benefits accessible to persons with disabilities, such as appropriate modifications or accessories; measures to permit the donation of used equipment to schools or community-based organizations; and measures to terminate, when the employee leaves the government, access to Government databases, sites, and other functions not extended to non-employees.

OPM shall establish guidelines and specifications for the program. OPM shall also: provide technical assistance to GSA or any other agency, on Internet-based training for employees, communication of information to and from employees, procedures for election of benefits, and general oversight and coordination functions to ensure the efficient delivery of the program.

Under this section, OPM shall establish provisions for any employee abroad to whom it may be impracticable to provide this benefit; and in the case of an employee who has previously received or declines benefits, how that employee will be eligible for benefits based on subsequent employment.

The GSA and OPM shall consult with each other to execute their duties and responsibilities under this section. Each employing agency shall keep records and furnish information to GSA and OPM to carry out their duties and responsibilities.

Such sums as may be necessary will be appropriated annually to each agency, including OPM and GSA, both as employing and administering agencies, to carry out this Act. The costs associated with furnishing this benefit will be payable by the employee's employing agency to GSA as specified by applicable requirements.

The amounts paid by the agency shall be deposited in the Treasury of the United States to the credit of the Employees' Digital Access Fund. The fund is available for all payments to persons providing goods and services under this section, and to pay the respective administrative expenses of GSA and OPM within the annual limitations specified by Congress.

Section 3 amends chapter 79 of title 5 to state that the Office of Management and Budget (OMB) shall submit to the President and Congress a report on the operation of the program based on the first 3 years of its operation. The report shall address the following aspects of this program: any cost savings, efficiencies, improved individual or collective organizational performance; increased productivity; greater work flexibilities; enhancement of Government recruitment and retention efforts; reduced printing and mailing costs, improved communications with respect to individuals in rural or remote locations; new Internet-based training opportunities; best practices of particular agencies; the extent that family members utilize the computer; and the extent to which it helps to bridge the digital divide. Each agency shall submit to OMB such information as the Office requires to prepare for the report.

Section 4 provides that any contract under this Act shall be subject to such amounts provided for in advance in appropriations Acts.

Section 5 provides that the benefits provided under this Act will be furnished to those employees who made elections during the 48 month period beginning 1 year after the legislation is in enacted.

H.R. 1070, THE BREAST AND CERVICAL CANCER TREATMENT ACT

HON. SUE W. KELLY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 11, 2000

Mrs. KELLY. Mr. Speaker, I am in support of H.R. 1070, the Breast and Cervical Cancer Treatment Act. This legislation will give States the ability to provide a reliable method of treatment for uninsured and underinsured women battling breast or cervical cancer.

The program currently provides screening for cancer, but it provides no treatment options for these women. So if they are diagnosed with cancer, they have no option to be cured, which is a harsh reality. Giving States the option of providing Medicaid coverage for women will help save thousands of lives.

I urge the Speaker to bring this critically important legislation to the House floor for a vote by Mother's Day, May 14. The bill has 289 bipartisan cosponsors, well over the required number to pass a bill on the Suspension Calendar. In addition, the funding for this bill was also included in the House passed budget resolution.

Mr. Speaker, let's bring H.R. 1070 to the House floor before Mother's Day, in time to give our mothers, our sisters, our daughters the most important gift of all, the gift of life.

HONORING LT. DENNIS HOLMES, MILPITAS POLICE DEPARTMENT

HON. FORTNEY PETE STARK
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 11, 2000

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Lt. Dennis Holmes upon his retirement from the Milpitas Police Department after nearly 33 years of exemplary service to law enforcement.

Lt. Holmes joined the police force in Milpitas in 1967. He was promoted to sergeant in March 1974 and rose to the rank of lieutenant in September 1980.

During his early years as a police officer, Lt. Holmes was the first officer to be selected to serve as a field-training officer. As a supervisor, he helped develop structured localized field-training programs that he managed for nearly 15 years. He sat on the advisory board of the regional police academy and was a strong advocate for specialty and professional training for all departmental employees.

Lt. Holmes served in almost all of the available sections of the Milpitas Police Department. He started in Patrol, and then transferred into Traffic Enforcement and Investigation. He was later selected to head up the Traffic Section. As a sergeant he supervised in Patrol, was transferred into Generalist Investigations, and was then selected to supervise a proactive enforcement.

As supervisor of the proactive team, drug related arrests more than doubled and the residential burglary rate plummeted. He also introduced an objective employee performance appraisal system that was later adopted citywide. This system has been in place with few modifications for over 20 years.

As investigative lieutenant, he implemented and formalized case management procedures, which brought accountability to the investigation function. In addition, he implemented an automated case tracking system and instituted a subjective case-screening model.

Lt. Holmes served as president of the Milpitas Police Officer's Association for 4 years. He was lead negotiator for two employee relations contracts, and served on two additional negotiation teams. He was instrumental in obtaining the first fully confidential police psychological counseling benefit for Milpitas police employees.

I have highlighted some of Lt. Holmes' many accomplishments and I ask my colleagues to join me in paying tribute to this outstanding public servant. He has been an innovator and a change agent in law enforcement. His unselfish dedication to the Milpitas community is appreciated and will be long remembered.

THE FIFTEENTH ANNIVERSARY OF THE SOUTHERN ILLINOIS HEALTHCARE FOUNDATION

HON. JERRY F. COSTELLO
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 11, 2000

Mr. COSTELLO. Mr. Speaker, today I ask my colleagues to join me in honoring the 15th anniversary of the Southern Illinois Healthcare Foundation.

In the early 1980's, a group of community residents became concerned about the lack of healthcare services in southern Illinois. At that time, there were very few physicians in the area. Residents of the region suffered from a lack of adequate healthcare services. Infant mortality rates and rates of other health related concerns were on the rise. Most physicians in the region expressed their reluctance to participate in federal programs to assist the poor. Several communities in the area were also federally designated as under served and a health care professional shortage was also recognized.

In 1983, this concerned group of citizens formed an not-for-profit organization to promote health care concerns. The original charter members of the corporation included Harvey Jones Jr., Francis Touchette, Bob Bergman, Callie Mobley, Don Sminchak, Virginia "Betty" Knuckles, Kathleen Touchette, Dr. Mays Maxwell and Rev. Father Jerry Wirth. I was also proud to also be part of that original committee. The Southern Illinois Healthcare Foundation opened it's first center in one side of the public health department building at 6000 Bond Avenue in Centreville, Illinois on January 7, 1985.

With assistance of an initial Federal grant, the center began it's operations in the Centreville facility, providing health care services to the surrounding communities in the area. The foundation's services expanded in the 90's with facilities opening in East St. Louis, Washington Park and Brooklyn, Illinois. In 1913, the foundation partnered with Touchette Regional

Hospital in Centreville and with the East Side Health District to expand it's reach further into the area. I was happy to assist the center procure various grants to improve services to reduce infant mortality rates in the area and in 1997 the foundation opened a facility in Alton, Illinois. School based clinics also operate in East St. Louis and Cahokia, Illinois.

In recognition for it's work to reduce the amount of low-birth weight babies, the Southern Illinois Healthcare Foundation and Touchette Regional Hospital was one of the first winners of the ''Models that Work'' program, as sponsored by the National Committee For Quality Healthcare. Other awards and recognition for the system include the American Hospital Association and the Baxter Allegiance Foundation. The Baxter Award recognized the system's work with the various foundation communities. The foundation was also a finalist in the Premier Cares Award sponsored by Premier Healthcare.

Just last year, the foundation further expanded it's services by opening a second site in Madison County in Bethalto, Illinois. Private grants have also been awarded to the Southern Illinois Foundation from the W.K. Kellogg Foundation to allow them to address Medicaid Managed Care issues and provide funds for planning and study for healthcare issues.

Locally, the foundation has also been presented the Dr. Martin Luther King Jr. Award from the Kimmel Leadership Center. Dr. Bob Klutts is the chief executive officer and has been the executive with the foundation since 1988.

Operations in all of the Foundation Health center sites are now well established. The foundation system has grown from an initial 8,678 patient visits in 1988 to currently over 85,000 patient visits. In addition to the clinic sites they operate in several communities, they also operate three Quick Care sites with one site devoted to the needs of mother and child care and also a site directed to the needs of adults. It is one of the strongest Healthcare networks operating in Illinois today.

Mr. Speaker, I ask my colleagues to join me in honoring the anniversary and service of the Southern Illinois Healthcare Foundation.

PERSONAL EXPLANATION

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. RYUN of Kansas. Mr. Speaker, last evening I was unavoidably detained and was not present for rollcall votes 111–114.

Had I been present I would have voted ''yes'' on rollcall vote 111, ''yes'' on rollcall vote 112, ''yes'' on rollcall vote 113 and ''no'' on rollcall vote 114.

RECOGNIZING THE NORTH FORK CHAMBER OF COMMERCE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. RADANOVICH. Mr. Speaker, today I recognize the North Fork Chamber of Commerce for its outstanding contributions to the community.

During the last year, the North Fork Chamber of Commerce has accomplished a great deal. They have increased their membership to 64 members. The Chamber began quarterly town hall meetings with Supervisor Gary Gilbert and Sheriff John Anderson, holding three meetings in 1999. The Chamber has also joined SUPERCHEX (Superior California Chamber Exec's) to network with neighboring Chambers of Commerce. In collaboration with neighboring Chambers, the North Fork Chamber began advance planning, one year in advance, of chamber projects.

The North Fork Chamber started a weekly ''North Fork Chamber Chat'' column in the Sierra Star, a local newspaper. The Chamber also resumed monthly newsletters and monthly mixers for its members.

The North Fork Chamber secured $52,500 in grants and matching funds to add new sidewalks, mini-parks, and tourist signs on Northfork's Main Street.

The Chamber began a part-time paid staff, courtesy of the USFS SCSEP program, which also provided mileage and classes on Microsoft programs and project management. Along with their many achievements, the Chamber also acquired a new office, courtesy of CDC, at the Mill Site Office Building, furnished and staffed by Jim Flanagan.

Mr. Speaker, I recognize the North Fork Chamber of Commerce for its service to the community. I urge colleagues to join me in wishing the North Fork Chamber of Commerce many more years of continued success.

A TRIBUTE TO THE WATCHFUL SHEPHERD AND JOSEPH FEMIANI

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. MASCARA. Mr. Speaker, today, during National Child Abuse Prevention Month I praise the organizations which work tirelessly to end our children's suffering. I am proud to say that one such organization and its originator in my district are part of the crusade to make all children safe from harm. I am speaking of The Watchful Shepherd and Joseph Femiani.

Every day, 78 babies die, 2162 babies are born into poverty and 3,453 babies are born to unwed parents. Added to the likelihood that one in two children will live in a single parent family at some point in childhood, one in eight is born to a teenage mother and one in 60 sees their parents divorce in any year, it is no wonder that our children live in peril.

While Congress works to reverse these trends, The Watchful Shepherd protects children already suffering at the hands of relatives and family friends. Piloted in Southwestern Pennsylvanian hospitals in 1993 and 1996, The Watchful Shepherd program unites the resources of Children and Youth Services agencies, police departments health care professionals and community residents in a unique effort to improve the protection of children at risk for abuse.

Since its successful adoption by Washington County Children and Youth Services, other communities such as Tom's River, New Jersey; Dover, Delaware; and Chesapeake, Virginia have employed the program with great success for families currently enrolled in Watchful Shepherd. Surprisingly, most families voluntarily agree to the program, which consists of a panic button worn on the child and a telephone unit which are monitored by hospital, police or trained volunteer personnel. Many law enforcement agencies take Watchful Shepherd calls so seriously that they have classified the alarms as a level one priority. To date, there have been no false alarms and the system is constantly improving to serve children and their families together.

All great ideas have a creator. The chief champion of The Watchful Shepherd program is Joseph Femiani, whose idea has become a noble crusade. Borne out of personal experience, The Watchful Shepherd has no greater promoter. Mr. Femiani, a successful Washington County business owner, husband and father, could have savored the good life he had created for himself after a painful childhood, but he chose to make life safer for children everywhere.

Joe Femiani's tireless promotion of child abuse prevention and The Watchful Shepherd program has led to a feature in Time, an interview with National Public Radio and a segment on NBC's Dateline in addition to numerous grassroots campaigns to get the message out about his lifesaving program. All of this effort is not in vain. Mr. Femiani continues to receive national and international interest in The Watchful Shepherd program and works endlessly to organize financial support for those communities seeking to adopt the program.

Many marvel at Joe's stamina and commitment to his cause, as was the case in an interview with the Pittsburgh Catholic. ''Whenever Joseph Femiani questions whether his efforts makes a difference, he reaches for a card he carries in his wallet which bears the names of children who have been murdered.'' That—it seems—has made all the difference.

IN HONOR OF THE WESTINGHOUSE HIGH SCHOOL BASKETBALL TEAM

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to congratulate and commend the Westinghouse High School, and in particular the men's senior basketball team. Westinghouse High School located in the 7th Congressional District of Illinois, in the heart of the Westside, has a long tradition of academic and athletic excellence. The school has graduated several

professional basketball players, including Mark Aguire and former College Player of the Year and NBA All-Star Hersey Hawkins.

The dream of winning a state championship inspired the Westinghouse Warriors to diligently practice and perform throughout a grueling 33 game season. This year, with a season record of 31–2, the team clinched the city of Chicago championship. Their success led them to Peoria, Illinois to compete for the Class AA state title, their ultimate goal. Their hard work and determination had rewarded them with their first major achievement, the city title. However, upon the completion of the very competitive state championship game the Westinghouse Warriors came short of the victory.

In spite of their loss, I commend this hardworking and dedicated team. This team has epitomized hard work and persistence. In addition to their feats on the basketball court, team members have maintained their dedication to academics, they are truly student-athletes, students first, then athletes—and champions in both.

My fellow colleagues, please join me in honoring the Westinghouse High School men's basketball team for their outstanding performance and dedication. The team, along with its head coach Mr. Chris Head, have worked hard to achieve their accomplishments. They should be honored by all of America.

NEW CROP INSURANCE OFFERS FARMERS MORE PROTECTION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following editorial from the April 3, 2000, Norfolk Daily News. The editorial expresses support for a new form of crop insurance which allows farmers to protect themselves against both natural disasters and low prices. This Member is pleased that legislation passed last year by the House makes many improvements in the current program, including providing additional assistance for producers to purchase insurance that provides protection from price or income loss, as well as production loss. This Member encourages expeditious action on resolving the differences between the risk management bills passed by the House and Senate.

[From the Norfolk Daily News, Apr. 3, 2000]

CROP INSURANCE AN IMPROVEMENT

WITH NEW INSURANCE TYPE, FARMERS CAN FINALLY CONTROL PART OF THEIR OPERATIONS

With the weather and market price swings completely out of their control, an increasing number of farmers are embracing one of the few things that can give them at least some control over their income.

It comes in the form of crop insurance but not the type that most people think of. For years, crop insurance was a way to insure against crop disasters caused by weather debacles.

The problem was that it often was expensive, didn't provide complete coverage and many farmers shunned it, choosing instead to hope that Mother Nature would cooperate and, if that wasn't the case, that the federal government would come through with emergency assistance.

That kind of crop insurance still is available, but a newer type—one that insures against price dips and weather-related problems—is fast becoming the preferred option.

That's partly because the federal government has chosen to provide $400 million in additional subsidies, meaning the premiums for crop insurance have been reduced by about 25 percent. A lower price for better coverage is the kind of deal anyone needs to take a close look at.

The other factor is the kind of insurance available. While more expensive than the traditional type that insures against weather-related problems, the new revenue coverage offers farmers more peace of mind in that it guarantees an income level regardless of what happens with the weather.

It also provides more marketing flexibility for participating farmers and even could provide some supplemental income during a bumper crop year—assuming market prices are low as a result.

If that sounds too good to be true, there's more. Although government subsidies have increased for crop insurance, it is predicted that if enough farmers take advantage of the insurance options available to them, there will be significantly less chance of the government having to provide emergency bailouts because of droughts or other conditions. Those usually are more expensive to taxpayers than the subsidies.

Farming always has been one of the highest risk occupations in terms of financial results.

If this new type of crop insurance can help reduce that risk, while also reducing emergency expenditures by the federal government, then virtually everyone should benefit.

THE NATIONAL MEDIA TREATS THE SOUTH DIFFERENTLY

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. SPENCE. Mr. Speaker, I would like to bring to the attention of the House the following article from the Lexington County Chronicle, Lexington, South Carolina.

[From the Lexington County Chronicle, Mar. 9, 2000]

WHERE HAVE YOU GONE, DAN RATHER?

(By Jerry Bellune)

Before you call me a racist, you should know that I cut my reporting teeth covering the civil rights movement of the early 1960s. It was a beat few white reporters wanted. And at one time, I was the only reporter in Charlotte, N.C., the demonstrators trusted.

When we went north in 1964, we found racism rampant there, too. One Yankee landlord refused to rent to us because, to her northern ears, our southern accents sounded African-American.

Jump ahead from the 1960s to the Year 2000. Southern schools have been desegregated. Discrimination is illegal. African-Americans have established more than a foothold in business and the middle class. In the arts and sports, they have become a dominant force.

Yet the national media seems ignorant of—or worse, indifferent to—the Deep South's dramatic social changes. They can't seem to balance changes in attitude with the other big Southern story—the Sun Belt's economic explosion.

This came home to me last week in two tragic stories. In Pennsylvania, a black man went on a rampage, killing three white people and wounding two others. In Michigan, the 6-year-old son of a jail bird took a gun to school and "got even" by shooting a white classmate to death.

Both stories were one-day sensations on TV and the local daily's front page. After that, both stories slipped deep into the inside pages.

That made me wonder how the two stories would have been handled had the races of the killers and their victims been reversed.

What might Dan Rather have had to say about a white man going on a rampage, singling out black victims. Or a white boy shooting a black classmate to death? Would the Revs. Al Sharpton and Jesse Jackson have descended on Michigan and Pennsylvania to lead street marches against the perpetrators of these "racist" murders?

If they are for civil rights for everybody, where are they now? And where are the TV cameras?

If either of these crimes had occurred in the South, would they have been reported as examples of the climate of violence and racism in this backward section of our great nation?

HONORING DR. THOMAS M. McFADDEN

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. KUYKENDALL. Mr. Speaker, today I honor Dr. Thomas McFadden, this year's recipient of the Community Association of the Peninsula's (CAP) Agnes R. Moss Volunteer Award.

The Agnes R. Moss Award is presented annually by the CAP Board of Trustees to the person who has been most instrumental in assisting the association to fulfill its goals. Dr. McFadden is being honored for his expertise, talent, and leadership in enhancing CAP programs.

The mission of CAP is to bring cohesiveness to all residents of the Peninsula and to respond to unmet community needs. CAP programs include the Norris Theatre for the Performing Arts, the Spirit of the Peninsula Telethon, Study Skills Workshops, the Multicultural Committee, and the Peninsula Cultural Organization.

Dr. McFadden's contributions to CAP and its programs are extensive. He has been a member of the CAP Board of Trustees since 1993 and previously served as its president for two one-year terms. In addition to his service to CAP, Dr. McFadden has been an active member of the community serving on several Peninsula advisory boards including the Palos Verdes Chamber of Commerce and the Skirball Institute.

I congratulate Dr. McFadden on receiving this award. He is a valuable member of this Peninsula community. His contributions are much appreciated.

HONORING MEMBERS OF ARMED FORCES AND FEDERAL CIVILIAN EMPLOYEES WHO SERVED NATION DURING VIETNAM ERA AND FAMILIES OF THOSE INDIVIDUALS WHO LOST THEIR LIVES OR REMAIN UNACCOUNTED FOR OR WERE INJURED DURING THAT ERA

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 2000

Mr. REYES. Mr. Speaker, I rise in strong support of H. Con. Res. 228.

This bill recognizes and honors the sacrifice of our Vietnam-era veterans, their families, and those who are still unaccounted for and remain missing.

It is important for our nation to never forget the service of these military personnel.

Over 3.5 million U.S. military personnel served in the Republic of Vietnam and Southeast Asia, and millions more served around the world during the Vietnam era.

As a Vietnam Veteran, I am proud of the service of these men and women.

I saw first hand their incredible commitment and unwavering dedication to our national defense and American ideals.

After a quarter of a century since the end of the Vietnam War, it is important for all Americans to reflect on the incredible sacrifices made by these veterans who stood up to communism in Southeast Asia and around the world.

Our Vietnam-era veterans are heroes for their incredible courage and bravery both here in the United States and while deployed overseas.

They fought for freedom during a time when public support for their efforts was divided.

They returned to a nation that unfortunately did not welcome them back with the gratitude they deserved.

This was after they had withstood some of the most vicious and difficult combat conditions imaginable.

The effects of these circumstances on the lives of our Vietnam-era veterans and their families can never be fully measured.

Therefore, let us never forget the honorable service of our Vietnam-era veterans, and the heavy price paid by their friends and families.

Their sacrifice paved the way for the freedom and security we enjoy today, and no American should take for granted their willingness to serve in support of our national security and to turn back the tide of totalitarianism.

This resolution serves as a strong reminder of our gratitude to our Vietnam-era Veterans and to our soldiers currently deployed around the world.

It sends a message that we will never forget the memory of those who paid the ultimate price for the cause of freedom, and maintains our commitment to those who remain unaccounted for and are still missing.

Let this bill strengthen our resolve on behalf of our Vietnam-era veterans and their families, and serve as an expression of our appreciation and gratitude.

As someone who serves on the House Armed Services and Veterans' Affairs Committees, I salute our Vietnam-era Veterans and am proud to co-sponsor this legislation.

HONORING THE TOWNSHIP OF LOWER MERION IN MONTGOMERY COUNTY, PENNSYLVANIA

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. HOEFFEL. Today I congratulate the township of Lower Merion in Montgomery County, Pennsylvania on its 100th anniversary. On March 5, 1900 Lower Merion formed what has become a model township government in Montgomery County.

Lower Merion's roots extend to 1682 when Welsh Quakers were granted a tract of land by William Penn just outside Philadelphia. In 1713, Lower Merion established an independent Township with about 52 landholders and tenants. The 1850s brought rapid change to Lower Merion with the advent of the railroad and marked the birth of the area known today as the "Main Line." Philadelphians soon began settling in the township and commuting to Philadelphia. In 1900, the Township was incorporated as a Township of the First Class.

The citizens of the township of Lower Merion have many achievements of which to be proud. They have a deep sense of civic pride and involvement. In fact, the Township maintains a "Community Resources Leadership Bank" of citizens interested in participating in Township Boards or Commissions. This innovation and vision distinguishes Lower Merion and it remains one of the most progressive townships in the Commonwealth of Pennsylvania.

Township officials in Lower Merion are deeply committed to the environment. Through open space conservation and environmental protection, the Lower Merion Township continually works to improve the quality of life for its residents. Lower Merion officials have demonstrated a strong commitment to their schools and community, and the township has one of the highest ranking school systems in Pennsylvania.

I am proud to represent such an extraordinary municipality. This anniversary should serve as a tribute to hard work and dedication for all who have made the Lower Merion Township the place it is.

HONORING THE 150TH ANNIVERSARY OF THE CITY OF SANTA BARBARA

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mrs. CAPPS. Mr. Speaker, today I commemorate the 150th Anniversary of the City of Santa Barbara. This past Sunday, I was honored to join the citizens of Santa Barbara in celebrating the rich history and legacy of our community.

Santa Barbara is a vibrantly diverse city that draws its heritage from the Chumash, Spanish, Mexican, American and European peoples. Although the incorporation of the city was in 1850, there are other milestones that preceded this date. The community was named in 1602 by Sebastian Vizcaino, a Spanish employer, who came to the area on Saint Barbara's day. In 1782, the King of Spain directed that a presidio be constructed in Santa Barbara and in 1786, the Mission was founded. Both the Presidio and the Mission hold much cultural significance to the citizens of Santa Barbara today and serve as an important reminder of our shared history. In 1850, a charter was adopted by a vote of the citizens and established Santa Barbara as one of the five California charter cities. As a charter city, the citizens of Santa Barbara enjoy "home rule" and as a result, the city is a model of how a community can preserve and sustain a high quality of life for its people.

Today, Santa Barbara boasts strong public and private schools, the nationally recognized University of California, Santa Barbara, Westmont College and Santa Barbara City College, as well as thriving small businesses, high-tech and tourism industries. But above all, as Santa Barbarans, we pride ourselves on the beauty of our environment and the quaint charm of our community. The importance of clean water, clean air and open spaces has long been recognized as a key to our community's success and we remain committed to protecting the unparalleled beauty that Santa Barbara possesses today.

Mr. Speaker, I am very honored to represent Santa Barbara in Congress and I ask that my colleagues join me in celebrating the many achievements of the citizens of Santa Barbara and the contributions that the city has made to America. We wish the community of Santa Barbara 150 more years of success and prosperity.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Ms. LEE. Mr. Speaker, due to what may have been a technical difficulty, I was not recorded on rollcall vote 114. Had I been recorded, I would have voted "yes."

HONORING THE SOUTHERLAND HEAD START PROGRAM ON THEIR 35TH ANNIVERSARY

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. LAMPSON. Mr. Speaker, today I congratulate the Southerland Head Start program on their 35th Anniversary. For thirty-five years this school has been serving children in need and making sure that they have the resources necessary for a successful educational future.

In Beaumont there were originally two Head Start Centers, one at Dunbar and the other at South Park. Mavis Bryant was the director at Dunbar from 1965–1984, and Claire Collier was the director at South Park from 1966–1984. In 1984, the districts merged and the center became known as Southerland Head Start, where Claire Collier served as director until her retirement in 1994. Two principals/directors have followed Claire Collier, Charles Vanderburg served from 1994–1999, and Gloria Harrison is currently serving.

Southerland serves the community well, and there are currently 460 students enrolled in the program. Southerland's motto is "Touching Children . . . Reaching Families," and they truly live up to that motto. They reach out to children, improving their self esteem, health, and physical development. Children at Southerland learn and grow in an environment that promotes positive experiences and an understanding of the world around them.

I believe that we must provide an opportunity for every child in America to fulfill her or his potential through participation in an enriching and challenging learning environment starting at birth, and programs such as Southerland Head Start help us achieve that goal. I would like to thank Dr. Carrol Thomas, Superintendent of Schools, Dr. Mae E. Jones-Clark, Deputy Superintendent for Curriculum and Instruction, and Gloria Harrison, Head Start Director/Principal, and all of the other people who are serving the school with unparalleled dedication.

Mr. Speaker, Southerland has served the children of Beaumont for thirty-five years, and I congratulate them as they celebrate this milestone of achievement.

LET'S CRAFT A FAIR DEAL FOR OUR VETERANS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. FILNER. Mr. Speaker, today I testified before the VA, HUD Appropriations Subcommittee. In that testimony which follows, I emphasized our duty to provide adequate funds for the vital programs that serve our Nation's veterans.

I am pleased that the administration's budget for the year 2001 recognizes that the men and women who have served in uniform deserve an adequate budget for the Department of Veterans Affairs [VA], and I believe that the efforts of many members of the House VA Committee and the efforts of our veterans' service organizations, specifically in formulating the Independent Budget, have been instrumental in producing a much better budget proposal than last year. I want to acknowledge these efforts.

The $1.4 billion increase in the health care budget will assure our aging and disabled veterans who need medical care—especially long-term care, emergency care and specialized services—that their needs are a high priority. However, I join my colleagues and the authors of this year's Independent Budget in objecting to the proposal that $350 million of new resources for medical care authorized by the recently passed Veterans Millennium Act be deposited to the Treasury. Funds collected from veterans for the provision of veterans' health care should be used to enhance the health care for veterans—not as a substitute for appropriated dollars.

I also want to emphasize my continuing concern that the VA is not adequately meeting the benefit and health care needs of veterans who served in the Gulf war and who now suffer from various diagnosed and undiagnosed disabilities. It has been almost 10 years since the men and women of our armed services were sent to the gulf! The veterans of the Gulf war are sick with illnesses whose causes and cures remain a mystery. We must not relax our efforts to fund necessary and appropriate research. I join the authors of the Independent Budget in supporting an increase in funding for VA medical research, and specifically request that the medical research budget be increased by $65 million as recommended in the Independent Budget and that at least $30 million of that increase be directed to research involving the health of Gulf war veterans.

As our veterans population ages, the need for long-term care increases. One means of providing access to such care is through the funding of State Veterans Homes. A new home will be opening in April in my congressional district, and already there is a waiting list. I want other areas to have the same opportunity as the veterans in the San Diego region will have with the opening of this new home. Therefore, I am opposed to the proposed decrease in funding for State Homes and urge this committee to provide adequate funding for this critical program.

I am also pleased that this administration has recognized what Members of Congress have known for years. Additional personnel are needed if the VA is to promptly and accurately adjudicate claims for compensation and pension benefits. This budget will help to provide a well-trained corps of adjudicators to replace those who are nearing retirement age. I want to emphasize that the continued loss of experienced adjudicators over the past 7 years together with an increased workload in the number of issues which must be decided in each claim have led to serious problems of quality and timeliness. The increased staffing in this budget is essential to stem the tide of deterioration in claims processing.

As a former college professor, I recognize the value of a quality education for our Nation's veterans. I am disappointed that no increase for the G.I. bill is provided in the administration's budget. The G.I. bill currently provides far less than is needed to obtain an education at a public institution, and I support raising the basic education benefit. I have joined with The Partnership for Veterans' Education, a coalition representing a number of associations advocating on behalf of veterans, in calling, as a first step, for an increase in the basic monthly stipend from $535 to $975 a month.

Veterans comprise about one-third of our Nation's homeless population, but only 3 percent of HUD funding for the homeless is directed to specific programs for homeless veterans. I strongly urge this committee to heed the testimony of Ms. Heather French, Miss America 2000, and allocate $750,000 from the HUD fiscal year 2001 appropriation to the National Coalition for Homeless Veterans to provide technical assistance to homeless providers. This assistance is critically needed to help veteran specific homeless programs receive a fair share of Federal funding for our Nation's homeless veterans.

I also urge the committee to fund the Department of Labor's Homeless Veterans Reintegration Program [HVRP] at its authorized level of $15,000,000 for fiscal year 2001. These programs are effective in placing homeless veterans in taxpaying jobs. They work and should be funded.

The administration's budget proposal recommends paying full disability benefits to Filipino World War II veterans who reside in the United States. Currently, these brave veterans who were drafted into service by President Roosevelt receive only half the amount received by their counterparts—U.S. veterans with whom they fought side by side to defeat our mutual enemy. I support this increase as an important step toward equity for Filipino World War II veterans.

However, more is needed. Because Congress, in 1946, rescinded the health care benefits for most of these veterans, Congressman GILMAN and I have introduced legislation, H.R. 1594, to provide access to VA medical facilties—both in the United States and in the Philippines—for Filipino World War II veterans. Health care is a crucial need for these men who are now in their 70s and 80s! $30 million is all that is required to provide health care access to Filipino veterans, with the same priority status as veterans currently using the VA. I request that this amount be added to the fiscal year 2001 budget.

As we honor our veterans during their lives, so must we honor their remembrance in death. The administration's increase in funding for the National Cemetery System will improve the appearance of our cemeteries by a long-overdue and much needed renovation of grounds, gravesites, and grave-markers. I urge this committee to fund the National Cemetery Administration and the State Cemetery Grants at the levels recommended by the House Veterans Affairs' Committee.

Again, may I say that the proposal before you represents a fine starting point. I hope that my suggestions will be useful as the members of this committee work toward a budget that gives our Nation's veterans a fair deal.

TRIBUTE TO GRAND MASTER JHOON GOO RHEE

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. SMITH of Michigan. Mr. Speaker, it is my honor today to recognize a great American on the occasion of his recent selection by the National Immigrant Forum, in conjunction with the Immigration and Naturalization Service, as one of 200 most famous American immigrants of all time: Grand Master Jhoon Goo Rhee.

Master Rhee, who shares the honor with such American icons as Albert Einstein,

Hyman Rickover and Knute Rockne, is the sole immigrant of Korean ancestry to make the list. Well known as one of the world's foremost authorities on the martial arts and recognized as the father of Tae Kwon Do in the United States, Grand Master Rhee has established himself as more than just a famous instructor. But his road to success and achieving the American dream wasn't easy, nor would he have wanted it that way.

When Jhoon Rhee came to the United States in 1956, he spoke little English and had less money—$46 to be exact. Still, he enrolled at Southwest Texas State Teachers College in San Marcos determined to create a better life for himself. Although at first it took him a half-hour to read one page of text, he became increasingly proficient in English through discipline and perseverance, traits that for decades he has so eloquently translated from the martial arts for people from all walks of life.

Those traits also are the core of his action philosophy, a philosophy grounded in the principles of the martial arts, but applicable to everyone. It calls for people to build confidence through knowledge in the mind, honesty in the heart and strength in the body, and then to lead by example.

Leading by example is exactly what Master Rhee does. Despite his 68 years, each day as part of his daily stretching and meditation regimen, he does 1,000 push-ups and 1,000 sit-ups. Not even the fittest 20 year-old can match those feats. But the discipline, determination and perseverance involved are life lessons that far transcend martial arts and athleticism. He has enabled people everywhere to realize their potential and apply themselves successfully to whatever it is they set themselves to do. It's the philosophy Master Rhee embraced so long ago and which has stood the test of time—the same philosophy which took him from someone who barely could speak the language of his new country, to one of the world's most sought-after motivational speakers.

There is no dream too large for Grand Master Rhee, but I'm sure even he has difficulty comprehending how many millions of people around the world owe their positive, constructive ways of living to his wholesome influences.

Many of our colleagues, Mr. Speaker, know first hand Master Rhee's call to realize the aspects of life larger than self. We know this because he founded the U.S. Congressional Tae Kwon Do Club and has taught more than 250 current or former Members of Congress not only the art of Tae Kwon Do, but also the art of living a healthier and happier life. We know the affection he engenders to all who make his acquaintance, whether through athletics, business or when hearing his motivational presentation.

Master Rhee's success is wide ranging. Aside from his accomplishments in Tae Kwon Do and in training world-class athletes, he has starred in feature films, authored a number of books, served as a goodwill ambassador and started a hugely successful business venture. He also is held in the highest regard as an innovator and teacher.

But perhaps where he excels most is in an area that is missing so dearly in today's world—the role of husband, father and citizen. Jhoon Rhee deports himself with the utmost respect and dignity for those with whom he deals and with society in general. For more than 50 years, he has embraced the role model aspect of a life that comes with international renown, a role taken for granted by so many and perfected by so few. He gladly accepts the responsibility of presenting himself and his way of life as an emblem to be worn proudly.

This is not just my assessment. His contributions to buttress America's culture with pride and decorum are echoed by many distinguished citizens in and out of government. Among his biggest fans are boxing legend Muhammad Ali, Parade magazine Publisher Walter Anderson and motivational speaker Tony Robbins. Jack Valenti of the motion Picture Association of America has said, ''Master Rhee defies the assumed rush of years. He is an ageless patriot, whose brand of unbreakable loyalty is seldom seen. . . .''

Our esteemed colleague IKE SKELTON says, ''Master Rhee is an American treasure.'' Our esteemed former colleague Bob Livingston says it quite simply: ''Master Rhee is one of the greatest Americans I know.''

At an age when even the most industrious of people tend to enjoy the leisure of their later years, Master Rhee at age 68 continues with remarkable energy to exert his positive influence on people of all ages throughout the country and the globe. He has recently launched a new global project, the JhoonRhee.com Web site, where he continues to promote the martial arts, fitness, the healing arts and a way of life whereby, in his words, ''Everybody is happy with every breath of life.''

On March 17, 1992, President George Bush named Master Rhee one of his Daily Points of Light. President Bush said, ''The true measure of any individual is found in the way he or she treats others—and the person who regards others with love, respect and charity holds a priceless treasure in his heart . . . any definition of a successful life must include others. Your efforts provide a shining example of this standard.''

Master Rhee's devotion to the principles of America's Founding Fathers is unsurpassed. He instills in his countrymen the Founders' vision and demonstrates the power of that vision to people throughout the world to show them the path to freedom, peace and prosperity. He understands that everyone on this planet has the right to be happy. But to achieve that happiness, individuals must accept the foundation of perfect human character that entails exercising true freedom approved by one's conscience, and never to practice false freedom licensed by selfishness.

Master Rhee is a proud American who cherishes the words freedom, free enterprise, democracy and heritage. He lives the American Dream. Indeed, he exemplifies it. He inspires all, and with a special enthusiasm toward the young, to live lives of honor and integrity. The eloquence and conviction of his message to live noble lives of grand purpose penetrates the most hardened hearts and cynical souls.

His accomplishments are legion. A 10th Degree Black Belt, he introduced the martial arts to Russia in the early 1990s, where now there are 65 studios that bear his mane. He is the author of five books on Tae Kwon Do, a member of the Black Belt Hall of Frame and the recipient of the National Association of Professional Martial Artists' Lifetime Achievement Award.

He was named by Black Belt Magazine as one of the top two living martial artists of the 20th Century and also as ''Martial Arts Man of the Century'' by the Washington, D.C., Touchdown Club. He has been featured on the cover of Parade, collaborated on several projects with Bruce Lee and had the lead role in the films. When Tae Kwon Do Strikes and The Silent Master. Additionally, he created and choreographed the martial arts ballet—the basis for today's popular ''musical forms'' competition—and invented and implemented the safety equipment used in major open tournaments, including the 2000 Olympic Games in Sydney.

I would like to summarize some of Master Rhee's accomplishments, a truly impressive list of famous firsts. He was the—

First master to teach Tae Kwon Do in America: Master Rhee introduced Tae Kwon Do to America in 1956.

First master to work out to music: Master Rhee created the Martial Arts Ballet and gave birth to the Exercise to Music craze.

First master to invent safety equipment: Master Rhee invented martial arts safety equipment after one of his students was injured in a competition. The introduction of safety equipment enabled martial arts studios to get insurance. Because of that, parents began to send their kids to martial arts instructors, and the martial arts industry was born.

First master to promote martial arts in the U.S. through television advertising.

First master to use the color belt system: At one time, martial arts awarded only white, brown or black belts. Master Rhee introduced the color belt award system now used worldwide.

First master who also is a concert musician: Master Rhee was the featured musician with the Washington Symphony Orchestra. He played classical music on the harmonica.

First master to require black belt scholastic excellence: For more than 30 years, Master Rhee has required his students to maintain a ''B'' average or better to qualify for a black belt.

First master to train Members of Congress in martial arts: Master Rhee founded the U.S. Congressional Tae Kwon Do Club, where he has taught Members of Congress without interruption since 1965.

First American to open martial arts studios in the Soviet Union: Master Rhee first traveled to Moscow in 1991 to teach Tae Kwon Do and now has 65 Jhoon Rhee Do studios throughout the Commonwealth of Independent States. Learning English is a requirement for a black belt.

First to teach martial arts in America's public schools: Master Rhee launched his Joy of Discipline program of martial arts and character education in America's public schools in the early 1980s.

First Tae Kwon Do master to star in his own movies: Master Rhee starred with Angela Mao in When Tae Kwon Do Strikes. As Grand Master Lee, he is the underground leader of a group of patriots in Japanese occupied Korea.

First martial artist to train a world heavyweight boxing champion: Master Rhee taught

the legendary Bruce Lee his kicking techniques, and Bruce Lee taught him how to punch. Master Rhee then taught Muhammad Ali what Ali later called his powerful "Accu-punch." Ali used it in 1976 to knock out Bruce Denn in Munich and also in the Joe Frazier heavyweight title bout.

First martial artist to be named Man of the Century: And now, Master Rhee is the first and only native Korean to be named as one of America's top 200 immigrants of all time. Mr. Speaker, the National Immigrant Forum made a wise choice. He is a man of character and the prototype role model for the new century. I can think of few others so worthy of such a designation.

PERSONAL EXPLANATION

HON. WILLIAM L. JENKINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. JENKINS. Mr. Speaker, on Monday, April 10, 2000 if I had been present, I would have voted "nay" on the Spratt Motion to Instruct Conferees on H. Con. Res. 290 instead of "yea" as indicated in my explanation.

A MEMORIAL TRIBUTE TO MARTHA MANUEL CHACON

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the recent passing of Martha Manuel Chacon, and elder and tribal leader of the San Manuel Band of Mission Indians, who helped the tribe maintain its pride and traditions and simultaneously setting it on a course of future self-reliance. Mrs. Chacon passed away on March 28 at the age of 89.

Martha Manuel Chacon was born in a two-room adobe house without floors and was raised on the San Manuel Reservation in Highland, California. She was the granddaughter of Santos Manuel, the Serrano Indian leader who was responsible for holding the tribe together during difficult times in 1866, and for whom the reservation was named.

After attending Highland Elementary School and St. Boniface Catholic School on the Morongo Indian Reservation, Martha Manuel worked in any job she could find as a young adult, commuting weekly to Los Angeles when she couldn't find them locally.

She became a tribal leader and regularly traveled to the state capital in Sacramento as a spokesman for the San Manuel Band. Tribal members give her credit for bringing electricity to the reservation in the last 1950s and running water to tribal homes in the 1960s. Her strong devotion to her Serrano ancestry, culture and heritage helped the San Manuel Band improve its quality of life and set out on the path to self-reliance.

Martha Manuel Chacon is survived by her husband of nearly 60 years, Raoul Chacon, six children, 18 grandchildren, 31 great-grandchildren and four great great grandchildren.

Mr. Speaker, words do not begin to convey the love and admiration with which Martha Manuel Chacon was held by her family, friends, and supporters. Her life journey stands as a remarkable testament to leadership, courage, strength and honesty and her memory will continue to inspire countless people. It is only appropriate that the House pay tribute to this courageous woman today.

THE NEW HOUSE OF WORSHIP FOR THE JEWISH FELLOWSHIP OF HEMLOCK FARMS

HON. DON SHERWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. SHERWOOD. Mr. Speaker, I would like to inform my colleagues of the dedication of a new house of worship for The Jewish Fellowship of Hemlock Farms which will be celebrated with an open house on Sunday, May 28, 2000, from 1 p.m. to 4 p.m.

Hemlock Farms is a private four-season recreational community in the heart of the Pocono Mountains of Pennsylvania. Its 4,500 acres include state forests, lakes, deer, bears, tennis courts, indoor and outdoor swimming pools, a club house with a fitness center and auditorium, a private country club with an 18-hole golf course, 72 miles of paved roads and more than 2,700 homes. About a third of the population are year-round residents. The others who spend their summers or weekends in Hemlock Farms come from the metropolitan areas of New York, New Jersey, Connecticut, and other areas of Pennsylvania. They include a growing number of Jewish residents.

In 1971, a small group of Jewish residents met to form The Jewish Fellowship of Hemlock Farms. Representing the heart of the Jewish community in the Poconos, the Fellowship completed the religious presence of the three major faiths in Hemlock Farms. The Fellowship flourished, and it has taken an active role as a member of the Interfaith Council. For the first 7 years, services were held in members' homes and community buildings.

Rapidly increasing membership made possible the construction of its first permanent home in 1980—designed to seat 120. By 1992, the membership had grown to more than 400. The happy result is a new Jewish house of worship and community center designed to seat more than 500. It is under the full-time leadership of Rabbi David Spritzer. It is significant that an increasing number of Jewish families residing in other areas of the Poconos outside of Hemlock Farms are joining the Fellowship.

The Fellowship conducts religious services on Friday nights, Saturday mornings, and on the traditional religious holidays throughout the year. There are also many celebrations of Jewish life-cycle events such as weddings and Bar and Bat Mitzvahs. The Hebrew School and other activities of the Fellowship enrich Jewish cultural life. Through lectures, discussion groups, media presentations, socials, and auxiliary volunteer groups of men and women serve the needs of the Fellowship and the extended community. In doing so, the Fellowship enhances the identity of the Jewish people in the midst of diverse populations.

The Pocono Mountains region and Pike County in particular constitute the fastest growing sectors of Pennsylvania today. This includes, of course, the increasing number of Jewish residents. This change could not have happened during the first half of the twentieth century because of the existence of social, economic, and educational discrimination. According to historical reports in The Jews of Wilkes-Barre (Levin, Marjorie: Ed.), early nineteenth century Jewish establishment in the area took the form of mercantile service to both the coal industry and commerce along the local waterways. Jews were kept out of utility and banking industries until the 1950's and 1960's.

In 1955, because of the efforts of Pennsylvania Attorney General Herbert Cohen, Pocono Mountain hotels and resorts were compelled to comply with state law with the admissions of guests or have their liquor licenses revoked. Educational institutions, at the same time, publicly stated they would no longer condone discrimination regarding admissions. Since then, people of all ethnic origins have been increasingly welcome in the area.

At the dedication ceremony on May 28, 2000, the two Torah Scrolls, presently in the old building, will be passed to the new building from member to member lining the path connecting them. One Torah Scroll that was presented to the Jewish Fellowship several years ago had been written for and dedicated to an Eastern European community that no longer exists. It wandered with the generation of the Holocaust and survived like the Jewish people.

At the presentation ceremony, the president of the Fellowship declared:

> Today we will give a new home to this homeless survivor of the Holocaust. This Torah was to have been part of the collection of Hitler's Museum of an Extinct Race, a dream that happily did not come to fruition. Rather, it should be a reminder of the indestructibility of the Jewish people.

Marjorie Leven and Paul Zbiek in The Jews of Wilkes-Barre state:

> It is certainly true that many of today's Jewish professionals and business leaders do not need the economic and psychological security of a tightly-knit Jewish society to the same degree as their forebears. It is also true that maintenance of a unified Jewish community is more difficult in today's increasingly mobile and secularized society. Local Jewish institutions, through their programming, try to reinforce Jewish identity and help ensure Jewish continuity.
>
> On an individual and family level, the future for area Jews appears to be positive. On a communal level, Jewish institutions must meet the difficult challenge of assuring their relevancy to Jews while maintaining tradition and competing with general community activities for Jewish attention.

Members of Jewish Fellowship believe that the new building will facilitate the ability to do just that.

Mr. Speaker, I ask my colleagues to join with me in congratulating the Jewish Fellowship of Hemlock Farms, Pennsylvania, and wishing them every happiness in their new home.

INTRODUCTION OF H.R. 4228—CONGRESSIONAL OVERSIGHT OF NUCLEAR TRANSFERS TO THE NORTH KOREA ACT OF 2000

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. GILMAN. Mr. Speaker, today I introduced H.R. 4228, the Congressional Oversight of Nuclear Transfers to North Korea Act of 2000. I am pleased to be joined in offering this bipartisan legislation by the distinguished ranking Democratic member of the Subcommittee on Telecommunications, Trade, and Consumer Protection of the Committee on Commerce, Mr. MARKEY, and by the distinguished chairman of the Subcommittee on Asia and the Pacific of our Committee on International Relations, Mr. BEREUTER, and by the distinguished chairman of the House Republican Policy Committee, Mr. COX.

This bill is designed to ensure that any transfers of United States nuclear equipment or technology to North Korea pursuant to the Agreed Framework of 1994 are carefully reviewed and fully supported by the United States Congress before they take place.

For all practical purposes, this bill already has passed the House of Representatives. On July 21st of last year, Congressman MARKEY and I offered an amendment to the Foreign Relations Authorization Act requiring the President to certify to Congress that North Korea has fulfilled all of its obligations under the Agreed Framework before a nuclear cooperation agreement between the United States and North Korea can enter into effect. Without such a nuclear cooperation agreement, key nuclear components cannot be transferred to North Korea from the United States as contemplated in the Agreed Framework. Our amendment further required that Congress enact a joint resolution concurring in the President's certification before such a nuclear cooperation agreement can enter into effect. That amendment was approved with strong bipartisan support. The final vote was 305 in favor to 120 against.

We later negotiated with the administration over our amendment in the conference committee on the Foreign Relations Authorization Act. We reached agreement with the administration over the language of the certification, but the administration refused to agree that Congress should have a role in evaluating North Korea's compliance with the Agreed Framework by means of a requirement that Congress enact a joint resolution concurring in the President's certification. Our certification requirement was enacted into law late last year as the North Korea Threat Reduction Act of 2000.

The bill we are introducing today amends the North Korea Threat Reduction Act to require that Congress concur in any certification submitted by the President pursuant to that act before a nuclear cooperation agreement between the United States and North Korea can enter into effect. To ensure that the Congress will carefully review such a certification, our bill includes expedited procedures for consideration in both the House and Senate of a joint resolution concurring in the President's certification.

TRIBUTE TO SARA MARTINEZ TUCKER

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. BONILLA. Mr. Speaker, today I recognize Sara Martinez Tucker for her outstanding leadership. Sara is the president and CEO of the Hispanic Scholarship Fund [HSF], the nation's leading Hispanic scholarship granting organization. In 1999, Sara secured a $50 million grant from the Lily Foundation, which was the largest direct donation for Hispanic higher education ever. Under Sara's leadership, HSF has instituted community college transfer and high school senior scholarship programs.

Sara is a native of Laredo, Texas. She graduated from my alma mater, the University of Texas in Austin, with a bachelor's degree in journalism. She returned to get her master's of business administration graduating with high honors. She is currently a member of UT's Chancellor's Council, the College of Natural Sciences Foundation Advisory Council, and the College of Communication Foundation Advisory Council.

Sara is also the chair of the Golden Gate University Board of Trustees. At a national level, she sits on the board for the steering committee of the Council for Aid to Education and the Coca-Cola Scholars Foundation's National Selection Committee. For the third consecutive year, Mrs. Tucker was honored as one of Hispanic Business Magazine's 100 Most Influential Hispanics. In 1998, she received HISPANIC Magazine's Heritage Achievement Award for Education.

Before HSF, Mrs. Tucker was a key executive with AT&T. In 1990, she became the first Hispanic female to reach AT&T's executive level. Sara served as the national vice president for AT&T's Global Business Communications Systems in her last assignment with AT&T.

I would like to congratulate Sara on these significant achievements, and I would also like to thank her for the great contribution she has made to increase educational opportunity.

SENATE—*Wednesday, April 12, 2000*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, the Reverend William K. Simmons, of Lexington, KY.

We are glad to have you with us.

PRAYER

The guest Chaplain, the Reverend William K. Simmons, offered the following prayer:

Let's pray together.

Almighty God, this body gathers today to conduct the business of the Republic. We pause to give thanks for Your blessing on our land and to seek Your continued care. Honor, we pray, the deliberations of these, selected by the people to represent them in guiding our Nation toward the goals of freedom, justice, and equality for all. Give each Member a sense of Your presence as he or she deliberates; may their judgments be those You can and will bless.

We also remember the families of these present. Care for them whether they be here or back home. Keep them safe within Your protective Spirit.

May we always be mindful that governance is a sacred pact between the government and its people. Let us not in this seat of power fail to hear them. Bless these Senators this day and inspire them to serve the people with wisdom and humility. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Colorado is recognized.

SCHEDULE

Mr. ALLARD. Mr. President, on behalf of the leader, I announce that today the Senate will be in a period of morning business until 12 noon. Following morning business, it is hoped that an agreement can be reached regarding the consideration of the marriage tax penalty legislation. If an agreement is reached, Senators may expect votes throughout the day. If no agreement is reached, the Senate will remain in morning business, with Senators speaking for up to 5 minutes each. As previously announced, the Senate will consider the budget resolution conference report and the McConnell stock options bill prior to the Easter recess.

I thank my colleagues for their attention and yield the floor.

The PRESIDENT pro tempore. The Senator from Nevada.

ORDER OF PROCEDURE

Mr. REID. I ask unanimous consent that during the period of morning business today Senators DORGAN and DURBIN be recognized for up to 15 minutes each. This would kind of balance out the time on both sides; that is, after the 2-hour block of time that has been set aside for others already.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there shall now be a period for the transaction of morning business not to extend beyond the hour of 12 noon, with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the time until 11:30 a.m. shall be under the control of the Senator from Kansas, Mr. ROBERTS, and the Senator from Georgia, Mr. CLELAND.

The Senator from Nevada is recognized.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. ROBERTS. Mr. President, it is my understanding that Senator CLELAND and I have 2 hours reserved under the previous order in morning business. Is that correct?

The PRESIDING OFFICER. The Senate is correct. Your time is reserved until 11:30 a.m.

NATIONAL SECURITY INTERESTS

Mr. ROBERTS. Mr. President, I am going to begin my remarks. We had originally intended for Senator CLELAND to begin this dialog. But I am going to go ahead since he has been detained. Then he can follow me. I do not think that is going to upset the order at all.

I thank my good friend, the distinguished Senator from Georgia, for this continued initiative and for his leadership in continuing our bipartisan foreign policy dialog.

As I said back in February during our first discussion, our objective is to try to achieve greater attention, focus, and mutual understanding—not to mention a healthy dose of responsibility—in this body in regard to America's global role and our vital national security interests. Our goal was to begin a process of building a bipartisan coalition, a consensus on what America's role should be in today's ever-changing, unsafe, and very unpredictable world.

This is our second dialog. We will focus today on how we can better define our vital national interests.

In doing our homework, both Senator CLELAND and I have been doing a lot of reading and pouring over quite a few books and articles and commentaries and reports and legislation and speeches and position papers and the like. If it was printed, we read it.

We have also been seeking the advice and counsel of everybody involved—in my case, the marine lance corporal about to deploy to Kosovo, to the very serious and hollow-faced old gentleman I visited at a Macedonian refugee camp, as well as foreign dignitaries and the military brass we admire and listen to as members of the Armed Services Committee, and all of the current and former advisors and experts and think tank dwellers and foreign policy gurus and intelligence experts. Needless to say, our foreign policy and national security homework universe is ever expanding and apparently without end. I hope I didn't leave anybody out.

We both now have impressive bibliographies that we can wave around and put in the RECORD and we can recommend to our colleagues to prove that our bibliography tank, as it were, is pretty full. We have very little or no excuse if we are not informed.

There was another book I wanted to bring to the attention of my colleagues. Its title is ''Going for the Max.'' It involves 12 principles for living life to the fullest, written by our colleague and my dear friend, with a most appropriate and moving foreword from the Senate Chaplain, Dr. Lloyd

Ogilvie. This is a very easy and enjoyable read with a very inspirational message.

Chapter 10 of MAX's book states—and this is important—that success is a team effort, that coming together is a beginning, keeping together is progress, and working together is a success.

That is a pretty good model for our efforts today and a recipe for us to keep in mind in this body as we try to better fulfill our national security obligations and to protect our individual freedoms.

Thank you and well done, to my distinguished friend.

Senator CLELAND, in his remarks, will quote Owen Harries, editor of the publication, the National Interest. He will point out the need for restraint in regard to exercising our national power. Editor Harris warned—and this is what Senator CLELAND will say—

It is not what Americans think of the United States but what others think of it that will decide the matter.

When we are talking about ''matter,'' the ''matter'' in this case is stability and successful foreign and national security policy. I could not agree more. Senator CLELAND will go on to quote numerous statements from foreign leaders and editorials from leading international publications and commentaries from respected observers around the globe, from our allies and from the fence sitters and our would-be adversaries.

Sadly, I have to tell my colleagues that all were very critical of U.S. foreign policy. The basic thrust of the criticism, as described by Senator CLELAND—and he will be saying this. Again, I apologize that I started first. In the order of things, we are sort of reversing this. I am giving him a promo, if that is okay. At any rate, Senator CLELAND will state:

The United States has made a conscious decision to use our current position of predominance to pursue unilateralist foreign and national security policies.

Senator CLELAND is right. Dean Joseph S. Nye of the Kennedy School of Government and former U.S. Assistant Secretary of Defense for International Security Affairs warns about the CNN effect in the formulation and conduct of our foreign policy; the free flow of information and the shortened news cycles that have a huge impact on public opinion, and placing some items at the top of the public agenda that might otherwise warrant a lower priority; diverting attention from the A list of strategic issues of vital national security. What am I talking about? What does this criticism really suggest?

We need to take the spin off. We need to take off our rose-colored, hegemonic glasses and take a hard look at the world and what the world thinks of us. I have a suggestion. It would only take Senators 10 minutes a day. Every Member of the Senate can and should receive what are called ''Issue Focus Reports.'' These are reports on foreign media reaction to the world issues of the day. They are put out by the State Department. We at least should be aware of what others think of us and our foreign policy. Unfortunately and sadly, it is not flattering.

For instance, the February 24 Issue Focus detailed foreign commentary from publications within our NATO allies, those who comprised Operation Allied Force in Kosovo, headlines of 39 reports from 10 countries. If my colleagues will bear with me a moment, these are some of the headlines. This is the Issue Focus I am talking about. It is a very short read. Senators could have that or could have this report at their disposal every week. Again, these are leading publications—some liberal, some conservative, some supportive of the United States and some not. Just as a catch-as-catch-can summary, listen to the headlines:

Kosovo Unrest—A Domino Effect; Another War?; Wither Kosovo?; Holding Back The Tide Of Ethnic Cleansing; Losing The Peace; By The Waters of Mitrovica; West Won The War, But Now Faces Losing The Peace; Holding Fast In The Kosovar Trap; Speculation On U.S. Domination In The Balkans; Whoever Believed In Multi-Ethnic Kosovo; Kosovo Calculations; The U.S. Is Playing With Fire; The West Is Helpless In Kosovo; Mitrovica, The Shadow Of The Wall Is Back; Military Intervention Against Serbia A Mistake; U.S. and Europe Are Also Clashing In Mitrovica; Kosovo Chaos Is A Trap For NATO; A Failure That Burns; The Difficult Peace.

It goes on and on.

This kind of reading would help us a great deal in understanding how others really think of us. The March 24 Issue Focus, based on 49 reports from leading newspapers and publications in 24 countries, assessed the U.S. and NATO policy 1 year after Operation Allied Force in the bombing of Kosovo. Summed up, the articles conclude it is time to ask some hard questions. Some unsettling headlines—again, this is a wide variety of publications from all ideologies and the whole political spectrum:

A War With No Results; No End To The Kosovo Tragedy; Europe's Leaders Warned Of A New Crisis; The West Fiasco In Kosovo; Halfway Results; A Year Later: Where Do We Stand; A Victory Gambled Away; No Sign Of Will For Peace; Making Progress By Moving Backwards In The Balkans.

Again, it goes on and on.

I don't mean to suggest that we should base our foreign policy on foreign headlines or perceived perception with regard to criticism in foreign countries. If we take the spin off, I think a case can be made that we are seeing a world backlash against U.S. foreign policy no matter how well-intentioned.

A timely article last month by Tyler Marshall and Jim Mann of the Los Angeles Times summarized it very well when they said:

The nation's prominence as the world's sole superpower leaves even allies very uneasy. They fear Washington—

By the way, I certainly include the Congress—

has lost its commitment to international order. America's dominant shadow has long been welcomed in much of the world as a shield from tyranny, a beacon of goodwill, an inspiration of unique values. But, ten years after the collapse of Communism left the United States to pursue its interests without a world rival, that shadow is assuming a darker character. In the State Department, it is called the hegemony problem, a fancy way of describing the same resentment that schoolchildren have for the biggest, toughest, richest and smartest kid in school.

The Marshall and Mann article goes on to say that America is suffering from a bad case of ''me first,'' that during the administration years we have seen a lot of focus and it has been on new objectives, pressing American commercial interests, the championing of democracy—certainly nothing wrong with that—and then the intervention, militarily, to protect human rights. They state the goals that concern the foreign leaders are less than the manner in which they have been pursued, a manner that appears inconsistent and sporadic and capricious. The article cites very serious backlash. Thirty-eight nations rallied to fight Iraq in 1991. Only Britain answers to the call today. Today, the French—our oldest ally—along with China, India, and Russia, have all discussed independently, or in consultation, ways to counter the balance of the enormity of American power.

Japan is making plans to develop an independent military capability. In Europe, pro-Americanism is on the wane. European leaders cut their teeth on the protests of the 1960s, not the American aid packages of the 1950s. The situation in Russia is especially perilous with Russians seeing secondhand treatment—by their definition—with the U.S. in regard to their continued economic morass, NATO expansion, Kosovo, and the American condemnation of Moscow's war against Chechnya.

Under the banner of the law of unintended effects, Washington Post columnist Charles Krauthammer opined the cost of our occupancy of Bosnia and Kosovo which has already cost tens of billions of dollars, drained our defense resources, and strained a hollow military which is charged with protecting vital American strategic interests in such crises areas as the Persian Gulf, the Taiwan Strait, and also the Korean peninsula. But he cited another cost, as he put it, more subtle and far heavier. He said that Russia has just moved from the democratically committed, if erratic, Boris Yeltsin to the dictatorship of the law, as promised by the new President, former KGB agent Vladimir Putin. I have his article. It is called ''The Path to Putin.'' I ask

unanimous consent that it be printed at this point in the RECORD.

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

THE PATH TO PUTIN

(By Charles Krauthammer)

In late February, as the first anniversary of our intervention in Kosovo approached, American peacekeepers launched house-to-house raids in Mitrovica looking for weapons. They encountered a rock-throwing mob and withdrew. Such is our reward for our glorious little victory in the Balkans: police work from which even Madeleine K. Albright, architect of the war, admits there is no foreseeable escape. (''The day may come,'' she wrote on Tuesday, ''when a Kosovo-scale operation can be managed without the help of the United States, but it has not come yet.'')

The price is high. Our occupations of Kosovo and Bosnia have already cost tens of billions of dollars, draining our defense resources and straining a military (already hollowed out by huge defense cuts over the last decade) charged with protecting vital American strategic interests in such crisis areas as the Persian Gulf, the Taiwan Strait and the Korean Peninsula.

But there is another cost, more subtle and far heavier. Russia has just moved from the democratically committed, if erratic, Boris Yeltsin to the ''dictatorship of the law'' promised by the new president, former KGB agent Vladimir Putin. Putin might turn out to be a democrat, but the man who won the presidency by crushing Chechnya will more likely continue as the national security policeman of all the Russias.

What does that have to do with Kosovo? ''Without Kosovo, Putin would not be Russian president today,'' says Dimitri Simes, the Russia expert and president of the Nixon Center.

The path from Kosovo to Putin is not that difficult to trace. It goes through Chechnya. Americans may not see the connection, but Russians do.

Russians had long been suffering an ''Afghan-Chechen syndrome'' under which they believed they could not prevail in local conflicts purely by the use of force. Kosovo demonstrated precisely the efficacy of raw force.

Russians had also been operating under the assumption that to be a good international citizen they could not engage in the unilateral use of force without the general approval of the international community. Kosovo cured them of that illusion.

And finally, Russia had acquiesced in the expansion of NATO under the expectation and assurance that it would remain, as always, a defensive alliance. Then, within 11 days of incorporating Hungary, Poland and the Czech Republic, NATO was launching its first extraterritorial war.

The Russians were doubly humiliated because the Balkans had long been in their sphere of influences with Serbia as their traditional ally. The result was intense anti-American, anti-NATO feeling engendered in Russia. NATO expansion had agitated Russian elites; Kosovo inflamed the Russian public.

Kosovo created in Russia what Simes calls a ''national security consensus:'' the demand for a strong leader to do what it takes to restore Russia's standing and status. And it made confrontation with the United States a badge of honor.

The dash to Pristina airport by Russian troops under the noses of the allies as they entered Kosovo was an unserious way of issuing the challenge. But the support this little adventure enjoyed at home showed Russian leaders the power of the new nationalism.

The first Russian beneficiary of Kosovo was then-Prime Minister Yevgeny Primakov. But it was Prime Minister Putin who understood how to fully exploit it. Applying the lessons of Kosovo, he seized upon Chechen provocations into neighboring Dagestan to launch his merciless war on Chechnya. It earned him enormous popularity and ultimately the presidency.

One of Putin's first promises is to rebuild Russia's military-industrial complex. We are now saddled with him for four years, probably longer, much longer.

The Clinton administration has a congenital inability to distinguish forest from trees. It obsesses over paper agreements, such as the chemical weapons treaty, which will not advance to American interests one iota. It expends enormous effort on Somalia, Haiti, Bosnia and Kosovo, places of (at best) the most peripheral interest to the United States. And it lets the big ones slip away.

Saddam Hussein is back building his weapons of mass destruction. China's threats to Taiwan grow. The American military is badly stretched by far-flung commitments in places of insignificance. Most important of all, Russia, on whose destiny and direction hinge the future of Eastern Europe and the Caspian Basin, has come under the sway of a cold-eyed cop, destroyer of Chechnya and heir to Yuri Andropov, the last KGB graduate to rule Russia.

Such is the price of the blinkered do-goodism of this administration. We will be paying the price far into the next.

Mr. ROBERTS. Charles Krauthammer points out in the article—and I will read a little of it—that, basically, what the Russians thought was the path from Kosovo to Putin is not that difficult to trace. It goes through Chechnya.

Americans may not see the connection, but the Russians do. The Russians have been operating under the assumption that to be a good international citizen, they could not engage in the unilateral use of force without the general approval of the international community. Well, Kosovo certainly cured them of that illusion. Finally, Russia acquiesced in the expansion of NATO under the expectation and assurance that it would remain always a defensive alliance. I am not arguing the pros and cons of that, but simply the reaction in Russia. Russians were doubly humiliated because the Balkans had long been in their sphere of influence, with Serbia as their traditional ally. The result was an intense anti-American, anti-NATO feeling engendered in Russia, and NATO expansion had really agitated the Russian elites, and Kosovo inflamed the Russian public.

So Kosovo created what has been called a national security consensus. The demand for a strong leader to do what it takes to restore Russia's standing and status made the confrontation with the United States a badge of honor. I will tell you, in going to Moscow and talking with Russian leaders regarding the very important cooperative threat reduction programs that happened to come under the jurisdiction of my subcommittee, you get a lecture on Kosovo for a half hour even before you have a cup of coffee. So this article has some merit.

In regard to Mr. Krauthammer's article:

The first Russian beneficiary of Kosovo was then-Prime Minister Primakov. But it was Prime Minister Putin who understood how to fully exploit it. Applying the lessons of Kosovo, he seized upon the Chechen provocations into neighboring Dagestan to launch his merciless war on Chechnya. It earned him enormous popularity and ultimately the presidency.

We are now saddled with him for four years, probably longer, much longer.

We hope the man without a face—which is how some describe Putin—we hope we can work with him and build a positive relationship. I think under the law of unintended effects, this is a good example.

In China, obviously, the political wounds fester in the wake of the U.S. bombing of the Chinese Embassy in Belgrade; the Taiwan issue, charges of espionage, and the criticism of human rights; and continued controversy over whether or not Congress will approve a trading status that will result in the U.S. simply taking advantage of trade concessions that the Chinese have made to us.

In Latin America, the lack of a so-called fast-track authority and U.S. trade policy is muddled. You can drive south into Central America and into trade relations with our competitors in the European Union. My friend from Nebraska, Senator HAGEL, who will join us in about an hour, put it this way:

It worries me, first, because most of us are not really picking this up on our radar—this sense that we don't care about what our trading partners or allies think. It is going to come back and snap us in some ways. It will be very bad for this country.

Well, the criticism from the Marshall and Mann article becomes very harsh when they cite why the U.S. has become so aloof. I am quoting here:

* * * a President who engages only episodically on international issues and too often has failed to use either the personal prestige or the power of his office to pursue key foreign policy goals. * * * a Congress that cares little about foreign affairs in the wake of the Cold War and seems to understand even less. * * * a poisonous relationship between the two branches of our Government putting partisanship over national interests * * * an American public inattentive to world affairs and confused by all of the partisan backbiting now that the principal reference point—the evil of communism—has all but vanished as a major threat.

Indeed, that is a pretty harsh assessment. Aside from all the criticism and 20/20 hindsight—and it is easy to do that, trying to chart a well-defined foreign policy course is more complicated

and difficult today than ever before. Both Senator CLELAND and I understand that. As chairman of the newly created Emerging Threats and Capabilities Subcommittee of the Senate Armed Services Committee, it seems as if we have a new emerging threat at our doorstep almost every day. I am talking about the proliferation of weapons of mass destruction, rogue nations, ethnic wars, drugs, and terrorism.

Concluding our second hearing on the subcommittee this session, and again asking the experts, ''What keeps you up at night?'' the answer came back: ''Cyber attacks and biological attacks'' from virtually any kind of source, and the bottom line was not if, but when.

So it is not easy, but if we are worried about proliferation of weapons of mass destruction, we should also be worried about the proliferation of overall foreign policy roles, not to mention the role the U.S. should play in the world today.

Some may say events of the day will determine our strategy on a case-by-case basis. That seems to be the case. But I say that is a dangerous path, as evidenced by adversaries that did not or will not believe we have the will to respond.

Former National Security Adviser, Gen. Brent Scowcroft, put it this way in a speech at the Brookings Institution National Forum, and he said this in response to some questions:

The nature of our approach to foreign policy also changed from, I would say, from foreign policy as a continuing focus of the United States, which it had been for the 50 years of the Cold War, to an episodic attention on the part of the United States, and thus without much of a theme, and further to that, a foreign policy whose decisions were heavily influenced by polls, by what was popular back home or what was assumed to be popular.

General Scowcroft went on to say:

So at a period when we should have been focusing on structures to improve the possibility that we could actually make some changes in the way the world operated, and some improvements, we have frittered away the time. I think never has history left us such a clean slate as we had in 1991. And we have not taken advantage of it.

One point on looking ahead from here. I think we have begun engaging on a fundamental transformation of the international system with insufficient thought.

We, NATO, President Clinton, the U.N. Secretary General, are moving to replace the Treaty of Westphalia, replacing the notion of the sovereignty of the nation-state with what I would call the sovereignty of the individual and humanitarianism. That is a profound change in the way the world operates. And we're doing it with very little analysis of what it is we're about and how we want this to turn out.

Evidenced by the Charles Krauthammer article.

Again I quote from the general:

In Kosovo, just for example, we conducted a devastating bombing of a country in an attempt to protect a minority within that country. And, as a result, we're now presiding over reverse ethnic cleansing. What's the difference between Kosovo and Chechnya?

That is a question not many of us want to ponder.

How many people must be placed in jeopardy to warrant an invasion of sovereignty? Where? By whom? How does one set priorities among these kind of crises?

And, events of the day, again dominated by the so-called CNN effect, ignore the same kind of core questions posed by General Scowcroft and reflected again in an article by Doyle McManus the Washington Bureau Chief of the Los Angeles Times: When should the United States use military power?

President Clinton has argued in the Clinton Doctrine that Americans should intervene wherever U.S. power can protect ethnic minorities from genocide. I would add a later UN speech seemed to indicate a backing off from that position.

How will the United States deal with China and Russia, the two great potentially hostile powers?

What is the biggest threat to our nation's security and how should the U.S. respond? Weapons of mass destruction head the list of course, but the President has added in terrorism, disease, poverty, disorder to the list.

I know about the Strategic Concept of NATO, when that was passed during the 50-year anniversary last spring in Washington. Those of us who read the Strategic Concept and all of the missions that entailed—moving away from a collective defense—we were concerned about that. We asked for a report as to whether that obligated the United States to all of these missions.

Finally, we received a report from the administration of about three pages. The report said we are not obligated and not responsible. If we are not responsible for the Strategic Concept of NATO, what are we doing adopting it?

When the U.S. acts, should it wait for the approval of the United Nations, seek the approval of our allies, or strike out on its own?

However, my colleagues, the biggest question remains and it was defined well by retired Air Force Brigadier General David Herrelko who wrote in the Dayton Daily News recently:

''The United States needs to get a grip on what our national interests are, what we stand for and what we can reasonably do in the world before we can size our military forces and before we send them in harms way. We must hammer out, in a public forum, just what our national priorities are.'' He says, and I agree, we cannot continue adrift. Consider this retired military man's following points:

More Americans have died in peacekeeping operations (Lebanon, Somalia, Haiti, Bosnia) than in military actions (Iraq, Panama, Grenada and Yugoslavia).

We have a president seeking United Nations approval for military intervention but skipping the dialogue with Congress.

I might add, the Congress skips the dialog with the President.

We commit our military forces before we clearly state our objectives.

We gradually escalate hostilities and we leave standing forces behind.

Some 7,000 now in Kosovo, and the peacekeepers. When there was no peace, they became the target.

General Herrelko ends his article with a plea: ''We are starved for meaningful dialogue between the White House and the Congress.''

I agree Mr. President and would add we are starved for dialogue here in the Senate as well and that is why we are here.

And, as Senator CLELAND has pointed out, our goal is not to achieve unanimity on each and every issue but to at least contribute to an effort to focus attention on our challenges instead of reacting piecemeal as events of the day take place.

And, goodness knows even if the foreign policy stadium is not full of interested spectators, we do have quite an array of players. LA Times Bureau Chief McManus has his own program:

Humanitarian interventionists, mostly Democrats and President Clinton with Kosovo being the prime example. Nationalist interventionists, mostly Republicans who would intervene in defense of democracy, trade and military security.

Realists, both Republicans and Democrats

I think Senator CLELAND would be in that category.

skeptical about intervention but wanting the United States to block any concert of hostile powers.

Minimalists, those who think the United States should stay out of foreign entanglements and quarrels and save its strengths for major conflicts.

Richard Haass, former foreign policy advisor in the Bush administration and now with the Brookings Institution, has defined the players in the foreign policy program much along the same lines as Senator CLELAND did in his opening remarks during our first forum last month:

Wilsonians who wish to assist other countries achieve democracy;

Economists, who wish to promote trade, prosperity and free markets;

Realists, who wish to preserve an orderly balance of power without worrying too much what kind of states are doing the balancing;

Hegemonists who want to make sure the United States keeps its status as the only superpower;

Humanitarians, who wish to address oppression, poverty, hunger and environmental damage;

And, Minimalists, who wish to avoid spending time or tax dollars on any of these matters.

I'm not sure of any of my colleagues would want to be identified or characterized in any one of these categories but again the key question is whether or not the members of this foreign policy posse can ride in one direction and better define our vital national interests and from that definition establish

priorities and a national strategy to achieve them.

Fortunately, as Senator CLELAND has pointed out, some very distinguished and experienced national security and foreign policy leaders have already provided several road maps that make a great deal of sense. What does not make a great deal of sense is that few are paying attention.

Lawrence Korb, Director of Studies of the Council on Foreign Relations, in a military analysis published in a publication called ''Great Decisions'' has focused on the Powell Doctrine named after retired Joint Chiefs Chairman Colin Powell, citing the dangers of military engagement and the need to limit commitments to absolutely vital national interests. On the other hand, the sweeping Clinton Doctrine emphasizes a global policing role for the United States.

How do we reconcile these two approaches?

I am not sure there is only one yellow brick foreign policy road but there are several good alternatives that have been suggested:

First, I am going to refer to what I call the ''Old Testament'' on foreign policy in terms of vital national interests. This is the Commission on America's National Interests, 1996.

Second, a national security strategy for a new century put out by the White House this past December. If you are being critical, or suggesting, or if you have a different approach than the current policy, as I have been during my remarks, you have an obligation to read this. The White House put this out as of December of 1999.

Third, adapting U.S. Defense to Future Needs by Ashton Carter former Assistant Secretary of Defense for International Security in the first Clinton administration and currently professor of science and international affairs at Harvard.

We had him testify to this before the Emerging Threats Subcommittee just a month ago.

Fourth, defining U.S. National Strategy by Kim Holmes and Jon Hillen of the Heritage Foundation, a detailed summary of threats confronting us today with appropriate commentary about their priorities.

Fifth, transforming American Alliances by Andrew Krepinevvitch of the Center for Strategic and Budgetary Assessments.

He has been of real help to us in regard to the Emerging Threats subcommittee, and also the full Committee on Armed Services.

Sixth, a highly recommended article ''Back to Basics: U.S. Foreign Policy for the Coming Decade,'' by James E. Goodby, a senior fellow at the Brookings Institution and former Ambassador to Finland and Kenneth Wisebrode, Director of the International Security Program at the Atlantic Council of the United States.

In this regard, Messrs. Goodby and Weisbrode have summarized the concerns of Senator CLELAND and myself very well when they said:

The most common error of policymakers is to fail to distinguish among our levels of interest, leading to an over commitment to higher level interests. In other words, strategic or second tier interests, if mishandled, can threaten vital interests. But, strategic interests, if well understood and acted upon, can support vital interests.

Goodby and Weisbrode do us a favor by following the example of others in prioritizing our vital national security interests:

First and vital, homeland defense from threats to well being and way of life of the American people. I can't imagine anyone would have any quarrel with that.

Second and strategic, I am talking about peace and stability in Europe and northeast Asia and open access to our energy supplies.

Third, and of lesser interest, although it is of interest, stability in South Asia, Latin America, Africa, and open markets favorable to the United States and to world prosperity.

The authors suggest how to accomplish these goals with what they call three essential pieces of foreign policy balance:

First, stability and cohesion in Europe and between the European Union and the United States; second, mature and effective relations among China, Russia, and the West to include first among all others, a regular forum to oversee the reduction of the risk of nuclear weapons; and third, systematic patterns of consultation and policy coordination of the States benefiting from the global economy and positive relations between those States and the developing world.

The authors also suggest the means to their ends by looking ahead and stressing the need for eventual NATO and Russian cooperation and stability, the need for a similar organization and effort between the United States and China, Japan, Russia, and Korea, and lastly, American support for the United Nations.

In a self-acknowledged understatement, they state this is going to be a hard and tedious task. This is not easy. But it is absolutely necessary.

Now, Mr. Goodby and Mr. Weisbrode are not critical per se, but they issue a warning and this is what we are trying to bring to the attention of the Senate. It is central to what Senator CLELAND and I are trying to accomplish with these foreign policy and national security dialogs.

The public perception and the private reality suggest worrisome disorganization and a certain degree of impatience with a foggy conceptual foreign policy framework. It is time to return to the basic elements of the American role in the world and to raise the public understanding of them.

American strategic planners and policymakers cannot afford to be arbitrarily selective about where and when to engage U.S. power. This would make our foreign policy aimless and lose the support of the American people.

They continue:

We should set out each of America's interests and how they best may be achieved with the cooperation of other powers. However, this cannot take place until the executive and legislative branches of government resurrect the workable partnership in foreign affairs that once existed but exists no more.

And Senator CLELAND, my colleagues, that is why we are here today and that is why we are involved in this forum. In my personal view, we are starved for meaningful foreign policy and national security dialog between the White House and the Congress and within the Congress. The stakes are high.

I recall well the meeting in Senator CLELAND's office between Senator CLELAND, myself, and Senator SNOWE, worried about our involvement in the Balkans. I had an amendment, we had an amendment; we passed both amendments, setting out guidelines that the administration would respond, saying that before we spend money in regard to the defense appropriations or in the authorization bill, hopefully we can establish a better dialog, trying to figure out what our role was in regard to our constitutional responsibilities, I say to my good friend, without having to come to the floor with appropriations bills and have an amendment and say you can't spend the money for this until you explain this. That is no way to operate.

It seems to me we can do a much better job. The stakes are high.

As Carl Sandberg wrote of Americans: Always there arose enough reserves of strength, balances of sanity, portions of wisdom to carry the Nation through to a fresh start with ever renewing vitality.

I hope this dialog and these discussions, all of the priority recommendations we have had from experts in the field, will help us begin that fresh start. We cannot afford to do otherwise.

I ask unanimous consent to have printed in the RECORD a chart that outlines and prioritizes the vital national security interests of the United States as recommended by the many experts and organizations I have discussed earlier in my remarks. This chart was prepared by Maj. Scott Kindsvater, an outstanding pilot in the U.S. Air Force and a congressional fellow in my office.

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

DEFINING U.S. NATIONAL INTEREST

Source	Vital Interests	Important Interests	Other Interests
''A National Security Strategy for a New Century''; The White House; 1/5/2000.	1. Physical security of our territory and that of our allies. 2. Safety of our citizens. 3. Economic well-being of our society. 4. Protection of critical infrastructures from paralyzing attack (energy, banking and finance, telecommunications, transportation, water systems, and emergency services).	1. Regions where we have sizable economic stake or commitments to allies. 2. Protecting global environment from severe harm. 3. Crises with a potential to generate substantial and highly destabilizing refugee flows.	1. Responding to natural and manmade disasters. 2. Promoting human rights and seeking to halt gross violations of those rights. 3. Supporting democratization, adherence to the rule of law and civilian control of the military. 4. Promoting sustainable development and environmental protection.
''Americans and the World: A Survey at Century's End,'' Foreign Policy, Spring 1999.	American public's foreign policy priorities—1.—Prevent the spread of nuclear weapons. 2. Stop the influx of illegal drugs into U.S. 3. Protect American jobs. 4. Combat international terrorism. 5. Secure adequate energy supplies.—(American foreign policy leadership priorities)—1. Prevent the spread of nuclear weapons. 2. Combat international terrorism. 3. Defend the security of U.S. allies. 4. Maintain superior military power worldwide. 5. Fight world hunger.		
''America's National Interests,'' Commission on America's National Interests; 7/1996.	1. Prevent, deter, and reduce the threat of nuclear, biological, and chemical (NBC) weapons attacks on the United States. 2. Prevent the emergence of a hostile hegemon in Europe or Asia. 3. Prevent the emergence of a hostile major power on U.S. borders or in control of the seas. 4. Prevent the catastrophic collapse of major global systems: trade, financial markets, supplies of energy, and environmental. 5. Ensure the survival of US allies.	(Extremely Important)—1. Prevent, deter, and reduce the threat of the use of nuclear or biological weapons anywhere. 2. Prevent the regional proliferation of NBC weapons and delivery systems. 3. Promote the acceptance of international rules of law and mechanisms for resolving disputes peacefully. 4. Prevent the emergence of a regional hegemon in important regions, such as the Persian Gulf. 5. Protect U.S. friends and allies from significant external aggression. 6. Prevent the emergence of a reflexively adversarial major power in Europe or Asia. 7. Prevent and, if possible at reasonable cost, end major conflicts in important geographic regions. 8. Maintain a lead in key military-related and other strategic technologies (including information and computers). 9. Prevent massive, uncontrolled immigration across U.S. borders. 10. Suppress, contain, and combat terrorism, transnational crime, and drugs. 11 Prevent genocide.	Just Important—1. Discourage massive human rights violations in foreign countries as a matter of official government policy. 2. Promote pluralism, freedom, and democracy in strategically important states as much as feasible without destabilization. 3. Prevent and, if possible at low cost, end conflicts in strategically insignificant geographic regions. 4. Protect the lives and well-being of American citizens who are targeted or taken hostage by terrorist organizations. 5. Boost the domestic output of key strategic industries and sectors (where market imperfections may make a deliberate industrial policy rational). 6. Prevent the nationalization of U.S.-owned assets abroad. 7. Maintain an edge in the international distribution of information to ensure that American values continue to positively influence the cultures of foreign nations. 9. Reduce the U.S. illegal alien and drug problems. 10. Maximize U.S. GNP growth from international trade and investment.
''Adapting to U.S. Defence to Future Needs,'' Ashton B. Carter, Survival, Winter 1999–2000.	A-List: Potential future problems that could threaten U.S. survival, way of life and position in the world; possibly preventable—1. Danger that Russia might descend into chaos, isolation and aggression. 2. Danger that Russia and the other Soviet successor states might lose control of the nuclear, chemical and biological weapons legacy of the former Soviet Union. 3. Danger that, as China emerges, it could spawn hostility rather than becoming cooperatively engaged in the international system. 4. Danger that weapons of mass destruction (WMD) will proliferate and present a direct military threat to U.S. forces and territory.	B-List: Actual threat to vital U.S. interests; deterrable through ready forces—1. Major-Theater War in NE Asia. 2. Major Theater War in Southwest Asia.	C-List Important problems that do not threaten vital U.S. interests—1. Kosovo. 2. Bosnia. 3. East Timor. 3. Rwanda. 4. Somalia. 5. Haiti.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Georgia.

Mr. CLELAND. Mr. President, I cannot express strongly enough what an honor it is to be on the floor of the Senate and listen to my distinguished colleague talk about the need for a meaningful dialog on a subject that often gets put down at the bottom of the list when it comes to public issues. I am reminded of a line from one of Wellington's troops after the battle at Waterloo, after the battle was won, that in time of war, and not before, God of the soldier, men adore; but in time of peace, with all things righted, God is forgotten and the soldier slighted.

Unfortunately, I think my dear colleague, Senator PAT ROBERTS, and I have sensed that the vital interests of the United States, the interests that cause us to go to war, the interests that compel us to fight for our vital national interests, these basic fundamental principles have been lost in the shuffle. Somehow they have been slighted and somehow the issue of foreign policy and defense has been shoved to the background. We have lost sight of the basis of who we are and what we are about as we go into the 21st century, which is why we have tried through this dialog to call attention to this issue.

We have some wonderful colleagues joining in our dialog, including my fellow Vietnam veteran, Senator KERREY, and Senator HAGEL, as well as Senator HUTCHINSON and Senator KYL.

For a few weeks, I wondered whether I was a little bit out of touch and wondered whether or not this dialog on American foreign policy and global reach was something that was out of touch with what was going on in the world. I went back home the last few days and in my own hometown paper in Atlanta I came across an article, a New York Times piece, Anti-Americanism Growing Across Europe.

Hello. Good morning. I realized that what I was seeing in a daily newspaper was what I was attempting to engage here in terms of a perspective on our global reach, a sense that we were overcommitted in the world and yet underfunded, a sense of mismatch between our ends and our means to achieve those ends. I realized we really were on target.

In my State, we say that even a blind hog can root up an acorn every now and then. I think my distinguished colleague and I from Kansas have rooted up an acorn.

We are on to something. That is a reason why I am strengthened in pursuing this dialog, and I am delighted we will have additional Senators entering into this dialog because unless we ourselves begin to define who we are as a nation, what we want out of our role as a nation, and where we want to go and how we exercise our power, unless we decide it, it will occur by happenstance. We will move from crisis to crisis. We will not have a plan and we will end up in places in the world where we know not of what we speak.

One of the quotes I have come across, one of the lines that continues to reinforce my view of my own concern and caution about America's expanded role in the world, is from our first dialog back in February when Owen Harries, editor of the National Interests, summed up his views on the appropriate approach for the United States in today's world with the following comments: I advocate restraint because every dominant power in the last four centuries that has not practiced it, that has been excessively intrusive and demanding, has ultimately been confronted by a hostile coalition of other powers. Americans may believe that their country, being exceptional, need have no worries in this respect. I do not agree. It is not what Americans think of the United States but what others think of it that will decide the matter. Anti-Americanism is growing across Europe. The distinguished Senator from Kansas has accumulated, in a shocking way, some headlines from 40 or 50 newspapers among our allies and our friends, questioning our role, particularly in the Balkans, but questioning our exercise of power, as it were.

The foreign perspective is not one to which we generally devote much attention in the Congress, certainly after the cold war is over, but our attention to foreign affairs has been slight. We do not really devote much attention to foreign affairs and consideration of our foreign policy options unless we are threatened.

I am delighted Senator ROBERTS is sitting as the chairman of the Emerging Threats Subcommittee in the Armed Services Committee. He has his eye on the ball, certainly an emerging ball in terms of threats to our country. I think the overall threat is that we do not realize one could occur now that the cold war is over.

I think, also, one of the emerging threats, from my point of view, is that

we will overcommit and overexpand and overreact and, instead of being only a superpower working with others and sharing power, we will wind up imposing—by default, almost, in the power vacuums around the world—a pax Americana that cannot be sustained by the will of the people in this country—again, a mismatch between means and ends.

But it is important, as Mr. Harries suggests, to focus on this issue.

I have spent some time, over recent months, as has the distinguished Senator from Kansas, reviewing what foreign opinion makers and leaders are saying about the United States. While we may think, as I do, that our country has not made a clear choice about our global role, the view from abroad is very different. Many people think we have chosen the path we are now on.

A Ukrainian commentator, in the Kiev newspaper Zerkalo Nedeli, wrote in April of last year:

> Currently, two opinions are possible in the world— the U.S. opinion and the wrong opinion. . . .

He said the U.S.

> . . . has announced its readiness to act as it thinks best, should U.S. interests require this, despite the United Nations. And let those whose interests are violated think about it and draw conclusions. This is the current world order or world disorder.

That, from Kiev.

The influential Times of India editorialized in July of last year:

> New Delhi should not lose sight of the kind of global order the U.S. is fashioning. NATO's policies towards Yugoslavia and the U.S.-led military alliance's new Strategic Concept are based on the degradation of international law and a more muscular approach to intervention. Such a trend is certainly not in India's interest.

So India has concluded: Why don't we go it alone? Why don't we develop ourselves as a nuclear power?

The President of Brazil was quoted on April 22 of last year in an interview with a Sao Paulo newspaper as to his views about the United States: While President Cardoso was generally sympathetic to the United States and supportive of good bilateral relations between our two countries, the President of Brazil nonetheless expressed certain misgivings about our approach to international relations.

He said:

> The United States currently constitutes the only large center of political, economic, technologic, and even cultural power. This country has everything to exert its domain on the rest of the world, but it must share it. There must be rules, even for the stronger ones. When the strongest one makes decisions without listening, everything becomes a bit more difficult. In this European war, NATO made the decision, but who legalized it? That's the main problem. I am convinced more than ever that we need a new political order in the world.

I think I am correct that Jack Kennedy once indicated we would seek a world where the strong are just and the weak preserved. Because we are strong now, I think we have to have an inordinate sense of being just. But these are all voices from countries that have not traditionally been close to the United States. Let's look, then, at some of our NATO allies, nations with whom we presumably share the closest relationships and common interests.

In a commentary from February of last year in Berlin's Die Tageszeitung, a German writer observes:

> There is a growing number of people with more and more prominent protagonists who are at odds with American supremacy and who are inclined to see the action of the State Department as a policy of interests. And Washington is offering no reason to deny the justification of these reservations. As unilateral as possible and as multilateral as necessary—that's the explicit maxim under which U.S. President Bill Clinton has pursued his foreign and defense policies in the last 2 years.

From Italy, an Italian general expressed the following view in the December 1999 edition of the Italian geopolitical quarterly LiMes:

> The condition all the NATO countries as a whole find themselves in is closer to the condition of vassalage with respect to the United States than it is to the condition of alliance. NATO is not able to influence the policy of the United States because its existence in effect depends on it. No member countries are able to resist the American pressures because their own resources are officially at the disposal of everybody and not just the United States.

What evidence do our foreign friends cite for such concerns? The influential left-of-center Dutch daily NRC Handelsblad wrote last October:

> The U.S. Senate's rejection of the Comprehensive Test Ban Treaty does not just represent a heavy defeat for President Clinton. Far more important are the consequences for world order of treaties designed to stop the proliferation of weapons of mass destruction and hence boost world security. . . .

According to this newspaper in the Netherlands:

> Unfortunately, the decision fits in with a growing tendency on the part of U.S. foreign policy to place greater emphasis on the United States' own room for maneuver and less on international cooperation and traditional idealism.

In a similar vein, the Times of London carried a commentary last November. It said:

> The real fear is of an American retreat, not to isolationism, but to unilateralism, exacerbated at present by the post-impeachment weakness of President Clinton and his standoff with the Republican Congress. That's shown by the Senate's rejection of the Comprehensive Test Ban Treaty, the stalling of free trade initiatives, and the refusal to pay arrears to the United Nations. The U.S. is seen as wayward and inward-looking.

While there are some exceptions, the majority of statements I looked at expressed the view the United States has indeed made the conscious decision to use our current position of predominance to pursue unilateralist foreign and national security policy.

When I first came to Washington 30-some-odd years ago as a young intern, I found out there could not be a conspiracy here. We are not that well organized. There cannot be a unilateralist conspiracy in the world by the United States—we are not that well organized. What has evolved is a sense in which we have moved from crisis to crisis and looked at power vacuums and said, ''We need to be there.''

I like the notion that General Shelton has about the use of American military power. He says:

> We've got a great hammer, but not every problem in the world is a nail.

I do like President Kennedy's insight, too, that there is not necessarily an American solution for every problem in the world.

Yet we act as if there is. If one looks at the outcomes of recent American foreign policy debates, it is easy to see how those viewing us from a distance might come to such a conclusion. Since I have come to the Senate, the U.S. Government through the combined efforts of the executive and the legislative branches—what are, relatively speaking, nondiscussions, I might add—has made the following decisions: Withheld support from the international landmines treaty; rejected jurisdiction by the new international criminal court; been slow to pay off long overdue arrears to the United Nations; rejected the current applicability of international emissions standards set at Kyoto; rejected fast-track international trade negotiating authority for the President; rejected the Comprehensive Test Ban Treaty, apparently committed to a national missile defense system which will violate the ABM Treaty; and established a principle of ''humanitarian intervention'' where national sovereignty can be violated without United Nations sanction under certain circumstances.

My purpose here is not to argue for or against any of these individual positions; for, indeed, I have supported some of them as, indeed, have virtually every Member of the Congress and the administration. But, as far as I know, not one of us has supported them all.

If the Republican congressional majority has been largely responsible for the actions rejecting multilateral commitments and entanglements in the national security sphere, it is my party, the Democrats, who has taken the lead in opposing international trade obligations, and the Democratic administration which has espoused the cause of humanitarian interventions in violation of national sovereignty. In short, the sum total of our actions has been far more unilateral than any of us would have intended or carved out for ourselves.

This is relatively incoherent, and I can see why other nations might view us as more organized than we are.

It is also very damaging to our national interest and is one of the major

motives for our efforts to promote this development of a bipartisan consensus through these floor debates. We have to get back to some basic understanding of who we are and what we are doing in the world.

As was discussed in our first dialog, there are certainly some leading voices among America's foreign policy thinkers who do, indeed, advocate a unilateralist course for America in the post-cold-war era, but not even that group actually believes we have actually embarked upon that course. Very few believe we are willing to invest sufficient resources today to even pursue the somewhat less demanding multilateralist approach which seems to have more support among our foreign policy establishment.

The direct danger to America from this mismatch between means and ends, between our commitments and our forces, between our aspirations and our willingness to pay to achieve them is one of the central concerns for our discussion today and one I will turn to later. However, I want to conclude these opening remarks with an observation about indirect consequences of this situation with respect to the credibility of American foreign policy abroad.

The chief of the research department of the Japanese Defense Agency's National Institute for Defense Studies wrote in March of last year:

> (O)pinion surveys in the United States show that people are inclined to think that the United States should bear as little burdens as possible even though the country should remain the leader in the world. This thinking that the United States should be the world's leader but should not bear too much financial burden may be contradictory in context, but is popular among Americans. This serves as a warning to the international community that the United States might get at first involved in some international operations but run away later in the middle of the operations, leaving things unfinished.

Because we do not have a comprehensive strategy, because we do not talk to each other enough, because we do not have a proper dialog, particularly in this body, and because we move from crisis to crisis in our foreign policy and come up with different solutions for different situations without a clear understanding of who we are and where we are going, we are sending a mixed message to even our best friends.

To me, the case is clear: If we are to avoid misunderstandings at home and abroad, if we are to prevent unwanted and unintended conclusions and consequences, as the distinguished Senator from Kansas mentioned, about our objectives, we have to pull together and forge a coherent, bipartisan consensus to guide our country in the uncertain waters of the 21st century. Those who came before us and built this country into the grand land it is today, and those who will inherit it from us in the years ahead deserve no less.

I am honored to yield to the distinguished Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Parliamentary inquiry: I believe I have 1 hour reserved in morning business and that the distinguished Senator from Georgia has 1 hour; is that correct?

The PRESIDING OFFICER. There are 2 hours under the control of both Senators.

Mr. ROBERTS. I inform my colleagues that Senator HUTCHISON of Texas and Senator HAGEL will be taking part, and I think perhaps Senator KERREY will be coming to the floor. Senator HAGEL will be arriving in about 9 minutes. If my distinguished colleague wants to summarize any other comments or perhaps go over the Commission on America's National Interests, I think now is the time to do so, if he is prepared to do that.

Mr. CLELAND. Mr. President, I want to add some additional comments, if that is all right with my distinguished colleague.

Earlier, I spoke about the mismatch between the goals of American foreign policy and the means we employ in achieving them. Whether one espouses a unilateralist or multilateralist approach, or something in between, most of those with a strong interest in American foreign policy have major goals for that policy, whether in preventing the emergence of global rivals or in promoting the spread of democracy, whether in halting the spread of weapons of mass destruction or in protecting human rights. Yet today we devote a little over 1 percent of the Federal budget for international affairs, compared to over 5 percent in 1962 in the middle of the cold war.

Of particular concern to me as a member of the Armed Services Committee, since the 1980s we have gone from providing roughly 25 percent of the budget for national defense to 18 percent today. We have reduced the active-duty armed forces by over one-third but have increased overseas deployments by more than 300 percent. I have often said we have, as a country, both feet firmly planted on a banana peel. We are going in opposite directions. That cannot last. We have a mismatch between our commitments and our willingness to live up to those commitments. We are sending a mixed message abroad.

What is the result of all of this? Newspapers reported that last November, for the first time in a number of years, the U.S. Army rated 2 of its 10 divisions as unprepared for war. Why were they unprepared for war? Because they were bogged down in the Balkans. That was never part of the deal going into the Balkans, that an entire U.S. Army division would be there for an indefinite period of time. No wonder these other two divisions were unprepared for war because they had elements in the Balkans doing something else—not fighting a war, but peacekeeping missions.

The services continue to struggle in meeting both retention and recruiting goals, and the service members and their families with whom I meet and who are on the front lines in carrying out the policies decided in Washington are showing the visible strains of this mismatch between our commitments and our resources. They deserve better from us.

I hope other Senators had an opportunity to watch Senator ROBERTS' discussion of our national interests during our February 24 dialog. If not, I commend my colleagues' attention to those remarks as printed in the CONGRESSIONAL RECORD of that date.

In brief, he stated the opinion, which I share, that in the post-cold-war world, our country has had a hard time in prioritizing our national interests, leading to confusion and inconsistency. He went on to cite the July 1996 report by the Commission on America's National Interests, of which he was a member, along with our colleagues Senators JOHN MCCAIN and BOB GRAHAM and my distinguished predecessor, Sam Nunn.

Of particular relevance to our topic today of defining and defending our national interests, the Commission found:

> For the decades ahead, the only sound foundation for a coherent, sustainable American foreign policy is a clear public sense of American national interests. Only a national-interest-based foreign policy will provide priorities for American engagement in the world. Only a foreign policy grounded in American national interests will allow America's leaders to explain persuasively how and why specific expenditures of American treasure or blood deserve support from America's citizens.

As my colleagues will note from the charts I have, the Commission went on to divide our national interests into four categories. They defined ''vital interests'' as those:

> Strictly necessary to safeguard and enhance the well-being of Americans in a free and secure nation.

And as Senator ROBERTS has discussed, and you can see on the chart, they found only five items which reached that high standard.

In addition to attempting to identify our national interests, the commission also addressed the key issue of what we should be prepared to do to defend those interests:

> For ''vital'' national interests, the United States should be prepared to commit itself to fight, even if it has to do so unilaterally and without the assistance of allies.

But there is a lower priority than that.

Next in priority come ''extremely important interests''—these are not vital; but they are extremely important—defined as those which:

> . . . would severely prejudice but not strictly imperil the ability of the U.S. Government to safeguard and enhance the well-

being of Americans in a free and secure nation—

And for which:

the United States should be prepared to commit forces to meet threats and to lead a coalition of forces, but only in conjunction with a coalition or allies whose vital interests are threatened.

Next, third, we have another set of interests. These are called ''just important interests.'' They are not vital, not necessary. These are important, which would have major negative consequences:

The United States should be prepared to participate militarily, on a case-by-case basis, but only if the costs are low or others carry the lion's share of the burden.

Finally, last, comes the most numerous but lowest priority category of ''less important or secondary interests,'' which:

Are intrinsically desirable but that have no major effect on the ability of the U.S. government to safeguard and enhance the well-being of Americans in a free and secure nation.

My colleagues in the Senate, this is exactly the kind of exercise—of defining and differentiating our national interests, and of gauging the proper kind and level of response for protecting such interests—that we need to be engaging in if we are to bring coherence and effectiveness to our post-cold war foreign and national security policy. Everything is not the most important thing to do. Everything is not necessarily in America's vital interest to do. It is, in my judgment, what we must do in considering our policies, particularly toward the Balkans and now with a plan in Colombia to involve ourselves in a war against narcotraffickers in Colombia. We need to do several things. We need to ask ourselves: How vital are our interests in those areas? And what are we willing to pay to protect those interests?

What about the role of other countries, who, for reasons of history and geography, may have even greater national interests at stake?

Senator ROBERTS pointed out back in February the similarities between the Commission on America's National Interests list of ''vital'' interests and related compilations by other groups and individuals. I believe, for example, that the commission's definitions of ''vital'' and ''extremely important'' national interests are quite compatible with the relevant portions of the January 2000 White House ''National Security Strategy for a New Century.'' The conflicts will lie in applying these general principles to specific cases. That is what Senator ROBERTS and I intend to do with the remaining sessions of these global role dialogs, including such applications as the role of our alliances and the decision on when and how to intervene militarily.

However, from my perspective, though we may have some implicit common ground as to our most important national interests and what we should be prepared to do in defending them, in the real world where actions must count for more than words and where capabilities will inevitably be given greater weight than intentions, the picture we too often give to the world—of unilateralist means and narrowly self-interested ends—and to our own citizens—of seemingly limitless aspirations but quite limited resources we are willing to expend in achieving them—is surely not what we should be doing.

Samuel P. Huntington writes in the March/April edition of Foreign Affairs:

Neither the Clinton administration nor Congress nor the public is willing to pay the costs and accept the risks of unilateral global leadership. Some advocates of American global leadership argue for increasing defense expenditures by 50 percent, but that is a nonstarter. The American public clearly sees no need to expend effort and resources to achieve American hegemony. In one 1997 poll, only 13 percent said they preferred a preeminent role for the United States in world affairs, while 74 percent said they wanted the United States to share power with other countries. Other polls have produced similar results. Public disinterest in international affairs is pervasive, abetted by the drastically shrinking media coverage of foreign events. Majorities of 55 to 66 percent of the public say that what happens in western Europe, Asia, Mexico, and Canada has little or no impact on their lives. However much foreign policy elites may ignore or deplore it, the United States lacks the domestic political base to create a unipolar world. American leaders repeatedly make threats, promise action, and fail to deliver. The result is a foreign policy of ''rhetoric and retreat'' and a growing reputation as a ''hollow hegemon.''

One of my favorite authors on war and theorists on war, Clausewitz, put it this way:

Since in war too small an effort can result not just in failure but in positive harm, each side is driven to outdo the other, which sets up an interaction. Such an interaction could lead to a maximum effort if a maximum effort could be defined. But in that case, all proportion between action and political demands would be lost: means would cease to be commensurate with ends, and in most cases a policy of maximum exertion would fail because of the domestic problems it would raise.

I think we are maximally committed around the world. I think we have to review these commitments because I am not quite sure we have the domestic will to follow through on them or the budgets to take care of them. We do not want to risk failure.

Once again, I thank all of the Senators who have joined in today's discussion. I have benefitted from their comments, and encourage all of our colleagues of whatever party and of whatever views on the proper U.S. global role to join in this effort to bring greater clarity and greater consensus to our national security policies through these dialogs. Our next session will be on the role of multilateral organizations, including NATO and the United Nations, and is scheduled to occur just after the Easter break.

During the Easter break I intend to go visit our allies and friends in NATO, in Belgium, to go to Aviano to get a background briefing on how the air war in the Balkans was conducted, to go on to Macedonia and into Kosovo itself to see our forces there. That would be over the Easter break. I will go back through London to get a briefing from our closest ally, our British friends.

I hope to come back to the Senate in a few weeks with a more insightful view of what we should do, particularly in that part of the world, regarding our responsibilities.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. First, again, I thank my good friend, the distinguished Senator from Georgia, for this continued initiative and his leadership in what we think is a bipartisan foreign policy dialog. I hope it is successful.

We said back in February during our first discussion that our objective was to try to achieve greater attention, focus, and mutual understanding—not to mention a healthy dose of responsibility—in this body in regard to our global role.

I repeat again, in chapter 10 of the Senator's book that he has provided to every Senator, with a marvelous introduction by our Chaplain, the Senator stated that success is a team effort, that coming together is a beginning, keeping together is progress, and working together is success. That is a pretty good motto for our efforts today, as well as a recipe for our foreign policy goals.

I am very privileged to yield 15 minutes to the distinguished Senator from Nebraska, Mr. HAGEL. He is a recognized expert in the field of international affairs, and more especially, a strong backer of free trade. I seek his advice and counsel often on the very matters that we are talking about.

I am delighted he has joined us. I yield 15 minutes to the distinguished Senator and my friend.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, first, let me acknowledge the leadership of my colleagues from Georgia and Kansas for bringing attention and focus to an area that does not often get appropriate focus. It is about international affairs—the connecting rods to our lives in a world now that is, in fact, globally connected.

That global community is underpinned by a global economy. There is not a dynamic of the world today, not an action taken nor a consequence of that action, that does not affect America, that does not affect our future. I am grateful that Senators CLELAND and ROBERTS have taken the time and the

leadership to focus on an area of such importance to our country.

I point out an op-ed piece that appeared in Monday's Washington Post, written by Robert Kagan, and I ask unanimous consent that the article be printed in the RECORD.

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

[From the Washington Post, Apr. 10, 2000]

A WORLD OF PROBLEMS . . .

(By Robert Kagan)

Call me crazy, but I think it actually would serve the national interest if George W. Bush spent more time talking about foreign policy in this campaign. Not to slight the importance of his statements on the environment and the census. But perhaps Bush and his advisers can find time to pose a simple, Reaganesque question: Is the world a safer place than it was eight years ago?

A hundred bucks says even James Carville can't answer that question in the affirmative—at least not with a straight face. A brief tour d'horizon shows why.

IRAQ

As the administration enters its final months, Saddam Hussein is alive and well and Baghdad, pursuing his quest for weapons of mass destruction, free from outside inspection and getting wealthier by the day through oil sales while the sanctions regime against him crumbles. The next president may see his term dominated by the specter of Saddam Redux.

THE BALKANS

You can debate whether things are getting better in Bosnia, or whether Kosovo is on its way to recovery or to disaster. And Clinton deserves credit for intervening in both crises. But Slobodan Milosevic is still in power in Belgrade, still stirring the pot in Kosovo and is on the verge of starting his fifth Balkan war in Montenegro. Milosevic was George Bush Sr.'s gift to Bill Clinton; he will be Clinton's gift to Al Gore or George Jr.

CHINA-TAIWAN

Even Sinologists sympathetic to the Clinton administration's policies think the odds of military conflict across the Taiwan Strait have increased dramatically. Meanwhile, the administration's own State Department acknowledges the steady deterioration of Beijing's human rights record. Good luck to Al Gore if he tries to call China policy a success.

WEAPONS PROLIFERATION

Two years after India and Pakistan exploded nuclear devices, their struggle over Kashmir remains the likeliest spark for the 21st century's first nuclear confrontation. If this is the signal failure of the Clinton administration's nonproliferation policies, North Korea's and Iran's weapons programs come in a close second and third. Even the administration's intelligence experts admit that the threat to the United States has grown much faster than Clinton and Gore anticipated. And where is the missile defense system to protect Americans in this frightening new era?

HAITI AND COLOMBIA

After nobly intervening in Haiti to restore a democratically elected president in 1994, the administration has frittered away the past 5½ years. Political assassinations in Haiti are rife. Prospects for stability are bleak. Meanwhile, the war in Colombia rages, and even a billion-dollar aid program may not prevent a victory by narco-guerrillas. When the next president has to send troops to fight in Colombia or to restore order in Haiti, again, he'll know whom to thank.

RUSSIA

Even optimists don't deny that the election of Vladimir Putin could be an ominous development. The devastation in Chechnya has revealed the new regime's penchant for brutality.

Add to all this the decline of the armed forces—even the Joint Chiefs complain that the defense budget is tens of billions of dollars short—and you come up with a story of failure and neglect. Sure, there have been some successes: NATO expansion and, maybe, a peace deal in Northern Ireland. Before November, Clinton could pull a rabbit out of the hat in the Middle East. But Jimmy Carter had successes, too. They did not save him from being painted as an ineffectual world leader in the 1980 campaign.

Bush maybe gun-shy about playing up foreign policy after tussling with John McCain in the primaries. But Gore is no McCain. He is nimble on health care and education, but he is clumsy on foreign policy. Bush may not be a foreign policy maven, but he's got some facts on his side, as well as some heavy hitters. Colin Powell, Dick Cheney, Goerge Shultz and Richard Lugar, instead of whispering in W.'s ear, could get out in public and help build the case. John McCain could pitch in, too.

The offensive can't start soon enough. The administration has been adept at keeping the American people in a complacent torpor: Raising the national consciousness about the sorry state of the world will take time. And if Bush simply waits for the next crisis before speaking out, he will look like a drive-by shooter. Bush also would do himself, his party and the country a favor if he stopped talking about pulling U.S. troops out of the Balkans and elsewhere. Aside from such talk being music to Milosevic's ears, Republicans in Congress have been singing that neo-isolationist tune for years, and the only result has been to make Clinton and Gore look like Harry Truman and Dean Acheson.

Some may say it's inappropriate to "politicize" foreign policy. Please. Americans haven't witnessed a serious presidential debate about foreign policy since the end of the Cold War. Bush would do everyone a service by starting such a debate now. He might even do himself some good. Foreign policy won't be the biggest issue in the campaign, but in a tight race, if someone bothers to wake the people up to the world's growing dangers, they might actually decide that they care.

Mr. HAGEL. Mr. Kagan is a senior associate at the Carnegie Endowment for International Peace. He echoes what Senators ROBERTS and CLELAND have talked about; that is, the vital interests of our country in world affairs. He suggests that America's two Presidential candidates this year, Governor Bush and Vice President GORE, focus attention in the remaining months of this Presidential campaign on international issues. He lays out a number of areas in the world that are of vital consequence and concern to not only those particular regions but to the United States.

The point is, others are coming to the same conclusions and realizations as our friends from Georgia and Kansas: that international relations is the completeness of all of our policies—trade, national security, economy, geopolitics. It is, in fact, a complete policy.

We are living in a most unique time in history, a time when everything is possible. We live in a time when we can do more good for mankind than ever in the history of the world. Why is that? It deserves some perspective and some review.

Over the last 50 years, it has been the multilateral organizations of the world, beginning with the visionary and foresighted leadership of Harry Truman after World War II and a Republican Congress, working jointly to develop and implement multilateral policies and organizations such as the United Nations, such as what was born at Breton Woods, the IMF, the World Bank, trade organizations, multilateral peace, financial organizations—all are imperfect, all are flawed. But in the real world, as most of us understand, the choice is seldom between all good, the easy choice, and all bad. Normally our foreign policy and every dynamic of that foreign policy, be it foreign aid, be it national security interests, be it geopolitical interests, falls somewhere between all good and all bad. It is a difficult position to have to work our way through.

With this weekend's upcoming annual meetings for the IMF and the World Bank and the number of guests who will be coming to Washington—I suspect not exactly to celebrate the IMF and the World Bank and the World Trade Organization and other multilateral organizations—it is important that we bring some perspective to the question that fits very well into the larger question Senators ROBERTS and CLELAND have asked; that is, is the world better off with a World Trade Organization, with a world trade regime, its focus being to open up markets, break down barriers, allow all nations to prosper? And how do they prosper? They prosper through free trade. Underpinning the free trade is individual liberty, individual freedom, emerging democracies, emerging markets.

We could scrap the World Trade Organization, 135 nations, and go back to a time, pre-World War II, that essentially resulted in two world wars, where there would be no trading regime. Those countries that are now locked in poverty have to go it on their own. That is too bad. We can scrap the World Trade Organization. While we are at it, have the IMF and the World Bank added to any prosperity in the world? Have they made mistakes? Yes.

Let's examine some of the underlying and most critical and realistic dynamics of instability in the world. We do know that when there is instability, there is no prosperity and there is no peace. What causes instability?

Let's examine what it is that causes instability. When you have nations trapped in the cycle of hopelessness and the perpetuation of that cycle because of no hope, no future, poverty, hunger, pestilence, what do we think is going to happen? History is rather complete in instructing us on this point: conflict and war. When there is conflict and war, is there an opportunity to advance the causes of mankind? No. Why is that? Let's start with no trading. There are no markets. Do we really believe we can influence the behavior of nations with no contact, no engagement, no trade? I don't think so.

As many of our guests who are arriving now in Washington, who will parade up and down the streets, burning the effigies of our President and the Congress and the World Trade Organization and the IMF and the World Bank—and I believe sincerely their motives are pure; that they wish to pull up out of abject poverty the more than 1.5 billion people in the world today, which is a worthy, noble cause—I think the record over the last 50 years is rather complete in how that has been done to help other nations over the last 50 years do that a little differently than tearing down the multilateral institutions that have added to prosperity and a better life and a hope for mankind.

I will share with this body a couple of facts from the 1999 Freedom House survey. Most of us know of the organization called Freedom House. It issued its first report in 1978. This is what Freedom House issued on December 21, 1999: 85 countries out of 192 nations today are considered free. That represents 44 percent of the countries in the world today. That is the second largest number of free countries in the history of man. That represents 2.34 billion people living in free countries with individual liberties, 40 percent of all the people in the world. Fifty-nine countries are partly free, 31 percent of the countries. That represents 1.5 billion people living in partly free countries, 25 percent of the world's population.

What are the real numbers? Seventy-five percent of the countries, largest in the history of mankind, are living in either free or partly free countries. Forty-eight countries not free. That represents 25 percent of the population of the world.

What does that mean? Let's go back and examine about 100 years ago where the world was. At the turn of the century, no country on Earth, including the United States, had universal suffrage. Less than 100 years ago, the United States did not allow women to vote, and there were other human rights violations we accepted in this country. My point is, the United States must be rather careful not to moralize and preach to the rest of the world. Yes, we anchor who we are on the foundation of our democracy and equal rights, but it even took America 250 years to get as far as we have come.

So we should, if nothing else, at least be mindful of that as we dictate to other countries. Now, as we examine a number of the points that have been made this morning and will be made throughout the next few months about foreign policy, it is important for us to have some appreciation and lend some perspective to not only the tremendous progress that has been made in the world today, and the hope we have for tomorrow, and the ability and the opportunities we have to make the world better—and it is fundamentally about productive capacity, individual freedoms, trade, free markets, private investment, rule of law, rights, contract law, all that America represents, all that three-fourths of the world countries and population represent. It is solutions, creative solutions, for which we are looking.

Creative solutions will come as a result of imaginative and bold leadership. As I have said often when I have been challenged about America's role in the world and is America burdening itself with too much of a role—incidentally, what should our role be? That is a legitimate debate. But I have said this: America has made its mistakes. But think of it in this context. If America decides that its burden is too heavy, whether that be in the area of contributions to the United Nations, to NATO, wherever we are around the world, as an investment, we believe in markets, in freedom, in opportunity, in less war, less conflict, a future for our children, for whatever reason, if we believe we are too far extended—and that is a legitimate question—and we will have an ongoing dynamic debate on the issue and we should remind ourselves of this—the next great nation on earth—and there will be a next great nation if America chooses to recede back into the cold, gray darkness of mediocrity—that next great, powerful nation may not be quite as judicious and benevolent with its power as America has been with our power. That is not the world that I wish my 7-year-old and 9-year-old children to inherit.

If there is an additional burden—and there is—for America to carry on to be the world's leader, for me, it is not only worthy of the objective to continue to help all nations and raise all nations' opportunities, but realistically, geopolitically, it is the only answer for the kind of world that we want not just for our children but for all children of the world.

So rather than tear down organizations and tear down trade regimes and tear down organizations that are focused on making the world better, we should ask our friends who are coming to Washington this week to give us creative solutions and be part of those creative solutions.

Mr. President, I am grateful for an opportunity to share some thoughts and hopefully make a contribution to what my friend from Georgia and my friend from Kansas have been about today and earlier in our session. This will continue throughout this year because through this education and this information and this exchange of thoughts and ideas we will fundamentally broaden and deepen the foundation of who we are as a free nation and not be afraid of this debate in front of the world. It is the debate, the borderless challenges of our time—terrorism, weapons of mass destruction, the scourge of our time, illegal drugs—that must be confronted and dealt with as a body of all nations, all peoples. Understanding and dealing with these fundamental challenges and issues are in the common denominator, mutual self-interest of all peoples.

Again, I am grateful for their leadership. I yield the floor.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I thank the distinguished Senator for his very valuable contribution and for taking part.

How much time does the Senator from Texas need? We have approximately 25 minutes still remaining under morning business.

Mrs. HUTCHISON. Up to 15 minutes, or if someone else is scheduled in, let me know.

Mr. ROBERTS. Mr. President, I will soon yield to the Senator from Texas. She has been a champion on behalf of our men and women in uniform. She is a former member of the Armed Services Committee, now a very valued and influential member of the Appropriations Committee. These are the folks who have the obligation and responsibility to pay for a military that I believe today is stressed, strained, and somewhat hollow, unfortunately.

I think Senator HUTCHISON, probably more than any other Senator, has been very diligent expressing concern and alerting the Senate and the Congress and the American people as to our commitments abroad, what is in our vital national security interests, and the problems we have talked about regarding an overcommitment.

The Senator has come to me on repeated occasions when proposing amendments. Sometimes she has withdrawn them, and other times she has proceeded but always prompting a debate on the Senate floor where there literally has been none in regard to our military policy and when we commit the use of force. She has pointed out, I think in excellent fashion, the paradox of the enormous irony that we have in Bosnia where we are supporting a partitioned kind of society among three ethnic groups, or nationalities; whereas, just to the south, in Kosovo, our

goal is to somehow promote a multiethnic society where the divisions are at least equal to that in Bosnia.

Senator HUTCHISON not only comes to the floor and expresses her opinion, but her opinion is based on facts and on actually being present in the area with which we are concerned. She has been a repeat visitor to Bosnia, Kosovo, and every troubled spot I can imagine, including Brussels and Russia. She does more than talk to officials. Senator HUTCHISON, when she goes on a co-del, not only talks to the briefing folks, but she actually goes out to the people involved and talks about their daily lives, their individual freedoms, their pocketbooks. She talks to these folks individually and gives us a healthy dose of common sense and reality when she is reporting on it. We are glad to welcome her to this debate. I yield the Senator 15 minutes.

Mrs. HUTCHISON. Mr. President, I thank the Senators for taking time on the Senate floor to discuss an issue which is not before us this very minute, but it is something that requires much more thought, much more long-term debate in the Senate.

I commend the leadership of these two distinguished members of the Armed Services Committee on a bipartisan basis. Certainly, both have served in our military quite honorably, and especially Senator CLELAND, who has given so much for our country. I say thank you for setting aside this time. I look forward to participating on future occasions that you are setting aside for discussion of the big picture items.

I think one of the problems we face today is we haven't truly come to grips with what America's role in the world is in the post-cold-war era. The issues you are bringing forth are exactly what we should be setting out in order to have a policy in the post-cold-war era that allows the United States to take its rightful place and do the very best job we can for America and for our allies around the world.

It is an understatement to say that the United States is the world's only superpower. In pure military terms, we are a colossus. Our troops are in Japan, Korea, throughout Europe, and in the Middle East. We guard countless other nations. We keep tyrants in check from Baghdad to Pyongyang to Belgrade. No other nation has ever wielded such military power.

Leadership on this scale requires discretion, the confidence to know the right course, and the will to pursue it—the confidence to know when not to engage but to encourage others to do so.

True leadership is striking out on a right course of action grounded in a central philosophy of advancing the American national interests. Simply put, both our allies and our enemies must know what to expect from the United States of America. We must always be strong. We must rely upon diplomacy to maintain much of our leadership. But when diplomacy fails, global leadership may require the use of military force.

When and how should the United States use our military power?

There was a time when the answer was clear. During the cold war, we determined we should only use military force when our vital national interests were clearly threatened. In the cold war, there was a clear military focus on a threat we could easily identify. We knew that if we acted, the Soviets would react. There was a clarity.

Today, however, because we are the only superpower, we are often called upon to act when there is a crisis anywhere in the world. Leadership in this instance requires much more discipline than in the past.

In our political system, that discipline comes from the checks and balances that have been built into it.

The only clear authority our Constitution grants to the President in committing our forces to conflict is in the role of Commander in Chief to deploy troops. But equally clear in the Constitution, Congress alone has the power to declare war, to raise and support an Army, and to provide for the Navy.

Our framers couldn't have been more clear on this issue. They did not break with the monarchy in England to establish another monarchy in America. They feared placing in the hands of the President the sole power to commit to war and also implement that war. Yet, especially in the last 50 years, Presidents have sent our troops into conflict without formal declaration of war that would be required by Congress, and not only for emergencies such as repelling sudden attacks that were envisioned by our founders.

Congress is being gradually excluded in its constitutional role in foreign policy. The consultation process is broken, and it must be fixed.

In a representative democracy such as ours, elected officials must stand up and be counted when the fundamental decisions of war and peace are made.

I believe it is important for Congress to reclaim its deliberate role intended by the Constitution. I have proposed limits on the duration and size of a force that can be deployed without congressional approval. I have proposed that the President be required to identify the specific objectives of a mission prior to its approval by Congress.

Too often operations such as those we have seen in Bosnia, and now Kosovo, become open ended with no milestone to measure success, no milestone to measure failure, and no exit strategy.

It is the hallmark of this administration for the United States to go into regional crises and displace friendly, local powers who share our goal and could act effectively on their own. In Kosovo, we fought and sustained an unsustainable government. We are trying to prevent the realignment of a region where the great powers have tried and failed many times to impose their will on ancient hatred and atrocities.

In fact, I am interested in working with others to see if we can address this issue. We must condition future peacekeeping funds on the requirement that the administration reconvene the parties to the Dayton peace accords that ended in the Bosnia conflict, and those involved in the Rambouillet talks that resulted in Kosovo, and other regional interests.

We must review the progress we have made and begin developing a long-term settlement based on greater self-determination by the governed and less wishful thinking by outside powers. This will probably involve tailoring the current borders to fit the facts on the ground. But this will create the condition for a genuine stability and reconstruction. When we take up further funding of Bosnia and Kosovo, I am not going to try to determine the outcome of these talks, but it is essential that we reconvene the parties to see where we are. For Heaven's sake, that is a modest proposal from the world's only superpower.

Years ago, President Nixon laid out principles on how our military forces should be used overseas. Based upon his principles, I offer the following outline for a rational superpower to try to bridge the ethical question:

First, we should acknowledge that bold leadership means war is the last resort—not the first. We cannot let our allies and our enemies suck us into regional quicksand. This is what happened in Bosnia and Kosovo. Our allies refused to act on their own, insisting they could not take military action without a commitment of U.S. troops. That was not the case. Our European allies have sophisticated military forces. We should have been ready with backup assistance with heavy air and sea support, intelligence monitoring, supplies, and logistical coordination, but they did not need our combat leadership for a regional conflict that could be contained by their own superb ground forces.

Second, we should not get involved in civil conflicts that make us a party to the conflict. We learned this with tragic consequences in Somalia when we got in between warring forces trying to capture one warlord. Yes, Serbia has a terrible leader. And it was tempting to punish him with our military force. But look who pays the price with many innocent civilians in Serbia as well. Often these types of missions are ones in which our allies can do a better job because oftentimes it takes more money and it is less efficient for American troops to do peacekeeping missions.

When we commit 10,000 troops, it is not 10,000 troops. It is 10,000 troops on

the ground and 25,000 troops in the surrounding perimeter to protect them. This is because American troops are always the target wherever they are, as they were in Somalia and as they have been in Kosovo. You are never going to hear me say we should not have the protection force. Of course, we are going to have the protection force if our troops are involved.

I have heard it said by many in our military who come home from overseas that if there is an incident, it is going to be against us.

I have heard our military people say if they are walking with other groups of military on parade, that people who are wishing to protest will let the Turks go by, the French go by, and the Brits go by. They wait for the Americans to hurl the epitaphs. We have to have a protection force. But that is not the case for many of our allies.

Third, why not help those who are willing to fight for their own freedom? The administration seems to see no option between doing nothing and bombing someone into the stone age. There are, too often, other options. These options that we ignore, and sometimes even oppose, include local forces willing to fight for their own freedom.

In Bosnia, for example, since 1991, we have maintained an arms embargo on the Muslim forces who wanted, and begged, to be able to fight for themselves. I met with them many times. I have been to Bosnia and that region seven times. I am going again next week. I am going to have Easter services with the great 49th Division, the reserve unit that is in control of the peacekeeping mission in Bosnia. Congress voted to lift the arms embargo and allow the Muslims to have arms to defend themselves, but the administration opposed it. For 3 years the Muslims and Croats were routed because they could not fight. They didn't have the arms. But the Croats got the arms, they ignored the arms embargo, and they fought back. When they did, President Milosevic cut a deal.

I think we need to look at the option of helping people who are willing to help themselves rather than keep a fight artificially unfair.

Fourth, we should not even threaten the use of troops except under clear policies. One clear policy should be if the security of the United States is at risk. When should we deploy our troops? We need a higher standard than we have seen in the last 6 years. Look at the war in the Persian Gulf. The U.S. security interests were at stake. A madman, with suspected nuclear and biological weapons, invaded a neighboring country and threatened the whole Middle East. It could have realigned the region in a way that would have a profound impact on the United States and our allies and subjected the entire territory to chemical, biological, and perhaps nuclear weapons.

We, of course, should always honor our commitments to our allies. If North Korea invades the south, we are committed to helping our allies. We also have a responsibility toward a democratic Taiwan, which has been under constant intimidation from Communist China. We have the world's greatest military alliance, NATO, where we are committed to defend any one of those countries that might be under attack from a foreign power.

It is in the U.S. interest that we protect ourselves and our allies with a nuclear umbrella. Yes, we would use troops to try to make sure a despot didn't have nuclear capabilities.

These are clear areas of U.S. security interests. However, the United States does not have to commit troops on the ground to be a good ally. If our allies believe they must militarily engage in a regional conflict, that should not have to be our fight.

The United States does not have to commit troops to be a good ally. If our allies believe they must militarily engage in a regional conflict, that should not have to be our fight. We could even support them in the interest of alliance unity. We could offer intelligence support, ''airlift,'' or protection of noncombatants. We do not have to get directly involved with troops in every regional conflict to be good allies.

When violence erupted last year in Indonesia, we got it about right. We stepped aside and let our good ally Australia take lead. We helped with supplies and intelligence, but it wasn't American ground troops facing armed militants.

Instead, we should focus our resources where the United States is uniquely capable; in parts of the world where our interests may be greater or where air power is necessary.

It is not in the long-term interest of our European allies for U.S. forces to be tied down on a peacekeeping mission in Bosnia or Kosovo while in some parts of the world there is a danger of someone getting a long-range missile tipped with a germ warhead provided by Saddam Hussein and paid for by Osama Bin Laden.

A reasonable division of labor—based on each ally's strategic interests and unique strengths—would be more efficient and more logical.

What has been the result of our unfocused foreign relations? Qualified personnel are leaving the services in droves. In the past 2 years, half of Air Force pilots eligible for continued service opted to leave when offered a $60,000 bonus.

The Army fell 6,000 short of the congressionally authorized troop strength last year. We used up a large part of our weapons inventory in Kosovo. We were down to fewer than 200 cruise missiles worldwide. That may sound like a lot, but it's just a couple of days worth in Desert Storm.

So let's be clear that if we do not discriminate about the use of our forces it will weaken our core capabilities. If we had to send our forces into combat, it would be irresponsible to send them without the arms they need, the troop strength they need, and the up-to-date training they must have. It takes 9 months to retrain a unit after a peacekeeping mission into warlike readiness.

As a superpower, the United States must draw distinctions between the essential and the important. Otherwise, we could dissipate our resources and be unable to handle either. To maximize our strength, we should focus our efforts where they can best be applied. That is clearly air power and technology. This will be the American responsibility, but troops on the ground where those operations fall short of a full combat necessity can be done much better by allies with our backup rather than us taking the lead every time.

Any sophisticated military power can patrol the Balkans, or East Timor, or Somalia. But only the United States can defend NATO, maintain the balance of power in Asia, and keep the Persian Gulf open to international commerce.

I thank the distinguished Senators ROBERTS and CLELAND for allowing Members to discuss these issues in a way that will, hopefully, help to solve them in the long term.

Mr. ROBERTS. Senator CLELAND and I thank the distinguished Senator from Texas for her contribution.

MEASURE READ FOR THE FIRST TIME—H.R. 1838

Mr. ROBERTS. Mr. President, I understand H.R. 1838 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative assistant read as follows:

A bill (H.R. 1838) to assist in the enhancement of the security of Taiwan, and for other purposes.

Mr. ROBERTS. Mr. President, I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

Mr. ROBERTS. I yield the floor.

ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Mr. CLELAND. I understand Senate Resolution 286 expressing the sense of the Senate that the U.S. Senate Committee on Foreign Relations should hold hearings and the Senate should act on the Convention on the Elimination of all forms of Discrimination

Against Women (CEDAW), introduced earlier today by Senator BOXER and 32 cosponsors, is at the desk, and I ask for its immediate consideration.

Mr. ROBERTS. On behalf of the majority of the committee, I object.

The PRESIDING OFFICER. The objection is heard.

The resolution will go over under the rule.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. If there is a 5-minute limit on morning business speeches, I ask unanimous consent to speak for 9 minutes.

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

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 2404 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. I thank the Chair.

(The remarks of Ms. LAUDRIEU, Mr. GRAMM, and Mr. CRAIG pertaining to the introduction of legislation are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Ms. LANDRIEU. I thank the Chair, and I yield the floor.

MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Members permitted to speak up to 10 minutes each, until the hour of 1:30 p.m. today, with time to be equally divided between the two leaders.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 2323

Mr. CRAIG. Mr. President, I ask unanimous consent that at 1:30 p.m. today the Senate proceed to the consideration of Calendar No. 481, S. 2323, under the following limitations: 1 hour for debate on the bill, equally divided between the majority and minority leaders or their designees. I further ask consent that no amendments or motions be in order to the bill, and that following the use or yielding back of time, the bill be read a third time and, finally, the Senate then proceed to a vote on the passage of the bill, with no intervening action or debate, at a time to be determined by the majority leader.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CRAIG. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I ask unanimous consent that though we have the previous unanimous consent agreement, I be able to speak for up to 30 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

THE MARRIAGE TAX PENALTY

Mr. GRAMM. Mr. President, yesterday, as I listened to our Democrat colleagues talking about the marriage penalty elimination, and their opposition to our bill, I got interested in this debate and eager to speak on it.

I know we have not been able to work out an agreement yet to bring the bill to the floor. I know our Democrat colleagues have refused to agree to limiting it to amendments relevant to the marriage penalty. We all know the easiest way to kill something around here is to pile a bunch of extraneous amendments on it.

I am hopeful we can work out these differences and that we can have a vote on eliminating the marriage penalty. The American people have a right to know where Members of the Senate stand on this critically important issue.

The repeal of the marriage penalty was adopted in the House by an overwhelming vote. I believe it should be repealed. I am hopeful the President will sign the bill, even though to this point in time he says he will not. But rather than waiting around for some agreement to be made—that may never be made—I felt I had something to say that ought to be heard on this issue.

What I would like to talk about today is, first, to set this debate within the context of the President's budget and basically highlight the choice we are making between spending here in Washington, where we sit around these conference tables and make decisions to spend billions of dollars, and spending back home in the family, where the families sit around the kitchen table and try to decide how to spend hundreds of dollars or thousands of dollars for themselves.

I would like to talk about our repeal of the marriage penalty and why it is the right thing to do, why it is not just a tax issue, why it is a moral issue. This is a moral issue we are talking about.

I want to talk about the so-called marriage bonus that some of our colleagues have thrown up. I want to try to point out how it is one of the more phony issues that has ever been discussed.

I want to talk about President Clinton's alternative to our repeal of the marriage penalty.

Finally, I want to talk about the last form of bigotry that is still acceptable in America; that is, bigotry against the successful.

I would like to try to do all that in such a way as to deviate from my background as a schoolteacher and be brief.

First of all, let's outline the choices we have. The President has proposed in his budget that we spend $388 billion over the next 5 years on new Government programs and expansions of programs.

This is brand new spending. This is $388 billion the President's budget says we ought to spend above the level we are currently spending, and we ought to do it on a series of new programs and program expansions—about 80 new programs and program expansions.

We have proposed that we give the people of America $150 billion of the taxes they have paid above the level we need to fund the Federal Government, and at the same time to save every penny of money that came from Social Security taxes for Social Security.

Many people who have followed this debate heard our Democrat colleagues spend all of yesterday saying, it is dangerous, it is irresponsible, it is reckless to let the American people keep $150 billion of this non-Social Security surplus we have in the budget because the American economy is generating more revenues than we need to pay for the current Government.

The question I would ask, and that I would ask Americans as they are sitting in front of their television screens or as they are sitting around the kitchen table doing their budget, is: How come it is irresponsible for us to let working families spend $150 billion more of their own money, but it is not irresponsible to let President Clinton and Vice President Gore and the Democrats spend $388 billion of their money? How come it is irresponsible when families get a chance to keep more of what they earn, and yet it is not irresponsible to take more than twice that amount of money and spend it in Washington, DC?

Why repeal the marriage penalty? Gosh, most people are shocked when they discover that we have such a thing. Let me quickly point out, I do not think anybody ever set out with a goal of imposing a penalty on marriage.

When many of the provisions of the Tax Code were adopted, only 30 percent of adult women worked outside the home; now it is roughly 60 percent. The world has changed dramatically since much of the Tax Code was written.

As Abraham Lincoln recognized long ago: To expect people to live under old and outmoded laws is like expecting a man to be able to wear the same clothes he wore as a boy. It just does not work.

No matter who set out to do it, we have in today's Tax Code a provision of law that basically produces a situation where, if two people, both of whom work outside the home, meet and fall in love and get married, they end up

paying on average about $1,400 a year in additional income taxes. Paradoxically, that is true if they meet, fall in love, and decide to get married on the last day of December. They pay $1,400 more of income taxes for the right to live in holy matrimony for one day. The number gets much bigger for working couples who make substantial income, and it gets bigger for working couples who make very moderate income.

Today, if a janitor and a waitress—the janitor has three children; the waitress has four children; they are both working; they are struggling, trying to do the toughest job in the world, which is to make a single-parent home functional—meet and fall in love and have the opportunity to solve one of their great problems, by their getting married, they not only both lose their earned-income tax credit but they end up in the 28-percent tax bracket. We literally have a disincentive in the Tax Code for people to form the most powerful institution for human happiness and progress in history; that is, the family.

This obviously makes no sense. Nobody argues that it makes sense. Even the people who oppose repealing it agree that the Tax Code does not make any sense. They simply want to spend the money that would be given back, and so they don't want to give it back. They don't say it makes sense. They don't say it is fair.

I think it is not only unfair, it is immoral. How dare we have a Tax Code that penalizes people for getting married? So we want to repeal it.

Where does the penalty come from? I know people's eyes glaze over when we talk about numbers. I will not talk about many of them today, but let me try to explain why it happens.

If you are single and filing your tax return, you pay at the 15-percent rate on income up until you earn $25,750. Let's say you and your sweetheart both get out of school and begin teaching, and you both make $25,000 a year, and you are both paying 15-percent marginal tax rates. If you get married, then, at a combined income of $43,000, roughly, you go into the 28-percent tax bracket.

So the first reason for the marriage penalty is that in the case of these two young people who fell in love, got married, were making $25,000 each, they were paying 15-percent marginal tax rates each, and they got married, $7,000 of their joint income is taxed at 28 percent.

Secondly, the standard deduction is such that you end up losing and getting a smaller standard deduction by getting married than if you stayed single.

The net result is, the standard deduction for a married couple is less than the sum of the two deductions for two individuals who are single. You get into the 15-percent tax bracket at a lower income. You get into the 28-percent tax bracket at a lower income.

The bottom line is, when you take into account that rather than getting $8,600 in a combined standard deduction, you only get $7,200, and when you take into account that you get into the 28-percent tax bracket $7,000 sooner, the net result is, on average, for those Americans who fall in love and get married, they pay on average $1,400 a year for the privilege of being married.

We get rid of the marriage penalty for everyone. How do we do it? First of all, we say, whether you are single or whether you are married, you get the same standard deduction. If it is you and your wife filing a joint return, you get twice what you would have gotten filing individually, or you get the combination of what she would have gotten and what you would have gotten. We then stretch the 15-percent tax bracket to assure that by getting married, married couples do not get pushed into a higher tax bracket. Then we stretch the 28-percent tax bracket to be sure that by getting married, people don't get pushed into the 31-percent tax bracket.

The net result of our bill is, we totally repeal the marriage penalty. As a result, the average taxpaying family in America would get about $1,400 more that they could spend themselves on their own families.

I know every time we talk about appropriations here, spending money in Washington, people talk about compassion: We are spending money on education, housing, nutrition, those things we are all for. By repealing the marriage penalty and letting families keep $1,400 of their own money to spend on their own children, they are going to spend it on education, housing, and nutrition—the education they choose, the housing they choose, and the nutrition they choose. That is what we want to do.

The alternative is proposed by President Clinton. I want people to know that when the President stands up and says, I am for repealing the marriage penalty just as the Republicans are, only I want to do it differently, he is not quite leveling with you. You need to know that.

How can I possibly say such a thing? First of all, when you look at the fine print of the President's tax cut, the first year, he raises taxes by $10 billion; the second year, he raises taxes by $1 billion. At the end of 5 years, which will be in the second term of the next President—or it could be two Presidents from now—finally, the Clinton plan will grant a grand total of a $5 billion tax cut. When the President is saying he gets rid of the marriage penalty, he is not leveling with you.

Let us talk about who is excluded. I am sure people know the code. If they don't know the code, I want them to know it. Whenever President Clinton and Vice President GORE and the Democrats want to deny people the ability to keep money they earn, or whenever they want to raise their taxes, there is one label they always stick on them—they are "rich." Every time taxes are raised, if you listen to President Clinton and Vice President GORE, we raised taxes on "the rich."

Go back and look at the President's tax increase he proposed in 1993. It turned out that if you were earning $25,000 a year and were drawing Social Security, you were rich. That is how they define rich. Then they had tax increases on families making $44,000 a year. Ask yourself, how did they get rich?

Well, when you looked at the way President Clinton and Vice President GORE proposed their tax increase, to calculate who had to pay it, they added what you would have to pay in rent to rent your home if you owned your home, they calculated what your retirement had grown by, they calculated the value of your health insurance, they calculated the value of your parking place. Some family in Texas making $44,000 a year, thinking they were a long way from being rich, suddenly, with all of President Clinton's amazing ability to twist the facts, they were making $75,000 a year, if they owned their own home, owned their own car, had a parking place at work, if they owned life insurance.

But the point was that supposedly they were rich. Now, I am sure if you followed this debate, you have heard our Democrat colleagues say that the Republican bill gives relief from the marriage penalty to people who are rich. Well, who are they talking about?

Well, under the President's bill, he raises the standard deduction, though not enough to eliminate the marriage penalty coming from it, and he does nothing to eliminate the fact that young people, or people who are married, get into the 28-percent tax bracket $7,000 earlier. So when we stretch the 15-percent tax bracket, who are we helping that the President says is rich? It seems to me that is a reasonable question. Who are these rich people we are helping that the President's bill would not give the tax relief to by stretching the 15-percent tax bracket?

Well, the people we are helping, as it turns out, are people who make $21,525 each. So that if you have a fireman and you have a dental technician and they meet and fall in love, under the President's notion of rich, you are rich. And to quote one of our Democrat colleagues: "You don't deserve to have this penalty eliminated because you don't need it; you are rich." Under their bill, two people who get married and who each make $21,525 would be denied the relief we grant by stretching the 15-percent tax bracket.

Now, ultimately, I ask people, if you are making $21,525, are you rich? You

may not think you are, but realize that when President Clinton and Vice President GORE and the Democrats are talking about rich people, they are not talking about Rockefeller, they are not talking about Mellon, and they are not talking about all of these new rich people who came from the information age; they are talking about you if you make over $21,525.

Under the President's proposal, he gives no marriage penalty relief if one parent stays at home. So under the President's plan, if you sacrifice and give up things in order that one parent can stay at home, you are rich. Under the President's proposal, you don't deserve any relief under eliminating the marriage penalty. Let me quickly add, I don't want to get into a judgment—and I am not going to—on whether one parent should stay at home. My mama worked my whole life because she had to. My wife has worked the whole lives of our children because she had a career and she wanted to. I think people have to make the decision for themselves. This is the point. You are not rich because you make a decision that one of you should stay home and take care of your children.

The President says that if you itemize your deductions—and about half of all families who make $30,000 or more itemize deductions, and everybody does that owns a home—you are rich and therefore you don't get marriage penalty relief. The President's plan would grant marriage penalty relief at a maximum of $43.50 the first year.

This is my point. Does anybody really believe that somebody making $21,525 is rich? Does anybody believe that every family in America where one of the parents stays at home with their children is rich? Does anybody believe that every family who owns a home is rich? Does anybody believe that anybody who makes $30,000 a year and itemizes on their taxes is rich? I submit that nobody believes that. But why does the President say it? Why does the Vice President say it? Why do our Democrat colleagues say it?

Let me tell you the only thing I can figure out. The alternative to saying that you are against repealing the marriage penalty, because it goes to the rich, is to say you are against it because you want to spend it in Washington. I think what the President, the Vice President, and their supporters have concluded is that it is not viable to stand up on the floor of the Senate, or in front of a television camera anywhere, and say it probably is unfair that you are paying $1,400 for the right to be married; but, look, we can spend the money in Washington better than you can, and it is better to let us keep it because we will spend it and we will make you better off. I don't think anybody would believe that and so, as a result, we see an effort to confuse people by saying, well, look, we just don't want to give this to the rich. But who gets tax relief to eliminate the marriage penalty under our bill and ends up not getting the full relief under the President's bill? People making $21,525 each, people who choose to have one parent stay at home, people who own their home or itemize deductions.

So the plain truth is, those are the people who are being called rich. I don't think that is an accurate portrayal of rich. But, look, what is wrong with being rich? I will address that in a moment. You have heard, and you will hear again as this debate progresses, about a marriage bonus. Let me not mince words. If there has ever been a fraudulent idea in any debate in American history, it is the marriage bonus. Clearly, some minion at IRS was ordered by a politician to give a justification for continuing the marriage penalty, and after great exertion and twisting of logic, they came up with the concept of a marriage bonus—that there are actually people getting a bonus from being married—an average of about $1,300, I think it is, for these people who supposedly get the bonus.

What is this bonus? The bonus is the following thing. I have two sons; one is 24 and one is 26. They have been on my payroll for those corresponding numbers of years. I, as many parents, look forward to them being off my payroll. If a wonderful, successful girl came along and married one of them, she would get a marriage bonus. She would get to take a standard deduction by having them on her payroll instead of my payroll. She would be able to file jointly with them and stay in the 15-percent tax bracket, up to $43,000 a year. She would end up getting, on average, about an $1,300 benefit by marrying one of my sons. I would lose the benefit, but would I complain? Would this be a great economic deal for her? I mean, let's get serious. Can you feed, clothe, house, educate, and entertain somebody for $1,300 a year, or $1,400 a year, or $4,000 a year?

We insult the intelligence of the American people by talking about a marriage bonus as if the piddling amount of deduction that people get when they marry someone who doesn't work outside the home as if somehow that is a bonus to them, when it is a tiny fraction of what it costs, basically, to care for someone in America.

Let me say I would be willing to supplement the marriage bonus that someone would get by taking one of my sons off my payroll. Maybe for love someday it will happen. I hope so. But for economic reasons, nobody is going to marry somebody to get their standard deduction because they cannot feed them, house them, clothe them, and all the other things they need for them.

Let's not insult the intelligence of the American people by sighing: Oh, yes, it is true that the average family with two members who work outside the home pay $1,400 of additional taxes for the right to be married, but there are these people who get a bonus. The bonus is a fraud. The tax penalty is very real.

I want to turn to the final question. It is one about which I have thought a lot and about which I feel very strongly. That is all this business about, every time we debate anything related to the Tax Code, we are always talking about rich people.

For some reason, the President and the Vice President and many members of their party believe you have to constantly divide Americans based on their income. I strongly object to it because I think it is very destructive of everything this country stands for.

There are a lot of things I have always admired about my mama. But the one thing I think I admire the most is, when I was a boy and we were riding around in a car, we would ride down the nicest street in town, and my mama would almost always say, ''If you work hard and you make good grades, someday you can live in a house like that.''

By the logic of the President and the Vice President and many members of their party, my mother should have been saying: Those are rich people. They probably stole this money from us. It is outrageous that they have this money. They don't deserve this money. We ought to take some of this money away from them.

If we had some landed aristocracy, or something, maybe you could make that argument. But the people who were living in those nice houses when I was growing up as a boy didn't get there by accident. Most of the people didn't inherit that money, most of them earned it. Why should they be singled out?

Under their logic, my wife's father would have been a rich person to be singled out. Both his parents were immigrants. Neither of them had any formal education. He won $25 for an essay contest when he was a senior on ''What I can do to make America a greater country.'' His essay was, the only part of America he could control was himself; the only way he could make it a greater country was making something out of himself.

He won $25 in 1932 for writing that essay. And he decided he was coming to the mainland from Hawaii and was going to become an engineer.

He took a freighter from Hawaii, got on a train, met a boy going to an engineering school, went there, went out looking for a job, went to a restaurant, and the guy at the restaurant said: You are in luck. There is a guy coming here with a machine that says it will wash dishes. If you can outwash the machine, you have the job. Joe Lee outwashed the machine.

He went on, and 3 years later he had a degree in electrical engineering.

He became the first Asian American ever to be an officer of a sugar company in the history of Hawaii.

Is he the kind of person we ought to hold up and say, He is rich?

He was president of the Rotary Club. He was president of the Little League. He was the head lay leader of his church.

Is that something in America where we single people out and say they are rich? I don't think so.

There is only one form of bigotry that is still acceptable in America, and that is bigotry against the successful. It is bigotry against the people who, through their own exertions, succeed.

I would just like to say, obviously, it is a free country. If the President and the Vice President and people in their party who constantly engage in this class warfare want to do it, they have a right to do it. But I don't think it is right. And I think they are stretching the truth to the breaking point when they claim that in repealing the marriage penalty, as we do that, we are helping rich people when in fact the President's proposal to ''eliminate the marriage penalty'' denies marriage penalty relief to people who earn $21,525 a year.

Where I am from, that is not rich. But there is nothing wrong with being rich.

Look, if we are against the marriage penalty, aren't we against it if a young lawyer and a young accountant meet and fall in love? Why should it exist for some people and not for others? Should marriage penalties be paid by people who have high incomes and not by those with low income?

Our position is very simple. The marriage penalty is wrong. It is immoral. It should be repealed, and we are going to repeal it.

I hope the President will sign this bill. If he doesn't, we are going to have an election. If people want it repealed, they will know how to vote.

I thank my colleagues for their indulgence, having listened to speeches all yesterday about the rich and how we were trying to help them by repealing the marriage penalty. Let me simply say I thought some response was needed. Let me also say I don't have any objection to people being rich. I wish we had more rich people. When our programs are in effect, we will have more rich people because they will have more opportunity. They won't be paying the death tax, and they won't be paying the marriage penalty.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

UNANIMOUS CONSENT AGREEMENT—S. 2323

Mr. GRAMS. Mr. President, I ask unanimous consent that with respect to S. 2323, the vote occur on passage at 2:30 p.m. today, with all other provisions of the previous consent still applicable and paragraph 4 of rule XII being waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

WAIVING THE MARRIAGE PENALTY

Mr. GRAMS. Mr. President, I want to take a few minutes to follow the Senator from Texas and talk about one of the most important issues we are going to be considering this week. Especially for young families, this could be one of the most important issues we are going to vote on maybe this year. That is the question of waiving the marriage tax penalty.

The Senator from Texas has done an excellent job in laying out some of the concerns, some of the questions, and some of the boundaries of how this is imposed and who is paying this tax.

Is it a fair tax? When you make a commitment to somebody to get married, should you also have to somehow make a commitment to Uncle Sam? And that commitment is to pay higher taxes. That is not fair. It would be like going into a store and buying a suit. The suit is $100. And they ask: Are you married? You say yes. They say: Well, that will be $150.

Why would we pay more? Why would we penalize someone just because they are married or if they are single?

I also want to give a lot of credit to Senator KAY BAILEY HUTCHISON, the other Senator from Texas, for all the work over these last couple of weeks—working with her and others to highlight the problems with the marriage penalty, whom it affects, and how much money it really means to those couples.

We just held a news conference outside the Capitol. Among those speaking were, of course, representatives of a number of groups that represent working families across this country that are there supporting it, along with the Senators who were there to support it; but I think most importantly there were three couples who also came to tell their story, why they thought getting rid of this marriage tax penalty was so important, how they urged Congress to pass this bill, and not only urged the Congress to pass it but urged President Clinton to sign this into law.

Their stories were about young couples with one child and expecting another and how, after they are married, they look at the tax forms and find because they are married—young families not making a lot of money—their tax this year is going to be about $1,100 more because they are married—nearly $100 in penalty every month for this young couple.

Another couple from Maryland talked about the penalty they have—well over $1,400 a year. Again, why? Because they are married.

Go to the Tax Code, to the page referring to you, and look down the lines, and if you are married, there is a penalty.

As one man said, at many weddings across the country today there is an uninvited guest. That uninvited guest is the tax man. He says: Good, you are getting married; when you fill out your tax forms this year, you will pay more to Washington in taxes.

Some in the Senate who say we don't need to repeal this marriage tax penalty. As Senator GRAMM of Texas says, some say they are rich people; they can afford to pay this tax. Don't give them this break. They are rich.

They are the ones who are advocating somehow Washington needs these dollars more than the couples.

There are over 21 million couples across the country penalized at an average of $1,400 a year just because they are married. A young couple Senator CRAIG and I will talk about, when Senator CRAIG comes back to the floor, has a story I have heard a number of times; that is, the couple planned on marrying toward the end of the year, but after filling out their taxes and comparing it to what they would pay in taxes next year because they were married, they have decided to put the wedding off at least for a couple of weeks beyond the December 31 date so as a couple they will not be penalized because they are getting married. This is a young couple who have made a decision based on economics that because Uncle Sam wants to take a bigger bite out of their wallet, they are going to have to put off their plans to get married for at least several weeks just to get around the corner.

We have heard stories of friendly divorces where people have actually decided to have a friendly divorce so they save some money. Or the story of the 78-year-old man who called his wife of over 50 years and said: Do you want a divorce? She said: What are you talking? He said: I am at the tax man's office and if we get a divorce we could save a lot of money.

They didn't do it, but it is unfair that the couple is having to pay more dollars in taxes because they are married.

There are going to be stories during this debate, as the Senator from Texas pointed out, that somehow there is a marriage bonus, many people on one side are getting this bonus because they are married; or the couple on this side who is being penalized. Somehow that is supposed to wash out and be fair and even. I don't think that is true. These families should not be overtaxed, incur a tax penalty, only because they have decided they are going to get married.

I hope, when we consider this legislation this week, we consider these millions of families across the country

who are paying on average about $1,400 a year. Nearly $30 billion will be collected for Washington this year from these families. There is a belief that Washington needs this money more than the families do to raise their kids, to buy the clothes, to buy the food, to pay for the mortgage, to put away money for the education of their children. All this is so important, but Washington needs it more.

Several years ago, President Clinton was asked at a news conference if he thought the marriage tax penalty was fair. He said, no, it is not really fair, or something to that effect. But the underlying message from the President was, even if it is not fair, Washington can use this money a lot more than the families can. Washington needs these dollars more than the families need these dollars.

I hope, when we get a chance to vote on this, we remember these families struggling to make ends meet, families looking for that extra dollar they can put into a savings account for their child's education, or just maybe buying something extra, maybe putting money away for a vacation or a night out for pizza, whatever is important to them. I think $1,400 a year speaks loudly for them.

As I said, Washington might believe it needs the money more than these families. However, if we have the families on the floor of the Senate, and one by one ask them if this is an important bill, are these dollars important to your family, could these dollars help out in your budget decisions, or should we give the money to Washington and hope and pray that Washington will give a few of the dollars back? I think if we leave the dollars in the pockets of the families to begin with, they will make the best decisions and they will not have to look to Washington or ask Washington or beg Washington for a few of the dollars to help them raise their families.

I defer to my colleague from Idaho.

Mr. CRAIG. Mr. President, I will be brief. I see our colleague from Illinois on the floor. I stepped back to do this colloquy with my colleague from Minnesota.

I ask the Senator from Minnesota, hasn't the marriage penalty earned a special contempt in our eyes from a firsthand experience involving our two offices?

Mr. GRAMS. The Senator from Idaho is correct. Two young people who we care deeply about, one a dedicated employee in my office and one an employee in the office of the Senator from Idaho, are among the latest victims of this insidious provision of the Tax Code.

One of my legislative assistants is a young man from Minnesota. He worked for me in Minnesota and also here in Washington, DC, for over 5 years. He is engaged to be married to a young woman in the office of the Senator from Idaho, a native of Idaho who has worked in my colleague's office for almost 3 years.

This young couple, very much similar to other couples all around the Nation, is moved by faithful affections, shared values, common life goals to become a family. But the Federal Tax Code is saying something different to this young couple.

Mr. CRAIG. Mr. President, this couple are about the same ages as my own children. I say to everyone of my generation, they are a lot like all of our children and we want to see them succeed. They are like many young couples ready to start a new life together, as we have seen generation after generation.

They originally planned their wedding date for late this autumn this year, but then friends actually started asking them, ''What about taxes?'' So they did an interesting thing; they sat down and computed their marriage penalty. Guess what. They found out their combined incomes together as a married couple would cause them to have to pay out of their pockets an additional $1,400 more than they are currently paying as single people working on our two staffs.

We are talking about average earners. In fact, the marriage penalty for our young Idaho-Minnesota couple is just about exactly the average-sized marriage penalty American couples are paying across the country, about $1,400. That could be the cost of a honeymoon or a wedding gown or part of a college education, if properly saved and invested for children who might come as a result of this union.

It is critically important we deal with this issue. Yes, they have delayed their wedding only a few weeks, but I asked my friend from Minnesota, does the Federal Government have any business forcing any kind of a decision such as this on families and couples?

Mr. GRAMS. I answer the Senator from Idaho by saying it does not. Again, if there are those in the Senate who believe this is one of those rich families who can afford to pay this tax, believe me, these are not rich young people. They are a hard-working young couple but by no means rich. They will work hard and probably will get there someday but right now they are not.

It is the furthest thing from fairness. That is the Federal Tax Code. Even if this couple escapes the marriage tax penalty this year, they will still have to pay next year and the next year and the year after, for most of the rest of their lives, unless we change that, as we are trying to do this week with the legislation before the Senate.

We are not talking about abstract tax policy. We are not talking about economic theory. We are talking about average families, real families, who are hurt every year by the marriage tax penalty. In many cases, we are not talking about a delay of a wedding. We are talking about a Tax Code that says do not get married if your family may need that second income because the IRS has first claim on that income.

I asked that member of my staff why they felt they needed to postpone their wedding a few weeks. He told me it did not make any sense for him and his fiance to fork over another $1,400 to the Federal Government.

Some might think that is cheating the Government, but he didn't think so. He said they already pay too much in taxes, and they simply cannot afford to give the Government even more of what is rightfully theirs. My staff member said they can use that money for their wedding, they can use it to help take a trip, or to plan for their family's future, rather than giving it to the Federal Government at a time when the Government simply does not need it. I think he made an excellent point.

Washington is taking this money from young couples at a time when it doesn't need the money and these young couples do. I think it is not only wrong but a disgrace that Washington has the large appetite for the hard-earned money of people across America who simply want to get married, start a family, and to begin their lives together.

Mr. CRAIG. Mr. President, I do not think either my colleague from Minnesota or I could ever put romance in the Tax Code. But I hope we can stop the Tax Code from punishing folks such as the two young folks on our staffs we have talked about who are having to change their plans by postponing a wedding date by more than a month, contrary to their hearts, but because of the dictates of a heartless tax code.

Mr. GRAMS. Mr. President, I fully agree with Senator CRAIG. I ask for an additional 3 minutes.

Mr. DURBIN. Mr. President, I will not object, but I believe time is being taken from the Democratic time; is that correct? The Republicans have used all their time in morning business?

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. In a spirit of fairness, I will yield because I do want to respond to some of these wonderful assertions, 3 minutes.

Mr. GRAMS. Mr. President, to wrap up, our staff's story is not uncommon. There are many young couples who are forced to make similar decisions.

The marriage penalty tax has discouraged women from marriage. It even has led some married couples to get friendly divorces. They continue to live together, but save on their taxes.

Dr. Gray Burtless of the Brookings Institution recently found that the decline in marriage may be a major reason why income inequality has increased across families. He believes

that many poor unmarried workers suffer because they do not have a spouse's income to help support their family.

The Economist magazine offered a possible implication of this finding:

Mr. Burtless's research suggests that the Clinton administration, rather than fretting about skills and trade, would do better to encourage the poor to marry and make sure their spouses work.

The family has been, and will continue to be, the bedrock of our society. Strong families make strong communities; strong communities make for a strong America. We all agree that this marriage penalty tax treats married couples unfairly. Even President Clinton agrees that the marriage penalty is unfair.

Contrary to these American values, the Federal tax code contains 66 provisions that can penalize married couples and force them to give more of their income to Washington. The Government's own study shows that 21 million American couples or 42 percent of couples incurred marriage penalties in 1996. This means 42 million individuals pay $1,400 more in tax than if they were divorced, or were living together, or simply remained single—more taxes than they should have.

This was not the intention of Congress when it created the marriage penalty tax in the 1960s by separating tax schedules for married and unmarried people.

If we do not get rid of this bad tax policy that discourages marriage, millions of married couples will be forced to pay more taxes simply for choosing to commit to a family through marriage.

The marriage penalty is most unfair to married couples who are both working, it discriminates against low-income families and is biased against working women. As more and more women go to work today, their added incomes drive their households into higher tax brackets. In fact, women who return to the work force after raising their kids face a 50-percent tax rate—not much of an incentive to work.

The good news is, Congress is working hard to provide marriage penalty relief to married couples. American couples may finally get a congressional blessing this year to eliminate the unfair marriage penalty taxes if our colleagues from the other side cooperate and join in our effort.

The marriage penalty repeal legislation which we currently debate would eliminate the marriage penalty in the standard deduction; provide broad-based marriage tax penalty relief by widening the 15-percent and 28-percent tax brackets; allow more low-income married couples to qualify for the earned income credit; and preserve the family tax credits from the bite of the alternative minimum tax which allow American families to claim full tax credits such as the $500 per child tax credit, which I authored.

Millions of American families are still struggling to make their ends meet. Repealing the marriage penalty will allow American families to keep an average of $1,400 more each year of their own money to pay for health insurance, groceries, child care, or other family necessities.

Elimination of the marriage penalty tax brings American families one step closer to the major tax relief they deserve. It is particularly important to note that this repeal will primarily benefit minority, low- and middle-class families.

Studies suggest the marriage penalty hits African-Americans and lower-income working families hardest. Repeal the penalty, and those low-income families will immediately have an 8-percent increase in their income.

It is unfair to continue the marriage penalty tax. There is no reason to delay the passage of the legislation. I urge my colleagues in the Senate to pass the marriage penalty relief legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, what an interesting world we live in that a Republican Senator and a Democratic Senator can look at a similar issue and see it in so many different ways. I sit here incredulous at times when I hear Republicans on the floor describe their view of the world. They live in a world where a young man and young woman fall in love and contemplate marriage and start to make plans for their future but stop cold in their tracks and say: Before we go a step further, we better go see an accountant.

I can barely remember my courtship with my wife. It was a long time ago. But it never crossed my mind to go see a bookkeeper or accountant before I decided to propose marriage. We thought there was something more to it. We knew there would be good times and bad, and we were prepared to make whatever sacrifice it took to live a life together. When I listen to my Republican colleagues, it sounds as if they want to change the marriage vows from ''love, honor and obey, in sickness and in health'' to ''love, honor and obey, in sickness and in health, so long as there is no income tax disadvantage.''

I do not think that is the real world of real people. Nor do I think we can amend the Tax Code in a way that is going to create a great incentive for people to run out and get married. I think there are more basic human emotions at stake. I think it trivializes a very sacred decision by two people making an important decision in their lives to suggest this is all about money and it is all about how many tax dollars you have to pay.

I will readily concede there is unfairness in the Tax Code. Yes, I will concede it is fundamentally unfair for us to increase the taxes on two people because they are being married. But if you would listen to the Republican logic, they grab this hook and take off and run out of town with it.

Their proposal on the marriage tax penalty is so far afield from the argument you have heard on the floor, you just cannot recognize it. In fact, let's describe the situation. If two people are about to be married and their combined income, when they file a joint return, puts them in a higher tax bracket, that is called a marriage tax penalty. However, if two people are married and their combined income puts them in a lower tax bracket, some would call that a marriage bonus. How does that happen? Perhaps one person in the marriage is not working and the other one is; the combined income on a joint return merits a lower tax rate. If both of them are working, their combined income raises them to a higher tax rate, a penalty.

We, on the Democratic side, believe we should eliminate the penalty, eliminate the unfairness, eliminate the discrimination against married people under the Tax Code. You would think from their arguments on the floor that is where the Republicans are. But that is not what their bill says, not at all. In fact, when you look closely at their bill, you find two amazing things: First, on the whole question of the marriage tax penalty, there are about 65 provisions in the Tax Code that could be associated with a marriage tax penalty. The Republicans, who have given speeches all morning about the marriage tax penalty, address how many of the 65 provisions? In the most generous definition: three, leaving some 62 discriminations in the Tax Code against married people untouched in the Republican bill.

The Democratic alternative addresses all 65.

So after all these pronouncements about ending Tax Code discrimination, the Republican bill falls flat on its face when it comes to addressing the 65 different provisions in the Tax Code that apply. The Democratic bill applies it to all 65.

The second thing that strikes you right off the bat is that the Republican bill goes further than eliminating the marriage tax penalty. It, in fact, creates an additional tax bonus for those not suffering the penalty. We are not talking about couples who are calculating how many days they have to wait to avoid paying taxes before they decide to get married. We are talking about couples who really benefit from marriage, and their taxes go down—the Republicans add more tax cuts for them.

Everybody loves a tax cut. If we could give a tax cut to every American,

that would be the dream of every politician. But the voting public in America, the people watching this debate, have the right to step back and say: How many of these tax cuts can we afford, as a nation, to give away? I think that is a legitimate point. The Finance Committee in the Senate writes the tax laws, the committee that sent us this bill that is pending. If you look at the minority views, from the Democratic side, you find many Democratic Members believe the best thing we can do with our surplus is to pay down the Federal debt. That is my position. That is the position of the President and most Democrats. Why is that important? Because today in America we will collect $1 billion in taxes from individuals, families, and businesses, and that money will be used not to educate a child, to pay a soldier, or to build a highway; it will be used to pay interest on old debt of the United States.

If we do not change that, it means my grandchild, who is now about 4 years old, will continue to pay taxes, to pay interest on debt incurred by my generation to build our roads and educate our kids.

Some of us think the fairest thing we can do for future generations is to reduce the public debt with our surplus so that perhaps that $1 billion tax bill each day will be reduced for future generations. Relieving this burden is a good gift to give our children and grandchildren.

If one listens to the other side of the aisle, they do not want to take the surplus and pay down the debt. They want to dream up more and more tax cuts. The George W. Bush tax cut is so big, so massive, and so risky that last week not a single Republican would vote for it on the Senate floor when I called for a vote.

He wants to spend—I hope I get these figures right—$1.3 trillion. I believe it was $400 billion or $500 billion more than the surplus. He obviously wants to reach deep into the Social Security trust funds to pay for his tax cuts or to cut spending on basic services for education, protection of the environment, and defense. Not a single Republican would stand up for that, and I am glad they did not. Most Americans know better.

The Senate Republicans now have a George W. Bush tax cut; they want to come in and keep hacking away at the surplus instead of putting it to reducing the national debt, which on the Democratic side we consider to be the highest priority.

The expected 10-year budget surplus, according to the Finance Committee, is $893 billion. It is amazing that in a short period of time, we can talk about those surpluses.

If this bill passes, the Republicans will have already spent over half that in this session on tax cuts. Instead of lowering the national debt, reducing the tax burden on future generations, preserving Social Security and Medicare, they would have us continue on with tax cuts.

Take a close look at the Republican marriage tax penalty bill. First, the tax cuts they offer are piecemeal rather than comprehensive. They are not fiscally responsible because we are not putting money away for reducing the national debt. More than half the taxpayer benefits in their bill go to people already receiving a tax bonus. These are not people discriminated against; these are people doing well under the Tax Code, and they want to give them an additional tax cut.

They do not eliminate the marriage penalty, some 65 provisions; at best, they only address 3. Here is the kicker about which they do not want to talk. They have drawn their bill up in a way so that 5 million Americans will actually pay higher taxes. Their intent was to reduce the tax burden for married people. They went further than they had to. On the bottom, the last page, take a look around the corner. Five million Americans end up paying higher taxes under the alternative minimum tax.

Isn't that something? Take a look at this on a pie chart to get an idea, from the Republican plan, how much is being spent on the actual marriage tax penalty relief: 40 percent. Of the amount of money they have put on the table—$248 billion roughly over 10 years in tax cuts—40 percent of it goes to marriage penalty relief; 60 percent goes to people already receiving a bonus under the Tax Code for being married; and, of course, they raise taxes on 5 million Americans by increasing the alternative minimum tax.

On the Democratic side, we think there is a better alternative. In the Finance Committee proposal, the one that will be before us, married couples will be allowed to file separately or jointly, whatever benefits them from a tax point of view. We fully eliminate all marriage penalties in the Tax Code —all of the 65 provisions. It is fiscally responsible. The price tag is about $150 billion over 10 years, a little over half of what the Republican proposal costs. It does not expand marriage bonuses, and it does not exacerbate the singles penalty.

Why do we want to reduce this idea of tax cuts? First, we think we should be reducing the national debt, paying it down, which is good for the economy, as Chairman Alan Greenspan of the Federal Reserve tells us. In so doing, we strengthen Social Security; most Americans agree that is a pretty high priority for all families, married or not.

We also believe strengthening Medicare, which is something the Republicans never want to talk about, is good for the future of this country, for the elderly and disabled. It is an absolute lifeline. We believe if we are careful and target tax cuts, there are some things we can achieve which are good for this Nation.

One is a proposal which, in my State of Illinois, is very popular, which is the idea of the deductibility of college education expenses up to $10,000. It means if parents are helping their son or daughter through college and pay $10,000 of the tuition bill, they can deduct it, which means a $2,800 benefit to the family paying college expenses. That is going to help a lot of families in my home State. I certainly think that makes more sense than the Republican approach in the marriage tax penalty bill which provides a bonus to people already receiving the tax bonus.

The other item we think should be the prime focus when we talk about targeting tax benefits relates to the prescription drug benefit which has been talked about for years on Capitol Hill. The Medicare plan, conceived by President Lyndon Johnson and passed in the early sixties, was a health insurance plan for the elderly and disabled which made a significant difference in America. Seniors live longer; they are healthier; they have better and more independent lives. I have seen it in my family; most have seen it in theirs. We want it to continue.

There is a noted gap in that Medicare policy, and that noted gap is prescription drug coverage. Virtually every health insurance policy in America now covers prescription drugs but not Medicare. The Republicans have come in with all sorts of ideas for tax cuts, but they cannot come up with the money to pay for a prescription drug benefit under Medicare.

We on the Democratic side think this should be the first priority, not the last. In fact, we put a provision in our budget resolution, with a contentious vote, I might add, to raise that to $40 billion to pay for it. It has already been cut in half in the budget conference committee. There is no will on the Republican side for a prescription drug benefit.

They want to talk about a marriage penalty benefit for those who are not suffering a penalty. We want to talk about a prescription drug benefit for the elderly and disabled who are penalized every day when they cannot afford to pay for their prescriptions.

Perhaps my friends on the other side of the aisle do not understand the depth of this problem. We have seniors in some States who are literally getting on buses and riding to Canada to buy prescription drugs because they cost half as much in Canada as they do in border States such as North Dakota, Minnesota, and Montana. They understand this. They want us to do something about it, but the first tax cut bill that comes before us since we passed our budget resolution is not about prescription drugs, it is about a marriage

penalty bonus for people who are not facing a marriage penalty.

I will tell you how bad this drug crisis is for seniors. Their coverage is going down. About a third of seniors have great coverage on prescription drugs, a third mediocre, and a third none at all. At the same time, the cost of these drugs is going up. There was a time when drug prices went up once a year. Then the drug companies realized they could hike their prices twice a year, then once a month, and then every other week. If my colleagues talk with pharmacists or doctors or seniors themselves, they will tell you exactly what I am talking about: Prescription drug costs are going up; coverage is going down.

Take a look at the type of bills seniors are facing. Prescription drugs are a burden on moderate income beneficiaries: typical drug costs versus income. For a patient with heart trouble and osteoporosis, typical drugs cost $2,400, 20 percent of pretax income—20 percent if they are living at 150 percent of poverty. That is an income of about $12,000 a year.

High blood pressure—one can see the percentages go up: 20 percent, 26 percent; arthritis and osteoporosis, 31 percent; high blood pressure, heart disease, 40 percent. Heart disease and severe anemia, more than a person's income.

In the city of Chicago, we had a hearing on prescription drug benefits. Some of the stories that were told were memorable. I can recall several organ recipients, transplant recipients, who came to us facing monthly prescription bills of $1,000 or $2,000. These people, on a fixed income, could not handle it. Medicare only covered it for 3 years. They knew what the cost of prescription drugs meant because for them it was a matter of life or death. Without their drugs, after transplant surgery, they could not survive.

There were some who were not in a serious condition but they could tell me about $200, $400, and $500 a month in prescription drug costs. Many times, seniors then make a choice: Will they take the medicine or not? Will they take half the prescription or the full prescription? Will they choose between food or medicine? That is a real world choice.

We on the Democratic side think a prescription drug benefit should be the first priority out of the box. We believe we can pass marriage penalty relief that addresses the problem, solves it for the vast majority of couples affected by it, and leaves enough money for a prescription drug benefit. That is our alternative to the Republican proposal.

The Republicans want it all to be on the side of marriage tax penalty relief and marriage bonus. We think prescription drug benefits should be part of it. That will be the choice on the floor for Democrats and Republicans.

Let's hear your priorities, whether or not you think a prescription drug benefit should be a high priority. We certainly do.

Look at how drug costs are growing each year. I mentioned earlier, they go up almost on a weekly basis: 9.7 percent in 1995; continuing to grow to 16 percent in 1999.

Of course, drug companies are in business to make a profit. They need to make a profit for research to find new drugs. That is a given. I accept that. A company such as Schering-Plough, that sells Claritin, that spends a third of its revenue on advertising—how many times have you seen the Claritin ads on television, in magazines, in newspapers?—Spends only 11 percent of their revenue on research. We realize the costs are going up for the advertising more than for the research.

We believe that as these costs continue to rise, seniors will continue to be disadvantaged. As I have mentioned, seniors —most of them—are on a fixed income and really have nowhere to turn to pay for these drugs.

Mr. President, 57 percent of seniors make under $15,000 a year; 21 percent make above that but under $25,000. You get to the categories of seniors who make over $25,000, and that is about one out of five seniors; four out of five make less. So as the prescription drug costs go up, their ability to pay is being stretched.

We think this prescription drug benefit then will have a great advantage for seniors. It will give them some peace of mind. The doctors who prescribe these drugs will understand that their patients will be able to afford them and take them.

What is the alternative? If an elderly person goes to see a doctor, and the doctor prescribes a drug, and the elderly person goes to the pharmacy and finds out they cannot afford the drug, and they then do not take the drug, and they get sick enough to go to the hospital, who pays for the hospitalization under Medicare? Raise your hands, taxpayers. We all do.

When someone gets sick and goes to the hospital, under Medicare, taxpayers pay for it. Yet we do not pay for the prescription drugs to keep people well and out of the hospital. That does not make any sense. It does not make sense medically. No doctor, no senior, would believe that is the best way to deal with this.

So we are talking about changing this system for the prevention of illness and disease, for the prevention of hospital stays, and for reductions in the costs to the Medicare program. It is a real cost savings.

It isn't just enough, as I have shown from these charts, for us to provide the benefit for seniors so they can pay for prescription drugs. We have to deal with the whole question of pricing, the cost of these drugs.

How will we keep these costs under control? People in my part of the world, probably all across the United States, get a little nervous when you talk about the Government being involved in pricing. They say: I am not quite sure the Government should be doing that.

They have a right to be skeptical. But let's step back and take an honest look at this. Is there price fixing now when it comes to the cost of drugs? Yes.

Insurance companies contact drug companies and say: If you want the doctors under our insurance policy to prescribe your drugs, we will pay you no more than the following cost. That is a fact of life. The bargaining is going on.

If these same drug companies take their drugs up to Canada to sell them, the Canadian Government says: You cannot sell them in Canada unless we can establish the ceiling for your prices.

That is why the same prescription drugs—made by American companies, in American laboratories, by American technicians, approved by the Food and Drug Administration of the United States of America—when they cross that border, in a matter of minutes, they become a Canadian product sold at half the cost. That is why American seniors get on buses and go up there, to buy those drugs at half the cost.

The Canadians speak out when it comes to the price of drugs, as do the Mexicans and the Europeans and every other industrialized country in the world.

Oh, the Veterans' Administration here in the United States bargains for drugs, too. We want to get the best deal for our veterans. We tell the pharmaceutical companies: This is the maximum we will pay. They sell it to us.

The only group that does not have bargaining power is the seniors and disabled under Medicare. They are the ones who pay top dollar for the drugs in America. Is that fair? Is it fair that the people of moderate income, of limited resources, are the ones who pay the highest price?

That is why we on the Democratic side believe a prescription drug benefit should be the first tax cut that we consider, if you want to call it that, because it affects a program such as Medicare.

But on the Republican side, no, it isn't a high priority. It isn't in this bill. There is no money set aside for it. There isn't a sufficient amount of money set aside for it in the budget resolution presently in conference.

That is the difference. It is a significant difference.

If you take a look at the prescription drug coverage by income level, here is what you find. Those who are below the poverty level, 35 percent of them have

no prescription drug coverage. For those barely at poverty and above, it is 44 percent. You will see that as you make more and more money, you have more and more likelihood that you will have drug coverage.

The lower income Americans, the lower income seniors, and the disabled are the ones who do not have prescription drugs protection.

We think the prescription drug benefit should really hit several principles. Any plan that does not is a phony plan. The plan should cover all. There should be universal coverage. Do not pick and choose. Every American should be allowed to be covered under this plan. No. 2, it should have basic and catastrophic coverage. No. 3, it should be affordable.

We think if you put these together, you can come up with a prescription drug benefit the President has asked for, which the Democrats in Congress support, and which the Republican bill before us does not even consider.

We will come back with an alternative, a Democratic substitute, to give this Chamber a choice. You can take the Republican approach and give tax cuts to those who do not need them or you can take the Democratic approach and eliminate the marriage tax penalty for the vast majority of young people who want to be married—all 65 provisions in the Tax Code—and have enough money remaining to deal with a valid prescription drug benefit.

The difference is this. We buy the premise of what the President said in his State of the Union Address, that we happen to be living in good times but we should be careful about our future. If we are going to have surpluses, let us invest them in things that count. Let us pay down the national debt. Let us strengthen Social Security. Let us strengthen Medicare and target the tax cuts where they are needed the most.

Some of the Republicans are running around Capitol Hill like folks with hot credit cards. They cannot wait to come up with a new tax cut—needed or not needed. We think we have to be more careful. If we are more careful, if we show some fiscal discipline, we can not only avoid the deficits of the past, heaping them on the national debt, but we can be prepared for any downturn in this economy as well. I think that is fiscally conservative—a term Democrats aren't usually allowed to use but certainly applies in this situation—and it is fiscally prudent. It is the way a family deals with its situation. Before you run out and pay for that big vacation, you might think about paying off some of the credit card debt. I think a lot of families think that way. The Republican leadership in the Senate does not.

Instead of paying down the debt of this country, they want to give away the tax revenues in a surplus, give it back to the people. They can give it back, but still we will collect $1 billion a day in interest on old debt.

The provision we will be bringing before the Senate during the course of this debate will offer those who are truly fiscally conservative on both sides of the aisle a viable option. We are going to address all 65 provisions in the Tax Code that have a marriage tax penalty effect. The Republican bill goes after the standard deduction and partially addresses two others: Rate brackets and earned-income tax credits.

Among the 62 provisions the Republican bill does not address on the marriage tax penalty but the Democratic optional, single-filing alternative does are adoption expenses. Doesn't that make sense, that we wouldn't want to discriminate against couples who may want to adopt?

Child tax credits, think about that for a second. A couple wants to get married. They may have some children. We want to give them the child care tax credit. The Republican bill doesn't protect them against the discrimination that might be part of it.

Taxation of Social Security benefits, savings bonds for education, none of these is covered by the Republican bill; IRA deductions, student loan interest deductions, elderly credits—the list goes on.

After their pronouncements and speeches about what a serious problem this is, their bill really comes up short. It doesn't address the basic problem. It provides tax cuts that are not asked for or needed. It shortchanges the opportunity to put money into a prescription drug benefit.

We think it is far better to take an approach which is fiscally prudent, conservative, sensible, and straightforward.

We also believe that during the course of this session we will be considering other targeted tax benefits. We can only have limited amounts and still bring down this national debt, so let's spend the money where it will be the most effective: A prescription drug benefit, No. 1; the deductibility of college education expenses, No. 2. If you send a son or daughter to college, you will have a helping hand from the Tax Code to pay for those growing expenses.

A third, which the President has proposed and which I think makes sense, is a long-term care credit. How many people have parents and grandparents who are growing older and need additional care? We know it is expensive. Because of that additional expense, we want to provide a tax credit to help defray some of those costs. Those are very real and serious family challenges.

As much has been said on the floor about the marriage penalty and the reverence for families, which I agree is the backbone of this country, let's take a look at families in a little different context, not just on wedding day but when those families are raising their children and sending them to college, when those families are caring about their parents and grandparents who meant so much to them. Our targeted tax cuts go after all of those elements because, on the Republican side, they heap tax cuts on those who, frankly, do not need them, those who are not facing a marriage penalty. They cannot have enough money left to pay down our debt and have the resources for a targeted tax cut along the lines I have suggested.

I see my colleague from Wisconsin has come to the floor. I know my time is limited. I ask the Chair how much time I have remaining.

The PRESIDING OFFICER (Mr. GRAMS). The Senator has 16 minutes remaining.

Mr. DURBIN. I thank the Chair and yield the floor to my colleague from Wisconsin, Senator FEINGOLD.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, one thing observers of the Senate are not likely to see today is anyone defending the marriage penalty. The tax code should not discourage the act of getting married, and it should not encourage divorce.

There is widespread agreement that Congress should pass marriage penalty relief. The President's budget included a proposal to address the marriage penalty. And last week, the Senate voted 99–1 in favor of sense of the Senate language calling on us to ''pass marriage penalty tax relief legislation that begins a phase down of this penalty in 2001.''

The marriage penalty is particularly burdensome for lower-income couples—and many young couples don't have much to spare. For some of these couples, the amount of their taxes could actually affect their decision whether or not to marry. Luckily, in the vast majority of cases, in the words of a recent law review article, love triumphs over money.

But in this debate that the majority has scheduled for the week before the April 15 tax deadline, one can be forgiven for harboring the suspicion that more than marriage penalty relief is involved.

For one thing, on this subject on which there is a broad consensus, the majority appears unwilling to work out a compromise with the President or with Democrats. Rather, the majority seems driven more to create election-year campaign talking points than real tax relief.

For another thing, on this bill, for the third time this year already, the majority seems willing to plow ahead on major tax cut legislation before even adopting its own fiscal plan in the form of a budget resolution. To recount, in early February, the Senate

passed a $103 billion tax cut as part of the bankruptcy bill. Then, in early March, the Senate passed another $21 billion tax cut for education savings accounts. And now in April, the Senate is considering another $248 billion in tax cuts labeled as marriage penalty relief. So the majority this year has already moved $372 billion in tax cuts—at an average rate of $124 billion a month—before it has even adopted its budget resolution.

And you need to add to that the approximately $80 billion in debt services that tax cuts of such a size would require. That yields roughly $450 billion of the surplus that this Senate will have spent in just three months—an average of $150 billion a month. And that doesn't even count the health tax cut provisions that we can expect in the Patients Bill of Rights bill. And that also doesn't count the other multi-billion-dollar reconciliation tax cut that the budget resolution calls for no later than September 22.

Some said that the majority brought up the amendment to the Constitution to prevent flag burning when they did because the American Legion was having a convention that week. Now, it seems that they are bringing up the marriage penalty because tax day is coming. What the majority chooses to call up seem more driven by the calendar than by legislative sense.

Moving so many tax bills so early in the year raises another suspicion as well—that if we waited, we would find that there is not enough money to do everything that the majority wants.

The Senate's consideration of a tax cut this size is also premature because the majority continues to push tax cuts before doing anything to extend the life of Social Security, before doing anything to extend the life of Medicare, or before doing anything to make prescription drugs available to seniors who need them.

Yes, Social Security is projected to run cash surpluses on the order of $100 billion a year for the next decade, but beginning in 2015, it is projected to pay out more in benefits than it takes in in payroll taxes. Medicare Hospital Insurance benefit payments will exceed payroll tax revenues as early as 2007.

The tax cuts that the Senate has passed and that we debate today would phase in so that their full impact would come just as the Nation begins to need surpluses in the non-Social Security budget to help address these Social Security and Medicare commitments.

In 2010, the marriage penalty bill before us today alone will cost $40 billion a year. Rather than pay down our debt to free up resources for our coming needs, these tax cuts would add to our future obligations. To commit resources of this magnitude without addressing the long-term solvency of Social Security and Medicare is simply irresponsible.

The size of the tax cut before us today flows in large part from its scatter-shot approach. According to the Center on Budget and Policy Priorities, it delivers a comparable amount of benefits to those who enjoy marriage bonuses as to those who suffer from marriage penalties. And according to Citizens for Tax Justice, more than two-thirds of this tax bill's benefits would go to the fewer than one-third of couples with incomes of more than $75,000. Are tax cuts for the well-off really our most pressing national need? A more targeted approach could save money and leave us better prepared to address our coming fiscal commitments.

Our economy is strong and has benefitted from sound fiscal policy. Monday's papers reported that unemployment has remained below 4½ percent for fully two years now. The Nation continues to enjoy the longest economic expansion in its history. And home ownership is at its highest rate on record.

We have this strong economy in no small part because of the responsible fiscal policy we have had since 1993. That responsible policy has meant that the government has borrowed less from the public than it otherwise would have, and indeed is projected to have paid down nearly $300 billion in publicly-held debt by October. No longer does the government crowd out private borrowers from the credit market. No longer does the government bid up the price of borrowing—interest rates—to finance its huge debt. Our fiscal policy has thus allowed interest rates to remain lower than they otherwise would be, and businesses large and small have found it easier to invest and spur new growth.

Passing large tax cuts like the one before us today without addressing the long-run needs of Social Security and Medicare risks returning to the budgets of 1992, when the government ran a unified budget deficit of $290 billion and a non-Social Security deficit of $340 billion. It risks returning to the Congressional Budget Office's 1993 projection of a unified budget deficit that would climb to $513 billion in 2001, instead of the unified budget surplus of $181 billion and non-Social Security surplus of $15 billion that we now enjoy.

Any young couple would be well-advised to do a little financial planning before entering into a marriage. We can ask the Senate to do no less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I know there will be a lot of time for debate later today and tomorrow, and perhaps in the future, on the so-called marriage penalty. I want to respond to two points that several of our Republican colleagues have made with respect to the Finance Committee bill, the majority bill.

The first claim is that the Finance Committee bill, the majority bill, eliminates the marriage penalty. Not true. It does reduce the marriage penalty for some people, to some extent, but it does not eliminate the marriage penalty.

Why do I say that? Well, first, let me show you this chart. This chart basically shows, in the main, that there are 65 provisions in the Tax Code that create a marriage tax penalty; 65 different provisions in the code create the so-called marriage tax penalty, the inequity that married people pay. The Republican bill, the Finance Committee bill, addresses some of them. How many? Out of the total of 65, how many do you suppose the Finance Committee addresses? A grand total of three. So 62 of the provisions in the Internal Revenue Code that cause a marriage tax penalty are not addressed by the Finance Committee bill.

Let me give you an example. One is the deduction for interest on student loans. The phaseout for this begins at $40,000 for unmarried individuals and about $60,000 for joint return filers. So if two young people each earn $35,000 and they marry, they get hit harder by the phaseout. In other words, they pay a marriage tax penalty. It is not covered by the Finance Committee bill. It is covered by the alternative to be offered by Senator MOYNIHAN.

Another example in the Finance Committee bill is not covered. A marriage tax penalty that is not taken care of is Social Security for seniors. The tax threshold for Social Security for seniors is $25,000 for individuals and $32,000 for couples. Again, a marriage tax penalty. What does the Republican bill, the Finance Committee bill, do about these provisions? Nothing. They are not among the three penalties the Republican bill addresses. The Democratic proposal, in contrast, addresses all 65 marriage tax penalty provisions—all of them. Not 3, not 4, not 5, but all of them, all 65.

So, again, the Finance Committee bill does not eliminate the marriage tax penalty. The Democratic alternative does.

There is a second point made on the floor today that I would like to address. About half of the relief in the Finance Committee bill goes to people who don't pay a marriage tax penalty today. They get a so-called bonus, or they get neither a penalty nor a bonus. That is this chart. This chart shows that less than half of the relief in the majority bill goes to the marriage tax penalty; that is, more than half goes to people who don't have a marriage tax penalty, who are already in a bonus situation.

Some argue, well, gee, we should not penalize couples, such as those with a stay-at-home spouse, by denying them

the same tax cut we provide to couples who face a marriage tax penalty. Frankly, that is a red herring, as lawyers say. That is totally beside the point. Obviously, we have nothing against people who receive a tax bonus. Nobody wants to penalize them. But let's be honest. If we are providing half the relief to people who don't pay a marriage tax penalty, it is simply not a marriage tax penalty bill anymore; it is a tax cut bill, and we should evaluate the bill on that basis.

Let's talk about singles, for example. The marriage tax penalty relief bill that we are talking about is going to proportionally put more burden on individuals, single taxpayers, on widows who are not heads of households, widowers. They are going to be hit indirectly because of the action that will probably be taken at a later date on this floor. In the main, this is not a marriage tax penalty bill out of the Finance Committee; it is primarily a tax cut bill.

That kind of tax cut compared with other priorities may or may not make sense. What about prescription drugs, long-term care, retirement security? I don't think we have addressed those issues enough on this floor; that is, trying to determine what our priorities should be, given the limited number of dollars we have in the budget surplus.

Another thing. Viewed as a tax cut, the majority bill is completely arbitrary. There is no particular rhyme or reason to it. If you are married and pay a marriage tax penalty, you get a tax cut. If you are married and pay no marriage tax penalty, you get a tax cut. That is what the Finance Committee bill does, in the main. If you are married and get a tax bonus, you still get a tax cut. That is what the committee bill does.

If you are single, you get no tax cut. In fact, the disparity between married and single taxpayers widens to where it was before 1969.

Think about this for a moment. If you are married, have no children, you are receiving the so-called marriage bonus, you get a tax cut. If, on the other hand, you are a single mom and you have three kids, you get zero tax cut. Is that what we want to do?

So the Finance Committee bill doesn't eliminate the marriage penalty. It simply does not. Sixty-two of the marriage penalties in the code are not addressed by the Finance Committee bill. Only three are.

There are many others I have not mentioned which are very big and have a very big effect.

In addition, the majority committee bill provides a large tax cut unrelated to the marriage tax penalty. It is a large tax cut which has nothing to do with the marriage tax penalty.

I am saying briefly, because my time is about to expire, that there are some major flaws in the majority bill. I have only touched on a couple of them. There are many more which will be brought out later in the debate.

I urge my colleagues, people around the country watching this on C-SPAN, other offices, and the press to take a good look at the majority bill because there are some real problems with it. I hope we can straighten them out and fix them very soon.

I yield the floor.

WORKER ECONOMIC OPPORTUNITY ACT

The PRESIDING OFFICER. The clerk will report S. 2323 by title.

The bill clerk read as follows:

A bill (S. 2323) to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the Act.

The Senate proceeded to consider the bill.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the quorum call not be charged against either side.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The distinguished Senator from Kentucky, Mr. MCCONNELL, is recognized.

Mr. McCONNELL. Mr. President, I want to speak on behalf of the pending measure, the Worker Economic Opportunity Act, which the Senate will pass shortly.

This bipartisan bill will ensure that American workers can receive lucrative stock options from their employers—once considered the exclusive perk of corporate executives.

Senator DODD and I have worked closely with Senators JEFFORDS and ENZI, ABRAHAM, BENNETT, and LIEBERMAN, the Department of Labor, and others to develop this critical bill.

We have the support of groups representing business and workers, as well as Secretary Alexis Herman. In short, everybody wins with this proposal.

All over the country today, forward-thinking employers are offering new financial opportunities—such as stock options—to hourly employees.

Unfortunately, it appears that our 1930's vintage labor laws might not allow the normal workers of the 21st century to reap these benefits.

When we realized this, we decided to fix this problem. It would be a travesty for us to let old laws steal this chance for the average employee to share in his or her company's economic growth.

The Workers Economic Opportunity Act is really very simple. It says that it makes no difference if you work in the corporate boardroom or on the factory floor—everyone should be able to share in the success of the company.

In sum, the bill would amend the Fair Labor Standards Act to ensure that employer-provided stock option programs are allowed, just like employee bonuses already are.

Also, this legislation includes a broad ''safe harbor'' that specifies that employers have no liability because of any stock options or similar programs that they have given to employees in the past.

I hope that this bill will be the first of many commonsense efforts to drag old labor and employment laws into the new millennium.

Mr. President, we need to pass this law. The Federal Reserve Board of Governors recently estimated that 17 percent of firms have introduced stock option programs.

They went on to say that over the last two years, 37 percent of these employers have broadened eligibility for their stock option programs—allowing even more American workers to share in their employers' prosperity.

The Employment Policy Foundation estimates between 9.4 million and 25.8 million workers receive benefits through some type of equity participation program.

This trend is growing, and given the current state of the economy, it is likely to continue to grow.

However, we have one last thing we have to do to make sure that American workers can have this incredible opportunity—we have to pass this bill.

Without it, our ''New Deal'' labor laws will strangle the benefits our ''New Economy'' offers to American workers.

Mr. President, I ask unanimous consent that a letter of support from the United States Chamber of Commerce be printed in the RECORD.

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

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, DC, April 7, 2000.

Hon. MITCH MCCONNELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCONNELL: I am writing to express the support of the United States Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector and region, for S. 2323, the Worker Economic Opportunity Act.

Last year the U.S. Department of Labor issued an advisory letter stating that companies providing stock options to their employees must include the value of those options in the base rate of pay for hourly workers. Employers must then recalculate overtime pay over the period of time between the granting and exercise of the options. This costly and administratively complex process will cause many employers to refrain from offering stock options and similar employee equity programs to their nonexempt workers.

Clearly, the Fair Labor Standards Act needs to be modernized to reflect the fact

that many of today's hourly workers receive stock options. For this reason, the Chamber strongly supports S. 2323, which would exempt stock options, stock appreciation rights, and employee stock purchase plan programs from the regular rate of pay for nonexempt workers. This carefully crafted legislation will provide certainty to employers who want to increase employee ownership and equity building by offering stock options and similar programs to their hourly workers. We commend you for negotiating a bill that is broadly supported and look forward to working with you to ensure its passage as soon as possible in this legislative session.

Again, thank you for your leadership in introducing S. 2323, legislation that is important to millions of American workers and employers.

Sincerely,

R. BRUCE JOSTEN.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the sponsors' statement of legislative intent be printed in the RECORD.

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

JOINT STATEMENT OF LEGISLATIVE INTENT BY THE SPONSORS OF S. 2323, THE WORKER ECONOMIC OPPORTUNITY ACT

I. INTRODUCTION AND PURPOSE

The purpose of S. 2323, the Worker Economic Opportunity Act, is to allow employees who are eligible for overtime pay to continue to share in workplace benefits that involve their employer's stock or similar equity-based benefits. More working Americans are receiving stock options or opportunities to purchase stock than ever before. The Worker Economic Opportunity Act updates the Fair Labor Standards Act to ensure that rank-and-file employees and management can share in their employer's economic well being in the same manner.

Employers have provided stock and equity-based benefits to upper level management for decades. However, it is only recently that employers have begun to offer these programs in a broad-based manner to non-exempt employees. Historically, most employees had little contact with employer-provided equity devices outside of a 401(k) plan. But today, many employers, from a broad cross-section of industry, have begun offering their employees opportunities to purchase employer stock at a modest discount, or have provided stock options to rank and file employees; and they have even provided outright grants of stock under certain circumstances.

The Federal Reserve Board of Governors recently estimated that 17 percent of large firms have introduced a stock options program and 37 percent have broadened eligibility for their stock option programs in the last two years.[1] The Employment Policy Foundation estimates between 9.4 million and 25.8 million workers receive benefits through some type of equity participation program.[2] The trend is growing, and given the current state of the economy, it is likely to continue.

The tremendous success of our economy over the last several years has been largely attributed to the high technology sector. One of the things that our technology companies have succeeded at is creating an atmosphere in which all employees share the same goal: the success of the company. By vesting all employees in the success of the business, stock options and other equity devices have become an important tool to create businesses with unparalleled productivity. The Worker Economic Opportunity Act will encourage more employers to provide opportunities for equity participation to their employees, further expanding the benefits that inure from equity participation.

II. BACKGROUND AND NEED FOR LEGISLATION

A. Background on stock options and related devices

Employers use a variety of equity devices to share the benefits of equity ownership with their employees. As the employer's stock appreciates, these devices provide a tool to attract and retain employees, an increasingly difficult task during a time of record economic growth and low unemployment in the United States. These programs also foster a broader sense of commitment to a common goal—the maintenance and improvement of the company's performance—among all employees nationally and even internationally, and thus provide an alignment between the interests of employees with the interests of the company and its shareholders. They can also reinforce the evolving employer-employee relationship, with employees viewed as stakeholders.

Employer stock option and stock programs come in all different types and formats. The Worker Economic Opportunity Act focuses on the most common types: stock option, stock appreciation right, and employee stock purchase programs.

Stock Option Programs.—Stock options provide the right to purchase the employer's securities for a fixed period of time. Stock option programs vary greatly by employer. However, two main types exist: nonqualified and qualified option programs.[3] Most programs are nonqualified stock option programs, meaning that the structure of the program does not protect the employee from being taxed at the time of exercise. However, the mechanics of stock option programs are very similar regardless of whether they are nonqualified or qualified. Some of these characteristics are described below.

Grants. An employer grants to employees a certain number of options to purchase shares of the employer's stock. The exercise price may be around the fair market value of the stock at the time of the grant, or it may be discounted below fair market value to provide the employee an incentive to participate in the option program.

Vesting. Most stock option programs have some sort of requirement to wait some period after the grant to benefit from the options, often called a vesting period. After the period, employees typically may exercise their options by exchanging the options for stock at the exercise price at any time before the option expires, which is typically up to ten years. In some cases, options may vest on a schedule, for example, with a third of the options vesting each year over a three-year period. In addition to vesting on a date certain, some options may vest if the company hits a certain goal, such as reaching a certain stock price for a certain number of days. Some programs also provide for accelerated or automatic vesting in certain circumstances such as when an employee retires or dies before the vesting period has run, where there is change in corporate control or when an employee's employment is terminated.

Exercise. Under both qualified and nonqualified stock option programs, an employee can exchange the options, along with sufficient cash to pay the exercise price of the options, for shares of stock. Because many rank-and-file employees cannot afford to pay the cost of buying the stock at the option price in cash, many employers have given their employees the opportunity for ''cashless'' exercise, either for cash or for stock, under nonqualified option plans. In a cashless exercise for cash, an employee gives options to a broker or program administrator, this party momentarily ''lends'' the employee the money to purchase the requisite number of shares at the grant price, and then immediately sells the shares. The employee receives the difference between the market price and the exercise price of the stock (the profit), less transaction fees. In a cashless exercise for stock, enough shares are sold to cover the cost of buying the shares the employee will retain. In either case, the employee is spared from having to provide the initial cash to purchase the stock at the option price.

An employee's options usually expire at the end of the option period. An employee may forfeit the right to exercise the options, in whole or in part, under certain circumstances, including upon separation from the employer. However, some programs allow the employee to exercise the options (sometimes for a limited period of time) after they leave employment with the employer.

Stock Appreciation Rights.—Stock appreciation rights (SARs) operate similarly to stock options. They are the rights to receive the cash value of the appreciation on an underlying stock or equity based security. The stock may be publicly traded, privately held, or may be based on valued, but unregistered, stock or stock equivalent. The rights are issued at a fixed price for a fixed period of time and can be issued at a discount, carry a vesting period, and are exercisable over a period of time. SARs are often used when an employer cannot issue stock because the stock is listed on a foreign exchange, or regulatory or financial barriers make stock grants impracticable.

Employee Stock Purchase Plans.—Employee stock purchase plans (ESPPs) give employees the opportunity to purchase employer stock, usually at up to a 15 percent discount, by either regularly or periodically paying the employer directly or by having after-tax money withdrawn as a payroll deduction. Like option programs, ESPPs can be qualified or nonqualified.

Section 423 of the Internal Revenue Code[4] sets forth the factors for a qualified ESPP. The ability to participate must be offered to all employees, and employees must voluntarily choose whether to participate in the program. The employer can offer its stock to employees at up to a 15 percent discount off of the fair market value of the stock, determined at the time the option to purchase stock is granted or at the time the stock is actually purchased. The employee is required to hold the stock for one or two years after the option is granted to receive capital gains treatment. If the employee sells the stock before the requisite period, any gain made on the sale is treated as ordinary income.

Nonqualified ESPPs are usually similar to qualified ESPPs, but they lack one or more qualifying features. For example, the plan may apply only to one segment of employees, or may provide for a greater discount.

B. The Fair Labor Standards Act and stock options

The Fair Labor Standards Act of 1938[5] (FLSA) establishes workplace protections including a minimum hourly wage and overtime compensation for covered employees,

Footnotes at end of article.

record keeping requirements and protections against child labor, among other provisions. A cornerstone of the FLSA is the requirement that an employer pay its nonexempt employees overtime for all hours worked over 40 in a week at one and one-half times the employee's regular rate of pay.[6] The term ''regular rate'' is broadly defined in the statute to mean ''all remuneration for employment paid to, or on behalf of, the employee.''[7]

Section 207(e) of the statute excludes certain payments from an employee's regular rate of pay to encourage employers to provide them, without undermining employees' fundamental right to overtime pay. Excluded payments include holiday bonuses or gifts,[8] discretionary bonuses,[9] bona fide profit sharing plans,[10] bona fide thrift or savings plans,[11] and bona fide old-age, retirement, life, accident or health or similar benefits plans.[12] By excluding these payments from the definition of ''regular rate,''[13] Congress recognized that certain kinds of benefits provided to employees are not within the generally accepted meaning of compensation for work performed.

Thus, by excluding these payments from the regular rate in section 207(e) of the FLSA, Congress encouraged employers to provide these payments and benefits to employees. The encouragement has worked well—employees now expect to receive from their employer at least some of these benefits (i.e., healthcare), which today, on average, comprise almost 30 percent of employees' gross compensation./14/ For similar reasons, Congress decided that the value and income from stock option, SAR and ESPP programs should also be excluded from the regular rate, because they allow employees to share in the future success of their companies.

C. The Department of Labor's opinion letter on stock options

The impetus behind the Worker Economic Opportunity Act is the broad dissemination of a February 1999 advisory opinion letter[15] regarding stock options issued by the Department of Labor's Wage and Hour Division, the agency charged with the administration of the FLSA. The letter involved an employer's stock option program wherein its employees would be notified of the program three months before the options were granted, and some rank-and-file employees employed by the company on the grant date would receive options. The options would have a two-year vesting period, with accelerated vesting if certain events occurred. The employer would also automatically exercise any unexercised options on behalf of the employees the day before the program ended.[16]

The opinion letter indicated that the stock option program did not meet any of the existing exemptions to the regular rate under the FLSA, although it did not explain the reasons in any detail. Later, the Administration's testimony before the House Workforce Protections Subcommittee explained that the stock option program did not meet the gift, discretionary bonus, or profit sharing exceptions to the regular rate because, among other reasons, it required employees to do something as a condition of receiving the options—to remain employed with the company for a period of time.[17] Such a condition is not allowed under the current regular rate exclusions. The testimony also noted that the program was not excludable under the thrift or savings plan exception because the employees were only allowed to exercise their options using a cashless method of exercise, and thus the employees could not keep the stock as savings or an investment.[18]

The opinion letter stated that the employer would be required to include any profits made from the exercise of the options in the regular rate of pay of its nonexempt employees. In particular, the profits would have to be included in the employee's regular rate for the shorter of the time between the grant date and the exercise date, or the two years prior to exercise.[19]

Section 207(e)'s exclusions to the regular rate did not clearly exempt the profits of stock options or similar equity devices from the regular rate, and thus from the overtime calculation. Thus, the Department of Labor's opinion letter provided a permissible reading of the statute. A practical effect of the Department of Labor's interpretation was stated by J. Randall MacDonald, Executive Vice President of Human Resources and Administration at GTE during a March 2 House Workforce Protections Subcommittee hearing on the issue: ''[i]f the Fair Labor Standards Act is not corrected to reverse this policy, we will no longer be able to offer stock options to our nonexempt employees.''[20]

As the contents of the letter became generally known in the business community and on Capitol Hill, it became clear that the letter raised an issue under the FLSA that previously had not been contemplated. It further became clear that an amendment to the FLSA would be needed to change the law specifically to address stock options.

A legislative solution was not only supported by employers at the House hearing, it was also supported by employees and unions. Patricia Nazemetz, Vice President of Human Resources for Xerox Corporation, read a letter from the Union of Needlework, Industrial and Textile Employees (UNITE), the union that represents many Xerox manufacturing and distribution employees, in which the International Vice President stated:

''Xerox's UNITE chapter would strongly urge Congress to pass legislation exempting stock options and other forms of stock grants from the definition of the regular rate for the purposes of calculating overtime. . . . It is only recently that Xerox has made bargaining unit employees eligible to receive both stock options and stock grants. Without a clarification to the FLSA, we are afraid Xerox may not offer stock options or other forms of stock grants to bargaining unit employees in the future.''[21]

At the House hearing, the Administration also acknowledged that the problem needed to be fixed legislatively in a flexible manner, ''Based on the information we have been able to obtain, there appears to be wide variations in the scope, nature and design of stock option programs. There is no one common model for a program, suggesting the need for a flexible approach. Given the wide variety and complexity of programs, we believe that the best solution would be to address this matter legislatively.''[22]

The general agreement on the need to fix the problem among these diverse interests led to the development of the Worker Economic Opportunity Act.

III. EXPLANATION OF THE BILL AND SPONSORS' VIEWS

Congress worked closely with the Department of Labor to develop this important legislation. The sections below reflect the discussions between the sponsors and the Department of Labor during the development of the legislation, and the sponsors' intent and their understanding of the legislation.

A. Definition of bona fide ESPP

For the purposes of the Worker Economic Opportunity Act, a bona fide employee stock purchase plan includes an ESPP that is (1) a qualified ESPP under section 423 of the Internal Revenue Code;[23] or (2) a plan that meets the criteria identified below.

1. Qualified employee stock purchase plans

Qualified ESPPs, known as section 423 plans, comprise the overwhelming majority of stock purchase plans. Thus, the intent of the legislation is to deem ''bona fide'' all plans that meet the criteria of section 423.

2. Nonqualified employee stock purchase plans

As described above, section 423 plans are considered bona fide ESPPs. Further, those ESPPs that do not meet the criteria of section 423, but that meet the following criteria also qualify as bona fide ESPPs:

(a) the plan allows employees, on a regular or periodic basis, to voluntarily provide funds, or to elect to authorize periodic payroll deductions, for the purchase at a future time of shares of the employer's stock;

(b) the plan sets the purchase price of the stock as at least 85% of the fair market value of the stock at the time the option is granted or at the time the stock is purchased; and

(c) the plan does not permit a nonexempt employee to accrue options to purchase stock at a rate which exceeds $25,000 of fair market value of such stock (determined either at the time the option is granted or the time the option is exercised) for each calendar year.

The sponsors note that many new types of ESPPs are being developed, particularly by companies outside the United States, and that many of these companies may also intend to apply them to their U.S.-based employees. These purchase plans have several attributes which make them appear to be more like savings plans than traditional U.S. stock purchase plans, such as a period of payroll deductions of between three and five years, or an employer provided ''match'' in the form of stock or options to the employee.

Further many companies are developing plans that are similar to section 423 plans. The sponsors believe that it is in the best interests of employees for the Secretary of Labor to review these and other new types of plans carefully in the light of the purpose of the Worker Economic Opportunity Act—to encourage employers to provide opportunities for equity participation to employees—and to allow section 7(e), as amended, to accommodate a wide variety of programs, where it does not undermine employees' fundamental right to overtime pay. It is the sponsors' vision that this entire law be flexible and forward-looking and that the Department of Labor apply and interpret it consistently with this vision.

B. ''Value or Income'' is defined broadly

The hallmark of the Worker Economic Opportunity Act is that section 7(e)(8) provides that any value or income derived from stock option, SAR or bona fide ESPP programs is excluded from the regular rate of pay. For this reason, the phrase ''value or income'' is construed broadly to mean any value, profit, gain, or other payment obtained, recognized or realized as a result of, or in connection with, the provision, award, grant, issuance, exercise or payment of stock options, SARs, or stock issued or purchased pursuant to a bona fide ESPP program established by the employer.

This broad definition means, for example, that any nominal value that a stock option or stock appreciation right may carry before it is exercised is excluded from the regular rate. Similarly, the value of the stock or the income in the form of cash is excluded after

options are exercised, as is the income earned from the stock in the form of dividends or ultimately the gains earned, if any, on the sale of the stock. The discount on a stock option, SAR or stock purchase under a ESPP program is likewise excludable.

C. The act preserves programs which are otherwise excludable under existing regular rate exemptions

The Worker Economic Opportunity Act recognizes two ways that employer equity programs may be excluded from the regular rate. Such equity programs may be excluded if they meet the existing exemptions to the regular rate pursuant to Section 7(e)(1)–(7), which apply to contributions and sums paid by employers regardless of whether such payments are made in cash or in grants of stock or other equity based vehicles, and provided such payment or grant is consistent with the existing regulations promulgated under Section 7(e). Employer equity plans also may be excluded under new section 7(e)(8) added by the Worker Economic Opportunity Act.

This is reaffirmed in new section 207(e)(8), which makes clear that the enactment of section 7(e)(8) carries no negative implication about the scope of the preceding paragraphs of section (e). Rather, the sponsors understand that some grants and rights that do not meet all the requirements of section 7(e)(8) may continue to qualify for exemption under an earlier exclusion. For example, programs that grant options or SARs that do not have a vesting period may be otherwise excludable from the regular rate if they meet another section (7)(e) exclusion. This would be true even if the option was granted at less than 85% of fair market value. This language was not intended to prevent grants or rights that meet some but not all of the requirements of an earlier exemption in 7(e) from being exempt under the newly created exemption.

D. Basic communication to employees required because it helps ensure a successful program

For grants made under a stock option, SAR or bona fide ESPP program to qualify for the exemption under new section 7(e)(8), their basic terms and conditions must be communicated to participating employees either at the beginning of the employee's participation in the program or at the time of grant. This requirement was put into the legislation to recognize that when employees understand the mechanics and the implications of the equity devices they are given, they can more fully participate in exercising meaningful choices with respect to those devices. As discussed below, this is a simple concept, it is not intended to be a complicated or burdensome requirement.

1. Terms and conditions to be communicated to employees

Employers must communicate the material terms and conditions of the stock option, stock appreciation right or employee stock purchase program to employees to ensure that they have sufficient information to decide whether to participate in the program. With respect to options, these terms include basic information on the number of options granted, the number of shares granted per option, the grant price, the grant date or dates, the length of any applicable vesting period(s) and the dates when the employees will first be able to exercise options or rights, under what conditions the options must be forfeited or surrendered, the exercise methods an employee may use (such as cash for stock, cashless for cash or stock, etc.), any restrictions on stock purchased through options, and the duration of the option, and what happens to unexercised options at the end of the exercise period. Pending issuance of any regulations, an employer who communicated the information in the prior sentence is to be deemed to have communicated the terms and conditions of the grant. Similar information should be provided regarding SARs or ESPPs.

2. The mode of communications

The legislation does not specify any particular mode of communication of relevant information, and no particular method of communication is required, as long as the method chosen reasonably communicates the information to employees in an understandable fashion. For example, employers may notify their employees of an option grant by letter, and later provide a formal employee handbook, or other method such as a link to a location on the company Intranet. Any combination of communications is acceptable. The intent of the legislation is to ensure that employees are provided the basic information in a timely manner, not to mandate the particular form of communication.

3. The timing of communications

The legislation specifies that the employer is to communicate the terms and conditions of the stock option, SAR and ESPP programs to employees at or before the beginning of the employee's participation in the program or at the time the employee receives a grant. It is acceptable, and perhaps even likely, that the relevant information on a program will be disseminated in a combination of communications over time. This approach allows flexibility and acknowledges that types of participation vary greatly between stock option and SAR programs, on the one hand, and ESPPs on the other.

For example, under an ESPP, an employee may choose to begin payroll deductions in January, but not actually have the option to purchase stock until June. By contrast, with an option or SAR program, employees are given the options or rights at the outset, but those rights may not vest until some year in the future.

The timing of the communication is flexible, because often it is difficult to have materials ready for employees at the beginning of a stock option or stock appreciation right program, immediately following approval by the Board of Directors, because of confidentiality requirements. Thus, within a reasonable time following approval of a stock option grant by the Board of Directors, the employer is required to communicate basic information about the grant employees have received. For example, an initial letter may notify the employees that they have received a certain number of stock options and provide the basic information about the program. More detailed information about the program may precede or follow the grant in formats such as an employee handbook, options pamphlet, or an Intranet site that provides options information.

E. Exercisability criteria applicable only to stock options and SARs

As discussed above, a common feature in grants of stock options and SARs is a vesting or holding period, which under current practice may be as short as a few months or as long as a number of years. For a stock option or SAR to be excluded from the regular rate pursuant to the Worker Economic Opportunity Act, new section 7(e)(8) requires that the grant or right generally cannot be exercisable for at least six months after the date of grant.

For stock option grants that include a vesting requirement, typically an option will become exercisable after the vesting period ends. Some option grants vest gradually in accordance with a schedule. For example, a portion of the employee's options may vest after six months, with the remaining portion vesting three months thereafter. Options may also vest in connection with an event, such as the stock reaching a certain price or the company attaining a performance target.

In addition, the sponsors recognize that a grant that is vested may not be currently exercisable by the employee because of an employer's requirement that the employee hold the option for a minimum period prior to exercise. In other words, there may be an additional period of time after the vesting period during which the option remains unexerciseable. An option or SAR may meet the exercisability requirements of the bill without regard to the reason why the right to exercise is delayed.

Further, if a single grant of options or SARs includes some options exercisable after six months while others are exercisable earlier, then those exercisable after the six month period will meet the exercisability requirement even if the others do not. The determination is made option by option, SAR by SAR. In addition, if exercisability is tied to an event, the determination of whether the six-month requirement is met is based on when the event actually occurs. Thus, for example, if an option is exercisable only after an initial public offering (IPO) and the IPO occurs seven months after grant, the option shall be deemed to have met the provision's exercisability requirement.

However, section 7(e)(8)(B) specifically recognizes that there are a number of special circumstances when it is permissible for an employer to allow for earlier exercise to occur (in less than 6 months) without loss of the exemption. For example, an employer or plan may provide that a grant may vest or otherwise become exercisable earlier than six months because of an employee's disability, death, or retirement. The sponsors encourage the Secretary to consider and evaluate other changes in employees' status or circumstances.

Earlier exercise is also permitted in connection with a change in corporate ownership. The term change in ownership is intended to include events commonly considered changes in ownership under general practice for options and SARs. For example, the term would include the acquisition by a party of a percentage of the stock of the corporation granting the option or SAR, a significant change in the corporation's board of directors within 24 months, the approval by the shareholders of a plan of merger, and the disposition of substantially all of the corporation's assets.

The sponsors believe it important to allow employers the flexibility to construct plans that allow for these earlier exercise situations. However, this section is not intended to in any way require employers to include these or any other early exercise circumstances in their plans.

F. Stock option and SAR programs may be awarded at fair market value or discounted up to and including 15%

Stock options and SARs generally are granted to employees at around fair market value or at a discount. New section 7(e)(8)(B) recognizes that grants may be at a discount, but that the discount cannot be more than a 15% discount off of the fair market value of the stock (or in the case of stock appreciation rights, the underlying stock, security or other similar interest).

A reasonable valuation method must be used to determine fair market value at the time of grant. For example, in the case of a publicly traded stock, it would be reasonable to determine fair market value based on averaging the high and low trading price of the stock on the date of the grant. Similarly, it would be reasonable to determine fair market value as being equal to the average closing price over a period of days ending with or shortly before the grant date (or the average of the highs and lows on each day). In the case of a non-publicly traded stock, any reasonable valuation that is made in good faith and based on reasonable valuation principles must be used.

The sponsors understand that the exercise price of stock options and SARs is sometimes adjusted in connection with recapitalizations and other corporate events. Accounting and other tax guidelines have been developed for making these adjustments in a way that does not modify a participant's profit opportunity. Any adjustment conforming with these guidelines does not create an issue under the 15% limit on discounts.

G. Employee participation in equity programs must be voluntary

New section (8)(C) of the Worker Economic Opportunity Act states that the exercise of any grant or right must be voluntary. Voluntary means that the employee may or may not choose not to exercise his or her grants or rights at any point during the stock option, stock appreciation right, or employee stock purchase program, as long as that is in accordance with the terms of the program. This is a simple concept and it is not to be interpreted as placing any other restrictions on such programs.

It is the intent of the sponsors that this provision does not restrict the ability of an employer to automatically exercise stock options or SARs for the employee at the expiration of the grant or right. However, an employer may not automatically exercise stock options or SARs for an employee who has notified the employer that he or she does not want the employer to exercise the options or rights on his or her behalf.

Stock option, SARs and ESPP programs may qualify under new section 7(e)(8) even though the employer chooses to require employees to forfeit options, grants or rights in certain employee separation situations.

H. Performance based programs

The purpose of new section 7(e)(8)(D) is to set out the guidelines employers must follow in order to exclude from the ''regular rate'' grants of stock options, SARs, or shares of stock pursuant to an ESPP program based on performance. If neither the decision of whether to grant nor the decision as to the size of the grant is based on performance, the provisions of in new section 7(e)(8)(D) do not apply. For example, grants made to employees at the time of their hire, and any value or income derived from these grants, may be excluded provided they meet the requirements in new sections 7(e)(8)(A)–(C).

New section 8(D) is divided into two clauses. The first, clause (i), deals with awards of options awarded based on pre-established goals for future performance, and the second, clause (ii), deals with grants that are awarded based on past performance.

1. Goals for future performance

New section 7(e)(8)(D)(i) provides that employers may tie grants to future performance so long as the determinations as to whether to grant and the amount of grant are based on the performance of *either* (i) any business unit consisting of at least ten employees *or* (ii) a facility.

A business unit refers to all employees in a group established for an identifiable business purpose. The sponsors intend that employers should have considerable flexibility in defining their business units. However, the unit may not merely be a pretext for measuring the performance of a single employee or small group of fewer than ten employees. By way of example, a unit may include any of the following: (i) a department, such as the accounting or tax departments of a company, (ii) a function, such as the accounts receivable function within a company's accounting department, (iii) a position classification, such as those call-center personnel who handle initial contacts, (iv) a geographical segment of a company's operations, such as delivery personnel in a specified geographical area, (v) a subsidiary or operating division of a company, (vi) a project team, such as the group assigned to test software on various computer configurations or to support a contract or a new business venture.

With respect to the requirement to have ten or more employees in a unit, this determination is based on all of the employees in the unit, not just those employees who are, for example, non-exempt employees.

A facility includes any separate location where the employer conducts its business. Two or more locations that would each qualify as a facility may be treated as a single facility. Performance measurement based on a particular facility is permitted without regard to the number of employees who are working at the facility. For example, a facility would include any of the following: a separate office location, each separate retail store operated by a company, each separate restaurant operated by a company, a plant, a warehouse, or a distribution center.

The definitions of both a business unit and a facility are intended to be flexible enough to adapt to future changes in business operations. Therefore, the examples of business units set forth above should be viewed with this in mind.

Options may be excluded from the regular rate in accordance with new section 7(e)(8)(D)(i) under the following circumstances:

Example 1—Employer announces that certain employees at the Wichita, Kansas plant will receive 50 stock options if the plant's production reaches a certain level by the end of the year (note that in order to fit within this subsection, the grant does not have to be made on a facility wide basis);

Example 2—Employer announces that it will grant employees working on the AnyCo. account 50 stock options each if the account brings in a certain amount of revenue by the end of the year, provided that there are at least 10 employees on the AnyCo. account.

Employer 3—Employer announces that certain employees will receive stock options if the company reaches specified goal.

New section 7(e)(8)(D)(i) also makes clear that otherwise qualifying grants remain excludable from the regular rate if they are based on an employees' length of service or minimum schedule of hours or days of work. For example, an employer may make grants only to employees: (i) who have a minimum number of years of service, (ii) who have been employed for at least a specified number of hours of service during the previous twelve month period (or other period), (iii) who are employed on the grant date (or a period ending on the grant date), (iv) who are regular full-time employees (i.e., not part-time or seasonal), (v) who are permanent employees, or (vi) who continue in service for a stated period after the grant date (including any minimum required hours during this period). Any or all of these conditions, and similar conditions, are permissible.

2. Past performance

New section 7(e)(8)(D)(ii) clarifies that employers may make determinations as to existence and amount of grants or rights based on past performance, so long as the determination is in the sole discretion of the employer and not pursuant to any prior contract. Thus, employers have broad discretion to make grants as rewards for the past performance of a group of employees, even if it is not a facility or business unit, or even for an individual employee. The determination may be based on any performance criteria, including hours of work, efficiency or productivity.

Under new section 7(e)(8)(D)(ii), employers may develop a framework under which they will provide options in the future, provided that to the extent the ultimate determination as to the fact of and the amount of grants or rights each employee will receive is based on past performance, the employer does not contractually obligate itself to provide the grant or rights to an employee. Thus, new section 7(e)(8)(D)(ii) would allow an employer to determine in advance that it will provide 100 stock options to all employees who receive ''favorable'' ratings on their performance evaluations at the end of the year, and it would allow the employer to advise employees, in employee handbooks or otherwise, of the possibility that favorable evaluations may be rewarded by option grants, so long as the employer does not contractually obligate itself to provide the grants or in any other way relinquish its discretion as to the existence or amount of grants.

Similarly, the fact that an employer makes grants for several years in a row based on favorable performance evaluation ratings, even to the point where employees come to expect them, does not mean in itself that the employer may be deemed to have ''contractually obligated'' itself to provide the rights.

Some examples of performance based grants that fit within new section 7(e)(8)(D)(ii) are as follows:

Example A—Company A awards stock options to encourage employees to identify with the company and to be creative and innovative in performing their jobs. Company A's employee handbook includes the following: ''Company A's stock option program is a long-term incentive used to recognize the potential for, and provide an incentive for, anticipated future performance and contribution. Stock option grants may be awarded to employees at hire, on an annual basis, or both. All full-time employees who have been employed for the appropriate service time are eligible to be considered for annual stock option grants.''

Company A provides stock options to most nonexempt employees following their performance review. Each employee's manager rates the employee during a review process, resulting in a rating of from 1 to 5. The rating is based upon the manager's objective and subjective analysis of the employee's performance. The rating is then put into a formula to determine the number of options an employee is eligible to receive, based on the employee's level within the company, the product line that the employee works on, and the value of the product to the company's business. Employees are aware a formula is used. The Company then informs the

employee of the number of options awarded to him or her.

Managers make it clear to employees that the options are granted in recognition of prior performance with the expectation of the employee's future performance, but no contractual obligation is made to employees. This process is repeated annually, with employees eligible for stock options each year based on their annual performance review. Most employees receive options annually based upon their performance review rating and their level in the company.

Example B—Company B manages its program similarly to company A, with some notable exceptions. Company B has a very detailed performance management system, under which all employees successfully meeting the expectations of their job receive options. The employee's job expectations are more clearly spelled out on an annual basis than under Company A's plan. Once a year, the employee undergoes a formal, written, performance review with his or her manager. If work is satisfactory, the employee receives a predetermined but unannounced number of options. Unlike Company A, which provides different amounts of options to employees based upon a numeric performance rating, Company B provides the same number of options to all employees who receive satisfactory employment evaluations. Over 90 percent of Company B's employees receive options annually, and in many years, this percentage exceeds 95 percent.

In both Example A and Example B, the employers set up in advance the formula under which option decisions are made; however, the decisions as to whether an individual employee would receive options and how many options he or she would receive was made based on past performance at the end of the performance period, but not pursuant to a prior contractual obligation made to the employees. The fact that the employer determines a formula or program in advance does not disqualify these examples from new section 7(e)(8).

I. Extra compensation

The Worker Economic Opportunity Act also amends section 7(h) of the FLSA (29 U.S.C. § 207(h)) to ensure that the income or value that results from a stock option, SAR or ESPP program, and that is excluded from the regular rate by new section 7(e)(8), cannot be credited by an employer toward meeting its minimum wage obligations under section 6 of the Act or overtime obligations under section 7 of the Act. The language divides section 7(h) into two parts, 7(h)(1) and 7(h)(2). Section 7(h)(1) states that an employer may not credit an amount, sum, or payment excluded from the regular rate under existing sections 7(e)(1–7) or new section 7(e)(8) towards an employer's minimum wage obligation under section 6 of the Act. When section 7(h)(1) is read together with section 7(h)(2), it states that an employer may not credit an amount excluded under existing sections 7(e)(1–4) or new section 7(e)(8) toward overtime payments. However, consistent with existing 7(h), extra compensation paid by an employer under sections 7(e)(5–7) may be creditable towards an employer's overtime obligations. This change shall take effect on the effective date but will not affect any payments that are not excluded by section 7(e) and thus are included in the regular rate.

J. The legislation includes a broad pre-effective date safe harbor and transition time

In drafting the Worker Economic Opportunity Act, the sponsors hoped to create an exemption that would be broad enough to capture the diverse range of broad-based stock ownership programs that are currently being offered to non-exempt employees across this nation. However, in order to reach a consensus, the new exemption had to be tailored to comport with the existing framework of the FLSA. The result is a series of requirements that stock option, SAR and ESPP programs must meet in order for the proceeds of those plans to fit within the newly created exemption.

Because of the circumstances that give rise to this legislation, the pre-effective date safe harbor is intentionally broader than the new exemption. The sponsors did not want to penalize those employers who have been offering broad-based stock option, SAR and ESPP programs simply because these programs would not meet all the new requirements in section 7(e)(8). Thus, the safe harbor in section 2(d) of the Act comprehensively protects employers from any liability or other obligations under the FLSA for failing to include any value or income derived from stock option, SAR and ESPP programs in a non-exempt employee's regular rate of pay. The safe harbor applies to all grants or rights that were obtained under such programs prior to the effective date, whether or not such programs fit within the new requirements of section 7(e)(8). If a grant or right was initially obtained prior to the effective date, it is covered by the safe harbor even though it vested later or was contingent on performance that would occur later. In addition, normal adjustments to a pre-effective date grant or right, such as those that are triggered by a recapitalization, change of control or other corporate event, will not take the grant or right outside the safe harbor.

On a prospective basis, the sponsors realized that many employers would need time to evaluate their programs in light of the new law and to make the changes necessary to ensure that the programs will fit within the new section 7(e)(8) exemption. Consequently, the sponsors adopted a broad transition provision to apply to stock option, SAR and ESPP programs without regard to whether or not they meet the requirements for these plans set forth in the legislation. Specifically, section 2(c) of the legislation contains a 90-day post enactment delayed effective date. The sponsors believe that the vast majority of employers who offer stock option, SAR and ESPP programs to non-exempt employees will be able to use the transition period in section 2(d)(1) to modify their programs to conform with the requirements of the legislation.

In addition, the sponsors felt that there were two circumstances where a further extension of this broad transition relief was appropriate. First, the legislation recognizes that some employers would need the consent of their shareholders to change their plans. Section 2(d)(2) provides an additional year of transition relief to any employer with a program in place on the date this legislation goes into effect that will require shareholder approval to make the changes necessary to comply with the new requirements of section 7(e)(8). Second, the legislation extends the transition relief to cover situations wherein an employer's obligations under a collective bargaining agreement conflict with the requirements of this Act. Section 2(d)(3) eliminates any potential conflict by allowing employers to fulfill their pre-existing contractual obligations without fear of liability.

V. REGULATORY IMPACT STATEMENT

The sponsors have determined that the bill would result in some additional paperwork, time and costs to the Department of Labor, which would be entrusted with implementation of the Act. It is difficult to estimate the volume of additional paperwork necessitated by the Act, but the sponsors do not believe that it will be significant.

VI. SECTION-BY-SECTION ANALYSIS

Sec. 2. (a) Amendments to the Fair Labor Standards Act—The legislation amends Section 7(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. § 207(e)) by creating a new subsection, 7(e)(8), which will exclude from the definition of the regular rate of pay any income or value nonexempt employees derive from an employer stock option, stock appreciation right, or bona fide employee stock purchase program under certain circumstances. Specifically, the legislation adds the following provisions to the end of Section 7(e) of the Fair Labor Standards Act:

(8) The new exclusion provides that when an employer gives its employees an opportunity to participate in a stock option, stock appreciation right or a bona fide employee stock purchase program (as explained in the Explanation of the Bill and Sponsor's Views), any value or income received by the employee as a result of the grants or rights provided pursuant to the program that is not already excludable from the regular rate of pay under sections 7(e)(1–7) of the Act (29 U.S.C. § 207(e)), will be excluded from the regular rate of pay, provided the program meets the following criteria—

(8)(A) The employer must provide employees who are participating in the stock option, stock appreciation right or bona fide employee stock purchase program with information that explains the terms and conditions of the program. The information must be provided at the time when the employee begins participating in the program or at the time when the employer grants the employees stock options or stock appreciation rights.

(8)(B) As a general rule, the stock option or stock appreciation right program must include at least a 6 month vesting (holding) period. That means that employees will have to wait at least 6 months after they receive stock options or a stock appreciation rights before they are able to exercise the right for stock or cash. However, in the event that the employee dies, becomes disabled, or retires, or if there is a change in corporate ownership that impacts the employer's stock or in other circumstances set forth at a later date by the Secretary in regulations, the employer has the ability to allow its employees to exercise their stock options or stock appreciation rights sooner. The employer may offer stock options or stock appreciation rights to employees at no more than a 15 percent discount off the fair market value of the stock or the stock equivalent determined at the time of the grant.

(8)(C) An employee's exercise of any grant or right must be voluntary. This means that the employees must be able to exercise their stock options, stock appreciation rights or options to purchase stock under a bona fide employee stock purchase program at any time permitted by the program or to decline to exercise their rights. This requirement does not preclude an employer from automatically exercising outstanding stock options or stock appreciation rights at the expiration date of the program.

(8)(D) If an employer's grants or rights under a stock option or stock appreciation right program are based on performance, the following criteria apply.

(1) If the grants or rights are given based on the achievement of previously established

criteria, the criteria must be limited to the performance of any business unit consisting of 10 or more employees or of any sized facility and may be based upon that unit's or facility's hours of work, efficiency or productivity. An employer may impose certain eligibility criteria on all employees before they may participate in a grant or right based on these performance criteria, including length of service or minimum schedules of hours or days of work.

(2) The employer may give grants to individual employees based on the employee's past performance, so long as the determination remains in the sole discretion of the employer and not according to any prior contract requiring the employer to do so.

(b) Extra Compensation—The bill amends section 7(h) of the Fair Labor Standards Act (29 U.S.C. 207(h) to make clear that the amounts excluded under section 7(e) of the bill are not counted toward an employer's minimum wage requirement under section 6 of the Fair Labor Standards Act and that the amounts excluded under sections 7(e)(1)–(4) and new section 7(e)(8) are not counted toward overtime pay under section 7 of the Act.

(c) Effective Date—The amendments made by the bill take effect 90 days after the date of enactment.

(d) Liability of Employers—

(1) No employer shall be liable under the FLSA for failing to include any value or income derived from any stock option, stock appreciation right and employee stock purchase program in an non-exempt employee's regular rate of pay, so long as the employee received the grant or right at any time prior to the date this amendment takes effect.

(2) Where an employer's pre-existing stock option, stock appreciation right, or employee stock purchase program will require shareholder approval to make to the changes necessary to comply with this amendment, the employer shall have an additional year from the date this amendment takes effect to change its plan without fear of liability.

(3) Where an employer is providing stock options, stock appreciation rights, or an employee stock purchase program pursuant to a collective bargaining agreement that is in effect on the effective date of this amendment, the employer may continue to fulfill its obligations under that collective bargaining agreement without fear of liability.

(e) Regulations—the bill gives the Secretary of Labor authority to promulgate necessary regulations.

Submitted April 12, 2000 by the Sponsors of S. 2323.

MITCH MCCONNELL.
CHRISTOPHER J. DODD.
JAMES M. JEFFORDS.
MICHAEL B. ENZI.

FOOTNOTES

[1] David Lebow et al., Recent Trends in Compensation Practices, Board of Governors of the Federal Reserve System, Fin. and Econ. Discussion Series, No. 1999–32, July 1999.

[2] Anita U. Hattiangadi, Taking Stock: $470,000 at Risk for Hourly Workers, Employment Policy Foundation, Mar. 2, 2000, at 4, and Fig. 2.

[3] Any stock option program that meets the criteria under section 422 of the Internal Revenue Code (called an Incentive Stock Option) is considered a qualified option. 26 U.S.C. §422.

[4] 26 U.S.C. §423.

[5] 29 U.S.C. §§201, et seq.

[6] 29 U.S.C. §207(a)(1).

[7] 29 U.S.C. §207(e).

[8] 29 U.S.C. §207(e)(1).

[9] 29 U.S.C. §207(e)(3).

[10] Id.

[11] Id.

[12] 29 U.S.C. §207(e)(4).

[13] See e.g., Conference Report on H.R. 5856, H. Rept. No. 1453.

[14] U.S. Dept of Lab, Bureau of Lab. Statistics, Employer Costs For Employee Conpensation—March 1999, available at ftp://146.142.4.23/pub/news.release/ecec.txt.

[15] A wage-hour opinion letter responds to a request for the Department of Labor's view of how the law applies to a given set of facts. The letters are available to the public upon request or through commercial reporting services. Opinion letters have significant practical effects: ''[T]he Administrator's interpretation . . . has the characteristic not only of securing 'expected compliance' . . . but of possibly stimulating double damage suits by employees who need not fear that they would be at odds with the Government Officials involved.'' *National Automatic Laundry & Cleaning Council* v. *Shultz*, 143 U.S. App. D.C. 274 (D.C. Cir. 1971).

[16] Letter from Daniel F. Sweeney, Office of Enforcement Policy, Fair Labor Standards Team, Wage & Hour Division, Feb. 12, 1999.

[17] Hearing on the Treatment of Stock Options and Employee Investment Opportunities Under the Fair Labor Standards Act before the House Committee on Education and the Workforce, Subcommittee on Employment and Training, 106th Cong. 2d Sess. Mar. 2, 2000 (Statement of T. Michael Kerr, at 4–5).

[18] Id. at 5. The testimony also noted that the program's automatic exercise feature prevented the employees' participation from being voluntary, as required under the Division's rules for thrift savings programs.

[19] Letter from Daniel F. Sweeney, Office of Enforcement Policy, Fair Labor Standards Team, Wage & Hour Division, Feb. 12, 1999.

[20] Hearing on the Treatment of Stock Options and Employee Investment Opportunities Under the Fair Labor Standards Act before the House Committee on Education and the Workforce, Subcommittee on Employment and Training, 106th Cong. 2d Sess. Mar. 2, 2000 (Statement of J. Randall MacDonald, at 2).

[21] Id. (addendum to statement of Patricia Nazemetz, Letter from Gary J. Bonadonna, Director & International Vice President, UNITE, February 22, 2000).

[22] Id. (statement of T. Michael Kerr, at 7).

[23] 26 U.S.C. §423.

Mr. MCCONNELL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Connecticut, Mr. DODD, is recognized.

Mr. DODD. Mr. President, I appreciate how the Chair pronounces that name so well. I am very grateful to the Chair.

I am deeply pleased to be joining my good friend and colleague from Kentucky in authoring this legislation, along with several of our other colleagues. Senator MCCONNELL mentioned several of them. But certainly Senator ENZI, Senator BENNETT, Senator ROBB, Senator MURRAY, Senator BINGAMAN, Senator REED, Senator KERREY, among others are also cosponsors of this bill.

I am also pleased to inform this body that the Clinton-Gore administration is a strong backer of the Worker Economic Opportunity Act, which is presently before us.

We have one of those unique opportunities that is not always available to us in this Congress of the United States; that is, we are actually going to do something this afternoon that couldn't have any rancor associated with it. It will make a difference in the lives, we think, of millions of people who would like to share in the remarkable prosperity we are enjoying.

We are backed by the administration. It is a bipartisan effort in this body. I am told that a similar version of this bill has been introduced in the other Chamber, the House of Representatives.

This is actually something we may accomplish, and we are not packing the galleries. It is not going to be a headline story tomorrow, but it will make a difference in people's lives.

We are in a period of sustained economic growth, almost unprecedented, if not unprecedented, in the 210-year history of our Nation. The unemployment rate today at 4.1 percent is the lowest it has been in 30 years. More than 21 million jobs have been created since 1993.

I see my colleague and good friend from Wyoming here. He is one of the cosponsors of this bill as well. I mentioned him earlier. We are pleased he is with us.

We are enjoying almost unprecedented prosperity in the country along with the remarkable results of low unemployment, the lowest in some three decades. More than 21 million new jobs have been created in the last 7 years in our Nation. Inflation is down, and real wages are rising and have grown in 5 consecutive years; again, almost an unprecedented record in our Nation's history.

For the first time in 50 years, the country posted three consecutive surpluses. Think of that. For the first time in decades, we are watching the deficit clock run in the opposite direction. Instead of how much debt we are accumulating every minute and every second, we are now reducing the national debt with the prospect of eliminating it by the year 2013.

What greater gift could we give to the next generation than to burn the national mortgage, if you will. The economy is roaring. It is producing a prosperity in the confidence which very few people could have imagined a few short years ago.

Factory workers, secretaries, and other nonexempt workers form the backbone of companies, large and small, that are also making a difference. These individuals have been driving our economy. It is the view of those who sponsor this bill since they are driving so much of this economy, they ought not to have to take a back seat to anyone in sharing in the prosperity this economy has produced.

In today's new economy, many companies look for creative ways to recruit, train, and reward employees. The Federal Reserve Board of Governors estimated approximately 17 percent of large firms in the United States introduced a stock option program and 37 percent have broadened eligibility for the stock option programs in the previous 2 years.

Ten years ago these options were a perk for the chief executive officer and other corporate executives in the corporation. Less than 1 million people received stock options in the early 1990s.

Today, between 7 and 10 million people across this country are offered stock options. According to the National Center for Employee Ownership, more than 6 million workers receiving options are nonexecutives. In a 1997 survey, NECO reported that the average option grant value was $37,000 for professional employees, $41,000 for technical employees, and $12,500 for administrative employees.

This is very good for the long-term economic prospects in this country.

Clearly, the trend is that a broad cross section of companies offers stock option programs. In these changing times, I am concerned, as is my colleague from Kentucky and others, about laws working for businesses and employees. We need to work with them to find new ways to reward working people. As the economy changes, it is only fitting we update our laws, as well. That is why I join with my colleagues, and why others have joined, why the administration has joined, to change the 1938 Fair Labor Standards Act.

The Fair Labor Standards Act of 1938 is the benchmark of worker protection laws. I want to make very clear that the bill that is before the Senate today, S. 2323, does absolutely nothing to undermine the foundation of that critical and important piece of legislation.

My colleagues in the administration determined that the 1938 law needed to be amended in order to incorporate the emergence of stock option programs being offered to hourly employees. Our bill amends the Fair Labor Standards Act to clarify that the gains from stock options do not need to be included in the calculation of overtime pay. That is what the 1938 law said. That is where a lot of the confusion arose.

Our legislation strikes a balance between protecting employee rights and offering flexibility to employers. This bill excludes from the regular rate stock options, stock appreciation rights or bona fide stock purchase programs that meet specific vesting, disclosure and determination requirements. A safe harbor is in effect to protect those companies that already had established stock option programs for nonexempt employees, including those programs provided under a collective bargaining agreement or requiring shareholder approval.

I would like to commend the staff for their hard work on this bill—Sheila Duffy of my staff, Denise Grant with Senator MCCONNELL, and Leslie Silverman and Elizabeth Smith with the HELP Committee.

This proposal has broad bipartisan, bicameral support between the executive and legislative branches.

I ask unanimous consent two letters, one from the Union of the Needletrades, industrial and textile employees, and one from the ERISA Industry Committee, be printed in the RECORD.

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

UNION OF NEEDLETRADES, INDUSTRIAL AND TEXTILE EMPLOYEES, ROCHESTER REGIONAL JOINT BOARD,
Rochester, NYC, February 22, 2000.

TO WHOM IT MAY CONCERN: I am writing on behalf of UNITE and its approximately 5,300 United States bargaining unit employees covered by a contract with Xerox Corporation. It is our understanding that Congress is currently considering legislation to clarify the Fair Labor Standards Act (FLSA) treatment of stock options and other forms of stock grants in computing overtime for non-exempt workers Xerox' UNITE chapter would strongly urge Congress to pass legislation exempting stock options and other forms of stock grants from the definition of the regular rate for the purpose of calculating overtime.

It is only recently that Xerox has made bargaining unit employees eligible to receive both stock options and stock grants. Without a clarification to the FLSA, we are afraid Xerox may not offer stock options or other forms of stock grants to bargaining unit employees in the future. In addition, without such a change in the law if options are granted there could be tremendous differentials in the amount of overtime each individual employee received based on what he or she decides to exercise an option or sell stock. However, our position that stock options should be exempt from the regular rate for purposes of overtime in no way diminishes our position that bargaining unit employees must have the right to receive overtime pay for actual hours.

As we begin the 21st century, UNITE hopes more companies will begin to provide all their employees with stock options and other forms of stock. It is a great way to assure that when the company does well the employees share the reward through employee ownership. Thank you for your consideration of this matter.

Sincerely,

GARY J. BONADONNA,
Director,
International Vice President.

THE ERISA INDUSTRY COMMITTEE,
Washington, DC, April 10, 2000.

DEAR SENATOR: The ERISA Industry Committee (ERIC) strongly urges you to support S. 2323, the "Worker Economic Opportunity Act." S. 2323 is expected to come before the Senate for a vote during the week of April 10. Timely enactment of this legislation is critical to the continued viability of broad-based stock options and other similar programs that provide employees with equity ownership in the companies for which they work.

Introduced March 29 by Senator Mitch McConnell, the "Worker Economic Opportunity Act" enjoys strong bipartisan and bicameral support. The bill is the result of a cooperative effort between congressional leaders, the Department of Labor, and the business community.

Stock options increasingly are available to a broad range of employees, not just executives. A recent survey by William M. Mercer, Inc. reports a better than twofold increase since 1993 in the percentage of major industrial and service corporations that have a broad-based stock option plan.

In spite of the growing enthusiasm for employee equity ownership among employers and employees, an advisory letter interpreting current law issued by the Department of Labor's Wage and Hour Division has effectively stopped this movement in its tracks.

According to the Department's interpretation of the Fair Labor Standards Act (FLSA) of 1938, any gains from the exercise of stock options recognized by rank and file workers must be included in their "regular rate of pay" for purposes of computing overtime wages. Thus, in order to comply with the Wage and Hour Division's interpretation of the FLSA, employers would be required to track stock options granted to rank and file employees and recalculate their overtime payments once the options have been exercised.

No rational employer will subject itself to this impracticable burden. As a result, rank and file workers will be denied the valued opportunity to become a stakeholder in their employer's future.

S. 2323 is narrowly tailored to directly address the issues raised by the Wage and Hour Division's advisory letter without compromising any long-standing worker protections under FLSA. Most important, this legislation will benefit millions of working Americans by facilitating the continued expansion of equity-based compensation programs. It should be enacted without delay.

Thank you for considering our views. Please feel free to call on us if you have any questions or need additional information.

Very truly yours,

MARK J. UGORETZ,
President.

Mr. DODD. Mr. President, this bill is about fundamental fairness. I urge our colleagues to support this Worker Economic Opportunity Act to give working Americans a chance to share in our Nation's prosperity.

I ask further unanimous consent that during the remainder of this debate and the remainder of the day the bill be left open for additional cosponsorships. We have 20 or 30, but I suspect there may be others who would like their names associated with this bill. I ask unanimous consent cosponsorship of the bill be left open for the remainder of today's legislative business.

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

Mr. DODD. I yield the floor.

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I commend the Senator from Connecticut and the Senator from Kentucky for their work on the bill being presented today. We are here today because we believe that all workers should have the opportunity to share in the success of their companies and it is incredibly important we do all we can to make sure that this legislation gets passed with the vote it deserves.

More and more employers are providing equity ownership opportunities to all of their employees and we are here today because we want to foster this trend which is good for our workers and for our nation's economic growth. The Worker Economic Opportunity Act will encourage this trend by

changing the Fair Labor Standards Act to address the needs of the 21st century.

Over the last ten years, we have witnessed tremendous change in the structure of our Nation's economy in large part due to the birth of the internet and e-commerce. The vitality of our economy is a tribute to the creative and entrepreneurial genius of thousands of individual business people and the indispensable contribution of the American workforce.

As legislators during this exciting time, we are challenged to maintain an environment that will foster the continued growth of our economy. We must work to ensure that our laws are in sync with the changing environment. However, many of the laws and policies governing our workplace have fallen out of sync with the information age and there has been particular resistance to changing our labor laws. As chairman of the Senate Committee with jurisdiction over workplace issues, I believe it is time to examine and modify these laws to meet the rapidly evolving needs of the American workforce.

The Fair Labor Standards Act (FLSA), for example, was enacted in the late 1930s, to establish basic standards for wages and overtime pay. While the principles behind the FLSA have not changed, its rigid provisions make it difficult for employers to accommodate the needs of today's workforce. In early January, we discovered the problem that we are addressing here today. It is extremely important. We learned that the sixty-year old law actually operates to deter employers from offering equity participation programs, such as stock options, to hourly employees.

These programs are most prevalent in the high tech industry, yet increasingly employers across the whole spectrum of American industry have begun to offer them. And, while these programs used to be reserved for executives, recent data shows that they are making their way down the corporate ladder. A recent Federal Reserve Board of Governors study found that 17% of firms have introduced stock options programs within the last two years and 37% have broadened eligibility for their stock option programs in the last two years.

Broad-based equity programs prove valuable to both employers and employees. For employers, these programs have become a key tool for employee recruitment, motivation and retention. Employees seek out companies offering these programs because they enable workers to become owners and reap the benefits of their company's growth.

When I first heard about the FLSA's application to stock options, I became very concerned about its impact on our workforce. I was pleased to discover that Senators MCCONNELL, DODD, and ENZI shared similar concerns and that the Department of Labor also recognized that we had a problem on our hands that would require a legislative solution. Together we crafted the legislation we are debating here today.

We have also worked together on a Joint Statement of Legislative Intent on S. 2323 which is intended to reflect the discussions the sponsors had with the Department of Labor during the drafting of the legislation, and the sponsors' intent and understanding of this legislation.

I urge all my colleagues to join me in supporting this important legislation. It is a symbolic first step in the process of aligning our labor laws with the new economy.

I commend the Senator from Wyoming who is one of the initial people who understood the importance of this issue and who came forward to help other Members understand the dangers of the present situation and to bring about the bill we have before the Senate. I am happy to yield the floor to my wonderful Senator from Wyoming.

The PRESIDING OFFICER (Mr. GREGG). The distinguished Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I commend the chairman of the Health, Education, Labor, and Pensions Committee, the jurisdictional committee, for this very important piece of legislation. I appreciate his allowing me to be the subcommittee chairman for the labor portion of that committee, which is referred to as the Employment, Safety and Training Subcommittee. We get to work on these kinds of issues on a regular basis. In the past, it has been known as one of the more contentious committees. But I recommend people take a look and note it is one of the more reasonable committees now, where we are reaching bipartisan solutions to problems for people in the workplace. That has always been our intent. We are actually having some confidence in each other now and are able to achieve those sorts of things.

I am pleased to be able to rise today to speak in favor of S. 2323, the Worker Economic Opportunity Act. The large number of bipartisan cosponsors on this bill says a great deal for both its importance and its balanced, fair nature. I commend the hard work of my colleagues, Senator JEFFORDS, Senator MCCONNELL, and Senator DODD, both in crafting a solution on the issue and in garnering the bipartisan support for the bill.

Elizabeth Smith, the legal counsel for the Employment, Safety and Training Subcommittee, has been one of the coordinators of the bill and has helped us to bring it all together. That is not only coordination between the House and Senate, between Republicans and Democrats, but it is also with the administration. A few days ago we had an opportunity to gather and talk about this bill and Secretary Herman was there, and she has played a role in getting this done.

The problem was brought to us from where it should come, and that is the workers. Workers were being told that because of the labor laws, their employers may have to stop giving them stock options.

That is an important factor because stock options are seen as a way for people throughout this country, workers throughout this country, to own a share of the company. The better the company does, the better they do. It is a way that from their job, and the risk they take having that job, employees get to benefit from the productivity and returns they put into the business.

And, boy, some of these businesses are really doing well; millionaires are being created overnight—and we want hourly workers to be able to take advantage of those stock options.

A little flaw, because of the amount of time that has gone by since fair labor standards passed, said you will have to do some calculating so the value of that stock option shows up as a direct payment.

Nobody really knows what the value of those stock options are, particularly at the time they receive them. They do know sometime down the road, when they take advantage of them, and probably even further down the road when they actually get to sell them, but there is a huge change, hopefully, in the value of that stock between the time it is awarded to them and the time there is some value to it. So how do you calculate that back in years, to the time they received it, to calculate it into overtime? The difficulty of calculating it led the companies to say: We can't figure out a formula for doing it. The Department has a formula for doing it, but we can't possibly process that through so we can avoid court action. So what we are going to do is we are going to end stock options. That is when the workers said to Congress: Solve this problem for us.

That is what brings everybody together for a solution, the people at the far end asking that they be allowed to continue participating in the prosperity of this country. That is what has happened in this instance. We are here today because the workplace has changed for the better, but the labor statutes have not. Many employers now give stock options, not only to the executives and the managers, they give it to secretaries, factory workers, janitors, mailroom clerks—everybody. Those are the hourly employees who provide the critical support on which a company's success is built.

I am proud of those employers who give stock options to those employees. They recognize the value of giving workers a stake in the company's business. They are leading the charge to move workplaces into a new, modern era of better employer-employee relations. In fact, the line is dimming on

who is the employer and who is the employee.

Unfortunately, the decades-old Fair Labor Standards Act has not kept pace. This statute, drafted during a very different time in the history of the American workplace, threatened to prevent employers from giving hourly employees stock options. S. 2323 removes this threat and ensures that companies can continue to give stock options to hourly employees so they can share in the success of their employer and this country's economic growth.

This legislation takes an important step toward bringing an outdated labor statute up to date with the modern workplace. I am very concerned there are many other examples of problems such as the one we are solving today, examples of other obsolete restrictions in the 30- to 60-year-old labor statutes that are stifling the development of the new creative ways to benefit employees, such as the stock options program and telecommuting arrangements. We should be encouraging these advances in employer-employee relations, not stifling them. By passing this Worker Economic Opportunity Act we can provide encouragement. I hope we can continue to look for ways to solve similar problems.

I am particularly pleased the Department of Labor has worked with us in this bipartisan group. As chairman of the Employment, Safety and Training Subcommittee, I firmly believe cooperation between lawmakers and agency is the best way to develop practical solutions that benefit both the employees and the businesses.

I want to mention we have been doing that for about 2 years now. We passed the first changes in OSHA in 27 years, a year and a half ago; little incremental changes that will make a difference to the workers, that will make the workplace safer. That is what we are trying to do.

Recently we worked together on home inspections. OSHA, through a letter, had suggested they were going to go into the homes and check and see how telecommuters were operating. Home is the least safe place there is. It worried a lot of companies about how they were going to do the inspections without imposing on the privacy of their employees. Employees were worried about companies coming into their homes. The Department and OSHA and Congress saw the error of that. The Department withdrew the letter. Both OSHA and congress agreed that OSHA should not be a threat to people working in their home offices. People who work in their homes really enjoy doing that. There are a lot of benefits to them, many of which people who work in the District would understand because of the parking and the traffic problems. I was very pleased that the agency and congress agreed on this.

Last week we had agreement on a funding proposal, a sense-of-the-Senate proposal that would have been on the budget agreement except for a parliamentary move that was done at the last moment. But there was agreement on both sides that there needs to be not only enforcement of OSHA—which does get attention—but justification by OSHA of how it is reducing workplace illnesses and injuries and a discussion of the value of compliance assistance activities, which are extremely important.

There are 12,000 pages of OSHA regulations. It is difficult for a small businessman to make it through that many pages of that kind of rhetoric. So we have been trying to make it more incentive-based, so the agency would participate more in telling them what they need to do instead of beating them over the head for what they did not do. We think, with a more cooperative program, there will be more safety in the workplace; that employers will not live in fear of OSHA, but rather in anticipation of help from OSHA and an understanding of the way they can keep their employees safe.

Those are a few of the things we are working together on to have a better workplace. This legislation is a key piece and a key beginning to a number of changes we can make to affect the workers of this country. I look forward to working together on similar measures in the future as we move toward the shared goal of better matching our Federal laws to the needs of the modern workplace.

I yield the floor.

Mr. JEFFORDS. Mr. President, I commend the Senator from Wyoming for his work not only on this bill but on the other legislation he discussed. I also commend him for his help in the review of existing labor laws. The Senator understands the import of bringing our labor laws in line with the needs into the 21st Century. I depend upon him, and he produces.

Mr. ABRAHAM. Mr. President, I rise today to express my support for the Worker Economic Opportunity Act. This bipartisan legislation, also supported by the Department of Labor, will encourage employers to provide stock options to all employees, not just executives, ensuring that all of our workers will continue to have the opportunity for an ownership stake in their company.

In recent years, there have been revolutionary changes in the workplace, creating new opportunities for our working families—opportunities, which for a long time, frequently existed only for a select privileged few. One of the most positive developments has been the significant increase in the availability of stock option plans for workers, specifically hourly workers.

The decades-old employment laws do not accommodate newer workplace innovations and their application would unfairly punish hourly workers by making their stock-option programs disproportionately expensive and complex for employers. Subsequently, recent Department of Labor legal interpretations and policies have threatened the availability of stock option plans for hourly employees.

Mr. President, it is imperative that Congress send a clear message that the positive developments taking hold around the country should be encouraged, not thwarted.

The Worker Economic Opportunity Act would send just a message, ensuring that all employees will continue to have the opportunity to share in the economic growth and success of their company formerly enjoyed only by corporate executives. Moreover, companies, especially smaller companies with high capital costs in development, will be able to maintain the capital resources necessary to compete in the rapid evolving global economy and, at the same time, reward and retain highly qualified and valued employees.

Finally, Mr. President, I would like to take a moment to thank Senator MCCONNELL for his work and dedication toward this legislation and the Department of Labor for recognizing the need to accommodate today's employee and workplace innovations.

I yield the floor.

Ms. COLLINS. Mr. President, I rise today to express my strong support for S. 2323, the Worker Economic Opportunity Act. I am pleased to be a cosponsor of this legislation, which has broad bipartisan support in both the Senate and the House of Representatives.

In recent years, we have seen substantial growth in the use of employee equity programs such as stock options, stock appreciation rights, and employee stock purchase plans. This growth has not only been in the number of companies which offer such plans, but also in the employees to whom such plans are available. While long used as a form of incentive for corporate executives, equity programs are now available to more employees than ever. In fact, a 1998 survey by Hewitt Associates found that in excess of two-thirds of large U.S. companies offered stock options to non-executive employees, and more than a quarter of these companies make such plans available to their entire workforce.

Unfortunately, the Fair Labor Standards Act, which was enacted in 1938, does not recognize the importance of stock options as an employee benefit. Thus, when asked how to deal with stock options when calculating overtime pay for hourly-wage employees, the Department of Labor ruled that the options would have to be included in the calculations.

The end result of this decision left employers with two options: One, go

through the burdensome task of recalculating an employee's regular pay rate, retroactively, based on the change in the value of the stock from the time the option was granted until it was exercised; or, two, do not offer any form of equity program to any employee who is not exempt from the Fair Labor Standards Act.

Since complying with the Department of Labor's onerous ruling would not likely be worth the benefit of offering an equity plan, the vast majority of companies would be left to face option two, thus eliminating the use of a benefit that is popular with both employers and employees.

Recognizing the need to remedy this matter, for the good of companies and workers alike, a bipartisan group of legislators worked to craft the bill we have before us today, the Worker Economic Opportunity Act. This legislation would exempt employee equity programs from the overtime requirements of the Fair Labor Standards Act, just as profit sharing and holiday bonus plans are exempted. In addition, the bill protects employers who offered employee equity programs prior to the date this legislation is enacted.

This legislation will allow employers to offer the kind of benefits which will allow them to attract a quality workforce, while providing employees with a benefit they truly want. It is all too rare for Congress to come up with a win-win solution to a problem, but in this case we certainly have.

Mr. President, I urge my colleagues to support this important legislation.

Mr. KENNEDY. Mr. President, since its enactment in 1938, the Fair Labor Standards Act has played a fundamental role in ensuring a fairer standard of living for all American workers. The act created basic rights for workers by establishing a federal minimum wage, a 40 hour work week and overtime pay for additional hours. It also protects children from abusive working conditions and helps ensure that women and men receive equal pay. Throughout its existence, the act has been indispensable in improving the standard of living for vast numbers of Americans.

The Department of Labor has effectively carried out its responsibility to interpret the law with this purpose in mind. Given the high value of the act in protecting workers' rights to a fair workplace, Congress must remain vigilant to ensure that any changes in this important law do not undermine the wage and hour protections guaranteed to workers under the act.

I support the current bill because it helps ensure that employers cannot misuse the act as an excuse to exclude rank and file workers from the stock option plans, stock appreciation rights, and stock purchase plans they provide to higher paid employees.

I commend Senator DODD, Senator JEFFORDS, Senator ENZI, and Senator MCCONNELL for developing this narrow, but important, clarification of the act. It is a needed modernization of the law, and it arose from unique circumstances. I am confident that the Secretary of Labor will promulgate regulations interpreting this bill in a way that protects the fundamental right of workers to receive overtime pay and not be forced to work overtime to participate in stock plans. It is of the utmost importance that any change in the act serves to strengthen the protections for workers, not weaken them.

Ms. SNOWE. Mr. President, I rise today to express my support for the Worker Economic Employment Opportunity Act. Mr. President, every time we turn around it seems that we hear about how strong our nation's economy is right now—and how America's workers are daily facing new-found employment opportunities. We are in a period of almost unprecedented prosperity and sustained economic growth. And the bill we are voting on today is a direct consequence of that growth.

It wasn't long ago that benefits such as stock options were available only to the upper levels of management. Companies are now offering stock options as a way not only to attract, but to retain quality employees at all levels. This is a way of providing fairness to our nations workers—the ones who manage the daily ins-and-outs of the business, the ones who have quite literally built today's economy.

S. 2323 will clarify that providing stock options will not be counted toward overtime pay for hourly employees. The vitality of our economy is a tribute to the hard work and creativity of these workers. Accordingly, it is unacceptable that the Fair Labor Standards Act would be interpreted in a manner that would effectively preclude the offering of this valuable benefit to hourly employees who form the backbone of American business.

The Fair Labor Standards Act already exempts some employee benefits such as discretionary bonuses, health insurance, and retirement savings plans from overtime calculations. We do this to encourage employers to provide these critically needed benefits and incentives for their employees—stock options should be no different.

We should not hinder the ability of our nation's workers to participate in the economic success of the companies they are helping to building. If employers choose to offer profit-sharing options, they should not be penalized when calculating over-time wages.

Mr. President, I support this critical clarification of the Fair Labor Standards Act and I urge my colleagues to vote for the bill. Thank you, Mr. President, I yield the floor.

Mr. BENNETT. Mr. President, I rise today to support Senator MCCONNELL's stock options legislation, S. 2323, and commend him for his hard work on this issue. This legislation allows companies who currently offer non-salaried employees a stock options program to continue to incentivize their work force without the threat of sanctions of the U.S. Department of Labor.

This is an easy one to support. The United States is unique in the world with regard to how our stock options and the wealth generated in our companies are shared with those who significantly participate in their creation. As in most of the rest of the world, it used to be that only our top executives received stock options from their companies. Today, many high tech companies offer stock options to all of their employees, from the clerk to the CEO. Particularly with regard to an individual's retirement needs, stock options are a tremendous financial opportunity for all workers and their families. We must do everything in our power to preserve these positive wealth- and risk-sharing developments in our economy.

Employees at every level should be allowed to reap the rewards of the success of their company. All throughout the United States, it has become common place for employees to quit their job and go to work for progressive companies who allow them to share in the wealth that their corporations generate. I hear repeatedly from industrial companies whose compensation structure is often very different, that they are losing their most talented and valuable employees to these new, often high-tech, corporations. And Mr. President, that kind of competition for employees benefits all Americans and it's a positive development.

The Department of Labor's ill-considered advisory opinion, threatened this development, and would have resulted in the cessation of often generous stock option plans for non-managerial and non-professional employees in many of America's most progressive corporations. It is critical that we recognize the importance of these wealth- and risk-sharing developments to the health of the American economy and carefully weigh each new regulation, interpretation, and law before we rashly risk the financial health and well-being of the hard-working families who have everything to do with the level of productivity our economy enjoys.

Mr. LEVIN. Mr. President, I will vote in favor of the Worker Economic Opportunity Act, S. 2323. Stock options have traditionally been distributed only to highly salaried executives, used as an incentive to promote hard work on behalf of the company. As a company's bottom line improves due in part to the executive's efforts, the value of the company's stock increases, eventually rewarding the executive when he or she ultimately exercises the option and later sells the stock. I have long maintained that stock options

ought be provided to all types of employee—whether hourly or salaried, management or clerica—and not just the top brass. That is why I introduced the Ending the Double Standards for Stock Options Act last Congress, which would have encouraged corporations to adopt plans in which a minimum of 50% of all options would go to non-management employees. After all, a company's success depends on the efforts of more than just its executives.

I am hopeful that the Worker Economic Opportunity Act will encourage the growth of broad-based employee stock option plans in corporate America. The Act excludes stock options from overtime pay calculations for hourly employees. Current law also excludes benefits like discretionary bonuses, employer-provided health insurance, and retirement benefits from overtime pay rates. But current law doesn't address stock options. Last year, the Department of Labor indicated that, without action by Congress, companies would likely have to include the value of stock options when figuring an hourly employee's overtime pay rate. Corporate America has argued that the administrative and financial burdens associated with such inclusion, given a huge number of different employees having different amounts of options with different exercise dates and strike prices, outweigh the benefits of having a broad-based stock option plan.

This legislation is not inconsistent with my proposal to require the reporting of stock options as an expense on a company's financial statements, a key part of the Ending the Double Standards for Stock Options Act. Therefore, I support the Worker Economic Opportunity Act to remove a potential barrier to workers' participation in the prosperous American economy they helped create.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that for the next 5 minutes the time be held open, and then at 2:05 p.m. I will yield back all the time on the measure, and I ask unanimous consent that there be a period for morning business from 2:05 p.m. until 2:30 p.m., with the time equally divided.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. JEFFORDS. Mr. President, what is the order of business?

The PRESIDING OFFICER. Before the Senate is S. 2323.

The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. JEFFORDS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on the passage of the bill.

The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) and the Senator from Maine (Ms. SNOWE) are necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY), the Senator from New York (Mr. MOYNIHAN), the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

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

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—95

Abraham	Edwards	Lincoln
Akaka	Enzi	Lott
Allard	Feingold	Lugar
Ashcroft	Feinstein	Mack
Baucus	Fitzgerald	McCain
Bayh	Frist	McConnell
Bennett	Gorton	Mikulski
Biden	Graham	Murkowski
Bingaman	Gramm	Murray
Bond	Grams	Nickles
Boxer	Grassley	Reed
Breaux	Gregg	Reid
Brownback	Hagel	Robb
Bryan	Harkin	Roberts
Bunning	Hatch	Santorum
Burns	Helms	Sarbanes
Byrd	Hollings	Schumer
Campbell	Hutchinson	Sessions
Chafee, L.	Hutchison	Shelby
Cleland	Inhofe	Smith (NH)
Cochran	Inouye	Smith (OR)
Collins	Jeffords	Specter
Conrad	Johnson	Stevens
Coverdell	Kennedy	Thomas
Craig	Kerrey	Thompson
Crapo	Kohl	Thurmond
Daschle	Kyl	Torricelli
DeWine	Landrieu	Voinovich
Dodd	Lautenberg	Warner
Domenici	Leahy	Wellstone
Dorgan	Levin	Wyden
Durbin	Lieberman	

NOT VOTING—5

Kerry	Rockefeller	Snowe
Moynihan	Roth	

The bill (S. 2323) was passed, as follows:

S. 2323

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Worker Economic Opportunity Act''.

SEC. 2. AMENDMENTS TO THE FAIR LABOR STANDARDS ACT OF 1938.

(a) EXCLUSION FROM REGULAR RATE.—Section 7(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(e)) is amended—

(1) in paragraph (6), by striking ''or'' at the end;

(2) in paragraph (7), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(8) any value or income derived from employer-provided grants or rights provided pursuant to a stock option, stock appreciation right, or bona fide employee stock purchase program which is not otherwise excludable under any of paragraphs (1) through (7) if—

''(A) grants are made pursuant to a program, the terms and conditions of which are communicated to participating employees either at the beginning of the employee's participation in the program or at the time of the grant;

''(B) in the case of stock options and stock appreciation rights, the grant or right cannot be exercisable for a period of at least 6 months after the time of grant (except that grants or rights may become exercisable because of an employee's death, disability, retirement, or a change in corporate ownership, or other circumstances permitted by regulation), and the exercise price is at least 85 percent of the fair market value of the stock at the time of grant;

''(C) exercise of any grant or right is voluntary; and

''(D) any determinations regarding the award of, and the amount of, employer-provided grants or rights that are based on performance are—

''(i) made based upon meeting previously established performance criteria (which may include hours of work, efficiency, or productivity) of any business unit consisting of at least 10 employees or of a facility, except that, any determinations may be based on length of service or minimum schedule of hours or days of work; or

''(ii) made based upon the past performance (which may include any criteria) of one or more employees in a given period so long as the determination is in the sole discretion of the employer and not pursuant to any prior contract.''.

(b) EXTRA COMPENSATION.—Section 7(h) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(h)) is amended—

(1) by striking ''Extra'' and inserting the following:

''(2) Extra''; and

(2) by inserting after the subsection designation the following:

''(1) Except as provided in paragraph (2), sums excluded from the regular rate pursuant to subsection (e) shall not be creditable toward wages required under section 6 or overtime compensation required under this section.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of enactment of this Act.

(d) LIABILITY OF EMPLOYERS.—No employer shall be liable under the Fair Labor Standards Act of 1938 for any failure to include in an employee's regular rate (as defined for purposes of such Act) any income or value derived from employer-provided grants or rights obtained pursuant to any stock option, stock appreciation right, or employee stock purchase program if—

(1) the grants or rights were obtained before the effective date described in subsection (c);

(2) the grants or rights were obtained within the 12-month period beginning on the effective date described in subsection (c), so long as such program was in existence on the date of enactment of this Act and will require shareholder approval to modify such

program to comply with section 7(e)(8) of the Fair Labor Standards Act of 1938 (as added by the amendments made by subsection (a)); or

(3) such program is provided under a collective bargaining agreement that is in effect on the effective date described in subsection (c).

(e) REGULATIONS.—The Secretary of Labor may promulgate such regulations as may be necessary to carry out the amendments made by this Act.

Mr. LOTT. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I had hoped we would be able to announce a unanimous consent agreement at this time as to how we will proceed on eliminating the marriage tax penalty and what amendments would be in order and how much time. I have now received a list of amendments from Senator DASCHLE, but we have had only a couple of minutes to review that. We need a little time. I understand several of the amendments actually have been filed. There may be one or two on which we don't actually have access to an amendment. For instance, Senator TORRICELLI may have an amendment prepared and we would like to get a copy of the amendment. We would like to have a little time to review the list and the substance of these amendments. We have agreed we should go forward with general debate while we do that.

I ask consent the Senate resume the pending legislation for debate, equally divided, until the majority leader is recognized at 4:30 this afternoon.

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

MARRIAGE TAX PENALTY RELIEF ACT OF 2000—Resumed

Pending:

Lott (for Roth) amendment No. 3090, in the nature of a substitute.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of New Hampshire, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Mr. President, I yield 10 minutes to the Senator from California.

Mrs. BOXER. Mr. President, I know the majority leader is looking over amendments that Members on this side of the aisle want the opportunity to offer to the bill on the marriage tax penalty. I certainly hope the majority leader will be able to accommodate us. After all, if we were using the regular rules of the Senate, we could offer any and all amendments; that is, the rules of the Senate provide Members can, in fact, offer amendments on bills that come before the Senate.

The Senator from Montana, who has done so much work on this marriage tax penalty issue, and I were talking about how much the procedure around here is like the House of Representatives with tremendously restricted opportunities for debate and restricted opportunities to offer amendments. We are working very hard, on our side of the aisle, to fight for the right merely to put matters before the Senate. We may not win every time, but the fact is we are here for a reason and that is to legislate; it is to bring these matters before the American people in this forum called the Senate.

The bill purports to take care of the marriage tax penalty, but I have big news for everyone: It does not take care of the marriage tax penalty. Why do I say this? I get this directly from Senator MOYNIHAN's work on this issue as the ranking member of the Finance Committee. We know there are 65 marriage tax penalties in the code for all taxpayers—65.

So if you really believe the marriage tax penalty is your biggest priority and that is all you want to do, that it is the most important thing as you look at the Tax Code—and, frankly, from my point of view, it is not the only thing I want to do and there are more important things we can do to help the middle class in this country—the most honest thing to do is repeal the penalty in these 65 occasions in which it appears in the Tax Code.

However, the GOP plan fully eliminates only 1 of these penalties, partially eliminates 2 others, and it leaves 62 marriage penalties in the code.

We have a situation where we are told we can do away with the marriage tax penalty, but when we look at the fine print, we are not doing away with the marriage tax penalty at all. We are only doing it in one place, completely, where it appears, and partially in another couple. And we are leaving 62 penalties in place.

So I do not really think this is a good way for us to proceed because it is so expensive and we have not taken care of the marriage tax penalty. It is another one of these risky tax schemes that is going to come back to haunt us because it is going to rob us of debt reduction.

When you add it to all the tax bills that have already passed the Senate with majority support from the Republicans, it is breaking the back of the non-Social Security surplus. We will have no surplus. Pretty soon, we are going to start eating into that surplus.

We are going to hear Senator BAUCUS talk about why he believes this plan is flawed. It actually hurts some people at the lower end of the scale. It does not do what it purports to do.

We are going to hear from Senator BAYH, who has another idea that is certainly more affordable and would allow us to do other things we need to do for our people, such as the prescription drug benefit.

We now know for sure that our people are suffering because they cannot afford prescription drugs. If we listen to Senator WYDEN, who has spoken on this eloquently, we know our senior citizens are not taking their prescription drugs. They are cutting their pills in half. They risk getting strokes. They risk getting heart attacks. They cannot afford the prescription drugs.

While we are talking about a marriage tax penalty—and a lot of relief goes to people who are earning a lot of money in this country—what about the prescription drug benefit? What about a tuition tax break for parents who are struggling to send their kids to college and college tuition goes up each and every year?

We cannot do these things in a vacuum. We have to look at the entire picture. We have to ask ourselves: Do we want to give tax breaks or do we want all the money to go to debt reduction? I myself would like to give targeted tax breaks that we can afford to the middle class, who needs them, and use the rest of the money for debt reduction and for investments in our people, in our children.

In closing, there is something we can really do for married people here, those at the lowest incomes who are working at the minimum wage, more than 60 percent of whom are women. Raising the minimum wage would go a long way to doing something good for people who are married and in the low brackets. A tuition tax break for people who send their kids to college would go a long way to helping married people and their families. A prescription drug benefit would help those families who are seeing their moms and dads struggling along, not being able to afford prescription drugs.

So the question we face, just to sum it up as we look at this Republican plan, is this: Why would we do something that says it is relieving the marriage tax penalty when it leaves 62 marriage tax penalties in place? Why would we do that? It is not real. We are telling people we are doing something we are not doing. We are backloading it. We are breaking the Treasury. We are eating into the non-Social Security surplus. Why would we do that?

Why not look at a more modest plan? We have some ideas on that. We are going to hear about one of them today. Why don't we look at raising the minimum wage? Why don't we look at the prescription drug benefit or the tuition

tax break for our families who are struggling to send their kids to college? Why don't we look at this economic recovery and together, both sides of the aisle, say we do not want to derail it by doing these tax breaks, one after the other after the other after the other. They are adding up to hundreds of billions of dollars.

If our President were not so strong in saying let's keep this country on a fiscally sound basis, we would be in a lot of trouble, if those bills had been signed.

I asked of the Senator from Montana yesterday—I was talking to his staff—how many tax bills have already gone through here with the votes of the other side of the aisle. I think his staff told me it was about $500 billion at this point, $500 billion of tax breaks—by the way, most of them to people who do not want them, who do not need them, who are asking us to keep the economy strong, reduce the debt, and do targeted tax breaks for the people who really need them.

I hope the majority leader will accept these amendments we have come up with, allow us to debate as Senators, not turn us into the House of Representatives which gives its Members very few rights to offer amendments. I hope we will reject this Republican plan because it does not do what it says it does. It is fiscally irresponsible, and it stops us from doing the good things we need to do for our families.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, I yield 7 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I support legislation which would provide tax relief to the working families who are currently paying a marriage penalty. Such a penalty is unfair and should be eliminated. However, I do not support the proposal the Republicans have brought to the floor.

While its sponsors claim the purpose of the bill is to provide a marriage penalty relief, that is not its real purpose. In fact, only 42 percent of the tax benefits contained in the legislation go to couples currently subject to a marriage penalty. The majority of the tax benefits would actually go to couples who are already receiving a marriage bonus and to single taxpayers. As a result, the cost of the legislation is highly inflated. It would cost $248 billion over the next 10 years.

As with most Republican tax breaks, the overwhelming majority of the tax benefits would go to the wealthiest taxpayers. This bill is designed to give more than 78 percent of the total tax savings to the wealthiest 20 percent of the taxpayers. It is, in reality, the latest ploy in the Republican scheme to spend the entire surplus on tax cuts which would disproportionately benefit the richest taxpayers. That is not what the American people mean when they ask for relief from the marriage penalty. With this bill, the Republicans have deliberately distorted the legitimate concerns of married couples for tax fairness.

All married couples do not pay a marriage penalty. In fact, a larger percentage of couples receive a marriage bonus than pay a marriage penalty. The only couples who pay a penalty are those families in which both spouses work and have relatively equivalent incomes. They deserve relief from this inequity, and they deserve it now.

We can provide relief to the overwhelming majority of the couples simply and at a modest cost. That is what the Senate should do. Instead, the Republicans have insisted on greatly inflating the cost of the bill by adding extraneous tax breaks primarily benefiting the wealthiest taxpayers.

A plan that would eliminate the marriage penalty for the overwhelming majority of married couples could easily be designed and cost less than $100 billion over 10 years. The House Democrats offered such a plan when they debated this issue in February. The amendment which Senator BAYH intends to offer to this bill would also accomplish that goal. If the real purpose of the legislation is to eliminate the marriage penalty for those working families who actually pay a penalty under current law, it can be accomplished at a reasonable cost.

The problem we have consistently faced is that our Republican colleagues insist on using marriage penalty relief as a subterfuge to enact large tax breaks unrelated to relieving the marriage penalty and heavily weighted to the wealthiest taxpayers. The House Republicans put forward a bill which would cost $182 billion over 10 years and give less than half the tax benefits to people who pay a marriage penalty. That was not enough for the Senate Republicans. They raised the cost to $248 billion over 10 years. A substantial majority, 58 percent of the tax breaks in the Senate bill, would go to taxpayers who do not pay a marriage penalty.

Nor is this the only tax bill the Republicans have brought to the floor this year. They attached tax cuts to the minimum wage bill in the House of close to $123 billion and tax cuts to the bankruptcy bill in the Senate of almost $100 billion. They have sought to pass tax cuts of $23 billion to subsidize private school tuition and reduce the inheritance tax paid by multimillionaires. Not including the cost of this bill, the Republicans in the House and Senate have already passed tax cuts that would consume $443 billion over the next 10 years. The result of this tax cut frenzy is to crowd out necessary spending on the priorities which the American people care most about—education, prescription drugs for senior citizens, health care for uninsured families, strengthening Medicare and Social Security for future generations.

Finally, I want to bring another matter to the attention of the Senate. It is another marriage penalty, and that is, there are 13 States—which represent 22 percent of the American people—that have laws saying when one gets married, they lose the coverage under Medicaid they might otherwise have if they were single. For example, in the State of Maine, one is eligible as a single person for Medicaid up to $14,000, but if it is a couple, each earning $7,000 so the family income is $14,000, neither of them gets Medicaid coverage. That is true in 13 States.

If we are going to take a look at the marriage penalty for the wealthier individuals in this country, what about the marriage penalty for some of the working poor who are trying to make ends meet? That is an issue I hope to have an opportunity to debate when we get into a discussion of the proposal put forward by the Democratic leader.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent to speak for up to 15 minutes on an unrelated topic.

Mr. BAUCUS. Mr. President, we are now on the marriage penalty bill. I suggest to the Senator, since there are no other Members on the floor, he can take time off the majority side on the pending measure.

The PRESIDING OFFICER. The Senator is recognized.

Mr. HUTCHINSON. Mr. President, since this is coming off our time on the marriage tax penalty bill, I commend Senator HUTCHISON and all those who have worked so diligently on both sides of the aisle and in the House of Representatives to provide relief on this onerous and perverse provision in our Tax Code that puts the institution of marriage in a disadvantageous position and costs American families thousands of dollars each year. It is something that should have been eliminated long ago.

I look forward to supporting the Marriage Penalty Relief Act. I hope there will be an overwhelming vote in the Senate for this bill.

MILITARY RECRUITER ACCESS ENHANCEMENT ACT OF 2000

Mr. HUTCHINSON. Mr. President, I rise today to speak in favor of S. 2397, the Military Recruiter Access Enhancement Act of 2000. This bill is designed to assist armed services recruiters in gaining access to secondary schools and school student directory information for military recruiting purposes.

The matter of recruiting and retaining military personnel of the highest

quality and in the quantity needed to maintain the optimal personnel strength of our armed services has been a topic of great interest to myself and my colleagues on the Senate Armed Services Personnel Subcommittee.

I have heard detailed testimony in hearings this year from top Department of Defense manpower officials and actual military recruiters—those on the front lines doing the recruiting—regarding the challenges of contacting and informing young people today about the benefits of a career in the military. As I have contemplated the detailed testimony received on the subject, it is clear there are several factors combining to make the tough job of recruiting young people for military service even tougher.

We found the following: The combined effects of the strongest economy in 40 years, the lowest unemployment rate since the establishment of an all-volunteer force, and a declining propensity on the part of America's youth to serve in the military make the recruitment of persons for the Armed Forces unusually challenging in the economic climate in which we exist.

For the recruitment of high quality men and women, each of the Armed Forces face intense competition from the other branches of the Armed Forces. They face competition from the private sector, and they face competition from postsecondary educational institutions recruiting young people as well.

It is becoming increasingly difficult for the Armed Forces to meet their respective recruiting goals. Despite a variety of innovative approaches taken by recruiters and the extensive programs of benefits that are available for recruits, recruiters have to devote extraordinary time and effort to fill monthly requirements for immediate accessions.

Unfortunately—and this is, I think, dismaying and surprising to most Americans—a number of high schools, thousands of high schools, have denied recruiters for the Armed Forces access to the students or to the student directory information of those high schools.

In 1999, there were 4,515 instances of denial of access to the Army. There were an additional 4,364 instances in the case of the Navy, 4,884 instances in the case of the Marine Corps, and 5,465 instances of denial of access to Air Force recruiters. In total, there were over 600 high schools across this country that denied access to at least three branches of the services, the largest of those school districts is San Diego, CA.

As of the beginning of 2000, nearly one-fourth of all high schools nationwide did not release student directory information to Armed Forces recruiters.

In testimony presented to the Committee on Armed Services of the Senate, recruiters of the Armed Forces stated that the single biggest obstacle to carrying out their recruiting mission is the denial of access to directory information about students, for a directory listing of high school students is the recruiter's basic tool. When directory information is not provided by schools, recruiters must spend valuable time, otherwise available for pursuing recruiting contacts, to construct a list from school yearbooks and other sources. This dramatically reduces both the number of students each recruiter can reach and the time available communicating with the students that the recruiters can eventually locate.

The denial of direct access to students and denial of access to directory information unfairly hurts America's young people.

High schools that deny access to military recruiters prevent students from receiving all of the information on the educational and training incentives offered by the Armed Forces, thus impairing the career decisionmaking process of students by limiting the availability of complete information on what options they have before them.

The denial of access for Armed Forces recruiters to students or to directory information ultimately undermines our national defense by making it harder for our Armed Forces to recruit young Americans in the quantity and of the quality necessary for maintaining the readiness of the Armed Forces to provide national defense.

The bill I have introduced legislates a series of formal steps to be taken with secondary schools that deny access to students or student directory information to recruiters.

Step 1: The Department of Defense will be required to send a general officer or flag officer to visit the local education agency to arrange for recruiting access within 120 days following a report of access denial.

Should a school say, no, we are not going to let military recruiters access, the first step is, negotiations. They would try to work this out. You would have a flag officer, or a general officer, who would go to the school, visit with the superintendent, the principal, the counselors, and find out what the problem is.

Step 2: Should access still be denied, within 60 days of the visit in step 1, the Secretary of Defense must then notify the State's chief executive—presumably the Governor—of the denial and request his or her assistance. A copy of this request is also sent to the Secretary of Education.

Step 3: If access for recruiters is still not achieved a year after the Governor has been notified—a full 18 months since the initial discovery that they are denying access—and if it is found that the school in question denies access for two or more of the Armed Services, that school will be placed on a list maintained by the Department of Defense and will be denied Federal funds until such time as recruiter access is restored.

People may say that is having a heavy hand. May I say, there is no school in America that ought to ever lose Federal funding under this law because no school should ever have to deny access to military recruiters. There is an ample amount of time—a full 18 months—for negotiations, discussion, in bringing in the Governor of the State, to try the reconcile whatever problems there might be.

I think the importance of this bill cannot be overstated. We have an obligation to provide an environment for our recruiters that, at the very least, places them on a level playing field with the recruiters of colleges and universities and with representatives from private industry.

Today, the recruiting of high school students actually starts in junior high school for colleges, for universities, and even for private-sector jobs. To say a recruiter cannot have contact until that student is out of high school puts them at an incredible disadvantage.

While DOD has had the ability to withhold Federal funding from colleges and universities which denied access to military recruiters, there has not been any significant recourse available at the secondary school level.

In some cases, a few select administrators can make decisions about recruiter access based on their own personal bias or lack of familiarity with the positive aspects of military service. These ''gatekeepers'' effectively block information from students by denying access to recruiters. These nonaccess policies may actually exist when the community at large in the school's area is very much supportive of the Armed Forces and recruiting efforts.

We must work collectively as a nation to keep our military ''connected'' with the people they serve. The concept of an all-volunteer force will only continue to be successful when the compensatory benefit package we offer young people is competitive and the career information on current educational and financial incentives is readily available to potential recruits.

There are those who are understandably concerned about maintaining the privacy of personal contact information. It is ironic, however, that student directory information is often shared by high schools with cap and gown companies, college recruiters, and private industry representatives, but denied to Armed Forces recruiters. We must take active steps to eliminate that sort of bias, whether intended or not, and reestablish an equal footing for our Armed Forces recruiters with other groups seeking to contact students. We must remember that recruiters represent the primary tool of not only the Department of Defense but

Congress, as well, in fulfilling our constitutional requirements to raise and maintain an army, the Armed Forces.

There is no doubt in my mind that the recruiting professionals in all branches of our Armed Forces are top-notch role models, fully capable of succeeding in their respective recruiting missions, but they need to have a supportive and conducive contact environment.

This bill will provide school officials of institutions currently restricting access to recruiters with additional incentive to improve or restore that access.

This bill will bring attention locally and nationally to the problems of access restriction to Armed Forces recruiters.

This bill sends a clear signal to DOD leaders and to the people of our country that we recognize the problem recruiters face in supporting the concept of our all-volunteer force.

This bill provides a reasonable and calculated approach to improving access with a phased escalation in the negative consequences for schools insisting upon perpetuating nonaccess policies. It is nonantagonistic, it is nonconfrontational, but it is firm.

This bill does not attempt to dictate local practices from Washington, as some may charge. This bill merely requires schools to provide—and I quote from the bill's language—

> . . . the same access to secondary school students, and to directory information concerning such students, as is provided generally to post-secondary educational institutions or to prospective employers of those students.

We are just simply saying: Make the playing field level. If you are going to deny access to Army recruiters, Air Force recruiters, Marine recruiters, Navy recruiters, then we expect the same denial would be applied across the board to private industry recruiters and to colleges and universities. If you are going to provide access to private industry and to colleges and universities, likewise, that access must be provided under this legislation to those seeking to recruit for our Armed Forces.

The size of our Armed Forces has decreased significantly over the past decade. The number of veterans is decreasing daily. Fewer and fewer young people today have a close relative or friend with military service experience. We have in the Congress a corporate responsibility to make an extra effort to invite young men and women to bring their talent into the service of their country and to take advantage of the outstanding educational and training benefits currently available. Few occupations offer the patriotic satisfaction of military service.

A healthy all-volunteer force does not just happen. When I asked recruiters appearing before a recent Personnel Subcommittee hearing what Congress could do to help them bring the best and brightest into today's military, of course they responded that educational benefits would help, they responded that health care benefits would help, they responded that improving housing would help. But equally important was their request for help in convincing parents and educators that enlisting their children and students was ''not the last choice'' but a first choice, and to help them gain access to students on school grounds and access to student directory information.

In response to the DOD request for assistance, I would like to respond in two ways:

First, by inviting all of my colleagues in the Senate, regardless of where they hail from, to join with me in pledging to visit one or more high schools in their home States this year and to promote military service as an attractive career opportunity while addressing students and facility members. This is one positive step we can all take to demonstrate our support for a healthy Armed Forces recruiting process.

Secondly, I urge my colleagues to support this bill, the Military Recruiter Access Enhancement Act of 2000, in an enthusiastic and bipartisan fashion. We want and need the brightest and the best to serve in our Armed Forces. I cannot help but think of the many outstanding citizens in all walks of life, indeed, including many of my esteemed colleagues right here in the Senate, who began their adult lives with service to our Nation in one of the branches of the Armed Services. We owe it to the recruiters of our services to do all we can to help them succeed in their tireless efforts to bring in quality men and women for the defense of our country.

Mr. President, I thank you for your indulgence and thank the Senator from Texas for her willingness to yield to me this time and for her tireless efforts on behalf of tax relief for the families in this country.

I yield the floor.

MARRIAGE TAX PENALTY RELIEF ACT OF 2000—Continued

The PRESIDING OFFICER. Who yields time?

The Senator from Indiana.

Mr. BAYH. Mr. President, I rise to speak on behalf of the Targeted Marriage Penalty Relief Act of 2000. I do so because I believe it affords us the best opportunity to deal with this problem in a way that will relieve this penalty from the vast majority of Americans.

Approximately 80 percent of the Americans who currently pay the marriage tax penalty would have their penalty eliminated entirely under our approach.

Secondly, I favor this approach because it allows us to deal with this problem in the most affordable manner, also giving us the freedom to address other important issues that have faced our great country. I support the Targeted Marriage Penalty Relief Act of 2000 because it strikes the right balance between fiscal responsibility and a socially progressive policy, which I think is best for our country.

I support relief of the marriage tax penalty for several important reasons. First, as a matter of basic justice. It is not right that two individuals should pay more in taxes simply because they are married. When our Tax Code falls into ridicule, compliance drops and the Government, as a whole, falls into disrepute. We should not allow this to happen. We can take an important step to preventing this from happening by dealing with the marriage penalty problem.

Secondly, I support marriage tax penalty relief as a matter of social policy. Marriages and families are the basic building blocks on which our society is built. Too many marriages today end in disillusion. Too many families today are fractured because of the strains they face, often financial strains. If we can take action to strengthen families and marriages, to provide a sound and secure environment in which children can be raised, it is better for our country in a whole host of important ways.

I support the marriage tax relief provisions I speak to today as a matter of economic policy. During prosperous times when we enjoy surplus, it is only right that we share some of that hard-earned benefit with those who have generated it in the first place: the taxpayers of our country.

All of this is not to say we can afford just any approach to resolving the marriage penalty situation. We have to get it right. We have to do it in a way that is affordable and balanced with the other needs our country faces. This cannot be said of all the approaches currently before this body. Some of the approaches are poorly targeted, more than we can afford and, in fact, do not deserve the title of marriage tax penalty relief at all.

I admire the work done by the Democrats on the Senate Finance Committee; in particular, the leadership of the ranking member, Senator MOYNIHAN, and Senator BAUCUS. Their approach is truly targeted to ending the marriage tax penalty problem. It is intellectually elegant, and I appreciate the work they have done in this regard. We have several practical issues we are working through, but their approach truly deserves the title ''marriage tax penalty relief.''

The same cannot be said of the approach taken by the majority. Their approach claims to be a marriage tax penalty reduction bill but, as has been alluded to by several other speakers, more than half of the benefits go to

those who do not have a marriage tax penalty at all. Many things can be said about this proposal. Calling it a marriage tax penalty bill is not one of them.

Secondly, it is too slow. It is phased in over a 7-year period. Why should we wait so long to give this important relief to the taxpayers of America? If it is truly a pressing problem, surely we can afford to act much sooner than that.

Third, it is regressive in nature. More than half of the benefits under the approach taken by the majority go to those earning more than $100,000 a year.

I have no trouble with the wealthy in our society. In fact, I wish we had more wealthy in the United States of America. But at a time when we have to make difficult decisions and allocate scarce resources among competing priorities, I think relief of the marriage tax penalty needs to be more squarely focused upon the middle class, an approach not taken by the majority.

Finally, and most significant of all, is the issue of affordability. The approach taken by the majority would use fully $248 billion over the next 10 years to solve this problem, severely limiting our ability to deal with other pressing matters that face our country.

If you care about a drug benefit for Medicare, not only is the majority position silent about your concerns, it in fact limits our ability to do something about your concerns. If you care about making college more affordable by including a college tax deduction or credit to lower the cost of college, not only does the majority position do nothing to address your concerns, in fact it makes addressing your concerns and reducing the burden of the college expense on working families more difficult to accomplish. If you care about caring for the elderly, a sick parent or grandparent, not only is the majority approach silent about your concerns, it in fact makes it more difficult to deal with this important and pressing matter. If you care about debt relief or about education reform, not only is the majority position silent about your concerns, it in fact makes it more difficult to consider.

Fortunately, there is another alternative, one that is targeted, one that is immediate, one that is progressive, and one that is affordable. The approach I speak to today, as the approach taken by the Democrats in the Senate Finance Committee, is a true marriage tax penalty relief bill. No one who does not currently pay a marriage tax penalty will be eligible for a tax cut under this provision. It helps those who have the problem get relief, which is the way it should be.

Secondly, the relief is immediate. In the first year of this approach, fully 51 percent of Americans who pay a marriage tax penalty will have their marriage tax penalty eliminated entirely. After 4 years, when this approach is fully implemented, more than 80 percent of the American people, everyone making under $120,000 a year, will have their marriage tax penalty fully eliminated—100-percent elimination of the marriage tax penalty for everyone making $120,000 a year in just 4 years, not the 7 proposed by the majority.

Third, this approach is progressive. Everyone making under $120,000 will have the marriage tax penalty eliminated, and the majority, more than half, of the benefits go to those making between $50- and $100,000 a year. Working families, the middle class, those who are struggling most can make ends meet.

Finally, on the issue of affordability, while the majority proposes $248 billion over 10 years to deal with this problem, our approach would take only $90 billion—more than 80 percent of the problem eliminated at only a fraction of the cost—thereby freeing up billions and billions of dollars to deal with other pressing matters that face our society.

Let me put this in perspective: the difference in cost of the majority's position versus our position is $158 billion over 10 years. The difference in cost would completely fund a Medicare drug benefit proposed by the President of the United States for every senior citizen across our country qualifying for Medicare, helping to lower the cost of prescription drugs. Even if you don't adopt the President's approach to a Medicare drug benefit and instead adopt the less costly provisions proposed by the majority—let's take the Republican drug benefit, costing around $70 billion over the next 10 years—you would still have the ability to fully fund that and, in addition, adopt a $10,000 tax deduction for people with children in college, allowing them to write off the first $10,000 of college tuition.

In addition, you would allow a $3,000 credit for senior citizens who are being cared for by their children or grandchildren, lowering the cost of long-term care for the elderly in our society. You would allow for the $30 billion of education reform proposed by Senator GRAHAM on the floor of the Senate just last year.

Let me briefly review the affordability provisions. On the one hand, you have a so-called marriage tax penalty relief bill that costs $248 billion over 10 years, the majority of which goes to people who, in fact, don't pay the marriage tax penalty, or you can eliminate 80 percent of the marriage tax penalty, eliminate it entirely for everyone making under $120,000 and, in addition to that, fully fund the Medicare drug benefit proposed by the majority, and fully fund the college tuition deduction proposed by Senator SCHUMER, and fully fund the long-term elderly care credit proposed by myself and others, and fully fund the money for education reform proposed by Senator GRAHAM.

The choice is clear: a marriage tax proposal on the one hand that goes to largely benefit those who don't pay the marriage tax penalty or a marriage penalty relief proposal that eliminates the vast majority of that problem and adds a Medicare drug proposal and makes college more affordable and provides for long-term care for the elderly and invests funds in the quality of education. I believe the choice is clear.

I thank my colleagues for their indulgence and, again, commend the Senate Finance Committee Democrats for their dedication to this issue and the hard work they have devoted to it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, this is a very important debate. I hope we are going to be able to move to pass this bill before people have to write their checks during the weekend deadline for income taxes this year.

Right now, there are negotiations underway between the Republicans and the Democrats about what kind of amendments should be offered. I very much hope that the Democrats will agree to offer some relevant amendments because I think there are surely legitimate disagreements about how we would give marriage tax penalty relief. But I also hope we will not have extraneous amendments offered, no matter how good the cause, which would take away from what President Clinton asked us to do, and that is to send him a marriage tax penalty bill that does not include extraneous legislation. That is what we are attempting to do.

So I hope we can move forward into the amendment phase and talk about our differences. I think the distinguished Senator from Indiana wants tax relief for hard-working married couples. I think we may have a few differences, but in the end I suspect that he and I will both vote for the bill that is passed out of this Senate; that is, if we can get to the vote. That is what I hope we can do.

I think we need to be very careful in the debate, though, about accuracy and what the different proposals are going to do. I heard a Senator earlier today in debate say that this bill on the floor will break the Treasury. I think the distinguished Senator from California, Mrs. BOXER, perhaps didn't look at the numbers and didn't match it to the budget resolution because, clearly, this not only doesn't break the Treasury, it doesn't even spend half of the allocation in the budget we passed last week for tax relief. In fact, it is $69 billion over 5 years, and the budget we passed last week is $150 billion over 5 years. So this is not even half.

We do hope to give tax relief to other people in our country. We want to

eliminate the marriage tax penalty. We want to let seniors work if they are between 65 and 70 and not be penalized for it, and that bill has already been passed. We want small business tax cuts to make it easier for our small businesses to create the jobs that keep our economy thriving. We would like to give education tax cuts. Under the leadership of Senator COVERDELL, we passed education tax cuts that would help people give their children the education enhancements that would increase their education quality. All of these things fit within the $150 billion tax relief in the budget that we passed last week.

I think this is quite responsible and I think it is long overdue. We are talking about a tax correction as much as anything, because it is outrageous to talk about people who are single, working; they get married and they don't get salary increases, but all of a sudden they owe $1,000 more in taxes. It is time to correct this inequity. That is exactly what the bill before us does. It corrects the inequity all the way through the 28-percent tax bracket. It helps people all the way through those income brackets.

Mr. President, I ask my distinguished colleague from Alabama if he would like to speak. I don't know if others are waiting to speak, but he was waiting earlier. I am happy to yield to him at this time because he has been a leader in this effort.

How much time does the Senator need?

Mr. SESSIONS. Ten minutes would be fine.

Mrs. HUTCHISON. I will stop my remarks and yield to Senator SESSIONS for 10 minutes from our time.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. I thank the Senator from Texas for her stalwart leadership in this bill. The President of the United States said in his State of the Union Message that the marriage tax penalty should be eliminated. Polling data shows that the overwhelming number of American citizens believe it should be eliminated. I had a meeting and a press conference with a number of families in Alabama on Monday, and we sat down and talked with them about the struggles they have. One couple had eight children. They are paying additional taxes because they are married. Another couple had just gotten married and had a young child, and they are paying more because they are married. Those are the kinds of things that are unexplainable to the American people. They are unjustifiable in logic, fairness, and justice. On a fundamental basis, the marriage tax penalty is an unfair and unjust tax. It is not that we are doing a tax reduction so much as we are eliminating a basic unfairness.

As I have said before, the challenge we are facing today is to create, as Members of this Senate, public policy that improves us as a people, that helps us to be better citizens. On every bill that comes through, every piece of legislation that we consider, we need to ask ourselves: Will this make us better or improve us as a nation? When we have legislation and laws in force that give a bonus to people to divorce, we have something wrong.

I have a friend who went through an unfortunate divorce. They got that divorce in January. I was told: Jeff, had we known about it and thought about it at the time, we could have gotten the divorce in December and we would have saved another $1,600 on our tax bill.

The Federal Government is paying a bonus to people who divorce. In effect, that is what our public policy does. If they are married, they are paying a penalty. It is $1,600, according to CBO, for an average family who pays this penalty, and $1,400, according to the Treasury Department, President Clinton's own Treasury Department, that says the families who pay this penalty pay an average of almost $100 per month. That is a lot of money. That is tax-free money that they could utilize to fix their automobile, get a set of tires, go to the doctor, take the kids to a ball game, or buy them a coke after a game, or go to a movie, and do the kinds of things families ought to do.

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

Mr. SESSIONS. Yes.

Mr. BAUCUS. I ask the Senator, is the so-called marriage tax penalty a consequence of getting married or is it a consequence of getting married and the proportion of incomes each spouse earns? I might ask the question differently. How many people in America—if the Senator knows, and he may—get a bonus under our tax laws, not a penalty? What percentage of American taxpayers today receive a bonus as opposed to a penalty?

Mr. SESSIONS. I am not sure about any bonus factor.

Mr. BAUCUS. That is because when they get married, they pay less taxes.

Mr. SESSIONS. Well, 21 million, I believe, pay more taxes.

Mr. BAUCUS. I ask the Senator, are there some people getting married and, as a consequence, pay less taxes?

Mr. SESSIONS. That is perhaps so.

Mr. BAUCUS. It is so.

Mr. SESSIONS. It is a factor, as the Senator indicated, relative to the income that each person earns.

Mr. BAUCUS. What we are trying to do is find a solution that solves the problem of the disparity in what each spouse makes, which might then cause the penalty. For example, we all know when you have a married couple and one spouse receives more income than the other—considerably more—the joint tax is going to be less than if they are filing separately. We all know that. That is mathematically a given. The consequence, though, of a married man and woman who earn roughly the same amount is that couple pays more in taxes than they would pay if they were separate.

So what we are trying to do is solve the problem—if the Senator would agree with me—and to make sure that when a man and woman get married, we address the problem created when the two people have somewhat similar incomes, which then creates the penalty. So some who are married pay a penalty and some get a bonus. Aren't we only trying to solve the penalty problem for those couples who find themselves in a penalty position?

Mr. SESSIONS. I will just say this. The Senator is correct in saying this legislation deals with the penalty provision and does not attempt to increase taxes on married couples, to try to reach some sort of ideal level.

It is designed to provide relief from the penalty that occurs.

Does the Senator propose that we increase the taxes on those who may be paying less because they are married?

Mr. BAUCUS. If we are trying to solve the so-called marriage penalty problem, then we should try to solve the so-called marriage tax penalty problem.

Mr. SESSIONS. We are solving the marriage tax penalty problem. You may be complaining about the bonus some might get.

Mr. BAUCUS. If I could answer the question, on the other hand, if we want to do something else in addition to solving the marriage tax penalty problem, that is a different debate, and we should try to figure out how best to do that. As it is today, there are 25 million Americans who find themselves in the penalty position when they get married. But there are 21 million Americans who find themselves in a bonus situation when they get married. It is about 50–50. It makes sense, I think, to try to give relief to those in the penalty situation.

I am not sure if those who are already in the bonus situation need more relief, as contained in the Finance Committee bill, the majority bill.

I was asking the Senator why we are doing that. Why are we doing more than fixing the penalty?

Mr. SESSIONS. I think it would be a matter of some discussion if the Senator would like to have some hearings in the Finance Committee on whether or not these bonuses occur. I don't think they are as substantial as the penalties may be. They are not. But, at any rate, if the Senator wants to have hearings on whether they ought to be raised, then I think that is something that is worthy of evaluation.

Mr. BAUCUS. This Senator is not advocating any increase in taxes; no way at all. I want to make that clear. I know the Senator didn't mean to imply

that I was thinking of raising taxes because I am not.

Mr. SESSIONS. We have a problem when two people are working and they are making $30,000 a year—just two, a man and woman. They fall in love. They get married. At $30,000 a year each, they end up paying about $800 more a year, which is $60 or $80 a month in extra tax simply for getting married. I want to eliminate that. If somebody wants to deal with the other problem, they can.

Frankly, I am beginning to observe there is a feeling on the other side that this bill needs to go away, that people are not willing to confront it directly. I hope that is not so. I hope we can see this legislation go forward.

Mr. BAUCUS. If I might ask the Senator one more question, is it better to try to find some way to pay down the national debt at the same time we are fixing the marriage tax penalty problem?

The Senator gave a hypothetical of a man and woman each earning $30,000. They get married and have to pay more taxes. That is not right. I totally agree that is not right. That ought to be fixed. Somebody who pays more income taxes as a consequence of getting married should not be facing that situation, and we should, in the Congress, figure out a way—as various proposals do—so a couple does not have to pay any more income taxes as a consequence of getting married. I agree with the Senator. That is not right.

Mr. SESSIONS. That is exactly all it does. Does the Senator disagree? This bill eliminates the penalty. That is what it intends to do. That is what the President says he supports. That is what the Senator from Montana says he supports. That is it.

I have the floor. I will yield for a question.

The PRESIDING OFFICER (Mr. FITZGERALD). The 10 minutes yielded to the Senator from Alabama have expired.

Mr. BAUCUS. Mr. President, I yield the Senator 5 minutes so we can continue this discussion.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I would be glad to hear the Senator's question on the point.

Mr. BAUCUS. The question I am asking is this: More than half of the Finance Committee bill does not address the marriage tax penalty problem. More than half goes to married couples who have no marriage penalty problem but who are already in a bonus situation.

I am asking the Senator: Most Americans would rather have the national debt paid down. Doesn't it make more sense for us to address the marriage tax penalty problem directly and to take the rest and help pay down the national debt?

Mr. SESSIONS. We are paying down the national debt in record amounts. As the Senator knows, we are down $175 billion this year. That will continue. The tax reduction that would be affected by this bill represents only, let us say, a small fraction of the total surplus we will be looking at in the next number of years.

If these so-called bonuses that the Senator refers to are primarily given to the one-income earner couple where a mother stays home and is not working, they receive some benefit from that. I think the bonus is not sufficient to make up for the fact that one of them stays at home.

Also, one of the most pernicious parts of this bill—the Senator from Texas has talked about this previously—is that we are attempting in America today to break through the glass ceiling to have women move forward and achieve equal income in America. That is happening to a record degree. But under the present Tax Code, the more equal the marriage partners are in income, the more tax penalty falls on them. In a way, as a practical matter, it seems to fall against working women in a way that you would not expect it to, and it is something we would not want to see happen.

We have unanimous agreement that the marriage tax penalty is a matter that ought not to continue. This legislation deals directly and squarely with that. It doubles the standard deduction. It doubles the brackets for married couples, which is the simplest and best way to achieve that. It will give hard-earned relief to married couples.

We had the spectacle reported of the witness who testified in the House committee that each year he and his wife would divorce before the end of the year, file separately, get the lower tax rate, and then remarry at the beginning of the next year.

We ought not to have tax policies that would make somebody feel as if they could get ahead of the system and save money for their family by divorcing every year. It is the kind of thing that is not healthy.

I appreciate the fact we are finally moving. I hope in a bipartisan way to see this bill become law.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, these are very interesting discussions. I think that for a long, long period of time people at the grassroots of America have understood there should not be a policy that hurts people who join in bonds of matrimony. Everybody realizes that the strength and foundation of our society is the family. The husband and wife are the strength of our society and the foundation of our society.

We have legislation before us that finally will end the penalty against people who marry and get hit with a higher level of taxation rather than two people who aren't married and filing separately making the same amount of income.

Basically, we are talking about the issue of fairness—in this case, fairness within the Tax Code; economic fairness for people who are married.

For about 30 years, our Tax Code has been penalizing people just because they happen to be married.

This is, of course, a perfect example of how broken our Tax Code is, and perhaps is an example that can be given with many other examples of why there ought to be a broader look at greater reform and simplification of the Tax Code. That debate is for another day. Even though 70 percent of the people in this country feel the Tax Code is broken and ought to be thrown out, there is not a consensus among the American people whether a flat rate income tax, which about 30 percent of the people say we ought to have, or a national sales tax, which about 20 percent of the people say we ought to have, should take the place of the present Tax Code.

I use those two percentages to show there is not much of a consensus of what should take its place and therefore probably not enough movement being reflected in the Congress for an alternative to the present Tax Code. Therefore, we find ourselves refining the Tax Code within our ability to do it—a little bit here and a little bit there.

One of the most outstanding examples of something wrong with our Tax Code is that people pay a marriage penalty, pay a higher rate of taxation because they are married as opposed to two individuals filing separately. As with the earnings limitation that discriminated against older Americans, a bill was recently signed by the President of the United States. This unfair marriage penalty needs to be dumped, as well.

I applaud my side of the aisle because it took a Republican-led Congress to repeal the Social Security earnings limit, but the President of the United States was very happy to sign that Republican-led effort. To be fair to the other side, it eventually did pass unanimously. It is the same Republican-led Congress that is taking the lead in repealing the marriage penalty tax.

I listened to a number of comments from the minority side yesterday. I came away with the conclusion they want the American people to believe that the other side of the aisle is for getting rid of the marriage penalty tax. Of course, the minority party had control of the Congress for decades and never once tried to repeal it. Even more interesting, I am afraid we could be victims of the old bait-and-switch routine. For instance, as this bill was being considered in the Senate Finance

Committee, an amendment was offered by the minority to delay any marriage penalty relief until we fixed Social Security and Medicare. That is a ''manana'' type of amendment, meaning if we wait to do these other things tomorrow before we have a tax cut, we are never going to have a tax cut.

We may see that amendment again on the floor of the Senate. Remember, in committee, all of the Democrats voted for delay until Social Security or Medicare was fixed, and all the Republicans voted to fix the marriage penalty tax now. We all know neither the administration nor the Democratic side have comprehensive proposals to fix Social Security and Medicare. I have to admit, I am participating with two or three Democrats on a bipartisan effort to fix Social Security, but the administration has refused to endorse that bipartisan effort. There are also bipartisan efforts in the Senate to fix Medicare, but the White House has not endorsed those bipartisan efforts.

Saying that Social Security and Medicare ought to be fixed before we give some tax relief, and particularly tax relief through the marriage penalty tax, is like saying you don't want a tax cut. I am sorry to say at this late stage of this Congress, I don't think we will see from the Clinton-Gore administration any efforts to fix these problems this year in a comprehensive way. When they say we ought to fix Social Security or Medicare first, it is a manana approach—put it off until later; that day will surely never come if we follow that scenario.

The national leadership of the unions in America, the AFL–CIO leadership, put out their marching orders in a legislative alert making these very same arguments that I am sure is only coincidental. They urge that the marriage penalty relief should be delayed until these other problems—presumably Social Security and Medicare—are solved.

My friends on the other side of the aisle say they are for marriage penalty relief but only some time in the unknown future. That is, in fact, Washington, DC, doubletalk that continues to make the American people more cynical about whether Congress is ever determined and willing and committed to deliver keeping our promises. Delaying this tax relief means no tax relief at all. I hope taxpayers across the country will let their Senators know they have had enough of this doubletalk and that they will demand real action now, and sooner or later we will get this bill brought to a final vote.

Another misguided argument used yesterday is that under the majority bill married couples get a tax cut but single mothers with kids wouldn't get one. This is a complicated aspect of the bill, but the argument is not correct. Senators making these arguments repeated it, bringing emphasis to it, as if something new has been discovered, that some kind of smoking gun had been discovered. Unfortunately, for those Members' arguments, the statements are inaccurate. An important part of our bill repeals the alternative minimum tax for over 10 million people. Many helped in that provision will be single mothers.

There is something much more interesting about this argument; that is, the alternative that presumably will be offered by the other side of the aisle is the bill that flatout, without question, doesn't help single mothers at all. But that isn't even the most important point.

That important point is, if a single mother chooses to eventually get married—and since marriage is the foundation of our society, I think we all agree that this is a good move, both for the mother and the children—then, under our bill, she will not be penalized for being married. There will not be a higher rate of taxation just because that single mother gets married. Under current law, if she continues to work after being married, the Government is going to slap her and her husband with a big tax increase. It is that sort of very bad situation our bill will eliminate.

In addition, it is important to note the alternative, from our friends on the other side of the aisle, discriminates against stay-at-home moms. Why should we have proposals before us indicating, if you decide you want to stay at home and raise your kids, spend full time doing it—probably the most important economic contribution you can make to American society, and you are not going to get paid for it, but it is a great contribution to American society. It might not be much of an economic contribution to the family because there is no income going to come as a result of it, but it is good for American society for kids to have parents who are able to be at home with them.

So if you decide to stay at home with the kids, you are going to be discriminated against under the alternative from the Democrat side of the aisle.

That proposal only helps two-earner couples. It not only doesn't help those single mothers over whom the other side of the aisle cries crocodile tears frequently, it hurts those families where one parent decides to stay at home with the children. I hope all of you stay-at-home parents out there listening understand what the Democratic alternative would do to your families.

It seems to me we should be helping people get married, encouraging marriage—it is the solid foundation of our society —not penalizing them for doing it. So, I hope we can get this bill to discussion without cloture. Obviously, there is a legitimacy for amendments from the other side of the aisle. There is even probably legitimacy for amendments from our side of the aisle. There ought to be agreement to those amendments.

It is really time for the gridlock to be over, to move to this bill, to get to a final vote. Now is the time to pass this very important reform, and I urge the Members of this body to come together on amendments, on limitations on discussions, and do what is right by passing this legislation.

Before I yield the floor, if I could do something for the leader: I ask unanimous consent the debate only continue on the marriage tax penalty until 5 p.m. today, with the time equally divided, and the majority leader recognized at the hour of 5.

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

Mr. GRASSLEY. I yield the floor.

Mr. BAUCUS. Mr. President, I yield myself such time as I consume.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I think it is important to lay things out as to what this issue is and what it is not. There is a lot of talk that this is a marriage tax penalty. There is even an implication by some that there is something put in the Tax Code to penalize couples because they are married; that is, they have to pay more taxes. Of course that is not true. A little history, I think, is instructive as to why we are here and what perhaps some solutions might be.

When the income tax was enacted, the Congress treated individuals as the unit of taxation, whether or not one was married. If somebody made a certain amount of money, he or she paid income taxes. If he or she got married, he or she was subject to the same rates, the same schedule. The individual was treated as the unit.

That was the case for a while. But many States in our Nation are community property States. They have different laws which determine to what income a man or woman in married status is entitled. In community property States, the rule is any income earned by a spouse is automatically community property and therefore is equally divisible. As a consequence, in community property States, each, the man and wife, would combine their incomes and file separately. That was upheld by the courts. That created a big discrepancy between community property States and common law States.

In common law States, an individual still had to pay the individual rates, whether or not he or she got married, which was just not fair. So Congress in 1948 changed the law to make it fair. What did Congress do? Congress in 1948 said: OK, we are going to double the deductions for married couples as opposed to singles, so when you get married, you do not pay any more taxes

than you would pay if you were single. That was the rule of thumb. The brackets for the married were doubled, and the deductions were doubled.

That created another inequity. In this area of tax law, when you push down the balloon someplace, it pops up someplace else. The inequity created was the inequity for individual taxpayers because individual taxpayers say: Wait a minute, here I am as an individual taxpayer. I am paying up to 42 percent more in income taxes on the same income that a married couple earns. If the married couple earns $100,000, hypothetically, my taxes as a single individual earning $100,000 are up to 42 percent more than the couple's. That is not right.

Congress in 1969 agreed that was not right, so Congress went in the other direction. In 1969, Congress said: We are going to raise it, widen the brackets, adjust the brackets for individuals so they are a little more in line with those for people who are married.

The rule of thumb was a tax paid by an individual could not be more than 60 percent more than the taxes paid by a married couple. That was fine for a while. Then over the years we have a lot more couples where both members of the family are earning more income.

This is a long way of saying when we make some change in the law here, it is going to cause some inequity someplace else. It is a mathematical truth that we cannot have marriage neutrality and progressive rates and have all married couples with the same total income pay the same taxes. It is a mathematical impossibility to accomplish all three objectives. It cannot be done. So we have to make choices. The choices are whether to tilt a little more in one direction or the other. The bill before the Congress now is a good-faith, honest effort to try to solve that problem.

There are different points of view. The bill passed out by the Finance Committee attempts to solve that problem one way. The provision offered by Senator MOYNIHAN, the ranking member of the Finance Committee, had a different approach to solve that problem. Let me very briefly lay it out so people have a sense of what the two different approaches are to solve the marriage tax penalty problem.

Recognizing that today, to be honest about it, more married couples receive a bonus when they get married, not a penalty—or, to state it differently: More people, men and women, when they get married today, will receive a bonus; that is, they will pay less taxes as a consequence of getting married than they would individually.

It is true that about half of the people who get married end up paying more taxes, and that is called the marriage tax penalty. It is a consequence of the progressive nature of our Tax Code, along with a desire to be fair to widows and widowers and other single taxpayers, and to be fair to married taxpayers, making sure that some married taxpayers, who have the same income as other married taxpayers, do not pay more. It is a very hard thing to do.

The majority bill tries to solve it this way: It raises the standard deduction. It raises the 15-percent and 28-percent brackets. It changes the earned-income tax credit for lower income people. It makes no other change. It is pretty complicated.

As a consequence, some people who are married and pay a marriage tax penalty will receive relief but not all will. This is a very important point. The majority committee bill addresses only 3 of the 65 provisions in the code which cause the marriage tax penalty. That is standard deduction and the two brackets. That is all.

The chart behind me shows the situation. On the left is current law. There are 65 provisions in the Tax Code today which cause a marriage tax penalty. The GOP proposal, which is the column in the middle of the chart, addresses only 3, leaving 62 provisions in the code which cause a marriage tax penalty.

What is one of the biggest? Social Security, and it is a big one, too. It costs about $60 billion to fix. The majority committee bill says: No, we are not going to help you seniors. If two of you get married, you have to pay more taxes. You have a marriage tax penalty; we are not going to help you. The majority committee bill does not deal with seniors at all.

There are a lot of senior citizens in our country who are not going to find any relief as a consequence of the majority bill. There are 61 other provisions in the code on which the majority committee bill will not give people relief.

The bill offered by Senator MOYNIHAN, the ranking member of the Finance Committee, is very simple. It says to taxpayers: OK, you have a choice. You, as a married couple, can file jointly or you can file separately. That is your choice. You run the calculation, and whatever comes out lower is presumably the one you are going to make.

What is the beauty about that? Why is that better? It is better because it is simple. The majority bill further complicates the code, and the code is complicated enough. The majority bill adds more complications by trying to deal with changing the deductions, phase-ins, and so forth. There are a lot more complications.

The minority provision is very simple. It says: You choose. It does not add more complications. In addition, it addresses all 65 of the marriage tax penalty provisions in the code today. There are many of them. I mentioned one such as Social Security. That is one the majority bill does not address.

Other are like interest deduction of student loans. Many students have loans, and as a consequence of current law, when you get married, sometimes you pay more taxes. The majority committee bill does not do anything about that. The majority committee bill does not address that. It only deals with 3 provisions—the standard deduction and two brackets, 15- and 28-percent brackets. Those three provisions sometimes cause a marriage tax penalty.

The minority bill takes care of all the penalty provisions in the code. Look at the chart again. The zero under the Democratic proposal means there are zero marriage tax penalties as a result of the Democratic proposal. The GOP proposal has 62 remaining marriage tax penalties.

I am curious as to why they did not address those. I may ask some Members on that side as to why they did not address some of them. A lot of folks are going to wonder, senior citizens are going to wonder, somebody who takes an IRA deduction is going to wonder, someone who takes a Roth IRA deduction is going to wonder: Gee, why don't they take care of marriage tax penalties that affect me? I do not know. Maybe sometime the majority can answer why they do not address those other marriage tax penalties.

There are other inequities, but I am not going to get into all of them right now. We will get into them at a later date.

It is important to point out that there are two attempts to solve the marriage tax penalty problem: The majority committee bill only deals with three of the provisions in the Tax Code which cause a marriage tax penalty. The minority bill deals with all of them. There is no provision left as a consequence of the minority bill.

In addition, the minority bill is much simpler; one only has to choose, whereas in the majority committee bill, my gosh, one cannot choose; they are forced into a situation, and they are not part of the solution. They have to deal with extra complexities. It does not solve the problem.

I yield the floor and reserve the remainder of the time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I know the Senator from Kansas wants to speak, but if I can take a couple minutes to respond to some things the Senator from Montana stated, I think I should do that.

I yield to the Senator from Kansas such time as he might consume. I should wait until the Senator from Montana is on the floor before I give my response to him. I yield Senator BROWNBACK such time as he consumes.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I thank my colleague from Iowa, Mr.

GRASSLEY, for his leadership on this issue and for yielding me time to speak on this bill.

I, too, want to comment on the Marriage Penalty Act and the marriage tax penalty elimination, and some of the comments of the Senator from Montana. I wish he was still on the floor.

He says we have differences of opinion: The Democrats have a marriage tax penalty bill; the Republicans have one. He thinks theirs is better. Great. Let's have a debate on those two. Let's vote. I do not know when we have had as much clarity of differences between a Democratic bill and a Republican bill, where both parties have said we want to pass a bill on any issue this year, than the bill we have before us.

I am pleading with the members of the Democratic Party: Let's have a vote. Let's have a great debate. We will debate your bill for 2 hours, ours for 2 hours, vote on both of these, and let's get this moving forward.

If they want to pass a marriage tax penalty elimination bill, we have the time; we have the place; we have the floor; we can have this vote now. If they do not want to, and really all this is about is: Well, we do, but we are going to block this with eight or nine irrelevant amendments; we are really not that interested in doing this, then that should be said as well. They should be out here saying, no, this really isn't a high priority for the Democratic Party to pass, rather than saying, OK, we have a bill, you have a bill, and let's vote.

It is time we vote up or down, and we have the time before we go into a recess.

The other thing I would like to point out is the President sent us his budget for the fiscal year 2001. I have a copy of the budget the President submitted to us. In his budget, he inserted his support for eliminating the marriage tax penalty. In the President's budget, on the EITC, on page 57, entitled, ''Supporting Working Families,'' he says at the bottom of this page:

> In this budget, the President builds upon these policies that are central to his agenda of work, responsibility, and family.

He says:

> The budget expands the EITC to provide marriage penalty relief to two earner couples . . . .

That is what our bill does. We have a chance to get that particular provision that he is calling for in the budget to the President.

Going back now in his budget to the tables of his proposals and his 10-year estimates on it—this is on page 409—he provides for, and it states:

> Provide marriage penalty relief and increase standard deduction.

He does a much smaller one than we have put forward. I think he also even has a smaller one than Senator MOYNIHAN's proposal that came forward in the Finance Committee. But the President has said all along: Let's eliminate the marriage tax penalty. Let's do this.

It is in his budget.

He has asked us not to send him these gargantuan bills that have 20 different items in them. He asked us to send him one like we did on the Social Security earnings limit test. We passed that bill and sent it to the President. He signed it into law. He appreciated being able to have that degree of clarity and that degree of focus on a particular issue.

We have another one. We are having the debate on it. It is the time and the place for us to consider and vote on this now. We need to consider the proposals that the other party has, and to consider our proposals. Let's move this topic forward.

The President has said he wants it. I hope the President gets involved in this debate and urges the Senate and my colleagues on the other side of the aisle to vote on this issue and to get it to him—if he wants it. He said he did in his budget. If he truly wants this marriage tax penalty relief, let's have a vote, and let's get it to the President. We can do this now.

I am fearful. What I am sensing is that we are just getting a lot of delay tactics and no real interest in passing the marriage penalty tax relief. Clearly, there is not an interest to pass it before April 15.

People have the right to do those sorts of tactics, if they want to. But I do not think they should hide and say they just have a different bill, when the true desire here is to not have any bill go through at all.

This affects a lot of people. We have been over and over this lots of times. It affects 25 million Americans. In Kansas, 259,000-plus people are affected by this marriage tax penalty that we have in place. The Senator from Montana has 89,000 people who are affected.

I am looking forward to the chance and the time when we get to actually vote on these issues. Frankly, I think we have had enough discussion about the Democratic proposal and the Republican proposal. We know what is in these proposals now. We know the costs of these proposals. We are ready to pass this. It is time to vote. I really do not understand too much what is holding this up from moving forward.

My colleagues and I have had a number of people contacting our offices saying that this is a penalty they want to see done away with.

They have contacted us numerous times. I have worked with the Members of the House of Representatives who have passed this bill already. They have sent to me letters from a number of people from across the country with their specific examples of how they are penalized by the marriage tax penalty.

This is a letter from Steve in Smyrna, TN. He says:

> My wife and I got married on January 1, 1997. We were going to have a Christmas wedding last year, but after talking to my accountant we saw that instead of both of us getting money back on our taxes, we were going to have to pay in. So we postponed it. Now, for getting married, we have to have more taken out of our checks to just break even and not get a refund. We got penalized for getting married.

Then he concludes:

> And that just isn't right.

I agree. I presume the Senator from Montana agrees. I presume most of the people on the other side of the aisle agree as well. Let's vote then and get a proposal out of here so we can actually deal with this.

Here is one from Wayne in Dayton, OH:

> Penalizing for marriage flies in the face of common sense. This is a classic example of government policy not supporting that which it wishes to promote. In our particular situation, my girl friend and I would incur an annual penalty of $2,000 or approximately $167 per month. Though not huge, this is enough to pay our monthly phone, cable, water, and home insurance bills combined.

I think that is pretty huge when you are talking about that size of a marriage penalty.

This one is from Marietta, GA. Bobby and Susan wrote this one:

> We always file as married filing separately because that saves us about $500 a year over filing married, filing jointly. When we figured our 1996 tax return, just out of curiosity, we figured what our tax would be if we were just living together instead of married. Imagine our disgust when we discovered that, if we just lived together instead of being married, we would have saved an additional $1,000. So much for the much vaunted ''family values'' of our government. Our government is sending a very bad message to young adults by penalizing marriage this way.

This is from Thomas in Hilliard, OH.

> No person who legitimately supports family values could be against this bill. The marriage penalty is but another example of how in the past 40 years the federal government has enacted policies that have broken down the fundamental institutions that were the strength of this country from the start.

This one is from David in Guilford, IN:

> This is one of the most unfair laws that is on the books. I have been married for more than 23 years and would really like to see this injustice changed so my sons will not have to face this additional tax. Please keep up the great work.

He goes on.

We have a number of different letters. I do not think it really bears going into much longer because what I hear everybody saying is: We are for eliminating the marriage tax penalty. The American public is for doing that. It is the time to do that. We now just have procedural roadblocks to getting it done.

That is the bottom line of where we are today. We could vote on this today. We could vote on the Democratic alternative. We could vote on the Republican alternative. We could have up-or-down votes on this today and get this

through this body, get it to conference, and on down to the President, and see if he really meant it when he said in his budget that he wanted to do this, the EITC, the marriage tax penalty elimination, to see if he really wants to eliminate the marriage tax penalty. We could see if the President really meant that.

I invite the President to get involved in this debate so we can pass this through.

I have worked with the administration on a number of bills. I would hope they would start engaging us here saying: Yes, we want to do this and pass this on through.

Let's not stall it. Let's get this thing moving forward so we can send this message out across the country.

With that, Mr. President, I see several other Members on the floor. It is time to get this moving forward.

I just call on my colleagues on the other side of the aisle and say let's not play on this thing. Let's say we are going to pass it. Let's take the votes, and let's move forward.

I yield back to my colleague from Iowa.

Mr. President, if I have a minute or 2 more—I don't want to take up the time from my colleague of Iowa.

Mr. GRASSLEY. I thought the Senator yielded the floor.

I would like to speak now if the Senator has yielded the floor.

Mr. BROWNBACK. I yield the floor.

Mr. GRASSLEY. I yield myself 5 minutes.

First of all, I think there is a very general proposition about the Tax Code. I want to relate it to the philosophy of higher taxation on the part of the Democratic Party members; and that is, that the higher the marginal tax rate, the worse the marriage tax penalty is.

We have in 1990 the drive for increasing taxes by Senator Mitchell when he was majority leader. That increased marginal tax rates at that particular time. Then we have had the highest tax increase in the history of the country, which was the one that was passed within 7 months after the Clinton administration was sworn in in 1993, in which we still had two higher brackets put into the Tax Code.

Remember, that tax increase passed with 49 Democrats for it, and all Republicans and a few Democrats against it. It passed by Vice President GORE breaking the tie. Remember that we have a much worse tax penalty now than we did under the tax policies of the 1980s, when we had two brackets, 15 and 28 percent. The extent to which the marriage tax penalty is worse now than before is a direct result of higher marginal tax rates promoted by the other side of the aisle.

I also have to make a point in reference to what the Senator from Montana said today, as well as what he had said yesterday; that is, his accusation that the tax bill that reduces the marriage tax penalty before us is further evidence of the majority party trying to benefit higher income people. The Senator should be aware that his Democrat alternative actually benefits more higher income people than the bill that is before us by the Republican Party. I hope he will take a look at the distribution tables that show his bill helps more higher income people than the bill we are trying to get passed.

We have also heard arguments that this legislation does not end the marriage tax penalty in every way. This legislation ends the marriage tax penalty in the standard deduction and the 15- and 28-percent rate brackets and reduces it for virtually every family that suffers from the marriage tax penalty. This is the largest attack on the marriage tax penalty since its inception in 1969.

For many working couples, those in the 15-percent and the 28-percent tax bracket, which would be up to about $127,000 under this bill, this legislation effectively ends the marriage tax penalty. For those couples in higher income brackets, this legislation provides a significant reduction in the marriage tax penalty.

It is correct that this bill does not end all marriage tax penalties in the Tax Code. There are over 60 instances of the penalty in the code. This bill is about hitting the marriage tax penalty where it hits hardest—in the middle income tax brackets, the standard deduction, and the earned-income tax credit.

There is also talk about the bill before us resulting in more Tax Code complexity. Our bill is simpler than the Democrat alternative. Our legislation eliminates the marriage tax penalty in the standard deduction and the 15-percent and 28-percent rate brackets. How could this be more simple?

I hope we can have further discussion of these disagreements because I am convinced we can soundly overcome the arguments of the other side of the aisle.

I yield the floor. The Senator from Texas may use whatever time she needs or is available.

Mrs. HUTCHISON. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. There are 6 minutes remaining.

The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Iowa for making those points because I think they are very important. The differences between the Democrat alternative and the Republican plan that is on the floor are actually quite extensive.

In the first place, the Democrat plan is $100 billion less in tax relief for American families. We are trying to cover more families. Not only are we trying to cover the people who are in the 15-percent bracket and the 28-percent bracket, which takes us through everyone who pays taxes up to $127,000 in joint income, but it also increases the earned-income tax credit for those who don't pay taxes at all. This is what helps a person who has been on welfare who goes to work and actually makes a salary of from $15,000 to $30,000 not have to pay any kind of penalty, even though they don't pay taxes.

We want to add to the $2,000 earned-income tax credit $2,500 more to the salaries that would qualify for the earned-income tax credit. This is an incentive for working people who are in the lowest levels of pay to continue working and to realize that it is more important for them to work and to have an incentive to work than to be on welfare.

The points made by the Senator from Iowa are very appropriate. The Republican plan not only offers more relief, it offers more relief to more people, $100 billion more.

Secondly, the Democrat plan is phased in over a very long period of time. It doesn't become fully effective until 2010. It is very backloaded. Fifty percent of it doesn't even take effect until 2008. We want to try to make that timeframe less, and we want to have significant tax cuts for hard-working American families.

Of course, we truly do believe that people will be able to make the decisions with the money they earn better than they will be able to live with decisions made in Washington, DC. In fact, I think it is very important that people realize, as they are writing their checks on April 15—or Monday, April 17, if they can wait until the very end—that the chances are they are in the 48 percent of the married couples. If they are in that 48 percent that has a penalty, their tax bill next year will be an average of $1,400 less, if we can pass the Republican plan, send it to the President, and if the President will sign it. The President has said he is for tax relief for married couples. We certainly think he should sign the bill. If he doesn't sign the bill, we would really like to know why because this is a better tax cut plan.

There is probably just a difference on what is a marriage bonus. For a married couple where one spouse decides to stay home and raise the children and they don't pay as much in tax as the single person doubled, I don't think that is a bonus. I would not want to tell my daughter, who has three children, that she is not working when she is staying home with them. Thank goodness we have people who want to stay home and raise their children. I don't want to make that decision for them, but I certainly want them to have the option and not be penalized in any way.

I think everything we can do to encourage families to be able to make

that choice we should do. I do not consider it a bonus. What I want is total fairness. What I want is, if a person is single and marries another single working person, when they get married there is no penalty whatsoever. The $1,000 we now make them pay because they got married would be spent instead by them, to start building their nest egg, to have their first home, to buy the second car, whatever it is they need, as newlyweds, who are the ones who struggle the hardest. We want them to have the benefit of not having discrimination in the Tax Code.

What we are talking about is tax relief; it is a tax correction. It is saying that we don't want to penalize people for getting married. When 48 percent of the married couples in this country do have that penalty, what we want to do is correct it. I hope the Democrats will work with us to have relevant amendments that could be put forward. This is a good debate. I think we can differ on the way we would give marriage tax penalty relief. But my plea with the Democrats is let us take it up. Don't say that you have to offer extraneous amendments which don't have anything to do with marriage tax penalty, especially when President Clinton has asked us to send him a marriage tax penalty bill. That is what I hope will happen at 5 o'clock.

I hope the President will work with the Democrats and tell them he believes in tax relief. I hope we can pass that relief for the hard-working Americans who deserve a break. I urge my colleagues to help us offer these amendments. Let's debate them and let's give Americans tax relief as they are signing those checks to the Federal Government this week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana controls the remainder of the time until 5 o'clock.

Mr. BAUCUS. Mr. President, I see my good friend, the Senator from Texas, still on the floor. I will ask her a couple of questions.

Clearly, we both want to solve the marriage tax penalty. It is my judgment that we are going to pass legislation this week—I hope so. There will be a couple of amendments. It is normal and proper in the Senate for Senators who think they can improve upon a bill to offer amendments. I certainly hope we can dispose of the issue this week. I expect that to happen. I hope so. In doing so, obviously, we want to do what is right. When you do something, you should do your darndest to make sure you do it right the first time so you don't have to correct mistakes later on.

I am wondering why it would not make more sense to address all of the marriage tax penalty problems in the code in this bill rather than only a few. As the Senator knows, there are about 65 provisions in the Tax Code, the consequence of which sometimes results in a marriage tax penalty for some married couples—not all but for some.

I am not being critical of the provision offered by the majority. But as the Senator knows, in the proposal offered by the majority, they deal with only 3 of those 65 provisions; whereas, the way the minority attempts to solve this, or proposes to solve the marriage tax penalty problem is to allow optional filing; as a consequence, all 65 provisions in the code are dealt with, so that in the minority position all of the marriage inequities are solved—all 65 provisions.

I am wondering why—without being critical—it doesn't make more sense for us while we are here, while we are going to pass a bill relieving couples of the marriage tax penalty, to entirely solve the problem, as is the case in the minority bill, rather than only for a few, as is the case in the majority bill.

Mrs. HUTCHISON. I thank the Senator from Montana for saying, first of all, he thinks we will have a marriage tax penalty relief bill passed. I certainly think a couple of amendments—five or six or so—on either side, which are relevant, to try to perfect legislation is quite reasonable. I hope that is what the Democrats intend to offer. That isn't what we have seen so far. So perhaps we are coming to a conclusion. I hope so.

Let me say that if the only bill on the floor were the Democratic alternative, I would vote for it because I have voted for it before. It is not a bad plan. But I think the Republican plan is better. Here is why. First of all, our plan helps more people who are in the lower levels, the middle-income levels, who really need this kind of help. We say that if a single person making $35,000 married, or a single person making $30,000, you double the bracket so their combined bracket is going to be the same. They will not be penalized in the 15-percent bracket or the 28-percent bracket. Now, I would be for going all the way through those brackets because I am for tax relief for hard-working Americans.

Ours is a bigger bill. It covers more people. I think it is the better approach. I would be for bracket relief across the board, too, because I think the tax burden is too heavy and we are talking about the income tax surplus, not the Social Security surplus. So this is the money people have sent to Washington that is beyond what the Government needs for the Government to operate. So I think ours is better, but I don't think yours is bad. I just hope we can give the most tax relief to the most people.

Mr. BAUCUS. Maybe the Senator is not addressing the question, for many good reasons. The question is, why not deal with all 65 of the inequities rather than only 3?

Mrs. HUTCHISON. If we took our plan and yours and put them together, I would think that would be better than the Republican plan. Your plan alone is not as good as the Republican plan because it doesn't give that much relief. Our plan gives $2,500 more in the earned-income tax credit. This is helping people come off of the welfare rolls and have the opportunity to be paid to make them whole. These are people who make $12,000 to $30,000 a year, when they have two children, a family of four. It also helps people in the 15-percent bracket and in the 30-percent bracket.

Mr. BAUCUS. I appreciate the Senator's remarks. We are on my time, so I will finish up.

Briefly, I think it is important to point this out. One of the provisions not dealt with in the majority bill is taxation of Social Security benefits. That is no small item. It would cost about $60 billion over 10 years if it were to be addressed. I remind people that today the majority bill before us is about $248 billion over 10 years. So, in addition, $60 billion is the amount that senior citizens would have to pay as a consequence of the marriage tax penalty, which is not covered by the Finance Committee bill.

I might add that, again, the minority bill does solve the Social Security benefits problem, as it does each of the other 62 remaining provisions in the Tax Code which may result in a marriage tax penalty. I hear people say, well, theirs is a better bill. But that doesn't get down to the specifics of what it actually does. I remind Senators that over half of the tax reduction in the bill offered by the Finance Committee goes to people who are already in a bonus situation. It has nothing to do with the marriage tax penalty.

I am suggesting that those are dollars that could be perhaps better spent for debt reduction. I think most Americans would like to see the national debt paid off. That makes a lot more sense to me. Or perhaps they would prefer that it go to education, health care, or whatnot.

We are here to address the marriage tax penalty. I think we should focus on the marriage tax penalty and, by doing that, I submit that the proposal offered by Senator MOYNIHAN, the minority alternative, focuses only on the marriage tax penalty. It is very simple to understand. Essentially, the taxpayers choose whether to file jointly or separately. I think that sort of empowers the taxpayers to decide for themselves what they want to do. They can be part of the solution where they pay lower taxes and not have to pay any marriage tax penalty at all. Again, $60 billion of Social Security benefits is not fixed by this bill.

I want to add this, and I know my time is about to expire, the AMT. One consequence of the committee bill is that there are 5.6 million more taxpayers who are going to have to file

under the alternative minimum tax than today—5.6 million new taxpayers, new people who are not filing under the alternative minimum tax, separate and filing today, will not have to under the Finance Committee bill.

That is not the case in the minority committee bill.

I think we should give relief to those folks so they don't have to go to the AMT situation; or, to say it differently, the Finance Committee bill gives some relief to AMT taxpayers and then takes it back by saying now you new taxpayers have to file the AMT.

Why is that result? Why does that happen? It happens because of what I have said for a good part of this day; namely, the Finance Committee bill only deals with 3 of the 65 provisions. Those three are: the standard deduction, the 15-percent and 20-percent brackets. As a consequence, there is this AMT shift.

I don't think we want to say to 5.6 million Americans that you do not have to file the AMT today, the alternative minimum tax, and go through all of that and pay that tax, but now you will, as a consequence of the Finance Committee bill. I don't think we want to do that.

The PRESIDING OFFICER (Mr. VOINOVICH). The majority leader is recognized.

Mr. LOTT. Mr. President, may I inquire about the situation now? I believe we had general debate until 5 o'clock.

The PRESIDING OFFICER. The majority leader is correct.

Mr. LOTT. Mr. President, I understand Senator DASCHLE will be here momentarily. For his benefit, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, the Democratic leader and I have been working to try to reach an agreement to consider the very important Marriage Tax Penalty Relief Act. We started working on it yesterday afternoon sometime around 3:30 or 4. Senator DASCHLE indicated they had a number of amendments that they would like to have considered, and, of course, we asked for a chance to see what those amendments were. We, of course, urged that they be relevant amendments.

At about 3 o'clock today, we received a list of amendments that members of the minority wanted to offer to the Marriage Tax Penalty Relief Act. The list included nine amendments, five or six of which were clearly not related to the marriage tax penalty relief bill. And then about an hour or so later an additional amendment was added by Senator HARKIN. The list is now up to 10 amendments.

I indicated all along—like we worked it out earlier this year on the education savings account—that we could go with alternatives and relevant amendments. That is eventually what we did with the education savings account. Of course, I had hoped with the very overwhelmingly popular Marriage Tax Penalty Relief Act that we could do something similar to what we did on the Social Security earnings test elimination. That was something that had been pending in this body and on Capitol Hill for 20 years.

Finally, we worked it out. We had a couple of relevant amendments to which we agreed. We had a good discussion. We voted, I think, on one of those amendments. It passed unanimously. The President signed it last week with great fanfare that we had achieved this worthwhile goal.

I think we can do the same thing with the marriage penalty tax. But in order to do it, we need to keep our focus on what is the best way to provide this marriage penalty tax relief. Is it a phaseout? Should it apply to everybody? What can you do for those in the lower income brackets in how you deal with the EITC, earned-income tax credit, how you deal with the lowest and middle brackets? Is there a better way to do it or another way to do it?

Senator MOYNIHAN, Senator BAUCUS, and others on the Finance Committee, had a different approach. I described it then, and publicly I think it is a credible approach. I don't think it is as good as the one we had in the basic bill, but it is one that is worthy of being talked about and thought about. I hope we can work it out so we can do that.

We could have debate on the bill and then go to a vote on the alternatives and relevant amendments and get this finished by the close of business on Thursday or Friday at the latest. But the list we have is not only not relevant, but, first of all, we haven't had a chance to really look at how they would work or the details of the proposals.

One of them by Senator ROBB has to do with prescription drugs. Senator WELLSTONE has one which is something similar to the Canadian system of prescription drugs. But it looks to be a pretty detailed proposal that I don't think the Finance Committee has had a chance to consider.

We have one by Senator GRAHAM dealing with Medicare and Social Security priorities. I think he offered something similar to this in the Finance Committee. This is not one of which we were unaware. We could have a discussion on that, and I think have a vote, but it certainly doesn't relate to the marriage tax penalty.

We have one on the college tuition tax credit. There is one on the CRT income. This is an agriculture issue. We have one on changing how you deduct a natural disaster impact on your tax form. I don't even know. That may be something we would want to look at doing. Don't we want to consider that in the Finance Committee, see what the budgetary impact is, and see what people are doing now versus what they might do under this proposal? It is something I would like to talk to Senator TORRICELLI about to see exactly what he is trying achieve.

Then, at 3:45, we got the amendment from Senator HARKIN. Honestly, I can't even quite tell you what it did. I believe that one relates to the marriage tax penalty. It would probably be relevant. Three or four of these could probably be relevant, and we could get them done.

I hope the Democratic leader would try to reduce his list or, at a minimum, make them work with us in getting relevant amendments to the marriage tax relief bill. I think that is a reasonable request.

I emphasize again that is what we did on the education savings account and on the Social Security earnings limitation.

Mr. President, I ask unanimous consent that the Senate now resume the pending legislation and that there be 10 relevant amendments in order for the Democratic leader, or his designee, and 2 relevant amendments in order for the majority leader to the pending substitute, with no amendments in order to the language proposed to be stricken, or motions to commit or recommit. I further ask unanimous consent that following the disposition of the listed amendments—certainly 10 would be an awful lot of amendments—and any relevant second degrees, the bill be advanced to third reading, and passage occur, all without any intervening action or debate.

I further ask unanimous consent that following passage of the bill, the Senate insist on its amendments, request a conference with the House, and the Chair be authorized to appoint conferees on behalf of the Senate.

I finally ask unanimous consent that the cloture vote scheduled for Thursday of this week be vitiated, in view of this request, if it is agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I object.

Mr. President, I ask unanimous consent that the 10 amendments to be considered during the debate on the marriage tax penalty be the following:

An alternative amendment offered by Senator BAUCUS, or his designee; an alternative amendment offered by Senator BAYH; an alternative amendment offered by Senator KENNEDY having to do with Medicaid and family care, or a motion to commit on the part of Senator KENNEDY; a Robb motion regarding marriage tax penalty and prescription drugs; a Wellstone amendment on

prescription drugs; a Graham amendment on Medicare and Social Security priorities having to do with the marriage tax penalty; a Schumer amendment having to do with college tuition tax credit and the marriage tax penalty; a Dorgan amendment having to do with taxation of CRP income; a Torricelli amendment having to do with tax consequences of national disaster assistance; and a Harkin amendment having to do with capping benefits in the bill and putting the savings into Medicare and Social Security trust funds on the marriage tax penalty relief legislation, as well.

I further ask that each amendment be limited to debate for 1 hour equally divided.

Mr. LOTT. Mr. President, reserving the right to object, could I inquire, is this the same list I was given earlier today plus the Harkin amendment that was added after that original list?

Mr. DASCHLE. That is correct.

Mr. LOTT. Is there any difference? I thought you indicated on a couple of these—and I referred to the earlier Kennedy amendment, which really is a major Medicaid change—you made it sound as if it might be relative to the marriage penalty tax.

Mr. DASCHLE. Mr. President, on several occasions we have had debates with the Parliamentarian and with the majority with regard to the issue of relevancy. I point out to my colleagues, the concept of relevancy is only defined as it relates to an appropriations bill. There is no definition of relevancy.

In our view, all of these issues are relevant to the debate on marriage tax penalty. We believe relevancy ought to be taken in that context. I am troubled by the interpretation we have gotten from the Parliamentarian a couple of times on the issue of relevancy. In our view, these matters are certainly relevant to the debate on tax consequences and marriage penalties.

Mr. LOTT. Is the Senator saying in each one of these cases what is offered would be in place of the Marriage Tax Penalty Relief Act in whole or in part?

Mr. DASCHLE. No. I am simply saying in most of the amendments offered there is a direct relevancy to the issue of marriage tax penalty.

I am also suggesting in all cases we would be prepared to limit the debate to 1 hour equally divided. Regardless of its relevancy, the fact is the majority leader would be able to begin this debate, conduct his debate as he has anticipated, with an expectation that we could finish by the end of the day tomorrow.

He has noted, of course, that he doesn't necessarily support or endorse many of these amendments. It is the right of the majority leader, especially given the fact that we have now submitted to a 1-hour time limit, that he can oppose them, he can table them.

Mr. LOTT. How about second-degree them?

Mr. DASCHLE. We would not agree to second-degree amendments.

To ask for the details on top of all of that seems to me to be a real stretch. I am sure that in good faith we can work through these amendments one by one.

That is quite an acknowledgment on our part, a willingness to submit to the debate, 10 amendments, 1 hour equally divided on each of these, most of them directly relevant to marriage tax penalty, but in all cases certainly relevant to the debate about priorities of the money being spent.

Mr. LOTT. Mr. President, I object to that with at least two observations.

The PRESIDING OFFICER. The objection is heard.

Mr. LOTT. For instance, the taxability of the CRP income—I don't know how anyone can stretch that to make it applicable to the Marriage Tax Penalty Relief Act.

Second, the request by the Democratic leader did not allow for second-degree amendments, or any alternatives, or any option—even side-by-side amendments by the majority. We certainly need to work through that.

I still think we can go forward and continue to work to try to find a list of, hopefully, relevant amendments that could be offered to get to a conclusion on the marriage penalty tax.

Since we are not able to reach an agreement at this time, I announce that the cloture vote will occur tomorrow unless we come to an agreement that allows a vitiation of that cloture vote.

Mr. DASCHLE. Mr. President, maybe you have to be in the minority to appreciate the position in which the minority has now been put once again.

The Republican majority is saying, first and foremost, we want to debate the marriage tax penalty. We say to that, absolutely; we want to debate the marriage tax penalty. We strongly support marriage tax penalty relief.

Then they say, we want you to limit your amendments. So we say, OK, we will limit our amendments.

Then they say, we not only want you to limit your amendments, we want to be able to tell you which amendments you can offer.

After saying first of all we will debate the marriage tax penalty, after secondly saying we will limit amendments, to give the majority now the right to dictate to the minority that they have the ability to determine what the context, what the definition, what the scope of our amendments ought to be, it seems to me to be an abrogation of all that is fair in debating an important issue such as this.

If we are going to spend $248 billion, there are other ways in which we can spend that money. Every one of these amendments in that context is relevant. Should we spend $248 billion on a marriage tax relief bill, 60 percent of which does not go to those experiencing a marriage tax penalty? Sixty percent of that $248 billion does not have anything to do with the marriage tax penalty. It goes in most cases to people who get a marriage bonus.

We are saying let's fix the marriage tax penalty. But if you are going to spend all that money, we have a whole list of other things we think we ought to be looking at. It is in that context that I think we are being reasonable and fair, especially given the fact that we are simply saying we will agree to a limit on amendments, we will agree to a limit on time.

I think this Republican bill is a marriage tax penalty relief bill in name only. It is a Trojan horse for the other risky tax schemes that have been proposed so far this year. If this bill passes, Republicans will then have enacted $566 billion in tax cuts this year before they have even completed the budget resolution. That is not even counting the audacious $1.3 trillion their Presidential candidate, George W. Bush, has proposed as their standard bearer. Add $1.3 trillion and the $566 billion, and that is $2 trillion in tax cuts they are proposing without a budget resolution.

Is this the way we ought to spend the surplus, including the Social Security surplus? We are saying we can do better than that. We are saying we ought to look at providing prescription drugs for our senior citizens. We are saying we ought to look at college tuition tax credits. We are saying we ought to look at the Medicaid and CHIP health programs.

I remind my colleague, just this day last week, 51 Senators—Republican and Democrat—voted for passing a prescription drug benefit before we pass the first dollar in tax cuts. Mr. President, 51 Senators voted for that; a majority of Senators said we are for a prescription drug benefit before we are for a tax cut, any kind of tax cut.

We want to deal with the marriage tax penalty. We want to come up with an agreement on the marriage tax penalty. But if some Republicans want to run for Democratic leader so they can dictate to the Democratic caucus what our agenda ought to be and what our amendments ought to be, let them run. I will take them on. We can have that debate. We will have a good election in the Democratic caucus.

But until they are elected Democratic leader, I think Democrats ought to make the decision about what Democrats offer as amendments.

They can agree with us on time, on a limitation on numbers, but not on context, not on text, not on substance. That is what this is all about.

We will have the debate time on cloture if we have to. Like the majority leader, I am an optimist. I am hopeful

we can come to some agreement. It certainly is within reach. But not if we are dictated to with regard to the text of the amendments.

I yield the floor.

MORNING BUSINESS

Mr. LOTT. I now ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak——

Mr. REID. Reserving the right to object——

Mr. LOTT. For up to 10 minutes each.

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

The PRESIDING OFFICER. The assistant minority leader.

Mr. REID. Mr. President, before the two leaders leave the floor, I want to say, first of all, the Democratic leader is being so generous. We, the Democrats, 44 of us, follow him in lockstep. But the fact is, he has gone a long ways towards accommodating the majority leader.

I would just say this in passing: If we are going to be logical about this debate, then if you look at the underlying bill, that is the marriage tax penalty the Republicans are pushing forward, you will find 60 percent of it is not relevant to the marriage tax penalty—60 percent of it is not relevant. So if he is talking about relevancy, which I think should have no bearing on the proceedings here, 60 percent of their own underlying bill is not relevant.

So I think, I repeat, our leader has been so generous, trying to move things along. I think his statement is underlined by all the other 44 Democratic Senators. We support every step he has made. We think he is doing the right thing in protecting the prerogatives of the Senate, having this debate in the Senate where there is free debate. We are not even asking for free debate; we are asking there be some debate, which is not being allowed.

VISIT BY THE PRESIDENT OF THE REPUBLIC OF COLOMBIA, ANDRES PASTRANA

Mr. L. CHAFEE. Mr. President, as chairman of the Subcommittee on Western Hemisphere Affairs, it is a great pleasure to welcome the President of Colombia to the Senate of the United States. I have been listening with rapt attention. He has been trying to explain to us his hopes for the future.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I join my distinguished colleague from Rhode Island, the chairman of the Subcommittee on Western Hemisphere Affairs; along with the chairman of the full committee, Senator HELMS; the distinguished majority leader; the minority leader; and other colleagues who are here—Senator BIDEN—in extending a very warm welcome to the distinguished President.

We have great admiration for him and the people of Colombia. The struggle in which we are all engaged affects all of us in this hemisphere, particularly those in the United States. And we know we are going to do everything we possibly can to see to it the support of the United States is forthcoming to President Pastrana and the people of Colombia.

Mr. President, you are warmly welcome here today. We are delighted you are with us.

RECESS

Mr. LOTT. Mr. President, I ask unanimous consent the Senate recess for 2 minutes for the purpose of the Senate welcoming and receiving to the U.S. Senate, the President of Colombia, President Andres Pastrana.

There being no objection, the Senate, at 5:23 p.m., recessed until 5:28 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I seek to be recognized to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. The Senator from Kansas.

THE MARRIAGE PENALTY TAX

Mr. BROWNBACK. Mr. President, I appreciate the leadership on both sides and their discussion on us moving forward and dealing with the marriage penalty tax. I am glad we are finally coming together, but I would note the Senator from South Dakota has put forward, on behalf of the Democrat side, 10 amendments on this issue. Many of these are not directly relevant to what we are trying to get done. With all due respect to him putting these forward, and I appreciate them working with us some, we have a pretty direct issue in front of us. It is the marriage tax penalty.

To tie with it a discussion on prescription drugs, to tie with it discussions on Medicare, on Social Security priorities, on a college tuition tax credit, on conservation reserve programs, on the natural disaster assistance program, really just goes contrary, completely, to us ultimately trying to get this bill through.

What we have before us is a marriage tax penalty. We have two alternatives put forward by the Democrat Party. That is good. I think we can have good, direct, clear votes on that, and then we can press forward.

With all due respect to the Democratic leader, to call this a risky tax strategy, I think what is at risk if we do not deal with the marriage tax penalty is the institution of marriage in this country. What has happened is there is the fall-off in the number of people getting married, and then we tax them on top of that. That is risky.

They have said a number of times that 52 percent does not deal with the marriage tax penalty. It is all directly applicable to the marriage tax penalty.

The Democratic proposal actually enshrines in law a new homemaker penalty; that is, when one of the spouses decides to stay at home and take care of the children. The Democrat proposal makes families with one wage earner and one stay-at-home spouse pay higher taxes than a family with two wage earners earning the same income. Why discriminate against one-wage-earner families? That is a direct connection to the marriage tax penalty. That is a marriage tax penalty taking place with the one-wage-earner family.

Why do we want a Tax Code that penalizes families because one spouse chooses to work hard at home and one chooses to work hard outside the home? I do not see why we would want to do that.

There are a lot of things I like about the Democratic alternative, as far as doing away with the marriage tax penalty in a number of other places in the Tax Code. This notion of penalizing a single-wage-earner family is really not something we should be pressing.

More to the point, it makes the entire issue of the marriage tax penalty, all 100 percent of the tax cut, relevant to marriage. They are saying 52 percent of it is not relevant to the family. It is directly relevant to that one-wage-earner family. In many of those cases, they are saying it is not.

The other point, and I do not think it needs to be belabored: If we are ready to pass marriage tax penalty relief and both sides agree we need to pass marriage tax penalty relief, why would we take up a series of additional amendments on Medicaid, prescription drugs, Social Security, college tuition tax credit, Conservation Reserve Program, natural disaster assistance? Those are not relevant to the issue. We have a chance to do this particular issue, agree or disagree.

If the Democrats think this is too rich, let's vote on their bill; let's have a vote on it. We have the chance now to do that, to hone in on that. I am fearful that what I am seeing is more a block to dealing with the marriage tax penalty.

Mr. LOTT. Will the Senator yield?

Mr. BROWNBACK. I will be delighted to yield.

Mr. LOTT. Mr. President, I asked the Senator to yield because I very much agree with what he is saying and want to emphasize a couple points.

There is a Democrat alternative. I indicated even yesterday we would be

glad to take up debate and vote on it. I note even the Washington Post yesterday said the problem, for instance, with the Democratic bill is it is backloaded and would actually cost more over a 10-year period and more of it would affect the upper end, the more wealthy people. That is the alternative that was offered in the Finance Committee.

I believe our bill is much more in line with what the average working American—a young couple and older couple, for that matter—would like to have. I appreciate the Senator's remarks.

I want to say something else for the record. A complaint was made a few weeks ago by the Democratic leader about the cost of this bill and whom it will affect. I will, once again, read briefly what this bill will do.

It will provide a $2,500 increase to the beginning and ending income level for the EIC phaseout for married filing jointly; in other words, a $2,500 increase for the earned-income tax credit joint or married couples. That is the low-end, entry-level couples who need help. There is a specific provision that will cost, over a 10-year period, about $14 billion.

It also provides the standard deduction set at two times single for married filing jointly, and it doubles the brackets for the 15-percent and 28-percent. Then it provides for permanent extension of the alternative minimum tax treatment of refundable and nonrefundable personal credits.

What is it in these provisions to which the Democrats object? It is aimed at low-end married couples. It is aimed at correcting a problem that was never intended, where people in the middle income are paying higher taxes because of the alternative minimum tax, and it is aimed at the lowest and the middle brackets. It makes good sense.

Once again, what the Democrats are suggesting is a diversion. They want to get into agricultural policy. They want to get into Medicaid reform. They want to get into anything to distract from the issue at hand.

We are perfectly willing to go ahead with relevant amendments on the marriage tax penalty. In the end, the question is: Are you for eliminating the marriage tax penalty or not? If you are, this is the opportunity. We will have a chance to see tomorrow who is really for it and against it.

I thank the Senator for yielding, and I thank him for his leadership on this issue. It is an issue he has been talking about ever since he arrived in the Senate. Now we have a chance to get it done. We should not get off on side trails on issues that will complicate or maybe even defeat our entire effort. I thank the Senator. Keep up the good work.

Mr. BROWNBACK. Mr. President, I thank the majority leader for his leadership and willingness to schedule this time. I am interested in dealing with this issue because we have been pressing it for years. We have been talking about it. Some have talked about it in campaigns.

Why do we want to tie in 10 other topics? We should not. I hope the Democratic leader and our side can get together and agree on a set of alternatives that are relevant. Let's have a series of votes up or down so we can deal with this marriage tax penalty relief bill. It is time to do that. We have the wherewithal to do it. I hope we will deal with this now.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I actually want to proceed to morning business to introduce a bill, but having listened to the majority leader and having listened to Senator DASCHLE, I want to briefly respond to what I have heard on the floor of the Senate.

This is the Senate, and I thank Senator DASCHLE for representing me as a Senator from Minnesota so I can represent the people in Minnesota.

This proposal the Republicans have brought to the floor can easily be debated tomorrow. Senator DASCHLE made a proposal where there would be other amendments. They would be limited to an hour equally divided and up-or-down votes. It is a matter of whether or not my colleagues, the majority leader, and others, want to vote and want to be accountable for votes.

As it turns out, in the Senate, we come to the floor and we try to represent the people in our States. We will have an opportunity to focus on the Republicans' proposal. The problem with their proposal is it blows the budget, and the hundreds of billions of dollars that go into their proposal disproportionately go to people at the top. It is money that can be invested in other areas.

There are a number of Senators with amendments. Our amendments say some of that money, as my colleague from Montana mentioned, should be invested in kids and education; some of that money should be invested in making sure prescription drugs are affordable for senior citizens and others.

In my particular case, the proposal I talked about—and I have worked with Senator DORGAN, Senator SNOWE, and others on it—essentially says that when it comes to FDA-approved drugs in our country, there should be a way for our pharmacists and wholesalers to import those drugs back from other countries at half the cost and pass that savings on to consumers. That is called free trade. As a matter of fact, then people have less to deduct and there is less of a penalty.

My point is, with all due respect—and I am just speaking for myself—for too long the majority leader has come out here and has basically said: I am not going to let other Senators come out here with amendments that deal with issues that are important to the lives of people they represent; I am going to insist on only the amendments I say you can do, and if you are not willing to do that, I will file cloture and that is it.

That is not the way I remember the Senate operating for most of the years that I have been here. The thing that I have always loved about the Senate, the thing that I think has led to some really great Senators, is the ability for Senators to offer amendments, to speak out for the people they represent, to have up-or-down votes, and we would go at it.

If it takes us a week, it takes us a week. If we start early in the morning, and we go late in the night, that is the way we do it. We are legislators. We are out here advocating and speaking and fighting for people we represent.

I thank Senator DASCHLE from South Dakota for essentially saying there is no way we are going to let the majority leader basically dictate to us what issues we should care about, what amendments we get to offer.

We have a different view about good tax policy. We have a different view about how to get the benefits to families. We also have a different view about other priorities that we ought to be dealing with on the floor of the Senate as well.

I will tell you, coming from a State where 65 percent of the elderly people have no prescription drug coverage whatsoever, I would like to see the Senate get serious on that issue. I would like to have an up-or-down vote. I would like to thank the minority leader for protecting my rights.

Finally, I ask the Chair, how much time do I have left?

The PRESIDING OFFICER. The Senator has 3 minutes 58 seconds.

(The remarks of Mr. WELLSTONE pertaining to the introduction of S. 2414 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. WELLSTONE. I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I ask unanimous consent to be recognized to speak as in morning business for a period not to exceed 10 minutes.

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

The Senator is recognized.

Mrs. FEINSTEIN. Mr. President, I know there is a great deal of discussion going on about the marriage penalty tax. I wanted to stay out of the politics of it, if I could, and just speak about the merits of the proposals for a few moments.

Essentially, what we have are three proposals: the Finance Committee proposal of $248 billion, over 10 years; the

Moynihan proposal, which is the Democratic proposal, of $150 billion over 10 years; and then I believe a proposal that is really worthy of very serious consideration by this body, and one which I would support, which is a proposal by Senator EVAN BAYH of Indiana for $90 billion over 10 years.

I believe this proposal is the most sensible and most fiscally responsible way to go about addressing the issue. More than 21 million couples suffer from the marriage tax penalty. In my State, there are close to 3 million of them.

I think providing marriage tax penalty relief is a measure of common sense and a measure of decency. The Tax Code not only can be used for revenue producing, but it is also used to encourage behavior that one believes one should encourage. Certainly getting married is a behavior that one wishes to encourage.

Who generally believes that the marriage tax penalty is unfair? They are young couples. They are getting married. Both of them work. They find out, for the first time, they actually pay more taxes if they get married than they do if they remain single.

These people are generally under the $100,000 earning limit. I have never heard anyone at the top brackets say they find the marriage tax penalty to be unfair. But I have heard considerable testimony from young couples getting married, young professionals: My goodness, we have to pay this penalty. Why is it? How is it fair?

Senator BAYH's proposal strikes right at that heart, and it does so in a way that you can say and I can say—every one of us in this body can say—we eliminate the marriage tax penalty for those earning under $120,000 all across this land within 4 years. I think it is simple. I think it is direct. It is cost effective. And it gets the job done. I think it makes a great deal of sense.

The targeted Marriage Tax Penalty Relief Act provides significant relief by creating a dollar-for-dollar tax credit, calculated by the taxpayer, using a simple worksheet, which offsets and eliminates the marriage penalty for families making under $120,000. The credit is phased out at $140,000.

The bill would also broaden the availability of the earned-income tax credit for low-income working families.

Under this legislation, half of all taxpayers with marriage penalties will have their penalties eliminated the first year. By 2004, it completely eliminates the penalty on earned income for all couples making under $120,000. That is approximately 17.5 million couples.

If you look at the fact that the impact of the majority proposal by the Finance Committee eliminates most of the marriage tax penalty on 21.6 million couples who currently face penalties by year 10, and provides a bonus—this does not provide a bonus; the phaseout in that bill is over 10 years—the phase in the Bayh bill is over 4 years. In the Moynihan bill, 21.6 million couples who currently incur a marriage tax penalty would find relief by year 10.

The beauty of this bill is that all of the marriage tax penalty is eliminated for 17.5 million people by year 4. And less than 10 percent of all households earn more than $120,000 a year. So, effectively, it covers not only 17.5 million people, but it covers over 90 percent of the population who would be affected. It does it at a cost that is much lower than the other two bills—$90 billion.

What I like about it is it gives us the opportunity to actually see tax reduction happen, to actually say that within 4 years the marriage penalty tax is completely eliminated for working families earning under $120,000 a year. We do it for a modest amount of $90 billion over 10 years.

The other bills deal with all kinds of different so-called hidden penalties, but those are not the real things that I think impact the people's drive to eliminate the marriage penalty. It is what happens when you get married. It is the increase in the tax when you get married. This is entirely eliminated within a 4-year period of time. I support Senator BAYH's proposal, and I will be pleased, when he offers it, to be a cosponsor of it. I hope it will have very serious debate and discussion before this body.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank my good friend from California for her statement.

This will come out later when we debate this more. I think it is important to note that the proposal advocated by my good friend from California has a certain deficiency, which is that it does not at all address the marriage tax penalty caused by unearned income. The proposal advocated by my friend from California deals only with the marriage tax penalty caused by earned income; that is, by wages and salaries. There are a lot of senior citizens in our country, as we know. Most of their income is unearned income. It is pension benefits, Social Security income. It is not wages or salary. As a consequence, there is about a $60 billion tax penalty over 10 years for senior citizens that is not addressed in the proposal offered by or mentioned by and advocated by the Senator from California but which is covered by the proposal offered by the Senator from New York, the Democratic proposal.

I will address another situation. There are lots of aspects of the marriage tax penalty provision. Again, there is nothing in the code that imposes a penalty on marriage. It is just that because of our combination of progressive rates, a desire to achieve neutrality between married taxpayers and individual taxpayers with the same income, a desire to achieve equality between married couples with the same income but with different distribution in earnings, we end up with this problem. There is no total fix. It is just a matter of trying to figure out what makes the most sense.

This chart deals with only one aspect of the so-called marriage tax penalty. That is the example of the marriage tax penalty in the earned-income tax credit, the EITC, a provision in the law which is to help low-income people who otherwise face a significant tax burden, let alone all the other difficulties they are facing in life with low income. This chart shows first a single mother with two children. Let's say her income is $12,000 a year, which is very common. She, today, would receive an earned-income tax credit benefit of $3,888.

Let's take a single father with no children. Let's say his income is the same; it is $12,000. Obviously, he receives a zero earned-income tax credit. Let's say the single mom with two children marries the individual with no children. Now they are married with two children. Their total income will be $24,000, hers $12,000 and his $12,000. But because of the marriage tax penalty, because of the way the Tax Code works, and in particular the EITC provisions which are very complex, as a consequence of the man and the woman getting married, their now joint earned-income tax credit will no longer be the $3,888, which the woman alone with her two children would receive. Rather, now that they are married, the combined EITC benefit would be lower, in the neighborhood of $1,506, a clear penalty for getting married. It is something we want to fix.

It has been stated several times that the proposal, the Finance Committee proposal helps low-income people by addressing the marriage tax penalty under the EITC. It does, but not very much. The maximum amount of relief that can be received under the Finance Committee bill in addressing a potential $2,382 penalty is $500. That is the maximum amount of benefit under the marriage tax penalty that is addressed in the Finance Committee bill.

Contrast that with the Democratic alternative. Under the Democratic alternative, there would be total relief; that is, a single mom with two children and a single father with no children, when they get married, would receive no penalty. Why is that? Because of the simplicity of the Democratic alternative. The simplicity is, if you are married, you just choose. You file jointly or you file separately. You choose the one which results in lower tax. As a consequence, all of the 65 provisions in the Tax Code which sometimes cause a marriage penalty are addressed. They are all solved.

The minority bill solves completely the marriage tax penalty problems facing some Americans. Contrast that with the Finance Committee bill, which does not solve completely the marriage tax penalty problems facing some married taxpayers because the Finance Committee bill deals with only three of the inequities, not all 65.

This is just one of the inequities the Finance Committee bill does not address very much. There is kind of a little tack-on provision which addresses it. But as a consequence, the Democratic alternative completely solves the EITC problem.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, we did spend some time today debating the elimination of the marriage penalty tax. This is something I have been working on for all the years I have been in Congress in the Senate. I look forward to the day we can repeal it. I was hoping we would have this vote in the near future. I very much regret the delay that was imposed upon us by the minority because by putting nongermane amendments on this, we slow down what we could accomplish here in the very near future, which is finally to eliminate the marriage tax penalty.

I have an amendment prepared to implement elimination of the marriage tax penalty a lot sooner. I am contemplating offering that. I will see how much support there is for it. Before I do that, however, instead of the proposed phase-in period of 6 years, which is the underlying proposal, my amendment would eliminate the marriage penalty tax immediately, bringing working parents tax relief right away.

According to the Congressional Research Service, as this graph shows, the additional savings my plan would bring married couples over the Roth plan would be almost $3,000. If you look at the years, we go from $69 versus $879 in 2002, all the way over to 2008, where it evens out. The point is, these are savings for a married couple—about $810 in the first year, 2002—if we put it into effect immediately.

With today's cost of living exploding, education, tuition, high prices at the pump, that is a substantial savings for an ordinary working family. I think we ought to make this effective today, as soon as it passes, and not implement it over a 6- or 7-year period. Married couples have been waiting for a large number of years, since this ridiculous provision was put in the IRS Code.

It is not often we have the opportunity to right a wrong around this place, but this is an opportunity. I sincerely hope we take advantage of it.

Today, however, not only do we have the opportunity to turn back a tax, we also have an opportunity to turn back an unjust tax that punishes an institution that is the very backbone of society, at least in most of our minds.

You hear some people say that it isn't. But marriage is the backbone of our society, the essence of our families. One of the reasons why we are having a lot of cultural problems today is a lack of emphasis on the family and marriage. Twenty-five million couples are subject to the marriage tax penalty in America and, frankly, those of us who have not had the courage to overturn that tax over the past several years deserve some of the blame because it punishes married people. In New Hampshire alone, almost 140,000 couples will be hit with a marriage tax penalty. In a small State such as New Hampshire, which only has a little over a million people, this tax is antimarriage, antifamily, and antichild. Children reared in two-parent homes are more likely to succeed in school, stay away from drugs, and not become involved in crime. We should not penalize married couples. It doesn't make sense.

A way for couples to avoid the marriage tax penalty is they could file for divorce and save money or they could not get married and save money and just live together. That kind of tax policy doesn't make sense. The average marriage penalty is $1,400, or more, in additional Federal income taxes, which is more than $100 a month. That is an extra $1,400 that could be used to buy school clothes for kids, pay for a home computer, perhaps, or a little health insurance, or maybe take a family vacation. The point is, you would have control over an additional $1,400 to do with what you want, and not have the Government taking your money whenever it wants.

I have received a lot of mail on this issue over the years asking for relief—I might say, begging for relief, for the Congress to do something. Just one example. A gentleman by the name of Roy Riegle from Derry, NH, wrote this:

> I am a software engineer working in Merrimack and living in Derry. Via the Web, I just learned of the House Passage of the ''Marriage Tax Cut'' bill. (I think it is H.R. 6). I want to heartily encourage you to vote for this bill when it reaches the Senate. We are one of the classic middle class families (I'm an engineer and my wife teaches in Chester) who are trying to pay for our kid's college education. Our cost to send our second daughter to Trinity College in Hartford, Connecticut, next year is expected to be $20,000. We need assistance of some sort, and this will help. Thank you for your consideration.
>
> ROY RIEGLE.

That is so true of many families trying to meet expenses and pay education costs. For all these millionaires and billionaires you read about and hear about all over the country making all this money, maybe $100 a month isn't important. But it is real important to people such as the Riegles and so many others who have written me on this issue over the years.

Since 1970, the number of dual-income couples has risen dramatically and continues to rise. It is these families who will benefit from the repeal of this tax. What an outrageous tax this is, to discriminate against people who are married. It is just un-American, and how it ever got in the code is beyond me. Why it hasn't gotten out in all these years is beyond me.

I think we should understand that the reason why, as we stand here now, we have not been able to pass this on the floor of the Senate today is because of delays, because the other side wants to offer nongermane amendments to slow it down, to say we have to pick and choose which family gets a break. You have to be in a certain income tax bracket, or you have to be a certain type of person to get a break, and all this nonsense. Everybody should get the break. The marriage tax penalty itself is unfair. It is not more or less fair for one family or another, depending on the income. It is an unfair tax. Let's get rid of it, period. There is nothing complicated about that. This year, Americans will give 39 percent of their income to the Federal Government. As tax levels rise, women who might otherwise stay at home are forced to enter the job market. The percentage of single-worker households in the U.S. has plunged to 28.2 percent, compared with 51 percent in 1969. However, the harder parents work to keep pace, the greater their chances of moving into a higher tax bracket and winding up giving more to the Government.

Mr. President, in conclusion, these families are right. These taxes do penalize. If we are going to penalize the sacred institution of marriage and offend our sense of decency and morality, if that is what is going on in the Tax Code, we need to correct it.

We should be encouraging the makeup of the family, not the breakup of the family. We should bring tax relief to married couples today—not tomorrow, not next year, not 6 years down the road, but today. They have waited all these years with this discriminatory tax. We can never make it up to them, so let's start today and make it effective today. We can bring tax relief to these couples by passing my amendment and, if not mine, at least we should get started with the underlying bill. It is better to do it down the road, over the course of 6 years, than not at all. With my amendment, we can do it immediately and save all of this money each year for each of these families.

(Mr. ALLARD assumed the Chair.)

ELIAN GONZALEZ

Mr. SMITH of New Hampshire. Mr. President, I want to talk on a subject that has been in the news a lot. I will take a few minutes of the Senate's time. I have been involved in a lot of issues. I have debated just about everything known to mankind on the floor

of the Senate, as have most of us. I am in my tenth year in the Senate, and I have never been involved in an issue that has gotten to my heart more than the Elian Gonzalez case—never. Last night, on the Geraldo Rivera show, a poll was shown saying 61 percent of the American people said Elian Gonzalez should go back to his father, and 28 percent of them said he should stay here in America.

Here is this little boy who floated in the ocean on an innertube after his mother died trying to bring him to America. So we are now going to conduct policy about what to do about Elian by reading polls. Where is the leadership in this country when we need it? This is not about polls. I don't care what the polls are. I could care less what the polls are. If Lincoln had taken a poll on slavery, we would probably still have slavery because the majority of the people in America at that time supported slavery. But he didn't take a poll or put his finger to the wind. He did what was right.

Again, I plead with my colleagues in the Senate to grant Elian Gonzalez and his family permanent residency status so this issue can be handled by a Florida custody court. This should not be an immigration matter. Elian Gonzalez did not get on a yacht and cruise into Miami Harbor. He and two other people almost drowned while everybody else on the boat—10 or 12 other people —lost their lives. And his mother's dying wish was to ''please get my son to American soil.''

I have heard a lot about the father's rights. I have nothing against him. He could be the nicest guy in the world. I have met Elian. I didn't get a chance to meet Elian's mother because she didn't make it. If she had made it, we would not be here talking about this because, under the law, she and Elian would be allowed to stay here. So because she died, Elian has no rights.

Those of you listening to me now who think this is a father-son issue, I want you to listen carefully to what I have to say because it is not a father-son issue. That is a totally bogus argument. There are reports in Miami that Elian is reluctant to travel to Washington to see his father. He is a frightened little boy. Wouldn't you be after you survived that? Has anybody listening to me now ever gone through an experience like that—floating on an innertube on the high seas for 3 days, after you watched your mother die, and everybody else on the boat is gone except two others he didn't know were alive because they were drifting off somewhere else. And then to be sitting in a home in Miami, with people who love him, who have taken care of him, and to wonder if today, right now, tonight, tomorrow morning—he doesn't know when—maybe noon tomorrow, in comes the large, sweeping hand of the Justice Department and Janet Reno, and they yank him from the arms of these people who love him and drag him back to Cuba. That is what he is sitting through now and worrying about now. He is a frightened little boy. When are we going to be concerned about this frightened little boy?

I am tired of hearing about everyone else's rights in this debate. I am sick of it. I am sick of the fact that I can't get a vote on the floor of this Senate because the people do not have the guts to vote. They do not want to be recorded. I am sick of it because this little boy is going to be dragged back to Cuba, and he is going to be used as a pawn in Castro's—God knows what—forsaken land over there. And we have to live with it. We ought to be recorded, and we ought to be on record. We ought to stand up and be counted. I am sick of it. I have been quiet too long. I am not going to be quiet anymore.

He is fearful of returning to that country. I talked to him. He said: Senator SMITH, please help me. Don't send me back to Cuba. I said: Elian, do you love your father? Do you want to go back with your father? He says: Yes. I want to be with my father. I don't want to go back to Cuba.

Mr. Gonzalez, if you are listening to me, why don't you defect? It is a heck of a lot better here.

I am going to tell you that there is one shining example of why it is not about father and son. It is not about father and son. I am sick of it. Listen to me—one shining example of the human rights violation of Fidel Castro.

Where are all the human rights people who care about this? Where is the Catholic Church that sheltered all of these Communists during the Nicaraguan and El Salvador issue? Where are they? Silent.

Let me tell you about Fidel Castro and what little boys such as Elian look forward to, and what Elian will have to look forward to when he is dragged back to Cuba—for his father. Give me a break, Ms. Reno.

On July 13, 1994, 72 Cuban men, women, and children boarded the *13 de Marzo*, a tugboat, trying to sail for freedom to the United States, just like Elian did. Less than 3 hours later—3 hours later—32 of them would be forced to return to Cuba—they were the lucky ones—while the other 40, 23 children among them, were left by the Cuban authorities, their bodies scattered at sea.

At 3 o'clock in the morning, 22 men and 30 women boarded a recently renovated World War II tugboat in the Bay of Havana. With them were over two dozen children, one an infant, and several others between 5 and 10 years old.

I am going to show you some pictures of the children who boarded that boat who never returned. I want to show you pictures of children who died such as these children right here:

Caridad Leyva Tacoronte, dead, 4 years old;

Angel Rene Abreu Ruiz, dead, 3 years old;

Yousel Eugenio Perez Tacoronte, dead, 11 years old.

Let me tell you how they died with this dictator who tells you that he wants to welcome this little boy back to Cuba so he can be with his father. If Castro had caught him, he would be dead. All of them would have been. He would have killed them. But he didn't catch them. They drowned.

Now Elian has to be told that he has to go back. His father said the other day, ''Four months I have been waiting for my son.''

Where have you been, Mr. Gonzalez? Nobody is stopping you from coming here, except Castro. We don't have any policy that says you can't come here.

Let me tell you what happened to these kids. This little tugboat was detected, and it was approached by the Cuban coast guard. The government boat did not attempt to stop the *13 de Marzo*, the boat. It didn't try to stop it. Instead, it stalked it for 45 minutes along the coast of Cuba, 7 miles out at sea—stalked it, intimidating it.

The U.S. Coast Guard protects life. The Cuban coast guard exterminates life.

It was then that the government vessel, beyond the sight of any witnesses on land, rammed this defenseless boat. This is 1994. This isn't 1959. This is 1994, 6 years ago. Defenseless people were in a little tugboat which was rammed by the Cuban coast guard.

According to the testimony of several of the survivors, two Cuban government firefighting boats appeared and began to pummel the passengers with high pressure firehoses.

You can imagine how horrible that was.

Although the passengers repeatedly attempted to surrender to the government officials—even women holding their children up on deck, saying, please, my children; it is my child; don't kill my child. They were begging for their lives, but they were relentless, this wonderful Castro who is so concerned about getting this little boy back to his father in Cuba.

The force from the firehoses you can imagine. One survivor, Mayda Tacoronte Vega, told her sister that she witnessed children sprayed from the arms of their mothers into the ocean waters. Other children were swept over the deck by the firehoses into the sea and drowned. Desperate to protect their own children, the women carried the remaining children down into the boat's hold.

Gerado Perez Vasconcelos, whose ex-wife and son perished that day, told of how the firehoses were filling the hold with water. The boat sank, and she didn't see anybody coming out of the hold.

With most of its weaker passengers already drowned inside the hold, or in the sea, the tugboat filled with water, cracked in two, and was rammed again just to be sure, and it sank.

Over the course of a few minutes that day, Maria Victoria Garcia lost her husband, her 10-year-old boy, her brother, three uncles, and two cousins. For what? For trying to get out of Cuba, this place that we are going to send Elian back to, maybe tomorrow.

Her poignant testimony revealed what happened to her and her son once they were in the water. ''We struggled to stay above water by clinging to a floating body.''

I wonder what Fidel would have done if Fidel had found Elian floating in the tube rather than these two fishermen.

''We struggled to stay above the water by clinging to a floating body,'' this woman said. ''I held onto this body because I just didn't have the strength to go on. But people fell on me, and my son slipped from my grasp,'' just as Elian's mother slipped from his grasp.

The young boy could fight the huge waves created by the Government vessels, and his mother was forced to watch helplessly as her baby drowned only 5 feet away.

Angel Ruiz, 3 years old, Fidel Castro, that wonderful, little child-loving dictator over there, took care of her.

There is Yousel, he is 11.

Nineteen-year-old Janette Hernandez Gutierrez also courageously attempted to save the life of a child just before the boat was fully submerged. ''We went to look for the other child. Just as I was about to get off the boat, I felt the child * * * had caught my foot. And when I was about to grab him, my shoe slipped off and down he went. I couldn't reach him. That was horrible * * *.''

Hernandez went on to describe the scene of the massacre: ''There was a child who was inflated like a toad, inflated with so much water.''

The merciless attack left 23 children and 17 adults dead in the Florida Straits.

You say: Oh, well. That was just a bunch of Castro's goons who got a little excited; no big deal. This is not about that. Elian's father loves him. He should go back.

Here is what Castro says about Elian, in case you want to know:

''The team is ready,'' Castro said, referring to when Elian comes back, ''to proceed without losing 1 minute with the rehabilitation and readaptation of Elian to his family.''

Yes. Absolutely. You talk about psychological trauma. You don't know what psychological trauma is until you deal with what this little boy has to deal. Not one person in the Justice Department has asked Elian one question about what he wants.

I have been there. I have talked to him.

The 32 survivors—maybe they were lucky. Maybe they weren't. They were taken to a prison where they have to endure life separated from their surviving relatives.

Not only did the agents refuse to search for the dead, they mocked the survivors and the relatives of the deceased and laughed at those who asked the state security to reclaim the bodies, said Geraldo Perez in a tearful press conference.

The officials said the drowned were nothing other than counterrevolutionary dogs. Will we send this ''counterrevolutionary dog'' back to Castro? Is Elian a counter-revolutionary dog? Elian had a taste of freedom. What if he resists the lack of human rights in Cuba? Will we hear about it? I don't think so. We will not hear about it, but Elian will hear about it. What do you think his father will be able to do about it?

I ask some of my critics on the 61 percent, pick up a book about Fidel Castro's Cuba and look up the word ''pioneers.'' Let me tell you about the Pioneers. Elian was a Pioneer before he escaped. What do Pioneers do? They have a little indoctrination school. Here is one of the little drills they do for the children at the age of 3: Hold your hands out—put on a blindfold. Hold your hands out, ask God for some candy, and wait. No candy comes. Close your hands, put them down. Put your hands back up again, ask Fidel Castro for some candy, and watch it pour into your hands.

That is what Elian has to look forward to. It is called brainwashing—nothing complicated about it.

The Union of Communist Pioneers is a compulsory political organization for children and adolescents created by the government for youngsters in kindergarten to 12th grade. It functions as the first step toward joining the Union of Communist Youth. Approximately 98 percent of the children in elementary school are enrolled. It is not presided over by a child or adolescent, as one would expect, but by a high-ranking adult member of the Union of Communist Youth.

Don't give me this stuff about him going back to his father. He is not going back to his father.

What about his mother? Why does she not have rights, too? She had custody. She was taking care of him. The dirty little secret which Mr. Gonzalez will not talk about, because he can't, because of the long arm of Castro—where is he? He is in Bethesda, in a Cuban diplomat's house. He has a lot of free time to talk there. He can speak freely there, can't he? Reno has the nerve to say: We talked out there, we talked alone, and he didn't say anything about defecting.

Come on, give me a break. Attorney General Reno, you could have stopped it 4 months ago, and you can still stop it today. Let it go to a custody court. Get out of it. It is not an immigration matter. He didn't immigrate here in the way we define immigration. Let it go to the custody court in Florida, and let them decide, if they need to. Let the family sit down alone without Fidel Castro, without any government officials, and let them talk about it. If they can't work it as a husband and wife can't work out custody of their children, go to court, and let the court make the determination based on all of the facts.

There is a dirty little secret about Mr. Gonzalez. Yes, there is. Did he know Elian was coming? Sure, he knew. He knew they were leaving. He was called when the child was picked up and went to the hospital. The doctors wanted to know whether he had medical problems or history they needed to know about, so they called him in Cuba while the family was there. He said: Take care of my son; I will be there soon.

We are not hearing about that, are we? We will not hear about that because we don't want to do anything to make Fidel Castro angry at the United States. After all, Bill Clinton wants a legacy of breaking down the barriers between Cuba and the United States. That is what this is about. Let's get real. God knows, he needs something to save his legacy, so we will take it out on Elian Gonzalez. After all, he is an expendable little kid. We don't care about him. That is just one kid. Let him go back to his father.

If your son was lost at sea for 3 days and everybody on the boat drowned and somebody found him, I don't care who it was—it could be a convicted murderer who found him, who cares—if he found him and brought him home, wouldn't you ''thank him?'' Wouldn't you say ''thank you''? Wouldn't you thank those who took care of him, if you loved your son?

Let me state what happened. There was no thank you. When he got off the plane, he said: They were a bunch of kidnappers. I want my kid back. They kidnapped my kid.

Kidnapped my kid? I am not passing judgment on this guy. He could be the greatest father in the world for all I know, but he will not get a chance to be a father because the Cubans have already said this boy is the property of Cuba, not Mr. Gonzalez. Mr. Gonzalez will do what he is told.

I want your kid.

OK; when do you want him? Where do I take him? Where do I drop him off?

As recently as April 2, Fidel Castro called the Miami relatives of Elian Gonzalez, Elian's unpunished kidnappers. Do you think little Elian will go back and tell his classmates and his father and those people in Cuba that these people were kidnappers who took care of him, who saved his life, the fishermen and the family who took care of him? I don't think so. What will happen? We can't afford to have little

Elian running around saying bad things about Cuba or good things about America. No. Elian will pay the price.

We don't have the guts to stand on the floor of the Senate as a Senate, all 100 Members, take a vote and say he should go back to Cuba or the case should go to court.

Some say we might lose. Yes, we might. I think the vote count is probably 45—maybe. So what? We could take a walk on a number of issues before this body such as whether or not we should go to war in the Persian Gulf. We could have taken a walk on that and let the President go ahead and do it, but we took a vote. It was a tough vote. We take a lot of tough votes around here, and a lot of people die as a result of votes, especially when we vote to go to war.

The headline in ''Granma,'' the Communist Party newspaper, after the incident was: ''Tugboat Stolen by Antisocial Elements Loses Stability and Sinks.''

On August 5, 1994, Fidel Castro declared that the roots of the accident were manifested in the conduct of the United States; it was the United States' fault that these kids drowned.

Dr. Marta Milina, a Cuban psychiatrist who escaped Cuba in August of 1999, stated: If Elian Gonzalez is returned to Cuba, he would have severe psychological trauma.

Is that in the best interest of Elian? Is it about Elian? Or is it about his father? The answer is, a custody court would know that because a custody court, if the family could not agree, would listen to the facts. They would make that determination. But they have never spoken, and the Justice Department has never spoken to Elian.

This is one smart little boy. Meet him. And I am sorry the Attorney General does not believe it is important enough to meet him, but I will never forget him. He carried around a little statue of the Virgin Mary in the home where we were. I said: Who is that? He said: Virgin Mary. He said: I saw her while I was on the raft.

Another story that is not recorded, and the fishermen will tell you, when they found him, he was floating in that little tube, asleep. You can substantiate this by talking to the family if you don't believe me. He was in the ocean for 3 days in the bright sunshine, didn't have a sunburn, and he was surrounded by dolphins, and dolphins will ward off sharks.

This little boy is a very special little boy in more ways than one. The fact that we allow him to go back to Cuba under the auspices of uniting a father and a son is the most outrageous decision this country will ever make. Frankly, I do not want that blood on my hands. I know that is tough talk, and I mean every word of it. I don't want it on my hands. I have seen too much of it.

I am not going to read all the names, but they will be printed in the RECORD. The children in that incident, 4 years old, 11 years old, 11 years old, 6 months old fire-hosed out of the arms of her mother, 2 years old, 3 years old, 10 years old, 4 years old, 3 years old, 11 years old, 2 years old—that is the age of the children.

Let me close on a couple of points. Edmund Burke once said:

All that is required for evil to succeed is for good men [and women] to do nothing.

Today we can do something. We can grant Elian Gonzalez and his family permanent residency status, which will send this case to the family court where Mr. Gonzalez can make his case without any Castro influence. We should have done it the day Elian got back, but we did not. We decided to make this a big political issue between the administration and Castro. So Castro starts whining, and suddenly this administration thinks the case has to be in INS's jurisdiction. We could not kowtow to a Communist dictator. What does Castro care about the interests of this little boy? I told you what he thinks of this little boy.

There are no parental rights in Cuba. The children are taken away into these training camps. They are taught all kinds of drills. They are taught how to take an AK–47 apart, blindfolded, at the age of 6.

Luis Fernandez, a Cuban diplomat, said as recently as yesterday:

The boy [Elian] is a possession of the Cuban government.

Cuban children, my colleagues, do not belong to their parents, they belong to Fidel Castro.

Article 39 of the Cuban constitution—it would be nice if some of the 61 percent of the people who say this had the facts. It would be nice if the pollster gave them the facts before they answered the question. Article 39 of the Cuban constitution, adopted in 1976 and revised in 1992, declares:

. . . the education of children and young people in the spirit of communism is the duty of all society.

Law No. 16 of the ''Children and Youth Code,'' adopted in 1978, says the state's goal is the creation of ''Communism's new generation'' and requires all adults to help mold a child's ''Communist personality.'' If the parents do not bring up the children to be good Communists, then the neighborhood spy will report them to the authorities and they will be taken away and ''reeducated.''

Talk to some of the Vietnamese who escaped Vietnam and ask them what a reeducation camp is. If anybody thinks little Elian Gonzalez will not be put under a severe and thorough Communist indoctrination when he goes back, then they are blind. He is going to suffer. He is going to pay—big time. For what? Surviving a near drowning, surviving a wreck on the open sea. That is why he is being punished, because his mother did not live.

She has rights, too, but we don't know about them. But somebody could represent her in a custody court and put her rights on the record. But not Janet Reno.

Let me give a little idea of what he is going to do some summer when he gets back. He is going to be in a ''voluntary'' labor or military drill camp. He will learn there is no religion but communism. He was put in a church a few days after he arrived. He had never been in a church before in his life. He didn't know what the inside of a church was.

He will learn that Fidel is God. He will learn the Communist Party is of more value than his father or anybody else in his family. He will be told his Miami relatives who cared for him and loved him, including his surrogate mother, Marielysis, are nothing more than traitors and worms and kidnappers. That is the language they use.

Marielysis Gonzalez, 21 years old, has been hospitalized off and on for the past 2 weeks because this little boy clings to her every day. He will not leave her alone. Every time somebody knocks on the door, every time somebody comes in the yard, every time the phone rings, he wonders if somebody is going to take him away. And he asks her: Marielysis, are they going to take me today?

How would you like to live like that? That is what Janet Reno has put this boy through for 4 months, and I am sick of it. I am not going to defend it. She has put him through it. It is her responsibility and the President's. These people have been vilified, these good people, these decent people in the Cuban-American community in Miami—good, decent people who have shown a lot of self-restraint, frankly, under the circumstances, but especially Lazaro and Marielysis and other members of that family who have taken such good care of this boy. All they care about is the best interests of the boy.

It is funny, I did not hear some of those people saying anything about the rule of law—these same people today who are saying, the rule of law says he must go back with his father. It is funny, though, those same people when their President, the Chief Executive of our country, was impeached for repeatedly breaking our law, not one of them had the courage to step out and say: He broke the law; he lied to me.

It just depends on whose law it is, doesn't it, and whose law you break. That is what matters.

I believe in the rule of law, but can you understand why they do not want to send Elian back to a totalitarian state? I have talked to the family about this. They love Juan Gonzalez. He is a family member. There is no difficulty between these family members.

The reason Mr. Gonzalez did not come here is that he could not come here. The reason Mr. Gonzalez can't defect is that he is afraid to defect because he knows what is going to happen to some of his family who are still back in Cuba. We are playing the game. We are just giving them all the cover.

''I spoke to Mr. Gonzalez, and he didn't indicate to me he wanted to defect.''

Do you remember learning about the Fugitive Slave Law of the 1840s and 1850s? It made northerners return escaped slaves back to their masters. Would anyone begrudge abolitionists who opposed that law?

Picture this: A little black child in 1840, Anywhere, U.S.A., in the South, picked up by his mother. His father says, ''No, get away, I'll cover for you.'' She takes the Underground Railroad and makes it to the North and is caught. She dies. Same logic—send him back to the father. Send him back to slavery.

This kid is going back to slavery. He is not going back to his father; he is going back to slavery. So all of you out there, all 61 percent, including many of my colleagues, when you watch him paraded around the streets of Havana as they teach him to become a pretty good little Communist, think about it. Think about how you might have stood up and prevented it.

In 1939, the U.S.S. *St. Louis* arrived from Germany with 937 refugees aboard. Do you know who they were? Jews fleeing from Hitler. The ship was denied entry because the law did not allow it. The refugees went back to Europe and Hitler and to their deaths. Was it right to uphold the law in that case?

The fact is, no law governs this case. Janet Reno is not telling you the truth. She has total discretion. There is no law that is dictating to her that she has to send this boy back. No law. Show it to me. Somebody come to the floor and read to me the law that says the Attorney General must return this boy. There is no such law. There is nothing in the law that says it. There is no age restriction. There is nothing. What it says is that she has discretion. So her discretion is to send him back, but do not tell me it is the law because it is not.

She made the wrong decision. With this simple bill, on which I have been trying to get a vote for a month, Senators can be on record as saying it is wrong to make this an immigration case. He has rights. He is only a 6-year-old boy, but he has rights. His mother had rights. Let's let the family sit down and talk about it without the Justice Department. Let them meet alone. If they cannot work it out, they can go to the Florida custody court and decide what is in the best interest of Elian. That is the way it should be.

Will evil succeed, as Mr. Burke said? That could be Elian. That could have been Elian and might still be Elian. My conscience is clear.

GAS TAXES

Mr. HATCH. Mr. President, yesterday, the Senate voted on a cloture motion to end debate on Senator LOTT's proposal to roll back the gasoline excise tax. Senator LOTT's bill is a sincere effort to address the hardships many Americans have been facing given the rising price of gasoline at the pump.

I commend the majority leader for this legislation. But, I do want to clarify my vote on the cloture motion.

I voted for cloture because I believe the majority leader, of all people, deserved an up-or-down vote on the proposal. I also believed that, if we were going to vote to cut or maintain the current gasoline tax, we ought not to confuse the American people about where we stood by deciding this issue on a procedural vote.

Unfortunately, because cloture was not invoked, and there may not be a vote up-or-down on the proposal itself, it seems that Utahns are indeed confused about where I stand on this issue. As it frequently happens, the vote on the procedural motion becomes a proxy for how a senator would have voted on the bill. However, that assumption does not hold true for me in the case of this gas tax proposal. I would have reluctantly voted against it.

While I respect Senator LOTT for his effort at providing relief for truckers, farmers, landscapers, salesmen, and everyone else who depends on his or her vehicle, I have an equal concern for the quality of the highways they drive on.

It is unclear to me that the loss of revenue that would have resulted from passing this legislation could have been immediately made up from other programs, thus necessary highway construction and repair projects in Utah and around the nation could have been delayed.

Moreover, I believe that there are other measures we can find should take to address the issue of high gas prices. In the long-term, we should encourage development of alternative fuels vehicles. Toward this end, Senator JEFFORDS and I will be introducing legislation later this month that will provide strong tax incentives for the development and purchase of such vehicles, along with the alternative fuel they use.

I also believe that there are other tax relief initiatives that will have greater positive impact for American families, and I will continue to press hard for these proposals.

Mr. GORTON. Mr. President, American consumers are feeling the impact of high oil prices. Obviously, the increase is noticeable at the gas pump, but it also is being felt in less visible ways through increases in the cost of goods and services as airline prices and shipping costs escalate. I have stated, in no uncertain terms, that I consider responsibility for the current situation largely to lie at the feet of the Clinton-Gore Administration. Thanks to nearly eight years of their short-sighted policies, we are increasingly dependent on foreign oil. To make matters worse, not only does the Clinton-Gore Administration not have any clear plan to reduce our dependence on foreign oil, they actually appear to be moving in the opposite direction, seeming at every turn making it more difficult to develop domestic energy sources, whether it be gasoline, petroleum products, coal, oil, or hydropower.

As it is largely through the bungling efforts of the current Administration that we are in this situation, I believe it is appropriate that the U.S. Senate counterbalance their efforts with some modest relief. A suspension of the 4.3-cent federal fuel excise tax, imposed in the early days of the Clinton Gore administration, should provide the short term relief consumers deserve.

As Congress addresses these issues, however, we must seek a solution that not only attacks this problem from the perspective of energy supply, but also energy use. A key aspect of any debate on this subject must focus on motor vehicle fuel consumption. The United States currently uses about 17 million barrels of oil per day to run cars and trucks. Thanks to the existence of Corporate Average Fuel Economy, or CAFE, standards, three million barrels of oil are conserved each day. Despite the clear success of CAFE standards, however, Congress has prevented the National Highway Traffic Safety Administration (NHTSA) from even considering whether we can do better, particularly in relation to the fuel efficiency standards of lights trucks, which haven't been significantly increased in ten years.

Many constituents and colleagues are often surprised to learn of my advocacy for CAFE standards. My motivation is simple, and is based on the success of the original CAFE statute. I feel that NHTSA should at least be allowed to study whether an additional increasing CAFE standards is an appropriate action. As you may know, light truck standards have not had a significant increase in the last ten years. Light trucks are regulated separately from cars and are only required to get 20.7 mpg on fleet average as opposed to 27.5 for cars. In 1983, the average fuel economy of light trucks was already 20.7 mpg. Since 1983 it has dropped .3 mpg to 20.4. This is hardly a technological breakthrough.

I am not swayed by doomsday predictions from automakers who claim they will be forced to manufacture fleets of subcompact cars. These are the same arguments that were used during the original debate in 1974. One

only needs to examine the possible options available to consumers today to disprove this theory. When consumers can purchase SUVs as large as the Chevy Suburban or Ford Excursion, it is hard to argue that consumer choice has been compromised. I have complete faith in American automobile manufacturers that they can continue to produce fuel efficient vehicles that are the envy of the world.

Therefore, it was with great interest that I listened to Energy Secretary Bill Richardson testify before the Interior Subcommittee this morning on the Clinton Administration's multi-faceted plan to address high gasoline prices. This testimony focused on a lengthy discussion of the results of last month's diplomatic efforts. When pressed on the Administration's plan to decrease this country's dependence on foreign oil sources, Secretary Richardson went on to tout his proposals to improve alternative fuel options and fuel efficiency. He suggested tax incentives and credits for U.S. oil producers, fuel efficient vehicle production, and alternative fuel development. Unfortunately, there was no mention of CAFE standards.

In response to this omission, I had to ask why this Administration has failed to actively support new fuel efficiency standards. When I pressed Secretary Richardson to commit to making CAFE standards a centerpiece of the Clinton-Gore Administration's effort to address the current fuel shortage and long-term foreign oil dependency of this country, he ducked the question and told me he wished the EPA Administrator was available to answer.

I am perplexed by this response. Obviously, U.S. auto manufacturers have demonstrated they are more than up to the challenge of producing more fuel efficient light trucks and SUVs. In fact, Ford Motor Company just announced plans to start selling within three years a hybrid gas-and-electric-powered SUV that gets about 40 miles per gallon.

Therefore, I fail to understand why the Clinton-Gore Administration can't make simply studying a possible increase in CAFE standards a top priority in this debate. I challenge the White House to embrace this common sense approach, which is certainly preferable to the groveling diplomacy it engaged in just weeks ago.

ADOPTION OPPORTUNITIES ACT

Ms. LANDRIEU. Mr. President, I rise today to speak about the Adoption Opportunities Act which would amend the current adoption tax credit so it does what it was originally intended to do, and that is to help all kinds of families in their efforts to adopt all kinds of wonderful children.

I would like to begin my remarks this morning by introducing you and my colleagues to someone very special. This beautiful little girl's name is Serina Anglin. Serina was born, as you can see here, prematurely and severely addicted to drugs. Her mother was a 15-year-old girl who herself had been abandoned in a crack house by her drug-addicted mother.

At birth, doctors were all but certain Serena would not survive. When she was just a few months old, a neurologist described her in the following way:

> In summary, Serina is a severely manifold handicapped child whose significant defects are in social, adaptive, affective, and cognitive development.
>
> Serina has cerebral palsy as well as other multiple problems including crack cocaine prenatal addiction, history of herpes and encephalitis, and seizure disorders including epilepsy. . . . Her ability to walk is very uncertain. I think she will fall into the moderate to severe range of retardation.

However, through the grace of God, Serina came into the home of a wonderful couple, Hal and Patty Anglin, of Wisconsin, who are now her adoptive parents. I want to show you a current picture of Serina. Through their love and determination, Serina has not only survived but her progress has simply amazed medical experts.

Today, Serina is a remarkable child. She still has some small seizures, but her larger seizures are all but gone. She not only can walk, she recently learned to ride a bike. Each day she is becoming more and more active. She is true and living proof that the love of a family, growing up in a nurturing environment, can make what was deemed impossible possible.

This is not to say this miracle came easily. In the beginning, Serina's care required that she go to the doctor over 16 times a month. For the first year of her life, her adoptive mother, Patty, carried her in a tummy sack to simulate the safety and warmth she had been deprived in the womb. She had to be taught how to breathe and swallow. She has had several surgeries on her leg which was damaged as a result of prenatal drug exposure.

I tell this story today because I cannot think of a better way to show my colleagues why the current tax credit needs to be changed. Serina was born to a mother who was a ward of the State. So upon her birth, she was immediately placed in foster care, as I explained. As such, when the Anglins, who were her foster care parents, went through the formal adoption process, the process of adoption cost them almost nothing.

Therefore, under our current definition of qualified adoption expenses, they were not eligible to receive one single dime of the $5,000 tax credit that is supposedly available under current law. Had Serina, this beautiful little girl, been a healthy infant voluntarily given up and adopted privately or through one of our many able agencies, the Anglins would have been eligible to claim the $5,000 tax credit. I am sure my colleagues will agree this was not our intention when we passed the adoption tax credit.

In the case of children in foster care with special needs, what gives many parents pause is that everyday care of these children can be both physically and financially draining. I cannot tell you how many foster parents tell me the only thing standing in the way of their formally adopting foster care children is the worry that their personal resources will be inadequate to properly care for them. Through a properly drafted and funded adoption tax credit, we can be the partners with these prospective parents whose hearts are ready to take on this responsibility.

It is a small step in the right direction but a very important step. A tax credit for special needs children logically should assist parents, such as the Anglins, with the everyday long-term costs of raising a child with special needs and should not be limited to the expenses of the ''act of adoption'' itself. The current definition is limited to ''qualified adoption expenses.'' That is too narrow to reach children such as Serina who need our help the most.

The Adoption Opportunities Act, which we introduce today, proposes to fix this dilemma. It allows a straightforward $10,000 tax credit for families who adopt a child with special needs. The new tax credit for special needs children will not require the parents to submit verification of their expenses, nor will the amount be dependent upon the cost of adoption itself.

I know many of us have argued for years about simplifying the Tax Code. I am hard pressed to imagine a way that would be more simple than the one Senator CRAIG and I are proposing, for all a parent has to do is simply attach a certificate of adoption for any special needs child to their tax return and they will get, under this bill, a $10,000 credit that can be carried forward for 5 years. It is that simple.

Another problem lies in the fact that the current tax credit for nonspecial needs children is due to sunset in December of 2001. Hoping to ensure the credit was well designed and necessary, the drafters of the original bill agreed to reevaluate it after 5 years. We have done that and have included that in our bill. It permanently extends the $5,000 tax credit for adoption and almost doubles the adoption tax credit for special needs.

Because of this assistance, many families, who might not otherwise have been financially able to do so, have been able to build a family through adoption. Last week, in fact, I had the great honor of attending a ceremony when 17 children from 14 different countries became citizens of the United States. All of these children were brought here to be adopted into loving

and wonderful homes of Americans from all parts of our country.

At that gathering, one of the mothers who had adopted two children came up to me and said: Senator, please let them know in Congress how much we appreciate the adoption tax credit. It made all the difference to me and my husband as we decided to adopt our second child.

So we know that tax credit works. We know it has a positive impact, and part of our bill today extends that permanently so families can count on it.

With the cost of adoption still on the rise, this tax credit is an important factor, as I have mentioned. It has been estimated that adoptions can range anywhere from $10,000 to $20,000, whether done privately or through an agency domestically or internationally.

Another figure to keep in mind is one that was released recently by a national adoptive parent organization. They estimate that using specialized foster or adoptive parents instead of what we do now, which is congregate care facilities for drug-exposed children, could save—and I believe the Senator from Texas, Mr. GRAMM, will be interested in this as he continues to fight for ways the Federal Government can save our money—they estimate we can save as much as $550 million a year by relying on adoptive parents instead of keeping many of these children in the ''system,'' for which the taxpayers pay. Anything we can do to encourage adoption will not only be the right thing, the moral thing, the wonderful thing, and the family values thing to do, but it is smart for the taxpayers of the United States.

In addition, in case people are interested, there are more than 100,000 children in this country today waiting to be adopted—children who have had termination with their biological parents. They are waiting for someone to claim them as their own and to be adopted. There are 550,000 children in foster care. About 450,000 of those are in the process of either being returned to their families or they, too, can be eligible for adoption. Clearly, there is a need to promote adoption in this country that works for the benefit of birth parents, adoptive parents, and the children.

Finally, for parents to raise a child in their home, the estimates for a middle-class family are about $140,000. That is not including college tuition or vocational education. That is just an estimate. The least we can do is help in a small way with a $5,000 or $10,000 tax credit to encourage families to be their partner in this adoption effort.

I believe not only does it simplify the Tax Code, but there is a great need, and the need has been demonstrated. The results have been terrific. We have had testimony after testimony about how important the current system has been, so anything we can do to improve it I am sure will be welcomed by so many. It is a step in the right direction.

I close by saying, as we debate which tax credits to pursue, which are worthy, this adoption tax credit should be on the top of every list. We need to continue to be bold enough to take these steps because every time we do, children such as Serina, for whom people have given up hope, have found families on which to rely and with whom to grow.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Texas.

Mr. GRAMM. I commend our colleague from Louisiana. Today we have 130 million people who work outside the home and earn income. We have some 260 million Americans. About 30 million of them get some form of public assistance. You might ask yourself: Who takes care of the other 100 million Americans? They are taken care of by families. And the driving force is love.

So not only is the distinguished Senator from Louisiana talking about saving money, but what adoptive parents will add to the equation is love and care. The whole world benefits from it. So I commend her.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. I, too, thank the Senator from Louisiana for her leadership on this issue. We are fortunate enough to work together on this marvelous issue of adoption, chairing the adoption coalition here on the Senate side.

Both Senator LANDRIEU and I this week have helped host two delightful young ladies who are on the hill, Miss USA and Miss Teen USA, both adopted, both coming from adoptive families. They were in my office this morning speaking about the wonderful families they were allowed to be a part of who have granted them all of this charm and talent that can only come from a loving environment, that has allowed them to become national leaders, as they now are, as Miss USA and Miss Teen USA.

I say thank you to the Senator for her leadership on this issue. It is critically important to America and America's families.

PROJECT EXILE: THE SAFE STREETS AND NEIGHBORHOODS ACT OF 2000

Mr. SANTORUM. Mr. President, today, I rise in support of S. 2390, ''Project Exile: The Safe Streets and Neighborhoods Act of 2000'', which establishes a grant program to provide incentives for states to enact mandatory minimum sentences for certain firearms offenses. I commend Senator DEWINE for his leadership and appreciate the opportunity to join with him and other colleagues working together on this important legislation. The time has come to restore our commitment to aggressively prosecuting gun crimes around this country. In states and cities around the country where aggressive prosecution of gun crimes is coupled with tough prison sentences, violent crime has gone down. Tough law enforcement saves lives.

This legislation provides $100 million of additional resources over five years as incentives for efforts like Project Exile. To qualify for the grant program, states must have a mandatory minimum of 5 years without parole for convictions of violent crimes and serious drug trafficking offenses where a firearm is used during or in relation to the crime. In the alternative, the state can have a federal prosecution agreement which would refer those arrested for federal prosecution of the alleged gun crime in a collaborative effort between law enforcement.

Project Exile started in Richmond, Virginia as an attempt to reduce violent crime by aggressive enforcement of gun laws and improved law enforcement coordination. Since the program began in 1997, violent crimes involving handguns have decreased 65 percent and overall crime has been reduced by 35 percent. 385 guns were taken off of the street. In 1999, Project Exile was adopted statewide in Virginia. It has given prosecutors the ability to choose within which courts they will try offenders and created tougher penalties for people committing crimes with guns.

I have also worked to help expand this approach to Philadelphia in 1999, where ''Operation Cease Fire'' also adopts a zero tolerance policy for federal gun crimes. Project Exile has already proven that present laws can work if enforced properly. Federal, state, and local law enforcement and prosecutors work side by side to expedite prosecution of every federal firearms violation. In 1999, over 200 federal gun-related indictments were issued in Philadelphia and the surrounding counties. This is a 70 percent increase in indictments in only one year.

The bill authorizes $10 million in Fiscal Year (FY) 2001, $15 million in FY02, $20 million in FY03, $25 million in FY04, and $30 million in FY05. States must provide at least a 10 percent match and must also at least maintain current funding levels to qualify. Funds can be used for public awareness campaigns, law enforcement agencies, prosecutors, courts, probation and correctional officers, case management, coordination of criminal history records, and the juvenile justice system. Representative BILL MCCOLLUM introduced similar legislation in the House of Representatives as H.R. 4051. This legislation passed the House yesterday by a 358–60 vote margin.

Mr. President, I urge my colleagues to support this important initiative to collaborate with local efforts to prosecute and prevent the criminal use of guns in our schools and neighborhoods.

RAPE AND SEXUAL TORTURE IN SIERRA LEONE

Mrs. FEINSTEIN. Mr. President, in all too many places and in all too many conflicts in recent years we have witnessed the use of rape and sexual torture as instruments of war. I am sad to say, some incidence of rape has always accompanied war and turmoil in human history, but the record of the past few years, with the use of organized, systematic campaigns of rape to terrorize civilian populations, suggests a new chapter in the barbarity of human history has been opened.

It was disturbing to learn there are serious and credible allegations that rebel forces used systematic rape as an instrument of terror in the eight-year civil war in Sierra Leone.

While statistics are not yet available, there is clear and credible evidence that thousands of girls and women, ranging from ages 5 to 75, were abducted during the civil war and gang raped. Many were used as sex slaves and forced labor. And it is possible many are still being held captive, subject to the depravations of their inhuman captors.

This horrific story was detailed in an article in yesterday's Washington Post. I ask unanimous consent to have the article, entitled ''A War Against Women'' from the April 11, 2000, Washington Post printed in the CONGRESSIONAL RECORD following my remarks.

The civilized world must send a strong, unambiguous message that rape and sexual torture are not acceptable under any circumstances and will not be tolerated. The United States must be at the forefront of efforts to help the Government of Sierra Leone bring to justice those responsible for the systematic rape and sexual torture that took place during the civil war.

[From the Washington Post, Apr. 11, 2000]

A WAR AGAINST WOMEN—SIERRA LEONE REBELS PRACTICED SYSTEMATIC SEXUAL TERROR

(By Douglas Farah)

BLAMA CAMP, SIERRA LEONE—The women slip one at a time into a bamboo hut in this displaced persons camp, and most begin to cry quietly as they tell of being gang-raped and held as sex slaves by rebels who had sought to overthrow the government of Sierra Leone.

One 25-year-old woman said she had delivered a still-born baby the day before rebels of the Revolutionary United Front attacked her village in 1998. She was unable to flee with most of the other villagers, and five rebels took turns raping her, she said. When her husband tried to intervene, they killed him.

''I thought at first I was dealing with human beings, so I said I was sad and confused because I had just delivered a dead baby, I was bloody and weak,'' she said between sobs. ''But they were not human beings. After they left I gave up, and I wanted to die. I had no reason to live anymore.''

Human rights workers says the woman, who was rescued by a patrol of government troops, is one of thousands who were raped by insurgent forces and other armed gangs during the nation's eight-year civil war. While statistics are not yet available, rights workers said the rebels' rape campaign was as widespread and systematic as similar assaults in the 1992–1995 Bosnian war but has received far less attention.

Unlike at least some of the perpetrators in Bosnia, those responsible here likely will never be tried because of a blanket amnesty that was part of the accord that ended the conflict last July. Even more worrisome, U.N. officials and government officials say, is that the rebels may still hold thousands of women in remote strongholds despite the fact that the peace accord required them to free all captive civilians.

''The [rebels] perpetrated systematic, organized and widespread sexual violence against girls and women,'' the New York-based group Human Rights Watch said in a recent report. ''The rebels planned and launched operations in which they rounded up girls and women, brought them to rebel command centers and then subjected them to individual and gang rape. Young girls under 17, and particularly those deemed to be virgins were specifically targeted. While some were released or managed to escape, hundreds continue to be held in sexual slavery after being 'married' to rebel combatants.''

Rose Luz, a physician with the International Rescue Committee, said that what is most shocking about the hundreds of rape cases she is documenting is the ages of the victims. Most were under 14 or over 45—many of whom were too slow or too infirm to flee. Luz said the youngest victim documented so far was 5; the oldest was 75.

''It is the ones who could not get away,'' Luz said. ''They raped whomever they stumbled across.''

With the consent of the women involved, Rescue Committee officials arranged for a reporter to be present during some interviews. It was agreed that no names would be used or photographs taken. The interviews were conducted at this camp—about 160 miles southeast of the capital, Freetown—which shelters 22,500 people who were driven from their homes in eastern Sierra Leone by insurgent forces.

If the rebels considered a woman attractive or physically fit enough to work, she would likely be taken along with them—not just to be a sex slave, but a domestic servant as well, Luz and other aid workers said. Often, they said, a captive woman would try to attach herself to one leader to avoid repeated gang rape. In a culture in which rape victims are often ostracized, such wholesale assaults were effective not only in spreading terror, but in breaking apart communities, social workers said.

The first victims began telling their stories to the Rescue Committee when the aid group started reproductive health classes here several months ago, said counselor Dolly Williams. Last month, in an effort to refer the women for urgently needed medical attention and help them cope with their shame and humiliation, the Rescue Committee began documenting their stories. As word of the program spread, hundreds of women have come forward, waiting their turn patiently while Williams and Luz record the accounts of other victims.

''Child and women abductees and victims of gender violence are far too numerous, and we do not yet even have a clear picture as to how many there really are,'' said U.S. Ambassador Joseph H. Melrose Jr., who is trying to arrange for U.S. funds to help the victims. ''What is clear is that these victims and their injuries, both physical and psychological, must not be ignored. If these injuries do not heal, they will have implications for future generations of Sierra Leoneans and the success of the peace process.''

Williams said the rate of sexually transmitted diseases such as syphilis and gonorrhea among the women is extremely high, a reflection of the 92 percent infection rate found among demobilized rebels. Neither the combatants nor the women are tested for AIDS or HIV infection because the cost is too great and there are no resources to treat anyone who tests positive.

The first woman to arrive at the palm-thatched interview room one day last week was a 60-year-old who came to tell how she was grabbed in her village by a group of raiders because she was unable to outrun them. When they could not find any other women, she said, they raped her.

''I begged them not to,'' she said. I told them I was old. I could be their grandmother,'' but they did not listen; they just laughed at me. Afterward they let me go because I was old and useless. Now I have pain when I urinate. I have sores; I can't sleep.''

A 35-year-old woman said she had been abducted and raped by four rebels in 1997. When they had finished, she said, they took her to their commander, who decided to keep her. She finally escaped three years later, during a firefight between the rebel unit and government troops.

''I can't have a man again,'' she told the interviewer. ''I have lost my life.''

GUN VIOLENCE

Mr. HUTCHINSON. Mr. President, I rise today in support of S. 2390 which Senator DEWINE introduced yesterday. I am proud to be an original cosponsor of this legislation. I know that, unlike additional infringements on the constitutional rights of law-abiding Americans, this bill will effectively reduce gun violence and save lives.

Like many of my colleagues, I am extremely concerned about gun violence. In my home state of Arkansas, there are several cities which have long been plagued by extraordinarily high levels of violence and murder, largely fueled by illegal guns, gangs, and drug trafficking. According to the 1998 Uniform Crime Reports, Little Rock, with a population of 176,377, North Little Rock with a population of 60,619, and Pine Bluff, with a population of 54,062, had 25, 8, and 17 murders respectively. The rate of murder per 100,000 inhabitants in North Little Rock-Little Rock was 10.3 and it was 33.8 in Pine Bluff and significantly exceeded the national rate of 6.3 murders per 100,000 inhabitants. Nonetheless, I have received literally thousands of letters from Arkansas asking me not to support additional gun control measures, but rather to simply enforce the laws already in effect.

My constituents are right. We do not need more gun laws. We just need to enforce those already on the books. The facts show that the Clinton Administration has not done this; from 1992 to 1998 prosecutions of defendants who use a firearm in connection with a

felony have decreased nearly 50 percent, from 7,045 to approximately 3,800. In addition, while more than 500,000 convicted felons and other prohibited purchasers have been prevented from purchasing firearms from federally, licensed firearms dealers under the Brady Handgun Violence Prevent Act, only 200 of these persons have been referred to the United States Department of Justice for prosecution. I have carefully studied the Project Exile program in Richmond, Virginia and am convinced that it saves lives. Before Project Exile was implemented, Richmond was one of the nation's murder capitals, and Project Exile resulted in a 40 percent reduction in the number of murders committed with firearms. That is why for the past several months, I have been working to implement Arkansas Exile. By supporting S. 2390, I hope to obtain the additional funding necessary to allow Arkansas and other states to implement a program proven to reduce gun violence.

Finally, I support S. 2390 because it is the right approach. The President and many of my Senate colleagues condemn firearms, which are inanimate objects, and the gun industry while ignoring and working to overturn the well-established legal principle and a third-party's criminal act is an unforeseeable event for which a merchant may not be held liable. I am saddened and alarmed that the President and cities throughout the nation are using the vast resources for their governments to force the gun industry to take responsibility for the acts of criminals, and I am determined to do all I can do that the criminals, not the gun industry and law-abiding Americans, are held responsible for gun violence.

WRONGFUL IMPRISONMENT OF 13 IRANIAN JEWS

Mr. ASHCROFT. Mr. President, I rise today to speak on behalf of the thirteen Iranian Jews wrongfully imprisoned and facing trial in Iran. I join with concerned people of all faiths around the nation, and the world, in calling for the observation of fundamental human rights and the ultimate goal of freedom for these innocent people.

Iran has recently taken some positive steps away from political and religious repression toward the acceptance of freedom, justice, and democracy. Reforms, however, have been marred by a disheartening lack of concern for the human rights of religious minorities in Iran. Throughout my life, I have been committed to furthering fundamental human rights, especially religious freedom, for both Americans and people throughout the world. Therefore, I was deeply concerned by the February 1999 arrest of thirteen Iranian Jews informally accused of spying for Israel and the United States. Today, ten of the thirteen are still in jail awaiting trial, while the other three have been released on bail. This situation is especially troubling because these innocent community and religious leaders could face the death penalty if convicted.

Mr. President, this entire legal ordeal has been filled with Iranian Constitutional violations and shrouded in secrecy. For instance, the thirteen have never been formally charged or indicted. This should be the first step in any legal proceeding, but it now appears almost certain the defendants will not know the charges they face until the trial begins. As a former Attorney General of Missouri, I fully appreciate what a daunting, if not impossible, task it would be to build a credible defense without knowing the charges.

Additionally, although it appears the Iranian government might have recently reversed its previous position and agreed to allow the thirteen to choose their own legal counsel, the judge in the case has refused access to the defendants by their chosen attorneys. Beyond the seriously limiting results of this decision, the chosen attorneys cannot officially become the defendant's counsel until the necessary legal documents are signed, which will not occur until the attorneys and defendants meet. The courts have created one of the worst "Catch-22s" I have seen.

It also troubles me that the trial will be conducted in secrecy. After repeated requests by international observers and the press, the decision to keep the trial secret has been affirmed by the courts. For these obvious reasons, I believe it likely that the thirteen will not receive a fair and impartial trial.

The members of the Jewish Iranian community, who out of respect and fear of the Islamic majority rarely speak out in public, have even made an uncharacteristic plea to the Iranian government. I join with this community in asking for all defendants in Iran, regardless of religion or standing, to have access to legal counsel of their own choosing, and to be afforded the requirements of Iranian law for fair and open trials. In addition, I urge the Iranian government to grant permission for the ten jailed Iranian Jewish defendants to go home on furlough for Passover, which begins on the evening of April 19th, if the proceedings have not yet been completed.

Mr. President, I rise today in support of the basic principles of human rights and religious freedom. The Iranian government must do the right thing and provide these defendants their fundamental rights, and the International Community must use all available pressure and diplomatic avenues to influence them to do so. And the United States Government should demonstrate real leadership by diligently working to see the ultimate release of these thirteen Jewish Iranian defendants.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, April 11, 2000, the Federal debt stood at $5,763,650,722,859.87 (Five trillion, seven hundred sixty-three billion, six hundred fifty million, seven hundred twenty-two thousand, eight hundred fifty-nine dollars and eighty-seven cents).

Five years ago, April 11, 1995, the Federal debt stood at $4,871,386,000,000 (Four trillion, eight hundred seventy-one billion, three hundred eighty-six million).

Ten years ago, April 11, 1990, the Federal debt stood at $3,084,969,000,000 (Three trillion, eighty-four billion, nine hundred sixty-nine million).

Fifteen years ago, April 11, 1985, the Federal debt stood at $1,730,073,000,000 (One trillion, seven hundred thirty billion, seventy-three million).

Twenty-five years ago, April 11, 1975, the Federal debt stood at $511,156,000,000 (Five hundred eleven billion, one hundred fifty-six million) which reflects a debt increase of more than $5 trillion—$5,252,494,722,859.87 (Five trillion, two hundred fifty-two billion, four hundred ninety-four million, seven hundred twenty-two thousand, eight hundred fifty-nine dollars and eighty-seven cents) during the past 25 years.

ADDITIONAL STATEMENTS

COMMEMORATION OF 30TH ANNIVERSARY OF THE COUNSELING CENTER OF MILWAUKEE, INC.

• Mr. KOHL. Mr. President, I rise today to commend an organization that has provided high quality mental health, residential, case management, prevention, treatment and outreach services to adults, youth and families in the Greater Milwaukee area for thirty years. This organization is the Counseling Center of Milwaukee, Inc.

The Counseling Center of Milwaukee came from humble beginnings. Established in 1970 in the basement of Milwaukee's St. Mary's Hospital, it merged with the organization Pathfinders for Runaways in 1971. The Center has since grown into a $2.3 million agency with 100 paid and volunteer staff.

In working to fulfill its vision statement of putting more people in charge of their lives, connecting to others and contributing to their communities, the Counseling Center of Milwaukee provides both individual and family services including education, counseling, providing emergency shelter and mentoring.

The Counseling Center serves a variety of clients, most of whom are low

income and most from the city of Milwaukee. The Counseling Center has always been a place where clients could turn when they had nowhere else to go. Through public and private funding, the Counseling Center provides service to anyone in need, regardless of their ability to pay. This includes more than 7,000 citizens in the Greater Milwaukee area served in 1999.

I am proud to join in celebrating the 30th anniversary of the Counseling Center of Milwaukee. I thank the dedicated employees and volunteers of the Center for their significant contributions to the mental health of the citizens of my state, and wish them a prosperous future.●

NATIONAL LIBRARY WEEK

● Mr. GRAMS. Mr. President, I rise today to recognize National Library Week and pay tribute to those dedicated individuals who, through their passion for books and learning, make our libraries places of great discovery.

If a child wants to know everything there is to know about space, you could send them up there in a rocket ship. If they're interested in tornadoes, you could send them out after one with a crew of storm chasers. If they'd like to meet George Washington, you could even send them back in time. You could—if you just knew how.

Or, you could send them to the library instead.

National Library Week is April 9–15, and there's no better place than our libraries for bringing the world and the events that shape it—past and present—to life. Fortunately, a child doesn't need any special gadgets to experience all the library has to offer; they just need a library card.

As Congress debates important issues like the federal budget and how to save Social Security, the library is also an excellent place for young people to learn more about government and what's happening in Washington. And of course, the librarians are always there to help.

On the occasion of National Library Week, I urge all Americans to check out a book—and ''check out'' all the riches their local library has to offer.●

NATIONAL VOLUNTEER WEEK

● Mr. GRAMS. Mr. President, boxer Muhammad Ali once said, ''Service to others is the rent you pay for your room here on earth.'' Minnesota's volunteers exemplify that philosophy, and during National Volunteer Week, April 9–15, we celebrate their passion for their communities.

National Volunteer Week offers an opportunity to salute the millions of dedicated men, women, and young people for their efforts and their commitment to serve. Volunteers are one of this nation's most valuable resources, making this year's Volunteer Week theme—''Celebrate Volunteers!''—very appropriate.

Minnesotans can be proud that our state has one of the highest rates of volunteerism in the nation. While 56 percent of Americans volunteer nationally, two-thirds of all Minnesotans give back to their communities through volunteering. According to state officials, this show of strength returns $6.5 billion a year in donated hours to Minnesota communities.

Thanks to the many Minnesota volunteers who help make our communities better, more compassionate places to live. For those who have yet to discover the joy that comes from serving others, I invite them to get involved—and remember the words of Henry David Thoreau: ''One is not born into the world to do everything but to do something.'' Volunteering is truly your opportunity to do something.●

IN MEMORY OF LEE PETTY

● Mr. HOLLINGS. Mr. President, I rise today to remember auto racing's Lee Petty, who died last week at the age of 86. A pioneer of the sport, he claimed 55 titles, including the inaugural Daytona 500 in 1959, before a 1961 collision ended his competitive career. His son Richard carried the torch with style, collecting seven Winston Cup trophies and establishing a fan base Lee Petty could have only dreamed of back in the late 1940s when he was scorching North Carolina dirt tracks. But it doesn't end there. Lee's grandson, Kyle, a good friend of mine, continues to find success on the NASCAR circuit and Lee's 17-year-old great-grandson, Adam, recently made his NASCAR debut.

The name Petty has become synonymous with racing, and for good reason. Lee Petty had the foresight to invest in a sport with little pedigree but a heaping portion of American guts and glory. He understood that a driver's personality was often as powerful as the car he drove, and spectators would pay good money to go along for the ride. His empire, Petty Enterprises, bears witness to the clarity of that vision, having produced 271 race winners and 10 NASCAR champions.

Despite great success, Lee Petty never acted like a superstar. He lived with his wife, Elizabeth, in the same modest house where they had raised their children. Perhaps humbleness, and a willingness to brave the hot sun for hours to sign autographs, will prove to be Lee Petty's greatest contribution to American sports. An editorial in Charleston, SC's daily newspaper, the Post and Courier, concludes: ''In a day where money seems to be the overriding concern of so many athletes, Lee Petty was a reminder of what is important in the sporting world—and why folks gravitate toward the National Association for Stock Car Auto Racing. Lee Petty's grown-up NASCAR has never forgotten that a professional sport should be family- and fan-oriented.'' The patriarch of one of professional sports' most celebrated families, Lee Petty has left a legacy that will linger over American racetracks for generations to come.●

COMMENTS ON VIETNAM

● Mr. HOLLINGS. Mr. President, we have all read a lot on Vietnam, but nothing more thoughtful than the brief comments by Charleston, S.C.'s Charles T. ''Bud'' Ferillo, Jr. in the College of Charleston magazine, ''The Cistern.'' Mr. Ferillo, a 1972 graduate of the college, served in Vietnam. I ask that his comments be printed in the RECORD.

The comments follow:

PERSPECTIVES

(By Charles T. (Bud) Ferillo, Jr.)

Well before I was drafted, I viewed America's involvement in Vietnam a political mistake at home, a foreign policy of misjudgment in Southeast Asia and a personal tragedy for the tens of thousands of Vietnamese and Americans who paid the price for the misadventure.

I had lost my college deferment in 1966 and received my ''Greetings from the President of the United States'' draft letter in early 1967. I decided to do my best and serve even though I thought our policies in Vietnam were wrong. A lot of awful experiences in the war would follow that decision but not one day of regret.

In Vietnam you joined your unit one soldier at a time, not in groups that trained together back home or from old time group enlistments. My unit was Company C, 1st Battalion, 22nd Infantry, 4th Infantry Division. That night in July 1968 when I joined Charlie Company as an incoming sergeant E–5, I was ordered to take out a night patrol. I was exhausted from days of travel and processing but I didn't sleep a wink all night, and never solidly for the rest of the year I was there.

Three days later, on patrol in a cornfield, my radio operator who was walking just behind me was shot through the neck by a sniper. I later lost another radio operator who was shot while clinging perilously to rungs of a hastily departing helicopter. If he had been able to survive his wounds, he would never have survived the fall from the chopper into the trees below. We found his body three days later.

Discipline was strongly enforced in our division. No intentional killing of civilians or torture of POWs was tolerated. After several reprimands I had one soldier in my company court-martialed for cutting off the ears of dead North Vietnamese soldiers and mailing them home to his girlfriend.

The final tragedy for me was that the man I recommended to succeed me as squad leader in Charlie Company was killed as he walked in the squad leader position in the field the day after I left for home. It is his name I look for first on the wall in Washington when I visit it.

There were some light moments, too. I was able to keep a pet monkey in my bunker for several weeks until he learned to pull the pins on hand grenades and kick them off the mountainside to explode below.

My war experiences only served to support my initial doubts about our involvement.

Once when a convoy of U.S. Army and South Vietnamese Army units that I was traveling with on Highway 1 was ambushed by NVA regulars, we American soldiers jumped off our trucks facing the enemy and returned fire. The South Vietnamese soldiers jumped off the other side of the trucks and ate lunch. Whose war was it?

I recall numerous incidents when U.S. Army officers instructed us to count each body part from a NVA soldier as one casualty so as to swell the total body count reported. Similarly, we noted that some known U.S. casualties were listed long after the deaths in Stars and Stripes, the weekly military newspaper. These small deceits, multiplied across the country and if practiced widely, could have contributed to an inaccurate picture of battlefield situations. And it would have been done purposefully.

What would I want future generations to know about the nation's experience in Vietnam?

First, that governments of men can and do make huge mistakes. In understanding political situations in other cultures, in intelligence gathering and interpretation, and that an overzealous military can and will cover up their miscalculations of enemy strength, exaggerate U.S. military effectiveness and minimize cost projections and outcomes. Once committed, reversals of policy are slow in our system of government and often come too late for too many in harm's way.

Second, I would urge future generations to get informed and involved in public affairs as a matter of civic duty and personal interest to guard against poor political leadership that can get the country in deep trouble because of political ideology, showmanship or the pursuit of short-term partisan advantage over the national interest. Not only is eternal vigilance the price of liberty in Jefferson's phrase, but it is also the price of intelligent foreign policy and peace in the world.

Third, I would want those who look back at what happened in Vietnam to recall that it was not victories in combat by soldiers and airmen that got us out of there. No, it was not that at all. It was the courage and aggressiveness of people of all ages here at home who protested in the streets that finally turned the political tide in this country against the war. Their courage and tenacity forced a reversal of policy in Washington as time and events revealed military failures and unacceptable losses.

Finally, I would not want my children or anyone's children to ever know the details of what war looks like up close. It is very gruesome and terrifying for the safe and the wounded and all those who survive are burdened with the awfulness for their lifetimes. As time passes, the joy and fullness of life can repair the damage and soften its impact for those whose lives lead in healthy directions. For those who returned to dysfunctional families, lack of schooling, joblessness, illness, they are the walking wounded of Vietnam who cannot ever come home.

I would want my children to know that I tried to do my duty when my country called even when I disagreed deeply with the policies and conduct of the war in which we were engaged. I would want them to know I felt no regrets or ill feelings toward those who chose not to serve; those decisions of conscience required a certain kind of courage as well as any I saw in the war. Lastly, I would want my children to work for a country that is a more thoughtful, careful and respectful force in a world of divergent cultures, one that expends its resources in war only when our national security interests are genuinely at stake.●

MR. JACK WILCOX INDUCTED INTO PLYMOUTH HALL OF FAME

● Mr. ABRAHAM. Mr. President, on April 18, 2000, the Kiwanis Club of Plymouth, Michigan, with the assistance of the Plymouth Community Chamber of Commerce, the District Library, the Plymouth Historical Society, and the City of Plymouth, will honor three men whose commitment to the community has earned them a place in the Plymouth Hall of Fame. These men are being recognized because over the years their dedication and many efforts have played a large role in making Plymouth the wonderful town that it is today. With this having been said, I rise today in honor of Mr. James Jabara, Mr. James B. McKeon, and Mr. Jack Wilcox, who are rightfully taking their place among the ''Builders of Plymouth.''

A graduate of Plymouth High School and the University of Michigan, Mr. Wilcox is a retired U.S. Navy captain. He has served the community of Plymouth in many, and varied, ways. A semi-professional actor, he is a charter member of the Plymouth Theater Guild. He is a past president of the Plymouth Historical Society, as well as a lifetime member of this organization. He has served as City Commissioner, and helped to organize the Plymouth Council on Aging and the Plymouth Economic Development Corporation. Mr. Wilcox is a trustee of Riverside Cemetery, a member of the Munipal Tree Board, and a member of the Block Grant Citizen's Advisory Commission. In addition, Mr. Wilcox is the host of the local cable television show ''Profiles in Plymouth.''

Mr. President, I applaud Mr. Wilcox for his many efforts to better the quality of life for every resident of Plymouth, Michigan. His dedication to the town over the years is truly admirable, and I am glad that the Kiwanis Club has taken this opportunity to recognize his many contributions. On behalf of the entire United States Senate, I congratulate Mr. Wilcox on his induction into the Plymouth Hall of Fame.●

MR. JAMES B. McKEON INDUCTED INTO PLYMOUTH HALL OF FAME

● Mr. ABRAHAM. Mr. President, on April 18, 2000, the Kiwanis Club of Plymouth, Michigan, with the assistance of the Plymouth Community Chamber of Commerce, the District Library, the Plymouth Historical Society, and the City of Plymouth, will honor three men whose commitment to that community has earned them a place in the Plymouth Hall of Fame. These men are being recognized because over the years their dedication and many efforts have played a large role in making Plymouth the wonderful town that it is today. With this having been said, I rise today in honor of Mr. James Jabara, Mr. James B. McKeon, and Mr. Jack Wilcox, who are rightfully taking their place among the ''Builders of Plymouth.''

Mr. McKeon came to Plymouth after graduating from a school that I myself am quite familiar with, Michigan State University. He has served Plymouth both as City Commissioner and as Mayor. He has been president of the Plymouth Chamber of Commerce, and was named Volunteer of the Year by that organization. Mr. McKeon is chairman of the Downtown Development Authority, and sits on the Board of Directors of Growth Works and the New Morning School. In addition, he is a member of the Schoolcraft College Development Authority Board and a benefactor of the Plymouth Community Arts Council.

Mr. President, I applaud Mr. McKeon for his many efforts to better the quality of life for every resident of Plymouth, Michigan. His dedication to the town over the years is truly admirable, and I am glad that the Kiwanis Club has taken this opportunity to recognize his many contributions. On behalf of the entire United States Senate, I congratulate Mr. McKeon on his induction into the Plymouth Hall of Fame.●

MR. JAMES JABARA INDUCTED INTO PLYMOUTH HALL OF FAME

● Mr. ABRAHAM. Mr. President, on April 18, 2000, the Kiwanis Club of Plymouth, Michigan, with the assistance of the Plymouth Community Chamber of Commerce, the District Library, the Plymouth Historical Society, and the City of Plymouth, will honor three men whose commitment to that community has earned them a place in the Plymouth Hall of Fame. These men are being recognized because over the years their dedication and many efforts have played a large role in making Plymouth the wonderful town that it is today. With this having been said, I rise today in honor of Mr. James Jabara, Mr. James B. McKeon, and Mr. Jack Wilcox, who are rightfully taking their place among the ''Builders of Plymouth.''

Mr. Jabara has been an outstanding leader in the Plymouth community since arriving there after his graduation from Michigan Technological University. He has served Plymouth as City Commissioner, Mayor, and Chairman of the 35th District Court Building. He is a board member of the Plymouth Chamber of Commerce, the Fall Festival and the Ice Festival. He is Chairman of the Advisory Board, sits on the Board of Directors of the Salvation Army, and is a member of the Plymouth Library Board. He is a charter member of the Colonial Kiwanis

Club, and its first president. In addition, his many successful business ventures have contributed greatly to the growth and development of the Plymouth community.

Mr. President, I applaud Mr. Jabara for his many efforts to better the quality of life for every resident of Plymouth, Michigan. His dedication to the town over the years is truly admirable, and I am glad that the Kiwanis Club has taken this opportunity to recognize his many contributions. On behalf of the entire United States Senate, I congratulate Mr. Jabara on his induction into the Plymouth Hall of Fame.●

MESSAGES FROM THE HOUSE

At 11:21 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3767. An act to amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under section 217 of such act.

H.R. 4051. An act to establish a grant program that provides incentives for States to enact mandatory minimum sentences for certain firearms offenses, and for other purposes.

H.R. 4067. An act to repeal the prohibition on the payment of interest on demand deposits, and for other purposes.

H.R. 4163. An act to amend the Internal Revenue Code of 1986 to provide for increased fairness to taxpayers.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 71. Concurrent resolution expressing the sense of Congress that Miami, Florida, and not a competing foreign city, should serve as the permanent location for the Secretariat of the Free Trade Area of the Americas (FTAA) beginning in 2005.

The message further announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 43. Joint resolution expressing the sense of Congress that the President of the United States should encourage free and fair elections and respect for democracy in Peru.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 1658) to provide a more just and uniform procedure for Federal civil forfeitures, and for other purposes.

The message further announced that pursuant to section 503(b)(3) of the National Skill Standards Act of 1994 (20 U.S.C. 5933), and upon the recommendation of the majority leader, the Speaker appoints the following member on the part of the House to the National Skill Standards Board for a 4-year term to fill the existing vacancy thereon: Mr. William L. Lepley of Hershey, Pennsylvania.

At 5:08 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate.

H. Con. Res. 303. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional adjournment or recess of the Senate.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 4067. An act to repeal the prohibition on the payment of interest on demand deposits, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4163. An act to amend the Internal Revenue Code of 1986 to provide for increased fairness to taxpayers; to the Committee on Finance.

The Committee on Indian Affairs was discharged from further consideration of the following measure which was referred to the Committee on Energy and Natural Resources:

S. 2163. A bill to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 1838. An act to assist in the enhancement of the security of Taiwan, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–8437. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals dated April 6, 2000; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986; to the Committees on Appropriations; the Budget; Armed Services; Banking, Housing, and Urban Affairs; Energy and Natural Resources; Environment and Public Works; and Foreign Relations.

EC–8438. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report entitled ''Annual Performance Report of the General Services Administration'' for fiscal year 1999; to the Committee on Governmental Affairs.

EC–8439. A communication from the Director, Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the fiscal year 1999 Performance Report; to the Committee on Governmental Affairs.

EC–8440. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the fiscal year 1999 Accountability Report; to the Committee on Governmental Affairs.

EC–8441. A communication from the Chairman, Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the fiscal year 2001 Annual Performance Plan and the fiscal year 1999 Performance Report; to the Committee on Governmental Affairs.

EC–8442. A communication from the Secretary of Labor, transmitting, pursuant to law, the fiscal year 1999 Annual Report on Performance and Accountability; to the Committee on Governmental Affairs.

EC–8443. A communication from the Attorney General, transmitting, pursuant to law, the fiscal year 1999 Accountability Report; to the Committee on Governmental Affairs.

EC–8444. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the fiscal year 1999 Accountability and Performance Report and the Commission's Inspector General's fiscal year 1999 Performance Report; to the Committee on Governmental Affairs.

EC–8445. A communication from the Trustee, Court Services and Offender Supervision Agency for the District of Columbia, transmitting, pursuant to law, the fiscal year 1999 Performance Report; to the Committee on Governmental Affairs.

EC–8446. A communication from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the fiscal year 1999 Annual Performance Report and the fiscal year 2000 Annual Performance Plan; to the Committee on Governmental Affairs.

EC–8447. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the fiscal year 1999 Annual Program Performance Report; to the Committee on Governmental Affairs.

EC–8448. A communication from the United States Trade Representative, transmitting, pursuant to law, the fiscal year 2001 Performance Plan and the fiscal year 1999 Annual Performance Report; to the Committee on Governmental Affairs.

EC–8449. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the fiscal year 1999 Annual Program Performance Report; to the Committee on Governmental Affairs.

EC–8450. A communication from the Comptroller of the Currency, transmitting, pursuant to law, the fiscal year 1999 Annual Performance Report; to the Committee on Governmental Affairs.

EC–8451. A communication from the Archivist of the United States, transmitting, pursuant to law, the fiscal year 1999 Annual Performance Report for the National Archives and Records Administration; to the Committee on Governmental Affairs.

EC–8452. A communication from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting, pursuant to law, the fiscal year 2001 Annual Performance Plan and the fiscal year 1999 Annual Program Performance Report; to the Committee on Governmental Affairs.

EC–8453. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled ''Recent Inspection of Community Correctional Center No. 4 Confirms Overcrowded Condition and Building Code Violations''; to the Committee on Governmental Affairs.

EC–8454. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of

a rule relative to additions to the Procurement List, received April 10, 2000; to the Committee on Governmental Affairs.

EC–8455. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Financial Report of the United States Government for fiscal year 1999; to the Committee on Governmental Affairs.

EC–8456. A communication from the administrator and Chief Executive Officer, Bonneville Power Administration, Department of Energy transmitting, pursuant to law, the financial statements and audit reports of the Federal Columbia River Power System; to the Committee on Governmental Affairs.

EC–8457. A communication from the President, U.S. Institute of Peace, transmitting, pursuant to law, the report of the audit by independent certified public accountants; to the Committee on Health, Education, Labor, and Pensions.

EC–8458. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report on progress under the Individuals with Disabilities Education Act; to the Committee on Health, Education, Labor, and Pensions.

EC–8459. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Removal of Designated Journals; Confirmation of Effective Date'' (Docket No. 99N-4957), received April 10, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8460. A communication from the General Counsel, Government Contracting, Small Business Administration transmitting, pursuant to law, the report of a rule entitled ''Government Contracting Programs-Contract Bundling Procurement Strategy'' (RIN3245-AE04), received April 10, 2000; to the Committee on Small Business.

EC–8461. A communication from the Director, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the 1999 annual report on the Preservation of Minority Savings Institutions; to the Committee on Banking, Housing, and Urban Affairs.

EC–8462. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, an interim report under the Grants for Special Diabetes Program for Indians; to the Committee on Indian Affairs.

EC–8463. A communication from the Vice President, Health, American Academy of Actuaries transmitting, the report of comments on the 2000 Annual Reports of the Board of Trustees of the Federal Hospital Insurance and Supplementary Medical Insurance Trust Funds; to the Committee on Finance.

EC–8464. A communication from the Regulations Officer, Social Security Administration transmitting, pursuant to law, the report of a rule entitled ''Federal Old-Age, Survivor and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Determining Disability and Blindness; Clarification of 'Age' as a Vocational Factor'' (RIN0960-AE96) (55A736F), received April 10, 2000; to the Committee on Finance.

EC–8465. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Coordinated Issue: Gaming Industry—The Applicable Recovery Period Under I.R.C. Section 168(A) for Slot Machines, Video Lottery Terminals and Gaming Furniture, Fixtures and Equipment'' (UIL 168.20–06), received April 10, 2000; to the Committee on Finance.

EC–8466. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Installment Sales After Enactment of Section 453(a)(2)'' (Notice 2000-26), received April 10, 2000; to the Committee on Finance.

EC–8467. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–8468. A communication from the Acting General Counsel, Department of Defense transmitting, a draft of proposed legislation relative to the management of the Department; to the Committee on Armed Services.

EC–8469. A communication from the Acting General Counsel, Department of Defense transmitting, a draft of proposed legislation relative to certain prototype projects for the next three years and for other purposes; to the Committee on Armed Services.

EC–8470. A communication from the Director, Federal Emergency Management Agency transmitting, pursuant to law, the report relative funding under the Stafford Act as a result of the response to Hurricane Floyd; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–454. A concurrent resolution adopted by the Legislature of the State of Kansas relative to the shipment of state-inspected meat and meat products and the number of poultry to be slaughtered at home for sale to the consumer; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE CONCURRENT RESOLUTION NO. 5050

Whereas, All regulations for state inspected commercial meat plants must be equal to or more strict than the federal regulations; and

Whereas, Since state inspected meat and meat products must be equal to the federal regulations, meat and meat products should be allowed to be shipped across state lines; and

Whereas, Currently, annually, only 1,000 poultry may be slaughtered at home and offered for sale to the consumer; and

Whereas, To meet current consumer demand, such number should be increased to 3,000 poultry: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That Congress pass legislation allowing state-inspected meat and meat products to be shipped interstate; and

Be it further resolved: That Congress pass legislation increasing the number of poultry to be slaughtered at home from 1,000 to 3,000; and

Be it further resolved: That the Secretary of the State be directed to send enrolled copies of this resolution to the President of the United States; the Vice-President of the United States; Majority Leader and Minority Leader of the United States Senate; the Speaker, Majority Leader and Minority Leader of the United States House of Representative; the Secretary of the United States Department of Agriculture; and to each member of the Kansas Congressional Delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 2: A bill to extend programs and activities under the Elementary and Secondary Education Act of 1965 (Rept. No. 106–261).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 1705: A bill to direct the Secretary of the Interior to enter into land exchanges to acquire from the private owner and to convey to the State of Idaho approximately 1,240 acres of land near the City of Rocks National Reserve, Idaho, and for other purposes (Rept. No. 106–262).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 1727: A bill to authorize funding for the expansion annex of the historic Palace of the Governors, a public history museum located, and relating to the history of Hispanic and Native American culture, in the Southwest and for other purposes (Rept. No. 106–263).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 1797: A bill to amend the Alaska Native Claims Settlement Act, to provide for a land conveyance to the City of Craig, Alaska, and for other purposes (Rept. No. 106–264).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 1836: A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama (Rept. No. 106–265).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1849: A bill to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System (Rept. No. 106–266).

S. 1892: A bill to authorize the acquisition of the Valles Caldera, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture, and for other purposes (Rept. No. 106–267).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 1910. A bill to amend the Act establishing Women's Rights National Historical Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York (Rept. No. 106–268).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1615: A bill to amend the Wild and Scenic Rivers Act to extend the designation of a portion of the Lamprey River in New Hampshire as a recreational river to include an additional river segment (Rept. No. 106–269) .

H.R. 3063: A bill to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be

held by an entity in any one State, and for other purposes (Rept. No. 106–270).

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

H.J. Res. 86: A joint resolution recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces during such war, and for other purposes.

H. Con. Res. 269: A concurrent resolution commending the Library of Congress and its staff for 200 years of outstanding service to the Congress and the Nation and encouraging the American public to participate in bicentennial activities.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JEFFORDS for the Committee on Health, Education, Labor, and Pensions.

Mel Carnahan, of Missouri, to be a Member of the Board of Trustees of the Harry S. Truman Scholarship foundation for a term expiring December 10, 2005. (Reappointment)

Edward B. Montgomery, of Maryland, to be Deputy Secretary of Labor.

Scott O. Wright, of Missouri, to be a Member of the Board of Trustees of the Harry S. Truman Scholarship Foundation for the remainder of the term expiring December 10, 2003.

Nathan O. Hatch, of Indiana, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006.

Marc Racicot, of Montana, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2004.

Alan D. Solomont, of Massachusetts, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2004.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HATCH for the Committee on the Judiciary.

Marianne O. Battani, of Michigan, to be United States District Judge for the Eastern District of Michigan.

David M. Lawson, of Michigan, to be United States District Judge for the Eastern District of Michigan.

Mark Reid Tucker, of North Carolina, to be United States Marshal for the Eastern District of North Carolina for the term of four years.

Richard C. Tallman, of Washington, to be United States Circuit Judges for the Ninth Circuit.

John Antoon II, of Florida, to be United States District Judge for the Middle District of Florida.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAYH (for himself, Mr. DURBIN, Mr. JOHNSON, Mrs. FEINSTEIN, Ms. LANDRIEU, Mr. EDWARDS, and Mrs. MURRAY):

S. 2403. To amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing a nonrefundable marriage credit and adjustment to the earned income credit; to the Committee on Finance.

By Mr. GRASSLEY:

S. 2404. A bill to amend chapter 75 of title 5, United States Code, to provide that any Federal law enforcement officer who is convicted of a felony shall be terminated from employment; to the Committee on Governmental Affairs.

By Mr. SCHUMER:

S. 2405. A bill to prohibit predatory lending practices with respect to home loans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ABRAHAM (for himself, Mr. KENNEDY, Mr. DEWINE, and Mr. LEAHY):

S. 2406. A bill to amend the Immigration and Nationality Act to provide permanent authority for entry into the United States of certain religious workers; to the Committee on the Judiciary.

By Mr. REID (for himself and Mr. KENNEDY):

S. 2407. A bill to amend the Immigration and Nationality Act with respect to the record of admission for permanent residence in the case of certain aliens; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself and Mr. INOUYE):

S. 2408. A bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HOLLINGS (for himself and Mr. SARBANES) (by request):

S. 2409. A bill to provide for enhanced safety and environmental protection in pipeline transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MURKOWSKI (by request):

S. 2410. A bill to increase the authorization of appropriations for the Reclamation Safety of Dams Act of 1978, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE (for himself, Mr. LEAHY, Mr. HARKIN, Mr. CONRAD, Mr. DORGAN, Mr. JOHNSON, Mr. FEINGOLD, Mr. KOHL, Mr. KERREY, Mr. BAUCUS, Mr. ROCKEFELLER, Mr. WELLSTONE, Mr. LEVIN, and Mr. JEFFORDS):

S. 2411. A bill to enhance competition in the agricultural sector and to protect family farms and ranches and rural communities from unfair, unjustly discriminatory, or deceptive practices by agribusinesses, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MCCAIN:

S. 2412. A bill to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, 2002, and 2003, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CAMPBELL (for himself, Mr. LEAHY, Mr. HATCH, Mr. THURMOND, Mr. BINGAMAN, Mr. JEFFORDS, Mr. SARBANES, Mr. COVERDELL, Mr. ROBB, Mr. SCHUMER, Mr. REED, and Mr. REID):

S. 2413. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests; to the Committee on the Judiciary.

By Mr. WELLSTONE:

S. 2414. A bill to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking; to the Committee on Foreign Relations.

By Mr. SARBANES (for himself, Mr. DODD, Mr. SCHUMER, and Mr. KERRY):

S. 2415. A bill to amend the Home Ownership and Equity Protection Act of 1994 and other sections of the Truth in Lending Act to protect consumers against predatory practices in connection with high cost mortgage transactions, to strengthen the civil remedies available to consumers under existing law, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. BOXER (for herself, Mr. AKAKA, Mr. BIDEN, Mr. BINGAMAN, Ms. COLLINS, Mr. DASCHLE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HARKIN, Mr. INOUYE, Mr. KERRY, Mr. KENNEDY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. MOYNIHAN, Mrs. MURRAY, Mr. ROBB, Mr. REED, Mr. REID, Mr. SARBANES, Mr. SCHUMER, Ms. SNOWE, Mr. SPECTER, Mr. TORRICELLI, Mr. WELLSTONE, and Mr. WYDEN):

S. Res. 286. A resolution expressing the sense of the Senate that the United States Senate Committee on Foreign Relations should hold hearings and the Senate should act on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); submitted and read.

By Mr. HELMS (for himself, Mr. KENNEDY, and Mr. LAUTENBERG):

S. Res. 287. A resolution expressing the sense of the Senate regarding U.S. policy toward Libya; to the Committee on Foreign Relations.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 288. A resolution authorizing the taking of a photograph in the Chamber of the United States Senate; considered and agreed to.

By Mr. TORRICELLI (for himself, Mr. HELMS, Mr. GRAHAM, Mr. MACK, and Mr. REID):

S. Res. 289. A resolution expressing the sense of the Senate regarding the human rights situation in Cuba; to the Committee on Foreign Relations.

By Mr. SPECTER (for himself and Mr. FEINGOLD):

S. Res. 290. A resolution expressing the sense of the Senate that companies large and small in every part of the world should support and adhere to the Global Sullivan Principles of Corporate Social Responsibility wherever they have operations; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY:

S. 2404. A bill to amend chapter 75 of title 5, United States Code, to provide that any Federal law enforcement officer who is convicted of a felony shall be terminated from employment; to the Committee on Governmental Affairs.

LEGISLATION REGARDING THE REMOVAL OF LAW ENFORCEMENT OFFICERS CONVICTED OF FELONIES

Mr. GRASSLEY. Mr. President, I rise to introduce a bill on removing federal law enforcement officers convicted of felonies.

Under my bill, any federal law enforcement officer, who is convicted of a felony, would have to be removed from his or her position immediately.

Mr. President, my colleagues must be wondering why the Senator from Iowa is offering this legislation. Law enforcement officers convicted of felonies are removed immediately. That's just common sense. Right?

Unfortunately, Mr. President, common sense does not always prevail in the federal bureaucracy.

Common sense is in short supply at one very important place in the Pentagon—the office of the Inspector General or DOD IG.

In October 1999, the Majority Staff on my Subcommittee on Administrative Oversight and the Courts issued a report on the DOD IG.

I placed the Majority Staff Report in the RECORD on November 2, 1999.

The Majority Staff Report substantiated allegations of misconduct by senior officials at the Defense Criminal Investigative Service—or DCIS—between 1993 and 1996.

DCIS is the criminal investigative branch in the DOD IG's office.

I would like to remind my colleagues that Mr. Donald Mancuso was the Director of DCIS between 1988 and 1997. Today, Mr. Mancuso is the Deputy DOD IG. He may be a candidate for nomination as the next DOD IG.

Some of the allegations examined in the Majority Staff Report concerned one of Mr. Mancuso's top deputies—an agent by the name of Mr. Larry J. Hollingsworth.

The Hollingsworth case is the driving force behind my bill.

Mr. Hollingsworth was the Director of Internal Affairs at DCIS from April 1991 until his retirement in September 1996.

In July 1995, after a fellow agent recognized Mr. Hollingsworth's photo in a law enforcement crime bulletin, Mr. Hollingsworth was apprehended. His home was searched, and he confessed to filing a fraudulent passport application.

Mr. Hollingsworth was convicted of a felony in U.S. District Court in March 1996.

The authorities who investigated Mr. Hollingsworth's crimes believe that he committed about 12 overt acts of fraud between 1992 and 1994.

Mr. President, can you imagine that? While he was hammering rank and file agents for minor administrative offenses as head of the Internal Affairs unit, Mr. Hollingsworth was deeply involved in a criminal enterprise of his own.

The State Department agents who investigated the case were troubled by Mr. Hollingsworth's actions. From past experience, they know passport fraud is usually committed in furtherance of a more serious crime. But that crime was never discovered.

While the full extent of Mr. Hollingsworth's crimes remain a mystery, this case has helped to shed a whole lot of light on Deputy IG Mancuso.

Mr. Mancuso personally approved a series of administrative actions that kept a convicted felon in an employed status at DCIS for 6 months.

Mr. Hollingsworth confessed to passport fraud in July 1995. He was convicted in March 1996 and then confined in jail. All this time—for 14 months, Mr. Mancuso kept Mr. Hollingsworth in an employed status at DCIS until September 19,1996.

Mr. President, September 19, 1996 was the magic day. That was Mr. Hollingsworth's 50th birthday.

That was the very first day he was eligible to retire. On that day, he retired with full law enforcement benefits and Mr. Mancuso's blessing.

Mr. Mancuso's generosity will eventually cost the taxpayers a big chunk of money.

The Office of Personnel Management—OPM—estimated Mr. Hollingsworth's annuity will cost the taxpayers at least $750,000.00 through the year 2008.

This is money Mr. Hollingsworth should never collect had Mr. Mancuso exercised sound judgment under the law.

Mr. Mancuso could have removed Mr. Hollingsworth in March 1996 after conviction or maybe even sooner.

Instead, Mr. Mancuso chose to personally protect Mr. Hollingsworth until he reached his 50th birthday and could retire.

Mr Mancuso shielded Mr. Hollingsworth from the law for at least 6 months.

Under the law—5 U.S.C. 7513(b), Mr. Mancuso was authorized to remove Mr. Hollingsworth after conviction—if not sooner.

Mr. President, I underscore the words authorized. DCIS was authorized but not required to remove him.

Under the law, DCIS was granted discretionary authority to decide when—or if—to remove him.

Mr. President, too much discretionary authority in a place so short on common sense can lead to mistakes. The Hollingsworth case was a big mistake.

If my bill had been in effect in 1996, Mr. Hollingsworth would have been removed within 30 days of conviction.

My staff has consulted with OPM on this legislation.

OPM offered some constructive comments on how to strengthen it. Those ideas are now in the bill.

OPM was unaware of any other instance where a federal law enforcement agency had kept a convicted felon in an employed status for 6 months after conviction.

However, OPM could not guarantee that this would never happen again.

The intent of my legislation should be crystal clear: To ensure that personnel management decisions—like those taken by Mr. Mancuso in the Hollingsworth case—are never repeated again.

Over the past 10 months, my staff has spoken with many rank and file law enforcement officers about the special treatment given to Mr. Hollingsworth.

Rank and file agents are universally disgusted by what happened.

They feel—as I do—that law enforcement officers, who are convicted of felonies—should be removed from their posts immediately.

They don't want their badges tarnished by having one of their own, who committed a felony, remain on the job—as Mr. Hollingsworth was allowed to do.

That undermines morale in the ranks.

In closing, I would like to quote from a letter Mr. Mancuso wrote—on official DOD stationery—to Judge Ellis on April 29, 1996.

Judge Ellis was preparing to sentence the convicted felon, Mr. Hollingsworth.

Mr. Mancuso's statements to Judge Ellis were absurd. They were outrageous.

This letter shows that Mr. Mancuso was totally blind to the seriousness of Mr. Hollingsworth's crimes.

In the letter, Mr. Mancuso asked the judge to consider extenuating circumstances. He told the judge that Mr. Hollingsworth had taken a half day's leave to file the fraudulent passport application. Mr. Mancuso praised the convicted felon for this unselfish act. Can you believe that?

This is what Mr. Mancuso said to Judge Ellis, and I quote: ''Mr. Hollingsworth could have come and gone as he pleased,'' but he ''took leave to commit a felony.''

In Mr. Mancuso's mind, the use of personal leave to commit a felony was a sign of moral excellence.

Mr. Mancuso concluded with this telling remark:

> To this day, there is no evidence that Mr. Hollingsworth has ever done anything improper relating to his duties and responsibilities as a DCIS agent and manager.

Mr. Mancuso's statement to Judge Ellis was misguided for two reasons:

First, incredible as it may seem, Mr. Mancuso—a sworn law enforcement officer and current Deputy DOD IG—feels

that it is OK for law enforcement officers to commit crimes so long as the agents are off duty.

Second, Mr. Mancuso's assertion about ''no evidence'' is flat wrong. It's inaccurate.

On February 1, 2000, my staff discovered a DCIS file containing information that refuted Mr. Mancuso's assertions to Judge Ellis about no evidence. It shows that in August 1995, both DCIS and the State Department did, in fact, have evidence that Mr. Hollingsworth had engaged in criminal activity at his desk in DCIS headquarters.

How could the Pentagon's top criminal investigator be so blind to evidence?

This file also contains other important revelations about Mr. Mancuso's misconduct in the Hollingsworth case.

It contains documents that indicate Mr. Mancuso was communicating with defense attorneys during the criminal court proceedings against Mr. Hollingsworth.

For example, it contains a FAX transmittal memo addressed personally to Mr. Mancuso from the defense attorney. Attached was a motion to dismiss charges against Mr. Hollingsworth. But there was no court date stamp or attorney signature on the document. And there were handwritten notes on it. This was a rough draft.

Mr. President, this really bothers me.

Mr. Mancuso—the director of a federal law enforcement agency—was furnished with a rough draft of a motion to dismiss felony charges that the U.S. Attorney was attempting to prosecute.

That is unethical conduct.

The file contains other damaging documents.

They suggest that the current Director of DCIS, Mr. John Keenan, returned 11 confiscated handguns to the convicted felon—Mr. Hollingsworth—in direct contravention of a federal court judgment and statutory law.

DCIS allegedly returned the guns to Mr. Hollingsworth on September 23, 1997, while he was still on supervised probation. This reckless act could have put a probation officer in harm's way.

We also learned that Mr. Hollingsworth was under investigation by the IRS in November 1983 for perjury. That very same month—November 1983, he was hired by DCIS to be the agent in charge of the Chicago Field Office.

The IRS concluded Mr. Hollingsworth had ''committed perjury during rebuttal testimony.'' On December 5, 1983, the IRS referred the matter to the U.S. Attorney in New Orleans for prosecution.

Mr. President, how could DCIS hire Mr. Hollingsworth under such questionable circumstances?

I don't understand it.

Mr. President, Mr. Mancuso went to extraordinary lengths to protect a convicted felon.

By doing what he did, Mr. Mancuso violated a trust that goes with the high office he occupies. He violated the trust that goes with the badge and gun he carries. In our democracy, when those sacred trusts are violated, our only protection is the law.

In this case, the law provides too much discretionary authority. It leaves the door wide open to abuse by irresponsible bureaucrats. We need to close that door.

My bill will close the loophole that Mr. Mancuso exploited in such a crafty way.

Mr. President, I would like to urge my colleagues to join me in supporting this important piece of legislation.

By Mr. ABRAHAM (for himself, Mr. KENNEDY, Mr. DEWINE, and Mr. LEAHY):

S. 2406. A bill to amend the Immigration and Nationality Act to provide permanent authority for entry into the United States of certain religious workers; to the Committee on the Judiciary.

MOTHER TERESA RELIGIOUS WORKERS ACT

Mr. ABRAHAM. Mr. President, I rise to introduce the Mother Teresa Religious Workers Act. This legislation will make permanent provisions of the Immigration and Nationality Act that set aside 10,000 visas per year for ''special immigrants.''

Up to 5,000 of these visas annually can be used for ministers of a religious denomination. In addition, a related provision of the law provides 5,000 visas per year to individuals working for religious organizations in ''a religious vocation or occupation'' or in a ''professional capacity in a religious vocation or occupation.'' This has allowed nuns, brothers, cantors, lay preachers, religious instructors, religious counselors, missionaries, and other persons to work at their vocations or occupations for religious organizations or their affiliates.

The key component of the law will expire on September 30 of this year unless Congress acts.

Under the law, a sponsoring organization must be a bona fide religious organization or an affiliate of one, and must be certified or eligible to be certified under Section 501(c)(3) of the Internal Revenue Code. Religious workers must have two years work experience to qualify for an immigrant visa.

Prior to 1990, churches, synagogues, mosques, and their affiliated organizations experienced significant difficulties in trying to gain admission for a much needed minister or other individual necessary to provide religious services to their communities. However, this improvement in the law in 1990 was not made permanent and, as such, has required reauthorization every two or three years, which has created uncertainly among religious organizations.

Bishop John Cummins of Oakland has written:

> Religious workers provide a very important pastoral function to the American communities in which they work and live, performing activities in furtherance of a vocation or religious occupation often possessing characteristics unique from those found in the general labor market. Historically, religious workers have staffed hospitals, orphanages, senior care homes and other charitable institutions that provide benefits to society without public funding.

Bishop Cummins noted that,

> The steady decline in native-born Americans entering religious vocations and occupations, coupled with the dramatically increasing need for charitable services in impoverished communities makes the extension of this special immigrant provision a necessity for numerous religious denominations in the United States.

The sentiments expressed by Bishop Cummins are widely held. Indeed this program has won universal praise in religious communities across the nation. In the past, our office has received letters from religious orders and organizations throughout the nation.

As a nation founded by people who came to these shores so they and their children could worship freely, it is only appropriate that our country welcome those who wish to help our religious organizations provide pastoral and other relief to people around this nation.

That is why I have introduced the Mother Teresa Religious Workers Act. The bill will eliminate the sunset provisions in current law and extend permanently the religious workers provisions of the Immigration and Nationality Act. It is clear that religious organizations' ability to sponsor individuals who provide service to their local communities should be a permanent fixture of our immigration law, just as it is for those petitioning for close family members and skilled workers. No longer should religious institutions have to worry about whether Congress will act in time to renew the religious workers provisions. I am pleased Senators KENNEDY, DEWINE, and LEAHY are cosponsoring this legislation.

Finally, I would like to close by reading a passage from a letter sent to me in 1997. It's a letter that at the time helped convince me of the need to move toward permanent extension of the religious workers provisions of the Immigration and Nationality Act. The letter read as follows:

> DEAR SENATOR ABRAHAM: I am writing to ask you to help us in solving a very urgent problem. My Sisters in New York have told me that the law which allows the Sisters to apply for permanent residence in the United States expires on September 30, 1997. Please, will you do all that you can to have that law extended so that all Religious will continue to have the opportunity to be permanent residents and serve the people of your great country.
>
> It means so much to our poor people to have Sisters who understand them and their culture. It takes a long time for a Sister to understand the people and a culture, so now our Society wants to keep our Sisters in their mission countries on a more long term

basis. Please help us and our poor by extending this law.

I am praying for you and the people of Michigan. My Sisters serve the poor in Detroit where we have a soup kitchen and night shelter for women. Let us all thank God for this chance to serve His poor.

Signed: MOTHER TERESA.

My office received this letter only a few weeks before her death. In honor of her great deeds for humanity I hope that this year we can finally extend the religious workers provisions of the INA permanently.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2406

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Mother Teresa Religious Workers Act''.

SEC. 2. PERMANENT AUTHORITY FOR ENTRY INTO UNITED STATES OF CERTAIN RELIGIOUS WORKERS.

Section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) is amended by striking ''before October 1, 2000,'' each place it appears.

By Mr. REID (for himself and Mr. KENNEDY):

S. 2407. A bill to amend the Immigration and Nationality Act with respect to the record of admission for permanent residence in the case of certain aliens; to the Committee on the Judiciary.

DATE OF REGISTRY ACT OF 2000

Mr. REID. Mr. President, I rise today along with the Senior Senator from Massachusetts, Mr. KENNEDY, to introduce the Date of Registry Act of 2000.

The Date of Registry Act of 2000, complements similar legislation I introduced last year in an effort to fix a terrible mistake made by the Congress in 1996. Tucked into the massive piece of legislation known as IIRA IRA, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, was an obscure, but lethal, provision which stripped the federal courts of jurisdiction to adjudicate legalization claims against the Immigration and Naturalization Service. Most troubling is the fact that this provision nullified legitimate claims based upon substantiated evidence that the Immigration and Nationalization Service had bypassed Congressional intent in denying benefits to certain undocumented persons who have come to be known as the ''late amnesty'' class of immigrants. Through this limitation, Section 377 of IIRA IRA has caused significant hardships, and denied due process and fundamental fairness, for hundreds of thousands of hard working immigrants, including several thousand in my home State of Nevada. These are good, hardworking people who have been in the United States and had been paying taxes for more than ten years, who suddenly lost their jobs and the ability to support their families.

In an effort to repeal the limitation on judicial jurisdiction imposed by Section 377 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, I introduced S. 1552, the Legal Amnesty Restoration Act of 1999. In addition to repealing Section 377, S. 1552 would also change the date of registry for those immigrants seeking legalized, documented status in the United States from January 1, 1972, to January 1, 1984. The legislation I am introducing today focuses on this aspect of last year's legislation, and would change the date of registry from January 1, 1972, to January 1, 1986.

The date of registry exists as a matter of public policy, with the recognition that immigrants who have remained in the country continuously for an extended period of time—in some cases, up to thirty years—are highly unlikely to leave. Today, we must accept the reality that many of the people living in the United States are undocumented immigrants who have been here for quite a long time. Consequently, many people living in this country do not pay their fair share of taxes because they are unable to work legally. Furthermore, the businesses who employ these undocumented persons also do not pay their fair share of taxes. These are the facts, and coupled with the knowledge that we can't simply solve this problem by wishing that it will go away, is the reality we must face when considering our immigration policies.

We last changed the date of registry in 1986, with the passage of the Immigration Reform and Control Act, which changed the date to January 1, 1972. In doing so, the 99th Congress employed the same rationale I have outlined above in support of a registry date change. Furthermore, I have mirrored the 99th Congress in another, critical aspect, by establishing an approximate fifteen-year differential between the date of enactment and the updated date of registry.

Mr. President, I should note one more thing about the Immigration Reform and Control Act of 1986. That legislation which last changed the date of registry was passed by a Democratic House of Representatives and a Republican Senate, and was signed into law by President Reagan. I mention these facts to highlight my hope that support for this legislation will be bi-partisan and based upon our desire to ensure fundamental fairness as a matter of public policy in this country.

Finally, the legislation I am introducing today builds upon the fifteen year differential standard established in the 1986 reform legislation by implementing a ''rolling registry'' date which would sunset in five years without Congressional reauthorization. In other words, on January 2002, the date of registry would automatically change to January 1, 1987, thereby maintaining the fifteen year differential. The date of registry would continue to change on a rolling basis through January 1, 2006, when the date of registry would be January 1, 1991. Limiting this annual, automatic change to five years will allow the Congress to examine both the positive and negative effects of a rolling date of registry and make an informed decision on reauthorization.

Mr. President, as I stated when I introduced S. 1552 last year, I don't pretend that this legislation will solve all the problems of our immigration and legalization procedures. However, we have an obligation to face our problems, and the reality is that there are many, many undocumented immigrants who live in this country who would be much more productive contributors to American society if they were legal residents, workers and taxpayers. We know this to be true, as evidenced by the thousands of immigrants in Southern Nevada whose status had yet to be adjusted, but were working legally and paying taxes—in some instances for more than ten years—when their employment permits were revoked as a result of the 1996 IIRA IRA legislation. I have met with many of these people on several occasions and I have witnessed, firsthand, their pain and genuine suffering. Good people who have worked hard and paid their taxes in order to live the American dream only to see their efforts turn into a nightmare.

As I stated when I introduced S. 1552 last year, I don't pretend that my legislation will solve all the problems of immigration and legalization policies. However, we must face these problems head on, and that is precisely my intent in introducing this legislation today.

By Mr. BINGAMAN (for himself and Mr. INOUYE):

S. 2408. A bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation; to the Committee on Banking, Housing, and Urban Affairs.

HONORING THE NAVAJO CODE TALKERS ACT

Mr. BINGAMAN. Mr. President, I rise today to introduce important legislation, recognizing the heroic contributions of a group of Native American soldiers who served in the Pacific theater during the second World War. This legislation will authorize the President of the United States to award a gold medal, on behalf of the Congress, to each of the original twenty-nine Navajo Code Talkers, as well as a silver medal to each man who later qualified as a Navajo Code Talker (MOS 642). These medals are to express recognition by the United States of America

and its citizens of the Navajo Code Talkers who distinguished themselves in performing a unique, highly successful communications operation that greatly assisted in saving countless lives and in hastening the end of the war in the Pacific.

It has taken too long to properly recognize these soldiers, whose achievements have been obscured by twin veils of secrecy and time. As they approach the final chapter of their lives, it is only fitting that the nation pay them this honor. That's why I am introducing this legislation today—to salute these brave and innovative Native Americans, to acknowledge the great contribution they made to the Nation at a time of war, and to finally give them their rightful place in history.

With each new successive generation of Americans, blessed as we are in this time of relative peace and prosperity, it is easy to forget what the world was like in the early 1940's. The United States was at war in Europe, and on December 7, 1941, we were faced with a second front as the Japanese Empire attacked Pearl Harbor.

One of the intelligence weapons the Japanese possessed was an elite group of well-trained English speaking soldiers, used to intercept U.S. communications, then sabotage the message or issue false commands to ambush American troops. Military code became more and more complex—at Guadalcanal, military leaders complained that it took 2½ hours to send and decode a single message.

The idea to use Navajo for secure communications came from Philip Johnson. Johnson was the son of a missionary, raised on the Navajo reservation, and one of the few non-Navajos who spoke their language fluently. But he was also a World War I veteran, and knew of the military's search for a code that would withstand all attempts to decipher it. Johnson believed Navajo answered the military requirement for an undecipherable code because Navajo is an unwritten language of extreme complexity. In early 1942, he met with the Commanding General of Amphibious Corps, Pacific Fleet, and his staff to convince them of the value of the Navajo language as code. In one of his tests, he demonstrated that Navajos could encode, transmit, and decode a three-line English message in 20 seconds. Twenty-seconds!

Convinced, the Marine Corps called upon the Navajo Nation to support the military effort by recruiting and enlisting Navajo men to serve as Marine Corps Radio Operators. These Navajo Marines, who became known as the Navajo Code Talkers, used the Navajo language to develop a unique code to communicate military messages in the South Pacific. True to Phillip Johnson's prediction, and the enemy's frustration, the code developed by these Native Americans proved unbreakable and was used throughout the Pacific theater.

Their accomplishment was even more heroic given the cultural context in which they were operating:

The Navajos were second-class citizens and were discouraged from using their own language; and

They were living on reservations, as many still are today, yet they volunteered to serve, protect, and defend the very power that put them there.

But the Navajo, a people subjected to alienation in their own homeland, who had been discouraged from speaking their own language, stepped forward and developed the most significant and successful military code of the time:

This Code was so successful that military commanders credited the Code in saving the lives of countless American soldiers and the successful engagements of the U.S. in the battles of Guadalcanal, Tarawa, Saipan, Iwo Jima, and Okinawa. At Iwo Jima, Major Howard Connor, 5th Marine Division signal officer, declared, ''Were it not for the Navajos, the Marines would never have taken Iwo Jima.'' Major Connor had six Navajo code talkers working around the clock during the first 48-hours of the battle. Those six sent and received over 800 messages, all without error;

This Code was so successful that some Code Talkers were guarded by fellow marines whose role was to kill them in case of imminent capture by the enemy; and finally,

It was so successful that the Department of Defense kept the Code secret for 23 years after the end of World War II, when it was finally declassified.

And there, Mr. President, is the foundation of the problem.

If their achievements had been hailed at the conclusion of the war, proper honors would have been bestowed at that time. But the Code Talkers were sworn to secrecy, an oath they kept and honored, but at the same time, one that robbed them of the very accolades and place in history they so rightly deserved. Their ranks include veterans of Guadalcanal, Saipan, Iwo Jima, and Okinawa; they gave their lives at New Britain, Bougainville, Guam, and Peleliu. But, while the bodies of their fallen comrades came home, simple messages of comfort from those still fighting to relatives back home on the reservations were prohibited by the very secrecy of the code's origin. And at the end of the war, these unsung heroes returned to their homes on buses—no parades, no fanfare, no special recognition for what they had truly accomplished—because while the war was over, their duty—their oath of secrecy—continued. The secrecy surrounding the code was maintained until it was declassified in 1968—only then did a realization of the sacrifice and valor of these brave Native Americans emerge from history.

For the countless lives they helped save, for this contribution that helped speed the Allied victory in the Pacific, I believe they succeeded beyond all expectations.

Through the enactment of this bill, the recognition for the Navajo Code Talkers will be delayed no longer, and they will finally take their place in history they so rightly deserve.

To this end, I urge my colleagues to support the bill.

Mr. President, I ask for unanimous consent that the bill be printed in the RECORD.

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

S. 2408

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Honoring the Navajo Code Talkers Act''

SEC. 2. FINDINGS.

Congress finds the following:

(1) On December 7, 1941, the Japanese Empire attacked Pearl Harbor and war was declared by the Congress the following day.

(2) The military code, developed by the United States for transmitting messages, had been deciphered by the Japanese and a search by U.S. Intelligence was made to develop new means to counter the enemy.

(3) The United States government called upon the Navajo Nation to support the military effort by recruiting and enlisting twenty-nine (29) Navajo men to serve as Marine Corps Radio Operators; the number of enlistees later increased to over three-hundred and fifty.

(4) At the time, the Navajos were second-class citizens, and they were a people who were discouraged from using their own language.

(5) The Navajo Marine Corps Radio Operators, who became known as the Navajo Code Talkers, were used to develop a code using their language to communicate military messages in the Pacific.

(6) To the enemy's frustration, the code developed by these Native Americans proved to be unbreakable and was used extensively throughout the Pacific theater.

(7) The Navajo language, discouraged in the past, was instrumental in developing the most significant and successful military code of the time. At Iwo Jima alone, they passed over 800 error-free messages in a 48-hour period;

(a) So successful, that military commanders credited the Code in saving the lives of countless American soldiers and the successful engagements of the U.S. in the battles of Guadalcanal, Tarawa, Saipan, Iwo Jima, and Okinawa;

(b) So successful, that some Code Talkers were guarded by fellow marines whose role was to kill them in case of imminent capture by the enemy;

(c) So successful, that the code was kept secret for 23 years after the end of World War II.

(8) Following the conclusion of World War II, the U.S. Department of Defense maintained the secrecy of the Navajo code until it was declassified in 1968; only then did a realization of the sacrifice and valor of these brave Native Americans emerge from history.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to award to each of the original twenty-nine Navajo Codes Talkers, or a surviving family member, on behalf of the Congress, a gold medal of appropriate design, honoring the Navajo Codes Talkers. The President is further authorized to award to each man who qualified as a Navajo Code Talker (MOS 642), or a surviving family member, a silver medal with suitable emblems and devices. These medals are to express recognition by the United States of America and its citizens in honoring the Navajo Code Talkers who distinguished themselves in performing a unique, highly successful communications operation that greatly assisted in saving countless lives and in hastening the end of the World War II in the Pacific.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury (in this Act referred to as the 'Secetary') shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 4. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 5. STATUS AS NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 6. FUNDING.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

By Mr. HOLLINGS (for himself and Mr. SARBANES) (by request):

S. 2409. A bill to provide for enhanced safety and environmental protection in pipeline transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

PIPELINE SAFETY AND COMMUNITY PROTECTION ACT OF 2000

Mr. HOLLINGS. Mr. President, I am pleased to introduce the Pipeline Safety and Community Protection Act of 2000 on behalf of the administration. Yesterday, Vice President GORE transmitted this proposal to the Congress, and requested introduction and referral of the bill to the appropriate committee. The purpose of this legislation is to provide for enhanced safety and environmental protection in pipeline transportation.

The Senate Committee on Commerce, Science, and Transportation held a field hearing in Bellingham, Washington, last month on pipeline safety. In addition, I expect the committee to hold another hearing on pipeline safety reauthorization within the next month. Senator MURRAY has introduced a pipeline safety bill and it is my understanding that an additional pipeline safety bill is to be introduced by Chairman MCCAIN today. I am interested in reviewing all of the bills and look forward to the committee's action on pipeline safety reauthorization in the coming months.

Mr. President, I request unanimous consent that the legislation be printed in the RECORD.

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

S. 2409

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

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49, UNITED STATES CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Pipeline Safety and Community Protection Act of 2000''.

(b) AMENDMENT OF TITLE 49, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of title 49, United States Code; table of contents.
Sec. 2. Additional pipeline protections.
Sec. 3. Community right to know and emergency preparedness.
Sec. 4. Enforcement.
Sec. 5. Underground damage prevention.
Sec. 6. Enhanced ability of states to oversee operator activities.
Sec. 7. Improved data and data availability.
Sec. 8. Enhanced investigation authorities.
Sec. 9. International authority.
Sec. 10. Risk management demonstration program.
Sec. 11. Support for innovative technology development.
Sec. 12. Authorization of appropriations.

SEC. 2. ADDITIONAL PIPELINE PROTECTIONS.

(a) Section 60109 is amended by adding at the end the following:

''(c) OPERATOR'S RISK ANALYSIS AND PROGRAM FOR INTEGRITY MANAGEMENT.—

(1) GENERAL REQUIREMENT.—Within 1 year after the Secretary, in consultation with the Administrator of the Environmental Protection Agency, establishes criteria under subsection (a)(1) of this section, an operator of a natural gas transmission pipeline facility or hazardous liquid pipeline facility shall evaluate the risks to the operator's pipeline facility in the areas identified by these criteria and shall adopt and implement a program for integrity management that reduces the risks in those areas.

''(2) STANDARDS FOR PROGRAM.—An operator shall include at least the following in the program for integrity management:

''(A) internal inspection or another equally protective method, such as pressure testing, that represents use of the best achievable technology and that directly assesses the integrity of the pipeline on a periodic basis that is commensurate to the risk to people and the environment of the pipeline being inspected;

''(B) clearly defined criteria for evaluating and acting on the results of the inspection or testing done under subparagraph (A);

''(C) an analysis on a continuing basis that integrates all available information about the integrity of the pipeline or the consequences of a release;

''(D) prompt actions to address integrity issues raised by the analysis required by subparagraph (C);

''(E) measures that prevent and mitigate the consequences of a release and, in the case of a release of a hazardous substance or discharge of oil, are consistent with the National Contingency Plan, including leak detection, integrity evaluation, emergency flow restricting devices, and other prevention, detection, and mitigation measures that are appropriate for the protection of human health and the environment; and

''(F) consideration of the consequences of hazardous liquid releases.

''(3) CRITERIA FOR PROGRAM STANDARDS.—

''(A) In deciding how frequently the inspection or testing under paragraph (2)(A) must be conducted, an operator shall take into account the potential for the development of new defects, the operational characteristics of the pipeline, including age, operating pressure, block valve location, and spill history, the location of areas identified under subsection (a)(1), any known deficiencies of the method of pipeline construction or installation, and the possible flaw growth of new and existing defects. In considering the potential for development of new defects from outside force damage, an operator shall consider information available about current or planned excavation activities and the effectiveness of damage prevention programs in the area.

''(B) An operator shall adopt standards under this section that provide an equivalent minimum level of protection as that provided by the applicable level established by national consensus standards organizations.

''(C) An operator shall implement pressure testing and other integrity management techniques in a manner that does not increase environmental or safety risks, such as by use of petroleum for pressure testing.

''(4) AUTHORITY FOR ADDITIONAL STANDARDS.—The Secretary shall prescribe additional standards to direct an operator's conduct of a risk analysis or adoption or implementation of a program for integrity management. These standards shall address the type or frequency of inspection or testing required, the manner in which it is conducted, the criteria used in analyzing results, the types of information sources that must be integrated as well as the manner of integration, the nature and timing of actions selected to address integrity issues, and such other factors as appropriate to assure that the integrity of the pipeline facility is addressed and that appropriate mitigative measures are adopted to protect areas identified under subsection (a)(1). The Secretary may also prescribe standards that require an owner or operator of a natural gas transmission or hazardous liquid pipeline facility to include in the program of integrity management changes to valves or the establishment or modification of systems that monitor pressure and detect leaks based on the risk analysis the operator conducts, and the use of emergency flow restricting devices.

''(5) MONITORING IMPLEMENTATION.—A risk analysis and program for integrity management required under this section shall be reviewed by the Secretary of Transportation as an element of Departmental inspections, and the analysis and program, as well as the records demonstrating implementation, shall be made available to the Secretary on request under section 60117.''.

(b) Section 60102 is amended—

(1) by striking ''facilities.'' in subsection (e)(2) and inserting ''facilities, not including tanks incidental to pipeline transportation.'';

(2) by striking paragraph (2) of subsection (f);

(3) by striking ''(1)'' in subsection (f);

(4) by redesignating subparagraphs (A) and (B) of subsection (f)(1) (as such subsection was in effect before its amendment by paragraph (3) of this subsection) as paragraphs (1) and (2), respectively;

(5) by striking paragraph (2) of subsection (j) and redesignating paragraph (3) as paragraph (2); and

(6) by adding at the end thereof the following:

''(m) INTEGRITY MANAGEMENT REGULATIONS.—

''(1) Not later than December 31, 2000, the Secretary shall issue final regulations authorized by this section and sections 60104, 60108, and 60109 for the implementation of an integrity management program by operators of more than 500 miles of hazardous liquid pipelines.

''(2) Not later than 2 years after the date of enactment of the Pipeline Safety and Community Protection Act of 2000, the Secretary shall issue final regulations that extend the requirements imposed by the regulations described in paragraph (1) to every operator of a hazardous liquid pipeline or natural gas transmission pipeline subject to the jurisdiction of this chapter. In the event that the Secretary fails to fulfill this requirement within two years, all the requirements imposed by the regulations described in paragraph (1) shall, on the date that is two years after the enactment of this subsection, apply to every operator of a hazardous liquid pipeline or natural gas transmission pipeline subject to the jurisdiction of this chapter.

''(3) Not later than 3 years after the date of enactment of the Pipeline Safety and Community Protection Act of 2000—

''(A) the Secretary shall complete an assessment and evaluation of the effects on safety and the environment of extending all of the requirements mandated by the regulations described in paragraph (1) to additional areas;

''(B) the Secretary shall promptly make a Secretarial determination as to the effect on safety and the environment of extending the requirements imposed by the regulations described in paragraph (1) to additional areas using the best achievable technology; and

''(C) based on the determination described in subparagraph (B), the Secretary shall promptly promulgate regulations that would provide measurable improvements to safety or the environment in these areas by extending regulatory requirements at least as protective to these areas.''.

(f) Section 60118(a) is amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) striking ''title.'' in paragraph (3) and inserting ''title; and''; and

(3) adding at the end the following:

''(4) conduct a risk analysis and prepare and carry out a program for integrity management for pipeline facilities in certain areas as required under section 60109(c).''.

(g) Section 60104(b) is amended by striking ''adopted.'' and inserting ''adopted, unless the Secretary determines that application of the standard is necessary for safety or environmental protection.''.

SEC. 3. COMMUNITY RIGHT TO KNOW AND EMERGENCY PREPAREDNESS.

(a) Section 60116 is amended to read as follows:

§ 60116. Community right to know

''(a) PUBLIC EDUCATION PROGRAMS.—

''(1) Each owner or operator of a gas or hazardous liquid pipeline facility shall carry out a continuing program to educate the public on the use of a one-call notification system prior to excavation and other damage prevention activities, the possible hazards associated with unintended releases from the pipeline facility, the physical indications that such a release may have occurred, what steps should be taken for public safety in the event of a pipeline release, and how to report such an event.

''(2) Within 1 year after the date of enactment of the Pipeline Safety and Community Protection Act of 2000, each owner or operator of a gas or hazardous liquid pipeline facility shall review its existing public education program for effectiveness and modify the program as necessary. The completed plan shall be reviewed by the Secretary of Transportation as an element of Departmental inspections.

''(3) The Secretary may issue standards prescribing the details of a public education program and providing for periodic review of the effectiveness and modification as needed. The Secretary may also develop material for use in the program.

''(b) LIAISON WITH STATE AND LOCAL EMERGENCY RESPONSE ENTITIES.—Within 1 year after the date of enactment of the Pipeline Safety and Community Protection Act of 2000, an operator of a gas transmission or hazardous liquid pipeline facility shall initiate and maintain liaison with the State emergency response commissions, and local emergency planning committees in the areas of pipeline right-of-way, established under section 301 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001) in each State in which it operates. An operator shall, when requested, make available to the State emergency response commissions and local emergency planning committees the information described in section 60102(d), any program for integrity management developed under section 60109(c), and information about implementation of that program and about the risks the program is designed to address. In a community without a local emergency planning committee, the operator shall maintain liaison with the local fire, police, and other emergency response agencies.

''(c) PUBLIC AVAILABILITY OF REPORTS.—The Secretary shall make available to the public a safety-related condition report filed by an operator under section 60102(h) and a report of a pipeline incident filed by an operator under this chapter.

''(d) ACCESS TO INTEGRITY MANAGEMENT PROGRAM INFORMATION.—The Secretary shall prescribe requirements for public access to integrity management program information prepared under this chapter.

''(e) AVAILABILITY OF MAPS.—

''(1) The owner or operator of each interstate gas pipeline facility shall provide, at least annually, to the governing body of each municipality in which the interstate gas pipeline facility is located, a map identifying the location of the facility.

''(2) Not later than 1 year after the date of enactment of the Pipeline Safety and Community Protection Act of 2000, and annually thereafter, the owner or operator of each hazardous liquid pipeline facility shall provide to the governing body of each municipality in which the pipeline facility is located, a map identifying the location of such facility.

''(f) EFFECTIVENESS OF PUBLIC SAFETY AND PUBLIC EDUCATION PROGRAMS.—

''(1) The Secretary shall survey and assess the public education programs under this section and the public safety programs under section 60102(c) and determine their effectiveness and applicability as components of a model program. The survey shall include the methods by which operators notify residents of the location of the facility and its right of way, public information regarding existing One-Call programs, and appropriate procedures to be followed by residents of affected municipalities in the event of accidents involving interstate gas pipeline facilities.

''(2) In issuing standards for public safety programs under section 60102(a) or for public education programs under this section, the Secretary shall consider the results of the survey and assessment done under paragraph (1).

''(3) The Secretary may provide technical assistance to the pipeline industry on developing public safety and public education program content and best practices for program delivery, and on evaluating the effectiveness of the programs. The Secretary may also provide technical assistance to State and local officials in applying practices developed in these programs to their activities.''.

(d) Section 60102(c) is amended by striking paragraph (4).

(e) Section 60102(h)(2) is amended by striking ''authorities.'' and inserting ''officials, including the local emergency responders, and appropriate on-scene coordinators for the area contingency plan or sub-area contingency plan.''.

(f) Section 60120(c) is amended by adding at the end the following: ''Nothing in section 60116 shall be deemed to impose a new duty on State or local emergency responders or local emergency planning committees.''.

(g) The analysis for chapter 601 is amended by striking the item relating to section 60116 and inserting the following:

''60116. Community right to know''.

SEC. 4. ENFORCEMENT.

(a) GENERAL AUTHORITY.—Section 60112 is amended—

(1) by striking all after ''if the Secretary'' in subsection (a) and inserting ''decides that—

''(1) operation of the facility is or would be hazardous to life, property, or the environment; or

''(2) the facility is or would be constructed or operated, or a component of the facility is or would be constructed or operated, with equipment, material, or a technique that the Secretary decides is hazardous to life, property, or the environment.'';

(2) by striking ''is hazardous'' in subsection (d) and inserting ''is or would be hazardous''; and

(3) by adding at the end the following:

''(f) OPTIONAL WAIVER OF NOTICE AND HEARING REQUIREMENTS.—If the Secretary decides that a facility may present a hazard under subsection (a)(1) or (2), the Secretary may waive the notice and hearing requirements in subsection (a) and request the Attorney General to bring suit on behalf of the United States in an appropriate district court to obtain an order to restrain the operator of the facility from such operation, or to take such other action as may be necessary, or both.''.

(b) CIVIL PENALTIES.—Section 60122 is amended—

(1) by striking ''$25,000'' in subsection (a)(1) and ''$500,000'' and substituting ''$100,000'' and ''$1,000,000'', respectively; and

(2) by adding at the end of subsection (a)(1) ''The maximum civil penalty for a related

series of violations does not apply to a judicial enforcement action under section 60120 or 60121.''; and

(3) by striking subsection (b) and inserting the following:

''(b) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under this section—

''(1) the Secretary shall consider—

''(A) the nature, circumstances, and gravity of the violation, including adverse impact on the environment;

''(B) with respect to the violator, the degree of culpability, any history of prior violations, the ability to pay, any effect on ability to continue doing business; and

''(C) good faith in attempting to comply; and

''(2) the Secretary may consider—

''(A) the economic benefit gained from the violation without any discount because of subsequent damages; and

''(B) other matters that justice requires.''.

(c) EXCAVATOR DAMAGE.—Section 60123(d) is amended—

(1) by striking ''knowingly and willfully'';

(2) by inserting ''knowingly and willfully'' before ''engages'' in paragraph (1); and

(3) striking paragraph (2)(B) and inserting the following:

''(B) a pipeline facility, is aware of damage, and does not report the damage promptly to the operator of the pipeline facility and to other appropriate authorities; or''.

(d) CIVIL ACTIONS.—Section 60120(a)(1) is amended to read as follows:

''(1) On the request of the Secretary of Transportation, the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this chapter, including section 60112 of this chapter, or a regulation prescribed or order issued under this chapter. The court may award appropriate relief, including a temporary or permanent injunction, punitive damages, and assessment of civil penalties considering the same factors as prescribed for the Secretary in an administrative case under section 60122.''.

(e) CITIZEN SUITS.—Section 60121(a)(1) is amended by striking the first sentence and ''However, the'' and inserting: ''A person may bring a civil action in an appropriate district court of the United States against a person owning or operating a pipeline facility to enforce compliance with this chapter or a standard prescribed or an order issued under this chapter. The district court may enjoin noncompliance and assess civil penalties considering the same factors as prescribed for the Secretary in an administrative case under section 60122. The''.

SEC. 5. UNDERGROUND DAMAGE PREVENTION.

(a) Section 60114 is amended by inserting after subsection (b) the following:

''(c) CONFORMITY WITH CHAPTER 61.—Regulations prescribed by the Secretary under subsection (a) do not apply to a State that has a One-Call notification program accepted by the Secretary as meeting the minimum standards of section 6103 of this title or approved by the Secretary as an alternative program under section 6104(c) of this title.''.

(b) Section 60102(c) is amended—

(1) by inserting ''or hazardous liquid pipeline facility'' before ''participate'' in paragraph (1); and

(2) striking paragraph (3).

(c) Section 60104 is amended by adding at the end the following:

''(f) STATE ONE-CALL NOTIFICATION LAWS.—Notwithstanding subsection (c) of this section, a State may enforce a requirement of a One-Call notification law that satisfies sections 6103 or 6104(c) of this title, or section 60114(a) of this chapter, against an operator of an interstate natural gas pipeline facility or an interstate hazardous liquid pipeline facility provided that the requirement sought to be enforced is compatible with the minimum standards prescribed under this chapter.''.

(d) Section 60123 is amended by adding at the end thereof the following:

''(e) MISDEMEANOR FOR NOT USING ONE-CALL.—A person shall be fined under title 18, imprisoned for not more than 1 year, or both, if the person knowingly engages in an excavation activity without first using an available one-call notification system to establish the location of underground facilities in the excavation area.''.

SEC. 6. ENHANCED ABILITY OF STATES TO OVERSEE OPERATOR ACTIVITIES.

(a) Section 60106(a) is amended—

(1) by inserting ''(1)'' before ''If'';

(2) redesignating paragraphs (1) and (2) as subparagraphs (A) and (B); and

(3) adding at the end thereof the following:

''(2) If the Secretary accepts a certification under section 60105 of this title, the Secretary may make an agreement with a State authority authorizing it to participate in the oversight of interstate pipeline transportation. An agreement shall include a plan for the State authority to participate in special investigations involving new construction or incidents.

''(3) An agreement under paragraph (2) may also include a program allowing for participation by the State authority in other activities overseeing interstate pipeline transportation that supplement the Secretary's program and address issues of local concern, provided that the Secretary determines that—

''(A) there are no significant gaps in the regulatory jurisdiction of the State authority over intrastate pipeline transportation;

''(B) implementation of the agreement will not adversely affect the oversight of intrastate pipeline transportation by the State authority;

''(C) the program allowing participation of the State authority is consistent with the Secretary's program for inspection; and

''(D) the State promotes preparedness and prevention activities that enable communities to live safely with pipelines.''.

(b) Section 60106(d) is amended by inserting after the first sentence the following: ''In addition, the Secretary may end an agreement for the oversight of interstate pipeline transportation when the Secretary finds that there are significant gaps in the regulatory authority of the State authority over intrastate pipeline transportation, or that continued participation by the State authority in the oversight of interstate pipeline transportation is not consistent with the Secretary's program or would adversely affect oversight of intrastate pipeline transportation, or that the State is not promoting activities that enable communities to live safely with pipelines.''.

(c) STATE GRANTS.—Section 60107 is amended by adding at the end the following:

''(e) SPECIAL INVESTIGATION OF INTERSTATE PIPELINE FACILITIES.—

''(1) Notwithstanding subsection (a) of this section, the Secretary may pay up to 100 percent of the cost of the personnel, equipment, and activities of a State authority acting as an agent of the Secretary in conducting a special investigation involved in monitoring new construction or investigating an incident, on an interstate gas pipeline facility or an interstate hazardous liquid pipeline facility.

''(2) This subsection shall become effective on October 1, 2001.''.

SEC. 7. IMPROVED DATA AND DATA AVAILABILITY.

(a) REPORT OF RELEASES EXCEEDING 5 GALLONS.—Section 60117(b) is amended—

(1) by inserting ''(1)'' before ''To'';

(2) redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(3) inserting before the last sentence the following:

''(2) A person owning or operating a hazardous liquid pipeline facility shall report to the Secretary each release to the environment greater than five gallons of the hazardous liquid or carbon dioxide transported. This section applies to releases from pipeline facilities regulated under this chapter and from rural gathering lines not regulated under this chapter. A report must include the location of the release, fatalities and personal injuries, type of product, amount of product release, causes of the release, extent of damage to property and the environment, and the response undertaken to clean up the release.

''(3) During the course of an incident investigation, a person owning or operating a pipeline facility shall make records, reports, and information required under subsection (a) of this section or other reasonably described records, reports, and information relevant to the incident investigation available to the Secretary within the time limits prescribed in a written request.''; and

(4) inserting ''(4)'' before ''The Secretary''.

(b) PENALTY AUTHORITIES.—

(1) Section 60122(a) is amended by striking ''60114(c)'' and substituting ''60117(b)(3)''.

(2) Section 60123(a) is amended by striking ''60114(c)'' and substituting ''60117(b)(3)''.

(c) Section 60117 is amended by adding at the end the following:

''(l) NATIONAL DEPOSITORY.—The Secretary shall establish a national depository of data on events and conditions, including spill histories and corrective actions for specific incidents, that can be used to evaluate the risk of, and to prevent, pipeline failures and releases. The Secretary may establish the depository through cooperative arrangements, and the Secretary shall make such information available for use by State and local planning and emergency response authorities and the public.''.

SEC. 8. ENHANCED INVESTIGATION AUTHORITIES.

(a) CLARIFICATION OF AUTHORITY.—Section 60117(c) is amended by striking ''decide whether a person is complying with this chapter and standards prescribed or orders issued under this chapter'' and inserting ''carry out the duties and responsibilities of this chapter. The Secretary may question an individual about matters relevant to an investigation, including such matters as the design, construction, operation, or maintenance of the system, the individual's qualifications, or the operator's response to an emergency''.

(b) EXPENSES OF INVESTIGATION.—Section 60117, as amended by section 7, is further amended by adding at the end the following:

''(m) EXTRAORDINARY EXPENSES OF INCIDENT INVESTIGATION.—The Secretary may, by regulation, establish procedures to recover the Secretary's costs incurred because of investigation of incidents from the operators of the pipeline facilities involved in the incidents. These costs may include travel costs and contract support for the investigation and monitoring of the corrective measures. All sums collected shall be deposited into the Pipeline Safety Fund and shall be available, to the extent and in the amount provided in advance in appropriations acts, to

reimburse the Secretary for the costs of investigation and monitoring of the incidents. Such amounts are authorized to be appropriated to be available until expended.''.

SEC. 9. INTERNATIONAL AUTHORITY.

Section 60117, as amended by section 8, is further amended by adding at the end the following subsection:

''(n) GLOBAL SHARING OF ENVIRONMENTAL AND SAFETY INFORMATION.—Subject to guidance and direction of the Secretary of State, the Secretary of Transportation is directed to support international efforts to share information about the risks to the public and the environment from pipelines and the means of protecting against those risks. The extent of support should include a consideration of the benefits to the public from an increased understanding by the Secretary of technical issues about pipeline safety and environmental protection and from possible improvement in environmental protection outside the United States.''.

SEC. 10. RISK MANAGEMENT DEMONSTRATION PROGRAM.

Section 60126(a) is amended by adding at the end the following paragraph:

''(3) CONTINUATION OF INDIVIDUAL PROJECT.—Without regard to any recommendations made with respect to the risk management demonstration program under subsection (e) of this section, the Secretary may, by order, allow the continuation of an individual project begun under this program beyond the termination of the program, provided the Secretary finds that—

''(A) the pipeline operator has a clear and established record of compliance with respect to safety and environmental protection;

''(B) the project is achieving superior levels of public safety and environmental protection; and

''(C) the continuation would not extend the project more than four years from the date of the initial approval of the project.''.

SEC. 11. SUPPORT FOR INNOVATIVE TECHNOLOGY DEVELOPMENT.

Section 60117, as amended by section 9, is further amended by adding at the end the following subsection:

''(o) SUPPORT FOR INNOVATIVE TECHNOLOGY DEVELOPMENT.—

''(1) To the extent and in the amount provided in advance in appropriations acts, the Secretary of Transportation shall participate in the development of alternative technologies—

''(A) in fiscal year 2001 and thereafter, to—

''(i) identify outside force damage using internal inspection devices; and

''(ii) monitor outside-force damage to pipelines; and

''(B) In fiscal year 2002 and thereafter, to inspect pipelines that cannot accommodate internal inspection devices available on the date of the enactment of the Pipeline Safety and Community Protection Act of 2000.

''(2) The Secretary may support such technological development through cooperative agreements with trade associations, academic institutions, or other qualified organizations.''.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) Section 60125 is amended—

(1) by striking subsections (a), (b), (c)(1), and (d) and inserting the following:

''(a) GAS AND HAZARDOUS LIQUID.—To carry out this chapter and other pipeline-related damage prevention activities of this title (except for section 60107), there are authorized to be appropriated to the Department of Transportation—

''(1) $30,118,000 for fiscal year 2001; and

''(2) such sums as may be necessary for fiscal years 2002, 2003, and 2004.

''(b) STATE GRANTS.—

''(1) Not more than the following amounts may be appropriated to the Secretary to carry out section 60107:

''(A) $17,019,000 for fiscal year 2001.

''(B) Such sums as may be necessary for fiscal years 2002, 2003, and 2004.''; and

(2) redesignating subsections (e) and (f) as subsections (c) and (d), respectively.

Mr. SARBANES. Mr. President, I am pleased to join with my colleague, Senator HOLLINGS, in introducing, by request, the Pipeline Safety and Community Protection Act of 2000 proposed and announced yesterday by Vice President GORE. This legislation is an important step forward in improving safety and environmental protection in oil and gas pipelines.

Mr. President, last Friday night, the State of Maryland experienced a major oil spill—one its worst spills in many years. More than 110,000 gallons of No. 2 oil leaked from a pipe at Pepco's Chalk Point Generating Station into Swanson Creek in Prince Georges County. Bad weather and high winds exacerbated the problem and spread the spill into the Patuxent River. It has now affected some 8 miles of shoreline, acres of sensitive wetland habitat, and dozens of wildlife in three counties along the Patuxent.

Six federal agencies—EPA, the U.S. Coast Guard, Fish and Wildlife Service, National Oceanic and Atmospheric Administration, U.S. Department of Transportation and the National Transportation Safety Board—are on site coordinating clean-up activities and investigations into the causes of the leak. The Maryland Departments of the Environment and Natural Resources have taken steps to protect and rehabilitate impacted wildlife and to restrict harvesting in clam and oyster beds in the area. Pepco crews and contractors have recovered more than 70,000 gallons of the spilled oil. But recovering or cleaning up the remaining oil will be much more difficult and its cumulative impact on the environment will not be known for months, if not years. The Federal and State agencies have an important responsibility to ensure that Pepco does everything possible to clean up the spill and remediate the environmental and economic damage. But an aggressive clean-up effort must be accompanied with a comprehensive program to prevent such spills from occurring in the first place. While the precise cause of this oil leak is not yet known and is still under investigation, steps can and must be taken to help detect problems before pipelines fail and to minimize the environmental and other consequences of a failure.

The Pipeline Safety and Community Protection Act being introduced today would reauthorize and enhance the U.S. Department of Transportation's pipeline safety program by increasing inspection and testing of pipeline integrity. It would require pipeline operators to take extra precautions in populated or environmentally sensitive areas, such as the area where the Pepco spill occurred. It would strengthen enforcement authorities by expanding penalties for violations and compliance monitoring by Federal and State investigators. It would expand research into new technologies for monitoring pipelines and detecting leaks. Finally, it would strengthen Community-Right-to-Know and reporting requirements on releases and authorize additional funding for the Department's and State pipeline safety activities.

Mr. President, this legislation is strongly supported by the State of Maryland and represents a constructive step forward in enhancing safety and environmental protection in pipeline transportation. I look forward to working with the members of the Commerce Committee as they consider this and other proposals to reauthorize the pipeline safety program.

By Mr. MURKOWSKI (by request):

S. 2410. A bill to increase the authorization of appropriations for the Reclamation Safety of Dams Act of 1978, and for other purposes; to the Committee on Energy and Natural Resources.

AUTHORIZATION INCREASE FOR THE RECLAMATION SAFETY OF DAMS ACT

Mr. MURKOWSKI. Mr. President, I send to the desk, for appropriate reference, legislation submitted by the administration to increase the authorization of appropriations for the Bureau of Reclamation's Safety of Dams program. Let me emphasize that I am introducing this legislation at the request of the administration. Neither I nor any other member of the Committee on Energy and Natural Resources has taken a position on the merits of the legislation at this time. I understand some water users have expressed concerns with this legislation, and I want to assure them that the Water and Power Subcommittee, to which this bill will be referred, will have a hearing on the legislation so that they can make their concerns a part of the record and address them in the legislative process. Ensuring the safety of dams under the jurisdiction of the Bureau of Reclamation is very important but is must be done in a way that ensures safety at Reclamation facilities while not causing undue financial hardship for project beneficiaries. I ask unanimous consent that the letter of transmittal from the administration and a section-by-section of the legislation that the administration prepared be printed in the RECORD.

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

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, DC, August 5, 1999.

Hon. ALBERT GORE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed is draft legislation to increase by $380,000,000 the authorized cost ceiling for the Bureau of Reclamation's dam safety program authorized program authorized in Public Law 95–578 and Public Law 98–404. I would appreciate your assistance in seeing that this legislation is introduced, referred to the appropriate Congressional Committee for consideration, and enacted.

The Bureau of Reclamation's dam safety program is designed to ensure that its facilities are operated in a safe and reliable condition. The purpose of the program is to protect the public, property and natural resources downstream of Reclamation structures.

The Bureau of Reclamation expends approximately $60 million per year for dam safety purposes and estimates that the existing $650,000,000 cost ceiling will be exceeded in Fiscal Year 2001. The enclosed legislation is necessary to continue funding this important program.

In addition to increasing the authorized cost ceiling, the legislation would make a few important changes to the dam safety program. Under existing law, irrigators are required to pay a portion of the dam safety costs within 50 years without interest. The draft bill would amend the statute to charge interest on the dam safety costs allocated for irrigation purposes, This makes irrigation repayment terms for dam safety activities consistent with municipal and industrial water supply.

Existing law also requires the Bureau of Reclamation to send a dam modifications report to Congress for dam safety work costing more than $750,000. The report must rest before Congress for 60 legislative days prior to Reclamation obligating funds for dam safety construction, The attached legislation would raise the threshold for a Congressional report to $1.2 million, reduce to 30 calendar days the time required for a dam safety modification report to rest in Congress prior to Reclamation commencing dam safety repair work.

A section-by-section analysis of the legislation also is attached. Thank you for your consideration of this request.

A similar package has been transmitted to the Speaker of the House of Representatives. If you have any questions concerning this legislation, please contact James Hess, Acting Chief, Congressional and Legislative Affairs Group for the Bureau of Reclamation, at 202–208–5840.

The Office of Management and Budget advises that there is no objection to the presentation of this proposal from the standpoint of the administration's program.

Sincerely,

ELUID L. MARTINEZ,
Commissioner.

Enclosure

SECTION-BY-SECTION ANALYSIS

Section (A)(1). Makes Federal dam safety assistance unavailable for costs incurred because the operating entity does not adequately maintain the structure.

Section 1(A)(2)(a). Makes the additional $380 million authorized to be appropriated by Section 1(B)(1) subject to the 15 percent reimbursability requirement.

Section 1(A(2)(b). Strikes the existing provision that limits repayment of the costs allocated to irrigation to the irrigators' ability to pay.

Section 1(A)(2)(c)–(d). Renumbers the subsections of existing Section 4.

Section 1(A)(2)(e). Existing law requires that dam safety costs allocated to certain purposes, including municipal, industrial, and power, but not including irrigation, be repaid with interest. This provision includes irrigation costs among those to be repaid with interest. Furthermore, costs allocated to irrigation under this Act should be repaid by the irrigators without assistance from power revenues.

Section 1(A)(2)(f). Explicitly provides that costs allocated under this Act to project purposes will be repaid with interest and without regard to water users' ability to pay, thereby eliminating any assistance from power users to water users.

Section 1(A)(3). Authorizes the Secretary to use monies received pursuant to a repayment contract at any time prior to completion of the dam safety construction work.

Section 1(B)(1). Authorizes the appropriation of an additional $380 million (indexed for inflation) for dam safety.

Section 1(B)(2). Increases to $1,200,000 (indexed for inflation) the threshold amount of triggering when the Bureau of Reclamation must send a modification report to Congress prior to obligating funds for dam safety construction. Existing law requires a report for any obligation exceeding $750,000.

Section 1(B)(3). Reduces from 60 legislative days to 30 calendar days the time that a dam safety modification report must lie before Congress before the Bureau of Reclamation can obligate funds for dam safety construction.

By Mr. DASCHLE (for himself, Mr. LEAHY, Mr. HARKIN, Mr. CONRAD, Mr. DORGAN, Mr. JOHNSON, Mr. FEINGOLD, Mr. KOHL, Mr. KERREY, Mr. BAUCUS, Mr. ROCKEFELLER, Mr. WELLSTONE, Mr. LEVIN, and Mr. JEFFORDS)

S. 2411. A bill to enhance competition in the agricultural sector and to protect family farms and ranches and rural communities from unfair, unjustly discriminatory, or deceptive practices by agribusinesses, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FARMERS AND RANCHERS FAIR COMPETITION ACT OF 2000

Mr. DASCHLE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2411

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS

(a) SHORT TITLE.—This Act may be cited as the ''Farmers and Ranchers Fair Competition Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Prohibitions against unfair practices in transactions involving agricultural commodities.
Sec. 5. Reports of the Secretary on potential unfair practices.
Sec. 6. Plain language and disclosure requirements for contracts.
Sec. 7. Report on corporate structure.
Sec. 8. Mandatory funding for staff.
Sec. 9. General Accounting Office study.
Sec. 10. Authority to promulgate regulations.

SEC. 2. FINDINGS AND PURPOSES.

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

(1) Congressional Joint Economic Committee data suggests that over the last 15 years, agribusiness profits have come almost exclusively out of producer income, rather than from increased retail prices. Given the lack of market power of producers, this data raises the question of whether the trend has been a natural market development or is instead a sign of market failure.

(2) Most economists agree that in the last 15 years the real market price for a market basket of food has increased by approximately 3 percent, while the farm value of that food has fallen by approximately 38 percent. Over that period, marketing costs have decreased by 15 percent, which should have narrowed rather than widened the gap.

(3) There is significant concern that increasingly vertically integrated multinational corporations, especially those that own broad biotechnology patents, may be able to exert unreasonable and excessive market power in the future by acquiring companies that own other broad biotechnology patents.

(4) The National Association of Attorneys General is very concerned with the high degree of economic concentration in the agricultural sector and the great potential for anticompetitive practices and behavior. They estimate the top 4 meat packing firms control over 80 percent of steer and heifer slaughter, over 55 percent of hog slaughter, and over 65 percent of sheep slaughter. Increased concentration in the dairy procurement and processing sector is also raising significant concerns.

(5) In the grain industry, United States Department of Agriculture reports that the top 4 firms controlled 56 percent of flour milling, 73 percent of wet corn milling, 71 percent of soybean milling, and 62 percent of cotton seed oil milling.

(6) Moreover, the figures in paragraphs (4) and (5) underestimate true levels of concentration and potential market power because they fail to reflect the web of unreported and difficult to trace joint ventures, strategic alliances, interlocking directorates, and other partial ownership arrangements that link many large corporations.

(7) Concentration of market power also has the effect of increasing the transfer of investment, capital, jobs, and necessary social services out of rural areas to business centers throughout the world. Many individuals representing a wide range of expertise have expressed concern with the potential implications of this trend for the greater public good.

(8) The recent increase in contracting for the production or sale of agricultural commodities, such as livestock and poultry, is a cause for concern because of the significant bargaining power the buyers of these products or services wield over individual farmers and ranchers.

(9) Transparent, freely accessible, and competitive markets are being supplanted by transfer prices set within vertically integrated firms and by the increasing use of private contracts.

(10) Agribusiness firms are showing record profits at the same time that farmers and ranchers are struggling to survive an ongoing price collapse and erratic price trends.

(11) The efforts of farmers and ranchers to improve their market position is hampered by—

(A) extreme disparities in bargaining power between agribusiness firms and the hundreds of thousands of individual farmers and ranchers that sell products to them;

(B) the rapid increase in the use of private contracts that disrupt price discovery and can unfairly disadvantage producers;

(C) the extreme market power of agribusiness firms and alleged anticompetitive practices in the industry;

(D) shrinking opportunities for market access by producers; and

(E) the direct and indirect impact these factors have on the continuing viability of thousands of rural communities across the country.

(b) PURPOSES.—The purposes of this Act are to—

(1) enhance fair and open competition in rural America, thereby fostering innovation and economic growth;

(2) permit the Secretary to take actions to enhance the bargaining position of family farmers and ranchers, and to promote the viability of rural communities nationwide;

(3) protect family farms and ranches from—

(A) unfair, unjustly discriminatory, or deceptive practices or devices;

(B) false or misleading statements;

(C) retaliation related to statements lawfully provided; and

(D) other unfair trade practices employed by processors and other agribusinesses; and

(4) permit the Secretary to take actions to enhance the viability of rural communities nationwide.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGRICULTURAL COMMODITY.—The term ''agricultural commodity'' has the meaning given the term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) AGRICULTURAL COOPERATIVE.—The term ''agricultural cooperative'' means an association of persons engaged in the production, marketing, or processing of an agricultural commodity that meets the requirements of the Act of February 18, 1922, ''An Act to authorize association of producers of agricultural products'' (7 U.S.C. 291 et seq.; 42 Stat. 388) (commonly known as the ''Capper-Volstead Act'').

(3) BROKER.—The term ''broker'' means any person engaged in the business of negotiating sales and purchases of any agricultural commodity in interstate or foreign commerce for or on behalf of the vendor or the purchaser, except that no person shall be considered a broker if the person's sales of such commodities are not in excess of $1,000,000 per year.

(4) COMMISSION MERCHANT.—The term ''commission merchant'' means any person engaged in the business of receiving in interstate or foreign commerce any agricultural commodity for sale, on commission, or for or on behalf of another, except that no person shall be considered a commission merchant if the person's sales of such commodities are not in excess of $1,000,000 per year.

(5) DEALER.—The term ''dealer'' means—

(A) any person (except an agricultural cooperative) engaged in the business of buying, selling, or marketing agricultural commodities in wholesale or jobbing quantities, as determined by the Secretary, in interstate or foreign commerce, except—

(i) no person shall be considered a dealer with respect to sales or marketing of any agricultural commodity of that person's own raising provided such sales or marketing of such agricultural commodities do not exceed $10,000,000 per year; and

(ii) no person shall be considered a dealer who buys, sells, or markets less than $1,000,000 per year of such commodities; and

(B) an agricultural cooperative which sells or markets agricultural commodities of its members' own production if such agricultural cooperative sells or markets more than $1,000,000 of its members' production per year of such commodities.

(6) PROCESSOR.—The term ''processor'' means—

(A) any person (except an agricultural cooperative) engaged in the business of handling, preparing, or manufacturing (including slaughtering) of an agricultural commodity or the products of such agricultural commodity for sale or marketing in interstate or foreign commerce for human consumption except—

(i) no person shall be considered a processor with respect to the handling, preparing, or manufacturing (including slaughtering) of an agricultural commodity of that person's own raising provided such sales or marketing of such agricultural commodities do not exceed $10,000,000 per year; and

(ii) no person who handles, prepares, or manufactures (including slaughtering) an agricultural commodity in an amount less than $1,000,000 per year shall be considered a processor; and

(B) an agricultural cooperative which processes agricultural commodities of its members' own production if such agricultural cooperative processes more than $1,000,000 of its members' production of such commodities per year.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 4. PROHIBITIONS AGAINST UNFAIR PRACTICES IN TRANSACTIONS INVOLVING AGRICULTURAL COMMODITIES.

(a) PROHIBITIONS.—It shall be unlawful in, or in connection with, any transaction in interstate or foreign commerce for any dealer, processor, commission merchant, or broker—

(1) to engage in or use any unfair, unreasonable, unjustly discriminatory, or deceptive practice or device in the marketing, receiving, purchasing, sale, or contracting for the production of any agricultural commodity;

(2) to make or give any undue or unreasonable preference or advantage to any particular person or locality or subject any particular person or locality to any undue or unreasonable disadvantage in connection with any transaction involving any agricultural commodity;

(3) to make any false or misleading statement in connection with any transaction involving any agricultural commodity that is purchased or received in interstate or foreign commerce, or involving any production contract, or to fail, without reasonable cause, to perform any specification or duty, express or implied, arising out of any undertaking in connection with any such transaction or production contract;

(4) to retaliate against or disadvantage, or to conspire to retaliate against or disadvantage, any person because of statements or information lawfully provided by such person to any person (including to the Secretary or to a law enforcement agency) regarding alleged improper actions or violations of law by such dealer, processor, commission merchant, or broker (unless such statements or information are determined to be libelous or slanderous under applicable State law);

(5) to include as part of any new or renewed agreement or contract a right of first refusal, or to make any sale or transaction contingent upon the granting of a right of first refusal, until 180 days after the General Accounting Office study under section 8 is complete; or

(6) to offer different prices contemporaneously for agricultural commodities of like grade and quality (except commodities regulated by the Perishable Agricultural Commodities Act (7 U.S.C. 181 et seq.)) unless—

(A) the commodity is purchased in a public market through a competitive bidding process or under similar conditions which provide opportunities for multiple competitors to seek to acquire the commodity;

(B) the premium or discount reflects the actual cost of acquiring a commodity prior to processing; or

(C) the Secretary has determined that such types of offers do not have a discriminatory impact against small volume producers.

(b) VIOLATIONS.—

(1) COMPLAINTS.—Whenever the Secretary has reason to believe that any dealer, processor, commission merchant, or broker has violated any provision of subsection (a), the Secretary shall cause a complaint in writing to be served on that person or persons, stating the charges in that respect, and requiring the dealer, processor, commission merchant, or broker to attend and testify at a hearing to be held not sooner than 30 days after the service of such complaint.

(2) HEARING.—

(A) IN GENERAL.—The Secretary may hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, receive evidence, and require the attendance and testimony of witnesses and the production of such accounts, records, and memoranda, as the Secretary deems necessary, for the determination of the existence of any violation of this subsection.

(B) RIGHT TO HEARING.—A dealer, processor, commission merchant, or broker may request a hearing if the dealer, processor, commission merchant, or broker is subject to penalty for unfair conduct, under this subsection.

(C) RESPONDENTS RIGHTS.—During a hearing the dealer, processor, commission merchant, or broker shall be given, pursuant to regulations issued by the Secretary, the opportunity—

(i) to be informed of the evidence against such person;

(ii) to cross-examine witnesses; and

(iii) to present evidence.

(D) HEARING LIMITATION.—The issues of any hearing held or requested under this section shall be limited in scope to matters directly related to the purpose for which such hearing was held or requested.

(3) REPORT OF FINDING AND PENALTIES.—

(A) IN GENERAL.—If, after a hearing, the Secretary finds that the dealer, processor, commission merchant, or broker has violated any provisions of subsection (a), the Secretary shall make a report in writing which states the findings of fact and includes an order requiring the dealer, processor, commission merchant, or broker to cease and desist from continuing such violation.

(B) CIVIL PENALTY.—The Secretary may assess a civil penalty not to exceed $100,000 for each such violation of subsection (a).

(4) TEMPORARY INJUNCTION AND FINALITY AND APPEALABILITY OF AN ORDER.—

(A) TEMPORARY INJUNCTION.—At any time after a complaint is filed under paragraph (1), the court, on application of the Secretary, may issue a temporary injunction,

restraining to the extent it deems proper, the dealer, processor, commission merchant, or broker and such person's officers, directors, agents, and employees from violating any of the provisions of subsection (a).

(B) APPEALABILITY OF AN ORDER.—An order issued pursuant to this subsection shall be final and conclusive unless within 30 days after service of the order, the dealer, processor, commission merchant, or broker petitions to appeal the order to the court of appeals for the circuit in which such person resides or has its principal place of business or the District of Columbia Circuit Court of Appeals.

(C) DELIVERY OF PETITION.—The clerk of the court shall immediately cause a copy of the petition filed under subparagraph (B) to be delivered to the Secretary and the Secretary shall thereupon file in the court the record of the proceedings under this subsection.

(D) PENALTY FOR FAILURE TO OBEY AN ORDER.—Any dealer, processor, commission merchant, or broker which fails to obey any order of the Secretary issued under the provisions of this section after such order or such order as modified has been sustained by the court or has otherwise become final, shall be fined not less than $5,000 and not more than $100,000 for each offense. Each day during which such failure continues shall be deemed a separate offense.

(5) RECORDS.—

(A) IN GENERAL.—Every dealer, processor, commission merchant, and broker shall keep for a period of not less than 5 years such accounts, records, and memoranda (including marketing agreements, forward contracts, and formula pricing arrangements) and fully and correctly disclose all transactions involved in the business of such person, including the true ownership of the business.

(B) FAILURE TO KEEP RECORDS OR ALLOW THE SECRETARY TO INSPECT RECORDS.—Failure to keep, or allow the Secretary to inspect records as required by this paragraph shall constitute an unfair practice in violation of subsection (a)(1).

(C) INSPECTION OF RECORDS.—The Secretary shall have the right to inspect such accounts, records, and memoranda (including marketing agreements, forward contracts, and formula pricing arrangements) of any dealer, processor, commission merchant, and broker as may be material to the investigation of any alleged violation of this section or for the purpose of investigating the business conduct or practices of an organization with respect to such dealer, processor, commission merchant or broker.

(c) COMPENSATION FOR INJURY.—

(1) ESTABLISHMENT OF THE FAMILY FARMER AND RANCHER CLAIMS COMMISSION.—

(A) IN GENERAL.—The Secretary shall appoint 3 individuals to a commission to be known as the ''Family Farmer and Rancher Claims Commission'' (in this subsection referred to as the ''Commission'') to review claims of family farmers and ranchers who have suffered financial damages as a result of any violation of this section as determined by the Secretary pursuant to subsection (b)(3).

(B) TERM OF SERVICE.—The member of the Commission shall serve 3-year terms which may be renewed. The initial members of the Commission may be appointed for a period of less than 3 years, as determined by the Secretary.

(2) REVIEW OF CLAIMS.—

(A) SUBMISSION OF CLAIMS.—Family farmers and ranchers damaged as a result of a violation of this section as determined by the Secretary, pursuant to subsection (c)(3) may preserve the right to claim financial damages under this section by filing a claim pursuant to regulations promulgated by the Secretary.

(B) DETERMINATION.—Based on a review of such claims, the Commission shall determine the amount of damages to be paid, if any, as a result of the violation.

(C) REVIEW.—The decisions of the Commission under this paragraph shall not be subject to judicial review except to determine that the amount of damages to be paid is consistent with the published regulations of the Secretary that establish the criteria for implementing this subsection.

(3) FUNDING.—

(A) IN GENERAL.—Funds collected from civil penalties pursuant to this section shall be transferred to a special fund in the Treasury, shall be made available to the Secretary without further appropriation, and shall remain available until expended to pay the expenses of the Commission and the claims described in this subsection.

(B) AUTHORIZATION OF APPROPRIATION.—In addition to the funds described in subparagraph (A), there are authorized to be appropriated such sums as may be necessary to carry out this section.

(4) NO PRECLUSION OF PRIVATE CLAIMS.—By filing an action under this subsection, a family farmer or rancher is not precluded from bringing a cause of action against a dealer, processor, commission, merchant, or broker in any court of appropriate jurisdiction.

(d) AUTHORITY OF THE SECRETARY.—Not later than 180 days after the date of enactment of this section, the Secretary and the Attorney General shall develop and implement a plan to enable, where appropriate, the Secretary to file civil actions, including temporary injunctions, to enforce orders issued by the Secretary under this Act.

SEC. 5. REPORTS OF THE SECRETARY ON POTENTIAL UNFAIR PRACTICES.

(a) FILING PREMERGER NOTICES WITH THE SECRETARY.—No dealer, processor, commission merchant, broker, operator of a warehouse of agricultural commodities, or other agricultural related business shall merge or acquire, directly or indirectly, any voting securities or assets of any other dealer, processor, commission merchant, broker, operator of a warehouse of agricultural commodities, or other agricultural related business unless both persons (or in the case of a tender offer, the acquiring person) file notification pursuant to rules promulgated by the Secretary if—

(1) any voting securities or assets of the dealer, processor, commission merchant, broker, operator of a warehouse of agricultural commodities or other agricultural related business with annual net sales or total assets of $10,000,000 or more are being acquired by a dealer, processor, commission merchant, broker, or operator of a warehouse of agricultural commodities, or other agricultural related business which has total assets or annual net sales of $100,000,000 or more; and

(2) any voting securities or assets of a dealer, processor, commission merchant, broker, operator of a warehouse of agricultural commodities, or other agricultural related business with annual net sales or total assets of $100,000,000 or more are being acquired by any dealer, processor, commission merchant, broker, operator of a warehouse of agricultural commodities, or agriculture related business with annual net sales or total assets of $10,000,000 or more and as a result of such acquisition, if the acquiring person would hold—

(A) 15 percent or more of the voting securities or assets of the acquired person; or

(B) an aggregate total amount of the voting securities and assets of the acquired person in excess of $15,000,000.

(b) REVIEW OF THE SECRETARY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may conduct a review of any merger or acquisition described in subsection (a).

(2) EXCEPTION.—The Secretary shall conduct a review of any merger or acquisition described in subsection (a) upon a request from a member of Congress.

(c) ACCESS TO RECORDS.—The Secretary may request any information including any testimony, documentary material, or related information from a dealer, processor, commission merchant, broker, or operator of a warehouse of agricultural commodities, or other agricultural related business, pertaining to any merger or acquisition of any agriculture related business.

(d) PURPOSE OF REVIEW.—

(1) FINDINGS.—The review described in subsection (a) shall make findings whether the merger or acquisition could—

(A) be significantly detrimental to the present or future viability of family farms or ranches or rural communities in the areas affected by the merger or acquisition, pursuant to standards established by the Secretary; or

(B) lead to a violation of section 4(a) of this Act.

(2) REMEDIES.—The review may include a determination of possible remedies regarding how the parties of the merger or acquisition may take steps to modify their operations to address the findings described in paragraph (1).

(e) REPORT OF REVIEW.—

(1) PRELIMINARY REPORT.—After conducting the review described in this section, the Secretary shall issue a preliminary report to the parties of the merger or acquisition and the Attorney General or the Federal Trade Commission, as appropriate, which shall include findings and any remedies described in subsection (d)(2).

(2) FINAL REPORT.—After affording the parties described in paragraph (1) an opportunity for a hearing regarding the findings and any proposed remedies in the preliminary report, the Secretary shall issue a final report to the President and Attorney General or the Federal Trade Commission, as appropriate, with respect to the merger or acquisition.

(f) IMPLEMENTATION OF THE REPORT.—Not later than 120 days after the issuance of a final report described in subsection (e), the parties of the merger or acquisition affected by such report shall make changes to their operations or structure to comply with the findings and implement any suggested remedy or any agreed upon alternative remedy and shall file a response demonstrating such compliance or implementation.

(g) CONFIDENTIALITY OF INFORMATION.—Information used by the Secretary to conduct the review pursuant to this section provided by a party of the merger or acquisition under review or by a government agency shall be treated by the Secretary as confidential information pursuant to section 1770 of the Food Security Act of 1985 (7 U.S.C. 2276), except that the Secretary may share any information with the Attorney General, the Federal Trade Commission, and a party seeking a hearing pursuant to subsection (e)(2) with respect to information relating to such party. The report issued under subsection (e) shall be available to the public consistent

with the confidentiality provisions of this subsection.

(h) PENALTIES.—

(1) IN GENERAL.—After affording the parties an opportunity for a hearing, the Secretary may assess a civil penalty not to exceed $300,000 for the failure of a person to comply with the requirements of subsections (a) and (f). Such hearing shall be limited to the issue of the amount of the civil penalty.

(2) FAILURE TO FOLLOW AN ORDER.—If after being assessed a civil penalty in accordance with paragraph (1) a person continues to fail to meet the applicable requirements of subsections (a) and (f), the Secretary may, after affording the parties an opportunity for a hearing, assess a further civil penalty not to exceed $100,000 for each day such person continues such violation. Such hearing shall be limited to the issue of the additional civil penalty assessed under this paragraph.

SEC. 6. PLAIN LANGUAGE AND DISCLOSURE REQUIREMENTS FOR CONTRACTS.

(a) IN GENERAL.—Any contract between a family farmer or rancher and a dealer, processor, commission merchant, broker, operator of a warehouse of agricultural commodities, or other agricultural related business shall—

(1) be written in a clear and coherent manner using words with common and everyday meanings and shall be appropriately divided and captioned by various sections;

(2) disclose in a manner consistent with paragraph (1)—

(A) contract duration;

(B) contract termination;

(C) renegotiation standards;

(D) responsibility for environmental damage;

(E) factors to be used in determining performance payments;

(F) which parties shall be responsible for obtaining and complying with necessary local, State, and Federal government permits; and

(G) any other contract terms the Secretary determines is appropriate for disclosure; and

(3) not contain a confidentiality requirement barring a party of a contract from sharing terms of such contract (excluding trade secrets as applied in the Freedom of Information Act (5 U.S.C. 552 et seq.)) for the purposes of obtaining legal or financial advice or for the purpose of responding to a request from Federal or State agencies.

(b) PENALTIES.—

(1) IN GENERAL.—After affording the parties an opportunity for a hearing, the Secretary may assess a civil penalty not to exceed $100,000 for the failure of a person to comply with the requirements of this section. Such hearing shall be limited to the issue of the amount of the civil penalty.

(2) FAILURE TO FOLLOW AN ORDER.—If after being assessed a civil penalty in accordance with paragraph (1), a person continues to fail to meet the applicable requirements of this section, the Secretary may, after affording the parties an opportunity for a hearing, assess a further civil penalty not to exceed $100,000 for each day such person continues such violation. Such hearing shall be limited to the issue of the amount of the additional civil penalty assessed under this paragraph.

(c) IMPLEMENTATION.—The requirements imposed by this section shall be applicable to contracts entered into or renewed 60 days or subsequently after the date of enactment of this Act.

SEC. 7. REPORT ON CORPORATE STRUCTURE.

(a) IN GENERAL.—A dealer, processor, commission merchant, or broker with annual sales in excess of $100,000,000 shall annually file with the Secretary, a report which describes, with respect to both domestic and foreign activities; the strategic alliances; ownership in other agribusiness firms or agribusiness-related firms; joint ventures; subsidiaries; brand names; and interlocking boards of directors with other corporations, representatives, and agents that lobby Congress on behalf of such dealer, processor, commission merchant, or broker, as determined by the Secretary. This subsection shall not be construed to apply to contracts.

(b) PENALTIES.—

(1) IN GENERAL.—After affording the parties an opportunity for a hearing, the Secretary may assess a civil penalty not to exceed $100,000 for the failure of a person to comply with the requirements of this section. Such a hearing shall be limited to the issue of the amount of the civil penalty

(2) FAILURE TO FOLLOW AN ORDER.—If after being assessed a civil penalty in accordance with paragraph (1) a person continues to fail to meet the applicable requirements of this section, the Secretary may, after affording the parties an opportunity for a hearing, assess a further civil penalty not to exceed $100,000 for each day such person continues such violation. Such hearing shall be limited to the amount of the additional civil penalty assessed under this paragraph.

SEC. 8. MANDATORY FUNDING FOR STAFF.

Out of the funds in the Treasury not otherwise appropriated, the Secretary of Treasury shall provide to the Secretary of Agriculture $7,000,000 in each of fiscal years 2002 through 2006, to hire, train, and provide for additional staff to carry out additional responsibilities under this Act, including a Special Counsel on Fair Market and Rural Opportunity, additional attorneys for the Office of General Counsel, investigators, economists, and support staff. Such sums shall be made available to the Secretary without further appropriation and shall be in addition to funds already made available to the Secretary for the purposes of this section.

SEC. 9. GENERAL ACCOUNTING OFFICE STUDY.

The Comptroller General of the United States, in consultation with the Attorney General, the Secretary, the Federal Trade Commission, the National Association of Attorney's General, and others, shall—

(1) study competition in the domestic farm economy with a special focus on protecting family farms and ranches and rural communities and the potential for monopsonistic and oligopsonistic effects nationally and regionally; and

(2) provide a report to the appropriate committees of Congress not later than 1 year after the date of enactment of this Act on—

(A) the correlation between increases in the gap between retail consumer food prices and the prices paid to farmers and ranchers and any increases in concentration among processors, manufacturers, or other firms that buy from farmers and ranchers;

(B) the extent to which the use of formula pricing, marketing agreements, forward contracting, and production contracts tend to give processors, agribusinesses, and other buyers of agricultural commodities unreasonable market power over their producer/suppliers in the local markets;

(C) whether the granting of process patents relating to biotechnology research affecting agriculture during the past 20 years has tended to overly restrict related biotechnology research or has tended to overly limit competition in the biotechnology industries that affect agriculture in a manner that is contrary to the public interest, or could do either in the future;

(D) whether acquisitions of companies that own biotechnology patents and seed patents by multinational companies have the potential for reducing competition in the United States and unduly increasing the market power of such multinational companies;

(E) whether existing processors or agribusiness have disproportionate market power and if competition could be increased if such processors or agribusiness were required to divest assets to assure that they do not exert this disproportionate market power over local markets;

(F) the extent of increase in concentration in milk processing, procurement and handling, and the potential risks to the economic well-being of dairy farmers, and to the National School Lunch program, and other Federal nutrition programs of that increase in concentration;

(G) the impact of mergers, acquisitions, and joint ventures among dairy cooperatives on dairy farmers, including impacts on both members and nonmembers of the merging cooperatives;

(H) the impact of the significant increase in the use of stock as the primary means of effectuating mergers and acquisitions by large companies;

(I) the increase in the number and size of mergers or acquisitions in the United States and whether some of such mergers or acquisitions would have taken place if the merger or acquisition had to be consummated primarily with cash, other assets, or borrowing; and

(J) whether agricultural producers typically appear to derive any benefits (such as higher prices for their products or any other advantages) from right-of-first-refusal provisions contained in purchase contracts or other deals with agribusiness purchasers of such products.

SEC. 10. AUTHORITY TO PROMULGATE REGULATIONS.

The Secretary of Agriculture shall have the authority to promulgate regulations to carry out the responsibilities of the Secretary under this Act.

By Mr. MCCAIN:

S. 2412. A bill to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, 2002, and 2003, and for other purposes; to the Committee on Commerce, Science, and Transportation.

NATIONAL TRANSPORTATION SAFETY BOARD AMENDMENTS ACT OF 2000

• Mr. MCCAIN. Mr. President, today I am introducing the National Transportation Safety Board Amendments Act of 2000. This bill proposes to reauthorize the National Transportation Safety Board (NTSB) through fiscal year 2003.

The NTSB is an independent agency charged with determining the probable cause of transportation accidents and promoting transportation safety. Among its many duties, the Board investigates accidents, conducts safety studies, and evaluates the effectiveness of other government agencies' programs for preventing transportation accidents. In my view, the NTSB is one of our nation's most critical governmental agencies and I want to commend its excellent work.

Since its inception in 1967, the NTSB has investigated more than 110,000

aviation accidents, at least 10,000 other accidents in the surface modes and issued more than 11,000 safety recommendations. The Board's commitment to accident investigation and the development of safety recommendations to prevent accidents from recurring is indeed admirable. The NTSB staff works tirelessly, and in many cases, under the least desirable circumstances.

The NTSB's authorization expired last September. The Board has submitted a reauthorization proposal and the Senate Committee on Commerce, Science, and Transportation held a hearing last year to review the Board's request. The reauthorization legislation I am introducing is intended to provide the Board with the resources necessary to carry out its important safety investigatory duties and provide further assistance to the Board in its efforts to fulfill its mission.

The legislation would authorize the Board for Fiscal years 2000–2003. As the Board requested, the bill would provide significant funding increases over the level currently authorized. The Chairman of the Board has testified that these funds are necessary in order to insure that the NTSB continues to make timely and accurate determinations of the probable causes of accidents, formulate realistic and feasible safety recommendations, and respond to the families of victims of transportation disasters in a professional and compassionate manner following those tragedies. The legislation also would raise the Board's emergency fund to the level commensurate to that which has been appropriated in recent years.

The bill includes language requested by the Safety Board to require the withholding from public disclosure of voice and video recorder information for all modes of transportation comparable to the protections already statutorily provided for cockpit voice recorders (CVRs). This provision would be an important step in ensuring that railroad, maritime, and motor vehicle recorders are properly protected from unwarranted disclosure or alternative use.

The bill provides the Board with authority to establish reasonable rates of overtime pay for its employees directly involved in accident-related work both on-scene and investigative. This authority was requested in acknowledgment of the extensive time spent by NTSB staff in carrying out their duties and the Board's inability under current law to more fairly compensate these employees. I want to remind my colleagues that the Federal Aviation Administration and the Coast Guard already have been provided authority by Congress to administer similar personnel payment matters.

The Board's budget has dramatically increased over the years and this measure includes a number of financial accountability provisions. Currently, the NTSB is one of the few agencies of the Federal Government not required to have a Chief Financial Office (CFO). While the Board on its own initiative does have a CFO, this bill would make that position permanent. The legislation also statutorily authorizes the Chairman to establish annual travel budgets to govern Board Member non-accident travel. After concerns were raised last year over excessive Board Member travel by myself and others, the Chairman established annual budgets and procedures governing non-accident-related travel. His actions were an important step in addressing fiscal accountability at the Board and I believe they should be continued in the future. Further, the bill would give the Inspector General of the Department of Transportation the authority to review the financial management and business operations of the Board to determine compliance with applicable Federal laws, rules, and regulations.

I have only taken time today to highlight a few sections of the bill. But I assure my colleagues that there are other provisions in the legislation designed to give the Safety Board the necessary tools to continue to fulfill its critical safety mission.

Mr. President. I urge my colleagues' support of this measure and look forward to bringing it to the full Senate for consideration in the near future.●

By Mr. CAMPBELL (for himself, Mr. LEAHY, Mr. HATCH, Mr. THURMOND, Mr. BINGAMAN, Mr. JEFFORDS, Mr. SARBANES, Mr. COVERDELL, Mr. ROBB, Mr. SCHUMER, Mr. REED, and Mr. REID):

S. 2413. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests; to the Committee on the Judiciary.

BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 2000

● Mr. CAMPBELL. Mr. President, today Senator LEAHY and I are introducing the Bulletproof Vest Partnership Grant Act of 2000, a bill to expand an existing matching grant program to help State, tribal, and local jurisdictions purchase armor vests for the use by law enforcement officers. This bill represents another in a series of law enforcement legislative initiatives on which I have had the privilege to work with my friend and colleague from Vermont, Senator LEAHY. The Senator brings to the table invaluable experience in this area, from his distinguished service as a State's attorney in Vermont, a nationally recognized prosecutor, and as the ranking member of the Senate Judiciary Committee. We are pleased to be joined in this effort by the distinguished chairman of the Senate Judiciary Committee, Senator HATCH, and Senators THURMOND, BINGAMAN, JEFFORDS, SARBANES, COVERDELL, ROBB, SCHUMER, REED, and REID.

Two years ago, Congress passed and the President signed into law the Bulletproof Vest Partnership Grant Act of 1998 (P.L. 105–181), which we were privileged to introduce. This highly successful Department of Justice grant program has already funded 92,000 new bulletproof vests for police officers across the country.

There are far too many law enforcement officers who patrol our streets and neighborhoods without the proper protective gear against violent criminals. As a former deputy sheriff, I know first-hand the risks which law enforcement officers face every day on the front lines protecting our communities.

Today, more than ever, violent criminals have bulletproof vests and deadly weapons at their disposal. In fact, figures from the U.S. Department of Justice indicate that approximately 150,000 law enforcement officers—or 25 percent of the nation's 600,000 state and local officers—do not have access to bulletproof vests.

The evidence is clear that a bulletproof vest is one of the most important pieces of equipment that any law enforcement officer can have. Since the introduction of modern bulletproof material, the lives of more than 1,500 officers have been saved by bulletproof vests. In fact, the Federal Bureau of Investigation has concluded that officers who do not wear bulletproof vests are 14 times more likely to be killed by a firearm than those officers who do wear vests. Simply put, bulletproof vests save lives.

Unfortunately, many police departments do not have the resources to purchase vests on their own. The Bulletproof Vest Partnership Grant Act of 2000 would continue the partnership with state and local law enforcement agencies to make sure that every police officer who needs a bulletproof vest gets one. It would do so by authorizing up to $50 million per year for the grant program within the U.S. Department of Justice. In addition, the program would provide 50–50 matching grants to state and local law enforcement agencies and Indian tribes with under 100,000 residents to assist in purchasing bulletproof vests and body armor. Finally, this bill will make the purchase of stabproof vests eligible for grant awards.

While we know that there is no way to end the risks inherent to a career in law enforcement, we must do everything possible to ensure that officers who put their lives on the line every day also put on a vest. Body armor is one of the most important pieces of equipment an officer can have and often means the difference between life and death. The United States Senate

can help, and I urge our colleagues to support prompt passage of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2413

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Bulletproof Vest Partnership Grant Act of 2000''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had the protection of an armor vest;

(2) according to studies, between 1985 and 1994, 709 law enforcement officers in the United States were killed in the line of duty;

(3) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing an armor vest is 14 times higher than for officers wearing an armor vest;

(4) according to studies, between 1985 and 1994, bullet-resistant materials helped save the lives of more than 2,000 law enforcement officers in the United States; and

(5) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply, despite a decrease in the national crime rate, and has concluded that there is a ''public safety crisis in Indian country''.

SEC. 3. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

(a) MATCHING FUNDS.—Section 2501(f) of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll(f) is amended—

(1) by striking ''The portion'' and inserting the following:

''(1) IN GENERAL.—The portion'';

(2) by striking ''subsection (a)'' and all that follows through the period at the end of the first sentence and inserting ''subsection (a)—

''(A) may not exceed 50 percent; and

''(B) shall equal 50 percent, if—

''(i) such grant is to a unit of local government with fewer than 100,000 residents;

''(ii) the Director of the Bureau of Justice Assistance determines that the quantity of vests to be purchased with such grant is reasonable; and

''(iii) such portion does not cause such grant to violate the requirements of subsection (e).''; and

(3) by striking ''Any funds'' and inserting the following:

''(2) INDIAN ASSISTANCE.—Any funds''.

(b) ALLOCATION OF FUNDS.—Section 2501(g) of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll(g)) is amended to read as follows:

''(g) ALLOCATION OF FUNDS.—Funds available under this part shall be awarded, without regard to subsection (c), to each qualifying unit of local government with fewer than 100,000 residents. Any remaining funds available under this part shall be awarded to other qualifying applicants.''.

(c) APPLICATIONS.—Section 2502 of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll–1) is amended by adding at the end the following:

''(d) APPLICATIONS IN CONJUNCTION WITH PURCHASES.—If an application under this section is submitted in conjunction with a transaction for the purchase of armor vests, grant amounts under this section may not be used to fund any portion of that purchase unless, before the application is submitted, the applicant—

''(1) receives clear and conspicuous notice that receipt of the grant amounts requested in the application is uncertain; and

''(2) expressly assumes the obligation to carry out the transaction, regardless of whether such amounts are received.''.

(d) DEFINITION OF ARMOR VEST.—Section 2503(1) of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll–2(1)) is amended—

(1) by striking ''means body armor'' and inserting the following: ''means—

''(A) body armor'';

(2) by adding ''or'' at the end; and

(3) by adding at the end the following:

''(B) body armor that has been tested through the voluntary compliance testing program, and found to meet or exceed the requirements of NIJ Standard 0115.00, or any revision of such standard;''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(23) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23)) is amended by inserting before the period at the end the following: '', and $50,000,000 for each of fiscal years 2002 through 2004''.●

Mr. LEAHY. Mr. President, I am proud to join the Senior Senator from Colorado in introducing the Bulletproof Vest Partnership Grant Act of 2000. We worked together closely and successfully with the Chairman of the Judiciary Committee in the last Congress to pass the Bulletproof Vest Partnership Grant Act of 1998 into law. I am pleased that Senator HATCH is again an original cosponsor of this bill. I am also pleased that Senators SCHUMER, REID of Nevada, SARBANES, ROBB, BINGAMAN, THURMOND, COVERDELL, and REED of Rhode Island are joining us as original cosponsors.

According to the Federal Bureau of Investigation, more than 40 percent of the 1,182 officers killed by a firearm in the line of duty since 1980 could have been saved if they had been wearing body armor. Indeed, the FBI estimates that the risk of fatality to officers while not wearing body armor is 14 times higher than for officers wearing it.

To better protect our Nation's law enforcement officers, Senator CAMPBELL and I introduced the Bulletproof Vest Partnership Grant Act of 1998. President Clinton signed our legislation into law on June 16, 1998 (public law 105–181). The law created a $25 million, 50 percent matching grant program within the Department of Justice to help state and local law enforcement agencies purchase body armor for fiscal years 1999–2001.

In its first year of operation, the Bulletproof Vest Partnership Grant Program funded 92,000 new bulletproof vests for our Nation's police officers, including 361 vests for Vermont police officers. Applications are now available at the program's web site at http://vests.ojp.gov/ for this year's funds. The entire process of submitting applications and obtaining federal funds is completed through this web site.

The Bulletproof Vest Partnership Grant Act of 2000 builds on the success of this program by doubling its annual funding to $50 million for fiscal years 2002–2004. It also improves the program by guaranteeing jurisdictions with fewer than 100,000 residents receive the full 50–50 matching funds because of the tight budgets of these smaller communities and by making the purchase of stab-proof vests eligible for grant awards to protect corrections officers and sheriffs who face violent criminals in close quarters in local and county jails.

More than ever before, police officers in Vermont and around the country face deadly threats that can strike at any time, even during routine traffic stops. Bulletproof vests save lives. It is essential that we update this law so that many more of our officers who are risking their lives everyday are able to protect themselves.

In the last Congress, we created the Bulletproof Vest Partnership Grant Program in part in response to the tragic Drega incident along the Vermont and New Hampshire border. On August 19, 1997, Federal, State and local law enforcement authorities in Vermont and New Hampshire had cornered Carl Drega, after hours of hot pursuit. This madman had just shot to death two New Hampshire state troopers and two other victims earlier in the day. In a massive exchange of gunfire with the authorities, Drega lost his life.

During that shootout, all federal law enforcement officers wore bulletproof vests, while some state and local officers did not. For example, Federal Border Patrol Officer John Pfeifer, a Vermonter, who was seriously wounded in the incident. If it was not for his bulletproof vest, I would have been attending Officer Pfeifer's wake instead of visiting him, and meeting his wife and young daughter in the hospital a few days later. I am relieved that Officer John Pfeifer is doing well and is back on duty today.

The two New Hampshire state troopers who were killed by Carl Drega were not so lucky. They were not wearing bulletproof vests. Protective vests might not have been able to save the lives of those courageous officers because of the high-powered assault weapons used by this madman. We all grieve for the two New Hampshire officers who were killed. Their tragedy underscore the point that all of our law enforcement officers, whether federal, state or local, deserve the protection of a bulletproof vest. With that and lesser-known incidents as constant reminders, I will continue to do all I can

to help prevent loss of life among our law enforcement officers.

The Bulletproof Vest Partnership Grant Act of 2000 will provide state and local law enforcement agencies with more of the assistance they need to protect their officers. Our bipartisan legislation enjoys the endorsement of many law enforcement organizations, including the Fraternal Order of Police and the National Sheriffs' Association. In my home State of Vermont, the bill enjoys the strong support of the Vermont State Police, the Vermont Police Chiefs Association and many Vermont sheriffs, troopers, game wardens and other local and state law enforcement officials.

Since my time as a State prosecutor, I have always taken a keen interest in law enforcement in Vermont and around the country. Vermont has the reputation of being one of the safest states in which to live, work and visit, and rightly so. In no small part, this is due to the hard work of those who have sworn to serve and protect us. And we should do what we can to protect them, when a need like this one comes to our attention.

Our Nation's law enforcement officers put their lives at risk in the line of duty everyday. No one knows when danger will appear. Unfortunately, in today's violent world, even a traffic stop may not necessarily be "routine." Each and every law enforcement officer across the Nation deserves the protection of a bulletproof vest.

I look forward to working with my colleagues to ensure that each and every law enforcement agency in Vermont and across the Nation can afford basic protection for their officers.

By Mr. WELLSTONE:

S. 2414. A bill to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking; to the Committee on Foreign Relations.

TRAFFICKING VICTIMS PROTECTION ACT OF 2000

Mr. WELLSTONE. Mr. President, I rise to introduce a bill today. I would like to thank my colleague, Senator BROWNBACK, for his superb work. It is called the Trafficking Victims Protection Act of 2000. Basically, this is legislation I am doing together with Senator BROWNBACK. We are very hopeful we will have strong support in the Senate Foreign Relations Committee, starting with the chairman.

The long and the short of it, colleagues, is, though, it is hard to believe, in the year 2000, there are maybe 50,000 women and children trafficked to our country, maybe as many as 2 million worldwide.

It is a dark, dark feature of this new world economy, where women and children are basically responding to ads, going to other countries, believing they will find employment; and they are forced into prostitution, they are forced into labor, and the conditions are absolutely atrocious.

It is unbelievable what has happened to these women and children. Therefore, we put an emphasis on, No. 1, prevention, to make sure that through AID we get information out to people in other countries, so women and children are not entrapped in this way.

No. 2, we want to make sure there are alternatives, such as good microloan programs, like NGOs for women.

No. 3, we put an emphasis on how we can provide some protection, which has to do with making sure if women step forward they are not automatically deported. There would be an extension of their visa so they would be able to speak out without worrying about being deported from our country. We would make sure there is treatment for women who have gone through this living hell.

Finally, there would be prosecution. Making it crystal clear to those who are engaged in trafficking, you are going to be hit with stiff financial penalties.

Senator FEINSTEIN, who is on the floor, has been a strong supporter of trying to do something about this, and to make sure that if you are going to traffic a child under the age of 14 for forced prostitution, you are going to serve a life sentence in prison.

We are going to call on the international community to take this seriously. I believe there will be strong support in the Senate. It would be a powerful and important human rights piece of legislation.

I am proud to introduce this legislation today. I think we can move it in committee. I think we can have strong bipartisan support. I thank Senator BROWNBACK, Senator FEINSTEIN, Senator BOXER, and others for their interest.

Mr. President, I am here today to introduce legislation to help end the horrific crime of trafficking in persons, particularly women and children, for the purposes of sexual exploitation and forced labor. This egregious human rights violation—and we must acknowledge trafficking in persons as the gross human rights abuse that it is—is a worldwide problem that must be confronted in domestic legislation as we continue to fight it on the international front.

At this very moment the administration is involved in negotiations in Vienna to strengthen international efforts to combat trafficking. We too must do our part. We need to enact a comprehensive trafficking bill into law in this Congress. Senator BROWNBACK and I have worked together closely to develop the Trafficking Victims Protection Act of 2000, and we agree on every provision of the bill except for one. We are here together today to introduce separate trafficking bills but to relay to you the truly bipartisan effort this has been. Senator BROWNBACK, I look forward to continuing this effort as our respective bills move through the committee and to the floor.

Despite increasing governmental and international interest, trafficking in persons continues to be one of the darkest aspects of globalization of the world economy, becoming more insidious and more widespread everyday. It is not just a problem that takes place on distant shores, as many of us have been led to believe. A recent CIA analysis of the international trafficking of women to the United States reports that as many as 50,000 women and children each year are brought into the United States and forced to work as prostitutes, forced laborers, and servants. Others credibly estimate that the number is probably much higher than that.

In a hearing last week, I heard the almost unbelievable testimony of several women who had been victims of trafficking. But, I say almost unbelievable because I heard the truth directly from the mouths of those who have been hurt the most. One victim trafficked for sex from Mexico to Florida at the age of 14 told,

> Because I was a virgin, the men decided to initiate me by raping me again and again, to teach me how to have sex * * * Because I was so young, I was always in demand with the customers. It was awful. Although the men were supposed to wear condoms, some didn't so I eventually became pregnant and was forced to have an abortion.

I am here today to say that one victim is one too many. We have a serious problem that must be addressed.

The Trafficking Victims Protection Act of 2000 is a comprehensive bill that addresses the three P's of trafficking: it aims to prevent trafficking in persons, provides protection and assistance to those who have been trafficked, and provides for tough prosecution and punishment of those responsible for trafficking.

This bill addresses the underlying problems which fuel the trafficking industry by promoting public awareness campaigns, and initiatives to enhance economic opportunity, such as micro-credit lending programs and skills training, for those most susceptible to trafficking. It provides for the establishment of programs designed to assist in the safe reintegration of victims into their community, and ensures that such programs address the physical and mental health needs of trafficking victims. In fact, the trauma that results from being trafficked is not unlike that of someone who has been tortured, and victims of trafficking deserve similar assistance.

This bill also provides immigration relief and allows victims of trafficking the time necessary to bring charges

against those responsible for their condition. In the United States, many trafficking victims are deported for not having the appropriate legal documents when, in fact, it is often the trafficker who has given the victim false documents, or held the victim's identifying documents so that he or she could not move freely. This bill addresses this unintended result of the law. This measure enhances our existing legal structures, criminalizing all forms of trafficking in persons and establishing punishment which is commensurate with the heinous nature of this crime. It provides for sentences of up to life in prison for those criminals involved in trafficking children.

Those criminals who are involved in trafficking, from the lowest to the highest levels, should not expect to go unpunished in the United States or abroad, and neither should governments whose governments might be complicit in trafficking. This bill requires an expansion of reporting on trafficking in the annual Country Reports on Human Rights Practices, including a separate list of countries of origin, transit or destination for a significant number of trafficking victims which are not meeting minimum standards for the elimination of trafficking. This bill provides for sanctions against counties which do not meet these minimum standards. It also authorizes the Secretary of State to publish a list of foreign persons involved in trafficking, and authorizes the President to take tough action against any person on that list.

A similar bill to our bills is moving through the House. Both that bill, H.R. 3244, and the bills that we are introducing today, are bipartisan efforts that deserve our full consideration. Senator BROWNBACK and I have worked hard to create a bill that is comprehensive and addresses both of our concerns, and both of us are equally committed to the fight against trafficking. We disagree, however, on a small but significant part of the strategy in this fight: the use of mandatory versus discretionary sanctions against countries which do not meet the minimum standards for elimination of trafficking.

While Senator BROWNBACK believes a system of mandatory sanctions will better facilitate our goal to eliminate trafficking, after much research into the effect of a mandatory sanctions requirement, I believe a discretionary sanctions approach, allowing for a more targeted use of sanctions, together with a requirement for the delivery to Congress of a separate list of countries involved in trafficking, is the better approach.

Trafficking exploits poor women and booms in societies undergoing severe economic distress. To impose economic sanctions in trafficking legislation that cuts off a broad range of bilateral and multilateral assistance programs designed to improve the economy of specific nations is to cause harm to the very people who might be helped by the legislation.

For example, I don't believe we can justify cutting off funding designed to foster economic reform so that those most susceptible to trafficking such as women and children, can find work; or cutting off funding for programs that increase professionalism and independence in the judicial system so that traffickers can be held accountable; or even cutting off programs designed to provide training and technical assistance to countries which are generally making an effort to combat trafficking. This is what could happen to certain countries which are known to have a severe trafficking problem, under a mandatory sanctions regime. I don't believe we justify cutting off child survival and disease programs which counter the spread of HIV and AIDS, a significant problem among women trafficked into the sex industry, to countries in which sex trafficking is a large problem such as the Philippines and Bangladesh. These are just a couple of examples of the problems created by a sanctions regime that is too broad. A more targeted, discretionary sanctions approach to sanctions is, I think, clearly the way to go.

By requiring a list of countries involved in trafficking who do not meet minimum standards for the elimination of it, we can closely monitor the progress of countries in their fight against trafficking. Trafficking in persons is a complicated issue that almost always involves larger criminal elements. Those countries which are truly committed to ending this gross human rights abuse, and are cooperating in the global battle against it, should not fear the list since they will not be put on it. Those countries which are not doing their share should expect that the President of the United States will use his discretion to impose targeted sanctions, and I for one will do all I can to see that our government imposes appropriate sanctions against those governments whose officials are complicit in this terrible crime.

Sanctions can be an important deterrent. However, in my opinion broad mandatory sanctions within the context of trafficking are not useful. A discretionary sanctions regime that allows the President—who is, in fact, better positioned to understand the varying dynamics and extent of the trafficking problem from country to country—to impose specific, targeted, and workable sanctions against trafficking countries is a more sound approach.

I hope my colleagues will take a look at both of these trafficking bills and cosponsor one or the other as they move forward. These bills are identical except for the sanctions provision, and both provide the same broad and comprehensive assistance to trafficking victims and to countries working to combat trafficking.

Since my wife and I began working on this issue several years ago, I have met with trafficking victims, aftercare providers, and human rights advocates from around the world who have reminded me again and again of the horrible nature of this crime. We must intensify our work to eliminate trafficking in persons. We must focus our energy on this bipartisan effort to see the Trafficking Victims Protection Act of 2000 move quickly through the Senate Foreign Relations Committee and get passed into law this year. The many victims of trafficking deserve no less.

By Mr. SARBANES (for himself, Mr. DODD, Mr. SCHUMER, and Mr. KERRY):

S. 2415. A bill to amend the Home Ownership and Equity Protection Act of 1994 and other sections of the Truth in Lending Act to protect consumers against predatory practices in connection with high cost mortgage transactions, to strengthen the civil remedies available to consumers under existing law, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

PREDATORY LENDING CONSUMER PROTECTION ACT OF 2000

Mr. SARBANES. Mr. President, today I am introducing the Predatory Lending Consumer Protection Act with Senators DODD, KERRY, and SCHUMER. This legislation is a companion to an identical bill being introduced by Representative LAFALCE in the House of Representatives, along with a number of his colleagues.

Representative LAFALCE has demonstrated his strong commitment to a banking system that takes into consideration the credit needs of all Americans, including those that have been traditionally locked out of the market or are less sophisticated. I thank him for his leadership.

Homeownership is the American Dream. It is the opportunity for all Americans to put down roots and start creating equity for themselves and their families. Homeownership has been the path to building wealth for generations of Americans; it has been the key to ensuring stable communities, good schools, and safe streets.

The predatory lending industry plays on these hopes and dreams to cheat people of their hard-earned wealth. These lenders target working and lower income families, the elderly, and, often, uneducated homeowners for their abusive practices. To my mind, nothing can be more cynical.

Let me briefly describe how predatory lenders operate. They target people with a lot of equity in their homes; they underwrite the property without regard to the ability of the borrower to

pay the loan back. They make their money by charging extremely high origination fees, and by ''packing'' other products into the loan, including upfront premiums for credit life insurance, or credit unemployment insurance, and others, for which they get significant commissions but are of no value to the homeowner.

The premiums for these products get financed into the loan, greatly increasing the loan's total balance amount, sometimes by as much as 50 percent. As a result, the borrower is likely to find himself in extreme financial distress.

Then, when the trouble hits, the predatory lender will offer to refinance the loan. Unfortunately, another characteristic of these loans is that they have prepayment penalties. So, by the time the refinancing occurs, with all the fees repeated and the prepayment penalty included, the lender/broker makes a lot of money from the transaction, and the owner has been stripped of his or her equity and, oftentimes, his or her home.

The problem is, most of these practices, while unethical and clearly abusive, are legal. There is a widening sense that this is a serious problem. Alan Greenspan at the Federal Reserve Board has recognized this as an increasing problem, as have the other banking regulators. For example, the FDIC is considering raising capital standards for all subprime lending; the Office of Thrift Supervision (OTS) has published an Advanced Notice of Proposed Rulemaking (ANPR) asking for information and views on these very practices; HUD Secretary Cuomo and Treasury Secretary Summers have convened a Task Force on this issue. Both Fannie Mae and Freddie Mac have developed a number of products that are intended to reach out to homeowners with somewhat impaired credit in order to bring them into the financial mainstream. These companies have also announced that they will not buy loans with single premium credit insurance financed into the loan, one of the problems highlighted by this legislation.

Clearly, there is already some action to address the problem of predatory lending. But we need to do more. This legislation will outlaw the most abusive practices, and enable the marketplace to eliminate the others. This is a very important point. Let me give you an example. The bill prohibits the financing of more than 3% of a loan in fees for high cost loans, because it is the financing of fees and premiums on extraneous products that literally strip the equity out of a person's home. However, the bill would not prohibit additional fees from being charged, so we are not regulating profit.

We want to make sure that the loan is affordable to the borrower. Tying the lender's return to the loan's successful repayment is the best way to assure this. Now, some people have raised concerns that limiting the financing of fees will push up interest rates. This may be true, but it is also better to see the return to the lender reflected in the interest rate because it is much easier for people to shop on the basis of the interest rate. As a result, the market will help to keep rates down. Moreover, higher rate mortgages can always be refinanced as borrower's credit standing improves.

Mr. President, this legislation has the support of the Leadership Conference on Civil Rights, the American Association of Retired People, the National Consumer Law Center, the Self-Help Credit Union of North Carolina, Consumers Union, Consumers Federation, ACORN, the National Association of Consumer Advocates, U.S. PIRG and others.

I want to make clear that this bill is aimed at predatory practices. There are many people who may have had some credit problems who still need access to affordable credit. They may only be able to get subprime loans, which charge higher interest rates. Clearly, to get the credit, they will have to pay somewhat higher rates because of the greater risk they represent. We want them to be able to get these loans.

But these families should not be stripped of their home equity through financing of extremely high fees, credit insurance, or prepayment penalties. They should not be forced into constant refinancing, losing more and more of the wealth they've taken a lifetime to build to a new set of fees each and every time.

This legislation will keep credit available, while discouraging or prohibiting these worst practices. The bill allows lenders to recover the costs of making their loans, while always leaving the door open to borrowers to repair their credit and move to lower cost loans.

Taken as a whole, predatory lending practices represent a frontal assault on homeowners all over America. Today, we are coming to their defense. We must stop the American dream of homeownership from being distorted into a nightmare by these unscrupulous practices. We want to ensure that all borrowers, whether in the prime or subprime market, are treated fairly and responsibly. That is what this legislation is intended to do, and I urge my colleagues' consideration and support.

Mr. President, I ask unanimous consent that the bill and a summary of the legislation be printed in the RECORD.

S. 2415

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Predatory Lending Consumer Protection Act of 2000''.

SEC. 2. AMENDMENTS TO DEFINITIONS IN TRUTH IN LENDING ACT.

(a) HIGH COST MORTGAGES.—

(1) IN GENERAL.—The portion of section 103(aa) of the Truth in Lending Act (15 U.S.C. 1602(aa)) that precedes paragraph (2) of such section is amended to read as follows:

''(aa) MORTGAGE REFERRED TO IN THIS SUBSECTION.—

''(1) DEFINITION.—

''(A) IN GENERAL.—A mortgage referred to in this subsection means a consumer credit transaction—

''(i) that is secured by the consumer's principal dwelling, other than a reverse mortgage transaction; and

''(ii) the terms of which are described in at least 1 of the following subclauses:

''(I) The transaction is secured by a first mortgage on the consumer's principal dwelling and the annual percentage rate on the credit, at the consummation of the transaction, will exceed by more than 6 percentage points the yield on Treasury securities having comparable periods of maturity on the 15th day of the month immediately preceding the month in which the application for the extension of credit is received by the creditor;

''(II) The transaction is secured by a junior or subordinate mortgage on the consumer's principal dwelling and the annual percentage rate on the credit, at the consummation of the transaction, will exceed by more than 8 percentage points the yield on Treasury securities having comparable periods of maturity on the 15th day of the month immediately preceding the month in which the application for the extension of credit is received by the creditor.

''(III) The total points and fees payable on the transaction will exceed the greater of 5 percent of the total loan amount or $1,000.

''(B) INTRODUCTORY RATES NOT TAKEN INTO ACCOUNT.—If the terms of any consumer credit transaction that is secured by the consumer's principal dwelling offer, for any initial or introductory period, an annual percentage rate of interest which—

''(i) is less than the annual percentage rate of interest which will apply after the end of such initial or introductory period; or

''(ii) in the case of an annual percentage rate which varies in accordance with an index, which is less than the current annual percentage rate under the index which will apply after the end of such period,

the annual percentage rate of interest that shall be taken into account for purposes of subclauses (I) and (II) of subparagraph (A)(ii) shall be the rate described in clause (i) or (ii) of this subparagraph rather than any rate in effect during the initial or introductory period.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 103(aa)(2) of the Truth in Lending Act (15 U.S.C. 1602(aa)(2)) is amended—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B).

(b) POINTS AND FEES.—Section 103(aa)(4) of the Truth in Lending Act (15 U.S.C. 1602(aa)(4)) is amended—

(1) by striking subparagraph (B) and inserting the following new subparagraph:

''(B) all compensation paid directly or indirectly by a consumer or a creditor to a mortgage broker;'';

(2) by redesignating subparagraph (D) as subparagraph (F); and

(3) by striking subparagraph (C) and inserting the following new subparagraphs:

''(C) each of the charges listed in section 106(e) (except an escrow for future payment of taxes and insurance);

''(D) the cost of all premiums financed by the lender, directly or indirectly, for any credit life, credit disability, credit unemployment or credit property insurance, or any other life or health insurance, or any payments financed by the lender, directly or indirectly, for any debt cancellation or suspension agreement or contract, except that, for purposes of this subparagraph, insurance premiums or debt cancellation or suspension fees calculated and paid on a monthly basis shall not be considered financed by the lender;

''(E) any prepayment penalty (as defined in section 129(c)(5)) or other fee paid by the consumer in connection with an existing loan which is being refinanced with the proceeds of the consumer credit transaction; and''.

(c) HIGH COST MORTGAGE LENDER.—

(1) IN GENERAL.—Section 103(f) of the Truth in Lending Act (15 U.S.C. 1602(f)) is amended by striking the last sentence and inserting ''Any person who originates 2 or more mortgages referred to in subsection (aa) in any 12-month period, any person who originates 1 or more such mortgages through a mortgage broker or acted as a mortgage broker between originators and consumers on more than 5 mortgages referred to in subsection (aa) within the preceding 12-month period, and any creditor-affiliated party shall be considered to be a creditor for purposes of this title.''.

(2) CREDITOR-AFFILIATED PARTY DEFINED.—Section 103 of the Truth in Lending Act (15 U.S.C. 1602) is amended by adding at the end the following new subsection:

''(cc) CREDITOR-AFFILIATED PARTY.—The term ''creditor-affiliated party'' means—

(1) any director, officer, employee, or controlling stockholder of, or agent for, a creditor;

(2) in the case of a creditor which is an insured depository institution, any other person who has filed or is required to file a change-in-control notice with the appropriate Federal banking agency under section 7(j) of the Federal Deposit Insurance Act; and

(3) any shareholder, consultant, joint venture partner, and any other person, including any independent contractor (such as an attorney, appraiser, or accountant), who participates in the conduct of the affairs of, or controls the lending practices of, a creditor, as determined (by regulation or on a case-by-case) by the appropriate Federal agency under subsection (a) or (c) of section 108 with respect to the creditor.''.

SEC. 3. AMENDMENTS TO EXISTING REQUIREMENTS FOR HIGH COST CONSUMER MORTGAGES.

(a) ADDITIONAL DISCLOSURES.—Section 129(a)(1) of the Truth in Lending Act (15 U.S.C. 1639(a)(1)) is amended by adding at the end the following new subparagraphs:

''(D) 'The interest rate on this loan is much higher than most people pay. This means the chance that you will lose your home is much higher if you do not make all payments under the loan.'.

''(E) 'You may be able to get a loan with a much lower interest rate. Before you sign any papers, you have the right to go see a credit and debt counseling service and to consult other lenders to find ways to get a cheaper loan.'.

''(F) 'If you are taking out this loan to repay other loans, look to see how many months it will take to pay for this loan and what the total amount is that you will have to pay before this loan is repaid. Even though the total amount you will have to pay each month for this loan may be less than the total amount you are paying each month for those other loans, you may have to pay on this loan for many more months than those other loans which will cost you more money in the end.' ''.

(b) PREPAYMENT PENALTY PROVISIONS.—Section 129(c) of the Truth in Lending Act (15 U.S.C. 1639(c)) is amended to read as follows:

''(c) PREPAYMENT PENALTY PROVISIONS.—

''(1) NO PREPAYMENT PENALTIES AFTER END OF 24-MONTH PERIOD.—A mortgage referred to in section 103(aa) may not contain terms under which a consumer must pay any prepayment penalty for any payment made after the end of the 24-month period beginning on the date the mortgage is consummated.

''(2) NO PREPAYMENT PENALTIES IF MORE THAN 3 PERCENT OF POINTS AND FEES WERE FINANCED.—Subject to subsection (1)(1), a mortgage referred to in section 103(aa) may not contain terms under which a consumer must pay any prepayment penalty for any payment made at or before the end of the 24-month period referred to in paragraph (1) if the creditor financed points or fees in connection with the consumer credit transaction in an amount equal to or greater than 3 percent of the total amount of credit extended in the transaction.

''(3) LIMITED PREPAYMENT PENALTY FOR EARLY REPAYMENT UNDER CERTAIN CIRCUMSTANCES.—Subject to paragraph (2), the terms of a mortgage referred to in section 103(aa) may contain terms under which a consumer must pay a prepayment penalty for any payment made at or before the end of the 24-month period referred to in paragraph (1) to the extent the sum of total amount of points or fees financed by the creditor, if any, in connection with the consumer credit transaction and the total amount payable as a prepayment penalty does not exceed the amount which is equal to 3 percent of the total amount of credit extended in the transaction.

''(4) CONSTRUCTION.—For purposes of this subsection, any method of computing a refund of unearned scheduled interest is a prepayment penalty if it is less favorable to the consumer than the actuarial method (as that term is defined in section 933(d) of the Housing and Community Development Act of 1992).

''(5) PREPAYMENT PENALTY DEFINED.—The term 'prepayment penalty' means any monetary penalty imposed on a consumer for paying all or part of the principal with respect to a consumer credit transaction before the date on which the principal is due.''.

(c) ALL BALLOON PAYMENTS PROHIBITED.—Section 129(e) of the Truth in Lending Act (15 U.S.C. 1639(e)) is amended by striking ''having a term of less than 5 years''.

(d) ASSESSMENT OF ABILITY TO REPAY.—Section 129(h) of the Truth in Lending Act (15 U.S.C. 1639(h)) is amended—

(1) by striking ''CONSUMER.—A creditor'' and inserting ''CONSUMER.—

''(1) PROHIBITION ON PATTERNS AND PRACTICES.—A creditor''; and

(2) by adding at the end the following new paragraphs:

''(2) CASE-BY-CASE ASSESSMENTS OF CONSUMER ABILITY TO PAY REQUIRED.—

''(A) IN GENERAL.—In addition to the prohibition in paragraph (1) on engaging in certain patterns and practices, a creditor may not extend any credit in connection with any mortgage referred to in section 103(aa) unless the creditor has determined, at the time such credit is extended, that 1 or more of the resident obligors, when considered individually and collectively, will be able to make the scheduled payments under the terms of the transaction based on a consideration of their current and expected income, current obligations, employment status, and other financial resources, without taking into account any equity of any such obligor in the dwelling which is the security for the credit.

''(B) REGULATIONS.—The Board shall prescribe, by regulation the appropriate format for determining a consumer's ability to pay and the criteria to be considered in making any such determination.

''(C) RESIDENT OBLIGOR.—For purposes of this paragraph, the term 'resident obligor' means an obligor for whom the dwelling securing the extension of credit is, or upon the consummation of the transaction will be, the principal residence.

''(3) VERIFICATION.—The requirements of paragraphs (1) and (2) shall not be deemed to have been met unless any information relied upon by the creditor for purposes of any such paragraph has been verified by the creditor independently of information provided by any resident obligor.''.

(e) REQUIREMENTS RELATING TO HOME IMPROVEMENT CONTRACTS.—Section 129(i) of the Truth in Lending Act (15 U.S.C. 1639(i)) is amended—

(1) by striking ''IMPROVEMENT CONTRACTS.—A creditor'' and inserting ''IMPROVEMENT CONTRACTS.—

''(1) IN GENERAL.—A creditor''; and

(2) by adding at the end the following new paragraph:

''(2) AFFIRMATIVE CLAIMS AND DEFENSES.—Notwithstanding any other provision of law, any assignee or holder, in any capacity, of a mortgage referred to in section 103(aa) which was made, arranged, or assigned by a person financing home improvements to the dwelling of a consumer shall be subject to all affirmative claims and defenses which the consumer may have against the seller, home improvement contractor, broker, or creditor with respect to such mortgage or home improvements.''.

(f) CLARIFICATION OF RESCISSION RIGHTS.—Section 129(j) of the Truth in Lending Act (15 U.S.C. 1639(j)) is amended to read as follows:

''(j) CONSEQUENCE OF FAILURE TO COMPLY.—

''(1) IN GENERAL.—If, in the case of a mortgage referred to in section 103(aa)—

''(A) the mortgage contains a provision prohibited by this section or does not contain a provision required by this section; or

''(B) a creditor or other person fails to comply with the provisions of this section, whether by an act or omission, with regard to such mortgage at any time,

the consummation of the consumer credit transaction resulting in such mortgage shall be treated as a failure to deliver the material disclosures required under this title for the purpose of section 125.

''(2) RULE OF APPLICATION.—In any application of section 125 to a mortgage described in section 103(aa) under circumstances described in paragraph (1), paragraphs (2) and (4) of section 125(e) shall not apply or be taken into account.''.

SEC. 4. ADDITIONAL REQUIREMENTS FOR HIGH COST CONSUMER MORTGAGES.

(a) SINGLE PREMIUM CREDIT INSURANCE.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended—

(1) by redesignating subsections (k) and (l) as subsections (s) and (t), respectively; and

(2) by inserting after subsection (j), the following new subsection:

''(k) SINGLE PREMIUM CREDIT INSURANCE.—

''(1) IN GENERAL.—The terms of a mortgage referred to in section 103(aa) may not require, and no creditor or other person may require or allow—

''(A) the advance collection of a premium, on a single premium basis, for any credit life, credit disability, credit unemployment, or credit property insurance, and any analogous product; or

''(B) the advance collection of a fee for any debt cancellation or suspension agreement or contract,

in connection with any such mortgage, whether such premium or fee is paid directly by the consumer or is financed by the consumer through such mortgage.

''(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed as affecting the right of a creditor to collect premium payments on insurance or debt cancellation or suspension fees referred to in paragraph (1) that are calculated and paid on a regular monthly basis, if the insurance transaction is conducted separately from the mortgage transaction, the insurance may be canceled by the consumer at any time, and the insurance policy is automatically canceled upon repayment or other termination of the mortgage referred to in paragraph (1).''.

(b) RESTRICTION ON FINANCING POINTS AND FEES.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (k) (as added by subsection (a) of this section) the following new subsection:

''(l) RESTRICTION ON FINANCING POINTS AND FEES.—

''(1) LIMIT ON AMOUNT OF POINTS AND FEES THAT MAY BE FINANCED.—Subject to paragraphs (2) and (3) of subsection (c), no creditor may, in connection with the formation or consummation of a mortgage referred to in section 103(aa), finance, directly or indirectly, any portion of the points, fees, or other charges payable to the creditor or any third party in an amount in excess of the greater of 3 percent of the total loan amount or $600.

''(2) PROHIBITION ON FINANCING CERTAIN POINTS, FEES, OR CHARGES.—No creditor may, in connection with the formation or consummation of a mortgage referred to in section 103(aa), finance, directly or indirectly, any of the following fees or other charges payable to the creditor or any third party:

''(A) Any prepayment fee or penalty required to be paid by the consumer in connection with a loan or other extension of credit which is being refinanced by such mortgage if the creditor, with respect to such mortgage, or any affiliate of the creditor, is the creditor with respect to the loan or other extension of credit being refinanced.

''(B) Any points, fees, or other charges required to be paid by the consumer in connection with such mortgage if—

''(i) the mortgage is being entered into in order to refinance an existing mortgage of the consumer that is referred to in section 103(aa); and

''(ii) if the creditor, with respect to such new mortgage, or any affiliate of the creditor, is the creditor with respect to the existing mortgage which is being refinanced.''.

(c) CREDITOR CALL PROVISION.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (l) (as added by subsection (b) of this section) the following new subsection:

''(m) CREDITOR CALL PROVISION.—

''(1) IN GENERAL.—A mortgage referred to in section 103(aa) may not include terms under which the indebtedness may be accelerated by the creditor, in the creditor's sole discretion.

''(2) EXCEPTION.—Paragraph (1) shall not apply when repayment of the loan has been accelerated as a result of a bona fide default.''.

(d) PROHIBITION ON ACTIONS ENCOURAGING DEFAULT.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (m) (as added by subsection (c) of this section) the following new subsection:

''(n) PROHIBITION ON ACTIONS ENCOURAGING DEFAULT.—No creditor may make any statement, take any action, or fail to take any action before or in connection with the formation or consummation of any mortgage referred to in section 103(aa) to refinance all or any portion of an existing loan or other extension of credit, if the statement, action, or failure to act has the effect of encouraging or recommending the consumer to default on the existing loan or other extension of credit at any time before, or in connection with, the closing or any scheduled closing on such mortgage.''.

(e) MODIFICATION OR DEFERRAL FEES.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (n) (as added by subsection (d) of this section) the following new subsection:

''(o) MODIFICATION OR DEFERRAL FEES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a creditor may not charge any consumer with respect to a mortgage referred to in section 103(aa) any fee or other charge—

''(A) to modify, renew, extend, or amend such mortgage, or any provision of the terms of the mortgage; or

''(B) to defer any payment otherwise due under the terms of the mortgage.

''(2) EXCEPTION FOR MODIFICATIONS FOR THE BENEFIT OF THE CONSUMER.—Paragraph (1) shall not apply with respect to any fee imposed in connection with any action described in subparagraph (A) or (B) if—

''(A) the action provides a material benefit to the consumer; and

''(B) the amount of the fee or charge does not exceed—

''(i) an amount equal to 0.5 percent of the total loan amount; or

''(ii) in any case in which the total loan amount of the mortgage does not exceed $60,000, an amount in excess of $300.''.

(f) CONSUMER COUNSELING REQUIREMENTS.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (o) (as added by subsection (e) of this section) the following new subsection:

''(p) CONSUMER COUNSELING REQUIREMENT.—

''(1) IN GENERAL.—A creditor may not extend any credit in the form of a mortgage referred to in section 103(aa) to any consumer, unless the creditor has provided to the consumer, at such time before the consummation of the mortgage and in such manner as the Board shall provide by regulation, all of the following:

''(A) All warnings and disclosures regarding the risks of the mortgage to the consumer.

''(B) A separate written statement recommending that the consumer take advantage of available home ownership or credit counseling services before agreeing to the terms of any mortgage referred to in section 103(aa).

''(C) A written statement containing the names, addresses, and telephone numbers of counseling agencies or programs reasonably available to the consumer that have been certified or approved by the Secretary of Housing and Urban Development, a State housing finance authority (as defined in section 1301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989), or the agency referred to in subsection (a) or (c) of section 108 with jurisdiction over the creditor as qualified to provide counseling on—

''(i) the advisability of a high cost loan transaction; and

''(ii) the appropriateness of a high cost loan for the consumer.

''(B) COMPLETE AND UPDATED LISTS REQUIRED.—Any failure to provide as complete or updated a list under paragraph (1)(C) as is reasonably possible shall constitute a violation of this section.''.

(g) ARBITRATION.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (p) (as added by subsection (f) of this section) the following new subsection:

''(q) ARBITRATION.—

''(1) IN GENERAL.—A mortgage referred to in section 103(aa) may not include terms which require arbitration or any other nonjudicial procedure as the method for resolving any controversy or settling any claims arising out of the transaction.

''(2) POST-CONTROVERSY AGREEMENTS.—Subject to paragraph (3), paragraph (1) shall not be construed as limiting the right of the consumer and the creditor to agree to arbitration or any other nonjudicial procedure as the method for resolving any controversy at any time after a dispute or claim under the transaction arises.

''(3) NO WAIVER OF STATUTORY CAUSE OF ACTION.—No provision of any mortgage referred to in section 103(aa) or any agreement between the consumer and the creditor shall be applied or interpreted so as to bar a consumer from bringing an action in an appropriate district court of the United States, or any other court of competent jurisdiction, pursuant to section 130 or any other provision of law, for damages or other relief in connection with any alleged violation of this section, any other provision of this title, or any other Federal law.''.

(h) PROHIBITION ON EVASIONS.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (q) (as added by subsection (g) of this section) the following new subsection:

''(r) PROHIBITIONS ON EVASIONS, STRUCTURING OF TRANSACTIONS, AND RECIPROCAL ARRANGEMENTS.—

''(1) IN GENERAL.—A creditor may not take any action—

''(A) for the purpose or with the intent to circumvent or evade any requirement of this title, including entering into a reciprocal arrangement with any other creditor or affiliate of another creditor or dividing a transaction into separate parts, for the purpose of evading or circumventing any such requirement; or

''(B) with regard to any other loan or extension of credit for the purpose or with the intent to evade the requirements of this title, including structuring or restructuring a consumer credit transaction as another form of loan, such as a business loan.

''(2) OTHER ACTIONS.—In addition to the actions prohibited under paragraph (1), a creditor may not take any action which the Board determines, by regulation, constitutes a bad faith effort to evade or circumvent any requirement of this section with regard to a consumer credit transaction.

"(3) REGULATIONS.—The Board shall prescribe such regulations as the Board determines to be appropriate to prevent circumvention or evasion of the requirements of this section or to facilitate compliance with the requirements of this section.".

SEC. 5. AMENDMENTS RELATING TO RIGHT OF RESCISSION.

(a) TIMING OF WAIVER BY CONSUMER.—Section 125(a) of the Truth in Lending Act (15 U.S.C. 1635(a)) is amended—

(1) by striking "(a) Except as otherwise provided" and inserting "(a) RIGHT ESTABLISHED.—

"(1) IN GENERAL.—Except as otherwise provided"; and

(2) by adding at the end the following new paragraph:

"(2) TIMING OF ELECTION OF WAIVER BY CONSUMER.—No election by a consumer to waive the right established under paragraph (1) to rescind a transaction shall be effective if—

"(A) the waiver was required by the creditor as a condition for the transaction;

"(B) the creditor advised or encouraged the consumer to waive such right of the consumer; or

"(C) the creditor had any discussion with the consumer about a waiver of such right during the period beginning when the consumer provides written acknowledgement of the receipt of the disclosures and the delivery of forms and information required to be provided to the consumer under paragraph (1) and ending at such time as the Board determines, by regulation, to be appropriate.".

(b) NONCOMPLIANCE WITH REQUIREMENTS AS RECOUPMENT IN FORECLOSURE PROCEEDING.—Section 130(e) of the Truth in Lending Act (15 U.S.C. 1640(e)) is amended by inserting after the 2d sentence the following new sentence: "This subsection also does not bar a person from asserting a rescission under section 125, in an action to collect the debt as a defense to a judicial or nonjudicial foreclosure after the expiration of the time periods for affirmative actions set forth in this section and section 125.".

SEC. 6. AMENDMENTS TO CIVIL LIABILITY PROVISIONS.

(a) INCREASE IN AMOUNT OF CIVIL MONEY PENALTIES FOR CERTAIN VIOLATIONS.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640) is amended—

(1) in (2)(A)(iii), by striking "$2,000" and inserting "$10,000"; and

(2) in paragraph (2)(B), by striking "lesser of $500,000 or 1 percentum of the net worth of the creditor" and inserting "the greater of—

"(i) the amount determined by multiplying the maximum amount of liability under subparagraph (A) for such failure to comply in an individual action by the number of members in the certified class; or

"(ii) the amount equal to 2 percent of the net worth of the creditor.".

(b) STATUTE OF LIMITATIONS EXTENDED FOR SECTION 129 VIOLATIONS.—Section 130(e) of the Truth in Lending Act (15 U.S.C. 1640(e)) (as amended by section 5(b) of this Act) is amended—

(1) in the 1st sentence, by striking "Any action" and inserting "Except as provided in the subsequent sentence, any action"; and

(2) by inserting after the 1st sentence the following new sentence: "Any action under this section with respect to any violation of section 129 may be brought in any United States district court, or in any other court of competent jurisdiction, before the end of the 3-year period beginning on the date of the occurrence of the violation.".

SEC. 7. AMENDMENT TO FAIR CREDIT REPORTING ACT.

Section 623 of the Fair Credit Reporting Act (15 U.S.C. 1681s–2) is amended by adding at the end the following new subsection:

"(e) DUTY OF CREDITORS WITH RESPECT TO HIGH COST MORTGAGES.—

"(1) IN GENERAL.—Each creditor who enters into a consumer credit transaction which is a mortgage referred to in section 103(aa), and each successor to such creditor with respect to such transaction, shall report the complete payment history, favorable and unfavorable, of the obligor with respect to such transaction to a consumer reporting agency that compiles and maintains files on consumers on a nationwide basis at least quarterly, or more frequently as required by regulation or in guidelines established by participants in the secondary mortgage market, while such transaction is in effect.

"(2) DEFINITIONS.—For purposes of paragraph (1), the terms 'credit' and 'creditor' have the same meanings as in section 103.".

SEC. 8. REGULATIONS.

The Board of Governors of the Federal Reserve System shall publish regulations implementing this Act, and the amendments made by this Act, in final form before the end of the 6-month period beginning on the date of the enactment of this Act.

SUMMARY OF THE "PREDATORY LENDING CONSUMER PROTECTION ACT OF 2000"

Definition of "High Cost" Mortgage: the legislation tightens the definition of a "high cost mortgage," for which certain consumer protections are triggered. The new definition, which amends the "Home Ownership Equipment Protection Act," is as follows: First mortgages that exceed Treasury securities by six (6) percentage points; second mortgages that exceed Treasury securities by eight (8) percentage points; or mortgages where total points and fees payable by the borrower exceed the greater of five percent (5%) of the total loan amount, or $1,000. The bill revises the definition of points and fees to be more inclusive.

The following key protections are triggered for high cost mortgages only:

Restrictions on financing of points and fees. The bill restricts a creditor from directly or indirectly financing any portion of the points, fees or other charges greater than 3% of the total sum of the loan, or $600. The lender cannot finance prepayment penalties or points paid by the consumer if the originator of the loan is refinancing the loan. Moreover, the lender or any affiliated creditor cannot finance points and fees for the refinancing of a loan they originated.

Limitation on the payment of prepayment penalties. The bill prohibits the lender from imposing prepayment penalties after the initial 24 month period of the loan. During the first 24 months of a loan, prepayment penalties are limited to the difference in the amount of closing costs and fees financed and 3% of the total loan amount.

Prohibition on balloon payments. The bill prohibits the use of balloon payments.

Limitation on single premium credit insurance. The bill would prohibit upfront payment or financing of credit life, credit disability or credit unemployment insurance on a single premium basis. However, borrowers are free to purchase such insurance with the regular mortgage payment on a periodic basis, provided that it is a separate transaction that can be canceled at any time.

Extension of liability for home improvement contract loans. The bill would make parent companies and officers of lenders, or subsequent holders of loans by a contractor, liable for HOEPA violations if the contractor goes out of business to avoid liability.

Limitation on mandatory arbitration clauses. The bill prohibits mortgages from including terms which require arbitration or other non-judicial settlement as the sole method of settling claims or disputes arising under the loan agreement.

Prohibition on requiring rescission of rights. The bill prohibits a creditor from requiring or encouraging a borrower to sign an election not to exercise the three-day right to rescind or cancel a credit transaction at the same time that the borrowers receives notice of the right of rescission.

Other provisions in the bill:

Increase statutory damages in individual civil actions and class actions. The maximum amount that can be awarded in individual actions is increased to $100,000. The maximum amount that can be awarded in a class action is the greater of: (1) the maximum amount of the liability available for an individual action multiplied by the number of members or (ii) percent of the net worth of the creditor.

Require that as a condition for making a high cost loan, a creditor make a determination at the time the loan is consummated, that the borrower will be able to make the schedule payments to repay the loan obligation.

Prohibit a lender from making a high cost loan unless it certifies that it has provided the borrower with certain information regarding the risks associated with high cost loans and the availability of home ownership counseling.

Require additional disclosures related to the risks associated with high cost mortgages.

Prohibit a creditor/lender from: (i) recommending or encouraging default on an existing loan or other debt prior to, or in connection with, a closing on a high cost loan, (ii) including any provision which permits the creditor, in its sole discretion, to accelerate the indebtedness under the loan, or (iii) charging a borrower any fee to modify a high-cost loan or defer payment due under such high cost loan unless it provides a material benefit to the borrower.

Require that a creditor annually report both favorable and unfavorable payment history of borrowers to credit bureaus.

ADDITIONAL COSPONSORS

S. 459

At the request of Mr. HATCH, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 660

At the request of Mr. BINGAMAN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 660, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

S. 741

At the request of Mr. GRAHAM, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 741, a bill to provide for pension reform, and for other purposes.

S. 796

At the request of Mr. DOMENICI, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 796, a bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses.

S. 801

At the request of Mr. HUTCHINSON, his name was added as a cosponsor of S. 801, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 1452

At the request of Mr. SHELBY, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 1452, a bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 1487

At the request of Mr. AKAKA, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1487, a bill to provide for excellence in economic education, and for other purposes.

S. 1557

At the request of Mr. KERREY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1557, a bill to amend the Internal Revenue Code of 1986 to codify the authority of the Secretary of the Treasury to issue regulations covering the practices of enrolled agents.

S. 1623

At the request of Mr. SPECTER, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1623, a bill to select a National Health Museum site.

S. 1810

At the request of Mrs. MURRAY, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 1814

At the request of Mr. SMITH of Oregon, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 1814, a bill to establish a system of registries of temporary agricultural workers to provide for a sufficient supply of such workers and to amend the Immigration and Nationality Act to streamline procedures for the admission and extension of stay of nonimmigrant agricultural workers, and for other purposes.

S. 1855

At the request of Mr. MURKOWSKI, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1855, a bill to establish age limitations for airmen.

S. 1921

At the request of Mr. CAMPBELL, the names of the Senator from Rhode Island (Mr. L. CHAFEE), and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 2005

At the request of Mr. BURNS, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 2005, a bill to repeal the modification of the installment method.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2081

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 2081, a bill entitled ''Religious Liberty Protection Act of 2000.''

S. 2082

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 2082, a bill to establish a program to award grants to improve and maintain sites honoring Presidents of the United States.

S. 2297

At the request of Mr. CRAPO, the names of the Senator from Utah (Mr. BENNETT), the Senator from North Dakota (Mr. CONRAD), the Senator from North Dakota (Mr. DORGAN), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2297, a bill to reauthorize the Water Resources Research Act of 1984.

S. 2323

At the request of Mr. MCCONNELL, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Arkansas (Mrs. LINCOLN), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Florida (Mr. GRAHAM), and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of S. 2323, a bill to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the Act.

S. 2357

At the request of Mr. REID, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 2357, a bill to amend title 38, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 2386

At the request of Mrs. FEINSTEIN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2386, a bill to extend the Stamp Out Breast Cancer Act.

S. 2390

At the request of Mr. DEWINE, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of S. 2390, a bill to establish a grant program that provides incentives for States to enact mandatory minimum sentences for certain firearms offenses, and for other purposes.

S. 2394

At the request of Mr. MOYNIHAN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2394, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. CON. RES. 98

At the request of Mr. DEWINE, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. Con. Res. 98, a concurrent resolution urging compliance with the Hague Convention on the Civil Aspects of International Child Abduction.

S.J. RES. 44

At the request of Mr. KENNEDY, the names of the Senator from California (Mrs. BOXER), the Senator from Nevada (Mr. BRYAN), the Senator from Connecticut (Mr. DODD), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S.J. Res. 44, a joint resolution supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II.

S. RES. 268

At the request of Mr. EDWARDS, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Illinois (Mr. DURBIN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Indiana (Mr. BAYH), the Senator from Rhode Island (Mr. L. CHAFEE), the Senator from South Carolina (Mr. HOLLINGS) , the Senator from Louisiana (Ms. LANDRIEU), the Senator from Rhode Island (Mr. REED), the Senator from Alabama (Mr. SHELBY), and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. Res. 268, a resolution designating July 17 through July 23 as ''National Fragile X Awareness Week.''

S. RES. 272

At the request of Mr. VOINOVICH, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. Res. 272, a resolution expressing the sense of the Senate that the United States should remain actively engaged in southeastern Europe to promote long-term peace, stability, and prosperity; continue to vigorously oppose the brutal regime of Slobodan Milosevic while supporting the efforts of the democratic opposition; and fully implement the Stability Pact.

SENATE RESOLUTION 286—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SENATE COMMITTEE ON FOREIGN RELATIONS SHOULD HOLD HEARINGS AND THE SENATE SHOULD ACT ON THE CONVENTION OF THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

Mrs. BOXER (for herself, Mr. AKAKA, Mr. BIDEN, Mr. BINGAMAN, Ms. COLLINS, Mr. DASCHLE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HARKIN, Mr. INOUYE, Mr. KERRY, Mr. KENNEDY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. MOYNIHAN, Mrs. MURRAY, Mr. ROBB, Mr. REED, Mr. REID, Mr. SARBANES, Mr. SCHUMER, Ms. SNOWE, Mr. SPECTER, Mr. TORRICELLI, Mr. WELLSTONE, and Mr. WYDEN) submitted the following resolution; which was ordered to lie over, under the rule:

S. RES. 286

Whereas the United States has shown leadership in promoting human rights, including the rights of women and girls, and was instrumental in the development of international human rights treaties and norms, including the International Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW);

Whereas the Senate has already agreed to the ratification of several important human rights treaties, including the Genocide Convention, the Convention Against Torture, the International Covenant on Civil and Political Rights, and the Convention on the Elimination of All Forms of Racial Discrimination;

Whereas CEDAW establishes a worldwide commitment to combat discrimination against women and girls;

Whereas 165 countries of the world have ratified or acceded to CEDAW and the United States is among a small minority of countries, including Afghanistan, North Korea, Iran, and Sudan, which have not;

Whereas CEDAW is helping combat violence and discrimination against women and girls around the world;

Whereas CEDAW has had a significant and positive impact on legal developments in countries as diverse as Uganda, Colombia, Brazil, and South Africa, including, on citizenship rights in Botswana and Japan, inheritance rights in Tanzania, property rights and political participation in Costa Rica;

Whereas the Administration has proposed a small number of reservations, understandings, and declarations to ensure that U.S. ratification fully complies with all constitutional requirements, including states' and individuals' rights;

Whereas the legislatures of California, Iowa, Massachusetts, New Hampshire, New York, North Carolina, South Dakota, and Vermont have endorsed U.S. ratification of CEDAW;

Whereas more than one hundred U.S.-based, civic, legal, religious, education, and environmental organizations, including many major national membership organizations, support U.S. ratification of CEDAW;

Whereas ratification of CEDAW would allow the United States to nominate a representative to the CEDAW oversight committee; and

Whereas 2000 is the 21st anniversary of the adoption of CEDAW by the United Nations General Assembly: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Senate Foreign Relations Committee should hold hearings on the convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); and

(2) the Senate should act on CEDAW by July 19, 2000, the 20th anniversary of the signing of the convention by the United States.

SENATE RESOLUTION 287—EXPRESSING THE SENSE OF THE SENATE REGARDING U.S. POLICY TOWARD LIBYA

Mr. HELMS (for himself, Mr. KENNEDY, and Mr. LAUTENBERG) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 287

Whereas 270 people, including 189 Americans, were killed in the terrorist bombing of Pan Am Flight 103 over Lockerbie, Scotland on December 21, 1988;

Whereas this bombing was one of the worst terrorist atrocities in American history;

Whereas 2 Libyan suspects in the attack are scheduled to go on trial in The Netherlands on May 3, 2000;

Whereas the United Nations Security Council has required Libya to cooperate throughout the trial, pay compensation to the families if the suspects are found guilty, and end support for international terrorism before multilateral sanctions can be permanently lifted;

Whereas Libya is accused in the 1986 La Belle discotheque bombing in Germany which resulted in the death of 2 United States servicemen;

Whereas in March 1999, 6 Libyan intelligence agents including Muammar Qadhafi's brother-in-law, were convicted in absentia by French courts for the bombing of UTA Flight 772 that resulted in the death of 171 people, including 7 Americans;

Whereas restrictions on United States citizens' travel to Libya, known informally as a travel ban, have been in effect since December 11, 1981, as a result of "threats of hostile acts against Americans" according to the Department of State;

Whereas on March 22, 4 United States State Department officials departed for Libya as part of a review of the travel ban; and

Whereas Libyan officials have interpreted the review as a positive signal from the United States, and according to a senior Libyan official "the international community was convinced that Libya's foreign policy position was not wrong and there is a noticeable improvement in Libya's relations with the world": Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Libya's refusal to accept responsibility for its role in terrorist attacks against United States citizens suggests that the imminent danger to the physical safety of United States travelers continues;

(2) the Administration should consult fully with Congress in considering policy toward Libya, including disclosure of any assurances received by the Qadhafi regime relative to the judicial proceedings in The Hague; and

(3) the travel ban and all other United States restrictions on Libya should not be eased until all cases of American victims of Libyan terrorism have been resolved and the Government of Libya has cooperated fully in bringing the perpetrators to justice.

Mr. KENNEDY. Mr. President, I am pleased to join Senators HELMS and LAUTENBERG in submitting this resolution on the travel ban and other U.S. restrictions on Libya.

At the end of March, a team of State Department officials visited Libya as part of a review of the ban that has been in effect since 1981 on U.S. travel to Libya. State Department officials were in Libya for 26 hours, visiting hotels and other sites. Based on the findings of this delegation, the State Department is preparing a recommendation for the Secretary of State to help her determine whether there is still "imminent danger to . . . the physical safety of United States travellers," as the law requires in order to maintain the ban.

Because of the travel ban, American citizens can travel to Libya only if they obtain a license from the Department of the Treasury. In addition, the State Department must first validate a passport for travel to Libya.

The travel ban was imposed originally for safety reasons and predates the terrorist bombing of Pan Am Flight 103. But lifting the ban now, just as the two Libyan suspects are about to go on trial in The Netherlands for their role in that atrocity, will undoubtedly be viewed as a gesture of good will to Colonel Qadhafi.

After State Department announced that it would send this consular team to Libya, a Saudi-owned daily paper quoted a senior Libyan official as saying the one-day visit by the U.S. team was a "step in the right direction." The official said the visit was a sign that "the international community was convinced that Libya's foreign policy position was not wrong and there is a noticeable improvement in Libya's relations with the world."

Libya's Deputy Minister for Foreign Affairs and International Cooperation said the visit demonstrated that the Administration "has realized the importance of Libya" and that Libya considers "that the negative chapter in our relations is over."

Libya's Secretary for African Unity told reporters that the visit to Libya by U.S. officials was a welcome step and that ''. . . we welcome the normalization between the two countries.''

The good will gesture was certainly not lost on Colonel Qadhafi, who said on April 4, when asked about a possible warming of relations with the United States: ''I think America has reviewed its policy toward Libya and discovered that it is wrong . . . it is a good time for America to change its policy toward Libya.''

I have been in contact with many of the families of the victims of Pan Am Flight 103, and they are extremely upset by the timing of this decision. They are united in their belief that the U.S. delegation should not have been sent to Libya and that it would be a serious mistake to lift the travel ban before justice is served. The families want to know why the Secretary of State made this friendly overture to Colonel Qadhafi now—just six weeks before the trial in the Netherlands begins. They question how much information the State Department was able to obtain by spending only 26 hours in Libya. They wonder why the State Department could not continue to use the same sources of information it has been using for many years to make a determination about the travel ban.

There is no reason to believe that the situation in Libya has changed since November 1999, when the travel ban was last extended on the basis of imminent danger to American citizens. Indeed, in January 2000 President Clinton cited Libya's support for terrorist activities and its non-compliance with UN Security Council Resolutions 731, 748, and 863 as actions and policies that ''pose a continuing unusual and extraordinary threat to the national security and vital foreign policy interest of the United States.''

These American families have waited for justice for eleven long years. They felt betrayed by the decision to send the consular delegation to Libya. They have watched with dismay as our close ally, Great Britain, has moved to reestablish diplomatic relations with Libya, before justice is served for the British citizens killed in the terrorist bombing. The State Department denies it, but the families are concerned that the visit signals a change in U.S. policy, undermines U.S. sanctions, and calls into question the Administration's commitment to vigorously enforce the Iran Libya Sanctions Act. That Act requires the United States to impose sanctions on foreign companies which invest more than $40 million in the Libyan petroleum industry, until Libya complies with the conditions specified by the U.N. Security Council in its resolutions.

The bombing of Pan Am Flight 103, in which 188 Americans were killed, was one of the worst terrorist atrocities in American history. Other American citizens are waiting for justice in other cases against Libya as well. Libya is also accused in the 1986 La Belle discotheque bombing in Germany, which resulted in the deaths of two United States servicemen. The trial against five individuals implicated began in December of 1997 and is ongoing. In March 1999, six Libyan intelligence agents, including Colonel Qadhafi's brother-in-law, were convicted in absentia by a French court for the bombing of UTA Flight 772, which resulted in the deaths of 171 people, including seven Americans. A civil suit against Colonel Qadhafi based on that bombing is pending in France.

The State Department should not have sent a delegation to Libya now and it should not lift the travel ban on Libya at this time. The State Department's long-standing case-by-case consideration of passport requests for visits to Libya by U.S. citizens has worked well. It can continue to do so for the foreseeable future.

The resolution we are submitting today states the sense of the Senate that Libya's refusal to accept responsibility for its role in terrorist attacks against United States citizens suggests that the imminent danger to the physical safety of United States travelers continues. It calls on the Administration to consult fully with the U.S. Congress in considering policy toward Libya. It states that the travel ban and all other U.S. restrictions on Libya should not be eased until all cases of American victims of Libyan terrorism have been resolved and the government of Libya has cooperated fully in bringing the perpetrators to justice.

I urge my colleagues to support this resolution, and I ask unanimous consent that a Washington Post article and editorial on this subject be printed in the RECORD.

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

[From the Washington Post, Mar. 26, 2000]

STEALTHY SHIFT ON LIBYA

(By Jim Hoagland)

In the 11 years since her husband and 188 other Americans were murdered aboard Pan Am 103, Victoria Cummock has learned to listen carefully to the words State Department officials, say, and do not say, to her. So alarm bells went off for Cummock the third or fourth time her latest interlocutor from Foggy Bottom seemed to limit responsibility for the terror bombing to ''the two indicted Libyans.''

''Wait a minute,'' Cummock recalls telling Michael Sheehan, head of the State Department's counterterrorism office. ''Your department always spoke of Libya and state-sponsored terrorism being responsible. You are distancing your past position. You now present this as just two wild and crazy guys off on their own? What is going on?''

In the small space between two bureaucratic formulations Victoria Cummock heard the sound of her husband, and the other victims of a gigantic crime aimed at their nation, being consigned to official oblivion. Your cause is no longer our cause, she and others on the telephone conference call heard Sheehan not quite say. It is to move on.

Sheehan does not recall the exchange that way. He told me he never made the semantic distinction heard by Cummock, who lives in Coral Gables, Fla. But he also declined to respond directly when I asked if he thought Libya still practices or supports state-sponsored terrorism. ''They are still on our terrorism list,'' was as far as he would go.

Mere she-said, he-said in an emotion-charged conversation between still-grieving families and a government official given the thankless task of briefing them? Not quite. Whatever the exact words spoken, Cummock did hear the background music being played in a skillful operation to move policy one small step at a time, almost imperceptibly and always deniably.

The Clinton administration has for more than a year been slowly shifting from a policy of isolating and punishing Libya to a policy of exploring whether the North African state can be rehabilitated and its oil made available to U.S. markets once again.

In the most transparent move yet, the State Department dispatched four officials to Tripoli Wednesday to judge whether Americans can safely travel to a country that few realize has been off-limits to them since 1981. The diplomats' safe return this weekend will presumably be evidence in the affirmative. Then a recommendation will go to Secretary of State Madeleine Albright to remove or keep the official ban on U.S. travel to that inhospitable, barren land.

Sheehan insistently discounted the importance of this trip, and Albright may yet decide to keep the ban on. But this maneuvering must be viewed for what it is: a piece in a pattern of endgame diplomacy by the Clinton administration. Improving relations with states once known as rogues and lifting or easing sanctions where possible (with the exception of still politically useful Cuba) has become an undeclared but important objective for the Clintonites.

The push to close the books on the bombing of Pan Am 103 over Scotland, on Dec. 21, 1988, and other Libyan misdeeds is in part a response on the White House from Britain, Egypt and U.S. oil companies, all of which argue the case for rewarding Moammar Gadhafi's recent abstinence from terrorist exploits.

But it also reflects President Clinton's concern over the diplomatic and humanitarian effects of open-ended sanctions. ''The lack of international consensus on sanctions and the costs that brings has bothered him for some time,'' says one well-placed official.

There is a case to be made for reviewing and adjusting U.S. sanctions as conditions change: Clinton has in fact allowed Albright to make that case publicly and persuasively on Iran. She has skillfully mixed approval of a trend to internal democracy with strictures about Iran's continuing depredations abroad and let the public judge each step as it is taken.

But there is no similar intellectual honesty on Libya. There seems to be instead a stealth policy to bring change but not accept political responsibility for giving up on confronting the dictator who would have had to authorize Libyan participation in the bombing.

Last year the White House overrode skepticism from Justice Department officials and other opposition within the administration and agreed to Gadhafi's terms for a trial of

two Libyan underling in The Hague, under Scottish law. Their trial begins in May.

"There was an unvoiced sense in these meetings that the Pan Am 103 families had to get over it and move on with their lives. The trial would help with that as well as with our diplomatic objectives," said one official who participated in the contentious high-level interagency sessions. "But if these two are acquitted, it is all over. There will be no more investigations, and no more international pressure on Gadhafi. It is a huge risk."

Worse: It is a huge risk that Bill Clinton is willing to take but not explain honestly to the American people. For shame, Mr. President.

[From the Washington Post, Apr. 3, 2000]

THE LIBYA THAW

Four American diplomats recently returned from Libya, where they were sent by Secretary of State Madeleine Albright to determine whether it is time for the United States to lift the ban on using U.S. passports to visit Moammar Gadhafi's realm. The trip follows other steps hinting at a Clinton administration intention to thaw relations with a regime that remains on the U.S. list of states that sponsor terrorism.

The most notorious terrorist act linked to Tripoli is the Dec. 21, 1988, bombing of Pan Am Flight 103 over Lockerbie, Scotland. The attack killed 270 people, including 189 Americans. After an investigation fingered two Libyan agents, the United States won U.S. Security Council approval for sanctions against Libya. Last year the Clinton administration agreed to "suspend" sanctions after Mr. Gadhafi consented to hand the two men over for a trial under Scottish law at a special court in Holland. The Libyan dictator did so only after being satisfied, via a U.S.-vetted letter from U.N. Secretary General Kofi Annan, that the trial, which opens May 3, would focus on the two suspects and not on his regime.

In striking this compromise, the Clinton administration made clear that it would not approve permanent lifting of the U.N. sanctions or the lifting of unilateral U.S. sanctions until Mr. Gadhafi meets other demands, such as paying compensation, accepting Libyan responsibility for the crime and revealing all that his regime knows about it. But the administration has not pressed those issues at the U.N., and its diplomatic body language suggests it is trying to wrap up a long battle that has often placed the United States at odds with European allies who rely on Libyan oil.

Perhaps the administration believes the economic and diplomatic costs of a hard line on Libya now outweigh the benefits. Perhaps Mr. Gadhafi's recent expulsion from Libya of the Abu Nidal organization deserves to be rewarded. And perhaps it is futile to insist that Mr. Gadhafi tell everything he knows about the case, however contradictory it may be to prosecute the two bombers while settling, at most, for compensation from Mr. Gadhafi, who almost certainly would have ordered such an attack.

Whatever the rationale, the American public is entitled to a full explanation. But, with the exception of a speech by Assistant Secretary of State Ronald Neumann last November, the Clinton administration has kept its Libya decision-making in the shadows. Despite requests from the Pan Am 103 victims' families, it won't release the Annan letter, citing diplomatic privacy. A legitimate point—but it inevitably leaves many wondering whether the letter contains inappropriate promises to Mr. Gadhafi. If there's nothing untoward about the Clinton administration's overall Libya policy, why doesn't Secretary Albright, or, better, the president, do more to help the public understand it?

SENATE RESOLUTION 288—AUTHORIZING THE TAKING OF A PHOTOGRAPH IN THE CHAMBER OF THE UNITED STATES SENATE

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 288

Resolved, That paragraph 1 of Rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting the Senate Photographic Studio to photograph the United States Senate in actual session on Tuesday, June 6, 2000, at the hour of 2:15 p.m.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefor, which arrangements shall provide for a minimum of disruption to Senate proceedings.

SENATE RESOLUTION 289—EXPRESSING THE SENSE OF THE SENATE REGARDING THE HUMAN RIGHTS SITUATION IN CUBA

Mr. TORRICELLI (for himself, Mr. HELMS, Mr. GRAHAM, Mr. MACK, and Mr. REID) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 289

Whereas the annual meeting of the United Nations Commission on Human Rights in Geneva, Switzerland, provides a forum for discussing human rights and expressing international support for improved human rights performance;

Whereas the United States Department of State 1999 Country Reports on Human Rights Practices, released on February 25, 2000, includes the following statements describing conditions in Cuba:

(1) "Cuba is a totalitarian state controlled by President Fidel Castro.... President Castro exercises control over all aspects of Cuban life.... The Communist Party is the only legal political entity.... There are no contested elections.... The judiciary is completely subordinate to the government and to the Communist Party....".

(2) "The Ministry of Interior... investigates and actively suppresses opposition and dissent. It maintains a pervasive system of vigilance through undercover agents, informers, the rapid response brigades, and the Committees for the Defense of the Revolution (CDR's)....".

(3) "[The government] continued systematically to violate fundamental civil and political rights of its citizens. Citizens do not have the right to change their government peacefully.... The authorities routinely continued to harass, threaten, arbitrarily arrest, detain, imprison, and defame human rights advocates and members of independent professional associations, including journalists, economists, doctors, and lawyers, often with the goal of coercing them into leaving the country....".

(4) "The government denied citizens the freedoms of speech, press, assembly, and association.... It limited the distribution of foreign publications and news to selected party faithful and maintained strict censorship of news and information to the public. The government kept tight restrictions on freedom of movement, including foreign travel....".

(5) "The government continued to subject those who disagreed with it to 'acts of repudiation'. At government instigation, members of state-controlled mass organizations, fellow workers, or neighbors of intended victims are obliged to stage public protests against those who dissent with the government's policies.... Those who refuse to participate in these actions face disciplinary action, including loss of employment....".

(6) "Detainees and prisoners often are subjected to repeated, vigorous interrogations designed to coerce them into signing incriminating statements.... The government does not permit independent monitoring of prison conditions....".

(7) "Arbitrary arrest and detention continued to be problems, and they remained the government's most effective weapons to harass opponents.... [T]he Constitution states that all legally recognized civil liberties can be denied to anyone who actively opposes the 'decision of the Cuban people to build socialism'. The authorities invoke this sweeping authority to deny due process to those detained on purported state security grounds....".

(8) "The Penal Code includes the concept of 'dangerousness', defined as the 'special proclivity of a person to commit crimes, demonstrated by his conduct in manifest contradiction of socialist norms'. If the police decide that a person exhibits signs of dangerousness, they may bring the offender before a court or subject him to 'therapy' or 'political reeducation....' Often the sole evidence provided, particularly in political cases, is the defendant's confession, usually obtained under duress....".

(9) "Human rights monitoring groups inside the country estimate the number of political prisoners at between 350 and 400 persons.... According to human rights monitoring groups inside the country, the number of political prisoners increased slightly during the year....".

(10) "The government does not allow criticism of the revolution or its leaders.... Charges of disseminating enemy propaganda (which includes merely expressing opinions at odds with those of the government) can bring sentences of up to 14 years.... Even the church-run publications are watched closely, denied access to mass printing equipment, and subject to governmental pressure.... All media must operate under party guidelines and reflect government views....".

(11) "The law punishes any unauthorized assembly of more than 3 persons, including those for private religious services in a private home.... The authorities have never approved a public meeting by a human rights group".

(12) "The government kept tight restrictions on freedom of movement.... [S]tate security officials have forbidden human rights advocates and independent journalists from traveling outside their home provinces, and the government also has sentenced others to internal exile".

(13) "Citizens do not have the legal right to change their government or to advocate

change, and the government has retaliated systematically against those who sought peaceful political change. . . . An opposition or independent candidate has never been allowed to run for national office. . . .''.

(14) ''The government does not recognize any domestic human rights groups, or permit them to function legally . . . the government refuses to consider applications for legal recognition submitted by human rights monitoring groups. . . . The government steadfastly has rejected international human rights monitoring''.

(15) ''Workers can and have lost their jobs for their political beliefs, including their refusal to join the official union. . . . [T]he government requires foreign investors to contract workers through state employment agencies . . . workers . . . must meet certain political qualifications . . . to ensure that the workers chosen deserve to work in a joint enterprise. . . . [E]xploitative labor practices force foreign companies to pay the government as much as $500 to $600 per month for workers, while the workers in turn receive only a small peso wage from the government;''; and

Whereas the Czech Republic and Poland will again introduce a resolution condemning human rights practices of the Government of Cuba at the annual meeting of the United Nations Commission on Human Rights in Geneva, Switzerland: Now, therefore, be it

Resolved,

SECTION 1. SENSE OF THE SENATE REGARDING THE HUMAN RIGHTS SITUATION IN CUBA.

(a) SUPPORT FOR HUMAN RIGHTS RESOLUTION.—The Senate hereby expresses its support for the decision of member states meeting at the 56th Session of the United Nations Human Rights Commission in Geneva, Switzerland, to consider a resolution introduced by the Czech Republic and Poland that, among other things, calls upon Cuba to respect ''human rights and fundamental freedoms and to provide the appropriate framework to guarantee the rule of law through democratic institutions and the independence of the judicial system''.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should make every effort necessary, including the engagement of high-level executive branch officials, to encourage cosponsorship of and support for this resolution on Cuba by other governments.

(c) TRANSMITTAL OF RESOLUTION.—The Secretary of the Senate shall transmit a copy of this resolution to the Secretary of State with the request that a copy be further transmitted to the chief of diplomatic mission in Washington, D.C., of each member state represented on the United Nations Human Rights Commission.

SENATE RESOLUTION 290—EXPRESSING THE SENSE OF THE SENATE THAT COMPANIES LARGE AND SMALL IN EVERY PART OF THE WORLD SHOULD SUPPORT AND ADHERE TO THE GLOBAL SULLIVAN PRINCIPLES OF CORPORATE SOCIAL RESPONSIBILITY WHEREVER THEY HAVE OPERATIONS

Mr. SPECTER (for himself and Mr. FEINGOLD) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 290

Whereas Reverend Leon Sullivan, author of the Global Sullivan Principles, is known throughout the world for his bold and principled efforts to dismantle the system of apartheid in South Africa, for his work with Opportunities Industrialization Centers (OIC's) to create jobs for over 1,000,000 youth in 130 United States cities and 18 countries, and for his work in literacy training all over the world;

Whereas Reverend Sullivan initiated the original Sullivan Principles in 1977 as a code of conduct for companies operating in South Africa;

Whereas the Global Sullivan Principles promote equal opportunity for employees of all ages, races, ethnic backgrounds, and religions;

Whereas the Global Sullivan Principles stress the social responsibilities of corporations;

Whereas on June 7, 1999, President Clinton gave approval to the Principles; and

Whereas on November 2, 1999, Kofi Annan, Secretary General of the United Nations, urged corporate leaders to put the Global Sullivan Principles into practice: Now, therefore, be it

Resolved,

SECTION 1. CALLING FOR SUPPORT AND COMPLIANCE WITH THE GLOBAL SULLIVAN PRINCIPLES OF CORPORATE SOCIAL RESPONSIBILITY.

The Senate calls on companies large and small in every part of the world to support and adhere to the Global Sullivan Principles of Corporate Social Responsibility wherever they have operations.

SEC. 2. STATEMENT OF GLOBAL SULLIVAN PRINCIPLES OF CORPORATE SOCIAL RESPONSIBILITY.

In this resolution, the term ''Global Sullivan Principles of Corporate Social Responsibility'' means the principles stated as follows:

''As a company which endorses the Global Sullivan Principles we will respect the law, and as a responsible member of society we will apply these Principles with integrity consistent with the legitimate role of business. We will develop and implement company policies, procedures, training, and internal reporting structures to ensure commitment to these principles throughout our organization. We believe the application of these principles will achieve greater tolerance and better understanding among peoples, and advance the culture of peace.

''Accordingly, we will;

''Express our support for universal human rights and, particularly, those of our employees, the communities within which we operate, and parties with whom we do business.

''Promote equal opportunity for our employees at all levels of the company with respect to issues such as color, race, gender, age, ethnicity or religious beliefs, and operate without unacceptable worker treatment such as the exploitation of children, physical punishment, female abuse, involuntary servitude, or other forms of abuse.

''Respect our employees' voluntary freedom of association.

''Compensate our employees to enable them to meet at least their basic needs and provide the opportunity to improve their skill and capability in order to raise their social and economic opportunities.

''Provide a safe and healthy workplace; protect human health and the environment and promote sustainable development.

''Promote fair competition including respect for intellectual and other property rights, and not offer, pay or accept bribes.

''Work with governments and communities in which we do business to improve the quality of life in those communities, their educational, cultural, economic and social well-being and seek to provide training and opportunities for workers from disadvantaged backgrounds.

''Promote the application of these principles by those with whom we do business.

''We will be transparent in our implementation of these principles and provide information which demonstrates publicly our commitment to them.''.

AMENDMENTS SUBMITTED

MARRIAGE TAX PENALTY RELIEF ACT OF 2000

DORGAN AMENDMENT NO. 3092

(Ordered to lie on the table.)

Mr. DORGAN submitted an amendment intended to be proposed by him to the bill (H.R. 6) to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty by providing that the income tax rate bracket amounts, and the amount of the standard deduction, for joint returns shall be twice the amounts applicable to unmarried individuals; as follows:

At the appropriate place, insert the following:

SEC. . TREATMENT OF CONSERVATION RESERVE PROGRAM PAYMENTS AS RENTALS FROM REAL ESTATE.

(a) IN GENERAL.—Section 1402(a)(1) of the Internal Revenue Code of 1986 (defining net earnings from self-employment) is amended by inserting ''and including payments under section 1233(2) of the Food Security Act of 1985 (16 U.S.C. 3833(2))'' after ''crop shares''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made before, on, or after the date of the enactment of this Act.

SMITH AMENDMENT NO. 3093

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill, H.R. 6, supra; as follows:

Strike section 3 and insert:

SEC. 3. ELIMINATION OF MARRIAGE PENALTY IN 15-PERCENT AND 28-PERCENT RATE BRACKETS.

(a) IN GENERAL.—Subsection (f) of section 1 of the Internal Revenue Code of 1986 (relating to adjustments in tax tables so that inflation will not result in tax increases) is amended by adding at the end the following new paragraph:

''(8) ELIMINATION OF MARRIAGE PENALTY IN 15-PERCENT AND 28-PERCENT RATE BRACKETS.—

''(A) IN GENERAL.—With respect to taxable years beginning after December 31, 2001, in prescribing the tables under paragraph (1)—

''(i) the maximum taxable income amount in the 15-percent rate bracket, the minimum and maximum taxable income amounts in the 28-percent rate bracket, and the minimum taxable income amount in the 31-percent rate bracket in the table contained in subsection (a) shall be 200 percent of the comparable taxable income amounts in the table contained in subsection (c) (after any other adjustment under this subsection), and

''(ii) the comparable taxable income amounts in the table contained in subsection (d) shall be ½ of the amounts determined under clause (i).

''(B) ROUNDING.—If any amount determined under subparagraph (A)(i) is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.''.

(b) TECHNICAL AMENDMENTS.—

(1) Subparagraph (A) of section 1(f)(2) of such Code is amended by inserting ''except as provided in paragraph (8),'' before ''by increasing''.

(2) The heading for subsection (f) of section 1 of such Code is amended by inserting ''ELIMINATION OF MARRIAGE PENALTY IN 15-PERCENT AND 28-PERCENT RATE BRACKETS;'' before ''ADJUSTMENTS''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SCHUMER (AND BAYH) AMENDMENT NO. 3094

(Ordered to lie on the table.)

Mr. SCHUMER (for himself and Mr. BAYH) submitted an amendment intended to be proposed by them to the bill, H.R. 6, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. DEDUCTION FOR HIGHER EDUCATION EXPENSES AND CREDIT FOR INTEREST ON HIGHER EDUCATION LOANS.

(a) DEDUCTION ALLOWED.—

(1) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions for individuals) is amended by redesignating section 222 as section 223 and by inserting after section 221 the following:

''SEC. 222. HIGHER EDUCATION EXPENSES.

''(a) ALLOWANCE OF DEDUCTION.—

''(1) IN GENERAL.—In the case of an individual, there shall be allowed as a deduction an amount equal to the applicable dollar amount of the qualified higher education expenses paid by the taxpayer during the taxable year.

''(2) APPLICABLE DOLLAR AMOUNT.—The applicable dollar amount for any taxable year shall be determined as follows:

''Taxable year:	Applicable dollar amount:
2002	$4,000
2003	$8,000
2004 and thereafter	$12,000.

''(b) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

''(1) IN GENERAL.—The amount which would (but for this subsection) be taken into account under subsection (a) shall be reduced (but not below zero) by the amount determined under paragraph (2).

''(2) AMOUNT OF REDUCTION.—The amount determined under this paragraph equals the amount which bears the same ratio to the amount which would be so taken into account as—

''(A) the excess of—

''(i) the taxpayer's modified adjusted gross income for such taxable year, over

''(ii) $62,450 ($104,050 in the case of a joint return, $89,150 in the case of a return filed by a head of household, and $52,025 in the case of a return by a married individual filing separately), bears to

''(B) $15,000.

''(3) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this subsection, the term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year determined—

''(A) without regard to this section and sections 911, 931, and 933, and

''(B) after the application of sections 86, 135, 219, 220, and 469.

For purposes of the sections referred to in subparagraph (B), adjusted gross income shall be determined without regard to the deduction allowed under this section.

''(c) QUALIFIED HIGHER EDUCATION EXPENSES.—For purposes of this section—

''(1) QUALIFIED HIGHER EDUCATION EXPENSES.—

''(A) IN GENERAL.—The term 'qualified higher education expenses' means tuition and fees charged by an educational institution and required for the enrollment or attendance of—

''(i) the taxpayer,

''(ii) the taxpayer's spouse,

''(iii) any dependent of the taxpayer with respect to whom the taxpayer is allowed a deduction under section 151, or

''(iv) any grandchild of the taxpayer,

as an eligible student at an institution of higher education.

''(B) ELIGIBLE COURSES.—Amounts paid for qualified higher education expenses of any individual shall be taken into account under subsection (a) only to the extent such expenses—

''(i) are attributable to courses of instruction for which credit is allowed toward a baccalaureate degree by an institution of higher education or toward a certificate of required course work at a vocational school, and

''(ii) are not attributable to any graduate program of such individual.

''(C) EXCEPTION FOR NONACADEMIC FEES.—Such term does not include any student activity fees, athletic fees, insurance expenses, or other expenses unrelated to a student's academic course of instruction.

''(D) ELIGIBLE STUDENT.—For purposes of subparagraph (A), the term 'eligible student' means a student who—

''(i) meets the requirements of section 484(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1091(a)(1)), as in effect on the date of the enactment of this section, and

''(ii) is carrying at least one-half the normal full-time work load for the course of study the student is pursuing, as determined by the institution of higher education.

''(E) IDENTIFICATION REQUIREMENT.—No deduction shall be allowed under subsection (a) to a taxpayer with respect to an eligible student unless the taxpayer includes the name, age, and taxpayer identification number of such eligible student on the return of tax for the taxable year.

''(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means an institution which—

''(A) is described in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088), as in effect on the date of the enactment of this section, and

''(B) is eligible to participate in programs under title IV of such Act.

''(d) SPECIAL RULES.—

''(1) NO DOUBLE BENEFIT.—

''(A) IN GENERAL.—No deduction shall be allowed under subsection (a) for any expense for which a deduction is allowable to the taxpayer under any other provision of this chapter unless the taxpayer irrevocably waives his right to the deduction of such expense under such other provision.

''(B) DENIAL OF DEDUCTION IF CREDIT ELECTED.—No deduction shall be allowed under subsection (a) for a taxable year with respect to the qualified higher education expenses of an individual if the taxpayer elects to have section 25A apply with respect to such individual for such year.

''(C) DEPENDENTS.—No deduction shall be allowed under subsection (a) to any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

''(D) COORDINATION WITH EXCLUSIONS.—A deduction shall be allowed under subsection (a) for qualified higher education expenses only to the extent the amount of such expenses exceeds the amount excludable under section 135 or 530(d)(2) for the taxable year.

''(2) LIMITATION ON TAXABLE YEAR OF DEDUCTION.—

''(A) IN GENERAL.—A deduction shall be allowed under subsection (a) for qualified higher education expenses for any taxable year only to the extent such expenses are in connection with enrollment at an institution of higher education during the taxable year.

''(B) CERTAIN PREPAYMENTS ALLOWED.—Subparagraph (A) shall not apply to qualified higher education expenses paid during a taxable year if such expenses are in connection with an academic term beginning during such taxable year or during the first 3 months of the next taxable year.

''(3) ADJUSTMENT FOR CERTAIN SCHOLARSHIPS AND VETERANS BENEFITS.—The amount of qualified higher education expenses otherwise taken into account under subsection (a) with respect to the education of an individual shall be reduced (before the application of subsection (b)) by the sum of the amounts received with respect to such individual for the taxable year as—

''(A) a qualified scholarship which under section 117 is not includable in gross income,

''(B) an educational assistance allowance under chapter 30, 31, 32, 34, or 35 of title 38, United States Code, or

''(C) a payment (other than a gift, bequest, devise, or inheritance within the meaning of section 102(a)) for educational expenses, or attributable to enrollment at an eligible educational institution, which is exempt from income taxation by any law of the United States.

''(4) NO DEDUCTION FOR MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—If the taxpayer is a married individual (within the meaning of section 7703), this section shall apply only if the taxpayer and the taxpayer's spouse file a joint return for the taxable year.

''(5) NONRESIDENT ALIENS.—If the taxpayer is a nonresident alien individual for any portion of the taxable year, this section shall apply only if such individual is treated as a resident alien of the United States for purposes of this chapter by reason of an election under subsection (g) or (h) of section 6013.

''(6) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out this section, including regulations requiring recordkeeping and information reporting.''

(2) DEDUCTION ALLOWED IN COMPUTING ADJUSTED GROSS INCOME.—Section 62(a) of such Code is amended by inserting after paragraph (17) the following:

''(18) HIGHER EDUCATION EXPENSES.—The deduction allowed by section 222.''

(3) CONFORMING AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking the item relating to section 222 and inserting the following:

''Sec. 222. Higher education expenses.

''Sec. 223. Cross reference.''

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to payments made in taxable years beginning after December 31, 2001.

(b) CREDIT FOR INTEREST ON HIGHER EDUCATION LOANS.—

(1) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section:

"SEC. 25B. INTEREST ON HIGHER EDUCATION LOANS.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the interest paid by the taxpayer during the taxable year on any qualified education loan.

''(b) MAXIMUM CREDIT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the credit allowed by subsection (a) for the taxable year shall not exceed $1,200.

''(2) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

''(A) IN GENERAL.—If the modified adjusted gross income of the taxpayer for the taxable year exceeds $50,000 ($80,000 in the case of a joint return), the amount which would (but for this paragraph) be allowable as a credit under this section shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which would be so allowable as such excess bears to $20,000.

''(B) MODIFIED ADJUSTED GROSS INCOME.—The term 'modified adjusted gross income' means adjusted gross income determined without regard to sections 911, 931, and 933.

''(C) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2003, the $50,000 and $80,000 amounts referred to in subparagraph (A) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section (1)(f)(3) for the calendar year in which the taxable year begins, by substituting '2002' for '1992'.

''(D) ROUNDING.—If any amount as adjusted under subparagraph (C) is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50.

''(c) DEPENDENTS NOT ELIGIBLE FOR CREDIT.—No credit shall be allowed by this section to an individual for the taxable year if a deduction under section 151 with respect to such individual is allowed to another taxpayer for the taxable year beginning in the calendar year in which such individual's taxable year begins.

''(d) LIMIT ON PERIOD CREDIT ALLOWED.—A credit shall be allowed under this section only with respect to interest paid on any qualified education loan during the first 60 months (whether or not consecutive) in which interest payments are required. For purposes of this paragraph, any loan and all refinancings of such loan shall be treated as 1 loan.

''(e) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED EDUCATION LOAN.—The term 'qualified education loan' has the meaning given such term by section 221(e)(1).

''(2) DEPENDENT.—The term 'dependent' has the meaning given such term by section 152.

''(f) SPECIAL RULES.—

''(1) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section for any amount taken into account for any deduction under any other provision of this chapter.

''(2) MARRIED COUPLES MUST FILE JOINT RETURN.—If the taxpayer is married at the close of the taxable year, the credit shall be allowed under subsection (a) only if the taxpayer and the taxpayer's spouse file a joint return for the taxable year.

''(3) MARITAL STATUS.—Marital status shall be determined in accordance with section 7703.''

(2) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25A the following new item:

''Sec. 25B. Interest on higher education loans.''

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to any qualified education loan (as defined in section 25B(e)(1) of the Internal Revenue Code of 1986, as added by this subsection) incurred on, before, or after the date of the enactment of this Act, but only with respect to any loan interest payment due after December 31, 2002.

BAYH AMENDMENTS NOS. 3095–3096

(Ordered to lie on the table.)

Mr. BAYH submitted two amendments intended to be proposed by him to the bill, H.R. 6, supra; as follows:

AMENDMENT NO. 3095

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Targeted Marriage Tax Penalty Relief Act of 2000''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) SECTION 15 NOT TO APPLY.—No amendment made by section 2 shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

SEC. 2. MARRIAGE CREDIT.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section:

"SEC. 25B. MARRIAGE CREDIT.

''(a) ALLOWANCE OF CREDIT.—In the case of a joint return under section 6013, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the lesser of the amount determined under subsection (b) or (c) for the taxable year.

''(b) AMOUNT UNDER SUBSECTION (b).—For purposes of subsection (a), the amount under this subsection for any taxable year with respect to a taxpayer is determined in accordance with the following table:

''Taxable year:	Amount:
2001	$500
2002	$900
2003	$1,300
2004 and thereafter	$1,700.

''(c) DETERMINATION OF AMOUNT.—

''(1) IN GENERAL.—For purposes of subsection (a), the amount determined under this subsection for any taxable year with respect to a taxpayer is equal to the excess (if any) of—

''(A) the joint tentative tax of such taxpayer for such year, over

''(B) the combined tentative tax of such taxpayer for such year.

''(2) JOINT TENTATIVE TAX.—For purposes of paragraph (1)(A)—

''(A) IN GENERAL.—The joint tentative tax of a taxpayer for any taxable year is equal to the tax determined in accordance with the table contained in section 1(a) on the joint tentative taxable income of the taxpayer for such year.

''(B) JOINT TENTATIVE TAXABLE INCOME.—For purposes of subparagraph (A), the joint tentative taxable income of a taxpayer for any taxable year is equal to the excess of—

''(i) the earned income (as defined in section 32(c)(2)), and any income received as a pension or annuity which arises from an employer-employee relationship (including any social security benefit (as defined in section 86(d)(1)), of such taxpayer for such year, over

''(ii) the sum of—

''(I) either—

''(aa) the standard deduction determined under section 63(c)(2)(A)(i) for such taxpayer for such year, or

''(bb) in the case of an election under section 63(e), the total itemized deductions determined under section 63(d) for such taxpayer for such year, and

''(II) the total exemption amount for such taxpayer for such year determined under section 151.

''(3) COMBINED TENTATIVE TAX.—For purposes of paragraph (1)(A)—

''(A) IN GENERAL.—The combined tentative tax of a taxpayer for any taxable year is equal to the sum of the taxes determined in accordance with the table contained in section 1(c) on the individual tentative taxable income of each spouse for such year.

''(B) INDIVIDUAL TENTATIVE TAXABLE INCOME.—For purposes of subparagraph (A), the individual tentative taxable income of a spouse for any taxable year is equal to the excess of—

''(i) the earned income (as defined in section 32(c)(2)), and any income received as a pension or annuity which arises from an employer-employee relationship (including any social security benefit (as defined in section 86(d)(1)), of such spouse for such year, over

''(ii) the sum of—

''(I) either—

''(aa) the standard deduction determined under section 63(c)(2)(C) for such spouse for such year, or

''(bb) in the case of an election under section 63(e), one-half of the total itemized deductions determined under paragraph (2)(B)(ii)(I)(bb) for such spouse for such year, and

''(II) one-half of the total exemption amount determined under paragraph (2)(B)(ii)(II) for such year.

''(d) PHASEOUT OF CREDIT.—

''(1) IN GENERAL.—The amount which would (but for this subsection) be taken into account under subsection (a) shall be reduced (but not below zero) by the amount determined under paragraph (2).

''(2) AMOUNT OF REDUCTION.—The amount determined under this paragraph is the amount which bears the same ratio to the amount which would be so taken into account as—

''(A) the excess of—

''(i) the taxpayer's adjusted gross income for such taxable year, over

''(ii) $120,000, bears to

''(B) $20,000.

''(e) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of any taxable year beginning after 2004, the $1,700

amount referred to in subsection (b) and the $120,000 amount referred to in subsection (d)((2)(A)(ii) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section (1)(f)(3) for the calendar year in which the taxable year begins, by substituting '2003' for '1992'.

''(2) ROUNDING.—If the $1,700 amount (as so referred) and the $120,000 amount (as so referred) as adjusted under paragraph (1) is not a multiple of $25 and $50, respectively, such amount shall be rounded to the nearest multiple of $25 and $50, respectively.''.

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25A the following new item:

''Sec. 25B. Marriage credit.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 3. MARRIAGE PENALTY RELIEF FOR EARNED INCOME CREDIT.

(a) IN GENERAL.—Section 32(b) (relating to percentages and amounts) is amended—

(1) by striking ''PERCENTAGES.—The credit'' in paragraph (1) and inserting ''PERCENTAGES.—

''(A) IN GENERAL.—Subject to subparagraph (B), the credit'',

(2) by adding at the end of paragraph (1) the following new subparagraph:

''(B) JOINT RETURNS.—In the case of a joint return, the phaseout percentage determined under subparagraph (A)—

''(i) in the case of an eligible individual with 1 qualifying child shall be decreased by 1.87 percentage points, and

''(ii) in the case of an eligible individual with 2 or more qualifying child shall be decreased by 2.01 percentage points.'',

(3) by striking ''AMOUNTS.—The earned'' in paragraph (2) and inserting ''AMOUNTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the earned'', and

(4) by adding at the end the following new subparagraph:

''(B) JOINT RETURNS.—In the case of a joint return, the phaseout amount determined under subparagraph (A) shall be increased by $2,000.''.

(b) INFLATION ADJUSTMENT.—Paragraph (1)(B) of section 32(j) (relating to inflation adjustments) is amended to read as follows:

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined—

''(i) in the case of amounts in subsections (b)(2)(A) and (i)(1), by substituting 'calendar year 1995' for 'calendar year 1992' in subparagraph (B) thereof, and

''(ii) in the case of the $2,000 amount in subsection (b)(2)(B), by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) of such section 1.''.

(c) ROUNDING.—Section 32(j)(2)(A) (relating to rounding) is amended by striking ''subsection (b)(2)'' and inserting ''subsection (b)(2)(A) (after being increased under subparagraph (B) thereof)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

AMENDMENT NO. 3096

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Targeted Marriage Tax Penalty Relief Act of 2000''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) SECTION 15 NOT TO APPLY.—No amendment made by section 2 shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

SEC. 2. MARRIAGE CREDIT.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section:

''SEC. 25B. MARRIAGE CREDIT.

''(a) ALLOWANCE OF CREDIT.—In the case of a joint return under section 6013, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the lesser of the amount determined under subsection (b) or (c) for the taxable year.

''(b) AMOUNT UNDER SUBSECTION (b).—For purposes of subsection (a), the amount under this subsection for any taxable year with respect to a taxpayer is determined in accordance with the following table:

''Taxable year:	Amount:
2001	$500
2002	$900
2003	$1,300
2004 and thereafter	$1,700.

''(c) DETERMINATION OF AMOUNT.—

''(1) IN GENERAL.—For purposes of subsection (a), the amount determined under this subsection for any taxable year with respect to a taxpayer is equal to the excess (if any) of—

''(A) the joint tentative tax of such taxpayer for such year, over

''(B) the combined tentative tax of such taxpayer for such year.

''(2) JOINT TENTATIVE TAX.—For purposes of paragraph (1)(A)—

''(A) IN GENERAL.—The joint tentative tax of a taxpayer for any taxable year is equal to the tax determined in accordance with the table contained in section 1(a) on the joint tentative taxable income of the taxpayer for such year.

''(B) JOINT TENTATIVE TAXABLE INCOME.—For purposes of subparagraph (A), the joint tentative taxable income of a taxpayer for any taxable year is equal to the excess of—

''(i) the earned income (as defined in section 32(c)(2)), and any income received as a pension or annuity which arises from an employer-employee relationship (including any social security benefit (as defined in section 86(d)(1)), of such taxpayer for such year, over

''(ii) the sum of—

''(I) either—

''(aa) the standard deduction determined under section 63(c)(2)(A)(i) for such taxpayer for such year, or

''(bb) in the case of an election under section 63(e), the total itemized deductions determined under section 63(d) for such taxpayer for such year, and

''(II) the total exemption amount for such taxpayer for such year determined under section 151.

''(3) COMBINED TENTATIVE TAX.—For purposes of paragraph (1)(A)—

''(A) IN GENERAL.—The combined tentative tax of a taxpayer for any taxable year is equal to the sum of the taxes determined in accordance with the table contained in section 1(c) on the individual tentative taxable income of each spouse for such year.

''(B) INDIVIDUAL TENTATIVE TAXABLE INCOME.—For purposes of subparagraph (A), the individual tentative taxable income of a spouse for any taxable year is equal to the excess of—

''(i) the earned income (as defined in section 32(c)(2)), and any income received as a pension or annuity which arises from an employer-employee relationship (including any social security benefit (as defined in section 86(d)(1)), of such spouse for such year, over

''(ii) the sum of—

''(I) either—

''(aa) the standard deduction determined under section 63(c)(2)(C) for such spouse for such year, or

''(bb) in the case of an election under section 63(e), one-half of the total itemized deductions determined under paragraph (2)(B)(ii)(I)(bb) for such spouse for such year, and

''(II) one-half of the total exemption amount determined under paragraph (2)(B)(ii)(II) for such year.

''(d) PHASEOUT OF CREDIT.—

''(1) IN GENERAL.—The amount which would (but for this subsection) be taken into account under subsection (a) shall be reduced (but not below zero) by the amount determined under paragraph (2).

''(2) AMOUNT OF REDUCTION.—The amount determined under this paragraph is the amount which bears the same ratio to the amount which would be so taken into account as—

''(A) the excess of—

''(i) the taxpayer's adjusted gross income for such taxable year, over

''(ii) $120,000, bears to

''(B) $20,000.

''(e) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of any taxable year beginning after 2004, the $1,700 amount referred to in subsection (b) and the $120,000 amount referred to in subsection (d)((2)(A)(ii) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section (1)(f)(3) for the calendar year in which the taxable year begins, by substituting '2003' for '1992'.

''(2) ROUNDING.—If the $1,700 amount (as so referred) and the $120,000 amount (as so referred) as adjusted under paragraph (1) is not a multiple of $25 and $50, respectively, such amount shall be rounded to the nearest multiple of $25 and $50, respectively.''.

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25A the following new item:

''Sec. 25B. Marriage credit.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 3. MARRIAGE PENALTY RELIEF FOR EARNED INCOME CREDIT.

(a) IN GENERAL.—Section 32(b) (relating to percentages and amounts) is amended—

(1) by striking ''PERCENTAGES.—The credit'' in paragraph (1) and inserting ''PERCENTAGES.—

''(A) IN GENERAL.—Subject to subparagraph (B), the credit'',

(2) by adding at the end of paragraph (1) the following new subparagraph:

''(B) JOINT RETURNS.—In the case of a joint return, the phaseout percentage determined under subparagraph (A)—

''(i) in the case of an eligible individual with 1 qualifying child shall be decreased by 1.87 percentage points, and

''(ii) in the case of an eligible individual with 2 or more qualifying child shall be decreased by 2.01 percentage points.'',

(3) by striking ''AMOUNTS.—The earned'' in paragraph (2) and inserting ''AMOUNTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the earned'', and

(4) by adding at the end the following new subparagraph:

''(B) JOINT RETURNS.—In the case of a joint return, the phaseout amount determined under subparagraph (A) shall be increased by $2,000.''.

(b) INFLATION ADJUSTMENT.—Paragraph (1)(B) of section 32(j) (relating to inflation adjustments) is amended to read as follows:

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined—

''(i) in the case of amounts in subsections (b)(2)(A) and (i)(1), by substituting 'calendar year 1995' for 'calendar year 1992' in subparagraph (B) thereof, and

''(ii) in the case of the $2,000 amount in subsection (b)(2)(B), by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) of such section 1.''.

(c) ROUNDING.—Section 32(j)(2)(A) (relating to rounding) is amended by striking ''subsection (b)(2)'' and inserting ''subsection (b)(2)(A) (after being increased under subparagraph (B) thereof)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, April 27 at 9:30 a.m. in room SH–216 of the Hart Senate Office Building in Washington, DC.

This is the third in a series of hearings regarding pending electricity competition legislation: S. 282, the Transition to Competition in the Electric Industry Act; S. 516, the Electric Utility Restructuring Empowerment and Competitiveness Act of 1999; S. 1047, the Comprehensive Electricity Competition Act; S. 1284, the Electric Consumer Choice Act; S. 1273, the Federal Power Act Amendments of 1999; S. 1369, the Clean Energy Act of 1999; S. 2071, Electric Reliability 2000 Act; and S. 2098, the Electric Power Market Competition and Reliability Act.

For further information, please call Trici Heninger at (202) 224–7875.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, April 12, 2000, at 9:30 a.m. on S. 2255—Internet Tax Freedom Act.

The Presiding Officer. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on governmental Affairs be authorized to meet during the session of the Senate on Wednesday, April 12, 2000 at 10:00 a.m. for a hearing regarding Wassenaar Arrangement and the Future of Multilateral Export Controls.

The Presiding Officer. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, April 12, 2000, at 11:00 a.m.

The Presiding Officer. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Wednesday, April 12, 2000, at 3:30 p.m. The markup will take place off the floor in The President's Room.

The Presiding Officer. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts be authorized to meet to conduct a hearing on Wednesday, April 12, 2000, at 9:30 a.m., in Hart 216.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, April 2, 2000, at 9:30 a.m., to receive testimony on compelled political speech.

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

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 12, 2000 at 10:00 a.m. to hold a hearing.

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

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, EXPORT AND TRADE PROMOTION

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Export and Trade Promotion of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 12, 2000 at 2:00 p.m. to hold a hearing.

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

SUBCOMMITTEE ON SECURITIES

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, April 12, 2000, to conduct a hearing on ''Multi-State Insurance Agent Licensing Reforms and the Creation of the National Association of Registered Agents and Brokers.''

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

SUBCOMMITTEE ON WATER AND POWER

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, April 12 at 2:30 p.m. to conduct an oversight hearing. The subcommittee will receive testimony on federal actions affecting hydropower operations on the Columbia River system.

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

PRIVILEGES OF THE FLOOR

Mr. ROBERTS. Mr. President, I ask unanimous consent that a congressional fellow, an outstanding pilot in the U.S. Air Force, Maj. Scott Kindsvater, be allowed privileges of the floor.

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

Mr. ENZI. Mr. President, I ask unanimous consent Elizabeth Smith, the legal counsel for the Employment, Safety and Training Subcommittee be granted the privilege of the floor during further debate on the bill.

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

DISCHARGE AND REFERRAL OF S. 2163

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be discharged from further consideration of S. 2163, a bill to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington, and that the measure be referred to the Committee on Energy and Natural Resources.

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

AUTHORIZING TAKING OF PHOTOGRAPH

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 288, submitted earlier by Senator LOTT.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 288) authorizing the taking of a photograph in the Chamber of the United States Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 288) was agreed to, as follows:

S. RES. 288

Resolved, That paragraph 1 of Rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting the Senate Photographic Studio to photograph the United States Senate in actual session on Tuesday, June 6, 2000, at the hour of 2:15 p.m.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefor, which arrangements shall provide for a minimum of disruption to Senate proceedings.

AUTHORIZING USE OF CAPITOL GROUNDS FOR 19TH ANNUAL NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

AUTHORIZING USE OF CAPITOL GROUNDS FOR 200TH BIRTHDAY CELEBRATION OF THE LIBRARY OF CONGRESS

AUTHORIZING USE OF THE EAST FRONT OF THE CAPITOL GROUNDS FOR CERTAIN PERFORMANCES

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of the following concurrent resolutions and, further, that the Senate proceed to their consideration en bloc: H. Con. Res. 278, H. Con. Res. 279, and H. Con. Res. 281.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolutions by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 278) authorizing the use of the Capitol Grounds for the 19th annual National Peace Officers' Memorial Service.

A concurrent resolution (H. Con. Res. 279) authorizing the use of the Capitol Grounds for the 200th birthday celebration of the Library of Congress.

A concurrent resolution (H. Con. Res. 281) authorizing the use of the East Front of the Capitol Grounds for performances sponsored by the John F. Kennedy Center for the Performing Arts.

There being no objection, the Senate proceeded to consider the concurrent resolutions.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the resolutions be agreed to and the motions to reconsider be laid upon the table, with the above occurring en bloc.

The concurrent resolutions (H. Con. Res. 278, H. Con. Res. 279, and H. Con. Res. 281) were agreed to.

PROVIDING FOR CERTAIN APPOINTMENTS TO THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of the following Senate joint resolutions: S.J. Res. 40, S.J. Res. 41, and S.J. Res. 42, and I ask unanimous consent that the Senate proceed to these resolutions en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the joint resolutions by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 40) providing for the appointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution.

A joint resolution (S.J. Res. 41) providing for the appointment of Sheila E. Widnall as citizen regent of the Board of Regents of the Smithsonian Institution.

A joint resolution (S.J. Res. 42) providing for the reappointment of Manuel L. Ibanez as a citizen regent of the Board of Regents of the Smithsonian Institution.

There being no objection, the Senate proceeded to consider the joint resolutions.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the resolutions be read a third time and passed, en bloc, the motions to reconsider be laid upon the table, and any statements relating to these resolutions be printed in the RECORD.

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

The joint resolutions (S.J. Res. 40, S.J. Res. 41, and S.J. Res. 42) were read the third time and passed, as follows:

S.J. RES. 40

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of resignation of Louis Gerstner of New York, is filled by the appointment of Alan G. Spoon of Maryland. The appointment is for a term of 6 years and shall take effect on the date of enactment of this joint resolution.

S.J. RES. 41

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Frank A. Shrontz of Washington on May 4, 2000, is filled by the appointment of Sheila E. Widnall of Massachusetts. The appointment is for a term of 6 years and shall take effect on May 5, 2000.

S.J. RES. 42

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Manuel L. Ibáñez of Texas on May 4, 2000, is filled by the reappointment of the incumbent for a term of 6 years. The reappointment shall take effect on May 5, 2000.

STAR PRINT—S. 2343

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that S. 2343, the National Historic Lighthouse Preservation Act of 2000, as introduced on April 4, 2000, be star printed to add text that was inadvertently omitted in the original bill. That is a request of Senator MURKOWSKI.

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

ORDERS FOR THURSDAY, APRIL 13, 2000

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10:30 a.m. on Thursday, April 13. I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 12:30 p.m., with Senators speaking up to 5 minutes each, with the following exceptions: Senator CRAPO, or his designee, 10:30 a.m. to 10:45 a.m.; Senator TIM HUTCHINSON, 10:45 a.m. to 11 a.m.; Senator BOB SMITH, or his designee, 11 a.m. to 11:30 a.m.; Senator HARRY REID, 20 minutes; Senator DODD, or his designee, 30 minutes; and Senator CONRAD, 10 minutes.

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

Mr. SMITH of New Hampshire. I further ask unanimous consent that at

12:30 p.m. the Senate remain in morning business with regard to the marriage tax penalty until 2 p.m., with the time equally divided between the two leaders, or their designees, and the Senate then proceed to the cloture vote with regard to the amendment to H.R. 6 at 2 p.m., with the mandatory quorum waived.

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

PROGRAM

Mr. SMITH of New Hampshire. On behalf of the leader, I further announce, tomorrow morning there will be an opportunity in morning business for Senators to make general statements and for bill introductions until 12:30 p.m.

Following general morning business, Senators will begin statements with regard to the marriage tax penalty issue during a morning business period. By previous consent, at 2 p.m. there will be a cloture vote on the pending amendment to that important legislation.

It was hoped that an agreement would be reached to complete this measure after the Senate considered relevant amendments. Unfortunately, a consent could not be granted and, therefore, the 2 p.m. cloture vote is necessary. If cloture is not invoked on the substitute, there will be a second cloture vote on the underlying measure. Therefore, a second cloture vote may occur.

With April 15 fast approaching, this issue is of the utmost importance to many married couples and, therefore, it is essential that we vote tomorrow on moving forward with the bill.

Following the cloture votes, the Senate is expected to consider the budget resolution conference report. Therefore, additional votes will occur tomorrow afternoon.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. SMITH of New Hampshire. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:48 p.m., adjourned until Thursday, April 13, 2000, at 10:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, April 12, 2000*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LATOURETTE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 12, 2000.

I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Chip Lingle, Faith Lutheran Church, Savannah, Georgia, offered the following prayer:

Heavenly Father, from the endless bounty of Your love for Your creation, You provide all that we need. As Your people, we confess our trust in You, believing that You care for our welfare.

''In God we trust'' we proclaim on our currency. Yet the people of this Nation also put their trust in these elected representatives. We trust that they will do Your will and provide justice to ensure a quality of life that You provide.

Protect these honorable representatives, give them Your wisdom so that their decisions may reflect Your desire for Your people. Give them a quiet assurance and guide them in the difficult times. May Your will be reflected through them and may Your people be blessed by their leadership. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. MCNULTY led the Pledge of Allegiance as follows:

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

WELCOMING REVEREND CHIP LINGLE TO THE HOUSE OF REPRESENTATIVES

(Mr. KINGSTON asked and was given permission to address the House for 1 minute.)

Mr. KINGSTON. Mr. Speaker, it is with great pleasure that I introduce the chaplain of today, the Reverend Chip Lingle.

Chip comes to us from Faith Lutheran Church in Savannah, the mother city of Georgia, founded in 1733. He has been there with his wife, Ruth, for 5 years.

Reverend Lingle grew up in North Carolina and did his undergraduate studies at the University of North Carolina in Raleigh. He received his master's from the Lutheran Theological Seminary of the South in Columbia, South Carolina and has served in churches in North Carolina, South Carolina, and in Georgia.

I have gotten to know the Lingle family over the past years and have become great friends with his son Ben, who also served as a page here. Ben goes to Jenkins High School and is a member of the National Honor Society. He is a member of the marching band and concert band. He is on the Mock Trial team and has been very active in Boy Scouts and church activities and plays in a rock and roll band called Sweet Pig.

Ben is also here with us today; and so is Reverend Lingle's mother, Isetta Lingle, who is with us in the gallery.

So please join me in welcoming Reverend Chip Lingle.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 10 one-minute requests from each side of the aisle.

Members are reminded to refrain from references to those spectators in the gallery.

WAR AGAINST METHAMPHETAMINE ACT OF 2000

(Mr. CALVERT asked and was given permission to address the House for 1 minute.)

Mr. CALVERT. Mr. Speaker, it is no secret that methamphetamine has reached epidemic proportions in our Nation. Last year alone, we saw almost 6,000 lab seizures affecting nearly every State in the Nation.

It is time we declare war against meth. This deadly drug has thousands of innocent victims. Ordinary families find their property ruined or health at risk by the deadly chemicals used to make meth. These chemicals destroy soil and plants, contaminate drinking water, and poison the air we breathe.

We know we have reached a crisis situation with meth. The statistics are there. Forty-four States reported nearly 6,000 meth lab seizures in 1999 alone. And most disturbing, over 1,200 children were found during these lab seizures.

We must face the problem head on. My legislation does just that. The War Against Meth Act ensures that we stop meth production but punish those who would put innocent victims and the environment in danger. Today we introduce this bipartisan legislation with over 60 cosponsors.

Mr. Speaker, I would like to finally thank all the law enforcement men and women that are fighting this battle on a daily basis as we declare, once again, war on meth.

TAX CODE IS UNAMERICAN

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

Mr. TRAFICANT. Mr. Speaker, the Tax Code is unAmerican. It is also so big it would give King Kong a hernia.

But the bad stuff is evident. The Tax Code rewards dependency, subsidizes illegitimacy, kills jobs, and chases companies overseas.

Now, if that is not enough to overload your hard drives, check this out: Experts say that the Tax Code is needed because it modifies economic behavior.

Beam me up.

If the Founders wanted to modify economic behavior, they would have contracted with Sigmund Freud to write the Tax Code.

I yield back the ego, the id, and the super ego of our kinky Tax Code.

WE NEED TO WAGE WAR AGAINST METH

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

Mr. GIBBONS. Mr. Speaker, earlier this year an illegal meth amphetamine lab exploded on the 12th floor in a hotel in downtown Reno.

So today, Mr. Speaker, I rise to express my strong support for a bill

which my colleague the gentleman from California (Mr. CALVERT) just spoke about and will be introducing today. His Working and Reacting Against Methamphetamine Act will wage a full scale and meaningful war against the methamphetamine epidemic that has spread throughout America.

Mr. Speaker, last year, 1999, 44 States reported close to 6,000 meth lab seizures. Obviously, this is a growing problem that we must address.

The War Against Methamphetamine Act will increase the penalties for producing both amphetamine and methamphetamine. The bill will also provide law enforcement officials with the necessary tools and resources to effectively combat the meth epidemic.

We need to protect our children from the latest drug epidemic located in our open backyards. I encourage our colleagues to support the War Against Meth Act and its multifaceted approach to closing down meth labs nationwide.

WAR AGAINST METHAMPHETAMINE ACT

(Mr. REYES asked and was given permission to address the House for 1 minute.)

Mr. REYES. Mr. Speaker, I rise today in strong support of the War Against Methamphetamine Act introduced by my colleague the gentleman from California (Mr. CALVERT).

We have all heard the staggering numbers related to meth labs across the country. The most troubling figure, in my mind, is the number of children that have been found at the lab seizure sites, 1,252 children at the sites.

This legislation increases penalties related to amphetamine and creates new and additional penalties for the production of these dangerous drugs. This bill also establishes a national center that would be created in conjunction and coordination with the Drug Enforcement Agency, the L.A. Clearinghouse, and the El Paso Intelligence Center, which is, by the way, located in my district.

The National Center will collect, analyze, and distribute all seizure information sent in by law enforcement officials across the country. This National Center will allow law enforcement officials across the country to instantly access vital information on these kinds of seizures.

I urge all my colleagues to cosponsor this bill and support our local law enforcement.

WILL PRESIDENT AL GORE PARDON PRESIDENT BILL CLINTON?

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

Mr. PITTS. Mr. Speaker, in an editorial in today's Washington Post, we hear once again that the new Independent Counsel Robert Ray is serious about indicting the President after he leaves office.

The Post says that, ''A plausible indictment of Mr. Clinton, who has never publicly acknowledged the extent of his wrongdoing, could surely be drawn.''

It goes on to say, ''Some opponents of impeachment argued during the congressional proceedings that Mr. Clinton's susceptibility to criminal prosecution after his term in office was a powerful reason not to remove him.''

And the Post editorial continues in talking about disbarment and a $90,000 fine, arguing in the end that Mr. Ray should exercise restraint.

Mr. Speaker, to me there is a more important question. The Associated Press reported yesterday the administration announced that the President will not pardon himself. But if the Vice President is successful in his bid to succeed his boss, would he then turn around and pardon him?

The real question is, will President AL GORE pardon President Bill Clinton? I think he owes it to the American people to explain.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members that it is not in order to address the personality of the President or the Vice President of the United States.

FREE AND FAIR ELECTIONS PARAMOUNT TO OUR SYSTEM OF GOVERNMENT AND THOSE OF CENTRAL AND SOUTH AMERICA

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

Mr. MCNULTY. Mr. Speaker, I am pleased to yield to my friend, the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would just make the point that, whether Republican or Democrat, a theme that our country is built on is the idea of free and fair elections. And if what is going on in Peru right now is able to stand, then the Fujijmori government in Peru will be built on unfree and unfair elections.

Indeed, a lot of controversy is going on right now about a young boy and whether he should or should not go back to Castro because of freedom. If we look at what is going on, again, in Peru, a cancer will start to grow that America should be no part of.

So I would say that, if what stands, we need to look at stripping aid from the supplemental, we need to look at blocking aid with the drug war, we need to look at blocking access to international financial institutions. Because free and fair elections are paramount to our system of government and to governments throughout Central and South America.

PASS H.R. 1070 BY THIS MOTHER'S DAY

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, despite education on preventive measures and early detection, the rate of cancer among women has continued to increase at an alarming rate. Every 64 minutes a woman is diagnosed with reproductive tract cancer. And just today, one in eight women will be diagnosed with breast cancer.

Our colleague, the gentlewoman from North Carolina (Mrs. MYRICK), shared with us how she is among the fortunate who can afford life-saving treatment after her diagnosis.

We have encouraged low-income mothers and daughters to have mammogram screenings and early detection measures. But when these medical tests show an unfavorable diagnosis, who is there to ensure that they receive the life-saving treatment they so desperately need?

Mr. Speaker, our Nation's low-income women living with breast cancer cannot wait any longer. H.R. 1070 gives the States an optional Medicaid benefit to provide treatment to low-income women screened and diagnosed with breast or cervical cancer through the CDC early detection program.

Mother's Day is May 14, and the most valuable gift that Congress can give American women is a fighting chance at beating cancer. I hope that my colleagues will work for passage of H.R. 1070 by this Mother's Day.

REUNIFICATION OF FATHER AND SON

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, what I believe the American people would like to see as we move through this week is a simple reunification of a father and a son, Elian Gonzalez and Juan Miguel Gonzalez, without force, without violence, bringing the two families together, emphasizing the importance of family, helping us as the American people reaffirm our values that father and son belong together.

I hope we, as Members of the United States Congress, whose jurisdiction is not in play at this time, and appropriately so, will encourage the reunification of father and son, something

that Americans have believed throughout the centuries.

WAR AGAINST METHAMPHETAMINE ACT

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

Mr. LATHAM. Mr. Speaker, I rise today in support of the War Against Methamphetamine Act introduced today by our colleague from California (Mr. CALVERT).

In the upper Midwest in Iowa, there has simply been an explosion of methamphetamines that is affecting our young people, our families, our communities, and being the most destructive element that we have seen in many, many years.

There are four legs to fighting this problem. One is for interdiction, another enforcement, education, and then treatment. What this bill does is gives us the tools to help with enforcement by increasing penalties for those selling, by making sure that we are able to track people who are making the drugs, and by increasing penalties to those who are causing tremendous environmental damage with the labs that are being put in place to make this horrible drug.

This is a great measure to move us forward in this great battle, and I would hope the entire House will join in supporting this measure.

□ 1015

TAX CODE

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

Mr. SHERMAN. Mr. Speaker, our economy is important, and we need sound policy, not soundbites. As the tax due date approaches, what we are getting is soundbites, and perhaps the worst is what is going on in the Committee on Ways and Means this week where they are considering a proposal to delegate rewriting the Tax Code to a commission, not to Members of Congress, who are supposed to report that code out on July 4, 2004, and then our Internal Revenue Code would, by the terms of this bill, expire by the end of 2004. This means our economy will be in total disarray. Who would invest in municipal bonds if they do not know if the advantages of investing in them will be swept away? Who will start an R&D tax project if the credit is going to be swept away or might be? And who would count on fiscal responsibility in a society that is going to give its Congress just a few months to rewrite the entire Tax Code after it hears from a commission?

What we see instead is an elaborate ruse that prevents us from reforming the Tax Code one section at a time.

ALZHEIMER'S/OKLAHOMA MEDICAL RESEARCH FOUNDATION

(Mr. LUCAS of Oklahoma asked and was given permission to address the House for 1 minute.)

Mr. LUCAS of Oklahoma. Mr. Speaker, I am pleased to announce remarkable news from the great State of Oklahoma. Today, the Oklahoma Medical Research Foundation will announce a breakthrough discovery in the fight against Alzheimer's disease. Researchers at OMRF discovered the enzyme which is found in our brains and which scientists believe is directly responsible for the Alzheimer's disease.

Not only did Oklahoma researchers pinpoint the cause of Alzheimer's disease, they have also designed a way to stop it. If this breakthrough can successfully be transformed into a drug, Alzheimer's could become a manageable disease, like high blood pressure, diabetes, not the terminal disease we know now. This discovery will have a profound impact, since 4 million Americans suffer from Alzheimer's and another 19 million members of their families suffer along with them.

I hope one day my kids can view Alzheimer's the same way my generation views polio, a terrible disease that was conquered with scientific advances. Basic research forms the building blocks of science and medicine and this type of breakthrough clearly illustrates why the Federal Government's investment in basic research is invaluable. Again, I am excited to report this and the many coming announcements of good news from the Oklahoma Medical Research Foundation.

METHAMPHETAMINES

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

Mr. BACA. Mr. Speaker, I rise in support of legislation introduced by the gentleman from California (Mr. CALVERT), my colleague from the Inland Empire. As a cosponsor of the bill, I join him in the war against meth labs. This bill increases penalties for drug criminals and puts them out of business. Meth labs create harm to a lot of our children and our communities. It contaminates drinking water. It contaminates the soil in our area.

There are more than 2,500 meth labs in the Inland Empire. That means children living at home exposed to chemicals with drug dealers, your children playing next to meth labs. Your spouses or your loved ones are at risk. That means 13 lab fires and explosions in San Bernardino County last year. That means homes blowing up and police being placed at risk. This is why the San Bernardino Sheriff's Department supports this bill. It is time to say no to drugs. Support this bill.

BREAST AND CERVICAL CANCER TREATMENT ACT

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

Ms. DUNN. Mr. Speaker, I rise in support of H.R. 1070, the Breast and Cervical Cancer Treatment Act. This legislation provides States the option of providing Medicaid coverage to uninsured, low-income women who are diagnosed with breast or cervical cancer as part of a screening process by the Centers for Disease Control.

While the CDC's National Breast and Cervical Cancer Early Detection program helps identify women with breast or cervical cancer, it does not provide any coverage or any treatment. These women patients not only face a terrifying battle with cancer but they also must find ways to pay for the care they need. H.R. 1070 rectifies this problem by helping low-income women get the medical treatment they need. The bill is vital to help save the lives of women throughout our Nation. It would make the best gift Congress could offer if we were to pass H.R. 1070 by Mother's Day. I am pleased that this legislation soon will be considered on the floor of the House. It is a good bill and will do the job. I ask my colleagues to support this legislation.

TAX RELIEF

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

Mr. KNOLLENBERG. Mr. Speaker, with a determination to save the American dream for the next generation, the Republican Congress has turned the tax-and-spend culture of Washington upside down and produced a balanced budget with tax cuts for the American people. Now that the Federal Government's financial house is finally in order, the big question facing Congress and the President is, what is next? With the average family still paying taxes, more in taxes than it spends on basic necessities, the obvious answer is tax relief for the American worker.

As we move from the era of budget deficits to budget surpluses, some people in this town will argue that we can afford to spend this money on new programs. However, that is the mindset that got us in trouble in the first place. For our children's sake, for common sense sake, it must be rejected once and for all. I urge, Mr. Speaker, my colleagues to continue fighting for the additional tax relief that the American people need and deserve.

A SIMPLER, FAIRER AND FLATTER TAX CODE

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, our current tax code is unfair. It taxes savings. It taxes marriage. It even taxes death. It is virtually incomprehensible, even to tax lawyers and to accountants. In fact it is even four times the length of the Bible. This week we have an opportunity to take a major step towards reforming our tax system. The House will consider H.R. 1041, legislation to sunset the Tax Code.

This legislation will encourage Congress to create a simpler and fairer and more reasonable tax system for Americans. It gives us a deadline to do it. Once this bill becomes law, the current Tax Code would sunset on December 31, 2004, and Congress must then implement a new Tax Code or reauthorize the current one we have by July 4, 2005. Our tax laws are complicated, unfair, and unreasonable. Let us work together to sunset our abominable Tax Code and replace it with something simpler and fairer and flatter.

COMMEMORATING 100TH ANNIVERSARY OF HAMPSTEAD VOLUNTEER FIRE DEPARTMENT

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

Mr. BARTLETT of Maryland. Mr. Speaker, I rise today to honor the men and women of the Hampstead Volunteer Fire Engine and Hose Company No. 1 of Carroll County, Maryland. The fire company was founded on February 13, 1900, and will celebrate its 100th anniversary on April 15 of this year. The founders' goal was to establish fire protection for their little town. One hundred years later, the town has grown and the company has grown from just a few men to more than 100 active and associate members whose goal today is the same, to provide the highest level of fire and emergency medical service to their community.

From the daunting task of fighting fires to responding to accidents and emergency medical situations, the Hampstead volunteers have remained stalwart members of the Hampstead community. Keep in mind, these are volunteers who come to the aid of their neighbors day and night, without pay and oftentimes with complete disregard for their own well-being. I am certain the citizens of Hampstead join me in congratulating the Hampstead fire fighters and look forward to another 100 years of exemplary service.

TAX LIMITATION CONSTITUTIONAL AMENDMENT

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 471 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 471

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 94) proposing an amendment to the Constitution of the United States with respect to tax limitations. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution and any amendment thereto to final passage without intervening motion except: (1) two hours of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) an amendment printed in the Congressional Record pursuant to clause 8 of rule XVIII, if offered by the Minority Leader or his designee, which shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), the distinguished ranking member of the Committee on Rules, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 471 is a structured rule providing for the consideration of H.J. Res. 94, proposing an amendment to the Constitution of the United States with respect to tax limitations. The rule provides for 2 hours of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule provides for one amendment printed in the CONGRESSIONAL RECORD if offered by the minority leader or his designee which shall be considered as read and shall be separately debatable for 1 hour equally divided and controlled by the proponent and an opponent. Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, with tax day arriving at the end of this week, there is certainly no better time for the House to consider this important constitutional amendment. The tax limitation amendment starts from this very simple premise that it should be harder, not easier, for government to raise taxes. The average American pays more in taxes than it does in food, clothing, shelter, and transportation combined. For too long, the tax burden imposed by the Government has been going up, not going down. I am very, very proud to sponsor this constitutional amendment.

Mr. Speaker, passage of this rule will allow the House to begin debate on one of the most serious matters to be considered by this House, an amendment to the Constitution of the United States. When our Founding Fathers met more than 200 years ago to draft what became the Constitution of the United States, there was agreement on what problems our Nation faced and our Constitution was drafted to address these problems.

In many instances, they wrote specific language protecting people from what at times could be an oppressive, intrusive, or overbearing Federal Government. They protected bedrock foundations to our liberty and freedom, such as life, the pursuit of happiness, freedom of speech and freedom of religion. Just as importantly, the Founding Fathers required certain actions and laws passed by Congress to obtain a supermajority vote, not just a simple majority because they foresaw that the people must overwhelmingly support some action.

Our Founding Fathers were so insightful and ingenious in their preparation of the Constitution that they enlisted within our system of checks and balances a Constitution which would clearly enumerate occasions where a supermajority would be appropriate as a guardian of the people. A vote of two-thirds of both houses, for example, is required to override a presidential veto. A two-thirds vote of the Senate is required to approve treaties or to convict an impeached Federal official.

But a two-thirds vote in Congress is not yet required for raising taxes. In my view, our Founding Fathers would recognize that under the current system there is an inherent bias towards raising taxes and might have supported this constitutional amendment.

□ 1030

There has long been a bias towards raising taxes under the current system. Spending benefits are targeted at specific groups. These special interests successfully lobby Congress and the President for more and more spending. Taxes, on the other hand, are spread among millions of people. Taxpayers usually cannot come together as efficiently as a special interest group with a specific appropriation in mind.

As Congress seeks to keep the budget in balance, yet spending has still remained high, the easiest answer always for Congress is simply to raise taxes.

The Federal budget is currently in balance, in part due to spending constraints by Congress, as well as hard work and global-leading productivity of American workers, but short economic downturns can be expected. Future Congresses may not be as fiscally responsible and return to the ways of deficit spending.

The easy answer then is to raise taxes.

Making it more difficult to raise taxes balances the options available to

Congress and makes decisions on the size of government. It is critical that this balance be achieved. By requiring a supermajority to raise taxes, an incentive for government agencies would be created to eliminate waste, fraud and abuse and to create efficiency rather than simply turning to more deficit spending or to increase taxes.

It is important to remember that there was no Federal income tax when our Founding Fathers drafted the Constitution. Not until 1913 was the 16th amendment of the Constitution passed to allow Congress to tax the American people. The first tax ranged from 1 to 7 percent and only applied to the wealthiest Americans. Today, some taxes are collected by the Federal Government at a 50 percent rate.

Medieval serfs gave 30 percent of their output to the lord of the manor. Egyptian peasants gave 20 percent of their toils in their fields to the Pharaoh. God only required 10 percent from the people of Israel. Yet in America, Federal, State and local taxes eat up many times in excess of 40 percent of the average American's income.

The burden of tax rates is not only too high, but that is only half the story. As tax rates have increased, the heavy hand of the tax collecting branch of our government has been strengthened. It has been determined by our majority leader, the gentleman from Texas (Mr. ARMEY), that our Federal income tax collection agency, the Internal Revenue Service, sends out more than 8 billion pages of forms and instructions each year. Our Federal income tax collection agency is twice as big as the CIA and five times bigger than the Federal Bureau of Investigation.

No other institution poses such a threat to liberty than the Internal Revenue Service and our Tax Code, and this is all as a consequence that tax rates are too high and the Tax Code is too complex.

A constitutional amendment requiring a two-thirds vote to raise taxes would help alleviate some of this misfortune. Thomas Jefferson once wrote, ''The God who gave us life gave us liberty.''

I imagine that Thomas Jefferson never envisioned such an intrusive agency as the IRS. Today, unfortunately, the reality is the IRS is a prevalent part of our daily lives, particularly this week with the April 15 tax deadline fast approaching.

Every year, Americans are taxed for billions and billions of dollars. Sometimes these taxes that are passed are retroactively done so. Sometimes they are passed from generation to generation and sometimes they are forced upon us even after death by the Federal Government.

So today, Mr. Speaker, I stand before my colleagues with a bipartisan coalition to put forth to the States a question of liberty. Will we make it harder for Congress to raise taxes on its citizens? Will we require a two-thirds vote of both Houses of Congress to pass a tax increase on to working Americans and children? Will we pass this amendment to the Constitution and require a supermajority, not just a simple majority to raise taxes?

This amendment will apply to all tax increases from the Federal Government, not just tax hikes. A two-thirds vote requirement would allow Congress to raise taxes in time of war or national emergency, but would simultaneously prevent the intrusive and penalizing tax increases that have been enacted with recklessness to fund government expansion over the last decades.

As we speak, several States of this great Union, including Arizona, California, Florida and Missouri, have adopted measures requiring that any tax increase by their legislature pass by a two-thirds majority. It is time that the Federal Government joins these States in listening to the voice of the American people. It should be harder to raise taxes. Had this amendment been adopted sooner, the four largest tax increases since 1980, in 1982, 1983, 1990 and 1993 all would have failed. That tax increase in 1993 was the largest tax increase in American history and it passed just by one vote. These tax increases totaled $666 billion to the American taxpayer.

The bottom line of this debate, Mr. Speaker, is that we should make it more difficult to raise taxes on the American people. Those that oppose it will do so because they want to make it easier to raise taxes on the American people.

Mr. Speaker, this is the defining issue. Those Members who support this amendment are here to support the taxpayers of America. Those Members who oppose it today are here to defend the tax collectors of America. It is really that simple.

We hear rhetoric from opponents of this legislation citing jurisdiction, procedure, and a slew of other glossary terms but nothing can hide the reality that America and all taxpayers support a two-thirds tax limitation because they want to make it more difficult to raise taxes.

Mr. Speaker, like many Members of this body I not only oppose raising taxes, I support making our Tax Code fairer, simpler, and flatter. The tax limitation amendment allows for tax reform and it provides that any tax reform is revenue neutral or provides a net tax cut. Also, any fundamental tax reform which would have the overall effect of lowering taxes could also still pass with a simple majority.

The tax limitation amendment also allows for a simple majority vote to eliminate tax loopholes. The de minimis exemption would allow nearly all loopholes to be closed without the supermajority requirement.

We may hear from opponents today, those who will be saying to make it more difficult to raise taxes that the Government would be unable to function if a supermajority is required. Well, Mr. Speaker, I would encourage Members to look back at their States. Fourteen States require a supermajority to raise taxes. Millions of Americans living in these States have enjoyed slower growth in taxes, slower growth in government spending, faster growing economies, and lower unemployment rates. Tax limitation can bring to all Americans those things that are benefits that are enjoyed by those living in tax limitation States.

This amendment protects the American people. It makes it harder for the Federal Government to raise taxes on its citizens and that is why I am here today.

Today we can take one step closer to regaining liberty and ensuring future generations the freedom of our Founding Fathers intended for all Americans to enjoy. This debate is about liberty. This debate is about requiring a two-thirds vote to raise taxes on America.

Mr. Speaker, at this time I would remind my colleagues that this is a fair rule adopted by a voice vote yesterday in the Committee on Rules. It is the standard rule under which this proposal has been considered for years in the past. I urge my colleagues to support this rule.

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

Mr. MOAKLEY. Mr. Speaker, I thank my colleague, my friend, the gentleman from Texas (Mr. SESSIONS), for yielding me the customary half hour, and I yield myself such time as I may consume.

Mr. Speaker, today marks the fifth year in a row that my Republican colleagues have dusted off this old same constitutional amendment just in time for tax day. At the end of the day, Mr. Speaker, we will probably mark the fifth year in a row that this amendment fails to garner the required two-thirds vote.

So why do my Republican colleagues continue to bring up this resolution year after year after year? They do not even bother to bring it to their own Committee on the Judiciary. I am glad that my friend, the gentleman from Texas (Mr. SESSIONS), spoke so long and explained it because this is the only debate we are going to have on the bill. It did not go before the Committee on the Judiciary.

Imagine amending the Constitution of the United States of America without one hearing before the basic committee in the Congress that would deal with that, the Committee on the Judiciary?

Well, here we go again. Mr. Speaker, if my Republican colleagues were serious they would fine-tune this amendment in a congressional committee.

They would have hearings. They would mark it up, but this resolution has not been to the Committee on the Judiciary. In fact, Mr. Speaker, I will let my colleagues in on a little secret. This bill was just introduced last Thursday. The ink is still wet.

Given that the amendment is destined to fail again this year, as it does every year, it would seem that it is being offered not to effect change but really to affect the evening news, because even when my Republican colleagues had a chance to practice the preachings of this amendment, they did not.

We may recall at the beginning of the 104th Congress, my Republican colleagues changed the House rules to require a two-thirds majority for every tax increase. Mr. Speaker, guess what? Every time it came up, every time they have this tax increase, they waive the rule. I would say, Mr. Speaker, that if a rule is not to be obeyed in the House of Representatives that surely it is not worthy of being an amendment to the United States Constitution.

Back in the 1780s under the Articles of Confederation, the United States tried a supermajority. It did not work then. It will not work now.

The foundation of a supermajority is a mistrust, a mistrust of the ability of the majority of American people to govern; and I for one think that that mistrust is misplaced. Because of that mistrust, Mr. Speaker, a supermajority changes the very foundations of our government from a majority-run institution to a minority-run institution, and that is not what our Founding Fathers had in mind.

In the Federalist Papers No. 58, James Madison argued against supermajorities. Under a supermajority, he said, the fundamental principle of free government would be reversed. It would be no longer the majority that would rule. The power would be transferred to the minority.

Furthermore, Mr. Speaker, if this tax amendment were to pass, it would help the rich and hurt the middle- and lower-income people. Rich Americans get most of their government benefits in the form of tax breaks. The rest of the country gets their government benefits in the form of Social Security, Medicare, student loans, and unemployment insurance. This amendment would make it much harder to close those tax loopholes for the very rich, and make it necessary to cut the benefits for everyone else.

Mr. Speaker, it would also make it much harder to strengthen Social Security, make it much harder to strengthen Medicare. In fact, it could even have the effect of reducing Social Security benefits.

In short, Mr. Speaker, it would shackle our government to the tax laws in effect today, with very little hope of changing them in the future. Whether for better or for worse and like so many of my Republican colleagues' proposals, the rich come out way ahead and everybody else pays the price.

Mr. Speaker, this amendment was a bad idea 5 years ago. This was a bad idea 4 years ago. This was a bad idea 3 years ago. This was a bad idea 2 years ago; and, Mr. Speaker, it is a bad idea today.

□ 1045

So I urge my colleagues to oppose this annual tax day Valentine, this sloppy assault on our Constitution.

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

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

Mr. Speaker, I am really not surprised for us to be debating in this manner that what we are doing does not make sense, it is unnecessary, it is unwise, no one would be in favor of making it harder to raise taxes. It is bad for America, it is all for the rich. Well, in fact, the reason why we are standing up today is for the exact people that we have talked about that the minority says is bad for them.

There is a power model in this same vein that was followed and begun some 30 years ago. The gentleman from Texas (Mr. ARCHER) from the Seventh District of Texas, now the chairman of the Committee on Ways and Means, when he came to Congress 30 years ago, the first bill that he dropped as a Member of Congress said that he would like to raise the earnings limit that was placed on senior citizens. For 25 years, he was not only called names and made fun of, but Members of the other side made sure that they said that is not necessary, it is for rich people. In fact, it was for the senior citizens of this country.

The gentleman from Texas (Mr. ARCHER) became the chairman of the Committee on Ways and Means. The gentleman from Texas then held the first hearings that were necessary to begin the dialogue and the debate. Then this senior earnings limit began appearing on the floor of the House of Representatives because Republicans knew that it was important to senior citizens; and beyond that, it was simply fair and the right thing to do.

Several times, it was voted on on the floor of the House of Representatives. Our friends on the other side had an opportunity every time to vote against senior citizens in lifting this earnings limit.

Well, Mr. Speaker, what happened then is, because of efforts by the Republican Party where we quit spending every single penny of Social Security, the surplus, and we started putting it back into Social Security, my friends on the other side of the aisle began feeling a little bit queasy about who was making progress with the American taxpayer; in this case, it was the senior citizen of America.

Just 3 weeks ago, this House of Representatives passed 422 to nothing, unanimously in the Senate, that we would lift the earnings limit. The President of the United States signed this into law after vetoing this several times. The President said, boy, he wished we could have done more, could have done more for senior citizens, but not everybody is for making the same kind of progress. He recognized that there are honest differences on both sides of the aisle. Yes, we understand that honesty. We understand those honest differences today.

Today we are now in our 10th year of what may be a 30-year effort to make it harder to raise taxes. As usual, one side is going to be supportive of this, by and large, and the other side is going to drag their heels. But we are not going to be frustrated. We are not going to worry about what the rhetoric is. We are going to continue to stand up on the side of the taxpayer.

Mr. Speaker, I yield 5 minutes to the gentleman from Stratford, Missouri (Mr. BLUNT), my colleague and assistant Majority Whip.

Mr. BLUNT. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for the time to speak in favor of this rule and for bringing this, and I also want to thank him for bringing this important issue to the floor of the House.

We have a chance today to cast a vote for the future. Two-thirds simple majority is, in fact, reserved for the most important of issues, including amending the Constitution, ratifying treaties in the Senate. The founders understood that the two-thirds majority was appropriate majority on those kinds of issues.

I am confident that this standard of importance would have been used to decide other things if there had been any perception of what those other things might have been.

There were issues that James Madison and others thought were important enough for a supermajority. If they had any idea of what the tax burden on American families would be today, this would have been one of those issues in that Philadelphia summer of 1787.

A two-thirds simple majority standard would guarantee that there was a consensus among Members of both parties that increasing taxes was a necessity. This bill has gone through the committee process over and over again. It was just pointed out by the other side that this same legislation has been rejected by the House a number of times. Well, to be rejected by the House a number of times, it had to get to the House floor a number of times. It is the same bill that went through that committee process in the last Congress.

Today is the time to cast this vote. Today is the time to vote on this issue.

I am grateful that the gentleman from Texas (Mr. SESSIONS) in the Committee on Rules and the other committees have brought it to the floor today as they have.

By making it more difficult for Congress to endlessly reach into the pockets of working Americans, a two-thirds simple majority would require Members to be more careful in the dollars they spend. We should spend every dollar taken from American families with the utmost care, making it harder for this Congress and more likely for future Congresses to take that money, makes it more likely it will be spent with greater care, be more treasured as it comes here because it is coming right from working families.

In the 14 States which have implemented tax limitation standards, taxes and spending grew at a slower rate, while the economy and jobs grew at a faster rate than in the other States. That, Mr. Speaker, is not by accident.

Although the economy is presently strong, Federal taxes are still the highest they have been since World War II. The entire tax burden is the highest it has been in the history of the country. It is important to compliment this strong economic standard today by dealing with the future of taxes in America as this bill does.

The most recent States to pass tax limitation measures have done so with overwhelming voter approval. They would have met the two-thirds requirement because they met requirements of over 70 percent of their voters saying we want to see tax limits in our State.

Again, States with tax limitation supermajorities are adding economic opportunity at a rate faster than the other States. Job creators understand the stability that tax limitation brings to the economy. Mr. Speaker, the Members of the House today have an opportunity to show that we understand the importance of tax limitation for America's economy and the importance of tax limitation for America's families.

Mr. Speaker, I urge my colleagues to support the rule, to support the bill, to make a stand for American families today and to make a stand for the future of America by putting this new supermajority requirement on the books and in the Constitution.

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

Mr. SESSIONS. Mr. Speaker, I appreciate the gentleman from Massachusetts (Mr. MOAKLEY) for his engagement in this issue on the rule. I urge my colleagues to support this rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SCARBOROUGH. Mr. Speaker, pursuant to House Resolution 471, I call up the joint resolution (H.J. Res. 94) proposing an amendment to the Constitution of the United States with respect to tax limitation, and for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 471, the joint resolution is considered read for amendment.

The text of House Joint Resolution 471 is as follows:

H.J. RES. 94

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE—

''SECTION 1. Any bill, resolution, or other legislative measure changing the internal revenue laws shall require for final adoption in each House the concurrence of two-thirds of the Members of that House voting and present, unless that bill, resolution, or other legislative measure is determined at the time of adoption, in a reasonable manner prescribed by law, not to increase the internal revenue by more than a de minimis amount. For the purposes of determining any increase in the internal revenue under this section, there shall be excluded any increase resulting from the lowering of an effective rate of any tax. On any vote for which the concurrence of two-thirds is required under this article, the yeas and nays of the Members of either House shall be entered on the Journal of that House.

''SECTION 2. The Congress may waive the requirements of this article when a declaration of war is in effect. The Congress may also waive this article when the United States is engaged in military conflict which causes an imminent and serious threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law. Any increase in the internal revenue enacted under such a waiver shall be effective for not longer than two years.''.

The SPEAKER pro tempore. After 2 hours of debate on the joint resolution, it shall be in order to consider an amendment printed in the CONGRESSIONAL RECORD, if offered by the gentleman from Missouri (Mr. GEPHARDT), or his designee, which shall be considered read and debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

The gentleman from Florida (Mr. SCARBOROUGH) and the gentleman from Massachusetts (Mr. FRANK) each will control 1 hour of debate on the joint resolution.

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

Mr. SCARBOROUGH. Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. SESSIONS) and ask unanimous consent that he be permitted to control the time.

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

There was no objection.

Mr. SESSIONS. Mr. Speaker, I thank the gentleman from Florida (Mr. SCARBOROUGH) from the Committee on the Judiciary for yielding me the time, and I would like to move into general debate.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, today I stand before my colleagues to support this bill. I want to thank the gentleman from Texas (Mr. SESSIONS) for allowing me to speak on this measure and for introducing this piece of critical legislation and bringing it before this body today.

Mr. Speaker, America needs this tax limitation amendment. Why? Well, this year, millions of Americans, hardworking, tax-paying Americans will be plagued by ''intaxication.'' What is intaxication? Well, if it were in the dictionary, intaxication would be defined by a euphoria experienced by getting a tax refund, well, a euphoria which lasts only until one realizes that it was one's money to start with.

This Congress has a duty to make it harder to raise taxes while ensuring a more responsible Federal budget. Why? Because we owe that type of accountability, we owe that responsibility to the hardworking American taxpayer when we take their money.

Let me give my colleagues a little history in my own State of Nevada. In 1994, I helped bring Nevada into the 21st Century with its own tax limitation amendment requiring a two-thirds supermajority vote. Why was that necessary? Because the left-wing liberal Democrats in the House in Nevada would not allow for an amendment to be passed, like they are doing here in this body. As a result, true democracy had to take its course.

I was required to go out and get 85,000 signatures from the people and citizens of the State of Nevada to bring that measure to a ballot where the citizens of Nevada could vote on it. The real democracy, Mr. Speaker, that bill, that legislation passed in Nevada by an overwhelming majority of the voters. In 1994, it received 78 percent of the vote. In 1996, it received 71 percent of the vote as an amendment to the Nevada Constitution, requiring a two-thirds supermajority to increase any State tax or fees.

The Federal Government needs to be put on the same fat-free diet that my home State of Nevada has been on since 1996. We need to make it more difficult to raise taxes on hardworking American men and women, and we need to shift congressional focus to the bloated spending programs of the Federal bureaucracy rather than paying attention to the pockets of the American taxpayers.

Passage of this legislation would ensure that Congress focuses its efforts to balance the budget, cut wasteful spending, and not raise taxes to create unneeded Federal revenue.

Anyone who takes a close look at those States that have this same type of supermajority restriction on raising taxes will find that those States have experienced faster growing economies, a more rapid increase in employment, lower taxes, and reduced growth in government spending.

No additional financial burdens should be placed on America's working family without an overwhelming demonstration of need and support of their elected officials before they raise taxes.

Let us stop the intoxication of intaxication plaguing America today. I urge my colleagues to support this tax limitation amendment.

Mr. FRANK of Massachusetts. Mr. Speaker, in the absence of anything constructive for the House to do, I yield myself such time as I may consume.

To begin, Mr. Speaker, let me congratulate the overwhelming majority of our colleagues, approximately 432 of them, for ignoring this exercise in partisan silliness.

No one believes that this is anything more than a very feeble effort from a party that is having difficulty in presenting a program to try and look like it is doing something. No one thinks this is going anywhere.

We are about to debate an amendment to the Constitution of the United States. Look who is here? At this point, it is now myself and the gentleman from Texas (Mr. SESSIONS). We are here because we have to be here. If one of us was not here, we would have to stop. So the barest minimum number of people possible to keep this farce going are impressed into it.

Frankly, I am a little resentful because we are having a serious hearing in judiciary on the antitrust measure that I cannot be at.

□ 1100

I notice my Republican colleagues in the Judiciary, understanding this was coming, scripted it better; and they managed to get a Committee on Rules member to sit in so they could all be present at the hearing. The Committee on Rules presumably has nothing else to do at this time.

But now let us get to the proposal. I did hear one Member as I was coming in announced that what we are doing now is what James Madison would have done if he only were as smart as we are. It is true, and it is an inconvenient fact, because we do, as a body, like to pay tribute to the wisdom of the Founding Fathers; and what we are saying here is, boy, the Founding Fathers really blew one. Because this is not some obscure issue. They knew about taxation. They knew about two-thirds.

People make one of the least logical arguments I have ever heard, even in this sort of partisan silliness, when they say, well, the fact that the Constitution calls for two-thirds in some cases shows that it really should have called for two-thirds in this case. What that does is establish that the people who wrote the Constitution knew how to call for two-thirds when they thought the subject required it. They said, in certain cases, it takes two-thirds. They then, obviously, made a deliberate and conscious decision not to require two-thirds for taxation.

Now, to get around that, I did hear one of my colleagues say, well, if James Madison knew what we knew, he would have done what we have done. I doubt it. The evidence that James Madison would have thought exactly as he would have thought seems to me quite thin. What we have, of course, is the inconvenient fact that James Madison, quite clearly, thought the opposite. The people who wrote the Constitution decided that it would be a majority.

And that is, of course, a perfectly sensible thing. We happen to believe fundamentally that a majority of the people, as constituted, and remember the Senate is not that majoritarian, but a majority of those elected from the House on a popular basis and in the Senate on a State basis, make the important decisions. And all of the important ongoing governmental decisions are made by majorities.

Now, what has happened is this. The Republican Party used to be a very majoritarian party in its rhetoric. But they have now discovered, to their dismay, that the majority no longer loves them as much as they thought. This really goes back to 1995 when they shut down the Government and were jeered instead of cheered. So what we now have is an announcement by the Republican party that we cannot trust the majority of the American people, as the Constitution says they should be represented; and for measures they do not like, they need two-thirds.

Now, it is also the case that the Republican Party is offering a procedural objection to taxes instead of a substantive one. For example, the last time we raised taxes, as I recall, was 1993. We did do some tax increases before that under Ronald Reagan and George Bush, but the last time we raised them was in 1993, in the first year of the Clinton administration. And I remember my Republican colleagues objecting because we were raising taxes on middle-income people.

Now, most of the tax increases went there on people making well upwards of $100,000 in 1993, not middle income even by Republican standards; but there was an increase in the gasoline tax and they pointed that out. Well, we recently had a spike in gasoline prices because of OPEC, and I think a failure on the part of the administration to act initially as promptly as they should have, although I think they since have taken some effective action, so one suggestion was let us now deal with that 4.3 cent increase in the gas tax.

The Republican Party had a chance to do that. Where is the bill? The Republican Party, having fulminated against the gasoline tax increase of 1993 had the ideal opportunity to come forward with a reduction in the gasoline tax, and a few of them talked about it. Where is the bill? We did get a resolution threatening OPEC that we might call them names if they did not do some things. I have not seen a bill to reduce that gasoline tax.

The last time we raised taxes was in 1993. They will talk about how terrible it was, but they will not do anything about it. And the reason is that reality has had a very severe impact on the Republican Party and on their ideology. On the one hand, they denounce government; on the other hand, they seek opportunities to increase it.

Now, of course, we have the military budget, the single largest part of the discretionary budget; and it is faith among the Republicans that that is too small. We need vast increases, billions and billions of dollars to increase the military budget. But that is not all. The Republican Party has gone from denouncing the notion of helping older people buy prescription drugs to embracing it. They say there are differences in how much, but they want a new program. The Republican Party is for a new program, which will cost government money.

A couple of weeks ago we took a step that I approved of and that many Republicans approved of, and we put the Federal Government for the first time into the business of helping local fire departments in a systematic way. I am glad to do that, but it costs government money.

My Republican governor was just down here yesterday acknowledging the fact that a major highway project that he and his Republican predecessor thought were very important to Massachusetts would cost a couple of billion dollars more than they thought. That will cost government money.

For much of the time, my Republican colleagues join many Democratic colleagues in talking about increasing the budget of the National Institute of Health, increasing money for transportation, increasing money for the military, buying prescription drugs. We passed a housing bill last week overwhelmingly which talked about how important various Federal housing programs are to help people get homeownership. These cost money.

So in the abstract the Republican Party wants to look like the antitax

party. But in particular they want to spend government money, just as many of the rest of us do, for good purposes. So what we get, to resolve that contradiction, is an entirely silly effort. I should not say it is an effort, because no one takes it seriously. We get this gesture to amend the Constitution of the United States and to wrench it away from democracy.

Now, this is not the first time the Republican Party has shown its lack of faith in the voters. We had that previously with term limits. What they said was, those voters, they do not understand. They cannot deal with elections. We have to put term limits on because they cannot understand it. Of course, for many Republicans the idea of term limits in the abstract was far more attractive than the idea of term limits in the particular, because among the people who will be voting for this constitutional amendment today to limit the electorate's ability to call for a tax increase will be people who will be defying their own pledge to limit the electorate's ability to reelect them. They have decided that does not work.

So we have what is, finally, fundamentally, a notion that democracy is flawed; that in this country the compromises they made about majority rule for the Senate, for instance two Senators per State, that was not enough; that we have to go further and make a very drastic change in the basic structure of government and say that when it comes to deciding how much money should be spent for public purposes and how much for private purposes, majority rule does not work.

Now, one last point. We hear this remarkably foolish notion that there is a dispute between the money that goes to the Government and the money that goes to the people. But all the money belongs to the people. The people understand, and the Republican Party has been forced to acknowledge it, that there are some purposes very important to the people that they cannot accomplish unless they do them jointly.

A tax cut putting money in individuals' pockets does not expand airports. A tax cut putting money in individuals' pockets will not solve the problem of putting more police on the streets or aiding local fire departments or increasing medical research through NIH. That is, there are, in a civilized society, some very important purposes that can best be accomplished by individuals spending their own money personally, and that is what the market generates, and that is a good thing; but there are also important purposes, particularly in a complex urban society, that can only be done jointly. And that is why we come together through government to deal with the environment, to deal with public safety, to deal with elderly people and other people's children who will not themselves be able to make it.

What this is is an announcement that democracy does not work; that the fundamental scheme of government adopted in 1787 in the Constitution is flawed; and, therefore, it has to be changed.

Fortunately, as the dearth of Members in this Chamber shows, no one takes it seriously. It is a political gesture put forward by a party that has no substantive legislative agenda. And I guess, given that, this is as good a way to kill time as any.

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

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

I do appreciate, Mr. Speaker, the gentleman from Massachusetts pointing out, in his view, how this is just wasting time and it is the majority party that has nothing better to do. I want the gentleman to know that that is an argument that we hear over and over and over and have heard this over and over and over. This is what we would be led to believe about a balanced budget; whether we would have a balanced budget or not. The other side simply said there is no need for a balanced budget. America is great. Things are headed in the right direction.

Well, it was the Republican Party that brought forth not only the ideas but had the conviction to make sure that we would continue to talk about a balanced budget, even when there were people who believed it would never, ever happen.

I recall Senator FRITZ HOLLINGS, who is a marvelous Senator in the other body, stated that if we ever had a balanced budget by the year 2002, he would take a high dive off the top of the capitol. A high dive. It will never happen. There will never, ever be a balanced budget. That is what we were told on the other side.

We were told about welfare reform that welfare reform should never happen because welfare reform would put millions of people out in the streets and babies and families sleeping on sidewalks. Well, lo and behold, we had welfare reform, and we had welfare reform Republican-style that is so successful that even President Clinton calls it his own package today. Welfare reform that has led to not only changing behavior of people who had been on welfare for generation after generation, but welfare reform that has led to a 47 percent reduction in the amount of people who have had their hands out.

Instead, we have found jobs available because the Republican Party had the presence of mind to fight those who said we would never have a balanced budget; we would never have an economy where we could employ all the people who were on welfare.

And about IRS reform, they said, oh, there is nothing wrong with the IRS. The Tax Code is great. We love that. That is the Democrat Party mantra: no problem with America. We need to keep it the exact same way that we have got it today.

Well, it was a few voices in the Republican Party, who are still alive and well today, and with more than enough votes to pass these bills, with more than enough votes to talk about our vision for America, that want to make it more difficult to raise taxes in America.

Oh, my colleagues may say, the Constitution should address this. Well, we did not even have any tax bills; we could not even tax until the 16th amendment, until 1913. What happened in 1913, when we began taxing in America? The IRS looks entirely different than it does today.

Why today do we need this? We need this two-thirds tax limitation because we need to make it more difficult to raise taxes. We, today in America, are at a precious time in our history. The precious time is that the Republican Party has made it possible as a result of the balanced budget, when the other side said no and it was a silly idea, the other side said welfare reform is a silly idea and we should never have it, the IRS Tax Code reform the other side said was a silly idea and that we should not do it. That is what has unleashed the power of the American energy.

And it is called the free market system; men and women who go to work every day, who are making America work; and yet even today, when we have a surplus, our President has proposed a $96 billion tax increase in the year 2000. That is why we need to make sure that it requires two-thirds of this body and two-thirds of the Senate to say, yes, President Clinton and Vice President GORE, we want your ideas, we want to raise taxes by $96 billion.

Well, I am sure we will hear it said over and over about what a great plan the President's budget is; that President Clinton has the best budget, great for everybody; yet not one Member of this body would even sponsor the President's plan. Not one person would sponsor the President's budget. There is a reason why. There is a reason why today we are on the floor of the House of Representatives to say that we need to make it harder to raise taxes in America.

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin (Mr. KLECZKA) be allowed to control the time on this side.

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

There was no objection.

The SPEAKER pro tempore. The balance of the time on the minority side will be controlled by the gentleman from Wisconsin (Mr. KLECZKA).

Mr. SESSIONS. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I support the bill, and thank the gentleman for yielding me this time. I associate myself with his remarks because he is right on target.

I want to put a few things down on the RECORD. In 1899, the Director of the Patent Office said ''Everything that can be invented has been invented.''

□ 1115

In 1905, President Cleveland said, ''Sensible and responsible women do not want to vote in America.''

Lord Kelvin, President of the Royal Society of England, said, ''Heavier than air flying machines are impossible.''

In 1927, Harry M. Warner, Chief of Warner Brothers Studios, said, ''Who the hell wants to hear actors talk?''

In 1968, an engineer at IBM said, ''As far as computer systems are concerned, what practical use will they really have?''

In 1977, the chairman of Digital Equipment Corporation said, ''There's no reason for anyone to ever want to have a computer in their home.''

In 1987, the Western Union internal memo said, ''The telephone has just too many shortcomings. Don't give up on our system.''

Edwin Drake said, ''People are literally going to drill in the earth to try and find oil?''

The big one was Dr. Lee DeForest. He said, ''Man will never reach the moon. Never.''

My colleagues, about the only thing I can say in my short speech is this: I tried to change the burden of proof in a civil tax case and required judicial consent before seizure; and I could not get it done for 10 years, the Democrats would not hold a hearing.

I want to thank the Republicans for not only holding the hearings, I want to give my colleagues the facts. In 1998 was the IRS reform law. In 1997, the last year, the old law. In 1999, the first year, the new law.

Now we compare them. In 1997, there were 3.1 million attachment of wages and bank accounts. In 1999, 540,000. Property liens in 1997, 680,000. The new law, 1999, 168,000.

But listen to this. The American people should be listening carefully. Requiring judicial consent before the IRS could take their home or their farm or their business, that the Republicans put my language in, in 1997, 10,037 Americans lost their homes, farms, and businesses. In 1999, 161. From 10,000 from the back room to 161 when the burden of proof was on the Government and had to have judicial consent.

Do I support this bill? Does a bear sleep in the woods?

I think we should mandate a two-thirds requirement before we continue to gouge and raise the American people's taxes, to boot, let an agency become so powerful an IRS employee would not testify unless she was behind a screen so we could not see her, with a voice scrambler so we could not identify her voice, and a guarantee her family would not be hurt.

God almighty.

Finally, let me say this: I think our Tax Code should be thrown out with a flat 15 percent, true 15 percent national retail sales tax. I will be testifying on the Tauzin/Traficant bill at 1 o'clock myself. It will ultimately be the tax scheme in America.

I think the Democrats, although they do not want to hear this, should get on board because they are getting moved further and further out of the picture, they are not being very progressive.

So I want to thank the chairman for the time. I believe his comments are right on target. I want to thank the Republican party for putting the Traficant burden of proof language in the reform bill and the judicial consent language in the reform bill, and I want to thank him on behalf of all Americans whose homes, farms, and businesses were not stolen.

Mr. KLECZKA. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, I rise in opposition to Joint Resolution 94. I will attempt to make my points with logic rather than volume.

This is the fifth time the House has taken up this particular constitutional amendment. It seems that since the Republicans have taken over control of the House, we have had over 100 constitutional amendments introduced.

When we are sworn in every 2 years in January, we swear to uphold the Constitution and nowhere do we say we come here to rewrite the Constitution.

Let us look back and see why the Framing Fathers put into the Constitution only three instances where a two-thirds vote would be necessary to take any action in the Government.

One was to change the Constitution. They thought it was a very, very important, sacred document and much thought should go into changing the various articles of the Constitution and, if we intend to do that, let us do it by a two-thirds vote.

They also provided that, if we were going to expel a Member from the House, one who was elected by a majority, I should add, of the people from his or her district, that should be done by a two-thirds vote.

The last and only other instance where they provided for a two-thirds vote was overriding a presidential veto. And here again, the bill that got to the President got there by a majority vote of both houses; and if, in fact, we are going to disagree with the President's objections, that we should do it by more than a majority. And so the Framers indicated at that point, let us call for a two-thirds vote. Only those three instances.

James Madison wisely observed in the Federalist Papers, supermajorities would reverse the fundamental principle of a free government. And he said, ''It would no longer be the majority that would rule. The power would be transferred to the minority.'' Let me repeat that. ''It would no longer be the majority that would rule. The power would be transferred to the minority.'' And how correct he is.

For almost all actions in this House a majority vote is required. A majority vote is required to give tax breaks at times to those large and very vocal corporate citizens who do not deserve them. Those tax breaks, my colleagues, if this were to pass and become part of the Constitution, would only require that a minority could stop closing that loophole. And the reason why is because, under that situation, to close a tax loophole of, let us say, a foreign corporation operating here but transferring the profits to a foreign land to avoid taxation, if we were to close that loophole, it would take two-thirds. More importantly, it would take a minority to stop it.

That is what this is all about, my colleagues. This is not to prevent willy-nilly tax increases to be placed upon the American people. Know full well that all of us in this Chamber and the Senate take that very seriously and it is done at times when it needs to be done. And if it is done without need and necessity, every 2 years we face the electorate and they will let their views be known.

But for the Republicans to once again try to tamper with the Constitution to provide a two-thirds vote for changing the tax laws in this country and not to provide that same two-thirds vote to close loopholes, which has the effect of bringing in more revenue, loopholes which are unwarranted, which happen all too often in this House, for that they could stop it with a small minority.

This constitutional amendment is not wise. It should not be supported by the House. If the taxpayers object to any tax action by the Committee on Ways and Means that I serve on or action by the full House, they will let their views be known. Let no one be kidded about that.

The gentleman who is controlling time on the other side indicated the great things we did with the welfare reform. But I should point out to him and to the other Members in the Chamber, if there are any, which there are not, that that was done with a majority vote. And if, in fact, that was so important, why do they not provide for a two-thirds vote for actions of the House dealing with issues like welfare reform? I would say that would be ridiculous. Because the stated principle of this country is majority rules.

In the House Rules, when the Republicans took over in 1994, they provided a supermajority, 60 percent, to pass any tax increases. That is in the House

Rules today, the rules that govern our activity in this Chamber. And every time that has come before the House, every time legislation has come before the House to raise taxes, and we have had it in H.R. 2491 in 1996, in H.R. 2425 that same year, we have had it again in 1996 in H.R. 3103, every time those increases came before us, the Republicans waived the House Rules.

By waiving the House Rules, they cast them aside. We do not look at them for that action. So consistency is not one of the Republican virtues evidently. But, nevertheless, this constitutional amendment is ill advised and it should not be supported by the Members of the House.

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

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

Mr. Speaker, I really do appreciate the minority pointing out all the wonderful things that my party has done: a balanced budget, welfare reform, IRS Tax Code reform. These were not tax increases that required a supermajority. They were tax decreases and things that would increase not only the efficiency of America but bring more freedom for people.

I also would like to thank the gentleman from Ohio (Mr. TRAFICANT), a Democrat, for his bipartisan effort to ensure that not only the people of Ohio but the people of this country understand that this is not a Republican or Democrat issue, this is a simple matter: Do we want to make it more difficult to raise taxes on American citizens? Do we want to make it more difficult for America to have to pay more taxes? Do we want to raise the bar to a level that would say this is not about willy-nilly tax increases, this is about something serious because it comes right out of their pocket?

Mr. Speaker, I yield 5 minutes to the honorable gentleman from Louisiana (Mr. VITTER).

Mr. VITTER. Mr. Speaker, I rise before the House today to urge my colleagues to support this tax limitation amendment, an important joint resolution that will help rein in creeping big government.

To listen to the minority, we would think this is some radical idea that is just from outer space. The fact of the matter is, this is a good idea that has come to us from States around the country, as so many of our good ideas and reforms that we have been trying to implement at the Federal level do. It is not a radical idea. It is an idea in practice in many States across the country, including my State of Louisiana.

States, particularly in recent years, have approved all sorts of restrictions on the ability of their legislatures to raise taxes. Voters in these States have agreed with this overwhelmingly. They have responded with overwhelming margins in terms of passing constitutional amendments to heighten the bar, to raise the bar, to limit State legislatures in terms of their ability to raise taxes, make it harder for State legislatures and local governments to increase taxes.

The tax limitation amendment on the floor today embodies these principles and this common practice in many States. I said it is in practice in Louisiana. It has been for some time. We require a two-thirds vote of the legislature to raise taxes. That is not a new idea. It has been in practice for many years.

When I was in the State legislature over the past 7 years, we went a step further and we adopted the same rule to even raise what can fairly be categorized as fees. So we put the same two-thirds vote burden even in terms of raising what could be fairly called a fee versus a tax. And again, this is not a radical idea. It has been in practice, and it has worked.

Now, some on the minority side would say, well, this is unfair because it tilts the playing field, it favors tax decreases, which would require a simple majority, and disfavors tax increases, which would now require two-thirds majority.

Let me be very direct about that point. You bet it does. That is why I am for the proposal. This is a good, solid reason behind the proposal, in fact, to tilt the playing field because we have an unacceptably high level of taxation in this country. What this vote will largely be about is our level of taxation, the highest in peacetime ever. Is that reasonable? Should we rush to increase it? Or is it reasonable to say that should be the limit, and we should try to go down from here?

□ 1130

So when Democrats take to the floor and say we are creating a bias against new taxes, we are creating a bias for tax cuts, I say amen, yes, we are. That is a large reason I am for this proposal, and I think it is very interesting and instructive that that is the reason many Democrats will oppose it, and that is the reason many Republicans, certainly including me, will speak for and vote for the proposal.

We also have to recognize that this is not being done in a vacuum. This is not being done in some era of historically low taxes. It is being done in a very specific context, an era of the highest peacetime tax burden on American working families in history. That is something we need to face and work toward reversing, the highest tax burden peacetime on American working families. In that context, is it not fair to say we are going to put this two-thirds vote into effect to not raise taxes?

Finally, one of the most important things this tax limitation amendment will do is to help bring this body together, to help bring the American people together and achieve solid consensus on a very important question of raising taxes. All too often very important measures like tax increases are passed by the slimmest of majorities. That really fractionalizes our House and the American people in the national debate over these questions. Should something as significant as increasing a historically high tax burden even further not require a solid consensus? Should that not require a supermajority? Will that not be good for our national debate and our body politic? I think a two-thirds majority should be required, I think that would be good for this institution and for the body politic and for the debate around the country so that we only do that when we have a solid consensus in favor of it.

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

The real reason we are here today debating this issue is that this is an election year and we need a rollcall. We need a rollcall on who supports increasing taxes with a two-thirds vote. To prove my point, I ask the Speaker to look around the Chamber. Here the House is involved in doing one of the more important, if not the most important, functions that we were elected to do; and the interest level is so high, no one bothered to come. Of the hundred or so authors of this amendment, they are not lined up to come and defend it. They know as well as you know, as well as I know, this is for show.

Like the swallows coming back to Capistrano, this constitutional amendment is here because it is an election year. I ask my friends, where is the constitutional amendment to provide a two-thirds vote to decrease Social Security benefits that millions of Americans depend on? Where is the constitutional amendment to require a two-thirds vote to cut Medicare? Where is your constitutional amendment to provide a two-thirds vote to cut education funding for our kids? That is not here, and it ain't coming here because that we can do by a majority vote. But we need two-thirds to lock in tax loopholes for some people's corporate friends. That is what this is all about.

Mr. Speaker, I yield 7 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I listened to my good friend from Wisconsin, and he is wrong. They have not just done it in election years. They have brought this thing out here every year at this time. This is an annual event. It really is like the sparrows, or swallows. Is it swallows or sparrows?

Mr. KLECZKA. Swallows.

Mr. MCDERMOTT. We have got to take this seriously, do we not? These guys really worry about somehow the money getting away from us, that it is somehow flowing out. They have been

in control for 5 years. When they came in, they passed a House rule that said that if you are going to do anything with taxes, it took a two-thirds vote, a three-fifths vote or whatever it was.

It did not make any difference, because every time it came up, they waived the rule. They waived their own rule. They said it is going to take this much to pass any tax increase. But whenever they wanted to do it, they waived the rule and said we will do it with a majority. They did it so many times in the first session, the first 2 years they were in power, that the next time they came in, they said, well, let us revise the rule and make it really meaningless so that it only affects two or three little parts of the code. That way we can put any tax increase we want over here by a majority rule and in all the rest of the Tax Code. We protected these couple over here.

They could not even comply with that in a bill that the President vetoed last year. This is not a serious event. As I said yesterday, what you really need to do is figure out looking at the calendar what holy day is it or what saint's day is it or what holiday is it or what important day is it for Americans and you will figure out what the Republicans are going to bring out on the floor.

When it was St. Valentine's Day, we brought out the valentine for everybody, the marriage tax penalty bill passed here; and everybody got a valentine from the House of Representatives. It has not passed the Senate. It is probably going to pass maybe sometime in the future, but nothing has happened to it since. We have not heard a word about it.

Now we are down to tax day. We get a rash of bills yesterday, the taxpayers' bill of rights, and now we have got this thing out here for a supermajority on raising taxes, because they know people are thinking about filling out their income tax, all of us are doing it; and they know that people are worried or think they are paying too much or whatever, so let us go out there with something that will stir the people up, and we will show them we really care about taxes. But when it gets dark around here and they have to do something, they immediately waive all the rules and slide through stuff all the time.

Now, the thing that I keep wondering about, I was looking at my calendar last night trying to figure out what day are they going to bring the Patients' Bill of Rights out here. You have got all the people in this country, all the polls show they want something that passed the House, passed the Senate, been sitting in a conference committee, they want something that puts the control of their health care back in their doctors' and their own hands, not the insurance companies.

Any poll you run out there will be 80 percent for doing something about the Patients' Bill of Rights bill. But I cannot figure out what day it is going to be. I thought maybe Fourth of July; that would be freedom from insurance companies. I do not know how they are going to construct this, but they will find a day that that fits. The next question I have is what day are they going to bring out the prescription drug bill for seniors? There must be some day. It would not be Labor Day, I guess. Memorial Day maybe. That is it, Memorial Day. They will come out with it because they will think people want to memorialize old people. I do not know how they are going to do it.

If you would not waste so much time on this kind of nonsense and would come out here and deal with the issues that really affect American people, you would be able to get somewhere. But this kind of thing, we will take the vote. As I look around the floor, there are four of us on the floor right now, out of 435. It is a big issue, folks. You can tell how much people really care about this. One hundred of them sign it and they will not even come over and talk about it. I guess they are kind of ashamed of the foolishness of it.

Mr. KLECZKA. Mr. Speaker, will the gentleman yield?

Mr. MCDERMOTT. I yield to the gentleman from Wisconsin.

Mr. KLECZKA. Mr. Speaker, we have a sad situation in this country where American citizens are renouncing their citizenship, taking their wealth to foreign countries in a very, very obvious attempt to avoid any taxation. If, in fact, this constitutional amendment would prevail and be ratified by the States, what would the effect be on American citizens renouncing their citizenship and us trying to stop that outflow for tax avoidance?

Mr. MCDERMOTT. We would have to have a two-thirds vote in here to get anything done. We could not do it by the majority vote. A minority of people, 33 percent of the people in this House could stop that from happening. We could never correct that. The gentleman just points out one of a million problems with this. But it is obviously not a serious effort. It is going to go down here very shortly because most people realize that it is just for show. And when the day comes, I believe it will be about the 7th of November, you will wish you spent your time on the floor working on the Patients' Bill of Rights and prescription drugs and financing for schools and a whole raft of other real issues.

This is not a real issue. If it were, you would not waive your own rule every time you bring an appropriations act out here. You have broken every single point of order on putting caps on expenditures. Every single one has waived the caps. The ability to constrain spending is in your own hearts; and now you want to come out here and say, well, this is what we do. The Bible says, by your deeds you shall know them. And, in fact, your deeds say this is nonsense. Everyone ought to vote against this.

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

Never has there been a more logical explanation to understand the differences between the two parties. The Democrats today in the minority stand up and say things that take time, ideas that take time to mature are bad ideas, like raising the earning limits for seniors that took 30 years before we could get that done. A balanced budget, 30 years of Democrat control to where we had $5.5 trillion worth of debt in this country. Welfare reform. Bad ideas. These are the same words we hear over and over and over again. IRS Tax Code reform. Silly. Who would want that? I am pleased to say that the Republican Party wants it. I am pleased to say that people back home want it. I am pleased to say that today what we are doing is very important for people who understand that it is too easy for Congress to raise taxes. I am proud of what we are doing. It may take us 20 more years; it may take us 5 more years. But I will tell you that it is the right thing to do.

The speaker before talked about people leaving this country, leaving this country because they do not want to pay taxes. That could be true. I think it is that they realize they have got to pay too much in taxes. The things that they had worked hard for all their life, that they then could sit back and enjoy life is being taken from them by a tax code, an unfair tax code, the threat of a Congress raising taxes to take more and more from people who had earned the money.

That is why people are leaving. They are not leaving because it would be more difficult to raise taxes. They are not leaving because they are concerned about somebody taking less of their money. They are concerned about someone coming and taking from them what they have worked hard for.

□ 1145

This is an important issue. This is a defining issue in Washington, D.C.

Mr. Speaker, I am very, very proud and pleased to yield 5 minutes to the gentleman from Farmsville, North Carolina (Mr. JONES), a member of the Committee on Banking and Financial Services.

Mr. JONES of North Carolina. Mr. Speaker, I thank the gentleman from Texas, and also I rise in strong support of this tax limitation amendment.

Mr. Speaker, I am like most of my colleagues, both Republican and Democrat; when I go back to my district, I do a lot of speaking at civic clubs, I hold town meetings, and probably the most important thing that I can say is that, like all of my colleagues on both sides of the fence, I listen to the people I have the privilege to serve.

I can tell you that in the Third District of North Carolina, and I believe throughout this country, the majority of the people that pay taxes believe that they are overburdened with a tax system and with taxes coming from Washington, D.C.; and many of these people throughout this country and throughout my district feel that too many times those in Washington, D.C. on both sides of the aisle really are not listening to them.

I think that when we are today debating this issue, I am like the gentleman from the other side, I wish there were more people on the floor, and maybe during the day there will be others on both sides of this issue coming to the floor, but I think today what we are saying to the American people is that we are listening to you.

As the gentleman from Texas (Mr. SESSIONS) said, yes, maybe it will take 2 or 3 more years, but the point is, yes, you are right to talk about Social Security and these other issues, we do need to be debating these issues and need to try to find solutions to problems. But I will tell you that one of the problems is that the American people are overburdened with taxation.

I have to say, being a former Democrat who became a Republican, that I believe sincerely that it has been my party that has started these debates on the floor. It has been my party that has introduced legislation, and sometimes in a bipartisan way that we have passed legislation, to bring tax relief to the American people.

I think today this is a unique opportunity to talk about this tax limitation act because, Mr. Speaker, when we talk about amending the Constitution and creating a two-thirds majority to pass tax increases on the American people, we are basically giving it back to the American people through their legislative process to say yes, we want an amendment that will protect us and protect our families.

Mr. Speaker, the four largest Federal tax increases in the last 20 years would have failed had this amendment been in place. I think that is worthy to be repeated.

The four largest Federal tax increases in the last 20 years would have failed had this amendment been in place.

Mr. Speaker, most recently, in 1993, President Clinton and a Democratic Congress passed the largest tax increase in America's history. Now, I do not know if that would have passed or not, I doubt if it would have, if this had been in place.

Mr. Speaker, we always are saying, both sides of the aisle, that this is the people's House, that we are the people's representatives. Well, I think we need to listen to the people, and the people in this country are crying out for relief. They do feel and I feel also that they are overburdened.

I think the citizens of this country have a right to know when the House is debating a tax increase and that we need to debate it on the floor of the House, and I think a two-thirds majority of both sides voting to bring relief for passing a tax increase on the American people is extremely important.

In my opinion, Mr. Speaker, Congress should never seek to raise taxes on the American people without a two-thirds majority. That, again, is my philosophy. Some will agree, some will disagree.

Mr. Speaker, in closing, I want to read a quote from former President Ronald Reagan from his 1985, I believe, State of the Union address. I am going to repeat it after I read it one time.

Mr. Reagan said, ''Every dollar the Federal Government does not take from us,'' meaning the American people, ''every decision it does not make for us,'' meaning the American people, ''will make our economy stronger, our lives more abundant, our future more free.''

Mr. Speaker, I sincerely believe that those words by Mr. Reagan fully explain why and how so many people throughout this country feel that too many times the United States Congress is not listening to them, no matter what the issue might be, whether it is taxes or another issue. But when it comes to taxes, Mr. Speaker, I can honestly say it is the Republican Party that has brought these debates on the floor to bring relief to the American people.

Mr. Speaker, I want to quote Mr. Reagan again. I am going to quote Mr. Reagan when he said, ''Every dollar the Federal Government does not take from us,'' us, the American people, ''every decision it does not make for us,'' the American people, ''will make our economy stronger, our lives more abundant, our future more free.''

Mr. Speaker, if we are truly the people's House and the people's representatives, then we need to pass this amendment.

Mr. KLECZKA. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, in the interest of historical accuracy, I was going to ask if President Reagan said that when he signed a big tax increase in 1982, which he deemed necessary for economic purposes, or when a couple of years later he signed another significant tax increase which raised Social Security taxes? Those were two tax increases President Reagan signed. I do not think either one of them got two-thirds, so they might not have been passed under this. I wonder whether Mr. Reagan said that when he was signing those two very significant tax increases. I voted against both of them, by the way.

Mr. KLECZKA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I should point out that the framers of the Constitution provided that Congress shall have the sole power to declare war, and under that constitutional provision a majority, a majority, of both Houses is required. If, in fact, there was a need to amend the Constitution to provide for a two-thirds vote, surely do not you think a declaration of war, and not taxes, should be the item that we would be debating today? Do you think a declaration of war is less important than the tax issue of this country? I think not.

Mr. Speaker, I yield 9 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I believe the American people have come to realize that every spring about this time, as sure as daylight savings time going into effect and Easter and Passover coming along and kids anticipating their graduation from school, that it is tax time on April 15, and what they can expect is the same old complicated Tax Code. But they can be reassured that Republicans will be out here talking about it.

All those American citizens that are out there now working on their tax returns may not find a great deal of reassurance that after 6 years in office, all that our Republican colleagues, after 6 years of holding control in this House, all that our Republican colleagues have to offer this morning is the same old recycled speeches they have been giving and the same approach for the last 6 years.

I remember in one of the earlier sessions, I think it was back around 1995 or 1996, some fellow came out here and brought the whole Tax Code. I think if he had piled that thing end to end it would have reached up there to the clock.

Well, what have the Republicans done for the ordinary taxpayer that is out there struggling through their returns to simplify that code? Well, today, after 6 years of Republican leadership in this House, it probably now stretches above the clock, because they have added an additional 100 sections more or less to the Tax Code. Instead of dealing with issues like simplifying our Tax Code and making it fairer and more equitable to the ordinary middle-class taxpayer, they have recycled whatever speech and proposal they considered at their last political convention. So this is the second, third, maybe more years in Congress that we have had this same sorry proposal out here to consider.

Now, if you are out there working on your return and you are happy, and you think that a Tax Code that stretches up to the clock and beyond under Republican leadership is great, that it is fair, that it is equitable, that everyone in our country, from the very largest corporations to the person who

is down at the lower end of the wage scale that is figuring out a fairly simple tax return, if you think they are all being treated fairly; if you think there are no special interests that come to Washington and get special loopholes written into the Tax Code so that they can dodge taxes, so that they can come close to cheating on their taxes under the system; if you like every aspect of the system that we have now, plus the additional 100 sections that the Republicans have added to the Tax Code, today's proposal is a perfect proposal for you. Because what they are seeking to do with this old recycled, retread proposal that they drag out on the eve of tax-paying day every season, what they are seeking to do is to freeze into place the code that we have today. So if some lobbyist has come to Washington and they have written themselves in a special loophole for their special interests because they had the longest limousine and the biggest political action committee and the most effective lobbyist, well, their provision will be frozen in unless we can get not only a majority of this Congress, but two-thirds of this Congress to come forward and stand up to the special interest group, which we could not get a majority to do in the past, but we have now got to have two-thirds.

So if you like the system we have now, if you like all the loopholes and the special interest provisions, you ought to be supporting this proposal. It will freeze them in forever if this retread proposal were actually designed and put into place in our Constitution.

If you think we need significant change in the way our system works, well, then I would think you would be strongly opposed to this kind of approach.

Now, over the course of the last 6 years we have often heard the same people who came out and piled up the Tax Code tell us that they disliked it so much that they were going to just grab down there and pull it out by the roots. That is a good applause line at the kind of convention that considers these old retread proposals like we have up here this morning.

Well, they have been in office 6 years, and they had a hearing on pulling the code out by the roots back in 1995. As I speak, there is another hearing going on. There has been no proposal advanced for a vote over that 6 years in the Committee on Ways and Means to pull it out by the roots. There has been no proposal presented even this week after 6 years of the Republicans being in charge here in the House. I think they cannot figure out which root to pull out, where and what new roots to put down to replace it.

So, instead, they keep coming up with the same old retread proposals, that if we ever made the mistake of actually adopting them, would only make the system worse than it is today and would assure that we could not get change in the system.

Mr. Speaker, there are some specific proposals that some of us have been advancing to try to address inequities in this Tax Code. What has been most I think indicative of the kind of problem we have today is that Republican leadership would rather focus on these meaningless retreads, instead of focusing on real issues, such as the way that corporate tax shelters manage to avoid what many have estimated is $10 billion a year in taxes and closing that up and seeing that they get treated the way that middle-class taxpayers get treated. The Republican leadership has said there is no need to address corporate tax shelters.

The situation is so bad that it has made the front page of Forbes magazine. This is not some strange off-beat journal. This is the magazine that calls itself ''the capitalist's tool.'' They wrote about the problem of tax shelter hustlers, describing on the magazine cover this fellow in the fedora, ''respectable accountants are peddling dicey corporate tax loopholes.'' Ten billion dollars a year is the estimate of lost tax revenues from tax shelters.

And the response of the Republican leadership, when they could be out here today doing something about that, is to squelch any real reform. The chairman of the Committee on Ways and Means and the Republican majority leader are saying that tax avoidance is about as American as apple pie, and encourage the continuation of this kind of misconduct.

The Secretary of the Treasury, Mr. Lawrence Summers, has suggested that this is the most serious compliance problem that we have in America today, this problem of tax hustlers. It is usually some former employee here on Capitol Hill that goes out to work for some big accounting firm, and they make a fortune selling and teaching people how to dodge, cheat, join in on tax scams.

And I think it is an outrage. I think it is the kind of outrage that has grown to such a substantial extent that we now even have the lawyers that represent some of the corporations that are dodging their taxes coming before the Congress in the form of the American Bar Association tax section, the tax section of the New York State bar, and urging us to do something. They recognize what a do-nothing Congress this is and how it will not respond, and they come forward and say ''please address this problem.'' But this Republican leadership has retreads like this instead.

Mr. McDERMOTT. Mr. Speaker, will the gentleman yield?

Mr. DOGGETT. I yield to the gentleman from Washington.

Mr. McDERMOTT. Mr. Speaker, I have a question. I am on the Committee on Ways and Means with the gentleman, and I do not remember us ever having a hearing on this.

□ 1200

I do not remember us ever having a hearing, have us ever come and testify about this. To the best of my knowledge, there has never been a hearing in the Committee on the Judiciary.

Mr. DOGGETT. On this particular amendment?

Mr. McDERMOTT. Yes, on this particular amendment.

Mr. DOGGETT. They had a hearing at their political convention on it, so they really do not need to have substantive hearings on it, because this is a political gimmick. It is a gimmick, not really a serious proposal about how to resolve the concerns American taxpayers have.

Mr. McDERMOTT. So when they put the sham together, they do not even bother putting the dressing around it and having a hearing?

Mr. DOGGETT. I think that is right. In other words, most proposals dealing with the Tax Code would bring in the experts; would do the kind of thing that I sought to do with these tax shelter hustlers, bring in the academic experts, the people out in the field, as well as just some ordinary citizens from across the country, to point out what an outrage this is.

But on this proposal, this has been more of a political gamesmanship kind of thing. They have not had a hearing because I guess other than recycling this old political rhetoric, there really would not be much to hear.

Mr. McDERMOTT. That is why we call it a retread. It has been through here, and they are trying to do it again. I think we will see it next year.

Mr. DOGGETT. Next year we will have substantial change. I believe that next year, since this particular Congress once again will not even honor the recommendations of its Joint Tax Committee to address corporate tax shelters, ignores the recommendations of the Secretary of the Treasury that this is the biggest tax compliance problem we have in America today, ignores the estimates that $10 billion a year is being lost in these cheating tax dodge schemes, I believe the next Congress is going to have enough new Members that people will say, enough is enough. We have had 6 years of do nothing, do little, avoidance of these problems.

Just as these kinds of folks encourage tax avoidance, we have had a leadership that has problem avoidance. They want to avoid the problems. I know it appeals to the same special interests that get these tax shelter hustler proposals.

But I believe the American people that are out there working on their taxes, certainly everybody would like to pay less, but they would like to at least be sure that other people are being dealt with fairly. Clearly these people are not dealing fairly.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, here we continue with the wonderful debate, which is what this amendment is all about, an opportunity for us to debate in the open, on the floor of the House of Representatives, the question of whether we are going to make it more difficult for Congress to raise taxes, raise taxes on the American taxpayer or not. It is a question of whether Washington, D.C. is going to make it more difficult to raise taxes or whether we are going to keep the status quo.

My colleagues on the other side of the aisle once again talk about all the things that this Republican Congress has not done, all the things that we have had an opportunity to do. I would remind my colleagues that, in fact, these same words were said about a balanced budget.

I remember running for Congress back in 1994, and people were saying to me over and over and over again, We will never have a balanced budget. It will never happen in my lifetime.

Well, there were people who did believe it. The naysayers who were there today are people who understand that this economy that we have in America, the opportunity, the growing economic development that we have, jobs in communities, schools that are producing not only brighter and better students but students who have technology at their fingertips, this is a part of what happens when we have a grand and bold idea, an idea that has always on the other side been talked about in negative ways: It would never happen. A balanced budget is silly. No need to do that.

Welfare reform, the same way. We talked about welfare reform on the floor of this House of Representatives, and day after day after day it was the other side, it was the minority party, who said, we do not need welfare reform. It will not amount to anything. As a matter of fact, it will harm the children of America.

IRS Tax Code reform. We hear the gentleman from Texas say that the Republicans have done nothing with what they had. In fact, what we have done is done things that are for the taxpayer: A $500 per child tax credit, a $500 per child tax credit that matters. Every single time an American who has a child goes to fill out their tax form, they get a $500 per child tax credit. It is going to happen again this Saturday as Americans are filling out their forms, they will get that.

Cutting capital gains. We heard, Cutting capital gains? A dangerous, risky proposition. We should not do that. Mr. Speaker, I would submit that the 1997 capital gains tax cut that Republicans voted on and supported that was signed by the President has meant that America has a booming economy.

Oh, the minority said, do Members realize that the tax collector, the United States government, will have $9 billion less in their coffers? Well, once again the minority party is concerned about the tax collector. It was the Republican party who was concerned about the taxpayer.

What happened? What happened was that the tax collector got $90 billion additional dollars in the Treasury, just like Republicans, through the leadership of the gentleman from Texas (Mr. ARCHER), chairman of the Committee on Ways and Means, said that we will make a substantial investment in America because we are going to lower the risk. We are going to encourage people to participate in that which we are doing. We are going to take people and move them from welfare to work. We are going to enrich communities because we are going to allow dollars to be invested in America.

Oh, but there is more. This Republican do-nothing Congress raised the exemption for death taxes. That is not do-nothing, that is a realistic opportunity for people upon their death to know that their estate, instead of being broken up and splintered to the wind, thrown to the wind, and family businesses, small businesses and land, agricultural producers of food for not only this country but the world being broken up just because of a Tax Code, we heard, Oh, no, cannot do that. Bad idea. That is for rich people.

The education savings accounts, it was the Republican party who stood up against the naysayers of the Democrat party saying, This is bad for America, it is bad for public education to have education savings accounts.

Mr. Speaker, I will tell the Members that as the father of two little boys, one who is a 10-year-old who is a straight A student, who has taken advantage of books and education and computers and technology, the opportunity for him to be no different than other children who want to learn and read, for parents who get up and go to work every day and work hard to save money for that education for that child is important; also the parent of a 6-year-old Downs syndrome little boy, which my wife and I are, I know that our son needs more investment in not only his education but his development, just to make sure that he can stand on his own two feet and have an opportunity to make a go of it by himself.

That is why we offer the education savings account. That is why we cut capital gains. That is why we had a $500 per child tax credit. That is why we raised the exemption for death taxes. That is why just 2 weeks ago this House voted 422 to nothing on what had been controversial years before, to say we should raise the earning limits for seniors. We should not deny senior citizens who choose to work, which allows them not only to be in business but also to be healthier and happier, not to lose their social security because the Tax Code said that was the right way.

I am proud of my party. I am proud of my party and people back home and groups that will work to say, We need to make it more difficult to raise taxes. We need to make it more difficult, and it is a simple matter. That is what this amendment is all about.

I will confess, we may not get the amount of votes that we need today. We will get a majority of the votes, but we will not get enough. But the dream lives on forever. We intend to continue with this. Yes, it is done at tax time. It is done at a time when people understand that there is a voice, not a voice in the wilderness but a voice on the floor of the House of Representatives, the people's body.

We are going to get 240 votes on this today. We are going to stand up and talk about how it should be more difficult to raise taxes. I am proud of what my party stands for. I know what the other side stands for.

Mr. Speaker, I reserve the balance of my time.

Mr. KLECZKA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I find it kind of intriguing that the Republicans are trying to rewrite history, for if we go back to when this administration took over, they inherited a debt approaching $280 billion a year from the Bush administration. It was in 1993 that this Congress bit the bullet and passed a deficit reduction bill which massively cut spending, and it did adjust some taxes, but the effect of that legislation was to bring this country where we are today, enjoying the greatest economic growth in its history.

If it makes Republicans feel good and they want to take credit for it, let them do it. But let us not rewrite history, because this administration, when it took over, inherited an annual debt approaching if not exceeding some $280 billion a year in red ink.

Mr. Speaker, I yield 10 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, perhaps the kindest characterization of this proposal would be to say that it is disingenuous. It is obviously disingenuous, because the party that is offering it here, the majority party in this House, several years ago adopted an internal resolution that required a two-thirds majority to raise revenues by any vote taken by the House of Representatives.

What have we seen in the carrying out of the adoption of that change in the rules here? What we have seen is that virtually every time the issue has come up, the leadership of the House has waived the requirement. So one can only conclude that this proposal for a super majority, anti-democratic super majority to raise revenues, is one

that is not really believed in by those people who are offering it, because every time they have had an opportunity to put it into place they have abandoned it. They have walked away from it. It seems quite clear that they do not even believe in it themselves.

Why would we want to do this? Why would we put fiscal policy in a Constitution when every sound economic principle everywhere says that that would be a foolish thing to do? Why would we want to do it? How would we react to emergencies? How would we respond to a crisis in agriculture? How would we respond to national emergencies of various kinds? How would we respond to natural calamities when we needed to respond aggressively and forthrightly and attentively to those problems when people were in serious trouble?

Look what is happening in the farm belt all across America. Look what is happening to agriculture as a result of the 1996 farm bill and the destructive impact that that has had upon ranchers and farmers all across the country. We are not even responding to that adequately now under the leadership of the Republican party in this House. Imagine how much more difficult it would be if we required a two-thirds majority.

They have turned their backs on ranchers and farmers. Now they want to get even further away from them and other people who would face difficult circumstances in our country by implanting this super majority, this anti-democratic super majority provision in the Constitution as an amendment to the United States Constitution. It is an absurd proposal.

Why are they advancing the proposal? Ostensibly they are advancing the proposal because they would like everyone to think that taxes are too high, that Federal taxes are too high. Of course, everyone who is struggling with their income tax form these days is prepared to believe that, or many people are prepared to believe it, I assume.

But the fact of the matter is that the situation is quite different from that. Let us just take a look at certain people in our economy and how the income tax code relates to them.

The median income in America today is about $46,700. That is the median income; half below, half above. The average Federal income tax rate for a family of four at the median income in 1999, last year, is 7.5 percent. In 1981, it was 11.8 percent. The fact of the matter is that the tax rate for people at the median income is lower now than it was in 1981, and in fact, is the lowest it has been since 1966.

If one is making half of the median income, he is in effect at a negative income tax as a result of the changes in the earned income tax credit that were put into place by the Clinton administration as a result of the 1993 budget proposal. As a matter of fact, that budget proposal also made some adjustments downward for people at the lower-income ranges, as well. So the situation for people at the median income is better today than it was in 1981. People making half of the median income are not paying any income taxes whatsoever.

What about people making a little bit more money? Suppose someone is making twice the median income. Suppose they are making somewhere in excess of $90,000 a year for a family of four. The fact of the matter is that the median income for them is now 14.1 percent. What was it in 1981? It was 19.1 percent.

□ 1215

The median income for a family of four and the tax rate for the median income, people making twice the median income is lower than it was in 1981. Even after tax income, the after-tax rate for people at the top 1 percent is even lower than it was in 1987. The fact of the matter is that taxes are taking less of a bite of the income, Federal taxes, Federal income taxes, taking less of a bite out of the income of Americans than they were back in 1981.

This proposal is not just disingenuous. It is not just a proposal in which the proponents of it do not really believe themselves. They have abandoned it every time it is come up. They know very well it is not going to pass. It is not going to get two-thirds of the majority of this House voting for it.

It is simply put up here for partisan political reasons in the hope that they can deceive a few people here and there around the country, that the Republican Party really wants to see taxes cut, that they really believe in lower taxes.

When it was pointed out here just a few moments ago with the tax shelter hustlers, the front page of Forbes magazine what they really want to do, what they really want to do is protect the privileges of the very, very wealthy.

Mr. DOGGETT. Mr. Speaker, will the gentleman yield on that point?

Mr. HINCHEY. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Speaker, certainly it is important to point out they will freeze into place all of these special interests provisions, all of these loopholes. The gentleman focused, I think, very eloquently on the effects of their proposal and has also noted that what we mainly have been dealing with here, as is the case around every tax filing day, is hot air from the Republicans.

I would like to redirect the gentleman's attention from hot air to dirty air and another section that would be frozen into place, and that is section 527, which the gentleman joined with me last week in sponsoring legislation to address. Being from New York State, did the gentleman have occasion to see the ads that some Texans ran against Senator MCCAIN there in New York State?

Mr. HINCHEY. Yes, I believe I did.

Mr. DOGGETT. Even though Texas has some problems, having outdistanced Los Angeles, which is one of the cities that has the dirtiest air in the country in many areas, the claim was that one candidate was not enough of an environmentalist, but instead of doing that as a direct campaign, they used a 527 organization where the gentleman could not even find out who put the ad on television.

Mr. HINCHEY. Yes.

Mr. DOGGETT. Instead of doing the kind of hot air measure that we have here today, I believe the gentleman joined with me in saying that that was wrong and that taxpayers ought to have a right to be able to find out whether it is some Texas friend of one of the other presidential candidates or whether it is Chinese money or Iraqi money or Cuban money or just some homegrown special interests that wants to pour money into these kind of Swiss bank accounts of the political season this year to make unlimited expenditures, but never tell the taxpayers who is funding these kinds of hate campaigns that the gentleman must have seen in New York State.

Mr. HINCHEY. Mr. Speaker, we did see them in New York State, and there were advertisements that were put forth principally on Long Island; and they, of course, were deceitful. They were deceitful in a variety of ways. First of all, they pretended that the proponent of those ads, the beneficiary of those ads, was one who had a sound record in environmental protection when we know that the environmental record of Governor George W. Bush in Texas is an abysmal record.

In the air quality arena alone, for example, the city of Houston now has surpassed Los Angeles with the worst air quality in the country, as a result of the fact that Governor Bush has vetoed every attempt to pass sound environmental control legislation in the State and turned his back on environmental quality in the State generally.

Furthermore, the ads that the gentleman is talking about now, which were allowed as part of the Tax Code, those ads that the gentleman very appropriately brought to our attention today and which are allowed in a section of the Tax Code are totally deceitful and point out the reason why we need campaign finance reform and point out the illegitimacy of this proposal.

Mr. DOGGETT. Mr. Speaker, we said, look, whether those ads are put on by a Democrat, a pro-environmental group or an anti-environmental group, let us at least tell the taxpayers who is financing them. And this Republican

leadership, the same Republican leadership that could have just sent all of us and the American people a cassette with the speeches that they gave last session or the session before that or the session before that or the session before that on this same sorry proposal.

They said they did not have time to consider that. They basically said that the only way they can get through this election was to continue taking unlimited amounts of secret money, including foreign money, that can be dumped into these political Swiss bank accounts called 527's and continue to stuff misinformation into our mailboxes and run hate on to the airwaves. They refused to consider the proposal that the gentleman personally has sponsored, did they not?

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in response to the gentleman from New York (Mr. HINCHEY), who is my good friend, during the time on the floor the gentleman wanted us to question why we are advancing this idea, what possibly could Republicans be for. Why are we advancing this idea? It is quite simple. We would like to make it more difficult to raise taxes on the American taxpayer.

Secondly, the gentleman asked, oh, my gosh if we had this, how would we respond to emergencies? The obvious implication is, could not raise taxes, could not raise taxes in the event of an emergency.

Mr. Speaker, I think it is very interesting that if we follow this, then we would have to respond to a crisis or any crisis in the following manner: number one, we would have to raise taxes; that is the first thing the Democrat Party wants to do. Number two, raise spending. Go spend it, go spend all of the taxpayers money, spend more and more and more. Number three, increase inefficiency, bigger government. Give it to the government, bring it to Washington, D.C.

My proposition is quite the opposite. My proposition is that it should be more about efficiency. Under a post-tax limitation amendment, the first thing that would happen is, government would have to increase efficiency. Government would have to look inward to itself.

It would have to do the same thing that I do at home with my wife and my family. We would have to live within a budget; could not raise taxes as easily; have to work within what we have; have to make some hard decisions; have to prioritize. It would increase efficiency because it would require the Government and the Congress to make tough decisions. Today, the path of least resistance, let us raise taxes, let us raise spending, let us just go do the same old Washington dance.

Secondly, under a post-tax limitation amendment, it would mean that we would have to then look at raising spending. How are we going to do that? Well, we would do that if there is an emergency because we had already squeezed the lemon dry. We could already prove to people back home we have looked inward, we have been efficient. Now what we have to do is to raise spending.

Remember, we are in a surplus condition. We do need to use more efficiently the money that has been given to us. Lastly, the thing that would be required, which is what the taxpayers, I believe, sent all of us to Congress to do, and that is lastly then to consider the last option or the least easy option, raise taxes.

This, to me, is what it is all about, that the Congress of the United States should have to come on the floor of the House of Representatives to debate the issues, to talk about efficiency, to do the right thing for the taxpayer back home; but the easiest thing should not be to raise taxes. That is where the minority party, that is where they fall virtually every time. That is where they are falling today. That is the difference between these two parties in Washington, D.C. Somebody that says let us just raise taxes, let us go raise taxes on the people who have the money, let us go raise taxes on people who have been successful, people who create our economy, people who provide jobs, we are going to make it more difficult. That is what this argument is about.

Mr. Speaker, I yield 5 minutes to my good friend, the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I thank my distinguished colleague, the gentleman from Texas (Mr. SESSIONS), for yielding me this time.

Mr. Speaker, I am delighted to come down here and speak on behalf of this amendment. I say with tongue in cheek that the Republicans celebrate July 4 and the Democrat Party celebrates April 15.

For most Americans, April 15 is a dreaded day. It is a feared day, a day in which taxpayers across the country are concentrating and reflecting on America's most frustrating and complex tax system. I do not know how many millions of pages there are, but it is enough.

So it is altogether appropriate, just before the April 15, we should reflect on our Nation's Tax Code and the problems it imposes upon taxpayers in America. So today we will be considering a most meaningful piece of legislation addressing the shortcoming of the system, the tax limitation amendment which will force Congress to garner a supermajority before approving any tax increase.

Later we will have this opportunity to vote for the bill, to scrap the Tax Code so we can replace this burdensome tax system with something far more fair and equitable.

Tax limitation would require in this House and in the Senate, if adopted, that there be a real consensus to raise taxes. It would take a two-thirds vote, which means we will not have a recurrence of one of the largest tax increases in American history in 1993 with President Clinton and Vice President Gore's proposal.

When I look at this, I go back and think about our Founding Fathers. These honorable leaders had the foresight to mandate a two-thirds majority vote on certain priority issues in this country. James Madison, a vocal supporter of majority rule, argued that the greatest threat to liberty in a republic came from unrestrained majority rule, and that is why they proposed two-thirds majority for conviction in impeachment trials, expulsion of a Member of Congress, override of a presidential veto, a quorum of two-thirds of the Senate to elect a President, to consent to a treaty and proposing constitutional amendments.

So if it is good enough for those, I think certainly it would be good enough for deciding whether we are having taxes here.

There were seven of these that were already in the Constitution when they wrote the document and since then they have added three more.

My colleague, Daniel Webster, obviously a great renowned legend of this great body, said, quote, ''the power to tax is the power to destroy.''

We voted yesterday against $116 billion in higher taxes and user fees as proposed in the administration's budget. Americans are simply taxed too much. It is both the Federal, State, and local level where it adds up to almost 40 percent; and, of course, there are many areas that we are taxed and we do not even know it.

Gasoline tax is one of them, corporate income tax, excise tax, State and local, as I mentioned. Though the average American family is paying somewhat less in Federal income tax, as I pointed out, the overall tax burden is approaching 40 percent. So this amendment is needed, something that many States are already doing.

I am glad the Federal Government is stepping up to the plate, and I urge strong support on both sides of the aisle to align yourself with what the States are doing, align yourself with the people and move forward to pass this amendment.

Mr. SESSIONS. Mr. Speaker, I yield 4 minutes to the gentleman from Goddard, Kansas (Mr. TIAHRT).

□ 1230

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS), the member of the powerful Committee on Rules.

Mr. Speaker, I rise today in support of the constitutional amendment requiring a two-thirds majority to raise

taxes on hardworking American families. The tax limitation amendment is powerful, yet responsible. By requiring two-thirds majority approval for any tax increase, this Congress is showing its deep concern for the constant imbalance of raising taxes in order to increase spending. We are attempting to ensure that the American people will not be subject to the whimsical and shortsighted notions of Congress to raise taxes at the drop of a hat.

Presently 14 States across this country require a supermajority in their legislatures to raise taxes. What has been the result? Their State taxes grow much slower and State spending is reduced. Additionally, these States have seen their economies grow at a rate of almost one-third faster than the 36 States that have not adopted supermajority requirements for tax increases. One-third faster than the States that have not adopted supermajority requirements.

A strong majority of American taxpaying families support this effort, which will assure that future Congresses have support of the American public before they attempt to raise taxes.

Mr. Speaker, the bottom line is that today's taxes are too high. Americans pay more in taxes than they do for food, clothing, and shelter. Efforts to reduce these burdens on Americans is much too little. It is an economic fact that the Big-Government crowd would like to ignore.

It frustrates me to witness some of the largest tax increases this Nation has ever seen to pass with only one or two votes, and it frustrates me further to know that this body can vote to increase taxes on all Americans when all of America does not support such action.

So today I am asking my colleagues to take a long, hard look at the remarkable possibilities this legislation offers and offer their support for this amendment. Members who oppose this legislation are telling the American public that it does not bother this Congress to saddle our Nation, our Nation's taxpayers with economic policies that penalize rather than reward. Our action today will show a great deal about the direction of this Congress and this country and, most importantly, about the future of our children.

I want to leave behind a legacy of a strong economy, a strong future for our children, and not one burdened heavily with taxes, stifling growth, limiting opportunity. By requiring a supermajority to raise taxes, we will prevent further knee-jerk reactions by big government supporters who care more about the outcome of arcane Federal programs than the hard work of everyday people that I and this amendment support.

So ask my fellow Members to support the legislation today.

Mr. KLECZKA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Kansas (Mr. TIAHRT) just stated that all of America does not support tax increases, and that is clearly true.

Last year, the Republicans in the House produced a massive tax cut bill. They passed it. They went home for the August break, came back, and that was the last we heard about of it because all of the American public did not support the direction of that tax cut bill because they felt that reducing the Federal debt was more important. Saving Social Security, and modernizing Medicare was more important.

I should also point out to the gentleman from Kansas that all of his district did not support his coming here. Who did? A majority did. So if a majority is good enough to get him here to Congress, if a majority is good enough to have this Congress declare war, I would think tax policy in this country should be made by that same majority.

Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I appreciate the gentleman yielding me the time.

Mr. Speaker, I really had about made up my mind not to come over and even debate this amendment today. It is quite obvious that this is not a serious effort to amend the Constitution. What it is, instead, is a serious effort to make a political statement about taxation.

We have, every year now for the last 3 or 4 years, had this same proposal on the floor. There are not even any pretenses this year, because I am the ranking member of the Subcommittee on the Constitution of the Committee on the Judiciary. This amendment did not even come through the Subcommittee on the Constitution of the Committee on the Judiciary this year to be considered.

Mr. KLECZKA. Mr. Speaker, will the gentleman yield?

Mr. WATT of North Carolina. I am happy to yield to the gentleman from Wisconsin.

Mr. KLECZKA. Mr. Speaker, what was the committee vote on the Committee on the Judiciary to recommend this resolution to passage?

Mr. WATT of North Carolina. Well, beyond the Subcommittee on the Constitution, the bill did not even go through the full Committee on the Judiciary this year. It has in prior years. But if my colleagues are seriously saying that they are serious legislators and Members of Congress, and they take their job seriously, and they are going to amend the most sacred and profound document of our country, the United States Constitution, do they bring a proposed constitutional amendment to the floor of the United States House of Representatives without even going through the Subcommittee on the Constitution whose job it is to deliberate and decide on the merits of constitutional amendments? Do they circumvent the entire Committee on the Judiciary and go around that committee and bring it to the floor? Or do they go through the regular process?

So that in and of itself is an indication that this is a political exercise designed to score political points and having nothing to do with the merits of whether there should be a constitutional amendment.

Now, we have gone through this time after time after time. In the past, I have tried to bring constructive amendments to the legislation. It was not a constitutional amendment when it was done before. It was legislation that one could try to amend and try to bring some rationale to.

But this year, it is a whole new proposal. It is a constitutional proposal. But it went around all of the processes. It is hard for any of us to take this seriously other than we must be getting close to April 15, tax day in this country, and the Republicans must be very interested in making political points about the level of taxation in this country, which is fine. I mean, they can make those political points. Nobody likes taxes. But we have to have some priorities in this country.

If my colleagues are going to be serious about a constitutional amendment that raises taxes, what about a constitutional amendment that deals with cutting taxes? Why should there be a different standard when we are talking about doing away with loopholes in a Tax Code then we would if we were raising taxes.

But this constitutional amendment would not give us any authority to have a supermajority. So this is not serious. It undermines the basic principle that our country is founded on, which is one person, one vote. It undermines my representational authority for the 1/435th of the people of this country that I represent, because, all of a sudden, to get something done, we would require a two-thirds majority vote rather than a simple majority.

If this were being taken seriously, it would have gone through the regular process. So I do not even know why I came to debate this. We are not engaging in any serious congressional activity. It is obvious from that, from the number of people on the floor. So I will yield back the balance of my time so that my colleagues on the Republican side can go ahead and make their political point.

Mr. SESSIONS. Mr. Speaker, I yield 4 minutes to the gentleman from Arizona (Mr. SHADEGG), a friend of the taxpayer, a gentleman who is a staunch supporter, a good conservative, chairman of the CATs, Conservative Action Team here.

Mr. SHADEGG. Mr. Speaker, I rise in strong support of the tax limitation

amendment. I want to commend the gentleman from Texas (Mr. SESSIONS) for bringing this amendment forward. I want to commend the gentleman from Texas (Mr. HALL), his cosponsor. I want to commend the gentleman from Texas (Mr. BARTON) who has led this fight year in and year out.

1993 was not that long ago. Indeed, it seems to me like 1993 was just the snap of a fingers or a blink of an eye ago. It was just a few short years ago that we were standing here in 1993. Yet, why is that year significant to this debate? Because if we were to return the tax burden on the average American family to the level of that tax burden just 7 years ago, in 1993, as a percentage of our economy, every American family would get a tax break, would get tax relief of $2,500 a year. That is how much taxes have gone up as a proportion of our economy in just 7 short years, $2,500 for the average family across America of four people.

Now, what does $2,500 mean? It means an extra $200 a month in their budget. The reality is, in this city, in this Congress, government has grown year in and year out, in good times and in bad times, the last 40 years straight. I believe the American people deserve a break.

Let me talk to that point. What would $2,500 a year for the average family of four or $200 a month for the average family of four mean? Well, in 1996, we were engaged in a debate about tax relief on the floor of this House.

Many of my colleagues said, well, the American people do not really want tax relief. So I went home, and I said to my scheduler, I want to spend an hour in front of a grocery store or drug store on one side of my district talking to people, and I want to spend an hour in front of a grocery store or drug store on the other side of my district talking to people.

I went first to the east side of my district. The east side of my district is middle- to upper middle-income Americans. I stood there on the corner, and I talked to them about this issue. The first problem I had was to convince them that I really was the Congressman in that area.

But once I got beyond that, their second concern was, look, politicians will never cut taxes. You do not believe in cutting taxes. You will never give this. This is just political talk.

When I explained to them, no, we were really serious about this. On the east side of my district, they said, Congressman, sure we could use some tax relief. It is important to us. Almost 70 percent of them said to me, Absolutely. Give me some tax relief.

But the important part of this discussion was what occurred on the west side of my district. On the west side of my district, we are talking middle- to lower middle-income and below. I stood in front of a drug store on the west side of my District, and voter after voter after voter after voter, citizen after citizen that I got to engage in this discussion, once I get beyond the, no, you will never really give us any tax relief, and got into the substance, they said, Congressman, if you could give us any break at all, it would make a huge difference in our lives.

The people who are struggling to get by, those Americans who can barely pay their bills, who wake up each morning and struggle to get their kids fed and get them off to school, and the husband goes off to work and the wife also has to go back off to work, and they go through their day, and they come home, and they get their kids, and they struggle to get them to Little League or piano practice and get the homework done and get them back in bed, those Americans just barely getting by said to me, Congressman, if you could just give me a little bit of a break.

What have we done to those Americans in the last 7 years? We have added $2,500 to their tax burden. We have increased their tax burden on those poor, working, struggling-to-get-by families by $200 a month.

Now, what does this amendment say? Does this amendment say, let us give them a break and give them that $200 back, let us work, give them a chance? It simply says let us make it a little harder to raise taxes again. I urge my colleagues to support this amendment.

Mr. KLECZKA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if the gentleman from Arizona (Mr. SHADEGG) would have gone to that same town and asked the people on the west side of town what the major priorities in Congress are, they would have probably told him, Mr. Congressman, we need more money for defense. We have to increase the readiness of our armed services. And, by the way, Mr. Congressman, the bridge on Main Street is in need of repair. And we sure could use that 90 percent Federal funding for that new bridge.

Then as my colleague went to the east side of town and talked to the poor individuals, they would have probably said, Yes, we could use some relief. But, Mr. Congressman, my son or my daughter wants to go to college, and, boy, if you could increase the Pell Grants for that child of mine, that would sure be neat. The earned-income tax credit, that could use a look-see again by the Congress. Yes, that will cost some money.

□ 1245

And the point I am trying to make, my colleagues, is that all these needs and desires of the American public cost money.

My Republican colleagues seem to think that defense money comes from heaven and not from taxpayers and any other social program, like Medicare and drug benefits and other things that we fight for on this floor, that comes from the taxpayer. And the truth of the matter is that all those expenditures are funded by the taxpayers.

So, sure, we would all like to decrease taxes; but when we ask our constituents what program will they forego, we will find out that budget cutting is not the easiest in the world. We are going to put in big money for the National Institutes of Health, which we should do, to study children's diabetes and cancer and all sorts of other diseases. But those programs are funded off these nasty things we are talking about called taxes.

There is an old saying, ''Don't cut you, don't cut me, cut the man behind the tree.'' We cannot find the man behind the tree nor the tree. So my colleagues should not come before the body and say, boy, we need two-thirds to have any tax increase. If that is so, then we should have two-thirds to have any spending increases too for their favorite programs and my favorite programs. That would be fair. But that is not what the Founding Fathers envisioned.

Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. I thank the gentleman for yielding me this time, Mr. Speaker.

We went through this exercise on the balanced budget amendment for many years. The other side failed to understand the difference between promising to balance the budget and actually doing it. As it turned out, all they had to do to balance the budget was to support President Bush in 1990 and President Clinton in 1993. For the most part, they did not; but we balanced the budget over their objections.

The other side continues to misplace the distinction between promise and reality. They argue they need a constitutional amendment not to raise taxes, when all they simply need to do is not to raise taxes. In fact, the House voted yesterday 420 to 1 not to raise taxes. But I guess for the authors of this amendment that vote was too close.

This is tax frolic week, or tax press release week. To give another example of the deep thought that has gone into this week, tomorrow we take up a bill to repeal the Federal income tax with a promise to replace it in the future. We have to promise at that point, not knowing where we are going, that we are going to come up with a substitute, perhaps a flat tax to benefit the wealthy, or a 60 percent retail sales tax. But if both this bill and tomorrow's bill were to pass, it would require a two-thirds vote of Congress to replace the repealed Federal income tax.

Twenty years ago, I was standing in a classroom telling students of my reverence for the Constitution. What

would I say to them about the shenanigans occurring here today? I would not even want to face them.

The Constitution requires a two-thirds majority vote in the House in only three instances: overriding a President's veto, submission of a constitutional amendment to the States, and expelling a Member from this House. Those are matters that are much more weighty than the one that faces us today.

Mr. Speaker, the Founding Fathers examined majority rule and what it meant. They rejected the notion that one-third of the Members of this institution should be in a position to determine the fate of legislation. They, led by Mr. Madison, reviewed the question of what constituted a majority in a legislative body. They concluded, based upon the bad experience of the Nation under the Articles of the Confederation, where nine of 13 States were positioned to raise eventual revenue, that it was simply a bad idea.

Upholding the current Constitution is truly, truly the conservative position in this debate. Holding the country hostage to the tyranny of the minority of one-third is, indeed, the radical position. But, apparently, Mr. Speaker, it makes better sense for a good press release than to stand with the Constitution.

So let us proceed. Crank out the press releases, go home for a 2-week break, and then, when we come back, let us do something real and substantive for a change.

Mr. KLECZKA. Mr. Speaker, will the Chair advise each side how much time is remaining on this issue.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Wisconsin (Mr. KLECZKA) has 3 minutes remaining; the gentleman from Texas (Mr. SESSIONS) has 9 minutes remaining.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Bloomfield Hills, Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman for yielding me this time, and I also want to thank the gentleman from Texas (Mr. HALL), and it would not be right if I did not thank the gentleman from Texas (Mr. BARTON), who has really been the crusader on this issue for a long, long time, and one I think that we ought to get straight and pass.

Since the beginning of the year, this Republican majority has succeeded in passing several tax cuts for the American people. We believe that couples should no longer be punished by the Tax Code because they are simply married.

We enacted legislation that prevents senior citizens from being taxed excessively, and particularly when they continue to be positive contributors to society. And we had bipartisan support for that.

We passed tax reduction legislation to help ensure that small businesses and family farms remain in the family.

But while we shall continue to offer tax cuts every year, today we have a historic opportunity to take a great leap forward by limiting tax increases forever. Passage of this act would require two-thirds of Congress to raise taxes. It is too easy, too easy, for this government to pass unnecessary tax increases on the hardworking people of this country. I repeat that: it is too easy.

If President Clinton, for example, had got his way this year in his budget, he would have increased taxes by $237 billion over the next 10 years. Why, Mr. Speaker, is the President trying to raise taxes in an era of budget surpluses? Why? Instead of raising taxes, should we not find ways to give the surplus, part of it at least, back to the people who have overpaid?

With a surplus on hand, and CBO projecting future surpluses, there is no need for any new tax increases. Congress should be focusing on forcing Federal bureaucrats to cut waste, fraud and abuse and spend their budgets wisely. For too long the Federal Government has raised taxes on a whim. This bill is the best way to ensure that taxes are increased only when it is absolutely necessary.

Currently, 14 States, as has been previously mentioned, have tax limitation provisions, and it has been demonstrated that States with limitation provisions have seen a reduction in the growth of spending. For a needed tax increase, a two-thirds majority would not be that difficult to obtain. We simply want to give the public the security that the Federal Government will not raise unnecessary and hasty tax increases.

I think it is about time that we restore the public's faith in government. Instead of only saying we are against new taxes, let us actually show them. I urge my colleagues to pass this legislation and protect Americans from the Washington big spenders.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BARTON), representing the Sixth District of Texas, who brought this effort to the floor of the House of Representatives, and who is one of the most articulate spokesmen for the Tax Limitation Amendment.

Mr. BARTON of Texas. Mr. Speaker, I rise in strong support of this tax limitation constitutional amendment. I want to commend the gentleman from Texas (Mr. SESSIONS), representing the Fifth District of Texas, for his excellent leadership this year.

I have been able to listen to some of the debate this year. Certainly I have led the debate in prior years for the proponents of it. I have a few simple things to say in the 2½ minutes that I have remaining.

First of all, my constituents want tax limitation. I have never attended a town meeting, a public forum of any sort where this issue came up that less than 90 percent of the people there did not say they wanted this in the strongest possible terms.

I just did my taxes. I sent a check in to the Internal Revenue Service early this week. I know for a fact that our taxes are too high. In spite of the robust economy that we have, taxation of the American people is at an all-time high. If we include State and local taxes, there are people in our country today that are in a tax bracket approaching 60 percent of their income. At the Federal level, taxation is well over 20 percent. And that is just on income taxes and does not include Social Security taxes and Medicare taxes.

The Tax Limitation Amendment is fairly straightforward. It would take a two-thirds vote to pass a tax increase. Two-thirds is a larger fraction than one-half. It does not say we cannot have tax increases, it does not say tax increases will never be necessary; but it says there should be a national consensus of a supermajority that a tax increase is definitely needed. We should look at spending decreases; we should look at efficiency before we look at increasing taxes.

I would remind Members in this body that the original Constitution had 100 percent, a 100 percent prohibition against income tax increases, because income taxes were unconstitutional until early in this century when the 19th amendment made it constitutional to pass an income tax. Since that time, the marginal tax rate on the American public has gone from 1 percent to 38 percent. That is a 3,800 percent increase.

So to put it simply, a tax limitation works. There is no better time to pass a constitutional amendment making it harder to raise taxes than right now when we are in a budget surplus. The opponents of the amendment do not say that it would not work. They are opposed to it precisely for the reason that it would work.

I hope we can get a two-thirds vote necessary to pass this to the Senate today. If for some reason we are not successful, this amendment will come back. The more the American people know about it, the more it becomes a part of the lexicon of the political process, and the greater the likelihood that we will pass this.

Again, I want to commend the gentleman from Texas (Mr. SESSIONS), the gentleman from Texas (Mr. HALL), the gentleman from Arizona (Mr. SHADEGG), and others for their strong leadership on this. I will vote for it and encourage every Member of this body to vote for it.

Mr. KLECZKA. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. KLECZKA) has 3 minutes.

Mr. KLECZKA. Mr. Speaker, I think we have had what I would call a spirited debate today, but one has to wonder why this proposal comes up every April. Congress comes in session in January. We stay around until October. Why do we not have a vote on this particular issue in July or February? For the last 5 years it has always come up in April.

But when in April? Well, they try to schedule it April 15. Well, my gosh, why April 15? Well, that is the day that we have to file our taxes, the last day we have to file our taxes. Why did they do it this date this year? They got snookered. April 15 is on a Saturday, and they cannot keep Members of Congress here on a Saturday.

So this is more for show, my friends, than for goal, as evidenced by the vote we are going to have very shortly, which will provide that this constitutional amendment will not pass, nor should it. Nor should it. If, in fact, a majority in Congress can send our young men and women to war; if a majority in Congress can cut benefits for education, Social Security, Medicare; if a majority can do all these things, then why not also deal with tax policy in the same manner?

□ 1300

My colleagues on the other side know that is correct. And if this were a secret ballot, this thing would go down to the person, it would fail 435–0. But that is not the case. It is April 15. We have to make a statement about taxes.

And tomorrow we have a better one for my colleagues. Tomorrow we are going to repeal the entire Tax Code. We are going to repeal the Tax Code tomorrow. And what are we going to replace it with? I do not know. We do not have a plan for that yet. That is how phoney this business is.

We had a hearing before the Committee on Ways and Means on a bill sponsored by one of their Members and one on our side. It provided for a national sales tax. The thing got worse as we questioned the witnesses. It started out with a 30-percent sales tax on every good and service, including clothes, prescription drugs. And by the time we got done talking to the Joint Committee on Taxation, to be revenue neutral, that national sales tax would be 60 percent.

So we are going to trust them with tax policy around here to tax my constituents 60 percent on their drug costs, when now they are going to Canada to get a break?

This constitutional amendment, Mr. Speaker, is not necessary, and I urge my colleagues to not support it.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I pass to the remaining and closing speaker that we have, I would like to thank three people: Marty McGuinness from my staff; Steve Waguespack, who is from the staff of the gentleman from Texas (Mr. BARTON); and Elizabeth Kowal from the staff of the gentleman from Texas (Mr. HALL).

Mr. Speaker, I yield the remaining time to the gentleman from the Fourth District of Texas (Mr. HALL), a gentleman who is a close friend of mine and the cosponsor and co-lead of this joint resolution.

Mr. HALL of Texas. Mr. Speaker, I do think it has been a spirited debate. I have not heard all of it. If I repeat some of the things of those who propose this, forgive me for it. But I would like to answer some of the questions that have been asked.

The gentleman from Wisconsin (Mr. KLECZKA) made a very good speech and asked why are we having it at this particular time. Well, that answer is pretty simple. We asked for it at this time because this is the time when most of the people of the United States are thinking about how high their taxes are. I think it is good to try to get their attention.

I believe, though, that we may be starting at the wrong level, we may be starting up here, when we really ought to be starting in our precincts and in our counties in our States at home. If we only close the gap today, or if we come close to closing the gap, or whatever votes we get today, we are going to count them for next year; and we are going to be in there trying to get it to emanate from the grassroots.

Because I think if we get the grassroots people and ask them the question, do they think it ought to be a little bit tougher to vote taxes on hardworking Americans, I think about all of them would say, absolutely yes.

It has also been suggested that this was politics. Everything we do up here has some politics to it. I would always say to my colleagues that it is not bad politics to be telling hardworking Americans that we are going to make it a little tougher to tax them. I think that is good politics. If it is politics, it is doggone good politics where I come from.

I cannot go anywhere in my district and talk to anybody there that does not complain about the taxes. Now, ask them, go home, conservative, Democrat, liberal, whatever, ask them, would they like for it to be a little more difficult for the United States Congress to tax them and take money out of their left hip pocket? I guarantee my colleagues that nine out of nine and probably a hundred out of a hundred are going to tell us, absolutely yes.

So I am here to express my support for the tax limitation agreement. We would not have had the sad 1986 Tax Reform Act if it had taken two-thirds, a reform act that set this country back to where we are just now getting over it. A lot of things would not have happened if it would have taken two-thirds.

There is a lot of difference in asking two-thirds vote to tax people and asking two-thirds vote to support various programs. I agree with the gentleman on the fact that it should only take a majority on supporting some of these programs. But when we go to taxing the American people, a direct tax from us to them, from our mouth to their left hip pocket, I think it ought to take two-thirds of us. I believe most of the people in this country, all of the good-thinking people in this country, would say, yes, make it a little tougher up there in Washington, D.C., for them to take our money away from us.

Mr. SWEENEY. Mr. Speaker, I rise in strong support of the H.J. Res. 94 and commend my colleagues from Texas for advancing this important legislation. Requiring a two-thirds supermajority for tax increases is one of the most critical hurdles we can erect to check future growth in government.

This supermajority requirement for tax increases is a tested model that has proven effective. Fourteen states now have tax limitation amendments in place and have shown great progress in restraining taxes and spending. It is no accident that those states are among the most impressive economic growth states in the nation.

Alternatively, as a resident of upstate New York where we suffer one of the highest tax burdens in the nation, I have seen firsthand how big government and escalating tax rates stifle economic growth. For many decades, Democratic leadership in New York enacted tax increase after tax increase and government expanded practically unchecked.

Upstate New York is not sharing in the nation's economic prosperity and is in fact seeing its population leave for opportunities in other regions of the country. This is painful for me as a father of three who would like to see opportunities for my children to spend their lives in upstate New York. If upstate New York were a state by itself, it would rank near the bottom in terms of economic growth. I believe it is the tax climate that has driven job growth away from our region.

Therefore, this amendment before us today is extremely important effort to show that government can check itself. Mr. Speaker, this is important legislation. I thank my friend, Mr. SESSIONS, for his hard work on this issue and urge my colleagues to support this legislation.

Mr. GREEN of Texas. Mr. Speaker, I rise in strong support of H.R. 4163, the Taxpayer Bill of Rights. This legislation brings much-needed simplification to our tax code and ensures that a taxpayer's privacy will be protected.

Taxpayers should be assured that the information they provide to the Internal Revenue Service (IRS) will be kept secure and confidential. Information on earnings, property and other income should be kept private, and this bill ensures that it will be. The Taxpayer Bill of Rights requires IRS supervisors, not rank-and-file workers, to determine if there are sufficient grounds to warrant an investigation into an individual's tax return.

The bill also requires states to conduct annual on-site investigations of contractors who receive federal tax information and process it for state agencies to ensure that this information is being safeguarded. Further, this legislation requires the IRS to notify taxpayers in all instances in which the IRS has unlawfully obtained a taxpayer's return or other information.

The legislation contains other important consumer protections, including a provision that tightens the requirements for banks to get access to a taxpayer's records. And, it requires that all third parties keep this information confidential.

H.R. 4163 helps taxpayers who are self-employed by simplifying the formula for estimated taxes. By allowing taxpayers to use one interest rate in calculating estimated tax, much time and effort will be saved. In addition, the bill's increase, from $1,000 to $2,000, in the threshold over which penalties must be paid for failure to pay estimated tax will help thousands of self-employed persons each year who miscalculate their taxes.

I urge my colleagues to support this important initiative. As tax day approaches, this is the least we can do to reduce the regulatory burden the IRS imposes on the American taxpayer.

Mr. CASTLE. Mr. Speaker, I fully support H.J. Res. 94, which calls for an amendment to the United States Constitution prohibiting passage of tax increases without a two-thirds majority in each house of Congress, except in emergency cases such as a military conflict. I am a cosponsor of this legislation, I have voted for similar legislation in the past, and I remain committed to passing the strongest tax limitation amendment possible.

Opponents claim, and will continue to claim, that constitutional amendments on taxing and spending make it harder to operate government as we know it. That is exactly the point—fiscal reality proves to us that we need an instrument, a tool, to control government spending and limit raising taxes.

The Federal Government has run deficits for 56 of the last 66 years leading to a $5.4 trillion national debt. This is not a short-termed trend. It points to a fundamental flaw in the political system that makes a constitutional solution both necessary and appropriate. We need to pass H.J. Res. 94 to renew our commitment to fiscal discipline. Otherwise, irresponsible spending and higher federal taxes will continue to own us, cripple our economy and mortgage our children's future. Congress needs the legal and moral authority of a Constitutional amendment making it more difficult to raise taxes.

This is not a radical idea as some have suggested. In fact, 14 states have enacted tax limitation measures. Since 1980, the state I represent, Delaware, has required a three-fifths vote to raise any tax. As a result, balanced budgets are the rule, not the exception, in Delaware.

Yesterday, the House rejected the $116 billion in new taxes and fees proposed in President Clinton's FY2001 budget by a vote of 420 to 1. I believe that vote represents an endorsement of the idea that higher taxes are not needed when the Federal Government is operating a budget surplus. Today, we need to go the next step and make it more difficult to raise taxes anytime other than during a military emergency. I urge those same 420 members to support this resolution today.

Mr. BEREUTER. Mr. Speaker, this Member rises in principled opposition to House Joint Resolution 94, the so-called tax limitation amendment. Certainly it would be more politically expedient to simply go along and vote in support of a constitutional amendment requiring two-thirds approval by Congress for any tax increases. However, as a matter of principle and conscience, this Member cannot do that.

As this Member stated when a similar amendment was considered by the House in the past, there is a great burden of proof to deviate from the basic principle of our democracy—the principle of majority rule. Unfortunately, this Member does not believe the proposed amendment to the U.S. Constitution is consistent or complementary to this important principle.

There should be no question of this Member's continued and enthusiastic support for a balanced budget and a constitutional amendment requiring such a balanced budget. In the judgment of this Member, tax increases should not be employed to achieve a balanced budget; balanced budgets should be achieved by economic growth and, as appropriate, tax cuts. This is why this Member in the past has supported the inclusion of a super majority requirement for tax increases in the rules of the House. However, to go beyond that and amend the Constitution is, in this Member's opinion, inappropriate and, therefore, the reason why this Member will vote against House Joint Resolution 94.

Mr. UDALL of Colorado. Mr. Speaker, I understand that the House has considered proposals like this several times in recent years. So I can see why the debate about it sounds so rehearsed. I get the impression that many Members have heard all the arguments before, and I suspect that the debate will not change many minds about the proposal.

But as a new Member I must say this resolution strikes me as one of the oddest pieces of legislation that I've encountered yet—and I think it's one of the worst.

I'm not a lawyer, but it's clear that the language of the proposal is an invitation to litigation—in other words, to getting the courts involved even further in the law-making process. To say that Congress can define when a constitutional requirement would apply, provided that the Congressional decision is "reasonable," is to ask for lawsuits challenging whatever definition might be adopted. Aren't there enough lawsuits already over the tax laws? Do we need to invite more?

But more important than the technical aspects of this proposal, I think it is bad because it moves away from the basic principle of democracy—majority rule.

Under this proposal, there would be another category of bills that would require a two-thirds vote of both the House and the Senate. That's bad enough as it applies here in the House, but consider what that means in the Senate. There, if any 34 Senators are opposed to something that take a two-thirds vote, it cannot be passed. And, of course, each state has the same representation regardless of population.

Consider what that means if the Senators in opposition are those from the 17 States with the fewest residents.

We don't yet have this year's census numbers, of course, but the most recent estimates that I have seen show that the total population of the 17 least-populous states is somewhere in the neighborhood of 20 million people. That's a respectable number, but remember that the population of the country is 270 million or more.

So, what this resolution would do would be to give Senators representing about 7 percent of the American people more power to block something even if it has sweeping support in the rest of the country.

Right now, that kind of supermajority is needed under the constitution to ratify treaties, propose Constitutional amendments, and to do a few other things.

But this resolution does not deal with things of that kind. It deals only with certain tax bills—bills that under the constitution have to originate here, in the House. Those are the bills that would be covered by this increase in the power of Senators who could represent a small minority of the American people.

Why would we want to do that? Are the proponents of this constitutional amendment so afraid of majority rule on the subject of "internal revenue"? Why else would they be so eager to reduce the stature of this body, the House of Representatives, as compared with our colleagues in the Senate.

Remember, that's what this is all about—"internal revenue," however that term might be defined by Congress or by the courts. When Congress debates taxes, it is deciding what funds are to be raised under Congress's Constitutional authority to "pay the debts and provide for the common defense and general welfare of the United States." Those are serious and important decisions, to be sure, but what is wrong with continuing to have them made under the principle of majority rule—meaning by the members of Congress who represent the majority of the American people?

So, Mr. Speaker, I cannot support this proposed change in the Constitution. Our country has gotten along well without it for two centuries. It is not needed. It would not solve any problem—in fact, it probably would create new ones—and it would weaken the basic principle of democratic government, majority rule. It should not be approved.

The SPEAKER pro tempore (Mr. LATOURETTE). All time for debate has expired.

Pursuant to House Resolution 471, the previous question is ordered on the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the joint resolution.

The question was taken.

Mr. KLECZKA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the

point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 234, nays 192, not voting 8, as follows:

[Roll No. 119]

YEAS—234

Aderholt
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hulshof
Hunter
Hutchinson
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pallone
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—192

Abercrombie
Ackerman
Allen
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Bateman
Becerra
Bentsen
Bereuter
Berman
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gillmor
Gonzalez
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hostettler
Hoyer
Hyde
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schakowsky
Scott
Serrano
Shaw
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—8

Cook
Cummings
DeGette
Dixon
Gephardt
Houghton
Kaptur
Watkins

□ 1326

Mr. OLVER changed his vote from ''yea'' to ''nay.''

Mr. MANZULLO changed his vote from ''nay'' to ''yea.''

So (two-thirds not having voted in favor thereof) the joint resolution was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. WATKINS. Mr. Speaker, on rollcall No. 119, I was on the floor and pressed the "yea" button, but I was not recorded.

I would like to be recorded as a "yea."

PROVIDING FOR CONSIDERATION OF H.R. 2328, THE CLEAN LAKES PROGRAM

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 468 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 468

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2328) to amend the Federal Water Pollution Control Act to reauthorize the Clean Lakes Program. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1330

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Mrs. SLAUGHTER), pending which I yield myself such time

as I may consume. During consideration of the resolution, all time is yielded for the purpose of debate only.

Mr. Speaker, House Resolution 468 is an open rule providing for the consideration of H.R. 2328, a bill to reauthorize the Clean Lakes Program. The rule provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. The rule also makes in order the Committee on Transportation and Infrastructure amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of an amendment.

The rule waives clause 7 of rule XVI, prohibiting nongermane amendments against the committee amendment in the nature of a substitute and provides that the amendment in the nature of a substitute shall be open for amendment by section. Additionally, the rule authorizes the chairman of the Committee of the Whole to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD and to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, the Clean Lakes Program was included in the 1972 amendments to the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act. This broad-based program helps communities to address a wide range of water quality issues and helps States through grants and technical assistance.

Reauthorization of the Clean Lakes Program is a necessary measure that will provide much-needed financial and technical assistance to states to restore publicly owned lakes. It is important to note that this is the primary Federal program that places the national focus and priority on lakes, their monitoring, protection, and management.

Mr. Speaker, the funding authorization for this program expired in fiscal year 1990. The program has not received funding since fiscal year 1995. Recently, the EPA has recognized the need to focus on clean lakes activities and has encouraged States to set aside monies from other programs to fund the Clean Lakes Program. In addition, various public and private organizations involved in lake water quality management have been seeking an increase in funding for this program.

Over the past two decades, lake restoration techniques have improved dramatically, and are viewed by many as an important component in meeting the Clean Water Act's objective of having all our Nation's waters fishable and swimmable, including the 41 million acres of fresh water lakes.

One of the most damaging contributing factors to the toxicity of these lakes in the Northeast is acid rain. Not only is it a costly problem to solve, but it can overwhelm State budgets. Funding the Clean Lakes Program is necessary to meet the States' needs in combatting the devastating effects of acid rain and other environmental pollutants.

Finally, Mr. Speaker, this legislation provides the opportunity for necessary partnerships among Federal, State, and local entities to focus both on the prevention and the remediation of pollution. Working together, Federal, State, and local governments can focus attention and resources on the special needs of our Nation's lakes.

Mr. Speaker, I would like to commend the gentleman from New York (Mr. SWEENEY), the bill's sponsor, for his hard work on this measure. In addition, I would like to commend the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of the Committee on Transportation and Infrastructure and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR.)

Mr. Speaker, I urge my colleagues to support both this rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague from New York for yielding me the customary 30 minutes.

Mr. Speaker, I rise in support of the open rule. I would note that the underlying bill is noncontroversial and reauthorizes the Clean Lakes Program established under the Clean Water Act.

This measure provides financial and technical assistance to States to restore publicly owned lakes. This is the primary Federal program that focuses national attention on lakes, their monitoring, protection, and management.

I was pleased that the committee selected two lakes in upstate New York, Otsego Lake and Lake Oneida, to receive priority consideration for demonstration projects in this bill.

Otsego Lake in New York is at the headwaters of the Susquehanna River, the largest single fresh water source for the Chesapeake bay. Otsego Lake is biologically unique in that deep water oxygen concentrations provide habitat for cold water fisheries, such as lake trout, Atlantic salmon, brown trout, whitefish, and cisco, which are now in jeopardy because of the sustained loss of bottom oxygen in the late summer and fall.

Oneida Lake in New York is the largest inland lake in the State and home to 74 species of fish. The lake watershed covers five counties and more than 800,000 acres. This lake is experiencing water quality problems and its use has been impaired. There are significant concerns regarding sediment and nutrient runoff to the lake from tributaries and agriculture and urban land use trends. In addition, algae, rooted vegetation, and invasive species are problems for this lake.

Again, Mr. Speaker, this is a completely noncontroversial measure; and I do not oppose this open rule.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I urge my colleagues to support this open and fair rule.

Mr. Speaker, I have no further request for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3039, CHESAPEAKE BAY RESTORATION ACT OF 1999

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 470 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 470

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3039) to amend the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted.

The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 470 is an open rule providing for the consideration of H.R. 3039, a bill to amend the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay. The rule provides for 1 hour of general debate, equally divided and controlled by the chairman and the ranking member of the Committee on Transportation and Infrastructure.

Mr. Speaker, the rule also provides that the bill shall be open for amendment at any point, and authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. Additionally, the rule allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the rule follows a 15 minute vote.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, the Chesapeake Bay is the largest estuary in the United States and is an important commercial, recreational, and historical center for thousands of residents in Virginia, Maryland, Pennsylvania, and the District of Columbia.

The Chesapeake Bay is protected and promoted under a unique voluntary partnership under the Chesapeake Bay Agreement, first adopted in 1983. The signatories to the agreement are the U.S. Environmental Protection Agency, the Chesapeake Bay Commission, and the States of Virginia, Pennsylvania, and Maryland, along with the District of Columbia. The agreement directs and conducts the restoration of the Chesapeake Bay.

Over the past two decades, much progress has been made in restoring the Chesapeake Bay. Area wildlife is recovering, toxic pollutant releases are down, and bay grasses have increased. However, much more needs to be done, particularly regarding water clarity and restoring the oyster population.

This bill addresses the need for a cooperative Federal, State, and local effort in restoring the Chesapeake Bay by authorizing $180 million for the Chesapeake Bay Program for fiscal years 2000 through 2005. In addition, the bill requires Federal facilities to participate in watershed planning and restoration activities.

Finally, the bill requires a study of the state of the Chesapeake Bay ecosystem and a study of the Chesapeake Bay Program's effect on this ecosystem.

Mr. Speaker, I urge my colleagues to support both the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from New York for yielding me time.

Mr. Speaker, this is an open rule. The debate time will be equally divided and controlled by the chairman and ranking minority member on the Committee on Transportation and Infrastructure. The rule permits amendments under the 5-minute rule.

This is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer germane amendments.

Mr. Speaker, the Chesapeake Bay is one of the most important bodies of water within the United States. Activities in the Bay make significant contributions to our economy through commercial fishing and shipping. The Bay supports extensive wildlife and vegetation. It also provides Americans with numerous recreational opportunities.

Years of man-made pollution have threatened the Bay and the life within it. However, there has been progress, and it is being made under the Chesapeake Bay Agreement signed by the District of Columbia, the Chesapeake Bay Commission, the U.S. Environmental Protection Agency, and the States of Virginia, Maryland, and Pennsylvania.

Mr. Speaker, H.R. 3039 will authorize money over a 6-year period for the United States Federal Government to support the agreement. The Chesapeake Bay is a national treasure. The legislation is necessary to help protect the Bay and its resources for all Americans. This is an open rule, we support it, and we urge its adoption.

□ 1345

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GILLMOR). Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE CLEAN LAKES PROGRAM

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Pursuant to House Resolution 468 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2328.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2328) to amend the Federal Water Pollution Control Act to reauthorize the Clean Lakes Program, with Mr. GILLMOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, perhaps most importantly, I want to commend the gentleman from New York (Mr. SWEENEY) for his leadership in being the principal architect and author of this legislation to reauthorize and improve the Clean Lakes Program.

This bill will help restore and protect our Nation's 41 million acres of fresh water lakes by reauthorizing the EPA Clean Lakes Program. The bill authorizes $250 million of grants to help States clean up their lakes, and it increases to $25 million the amount to help States mitigate against the harmful effects of acid mine drainage and acid rain.

The EPA no longer requests funding under the Clean Lakes Program, and has forced the States to stretch their limited nonpoint source funds to clean up their lakes. This legislation restores this important program and places a national focus and a priority on our lakes. It allows funds to solve the wide range of problems impairing our many lakes. Very importantly, Mr. Chairman, it relies on locally-based solutions involving restoration, rather than new Federal regulations.

I certainly want to thank the gentleman from Minnesota (Mr. OBERSTAR), the subcommittee chairman, the gentleman from New York (Mr. BOEHLERT), the gentleman from Pennsylvania (Mr. BORSKI), and the entire committee for their support in moving this environmental legislation forward. It passed the subcommittee and the full committee unanimously by voice vote. I know of no opposition to it.

I would certainly urge overwhelming support for this important environmental legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 2328, to reauthorize the Clean Lakes Program. I want to express my appreciation to our chairman for his support of this initiative and for launching the hearings directing the subcommittee chairman, the gentleman from New York (Mr. BOEHLERT), to move ahead with this legislation, which is a derivative of and an extension of the monumental Clean Water Act of 1972.

That legislation, which I had the privilege to participate in as a member or administrator of the staff of the Committee on Public Works and Transportation at the time, was then, as it still is, one of the most far-reaching and successful environmental laws Congress has ever enacted.

We have made a lot of progress over the years with the Clean Water Act. It is going on 30 years. One of the reasons is the collaborative partnerships that the act established between the States and the Federal Government to restore and maintain, as the opening directive of that act provides, restore and maintain the chemical, physical, and biological integrity of the Nation's waters.

We have not quite reached the objective of swimmable and fishable in all of the Nation's waters, but we are moving in the right direction.

Section 314 of that act established the Clean Lakes Program. That program directs EPA to work with the States to identify and implement programs to control, reduce, and mitigate levels of pollution in the Nation's lakes.

It has been a valuable resource to reduce pollution. We have funded approximately $145 million of grant activities since 1945 in 49 States and 18 Indian tribes, 700 individual site assessments, restoration, and implementation projects. But it is only a start.

The most recent national water quality inventory shows that States have reported that only 40 percent of lake acreage across this country has been assessed to determine whether the lakes meet the designated uses. Of that number, 40 percent are still impaired in some fashion. That means that 30 million acres of lakes across this country have a significant likelihood that the waters are not safe for fishing, swimming, or to support aquatic life in the lake and in the surrounding basin.

Body contact sports was one of the principal objectives of the Clean Water Act of 1972, so people could indeed use the lakes: swim, fish, walk through the lake waters on the edge, as we do with small children in Minnesota and elsewhere across this country. But we have not attained that objective.

This bill will help move us in that direction. It reauthorizes the Clean Lakes Program through 2005. It increases significantly the level of funding to $50 million a year. The funding would be directed to the States to diagnose the current condition of individual lakes and their watershed, to determine the extent and source of pollution, to develop lake restoration and protection plans that can actually be implemented, not just ideas and studies that remain on a shelf and gather dust, but plans that can actually be implemented.

Secondly, to address the concern of acidity in lake levels, in lakes across this country, we provide authorization for programs aimed at restoring lake water quality and mitigating the harmful effects of lake acidity. Canada actually was ahead of the United States in addressing the problem of acid rain.

Sweden was ahead of Canada. It was in the mid-1970s that Swedish scientists examined lakes that were in the early stages of death, death from acid rain coming from the Ruhr Valley in Germany, traveling over a thousand miles and being deposited on Swedish lakes that soon became clear, so clear you could see right to the bottom, no fish, no plant life. Dead lakes.

We were slow to assess that problem and appreciate the United States. Canada caught on first because the prevailing winds carry acid depositions from the United States north into Canada. Canada mounted a massive counterattack on acid rain problems, and that led to the U.S.-Canada Air Quality Agreement, in addition to the U.S-Canada Great Lakes Quality Agreement, that has resulted in restoration in lakes in Canada that were nearing the death levels of lakes in Sweden.

Mr. Chairman, this legislation will move us further along in the United States, in the direction of addressing the problems of the harmful effects of acid rain and high lake water acidity. This legislation also adds four lakes to the priority demonstration projects included in the Clean Lakes Program, one of which is Swan Lake, which is in my district, which is of tremendous regional significance for the people living in the iron ore mining country; a 100-square-mile lake in Itasca County that includes the City of Nashwauk, northeast of that lake, there are a wide range of recreational activities very popular there in the 5 months or 6 months that we can actually enjoy lake activities when they are not frozen over in Minnesota, boating, fishing; significant economic benefit to the entire region.

Mr. Chairman, the water quality has deteriorated over the years, poor soil surrounding the lake and poor lake edge protection and watershed protection, as well as sewage into that lake. We will be able to address this problem and learn from it and apply its lessons elsewhere across the country and across, of course, my own State of 10,000 lakes, which really is about 15,000, actually more than that. We do not really count lakes under 200 acres.

Mr. Chairman, I am really delighted; and I wanted to compliment the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from New York (Mr. BOEHLERT), our subcommittee chairman, for their support and also the gentleman from Pennsylvania (Mr. BORSKI), who does not have as many lakes in his district, but who has been very generous in giving his strong support for this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. BOEHLERT), the distinguished chairman of the Subcommittee on Water Resources and Environment.

Mr. BOEHLERT. Mr. Chairman, H.R. 2328 reauthorizes the Clean Lakes Program, and we have one person in this Chamber to thank most for that action and that is our colleague, the gentleman from New York (Mr. SWEENEY). The gentleman deserves to be commended for the leadership he provided.

This is an example of how the Committee on Transportation and Infrastructure serves this institution and this Nation so well. We worked out any differences we had in a bipartisan way and are marching forward together.

Mr. Chairman, let me point out that the Committee on Transportation and Infrastructure under the leadership of the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, are responsible for more legislation, more successful legislation in this Congress than in the preceding Congress, of greater significance than any other committee of this institution. I am very proud to identify with the committee.

Let me say, unfortunately, that the Environmental Protection Agency has not requested funding for the Clean Lakes Program and the program has not received separate appropriations in recent years. Instead, States have been encouraged to fund clean lakes activities by using funds provided under section 319 of the Clean Water Act for already underfunded nonpoint source programs.

Mr. Chairman, acting to reauthorize this program will send a clear message that we care about restoring and protecting our Nation's 41 million acres of fresh-water lakes for our children and their children. Congress is not the only voice calling for this program. Various public and private organizations involved in lake water quality management had been seeking an increase in funding for the Clean Lakes Program.

This program is seen as an important component of meeting the Clean Water Act's objective of having all our Nation's waters fishable and swimmable.

In addition, there is growing concern about the damaging effects of acid rain and acid mine drainage on the Nation's lake. Separate, adequate and consistent funding for the Clean Lakes Program is necessary to meet the needs of the States' lake program.

The Clean Lake Program offers an excellent opportunity for watershed-based community-driven projects, as well as needed partnerships among Federal, State, and local entities. It is a good program. It deserves our enthusiastic support for all the right reasons.

Let me once again commend the gentleman from New York (Mr. SWEENEY) for the leadership he has provided, and let me once again proudly associate with my colleagues on the Committee on Transportation and Infrastructure for doing the deed today.

Let me leave with this thought from Henry David Thoreau who said in Walden back in 1854: ''A lake is the landscape's most beautiful and expressive feature. It is earth's eye: looking into which the beholder measures the depth of his own nature.''

□ 1400

Mr. OBERSTAR. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. BORSKI), the ranking member of the Subcommittee on Water Resources and Environment.

Mr. BORSKI. Mr. Chairman, I want to thank the gentleman from Minnesota (Mr. OBERSTAR) for yielding me this time and also to thank him for his leadership on this issue and so many issues that come before the Committee on Transportation and Infrastructure.

I also want to commend our subcommittee chairman, the gentleman from New York (Mr. BOEHLERT), and our full committee chairman, my colleague, the gentleman from Pennsylvania (Mr. SHUSTER), for working with us in a bipartisan manner which is, of course, the way this committee always works; and again I would add that is why we are so successful.

I also want to commend the gentleman from New York (Mr. SWEENEY), the author of this bill, for pushing and shoving and making sure this piece of legislation comes before us.

Mr. Chairman, I want to rise in strong support of H.R. 2328, a bill to reauthorize the Environmental Protection Agency's Clean Lakes program. The Clean Lakes program was enacted in 1972 with the passage of the Clean Water Act, to provide additional funding to assess and control pollution levels in our Nation's lakes.

This program has served as a valuable resource for States to identify the sources of pollution, as well as to develop and implement programs aimed at reducing pollution levels in and restoring the quality of lake systems.

The bill we are considering would reauthorize the Clean Lakes program, providing up to $50 million annually through 2005.

In addition, in order to address the persistent problems of high acidity in our Nation's lakes, this legislation would increase the authorization for programs aimed at reducing the levels of toxins present in these water bodies.

Funding under this program could be used in developing new and innovative methods of neutralizing and restoring the natural buffering capacity of lakes, as well as other methods for removing toxic metals and other substances mobilized by high acidity.

Finally, H.R. 2328 would add four additional lakes to the list of priority demonstration projects authorized under the Clean Lakes program.

These lakes have been identified by the Committee on Transportation and Infrastructure as regionally significant and deserving of additional attention under this program.

Mr. Chairman, I urge an aye vote on this legislation. I again want to thank the distinguished ranking member, the gentleman from Minnesota (Mr. OBERSTAR), for yielding me this time.

Mr. SHUSTER. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. SWEENEY), the principal author of this legislation.

Mr. SWEENEY. Mr. Chairman, I first want to start by thanking my chairman, the gentleman from Pennsylvania (Chairman SHUSTER), from the Committee on Transportation and Infrastructure for providing the great leadership, the great management skills and guidance throughout all of the dealings in the Committee on Transportation and Infrastructure; as well as the ranking member, the gentleman from Minnesota (Mr. OBERSTAR); the subcommittee chairman, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Pennsylvania (Mr. BORSKI), the ranking member on the subcommittee.

When I came to Congress a year and a half ago, a lot of people said that Republicans and Democrats could not work together; we could not get the people's business done. I think if the American people were to look at the work being done by this Committee on Transportation and Infrastructure, they would be incredibly impressed. As a freshman Member of Congress, I know I am and I am thankful. I am thankful because this piece of legislation is being passed today at a very important time.

Recently, Mr. Chairman, the GAO released a study that I had requested on the problem of acid rain in the Adirondack Mountains, which is a region that is consumed by the 22nd Congressional District, which I represent. The results were striking. Many of our lakes in the Adirondacks are increasingly at risk from acid rain, much more than the EPA had originally forecast.

Despite power plant emissions reductions under the 1990 Clean Air Act amendments, nearly half of our lakes have shown an increase in nitrogen levels.

In fact, last year a similar EPA study showed an expansion of the effects of acid rain throughout. However, acid rain is not the only problem that our Nation's lakes are facing. They are facing problems such as invasive species, degraded shorelines, mercury contamination, wetland loss, lake-use conflicts, fisheries imbalances, and nonpoint source pollution, are all threatening our 41 million acres of freshwater lakes.

This is part of the reason why I introduced H.R. 2328, and the other is because my district, as in many parts of the Nation, the lakes are a way of life. They provide a quality of life for the citizens who live near them. Whether it is tourism, drinking water, the natural habitat for many species of birds, fish and other animals, or simply recreation, many communities derive their livelihood from freshwater sources.

Additionally, Mr. Chairman, I should point out that I have been disappointed in the EPA's attempt to shift funding requests under this program to section 319, which deals with nonpoint source pollution management. Our lakes are important enough to qualify and compete with other programs for Federal funding, and that is why we need this reauthorization program today.

I believe this program is something we can all agree on. During its heyday in the 1970s and the 1980s, this program was popular with grass-roots organizations and citizens because it offered them the opportunity to work with Federal, State, and local entities on both prevention and remediation of pollution.

Fundamentally, this program focuses on restoration, not regulation. Some of the past successes included what happened in the State of Florida, when they did an assessment of the 7,000 freshwater lakes to set up a lake management priority system. The grant helped the State prioritize its lakes and their watershed for remedial management programs.

In New York and Vermont they used a grant and teamed up to assess phosphorus pollution in Lake Champlain and set up a plan to monitor the phosphorous load in the lake.

North Dakota used a clean lakes grant to seek correlations between micro-invertebrate communities and the trophic status of lakes.

The results of these grants can help other States that might face similar problems, and without this program States and their communities will probably not have the resources or technical expertise to conduct studies for themselves.

Mr. Chairman, this is a positive environmental initiative that I think a broad group of philosophies in this House can agree upon. It will provide

resources to the most local levels of government to address environmental challenges in our lakes.

Previously, the Clean Lakes program was a uniquely effective, cost-efficient environmental program that provided seed money to State lake programs to projects on public lakes.

Mr. Chairman, I urge all of my colleagues to support this important legislation, and again I want to thank the gentleman from Pennsylvania (Chairman SHUSTER) for his leadership on this issue.

Mr. SHUSTER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. SHUSTER) for yielding me this time; and the gentleman from New York (Mr. SWEENEY) for his leadership; the gentleman from Minnesota (Mr. OBERSTAR) for his leadership.

Mr. Chairman, I rise in strong support of H.R. 2328, a bill to reauthorize the Clean Lakes program. This program recognizes the beauty and value of our lakes and the need to protect and restore these wonderful resources. It is high time we reauthorize and fund the Clean Lakes program.

As we know, the Clean Lakes program was established in 1972 as part of the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act. The authorization expired in 1990, and the program has not been funded since 1995 when the EPA stopped requesting money to run it.

While the EPA may have stopped requesting money for clean lakes, I have not, since New Jersey has many lakes that need attention and immediate attention. As a member of the Subcommittee on VA, HUD and Independent Agencies, I have consistently supported a separate appropriation for the section 314 program. Perhaps with the passage of this bill, a clean lakes earmark will now be possible at the appropriations level.

As we know, section 319 deals with watershed restoration issues. Section 314 deals with lake monitoring and protection and management issues. Although related, these two issues are different and should not have to compete for limited dollars.

Mr. Chairman, we have had a sad experience in New Jersey where the lumping together of section 314 and section 319 simply has not worked. This bill would move us towards correcting that problem, and I strongly support it.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the very great significance of this legislation is underscored in many of the lakes and the communities throughout Minnesota. We are blessed, as other less fortunate communities across the country would like to be, in that many of our towns have a lake right in the town. Over the years, before the 1960s, before we had a clean water program, many towns just allowed their storm sewers to discharge into the lakes. Many even allowed their sanitary sewers, after primary treatment, to discharge into lakes. Then they began to realize what an important resource the lake is and diverted sewage away from it and diverted street runoff away from the lakes, although many in the northern tier continued to pile up snow from winter storms on the lake. Where else? It seemed sensible. Let it melt, add to the lake's waters. Now we know that there is pollution in winter as well as in summer. Cities now avoid that tragedy inflicted upon the Nation's lakes.

So what we have is many lakes that should be great resources for swimming, for tourism, for boating, for fishing, that have substantial amounts of pollution embedded in the lake bottom. In the sediment under those waters, plants grow up, transmit the pollutants to the fish who feed on the plant life, and then humans consume the fish and in turn find embedded in their body cells the pollutants that we all know are so harmful.

Why is this legislation so important? Because cities can have access to funds to develop plans to clean up those lakes, restore them perhaps not to their pristine original condition created by the glaciers when they retreated 10,000 years ago, but at least to be swimmable, to be fishable, to be usable, to be a community attraction rather than a point of shame for a community.

This legislation will provide States, through States to communities, the resources, financial resources, they need to make their lakes the great treasures that they should be. As the gentleman from New York (Mr. BOEHLERT) so poetically described in the closing words of his remarks on the House Floor, lakes should be the eye through which a community sees itself and sees its treasurers.

So I have great hopes for this legislation; and I want to take this opportunity to urge the administration to, in the future, include funding for the Clean Lakes program, which they have not done for several years, and to urge our colleagues on the Committee on Appropriations, it was very encouraging to have the gentleman from New Jersey (Mr. FRELINGHUYSEN) address the issue rather directly, that enactment of this legislation will give the Committee on Appropriations an opportunity to provide funding for the Clean Lakes program. That will be the ultimate success of this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I urge an aye vote on H.R. 2328, the Clean Lakes program, because it helps restore and protect our Nation's 41 million acres of freshwater lakes. It helps States clean up their lakes, and it mitigates the harmful effects of high acidity like acid rain.

Now, one may ask why is this particular bill, H.R. 2328, needed? It is because of the pollution or habitat degradation that impairs 39 percent of the 17 million acres which have already been surveyed. EPA currently requires States to stretch their limited nonpoint source funds to clean up their lakes. H.R. 2328 restores a national focus and priority on our lakes.

I think it was very instructive, as the distinguished ranking member pointed out, the problem of such things as acid rain and how in Europe acid rain from the Ruhr Valley caused problems all the way up in Sweden.

□ 1415

Certainly here in the United States, acid rain knows no State boundaries. Indeed, that is one of the reasons why we need to have a national program, because certainly acid rain is something that crosses State lines, and the acid rain from one State can very seriously damage the lakes of another State, as has, in fact, been the case.

Now, the background to this program, which was established under section 314 of the Clean Water Act, provides for financial and technical assistance to States in restoring publicly owned lakes. In recognition of the unique water quality challenges, facing our Nation's lakes, Congress included the Clean Lakes Program as part of the original 1972 Clean Water Act.

Section 314 contains various State assessment and reporting requirements, a national demonstration program, and an EPA grant program for assistance to States in carrying out projects and program responsibilities.

On June 23, 1999, the gentleman from New York (Mr. SWEENEY) introduced H.R. 2328. This was referred solely to the Committee on Transportation and Infrastructure. H.R. 2328 would reauthorize funding for the Clean Lakes Program for fiscal years 2000 through 2005, and would increase the authorized annual funding levels from $30 million to $100 million.

On October 18, 1999, the Subcommittee on Water Resources and Environment held a hearing on Clean Lakes and Water Quality Management and on H.R. 2328. On March 8, 2000, the Subcommittee on Water Resources and Environment marked up H.R. 2328.

The subcommittee adopted an amendment in the nature of a substitute. This amendment, A, reduced the funding authorization from $100 million annually to $50 million annually; and, B, added additional lakes to the list of lakes to receive priority consideration for demonstration projects;

and, C, increased the special authorization of financial assistance to States to mitigate harmful effects of high acidity from acid deposition or acid mine drainage from $15 million to $25 million; and, D, prevented the report to Congress on the Clean Lakes Demonstration Program from expiring under the Federal Reports Elimination and Sunset Act of 1995.

The subcommittee reported H.R. 2328, as amended, favorably to the full committee. On March 16, 2000, the Committee on Transportation and Infrastructure reported the bill as amended by the subcommittee by unanimous voice vote.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, may I inquire of the Chair how much time remains on each side.

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) has 16½ minutes remaining. The gentleman from Pennsylvania (Mr. SHUSTER) has 14½ minutes remaining.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

Ms. BROWN of Florida. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. Mr. Chairman, I yield to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Chairman, I thank the gentleman from Minnesota for yielding to me.

Mr. Chairman, I am very interested in working with the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, concerning Lake Apopka in Florida.

Florida, as my colleagues know, is one of the third largest States, and Lake Apopka is the second most polluted lake in the State of Florida.

We have been harmed by many years of agricultural storm water discharges, as well as historical discharges of both domestic and industrial waste water. Because of this, this particular lake has been in the news. Many Federal officials have come down, and there is a lot of concern as to how this relates to the community.

I am hoping that the committee will look into Lake Apopka as we move this bill through the process and consider adding this to the list.

Mr. OBERSTAR. Mr. Chairman, reclaiming my time, could the gentlewoman from Florida describe for us the size of the lake in acres. Does the gentlewoman from Florida have that information available?

Ms. BROWN of Florida. Mr. Chairman, if the gentleman will yield, I do not have it, but I will have that information for the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I ask the gentlewoman from Florida, are boating activities prevalent on the lake? I yield to the gentlewoman from Florida.

Ms. BROWN of Florida. Yes, sir. Mr. Chairman, in fact, I have been in touch with the Water Management District, and they will forward that information.

In reviewing the bill, I was very concerned that Florida was not represented in the bill. Of course this lake is crucial to the State of Florida.

Mr. OBERSTAR. Mr. Chairman, I ask the gentlewoman from Florida, is it a lake that is used considerably for fishing as well?

Mr. Chairman, I yield to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Fishing, Mr. Chairman. But, as I said, there has been a shift in the usage because of the contamination of the lake.

Mr. OBERSTAR. Mr. Chairman, reclaiming my time, but because the lake waters are contaminated, the fish are probably not fit for sustainable human consumption.

Ms. BROWN of Florida. Mr. Chairman, if the gentleman will further yield, that is correct. Also, there has been a shift in the vegetation and wildlife in communities around the lake because of the polluted facility.

Mr. OBERSTAR. Mr. Chairman, this certainly is the type of lake and these are the conditions that this legislation seeks to address. The authority provided in the legislation for grants to States and through States to municipalities is the appropriate venue for the gentlewoman from Florida (Ms. BROWN) to pursue this matter.

We will certainly, on the committee, be very happy to support the gentlewoman's interest in seeing that there are adequate resources when appropriations are made. There are no appropriations available now. The point of this legislation is to authorize expanded funding through a program from EPA of grants to States and through States to municipalities or other lesser units of government that then will undertake cleanup plans.

It would be useful if the gentlewoman from Florida (Ms. BROWN) could provide us with any restoration plan that either the city or county or joint powers agreement authority may have developed for the cleanup of this lake and any other supporting information, as the gentlewoman has already indicated. I am sure the gentleman from Pennsylvania (Chairman SHUSTER) will support us in the initiative of appealing to EPA at the appropriate time for consideration of this project.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I am happy to yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I certainly concur with the gentleman from Minnesota (Mr. OBERSTAR) and the gentlewoman from Florida (Ms. BROWN) and will be very happy to work on this with them to find an adequate and acceptable solution.

Mr. OBERSTAR. Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield such time as he may consume to the gentleman from New York (Mr. SWEENEY), the principal author of this legislation.

Mr. SWEENEY. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding me the time. I echo the thoughts of the gentlewoman from Florida (Ms. BROWN) and hope that we can work together in finding a solution.

The beauty of this legislation really is that it provides an opportunity for localities and people in communities to really interact and do some positive proactive work.

I have got a letter here from a Robert Mac Millan, who is the chairman of the Saratoga Lake Protection and Improvement District. I would like to read it because it will give people the sense of the kinds of things and kinds of people that are interested in this.

Dear Congressman SWEENEY:

I am writing to you in support of your Clean Lakes Bill which will be the subject of a legislative hearing.

I am the Chairman of the Saratoga Lake Protection and Improvement District (SLPID). The SLPID was created as political subdivision of New York State in 1986 to supervise, manage, and control Saratoga Lake. Our primary responsibilities are to enhance recreational use of Saratoga Lake, protect real property values, conserve fish and wildlife and enhance the scenic beauty of the Lake. We are funded primarily by a special tax assessment placed by lakefront property owners. This tax assessment was increased 65.9 percent for the tax year 2000 and will still fall short of funding necessary to control all of the actions we need on the Lake.

Saratoga Lake is experiencing a major increase in aquatic weed growth and zebra mussels which adversely affects all aspects of our Lake. One of the most invasive weeds is Eurasian Water Milfoil, a plant not native to North America. Our primary method of weed control has been mechanical harvesting, but we find that harvesting is not accomplishing control of the aquatic weed problem. We have applied for a permit from New York State Department of Environmental Conservation to treat two of the problem areas in the Lake with aquatic herbicide. This treatment will be closely monitored for effectiveness and incorporated in a lake watershed and management plan which is presently ongoing.

I am aware of the Federal Non-indigenous Aquatic Nuisance Prevention and Control Act of 1990 which was to mitigate the financial impact of non-indigenous aquatic species such as Eurasian Water Milfoil and zebra mussels on local governments. Our current effort to control the weed in Saratoga Lake through the use of an EPA and New York State approved herbicide may be an excellent demonstration project which could be useful to other lakes experiencing similar problems with non-native aquatic species. Providing our treatment efforts are successful this year we hope to obtain funding to accomplish a whole lake treatment during 2001.

Mr. Chairman, I read this letter and bring this letter to the floor to point

out this will be the norm. This will be the norm that occurs throughout this Nation as we fight to preserve our clean water sources.

This bill being passed today is coming at a crucial time, as I stated before, especially since we have taken many significant steps in the last decade to reduce the effects of pollutants, especially nitrates and sulfur dioxide throughout. But in some respects, we are losing that battle.

This will provide us a ground-up approach to that effort. This will give us the opportunity for people in the local communities to fight for these valuable resources. I am very proud to be the sponsor of this bill, and I look forward to its implementation.

Mr. SHUSTER. Mr. Chairman, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for a general debate has expired.

The committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule, each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANTS TO STATES

Section 314(c)(2) of the Federal Water Pollution Control act (33 U.S.C. 1324(c)92)) is amended by striking "$50,000,000" the first place it appears and all that follows through "1990" and inserting "$50,000,000 for each of fiscal years 2001 through 2005".

The CHAIRMAN. Are there any amendments to section 1?

There being no amendments to section 1, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. DEMONSTRATION PROGRAM.

Section 314(d) of the Federal Water Pollution Control Act (33 U.S.C. 1324(d)) is amended—

(1) in paragraph (2) by inserting "Otsego Lake, New York; Oneida Lake, New York; Raystown Lake, Pennsylvania; Swan Lake, Itasca County, Minnesota;" after Sauk Lake, Minnesota;";

(2) in paragraph (3) by striking "By" and inserting "Notwithstanding section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note; 109 Stat. 734–736), by"; and

(3) in paragraph (4)(B)(i) by striking "$15,000,000" and inserting "$25,000,000".

The CHAIRMAN. Are there any amendments to section 2?

There being no amendments to section 2, are there further amendments to the bill?

AMENDMENT OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STUPAK:

At the end of the bill, add the following:

SEC. 3. PROHIBITION OF BULK FRESH WATER SALES FROM GREAT LAKES.

Section 314 of the Federal Water Pollution Control Act (33 U.S.C. 1324) is amended by adding at the end the following:

"(e) PROHIBITION OF BULK FRESH WATER SALES FROM GREAT LAKES.—

"(1) IN GENERAL.—As a condition of the receipt of grant assistance under this section in a fiscal year, the Administrator shall require a State to provide assurances satisfactory to the Administrator that the State will prohibit in such fiscal year the sale of bulk fresh water from any of the Great Lakes.

"(2) BULK FRESH WATER DEFINED.—The term 'bulk fresh water' means fresh water extracted from any of the Great Lakes in amounts intended for transportation by tanker or similar form of mass transportation, without further processing. The term does not include drinking water in containers intended for personal consumption.".

Mr. STUPAK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. STUPAK. Mr. Chairman, I rise today to offer an amendment which is very important to the residents in my district and many congressional districts throughout the Great Lakes region.

My amendment would prevent the sale of fresh water from our Great Lakes. Our precious water resources should not be sold to the highest bidder, and we must ensure that this cannot happen.

Our Great Lakes are a tremendous recreational resource. They provide boating, water skiing, fishing, and swimming opportunities. Our lakes are also a tremendous source of drinking water. Most notably, of course, are the Great Lakes, which contain 20 percent of the world's fresh water supply.

The 35 million people residing near the Great Lakes have always appreciated the lakes' beauty, vastness, cleanliness, and now they must appreciate that it is also a targeted commodity.

□ 1430

In 1998, a Canadian company planned to ship 3 billion liters of water from Lake Superior over 5 years and sell it to Asia. I offered legislation that was passed by the House of Representatives that called on the United States Government to oppose this action. The permit was subsequently withdrawn. The demand for water continues, however, as freshwater supplies dwindle throughout the world.

In the United States, each person consumes 100 gallons of water each day. The global demand meanwhile doubles every 21 years. Think about it. The world water demand doubles every 21 years. The World Bank predicts that by 2025 more than 3 billion people in 52 countries will suffer water shortages for drinking or sanitation. Where, I ask, will countries find clean, fresh water? They will look to alternative sources, sources which are outside their area and, more likely, outside their borders.

It is understandable, therefore, that the pristine water of our Great Lakes will be targeted. The method is real. The threat is real. To those who say the bulk shift of fresh water is not economically feasible, I say, look around us. From Newfoundland in Canada, to Lake Superior in Michigan, to Alaska, several companies are competing to ship our precious freshwater resources overseas.

For those who take a short-term view of protecting this resource, bulk sales of fresh water must seem irresistible. Throw a hose in the water, hook up a pump, and fill an ocean tanker. Maximum profits with minimum overhead. A windfall if a State wanted to license this kind of operation.

Yes, our Great Lakes are renewable; but they are not replaceable. I am very concerned that shortsighted policies could allow for large-scale diversions of Great Lakes water, threatening the environment, the economy, and the welfare of the Great Lakes region.

We are not merely citizens of the Great Lakes. We are their guardians. We are their stewards. We are their protectors. We encourage conservation, and we return 95 percent of all the water taken from the Great Lakes.

Setting aside global water use and trade policies, I ask Members to consider how bulk diversion of Great Lakes water could jeopardize our efforts to be good stewards. In terms of water quality, if we permit bulk diversions to further lower water levels, we increase the concentration of runoff contaminants, of fuel pollution. As lake levels drop, which they are now, we increase the need for dredging to maintain our vital waterways, further compounding the problem with toxic sediments.

We must consider all threats posed to our Great Lakes. We must be conscious of the threat posed by the sale or diversion of Great Lakes water just as carefully as we weigh the impact of the invasive species or drilling for gas and oil in the Great Lakes. None of these concerns are truly independent of one

another in terms of their potential impact on the 35 million people who depend on our most vital natural resource, the Great Lakes, our great treasures.

My amendment would withhold grant assistance from Great Lakes States which allow the sale of bulk fresh water from the Great Lakes. This restriction would apply to water extracted from a lake for mass transportation without further processing and does not apply to bottled water used for consumption.

The cleanup of our lakes will preserve their beauty for generations to come. The ban on water sales from our Great Lakes will also preserve their beauty and our greatest natural resource for generations to come.

I urge my colleagues to support my amendment.

Mr. OBERSTAR. Mr. Chairman, I rise in opposition to the amendment.

I rise not so much in opposition to the concept. In fact, not at all in opposition to the concept. I support very vigorously the idea that the gentleman is trying to advance, but I do not support the vehicle that he has chosen to approach this subject.

The matter of diversion of water from the Great Lakes is an issue of very great concern to those of us who live in this heartland of the United States. The Great Lakes represent 20 percent of all the fresh water on the face of the Earth. Lake Superior represents half of that water. Lake Superior is equal to all the water of the other four Great Lakes. It is a vast resource. The only other lake in the world that approaches the volume and the enormity of Lake Superior is Lake Baikal in Russia.

We have been vigilant, on both the U.S. and the Canadian side, about the water quality, about the volume of water, through the international joint commission; about the rising or falling levels of water in the Great Lakes. We have also been concerned that there may be attempts by water-short areas of the North American continent and water-short areas of other places on the face of the Earth that may have their eyes fixed on the Great Lakes.

Beginning with the coal slurry pipeline in 1970, the eyes of the western States were fixed on the Great Lakes, admittedly under the guise of selling low sulfur coal in an economical transport means of pipeline to the lakehead in Duluth, where then it could be transferred to tankers for lower lake port power plants. But those of us who maintain vigil on the shores of Gitche Gumee said this also has the capacity of draining the water out of the lakes. They could reverse those pumps. Once they are that close to Lake Superior, they could just drop a pump in the lake and start shipping the water westward. We vigorously opposed and ultimately stopped the coal slurry pipeline.

In 1986, in furtherance of this concern, I offered an amendment in committee in the Water Resources Development Act, in cooperation with Democrats and Republicans throughout the Great Lakes States, to require, before any water could be diverted out of any of the Great Lakes, unanimous consent of the governors of the Great Lakes States and, though we could not bind, the province of Ontario. That province is so vast it covers all five of the Great Lakes. And we succeeded in getting that language enacted. It has been successful until very recently in scaring off potential diverters.

Then, in 1998, a Canadian company based in the Province of Ontario got up the idea of selling, in bulk means, water from Lake Ontario to overseas sources. An immediate outcry rose in the Province and, of course, on the U.S. side of the Great Lakes that resulted in the Province of Ontario denying a permit to withdraw water. But the potential remains for withdrawing water from one of the Great Lakes and bottling it in little containers. And if it can be bottled in pint and quart and gallon and 5 gallon sizes, then what is to prevent someone from shipping it in larger containers of 5,000 or 10,000 gallons or more?

So the concern of my good friend, who maintains a watchful eye from his northern peninsula, upper peninsula, a Michigan outpost, on the lake is well placed and fully founded and justified.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. OBERSTAR) has expired.

(By unanimous consent, Mr. OBERSTAR was allowed to proceed for 2 additional minutes.)

Mr. OBERSTAR. So I compliment the gentleman, Mr. Chairman, on his vigilance on this matter, but I feel that the vehicle is not appropriate. It has, first of all, not had widespread scrutiny in our committee. We have not had an opportunity until just now to review the approach the gentleman takes.

It has been my intention that, in cooperation with the gentleman from Michigan and others of our colleagues in the Great Lakes States, to approach this subject in the forthcoming Water Resources Development Act of 2000.

I would like to ask my colleague if he would consider withdrawing the amendment, preserving the option and, of course, protecting his right to come forth in the WRDA bill and to cooperate with us in a similar venture.

Mr. STUPAK. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Michigan.

Mr. STUPAK. Mr. Chairman, I thank the ranking member for yielding. If there is going to be a WRDA bill, that is the first if. Secondly, if we will be given an opportunity to offer the amendment.

We have a bill; it is 2595. As the gentleman knows, the International Joint Commission on February 22 put forth their recommendations on what should be done to not only stop vast transfers of water out of the Great Lakes region but also what should be in the meantime to make sure the States provide the necessary data and information so we can make intelligent decisions concerning our water resources. Not just for transfer or sale but also for the ecology of it, for the environment, and for the conservation.

So if we would have a WRDA bill, and if we were to be given the opportunity to appear before the committee to present H.R. 2595, my bill on the Great Lakes, or a modified version taking in the International Joint Commission's recommendations, I would be willing to entertain that.

I see we probably have a number of more speakers, so I would like to hear the other speakers before I withdraw the amendment.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. OBERSTAR) has once again expired.

(By unanimous consent, Mr. OBERSTAR was allowed to proceed for 2 additional minutes.)

Mr. OBERSTAR. Mr. Chairman, if I might inquire of the gentleman from Pennsylvania (Mr. SHUSTER) regarding the formulation. I think we may be at the end of hearings, or there may be an opportunity for further hearings on the WRDA bill, but it is my understanding that the chair of the Committee on Transportation and Infrastructure intends to proceed with a WRDA bill for 2000.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, it is certainly our intention to move the WRDA bill this year, WRDA 2000. The administration just sent their bill up, so we will be dealing with it.

And I would say to my good friend from Michigan that we certainly want to work with him. I do not think this is the appropriate vehicle. The WRDA bill would seem to be more appropriate.

We just received this amendment, literally handed to us. So while we are aware of the basic issue the gentleman is attempting to address, which is complex and which is very important, we are quite happy to work with the gentleman to see if we cannot accommodate him on a more appropriate vehicle, such as the WRDA bill or another related piece of legislation.

Mr. OBERSTAR. Reclaiming my time, Mr. Chairman, it does seem to me that WRDA is the appropriate vehicle, and I further yield to the gentleman from Michigan.

Mr. STUPAK. The few times I have done bills on Great Lakes to preserve and protect the Great Lakes, they have been bipartisan bills. I would like to remain in that bipartisan atmosphere. At

times, it gets a little difficult, when we have people outside the Great Lakes coming into our region and our districts and making wild statements about our lack of protection of the Great Lakes. So we are always vigilant to look for opportunities to protect our Great Lakes and our Great Lakes resources.

As long as I am a Member of Congress, I will continue to work day in and day out to protect the Great Lakes. Based upon the assurances from the chairman and the ranking member, however, I will look forward to working with both the chairman and the ranking member to work to protect the Great Lakes in the WRDA bill, WRDA 2000.

Mr. OBERSTAR. Reclaiming my time, Mr. Chairman, I want to thank the gentleman for his leadership on this issue, for his vigilance, his concern, and for his statesmanship in making this unanimous consent request. And I want to assure the gentleman that we will work very closely and very diligently toward his objective.

Mr. STUPAK. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill, add the following new section:

SEC. —. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

(c) NOTICE OF REPORT.—Any entity which receives funds under this Act shall report any expenditures on foreign-made items to the Congress within 180 days of the expenditure.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. SHUSTER. Mr. Chairman, reserving the right to object, we do not know what this amendment is, have not seen it or heard about it, have not smelled it. This is a surprise.

Mr. TRAFICANT. Mr. Chairman, this is a standard Buy American amendment that has been added to every transportation bill that we have offered.

□ 1445

The CHAIRMAN. The gentleman from Ohio (Mr. TRAFICANT) has an amendment to this bill at the desk.

Mr. TRAFICANT. Yes, I do, Mr. Chairman.

Mr. SHUSTER. Mr. Chairman, I reserve the right to object. May we have a copy of the amendment.

The CHAIRMAN. The Clerk will rereport the amendment.

The Clerk rereported the amendment.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. SHUSTER) has reserved a point of order.

The gentleman from Ohio (Mr. TRAFICANT) is recognized for 5 minutes.

Mr. TRAFICANT. Mr. Chairman, I would like to notify the committee that I did bring this to the floor earlier this morning but I have been testifying before the Committee on Ways and Means and would have apprised the leadership of it. But it is an amendment that has been passed to every probation bill and every authorizing bill that involves the expenditures of funds. It has not been a controversial bill in the past. I do not believe it should be at this point.

In any event, it encourages the purchases of American-made products. Anyone who gets assistance under the bill shall get a notice of Congress intention to urge them, wherever possible, to buy American-made products.

Finally, anyone who is getting these funds give us a report back when they spend the money how they spend that money.

Now, we are running about a $300 billion trade deficit. I think if we are going to go ahead and spend money for goods and services that those goods and services, wherever possible, should be American goods and services.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I am pleased to withdraw my point of order. Having had the opportunity now to see the amendment, it is a buy-American amendment, which I have vigorously supported in the past and am happy to support today.

Mr. TRAFICANT. Mr. Chairman, I appreciate the comments of the gentleman, and I apologize to both gentleman from having not been here to explain it to them earlier.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I would like to inquire of the gentleman from Ohio (Mr. TRAFICANT), of course we have had buy-American provisions in other legislation of this committee. But the Part B of the sense of Congress, does the notice to recipients in Part B flow from the sentence in the previous subsection (a), that is, the sense of Congress, so that Part B is also a sense of Congress and not a requirement in law that, in providing financial assistance, the head of each agency shall provide a notice?

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, section (b) states that, even though it is the sense of the Congress that they are not mandated to buy American, section (b) mandates that the agency shall at least make notice that the Congress encourages the purchase of American products.

Mr. OBERSTAR. Mr. Chairman, if the gentleman will continue to yield, the sense of Congress language terminates with subsection (a) but subsection (b) is a requirement upon Federal agencies to provide notice.

Mr. Chairman, may I inquire of the gentleman from Pennsylvania (Mr. SHUSTER), is that the understanding of the chairman?

Part B of the Buy-American provision is a requirement upon Federal agencies providing assistance to provide a notice and to report.

Mr. Chairman, is that consistent with the understanding of the chairman? I just want to make this clear.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I guess that is what the language says. There might be a technical problem with some of the language which we would have to work out in conference here.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time to clarify the concern of the gentleman from Minnesota (Mr. OBERSTAR), the Congress urges the recipients of this money to buy American, but the Congress also requires those agencies that give the money to give them a notice that Congress does encourage them to buy.

They are not compelled to buy, but what they are compelled to give is a notice and give us a report on the activity.

Mr. SHUSTER. Mr. Chairman, if the gentleman will continue to yield, is it his understanding that this applies only to the legislation before us today?

Mr. TRAFICANT. Mr. Chairman, absolutely, to this specific bill and this bill alone. I will have another amendment for his next bill very similar.

Mr. Chairman, I urge an ''aye'' vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

The CHAIRMAN. Are there other amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CAMP) having assumed the chair, Mr. GILLMOR, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2328) to amend the Federal Water Pollution Control Act to reauthorize the Clean Lakes Program, pursuant to House Resolution 468, reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SHUSTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

CHESAPEAKE BAY RESTORATION ACT OF 1999

The SPEAKER pro tempore. Pursuant to House Resolution 470 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3039.

□ 1454

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3039) to amend the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay, and for other purposes, with Mr. GILLMOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I certainly want to commend the gentleman from Virginia (Mr. BATEMAN) for his leadership on this legislation that is going to help protect one of our national treasures, the Chesapeake Bay.

The Bay has a 64,000 square mile watershed and is home to over 15 million people and more than 3,000 plant and animal species. Bay restoration efforts are working well. Striped bass, underwater grasses are back, toxic releases are down, more than 67 percent since 1988 in fact, and the nutrients have been reduced.

However, parts of the Bay remain impaired. This legislation will strengthen cooperative efforts to address the remaining work to be done to restore and to protect the Bay.

I would emphasize that this legislation passed the subcommittee and the full committee unanimously by a voice vote, and I know of no controversy.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I strongly support H.R. 3039, the Chesapeake Bay Restoration Act. The Chesapeake Bay is one of the great estuaries of the world, perhaps the greatest, the meeting place of salt and fresh water where new forms of life are created.

Those forms of life, whether new forms or existing ones, are increasingly endangered in the world's estuaries by the pollution that we discharge into the waters and into the meeting places.

In 1983, the Federal Government and the States of Virginia, Maryland, Pennsylvania, as well as the District of Columbia, signed the first Chesapeake Bay Agreement. Four years later, the Federal Government and the Bay States and the communities within them reached agreement on the problems facing the Bay, the shared responsibility for deteriorating conditions, and on the joint actions that were needed to slow and reverse the destruction of this resource.

In the past 17 years, the hard work of all those involved is beginning to bear fruit. The Bay is showing signs of improvement. But the work is never over.

This legislation will take a further step toward improvement of water quality and improvement of the overall health of the Bay ecosystem.

The legislation will reauthorize the Environmental Protection Agency's successful Chesapeake Bay Program for an additional 6 years, giving stability and strength to this very important initiative. It will increase the program funding level. The Program Office of EPA has been very successful in working collaboratively with the States and the communities adjacent to the Bay in identifying causes of pollution, building partnerships to restore the health of that enormous resource.

Under this legislation, EPA will continue the cooperative collaborative approach of developing interstate management plans, control harmful nutrients, control the addition of toxins to improve water quality, and restore habitats to the ecosystem.

In addition, the legislation will incorporate into the Chesapeake Bay Agreement those improvements jointly recommended by the participating States, including recommendations for the administrator and authority for the administrator to approve small watershed grants to fund local governments and nonprofit organizations for local protection and restoration programs.

If we do not address the health of the Bay by including the watersheds that drain into that Bay, we have not accomplished the purpose of preserving, restoring, and enhancing the quality of the waters of the Bay. That, I think, is the most important feature of this legislation, that it deals with the watershed and not just with the discharge points.

I strongly support the legislation and urge an ''aye'' vote.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from New York (Mr. BOEHLERT), the chairman of the Subcommittee on Water Resources and Development.

Mr. BOEHLERT. Mr. Chairman, I thank the chairman for once again providing, along with the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, leadership on the full committee. I want to express my deep appreciation to the gentleman from Pennsylvania (Mr. BORSKI), the ranking member of our Subcommittee on Water Resources and Development.

Once again, this is time to highlight something that needs to be highlighted. We do not do it often enough. I know we do it in the Committee on

Transportation and Infrastructure. We do a lot of things exceptionally well. But we have the best professional staff anywhere on the Hill or in any governmental unit and they deserve a lot of praise.

□ 1500

I will defer to the gentleman from Virginia (Mr. BATEMAN) and the gentleman from Maryland (Mr. GILCHREST), people who live in the zone who are just married to the Chesapeake Bay and who know so well the importance of that great resource and what we need to do to make certain we move forward to restore it.

With that, let me thank all who have been partners to this venture. We have come a long way. We have got further to go. We are going to get there together.

Mr. OBERSTAR. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BORSKI), the ranking member of the Subcommittee on Water Resources and Environment, who has maintained a vigilant eye on the bay and on the water quality thereof.

Mr. BORSKI. Mr. Chairman, let me first thank the gentleman for yielding me this time. I rise in strong support of H.R. 3039, the Chesapeake Bay Restoration Act of 1999. This legislation would reauthorize the successful Chesapeake Bay program for an additional 6 years. This program, operating with the Environmental Protection Agency, has been very effective at protecting and restoring the Chesapeake Bay ecosystem through workable partnerships among the Federal Government, the District of Columbia, and the States surrounding the bay watershed. I also want to acknowledge, Mr. Chairman, the outstanding work of the gentleman from Virginia (Mr. BATEMAN) in developing and pursuing this legislation.

H.R. 3039 builds upon the success of the Chesapeake Bay program by incorporating within it several improvements which have been recommended by the Federal Government and the other signers of the 1987 Chesapeake Bay agreement: Virginia, Maryland, the District of Columbia, and my home State of Pennsylvania. Included within this bill is authority for a new small watershed grants program. Funding for this new program would be available to local governmental and nonprofit organizations as well as individuals in the Chesapeake Bay region to implement local protection and restoration programs in the watershed to improve water quality and create, restore or enhance habitat within the ecosystem. Mr. Chairman, the Chesapeake Bay is a national treasure struggling toward restoration. This legislation will add greatly in that restoration. I urge an aye vote on this legislation.

Mr. SHUSTER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. BATEMAN), the principal author of this legislation.

Mr. BATEMAN. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding me this time. I would like to say to him and to the ranking member and to all those who have addressed this subject matter today that I am proud to have lived near the shores of the Chesapeake Bay all but 5 years of my life. It is a very dear part of the world. I am proud to have been associated with the creation of the original Chesapeake Bay program and its original authorization and my role in convincing the then Reagan administration that it should be the bellwether of their environmental program, which even deserved mention in the President's State of the Union address.

The Chesapeake Bay program is the unique regional partnership that has been coordinating the restoration of the Chesapeake Bay since the signing of the historic 1983 Chesapeake Bay agreement. As the largest estuary in the United States and one of the most productive in the world, the Chesapeake Bay was the Nation's first estuary targeted for restoration and protection. The Chesapeake Bay program evolved as the means to restore this exceptionally valuable resource. H.R. 3039 will continue the cooperative Federal, State, and local efforts that already have successfully achieved progress restoring the bay.

Since its inception in 1983, the bay program's highest priority has been restoration of the bay's living resources. Improvements include fisheries and habitat restoration, recovery of bay grasses, nutrient and toxic reductions, and significant advances in estuarine science. However, parts of the bay remain impaired. Nutrients are still too high, oyster populations have been in severe decline, and water clarity still has a great deal that needs to be done to improve it. By passing H.R. 3039, the House will declare its commitment to saving the bay.

The Chesapeake Bay program has not been reauthorized since the expiration of the Clean Water Act of which it was a component. Although the program has continued to receive funding annually since then, it is important that the Congress express its continued support for the cleanup and preservation of the Chesapeake Bay. The Chesapeake Bay Restoration Act would do just that, reauthorizing the program from 2000 to 2005. In addition, the bill requires the submission of reports both to the Congress and the public describing the activities funded by the program and its accomplishments.

The Chesapeake Bay is one of the most vital natural resources in the United States. Please join me in supporting the enhancement of a program that has done so much to preserve this wonderful resource.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN), who has been a vigilant participant in protecting the resources of the bay. I am grateful for his leadership.

Mr. CARDIN. Mr. Chairman, let me thank the gentleman from Minnesota for yielding me this time, but more importantly let me thank the leadership on both sides of the aisle for bringing forward this very, very important bill. I think we all can be very proud of what we have been able to do in the Chesapeake Bay, the Federal Government being one of the major partners. I particularly want to acknowledge the work that the gentleman from Virginia (Mr. BATEMAN) has done over his entire congressional career on the Chesapeake Bay.

The constituents of my district and in Maryland, indeed the entire Nation, are very much gratified by what we have been able to accomplish through the leadership here in Congress. I see the gentleman from Maryland (Mr. GILCHREST) who has been another one of the real leaders on the Chesapeake Bay issues. This has been one of the largest voluntary multijurisdictional water quality and living resource restoration programs in the history of our Nation, and it has been a model program that we can now use in many other multijurisdictional bodies of water.

I was Speaker of the House in Maryland in 1983 when Governor Hughes on behalf of the State of Maryland joined with the governors of Virginia and Pennsylvania and the mayor of Washington and the administrator of EPA and signed a one-page 1983 agreement that started the Chesapeake Bay Restoration program with a Federal partnership. It has been a partnership of government, the Federal, State and local; it has been a partnership between government and the private sector; and it has worked.

We set one of the most ambitious goals for reducing pollutants in nitrogen and in phosphorus by 40 percent by this year. Mr. Chairman, we have come very close to meeting those goals in a watershed the size of 64,000 square miles. We have never attempted such a broad program in the past. I think we all can be proud. This reauthorization bill not only reauthorizes but expands it, increases the Federal Government's partnership in this effort, which gives us great hope for the future.

Mr. OBERSTAR. Mr. Chairman, I yield myself 2 minutes.

Mr. CARDIN. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Maryland.

Mr. CARDIN. Mr. Chairman, I had intended to offer an amendment requiring the administrator to commence a 3-year study to develop model water quality and living resource improvement strategies for areas impacted by

development using work currently under way in the Patapsco/Back River tributary in the Baltimore, Maryland, metropolitan area. My amendment would have specified that the administrator's study, conducted with the full participation of local governments, watershed organizations, and interested groups, develop a coordinated mechanism and make various determinations and recommendations to achieve water quality and living resource goals in areas impacted by development with particular reference to Gwynn Falls, Jones Falls, and Herring Run watersheds.

Am I correct that the gentleman's intent is to encourage EPA, the Chesapeake Executive Council, and interested governmental and nongovernmental entities to work together on studies and strategies relating to water quality and living resources in areas impacted by development?

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. The gentleman certainly is correct. We want to acknowledge his strong interest in this particular issue. We appreciate his cooperation. We look forward to working with him and other colleagues on cooperative, consensus-based approaches to protecting the Chesapeake Bay.

Mr. CARDIN. I want to thank the gentleman for those kind words and also thank my friend again from Minnesota for yielding.

Mr. OBERSTAR. Mr. Chairman, we certainly share the view just expressed by the chairman on the gentleman's concerns and his intent, and we will look forward to working with the gentleman on a consensus-based, cooperative approach to protecting the Chesapeake Bay.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 3½ minutes to the gentleman from Maryland (Mr. GILCHREST), one of the champions of the Chesapeake Bay.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me this time. This has been a bipartisan effort on both sides of the aisle, from the chairman of the committee to the gentleman from Minnesota (Mr. OBERSTAR). Certainly I would like to honor on this day the gentleman from Virginia (Mr. BATEMAN), who has worked literally his entire career on these issues and his heart is in this greatest of estuaries, which the gentleman from Minnesota has so eloquently stated. I also want to thank the gentleman from Maryland (Mr. CARDIN) for his efforts and all of us that have worked together on this particular issue.

When John Smith came here well over 300 years ago, there were a few thousand people in the watershed. Now there are over 15 million people in the watershed. With this new census, there might be 16 or 17 million people in the watershed. So things are difficult. To manage this watershed, we need more than just one State doing their job. We need a multistate effort to ensure that human activity is in such a way that we certainly encourage economic development; but we encourage that economic development to be in harmony with the natural processes of nature so the bay can continue to be restored.

I do not think we can ever get the bay back to the way it was when John Smith was here. We will never restore the bay to its original grandeur, and we will never solve the problem. From now until the end of time, the end of human habitation, this Chesapeake Bay program is going to be vital, because we continue to have development, we continue to have agriculture, we continue to have a whole range of issues, including air deposition from as far away as the Midwest causes about a third of the nutrient overload in the Chesapeake Bay.

And so this multistate agreement is vitally important for us to learn how to reduce the nutrients, and we have found some key factors; and we are becoming successful in that. One of the other issues of the Chesapeake Bay program is to bring the bay grasses back that provides the necessary habitat for the resource, which is crabs and fish and a whole range of other things in this marine ecosystem. The bay was not intended to be a desert. Maybe the Sahara Desert has a good ecosystem, maybe the Antarctic has a good ecosystem; but the Chesapeake Bay was intended to have grass, subaquatic vegetation for the natural ecosystem to abound. The Chesapeake Bay program is figuring out, with our help, the relentless, sometimes tiring, effort to bring that resource back to the bay.

Toxic pollution. With the Clean Water Act back in 1972 when they began to think about point source pollution, we began to solve that problem. We still have toxic pollution in the Chesapeake Bay, whether it still comes from chemical factories that we are trying to resolve and doing a good job at or point source pollutions like sewage treatment plants that need upgrades. Those are the kinds of issues that the Chesapeake Bay program deals with. It is vital.

The Chesapeake Bay program also deals with the fisheries. The oyster population is down over 90 percent from what it was at the turn of the century. Now that we are in a new turn of the century, it is time to bring those oysters back and in a manner in which nature intended, by building oyster reefs, maybe 10 feet high, maybe 20 feet high, to perpetuate that particular species. Striped bass recovery we know is pretty successful. The fisheries is a part of the Chesapeake Bay program.

I have one quick comment about a particular species called menhaden which also filters out certain nutrients in the bay like the oysters. The Chesapeake Bay program has recommended an ecosystem approach to that particular fisheries management plan where the menhaden, you give a few to the commercial watermen that use it for a variety of reasons, you give a few to the recreational fishermen, whoever wants to eat menhaden, pretty oily. But you also make sure that you give a certain number of menhaden to the rock fish that need it to sustain themselves, and you give a certain quantity of menhaden to the Chesapeake Bay so that a filtering action can occur.

□ 1515

Mr. Chairman, the Chesapeake Bay program is vital.

I want to thank the gentleman from Virginia (Mr. BATEMAN) for his efforts, and I want to thank all the members of this committee that have moved this program forward. I urge an ''aye'' vote on this bill.

Mr. OBERSTAR. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I want to thank the gentleman from Maryland (Mr. CARDIN), a fellow Pitt grad; the gentleman from Pennsylvania (Mr. SHUSTER), a Pitt grad; the gentleman from Virginia (Mr. BATEMAN); the gentleman from Maryland (Mr. GILCHREST), a leader on conservation issues; and the gentleman from Minnesota (Mr. OBERSTAR), I am proud to support this, but I have had some of my companies call me and want to know if there will be any of this debris in the form of truckloads of polluted material needing abatement that will become part of an RFP, because my companies would certainly want to bid on it.

I think that this legislation would require, if there is some polluted soil or some polluted sediment underneath the Bay, in the form of a colloquy, I will ask the chairman, would it require that perhaps some of this sediment be removed? Would this bill cover that?

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, the answer to the gentleman's question will be found in each of the remedial action plans developed by the communities and the States and EPA in conjunction with each other. And those plans, depending on the nature of the problem to be addressed, may require sediment removal. Some of them, in fact, will require sediment removal, but we are not in a position to say which ones or how much.

That information, by the way, would be available from each of the States and from the localities because it all has to be part of the public record, and

the companies in the gentleman's district can certainly access that information through the appropriate State agency.

I am quite certain that the remedial action plans for each community or council of governments or State will undoubtedly require some sediment removal in order to remove the toxics from the ecosystem.

Mr. GILCHREST. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Chairman, there is annual dredging that takes place in the Chesapeake Bay, millions of cubic yards behind the three hydroelectric power dams in the Susquehanna River that have right now over 200 million cubic yards of sediment that eventually within the next 15 years has to be removed, otherwise the U.S. geological survey said it would smother the entire Chesapeake Bay floor if something is not done.

There are problems with the dredge material on an annual basis. There are problems with the dredge material behind the Susquehanna River damages. So if something could be worked out in the next few years to figure out where to put this stuff and if Ohio wants it, we would be more than glad to trade it out.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, I know there has been some talk about possibilities of sediment, and when they start their remediation program, it will involve cleaning up those toxic polluted areas. The point I am making is exactly that, that there are some areas that do not have the capability of cleaning those soils, and I do have in my impoverished district companies that do, in fact, take soil and clean that soil and make it acceptable under EPA law.

Mr. Chairman, we would certainly want to have our companies on notice so if there is any RFP that have an opportunity to bid. That is why I made the mention, and I want to commend the gentleman from Maryland (Mr. GILCHREST) because I know he is probably the biggest fighter in the House for conservation purposes.

Mr. SHUSTER. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. SHUSTER) for his leadership in bringing this bill before us on the floor, and thank the gentleman from Minnesota (Mr. OBERSTAR), the ranking member; obviously, the gentleman from Virginia (Mr. BATEMAN) for initiating this; and the gentleman from Maryland (Mr. GILCHREST), my colleague from Maryland, for his wonderful explication of some parts of it.

The Chesapeake Bay, our Nation's largest estuary, is an incredibly complex ecosytem. The Bay is one of our Nation's most valuable natural resources. Its rich ecosytem with rivers, wetlands, trees, and the Bay itself supports and provides a national habitat for over 3,600 species of plants, fish, and animals.

We know that over 15 million people now live in the Bay watershed, it includes parts of six States and the entire District of Columbia. These persons are, at all times, just a few steps from one of the more than 100,000 stream and river tributaries ultimately draining into the Bay. Every person, plant, and animal depend on each other to help the Chesapeake Bay system thrive and function properly. These complex relationships are countless. The Chesapeake Bay Program is a unique regional partnership of State and Federal Government agencies, and it has been encouraging and directing the restoration of the Bay since 1983.

I am pleased that important progress has been made in renewing the Bay since the Chesapeake Bay Agreement was signed in 1983. Restoration efforts, led by the Chesapeake Bay Program, have had a profound effect on the health of the Bay. In addition, scientific research has led to a better understanding of the Bay, including how it works and what must be done to address problems.

However, we still have a long way to go before we reach our goals for a restored Chesapeake Bay. Many questions about the future of the Bay remain unanswered. For example, blue crabs, perhaps the best known and most important resource of the Bay, have been below the long-term average level for several years. The oyster harvest has declined dramatically. Further efforts to reduce nutrient and sediment pollution are needed. I am pleased that this legislation today will help us address these concerns and allow us to move toward the goal of a restored Chesapeake Bay.

You know, Mr. Chairman, in only 10 days we recognize and celebrate the 30th anniversary of Earth Day. Every year on this day, the people of our Nation and across the globe focus their attention on the environment. Both Earth Day and the legislation before us today offer us the opportunity to applaud our progress, but, more importantly, they allow us to renew our commitment to the challenges facing our planet and the Chesapeake Bay. We must preserve and protect this treasure.

Mr. Chairman, I support the Chesapeake Bay Restoration Act and urge its swift, unanimous passage.

Mr. OBERSTAR. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin, (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank my friend from Minnesota for yielding me time.

Mr. Chairman, I rise today in support of H.R. 3039, the Chesapeake Bay Restoration Act. I want to commend my colleagues for the leadership they provided, the gentleman from Virginia (Mr. BATEMAN); the gentleman from Maryland (Mr. GILCHREST); the gentleman from Maryland (Mr. CARDIN); and the gentleman from Maryland (Mr. HOYER); as well as the leadership on the committee, the gentleman from Pennsylvania (Chairman SHUSTER); and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from New York (Mr. BOEHLERT) and the gentleman from Pennsylvania (Mr. BORSKI).

Mr. Chairman, this bill seeks to reauthorize Federal participation in the Chesapeake Bay Program. It will provide the Environmental Protection Agency with $30 million over 6 years to fund program activities that will prevent harmful nutrients and toxins from flowing into the Chesapeake, where they will degrade water quality and damage valuable fish and wildlife resources. It also mandates other Federal agencies to assist in the development of watershed planning and restoration activities.

I strongly support the Chesapeake Bay Restoration Act and the Chesapeake Bay Program, because they embody an approach to water quality and watershed management that I believe is truly the wave of the future. This approach is, first of all, proactive, rather than reactive, seeking to stop harmful nutrients and toxins from making it into the Bay in the first place, rather than relying on expensive clean-up and mitigation efforts afterwards.

Secondly, this approach is basinwide, rather than piecemeal, seeking to look at the entire ecosystem and to development management plans appropriate to the large scale physical system that it is.

Finally, this approach relies on interagency and intergovernmental cooperation, attempting to coordinate the diverse, but sometimes fragmented, conservation efforts of Federal, State and local agencies, as well as non-governmental agencies.

I want to compliment the Members from the Chesapeake Bay Basin States who have fashioned the bill and supported the Chesapeake Bay Program since its inception some 15 years ago.

I also want to take this opportunity, Mr. Chairman, to urge my colleagues to take a close look at a bill that I recently introduce, H.R. 4013, the Upper Mississippi River Basin Conservation Act. Like H.R. 3039, my bill is comprehensive legislation to reduce nutrient and soil sediment losses in a large river basin. The Upper Mississippi River Basin, which encompasses much of Wisconsin, Minnesota, Iowa, Illinois, and Missouri, is a tremendously valuable natural resource.

Forty percent of North America's waterfowl use the wetlands and backwaters of the river as a migratory flyway. In fact, it is North America's largest migratory route, with much of the waterfowl such as Tundra Swans ultimately going through the Mississippi corridor and ending up in the Chesapeake Bay area.

The Upper Mississippi River provides $1.2 billion annually in recreation income and $6.6 billion to the area's tourism industry. Unfortunately, increasing soil erosion threatens this region and these industries. For instance, soil erosion reduces the long-term sustainability and income of the family farms, with farmers losing more than $300 million annually in applied nitrogen. Additionally, sediment fills the main shipping channel of the Upper Mississippi River, costing roughly $100 million each year for dredging costs alone.

Relying on existing Federal, State, and local programs, H.R. 4013 establishes a water quality monitoring network and an integrated computer modeling program. These monitoring and modeling efforts will provide the baseline information needed to make scientifically sound and cost-effective conservation decisions.

The bill calls for an expansion of four U.S. Department of Agriculture land conservation programs. In addition, the bill includes language to protect personal data collected in connection with monitoring, modeling and technical and financial assessment activities.

In trying to achieve these goals, this bill relies entirely on voluntary participation and already existing conservation programs. The bill will not create any new Federal regulations.

The Chesapeake Bay Restoration Act and my bill, the Upper Mississippi River Basin Conservation Act, are basin-wide, comprehensive efforts to reduce harmful runoff and improve the overall health of these regionally and nationally significant ecosystems. I urge my colleagues to support H.R. 3039 today and to contact my staff and helping a sure passage of H.R. 3014.

Mr. OBERSTAR. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. STENHOLM), the ranking member of the Committee on Agriculture.

Mr. STENHOLM. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise today to express some concerns about H.R. 3039. I do so reluctantly, but for several reasons. My first concern is the role of the Department of Agriculture in this effort. A great deal of the focus and efforts involved in getting to a cleaner and healthier Chesapeake Bay are on its upstream tributaries, and a great deal of farmland is included in these watersheds. I am particularly concerned that it appears neither the Committee on Agriculture nor the USDA were consulted in regard to this reauthorization.

We have heard how this bill simply puts into statute what is already taking place. I believe as it is part of a reauthorization, a thorough discussion should take place regarding the best ways to accomplish the goals of the program and whether the current structure is accomplishing that.

That leads to my questions about why current authorized programs are not being utilized or modified, if necessary, to accomplish the outlined goals, as opposed to putting forward a new program or authority. This has led to a number of programs out there, and in the case of conservation and environmental protection, a number of authorities that are not interconnected and do not have adequate resources to meet the demands for assistance.

Mr. GILCHREST. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Chairman, I understand the gentleman's concern with Agriculture not being consulted, the perception that they were not consulted about this piece of legislation. But I can tell the gentleman that with regard to the Chesapeake Bay Program, the biggest industry in my business is agriculture, and USDA and the Departments of Agriculture in Maryland, Delaware, Virginia and Pennsylvania have all worked through a variety of existing programs to ensure the quality of water in the Chesapeake Bay and its tributaries via many agricultural programs that exist, for example, the Buffer Program, the Waterway Program, the program that provides habitat for wildlife, the CRP Program.

□ 1530

So there is a whole range of programs that the Chesapeake Bay program, which is EPA, consults with these other agencies to ensure water quality, and also the biggest thing I would like to say, I say to the gentleman from Texas (Mr. STENHOLM), is to ensure that agriculture remains not only a viable industry but a profitable industry.

Mr. STENHOLM. I thank the gentleman for those comments.

Just as I was about to say, I have no doubt that the USDA agencies and their partners, the conservation districts and resource conservation and development councils, are already taking an active role in many of the actions springing out of the Chesapeake Bay Agreement.

I concur. In fact, one of the major roles of USDA in the conservation district is to provide technical assistance to whoever might need it. Whether it is technical assistance or other types of assistance, the USDA agencies and their partners have and will find ways to provide that assistance to whoever might be asking, whether they be a private individual, a nonprofit group, or a local government.

I am also concerned about this legislation and similar bills that are targeted to specific geographic locations. I am certain they are all worthy pieces of legislation, and I support the gentleman and the others in the Chesapeake Bay's effort because they are right on target. My concern is the duplication.

I appreciate the watershed approach. That is the way to go. I am joining today with the gentleman from Tennessee (Mr. TANNER) in introducing the Fishable Waters Act, which would provide much needed guidance and funding to any and all States to address water quality problems that have led to fisheries habitat problems.

My concern, though, is funding. When we continue to divide, issue after issue, when we continue to say USDA, that is doing a wonderful job, but not doing good enough, so therefore, we are going to take EPA and we are going to grant them money to provide technical assistance when we are already shortchanging, here.

We talk about the environmental quality incentive program. It is funded at $200 million a year, but we only spend $174 million. Appropriations cut us short. We look at the Wildlife Habitat Incentives Program. The small watershed program is the one, though. We have 1,630 projects right now approved, needing $1.5 billion in funding. We are funded at $91. I believe this bill further divides already scarce resources, and that is my concern.

Mr. Chairman, CRP—Authorized at 36.4 million acres—currently 31 million acres enrolled—up to 3.5 million acres in bids received in 20th sign-up; WRP—Authorized at 975,000 acres—estimated to have 935,000 acres enrolled by end of 2000; Wildlife Habitat Incentives Progam—Funded at $50 million in 1996 Farm Bill and funding already exhausted; PL–566 (Small Watershed Program)—1630 projects approved needing $1.5 billion in funding—funded at $91 million in FY00; and EQIP (Environmental Quality Incentives Program)—Funded at $200 million per year in 1996 Farm bill—appropriators have limited funding to $174 million in each of last three fiscal years—demand is three times greater than available funding.

Mr. OBERSTAR. Mr. Chairman, I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER), a diligent member of the Committee.

Mr. BLUMENAUER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, since being elected to Congress, I have been focusing attention on the issue of creating livable communities where families are safe, healthy, and economically secure. The quality and quantity of our water supply is going to be the primary shaper of our communities in the next century.

This is one of the reasons why I am here today, pleased to join in rising in support for the fine work that the committee has done, and thanking the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Maryland (Mr. GILCHREST), and others in focusing attention and making sure that we are able to continue the great work that has been done in the Chesapeake Bay area.

It has been documented already on the floor of the Chamber today the vast sweep of the Chesapeake Bay watershed, the 64,000 square miles covering parts of six States talking about the problems that are faced here that are serious but not unique to the Chesapeake Bay system, and how the Chesapeake Bay is a great example of watershed-wide management; how we are excited about the multijurisdictional involvement of many shareholders dealing with the EPA, dealing with State and local authorities, and other disciplines, and the legislative bodies of three States, bringing into involvement a vast coalition of people outside the government sweep, of agencies, nonprofits, and private citizens; the tributary teams in Maryland, divided into ten major tributaries and teams made up of citizens, farmers, business interests, environmentalists, and others, who determine the primary issues in their watersheds, and how to go about educating and involving citizens based on the idea that the problems are different depending on where you are.

The good news is that through all of this effort, the Bay is improving, albeit slowly. The Chesapeake Bay Foundation has put together a report card on the Bay. The score was up to 28 last year, up from the historic low of roughly 23 in 1983, on their way towards a goal or a rating of 70.

I appreciate the elements that are included in H.R. 3039 to support the EPA Bay program and its activity in the watershed, the pollution prevention, restoring activities, monitoring, grants to States, and other stakeholders and citizen involvement.

I am here, though, not just to commend my colleagues on the committee and the others who are involved. I do hope that we are able as a committee and as a Congress to incorporate the lessons that we have learned with the Chesapeake Bay clean-up, and perhaps even in this Congress have a comprehensive piece of legislation that we could advance to our colleagues to make sure that the important approach that has been taken with the Chesapeake Bay clean-up is not an exception, but in fact it is the rule governing how we will approach these important areas across the country.

Under the leadership of the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Pennsylvania (Mr. BORSKI), the gentleman from New York (Mr. BOEHLERT), with concerned members of the committee, with others in Congress, we can make sure that these lessons that have been learned, the dollars we are able to stretch, the engagement that we can have with our citizens, become an important part of Federal policy.

If we are able to do that, Mr. Speaker, we will have given an important gift to American citizens for Earth Day, not just one or two models of an exemplary clean-up that hold a lot of potential for the future, but a template that will guide the authorizing committee, a template that will guide the appropriating committee, a template that will guide across jurisdictions in the Federal government to show how we can achieve a more livable community, looking at the way we can manage our water resources.

Mr. Chairman, I look forward to greater progress in the future.

Mr. OBERSTAR. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). All time for general debate has expired.

Pursuant to the rule, the bill is considered as read for amendment under the 5-minute rule.

The text of H.R. 3039 is as follows:

H.R. 3039

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Chesapeake Bay Restoration Act of 1999''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Chesapeake Bay is a national treasure and a resource of worldwide significance;

(2) over many years, the productivity and water quality of the Chesapeake Bay and its watershed were diminished by pollution, excessive sedimentation, shoreline erosion, the impacts of population growth and development in the Chesapeake Bay watershed, and other factors;

(3) the Federal Government (acting through the Administrator of the Environmental Protection Agency), the Governor of the State of Maryland, the Governor of the Commonwealth of Virginia, the Governor of the Commonwealth of Pennsylvania, the Chairperson of the Chesapeake Bay Commission, and the Mayor of the District of Columbia, as Chesapeake Bay Agreement signatories, have committed to a comprehensive cooperative program to achieve improved water quality and improvements in the productivity of living resources of the Bay;

(4) the cooperative program described in paragraph (3) serves as a national and international model for the management of estuaries; and

(5) there is a need to expand Federal support for monitoring, management, and restoration activities in the Chesapeake Bay and the tributaries of the Bay in order to meet and further the original and subsequent goals and commitments of the Chesapeake Bay Program.

(b) PURPOSES.—The purposes of this Act are—

(1) to expand and strengthen cooperative efforts to restore and protect the Chesapeake Bay; and

(2) to achieve the goals established in the Chesapeake Bay Agreement.

SEC. 3. CHESAPEAKE BAY.

The Federal Water Pollution Control Act is amended by striking section 117 (33 U.S.C. 1267) and inserting the following:

''SEC. 117. CHESAPEAKE BAY.

''(a) DEFINITIONS.—In this section, the following definitions apply:

''(1) ADMINISTRATIVE COST.—The term 'administrative cost' means the cost of salaries and fringe benefits incurred in administering a grant under this section.

''(2) CHESAPEAKE BAY AGREEMENT.—The term 'Chesapeake Bay Agreement' means the formal, voluntary agreements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the Chesapeake Bay ecosystem and signed by the Chesapeake Executive Council.

''(3) CHESAPEAKE BAY ECOSYSTEM.—The term 'Chesapeake Bay ecosystem' means the ecosystem of the Chesapeake Bay and its watershed.

''(4) CHESAPEAKE BAY PROGRAM.—The term 'Chesapeake Bay Program' means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement.

''(5) CHESAPEAKE EXECUTIVE COUNCIL.—The term 'Chesapeake Executive Council' means the signatories to the Chesapeake Bay Agreement.

''(6) SIGNATORY JURISDICTION.—The term 'signatory jurisdiction' means a jurisdiction of a signatory to the Chesapeake Bay Agreement.

''(b) CONTINUATION OF CHESAPEAKE BAY PROGRAM.—

''(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council (and as a member of the Council), the Administrator shall continue the Chesapeake Bay Program.

''(2) PROGRAM OFFICE.—

''(A) IN GENERAL.—The Administrator shall maintain in the Environmental Protection Agency a Chesapeake Bay Program Office.

''(B) FUNCTION.—The Chesapeake Bay Program Office shall provide support to the Chesapeake Executive Council by—

''(i) implementing and coordinating science, research, modeling, support services, monitoring, data collection, and other activities that support the Chesapeake Bay Program;

''(ii) developing and making available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Chesapeake Bay ecosystem;

''(iii) in cooperation with appropriate Federal, State, and local authorities, assisting the signatories to the Chesapeake Bay Agreement in developing and implementing specific action plans to carry out the responsibilities of the signatories to the Chesapeake Bay Agreement;

''(iv) coordinating the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies to—

''(I) improve the water quality and living resources in the Chesapeake Bay ecosystem; and

''(II) obtain the support of the appropriate officials of the agencies and authorities in

achieving the objectives of the Chesapeake Bay Agreement; and

''(v) implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay.

''(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into an interagency agreement with a Federal agency to carry out this section.

''(d) TECHNICAL ASSISTANCE AND ASSISTANCE GRANTS.—

''(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council, the Administrator may provide technical assistance, and assistance grants, to nonprofit organizations, State and local governments, colleges, universities, and interstate agencies to achieve the goals and requirements contained in subsection (g)(1), subject to such terms and conditions as the Administrator considers appropriate.

''(2) FEDERAL SHARE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of an assistance grant provided under paragraph (1) shall be determined by the Administrator in accordance with guidance issued by the Administrator.

''(B) SMALL WATERSHED GRANTS PROGRAM.—The Federal share of an assistance grant provided under paragraph (1) to carry out an implementing activity under subsection (g)(2) shall not exceed 75 percent of eligible project costs, as determined by the Administrator.

''(3) NON-FEDERAL SHARE.—An assistance grant under paragraph (1) shall be provided on the condition that non-Federal sources provide the remainder of eligible project costs, as determined by the Administrator.

''(4) ADMINISTRATIVE COSTS.—Administrative costs shall not exceed 10 percent of the annual grant award.

''(e) IMPLEMENTATION AND MONITORING GRANTS.—

''(1) IN GENERAL.—If a signatory jurisdiction has approved and committed to implement all or substantially all aspects of the Chesapeake Bay Agreement, on the request of the chief executive of the jurisdiction, the Administrator—

''(A) shall make a grant to the jurisdiction for the purpose of implementing the management mechanisms established under the Chesapeake Bay Agreement, subject to such terms and conditions as the Administrator considers appropriate; and

''(B) may make a grant to a signatory jurisdiction for the purpose of monitoring the Chesapeake Bay ecosystem.

''(2) PROPOSALS.—

''(A) IN GENERAL.—A signatory jurisdiction described in paragraph (1) may apply for a grant under this subsection for a fiscal year by submitting to the Administrator a comprehensive proposal to implement management mechanisms established under the Chesapeake Bay Agreement.

''(B) CONTENTS.—A proposal under subparagraph (A) shall include—

''(i) a description of proposed management mechanisms that the jurisdiction commits to take within a specified time period, such as reducing or preventing pollution in the Chesapeake Bay and its watershed or meeting applicable water quality standards or established goals and objectives under the Chesapeake Bay Agreement; and

''(ii) the estimated cost of the actions proposed to be taken during the fiscal year.

''(3) APPROVAL.—If the Administrator finds that the proposal is consistent with the Chesapeake Bay Agreement and the national goals established under section 101(a), the Administrator may approve the proposal for an award.

''(4) FEDERAL SHARE.—The Federal share of an implementation grant under this subsection shall not exceed 50 percent of the cost of implementing the management mechanisms during the fiscal year.

''(5) NON-FEDERAL SHARE.—An implementation grant under this subsection shall be made on the condition that non-Federal sources provide the remainder of the costs of implementing the management mechanisms during the fiscal year.

''(6) ADMINISTRATIVE COSTS.—Administrative costs shall not exceed 10 percent of the annual grant award.

''(7) REPORTING.—On or before October 1 of each fiscal year, the Administrator shall make available to the public a document that lists and describes, in the greatest practicable degree of detail—

''(A) all projects and activities funded for the fiscal year;

''(B) the goals and objectives of projects funded for the previous fiscal year; and

''(C) the net benefits of projects funded for previous fiscal years.

''(f) FEDERAL FACILITIES AND BUDGET COORDINATION.—

''(1) SUBWATERSHED PLANNING AND RESTORATION.—A Federal agency that owns or operates a facility (as defined by the Administrator) within the Chesapeake Bay watershed shall participate in regional and subwatershed planning and restoration programs.

''(2) COMPLIANCE WITH AGREEMENT.—The head of each Federal agency that owns or occupies real property in the Chesapeake Bay watershed shall ensure that the property, and actions taken by the agency with respect to the property, comply with the Chesapeake Bay Agreement, the Federal Agencies Chesapeake Ecosystem Unified Plan, and any subsequent agreements and plans.

''(3) BUDGET COORDINATION.—

''(A) IN GENERAL.—As part of the annual budget submission of each Federal agency with projects or grants related to restoration, planning, monitoring, or scientific investigation of the Chesapeake Bay ecosystem, the head of the agency shall submit to the President a report that describes plans for the expenditure of the funds under this section.

''(B) DISCLOSURE TO THE COUNCIL.—The head of each agency referred to in subparagraph (A) shall disclose the report under that subparagraph with the Chesapeake Executive Council as appropriate.

''(g) CHESAPEAKE BAY PROGRAM.—

''(1) MANAGEMENT STRATEGIES.—The Administrator, in coordination with other members of the Chesapeake Executive Council, shall ensure that management plans are developed and implementation is begun by signatories to the Chesapeake Bay Agreement to achieve—

''(A) the nutrient goals of the Chesapeake Bay Agreement for the quantity of nitrogen and phosphorus entering the Chesapeake Bay and its watershed;

''(B) the water quality requirements necessary to restore living resources in the Chesapeake Bay ecosystem;

''(C) the Chesapeake Bay Basinwide Toxins Reduction and Prevention Strategy goal of reducing or eliminating the input of chemical contaminants from all controllable sources to levels that result in no toxic or bioaccumulative impact on the living resources of the Chesapeake Bay ecosystem or on human health;

''(D) habitat restoration, protection, creation, and enhancement goals established by Chesapeake Bay Agreement signatories for wetlands, riparian forests, and other types of habitat associated with the Chesapeake Bay ecosystem; and

''(E) the restoration, protection, creation, and enhancement goals established by the Chesapeake Bay Agreement signatories for living resources associated with the Chesapeake Bay ecosystem.

''(2) SMALL WATERSHED GRANTS PROGRAM.—The Administrator, in cooperation with the Chesapeake Executive Council, shall—

''(A) establish a small watershed grants program as part of the Chesapeake Bay Program; and

''(B) offer technical assistance and assistance grants under subsection (d) to local governments and nonprofit organizations and individuals in the Chesapeake Bay region to implement—

''(i) cooperative tributary basin strategies that address the water quality and living resource needs in the Chesapeake Bay ecosystem; and

''(ii) locally based protection and restoration programs or projects within a watershed that complement the tributary basin strategies, including the creation, restoration, protection, or enhancement of habitat associated with the Chesapeake Bay ecosystem.

''(h) STUDY OF CHESAPEAKE BAY PROGRAM.—

''(1) IN GENERAL.—Not later than April 22, 2000, and every 5 years thereafter, the Administrator, in coordination with the Chesapeake Executive Council, shall complete a study and submit to Congress a comprehensive report on the results of the study.

''(2) REQUIREMENTS.—The study and report shall—

''(A) assess the state of the Chesapeake Bay ecosystem;

''(B) compare the current state of the Chesapeake Bay ecosystem with its state in 1975, 1985, and 1995;

''(C) assess the effectiveness of management strategies being implemented on the date of enactment of this section and the extent to which the priority needs are being met;

''(D) make recommendations for the improved management of the Chesapeake Bay Program either by strengthening strategies being implemented on the date of enactment of this section or by adopting new strategies; and

''(E) be presented in such a format as to be readily transferable to and usable by other watershed restoration programs.

''(i) SPECIAL STUDY OF LIVING RESOURCE RESPONSE.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Administrator shall commence a 5-year special study with full participation of the scientific community of the Chesapeake Bay to establish and expand understanding of the response of the living resources of the Chesapeake Bay ecosystem to improvements in water quality that have resulted from investments made through the Chesapeake Bay Program.

''(2) REQUIREMENTS.—The study shall—

''(A) determine the current status and trends of living resources, including grasses, benthos, phytoplankton, zooplankton, fish, and shellfish;

''(B) establish to the extent practicable the rates of recovery of the living resources in response to improved water quality condition;

''(C) evaluate and assess interactions of species, with particular attention to the impact of changes within and among trophic levels; and

''(D) recommend management actions to optimize the return of a healthy and balanced ecosystem in response to improvements in the quality and character of the waters of the Chesapeake Bay.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2000 through 2005.''.

The CHAIRMAN pro tempore. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment, and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for the voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill, add the following new section:

SEC. . SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under section 117 of the Federal Water Pollution Control Act. It is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under such section, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

(c) NOTICE OF REPORT.—Any entity which receives funds under such section shall report any expenditures on foreign-made items to the Congress within 180 days of the expenditure.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, this amendment is the same as the amendment offered on the last bill.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I understand this is the new and improved version of the amendment which we have previously accepted. We are pleased to accept this, as well.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, we have reviewed the gentleman's amendment. It is in conformity with the rules of the House, and it is a sense of Congress buy American amendment. We are happy to support Mr. Buy America.

Mr. TRAFICANT. Mr. Chairman, I urge an aye vote on the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments to the bill.

If there are no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CRANE) having assumed the chair, Mr. GUTKNECHT, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3039) to amend the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay, and for other purposes, pursuant to House Resolution 470, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SHUSTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2328 and H.R. 3039.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put each question on which further proceedings were postponed in the following order: Passage of H.R. 2328, by the yeas and nays; passage of H.R. 3039, by the yeas and nays; and a motion to suspend the rules and pass the bill, H.R. 2884.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

THE CLEAN LAKES PROGRAM

The SPEAKER pro tempore. The pending business is the question of the passage of the bill, H.R. 2328, on which further proceedings were postponed.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 420, nays 5, not voting 9, as follows:

[Roll No. 120]

YEAS—420

Ackerman	Canady	Engel
Aderholt	Cannon	English
Allen	Capps	Eshoo
Andrews	Capuano	Etheridge
Archer	Cardin	Evans
Armey	Carson	Everett
Baca	Castle	Ewing
Bachus	Chabot	Farr
Baird	Chambliss	Fattah
Baker	Chenoweth-Hage	Filner
Baldacci	Clay	Fletcher
Baldwin	Clayton	Foley
Ballenger	Clement	Forbes
Barcia	Clyburn	Ford
Barr	Coble	Fossella
Barrett (NE)	Coburn	Fowler
Barrett (WI)	Collins	Frank (MA)
Bartlett	Combest	Franks (NJ)
Barton	Condit	Frelinghuysen
Bass	Conyers	Frost
Bateman	Cooksey	Gallegly
Becerra	Costello	Ganske
Bentsen	Cox	Gejdenson
Bereuter	Coyne	Gekas
Berkley	Cramer	Gibbons
Berman	Crane	Gilchrest
Berry	Crowley	Gillmor
Biggert	Cubin	Gilman
Bilbray	Cunningham	Gonzalez
Bilirakis	Danner	Goode
Bishop	Davis (FL)	Goodlatte
Blagojevich	Davis (IL)	Goodling
Bliley	Davis (VA)	Gordon
Blumenauer	Deal	Goss
Blunt	DeFazio	Graham
Boehlert	Delahunt	Granger
Boehner	DeLauro	Green (TX)
Bonilla	DeLay	Green (WI)
Bonior	DeMint	Greenwood
Bono	Deutsch	Gutierrez
Borski	Diaz-Balart	Gutknecht
Boswell	Dickey	Hall (OH)
Boucher	Dicks	Hall (TX)
Boyd	Dingell	Hansen
Brady (PA)	Dixon	Hastings (FL)
Brady (TX)	Doggett	Hastings (WA)
Brown (FL)	Dooley	Hayes
Brown (OH)	Doolittle	Hayworth
Bryant	Doyle	Hefley
Burr	Dreier	Herger
Burton	Duncan	Hill (IN)
Buyer	Dunn	Hill (MT)
Callahan	Edwards	Hilleary
Calvert	Ehlers	Hilliard
Camp	Ehrlich	Hinchey
Campbell	Emerson	Hinojosa

Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—5

Hostettler
Paul
Royce
Sanford
Sensenbrenner

NOT VOTING—9

Abercrombie
Cook
Cummings
DeGette
Gephardt
Houghton
McIntosh
Mollohan
Obey

□ 1607

Mr. FRANK of Massachusetts changed his vote from ''nay'' to ''yea''.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT). Pursuant to the provisions of clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the remaining two questions on which the Chair has postponed further proceedings.

CHESAPEAKE BAY RESTORATION ACT OF 1999

The SPEAKER pro tempore. The pending business is the question of the passage of the bill, H.R. 3039, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 7, not voting 9, as follows:

[Roll No. 121]

YEAS—418

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—7

Chenoweth-Hage	Paul	Sensenbrenner
Duncan	Sanford	
Hostettler	Schaffer	

NOT VOTING—9

Abercrombie	DeGette	McIntosh
Cook	Gephardt	Mollohan
Cummings	Houghton	Smith (MI)

□ 1617

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ENERGY POLICY AND CONSERVATION ACT REAUTHORIZATION

The SPEAKER pro tempore (Mr. GUTKNECHT). The unfinished business is the question of suspending the rules and passing the bill, H.R. 2884, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the bill, H.R. 2884, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 8, not voting 10, as follows:

[Roll No. 122]

YEAS—416

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hoyer
Hulshof
Hunter
Hutchinson
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—8

Duncan	Pitts	Sensenbrenner
Hostettler	Royce	Toomey
Paul	Sanford	

NOT VOTING—10

Abercrombie	Gephardt	Moakley
Cook	Houghton	Mollohan
Cummings	Hyde	
DeGette	McIntosh	

□ 1626

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ABERCROMBIE. Mr. Speaker, this afternoon, I was unavoidably detained by a Hawaii Congressional delegation meeting with the Secretary of Interior, and I consequently was unable to vote on three recorded votes. Had I been present, I would have voted as follows: Rollcall 120, to pass H.R. 2328, to reauthorize the Clean Lakes Program—"yes"; rollcall 121, to pass H.R. 3039, Chesapeake Bay water restoration—"yes"; rollcall 122, to pass H.R. 2884, to extend the Strategic Petroleum Reserve program—"yes."

PROVIDING FOR ADJOURNMENT OF THE HOUSE ON THURSDAY, APRIL 13, 2000 OR FRIDAY APRIL 14, 2000 UNTIL TUESDAY, MAY 2, 2000; AND PROVIDING FOR RECESS OR ADJOURNMENT OF THE SENATE ON THURSDAY, APRIL 13, 2000 OR FRIDAY, APRIL 14, 2000 UNTIL TUESDAY, APRIL 25, 2000

Mr. ARMEY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 330) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 303

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, April 13, 2000, or Friday, April 14, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 12:30 p.m. on Tuesday, May 2, 2000, for morning-hour debate, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, April 13, 2000, or Friday, April 14, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, April 25, 2000, or such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly

after consultation with the Minority Leader of the House and the Majority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3439, RADIO BROADCASTING PRESERVATION ACT OF 2000

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–575) on the resolution (H. Res. 472) providing for consideration of the bill (H.R. 3439) to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4199, DATE CERTAIN TAX CODE REPLACEMENT ACT

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–576) on the resolution (H. Res. 473) providing for consideration of the bill (H.R. 4199) to terminate the Internal Revenue Code of 1986, which was referred to the House Calendar and ordered to be printed.

□ 1630

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1824

Mr. KUCINICH. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1824.

The SPEAKER pro tempore (Mr. GUTKNECHT). Is there objection to the request of the gentleman from Ohio?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ST. PETER'S MASS HOSTED BY REPUBLICAN NATIONAL COMMITTEE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KLECZKA) is recognized for 5 minutes.

Mr. KLECZKA. Mr. Speaker, today's mass at St. Peter's will be hosted by the Republican Conference. The homily will be given by the House Chaplain and he will speak in support of the H.R. 4199, to abolish the Tax Code by the year 2004. Does that sound ridiculous to my colleagues? It sure does to me as a Catholic Member of this House.

But let me review for my colleagues what transpired yesterday. There was a mass at St. Peter's hosted by the Republican National Committee to honor and to introduce the new chaplain of the House followed by a reception in the church basement.

We were told that all Members were invited to mass. But in reality, only 26 Republicans were given the invitation.

Mr. Speaker, masses have been conducted in this world by Catholic clergy for centuries; and never, never in my recollection have they been hosted by a political party.

I think it is wrong. I think it is misdirected. And I am told at the mass itself speaking to the congregation was the chairman of the Republican National Committee, Mr. Nicholson, and a former Member of this House who headed up the campaign committee.

I think the Republicans have gone too far this time. For those of my colleagues who do not know the background, the chaplain of the House announced he was retiring. The Speaker appointed a bipartisan Search Committee made up of nine Republicans and nine Democrats to find a new chaplain. They interviewed 37 clergymen, and they came up with the top choice of a Catholic priest.

But that was not to be. The Republicans would not stand still for a Catholic, the first in the history of this country to be chaplain of this House. So they bypassed him for the man who came in number three. Then a big uproar occurred.

Catholics throughout the country were just totally up in arms, and they knew they were going to lose the Catholic vote this November. So what do they do? They bring a resolution to the floor praising the Catholic schools.

I am a product of that Catholic education. I do not need my Republican colleagues telling me how good the education is. They kept slipping with the Catholics. Then they found Cardinal O'Connor in New York. So one day we had a resolution to give him a gold medal and that still did not help the slippage with the Catholic vote.

So then the Speaker swallowed his pride and he himself appointed a Catholic priest from Chicago who was not interviewed by the committee but he was a Catholic, and he thought that would stop the hemorrhage of the loss of the Catholic vote; and everything was quiet for a couple weeks and we started to heal. And then, out of the blue, comes a mass at St. Peter's sponsored by the Republican National Committee.

Mr. Speaker, today the only word that my colleagues could come up with was this is ''disgusting.'' The Catholic celebration of mass does not need promotion from my colleagues, guys. We go there voluntarily. If it was the Democratic party pulling this nonsense, I would be on this floor tonight.

When is this going to stop? Are they going to ridicule my entire religion? Have they bought into the notion from Bob Jones University that we are a cult, that the Pope is anit-Christ?

In the press reports today on this debacle, we are told by a spokesman for the Republican National Committee that he is sorry that some Democrats were finding fault with this event, with this ''event.''

The mastermind who they dusted off, a former ambassador to the Vatican, stated in this article, I have been to events sponsored by lots of organizations, including Democrats, and there has never been any problem.

Is this an event? Is this like a college football bowl game where there is a sponsor, the Rose Bowl is brought to us buy Microsoft, today's mass is brought to us by some foundation?

Mr. Speaker, the Republicans in the House have gone over the line. I have asked the Catholic Bishop's Conference to review this matter. I believe that what they have done is turn this Catholic chaplain into a Republican poster-priest.

ANSWERS FROM NATIONAL READING PANEL ON AMERICAN CHILDREN'S READING LEVELS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Kentucky (Ms. NORTHUP) is recognized for 5 minutes.

Ms. NORTHUP. Mr. Speaker, tomorrow is an important day for all of our schoolchildren and all of our children across this country.

When I came to Congress 3½ years ago, the rate of children that could not even read at basic level in our schools across this country was 40 percent. Forty percent of all schoolchildren in the fourth grade could not even read at basic levels.

Clearly, as we have poured resources, we have poured time and attention and research into making sure our children all learn to read, we were missing the mark with some our children.

I am sure all of us do not need to be reminded how important it is that children learn to read. They learn to read first in kindergarten and first grade so that they can go on about in fourth grade to other things: science, health, geography, social studies, all other subjects that require good reading skills.

We also know from research that if a child does not learn to read by the beginning of fourth grade, there is a very strong probability that that child will never learn to read at their capacity. Because, in those early years, children are at the stage of brain development where they can learn to read, learn to

read quickly, and accurately, learn fluency, and learn to put what they see on the written page into understanding ideas and convert it and learn that information.

That is a time in their lives where they are particularly adept at that; and if they miss that opportunity, they are going to find it very difficult at any age and with any amount of work to learn to read at their capacity.

So it is a serious problem in this country that we confront today as so many of our children miss this time in their lives when they learn to read.

We know that everybody means for children to read, and we believe that all children can learn at a high level. And so, it was important that we ask the question, what are we doing that is not right? What are we missing? The questions that need to be answered are, how do children learn to read? At what age do children go through the stages of learning to read? We need to know at what time we need to intervene when children are not going through those stages and are not learning to read as we hope they will. And what kind of intervention works best?

Three years ago, Congress put into the appropriations bill for the education appropriation and health education a research requirement that the Department of Education and the National Institute of Child Health and Development together look at all research that has been done on how children learn to read to give us a better road map, answer the questions that have so confounded us for so many of our children.

Today, I am thrilled to know that tomorrow the National Reading Panel is going to give us their answers. They are going to tell us what all the research together tells us about how children learn to read. They are going to answer many of the questions that we have, many of the questions that our teachers around this country want so that they can have a better road map as they approach reading in ways that are the most effective.

I am here today to share with the American people and with the Congress the importance that, number one, we have this information; number two, that we make sure that our teachers in our schools around the country get this information and that it is incorporated into our lessons as we go forward in our efforts to make sure that every child learn and learn at a high level; number 3, that we make sure that all future research is done according to standards that will give us the feedback we need to answer additional questions that we have.

Mr. Speaker, I believe that our children are waiting for us to have this answer. They only get to be 6 years old once in their life. They only get to be in that time of their life once where they can learn to read and they can learn to read well. After that, it is a struggle.

And so, for every child that today is in the first grade, for every child that tomorrow and next year will be in the first grade, let us make sure that we listen to what the scientists can tell us. They can give us a good road map on what we are doing right and what we are doing wrong. And may we please not be so closed minded or set in our ways that we cannot change and adjust and incorporate in our schools and in our children's lives this information that we have waited so long for.

ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CROWLEY) is recognized for 5 minutes.

Mr. CROWLEY. Mr. Speaker, I would like to thank the gentleman from New Jersey (Mr. PALLONE) for organizing this special order this evening on the Armenian genocide.

The leadership on this issue of importance to Armenian people has been vital. It is with some sadness that I know this will be the last statement of the gentleman from Illinois (Mr. PORTER) on the Armenian genocide in this body, and I thank the gentleman for all his fine work.

Mr. Speaker, I rise today to take note of the tragic occurrences perpetrated on the Armenian people between 1915 and 1923 by the Ottoman Turkish Empire.

During this relatively brief time frame, over 1½ million Armenians were massacred and over 500,000 were exiled. Unfortunately, the Turkish Government still has not recognized these brutal acts as acts of genocide, nor come to terms with its participation in these horrific events.

□ 1645

I believe that by failing to recognize such barbaric acts, one becomes complicit in them. That is why as a New York State assemblyman, I was proud to support legislation adding lessons on human rights and genocide to the State education curricula. I am also a proud cosponsor of H. Res. 398, the United States Training on and Commemoration of the Armenian Genocide Resolution.

H. Res. 398 calls upon the President to provide for appropriate training and materials to all foreign service officers, officials of the Department of State, and any other executive branch employee involved in responding to issues related to human rights, ethnic cleansing, and genocide by familiarizing themselves with the U.S. record relating to the Armenian Genocide.

Mr. Speaker, I urge my colleagues to support this very important resolution.

April 24 is recognized as the anniversary date of the Armenian Genocide. The history of this date stretches back to 1915, when on April 24, 300 Armenian leaders, intellectuals and professionals in Constantinople were rounded up, deported and killed, beginning the period known as the Armenian Genocide.

Prior to the Armenian Genocide, these brave people with the history of well over 3,000 years old were subject to numerous indignities and periodic massacres by the Sultans of the Ottoman Empire. The worst of these massacres occurred in 1895 when as many as 300,000 Armenian civilians were brutally massacred and thousands more were left destitute. Additional massacres were committed in 1909 and 1920. By 1922, Armenians had been eradicated from their homeland.

Yet, despite these events, the Armenian people survived as a people and a culture in both Europe and the United States. My congressional district has a number of Armenians, especially in the Woodside community, and their community activism is extraordinary, to say the least.

Mr. Speaker, I make note of this because of a statement by Adolph Hitler when speaking about the ''final solution,'' when he said who remembers the Armenians. Mr. Speaker, I remember the Armenians and so do many of my colleagues speaking here this evening.

ARMENIAN GENOCIDE

The SPEAKER pro tempore (Mr. GUTKNECHT). Under a previous order of the House, the gentleman from California (Mr. ROGAN) is recognized for 5 minutes.

Mr. ROGAN. Mr. Speaker, I am pleased to join so many of my colleagues on both sides of the aisle tonight to rise in support of House Resolution 398 commemorating the Armenian Genocide. House Resolution 398 is a necessary step for our government to take, a recognition of the historical truth of one of history's cruelest acts against a great and good people.

Between 1915 and 1923, over 1 million Armenians whose ancestors had inhabited their homeland since the time of Christ were displaced, deported, tortured and killed at the hands of the Ottoman Empire. Families were slaughtered. Homes were burned. Villages were destroyed and lives were torn apart.

Regrettably in the years since, officials from what is now Turkey have denied this history and failed to recognize the truth, the historical truth of the Armenian Genocide.

Mr. Speaker, as their loved ones were killed, many right before their very eyes, more than 1 million Armenians managed to escape and establish a new life here in the United States. I am honored to have a large portion of the Armenian American community residing in my district in and around Glendale, California.

The Armenian people suffered a horrific tragedy in the first part of the 20th century. Today, our government can work to ensure that the 21st century is a century free both from genocide, and also free from lies.

We must not stray from our work to embrace democracy and build a world that is free from suffering on this immense scale, but that building can never happen as long as we allow one of the worst slaughters in world history to continue to go being unrecognized.

Mr. Speaker, I went through 4 years of college and never once heard about the Armenian Genocide in public schools. We have whole generations of people that have been raised not knowing anything about it because it is not politically correct to teach it in our schools, because we are afraid it might offend an oil-producing Nation with whom we have commercial or military ties.

I just think that that is a wrongheaded approach. It is a disgrace for our Congress. And the purpose of House Resolution 398 is to take a major step toward right and toward morality and recognizing this historical truth.

Today on the eve of the anniversary of the Armenian Genocide, I ask my colleagues to join with our bipartisan group that you have already heard from tonight and will hear from again in support of House Resolution 398 to commemorate the Armenian Genocide.

Having visited the Republic of Armenian and also Nagorno-Karabakh just a few short months ago, I can attest that the Armenian people have triumphed over tragedy and are building a prosperous democracy. It is a nation that we should be proud to lock arms with and stand with in the greater cause of good, and it is for that reason that I urge my colleagues to join us and support this important resolution.

EXCHANGE OF SPECIAL ORDER TIME

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from New Jersey (Mr. HOLT).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

JOINT RESOLUTION SUPPORTING DAY OF HONOR 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, first let me certainly acknowledge the eve of the Armenian genocide anniversary and say to my colleagues that all of us should acknowledge such tragic loss of life. But today I rise to introduce a House Joint Resolution, H.J. Res. 98, to designate May 25, 2000, as a national day of honor for minority veterans of World War II.

Seventy-three of my colleagues have already joined me in cosponsoring this resolution. I want to extend my thanks to Senator EDWARD KENNEDY of Massachusetts for joining me by introducing an identical resolution in the United States Senate. I am also very proud that the Day of Honor 2000 Project, a nonprofit organization based in Massachusetts, has helped enlist the support of many Americans to make this resolution possible. In fact, those who are working to propose the World War II veterans memorial here in Washington, D.C. have acknowledged their support for this very special day. Without the support of the Day of Honor Project 2000, this resolution could have never been possible.

The purpose of this joint resolution is to honor and recognize the service of minority veterans in the United States armed forces during World War II. The resolution calls upon communities across the Nation to participate in celebrations to honor minority veterans on May 25, 2000, and throughout the year 2000. Our goal is that the Nation will have an opportunity to pause on May 25, leading up to Memorial Day, to express our gratitude to the veterans of all minority groups who served the Nation so ably. The day will be special because we honor those who fought for the preservation of democracy and our protection of our way of life.

Unfortunately, many minority veterans never obtained the commensurate recognition that they deserve. We honor all veterans. We certainly honor all veterans in World War II, but it is important to designate and to honor those who during those times as they returned did not receive the fullest of honor. When we look back to the darkest days of World War II we remember and revere the acts of courage and personal sacrifice that each of our soldiers gave to their Nation to achieve Allied victory over Nazism and fascism.

In the 1940s, minorities were utilized in the Allied operation just as any other Americans. My father-in-law in fact was part of the Tuskegee Airmen. Yet we have never adequately recognized the accomplishments of minority veterans. During the war, at least 1.2 million African American citizens either served or sacrificed their lives. In addition, more than 300,000 Hispanic Americans, more than 50,000 Asians, more than 20,000 Native Americans, more than 6,000 native Hawaiians and Pacific islanders, and more than 3,000 native Alaskans also served their country or sacrificed their lives in preserving our freedom during World War II.

Despite the invidious discrimination that many minority veterans were subjected to at home, they fought honorably along with all other Americans including other nations. An African American had to answer the call to duty as others, indeed, possibly sacrifice his life; yet he or she enjoyed a separate but equal status back home. This is something that we can readily correct and with this resolution with the number of cosponsors, I believe that we can move toward seeing this honor come to fruition on the floor of the House.

I would ask my colleagues to readily sign on to H.J. Res. 98 to be able to honor these valiant and valuable members of our society for all that they have done. They are American heroes that deserve recognition for their efforts. For this reason the resolution specifically asks President Clinton to issue a proclamation calling upon the people of the United States to honor these minority veterans with appropriate programs and activities. Mr. Speaker, I urge my colleagues to join me in cosponsoring this resolution.

Mr. Speaker, I am pleased to introduce a House Joint Resolution 98 to designate May 25, 2000, as a national Day of Honor for minority veterans of World War II. 73 of my colleagues have already joined me in cosponsoring this resolution.

I want to extend my thanks to Senator EDWARD KENNEDY of Massachusetts for joining me by introducing an identical resolution in the U.S. Senate.

I am also very proud that The Day of Honor 2000 Project, a non-profit organization based in Massachusetts, has helped enlist the support of many Americans to make this resolution possible. Without the support of The Day of Honor Project 2000, this resolution could have never been possible.

The purpose of this joint resolution is to honor and recognize the service of minority veterans in the U.S. Armed Forces during World War II. The resolution calls upon communities across the nation to participate in celebrations to honor minority veterans on May 25, 2000, and throughout the year 2000. Our goal is that the nation will have an opportunity to pause on May 25th to express our gratitude to the veterans of all minority groups who served the nation so ably.

The day will be special because we honor those who fought for the preservation of democracy and our protection of our way of life. Unfortunately, many minority veterans never obtained the commensurate recognition that they deserve.

When we look back to darkest days of World War II, we remember and revere the acts of courage and personal sacrifice that each of our soldiers gave to their nation to achieve Allied victory over Nazism and fascism. In the 1940s, minorities were utilized in the allied operations just as any other American.

Yet, we have never adequately recognized the accomplishments of minority veterans. During the war, at least 1,200,000 African Americans citizens either served or sacrificed their lives. In addition, more than 300,000 Hispanic Americans, more than 50,000 Asians, more than 20,000 Native Americans, more

than 6,000 Native Hawaiians and Pacific Islanders, and more than 3,000 Native Alaskans also served their country or sacrificed their lives in preserving our freedom during World War II.

Despite the invidious discrimination that most minority veterans were subjected to at home, they fought honorably along with all other Americans, including other nations. An African American had to answer the call to duty, indeed possibly sacrifice his life, yet he or she enjoyed separate but equal status back home.

Too often, when basic issues of equality and respect for their service in the war arose, Jim Crow and racial discrimination replied with a resounding "no." This is a sad but very real chapter of our history.

This all happened, of course, before the emergence of Dr. Martin Luther King, Sr. in America. As a nation, we have long since recognized the unfair treatment of minorities as a travesty of justice. The enactment of fundamental civil rights laws by Congress over the past half-century have remedied the worst of these injustices. And this has given us some hope. But, as we all know, we have yet to give adequate recognition to the service, struggle, and sacrifices of these brave Americans who fought in World War II for our future.

For many of these minority veterans, the memories of World War II never disappear. When we lose a loved one, whether it is a mother, father, sibling, child, or friend, we often sense that we lose a part of ourselves. For each of us, the loss of life—whether expected or not—is not easily surmountable.

Minority veterans had to overcome a great deal after the war. They not only came back to a nation that did not treat them equally, but they were never recognized for the uniqueness of their efforts during the war. Like of many of us, they adapted to changes or were the engines of social change. But they have suffered and sacrificed so much that few of us will ever understand.

Veterans are dying at a rate of more than 1,000 a day. It is especially important, therefore, for Congress and the administration to do their part now to pay tribute to these men and women who served so valiantly in that conflict.

The minority veterans from World War II represent a significant part of what has been called America's Greatest Generation. They are American heroes that deserve recognition for their efforts. For this reason, the resolution specifically asks President Clinton to issue a proclamation "calling upon the people of the United States to honor these minority veterans with appropriate programs and activities."

Mr. Speaker, I urge my colleagues to join me in cosponsoring this resolution.

The text of the joint resolution is as follows:

H.J. RES. 98

Whereas World War II was a determining event of the 20th century in that it ensured the preservation and continuation of American democracy;

Whereas the United States called upon all its citizens, including the most oppressed of its citizens, to provide service and sacrifice in that war to achieve the Allied victory over Nazism and fascism;

Whereas the United States citizens who served in that war, many of whom gave the ultimate sacrifice of their lives, included more than 1,200,000 African Americans, more than 300,000 Hispanic Americans, more than 50,000 Asian Americans, more than 20,000 Native Americans, more than 6,000 Native Hawaiians and Pacific Islanders, and more than 3,000 Native Alaskans;

Whereas because of invidious discrimination, many of the courageous military activities of these minorities were not reported and honored fully and appropriately until decades after the Allied victory in World War II;

Whereas the motto of the United States, "E Pluribus Unum" (Out of Many, One), promotes our fundamental unity as Americans and acknowledges our diversity as our greatest strength; and

Whereas the Day of Honor 2000 Project has enlisted communities across the United States to participate in celebrations to honor minority veterans of World War II on May 25, 2000, and throughout the year 2000: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—

(1) commends the African American, Hispanic American, Asian American, Native American, Native Hawaiian and Pacific Islander, Native Alaskan, and other minority veterans of the United States Armed Forces who served during World War II;

(2) especially honors those minority veterans who gave their lives in service to the United States during that war;

(3) supports the goals and ideas of the Day of Honor 2000 in celebration and recognition of the extraordinary service of all minority veterans in the United States Armed Forces during World War II; and

(4) authorizes and requests that the President issue a proclamation calling upon the people of the United States to honor these minority veterans with appropriate programs and activities.

REQUEST TO CLAIM SPECIAL ORDER TIME

Mr. BAIRD. Mr. Speaker, I ask unanimous consent to claim my special order time now.

The SPEAKER pro tempore (Mr. FOSSELLA). Is there objection to the request of the gentleman from Washington?

Mr. CUNNINGHAM. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

ARMENIAN GENOCIDE COMMEMORATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. KNOLLENBERG) is recognized for 5 minutes.

Mr. KNOLLENBERG. Mr. Speaker, I rise this evening to talk about the Armenian genocide commemoration. I am going to talk a little bit about Armenia. There are many positive things happening in Armenia today that give us confidence that progress is being made. Armenia has made remarkable, stable strides toward becoming a democratic free market economy even in the face of the setbacks, including the tragic assassinations of Armenian Prime Minister Vazgen Sarksyan and other Parliament members last October. I had gotten to know Mr. Sarksyan before this tragedy and found him to be a man of immense ideas.

It was a tragedy that frankly we all look at with horror. It is behind us now. The government is strong. They have been able to go on in spite of this tragedy, and they have strengthened the situation to a point where it will prevent any future happening of this kind.

Tonight, I would like to talk not so much about what is going on in Armenia and how it is growing but, rather, to talk about a dark period in the remembrance of the genocide that took place back in 1915. When most people hear the word genocide, they immediately think of Hitler and his persecution of the Jews during World War II.

Many individuals are unaware that the first genocide of the 20th century occurred during World War I and was perpetrated by the Ottoman Empire against the Armenian people. Concern that the Armenian people would move to establish their own government, the Ottoman Empire embarked on a reign of terror that resulted in the massacre of over a million and a half Armenians. This atrocious crime, as I mentioned, began on April 15, 1915, when the Ottoman Empire arrested, exiled, and eventually killed hundreds of Armenian religious, political, and intellectual leaders.

Once they had eliminated the Armenian people's leadership, they turned their attention to the Armenians serving in the Ottoman Army. These soldiers were disarmed and placed in labor camps where they were either starved or executed. The Armenian people, lacking political leadership and deprived of young, able-bodied men who could fight against the Ottoman onslaught were then deported from every region of Turkish Armenia. The images of human suffering from the Armenian genocide are graphic and as haunting as the pictures of the Holocaust.

Why then, it must be asked, are so many people unaware of the Armenian genocide? I believe the answer is found in the international community's response to this disturbing event. At the end of World War I, those responsible for ordering and implementing the Armenian genocide were never brought to justice. And the world casually forgot about the pain and suffering of the Armenian people. This proved to be a grave mistake. In a speech before his invasion of Poland in 1939, Hitler justified his brutal tactics with the infamous statement, "Who today remembers the extermination of the Armenians?"

Six years later, 6 million Jews had been exterminated by the Nazis. Never has the phrase "those who forget the past will be destined to repeat it" been more applicable. If the international

community had spoken out against this merciless slaughtering of the Armenian people instead of ignoring it, the horrors of the Holocaust might never have taken place.

As we commemorate the 85th anniversary of the Armenian genocide, I believe it is time to give this event its rightful place in history. This afternoon and this evening, let us pay homage to those who fell victim to the Ottoman oppressors and tell the story of the forgotten genocide. For the sake of the Armenian heritage, it is a story that must be heard.

□ 1700

SPECIAL TRIBUTE TO CENTRALIA COLLEGE

The SPEAKER pro tempore (Mr. FOSSELLA). Under a previous order of the House, the gentleman from Washington (Mr. BAIRD) is recognized for 5 minutes.

Mr. BAIRD. Mr. Speaker, I rise today to pay special tribute to an outstanding institution of higher education located in Washington's Third Congressional District.

This month we celebrate the 75th anniversary of the founding of Centralia College in Centralia, Washington. Throughout its proud history as the oldest continuously operating community college in the State of Washington, Centralia College has consistently demonstrated a deep commitment to learning. I am proud of Centralia's novel programming and flexible learning options. These features reveal that at Centralia, scholarship is indeed a priority.

In addition to its 44 associate degree and 14 certificate programs, Centralia offers several invaluable courses of study for the Southwest Washington community. The continuing Education Department provides community classes and business training classes, helping people learn new skills at any age. The workforce training and worker retraining courses teach essential job skills. These skills help the unemployed find new work and they help those facing the possibility of layoffs enhance their existing skills. Centralia also offers farm study and ranch and record keeping study to help our agricultural leaders of today and tomorrow.

One of Centralia's most innovative programs targets gifted high school students. Participation in their ''Running Start'' program allows 11th and 12th grade students to get the opportunity to take college level classes for both high school and college credit. Not only does this program provide challenges to students to achieve, but it allows them to do so free of charge. Through school district and State payment plans, Centralia ensures that all students get an equal chance to participate.

In addition to providing financial support, Centralia offers other areas to expand access to higher education. Their comprehensive distance learning campaign offers students all of the benefits of attending college, even if they cannot physically attend. From correspondence courses to videotape lectures or telecourses, to on-line classes, to interactive video programs, Centralia will find a way to teach eager students, regardless of their location.

For the 3,000 students enrolled, Centralia's serious educational commitment translates into results. Recently, for example, 9 of the 11 Centralia graduates who interviewed at the Intel company earned positions on the staff. Recruiters of such technology firms regularly visit Centralia, saying they always look forward to seeing the high quality of candidates who come from that college. They go on to say that the students' capability is a reflection of both a high quality college and a high quality electronics department. As we move into the 21st Century, the superiority of Centralia's technology education can only serve to benefit both students and employers.

Another benefit to students emphasized by the Centralia administration, faculty, and staff is diversity. Recognizing the need for students to interact with people of different cultures and backgrounds, Centralia strives to incorporate diversity into its student body and programs wherever possible. The college knows that exposing its students to diverse ideas and people will enhance their educational experience. In today's increasingly close-knit and diverse world, bringing together people from different backgrounds is a necessity, not a luxury.

Mr. Speaker, education is a necessity for all Americans. It prepares young people to face the challenge of the future, and makes the lives of older Americans more fulfilling. For the past 75 years, Centralia College has prepared its students to be the leaders of tomorrow, and, for that, we all owe Centralia College our gratitude and our congratulations.

I urge my colleagues in the 106th Congress to join me today in paying special tribute to this outstanding college, and may its next 75 years of service be every bit as successful as the first.

REMEMBERING THE ARMENIAN GENOCIDE OF 1915–1923

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, I would like to join with those who are taking a few minutes today to remember and pay tribute to those Armenians who lost their lives and national identity during one of history's most tragic examples of persecution and intolerance, the Armenian genocide of 1915 to 1923.

Many Armenians in America, particularly in Indiana, are the children or grandchildren of survivors. In Fort Wayne, we do not have very many Armenians, to be precise, one, sometimes two. But my friend Zohrab Tazian is a classic example of many of the Armenians in America whose family was chased out of Turkey and down into Lebanon, who moved around, having, as a child, to live in a tent, because he saw his family members slaughtered and chased from their homeland; coming over to America where they had a chance to succeed with an American dream, as Armenians actually throughout world history who have been persecuted because of their successes as merchants, and often their very success has led to persecution in many lands that they have been over time. He came to America to the Indiana Institute of Technology, like many other foreign students who came in, learned engineering, and became a very successful engineer in our hometown.

I first saw a slide presentation on the facts of this terrible genocide about 20 years ago when I was a young businessman in Fort Wayne belonging to the Rotary Club. Mr. Zohrab Tazian made a presentation that will forever be burned into my mind about the terrible persecution; not just discrimination and not just random persecution, but the attempt to exterminate an entire people.

The facts, as we have heard a number of times, but I think it is important that we have these burned into our head, on April 24, that is the particular day we commemorate the tragedy, because it marks the beginning of the persecution and ethnic cleansing by the Ottoman Turks.

On April 24, 1915, Armenian political, intellectual, and religious were arrested, forcibly moved from their homeland and killed. The brutality continued against the Armenian people as families were uprooted from their homes and marched to concentration camps in the desert where they would eventually starve to death.

By 1923, the religious and ideological persecution by the Ottoman Turks resulted in the murder of 1.5 million Armenian men, women, and children and the displacement of an additional 500,000 Armenians. In our lifetime, we have witnessed the brutality and savagery of genocide by despotic regimes seeking to deny people of human rights and religious freedoms. That is Stalin against the Russians, Hitler against the Jews, Mao Tse-tung against the Chinese, Pol Pot against the Cambodians, and Mobutu against the Rwandans.

But genocide has devastating consequences on society as a whole because of the problems created by uprooting entire populations. The survivors become the ones who carry the

memory of suffering and the realization that their loved ones are gone. They are the ones who no longer have a home and may feel ideological and spiritual abandonment.

Part of the healing process for Armenian survivors and families of survivors involves the acknowledgment of the atrocity and the admission of wrongdoing by those doing the persecution. It is only through acknowledgment and forgiveness that it is possible to move past the history of the genocide and other sins.

Unfortunately, those responsible for ordering the systematic removal of the Armenians were never brought to justice and the Armenian genocide became a dark moment in history, as we heard earlier, quoted by Hitler and others, who then proceeded to use it as an example to commit genocide on others, to be slowly forgotten by those in America and the international community.

It is important that we remember this tragic event and show strong leadership by denouncing the persecution of people due to their differences in political and religious ideology. By establishing a continuing discourse, we are acknowledging the tragedies of the past and remembering those awful moments in history so they will not be repeated.

Mr. Speaker, I want to thank all of my colleagues, those Members who have supported this resolution, as well as all the Armenian organizations in this country and throughout the world who have worked so hard to establish an understanding for their remembrance.

REMEMBERING THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I join my other colleagues today to discuss one of the greatest unrecognized tragedies of the 20th Century, you have heard it by the previous speakers, that is the Armenian genocide.

April 24th marks the 85th anniversary of the start of the first genocide of the 1900's. Before the Holocaust there was the Armenian genocide. It took place between 1915 and 1923 in the Ottoman Empire.

In April of 1915, a weak Ottoman Empire ordered mass deportations of Armenians. This was carried out swiftly and systematically on official orders from the government of the Ottoman Empire. Forced marches resulted in the deaths of over 1 million Armenians. Armenian men of military age were rounded up, marched for several miles and shot dead throughout eastern Anatolia. Women, children, and the elderly, many subjected to rape, were forced to leave their homeland and move to relocation centers in the Syrian desert. During these long marches, no food, water, or shelter was provided. Many died of disease or exhaustion, and survivors were subjected to forcible conversion to Islam.

The annihilation of such a large portion of Armenians in the Ottoman Empire led to the loss of many lives and the dream of an Armenian homeland. Surviving Armenians fled to the then Soviet Union, the United States, and other parts of the world in pursuit of their basic freedoms. Many Armenians live and work in my congressional district in San Diego. Their history and story need to be shared and embraced.

Today, our NATO ally, Turkey, has repeatedly denied the execution of over 1 million Armenians. The denial of this atrocity has proved beneficial for Turkey's foreign policy. The murder of Armenians, a massacre based on cultural and religious beliefs, goes on officially unnoticed, and the United States maintains a favorable relationship and strategic partnership with Turkey.

Mr. Speaker, because of these reasons, I have joined my colleagues in cosponsoring House Resolution 398, the United States Training on and Commemoration of the Armenian Genocide Resolution. This resolution provides training and educational materials to all Foreign Service and State Department officials concerning the Armenian genocide.

It is time for our country to stand up and recognize this tragic event. When Hitler conceived of the idea to exterminate the Jewish population, he noted the lack of consequences by saying, ''Who, after all, speaks today of the annihilation of the Armenians?''

Mr. Speaker, today I and my colleagues speak of the annihilation of the Armenians, and we ask our other colleagues to join in this cause. The story of the Armenian genocide, the forgotten genocide, deserves to be told and understood. We owe it to the Armenians. We owe it to mankind.

COMMEMORATING THE 85TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BERMAN) is recognized for 5 minutes.

Mr. BERMAN. Mr. Speaker, I rise today to commemorate the 85th anniversary of the start of the Armenian genocide, one of the most horrific episodes of human history.

In early 1915, Britain and Russia launched major offensives intended to knock the Ottoman Empire out of the first World War. In the east, Russian forces inflicted massive losses on the Ottomans, who reacted by lashing out at the Armenians, whom they accused of undermining the Empire.

On April 24, 1915, the Turkish government began to arrest Armenian community and political leaders suspected of harboring nationalist sentiments. Most of those arrested were executed without ever being charged with crimes.

The government then moved to deport most Armenians from eastern Anatolia, ordering that they resettle in what is now Syria. Many deportees never reached that destination. The U.S. Ambassador in Constantinople at the time, Henry Morgenthau, wrote "When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race."

From 1915 to 1918, more than a million Armenians died of starvation or disease on long marches, or were massacred outright by Turkish forces. From 1918 to 1923, Armenians continued to suffer at the hands of the Turkish military, which eventually removed all remaining Armenians from Turkey.

We mark this anniversary each year because this horrible tragedy for the Armenian people was a tragedy for all humanity. We must remember, speak out and teach future generations about the horrors of genocide and the oppression and terrible suffering endured by the Armenian people.

Sadly, genocide is not yet a vestige of the past. In recent years we have witnessed the ''killing fields'' of Cambodia, mass ethnic killings in Bosnia and Rwanda, and "ethnic cleansing" in Kosovo. We must renew our commitment to remain vigilant and prevent such assaults on humanity from occurring ever again.

Even as we remember the tragedy and honor the dead, we also honor the living. Out of the ashes of their history, Armenians all over the world have clung to their identity and prospered in new communities. Hundreds of thousands of Armenians live in California, where they form a strong and vibrant community. The strength they have displayed in overcoming tragedy to flourish in this country is an example for all of us.

Surrounded by countries hostile to them, to this day the Armenian struggle continues. But now with an independent Armenian state, the United States has the opportunity to contribute to a true memorial to the past by strengthening Armenia's emerging democracy. We must do all we can through aid and trade to support Armenia's efforts to construct an open political and economic system.

Adolf Hitler, the architect of the Nazi Holocaust, once remarked "Who remembers the Armenians?" The answer is, we do. And we will continue to remember the victims of the 1915–23 genocide because, in the words of the philosopher George Santayana, ''Those who cannot remember the past are condemned to repeat it."

SAY NO TO COMMERCIAL WHALING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, 2 days ago a mighty 35-foot long gray whale washed up on the beach in front of my home on Whidbey Island in Washington State. As a vociferous opponent of killing whales or the expansion of whaling

worldwide, and as a lifelong advocate for the environmental health of Puget Sound, this recent event has been the cause of some amount of discussion and publicity in the region surrounding my district. Out of the 1,000 miles of coastline in Washington State, it was certainly an interesting coincidence that the body lodged right on the beach in front of my house.

The death of this gray whale should call our attention to those who would like to reverse the will expressed in Congress and by an overwhelming majority of the American people who oppose allowing the hunting of whales, particularly for commercial purposes.

As I have been predicting from the well of this House and across America for several years, the push for resumption of worldwide commercial whaling is on in earnest. And it is not about heritage, it is all about money. We have heard that a gray whale can be sold in Japan for $1 million.

Those who want to end the ban on commercial whaling have been using the pretext of restoring whaling rights to indigenous people to expand the scope of whaling worldwide. But if we allow people to use the excuse of historic whale hunting for resumption of whale hunting worldwide, you have got to remember many nations, most nations with coastlines, hunted whales. Japan and Norway definitely would have, as good as anybody, an historic whale hunting opportunity. Japan and Norway are the most notorious now for going ahead and hunting whales.

Newsweek Magazine reported, April 17, information I have already given this body that Japan has been quietly packing the International Whaling Commission with small nations willing to do their bidding, willing to vote for the resumption of commercial whaling.

Mr. Speaker, we are dangerously close to a renewal of the barbaric practice of commercial whaling. To millions of Americans, including myself, this is totally unacceptable. When the Clinton-Gore administration last year financed the Makah tribal whale hunt and colluded with the pro-whaling nations of the International Whaling Commission, our Nation's government lost its moral authority to lead the fight against killing whales for profit.

□ 1715

This was truly a tragedy. Whales were hunted almost to extinction in the late 1800s.

Mr. Speaker, we must not allow the clock to be turned back to past days of barbarism. Republicans and Democrats in this body must stand with the American people and stop this conspiracy against these magnificent creatures. We must not return to commercial whaling.

THE 85TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore (Mr. FOSSELLA). Under a previous order of the House, the gentlewoman from New York (Mrs. LOWEY) is recognized for 5 minutes.

Mrs. LOWEY. Mr. Speaker, today I rise in commemoration of the 85th anniversary of the Armenian Genocide, a horrible period in our history that took the lives of 1.5 million Armenians and led to the exile of the Armenian nation from its historic homeland.

My colleagues and I join with the Armenian-American community, and with Armenians throughout the world, to remember one of the darkest periods in the history of humankind. We owe this commemoration to those who perished because of the senseless hatred of others, and we need this commemoration because it is the only way to prevent such events in the future.

We have already learned the lessons of forgetting. The Armenian Genocide, which began 15 years after the start of the twentieth century, was the first act of genocide this century, but it was far from the last. The indifference of the world to the slaughter of 1.5 Armenians laid the foundation for other acts of genocide, including the Holocaust, Stalin's purges, and, most recently, ethnic cleansing in Kosovo.

The lessons of the destruction that results when hatred is left unchecked have been too slowly learned. The world's indifference to the Armenian Genocide proved to Adolf Hitler that his plans to annihilate the Jewish people would encounter little opposition and would spur no global outcry. The post-Holocaust directive "zachor," remember—lest history repeat itself, came too late for 1.5 million Armenians and 6 million Jews. It came too late for millions of victims around the world.

Today we recall the Armenian Genocide and we mourn its victims. But we also renew our pledge to the Armenian nation to do everything we can to prevent further aggression, and we renew our commitment to ensuring that Armenians throughout the world can live free of threats to their existence and prosperity.

Unfortunately, we still have to work toward this simple goal. Azerbaijan continues to blockade Armenia and Nagorno-Karabagh, denying the Armenian people the food, medicine, and other humanitarian assistance they need to lead secure, prosperous lives. And as long as this immoral behavior continues, I pledge to join my colleagues in continuing to send the message to Azerbaijan that harming civilians is an unacceptable means for resolving disputes.

Mr. Speaker, after the Genocide, the Armenian people wiped away their tears and cried out, "Let us always remember the atrocities that have taken the lives of our parents and our children and our neighbors."

As the Armenian-American author William Saroyan wrote, "Go ahead, destroy this race . . . Send them from their homes into the desert . . . Burn their homes and churches. Then see if they will not laugh again, see if they will not sing and pray again. For, when two of them meet anywhere in the world, see if they will not create a New Armenia."

I rise today to remember those cries, and to pay tribute to the resilience of the Armenian people, who have contributed so much to our world. Those who have perished deserve our commemoration, and they also deserve our pledge to ensure that such an horrific chapter in history is never repeated again.

THE NATIONAL MUSEUM OF THE AMERICAN INDIAN COMMEMORATIVE COIN ACT OF 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. LUCAS) is recognized for 5 minutes.

Mr. LUCAS of Oklahoma. Mr. Speaker, my home State of Oklahoma has a strong heritage in our Nation's Native American history and culture. In fact, the name ''Oklahoma'' means ''Land of the Red People'' in the Choctaw language. So nowhere else in this country is there more appreciation than in Oklahoma that a museum dedicated to preserving this legacy is being constructed in Washington, D.C.

The National Museum of the American Indian was established as an act of Congress in 1989 to serve as a permanent repository of Native American culture. The groundbreaking took place in September of 1999, and it is scheduled to open in the summer of 2002.

Because of the historic significance and importance of this museum to the people of Oklahoma, I am introducing a bill today that will commemorate its opening. The National Museum of the American Indian Commemorative Coin Act of 2000 will call for the minting of a special $1 silver coin intended to raise funds for the museum and celebrate its completion.

As part of the highly respected Smithsonian institution, which is now the world's largest museum complex, the National Museum of the American Indian will collect, preserve, and exhibit Native American objects of artistic, historical, literary, anthropological, and scientific interest. Also important is that it will provide for Native American research and study programs.

The coin my bill proposes will be of proof quality and be minted only in the year 2001. Sales of the coin could continue until the date that the stock is depleted. The coin would be of no net cost to the American taxpayer, and the proceeds from its sale will go towards funding the opening of the National Museum of the American Indian. The proceeds would also help supplement the museum's endowment and educational outreach funds.

Based on past sales of coins of this nature, we are likely perhaps to raise roughly in the range of $3.5 million for the museum. The coin will be modeled after the original 5 cent buffalo nickel designed by James Earl Fraser and minted from 1913 to 1938, which portrays a profile representation of a Native American on the obverse, and an

American buffalo, American bison, on the coin's reverse side.

Mr. Speaker, as an Oklahoman, I was proud to have led the effort in Congress to designate the Roger Mills County site of the November, 1868 Battle of the Washita, yes, some might more accurately describe it as a massacre, as a national historic site. This site in Western Oklahoma, where Lieutenant Colonel George Custer and the 7th U.S. cavalry attacked the Cheyenne Peace Chief Black Kettle's village.

Now I am pleased to introduce the National Museum of the American Indian Commemorative Coin Act of 2000. A like version of this bill is already making its way through the Senate, having been introduced there by United States Senator BEN NIGHTHORSE CAMPBELL of Colorado and Senator DANIEL INOUYE of Hawaii.

Mr. Speaker, I urge my fellow colleagues in the House to take this opportunity to recognize the importance to our Nation of the National Museum of the American Indian by becoming a cosponsor of my bill.

ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. SWEENEY) is recognized for 5 minutes.

Mr. SWEENEY. Mr. Speaker, I want to take this opportunity to speak about one of the 20th century's early atrocities, the Armenian genocide. It is a subject that is very near and dear to my heart as my own grandfather was a witness to the bloodshed firsthand.

While the genocide began well before the turn of the past century, April 24 marks an important date that we as citizens and human beings need to remember. It was when 254 Armenian intellectuals were arrested by Turkish authorities in Istanbul and taken to the provinces of Ayash and Chankiri, where many of them were later massacred.

Throughout the genocide, Turkish authorities ordered the evacuations of Armenians out of villages in Turkish Armenia and Asia Minor. As the villages were evacuated, men were often shot immediately. Women and children were forced to walk limitless distances to the south where, if they survived, many were raped and put into concentration camps. Prisoners were starved, beaten, and murdered by unmerciful guards.

This was not a case for everyone, though. Not everyone was sent to concentration camps. For example, many innocent people were put on ships and then thrown overboard into the Black Sea.

The atrocities of the Armenian genocide were still being carried out in 1921 when Kemalists were found abusing and starving prisoners to death. In total, approximately 1.5 million Armenians were killed in a 28-year period. This does not include the half million or more who were forced to leave their homes and flee to foreign countries.

Together with Armenians all over the world and people of conscience, I would like to honor those who lost their homes, their freedom, and their lives during this dark period.

Many survivors of the genocide came to the United States seeking a new beginning, my grandfather among them. The experiences of his childhood fueled his desire for freedom for his Armenian homeland in the First World War, so he returned there, where he was awarded two Russian Medals of Honor for bravery in the fight against fascism.

It is important that we not forget about these terrible atrocities, because as Winston Churchill said, those who do not learn from the past are destined to repeat it.

Since the atrocity, Armenia has taken great strides, achieving its independence over 8 years ago. Then it was a captive Nation struggling to preserve its centuries-old traditions and customs. Today the Republic of Armenia is an independent, freedom-loving Nation and a friend of the United States and to the democratic world.

Monday, April 24, will mark the 85th anniversary of one of the most gruesome human atrocities in the 20th century. Sadly, it was the systematic killing of 1.5 million Armenian men and women. Ironically, Mr. Speaker, it was none other than Adolph Hitler who began to immortalize the Armenian atrocities when he, questioning those who were questioning his own determination to commit his own atrocities and his own genocide, he said, After all, who will remember the Armenians?

As we do not ignore the occurrence of the Nazi Holocaust, we must not ignore the Armenian genocide. Many people across the world will concede this is a very tender and difficult event to discuss, but in order for us to discontinue the mistakes of the past we must never forget it happened, and we must never stop speaking out against such horrors.

As a strong and fervent supporter of the Republic of Armenia, I am alarmed that the Turkish government is still refusing to acknowledge what happened and instead is attempting to rewrite history. It is vital that we do not let political agendas get in the way of doing what is right.

Mr. Speaker, I call upon the Turkish government to accept complete accountability for the Armenian genocide. To heal the wounds of the past, the Turkish government must first recognize its responsibility for the actions of past leaders. Nothing we can do or say will bring back those who perished, but we can honor those who lost their homes, their freedom, their lives, by teaching future generations the lessons of this atrocity.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order tonight, which is the Armenian genocide.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise today, as my colleagues and I do every year at this time, in a proud but solemn tradition to remember and pay tribute to the victims of one of history's worst crimes against humanity, the Armenian genocide of 1915 to 1923.

This evening my colleagues will be discussing various aspects of this tragedy, including what actually happened, how it affected the victims, the survivors and their descendents, how the perpetrators and their descendants have responded, the reaction of the United States and other major nations, and what lessons the Armenian genocide teaches us today.

Since we are constrained by time limitations, I will also be submitting for the RECORD some additional information.

Mr. Speaker, the Armenian genocide was the systematic extermination, the murder of 1.5 Armenian men, women, and children during the Ottoman Turkish empire. This is of the first genocide of the 20th century, but sadly, not the last. Sadder still, at the dawn of the 21st century we continue to see the phenomenon of genocide. Such is the danger of ignoring or forgetting the lessons of the Armenian genocide.

April 24 marks the 85th anniversary of the unleashing of the Armenian genocide. On that dark day in 1915, some 200 Armenian religious, political, and intellectual leaders from the Turkish capital of Constantinople, now Istanbul, were arrested and exiled in one fell swoop, silencing the leading representatives of the Armenian community in the Ottoman capital.

This was the beginning of the genocide. Over the years from 1915 to 1923, millions of men, women, and children were deported, forced into slave labor, and tortured by the government of the Young Turk Committee, and 1.5 million of them were killed.

The deportations and killings finally ended with the establishment of the Republic of Turkey in 1923, although efforts to erase all traces of the Armenian presence in the area continued. To this day, the Republican of Turkey refuses to acknowledge the fact that this

massive crime against humanity took place on soil under its control and in the name of Turkish nationalism.

Not only does Turkey deny that the genocide ever took place, it has mounted an aggressive effort to try to present an alternative and false version of history, using its extensive financial and lobbying resources in this country.

Recently the Turkish government signed a $1.8 million contract for the lobbying services of three very prominent former members of this House to argue Turkey's case in the halls of power here in Washington. While the major focus of their efforts is trying to secure a $4 billion attack helicopter sale, two of these lobbyists and former Congressmen, according to the April 8 edition of the National Journal, were recently here on Capitol Hill trying to persuade leaders of this House not to support legislation affirming U.S. recognition of the genocide.

Mr. Speaker, the sponsors of that legislation, House Resolution 398, the gentleman from California (Mr. RADANOVICH) and the gentleman from Michigan (Mr. BONIOR), will also be speaking tonight. I want to praise them for taking the lead on this bipartisan initiative which currently has 38 cosponsors and which has obviously caused some concern within the Turkish government.

I regret to say that the United States still does not officially recognize the Armenian genocide. Bowing to strong pressure from Turkey, the U.S. State Department and American presidents of both parties have for more than 15 years shied away from referring to the tragic events of 1915 through 1923 by the word ''genocide'', thus minimizing and not accurately conveying what really happened beginning 85 years ago.

This legislation is an effort to address this shameful lapse in our own Nation's record as a champion of human rights and historical fact.

Mr. Speaker, the Armenian people are united in suffering and the spirit of remembrance with the Jewish people, who were, of course, also the victims of genocide in the 20th century. I wanted to cite a letter from Mrs. Rima Feller-Varzhapetyan, president of the Jewish community of Armenia.

In a letter to the Congress of the United States, which I will submit for the RECORD, Mrs. Varzhapetyan wrote, ''Had the world recognized and condemned the genocide at the time, it is unlikely that the word Holocaust would have become known to the Jewish people.''

She also states, ''We believe that what happened to Armenians at the beginning of the century is not an issue for only Armenians. It is a cruel crime against humanity.'' She concludes, ''Believing that Turkey's membership in the European Union should require its acknowledgment of responsibility for the Armenian genocide, which will benefit the Turkish people as well, the Jewish community of Armenia urges the Congress of the United States to speak up in support of the interests of the Armenians, and to recognize the genocide of Armenians as they recognize the Jewish Holocaust.''

Mr. Speaker, there is additional information that I will include in my statement for the RECORD, but I wanted to conclude by praising the work of the Armenian American community in keeping the flame of memory burning. This week members of the Armenian Assembly of America held an advocacy day on Capitol Hill in which they urged the Members of Congress on several key issues, including the recognition of the genocide.

On Sunday, April 16, the annual commemoration will be held in Times Square in New York City, and on Tuesday, May 2, after Congress returns from our spring recess, the Armenian National Committee will host the sixth annual Capitol Hill observance and reception marking the anniversary of the genocide.

I am pleased to report that the Armenian Assembly has recently acquired a building not far from the White House here in Washington to use as the future site of the Armenian Genocide Museum.

Mr. Speaker, I include for the RECORD the letter from Ms. Varzhapetyan.

The letter referred to is as follows:

JEWISH COMMUNITY OF ARMENIA,
REPUBLIC OF ARMENIA,
Yerevan 375051, 2/1 Griboyedov St., off. 49.

Congress of The United States of America

On 24 April, 2000, 85-th anniversary of the Genocide of Armenians—a horrifying crime, which occurred at the beginning of this century—will be commemorated.

Had the world recognized and condemned the Genocide at the time, it is unlikely that the word Holocaust would have become known to the Jewish people. Today the world is not safeguarded against genocide. It can be repeated anywhere in the world.

We believe that what happened to Armenians at the beginning of the century is not an issue for only Armenians. It is a cruel crime against humanity.

Taking into consideration that the Armenian Genocide was recognized by the United Nations Human Rights Subcommission in 1985, that it was recognized by member states of the European Union in 1987, and by the Ottoman military tribunal in 1919, the Jewish Community of Armenia believes that the recognition of the 1915–1923 Armenian Genocide will positively impact the resolution of a number of issues in the Caucasus.

Believing that Turkey's membership in the European Union should require its acknowledgment of responsibility for the Armenian Genocide—which will benefit the Turkish people as well—the Jewish Community of Armenia urges Congress of The United States of America to speak up in support of the interests of the Armenians and to recognize the Genocide of Armenians, as they recognized the Jewish Holocaust.

RIMA VARZHAPETYAN,
Chairman of the JCA.

Mr. HOLT. Mr. Speaker, I rise today to honor the memory of the one and a half million Armenians who perished in the Armenian Genocide of 1915–1923.

The Armenian Genocide was one of the most awful events in history. It was a horrible precedent for other twentieth-century genocides—from Nazi Germany to Cambodia, Bosnia, and Rwanda.

This great tragedy is commemorated each year on April 24. On that day in 1915 hundreds of Armenian leaders in Constantinople were rounded up to be deported and killed.

In the following years, Ottoman officials expelled millions of Armenians from homelands they had inhabited for over 2,500 years. Families—men, women, and children—were driven into the desert to die of starvation, disease, and exposure. Survivors tell of harrowing forced marches and long journeys packed into cattle cars like animals. In 1915, the New York Times carried reports of families burned alive in wooden houses or chained together and drowned in Lake Van.

Mr. Speaker, the murder of innocent children can never be an act of self-defense, as the Ottomans claimed. As Henry Morgenthau, Sr., the United States Ambassador to Turkey, cabled to the U.S. Department in 1915, the actions of the Ottoman Government constituted "a campaign of race extermination * * * under pretence of a reprisal against rebellion."

Documents in the archives of the United States, Britain, France, Austria, the Vatican, and other nations confirm Ambassador Morgenthau's assessment. While the Turkish government claims it resources show otherwise, Turkey has never opened its archives to objective scholars.

It is time for the world to deal honestly and openly with this great blemish on our common history.

The United States can be proud of its role in opposing the genocide while it was taking place.

Ambassador Morgenthau, with State Department approval, collected witness accounts and other evidence of atrocities, calling international attention to the genocide. A Concurrent Resolution of the United States Senate encouraged the President to set aside a day of sympathy for Armenian victims. Congress and President Wilson chartered the organization of Near East Relief, which provided over $100 million in aid for Armenian survivors and led to the adoption of 132,000 Armenian orphans as foster children in the United States.

Yet the international community failed to take decisive action against the criminals who planned and instigated this tragedy.

After World War I, courts-martial sentenced the chief organizers of the Armenian Genocide to death, but the verdicts of the courts were not enforced. International standards were not asserted to hold Ottoman officials accountable.

I have cosponsored legislation that would help redress this tragedy.

H. Res. 398 would take steps to ensure that all Foreign Service officers and other United States officials dealing with human rights issues are familiar with the Armenian Genocide and the consequences of the failure to enforce judgments on the responsible officials.

It would also recognize the seriousness of these events by calling on the President to

refer to the deaths of 1.5 million Armenians following 1915 as "genocide."

In 1939, when Adolf Hitler was issuing orders for German "Death Units" to murder Polish and Jewish men, women, and children, he noted, "After all, who remembers the extermination of the Armenians?"

Mr. Speaker, the Congress of the United States remembers the Armenians. I urge my colleagues to join me in condemning genocide and honoring the memory of 1.5 million innocent victims. Cosponsor H. Res. 398.

Mr. ACKERMAN. Mr. Speaker, I am honored to join with so many of my colleagues in recalling the horrors visited upon the Armenian people and to take a stand against those who would deny the past in order to shape the future. The Armenian Genocide, which occurred between 1915 and 1923, resulted in the deliberate death of 1.5 million human souls, killed for the crime of their own existence.

A shocking forerunner of still greater slaughter to come in the 20th century, the Armenian Genocide marked a critical point in history, when technology and ideology combined with the power of the state to make war on an entire people. The Ottoman Empire's campaign to eliminate the whole of the Armenian population existing within its borders was no accident, no mistake made by a minor functionary. Genocide was official policy and 1.5 million corpses were the result. The innocent, the harmless, the blameless, without regard to age, sex or status, they were the victims of deportation, starvation and massacre.

When we here, in the House of Representatives, recall the deaths of the innocent of Armenia, we stand as witnesses to history and recognize the common bond of humanity. We acknowledge not just Armenians, but all the victims of vicious nationalism, ethnic and religious hatred, and pathological ideologies. The double tragedy of the Armenian Genocide, is first, that 1.5 million lives were snuffed out, and second, that the world, including the United States, not only did nothing, but again stood by as genocide took place on an even vaster scale across Europe only 16 years later.

"Never again." This is the simple lesson we as a nation have learned from the unprecedented slaughter of the innocent in the last century. Our armed forces are serving nobly around the world to make this dictum more than just words. If we are to be a just and honorable nation, we must do more than shrug our shoulders at atrocities. We, as a nation, must bear witness to history, and having acknowledged the horrors of the past, commit ourselves to preventing their repetition.

Mr. Speaker, I am here today for one simple reason: to recall publicly that eighty-five years ago one-third of the Armenian people were put to death for the crime of their own existence. To deny this reality is to murder them again. We can not, we must not, allow their deaths to be stripped of meaning by allowing the crime committed against them to slowly slip into the mists of lost memory.

Thanks to the strength and commitment of America's citizens of Armenian descent, their memory will not be lost. The victims of the Armenian Genocide will not be forgotten. I'd also like to commend and thank my colleagues Congressmen JOHN PORTER and FRANK PALLONE, the co-chairmen of the Congressional Caucus of Armenian Issues. Thanks to their leadership, this House has again honorably fulfilled America's commitment to memory and justice.

Mr. GILMAN. Mr. Speaker, I am honored that my colleagues have invited me to join in today's special order commemorating the tragic events that began in 1915.

I know how important this commemoration is to those Armenian-Americans descended from the survivors of the massacres carried out during World War I, almost eighty-five years ago.

Indeed, hundreds of thousands of Armenians died at that time as a result of brutal actions taken by the Turkish Ottoman Empire.

While the men and women who died during those tragic days would not live to see it, the Armenian nation has now re-emerged, despite the suffering its people endured under the Ottoman Empire and during the following eight decades of communist dictatorship under the former Soviet Union.

As I have said before, the independent state of Armenia stands today as clear proof that indeed the Armenian people have survived the challenges of the past—and will survive the challenges of the future as well.

Through assistance and diplomatic support, the United States is helping Armenia to build a new future.

Today, Mr. Speaker, I ask my colleagues to join us in looking to the past and in commemorating those hundreds of thousands of innocents who lost their lives some eighty-five years ago.

Mr. DOOLEY of California. Mr. Speaker, I rise today to join my colleagues in remembrance of the Armenian Genocide.

This terrible human tragedy must not be forgotten. Like the Holocaust, the Armenian Genocide stands as a tragic example of the human suffering that results from hatred and intolerance.

One and a half million Armenian people were massacred by the Ottoman Turkish Empire between 1915 and 1923. More than 500,000 Armenians were exiled from a homeland that their ancestors had occupied for more than 3,000 years. A race of people was nearly eliminated.

It would be an even greater tragedy to forget that the Armenian Genocide ever happened. To not recognize the horror of such events almost assures their repetition in the future. Adolf Hitler, in preparing his genocide plans for the Jews, predicted that no one would remember the atrocities he was about to unleash. After all, he asked, "Who remembers the Armenians?"

Our statements today are intended to preserve the memory of the Armenian loss, and to remind the world that the Turkish government—to this day—refuses to acknowledge the Armenian Genocide. The truth of this tragedy can never and should never be denied.

And we must also be mindful of the current suffering of the Armenian, where the Armenian people are still immersed in tragedy and violence. The unrest between Armenia and Azerbaijan continues in Nagorno-Karabakh. Thousands of innocent people have already perished in this dispute, and many more have been displaced and are homeless.

In the face of this difficult situation we have an opportunity for reconciliation. Now is the time for Armenia and its neighbors to come together and work toward building relationships that will assure lasting peace.

Meanwhile, in America, the Armenian-American community continues to thrive and to provide assistance and solidarity to its countrymen and women abroad. The Armenian-American community is bound together by strong generational and family ties, an enduring work ethic and a proud sense of ethnic heritage. Today we recall the tragedy of their past, not to place blame, but to answer a fundamental question, "Who remembers the Armenians?"

Our commemoration of the Armenian Genocide speaks directly to that, and I answer, we do.

Mr. BONIOR. Mr. Speaker, I rise today to recognize the 85th anniversary of the Armenian Genocide.

After decades of ethnic and religious persecution, Armenians living within the Ottoman Empire joined together with the purpose of restoring freedom and self-determination to the Armenian people. In retaliation, the Sultan ordered the mass deportation of over 1,750,000 Armenians from their villages and homes and towards Mesopotamia. They left behind all they had known for a dozen generations and began a horrifying trek across an uninhabitable desert. These innocent families were either slaughtered by their captors, or died from dehydration and exhaustion by the hundreds of thousands. An estimated 1,500,000 men, women and children died during the course of this deadly exodus.

This upcoming April 24 we will pause, as we do each year, to remember those innocents who were so viciously murdered. We will join with all Armenian Americans and Armenians throughout the world in recognizing this horrifying genocide of their people, and by remembering we will make the promise to Armenians everywhere that this atrocity will never be repeated.

I have introduced H. Res. 398, commemorating the Armenian Genocide Resolution and insuring that no one further will deny this brutal chapter in human history. I ask that you join with me as I express my profound sorrow for the lost lives of millions, and as I celebrate the lives of their children and grandchildren who live on today. For by honoring the living, we most faithfully remember those who suffered a merciless death in the desert some 85 years ago.

Mr. CUNNINGHAM. Mr. Speaker, I want to lend my voice to this important debate remembering the Armenian Genocide. While Turkey's brutal campaign against the Armenian people was initiated almost a century ago, its impact lives on in the hearts of all freedom-loving people. That is why we must continue to speak about it. We must remind the American people of the potential for such atrocities against ethnic groups, because history lessons that are not learned are too often repeated.

After suffering three decades of persecution, deportation and massacre under the Ottoman Turks, the Armenian people were relieved when the brutal reign of Ottoman Turks Sultan Abdul Hamid came to an end in 1908. But that relief was short-lived, as the successor Young

Turk dictators were working on a far more aggressive plan to deal with the Armenian people. By 1914, they were laying plans to eliminate the country's minorities—starting with the Armenian people. Segregating Armenians in the military, the Turks were able to work these people to death. That year, the government also organized other military units comprised of convicts for the express purpose of annihilating Armenian people.

By the spring of 1915, the Turkish dictators were ready to execute their final solution: they began ordering massive deportation and massacres of Armenian people. April 24 marked the fruition of this plan, with the murder of nearly 200 Armenian religious, political and intellectual leaders—which set off the full scale campaign to eliminate the Armenian people. Men, women, and children alike were subjected to torture, starvation and brutal death—and every kind of unspeakable act against humanity—in the name of Turkish ethnic cleansing. 1.5 million Armenian people perished at the hands of this brutal regime.

The U.S. has some of the most extensive documentation of this genocide against the Armenian people, but there has been no shortage of corroboration by other countries. The Armenian genocide has been recognized by the United Nations and around the globe, and the U.S. came to the aid of the survivors. But perhaps we were not vociferous enough in holding the perpetrators of this genocide accountable, and for shining the light of international shame upon them. For it was only a few decades later that we saw another genocide against humanity: the Holocaust. That is why we must continue to tell the story of Armenian genocide. It is a painful reminder that such vicious campaigns against a people have occurred, and that the potential for such human brutality exists in this world. We must remain mindful of the continued repression of Armenians today, and challenge those who would persecute these people. If we do not, future generations may be destined to relive such horrors against humanity.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to honor the memory of those who lost their lives during the Armenian Genocide.

The Armenians are an ancient people, having inhabited the highland region between the Black, Caspian, and Mediterranean seas for almost 3,000 years. Armenia was sometimes independent under its national dynasties, autonomous under native princes, or subjected to foreign rulers. The Armenians were among the first groups of people to adopt Christianity and to have developed a distinct national-religious culture.

Turkey invaded Armenia in the beginning of the 11th century, AD and conquered the last Armenian kingdom three centuries later. Most of the territories which had formed the medieval Armenian kingdoms were incorporated into the Ottoman Empire in the 16th century. While the Armenians were included in the Ottoman Empire's multi-national and multi-religious state, they suffered discrimination, special taxes, prohibition to bear arms, and other second-class citizenship status.

In spite of these restrictions, Armenians lived in relative peace until the late 1800's. When the Ottoman Empire started to strain under the weight of internal corruption and external challenges, the government increased oppression and intolerance against Armenians. The failure of the Ottoman system to prevent the further decline of its empire led to the overthrow of the government by a group of reformists known as the Young Turks. It would be under the Young Turks' rule between 1915 and 1918 that Armenians would be forcibly taken from their homeland and killed.

Hundreds of thousands of Armenian men were rounded up and deported to Syria by way of train and forced caravan marches. Armenian women and children were subjected to indescribable cruelties prior to losing their lives as well. While many Armenians survived the conditions of the packed cattle cars, they did not survive the Syrian desert. Killed by bandits or conditions from desert heat and exhaustion, most victims of the forced caravan marches did not even reach the killing centers in Syria. While others perished in the concentration camps in the Syrian desert where disease, starvation, and other health conditions brought about their demise.

This genocide, which was preceded by a series of massacres in 1894–1896 and in 1909 and was followed by another series of massacres in 1920, essentially dispersed Armenians and removed them from their historic homeland. The persecution of the Armenian people has left psychological scars among the survivors and their families. No person should have to endure the trauma and horrors that they have.

On May 2, 1995, I had the honor of meeting the former Armenian Ambassador to the United States, Rouben Robert Shugarian, at a Congressional reception commemorating the 80th anniversary of the Armenian genocide. Ambassador Shugarian introduced me to several survivors of the 1915 genocide. This experience was a deeply moving and personal reminder of the 1.5 million Armenians who perished during the systematic extermination by the Ottoman Empire.

It is important that we not only commemorate the Armenian Genocide, but honor the memory of those who lost their lives during this time. We must never forget this horrific and shameful time in world history so that it will never be repeated again.

Mr. MARTINEZ. Mr. Speaker, I rise today to join my colleagues in commemorating the 85th anniversary of the Armenian Genocide.

The spirits of 1.5 million Armenian men, women and children who perished at the hands of the Ottoman Turks cry out for justice. The collective weight of their deaths hangs like the Sword of Damocles over Turkey's refusal to recognize the sins of its past.

Mr. Speaker, eighty-five years after the brutal decapitation of the political, religious and economic leadership of Armenian society; eighty-five years after the forced marches of starvation; eighty-five years after its genocidal campaign against its Armenian population, the Turkish Government continues to deny the undeniable.

Mr. Speaker, the Armenian Genocide is an historical fact—a fact that has been indelibly etched in the annals of history. It cannot be wiped away from our collective conscience. It cannot be denied. The systematic slaughter of 1.5 million Armenians stands as one of the darkest and bloodiest chapters of the twentieth century. From 1915 to 1923, the government of the Ottoman Empire carried out a calculated policy of mass extermination against its Armenian citizens.

The Turkish Government has a moral obligation to acknowledge the Armenian Genocide. Just as Germany has come to grips and atoned for the Jewish Holocaust, Turkey must recognize and atone for the Armenian Genocide. To heal the open wounds of the past, Turkey must come to terms with its past. Turkey must also come to terms with its present hostile actions against the Republic of Armenia.

Mr. Speaker, the Government of Turkey should immediately lift its illegal blockade of Armenia. In addition, Turkey must stop obstructing the delivery of United States humanitarian assistance to Armenia. This is not only unconscionable but it also damages American-Turkish relations. Turkey is indeed an important ally of the United States. However, until Turkey faces up to its past and stops its silent but destructive campaign against the republic of Armenia, United States-Turkey relations will not rise to their full potential.

Mr. Speaker, the United States must continue to be a strong ally of Armenia. We must target our assistance to promote Armenian trade, long-term economic self-sufficiency, and Democratic pluralism. We must also continue to support section 907 of the Freedom Support Act, which is aimed at penalizing countries like Azerbaijan that prevent the transshipment of United States humanitarian relief through their territory.

Finally, our government must speak with one voice when it comes to the matter of the Armenian Genocide. While Congress has used the word genocide to describe the actions of the Ottoman Government against its Armenian population, the United States Government has not been as forthcoming. It is time for the President to put diplomatic niceties and Turkish sensitivities aside, and speak directly to the American people and to the world. Genocide is the only word that does justice to the memory of 1.5 million Armenian men, women and children that were victimized by the implementation of a deliberate, premeditated plan to eliminate them as a people from the face of the Earth. I stand here tonight to say that they have not been forgotten.

Mr. WEYGAND. Mr. Speaker, I come before you today to recognize the Armenian Genocide. Over a period of nine years, more than one million Armenians were systematically persecuted, expelled, and displaced from their homeland in eastern Turkey. The horrific shadows of this prejudicial, killing campaign continues to haunt us. May this day of remembrance and the stories shared here reverberate through the Nation so that history is not able to repeat itself.

Unfortunately, too few Americans know much about the suffering of the Armenian people from 1915 to 1923. During these years, the Young Turk government of the Ottoman Empire attempted to eradicate all traces of the Armenian people and their culture from Turkey. To expedite their demise, the government ordered direct killings, instituted starvation initiatives, participated in torture tactics, and forced death marches. By all accounts, this persecution was purposeful and deliberative.

Such outrageous behaviors and insurmountable prosecution can only be deemed appropriately by the term ''genocide'', for a genocide implies complete annihilation and destruction. For political reasons, the United States government has long refused to accept this extermination and expulsion as such, fortunately that is rapidly changing.

As we remember those whose lives were lost, let us also pay tribute to those whose lives continue to thrive in spite of this dark history. The individuals that constitute the large Armenian-American population in our country continue to offer their communities valuable services and significant contributions both locally and nationally. The Armenian people continue to aggressively transform tragedy into triumph, and I salute the power of their spirit.

As we mark the anniversary of these horrific events, we need to heed the lessons learned and accept nothing less than absolute intolerance for this sort of behavior. Not only will we continue to remember and mourn the loss of so many Armenians, but we must also take notice and cease this action immediately worldwide. We must ensure that such a tragedy will never again be visited upon any people in the world.

Mr. ROTHMAN. Mr. Speaker, I rise today to join my colleagues in honoring the memory of the 1.5 million martyrs of the Armenian Genocide. I want to begin by thanking the co-chairs of the Armenian Caucus, Representatives JOHN PORTER and FRANK PALLONE, for organizing this special order which pays tribute to the victims of one of history's most terrible tragedies.

I am proud to be a cosponsor of H.R. 398, the ''United States Training on and Commemoration of the Armenian Genocide Resolution.'' This bill rightly calls upon the President of the United States to provide for appropriate training and materials to all U.S. Foreign Service officers, officials of the Department of State, and any other executive branch employee involved in responding to issues related to human rights, ethnic cleansing, and genocide by familiarizing them with the U.S. record relating to the Armenian Genocide. Further, H.R. 398 calls on the President to issue an annual message commemorating the Armenian Genocide on or about April 24, to characterize in this statement the systematic and deliberate annihilation of 1,500,000 Armenians as genocide, and also to recall the proud history of U.S. intervention in opposition to the Armenian Genocide.

Mr. Speaker, since my election to Congress in 1966, I have worked to affirm the historical record of the Armenian Genocide and have sought to respond directly to those who deny what was the first crime against humanity of the 20th century. As the eminent historian Professor Vahakn Dadrian wrote in a brief prepared on the Armenian Genocide last year for the Canadian Parliament, ''When a crime of such magnitude continues to be denied, causing doubt in many well-meaning and impartial people, one must refute such denial by producing evidence that is as compelling as possible.'' I share this belief and for that reason I strongly support the goals laid out in H.R. 398. I look forward to working hard to secure this worthwhile bill's passage by the House International Relations Committee and further, by working to ensure that it secures broad, bipartisan support when it is considered by the full House of Representatives.

Again, I thank Representatives PORTER and PALLONE for organizing this special order and I urge all my colleagues to cosponsor H.R. 398.

Mr. MCNULTY. Mr. Speaker, I join today with many of my colleagues in remembering the victims of the Armenian Genocide.

From 1915 to 1923, the world witnessed the first genocide of the 20th century. This was clearly one of the world's greatest tragedies—the deliberate and systematic Ottoman annihilation of 1.5 million Armenian men, women, and children.

Furthermore, another 500,000 refugees fled and escaped to various points around the world—effectively eliminating the Armenian population of the Ottoman Empire.

From these ashes arose hope and promise in 1991—and I was blessed to see it. I was one of the four international observers from the United States Congress to monitor Armenia's independence referendum. I went to the communities in the northern part of Armenia, and I watched in awe as 95 percent of the people over the age of 18 went out and voted.

The Armenian people had been denied freedom for so many years and, clearly, they were very excited about this new opportunity. Almost no one stayed home. They were all out in the streets going to the polling places. I watched in amazement as people stood in line for hours to get into these small polling places and vote.

Then, after they voted, the other interesting thing was that they did not go home. They had brought covered dishes with them, and all of these polling places had little banquets afterward to celebrate what had just happened.

What a great thrill it was to join them the next day in the streets of Yerevan when they were celebrating their great victory. Ninety-eight percent of the people who voted cast their ballots in favor of independence. It was a wonderful experience to be there with them when they danced and sang and shouted, 'Ketze azat ankakh Hayastan'—long live free and independent Armenia! That should be the cry of freedom-loving people everywhere.

Mr. VISCLOSKY. Mr. Speaker, I rise today in solemn memorial to the estimated 1.5 million men, women, and children who lost their lives during the Armenian Genocide. As in the past, I am pleased to join so many distinguished House colleagues on both sides of the aisle in ensuring that the horrors wrought upon the Armenian people are never repeated.

On April 24, 1915, over 200 religious, political, and intellectual leaders of the Armenian community were brutally executed by the Turkish Government in Istanbul. Over the course of the next 8 years, this war of ethnic genocide against the Armenian community in the Ottoman Empire took the lives of over half the world's Armenian population.

Sadly, there are some people who still deny the very existence of this period which saw the institutionalized slaughter of the Armenian people and dismantling of Armenian culture. To those who would question these events, I point to the numerous reports contained in the United States National Archives detailing the process that systematically decimated the Armenian population of the Ottoman Empire. However, old records are too easily forgotten—and dismissed. That is why we come together every year at this time: to remember in words what some may wish to file away in archives. This genocide did take place, and these lives were taken. That memory must keep us forever vigilant in our efforts to prevent these atrocities from ever happening again.

I am proud to note that Armenian immigrants found, in the United States, a country where their culture could take root and thrive. In my district in Northwest Indiana, a vibrant Armenian-American community has developed and strong ties to Armenia continue to flourish. My predecessor in the House, the late Adam Benjamin, was of Armenian heritage, and his distinguished service in the House serves as an example to the entire Northwest Indiana community. Over the years, members of the Armenian-American community throughout the United States have contributed millions of dollars and countless hours of their time to various Armenian causes. Of particular note are Mrs. Vicki Hovanessian and her husband, Dr. Raffi Hovanessian, residents of Indiana's First Congressional District, who have continually worked to improve the quality of life in Armenia, as well as in Northwest Indiana. Two other Armenian-American families in my congressional district, Heratch and Sonya Doumanian and Ara and Rosy Yeretsian, have also contributed greatly toward charitable works in the United States and Armenia. Their efforts, together with hundreds of other members of the Armenian-American community, have helped to finance several important projects in Armenia, including the construction of new schools, a mammography clinic, and a crucial roadway connecting Armenia to Nagorno Karabagh.

In the House, I have tried to assist the efforts of my Armenian-American constituency by continually supporting foreign aid to Armenia. This last year, with my support, Armenia received over $100 million of the $240 million in U.S. aid earmarked for the Southern Caucasus. I strongly oppose the Administration's efforts to increase aid to other Southern Caucasus nations at the expense of Armenia.

The Armenian people have a long and proud history. In the fourth century, they became the first nation to embrace Christianity. During World War I, the Ottoman Empire was ruled by an organization known as the Young Turk Committee, which allied with Germany. Amid fighting in the Ottoman Empire's eastern Anatolian provinces, the historic heartland of the Christian Armenians, Ottoman authorities ordered the deportation and execution of all Armenians in the region. By the end of 1923, virtually the entire Armenian population of Anatolia and western Armenia had either been killed or deported.

In order to help preserve the memory of these dark years in Armenian history, I am a proud supporter of efforts by Representatives GEORGE RADANOVICH and DAVID BONIOR to promote the use of the recorded history of these events to demonstrate to America's Foreign Service officers and State Department officials the circumstances which can push a nation along the path to genocide. Their measure, H. Res. 398, the United States Training

on and Commemoration of the Armenian Genocide Resolution, would also call upon the President to characterize this policy of deportation and execution by the Ottomans as genocidal, and to recognize the American opposition and attempts at intervention during this period.

While it is important to keep the lessons of history in mind, we must also remain committed to protecting Armenia from new and more hostile aggressors. In the last decade, thousands of lives have been lost and more than a million people displaced in the struggle between Armenia and Azerbaijan over Nagorno-Karabagh. Even now, as we rise to commemorate the accomplishments of the Armenian people and mourn the tragedies they have suffered, Azerbaijan, Turkey, and other countries continue to engage in a debilitating blockade of this free nation.

Section 907 of the Freedom Support Act restricts U.S. aid for Azerbaijan as a result of this blockade. Unfortunately, as Armenia enters the eleventh year of the blockade, the Administration is again asking Congress to repeal this one protection afforded the beleaguered nation. I stand in strong support of Section 907, which sends a clear message that the United States Congress stands behind the current peace process and encourages Azerbaijan to work with the Organization for Security and Cooperation in Europe's Minsk Group toward a meaningful and lasting resolution. In the end, I believe Section 907 will help conclude a conflict that threatens to destabilize the entire region and places the Armenian nation in distinct peril.

Mr. Speaker, I would like to thank my colleagues, Representatives JOHN PORTER and FRANK PALLONE, for organizing this special order to commemorate the 58th Anniversary of the Armenian genocide. Their efforts will not only help bring needed attention to this tragic period in world history, but also serve to remind us of our duty to protect basic human rights and freedoms around the world.

Mr. CAPUANO. Mr. Speaker, I rise today to commemorate the 85th anniversary of the Armenian Genocide. I am a proud cosponsor of H. Res. 398 which commemorates the victims of the Armenian Genocide by calling on the President to honor the 1.5 million victims of the Armenian Genocide and to provide educational tools for our Foreign Diplomats responsible for addressing issues of human rights, ethnic cleansing, and genocide.

Throughout three decades in the late nineteenth and early twentieth centuries, Armenians were systematically uprooted from their homeland of three thousand years, and millions were deported or massacred. From 1894 through 1896, three hundred thousand Armenians were ruthlessly murdered. Again in 1909, thirty thousand Armenians were massacred in Cilicia, and their villages were destroyed.

On April 24, 1915, two hundred Armenian religious, political, and intellectual leaders were arbitrarily arrested, taken to Turkey and murdered. This incident marks a dark and solemn period in the history of the Armenian people. From 1915 to 1923, the Ottoman Empire launched a systematic campaign to exterminate Armenians. In eight short years, more than 1.5 million Armenians suffered through atrocities such as deportation, forced slavery, and torture. Most were ultimately murdered.

The tragedy of the Armenian Genocide has been acknowledged around the world, in countries like Argentina, Belgium, Canada, Cyprus, France, Great Britain, Greece, Lebanon, Russia, the United States, and Uruguay, as well as international organizations such as the Council of Europe, the European Parliament, and the United Nations.

Yet, despite irrefutable evidence, Turkey has refused, for over 85 years, to acknowledge the Armenian Genocide. Even in present day, Turkey continues to have inimicable relations with Armenia. In addition to denying the crimes committed against the Armenian people, Turkey continues to block the flow of humanitarian aid and commerce to Armenia.

I personally admire the dedication and perseverance of the Armenian-American community, and their ever present vigil to educate the world of their painful history. In spite of their historic struggles, children and grandchildren of the survivors of the Armenian Genocide have gone on to make invaluable contributions to society, while at the same time preserving their heritage and unique identity. Over 60,000 Armenian-Americans live in the greater Boston area. Within Massachusetts, many of these Armenians have formed public outreach groups seeking to educate society about Armenia's culture.

I made the observation last year about how sad and frustrating it was that at the beginning of this century, Armenians were murdered en masse and now, at the end of the 20th century, the same type of brutal killing of innocent people continues. The human race has now entered a new millennium, and we must be more vigilant about holding governments accountable for their actions. Last September, in East Timor, thousands of men, women, and children were mercilessly slaughtered; in Sierra Leone, thousands of children have been brutally maimed; and in Chechnya, hundreds of women and children have been forced to flee their homes, the number of deaths remain unknown. By acknowledging and commemorating the Armenian Genocide, the U.S. and many other countries are sending a message that governments cannot operate with impunity towards our fellow man.

Let me end by saying, that as a member of the Congressional Armenian Caucus, I will continue to work with my colleagues and with the Armenian-Americans in my district to promote investment and prosperity in Armenia. We must continue to be vigilant, we must preserve the rich identities of Armenians, and we must work towards ending crimes against all humanity.

Mr. LEVIN. Mr. Speaker, I am proud to join my colleagues in Congress to commemorate the 85th anniversary of the Armenian Genocide.

Between 1894 and 1923, approximately two million Armenians were massacred, persecuted, and exiled by the Turk government of the Ottoman Empire. This campaign of murder and oppression, perpetrated by the Turk government attempted to systematically wipe out the Armenian population of Anatolia, their historic homeland.

Even though the Turk government held war crime trials and condemned to death the chief perpetrators of this heinous crime against humanity, the vast majority of the culpable were set free. To this day, the Turk government denies the Armenian Genocide ever took place.

Indeed, the government of Turkey goes even further calling the Armenians "traitors" who collaborated with the enemies of the Ottoman Empire during war. We cannot permit such blatant disregard and denial to continue. Genocide is genocide, no matter how, when, or where it happens.

Mr. Speaker, there are many living survivors in my district. The memory of their tragedy still haunts them. They participate each year in commemoration ceremonies with the hope that the world will not forget their anguish. They hope that one day the Turkish government will show signs of remorse for a crime committed by their ancestors.

To me, Mr. Speaker, the Armenian Genocide is not just a footnote in history. It is something that people all over the world feel very deeply about. It is an issue above politics and partisanship. It is a question of morality.

Mr. Speaker, it is imperative that each of us works to ensure that our generation and future generations never again witness such inhuman behavior and suffering. The crime of genocide must never again be allowed to mar the history of mankind, and today we stand with our Armenian brothers and sisters, to remember and commit ourselves to a better future in their memory.

Mr. MOAKLEY. Mr. Speaker, I am glad to join with my colleagues in this solemn remembrance of the Armenian genocide. It is vitally important that we never forget the Armenian people who died in that tragedy, and all those who were persecuted in those difficult years that followed.

As we know, on April 24, 1915, Turkish officials arrested and exiled more than 200 Armenian political, intellectual and religious leaders. This symbolic cleansing of Armenian leaders began a reign of terror against the Armenian people that lasted until 1923, and resulted in the death of more than 1.5 million Armenians. Over that eight year period another 500,000 Armenians were displaced from their homes.

Mr. Speaker, many of the survivors of the Armenian genocide came to the United States, and have made countless contributions to our society. We know them well as our friends and neighbors. For years, these survivors and their descendants have told the painful story of their past, which often fell on deaf ears. I am glad to lend my voice, along with so many other of my colleagues today, to show the world how important the Armenians' story is to our history—and our future. It is amazing how often history will repeat itself, and how often we don't listen to the past. The memory of the Armenian Genocide, no matter how cruel and brutal, must serve as a lesson to us all to never ignore such actions again.

Mr. FORBES. Mr. Speaker, I rise today with solemn reflection to remember one of the most inhumane episodes of the 20th Century, the Armenian Genocide. From 1915 to 1922, the Ottoman Empire, ruled by Muslim Turks carried out a policy to exterminate its Christian Armenian minority. The genocide started with a series of massacres in 1894–1896, and again in 1909. This was followed by another series of massacres, which began in 1920. By

1922 the Armenians had been eradicated from their historic homeland.

There were three prevailing aspects of the Armenian Genocide: the deportations, the massacres, and the concentration camps. The deportations affected the majority of Armenians in the Turkish Empire. From as far north as the Black Sea and as far west as European Turkey, Armenians were forcibly removed and transported to the Syrian Desert. At many of these relocation sites, large-scale massacres were carried out. The few survivors were dispersed across Syria, Iraq, and as far south as Palestine.

Winston Churchill once observed that "In 1915 the Turkish Government began and ruthlessly carried out the infamous general massacre and deportation of Armenians in Asia Minor. There can be no reasonable doubt that this crime was planned and executed for political reasons."

Our former Ambassador to the Ottoman Empire (1913–16) Henry Morgenthau stated that "when the Turkish authorities gave the orders for those deportations, they were merely giving the death warrant to a whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal this fact."

We must keep in mind the historical perspective of this terrible tragedy. Over 1.8 million Armenian civilians perished at the hands of their Turkish persecutors. We must educate our children to tolerate each other's differences and embrace a healthy respect for humanity. Only by instilling future generations with an understanding of these terrible events in the past may we prevent them from reoccurring in the future. We must not fail to live up to our collective responsibilities; the victims of this terrible tragedy deserve nothing less.

Mr. KENNEDY of Rhode Island. Mr. Speaker, today, we commemorate the Armenian Genocide of April 24th 1915, and in so doing honor the memories of those who survived and those who were killed on that tragic night. It is hard to talk about that date and many would prefer not to, but if we cannot recognize the tragedies of the past, how can we avoid them in the future? Ethnic violence and genocide have marred our collective history from its earliest days, challenging generations throughout time. Yet we cannot forget these events; we cannot cover up, ignore, or rewrite history so that these crimes against humanity disappear.

Our Nation's connection to the Armenian people is great, as has been their contribution to the United States. In my home state of Rhode Island, we have one of the largest populations of Armenians in the country and the State is blessed with the gifts of the Armenian community. To truly honor those gifts, we must take time every year to understand what that community has been through, and the part of their history that is the Armenian Genocide. That is why on this day we remember the unjustifiable, unprovoked, and undeniable massacre of Armenians by the Ottoman Empire. What the Ottoman Empire began that night 85 years ago was a policy of ethnic cleansing. It can be called nothing else.

Today, brave American men and women serve in our Armed Forces across the globe. They do more than protect nations, they serve as reminders to the world and ourselves of what our country stands for. The Armenian Genocide should also serve as a reminder, of what will happen if we do nothing in the face of potential tragedies. It serves as a reminder that we must do better to protect peace and stability and human rights around the world.

Mr. DINGELL. Mr. Speaker, the sick man of Europe had been dying a slow death. It was a particularly dark time in Europe when the sick man finally succumbed, and an empire collapsed. During World War I—a tumultuous, revolutionary time of great societal transformations and uncertain futures on the battlefields and at home—desperate Ottoman leaders fell back on the one weapon that could offer hope of personal survival. It is a weapon that is still used today, fed by fear, desperation, and hatred. It transforms the average citizen into a zealot, no longer willing to listen to reason. This weapon is, of course, nationalism. Wrongly directed, nationalism can easily result in ethnic strife and senseless genocide, committed in the name of false beliefs preached by immoral, irresponsible, reprehensible leaders.

Today I rise not to speak of the present, but in memory of the victims of the past, who suffered needlessly in the flames of vicious, destructive nationalism. On April 24, 1915, the leaders of the Ottoman government tragically chose to systematically exterminate an entire race of people. We gather in solemn remembrance of the result of that decision, remembering the loss of one-and-a-half million Armenians.

The story of the Armenian genocide is in itself appalling. It is against everything our government—and indeed all governments who strive for justice—stands for; it represents the most wicked side of humanity. What makes the Armenian story even more unfortunate is history has repeated itself in all corners of the world, and lessons that should have been learned long ago have been ignored.

We must not forget the Armenian genocide, the Holocaust, Rwanda, or Bosnia. Today, on this grim anniversary, we must remember why our armed forces fought in the skies over Yugoslavia last year.

We must not sit idly by and be spectators to the same kind of violence that killed so many Armenians; we must not watch as innocent people are brutalized not for what they have done, but simply for who they are. Ethnic cleansing is genocide and can not be ignored by a just and compassionate country. We owe it to the victims of past genocides to stamp out this form of inhumanity.

It is an honor and privilege to represent a large and active Armenian population, many who have family members who were persecuted by their Ottoman Turkish rulers. Michigan's Armenian-American community has done much to further our state's commercial, political, and intellectual growth, just as it has done in communities across the country. And so I also rise today to honor the triumph of the Armenian people, who have endured adversity and bettered our country.

But again, Mr. Speaker, it is also my hope that in honoring the victims of the past, we learn one fundamental lesson from their experience: Never Again!

Mr. MCGOVERN. Mr. Speaker, I am grateful for the opportunity to honor the memory of the one and a half million Armenians who were massacred and the over 500,000 Armenian survivors who fled into exile during the 1915–to–1923 genocide carried out by Ottoman Turkey.

As Henry Morgenthau, Sr., the U.S. Ambassador to the Ottoman Empire stated, "I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the suffering of the Armenian race in 1915."

The new century marks the 85th Anniversary of the Armenian Genocide. I would have liked to proclaim that the United States and the international community now recognize this tragic historic event with official commemorations. I would have liked to announce that the Government of Turkey officially acknowledges the Genocide. Unfortunately, we enter the year 2000 with continuing acts of denial that this Genocide took place, efforts to re-write the historical record, and the refusal by many governments, including the United States, to use officially the word "genocide" to describe the deliberate murder of hundreds of thousands of Armenians.

Entire villages were destroyed. Entire families were exterminated. There can be no forgiveness, no peace for the dead, no comfort for the families of survivors, until Turkey and the nations of the world officially acknowledge this Genocide.

Surely as we enter the new millennium, the United States, Turkey and the international community should make this simple, but profound, statement of fact.

I'm very proud to say that Central Massachusetts, and especially the City of Worcester, has been diligent in keeping the history of the Armenian Genocide alive and contemporary. A series of lectures to study genocide issues and present them to the general public have been organized over the past year by the Center for Holocaust Studies of Clark University, the Center for Human Rights at Worcester State College, and the Armenian National Committee of Central Massachusetts. It was my pleasure to participate in one of these forums looking at the tragedy of East Timor and its relation to past genocides.

Last month, the forum brought Dr. Israel Charny, executive director of the Institute on the Holocaust and Genocide, and professor of psychology and family therapy at Hebrew University in Israel, to speak at Worcester State College.

Dr. Charny is recognized as a leading Holocaust and genocide scholar. He is credited as one of the primary figures in the development of the field of Comparative Genocide Studies, which approaches particular genocides, including the Holocaust, as part of an ongoing history of many genocides. This field strives to understand and prevent genocide as a human rights problem and a social phenomenon that concerns all people.

In his lecture at Worcester State College, Dr. Charny spoke of his growing concern about denials of known genocides. He describes denial as "the last stage of genocide," "political and psychological warfare," and "a killing of the record of history."

Charny goes on to describe some of the methods of denial. For example, there is ''malevolent bigotry,'' or a sloppy out and out expression of hateful denial. Another tactic is ''definitionalism,'' which insists on defining particular cases of mass murder as not genocide. And yet another is ''human shallowness,'' or a dulling of the genuine sense of tragedy and moral outrage toward such acts. Sadly, we have seen all of these, even on American college campuses, used to undermine the historical record of the Armenian Genocide.

We are blessed in Worcester to have the united efforts of Clark University, Worcester State College and the Armenian National Committee of central Massachusetts to combat such attempts to deny history.

Last Sunday, on April 9th, ANC of Central Massachusetts sponsored a lecture in Worcester by Dr. Hilmar Kaiser, who is a noted scholar on the Armenian Genocide. Dr. Hilmar also spent the weekend in Franklin, Massachusetts, at Camp Haiastan to participate in the Genocide Educational Weekend for the Armenian Youth Federation.

I am also looking forward to attending the memorial service on April 24th, organized by the Worcester Armenian churches, to commemorate the 85th Anniversary of the Armenian Genocide. That service will be held at the Church of Our Savior on Salisbury Street in Worcester.

Mr. Speaker, it is not just for our past, but for our future, that we remember and commemorate the tragedy of the Armenian Genocide—and not just annually, but every day of the year. I am proud to be a cosponsor of H. Res. 398, introduced by my colleagues Congressman RADANOVICH and Congressman BONIOR, to ensure that U.S. diplomatic personnel and other executive branch officials are well-trained in issues related to human rights, ethnic cleansing and genocide.

I am proud to be a cosponsor of H. Res. 155 to have the U.S. government share its collection and records on the Armenian Genocide with the House International Relations Committee, the U.S. Holocaust Memorial Museum, and the Armenian Genocide Museum in Armenia.

We must all share the information, share the history, and keep the memory of the Armenian Genocide alive. Central Massachusetts is doing its part. I call upon my President to ensure the U.S. government does all it can to honor and officially recognize the Armenian Genocide.

Mrs. KELLY. Mr. Speaker, I rise today and join with my colleagues in remembering the 85th anniversary of the Armenian Genocide. I would like to thank the other members of the Congressional Caucus on Armenian Issues, and particularly the co-chairmen, Mr. PORTER and Mr. PALLONE, for their tireless efforts in organizing this fitting tribute.

Eighty-five years ago Monday, April 24, 1915, the nightmare in Armenia began. Hundreds of Armenian religious, political, and educational leaders were arrested, exiled, or murdered. These events marked the beginning of the systematic persecution of the Armenian people by the Ottoman Empire, and also launched the first genocide of the 20th century. Over the next eight years, 1.5 million Armenians were put to death and 500,000 more were exiled from their homes. These atrocities are among the most cruel and inhumane acts that have ever been recorded.

As we reflect today on the horrors that were initiated 85 years ago, I cannot help but be disturbed by those who wish to deny that these deeds occurred. Despite the overwhelming evidence to the contrary—eyewitness accounts, official archives, photographic evidence, diplomatic reports, and testimony of survivors—they reject the claim that genocide, or any other crime for that matter, was perpetrated against Armenians. Well, History tells a different story.

Let me read a quote from Henry Morgenthau, Sr., U.S. Ambassador to the Ottoman Empire at the time: ''When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact. . . .''

The world knows the truth about this tragic episode in human affairs. We will not allow those who wish to rewrite History to absolve themselves from responsibility for their actions. This evening's event here in the House of Representatives is testament to that fact. We can only hope that the recognition and condemnation of this, and other instances of genocide, will prevent a similar instance from happening again in the 21st Century.

In addition, I also encourage my colleagues to join me and the 37 other members who have cosponsored H. Res. 398, offered by Representative RANDANOVICH. This resolution will help affirm the record of the United States on the Armenian Genocide and will play a role in educating others about the atrocities that were committed against the Armenian people. It is critical that we continue to acknowledge this terrible tragedy to ensure that it is neither forgotten nor ignored.

I would like to once again thank the organizers of this event and I would like to once again reaffirm my sincere thanks for being given the opportunity to participate in this solemn remembrance.

Mr. WAXMAN. Mr. Speaker, I join my colleagues in commemorating the 85th anniversary of the Armenian Genocide.

On April 24, 1915, the Ottoman government unleashed an eight-year assault against its Armenian population. During this brutal campaign, one and a half million innocent men, women, and children were murdered, Armenian communities were systematically destroyed, and over one million people were forcibly deported.

The pain of these atrocities is only compounded by the Turkish government's revisionism and denial of the tragic events that took place. This is what Elie Wiesel has called a ''double killing''—murdering the dignity of the survivors and the remembrance of the crime. It is incumbent upon us to stand up against these efforts and make United States records documenting this period available to students, historians, and the descendants of those who survived.

This somber anniversary is a tribute to the memory of the victims of the Armenian Genocide, and a painful reminder that the world's inaction left a tragic precedent for other acts of senseless bloodshed. The road from Armenia to Auschwitz is direct. If more attention had been centered on the slaughter of these innocent men, women, and children, perhaps the events of the Holocaust might never have taken place.

Today, we vow once more that genocide will not go unnoticed and unmourned. We pledge to stand up against governments that persecute their own people, and declare our commitment to fight all crimes against humanity and the efforts to hide them from the rest of the world.

Ms. STABENOW. Mr. Speaker, today I join with my colleagues in what has become an annual event in which none of us take great joy in. Today, the Turkish government still denies the Armenian genocide and it does so to its own detriment. All of us would like to see the denial in Ankara end. The Armenian genocide happened. The historic fact, Mr. Speaker, is that 1.5 million Armenians were killed and over 500,000 deported from 1894 to 1921.

On April 24, 1915, 300 Armenian leaders, writers and intellectuals were rounded up, deported and killed. 5000 other poor Armenians were killed in their homes. The Turkish government continues to deny the Armenian genocide and claims that Armenians were only removed from the eastern war zone. America has been enriched in countless ways from the survivors of the Armenian genocide who have come here. As a representative from Michigan, I want to especially highlight that we have been blessed by the contributions of the Armenian communities.

Today I rise to call upon the Republic of Turkey, an ally of the United States, to admit what happened. Mr. Speaker, we want Turkey to see its history for what it is so it can see its future for what it can be. Let us all rise today to commemorate the Armenian genocide and hope that events like it never happen again.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today with my colleagues to acknowledge the horrific events that occurred during the Armenian Genocide from 1915 to 1923, the final days of the Ottoman Empire.

The horror of the Genocide is seared in the minds of Armenians around the world. Beginning in 1915 the Ottoman Empire, ruled by Muslim Turks, carried out a series of massacres in order to eliminate its Christian Armenian minority. By 1923, 1.5 million Armenians were brutally killed, while another 500,000 were deported. Stateless and penniless. Armenians were forced to move to any country that afforded refuge. Many found their way to the United States, while others escaped to countries such as Russia and France.

Future generations must be made aware of this historic event in our world history. It is unfortunate that the Republic of Turkey refuses to acknowledges the genocide against the Armenians. Innocent people were deprived of their freedom and senselessly killed because of their religious or political beliefs.

Armenia has made great strides to become an independent state. In 1992 the newly independent republic of Armenia, became a member of the United Nations, and in 1995 held their first open legislative elections.

Since the genocide, various acts of human rights violations have continued to take place around the world. If we ever hope to prevent

further genocides we must never forget the atrocities endured by the Armenian people.

ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. PORTER) is recognized for 5 minutes.

Mr. PORTER. Mr. Speaker, today I come to the floor to commemorate the anniversary of one of the darkest stains on the history of Western Civilization—the genocide of the Armenian people by the Ottoman Turkish Empire. I greatly appreciate the strong support of so many of our colleagues in this effort, especially the gentleman from New Jersey, Mr. PALLONE, my fellow co-chairman of the Armenian Issues Caucus.

I wish, as every Member does, that this Special Order did not have to take place. But every year, I return to the floor in April to speak out about the past. To fail to remember the past, not only dishonors the victims and survivors—it encourages future tyrants to believe that they can commit such heinous acts with impunity. Unfortunately, we have seen over and over the tragic results of hatred and ignorance: the Holocaust, the Rwandan Genocide, the ethnic cleansing in the former Yugoslavia, the continued mass killing in the Sudan and the massacres in East Timor last fall. And far too often the so-called civilized nations of the world turned a blind eye.

On April 24, 1915, over 200 Armenian religious, political and intellectual leaders were arrested in Istanbul and killed, marking the beginning of an 8-year campaign which resulted in the destruction of the ethnic Armenian community which had previously lived in Anatolia and Western Armenia. Between 1915 and 1923, approximately 1.5 million men, women and children were deported, forced into slave labor camps, tortured and eventually exterminated.

The Armenian Genocide was the first genocide of the modern age and has been recognized as a precursor of subsequent attempts to destroy a race through an official systematic effort. Congress has consistently demanded recognition of the historical fact of the Armenian Genocide. The modern German Government, although not itself responsible for the horrors of the Holocaust, has taken responsibility for and apologized for it. Yet, the Turkish Government continues to deny that the Armenian genocide ever took place.

The past year has seen small steps of progress concerning Turkey's relationship with its neighbors. The devastating earthquakes of last summer in Turkey and subsequently Greece, allowed various nations in the region, including Armenia, to work together on humanitarian grounds. Turkey's EU candidacy is forcing it to face its problems both with its neighbors Greece, and Cyprus as well as internal problems such as its continuing human rights violations.

Although I am encouraged by these small steps, Turkey has yet to show the world that it is serious about solving the human rights problems within its borders. Remaining in jail are the Kurdish parliamentarians who were arrested over six years ago as well as numerous human rights workers. At the end of 1999, Turkey had the second highest number of journalists in jail—eighteen—the only country in the world with more was China. I sincerely hope Turkey's desire to become part of the EU community will require Turkey to improve its internal human rights problems as well as face its past and acknowledge its role in one of the 20th centuries greatest tragedies—the Armenian Genocide.

Armenians will remain vigilant to ensure that this tragic history is not repeated. The United States should do all that it can in this regard as well, including a clear message about the historical fact of the Armenian Genocide. We do Turkey no favors by enabling her self-delusion, and we make ourselves hypocrites when we fail to sound the alarm on what is happening today in Turkey.

Armenia has made amazing progress in rebuilding a society and a nation—a triumph of the human spirit in the face of dramatic obstacles. Armenia is committed to democracy, market economics and the rule of law. Even in the face of the tragedy which befell the Armenian Government last October, where eight people were murdered in the parliament including the Prime Minister Sarkisian, the Armenian Government and its people remain committed to freedom and democracy. I will continue to take a strong stand in Congress in support of these principles and respect for human rights, and I am proud to stand with Armenia in so doing. We must never forget what happened to the Armenians 85 years ago, just as we must never overlook the human rights violations which are happening today in all corners of the world.

□ 1730

IN REMEMBRANCE OF THE ARMENIAN HOLOCAUST

The SPEAKER pro tempore (Mr. FOSSELLA). Under a previous order of the House, the gentleman from Massachusetts (Mr. TIERNEY) is recognized for 5 minutes.

Mr. TIERNEY. Mr. Speaker, today I rise to commemorate one of the most tragic events in the 20th century and that is, of course, the Armenian Genocide of 1915 to 1923. It ranks amongst the most tragic episodes. It was the first but unfortunately not the last of the incidents of ethnic genocide that the world experienced during the last century. More than one and a half million innocent Armenians had their lives ended mercilessly.

It is staggering to even contemplate the idea of one and a half million people having their lives ended so arbitrarily, but we must remember the victims of this genocide as they were, not numbers but mothers and fathers and sons and daughters, brothers, sisters, aunts, uncles, cousins and, of course, friends. Each and every victim had hopes, dreams, and a life that deserved to be lived to the fullest.

It is our duty to remember them today and every day. As we stand here today at the beginning of a new century and a new millennium, we should take a moment to speak about the need that that tragic event serves as a constant reminder for us to be on guard against the repression of any people, particularly any oppression based on their race or their religion.

Unfortunately, during the genocide, the world turned a blind eye to the horrors that were inflicted. Too often during the last century the world stood silent while whole races and religions were attacked and nearly annihilated. As the saying goes, those who forget history are doomed to repeat it. We must never forget the important lessons of the Armenian Genocide.

As a member, Mr. Speaker, of the Congressional Armenian Caucus, I join many others in the House of Representatives working hopefully to bring peace and stability to Armenia and its neighboring countries. Division and hatred can only lead to more division and hatred, as has too often been proved. Hopefully the work of the caucus and of others committed to the same cause will help ensure that an atrocity such as the genocide will never happen again in Armenia or elsewhere.

While I might not be Armenian, Mr. Speaker, my wife is and many, many of our friends, which causes me, of course, to say "yes odar empaytz seerdus high e."

I am not Armenian but my heart is, and we all should have our heart with them on this particular occasion.

WE MUST REMEMBER THE ARMENIAN GENOCIDE SO THAT IT NEVER HAPPENS AGAIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, like many of my colleagues, I rise to remember the Armenian Genocide which took place over several years, but the remembrance day is to remember an event 85 years ago, so this is a particularly important anniversary of that genocide.

We are asked why it is so important to come to this floor again and again to remember. We must remember so that it never happens again, and we must remember because there is an organized effort to hide and to disclaim this genocide; and we must overcome that effort, and we must never forget.

Let us look at the historical record. The American ambassador to the Ottoman Empire in 1919 was an eyewitness. In his memoirs, he said, "When the Turkish authorities gave the order for these deportations they were merely giving the death warrant to an entire race. They understood this well and in their conversations with me made no particular attempt to conceal this fact."

He went on to describe what he saw at the Euphrates River, and he said, as

our eyes and ears in the Ottoman Empire, because that is the role an ambassador plays, in the year 1919, ''I have by no means told the most terrible details, for a complete narration of the sadistic orgies of which they, the Armenian men and women, are victims can never be printed in an American publication. Whatever crimes the most perverted instincts of the human mind can devise, whatever refinements of persecution and injustice the most debased imagination can conceive, became the daily misfortune of the Armenian people.''

As other speakers have pointed out, this was the first genocide of the 20th century, and it laid the foundation for the Holocaust to follow.

We can never forget that 8 days before he invaded Poland, Adolf Hitler turned to his inner circle and said, ''Who today remembers the extermination of the Armenians?'' The impunity with which the Turkish government acted in annihilating the Armenian people emboldened Adolf Hitler and his inner circle to carry out the Holocaust of the Jewish people. Unfortunately, today there is an organized effort to expunge from the memory of the human race this genocide, and it focuses on our academic institutions.

Mr. Speaker, I am a proud graduate of UCLA; and a few years ago UCLA was offered a million dollars to create a special chair that would be under the partial control of the Turkish government, a chair in history that would have been used to cover up and to disclaim and to deny the first genocide of the 20th century.

Mr. Speaker, I am very proud of UCLA for many things. I was there when Bill Walton led us to the NCAA championship, but I was never prouder of my alma mater than when UCLA said no to a million dollars; and it is important that every American academic institution say no to genocide denial.

It is also important that the State Department go beyond shallow, hollow reminders and remembrances of this day and step forward and use the word genocide in describing the genocide of the Armenian people at the hands of the Turks.

It is time for Turkey to acknowledge this genocide, because only in that way can they rise above it. The German government has been quite forthcoming in acknowledging the Holocaust, and in doing so it has at least been respected by the peoples of the world for its honesty. Turkey should follow that example rather than trying to buy chairs at American universities to deny history.

Mr. Speaker, we must go beyond merely remembering the Armenian Genocide and also insist that the survivors of that genocide are treated justly, that the people of Armenia and Artsakh enjoy freedom and independence; and we must end the blockade of Armenia imposed by Turkey.

Mr. Speaker, when it comes to this genocide, we must say, and say loudly, never again and never forget.

WHAT DO WE WANT CHINA TO BE 20 YEARS FROM NOW OR EVEN 50 YEARS FROM NOW?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CUNNINGHAM) is recognized for 5 minutes.

Mr. CUNNINGHAM. Mr. Speaker, I would like to associate myself with the remarks of my colleagues on both sides of the aisle, remembering the genocide of the Armenians, but I would like to add this: that there are Armenian children dying today in Armenia. While other nations brutalize Armenia, the White House and State Department cut funds for Armenia. They are not the only White House and State Department to do so, but there is enough of us, instead of making just a resolution, to make a binding resolution for the White House to do something about it.

Also, I should speak to another event I had not planned on speaking to tonight, but I actually resent some of the statements made earlier tonight. My wife and daughters attend Catholic mass at Saint James Parish, and the speaker of this House took the well and shamed those Democrats that would use religion for political gain. I heard this again tonight. I ask the minority leader to ask to put an end to their side of using religion for politics. It does not belong in this Chamber. I have attended events at synagogues, at parishes and churches, but what I would not attend is a fund-raiser at a Buddhist temple.

The real reason I came tonight, Mr. Speaker, was to talk about PNTR for China. I would like to present some thoughts. China is a rogue nation. The issue generates strong-held opinions on both sides and both Republicans and Democrats are split on this particular issue. Even myself, I personally struggled, knowing what a rogue nation that China is, the human rights violations, the national security threats, and what does it mean applying PNTR to China.

Communication is the shortest distance between two points of view, and I know that my mother, my children and many Americans, if they never hear some of the positive points, they are most likely not going to support trade with China.

I would like to present a couple of those ideas. I recently traveled to Vietnam with the gentleman from Kentucky (Mr. ROGERS) and some of my Democrat colleagues. We were there at the request of Pete Peterson, a fellow member that used to reside in this House, is now the ambassador to Vietnam. I was asked to help raise the flag over North Vietnam for the first time in 25 years. It was very difficult; but while we were there, we stopped in Hanoi, and we had a chat with the Communist minister, the head of Vietnam.

I asked a question. I said, Mr. Minister, why will you not engage in trade with Vietnam? And his answer was pretty forthcoming. He said, Congressman, trade to a Communist means that people will start privatizing and having their own things; and if trade is followed through in Vietnam, then we as Communists will no longer have power.

At that moment I said, trade is good.

What do we want China to be 20 years from now or even 50 years from now, Mr. Speaker? I was in China some 20 years ago, and I want to say they have come a long way in 20 years, and it is not the same China as it was before. One sees democracy sprouting up. One sees things like Tianenmen Square and people fighting for democracy. Democracy and freedom are viruses to the Communist Chinese. The more that we can inject that into China, the more that their leaders go along with a better economy.

China is riding a tiger. There are still those that want, by totalitarian rule, to control with national defense and hold people under the state command; but also the dictatorship there today understands that the economy is important to China. Taiwan supports trade in PNTR. Why? Taiwan knows that it will bring China more toward the United States and more toward a democracy instead of more toward Communism. It is in their best interest, and Taiwan supports it.

We just attended a brief, many of us, by Brent Scowcroft. He said there are no downsides to PNTR; that this is about U.S. products going to China. China's products already come to the United States, and there is a trade deficit.

What do we want 20 years from now if we do not trade with China? It will be a negative, and we foster Communism instead of a good economy for both.

EXCHANGE OF SPECIAL ORDER TIME

Mrs. MALONEY of New York. Mr. Speaker, I ask unanimous consent to claim the special order time of the gentleman from Massachusetts (Mr. MCGOVERN).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, as a proud member of the

Congressional Caucus on Armenian Issues and the representative of a large and vibrant community of Armenian Americans, some of whom lost their loved ones in the genocide, I rise today to join my colleagues in the sad commemoration of the Armenian Genocide.

I would like to thank my colleagues and cochairs of the Armenian Caucus, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Illinois (Mr. PORTER), for their dedication and their hard work on this issue and other issues of human rights.

Today, we pause to remember the tragedy of the Armenian Genocide. More than 1.5 million Armenians were systematically murdered at the hands of the young Turks and more than 500,000 more were deported from their homes. Monday, April 24, will mark the 85th anniversary of the beginning of the Armenian genocide. It was on that day in 1915 that more than 200 Armenian religious, political, and intellectual leaders were arrested in Constantinople, now Istanbul, and killed. This was the beginning of a brutal, organized campaign to eliminate the Armenian presence from the Ottoman Empire that lasted for more than 8 years, but Armenians are strong people, and their dreams of freedom did not die.

More than 70 years after the genocide, the new Republic of Armenia was born as the Soviet Union crumbled. Today, we pay tribute to the courage and strength of a people who would not know defeat; yet independence has not meant an end to their struggle. There are still those who question the reality of the Armenian slaughter. There are those who have failed to recognize its very existence; and my colleague, the gentleman from California (Mr. SHERMAN) spoke earlier about efforts at UCLA to buy a chair that would really focus its time and attention to erasing the existence of this horrible occurrence.

□ 1745

I join him in applauding UCLA and other institutions that have turned down this request to put forward a lie.

As a strong supporter of human rights, I am dismayed that the Turkish government continues to deny the systemic killing of 1.5 million Armenians in their country.

We must not allow the horror of the Armenian genocide to be either diminished or denied, and we must continue to speak out and preserve the memory of the Armenian loss.

We can never let the truth of this tragedy be denied. Nothing we can do or say will bring back those who perished. But we can hold high the memories with everlasting meaning by teaching the lessons of the Armenian genocide to future generations. We will not forget. We will continue to bring this to the floor every single year. We will not forget.

ARMENIAN GENOCIDE

The SPEAKER pro tempore (Mr. FOSSELLA). Under a previous order of the House, the gentleman from California (Mr. ROYCE) is recognized for 5 minutes.

Mr. ROYCE. Mr. Speaker, I would like to thank the leaders of the Armenian Caucus for bringing us together to honor the memory of a tragedy, not just in Armenian history, but a tragedy in world history, a tragedy that holds for us an important historical lesson and one that should be acknowledged.

As discussed, it was 85 years ago that the Ottoman Empire set out on a deliberate campaign to exterminate the Armenian people. Over a period of years, between 1915 and 1923, as they went house to house, village to village, they massacred men, women, and children, a total of 1.5 million, and a half million deported from their homelands to escape their terror.

At the end of these 8 years, the Armenian population in certain areas in Turkey, in Anatolia, in Western Armenia, that population was virtually eliminated.

At the time, as we have heard from our colleagues, Henry Morgantheau, the U.S. ambassador to the Ottoman Empire, depicted the Turkish order for deportations as a death warrant to a whole race.

Our ambassador recognized that this was ethnic cleansing. It is unfortunate that the Turkish government to this day does not recognize that this was ethnic cleansing. Let me just say that willful ignorance of the lessons of history doom people to repeat those same actions again and again.

We have also heard from our colleagues tonight how Adolph Hitler learned that same lesson, as he said, who remembers the Armenian genocide? Well, it is important for us to remember these genocides. It is important that we learn the lesson from this 85-year-old tragedy.

In my home State of California, the State Board of Education has incorporated the story of the Armenian genocide in the social studies curriculum, and this is the right thing to do.

I am a cosponsor of House Resolution 398, which calls upon the President of the United States to provide for appropriate training and materials on the Armenian genocide to all foreign service officers and all State Department officials.

Why is this important? Because we want them to better understand genocide wherever it threatens to erupt. We want them to understand the nature and origins of genocide. We want them to help raise the world's public opinion against genocide, wherever it starts to foment.

By recognizing and learning about the crime against humanity, specifically about the Armenian genocide, we can begin to honor the courage of its victims and commemorate the strides made by its survivors and hope that others will not have to go down the track following the experiences that were suffered by the people of Armenia, only to be followed by the Jewish genocide and other genocides that we have seen, such as the one going on in Southern Sudan today.

So, again, let me commemorate and let me thank the Armenian Caucus for bringing this issue to us on this anniversary of that genocide.

COMMEMORATION OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. NAPOLITANO) is recognized for 5 minutes.

Mrs. NAPOLITANO. Mr. Speaker, I join my colleagues today to remember one of the worst atrocities of the twentieth century—the Armenian Genocide. April 24 will be the eighty-fifth anniversary of the beginning of the Armenian Genocide. Since that date falls during the April recess and the House will be out of session, I have chosen to make my remarks today.

From 1915 to 1923, one-and-a-half million Armenians died and countless others suffered as a result of the systematic and deliberate campaign of genocide by the rulers of the Ottoman Turkish Empire. Half a million Armenians who escaped death were deported from their homelands, in modern-day Turkey, to the harsh deserts of the Middle East.

We cannot let succeeding generations forget these horrible atrocities, nor deny that they ever happened. Therefore it is important for the U.S. Government to recognize the Armenian Genocide and do what it can to ensure that the genocide's historical records are preserved, just as the artifacts of the nazi holocaust are preserved. By keeping memories alive through preserving history, we and our children can learn about the chilling consequences of mass hatred, bigotry and intolerance. And hopefully, by teaching and reminding ourselves of past atrocities, humanity will not be doomed to repeat them.

The Armenian-American communities throughout the United States, as well as all people of goodwill, stand firm in our resolve not to let the world forget the Armenian Genocide. In solidarity with the victims of the Jewish Holocaust, the Cambodian massacres, the Tutsi Genocide in Rwanda, and ethnic cleansing in the Balkans, we must continually recognize these crimes against humanity and steadfastly oppose the use of genocide anywhere in the world.

In closing, I hope that every American will stand in solidarity with our Armenian sisters and brothers to commemorate the eighty-fifth anniversary of the Armenian Genocide. Let us honor all victims of torture and genocide by paying tribute to their memory, showing them compassion, and never forgetting the suffering they have endured.

REMEMBERING THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. ESHOO) is recognized for 5 minutes.

Ms. ESHOO. Mr. Speaker, I rise this evening with all of my colleagues that have come to the floor, members of the Armenian Caucus here in the House of Representatives, on the occasion of the anniversary of the 1915 Armenian genocide to remember the 1½ million human beings, the women, the children, the men who were killed, and the 500,000 Armenians forcibly deported by the Ottoman Empire during an 8-year reign of brutal repression.

Armenians were deprived of their homes, their humanity, and ultimately their lives. Yet, America, as the greatest democracy and the land of freedom, has not yet made an official statement regarding the Armenian genocide.

Today, there are some in Congress, some in our country that ignore the lessons of the past by refusing to comment on the events surrounding the genocide. They are encouraging new hardships for Armenia by moving to lift sanctions against Azerbaijan caused by their continuing blockade of Armenia.

I am very proud, Mr. Speaker, of my heritage. I am part Armenian and part Assyrian. I believe the only Member of Congress both in the House and the Senate to claim these heritages. I came to this understanding, not just when I arrived in the Congress, as so many of us at the knees of our grandparents and the elders in our family, we were told firsthand the stories of the hardship and the suffering.

That is how I come to this understanding and this knowledge and why I bring this story and this understanding to the floor of the House and, indeed, to the House of Representatives.

I am very proud of this heritage and the contributions which my people have made to this great Nation. They have distinguished themselves in the arts, in law, in academics, in every walk of life in our great Nation, and they keep making important contributions to the life of this Nation.

It is inconceivable to me that this Nation would choose in some quarters to keep its head in the sand by not stating in the strongest terms our recognition of the genocide and our objection to what took place.

Why do I say this? Because I think it is very important to express very publicly, not only acknowledge what happened, but also understand that when we acknowledge that we are then teaching present and future generations of the events of yesteryear. As we move to educate today's generation about these lessons, we also express to them what we have learned.

To deny that a genocide occurred places a black mark on the values that our great Nation stands and fights for. I am proud to be a cosponsor, of course, of responsible legislation that brings the tragedies in Armenia's history out of the shadows and into the light.

House Resolution 155, the U.S. Record on the Armenian Genocide Resolution, directs the President to provide a complete collection of all United States records related to the Armenian genocide to document and affirm the United States record of protest in recognition of this crime against humanity.

House Resolution 398, the U.S. Training on and Commemoration of the Armenian Genocide Resolution would affirm the U.S. record on the genocide and would very importantly educate others about the atrocities committed and the lessons we can learn from this tragedy against the people of Armenia. These are but two important steps we in the Congress can immediately take today.

I urge my colleagues to support these efforts to pass these bills.

In closing, I want to pay tribute to all of my colleagues that come to the floor every year on this. For those of my colleagues that are tuned into C-SPAN, Republicans, Democrats of all backgrounds from different States, communities across our Nation who recognize what took place, and come to the floor in humble tribute to those that gave their lives.

But it is up to us that really are entrusted with the life and the well-being of our Nation. Yes, to acknowledge and to pay tribute and to say how important this is. But as we do, understand that we do it for the enlightenment of our young people and to remind ourselves that wherever anything like this raises its head around the globe that we, as Members of the United States Congress, and as citizens of this great Nation, that we will give voice to that.

So I pay tribute to all of my colleagues. Those people who are resting in peace, perhaps where they are looking from are smiling and saying thank you to Members of the Congress for recognizing this. It is a sad time, but the recognition is well deserved.

PROJECT EXILE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I rise tonight to speak about a piece of legislation passed on the floor of this House yesterday, Project Exile. Project Exile will send $100 million to qualifying States who require a minimum 5-year sentence for criminals who use guns. This will send a clear message to criminals that, if they use a gun, they will go to jail, and they will go to jail for 5 years.

Project Exile will reverse the current situation and put criminals behind the bars of justice rather than law-abiding citizens of America being behind bars on the windows of their own homes.

Today, the average gun felon is locked up for about 18 months then they are free to ravage our neighborhoods and our communities, our children's playgrounds, and our schools. I say, if they are going to do the crime, they need to do the time.

Project Exile finally focuses prosecution on criminals rather than laying the blame on firearms. Laws on guns only affect law-abiding citizens. Criminals, by their very nature, do not obey laws. We need common sense enforcement of existing law.

For decades, the anti-second amendment lobby has attacked gun manufacturers and law-abiding citizens, demanding laws and restrictions that further impede the inalienable rights of Americans to protect themselves, their loved ones, and their property. The anti-second amendment lobby has used a series of lies and half truths to spew a message and strike fear in the hearts of America.

David Kopel recently wrote an excellent piece in the April 17 issue of the National Review. He listed many of the prominent lies of the anti-gun crowd.

I believe it is critical in any debate that we discuss the merits of any issue based on fact, not on myth. Today I want to correct some of the misinformation that is out there so that we can base our decisions on fact alone.

The first myth is that, up to 17 children are killed every day in gun violence. I agree that even one child killed by a gun is one too many. Parents who choose to have guns in their home need to be cautious, conscientious, and aware of the gun, where it is, and absolutely certain that no child has access to it.

However, this statistic that 17 children die of gun violence every day is not exactly a fact. For that to be true, one has to include 18- and 19-year-olds as well as even some young adults. Nearly all of the deaths that are counted in this statistic are members of gangs, those in the act of committing a crime, or, unfortunately, those committing suicide. The actual gun death rate for children under the age of 14 is less than the rate of children who drown in swimming pool accidents.

The second lie is the so-called gun-show loophole. If any individual is engaged in the business of selling firearms, no matter where the sale takes place, whether it be in a store, his home, or a gun show, the seller must file a government registration form on every buyer and clear the sale through the FBI's National Instant Check System.

□ 1800

To hear the President and Vice President say it, and other anti-second amendment people, one would think

that 98 percent of crimes occur with guns that were bought at gun shows. In reality, according to the 1997 National Institute of Justice study, only 2 percent of guns used in crimes were purchased at gun shows.

The third lie is that the average citizen is committing many of these gun crimes out there and that Americans are too ill tempered to be trusted with guns. But as my colleagues might guess, the facts tell a different picture. Seventy-five percent of murderers have adult criminal records. And a large portion of the other 25 percent have arrests and convictions as juveniles that are sealed under the cloak of youth offender protections, or they are actually teenagers when they kill.

Another interesting note is that 90 percent of adult murderers have adult criminal records. Why do we pretend, when we discover that criminals commit crimes, why do we pretend to be shocked? Over 99 percent of the gun owners in America responsibly use the guns that they have for hunting or protection. Why does the liberal anti-second amendment crowd want to continue placing burden upon burden on the 99 percent of gun owners who are law-abiding citizens?

With the passage of Project Exile: The Safe Streets and Neighborhoods Act, we are trying to protect law-abiding citizens from these hardened gun-shooting criminals, criminals who have no respect for life nor for any other individual. Americans for too long have been held hostage by the thugs and drug dealers, the robbers and the gang members, and the lawless and the outlaw. We must reclaim our streets and reclaim our communities and reclaim our American heritage. We need to move forward with other important legislation like this.

WORKER COMPENSATION FOR NATIONAL LABORATORY EMPLOYEES

The SPEAKER pro tempore (Mr. FOSSELLA). Under a previous order of the House, the gentleman from New Mexico (Mr. UDALL) is recognized for 5 minutes.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to talk about the issue of worker compensation. Today, the administration, Secretary Richardson, President Clinton, and Vice President GORE announced a worker compensation program for workers at the national laboratories all across this country.

This has been a very sad chapter in the history of the United States. Workers have worked at these nuclear establishments and plants for many years, and they have been injured as a result, many of them have been injured, the Department now acknowledges, as a result of occupational exposures. The Department has decided to turn over a new leaf, and I applaud their position on that; and I rise today to put a piece of legislation in the hopper to deal with this situation.

In New Mexico, about 3 weeks ago, I attended a hearing in my district where workers came forward. They talked about how patriotic they were; they talked about how they were serving their country for many, many years and, as a result of their work, they believed they came down with cancers, with beryllium disease, with asbestosis, with a variety of other illnesses. They were very heart-wrenching stories.

Today, I introduce a piece of legislation that will be comprehensive legislation. It will deal with all of these injuries that occurred and that were talked about at Los Alamos. It is comprehensive in the sense that it will cover beryllium, it will cover radiation, it will cover asbestos, and it will cover chemicals that these workers were exposed to.

The legislation provides that the workers will be able to come forward, very similar to the Workmen's Compensation program that is in place for the Federal Government. They will be able to demonstrate their exposure and what the illness was.

My legislation will also provide that during the 180-day period, while their claim is pending, that they will be able to get health care for free at the nearest Veterans Hospital.

And the burden is on the Government, because many of these individuals came forward and talked about how they had worked their whole life, and they knew there were exposures; but then, at the end of their period of time, they asked for their records and there were no records. Their records were lost. So under those circumstances, we clearly have to put the burden on the Government.

So I would urge my colleagues today, while my bill is specifically directed to New Mexico, I know there are many other colleagues around the country that have this same situation in their district. There are Democrats and Republicans. All areas of the United States are represented. So I think this is a great issue for us to join together in a bipartisan way and craft a solution to this problem at the national level.

The reason I think it is so important is that these workers were true patriots. They were people that loved their country and cared about their country and worked for it at a very crucial time for us, so we need now to do something for them.

COMMEMORATION OF THE LIFE OF HERMAN B. WELLS

The SPEAKER pro tempore (Mrs. WILSON). Under a previous order of the House, the gentleman from Indiana (Mr. PEASE) is recognized for 5 minutes.

Mr. PEASE. Madam Speaker, I rise today to commemorate the life of Herman B. Wells, the 12th president of Indiana University, and the only person to serve that institution on three different occasions as its chief executive officer.

In 1937, he was appointed acting president. From 1938 to 1962, he was president; in 1968 he was interim president; and from 1968 to 2000 he served as chancellor. He died in Bloomington on March 18 and was buried the next week in Jamestown, Indiana, his ancestral home.

Part of Monroe County, where Indiana University is located, and all of Boone County, where Chancellor Wells was laid to rest, are in my district, the seventh, of Indiana. As the representative of that district in Congress, it is my privilege, indeed my honor, to mark with pride the life and contributions of this amazing son of Indiana. As one whose personal life was also touched by this wonderful man, I am humbled by the realization that it was in part his influence on my life that made it possible for me to be here in the well of the House to share these thoughts.

Though he would undoubtedly object to the personal characterization, observing the work of so many others, Herman B. Wells transformed Indiana University from a modest Midwestern State institution of 11,000 students to a world-class institution of research, service, and teaching with more than 30,000 students in Bloomington, the main campus, and more than 80,000 students on eight campuses across the State. His insistence on academic excellence from faculty and from students, and his willingness to actively support the excellence he encouraged, resulted in the development of one of the world's finest schools of music, the attraction of eminent scholars, including Nobel laureates, the development of one of the finest collections of rare books in the world, and much more. He was a fierce defender of academic freedom, as witnessed among other things by his steadfast support of the Kinsey Institute, at its time one of the most controversial research centers in the Nation.

He has served on more national and international cultural, educational, and development commissions and agencies and been honored by more national governments, nongovernmental organizations, and international entities than I can list in the time allotted me today. Suffice it to say that he was a man of incredible vision, equally incredible talent, and a commitment to humanity that transcended race, gender, religion, and national borders.

Yet he never lost the personal touch, grounded in his intense interest in each human being he met as simply a person and, thereby, imbued with an innate dignity that warranted treatment with

respect. And that is, in the final analysis, what made this man a giant in American education and culture.

Chancellor Wells once listed what he calls his ''Maxims for a Young College President, or How to Succeed Without Really Trying.'' His autobiography, ''Being Lucky,'' derived its title from the list, where he said, ''My first maxim is, be lucky.''

Perhaps he was, though I suspect that he made more of his luck than just happened to come his way. I know this, though, that those of us who attended his Indiana University, and especially those of us who, like me, came to know him personally, were most assuredly lucky; and our lives have been enriched in ways we could never before have imagined as a consequence of our contact with him.

From the nationally and internationally recognized faculty in whose classes I studied, to the fraternity system based on the finest traditions of ethical behavior that he fostered and from which I benefited, to an enduring idealism and assuredness in the future that imbued the IU campus, even in the midst of the difficulties of the late 1960s and early 1970s, my life has been shaped in many ways by my experiences at Indiana University. And everyone who experienced Indiana University was touched by Herman Wells.

Chancellor Wells often said that it is not what you do that counts; it is what you help others to do that makes progress. I know no finer example of this maxim than the chancellor himself. Indiana has lost one of its greatest sons. I have lost a mentor and friend. And yet our grief at this inestimable lost is assuaged by the realization that the university he helped build endures as one of the world's great institutions, stamped with his principles and personality. And for those of us who knew him personally, there is the memory of the sparkle in the eye, the engagement of the intellect, and the smile in the heart that was and remains Herman B. Wells.

With apologies to the lyrics of our alma mater for this temporary emendation, ''He's the pride of Indiana.'' We loved him, we will miss him, we are better because of him.

COMMEMORATING THE LIFE OF LANCE CORPORAL SETH G. JONES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WALDEN) is recognized for 5 minutes.

Mr. WALDEN of Oregon. Madam Speaker, I rise today with profound sadness to honor the short, yet exceptional life of Lance Corporal Seth G. Jones, who perished last Saturday, along with 18 fellow Marines, in an aircraft crash near Marana, Arizona.

Madam Speaker, Lance Corporal Jones was only 18 years of age. A native of Bend, Oregon, and a graduate of Mountain View High School, he joined the Marine Corps in February of 1999. After graduating from the Marine Corps Recruit Depot in San Diego, California, Seth fulfilled his long-held dream of serving in the infantry. At the time of his death, he served as an assaultman assigned to the 3rd Battalion, 5th Marines, stationed at Camp Pendleton, California.

Remembered by friends and family alike as a motivated young American with a steadfast sense of patriotism and duty, Lance Corporal Jones was, quite simply, what parents want their children to grow up to be. His high school ROTC instructor remembered him as ''more than enthusiastic, energetic and intense. Seth was turbocharged.'' Seth's hockey coach recalled meeting him after he completed basic training and saying, ''In that short time he had gone from a teenager to an adult. He had grown up.''

Madam Speaker, nothing is more tragic than a life so full of promise cut short before its time. And there is no worse grief than that suffered by parents who must bury their child, because it is not the way life's journey is supposed to go.

Lance Corporal Jones answered his country's call and he knew the meaning of the word duty. While he did not die in a hail of gunfire, Seth gave his life for his country nonetheless. Training for the day when he might be called upon to defend his native land, he gladly shouldered a responsibility few of us can fully appreciate. In an age when most kids are worried about what they are going to wear on Saturday night, Seth was jumping out of helicopters and practicing hostage rescue.

Madam Speaker, surrounded by the luxury of our system of government that is afforded us, we often forget that there are still people among us whose job it is to carry rifles into battle, who shoot at our enemies and are in turn shot at, so that we may continue to live as a free people. There are men like Lance Corporal Jones who are familiar with the chill of a night spent in a foxhole and the exhaustion of a forced march who protect those of us who are not.

John Stuart Mill once wrote, ''A man who has nothing he cares about more deeply than his personal safety is a miserable creature who has no chance of being free, unless made and kept so by the exertions of better men than himself.'' Lance Corporal Jones, and the Marines who lost their lives, were the very guardians of our liberty, Madam Speaker, the men whose exertions keep us free. To his family, to his country, and to his Corps, Lance Corporal Jones, like his fellow fallen Marines, was as the Marine Corps motto reads: Always faithful.

While the cause of this tragic accident is still unknown, this morning I met with Lieutenant General Fred McCorkle, deputy chief of staff for the Marine Corps Aviation, to underscore the need for a full investigation to be undertaken to ensure that the equipment used by our men and women in uniform does not subject them to unnecessary risks.

□ 1815

In this time of grief, my deepest sympathy goes out to the family of Lance Corporal Jones as it does to the entire Marine Corps family.

COMMEMORATING ARMENIAN GENOCIDE

The SPEAKER pro tempore (Mrs. WILSON). Under a previous order of the House, the gentleman from California (Mr. RADANOVICH) is recognized for 5 minutes.

Mr. RADANOVICH. Madam Speaker, I am thankful for the opportunity to speak on this most important occasion.

I am proud to be here this evening to honor my Armenian friends—particularly on the eve of the 85th anniversary of the Armenian Genocide. I want to associate my comments with an article that I recently read in the Jerusalem Post, which said . . . "The 1915 wholesale massacre of Armenians by the Ottoman Turks remains a core experience of the Armenian nation . . . While there is virtually zero tolerance for Holocaust denial, there is tacit acceptance of the denial of the Armenian genocide in part because 'the Turks have managed to structure this debate so that people question whether this really happened . . .' " Well we know that the death of 1.5 million Armenians by execution or starvation really happened, and we know that we must not tolerate this denial.

In fact we have an obligation to educate and familiarize Americans with the U.S. record on the Armenian Genocide. As Members of Congress, we must ensure that the legacy of the genocide is remembered so that this human tragedy will not be repeated. Toward that end I have sponsored H. Res. 398, the "United States Training on and Commemoration of the Armenian Genocide Resolution."

This bipartisan resolution calls upon the President to provide for appropriate training and materials to all Foreign Service officers, officials of the Department of State, and any other Executive Branch employee involved in responding to issues related to human rights, ethnic cleansing, and genocide. As we have seen in recent years, genocide and ethnic cleansing continues to plague nations around the world, and as a great nation, we must always be attentive and willing to stand against such atrocities.

My resolution also calls upon the President in the President's annual message commemorating the Armenian Genocide to characterize the systematic and deliberate annihilation of the 1.5 million Armenians as genocide, and to recall the proud history of the United States intervention in opposition to the Armenian Genocide.

I hope my colleagues will join me in supporting this important legislation.

ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HORN) is recognized for 5 minutes.

Mr. HORN. Madam Speaker, I stand before my colleagues today, as I have in times past, to recognize and pay tribute to those who perished during the Armenian Genocide that began almost nine decades ago.

Turkey's continued refusal to acknowledge the atrocities committed against the Armenian people of the Ottoman Empire during the first World War has long been of great concern to me as an educator, a United States representative, and simply as a member of the global community.

Each year many colleagues take this special opportunity to recognize the fact that more than a million and a half Armenians were killed. In addition, much of the Armenian population was forcibly deported. This day coming up, April 24, is an opportunity to remind all Americans to join with the Armenians at home and in the United States in commemoration and memory of those who lost their lives because of the tragic events that took place from 1915 to 1918 and again from 1920 to 1923.

As an educator, it is important to emphasize the role education should play nationally, as well as globally, in ensuring that we do not continue to see racial intolerance or religious persecution which has in so many cases led to so-called ethnic cleansing by murderous and perverted butchers. What an outrage for humans to treat other humans such human killers of small children.

Genocide is not just a chapter in the history of humankind that has been sealed and closed forever. It continues to be a progressively alarming problem today, as our world grows smaller and our population doubles every few years.

Events during the last two decades, Cambodia, Rwanda, Kosovo attest to this fact. We must, therefore, strive to teach our children tolerance. Our future generations must not forget those darker moments of history in the 21st century. The million and a half Armenians, the 6 million Jews murdered by Adolph Hitler's orders, the 2 million Cambodians murdered by Pol Pot's orders.

As long as Turkey continues to deny that millions of Armenians were killed simply because of their ethnic identification, we will continue to stand here and take this important opportunity to ensure that the memory of the Armenian Genocide is not forgotten.

Madam Speaker, educators around the country should use April 24, a day that a group of Armenian religious, political, and intellectual leaders were arrested in Constantinople and brutally murdered by Turkish killers. It is essential to cultivate awareness in our children of the past tragedies that have occurred.

If we do not see the future dangers that will exist, if we refuse to acknowledge, understand and vigorously oppose racial and religious intolerance, wherever it arises, it would be shame on us and it shall not be.

HIGH COSTS OF PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BERRY) is recognized for 5 minutes.

Mr. BERRY. Madam Speaker, I rise once again to address the high costs of prescription drugs in this country, and the recently released Republican plan that will do absolutely nothing to help the people of this country, especially our senior citizens, who are struggling with these high prescription drug prices.

The Republicans have finally released that the seniors in their districts and across this country are struggling with these high prescription drug prices. So they came up with a plan, a phony plan, one that does not guarantee our seniors affordable prescription drugs. It does provide a plan to protect the profits of the prescription drug manufacturers in this country. They say that the seniors will be able to buy private prescription drug plans. Do these private plans mean that seniors will be able to afford their medicines?

Madam Speaker, there is nothing in their plan that does that. The GAO proposal creates a brand new bureaucracy, a very inefficient counterproductive system for providing and subsidizing a drug benefit. We know that we need to provide a drug benefit for our senior citizens, particularly those on Medicare.

A recently released White House report shows that 43 percent of rural residents on Medicare have no prescription drug coverage. Those without coverage pay nearly twice as much out of pocket as anyone else. The report is just another justification that seniors need a good prescription drug benefit under Medicare. They need access to lower-priced prescription drugs, like all the rest of the world has. Americans without a prescription drug benefit spend more for their medicine than anyone else in the world.

The prescription drug manufacturers are now running ads under the guise of Citizens for Better Medicare. This is a front group for the manufacturers. This ad claims that if you allow a reasonably-priced prescription drug to be sold in this country at relatively the same price that it sold in other countries that you threaten the research and development, the fact is, in countries where they sell these products for half as much as they do in America, they are increasing their research and development faster than they are in the United States. This just simply does not make any sense.

They say that to allow Americans to purchase prescription drugs at reasonable prices and at fair prices, like all the rest of the world has, that it would create a situation where our health care system would be in danger and that we would end up with a bad system. There is nothing to that.

This is just an attempt to frighten the senior citizens to think that they may not have access at all to good medication. The fact is what the fright should be, what the fright is, the manufacturers are fearful that they will lose their exorbitant profits that they squeeze from the pockets of our senior citizens in this country every day. Their new ad claims that their intention is to import Canada's government controls.

The truth is, Canada is now utilizing the purchasing power of the U.S. government. One way the Canadian government keeps brand name drug companies from price gauging is to see at what price drug companies sell their products in other countries.

In Canada, the price cannot exceed the median price charged in other developing countries. Starting this year, the U.S. price Canada will use in the international comparisons is the U.S. Federal supply schedule price. We now have Canadians benefitting from the purchasing power of the United States Government. But Americans cannot benefit from that. This is an outrage that Canadians can benefit from U.S. Government discount that we refuse to give our own Medicare recipients.

I have introduced legislation that would give U.S. seniors access to lower prescription drug prices that seniors in all other countries enjoy, the International Prescription Drug Parity Act. The senior citizens in the district that I am fortunate to represent and in every district know that they are simply being robbed.

Senior citizens across this country expect every Member of Congress to address this situation. Addressing the issues of cost and affordability for prescription drugs as well as finding a reasonable approach to offering drug coverage to Medicare recipients is absolutely essential.

TRAGIC LOSS OF U.S. MARINES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Madam Speaker, this past Saturday evening, we suffered a tragic loss in America when a Marine Corps V–22 Osprey crashed in a test mode and killed all 19 Marines on board the aircraft, a tragic loss of life.

All America has joined with the Commandant of the Marine Corps, General

Jones; the leaders in the Pentagon; and the President in mourning the loss of these brave Americans.

This tragic incident is now under full investigation. Today I arranged for a full briefing for our colleagues where the Marine Corps presented a full up-to-date assessment as to what has taken place, what facts we know about the incident, and what initial thoughts are occurring in terms of what caused the accident.

It is obviously too early to tell, but we expect that within a few weeks we will know the basis upon which a decision can be made about the cause of this terribly tragic accident.

But, Madam Speaker, before we even removed all of the remains of these brave Marines, we have political opportunists around the country taking shots at the program and making wild and outlandish statements.

One such person, Madam Speaker, is a former Reagan Republican officeholder who served as Assistant Secretary of Defense by the name of Lawrence Korb. Mr. Korb wrote an op-ed in The New York Times on April 11 that is filled with misinformation factually incorrect, is a disservice to the Marine Corps, and to all brave Americans who wear the colors of this Nation.

He is the defense equivalent of an ambulance chaser. Before the investigation has even begun, he is trashing what General Jones calls the number-one priority of the Marine Corps, a capability to replace an aircraft, the CH–46 helicopter, that is 50 years old, was built for the Vietnam War, and which is suffering severe problems because of its age and because of its extended use well beyond the original life expectancy of the program.

In his article, Mr. Korb makes some gross statements that really are a disservice to the Corps and to all brave Marines serving this country. He says that this program was objected to by all senior officials from the Reagan, Bush, and Clinton administrations. That is absolutely incorrect. In fact, it was former Navy Secretary John Dalton would led the fight to keep the V–22 Osprey program alive for the Marine Corps and eventually all of our services.

He says in an article that these aircraft cost $80 million each. When, if he would have checked his facts, he would have found that the cost is closer to $40 million per copy and would be lower if we were buying an adequate buy of these aircraft as opposed to having them stretched out at a very low-rate buy. He assesses that Congress only supported the saving of this program because of the jobs that would be retained in America.

Well, I would say to Mr. Korb, either get his facts straight or keep his mouth shut. In fact, it was General Al Gray, the Commandant of the Marine Corps, who testified before Congress that he would never subject his warriors to what the opponents of the V–22 called a dual-sling option.

They said we will bolt two helicopters together and we will ask Marines to fly in those two helicopters to achieve the medium range over the rising capability that the V–22 offers.

Madam Speaker, the kind of rhetoric coming from people like Lawrence Korb is really a disgrace to the American service person and Mr. Korb ought to be ashamed of himself.

What we now need is, first of all, to mourn these families of these brave Marines. We need to let them know that we are going to do everything possible to take care of them and their loved ones and we are going to get to the bottom of what caused this incident. We will overturn every stone and we will use every bit of capability that we have to find out the cause of this terribly tragic accident. And we will relay this information to the families first, to Members of Congress, and then to the American public.

And then once we have all that data, we will make a decision, we will make a decision based upon information and facts, not rhetoric to allow some columnist to score political points in the New York Times.

Madam Speaker, for the RECORD, I insert the following news release of the Marine Corps dated April 9; the statement of General Fred McCorkle, Deputy Chief of Staff for Aviation for the Marine Corps, dated April 11; and an updated information packet on the mishap, dated April 11 so that the American people can see the real facts of what occurred here as opposed to listening to incompetent people like Lawrence Korb.

[News Release, U.S. Marine Corps, April 9, 2000]

MV–22 MISHAP INVESTIGATION

HEADQUARTERS MARINE CORPS, WASHINGTON, DC.—The Marine Corps is sending an aircraft mishap investigation team, headed by Colonel Dennis Bartels of Headquarters, Marine Corps, to Marana, AZ to determine the cause of Saturday night's crash of an MV–22 Osprey that took the lives of all 19 Marines aboard.

''The entire Marine Corps family grieves for the Marines we've lost in this tragedy and our thoughts and prayers go out to their families,'' said Gen. James Jones, Commandant of the Marine Corps. ''We have sent an expert team to Arizona to quickly investigate the circumstances surrounding this mishap.''

Secretary of the Navy Richard Danzig today released the following statement, ''Evaluating new equipment and training for war, like war itself, puts life at risk. In peace and war, Marines accept that risk—it is a bond between us. In that spirit, we grieve today for our nineteen lost Marines and embrace their families.''

The MV–22 was conducting a training mission in support of Operational Evaluation (OPEVAL) when it went down near Marana, AZ. During the mission, the crew and Marines conducted Non-combatant Evacuation Operations (NEO) exercises as part of the Weapons and Tactics Instructor course, with Marines embarking and disembarking the aircraft. The mission was conducted at night utilizing night vision goggles (NVGs) and forward-looking infrared radar (FLIR) to enhance night operational capability.

Operational Evaluation is a test phase to determine the operational suitability of the aircraft for the Marine Corps. It began in October 1999 and is scheduled to conclude in June 2000.

To date, the four Ospreys involved in Operational Evaluation have completed more than 800 flight hours. During March, the OPEVAL aircraft flew nearly 140 flight hours, an average of 35 hours per aircraft.

The mishap aircraft was part of the Multiservice Operational Test Team, based at Patuxent River, MD, but was temporarily attached to Marine Aviation Weapons and Tactics Squadron–1 at Marine Corps Air Station Yuma, AZ.

The names of the deceased are being withheld pending notification of next of kin.

[News Release, U.S. Marine Corps, April 9, 2000]

NAMES OF ACCIDENT VICTIMS RELEASED

HEADQUARTERS MARINE CORPS, WASHINGTON, DC.—Marine Corps officials are expressing condolences to the families of 19 Marines killed approximately 8 p.m. last night when an MV–22 Osprey crashed near Marana, Ariz.

Killed in the accident were:

Sgt. Jose Alvarez, 28, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Uvalde, Texas.

Maj. John A. Brow, 39, a pilot assigned to Marine Helicopter Squadron-1, of California, Md.

PFC Gabriel C. Clevenger, 21, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Picher, Okla.

PFC Alfred Corona, 23, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of San Antonio, Texas.

Lance Corporal Jason T. Duke, 28, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Sacramento, Calif.

Lance Corporal Jesus Gonzales Sanchez, 27, an assaultman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of San Diego, Calif.

Maj. Brooks S. Gruber, 34, a pilot assigned to Marine Helicopter Squadron-1, of Jacksonville, NC.

Lance Corporal Seth G. Jones, 18, an assaultman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Bend, Ore.

2nd Lieutenant Clayton J. Kennedy, 24, a platoon commander assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Clifton Bosque, Texas.

Cpl. Kelly S. Keith, 22, aircraft crew chief assigned to Marine Helicopter Squadron-1, of Florence, SC.

Cpl. Eric J. Martinez, 21, a field radio operator assigned to Marine Wing Communications Squadron 38, Marine Air Control Group 38, of Coconino, Ariz.

Lance Corporal Jorge A. Morin, 21, an assaultman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of McAllen, Texas.

Corporal Adam C. Neely, 22, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Winthrop, Wash.

Staff Sgt. William B. Nelson, 30, a satellite communications specialist with Marine Air Control Group-38, of Richmond, Va.

PFC Kenneth O. Paddio, 23, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Houston, Texas.

PFC George P. Santos, 19, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Long Beach, Calif.

PFC Keoki P. Santos, 24, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Grand Ronde, Ore.

Corporal Can Soler, 21, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Palm City, Fla.

Pvt. Adam L. Tatro, 19, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Brownwood, Texas.

''The entire Marine Corps family grieves for the Marines we've lost in this tragedy and our thoughts and prayers go out to their families,'' said Gen. James Jones, Commandant of the Marine Corps. ''We have sent an expert team to Arizona to quickly investigate the circumstances surrounding this mishap.''

Secretary of the Navy Richard Danzig today released the following statement, ''Evaluating new equipment and training for war, like war itself, puts life at risk. In peace and war, Marines accept that risk—it is a bond between us. In that spirit, we grieve today for our nineteen lost Marines and embrace their families.''

The MV–22 was conducting a training mission in support of Operational Evaluation (OPEVAL) when it went down near Marana, Ariz. During the mission, the crew and Marines conducted Non-combatant Evacuation Operation (NEO) exercises as part of the Weapons and Tactics Instructor Course, with Marines embarking and disembarking the aircraft. The mission was conducted at night utilizing night vision goggles and forward-looking infrared radar to enhance night operational capability.

Operational Evaluation is a test phase to determine the operational suitability of the aircraft for the Marine Corps. It began in October 1999 and is scheduled to conclude in June 2000.

To date, the four Ospreys involved in Operational Evaluation have completed more than 800 flight hours. During March, the OPEVAL aircraft flew nearly 140 flight hours, an average of 35 hours per aircraft.

The mishap aircraft was part of the Multiservice Operational Test Team, based at Patuxent River, Md., but was temporarily attached to Marine Aviation Weapons and Tactics Squadron-1 at Marine Corps Air Station Yuma, Ariz.

PREPARED STATEMENT ON MV–22 MISHAP BY LTGEN FRED MCCORKLE, HEADQUARTERS MARINE CORPS (APRIL 11, 2000)

First and foremost, I would like to say that our thoughts and prayers are with the families of our Marines who were tragically taken from us Saturday night. Obviously, there are no words that can express our sadness and sense of loss in this situation. Our Marine Corps is a tight-knit family, and each of us feels the loss of these Marines. We are with the families now and we will continue to assist them in the difficult days ahead. Our number one concern at this time is their well-being.

While the mishap is currently under investigation, there are some things I would like to relay to you and then I will answer whatever questions I can.

The Commandant has sent Col Dennis Bartels from our staff to lead the expert investigation team. I spoke with Col Bartels last night and he has assured me that the investigation is well underway. There is, however, no determination at this time as to the cause of the mishap. Let me emphatically state that we are committed to finding the truth. One thing I want to clarify from my comments yesterday, the incident was observed on an F/A–18 FLIR but it was not videotaped.

The aircraft was the second in a flight of two aircraft conducting a simulated evacuation operation. It was one of four MV–22s participating in this exercise to support Operational Evaluations (OpEval). OpEval is a DOD requirement specifically designed to validate an aircraft's operational capability to support USMC missions. It requires flights in operational configurations to include flights with embarked troops.

Our most precious asset is our Marines and their welfare is the primary concern of all Marines in leadership positions. Numerous senior service members and members of Congress have flown in the aircraft. I have flown the aircraft and believe it to be safe. It is important to stress that the MV–22 is not an experimental test aircraft. The MV–22 is a proven technology. The Osprey has already completed extensive flight testing that included:

Almost 1200 flight hours of Full Scale Development (1–6), and

1600 flight hours of Engineering/Manufacturing Development (7–10).

The mishap aircraft was one of five production aircraft delivered to the Marine Corps for operational use. The four aircraft participating in OpEval, all delivered in the past 11 months, have accumulated over 840 flight hours conducting operational flights in support of OpEval. This particular aircraft was delivered to the Marine Corps in January of this year and had been flown over 135 hours to date. The total amount of flight time accumulated by MV–22s to date is over 3600 hours.

The two pilots flying the aircraft were very experienced, veteran pilots from Marine Helicopter Squadron One. One had nearly 3800 hours and the other had over 2100 hours. Both pilots were approaching 100 hours of flight time in the MV–22 and had over 100 MV–22 simulator hours. Additionally, the aircraft was crewed by two of our very finest enlisted Marines.

The aircraft is equipped with a Crash Survivable Memory Unit (CSMU) that records 227 separate aircraft parameters that should provide invaluable insight into the cause of this mishap. These parameters include aircraft performance data (airspeed, altitude, heading, etc), engine performance data and information on any potential system malfunctions indicated. Efforts to retrieve this component from the aircraft are ongoing.

We are distributing a photo of the Marana Northwest Regional Airport that depicts the intended point of landing for the flight of the two aircraft involved. This package also contains a data sheet and information relating to the exercise being conducted.

Throughout this tragic and challenging time, we have been supported by a number of local law enforcement agencies, fire departments and National Guard and reserve units in Arizona. The American Red Cross continues to provide support on the scene. We truly appreciate their superb support in these efforts to take care of our Marines.

Our work as Marines comes with some danger and risks, but we strive to do everything we can to minimize those risks. As Secretary Danzig so aptly stated Sunday, ''Evaluating new equipment and training for war, like war itself, puts life at risk. In peace and war, Marines accept that risk—it is a bond between us. In that spirit we grieve today for our lost Marines.''

Finally, I would like to conclude by again saying that our thoughts and prayers are with the families of our fallen Marines. We are taking care of the families now and will continue to assist them in every way possible in the difficult days ahead. I will now answer what questions I can at this point.

MV–22 MISHAP INFORMATION

The MV–22 mishap occurred approximately 8 p.m. Saturday night 8 April when a MV–22 Osprey crashed near Tucson, Arizona. The MV–22 was conducting a training mission in support of Operational Evaluation (OPEVAL). Aircraft was second aircraft in two ship flight inbound Marana Northwest Regional Airport (encl 1) about 15 miles NW of Tucson, Arizona. The landing site was a hard surface concrete pad area, free of obstacles and parallel to a 6,900′ runway. Safety personnel had conducted a safety site survey and a daytime landing there to ensure suitability.

This mishap aircraft was part of the Multiservice Operational Test Team (MOTT), based at Patuxent River, Md., but was temporarily attached to Marine Aviation Weapons and Tactics Squadron-1 (MAWTS–1) at Marine Corps Air station Yuma, Ariz. OPEVAL commenced in November 1999 with planned completion data of June 2000. OPEVAL is being conducted by the MOTT under the auspices of Commanding Officer, HMX–1, the Marine Corps' aviation OPEVAL agency. In this capacity, CO, HMX–1 reports to Commander Operational Test and Evaluation Force. OPEVAL determines aircraft effectiveness and suitability and must be conducted to the maximum extent possible under the most realistic conditions (DOD 5000.2).

During the mission, the crew and Marines conducted Non-combatant Evacuation Operations (NEO) exercises as part of the Weapons and Tactics Instructor (WTI) Course, with Marines embarking and disembarking the aircraft. The mission profile called for the utilization of the latest version of Night Vision Goggles, (ANVIS–9) and Forward-Looking Infrared Radar to enhance night operational capability. Flight was undertaken in good weather conditions with 17 percent illumination. The flight also served as a training vehicle for the MAWTS current WTI course designated as Assault Support Mission 3 (encl 2). Non-aircrew personnel aboard were part of the Evacuation Control Center for the simulated NEO.

The mishap aircraft was not an experimental aircraft. The aircraft was the fourth of five production aircraft delivered to the Marine Corps. Formal developmental testing of the MV–22 was conducted on the Full Scale Development aircraft (aircraft 1–6) flying 1184 flt hrs and the Engineering and Manufacturing Development aircraft (aircraft 7–10) flying 1600 flt hrs. The mishap aircraft was a Low Rate Initial Production aircraft (aircraft 11–15). The LRIP aircraft have flown a total of 840 flt hrs conducting operational/mission training and evaluation. The MV–22 fleet have flown a total of 3624 flt hrs. The mishap aircraft had flown 135.5 flight hrs since it was delivered to the Marine Corps on 17 Jan 00.

The two previous MV–22 testing mishaps demonstrated the risks inherent in any flight test development program, but the mishap causes were not unique to ''tiltrotor technology.'' The last mishap was in July 1992. The identified design deficiencies were corrected and incorporated in all production

aircraft. The MV–22 fleet has flown over 2400 hours (2/3 of all hours) since the last mishap in 1992.

A complete Aviation Mishap Board (AMB) has been convened in Tucson under in accordance with OPNAVINST 3750 under the direction of Col Dennis Bartels from Dept of Avn, HQMC. Team is being supported by joint agencies and the entire Naval Aviation establishment.

Although MV–22s have not been grounded by Commander Naval Air Systems Command, operations have been suspended in order to evaluate the current situation and determine the most appropriate course of action and safe flight operations.

REMAINS—8 REMAINS HAD BEEN RECOVERED BY 1500, 11 APRIL 2000

—The recovery of remains will be done as quickly as possible given the circumstances and requirements to properly identify the Marines and preserve evidence at the crash site.

—15 Aviation Mishap Board personnel on scene.

—15 Naval Aviation Center Personnel on scene.

—Human Resources Personnel from Davis-Monthan.

—Counselors on site to assist.

—HMX–1 Flight Surgeon on site.

—Marine Reserve Unit providing security (6th Eng Spt BN Det A Bulk Fuel).

—Locals have constructed a memorial with flowers.

—There are two Armed Forces Medical Examiners on site.

—10 Trained mortuary affairs personnel from the U.S. Air Force and Armed Forces Institute of Pathology arrived from Washington, DC, Monday.

—Recovery efforts began 0800 this morning.

—Once remains have been properly removed, they will be transferred to Davis-Monthan Air Force Base for shipment to Dover Air Force Base, Delaware.

—Dover serves as the Port Mortuary for all Services.

—At Dover, the remains will be met by Marines from the Marine Barracks Washington, DC.

—After the remains have been identified, they will be assigned an escort (either someone from the Marines' unit or someone designated by the family).

—Memorial services will be held at NAS Patuxent River, MD next week and Camp Pendleton on Monday 17th. Exact times and dates are being coordinated.

—MCAS New River has tentatively scheduled a memorial for the four aircrew at 1400 this Friday.

—If DNA analysis is required, a sample will be taken from the remains at Dover and testing will be done at Rockville, Maryland Institute of Pathology.

—All Marines on board are entitled to be buried at Arlington National Cemetery if the family so desires.

MAWTS–1—ASSAULT SUPPORT TACTICS THREE

Assault Support Tactics Three (AST III) is a long range (180 NM radius) multiple site Noncombatant Evacuation Operation (NEO) conducted at night (on NVGs) in the Phoenix and Tucson Arizona areas. A ''real world'' scenario forms the two day evolution which is the culmination of the AST Common flight phase of the Weapons and Tactics Instructors (WTI Course) taught at Marine Aviation Weapons and Tactics Squadron One. Additionally, the NEO completes the WTI course's Military Operations in an Urban Terrain (MOUT) package introduced earlier during the Common academics phase.

This particular WTI mission requires a sizeable airborne package consisting of mostly helicopters. Specific numbers for WTI 2–00 are; (7) CH–46Es, (5) CH–53Es, (2) CH–53Ds, (5) AH–1Ws, 1 UH–1N, (3) FA–18Ds, (4) MV–22s, (3) KC–130s for a total of 30 aircraft supporting the NEO. Besides the aircraft required to support the mission a Forward Operating Base (FOB) is established at Gila Bend Air Force Auxiliary Airfield. The FOB is guarded by Stinger Teams, facilitates a Marine Air Traffic Control Mobile Team (MMT), a MWCS Communications Detachment using high power HF, VHF SINGARS, and SATCOM. A Forward Arming and Refueling Point (FARP) is also established at the FOB employing KC–130's Rapid Ground Refueling (RGR) systems. The Tactical Bulk Fuel Dispensing System (TBFDS) is also employed on a CH–53E at a separate austere site to refuel the AH–1Ws and UH–1N.

During the execution, three separate task forces pull evacuees from three different sites located in Phoenix and Tucson. The American citizens once evacuated and repositioned at the FOB where a complete Evacuation Control Center (ECC) completes the processing. Once processing is complete, the KC–130s lift the evacuees back to Yuma, AZ. MAWTS–1 staff members make up the Forward Command Element (FCE). An infantry company that supports WTI make up the security elements and man the ECC at the FOB's consolidation site. Additional Marines dressed in civilian attire make up the noncombatants—totaling up to eighty evacuees. As the mission progresses, all information is relayed through the established command and control system including a Direct Air Support Center (DASC) and DASC(A), an Assault Support Coordinator Airborne (ASC(A)) assists in control of the mission while 'real time' information is fed back to the Tactical Air Command Center (TACC). Situational awareness is maintained in the TAC—nearly two hundred miles from the further site!

The NEO training received at MAWTS–1, during the WTI course, is critical since no where else in the FMF are NEOs practiced to such an extent and magnitude—except during a real contingency.

CMC MISHAP UPDATE FOR 11 APR 2000

AVIATION

—Recovery of remains started 0800 this morning

—Ten bodies recovered as of 1500 11 April

—Should get at least 4 more today

—Crew chief identified by equipment and uniform

—Expect to be complete by 12 April

—Remains to be flown from Davis-Monthan AFB to Dover

—Autopsies and DNA sampling to commence upon return to East Coast

—All Aircraft Mishap Board members and augmentees on site at Marana, AZ

—Armed Forces Institute of Pathology—12 personnel

2 Medical Examiners

10 Mortuary Affairs personnel

—JAG Manual investigators (LtCol Morgan and LtCol (Sel) Radich) from Quantico on scene 11 April

—MOTT (85 Pax) to be transported by C–9 from MCAS Yuma to Pax River Wednesday; C–130 to return team from memorial service at New River to Yuman on Saturday, Pending aircraft status, original test plan called for OPEVAL to resume at China Lake on Sunday

—Aircraft presently cleared for ground turns and taxiing as of 11 April

LEGISLATIVE AFFAIRS

—Briefing requested by Rep. Curt Weldon (R, PA 7th Dist.) and others by LtGen. McCorkle set for 1000, 12 April

—Offer made by OLA to Senate side for similar briefing in PM on 12 April if desired

PUBLIC AFFAIRS

—Have received over 1000 media inquiries since the mishap

—LtGen. McCorkle's preliminary press conference 1630 on 10 April

—LtGen. McCorkle gave statement and answered reporters questions at DOD nationally televised press conference at 1330 on 11 April

—Daily briefings at 1430 at the crash site with Maj. Dave Anderson

—Once barriers erected at crash site, most press departed

V–22 ''OSPREY'' KEY FACTS

The V–22 OSPREY is a joint service, multi-mission, vertical/short take-off and landing tiltrotor aircraft. It performs a wide range of VTOL missions as effective as a conventional helicopter while achieving the long-range cruise efficiencies of a twin turboprop aircraft. The MV–22 will be the Marine Corps' medium lift aircraft, replacing the aging fleet of CH–46 and CH–53D helicopters. The Air Force variant, the CV–22, will replace the MH–53J and MH–60G and augment the MC–130 fleet in the USSOCOM Special Operations mission. The V–22, which is jointly produced by Bell Helicopter Textron and the Boeing Company, is the world's first production tiltrotor aircraft.

FEATURES AND BENEFITS

• Incorporates mature, but advanced technologies in composite materials, survivability, airfoil design, fly-by-wire controls, digital cockpit and manufacturing.

• Has two 38-foot diameter ''prop-rotors.'' Engine/transmission nacelles mounted on the end of each wing rotate through 95 degrees. Combines vertical takeoff and landing of a helicopter with the long range, high speed and efficiency of a turboprop airplane.

• This unique aircraft transitions from the helicopter flying mode to a fixed wing flying mode in less than 20 seconds.

• Speed, range, and payload expand capabilities beyond the limits of helicopter technology.

• Self deployable worldwide, ferry range of 2,100 NM with one aerial refueling.

• Can fly at speeds from hover to 300 knots, cruises at 250 knots.

• Increased speed, maneuverability and reduced vulnerability make it much more survivable in combat than the helicopters it is replacing.

• Carries up to 24 fully combat loaded Marines internally or 10,000 pounds externally.

• Performs missions relevant to post Cold War era:

Amphibious landing

Noncombatant evacuation

Tactical recovery of aircraft and personnel

Humanitarian relief

Transporting troops into combat

Long-range special operations night/all weather

Provides all the above faster from further distances with more survivability than a helicopter

SCHEDULE

• Marine Medium Tiltrotor Training Squadron (VMMT–204) designated June 1999

• Initial operational capability for the Marine Corps—2001

• First USMC fleet squadron scheduled deployment—2003

- USAF Initial operational capability—2004
- Service buys: Marine Corps 360 MV–22s, Air Force 50 CV–22s, Navy 48 HV–22s

□ 1830

ARMENIAN GENOCIDE COMMEMORATION

The SPEAKER pro tempore (Mrs. WILSON). Under a previous order of the House, the gentleman from New Jersey (Mr. MENENDEZ) is recognized for 5 minutes.

Mr. MENENDEZ. Madam Speaker, every year we come to the House floor to commemorate and pay tribute to the 1.5 million victims of the Armenian Genocide. Sadly, 85 years after the tragedy began, Turkey still refuses to recognize the Armenian Genocide and apologize for the atrocious acts it committed. Since 1923, Turkey has denied the Armenian Genocide despite overwhelming documentation, and since 1923 there has been no justice for the victims and the families of the victims of the Armenian Genocide.

To those who continue to resist the truth, I can only believe that they have chosen to ignore the hard evidence or to indulge their shame by ignoring the facts. Like the Holocaust, denying the Armenian Genocide cannot erase the tragedy, the lives that were lost, or compensate for driving people from their homeland. For the people of Armenia, the fight continues today, particularly for the Armenians of Nagorno-Karabagh, who are impacted by modern day Turkey and Azerbaijan's aggression toward Armenia in the form of the Azeri blockade against Nagorno-Karabagh. But their actions are not without consequences.

I believe the Congress will continue to provide assistance to the people residing in Nagorno-Karabagh, and we will continue to uphold section 907 of the Freedom Support Act that denies assistance to Azerbaijan until they end their stranglehold on Nagorno-Karabagh. Our message to Turkey and Azerbaijan must be loud and clear. We will not stand by as you once again seek to threaten the Armenian people.

For my part, I will continue to support assistance to improve the lives of all Armenians; I will continue to remember those who have lost their lives, and continue to commemorate this somber occasion. Lastly, I will continue to hold the Turkish and Azeri governments responsible for their actions past and present. For this reason, I have joined as a cosponsor of House Resolution 398, commemorating the genocide and calling on the President to characterize in his annual message commemorating the Armenian Genocide, the systematic and deliberate annihilation of 1.5 million Armenians as genocide and to recall the proud history of the United States intervention in opposition to that genocide.

I am hopeful that we will see the day when peace, stability, and prosperity are realized for the people of Nagorno-Karabagh and for all Armenians. But until then, the United States Congress must continue to be on the side of what is right, what is just and continue to assist to make sure that history does not repeat itself.

PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentlewoman from Michigan (Ms. STABENOW) is recognized for 60 minutes as the designee of the minority leader.

Ms. STABENOW. Madam Speaker, I come today to talk about what I believe is one of the most challenging if not the most challenging issues affecting our seniors and affecting many families across the country. This was spoken to a while ago by the gentleman from Arkansas (Mr. BERRY), who spoke very eloquently about the challenges of seniors related to the cost of prescription drugs.

What we have seen over the years is a system that started in 1965 under Medicare that has been a great American success story. In 1965, half of our seniors could not find insurance or could not afford health care insurance. Now we have a system for health care for seniors. The challenge before us is that health care has changed, the way we provide health care has changed. In 1965 we were predominantly providing health care in hospitals with surgeries, and the use of drugs was limited to the hospital.

Today, we know that care has changed; and we see home health care, we see outpatient care, and a great reliance on new prescription drugs, wonderful medications that we are very pleased and proud to have developed in the United States. But at the same time we are seeing a growing disparity and a horrible situation for too many seniors who literally on a daily basis are deciding do I buy my food today, do I get my medications, do I pay the electric bill, how can I keep going and remain healthy and well by having access to my medications? Because Medicare does not currently cover the costs of prescription drugs.

I rise today to urge my colleagues as quickly as possible, we are long overdue, in correcting this problem. We have economic good times. There is no reason that we cannot at this time get it right for Medicare, modernize Medicare, to cover the way health care is provided today; and that means covering the cost of prescription drugs. We are in economic good times, and I believe in these times we have obligations to pay our bills and pay our debts and to keep our commitments.

One of the most important commitments that we have made to older Americans is Medicare, health care for them. Social Security is another commitment, health care for our veterans, all important commitments that we have made. But because of the challenge that I have heard from too many of my constituents all across Michigan, I began months ago putting together something called the Prescription Drug Fairness Campaign. I have asked seniors and families to share with me their stories, if they are having difficulty paying for their medications to call a hotline that I set up for them to share their stories with me, or for them to send me letters and copies of their high prescription drug bills so that we can put a real face and a name and a situation on this problem.

This is not an issue made up by people on the floor of this House or by other politicians. This is an issue that is real for every senior and every family in this country. One of the things that disturbs me the most is the fact that we see such a disparity in pricing. As the gentleman from Arkansas mentioned earlier, we have a situation where if you go to another country, in my State we are right next to Canada in Michigan, I included a bus trip, I invited a number of seniors to join me, to go across the Ambassador Bridge from Detroit to Windsor; and we dropped their costs by 53 percent by crossing the bridge.

There is something wrong when there can be such a disparity. And when you add to that the fact that we are precluded by American law from bringing those drugs, mail order or bringing those medications routinely across the border without seeing a Canadian physician first and going through the Canadian process, we cannot reimport those drugs back into the United States, American-made FDA approved, because of protections that were put into the law in 1987 to protect our own pharmaceutical drug companies who are making the drugs here and benefiting from our research and development and the institutions that we have, the tax system we have that provides tax incentives and tax write-offs, which I support, I think it is important and good public policy for us to have an R&D tax credit, I think we need to keep it; but they benefit from that, sell to other countries, and then people are not even allowed to bring that back, to reimport it, without going through the process of seeing a Canadian physician and going through the Canadian health system.

I have also done other studies in my district that have shown that if you have insurance, if you have an HMO or other kinds of insurance, you are paying half on average what an uninsured senior or uninsured person is paying for their medical care, for their medicines. So we see seniors who use two-thirds of the medications in this country who do not have insurance and then

because others get discounts because they are negotiating group discounts, they do not get those discounts, so they not only do not have insurance but they pay more on top of that, paying twice as much as somebody with insurance. It is crazy.

We have done another comparison as some others of my colleagues have that have shown that there are medications that are provided for animals as well as for people where in those cases where there is arthritis medication, heart medication, high blood pressure medication, we compared eight different medications to find that the same name, the same drug, the same quality controls and it costs half if you go to get it for your pet than it does for you to walk into the pharmacy, and we see the same medication. There is something wrong with this picture. We need to make sure that Medicare covers costs of prescription drugs, we modernize it to cover the way health care is provided, and then we need to get busy to make sure that we are lowering the cost of prescription drugs for all of our families.

I would like to share this evening three different letters that I have received from people around Michigan sharing their stories. I have made a commitment to the seniors of Michigan that I will come to this floor, I will share stories once a week every week until we fix this. Let me share with my colleagues this evening starting with Delores Graychek from Indian River, Michigan. Delores writes and sends me information as follows:

''I heard you talk on TV on January 26 and something does need to be done to help all of us out here that's on seven or eight medications like I am and have no help to pay for them. I picked up six of my seven meds yesterday. The total came to $274.78. That is more than my Social Security check. More than my Social Security check. Each month we get deeper in debt and soon we will be like a lot of other older people. We won't have anything left. We also are paying on hospital bills for me. I had open heart surgery last November. So by the time all of our bills come in, our Social Security checks are gone. I think it's a shame our golden years aren't golden after all. Thank you for what you're trying to do.

Truly, Delores Graychek, Indian River, Michigan.''

I want to thank Delores. She is right. Her golden years should be golden. It is up to us in the Congress to step up and to get it right. If we do not do this in economic good times, we never will. Now is the time to step up and cover prescription drugs under Medicare.

Let me cover another letter that I want to thank Joseph and Ethyl Korn from Marquette, Michigan, in the great upper peninsula of Michigan for writing and sharing this with me.

Dear Congresswoman Stabenow:

My husband and I have an enormous hardship with our prescription bills. Joe, who's a World War II veteran, fought to save our country. He has Parkinson's, mini-strokes, diverticulosis and deep depression. I have high blood pressure and I take my medicine, when I can afford it, including Premarin for my bones. Here is our prescription bill for what we can afford, and you can see I don't get all of mine. Oh, yes, I also have glaucoma and I need eye drops. This is Joseph and Ethyl M. Korn at the Snowbury Heights Retirement Home in Marquette, Michigan.

Mr. COBURN. Madam Speaker, will the gentlewoman yield?

Ms. STABENOW. I yield to the gentleman from Oklahoma.

Mr. COBURN. I think it is important for us to know, the lady you just described is on Premarin which in this country, a generic has been waiting to be approved by the FDA for 5 years to sell at 20 percent of the price of what she is paying right now, the exact same drug.

Ms. STABENOW. I would reclaim my time and thank my colleague for that information and would be happy to join with him in the issue of generic drugs, as well, as we look at how we lower the costs of prescriptions, because there are a number of different strategies that need to happen today, that need to address how we bring more competition with generics, how we allow the prices to go down because we have Medicare negotiating a group discount.

Right now seniors do not have anybody. If they do not have private insurance, a senior citizen today does not have anybody negotiating a group discount for them while others do have people, whether it is insurance coverage or their HMO.

Let me also share the information: I do have enclosures that I appreciate Joe and Ethyl sending me their expenditures from January 1, 1999, until November 6, 1999. Mr. Korn's total prescription drug cost for this 10-month period was $1,515.36. The total cost for Ethyl, who admits she cannot afford everything she needs, was $324.02.

□ 1845

One of my concerns I hear from friends of mine who are physicians are concerns that people are not purchasing what they need, or that they are taking it the wrong way. I had a physician in Michigan join me at an event and share the fact that he had lost a patient because she was taking her medication every other day, instead of when she needed it, every day.

I have had stories of individuals talking to me about cutting their pills in half so they will last longer. This does not make sense. In our country, with the greatest innovations, the greatest health care innovations, the best research, we need to make sure that our seniors have access to these new medical options that are available, and are not picking between their food, paying their bills and their medicines, and that is what is happening with too many people today.

I want to share one more story, and that is Donald Booms from Lake City, Michigan. I very much appreciate Mr. Booms sharing his story with me as well.

Dear Congresswoman, recently I saw a story on TV about seniors not having insurance for prescription drugs. I am one of those people. I take three prescriptions daily and they cost about $200 a month. My wife is currently on Blue Cross. She goes on Medicare in April of this year, which means she, too, will be without insurance for prescription drugs. She is a diabetic and takes seven prescriptions a day. Her costs will be about $260 a month. Together we will be paying nearly $500 a month for our prescription drugs. Together our Social Security checks are about $1,100, minus $300 for Medicare and Medigap insurance payments, and we have $800 a month to live on. There surely does need to be something done with prescription drugs for seniors.

Thank you, Mr. Booms. There is something wrong when you are having to take $500 out of $800 a month in order to pay for your medications. Once again we are talking about a story of a couple on a fixed income, prior to retirement having access to health care and coverage, going into Medicare and retiring, and then finding themselves in the situation where they are taking the majority of the money that comes in every month just to pay for their medications.

I have hundreds of stories like this, hundreds of stories of people who are struggling every day to pay for their medications and to remain healthy.

When we took our trip to Canada, from Detroit to Windsor, there was a gentleman on the bus named George who is 79 years old, almost 80 years old. He continues to work in order to pay for $20,000 a year in prescription and other health care costs for his wife. His wife is on 16 different medications, and he continues to work so that she can ''live,'' as he puts it, so that she can remain with him. As he was telling me, there were tears in his eyes talking about how he had to keep working so that he could make sure his wife would remain with him and would be alive.

Another gentleman shared with me the fact that he takes one pill a month, and, because of our wonderful new innovations, which we are very appreciative of, that one pill allows him not to have open heart surgery, but the one pill costs $400.

When a pharmaceutical drug company comes forward and says that in order to be able to cover the cost of prescription drugs and address these high costs for seniors we would lose our research, that is just baloney. Twenty cents on every dollar that Mr. Booms or that the Korns are paying, 20 cents on every dollar is going to research.

What we are seeing today is a whole new effort of advertising so that, as my colleague who talked about generic drugs said, the companies want to make sure we ask for the brand name. So we are paying more for advertising than for research.

So the reality is there is a way to get this right if we have the political will to do it. I believe, and I want to call on my colleague from Maine in a moment who has been such a leader as well in this issue, but I believe if we can solve Y2K, because it was a serious issue and we could not afford to let the lights go out and could not afford to let the computers go down, and brought all the American ingenuity together to fix what needed to be fixed, we did it. The lights were on January 1. Why can we not bring this same American ingenuity to help our seniors? Why can we not lower the cost of prescriptions and modernize Medicare to get it right? We can. I am going to be down here every week until we do it.

I yield now to my good friend the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentlewoman for yielding, and I want to thank the gentlewoman for her leadership on this issue. This is something that she and I have been working on now for, well, pretty close to 2 years, pretty close to 2 years, trying to bring the stories of these people, seniors all across this country and others who do not have prescription drug insurance, to the attention of this Congress. Although the issue is rising in terms of its coverage around the country, this Congress has yet to act.

I thought what I would do is talk about a few stories. A few of the stories were the stories that basically I heard when I first began, and they were simple stories, such as a retired firefighter in Sanford, Maine, standing up and telling me I spend $200 a month now on my prescription medication. My doctor just told me I need another prescription. It costs $100 a month, and I am not going to take it, because he could not possibly afford it.

Or the woman who wrote to me in July of 1998, the first of many, with a long list of her prescription drugs. She said in her letter here is a list of the medications that my husband and I are supposed to take. The bottom line was $650. She said here is a copy of our two Social Security checks, which is all the monthly income we have. The bottom line was $1,350.

That math does not work. You cannot have people who are taking in $1,300 a month total income, expected to spend $650 of that for prescription drugs alone. They have got rent, food, heat, and utilities; and it does not work.

I have had women write to me and say I do not want my husband to know, but I am not taking my prescription medication because he is sicker than I am and we cannot both afford to take our medication.

It should not be like that in this country, and there is no reason why it should, but the truth is that 37 percent of all seniors have no coverage at all for prescription medication. Another 16 percent are in these wonderful HMOs that were supposed to provide free prescription drug coverage, and every year the benefits go down, the cap goes down, the premiums go up, and people are left paying more and more of their prescription coverage out of their own pockets.

About 8 percent of people have Medigap prescription drug coverage, but often the cap is about $1,000 a year. That does not do much good for a lot of seniors in this country, who have several thousand dollars of prescription drug expenses in any one year.

Let me tell you about what we did in my district. I sent out a newsletter devoted entirely to health care. It dealt with veterans' care; it dealt with small businesses who were having trouble paying their premiums. It dealt with the veterans' health care, it dealt with seniors, it dealt with prescription drugs.

We got back 5,269 respondents, actually somewhat more than that. But we had a question in a questionnaire attached to this newsletter, and the question was, one of them, do you or your family member take a prescription drug on a regular basis? 4,089 people said yes. Of those 4,089, 1,726 said yes to the question do you have any difficulty paying for the drugs you or your family need? The truth of the matter is, people cannot do it.

We got back comments in response to those questionnaires. Here is one. A woman writes, ''Dear Mr. Allen, do I need help. My Social Security check is $736 a month. My medication is $335 to $350 a month. My Blue Cross, the supplemental insurance, is $106 a month.''

So she did the math. $736 minus $106 for Blue Cross, minus the $350 for medication, left her $280 to live on. And she said ''my husband passed away last July.''

Another woman wrote, ''I am a site manager here at an elderly housing project. I have approximately 110 tenants. We are in low-income housing. It is a crime to see how many people forego their groceries to buy a prescription or forego the prescription so they can eat. Several of my folks here do not have any supplemental insurance and won't go for Medicaid, as they think it is welfare.

''Last March, my husband had an aneurism and had to have surgery. He survived it and was given 2 prescriptions. When I got to the pharmacy I found they came to $300. Needless to say, I didn't have that kind of money. I called his doctor. My doctor is very kind and gives me samples when he can. Otherwise, I would not have them, as we just don't have the financial income to cover everything.''

Another woman writes, ''Since I am self-employed, I cannot afford the expensive health plans, and since I am a diabetic, I should have medication, but I cannot afford medication because that is too expensive. I can't even afford the doctor because they are also too expensive. You have to see a doctor to get the medication. Hopefully there is an answer for me and people like me. I have a question: How can Canada sell the same medication for half the price? They must be doing something right.''

One more story. ''At age 64,'' age 64, remember this, just before Medicare, ''at age 64 my wife is severely disabled by rheumatoid arthritis and is heavily reliant on at least 5 expensive prescription drugs. Over the past 3 years her total costs for those drugs has averaged just over $7,500, of which I have paid just over $2,000 out-of-pocket each year. I am fortunate to be able to cover that cost without sacrifice, but I am very concerned about what our situation will be when my wife turns 65, is forced to give up the private major medical policy which I now buy for her, and has to rely on Medicare and Medigap.''

When she is over 65, she is on Medicare and she no longer has outpatient prescription drug coverage, and the Medigap policies that I mentioned earlier typically have caps of $1,000, $1,200, or, at most, $1,500.

The truth is, the most profitable industry in the country is charging the highest prices in the world to people in this country who do not have health insurance that covers their prescription drugs. Twelve percent of the population is seniors. They buy 33 percent of prescription drugs. In my State of Maine, because there is no significant amount of managed care, I can tell you that just about 50 percent of the seniors in Maine have no coverage at all for their prescription medication, no coverage at all, and we know that over 80 percent of seniors take some prescription drugs, 83, 85 percent, something like that. So they are all taking prescription drugs.

In this context, what we have done on the Democratic side of the aisle is we have a plan, the President's plan for a Medicare prescription drug benefit, a start to help cover prescription medications for seniors who do not have the money to afford it right now.

We also have a bill that I have offered, and the gentlewoman has been a cosponsor from the beginning, which would provide a discount. If there are people who think a Medicare prescription drug benefit is too expensive for us now, we can do a discount, no new bureaucracy, no significant Federal expense, but a discount of up to 40 percent in the prices that seniors pay today for their prescription medications.

The Republicans in this House will not adopt either proposal, will not bring either proposal to the floor. What we hear this week is they are about to bring a proposal forward that is great for the pharmaceutical industry, but it is a disaster for seniors, because it relies on private insurance.

I would ask my friends on the Republican side of the aisle, why is it so difficult to strengthen Medicare? Why is it so difficult to update Medicare and add a prescription drug benefit?

□ 1900

The private sector plans that are out there have prescription drug benefits: Aetna, Signa, United. The major private health care plans around this country have prescription drug benefits. Why not Medicare? Is it that hard?

The answer is, it is not that hard. We could do it, and we could do it now. We could give relief to the seniors who have been writing me, who have been writing the gentlewoman, who have been talking to Democrats all across this country. It is a national scandal that we do not do something about it, and we must before we adjourn this fall.

I just want to say to the gentlewoman from Michigan (Ms. STABENOW) how much I appreciate the gentlewoman's determination, her persistence, her leadership on this issue. She is really doing us all proud. I thank the gentlewoman very much.

Ms. STABENOW. I thank my colleague, who has been a terrific leader, really a pioneer, in this effort. He has been down here making the case.

As the gentleman says, there is more than one strategy. There is a discount by allowing pharmacies to purchase directly from the Federal price schedules. There is opening up the borders to allow people to bring drugs back in, or to do mail order.

Fundamentally what I believe is the long-term solution that we have to come to is taking the health care system for our seniors in the country today and modernizing it to cover the costs of medications. That is the way health care is provided today. We have an opportunity, a once-in-a-generation opportunity where we have choices we can make with a good economy.

In the long run, this saves money by making sure that we keep people healthy and out of the hospital, and allow them to be able to continue to live vigorous lives and be able to have their health care needs met. It makes no sense not to do it right. I want to thank the gentleman for joining me.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. STUPAK), who has been a terrific leader in Northern Michigan, in the Upper Peninsula. He has been doing studies and meeting with people weekly to hear their concerns. I know the gentleman shares our concern and determination.

Mr. STUPAK. Mr. Speaker, I thank the gentlewoman for her leadership on this issue.

I was in my office doing some work and I heard the gentlewoman's statements, and statements the gentlewoman has received from around Michigan. She has been a leader around the Nation to try to get prices lower for all our constituents in Michigan. Some have been from Marquette Michigan, the area I represent.

I certainly share the gentlewoman's sentiments. In September of 1998, we had the Committee on Government Reform also do a study in my district, which as the gentlewoman said is the Upper Peninsula, Northern and lower Michigan.

We found that the most favored customers and the big HMOs, those who have insurance coverage, pay about half of what an uninsured senior would have to pay for prescription drug coverage. Not only is there inherent discrimination here, where we make those who can least afford it pay the most because they do not have the purchasing power behind them of a big HMO or a big insurance company.

What we have found also in further follow-up studies, and I know the gentlewoman has mentioned it tonight, in Mexico, Canada, the same drugs, the same companies, the same number of pills in that vial, and they pay 50 to 60 percent less.

Our seniors go to Canada up in our neck of the woods, or if they are in the South, they go to Mexico and get it for half the price.

I saw an article recently in Congress Daily where they said, Well, those countries do not allow us to put our true cost out there, and therefore, those countries have price controls over their prescription drugs. But in the United States, since we do not make any kind of controls or try to rein in these pharmaceutical companies, they charge basically whatever they want.

When we look at these studies, take the study from my district in 1998, they show the return on that investment on that prescription drug for those pharmaceutical companies, a 26.7 percent profit.

When inflation is 3 percent, their profit margin for that year, 1997, the most recent statistics we had, was 26.7 percent. For total profit after all the advertising, after all the research, it was $28 billion.

I do not mind them making a profit, but I do not think in this time of low inflation we should have 26.7 percent profit or $28 billion in profits and not help out those seniors who really need the help.

Take a look at it. I have a letter here from a lady from my district. I am going to be doing town halls for the next two weeks, and the gentlewoman will be also, in Michigan. We are going to hear a lot more about this.

She writes, ''Dear sir, my only income is social security, a check of $685. I live in a L'Anse housing apartment. I pay $147 a month. I had to sell my car. I really do need the help.'' She sends me her prescription drugs. There is $54.39, $50.51, $15.53, $12.74. These are monthly. Add that up.

Here is another one from another lady from L'Anse. She says, ''Dear sir, I am enclosing receipts for medicine I had to take for pneumonia. My husband died December 11, 1998, and I have $634 to live on for the month. I pay $137.64 for Blue Cross insurance. I am 73½ years old and I still work, so I can continue with Blue Cross-Blue Shield and prescriptions. But even with the allowance, I still have to pay about $20 for each prescription I take, and I do it for a month. So even though I have Blue Cross-Blue Shield, I still have to pay another $80 in co-pay. I ask you, I don't have enough to go around. I sure hope something can be done on the price of prescription medicine.''

Again, she made me copies from Primo Pharmacy of all of her parmaceuticals.

Here is another individual from Cheboygan, Michigan. ''In response to your AARP article concerning drug prices for seniors, I am 88 years old, a widow, living on a social security benefit of $814 a month. I am enclosing receipts for my drugs for just 1 month, every month. Some months it is more. The total is $446.36 a month. Seniors really need help with drug prices.'' She signs her letter.

The issue here is, seniors do need help with drug prices, with the costs of their drugs. There are three bills: the Allen bill from the gentleman from Maine, which takes the purchasing power of the Federal government to try to drive down the prices of prescription drugs for seniors who do not have any type of insurance coverage; the Stark bill, which actually says, make it part of Medicare, have universal service. There is the President's bill, which does a little bit of both.

I know the Republican party will be bringing forth a bill, and I look forward to it, but I hope they understand one thing. We have to stop the price discriminatory practices by the pharmaceutical companies and make it universal coverage. In this country, there is no reason why not.

In my district, about 40 percent of seniors do not have any prescription drug coverage. Why should they pay twice, twice as much as someone who happens to have a prescription drug coverage or is part of a large HMO?

As the gentlewoman knows, in the Upper Peninsula of Michigan there are no HMOs. In lower Michigan there is now one left. A very small part of my district can take advantage of an HMO to get prescription drug coverage.

Again, we do not mind them making a buck, but when their return is 26.7

percent, that is better than the market right now. Even after paying all the research, all the advertising, and whenever we open up the magazine it is full of advertising for this drug and that drug, they are still making $28 billion a year. We do not mind a profit, but do not gouge our uninsured seniors to make a profit.

The Democrat party would like to see universal coverage, and stop the predatory price discriminatory practices of the pharmaceutical companies.

I must say, we have to thank the pharmacists throughout the State who have brought this to our attention and have helped us in these studies to show us what they have to pay. It is not their fault. The local pharmacist is doing the best they can. They get the price. If the customer is with Blue Cross/Blue Shield, they pay one price, with Aetna they pay a different price, with the Federal system they pay a different price. That is passed on from the pharmaceutical companies. The markup is very, very small, 1 or 2, 3 percent at most. These are the prices being set by the pharmaceutical companies.

I think in this day and age there is no reason why we cannot have prescription drug coverage for our seniors, especially those who, like these widows that I have brought these letters from, they have written to me, they did not have insurance policies. They did not have insurance plans. Their husbands are deceased. They live on social security. That is it.

No one would devise a Medicare plan nowadays without prescription drugs. Prescription drugs are wonderful. They save lives. We should have it. We should have it for everyone.

I want to thank the gentlewoman for her leadership. I look forward to working with her over the Easter break. I am sure we will be doing more town hall meetings. I am sure we will see more and more discussion about prescription drug coverage. But I thank the gentlewoman for having this special order tonight. It is an issue very near to the seniors in my district and throughout this country.

We reach out to our Republican friends. Together we can solve this problem. I hope that we will be joined by our friends across the aisle to put forth a program to just use the purchasing power of the Federal government under the Federal supply service, pass that on to those uninsured seniors, and we can cut the price in half for those seniors. That is not asking too much. I think we could do that. I hope they will join us with that.

Ms. STABENOW. I thank the gentleman very much for his efforts. I know this adds another dimension in our rural parts of the country in Michigan, up north in the UP, where it is more difficult to get to a hospital or other facilities as well. We need to really be strengthening our home health care and medications so people can be living at home and living with family, and having the opportunity to be independent. They have longer distances as well to drive, and it complicates health care provision, I know.

I want to thank the gentleman for all of his work. He is at the front end of what is happening, and I want to thank the gentleman from Michigan (Mr. STUPAK) for that.

Mr. Speaker, let me just stress again that we have within our means the ability to solve this problem. Medicare was started in 1965 because half of our seniors could not find insurance or could not afford it. It has now become a great American success story of having a promise that every senior has some basic health care available to them once they reach age 65 or if they are disabled.

What we have today, though, is a false promise, because we cannot provide the kind of health care or access to the kind of health care that is practiced today. That is predominantly through our prescription drug strategies for providing health care. More and more of health care is provided through medications, and if the health care plan does not cover medications, people are in very tough shape.

Our goal is to modernize Medicare to cover the way health care is provided today. That is it. We are hoping that our colleagues will want to do that. My greatest fear is that there will be proposals put forward to subsidize the high cost, help seniors pay for the high prices, but not do anything to get a handle on the prices or bring some accountability to those prices.

We need to have somebody negotiating on behalf of seniors through Medicare to get the same kind of group discounts that people do if they go through a private insurance company or through an HMO. That is what can happen. The purchasing power of Medicare can make that happen, if we act this year. We have the ability to act, we have the resources to act, and we can do that on behalf of all of our seniors if we have the political will to make it happen. We did it with Y2K and we can do it with Medicare and prescription drugs for our seniors.

Mr. Speaker, I know the gentlewoman from Ohio (Ms. KAPTUR) has been from northern Ohio, bordering right on Michigan, and we have a lot of ways in which we work together fighting for our seniors, for our families. She has also been a champion on this issue, as well.

I will just say in conclusion that we are going to keep going every week, every week, every week, until this gets fixed, because we can do no less for our seniors.

CONGRESS SHOULD NOT APPROVE PERMANENT NORMAL TRADE STATUS FOR THE PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

IN SUPPORT OF PRESCRIPTION DRUG COVERAGE FOR SENIORS

Ms. KAPTUR. Mr. Speaker, I wanted to thank my very able colleague, the gentlewoman from Michigan (Ms. STABENOW), for taking out this special order tonight on the important issue of prescription drugs. I would like to lend my verbal support and moral support to everything she is trying to do in taking on this great leadership challenge for our Nation.

This past weekend I visited one of my dear friends back home who was denied coverage for prescription drugs, and was told that if he were to try to save his life in a cancer treatment, he and his wife would have to cough up $1,500 a week. How would Members like to have to face that decision as they are trying to save their lives, and their family is surrounding them at one of the most difficult times it has ever faced?

So I am with the gentlewoman in her efforts here to do what is right for our senior citizens as well as our families. The people in the room in the hospital were from all ages, all the relatives. Here they had to contend with these insurance companies and all these prescription drug problems when they were trying to deal with a life and death situation.

I thank the gentlewoman from Michigan. We admire the gentlewoman's work and she has our support.

Mr. Speaker, I rise tonight to advise my colleagues about one more reason that this Congress should not approve a blank check that will be before us in about 5 weeks called ''Approving Permanent Normal Trade Status for the People's Republic of China.''

I want Members to know, and I am placing in the RECORD the story of another one of my constituents from near Toledo, Ohio, in the village of White House. I hope the message I give tonight will reach the White House here in Washington.

□ 1915

This is the story of Ciping Huang, a Chinese American at the University of Toledo, married to a gentleman from my community. She has been harassed, detained, interrogated, and expelled from China because of her association as a member of the Independent Federation of Chinese Students and Scholars in our Nation. She has been refused reentry into China to visit her ill father who is suffering from cancer, and I can think of no better example of the callous disregard for human rights exhibited daily by the government of the

People's Republic of China than her story. I will read her letter to you, and I hope to bring her to Washington as this debate ensues.

She says, ''Dear Congresswoman, my name is Ciping Huang and I am a council member of the Independent Federation of Chinese Students and Scholars in the United States.''

She has been an elected officer in that organization, which was established in 1989, after the Tiananmen Square massacre.

''Unfortunately,'' she writes, ''our involvement, our association's involvement, in democracy and freedom for China has resulted in harsh treatment by the Chinese Communist government, in particular on our student members as they try to return to their homeland. Whether a Chinese citizen or an American citizen, our members can be harassed, detained, threatened or kicked out of China because of our activities. And what are our activities? Consistent delivery of overseas donations to the June 4 massacre victims and families from Tiananmen Square.

We support and have supported conditional yearly renewal of the most favored nation trade status for China, and because we lobby the United States Congress to provide protection for Chinese students and scholars from punishment by the Chinese Government due to their roles in fighting for democracy since 1989.

She says, ''Take my story as an example. In 1998, while I went home to visit my aging parents in China, I was taken away by the secret police for interrogation on many details related to our student association and the activities of other Chinese Democratic groups and organizations.

For several days, they tried to force me to do things I did not want to do, including signing a confession letter. On the fifth day I was given 20 minutes to pack my luggage and say good-bye to my scared parents and was forced into Hong Kong. Still, the secret police told me they had treated me leniently because I am married to an American.

He had contacted his congressional representative, the gentlewoman from Ohio (Ms. KAPTUR), in order to protect me. The government told me I must cooperate with them afterwards and do what they wanted me to do if I ever wanted to return home to visit my parents again.

Last September, I learned my father had a 102 degree fever for several days and was diagnosed with cancer. I decided to take a trip back home immediately. However, about 20 police stopped me at the Shanghai International Airport. They searched my luggage and would not let me make phone calls or even go to the bathroom.

In the airport I asked them to respect the United Nations Universal Declaration of Human Rights, which the Chinese President had just signed, and let me go visit my ill father, but my plea was simply ignored. I was put on the airplane back to Tokyo, even though they knew that the hospital had sent us a critical condition notice which stated that my father could die any minute.

In Tokyo, I repeatedly appealed to the Chinese authorities to allow me into China for basic humanitarian reasons but to no avail. Up until this day, I still have not been able to visit my poor father.

''For a long time,'' she says,

I have viewed America, its people and its government as the ones who hold the moral flags high who would be willing to help and sometimes sacrifice themselves for the people in the rest of the world to gain their basic human rights and dignity, and for humanitarian reasons.

Now for this permanent normal trade status, as well as admission to the WTO, the World Trade Organization, I wish you could prove that again. I wish you could answer this question correctly: Is business more important than the principles we live by? Do we care about the human rights condition of more than 1.2 billion human lives

In the past, the annual congressional conditional renewal of most favored nation to China was able to provide some leverage for Chinese human rights improvement, such as the release of some political prisoners and the relaxation of the political atmosphere within China. Unfortunately, as you all know, without the attachment of the human rights improvement, conditions in China have deteriorated in the last few years.

Mr. Speaker, at this point I would like to insert the remainder of this letter in the RECORD, and I will come to the floor again to read the conclusion.

The Chinese Communist government has not and will not learn democracy and respect human dignity from the PNTR. They would only take its passage as an advantage and signal that it is OK to continue their miserable, poor record on human rights and democracy.

But, if America could care less about people far away (look at what they have done to FaLun Gong members and Taiwan recently), I hope you do realize that the PNTR would do no more benefit for American workers, especially those in the trade Unions where people earn a living wage with health and retirement benefits. In China, there are no real workers unions; thus, it puts American workers in a much more disadvantaged position to compete with.

Let me stress, I wish that America will protect the human rights of its own people. Furthermore, America should help to protect the human rights of its own people by helping to protect the human rights of the people in the other countries. Only when these countries have human rights and democracy, shall the world be in peace. And I wish we could hold morality above money, but not the other way around. And I wish none of us, including our democratic government, would have to kneel in front of a dictatorial government for money, or mercy, or the human rights we deserve to have. And finally, with all of your conscience and help, I wish that in the near future, I would be able to visit my ill father in my homeland.

Thank you all.

Sincerely,

CIPING HUANG.

WHAT CAN BE DONE TODAY TO CHANGE THE CURRENT CLIMATE AS FAR AS PRESCRIPTION DRUGS FOR SENIORS IN THIS COUNTRY

The SPEAKER pro tempore (Mr. REYNOLDS). Under the Speaker's announced policy of January 6, 1999, the gentleman from Oklahoma (Mr. COBURN) is recognized for 60 minutes as the designee of the majority leader.

Mr. COBURN. Mr. Speaker, I wanted to address the American public and Members of the House tonight. I find myself in a minority in Washington, both among the Republicans and the Democrats. I am a practicing physician that normally practices and sees patients on Mondays and Fridays when I am not in Washington, and I see before us a situation much like a patient who would come to me with a fever, chills and night sweats, and the treatment we are about to give to that patient is to tell them to take an aspirin and cover up in a blanket and go home and they will get better, when the underlying problem is that they have pneumonia. Without totally diagnosing their disease, what I have done is committed inappropriate care and have actually harmed the patient.

If one is a senior citizen tonight, I want them to listen very carefully to what I am going to explain to them about Medicare, and the tack that I am going to take is not necessarily going to be appreciated by most of the Members of this body.

I also happen to be a term-limited Member of Congress. I am not running for reelection, and I want to say that in my heart, knowing how severe the problems are for my patients with prescription drugs, the worst thing we can do for seniors is to add a costly prescription benefit drug to the Medicare program.

I am going to spend the next hour outlining why that is the case and why it ignores what the real problems are in the drug industry and the physician practices that now many of our seniors find themselves involved with.

I also want everyone to know that Medicare has been abused by the Members of this body, the other body and previous Presidents, because most workers in this country, as a matter of fact all workers in this country except if they are a Federal employee, are paying 1.45 cents out of every dollar they earn, no matter how much money they earn, into the Medicare part A trust fund.

As they pay that 1.45 cents, so does their employer. So that is almost 3 cents out of every dollar that is earned by every employee is paid into the Medicare part A trust fund.

The Congress, with the consent of the Presidents over the last 20 years, have stolen $166 billion of that money. What they have done is they have put an IOU in there and said we will pay this back some day in the future, but they took that money and spent it on other programs. They did not say we need to raise taxes to do this good program. They did not say we are going to take the Medicare money and spend it on this program. They just very quietly

took $166 billion out of that trust fund for a hospital trust fund and spent it on other programs.

Now that is not a partisan statement. That is Republicans and Democrats alike.

So we now find that as of 2 weeks ago, that trust fund is going to be totally bankrupt by the year 2015.

Now we had some good news this last week. That has advanced to 2023; that is, if we do not do anything with Medicare.

We know that at least 17 cents out of every dollar that is paid out for Medicare is inappropriate. Where is the reform for Medicare? Where is the fix to the very program that is supposed to be supplying the needs of our seniors?

I see every day that I am in practice seniors who have a difficult time accomplishing what I want them to do as far as their drugs. I see seniors, and we have had described tonight, that have to make a choice between whether they are going to eat a meal or take a medicine. That is not all because there is not a prescription drug benefit because of Medicare, and what I want to outline is some of the deeper problems that are associated with the pricing of drugs in this country, the overprescribing of drugs in this country, the lack of review of drugs that seniors are taking in this country, and what we can do about it to fix it before we ever start adding another program.

The reason that that is important, because if we add another benefit now the people who are going to pay for that is our grandchildren. It is not going to be 3 cents out of every dollar. It is going to be 9 cents out of every dollar, and what is really being said is the grandchildren's standard of living, if we establish a Medicare drug benefit, because that is who is going to pay for it because it is going to start in the year 2023 and there is going to be a significant price to pay, and that price is going to be manifested in the fact that their standard of living is going to be far less. They will not buy a new home because they are going to be paying 6 percent additional out of their income for a Medicare program.

What can we do today to change the current climate as far as prescription drugs in this country? I say there is a lot we can do. The first thing we can do is we can ask the President to instruct the FDA to get on the ball as far as generic drugs. The gentlewoman from Michigan mentioned that she had somebody write in and say she was taking Premarin. For 5 years there has been an application pending for an identical drug to Premarin that the vast majority of women over 50 years of age in this country are taking that will sell for one-sixth the cost that Premarin presently sells for.

Premarin sells for, a month, about $30 average in this country. The same drug made in the same plant in Europe, not Canada and Mexico because they have price controls, in Europe sells for $6.95. How is it that we are subsidizing the drug consumption of the rest of the world? There is something wrong with the market.

So it is not a nonconservative position to ask that competition be restored. The first thing we do is we get the FDA to approve more generic drugs.

I might also note that there was a recent release March 16 on four drug companies where the FTC found that two drug companies had paid two other drug companies to delay the release of their generics. In other words, they fixed prices. What that says to us is the Justice Department in this country ought to have an aggressive policy that is going to attack anticompetitive practices in the drug industry. If we do not fix that and we create a Medicare drug benefit, what we are going to do is waste money in Medicare, besides supplying the need for our seniors which is very real. I do not deny that.

If we do not fix that underlying pneumonia in this program and in the drug industry, all we are going to do is pay more money for it.

Those companies, and this can be found on the FTC Web site as of March 16, 2000, if anyone is interested in knowing, clear evidence that there is price fixing that is ongoing in the drug industry today; clear evidence that the Justice Department is not doing its job to make sure that there is competition among the drug industry.

The other thing that is important is 2 years ago, which I voted against and very few of us did, this Congress and this President passed FDA reform which allowed prescription drug companies to advertise prescription-only medicines on television. This year they will spend $1.9 billion on television advertising for medicines that can only be gotten if a doctor writes a prescription for someone.

□ 1930

Who is paying for that? We are paying for it. It is not necessarily more effective for the patient. It does not necessarily make us healthier. It just creates a brand name under which that drug company can sell more of a particular brand of drug without necessarily inuring any health benefit to us as a Nation. We ought to reverse that.

There is no reason to advertise prescription drugs on television. That is $1.9 billion that would drop out of the price of drugs tomorrow. That is expected to go to $5 billion next year. So we can take $5 billion next year out of the cost of drugs.

This year, the average wholesale price of existing drugs in this country rose 12 percent. That is the year 1999. Not new drugs, drugs that were already out there. The costs associated to those drug companies for those was 1.8 percent. So they had a six-fold increase in price for existing drugs with a 1.8 percent increase in price.

That to me tells us that there is no competition in the drug industry. When the average cost of living was less, the increases all across the board were 3 percent, and prescription drugs, not new drugs, not new benefits, not things that were breakthroughs, increased four times the rate of inflation, we have to ask the question, what is going on in the drug industry?

Do not get me wrong. I believe in the free enterprise system. I believe in competition. I believe competition allocates scarce resources very effectively. But we do not have competition in the drug industry today.

A third thing that can happen is we ought to put a freeze, no additional mergers in the drug industry until there is a blue ribbon panel that says there is, in fact, competition to make sure that there is true competition.

A drug was recently introduced that competes with a drug that is on TV, everybody knows it as the purple pill. It is called Prilosec. A new drug, does the same thing slightly different, one would think they would want to get market share. One would think they would want to introduce that new drug at a price lower so that people might switch to that one to use it. Guess what the average wholesale price? Exactly the same as Prilosec. Why is that? Because there is no competition in the drug industry.

Now, the statements I am making on the floor tonight will be met with hardball politics tomorrow by the drug industry, my colleagues can bet it. But unless America wakes up and does not go to sleep saying the problem to solve drugs for our seniors is to create a new program on a bankrupt program and charge it to our grandchildren, we will never solve the problems. The problems are severe.

There is another thing that could happen tomorrow that would help almost every person that has been mentioned in the hour before I started speaking. Almost every drug company in this country has an indigent drug program. They will give drugs free to indigent seniors, but it takes a little work. The doctor has to fill out something. It has to be mailed to the drug company. They will mail them a 30-day supply. One has to keep doing it if one wants them to keep getting it.

The drug companies are willing to do that, but the physicians in this country, because they are already overworked because of the overburdened system of managed care, do not really have the time to take advantage of that.

So here we have a benefit that would lower the cost, would make available drugs to many of our seniors, but it is not being utilized because of the mandated system and lack of competition

and the lack of freedom associated with the health care system that we have.

There is still another thing that we could do, and this one my physician friends are not going to like. But we heard comments that a senior was on 17 medicines. Well, I will tell my colleagues any person in this country on 17 medicines is not feeling well. One of the reasons they are not feeling well is the medicines are making them not feel well.

Most good doctors were trained to do a medicine review at least every couple of months on somebody taking 17 medicines. One of the things that makes me happiest when I see seniors, they come to see me, and I look at the medicines they are on, if they are a new patient, the first thing I do is take them off three or four, and they think I am a hero. I am not a great doctor. It is just common sense that if one is on too many medicines, one is not going to feel good.

The second thing is, if one is on 17 medicines, one is not going to be taking them right. So they are not going to be effective.

The third thing is doctors have to pay attention to what medicines cost. Guess what? Most physicians are not doing that. They are writing a prescription. Our goal ought to be, as physicians, is if we are going to help somebody get well, we ought to make sure we can give them a prescription for a drug they can afford to take.

Now, that may not always be the best drug. It may be one that works 95 percent as well. But if they are taking the one that costs $5 that works 95 percent as well compared to the one that costs four or five times as much and worked 99 percent instead of 95, which would one rather have one's mother and father on. I would rather have them on the one they are going to take.

So I think there are a lot of common sense things that ought to be approached before we ever start talking about sacrificing the future of our grandchildren by expanding a new Medicare program.

Now, let me give my colleagues a little history on Medicare. We talked about all the things. The closest the Federal Government, the best the Federal Government has ever done in estimating the cost of a new Medicare benefit they missed by 700 percent. So when my colleagues hear a new drug program is going to cost $40 billion, it is going to cost $280 billion at the least, $280 billion.

Instead of this program being bankrupt in 2023, it is going to be bankrupt in 2007, 2008. Now, politically, if one is running for office, it does not take much courage to say one will vote for a Medicare benefit. But it takes a whole lot of courage to say, I do not think that is the best thing for all of us as a society as a whole.

Why do we not fix the real problems associated with the delivery of medicine and drugs and competition within the health care industry. By ignoring it, that patient I talked about that had pneumonia is going to die, and that is what is going to happen to Medicare. We will not let it die because the career politicians do not have the courage to challenge the system. It was last year that we finally got the Congress to stop touching Social Security money. But this year, if you will notice these charts, you can see how the Medicare money comes in. Medicare trust money comes in, it goes to the Federal Government. They use it, the excess money they put an IOU in there and the IOU is credited to the Medicare trust fund. Here is what is going to happen for the next 2 years.

These are not my numbers. These are Congressional Budget numbers as of 2 weeks ago. This year, the surplus in the Medicare part A trust fund is $22 billion. The surplus in the fiscal year 2000, right now, as estimated by the CBO is $23 billion. So $22 billion of the $23 billion that the politicians in Washington are going to call surplus is actually coming from Medicare trust fund.

Mr. Speaker, how about us not touching that? How about us not spending that on something else? How about us retiring outside debt, so that when it comes time for us to use that, we will have the money, that we will not have to go borrow it from our children and grandchildren.

Year 2001, the same thing, $22 billion of the surplus which is projected right now at $22 billion, it is all Medicare part A money. So we can claim we have a surplus, but we have to wink and nod at you and say, well, it really is part A trust fund money, but we are going to borrow it, because we cannot control the appetite of the Federal bureaucracies. We cannot make them efficient to do what they need to do it, and we cannot meet the needs of the commitments that we have made to the rest of America by making sure government is at least as efficient as the private sector, what we are going to do is we are going to steal the money.

Instead of $166 billion that we owe, we are going to go to $189 billion this year, and then we are going to go to $211 billion next year. And then pretty soon, it is going to tail right back off, because as we add a drug program, the numbers are going to be uncontrollable.

So we have major problems ahead of us, and they are confused because the only thing that the people in Washington want to talk about is answering the easy political problem. A senior has problem buying drugs, so, therefore, we create a Federal program that buys drugs. That is not the answer that our children deserve. That is not the answer that you deserve when you elect people to come up here.

We need to make the hard choices, even if it means we do not get reelected, we need to make the hard choices to fix the programs so they work effectively.

I notice a friend of mine has shown up, the gentleman from Minnesota (Mr. GUTKNECHT), and I would welcome him and recognize him now and yield to him.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman from Oklahoma (Mr. COBURN) for yielding and for this special order and I thank our colleagues earlier for talking about this problem, because it is a major problem. And, unfortunately, for both the administration and some of the leadership here in Congress, what we are talking about is solving what some people say is the problem, and that is that seniors are not getting the prescription drugs or a benefit that some people feel they should, when the real problem is runaway prices, and as the gentleman indicated earlier, a tendency to overprescribe.

Mr. Speaker, I am not certain what we can do in terms of influencing the medical professionals as it relates to overprescribing, but I think we need to take an honest and sober look at how much Americans pay for prescription drugs relative to the rest of the world. Now, I do not believe in price controls. I believe in markets. I believe at the end of the day that markets are more powerful than armies.

Last Saturday night, I was privileged to attend a dinner and the last leader of the Soviet Union, Mikhail Gorbachev, spoke to us; and it was interesting, because as he talked for an hour and 12 minutes, he went through sort of his metamorphosis and where he finally came to the acknowledgment that they could not compete with the United States, that a market economy was much more efficient than a controlled government-run economy.

He finally reached the point where he realized that both militarily, economically, and, perhaps, even socially and culturally, that the West had won, and they had to do something else. I believe in markets.

Mr. Speaker, I believe that the idea of having a big government bureaucracy trying to control prices and make certain that everybody gets the right drugs, I think that is ridiculous; and frankly, if anything, here in Washington, we ought to be restricting the power of the Health Care Finance Agency and of the FDA.

Let me just run through this. There is a group, I believe they are out of Utah. I owe them a big debt of gratitude William Faloon has put out a brochure, and this is available to any Member or anyone else who wants to call my office, we will send them out a copy of this. They have done an interesting study on the differences between prescription drug prices here and in Europe.

We have a tendency to still think of Europe as being sort of our adolescent child. After World War II, the United States basically made certain that the European economy was rebuilt, but today the European Union has a bigger economy, in terms of gross domestic product, than we do. It is interesting in respects, we continue to subsidize what is happening in Europe, whether it is militarily and even in drugs.

Let me just run through a few of these drugs. And frankly the gentleman probably knows better than I do what these drugs are prescribed for, but these are some of the most commonly prescribed drugs in the world. One the gentleman mentioned earlier is Premarin. The average price in the United States, according to a study done by the Life Extension Foundation, Mr. Faloon's organization, the average price in the United States last year was $14.98 for a 28-day supply. The average price in Europe is $4.25.

Mr. COBURN. For one third of the price?

Mr. GUTKNECHT. Less than a third of the price.

Mr. COBURN. The same drug?

Mr. GUTKNECHT. The same drug made by the same company in the same plant under the same FDA approval.

Mr. Speaker, let me run through a few more. Synthroid, now that is a drug that my wife takes. In the United States, the average price for a 50-tablet supply of 100 milligrams, the average price in the United States $13.84. In Europe, it is $2.95. Cumadin, that is a drug that my dad takes. He has a heart condition. It is a blood thinner I understand. Cumadin, 25 capsules, 10 milligrams, the average price in the United States $30.25; the average price in Europe $2.85.

Let us take Claritin, which is a commonly prescribed drug in America today, and they advertise quite heavily, as the gentleman indicated earlier, the average price in the United States for a 20-tablet supply of 10 milligrams is $44. In Europe that same drug made in the same plant by the same company, same dose everything is $8.75.

Augmentin, and I do not know what Augmentin is for perhaps the gentleman does.

Mr. COBURN. Augmentin is a very effective antibiotic.

Mr. GUTKNECHT. For Augmentin, a 12-tablet supply of 500 milligram here in the United States we pay an average of $49.50. In Europe, for exactly the same drug, the price is $8.75.

□ 1945

Glucophage. Perhaps the gentleman can share with us what this is.

Mr. COBURN. That is an anti-diabetic drug.

Mr. GUTKNECHT. Apparently it is commonly prescribed; 850 milligram capsules, quantity of 50. The average price in the United States is $54.49. The average price in Europe is $4.50.

And this is a group in Minnesota that has done this study. Another commonly prescribed drug, Prilosec, the average price here in the United States is around $100 for a 30-day supply. That same 30-day supply, if a person happened to be vacationing in Winnipeg, Manitoba, and they take their prescription into a drugstore there, they will pay $50.80 for the drug that sells in the United States for roughly a hundred dollars.

But here is what is even more troubling. I will use that term. What is more troubling is that if we were to buy that same drug, same company, same FDA approval, but we purchase it in Guadalajara, Mexico, that same drug sells for $17.50.

Now, I do not believe in price controls. I do not believe we should have a new agency to try to control drug prices. I believe that markets are more powerful than armies. But let me just say this. A few years ago this Congress passed the North American Free Trade Agreement; and we allow corn, we allow beans, we allow lumber, we allow cars, we allow steel, and we allow all kinds of goods to go back and forth across the border between the United States and Canada and between the United States and Mexico. That is what free trade is all about. But there is one exception. We do not allow prescription drugs to go across those borders.

And, really, to give an analogy, and it is the best analogy that I have come up with, let us just say that there are three drugstores. One is on the north side of town, one is on the south side of town, and one is downtown. Now, there is over a 50 percent difference in the prices that those three stores charge, but our own FDA, our own Federal Government, the Food and Drug Administration, says, Oh, you American consumers can only buy your drugs from the most expensive store.

Now, I asked a businessperson this morning. I said, Suppose you are in a business, and you find out that you are the largest customer of a particular supplier, and yet you also find out that they are selling exactly the same thing to some of your friends that are in the business cheaper than they are selling to you, even though you are their biggest customer. How long do my colleagues think that would last? But that is exactly what is happening in the drug industry.

The FDA, and I believe really without any legislative approval, has decided that they will unilaterally stop the importation of drugs into the United States which are otherwise approved in the United States. And to me that is outrageous. We should not stand idly by as a Congress and allow our own FDA to stand between American consumers in general and American seniors in particular. We should not allow our own FDA to stand between them and lower drug prices.

And the one great thing about markets, whether we are talking about oil or we are talking cotton or we are talking about prescription drugs, I do not care what it is, the great thing about markets is they have a way of leveling themselves.

In southeastern Oklahoma, I will bet that if the gentleman goes to any of the elevators in his district, he will find that the elevator in Enid—well, Enid is not in the gentleman's district. I am trying to think of one of the towns. I have been to virtually every town in the gentleman's district. But if the gentleman were to go to one town in southern Oklahoma, the wheat price might be X amount today. And if the gentleman called over to another elevator, it might be a different price. The chances are the prices would be different.

But over time, what would happen? Those prices would tend to self-regulate. Because the farmers start figuring out that if the elevator in Enid, Oklahoma, is paying a higher price than the one in Muskogee, they will all start going to Muskogee. And what happens is the prices start to level. That is the way markets work. The unfortunate thing is that our Federal Government has been standing in the way of allowing those markets to work.

And so, again, I would say that Members who would like a copy of this brochure, and I must say that I had nothing to do with writing this, but this brochure, put out by the Life Extension Foundation, is a reprint of their February Year 2000 brochure, which tells the whole story. It gives an excellent chart of how much more American consumers are paying.

Now, again, I do not want price controls. But this is what I say to my seniors: we should not have ''stupid'' tattooed across our foreheads. It is outrageous that Americans are paying upwards of 40 percent more than the rest of the world for prescription drugs, and it seems to me that we have a moral obligation, particularly now that we are having this discussion about opening up, in effect, perhaps a new entitlement, if we do that without dealing with the real problem, which is runaway prices, then I say, shame on us.

I yield back to my colleague from Oklahoma.

Mr. COBURN. Well, I thank the gentleman for making the point on competition, and I think that is the question I would ask of the seniors and those that are out there working today and those that are going to be working tomorrow. Would it not make sense to try to fix competition within the industry, improve the quality of our health care and increase the efficiency and accuracy of the system before we go solve the problem?

The question is can we make sure our seniors have available to them the drugs that they need, that will give them effective treatment, and can we do that in a compassionate way so that they are not passing up supper to take a pill or they are not missing a pill to get supper? Can we do that without creating a big government program?

I can tell my colleague that I believe we can. It will not be easy, because we will have to attack our friends. We are going to have to say there is not good competition. We are going to have to go back in and make sure that the branches of government that are involved in assuring competition in the drug industry are there.

That is not to say that the drug companies do not do a wonderful job in their research. And it is not to say that they are not going to be doing an even better job as we have all these genetically engineered drugs that will come about in the next 10 years. But we hear the drug companies say that they will not be able to do this because all these prices are based on the fact that we spend all this money on R&D. Well, the fact is the pharmaceutical industry spends more money on advertising than they do on research. They have a cogent argument as soon as that number on advertising drops significantly below the amount of money that they are spending on research. Until then, they do not have an argument that holds any water.

So our seniors out there tonight that are having trouble getting prescription drugs and affording it, the first thing they need to do is to ask their doctor to make an application for them for the indigent drug program that almost every drug company has. That way they can at least have the drugs.

Number two, they should ask their doctor if in fact there is not a generic drug that could be used that will be almost as effective and that will save a significant amount of money each year.

Number three, they should ask the doctor if he or he is sure that every medicine they are taking they have to be taking. That way we can make sure that the patients are getting medicines that they need today; that the medicines that they are taking are as effective and cost effective as well, and that they truly need them.

That takes care of part of the demand. The other thing they can do is insist that their representatives ask the Justice Department to look aggressively at collusion and anti-competitive practices within the drug industry. They should ask their elected representative to reverse the bill 2 years ago that allowed drug companies to advertise prescription drugs on television. Because we could save at least $2 billion this year, $5 billion next year in terms of the cost of drugs.

Finally, they should ask that their representative not steal one penny from Medicare this year to run the Government. And if in fact we do those things, we can meet the needs of our seniors, we can preserve Medicare and extend its life, and we can assure that our children and our grandchildren are not going to be burdened with another program that is inefficient, underestimated in cost, and really does not solve the underlying problem associated with prescription drugs for our seniors.

I yield to the gentleman from Minnesota for any additional comments.

Mr. GUTKNECHT. Well, I thank the gentleman from Oklahoma (Mr. COBURN).

I would only say that I think what the gentleman is really saying is, and this is really an interesting debate, that at the end of the day it is about fundamental fairness. It is, from a generational perspective, wrong for us to borrow from the next generation.

But it is also wrong for the drug companies to require Americans to pay the lion's share of all the research and development cost as well as footing most of the cost for their profit. And the dirty little secret is that that is what is happening in the world today. We have a world market, but the drug companies have realized that they can get most of their profit, most of their research and development money, from the American market.

Now, I think Americans should pay their fair share of research cost. I think that is important. I agree with the gentleman that I am not certain Americans should have to pay advertising costs. Ultimately, it really should be the decision of the doctor more than being market driven and having almost a pulling effect through the marketplace by advertising, by broadcasting on television, radio, and so forth. I am sure that that is an issue that we need to address.

But I want to come back to just how much more we pay. It is not just us saying this. This is a study done by the Canadian Government. If people forget everything that I have said tonight, remember a couple of numbers. One of the most important numbers is 56. By their own study, the Canadian government says that Americans pay 56 percent more for their prescription drugs than Canadians do.

Now, 56 is important, too, because over the last 4 years prescription drugs in the United States have gone up 56 percent, 16 percent just in the last year. One of the biggest driving costs in terms of the cost of insurance over the last several years has been the increasing cost of prescription drugs.

Now, again, that is important. We need prescription drugs. We need to make certain that we are doing what we can so that the next generation of drugs can come online. I believe in research, and I believe part of the reason we enjoy the high standard of living that we do in America today is because of the research that has been done in the past. So we do not want to cut that. We do not want to create a new bureaucracy. But we also do not want to steal from our kids, and we do not want to ''solve this problem'' by creating a whole new entitlement.

Here is another fact. Last year, according to the Congressional Budget Office, we, the American people, we the taxpayers, the Federal Government, spent over $15 billion on prescription drugs. Now, that is through Medicare, Medicaid, the VA, and other Federal agencies.

Mr. COBURN. Let me clarify that for a minute, because I want to be sure all our colleagues understand that. That is Federal payments for prescription drugs.

Mr. GUTKNECHT. Just Federal payments. Now, there is a match with Medicaid, there is a match with some of the other programs, and of course in some of those cases the individuals themselves had some kind of a copayment. But that is what the Federal Government spent for prescription drugs last year, according to the Congressional Budget Office.

Now, virtually every study I have seen, independent studies, say that Americans are paying at least 40 percent more than the world market price for those drugs. Now, I am not good at math, and I demonstrated that this morning; But let us say 30 percent. Let us say we are already getting some discounts. And I suspect we are. I do not think we are paying full retail at the Federal level for our prescription drugs. So let us say we are getting some discounts. But let us just say we could bring our prices somewhere near the world average price for these same drugs. If we could save 30 percent times $15 billion, that is over $4 billion.

That would go a long ways to solving our problem, to making certain that people on Medicare all have the opportunity to get the drugs that they need and, again, that they do not have to make the choice that the gentleman talked about earlier. They do not have to choose between eating supper on Friday or taking the drugs they need, not only to preserve their health but to preserve their quality of life. Because drugs are important in that regard. It is not just about extending our life, it is about improving the quality of our life.

And drugs are wonderful things. And I certainly do not want to take anything away from the pharmaceutical companies. But as I say, I do not think we should be required to pay more than our fair share of the cost of developing those drugs, of making those drugs, of getting those drugs approved, and then plowing more money back into the next generation.

So I think we are on the same page. I just want to finally say this. This is a matter of basic fairness. As I said

earlier, I do not think we should allow our own FDA to stand between American consumers and more reasonable drug prices, because that is what is happening today.

Finally, not hearing most of the discussion from our friends that spoke before us, this is not a debate between the right versus the left. It is not even a debate between Republicans versus Democrats. This is really a debate about right versus wrong. And it is simply wrong for us to shovel billions of more dollars into an industry who right now is charging Americans billions of dollars more than they would normally pay in terms of a world market price.

□ 2000

The answer is not to steal more from our kids to give more money to the big pharmaceutical companies. The answer is coming up with a market-based system that allows some kind of competitive forces to control the price of the drugs and therein creating the kinds of savings which will make it much easier for us and for those seniors to get the drugs that they need.

And so, my colleague is absolutely right, this is not an unsolvable problem. If we will work together, if we will listen to each other, if we will be willing to tackle some of those tough problems, and if we are willing to take on some of the entrenched bureaucracies, whether it is at the FDA or the large pharmaceutical company, the Department of Justice, and even some of our friends in the medical practice, if we are willing to ask the tough questions, force them to have to work with us to find those answers, this is a very solvable problem.

I just hope we do not make the mistake of creating a new expensive bureaucracy, a new expensive entitlement and, at the very time we ought to be doing more to control the prices of prescription drugs, have the net practical effects of driving them even higher. That would be a terrible mistake not just for this generation but for the next, as well.

Mr. COBURN. Mr. Speaker, I thank the gentleman for his comments.

In closing, the next time my colleagues hear a politician from Washington talk about prescription drugs, ask themselves why they are not treating the pneumonia that this industry has, ask themselves why they are not saying there needs to be competition in drugs, ask themselves why they are not saying the FDA needs to be approving more generics, ask themselves why they are not speaking about the underlying problems associated with delivery of health care and medicines to our seniors instead of creating a new program which our children will pay for but, most importantly, will be twice as expensive as what it should be because we have not fixed the underlying problems.

I want to leave my colleagues with one last story. I recently had one of my senior patients who had a stroke. She was very fortunate in that she had no residuals. But the studies of her carotid arteries proved that she had to be on a medicine to keep her blood from clotting.

One of my consulting doctors wanted to put her on a medicine called Plavix. It is a great drug. It is a very effective drug. The only problem is it costs over $200 a month. The alternative drug that does just as well but has a few more risks, which she had taken before in the past, is Coumadin.

Now, the difference in cost per month is 15-fold. I could have very easily written her a prescription for Plavix. She would have walked out of the hospital, not been able to afford the Plavix, and had another stroke, or I could have done the hard work and said, this is going to do 95 percent of it. It is going to be beneficial. It has a few risks. Here is what this costs. What do you think? She chose to take the Coumadin because that gives her some ability to have some control of her life.

So these are complex problems; and I do not mean to oversimplify them, and I do not mean to derange either the physicians, the patients, or the drug companies, other than to say that our whole economy is based on a competitive model and, when there is no competition, there is price gouging.

Today I honestly believe in the drug industry there is price gouging. We need to fix it, and we need to fix that before we design any Medicare benefit to supply seniors with drugs, especially since there are free programs out there that are not being utilized that are offered by the drug companies.

DIFFERENCES IN APPLICABILITY OF WATER USAGE IN WEST AS COMPARED TO EAST

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

Mr. MCINNIS. Mr. Speaker, this evening in my night-side chat I would like to take the opportunity really to talk about three subjects.

The first subject is the subject that is very important to all of us, obviously. It is the only way that we can survive. But in the West there is a lot of differences on the applicability of it as compared to the East. And that is water.

The second issue that I would like to talk about tonight is also a doctrine that has particular specifics in regards to the West. It is called the Doctrine of Multiple Use.

The third subject I hope I get an opportunity this evening to talk about is on the issue of education.

Mr. Speaker, it seems, as my colleagues know, last evening I spoke about education. I spoke about discipline in the classroom. I spoke about the fact that we need to assist our teachers out there by having some consequences of misbehavior in the classroom. And apparently I hit a soft spot with some people because I heard from some people overnight say, how dare you talk about discipline in the classroom.

I could not believe it. Some of these people were very antagonistic. I am pleased to say I did not get many letters out of the West. I got them out of the East. And I am sure I got them, in my opinion, from some pretty liberal people that, for some reason, think that we should follow political correctness when we talk about classroom discipline, that, for some reason, classroom discipline really is not a problem in today's school system. So I hope I have an opportunity to come back to that subject because it is something I believe very firmly in.

Education is so fundamental for the survivability of this country. It is so fundamental for our country to remain the superpower in this world that we have to give it all of the attention that we can give to it. But it also means that we have got to be ready to face the music. And when we have problems with discipline in our school system, sometimes we cannot be politically correct. Sometimes we have got to go right directly to the problem. I hope we have an opportunity to talk about that.

But let us talk and begin, first of all, by talking about water. Water in the West is very critical. One of the concerns I have is here in the East. In fact, when I came to the East for the first time, I was amazed at the amount of rain that we get in the East. In the West, we are in a very arid region, and we do not have that kind of rainfall. It does not rain in the western United States like it rains in the eastern United States. As a result of that, we have different problems that we deal with in regards to water.

My district is the Third Congressional District of Colorado, as my colleagues know. It is a mountain district. The district actually geographically is larger than the State of Florida. And if any of my colleagues here have ever skied in Colorado, if they have ever gone into the 14,000-foot mountains, with the exception of Pike's Peak, they are in my district in Colorado.

Water is very critical, as it is everywhere else. But we are going to talk about some of the different aspects of water, about the spring runoff, about water storage, about water law in general, about how we came about to preserve and to store our water through water storage projects.

But let us begin I think with an appropriate quote from a gentleman named Thomas Hornsberry Ferrell. He said, speaking about Colorado, ''Here is

a land where life is written in water. The West is where water was and is father and son of an old mother and daughter following rivers up immensities of range and desert, thirsting the sundown, ever crossing the hill to climb still drier, naming tonight a city by some river a different name from last night's camping fire. Look to the green within the mountain cup. Look to the prairie parched for water. Look to the sun that pulls the oceans up. Look to the cloud that gives the oceans back. Look to your heart, and may your wisdom grow to the power of lightning and the peace of snow.''

Let us say a few basic facts so that we understand really some fundamental things about water. First of all, I have got a chart and I know it is somewhat small, but I hope that my colleagues are able to see it. Let me go through it. It talks about water usage. It is very interesting, very few people realize how much water it takes for life to exist, how much water it takes to feed a person three meals a day, how much water it takes to feed a city, for example, their drinking water or their cleaning water or their water for industrial purposes. But this chart kind of gives us an idea.

The chart is called ''water usage.'' I would direct the attention of my colleagues to my left to the chart. Americans are fortunate, we can turn on the faucet and get all the clean, fresh water we need. Many of us take water for granted.

Have my colleagues ever wondered how much water we use every day? This is direct usage of water on a daily basis, our drinking and our cooking water. Now, this is per person. Our drinking and our cooking water, two gallons of water a day. Flushing of our toilets on a daily basis, five to seven gallons per flush. That is on an average. We now have some toilets that have reduced that usage somewhat. Washing machines, 20 gallons per load. Now, remember, this is daily. Twenty gallons per load. Dishwasher, 25 gallons every time we turn on that dishwasher. Taking a shower, 7.9 gallons per minute. In essence, eight gallons every minute a person is in the shower. Eight gallons of water.

Now, growing foods takes the most consumption of water. As I said earlier, water is the only natural resource that is renewable. But in our foods, growing foods, the actual agriculture out there is the largest consumer of water in the Nation. And here is why growing foods takes the most water.

One loaf of bread takes 150 gallons of water. From the time they till the field, to watering the field, to harvest the wheat, to take care of the industrial production of the bread, to actually have the bread mix made and have it delivered, 150 gallons of water for one loaf of bread.

One egg. To produce one egg through the agriculture market, it takes 120 gallons of water. One quart of milk, 223 gallons of water. One pound of tomatoes. One pound of tomatoes takes 125 gallons of water. One pound of oranges, 47 gallons of water. One pound of potatoes, 23 gallons of water. Those are pretty startling statistics.

We go down a little further. Did my colleagues know it takes more than a thousand gallons of water a day to produce three balanced meals for one person? So, in one day, for one person to have three balanced meals, when we total up all the water necessary to provide for that, it is a thousand gallons of water a day.

What happens to 50 glasses of water? On the chart here on my left that I direct my colleagues to, we have 50 glasses of water. Forty-four glasses of water are used for agriculture. Two glasses are used by the cities for domestic water. And a half a glass is used for rural housing. But we can see, out of the 50, 44 glasses of water are used just for agriculture.

Now, there is some very interesting things about water in the world. Keep in mind these statistics. Ninety-seven percent of the water supply in this world is salt water. And today's technology, although we have a very expensive process for desalinization of plants, essentially, we really do not have an economical process to take salt water and convert it to drinking water. Ninety-seven percent of the water in the world today is salt water. Of the remaining three percent, we have three percent left, 75 percent of that remaining three percent is water tied up in the ice caps. Of all the water we have, only .05 percent of that water is in our streams and in our lakes. So it gives us an idea of the challenge that we face.

Now, in the United States, when we take a look at what is the lay of the water, we find that 73 percent of the stream flow in the United States is claimed by States east of the line drawn north to southeast of Kansas.

□ 2015

So 73 percent of the water in the United States lies in this part of the Nation. Now, when we take a look at the Pacific Northwest, in the Pacific Northwest there is about 12 percent of the water. Over here we have 73 percent of the water essentially in the East. Up in the Pacific Northwest, we have about 12, 13 percent of the water. The balance of the water which is about 14 percent, is water that is shared by 14 States in the West. This is the arid region of the United States, those 14 States. They include States like Colorado, Wyoming, New Mexico, Utah, Arizona, Colorado, Nevada. Those are the dry States in our country.

Now, Colorado is the highest State in the Nation. In fact, the Third Congressional District which I represent in Colorado is the highest congressional district in the Nation. So as a result of that, we have a lot of variance over, say, a lower elevation. For example, our evaporation. We have about an 85 percent factor of evaporation at that kind of altitude; and we have a lot of water, as Members know. We have a lot of snow that comes down, but we have to deal with evaporation at a very high percentage.

When we talk about Colorado, what I am going to do instead of talking about all of the States of the West, I thought I would focus specifically, obviously, on the area I know the best, and that is Colorado. Let us talk about the characteristics of Colorado and the different problems and issues that we deal with water in Colorado.

On average in Colorado, we get about 16, 16½ inches of water every year. We do not have much rainfall. If Members have been out to the mountains of Colorado, which as I said earlier is the district that I represent, they know that in the springtime and throughout the summer we have rains, but those rains are very brief. Our typical rainstorm comes in, lasts 20 minutes, and it goes away, comes back the next day and generally in the mountains.

Out in the plains we may not see it for a long time. We do not have heavy rains as you do here in the East. But we have a lot of variances. For example, in my particular district, in the region of the mountains, we have 80 percent of the water. Eighty percent of the population in Colorado lives outside those mountains, in cities like Denver and Colorado Springs and Fort Collins and Pueblo. Now, in Colorado because we do not have much rainfall, we depend very heavily on the snows during the wintertime and for a period of about 60 to 90 days called the spring runoff when the snow melts off our highest peaks and comes down, for that period of time we have all the water we can handle. But after that period of time in Colorado, if we do not have the capability to store our water, to dam our water, we lose the opportunity to utilize that water.

Now, the rivers and streams throughout this Nation have a lot of history to them. When we take a look at the frontiersmen that went out into the West, for example, to settle the West, remember the old saying, go West, young man, go West. When we take a look at it through these wilderness areas, and everything was wilderness in the West, really your path, your highway through the wilderness were the rivers and the streams. It is where life really centered around, the communities were built around it, the trappers. The trappers trapped by the rivers and the streams. Even the miners and the minerals when they discovered minerals in the Rocky Mountains of Colorado, for example, it centered around streams. That is why when you go through Colorado, most of your communities are built there near the streams.

But what is unique about Colorado is we are the only State in the union where all of our free-flowing water goes out of the State. Colorado is the only State in the union that has no free-flowing water coming into the State that we are able to utilize. So as you can guess, as they say, water runs thicker than blood in Colorado and that applies to the other mountain States and the West in general.

Now, Colorado is called the mother of rivers. Why? Because we have four major rivers that have their headwaters in the State of Colorado. We have the Colorado River, and I will come back to the Colorado River in a moment. We have the South Platte River, and the South Platte River drains the most populous section of the State and serves the area with the greatest concentration of irrigated agricultural lands in Colorado. That is the South Platte.

We have the Arkansas River. That begins up near Ledville, Colorado. It flows south and then east through southern Colorado and then down towards the Kansas border. We also have the Rio Grande River. That Rio Grande drainage basin is located in south central Colorado. It is comparatively small compared to the other rivers and has less than 10 percent of the State's land area in it.

Let us talk about the Colorado River. That is a very important river for the entire Nation. Twenty-five million people get their drinking water out of the Colorado River. The Colorado River drains over one-third of the State's area. And although only about 20 percent of the Colorado River basin exists in the State of Colorado, the State of Colorado puts about 75 percent of the water into that basin.

The Colorado River provides a lot of things besides water. It provides clean hydropower, for example. Just out of the Colorado River alone, we irrigate over 2 million acres of agricultural land throughout that river basin. Now, the river is very unique. As Members know as I described earlier in the West, everybody is trying to grab for water. And so as a result of that, there are a lot of what we call ''compacts.'' They are in essence treaties, how do we agree how the water is going to be shared.

And, of course, we also have to remember there are some basic things about water. Remember I said earlier that water is the only natural resource that renews itself. In other words, what logically follows is one person's water waste could be another person's water. For example, some people have said in Colorado, why don't you go and line your ditches, let's put concrete on the bottom of your ditches and therefore you avoid seepage; the water doesn't seep out of the ditch. Well, you have to be careful about that because that water seepage may be the very water that provides water for the spring or the well or the aquifer many, many miles away.

Someday technologically, I hope in our lifetime, we will be able to pull up on a computer screen the map, the water map as, for example, in the State of Colorado where all of those little fingers of water, where they all begin, where they all move, how they move, at what speed they move, and what kind of cleansing process they go through. It is very interesting if you really want to get into it.

But water on its face is a pretty tough product to sell an interest in. Why? I do not mean property interest. I mean, people do not worry much about water as long as they turn on the faucet and the water is there, number one, and, number two, the water is clean. Therefore, it is an obligation of the leaders of our country, leaders such as you and myself, it is our obligation to assure that we have quantity of water and that we have clean water for the future.

Let us go back to the Colorado River basin for a moment. The Colorado River basin really has compacts on it, and because the Colorado River goes down throughout and actually ends up in the Gulf of Mexico, the Colorado River really goes to Mexico, ends up in the Gulf of Mexico, we have several compacts. The major compact, the Colorado River compact, is between the upper basin States and the lower basin States. The upper basin States, for example, would be Colorado, Utah, New Mexico. Lower basin States would be like Arizona, California, Nevada. And we have an agreement on the Colorado River on this Colorado River compact which says that the upper basin States and the lower basin States are each entitled to 7½ million acre/feet per year. An acre/foot is enough to feed a family of four. It would be about a foot of water over a football field, enough water that should feed a family of four for a year. 7½ million acre/feet per year is how that is divided.

I am going to get into a little more about that, but first of all let us talk a little about Colorado water law. I am just going to summarize and give some very basics to it, Mr. Speaker, because the law here in the East is really based on the riparian doctrine. Our doctrine is based on what is called the Colorado doctrine in the State of Colorado. The history of the doctrine came about in the California gold rush days, when all of a sudden we had a lot of settlers going out to the mountains about 1849. And because the water in Colorado, because of the aridness of the Colorado, we came up with the doctrine that no matter how far away you are from the river, our doctrine is first in use, first in rights. So the first one to go to the river and use the water, no matter how far away they live from the river, if they are first to use it, they get first right. If they are second to use it, they fall in priority to second place; if they are third to use it, they fall in priority to third place. That is basically known as the doctrine of prior appropriation.

Now, as I said, the eastern States primarily follow the riparian doctrine. Now, the Colorado constitution, in addition to having the doctrine of prior appropriation, also recognizes uses in priority. The highest priority or the preference of water use with the highest priority in Colorado is domestic use for your home, the second use is agricultural use in priority, and the third use is industrial use.

In Colorado, we also have a unique situation. We are pretty proud of this because we are very conscious of the environment out there. Obviously, if you have been out to the district, you have been out to Colorado, you have a deep appreciation of why we are proud of our environment out there, what we have to protect out there. One of the things that we have discovered throughout the years is there is a lot of damage to an environment if you run the creek dry. So what we have done in Colorado is we have appropriated in-stream rights, minimum stream flows over thousands of miles of stream beds so that we guarantee that a minimum amount of water will remain in those streams so that we can mitigate and minimize the environmental impact.

Now, clearly we are always going to have some impact. If you are going to take water out and drink it, you are going to have less water in the stream or in the creek. So you are going to have an impact. We have to have a balance there. We think in Colorado we reach a pretty good balance. Now, clearly we have some people that object to that. We have some people, especially located in the East, things like Ancient Forests and some of the Earth First and some of those type of people, the National Sierra Club, those people that want all of our dams taken down.

In fact, the National Sierra Club, their number one priority is to take down Lake Powell. Lake Powell has more shoreline than the entire Pacific West Coast. Lake Powell is a major power producer, hydropower, clean power. Lake Powell is the major flood control dam we have in the West. Lake Powell is the main family recreational area for many States around it. Now, the only people that would want to take down Lake Powell are people that do not have, in my opinion, a lot of, one, appreciation for the uniqueness of the West and the needs of the West; two, do not have a lot of appreciation for human needs; and, three, frankly maybe they do not care about the needs of the West.

But let us go back to our subject here at hand. We have given a brief outline of the prior appropriation. Now, let us talk about water storage. As I mentioned to you earlier, we just talked a

little about Lake Powell, but water storage is critical for us in the West. We have to have these dams. The Federal Government recognized this many years ago. Great governmental leaders like Wayne Aspinall, a Congressman from the State of Colorado, helped authorize these projects. And we had support frankly from Congresspeople, colleagues of ours that preceded us, colleagues from the East, colleagues from across the Nation that recognized that out in the West we had to have water storage.

I hope that many of my colleagues, while tonight you may not be particularly interested in Western water problems, I hope that tonight's comments give you an opportunity that when some questions arise, for example, about Lake Powell or water storage projects, you remember the reason that these were put up. In the West, we did not just go out willy-nilly and say, let's put a dam here and let's put a dam there. That did not happen. There are reasons that those dams are there. There are reasons that we have to store that water. And so I urge my colleagues, as the issues of water and storage of water in the West come in front of you, take a deep look at why those projects were built in the first place, why those projects are important for the West.

□ 2030

We have a project we are going to talk about this year, the Animas La-Plata project, a very interesting project. I am going to spend a couple minutes with you right now talking about that.

Years ago, when the population in the East and our leaders back here in the East wanted to settle the West, they ran into a number of different problems. One of the problems were the Indians. My gosh, there are people on this land that we want.

Well, the response to it was, we will push them off it. What do we do with them? Essentially what they did when they got to Colorado is they took the Indians and said, look, we are going to shove you into the mountains. We want the plains. We want the large herds of buffalo. We want the agricultural lands out there. So sorry, Indians, there is not room for you. We are going to shove you into the mountains. So they shoved them into the mountains.

Then what happened was they began to discover minerals in the mountains. The white men found there were gold in the streams, in the creeks. There were massive mineral deposits in those mountains. Those mountains all of a sudden became valuable.

So, what did they do? Time for the Indians to move again. They took the Indians and they moved them down to the southwestern part of Colorado, down into the desert. And, mercifully, somebody in the administration or in the leadership back then said, look, there is no water down there. There is not water for those people in those desert lands. We need to provide some water for them.

So that is exactly what they did. The government provided water rights, and promised the Native Americans, the Indians, as they were called back then, promised water rights for their lands.

Well, years ago when the water projects for the West were authorized, the government agreed with the Native Americans to go ahead and help develop those water rights. Those were water rights owned by the Native Americans pursuant to treaty.

So as a part of the development of those water rights so the Native Americans could utilize the water they had been promised, that they had contracted for, in order to help them develop it, they promised certain water storage projects, one of them being the Animas La-Plata.

Then what happened was the government began to stall, so the Native Americans decided to sue the Federal Government in the courts, because, as they said, rightfully so, wait a minute, United States Government, we made a deal in Washington. We made a deal. You gave us these water rights in exchange for our lands. You signed a contract. You made a treaty with us to build our water storage project, yet you continue to delay and delay and delay.

So the best government lawyers came in and advised the government leaders at the time, you are going to lose this case. You need to do what you said you were going to do with the Native Americans. You need to build that project.

So the government went to the Native Americans and said let's settle the case. So they settled it. The Native Americans accepted less than they were entitled to, but they were willing to live with that compromise, because they wanted the wet water. They did not want cash, they did not want trinkets, they wanted wet water, water they could put their hands in and feel the wetness.

Well, lo and behold, pretty soon some environmental organizations started suing, and pretty soon there is an effort to stop the building of the Animas La-Plata water project down in Southwestern Colorado.

Once again, who loses? The Native Americans. So the Native Americans come back again, and once again they make an agreement to get even less than what they got the first time they made the agreement and the second time they made the agreement.

Now what do we see in the last couple of years? Once again the United States is continuing to stall and delay. In fact, there have been proposals by some organizations out there, do not give them any water at all. Let us just pay them with some cash. Give them some trinkets. Give them cash.

They do not want cash, they want their water. Fortunately, I think we have come to agreement with the administration this year to move the Animas La-Plata project into reality. It has taken a lot of effort, and I must compliment my colleague, Senator NIGHTHORSE CAMPBELL. This is a big issue out in the West. A lot of effort has been put into it, and hopefully we can get this storage project in the west put together.

Now, when we speak about water it leads us to another issue that I think is important to understand about the West, and that is the concept of use. If you were ever in Colorado, and there are still a few signs, or actually out in the mountains, out in the West, you still see some of these signs on national lands, and the sign might say, for example, ''Welcome, you are entering the White River National Forest.'' But underneath that sign is another little sign, and it says ''The land of many uses.'' ''The land of many uses.''

Let us talk a little history. What does multiple use mean? Multiple use means exactly what it says, that the lands out there are not intended for one singular use, that the survivability of many different things, of humans, of animal species, of the environment, it depends on a balanced approach on how to use those lands, and the balanced approach is what is called multiple use.

Now, how did multiple use come about and how is it that the Federal land ownership is so massive out in the West and almost minimal, and ''minimal'' would be a pretty generous description, in the East?

In order to have an accurate reflection of what I am talking about, I have got a map for you here which shows the United States, obviously. You will see, I ask my colleagues to divert their attention over to the map for a moment, if you really go down this line, which is down the Colorado border, down the Wyoming border, down to Montana, you go down that line, through eastern Colorado, clear down and go along the border there over to New Mexico and around the border of Texas, you will see that practically from this point to the east, from that point to the Atlantic Ocean, Federal Government ownership of land is minimal.

Now, you have got some blocks of land out here in the Appalachians, the Catskill Mountains, some down in the Everglades and some up here in the northeastern section. But take a look at the eastern United States and land ownership there by the government, and compare it with land ownership in the West. In the West, as you can see, most of the land is owned by the Federal Government. In fact, in 11 states here in the West, in 11 states, 47 percent of that land is owned by the Federal Government.

Now, remember, that is not all the government owns, because you have state government lands, you have municipal land, you have special district lands. So there is a lot besides that 47 percent. But because of the fact that you have such massive ownership of public lands, or they call it public lands, such massive ownership by the Federal Government, it creates by its own consequence a lot of differences between the West land uses and land uses in the East.

Now, how did this come about? Why did our leaders not many many years ago who preceded us many, many generations ago, why did they not spread this land ownership out throughout the country more evenly?

Here is what happened. In the West, when they were settling the rest of the country, and I say the West, really anything West of, you get out here of New York, of South Carolina, Kentucky, out into this country, they decided in those days ownership of land was not simply just a deed. The fact you owned a deed to the land did not mean a lot out here in the wilderness, out in the wild areas of the country. In fact, back then possession really was nine-tenths of the law. You have heard that quote many time. ''Well, possession is nine-tenths of the law.'' That is where it came from.

In the early days of the settlement by the white man out here in the West, possession was nine-tenths of the law. So the leaders in the East decided hey, we have got to provide some kind of incentive, we have got to give an incentive for people to move into the West, to settle this land. We have got to get our citizens in possession of that land, the land they had purchased, for example, through the Louisiana purchase. We have got to get people on the land. How do we do it? Because, frankly, life in the city is fairly comfortable. Life in the West is pretty rough. They have to go on horseback, a wagon. It is pretty rough.

Somebody came up with the idea, well, let us do this. Let us tell these settlers that if they go out there, we will give them land. And the American dream has always been to own your own piece of land. Today, for our constituents, the young people, the old people, the middle age people, we all dream of owning our own little piece of land. Ownership of land is American.

So what they said was hey, what stronger incentive can we give to these people to encourage them to become settlers and move to the West than to offer to give them land?

So they said all right, what kind of land should we give? Let us call it, they said, the Homestead Act or any number of other acts, and let us give them 160 or 320 acres. And if they go out and they possess that land and they work that land for a period of time, say 3 years or 5 years, depending on the act, we will let them have the land free. It is their land. It is their land forever.

Well, that worked okay, until you hit the mountains, until you hit the arid areas of the West. When you got into the states like Kansas and Nebraska and Ohio and the Dakotas, you know, you could take 160 acres in that rich farmland of Ohio or Nebraska and you could raise a family on it. That is very fertile ground.

But what was happening was the settlers were coming out here, and all of a sudden they stopped. They were not going into the mountains. Maybe some would go around the mountains and try to find gold in the California area, out here where you do not see much government land ownership in California. They were going around it.

So the problem came back to Washington. Hey, we are doing okay, again referring to this map, doing okay in the eastern United States, everything east, let us say of Denver, Colorado. People are settling, were possessing the land. But where the Colorado Rockies start, from north to south, west, the people are not going in there. What do we do?

The problem came up, well, you know, to raise a family in Nebraska, for example, on the rich fertile land out there, it is 160 acres. To do the equivalent in the Colorado Rockies, for example, and I keep referring to Colorado, obviously other states share the Rockies, so I am really referring to the mountain West, but to do the equivalent in the mountains, instead of 160 acres, you may need 1,600 acres, or 2,000 acres, or 3,000 acres. The leaders in Washington said wow, we cannot give away that kind of land. We cannot go out there and tell people we are going to give thousand and thousands of acres to one person if they go out and live on and work that land. What do we do?

That is where the birth of the concept of multiple use came about. The Federal Government decided the answer to this, to encourage settlers to go out, is, look, the Federal Government will retain ownership. The Federal Government will continue to own these lands out here, but you are going to be allowed to go out there and use them. You can go out there and use them for ranching, you can go out there and use them for minerals. As time went on, you can go out there and use them to build your communities and your towns and later on your cities. Now, today we can use these lands to help protect our environment, to help preserve a lot of these lands.

Multiple use means a lot of things. To give you an idea of what the multiple use concept is and why Federal ownership differs here in the West than in the East, in the East, for example, let us think about it. If you wanted to build something in your local community here in, let us say Kentucky or out here in Illinois or some of these states more towards the East, you wanted to build something, what do you do? You have to get a permit. And if you get a permit, where do you go? You go to your local planning and zoning. You go down to the city hall, or maybe the county offices, and you go to your local planning and zoning.

Well, here in the West, where the Federal Government owns so much land, if we want to build, for example, a water canal, we do not go to our local planning and zoning. We have to have our planning and zoning done in Washington, D.C., 1,500 miles away, in an area where it rains. It does not rain very much in the West.

□ 2045

It does not rain much in the West. In an area where they have very little Federal ownership of lands, in an area where a lot of people do not even know what the term ''use'' means, yet they are the ones who dictate, they are the ones who dictate our planning and zoning in the West. That is a big difference. That is why we have sensitivities out there in the West. That is why it is important that we protect the concept of multiple use.

Let me read just a couple of things. The Federal government owns, as I said earlier, 47 percent of the land in the 11 public lands States all located in the western United States. In four States, the Federal government owns more than half of the land: In Idaho, in Nevada, in Oregon, and Utah. In Colorado, more than one-third of the land is owned by the Federal government.

Are we dependent on these lands? We are absolutely dependent on these lands. Humans could not live out in the West without the permission of the Federal government to use those lands.

Some would say, well, is that not kind of an exaggerated statement? The fact is that it is not exaggerated at all. Think about it. Take any community in my district. Glenwood Springs, Colorado. If you have not been there, go visit; a beautiful community, my hometown. In Glenwood Springs, or a town more that my colleagues might be acquainted with, Aspen, Colorado, take Aspen, Colorado, every road into Aspen, Colorado, comes across government lands. Every drop of water in Aspen, Colorado, either comes across, originates, or is stored on Federal lands unless it is a spring, and then it still originates somewhere on Federal lands. All of their cable, all of their power lines, all of their transportation needs, their airport, their air corridors, all of that comes across Federal lands.

If we begin to shut down the access across Federal lands, we lock out these communities. Many, many of the communities, not only in my district but throughout the U.S., throughout the West, are locked in by Federal lands.

Now, ''locked in'' is not too harsh a word if we are allowed access to utilize these lands. We take a lot of pride in those lands. That is our birthplace. A lot of us have many, many generations of family history out there. We care about that land. We have worked that land. We know that land.

There are some sensitivities when we deal with people, for example, out of Washington, D.C., some think tank, that thinks they ought to be able to or that they know a little more about the dictates of living in the West, about the issues of these lands.

Multiple use is a very, very important concept for us. That is why we are so ardent in our protection of the right to use these lands. I think this map is a good reflection. Again, I would direct my colleagues to take a look at it.

One thing they will notice down here, it is not in proportion, obviously, is the State of Alaska. I think the State of Alaska is somewhere around 96 percent owned by the government. Ninety-six percent of that land is owned by the government. Think of the impact that that has on the everyday lifestyles of people; of the resources that they use, of the transportation that they use.

So multiple use is a very, very important concept for us, and I hope that my comments tonight have given Members a little idea about this. There are a lots of exciting things that go on in the West in regard to our land use.

Over the last 25 or 30 years, we have recognized the technology that allows us to utilize our lands in such a way that they can become more environmentally friendly. We have figured out how to use water in a more environmentally sensitive form. There is a lot of progressive movement in the West on these lands to help preserve our environment, because many of those communities out there are almost totally dependent on a clean, healthy environment.

If Aspen, Colorado, for example, or Beaver Creek or Telluride or Vail or Glenwood Springs or Durango, if they had a dirty environment, would Members go out to visit it? Of course not. We have lots to lose out there. We have a lot at risk with our environment out there. That is why we take no shame in the positions that we advocate for the protection of our lands out there, for the protection of the water out there.

I hope my colleagues here recognize that. I hope as the different issues come up, whether they relate to Alaska or whether they relate to the western United States, remember, especially if Members are from the East, that the issues are different. The issues will require that we look into the history. They will require that we study the differences of a State without much Federal land and a State with Federal land, that we study how dependent we are on the resources of those Federal lands, and why the doctrine of multiple use is a well-thought-out and now a well-practiced historical use of those lands. Multiple use should be protected.

There are some areas where we have set aside what we call wilderness areas. I am a sponsor of a wilderness called the Spanish Peaks Wilderness. That is my bill passed out of this House. We expect to put a wilderness out there. We have other wilderness. Senator Armstrong, Hank Brown from years ago, they put in the Flat Tops Wilderness bill.

In some of these areas we take away multiple use, but it is a focused, well-thought-out move. It is a move that allows some lands to be set aside as if humans had never touched them. So in some areas we have actually surrendered the doctrine of multiple use for protection, for the maximum possible, with little flexibility, protection.

But before, and I say this to my colleagues, before Members jump on the bandwagon and take a paintbrush and paint in all of this wilderness designation, please understand the impact that it has to the local people, to the people who live off those lands, to the people who depend on those lands. Frankly, anybody that lives in the West is dependent upon those Federal lands.

EDUCATION

Enough for issues about water and lands. Now I want to move to an issue that is very important to me. It is important to my colleagues here. I want to talk for a few minutes about some areas of education.

I do not know anyone who is anti-education. I find with interest in a political season how political layouts are made saying one person is anti-education. Granted, in this room of 435 Congress people, we have 435 different ideas, and many of them are uniform, but we have 435 different ideas about education: How do we improve education? How do we get the biggest bang for our buck out of education? How do we get the best teachers, the most qualified teachers we can into the field of education? How do we make the profession of teaching one of the highest professions in our country?

There is lots of debate about that, but I have not found anybody on the Democratic side and I certainly have not found anybody on the Republican side that is anti-education.

So I urge my colleagues, as this election year gets into a very heated process very rapidly, that they not buy into that argument that their opponent or somebody else out there is anti-education. I do not know one person, I have never met a person in my political career, I have never met one person that is anti-education. In fact, I have met very few people, I could probably count them on one hand, the people, if I were to ask them the five or ten most important things in our society, that they would not list education among the very top.

We all recognize that education is fundamental for the strength of this country. Now that we all can come to the agreement that we all agree that education is important, let us talk about different subjects.

There are lots of areas we could talk about. We could talk about the budget on education, about how much more money is needed, how do we have accountability for the money, how do we test, what kind of testing, and should we track scores and the money spent, whether the money should be local money, whether the money should be State money, whether the money should be Federal money; and if it is Federal or State money for a local school, what kind of flexibility should be given to the Federal government or the State government to determine what programs are offered in the local school?

We can talk about the issues of sex education in schools: What level do we offer sex education, should we have it in the schools? We can talk about the school facilities. We can talk about bonding issues. There are lots of things in education that many in this room have much more expertise than I do. We could have lengthy discussions about it. There is a lot of money, billions and billions of dollars spent in this country every year to try and figure out how we have a better educational product.

But one of the areas I like to talk about in education is personal responsibility, consequences for behavior that is classified as misbehavior. I think throughout the years, and this is where I got some negative calls, and I would love to have some of those people to debate, Mr. Speaker, who in my opinion seem to think that the discipline, the direction we are going in discipline is the right direction to take.

I do not think it is. I think one of the problems that we have today in turning out a better educational product is responsibility in the classroom. We find responsibility in the classroom not only through accountability of measurement, and whether a student is learning, and the responsibility of a student if they want to participate in the class, they have to do their assignments. But I am talking about classroom discipline.

It is interesting, if we take a look at the discipline problems, and I think there is a book out there called It All Happened in Kindergarten or something like that. I will actually have it next week. But in that particular book, as my memory serves me, if it is correct, they did some comparisons about discipline problems 40 years ago in our classrooms and the discipline problems today in our classrooms.

Part of the difference in those discipline problems, back then, for example, chewing gum was a discipline problem, or talking out of turn, interrupting your teacher, being tardy. Today it is drugs, violence. We go down the list and there is a dramatic difference.

Part of it is the shift in society. Part of it, and we can track it to a lot of different things, the lack of two-parent families, a number of different things. But one of those elements that I think we need to look at is we have got to give our teachers the ability and the tools to have discipline in their classroom.

Not too many years ago I think it was 60 Minutes went in and did a secret filming I think in one of the major cities of a classroom and the discipline, and the frustrated teacher who could not control those students.

Can most teachers control most students? The answer is yes. Are most students responsible young people, young adults? The answer is yes. In the past, were teachers able to have much more control for those few students who became discipline problems? The answer was yes.

Has that authority had handcuffs placed on it? Has that authority been kind of cornered or reduced in today's classroom? The answer is yes. We need to take a serious look at allowing discipline back into the classroom.

Think about it. I have a sister who is a counsellor. Her name is Kathleen. She has spent her career in teaching and she is now a counselor. Several years ago when I was in the State legislature, and in Colorado most of the money provided for schools is provided at the State level, back then about 63 cents out of every dollar of the general fund of the State of Colorado's budget was provided for education, but we consistently heard complaints about, we need more money for education.

We hear it from every department, by the way. The military says it needs more money. In fact, I have never found a department yet throughout my years of public service that says, whoa, we have enough money. We can do the job for what you have given us. We have enough money. So that is a pretty common complaint.

Anyway, back to my sister, Kathy. I asked her one day, I said, Kathy, if I could do one thing politically as a leader, if I could do just one thing to help improve the education product for you as a schoolteacher, what would it be? I expected her to say, we need more money.

She did not say that. She said, if you could do just one thing, allow me to have discipline back in my classroom. Allow me to have discipline back in my classroom.

That is where I really begin. That answer caught me a little off guard. That is where I began to really focus on discipline in the classroom and tolerance in our schools. Clearly, when we speak of tolerance, there are many different applications that that term can have. There are a lot of things that we have taught, good behavior through more tolerance of certain behaviors.

However, we also need to take a look at misbehavior that we are ignoring because it is not politically correct, perhaps, to stand up to it, or you are going to get criticism for drawing a line in the sand and saying, if your behavior crosses that line, you are out of school.

At some point we have to go back and cater to the majority of students, the students that are behaving. I am not talking about ethnic issues and so on, I am talking about the majority of students that behave. We have to meet their needs. Those needs, in my opinion, take a higher priority than a student who on a consistent basis, not a one- or two-time basis where we have correctable attitudes, but on a consistent basis continues to defy the teacher and continues to defy the rules of the classroom.

For example, not too many months ago I saw some film footage, and some of my colleagues may have seen it, where there was a fight in the school and the students were disciplined.

This school board, I wanted to pat each one of them on the back. It is about time somebody stood up to these students and kicked them out of school; good for you. Teach them a lesson. Of course there was a lot of argument and debate about whether this was too harsh a punishment for kicking these students out of school. Then they begin to look into the background of the students, and it was the first time I had ever heard the term ''third year freshman.'' So I asked my sister Kathy, what is a third year freshman?

Oh, a third year freshman, she says, that is somebody who has been in high school for 3 years and has yet to get enough credits to get out of the freshman class.

In this particular case that I was referring to, they had some students there who did not have any credits and had been in school for 2 or 3 years; no credits. Then they went and they took a look and investigated and revealed how many days they had been absent from school, and the fundamental question that came to me was not whether or not they still are in school; the fundamental question came to me is why did you not kick them out earlier? How much time and how much effort and how many resources have you spent taking care of these students who are not willing to accept responsibility, who have behavioral problems that are not able to be corrected on a short-term basis and you have kowtowed to them, so to speak, been politically correct to them, at the expense of the students who are following the rules, at the expense of the students, and it is clearly, clearly the strong majority of students who want to learn, who want to get something out of their education, what is wrong out there?

Well, I can say this, that I think as government officials we need to pledge to our local teachers, to our school administrators that, look, within the bounds, within legitimate bounds, and I can say I think the legitimate bounds have a historical basis, I think we can find them, that within those bounds you are going to receive support from us. It may be that you are having to discipline the most popular kid in the town. We have to promise support to these people. These teachers have tough jobs. These administrators have tough jobs. But we cannot really expect them to stand up to this discipline problem if we, starting on this House Floor, do not back them up. There are times where discipline cannot be politically correct. There are times where discipline can be absolutely correct. In my opinion, if we can get discipline back to the classroom, Mr. Speaker, if we can do something to help our local districts, give them the support and to watch very carefully any legislation we pass out of the U.S. House of Representatives to make sure that we are not infringing on the right for a schoolteacher to have discipline in their classroom, it is worth it. That is how we can get a better product. That is how we can give more opportunities to our students.

As I said earlier, in my opinion education is the most fundamental pillar that we can have that holds this great country together. Now, there are other strong pillars. We have to have a strong military. We have to have a strong economy. We have to have a strong health care delivery system. There are other pillars that help hold this building up but education is one that gets a lot of attention, deserves a lot of attention and it is going to get a lot more attention.

Now teachers, I think, themselves want accountability. I read an article in USA Today, December 1999, and it was issued by the Albert Shanker Institute. They found that teachers support standards. Teachers support accountability. Even in low income neighborhoods, teachers believe that standards and accountability are important.

I think most teachers believe in personal responsibilities. I think most teachers want us to give them the tools that create consequences for misbehavior in the classroom, that allow the teachers to reward good behavior because there are two ways to take care of misbehavior. One is punish the misbehavior and have consequences for the misbehavior and two is to reward the good behavior, take the positive drive.

The study shows that the longer teachers work with standards the

happier they are to have them. Accountability measures can include repeating a grade or having to pass a test to graduate. Accountability measures can include discipline in the classroom. For school officials, accountability could come in the form of removing teachers and principals from schools that do not meet those standards.

Seventy-three percent of the teachers and 92 percent of the principals favor the standards movement.

Mr. Speaker, let me just conclude by saying that we all want better education. Let us bring discipline back to the classroom.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 5 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2148

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 9 o'clock and 48 minutes p.m.

CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 290, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2001

Mr. KASICH, from the Committee on the Budget, submitted a privileged report (Rept. No. 106–577) on the concurrent resolution (H. Con. Res. 290) establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005, which was referred to the House Calendar and ordered to be printed.

CONFERENCE REPORT (H. REPT. 106–577)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 290), establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2001.

(a) DECLARATION.—Congress declares that the concurrent resolution on the budget for fiscal year 2000 is hereby revised and replaced and that this is the concurrent resolution on the budget for fiscal year 2001 and that the appropriate budgetary levels for fiscal years 2002 through 2005 are hereby set forth.

(b) TABLE OF CONTENTS.—

Sec. 1. Concurrent resolution on the budget for fiscal year 2001.

TITLE I—LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Major functional categories.
Sec. 103. Reconciliation in the House of Representatives.
Sec. 104. Reconciliation of revenue reductions in the Senate.

TITLE II—BUDGET ENFORCEMENT AND RULEMAKING

Subtitle A—Budget Enforcement

Sec. 201. Lock-box for social security surpluses.
Sec. 202. Debt reduction lock-box.
Sec. 203. Enhanced enforcement of budgetary limits.
Sec. 204. Mechanisms for strengthening budgetary integrity.
Sec. 205. Emergency designation point of order in the Senate.
Sec. 206. Mechanism for implementing increase of fiscal year 2001 discretionary spending limits.
Sec. 207. Senate firewall for defense and nondefense spending.

Subtitle B—Reserve Funds

Sec. 211. Mechanism for additional debt reduction.
Sec. 212. Reserve fund for additional tax relief and debt reduction.
Sec. 213. Reserve fund for additional surpluses.
Sec. 214. Reserve fund for medicare in the House.
Sec. 215. Reserve fund for medicare in the Senate.
Sec. 216. Reserve fund for agriculture.
Sec. 217. Reserve fund to foster the health of children with disabilities and the employment and independence of their families.
Sec. 218. Reserve fund for military retiree health care.
Sec. 219. Reserve fund for cancer screening and enrollment in SCHIP.
Sec. 220. Reserve fund for stabilization of payments to counties in support of education.
Sec. 221. Tax reduction reserve fund in the Senate.
Sec. 222. Application and effect of changes in allocations and aggregates.

Subtitle C—Miscellaneous Rulemaking Provisions

Sec. 231. Compliance with section 13301 of the Budget Enforcement Act of 1990.
Sec. 232. Prohibition on use of Federal reserve surpluses.
Sec. 233. Reaffirming the prohibition on the use of tax increases for discretionary spending.
Sec. 234. Exercise of rulemaking powers.

TITLE III—SENSE OF CONGRESS, HOUSE, AND SENATE PROVISIONS

Subtitle A—Sense of Congress Provisions

Sec. 301. Sense of Congress on graduate medical education.
Sec. 302. Sense of Congress on providing additional dollars to the classroom.

Subtitle B—Sense of House Provisions

Sec. 311. Sense of the House on waste, fraud, and abuse.
Sec. 312. Sense of the House regarding emergency spending.
Sec. 313. Sense of the House on estimates of the impact of regulations on the private sector.
Sec. 314. Sense of the House on biennial budgeting.
Sec. 315. Sense of the House on access to health insurance and preserving home health services for all medicare beneficiaries.
Sec. 316. Sense of the House regarding Medicare+Choice programs/reimbursement rates.
Sec. 317. Sense of the House on directing the Internal Revenue Service to accept negative numbers in farm income averaging.
Sec. 318. Sense of the House on the importance of the National Science Foundation.
Sec. 319. Sense of the House regarding skilled nursing facilities.
Sec. 320. Sense of the House on special education.
Sec. 321. Sense of the House regarding HCFA draft guidelines.
Sec. 322. Sense of the House on asset-building for the working poor.
Sec. 323. Sense of the House on the importance of supporting the Nation's emergency first-responders.
Sec. 324. Sense of the House on additional health-related tax relief.

Subtitle C—Sense of Senate Provisions

TITLE III—SENSE OF THE SENATE PROVISIONS

Sec. 331. Sense of the Senate supporting funding levels in Educational Opportunities Act.
Sec. 332. Sense of the Senate on additional budgetary resources.
Sec. 333. Sense of the Senate on regarding the inadequacy of the payments for skilled nursing care.
Sec. 334. Sense of the Senate on veterans' medical care.
Sec. 335. Sense of the Senate on impact aid.
Sec. 336. Sense of the Senate on tax simplification.
Sec. 337. Sense of the Senate on antitrust enforcement by the Department of Justice and Federal Trade Commission regarding agriculture mergers and anticompetitive activity.
Sec. 338. Sense of the Senate regarding fair markets for American farmers.
Sec. 339. Sense of the Senate on women and social security reform.
Sec. 340. Use of False Claims Act in combatting medicare fraud.
Sec. 341. Sense of the Senate regarding the National Guard.
Sec. 342. Sense of the Senate regarding military readiness.
Sec. 343. Sense of the Senate supporting funding of digital opportunity initiatives.
Sec. 344. Sense of the Senate on funding for criminal justice.
Sec. 345. Sense of the Senate regarding comprehensive public education reform.
Sec. 346. Sense of the Senate on providing adequate funding for United States international leadership.
Sec. 347. Sense of the Senate concerning the HIV/AIDS crisis.
Sec. 348. Sense of the Senate regarding tribal colleges.
Sec. 349. Sense of the Senate to provide relief from the marriage penalty.
Sec. 350. Sense of the Senate on the continued use of Federal fuel taxes for the construction and rehabilitation of our Nation's highways, bridges, and transit systems.
Sec. 351. Sense of the Senate concerning the price of prescription drugs in the United States.

Sec. 352. Sense of the Senate against Federal funding of smoke shops.
Sec. 353. Sense of the Senate concerning investment of social security trust funds.
Sec. 354. Sense of the Senate on medicare prescription drugs.
Sec. 355. Sense of the Senate concerning funding for new education programs.
Sec. 356. Sense of the Senate regarding enforcement of Federal firearms laws.
Sec. 357. Sense of the Senate that any increase in the minimum wage should be accompanied by tax relief for small businesses.
Sec. 358. Sense of Congress regarding funding for the participation of members of the uniformed services in the Thrift Savings Plan.
Sec. 359. Sense of the Senate concerning uninsured and low-income individuals in medically underserved communities.

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2000 through 2005:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2000: $1,465,500,000,000.
Fiscal year 2001: $1,503,200,000,000.
Fiscal year 2002: $1,548,000,000,000.
Fiscal year 2003: $1,598,600,000,000.
Fiscal year 2004: $1,652,800,000,000.
Fiscal year 2005: $1,719,800,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be reduced are as follows:

Fiscal year 2000: $0.
Fiscal year 2001: $11,600,000,000.
Fiscal year 2002: $23,400,000,000.
Fiscal year 2003: $30,900,000,000.
Fiscal year 2004: $39,800,000,000.
Fiscal year 2005: $44,300,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2000: $1,467,300,000.
Fiscal year 2001: $1,467,200,000.
Fiscal year 2002: $1,499,000,000.
Fiscal year 2003: $1,606,600,000.
Fiscal year 2004: $1,661,700,000.
Fiscal year 2005: $1,724,400,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2000: $1,441,100,000.
Fiscal year 2001: $1,446,000,000.
Fiscal year 2002: $1,466,400,000.
Fiscal year 2003: $1,583,300,000.
Fiscal year 2004: $1,637,100,000.
Fiscal year 2005: $1,700,500,000.

(4) SURPLUSES.—For purposes of the enforcement of this resolution, the amounts of the surpluses are as follows:

Fiscal year 2000: $24,400,000,000.
Fiscal year 2001: $57,200,000,000.
Fiscal year 2002: $81,600,000,000.
Fiscal year 2003: $15,300,000,000.
Fiscal year 2004: $15,700,000,000.
Fiscal year 2005: $19,300,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2000: $5,628,300,000,000.
Fiscal year 2001: $5,663,500,000,000.
Fiscal year 2002: $5,678,700,000,000.
Fiscal year 2003: $5,770,200,000,000.
Fiscal year 2004: $5,856,300,000,000.
Fiscal year 2005: $5,936,900,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of the debt held by the public are as follows:

Fiscal year 2000: $3,458,300,000,000.
Fiscal year 2001: $3,253,000,000,000.
Fiscal year 2002: $2,999,100,000,000.
Fiscal year 2003: $2,804,100,000,000.
Fiscal year 2004: $2,594,500,000,000.
Fiscal year 2005: $2,363,000,000,000.

(7) SOCIAL SECURITY.—

(A) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under section 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2000: $479,600,000,000.
Fiscal year 2001: $501,500,000,000.
Fiscal year 2002: $524,900,000,000.
Fiscal year 2003: $547,200,000,000.
Fiscal year 2004: $569,900,000,000.
Fiscal year 2005: $597,300,000,000.

(B) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under section 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2000: $326,500,000,000.
Fiscal year 2001: $336,500,000,000.
Fiscal year 2002: $343,300,000,000.
Fiscal year 2003: $351,700,000,000.
Fiscal year 2004: $361,400,000,000.
Fiscal year 2005: $372,100,000,000.

(C) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2000:
(A) New budget authority, $3,200,000,000.
(B) Outlays, $3,200,000,000.
Fiscal year 2001:
(A) New budget authority, $3,400,000,000.
(B) Outlays, $3,300,000,000.
Fiscal year 2002:
(A) New budget authority, $3,400,000,000.
(B) Outlays, $3,400,000,000.
Fiscal year 2003:
(A) New budget authority, $3,500,000,000.
(B) Outlays, $3,400,000,000.
Fiscal year 2004:
(A) New budget authority, $3,600,000,000.
(B) Outlays, $3,500,000,000.
Fiscal year 2005:
(A) New budget authority, $3,600,000,000.
(B) Outlays, $3,600,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and budget outlays for fiscal years 2000 through 2005 for each major functional category are:

(1) National Defense (050):
Fiscal year 2000:
(A) New budget authority, $291,600,000,000.
(B) Outlays, $288,100,000,000.
Fiscal year 2001:
(A) New budget authority, $309,900,000,000.
(B) Outlays, $296,700,000,000.
Fiscal year 2002:
(A) New budget authority, $309,200,000,000.
(B) Outlays, $303,200,000,000.
Fiscal year 2003:
(A) New budget authority, $315,600,000,000.
(B) Outlays, $309,800,000,000.
Fiscal year 2004:
(A) New budget authority, $323,400,000,000.
(B) Outlays, $317,900,000,000.
Fiscal year 2005:
(A) New budget authority, $331,700,000,000.
(B) Outlays, $328,300,000,000.

(2) International Affairs (150):
Fiscal year 2000:
(A) New budget authority, $22,000,000,000.
(B) Outlays, $16,000,000,000.
Fiscal year 2001:
(A) New budget authority, $19,800,000,000.
(B) Outlays, $18,300,000,000.
Fiscal year 2002:
(A) New budget authority, $20,100,000,000.
(B) Outlays, $17,800,000,000.
Fiscal year 2003:
(A) New budget authority, $20,100,000,000.
(B) Outlays, $16,900,000,000.
Fiscal year 2004:
(A) New budget authority, $20,100,000,000.
(B) Outlays, $16,500,000,000.
Fiscal year 2005:
(A) New budget authority, $20,600,000,000.
(B) Outlays, $16,400,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2000:
(A) New budget authority, $19,300,000,000.
(B) Outlays, $18,400,000,000.
Fiscal year 2001:
(A) New budget authority, $20,300,000,000.
(B) Outlays, $19,400,000,000.
Fiscal year 2002:
(A) New budget authority, $20,400,000,000.
(B) Outlays, $20,000,000,000.
Fiscal year 2003:
(A) New budget authority, $20,600,000,000.
(B) Outlays, $20,000,000,000.
Fiscal year 2004:
(A) New budget authority, $20,800,000,000.
(B) Outlays, $20,200,000,000.
Fiscal year 2005:
(A) New budget authority, $21,000,000,000.
(B) Outlays, $20,500,000,000.

(4) Energy (270):
Fiscal year 2000:
(A) New budget authority, $1,100,000,000.
(B) Outlays, −$600,000,000.
Fiscal year 2001:
(A) New budget authority, $1,300,000,000.
(B) Outlays, $0.
Fiscal year 2002:
(A) New budget authority, $200,000,000.
(B) Outlays, −$900,000,000.
Fiscal year 2003:
(A) New budget authority, $900,000,000.
(B) Outlays, −$400,000,000.
Fiscal year 2004:
(A) New budget authority, $800,000,000.
(B) Outlays, −$500,000,000.
Fiscal year 2005:
(A) New budget authority, $800,000,000.
(B) Outlays, −$500,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2000:
(A) New budget authority, $24,500,000,000.
(B) Outlays, $24,200,000,000.
Fiscal year 2001:
(A) New budget authority, $25,100,000,000.
(B) Outlays, $25,000,000,000.
Fiscal year 2002:
(A) New budget authority, $25,200,000,000.
(B) Outlays, $25,200,000,000.
Fiscal year 2003:
(A) New budget authority, $25,200,000,000.
(B) Outlays, $25,300,000,000.
Fiscal year 2004:
(A) New budget authority, $25,300,000,000.
(B) Outlays, $25,200,000,000.
Fiscal year 2005:
(A) New budget authority, $25,300,000,000.
(B) Outlays, $25,100,000,000.

(6) Agriculture (350):
Fiscal year 2000:
(A) New budget authority, $35,300,000,000.
(B) Outlays, $33,900,000,000.
Fiscal year 2001:
(A) New budget authority, $20,800,000,000.
(B) Outlays, $18,700,000,000.
Fiscal year 2002:
(A) New budget authority, $18,500,000,000.
(B) Outlays, $16,800,000,000.
Fiscal year 2003:

(A) New budget authority, $17,600,000,000.
(B) Outlays, $16,000,000,000.
Fiscal year 2004:
(A) New budget authority, $17,000,000,000.
(B) Outlays, $15,500,000,000.
Fiscal year 2005:
(A) New budget authority, $15,800,000,000.
(B) Outlays, $14,200,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2000:
(A) New budget authority, $7,600,000,000.
(B) Outlays, $3,100,000,000.
Fiscal year 2001:
(A) New budget authority, $6,200,000,000.
(B) Outlays, $2,200,000,000.
Fiscal year 2002:
(A) New budget authority, $8,700,000,000.
(B) Outlays, $4,900,000,000.
Fiscal year 2003:
(A) New budget authority, $9,400,000,000.
Outlays, $4,700,000,000.
Fiscal year 2004:
(A) New budget authority, $13,500,000,000.
(B) Outlays, $8,500,000,000.
Fiscal year 2005:
(A) New budget authority, $13,400,000,000.
(B) Outlays, $9,500,000,000.
(8) Transportation (400):
Fiscal year 2000:
(A) New budget authority, $54,400,000,000.
(B) Outlays, $46,700,000,000.
Fiscal year 2001:
(A) New budget authority, $59,300,000,000.
(B) Outlays, $50,500,000,000.
Fiscal year 2002:
(A) New budget authority, $57,400,000,000.
(B) Outlays, $53,000,000,000.
Fiscal year 2003:
(A) New budget authority, $58,900,000,000.
(B) Outlays, $55,200,000,000.
Fiscal year 2004:
(A) New budget authority, $59,000,000,000.
(B) Outlays, $55,600,000,000.
Fiscal year 2005:
(A) New budget authority, $59,000,000,000.
(B) Outlays, $55,700,000,000.
(9) Community and Regional Development (450):
Fiscal year 2000:
(A) New budget authority, $11,300,000,000.
(B) Outlays, $10,700,000,000.
Fiscal year 2001:
(A) New budget authority, $9,300,000,000.
(B) Outlays, $10,700,000,000.
Fiscal year 2002:
(A) New budget authority, $8,600,000,000.
(B) Outlays, $9,700,000,000.
Fiscal year 2003:
(A) New budget authority, $8,600,000,000.
(B) Outlays, $8,600,000,000.
Fiscal year 2004:
(A) New budget authority, $8,500,000,000.
(B) Outlays, $8,100,000,000.
Fiscal year 2005:
(A) New budget authority, $8,600,000,000.
(B) Outlays, $7,600,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2000:
(A) New budget authority, $57,700,000,000.
(B) Outlays, $61,900,000,000.
Fiscal year 2001:
(A) New budget authority, $72,600,000,000.
(B) Outlays, $68,700,000,000.
Fiscal year 2002:
(A) New budget authority, $74,700,000,000.
(B) Outlays, $72,200,000,000.
Fiscal year 2003:
(A) New budget authority, $75,700,000,000.
(B) Outlays, $74,200,000,000.
Fiscal year 2004:
(A) New budget authority, $76,700,000,000.
(B) Outlays, $74,900,000,000.
Fiscal year 2005:
(A) New budget authority, $78,300,000,000.
(B) Outlays, $75,900,000,000.
(11) Health (550):
Fiscal year 2000:
(A) New budget authority, $159,200,000,000.
(B) Outlays, $153,500,000,000.
Fiscal year 2001:
(A) New budget authority, $169,600,000,000.
(B) Outlays, $165,900,000,000.
Fiscal year 2002:
(A) New budget authority, $179,300,000,000.
(B) Outlays, $177,800,000,000.
Fiscal year 2003:
(A) New budget authority, $191,200,000,000.
(B) Outlays, $190,400,000,000.
Fiscal year 2004:
(A) New budget authority, $205,400,000,000.
(B) Outlays, $204,900,000,000.
Fiscal year 2005:
(A) New budget authority, $221,600,000,000.
(B) Outlays, $220,300,000,000.
(12) Medicare (570):
Fiscal year 2000:
(A) New budget authority, $199,600,000,000.
(B) Outlays, $199,500,000,000.
Fiscal year 2001:
(A) New budget authority, $217,700,000,000.
(B) Outlays, $218,000,000,000.
Fiscal year 2002:
(A) New budget authority, $226,600,000,000.
(B) Outlays, $226,600,000,000.
Fiscal year 2003:
(A) New budget authority, $247,800,000,000.
(B) Outlays, $247,500,000,000.
Fiscal year 2004:
(A) New budget authority, $266,300,000,000.
(B) Outlays, $266,500,000,000.
Fiscal year 2005:
(A) New budget authority, $292,700,000,000.
(B) Outlays, $292,700,000,000.
(13) Income Security (600):
Fiscal year 2000:
(A) New budget authority, $238,900,000,000.
(B) Outlays, $248,100,000,000.
Fiscal year 2001:
(A) New budget authority, $252,300,000,000.
(B) Outlays, $255,000,000,000.
Fiscal year 2002:
(A) New budget authority, $264,200,000,000.
(B) Outlays, $266,000,000,000.
Fiscal year 2003:
(A) New budget authority, $273,700,000,000.
(B) Outlays, $276,100,000,000.
Fiscal year 2004:
(A) New budget authority, $283,500,000,000.
(B) Outlays, $286,000,000,000.
Fiscal year 2005:
(A) New budget authority, $296,100,000,000.
(B) Outlays, $298,800,000,000.
(14) Social Security (650):
Fiscal year 2000:
(A) New budget authority, $11,500,000,000.
(B) Outlays, $11,500,000,000.
Fiscal year 2001:
(A) New budget authority, $9,700,000,000.
(B) Outlays, $9,700,000,000.
Fiscal year 2002:
(A) New budget authority, $11,600,000,000.
(B) Outlays, $11,600,000,000.
Fiscal year 2003:
(A) New budget authority, $12,300,000,000.
(B) Outlays, $12,300,000,000.
Fiscal year 2004:
(A) New budget authority, $13,000,000,000.
(B) Outlays, $13,000,000,000.
Fiscal year 2005:
(A) New budget authority, $13,800,000,000.
(B) Outlays, $13,800,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2000:
(A) New budget authority, $46,000,000,000.
(B) Outlays, $45,100,000,000.
Fiscal year 2001:
(A) New budget authority, $47,800,000,000.
(B) Outlays, $47,400,000,000.
Fiscal year 2002:
(A) New budget authority, $49,000,000,000.
(B) Outlays, $48,900,000,000.
Fiscal year 2003:
(A) New budget authority, $50,800,000,000.
(B) Outlays, $50,500,000,000.
Fiscal year 2004:
(A) New budget authority, $52,100,000,000.
(B) Outlays, $51,800,000,000.
Fiscal year 2005:
(A) New budget authority, $55,400,000,000.
(B) Outlays, $55,100,000,000.
(16) Administration of Justice (750):
Fiscal year 2000:
(A) New budget authority, $27,400,000,000.
(B) Outlays, $28,000,000,000.
Fiscal year 2001:
(A) New budget authority, $28,000,000,000.
(B) Outlays, $28,100,000,000.
Fiscal year 2002:
(A) New budget authority, $28,100,000,000.
(B) Outlays, $28,400,000,000.
Fiscal year 2003:
(A) New budget authority, $28,500,000,000.
(B) Outlays, $28,500,000,000.
Fiscal year 2004:
(A) New budget authority, $29,000,000,000.
(B) Outlays, $28,700,000,000.
Fiscal year 2005:
(A) New budget authority, $29,500,000,000.
(B) Outlays, $29,200,000,000.
(17) General Government (800):
Fiscal year 2000:
(A) New budget authority, $13,700,000,000.
(B) Outlays, $14,700,000,000.
Fiscal year 2001:
(A) New budget authority, $14,000,000,000.
(B) Outlays, $14,300,000,000.
Fiscal year 2002:
(A) New budget authority, $13,600,000,000.
(B) Outlays, $13,900,000,000.
Fiscal year 2003:
(A) New budget authority, $13,600,000,000.
(B) Outlays, $13,800,000,000.
Fiscal year 2004:
(A) New budget authority, $13,600,000,000.
(B) Outlays, $13,800,000,000.
Fiscal year 2005:
(A) New budget authority, $13,600,000,000.
(B) Outlays, $13,600,000,000.
(18) Net Interest (900):
Fiscal year 2000:
(A) New budget authority, $284,300,000,000.
(B) Outlays, $284,300,000,000.
Fiscal year 2001:
(A) New budget authority, $286,500,000,000.
(B) Outlays, $286,500,000,000.
Fiscal year 2002:
(A) New budget authority, $284,900,000,000.
(B) Outlays, $284,900,000,000.
Fiscal year 2003:
(A) New budget authority, $278,800,000,000.
(B) Outlays, $278,800,000,000.
Fiscal year 2004:
(A) New budget authority, $274,500,000,000.
(B) Outlays, $274,500,000,000.
Fiscal year 2005:
(A) New budget authority, $269,700,000,000.
(B) Outlays, $269,700,000,000.
(19) Allowances (920):
Fiscal year 2000:
(A) New budget authority, −$3,800,000,000.
(B) Outlays, −$11,700,000,000.
Fiscal year 2001:
(A) New budget authority, −$64,700,000,000.
(B) Outlays, −$50,800,000,000.
Fiscal year 2002:
(A) New budget authority, −$60,000,000,000.
(B) Outlays, −$72,300,000,000.
Fiscal year 2003:
(A) New budget authority, −$2,000,000,000.
(B) Outlays, −$4,200,000,000.
Fiscal year 2004:

(A) New budget authority, −$2,700,000,000.
(B) Outlays, −$5,900,000,000.
Fiscal year 2005:
(A) New budget authority, −$3,300,000,000.
(B) Outlays, −$6,200,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2000:
(A) New budget authority, −$34,300,000,000.
(B) Outlays, −$34,300,000,000.
Fiscal year 2001:
(A) New budget authority, −$38,300,000,000.
(B) Outlays, −$38,300,000,000.
Fiscal year 2002:
(A) New budget authority, −$41,300,000,000.
(B) Outlays, −$41,300,000,000.
Fiscal year 2003:
(A) New budget authority, −$40,700,000,000.
(B) Outlays, −$40,700,000,000.
Fiscal year 2004:
(A) New budget authority, −$38,100,000,000.
(B) Outlays, −$38,100,000,000.
Fiscal year 2005:
(A) New budget authority, −$39,200,000,000.
(B) Outlays, −$39,200,000,000.

SEC. 103. RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.

(a) SUBMISSIONS PROVIDING TAX RELIEF.—The House Committee on Ways and Means shall report to the House a reconciliation bill—
(1) not later than July 14, 2000; and
(2) not later than September 13, 2000,
that consists of changes in laws within its jurisdiction sufficient to reduce the total level of revenues by not more than: $11,600,000,000 for fiscal year 2001, and $150,000,000,000 for the period of fiscal years 2001 through 2005.

(b) SUBMISSIONS REGARDING DEBT HELD BY THE PUBLIC.—The House Committee on Ways and Means shall report to the House a reconciliation bill—
(1) not later than July 14, 2000, that consists of changes in laws within its jurisdiction sufficient to reduce the debt held by the public by $7,500,000,000 for fiscal year 2001; and
(2) not later than September 13, 2000, that consists of changes in laws within its jurisdiction sufficient to reduce the debt held by the public by not more than $19,100,000,000 for fiscal year 2001.

SEC. 104. RECONCILIATION OF REVENUE REDUCTIONS IN THE SENATE.

The Senate Committee on Finance shall report to the Senate a reconciliation bill—
(1) not later than July 14, 2000; and
(2) not later than September 13, 2000,
that consists of changes in laws within its jurisdiction sufficient to reduce the total level of revenues by not more than: $11,600,000,000 for fiscal year 2001, and $150,000,000,000 for the period of fiscal years 2001 through 2005.

TITLE II—BUDGET ENFORCEMENT AND RULEMAKING

Subtitle A—Budget Enforcement

SEC. 201. LOCK-BOX FOR SOCIAL SECURITY SURPLUSES.

(a) FINDINGS.—Congress finds that—
(1) under the Budget Enforcement Act of 1990, the social security trust funds are off-budget for purposes of the President's budget submission and the concurrent resolution on the budget;
(2) the social security trust funds have been running surpluses for 17 years;
(3) these surpluses have been used to implicitly finance the general operations of the Federal Government;
(4) in fiscal year 2001, the social security surplus will be $166 billion;
(5) this resolution balances the Federal budget without counting the social security surpluses;
(6) the only way to ensure that social security surpluses are not diverted for other purposes is to balance the budget exclusive of such surpluses; and
(7) Congress and the President should take such steps as are necessary to ensure that future budgets are balanced excluding the surpluses generated by the social security trust funds.

(b) SENSE OF CONGRESS.—It is the sense of Congress that legislation should be enacted in this session of Congress that would enforce the reduction in debt held by the public assumed in this resolution by the imposition of a statutory limit on such debt or other appropriate means.

(c) POINT OF ORDER.—
(1) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any revision to this resolution or a concurrent resolution on the budget for fiscal year 2002, or any amendment thereto or conference report thereon, that sets forth a deficit for any fiscal year.
(2) DEFICIT LEVELS.—For purposes of this subsection, a deficit shall be the level (if any) set forth in the most recently agreed to concurrent resolution on the budget for that fiscal year pursuant to section 301(a)(3) of the Congressional Budget Act of 1974.

(d) EXCEPTION.—Subsection (c)(1) shall not apply if—
(1) the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth for each of the most recently reported quarter and the immediately preceding quarter is less than 1 percent; or
(2) a declaration of war is in effect.

(e) SOCIAL SECURITY LOOK-BACK.—If in fiscal year 2001 the social security surplus is used to finance general operations of the Federal Government, an amount equal to the amount used shall be deducted from the available amount of discretionary spending for fiscal year 2002 for purposes of any concurrent resolution on the budget.

(f) WAIVER AND APPEAL.—Subsection (c)(1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 202. DEBT REDUCTION LOCK-BOX.

(a) POINT OF ORDER.—It shall not be in order in the House of Representatives to consider any reported bill or joint resolution, or any amendment thereto or conference report thereon, that would cause a surplus for fiscal year 2001 to be less than the level (as adjusted) set forth in section 101(4) for that fiscal year.

(b) SPECIAL RULE.—The level of the surplus for purposes of subsection (a) shall take into account amounts adjusted under section 314(a)(2)(B) or (C) of the Congressional Budget Act of 1974.

SEC. 203. ENHANCED ENFORCEMENT OF BUDGETARY LIMITS.

(a) PROHIBITION ON USE OF DIRECTED SCOREKEEPING.—(1) It shall not be in order in the House to consider any reported bill or joint resolution, or amendment thereto or conference report thereon, that contains a directed scorekeeping provision.
(2) As used in this subsection, the term ''directed scorekeeping'' means directing the Congressional Budget Office or the Office of Management and Budget how to estimate any provision providing discretionary new budget authority in a bill or joint resolution making general appropriations for a fiscal year for budgetary enforcement purposes.

(b) PROHIBITION ON USE OF ADVANCE APPROPRIATIONS.—(1) It shall not be in order in the House to consider any reported bill or joint resolution, or amendment thereto or conference report thereon, that would cause the total level of discretionary advance appropriations provided for fiscal years after 2001 to exceed $23,500,000,000 (which represents the total level of advance appropriations for fiscal year 2001).
(2) As used in this subsection, the term ''advance appropriation'' means any discretionary new budget authority in a bill or joint resolution making general appropriations for fiscal year 2001 that first becomes available for any fiscal year after 2001.

(c) EFFECTIVE DATE.—This section shall cease to have any force or effect on January 1, 2001.

SEC. 204. MECHANISMS FOR STRENGTHENING BUDGETARY INTEGRITY.

(a) DEFINITION.—For purposes of this section, the term ''budget year'' means with respect to a session of Congress, the fiscal year of the Government that starts on October 1 of the calendar year in which that session begins.

(b) POINT OF ORDER WITH RESPECT TO ADVANCE APPROPRIATIONS.—
(1) IN GENERAL.—It shall not be in order in the Senate to consider any bill, resolution, amendment, motion or conference report that—
(A) provides an appropriation of new budget authority for any fiscal year after the budget year that is in excess of the amounts provided in paragraph (2); and
(B) provides an appropriation of new budget authority for any fiscal year subsequent to the year after the budget year.
(2) LIMITATION ON AMOUNTS.—The total amount, provided in appropriations legislation for the budget year, of appropriations for the subsequent fiscal year shall not exceed $23,500,000,000.

(c) POINT OF ORDER WITH RESPECT TO DELAYED OBLIGATIONS.—
(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider any bill, resolution, amendment, motion, or conference report that contains an appropriation of new budget authority for any fiscal year which does not become available upon enactment of such legislation or on the first day of that fiscal year (whichever is later).
(2) EXCEPTION.—Paragraph (1) shall not apply with respect to appropriations in the defense category; nor shall it apply to appropriations reoccurring or customary.

(d) WAIVER AND APPEAL.—Subsections (b) and (c) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) FORM OF THE POINT OF ORDER.—A point of order under this section may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(f) CONFERENCE REPORTS.—If a point of order is sustained under this section against a conference report, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(g) PRECATORY AMENDMENTS.—For purposes of interpreting section 305(b)(2) of the Congressional Budget Act of 1974, an amendment is not germane if it contains predominately precatory language.

(h) ADDITIONAL INSTRUCTION.—The Chairman of the Committee on the Budget in the Senate may instruct the Senate Committee on Finance to report legislation to reduce debt held by the public in an amount consistent with section 103.

(i) SUNSET.—Except for subsection (g), this section shall expire effective October 1, 2002.

SEC. 205. EMERGENCY DESIGNATION POINT OF ORDER IN THE SENATE.

(a) DESIGNATIONS.—

(1) GUIDANCE.—In making a designation of a provision of legislation as an emergency requirement under section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the committee report and any statement of managers accompanying that legislation shall analyze whether a proposed emergency requirement meets all the criteria in paragraph (2).

(2) CRITERIA.—

(A) IN GENERAL.—The criteria to be considered in determining whether a proposed expenditure or tax change is an emergency requirement are—

(i) necessary, essential, or vital (not merely useful or beneficial);

(ii) sudden, quickly coming into being, and not building up over time;

(iii) an urgent, pressing, and compelling need requiring immediate action;

(iv) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(v) not permanent, temporary in nature.

(B) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(3) JUSTIFICATION FOR FAILURE TO MEET CRITERIA.—If the proposed emergency requirement does not meet all the criteria set forth in paragraph (2), the committee report or the statement of managers, as the case may be, shall provide a written justification of why the requirement should be accorded emergency status.

(b) POINT OF ORDER.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, a point of order may be made by a Senator against an emergency designation in that measure and if the Presiding Officer sustains that point of order, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(c) WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DEFINITION OF AN EMERGENCY REQUIREMENT.—A provision shall be considered an emergency designation if it designates any item an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) FORM OF THE POINT OF ORDER.—A point of order under this section may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(f) CONFERENCE REPORTS.—If a point of order is sustained under this section against a conference report, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(g) EXCEPTION FOR DEFENSE SPENDING.—Subsection (b) shall not apply against an emergency designation for a provision making discretionary appropriations in the defense category.

SEC. 206. MECHANISM FOR IMPLEMENTING INCREASE OF FISCAL YEAR 2001 DISCRETIONARY SPENDING LIMITS.

(a) FINDINGS.—The Senate finds the following:

(1) Unless and until the discretionary spending limit for fiscal year 2001 is increased, aggregate appropriations which exceed the current law limits would still be out of order in the Senate and subject to a supermajority vote.

(2) The functional totals contained in this concurrent resolution envision a level of discretionary spending for fiscal year 2001 as follows:

(A) For the discretionary category: $600,296,000,000 in new budget authority and $592,773,000,000 in outlays.

(B) For the highway category: $26,920,000,000 in outlays.

(C) For the mass transit category: $4,639,000,000 in outlays.

(3) To facilitate the Senate completing its legislative responsibilities for the 106th Congress in a timely fashion, it is imperative that the Senate consider legislation which increases the discretionary spending limit for fiscal year 2001 as soon as possible.

(b) ADJUSTMENT TO ALLOCATIONS AND OTHER BUDGETARY AGGREGATES AND LEVELS.—Whenever a bill or joint resolution becomes law that increases the discretionary spending limit for fiscal year 2001 set out in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, the chairman of the Committee on the Budget of the House or Senate, as applicable, shall increase the allocation called for in section 302(a) of the Congressional Budget Act of 1974 to the appropriate Committee on Appropriations and shall also appropriately adjust all other budgetary aggregates and levels contained in this resolution.

(c) LIMITATION ON ADJUSTMENT.—An adjustment made pursuant to subsection (b) shall not result in an allocation under section 302(a) of the Congressional Budget Act of 1974 that exceeds the total budget authority and outlays set forth in subsection (a)(2).

SEC. 207. SENATE FIREWALL FOR DEFENSE AND NONDEFENSE SPENDING.

(a) DEFINITION.—In this section, for purposes of enforcement in the Senate for fiscal year 2001, the term ''discretionary spending limit'' means—

(1) for the defense category, $310,819,000,000 in new budget authority and $297,650,000,000 in outlays; and

(2) for the nondefense category, $289,477,000,000 in new budget authority and $327,430,000,000 in outlays.

(b) POINT OF ORDER IN THE SENATE.—

(1) IN GENERAL.—After the adjustment to the section 302(a) allocation to the Committee on Appropriations is made pursuant to section 213 and except as provided in paragraph (2), it shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that exceeds any discretionary spending limit set forth in this section.

(2) EXCEPTION.—This subsection shall not apply if a declaration of war by Congress is in effect.

(c) WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Subtitle B—Reserve Funds

SEC. 211. MECHANISM FOR ADDITIONAL DEBT REDUCTION.

(a) IN GENERAL.—If any of the legislation described in subsection (b) is vetoed (or does not become law) or any legislation described in subsection (b)(1) or (b)(2) does not become law on or before October 1, 2000, then the chairman of the Committee on the Budget of the House or Senate, as applicable, may adjust the levels in this concurrent resolution as provided in subsection (c).

(b) LEGISLATION.—Any adjustment pursuant to subsection (a) shall be made with respect to—

(1) the reconciliation legislation required by section 103(a) or section 104;

(2) the medicare legislation provided for in section 214 or 215; or

(3) any legislation which reduces revenues and is vetoed.

(c) ADJUSTMENTS TO BE MADE.—The adjustment pursuant to subsection (a) shall be—

(1) with respect to the legislation required by section 103(a) or section 104, to decrease the balance displayed on the Senate's pay-as-you-go scorecard and increase the revenue aggregate by the amount set forth in section 103(a) or section 104 (as adjusted, if adjusted, pursuant to section 213) less the amount of any reduction in the current level of revenues which has occurred since the adoption of this concurrent resolution and to decrease the level of debt held by the public as set forth in section 101(6) by that same amount;

(2) with respect to the legislation provided for in section 214 or section 215, to decrease the balance displayed on the Senate's pay-as-you-go scorecard by the amount set forth in section 214 or section 215 (less the amount of any change in the current level of spending or revenues attributable to section 215) and to decrease the level of debt held by the public as set forth in section 101(6) by that same amount and make the corresponding adjustments to the revenue and spending aggregates and allocations set forth in this resolution; or

(3) with respect to the legislation described by subsection (b)(3), decrease the balance on the Senate's pay-as-you-go scorecard and increase the revenue aggregate for the cost of such legislation and decrease the level of debt held by the public as set forth in section 101(6) by that same amount.

SEC. 212. RESERVE FUND FOR ADDITIONAL TAX RELIEF AND DEBT REDUCTION.

Whenever the Committee on Ways and Means or the Committee on Finance reports any bill, or an amendment thereto is offered or a conference report thereon is submitted, that would cause the level by which Federal revenues should be reduced, as set forth in section 101(1)(B) for such fiscal year or for such period, as adjusted, to be exceeded, the chairman of the Committee on the Budget of the House or Senate, as applicable, may increase the levels by which Federal revenues should be reduced by the amount exceeding such level resulting from such measure, but not to exceed $1,000,000,000 for fiscal year 2001 and $25,000,000,000 for the period of fiscal years 2001 through 2005 and make all other appropriate conforming adjustments (after taking into account any other bill or joint resolution enacted during this session of the One Hundred Sixth Congress that would cause a reduction in revenues for fiscal year 2001 or the period of fiscal years 2001 through 2005).

SEC. 213. RESERVE FUND FOR ADDITIONAL SURPLUSES.

(a) REPORTING ADDITIONAL SURPLUSES.—If the report provided pursuant to section 202(e)(2) of the Congressional Budget Act of 1974, the budget and economic outlook: update (for fiscal years 2001 through 2010) estimates an on-budget surplus for any of fiscal years 2001 through 2005 that exceeds the on-budget surplus set forth in the Congressional Budget Office's March 2000 budget and economic outlook (for fiscal years 2001 through 2010), the chairman of the Committee on the Budget of the House or Senate, as applicable, may make the adjustments as provided in subsection (b).

(b) ADJUSTMENTS.—The chairman of the Committee on the Budget of the House or Senate, as applicable, may make the following adjustments in an amount not to exceed the difference between the on-budget surpluses in the reports referred to in subsection (a):

(1) Reduce the on-budget revenue aggregate by that amount for such fiscal year.

(2) Adjust the instruction in section 103 or 104 to—

(A) increase the reduction in revenues by that amount for fiscal year 2001;

(B) increase the reduction in revenues by the sum of the amounts for the period of fiscal years 2001 through 2005; and

(C) in the House only, increase the amount of debt reduction by that amount for fiscal year 2001.

(3) Adjust such other levels in this resolution, as appropriate and the Senate pay-as-you-go scorecard.

(c) ADDITIONAL DEBT REDUCTION IN THE HOUSE.—If the Congressional Budget Office estimates an on-budget surplus for fiscal year 2000 in excess of the level set forth in this resolution, then the chairman of the Committee on the Budget of the House may—

(1) reduce the levels of the public debt and debt held by the public by the amount of such increased on-budget surplus; and

(2) direct the Committee on Ways and Means to report by a date certain an additional reconciliation bill that reduces debt held by the public by such amount.

SEC. 214. RESERVE FUND FOR MEDICARE IN THE HOUSE.

Whenever the Committee on Ways and Means or Committee on Commerce of the House reports a bill or joint resolution, or an amendment thereto is offered (in the House), or a conference report thereon is submitted that reforms the medicare program and provides coverage for prescription drugs, the chairman of the Committee on the Budget of the House may increase the aggregates and allocations of new budget authority (and outlays resulting therefrom) by the amount provided by that measure for that purpose, but not to exceed $2,000,000,000 in new budget authority and outlays for fiscal year 2001 and $40,000,000,000 in new budget authority and outlays for the period of fiscal years 2001 through 2005 (and make all other appropriate conforming adjustments).

SEC. 215. RESERVE FUND FOR MEDICARE IN THE SENATE.

(a) PRESCRIPTION DRUGS.—Whenever the Committee on Finance of the Senate reports a bill or joint resolution or a conference report thereon is submitted, which improves access to prescription drugs for medicare beneficiaries, the chairman of the Committee on the Budget of the Senate may revise committee allocations and other appropriate budgetary levels and limits to accommodate such legislation, provided that such legislation will not reduce the on-budget surplus or increase spending, by more than $20,000,000,000 over the period of fiscal years 2001 through 2005 and will not cause an on-budget deficit in any fiscal year.

(b) MEDICARE REFORM.—Whenever the Committee on Finance of the Senate reports a bill or joint resolution, or a conference report thereon is submitted, which improves the solvency of the medicare program without the use of new subsidies from the general fund and improves access to prescription drugs (or continues access provided pursuant to subsection (a)) for medicare beneficiaries, the chairman of the Committee on the Budget of the Senate may change committee allocations and other appropriate budgetary levels and limits to accommodate such legislation, provided that such legislation will not reduce the on-budget surplus or increase spending by more than $40,000,000,000 (less any amount already provided by the chairman pursuant to subsection (a)) over the period of fiscal years 2001 to 2005 and will not cause an on-budget deficit in any fiscal year.

SEC. 216. RESERVE FUND FOR AGRICULTURE.

If the Committee on Agriculture of the House or the Committee on Agriculture, Nutrition, and Forestry of the Senate reports a bill on or before June 29, 2000, or an amendment thereto is offered or a conference report thereon is submitted, that provides assistance for producers of program crops and specialty crops, the chairman of the Committee on the Budget of the House or Senate, as applicable, may increase the allocation of new budget authority and outlays to that committee for fiscal year 2000 by the amount of new budget authority (and the outlays resulting therefrom) provided by that measure for that purpose not to exceed $5,500,000,000 in new budget authority and outlays for fiscal year 2000 and $1,640,000,000 in new budget authority and outlays for fiscal year 2001.

SEC. 217. RESERVE FUND TO FOSTER THE HEALTH OF CHILDREN WITH DISABILITIES AND THE EMPLOYMENT AND INDEPENDENCE OF THEIR FAMILIES.

If the Committee on Commerce of the House or the Committee on Finance of the Senate reports a bill, or an amendment thereto is offered or a conference report thereon is submitted, that facilitates children with disabilities receiving needed health care at home, the chairman of the Committee on the Budget of the House or Senate, as applicable, may increase the allocation of new budget authority and outlays to that committee by the amount of new budget authority (and the outlays resulting therefrom) provided by that measure for that purpose not to exceed $25,000,000 in new budget authority and outlays for fiscal year 2001 and $150,000,000 in new budget authority and outlays for the period of fiscal years 2001 through 2005.

SEC. 218. RESERVE FUND FOR MILITARY RETIREE HEALTH CARE.

If the Committee on Armed Services of the House or the Senate reports the Department of Defense authorization legislation to fund improvements to health care programs for military retirees and their dependents in order to fulfill the promises made to them, or an amendment thereto is offered or a conference report thereon is submitted, the chairman of the Committee on the Budget of the House or Senate, as applicable, may increase the allocation of new budget authority and outlays to that committee by the amount of new budget authority (and the outlays resulting therefrom) provided by that measure for that purpose not to exceed $50,000,000 in new budget authority and outlays for fiscal year 2001 and $400,000,000 in new budget authority and outlays for the period of fiscal years 2001 through 2005 if the enactment of such measure will not cause an on-budget deficit for fiscal year 2001 and the period of fiscal years 2001 through 2005.

SEC. 219. RESERVE FUND FOR CANCER SCREENING AND ENROLLMENT IN SCHIP.

If the Committee on Commerce of the House or the Committee on Finance of the Senate reports a bill, or an amendment thereto is offered or a conference report thereon is submitted, that accelerates enrollment of uninsured children in medicaid or the State Children's Health Insurance Program or provides medicaid coverage for women diagnosed with cervical and breast cancer through the screening program of the Centers for Disease Control, the chairman of the Committee on the Budget of the House or Senate, as applicable, may increase the allocation of new budget authority and outlays to that committee by the amount of new budget authority (and the outlays resulting therefrom) provided by that measure for that purpose not to exceed $50,000,000 in new budget authority and outlays for fiscal year 2001 and $250,000,000 in new budget authority and outlays for the period of fiscal years 2001 through 2005.

SEC. 220. RESERVE FUND FOR STABILIZATION OF PAYMENTS TO COUNTIES IN SUPPORT OF EDUCATION.

(a) ADJUSTMENT.—If the Committee on Agriculture and the Committee on Resources of the House or the Committee on Energy and Natural Resources of the Senate reports a bill, or an amendment thereto is offered or a conference report thereon is submitted, that provides additional resources for counties and complies with paragraph (2), the chairman of the Committee on the Budget of the House or Senate, as applicable, may increase the allocation of new budget authority and outlays to that committee by the amount of new budget authority (and the outlays resulting therefrom) provided by that measure for that purpose not to exceed $200,000,000 in new budget authority and outlays for fiscal year 2001 and $1,100,000,000 in new budget authority and outlays for the period of fiscal years 2001 through 2005.

(b) CONDITION.—Legislation complies with this section if it provides for the stabilization of receipt-based payments to counties that support school and road systems and also provides that a portion of those payments would be dedicated toward local investments in Federal lands within the counties.

SEC. 221. TAX REDUCTION RESERVE FUND IN THE SENATE.

In the Senate, the chairman of the Committee on the Budget may reduce the spending and revenue aggregates and may revise committee allocations for legislation that reduces revenues if such legislation will not increase the deficit or decrease the surplus for—

(1) fiscal year 2001; or

(2) the period of fiscal years 2001 through 2005.

SEC. 222. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget of the House of Representatives or the Senate, as applicable; and

(2) such chairman, as applicable, may make any other necessary adjustments to such levels to carry out this resolution.

Subtitle C—Miscellaneous Rulemaking Provisions

SEC. 231. COMPLIANCE WITH SECTION 13301 OF THE BUDGET ENFORCEMENT ACT OF 1990.

(a) In the House, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of such Act to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration that are off-budget pursuant to section 13301 of the Budget Enforcement Act of 1990 (even though such amounts are not included in the conference report on any concurrent resolution on the budget pursuant to such section 13301).

(b) In the House, for purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any discretionary amounts provided for the Social Security Administration.

SEC. 232. PROHIBITION ON USE OF FEDERAL RESERVE SURPLUSES.

(a) PURPOSE.—The purpose of this section is to ensure that transfers from nonbudgetary governmental entities, such as the Federal reserve banks, shall not be used to offset increased onbudget spending when such transfers produce no real budgetary or economic effects.

(b) BUDGETARY RULE.—In the Senate, for purposes of points of order under this resolution and the Congressional Budget Act of 1974, provisions contained in any bill, resolution, amendment, motion, or conference report that affects any surplus funds of the Federal reserve banks shall not be scored with respect to the level of budget authority, outlays, or revenues contained in such legislation.

SEC. 233. REAFFIRMING THE PROHIBITION ON THE USE OF TAX INCREASES FOR DISCRETIONARY SPENDING.

(a) PURPOSE.—The purpose of this section is to reaffirm Congress' belief that the discretionary spending limits should be adhered to and not circumvented by allowing increased taxes to offset discretionary spending.

(b) RESTATEMENT OF BUDGETARY RULE.—For purposes of points of order under this resolution and the Congressional Budget Act of 1974, provisions contained in an appropriations bill (or an amendment thereto or a conference report thereon) resulting in increased revenues shall continue to not be scored with respect to the level of budget authority or outlays contained in such legislation.

SEC. 234. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

TITLE III—SENSE OF CONGRESS, HOUSE, AND SENATE PROVISIONS

Subtitle A—Sense of Congress Provisions

SEC. 301. SENSE OF CONGRESS ON GRADUATE MEDICAL EDUCATION.

It is the sense of Congress that funding for graduate medical education for children's hospitals is a high priority in this resolution.

SEC. 302. SENSE OF CONGRESS ON PROVIDING ADDITIONAL DOLLARS TO THE CLASSROOM.

(a) FINDINGS.—Congress finds that—

(1) strengthening America's public schools while respecting State and local control is critically important to the future of our children and our Nation;

(2) education is a local responsibility, a State priority, and a national concern;

(3) a partnership with the Nation's governors, parents, teachers, and principals must take place in order to strengthen public schools and foster educational excellence;

(4) the consolidation of various Federal education programs will benefit our Nation's children, parents, and teachers by sending more dollars directly to the classroom; and

(5) our Nation's children deserve an educational system that will provide opportunities to excel.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress should enact legislation that would consolidate 31 Federal K–12 education programs; and

(2) the Department of Education, the States, and local educational agencies should work together to ensure that not less than 95 percent of all funds appropriated for the purpose of carrying out elementary and secondary education programs administered by the Department of Education are spent for our children in their classrooms.

Subtitle B—Sense of House Provisions

SEC. 311. SENSE OF THE HOUSE ON WASTE, FRAUD, AND ABUSE.

(a) FINDINGS.—The House finds that—

(1) while the budget may be in balance, it continues to be ridden with waste, fraud, and abuse;

(2) just last month, auditors documented more than $19,000,000,000 in improper payments each year by such agencies as the Agency of International Development, the Internal Revenue Service, the Social Security Administration, and the Department of Defense;

(3) the General Accounting Office (GAO) recently reported that the financial management practices of some Federal agencies are so poor that it is unable to determine the full extent of improper Government payments; and

(4) the GAO now lists a record number of 25 Federal programs that are at ''high risk'' of waste, fraud, and abuse.

(b) SENSE OF THE HOUSE.—It is the sense of the House that the Committee on the Budget has created task forces to address this issue and that the President should take immediate steps to reduce waste, fraud, and abuse within the Federal Government and report on such actions to Congress and that any resulting savings should be dedicated to debt reduction and tax relief.

SEC. 312. SENSE OF THE HOUSE REGARDING EMERGENCY SPENDING.

It is the sense of the House that, as part of a comprehensive reform of the budget process, the Committees on the Budget should develop a definition of, and a process for, funding emergencies consistent with the applicable provisions of H.R. 853, the Comprehensive Budget Process Reform Act of 1999, that could be incorporated into the Rules of the House of Representatives and the Standing Rules of the Senate.

SEC. 313. SENSE OF THE HOUSE ON ESTIMATES OF THE IMPACT OF REGULATIONS ON THE PRIVATE SECTOR.

(a) FINDINGS.—The House finds that—

(1) the Federal regulatory system sometimes adversely affects many Americans and businesses by imposing financial burdens with little corresponding public benefit;

(2) currently, Congress has no general mechanism for assessing the financial impact of regulatory activities on the private sector;

(3) Congress is ultimately responsible for making sure agencies act in accordance with congressional intent and, while the executive branch is responsible for promulgating regulations, Congress should curb ineffective regulations by using its oversight and regulatory powers; and

(4) a variety of reforms have been suggested to increase congressional oversight over regulatory activity, including directing the President to prepare an annual accounting statement containing several cost/benefit analyses, recommendations to reform inefficient regulatory programs, and an identification and analysis of duplications and inconsistencies among such programs.

(b) SENSE OF THE HOUSE.—It is the sense of the House that the House should reclaim its role as reformer and take the first step toward curbing inefficient regulatory activity by passing legislation authorizing the Congressional Budget Office to prepare regular estimates on the impact of proposed Federal regulations on the private sector.

SEC. 314. SENSE OF THE HOUSE ON BIENNIAL BUDGETING.

It is the sense of the House that there is a wide range of views on the advisability of biennial budgeting and this issue should be considered only within the context of comprehensive budget process reform.

SEC. 315. SENSE OF THE HOUSE ON ACCESS TO HEALTH INSURANCE AND PRESERVING HOME HEALTH SERVICES FOR ALL MEDICARE BENEFICIARIES.

(a) ACCESS TO HEALTH INSURANCE.—

(1) FINDINGS.—The House finds that—

(A) 44.4 million Americans are currently without health insurance, and that this number is expected to rise to nearly 60 million people in the next 10 years;

(B) the cost of health insurance continues to rise, a key factor in increasing the number of uninsured; and

(C) there is a consensus that working Americans and their families will suffer from reduced access to health insurance.

(2) SENSE OF THE HOUSE ON IMPROVING ACCESS TO HEALTH CARE INSURANCE.—It is the sense of the House that access to affordable health care coverage for all Americans is a priority of the 106th Congress.

(b) PRESERVING HOME HEALTH SERVICE FOR ALL MEDICARE BENEFICIARIES.—

(1) FINDINGS.—The House finds that—

(A) the Balanced Budget Act of 1997 reformed medicare home health care spending by instructing the Health Care Financing Administration to implement a prospective payment system and instituted an interim payment system to achieve savings;

(B) the medicare, medicaid, and SCHIP Balanced Budget Refinement Act, 1999, reformed the interim payment system to increase reimbursements to low-cost providers and delayed the automatic 15 percent payment reduction until after the first year of the implementation of the prospective payment system; and

(C) patients whose care is more extensive and expensive than the typical medicare patient do not receive supplemental payments in the interim payment system but will receive special protection in the home health care prospective payment system.

(2) SENSE OF THE HOUSE ON ACCESS TO HOME HEALTH CARE.—It is the sense of the House that—

(A) Congress recognizes the importance of home health care for seniors and disabled citizens;

(B) Congress and the Administration should work together to maintain quality care for patients whose care is more extensive and expensive than the typical medicare patient, including the most ill and infirmed medicare beneficiaries, while home health care agencies operate in the interim payment system; and

(C) Congress and the Administration should work together to avoid the implementation of the 15 percent reduction in the prospective payment system and ensure timely implementation of that system.

SEC. 316. SENSE OF THE HOUSE REGARDING MEDICARE+CHOICE PROGRAMS/REIMBURSEMENT RATES.

It is the sense of the House that the Medicare+Choice regional disparity among reimbursement rates is unfair, and that full funding of the Medicare+Choice program is a priority as Congress considers any medicare reform legislation.

SEC. 317. SENSE OF THE HOUSE ON DIRECTING THE INTERNAL REVENUE SERVICE TO ACCEPT NEGATIVE NUMBERS IN FARM INCOME AVERAGING.

(a) FINDINGS.—The House finds that—

(1) farmers' and ranchers' incomes vary widely from year-to-year due to uncontrollable markets and unpredictable weather;

(2) in the Taxpayer Relief Act of 1997, Congress enacted 3-year farm income averaging to protect agricultural producers from excessive tax rates in profitable years;

(3) last year, the Internal Revenue Service (IRS) proposed final regulations for averaging farm income, which failed to make clear that taxable income in a given year may be a negative number; and

(4) this IRS interpretation can result in farmers paying additional taxes during years in which they experience a loss in income.

(b) SENSE OF THE HOUSE.—It is the sense of the House that legislation should be considered during this session of the 106th Congress to direct the Internal Revenue Service to count any net loss of income in determining the proper rate of taxation.

SEC. 318. SENSE OF THE HOUSE ON THE IMPORTANCE OF THE NATIONAL SCIENCE FOUNDATION.

(a) FINDINGS.—The House finds that—

(1) the year 2000 will mark the 50th Anniversary of the National Science Foundation;

(2) the National Science Foundation is the largest supporter of basic research in the Federal Government;

(3) the National Science Foundation is the second largest supporter of university-based research;

(4) research conducted by the grantees of the National Science Foundation has led to innovations that have dramatically improved the quality of life of all Americans;

(5) grants made by the National Science Foundation have been a crucial factor in the development of important technologies that Americans take for granted, such as lasers, Magnetic Resonance Imaging, Doppler Radar, and the Internet;

(6) because basic research funded by the National Science Foundation is high-risk, cutting edge, fundamental, and may not produce tangible benefits for over a decade, the Federal Government is uniquely suited to support such research; and

(7) the National Science Foundation's focus on peer-reviewed merit based grants represents a model for research agencies across the Federal Government.

(b) SENSE OF THE HOUSE.—It is the sense of the House that the function 250 (Basic Science) levels assume an amount of funding which ensures that the National Science Foundation is a priority in the resolution; and that the National Science Foundation's critical role in funding basic research, which leads to the innovations that assure the Nation's economic future, and cultivate America's intellectual infrastructure, should be recognized.

SEC. 319. SENSE OF THE HOUSE REGARDING SKILLED NURSING FACILITIES.

It is the sense of the House that the Medicare Payment Advisory Commission should continue to carefully monitor the medicare skilled nursing benefit to determine if payment rates are sufficient to provide quality care, and that if reform is recommended, Congress should pass legislation as quickly as possible to assure quality skilled nursing care.

SEC. 320. SENSE OF THE HOUSE ON SPECIAL EDUCATION.

(a) FINDINGS.—The House finds that—

(1) all children deserve a quality education, including children with disabilities;

(2) the Individuals with Disabilities Education Act provides that the Federal, State, and local governments are to share in the expense of educating children with disabilities and commits the Federal Government to pay up to 40 percent of the national average per pupil expenditure for children with disabilities;

(3) the high cost of educating children with disabilities and the Federal Government's failure to fully meet its obligation under the Individuals with Disabilities Education Act stretches limited State and local education funds, creating difficulty in providing a quality education to all students, including children with disabilities;

(4) the current level of Federal funding to States and localities under the Individuals with Disabilities Education Act is contrary to the goal of ensuring that children with disabilities receive a quality education;

(5) the Federal Government has failed to appropriate 40 percent of the national average per pupil expenditure per child with a disability as required under the Individuals with Disabilities Education Act to assist States and localities to educate children with disabilities; and

(6) the levels in function 500 (Education) for fiscal year 2001 assume sufficient discretionary budget authority to accommodate fiscal year 2001 appropriations for IDEA, at least $2,000,000,000 above such funding levels appropriated in fiscal year 2000.

(b) SENSE OF THE HOUSE.—It is the sense of the House that—

(1) function 500 (Education) levels assume at least a $2,000,000,000 increase in fiscal year 2001 over the current fiscal year to reflect the commitment of Congress to appropriate 40 percent of the national per pupil expenditure for children with disabilities by a date certain;

(2) Congress and the President should increase fiscal year 2001 funding for programs under the Individuals with Disabilities Education Act by at least $2,000,000,000 above fiscal year 2000 appropriated levels;

(3) Congress and the President should give programs under the Individuals with Disabilities Education Act the highest priority among Federal elementary and secondary education programs by meeting the commitment to fund the maximum State grant allocation for educating children with disabilities under such Act prior to authorizing or appropriating funds for any new education initiative;

(4) Congress and the President may consider, if new or increased funding is authorized or appropriated for any elementary and secondary education initiative that directs funds to local educational agencies, providing the flexibility in such authorization or appropriation necessary to allow local educational agencies the authority to use such funds for programs under the Individuals with Disabilities Education Act; and

(5) if a local educational agency chooses to utilize the authority under section 613(a)(2)(C)(i) of the Individuals with Disabilities Education Act to treat as local funds up to 20 percent of the amount of funds the agency receives under part B of such Act that exceeds the amount it received under that part for the previous fiscal year, then the agency should use those local funds to provide additional funding for any Federal, State, or local education program.

SEC. 321. SENSE OF THE HOUSE REGARDING HCFA DRAFT GUIDELINES.

(a) FINDINGS.—The House finds that—

(1) on February 15, 2000, the Health Care Financing Administration within the Department of Health and Human Services issued a draft Medicaid School-Based Administrative Claiming (MAC) Guide; and

(2) in its introduction, the stated purpose of the draft MAC guide is to provide information for schools, State medicaid agencies, HCFA staff, and other interested parties on the existing requirements for claiming Federal funds under the medicaid program for the costs of administrative activities, such as medicaid outreach, that are performed in the school setting associated with school-based health services programs.

(b) SENSE OF THE HOUSE.—It is the sense of the House that—

(1) many school-based health programs provide a broad range of services that are covered by medicaid, affording access to care for children who otherwise might well go without needed services;

(2) such programs also can play a powerful role in identifying and enrolling children who are eligible for medicaid, as well as the State Children's Health Insurance programs;

(3) undue administrative burdens may be placed on school districts and States and deter timely application approval;

(4) the Health Care Financing Administration should substantially revise the current draft MAC guide because it appears to promulgate new rules that place excessive administrative burdens on participating school districts;

(5) the goal of the revised guide should be to encourage the appropriate use of medicaid school-based services without undue administrative burdens; and

(6) the best way to ensure the continued viability of medicaid school-based services is to guarantee that the guidelines are fair and responsible.

SEC. 322. SENSE OF THE HOUSE ON ASSET-BUILDING FOR THE WORKING POOR.

(a) FINDINGS.—The House finds that—

(1) 33 percent of all American households and 60 percent of African American households have either no financial assets or negative financial assets;

(2) 46.9 percent of children in America live in households with no financial assets, including 40 percent of Caucasian children and 75 percent of African American children;

(3) incentives, including individual development accounts, are tools demonstrating success at empowering low-income workers;

(5) middle and upper income Americans currently benefit from tax incentives for building assets; and

(6) the Federal Government should utilize the Federal tax code to provide low-income Americans with incentives to work and build assets in order to permanently escape poverty.

(b) SENSE OF THE HOUSE.—It is the sense of the House that the provisions of this resolution assume that Congress should modify the Federal tax law to include Individual Development Account provisions in order to encourage low-income workers and their families to save for buying a first home, starting a business, obtaining an education, or taking other measures to prepare for the future.

SEC. 323. SENSE OF THE HOUSE ON THE IMPORTANCE OF SUPPORTING THE NATION'S EMERGENCY FIRST-RESPONDERS.

(a) FINDINGS.—The House finds that—

(1) over 1.2 million men and women work as fire and emergency services personnel in 32,000 fire and emergency medical services departments across the Nation;

(2) over 80 percent of those who serve do so as volunteers;

(3) the Nation's firefighters responded to more than 18 million calls in 1998, including over 1.7 million fires;

(4) an average of 100 firefighters per year lose their lives in the course of their duties; and

(5) the Federal Government has a role in protecting the health and safety of the Nation's fire fighting personnel.

(b) SENSE OF THE HOUSE.—It is the sense of the House that—

(1) the Nation's firefighters and emergency services crucial role in preserving and protecting life and property should be recognized, and such Federal assistance as low-interest loan programs, community development block grant reforms, emergency radio spectrum reallocations, and volunteer fire assistance programs, should be considered; and

(2) additional resources should be set aside for such assistance.

SEC. 324. SENSE OF THE HOUSE ON ADDITIONAL HEALTH-RELATED TAX RELIEF.

It is the sense of the House that the reserve fund set forth in section 213 assumes $446,000,000

in fiscal year 2001 and $4,352,000,000 for the period of fiscal years 2001 through 2005 for health-related tax provisions comparable to those contained in H.R. 2990 (as passed by the House).

Subtitle C—Sense of Senate Provisions

TITLE III—SENSE OF THE SENATE PROVISIONS

SEC. 331. SENSE OF THE SENATE SUPPORTING FUNDING LEVELS IN EDUCATIONAL OPPORTUNITIES ACT.

It is the sense of the Senate that the levels in this resolution assume that of the amounts provided for elementary and secondary education within the Budget Function 500 of this resolution for fiscal years 2001 through 2005, such funds shall be appropriated in proportion to and in accordance with the levels authorized in the Educational Opportunities Act, S. 2.

SEC. 332. SENSE OF THE SENATE ON ADDITIONAL BUDGETARY RESOURCES.

It is the sense of the Senate that the levels contained in this resolution assume that—

(1) there are billions of dollars in wasted expenditures in the Federal Government that should be eliminated; and

(2) higher projected budget surpluses arising from reductions in government waste and stronger revenue inflows could be used in the future for additional tax relief or debt reduction.

SEC. 333. SENSE OF THE SENATE ON REGARDING THE INADEQUACY OF THE PAYMENTS FOR SKILLED NURSING CARE.

It is the sense of the Senate that the levels in this resolution assume that—

(1) the Administration should identify areas where they have the authority to make changes to improve quality, including analyzing and fixing the labor component of the skilled nursing facility market basket update factor; and

(2) while Congress deliberates funding structural medicare reform and the addition of a prescription drug benefit, it must maintain the continued viability of the current skilled nursing benefit. Therefore, the committees of jurisdiction should ensure that medicare beneficiaries requiring skilled nursing care have access to that care and that those providers have the resources to meet the expectation for high quality care.

SEC. 334. SENSE OF THE SENATE ON VETERANS' MEDICAL CARE.

It is the sense of the Senate that the levels in this resolution assume an increase of $1,400,000,000 in veterans' medical care appropriations in fiscal year 2001.

SEC. 335. SENSE OF THE SENATE ON IMPACT AID.

It is the sense of the Senate that the levels in this resolution assume that the Impact Aid Program strive to reach the goal that all local educational agencies eligible for Impact Aid receive at a minimum, 40 percent of their maximum payment under sections 8002 and 8003.

SEC. 336. SENSE OF THE SENATE ON TAX SIMPLIFICATION.

It is the sense of the Senate that the levels in this resolution assume that the Joint Committee on Taxation shall develop a report and alternative proposals on tax simplification by the end of the year, and the Department of the Treasury is requested to develop a report and alternative proposals on tax simplification by the end of the year.

SEC. 337. SENSE OF THE SENATE ON ANTITRUST ENFORCEMENT BY THE DEPARTMENT OF JUSTICE AND FEDERAL TRADE COMMISSION REGARDING AGRICULTURE MERGERS AND ANTICOMPETITIVE ACTIVITY.

It is the sense of the Senate that the levels in this resolution assume that—

(1) the Antitrust Division and the Bureau of Competition will have adequate resources to enable them to meet their statutory requirements, including those related to reviewing increasingly numerous and complex mergers and investigating and prosecuting anticompetitive business activity; and

(2) these departments will—

(A) dedicate considerable resources to matters and transactions dealing with agri-business antitrust and competition; and

(B) ensure that all vertical and horizontal mergers implicating agriculture and all complaints regarding possible anticompetitive business practices in the agriculture industry will receive extraordinary scrutiny.

SEC. 338. SENSE OF THE SENATE REGARDING FAIR MARKETS FOR AMERICAN FARMERS.

It is the sense of the Senate that the levels in this resolution assume that—

(1) the United States should take steps to increase support for American farmers in order to level the playing field for United States agricultural producers and increase the leverage of the United States in World Trade Organization negotiations on agriculture as long as such support is not trade distorting, and does not otherwise exceed or impair existing Uruguay Round obligations; and

(2) such actions should improve United States farm income and restore the prosperity of rural communities.

SEC. 339. SENSE OF THE SENATE ON WOMEN AND SOCIAL SECURITY REFORM.

It is the sense of the Senate that the levels in this resolution assume that—

(1) women face unique obstacles in ensuring retirement security and survivor and disability stability;

(2) social security plays an essential role in guaranteeing inflation-protected financial stability for women throughout their old age;

(3) Congress and the Administration should act, as part of social security reform, to ensure that widows and other poor elderly women receive more adequate benefits that reduce their poverty rates and that women, under whatever approach is taken to reform social security, should receive no lesser a share of overall federally funded retirement benefits than they receive today; and

(4) the sacrifice that women make to care for their family should be recognized during reform of social security and that women should not be penalized by taking an average of 11.5 years out of their careers to care for their family.

SEC. 340. USE OF FALSE CLAIMS ACT IN COMBATTING MEDICARE FRAUD.

It is the sense of the Senate that the levels in this resolution assume that chapter 37 of title 31, United States Code (commonly referred to as the False Claims Act) and the qui tam provisions of that chapter are essential tools in combatting medicare fraud and should not be weakened in any way.

SEC. 341. SENSE OF THE SENATE REGARDING THE NATIONAL GUARD.

It is the sense of the Senate that the levels in the resolution assume that the Department of Defense will give priority to funding the Active Guard/Reserves and Military Technicians at levels authorized by Congress in the fiscal year 2000 Department of Defense authorization bill.

SEC. 342. SENSE OF THE SENATE REGARDING MILITARY READINESS.

It is the sense of the Senate that the functional totals in the budget resolution assume that Congress will protect the Department of Defense's readiness accounts, including spares and repair parts, and operations and maintenance, and use the requested levels as the minimum baseline for fiscal year 2001 authorization and appropriations.

SEC. 343. SENSE OF THE SENATE SUPPORTING FUNDING OF DIGITAL OPPORTUNITY INITIATIVES.

It is the sense of the Senate that the levels in this resolution assume that the Committees on Appropriations and Finance should support efforts that address the digital divide, including tax incentives and funding to—

(1) broaden access to information technologies;

(2) provide workers and teachers with information technology training;

(3) promote innovative online content and software applications that will improve commerce, education, and quality of life; and

(4) help provide information and communications technology to underserved communities.

SEC. 344. SENSE OF THE SENATE ON FUNDING FOR CRIMINAL JUSTICE.

It is the sense of the Senate that the levels in this resolution assume that funds to improve the justice system will be available as follows:

(1) $665,000,000 for the expanded support of direct Federal enforcement, adjudicative, and correctional-detention activities.

(2) $50,000,000 in additional funds to combat terrorism, including cyber crime.

(3) $41,000,000 in additional funds for construction costs for the Federal Bureau of Prisons and the Federal Law Enforcement Training Center.

(4) $200,000,000 in support of Customs and Immigration and Nationalization Service port of entry officers for the development and implementation of the ACE computer system designed to meet critical trade and border security needs.

(5) Funding is available for the continuation of such programs as: the Byrne Grant Program, Violence Against Women, Juvenile Accountability Block Grants, First Responder Training, Local Law Enforcement Block Grants, Weed and Seed, Violent Offender Incarceration and Truth in Sentencing, State Criminal Alien Assistance Program, Drug Courts, Residential Substance Abuse Treatment, Crime Identification Technologies, Bulletproof Vests, Counterterrorism, Interagency Law Enforcement Coordination.

SEC. 345. SENSE OF THE SENATE REGARDING COMPREHENSIVE PUBLIC EDUCATION REFORM.

It is the sense of the Senate that the levels in this resolution assume that the Federal Government should support State and local educational agencies engaged in comprehensive reform of their public education system and that any public education reform should include at least the following principles:

(1) Every child should begin school ready to learn.

(2) Training and development for principals and teachers should be a priority.

SEC. 346. SENSE OF THE SENATE ON PROVIDING ADEQUATE FUNDING FOR UNITED STATES INTERNATIONAL LEADERSHIP.

It is the sense of the Senate that the levels in this resolution assume that additional budgetary resources should be identified for function 150 to enable successful United States international leadership.

SEC. 347. SENSE OF THE SENATE CONCERNING THE HIV/AIDS CRISIS.

It is the sense of the Senate that—

(1) the functional totals underlying this resolution on the budget assume that Congress has recognized the catastrophic effects of the HIV/AIDS epidemic, particularly in sub-Saharan Africa, and seeks to maximize the effectiveness of the United States' efforts to combat the disease through any necessary authorization or appropriations;

(2) Congress should strengthen ongoing programs which address education and prevention, testing, the care of AIDS orphans, and improving home and community-based care options for those living with AIDS; and

(3) Congress should seek additional or new tools to combat the epidemic, including initiatives to encourage vaccine development and programs aimed at preventing mother-to-child transmission of the disease.

SEC. 348. SENSE OF THE SENATE REGARDING TRIBAL COLLEGES.

It is the sense of the Senate that the levels in this resolution assume that—

(1) the Senate recognizes the funding difficulties faced by tribal colleges and assumes that priority consideration will be provided to them through funding for the Tribally Controlled College and University Act, the 1994 Land Grant Institutions, and title III of the Higher Education Act; and

(2) such priority consideration reflects Congress' intent to continue work toward current statutory Federal funding goals for the tribal colleges.

SEC. 349. SENSE OF THE SENATE TO PROVIDE RELIEF FROM THE MARRIAGE PENALTY.

It is the sense of the Senate that the level in this budget resolution assume that Congress shall—

(1) pass marriage penalty tax relief legislation that begins a phase down of this penalty in 2001; and

(2) consider such legislation prior to April 15, 2000.

SEC. 350. SENSE OF THE SENATE ON THE CONTINUED USE OF FEDERAL FUEL TAXES FOR THE CONSTRUCTION AND REHABILITATION OF OUR NATION'S HIGHWAYS, BRIDGES, AND TRANSIT SYSTEMS.

It is the sense of the Senate that the functional totals in this budget resolution do not assume the reduction of any Federal gasoline taxes on either a temporary or permanent basis.

SEC. 351. SENSE OF THE SENATE CONCERNING THE PRICE OF PRESCRIPTION DRUGS IN THE UNITED STATES.

It is the sense of the Senate that the budgetary levels in this resolution assume that the cost disparity between identical prescription drugs sold in the United States, Canada, and Mexico should be reduced or eliminated.

SEC. 352. SENSE OF THE SENATE AGAINST FEDERAL FUNDING OF SMOKE SHOPS.

It is the sense of the Senate that the budget levels in this resolution assume that no Federal funds may be used by the Department of Housing and Urban Development to provide any grant or other assistance to construct, operate, or otherwise benefit a smoke shop or other tobacco outlet.

SEC. 353. SENSE OF THE SENATE CONCERNING INVESTMENT OF SOCIAL SECURITY TRUST FUNDS.

It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that the Federal Government should not directly invest contributions made to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401), or any interest derived from those contributions, in private financial markets.

SEC. 354. SENSE OF THE SENATE ON MEDICARE PRESCRIPTION DRUGS.

It is the sense of the Senate that the levels in this budget resolution assume that among its reform options, Congress should explore a medicare prescription drug proposal that—

(1) is voluntary;

(2) increases access for all medicare beneficiaries;

(3) is designed to provide meaningful protection and bargaining power for medicare beneficiaries in obtaining prescription drugs;

(4) is affordable for all medicare beneficiaries and for the medicare program;

(5) is administered using private sector entities and competitive purchasing techniques;

(6) is consistent with broader medicare reform;

(7) preserves and protects the financial integrity of the medicare trust funds;

(8) does not increase medicare beneficiary premiums; and

(9) provides a prescription drug benefit as soon as possible.

SEC. 355. SENSE OF THE SENATE CONCERNING FUNDING FOR NEW EDUCATION PROGRAMS.

It is the sense of the Senate that the budgetary levels in this resolution assume that Congress' first priority should be to fully fund the programs described under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) at the originally promised level of 40 percent before Federal funds are appropriated for new education programs.

SEC. 356. SENSE OF THE SENATE REGARDING ENFORCEMENT OF FEDERAL FIREARMS LAWS.

It is the sense of the Senate that the assumptions underlying the functional totals in this concurrent resolution on the budget assume that Federal funds will be used for an effective law enforcement strategy requiring a commitment to enforcing existing Federal firearms laws by—

(1) designating not less than 1 Assistant United States Attorney in each district to prosecute Federal firearms violations and thereby expand Project Exile nationally;

(2) upgrading the national instant criminal background system established under section 103(b) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) by encouraging States to place mental health adjudications on that system and by improving the overall speed and efficiency of that system; and

(3) providing incentive grants to States to encourage States to impose mandatory minimum sentences for firearm offenses based on section 924(c) of title 18, United States Code, and to prosecute those offenses in State court.

SEC. 357. SENSE OF THE SENATE THAT ANY INCREASE IN THE MINIMUM WAGE SHOULD BE ACCOMPANIED BY TAX RELIEF FOR SMALL BUSINESSES.

It is the sense of the Senate that the functional totals underlying this resolution on the budget assume that the minimum wage should be increased as provided for in amendment number 2547, the Domenici and others amendment to S. 625, the Bankruptcy Reform legislation.

SEC. 358. SENSE OF CONGRESS REGARDING FUNDING FOR THE PARTICIPATION OF MEMBERS OF THE UNIFORMED SERVICES IN THE THRIFT SAVINGS PLAN.

It is the sense of Congress that the levels of funding for the defense category in this resolution—

(1) assume that members of the Armed Forces are to be authorized to participate in the Thrift Savings Plan; and

(2) provide the $980,000,000 necessary to offset the reduced tax revenue resulting from that participation through fiscal year 2009.

SEC. 359. SENSE OF THE SENATE CONCERNING UNINSURED AND LOW-INCOME INDIVIDUALS IN MEDICALLY UNDERSERVED COMMUNITIES.

It is the sense of the Senate that the functional totals underlying this resolution on the budget assume that—

(1) appropriations for consolidated health centers under section 330 of the Public Health Service Act (42 U.S.C. 254b) should be increased by 100 percent over the next 5 fiscal years in order to double the number of individuals who receive health care services at community, migrant, homeless, and public housing health centers; and

(2) appropriations for consolidated health centers should be increased by $150,000,000 in fiscal year 2001 over the amount appropriated for such centers in fiscal year 2000.

And the Senate agree to the same.

JOHN R. KASICH,
SAXBY CHAMBLISS,
CHRISTOPHER SHAYS,
Managers on the Part of the House.

PETE DOMENICI,
CHUCK GRASSLEY,
C.S. BOND,
SLADE GORTON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 290), establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

The conferees intend that to the extent that the legislative text in the conference report is the same as in the House or Senate-passed resolutions, the corresponding sections in the House Report 106–530 and Senate Report 106–251 remain a source of legislative history of the drafters' intent on the concurrent resolution.

DECLARATION

House resolution

The House resolution revises the budgetary levels for fiscal year 2000 and establishes the appropriate levels for fiscal year 2001, and for fiscal years 2002, 2003, 2004, and 2005.

Senate amendment

The Senate resolution revises the budgetary levels for fiscal year 2000 and establishes the appropriate levels for fiscal year 2001, and for fiscal years 2002, 2003, 2004, and 2005.

Conference agreement

The Conference Agreement revises and replaces the budgetary levels for the current year, fiscal year 2000, as established by the report accompanying H. Con. Res. 68, the Concurrent Resolution on the Budget for Fiscal Year 2000 (H. Rept. 106–91); establishes the levels for the budget year, fiscal year 2001; establishes levels and for each of the 4 out-years, fiscal years 2002, 2003, 2004, and 2005.

The authority to revise the current year levels is set forth in section 304 of the Congressional Budget and Impoundment Control Act of 1974 [Budget Act]. These revised levels supersede those established and adjusted pursuant to H. Con. Res. 68 for all purposes

under the Budget Act, including to enforce sections 302(f) and 311(a) of the Budget Act with respect to fiscal year 2000.

DISPLAY OF LEVELS AND AMOUNTS

RECOMMENDED LEVELS AND AMOUNTS

The required contents of the concurrent resolution on the budget are set forth in section 301(a) of the Budget Act.

House resolution

The House resolution includes amounts for the following budgetary totals required pursuant to section 301(a) of the Budget Act: totals of new budget authority, outlays, revenue, the levels by which revenues should be reduced, surpluses, and public debt.

Senate amendment

Title I of the Senate amendment contains a provision to focus attention on levels of debt held by the public. Section 101(6) provides advisory debt held by the public levels. These debt held by the public levels reflect the fact that the resolution devotes the entire Social Security surplus to the reduction of debt held by the public.

Section 101(c) shows (for informational purposes only) the level of budget authority and outlays for Social Security administrative expenses. These expenses, as is the case with all expenditures from the Social Security trust funds, are off-budget; however for scoring purposes they are counted against the discretionary spending limits because they are provided annually in appropriations acts.

Conference agreement

Title I of the Conference Agreement includes the amounts required for both the House and Senate by section 301(a) of the Budget Act.

For purposes of enforcement in the Senate of section 311(a)(3) of the Budget Act, the Conference Agreement also includes the unified totals for revenue and outlays for the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds.

The Conference Agreement includes appropriate levels for debt held by the public as were included in the Senate amendment with an amendment modifying the amounts.

HOUSE-PASSED BUDGET RESOLUTION MANDATORY SPENDING

[In billions of dollars]

	2000	2001	2002	2003	2004	2005	2001–05
SUMMARY							
Total Mandatory Spending:							
BA	1223.6	1260.1	1289.9	1336.9	1387.6	1446.8	6721.3
O	1168.8	1201.1	1237.1	1282.4	1333.9	1392.7	6447.2
On-budget:							
BA	900.1	927.6	950.6	988.4	1029.8	1077.8	4974.2
O	845.3	868.6	897.7	933.8	976.2	1023.7	4700
Off-budget:							
BA	323.5	332.5	339.4	348.5	357.7	369	1747.1
O	323.5	332.5	339.4	348.5	357.7	369	1747.1
BY FUNCTION							
National Defense (050):							
BA	−1	−1	−0.9	−0.9	−0.8	−0.8	−4.4
O	−1	−1	−0.9	−0.9	−0.8	−0.8	−4.4
International Affairs (150):							
BA	−2.2	−0.2	0	0	0	0.2	0
O	−4.6	−4	−3.8	−3.7	−3.5	−3.4	−18.4
General Science, Space, and Technology (250):							
BA	0.1	0.1	0	0	0	0	0.1
O	0.1	0.1	0.1	0	0	0	0.2
Energy (270):							
BA	−1.5	−1.6	−1.9	−1.9	−1.8	−1.9	−9.1
O	−3.6	−2.9	−3.1	−3.2	−3.2	−3.2	−15.6
Natural Resources and Environment (300):							
BA	0.3	0.7	0.7	0.7	0.7	0.7	3.5
O	0.5	0.7	0.7	0.7	0.7	0.6	3.4
Agriculture (350):							
BA	31.2	14.6	14	13.1	12.5	11.3	65.5
O	29.8	12.5	12.3	11.5	11.1	9.8	57.2
Commerce and Housing Credit (370):							
BA	1.6	4.2	5.9	7.2	10.5	10.5	38.3
O	−3.2	−0.3	2.3	2.5	5.6	6.6	16.7
On-budget:							
BA	0.6	3.6	5.6	6.4	10.5	10.5	36.6
O	−4.2	−0.9	2	1.7	5.6	6.6	15
Off-budget:							
BA	1	0.6	0.3	0.8	0	0	1.7
O	1	0.6	0.3	0.8	0	0	1.7
Transportation (400):							
BA	39.9	43.5	41.1	42	42	42	210.6
O	2.3	2.1	1.7	1.9	1.9	1.8	9.4
Community and Regional Development (450):							
BA	−0.2	0	0	−0.1	−0.1	0	−0.2
O	−0.7	−0.6	−0.6	−0.7	−0.7	−0.7	−3.3
Education, Training, Employment and Social Services (500):							
BA	13.2	15.8	16.3	16.3	16.4	17.1	81.9
O	12.3	16.3	16.3	16	16	16.5	81.1
Health (550):							
BA	125.6	134.8	144.1	155.5	169.1	184.7	788.2
O	123.4	133.2	144.1	155.9	169.8	184.6	787.6
Medicare (570):							
BA	196.5	212.6	218.5	236.6	252.2	275.6	1195.5
O	196.4	212.9	218.5	236.4	252.4	275.6	1195.8
Income Security (600):							
BA	208.5	217	224.7	233.6	243.1	255.2	1173.6
O	205.6	213	222.1	231.2	240.9	253.4	1160.6
Social Security (650):							
BA	401.8	419.4	439.6	460.3	482.4	506.6	2308.3
O	401.8	419.4	439.6	460.3	482.4	506.6	2308.3
On-budget:							
BA	11.5	9.7	11.5	12.2	13	13.8	60.2
O	11.5	9.7	11.5	12.2	13	13.8	60.2
Off-budget:							
BA	390.3	409.7	428.1	448	469.5	492.7	2248
O	390.3	409.7	428.1	448	469.5	492.7	2248
Veterans Benefits and Services (700):							
BA	25.1	25.6	26.4	27.8	28.6	31.5	139.9
O	24.8	25.4	26.3	27.7	28.5	31.3	139.2
Administration of Justice (750):							
BA	0.7	1.1	0.7	0.6	0.6	0.5	3.5
O	0.8	0.9	0.8	0.7	0.5	0.4	3.3
General Government (800):							
BA	1.3	1.2	1.2	1.1	1.1	1.2	5.8
O	1.6	1.2	1.2	1.1	1.3	1.1	5.9
Net Interest (900):							
BA	224.5	218.9	210	194.9	179.3	162.5	965.6
O	224.5	218.9	210	194.9	179.3	162.5	965.6
On-budget:							
BA	284.6	288.5	290	285.7	280.9	275.4	1420.5
O	284.6	288.5	290	285.7	280.9	275.4	1420.5
Off-budget:							
BA	−60	−69.5	−80.1	−90.8	−101.6	−112.9	−454.9

HOUSE-PASSED BUDGET RESOLUTION MANDATORY SPENDING—Continued

[In billions of dollars]

	2000	2001	2002	2003	2004	2005	2001–05
O	−60	−69.5	−80.1	−90.8	−101.6	−112.9	−454.9
Allowances (920):							
BA	0	0	0	0	0	0	0
O	0	0	0	0	0	0	0
Undistributed Offsetting Receipts (950):							
BA	−41.8	−46.7	−50.3	−50.2	−48.2	−50.1	−245.5
O	−41.8	−46.7	−50.3	−50.2	−48.2	−50.1	−245.5
On-budget:							
BA	−34.1	−38.4	−41.3	−40.7	−38.1	−39.2	−197.7
O	−34.1	−38.4	−41.3	−40.7	−38.1	−39.2	−197.7
Off-budget:							
BA	−7.7	−8.3	−8.9	−9.5	−10.1	−10.9	−47.7
O	−7.7	−8.3	−8.9	−9.5	−10.1	−10.9	−47.7

FUNCTION SUMMARY—SENATE-PASSED RESOLUTION

[In billions of dollars]

Function	2000	2001	2002	2003	2004	2005	2001–05
50:							
BA	291.6	309.8	309.1	315.5	323.2	331.5	1589.2
OT	288.1	296.7	303.1	309.6	317.7	328.1	1555.1
Discretionary:							
BA	292.6	310.8	310	316.4	324	332.3	1593.6
OT	289.1	297.7	304	310.5	318.5	328.9	1559.5
Mandatory:							
BA	−1	−1	−0.9	−0.9	−0.8	−0.8	−4.4
OT	−1	−1	−0.9	−0.9	−0.8	−0.8	−4.4
150:							
BA	22	20.1	20.9	21.4	21.9	22.6	107
OT	16	18.6	17.9	17.6	17.7	17.9	89.8
Discretionary:							
BA	24.2	20.4	20.9	21.4	21.9	22.5	107
OT	20.6	22.6	21.7	21.2	21.2	21.3	108
Mandatory:							
BA	−2.2	−0.2	0	0	0	0.2	0
OT	−4.6	−4	−3.8	−3.7	−3.5	−3.4	−18.3
250:							
BA	19.3	19.7	19.9	19.8	20.1	20.3	99.8
OT	18.4	19.2	19.6	19.5	19.7	19.9	97.9
Discretionary:							
BA	19.2	19.6	19.8	19.8	20	20.3	99.6
OT	18.4	19.2	19.5	19.5	19.6	19.9	97.7
Mandatory:							
BA	0.1	0.1	0	0	0	0	0.2
OT	0.1	0.1	0.1	0	0	0	0.3
270:							
BA	1.1	1.5	−0.3	1.2	1.2	1.2	4.9
OT	−0.6	0.2	−1.4	0	−0.1	−0.1	−1.4
Discretionary:							
BA	2.6	3.1	1.7	3.1	3.1	3.1	14
OT	3	3.1	1.8	3.1	3.1	3.1	14.3
Mandatory:							
BA	−1.5	−1.6	−1.9	−1.9	−1.8	−1.9	−9.2
OT	−3.6	−2.9	−3.1	−3.2	−3.2	−3.2	−15.7
300:							
BA	24.5	24.9	25	25	25.1	25.1	125.1
OT	24.2	24.9	25	25.2	25.1	24.9	125.1
Discretionary:							
BA	24.2	24.1	24.1	24.1	24.1	24.1	120.3
OT	23.8	24	24.2	24.2	24.1	24	120.6
Mandatory:							
BA	0.3	0.9	1	1	1	1	4.8
OT	0.5	0.9	0.8	1	1	0.9	4.5
350:							
BA	35.3	20.9	19	18	17.4	16.1	91.3
OT	33.9	18.8	17.2	16.4	15.9	14.6	82.9
Discretionary:							
BA	4.5	4.5	4.6	4.6	4.7	4.7	23.1
OT	4.6	4.5	4.5	4.5	4.6	4.6	22.8
Mandatory:							
BA	30.7	16.4	14.4	13.4	12.7	11.4	68.2
OT	29.3	14.3	12.8	11.8	11.3	10	60.1
370:							
BA	8.6	6.7	8.9	10.2	13.4	13.4	52.6
OT	4.1	2.6	5.2	5.5	8.4	9.3	30.9
Discretionary:							
BA	7	2.5	3	3	2.9	2.9	14.3
OT	7.3	2.8	2.9	2.9	2.8	2.7	14.2
Mandatory:							
BA	1.6	4.2	5.9	7.2	10.5	10.5	38.2
OT	−3.2	−0.3	2.3	2.5	5.6	6.6	16.8
370 on-budget:							
BA	7.6	6.1	8.6	9.4	13.4	13.4	50.9
OT	3.1	2	4.9	4.7	8.4	9.3	29.2
Discretionary:							
BA	7	2.5	3	3	2.9	2.9	14.3
OT	7.3	2.8	2.9	2.9	2.8	2.7	14.2
Mandatory:							
BA	0.6	3.6	5.6	6.4	10.5	10.5	36.5
OT	−4.2	−0.9	2	1.7	5.6	6.6	15.1
400:							
BA	54.4	59.5	57.5	59.1	59.1	59.2	294.5
OT	46.7	51.1	53.5	55.5	56.1	56.4	272.7
Discretionary:							
BA	14.5	16.1	16.5	17.1	17.1	17.1	84
OT	44.4	49.1	51.8	53.6	54.3	54.7	263.4
Mandatory:							
BA	39.9	43.5	41.1	42	42	42	210.5
OT	2.3	2.1	1.7	1.9	1.9	1.8	9.3
450:							
BA	11.3	9.3	8.8	8.7	8.7	8.7	44.2
OT	10.7	10.4	9.9	8.8	8.3	7.9	45.3
Discretionary:							

FUNCTION SUMMARY—SENATE-PASSED RESOLUTION—Continued

[In billions of dollars]

Function	2000	2001	2002	2003	2004	2005	2001–05
BA	11.5	9.2	8.8	8.7	8.8	8.8	44.3
OT	11.5	11.1	10.7	9.8	9.3	9	49.9
Mandatory:							
BA	−0.2	0	0	−0.1	−0.1	0	−0.2
OT	−0.7	−0.7	−0.8	−1	−1	−1.1	−4.6
500:							
BA	57.7	75.6	76.4	77.3	78.4	79.8	387.5
OT	61.9	68.8	73.2	76.1	77.4	78.7	374.1
Discretionary:							
BA	44.5	57.4	59.8	60.2	60.9	61.6	300
OT	49.6	52.3	56.5	59.3	60.3	61	289.5
Mandatory:							
BA	13.2	18.2	16.6	17	17.5	18.2	87.5
OT	12.3	16.5	16.6	16.7	17.1	17.7	84.6
550:							
BA	159.2	170.8	178.9	191	205.2	221.5	967.3
OT	153.5	167.4	177.8	190.3	204.8	220.3	960.7
Discretionary:							
BA	33.6	36	34.8	35.5	36.1	36.8	179.2
OT	30.1	34.3	33.8	34.5	35.1	35.7	173.4
Mandatory:							
BA	125.6	134.8	144.1	155.5	169.1	184.7	788.1
OT	123.4	133.1	144	155.8	169.7	184.6	787.3
570:							
BA	199.6	218.8	228.6	249.8	265.3	288.7	1251.2
OT	199.5	219	228.6	249.5	265.5	288.7	1251.4
Discretionary:							
BA	3.1	3.1	3.1	3.1	3.1	3.1	15.6
OT	3.1	3.1	3.1	3.1	3.1	3.1	15.5
Mandatory:							
BA	196.5	215.6	225.5	246.6	262.2	285.6	1235.6
OT	196.4	215.9	225.5	246.4	262.4	285.6	1235.8
600:							
BA	238.9	253.2	264.8	274.8	284.9	297.7	1375.5
OT	248.1	255.4	267.3	278.5	288.4	301.2	1390.7
Discretionary:							
BA	30.4	35.4	38	39.1	39.7	40.3	192.5
OT	42.5	42.1	43	45	45.4	45.7	221.1
Mandatory:							
BA	208.5	217.8	226.8	235.7	245.2	257.4	1182.9
OT	205.6	213.4	224.2	233.5	243	255.5	1169.5
650:							
BA	405	422.8	443.1	463.8	486	510.2	2325.9
OT	405	422.8	443.1	463.8	486	510.1	2325.7
Discretionary:							
BA	3.2	3.5	3.5	3.5	3.6	3.6	17.6
OT	3.2	3.4	3.5	3.5	3.5	3.6	17.5
Mandatory:							
BA	401.8	419.4	439.6	460.3	482.4	506.6	2308.3
OT	401.8	419.4	439.6	460.3	482.4	506.6	2308.3
650 on-budget:							
BA	11.5	9.7	11.6	12.3	13	13.8	60.4
OT	11.5	9.7	11.6	12.3	13	13.8	60.4
Discretionary:							
BA	0	0	0	0	0	0	0.1
OT	0	0	0	0	0	0	0.1
Mandatory:							
BA	11.5	9.7	11.5	12.2	13	13.8	60.3
OT	11.5	9.7	11.5	12.2	13	13.8	60.3
700:							
BA	46	48.6	49.3	51.3	52.6	56	257.9
OT	45.1	48.1	49.2	51	52.3	55.7	256.3
Discretionary:							
BA	20.9	22.9	22.9	23.8	24.3	24.9	118.9
OT	20.4	22.7	22.9	23.6	24.2	24.7	118
Mandatory:							
BA	25.1	25.6	26.4	27.5	28.3	31.1	138.9
OT	24.8	25.4	26.3	27.4	28.2	31	138.3
750:							
BA	27.4	28.2	28.5	29.2	31.3	32.1	149.3
OT	28	28.3	28.8	29.2	31	31.9	149.2
Discretionary:							
BA	26.6	27.1	27.8	28.5	29.2	29.9	142.6
OT	27.2	27.5	27.9	28.5	29.1	29.8	142.7
Mandatory:							
BA	0.7	1.1	0.7	0.6	2.1	2.2	6.7
OT	0.8	0.9	0.8	0.7	2	2.1	6.5
800:							
BA	13.7	14.4	13.6	13.6	13.6	13.6	68.8
OT	14.7	14.3	13.9	13.8	13.9	13.6	69.4
Discretionary:							
BA	12.4	13.2	12.4	12.4	12.4	12.4	62.9
OT	13.2	13.1	12.7	12.6	12.6	12.5	63.5
Mandatory:							
BA	1.3	1.2	1.2	1.1	1.1	1.2	5.9
OT	1.6	1.2	1.2	1.1	1.3	1.1	6
900:							
BA	224.7	219.5	211	197	182.4	166.9	976.8
OT	224.7	219.5	211	197	182.4	166.9	976.8
Discretionary:							
BA	0	0	0	0	0	0	0
OT	0	0	0	0	0	0	0
Mandatory:							
BA	224.7	219.5	211	197	182.4	166.9	976.8
OT	224.7	219.5	211	197	182.4	166.9	976.8
900 on-budget:							
BA	284.7	289	291.1	287.8	284	279.8	1431.7
OT	284.7	289	291.1	287.8	284	279.8	1431.7
Discretionary:							
BA	0	0	0	0	0	0	0
OT	0	0	0	0	0	0	0
Mandatory:							
BA	284.7	289	291.1	287.8	284	279.8	1431.7
OT	284.7	289	291.1	287.8	284	279.8	1431.7
920:							
BA	0	−6	−0.5	−0.5	−0.5	−0.5	−8

FUNCTION SUMMARY—SENATE-PASSED RESOLUTION—Continued

[In billions of dollars]

Function	2000	2001	2002	2003	2004	2005	2001–05
OT	0	−5.6	−1.8	−5.4	−7.3	−6.6	−26.6
Discretionary:							
BA	0	−6	−0.5	−0.5	−0.5	−0.5	−8
OT	0	−5.6	−1.8	−5.4	−7.3	−6.6	−26.6
Mandatory:							
BA	0	0	0	0	0	0	0
OT	0	0	0	0	0	0	0
950:							
BA	−42	−46.6	−50.9	−50.8	−48.5	−51.6	−248.3
OT	−42	−46.6	−50.9	−50.8	−48.5	−51.6	−248.3
Discretionary:							
BA	−0.2	0.1	−0.6	−0.6	−0.3	−1.5	−2.9
OT	−0.2	0.1	−0.6	−0.6	−0.3	−1.5	−2.9
Mandatory:							
BA	−41.8	−46.7	−50.3	−50.2	−48.2	−50.1	−245.5
OT	−41.8	−46.7	−50.3	−50.2	−48.2	−50.1	−245.5
950 on-budget:							
BA	−34.3	−38.4	−41.9	−41.3	−38.4	−40.7	−200.6
OT	−34.3	−38.4	−41.9	−41.3	−38.4	−40.7	−200.6
Discretionary:							
BA	−0.2	0.1	−0.6	−0.6	−0.3	−1.5	−2.9
OT	−0.2	0.1	−0.6	−0.6	−0.3	−1.5	−2.9
Mandatory:							
BA	−34.1	−38.4	−41.3	−40.7	−38.1	−39.2	−197.8
OT	−34.1	−38.4	−41.3	−40.7	−38.1	−39.2	−197.8
Total:							
BA	1798	1871.8	1911.8	1975.2	2040.8	2112.6	9912.1
OT	1780.1	1833.9	1890.1	1951	2014.8	2087.8	9777.7
Discretionary [1]:							
BA	574.8	603.1	610.7	623.2	635.2	646.5	3118.7
OT	611.7	627	642.1	653.7	663.1	676.1	3262.1
Mandatory:							
BA	1223.2	1268.7	1301.1	1352	1405.5	1466.1	6793.4
OT	1168.5	1206.9	1248	1297.4	1351.6	1411.7	6515.6
Total on-budget:							
BA	1471.3	1535.9	1569	1623.2	1679.5	1740	8147.5
OT	1453.4	1498.1	1547.3	1599	1653.5	1715.3	8013.2
Discretionary:							
BA	571.6	599.6	607.2	619.7	631.7	642.9	3101.2
OT	608.5	623.6	638.7	650.2	659.6	672.6	3244.7
Mandatory:							
BA	899.7	936.2	961.7	1003.5	1047.8	1097.1	5046.4
OT	844.9	874.4	908.6	948.8	993.9	1042.7	4768.5
Revenues	1944.3	2003.3	2072	2146.6	2225.6	2318.6	10766.2
Revenues on-budget	1464.6	1501.8	1547.1	1599.4	1655.7	1721.3	8025.4
Surplus	164.1	169.4	181.9	195.5	210.9	230.8	988.5
On-budget	11.2	3.7	−0.2	0.4	2.2	6	12.1
Off-budget	152.9	165.7	182	195.2	208.7	224.8	976.4

[1] Discretionary spending in this summary reflects the levels that will apply once new discretionary limits are enacted.

CONFERENCE REPORT FISCAL YEAR 2001 BUDGET RESOLUTION TOTAL SPENDING AND REVENUES

[In billions of dollars]

	2000	2001	2002	2003	2004	2005	2001–05
SUMMARY							
Total Spending:							
BA	1802	1869	1910.1	1970.7	2035	2108.7	9893.5
O	1783.8	1834.7	1889.4	1947.4	2010.3	2084.8	9766.6
On-Budget:							
BA	1471.4	1528.5	1563	1614.7	1670	1733.1	8109.3
O	1453.1	1494.3	1542.3	1591.4	1645.4	1709.2	7982.6
Off-Budget:							
BA	330.6	340.5	347.1	356	365	375.6	1784.2
O	330.7	340.4	347.1	356	364.9	375.6	1784
Revenues:							
Total	1945.1	2004.7	2072.9	2145.8	2222.7	2317.1	10763.2
On-Budget	1465.5	1503.2	1548	1598.6	1652.8	1719.8	8022.4
Off-Budget	479.6	501.5	524.9	547.2	569.9	597.3	2740.8
Surplus/Deficit (−):							
Total	161.3	170	183.5	198.4	212.4	232.3	996.6
On-Budget	12.4	8.9	5.7	7.2	7.4	10.6	39.8
Off-Budget	148.9	161.1	177.8	191.2	205	221.7	956.8
Debt Held by the Public (end of year)	3470.2	3313.2	3135.1	2948.3	2747	2524.2	NA
Debt Subject to Limit (end of year)	5640.2	5723.7	5814.7	5914.4	6008.8	6098	NA
BY FUNCTION							
National Defense (050):							
BA	291.6	309.9	309.2	315.6	323.4	331.7	1589.8
O	288.1	296.7	303.2	309.8	317.9	328.3	1555.9
International Affairs (150):							
BA	22	19.8	20.1	20.1	20.1	20.6	100.7
O	16	18.3	17.8	16.9	16.5	16.4	85.9
General Science, Space, and Technology (250):							
BA	19.3	20.3	20.4	20.6	20.8	21	103.1
O	18.4	19.4	20	20	20.2	20.5	100.1
Energy (270):							
BA	1.1	1.3	0.2	0.9	0.8	0.8	4
O	−0.6	0	−0.9	−0.4	−0.5	−0.5	−2.3
Natural Resources and Environment (300):							
BA	24.5	25.1	25.2	25.2	25.3	25.3	126.1
O	24.2	25	25.2	25.3	25.2	25.1	125.8
Agriculture (350):							
BA	35.3	20.8	18.5	17.6	17	15.8	89.7
O	33.9	18.7	16.8	16	15.5	14.2	81.2
Commerce and Housing Credit (370):							
BA	8.6	6.8	9	10.2	13.5	13.4	52.9
O	4.1	2.8	5.2	5.5	8.5	9.5	31.5
On-budget:							
BA	7.6	6.2	8.7	9.4	13.5	13.4	51.2
O	3.1	2.2	4.9	4.7	8.5	9.5	29.8
Off-budget:							
BA	1	0.6	0.3	0.8	0	0	1.7
O	1	0.6	0.3	0.8	0	0	1.7

CONFERENCE REPORT FISCAL YEAR 2001 BUDGET RESOLUTION TOTAL SPENDING AND REVENUES—Continued

[In billions of dollars]

	2000	2001	2002	2003	2004	2005	2001–05
Transportation (400):							
BA	54.4	59.3	57.4	58.9	59	59	293.6
O	46.7	50.5	53	55.2	55.6	55.7	270
Community and Regional Development (450):							
BA	11.3	9.3	8.6	8.6	8.5	8.6	43.6
O	10.7	10.7	9.7	8.6	8.1	7.6	44.7
Education, Training, Employment and Social Services (500):							
BA	57.7	72.6	74.7	75.7	76.7	78.3	378
O	61.9	68.7	72.2	74.2	74.9	75.9	365.9
Health (550):							
BA	159.2	169.6	179.3	191.2	205.4	221.6	967.1
O	153.5	165.9	177.8	190.4	204.9	220.3	959.3
Medicare (570):							
BA	199.6	217.7	226.6	247.8	266.3	292.7	1251.1
O	199.5	218	226.6	247.5	266.5	292.7	1251.3
Income Security (600):							
BA	238.9	252.3	264.2	273.7	283.5	296.1	1369.8
O	248.1	255	266	276.1	286	298.8	1381.9
Social Security (650):							
BA	408.8	427.1	446.7	466.9	488.6	512	2341.3
O	408.9	427	446.7	466.9	488.5	512	2341.1
On-budget:							
BA	11.5	9.7	11.6	12.3	13	13.8	60.4
O	11.5	9.7	11.6	12.3	13	13.8	60.4
Off-budget:							
BA	397.3	417.4	435.1	454.6	475.6	498.2	2280.9
O	397.4	417.3	435.1	454.6	475.5	498.2	2280.7
Veterans Benefits and Services (700):							
BA	46	47.8	49	50.8	52.1	55.4	255.1
O	45.1	47.4	48.9	50.5	51.8	55.1	253.7
Administration of Justice (750):							
BA	27.4	28	28.1	28.5	29	29.5	143.1
O	28	28.1	28.4	28.5	28.7	29.2	142.9
General Government (800):							
BA	13.7	14	13.6	13.6	13.6	13.6	68.4
O	14.7	14.3	13.9	13.8	13.8	13.6	69.4
Net Interest (900):							
BA	224.6	219.4	211.2	197	182.3	166.7	976.6
O	224.6	219.4	211.2	197	182.3	166.7	976.6
On-budget:							
BA	284.6	288.6	290.6	286.9	282.8	278.4	1427.3
O	284.6	288.6	290.6	286.9	282.8	278.4	1427.3
Off-budget:							
BA	−60	−69.2	−79.4	−89.9	−100.5	−111.7	−450.7
O	−60	−69.2	−79.4	−89.9	−100.5	−111.7	−450.7
Allowances (920):							
BA	0	−5.5	−1.7	−2	−2.7	−3.3	−15.2
O	0	−4.6	−2.1	−4.2	−5.9	−6.2	−23
Undistributed Offsetting Receipts (950):							
BA	−42	−46.6	−50.2	−50.2	−48.2	−50.1	−245.3
O	−42	−46.6	−50.2	−50.2	−48.2	−50.1	−245.3
On-budget:							
BA	−34.3	−38.3	−41.3	−40.7	−38.1	−39.2	−197.6
O	−34.3	−38.3	−41.3	−40.7	−38.1	−39.2	−197.6
Off-budget:							
BA	−7.7	−8.3	−8.9	−9.5	−10.1	−10.9	−47.7
O	−7.7	−8.3	−8.9	−9.5	−10.1	−10.9	−47.7

Note.—Figures assume discretionary levels that will apply once new spending limits are enacted.

CONFERENCE REPORT FISCAL YEAR 2001 BUDGET RESOLUTION DISCRETIONARY SPENDING

[In billions of dollars]

	2000	2001	2002	2003	2004	2005	2001–05
SUMMARY							
Total Discretionary Spending:							
BA	574.8	600.2	608.6	619.1	629	640.2	3097.1
O	611.8	625.2	640.8	650.5	658.4	670.3	3245.2
Defense:							
BA	292.6	310.8	310.1	316.4	324.1	332.4	1593.8
O	289.1	297.7	304.1	310.6	318.6	328.9	1559.9
Nondefense:							
BA	282.2	289.4	298.5	302.7	304.9	307.8	1503.3
O	322.7	327.5	336.7	339.9	339.8	341.4	1685.3
BY FUNCTION							
National Defense (050):							
BA	292.6	310.8	310.1	316.4	324.1	332.4	1593.8
O	289.1	297.7	304.1	310.6	318.6	328.9	1559.9
International Affairs (150):							
BA	24.2	20	20.1	20.1	20.1	20.4	100.7
O	20.6	22.3	21.6	20.6	20	19.7	104.2
General Science, Space, and Technology (250):							
BA	19.2	20.2	20.4	20.6	20.8	21	103
O	18.4	19.4	19.9	20	20.2	20.4	99.9
Energy (270):							
BA	2.6	3	2.1	2.7	2.6	2.7	13.1
O	3	3	2.2	2.8	2.7	2.7	13.4
Natural Resources and Environment (300):							
BA	24.2	24.2	24.2	24.3	24.3	24.4	121.4
O	23.8	24.1	24.3	24.4	24.3	24.2	121.3
Agriculture (350):							
BA	4.5	4.5	4.5	4.6	4.6	4.6	22.8
O	4.6	4.5	4.4	4.5	4.5	4.5	22.4
Commerce and Housing and Credit (370):							
BA	7	2.6	3.1	3.1	3	3	14.8
O	7.3	3	3	3	2.9	2.9	14.8
On-budget:							
BA	7	2.6	3.1	3.1	3	3	14.8
O	7.3	3	3	3	2.9	2.9	14.8
Off-budget:							
BA	0	0	0	0	0	0	0
O	0	0	0	0	0	0	0

CONFERENCE REPORT FISCAL YEAR 2001 BUDGET RESOLUTION DISCRETIONARY SPENDING—Continued

[In billions of dollars]

	2000	2001	2002	2003	2004	2005	2001–05
Transportation (400):							
BA	14.5	15.8	16.4	17	17	17	83.2
O	44.4	48.5	51.3	53.2	53.7	54	260.7
Community and Regional Development (450):							
BA	11.5	9.2	8.7	8.6	8.6	8.6	43.7
O	11.5	11.4	10.5	9.6	9.1	8.7	49.3
Education, Training, Employment and Social Services (500):							
BA	44.5	56.8	58.4	59.1	60	60.8	295.1
O	49.6	52.3	55.9	57.9	58.6	59	283.7
Health (550):							
BA	33.6	34.8	35.2	35.7	36.3	36.9	178.9
O	30.1	32.8	33.8	34.6	35.2	35.7	172.1
Medicare (570):							
BA	3.1	3.1	3.1	3.1	3.1	3.1	15.5
O	3.1	3.1	3.1	3.1	3.1	3.1	15.5
Income Security (600):							
BA	30.4	35.3	38.2	38.8	39.2	39.6	191.1
O	42.5	42.1	42.7	43.6	43.8	44.1	216.3
Social Security (650):							
BA	3.2	3.4	3.4	3.5	3.6	3.6	17.5
O	3.2	3.3	3.4	3.4	3.5	3.6	17.2
On-budget:							
BA	0	0	0	0	0	0	0
O	0	0	0	0	0	0	0
Off-budget:							
BA	3.2	3.4	3.4	3.5	3.6	3.6	17.5
O	3.2	3.3	3.4	3.4	3.5	3.6	17.2
Veterans Benefits and Services (700):							
BA	20.9	22.1	22.5	23.2	23.6	24.1	115.5
O	20.4	21.9	22.5	23	23.4	23.9	114.7
Administration of Justice (750):							
BA	26.6	26.9	27.5	27.9	28.4	28.9	139.6
O	27.2	27.2	27.5	27.8	28.2	28.7	139.4
General Government (800):							
BA	12.4	12.8	12.4	12.4	12.4	12.4	62.4
O	13.2	13	12.7	12.6	12.5	12.4	63.2
Allowances (920):							
BA	0	−5.5	−1.7	−2	−2.7	−3.3	−15.2
O	0	−4.6	−2.1	−4.2	−5.9	−6.2	−23
Undistributed Offsetting Receipts (950):							
BA	−0.2	0.2	0	0	0	0	0.2
O	−0.2	0.2	0	0	0	0	0.2
On-budget:							
BA	−0.2	0.2	0	0	0	0	0.2
O	−0.2	0.2	0	0	0	0	0.2
Off-budget:							
BA	0	0	0	0	0	0	0
O	0	0	0	0	0	0	0

Note.—Figures assume discretionary levels that will apply once new spending limits are enacted.

HOUSE-PASSED BUDGET RESOLUTION TOTAL SPENDING AND REVENUES

[In billions of dollars]

	2000	2001	2002	2003	2004	2005	2001–05
SUMMARY							
Total Spending:							
BA	1,801.8	1,856.6	1,897.2	1,952.4	2,011.1	2,081.2	9,798.5
O	1,784	1,823.2	1,876.3	1,930.3	1,988.2	2,058.2	9,676.2
On-Budget:							
BA	1,478.3	1,524.1	1,557.8	1,603.9	1,653.4	1,712.2	8,051.4
O	1,460.5	1,490.7	1,536.9	1,581.8	1,630.5	1,689.2	7,929.1
Off-Budget:							
BA	323.5	332.5	339.4	348.5	357.7	369	1,747.1
O	323.5	332.5	339.4	348.5	357.7	369	1,747.1
Revenues:							
Total	1,945.1	2,006.3	2,074.3	2,145.7	2,220.5	2,316.4	10,763.2
On-Budget	1,465.5	1,504.8	1,549.4	1,598.5	1,650.6	1,719.1	8,022.4
Off-Budget	479.6	501.5	524.9	547.2	569.9	597.3	2,740.8
Surplus/Deficit (-):							
Total	161.1	183.1	198	215.4	232.3	258.2	1,087
On-Budget	5	14.1	12.5	16.7	20.1	29.9	93.3
Off-Budget	156.1	169	185.5	198.7	212.2	228.3	993.7
Debt Held by the Public (end of year)	3,470.3	3,300	3,107.7	2,903.9	2,682.5	2,433.9	NA
Debt Subject to Limit (end of year)	5,640.3	5,710.6	5,787.3	5,869.9	5,944.3	6,007.8	NA
BY FUNCTION							
National Defense (050):							
BA	288.9	306.3	309.3	315.6	323.4	331.7	1,586.3
O	282.5	297.6	302	309.4	317.6	328.1	1,554.7
International Affairs (150):							
BA	20.1	19.5	19.3	18.8	18.3	18.5	94.4
O	15.5	17.3	17.2	16.1	15.2	14.8	80.6
General Science, Space, and Technology (250):							
BA	19.3	20.3	20.4	20.6	20.8	21	103.1
O	18.5	19.4	20	20	20.2	20.5	100.1
Energy (270):							
BA	1.1	1.2	0.7	0.5	0.4	0.3	3.1
O	−0.6	−0.1	−0.4	−0.7	−0.9	−0.9	−3
Natural Resources and Environment (300):							
BA	24.3	25	25.1	25.2	25.3	25.4	126
O	24.2	24.8	25.1	25.2	25.2	25.1	125.4
Agriculture (350):							
BA	35.7	19.1	18.5	17.6	17	15.8	88
O	34.3	16.9	16.7	15.9	15.5	14.2	79.2
Commerce and Housing Credit (370):							
BA	8.5	6.9	9	10.3	13.6	13.5	53.3
O	4.1	2.9	5.3	5.5	8.7	9.6	32
On-budget:							
BA	7.5	6.3	8.7	9.5	13.6	13.5	51.6
O	3.1	2.3	5	4.7	8.7	9.6	30.3
Off-budget:							
BA	1	0.6	0.3	0.8	0	0	1.7

HOUSE-PASSED BUDGET RESOLUTION TOTAL SPENDING AND REVENUES—Continued

[In billions of dollars]

	2000	2001	2002	2003	2004	2005	2001–05
O	1	0.6	0.3	0.8	0	0	1.7
Transportation (400):							
BA	54.3	59.2	57.4	58.8	58.8	58.8	293
O	46.6	50.3	52.5	54.8	55.1	55.1	267.8
Community and Regional Development (450):							
BA	11.2	9.1	8.5	8.4	8.4	8.5	42.9
O	10.8	11.1	9.7	8.8	8.3	7.8	45.7
Education, Training, Employment and Social Services (500):							
BA	57.7	72.6	74	75	76.1	77.8	375.5
O	61.4	69.2	72.1	73.2	73.5	74.2	362.2
Health (550):							
BA	159.3	169.7	179.6	191.5	205.6	221.7	968.1
O	152.3	167.1	177.9	190.6	205	220.3	960.9
Medicare (570):							
BA	199.6	215.7	221.6	239.7	255.3	278.7	1,211
O	199.5	216	221.6	239.5	255.5	278.7	1,211.3
Income Security (600):							
BA	238.4	252.2	263	272.1	281.7	294	1,363
O	248	254.9	264.3	273.4	283.2	295.9	1,371.7
Social Security (650):							
BA	405	422.8	443	463.7	486.1	510.1	2,325.7
O	405	422.7	443	463.6	486	510.1	2,325.4
On-budget:							
BA	14.7	13.1	14.9	15.7	16.6	17.4	77.7
O	14.7	13	14.9	15.6	16.5	17.4	77.4
Off-budget:							
BA	390.3	409.7	428.1	448	469.5	492.7	2,248
O	390.3	409.7	428.1	448	469.5	492.7	2,248
Veterans Benefits and Services (700):							
BA	46	47.8	49	50.8	52	55.3	254.9
O	45.2	47.4	48.9	50.6	51.7	54.9	253.5
Administration of Justice (750):							
BA	27.3	28	27.8	27.9	28.2	28.4	140.3
O	28	28	28	27.9	27.9	28.1	139.9
General Government (800):							
BA	13.9	13.6	13.6	13.5	13.5	13.6	67.8
O	14.7	14.2	13.9	13.7	13.7	13.5	69
Net Interest (900):							
BA	224.6	219	209.9	194.9	179.3	162.5	965.6
O	224.6	219	209.9	194.9	179.3	162.5	965.6
On-budget:							
BA	284.6	288.5	290	285.7	280.9	275.4	1,420.5
O	284.6	288.5	290	285.7	280.9	275.4	1,420.5
Off-budget:							
BA	−60	−69.5	−80.1	−90.8	−101.6	−112.9	−454.9
O	−60	−69.5	−80.1	−90.8	−101.6	−112.9	−454.9
Allowances (920):							
BA	8.5	−4.7	−2.1	−2.6	−4.3	−4.4	−18.1
O	11.5	−8.7	−1	−2.2	−4	−4.3	−20.2
Undistributed Offsetting Receipts (950):							
BA	−41.8	−46.7	−50.2	−50.2	−48.2	−50.1	−245.4
O	−41.8	−46.7	−50.2	−50.2	−48.2	−50.1	−245.4
On-budget:							
BA	−34.1	−38.4	−41.3	−40.7	−38.1	−39.2	−197.7
O	−34.1	−38.4	−41.3	−40.7	−38.1	−39.2	−197.7
Off-budget:							
BA	−7.7	−8.3	−8.9	−9.5	−10.1	−10.9	−47.7
O	−7.7	−8.3	−8.9	−9.5	−10.1	−10.9	−47.7

HOUSE PASSED BUDGET RESOLUTION DISCRETIONARY SPENDING

[In billions of dollars]

	2000	2001	2002	2003	2004	2005	2001–05
SUMMARY							
Total Discretionary Spending:							
BA	578.2	596.5	607.3	615.6	623.6	634.4	3077.4
O	615.2	622.1	639.2	648	654.3	665.5	3229.1
Defense:							
BA	289.9	307.3	310.2	316.5	324.2	332.5	1,590.7
O	283.5	298.6	302.9	310.3	318.4	328.9	1,559.1
Nondefense:							
BA	288.3	289.2	297.1	299.1	299.4	301.9	1486.7
O	331.7	323.5	336.3	337.7	335.9	336.6	1670
BY FUNCTION							
National Defense (050):							
BA	289.9	307.3	310.2	316.5	324.2	332.5	1590.7
O	283.5	298.6	302.9	310.3	318.4	328.9	1559.1
International Affairs (150):							
BA	22.3	19.7	19.3	18.8	18.3	18.3	94.4
O	20.1	21.3	21	19.8	18.7	18.2	99
General Science, Space, and Technology (250):							
BA	19.2	20.2	20.4	20.6	20.8	21	103
O	18.4	19.4	19.9	20	20.2	20.4	99.8
Energy (270):							
BA	2.6	2.8	2.6	2.4	2.2	2.2	12.2
O	3	2.8	2.7	2.5	2.3	2.3	12.6
Natural Resources and Environment (300):							
BA	24	24.3	24.4	24.5	24.6	24.7	122.5
O	23.7	24.1	24.4	24.5	24.5	24.5	122
Agriculture (350):							
BA	4.5	4.5	4.5	4.5	4.5	4.5	22.5
O	4.5	4.4	4.4	4.4	4.4	4.4	22
Commerce and Housing Credit (370):							
BA	6.9	2.7	3.1	3.1	3.1	3	15
O	7.3	3.2	3	3	3.1	3	15.3
On-budget:							
BA	6.9	2.7	3.1	3.1	3.1	3	15
O	7.3	3.2	3	3	3.1	3	15.3
Off-budget							
BA	0	0	0	0	0	0	0
O	0	0	0	0	0	0	0
Transportation (400):							

HOUSE PASSED BUDGET RESOLUTION DISCRETIONARY SPENDING—Continued

[In billions of dollars]

	2000	2001	2002	2003	2004	2005	2001–05
BA	14.4	15.7	16.3	16.8	16.8	16.8	82.4
O	44.3	48.2	50.8	52.9	53.2	53.3	258.4
Community and Regional Development (450):							
BA	11.4	9.1	8.5	8.5	8.5	8.5	43.1
O	11.5	11.7	10.3	9.5	9	8.5	49
Education, Training, Employment and Social Services (500):							
BA	44.5	56.8	57.7	58.7	59.7	60.7	293.6
O	49.1	52.9	55.8	57.2	57.5	57.7	281.1
Health (550):							
BA	33.7	34.9	35.5	36	36.5	37	179.9
O	28.9	33.9	33.8	34.7	35.2	35.7	173.3
Medicare (570):							
BA	3.1	3.1	3.1	3.1	3.1	3.1	15.5
O	3.1	3.1	3.1	3.1	3.1	3.1	15.5
Income Security (600):							
BA	29.9	35.2	38.3	38.5	38.6	38.8	189.4
O	42.4	41.9	42.2	42.2	42.3	42.5	211.1
Social Security (650):							
BA	3.2	3.4	3.4	3.5	3.6	3.6	17.5
O	3.2	3.3	3.4	3.4	3.5	3.6	17.2
On-budget:							
BA	3.2	3.4	3.4	3.5	3.6	3.6	17.5
O	3.2	3.3	3.4	3.4	3.5	3.6	17.2
Off-budget:							
BA	0	0	0	0	0	0	0
O	0	0	0	0	0	0	0
Veterans Benefits and Services (700):							
BA	20.9	22.2	22.6	23	23.4	23.8	115
O	20.4	22	22.6	22.9	23.2	23.6	114.3
Administration of Justice (750):							
BA	26.6	26.9	27.1	27.3	27.6	27.9	136.8
O	27.2	27.1	27.2	27.2	27.4	27.7	136.6
General Government (800):							
BA	12.6	12.4	12.4	12.4	12.4	12.4	62
O	13.1	13	12.7	12.6	12.4	12.4	63.1
Allowances (920) [1]:							
BA	8.5	−4.7	−2.1	−2.6	−4.3	−4.4	−18.1
O	11.5	−8.7	−1	−2.2	−4	−4.3	−20.3

[1] Includes the Administration's supplemental request.

CONFERENCE REPORT FISCAL YEAR 2001 BUDGET RESOLUTION MANDATORY SPENDING

[In billions of dollars]

	2000	2001	2002	2003	2004	2005	2001–05
SUMMARY							
Total Mandatory Spending:							
BA	1,227.1	1,269	1,301.6	1,351.4	1,406.1	1,468.5	6,796.6
O	1,172.5	1,210	1,248.7	1,296.7	1,352	1,414.1	6,521.5
On-budget:							
BA	899.6	931.9	957.9	998.9	1,044.6	1,096.5	5,029.8
O	845	872.9	905	944.2	990.5	1,042.1	4,754.7
Off-budget:							
BA	327.5	337.1	343.7	352.5	361.5	372	1,766.8
O	327.5	337.1	343.7	352.5	361.5	372	1,766.8
BY FUNCTION							
National Defense (050):							
BA	−1	−0.9	−0.9	−0.8	−0.7	−0.7	−4
O	−1	−0.9	−0.9	−0.8	−0.7	−0.7	−4
International Affairs (150):							
BA	−2.2	−0.2	0	0	0	0.2	0
O	−4.6	−4	−3.8	−3.7	−3.5	−3.4	−18.4
General Science, Space, and Technology (250):							
BA	0.1	0.1	0	0	0	0	0.1
O	0.1	0.1	0.1	0	0	0	0.2
Energy (270):							
BA	−1.5	−1.6	−1.9	−1.9	−1.8	−1.9	−9.1
O	−3.6	−2.9	−3.1	−3.2	−3.2	−3.2	−15.6
Natural Resources and Environment (300):							
BA	0.3	0.9	0.9	0.9	1	1	4.7
O	0.5	0.9	0.9	1	0.9	0.9	4.6
Agriculture (350):							
BA	30.7	16.3	14	13.1	12.4	11.2	67
O	29.3	14.2	12.4	11.5	11	9.7	58.8
Commerce and Housing Credit (370):							
BA	1.6	4.2	5.9	7.2	10.5	10.5	38.3
O	−3.2	−0.3	2.3	2.5	5.6	6.6	16.7
On-budget:							
BA	0.6	3.6	5.6	6.4	10.5	10.5	36.6
O	−4.2	−0.9	2	1.7	5.6	6.6	15
Off-budget:							
BA	1	0.6	0.3	0.8	0	0	1.7
O	1	0.6	0.3	0.8	0	0	1.7
Transportation (400):							
BA	39.9	43.5	41.1	42	42	42	210.6
O	2.3	2.1	1.7	1.9	1.9	1.8	9.4
Community and Regional Development (450):							
BA	−0.2	0	0	−0.1	−0.1	0	−0.2
O	−0.7	−0.7	−0.8	−1	−1	−1.1	−4.6
Education, Training, Employment and Social Services (500):							
BA	13.2	15.8	16.3	16.5	16.7	17.4	82.7
O	12.3	16.4	16.4	16.2	16.4	16.9	82.3
Health (550):							
BA	125.6	134.8	144.1	155.5	169.1	184.7	788.2
O	123.4	133.2	144	155.9	169.7	184.6	787.4
Medicare (570):							
BA	196.5	214.6	223.5	244.6	263.2	289.6	1235.5
O	196.4	214.9	223.5	244.4	263.4	289.6	1235.8
Income Security (600):							
BA	208.5	217	226	234.9	244.4	256.5	1178.8
O	205.6	213	223.4	232.5	242.2	254.7	1,165.8
Social Security (650):							

CONFERENCE REPORT FISCAL YEAR 2001 BUDGET RESOLUTION MANDATORY SPENDING—Continued

[In billions of dollars]

	2000	2001	2002	2003	2004	2005	2001–05
BA	405.7	423.7	443.2	463.3	485.1	508.4	2,323.7
O	405.7	423.7	443.2	463.3	485.1	508.4	2,323.7
On-budget:							
BA	11.5	9.7	11.5	12.2	13	13.8	60.2
O	11.5	9.7	11.5	12.2	13	13.8	60.2
Off-budget							
BA	394.2	414	431.7	451.1	472.1	494.6	2,263.5
O	394.2	414	431.7	451.1	472.1	494.6	2,263.5
Veterans Benefits and Services (700):							
BA	25.1	25.8	26.5	27.7	28.5	31.3	139.8
O	24.8	25.5	26.4	27.6	28.3	31.2	139
Administration of Justice (750):							
BA	0.7	1.1	0.7	0.6	0.6	0.5	3.5
O	0.8	0.9	0.8	0.7	0.5	0.4	3.3
General Government (800):							
BA	1.3	1.2	1.2	1.1	1.1	1.2	5.8
O	1.6	1.2	1.2	1.1	1.3	1.1	5.9
Net Interest (900):							
BA	224.6	219.4	211.2	197	182.3	166.7	976.6
O	224.6	219.4	211.2	197	182.3	166.7	976.6
On-budget:							
BA	284.6	288.6	290.6	286.9	282.8	278.4	1,427.3
O	284.6	288.6	290.6	286.9	282.8	278.4	1,427.3
Off-budget:							
BA	−60	−69.2	−79.4	−89.9	−100.5	−111.7	−450.7
O	−60	−69.2	−79.4	−89.9	−100.5	−111.7	−450.7
Allowances (920):							
BA	0	0	0	0	0	0	0
O	0	0	0	0	0	0	0
Undistributed Offsetting:							
BA	−41.8	−46.7	−50.2	−50.2	−48.2	−50.1	−245.4
Receipts (950):							
O	−41.8	−46.7	−50.2	−50.2	−48.2	−50.1	−245.4
On-budget:							
BA	−34.1	−38.4	−41.3	−40.7	−38.1	−39.2	−197.7
O	−34.1	−38.4	−41.3	−40.7	−38.1	−39.2	−197.7
Off-budget:							
BA	−7.7	−8.3	−8.9	−9.5	−10.1	−10.9	−47.7
O	−7.7	−8.3	−8.9	−9.5	−10.1	−10.9	−47.7

Note.—Figures assume discretionary levels that will apply once new spending limits are enacted.

BUDGET FUNCTION LEVELS

Pursuant to section 301(a)(3) of the Budget Act, the budget resolution must set appropriate levels for each major functional category based on the 302(a) allocations and the budgetary totals.

The respective levels of the House resolution, the Senate amendment, and the conference report for each major budget function are as follows:

FUNCTION 050: NATIONAL DEFENSE

Major Programs in Function—The National Defense function includes funds to develop, maintain, and equip the military forces of the United States. Roughly 95 percent of the funding in this function goes to Department of Defense—Military activities, including funds for ballistic missile defense. That component also includes pay and benefits for military and civilian personnel; research, development, testing, and evaluation; procurement of weapons systems; military construction and family housing; and operations and maintenance of the defense establishment. The remaining funding in the function goes toward atomic energy defense activities of the Department of Energy, and other defense-related activities.

House Resolution—The House resolution revises the fiscal year 2000 levels to $288.9 billion in budget authority [BA] and $282.5 billion in outlays. For fiscal year 2001, it sets forth $306.3 billion in BA and $297.6 billion in outlays. Over 5 years, it provides $1,586.3 billion in BA and $1,554.7 billion in outlays.

Senate Amendment—The Senate amendment revises the fiscal year 2000 levels to $291.6 billion in BA and $288.1 billion in outlays. For fiscal year 2001, it sets forth $309.8 billion in BA and $296.7 billion in outlays. Over 5 years, it provides $1,589.2 billion in BA and $1,555.1 billion in outlays. These amounts reflect $4.0 billion in additional resources added to 2001 during the Senate's consideration of S. Con. Res. 101. This addition assumes that no such amount is added to 2000. The total amount also includes $10 million in BA and outlays in 2001 and $27.5 million in BA and outlays over 2000–2005. This latter amount was adopted by a vote of 99–0 and was explicitly assumed to supplement the compensation of enlisted personnel in the military who currently receive food stamps.

Conference Agreement—The Conference Agreement revises the fiscal year 2000 levels to $291.6 billion in BA and $288.1 billion in outlays. For fiscal year 2001, it sets forth $309.9 billion in BA and $296.7 billion in outlays. Over 5 years, it provides $1,589.8 billion in BA and $1,555.9 billion in outlays.

The Conference Agreement adopts the assumptions of the Senate amendment with respect to the addition of $4.0 billion in BA and commensurate outlays. It also adopts the Senate amendment assumption regarding enlisted military personnel on food stamps.

FUNCTION 150: INTERNATIONAL AFFAIRS

Major Programs in Function—Funds distributed through the International Affairs function provide for international development and humanitarian assistance; international security assistance; the conduct of foreign affairs; foreign information and exchange activities; and international financial programs. The major departments and agencies in this function include the Department of State, the Department of the Treasury, and the Agency for International Development.

House Resolution—The House resolution revises the fiscal year 2000 levels to $20.1 billion in budget authority [BA] and $15.5 billion in outlays. For fiscal year 2001, it sets forth $19.5 billion in BA and $17.3 billion in outlays. Over 5 years, it provides $94.4 billion in BA and $80.6 billion in outlays.

Senate Amendment—The Senate amendment revises the fiscal year 2000 levels to $22.0 billion in BA and $16.0 billion in outlays. For fiscal year 2001, it sets forth $20.1 billion in BA and $18.6 billion in outlays. Over 5 years, it provides $107.0 billion in BA and $89.8 billion in outlays.

Conference Agreement—The Conference Agreement revises the fiscal year 2000 levels to $22.0 billion in BA and $16.0 billion in outlays. For fiscal year 2001, it sets forth $19.8 billion in BA and $18.3 billion in outlays. Over 5 years, it provides $100.7 billion in BA and $85.9 billion in outlays.

FUNCTION 250: GENERAL SCIENCE, SPACE, AND TECHNOLOGY

Major Programs in Function—The General Science, Space, and Technology function consists of funds in two major categories: general science and basic research, and space flight, research, and supporting activities. The general science component includes the budgets for the National Science Foundation [NSF], and the fundamental science programs of the Department of Energy [DOE]. But the largest component of the function—about two-thirds of its total—is for space flight, research, and supporting activities of the National Aeronautics and Space Administration [NASA] (except for NASA's air transportation programs, which are included in Function 400).

House Resolution—The House resolution revises the fiscal year 2000 levels to $19.3 billion in budget authority [BA] and $18.5 billion in outlays. For fiscal year 2001, it sets forth $20.3 billion in BA and $19.4 billion in outlays. Over 5 years, it provides $103.1 billion in BA and $100.1 billion in outlays.

Senate Amendment—The Senate amendment revises the fiscal year 2000 levels to $19.3 billion in BA and $18.4 billion in outlays. For fiscal year 2001, it sets forth $19.7 billion in BA and $19.2 billion in outlays. Over 5 years, it provides $99.8 billion in BA and $97.9 billion in outlays.

Conference Agreement—The Conference Agreement revises the fiscal year 2000 levels to $19.3 billion in BA and $18.4 billion in outlays. For fiscal year 2001, it sets forth $20.3 billion in BA and $19.4 billion in outlays. Over 5 years, it provides $103.1 billion in BA and $100.1 billion in outlays.

FUNCTION 270: ENERGY

Major Programs in Function—The Energy function reflects the civilian activities in

the Department of Energy. Through this function, spending is provided for energy supply and fossil energy R&D programs; rural electricity and telecommunications loans administered through the Department of Agriculture; and electric power generation and transmission programs for the three Power Marketing Administrations. The function also includes the Strategic Petroleum Reserve; energy conservation programs, including the Partnership for the Next Generation of Vehicles; Clean Coal Technology; Nuclear Waste Disposal; and the operations of the Federal Energy Regulatory Commission and the Nuclear Regulatory Commission.

House Resolution—The House resolution revises the fiscal year 2000 levels to $1.1 billion in budget authority [BA] and −$0.6 billion in outlays. For fiscal year 2001, the resolution sets forth $1.2 billion in BA and −$0.1 billion in outlays. Over 5 years, it provides $3.1 billion in BA and −$3.0 billion in outlays.

Senate Amendment—The Senate amendment revises the fiscal year 2000 levels to $1.1 billion in BA and −$0.6 billion in outlays. For fiscal year 2001, it sets forth $1.5 billion in BA and $0.2 billion in outlays. Over 5 years, it provides $4.9 billion in BA and −$1.4 billion in outlays.

Conference Agreement—The Conference Agreement revises the fiscal year 2000 levels to $1.1 billion in BA and −$0.6 billion in outlays. For fiscal year 2001, it sets forth $1.3 billion in BA and $0 in outlays. Over 5 years, it provides $4.0 billion in BA and −$2.3 billion in outlays.

FUNCTION 300: NATURAL RESOURCES AND ENVIRONMENT

Major Programs in Function—Funds distributed through the Natural Resources and Environment function are intended to develop, manage, and maintain the Nation's natural resources, and to promote a clean environment. Funding is provided for water resources, conservation and land management, recreational resources, pollution control and abatement, and other natural resources. Major departments and agencies in this function are the Department of the Interior, including the National Park Service, the Bureau of Land Management, the Bureau of Reclamation, and the Fish and Wildlife Service; certain agencies in the Department of Agriculture, including principally the Forest Service; the National Oceanic and Atmospheric Administration, in the Department of Commerce; the Army Corps of Engineers; and the Environmental Protection Agency.

House Resolution—The House resolution revises the fiscal year 2000 levels to $24.3 billion in budget authority [BA] and $24.2 billion in outlays. For fiscal year 2001, it sets forth $25.0 billion in BA and $24.8 billion in outlays. Over 5 years, it provides $126.0 billion in BA and $125.4 billion in outlays.

Senate Amendment—The Senate amendment revises the fiscal year 2000 levels to $24.5 billion in BA and $24.2 billion in outlays. For fiscal year 2001, it sets forth $24.9 billion in BA and outlays. Over 5 years, it provides $125.1 billion in BA and outlays.

Conference Agreement—The Conference Agreement revises the fiscal year 2000 levels to $24.5 billion in BA and $24.2 billion in outlays. For fiscal year 2001, it sets forth $25.1 billion in BA and $25.0 billion in outlays. Over 5 years, it provides $126.1 billion in BA and $125.8 billion in outlays.

FUNCTION 350: AGRICULTURE

Major Programs in Function—The Agriculture function includes funds for direct assistance and loans to food and fiber producers, crop insurance, export assistance, market information and inspection services, and agricultural research and services.

House Resolution—The House resolution revises the fiscal year 2000 levels to $35.7 billion in budget authority [BA] and $34.3 billion in outlays. For fiscal year 2001, the resolution sets forth $19.1 billion in BA and $16.9 billion in outlays. Over 5 years, it provides $88.0 billion in BA and $79.2 billion in outlays.

Senate Amendment—The Senate amendment revises the fiscal year 2000 levels to $35.3 billion in BA and $33.9 billion in outlays. For fiscal year 2001, it sets forth $20.9 billion in BA and $18.8 billion in outlays. Over 5 years, it provides $91.3 billion in BA and $82.9 billion in outlays.

Conference Agreement—The Conference Agreement revises the fiscal year 2000 levels to $35.3 billion in BA and $33.9 billion in outlays. For fiscal year 2001, it sets forth $20.8 billion in BA and $18.7 billion in outlays. Over 5 years, it provides $89.7 billion in BA and $81.2 billion in outlays.

FUNCTION 370: COMMERCE AND HOUSING CREDIT

Major Programs in Function—The mortgage credit component of this function includes housing assistance through the Federal Housing Administration [FHA], and rural housing programs of the Department of Agriculture. The function includes spending for deposit insurance activities related to banks, thrifts, and credit unions. Also included is the Commerce Department's National Institute of Standards and Technology, including the Advanced Technology Program; the International Trade Administration; the National Telecommunications and Information Administration; the Bureau of the Census; and the Patent and Trademark Office. Also appearing in this function are independent agencies such as the Securities and Exchange Commission, the Commodity Futures Trading Commission, and the Federal Communications Commission. The function also includes net spending for the postal service, but these totals are off budget, and therefore are not reflected in the figures below.

House Resolution—The House resolution revises the fiscal year 2000 on-budget levels to $7.5 billion in budget authority [BA] and $3.1 billion in outlays. For fiscal year 2001, the resolution sets forth on-budget levels of $6.3 billion in BA and $2.3 billion in outlays. Over 5 years, it provides on-budget amounts of $51.6 billion in BA and $30.3 billion in outlays.

Senate Amendment—The Senate amendment revises the fiscal year 2000 on-budget levels to $7.6 billion in BA and $3.1 billion in outlays. For fiscal year 2001, it sets forth on-budget levels of $6.1 billion in BA and $2.0 billion in outlays. Over 5 years, it provides on-budget amounts of $50.9 billion in BA and $29.2 billion in outlays.

Conference Agreement—The Conference Agreement revises the fiscal year 2000 on-budget levels to $7.6 billion in BA and $3.1 billion in outlays. For fiscal year 2001, it sets forth on-budget levels of $6.2 billion in BA and $2.2 billion in outlays. Over 5 years, it provides on-budget amounts of $51.2 billion in BA and $29.8 billion in outlays.

FUNCTION 400: TRANSPORTATION

Major Programs in Function—This function supports all major Federal transportation programs. About two-thirds of the funding provided here is for ground transportation programs. This includes the Federal-aid highway program, mass transit operating and capital assistance, motor carrier safety, rail transportation through the National Railroad Passenger Corporation [Amtrak], and high-speed rail and rail safety programs. Additional components of this function are air transportation, including the Federal Aviation Administration airport improvement program, the facilities and equipment program, and operations and research; water transportation through the Coast Guard and the Maritime Administration; and other transportation support activities. Funds for air transportation programs under the auspices of NASA are distributed through this function as well.

House Resolution—The House resolution revises the fiscal year 2000 levels to $54.3 billion in budget authority [BA] and $46.6 billion in outlays. For fiscal year 2001, it sets forth $59.2 billion in BA and $50.3 billion in outlays. Over 5 years, it provides $293.0 billion in BA and $267.8 billion in outlays.

Senate Amendment—The Senate amendment revises the fiscal year 2000 levels to $54.4 billion in BA and $46.7 billion in outlays. For fiscal year 2001, it sets forth $59.5 billion in BA and $51.1 billion in outlays. Over 5 years, it provides $294.5 billion in BA and $272.7 billion in outlays.

Conference Agreement—The Conference Agreement revises the fiscal year 2000 levels to $54.4 billion in BA and $46.7 billion in outlays. For fiscal year 2001, it sets forth $59.3 billion in BA and $50.5 billion in outlays. Over 5 years, it provides $293.5 billion in BA and $270.0 billion in outlays.

FUNCTION 450: COMMUNITY AND REGIONAL DEVELOPMENT

Major Programs in Function.—The Community and Regional Development function reflects programs that provide Federal funding for economic and community development in both urban and rural areas. Funding for disaster relief and insurance—including activities of the Federal Emergency Management Agency—also is provided in this function.

House Resolution.—The House resolution revises the fiscal year 2000 levels to $11.2 billion in budget authority [BA] and $10.8 billion in outlays. For fiscal year 2001, the resolution sets forth $9.1 billion in BA and $11.1 billion in outlays. Over 5 years, it provides $42.9 billion in BA and $45.7 billion in outlays.

Senate Amendment.—The Senate amendment revises the fiscal year 2000 levels to $11.3 billion in BA and $10.7 billion in outlays. For fiscal year 2001, it sets forth $9.3 billion in BA and $10.4 billion in outlays. Over 5 years, it provides $44.2 billion in BA and $45.3 billion in outlays.

Conference Agreement.—The Conference Agreement revises the fiscal year 2000 levels to $11.3 billion in BA and $10.7 billion in outlays. For fiscal year 2001, it sets forth $9.3 billion in BA and $10.7 billion in outlays. Over 5 years, it provides $43.6 billion in BA and $44.7 billion in outlays.

FUNCTION 500: EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES

Major Programs in Function.—Forty-five percent of the funding in the Education, Training, Employment, and Social Services function is for Federal programs in elementary, secondary, and vocational education. Also shown here are funds for higher education programs, accounting for about 23 percent of the function's spending; research and general education aids, including the National Endowment for the Arts and the National Endowment for the Humanities; training and employment services; other labor services; and grants to States for general social services and rehabilitation services, such as the Social Services Block Grant and vocational rehabilitation.

House Resolution.—The House resolution revises the fiscal year 2000 levels to $57.7 billion in budget authority [BA] and $61.4 billion in outlays. For fiscal year 2001, it sets forth $72.6 billion in BA and $69.2 billion in outlays. Over 5 years, it provides $375.5 billion in BA and $362.2 billion in outlays.

Senate Amendment.—The Senate amendment revises the fiscal year 2000 levels to $57.7 billion in BA and $61.9 billion in outlays. For fiscal year 2001, it sets forth $75.6 billion in BA and $68.8 billion in outlays. Over 5 years, it provides $387.5 billion in BA and $374.1 billion in outlays.

Conference Agreement.—The Conference Agreement revises the fiscal year 2000 levels to $57.7 billion in BA and $61.9 billion in outlays. For fiscal year 2001, it sets forth $72.6 billion in BA and $68.7 billion in outlays. Over 5 years, it provides $378.0 billion in BA and $365.9 billion in outlays.

FUNCTION 550: HEALTH

Major Programs in Function.—The Health function consists of health care services, including Medicaid, the Nation's major program covering medical and long-term care costs for low-income persons; health research and training; and consumer and occupational health and safety. Medicaid represents about 73 percent of the spending in this function.

House Resolution.—The House resolution revises the fiscal year 2000 levels to $159.3 billion in budget authority [BA] and $152.3 billion in outlays. For fiscal year 2001, the resolution sets forth $169.7 billion in BA and $167.1 billion in outlays. Over 5 years, it provides $968.1 billion in BA and $960.9 billion in outlays.

Senate Amendment.—The Senate amendment revises the fiscal year 2000 levels to $159.2 billion in BA and $153.5 billion in outlays. For fiscal year 2001, it sets forth $170.8 billion in BA and $167.4 billion in outlays. Over 5 years, it provides $967.3 billion in BA and $960.7 billion in outlays.

Conference Agreement.—The Conference Agreement revises the fiscal year 2000 levels to $159.2 billion in BA and $153.5 billion in outlays. For fiscal year 2001, it sets forth $169.6 billion in BA and $165.9 billion in outlays. Over 5 years, it provides $967.0 billion in BA and $959.3 billion in outlays.

FUNCTION 570: MEDICARE

Major Programs in Function.—This function reflects the Medicare Part A Hospital Insurance [HI] Program, Part B Supplementary Medical Insurance [SMI] Program, and premiums paid by qualified aged and disabled beneficiaries. It includes the ''Medicare+Choice'' Program, which covers Part A and Part B benefits and allows beneficiaries to choose certain private health insurance plans. Medicare+Choice plans may include health maintenance organizations, preferred provider organizations, provider-sponsored organizations, medical savings accounts, and private fee-for-service plans. These plans may add benefits such as outpatient prescription drug coverage, and may cover premiums, copayments, and deductibles required by the traditional Medicare Program.

House Resolution.—The House resolution revises the fiscal year 2000 levels to $199.6 billion in budget authority [BA] and $199.5 billion in outlays. For fiscal year 2001, the resolution sets forth $215.7 billion in BA and $216.0 billion in outlays. Over 5 years, it provides $1,211.0 billion in BA and $1,211.3 billion in outlays.

Senate Amendment.—The Senate amendment revises the fiscal year 2000 levels to $199.6 billion in BA and $199.5 billion in outlays. For fiscal year 2001, it sets forth $218.8 billion in BA and $219.0 billion in outlays. Over 5 years, it provides $1,251.2 billion in BA and $1,251.4 billion in outlays.

Conference Agreement.—The Conference Agreement revises the fiscal year 2000 levels to $199.6 billion in BA and $199.5 billion in outlays. For fiscal year 2001, it sets forth $217.7 billion in BA and $218.0 billion in outlays. Over 5 years, it provides $1,251.1 billion in BA and $1,251.3 billion in outlays.

FUNCTION 600: INCOME SECURITY

Major Programs in Function.—The Income Security function covers most of the Federal Government's income support programs. The function includes general retirement and disability insurance (excluding Social Security)—mainly through the Pension Benefit Guaranty Corporation—and benefits to railroad retirees. Other components are Federal employee retirement and disability benefits (including military retirees); unemployment compensation; low-income housing assistance; food and nutrition assistance; and other income security programs. This last category includes Temporary Assistance to Needy Families [TANF], the Government's principal welfare program; Supplemental Security Income [SSI]; and spending for the refundable portion of the Earned Income Credit [EIC]. Agencies involved in these programs include the Departments of Agriculture, Health and Human Services, Housing and Urban Development, and Education; the Social Security Administration (for SSI); and the Office of Personnel Management (for Federal retirement benefits).

House Resolution.—The House resolution revises the fiscal year 2000 levels to $238.4 billion in budget authority [BA] and $248.0 billion in outlays. For fiscal year 2001, the resolution sets forth $252.2 billion in BA and $254.9 billion in outlays. Over 5 years, it provides $1,363.0 billion in BA and $1,371.7 billion in outlays.

Senate Amendment.—The Senate amendment revises the fiscal year 2000 levels to $238.9 billion in BA and $248.1 billion in outlays. For fiscal year 2001, it sets forth $253.2 billion in BA and $255.4 billion in outlays. Over 5 years, it provides $1,375.5 billion in BA and $1,390.7 billion in outlays.

Conference Agreement.—The Conference Agreement revises the fiscal year 2000 levels to $238.9 billion in BA and $248.1 billion in outlays. For fiscal year 2001, it sets forth $252.3 billion in BA and $255.0 billion in outlays. Over 5 years, it provides $1,369.8 billion in BA and $1,381.9 billion in outlays.

FUNCTION 650: SOCIAL SECURITY

Major Programs in Function.—Function 650 consists of the Social Security Program, or Old Age, Survivors, and Disability Insurance [OASDI]. It is the largest budget function in terms of outlays, and provides funds for the Government's largest entitlement program. Under provisions of the Budget Enforcement Act, Social Security trust funds are off budget. However, the administrative expenses of the Social Security Administration [SSA], which manages the program, and the income taxes collected on Social Security benefits are reflected in the figures below.

House Resolution.—The House resolution revises the fiscal year 2000 on-budget levels to $14.7 billion in budget authority [BA] and outlays. For fiscal year 2001, the resolution sets forth on-budget totals of $13.1 billion in BA and $13.0 billion in outlays. Over 5 years, it provides on-budget amounts of $77.7 billion in BA and $77.4 billion in outlays.

Senate Amendment.—The Senate amendment revises the fiscal year 2000 on-budget levels to $11.5 billion in BA and outlays. For fiscal year 2001, it sets forth on-budget totals of $9.7 billion in BA and outlays. Over 5 years, it provides on-budget amounts of $60.4 billion in BA and outlays.

Conference Agreement.—The Conference Agreement revises the fiscal year 2000 on-budget levels to $11.5 billion in BA and outlays. For fiscal year 2001, it sets forth on-budget totals of $9.7 billion in BA and outlays. Over 5 years, it provides on-budget amounts of $60.4 billion in BA and outlays.

FUNCTION 700: VETERANS BENEFITS AND SERVICES

Major Programs in Function.—The Veterans Benefits and Services function reflects funding for the Department of Veterans Affairs [VA], which provides benefits to veterans who meet various eligibility rules. Benefits range from income security for veterans; veterans education, training, and rehabilitation services; and veterans' hospital and medical care. As of 1 July 1999, there were about 25 million veterans, and about 45 million family members of living veterans and survivors of deceased veterans.

House Resolution.—The House resolution revises the fiscal year 2000 levels to $46.0 billion in budget authority [BA] and $45.2 billion in outlays. For fiscal year 2001, it sets forth $47.8 billion in BA and $47.4 billion in outlays. Over 5 years, it provides $254.9 billion in BA and $253.5 billion in outlays.

Senate Amendment.—The Senate amendment revises the fiscal year 2000 levels to $46.0 billion in BA and $45.1 billion in outlays. For fiscal year 2001, it sets forth $48.6 billion in BA and $48.1 billion in outlays. Over 5 years, it provides $257.9 billion in BA and $256.3 billion in outlays.

Conference Agreement.—The Conference Agreement revises the fiscal year 2000 levels to $46.0 billion in BA and $45.1 billion in outlays. For fiscal year 2001, it sets forth $47.8 billion in BA and $47.4 billion in outlays. Over 5 years, it provides $255.1 billion in BA and $253.7 billion in outlays.

FUNCTION 750: ADMINISTRATION OF JUSTICE

Major Programs in Function.—This function provides funding for Federal law enforcement activities. This includes criminal investigations by the Federal Bureau of Investigation and the Drug Enforcement Administration, and border enforcement and the control of illegal immigration by the Customs Service and Immigration and Naturalization Service. Also funded through this function are the Federal courts, Federal prison construction, and criminal justice assistance.

House Resolution.—The House resolution revises the fiscal year 2000 levels to $27.3 billion in budget authority [BA] and $28.0 billion in outlays. For fiscal year 2001, the resolution sets forth $28.0 billion in BA and outlays. Over 5 years, it provides $140.3 billion in BA and $139.9 billion in outlays.

Senate Amendment.—The Senate amendment revises the fiscal year 2000 levels to $27.4 billion in BA and $28.0 billion in outlays. For fiscal year 2001, it sets forth $28.2 billion in BA and $28.3 billion in outlays. Over 5 years, it provides $149.3 billion in BA and $149.2 billion in outlays.

Conference Agreement.—The Conference Agreement revises the fiscal year 2000 levels to $27.4 billion in BA and $28.0 billion in outlays. For fiscal year 2001, it sets forth $28.0 billion in BA and $28.1 billion in outlays. Over 5 years, it provides $143.1 billion in BA and $142.9 billion in outlays.

FUNCTION 800: GENERAL GOVERNMENT

Major Programs in Function.—The General Government function consists of the activities of the Legislative Branch; the Executive

Office of the President; general tax collection and fiscal operations of the Department of Treasury (including the Internal Revenue Service, which accounts for almost two-thirds of the spending in this function); the property and personnel costs of the General Services Administration and the Office of Personnel Management; general purpose fiscal assistance to States, localities, the District of Columbia, and territories of the United States; and other general activities of the Federal Government.

House Resolution.—The House resolution revises the fiscal year 2000 levels to $13.9 billion in budget authority [BA] and $14.7 billion in outlays. For fiscal year 2001, the resolution sets forth $13.6 billion in BA and $14.2 billion in outlays. Over 5 years, it provides $67.8 billion in BA and $69.0 billion in outlays.

Senate Amendment.—The Senate amendment revises the fiscal year 2000 levels to $13.7 billion in BA and $14.7 billion in outlays. For fiscal year 2001, it sets forth $14.4 billion in BA and $14.3 billion in outlays. Over 5 years, it provides $68.8 billion in BA and $69.4 billion in outlays.

Conference Agreement.—The Conference Agreement revises the fiscal year 2000 levels to $13.7 billion in BA and $14.7 billion in outlays. For fiscal year 2001, it sets forth $14.0 billion in BA and $14.3 billion in outlays. Over 5 years, it provides $68.4 billion in BA and $69.4 billion in outlays.

FUNCTION 900: NET INTEREST

Major Programs in Function.—Net Interest is the interest paid for the Federal Government's borrowing minus the interest income received by the Federal Government. Interest is a mandatory payment, with no discretionary components.

House Resolution.—The House resolution revises the fiscal year 2000 on-budget levels to $284.6 billion in budget authority [BA] and outlays. For fiscal year 2001, it sets forth on-budget levels of $288.5 billion in BA and outlays. Over 5 years, it provides on-budget amounts of $1,420.5 billion in BA and outlays.

Senate Amendment.—The Senate amendment revises the fiscal year 2000 on-budget levels to $284.7 billion in BA and outlays. For fiscal year 2001, it sets forth on-budget levels of $289.0 billion in BA and outlays. Over 5 years, it provides on-budget amounts of $1,431.7 billion in BA and outlays.

Conference Agreement.—The Conference Agreement revises the fiscal year 2000 on-budget levels to $284.6 billion in BA and outlays. For fiscal year 2001, it sets forth on-budget levels of $288.6 billion in BA and outlays. Over 5 years, it provides on-budget amounts of $1,427.3 billion in BA and outlays.

FUNCTION 920: ALLOWANCES

Major Programs in Function.—The Allowances function is used for planning purposes to address the budgetary effects of proposals or assumptions that cross various other budget functions. Once such changes are enacted, the budgetary effects are distributed to the appropriate budget functions.

House Resolution.—The House resolution revises the fiscal year 2000 levels to $8.5 billion in budget authority [BA] and $11.5 billion in outlays. For fiscal year 2001, the resolution sets forth −$4.7 billion in BA and −$8.7 billion in outlays. Over 5 years, it provides −$18.1 billion in BA and −$20.2 billion in outlays.

Senate Amendment.—The Senate amendment has no effect on fiscal year 2000 levels. For fiscal year 2001, it sets forth −$6.0 billion in BA and −$5.6 billion in outlays; and over 5 years, −$8.0 billion in BA and −$26.6 billion in outlays.

Conference Agreement.—The Conference Agreement has no effect on the fiscal year 2000 levels. For fiscal year 2001, it sets forth −$5.5 billion in BA and −$4.6 billion in outlays. Over 5 years, it provides −$15.0 billion in BA and −$23.0 billion in outlays.

FUNCTION 950: UNDISTRIBUTED OFFSETTING RECEIPTS

Major Programs in Function.—Receipts recorded in this function are either intrabudgetary (a payment from one Federal agency to another, such as agency payments to the retirement trust funds) or proprietary (a payment from the public for some kind of business transaction with the Government). The main types of receipts recorded in this function are: the payments Federal employees and agencies make to employee retirement trust funds; payments made by companies for the right to explore and produce oil and gas on the Outer Continental Shelf; and payments by those who bid for the right to buy or use public property or resources, such as the electromagnetic spectrum. These receipts are treated as negative spending.

House Resolution.—The House resolution revises the fiscal year 2000 on-budget levels to -$34.1 billion in budget authority [BA] and outlays. For fiscal year 2001, it sets forth on-budget levels of -$38.4 billion in BA and outlays. Over 5 years, it provides on-budget amounts of -$197.7 billion in BA and outlays.

Senate Amendment.—The Senate amendment revises the fiscal year 2000 on-budget levels to -$34.3 billion in BA and outlays. For fiscal year 2001, it sets forth on-budget levels of -$38.4 billion in BA and outlays. Over 5 years, it provides on-budget amounts of -$200.6 billion in BA and outlays.

Conference Agreement.—The Conference Agreement revises the fiscal year 2000 on-budget levels to -$34.3 billion in BA and outlays. For fiscal year 2001, it sets forth on-budget levels of -$38.3 billion in BA and outlays. Over 5 years, it provides on-budget amounts of -$197.6 billion in BA and outlays.

REVENUES

Section 301(a)(2) of the Budget Act requires the budget resolution to include the total Federal revenues and the amount, if any, by which the aggregate levels of Federal revenues should be increased or decreased.

House Resolution.—The House resolution revises the fiscal year 2000 on-budget revenue level to $1,465.5 billion. It sets forth on-budget revenues of $1,504.8 billion in fiscal year 2001 and $8,022.4 billion over 5 years.

Senate Amendment.—The Senate amendment revises the fiscal year 2000 on-budget revenue level to $1,464.6 billion. It sets forth on-budget revenues of $1,501.8 billion for fiscal year 2001 and $8,025.4 billion over 5 years.

Conference Agreement.—The Conference Agreement revises the fiscal year 2000 on-budget revenue level to $1,465.5 billion. It sets forth on-budget revenues of $1,503.2 billion in fiscal year 2001 and $8,022.4 billion over 5 years.

The revenue levels in the Conference Agreement can accommodate tax relief and fairness legislation that has already begun to move in the current session of the 106th Congress. In addition, the revenue levels in the Conference Agreement would accommodate the revenue effects from legislation that would permit members of the Armed Forces to participate in the Thrift Savings Plan.

RECONCILIATION INSTRUCTIONS

Under section 310(a) of the Budget Act, the budget resolution may include directives to the committees of jurisdiction to make revisions in law necessary to accomplish a specified change in new budget authority or revenue. If the resolution includes directives to only one committee of the House or Senate, then that committee is required to directly report to its House legislative language of its design that would implement the spending or revenue changes provided for in the resolution. Any bill considered pursuant to a reconciliation instruction is subject to special procedures set forth in section 310(b), (c), (d), and (e) and section 313 of the Budget Act.

House resolution

Section 4 contains two sets of instructions to the Committee on Ways and Means: one for tax relief, and the other for debt reduction. The reporting schedule for the tax bills is as follows: first bill, May 26; second bill, June 23; third bill, July 28; and fourth bill, September 22. The bills providing for a reduction in debt held by the public coincide with the first and last tax bills on May 26 and September 22. The Committee assumes it will be unnecessary to consider the second debt reduction bill if the President agrees to the earlier reconciliation bills.

Subsection (a) directs the Committee on Ways and Means to report legislation that will achieve a reduction in revenue of $10 billion in fiscal year 2001 and $150 billion over 5 years. Although the budget resolution assumes a year-to-year distribution of the revenue reduction for the tax bills, the Ways and Means Committee bill may be higher or lower than these year-to-year levels as long as the net revenue loss does not exceed the first-year and five-year totals.

Subsection (b) directs the Committee on Ways and Means to report two bills that would reduce the level of debt held by the public: the first bill must reduce debt by $10 billion in fiscal year 2001 and the second bill must reduce debt by no more than $20 billion in fiscal year 2001.

Senate amendment

The Senate amendment contains a reconciliation instruction to reduce revenues by not more than $13.033 billion for fiscal year 2001 and by not more than $147.087 billion for the sum of the fiscal years 2001 through 2005.

The Senate Finance Committee would be required to report reconciliation legislation by September 22, 2000.

Conference agreement

Section 103 of the Conference Agreement includes instructions to the Committee on Ways and Means to report two bills that reduce revenue by a total of $11.6 billion for fiscal year 2001 and $150 billion for the period of fiscal year 2001 through 2005. The Committee on Ways and Means is required to report the first bill to the House on July 14 and the second bill on September 13.

In addition, the Conference Agreement directs the Committee on Ways and Means to report two separate bills that reduce debt held by the public. The first bill must reduce debt held by the public by $7.5 billion and the second by up to $19.1 billion. The conferees intend for the second bill to lock in for debt reduction any part of the amounts assumed for tax relief if the tax bills do not become law. These bills are to be reported by July 14 and September 13, respectively. While the reporting dates for these two bills coincide with the deadlines for the two tax bills, they are to be reported as separate freestanding bills.

Section 104 of the Conference Agreement provides for two reconciliation bills in the Senate (the first, reported from the Senate Finance Committee by July 14, 2000, and the second reported from the Senate Finance Committee by September 13, 2000). The sum

of the bills (if both were to be enacted) may not exceed $11.6 billion for 2001 and $150 billion for fiscal years 2001 through 2005.

302(a) ALLOCATIONS

As required in section 302(a) of the Budget Act, the joint statement of managers includes an allocation, based on the Conference Agreement, of total budget authority and total outlays for each House and Senate committee.

Conference Agreement

The joint statement of managers establishes allocations that are consistent with the budgetary totals and functional levels in Title I. The joint statement establishes allocations for the budget year, fiscal year 2001, and each of the out-years covered by the budget resolution, fiscal years 2001 through 2005. In addition, the joint statement provides a revised allocation for fiscal year 2000.

In the House, the 302(a) allocation to the Appropriations Committee is also divided into separate categories for general purpose discretionary, mass transit and highways. The allocations to the authorizing committees in the House are also divided into current law, assumed discretionary action levels, and reauthorizations.

As required under section 302(a), the allocations for the House and the Senate are also displayed in three separate discretionary categories that are consistent with the limits set forth in section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 [Deficit Control Act]: general purpose discretionary, mass transit, and highways.

Although this resolution revises the levels for fiscal year 2000, new allocations to Senate Committees are not displayed herein because there is no further change from current law assumed for 2000 in this resolution that needs to be allocated.

The 302(a) allocations are as follows:

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES

Appropriations Committee

[In millions of dollars]

	2000	2001
General Purpose: [1]		
BA	570,315	599,040
OT	575,688	592,771
Highways: [1]		
BA	0	0
OT	24,393	27,314
Mass Transit: [1]		
BA	0	1,255
OT	4,570	4,994
Violent Crime: [1]		
BA	4,486	na
OT	6,999	na
Total Discretionary Action:		
BA	574,801	600,295
OT	611,650	625,079
Current Law Mandatory:		
BA	307,642	325,936
OT	293,762	309,098

[1] Shown for display purposes only.

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES

[Committees other than appropriations]

[In millions of dollars]

	2000	2001	2002	2003	2004	2005	2001–05
Agriculture Committee							
Current Law:							
BA	$25,763	14,463	13,647	3,338	3,185	3,189	37,822
OT	21,623	10,748	10,241	−237	−248	−90	20,214
Discretionary Action:							
BA	0	1,422	1,525	1,657	1,745	1,848	8,197
OT	0	655	1,459	1,583	1,696	1,791	7,184
Reauthorizations:							
BA	0	0	0	29,866	29,968	29,294	89,128
OT	0	0	0	28,914	29,922	29,254	88,090
Total:							
BA	25,763	15,885	15,172	34,861	34,898	34,331	135,147
OT	21,623	11,403	11,700	30,260	31,370	30,755	115,488
Armed Services Committee							
Current Law:							
BA	48,603	50,142	51,686	53,321	55,120	57,044	267,313
OT	48,786	50,126	51,629	53,234	55,034	56,954	266,977
Banking and Financial Services Committee							
Current Law:							
BA	2538	4050	4925	4479	3992	3938	21384
OT	−3,800	−2,142	−1,019	−1,294	−2,425	−2,361	−9,241
Discretionary Action:							
BA	0	0	0	0	0	0	0
OT	0	−107	−225	−304	−332	−361	−1,329
Total:							
BA	2,538	4,050	4,925	4,479	3,992	3,938	21,384
OT	−3,800	−2,249	−1,244	−1,598	−2,757	−2,722	−10,570
Committee on Education and the Workforce							
Current Law:							
BA	2,746	5,673	5,731	5,310	4,842	5,050	26,606
OT	1,638	4,928	5,177	4,962	4,551	4,559	24,177
Reauthorizations:							
BA	0	0	305	305	791	814	2,215
OT	0	0	58	244	699	810	1,811
Total:							
BA	2,746	5,673	6,036	5,615	5,633	5,864	28,821
OT	1,638	4,928	5,235	5,206	5,250	5,369	25,988
Commerce Committee							
Current Law:							
BA	7,810	8,265	8,799	10,374	15,153	16,240	58,831
OT	5,267	6,516	9,024	9,902	15,311	16,329	57,082
International Relations Committee							
Current Law:							
BA	9,908	11,385	11,715	11,799	11,813	12,098	58,810
OT	10,057	10,129	10,426	10,580	10,818	11,019	52,972
Government Reform Committee							
Current Law:							
BA	58,939	60,323	62,581	64,886	67,334	69,857	324,981
OT	57,462	58,905	61,212	63,575	66,128	68,719	318,539
Committee on House Administration							
Current Law:							
BA	120	113	87	89	86	87	462
OT	291	68	32	58	252	41	451
Resources Committee							
Current Law:							
BA	2,465	2,546	2,307	2,314	2,362	2,451	11,980
OT	2,446	2,493	2,339	2,431	2,378	2,400	12,041
Discretionary Action:							
BA	0	0	41	40	40	41	162
OT	0	0	−18	1	23	38	44
Total:							
BA	2,465	2,546	2,348	2,354	2,402	2,492	12,142
OT	2,446	2,493	2,321	2,432	2,401	2,438	12,085
Judiciary Committee							
Current Law:							
BA	3,688	5,590	5,177	5,261	5,333	5,332	26,693
OT	3,546	5,076	5,149	5,115	5,115	5,249	25,704

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES—Continued

[Committees other than appropriations]

[In millions of dollars]

	2000	2001	2002	2003	2004	2005	2001–05
Transportation and Infrastructure Committee							
Current Law:							
BA	47,668	51,193	49,090	49,765	12,224	12,271	17,4543
OT	9,923	9,747	9,700	9,701	9,508	9,213	47,869
Reauthorizations:							
BA	0	0	0	0	37,578	37,578	75,156
OT	0	0	0	0	104	306	410
Total:							
BA	47,668	51,193	49,090	49,765	49,802	49,849	249,699
OT	9,923	9,747	9,700	9,701	9,612	9,519	48,279
Science Committee							
Current Law:							
BA	90	81	60	61	62	62	326
OT	70	79	86	73	64	62	364
Small Business Committee							
Current Law:							
BA	−295	0	0	0	0	0	0
OT	−460	−195	−160	−150	−140	−100	−745
Veterans' Affairs Committee							
Current Law:							
BA	1,657	1,367	1,365	1,368	1,379	1,358	6,837
OT	1,417	1,273	1,392	1,355	1,372	1,359	6,751
Discretionary Action:							
BA	0	510	1,044	1,271	1,841	2,614	7,280
OT	0	479	998	1,224	1,791	2,545	7,037
Total:							
BA	1,657	1,877	2,409	2,639	3,220	3,972	14,117
OT	1,417	1,752	2,390	2,579	3,163	3,904	13,788
Ways and Means Committee							
Current Law:							
BA	671,727	697,871	712,893	716,096	736,022	763,480	3,626,362
OT	669,844	696,956	712,378	714,907	734,695	761,823	3,620,759
Reauthorizations:							
BA	0	0	215	19,718	19,919	19,925	59,777
OT	0	0	155	19,875	20,787	21,095	61,912
Discretionary Action:							
BA	−50	55	1,356	1,484	167	−27	3,035
OT	0	25	1,375	1,502	162	−26	3,038
Total:							
BA	671,677	697,926	714,464	737,298	756,108	783,378	3,689,174
OT	669,844	696,981	713,908	736,284	755,644	782,892	3,685,709

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT BUDGET YEAR TOTAL 2001

[In millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations:				
General Purpose Discretionary	541,095	547,279	0	0
Memo: on-budget	537,688	543,948		
Off-budget	3,407	3,331		
Highways	0	26,920	0	0
Mass Transit	0	4,639	0	0
Mandatory	327,879	310,226	0	0
Total	868,974	889,064	0	0
Agriculture, Nutrition, and Forestry	14,254	10,542	29,517	11,943
Armed Services	50,139	50,129	0	0
Banking, Housing and Urban Affairs	4,050	−2,339	0	0
Commerce, Science, and Transportation	7,341	3,433	739	737
Energy and Natural Resources	2,429	2,373	40	51
Environment and Public Works	39,643	2,029	0	0
Finance	708,475	705,890	165,436	165,915
Foreign Relations	11,364	10,107	0	0
Governmental Affairs	60,323	58,905	0	0
Judiciary	5,590	5,076	253	253
Health, Education, Labor, and Pensions	9,959	9,181	1,382	1,381
Rules and Administration	113	68	0	0
Veterans' Affairs	1,497	1,493	24,527	24,444
Indian Affairs	192	189	0	0
Small Business	0	−195	0	0
Unassigned to Committee	−313,951	−296,951	0	0
Total	1,470,392	1,448,994	221,894	204,724

IMPLEMENTATION AND ENFORCEMENT OF LEVELS

Section 301(b)(4) of the Budget Act permits the resolution to ''. . . require such other procedures, relating to the budget, as may be appropriate to carry out the purposes of this Act.'' Authority for Congress to determine its own rules is set forth in Section 5 of Article I of the United States Constitution. Under these authorities, budget resolutions have formulated congressional procedures to enforce budgetary limitations, accommodated legislation with costs not reflected in the resolution, and implemented the levels and assumptions set forth by the resolution.

ENFORCEMENT PROCEDURES

The Budget Act establishes procedures to enforce the levels set forth in the budget resolution. The budget resolution also can establish additional rules to enforce the budgetary levels it sets forth. Most budget-related rules so established are enforced through points of order that can be raised by any Member of the appropriate House immediately prior to the consideration of legislation. Usually such points of order may be raised against any bill or joint resolution, amendments thereto or a Conference Agreement thereon. In some cases, the points of order apply to certain motions.

House resolution

Section 5 extends an existing point of order established to prevent Social Security surpluses from being reduced. Subsection (a) provides various findings relating to the budgetary status of Social Security.

Subsection (b) establishes a freestanding rule prohibiting the consideration in the House or the Senate of any budget resolution

that sets forth an on-budget deficit. It recognizes that if the budget resolution provides for an on-budget deficit, it is implicitly relying on Social Security to finance the general operations of the Federal Government. Paragraph (2) clarifies that, for purposes of that section, deficit levels are those set forth in the resolution pursuant to section 301 of the Budget Act.

Section 6 prohibits the House from considering legislation that would reduce the surplus below the levels set forth in section 2(4) of the resolution (as adjusted for the reserve funds). The reason for this new rule is to ensure that the portion of the surplus reserved for tax cuts is used to pay down the debt if the tax reductions do not become law. Under current law, committees can circumvent the allocations, aggregates and discretionary limits by simply designating legislation an emergency. This designation results in a dollar-for-dollar increase in the allocations, aggregates, and discretionary spending limits. As one committee recently observed in a report accompanying a bill, the only real constraint on such committees is the adverse publicity that would result if the emergency-designated appropriations resulted in an on-budget deficit.

This restriction is enforced by a point of order which, if sustained, would preclude further consideration of an offending measure. The point of order would apply to both tax and spending bills. With respect to spending bills, the point of order would apply to both direct spending bills reported by authorizing committees and appropriations bills reported by the Appropriations Committee. For the purpose of the point of order, the surplus is the amount established in section 2(4). These levels are adjusted for the revenue legislation set forth in the reconciliation instructions in section 4 and are subject to the adjustments and reserve funds provided for in the resolution.

Section 31 establishes two new restrictions designed to prevent the House from considering legislation that circumvents the allocations and aggregates set forth in the budget resolution. Both restrictions are enforceable through points of order that preclude consideration of an offending measure. The points of order may be raised against any reported bill, joint resolution, amendment to such a measure or any resulting Conference Agreement. They are applicable in both the House and the Senate. These two restrictions are outlined below.

Subsection (a) prohibits the consideration of legislation that would direct the Congressional Budget Office [CBO] or the Office of Management and Budget [OMB] to estimate the costs of a measure in a specified manner. This subsection assumes that any type of directed scoring is intended to circumvent a committee's allocation, the budget resolution's aggregate levels of budget authority and outlays, or the discretionary spending limits set forth in the Deficit Control Act. In the absence of such directed scoring, CBO and OMB are required to adhere to scoring conventions set forth in sections 257 of the Deficit Control Act and the joint statement of managers accompanying the Balanced Budget Act of 1997 (H. Rept. 105–217).

Subsection (b)(1) prohibits the consideration of legislation that would provide an amount of advance discretionary spending exceeding $23 billion. Subsection (b)(2) defines an advance appropriation as any general appropriation for fiscal year 2001 that would provide budget authority first made available in fiscal year 2002 or later. A significant level of advanced appropriations is permitted because in some programmatic areas, such as education, the planning cycle of State or local government recipients does not coincide with the Federal budget cycle. These governments need to know in advance how much they will receive from the Federal Government in order to accurately develop their budgets.

The Committee assumes that in order to advise the presiding officer on a point of order, the chairman will monitor the current level of enacted advanced appropriations in conjunction with the Current Level reports required by sections 302(f), 311(a), and Rule 26 of the Rules of Procedure for the House Budget Committee.

Senate amendment

Section 201: Congressional Lockbox for Social Security Surpluses. The Senate amendment contains language which is very similar to section 201 of the Conference Agreement on the fiscal year 2000 budget resolution. This ''Social Security lockbox,'' as it is known, provides a point of order in both the House of Representatives and the Senate against a budget resolution that sets forth an on-budget deficit for any fiscal year. This ensures that Social Security surpluses can not be used to finance deficit spending.

The point of order will now be permanent and in the Senate will require 60 votes for a waiver or to sustain an appeal. In addition, a ''double lock'' is now attached to this lockbox point of order by adding a ''lookback''. The ''lookback'' requires that after the end of the fiscal year, in its next budget resolution, Congress must look back to see if any deficit spending has occurred and make the Social Security trust fund whole in the subsequent year by reducing future discretionary spending by an equivalent amount.

Section 207: Emergency Designation Point of Order in the Senate. The Senate amendment contains language which provides a 60–vote point of order in the Senate against any legislation (including Conference Agreements) that contains an emergency designation with respect to any spending or revenues. Subsection (g) contains an exception for all discretionary defense spending. This section is very similar to section 206 of the Conference Agreement on the fiscal year 2000 budget resolution with one exception: the point of order is now permanent. As was the case last year, the point of order would operate similar to the Senate's Byrd Rule (section 313 of the Budget Act) in that if the point of order is sustained, the offending language (in this case the emergency designation) can be excised from the bill, amendment or Conference Agreement, leaving the remainder intact. This is likely to result in the remaining language then being subject to some other Budget Act point of order because the additional spending would then be scored against either the discretionary spending limits, the section 311 aggregates, or a committee's allocation.

Section 208: Reserve Fund Pending the Increase of fiscal year 2001 Discretionary Spending Limits. Section 312(b) of the Budget Act provides a 60–vote point of order in the Senate against any legislation that exceeds the discretionary spending limits set forth in section 251 of the Deficit Control Act. This point of order applies to a concurrent resolution on the budget as well as substantive legislation. Sustaining the current discretionary spending limits is not feasible based on recent budget submissions by President Clinton and congressional action.

The Senate amendment envisions a level of discretionary spending which exceeds the current statutory limits. However, because of the restrictions of section 312(b), the functional totals and spending aggregates contained in this resolution technically indicate a level of discretionary spending that adheres to the current-law limits. The section 302(a) allocation to the Committee on Appropriations is also in compliance with the current limits. This is achieved by assuming a reserve amount within function 920 (allowances).

The Senate amendment contains language which provides the chairman of the Committee on the Budget in the Senate with the authority to adjust the section 302(a) allocation to the Committee on Appropriations up to the level of discretionary spending envisioned by the resolution, only after legislation has been enacted that increases the statutory discretionary spending limits. For the purposes of this section, the Senate amendment assumes that only the fiscal year 2001 limits will be increased. No assumption is made with respect to the appropriate level for fiscal year 2002. The Senate amendment also intends that in order to maintain mathematical consistency and accurate enforcement of the budget resolution, the chairman will also be authorized to adjust the aggregates contained in the resolution. Therefore it will be necessary to amend the language of section 208 to provide the chairman with this additional authority.

Section 209: Congressional Firewall for Defense and Non-Defense Spending. The Senate amendment contains language that, upon the enactment of legislation which increases the discretionary spending limits for fiscal year 2001, establishes a ''firewall'' between defense and nondefense discretionary spending in the Senate. This firewall consists of limits on the overall level of both defense and nondefense spending. The nondefense portion includes the outlays for both highways and mass transit. These limits will be enforced by a 60-vote point of order against a measure that exceeds the limits.

Section 210: Mechanisms for Strengthening Budgetary Integrity. The Senate amendment contains language establishing two new points of order in the Senate, one with respect to advanced appropriations and the other with respect to delayed obligations. Both points of order require 60–votes for a waiver or to sustain an appeal of the ruling of the Chair. Similar to the emergency designation point of order in section 207 of the Senate amendment, these points of order also operate like the Byrd Rule: if the point of order is sustained, the offending language will be excised from the measure—including the Conference Agreement. Both points of order expire at the end of fiscal year 2002 in keeping with the lifetime of the current discretionary spending limits.

Section 210(b) of the Senate amendment provides a point of order against any appropriation that results in the sum of all advances from fiscal year 2001 into fiscal year 2002 (or into any subsequent fiscal year) in excess of the amounts that were advanced from fiscal year 2000 into fiscal year 2001 for education programs ($23 billion).

Section 210(c) of the Senate amendment provides a point of order against the use of any delayed obligations in an appropriations bill with specific exceptions for any delays in the defense category and any reoccurring or customary delays (including a date and a dollar limitation) that are listed in this section. These specified delays total approximately $11.2 billion.

Section 210(g) of the Senate amendment provides guidance for interpreting the germaneness requirement found in section

305(b)(2) of the Budget Act . Section 305 requires that all amendments offered on the floor to a budget resolution or a reconciliation bill must be germane to the underlying legislation and is enforced by a 60-vote point of order in the Senate. The Senate amendment states that an amendment will be considered not germane if it contains only precatory (non-binding) language. This is designed to place a 60–vote hurdle with respect to what is commonly referred to as ''sense of the Senate'' amendments. Note that it is not meant to preclude the inclusion of ''purpose'' or ''findings'' language that is part of an otherwise substantive amendment.

Conference agreement

Section 201 of the Conference Agreement extends section 201 of H. Con. Res. 68, which prohibits the consideration in both the House and the Senate of any budget resolution that sets forth an on-budget deficit. Subsection (a) makes various findings regarding the relationship between the Social Security surplus and the Federal budget. This section is enforceable by a point of order that may be waived by a majority vote in the House and a three-fifths vote in the Senate. The rule applies to any budget resolution establishing levels for fiscal year 2002 or revising the levels set forth in this resolution for fiscal year 2001. It also applies to amendments or Conference Agreements on such resolutions. As with other budget-related points of order, determinations of the appropriate levels are made by the Budget Committee of the appropriate House. The Conference Agreement includes the exception contained in the Senate amendment for periods of war or low economic growth.

Section 202 of the Conference Agreement establishes a procedure for preserving the surpluses set forth in the resolution. This procedure applies only to the House. Section 202 specifically prohibits the consideration of any measure in the House that would reduce the surplus below the level set forth in section 101(4) (as appropriately adjusted). It is enforced by a point of order which, if sustained, would preclude consideration of the measure. The House conferees intend for determinations of whether a measure would cause the surplus to be less than the levels in the budget resolution in the same manner as such determinations are made under Section 311(a) of the Budget Act.

In order to enforce this provision, the House Budget Committee will monitor the current level of the surplus, which is a function of enacted spending and tax legislation, and the surplus levels set forth in the budget resolution.

This point of order will not preclude the consideration of legislation assumed in the appropriate surplus levels for which adjustments are made pursuant to sections 214 through 220.

The House conferees intend this mechanism to ensure that the surpluses reserved for either tax relief or debt reduction are not used to finance higher spending. Under current law and the terms of recent budget resolutions, there is nothing to prevent spending and tax legislation from eroding the surplus set forth in the resolution. A measure may implicitly tap into this surplus by providing an appropriation for any program or purpose enumerated in section 314 of the Budget Act. Doing so automatically increases the levels in the budget resolution above their original amounts, thereby reducing the current level of the surplus. This mechanism is designed to prevent this from happening.

Section 203 of the Conference Agreement provides for the enhanced enforcement of budgetary limits. It applies only to the House. Subsection (a) prohibits consideration in the House of appropriation bills containing directed scoring language. A directed scoring provision is defined as legislative language that directs CBO or OMB how to estimate the discretionary new budget authority of a provision for budget enforcement purposes. The House conferees intend for appropriate scoring conventions to be used to enforce the budget resolution under the Budget Act, and the appropriations caps and pay-as-you-go [PAYGO] requirements set forth in the Deficit Control Act. The conferees recognize it may be necessary to occasionally waive this provision in order to assure that costs are scored to the appropriate committee in omnibus appropriations bills. This subsection expires on January 1, 2001.

Subsection (b)(1) prohibits the consideration in the House of legislation that would provide an amount of advance discretionary spending exceeding $23.5 billion. Subsection (b)(2) defines an advance appropriation as any general appropriation for fiscal year 2001 that would provide budget authority first made available in fiscal year 2002 or later. This subsection also expires on January 1, 2001.

Section 204 of the Conference Agreement contains language establishing two new points of order in the Senate, one with respect to advance appropriations and the other with respect to delayed obligations. Total advances are limited to $23.5 billion and permissible delays include only those which are recurring or customary or relate to discretionary defense spending. Both points of order require 60–votes for a waiver or to sustain an appeal of the ruling of the Chair. Similar to the emergency designation point of order in section 207 of the Senate amendment, these points of order also operate like the Byrd Rule: if the point of order is sustained, the offending language will be excised from the measure—including any conference agreement. Both points of order expire at the end of fiscal year 2002 in keeping with the lifetime of the current discretionary spending limits. The Conference Agreement also retains the provision from section 210(g) of the Senate Amendment with a modification.

Section 205 of the Conference Agreement retains the language from section 207 of the Senate amendment which establishes a 60-vote point of order in the Senate against legislation (including Conference Agreements) that contains an emergency designation with respect to any spending or revenues. Subsection (g) contains an exception for all discretionary defense spending. This section is very similar to section 206 of the Conference Agreement on the fiscal year 2000 budget resolution with one exception: the point of order is now made permanent. As was the case last year, the point of order would operate similarly to the Senate's Byrd Rule (section 313 of the Budget Act) in that if the point of order is sustained, the offending language (in this case the emergency designation) can be excised from the bill, amendment or Conference Agreement, leaving the remainder in tact. This is likely to result in the remaining language then being subject to some other Budget Act point of order because the additional spending would then be scored against either the discretionary spending limits, the section 311 aggregates, or a committee's allocation.

Section 206 of the Conference Agreement retains the language from section 208 of the Senate amendment and establishes a mechanism in the Senate for implementing an increase in fiscal year 2001 discretionary spending limits. This provision permits the chairman of the Senate Committee on the Budget to revise the section 302(a) allocation to the Committee on Appropriations (and other appropriate budgetary levels), once an increase in the discretionary spending limits for fiscal year 2001 is enacted.

Section 207 of the Conference Agreement retains the language of section 209 of the Senate amendment and provides that, upon the enactment of legislation increasing the discretionary spending limits for fiscal year 2001, there is established a ''firewall'' between defense and nondefense discretionary spending in the Senate. This firewall consists of limits on the overall level of both defense and nondefense spending. The nondefense portion includes the outlays for both highways and mass transit. These limits will be enforced by a 60–vote point of order against a measure that exceeds the limits.

The Senate's PAYGO point of order was modified in section 207 of the Conference Agreement on the fiscal year 2000 budget resolution to make clear that spending of on-budget surpluses would not violate the PAYGO rule. This rule continues in effect, unchanged by this resolution, and is reprinted below:

PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE

See Section 207 of H. Con. Res. 68 (106th Cong. 1st Sess.)

(a) PURPOSES.—The Senate declares that it is essential to—

(1) ensure continued compliance with the balanced budget plan set forth in this resolution; and

(2) continue the pay-as-you-go enforcement system.

(b) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any one of the three applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For purposes of this subsection the term ''applicable time period'' means any one of the three following periods:

(A) The first year covered by the most recently adopted concurrent resolution on the budget.

(B) The period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(C) The period of the 5 fiscal years following the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(3) DIRECT-SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term ''direct-spending legislation'' means any bill, joint resolution, amendment, motion, or Conference Agreement that affects direct spending as that term is defined by and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) EXCLUSION.—For purposes of this subsection the terms ''direct-spending legislation''and ''revenue legislation'' do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(5) BASELINE.—Estimates prepared pursuant to this section shall—

(A) use the baseline used for the most recently adopted concurrent resolution on the budget; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, then it must also increase the on-budget deficit or causes an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that the direct spending or revenue effects resulting from legislation enacted pursuant to the reconciliation instructions included in that concurrent resolution on the budget shall not be available.

(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(f) CONFORMING AMENDMENT.—Section 23 of House Concurrent Resolution 218 (103d Congress) is repealed.

(g) SUNSET.—Subsections (a) through (e) of this section shall expire September 30, 2002.

The Senate amendment assumes that the on-budget surplus be placed on the Senate's PAYGO scorecard. The baseline on-budget surpluses are shown on the table below:

[In billions of dollars]

	Fiscal year—											
	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	5 yr.	10 yr.
Baseline on-budget surplus	26.509	54.330	77.487	105.636	132.475	197.085	248.281	290.469	348.599	410.089	396.437	1,890.961

RESERVE FUNDS

Reserve funds are special procedures for adjusting the levels in the budget resolution to accommodate specified classes of legislation. Usually the cost of these bills is not assumed in either the total revenue and spending levels or the appropriate committee's 302(a) allocations. In the absence of the adjustments, any reported bill would exceed the reporting committees' allocations in violation of section 302(f) of the Budget Act, subjecting it to a point of order which could preclude the applicable House from considering the measure. The adjustments are usually automatically triggered by the consideration of a measure on the House or Senate floor. In the case of the reserve funds set forth herein, the adjustments may be made at the discretion of the Budget Committee chairman of the House in which the measure is being considered and are subject to various limitations.

House resolution

Section 7 establishes several procedures to ensure that an amount equal to the revenue reduction assumed for tax relief is used for that purpose, or, if the tax legislation is not enacted into law, used to reduce the public debt. Subsection (a) directs the Budget Committee chairman to reduce the aggregate by the amount that Federal revenues should be changed for fiscal year 2001 ($150 billion over 5 years) to zero. In subsection (b), this level is then increased as each of the reconciliation bills is considered by Congress. Because only specified bills would cause the adjustment to be made, any other bill that would use the revenue for other purposes would be subject to a point of order.

Section 8 provides a reserve fund of $50 billion that may be used for tax relief or debt reduction. Any part of this reserve fund used for tax relief would be in addition to the tax relief assumed in section 2(1). If the Committee on Ways and Means reports legislation reducing revenue by an amount in excess of its reconciliation instructions, subsection (b) allows the Budget Committee chairman to increase the aggregate level of revenue reduction by that amount. The total increase under this section, however, may not exceed $5.155 billion in fiscal year 2001 and $50 billion over 5 years.

Section 9 provides for an adjustment in the appropriate levels of the budget resolution if the Congressional Budget Office [CBO] releases a report projecting an increase in the on-budget surplus. If there is an increase in the surplus relative to the CBO estimates underlying the budget resolution, the Budget Committee chairman has the option to choose among any combination of the following: increasing the allocations to the authorizing committees; increasing the allocation of debt held by the public; and increasing the amount of revenue reduction. The sum of the adjustments may not exceed the projected increase in the surplus for fiscal year 2000 and for the period of fiscal years 2001 through 2005 included in the updated CBO report. Additionally, section 9 permits the Budget Committee chairman to direct the Committee on Ways and Means to report a bill reducing debt held by the public by an amount equal to any increase in the surplus for fiscal year 2000.

Section 10 establishes a reserve fund for certain Medicare-related legislation. The Budget Committee chairman has the option to increase the allocations of budget authority and outlays to the Committees on Ways and Means and Commerce, and the aggregates for legislation providing for Medicare reform and prescription drug coverage. The adjustments are in the amounts provided by the bill for the specified purpose, but not to exceed $2 billion in budget authority and outlays in fiscal year 2001 and $40 billion in budget authority and outlays over the 5–year period. The reserve fund assumes that this legislation will not be included in a reconciliation bill.

Section 11 establishes a reserve fund for agriculture for fiscal year 2000. The Budget Committee chairman is authorized to increase the allocations of budget authority and outlays to the Committee on Agriculture for legislation that provides income assistance to farmers and farm producers. The reserve fund is based on the assumption that the legislation will be reported by the Committee on Agriculture as a freestanding bill, rather than included in a supplemental appropriations bill, as has been the case in previous years. The chairman of the Budget Committee may make the adjustment by whatever amount of budget authority and resulting outlays are provided by the bill, but in no event may the adjustment exceed $6 billion in fiscal year 2000. The resolution assumes all of the budget authority will be obligated and paid out of the Treasury in fiscal year 2000.

Section 12 provides a reserve fund for risk management or income support legislation in fiscal year 2001 similar to that included in last year's budget resolution. The reserve fund authorizes the Budget Committee chairman to increase the allocations of budget authority and outlays to the Committee on Agriculture for legislation related to crop insurance or other income support measures. The adjustment is at the option of the chairman, but must be in the amount of budget authority and resulting outlays provided by the bill, but may not exceed $1.355 billion in budget authority and $595 million in outlays in fiscal year 2001, and $8.539 billion in budget authority and $7.223 billion in outlays over the 5-year period. The committee notes that a crop insurance bill, H.R. 2559, passed the House last year with a comparable adjustment in the fiscal year 2000 budget resolution (H. Con. Res 68) and has yet to be taken up by the Senate.

Section 13 sets forth the procedures for making adjustments pursuant to the reserve funds. Subsections (a)(1) and (2) provide that the adjustments are made only during the interval that the legislation is under consideration and do not take effect until the legislation is enacted. The treatment of these reserve funds is consistent with the treatment of adjustments for emergencies and other programs and initiatives under section 314 of the Budget Act.

Subsection (a)(3) provides that in order to make the adjustments for the reserve funds, the chairman must insert appropriate language in the Congressional Record.

Subsection (b) clarifies that any adjustments made under any of the reserve funds in the resolution have the same effect as if they were part of the original levels set forth in section 3. In other words, the adjusted levels, after they are made, are used to enforce points of order against legislation that is inconsistent with the budget resolution's allocations and aggregates.

Subsection (c) clarifies that the Committee on the Budget determines the estimates used to enforce points of order, as is the case for enforcing budget-related points of order pursuant to section 312 of the Budget Act.

Senate amendment

Section 202: Reserve Fund for Medicare. The Senate amendment contains language in section 202 establishing a two-part reserve fund for Medicare legislation.

Subsection (a) permits the chairman of the Committee on the Budget to adjust the section 302(a) allocation to the Committee on Finance, and the aggregates and other appropriate budgetary levels for legislation that

provides a Medicare prescription drug benefit if the cost of the legislation does not exceed $20 billion over the period of fiscal years 2001 through 2003 and the legislation does not cause an on-budget deficit in any of these years.

Subsection (b) provides that if the Committee on Finance fails to report such legislation prior to September 1, 2000, the adjustments permitted by subsection (a) shall be made with respect to any legislation considered in the Senate containing a prescription drug benefit.

Subsection (c) permits the chairman of the Committee on the Budget to adjust the section 302(a) allocation to the Committee on Finance and the spending aggregates for legislation which provides an additional $20 billion for fiscal years 2004 and 2005 if the Committee on Finance reports legislation that extends the solvency of the Medicare Hospital Insurance trust fund without the use of new subsidies from the general fund, without decreasing beneficiaries' access to health care, and excludes the cost of extending and modifying the prescription drug benefit crafted pursuant to the first part of the reserve fund. The Committee assumes that Medicare reform efforts will ensure adequate reimbursement for Medicare providers. The allocation of this $20 billion cannot cause an on-budget deficit in either 2004 or 2005.

Section 203: Reserve Fund for the Stabilization of Payments to Counties in Support of Education. The Senate amendment contains language providing a reserve fund that would allow the chairman of the Committee on the Budget to adjust the section 302(a) allocation to the Energy and Natural Resources Committee for legislation providing additional mandatory spending for the stabilization of receipt-based payments to counties that support school and road systems and also provides a portion of those payments toward local investments in Federal lands within those counties. Adjustments may also be made for amendments that bring the reported legislation into compliance with the terms of this reserve fund. The reserve fund requires that the committee report this legislation and that the cost shall not exceed $200,000,000 in the first year and not more than $1,100,000,000 for fiscal years 2001 through 2005.

Section 204: Reserve Fund for Agriculture. The Senate amendment contains language providing a reserve fund that would allow the chairman of the Committee on the Budget to adjust the section 302 allocation to the Committee on Agriculture, Nutrition, and Forestry for legislation providing for additional mandatory spending for assistance for producers of program crops and specialty crops, enhancement for agriculture conservation programs, and perhaps other programs within the committee's jurisdiction. The reserve fund can only be triggered if the committee reports legislation to the Senate on or before June 29, 2000. Adjustments may also be made for amendments that bring the reported legislation into compliance with the terms of this reserve fund. The cost of such legislation shall not exceed $5,500,000,000 for fiscal year 2000; $1,640,000,000 for fiscal year 2001; and $3,000,000,000 for fiscal years 2001 through 2005.

Section 205: Tax Reduction Reserve Fund in the Senate. The Senate amendment contains language providing a reserve fund that allows the chairman of the Committee on the Budget to adjust the spending and revenue aggregates for legislation that reduces revenues as long as the legislation does not cause an on-budget deficit for the first year or the sum of the 5 years covered by this resolution.

Section 206: Mechanism for Additional Debt Reduction. If either or both of the tax reconciliation bills envisioned by section 104 of the Senate amendment or the Medicare/Prescription drug legislation envisioned by section 202 of the Senate amendment do not become law (because they are never enacted by the Congress or the President vetoes the measures), the Conference Agreement contains language which would allow the chairman of the Budget Committee to reduce the balances available on the Senate's pay-go scorecard and adjust the aggregates and committee allocations to prevent these ''reconciled'' or ''reserved'' amounts from being used for anything other than reduction of debt held by the public. In addition, the debt held by the public levels shown in section 101(6) of this resolution will be reduced by those same amounts to make clear that these funds are dedicated to debt reduction.

Section 214: Reserve Fund to Foster the Health of Children with Disabilities and the Employment and Independence of Their Families. The Senate amendment contains language that provides a reserve fund that would allow the chairman of the Committee on the Budget to adjust the section 302(a) allocation to the Committee on Finance and the spending aggregate for legislation which facilitates children with disabilities receiving needed health care at home while still allowing their families to become or remain employed. The reserve fund can only be triggered if the committee reports legislation to the Senate. Adjustments may also be made for amendments that bring the reported legislation into compliance with the terms of this reserve fund. This will permit such legislation to make use of any on-budget surpluses. However, the cost of such legislation shall not exceed $50,000,000 for fiscal year 2001; and $300,000,000 for fiscal years 2001 through 2005.

Section 216: Reserve Fund for Military Retiree Health Care. The Senate amendment contains language providing a reserve fund that would allow the chairman of the Committee on the Budget to adjust the section 302(a) allocation to the Committee on Armed Services, and other budgetary aggregates and limits, for legislation that funds improvements to health care programs for military retirees and their dependents in the fiscal year 2001 Department of Defense authorization legislation. The reserve fund can only be triggered if the committee reports such legislation to the Senate. The cost of such legislation may not cause an on-budget deficit for fiscal year 2001 or the sum of fiscal years 2001 through 2005.

Section 217: Reserve Fund for Early Learning and Parent Support Programs. The Senate amendment contains language that provides a reserve fund that would allow the chairman of the Committee on the Budget in the House and Senate to adjust the section 302(a) allocation to the Committee on Education and the Workforce of the House of Representatives or the Committee on Health, Education, Labor, and Pensions in the Senate, and other budgetary aggregates and limits, for legislation that improves opportunities at the local level for early learning, brain development, and school readiness and offers support programs for their families. The cost of such legislation may not cause an on-budget deficit and may not exceed $8.5 billion in budget authority for the sum of fiscal years 2001 through 2005.

Conference agreement

Section 211 of the Conference Agreement establishes a procedure to ensure that if any of the reconciliation bills pursuant to sections 103(a) and 104, Medicare reform/prescription drug bills pursuant to sections 214 and 215, and other freestanding tax bills are not enacted into law, then the amount of the surplus reserved for these bills will be used to reduce debt. This will be displayed by permitting the chairmen to reduce the advisory levels of debt held by the public. The chairmen of the Budget Committees are authorized to increase the revenue aggregates by the difference between the assumed tax cut and the amount of any tax cuts actually enacted after the date of the adoption of this resolution. In the same fashion, each Chairman may reduce the spending aggregates by the difference between the amount assumed for Medicare reform/prescription drugs and the amount of spending provided by any such enacted legislation. If any changes in the aggregates are made under this section, then the Senate Budget Committee chairman is authorized to make the appropriate changes in the Senate's PAYGO balances. This section would also reduce any adjustment made under section 213 to the extent that the adjustments exceed the costs of enacted legislation as of the date the Chairmen make the adjustments under this section.

Section 212 of the Conference Agreement establishes a reserve fund to accommodate an additional $25 billion in tax relief or debt reduction. This section applies to both the House and the Senate. Under this section, the Budget Committee chairman of the appropriate House may adjust the revenue aggregate by the amount the legislation reduces revenue in excess of the reconciled $11.6 billion in fiscal year 2001 and $150 billion over 5 years (when all other legislation reducing revenues enacted after the adoption of this concurrent resolution has been taken into account), but not to exceed the $1 billion in fiscal year 2001 and $25 billion in fiscal years 2001 through 2005. This amount is in addition to any adjustment triggered by CBO's update to The Budget and Economic Outlook referred to in section 213.

Section 213 of the Conference Agreement establishes a reserve fund to accommodate additional tax relief or debt reduction if the estimates of the projected on-budget surplus increases. It applies to both the House and the Senate. The Budget Committee chairman of each House may increase the aggregate level of revenue reduction, and adjust the reconciliation instructions accordingly, by an amount not to exceed the projected increase in the on-budget surplus as estimated in the next update to The Budget and Economic Outlook published by the Congressional Budget Office [CBO]. This increase is relative to the corresponding levels as reported in The Budget and Economic Outlook published by CBO in March 2000 which underlie this budget resolution. If these additional surpluses are not applied to additional tax reduction, the level of debt held by the public will be automatically reduced. If CBO projects an increase in the surplus for fiscal year 2000, this section authorizes the House Budget chairman to reduce the debt levels and direct the Committee on Ways and Means to report a bill reducing debt held by the public by the amount of the increase in the surplus for that fiscal year.

Section 214 of the Conference Agreement establishes a reserve fund for legislation that provides for Medicare reform and prescription drug coverage. This reserve fund applies only in the House. The Budget Committee chairman is authorized to increase the appropriate allocations of budget authority and outlays to the House Ways and Means

Committee and the House Commerce Committee, and aggregates if necessary, by the amount of budget authority and outlays provided by the measure for the specified purpose. In no event may the amount of the adjustment exceed $2.0 billion in budget authority and outlays in fiscal year 2001 and $40 billion in budget authority and outlays over 5 years.

Section 215 of the Conference Agreement establishes a reserve fund for Medicare in the Senate. It contains language which establishes a two-part reserve fund for Medicare legislation.

Subsection (a) permits the chairman of the Committee on the Budget to adjust the section 302(a) allocation to the Committee on Finance, and the aggregates and other appropriate budgetary levels for legislation which provides a Medicare prescription drug benefit if the cost of the legislation does not exceed $20 billion over the period of fiscal years 2001 through 2005 and the legislation does not cause an on-budget deficit in any of these years.

Subsection (b) permits the chairman of the Committee on the Budget to adjust the section 302(a) allocation to the Committee on Finance and other aggregates for legislation which provides $40 billion for fiscal years 2001 through 2005 if the Committee on Finance reports legislation which improves the solvency of the Medicare program without the use of new subsidies from the general fund and improves access to prescription drugs (or continues access provided under subsection (a)). The amount provided under this subsection will be reduced by any amount provided for legislation considered in the Senate under subsection (a). The allocation of this $40 billion may not cause an on-budget deficit in any fiscal year.

Section 216 of the Conference Agreement establishes a reserve fund for legislation that provides assistance for producers of program and specialty crops. It applies in both the House and the Senate. The Budget Committee chairman of the appropriate House is authorized to increase the 302(a) allocations for fiscal years 2000 and 2001 for the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry by the amount of budget authority and resulting outlays provided by the measure for the specified purpose. In no event may the amount of the adjustment exceed $5.5 billion in budget authority and outlays in fiscal year 2000, and 1.64 billion in budget authority and outlays in fiscal year 2001. The conferees have based this reserve fund on the assumption that it will be considered as part of a freestanding bill reported by the authorizing committees rather than incorporated into an appropriations measure.

Section 217 of the Conference Agreement establishes a reserve fund to accommodate legislation for health programs designed to allow children with disabilities to obtain access to home health services and enable their parents to seek employment. This reserve fund applies to both the House and Senate. The Budget Committee chairman of the appropriate House may make adjustments to the 302(a) allocations of the House Commerce Committee and the Senate Finance Committee by the amount of budget authority and outlays provided by the bill. In no event may the amount of the adjustment exceed $25 million in budget authority and outlays in fiscal year 2001 and $150 million in budget authority and outlays over 5 years.

Section 218 of the Conference Agreement establishes a reserve fund for legislation that improves military retiree health care programs. It applies in both the House and Senate. The Budget Committee chairman of the appropriate House may increase the 302(a) allocations for the House and Senate Committees on Armed Services by the amount of budget authority and outlays provided by the bill for the specified purpose. In no event may the amount of the adjustment exceed $50 million in budget authority and outlays in fiscal year 2001 and $400 million in budget authority and outlays over 5 years. In addition, the chairman may not make an adjustment if the enactment of the legislation would cause an on-budget deficit in fiscal year 2001 or the 5 year period.

Section 219 of the Conference Agreement establishes a new reserve fund for legislation that accelerates enrollment of uninsured children in Medicaid and the State Children's Health Insurance Programs or provides Medicaid coverage for women diagnosed with breast or cervical cancer through the screening programs of the Centers for Disease Control. It applies in both the House and the Senate. The Budget Committee chairman of the appropriate House is authorized to increase the 302(a) allocations to the House Commerce Committee and the Senate Finance Committee by the amount of budget authority and outlays provided by the bill. In no event may the amount of the adjustment exceed $50 million in budget authority and outlays for fiscal year 2001 and $250 million in budget authority and outlays for the 5 year period.

Section 220 of the Conference Agreement establishes a reserve fund for legislation providing for stabilization of payments to counties in support of education. It applies in both the House and Senate. The Budget Committee chairman of the appropriate House may increase the 302(a) allocations for the House Committees on Agriculture and Resources and the Senate Committee on Energy and Natural Resources by the amount of budget authority and outlays provided by the bill for the specified purpose. In no event may the amount of the adjustment exceed $200 million in budget authority and outlays in fiscal year 2001 and $1.1 billion in budget authority and outlays over 5 years. In addition, the section requires that, for the adjustment to be made, the legislation must provide for the stabilization of receipt-based payments to counties that support school and road systems and must also provide for a portion of those payments to be dedicated toward local investments in Federal lands within the counties.

Section 221 of the Conference Agreement is similar to the language included in the Senate amendment which provides for a reserve fund that allows the Senate chairman of the Committee on the Budget to adjust the spending and revenue aggregate for legislation that reduces revenues as long as the legislation does not cause an on-budget deficit for the first year or the sum of the 5 years covered by this resolution. The House has standing authority to consider such legislation under Section 302(g)(1)(B) of the Budget Act.

Section 222 of the Conference Agreement sets forth the procedures by which the Budget Committee chairman may make the adjustments for the reserve funds established under this subtitle. Subsection (a) clarifies that the adjustments are made only when the measure is considered and become permanent only when the measure is enacted. Subsection (b) provides that the adjusted levels are used to enforce subsequent budget-related points of order. Subsection (c) reiterates the role of the Budget Committee in advising the presiding officer of the House regarding the budgetary effects of legislation subject to such points of order.

MISCELLANEOUS PROVISIONS

Under 301(b)(4) of the Budget Act and its standing authority under the U.S. Constitution, the budget resolution includes enforcement-related provisions other than points of order and reserve funds. These provisions include various directives relating to scoring conventions and a reaffirmation of the rule making authority of the U.S. Congress.

House resolution

No house provisions are included in this section.

Senate amendment

Section 211: Prohibition on the use of Federal Reserve Surpluses. The Senate amendment contains language that is designed to ensure that transfers from non-budgetary governmental entities such as the Federal Reserve banks shall not be used to offset increased on-budget spending when such transfers produce no real budgetary effects. It has long been the view of the Committee on the Budget that transfers of Federal Reserve surpluses to the Treasury are not valid offsets for increased spending. Nonetheless, such transfers have been legislated in the past—as recently as the fall of 1999. The purpose of this section is to establish a scoring rule to make clear that such transfers will not be taken into account when determining compliance with the various Budget Act and Senate pay-go points of order.

Section 212: Reaffirming the Prohibition on the use of Revenue Offsets for Discretionary Spending. The Senate amendment contains language that is intended to emphasize the longstanding view of the Congressional Budget Committees and the Congressional Budget Office that changes in revenues shall not be scored in appropriations legislation. This means that tax increases shall not be used as offsets for increased discretionary spending. The Committee on the Budget finds it necessary to set this forth in this budget resolution in response to the President once again asserting in his fiscal year 2001 budget that an increase in tobacco taxes can be used to offset huge increases in discretionary spending.

Section 213: Application and Effect of Changes in Allocations and Aggregates. The Senate amendment contains language that is similar to the language found in section 208 of the Conference Agreement on the fiscal year 2000 budget resolution. This language clarifies how and when any adjustments to the allocations or aggregates or pay-go balances permitted by the various reserve funds contained in the Conference Agreement may be made.

Section 215: Exercise of Rule making Powers. The Senate amendment contains language regarding the rule making authority of each of the Houses of Congress.

Conference Agreement

Section 231 of the Conference Agreement, which applies to the House only, reflects the Senate treatment for function 650, which consists of on-budget payments by the Treasury Department to the OASDI Trust Funds for income taxes on Social Security benefits. In a significant departure from the House bill and from conference reports since 1991, the function 650 levels do not include the administrative expenses that were included in the House resolution and in recent conference reports in previous years. These expenses were not included in the function out of a belated recognition that such expenses

were taken off budget by the Budget Enforcement Act [BEA] of 1990. Section 13301 of that Act provided, in part:

''(A) EXCLUSION OF SOCIAL SECURITY FROM ALL BUDGETS.—Notwithstanding any other provision of law, the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Disability Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of * * * (2) the congressional budget''.

Nevertheless, Congress continued to include administrative expenses for Social Security in function 650 because they were clearly discretionary—that is, they are controlled through the annual appropriations process. Because section 302(a) of the Budget Act provides that the allocation must be ''consistent'' with the functional levels and aggregates, it was originally considered necessary to include these amounts in the function 650 levels and the aggregate.

The other reason for changing the treatment of Social Security is that the Congressional Budget Office [CBO] already excludes Social Security administrative expenses from its budgetary projections of on-budget revenue, spending, and surplus or deficit levels. As a consequence, CBO projections have not been comparable to the levels underlying the House and Senate budget resolutions. This has caused confusion among Members of Congress who have sought to make comparisons between CBO's projections and the levels set forth in the budget resolution.

To comply with the BEA and standardize congressional scoring for Social Security, section 231 of the conference report provides clear authority to include administrative amounts in the 302(a) allocation to the Appropriations Committee, even though such levels will no longer be included in the on-budget totals and function levels.

Subsection (b) clarifies that any determination under section 302(f) of the Budget Act include any amounts provided in the measure for discretionary administrative expenses of the Social Security Administration.

Section 232 of the Conference Agreement retains the language of section 211 of the Senate amendment. It contains language that is designed to ensure that transfers from non-budgetary governmental entities such as the Federal Reserve banks shall not be used to offset increased on-budget spending when such transfers produce no real budgetary effects. It has long been the view of the Committee on the Budget that transfers of Federal Reserve surpluses to the Treasury are not valid offsets for increased spending. Nonetheless, such transfers have been legislated in the past—as recently as the fall of 1999. The purpose of this section is to establish a scoring rule to make clear that such transfers will not be taken into account when determining compliance with the various Budget Act and Senate pay-go points of order.

Section 233 of the Conference Agreement is similar to section 212 of the Senate amendment. It contains language that is intended to emphasize the longstanding view of the congressional Budget Committees and the Congressional Budget Office that changes in revenues included in appropriations legislation shall nonetheless be scored on the PAYGO scorecard. This means that tax increases shall not be used as offsets for increased discretionary spending. The Committees on the Budget find it necessary to set this forth in this budget resolution in response to the President once again asserting in his fiscal year 2001 budget that an increase in taxes can be used to offset increases in discretionary spending.

Section 234 of the Conference Agreement adopts the language contained in section 215 of the Senate amendment. This provision restates that the rules set forth in this budget resolution are considered a part of the rules of each House or the House to which they specifically apply. This section further recognizes the constitutional right of each House to change provisions of the resolution through subsequent rule making.

ECONOMIC ASSUMPTIONS

Section 301(g)(2) of the Congressional Budget Act requires that the joint explanatory statement accompanying a conference report on a budget resolution set forth the common economic assumptions upon which the joint statement and conference report are based. The conference agreement is built on the economic assumptions developed by the Congressional Budget Office [CBO] and presented in CBO's The Budget and Economic Outlook: Fiscal Years 2001–2010.

House Resolution.—CBO's economic assumptions were used.

Senate Amendment.—CBO's economic assumptions were used.

Conference Agreement.—CBO's economic assumptions were used.

ECONOMIC ASSUMPTIONS OF THE BUDGET RESOLUTION

[By calendar years]

	2000	2001	2002	2003	2004	2005
Real GDP (percent year over year)	3.3	3.1	2.8	2.6	2.6	2.7
GDP Price Index (percent year over year)	1.6	1.6	1.7	1.7	1.7	1.7
Consumer Price Inflation (percent year over year)	2.5	2.4	2.5	2.5	2.5	2.5
Unemployment Rate (annual rate)	4.1	4.2	4.4	4.7	4.8	5.0
3–month Treasury Bills Rate (annual rate)	5.4	5.6	5.3	4.9	4.8	4.8
10–year Treasury Note rate (annual rate)	6.3	6.4	6.1	5.8	5.7	5.7
Corporate (Book) Profits (percent of GDP)	8.6	8.2	7.8	7.6	7.4	7.3
Wage and Salary (percent of GDP)	48.8	48.8	48.9	48.9	48.9	48.9

SENSES OF THE HOUSE, SENATE AND CONGRESS

House resolution

The House budget resolution contains the following senses of the House or Congress that have no legal force but reflect the Congress' views on a variety of budget-related issues. The section numbers and section headings of these reserve funds are as follows:

Section 5(c). Sense of Congress endorsing legislation establishing a limit on debt held by the public.

Section 8(b). Sense of Congress on additional health-related tax relief.

Section 8(c). Sense of Congress on Federal employees' benefit package.

Section 14. Sense of Congress on waste, fraud and abuse.

Section 15. Sense of Congress on providing additional dollars to the classroom.

Section 16. Sense of Congress regarding emergency spending.

Section 17. Sense of the House on estimates of the impact of regulations on the private sector.

Section 18. Sense of the House on biennial budgeting.

Section 19. Sense of Congress on access to health insurance and preserving home health services for all medicare beneficiaries.

Section 20. Sense of Congress regarding Medicare+Choice programs/reimbursement rates.

Section 21. Sense of the House on directing the Internal Revenue Service to accept negative numbers in farm income averaging.

Section 22. Sense of the House regarding the stabilization of certain Federal Payments to States, counties, and boroughs.

Section 23. Sense of Congress on the importance of the National Science Foundation.

Section 24. Sense of Congress regarding skilled nursing facilities.

Section 25. Sense of Congress on special education.

Section 26. Sense of Congress on assumed funding levels for special education.

Section 27. Sense of Congress on a federal employee pay raise.

Section 28. Sense of Congress regarding HCFA draft guidelines.

Section 29. Sense of Congress on asset-building for the working poor.

Section 30. Sense of Congress on the importance of supporting the Nation's emergency first-responders

Senate amendment

The Senate amendment included the following sense of the Senate or sense of the Congress provisions:

Section 301. Sense of the Senate on controlling and eliminating the growing international problem of tuberculosis.

Section 302. Sense of the Senate on increased funding for the child care and development block grant.

Section 303. Sense of the Senate on tax relief for college tuition paid and for interest paid on student loans.

Section 304. Sense of the Senate on increased funding for the National Institutes of Health.

Section 305. Sense of the Senate supporting funding levels in Educational Opportunities Act.

Section 306. Sense of the Senate on additional budgetary resources.

Section 307. Sense of the Senate regarding the inadequacy of the payments for skilled nursing care.

Section 308. Sense of the Senate on the CARA programs.

Section 309. Sense of the Senate on Veteran's Medical Care.

Section 310. Sense of the Senate on Impact Aid.

Section 311. Sense of the Senate on funding for increased acreage under the Conservation Reserve Program and the Wetlands Reserve Program and the Wetlands Reserve Program.

Section 312. Sense of the Senate on tax simplification.

Section 313. Sense of the Senate on antitrust enforcement by the Department of Justice and Federal Trade Commission regarding agriculture mergers, and anti-competitive activity.

Section 314. Sense of the Senate regarding fair markets for American farmers.

Section 315. Sense of the Senate on women and social security reform.

Section 316. Protection of battered women and children.

Section 317. Use of False Claims Act in combating Medicare fraud.

Section 318. Sense of the Senate regarding the National Guard.

Section 319. Sense of the Senate regarding military readiness.

Section 320. Sense of the Senate on compensation for the Chinese Embassy bombing in Belgrade.

Section 321. Sense of the Senate supporting funding of digital opportunity initiatives.

Section 322. Sense of the Senate regarding immunization funding.

Section 323. Sense of the Senate regarding tax credits for small businesses providing health insurance to low-income employees.

Section 324. Sense of the Senate on funding for criminal justice.

Section 325. Sense of the Senate regarding the Pell Grant.

Section 326. Sense of the Senate regarding comprehensive public education reform.

Section 327. Sense of the Senate on providing adequate funding for United States International Leadership.

Section 328. Sense of the Senate concerning the HIV/AIDS crisis.

Section 329. Sense of the Senate regarding tribal colleges.

Section 330. Sense of the Senate to provide relief form the marriage penalty.

Section 331. Sense of the Senate on Federal fuel taxes.

Section 332. Senate of the Senate on the internal combustion engine.

Section 333. Sense of the Senate regarding a national background check system for long-term care workers.

Section 334. Sense of the Senate concerning the price of prescription drugs.

Section 335. Sense of the Senate against Federal funding of smoke shops.

Section 336. Sense of the Senate regarding the need to reduce gun violence in America.

Section 337. Sense of the Senate supporting additional funding for fiscal year 2001 for medical care for our Nation's veterans.

Section 338. Sense of the Senate regarding medical care for veterans.

Section 339. Sense of the Senate concerning investment of Social Security trust funds.

Section 340. Sense of the Senate regarding digital opportunity.

Section 341. Sense of the Senate regarding Medicare prescription drugs.

Section 342. Sense of the Senate concerning funding for new education programs.

Section 343. Sense of the Senate regarding enforcement of Federal firearm laws.

Section 344. Sense of the Senate regarding the census.

Section 345. Sense of the Senate that any increase in the minimum wage should be accompanied by tax relief for small businesses.

Section 346. Sense of the Senate concerning the minimum wage.

Section 347. Sense of Congress regarding funding for the participation of members of the uniformed services in the Thrift Savings Plan.

Section 348. Sense of the Senate concerning protecting the Social Security trust funds.

Section 349. Sense of the Senate concerning regulation of tobacco products.

Section 350. Sense of the Senate regarding after school programs.

Section 351. Sense of the Senate regarding cash balances pension plan conversions.

Section 352. Sense of the Senate concerning uninsured and low-income individuals in medically underserved communities.

Section 353. Sense of the Senate concerning fiscal year 2001 funding for the United States Coast Guard.

Conference Agreement

The Conference Agreement contains the following non-binding language that expresses the will or intent of either or both Houses of the Congress on a variety of budget-related issues:

The Conference Agreement contains the following senses of the House:

Section 311. Sense of the House on waste, fraud and abuse.

Section 312. Sense of the House regarding emergency spending.

Section 313. Sense of the House on estimates of the impact of regulations on the private sector.

Section 314. Sense of the House on biennial budgeting.

Section 315. Sense of the House on access to health insurance and preserving home health services for all medicare beneficiaries.

Section 316. Sense of the House regarding Medicare+Choice programs/reimbursement rates.

Section 317. Sense of the House on directing the Internal Revenue Service to accept negative numbers in farm income averaging.

Section 318. Sense of the House on the importance of the National Science Foundation.

Section 319. Sense of the House regarding skilled nursing facilities.

Section 320. Sense of the House on special education.

Section 321. Sense of the House regarding HCFA draft guidelines.

Section 322. Sense of the House on asset-building for the working poor.

Section 323. Sense of the House on the importance of supporting the Nation's emergency first-responders

Section 324. Sense of the House on additional health-related tax relief.

The Conference Agreement contains the following senses of the Senate:

Section 331. Sense of the Senate supporting funding levels in Educational Opportunities Act.

Section 332. Sense of the Senate on additional budgetary resources.

Section 333. Sense of the Senate regarding the inadequacy of the payments for skilled nursing care.

Section 334. Sense of the Senate on veteran's medical care.

Section 335. Sense of the Senate on Impact Aid.

Section 336. Sense of the Senate on tax simplification.

Section 337. Sense of the Senate on antitrust enforcement by the Department of Justice and Federal Trade Commission regarding agriculture mergers, and anti-competitive activity.

Section 338. Sense of the Senate regarding fair markets for American farmers.

Section 339. Sense of the Senate on women and social security reform.

Section 340. Use of False Claims Act in combating Medicare fraud.

Section 341. Sense of the Senate regarding the National Guard.

Section 342. Sense of the Senate regarding military readiness.

Section 343. Sense of the Senate supporting funding of digital opportunity initiatives.

Section 344. Sense of the Senate on funding for criminal justice.

Section 345. Sense of the Senate regarding comprehensive public education reform.

Section 346. Sense of the Senate on providing adequate funding for United States international leadership.

Section 347. Sense of the Senate concerning the HIV/AIDS crisis.

Section 348. Sense of the Senate regarding tribal colleges.

Section 349. Sense of the Senate to provide relief from the marriage penalty.

Section 350. Sense of the Senate on Federal fuel taxes.

Section 351. Sense of the Senate concerning the price of prescription drugs.

Section 352. Sense of the Senate against Federal funding of smoke shops.

Section 353. Sense of the Senate concerning investment of Social Security trust funds.

Section 354. Sense of the Senate regarding Medicare prescription drugs.

Section 355. Sense of the Senate concerning funding for new education programs.

Section 356. Sense of the Senate regarding enforcement of Federal firearm laws.

Section 357. Sense of the Senate that any increase in the minimum wage should be accompanied by tax relief for small businesses.

Section 358. Sense of the Senate regarding funding for the participation of members of the uniformed services in the Thrift Savings Plan.

Section 359. Sense of the Senate concerning uninsured and low-income individuals in medically underserved communities.

The Conference Agreement contains the following senses of Congress:

Section 302. Sense of Congress on providing additional dollars to the classroom.

Section 303. Sense of Congress on graduate medical education for Children's Hospital.

PUBLIC DEBT LIMIT IN THE HOUSE

Rule XXIII of the Rules of the House of Representatives provides a procedure for changing the statutory limits on the public debt. This rule, however, was waived as part of the special rule providing for the consideration of H. Con. Res. 290 (H.Res.106–535).

JOHN R. KASICH,
SAXBY CHAMBLISS,
CHRISTOPHER SHAYS,
Managers on Part of the House.

PETE DOMENICI,
CHUCK GRASSLEY,
C.S. BOND,
SLADE GORTON,
Managers on the Part of the Senate.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 49 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2255

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HASTINGS of Washington) at 10 o'clock and 55 minutes p.m.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H. CON. RES. 290, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2001

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–578) on the resolution (H. Res. 474) waiving points of order against the conference report to accompany the concurrent resolution (H. Con. Res. 290) establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3615, RURAL LOCAL BROADCAST SIGNAL ACT

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–579) on the resolution (H. Res. 475) providing for consideration of the bill (H.R. 3615) to amend the Rural Electrification Act of 1936 to ensure improved access to the signals of local television stations by multichannel video providers to all households which desire such service in unserved and underserved rural areas by December 31, 2006, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CUMMINGS (at the request of Mr. GEPHARDT) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. KLECZKA, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. CROWLEY, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. MENENDEZ, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. BERMAN, for 5 minutes, today.

Mrs. LOWEY, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. TIERNEY, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. BAIRD, for 5 minutes, today.

Mrs. NAPOLITANO, for 5 minutes, today.

Ms. ESHOO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. KNOLLENBERG) to revise and extend their remarks and include extraneous material:)

Mr. WELDON of Florida, for 5 minutes, today.

Mr. PEASE, for 5 minutes, today.

Mr. WALDEN of Oregon, for 5 minutes, today.

Mr. RADANOVICH, for 5 minutes, today.

Mr. BARTLETT of Maryland, for 5 minutes, April 13.

Mr. HORN, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. UDALL of New Mexico, for 5 minutes, today.

Mr. SWEENEY, for 5 minutes, today.

ADJOURNMENT

Mr. GOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 56 minutes p.m.), the House adjourned until tomorrow, Thursday, April 13, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7073. A letter from the Secretary, Department of Agriculture, transmitting a draft bill, ''To amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees, to extend the authorization of appropriations for such Act, and to improve the administration of such Act''; to the Committee on Agriculture.

7074. A letter from the Secretary of the Navy, transmitting the proposed transfer of the battleship ex-NEW JERSEY (BB 62) to the Home Port Alliance of Camden, New Jersey, a non-profit organization; to the Committee on Armed Services.

7075. A letter from the General Counsel, Department of the Treasury, transmitting a draft bill, ''To authorize the Secretary of the Treasury to instruct the United States Executive Director to vote to approve the use of the International Monetary Fund of all earnings on the investment of the profits on nonpublic gold sales for the purpose of providing debt relief under the enhanced Heavily Indebted Poor Countries (''HIPC'') Initiative and to authorize appropriations for the United States contribution to the HIPC Trust Fund, administered by the International Bank for Reconstruction and Development''; to the Committee on Banking and Financial Services.

7076. A letter from the Executive Director, Emergency Oil and Gas Guaranteed Loan Board, transmitting the Board's final rule—Loan Guarantee Decision; Availability of Environmental Information; Correction (RIN: 3003–ZA00) received February 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7077. A letter from the Executive Director, Emergency Steel Guarantee Loan Board, transmitting the Board's final rule—Loan Guarantee Decision; Application Deadline (RIN: 3003–ZA00) received February 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7078. A letter from the Executive Director, Emergency Steel Guarantee Loan Board, transmitting the Board's final rule—Loan Guarantee Decision; Availability of Environmental Information; Correction (RIN: 3003–ZA00) received February 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7079. A letter from the Executive Director, Emergency Steel Guarantee Loan Board, transmitting the Board's final rule—Emergency Steel Guarantee Loan Board Amendments (RIN: 3003–ZA00) received February 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7080. A letter from the Managing Director, Federal Housing Finance Board, transmitting the 2000 Base Salary Structures; to the Committee on Banking and Financial Services.

7081. A letter from the General Counsel, Consumer Product Safety Commission, transmitting the Commission's final rule—Safety Standard for Bunk Beds—received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7082. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans State: Approval of Revisions to Kentucky State Implementation Plan [KY–109–1–200007a; FRL–6533–2] received February 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7083. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Extending Operating Permits Program Iterim Approval Expiration Dates [FRL–6535–2] received February 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7084. A communication from the President of the United States, transmitting a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council, pursuant to 50 U.S.C. 1541; (H. Doc. No. 106—223); to the Committee on International Relations and ordered to be printed.

7085. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2000–12, authorizing the furnishing of military assistance to the United Nations for purposes of supporting East Timor's transition to independence, pursuant to 22 U.S.C. 2601(c)(3); to the Committee on International Relations.

7086. A letter from the Under Secretary, Personnel and Readiness, Department of Defense, transmitting a report on the audit of the American Red Cross for the year ending June 30, 1999, pursuant to 36 U.S.C. 6; to the Committee on International Relations.

7087. A letter from the Under Secretary for Export Administration, Department of Commerce, transmitting a report that the Department of Commerce has processed the

last remaining satellite export license application that was in its queque when the jurisdiction for satellites was retransferred to the Department of State in March 15, 1999; to the Committee on International Relations.

7088. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List: Additions and Deletions—received February 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7089. A letter from the Executive Director, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting the General Purpose Financial Statements and Independent Auditor's Report for the fiscal year ended September 30, 1999; to the Committee on Government Reform.

7090. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospital, and Other Non-Profit Organizations—received February 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7091. A letter from the Chief Financial Officer, Export-Import Bank of the United States, transmitting the revised Annual Performance Plan for the Export-Import Bank, pursuant to 12 U.S.C. 635g(a); to the Committee on Government Reform.

7092. A letter from the Chief Financial Officer, Export-Import Bank of the United States, transmitting the Bank's Annual Management Report for the year ended September 30, 1999, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

7093. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a copy of the Corporation's Annual Report for calendar year 1999, pursuant to 12 U.S.C. 1827(a); to the Committee on Government Reform.

7094. A letter from the Administrator, Office of Federal Procurement Policy, Office of Management and Budget, transmitting a report on the three categories of Cost Accounting Standards (CAS) coverage known as "full," "modified," and "FAR" (Federal Acquisition Regulation) coverage; to the Committee on Government Reform.

7095. A letter from the Board Members, Railroad Retirement Board, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1999, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

7096. A letter from the Deputy Chief, National Forest System, Department of Agriculture, transmitting a detailed boundary map for the East Fork Jemez and Pecos Rivers in New Mexico, pursuant to 16 U.S.C. 1274; to the Committee on Resources.

7097. A letter from the Chairman, Naval Sea Cadet Corps, transmitting the Annual Audit Report of the Corps for the year 1999, pursuant to 36 U.S.C. 1101(39) and 1103; to the Committee on the Judiciary.

7098. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E, Glendive, MT [Airspace Docket No. 99–ANM–08] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7099. A letter from the Secretary, Department of Commerce, transmitting the 1999 Annual Report of the Visiting Committee on Advanced Technology of the National Institute of Standards and Technology (NIST), U.S. Department of Commerce, pursuant to Public Law 100–418, section 5131(b) (102 Stat. 1443); to the Committee on Science.

7100. A letter from the Director, National Institute of Standards and Technology, Department of Commerce, transmitting a report on donated educationally useful Federal equipment; to the Committee on Science.

7101. A letter from the Assistant Secretary for Planning and Analysis, Department of Veterans Affairs, transmitting a draft bill entitled, "Veterans' Compensation Cost-of-Living Adjustment Act of 2000"; to the Committee on Veterans' Affairs.

7102. A letter from the Chairman, International Trade Commission, transmitting a draft bill, "To provide authorization of appropriations for the United States International Trade Commission for fiscal year 2001"; to the Committee on Ways and Means.

7103. A letter from the Commissioner, Social Security Administration, transmitting a draft bill to provide additional safeguards for the Social Security and Supplemental Security Income beneficiaries with representative payees; to the Committee on Ways and Means.

7104. A letter from the Director, Congressional Budget Office, transmitting the CBO's Sequestration Preview Report for FY 2001, pursuant to 2 U.S.C. section 904(b); jointly to the Committees on Appropriations and the Budget.

7105. A letter from the Department of Energy, transmitting the Department's annual report on the Automotive Technology Development Program, Fiscal Year 1997, pursuant to 42 U.S.C. 5914; jointly to the Committees on Science and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LINDER: Committee on Rules. House Resolution 472. Resolution providing for consideration of the bill (H.R. 3439) to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations (Rept. 106–575). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 473. Resolution providing for consideration of the bill (H.R. 4199) to terminate the Internal Revenue Code of 1986 (Rept. 106–576). Referred to the House Calendar.

Mr. KASICH: Committee of Conference. Conference report on House Concurrent Resolution 290. Resolution establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005 (Rept. 106–577). Ordered to be printed.

Mr. GOSS: Committee on Rules. House Resolution 474. Resolution waiving points of order against conference report to accompany the concurrent resolution (H. Con. Res. 290) establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005 (Rept. 106–578). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 475. Resolution providing for consideration of the bill (H.R. 3615) to amend the Rural Electrification Act of 1936 to ensure improved access to the signals of local television stations by multichannel video providers to all households which desire such service in unserved and underserved rural areas by December 31, 2006 (Rept. 106–579). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. PITTS (for himself, Mr. OSE, and Mrs. CHENOWETH-HAGE):

H.R. 4245. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income payments made under Federal Government programs for the repayment of student loans of members of the Armed Forces of the United States and the National Health Service Corps; to the Committee on Ways and Means.

By Mr. DAVIS of Virginia (for himself, Mr. MORAN of Virginia, Mr. CUNNINGHAM, and Mr. ROGAN):

H.R. 4246. A bill to encourage the secure disclosure and protected exchange of information about cyber security problems, solutions, test practices and test results, and related matters in connection with critical infrastructure protection; to the Committee on Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BATEMAN (for himself and Mr. UNDERWOOD) (both by request):

H.R. 4247. A bill to authorize appropriations for fiscal year 2001 for certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on Armed Services.

By Mr. CALVERT (for himself, Mr. REYES, Mrs. BONO, Mr. DOOLEY of California, Mr. LEWIS of California, Mr. BACA, Mr. CUNNINGHAM, Mr. POMBO, Mr. WOLF, Mr. BILBRAY, Mr. GILMAN, Mr. DREIER, Mr. SESSIONS, Mr. ENGLISH, Mr. RADANOVICH, Mr. BAIRD, Mr. HUNTER, Mr. DOOLITTLE, Mr. HERGER, Mr. GARY MILLER of California, Mr. KUYKENDALL, Mr. GALLEGLY, Mr. HORN, Mr. NETHERCUTT, Mr. CANNON, Mr. CONDIT, Mr. STUPAK, Mr. PORTER, Mr. MICA, Mr. GIBBONS, Mr. LATHAM, Mr. MATSUI, Mr. SANDLIN, Mr. PETERSON of Pennsylvania, Mr. GUTIERREZ, Mrs. TAUSCHER, Mr. THOMPSON of California, Ms. DANNER, Mr. SMITH of Washington, Ms. SANCHEZ, Mrs. NAPOLITANO, Mr. ROHRABACHER, Mr. MCKEON, Mr. MCINNIS, Mr. BONILLA, Mr. WAMP, Mr. RAMSTAD, Mr. GOSS, Mr. ROGAN, Mr. TRAFICANT, Mr. INSLEE, Mrs. EMERSON, Mr. EHLERS, Mr. PACKARD, Mr. SWEENEY, Mr. GOODLATTE, Mr. THORNBERRY, Mr. TALENT, Mr. BLUNT, Mr. HALL of Texas, Mr. SOUDER, Ms. DUNN, Mr. OSE, Mr. SMITH of Texas, Mr. BAKER, Mr. THOMAS, Mr. HULSHOF, Mr. HUTCHINSON, Ms. ESHOO, and Mr. CAMPBELL):

H.R. 4248. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to prevent

the proliferation of methamphetamine, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEJDENSON (for himself and Mr. LANTOS):

H.R. 4249. A bill to foster cross-border cooperation and environmental cleanup in Northern Europe; to the Committee on International Relations.

By Mr. LAFALCE (for himself, Mr. VENTO, Mr. FRANK of Massachusetts, Mr. KANJORSKI, Mrs. MALONEY of New York, Mr. GUTIERREZ, Mr. BENTSEN, Ms. CARSON, Mr. MEEKS of New York, Ms. SCHAKOWSKY, and Mrs. JONES of Ohio):

H.R. 4250. A bill to amend the Home Ownership and Equity Protection Act of 1994 and other sections of the Truth in Lending Act to protect consumers against predatory practices in connection with high cost mortgage transactions, to strengthen the civil remedies available to consumers under existing law, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. GILMAN (for himself, Mr. MARKEY, Mr. BEREUTER, Mr. KUCINICH, Mr. COX, Mr. SPENCE, and Mr. KNOLLENBERG):

H.R. 4251. A bill to amend the North Korea Threat Reduction Act of 1999 to enhance congressional oversight of nuclear transfers to North Korea, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERRY:

H.R. 4252. A bill to suspend temporarily the duty on Isoxaflutole; to the Committee on Ways and Means.

By Mr. BRADY of Texas:

H.R. 4253. A bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Heart, Lung, and Blood Institute with respect to research on pulmonary hypertension; to the Committee on Commerce.

By Mr. BRYANT (for himself and Mr. TANNER):

H.R. 4254. A bill to suspend temporarily the duty on Bromoxynil Octanoate/Heptanoate; to the Committee on Ways and Means.

By Mr. BRYANT (for himself and Mr. TANNER):

H.R. 4255. A bill to suspend temporarily the duty on Bromoxynil Octanoate Tech; to the Committee on Ways and Means.

By Mr. DEFAZIO:

H.R. 4256. A bill to amend the Internal Revenue Code of 1986 to repeal the exclusion of certain income of foreign sales corporations; to the Committee on Ways and Means.

By Mr. HOSTETTLER:

H.R. 4257. A bill to prohibit the use of Federal funds to give or withhold a preference to a marketer or vendor of firearms or ammunition based on whether the manufacturer or vendor is a party to a covered agreement, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUYKENDALL:

H.R. 4258. A bill to amend the Higher Education Act of 1965 to improve the program for the forgiveness of student loans to teachers, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LUCAS of Oklahoma:

H.R. 4259. A bill to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. NUSSLE (for himself, Mr. TANNER, Mr. BARRETT of Nebraska, Mr. MORAN of Kansas, Mr. BARCIA, Mr. BEREUTER, Mr. BOEHNER, Mr. BOYD, Mr. BUYER, Mr. CAMP, Mr. CHAMBLISS, Mr. COOK, Ms. DANNER, Mr. EWING, Mr. FOLEY, Mr. GANSKE, Mr. GILCHREST, Mr. GORDON, Mr. GREEN of Wisconsin, Mr. GREENWOOD, Mr. HAYES, Mr. HAYWORTH, Mr. HOBSON, Mr. ISTOOK, Mr. JENKINS, Mr. LAHOOD, Mr. LATHAM, Mr. LEACH, Mr. MCHUGH, Mr. MCINTYRE, Mr. NETHERCUTT, Mr. OSE, Mr. PETERSON of Pennsylvania, Mr. PHELPS, Mr. POMEROY, Mr. SHOWS, Mr. SIMPSON, Mr. SKELTON, Mr. SMITH of Michigan, Mr. SOUDER, and Mr. STENHOLM):

H.R. 4260. A bill to amend the Internal Revenue Code of 1986 to exclude from net earnings from self-employment certain farm rental income and all payments under the environmental conservation acreage reserve program; to the Committee on Ways and Means.

By Mr. PORTMAN:

H.R. 4261. A bill to extend the temporary suspension of duty on certain methyl esters; to the Committee on Ways and Means.

By Mr. PORTMAN:

H.R. 4262. A bill to temporarily reduce the duty on certain methyl esters; to the Committee on Ways and Means.

By Mr. UDALL of New Mexico (for himself and Mr. UDALL of Colorado):

H.R. 4263. A bill to establish a compensation and health care program for employees and survivors at the Department of Energy facility in Los Alamos, New Mexico who have substained beryllium, radiation-related, asbestos, and hazardous substances injury, illness, or death due to the performance of their duties, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALSH (for himself and Mr. HOLDEN):

H.R. 4264. A bill to amend the Energy Policy and Conservation Act to encourage summer fill and fuel budgeting programs for propane, kerosene, and heating oil; to the Committee on Commerce.

By Ms. JACKSON-LEE of Texas (for herself, Mr. WATTS of Oklahoma, Mr. TOWNS, Mr. JACKSON of Illinois, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Mr. WYNN, Ms. MCKINNEY, Mr. EVANS, Mr. FATTAH, Mrs. NAPOLITANO, Mr. ABERCROMBIE, Mr. GEORGE MILLER of California, Mr. CRAMER, Mr. BRADY of Pennsylvania, Mr. KENNEDY of Rhode Island, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LAMPSON, Mr. HASTINGS of Florida, Mr. FORD, Mr. GREEN of Texas, Ms. DELAURO, Ms. LOFGREN, Mr. MEEHAN, Mr. KLINK, Mrs. MEEK of Florida, Ms. BROWN of Florida, Mr. GUTIERREZ, Mr. MCGOVERN, Mr. FILNER, Mr. RANGEL, Mr. CROWLEY, Ms. ROYBAL-ALLARD, Ms. NORTON, Mr. OWENS, Mr. PAYNE, Mr. HILLIARD, Mr. MALONEY of Connecticut, Mrs. MINK of Hawaii, Mr. TIERNEY, Mr. REYES, Mr. FROST, Mr. BLUMENAUER, Mr. MOORE, Mrs. CAPPS, Mr. FALEOMAVAEGA, Mr. SHOWS, Mr. SNYDER, Ms. KAPTUR, Mrs. MALONEY of New York, Mr. BROWN of Ohio, Mr. SANDERS, Mr. SPRATT, Mr. NEAL of Massachusetts, Mr. WEINER, Mr. ENGEL, Ms. BALDWIN, Mr. UDALL of New Mexico, Mr. COYNE, Mr. DIXON, Mr. LANTOS, Mr. RODRIGUEZ, Mr. HINOJOSA, Mr. ORTIZ, Mr. BACHUS, Mr. BISHOP, Mr. FORBES, Mr. LEWIS of Georgia, Ms. KILPATRICK, and Mr. BARRETT of Wisconsin):

H.J. Res. 98. A joint resolution supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II; to the Committee on Veterans' Affairs.

By Mr. ARMEY:

H. Con. Res. 303. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional adjournment or recess of the Senate; considered and agreed to.

By Mr. GEJDENSON (for himself, Mr. GILMAN, Mr. LANTOS, Mr. SMITH of New Jersey, Mr. BLAGOJEVICH, Ms. MILLENDER-MCDONALD, Mr. UDALL of Colorado, Ms. CARSON, Mr. PHELPS, Ms. SCHAKOWSKY, Mr. HILLIARD, Mr. SNYDER, Mr. MEEKS of New York, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WEXLER, Mr. DEUTSCH, Mr. SCOTT, Mr. SUNUNU, Mr. BEREUTER, Mr. CHABOT, Mr. KNOLLENBERG, Mr. SESSIONS, Mr. MOAKLEY, Mr. CARDIN, Ms. PELOSI, Mr. UPTON, Mr. OBEY, Mr. MILLER of Florida, Mr. MCNULTY, Mr. BLUMENAUER, Mr. RAHALL, Mr. OBERSTAR, Mr. GILCHREST, Mr. DOOLEY of California, Ms. WATERS, Ms. BROWN of Florida, Ms. WOOLSEY, Mr. KILDEE, Ms. RIVERS, Mrs. MINK of Hawaii, Mr. CASTLE, Mr. WEYGAND, Mrs. CLAYTON, Mrs. MCCARTHY of New York, Mr. CUNNINGHAM, Mr. BROWN of Ohio, Mr. BERRY, Mr. PALLONE, Mrs. LOWEY, Ms. ESHOO, Mr. KLECZKA, Mr. KUCINICH, Mr. HASTINGS of Florida, Mr. HOEFFEL, Mr. BALDACCI, Mr. BERMAN, Mr. WAMP, Mr. STENHOLM, Mr. OXLEY, Mr. BARRETT of Wisconsin, Mr. MCCOLLUM, Mr. LINDER, Mr. GREEN of Texas, Mr. SPRATT, Mr. RANGEL, Mr. PRICE of North Carolina, Mr. MCDERMOTT, Mrs. THURMAN, Mr. MENENDEZ, Mr. STARK, Mr. GEORGE MILLER of California, Mr. BAIRD, Mr. REYES, Ms. MCCARTHY of Missouri, Mr. CRAMER, Mr. WEINER, Mr. MINGE, Mr. LAMPSON, Mr. WYNN, Mr. BARTLETT of Maryland, Mr. MURTHA, Mr. PASTOR, Mr. FROST, and Ms. DELAURO):

H. Con. Res. 304. Concurrent resolution expressing the condemnation of the continued egregious violations of human rights in the Republic of Belarus, the lack of progress toward the establishment of democracy and

the rule of law in Belarus, calling on President Alyaksandr Lukashenka's regime to engage in negotiations with the representatives of the opposition and to restore the constitutional rights of the Belarusian people, and calling on the Russian Federation to respect the sovereignty of Belarus; to the Committee on International Relations.

By Mr. COBURN (for himself, Mrs. MYRICK, Mr. PITTS, Mrs. CHENOWETH-HAGE, Mr. SHOWS, Mr. WELDON of Florida, Mr. RYAN of Wisconsin, Mr. DELAY, Mrs. EMERSON, Mr. HOSTETTLER, Mr. BARCIA, Mr. BARTLETT of Maryland, Mr. DICKEY, Mr. HUNTER, Mr. GREEN of Wisconsin, Mr. SHADEGG, Mr. SMITH of New Jersey, Mr. TIAHRT, Mr. JONES of North Carolina, Mr. TAYLOR of Mississippi, Mr. DEMINT, Mr. LARGENT, Mr. ADERHOLT, Mr. TERRY, Mr. SOUDER, Mr. SCHAFFER, Mr. DOOLITTLE, Mr. VITTER, Mr. MCINTOSH, and Mr. BRADY of Texas):

H. Con. Res. 305. Concurrent resolution expressing the sense of the Congress that the presence of brain wave activity and spontaneous cardiac activity should be considered conclusive evidence of human life for legal purposes; to the Committee on the Judiciary.

By Mr. MCGOVERN (for himself, Mr. HORN, Mr. BLUMENAUER, and Mrs. MORELLA):

H. Con. Res. 306. Concurrent resolution expressing the sense of Congress in support of the freeze on longer combination vehicles and current Federal limitations on truck size and weight; to the Committee on Transportation and Infrastructure.

By Mr. HOLT:

H. Res. 476. A resolution commending the present Army Nurse Corps for extending equal opportunities to men and women, and recognizing the brave and honorable service during and before 1955 of men who served as Army hospital corpsmen and women who served in the Army Nurse Corps; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Mr. ENGEL.
H.R. 72: Mr. WISE.
H.R. 252: Mr. SAM JOHNSON of Texas.
H.R. 531: Mr. KING and Ms. LOFGREN.
H.R. 803: Mr. RANGEL.
H.R. 842: Mr. TRAFICANT.
H.R. 904: Mr. TURNER and Ms. BALDWIN.
H.R. 1083: Mr. BASS.
H.R. 1168: Mr. FLETCHER and Mr. BARRETT of Wisconsin.
H.R. 1287: Mr. NETHERCUTT.
H.R. 1329: Mr. GILCHREST.
H.R. 1593: Mr. HALL of Ohio.
H.R. 1839: Mr. SKELTON.
H.R. 1885: Mr. WYNN, Ms. DELAURO, Mr. GONZALEZ, Mrs. MALONEY of New York, Mr. WICKER, and Mrs. CLAYTON.
H.R. 2000: Mr. BONIOR, Mr. OSE, Mr. KENNEDY of Rhode Island, Mr. OLVER, Mr. BROWN of Ohio, Mr. FORBES, Mr. FRANK of Massachusetts, Mr. BACA, and Mr. PETRI.
H.R. 2265: Mr. DEFAZIO.
H.R. 2620: Mr. TURNER.
H.R. 2631: Mr. KILDEE and Mrs. MCCARTHY of New York.
H.R. 2697: Mr. MCINTOSH.
H.R. 2722: Mr. FATTAH.
H.R. 2726: Mr. WHITFIELD and Mr. LEWIS of Kentucky.
H.R. 2733: Ms. MCKINNEY.
H.R. 2776: Mr. ANDREWS.
H.R. 2784: Mr. BAKER.
H.R. 2812: Mr. HALL of Ohio, Ms. PELOSI, Ms. SCHAKOWSKY, Mrs. MINK of Hawaii, and Mr. BROWN of Ohio.
H.R. 3032: Mrs. MORELLA, Mrs. MEEK of Florida, and Mr. PALLONE.
H.R. 3161: Mr. KENNEDY of Rhode Island.
H.R. 3219: Mr. CUNNINGHAM, Mr. WAMP, Mr. HILLIARD, Mr. KINGSTON, Mr. BRADY of Texas, Mr. DEAL of Georgia, Mr. PICKERING, Mr. BLUNT, Mr. SENSENBRENNER, Mr. CANADY of Florida, Mr. JONES of North Carolina, Mr. BOEHNER, Mr. GRAHAM, Mr. RAMSTAD, and Mr. COOKSEY.
H.R. 3248: Mr. DEMINT.
H.R. 3293: Mr. BOEHNER, Mr. BASS, Mr. CALLAHAN, Mrs. BONO, Mr. REYNOLDS, Ms. PELOSI, Mr. HULSHOF, Mr. COSTELLO, Mr. COBURN, Mr. BORSKI, and Mr. DINGELL.
H.R. 3320: Mr. JEFFERSON and Mr. HOEFFEL.
H.R. 3327: Mr. TANCREDO.
H.R. 3377: Mrs. JONES of Ohio.
H.R. 3413: Mr. MEEHAN, Ms. WOOLSEY, Mr. PASCRELL, Mr. SAWYER, Ms. CARSON, Mr. CLAY, Mr. WEYGAND, Mr. SANDLIN, Mr. PAYNE, Mr. KUCINICH, Mr. FORBES, Mr. ALLEN, Mr. GREEN of Texas, and Mr. EVANS.
H.R. 3518: Mr. ARCHER, Mr. BAKER, and Mr. EWING.
H.R. 3546: Mr. NADLER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Ms. SCHAKOWSKY, Mr. BRADY of Pennsylvania, Ms. CARSON, Mr. ENGEL, and Ms. KAPTUR.
H.R. 3573: Mr. YOUNG of Alaska.
H.R. 3628: Mrs. JOHNSON of Connecticut.
H.R. 3677: Mrs. CHENOWETH-HAGE, Ms. BERKLEY, Mr. METCALF, Mr. HAYWORTH, and Mr. RAHALL.
H.R. 3825: Ms. ESHOO and Ms. KILPATRICK.
H.R. 3883: Mr. UDALL of Colorado.
H.R. 3915: Mr. RANGEL, Mr. SAXTON, and Mr. KOLBE.
H.R. 3916: Mr. CAMP, Mr. CRANE, Mr. HOUGHTON, Mr. HULSHOF, Mr. SHAW, Mr. WELLER, Mr. JEFFERSON, Ms. DANNER.
H.R. 3980: Mr. FOSSELLA.
H.R. 4022: Mr. BALLENGER, Mr. CAMPBELL, Mr. MANZULLO, and Mr. TANCREDO.
H.R. 4033: Mr. GIBBONS and Mr. EHRLICH.
H.R. 4046: Mr. DEFAZIO.
H.R. 4053: Mr. BURTON of Indiana, Mr. BURR of North Carolina, and Mr. TANCREDO.
H.R. 4064: Mr. SCHAFFER, Mr. SOUDER, Mrs. CLAYTON, Mr. CHAMBLISS, Mr. POMBO, Mr. BARRETT of Nebraska, Mr. LUCAS of Oklahoma, Mr. HILL of Montana, Mr. HOBSON, Mr. LATHAM, Mr. COMBEST, Mr. HASTINGS of Washington, Mr. THORNBERRY, Mr. HUTCHINSON, Mr. PHELPS, Ms. DELAURO, Mr. ISTOOK, Mr. BONILLA, Mr. TERRY, Mr. COBURN, Mr. MINGE, Mr. BISHOP, Mr. BRADY of Texas, Mr. RYAN of Wisconsin, Mr. BOSWELL, Mr. SHIMKUS, and Mr. GOODE.
H.R. 4066: Mr. BRADY of Pennsylvania, and Mr. TIERNEY.
H.R. 4076: Ms. STABENOW.
H.R. 4085: Mrs. CHENOWETH-HAGE.
H.R. 4086: Mr. HUNTER, Mr. LAHOOD, Mr. MCINNIS, Mr. MORAN of Kansas, Mr. RYAN of Wisconsin, Mr. SHADEGG, Mr. SIMPSON, Mr. SKELTON, Mr. THUNE, and Mr. HASTINGS of Washington.
H.R. 4118: Mr. TANCREDO.
H.R. 4131: Mr. DOYLE.
H.R. 4132: Mr. SKEEN and Mr. ALLEN.
H.R. 4144: Mr. WHITFIELD and Mr. CRAMER.
H.R. 4154: Mr. HOSTETTLER, Mr. BAKER, and Mr. COOKSEY.
H.R. 4198: Mr. STEARNS, Mr. PAUL, and Mr. DOOLITTLE.
H.R. 4199: Mrs. WILSON.
H.R. 4207: Mr. SMITH of New Jersey, Mr. WEINER, Mr. WELLER, Mr. MOAKLEY, and Mr. HYDE.
H.R. 4215: Mr. NETHERCUTT and Mr. FOLEY.
H.R. 4236: Mr. SOUDER.
H. Con. Res. 74: Ms. LOFGREN.
H. Con. Res. 249: Mr. DEFAZIO and Mr. VISCLOSKY.
H. Con. Res. 256: Mr. LATHAM, Mr. LIPINSKI, and Ms. BALDWIN.
H. Con. Res. 295: Mr. LANTOS.
H. Con. Res. 297: Mr. SOUDER.
H. Res. 398: Mr. WEYGAND, Mr. HINCHEY, Mr. ACKERMAN, Mr. WYNN, Mr. TOWNS, Mr. UNDERWOOD, Ms. WOOLSEY, Ms. PELOSI, Mr. ENGEL, Mr. MEEHAN, Mr. BLILEY, Mr. VISCLOSKY, Mr. FILNER, Mr. PORTER, and Mr. LEVIN.
H. Res. 437: Mr. CASTLE.
H. Res. 464: Mr. WEXLER and Mr. CROWLEY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1824: Mr. KUCINICH.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3439

OFFERED BY: MR. BARRETT OF WISCONSIN

AMENDMENT NO. 1: Page 4, beginning on line 9, strike paragraph (2) through line 20 and insert the following:

(2) REQUIRED DURATION OF MODIFICATION; PERMANENT CONDITIONS.—The Commission shall not modify such rules to eliminate or reduce the minimum distance separations for third-adjacent channels required by paragraph (1)(A) until 6 months after the date on which the Commission submits the report required by subsection (b)(3). No such elimination or reduction may remove such separations with respect to third-adjacent channels occupied by stations that provide a radio reading service to the public. The Commission shall not extend the eligibility for application for low-power FM stations beyond the organizations and entities as proposed in MM Docket No. 99–25 (47 C.F.R. 73.853).

Page 6, line 19, insert before the period the following: '', or 6 months after the date of enactment of this Act, whichever is later''.

H.R. 3439

OFFERED BY: MRS. ROUKEMA

AMENDMENT NO. 2: At the end of the bill add the following new section:

SEC. 3. ADDITIONAL MODIFICATIONS.

In prescribing the modifications required by section 2(a), the Federal Communications Commission shall—

(1) permit FM commercial translators located in counties where there is no allocated commercial FM station, to locally originate commercial FM programming on an unlimited basis;

(2) require such translators to abide by the same rules as full service (high power) FM stations; and

(3) permit such translators to increase their radiated power to 100 watts, using a directional antenna, if necessary, to protect co-channel and first-adjacent channel stations.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE PREDATORY LENDING CONSUMER PROTECTION ACT OF 2000, H.R. 4250

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. LAFALCE. Mr. Speaker, I am pleased to be joined this morning by my friend and Senate colleague, Senator PAUL SARBANES of Maryland, in introducing legislation to address the problem of abusive practices in high-cost mortgage refinancings, home equity loans and home repair loans.

I would also like to take this opportunity to introduce a number of the representatives of national consumer, senior citizen, community and civil rights organizations that are with us today. Many have worked with us since we completed work on Financial Modernization last Fall to develop this legislation.

The problem of so-called ''predatory'' lending has reached near epidemic proportions in recent years, robbing millions of American households of the equity in their homes and undermining the economic vitality of our neighborhoods.

Our legislation, the ''Predatory Lending Consumer Protection Act,'' responds to widespread evidence that so-called ''subprime''—or high cost—lenders are systematically targeting homeowners with low incomes or damaged credit histories (subprime borrowers). These offers seek to trap borrowers in unaffordable debt, strip the equity from their home and, too often, put the home in foreclosure. ''Predatory'' loans tend to have a number of abusive practices in common: interest rates far above conventional loan rates; excessive fees and points, often hidden in the mortgage financing; up-front payment of credit insurance; balloon payments; frequent refinancings; huge prepayment penalties; arbitrary call provisions, and other practices.

Predatory lending is somewhat akin to Justice Brennan's definition of ''pornography'': it might be difficult to define, but you certainly know it when you see it. In my own district, for example, there is Florence McKnight, a 84-year-old Rochester widow who, while heavily sedated in a hospital bed, signed a $50,000 loan secured by her home for only $10,000 in new widows and other home repairs. Under the loan she would have to pay over $72,000 over 15 years, and still face a balloon payment of $40,000. Mrs. McKnight's home is now in foreclosure.

There are many more examples. These include, for example—

The West Virginia widow who had her mortgage refinanced seven times within 15 months, only to lose it in foreclosure.

The disabled Portland, Oregon woman who was charged more than 30 percent of the amount of her mortgage financing in fees and credit life insurance.

The 68-year-old Chicago woman whose mortgage was refinanced three times in 5 years and ended up with monthly payments that exceed her income.

These are not isolated examples. The problem of predatory lending has been the focus of recent statements by all the federal financial regulators. Comptroller of the Currency, Gerry Hawke; Director of the Office of Thrift Supervision, Ellen Seidman and the Chair of the Federal Deposit Insurance Corporation, Donna Tanoue, have all denounced these practices.

Two weeks ago, Federal Reserve Board Alan Greenspan announce a task force to address predatory lending. Last week, HUD Secretary Cuomo organized working groups to come up with recommendations. Yesterday, Fannie Mae announced its own guidelines to exclude purchases of predatory loans, with Fannie's Chairman and CEO, Frank Rains, issuing a statement today supporting the need for legislation. Also today, Treasury Secretary Summers has issued a statement indicating his concerns about this problem and supporting our efforts.

What exactly does our legislation do? Very briefly, the bill expands and fills the gaps in the 1994 Home Ownership and Equity Protection Act (HOEPA) that Congress enacted in response to the initial wave of abusive home equity loans ten years ago. HOEPA established an important framework for combating predatory practices, but it did not go far enough. The legislation strengthens and expands HOEPA protections in a number of ways:

It lowers HOEPA's interest rate and total fee ''triggers'' to extend needed protections to greater numbers of high cost mortgage refinancings, home equity loans and home improvement loans.

It expands HOEPA to restrict practices that facilitate mortgage ''flipping'' and equity ''stripping''—restricting the financing of fees and points, prepayment penalties, single-premium credit insurance, balloon payments and call provisions.

It prevents lenders from making loans without regard to the borrower's ability to repay the debt, encourages credit and debt counseling and requires new consumer warnings on the risks of high-cost secured borrowing.

It encourages stronger enforcement of consumer protections by strengthening civil remedies and rescission rights and increasing statutory penalties for violations.

The bill deals directly, and I believe effectively, with the primary abuses that encourage and facilitate such predatory practices as loan ''flipping'' and equity ''stripping.'' By restricting the tools that make these practices profitable, and by enhancing private remedies and civil penalties to deter violations, we can prevent the American dream of home ownership from becoming a nightmare at the hands of predatory lenders.

CONGRATULATIONS TO THE LAKE OF THE OZARKS SERVICE CORPS OF RETIRED EXECUTIVES (SCORE) CHAPTER FOR HAVING BEEN NAMED THE NATIONAL SCORE CHAPTER OF THE YEAR, 2000

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. SKELTON. Mr. Speaker, I was recently informed by the Administrator of the Small Business Administration that the Lake of the Ozarks SCORE Chapter has been selected the National SCORE Chapter of the Year.

As you know, SCORE is a nonprofit association dedicated to entrepreneur education and the formation, growth, and success of small businesses throughout this country. SCORE, which is a resource partner with the Small Business Administration, has thousands of volunteers in 389 chapters who serve as ''Counselors to America's Small Business.'' Working and retired executives and business owners in local SCORE chapters, like the one at the Lake of the Ozarks, donate their time and expertise as volunteer business counselors and provide confidential counseling and mentoring free of charge. SCORE, which was founded in 1964, assists approximately 300,000 entrepreneurs annually.

Each year, the SCORE Chapter of the Year is honored during Small Business Week, which this year is May 21–26, 2000. I know that my colleagues in the House will be pleased to join me in recognizing the outstanding work of the men and women who volunteer their time to this year's SCORE Chapter of the Year—the Lake of the Ozarks Service Corps of Retired Executives.

CARL SITTER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. MCINNIS. Mr. Speaker, I wanted to ask that we all pause a moment to remember a true American hero, Mr. Carl Sitter. Though he is gone, he will live on in the hearts of all who knew him and be remembered for long years by many who didn't.

During the Koren War, Sitter fought for our country while he served in the Marine Corps. His relentless effort and valiant leadership led to a succesful defeat of the Korean Army. Mr. Sitter's bravery as a Captain in the Korean War led to him becoming the first of Pueblo's four Medal of Honor recipients. Despite grenade burns to his face, arms and chest, Mr. Sitter kept his position during the two day battle at Hagaru-Ki, in November 1950.

As you can see, Mr. Speaker, Mr. Sitter was a model American, embodying patriotism, strength, gentleness and service throughout his lifetime. Carl will be missed by all of us. Hopefully, we can learn from the example that Carl Sitter has set.

CONGRATULATING ASSEMBLYMAN JOHN ROONEY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mrs. ROUKEMA. Mr. Speaker, today I congratulate New Jersey State Assemblyman John E. Rooney on receiving the New Jersey Conference of Mayors' prestigious Legislator Award. Assemblyman Rooney is one of the most outstanding and respected members of our State Legislature. He is a trusted friend and advisor whose counsel I value greatly. This award recognizes the landmark work he has done in the New Jersey Assembly, particularly initiatives he has sponsored that have helped hold down municipal property taxes.

Assemblyman Rooney's dedicated career in public service began in 1976, when he was elected councilman in his hometown of Northvale. In 1979 he became the borough's first Republican mayor in a quarter century—serving and subsequently brought about the first Republican majority on the Borough Council in more than a decade. He was elected to the State Assembly in 1983 and has been re-elected every two years since then.

As an assemblyman, he has authored a number of landmark bills, including the legislation that established the Division of Developmental Disabilities and the law giving firefighters the right to know the location of toxic materials at industrial sites. He also sponsored the constitutional amendment eliminating expensive special elections, instead allowing county political committees to fill legislative vacancies. His work in challenging the state's authority over solid waste disposal has saved municipalities millions of dollars and, in turn, helped control property taxes.

Born in Brooklyn, New York, Assemblyman Rooney first came to New Jersey to attend Rutgers University, where he graduated magna cum laude with a degree in business management. He also holds a master's degree in marketing from Rutgers, masters in political science and history from the University of Maryland, and a degree in language from Syracuse University. He served in the Air Force as a Russian linguist, where he won commendations from the National Security Agency for outstanding intelligence work. He has made his professional career as a sales executive in the electrical motor and control industry.

Active in government, professional and civic organizations, Assemblyman Rooney has been a member of the New Jersey Conference of Mayors, the American Legion, Vietnam Veterans for America, Elks, the Water Pollution Control Federation and the American Management Association. He is a former chairman of the Northern Valley Community Development Program, a former president of the Northern Valley Mayors' Association, and a commissioner of the Bergen County Utilities Authority.

Assemblyman Rooney and his wife, Martha, have two adult children, Beth and Patrick. His family has always been supportive, and made it possible for Assemblyman Rooney to serve in this distinguished way.

I ask my colleagues in the House of Representatives to join me in congratulating this outstanding public servant, who has helped improve the lives not only of his hometown as Councilman and Mayor but the entire State of New Jersey as a leading legislator. He most certainly has made his community and the State of New Jersey a better place to work, own a home and raise a family.

HONORING THE ITALIAN AMERICAN WAR VETERANS POST #26

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. KLINK. Mr. Speaker, today I recognize the Italian American War Veterans Post #26 of western Pennsylvania and its past commanders for their efforts in honoring our war heroes. Through picnics and other social functions, these distinguished individuals have helped many veterans remain connected to their colleagues in the New Castle area. They honor our fallen veterans by placing flags on their graves on Memorial Day, and they help our veterans by donating their time and resources to the Hospice of New Castle Hospital. By serving as department commanders and in state and national offices, the Italian American War Veterans have proven their commitment to improving the lives of their fellow veterans.

I would especially like to recognize the past commanders of the Italian American War Veterans Post #26. Without their hard work and leadership, many of these accomplishments would not have been possible: Ben Rizzo, Fred Mancini, Frank Minice, P.D.C., Carl Cialella, John Russo, Jr., Frank Bonfield, P.D.C., Richard Veri, and Anthony Toscano.

Once again, I ask my colleagues to join me in recognizing the members of the Italian American War Veterans Post #26 for their dedication to our nation's veterans. Because of their efforts, these great Americans will never be forgotten.

TRIBUTE TO RETIRING COACH DELBERT BEST

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. SKELTON. Mr. Speaker, it has come to my attention that Delbert Best will retire as the athletic director and track coach on June 30, 2000, after 25 years of coaching and teaching at Wellington-Napoleon High School in Missouri.

Delbert grew up in my hometown of Lexington, Missouri, and graduated from high school in 1966. Shortly after graduation, he joined the Marines and served a tour in Vietnam during his three years on active duty. In 1969 he returned to civilian life and enrolled at Central Missouri State University at Warrensburg where he also was a member of the track team. He graduated in 1974 with a bachelor's degree in education. After completing his student teaching at Odessa High School, Delbert worked for the local water company in Lexington while waiting for a permanent teaching position to become available.

In January 1975, Delbert took a job teaching science in the Wellington-Napoleon School District. That spring, he began his association with the varsity high school track team as their assistant coach. He was named head coach the next year and the school won its first I–70 Conference boys track meet and the school's first district track championship the year after that. He coached the boy's track team to the state championships in 1985, 1987 and 1991. They took second place in 1986 and 1987, and third place in 1993 and 1996. The girls' track teams took second at the state championships in 1992 and third in 1993.

Delbert has been honored for his commitment to coaching many times. He was named the State 1A Boys Track Coach of the Year eight times and the State 1A Girls Track Coach of the Year three times. In 1994, he was recognized as the Region 5 National Boys Track Coach of the Year, which included not only Missouri, but six other midwestern states. In 1998, Delbert was inducted into the Missouri Track and Cross Country Coaches Association Hall of Fame during ceremonies at Columbia.

Mr. Speaker, Delbert Best has dedicated 25 years to teaching and motivating talented young people. I wish him and his family all the best in the days ahead, and I am certain that the Members of the House will join me in paying tribute to this fine Missourian.

JOE CARPENTER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize a great man, Mr. Joe Carpenter. On April 13, 2000, Mr. Carpenter will be retiring from his position as the Garfield/Pitkin County Veteran. He has been an asset to both Colorado and our great nation.

In 1942, Mr. Carpenter was drafted into the military. After the completion of basic training his company was sent to the South Pacific, however, due to bad vision, Joe was not able to fulfill his dream of coming face to face with the enemy, and had to stay behind. He was then assigned to ordnance and with special training became an Ordnance NCO. There, Joe handled tons of ammunition and explosives and loaded weaponry on aircraft.

In 1999, on the anniversary of Pearl Harbor Day, at the Normandy celebration that I held, he was instrumental in locating those Normandy Veterans who received recognition. He is a model American that embodies patriotism,

strength and service to his country. Hopefully we can learn from the example of Joe Carpenter and will try to be a little more like him.

BUSINESS CHECKING MODERNIZATION ACT

SPEECH OF

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of H.R. 4067, the Business Checking Modernization Act.

I agree that repealing the prohibition on paying interest on business checking is clearly the right public policy. This prohibition—which is anti-small business—is a relic of Depression era banking laws. This legislation has been in bills which I've introduced and worked on in both the 105th and 106th Congresses. Both the NFIB and U.S. Chamber support repeal as well as most of the banking industry—the American Bankers Association, America's Community Bankers and others. The real question is—and continues to be—what is the appropriate time frame for repeal.

Mr. LEACH, I appreciate your willingness to accommodate me in this regard. As introduced, H.R. 4067 provided a 1 year transition period, which I believe was just too short for many of our small bankers to adjust to. While some members have argued for a 6 year transition period I don't believe that long a period is warranted. The 3 year period which is in H.R. 4067 is fair. This period of time will permit banks and thrifts to rework their arrangements with business customers so that no one is significantly disadvantaged.

In addition, I'd like to thank you for including a provision in the bill which immediately permits banks and thrifts to provide their business customers with up to 24 sweep transactions a month. Adding this provision provides flexibility which will assist both banks and their customers. Again, it is similar to a provision from my Regulatory Burden Relief bills from both the 105th and 106th Congresses. The provision would permit banks and thrifts to sweep idle cash out of a corporate checking account each business day in a month. It is both appropriate and helpful.

The Business Checking Modernization Act is a good bill. It strikes a reasonable balance between the interests of small banks and small businesses. I encourage my colleagues to strongly support this excellent piece of legislation.

HONORING HAZEL L. UNDERWOOD'S 16 YEARS OF SERVICE AS EXECUTIVE DIRECTOR OF THE JESSAMINE COUNTY CHAMBER OF COMMERCE

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. FLETCHER. Mr. Speaker, it's an honor to speak today on behalf of a dear friend and active civic leader in the 6th Congressional District of Kentucky. For 16 years, Hazel L. Underwood has been the Executive Director of the Jessamine County Chamber of Commerce. Hazel is a caring lady, who has worked hard to ensure that Jessamine County is and always will be a wonderful place to live, work and raise a family. There is no doubt in my mind, or the minds of the folks who live in Jessamine County, that today the community is a better place due to Hazel's hard work and dedication.

Within our many communities, there exist organizations and civic groups that provide invaluable services and activities for its citizens. The leaders of these organizations dedicate countless hours of service to ensure that the organization is well represented and accomplishing all that it can within our communities. Hazel has been this kind of Executive Director and she has achieved all of her organizational goals in a courteous, respectful manner that will be remembered by the Jessamine County Chamber and community for many, many years to come.

I salute Hazel for her years of dedicated service to the Jessamine County Chamber of Commerce. She has been the kind of leader that every organization wishes for—a leader who knows how to get things done right and work continuously to assure all aspects of every situation are covered. Hazel, thanks for your many years of dedicated service, remarkable accomplishments and many successes.

ENERGY POLICY AND CONSERVATION ACT REAUTHORIZATION

SPEECH OF

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. KLINK. Mr. Speaker, I am in support of H.R. 2884, reauthorizing the Energy Policy and Conservation Act, and the President's authority to draw down the Strategic Petroleum Reserve. The reserve contains 570 million barrels of oil to be used in a national emergency and it is critical that the Senate pass H.R. 2884 and that the President sign it into law as quickly as possible.

I am pleased that it establishes a ''Northeast Home Heating Oil Reserve.'' This will help everyone, including people in Pennsylvania, persons paying home heating oil bills, diesel truck drivers, farmers who must operate tractors, and drivers of regular cars. If we have an emergency or severe winter weather, 2 million barrels of oil will be available on reserve and diesel fuel will not be confiscated to use as home heating oil. This will keep prices down for home owners, especially senior citizens and the poor, and for drivers of cars, trucks, and for farmers driving tractors.

Along with helping Pennsylvania, the Northeast Home Heating Oil Reserve will be available for Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York and New Jersey.

It is my hope that, with this reserve, our constituents will not have to suffer high payments for home heating oil and gasoline as they did this past winter. For example, a constituent in Pennsylvania, Jim Luchini of Kirk Trucking in Delmont, Pennsylvania, sent me figures back in January, showing that prices at the diesel fuel pumps increased in some places by 10 cents in 24 hours. For home heating oil, it was especially painful for our constituents who are senior citizens, or who are poor, to have paid over $2.00 a gallon. None of our constituents should have to make a choice between heating their homes or buying food or medicine.

On March 21, 2000 I introduced H. Con. Res. 291, asking that the President draw down the Strategic Petroleum Reserve if the OPEC nations did not decide to increase production so as to bring prices down. I was pleased that OPEC did agree to increase production and bring relief to our nation. I want to thank several of my colleagues from Pennsylvania for co-sponsoring H. Con. Res. 291: Mr. MURTHA, Mr. ROBERT BRADY, Mr. HOLDEN, Mr. MASCARA, and Mr. COYNE. I would further like to thank my colleagues from Maryland and several New England states, Mr. WYNN, Mr. BALDACCI, Mr. OLVER, Mr. SANDERS, Mr. GEJDENSON, Mr. WEYGAND, Mr. KENNEDY, and Mr. MALONEY for co-sponsoring the resolution.

But relying on OPEC is inadequate. H. Con. Res. 291 also asked that the President and Secretary of Energy should prepare for future threats to the economy and the energy supply of the United States by developing methods to increase the quantity of crude oil in the Strategic Petroleum Reserve in an economically reasonable manner, and maximize the use of domestic energy resources.

We need to establish a sound energy policy in this country, so that we do not have to rely on OPEC: an efficient manner of oil production, clean coal technology, since coal is so abundant in Pennsylvania and many other states across the nation, and we must give a sincere effort to establishing renewable energy as a source of fuels. As a member of the Renewable Energy Caucus, I have worked to increase appropriations to fund renewable energy research and development programs—solar, wind, biomass, hydrogen, geothermal, and hydropower.

In order to meet the most immediate needs of our constituents in alleviating the high prices they pay to heat their home and fuel their vehicles, the Northeast Home Heating Oil Reserve is a first step in the right direction, and I urge that the Senate pass it as quickly as possible.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mrs. MYRICK. Mr. Speaker, due to necessary medical treatment, I was not present for the following votes. If I had been present, I would have voted as follows:

April 11, 2000:

Rollcall vote 116, on the motion to suspend the rules and pass H.R. 4163, the Taxpayer Bill of Rights, I would have voted ''yea.''

Rollcall vote 117, on the motion to suspend the rules and pass H. Res. 467, expressing

the sense of the House of Representatives that the tax and user fee increases proposed by the Administration in the FY 2001 budget should be adopted, I would have voted "nay."

Rollcall vote 118, on the motion to instruct Conferees to H.R. 1501, the Juvenile Justice Reform Act, I would have voted "yea."

CONGRATULATIONS TO VICE ADMIRAL ROBERT J. NATTER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. SKELTON. Mr. Speaker, it has come to my attention that Vice Admiral Robert Natter will receive the Distinguished Graduate Leadership Award from the United States Naval War College on May 1, 2000.

The Distinguished Graduate Leadership Award is presented to a former student of the Naval War College whose accomplishments as a military leader and outstanding service in the national interest have brought honor to his country, the Armed Services and the Naval War College.

Vice Admiral Natter enlisted in the Naval Reserve at the age of 17 as a Seaman Recruit. Following one year of reserve enlisted service and four years at the United States Naval Academy, he graduated and was commissioned in June 1967.

Vice Admiral Natter's service at sea included department head tours in a Coastal Minesweeper and Frigate and Executive Officer tours in two Amphibious Tank Landing Ships and a Spruance Destroyer. He was Officer in Charge of a Naval Special Warfare detachment in Vietnam and commanded U.S.S. *Chandler* (DDG996), U.S.S. *Antietam* (CG 54) and the United States 7th Fleet.

His shore assignments included Company Officer and later Flag Secretary to the Superintendent at the Naval Academy; Executive Assistant to the Director of Naval Warfare in the Office of the Chief of Naval Operations; staff member for the House Armed Services Committee of the 100th Congress of the United States; Executive Assistant to the Commander in Chief, U.S. Pacific Fleet; Executive Assistant to the Vice Chairman, Joint Chiefs of Staff, during Operation Desert Storm; Assistant Chief of Naval Personnel for officer and enlisted personnel assignments; Chief of the Navy's Legislative Affairs organization; and the Chief of Naval Operations' Director for Space, Information Warfare, Command and Control. Vice Admiral Natter currently is the Deputy Chief of Naval Operations for Plans, Policy and Operations.

His personal decorations include the Silver Star, two awards of the Distinguished Service Medal, Defense Superior Service Medal, five awards of the Legion of Merit, Bronze Star Medal with Combat V, Purple Heart, two awards of the Meritorious Service Medal, Navy Commendation Medal with Combat V, Navy Achievement Medal with Combat V, and various unit and campaign awards.

Mr. Speaker, I wish to extend my congratulations to Vice Admiral Natter for this most deserved award. His life is an example to all Americans, most particularly students—past, present and future—of the United States Naval War College.

IN RECOGNITION OF CYBERANGELS

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. FRANKS of New Jersey. Mr. Speaker, I rise before you today to recognize an outstanding organization that is aggressively fighting crimes against children on the Internet.

Tragically, in increasing numbers, our children are being exploited over the Internet. Everyday, pedophiles are contacting our children via the Internet in those places where we want to believe they are most secure—in our homes, our schools, and our libraries. Our law enforcement agencies, both local and federal, are working overtime to apprehend these cybermolesters. And, now they are receiving help from an unexpected source—citizen volunteers organized through a group called Cyberangels.

Cyberangels is an exemplary, New Jersey-based Internet safety group that helps to keep our children safe while they use the Internet. Cyberangels is well-known for their advice on child Internet safety, but recently they have taken a more active role in combating Internet crimes against children through their cybersleuthing—tracing individuals over the Internet. This noble group of volunteers has already reunited three families with their children who were victims of cybermolesters.

Most recently these volunteers aided the family of a 13-year-old girl in the town Fanwood, New Jersey, a town in my Congressional District. This young girl left her home to meet an 18-year-old man that she met on the Internet. Through the technical sleuth work of Cyberangels—tracking the man through his E-mail address—the girl and her family were reunited in little more than a day.

Cyberangels sets an excellent example of how private citizens and law enforcement agencies can work together to reduce Internet crimes. It is my hope that Congress will soon do their part in protecting our children by enacting legislation to filter harmful material out of schools and libraries and ensure that cybermolesters receive the punishment they deserve.

In the meantime, Mr. Speaker I hope that you will join me in commending Cyberangels for their superb efforts to keep our children safe while they roam the vast resources on the Web. I also encourage everyone to visit Cyberangels on the web at www.cyberangels.com.

HONORING DR. EDWARD S. ORZAC

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mrs. McCARTHY of New York. Mr. Speaker, today I honor one of the most outstanding doctors on Long Island, Dr. Edward S. Orzac. In 1941, Dr. Orzac graduated from the University of Virginia Medical School and interned at Wilkes-Barre General Hospital in Pennsylvania. Shortly after his internship, Dr. Orzac served his country in the United States Army. They assigned him to a combat infantry division during World War II.

After the war, Dr. Orzac finished his residency and postgraduate education at Morrisania City Hospital and New York University Bellevue Graduate School of Medicine. From 1947 until 1948, Dr. Orzac was the chief resident at Morrisania City Hospital. When he completed his residency, Dr. Orzac established and ran a private practice from 1948 until 1981.

Though Dr. Orzac's private practice kept him busy, he served on many professional boards and had many professional fellowships. Between the boards and fellowships, he also had various hospital assignments. Furthermore, he taught at a variety of universities that include New York University School of Medicine, NYU Graduate School of Medicine, State University New York at Stony Brook Medical School, Adelphi University and St. John's University. Dr. Orzac still teachers at SUNY Stony Brook, Adelphi and St. John's.

Dr. Orzac's talents, however, are not limited to practicing medicine and to teaching. He writes, raises money for many Jewish causes and organizations, participates in the Boy Scouts of America, is a trustee, a founder, a visiting specialist, to name a few. In the midst of these pursuits, Dr. Orzac received a bachelor's degree in history and a master's degree in Asian Studies.

Throughout his life, Dr. Orzac's work has been recognized and rewarded. The Army bestowed the first of many medals, honors and awards. The City of Chicago, a Chicago law school, a college, the United Jewish Appeal, the Long Island Otolaryngological and Maxillofacial Society and the Boy Scouts of America join the long list of organizations that have honored Dr. Orzac's incredible talents. But his acclaim reaches beyond the United States. Afghanistan, India and Indonesia have honored Dr. Orzac's unfailing contributions and selfless devotion in providing medical services to their countries.

Standing with him through these years is Beatrice, his wife, and their three children, Carolyn, Virginia and Elizabeth. They gave him the nurturing and caring support for such a long and distinguished career. If a tree's roots provide life-giving support, then Dr. Orzac's family are his roots.

Dr. Orzac, thank you for the tireless work, endless hours, countless patients, lost sleep. Long Island has immeasurably benefitted from your talents and care. We hold you in highest esteem and use your community service as a model to follow.

TRIBUTE TO FRANK S. PRIESTLEY

HON. HELEN CHENOWETH-HAGE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mrs. CHENOWETH-HAGE. Mr. Speaker, I rise today to pay special tribute to Frank

Priestley, President of the Idaho Farm Bureau Federation and the Farm Bureau Insurance Companies of Idaho, who was recently elected to the American Farm Bureau Federation's Board of Directors. This is a tremendous honor, especially since this is the first time in nearly three years that an Idahoan has served on this prestigious board.

Mr. Speaker, Frank began his illustrious career when he started his own hay bailing business at the age of 14. Through his vision and entrepreneurial spirit he was able to establish a successful family farm operation. He and his wife, Susan, today run a heifer replacement operation and grow alfalfa, corn and barely in southeastern Idaho.

When Frank is not busy on the farm, he, Susan and their 6 children attend church and actively participate in youth group activities. Clearly, we are fortunate to have someone like Frank serve the people of Idaho, and I personally want to wish him a heartfelt thanks for his dedicated service.j

HONORING GREEK INDEPENDENCE DAY

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Ms. STABENOW. Mr. Speaker, I rise today to honor the 179th Greek Independence Day. On March 25, 1821, the Greek people started a battle that would lead to independence after more than 400 years of Ottoman rule.

Fortunately, Greek culture survived the Ottomans. Greek civilization inspired the framers of our constitution. The Greek political tradition had profound influence on our founding fathers and helped shape America's political foundation. The pursuit of freedom is just one of the many ideals which have historically bound us together.

Greek-Americans have made such a enormous contribution to American culture and American life. Today, Greek culture flourishes in America—in places like Detroit, Michigan and elsewhere in the Great Lakes States.

As a member of the Congressional Caucus on Hellenic Issues, I want to take this opportunity to salute the Greek people on their historic achievement. Greece is a dedicated U.S. ally.

I congratulate Greece for 179 years of independent rule and for a legacy that will last forever. My fellow colleagues, please join me in honoring Greek Independence Day.

HONORING THE LEXINGTON LIONS CLUB FOR 79 YEARS OF SERVICE TO THE COMMUNITY

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. FLETCHER. Mr. Speaker, I acknowledge the accomplishments of an outstanding organization within the community of Lexington, Kentucky. With a motto of ''We Serve'', the Lexington Lions Club has been serving folks in the Lexington community for the past 79 years.

Its members always give freely of their time and labor to serve our nation, our state and local community. Their dedication to the ideals of service and high standards promotes good citizenship and the welfare of our neighborhoods. The members of the Lexington Lions have worked tirelessly to produce positive change and as a result, their efforts have helped many over the years.

I believe their hard work and dedication is obvious, as the Lexington Lions Club will come together on Friday, April 28, 2000 to celebrate its ''Million Dollar Decade''. Since 1990, this organization has worked to raise the necessary funds to serve the needs of our community. Their efforts to prevent blindness and their dedication to serving young people have touched and improved the lives of so many—I salute this remarkable organization for its many achievements, accomplishments and years of dedicated service.

Mr. Speaker, today I recognize an outstanding organization that has made so many contributions throughout its 79 years of service. It is an honor to share with my colleagues and the American people how the Lexington Lions Club has constantly given to make Lexington and Kentucky a better place.

IN SUPPORT OF METHAMPHETAMINES LEGISLATION

HON. MARY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mrs. BONO. Mr. Speaker, it is time to declare war against methamphetamines. Meth is a powerful and dangerous drug that harms innocent families and ruins neighborhoods and communities.

This dangerous drug is a threat to our society and our prosperity and it is time we take responsibility for solving this problem.

I rise to support Congressman CALVERT's legislation that will ensure that law enforcement officials are fully equipped with the resources to battle this destructive drug.

Meth has become the drug of choice in California and in my district. Worse, it is easy to manufacture and acquire. In fact, in Fiscal Year 1999, there were over 700 meth labs seized in Riverside and San Bernardino counties alone at a cost of $1.3 million dollars to taxpayers.

Many anti-government forces believe that the war on drugs is a failure and that we should stop the fight. As a concerned parent, I strongly believe that it is our responsibility to not run and hide, but rather to step up to the plate and increase our commitment to the war against drugs. This legislation represents this continued commitment.

HONORING TORRANCE CITY COUNCIL MEMBERS HARVEY HORWICH, DON LEE, AND MAUREEN O'DONNELL

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. KUYKENDALL. Mr. Speaker, I rise today to honor three distinguished individuals from the City of Torrance, Council members Harvey Horwich, Don Lee, and Maureen O'Donnell. Today they are being honored for their service to the community as their tenure on the City Council comes to an end.

All three individuals have exhibited a strong commitment to the local community. They have extensively volunteered their time for the betterment of the community. I commend their selfless contributions to the City of Torrance.

Councilman Horwich has been an active volunteer in the community for over 20 years. He has been involved with the Torrance Civic Center Authority, the Parks and Recreation Commission, and the Planning Commission. A local small businessman, Harvey was appointed to the City Council in November of 1998.

A lifelong resident of the South Bay, Councilman Lee was first elected to the City Council in 1992. Prior to his service on the Council, Don Lee was a Planning Commissioner and a Parks and Recreation Commissioner for the City of Torrance. He is actively involved in the Torrance Rotary Club, YMCA, and Chamber of Commerce.

Councilwoman O'Donnell is a standout educator, teacher of American government and U.S. History at Gardena High School. She has been active in local politics and served on the Torrance Human Resources Commission prior to her election to the City Council in 1992. She was selected as the Torrance YWCA Woman of the Year in 1994, and has been involved with the Torrance Historical Society, YWCA, and the Salvation Army.

Council members Horwich, Lee, and O'Donnell have been invaluable members of the Torrance community. On behalf of the City of Torrance, I thank you for your service. You have served the Torrance community with respect and honor.

INTRODUCTION OF THE CYBER SECURITY INFORMATION ACT OF 2000

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. DAVIS of Virginia. Mr. Speaker, I am pleased to rise today to introduce legislation with my good friend and colleague from northern Virginia, Representative JIM LORAN, that will facilitate the protection of our nation's critical infrastructure from cyber threats. In the 104th Congress, we called upon the Administration to study our nation's critical infrastructure vulnerabilities and to identify solutions to address these vulnerabilities. The Administration has, through the President and participating agencies, identified a number of steps

that must be taken in order to eliminate the potential for significant damage to our critical infrastructure. Foremost among these suggestions is the need to ensure coordination between the public and private sector representatives of critical infrastructure. The bill I am introducing today is the first step in encouraging private sector cooperation and participation with the government to accomplish this objective.

The critical infrastructure of the United States is largely owned and operated by the private sector. Critical infrastructures are those systems that are essential to the minimum operations of the economy and government. Our critical infrastructure is comprised of the financial services, telecommunications, information technology, transportation, water systems, emergency services, electric power, gas and oil sectors in private industry as well as our National Defense, and Law Enforcement and International Security sectors within the government. Traditionally, these sectors operated largely independently of one another and coordinated with government to protect themselves against threats posed by traditional warfare. Today, these sectors must learn how to protect themselves against unconventional threats such as terrorist attacks, and Cyber attack. These sectors must also recognize the vulnerabilities they may face because of the tremendous technological progress we have made. As we learned when planning for the challenges presented by the Year 2000 rollover, many of our computer systems and networks are now interconnected and communicate with many other systems. With the many advances in information technology, many of our critical infrastructure sectors are linked to one another and face increased vulnerability to cyber threats. Technology interconnectivity increases the risk that problems affecting one system will also affect other connected systems. Computer networks can provide pathways among systems to gain unauthorized access to data and operations from outside locations if they are not carefully monitored and protected.

A cyber threat could quickly shutdown any one of our critical infrastructures and potentially cripple several sectors at one time. Nations around the world, including the United States, are currently training their military and intelligence personnel to carry out cyber attacks against other nations to quickly and efficiently cripple a nation's daily operations. Cyber attacks have moved beyond the mischievous teenager and are being learned and used by terrorist organizations as the latest weapon in a nation's arsenal. In June 1998 and February 1999, the Director of the Central Intelligence Agency testified before Congress that several nations recognize that Cyber attacks against civilian computer systems represent the most viable option for leveling the playing field in an armed crisis against the United States. The Director also stated that several terrorist organizations believed information warfare to be a low cost opportunity to support their causes. Both Presidential Decision Directive 63 (PDD–63) issued in May 1998, and the President's National Plan for Information Systems Protection, Version 1.0 issued in January 2000, call on the legislative branch to build the necessary framework to encourage information sharing to address cyber security threats to our nation's privately held critical infrastructure.

Recently, we have learned the inconveniences that may be caused by a cyber attack or unforeseen circumstance. Earlier this year, many of our most popular sites such as Yahoo, eBay and Amazon.com were shutdown for several hours at a time over several days by a team of hackers interested in demonstrating their capability to disrupt service. While we may have found the shutdown of these sites temporarily inconvenient, they potentially cost those companies significant amounts of lost revenue, and it is not too difficult to imagine what would have occurred if the attacks had been focused on our utilities, or emergency services industries. We, as a society, have grown increasingly dependent on our infrastructure providers. I am sure many of you recall when PanAmSat's Galaxy IV satellite's on-board controller lost service. An estimated 80 to 90% of our nation's pagers were inoperable, and hospitals had difficulty reaching doctors on call and emergency workers. It even impeded the ability of consumers to use credit cards to pay for their gas at the pump.

Moreover, recent studies have demonstrated that the incidence of cyber security threats to both the government and the private sector are only increasing. According to an October 1999 report issued by the General Accounting Office (GAO), the number of reported computer security incidents handled by Carnegie-Mellon University's CERT Coordination Center has increased from 1,334 in 1993 to 4,398 during the first two quarters of 1999. Additionally, the Computer Security Institute reported an increase in attacks for the third year in a row based on responses to their annual survey on computer security. GAO has done a number of reports that give Congress an accurate picture of the risk facing federal agencies; they cannot track such information for the private sector. We must rely on the private sector to share its vulnerabilities with the federal government so that all of our critical infrastructures are protected.

Today, I am introducing legislation that gives critical infrastructure industries the assurances they need in order to confidently share information with the federal government. As we learned with the Y2K model, government and industry can work in partnership to produce the best outcome for the American people. The President has called for the creation of Information Sharing and and Analysis Centers (ISACs) for each critical infrastructure sector that will be headed by the appropriate federal agency or entity, and a member from its private sector counterpart. For instance, the Department of Treasury is running the first ISAC for the financial services industry in partnership with Citigroup. Many in the private sector have expressed strong support for this model but have also expressed concerns about voluntarily sharing information with the government, and the unintended consequences they could face for acting in good faith. Specifically, there has been concern that industry could potentially face antitrust violations for sharing information with other industry partners, have their shared information be subject to the Freedom of Information Act, of face potentially liability concerns for information shared in good faith. My bill will address all three of these concerns. The cyber Security Information Act also respects the privacy rights of consumers and critical infrastructure operators. Consumers and operators will have the confidence they need to know that information will be handled accurately, confidentially, and reliably.

The Cyber Security Information Act of 2000 is closely modeled after the successful Year 2000 Information and Readiness Disclosure Act by providing a limited FOIA exemption, civil litigation protection for shared information, and an antitrust exemption for information shared within an ISAC. These three protections have been previously cited by the Administration as necessary legislative remedies in Version 1.0 of the National Plan and PDD–63. This legislation will enable the ISACs to move forward without fear from industry so that government and industry may enjoy the mutually cooperative partnership called for in PDD–63. This will also allow us to get a timely and accurate assessment of the vulnerabilities of each sector to cyber attacks and allow for the formulation of proposals to eliminate these vulnerabilities without increasing government regulation, or expanding unfunded federal mandates on the private sector.

PDD–63 calls upon the government to put in place a critical infrastructure proposal that will allow for three tasks to be accomplished by 2003:

(1) The Federal Government must be able to perform essential national security missions and to ensure the general public health and safety;

(2) State and local governments must be able to maintain order and to deliver minimum essential public services; and

(3) The private sector must be able to ensure the orderly functioning of the economy and the delivery of essential telecommunications, energy, financial, and transportation services. This legislation will allow the private sector to meet this deadline.

We will also ensure the ISACs can move forward to accomplish their missions by developing the necessary technical expertise to establish baseline statistics and patterns within the various infrastructures, become a clearinghouse for information within and among the various sectors, and provide a repository of valuable information that may be used by the private sector. As technology continues to rapidly improve industry efficiency and operations, so will the risks posed by vulnerabilities and threats to our infrastructure. We must create a framework that will allow our protective measures to adapt and be updated quickly.

It is my hope that we will be able to move forward quickly with this legislation and that Congress and the Administration can move forward in partnership to provide industry and government with the tools for meeting this challenge. A Congressional Research Service report on the ISAC proposal describes the information sharing model one of the most crucial pieces for success in protecting our critical infrastructure, yet one of the hardest pieces to realize. With the introduction of the Cyber Security Information Act of 2000, we are removing the primary barrier to information sharing between government and industry. This is

landmark legislation that will be replicated around the globe by other nations as they too try to address threats to their critical infrastructure.

Mr. Speaker, I believe that the Cyber Security Information Act of 2000 will help us address critical infrastructure cyber threats with the same level of success we achieved in addressing the Year 2000 problem. With government and industry cooperation, the seamless delivery of services and the protection or our nation's economy and well-being will continue without interruption just as the delivery of services continued on January 1, 2000.

COMMEMORATING THE DAY OF HONOR 2000 FOR AMERICA'S MINORITY VETERANS OF WORLD WAR II

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. EVANS. Mr. Speaker, I join with many of my colleagues today to honor and give thanks to America's minority veterans—the soldiers, the sailors, the men and women of the Air Force, and, of course, my fellow Marines. More of the world is free today than ever before, thanks in no small part to their valor and sacrifice half a century ago.

The twentieth century began with much of the globe dominated by militaristic empires. In the First World War, our armed forces were the lever that pried these colonial empires apart.

In their ruin, the hideous forces of totalitarianism grew to great power, threatening to engulf us all. In the dark hour, American GIs of every color, of every national origin and creed, left the safety of their homes and began the struggle of the century. In World War II, American forces joined with freedom-loving people from Europe, Africa and Asia to defeat the Axis—that misspent laboratory for human cruelty.

The cost was extraordinarily high. Over one and one-half million minority Americans gave their lives to this cause. Some 1.2 million were African Americans, for whom racial slavery was no hypothetical concept. Over 300,000 were Hispanic Americans and another 50,000 were Asian Americans, willing to look past the discrimination they endured toward a better day that only democracy could bring. More than 20,000 Native Americans died for this country in World War II, along with more than 5,000 Native Hawaiians and over 3,000 Native Alaskans.

This week the House echoed the words of General Colin Powell, former Chairman of the Joints Chief of Staff, who wrote last year that among those who best exemplified courage, selflessness, exuberance, superhuman ability, and amazing grace during the past 200 years was the American GI.

". . . In this century," General Powell said, "hundreds of thousands of GIs died to bring to the beginning of the 21st century the victory of democracy as the ascendant political system of the face of the earth. The GIs were willing to travel far away and give their lives, if necessary, to secure the rights and freedoms of others. Only a nation such as ours, based on a firm moral foundation, could make such a request of its citizens. And the GIs wanted nothing more than to get the job done and then return home safely. All they asked for in repayment from those they freed was the opportunity to help them become part of the world of democracy. . . . Near the top of any listing of the most important people of the 20th century must stand, in singular honor, the American GI."

The American GI who served during World War II came in many colors and represented many cultures. Those of us who grew up in my generation, and went on to serve in another dark time, have taken courage in the stories of the Tuskeegee Airmen, the Nisei soldiers in Italy, the Navajo code-talkers in the Pacific, the Hispanic fighters who head the roll of the Medal of Honor and others. The diversity of these heroic men and women, and their determination to show what they could do, was a source of their strength. It still is today.

In light of the accomplishments of the Armed Forces of the United States during World War II both of defeating the forces of tyranny and dictatorship and in embodying a sense of honor, decency, and respect for mankind, I join in saluting our minority American GIs.

But no tribute to the courage and dedication of America's minority veterans should stop with 1945. Having fought for their country, these diverse and courageous men and women could no longer be contained by the brutal rules they had known as children. They were also the footsoldiers and leaders of the civil rights movements that followed World War II. They went home and took on careers and bought homes, set up businesses, entered the professions and all the walks of life that had been barely imaginable for them before the war. They had defended democracy as servicemembers and wanted nothing less than full participation in the democratic institutions they had preserved.

I am proud to honor our nation's brave minority veterans. I salute them and thank them for a job well done.

ENERGY POLICY AND CONSERVATION REAUTHORIZATION

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Ms. DELAURO. Mr. Speaker, today the House of Representatives passed an important reauthorization bill, the Energy Policy and Conservation Act. This bill does a number of important things including reauthorizing the Strategic Petroleum Reserve, but it does one thing in particular that is very important to Connecticut: it sets up a home heating oil reserve for the Northeast based on legislation Congressman BERNIE SANDERS introduced and I cosponsored.

The bill calls on the federal government to create a 2 million barrel home heating oil reserve which could be released by the President when oil prices rise rapidly, when there is a disruption in supply or when there is a regional crisis like the cold snap Connecticut and other Northeastern states faced last winter. This will help our region deal with uncertainties in the market and will stabilize oil prices in the future.

As we all remember this past winter, the average price of home heating oil increased by almost 50 percent in less than one month, and at its peak, the price of oil was double what it has been the previous year. Many of my constituents were in situations where they could not afford to fill their tanks to heat their homes. Some were choosing between eating their meals or heating their homes. We cannot allow that to happen in the future.

The creation of this home heating oil reserve will prevent these disruptions and will provide more stability for my constituents who were forced to pay outrageously high prices to heat their homes, or worse, to make difficult choices between paying bills for food, clothes, doctor visits and heating their homes. It would give the Northeast a tool in combating the type of crisis we faced this winter, when low temperatures and high oil prices forced many people into a situation where they were unable to keep their homes warm for their families. It is imperative that the House and Senate retain this provision when they meet to develop a conference report on the Energy Policy and Conservation Act.

ENERGY POLICY AND CONSERVATION ACT REAUTHORIZATION

SPEECH OF

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. WATTS of Oklahoma. Mr. Speaker, I am in strong support of H.R. 2884, the Strategic Petroleum Reserve Reauthorization. This important legislation takes the necessary steps to address the current policy of reliance on foreign oil which is threatening our national security.

I would like to share with you an important quote. It's a quote from President Clinton. He said, and I quote directly:

"I am today concurring with the Commerce Department's finding that the nation's growing reliance on imports of crude oil and refined petroleum products threaten the nation's security because they increase U.S. vulnerability to oil supply interruptions."

That statement was made by the President in 1994 when imported oil was less than 51% of American consumption. Here we are today, 6 years later, and not only have we not reduced that demand for foreign oil, not only have we not stabilized that demand, we have actually increased that demand to over 56% of our consumption.

Dependence on foreign oil is an ever-growing threat to America's security. President Clinton stated that fact six years ago, but the facts also show the Clinton-Gore Administration has been AWOL when it comes to encouraging the development of the domestic energy supply that would decrease our reliance on foreign product.

The legislation before us is a step in the right direction toward the development of our domestic energy supply. This provision gives the Energy Secretary discretionary authority to purchase oil from domestic sources as opposed to the current practice of only buying foreign oil. H.R. 2884 authorizes, at the discretion of the Energy Secretary, the purchase of oil from these marginal ''stripper'' wells whenever the price of oil dips below $15 dollars per barrel. This is vital to the improvement of our energy policy in the United States today. This legislation also takes a major step in improving the economic situation for the small, independent producers in America, while, at the same time, strengthening our national security.

There are more than 6,000 independent producers nationwide, many working out of their homes with few employees. Yet they drill 85% of domestic oil and natural gas wells in America, contributing close to half of our nation's domestic oil and gas output.

Mr. Speaker, we must develop a national energy policy that protects our security interests while, at the same time, improving the production economy in America. The passage of H.R. 2884 will be an important step in that direction. I urge my colleagues in the House to join me in casting their vote in favor of this very important legislation.

PARTIAL-BIRTH ABORTION BAN ACT OF 2000

SPEECH OF

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Mr. BACHUS. Mr. Speaker, when the Partial Birth Abortion Ban Act was before this body last year, opponents accused proponents of the legislation of bad taste, of offensive conduct. What was that offensive conduct? It was giving an admittedly accurate description of the gruesome act by which a baby's body is dismantled and mutilated and its young life painfully and unjustifiably ended. There is agreement. What a sorry spectacle. Unfortunately, ironically, there is no agreement—no consensus on an even sorrier spectacle, an even greater outrage. That outrage is not a description of a partial birth abortion, it is the partial birth abortion itself. Imagine a society too humane and too caring to permit the discussion of such a heinous act, but one which at the same time not only permits, but defends this outrageous offense against humanity, liberty and justice.

Do not all of us have the compassion to agree that this should never happen to any human being? A violation of our God given dignity. Is not every partial birth abortion an offense against humanity: does it not weaken our conscience, harden our heart, and dull our mind. I submit to you that every innocent life taken by this procedure makes America less caring, less respectful of others, and leaves behind only feelings of guilt. Each procedure leaves scars that can last forever in our memory, in our hearts, and in our consciences.

[We in America like to consider ourselves a compassionate people. We pride ourselves on wanting to protect the weak, to help those in need. But we refuse to acknowledge the suffering of a baby whose skull is cracked and whose brain is sucked out. Yet this happens at least 5,000 times each year in America. That means that every day 14 babies die hidden from our view. Babies need our protection, our care, and our concern. We have been elected to protect those who need our help, to make a difference in the lives of others. I, for one, feel the weight of knowing that all of those babies suffer so much and so needlessly. We have the power to stop their suffering, and to end this barbaric procedure.]

A mother's womb is where a baby should feel safest, free from all harm and literally surrounded by love. Every partial birth abortion is a failure of love. Every partial birth abortion is a failure of justice. And every partial birth abortion is an unnecessary procedure. Not only are these types of brutal degradations not required, the AMA says they should never happen in a medically advanced country like ours.

Let us all agree to go beyond partisan ways of thinking and consider what is really at stake: the life of an innocent, weak, and defenseless human being who needs our protection. Does not justice and conscience and respect for life cry out for passage of this legislation?

MONMOUTH MEDICAL CENTER PRESENTS THE PINNACLE AWARDS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. PALLONE. Mr. Speaker, on Saturday, April 15, 2000, Monmouth Medical Center in Long Beach, NJ, will present the sixth biannual Physician Recognition Dinner and the presentation of the Pinnacle Awards. The event will be held at the Oyster Point Hotel in Red Bank, NJ.

Mr. Speaker, these awards will be presented in recognition of six physicians whose contributions have helped to establish Monmouth Medical Center as one of the foremost community teaching hospitals in New Jersey. The six outstanding physician recipients of the Pinnacle Award for 2000 have been leaders and achievers. Each has devoted a lifetime of faithful service to Monmouth Medical Center, exemplifying the ideals and traditions of the practice of medicine. More importantly, they have devoted a lifetime of service to the care and healing of innumerable grateful patients.

The Pinnacle Awards are presented on behalf of the entire household family, by authority of the administration of Monmouth Medical Center and the Medical and Dental Staff. The recipients of the Pinnacle Awards are:

Richard A. Daniels, M.D. Besides practicing medicine, Dr. Daniels has had another love for the past 49 years—teaching it. Although he officially retired from his internal medicine practice last year, he can still be seen on the patient floors of Monmouth Medical Center, providing one-to-one instruction to medical school students and medical residents. Dr. Daniels has been actively involved in Monmouth's medical education program since the early 1960s. Throughout his career, he's placed a major focus on cardiology, serving as president of the Monmouth County Heart Association. Later, he combined that interest with geriatric medicine, becoming board certified in that specialty.

A 1955 graduate of the State University of New York, Dr. Daniels completed his residency in internal medicine at Mount Sinai Hospital, New York, serving as chief resident in his final year of training. He then spent two years in the military as chief of medicine at the Air Force Hospital in Minot, ND. He joined Monmouth's attending staff in 1961, and entered into private practice the same year. Since 1968, he has been an associate clinical professor at MCP Hahnamann School of Medicine, the teaching affiliate of Monmouth Medical Center. Dr. Daniels is a diplomat of the American Board of Internal Medicine, a fellow of the American College of Physicians and the American Society of Internal Medicine, and a member of the Teachers of Family Practice and an associate of the American College of Cardiology. His research work has been published in the Annals of Internal Medicine, American Journal of Medicine and New Jersey Medicine.

Dr. Daniels and his wife Norma divide their time between Long Beach and Vermont. They have two sons, Steven and Jeffrey, both of whom are doctors—as is one of their sons-in-laws. They also have two daughters, Cathy Zukerman, an architect, and Barrie Markowitz, a director at American Express. Their four children have presented Dr. and Mrs. Daniels 12 grandchildren.

Barry D. Elbaum, D.D.S. Since joining Monmouth Medical Center's Medical and Dental Staff in 1996, Dr. Elbaum, an oral and maxillofacial surgeon, has been a driving force in the growth of the Department of Dentistry. For the past 11 years, Dr. Elbaum has served as department chairman. Under his leadership, the number of dentists on the attending staff has quadrupled to 80 dentists. Having established his discipline as a major department that holds a permanent seat on the hospital's Medical Executive Committee, Dr. Elbaum is credited with changing the attending staff's official name to the Medical and Dental Staff. The dentists on the staff, under Dr. Elbaum's guidance, provide instruction to four resident dentists each year, providing hands-on training in one of the busiest facilities of its kind in the state. He has also offered direction in bringing in the most advanced dental and oral techniques. He has also helped to raise significant funds to establish the Samuel Elbaum Continuing Dental Education Program. He is also in private practice at several locations in Monmouth County.

Born in Poland, Dr. Elbaum is a Holocaust survivor who was 12 years old when he came to the United States in 1950. During his three-month stay at Ellis Island, he mastered both the English language and table tennis, which he later won a championship in. He graduated from the New York University College of Dentistry in 1962. After a four-year residency at Mount Sinai Hospital in New York, he established his practice in Asbury Park, NJ. He became chairman of the oral and maxillofacial

surgery and dental implantology, Dr. Elbaum is a fell of the American and International Sciences of oral and Maxillofacial Surgery and of the American Dental Society of Anesthesiology. He is also a former board member of the Jewish Community Center and the United Jewish Federation.

Dr. Elbaum's wife Libbie, a certified public accountant, has been involved in the bookkeeping and financial activities of her husband's practice. Their son, Jeffrey Elbaum, D.D.S., and their daughter, Gayle Elbaum Krost, D.D.S., have both followed in their father's footsteps. Gayle's husband, Brian Krost, D.M.D., is also a practicing dentist. Their other daughter, Rochelle Matalon, has completed a master's degree in social work, and her husband, Albert Matalon, M.D. is completing a fellowship at Columbia-Presbyterian Medical Center. The Elbaum's, who live in Ocean Township, NJ, have nine grandchildren.

Carlos G. Garcia, M.D. In 1963, Dr. Garcia fled Cuba with his pregnant wife, young son and sister-in-law. Thirteen years later, he opened a private practice in cardiology in Long Branch, and has gone on to become one of the most well respected cardiologists in the region, having served as director of Cardiology at Monmouth Medical Center for 15 years before his retirement last year.

Dr. Garcia began his medical training in Cuba, where he also worked as an EKG technician for a cardiologist. The political unrest and the intolerable social and political pressures of the Castro communist dictatorship compelled him to seek a better life in the U.S. After a brief stay in Miami, Dr. Garcia and his family moved to New York. He eventually found a job at Mount Sinai Hospital, and then continued his studies in Spain. After earning his medical degree, he returned to the U.S. to continue his postgraduate education at Monmouth Medical Center, where he completed an internship and residency in internal medicine. He entered private practice in 1970, the same year he became a member of Monmouth Medical Center's Medical and Dental Staff. Three years later, the Garcias became naturalized U.S. citizens. In 1984, Dr. Garcia was named acting director of Cardiology at Monmouth Medical, and he soon assumed that post in a permanent capacity. During his tenure, the Department made major strides, providing the full range of services to patients, from the first signs of a heart attack through treatment, recovery and rehabilitation. One of the highlights of his tenure was the 1996 opening of the Cardiac Catheterization Laboratory.

Dr. Garcia and his wife Josephine are longtime residents of West Long Branch, NJ. Their daughter Maria is a registered nurse and lactation consultant, and their son Carlos is president of a managed care brokerage. They have five grandchildren. Dr. Garcia's brother, Juan Garcia, M.D., is also a practicing physician in the Central New Jersey area. The Garcias have relatives in Miami and some in Cuba, whom they hope to see soon.

H. Lawrence Karasic, M.D. During his 35 years with Monmouth Medical Center's Department of Anesthesiology, Dr. Karasic has witnessed much change among his ranks on the surgical floor. The department has grown from a staff of four to 20 anesthesiologists, many of whom completed their residency training at Monmouth Medical. Monitoring equipment has become more sophisticated and anesthetic agents are more effective. The surgeons they support are also becoming ever more effective in saving lives, treating illnesses and reducing recovery times. Throughout those years, Dr. Karasic has remained committed to medical education, a dedication that was recognized when he received the 1999 Alumnus of the Year Award from MCP Hahnemann School of Medicine, which provides clinical training for more than 300 Hahnemann students each year. Since 1982, he has served as associate clinical professor of anesthesiology at Hahnemann.

Dr. Karasic earned his medical degree from Philadelphia-based medical school, where he completed his internship and residency. He spent two years in the military, as the head of anesthesiology at the U.S. Naval Hospital in Guantanamo Bay, Cuba, before joining Monmouth's attending staff in 1965. He served as coordinator of medical education in anesthesia and became instrumental in establishing the hospital's fully accredited anesthesiology residency program in 1982. For the next four years, he filled a dual role as department chairman and residency program director. Throughout his career, he has served on many clinical, educational and peer-related committees of Monmouth Medical Center, Hahnemann and the American Society of Anesthesiologists. From 1993 to 1996, he was clinical director or anesthesia for O.R. operations at Monmouth. He is a diplomat of the American Board of Anesthesiology and a fellow of the American College of Anesthesiologists.

Dr. Karasic's wife, Honey Karasic, owns and operates the Back Relief and Comfort Store in Oakhurst, NJ. Mrs. Karasic's business often provides much needed relief for the doctor after he engages in two of his favorite activities, downhill skiing and racquetball. The Karasics have four children—Robert, Shara, Leslie and Neal—and two grandchildren—Zachary and Emily.

Albert A. Rienzo, M.D. The opening last year of the Cranmer Ambulatory Surgery Center at the Monmouth Medical Center campus last year marked the beginning of a new era in otolaryngology. For Dr. Rienzo, the center's debut marked the culmination of years of hard work to bring state-of-the-art surgical systems to the region, paving the way for him and his colleagues to perform the latest procedures in treating disorders of the ears, nose and throat. The center is now performing three of the most advanced procedures offered at any medical facility in the nation, employing high-tech equipment and techniques to achieve an unprecedented degree of precision, safety, painlessness and non-invasiveness.

A member of Monmouth's Medical and Dental Staff for 25 years, Dr. Rienzo has served as section chief of Ear, Nose and Throat since 1980, participating in the many initiatives that have shaped this surgical specialty over the past two decades. Under his leadership, otolaryngologists at Monmouth became the first in the region to perform endoscopic functional sinus surgery to treat chronic sinus disease. They also pioneered the removal of benign or malignant lesions from the larynx with minimally invasive techniques. During the early 1990s, Dr. Rienzo established the Department of Rehabilitation Services' Vocal Dynamics Laboratory. He also served as director of Monmouth's cochlear implant program, which was one of only three designated by the state to perform the surgical procedure, which involves placing an electrical device in the inner ear of a profoundly deaf patient to restore hearing.

A 1966 graduate of the University of Bologna School of Medicine in Italy, Dr. Rienzo completed his internship and surgical residency at Monmouth. He also served in the military, serving for a year as director of the ENT clinic at the U.S. Army Hospital at Fort Devens, MA. After continued training at the Newark Eye and Ear Infirmary, he returned to Monmouth Medical Center in 1974, and also established private practice in Long Branch. He has been active in the medical education program, and is a clinical senior instructor at MCP Hahnemann School of Medicine. Dr. Rienzo is a member of the American Academy of Otolaryngology and the International Society of Otolaryngologists.

A resident of Rumson, NJ, Dr. Rienzo has three children—Anthony, Caroline and Benedetta. His daughter Elsa died three years ago. He is one of six physicians in the Rienzo family.

Charles Sills, M.D. Dr. Sills has been at the forefront of the high technology boom that continues to revolutionize the field of surgery. Since joining the Medical and Dental Staff of Monmouth Medical Center in 1968, Dr. Sills, a thoracic surgeon, has played a major role in maintaining Monmouth's leadership position in New Jersey for excellence in the field. During the mid-1980s, Dr. Sills introduced laser surgery to Monmouth and Ocean counties as the first to perform endobronchial laser surgery. Since then, Monmouth Medical has been on the cutting edge of bringing to the region minimally invasive procedures, allowing for procedures to be performed on internal organs without the trauma of open surgery.

For the past nine years, after spending a year as vice president of the Medical and Dental Staff, Dr. Sills has been chairman of the Department of Surgery and director of the general surgery residency program, which provides training to resident physicians who plan to enter the surgical field or to those who seek surgery training for preparation to enter other medical specialties. In 1994, he guided a multidisciplinary medical team that earned Monmouth the distinction of being the only hospital in New Jersey to participate in the Lung Volume Reduction Surgery study, which provides significant relief to emphysema patients.

A 1967 graduate of Chicago Medical School, Dr. Sills completed a five-year residency program in general surgery at Albert Einstein College of Medicine in New York. He received fellowship training in surgery from the National Institutes of Health before embarking on cardiothoracic surgery training there and at Montefiore Hospital in New York. After joining Monmouth in 1968, he entered private practice five years later. Since 1975, he has been a clinical associate professor of surgery at MCP Hahnemann School of Medicine. He is a fellow of the American College of Surgeons and the American College of Chest Physicians. He

is also a member of the Society of Thoracic Surgeons, the American Society of Laser Surgery, and other professional societies.

Not content to have mastered one field, Dr. Sills is an undergraduate student at Rutgers University Mason Gross School of Fine Arts, and plans to seek his master of fine arts degree there. His sculpture has been exhibited in New Jersey and New York. Dr. Sills and his wife Caryl, chairman of Monmouth University's English Department, live in Rumson, NJ. They have three sons—Peter, Keith and Adam—and two grandsons—Liam and Zachary.

IN SUPPORT OF THE ''JENNIE FUND''

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. KLECZKA. Mr. Speaker, today I highlight this Saturday's Jennie Ramus Memorial Benefit to be held at Thomas More High School, in Milwaukee, WI. Jennie Ramus, the daughter of Wayne and Theresa Ramus, was a Thomas More senior whose life was cut short by a drunk driver in December of 1998.

The Jennie Fund, an initiative to create a $100,000 endowment fund, was established in January 1999 at Thomas More High School to provide scholarships for students seeking financial assistance and willing to take an active role in the Students Against Destructive Decisions (SADD) program and support community awareness and prevention of drinking and driving, drug abuse and violence. Thanks to the support and generosity of many, the fund has received over $80,000 to date.

Saturday's event, sponsored by the Wisconsin Polka Hall of Fame and Thomas More High School, will begin with a Mass to be followed by a community music festival, dancing, SADD and Jennie Fund presentations.

I commend the Jennie Fund and SADD for their efforts and the Thomas More High School community for their financial contributions and prayers in memory of this once vibrant former student.

IN HONOR OF THE WEST CARTER GIRLS BASKETBALL TEAM

HON. KEN LUCAS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. LUCAS of Kentucky. Mr. Speaker, today I congratulate some terrific young constituents from Kentucky's Fourth District, the girl's basketball team at West Carter High School. These small-town girls beat all the odds this season, bringing the state championship to Olive Hill, Kentucky, for the first time since the girls' team began at West Carter in 1974. It is also the first Sweet Sixteen win for the 16th region of northeastern Kentucky as well. I hope that this will be only the first of many championships for this community.

The Lady Comets set a wonderful example for young people all over Kentucky. Their hard work, dedication, and athleticism are evident, as are the many hours they spent in practice to earn the state title. I would like to take this opportunity to enter their names into the RECORD: Leah Frasier, Shelsa Hamilton, Cassondra Glover, Jenise James, Mandy Sterling, Megen Gearhart, Cathy Day, Kandi Brown, Shanna Shelton, Kayla Jones, Brooke Mullis, Nicki Burchett, Meghan Hillman, and Robin Butler. Kandi Brown was named the Tournament Most Valuable Player, and joining her on the All-Tournament Team were Megen Gearhart and Mandy Sterling.

I also salute Head Coach John ''Hop'' Brown who worked so hard for these young women, as well as the assistant coaches, Von Perry and Dana Smith. I also congratulate the people of Olive Hill who have strongly supported their team and so richly deserve this honor.

Mr. Speaker, this year's Sweet Sixteen set a record for attendance. over 40,000 people attended the four-day event, a record in the tournament's 39-year history. This bodes well for women's athletics in Kentucky, and it is good news for our daughters and granddaughters as well. I am pleased to commend these young women to the House of Representatives, and I couldn't express better than the words of one fan, who stated, ''They're just a super bunch of girls.''

HONORING DAN MISNER OF WISCONSIN

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. RYAN of Wisconsin. Mr. Speaker, today I honor a true civic hero from Wisconsin's First Congressional District—Mr. Dan Misner. Dan Misner retired last month after dedicating 40 years of his life to public education in Walworth, Wisconsin.

Dan Misner grew up near Beloit, Wisconsin. He credits a dedicated high school teacher for giving him the inspiration to go to college and enter the field of education. He was the first of seven children in his family to attend college and earn a degree.

Dan's teaching career started in 1959 at Big Foot High School, where he also coached the men's football, baseball and golf teams. Within ten years, he ascended to the position of Director of Instruction for the Big Foot Area Schools Association. In addition, he also served as the principal of Fontana High School. He concluded his four decades in public education by serving two terms on the Big Foot School Board, including one term as president of the board.

When asked what motivated his interest in education, Dan replied that it was his passion for knowledge and children. Dan's commitment to children and education serves as an inspiration to us all. He is truly a role model for anyone seeking a career in teaching. I am honored to recognize him for his contributions in improving the lives and education of children in Wisconsin's First Congressional District.

In his retirement, Dan plans to continue his volunteer work and spend more time with his family. I wish Dan Misner and his family the best of success and thank him for his dedicated service to his community.

IN HONOR OF HERMAN SPERO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. KUCINICH. Mr. Speaker, today I honor Herman Spero, the Executive Producer of UPBEAT an ''American Bandstand'' type television show produced in Cleveland, OH.

April 13, 2000 will be considered UPBEAT Day in Cleveland. On this day, the Rock and Roll Hall of Fame and Museum will be unveiling their third in a series of their Rock and Roll Landmarks at WEWS TV, where UPBEAT was taped every Saturday night from 1964–1971. The show was syndicated in over one hundred cities and featured every major recording artist from the rock, jazz, and the rhythm and blues world. UPBEAT featured the first ever TV appearance of Simon & Garfunkle as well as the last appearance of Otis Redding. Other famous acts appearing in UPBEAT included the Beatles and the Rolling Stones.

We all know that it takes an immense amount of passion, hard work and dedication to make dreams come true. We are grateful to Mr. Spero for having an overwhelming amount of all three. He was instrumental to the success of Rock and Roll and had a historical role in its development. When the history of Rock and Roll is written, Herman Spero will have a fitting and appropriate mention. Herman Spero, through his unique combination of vision, common touch, and entertainment flair, is certainly deserving of this well-earned recognition.

I ask you, fellow colleagues, to join me in honoring a Cleveland legend, Herman Spero, who has given the city yet another reason why it is the Rock and Roll Capitol of the World.

A TRIBUTE TO MRS. DORIS SMALLWOOD

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor Doris Smallwood, a dedicated teacher with 36 years of experience in the Philadelphia School System. Unfortunately for us, Mr. Speaker, this year marks the last in which she will be educating our children at the Hunter School. Her retirement at the end of this school year deserves recognition not only for the longevity which her career achieved, but for the special impact she has had on the students and teachers she has encountered over the years. As Mrs. Smallwood moves to the next chapter of her life, it is incumbent upon us to reflect back and praise her for the extraordinary service she has provided to our community.

Mrs. Smallwood has been called a ''teacher's teacher'' by her peers. As an exemplary

instructor of the 3rd grade with a keen interest in math, it was not uncommon to find Mrs. Smallwood conducting math lessons for her fellow teachers after school. Her dedication to mathematics resulted in the development of assessment standards which ensured that teachers were up to par in that field. Mrs. Smallwood, in effect, raised the bar for qualifications of teachers and did this solely out of her innate desire to better educate our youth.

Mrs. Smallwood prepared her students for the world to come not through rudimentary lesson plans, but through an engaging relationship that spanned beyond the classroom walls. When the technology boom occurred, it was Mrs. Smallwood who developed the grant to provide a computer lab for the Hunter School. It is no wonder that it was also she who became Technology Specialist after earning her certification in technology at the college level. Her proficiency in computers allowed for Internet training of Mentally Gifted students and for basic computer training of kids starting as early as kindergarten. Furthermore, Mrs. Smallwood understood the important link between home and school. She has been instrumental in the design and success of the Parent Partnership Program which prepares both parent and child for the transition from home to the school community.

The citizens of Philadelphia will sorely miss the heart-felt dedication that Mrs. Smallwood displayed during her tenure as a teacher with the Hunter School. She has defended the belief that all students can and will learn. She has also proclaimed that the only barrier to success is indifference, something she has never allowed herself or those around her to experience. She is a master teacher who has perfected her craft yet continues to choose learning as an avenue to life. She truly is, in every essence of the word, a teacher. We can only hope that others will emulate her commitment to excellence and her pursuit for the educational advancement of all students.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 13, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 25

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 2239, to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado River and San Juan River basins.
SD–366

APRIL 26

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense.
SD–192

Armed Services
Readiness and Management Support Subcommittee
To hold hearings on proposed legislation authorizing fund for fiscal year 2001 for the Department of Defense and the Future Years Defense Program, focusing on acquisition reform efforts, the acquisition workforce, logistics contracting and inventory management practices, and the Defense Industrial Base.
SR–222

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 2273, to establish the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area; and S. 2048, to establish the San Rafael Western Legacy District in the State of Utah.
SD–366

APRIL 27

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on pending legislation on agriculture concentration of ownership and competitive issues.
SR–328A

Energy and Natural Resources
To resume hearings on S. 282, to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; S. 516, to benefit consumers by promoting competition in the electric power industry; S. 1047, to provide for a more competitive electric power industry; S. 1284, to amend the Federal Power Act to ensure that no State may establish, maintain, or enforce on behalf of any electric utility an exclusive right to sell electric energy or otherwise unduly discriminate against any consumer who seeks to purchase electric energy in interstate commerce from any supplier; S. 1273, to amend the Federal Power Act, to facilitate the transition to more competitive and efficient electric power markets; S. 1369, to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency; S. 2071, to benefit electricity consumers by promoting the reliability of the bulk-power system; and S. 2098, to facilitate the transition to more competitive and efficient electric power markets, and to ensure electric reliability.
SH–216

SEPTEMBER 26

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.
345 Cannon Building

POSTPONEMENTS

APRIL 19

9:30 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups.
SR–485

HOUSE OF REPRESENTATIVES—*Thursday, April 13, 2000*

The House met at 10 a.m.

Rabbi Jacob J. Schachter, the Jewish Center, New York, New York, offered the following prayer:

Almighty God, we express our deep gratitude to You for the gift that is the United States of America. Like millions of others in this exceptional land, all four of my grandparents came to these blessed shores from countries far away to create a better life for themselves and their families. Like millions of others, my father served in the armed forces of this wonderful country and fought to make the world safe for democracy and human freedom. Help us, O Lord, to continue to make these United States a center for justice and decency, integrity and opportunity.

Our country is blessed with unprecedented power, plenty and prosperity. Grant us the wisdom, O Gracious God, to appreciate these gifts and use them wisely for the benefit of all who live in our midst and to ensure that peace and security reign in this great Nation and throughout the entire world.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 365, nays 49, answered ''present'' 1, not voting 19, as follows:

[Roll No. 123]

YEAS—365

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Coble
Coburn
Collins
Condit
Conyers
Cooksey
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Evans
Everett
Ewing
Farr
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hill (IN)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Owens
Packard
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stump
Sununu
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Velazquez
Vento
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wilson
Wise
Wolf
Woolsey
Young (FL)

NAYS—49

Aderholt
Baird
Bilbray
Bonior
Brady (PA)
Brown (OH)
Clyburn
Costello
Crane
DeFazio
Dickey
English
Etheridge
Filner
Gutierrez
Gutknecht
Hastings (FL)
Hefley
Hill (MT)
Hilliard
Hooley
Hulshof
Johnson, E. B.
Lewis (GA)
LoBiondo
McDermott
McNulty
Moore
Oberstar
Pallone
Peterson (MN)
Phelps
Pickett
Ramstad
Riley
Rogan
Sabo
Schaffer
Stenholm
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (NM)
Visclosky
Waters
Wicker
Wu

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—19

Borski
Clay
Combest
Cook
Fattah
Forbes
Hall (OH)
Herger
Houghton
Larson
Martinez
Myrick
Oxley
Sanchez
Stark
Stearns
Weller
Wynn
Young (AK)

□ 1026

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Mr. LARSON. Mr. Speaker, on rollcall No. 123, I was out of the building on legislative matters. Had I been present, I would have voted "yea."

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 123 on April 13, 2000, I was unavoidably detained. Had I been present, I would have voted "yea."

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. PEASE). Will the gentleman from Texas (Mr. SAM JOHNSON) come forward and lead the House in the Pledge of Allegiance.

Mr. SAM JOHNSON of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 278. Concurrent resolution authorizing the use of the Capitol Grounds for the 19th annual National Peace Officers' Memorial Service.

H. Con. Res. 279. Concurrent resolution authorizing the use of the Capitol Grounds for the 200th birthday celebration of the Library of Congress.

H. Con. Res. 281. Concurrent resolution authorizing the use of the East Front of the Capitol Grounds for performances sponsored by the John F. Kennedy Center for the Performing Arts.

The message also announced that the Senate has passed a bill and joint resolutions of the following titles in which concurrence of the House is requested:

S. 2323. An act to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the Act.

S.J. Res. 40. Joint resolution providing for the appointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 41. Joint resolution providing for the appointment of Sheila E. Widnall as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 42. Joint resolution providing for the appointment of Manuel L. Ibáñez as a citizen regent of the Board of Regents of the Smithsonian Institution.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair advises the Members that it will entertain one 1-minute request only from the gentleman from New York (Mr. NADLER). All other 1-minute requests will be postponed until the end of the day.

HONORING RABBI JACOB J. SCHACHTER

(Mr. NADLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, I rise today to honor this morning's guest chaplain, Rabbi Jacob J. Schachter of the Jewish Center in New York City whom I have known for almost 20 years.

Rabbi Schachter has been the spiritual leader of the Jewish Center since 1981. Under his leadership the Jewish Center has tripled in its membership. Rabbi Schachter has brought enthusiasm for Jewish life to the synagogue and to the local community throughout his tenure.

Rabbi Schachter received Rabbinic ordination from Mesvita Torah Vodaas and holds a Ph.D. in Near East languages from Harvard University. Among his many accomplishments, Rabbi Schachter is an accomplished author, having collaborated on ''A Modern Heretic and a Traditional Community, Orthodoxy, and Americana Judaism'' and is the founding editor of the Torah u-Madda Journal. He is also the founding president of the Council of Orthodox Jewish Organizations of Manhattan, is a much sought after speaker on interdenominational dialogue under the auspices of the Jewish Community Center and the 92nd Street Y, and is a member of the Board of Governors of the New York Board of Rabbis.

Unfortunately, Rabbi Schachter will soon be leaving the Jewish Center to become the dean of the Rabbi Joseph Soloveitchik Institute in Brookline, Massachusetts, where his daily insights, wisdom and leadership will be invaluable to the State of Massachusetts and to the Jewish community, especially in Massachusetts. I want to wish him well in his new endeavors and thank him for all that he has done for the Jewish Center, for the Jewish community, and for the entire community in New York over the last 20 years.

□ 1030

CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 290, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2001

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 474 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 474

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the concurrent resolution (H. Con. Res. 290) establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The conference report shall be debatable for one hour equally divided and controlled by chairman and ranking minority member of the Committee on the Budget.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 474 is a straightforward typical rule providing for the consideration of the annual budget resolution conference report. The rule waives all points of order against the conference report and against its consideration and provides that the conference report be considered as read. The rule further provides for 1 hour of debate, equally divided and controlled between the chairman and ranking member of the Committee on the Budget.

The two Chambers have come to a speedy agreement on the fiscal year 2001 budget resolution, sorting out differences between the Houses in a responsible manner. I am pleased to note that the conference report to be considered today adheres to the six major principles that we outlined when this process began, including continuing our historic achievement of paying down the national debt, protecting 100 percent of the Social Security trust fund, boosting our national defense, providing for prescription drug coverage and Medicare reform, offering tax relief, and supporting our localities in the all-important arena of education of our youth.

In each of these areas, the budget package we have before us today keeps the faith with our pledge to the American people. We are delivering on our promise to make the government work better for taxpayers, while managing this extraordinarily blue sky fiscal period in a very responsible manner.

In this budget we are reaffirming our commitment to maintaining fiscal discipline, something that can prove even harder to do when times are good than when times are bad. Yet, in this budget we have provided for $1 trillion, $1 trillion, in payment on the national debt. That is something that we are doing that will benefit every American today and, of course, all of our children and grandchildren for years to come.

$1 trillion in debt reduction. That is a concept that was totally unimaginable for most of us just a few short years ago when deficits were soaring and the debt was mounting at a terrifying pace. What a long way we have come.

Mr. Speaker, this budget document outlines an important set of priorities that highlight preservation of the programs Americans count on most; reinforcement of our ability to defend the national security in today's ever more dangerous world and the necessity of enhancing tax fairness for families and businesses.

I would like to emphasize the importance of the defense and security component of this budget which would, of course, include intelligence. Last night in the Committee on Rules, we discussed the significance of the investment this budget makes in our defense, not for fancy or high-priced or untested projects, but rather for the core capabilities that have been so underfunded and so severely tested in recent years.

I applaud those who fought for and won the increase in funding, and I stand ready to work to make sure we put those resources where they will matter the most in our personnel, in our readiness, in our basic equipment, in our eyes and ears, that is our intelligence, and in our training to make sure our military folks are the best trained in the world and can take the best possible care of themselves.

Unlike the budget presented to us by the President, we have here today a budget that realistically meets the needs and the challenges of the coming year, without returning to the bad old days of spending for today without any eye to the future at all.

I am proud of our Committee on the Budget Members and the leadership for their efforts in this budget blueprint. Specifically I would like to thank the gentleman from Ohio (Mr. KASICH), our courageous Committee on the Budget chairman, for all his work, not just this year, but throughout his distinguished tenure in the House. I know there will be many accolades to come for the gentleman from Ohio (Chairman KASICH), as this is the final act of his official House budget career, all of them well deserved.

Mr. Speaker, I hope my colleagues will join me in voting for this budget, and, in the meantime supporting this fair and appropriate rule, so we can get to the debate.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman for yielding me the customary 30 minutes.

Mr. Speaker, I rise in opposition to the rule because I oppose the hasty process that this rule embraces. This resolution waives the rule that requires the availability of conference reports for 3 days before their consideration. This House rule, an important rule, allows Members time to read and study the report before they cast their votes. Since this conference report has been available to most Members for less than 12 hours, I have grave doubts that most Members have any real knowledge of about what it includes.

From what I can tell, the conference report once again repeats the follies of the leadership's continued obsession with large tax cuts. It does little to extend the solvency of Social Security or Medicare and cuts funding for critical education and housing programs.

I wish my colleagues would drop the charade and reflect for a moment. These surpluses on our horizon, if they materialize, offer an extraordinary opportunity. They allow us to pay down the large public debt, thereby providing the ultimate tax cut for our constituents in the form of lower interest rates.

The surpluses allow us to make Social Security and Medicare sound and solvent for future generations. They mean that we can close the gaping hole in the Medicare coverage and provide a true prescription drug benefit. They make it possible for us to do more for education at all levels. But this document squanders that opportunity and instead we continue to pass billion dollar tax breaks for wealthy special interests.

The conference agreement suffers from the same fundamental flaws as the House-passed resolution. The $170 billion tax cut is so large that it pushes aside Social Security and Medicare solvency, debt reduction, education, and all other national priorities.

The conference agreement is a political gesture, rather than a credible budget plan that would provide a meaningful guide for subsequent budget legislation. The spending cuts are so deep and unrealistic and the tax cuts so large that the resolution puts us on a track for another appropriations train wreck in September.

Like the House-passed resolution, the conference agreement puts the budget on course to spend the Social Security surplus. Even taking at face value this budget's implausible cuts in non-defense programs, it skates along the edge of on-budget deficits for the first 5 years and invades the Social Security surplus after 2008, if not sooner.

Moreover, the conference report puts funds for education and training on hold. In 2001, the conference agreement provides $4.8 billion less than the Democratic alternative budget, and $4.7 billion less than the President's budget for appropriations for education, training, and social services. This low funding level will require the majority to cut current education programs or to eliminate the President's proposals to renovate the crumbling schools, to hire and train more teachers, to add $1 billion to Head Start and to double the amount for after-school programs. Outlays for 2001 actually are $400 million below a freeze at last year's level.

Mr. Speaker, I would also like to focus for a moment on how the measure came up short on Medicare prescription drugs. The conference agreement allows a prescription drug benefit of up to $40 billion over 5 years, but only if accompanied by unspecified Medicare reforms. By contrast, the Democratic alternative budget required that a full $40 billion be devoted to a prescription drug benefit, with or without other changes in Medicare.

In both 1998 and 1999, the American people rejected these same unrealistic cuts in essential Federal spending and excessive tax cuts. Why on Earth would anyone believe that the American people will suddenly change their minds and reject essential government services like Social Security and Medicare in favor of tax cuts?

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I am privileged to yield 3 minutes to the distinguished gentleman from the Commonwealth of Pennsylvania (Mr. SHUSTER), the chairman of the Committee on Transportation and Infrastructure, my friend and colleague.

Mr. SHUSTER. Mr. Speaker, if you care about building America, this is a rule and budget resolution that one can support. In fact, it is one of the best budget resolutions that we have seen in many a day.

I want to commend the leadership of the Committees on the Budget of both the House and Senate for honoring their commitments to fully fund transportation. The conference report allocates sufficient transportation function funds so that we can fully fund TEA 21, the highway and transit legislation, including the adjustments resulting from the increased revenues going into the gas tax collections into the Highway Trust Fund.

It also fully funds AIR 21 capital programs and it fully funds the President's request for FAA operations, which is at the full AIR 21 level. In addition, there are no cuts in Coast Guard or in Amtrak, despite the predictions of the critics during our debate and consideration over AIR 21. So those predictions simply have not come to pass in this budget resolution.

The conference report keeps faith with the American people. The taxes collected for highways and transit improvements will go into the Highway Trust Fund for highway and transit improvements. The taxes collected for aviation will go to aviation improvements. Gone are the days of using trust funds to mask the size of the deficit.

The budget resolution restores honesty to the budget process. This is a budget resolution which we can be proud to support, because it is a budget resolution which helps build America.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, this is another rule that was passed late at night to bring to the floor a conference report that, in all due respect, does not deserve the name. It is hard to call this a conference report when nobody has conferred. We have had no consultation. There is no

mutuality in the process, so it is not hard to believe that there will be no mutuality, no common ground, in the final result.

I am not just saying this because I am miffed at being left out of the process. If you cannot take rejection, you better not be in politics. But we set a model 3 years ago for how to do this. We sat down and tried to negotiate a common agreement, given the fact that we have a divided government, and, when we got to the end, it was a pretty good product. We called it the Balanced Budget Agreement of 1997. We have not had such mutuality, such collegiality, since, and certainly not in this result here.

As I said, I am not miffed, but we have meritorious arguments to make. We made them on the House floor, we made them in the committee markup. I am not sure they were heard in either place, but if we could have made them in conference, I think we could have improved this product, because in conference if we had had a conference, we would have said you are asking for $121.5 billion now in real reduction and budget authority for non-defense programs over the next 5 years. Is this realistic?

Let us look at the last 5 years that have gotten the attention in conference. Let us look at the last 5 years. The reduction in the increase in the last 5 years was 2.5 percent.

□ 1045

That was a time when we had caps, spending caps. That was a time when we were coping with the deficit and trying to reduce the deficit.

Now we have surpluses and no spending caps, because that is one of the omissions of this bill, it does not reset the spending caps at all. It simply assumes, with no enforcement mechanism, that we can achieve what we have not achieved over the last 10 years, $121.5 billion in real reduction in our defense spending. Too bad we did not have an opportunity to look at that argument realistically in conference.

This bill calls for $175 billion in tax reduction. We showed on the House floor how if we do $40 billion for Medicare and a $200 billion tax cut, we will wipe out the surplus in 1 year and thereafter have a zero balance, no cushion whatsoever. In case there is a downturn we are back in deficit. We are back into the social security count, putting the budget on thin ice, perilously close to deficit for the next 5 years.

They have mitigated that. I think they maybe after all read our chart, and mitigated that to the tune of $25 billion. They say they want to pay down the national debt. That means over 5 years we will pay it down by $12 billion by our calculation, over 10 years by $1 billion.

Why is that? What looks like a more moderate tax cut than last year, what looks like a moderate tax cut, a tax cut of $175 billion, over a 10-year period of time works out to a tax cut of $929 billion, by our calculation.

Last year the tax cut was $156 billion over 5 years, and $792 billion over 10. This year, if we do $176 billion, the outyear implications are $929 billion of revenue reduction plus debt service adjustment. It literally puts us back in deficit.

But they conveniently did not run the budget out 10 years, in this case. That is another thing we could have done in conference, give us a 10-year run-out of the budget, not a 5-year runout, because in the second 5 years it becomes harder to defend.

These are some major issues we did not touch on. We certainly did not touch on Medicare and prescription drugs. There is a time-honored tool that is put in the Budget Act in 1974 that the Committee on the Budget uniquely can use. If it wants to see something done, it can say to the committee of jurisdiction, you have the authority and the obligation, and here is the money to report out a prescription drug benefit by a date certain so that the House can vote on it.

But every time we mention that, they dodge. This bill right here not only dodges again, because it does not have reconciliation mandates in it. This particular resolution does not even resolve the issue. There is $40 billion for Medicare reform and prescription drugs if the Committee on Ways and Means gets around reporting such a bill, and then in the Senate, there is a totally different prescription.

The idea of a conference report is to bring the two bodies together. On this most critical issue, which is at the top of the chart, they fail to do it. We do not have a clear course and we do not have a mandate to get it done.

I know what we will hear today is the budget resolution is on time, we are going to pass it by April 15. I am going to tell the Members what I said last year, it is on time for a train wreck that will be coming in September. That is what this budget resolution will do for us.

Mr. GOSS. Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I have been on the Committee on the Budget for a full 7 years. This is my eighth year. This will be only the second budget that we have passed on time by April 15 during that time. In fact, in the total history of the Committee on the Budget, this will only be the third time that we have passed a timely budget resolution.

So I would like to compliment the Committee on Rules, certainly the gentleman from Ohio (Mr. KASICH) on the Committee on the Budget. If we look at where we were 7 years ago, we were looking at deficits as far as the eye could see, between $200 billion and $300 billion a year. We have come a long ways.

We made the decision last year that we are not going to spend any of the social security trust fund surpluses on anything except social security. This has been a huge change, huge progress. We have agonized as we have tried to hold down spending to make sure ultimately that our kids and grandkids are not going to be saddled with a huge burden of Medicare and social security.

If there is one disappointment in this budget, and I met and talked to John Podesta this morning from the White House, it is that we could not get leadership from the White House to move ahead on social security reform. It is going to come up and be a tremendous disadvantage to our kids and our grandkids if we do not attack and face up to the huge problems of resolving the unfunded liability of social security and Medicare and the entitlement programs.

Ms. SLAUGHTER. Mr. Speaker, I yield 4½ minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, this budget resolution sort of reminds me of one of those good news-bad news jokes. The good news is that this law says that we should pass a budget resolution by April 15. We are going to do that. That is the good news. The bad news is that it is a joke.

If we look at this and listen to what the gentleman from South Carolina (Mr. SPRATT) said, the gentleman is one of the most thoughtful, one of the most intelligent people. He actually was a banker once. He knows about money. He gave a very erudite explanation of this budget.

If we listen to the gentleman, the most important thing he said was that this resolution puts us on record for the train wreck in September. We are right on track. We are going to do it all over again this year what we did last year.

We could talk about Medicare, Medicaid, and all those issues, social security and education, all the issues that are not dealt with here. But this budget resolution contains $100 billion more in cuts. We did not do that last year, we added, and we are heading right down the same track.

I know people's eyes kind of glaze over when we talk about the budget resolution. What is this? This is an outline for what is going to happen in this country in this Congress.

One of the issues on $1.9 trillion, that is a figure that is sort of out of the reach of most of us, but let us just take one issue. That is the issue of pharmaceutical prescription drugs; how people, how seniors are going to get that paid for. Everybody says it is a good idea. But when we look at this budget

resolution, I have brought this chart here because it really points out what is all about this budget resolution.

The Democratic proposal was for $40 billion locked in for the drug benefit. The Republican budget says, if the Committee on Ways and Means gets around to it, we could spend up to $40 billion. Which would we rather have, have it locked in, or if they happen to get around to it?

Does it require action this year? The Democrats say yes. The Republicans say no. There is no requirement in this budget.

The gentleman from South Carolina (Mr. SPRATT) talked about reconciliation and all those fancy words. What that means is that the Committee on Ways and Means must do something, and it is not in this bill.

Who is covered? In the Democrats' proposal, every senior citizen is covered. In the Republicans' budget, they have to be poor. So we are going to turn this into a welfare program, it is not a Medicare program.

Mr. Speaker, this turns this program, the Republicans', into a welfare program. Senior citizens are not entitled to it, they have to go down and prove at the welfare office that they are poor enough and ask for help, beg for help. What kind of a benefit is that for us to be giving to senior citizens?

The Democratic proposal says all seniors are covered. As an American over 65, you are entitled. But the Republicans do not believe in that.

The benefit? The Democrats define what people are going to get. What the Republicans say is, here is a little money. Why do you not go out and see if you can buy yourself an insurance policy?

The HIAA, the health insurance industry, says that the private insurance market will not sell policies simply for drugs, for pharmaceuticals. They are not going to do it. It is too risky. So the Republicans are giving them the money and saying, okay, folks, go out and find it. But it is not there. They will never find it.

This budget resolution is basically a PR document. Pass it on time, we want to get it done, we will all stand up here and say it is the first time in 29 years that we have had a budget resolution, and all the rest, but the fact is that it is a nonsense piece of paper.

It is really sort of like Alice in the Looking Glass. The more we look at it, and the reason they ran it through at midnight last night, is because they did not want us to have any time to look at it, because it becomes curiouser and curiouser.

I urge Members to vote against this budget resolution.

Mr. GOSS. Mr. Speaker, I am happy to yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. GREEN), a member of the committee.

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, it is going to be very interesting to watch this debate today. Everyone here today recognizes that some great things have been happening with the economy. Unemployment is at a 30-year low, the economy continues to grow.

Now there are some on the other side who want us to go back to the old days, the days of tax and spend and spend and tax. That is really what they are talking about when they bring out their numbers, their interpolated charts and numbers. That is what they are trying to do. They are trying to move us backward.

Still others want us to sit back and do nothing. They want us to enjoy the fruits of our labor and the fruits of this growing economy.

But the majority budget, the budget we take up today, recognizes that we have a once-in-a-generation opportunity to make progress, to secure America's future. That is what this reform budget does. This budget reinforces retirement security to the social security lockbox.

Secondly, it pays down the debt, reduces it by $1 trillion over 5 years. It eliminates the public debt by the year 2013.

It reinvests in public education, a 9.4 percent increase over last year. It sets in motion a plan for providing prescription drug benefits to seniors. It begins to rescue our military from years of neglect and misuse.

Yes, and I know this is blasphemy to some, yes, it does provide tax relief. It allows Americans to keep more of what they earn.

I hope today will be a good debate. I think it will show the clear differences between the two parties, between those who want to move backwards and those who want to charge ahead. Today should be a good debate.

I urge my colleagues to support this good, open, fair rule. More importantly, I urge my colleagues to vote for this budget. When we go home over the Easter break, I urge them to talk about the great things we are doing, the challenges that we are meeting, and the steps we are taking.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from New York for yielding time to me.

Mr. Speaker, allow me to thank the ranking member, the gentleman from South Carolina (Mr. SPRATT), for a very detailed analysis of the process. Many of us are concerned about process. But in the course of his defining the process, he really captured the substance of my opposition to this resolution at this time.

The gentleman from South Carolina (Mr. SPRATT) is right, the 1977 budget reconciliation was one of our finest hours. The reason is that some of us agreed with aspects of it, and some of us disagreed. But we found that the synergism of providing a budget surplus was a key element to our support.

We now find ourselves in the year 2000 with a budget surplus, but we also find ourselves with a budget where many of us disagree because the principles of opportunity are denied. We give a tax cut that I imagine is to cater to a candidate running for president of the United States on the Republican ticket.

We do not do anything to deal with extending social security and Medicare. One thing that we certainly throw to the winds and leave it encumbered with all kinds of problems is the senior citizen prescription drug benefit.

Members can imagine in a district like the Eighteenth Congressional District, probably representative of many across the Nation, with a high number of senior citizens, there is not a place that I go that they do not say, what choices do you want me to make, food, housing, or my health care?

I do not see why we are prepared to give a $929 billion tax cut, if we project it over 10 years, to placate the presidential politics when we have individuals in our community who have worked, who have paid taxes, who are living by themselves and cannot provide for their health care, cannot get prescription drugs?

We have a plan. The Democrat plan is unencumbered. Yet, we could not get that resolved in this budget process.

□ 1100

In my State, a mere 20 percent of our young people get college degrees. We are fighting this whole issue of the digital divide, realizing that e-commerce is driving the economy, begging to get our young people educated, needing more teachers professionally developed, needing our crumbling schools being rebuilt, and, yet, this budget does not provide for that in its educational piece.

It slows up on the idea of education. In particular, Mr. Speaker, it does not allow for the President's proposals to renovate crumbling schools. We leave out money to hire and train more teachers. I was in a meeting with members of the e-commerce industry, and one of the things that we noted in that discussion was we appreciate our teachers, but we must make them professionally aware of the technology.

We do not have the money, Mr. Speaker, for Head Start. How many Head Start graduates do we have in leadership positions and owners of small business. There is a definitive measure that we can have to determine that Head Start is a successful program.

So I certainly ask my colleagues and my Republican colleagues, in a time of

opportunity, what are we challenged to do? We are challenged to give opportunity to others who may not have walked that walk before. We need to be fiscally responsible, but we did that in 1997, and that is why we are here today.

Now we need to establish priorities. A prescription drug benefit for seniors that is unencumbered, education for our children, compensation for our teachers, the rebuilding of crumbling schools, the protection of Social Security and Medicare, and the heck with the $929 billion tax cut that no one is asking for except presidential politics. We can do better than that, Mr. Speaker. I ask to vote down the resolution and do a better job.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I think we know what this budget resolution conference report is all about. The majority wants to provide the Republican presidential candidate with a budget that he can work with, and that is fine. I read on the front page of the Washington Post today that Presidential Candidate George Bush has recommended another $46 billion of spending this week alone, $13 billion more for education, $25 billion more for defense, and then, of course, he wants a tax cut of over one and a half trillion dollars over the next 10 years.

Well, that is great. We are all for many of those things. But the thing that troubles us the most is that we have what may be a once in a lifetime opportunity to do right by our children's generation. We have an unprecedented surplus ahead of us. Is it right to use that surplus for our own benefit, or is it better to use that surplus to pay off the debt that we incurred so our children do not have to pay it off and so our children do not have to pay the quarter of a trillion dollars in interest costs that are due every year. And those interest costs will be a lot more when they are our age.

We are the ones who had the benefit of running up that enormous deficit during the 1980s. We now have the responsibility to pay it off. First things first. Pay off the $3.7 trillion of our public debt so that our children are not burdened with that debt.

Second thing, provide for our own retirement, provide for our Social Security and Medicare. That is our second responsibility. Do not leave it to them to have to provide for our retirement and our health care when we are no longer working and doing so well.

How wrong a legacy to leave the public debt to our children's generation, to leave it to them to pay for Social Security and Medicare. How right to pay off our debt now, to provide for our own retirement, and, to the extent we can, target tax cuts where they will benefit the economy, where Allan Greenspan will not have to raise interest rates to offset their stimulus effect. Target them and then invest in the next generation in education, prescription drugs research and development, and infrastructure. That is what we should be doing. That should be our legacy for our children.

This conference report does not accomplish that legacy. Let us do the right thing, the responsible thing. Reject this selfish, short term budget policy. We can do better than this. Much better.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I simply rise in strong support of this rule and the budget conference report itself.

We are making history here by, on time, proceeding for the first time in the quarter century since we have had the 1974 Budget Impoundment Act with doing back-to-back budgets on schedule. I believe that that is a very clear signal that this Congress, under the leadership of the gentleman from Illinois (Mr. HASTERT) is on track towards doing the kinds of things that he said when he stood in this well in January of 1999. He has proceeded with regular order following with the rules and the structure that we have in place here.

What is it that we are doing? Well, we have established the priorities the American people very much want us to address. Education is a great concern to the people whom I am honored to represent in Southern California. It is a concern all across this country. We need to make sure that, as we deal with this global economy, that the American people have the expertise that is necessary to be competitive. The best way to do that is to enhance the education level that we have in this country. This measure goes a long way towards doing that.

We have a priority. The gentleman from Ohio (Mr. KASICH) who came before the Committee on Rules last night made it very clear in his testimony that, what is it that the Federal Government can do and has the responsibility to do that no other level of government can do whatsoever? That is those very, very important words right in the middle of the preamble of the Constitution, ''provide for the common defense.'' That is exactly what this budget does by dramatically enhancing our ability to deal with our national security and the security of our interests around the world. Ensuring that we get our very brave men and women off of food stamps, that is a priority that we have here.

So as we look at this budget, it is a very, very important conference report.

I will say, since I am standing here in the well and I am looking at the gentleman from Ohio (Mr. KASICH) who is in the back of the Chamber, that he will be sorely missed. It has been his leadership over the past several years that has played a big role in getting us to the point where we are today, and I look forward to great things from him in the years to come.

The best way that we could send him off when he does leave here months and months from now is to overwhelmingly pass this rule and to pass this budget conference report with strong bipartisan support.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, there were three main issues associated with this conference. First, should we add $4.1 billion to defense spending, increasing overall spending by that amount, and reducing the surplus by that amount? The conference said ''yes'' to that question.

Second question: Should we increase efforts to fight dreaded diseases by increasing spending for NIH by $1.6 billion, which would increase overall spending by that amount? The conferees said ''no'' to that question.

Third: Should we increase student assistance by as much as $200 per grant in order to offset the higher cost of higher education and pay for that by a small cut in the size of tax breaks planned for the high rollers in this society? The conference again said ''no.''

Those are the issues before the conference. Those are the issues before the House today.

This huge Republican tax cut will simply not permit us to do what nearly everybody knows we ought to be doing to help students get the kind of education they need. That reflects what Candidate Bush said in my State last week. He is reported in the Eau Claire newspaper saying as follows: ''George W. Bush gave strong indications Thursday he is not inclined to increase Federal spending to give more grants to students to go to college. Bush, who attended both Yale and Harvard, conceded that some people have complained that loans carry a repayment burden. ''Too bad,'' he said. ''That is what a loan is.'' There is a lot of money available for students and families willing to go out and look for it. Some of you are just going to have to pay it back, and that is just the way it is.'' What this really is is Richey Rich indicating that he does not have a clue about how the other half lives.

What this conference also does today is gut our ability to deal with the problems we need to deal with respect to health problems.

This chart shows the amount by which every appropriation to attack major diseases will be cut from the Senate amendment in order to make room for my colleagues' Republican tax cut today. They have been talking to folks about how they are going to

promise to help increase research on diabetes. This says they are going to have to cut $47 million below the amount in the Senate amendment. They are going to have to cut $14 million for Parkinson's disease. They are going to have to cut $350 million for all types of cancer research. They cut $41 million from research that could have taken place on Alzheimer's and $180 million from research that could have taken place on AIDS.

So when my colleagues vote on this conference today, think of the 150 people a day who will be diagnosed with cancer this year, think of those suffering with diabetes and Parkinson's and Alzheimer's, and think of all of the students who are struggling every day to get a decent education who my colleagues will not be able to help.

That may be consistent with the Republican values. It is not consistent with the values of the people I represent.

[From the Leader-Telegram, Mar. 31, 2000]

BUSH AVERSE TO MORE COLLEGE GRANT FUNDING—LET STUDENTS GET LOANS, CANDIDATE SAYS IN EC

(By Doug Mell)

Texas Gov. George W. Bush gave strong indications Thursday he is not inclined to increase federal spending to give more grants to students to go to college.

Instead, Bush said, he has more affinity for giving students loans.

"I support Pell Grants (the federal government's main college grant program)," Bush told reporters after visiting Locust Lane School in Eau Claire. "I support student loans."

Bush, who attended both Yale and Harvard, conceded that some people have complained that those loans carry a repayment burden.

"Too bad," he said. "that's what a loan is."

Bush, the Texas governor and likely GOP presidential nominee, added: "There is a lot of money available for students and families who are willing to go out and look for it.

"Some of it you are going to have to pay back, and that's just the way it is because there is nothing free in society. College is not free."

He also said the federal government should not get involved in setting tuition levels for state colleges and universities.

Here are edited remarks from a question-and-answer session between Bush and reporters after visiting Locust Lane School:

What are your plans to increase school accountability?

We are going to ask the question, are children learning? We are going to say to states, "If you accept federal money, you have to develop an accountability system." I believe a national test will undermine local controls of schools.

Under the Title 1 initiative, it says that after a three-year period, if standards aren't being met for disadvantaged students—in other words, if students remain in failed schools—instead of subsidizing failure, something must happen. You can't have an accountability system, you can't measure, unless ultimately there is a consequence. Otherwise, there is no accountability.

And the consequence is, the parents get to make a different choice. It's funding children and it's battling failure.

I believe if you set high standards and hold people accountable, people will learn. I've seen it with my own eyes.

Is it the school's fault when test scores are low or is it a combination of things?

I think it's the system's fault. When you have kids that can't pass a basic test, it sounds like to me that they have just been shuffled through the system. Because nowhere along the line has someone blown the whistle and said, "Now wait a minute; we are not going to move you through until you know what you are supposed to know."

When you have high school kids who can't pass basic reading comprehension exams, you've got a problem. If a kid can't read when he gets to high school, something is fundamentally wrong with the system.

That's why it is so important to address these problems early, before it is too late.

What has been the response to your proposals from teachers?

I differentiate between the union leaders and the teachers. I think the teachers are helping. I think teachers want the best. I think really good teachers do not care about being held accountable. I think they understand that accountability is not a punishment.

We need to expand the program at the federal level that encourages, trains, pays stipends to, ex-military people who come into classrooms.

I want to increase the teacher training, teacher recruitment aspect of the federal expenditures, but I want to send it back to the states with a lot of flexibility.

One of the cornerstones of the education reform package at the federal level is maximum authority and maximum flexibility back to the states. The more flexibility states have to spend federal money to meet their needs, the more money is freed at the local level as well.

I think there needs to be a teacher protection act, which will say that if teachers uphold standards of discipline in their classrooms, they can't get sued under civil rights statutes.

Could Gov. Tommy Thompson play a role in your administration?

Tommy is a friend, and he's smart and he's capable. He's led the way on a lot of interesting initiatives and education reforms. There is a lot of different roles Tommy could play.

Have you approached anyone concerning being a vice presidential candidate?

No, and I won't with anybody. I obviously have thought about it. People say to me all the time, "Why don't you consider so and so, and why don't you consider this and that?"

But I have yet to put a process in place. Over the next couple of weeks, I will be thinking through the strategy.

I think there is going to be a need to have a different attitude in Washington. There has to be a different type of politics and a different type of attitude about expending political capital.

And I tell people point-blank in this state and every state: If you want four more years of Clinton-Gore, I'm not the right guy. That's really what much of the election is about.

What are your plans on dairy policy?

I'm going to say the same thing that other presidents have: We need to have a national plan, a national dairy policy. Until there is one, until there is one that the country can agree to, there is going to be compacts.

Do you oppose dairy compacts?

I'd like to see a national dairy plan.

That includes something on compacts?

It would include a national plan that all regions of the country could live with. If you had a national dairy plan, hopefully, if it made sense, it would make them moot.

I'm going to be a president for everybody. Surely there is plan that is best for the nation.

Would Wisconsin dairy farmers get a fair break under your administration?

I think what Wisconsin dairy farmers can expect is a fair, even-handed policy that tries to develop a national dairy strategy. I recognize it's going to be difficult to do.

What is your position on the Elian Gonzalez controversy?

He should have his day in a family court in Florida. And the (Clinton) administration has been heavy-handed on this issue, and I disagree with them, I strongly disagree with them.

There needs to be a full hearing, and I hope his dad gets to come over (from Cuba) and testify.

I don't trust Fidel Castro. I don't trust the system. I do not believe we ought to trade with Cuba and Fidel Castro, because foreign trade with Castro becomes an avenue for propping the administration up.

I hope the dad is given the chance to make the decision in a free world, give him a chance to make a decision about his son in a totally free environment. There needs to be a venue to make that decision.

What is your position on trade with China?

I do believe we ought to have China in the World Trade Organization. But as opposed to trading with government entities, most of the trade with China, as a result of the World Trade Organization, will be with private entities.

What is your position on campaign finance reform?

I think we ought to have campaign funding reform. It starts with people being honest about the law. Secondly, I think we ought to ban corporate soft and labor union soft money, so long as you have paycheck protection.

We need instant disclosure who the campaign contributors are and I want full instant disclosure on what went on in the White House when the vice president was there.

I think we can make it more fair, more open and more realistic so people know what is going on.

I'd love to work with Sen. (Russ) Feingold and Sen. (John) McCain on that issue. I would hope he (Feingold) would allow paycheck protection so union members don't have their money spent by union bosses without their permission.

What is the first bill you would send to Congress after you are elected.

First is to go to the Defense Department, the secretary of the defense, and ask for a top-down review, a top-to-bottom review of the strategies in place to reconfigure our military.

I worry about haphazard spending, political spending when it comes to procurement, research and development. And I want there to be a procedure in place to reconfigure how war is fought and war.

Our military needs to be lighter, more lethal, easier to move, harder to find. We need to think 20 or 30 years down the road.

The first bill I would like to see coming out of education is Title 1 reform with flexibility to states.

I would like Congress to pass a tax-relief package, with a tax fairness component, I think we need to get rid of the death tax.

This code we have today penalizes people who live on the outskirts of poverty. If you

are a mother making $22,000 a year and you have two children, for every additional dollar you earn, you pay a higher marginal return than someone making $200,000. It's not right.

So my simplification plan drops the bottom rate from 15 percent to 10 percent and increases the child credit, which facilitates upward mobility among people who are struggling.

It may sound strange to hear a Republican talking that way, but I'm passionate about this subject. Al Gore is going to say it's risky.

But what is risky is locking people in place in America. What we ought to believe in is having a tax code that encourages upward mobility, not discourages upward mobility.

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Florida (Mr. GOSS) has 18 minutes remaining.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, whenever anybody leaves an institution, an institution is obviously diminished, a little poorer, especially when it is a good person. Obviously people get replaced through the election process and through the hiring process here, but there is still always a sense of loss when we lose one of our spectacular people.

Much has been said about the gentleman from Ohio (Chairman KASICH), and I want to be associated with those remarks, the extraordinary job he has done through the years here today. We acknowledge that.

I know in the general debate, he is going to have the great opportunity to display his brilliance, and we are going to have the opportunity to further thank him.

Mr. KASICH. Mr. Speaker, I wonder if the gentleman will yield to me.

Mr. GOSS. I am happy to yield to the gentleman from Ohio.

Mr. KASICH. Mr. Speaker, I want to point out what the Republicans have done since they took the majority in dramatically increasing the funding for the National Institutes of Health.

□ 1115

Mr. GOSS. Mr. Speaker, reclaiming my time, I appreciate the gentleman from Ohio (Mr. KASICH) bringing that forward.

I was going to make the observation that this is really a debate about the rule, and I think we agree it is a brilliant rule and deserves everybody's support; and we are trying to get to the debate when the distinguished chairman can make the kinds of points that are so relevant to the debate and the final vote on the budget.

But today I also want to recognize and publicly thank an outstanding Hill staffer who has set an admirable standard for the past 12 years and who is now heading for new challenges.

Today's rule is the last piece of legislation that Wendy Selig will handle before she heads off to a leadership position of the American Cancer Society.

Wendy personifies skill and professional competence in her work, whether it is as a press secretary, an administrative assistant, the majority counsel on the Subcommittee on Legislative and Budget Process that I chair, or as a special assistant on the House Committee on Intelligence. All of these jobs she has done at one time or another or sometimes simultaneously.

Wendy brings a special brightness to whatever she touches, as all those who have worked with her knows. We wish her all success in her new endeavor. We will miss her a lot.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. PEASE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 221, nays 205, not voting 8, as follows:

[Roll No. 124]

YEAS—221

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Nethercutt
Ney
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—205

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Skelton
Slaughter

Smith (WA)	Thompson (CA)	Visclosky
Snyder	Thompson (MS)	Waters
Spratt	Thurman	Watt (NC)
Stabenow	Tierney	Waxman
Stenholm	Towns	Weiner
Strickland	Turner	Wexler
Stupak	Udall (CO)	Weygand
Tanner	Udall (NM)	Wise
Tauscher	Velazquez	Woolsey
Taylor (MS)	Vento	Wu

NOT VOTING—8

Borski	Houghton	Stark
Combest	Myrick	Wynn
Cook	Northup	

□ 1137

Mr. SAWYER and Mr. BALDACCI changed their vote from ''yea'' to ''nay.''

Mr. HULSHOF changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. KASICH. Mr. Speaker, pursuant to House Resolution 474, I call up the conference report on the concurrent resolution (H. Con. Res. 290) establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to House Resolution 474, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of April 12, 2000, at page H2206.)

The SPEAKER pro tempore. The gentleman from Ohio (Mr. KASICH) and the gentleman from South Carolina (Mr. SPRATT) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. KASICH).

Mr. KASICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me one more time run through what this budget proposal and outline does today, because it is, I believe, the right combination and the right direction for our country, although I will tell my colleagues right off the bat, it spends too much. But with what we are working with here, with a narrow margin and a lot of diverse interests, I think we have come up with a very good proposal.

First of all, for the second year in a row, the second time in 40 years, we are not going to touch the Social Security surplus. We are not going to take any money that is in surplus that comes in from the Social Security taxes to pay benefits for our seniors; we are not going to take it and spend it on any other government program. That means that that surplus is going to be available to fix Social Security for the baby boomers and their children. So we will keep our mitts off of that.

Secondly, we are going to strengthen Medicare with a prescription drug program and other Medicare reforms. We think that is important. Now, we hear people on the other side of the aisle criticizing our Medicare proposal. The President first of all cuts Medicare and secondly does not have a prescription drug program until 2003. I like to call it the ''somewhere over the rainbow program.'' We believe we ought to get Medicare reform and prescription drugs today, and we are going to be unveiling our plan to strengthen Medicare.

Thirdly, we are going to retire $1 trillion of the publicly held debt. Now, for so long around here, we talked about passing all this debt on to our children. We are going to pay $1 trillion of the publicly held debt down; and in fact we are on track, if we wanted to, to pay off the public debt by 2013. We are also going to strengthen education and science. Let me just make the point that some folks have said on this House floor that we do not do enough for Pell grants.

□ 1145

Well, we have had a 50 percent increase in Pell grant funding since 1995 when we took charge. As you can see, under a Democrat President and Democrat Congress, Pell grants were not a priority, but under the Republican Congress, starting in 1995, we have significantly increased Pell grants every single year.

Now, I know that some people say it is never enough, but the fact is that we do, in fact, want to accomplish these other missions, having to do with Medicare and retiring debt, and having a small tax cut at the same time. I will get to that in a second.

For those who do not think we make education a priority in this budget, they are wrong. We significantly increase education, primary and secondary, and we continue our march to make Pell grants more available. But I would suggest to many of my colleagues, why do we not have a few conversations with these university presidents who cannot seem to control costs that are going up in higher education by far faster than the rate of inflation? No matter what we do in this body, we cannot solve the problems of the cost of higher education until we get some help on the side of the people who run these institutions who have not been able to manage costs. But let there be no mistake, we have increased the amount of money for Pell grants in this Congress by 50 percent.

In addition to our support of education and basic science, a basic science program that we believe stresses programs like the human genome project, which offers so much hope for everyone in this country for a healthier life for our families; not just extend life, but improve the quality of life with the major breakthroughs that are occurring by the ability to code the human gene.

Mr. Speaker, they say that sometimes advanced technology is indistinguishable from magic, and the fact is when we think about efforts that go on today to decode the human gene system, it is just remarkable. We believe in basic science research in this House.

In addition to that, we are promoting tax fairness for families and farmers and seniors. Let me talk a little bit about this. We have a guarantee of $150 billion in tax cuts out of a $10 trillion budget. I can only define that as puny. The President today is going to say that that is too much of a tax cut. Well, of course it is for the President. He raises taxes. But to cut $150 billion, guaranteed, out of a $10 trillion budget, and to somehow say that is risky and out of line, well, sure it would be for somebody who thinks that we ought to just get our paychecks and send it all to the government. Of course, they think that is too much.

But I tell you, it is interesting when we have votes on things like repealing the earnings test tax, so that seniors can be independent and not get penalized on their Social Security, everybody votes for it. When we put the elimination of the marriage penalty tax on the floor, it is amazing the bipartisan support we get for that.

I will tell you another thing. We bring a bill up here to reduce the inheritance tax, the death tax, on farms, you watch the people that will vote on a bipartisan basis in this House, because, you know what? The day you die, you should not have to visit the IRS and the undertaker on the same day.

The fact is that we need more tax relief. I am disappointed we do not have four times as much tax relief in this bill, because the American people know that America is strengthened from the bottom up, not from the top down; that in this new era, bureaucracy and centralization is not the key. In this new era, it is the power of the individual to compute and to communicate and to re-knit our families together, in our schoolhouses, in our churches, in our synagogues, and community organizations. Let us strengthen them, not strengthen the power of the central government in a far-away place.

Finally, we are going to restore America's defense. We are going to restore it because we do not think that our soldiers and sailors and airmen ought to be in a position where they are on food stamps, where we have spread them out all over the world and not given them the tools they need to be an effective fighting force.

Let us not forget that providing for the common defense is the number one priority of the central government. We need to rebuild our Nation's defense,

and, I hope at the same time, to reform our Nation's defense.

Mr. Speaker, I think we ought to come to this floor on a bipartisan basis and we ought to support a budget that saves Social Security, that strengthens Medicare and allows our seniors to have access to prescription drugs, that reduces the publicly held debt by $1 trillion, that gives our children a fighting chance to have a better tomorrow, that strengthens the support for education and basic science, that promotes tax fairness and reduces the tax burden on small business and families and family farms, and restores America's defense establishment. If we can accomplish all of that in one vote today, we should have no reluctance on a bipartisan basis being able to support this.

We should come here with a firm eye and send a message to the American people that we are starting to get it, we are starting to understand them. We want them to have the power, and we want them to have the responsibility to rebuild this country.

Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. GEPHARDT).

Mr. GEPHARDT. Mr. Speaker, this conference report is essentially the same document as the resolution Republicans had on the floor last month. The Republican budget plan, if implemented, would threaten our record prosperity and undermine the values of middle-class families. This budget reflects the irresistible urge Republicans have to enact massive, irresponsible tax cuts above all other needs and priorities of the American people.

They give tax cuts a higher priority than extending the life of Social Security and Medicare, they are willing to sacrifice a real Medicare prescription drug plan for all seniors, and they are willing to make deep cuts in health and education in order to make their budget add up.

There is not one dime in this budget for Social Security and Medicare. Republicans' unwillingness to do anything to prevent the long-term insolvency of these programs that serve as the bedrock of retirement security for millions of Americans is inexplicable.

This budget pretends that it pays for a prescription drug plan. But, if you look closer, you will see there is not one penny appropriated for a drug plan. The money is ''reserved.'' It is a budget gimmick. It is not real. It will not happen. Talk is cheap; prescription drugs are not. This budget does not solve the problem.

This budget contains Draconian cuts in non-defense appropriations. Nearly $120 billion in cuts need to be made, and, if Republicans have their way, they will cut deep into important priorities like education, health, veterans' affairs, and the environment.

It is clear what the American people want. They want a fiscally responsible budget that will keep interest rates low and the economy growing, they want to strengthen Social Security and Medicare so that retirement security is protected for current and future retirees, they want a drug plan in Medicare that covers all seniors who want it, and they want to invest the surplus in their priorities, like making sure that children get the best public education we can provide.

Mr. Speaker, this budget did not get better in the conference. It probably got worse. It continues to ignore the voices of working families who have made it perfectly clear that they reject the efforts to bleed the surplus dry for political tax cuts instead of investing in Social Security, in Medicare, in paying down the debt, in ensuring the future of this great country.

Vote against this budget. We can do better than this.

Mr. KASICH. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I am a new Member of Congress, but I was not born yesterday, and I hear this rhetoric come to the floor of Congress every time we bring these budgets together. You hear the other side of the aisle castigate each other, as if the world is going to end tomorrow. You hear these inflammatory accusations of what is actually happening.

Mr. Speaker, I would like just to point to the facts. I would like to go over what is actually included in this budget, rather than inflammatory remarks about political posturing.

A budget outlines the priorities of a country. A budget outlines the priorities of Congress. That is what we are achieving in this budget, so it is more than just numbers.

What we are achieving in this budget is really truly historic. This budget, for the first time in 30 years, is stopping the raid on the Social Security trust fund.

Imagine that. In 1969, they passed a bill back then which gave the government the ability to dip into the Social Security trust fund, take the money out, both Republicans and Democrats did it, and then spend it on other government programs that have nothing to do with Social Security. We are putting an end to that. This budget is doing that.

This budget is also strengthening Medicare. It is reserving $40 billion to create a prescription drug plan for seniors beginning next year, not in the year 2003 as the President has been proposing. This budget retires the entire national public debt by the year 2013. It pays off our public debt by the year 2013. It supports education and science. It promotes tax fairness for families, for working families and for seniors, and it does restore our vital national defenses and the quality of life for our military personnel.

What I would like to guide you to is the Social Security part, because this is something that is very important to me. I am a younger Member of Congress, and I fundamentally believe that it is our obligation in this body to make Social Security a program that is not just solvent for this generation, but for the generation after that, which is the baby boomers, and the generation after that. So we have got to act now to prepare for the problems we have coming in Social Security.

Last year the President came to Congress in the State of the Union address and he said, ''Let's dedicate 62 percent of the Social Security surplus back to Social Security and take 38 percent out of Social Security to the government programs.'' He said he would take 38 percent out of Social Security to spend it on the government programs. That is the budget last year that the President brought to Congress. That was the culture in Washington, that was the way things were done.

We countered with a different proposal last year. 100 percent of the Social Security surplus should go to Social Security, and, by golly, we actually accomplished that. Last year, for the first time since 1969, we stopped taking money out of Social Security. This budget stops the raid on Social Security, not just for now, but forever, so we can pay off the debt and preserve Social Security for future generations.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, it is a joke to hear Members of the party that tried to blow up Social Security for 30 years now pretending that they are defending it.

I would like to just make two points: It has been suggested that our comments with respect to National Institutes of Health funding are inaccurate. Does the other side deny that they turned down the Senate amendment that would have added $1.6 billion to NIH?

Mr. NUSSLE. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I have 1 minute. You can get your own time.

Mr. NUSSLE. You asked a question.

Mr. OBEY. Mr. Speaker, I would like order.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Wisconsin (Mr. OBEY) controls the time.

Mr. OBEY. The gentleman understands the rules.

Mr. Speaker, I would point out with respect to Pell grants, their standard bearer, Richie Rich, or, excuse me, George Bush, said in my state last week when asked if he would help students who have such a huge debt overhang, ''Too bad, that is what a loan is. There is a lot of money available for

students and families willing to go out and look for it. Some of you are just going to have to pay back, and that is the way it is.''

Do you disagree with that? Do you disagree with your standard bearer? You certainly cannot tell it from your budget resolution. You specifically eliminated the $600 million the Senate added for Pell grants. I think that makes clear where you stand.

The SPEAKER pro tempore. Is there objection to the gentleman from Connecticut (Mr. SHAYS) controlling the time of the gentleman from Ohio (Mr. KASICH).

There was no objection.

□ 1200

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman from South Carolina for yielding time to me. I also would like to state how much I appreciate the leadership of the gentleman from South Carolina (Mr. SPRATT) in the Committee on the Budget.

Mr. Speaker, I am pleased to see the increase in the budget for research, especially for the National Science Foundation. This bodes well for the fate of the support of research in Congress this year.

Turning to the budget resolution overall, which is supposed to represent our national priorities, I would like to point out how skewed these priorities are contained in this blueprint that we have before us. They are not the ones that the families in New Jersey tell me about.

New Jersey families tell me that the things that are most important to them are shoring up social security, Medicare, education, environmental protection, and they see the benefit, the direct benefit, to them of paying down the national debt.

I would like to point out that the Democratic substitute would have devoted three times as much to paying down the debt as the one that is before us now. The majority's budget resolution has one overriding priority, exorbitant tax cuts at the expense of everything else.

In the Committee on the Budget, I offered an amendment that would have invested more resources in school construction, smaller class sizes, larger Pell grants. It was rejected in favor of enormous tax cuts.

We offered an amendment in committee to pay down our national debt faster. It was rejected in favor of tax cuts.

Earlier this week on the House floor Democrats offered motions, a motion that said simply, let us wait on the enormous tax cuts until Congress has had a chance to pass bipartisan legislation modernizing Medicare. That, too, was rejected.

Make no mistake, there are appropriate tax cuts. I myself have crossed the aisle to support marriage tax relief, estate tax cuts, and other reductions. But the irresponsible tax cuts contained in this legislation are a direct affront to our obligations, I mean the obligations of our society to provide a good education for all of our children, to give access to good health care for all, to protect our air and water and land for those who come after us. This headlong obsession with large tax cuts even puts at risk social security.

Mr. SHAYS. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, I would say that only in Washington would a colleague have the motivation to say that a 2 percent reduction in taxes is an enormous tax cut.

We are going to have $11 trillion in revenue. We are cutting taxes $150 billion, and the gentleman calls that enormous?

Mr. Speaker, I yield 2½ minutes to my colleague, the gentleman from Texas (Mr. SUNUNU).

Mr. SUNUNU. Mr. Speaker, the previous speaker talked about priorities, that the priorities of this budget should be setting aside the social security surplus.

We set aside every penny of the social security surplus for the third year in a row. This was first proposed last year by Republicans in response to the President's suggestion that we should spend 40 percent of the social security surplus. That is simply wrong.

The speaker suggested that one of the priorities should be providing prescription drug coverage for Medicare beneficiaries. We set aside $40 billion to put together not just prescription drug coverage, but coverage that includes reforms that protect the options and choices of those senior citizens that currently have prescription drug coverage.

There was a suggestion that our priority should be paying down the debt. We do. We are on a glide path to pay down the debt by 2013.

The suggestion was that the priorities should be education and science, and they are. He pointed out specifically the additional funding for the National Science Foundation. Indeed, we also have over $1 billion that is focused toward the special education mandate that burdens cities and towns across the country.

We also have the kinds of tax fairness that the previous speaker suggested that he supported: eliminating the marriage penalty, getting rid of the social security earnings test, getting rid of death taxes for millions of our citizens.

Of course, we promote a strong national defense.

I want to talk specifically, though, about the record on debt reduction. The suggestion was that an alternative had three times the debt reduction that this resolution has. That is quite frankly a fiction, because this resolution has $1 trillion in debt relief over the next 5 years.

Was there any resolution brought to the floor that provides $3 trillion of debt relief over 5 years? Of course not. That is simply not possible.

However, we pay down $1 trillion over the next 5 years. That is not just a pie in the sky projection, because if we look at what we have already done, the achievement is quite significant: $50 billion in debt paid down in 1998, $88 billion in 1999, over $150 billion this fiscal year.

As we debate the budget here on the floor today, we are going to pay down over $170 billion in the next fiscal year, $450 billion in debt reduction over a 4-year period, an historic achievement. It keeps interest rates low, it keeps the economy on the right track.

Certainly we could keep penalizing seniors and pay down a little bit more debt, but that would be wrong. We could keep penalizing married couples and pay down a little more debt, but it would be wrong.

We have a proposal here that sets the right tone for the American economy and achieves the right goals for the taxpayers.

Mr. SPRATT. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, the budget before us today is kind of like a decoy budget because it is like putting your duck decoys out in the pond. You have increased defense spending by $4 billion. Now we have locked that in. We know this September that money is now committed and there is no way of going back.

Then they are proposing to cut other spending by $7 billion. That is probably not going to happen because their own members on the Committee on Appropriations on the Republican side are not going to want to do it, but the decoy ploy has worked pretty well.

The budget is well crafted from the standpoint of getting a document done. It is not well crafted from a budget policy standpoint. I think at the end of the day it is going to be a failure, like the other budgets that the Republican Congress has tried to adopt.

We have heard a lot about the social security surplus. I will just say since I have been around here, since fiscal year 1995, the Republicans have been trying to spend the social security surplus on tax cuts. It was not until the economy under the Clinton administration had gotten so strong that we had such surpluses because of the Clinton recovery, and the political beating that they took for their attempts to do that, that now they are able to have this renewal of faith and say that, in fact we support social security and we are not going to touch it.

Their numbers do not add up. They say they want to increase NIH, but they rejected the amendment that the Senate had adopted to increase NIH. The way the function is in the budget, they do not leave any room to increase NIH.

They are going to cut community health, which is contrary to what the standardbearer said yesterday where he wants to increase community health by $4 billion. Their tax cut still works out to be about $800 billion over 10 years, which will probably push this budget, if it were to become law, into spending the social security surplus.

Finally, with respect to prescription drugs, we have yet to see the plan. It reminds me of when I was a boy, kind of, of President Nixon's secret plan, not yet President Nixon, to get us out of Vietnam. It never actually happened. I think that is probably true with the prescription drug plan. The budget resolution still says if, maybe, whenever, but it does not say when like it does with taxes.

We can pass this budget today. We will be here in September writing the real budget.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this conference report is good if one is among the few who are well off and healthy, but it is bad if one is like so many of our citizens, they are struggling and facing poor health.

This conference report gives a $150 billion tax cut to the wealthy while, in reverse form, Robin-Hood like manner, it takes from the old, the young, the students, families, communities, especially farming communities.

This conference report cuts programs from agriculture at a time when indeed our agriculture communities are struggling. Discretionary spending for agriculture is cut. Resources needed to process claims and make timely loans are cut. Funds for programs to provide vital information to farmers are cut.

Over a 5-year period, this budget resolution cuts the purchasing power of agriculture by 9.1 percent over the next 5 years. It provides $500 less in income assistance to farmers than the House-passed resolution, and that was, indeed, inadequate.

Mr. Speaker, with this conference report education funds are cut, the Head Start program is cut, after school programs are cut, Pell grants are cut, and there is no school repair nor monies provided for more teachers.

Rural seniors indeed need help. Rural seniors on Medicare are over 50 percent more likely to lack prescription coverage for the entire year over urban beneficiaries.

Mr. Speaker, this conference report is good, indeed, for those who need no help. Therefore, Mr. Speaker, I urge Members to reject this conference report. It is bad for America.

Mr. SHAYS. Mr. Speaker, to set the record straight on agriculture, I yield 1 minute to the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Speaker, I beg to disagree with the gentlewoman, who is my dear friend and who I work with very closely on the Committee on Agriculture. But as a member of the Committee on the Budget, I just want folks involved in agriculture to know and understand that we worked very hard over the last 2 years to provide money in the budget for real, meaningful crop insurance reform; that we have also provided money in this year's budget in anticipation of a bad year in agriculture for more money to go to our farmers in the form of an additional AMTA payment.

The gentlewoman is probably right, we are going to cut out some of the bureaucratic function of Washington, DC with respect to agriculture, but this budget, which is the best budget our chairman has ever produced, in my opinion, in the 6 years that I have been here, is going to put more money in the pockets of farmers than any other budget we have ever passed in the 6 years that I have been here.

It is at a time when our farmers are in dire straits all across the country, whether it is Georgia or Iowa or whether it is New England. This particular budget is going to go to put more money in the pockets where it is needed.

Sure, it is probably going to take some money out of the bureaucracy, but we are going to put it where it is important.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, the gentleman from South Carolina (Mr. SPRATT), the ranking member, a distinguished and thoughtful man, said earlier today that we are preparing to get the train wreck on schedule. That is what we have in front of us here is the schedule, where it is going to stop on the highway.

The reason I say that is that it is just like the one we did last year and the year before. It has built into it $100 billion worth of cuts in nondefense spending.

Most people say, what does that mean, nondefense spending? Well, I mean FBI agents, they want to cut some of those, or drug enforcement agents, they want to cut them, or maybe it is Pell grants they want to cut, or the National Institutes of Health. That is a nondefense area. There are $100 billion in cuts.

If Members think the level out there right now is too high, we have too many FBI agents, too much at the National Institutes of Health, then Members will think this is a real nice budget.

The only way they are going to get around that is that they are going to have to go over and get that social security money that is sitting there. They say, we have covered it, it is all protected, we have it in a lockbox. But all we have to do is come out here and pass a resolution on the floor and it is gone. It is a lockbox with a hole in the bottom. So we are looking at a budget that has built into it all the seeds of not passing the appropriations acts, and winding up being back here in September, 2 months before the election.

Mr. Speaker, somebody is going to get up here, and I have listened to the debate so far and I have never heard this phrase yet, because it is the favorite Republican phrase, where are we going to find that $100 billion? Fraud, waste, and abuse. That is the one, we get out here and beat our breast, waste, fraud and abuse.

When we start looking at what that really means, it is the Department of Social Health Services.

□ 1215

The Department of Human Services goes out to hospitals in our districts and starts going through the records of the doctors and the hospitals, and the place is flooded with Members back here saying we have to give them back that money.

So when one thinks they are going to find $100 billion in fraud, waste and abuse, they ought to think very carefully about that. What is going to happen is in September the election will be upon us, the Republicans will cave to the President of the United States, and we will get a decent budget.

Mr. SPRATT. Mr. Speaker, I yield 2½ minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, I want to suggest five reasons why our colleagues should vote against this Republican budget resolution.

The first reason is that it contains indiscriminate and risky tax cuts that, under realistic assumptions about defense and nondefense spending, will take up more than the available non-Social Security surplus over the next 5 years. The tax cut in this budget resolution, $175 billion over 5 years, exceeds the total non-Social Security surplus forecast by the Congressional Budget Office under an assumption of discretionary spending frozen at inflation-adjusted levels.

Reason number two, it proposes to significantly undercut nondefense discretionary programs that Americans depend on. Over 5 years, the Republican plan would cut nondefense programs by $122 billion below inflation adjusted levels. That would mean, for example, Pell grants for 316,000 fewer students. It would eliminate Head Start for more than 40,000 children.

Reason number three, the Republican plan does nothing to extend the solvency of Medicare and Social Security. We ought to be using a portion of our surpluses to extend the solvency of these programs, which would have the important added benefit of locking in additional debt reduction.

Reason number four, under the Republican budget resolution's unrealistic spending targets, we are once again headed toward an end-of-the-session train wreck and efforts to circumvent the budget process through new and improved gimmicks. Appropriations leaders in both parties have already given warning that they may not be able to produce passable appropriations bills this year under this budget resolution's spending limits. This is simply more evidence that it is not really the budget process that is out of whack around here. What is needed is a responsible use of that process and a realistic budget resolution.

Finally, reason number five, a vote for this budget resolution would send a message to the American people that the cynicism they feel about Congress and their cynicism about the budget process are, alas, justified. We should be sending our constituents a positive message that in a time of budget surpluses we are going to invest in the future of this country, through affordable and targeted tax cuts, through continued debt reduction, and through adequately funding those programs on which older Americans and working Americans and the most vulnerable among us depend.

Take the responsible course. I urge my colleagues, vote against this irresponsible budget resolution.

Mr. KASICH. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. HASTERT), the Speaker of the House.

Mr. HASTERT. Mr. Speaker, I rise in support of this budget conference report, and I applaud the work of the Committee on the Budget. For the second year in a row, under the leadership of the gentleman from Ohio (Mr. KASICH), the Committee on the Budget has produced a quality work on time. If the House will look at this, it is the first time in the history of the House that we have met this budget on time ever.

When the gentleman from Ohio (Mr. KASICH) first became budget chairman, our government's finances were a mess. We had high taxes. We had expanding government. We had a huge debt and a budget deficit of $200 billion, and I quote the administration, ''as far as the eye could see.'' Today we have a responsible and a balanced budget which keeps America on the right track. Today we have a goal of balancing the budget, paying down the debt, securing Social Security; and, yes, we hear all the ifs on the other side, but that is our goal, that is our target and this budget gets us there.

Those who would like to spend more are not keeping their eye on the target, which is balancing the budget, paying down the debt, protecting Social Security. Also, besides protecting Social Security in this budget, the money that goes into Social Security is reserved for Social Security. We pay down $1 trillion of debt over the next 5 years, $1 trillion of debt. We modernize Medicare by providing $40 billion for a prescription drug benefit so no senior should be forced to choose between putting food on the table or taking life saving prescription drugs.

We provide additional educational spending; additional educational spending. I believe our goal is simple when it comes to education, that every child in this country deserves an opportunity to go to a good school.

We improve our national security by giving our men and women in uniform the resources they need to protect America from the dangerous world outside. We include tax fairness in this common sense budget. We believe it is morally wrong to penalize young couples who want to get married, up to $1,500, simply because they are married as opposed to being single. We believe it is unfair to tax people just because they die, and we believe that the Tax Code must encourage people to save for their children's future education.

Today, my friends, we continue to keep this Nation on the right track. We have balanced the budget; and we have a balanced, responsible approach to govern.

I commend the gentleman from Ohio (Mr. KASICH) for his hard work on this budget, to the Committee on the Budget and to this institution and to the American people for the many years of his service. I would say thanks to the gentleman from Ohio (Mr. KASICH).

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, unfortunately this budget is not about the past. It is about the future. Any way we want to explain it, the centerpiece of this budget resolution today is a massive tax cut at the expense of debt reduction, Social Security, agriculture and defense. The numbers do not lie.

It is gratifying to hear my friends on the other side adopting the Blue Dog rhetoric about the importance of paying off the debt. I only wished their resolution carried through on what they say. Once they take away all the double counting in this resolution, it would leave only $12 billion of the non-Social Security surplus, approximately 8 percent, for debt reduction over the next 5 years. That is $73 billion less than the Blue Dog budget and $430 billion less debt reduction over the next 10 years, and that is a fact. No rhetoric is going to change that.

I wish they paid more attention to what the tax cut does in 2010 to 2014 when the Social Security system is going to need this money. This budget and this tax cut, if it is implemented, which fortunately I do not believe it will be, will wreck the Social Security program beginning in 2014, and that is irresponsible.

Also, the budget provides money for another short-term agricultural relief package, which we all appreciate; but why did we not take the opportunity, as the Blue Dog budget suggested, of having a 5-year, fix-the-policy, look-at-the-baseline problem? Why are we doing a 1-year fix again? Why can we not find the support on both sides of the aisle to match our rhetoric with the needs of the country?

When we look at the agricultural needs today, this budget comes up tremendously short.

The American people continue to tell us that paying off the debt should be our first priority using the budget surplus. Over and over and over they tell us that. Unfortunately, this budget continues to ignore this message from the American people, and I am very disappointed that once again we have not been able to find a responsible middle ground, but that is what this is all about. If the priorities are a massive tax cut at the expense of debt reduction, Social Security, agriculture and defense, vote for this resolution.

Mr. SPRATT. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, somebody very wise once said that everybody is entitled to their own opinion but not their own version of the facts. We need to get the facts down here today because the one thing we owe to the public is to have an open and honest debate about exactly what we are doing.

The major fact here that is going unstated is the 10-year price tag associated with this tax cut. Now today there is the admission that we are talking about $175 billion tax cut over 5 years. Last year we debated a $792 billion tax cut over 10 years that was fiscally irresponsible and wildly unpopular, rejected by the American public. By the math we have done over here, what we are debating today, but we are not willing to say, is an $875 billion tax cut over 10 years. It undermines everything that has been said on this floor about paying down the debt and spending.

I would be happy to yield to the chairman of the House Committee on the Budget if he wants to correct me and tell us what the real price tag is over 10 years on this tax cut. The gentleman from Ohio (Mr. KASICH), I would be happy to yield to him if he would like to tell me what the price tag is over 10 years on the tax cut contemplated by this budget resolution we are going to vote on.

Mr. KASICH. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Florida. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Speaker, it is our job to come up with a 5-year number. We believe that the 10-year number will fit. I also want to commend the gentleman from Florida (Mr. DAVIS) for voting for the tax cuts that we have brought to this floor, particularly eliminating the tax on the senior citizens. So it would be good if we could even bring a couple more to the floor that he would vote for, but the point is that we believe it will fit and we will be able to have tax relief plus save Social Security.

Mr. DAVIS of Florida. Mr. Speaker, this remains the dirty little secret about this budget resolution, that we do not have the 10-year price tag associated with the tax cut, and I stand on my assertion it is an $875 billion tax cut which undermines what should be our Nation's highest priority, paying down the debt.

In 1999, we spent $230 billion on interest payments alone on this $3.47 trillion Federal debt. That is 13 percent of our total spending. It is more than we spend on Medicare. It is slightly less than what we spend on national defense. Paying down the Federal debt should be our highest priority. It contributes to lower interest rates. It allows us to preserve the solvency of Social Security and Medicare for the retirement of the baby boomers, and we cannot do that and sustain an $875 billion tax cut. We ought to be willing to talk about it. We ought to be honest with the American public. We ought to do responsible tax cuts, but we ought to pay down the Federal debt first.

Mr. KASICH. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SPENCE), the chairman of the House Committee on Armed Services.

Mr. SPENCE. Mr. Speaker, I thank the gentleman from Ohio (Mr. KASICH) for yielding me this time.

Mr. Speaker, I rise in support of the fiscal year 2001 budget resolution conference report.

This budget resolution provides $4.5 billion more for national defense than the level requested by the President. With this budget resolution, Congress will have increased the President's defense budget request for over 6 years in a row by a total of nearly $50 billion.

While this is a significant amount of money, it is not enough to offset the drastic cuts in defense we have experienced during the tenure of this administration.

Underscoring this point, the military service chiefs testified before our committee earlier this year that the President's budget, even with a significant increase, still leaves more than $84 billion short over the next 5 years, including a $15.5 billion shortfall in fiscal year 2001.

The budget resolution before us will once again allow us in Congress to step up to the plate. With these additional funds, the Committee on Armed Services has already begun to mark up the fiscal year 2001 defense authorization bill and to address the broad range of shortfalls that result from the President's request, serious shortfalls in military health care, modernization, readiness, and quality of life programs.

I want to thank the leadership for their support in arriving at this defense number; but especially I want to thank the gentleman from California (Mr. LEWIS), the gentleman from Pennsylvania (Mr. MURTHA), the gentleman from Missouri (Mr. SKELTON), and the 285 other Members who joined with me in passing the amendment to the supplemental appropriations bill. Now is the time to carry through and protect this money. We have it in the budget.

The conference report before us, while not providing everything that is needed, does provide another significant installment payment by Congress toward restoring our military to the level of excellence that the American people expect and that national security requires.

I urge my colleagues to vote "yes" on this conference report.

□ 1230

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, I thank the gentleman from South Carolina (Mr. SPRATT) for his work on this resolution. I thank my colleagues on this side of the aisle for all of their work.

Unfortunately, I do not think this measures up. This budget is an important document, not because of what it says, but because of what it fails to do. This budget could have provided an opportunity to begin to pay down the national debt, but it will not. This budget could have been an opportunity to do some things to strengthen Social Security, but it will not. This budget resolution could have been a chance to provide some sensible Medicare prescription drug benefits for older Americans. It does not do that either.

Of course, it would be one thing if all this resolution did was to ignore the problems facing American families. But the problem here is that it just adds to their problems. It adds to them by failing to extend the solvency of the trust fund by one single day. In fact, this budget plan would even cut the funds Social Security and Medicare needs to perform some basic administrative functions to make it work.

Now, there is one group of Americans in this budget who will get some special help. It is the wealthy who stand to gain hundreds of billions of dollars from this budget.

If this all sounds familiar, it should. Because it is the same budget the leadership tried to sell us last year. It is, in fact, the same platform that George W. Bush is trying to sell the American people this year. It did not make sense then, and it does not now.

America does not need a huge tax cut for the wealthiest individuals in our society. We need a budget that allows us to, one, pay down that debt. With that interest savings we accrue by paying down that debt, strengthen Social Security, strengthen Medicare, invest in education, and invest in prescription drug care for our seniors. We need a budget that would move this country into the future. This budget, I regret to say, throws us back into the past.

Mr. SHAYS. Mr. Speaker, before yielding, can I just reaffirm how much time is remaining on each side.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Connecticut (Mr. SHAYS) has 9¾ minutes remaining. The gentleman from South Carolina (Mr. SPRATT) has 8½ minutes remaining.

Mr. SHAYS. Mr. Speaker, I yield 3 minutes to gentleman from Iowa (Mr. NUSSLE).

Mr. NUSSLE. Mr. Speaker, I thank the gentleman from Connecticut for yielding me this time.

Mr. Speaker, while I think I understand what the tactic is on the other side. We have heard about train wrecks today. In fact, the gentleman from Michigan (Mr. BONIOR), the distinguished minority whip, came in and talked about how this is not going to work, how it does not mean the priority. We have heard about the Democrats rushing to the floor saying that, oh, at the end of the year, there is going to be a train wreck.

Well, if there is a train wreck, Mr. Speaker, it is for one reason. It is because the Democrats are in an election year, and they are running for their lives. They are slapping on the camouflage, and they are sneaking up, they are crawling up that hill, going toward that railroad track, and they are planting the dynamite. They are planting the demolition chargers, and they are trying to blow it all up because they know one thing. If this train makes it to the station, they lose.

That is unfortunate. Because in America, it does not have to be win-lose. It can be win-win. When we had our conversation with America, when we went to town meetings across the country, Americans in Iowa, Americans in Minnesota, in Connecticut, in Ohio, South Carolina, all across the Nation said that they wanted to have some goals in this budget put firmly in place.

Protect 100 percent of Social Security. The gentleman form Michigan (Mr. BONIOR) said it did not do that. What is he reading? What is he reading? Strengthen Medicare with prescription drugs. Forty billion dollars, the first time we have ever set up a Medicare lockbox to set aside $40 billion to do that. The previous speaker

says it does not do that. What is he reading? Who is he listening to? Who is writing his speeches these days?

At least read the document that my colleagues are going to be voting on today. It not only provides 100 percent set-aside for Social Security so that it is not touched, the first time we have been able to accomplish that, the first time in a row that we have been able to accomplish that; but, under Medicare, we not only set aside $40 billion, but we have a prescription drug benefit.

Now, it is not the one they want. Of course, Democrats have a different philosophy of the way prescription drug benefits ought to be administered. They say, let the government take it over. Give it all to the Health Care Finance and Administration, let them write the plan.

Of course Republicans have a little bit different idea. We say we do not trust the government to run this health care system very well. It has not done a good job. Let us look for some free market ways of doing it. So there is a difference of opinion. But do not say we do not have it when we have it.

Then of course we retire the debt by 2013. The gentleman from Michigan (Mr. BONIOR) said there is no debt retirement. Again, what is he reading? Three trillion dollars of debt retirement as a result of this bill, and we have to be proud of that, all of us, again, in a win-win situation. Strengthen support for education.

There has been talk today about NIH cuts. There is a $1 billion increase for NIH the last 2 years alone, 13 percent the first, 14 percent the second. Increases in NIH funding, not cuts. So let us vote for this plan, but it does the things that America wants, and it is win-win.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. WEYGAND).

Mr. WEYGAND. Mr. Speaker, I want to thank our ranking member for yielding me this time.

Mr. Speaker, I am rising to oppose this resolution and this piece of legislation simply because we have not set our priorities straight.

There will be a lot of rhetoric today about some of the nuances of the bill and the conference report. There will be a lot of rhetoric about the little things that are in there. But let us talk about the broad stroke, the very large issues of priority.

In this bill, the Republicans have determined that their priority is a $175 billion tax cut. They do not hide that. They show that in the full light of the day. They say this is what we want. They also have said what we want is absolutely no money for school reconstruction, absolutely no money to reduce our classroom size, absolutely no money that is truly dedicated to prescription drugs.

Yes, there is some semblance of money that is in there. But if one reads the true fine line, one will find that there is really no money there for any one of those priority items.

Education and health care are simply smoke and mirrors. Tax cuts, they have the full force of law under this resolution, under this conference report. They would prefer to spend the $175 billion over the next 5 years, $800 billion over the next 10 years for tax cuts, but not for prescription drugs, not for reducing our classroom size, or not reconstructing our schools, as most Americans, most Americans, want to have.

Yes, this bill is about priorities. It is about leadership. It is about what the people of America want and do not need. What they do not need are the tax cuts. What they do need are prescription drugs, reconstruction of our schools, and smaller classroom size.

Mr. Speaker, I urge my colleagues to vote against this conference report.

Mr. SHAYS. Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. SPRATT) has 6½ minutes remaining.

Mr. SPRATT. Mr. Speaker, I yield myself 6½ minutes.

Mr. Speaker, this budget resolution was not produced until late last night; and this morning, we found it on our doorsteps. Some Members who have had only a cursory opportunity to look it over may think, well, they have touched it up here, tuned it up here. This resolution runs better than the last vehicle that left the House. But before my colleagues buy it, let me suggest we look under the hood.

It is true that, in this resolution, they have mitigated the unrealistic reduction in nondefense spending that they assumed in the last one, but it is only at the margin. This resolution still requires $121.5 billion real reduction in nondefense discretionary spending. This is not just another number among hundreds of numbers in the documents before us that we can hit or miss with impunity. This whole budget turns on this unrealistic assumption.

If we do not attain it, if we do not cut nondefense discretionary spending by 9.8 percent, on average, over the next 5 years, there is no surplus. There is no debt reduction. The budget is in danger of being in deficit again.

This chart right here in technicolor tells us why. For the last 5 years, if we look on the far side of the chart, we will see that, even though we had a deficit during much of that period of time, and even though we had spending caps on discretionary spending, under Republican dominion here in the House and the Senate, nondefense discretionary spending still grew by 2.5 percent above the rate of inflation.

Now, what we are asked to believe in this resolution is that we can reverse that trend, and in an era of surpluses, not deficits, and without any spending caps, because there is no mechanism for enforcement here, no spending caps extended in this budget, no sequestration, with no enforcement mechanism, we can go from 5 years with real spending growing 2.5 percent a year to 5 years where it declines 9.8 percent on the average over 5 years. I do not believe it will happen. I am not saying it is not possible. I do not believe it. It puts the budget in peril if it does not happen.

Look, tax cuts, same thing. The last time this budget was on the floor, they were proposing a tax cut of at least $200 billion. Here I have to say I think our Republican colleagues listened. Because we came to the floor of the House, and we took their spending numbers and their tax cuts, and we combined them, integrated them into one chart over 5 years. We show it by a chart here in the well of the House that, if this budget were adopted in 1 year, the surplus would vanish, it would be wiped out in 1 year. We challenged our colleagues to counter if we were wrong, and they never countered. They never corrected the numbers. When the debate closed, our chart stood.

I said, and I think the analogy is appropriate, they are going to put the budget on thin ice. No cushion. If anything happens, any reversal in the economy occurs, we are back in deficit, borrowing from Social Security again.

Well, this budget resolution is a bit less risky. That is because, instead of having $200 billion in tax cuts, it has $175 billion in tax cuts. But here is the bottom line on this chart. We have redone the chart. Look at the bottom line. One will see the numbers are very, very small. There is precious little cushion left, if my colleagues pass this resolution, for any kind of downturn in the economy or for the eventuality that $121 billion in real reduction and discretionary spending simply cannot be attained.

Let me tell my colleagues one other thing that is risky about this budget. There is a certain slight of hand here, as the gentleman from Florida (Mr. DAVIS) called it a minute ago, it is a dirty little secret. Last year, we had a 10-year price tag. Last year we very honestly ran out the projections of the budget, including the tax cut, over 10 years.

This year, we only have a 5-year projection. Why is that? Because in the first 5 years, the tax cuts seem much, much more modest. This budget, unlike last year's, only goes out 5 years, and it seems that we have got $175 billion tax cut.

But if we run that over 10 years, and if we use the same rate at which last year's proposed tax cut expanded, by

our calculation, the total tax cut with debt service adjustment is $929 billion, and look what happens. It is a small number, yes, but we are back in the red again. This budget brings back the deficit.

That is why we say it is risky. After all we have done to get rid of the deficit, that is why we say it is risky.

Let us take Medicare. The gentleman from Iowa (Mr. NUSSLE) here said, what are they reading? I will tell the gentleman what we are reading. We are reading their budget resolution. It has got two different paragraphs. Section 214 and section 215, they say different things. A conference report is supposed to reach agreement between the House and the Senate, but the Senate has one provision and my colleagues have another provision.

Instead of using this time-honored device we call reconciliation, one tool that is unique to the Committee on the Budget to get something done. What do they do? They say, here Committee on Ways and Means, here is $40 billion we are putting aside in reserve fund if you can use it, if you can come up with a prescription drug bill and structurally reform Medicare, then you can report a bill at some particular point in time. No dates are named.

Go back to our resolution, and we show one how to do it. So we do a prescription drug benefit. We say to the Committee on Ways and Means and the Committee on Commerce, go do it.

I do not have time to go through the other details. We have not had time to do it in a budget resolution. But let me tell my colleagues something, look at military health care. We tried to put a little bit of money in there to do something for the retirees, $5.4 billion over the next 5 years. Do my colleagues know what they provide? $400 million.

The Speaker was here talking about education. Well, we looked up the numbers on education. We have got $4.8 billion for next year. They have got a cut in education below a freeze for next year.

□ 1245

Health care, which the gentleman from Ohio (Mr. KASICH) was talking about. Look at function 550. They are $900 million below a freeze. We are above a freeze for health care.

So for all these reasons this budget resolution ought to be voted down. It ought to be sent back to a real conference where we can do debt reduction, do tax relief, do realistic spending levels, do Medicare prescription drugs, extend the life of Medicare and Social Security.

We can do it better, and we ought to do it better. Vote this resolution down.

The SPEAKER pro tempore (Mr. PEASE). All time for the gentleman from South Carolina (Mr. SPRATT) has expired.

Does the gentleman from Ohio (Mr. KASICH) reclaim his time?

Mr. KASICH. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. STEARNS).

The SPEAKER pro tempore. The gentleman from Ohio (Mr. KASICH) reclaims his time and yields 1 minute to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, let me just say to the ranking member that I was here last year and the year before, and I say to my colleagues that every one of his arguments he has used almost in the same format every year.

Now, what is interesting about his argument this year, it is all predicated upon a 10-year projection. But this is not a 10-year projection. We are talking about 5 years.

The gentleman from Florida (Mr. DAVIS) talked about a dirty little secret. There is no dirty little secret. This tax cut is less than 2 percent. Less than 2 percent. We do not even have accuracy charts around here in Congress that we can guaranty anything less than 2 percent. And for the gentleman to project out on his chart for 10 years, that it is possibly a deficit of $1 billion, is really pushing the numbers.

When we look at this tax cut for Americans, what are the components? It is a marriage penalty tax, a death tax, an education savings account, health care deductibility, community renewal, and pension reform. All these things are for Americans. So I urge passage.

Mr. Speaker. I rise to speak in favor of the budget resolution conference report which outlines our spending priorities for fiscal year 2001.

First of all it provides $150 billion in tax cuts, including repeal of the marriage-penalty tax and small business tax relief. Since Small Businesses produce so many new jobs and are responsible for the state of our economy, we need to make sure this prosperity continues.

This is long overdue and I wholeheartedly support providing America's working men and women the opportunity to keep more of their hard earned dollars.

The fiscal year 2001 Budget Resolution also protects the Social Security surplus by creating a "lock box" and dedicates the $161 billion surplus to the Social Security Trust Fund.

This budget also sets aside $40 billion for Medicare reform and to fund a prescription drug benefit. We should give seniors the same choices that other Americans already have, including Members of Congress and the President.

I believe that we must pay down the debt and this budget resolution dedicates $1 trillion over the next five years toward that end. What's more, by 2013 it will be completely eliminated.

It is vital that the men and women who serve our country are fully equipped and it is our responsibility to make sure that our military is no longer asked to carry out its duties without the necessary resources. The defense budget is increased by $20 billion for fiscal year 2001.

When the men and women who defend our country return home we must not forget them. That is why we have funded the VA at the level requested by he Veterans Committee, which represents $100 million for health care over the President's VA budget proposal.

To sum it up, this budget resolution taxes less, spends less, places restraints on government growth, provides for a strong defense, protects 100 percent of Social Security surplus and reduces the debt.

This is a budget that we can all be proud of and I urge my colleagues to vote for this conference report.

Mr. KASICH. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to congratulate him on the budget work that he has done over the last number of years.

What we are now taking a look at is we are taking a look at a budget that is not going to steal from Social Security. But perhaps one of the most important things about this budget is that we reinvest in education. We reinvest in education in a way that will make an impact for our kids.

What we do is we take dollars away from a Washington bureaucracy, and we move the rules and regulations away from the process and target getting dollars back to our children. We get the dollars into the classroom. We get the dollars into a school district where the people who are making the decisions for our kids and for the learning process are the people that know the names of our kids. But more importantly, not only do they know the names of our kids, they also know the needs of our kids. They know the needs of the community and the school district.

So what we will get is we will get more effective decision-making, we will get more dollars to the classroom where they actually make a difference.

Mr. KASICH. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for yielding me this time, and I also thank him not only for what he has done for this budget but what he has done over the years to bring some fiscal sanity to this city.

I can remember when I was back in the State legislature and we would marvel at how much the Federal budget would go up every year. It seemed like back in the 1980s that we were talking about budgets going up double, triple, and sometimes almost quadruple the inflation rate. It was no wonder they were piling deficits upon deficits.

Now, we have heard a lot of interesting arguments this morning, but John Adams said something pretty powerful about 200 years ago. He said facts are stubborn things. And if people

forget everything else that has been said today, I hope they will remember this: in the fiscal year that we are in today we are going to spend $1,780 billion. In my opinion, that is too much. Under this budget, we are going to spend $1,830 billion. I still believe that is too much. But more importantly, that means that total spending will only increase this year by 2.8 percent. That is less than the inflation rate, and it is almost half the rate the average family budget will go up.

That is a giant step in the right direction. This is a good budget, and I hope the Members will join me in supporting it.

Mr. KASICH. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 3¾ minutes.

Mr. KASICH. Mr. Speaker, I would like to just take a moment and, before I finish with the policy, I would like to just spend a few minutes to say that any person who is trying to carry out a program, to run a committee, a committee chairman, cannot be successful without staff. They are the ones who are the least recognized and the hardest working of all the people here.

I do not want to leave anyone out, and I hope I have not, but I wanted to thank Greg Hampton, who came to my congressional office at the Committee on the Budget, the same with Mike Lofgren. Mike an expert on defense, Greg on health care. Jim Bates, who I do not see on the House floor, is a guy who worked until 2, 3 o'clock in the morning to try to be able to make sure that everything, all the T's were crossed and all the I's were dotted and that we followed all the parliamentary procedures. He has a very tough job. And Pat Knudsen, who was in charge of so many activities, including just being able to put together our communication program. And a very special ''thank you'' to my friend and staff director Wayne Struble. I have never known anybody who has come to this government with more conviction, more determination, and more absolute and total consistency to stay on a path to try to make this country a little better.

Now, they never get recognized; and I want their parents to know how important they were to me. They made me a much better leader because of the work that they put in. Oftentimes they are neglected, but they are not neglected with me.

Secondly, I was trying to think back to the members of the Committee on the Budget that have been with me since 1973. I think the gentleman from California (Mr. HERGER), who had contributed a great amount; and to my dear friend, the gentleman from Connecticut (Mr. SHAYS), who has sat there through thick and thin, has been on this Committee on the Budget since 1995; and the gentleman from Michigan (Mr. HOEKSTRA), my great friend, who actually went off in order to accommodate another member for a short period of time. It goes without saying that without their support, guidance, and advice we would not have been as effective.

I want to just close the debate by just suggesting that we get some bipartisan support for this product. I think it is a good product. It will allow us ultimately to have the money that we need in order to be able to fix Social Security for three generations.

We will be able to strengthen Medicare and pay down that trillion dollars in the publicly held debt, provide that tax relief, try to provide some more resources for education, and of course rebuild America's defense.

I would be remiss, by the way, if I did not take a second to thank my good friend, the gentleman from Ohio (Mr. HOBSON), who came on the floor and who sat with me in the tough times when we were trying to put these budgets together and make them work.

So let me just say to the membership today, I think we have a great opportunity to make another down payment on our goals. We have a long way to go, but I think we have come a long way and would ask for support for the conference report.

Mr. Speaker, I yield back the balance of my time.

Mr. SPRATT. Mr. Speaker, I ask unanimous consent that I be allowed to recognize my staff, just as the gentleman from Ohio (Mr. KASICH), has, before we go to the vote.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. SPRATT. Mr. Speaker, I thank the gentleman for allowing me this opportunity.

Since January, when the budget first began emerging from the White House, through last night, our staff, which is a small staff because we are the minority staff, has worked diligently and really performed Herculean efforts to stay on top of the budget, and I could not ask for more and the House could not either.

My chief of staff is Tom Kahn. Richard Kogan is our policy director. Hugh Brady, Susan Warner, Lisa Irving, Jim Klumpner, Sarah Abernathy, Andrea Weathers, Sheila McDowell, Linda Bywaters, Sandy Clark, Kimberly Overbeek, Pepper Santalucia, Sarah Day, an intern from Winthrop College, and Joseph Ortiz. As I said, they have put in Herculean efforts, wonderful work on the budget; and without them we simply could not have mounted the arguments that we have on the floor.

I thank the gentleman very much for giving me the opportunity to recognize them for their wonderful work.

Mr. BENTSEN. Mr. Speaker, I rise in opposition to the conference report on the concurrent budget resolution for Fiscal Year 2001. As has been the case with previous budget resolutions, this budget not only tests the bounds of fiscal reality, but fails the test of fiscal prudence and priority. We all know that as soon as the appropriations process begins in earnest and the depth of the necessary cuts to non-defense programs come into focus, this budget will become irrelevant.

The Majority has chosen to spend virtually all of the budget surplus on tax cuts and on a $21 billion increase to defense spending, while requiring cuts of $7 billion below a freeze in Fiscal Year 2001 in other programs and $121.5 billion below inflation over 5 years. If enacted, this would result in 500 fewer FBI agents, 600 fewer DEA agents, 40,000 fewer kids in Head Start and 300,000 fewer students receiving Pell Grants to go to college. We would also have to cut community development and scale back funding increases for the National Institutes of Health.

Like the House-passed resolution, and other Republican budgets, this proposed budget sacrifices everything in the name of giving the largest possible tax cuts without doing anything to address the long-term needs of Social Security or Medicare. The solvency of Social Security and Medicare are in no way enhanced. Recall that the Democratic alternative budget, which all my Republican colleagues voted against, extended the life of Social Security by as much as 15 years and the life of Medicare by as much as 10 years.

With respect to debt reduction, the conference agreement devotes 8 percent (a mere $12 billion) of the on-budget surplus, over a five-year period, to paying down the national debt. Again, recall that the House Democratic substitute devoted 40 percent of the on-budget surplus to debt reduction over 10 years. When the Republicans claim to care about paying down our nation debt, clearly they are being disingenuous. While the Republicans claim that they will not spend any of the Social Security Surplus, their history indicates otherwise. Since gaining the Majority in 1995, Republican budgets have increased discretionary spending greater than the rate of inflation. If they were to enact their massive tax cut and increase spending as they always have, their budget would eat into the Social Security Surplus and add to the national debt.

Turning to a voluntary prescription drug benefit for Medicare beneficiaries, I am dismayed that Republicans have explicitly provided for tax cuts, particularly for the highest income bracket, but have done nothing to make definite their plans for a Medicare prescription drug benefit. While Medicare has been a tremendously successful program in providing health care for senior citizens and a better quality of life, the rising use and cost of prescription drugs demands congressional action. Prescription drugs now account for about one-sixth of all out-of-pocket heath spending by the elderly. The percent of beneficiaries without coverage who cannot afford to buy their medicine is about five times higher than those with coverage, ten percent compared to two percent. Almost 40 percent of those over age 85 do not have prescription drug coverage. The Republican budget only says there will be a benefit 'if' or 'when' the Ways and Means Committee proposes a plan.

While I opposed the conference report, I am pleased that it includes language from the amendment that I offered with Congresswoman BALDWIN to Republicans included language I proposed to increase access to Medicaid CHIP and fund access to Medicaid coverage for uninsured women diagnosed with breast cancer. In my state of Texas, there are more than 800,000 Medicaid-eligible kids who are not enrolled in the program but still get sick, and we have more uninsured women, whom if they contract breast cancer, are in dire straits.

Taken all together, the only reasonable conclusion I can arrive at is that the Republicans have once again thrown together a haphazard budget scheme that is not fiscally sound, does not pay down the debt, does not extend the life of Social Security or Medicare and provides no meaningful prescription drug benefit. For these reasons, I am compelled to vote against H. Con. Res. 290.

Mr. CLEMENT. Mr. Speaker, I rise today in strong opposition to this fiscally irresponsible budget resolution conference agreement. Not only is this agreement bad fiscal policy, but it is flawed economic strategy. America has emerged from an era of struggling to eliminate billion-dollar deficits into a new age of setting priorities for an expanding budget surplus. Instead of seizing the opportunity to help American families prepare for the future, this budget resolution proposes deep cuts in domestic programs to make room for a fiscally irresponsible tax cut that could force us to return to spending the Social Security trust fund.

We owe it to our nation's seniors to enact a Medicare prescription drug plan this year. Prescription drugs now account for about one-sixth of all out-of-pocket health spending by the elderly. Ensuring our seniors can afford the prescription drugs they need should be a higher priority than providing tax relief to the wealthiest members of our society.

This conference agreement allows a prescription drug benefit of up to $40 billion over five years but only if accompanied by unspecified Medicare "reforms." Under this agreement, the Republicans have chosen to hold the prescription drug benefit hostage to unspecified Medicare reforms which may or may not be enacted. By contrast, the Democratic alternative budget required that a full $40 billion be devoted to a prescription drug benefit.

We should be focusing on taking care of our elderly, ensuring the long term solvency of Social Security and Medicare, educating our children and paying down the national debt. This agreement sacrifices these national priorities for a massive tax cut. Passing such an irresponsible budget resolution will force the Appropriations Committee to either invent gimmicks that make a sham of the entire budget process or produce bills with significant deficits in funding. Mr. Speaker, I urge my colleagues to reject this conference agreement.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 220, nays 208, not voting 7, as follows:

[Roll No. 125]

YEAS—220

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—208

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—7

Borski
Campbell
Cook
Houghton
Myrick
Stark
Wexler

□ 1321

Ms. DANNER and Ms. HOOLEY of Oregon changed their vote from "yea" to "nay."

Mr. BARTON of Texas changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. KASICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report on House Concurrent Resolution 290.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 3615, RURAL LOCAL BROADCAST SIGNAL ACT

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it be in order at any time without intervention of any point of order to consider in the House the bill (H.R. 3615) to amend the Rural Electrification Act of 1936 to ensure improved access to the signals of local television stations by multichannel video providers to all households which desire such service in unserved and underserved rural areas by December 31, 2006; that the bill be considered as read for amendment; that in lieu of the amendments recommended by the Committees on Agriculture and Commerce now printed in the bill, the amendment in the nature of a substitute that I have placed at the desk be considered as read and adopted; that the previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) 1 hour of debate on the bill, as amended, equally divided among and controlled by the chairmen and ranking minority members of the Committees on Agriculture and Commerce; and (2) one motion to recommit with or without instructions; and that House Resolution 475 be laid on the table.

The SPEAKER pro tempore (Mr. MILLER of Florida). Is there objection to the request of the gentleman from California?

There was no objection.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 3439, RADIO BROADCASTING PRESERVATION ACT OF 2000

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it be in order at any time for the Speaker, as though pursuant to clause 2(b) of rule XVIII, to declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 3439) to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations and that consideration of the bill proceed according to the following order: (1) the first reading of the bill shall be dispensed with; (2) general debate shall be confined to the bill and shall not exceed 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce; (3) the amendment in the nature of a substitute recommended by the Committee on Commerce now printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered as read; (4) points of order against the committee amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI are waived; (5) during consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read; (6) the Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment, and (2) reduce to 5 minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes; (7) at the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute; (8) the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions; and that House Resolution 472 be laid on the table.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

LAYING ON TABLE HOUSE RESOLUTIONS 356, 375, 382, AND 383

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the following resolutions be laid on the table: H. Res. 356; H. Res. 375; H. Res. 382; and H. Res. 383.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DATE CERTAIN TAX CODE REPLACEMENT ACT

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 473 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 473

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4199) to terminate the Internal Revenue Code of 1986. The bill shall be considered as read for amendment. An amendment in the nature of a substitute consisting of the text of H.R. 4230 shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST) pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this is a customary rule for Tax Code-related legislation. It provides for the consideration of H.R. 4199, the Date Certain Tax Code Replacement Act. H.Res. 473 provides that the bill be considered as read and that the text of H.R. 4230 shall be considered as adopted. The rule further provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. Finally, the rule provides for one motion to recommit, with or without instructions, as is the right of minority Members of the House.

Mr. Speaker, what we have learned after 87 years of the current system is this: if we had sat down at the beginning of 1913 and asked ourselves how could we build a tax system that would punish people for earning and working hard, a system that would be obstructive of capital formation, we could not have done a better job. Our tax system is the largest impediment to people moving from the first rung of the economic ladder to the second, because the harder you work, the more you save, the more you invest, the more we take. It is a system that is inefficient. We have seen testimony from the Kemp Commission to Harvard studies that says for a small business man or woman to comply with the code and to collect and remit $1 in business income taxes, it costs them anywhere from $4 to $7.

The current code is not understandable. Our own IRS tells us that if you call the IRS for help in filling out your own tax return, 25 percent of the answers they give you will be given in error. Over 50 percent of Americans have to pay others to decipher the Tax Code and do their taxes for them. In an effort to show how complex the IRS code has become, Money magazine created a fictional American family and asked tax professionals to prepare an IRS tax return. Incredibly, every one of the tax professionals came up with a different tax total, and not one of the tax professionals calculated what the editors of Money magazine believed to be the correct income tax.

The current code invades the privacy of every single American citizen. There are 100,000 people at the IRS who know more about us than we are willing to tell our children. I want them out of our lives. These are not bad people. They are people doing the job that this Congress by statute has directed them to do, but we should not have any agency of government that knows how much money you make or how you spend it. That should be none of our business. We should not have anybody who can look into your records and know your history. The government should not be looking over your shoulder counting every dime you earn. Unfortunately, to the IRS we are all presumptive tax criminals, required to open up aspects of our lives to auditors at any given moment.

□ 1330

For all of these reasons, we are here today to debate and pass H.R. 4199.

What the legislation before us today does is to sunset the current Tax Code effective December 31, 2004, and require that Congress approve a replacement system no later than July 4, 2004, to ensure a smooth transition to the new system on the first day of 2005. This legislation also establishes a bipartisan National Commission on Tax Reform and Simplification that is required to report to Congress on a new, fair, simpler Tax Code.

The overall intention of this bill is to do three things: One, sunset the current convoluted Tax Code; two, create a commission to consider alternative tax systems; and, three, foster a national debate on how to create a fair tax system for working Americans.

This is not a jump over the cliff, as some will say. There are several proposals before the Congress now that have been carefully thought out. The gentleman from Texas (Mr. ARMEY) has one that he has written a book about, the gentleman from Louisiana (Mr. TAUZIN) has one that he has pushed for several years, the gentleman from Pennsylvania (Mr. ENGLISH) has a very thoughtful proposal, and I have one too. All of these are ready to be placed in place. They are different, but every single one is better than the current system.

Mr. Speaker, my bill, H.R. 2525, that I introduced with my friend the gentleman from Minnesota (Mr. PETERSON) is a comprehensive tax reform bill. The national retail sales tax would put in place a transparent form of taxation that will end the confusion forever. This bill is known as the Fair Tax. It would repeal the Federal income tax, the capital gains tax, corporate and self-employment taxes, all payroll taxes, including Social Security and Medicare taxes, all estate and all gift taxes. Under the Fair Tax, Americans will be able to see exactly what they are paying in taxes, and the embedded costs of the IRS would be gone, because the IRS would be gone. Americans would be able to take their entire check home with them and the IRS would be shut down. Unlike the relatively simple tax return that you would get if we move toward a flat tax, under our system we would have no tax return at all, and you would never have to keep a receipt or a record, not one.

Let me simply say that any of these proposals, as I said earlier, any of these tax reform changes would be better than the current system.

I welcome the debate that will spread across America as we determine how to install a better system. All of us who introduced the legislation, the gentleman from Texas (Mr. ARMEY), the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Pennsylvania (Mr. ENGLISH), and I simply want to give Americans a fresh break from a tired and unfair old system.

Also I wanted to commend the gentleman from Oklahoma (Mr. LARGENT) for his work in crafting this legislation today. The product he has crafted will effectively prompt the national debate on this important issue, and it should be supported in the House today.

Mr. Speaker, this rule was unanimously reported by the Committee on Rules. I urge my colleagues to support the rule so we may proceed with debate and consideration of the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Republican majority has obviously decided that it is in their best interests to govern by press release rather than to actually work to pass legislation that addresses the most important needs of our great Nation. This bill, the so-called Scrap the Code Act, is a perfect case in point.

Mr. Speaker, there is not a single Member of this body who is not acutely aware that this weekend marks the deadline for the annual ritual Americans hate most. In order to suitably take advantage of the possibilities for press releases that April 15 presents to my Republican friends, this week has seen a schedule jam packed with Tax Code-related legislation. But, Mr. Speaker, why is it that two of the three tax-related measures that have been on the floor this week lend themselves more rapidly to press release, and, in the case of today's bill, a bumper sticker, of course, than to actually doing something that will provide real benefit to real people?

Mr. Speaker, Democrats in this body have said over and over again that the tax policies being pursued by the Republican majority serve the few at the expense of the many. It has been shown again and again that the American public agrees with our assessment. Democrats and the American public should view this latest proposal as the height of fiscal irresponsibility.

This is no benign press release; it is a nightmare waiting to happen. It is a creation of uncertainty in the business world that risks further stock market destabilization, and, with it, derailing of the American economy.

I would submit, Mr. Speaker, if the Republican majority in this body was truly serious about reforming the Tax Code, the past 5½ years have provided ample time to accomplish this. They could have brought a bill to the floor at any time during the last 5 years to change the Code in a sweeping way, and they have chosen not to do so.

Our colleague the gentleman from Oklahoma (Mr. LARGENT) contends that H.R. 4199 is a vastly improved version of his earlier legislative attempt to scrap the Tax Code. He has provided us with a new name for his legislation, a name that implies by a date certain the current code will indeed be replaced. This is indeed good fodder for a press release or two.

The gentleman from Oklahoma has also provided us with a colorful time line indicating who will act when, including the date July 4th, 2004, when Congress will approve a new Tax Code, thus setting the stage for the demise of the old code on December 31, 2004. The dates also lend themselves quite well to press releases. Of course, sometimes Congress does not act by dates, and what the gentleman from Oklahoma (Mr. LARGENT) would have us do is establish a date, and, if Congress were not able to act by that date, then there would be no Tax Code in effect at all and the business climate of this country would be substantially interrupted and jeopardized.

Again, let me point out the Republicans have had 5½ years to bring a revision, a rewrite of the code to the floor, and they have not chosen to do so during that time.

Mr. Speaker, I am not here to say that it is impossible for Congress to completely revamp the method by which we fund the important and necessary activities of this country by July 4, 2004. I would merely like to remind my Republican friends that with political will and a lot of hard work, this Congress can accomplish many important tasks that will make our country even better.

So perhaps this might be an appropriate time to ask why there seems to be no political will on the part of the Republican majority to address matters that are also of great importance, like a Patients' Bill of Rights, prescription drug coverage for seniors, public education reform, raising the minimum wage, investing in our future by saving Social Security and Medicare, and paying down the public debt. Resolving these issues will take real solutions and hard work, Mr. Speaker. These issues cannot be resolved by

issuing a press release. If the Republican leadership cannot work to find an answer to these pressing questions, how can we expect the Republican leadership to resolve the issue of creating a simple and fair, and the key word is ''fair,'' Tax Code?

Mr. Speaker, this proposal sounds good on paper and in a press release, but you really have to be able to read between the lines to understand the real intent. H.R. 4199 is a classic Trojan horse, Mr. Speaker. To the Republican majority, the bill presented by the gentleman from Oklahoma (Mr. LARGENT) represents an opportunity to force the country into accepting a national sales tax, as the gentleman from Georgia (Mr. LINDER) would propose, or a flat tax, or some other scheme to risk total chaos in the domestic and world markets.

Let us take a moment to examine what a national sales tax as advocated by the gentleman from Georgia (Mr. LINDER) would mean to working Americans. In order to replace the revenue that will be lost from scrapping the current code, however unwieldy and complicated, the Congress would have to pass a national sales tax of up to 60 percent, and that sales tax would also have to apply to the Internet, something which the Republicans recently have been claiming they do not want to do. By repealing all taxes currently in place, the national sales tax scheme would become the sole funding source for Social Security, which is a big part of the reason the percentage rate would be so high. I am forced to question how fair that kind of a tax would be to American families. In fact, such a tax would be a mammoth aggressive shift of the tax burden in this country.

Mr. Speaker, I have a number of requests for time on this rule, and each of these Members are prepared to detail the bad news that this Republican press release is really peddling. But let me close by saying the scheme behind the proposal of the gentleman from Georgia (Mr. LINDER) could result in 8 million Americans losing health insurance, a 17 percent decline in the value of the U.S. housing market, it could impose a $200 billion per year unfunded mandate on State and local governments, and would dramatically reduce the amount of charitable giving. Mr. Speaker, I doubt if these possibilities will be part of the Republican press releases this weekend.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I regret the gentleman characterized my bill without having read it.

Mr. Speaker, I yield 30 seconds to the gentleman from Oklahoma (Mr. LARGENT) to respond to another inaccuracy of the gentleman.

Mr. LARGENT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I would just like to respond to one thing that the gentleman from Texas said about the bill, and I would commend reading the bill to the gentleman from Texas. Perhaps he does not have time to read all 10,000 pages of our current Tax Code, but this bill is only 14 pages long, and I think he can wade his way through that.

At the end of the bill it says, ''If a new Federal tax system is not so approved by July 4, 2004, then Congress shall be required to vote to reauthorize the current code.''

If the gentleman from Texas would like to vote to reauthorize the current code, he can do that, thereby assuring all our business community friends that there will be a Tax Code.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the gentleman knows that just requiring Congress to vote does not mean that something will pass. Congress votes all the time and defeats legislation. The gentleman would have us vote, but he cannot guarantee that Congress would actually pass anything, and we would be faced with a situation where no Tax Code would be in place.

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I rise today in strong support of the rule and the Date Certain Tax Code Replacement Act. I can think of no other issue that strikes up more anxiety and frustration with the American people than taxes. By passing this rule and this legislation, Congress is committing to the American taxpayer to replace the present code that is commonly viewed as obsolete, burdensome, intrusive and unfair.

I am fully aware that many of my colleagues do not consider this an important issue. We have just heard the arguments once again, it is too risky, it is a scheme, total chaos.

We do not need any more excuses, because a lot of us here in America are wrestling with this modern cyclops, the IRS code, as we speak. We are doing our taxes. The Tax Code is a giant, with more pages than the Bible. It is more complex than the Justice Department's case against Microsoft. It is cold, it is heartless, and it punishes almost everything we consider successful. It costs us $300 billion a year just to prepare our taxes, not to pay our taxes, just to get ready to pay our taxes.

This Tax Code is a ball and chain locked on our leg. But there is hope. There is a solution, and it is in this rule and in this bill. Let us set a specific date to rid ourselves of this ball and chain, the IRS code. That will give us the discipline and the incentive to put in place a fair and flatter system to provide for those things we need.

Mr. Speaker, I encourage my colleagues to vote for this rule and vote for this Date Certain Tax Code Replacement Act.

Mr. FROST. Mr. Speaker, I yield 3½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, all of us who recognize the importance of the new economy and who believe we should encourage its expansion by minimizing regulation and taxes and maximizing the freedom to innovate should join together today to express our concerns.

This cleverly packaged proposal that the Republicans are offering is really the very first vote in this Congress on whether to impose a new Federal tax on electronic commerce. I believe we should resoundingly reject it. Through 3 days of hearings this week before the Committee on Ways and Means, on which I serve, the same Republicans who are here today urging this proposal have been urging us to rely on taxation of electronic commerce as a major new source of Federal revenue.

The Republican-appointed Director of the Joint Committee on Taxation issued a report this very week noting that these new Republican tax proposals assume ''that retail sales through the Internet would be subject to the same Federal tax as other retail sales, notwithstanding the current moratorium.''

This same report notes that in order to maintain the existing level of Federal revenues, the tax that Republicans would impose on Internet sales and on sales across America would be 59.5 percent over 10 years. That is 60 percent. Those are not my numbers, those are the Republican numbers. I know that it sounds unbelievable that a Republican Congress would try to do this, but that is exactly what they are proposing, a 60 percent tax, in addition to any State and local taxes on electronic commerce that might be imposed.

□ 1345

To our Republican colleagues who say they are going to pull the Tax Code up by the roots and replace it with this new e-commerce tax, I want to tell them that Americans who understand the new economy are not going to sit idly by while the Federal government imposes a 60 percent tax, a 60 percent addition on the cost of every online purchase.

I believe that high-tech issues should be truly bipartisan in their consideration.

The problem we have too often experienced from the Republicans on behalf of working together on high technology is that they reject bipartisan approaches. They prefer the politics of division, trying to divide Democrats from high-tech, even on issues as esoteric on digital signatures.

Too often, as is the case here, they bear the burden of all their right wing ideological baggage. They have tied themselves to far right social groups who are endangering our educational

system with their insistence on rejecting evolution and the big bang theory of the origin of the universe, and it is those kinds of extremists who come here today insisting that Republicans must adhere to the doctrine that the progressive income tax system upon which this great Nation has relied for almost a century, that any form of this tax system is morally wrong.

As an early supporter myself of the Internet Tax Freedom Act, I believe that if we overburden e-commerce, as they propose, with taxation and regulation in its infancy, it will be stifled. It will never be able to achieve its full economic potential.

The Advisory Commission on Electronic Commerce, which has been meeting this past year, could not achieve agreement on the question of State and local taxation of the Net. But I do not believe that even they considered this much more radical Republican alternative of the gentleman from Georgia (Mr. LINDER) and his colleagues to use the Net as a major new source for Federal taxation.

Imposing too heavy a burden on the Net too soon will have devastating consequences. Do not scrap the Code by scrapping the future of the new economy. Let us reject another misguided doctrinaire Republican proposal.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in a world in which all economists admit that the consumption base is larger than the income base and the average income tax to bring our revenues in is 28 percent, to suggest we have to have a 60 percent larger base is just silliness.

Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Speaker, I think this is the very reason for this Code. We have heard the view of the left-wing extremists about the Tax Code. They think the present Tax Code is just real spiffy.

We have also heard the numbers: 17,000 pages, 7 million words, 54,000 changes, $134 billion in earlier compliance costs. Let me state that the last figure, $134 billion in compliance costs, imagine what our families, our small businesses, and even our big corporations could do with $134 billion they are spending on a hopelessly complex Federal Tax Code.

I think this is the greatest legacy this Congress could leave the American people is to scrap the Code we have now, get rid of the IRS as we know it now. Everywhere I go, talk radio, town meetings, when this subject is brought up, there is disagreement on what the new tax system should be, but there is almost no disagreement about getting rid of the present system.

No law-abiding citizen should be intimidated and made fearful by their government. Yet, if one gets an envelope in our mailbox, in our area it is from Ogden Utah, a little brown envelope from Ogden, Utah, we know it is from the IRS and we freeze in utter fear, no matter how honestly and carefully we have filled out our taxes, because we know we are probably about to get an audit.

That is not right. We need a fair, we need a simple code that we can all understand and it will make us not fear our government. We need to pass this bill and we need to pass this rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. GEPHARDT).

Mr. GEPHARDT. Mr. Speaker, April Fool's day for the Republicans came a couple of weeks late. Every year they try to fool the American people during tax week into thinking that they are really doing something about the tax system that all of us struggle with and none of us are fond of.

Are the American people supposed to believe that the party that is throwing a party for their wealthy friends and supporters with nearly $1 trillion in tax breaks really cares about the tax burden on middle-income families? Do Republicans really think that most Americans would rather throw a party for the wealthiest Americans, instead of using this money to provide a prescription drug benefit for all seniors so that everyone, not just the wealthy, can afford the best health care coverage in the world?

The American people are not fooled by this tired routine. Republicans have controlled Congress now for 5 years, yet during this time they have never, never passed any comprehensive tax reform that would make the lives of Americans easier.

In fact, since the Republicans took over the Congress in 1995, the Tax Code has become more complex, and it takes the average person who files a form 1040 30 percent longer to fill out their forms. They talk about it for a couple of weeks in April, but that is the end of it. There is no follow-through. There is no new code coming into being.

One conclusion from the inaction could be that Republicans actually like a Tax Code that is riddled with special interest exemptions and they want to keep it that way.

This bill proposes ripping out the Tax Code by the roots, but does not put anything in its place. We do not reform the Tax Code by appointing a commission. We do it through the hard work of coming up with real reform, a real alternative, not burning down the current one and just hoping that something might come along.

Many of us have proposed tax simplification. I have done that, and I would like to work a plan through the Congress. That is the responsible way: Put forward a plan, let people criticize it, reform the current system. Republicans would rather pull a stunt to create an illusion that there is reform going on when nothing is actually happening.

What would happen if we just abolished the Code and put nothing in its place? It would be an economic disaster. The Tax Code influences so many economic decisions by businesses and individuals: Whether and when to invest in property, whether or not to save, whether or not to sell stocks. If we rip up the rules with indecision in its place, we create chaos. That is why the National Association of Realtors, the National Association of Manufacturers, have condemned this proposal as irresponsible.

Let us be clear about what we want from a new system. Two prominent Republican proposals, the national sales tax and the flat tax, both would hurt middle-income families in serious ways. If we are going to destroy the Code, let us pledge today that the replacement would be an improvement, not worse than what we have.

Let us join together on a bipartisan basis to declare that the new system should do the following:

First, we should not put a retail sales tax on prescription drugs and other health care services;

Second, that the reform should be fiscally responsible and protect social security;

Third, that it should be less complicated than the current code, and should be fair to people at different income levels;

Fourth, that we should not put a retail sales tax on Internet sales;

Fifth, that we should not shift Federal tax burdens onto State and local governments;

Seventh, we should not jeopardize the ability of people to get employer-paid health care;

Lastly, we should not shift the tax burden to low- and middle-income families.

If Republicans agree with these principles, they should vote for our alternative. If they feel compelled to vote against the alternative of the gentleman from New York (Mr. RANGEL), it is fair to ask why they are looking to tax prescription drugs and Internet sales, because that is exactly what the Republican national sales tax would do.

I think it is time to vote for the alternative. If the alternative does not pass, I hope Members will vote down this very bad but often repeated idea.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say, it is hard to take seriously the words of a gentleman who introduced a flat tax with five different levels several years ago.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of the measure under debate today and in support of the rule.

Our Tax Code, the one that we currently live under, has been tweaked and modified and transformed to such a point that all that remains is layer upon layer upon layer of incoherence and inconsistency. We have allowed confusion to replace common sense. Our garden has become so overrun with weeds that we do need to tear it up and start anew.

I have heard several of my colleagues today express their concerns about tearing our Tax Code out by its roots. I guess I cannot fault them for their hesitancy. This is a monumental piece of legislation we are considering. As we work in the coming years to craft a new Tax Code, this legislative body will have no choice but to accept accountability for how much of the American family's paycheck the Federal government collects, and for all of the frustrations that they have to experience in filing their tax returns.

For those Members who prefer big government and increased Federal spending, that will be a heavy burden for them to bear, as well it should be. But please, Mr. Speaker, do not be fooled by those today who try to dismiss this measure that we are debating as a political act. This bill does not establish a new tax policy. We will have plenty of time to determine what policy we should pass once we have begun debate on this bill. Where we will have time to adopt a realistic tax policy.

Committing ourselves to replacing an overwhelming and inconsistent Tax Code is not a political issue, it is about making a promise to the American people that is long overdue. Passage of this measure clearly proclaims to American families in every congressional district that we know this Tax Code is broken, and that we are going to do everything that we can to replace it with one that works.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, let us be very clear what is going on here. We have a group of Fidel Castros and Che Guevaras on the other side. They are revolutionaries. They want to tear down the system, but they have no plan. They do not know how to govern. They have had 5½ years to bring a revision of the Tax Code to the floor and they have not done it. What makes us think they will do it now?

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, we all got here the same way, we campaigned. During the campaigns we waged there were all kinds of political buttons, there were yard signs, there were balloons. Some people had hair combs with their names on, nail files. Of course, there is the traditional bumper sticker.

Today what is being brought to the floor of the House in my view is a political bumper sticker. Why do I say that? Because the American people really want us, once that campaign is over, to come here, to be thoughtful, to work with the kind of earnestness that is going to produce sound public policy for our country.

So what is on the floor? What are we debating for the American people that are tuned in today? Rather than a thoughtful, comprehensive alternative to our Nation's Tax Code, which is complex, which is confusing, and no one likes, we get a bumper sticker. It is flimsy because it is trying to sell a tax plan that taxes the Internet and derails our Nation's new economy.

Yesterday there was a large press conference where the Speaker of the House accepted the report of the Internet Tax Advisory Commission, which recommended that the Internet not be taxed. The Speaker said, we intend to take this report seriously.

Today, at this very moment, while we are here on the floor, the very same time, the chairman of the Committee on Ways and Means is holding a hearing where another Republican Member of Congress is testifying in favor of a national sales tax plan that will tax the Internet.

Representing a good part of Silicon Valley, I want to tell the Members something, my constituents are asking right now, who is on first, who is on third? This is a 59.5 percent sales tax, Federal sales tax, not including State or local taxes, on electronic commerce.

We cannot have it both ways. If we are going to pull something out by its roots, we have to plant thoughtful seeds that are going to produce something else for our Nation. Our Nation's economy, this new economy, is the envy of the entire world. If in fact we pile a 59.5 percent Internet tax on electronic commerce in this country, we will not only sink the Internet, sink the golden goose that is producing something for our Nation, but we will absolutely kill it off.

So I ask my colleagues to reject this political bumper sticker, this ill-conceived plan. Our Nation deserves better.

□ 1400

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to say only this: those who choose to not put a sales tax on the Internet are picking winners and losers. The Government ought to be neutral. Our neighbors down the street ought to have the same treatment as the people that sell on the Internet in competition with them.

Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding me this time.

Mr. Speaker, I rise today in support of both the rule and this bill. Today is a good day because today is the day we learn which party really supports ethics and government reform, because this is where reform truly begins.

One cannot, one cannot, seriously and sincerely be in favor of reforming the so-called iron triangle unless you strike at its heart. What is the iron triangle made out of? The Tax Code. That is why the Democrats and that is why the establishment hate this bill so much, because it goes to the heart of their iron triangle.

Listen to the excuses they make; listen to how they try to change the subject. The truth is, what is it that Washington special interests focus on most? They focus on the Tax Code, because this Byzantine, complicated, confusing and complex Tax Code is such a monstrosity that it is this Tax Code where they can hide their special interest favors. That is why they support the current Tax Code. That is why they do not want the Tax Code scrapped. That is why they want to change the subject.

So I say to my colleagues, if they are truly in favor of ethics reform and government reform and changing the system and changing America, they must support this rule, support this bill, and let us launch ourselves on the real road to reform.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I am not a member of the Committee on Ways and Means and generally do not get terrifically involved in issues of taxation except when I, like all the other Americans, pay my taxes once a year. I know that I join many in America by saying that I do not like the current system. April 15 is not a delightful day, and I think we can agree on that on a bipartisan basis.

However, the fact that the current Tax Code could be improved is really no good reason to propose to simply blow it up and thereby threaten the new economy.

Now when I learned that the Republican-appointed director of the Joint Committee on Taxation had issued a report this week indicating that these proposals would require a 59.5 percent sales tax, well, heck let us round it up to 60 percent sales tax, and that that would have to be including Internet sales, I became actually pretty concerned.

I do not really believe that this measure is going to become law; but if it were at this point, it would have a severe negative impact on the new economy.

There are many who believe that the Internet eventually, the sale of goods on the Internet, will eventually be subject to taxation. I do not have a position on that at this point, but to suggest that a 60 percent taxation rate

would be appropriate for the Internet can do no good for the new economy.

Having served 14 years in local government, I would note that this would be on top of whatever local governments do. In my own county of Santa Clara, the Silicon Valley, we have a State sales tax of 6 percent; and we also have some voter-approved sales taxes that the voters have imposed on themselves to do highways and transit. So in Santa Clara County this would be a 68 percent Internet sales tax.

I would urge Members to vote no.

Mr. LINDER. Mr. Speaker, I yield 30 seconds to the gentleman from Ohio (Mr. PORTMAN), from the Committee on Ways and Means, to respond.

Mr. PORTMAN. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding me this time.

Mr. Speaker, I just want to make the point to those in the Chamber and those who might be listening that the folks on the other side of the aisle who are talking about this bill must not have read it. This bill has nothing to do with a sales tax, nothing to do with a 60 percent tax or a 20 percent tax or a 5 percent tax.

This is about forcing Congress to deal with what the gentlewoman just said is a flawed Tax Code. We think it is broken. We think it ought to be fixed. We are not prejudging what it should be. This sets up a commission, which would be an 18-month bipartisan, bicameral commission, including the administration, that would analyze this situation and come back and report to Congress for Congress to make that decision.

I just want to clarify the debate.

Mr. FROST. Mr. Speaker, I would inquire of the time remaining on each side.

The SPEAKER pro tempore (Mr. MILLER of Florida). The gentleman from Texas (Mr. FROST) has 13 minutes remaining, and the gentleman from Georgia (Mr. LINDER) has 14½ minutes remaining.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, there is nothing as absurd as blowing something up if one does not know what they are going to have to replace it. Today, the Committee on Ways and Means is considering a national sales tax as if it is a panacea for complexity and unfairness.

Mr. Speaker, for 6 years I headed the largest sales tax agency in this country, and I am here to testify that the sales tax offers an opportunity at every level for complexity, unfairness, special interest provisions. Everything that is hated about the Internal Revenue Code will be brought in to a sales Tax Code if the reasons for that complexity are not defeated, the reasons for that unfairness, and there is not real campaign finance reform.

What does this closed rule do? It prevents us from bringing section 527 and its unfair rules that hide political activity, prevent disclosure of campaign finance to the American people. So we have a rule designed to facilitate, not reform, but a national sales tax system to be implemented by a Congress put there by secret contributions, secret political organizations.

Mr. Speaker, we should instead be trying to reform our tax laws code section by code section.

This rule and the underlying bill is much sound and fury that will signify nothing, because what does a politician do if they want to do nothing? Appoint a commission. Great. We appoint a commission. It comes through with a national sales tax bill at 59.5 percent. We, of course, do not adopt that; and this Congress will be put in a position, having wasted years, having deflected any effort at real income tax reform, and be in a position where it must either let the Government expire or readopt a flawed Tax Code.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the risk of sounding remedial, I would like to point out to the previous speaker that this is not about campaign finance.

Mr. Speaker, I yield 2 minutes to the gentleman from Staten Island, New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding me this time.

Mr. Speaker, I think the question that we need to ask ourselves and the question that I think we owe to be answered by the American people is, does anybody in this Nation truly understand the Tax Code? I have yet to find anybody who truly understands the Tax Code.

So then we have to ask a follow-up question: Is that right? Is it right for the American people not to understand their own Tax Code; that the taxi driver or the small business owner or the nurse or the teacher that when they get their tax bills at the end of the year and they are trembling when they have to go see an accountant because they have no idea what they are doing; is that right?

Should the Congress be sending out a signal to the American people, here is the Tax Code and we do not care if they do not understand it? Is it not taken for granted the genius of the American people, the spirit of the American people, the productivity of the American people, the creativity of the American people, and then we give them this Tax Code?

Then we have a reasonable approach that says, know what, Congress has a habit too often of imposing mandates on the private sector, to say to the private sector do this by such and such a date, and we do not care what the costs are, we do not care what they have to do to meet those goals. Congress speaks; they do, they follow.

Well, now Congress, some people in Congress, are urging Congress to impose those standards on itself, to say to the American people we hear their plea, we hear their plea that the Tax Code is too complicated. We are going to give them a Tax Code that they can understand.

What is wrong with that? One would be led to believe that this building is going to crumble, that the world is going to fall apart; but in reality what is going to happen is the responsible people in this House and across our country are going to say give us something simple; give us something that encourages productivity, encourages economic growth and does not penalize the hardworking taxpayers of this country.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the previous speaker was asking about simplicity and how do we understand all of this.

Let me read a memo from the Joint Committee on Taxation. This ought to be simple enough for the gentleman to understand.

The memorandum is in response to their request for an estimate of the budget neutral tax rate for H.R. 2525. That is the bill of the gentleman from Georgia (Mr. LINDER), a bill to replace the current U.S. corporate and individual income, estate and gift and Federal income contributions act, payroll taxes, with a flat tax on retail sales of all goods and services.

Then on the second page it has a little chart here, neutral over 5 years, 59.5 percent. That is what they want to do, neutral over 5 years, national sales tax 59.5 percent. I believe the American people can understand that.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I rise in strong opposition to this rule. I represent thousands of Oregonians that work in the high-tech industry. They tell me that the best way to encourage expansion of the new economy is to minimize government regulation and maximize a freedom to innovate. That is why high-tech issues should be considered on a truly bipartisan basis, and to date we have done that.

In October of 1998, we overwhelmingly passed the Internet Tax Freedom Act, a law to keep the heavy hand of government off the Internet. We passed this law because we all know that if e-commerce is overburdened by taxing it and crippling it with government regulations, then it will never achieve its full potential.

Then we turned around and last October overwhelmingly approved another bipartisan measure, the Global Internet Tax Freedom Act, to keep the Internet from being taxed by members of the WTO and the United Nations.

That is why I am so disappointed the House leadership would approve this proposal because it is nothing more than a back-door attempt to impose a new Federal tax on electronic commerce. We have absolutely no business scrapping our Tax Code and replacing it with up to a 59.5 percent national sales tax that would give the IRS jurisdiction over the Internet.

I am not fond of the current system, and I will work to reform it; but this defies all common logic. It is a surefire way to ensure that we cripple the development of our high-tech industry.

I urge my colleagues to reject this rule and support common sense, bipartisan tax relief.

Mr. LINDER. Mr. Speaker, I yield 5 minutes to my friend, the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, America was founded by revolutionaries. America has a $300 billion trade deficit. I agree with the gentleman from Missouri (Mr. GEPHARDT), the Tax Code is designed to modify economic behavior, and that is why we have to throw it out. If the Founders wanted to modify economic behavior, they would have hired someone like Sigmund Freud to write it.

The first Constitution allowed for slavery, treated women like property and Indians like buffaloes; but it had enough good sense to not allow an income tax.

When the income tax was brought forward, the Supreme Court struck it down, and Members of Congress screwed it up with an amendment.

I support the rule. I support the bill.

Now the Linder-Peterson bill may have been scored but they are honest. They throw FICA in. The Tauzin-Traficant 15 percent has not been scored. We leave FICA alone, and so help me God a combination of Linder-Peterson/Tauzin-Traficant will be the law of this land.

Now I can remember coming before the Democrats, and they all laughed at me. The Traficant bill would change the burden of proof in a civil tax case. It required judicial consent. They laughed at me. You never gave me a hearing. The Committee on Ways and Means laughed in my face. I want to thank the Republican Party for including the Traficant bill in the IRS reform.

Now Democrats, listen to what the Republicans did for the American people. In 1997, before the new reform law, there were 3.1 million attachments on wages and accounts.

□ 1415

In 1999, 540,000. Property liens, 1997, 680,000. In 1999, Mr. Speaker, 168,000. But listen to the big one. Life, liberty, and pursuit of property. The last amendment to the document we are talking about was life, liberty, pursuit of happiness, I say to the gentleman from Oregon (Mr. WU). Property seizures, 1997, 10,037. Requiring judicial consent, 161 in 1999.

My colleagues were wrong then. They are wrong now. They are going to be in the minority for a long time if they do not get progressive. Scrap this Tax Code. It will give King Kong a hernia. It rewards dependency. It penalizes achievement. It subsidizes illegitimacy.

What can we do to perfect this bad document? The 15 percent national retail sales tax leaves FICA alone. It exempts all property taxes up to the poverty level. It adjusts the Consumer Price Index that, if it affects seniors, the COLA will be increased. They are scoring it now.

The gentleman from Georgia (Mr. LINDER) and the gentleman from Minnesota (Mr. PETERSON) have been honest. They throw FICA in. We do not. We think we have got to study it. We have enough time in 5 years to change this code.

Let me say one last thing to Democrats, 25 percent of a manufactured item's clause is complying with the Tax Code. That Toyota made in Japan has a 25 percent advantage right off the start against my Cavalier in Lordstown. I will have no more of it. Damn it, I want a study. I want it to be known that there is a Democrat involved in the national sales tax that leaves FICA alone for now, and Tauzin-Traficant-Linder-Peterson must get a look, or we will have failed our people.

There is one last thing I would like to say to everybody in this room. We have a $300 billion trade deficit. We are not going to solve it modifying economic behavior.

We abolish the IRS, abolish all income tax, abolish all debt taxes, capital gains taxes, all taxes on savings, all taxes on investment, all taxes on education. Why should we be paying double taxes on an income dollar and then a dollar of savings. Beam me up here.

The American people are going to have to change the Tax Code. My colleagues should make it a part of the presidential debate. Because the Democrats do not have enough anatomy to address the progressive thinking that the American people need.

The Tauzin-Traficant bill is going to be scored. If my colleagues continue to scare people with the 59.5 percent, and, personally, I believe they were smoking dope when they gave it, then they are going to have a hell of a rough time with me.

I urge the Congress to overwhelmingly support this rule and to support this bill. The Democrats who would not listen to the burden of proof and judicial consent, they should pay a little attention and get on board. They might be able to help us make this new scheme a better one for all Americans.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MILLER of Florida). The gallery is advised that they are not supposed to applaud.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, I agree with everyone who thinks that the current Tax Code is broken. I am on the committee. Let me say at the outset how hard it is to reach a consensus for any change in the Tax Code.

The Republicans know they have been in charge 5½ years now, and it is just not easy when one is running a train to reach a consensus. We cannot reach a consensus on things that the American people seem to have a consensus about. The danger of this approach, in my view, is for that very reason.

If we enacted a bill that did away with, pulled it out by its root, as has been said, on a day certain, and that Congress at that later date could not reach a consensus on what ought to replace it, we will throw, not only this country, but the world into a recession in the likes in which, in my judgment, have never been seen, because of one thing, the uncertainty of the American economy.

As bad as this is, and we must continue every time we meet to work on making it simpler, making it fair, all the things that everybody here agrees on, as bad as that is, the uncertainty injected into the markets, the uncertainty injected into what would happen to the American dollar, the bedrock of international currency if this actually took place is, in my view, appalling.

No sane, rational business person would say scrap it, but then we will just take a look and see whether what we can come up with a consensus on to replace it. That is not a thoughtful way to go about the Nation's business as stewards.

I tell my colleagues, this is a nice exercise in bashing the Tax Code, and I will join in on that one every day. But this approach, when we do not know if we can reach a consensus, in my view, is not only dangerous, but it is counterproductive.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. THUNE).

Mr. THUNE. Mr. Speaker, let me just say that this time of year, there are millions of Americans who are sitting in their living rooms and their kitchen tables and going through this process that we do annually, the annual ritual of filling out their tax return and thinking to themselves this is absolutely insane.

There is no justification. It is absolutely indefensible what we ask the American people to do to comply with the Tax Code. One looks at what we spend in terms of resources and time and energy, cost, it costs over $200 billion a year just to comply with the Tax

Code in this country. Annually, Americans spend over 5 billion hours filling out IRS forms, equal to about the equivalent of almost 3 million people working full time, doing nothing but complying with IRS paperwork.

There was a poll done about a year ago, Mr. Speaker, which asked the question, ''If you could just choose one person to have audited by the IRS, who would it be? Your mother-in-law? Your boss? Or your congressman?''

The mother-in-law ironically only got 3 percent. The boss got 8 percent. The congressman got 68 percent. People in this country are looking for us to help solve the problem.

If my colleagues cannot take the legislation that has been introduced by the gentleman from Oklahoma (Mr. LARGENT) who has accommodated a lot of the concerns that were raised by our colleagues in the last session of Congress, and address those, they cannot be against that without saying I accept the status quo. The status quo, in my opinion, Mr. Speaker, is a national tragedy.

We have to do better because the American people deserve better. They deserve a Tax Code that is simple and clear and fair and in which they do not have to be fearful every year when they go through this process of trying to fill it out that they may be audited by the IRS for something they do not even know about, because we go through the ritual of adding to and the myriad and the Byzantine regulations and the number of laws that are consistently put on the books each year to try to make this thing more complicated.

We have a responsibility to the American people. I urge the adoption of this rule and the passage of the bill.

Mr. FROST. Mr. Speaker, how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from Texas (Mr. FROST) has 6½ minutes remaining. The gentleman from Georgia (Mr. LINDER) has 5½ minutes remaining.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

The other side has used words like absurd, Byzantine, ludicrous to describe the Tax Code. There are a lot of problems with the Tax Code. I would only add one word to that, and I would apply it to the other side, that is ''timid.''

They are too timid to bring a real bill to the floor that actually changes the code. If my colleagues want a change, they control the committee, they control the process here, albeit temporarily, bring a bill to the floor that changes the code.

They do not have, one of the other speakers made some reference to anatomy. I would only say they are very, very timid when it comes to actually solving the problems that face this country.

Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for yielding me the time. I thank the gentleman from Ohio (Mr. TRAFICANT) for his premature recognition. To further discuss what the gentleman from Texas (Mr. FROST) and the gentleman from Ohio mentioned, it is obvious that it was not anatomy that got me here. It was a sound consideration of policy, a measured approach to fiscal responsibility, and basically being responsible and exercising common sense.

Now, I do not like the current Tax Code. I do not know anyone who does. But to toss it out without a replacement is absolutely irresponsible. The business uncertainty that it injects into the economy alone, that uncertainty alone should get this bill tossed.

Even worse, the likely replacement for this, the likely replacement for the current system is a national sales tax.

I would like to say two things about a national sales tax, first of all, its devastating effect on e-commerce. E-commerce is burgeoning right now. It cannot stand the projected 50 percent tax. It would choke e-commerce in its infancy. It would consign e-commerce to an early crib death.

Secondly, and perhaps more importantly to me and to a few other folks, my home State of Oregon does not have a sales tax. We have voted on it several times, and we have repeatedly rejected a sales tax. Alaska does not have a State sales tax. Delaware does not have a State sales tax. Montana does not have a State sales Tax. New Hampshire does not have a State sales tax. My dear State of Oregon does not have a State sales tax.

I will be darned if I will see a Federal Government impose a form of taxation on my State that my constituents have repeatedly rejected.

Mr. LINDER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Oklahoma (Mr. LARGENT), the sponsor of the measure we are about to take up.

Mr. LARGENT. Mr. Speaker, I would just like to say that I have been the husband of one wife for 25 years, the father of four children that are productive members of our community, been elected to Congress three times by overwhelming majorities, and I feel like that is some kind of track record on being a responsible person.

But sometimes it takes some irresponsible acts, some radical acts to make some changes that are needed. I would tell my colleagues that there would be many people that were probably in this House Chamber that said that dropping a bomb on Japan to end World War II, at least precipitate the end of World War II, was a radical act, and that we need to think about that, that we need to be more responsible. But, no, sometimes it takes something more radical to make significant changes.

I want to tell my colleagues the IRS and the Tax Code are waging a war on our families, on individuals, on small business, on the business community at large.

My colleagues say it would create uncertainty in the markets. What could be more uncertain than the 6,000 changes that this Congress has made since 1986? That is what is creating the uncertainty is the fact that, every time Congress messes with the Tax Code, it gets longer and it gets more complex. It is time to stop the nonsense.

Mr. FROST. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I suppose, unlike some of the debates we have here in this House, that the amazing thing about this debate is that the comments that our colleagues on the Republican side have made confirm all of our concerns about this measure.

Indeed, they defend the principal sponsor of one of these measures to tax e-commerce. The gentleman from Georgia (Mr. LINDER) defends the taxation of e-commerce as a new Federal revenue source. One of his principal supporters testifying in the committee indicated it would be a major source of future Federal revenue.

No one, until this radical proposal was presented here in Congress, has proposed that the Federal Government should rely on e-commerce to finance the operations of the entire Federal Government. There has been considerable debate over whether there should even be State or local sales tax on e-commerce. That is a debate for another day.

But the idea of imposing on top of State and local taxes a major Federal sales tax on all e-commerce is likely to have a devastating impact on e-commerce. These are young companies. These are start-up companies.

Sometimes the true dream of American capitalism is that one can begin in a garage and grow to be a major part of the American economy. Those are the kinds of little companies that are out there that need to be given room to grow. Americans are finding as consumers that there are many opportunities offered through e-commerce.

□ 1430

These Republicans would come forward and scrap the code by scrapping the new economy, by imposing up to a 60 percent tax on these major participants in our new economy.

Now, they claim that it is not 60 percent; that maybe it is just 20 or 30 percent. Is 20 or 30 percent not enough to alarm anyone who is concerned about whether or not we are going to encourage and develop e-commerce? But it is the Republicans' own analysis by the Joint Tax Committee, issued on April 7 by a Republican-appointed director, who says that the Internet is going to be subject to up to a 59.5 percent tax.

It is the gentleman from Louisiana (Mr. TAUZIN) who testified in writing to the Committee on Ways and Means yesterday that ''all goods and services for consumption would be taxed at the same rate. No exceptions.'' That means, just like the bill of the gentleman from Georgia (Mr. LINDER), that there is no exception for e-commerce.

So the proposal we have today before us is one that scraps the code by transferring the burden on to e-commerce. If my colleagues think that is a good idea, if they want to pay 60 percent, maybe just 20 or 30 on top of every e-commerce transaction, sign onto this Scrap the Code because that is what it is all about.

Mr. FROST. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let us be very clear what this is all about. This is a bumper sticker. That is what we are debating today. We are debating a bumper sticker and a press release. We are not debating action. We are not debating a legislative proposal that would actually help the American public.

I just want to reiterate. If the people on the other side really wanted to change the Tax Code, they have had 5½ years to do it, and they have not brought a proposal to the floor of the House to do that. All they want is the opportunity to give a speech and to issue a press release.

Well, they have had that, and I think the American people should understand that that is all they get out of what is going on today.

Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the IRS has made criminals of us all, and it is time for it to go away. And that is what this is about, scrapping the code. This is real. Now, it may be a joke for Democrats, who have spent 40 years building up this monstrosity, but this is very real.

And there are some very real proposals to replace it, proposals that have been studied for years. My proposal, which has been ridiculed today, has been studied for over 3½ years, with $15 million spent in universities from Harvard to Boston College to MIT to Stanford to Rice, and none of them came up with a 60 percent tax rate.

Guess who did? A committee whose members have their entire political capital invested, or their intellectual capital invested in the Tax Code. They would lie to get this thing defeated, because we have depreciated their intellectual capital if we get rid of all the income taxes and all the difficulties and the taxes are transparent and easy to understand. They will not be needed any more.

If we get rid of this Tax Code with a single transparent, straightforward, simple sales tax, Americans will know what it costs every time they buy something, what it costs for government. What they are not telling the American public is that currently, as the gentleman from Ohio pointed out, we know that 22 to 25 percent, according to various studies, of what taxpayers currently pay for at retail is the current embedded cost of this tax system.

They would rather have a hidden tax than a transparent tax because they know, if taxpayers saw how much government was costing them, they would rebel and ask us to reduce the role of government in their lives. We are currently paying it. It is hidden. They like that.

This income tax was originally intended and promised to only tax the top 2 percent of the income earners in America. That was the promise that was made in 1913. And indeed, if we think back to the last two tax increases, 1990 and 1993, the promise was made we are only going to raise the taxes on the top 1 percent. Well, guess what? In 1990, the top 1 percent paid $106 billion in taxes. And after the tax increase on them, the following year they paid $100 billion. Because rich people are often smart people, they can find ways to rearrange their income.

But each of these tax increases, that these folks so love, reverberates through the system and we all pay. We all pay. All we want is to get rid of a monstrosity that no one understands; that confuses every taxpayer and keeps hidden what the actual cost of government is, and then let us have a debate on what to replace it with. It may not be my tax bill; perhaps it will be the bill offered by the gentleman from Texas (Mr. ARMEY) or the gentleman from Ohio (Mr. TRAFICANT) or the gentleman from Louisiana (Mr. TAUZIN). But it will be simpler, more understandable, and it will be fairer.

One of my favorite stories about the 1913 debate on the 16th amendment to impose the income tax was that one of the Senators was ridiculed and laughed off the floor of the United States Senate for saying something absolutely outrageous. He said this: ''Mark my words, before this is over, the government will be taking 10 percent of everything you earn.'' It was considered so outrageous by his colleagues that they ridiculed him off the floor of the Senate.

I feel certain that is what gave fresh meaning to my favorite country western song, ''If 10 Percent Is Enough for Jesus it Ought to be Enough for Uncle Sam.''

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PORTMAN. Mr. Speaker, pursuant to House Resolution 473, I call up the bill (H.R. 4199) to terminate the Internal Revenue Code of 1986, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to House Resolution 473, the bill is considered read for amendment.

The text of H.R. 4199 is as follows:

H.R. 4199

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Date Certain Tax Code Replacement Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to set a date certain for replacing the Internal Revenue Code of 1986 with a simple and fair alternative.

SEC. 3. TERMINATION OF INTERNAL REVENUE CODE OF 1986.

(a) IN GENERAL.—No tax shall be imposed by the Internal Revenue Code of 1986—

(1) for any taxable year beginning after December 31, 2004; and

(2) in the case of any tax not imposed on the basis of a taxable year, on any taxable event or for any period after December 31, 2004.

(b) EXCEPTION.—Subsection (a) shall not apply to taxes imposed by—

(1) chapter 2 of such Code (relating to tax on self-employment income);

(2) chapter 21 of such Code (relating to Federal Insurance Contributions Act); and

(3) chapter 22 of such Code (relating to Railroad Retirement Tax Act).

SEC. 4. NATIONAL COMMISSION ON TAX REFORM AND SIMPLIFICATION.

(a) FINDINGS.—The Congress finds the following:

(1) The Internal Revenue Code of 1986 is overly complex, imposes significant burdens on individuals and businesses and the economy, is extremely difficult for the Internal Revenue Service to administer, and is in need of fundamental reform and simplification.

(2) Many of the problems encountered by taxpayers in dealing with the Internal Revenue Service could be eliminated or alleviated by fundamental reform and simplification.

(3) The Federal Government's present fiscal outlook for continuing and sustained budget surpluses provides a unique opportunity for the Congress to consider measures for fundamental reform and simplification of the tax laws.

(4) Recent efforts to simplify or reform the tax laws have not been successful due in part to the difficulty of developing broad-based, nonpartisan support for proposals to make such changes.

(5) Many of the problems with the Internal Revenue Service stem from the overly complex tax code the agency is asked to administer.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—To carry out the purposes of this section, there is established within the legislative branch a National Commission on Tax Reform and Simplification (in this section referred to as the ''Commission'').

(2) COMPOSITION.—The Commission shall be composed of 15 members, as follows:

(A) Three members appointed by the President, two from the executive branch of the Government and one from private life.

(B) Four members appointed by the majority leader of the Senate, one from Members of the Senate and three from private life.

(C) Two members appointed by the minority leader of the Senate, one from Members of the Senate and one from private life.

(D) Four members appointed by the Speaker of the House of Representatives, one from Members of the House and three from private life.

(E) Two members appointed by the minority leader of the House of Representatives, one from Members of the House and one from private life.

(3) CHAIR.—The Commission shall elect a Chair (or two Co-Chairs) from among its members.

(4) MEETINGS, QUORUMS, VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the Chair (Co-Chairs, if elected) or a majority of its members. Nine members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. Any meeting of the Commission or any subcommittee thereof may be held in executive session to the extent that the Chair (Co-Chairs, if elected) or a majority of the members of the Commission or subcommittee determine appropriate.

(5) CONTINUATION OF MEMBERSHIP.—If—

(A) any individual who appointed a member to the Commission by virtue of holding a position described in paragraph (2) ceases to hold such position before the report of the Commission is submitted under subsection (g), or

(B) a member was appointed to the Commission as a Member of Congress and the member ceases to be a Member of Congress, or was appointed to the Commission because the member was not an officer or employee of any government and later becomes an officer or employee of a government, that member may continue as a member for not longer than the 30-day period beginning on the date that such individual ceases to hold such position or such member ceases to be a Member of Congress or becomes such an officer or employee, as the case may be.

(6) APPOINTMENT; INITIAL MEETING.—

(A) APPOINTMENT.—It is the sense of the Congress that members of the Commission should be appointed not more than 60 days after the date of the enactment of this Act.

(B) INITIAL MEETING.—If, after 60 days from the date of the enactment of this Act, eight or more members of the Commission have been appointed, members who have been appointed may meet and select the Chair (or Co-Chairs) who thereafter shall have the authority to begin the operations of the Commission, including the hiring of staff.

(c) FUNCTIONS OF THE COMMISSION.—

(1) IN GENERAL.—The functions of the Commission shall be—

(A) to conduct, for a period of not to exceed 18 months from the date of its first meeting, the review described in paragraph (2), and

(B) to submit to the Congress a report of the results of such review, including recommendations for fundamental reform and simplification of the Internal Revenue Code of 1986, as described in subsection (g).

(2) REVIEW.—The Commission shall review—

(A) the present structure and provisions of the Internal Revenue Code of 1986, especially with respect to—

(i) its impact on the economy (including the impact on savings, capital formation and capital investment);

(ii) its impact on families and the workforce (including issues relating to distribution of tax burden);

(iii) the compliance cost to taxpayers; and

(iv) the ability of the Internal Revenue Service to administer such provisions;

(B) whether tax systems imposed under the laws of other countries could provide more efficient and fair methods of funding the revenue requirements of the government;

(C) whether the income tax should be replaced with a tax imposed in a different manner or on a different base; and

(D) whether the Internal Revenue Code of 1986 can be simplified, absent wholesale restructuring or replacement thereof.

(d) POWERS OF THE COMMISSION.—

(1) IN GENERAL.—The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this section, hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths, as the Commission or such designated subcommittee or designated member may deem advisable.

(2) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this section.

(3) ASSISTANCE FROM FEDERAL AGENCIES AND OFFICES.—

(A) INFORMATION.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, as well as from any committee or other office of the legislative branch, such information, suggestions, estimates, and statistics as it requires for the purposes of its review and report. Each such department, bureau, agency, board, commission, office, establishment, instrumentality, or committee shall, to the extent not prohibited by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chair (Co-Chairs, if elected).

(B) TREASURY DEPARTMENT.—The Secretary of the Treasury is authorized on a nonreimbursable basis to provide the Commission with administrative services, funds, facilities, staff, and other support services for the performance of the Commission's functions.

(C) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a nonreimbursable basis such administrative support services as the Commission may request.

(D) JOINT COMMITTEE ON TAXATION.—The staff of the Joint Committee on Taxation is authorized on a nonreimbursable basis to provide the Commission with such legal, economic, or policy analysis, including revenue estimates, as the Commission may request.

(E) OTHER ASSISTANCE.—In addition to the assistance set forth in subparagraphs (A), (B), (C) and (D), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as they may deem advisable and as may be authorized by law.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(6) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property in carrying out its duties under this section.

(e) STAFF OF THE COMMISSION.—

(1) IN GENERAL.—The Chair (Co-Chairs, if elected), in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III or chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code. Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(2) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(f) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(B) EXCEPTION.—Members of the Commission who are officers or employees of the United States or Members of Congress shall receive no additional pay on account of their service on the Commission.

(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 (b) of title 5, United States Code.

(g) REPORT OF THE COMMISSION; TERMINATION.—

(1) REPORT.—Not later than 18 months after the date of the first meeting of the Commission, the Commission shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate. The report of the Commission shall describe the results of its review (as described in subsection (c)(2)), shall make such recommendations for fundamental reform and simplification of the Internal Revenue Code of 1986 as the Commission considers appropriate, and shall describe the expected impact of such recommendations on the economy and progressivity and general administrability of the tax laws.

(2) TERMINATION.—

(A) IN GENERAL.—The Commission, and all the authorities of this section, shall terminate on the date which is 90 days after the date on which the report is required to be submitted under paragraph (1).

(B) CONCLUDING ACTIVITIES.—The Commission may use the 90-day period referred to in subparagraph (A) for the purposes of concluding its activities, including providing

testimony to committees of Congress concerning its report and disseminating that report.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for the activities of the Commission. Until such time as funds are specifically appropriated for such activities, $2,000,000 shall be available from fiscal year 2001 funds appropriated to the Treasury Department, ''Departmental Offices'' account, for the activities of the Commission, to remain available until expended.

SEC. 5. TIMING OF IMPLEMENTATION.

In order to ensure an easy transition and effective implementation, the Congress hereby declares that any new Federal tax system should be approved by Congress in its final form no later than July 4, 2004.

The SPEAKER pro tempore. An amendment in the nature of a substitute, consisting of the text of H.R. 4230, is adopted.

The text of the amendment in the nature of a substitute is as follows:

H.R. 4230

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Date Certain Tax Code Replacement Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to set a date certain for replacing the Internal Revenue Code of 1986 with a simple and fair alternative.

SEC. 3. TERMINATION OF INTERNAL REVENUE CODE OF 1986.

(a) IN GENERAL.—No tax shall be imposed by the Internal Revenue Code of 1986—

(1) for any taxable year beginning after December 31, 2004; and

(2) in the case of any tax not imposed on the basis of a taxable year, on any taxable event or for any period after December 31, 2004.

(b) EXCEPTION.—Subsection (a) shall not apply to taxes imposed by—

(1) chapter 2 of such Code (relating to tax on self-employment income);

(2) chapter 21 of such Code (relating to Federal Insurance Contributions Act); and

(3) chapter 22 of such Code (relating to Railroad Retirement Tax Act).

SEC. 4. NATIONAL COMMISSION ON TAX REFORM AND SIMPLIFICATION.

(a) FINDINGS.—The Congress finds the following:

(1) The Internal Revenue Code of 1986 is overly complex, imposes significant burdens on individuals and businesses and the economy, is extremely difficult for the Internal Revenue Service to administer, and is in need of fundamental reform and simplification.

(2) Many of the problems encountered by taxpayers in dealing with the Internal Revenue Service could be eliminated or alleviated by fundamental reform and simplification.

(3) The Federal Government's present fiscal outlook for continuing and sustained budget surpluses provides a unique opportunity for the Congress to consider measures for fundamental reform and simplification of the tax laws.

(4) Recent efforts to simplify or reform the tax laws have not been successful due in part to the difficulty of developing broad-based, nonpartisan support for proposals to make such changes.

(5) Many of the problems with the Internal Revenue Service stem from the overly complex tax code the agency is asked to administer.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—To carry out the purposes of this section, there is established within the legislative branch a National Commission on Tax Reform and Simplification (in this section referred to as the ''Commission'').

(2) COMPOSITION.—The Commission shall be composed of 15 members, as follows:

(A) Three members appointed by the President, two from the executive branch of the Government and one from private life.

(B) Four members appointed by the majority leader of the Senate, one from Members of the Senate and three from private life.

(C) Two members appointed by the minority leader of the Senate, one from Members of the Senate and one from private life.

(D) Four members appointed by the Speaker of the House of Representatives, one from Members of the House and three from private life.

(E) Two members appointed by the minority leader of the House of Representatives, one from Members of the House and one from private life.

(3) CHAIR.—The Commission shall elect a Chair (or two Co-Chairs) from among its members.

(4) MEETINGS, QUORUMS, VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the Chair (Co-Chairs, if elected) or a majority of its members. Nine members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. Any meeting of the Commission or any subcommittee thereof may be held in executive session to the extent that the Chair (Co-Chairs, if elected) or a majority of the members of the Commission or subcommittee determine appropriate.

(5) CONTINUATION OF MEMBERSHIP.—If—

(A) any individual who appointed a member to the Commission by virtue of holding a position described in paragraph (2) ceases to hold such position before the report of the Commission is submitted under subsection (g), or

(B) a member was appointed to the Commission as a Member of Congress and the member ceases to be a Member of Congress, or was appointed to the Commission because the member was not an officer or employee of any government and later becomes an officer or employee of a government, that member may continue as a member for not longer than the 30-day period beginning on the date that such individual ceases to hold such position or such member ceases to be a Member of Congress or becomes such an officer or employee, as the case may be.

(6) APPOINTMENT; INITIAL MEETING.—

(A) APPOINTMENT.—It is the sense of the Congress that members of the Commission should be appointed not more than 60 days after the date of the enactment of this Act.

(B) INITIAL MEETING.—If, after 60 days from the date of the enactment of this Act, eight or more members of the Commission have been appointed, members who have been appointed may meet and select the Chair (or Co-Chairs) who thereafter shall have the authority to begin the operations of the Commission, including the hiring of staff.

(c) FUNCTIONS OF THE COMMISSION.—

(1) IN GENERAL.—The functions of the Commission shall be—

(A) to conduct, for a period of not to exceed 18 months from the date of its first meeting, the review described in paragraph (2), and

(B) to submit to the Congress a report of the results of such review, including recommendations for fundamental reform and simplification of the Internal Revenue Code of 1986, as described in subsection (g).

(2) REVIEW.—The Commission shall review—

(A) the present structure and provisions of the Internal Revenue Code of 1986, especially with respect to—

(i) its impact on the economy (including the impact on savings, capital formation and capital investment);

(ii) its impact on families and the workforce (including issues relating to distribution of tax burden);

(iii) the compliance cost to taxpayers; and

(iv) the ability of the Internal Revenue Service to administer such provisions;

(B) whether tax systems imposed under the laws of other countries could provide more efficient and fair methods of funding the revenue requirements of the government;

(C) whether the income tax should be replaced with a tax imposed in a different manner or on a different base; and

(D) whether the Internal Revenue Code of 1986 can be simplified, absent wholesale restructuring or replacement thereof.

(d) POWERS OF THE COMMISSION.—

(1) IN GENERAL.—The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this section, hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths, as the Commission or such designated subcommittee or designated member may deem advisable.

(2) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this section.

(3) ASSISTANCE FROM FEDERAL AGENCIES AND OFFICES.—

(A) INFORMATION.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, as well as from any committee or other office of the legislative branch, such information, suggestions, estimates, and statistics as it requires for the purposes of its review and report. Each such department, bureau, agency, board, commission, office, establishment, instrumentality, or committee shall, to the extent not prohibited by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chair (Co-Chairs, if elected).

(B) TREASURY DEPARTMENT.—The Secretary of the Treasury is authorized on a nonreimbursable basis to provide the Commission with administrative services, funds, facilities, staff, and other support services for the performance of the Commission's functions.

(C) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a nonreimbursable basis such administrative support services as the Commission may request.

(D) JOINT COMMITTEE ON TAXATION.—The staff of the Joint Committee on Taxation is authorized on a nonreimbursable basis to provide the Commission with such legal, economic, or policy analysis, including revenue estimates, as the Commission may request.

(E) OTHER ASSISTANCE.—In addition to the assistance set forth in subparagraphs (A), (B), (C) and (D), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as they may deem advisable and as may be authorized by law.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(6) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property in carrying out its duties under this section.

(e) STAFF OF THE COMMISSION.—

(1) IN GENERAL.—The Chair (Co-Chairs, if elected), in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III or chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code. Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(2) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(f) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(B) EXCEPTION.—Members of the Commission who are officers or employees of the United States or Members of Congress shall receive no additional pay on account of their service on the Commission.

(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(g) REPORT OF THE COMMISSION; TERMINATION.—

(1) REPORT.—Not later than 18 months after the date of the first meeting of the Commission, the Commission shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate. The report of the Commission shall describe the results of its review (as described in subsection (c)(2)), shall make such recommendations for fundamental reform and simplification of the Internal Revenue Code of 1986 as the Commission considers appropriate, and shall describe the expected impact of such recommendations on the economy and progressivity and general administrability of the tax laws.

(2) TERMINATION.—

(A) IN GENERAL.—The Commission, and all the authorities of this section, shall terminate on the date which is 90 days after the date on which the report is required to be submitted under paragraph (1).

(B) CONCLUDING ACTIVITIES.—The Commission may use the 90-day period referred to in subparagraph (A) for the purposes of concluding its activities, including providing testimony to committees of Congress concerning its report and disseminating that report.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for the activities of the Commission. Until such time as funds are specifically appropriated for such activities, $2,000,000 shall be available from fiscal year 2001 funds appropriated to the Treasury Department, ''Departmental Offices'' account, for the activities of the Commission, to remain available until expended.

SEC. 5. TIMING OF IMPLEMENTATION.

In order to ensure an easy transition and effective implementation, the Congress hereby declares that any new Federal tax system shall be approved by Congress in its final form no later than July 4, 2004. If a new Federal tax system is not so approved by July 4, 2004, then Congress shall be required to vote to reauthorize the Internal Revenue Code of 1986.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. PORTMAN) and the gentleman from Tennessee (Mr. TANNER) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. PORTMAN).

GENERAL LEAVE

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 4199.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. PORTMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a week when millions of us, Americans all around this great country, are experiencing the annual confusion, the frustration, and the anxiety that comes with filling out our Federal income tax returns.

It is certainly understandable. The current income tax code and its associated regulations now contain, I am told, over 5.6 million words. I am informed that is seven times as long as the Bible, and I know it is not nearly as interesting. Taxpayers now spend 5.4 billion hours a year trying to comply with 2,500 pages of tax laws, 6,500 pages of tax rules, and millions of pages of forms.

The cost of complying with our Tax Code in this country is now believed to be well in excess of $200 billion a year. That is about 20 percent of the revenues raised. What a waste of money. What a waste of time, of effort, of resources. What a drag on our economy. And that does not get at the way the code taxes income and investment that hurts savings, job growth, productivity and, again, means less economic opportunity for us and for future Americans.

Mr. Speaker, 4 years ago Congress set up a commission, I cochaired it, to look into the problems that plague the Internal Revenue Service. There I learned firsthand that the problems our Tax Code causes is not just for taxpayers, but it is also for the Internal Revenue Service itself; and we cannot forget that. The complexity of our Tax Code makes the IRS bigger and more intrusive than we as taxpayers would like for it to be. The Tax Code itself makes the IRS more costly and less efficient than it should be.

In the short term, tax relief simplification of specific areas of the Tax Code can help. There are important steps we can and should take to make it fairer and less burdensome for all Americans. And Congress has already made some progress on this front. We passed tax relief so that no longer do people have to worry about capital gains tax on the sale of a primary residence. At least, almost no Americans do. Which means not only less tax but less associated record keeping; therefore a great simplification. That was good.

We did reform the IRS for the first time since 1952 to make it easier for all taxpayers to interact with this agency. But, again, we are not going to have a good IRS until we have a simpler Tax Code.

And for the first time we also here in Congress, 2 years ago, made it more difficult for us in Congress and for the administration to further complicate the code by subjecting every proposed tax law change prospectively to what is called a complexity analysis. Again, a good step forward.

But, ultimately, no amount of tinkering with the current Tax Code can solve the problem. We need to produce a Tax Code that will be fairer to all Americans. It is just too complicated now. It is too intrusive. It is too burdensome to the taxpayers of this country. That is why many of us in Congress, on both sides of this aisle, believe now we need to take the next step. We need to replace the current code with something better, something simpler, something fairer, something less intrusive for all Americans.

For the last several years, we have come to the floor, most recently 2 years ago, with a Sunset the Code bill that would eliminate the current Tax Code by a date certain and force Congress and the administration to work together to develop an appropriate alternative. The legislation before us

today that my friend, the gentleman from Oklahoma (Mr. LARGENT), is again championing is called the Date Certain Tax Code Replacement Act, and it does exactly that. It sunsets the current Tax Code by December 31, 2004; and it sets in motion a specific time line and process for replacing the Tax Code.

It is an important statement, I think, to be made by this Congress, that we share the frustration all Americans have with our current Tax Code; that we think this Congress should commit itself to replace what is a broken system. But very importantly, and let me spell this out today for some of my colleagues on the other side who have misstated what is in this bill, it does not prejudge any particular kind of Tax Code. That is going to be up to this Congress to decide.

There has never been major tax reform in the country, Mr. Speaker, without the administration taking the lead. The Treasury Department is critical to it. We have seen in the last 6 years no interest on the part of the administration. In fact, we have seen a disdain for any of the major reform ideas. Therefore, we are not going to get it from the administration. We may not get it from the next administration, whether it is Republican or Democrat.

What we do put into this legislation is very important to force the administration to the table, to force Members of Congress to the table, to begin to air this issue out in public so that people around the country can hear about it. We can begin to educate people about the issue so we can come up with a better, smarter approach, and that is that in this legislation, for the first time this year, we have a concept where we create a specific mechanism for getting to a new Tax Code. It is called the Bipartisan National Commission on Tax Reform and Simplification.

This commission is modeled after the National Commission on Restructuring the IRS, which was very successful. We have also had a very successful bipartisan commission recently on Medicare reform, the Thomas Breaux Commission.

Now, I know it is easy to say that commissions do not work, and I am sure they have a checkered past in this town. Some have worked and some have not. But the fact is we have proven with the IRS Commission, with the Medicare Commission, that as long as they focus on building broad-based nonpartisan support for recommendations, they can be very successful and play a very constructive role in moving the debate forward.

This commission would have 15 members: 3 appointed by the President; 4 each by the Senate majority leader and the Speaker; 2 each appointed by the House and Senate minority leaders. We do not know who is going to control the next Congress. But whoever does will have a slightly higher representation on the commission than the party in the minority. But it will be entirely bipartisan, bicameral and, again, will include the administration.

It will have a short timetable. Not years, as someone said earlier today. Read the legislation. It is 18 months. We think that is enough time, although it is a very complex and difficult task. And that will be a report to this Congress. It will then be up to Congress to decide what to do with it. We cannot prejudge what the report will be; we cannot prejudge what the Congress will do with it. But we know it will move the process forward. It will move the ball forward to begin to come to some kind of resolution as to how we can fix, how we must fix a tax code that I think everyone in this Chamber agrees is broken.

□ 1445

Now, some of my colleagues on the other side of the aisle will argue this legislation is unnecessary, that it is just rhetoric today. I, again, would urge them to read the legislation. Because what we are voting on here today is a referendum about the status quo. If they believe in the status quo that our current Tax Code is the way to go, fine, vote no. But if they believe that all those special interests that have been tucked in over the years, if they believe it is too complex, if they believe it is too burdensome, if they believe it is intrusive, if they believe there ought to be a change, a fundamental reform, without prejudging what it will be, then they ought to support this very strong statement and this very important legislation establishing the commission that is before us today.

I want to also say that the gentleman from Oklahoma (Mr. LARGENT) has also improved his legislation by adding a provision that says that, if Congress has not acted in the next 4 years on a new Tax Code, he will vote to reauthorize the current Code. There is no uncertainty there. We are going to have the same thing we have got now unless we can come together as Republicans and Democrats and Independents through, again, a bipartisan, bicameral process to come up with something that makes sense.

If my colleagues think that our current Tax Code is broken, if they think the current system is too complicated, unfair, and intrusive, if they think the Congress and administration should be held accountable for coming up with a better system to replace it and doing it in a responsible way, then they ought to vote for this bill today. It is a good bill, it is a better bill than 2 years ago, and it is a different bill.

I urge my colleagues to take a look at the bill, and I urge all my colleagues to vote yes on H.R. 4199.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Ohio (Mr. PORTMAN), the previous speaker, is one of the brightest Members that we have in the House; and certainly it is a pleasure for me to serve with him on the Committee on Ways and Means. Some of his ideas in terms of how we could reform the tax system, to me, just makes a lot of sense.

But I know one thing that he will never, never challenge is the fact that any political party that holds a majority by only six, whether that is a Democratic majority or Republican majority, cannot even hope to reform the tax system unless we are working together in a bipartisan way.

There is no Republican way to correct this Internal Revenue Code. I would agree with anybody who would say and there certainly is not a Democratic Party way to do it. But what the American people want is not for each one of us to be political victors. What they want is a Congress that is working to their best interests.

Can we say that this Code is working to their best interests, that this is the best we can do? I would say the answer would be no. We could do a heck of a lot better.

But one thing that we would have to start doing just for openers is to start talking with each other. Forget the mutual respect. Forget the professionalism. Let us start talking and seeing what we can do to work together.

I would think if we were talking about Social Security, if we were talking about Medicare, if we were talking about the tax system that we would have to find a way where, working together, we could come up with the right solution.

And quite frankly, in the other areas, I would think that there would be enough difference between Democrats and Republicans that we could fight the different way, different philosophical and political beliefs, so that we will always maintain the difference between Republicans and Democrats.

So I am not saying that we should all look alike. But on these important issues, it really bothers me that the chairman of the committee could schedule hearings about different alternatives to this tax system on the week the taxpayers have to file taxes.

I do not challenge the sincerity of my Republican friend on the committee or on the House leadership. But why this week? Why would we have 3 days of hearings and alternatives to this system, as burdensome as it is, when we know that the legislative calendar does not permit us to do anything, nothing?

We are going out for 2 weeks. We will be out next month for Memorial Day. Come July 4, we will be out. In August we will be out. September we have the Labor Day recess. We have to do August recess for the convention. We have

to get reelected. So we are not even thinking about changing the Internal Revenue Code. So why do we sit up there for 3 days talking about it? Oh, because it is April 15, and we want to make a political statement.

Well, for 5 years, for 5 years they have enjoyed being in the majority party, the Speaker, the distinguished majority leader, the chairmanships of every committee, the chairmanship of the once awesome powerful Committee on Ways and Means. My God, in 5 years, why have we not seen a change in the Tax Code? Why do we wait 5 years to bring it up again?

As a matter of fact, just between us legislators, I weighed the Code as to how much it weighed when the Democrats were in charge; and then I weighed it just last week. My colleagues would not believe the increase in weight. My God, there is about a hundred new sections added on to the old Code. The people that make up the returns say it takes 3.5 hours more even to figure out the complexities. It is that way when they are putting in loopholes, it is more complicated.

But all I am saying is that many people ask, well, we always are complaining about the Republican majority. What the devil would we do if we ever were in charge?

Number one, we will talk to them. Number two, in any legislation, we would ask you for their ideas. Number three, we would know ahead of time if it is bipartisan, if it is not bipartisan, it is just not going to fly.

We have learned so much about how difficult it is to lead when we do not have a meaningful majority. But we hope that we will not slip into the posture that just because we cannot lead, just because we cannot legislate that we would say, let us close down the shop, let us close down the Internal Revenue Service, let us close down the tax collection business, let us really get rid of the Code and tell millions of American businessmen and small businessmen, we cannot tell them right now what we are going to replace it with. All we can tell them is that we are mandated that we must come up with something.

The gentleman from Ohio (Mr. PORTMAN) has the unique idea that, even if the Congress cannot come up with something, let us get a commission to come up with something. In other words, some Member was being very, very critical in the Committee on Ways and Means before I came to the floor and said that we were trying to hold on to our jurisdiction.

Well, do my colleagues know something? He is right. Because it is the only committee that is there in the Constitution saying that the Committee on Ways and Means shall provide the ways and means for the United States Government to operate.

But, then again, they may want to change the Constitution. But I hope we do not change it to set up for a commission for ways and means. Because then I see a commission for an appropriation, a commission for commerce, a commission for education, and one day we will wake up and we will find out that there is really no need for the U.S. House of Representatives as we know it.

And so, I would suggest this: There is nothing wrong with commissions, but there is something wrong when we refuse to assume our responsibility to do what? To legislate. It is not just to criticize against this Code that most Americans are annoyed with this week. It is not enough to say get rid of it in the year 2004.

What is important to do is to have hearings, to have meetings and to legislate, to educate the American people as to that we can do a better job and to have the political courage and the guts to come down here and to vote for something instead of just cursing the doctors.

Mr. Speaker, I reserve the balance of my time.

Mr. PORTMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first I would like to just say to my friend the gentleman from New York (Mr. RANGEL) that there were some implicit endorsements of the concept behind the commission and even though at the end there seem to be less than great enthusiasm for it, which is that this would be a bipartisan exercise, it would report back to Congress and would then allow the Committee on Ways and Means to do its work with better information, more public education, and all the other things.

Mr. RANGEL. Mr. Speaker, will the gentleman yield?

Mr. PORTMAN. I yield to the gentleman from New York.

Mr. RANGEL. Mr. Speaker, there is no question that the Congress, if we assume this awesome responsibility to produce a better Internal Revenue Code, would need outside help. But to abolish the existing system before we do that is where the gentleman from Ohio (Mr. PORTMAN) and I differ.

Mr. PORTMAN. Mr. Speaker, reclaiming my time, I would just say that if the gentleman from New York (Mr. RANGEL) looks at the legislation, what is nice about it is that we do not sunset the Code prior to the commission. In fact, the commission is only 18 months and then we have another couple of years for the Committee on Ways and Mean, regardless of who is chairman, to do its work.

Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma (Mr. LARGENT) about whom I spoke a moment ago and who is the author of this much needed legislation, and I ask unanimous consent that he be permitted to control the time for the majority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LARGENT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. ARMEY) the majority leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Oklahoma (Mr. LARGENT) for yielding me the time, and I thank him for bringing this legislation to the floor.

Mr. Speaker, we have heard a great deal today about people who are willing to work with us on the Tax Code and to fix the horrifying inequities that we find in the Tax Code that are so bothersome to the American people.

I have been gratified to hear these expressions of commitment from both sides of the aisle, and I have been particularly gratified to hear the number of Democrats who have spoken so eloquently today for the need to avoid discriminatory taxation on the Internet.

I must say, I certainly agree with them on that; and I am looking forward, then, to counting on their vote when we bring a moratorium on discriminatory taxation on the Internet to the floor later this year.

But for the business at hand today, Mr. Speaker, we are again demonstrating to the American people that we are on the side of Mr. and Mrs. America. When they tell us that the extraordinary taxation and punitive provisions called the earnings limitation on senior citizens is unfair because it denies them the benefits they paid in all their lives, we agree. We passed the law, and the President signed it just last week.

When we observe that we must eliminate the marriage penalty because it is unfair to tax people who want to get married, the American people have agreed. We passed it through the House. They will pass it through the Senate. And I am sure the President will sign that into law.

And when we all agree, as we do, that it is unfair to tax people's estate when they die and, therefore, commit to eliminating the death tax because it is unfair to deny the children the legacy of their parents, I am sure we will pass that and it will be passed into law.

Today we are saying, indeed, the entire Tax Code as we know it in America is today unfair because it drives the American people crazy with frustration and despair. Two hundred billion dollars, more man-hours than is spent on the production of every car, truck, and van produced in the United States, is devoted to just complying with this awful red tape nightmare called the Tax Code.

The gentleman from Oklahoma (Mr. LARGENT) says let us get rid of it, let us make a pledge, a commitment amongst ourselves today to be done with it, to scrap this Code, sunset this Code, have it out of our lives once and

for all. I cannot tell my colleagues, Mr. Speaker, how near universal agreement there is among the American people with the need to do that.

Ah, but the nay sayers arise, we cannot do that unless we know perfectly well today down to the last jot and tittle what will be in the next Code. There is no plan to replace this Code, they say, Mr. Speaker.

Let me say there is a plan. There are at least three plans that I know of, all well-conceived, all very deeply well worked on, all very well publicized. It is not for me to describe all three, Mr. Speaker, but let me remind my colleagues about the first best plan to replace this awful nightmare.

It is the flat tax, first conceived in 1984 by Professors Hall and Rabushka at the distinguished Hoover Institute in California, later revived in 1994 by myself.

□ 1500

It does exist. It has been worked on in great detail. It has been examined, criticized, reexamined, refined. Mr. Speaker, for any of our colleagues that are unaware of this work, let me just say to my colleagues, while they have heretofore been given a free copy of my book The Flat Tax, should they have lost that or should it have been absconded with by one of their staff, let me remind them that today, even today, they can look it up on the Internet, flattax.house.gov, or even better, they could buy and read my book, in which case we could both profit.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Tennessee (Mr. TANNER), a member of the committee.

Mr. TANNER. Mr. Speaker, I would encourage the majority leader to bring his bill up here and let us vote on it if it is that good. The gentleman from Ohio (Mr. PORTMAN) has worked well with us on the committee. I do not have any quarrel with the criticism of the present system. But when Mr. Churchill one time was asked how was his wife, his response was, ''Compared to what?'' We do not have the ''what'' here.

If my colleagues want to seriously work on tax reform and the code, I think they will find many Members over here ready, willing and able to pitch in. But to go about this matter scrapping something is like a businessperson saying, Look, we don't like your sales or distribution system that gives your company the revenue with which you do business; we're going to scrap that on a date certain in 2 years, and we'll have the board of directors figure out what we're going to replace it with.

Nobody would do that in the real world. Not one single person that I know of would say, We don't know what we're going to do. We're going to do something, hopefully. What if we cannot get a consensus on the flat tax? The gentleman from Georgia (Mr. LINDER), who spoke earlier, has a bill, a sales tax. What if the Congress in that day cannot come up with a consensus? What are we going to do, have a continuing resolution on the code? That will make a lot of sense to Wall Street.

I tell my colleagues as earnestly as I know how, if this bill were serious and was going to be signed, the uncertainty that it would immediately inject into Wall Street, in the markets, into all the countries around the world that rely on the bedrock of the international financial currency, the United States dollar, the consequences of this could be devastating.

I do not quarrel with bashing the code. That is an easy one. I do not know anybody that thinks this is the best work product imaginable. But I do say this: the way to fix it is to come on down to the committee and let us vote on the flat tax, a sales tax or let us schedule bills for hearing, votes and reported out to the floor and then we will see if we can get a consensus. That is how we do as a steward, I think, of this Nation. That is how we do business. I know this will probably pass, but I hope we will think about what we are doing and what kind of signal we are sending. I do not think it is one that is very responsible.

Mr. LARGENT. Mr. Speaker, borrowing on the gentleman's word picture, if we are comparing the tax code to a wife, what we are saying on this side is this wife is so ugly that we know we can do better. With that, I yield 2 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Speaker, I guess I have to say I do not want to associate myself with those remarks; however, I did want to rise in strong support of this legislation and thank my colleagues for bringing it to the floor. I guess I am saying with a sigh of relief that at last we are making progress. I am not being facetious, because I think this is very serious business. I have personally, as many of my colleagues know, for several years been urging our Republican leadership and the tax committee to make major tax reform job number one. At last we are here. This is an excellent means of doing that. We are on a substantial route to getting there in real terms.

Let us try to get beyond the political rhetoric of this debate, and let us focus on the substance of this bill. The bill calls for an enactment of a new Tax Code by 2004. In order to provide a solid basis for congressional debate, the bill establishes a commission on tax reform and simplification. The commission would completely analyze the current tax law, especially with respect to the code's impact on the economy, savings, capital formation and capital investment, and its impact on families and the workplace. That is in the body of the orders to the commission. The commission would also explore, as has been already mentioned, alternative methods of taxation.

In the past, everyone knows that I have had deep concerns about scrapping the Tax Code without a new structure in its place. I said frankly at the time that it seemed reckless and it was more like show business. But this is real business. This legislation pushes the tax reform debate ahead in a responsible, rational way while setting the stage for common sense transition to a fairer, flatter, and simpler tax code. We need this bill. I urge my colleagues to vote for it. This is job number one for the Congress.

Mr. RANGEL. Mr. Speaker, I yield 3½ minutes to the gentleman from Baltimore, Maryland (Mr. CARDIN), a member of the committee.

Mr. CARDIN. Let me thank my friend from New York for yielding me this time.

Mr. Speaker, we should not be talking about a sunset today. We should be talking about a sunrise, a sunrise for tax reform. I am very disappointed that we do not have legislation on the floor that would talk about tax reform because we do need tax reform. What this legislation represents is a failure, a failure by this body to take up tax reform, a signal that we will not deal with it in this Congress, the third consecutive Congress under the control of the Republicans in which they have not brought tax reform to the floor of this House.

If my colleagues are looking for agreement on both sides of the aisle, we agree that the current income tax code is too complicated. So what do we do about it during these past 3 terms? Add another 100 sections and make it more complicated? Make it more difficult for our constituents to understand how to file their tax returns? That is not tax reform. Those actions became law. If my colleagues want agreement on both sides of the aisle that we should have less income taxes, they will get that agreement. Let us bring forward bills that do it.

I strongly support the expansion of the earned income tax credit. That has helped many taxpayers get the relief that they need. But we sometimes find that on the other side of the aisle, they fight us on that type of legislation. Or targeted relief that would let less people need to file income tax returns in our country. But no, they do not seem to want to do it that way. So why not work together on tax reform so that we can really get something done in this Congress rather than having a tool that is just basically used for the 30-second commercial. That does not befit this body.

And the tragedy is that if this legislation were to become law, what would be the consequences? The first thing is, we would not know what the tax revenue system of this country would be.

What advice would my colleagues give to their constituents, their young married couple who wants to purchase a home but needs to know the tax consequences of that home purchase in order to make sure that their budget makes sense to buy that home? What will they tell them when there is no Tax Code in place and we have not quite figured out what the revenue code will be for our country? The uncertainty will be very damaging to American families.

That is not what we should be doing. And then what Tax Code will we put into effect? I know there has been a lot of debate about this. Quite frankly I have a good tax plan that I would like to be able to talk about, and if we bring a bill to the floor, I will certainly be offering an alternative or amendments to that tax bill. But the reason why we use the retail sales tax is because that is the one I think our constituents understand the best, to allow us some ability to compare between one tax code and the other. If we translate what the repeal of all income taxes is on a retail sales tax, that is 59.5 percent added to the price of all goods, all services. That is not my estimate, that is the Joint Tax Committee's estimate.

I do not want to be responsible for increasing prescription drugs and increasing Internet service and increasing clothing and increasing food by that type of price. That is not good for our economy. Let us think about what we are doing, let us work together, let us work on tax reform and not on a bill that will have no impact on real tax reform.

Mr. LARGENT. Mr. Speaker, I yield 3½ minutes to the gentleman from Ohio (Mr. KASICH).

Mr. KASICH. Mr. Speaker, the gentleman from Oklahoma deserves a large amount of credit. Let me say that to me there is not any question this ought to be a bipartisan vote. I will tell my colleagues why. The Tax Code should be put in place that enables the Government to collect revenue but at the same time fosters economic growth, does not impede economic growth. Frankly, the ability to abolish this code after having served in this House for 18 years, if we do not do something dramatic around here, we are going to be talking about this until doomsday, or when people at our town hall meetings start heating up the tar, because people are fed up with this Tax Code, and they are fed up with it not just because it is complicated but frankly that it does keep us from realizing the kind of complete economic growth that brings more to every family.

Now, here we are in the 21st century with a Tax Code that is not encouraging higher savings, and if there is anything we know we need to do in America it is to encourage a higher savings rate. We know we need to have a higher investment rate. We want people to take their money and to risk it in enterprising ideas that can improve the lives of people not just in America but around the world. That gives us increased productivity, more for families.

We want to have a Tax Code that provides a higher reward for people who risk-take. If we punish people when they are successful, then they are going to stop taking risks. They are going to sit on their money. Frankly, the hallmark of a new Tax Code in the 21st century is one that fosters higher savings, higher investment, and produces higher reward for risk-taking.

What we have in the 21st century now is a Tax Code that works an awful lot like putting a Volkswagen engine in a Jaguar. The fact is the 21st century is about speed, not about strength. It is about the power of knowledge, not the power of toil. It is about the entrepreneurship which rewards individual efforts and achievement. And the fact is the Tax Code is not aligned with the rest of this economy. If we want to have a sleek sports car that can run around that track at Indianapolis and set economic records for the American people, then it must have an engine that empowers that car to travel at the speed of knowledge and the speed of entrepreneurship.

Mr. Madison in the Federalist Paper 41 says that a country that is not capable of changing the way in which it collects revenues to match its economy is a country that will not continue to be prosperous and to advance. That was a warning to us in the 21st century. We talked today about taxing the Internet. The fact is that we have a parallel universe right now that allows us to take advantage of the power of ideas and knowledge. It is ridiculous to try to saddle the new economy with an old tax scheme.

Mr. Speaker, this is a great opportunity to say to the American people, we are going to throw it out. If we cannot devise a better system, we will put it back in. But the fact is we will devise a better system because we know the Jaguar needs a modern engine, not an old engine; and we want to make sure that the American people have the tools they need to drive this economy like it has never been seen before. If we do not do it, we will pay a price economically. If we do do it, there ain't no stopping the United States of America and the free market.

□ 1515

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, I thank the gentleman from New York for yielding me time.

Mr. Speaker, I agree with everything the gentleman from Ohio (Mr. KASICH) has just said. We have to rethink, relook and revise our current Tax Code. But we have not done that yet. And for us to put the cart before the horse, to repeal the current code before we have an agreement on that new code, is not only irresponsible, but I would reterm this legislation as a pig in a poke, because we do not know what is going to be the replacement code.

All week long before the Committee on Ways and Means, we have had hearings on three different types of alternatives to the current code, and the more questions we asked about the alternatives, the more questions went unanswered.

The most popular was the one introduced by the gentleman from Georgia (Mr. LINDER). He is touting this as a national sales tax, and the rate he pegged within the committee was 23 percent. Upon questioning, we found out that it is not 23 percent, it was almost 30 percent, on every good and service produced in this country, prescription drugs, funeral services, everything. We talked to the Joint Committee on Taxation, which is a scientific committee, to give us expertise. They said that national sales tax, to be revenue neutral, would have to be a 59 percent rate. Is that what you are going to replace the current code with?

Interesting, I asked the gentleman a question. I said, Mr. LINDER, would the national sales tax apply to wages for municipal employees? He said, Oh, no, no, no, no. Then one of his staff persons poked him on the back and said, it is in the bill. It is in the bill. So the authors do not even know what their proposal is.

As the questioning developed, your municipality would have to pay the Federal Government 30 percent of their municipal wage base, because it is a service. And where would your municipalities get the money from? They would radically increase the property tax. In the City of Milwaukee, that would be a very, very bad mistake, because property taxes are relatively high.

So that is a half-baked idea. So my friend, we are not ready to go yet. I agree with one part of the bill of the gentleman from Oklahoma (Mr. LARGENT), and that is the commission. We have had hearings, we have had experts come in all week. Have the commission work with us on something, and then we will come to the floor with a consensus change and then repeal the current Tax Code. Not repeal first. That is irresponsible.

The gentleman talked about the atomic bomb and how we dropped it on Japan and it ended the war. But what the gentleman's bill would do would drop the atomic bomb on us. That is silly.

Mr. LARGENT. Mr. Speaker, what is silly is to continue this current system.

Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Speaker, I thank the gentleman for his leadership on this issue.

I certainly believe, Mr. Speaker, if the economy either turns down or experiences some restrictions, that the American people will be heard demanding change, because I still hear it a lot, frustration with this current Tax Code, people who are both paying too much in taxes and also experiencing too much red tape with this Tax Code, spending too much of their time wrestling with this Tax Code.

I really believe as the economy goes through its normal cycles and turns down, we will hear loud and clear that this is one of those issues that the American people demand change on, is a simpler, more fair tax system.

Frankly, welfare laws changed, not because of Republicans or Democrats, but because the American people demanded it. The budget is balanced not really because Republicans or Democrats, but because the American people demanded it. The American people are going to be demanding a more simple and fair Tax Code. I think ultimately those that come today against this legislation will support it, because the American people will demand it.

I would love to see our campaign finance laws change, but until the American people get more engaged, the folks up here are not going to change it. The American people need to lead this. We have presidential candidates now espousing certain philosophies. They need to be telling the American people what kind of Tax Code they will sign into law and, therefore, we need to take this action so that we have some limits, we have a firewall. We say we are going to do this, we have plenty of time, 4 years. The gentleman is being very reasonable setting up a time frame so that we can make these plans and get the presidential candidates to say yes, I will sign this.

We have at least three options: Either keep the current system; single rate income tax with fewer deductions; or wipe out the income tax and replace it with a national sales tax. Let the debate begin. Let the candidates for President, for Congress, declare what will you have, what will you sign, what will you agree to. The American people need a simpler Tax Code, they need lower taxes, they need less interference from the Federal Government, so that free enterprise system can continue to carry the world economy.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. JEFFERSON), a member of the Committee on Ways and Means.

Mr. JEFFERSON. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I do not understand what the disagreements are about here. In fact, there is so much agreement between their side and our side, I think we can close this debate out right now and say we all agree that our Tax Code is too complex, that it is too burdensome, that it is too hard to fill out the tax forms, and it does not work for a modern economy. We all agree with that.

The question is whether we are just going to talk today and come back again with sound and fury, which in the end will actually signify nothing. We need a replacement vehicle for our Tax Code. On that we all agree. And if it were true that this bill provided that, that would be good news for all Americans. We could all come and cheer, Democrats and Republicans alike. But sadly, it is not true, Mr. Speaker. The truth is we are no closer to eliminating the Tax Code today than we were when we started out talking about this because we have no replacement vehicle.

This business about putting a Volkswagen engine into a Jaguar, we would have the Jaguar first to put the engine in. We do not have the Jaguar to even talk about putting a Volkswagen engine in it. We do not have the replacement. Democrats know it, the Republicans know it, and it is really time now we make sure all of the American people know it to.

Democrats and Republicans both agree the Tax Code is too complex, that our current tax filings are too burdensome. So why can we not stop this political charade and get down to serious bipartisan tax reform. This bill is an invitation to put the ball on tax reform, rather than to tackle it. It amounts to throwing up our hands and giving it to a commission, handing it over to a commission, admitting to the American people who hired us that we cannot do the job.

Five years ago the gentleman from Texas (Mr. ARCHER), my good friend and our distinguished chairman, promised to abolish the Tax Code and replace it with a better system. I and many of my Democratic colleagues on the Committee on Ways and Means applauded this goal and expressed our willingness to work together to achieve meaningful tax reform.

But instead of working together to reform our Nation's ailing tax system, to make it more simple and fair and efficient, my Republican colleagues have repeatedly introduced ridiculous legislation to eliminate the code, without offering any credible alternative system.

Telling the American people you are going to eliminate the Tax Code is sure to score political points. However, we all know that nothing can be done here without a system to replace it, and, as speakers before me have said, that will destroy our economy. No lesser expert than Chairman Greenspan, the number one authority on our economy, has said so.

So have my Republican friends forgotten that our duty as members of the Committee on Ways and Means is to develop tax policy and not to advance campaign politics? It is time for us to tell the American people the truth. We cannot abolish the tax system unless we develop another means of funding the government.

Mr. Speaker, I urge my Republican colleagues to replace irrationality with reason, to replace emotions with practicality, and to replace politics with sound policy. Support motion to recommit H.R. 4199 to be offered by the gentleman from New York (Mr. RANGEL) with instructions to require Congress to enact comprehensive tax reform of the Tax Code prior to the July 4, 2004, sunset date. The American people deserve true tax reform, and not just political rhetoric.

Mr. LARGENT. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CAMP)

Mr. CAMP. Mr. Speaker, I thank the gentleman for yielding me time. I want to commend the gentleman for his leadership on this important issue.

Mr. Speaker, we do agree that the Tax Code is complex and burdensome. I am sure these statistics have been cited before, but the IRS laws and regulations are currently 17,000 pages, more than 5½ million words. The complexity and difficulty of filling out the tax forms each year get worse and worse.

What this legislation will do is it will sunset the Tax Code in 4 years. Also what this legislation does is it creates a commission, and I want to commend also the gentleman from Ohio, Mr. PORTMAN, for his leadership not on a commission that helped us restructure the IRS, but also a commission contained within this bill which will help us replace our current income tax code.

This bipartisan commission is modeled on the IRS commission that was successful in 1996 and 1997. This will have 15 members appointed by the President, the Senate majority leader, the Speaker, and two appointed by the House and Senate minority leaders. It will have a short timetable. This commission will have to act within 18 months. If we do not, what is also in this legislation, which is new this time around, we will have to reauthorize it by 2004 if we do not adopt a new system of taxation. I think it is important we repeal the complex and difficult code. Any of these efforts are in the right direction.

I want to commend the gentleman from Oklahoma (Mr. LARGENT) and also the gentleman from Ohio (Mr. PORTMAN) for helping make this a reality.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BECERRA), a member of the Committee on Ways and Means.

Mr. BECERRA. Mr. Speaker, I thank my friend from New York for yielding me time.

Mr. Speaker, for 5 years we have heard the majority talk about changing the Tax Code and giving us something that is better. No one disagrees with that. All of us are here ready and prepared to discuss that. But now, for the last 5 years that we have been discussing it, nothing has been done. We have a bill on the floor that would say in about 4 years, let us get rid of the Tax Code we have, and who knows what we will replace it with?

Now, if we are brought up here to be responsible, here to Washington, D.C., then let us give the American people some sense of where we will go. If we cannot do that, then the frustration the American people have expressed with our Tax Code will just grow and grow and grow. Yes, they are all fed up with this current Tax Code. Rather than become more simple, it has become more complex over these last 5 years. What is to make it less complex over the next 4 years as we get ready to scrap it? All we are going to get ready to do is create chaos.

If you are an American and you are thinking of buying a home right now, what do you do? Do you buy right now, or wait 4 years from now? Because if we go with one of the ideas out there that we have a national sales tax replace our code where you would not have any more mortgage interest deductions and not be able to deduct the property taxes you pay on that home, should someone buy now, or wait 4 years? Because if you waited 4 years and there is a national sales tax, if you buy a $200,000 home and the sales tax is 30 percent, then you are paying 30 percent tax on that $200,000 purchase. Do you buy now or buy later?

What if you are someone who is planning for a funeral for an elderly parent? Do you buy your plot now for your parent, or later? Because if you have a national sales tax, you will pay 30 percent on the purchase of that plot or for that coffin.

Or what if you are elderly on a fixed income? What do you do about prescription drug coverage? Do you plan now to buy a whole bunch of drugs now, or wait until that sales tax kicks in at 30 percent? And the Joint Committee on Taxation, our Joint Committee on Taxation, which is to advise us on taxes, tells us that would probably be higher, about 50 to 60 percent. Do you buy drugs now, or wait?

This is sheer chaos. The only thing certain about this particular act is the date it would be enacted. But there is no certainty as to what we do with Americans and the taxes. What does the market do? How do we invest? Are we going to be able to have our monies invested in Roth IRAs, or will those be eliminated, so no longer can we put money in the investment accounts and say in the future we will not pay interest on them? What do we do? What is an investor to tell any American that is trying to save money? We have to give the American people some sense of what is going on. We have had 5 years of discussions, and we have not come up with anything.

So, yes, let us reform the code. Let us make it simpler. Let us make it so everyone believes it is fair. But let us give the American people some sense of where we are going. Let us not do anything that makes it less certain. The only thing certain about this bill is it makes it clear what date this is. This is an election year.

Mr. LARGENT. Mr. Speaker, I would just point out that the previous speaker makes our point perfectly. The Tax Code controls whether we buy prescription drugs, houses, whether we save, whether we even invest, and that is not right.

Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Speaker, this has been helpful, because it seems that we all agree that Americans deserve a fair and simple Tax Code that takes only the amount of their money that is needed to run a limited and efficient government.

□ 1530

We all seem to agree also that our current Tax Code does not meet this test, because it not only takes too much of our money, it controls a large part of our lives. Not only does it take over 5 billion hours of our time every year and billions of dollars of our money, it controls many of the decisions in our personal lives about our savings, about our investment, about our retirement. Even how we die is decided by the Tax Code.

In our businesses, when we decide whether to hire workers or contract that work out, or to buy or lease something, or to merge or to grow a business, just about everything we do in this country in some way is related to trying to manipulate a Tax Code that is so complex that even the experts cannot understand it.

The only question today, the only question is, do we have the courage to set a deadline to change it; do we have the courage to give the American people a commitment, rather than 5 more years of talk? We have proven we will not do it without a deadline.

It is not irresponsible to set a deadline, it is irresponsible to continue to give the American people talk without a deadline.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

I am certain that the gentleman who just spoke did not mean that for the last 5 years that all we got from the Republican leadership is talk, but if he does, then we cannot have any guarantee. If things remain the same, then it would be an additional 5 years of talk.

Why do we not produce first, and then we will be in a position really to put in something, rather than just be against something.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, having authored the Texas Sunset Act during my service as a Texas State Senator, I believe there is merit in the sunset process. That Texas law limits the life of every State agency, and I am working with a bipartisan coalition here in Congress to apply the same concept to limit the life and require sunsetting of each of our Federal agencies.

Certainly our Tax Code could have a similar concept applied to it if done in the appropriate way. This Tax Code is overflowing with loopholes, it is permissive toward abusive corporate tax shelters, it is not fair to middle class taxpayers.

Under this Republican congressional leadership, it has only gotten worse. The Tax Code has gotten bigger, it has gotten more inequitable, it has been filled with more special interest provisions. We can all certainly remember the effort of the Republican House leadership to sneak through here a $50 billion tax credit for the tobacco industry hidden in a small business tax bill.

But the sunset process has to be applied in a systematic way, not as a political polemic. If we look at related provisions of the Tax Code together, we do not abolish the entire code without anything to replace it.

We all know how skilled our Republican colleagues are at railing against taxes. We have heard from them over and over all the taxes they do not like and all the reasons they do not like those taxes. But they seem to lose their ability to speak when it is time to talk about what tax system they would substitute. They are so very skilled about complaining about the tax system, but they lack skill in being able to offer a more fair and equitable system. After 5½ years, they have given us hearings and they have given us speeches, but they have given us no real alternative.

This week, however, we learned what they have in mind if this country has the misfortune of having to endure another 2 years of a Republican Congress.

The gentleman from Ohio (Mr. KASICH) told us he did not want to saddle our new economy with an old tax system, but this week we learned they have a new tax for the new economy, a 60 percent tax on every online purchase.

They claim that they are still revolutionaries. If they want a real tax rebellion in this country, tell Americans that they are going to have to pay 60 percent on every online purchase and there will be an uproar.

That is the wrong system. That is what this is all about: enabling the Republicans to put in place a new tax on e-commerce. It is wrong and it ought to be rejected.

Mr. LARGENT. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to say that I agree with both the Democratic side and the Republican side, this is an issue of great importance to the American people. It is not a Democrat or Republican issue, it is a people's issue. We are the people's House. We are elected by the people to come up here and make the decisions for them that hopefully will be the best decisions.

I want to say, because I have great respect for the gentleman from New York (Mr. RANGEL), as I do the gentleman from Texas (Chairman ARCHER), they are two men I really do have great respect for, but I think about the fact that prior to 1995, and I was not here, let me say that, but I do not remember reading in the paper where there was any debate on the floor of the House to even give tax relief, because I believe when we passed the tax relief bill in 1997 we were the first Congress in 16 years to give the American people tax relief.

I realize today we are talking about simplifying the Tax Code. I want to compliment my friend, the gentleman from Oklahoma, because truthfully, yes, maybe we have been talking about this for 5 years, but the thing that is important, we are talking about it. Now we need to do something about it. If this effort by the gentleman from Oklahoma (Mr. LARGENT) will help us move further down the field, so to speak, so that we will reach the goalpost and we will change this tax system, that is what all this is about.

I do hope, I will say, quite frankly, in my town meetings, because in Eastern North Carolina, the biggest concern from the people that I have the privilege to represent, when I am in these town meetings what they say to me, is, Walter, go back is to Washington, get your colleagues on both sides of the political aisles to do something about this Tax Code, because it is out of control.

My own CPA, who is very qualified, tells me every year that I do my taxes, Walter, you all have to do something about this Tax Code. It is overburdening and it needs to be simplified.

Mr. Speaker, I hope today, truthfully, as we cast our votes this afternoon, that even though this is not perfect, this is the start that we need I think to force the Congress in the future to do something about this tax system and to make it simpler.

Quite frankly, I have written to Governor George Bush and I will encourage AL GORE to please do something to help the American people and simplify this tax system, and to debate the issue this fall.

Mr. LARGENT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Mr. Speaker, I thank the gentleman for yielding time to me. I am honored to be here. I had with me just a few moments ago a couple of little exhibits I was going to take with me to the podium, but they had to go back to the gallery to their mother. They are from my home county, 4 years old and 6 years old. It is really for youngsters like them that we need to really look at this Code.

I think they would tell me, if they could understand, that they need a date certain Tax Code for this House to do something. That is not putting them under the gun too much. I will tell Members what it does, it tells us that we need to go out and come in again with a Code. The sensible part of it is that we are not going out before we come in.

The provisions are that we have to come in with a bill, a sensible bill to take the place of the Code before the Code goes out. I really do not see anything pressing about that. It simply says to us, get about your work now, and do not wait until the last day and rush in there and try to get it done.

I think it also knocks out estate tax, capital gains taxes, a lot of things that a lot of people want to knock out, but they are waiting to put it with something that is more desperate or tougher to pass. We will get a chance to get rid of those two things now, too.

A lot of us have signed onto one or both of the bills. I do not care what bill comes down the line, I think I am a coauthor on it. We need a change. That is not to say that everything about the present Code is bad or everybody that works for the IRS is bad. There are a lot of good people with the Treasury Department, and a lot of them are embarrassed about the actions of some in the Treasury Department.

I would just say, we need to go out and come back in again. When I say go out, I am talking about go out into the countryside, go out into the district, talk to Republicans, Democrats, talk to anyone in any occupation and ask them, would you like to have a new Tax Code? Do you like the Tax Code you are operating under?

I think that little 2-year-old and little 4-year-old and 6-year-old that were here that I was going to use as exhibits, I think they would tell us 10 out of 10, yes, we need a new Code. That Code was brought in when our grandfather was not even born. We need a new Code.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, I thank the gentleman from New York for yielding time to me.

Mr. Speaker, it is interesting to come to Washington and hear a sales tax is going to be the tax panacea and give us fairness and simplicity. Because before I came here, I spent 6 years running the largest sales tax agency in the country. Let me tell the Members, sales tax laws have the same kind of special interest provisions that we come across in the Internal Revenue Code.

Sales tax laws can affect what we do and what our behavior is, and let me give one example. We would need a 60 percent sales tax rate in order to replace existing Federal taxes. There is much debate on the floor today as to whether that rate would apply to those purchases made over the Internet. Who is going to buy a sweater or a television set at the local mall if it is 60 percent cheaper online? So we may have a sales tax code designed to take the Federal government out of involvement in private decisions leading to closing every mall in America. That is a significant private effect.

Finally, we are told that the sales tax, the national sales tax, would be fair. What is fair about a law that says that Steve Forbes can go make a $10 million profit, invest it all in a villa on the Italian Riviera, and not pay a single penny in American taxes?

Mr. Speaker, this bill pretends to impose a deadline, but it is really just a show line, because in Washington whenever we do not want to do anything at all, we appoint a commission. The commission will come back in several years, tell us what we already know, that it would take a 60 percent sales tax rate to replace existing taxes, and then that commission's report would be thrown away and the existing code would be reenacted.

Let us have real reform, Code section by Code section.

Mr. LARGENT. Mr. Speaker, I reserve the balance of my time to close.

Mr. RANGEL. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I think the discussion has been good and healthy, especially during this time of the year, when American taxpayers recognize the complexity of the Code.

One of the previous speakers from the other side said for the last 5 years all we have done is talk about changing the Code. I would like to believe that if they are in the majority and in charge of the tax-writing committee, that instead of talking about changing the Code, they would have changed the Code, if they had the votes to do it.

On the other hand, I think the most frightening thing about this argument is what do we replace it with. No matter how much we complain about the complexity and the unfairness and the inequity of the Code, I do not think that any American would support just changing the Code until they fully understood what impact the new Code

would have on them in their lives. We have not the faintest idea as to what we would replace it with.

The best idea, in my opinion, that came from the other side as to what we would replace the Code with, it would be with a 15-person commission, taking it out of the hands of the Congress, having four Members appointed from the Congress and the rest of them private citizens, to come back to the Congress to tell the American people what the new Code should be. I do not think that is right. Commissioners do not get elected, we do.

It is no profile in courage on the eve of tax payment day to come here and talk about they do not like the Code. No one likes the Code in its present form. What does take courage is to say that, I am in the majority, we are proud of it, we are doing something about it, here is the new Internal Revenue Code. We ask Americans to come forward and to vote for it.

□ 1545

Now we are saying let us sunset what we are talking about. Well, at the appropriate time, what I hope to do is to say that if we do have this new code, maybe in the motion to recommit we might be willing to consider just a question of making the code equitable, making it fair, making certain we do not tax prescription drugs, that we do not hurt people in terms of the deduction of mortgage interest. At least send some signal as to what is being talked about.

There are a half a dozen bills over there. The commission has not even gotten up to what my dear friend, the gentleman from Ohio (Mr. PORTMAN), is talking about. We do not know who is going to be on that commission, and I think that is going to be very, very important before we determine what we are doing. So I hope that we turn down this offer and support the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

Mr. LARGENT. Mr. Speaker, I yield myself the remaining time to close.

Mr. Speaker, this has been a great debate, as my friend, the gentleman from New York (Mr. RANGEL), has said. It is an important debate. This is a good time to have this debate. Many taxpayers are filing their tax returns as we speak. We have heard the numbers, 5.4 billion hours that we spend doing tax returns. That would cost somewhere around $225 billion wasted to file those tax returns.

If someone calls the IRS and they ask them a question about their tax returns, statistics show 47 percent of the time the IRS gets the answer wrong. If one fills in the blank with the answer the IRS gives them, they punish that person; they can give them a penalty and charge them interest for taxes they did not pay.

Here is a 1040–EZ form, the easiest way to file a tax return in this country. Along with it, a 32-page document explaining how to file the 1040–EZ form.

Here is an article from the Wall Street Journal, three organizations which will urge Congress later this week to simplify the tax laws. Want to know who those groups are? The American Bar Association Tax Section; the American Institute of Certified Public Accountants, Tax Division; and the Tax Executives Institute. The experts are saying, please, simplify the Tax Code.

The experts do not understand the Tax Code. How can the American people understand the Tax Code?

If anyone has listened to this debate for the last couple of hours, what they will understand is nobody is defending the current code. The left is not defending the current Tax Code. The right is not defending the current Tax Code. No one is.

In fact, one of my personal heroes talking about replacing the Tax Code says the American taxpayers deserve better than they got on tax reform. We have an outdated, complicated, unfair system that should be abolished so that we can start over. Decades of toying and tinkering at the margins have only made problems worse, and I conclude that there is only one way to fix anything and that is to replace everything, to overhaul the entire system from top to bottom. Our Tax Code has become a dense fog of incentives and inducements and penalties that distort the most basic economic decisions, constrain the free market and make it hard for Americans to run their lives. The current system is indefensible.

The speaker of those quotes: The gentleman from Missouri (Mr. GEPHARDT), the distinguished minority leader.

So with all of those people saying the Tax Code is bad and we need to replace it, why has it not been replaced?

I will freely acknowledge and confess to my friend, the gentleman from New York (Mr. RANGEL), Republicans have been in the majority for 5½ years. We have not done anything about it. We have not gotten rid of the Tax Code. We have made it worse, as he said. It has gotten heavier, more complex, with Republicans in control. What he did not say was we have been in control for 5½ years, but the Democrats were in control for 40 years and they had the same problem.

It is endemic to Democrats. It is endemic to Republicans. We have the same problem. Why are we not doing something about it? It is because we do not have to. What this bill is about is saying to Congress, what Congress so freely says to the rest of the Americans on every bill that we pass, that they have to do this by this date, we are now saying to Congress, to ourselves, confessing our own failure and not doing what the American people are begging us to do, we are going to impose a date on Congress and we are going to say we have to replace this stinking Tax Code in 4 years and 3 months from today.

I think when this bill passes this House that there will be an audible ovation around the country saying, here, here, it is about time Congress did something about the Tax Code.

Here is the bill. It is very simple. This is not a complicated bill. It is 15 pages long. If one has not read it, shame on them. We vote today. We have 4 years and 3 months before we replace the code; July 4, Independence Day, 2004, we replace the code. We get a report from a commission to do what we need to do, to look at all of the options that are out there, flat tax, consumption tax and every variety in between. Then 6 months after that the old Tax Code is gone.

Mr. Speaker, I will just conclude by saying that it is time. We need to just do it.

The SPEAKER pro tempore (Mr. LAHOOD). All time for debate has expired.

Pursuant to House Resolution 473, the previous question is ordered on the bill, as amended.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. RANGEL. Yes, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. RANGEL moves to recommit the bill H.R. 4199 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. COMPREHENSIVE REFORM OF TAX CODE.

(a) DEADLINE.—Congress shall enact a comprehensive reform of the Tax Code not later than July 4, 2004.

(b) PRINCIPLES.—Any comprehensive reform of the Tax Code shall be consistent with the following principles:

(1) Such reform shall be fiscally responsible and it shall not endanger a balanced budget nor use funds devoted to the social security system.

(2) Such reform shall be fair to all income classes.

(3) Such reform shall emphasize simplicity, thereby resulting in a Tax Code that is less complicated.

(c) CONSEQUENCES OF PENDING RETAIL SALES TAX PROPOSALS TO BE AVOIDED.—In no event shall the comprehensive reform enacted pursuant to this section include the following aspects of pending legislation proposing a retail sales tax as a replacement for the current tax code:

(1) HEALTH CARE SHOULD NOT BE JEOPARDIZED.—The imposition of a retail sales tax on prescription drugs and other health care goods and services thereby—

(A) further increasing hardships on the elderly and other individuals dealing with high drug prices,

(B) increasing the cost of nursing home care and other long-term care services,

(C) accelerating the insolvency of the medicare system by increasing the cost of goods and services reimbursed by medicare, and

(D) increasing the cost of health insurance and thereby increasing the number of uninsured.

(2) FEDERAL TAX BURDEN SHOULD NOT BE SHIFTED TO STATES.—The imposition of a retail sales tax on goods and services (including wages of government employees) purchased by State and local governments, thereby forcing State and local governments either to drastically reduce the level of services provided to their citizens or to dramatically increase State tax burdens.

(3) NATIONAL DEFENSE SHOULD NOT BE ENDANGERED.—The imposition of a retail sales tax on goods and services purchased by the Federal Government, thereby endangering the National defense by increasing the cost to the Federal Government of meeting its military needs.

(4) COSTS OF OWNING OR RENTING A HOME SHOULD NOT INCREASE.—The imposition of a retail sales tax on purchases of new homes and on rentals of apartments and other residences, thereby threatening the ability of many individuals to afford adequate housing.

(5) INTERNET SHOULD NOT BE SUBJECT TO RETAIL SALES TAX.—The imposition of a retail sales tax on Internet access.

(d) CONSEQUENCES OF PENDING FLAT TAX PROPOSALS TO BE AVOIDED.—In no event shall the comprehensive reform enacted pursuant to this section include the following aspects of pending legislation proposing a flat tax:

(1) BURDEN OF FINANCING SOCIAL SECURITY AND MEDICARE SHOULD NOT INCREASE.—An increase in the burden of the social security and medicare payroll taxes by denying employers a deduction for those taxes when none of the additional revenues raised by increasing the burden of those taxes is devoted to the social security or medicare trust funds.

(2) COSTS OF OWNING A HOME SHOULD NOT INCREASE.—The elimination of current law subsidies for home ownership by repealing the deductions for mortgage interest and real estate taxes.

(3) COSTS OF EMPLOYER-PROVIDED HEALTH CARE SHOULD NOT INCREASE.—The imposition of substantial penalties on employers who provide health care coverage for their employees, thereby increasing the number of individuals without private health insurance.

(4) BURDEN OF STATE AND LOCAL TAXATION SHOULD NOT INCREASE.—An increase in the burden of State and local taxes by denying any deduction for those taxes, including taxes paid by businesses in the ordinary course of their operations.

(5) CHARITABLE CONTRIBUTIONS SHOULD NOT BE DISCOURAGED.—The repeal all current tax incentives for charitable giving at a time when the congressional majority is increasingly attempting to shift the burden of meeting the needs of the poor and disadvantaged to private organizations.

(6) RUNAWAY PLANTS SHOULD NOT BE ENCOURAGED.—Encouraging United States corporations to move their businesses overseas by taxing their domestic operations but exempting their foreign operations from tax.

(7) TAX BURDENS ON FARMERS AND SMALL BUSINESSES SHOULD NOT INCREASE.—A dramatic increase in the tax burden on family farms and small businesses that rely on debt financing or have substantial amounts of currently depreciable assets by repealing the deduction for interest and eliminating depreciation deductions for existing assets.

(e) REGRESSIVITY OF PENDING FLAT TAX PROPOSALS AND RETAIL SALES TAX PROPOSALS TO BE AVOIDED.—In no event shall the comprehensive reform enacted pursuant to this section include the substantial and regressive shift of the burden of Federal taxation as under pending flat tax and retail sales tax proposals.

Mr. PORTMAN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RANGEL. Mr. Speaker, I object.

The SPEAKER pro tempore. The Clerk will continue reading the motion to recommit.

The Clerk continued reading the motion to recommit.

PARLIAMENTARY INQUIRY

Mr. THOMAS (during the reading). Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from California will state his parliamentary inquiry.

Mr. THOMAS. Mr. Speaker, is it appropriate, since it has been objected to, dispensing with the reading, to inquire how many pages there are that will be read?

The SPEAKER pro tempore. The Clerk is about finished. The Clerk will continue reading the motion to recommit.

The Clerk continued reading the motion to recommit.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. RANGEL) is recognized for 5 minutes on his motion to recommit.

Mr. RANGEL. Mr. Speaker, I yield to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I urge everyone to vote for this motion to recommit, on the basis of a letter which we got from the Tax Executive Institute of the United States. It is all the corporate executives of the country who said these proposals reflect either a misapprehension of the importance of certainty and predictability to business enterprise and individuals or a disregard for the consequences of terminating the tax structure. They illustrate the folly of making tax policy by sound bite and should be rejected.

Former directors of the Internal Revenue Service, both Republicans and Democrats, wrote that this approach does not meet the standards of reasoned and responsible legislation. Now, if it were for only one issue here, I would say that was why we should go back to the committee and add at least one protection for health care. Companies can deduct right now what they spend on health care for their employees. They would lose that here because that is part of the income Tax Code. So that means there would be no incentive for any major company in my district or anybody else's to provide health insurance.

Also, individuals would lose the tax deductibility of what they purchased so they would not only lose it from their employer but they would lose it on an individual basis. Then when they went out and paid for it, they would have to pay a sales tax on not only the policy they bought but everything that they bought in the process of having their health care taken care of, including prescription drugs.

Yesterday everybody was walking in here saying that the Republicans have come out with their principles about how to provide a prescription drug benefit for the senior citizens in this country who on average spend $2,500 out-of-pocket paying for pharmaceuticals. Now I guess it makes sense to the Republicans to come out here and propose that they are going to slap a $250 tax on every senior citizen when they buy their drugs. Vote for the motion.

□ 1600

Mr. RANGEL. Mr. Speaker, the majority party clearly has shown their unity on the question of sunsetting and polishing the Internal Revenue Code at some time in the future, 2004. I guess that is pretty courageous to say on the eve of April 15 that they want to get rid of this code.

We do not know whether they have enough votes to come back with something before we get out of session. We have not the slightest clue as to what they would replace it with.

So we are saying this, if they are going to overwhelm us with their votes and abolish the code, we ask them to support the motion to recommit at least to put some protections in it for the taxpayer for the American people; that it be fiscally responsible; that whatever they come up with, that it is fair; that it be certainly more simple than the code that they are trying to replace; that they not pick up some of these ideas that are floating in their side about taxing prescription drugs; that they do not make home purchasing more difficult by eliminating the deduction of mortgage interest. For God's sake, do not hurt charitable giving by removing the deductibility. Do not hurt our schools, our churches, our synagogues and our mosques.

We do have a pretty progressive tax system. From what I have heard with some of the things that are being considered on the other side, it might be a little too difficult for the working poor.

We also are asking in the motion to recommit that our colleagues do not

restructure the tax system so that they are shifting the burden to local and State governments because they have enough.

Our concern also deals with the Internet with the structuring of some of the recommendations they are making that would put a 60 percent increase in the sales tax on the Internet. Well, we do not know where they are going, and they do not either. All we know is that they want to get rid of the code as we see it.

Maybe if we are lucky, we can get someone of the caliber of the gentleman from Ohio (Mr. PORTMAN) to sit on this 15-person commission. Other than that, I do not know who even would be on the commission to come and tell us what we should be doing. If they do a good enough job, maybe we do not even need the Committee on Ways and Means. If that works for the tax-writing committee, maybe we can get a commission for the Committee on Appropriations and a commission for the Committee on Commerce.

I know we have not done much work around here in the last couple of years, but I hate to see the day that we just set up commissions to do our legislative work. But I support the motion to recommit, Mr. Speaker.

The SPEAKER pro tempore (Mr. LAHOOD). Does the gentleman from Ohio (Mr. PORTMAN) claim the time in opposition?

Mr. PORTMAN. Mr. Speaker, I am claiming the time.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. PORTMAN) is recognized for 5 minutes.

Mr. PORTMAN. Mr. Speaker, I yield to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Ohio and fellow member of the Committee on Ways and Means for the yielding to me.

Mr. Speaker, we have heard from the gentleman from New York (Mr. RANGEL) a typical lament that is really based in the realm of political science fiction, because typical of the motions to recommit, it basically says, golly, gee, there really should be some tax reform. But rather than commit to it, we will throw out a variety of ideas, a grab bag for you and say that, oh, yeah, us, too. We really want to see reform in the code. But not now.

The gentleman from New York laments what he says is a lack of cooperation and communication between the sides of the Committee on Ways and Means. Yet, in this tax summit, when the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader, was invited to offer his plan for a 10 percent code, he declined. How can we have honest communication?

Reject the motion to recommit. Vote for the bill.

Mr. PORTMAN. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. TAUZIN), champion on this issue.

Mr. TAUZIN. Mr. Speaker, I thank the gentleman from Ohio for yielding to me.

Mr. Speaker, this motion to recommit takes away the sunset. It says we are going to keep this good old income Tax Code a lot longer. Maybe if we come up with a new one, we will get rid of it one day.

The bill sets the sunset. It says this income Tax Code that ravages Americans ought to go. We ought to pull it out by its roots so it does not grow back again. We ought to come up with a simple, clean, decent one for Americans again.

Mr. Speaker, the power to tax is the power to destroy. My colleagues ought to think about what this current code does. It punishes one for earning income, for saving, for investing, for giving things to one's kids in life through the gift tax and for giving things to them when one dies through the death tax.

It even punishes one when one buys American-made products. According to the Harvard study, it adds 25 percent to the cost of everything we make and consume in America.

It taxes one coming. It taxes one going. It taxes one when one earns income and when one spends it. We ought to get rid of it. This bill gets rid of it.

This motion to recommit says let us keep it. If my colleagues want to keep it, vote for the recommit. If they want to get rid of it, vote against the motion to recommit.

Mr. PORTMAN. Mr. Speaker, I am now reading the Democrat motion to recommit, and it is interesting. It lays out a set of principles. I, frankly, do not think it is inconsistent with the underlying bill. But it does not get the job done.

It does not do anything to force this Congress and this administration to come to grips with this problem. It does not sunset the code. It does not set up a commission. It does not say that we have to deal with this problem.

Now, if we are not going to come to grips with it, if we are not going to begin the process of getting rid of an overly complex, overly burdensome, overly intrusive Internal Revenue Code, then we are not serving our constituents.

This is a good bill. What this bill that the gentleman from Oklahoma (Mr. LARGENT) put together does is very simple. It does say, over a 4-year period of time, we ought to sunset the code. In the meantime, though, we are going to put together a bipartisan, bicameral commission that forces the administration to work with Congress to come up with analyses of the various proposals out there, allow some public education on this issue, go out among the people, yes, bring in outside expertise, not rely on Congress to provide every answer. We do not have a monopoly on all the good answers. Then come back and report to Congress, after 18 months, as to what they have learned.

Congress then does its work, and the Committee on Ways and Means and the finance committee in this House does its work, and the elected Representatives make the decision. But this is responsible.

Then, very importantly, if Congress still cannot come to grips with this issue, cannot do what is right for the American people, then the legislation says specifically that Congress must vote to reauthorize the existing Tax Code. There is no uncertainty here.

I have heard speakers come up and say this creates great uncertainty. This does not create great uncertainty. What it creates is a great potential for us to move this country forward on an issue that is absolutely essential to the well-being of our constituents and to the prosperity of this country in the 21st Century.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. PORTMAN. I yield to the gentleman from California.

Mr. THOMAS. Mr. Speaker, we heard the gentleman from New York (Mr. RANGEL). I congratulate the gentleman from Ohio (Mr. PORTMAN) on his knowledge and his wisdom in the area.

Mr. PORTMAN. Do not hold that against me.

Mr. THOMAS. Mr. Speaker, given that fact that I agree with it, is the gentleman from Ohio for or against the motion to recommit?

Mr. PORTMAN. Mr. Speaker, reclaiming my time, I am glad the gentleman from California asked. I urge my colleagues to vote ''no'' on the motion to recommit because it does not get the job done, as well meaning as it might be, and to support, strongly support, on a bipartisan basis the responsible legislation this year, which establishes the ability for us to actually move forward on this issue that we talk and talk and talk about and deliver for our constituents and the American people.

Vote ''no'' on the motion to recommit. Vote ''yes'' on the underlying bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am in total agreement that the IRS tax code is confusing. In fact, I affirm making the tax code more understandable for average Americans. I even hope to address outdated tax issues such as the telephone excise tax adopted a century ago to help fund the Spanish American War in 1898 and re-imposed during World War I, which is still with us today.

However, this bill is another attempt by the Republicans to enact irresponsible legislation. The notion that Congress should abolish most of the tax code by December 31, 2004 is not in the best interest of America's hard working families. The Republicans are offering this bill with no viable alternative to the tax code in place.

The notion that we can enact legislation essentially eliminating the tax code without a well-reasoned alternative is a violation of the public trust. This measure is nothing more than another election year ploy designed by the Republicans around tax time. This is nothing more than a tax gift to the special interests that would like nothing more than to scrap the tax code. The termination of the tax code has become a top priority of the Republican agenda. To vote for this bill without coming forward with a credible alternative to finance our government's operations is playing our nation's taxpayers for fools.

The most glaring aspect of this measure is the fact the if we pass a bill which terminates the tax code between now and December 21, 2002, our entire economy will be in a state of confusion. The capital markets do not like uncertainty in our country's fiscal policy.

Our industrial and commercial sectors will not have the certainty and predictability required to have an efficient economy. If we pass this bill it is highly likely that the long period of prosperity enjoyed by our nation will soon end. How long can our economy operate without knowing what the tax consequences of their investment decisions will yield? We have come too far from the days of recession in 1991 to take actions that will threaten the hard won progress made to date.

State and local governments that issue tax-exempt municipal bonds with low interest rates to finance capital activity: If we eliminate the tax code without assuring current holders of tax-exempt municipal bonds of their tax status many Americans will be adversely affected.

What about home mortgages? The home mortgage deduction is one of the linchpins of the American dream. Without it, many moderate and low-income Americans would not be able to own their homes. The tax deductibility of home mortgages is not only a great advantage, but it also impacts the entire home builder and mortgage industry that relies on a healthy housing market.

The Scrap the Tax Code Act deserves to be scrapped itself. This bill has nothing but the interest of the wealthy who seek tax relief on the backs of our nation's workers. Let us get onto serious legislation such as gun control, strengthening Social Security and Medicare, as well as paying down the national debt. If we need to have additional hearings on improving the tax code I am in favor of looking at alternatives. Our people deserve more than election year gimmicks; they deserve serious legislators who produce meaningful legislation that puts families first. Thank you and God bless America.

Mr. POMEROY. Mr. Speaker, I rise in opposition to the Date Certain Tax Code Replacement Act.

I strongly support reforming the nation's tax code to make it fairer, simpler, and less burdensome on the American people. Unfortunately, rather than advancing a constructive tax reform measure, the leadership has proposed a political gimmick—a bill to terminate the tax code without saying what sort of system should replace it. This bill is not only the height of political cynicism, but, if enacted, it could have serious negative consequences for American families, farmers, and businesses.

Families and businesses rely on the tax treatment of certain expenditures in making their financial decisions. For example, employers budget for the health and pension benefits of their workers based on the tax deductibility of these expenses. With the uncertainty created by this legislation, however, employers might very well freeze health and retirement benefits until their tax treatment is determined. In fact, employers might even reduce benefits as a hedge against Congress deciding not to extend the tax deductibility of employee benefits. Likewise, the value of American homes would be adversely impacted as the real estate market would wait to see whether Congress would continue the mortgage interest deduction.

For farmers, the consequences would be even more severe. On the Upper Great Plains, farmers are already struggling with low market prices, adverse growing conditions, and a farm policy that includes no safety net. Even with the best financial planning and management, many farmers are finding it nearly impossible to make ends meet. Farming is, by nature, a highly risky proposition. Added uncertainty about the deductibility of interest on operating loans, equipment and land would move farming from risky to almost foolhardy.

I believe that North Dakotans want fundamental tax reform. However, they're unwilling to buy a "pig in a poke," especially when it relates to taxes. They want to see what system is being proposed as a replacement before simply terminating the code and giving a blank check to Congress.

Mr. Speaker, I urge Members to reject this legislation and to get to work on real meaningful tax reform.

Mr. UDALL of Colorado. Mr. Speaker, I've been trying to figure out just what this bill really is, and I've got it narrowed down to two choices. Either this is a belated April Fool's prank or it's the scariest thing since last Halloween.

The idea that Congress would repeal all Federal income, estate and gift and excise tax laws without a plan for how to replace them sounds like a joke. But for anybody who's trying to plan, it's not funny. How can a company decide whether to make a multi-year investment if it doesn't know what will be the basis for future tax laws? How can people decide how to invest for their retirement if they don't know what Congress might decide to do about the tax status of their investments?

If the sponsors of this bill are serious—and they are asking us to assume that they are—then they are being remarkably careless. If they aren't serious—and it's tempting to treat this as a joke—then they seem pretty irresponsible. Either way, this is not the kind of legislation that we should be debating today or any day.

But, here it is and we do have to vote. So, I will support the motion to recommit because it would at least fill in some of the blanks in the bill. It would spell out that any replacement for the income and excise tax laws has to be fiscally responsible and not endanger Social Security or Medicare. It would require that the replacement taxes emphasize simplicity and be fair to people at all income levels. And it would rule out any new federal sales taxes on prescription drugs and other health-care necessities or on home purchases and rentals. I think most Americans would agree that these are pretty basic principles that should be followed in shaping any new tax system.

In short, Mr. Speaker, while I don't think the way to go about the hard work of reform is to burn down the house in hopes of putting up something better, we should at least define "better" before we start the fire.

Mr. STARK. Mr. Speaker, I adamantly oppose H.R. 4199, a bill to sunset the current Internal Revenue Code without a replacement plan. It is completely ludicrous to bring legislation to the floor that will eliminate the only Tax Code the U.S. Government has to collect revenue and pay for entitlements and various programs. This bill suggests to the American people that in four years, the 108th Congress will come up with a plan to replace the current system, but there are no guarantees. The bill before us today is irresponsible, negligent and hypocritical.

I. IRRESPONSIBLE—NO NEED FOR A COMMISSION

Last year's failed Medicine Commission provides ample evidence that the last thing Congress needs is another commission upon which to place its responsibility.

This bill hands over the responsibility to tax U.S. income to yet another commission. Congress already has an "in-House" commission to address problems with the current Tax Code—it's called the Ways and Means Committee. But the Committee on Ways and Means didn't hold a hearing or a markup on the bill before us today. In fact, we've had hearings all week on fundamental tax reform; yet H.R. 4199 was never brought before the Committee.

It's high time the leadership stops the charade and works in a bipartisan fashion to address critical problems facing working Americans.

II. NEGLIGENT—NO REPLACEMENT PLAN

This bill neglects to offer a plan in the event that the 108th Congress doesn't actually come up with an alternative approach to current U.S. taxes.

Are we to assume that one of the recent proposals before the Ways and Means Committee will replace the current Code? I would imagine that the GOP's leading testimony on H.R. 2525, the Fair Tax Act, would be a proposal of consideration. If this is the case, then I must fiercely warn my colleagues against supporting H.R. 4199.

The Joint Committee on Taxation—a bipartisan and bicameral Congressional Committee—has concluded that the Fair Tax Act, the leading proposal at this week's Ways & Means tax hearing, will need to impose a near 60 percent tax on goods and services in the U.S. in order to remain revenue neutral. I have a chart here (see attached) to show how this will effect the price of top selling seniors' prescription drugs. Seniors are currently struggling to pay for their prescription drugs and often have to go without them. It is unfathomable that the leadership would want to scrap the current Code only to suggest that proposals as awful as the Fair Tax Act await its replacement.

The GOP has had 5 years to devise a better way to tax U.S. income. But for the past five years all they have given us is an April 15 song and dance.

III. THIS BILL IS HYPOCRITICAL AND HOLLOW

I believe the gentleman from Texas, Mr. ARMEY, is sincere about trying to obtain health

insurance for the 44 million Americans without it through a refundable tax cut credit, but we won't reach this goal by ripping out the existing tax code by its roots without replacing it first with a system of either refundable tax credits or subsidies for employer-provided health insurance.

I oppose the current tax structure with respect to the treatment of the pharmaceutical industry and I did something about it. I have introduced a couple of bills that address the unfair tax treatment given to pharmaceutical companies.

I have introduced H.R. 4089, the Save Money for Prescription Drug Research Act of 2000 to deny tax deductions to pharmaceutical firms for spending on unnecessary promotions and gifts (other than drug samples) to physicians. These drug companies currently deduct a portion of the over $11 billion spent per year on very questionable physician gifts. This bill encourages dedication of these funds for a much more important use—pharmaceutical research and development.

I have also introduced H.R. 3665, the Prescription Price Equity Act of 2000 which would deny research tax credits to pharmaceutical companies that sell their products at significantly higher prices in the U.S. as compared to their sales in other industrialized nations.

My bills accomplish something. My bills address the fact that drug company profits are over three times greater than the average profits of all other U.S. industries while U.S. seniors spend more money on medications than seniors in other parts of the world.

We must have a tax plan in place to ensure that our seniors will receive affordable prescription drugs and that the uninsured have access to health care before we hastily scrap our current Tax Code.

I urge my colleagues to oppose H.R. 4199, the Date Certain Tax Replacement Act and support the motion to recommit.

REPUBLICAN TAX PROPOSALS WILL MAKE YOU SICK

Top selling seniors' prescription drugs	Manufacturer	Use	Average retail price for uninsured seniors	Retail price after Linder-Peterson tax [1]	Retail price after Fair Tax Act of 1999 [2]
Zocor	Merck	Cholesterol	$107.66	$139.96	$172.26
Norvasc	Pfizer, Inc	High Blood Pressure	118.96	154.65	190.34
Prilosec	Astra/Merck	Ulcers	117.56	152.83	188.10
Procardia XL	Pfizer, Inc	Heart Problems	133.22	173.19	213.15
Zoloft	Pfizer, Inc	Depression	223.61	290.69	357.78

[1] Reps. Linder and Collin Peterson's proposal will impose a 30% national retail sales tax.

[2] According to the Joint Committee on Taxation, the Fair Tax Act of 1999 would require a 59.5% sales tax rate to be revenue neutral over five years. We assume this would cause a 60% increase in prices to consumers.

Note.—Chart lists drug prices in common dosage, form, and package sizes.

Mr. BEREUTER. Mr. Speaker, this Member opposes H.R. 4199, the Tax Code Termination Act.

Before going into the reasoning behind this opposition, this Member would like to preface his comments by the following statement. This Member unequivocally believes that substantial but very careful reform is needed for the U.S. tax code. Examples abound of inefficiencies and counterproductive elements of the Internal Revenue Code as it operates today. However, this Member opposes H.R. 4199 for the following four reasons:

(1) This Member does not think that we should delay decision-making as H.R. 4199 provides. We need to decide today's issues today and not defer them to tomorrow.

(2) H.R. 4199 fails for its lack of precision. H.R. 4199 would sunset the current tax code effective December 31, 2004. It is certainly not legislatively, statutorily wise to decide to eliminate the tax code without determining a revenue alternative to replace it with. If such major action should be taken as contemplated by H.R. 4199, a precise alternative Federal tax system needs to be simultaneously decided.

(3) This Member does not support this legislation because it could dramatically discourage investment and cause economic chaos as investors are faced with great uncertainty. If H.R. 4199 is passed, Americans will be in a state of great confusion and apprehension until a replacement tax code is enacted, which could be as late as July 4, 2004. Members of the House need to really consider the decisions that would face businesses and their constituents in this environment of uncertainty. For example, can a corporation make a prudent investment decision if they do not know what the tax consequences of that decision will be just a few years hence? No, they cannot. Will investors continue to be as ready to buy tax-exempt bonds if they are not sure whether this tax exempt status will continue? No, they will not.

Another example of the potentially very negative effects of H.R. 4199 relates to the mortgage interest deduction. A young family which desires to purchase a home for the first time will not know if they can count on a mortgage interest deduction in the future if H.R. 4199 is passed. In fact, this uncertainty may be enough to deter someone from purchasing a house until a replacement tax code is in place.

(4) H.R. 4199 would have a negative effect on state and local entities. The tax benefits, for example, of the investors in public bonds would be negatively affected by the uncertainty created by H.R. 4199. Certainly, local school districts could be adversely affected, along with most other varieties of local governmental bodies.

Mr. Speaker, for these four reasons, just briefly described, this Member must oppose H.R. 4199. We need a fundamental re-examination of America's Federal tax code and it should begin now, but rash action like H.R. 4199 is most assuredly not the way to proceed. Its enactment would have a chilling effect upon our economy and cause greater difficulty in public and private decision-making. All that is lacking to begin such a comprehensive review and reform of our Federal system of taxation is the will or commitment to begin and the organizational and legislative skills to implement such changes. With such a narrow majority in this House, it will also take bipartisan cooperation and good will.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. RANGEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The Chair will reduce to 5 minutes the time for electronic voting on final passage.

The vote was taken by electronic device, and there were—yeas 191, nays 228, not voting 15, as follows:

[Roll No. 126]

YEAS—191

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Minge
Mink
Moakley
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez

Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Weygand
Wise
Woolsey
Wu
Wynn

NAYS—228

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Morella
Murtha
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOT VOTING—15

Bliley
Borski
Callahan
Clay
Cook
Evans
Hilliard
Houghton
Miller, George
Myrick
Quinn
Serrano
Stark
Wexler
Young (FL)

□ 1630

Messrs. BILIRAKIS, GANSKE, SHERWOOD, CAMP, BEREUTER, WATKINS, MCINTYRE, and WHITFIELD changed their vote from ''yea'' to ''nay.''

Ms. RIVERS, and Messrs. KIND, BARRETT of Wisconsin, GREEN of Texas, and GEPHARDT, Ms. DELAURO, and Messrs. FATTAH, LARSON, SHERMAN, BERMAN, Ms. SLAUGHTER, and Messrs. LIPINSKI, OWENS, TAYLOR of Mississippi, and GORDON changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. LARGENT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 229, nays 187, not voting 18, as follows:

[Roll No. 127]

YEAS—229

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moran (KS)
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NAYS—187

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Boehlert
Bonior
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stenholm
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman

Weiner	Wise	Wu
Weygand	Woolsey	Wynn

NOT VOTING—18

Bishop	Evans	Owens
Bliley	Hilliard	Quinn
Borski	Houghton	Sandlin
Callahan	Lazio	Stark
Clay	Miller, George	Wexler
Cook	Myrick	Young (FL)

□ 1638

Mr. WOLF and Mr. LEACH changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BISHOP. Mr. Speaker, on rollcall No. 127, I was unavoidably detained and unable to be present for the vote. Had I been present, I would have voted "yea."

Mr. SANDLIN. Mr. Speaker, on rollcall No. 127 I inserted my card in the voting machine and voted "aye". The board was closing and the vote did not register. Had I been present, I would have voted "yes."

Stated against:

Mr. OWENS. Mr. Speaker, I was unavoidably absent on a matter of critical importance and missed the following vote:

On H.R. 4199, to terminate the Internal Revenue Code of 1986, introduced by the gentleman from Oklahoma, Mr. LARGENT, I would have voted "nay."

PERSONAL EXPLANATION

Mr. EVANS. Mr. Speaker, I was regrettably detained this afternoon when the votes were taken on H.R. 4199. On the Motion to Recommit, I would have voted "yea." On final Passage, I would have voted "nay."

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 303. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional adjournment or recess of the Senate.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1824

Ms. KILPATRICK. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1824.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

RURAL LOCAL BROADCAST SIGNAL ACT

Mr. GOODLATTE. Mr. Speaker, pursuant to the order of the House of today, I call up the bill (H.R. 3615) to amend the Rural Electrification Act of 1936 to ensure improved access to the signals of local television stations by multichannel video providers to all households which desire such service in unserved and underserved rural areas by December 31, 2006, and ask for its immediate consideration.

The Clerk read the title of the bill.

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute considered as adopted to H.R. 3615 under the order of the House of earlier today be an amendment in the nature of a substitute that I have now placed at the desk which shall be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

Mr. STENHOLM. Mr. Speaker, reserving the right to object, I understand that this version of the substitute has been changed in section 4 from the version of the substitute approved by the Committee on Rules.

Mr. Speaker, can the gentleman from Virginia (Mr. GOODLATTE) please reassure me that cooperative lenders, such as CoBank and the National Rural Utilities Cooperative Finance Corporation, are still eligible to participate in the loan program under this bill?

Mr. GOODLATTE. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Speaker, the gentleman is correct. CFC is specifically eligible to participate under the terms of the revised bill, and CoBank is an eligible participant for loans made in accordance with the regulations of the Federal Farm Credit Administration and its governing statute.

Mr. STENHOLM. Mr. Speaker, reclaiming my time, I thank the gentleman very much for that assurance.

Mr. Speaker, I am pleased that these cooperative lenders are eligible to participate. Their demonstrated expertise, capacity, capital strength, and experience in providing financing to rural utility bars should help to make this program a success.

Mr. Speaker, I withdraw my reservation of objection.

□ 1645

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Virginia?

Mr. LARGENT. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Pursuant to the order of the House of today, the bill is considered read for amendment.

The text of H.R. 3615 is as follows:

H.R. 3615

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Rural Local Broadcast Signal Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) In 1936, most of the rural United States did not have access to electrical service enjoyed by the rest of the United States, and this lack of electrical service inhibited economic development in the rural areas of the United States.

(2) In response to this lack of service, Congress enacted the Rural Electrification Act of 1936 (also known as the Norris-Rayburn Rural Electrification Act) which established the Rural Electric Administration to ensure that all Americans have access to electrical service and to promote rural development.

(3) The program under the Rural Electrification Act of 1936 has successfully brought electricity to all parts of the rural United States and has stimulated rural development throughout the United States.

(4) In 1949, most of the rural United States did not have access to telephone service enjoyed by the rest of the United States, and this lack of electrical service inhibited economic development in the rural areas of the United States.

(5) In response to this lack of service, Congress amended the Rural Electrification Act of 1936 to assure that the rural United States has access to telecommunications services, including telephone services, distance learning, and telemedicine in order to promote rural development.

(6) The programs under these amendments have successfully brought telecommunications to all parts of the United States and has stimulated rural development throughout the United States.

(7) Public Law 93–32 amended the Rural Electrification Act of 1936 to establish a revolving fund for insured and guaranteed loans.

(8) The reorganization of the Department of Agriculture by Public Law 103–354 created the Rural Utilities Service (RUS) within the Department of Agriculture and assigned it the responsibility for administering programs of federally-guaranteed loans.

(9) The Rural Utilities Service now manages a portfolio of federally-guaranteed loans in excess of $42,000,000,000.

(10) The Rural Utilities Service has granted loans for the purpose of telecommunications services to more than 800 borrowers, including telephone and electricity cooperatives, in all States of the United States.

(11) Local television coverage is vitally important for rural development efforts.

(12) Local television programming broadcasts crop reports, local news, weather reports, public service announcements, and advertisements by local businesses, all of which are important for rural development.

(13) In today's age of modern communications, rural communities often receive the majority of their information from satellite platforms.

(14) The rest of the United States, including most of the rural United States, is not able to receive local television signals via satellite.

(15) Without access to local television signals, the development of the rural United States is greatly inhibited.

(16) Just as important public purposes were served by bringing electricity to the rural United States and then by bringing telephone service to the rural United States, so the United States would be served by ensuring that the rural United States can receive local television signals via satellite.

(17) It is in the public interest that the Rural Utilities Service of the Department of Agriculture utilize existing and new loan guarantee programs to promote rural development by ensuring that the rural United States has access to the signals of local television stations by multichannel video providers.

SEC. 3. RURAL LOCAL TELEVISION SIGNALS.

The Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) is amended by adding at the end the following:

"TITLE VI—RURAL LOCAL TELEVISION SIGNALS

"SEC. 501. DEFINITIONS.

''In this title:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Rural Utilities Service.

''(2) AFFILIATE.—The term 'affiliate' means any person or entity that controls, or is controlled by, or is under common control with, another person or entity.

''(3) BORROWER.—The term 'borrower' means any person or entity receiving a loan guarantee under this title.

''(4) COST.—

''(A) IN GENERAL.—The term 'cost' means the estimated long-term cost to the Government of a loan guarantee or modification thereof, calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays.

''(B) LOAN GUARANTEES.—For purposes of this paragraph the cost of a loan guarantee—

''(i) shall be the net present value, at the time when the guaranteed loan is disbursed, of the estimated cash flows of—

''(I) payments by the Government to cover defaults and delinquencies, interest subsidies, or other payments; and

''(II) payments to the Government, including origination and other fees, penalties, and recoveries; and

''(ii) shall include the effects of changes in loan terms resulting from the exercise by the guaranteed lender of an option included in the loan guarantee contract, or by the borrower of an option included in the guaranteed loan contract.

''(C) COST OF MODIFICATION.—The cost of the modification shall be the difference between the current estimate of the net present value of the remaining cash flows under the terms of a loan guarantee contract, and the current estimate of the net present value of the remaining cash flows under the terms of the contract, as modified.

''(D) DISCOUNT RATE.—In estimating net present value, the discount rate shall be the average interest rate on marketable Treasury securities of similar maturity to the cash flows of the guarantee for which the estimate is being made.

''(E) FISCAL YEAR ASSUMPTIONS.—When funds of a loan guarantee under this title are obligated, the estimated cost shall be based on the current assumptions, adjusted to incorporate the terms of the loan contract, for the fiscal year in which the funds are obligated.

''(5) CURRENT.—The term 'current' has the meaning given that term in section 250(c)(9) of the Balanced Budget and Emergency Deficit Control Act of 1985.

''(6) DESIGNATED MARKET AREA.—The term 'designated market area' has the meaning given that term in section 122(j) of title 17, United States Code.

''(7) LOAN GUARANTEE.—The term 'loan guarantee' means any guarantee, insurance, or other pledge with respect to the payment of all or part of the principal or interest on any debt obligation of a non-Federal borrower to the Federal Financing Bank or a non-Federal lender, but does not include the insurance of deposits, shares, or other withdrawable accounts in financial institutions.

''(8) MODIFICATION.—The term 'modification' means any Government action that alters the estimated cost of an outstanding loan guarantee (or loan guarantee commitment) from the current estimate of cash flows, including the sale of loan assets, with or without recourse, and the purchase of guaranteed loans.

''(9) COMMON TERMS.—Except as provided in paragraphs (1) through (9), any term used in this title that is defined in the Communications Act of 1934 (47 U.S.C. 151 et seq.) has the meaning given the term in that Act.

"SEC. 502. LOAN GUARANTEES.

''(a) PURPOSE.—The purpose of this title is to enable the Administrator to provide such loan guarantees as are necessary to ensure improved access to the signals of local television stations by multichannel video providers to all households which desire such service in unserved and underserved rural areas by December 31, 2006.

''(b) ASSISTANCE TO BORROWERS.—Subject to the appropriations limitation under subsection (c)(2), the Administrator may provide loan guarantees to borrowers to finance projects to provide local television broadcast signals by providers of multichannel video services including direct broadcast satellite licensees and licensees of multichannel multipoint distribution systems, to areas that do not receive local television broadcast signals over commercial for-profit direct-to-home satellite distribution systems. A borrower that receives a loan guarantee under this title may not transfer any part of the proceeds of the monies from the loans guaranteed under this program to an affiliate of the borrower.

''(c) UNDERWRITING CRITERIA; PREREQUISITES.—

''(1) IN GENERAL.—The Administrator shall administer the underwriting criteria developed under subsection (f)(1) to determine which loans are eligible for a guarantee under this title.

''(2) AUTHORITY TO MAKE LOAN GUARANTEES.—The Administrator shall be authorized to guarantee loans under this title only to the extent provided for in advance by appropriations Acts.

''(3) PREREQUISITES.—In addition to meeting the underwriting criteria under paragraph (1), a loan is not eligible for a loan guarantee under this title unless—

''(A) the loan is made to finance the acquisition, improvement, enhancement, construction, deployment, launch, or rehabilitation of the means by which local television broadcast signals will be delivered to an area not receiving such signals over commercial for-profit direct-to-home satellite distribution systems;

''(B) the proceeds of the loan will not be used for operating expenses;

''(C) the total amount of all such loans may not exceed in the aggregate $1,250,000,000;

''(D) the loan does not exceed $100,000,000, except that 1 loan under this title may exceed $100,000,000, but shall not exceed $625,000,000;

''(E) the loan bears interest and penalties which, in the Administrator's judgment, are not unreasonable, taking into consideration the prevailing interest rates and customary fees incurred under similar obligations in the private capital market; and

''(F) the Administrator determines that taking into account the practices of the private capital markets with respect to the financing of similar projects, the security of the loan is adequate.

''(4) ADDITIONAL CRITERIA.—In addition to the requirements of paragraphs (1), (2), and (3), a loan for which a guarantee is sought under this title shall meet any additional criteria promulgated under subsection (f)(1).

''(d) ADDITIONAL REQUIREMENTS.—The Administrator may not make a loan guarantee under this title unless—

''(1) repayment of the obligation is required to be made within a term of the lesser of—

''(A) 25 years from the date of its execution; or

''(B) the useful life of the primary assets used in the delivery of relevant signals;

''(2) the Administrator has been given the assurances and documentation necessary to review and approve the guaranteed loans; and

''(3) the Administrator makes a determination in writing that—

''(A) the applicant has given reasonable assurances that the assets, facilities, or equipment will be utilized economically and efficiently;

''(B) necessary and sufficient regulatory approvals, spectrum rights, and delivery permissions have been received by project participants to assure the project's ability to repay obligations under this title; and

''(C) repayment of the obligation can reasonably be expected, including the use of an appropriate combination of credit risk premiums and collateral offered by the applicant to protect the Federal Government.

''(e) APPROVAL OF NTIA REQUIRED.—

''(1) IN GENERAL.—The Administrator may not issue a loan guarantee under this title unless the National Telecommunications and Information Administration consults with the Administrator and certifies that the issuance of the loan guarantee is consistent with subsection (a).

''(2) CERTIFICATION.—The Administrator shall provide the appropriate information on each loan guarantee application recommended by the Administrator to the National Telecommunications and Information Administration for certification. The National Telecommunications and Information Administration shall make the determination required under this subsection within 90 days, without regard to the provision of chapter 5 of title 5, United States Code, and sections 10 and 11 of the Federal Advisory Committee Act (5 U.S.C. App.).

''(f) REQUIREMENTS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this title, the Administrator shall consult with an independent public accounting firm to develop underwriting criteria relating to the issuance of loan guarantees, appropriate collateral and cash flow levels for the types of loan guarantees that might be issued under this title, and such other matters as the Administrator determines appropriate.

''(2) AUTHORITY OF ADMINISTRATOR.—In lieu of or in combination with appropriations of budget authority to cover the costs of loan guarantees as required under section 504(b)(1) of the Federal Credit Reform Act of 1990, the Administrator may accept on behalf of an applicant for assistance under this title a commitment from a non-Federal source to fund in whole or in part the credit risk premiums with respect to the applicant's loan. The aggregate of appropriations of budget authority and credit risk premiums described in this paragraph with respect to a

loan guarantee may not be less than the cost of that loan guarantee.

''(3) CREDIT RISK PREMIUM AMOUNT.—The Administrator shall determine the amount required for credit risk premiums under this subsection on the basis of—

''(A) the circumstances of the applicant, including the amount of collateral offered;

''(B) the proposed schedule of loan disbursements;

''(C) the borrower's business plans for providing service;

''(D) financial commitment from the broadcast signal provider; and

''(E) any other factors the Administrator considers relevant.

''(4) PAYMENT OF PREMIUMS.—Credit risk premiums under this subsection shall be paid to an account established in the Treasury which shall accrue interest and such interest shall be retained by the account, subject to paragraph (5).

''(5) COHORTS OF LOANS.—In order to maintain sufficient balances of credit risk premiums to adequately protect the Federal Government from risk of default, while minimizing the length of time the Government retains possession of those balances, the Administrator in consultation with the Office of Management and Budget shall establish cohorts of loans. When all obligations attached to a cohort of loans have been satisfied, credit risk premiums paid for the cohort, and interest accrued thereon, which were not used to mitigate losses shall be returned to the original source on a pro rata basis.

''(g) CONDITIONS OF ASSISTANCE.—A borrower shall agree to such terms and conditions as are sufficient, in the judgment of the Administrator to ensure that, as long as any principal or interest is due and payable on such obligation, the borrower—

''(1) will maintain assets, equipment, facilities, and operations on a continuing basis;

''(2) will not make any discretionary dividend payments that reduce the ability to repay obligations incurred under this section; and

''(3) will remain sufficiently capitalized.

''(h) LIEN ON INTERESTS IN ASSETS.—Upon providing a loan guarantee to a borrower under this title, the Administrator shall have liens which shall be superior to all other liens on assets of the borrower equal to the unpaid balance of the loan subject to such guarantee.

''(i) PERFECTED INTEREST.—The Administrator and the lender shall have a perfected security interest in those assets of the borrower fully sufficient to protect the Administrator and the lender.

''(j) INSURANCE POLICIES.—In accordance with practices of private lenders, as determined by the Administrator, the borrower shall obtain, at its expense, insurance sufficient to protect the interests of the Federal Government, as determined by the Administrator.

''(k) AUTHORIZATION OF APPROPRIATIONS.—For the additional costs of the loans guaranteed under this title, including the cost of modifying the loans as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661(a)), there are authorized to be appropriated for fiscal years 2000 through 2006, such amounts as may be necessary. In addition there are authorized to be appropriated such sums as may be necessary to administer this title. Any amounts appropriated under this subsection shall remain available until expended.

''SEC. 503. ADMINISTRATION OF LOAN GUARANTEES.

''(a) APPLICATIONS.—The Administrator shall prescribe the form and contents for an application for a loan guarantee under section 502.

''(b) ASSIGNMENT OF LOAN GUARANTEES.—The holder of a loan guaranteed under this title may assign the loan guarantee in whole or in part, subject to such requirements as the Administrator may prescribe.

''(c) MODIFICATIONS.—The Administrator may approve the modification of any term or condition of a loan guarantee including the rate of interest, time of payment of interest or principal, or security requirements, if the Administrator finds in writing that—

''(1) the modification is equitable and is in the overall best interests of the United States;

''(2) consent has been obtained from the borrower and the lender;

''(3) the modification is consistent with the objective underwriting criteria developed in consultation with an independent public accounting firm under section 502(f);

''(4) the modification does not adversely affect the Federal Government's interest in the entity's assets or loan collateral;

''(5) the modification does not adversely affect the entity's ability to repay the loan; and

''(6) the National Telecommunications and Information Administration does not object to the modification on the ground that it is inconsistent with the certification under section 502(e).

''(d) PRIORITY MARKETS.—

''(1) IN GENERAL.—To the maximum extent practicable, the Administrator shall give priority to projects which serve the most underserved rural markets, as determined by the Administrator. In making prioritization determinations, the Administrator shall consider prevailing market conditions, feasibility of providing service, population, terrain, and other factors the Administrator determines appropriate.

''(2) PRIORITY RELATING TO CONSUMER COSTS AND SEPARATE TIER OF SIGNALS.—The Administrator shall give priority to projects that—

''(A) offer a separate tier of local broadcast signals; and

''(B) provide lower projected costs to consumers of such separate tier.

''(3) PERFORMANCE SCHEDULES.—Applicants for priority projects under this section shall enter into stipulated performance schedules with the Administrator.

''(4) PENALTY.—The Administrator may assess a borrower a penalty not to exceed 3 times the interest due on the guaranteed loan, if the borrower fails to meet its stipulated performance schedule. The penalty shall be paid to the account established under section 502.

''(5) LIMITATION ON CONSIDERATION OF MOST POPULATED AREAS.—The Administrator shall not provide a loan guarantee for a project that is primarily designed to serve the 40 most populated designated market areas and shall take into consideration the importance of serving rural markets that are not likely to be otherwise offered service under section 122 of title 17, United States Code, except through the loan guarantee program under this title.

''(e) COMPLIANCE.—The Administrator shall enforce compliance by an applicant and any other party to the loan guarantee for whose benefit assistance is intended, with the provisions of this title, regulations issued hereunder, and the terms and conditions of the loan guarantee, including through regular periodic inspections and audits.

''(f) COMMERCIAL VALIDITY.—For purposes of claims by any party other than the Administrator, a loan guarantee or loan guarantee commitment shall be conclusive evidence that the underlying obligation is in compliance with the provisions of the title, and that such obligation has been approved and is legal as to principal, interest, and other terms. Such a guarantee or commitment shall be valid and incontestable in the hands of a holder thereof, including the original lender or any other holder, as of the date when the Administrator granted the application therefore, except as to fraud or material misrepresentation by such holder.

''(g) DEFAULTS.—The Administrator shall prescribe regulations governing a default on a loan guaranteed under this title.

''(h) RIGHTS OF THE ADMINISTRATOR.—

''(1) SUBROGATION.—If the Administrator authorizes payment to a holder, or a holder's agent, under subsection (g) in connection with a loan guarantee made under section 502, the Administrator shall be subrogated to all of the rights of the holder with respect to the obligor under the loan.

''(2) DISPOSITION OF PROPERTY.—The Administrator may complete, recondition, reconstruct, renovate, repair, maintain, operate, rent, sell, or otherwise dispose of any property or other interests obtained under this section in a manner that maximizes taxpayer return and is consistent with the public convenience and necessity.

''(i) ACTION AGAINST OBLIGOR.—The Administrator may bring a civil action in an appropriate district court of the United States in the name of the United States or of the holder of the obligation in the event of a default on a loan guaranteed under this title. The holder of a guarantee shall make available to the Administrator all records and evidence necessary to prosecute the civil action. The Administrator may accept property in full or partial satisfaction of any sums owed as a result of default. If the Administrator receives, through the sale or other disposition of such property, an amount greater than the aggregate of—

''(1) the amount paid to the holder of a guarantee under subsection (g); and

''(2) any other cost to the United States of remedying the default, the Administrator shall pay such excess to the obligor.

''(j) BREACH OF CONDITIONS.—The Attorney General shall commence a civil action in a court of appropriate jurisdiction to enjoin any activity which the Administrator finds is in violation of this title, regulations issued hereunder, or any conditions which were duly agreed to, and to secure any other appropriate relief, including relief against any affiliate of the borrower.

''(k) ATTACHMENT.—No attachment or execution may be issued against the Administrator or any property in the control of the Administrator prior to the entry of final judgment to such effect in any State, Federal, or other court.

''(l) INVESTIGATION CHARGE AND FEES.—

''(1) APPRAISAL FEE.—The Administrator may charge and collect from an applicant a reasonable fee for appraisal for the value of the equipment or facilities for which the loan guarantee is sought, and for making necessary determinations and findings. The fee may not, in the aggregate, be more than one-half of one percent of the principal amount of the obligation. The fee imposed under this paragraph shall be used to offset the administrative costs of the program.

''(2) LOAN ORIGINATION FEE.—The Administrator may charge a loan origination fee.

''(m) ANNUAL AUDIT.—The Comptroller General of the United States shall annually

audit the administration of this title and report the results of the audit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives.

''(n) INDEMNIFICATION.—An affiliate of the borrower shall indemnify the Government for any losses it incurs as a result of—

''(1) a judgment against the borrower;

''(2) any breach by the borrower of its obligations under the loan guarantee agreement;

''(3) any violation of the provisions of this title by the borrower;

''(4) any penalties incurred by the borrower for any reason, including the violation of the stipulated performance; and

''(5) any other circumstances that the Administrator determines to be appropriate.

''(o) SUNSET.—The Administrator may not approve a loan guarantee under this title after December 31, 2006.

''SEC. 504. RETRANSMISSION OF LOCAL TELEVISION BROADCAST STATIONS.

''A borrower shall be subject to applicable rights, obligations, and limitations of title 17, United States Code. If a local broadcast station requests carriage of its signal and is located in a market not served by a satellite carrier providing service under a statutory license under section 122 of title 17, United States Code, the borrower shall carry the signal of that station without charge and shall be subject to the applicable rights, obligations, and limitations of sections 338, 614, and 615 of the Communications Act of 1934.''.

The SPEAKER pro tempore. The amendment now at the desk is adopted in lieu of the amendment printed in the bill.

The text of H.R. 3615, as amended, is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Rural Local Broadcast Signal Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.
Sec. 3. Rural television loan guarantee board.
Sec. 4. Approval of loan guarantees.
Sec. 5. Administration of loan guarantees.
Sec. 6. Prohibition on use of funds for spectrum auctions.
Sec. 7. Prohibition on use of funds by incumbent cable operators.
Sec. 8. Annual audit.
Sec. 9. Exemption from must carry requirements.
Sec. 10. Additional availability of broadcast signals in rural areas.
Sec. 11. Improved cellular service in rural areas.
Sec. 12. Technical amendment.
Sec. 13. Definitions.
Sec. 14. Authorizations of appropriations.
Sec. 15. Sunset.

SEC. 2. PURPOSE.

The purpose of this Act is to facilitate access, on a technologically neutral basis and by December 31, 2006, to signals of local television stations for households located in unserved areas and underserved areas.

SEC. 3. RURAL TELEVISION LOAN GUARANTEE BOARD.

(a) ESTABLISHMENT.—There is established the Rural Television Loan Guarantee Board (in this Act referred to as the ''Board'').

(b) MEMBERS.—

(1) IN GENERAL.—Subject to paragraph (2), the Board shall consist of the following members:

(A) The Secretary of the Treasury, or the designee of the Secretary.

(B) The Secretary of Agriculture, or the designee of the Secretary.

(C) The Secretary of Commerce, or the designee of the Secretary.

(2) REQUIREMENT AS TO DESIGNEES.—An individual may not be designated a member of the Board under paragraph (1) unless the individual is an officer of the United States pursuant to an appointment by the President, by and with the advice and consent of the Senate.

(c) FUNCTIONS OF THE BOARD.—

(1) IN GENERAL.—The Board shall determine whether or not to approve loan guarantees under this Act. The Board shall make such determinations consistent with the purpose of this Act and in accordance with this subsection and section 4 of this Act.

(2) CONSULTATION AUTHORIZED.—

(A) IN GENERAL.—In carrying out its functions under this Act, the Board shall consult with such departments and agencies of the Federal Government as the Board considers appropriate, including the Department of Commerce, the Department of Agriculture, the Department of the Treasury, the Department of Justice, the Department of the Interior, the Board of Governors of the Federal Reserve System, the Federal Communications Commission, the Federal Trade Commission, and the National Aeronautics and Space Administration.

(B) RESPONSE.—A department or agency consulted by the Board under subparagraph (A) shall provide the Board such expertise and assistance as the Board requires to carry out its functions under this Act.

(3) APPROVAL BY MAJORITY VOTE.—The determination of the Board to approve a loan guarantee under this Act shall be by a vote of a majority of the Board.

SEC. 4. APPROVAL OF LOAN GUARANTEES.

(a) AUTHORITY TO APPROVE LOAN GUARANTEES.—Subject to the provisions of this section and consistent with the purpose of this Act, the Board may approve loan guarantees under this Act.

(b) REGULATIONS.—

(1) REQUIREMENTS.—The Administrator (as defined in section 5 of this Act), under the direction of and for approval by the Board, shall prescribe regulations to implement the provisions of this Act and shall do so not later than 120 days after funds authorized to be appropriated under section 15 of this Act have been appropriated in a bill signed into law.

(2) ELEMENTS.—The regulations prescribed under paragraph (1) shall—

(A) set forth the form of any application to be submitted to the Board under this Act;

(B) set forth time periods for the review and consideration by the Board of applications to be submitted to the Board under this Act, and for any other action to be taken by the Board with respect to such applications;

(C) provide appropriate safeguards against the evasion of the provisions of this Act;

(D) set forth the circumstances in which an applicant, together with any affiliate of an applicant, shall be treated as an applicant for a loan guarantee under this Act;

(E) include requirements that appropriate parties submit to the Board any documents and assurances that are required for the administration of the provisions of this Act; and

(F) include such other provisions consistent with the purpose of this Act as the Board considers appropriate.

(3) CONSTRUCTION.—(A) Nothing in this Act shall be construed to prohibit the Board from requiring, to the extent and under circumstances considered appropriate by the Board, that affiliates of an applicant be subject to certain obligations of the applicant as a condition to the approval or maintenance of a loan guarantee under this Act.

(B) If any provision of this Act or the application of such provision to any person or entity or circumstance is held to be invalid by a court of competent jurisdiction, the remainder of this Act, or the application of such provision to such person or entity or circumstance other than those as to which it is held invalid, shall not be affected thereby.

(c) AUTHORITY LIMITED BY APPROPRIATIONS ACTS.—The Board may approve loan guarantees under this Act only to the extent provided for in advance in appropriations Acts.

(d) REQUIREMENTS AND CRITERIA APPLICABLE TO APPROVAL.—

(1) IN GENERAL.—The Board shall utilize the underwriting criteria developed under subsection (g), and any relevant information provided by the departments and agencies with which the Board consults under section 3, to determine which loans may be eligible for a loan guarantee under this Act.

(2) PREREQUISITES.—In addition to meeting the underwriting criteria under paragraph (1), a loan may not be guaranteed under this Act unless—

(A) the loan is made to finance the acquisition, improvement, enhancement, construction, deployment, launch, or rehabilitation of the means by which local television broadcast signals will be delivered principally to an unserved area or an underserved area (or both);

(B) the proceeds of the loan will not be used for operating, advertising, or promotion expenses;

(C) the proposed project, as determined by the National Telecommunications and Information Administration, is not likely to have a substantial adverse impact on competition that outweighs the benefits of improving access to the signals of a local television station in an unserved area or an underserved area (or both), and is commercially viable;

(D) the loan is provided by—

(i) an insured depository institution (as that term is defined in section 3 of the Federal Deposit Insurance Act) that is acceptable to the Board;

(ii) a lender that is acceptable to the Board, and—

(I) has not fewer than one issue of outstanding debt that is related within the highest three rating categories of a nationally recognized statistical rating agency; or

(II) has provided financing to entities with outstanding debt from the Rural Utilities Service and which possess, in the judgment of the Board, the expertise, capacity, and capital strength to provide financing pursuant to this Act; or

(iii) a nonprofit corporation, including the National Rural Utilities Cooperative Finance Corporation, engaged primarily in commercial lending, if the Board determines that such nonprofit corporation has one or more issues of outstanding long-term debt that is rated within the highest 3 rating categories of a nationally recognized statistical rating organization, and, if the Board determines that the making of the loan by such nonprofit corporation will cause a decline in the debt rating mentioned above, the Board at its discretion may disapprove the loan guarantee on this basis;

(E) the loan (including Other Debt as defined in subsection (f)(2)(B)) is not provided by a lender that is a governmental entity, the Federal Agricultural Mortgage Corporation, any institution supervised by the Office

of Federal Housing Enterprise Oversight, the Federal Housing Finance Board, or any affiliate of any such entity;

(F) the loan has terms, in the judgment of the Board, that are consistent in material respects with the terms of similar obligations in the private capital market;

(G) repayment of the loan is required to be made within a term of the lesser of—

(i) 25 years from the date of the execution of the loan; or

(ii) the economically useful life, as determined by the Board or in consultation with persons or entities deemed appropriate by the Board, of the primary assets to be used in the delivery of the signals concerned; and

(H) the loan meets any additional criteria developed under subsection (g).

(3) PROTECTION OF UNITED STATES FINANCIAL INTERESTS.—The Board may not approve the guarantee of a loan under this Act unless—

(A) the Board has been given documentation, assurances, and access to information, persons, and entities necessary, as determined by the Board, to address issues relevant to the review of the loan by the Board for purposes of this Act; and

(B) the Board makes a determination in writing that—

(i) to the best of its knowledge upon due inquiry, the assets, facilities, or equipment covered by the loan will be utilized economically and efficiently;

(ii) the terms, conditions, security, and schedule and amount of repayments of principal and the payment of interest with respect to the loan protect the financial interests of the United States and are reasonable;

(iii) to the extent possible, the value of collateral provided by an applicant is at least equal to the unpaid balance of the loan amount covered by the loan guarantee (the ''Amount'' for purposes of this clause); and if the value of collateral provided by an applicant is less than the Amount, the additional required collateral is provided by any affiliate of the applicant; and if the combined value of collateral provided by an applicant and any affiliate is not at least equal to the Amount, the collateral from such affiliate represents all of such affiliate's assets;

(iv) all necessary and required regulatory and other approvals, spectrum rights, and delivery permissions have been received for the loan, the project under the loan, and the Other Debt, if any, under subsection (f)(2)(B);

(v) the loan would not be available on reasonable terms and conditions without a loan guarantee under this Act; and

(vi) repayment of the loan can reasonably be expected.

(e) CONSIDERATIONS.—

(1) TYPE OF MARKET.—

(A) PRIORITY CONSIDERATIONS.—To the maximum extent practicable, the Board shall give priority in the approval of loan guarantees under this Act in the following order: First, to projects that will serve the greatest number of households in unserved areas and the number of States (including noncontiguous States); and second, to projects that will serve the greatest number of households in underserved areas. In each instance, the Board shall consider the project's estimated cost per household to be served.

(B) PROHIBITION.—The Board may not approve a loan guarantee under this Act for a project that is designed primarily to serve 1 or more of the 40 most populated designated market areas (as that term is defined in section 122(j) of title 17, United States Code).

(2) OTHER CONSIDERATIONS.—The Board shall consider other factors, which shall include projects that would—

(A) offer a separate tier of local broadcast signals;

(B) provide lower projected costs to consumers of such separate tier; and

(C) enable the delivery of local broadcast signals consistent with the purpose of this Act by a means reasonably compatible with existing systems or devices predominantly in use.

(f) GUARANTEE LIMITS.—

(1) LIMITATION ON AGGREGATE VALUE OF LOANS.—The aggregate value of all loans for which loan guarantees are issued under this Act (including the unguaranteed portion of loans issued under paragraph (2)(A)) and Other Debt under paragraph (2)(B) may not exceed $1,250,000,000.

(2) GUARANTEE LEVEL.—A loan guarantee issued under this Act—

(A) may not exceed an amount equal to 80 percent of a loan meeting in its entirety the requirements of subsection (d)(2)(A). If only a portion of a loan meets the requirements of that subsection, the Board shall determine that percentage of the loan meeting such requirements (the ''applicable portion'') and may issue a loan guarantee in an amount not exceeding 80 percent of the applicable portion; or

(B) may, as to a loan meeting in its entirety the requirements of subsection (d)(2)(A), cover the amount of such loan only if that loan is for an amount not exceeding 80 percent of the total debt financing for the project, and other debt financing (also meeting in its entirety the requirements of subsection (d)(2)(A)) from the same source for a total amount not less than 20 percent of the total debt financing for the project (''Other Debt'') has been approved.

(g) UNDERWRITING CRITERIA.—Within the period provided for under subsection (b)(1), the Board shall, in consultation with the Director of the Office of Management and Budget and an independent public accounting firm, develop underwriting criteria relating to the guarantee of loans that are consistent with the purpose of this Act, including appropriate collateral and cash flow levels for loans guaranteed under this Act, and such other matters as the Board considers appropriate.

(h) CREDIT RISK PREMIUMS.—

(1) ESTABLISHMENT AND ACCEPTANCE.—The Board may establish and approve the acceptance of credit risk premiums with respect to a loan guarantee under this Act in order to cover the cost, as determined under section 504(b)(1) of the Federal Credit Reform Act of 1990, of the loan guarantee. To the extent that appropriations of budget authority are insufficient to cover the cost, as so determined, of a loan guarantee under this Act, credit risk premiums shall be accepted from a non-Federal source under this subsection on behalf of the applicant for the loan guarantee.

(2) CREDIT RISK PREMIUM AMOUNT.—

(A) IN GENERAL.—The Board shall determine the amount of any credit risk premium to be accepted with respect to a loan guarantee under this Act on the basis of—

(i) the financial and economic circumstances of the applicant for the loan guarantee, including the amount of collateral offered;

(ii) the proposed schedule of loan disbursements;

(iii) the business plans of the applicant for providing service;

(iv) any financial commitment from a broadcast signal provider; and

(v) the concurrence of the Director of the Office of Management and Budget as to the amount of the credit risk premium.

(B) PROPORTIONALITY.—To the extent that appropriations of budget authority are sufficient to cover the cost, as determined under section 504(b)(1) of the Federal Credit Reform Act of 1990, of loan guarantees under this Act, the credit risk premium with respect to each loan guarantee shall be reduced proportionately.

(C) PAYMENT OF PREMIUMS.—Credit risk premiums under this subsection shall be paid to an account (the ''Escrow Account'') established in the Treasury which shall accrue interest and such interest shall be retained by the account, subject to subparagraph (D).

(D) DEDUCTIONS FROM ESCROW ACCOUNT.—If a default occurs with respect to any loan guaranteed under this Act and the default is not cured in accordance with the terms of the underlying loan or loan guarantee agreement, the Administrator, in accordance with subsections (h) and (i) of section 5 of this Act, shall liquidate, or shall cause to be liquidated, all assets collateralizing such loan as to which it has a lien or security interest. Any shortfall between the proceeds of the liquidation net of costs and expenses relating to the liquidation, and the guarantee amount paid pursuant to this Act shall be deducted from funds in the Escrow Account and credited to the Administrator for payment of such shortfall. At such time as determined under subsection (d)(2)(G) when all loans guaranteed under this Act have been repaid or otherwise satisfied in accordance with this Act and the regulations promulgated hereunder, remaining funds in the Escrow Account, if any, shall be refunded, on a pro rata basis, to applicants whose loans guaranteed under this Act were not in default, or where any default was cured in accordance with the terms of the underlying loan or loan guarantee agreement.

(i) JUDICIAL REVIEW.—The decision of the Board to approve or disapprove the making of a loan guarantee under this Act shall not be subject to judicial review.

SEC. 5. ADMINISTRATION OF LOAN GUARANTEES.

(a) IN GENERAL.—The Administrator of the Rural Utilities Service (in this Act referred to as the ''Administrator'') shall issue and otherwise administer loan guarantees that have been approved by the Board in accordance with sections 3 and 4 of this Act.

(b) SECURITY FOR PROTECTION OF UNITED STATES FINANCIAL INTERESTS.—

(1) TERMS AND CONDITIONS.—An applicant shall agree to such terms and conditions as are satisfactory, in the judgment of the Board, to ensure that, as long as any principal or interest is due and payable on a loan guaranteed under this Act, the applicant—

(A) shall maintain assets, equipment, facilities, and operations on a continuing basis;

(B) shall not make any discretionary dividend payments that impair its ability to repay obligations guaranteed under this Act;

(C) shall remain sufficiently capitalized; and

(D) shall submit to, and cooperate fully with, any audit of the applicant under section 8(a)(2) of this Act.

(2) COLLATERAL.—

(A) EXISTENCE OF ADEQUATE COLLATERAL.—An applicant shall provide the Board such documentation as is necessary, in the judgment of the Board, to provide satisfactory evidence that appropriate and adequate collateral secures a loan guaranteed under this Act.

(B) FORM OF COLLATERAL.—Collateral required by subparagraph (A) shall consist solely of assets of the applicant, any affiliate of the applicant, or both (whichever the

Board considers appropriate), including primary assets to be used in the delivery of signals for which the loan is guaranteed.

(C) REVIEW OF VALUATION.—The value of collateral securing a loan guaranteed under this Act may be reviewed by the Board, and may be adjusted downward by the Board if the Board reasonably believes such adjustment is appropriate.

(3) LIEN ON INTERESTS IN ASSETS.—Upon the Board's approval of a loan guarantee under this Act, the Administrator shall have liens on assets securing the loan, which shall be superior to all other liens on such assets, and the value of the assets (based on a determination satisfactory to the Board) subject to the liens shall be at least equal to the unpaid balance of the loan amount covered by the loan guarantee, or that value approved by the Board under section 4(d)(3)(B)(iii) of this Act.

(4) PERFECTED SECURITY INTEREST.—With respect to a loan guaranteed under this Act, the Administrator and the lender shall have a perfected security interest in assets securing the loan that are fully sufficient to protect the financial interests of the United States and the lender.

(5) INSURANCE.—In accordance with practices in the private capital market, as determined by the Board, the applicant for a loan guarantee under this Act shall obtain, at its expense, insurance sufficient to protect the financial interests of the United States, as determined by the Board.

(c) ASSIGNMENT OF LOAN GUARANTEES.—The holder of a loan guarantee under this Act may assign the loan guaranteed under this Act in whole or in part, subject to such requirements as the Board may prescribe.

(d) MODIFICATION.—The Board may approve the modification of any term or condition of a loan guarantee or a loan guaranteed under this Act, including the rate of interest, time of payment of principal or interest, or security requirements only if—

(1) the modification is consistent with the financial interests of the United States;

(2) consent has been obtained from the parties to the loan agreement;

(3) the modification is consistent with the underwriting criteria developed under section 4(g) of this Act;

(4) the modification does not adversely affect the interest of the Federal Government in the assets or collateral of the applicant;

(5) the modification does not adversely affect the ability of the applicant to repay the loan; and

(6) the National Telecommunications and Information Administration has been consulted by the Board regarding the modification.

(e) PERFORMANCE SCHEDULES.—

(1) PERFORMANCE SCHEDULES.—An applicant for a loan guarantee under this Act for a project covered by section 4(e)(1) of this Act shall enter into stipulated performance schedules with the Administrator with respect to the signals to be provided through the project.

(2) PENALTY.—The Administrator may assess against and collect from an applicant described in paragraph (1) a penalty not to exceed 3 times the interest due on the guaranteed loan of the applicant under this Act if the applicant fails to meet its stipulated performance schedule under that paragraph.

(f) COMPLIANCE.—The Administrator, in cooperation with the Board and as the regulations of the Board may provide, shall enforce compliance by an applicant, and any other party to a loan guarantee for whose benefit assistance under this Act is intended, with the provisions of this Act, any regulations under this Act, and the terms and conditions of the loan guarantee, including through the submittal of such reports and documents as the Board may require in regulations prescribed by the Board and through regular periodic inspections and audits.

(g) COMMERCIAL VALIDITY.—A loan guarantee under this Act shall be incontestable—

(1) in the hands of an applicant on whose behalf the loan guarantee is made, unless the applicant engaged in fraud or misrepresentation in securing the loan guarantee; and

(2) as to any person or entity (or their respective successor in interest) who makes or contracts to make a loan to the applicant for the loan guarantee in reliance thereon, unless such person or entity (or respective successor in interest) engaged in fraud or misrepresentation in making or contracting to make such loan.

(h) DEFAULTS.—The Board shall prescribe regulations governing defaults on loans guaranteed under this Act, including the administration of the payment of guaranteed amounts upon default.

(i) RECOVERY OF PAYMENTS.—

(1) IN GENERAL.—The Administrator shall be entitled to recover from an applicant for a loan guarantee under this Act the amount of any payment made to the holder of the guarantee with respect to the loan.

(2) SUBROGATION.—Upon making a payment described in paragraph (1), the Administrator shall be subrogated to all rights of the party to whom the payment is made with respect to the guarantee which was the basis for the payment.

(3) DISPOSITION OF PROPERTY.—

(A) SALE OR DISPOSAL.—The Administrator shall, in an orderly and efficient manner, sell or otherwise dispose of any property or other interests obtained under this Act in a manner that maximizes taxpayer return and is consistent with the financial interests of the United States.

(B) MAINTENANCE.—The Administrator shall maintain in a cost-effective and reasonable manner any property or other interests pending sale or disposal of such property or other interests under subparagraph (A).

(j) ACTION AGAINST OBLIGOR.—

(1) AUTHORITY TO BRING CIVIL ACTION.—The Administrator may bring a civil action in an appropriate district court of the United States in the name of the United States or of the holder of the obligation in the event of a default on a loan guaranteed under this Act. The holder of a loan guarantee shall make available to the Administrator all records and evidence necessary to prosecute the civil action.

(2) FULLY SATISFYING OBLIGATIONS OWED THE UNITED STATES.—The Administrator may accept property in satisfaction of any sums owed the United States as a result of a default on a loan guaranteed under this Act, but only to the extent that any cash accepted by the Administrator is not sufficient to satisfy fully the sums owed as a result of the default.

(k) BREACH OF CONDITIONS.—The Administrator shall commence a civil action in a court of appropriate jurisdiction to enjoin any activity which the Board finds is in violation of this Act, the regulations under this Act, or any conditions which were duly agreed to, and to secure any other appropriate relief, including relief against any affiliate of the applicant.

(l) ATTACHMENT.—No attachment or execution may be issued against the Administrator or any property in the control of the Administrator pursuant to this Act before the entry of a final judgment (as to which all rights of appeal have expired) by a Federal, State, or other court of competent jurisdiction against the Administrator in a proceeding for such action.

(m) FEES.—

(1) APPLICATION FEE.—The Board shall charge and collect from an applicant for a loan guarantee under this Act a fee to cover the cost of the Board in making necessary determinations and findings with respect to the loan guarantee application under this Act. The amount of the fee shall be reasonable.

(2) LOAN GUARANTEE ORIGINATION FEE.—The Board shall charge, and the Administrator may collect, a loan guarantee origination fee with respect to the issuance of a loan guarantee under this Act.

(3) USE OF FEES COLLECTED.—Any fee collected under this subsection shall be used to offset administrative costs under this Act, including costs of the Board and of the Administrator.

(n) REQUIREMENTS RELATING TO AFFILIATES.—

(1) INDEMNIFICATION.—The United States shall be indemnified by any affiliate (acceptable to the Board) of an applicant for a loan guarantee under this Act for any losses that the United States incurs as a result of—

(A) a judgment against the applicant or any of its affiliates;

(B) any breach by the applicant or any of its affiliates of their obligations under the loan guarantee agreement;

(C) any violation of the provisions of this Act, and the regulations prescribed under this Act, by the applicant or any of its affiliates;

(D) any penalties incurred by the applicant or any of its affiliates for any reason, including violation of a stipulated performance schedule under subsection (e); and

(E) any other circumstances that the Board considers appropriate.

(2) LIMITATION ON TRANSFER OF LOAN PROCEEDS.—An applicant for a loan guarantee under this Act may not transfer any part of the proceeds of the loan to an affiliate.

(o) EFFECT OF BANKRUPTCY.—(1) Notwithstanding any other provision of law, whenever any person or entity is indebted to the United States as a result of any loan guarantee issued under this Act and such person or entity is insolvent or is a debtor in a case under title 11, United States Code, the debts due to the United States shall be satisfied first.

(2) A discharge in bankruptcy under title 11, United States Code, shall not release a person or entity from an obligation to the United States in connection with a loan guarantee under this Act.

SEC. 6. PROHIBITION ON USE OF FUNDS FOR SPECTRUM AUCTIONS.

Notwithstanding any other provision of this Act, no loan guarantee under this Act may be granted or used to provide funds for the acquisition of licenses for the use of spectrum in any competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)).

SEC. 7. PROHIBITION ON USE OF FUNDS BY INCUMBENT CABLE OPERATORS.

Notwithstanding any other provision of this Act, no loan guarantee under this Act may be granted or used to provide funds for—

(1) the extension of any cable system to any area or areas for which the cable operator of such cable system has a cable franchise, if such franchise obligates the operator to extend such system to such area or areas; or

(2) the upgrading or enhancement of the services provided over any cable system, unless such upgrading or enhancement is principally undertaken to extend services to areas outside of the previously existing franchise area of the cable operator.

SEC. 8. ANNUAL AUDIT.

(a) REQUIREMENT.—The Comptroller General of the United States shall conduct on an annual basis an audit of—

(1) the administration of the provisions of this Act; and

(2) the financial position of each applicant who receives a loan guarantee under this Act, including the nature, amount, and purpose of investments made by the applicant.

(b) REPORT.—The Comptroller General shall submit to the Congress a report on each audit conducted under subsection (a).

SEC. 9. EXEMPTION FROM MUST CARRY REQUIREMENTS.

A facility of a satellite carrier, cable system, or other multichannel video programming distributor that is financed with a loan guaranteed under this Act and that delivers local broadcast signals in a television market pursuant to the provisions of section 338, 614, or 615 of the Communications Act of 1934 (47 U.S.C. 338, 534, or 535) shall not be required to carry in such market a greater number of local broadcast signals than the number of such signals that is carried by the cable system serving the largest number of subscribers in such market.

SEC. 10. ADDITIONAL AVAILABILITY OF BROADCAST SIGNALS IN RURAL AREAS.

(a) OPENING OF FILING FOR ADDITIONAL TRANSLATOR AND LOW-POWER STATIONS.—The Federal Communications Commission shall, in accordance with its regulations, open a filing period window for the acceptance of applications for television translator stations and low-power television stations in rural areas.

(b) DEADLINES FOR NOTICE.—The Commission shall announce the filing period window no less than 90 days prior to the commencement of the window.

SEC. 11. IMPROVED CELLULAR SERVICE IN RURAL AREAS.

(a) REINSTATEMENT OF APPLICANTS AS TENTATIVE SELECTEES.—

(1) IN GENERAL.—Notwithstanding the order of the Federal Communications Commission in the proceeding described in paragraph (3), the Commission shall—

(A) reinstate each applicant as a tentative selectee under the covered rural service area licensing proceeding; and

(B) permit each applicant to amend its application, to the extent necessary to update factual information and to comply with the rules of the Commission, at any time before the Commission's final licensing action in the covered rural service area licensing proceeding.

(2) EXEMPTION FROM PETITIONS TO DENY.—For purposes of the amended applications filed pursuant to paragraph (1)(B), the provisions of section 309(d)(1) of the Communications Act of 1934 (47 U.S.C. 309(d)(1)) shall not apply.

(3) PROCEEDING.—The proceeding described in this paragraph is the proceeding of the Commission In re Applications of Cellwave Telephone Services L.P, Futurewave General Partners L.P., and Great Western Cellular Partners, 7 FCC Rcd No. 19 (1992).

(b) CONTINUATION OF LICENSE PROCEEDING; FEE ASSESSMENT.—

(1) AWARD OF LICENSES.—The Commission shall award licenses under the covered rural service area licensing proceeding within 90 days after the date of the enactment of this Act.

(2) SERVICE REQUIREMENTS.—The Commission shall provide that, as a condition of an applicant receiving a license pursuant to the covered rural service area licensing proceeding, the applicant shall provide cellular radiotelephone service to subscribers in accordance with sections 22.946 and 22.947 of the Commission's rules (47 CFR 22.946, 22.947); except that the time period applicable under section 22.947 of the Commission's rules (or any successor rule) to the applicants identified in subparagraphs (A) and (B) of subsection (d)(1) shall be 3 years rather than 5 years and the waiver authority of the Commission shall apply to such 3-year period.

(3) CALCULATION OF LICENSE FEE.—

(A) FEE REQUIRED.—The Commission shall establish a fee for each of the licenses under the covered rural service area licensing proceeding. In determining the amount of the fee, the Commission shall consider—

(i) the average price paid per person served in the Commission's Cellular Unserved Auction (Auction No. 12); and

(ii) the settlement payments required to be paid by the permittees pursuant to the consent decree set forth in the Commission's order, In re the Tellesis Partners (7 FCC Rcd 3168 (1992)), multiplying such payments by two.

(B) NOTICE OF FEE.—Within 30 days after the date an applicant files the amended application permitted by subsection (a)(1)(B), the Commission shall notify each applicant of the fee established for the license associated with its application.

(4) PAYMENT FOR LICENSES.—No later than 18 months after the date that an applicant is granted a license, each applicant shall pay to the Commission the fee established pursuant to paragraph (3) for the license granted to the applicant under paragraph (1).

(5) AUCTION AUTHORITY.—If, after the amendment of an application pursuant to subsection (a)(1)(B), the Commission finds that the applicant is ineligible for grant of a license to provide cellular radiotelephone services for a rural service area or the applicant does not meet the requirements under paragraph (2) of this subsection, the Commission shall grant the license for which the applicant is the tentative selectee (pursuant to subsection (a)(1)(B) by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)).

(c) PROHIBITION OF TRANSFER.—During the 5-year period that begins on the date that an applicant is granted any license pursuant to subsection (a), the Commission may not authorize the transfer or assignment of that license under section 310 of the Communications Act of 1934 (47 U.S.C. 310). Nothing in this Act may be construed to prohibit any applicant granted a license pursuant to subsection (a) from contracting with other licensees to improve cellular telephone service.

(d) DEFINITIONS.—For the purposes of this section, the following definitions shall apply:

(1) APPLICANT.—The term ''applicant'' means—

(A) Great Western Cellular Partners, a California general partnership chosen by the Commission as tentative selectee for RSA #492 on May 4, 1989;

(B) Monroe Telephone Services L.P., a Delaware limited partnership chosen by the Commission as tentative selectee for RSA #370 on August 24, 1989 (formerly Cellwave Telephone Services L.P.); and

(C) FutureWave General Partners L.P., a Delaware limited partnership chosen by the Commission as tentative selectee for RSA #615 on May 25, 1990.

(2) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(3) COVERED RURAL SERVICE AREA LICENSING PROCEEDING.—The term ''covered rural service area licensing proceeding'' means the proceeding of the Commission for the grant of cellular radiotelephone licenses for rural service areas #492 (Minnesota 11), #370 (Florida 11), and #615 (Pennsylvania 4).

(4) TENTATIVE SELECTEE.—The term ''tentative selectee'' means a party that has been selected by the Commission under a licensing proceeding for grant of a license, but has not yet been granted the license because the Commission has not yet determined whether the party is qualified under the Commission's rules for grant of the license.

SEC. 12. TECHNICAL AMENDMENT.

Section 339(c) of the Communications Act of 1934 (47 U.S.C. 339(c)) is amended by adding at the end the following new paragraph:

''(5) DEFINITION.—Notwithstanding subsection (d)(4), for purposes of paragraphs (2) and (4) of this subsection, the term 'satellite carrier' includes a distributor (as defined in section 119(d)(1) of title 17, United States Code), but only if the satellite distributor's relationship with the subscriber includes billing, collection, service activation, and service deactivation.''.

SEC. 13. DEFINITIONS.

In this Act:

(1) AFFILIATE.—The term ''affiliate''—

(A) means any person or entity that controls, or is controlled by, or is under common control with, another person or entity; and

(B) may include any individual who is a director or senior management officer of an affiliate, a shareholder controlling more than 25 percent of the voting securities of an affiliate, or more than 25 percent of the ownership interest in an affiliate not organized in stock form.

(2) UNSERVED AREA.—The term ''unserved area'' means any area that—

(A) is outside the grade B contour (as determined using standards employed by the Federal Communications Commission) of the local television broadcast signals serving a particular designated market area; and

(B) does not have access to local television broadcast signals from any commercial, for-profit multichannel video provider.

(3) UNDERSERVED AREA.—The term ''underserved area'' means any area that—

(A) is outside the grade A contour (as determined using standards employed by the Federal Communications Commission) of the local television broadcast signals serving a particular designated market area; and

(B) has access to local television broadcast signals from not more than one commercial, for-profit multichannel video provider.

(4) COMMON TERMS.—Except as provided in paragraphs (1) through (4), any term used in this Act that is defined in the Communications Act of 1934 (47 U.S.C. 151 et seq.) has the meaning given that term in the Communications Act of 1934.

SEC. 14. AUTHORIZATIONS OF APPROPRIATIONS.

(a) COST OF LOAN GUARANTEES.—For the cost of the loans guaranteed under this Act, including the cost of modifying the loans, as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a), there are authorized to be appropriated for fiscal years 2001 through 2006, such amounts as may be necessary.

(b) COST OF ADMINISTRATION.—There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, other than to cover costs under subsection (a).

(c) AVAILABILITY.—Any amounts appropriated pursuant to the authorizations of appropriations in subsections (a) and (b) shall remain available until expended.

SEC. 16. SUNSET.

No loan guarantee may be approved under this Act after December 31, 2006.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. GOODLATTE), the gentleman from Texas (Mr. STENHOLM), the gentleman from Louisiana (Mr. TAUZIN), and the gentleman from Massachusetts (Mr. MARKEY) each will control 15 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, like many of my colleagues here today, I represent a congressional district that is not near a large urban center. The largest city in my district, Roanoke, has a population of slightly more than 100,000 people. However, folks in cities as large as Roanoke, Virginia; Honolulu, Hawaii; and Springfield, Missouri, are unlikely to benefit from the most important parts of legislation enacted last fall known as the Satellite Home Viewer Act.

This legislation, which I served as a conferee on with many of my colleagues here today, was designed to address a problem experienced by thousands of Americans who are frustrated that they either could not receive their local network signal or had to receive a poor quality local network signal through a rooftop antenna rather than receive a network signal through their satellite provider. The bill addressed this by allowing direct broadcast satellite providers to immediately begin retransmitting local television broadcast signals into the broadcast station's area.

Consumers across the country expressed their support for this legislation and the availability of ''local-into-local'' technology. I know my office received thousands of letters and calls from constituents concerned about this issue. This new law allows satellite providers to become more effective competitors to cable operators who have been able to provide local over-the-air broadcast stations to their subscribers for years. It will also benefit American consumers in markets where local TV via satellite is made available by offering them full service digital television at an affordable price.

More importantly, these consumers will benefit from local news, weather reports, information such as natural disasters or community emergencies, local sports, politics and election information as well as other information that is vital to the integrity of communities across the country. Local TV via satellite is already available to satellite subscribers in America's 20 largest television markets. In these markets, DirecTV and Echostar, the existing satellite platform providers, have begun retransmission of affiliates of the ABC, CBS, NBC, and Fox broadcast networks. DirecTV and Echostar have also announced their intention to begin retransmission of local TV stations in an additional 20 or 30 television markets over the next 24 months.

Ultimately, the two existing satellite platform providers will provide local TV via satellite to households in most if not all of the 50 largest television markets in the United States. However, there are 211 television markets in the United States, and in excess of 100 million U.S. TV households. As this chart illustrates, the red dots indicate cities that have been served effective January 31 of this year, and the yellow dots are announced or probable cities. The rest of the country, including 161 television markets, is not going to be served by the legislation we passed last fall.

Therefore, if matters are left solely to the initiative of the existing satellite platform providers, more than 50 percent of existing satellite subscribers, over 6 million households, will continue to be deprived of their local TV stations; more than 60 percent of existing commercial television stations, over 1,000, will not be available via satellite; and more than 30 million U.S. TV households will remain beyond the reach of local TV via satellite. Put another way, local TV via satellite will not be available in 27 States.

So while the law enacted last fall has eliminated the legal barriers to delivery of local TV via satellite, it alone will not assure delivery of local TV via satellite to the majority of local TV stations and satellite subscribers. For that reason I have joined with my colleagues in the House to introduce legislation that will assure that all Americans, not just those in the most profitable urban markets, did receive their local TV signals in a way that provides local information in a competitive environment for consumers.

This legislation represents a hard-fought compromise between versions reported by the House Agriculture and House Commerce Committees. I want to express my appreciation to members of both committees for their willingness to work together to reach this agreement. The substitute authorizes the administrator of the Rural Utilities Service, with the approval of the National Telecommunications and Information Administration, to administer loan guarantees not exceeding $1.25 billion for providing local broadcast TV signals in unserved and underserved markets.

The loan guarantees will be approved by a board consisting of the Secretaries of Agriculture, Commerce and Treasury. The loan guarantee may not exceed 80 percent of a loan, and the board may not approve a loan guarantee for a project that is designed to serve primarily one or more of the top 40 markets. The substitute also includes restrictions on which lending institutions can qualify for loan guarantees. Under this compromise, the board should give priority consideration first to unserved areas, then to underserved areas.

Unserved areas are defined as areas outside Grade B where there is no access to local signals from a for-profit multichannel video provider. Underserved areas are defined as those areas outside Grade A where there is no more than one for-profit multichannel video provider. In addition, the compromise requires that the value of collateral provided by the applicant must be at least equal to the unpaid balance of the loan amount covered by the loan guarantee. The loan guarantee may not be used for the acquisition of spectrum and funds cannot be used by incumbent cable companies in their own franchise territories.

In addition, under the compromise, the system providing local signals shall not be required to carry in a market a greater number of local broadcast signals than the number of such signals that is carried by the cable system serving the largest number of subscribers in that market. This is different than the version of the legislation that I introduced which applied full must-carry rules to the program.

Mr. Speaker, legislation similar to this bill was sponsored by Senators GRAMM and BURNS and passed the Senate on March 30 by a vote of 97–0. I want to particularly thank Senator GRAMM and Senator BURNS for their help. Senator BURNS represents the State of Montana, a rural area that is vitally impacted by this legislation; and he is to be commended for his leadership in the Senate as is Senator GRAMM for his leadership in getting this, legislation passed through the United States Senate.

The bill is crucial for Americans in rural and smaller markets who rely on their local television stations for news, politics, weather, sports, and emergency information. Local television is often the only lifeline folks have in cases of natural disasters such as hurricanes, tornadoes, blizzards, earthquakes, or flooding. The bill's language to encourage the delivery of local television signals to these constituents in America will not only benefit consumers, it will save lives.

Mr. Speaker, in closing, I want to thank several individuals here, most importantly my colleague from my adjoining district in Virginia (Mr. BOUCHER) whose leadership both in the conference last year and getting us to this point in this legislative process today has been absolutely vital. He too has a district like mine that badly needs this legislation, but he too recognizes the importance of this to all of America. I also want to thank the gentleman from

Louisiana (Mr. TAUZIN), the chairman of the subcommittee, who has been vitally important in crafting good legislation in the Committee on Commerce and his full committee chairman, the gentleman from Virginia (Mr. BLILEY), for their input. In the Committee on the Judiciary, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Illinois (Mr. HYDE) have made a great contribution. And then the primary committee, the Committee on Agriculture, the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM), have also provided valuable support for this legislation. I thank them all.

Mr. Speaker, I reserve the balance of my time.

Mr. STENHOLM. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in support of H.R. 3615. H.R. 3615 was introduced on February 10, 2000, and was referred to three different committees, Judiciary, Commerce and Agriculture. The House Committee on Agriculture unanimously approved this bill on February 16. The Committee on Commerce approved their version on March 29. The Committee on the Judiciary was discharged from consideration on March 31. The legislation before us today is a compromise between the agriculture and commerce committees. The bill establishes a loan guarantee program within the United States Department of Agriculture Rural Utilities Service for the purpose of providing local broadcast television signals.

This bill under consideration today was originally included as a provision in the Satellite Home Viewer Improvement Act that was enacted last year. Unfortunately, these provisions were deleted from the final version of the bill. The Satellite Home Viewer Improvement Act permits satellite companies to retransmit local network signals back into its local market area and gives consumers greater access to network television stations by allowing satellite television companies to effectively compete with cable television providers.

Today's rural Americans do not benefit from the competition provided in the Satellite Home Viewer Improvement Act. DirecTV and Echostar, the U.S.'s only satellite television providers, will not offer local-into-local broadcast television service in rural television markets. The loan guarantee proposed by H.R. 3615 will make it technologically and financially feasible for entities to develop technologies that will bring local-into-local broadcast television service to smaller rural television markets.

I am pleased that cooperative lenders such as CoBank and the National Rural Utilities Cooperative Finance Corporation are eligible to participate in the loan guarantee program under section 4(d) of the bill. Their expertise, capacity, capital strength, and experience in providing financing to rural utility service borrowers should help to make this program a success. People living in rural areas need to have access to their local broadcasters' programming, local news, weather, sports, and, most importantly, emergency information services. Local television is one of our most vital safety information sources in times of natural disasters or other emergencies. This legislation promises to both improve consumer quality of life and more importantly save lives.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this bill and urge my colleagues to do so, too. Last year this Congress passed a bill that would enable satellite carriers to provide consumers with access to their local broadcast signals, but there is a problem. It is because satellite carriers by their own admission have no capacity and no plans to offer this new local-into-local service to the Nation's smallest markets. They plan to offer them to the top 70 markets approximately, serving about 70 percent of American television households. That leaves out 30 percent of American households and well over 100 smaller markets.

Now, this bill will remedy that. The bill authorizes the Department of Agriculture to provide up to $1.25 billion in loan guarantees, not loans, loan guarantees, to cable and satellite companies that plan to offer this local-into-local broadcast service to rural consumers across America. It is important to note that while local-into-local satellite technology is an important step, it is not the only technology that might be capable of achieving this objective. A variety of terrestrial services, for example, both wireless and wired can serve the same goal and hopefully will.

It is for this reason that in the Committee on Commerce, we worked to ensure that the bill was technologically neutral. We should not and we do not in this bill pick the winners and the losers. The bill is about enabling everyone the same opportunity to receive multichannel access to broadcast signals. From here on out, it is up to the marketplace to decide who wins and who loses.

Let me also say that on the Committee on Commerce my colleagues and I made a number of other changes to the bill that protect the interest of taxpayers here. For example, we designated an interagency board that will approve the loans under this program. We also capped the loans to 80 percent of the amount borrowed, so the guarantee is only up to 80 percent. We ensure that the American taxpayer's lien would be superior to any other lien that might be against the property of a borrower. On balance, this is indeed a bill worthy of my colleagues' support. It is balanced and fiscally responsible. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, this is a bill that has some good parts and some not so good parts. It does seek to advance the goal of ensuring that there is access to satellite-delivered local TV stations in every community in the United States.

□ 1700

Without question, as it came out of committee, there were provisions that would have really hurt other competing companies, such as North Point, that have, thank goodness been removed. As well, the loans cannot be utilized to go bid at FCC auctions, and there are other provisions which ensure that the loans cannot be used for operating, advertising, or for promotional expenses. So there are some safeguards which have been built in here.

I think that the bill can be further protected. My hope is that between now and the conclusion of the conference committee, that we will be able to achieve the goal of ensuring that this bill advances solely competitive purposes, and is not used for any other purpose.

Mr. GOODLATTE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, as many know, this was an important part of the legislation from last session concerning the Satellite Home Viewers Act. I believe the citizens in rural areas, particularly those in the Sixth District of North Carolina, deserve the same opportunities others have to be served by local broadcasters.

It is important to proliferate local stations serving local areas so all can receive their local news, local community service and particularly emergency weather updates for that area. To demonstrate how important this is, you only have to ask my fellow citizens from eastern North Carolina who were victimized by those tragic floods just last year. It is my hope that this legislation serves as a catalyst, Mr. Speaker, for accomplishing that goal.

It is my further hope that the Senate will take the bill and enact it. If it does not, any conference may be tempted to expand the reach of the current legislation.

I am glad the Committee on the Judiciary was able to assist in moving this bill quickly, and I reiterate the interest of the gentleman from Illinois (Chairman HYDE) in our participation

in any such conference, but hope we can move it quickly into law.

Finally, Mr. Speaker, I think the gentleman from Virginia (Mr. BOUCHER) and the gentleman from Virginia (Mr. GOODLATTE) were the lead dogs, if you will, on this legislation. They were tireless in their efforts, and I commend them for that.

Mr. STENHOLM. Mr. Speaker, I yield 4 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I live in rural America, and I represent a predominantly rural district. I also cochair the Congressional Rural Caucus. This is an issue that is critical to rural America, and, indeed, critical to all Americans.

It is essential that rural Americans not be treated as second-class citizens who are denied access to local television stations for news, weather, sports, and emergency information. Indeed, one need not look further than my own district in eastern North Carolina to see the critical role that local television news play when disasters such as hurricane, tornadoes, blizzards, earthquakes, or floods strike.

Last winter a fast-moving snowstorm with near-blizzard conditions left a record snowfall of 23 inches in parts of my district. Last fall, three hurricanes and a subsequent 500-year flood left flood waters that covered nearly 20,000 square miles of North Carolina, a land mass greater than the size of the State of Maryland. It took weeks for the flood waters to recede, and disaster relief efforts are still going on to date.

Local news provides vital information on safety procedures, emergency shelter, location, and how to obtain assistance. In addition, local television broadcasts of crop reports, local news, weather reports, public service announcements, and advertisements by local business are important to rural development.

Let me repeat that rural citizens in North Carolina, in fact, rural citizens in America, should not be disadvantaged and must have access to the same network and local television service at the same affordable prices as citizens in urban and suburban areas.

The Rural Local Broadcast Signal Act established a $1.2 billion loan guarantee to help finance satellite companies in unserved and underserved rural areas. It is clear that without this financial incentive of a loan guarantee program, many rural markets of the country would not have access to local television signals via satellite.

The economy of scale in rural areas has to be compensated because the private sector will not and cannot provide the expensive initial investment needed. A Federal loan guarantee program will enable affordable capital to be available to finance satellite systems for the delivery of local television signals. I am pleased that the committee saw fit to exclude a potentially damaging amendment that would have delayed the entire loan program for 90 days pending certain testing. Such an amendment would have been unnecessary and harmful.

I am also pleased that the cooperative lenders such as CoBank and the National Rural Utilities Cooperative Finance Corporation are eligible to participate in the loan guarantee program under section 4(d) of the bill. Their expertise, capacity, capital strength, and experience in providing financial assistance to rural utility service borrowers should be used and has been valuable in the past.

Mr. Speaker, I support the establishment of a loan guarantee program, and I urge all of our colleagues to support this very necessary legislation.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to my friend and mentor, the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, permit me to take this opportunity to thank the gentleman from Louisiana (Mr. TAUZIN), the distinguished subcommittee chairman, and the gentleman from Virginia (Mr. GOODLATTE) for bringing this measure to the floor at this time and permitting me to speak in support of this legislation.

H.R. 3615, the Rural Local Broadcast Signal Act, was introduced in response to the announcement by the major satellite carriers that, following enactment of the Satellite Home Viewer Act last fall, satellite carriers would be providing only newly authorized local network TV broadcast services in the largest markets, rather than the more rural areas. These satellite providers have stated it is not economically feasible to provide such service to our rural areas. Since many rural areas of our Nation are not served by broadcast TV or cable service, legislation is necessary to encourage the delivery of local network TV service to our rural Americans. This legislation amends the Rural Electrification Act of 1936 in order to provide local TV networks to rural satellite customers.

Mr. Speaker, the purpose of this bill is to ensure improved access of local TV signals into unserved or underserved rural areas by December 31, 2006. The bill is languaged to provide local TV signals to rural Americans, which will not only benefit consumers, but it can save lives.

Mr. Speaker, I thank the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Virginia (Mr. GOODLATTE) for introducing this important measure and affording me the opportunity to include my legislation, H.R. 1817, as a provision of the bill.

Accordingly, I urge our colleagues to fully support this important measure for all the rural communities throughout our Nation.

Mr. TAUZIN. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. BOUCHER), the ''lead dog'' on the Democratic side on this bill.

Mr. BOUCHER. Mr. Speaker, I thank my friend from Massachusetts for yielding me time.

Mr. Speaker, I rise in strong support of this measure in which I am pleased to join my colleague, the gentleman from Virginia (Mr. GOODLATTE), as principal cosponsor. The passage of this legislation is urgently needed. It offers the only opportunity for residents of medium-sized and small cities and virtually all of rural America to benefit from the new service that delivers local television signals to homes with satellite dishes.

Last year we enacted a new law which, for the first time, enabled satellite television companies to deliver to satellite dish owners local television signals in addition to the national programming that these companies have traditionally offered. That was the good news.

The somewhat less than good news is that those companies have decided that they can only make a profit by offering the new local into local service in the largest cities. Accordingly, medium-sized and small cities and rural portions of the Nation will not be served by the commercial companies.

Of the 211 local television markets in the Nation, at most 67 will receive the commercially provided local into local satellite television service. The bill that the gentleman from Virginia (Mr. GOODLATTE) and I have put forward is designed to fill the gap. Our intent is to create a means for every person who desires the service to have access to his local television stations delivered by satellite. Then, for the first time, there will be on a nationwide basis a truly viable competitive alternative to cable television. With the addition of the local TV service, satellite companies will be able to offer exactly the same programs, including local broadcast signals, that cable television has traditionally offered.

For the first time, cable rates will be set through a competitive market and will be restrained. For the first time, the residents of many rural regions, such as the mountainous portion of Virginia that the gentleman from Virginia (Mr. GOODLATTE) and I represent, who are blocked from the receipt of local TV signals because of mountainous terrain, will be able to view with a clear digital signal the local stations which are broadcast in their area.

We will achieve these goals by providing a Federal loan guarantee in the amount of $1.25 billion through which a self-sustaining affordable service offering local TV signals by satellite can be launched on a nationwide basis. By this means, the residents of all 211 local television markets in the Nation will soon

receive the new local into local satellite delivered television service.

I want to commend my friend and colleague from Virginia (Mr. GOODLATTE) for his leadership, as together we have structured this approach and brought the bill to the point of passage in the House today. It is a pleasure to work with the gentleman as we advance the interests of all rural Americans.

I also want to thank the chairmen and ranking members of the Committee on Commerce and the Committee on Agriculture for their excellent cooperation in bringing the measure to the floor. With the step that we are taking, we can assure that local news, sports, emergency announcements, weather reports, and community service programming that contribute to the broad popularity of local television broadcasts are available, not just in the largest cities, but in all television markets throughout the Nation.

Mr. Speaker, I am pleased to join with the gentleman from Virginia (Mr. GOODLATTE) and others who will speak in urging the approval of this measure by the House today.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. GOODLATTE.

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute considered as adopted to H.R. 3615 under the order of the House of earlier today be the amendment in the nature of a substitute that I have now placed at the desk, which shall be considered as read.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Virginia?

Mr. STENHOLM. Mr. Speaker, reserving the right to object, I do so for purposes of clarifying if the original colloquy that I had a moment ago still applies to the amendment in the nature of a substitute that you have placed at the desk?

Mr. GOODLATTE. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Speaker, the gentleman is correct.

Mr. STENHOLM. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The text of the amendment in the nature of a substitute is as follows:

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. GOODLATTE

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Rural Local Broadcast Signal Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.
Sec. 3. Rural television loan guarantee board.
Sec. 4. Approval of loan guarantees.
Sec. 5. Administration of loan guarantees.
Sec. 6. Prohibition on use of funds for spectrum auctions.
Sec. 7. Prohibition on use of funds by incumbent cable operators.
Sec. 8. Annual audit.
Sec. 9. Exemption from must carry requirements.
Sec. 10. Additional availability of broadcast signals in rural areas.
Sec. 11. Improved cellular service in rural areas.
Sec. 12. Technical amendment.
Sec. 13. Definitions.
Sec. 14. Authorizations of appropriations.
Sec. 15. Sunset.

SEC. 2. PURPOSE.

The purpose of this Act is to facilitate access, on a technologically neutral basis and by December 31, 2006, to signals of local television stations for households located in unserved areas and underserved areas.

SEC. 3. RURAL TELEVISION LOAN GUARANTEE BOARD.

(a) ESTABLISHMENT.—There is established the Rural Television Loan Guarantee Board (in this Act referred to as the ''Board'').

(b) MEMBERS.—

(1) IN GENERAL.—Subject to paragraph (2), the Board shall consist of the following members:

(A) The Secretary of the Treasury, or the designee of the Secretary.

(B) The Secretary of Agriculture, or the designee of the Secretary.

(C) The Secretary of Commerce, or the designee of the Secretary.

(2) REQUIREMENT AS TO DESIGNEES.—An individual may not be designated a member of the Board under paragraph (1) unless the individual is an officer of the United States pursuant to an appointment by the President, by and with the advice and consent of the Senate.

(c) FUNCTIONS OF THE BOARD.—

(1) IN GENERAL.—The Board shall determine whether or not to approve loan guarantees under this Act. The Board shall make such determinations consistent with the purpose of this Act and in accordance with this subsection and section 4 of this Act.

(2) CONSULTATION AUTHORIZED.—

(A) IN GENERAL.—In carrying out its functions under this Act, the Board shall consult with such departments and agencies of the Federal Government as the Board considers appropriate, including the Department of Commerce, the Department of Agriculture, the Department of the Treasury, the Department of Justice, the Department of the Interior, the Board of Governors of the Federal Reserve System, the Federal Communications Commission, the Federal Trade Commission, and the National Aeronautics and Space Administration.

(B) RESPONSE.—A department or agency consulted by the Board under subparagraph (A) shall provide the Board such expertise and assistance as the Board requires to carry out its functions under this Act.

(3) APPROVAL BY MAJORITY VOTE.—The determination of the Board to approve a loan guarantee under this Act shall be by a vote of a majority of the Board.

SEC. 4. APPROVAL OF LOAN GUARANTEES.

(a) AUTHORITY TO APPROVE LOAN GUARANTEES.—Subject to the provisions of this section and consistent with the purpose of this Act, the Board may approve loan guarantees under this Act.

(b) REGULATIONS.—

(1) REQUIREMENTS.—The Administrator (as defined in section 5 of this Act), under the direction of and for approval by the Board, shall prescribe regulations to implement the provisions of this Act and shall do so not later than 120 days after funds authorized to be appropriated under section 15 of this Act have been appropriated in a bill signed into law.

(2) ELEMENTS.—The regulations prescribed under paragraph (1) shall—

(A) set forth the form of any application to be submitted to the Board under this Act;

(B) set forth time periods for the review and consideration by the Board of applications to be submitted to the Board under this Act, and for any other action to be taken by the Board with respect to such applications;

(C) provide appropriate safeguards against the evasion of the provisions of this Act;

(D) set forth the circumstances in which an applicant, together with any affiliate of an applicant, shall be treated as an applicant for a loan guarantee under this Act;

(E) include requirements that appropriate parties submit to the Board any documents and assurances that are required for the administration of the provisions of this Act; and

(F) include such other provisions consistent with the purpose of this Act as the Board considers appropriate.

(3) CONSTRUCTION.—(A) Nothing in this Act shall be construed to prohibit the Board from requiring, to the extent and under circumstances considered appropriate by the Board, that affiliates of an applicant be subject to certain obligations of the applicant as a condition to the approval or maintenance of a loan guarantee under this Act.

(B) If any provision of this Act or the application of such provision to any person or entity or circumstance is held to be invalid by a court of competent jurisdiction, the remainder of this Act, or the application of such provision to such person or entity or circumstance other than those as to which it is held invalid, shall not be affected thereby.

(c) AUTHORITY LIMITED BY APPROPRIATIONS ACTS.—The Board may approve loan guarantees under this Act only to the extent provided for in advance in appropriations Acts.

(d) REQUIREMENTS AND CRITERIA APPLICABLE TO APPROVAL.—

(1) IN GENERAL.—The Board shall utilize the underwriting criteria developed under subsection (g), and any relevant information provided by the departments and agencies with which the Board consults under section 3, to determine which loans may be eligible for a loan guarantee under this Act.

(2) PREREQUISITES.—In addition to meeting the underwriting criteria under paragraph (1), a loan may not be guaranteed under this Act unless—

(A) the loan is made to finance the acquisition, improvement, enhancement, construction, deployment, launch, or rehabilitation of the means by which local television broadcast signals will be delivered principally to an unserved area or an underserved area (or both);

(B) the proceeds of the loan will not be used for operating, advertising, or promotion expenses;

(C) the proposed project, as determined by the National Telecommunications and Information Administration, is not likely to have a substantial adverse impact on competition that outweighs the benefits of improving access to the signals of a local television station in an unserved area or an underserved area (or both), and is commercially viable;

(D)(i) the loan (including Other Debt, as defined in subsection (f)(2)(B))—

(I) is provided by any entity engaged in the business of commercial lending—

(aa) if the loan is made in accordance with loan-to-one-borrower and affiliate transaction restrictions to which the entity is subject under applicable law; or

(bb) if item (aa) does not apply, the loan is made only to a borrower that is not an affiliate of the entity and only if the amount of the loan and all outstanding loans by that entity to that borrower and any of its affiliates does not exceed 10 percent of the net equity of the entity; or

(II) is provided by a nonprofit corporation, including the National Rural Utilities Cooperative Finance Corporation, engaged primarily in commercial lending, if the Board determines that such nonprofit corporation has one or more issues of outstanding long-term debt that is rated within the highest 3 rating categories of a nationally recognized statistical rating organization, and, if the Board determines that the making of the loan by such nonprofit corporation will cause a decline in the debt rating mentioned above, the Board at its discretion may disapprove the loan guarantee on this basis;

(ii)(I) no loan (including Other Debt as defined in subsection (f)(2)(B)) may be made for purposes of this Act by a governmental entity or affiliate thereof, or by the Federal Agricultural Mortgage Corporation, or any institution supervised by the Office of Federal Housing Enterprise Oversight, the Federal Housing Finance Board, or any affiliate of such entities;

(II) any loan (including Other Debt as defined in subsection (f)(2)(B)) must have terms, in the judgment of the Board, that are consistent in material respects with the terms of similar obligations in the private capital market;

(III) for purposes of clause (i)(I)(bb), the term ''net equity'' means the value of the total assets of the entity, less the total liabilities of the entity, as recorded under generally accepted accounting principles for the fiscal quarter ended immediately prior to the date on which the subject loan is approved; and

(E) repayment of the loan is required to be made within a term of the lesser of—

(i) 25 years from the date of the execution of the loan; or

(ii) the economically useful life, as determined by the Board or in consultation with persons or entities deemed appropriate by the Board, of the primary assets to be used in the delivery of the signals concerned; and

(F) the loan meets any additional criteria developed under subsection (g).

(3) PROTECTION OF UNITED STATES FINANCIAL INTERESTS.—The Board may not approve the guarantee of a loan under this Act unless—

(A) the Board has been given documentation, assurances, and access to information, persons, and entities necessary, as determined by the Board, to address issues relevant to the review of the loan by the Board for purposes of this Act; and

(B) the Board makes a determination in writing that—

(i) to the best of its knowledge upon due inquiry, the assets, facilities, or equipment covered by the loan will be utilized economically and efficiently;

(ii) the terms, conditions, security, and schedule and amount of repayments of principal and the payment of interest with respect to the loan protect the financial interests of the United States and are reasonable;

(iii) to the extent possible, the value of collateral provided by an applicant is at least equal to the unpaid balance of the loan amount covered by the loan guarantee (the ''Amount'' for purposes of this clause); and if the value of collateral provided by an applicant is less than the Amount, the additional required collateral is provided by any affiliate of the applicant; and if the combined value of collateral provided by an applicant and any affiliate is not at least equal to the Amount, the collateral from such affiliate represents all of such affiliate's assets;

(iv) all necessary and required regulatory and other approvals, spectrum rights, and delivery permissions have been received for the loan, the project under the loan, and the Other Debt, if any, under subsection (f)(2)(B);

(v) the loan would not be available on reasonable terms and conditions without a loan guarantee under this Act; and

(vi) repayment of the loan can reasonably be expected.

(e) CONSIDERATIONS.—

(1) TYPE OF MARKET.—

(A) PRIORITY CONSIDERATIONS.—To the maximum extent practicable, the Board shall give priority in the approval of loan guarantees under this Act in the following order: First, to projects that will serve the greatest number of households in unserved areas and the number of States (including noncontiguous States); and second, to projects that will serve the greatest number of households in underserved areas. In each instance, the Board shall consider the project's estimated cost per household to be served.

(B) PROHIBITION.—The Board may not approve a loan guarantee under this Act for a project that is designed primarily to serve 1 or more of the 40 most populated designated market areas (as that term is defined in section 122(j) of title 17, United States Code).

(2) OTHER CONSIDERATIONS.—The Board shall consider other factors, which shall include projects that would—

(A) offer a separate tier of local broadcast signals;

(B) provide lower projected costs to consumers of such separate tier; and

(C) enable the delivery of local broadcast signals consistent with the purpose of this Act by a means reasonably compatible with existing systems or devices predominantly in use.

(f) GUARANTEE LIMITS.—

(1) LIMITATION ON AGGREGATE VALUE OF LOANS.—The aggregate value of all loans for which loan guarantees are issued under this Act (including the unguaranteed portion of loans issued under paragraph (2)(A)) and Other Debt under paragraph (2)(B) may not exceed $1,250,000,000.

(2) GUARANTEE LEVEL.—A loan guarantee issued under this Act—

(A) may not exceed an amount equal to 80 percent of a loan meeting in its entirety the requirements of subsection (d)(2)(A). If only a portion of a loan meets the requirements of that subsection, the Board shall determine that percentage of the loan meeting such requirements (the ''applicable portion'') and may issue a loan guarantee in an amount not exceeding 80 percent of the applicable portion; or

(B) may, as to a loan meeting in its entirety the requirements of subsection (d)(2)(A), cover the amount of such loan only if that loan is for an amount not exceeding 80 percent of the total debt financing for the project, and other debt financing (also meeting in its entirety the requirements of subsection (d)(2)(A)) from the same source for a total amount not less than 20 percent of the total debt financing for the project (''Other Debt'') has been approved.

(g) UNDERWRITING CRITERIA.—Within the period provided for under subsection (b)(1), the Board shall, in consultation with the Director of the Office of Management and Budget and an independent public accounting firm, develop underwriting criteria relating to the guarantee of loans that are consistent with the purpose of this Act, including appropriate collateral and cash flow levels for loans guaranteed under this Act, and such other matters as the Board considers appropriate.

(h) CREDIT RISK PREMIUMS.—

(1) ESTABLISHMENT AND ACCEPTANCE.—The Board may establish and approve the acceptance of credit risk premiums with respect to a loan guarantee under this Act in order to cover the cost, as determined under section 504(b)(1) of the Federal Credit Reform Act of 1990, of the loan guarantee. To the extent that appropriations of budget authority are insufficient to cover the cost, as so determined, of a loan guarantee under this Act, credit risk premiums shall be accepted from a non-Federal source under this subsection on behalf of the applicant for the loan guarantee.

(2) CREDIT RISK PREMIUM AMOUNT.—

(A) IN GENERAL.—The Board shall determine the amount of any credit risk premium to be accepted with respect to a loan guarantee under this Act on the basis of—

(i) the financial and economic circumstances of the applicant for the loan guarantee, including the amount of collateral offered;

(ii) the proposed schedule of loan disbursements;

(iii) the business plans of the applicant for providing service;

(iv) any financial commitment from a broadcast signal provider; and

(v) the concurrence of the Director of the Office of Management and Budget as to the amount of the credit risk premium.

(B) PROPORTIONALITY.—To the extent that appropriations of budget authority are sufficient to cover the cost, as determined under section 504(b)(1) of the Federal Credit Reform Act of 1990, of loan guarantees under this Act, the credit risk premium with respect to each loan guarantee shall be reduced proportionately.

(C) PAYMENT OF PREMIUMS.—Credit risk premiums under this subsection shall be paid to an account (the ''Escrow Account'') established in the Treasury which shall accrue interest and such interest shall be retained by the account, subject to subparagraph (D).

(D) DEDUCTIONS FROM ESCROW ACCOUNT.—If a default occurs with respect to any loan guaranteed under this Act and the default is not cured in accordance with the terms of the underlying loan or loan guarantee agreement, the Administrator, in accordance with subsections (h) and (i) of section 5 of this Act, shall liquidate, or shall cause to be liquidated, all assets collateralizing such loan as to which it has a lien or security interest. Any shortfall between the proceeds of the liquidation net of costs and expenses relating to the liquidation, and the guarantee amount paid pursuant to this Act shall be deducted from funds in the Escrow Account and credited to the Administrator for payment of such shortfall. At such time as determined under subsection (d)(2)(E) when all loans guaranteed under this Act have been repaid or otherwise satisfied in accordance with this Act and the regulations promulgated hereunder, remaining funds in the Escrow Account, if any, shall be refunded, on a pro rata basis, to applicants whose loans

guaranteed under this Act were not in default, or where any default was cured in accordance with the terms of the underlying loan or loan guarantee agreement.

(i) JUDICIAL REVIEW.—The decision of the Board to approve or disapprove the making of a loan guarantee under this Act shall not be subject to judicial review.

SEC. 5. ADMINISTRATION OF LOAN GUARANTEES.

(a) IN GENERAL.—The Administrator of the Rural Utilities Service (in this Act referred to as the ''Administrator'') shall issue and otherwise administer loan guarantees that have been approved by the Board in accordance with sections 3 and 4 of this Act.

(b) SECURITY FOR PROTECTION OF UNITED STATES FINANCIAL INTERESTS.—

(1) TERMS AND CONDITIONS.—An applicant shall agree to such terms and conditions as are satisfactory, in the judgment of the Board, to ensure that, as long as any principal or interest is due and payable on a loan guaranteed under this Act, the applicant—

(A) shall maintain assets, equipment, facilities, and operations on a continuing basis;

(B) shall not make any discretionary dividend payments that impair its ability to repay obligations guaranteed under this Act;

(C) shall remain sufficiently capitalized; and

(D) shall submit to, and cooperate fully with, any audit of the applicant under section 8(a)(2) of this Act.

(2) COLLATERAL.—

(A) EXISTENCE OF ADEQUATE COLLATERAL.—An applicant shall provide the Board such documentation as is necessary, in the judgment of the Board, to provide satisfactory evidence that appropriate and adequate collateral secures a loan guaranteed under this Act.

(B) FORM OF COLLATERAL.—Collateral required by subparagraph (A) shall consist solely of assets of the applicant, any affiliate of the applicant, or both (whichever the Board considers appropriate), including primary assets to be used in the delivery of signals for which the loan is guaranteed.

(C) REVIEW OF VALUATION.—The value of collateral securing a loan guaranteed under this Act may be reviewed by the Board, and may be adjusted downward by the Board if the Board reasonably believes such adjustment is appropriate.

(3) LIEN ON INTERESTS IN ASSETS.—Upon the Board's approval of a loan guarantee under this Act, the Administrator shall have liens on assets securing the loan, which shall be superior to all other liens on such assets, and the value of the assets (based on a determination satisfactory to the Board) subject to the liens shall be at least equal to the unpaid balance of the loan amount covered by the loan guarantee, or that value approved by the Board under section 4(d)(3)(B)(iii) of this Act.

(4) PERFECTED SECURITY INTEREST.—With respect to a loan guaranteed under this Act, the Administrator and the lender shall have a perfected security interest in assets securing the loan that are fully sufficient to protect the financial interests of the United States and the lender.

(5) INSURANCE.—In accordance with practices in the private capital market, as determined by the Board, the applicant for a loan guarantee under this Act shall obtain, at its expense, insurance sufficient to protect the financial interests of the United States, as determined by the Board.

(c) ASSIGNMENT OF LOAN GUARANTEES.—The holder of a loan guarantee under this Act may assign the loan guaranteed under this Act in whole or in part, subject to such requirements as the Board may prescribe.

(d) MODIFICATION.—The Board may approve the modification of any term or condition of a loan guarantee or a loan guaranteed under this Act, including the rate of interest, time of payment of principal or interest, or security requirements only if—

(1) the modification is consistent with the financial interests of the United States;

(2) consent has been obtained from the parties to the loan agreement;

(3) the modification is consistent with the underwriting criteria developed under section 4(g) of this Act;

(4) the modification does not adversely affect the interest of the Federal Government in the assets or collateral of the applicant;

(5) the modification does not adversely affect the ability of the applicant to repay the loan; and

(6) the National Telecommunications and Information Administration has been consulted by the Board regarding the modification.

(e) PERFORMANCE SCHEDULES.—

(1) PERFORMANCE SCHEDULES.—An applicant for a loan guarantee under this Act for a project covered by section 4(e)(1) of this Act shall enter into stipulated performance schedules with the Administrator with respect to the signals to be provided through the project.

(2) PENALTY.—The Administrator may assess against and collect from an applicant described in paragraph (1) a penalty not to exceed 3 times the interest due on the guaranteed loan of the applicant under this Act if the applicant fails to meet its stipulated performance schedule under that paragraph.

(f) COMPLIANCE.—The Administrator, in cooperation with the Board and as the regulations of the Board may provide, shall enforce compliance by an applicant, and any other party to a loan guarantee for whose benefit assistance under this Act is intended, with the provisions of this Act, any regulations under this Act, and the terms and conditions of the loan guarantee, including through the submittal of such reports and documents as the Board may require in regulations prescribed by the Board and through regular periodic inspections and audits.

(g) COMMERCIAL VALIDITY.—A loan guarantee under this Act shall be incontestable—

(1) in the hands of an applicant on whose behalf the loan guarantee is made, unless the applicant engaged in fraud or misrepresentation in securing the loan guarantee; and

(2) as to any person or entity (or their respective successor in interest) who makes or contracts to make a loan to the applicant for the loan guarantee in reliance thereon, unless such person or entity (or respective successor in interest) engaged in fraud or misrepresentation in making or contracting to make such loan.

(h) DEFAULTS.—The Board shall prescribe regulations governing defaults on loans guaranteed under this Act, including the administration of the payment of guaranteed amounts upon default.

(i) RECOVERY OF PAYMENTS.—

(1) IN GENERAL.—The Administrator shall be entitled to recover from an applicant for a loan guarantee under this Act the amount of any payment made to the holder of the guarantee with respect to the loan.

(2) SUBROGATION.—Upon making a payment described in paragraph (1), the Administrator shall be subrogated to all rights of the party to whom the payment is made with respect to the guarantee which was the basis for the payment.

(3) DISPOSITION OF PROPERTY.—

(A) SALE OR DISPOSAL.—The Administrator shall, in an orderly and efficient manner, sell or otherwise dispose of any property or other interests obtained under this Act in a manner that maximizes taxpayer return and is consistent with the financial interests of the United States.

(B) MAINTENANCE.—The Administrator shall maintain in a cost-effective and reasonable manner any property or other interests pending sale or disposal of such property or other interests under subparagraph (A).

(j) ACTION AGAINST OBLIGOR.—

(1) AUTHORITY TO BRING CIVIL ACTION.—The Administrator may bring a civil action in an appropriate district court of the United States in the name of the United States or of the holder of the obligation in the event of a default on a loan guaranteed under this Act. The holder of a loan guarantee shall make available to the Administrator all records and evidence necessary to prosecute the civil action.

(2) FULLY SATISFYING OBLIGATIONS OWED THE UNITED STATES.—The Administrator may accept property in satisfaction of any sums owed the United States as a result of a default on a loan guaranteed under this Act, but only to the extent that any cash accepted by the Administrator is not sufficient to satisfy fully the sums owed as a result of the default.

(k) BREACH OF CONDITIONS.—The Administrator shall commence a civil action in a court of appropriate jurisdiction to enjoin any activity which the Board finds is in violation of this Act, the regulations under this Act, or any conditions which were duly agreed to, and to secure any other appropriate relief, including relief against any affiliate of the applicant.

(l) ATTACHMENT.—No attachment or execution may be issued against the Administrator or any property in the control of the Administrator pursuant to this Act before the entry of a final judgment (as to which all rights of appeal have expired) by a Federal, State, or other court of competent jurisdiction against the Administrator in a proceeding for such action.

(m) FEES.—

(1) APPLICATION FEE.—The Board shall charge and collect from an applicant for a loan guarantee under this Act a fee to cover the cost of the Board in making necessary determinations and findings with respect to the loan guarantee application under this Act. The amount of the fee shall be reasonable.

(2) LOAN GUARANTEE ORIGINATION FEE.—The Board shall charge, and the Administrator may collect, a loan guarantee origination fee with respect to the issuance of a loan guarantee under this Act.

(3) USE OF FEES COLLECTED.—Any fee collected under this subsection shall be used to offset administrative costs under this Act, including costs of the Board and of the Administrator.

(n) REQUIREMENTS RELATING TO AFFILIATES.—

(1) INDEMNIFICATION.—The United States shall be indemnified by any affiliate (acceptable to the Board) of an applicant for a loan guarantee under this Act for any losses that the United States incurs as a result of—

(A) a judgment against the applicant or any of its affiliates;

(B) any breach by the applicant or any of its affiliates of their obligations under the loan guarantee agreement;

(C) any violation of the provisions of this Act, and the regulations prescribed under

this Act, by the applicant or any of its affiliates;

(D) any penalties incurred by the applicant or any of its affiliates for any reason, including violation of a stipulated performance schedule under subsection (e); and

(E) any other circumstances that the Board considers appropriate.

(2) LIMITATION ON TRANSFER OF LOAN PROCEEDS.—An applicant for a loan guarantee under this Act may not transfer any part of the proceeds of the loan to an affiliate.

(o) EFFECT OF BANKRUPTCY.—(1) Notwithstanding any other provision of law, whenever any person or entity is indebted to the United States as a result of any loan guarantee issued under this Act and such person or entity is insolvent or is a debtor in a case under title 11, United States Code, the debts due to the United States shall be satisfied first.

(2) A discharge in bankruptcy under title 11, United States Code, shall not release a person or entity from an obligation to the United States in connection with a loan guarantee under this Act.

SEC. 6. PROHIBITION ON USE OF FUNDS FOR SPECTRUM AUCTIONS.

Notwithstanding any other provision of this Act, no loan guarantee under this Act may be granted or used to provide funds for the acquisition of licenses for the use of spectrum in any competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)).

SEC. 7. PROHIBITION ON USE OF FUNDS BY INCUMBENT CABLE OPERATORS.

Notwithstanding any other provision of this Act, no loan guarantee under this Act may be granted or used to provide funds for—

(1) the extension of any cable system to any area or areas for which the cable operator of such cable system has a cable franchise, if such franchise obligates the operator to extend such system to such area or areas; or

(2) the upgrading or enhancement of the services provided over any cable system, unless such upgrading or enhancement is principally undertaken to extend services to areas outside of the previously existing franchise area of the cable operator.

SEC. 8. ANNUAL AUDIT.

(a) REQUIREMENT.—The Comptroller General of the United States shall conduct on an annual basis an audit of—

(1) the administration of the provisions of this Act; and

(2) the financial position of each applicant who receives a loan guarantee under this Act, including the nature, amount, and purpose of investments made by the applicant.

(b) REPORT.—The Comptroller General shall submit to the Congress a report on each audit conducted under subsection (a).

SEC. 9. EXEMPTION FROM MUST CARRY REQUIREMENTS.

A facility of a satellite carrier, cable system, or other multichannel video programming distributor that is financed with a loan guaranteed under this Act and that delivers local broadcast signals in a television market pursuant to the provisions of section 338, 614, or 615 of the Communications Act of 1934 (47 U.S.C. 338, 534, or 535) shall not be required to carry in such market a greater number of local broadcast signals than the number of such signals that is carried by the cable system serving the largest number of subscribers in such market.

SEC. 10. ADDITIONAL AVAILABILITY OF BROADCAST SIGNALS IN RURAL AREAS.

(a) OPENING OF FILING FOR ADDITIONAL TRANSLATOR AND LOW-POWER STATIONS.—The Federal Communications Commission shall, in accordance with its regulations, open a filing period window for the acceptance of applications for television translator stations and low-power television stations in rural areas.

(b) DEADLINES FOR NOTICE.—The Commission shall announce the filing period window no less than 90 days prior to the commencement of the window.

SEC. 11. IMPROVED CELLULAR SERVICE IN RURAL AREAS.

(a) REINSTATEMENT OF APPLICANTS AS TENTATIVE SELECTEES.—

(1) IN GENERAL.—Notwithstanding the order of the Federal Communications Commission in the proceeding described in paragraph (3), the Commission shall—

(A) reinstate each applicant as a tentative selectee under the covered rural service area licensing proceeding; and

(B) permit each applicant to amend its application, to the extent necessary to update factual information and to comply with the rules of the Commission, at any time before the Commission's final licensing action in the covered rural service area licensing proceeding.

(2) EXEMPTION FROM PETITIONS TO DENY.—For purposes of the amended applications filed pursuant to paragraph (1)(B), the provisions of section 309(d)(1) of the Communications Act of 1934 (47 U.S.C. 309(d)(1)) shall not apply.

(3) PROCEEDING.—The proceeding described in this paragraph is the proceeding of the Commission In re Applications of Cellwave Telephone Services L.P, Futurewave General Partners L.P., and Great Western Cellular Partners, 7 FCC Rcd No. 19 (1992).

(b) CONTINUATION OF LICENSE PROCEEDING; FEE ASSESSMENT.—

(1) AWARD OF LICENSES.—The Commission shall award licenses under the covered rural service area licensing proceeding within 90 days after the date of the enactment of this Act.

(2) SERVICE REQUIREMENTS.—The Commission shall provide that, as a condition of an applicant receiving a license pursuant to the covered rural service area licensing proceeding, the applicant shall provide cellular radiotelephone service to subscribers in accordance with sections 22.946 and 22.947 of the Commission's rules (47 CFR 22.946, 22.947); except that the time period applicable under section 22.947 of the Commission's rules (or any successor rule) to the applicants identified in subparagraphs (A) and (B) of subsection (d)(1) shall be 3 years rather than 5 years and the waiver authority of the Commission shall apply to such 3-year period.

(3) CALCULATION OF LICENSE FEE.—

(A) FEE REQUIRED.—The Commission shall establish a fee for each of the licenses under the covered rural service area licensing proceeding. In determining the amount of the fee, the Commission shall consider—

(i) the average price paid per person served in the Commission's Cellular Unserved Auction (Auction No. 12); and

(ii) the settlement payments required to be paid by the permittees pursuant to the consent decree set forth in the Commission's order, In re the Tellesis Partners (7 FCC Rcd 3168 (1992)), multiplying such payments by two.

(B) NOTICE OF FEE.—Within 30 days after the date an applicant files the amended application permitted by subsection (a)(1)(B), the Commission shall notify each applicant of the fee established for the license associated with its application.

(4) PAYMENT FOR LICENSES.—No later than 18 months after the date that an applicant is granted a license, each applicant shall pay to the Commission the fee established pursuant to paragraph (3) for the license granted to the applicant under paragraph (1).

(5) AUCTION AUTHORITY.—If, after the amendment of an application pursuant to subsection (a)(1)(B), the Commission finds that the applicant is ineligible for grant of a license to provide cellular radiotelephone services for a rural service area or the applicant does not meet the requirements under paragraph (2) of this subsection, the Commission shall grant the license for which the applicant is the tentative selectee (pursuant to subsection (a)(1)(B) by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)).

(c) PROHIBITION OF TRANSFER.—During the 5-year period that begins on the date that an applicant is granted any license pursuant to subsection (a), the Commission may not authorize the transfer or assignment of that license under section 310 of the Communications Act of 1934 (47 U.S.C. 310). Nothing in this Act may be construed to prohibit any applicant granted a license pursuant to subsection (a) from contracting with other licensees to improve cellular telephone service.

(d) DEFINITIONS.—For the purposes of this section, the following definitions shall apply:

(1) APPLICANT.—The term ''applicant'' means—

(A) Great Western Cellular Partners, a California general partnership chosen by the Commission as tentative selectee for RSA #492 on May 4, 1989;

(B) Monroe Telephone Services L.P., a Delaware limited partnership chosen by the Commission as tentative selectee for RSA #370 on August 24, 1989 (formerly Cellwave Telephone Services L.P.); and

(C) FutureWave General Partners L.P., a Delaware limited partnership chosen by the Commission as tentative selectee for RSA #615 on May 25, 1990.

(2) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(3) COVERED RURAL SERVICE AREA LICENSING PROCEEDING.—The term ''covered rural service area licensing proceeding'' means the proceeding of the Commission for the grant of cellular radiotelephone licenses for rural service areas #492 (Minnesota 11), #370 (Florida 11), and #615 (Pennsylvania 4).

(4) TENTATIVE SELECTEE.—The term ''tentative selectee'' means a party that has been selected by the Commission under a licensing proceeding for grant of a license, but has not yet been granted the license because the Commission has not yet determined whether the party is qualified under the Commission's rules for grant of the license.

SEC. 12. TECHNICAL AMENDMENT.

Section 339(c) of the Communications Act of 1934 (47 U.S.C. 339(c)) is amended by adding at the end the following new paragraph:

''(5) DEFINITION.—Notwithstanding subsection (d)(4), for purposes of paragraphs (2) and (4) of this subsection, the term 'satellite carrier' includes a distributor (as defined in section 119(d)(1) of title 17, United States Code), but only if the satellite distributor's relationship with the subscriber includes billing, collection, service activation, and service deactivation.''.

SEC. 13. DEFINITIONS.

In this Act:

(1) AFFILIATE.—The term ''affiliate''—

(A) means any person or entity that controls, or is controlled by, or is under common control with, another person or entity; and

(B) may include any individual who is a director or senior management officer of an affiliate, a shareholder controlling more than 25 percent of the voting securities of an affiliate, or more than 25 percent of the ownership interest in an affiliate not organized in stock form.

(2) UNSERVED AREA.—The term ''unserved area'' means any area that—

(A) is outside the grade B contour (as determined using standards employed by the Federal Communications Commission) of the local television broadcast signals serving a particular designated market area; and

(B) does not have access to local television broadcast signals from any commercial, for-profit multichannel video provider.

(3) UNDERSERVED AREA.—The term ''underserved area'' means any area that—

(A) is outside the grade A contour (as determined using standards employed by the Federal Communications Commission) of the local television broadcast signals serving a particular designated market area; and

(B) has access to local television broadcast signals from not more than one commercial, for-profit multichannel video provider.

(4) COMMON TERMS.—Except as provided in paragraphs (1) through (4), any term used in this Act that is defined in the Communications Act of 1934 (47 U.S.C. 151 et seq.) has the meaning given that term in the Communications Act of 1934.

SEC. 14. AUTHORIZATIONS OF APPROPRIATIONS.

(a) COST OF LOAN GUARANTEES.—For the cost of the loans guaranteed under this Act, including the cost of modifying the loans, as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a), there are authorized to be appropriated for fiscal years 2001 through 2006, such amounts as may be necessary.

(b) COST OF ADMINISTRATION.—There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, other than to cover costs under subsection (a).

(c) AVAILABILITY.—Any amounts appropriated pursuant to the authorizations of appropriations in subsections (a) and (b) shall remain available until expended.

SEC. 16. SUNSET.

No loan guarantee may be approved under this Act after December 31, 2006.

Mr. GOODLATTE. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, I do want to commend my colleague from Virginia for this work. A requirement on local broadcasters to obtain a license is to operate in the public interest. Emergency broadcasts and coverage is an example of their importance.

The great flood of 1993 is an example of local broadcasters covering emergencies, covering the levees, around the clock, notifying the public when levees broke so that lives could be saved.

In this new era of technology, last year we passed the Satellite Home Viewers Act to ensure that local broadcasts occur in local areas through direct satellite. Dropped on the cutting room floor was an assistance needed to assure local into local reaches all Americans. Rural America cannot be left behind. I am proud to be a cosponsor, have worked for its passage on the committee, and speak in support of the passage of this bill.

□ 1715

Mr. GOODLATTE. Mr. Speaker, I yield 1½ minutes to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, I thank the gentleman for yielding time to me, and also I want to recognize the gentleman for the great work that he did to bring this issue to the floor and for his leadership on the issue.

I am an original cosponsor of the Rural Local Broadcast Signal Act. This takes us one step closer to closing the digital divide. Nearly 55,000 households in my home State of South Dakota receive their programming from satellite dishes. Over the last 2 years, I have heard from 1,400 of my fellow South Dakotans on this issue.

At the end of the last session when the loan guarantees were stripped from the Satellite Home Viewers Improvement Act, many people were left without reliable access to quality local television. For many who live in rural areas, satellite service is the only option. Now we have a chance to correct that and provide every rural viewer the opportunity to receive a clear, reliable signal from his or her local station.

Like so many of my colleagues, my State is prone to natural disasters, tornadoes, hailstorms, blizzards, and flash floods. Local broadcasters are civic-minded and provide emergency information for emergency situations. South Dakotans rely on those broadcasters for important weather-related information as well.

Local broadcast signals can save lives. While local television may not save every life, it often provides the very precious few seconds that are necessary to grab our loved ones and take cover. We owe it to rural Americans to make sure that they have the same quality access to telecommunications as those in urban areas.

No one wants to watch a network signal with poor quality. With today's technological innovations, no one should have to. On behalf of the 150 South Dakotans who rely on satellite television, I urge the passage of this important legislation and quick consideration in the conference.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 3 minutes to my friend, the gentleman from Oklahoma (Mr. LARGENT).

Mr. LARGENT. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, do not be fooled into thinking that this is not a controversial issue. This is. For those who are listening to the debate that we are having on the floor, it would seem that this thing is going to just steamroll through, but do not think there is not controversy surrounding this particular issue.

Let me read a couple of headlines about this particular bill that we are working on today. Here is one from the Washington Times, an editorial: ''Rural Rip-off.'' This is the bill we are voting on today, described as a ''rural rip-off'' in the Washington Times.

The Wall Street Journal says, ''Rural Utilities Invest Funds in Markets Instead of Local Projects, Audit Says.'' These are the people who are going to be applying for this $1.25 billion government subsidized loan guarantee.

In an editorial in the USA Today it is referred to as ''The Taxpayer Rip-off in Progress.'' That is the bill we are discussing here this evening.

Let me read just a few of the comments in these articles. First of all, let me say that this is a program designed to give loan guarantees to people who do not need it to fund projects that are not needed.

We have heard a variety of speakers speak on the floor today and talk about, this is to provide local service. Not true. Local into local is the term. That is not true. The definition in the bill says that all these loans are available, as long as they do not have access to local television broadcast signals from not more than one commercial for-profit multi-channel video provider.

So if one already gets local into local through the cable service, these monies are still available to them, so they can have local into local that is providing the local weather, the local crop reports, and so forth, and still be eligible to receive this money.

What this is really about, and Members need to understand this, this is very important, what it really is about is providing government subsidies to create competition with the private sector. That may be an unintended consequence, but that definitely will be a consequence if this bill goes through, which I anticipate it will.

We will be subsidizing businesses with government loan guarantees so they can compete against people in the private sector. That should send a chill throughout Congress and the rest of the United States, that here we have the United States Congress getting ready to vote on a bill that provides $1.25 billion of taxpayer loan guarantees to subsidize business to go out and compete with the private sector.

That is a problem. That is a real problem. All who own small businesses or own big businesses, how would they like the government jumping into their business, subsidizing some competition for them? That is not the intention, I do not believe, the Founders of the Constitution had. I do not think it is necessarily the intent of the authors of this bill, but it will be the unintended consequence of the bill.

I would urge my colleagues to vote no.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank my colleague for yielding time to me.

Mr. Speaker, I rise in support of this legislation. As an original cosponsor of this bill, I know how important it is that everyone have access to their local TV stations. Locally-broadcast TV is most Americans' primary source of news, weather, and emergency information. But in my district and in rural areas across this country, many people cannot watch their own local stations. The hills and valleys in Santa Barbara and San Luis Obispo Counties preclude thousands of my constituents from receiving local TV over the air.

Some of my constituents do not have affordable access to cable, or they want a different choice. Many of them turn to satellite TV, but they could not get their local stations over the satellite.

So last year we passed legislation allowing so-called local into local broadcasting. But we knew then what we know now, most markets in the country will not be covered. Outside the top 40 media markets, local into local broadcasting is not going to happen because there is not enough money in it.

Citizens in places like the Central Coast of California still will not have access to their local stations through satellite TV, and local broadcasters still will not be able to get their signals to people who need them most, the folks in their own communities.

This is simply unfair to my constituents and to millions of other Americans in rural and underserved areas. The loan program that this bill sets up will help to bridge this gap, so I urge my colleagues to support this critically important bill. Our constituents in rural America deserve access to their local stations.

This bill is fair, this bill is just, it is worthy of our support.

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. KIND).

Mr. STENHOLM. Mr. Speaker, I yield 1 additional minute to the gentleman from Wisconsin.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. KIND) is recognized for 2 minutes.

Mr. KIND. Mr. Speaker, I thank the gentlemen for yielding time to me.

Mr. Speaker, I rise today as a strong supporter of H.R. 3615. I commend my colleagues on the compromise that they reached and worked out in this legislation, especially the two gentlemen from Virginia, the respective chairs and ranking members of the committees.

This legislation is vitally important for my constituents because it is vitally important to rural America. My congressional district is predominantly rural, with a population in the largest city of about 55,000 people.

Western Wisconsin has numerous small towns, villages, and individual farms nestled in the valleys of its rolling hills and bluffs. Due to poor reception with normal antennas, many constituents purchase satellite dishes for television reception. Unfortunately, these local satellite dishes do not provide local television coverage.

Farmers in rural areas rely on their local news to provide weather forecasts, parents rely on local news to alert them to school closings, every constituent relies on local news to warn them of impending weather emergencies. In my district, access to local news through satellite television is not a luxury, it is oftentimes a matter of life and death.

Passage of the Home Satellite Viewers Act last year was a big step towards ensuring local access for my constituents who rely on satellite dishes. Unfortunately, it was incomplete. H.R. 3615 creates an 80 percent loan guaranty program that will help satellite or other technology companies build the infrastructure to guarantee local access to rural areas.

My colleagues in urban communities are already seeing local access because it is cost-effective to provide it in those areas. It is not, however, cost-effective in rural America. That is why this legislation here today is vitally important to the people I represent.

I urge passage of H.R. 3615.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, as an original cosponsor of the loan guarantee program, I am particularly pleased with the bill's fiscally responsible plan that will ensure that all consumers, specifically those in medium and small markets, will have access to local broadcast signals. The only cities that will enjoy local network broadcasting over their satellite systems under the current system will be those with millions of television households.

As we all know, the largest TV markets are currently enjoying local into local service over their satellite systems because of the hard work of the Committee on Commerce in passing the Satellite Home Viewers Act. The legislation before us today allows Congress to finish the job by providing that same service to rural Americans.

Wyoming is a perfect example of why we need to pass this legislation. The two largest TV markets in Wyoming are Cheyenne and Casper. They rank number 196 and 199, respectively. Even under the most optimistic local into local plans, Wyoming television viewers would probably never receive local into local service without the loan guarantee provision that is included in this bill.

I can only say that in lieu of mandating that satellite and cable providers serve rural areas, this is our only option. I am committed to moving this piece of legislation so that rural television customers can enjoy the same local television programming as our urban friends.

Mr. MARKEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I do believe that this bill, in its present form, has yet to reach its pluperfect form of acceptability. However, I think that for the time being, as it moves through this floor consideration, that it perhaps does merit the support of the Members.

However, just so that the Members can understand, this bill does not require some of the largest corporations in America to actually first have gone into the financial marketplace and established that they cannot obtain these loans from a commercial financial institution. Instead, what it does is it assumes that they cannot receive them.

One of the things that we I think should think about before we finally return from a conference with the Senate is whether or not we just might want to ensure that some of these huge corporations, if they can find the financing on their own, should not be able to avail themselves of publicly guaranteed funding, even if it would be at better interest rates than they could get in the free market.

I think that is something that we are going to have to consider, because these are some of the most well known corporations in America that we are putting this bill through to guarantee that they are going to be subsidized. In other words, we are not taking care of small farmers here, we are talking here about large multinationals.

That is something that I think at the end of the day we can find a resolution for; that we do not, in other words, reenact mistakes in the past where we wind up subsidizing those that do not need it and, unfortunately, in other bills that pass through this body, we wind up not giving any kind of help to those that are most in need in our country.

Hopefully, as the process evolves and as we seek to perfect this legislation through the conference committee, we will be able to achieve those ends.

Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. COX).

Mr. MARKEY. Mr. Speaker, I yield 1 additional minute to the gentleman from California.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from California (Mr. COX) is recognized for 4 minutes.

Mr. COX. Mr. Speaker, I thank both of my colleagues for yielding time to me.

Mr. Speaker, I share the goals of the sponsors of this legislation. The fundamental problem is simple: There are,

according to the Congressional Budget Office, 3 million people in America who do not get over the air free television and who do not get cable, so they cannot get their local TV, 3 million people.

□ 1730

Now, until 1999, Congress made it illegal for satellite TV providers to put local stations into the homes of those people. We fixed that with SHVA, with the Satellite Home Viewer Act, a short while ago; but there remains a catch. In order to deliver even one local station into a market, the satellite provider has to deliver all of the locally originated stations.

Now naturally, the satellite providers trying to make money are going to start with the big markets like Los Angeles and New York, and in my TV market of southern California, where Los Angeles dominates, there are so many locally originated TV stations, scores of them, that it fills up all the satellite capacity.

What we have essentially said, by way of Federal regulation, is that it is more important for people who live in big TV markets, in big cities, to get all of the locally-originated TV stations, even if they do not have any local content by the way, than it is for people who live in rural America to get just one. We are doing nothing about that unfair mandate in this bill.

Now, I want to draw the attention of my colleagues to the fact that the procedure that we are using to pass this bill today does not permit any amendments. In the Committee on Commerce, where we worked very hard on this issue, I offered an amendment that passed in subcommittee that would have addressed the very reason that rural America is not getting service from satellite TV today. We passed that amendment in subcommittee. We lost it in full committee. I would like to have brought it to the floor and directly address the problem that we are facing in America today, and that is not enough local TV for this group of 3 million people.

But instead of lifting that Federal mandate, which the satellite providers tell us would permit them to get 80 million more people, instead of doing that we are going to create a brand new Federal program. We are going to take one of the oldest, stodgiest, failing bureaucracies that we have in Washington, the former Rural Electrification Administration, which is on a covert mission now that we will not recognize it to change its name to the Rural Utilities Service, and get a new lease on life, we are going to give them a billion dollars to go help these 3 million people. We are going to put them in the business of trying to compete with for-profit satellite TV companies, and one of the two biggest in America still is not making money.

The Congressional Budget Office tells us that the Rural Utilities Service is writing off billions of dollars in their existing loan portfolio left and right, at taxpayer expense, and that about 30 to 40 percent of the loans that are going to get made under this program are likely to be written off. So one can look at the cost of this program right up front is about $400 million.

The Rural Utilities Service, which we are putting in charge of this, does not know anything about which technology, which TV technology, to invest in. They may know something about agriculture. They are part of the Department of Agriculture. But they certainly do not know anything about which technology to bet on.

The loans that we are going to be providing have a term of 25 years. Does anybody in this Chamber understand what the digital information marketplace is going to look like 25 years from now? Would someone want to make a competitive bet to go into this market in competition with the Federal Government, with the Department of Agriculture, on their side? That is what we are doing in this legislation.

It is an extremely unlikely assumption that the Federal Government is going to make money in the satellite TV business, but one thing we know for sure nobody who lives in a rural area is going to get anything but pay TV under this proposal. Free, over-the-air TV, which the Government usually subsidizes, is not helped by this proposal.

I urge my colleagues to take a hard look at this, to ask why it is that it is being rushed through here without any opportunity to amend it; why we are giving a 70-year-old bureaucracy so much power, and I ask my colleagues to vote it down.

Mr. STENHOLM. Mr. Speaker, I yield 2 minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Speaker, I just want to take a few minutes to thank the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Virginia (Mr. BOUCHER) and the chairpeople of the respective committees for the great work that they have done. I have heard what the gentleman from California (Mr. COX) has said and the gentleman from Oklahoma about the fact that this might not be the best means by which to give people who have no access to any kind of signal at all the opportunity to find out if they have emergency flooding, whether a tornado is coming, whether like where I live an earthquake is perhaps going to happen. I just cannot tell the folks in my district, which is very, very rural and very remote in some areas, that it is not fair that people who live in big cities can get access to their local news; they can get it, but you cannot have it because nobody wants to come and give it to you.

I do not know how to answer the thousands of questions that I have gotten about this without giving them the opportunity to have their local news provided by satellite, because they do not have any other way to get it, Mr. Speaker. So I would just ask my colleagues who come from more metropolitan areas to try to understand what it is like for those of us who represent people who not only do not have access to satellite and/or cable, certainly cannot get any local news because there are not any local news stations within 200 or 300 miles, but a lot of these people do not even have running water in their homes. They deserve to have a break and they deserve to be on a level playing field with all of our folks in the cities, and I am just very happy that we are going to pass today, I hope, a bill to give all Americans an equal shake.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The Chair would remind Members that the gentleman from Virginia (Mr. GOODLATTE) has 2½ minutes remaining, the gentleman from Texas (Mr. STENHOLM) has 6½ minutes remaining, the gentleman from Louisiana (Mr. TAUZIN) has 3 minutes remaining, and the gentleman from Massachusetts (Mr. MARKEY) has 4 minutes remaining.

Mr. STENHOLM. Mr. Speaker, might I inquire what would be the order of closing.

The SPEAKER pro tempore. The order of close would be the gentleman from Massachusetts (Mr. MARKEY), the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Texas (Mr. STENHOLM), the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I yield 1 minute to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, I commend the chairmen of a number of committees that have had jurisdiction over this issue. I co-chair with the gentleman from Louisiana (Mr. TAUZIN) a task force on rural technology and have taken a long interest and a strongly held belief that if rural America is going to survive, it is going to be because we have equal access to technology and telecommunications.

One of the issues that has impacted the constituents of Kansas greatly is this issue of whether or not they can receive local programming, local-to-local programming, on their satellite networks. A typical constituent letter: We live in Madison. We are unable to receive network programming, ABC, CBS, NBC or Fox, with a rooftop antenna that would be suitable to watch. For 20 years we have received our programming through a satellite dish. We now get network coverage from cities like Denver, Chicago, Dallas, and New York; but here is the problem: We cannot even qualify to access local broadcasting because we are in a designated marketing area that is too close to have local television.

It matters to Kansans as a matter of public safety. Weather is important to us and agriculture, and I urge the passage of this bill and appreciate the consideration that our committees have given to this topic.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this satellite revolution is something that is changing the very face of the video marketplace in the United States. Back in 1992 when we passed the programming access provision, the gentleman from Louisiana (Mr. TAUZIN) and I and others were out here on the floor arguing that if we passed that that we would create a revolution, create an 18-inch dish that one could buy and put out between the petunias and bring down hundreds of television stations; and through the years now we have seen this revolution change how suburban and urban America relate to their cable companies.

This legislation is directed towards the last remaining pocket of resistance, that is, rural America. It is meant to remedy a problem that we think that we dealt with last year when we made it possible for urban and suburban television stations to beam up their local TV stations and then beam them right back down into the same marketplace. That is more difficult in rural America.

It is wise for us to look at this digital divide to make sure that rural America is taken care of. At the same time, it is also important for us to make sure that we do not subsidize that which would ultimately happen anyway in the private marketplace, and that is a very delicate, very thin line for us to be walking. I support this legislation at this time, but I hope as we move it further through the process that we have the willingness to be open-minded in terms of ensuring that we build in the protections, that we do not subsidize those that do not need subsidization, that we do not help those to compete in the private market that could compete in the private market on their own.

That said, it is important for rural America not to be left out. An aye vote on this legislation at this time is, in fact, something that I recommend.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the reason why the gentleman from Massachusetts (Mr. MARKEY) and I and so many others came to the floor in 1992 to try to create the capacity of direct broadcast satellite to bring television programming to America was because at the time we had just gotten through deregulating the cable companies. We in Congress had taken away the power of local franchising authorities to regulate the monopoly cable company. We thought it was pretty important if we were going to be responsible for taking away the power of local governments to regulate the monopoly cable company that we ought to make sure consumers in America had a competitive choice. That is what it was all about.

In 1992, we had to fight our way over a presidential veto to accomplish that goal, but we accomplished it. We created the capacity of television satellites to deliver satellite programming in competition with cable, but we left one thing undone, and that was the capacity of those satellites to include the local network programming in the package.

So guess what? Satellites were born; direct broadcast satellite came into being. But it was an imperfect competitor. So last year we tried to perfect that 1992 legislation by giving the satellites the right to carry the local network programming in the package; in short, to give Americans a real choice.

Why? Because we had taken away the authority to regulate the monopoly. Well, guess what? In March of last year, all the authority to regulate from Washington monopoly cable ended. We allowed that to happen, but across America, outside of the 70 major markets that will be served by this new legislation last year, Americans will either have no multichannel delivery or will be afflicted with a single channel delivery system that is now unregulated.

We created, through this process of legislation, the possibility that many Americans will have only one choice for television programming. Today we cure that. Today we make sure that here in Washington we provide the loan guarantees, not the loans. We are not giving anybody a billion dollars. We are providing government-backed guarantees to make sure that the rest of America, in addition to the 70 major markets, the rest of America will have more than one choice.

Now that is the way we ought to behave. If we are going to take away power to regulate monopolies, we ought to always ensure that consumers have real choice because then consumers can regulate the companies by choosing which they want to reward with their money and which they want to punish by taking their business away.

With two providers in the marketplace, Americans will finally be protected. They will have choice and with choice will come fair prices. With choice will come fair packaging of products. With choice will come consumer regulation of the marketplace. I hope we pass this good bill.

Mr. STENHOLM. Mr. Speaker, I yield myself the remainder of my time.

The SPEAKER pro tempore. The gentleman is recognized for 6½ minutes.

Mr. STENHOLM. Mr. Speaker, I rise again in support of the bill and associate myself with the remarks of the gentleman from Louisiana (Mr. TAUZIN) regarding the intent and want to use this time to perhaps clarify a few points that have been made, I believe, erroneously through no intent.

□ 1745

There has been a lot of quoting of newspaper articles and various interpretations of an OIG report that wrongfully implied that electric cooperatives were holding $11 billion in a portfolio consisting of financial instruments which was interpreted to mean stocks, bonds, and mutual funds.

There has also been an implying that the rural utility service has not been a good steward of taxpayer dollars. If my colleagues will check the record, they will find that the telecommunications program or the rural utility service has never incurred a default regarding loss of taxpayer funding. The electric distribution and water programs have incurred write-offs of less than 1 percent over their entire history of operation.

Let me just quickly talk about this $11 billion in cash or assets that supposedly could be redirected and financed, in this case, telecommunications. $2.5 billion of that is patronage capital. That is monies owned by the members of the cooperatives that are invested in the distribution and transmission lines that provide electricity and telephone service.

$795 million are capital term certificates which form a pool of funds for long-term loans for cooperative lending. $2.3 billion is in accounts receivable which are bills issued by cooperatives that are not yet paid by customers. $2 billion of this $11 billion is in operating capital. It is deemed a minimum prudent reserve level by utility accounting standards held by the distribution utilities. $2.8 billion of this $11 billion alleged dollars is in operating capital that is deemed a prudent reserve held by the power supply cooperatives.

These are just some of the investments that rural electrics and rural telephone cooperatives have today. What are they doing with it? Nine hundred and thirty electric cooperatives have invested $75 billion for 32,254 megawatts of generating capacity and 2,281,351 miles of line, which accounts for approximately half of the distribution lines in the United States.

I think it is grossly unfair of those who have been misinterpreting an OIG report for purposes of this particular bill. This bill is good in its intent. The rural utility service will continue to prudently manage taxpayer dollars, and the rural communities will be benefited, as has already been stated by this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, in addition to all of those I thanked earlier, and there are just too many to recite everyone, I

want to also recognize the gentlewoman from North Carolina (Mrs. CLAYTON), the ranking member of my subcommittee; as well as the gentleman from Massachusetts (Mr. MARKEY); and the gentleman from Michigan (Mr. DINGELL), from the Committee on Commerce, for their assistance in helping get this legislation to this point.

But what I really want to do is thank the American people, because they are the ones who have driven this legislation more than anyone else. Many Members of Congress have received more mail, more phone calls, more e-mails on this issue than any other legislative issue in the time that they have served in Congress.

The reason is very simple. Look at the map. The red and yellow dots, they are going to get taken care of. The rest of the United States is not. Tulsa, Oklahoma is not going to get a local into local service without this legislation; Lexington, Kentucky; Roanoke and Lynchburg, Virginia, my communities in my district; Austin, Texas; Richmond, Virginia; Knoxville, Tennessee; Honolulu, Hawaii; Des Moines, Iowa; Green Bay, Wisconsin; Omaha, Nebraska; Spokane; Shreveport, Louisiana; New Orleans, Louisiana; Rochester; Tucson; Springfield, Missouri; Springfield, Massachusetts. The list goes on and on.

More than 160 television markets, more than 30 million households, nearly 75 million Americans, more than 1,000 television stations in those markets will not be served without the passage of this legislation. I urge my colleagues to join me in passing this bill.

Mr. BEREUTER. Mr. Speaker, this Member rises today in strong support of H.R. 3615, the Rural Local Broadcast Signal Act. This Member is pleased to be a co-sponsor of this important legislation, which will ensure improved access to local television signals in unserved or under-served rural areas.

Many rural families either cannot receive their local broadcast signals over the air, or are not offered cable service. It is important that we address this problem. Particularly in rural areas, local television broadcasts may be one of the few sources of emergency warnings and local news. In addition, local television provides weather, sports and special interest programming. Rural Americans, like their urban counterparts, need access to this important information.

Last year, the House passed the Satellite Home Viewer Improvement Act, which was ultimately signed into law. Satellite companies are now allowed to offer local network television signals to their subscribers. As a result of this bill, it is estimated that 70 percent of American households will eventually receive local broadcast signals. The remaining 30 percent of households, however, are found in sparsely populated areas, which will likely not be served under existing conditions. This legislation will ensure that these unserved or under-served areas are able to receive access to local television signals.

This bill authorizes the Rural Utilities Service (RUS) to provide loan guarantees to organizations for building or improving satellite, cable television and multi-channel video distribution infrastructure in under-served areas. The RUS will guarantee up to $1.25 billion in loans to multi-channel video service providers, including direct broadcast satellite licensees. Under the RUS, up to 80 percent of a private loan may be guaranteed and loans will be payable in full within 25 years or the useful life of the assets purchased. This bill also provides standards to ensure that the loans will be promptly repaid and that the borrower has adequate collateral and insurance to protect the interests of the Federal government. Projects providing service to the most under-served market areas will be given priority for these loans.

In closing, this Member encourages his colleagues to support H.R. 3615. This bill ensures that all Americans, including those in rural areas, receive reliable access to their local broadcast stations.

Mr. LAFALCE. Mr. Speaker, today the House takes up a bill that, once again, handpicks a specific industry in our economy, the satellite television industry, to receive government assistance in the form of loan guarantees. While the bill before us today represents an improvement over the bill included in last year's Satellite Home Viewer Improvement Act conference report, and largely reflects the bill reported out by the Senate Banking Committee, and enacted by the full Senate unanimously, I rise today to express strong concerns with the process by which H.R. 3615 was brought to the House floor.

Last summer, I rose before this chamber, and was joined by the Chairman of the Banking Committee, to oppose another government give-away in the form of loan guarantees to the steel, oil, and gas industries. I opposed that bill then because of its substantive flaws, and because taxpayers were being placed at undue financial risk. I also opposed the steel, oil, and gas loan guarantee program because this House, in an open circumvention of its standing rules, brought the bill to the floor without having first given the committees of jurisdiction the right to review the legislation and to deliberate it on its merits. The advantage of having committees of Congress examine legislation with vast implications for our economy, the Federal government, and taxpayers is that it prevents us from enacting bad laws that help an industry in the short-term (sometimes unwisely) but ultimately harm the taxpayers in the long-run, who end up having to bear the costs of defaulted loans and unsound ventures.

Mr. Speaker, we cannot, and must not, allow this House to flagrantly circumvent its own rules at the expense of the taxpayers.

Rule X, Clause 1(d)(5) of the Rules of the House of Representatives stipulates that all bills, resolutions, and other matters related to "Financial aid to commerce and industry (other than transportation)" are under the jurisdiction of the Committee on Banking and Financial Services. On November 18, 1999, the Majority Leader of this House assured the gentleman from Virginia, Mr. BOUCHER, the chief Democratic sponsor of this measure, on the House floor that "It is my hope that the relevant committees of jurisdiction will engage in a full debate and discussion of the merits of this loan guarantee package and move appropriate legislation forward expeditiously." I regret to mention that H.R. 3615, which provides financial aid in the form of loan guarantees to satellite companies, was not referred to a very relevant committee of jurisdiction, the Banking Committee.

When H.R. 3615 was introduced on February 10th, 2000, its proponent argued successfully that the loan guarantee program being proposed fell strictly within the Rural Utilities Service of the U.S. Department of Agriculture and that, therefore, the bill should not be referred to the Banking Committee. While this is a technical and spurious argument, the bottom line is that the Congress is acting on legislation to provide financial aid to the satellite TV industry and the bill should have therefore been referred to the Committee with clear jurisdiction over these matters—the Banking Committee. I should remind my colleagues that it was the Banking Committee that historically has enacted successful, and strong loan guarantee programs that have been profitable to the U.S. government—such as those for the Chrysler Corporation, the City of New York, and the Lockheed Corporation.

Moreover, I should note that the Commerce Committee, unlike the Agriculture Committee, added a Board to the legislation in an effort to ensure the program's accountability to the taxpayers. That Board includes the Secretary of the Treasury as a member. For those who mistakenly questioned the need to refer this bill to the Banking Committee because it was narrowly tailored for the USDA's Rural Utilities Service, the inclusion of the Secretary of the Treasury on the Board is reason enough for referral to the Banking Committee.

Mr. Speaker, the other chamber reported out a bill that was conceived in their Banking Committee. But in a truly ironic twist, and despite action by the House Agriculture and Commerce Committees on this bill, the bill we are considering today, with certain modifications made by the Commerce Committee on telecommunications matters strictly within their jurisdiction, is by-and-large the same product approved by the other chamber. While I am encouraged by this development, only because the substance of the Senate bill is an improvement over the originally introduced version of H.R. 3615, this House would have been better served by the advice, expertise, and input of its own Banking Committee.

Mr. Speaker, none of us disagree with the intent of this legislation—to make local TV signals available to rural areas via satellite. In principle, I strongly support the notion of bringing rural households the same information and access to telecommunications that urban residents currently enjoy. However, the Office of Management and Budget, which sets out requirements for Federal credit programs, continues to have specific concerns with certain provisions of both H.R. 3615 and S. 2097. Mr. Speaker, in order to protect the best interests of the taxpayers, and to provide important and meaningful input in the remainder of the process, I strongly urge inclusion of Members of the House Banking Committee on the conference committee so that our remaining concerns can be addressed.

Mr. MARKEY. Mr. Speaker, I rise in support of the bill. Mr. Speaker, the bill before us is an amalgamation of several provisions from the introduced bill, the bill reported by the Agriculture Committee and that of the Commerce Committee.

The bill includes a number of provisions that make eminent sense, such as prohibiting use of loans for operating, advertising or promotional expenses. Loans cannot be utilized to go bid at FCC auctions. Incumbent cable operators cannot obtain loans within their existing franchise areas. The bill also stipulates that the government guarantee may not exceed 80 percent of the loan amount. The bill on the floor today also does not contain language that would have disrupted plans for a promising new wireless technology pioneered by Northpoint technology. I think this deletion is a wise decision, reflects the desire of Congress that the FCC proceed consistent with provisions of last Fall's Satellite Home Viewer Act, and reflects as well the desire of Congress to promote ever more competition in our telecommunications marketplace provided that no harmful interference is caused to existing licenses.

Mr. Speaker, I rise in support of the bill despite some lingering concerns about this loan guarantee program. I support competition and increased consumer choice in telecommunications everywhere in America.

The bill before us proposes to establish a loan guarantee program, based upon the historic initiatives to provide rural America with electricity and telephone service, in order to provide subscription local-to-local television service. I continue to have reservations that providing local-to-local service is something that warrants a loan guarantee program of the magnitude proposed in the bill.

I also believe the bill ought to have provisions that require large, financially healthy, profitable companies to go to the commercial capital markets first to try to obtain a loan without a government guarantee before coming hat-in-hand to the government seeking a taxpayer-backed subsidy.

Promoting competition to cable is a laudable goal for telecommunications policy. Subsidizing competition to cable is something else altogether, especially when you consider that we have spent years trying to get subsidies out of our telecommunications markets. My hope would be that in conference with the Senate that we can further fine tune this bill and make it more market-oriented and competition-based.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). All time for debate has expired.

Pursuant to the order of the House of today, the previous question is ordered on the bill, as amended.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. COX. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 375, nays 37, not voting 22, as follows:

[Roll No. 128]

YEAS—375

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chambliss
Clayton
Clement
Clyburn
Coble
Combest
Condit
Conyers
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Dreier
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Franks (NJ)
Frost
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Lampson
Lantos
Larson
Latham
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stenholm
Strickland
Stump
Stupak
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)

NAYS—37

Archer
Armey
Capuano
Chabot
Chenoweth-Hage
Coburn
Collins
Cox
DeLay
DeMint
Doolittle
Duncan
Ehlers
Fossella
Frank (MA)
Frelinghuysen
Johnson, Sam
Kasich
Kleczka
LaFalce
Largent
Linder
Manzullo
Miller (FL)
Miller, Gary
Paul
Rohrabacher
Royce
Salmon
Sanford
Sensenbrenner
Shadegg
Shays
Stearns
Sununu
Toomey
Wu

NOT VOTING—22

Baker
Bliley
Borski
Callahan
Clay
Cook
Cooksey
Doyle
Gallegly
Ganske
Houghton
LaTourette
McInnis
McIntosh
Miller, George
Myrick
Quinn
Ros-Lehtinen
Stark
Vento
Wexler
Young (FL)

□ 1810

Messrs. DELAY, KASICH and ARMEY changed their vote from ''yea'' to ''nay.''

Messrs. DAVIS of Illinois, GUTIERREZ, CROWLEY and HULSHOF changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. TANCREDO. Mr. Speaker, please let the RECORD reflect that on rollcall vote 128, it was my intention to vote "no." The vote, "yes," was recorded in error.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3615, the bill just considered.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Virginia?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1283

Mr. TALENT. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1283.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

RADIO BROADCASTING PRESERVATION ACT OF 2000

The SPEAKER pro tempore. Pursuant to the order of the House of today and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 3439.

□ 1812

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3439) to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the order of the House, the bill is considered as having been read the first time.

The gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

□ 1815

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to take this moment to inform the House that I intend to make a formal request upon the Department of Justice regarding a potential criminal violation of our statutes to the extent that the FCC, through its director and associate director of their political office, has apparently transmitted faxes to Subcommittee on Telecommunications, Trade and Consumer Protection legislative assistants and legislative directors urging support or opposition to the bill that is before the House today, in direct contravention to 18 U.S.C., section 1913, which provides that no part of the monies appropriated by Congress shall in the absence of express authorization be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device intended or designed to influence any Member of the United States Congress.

Mr. Chairman, today the House considers H.R. 3439, the Radio Broadcasting Preservation Act. At the outset, let me commend the sponsor of this bill the gentleman from Ohio (Mr. OXLEY) for his work on this legislation. Credit is also due to the gentlewoman from New Mexico (Mrs. WILSON) and the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Commerce, for their extraordinary work in presenting the bipartisan compromise legislation that is before us today.

This language passed our full Committee on Commerce by voice vote last month.

Mr. Chairman, this bill represents a true compromise. It allows for the FCC to proceed with plans to implement a low-power FM radio service to address the community needs of many localities.

The original legislation introduced in January, which gained the support of over 120 cosponsors, would have prevented the FCC from issuing any of these low-power FM licenses and would have effectively killed the FCC's low-power program altogether.

The language that the House considers today offers the FCC significantly more latitude than the original bill would have.

First and foremost, the bill allows the FCC to immediately begin issuing licenses to low-power FM stations under the current interference standards used today to allocate spectrum on the FM dial. The FCC will thus be able to issue about 70 of these new licenses.

Furthermore, the bill institutes a pilot program to test the possible signal interference in nine geographic areas under the relaxed interference standards that the FCC recommends now.

Finally, and this is an important point, the bill maintains Congressional authority over any future changes made to the interference protections that exist in the FM dial today.

Let me take a minute to expand on this issue. The FCC has proceeded full steam ahead to implement this new service, even after learning about substantial concerns from both Republican and Democratic members of the Committee on Commerce.

We held a hearing to address these technical interference issues back in February. At that time, many members of our committee urged the Commission to proceed slowly with this program in order to carefully study the potential harmful effects on our Nation's airwaves. Without regard to these Congressional concerns, the Commission forged ahead and began implementing the program.

The bill correctly recognizes the need for Congressional oversight when it comes to such important issues as spectrum management. Before the FCC changes existing protections, protections that are as important to radio stations, public and commercial, as they are to radio listeners across America, I think it is imperative that Congress must have the authority to review any FCC changes over existing protections.

I will strongly oppose any amendment offered that would strip the Congress of its rightful oversight authority.

I trust the House will agree with me and recognize the tremendous movement that has been made in this compromise language to give the FCC authority to roll out low-power FM where there will be no interference and yet to do a pilot program before Congress gives it authority to indeed change its interference rules and allow further roll out of the program.

I urge my colleagues to vote in favor of the bill and against any amendments that would weaken it.

I want to point out again, Mr. Chairman, when the FCC uses money appropriated to it to lobby this Congress, my colleagues all ought to pay a lot of attention. It is a criminal violation, I believe, and I will ask the Department of Justice to investigate it. But when they go so far as to break the criminal laws of a country that prohibit this form of lobbying, we ought to really think about giving them authority to move forward before Congress says go forward on this important roll-out program.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Michigan (Mr. DINGELL) is recognized.

Mr. DINGELL. Mr. Chairman, yield myself 3½ minutes.

Mr. Chairman, the bill under consideration today, H.R. 3439, represents an extremely constructive and wise compromise reached in the Committee on Commerce over the future of low-power FM radio service.

I particularly want to commend my colleagues, the gentlewoman from New Mexico (Mrs. WILSON), the gentleman from Ohio (Mr. OXLEY), the gentleman from Virginia (Chairman BLILEY), as well as my good friend the gentleman from Louisiana (Mr. TAUZIN) for a reasonable, common sense solution to the problem which existed.

The compromise, which was entirely bipartisan, allows some low-power stations to be licensed under existing interference standards immediately,

some 70, and it then requires the FCC to establish a pilot program in a limited number of markets to determine precisely what the effects would be if these interference standards are relaxed in the future.

This is to protect broadcasters. It is to protect licensees. And it is, above all else, to protect the listeners of the FM radio spectrum.

By moving this theoretical question from the laboratory to the real world, all of us will be better able to judge whether or not permanent service, as envisioned by the FCC, should be permitted to move forward.

It should be noted that the FCC has here moved without any consideration of fact and without any careful scientific work. They have no understanding of whether or not or how much interference will be caused by the order which they have brought forward.

Great outrage existed throughout both the listener community and also through the broadcasting community. We are trying to see to it that a diversity of voices and views will be available to the American people, including a new low-power service. This, I believe, is beneficial.

We do not debate the question of whether low-power service would be beneficial to our communities. I happen to believe so. I have not heard any of my colleagues on either side of the aisle to dispute the value of adding more diversity to the airwaves.

Furthermore, I would note that neither the National Association of Broadcasters nor National Public Radio, both of whom are proponents of this legislation, have taken issue with the underlying goal of the FCC's recent order. But I would note that the legislation, as amended, does allow the project envisioned by the FCC to go forward under careful controls and under good understanding of the basic underlying scientific questions which have to be addressed.

The issue under debate here is simply whether the FCC's order would cause an unacceptable level interference and thereby disenfranchise large numbers of existing radio stations and, more importantly, their listeners. Because it is the listeners that we protect.

Put simply, we want to make sure that the FCC has done its homework and that it will do its homework and that no harmful interference will result from these new stations. The result, I think, is one that is in the public interest.

In any event, the bill, as originally introduced by my friend the gentleman from Ohio (Mr. OXLEY), simply would have repealed the FCC's order. That, I believe, was unwise. Many members of the Committee on Commerce, including myself, were not convinced that that was a proper solution. So we have come forward with a compromise which allows the matter to go forward and ensures that the FCC will act wisely and well upon the basis of science and fact.

Again, I want to compliment my colleagues who have made this possible, especially the gentlewoman from New Mexico (Mrs. WILSON).

Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I yield 6 minutes to the gentleman from Ohio (Mr. OXLEY), my friend, the principal author of the legislation, the vice chairman of the Subcommittee on Telecommunications, Trade and Consumer Protection.

Mr. OXLEY. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, before I begin my remarks, I want to join the distinguished gentleman from Louisiana (Mr. TAUZIN), the chairman of the Subcommittee on Telecommunications, Trade and Consumer Protection, in expressing my concern also for some of the overt lobbying that is going on from the FCC regarding this issue.

Virtually every Member of Congress has received this information from the FCC, which says, ''10 Reasons to Support Low Power FM Radio Service and to Oppose H.R. 3439, the Radio Broadcasting Preservation Act of 2000.''

This, basically, is lobbying no matter how we paint it and it is clearly, as the gentleman from Louisiana (Mr. TAUZIN) pointed out, against the law. This is something very, very serious when an independent agency can try to influence and ask for opposition to a particular piece of legislation.

But not only did they talk about the 10 reasons to oppose my bill, but then they added a letter from a labor union, the Federation of Labor and Congress of Industrial Organizations Legislative Alert, saying, ''Oppose the Legislation. Oppose the Oxley Bill.''

I do not think I can see any time in the 20 years I have been here a more blatant attempt to lobby this body by a so-called independent agency. It is an absolute outrage. I support the chairman for what he is trying to do in his referral to the Department of Justice.

Mr. Chairman, when we teach our children about good behavior, we teach them not to interfere with what other people are doing. We teach them not to step on other people's toes. And there is a lesson there for us today as we consider the direction of the low-power FM program.

The Chairman of the FCC, Mr. Kennard says he created this new, low-power FM licensing program to add new voices to radio. Well, that is great. And I will enjoy the option of having more choices in radio. And clearly, many of us on the committee supported the advent of low-power television. It has been a huge success.

But we also have to consider what happens to the incumbent stations, those people who have made an investment, many times their life savings, in a small radio station and what happens when those new stations may be developed impinge on their signal.

First, to address the so-called diversity issue, have my colleagues ever heard such a wonderful cacophony of voices that we hear in this democracy? Have we ever had more information, more kinds of media, or more outlets for our views? Anyone who takes an objective look must conclude that our country is rich in information and rich in public debate, as it should be.

So we are looking to add choices, not to subtract them. Remember, we are seeking to add choices in the consumers market without interfering with other existing services.

What our bill sought to do, clearly and concisely as I can say, was to say to the FCC, before they run full speed ahead in granting these licenses, make certain that the interference standards are adhered to, the interference standards of long tradition.

It is clear to me by the order of the FCC that they have ignored these requirements of making certain that we have a solid and significant sound for these people.

The private studies that have raised the questions time and time again have indicated that the growth of these stations in some areas may very well impinge upon viewers' ability to listen to these new voices and to the old voices, as well.

Clearly, there is enough evidence against the FCC's actions to be concerned. And that is why we have asked for this study.

People are attached to their radios. I grew up listening to the Detroit Tigers baseball games, as the gentleman from Massachusetts well knows. I think that every person has a right to listen to that particular broadcast without fear of being overrun by another signal.

Who would be harmed? Let us take a look at who would be harmed.

I was initially contacted before I introduced this bill by several locally-owned radio stations in my district, one in particular, WDOH in Delphos, Ohio, an independent, locally owned station very proud to serve the needs of that community. Yet, these are the kinds of stations that the chairman of the FCC says he wants to encourage and they would be clearly vulnerable to interference.

NPR is concerned about its member station and says that crowding leaves it vulnerable to interference. Kevin Klose said yesterday in a letter to the editor that the reading services for the sight-impaired are threatened.

This, of course, would be the case for thousands and thousands of radio stations across the country. So I think we have to be very careful as to how we proceed and the FCC proceeds.

This bill allows the FCC to proceed with a low-power program. It insists

that the Commission reinstitute the third-channel protections that are so important for current broadcasters and listening services and requires the FCC to conduct a pilot study on the impact on the study of radio broadcast and radio listeners.

□ 1830

It directs the FCC to place low-power radio in areas where there is plenty of room on the FM dial. This is solid legislation.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. OXLEY. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. I thank the gentleman for yielding. I hope we have the time for a colloquy between us. I thank him for his assistance in this matter as I brought it to his attention several months ago. As the gentleman knows, there was a technicality that did not permit this amendment to be considered in this bill. However, I am hoping that the gentleman will agree that this is a matter that can well be addressed in the conference. We are talking Bergen County, New Jersey, which is in a very unusual, if not absolutely unique situation with regard to the availability of FM radio. While there are dozens of FM stations across the Hudson River in New York City, there are no commercial FM stations in Bergen County, which is one of the most densely populated counties in the Nation.

This is a unique situation because the New York stations provide all kinds of information and music and entertainment, but there are no local news and no public service data or emergency information for anything in this densely populated area, Bergen County. A little over 5 years ago, this lack of local radio was partially remedied by the creation of Juke Box Radio. The gentleman knows the details of Juke Box Radio. We do not have time to go into it now, but it is highly regarded in this area and serves definite purposes. Despite that fact of the definite purpose it serves, it is not able under this legislation to operate. I believe Juke Box Radio clearly serves the public interest in the community; and if any way can be found to address this issue in conference, I would appreciate it if the gentleman could pursue it.

I had hoped to offer an extremely limited amendment supporting this arrangement. Unfortunately, the Office of the Parliamentarian determined my amendment to be technically non-germane because Jukebox is a commercial station and the LPFM service is strictly non-commercial. Despite that fact, I believe Jukebox Radio clearly serves the public interest in my community. If a way can be found to address this issue in conference, I would very much like to pursue it.

I would ask the Chairman for his assistance and state that to my knowledge, Jukebox has never been accused of causing interference to any other station and is operating on a frequency where interference should not occur.

Mr. OXLEY. Reclaiming my time, I thank the gentlewoman from New Jersey for pointing this out. The legislation before us deals primarily with safeguarding the existing full-power FM stations against interference from low-power stations.

Let me say to the gentlewoman from New Jersey that we will address that in the conference committee.

I can assure you that nothing in this bill is intended to create a disadvantage for any existing broadcaster or for radio service to any community. I recognize the importance of local radio in providing timely news and information, particularly emergency information and would be happy to work with you as this legislation moves forward.

Mr. Chairman, I ask unanimous consent that the entire colloquy be made a part of the RECORD.

The CHAIRMAN. The gentleman is advised that colloquies must be spoken, not inserted.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, we need to keep this bill in context. The worst part, the most unhealthy part of the 1996 Telecommunications Act was the provision which allowed for the consolidation of the radio industry. Up until 1996, no one could own more than two AM and two FM radio stations in the same city, and no one could own more than 40 radio stations across the whole country. Because of the 1996 Telecommunications Act, this worst provision in it, we now have one group owns 512 stations, another 443 stations, another 248 stations, and another 163 stations. It is harder and harder for minorities to gain access to the airwaves, to own them. It is harder and harder for women. It is harder and harder for smaller voices to independently speak on the airwaves of our country.

What the chairman of the FCC, what the commission was trying to do was to make it possible for 100-watt stations to be licensed, not the 50,000-watt stations that we are all familiar with in our hometowns. 100-watt stations. This is the kid across the street with an antenna. This is not rocket science. This is just radio. It has been around for 80 years and the Federal Communications Commission has been doing a good job in sorting out these issues, these interference issues. The FCC's job is to supplement, not supplant competition. That is what they are trying to do here, supplement it.

What are we talking about? Is your car radio going to be affected by this? No. Is your stereo going to be affected by this? No. Maybe the radio in the shower will have a little bit more interference, but we have the FCC to work it out. They have been doing it for 80 years. By the way, since the 1960s, 300 radio stations around the country have operated within the third adjacent channel proposed for low-power FM. By the way, those were full-power radio stations inside the third adjacent channel. Since the late 1960s, the FCC has worked it out. This is not a good bill. I urge my colleagues to oppose it.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Chairman, I want to thank the gentleman from Michigan (Mr. DINGELL), the gentleman from Ohio (Mr. OXLEY), the gentleman from Louisiana (Mr. TAUZIN), and the gentleman from Virginia (Mr. BLILEY) for working together on a compromise substitute that we have worked on in committee to allow low-power radio to go forward.

Our first obligation here is to protect the radio listeners. That is listeners with all kinds of radios whether they are in their shower or they are listening as I do on an old radio that I had when I was a kid that still has one of those really teeny-tiny switches on it to tune into my favorite station. We should not all have to have stereos and new cars to be able to hear the stations that we want to hear. We had hearings in the Committee on Commerce where the engineers did not agree on whether putting stations closer together would cause static and cross-talk and hums and things that would be really annoying to everyday people. But we do want to hear more voices on the radio.

The idea of low-power radio is really kind of a neat idea that could open up radio to a lot more voices. So we have worked what I think is a good compromise in the committee. It is a little delicate, but I do not think it needs another amendment. It says, let us go forward with low-power radio with the existing interference standards; let us set aside nine cities where we are going to test it to see if we can have these stations closer together and not have interference, we are not going to let pirates have licenses, and we are going to have the FCC in this independent review come back and tell us how it went in those nine stations, find out how it goes and see if it is okay, and then maybe we will be able to open up more low-power stations.

I think this is a pretty good compromise. The FCC was moving too quickly and I believe compromising the quality of the radio reception that we get in our communities. We found an acceptable balance. I thank the chairman and the ranking member and my other colleagues for working together towards this solution.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I want to urge support for this bill. I signed on as an original cosponsor not because I wanted to curb diversity or local interest but rather because I wanted to protect them. My home State of New Jersey is completely dominated by New York radio to the north or Philadelphia radio to the south and in between are the small local radio stations which strive to remain distinctly New Jersey in focus and content.

Obviously, this makes for a fairly crowded radio dial already. Unilaterally adding more stations in my opinion is not the solution. In fact, in my State, low-power FM may even cramp local New Jersey stations and disrupt consumers by interfering with local broadcasts or by duplicating local services and formats. Even National Public Radio has concerns that the low-power FM program will hamper its broadcasts. Accordingly, NPR supports the bill.

Mr. Chairman, I have no quarrel with the goals of the low-power FM program. However, its application needs to be examined and evaluated by the Congress. The compromise we fashioned in the Committee on Commerce allows the FCC to move forward with the low-power FM as long as it protects existing third-channel interference protections. The compromise then allows for an independent party to determine once and for all how these pilot programs will affect current radio listeners, small market broadcasters and blind radio reading services. The FCC will then report back to Congress in 2001. I think this compromise is a good one. It passed the Committee on Commerce by a voice vote and in my view is the most responsible way to proceed with the low-power program. I would urge my colleagues not to support any amendments.

I want to compliment the hard work of the gentleman from Michigan (Mr. DINGELL), our ranking member, in forging the compromise and the gentleman from Ohio (Mr. OXLEY) and again urge support of the bill.

Mr. TAUZIN. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. I thank the gentleman for yielding me this time and thank the gentleman for bringing this bill to the floor. This is important legislation that has real potential impact on many small businesses in America as well as many listeners to radio stations throughout the country.

In January of this year, the five-member FCC issued rules creating a new low-power radio service. That is what we are talking about today. But two of those five members did not think this was a good idea. One dissented completely, one dissented in part, understanding as many Members of this body do that what this legislation really does is move the FCC into an area that is not yet ready. It moves many owners of radio stations, some part of large radio chains, some part of a station that a family has founded that they run, that they have done their best to build over the years, they have created identity with their signal, into an area that no one quite knows whether their station continues to work the way it has in the past or not, creating holes in the radio signal area, where if you are driving across the country and you are listening to a station and you suddenly come into one of these new low-power areas and you assume the station you were listening to is gone, not knowing that a few miles down the road it would be right back, is a very harmful thing to businesses that have been built on a guarantee from the Federal Government and the FCC that they would have a position on the dial, that they would have a position on the band and on the spectrum that worked for them, that was theirs, that they could really gain listener respect, listener loyalty and a place that they knew they could be found.

Inexpensive and older radios are particularly vulnerable to interference, meaning the proposal could have the effect of denying low-income and elderly listeners clear reception of their favorite stations. This is important legislation. I am glad it is on the floor. We need to pass it today.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I would like to thank the ranking member, the gentleman from Michigan (Mr. DINGELL), for yielding me this time and for his hard work on trying to make this a fair bill. I still, however, must rise in opposition to H.R. 3439. The title itself is deceptive. The act seeks to preserve the status quo and to prevent others from having access to the airwaves.

It is a fact that the four top radio groups own the majority of the Nation's radio stations and according to the Congressional Research Service between 1995 and 1998, the number of radio station owners decreased 18.8 percent. With the number of radio station owners decreasing and the consolidation of radio ownership growing, LPFM allows underrepresented groups and communities an opportunity to enter into the radio broadcast area. I support this new initiative because it will open doors of opportunity for our Nation. It adds to radio diversity and encourages alternatives to current commercial formats that dominate the radio.

I have heard others say that we need to protect radio listeners, but we must also protect those who do not have stations to listen to. I am confident if LPFM were put in place that many would listen to the radio, if they had something to listen to. I contemplate in my own jurisdiction many of the wonderful stations that are on my son likes, the kids older than him like; but there are seniors and people who attend churches throughout my community who do not like any of it, and they should have an opportunity to be heard on radio as well.

Who are we to delay or deny opportunity to community-based groups who have more than earned the right to take advantage of the technology? I have met with the members of the industry, and I understand their concerns; but here in the land of the free and the home of the brave, everyone should be able to reach the table, and they can do it by low-power radio.

Now, low-power FM radio has the support of the Leadership Conference on Civil Rights, the AFL-CIO, the Communication Workers of America, the United States Catholic Conference, and the United Church of Christ Office of Communications.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Chairman, I thank the gentleman for yielding me this time and the gentleman from Ohio (Mr. OXLEY) for his efforts as well as members of the minority.

There are two important aspects as I see it to this bill. One is that it will allow low-power radio to proceed. It will protect listeners, and it will prevent interference, which is something I think the American people are accustomed to and frankly want. That has been expressed through the Members of Congress in the last couple of years. Why we are here today in a somewhat expedited way is because the FCC overruled the will of the people. They overruled the will of Congress, which leads to a second and probably more disturbing portion of this debate and that is what the gentleman from Louisiana and the gentleman from Ohio alluded to at the very beginning. The FCC, for a lot of Americans who do not know, is a regulatory body and many businesses have to go before this regulatory body for satisfaction, for answers to really carry out their business plan, to bring products to the American people.

□ 1845

What we see too often, especially lately, is that good honest business people have to go on bended knee before the regulators, and if they do not get their way, the regulators, they take it out on those good honest American business people. We talk about the land of the free and the home of the brave, that is not the American way.

The American people deserve honesty from people holding public office. They deserve to be treated fairly and openly, and not to be subject to idle or explicit threats.

With that, I urge the adoption of this bill.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I rise in opposition to the Radio Broadcasting Preservation Act. The bill would postpone the FCC's efforts to open our airways to small local community groups, churches, schools, volunteer fire departments, civic organizations. It would deny these groups the right to provide their communities with information of unique local concern. It would smother movements towards diversity on our airwaves.

These are stations that would broadcast local ball games, municipal meetings, or anything else they think would be good for their communities and their communities wanted to hear.

Low-cost, small-scale FM stations would play a vital role in the Hispanic community in my district by expanding the opportunities for local Spanish language radio service. Such stations would help to strengthen this community, unite it behind common goals.

I have worked with the FCC on this issue for over 2 years. Exhaustive engineering studies have been completed. The experience of actual low-power radio stations has been reviewed. The results are conclusive. These new stations will not interfere with the existing large radio companies that currently dominate our airways. This bill discourages expanding our educational and culture horizons. I urge Members to oppose it.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the very distinguished gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I would like to commend the gentleman from Ohio (Mr. OXLEY) for introducing and pushing this legislation and the gentleman from Louisiana for his leadership in bringing it to the floor today.

In January, the five member Federal Communications Commission issued rules creating this new low-power FM radio service with two members dissenting, two of the five, in whole or in part dissenting. In his comments, Commissioner Powell focused on the economic repercussions of low-power FM and the possibility that many independent and minority-owned full-power stations could be forced out of business. Commissioner Furchtgott-Roth's dissent focused on interference and the Commission's uncharacteristic alacrity in considering low-power FM.

This matter has not been properly reviewed by the FCC, and this legislation is vitally needed to stop this action from taking place.

Existing broadcasters oppose the FCC's decision, with good reason. In establishing low-power FM, the FCC significantly relaxed its interference standards, meaning increased interference with existing radio services and a devaluation of the investments of current license holders.

There is no question that eliminating the third adjacent channel safeguard, as the Commission is doing, will lead to increased interference. While the FCC claims that the weakened standards will not result in unacceptable—watch that word—levels of interference, this assertion is challenged by private sector studies.

While the desire to provide a forum for community groups is laudable, a multitude of alternatives exist. Groups may obtain non-commercial licenses, use public access cable, purchase broadcast air time, publish newsletters and utilize Internet web sites and e-mails, among many other options.

This is a country in which there are many ways to express yourself, but we should not do it at the expense of those who have already made investments and are already providing valuable services to citizens in this country.

I urge the Members to support this legislation.

Mr. DINGELL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I want to address this colloquy, if you will, to the gentleman from Ohio (Mr. OXLEY) and thank him for agreeing to participate.

As the distinguished chairman of the Subcommittee on Finance and Hazardous Materials knows, I am extremely disappointed that the Federal Communications Commission's recent approval of non-commercial low-power LPFM radio stations did not address existing commercial low-power FM translators operating in counties where there are no allocated commercial FM stations and no commercial FM stations can be allocated.

Although the residents of northern New Jersey can choose from dozens of New York City FM stations, those stations ignore Bergen County, New Jersey's need for local news, traffic reports, school closings, public service announcements and other important local information.

Even though Bergen County, New Jersey, gave birth to FM radio in the 1930's, Bergen County has no commercial FM station of its own and none can be allocated to Bergen County under present Commission rules.

Commercial FM translator W276AQ in Fort Lee, New Jersey, in my district, Jukebox Radio, brings valuable local news, traffic, weather, public service announcements, school closings, and other important information unavailable from any other source on the FM broadcast band. It is translated into a Class A FM signal 75 miles away from Bergen County. Bergen County residents should not be forced to depend on FM service in this manner.

I would say to the gentleman from Ohio (Chairman OXLEY), I believe that existing commercial low-power FM translators licensed in counties with a population of 800,000 or more, and where there is no licensed or commercial FM station, such as that in Bergen County, New Jersey, should have the opportunity to immediately begin broadcasting with local origination.

Although we were not able to resolve this issue in this bill, I urge the gentleman to raise this issue in conference and include language to this effect when the House and Senate conferees meet. With that hope, I am going to support the bill, and thank the distinguished gentleman.

Mr. OXLEY. Mr. Chairman, if the gentleman will yield, I will be pleased to work with the gentleman in the conference on that very issue.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. ROTHMAN. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I want to observe to the gentleman I think his complaint is a very legitimate one and thank him for raising it, and indicate that I know that the distinguished chairman of the subcommittee and my good friend the gentleman from Ohio (Mr. OXLEY) also and I will be trying to look after his concerns on this business of New Jersey having better and more adequate service, not only in the area of FM and AM, but also on broadcast television, which is very much in short supply from stations indigenous to that State.

Mr. ROTHMAN. Mr. Chairman, reclaiming my time, I thank the distinguished gentleman.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to my good friend, the gentleman from New York (Mr. LAZIO).

Mr. LAZIO. Mr. Chairman, I want to rise in support of H.R. 3439. I want to compliment the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Ohio (Mr. OXLEY), the gentleman from Michigan (Mr. DINGELL), and the gentleman from Virginia (Mr. BLILEY) for their help in moving this bipartisan effort forward.

Mr. Chairman, there is an impression in some quarters that this legislation will stop low-power FM licensing or prevent it from ever getting to the air. Nothing could be further from the truth. The simple fact is that the radio spectrum is finite in size. Within this limited universe, commercial radio signals must be separated by at least three adjacent channels in order to prevent interference and crosstalk.

Obviously, two stations serving the same market cannot be licensed to occupy the same frequency. Radio bandwidths can only be sliced up so many ways. We rely on the FCC to ensure that the radio pie is fairly divided. The FCC ensures that every radio station gets a slice of the pie with enough

calories to sustain its signal. This is the only way to make sure that we, the listeners, can receive our favorite programs without hinderance or hurdle.

I take no issue with the FCC's goal of trying to add a new class of lower stations. Indeed, say adding more voices to the airwaves is a commendable goal. But, Mr. Chairman, not all radios are created equal. They are not endowed by their manufacturer with inalienable rights. A simple clock radio or a Walkman will not contain the same sophistication and filtering technology to combat interference between stations as would a hi-fi nor should they.

This bipartisan substitute reported out of the Committee on Commerce strikes a reasonable compromise. If we are going to have low-power FM service, it needs to be done right. We want to give these micro-radio stations an opportunity, but we have an obligation to maintain the integrity of the existing spectrum. New Yorkers want to continue to listen without interference to stations such as Z–100, WBLI, and public radio, such as 91.1 FM.

If the FCC is right and low-power FM does not cause interference on third adjacent channels, then they can proceed with this new service on a national scale. I am confident that should the test demonstrate listeners have nothing to fear from relaxing the interference standards, this body will look favorably to giving the green light for an expanded low-power FM service.

I want to urge my colleagues to support this bipartisan bill, and oppose the amendments that seek to undermine the consensus that has been reached.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. BARRETT)

Mr. BARRETT of Wisconsin. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I have an amendment that I will be offering in several minutes with the gentleman from Illinois (Mr. RUSH), but I just want to address some of the concerns that I heard raised here tonight.

The first one is several of the speakers talked about people driving their cars and how this would affect their driving. They would go into a neighborhood, they would lose a station, it would come out. Even the radio owners that I have talked to in my district have acknowledged that radios in cars are very, very precise and that that is not going to be a problem.

The gentleman from Massachusetts (Mr. MARKEY) before referred to the radio in the shower. Yes, if it is a very old radio, you might have a problem. But most of the radios in this country are going to be radios in cars. That is not where the problem lies.

We have also heard a lot of FCC bashing, and I think that the FCC has responded to a lot of the concerns that have been raised here. This proposal that they have attempted to move forward on is a scaled-back version of their initial proposal. I think even the proponents of this bill would acknowledge that we are talking about very low-watt radio stations, 100-watt stations, and in some situations, maybe even 10-watt stations. We are not talking 50,000-megawatt stations. We are talking small, neighborhood, churches, minority, college stations. These do not present a serious threat to the large stations.

I will address this in my amendment, but I am sensitive to the technical issues that have been raised regarding this, and I think that the amendment that the gentleman from Illinois (Mr. RUSH) and I will propose in several minutes addresses that, but does not strip the authority of the FCC. We are talking about micro-stations here. I do not think Congress should be micromanaging these micro-stations.

Mr. DINGELL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. RUSH).

Mr. RUSH. I thank the ranking member for yielding me this time.

Mr. Chairman, I want to say that, first of all, that I have heard a lot of comments regarding the FCC and actions of the FCC, and I want to go on the record to inform everyone that I believe that the FCC has done a great service to the American people. I am an unmitigated supporter of the FCC, and I think that the FCC has done an outstanding job in terms of trying to ensure that all Americans have access to the airwaves of this Nation.

□ 1900

Regarding the low power FM stations, Mr. Chairman, I just want to ensure that people understand that the American people and the Members of this Congress understand that the LPFM is a new noncommercial community-based radio service that will benefit local communities all across this Nation.

It gives media access and broadcast voices to local churches, to schools, colleges, State and local governmental agencies, musicians, and nonprofit community organizations, those same organizations that have been excluded heretofore regarding having access to the air waves.

LPFM adds to radio diversity and encourages alternatives to the commercial formats that currently dominate our radio.

Mr. Chairman, as has been stated earlier, it is a fact that the top four radio groups own the majority of this Nation's radio stations, and according to the Congressional Research Service, between 1995 and 1998 the number of radio station owners decreased by 18.8 percent.

Mr. Chairman, with the number of radio station owners decreasing and the consolidation of radio ownership growing, LPFM allows underrepresented groups and communities the opportunity to enter the radio broadcast market.

Mr. Chairman, just 2 weeks ago Chairman Kennard visited my district, the Chairman of the FCC. We went to a high school, the Dunbar High School located in my district on the South Side of the city of Chicago. I just wish that Members of this body could have observed students who had never had the opportunity to participate in broadcast fields, the broadcast profession, who never had an opportunity to run a radio station nor a television station.

These students were aggressively engaged in learning all that they could. What they asked us at that time, at that visit, they asked this body to give them an opportunity to really run a radio station, 100 watts, that would have a radius of 2 miles within that high school. That is all they are asking for, so they in fact can learn more about the broadcasting industry.

Mr. Chairman, this bill I think does not address that concern, and the gentleman from Wisconsin (Mr. BARRETT) and I will introduce an amendment to this bill in order to try to allow opportunities for unrepresented groups and citizens to engage in this process.

Mr. DINGELL. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume to close.

Mr. Chairman, Members of the committee, let me place this in perspective. The bill we are discussing today does not stop the FCC from moving forward with this low power program. It simply says the FCC must only move forward with the 70 licenses that will clearly not interfere with current radio broadcast.

It says, in those cases where the licenses may in fact interfere with current radio broadcasting, they have to do a pilot in nine different geographic regions of the country and then report to Congress about the results.

What we are going to hear in just a minute is an amendment that would say, when that report comes to Congress, whether or not the report indicates interference, the FCC can then proceed to issue as many licenses as it wants to under its original proposal. I hope that we will defeat that amendment.

The compromise carefully crafted in the Committee on Commerce, with the great work of the gentlewoman from New Mexico (Mrs. WILSON) and the gentleman from Michigan (Mr. DINGELL) says in effect that the Commission must submit independent testing of interference, and then we get to say, based upon that report, whether they can move forward.

Let me tell the Members why that is so critical. I want to read Members a

letter from the Hispanic Broadcasting Corporation to our chairman. They are writing to express concern about the implementation of low power FM, and ask strong support for this bill, as we have compromised it.

The author indicates, ''The FCC is moving forward with a low power FM plan that has not been thoroughly thought through. First, radio is on the verge of converting to digital.'' For television, we gave television new spectrum to move into digital. We did not do that for radio. Radio has to move to digital in the same spectrum they are currently located. That is going to be a tough trick.

Before that happens, if the FCC moves forward with this low power FM radio issuance and in fact those stations interfere with that digital transmission of the radio stations that currently exist, like the Hispanic radio station, like the public radio stations, not just the private corporate radio stations, if the FCC moves forward and then the digital conversion does not work, there is all kind of interference. We just will not get static on the radio, we will get no signal at all. In digital, it just cuts out totally.

We were told by the Commission that they would wait for the digital report to come out before doing this FM low power rollout, but they went ahead anyhow and did it regardless of that report. It is still not done. Hispanic radio is asking us, please pass this bill. Make sure there is no interference.

They go on to point out, ''Furthermore, less expensive and older radios used disproportionately by minorities and older Americans,'' the walkmen, the boom box, the radio beside our beds, not just the radio in the shower, the radio beside our beds, for many older Americans, ''are more susceptible to interference from low power stations. Millions of Americans rely on low quality radios as their main source of news, weather, and sports,'' 65 million, to be precise.

I am concerned that low power FM will disenfranchise the very people it seeks to empower, underserved communities like the Spanish language audience that we serve.

See, this is the problem, Mr. Chairman. It was minority radio stations and public radio stations, not just the private corporate radio stations represented by the NAB, who came to us and said, do not let this happen to disenfranchise our audiences and our radio stations. Make sure there is no interference.

I wish Members had been in our committee room to hear the potential interference. As a beautiful song was playing, we could hear people talking over it. As a beautiful opera perhaps was being presented by National Public Radio, we could hear talking over it. As perhaps a Spanish language station was trying to do some cultural work in the community, we could hear somebody else talking over it.

In digital, we would not even hear it at all. It would block the signal completely.

Mr. Chairman, we have worked out a delicate compromise. This lets the FCC go forward where we know there will be no interference. It requires private, independent testing to make sure there will not be interference. If they want to go further, it requires them to come back and get permission from us after we know there will not be that interference.

The gentleman from Wisconsin (Mr. BARRETT) will offer an amendment in just a little while that will tell the FCC it can do what it wishes to do after 6 months, regardless of the interference problems. I hope we defeat that amendment. I hope we pass this good bill. The gentleman from Ohio (Mr. OXLEY), the gentlewoman from New Mexico (Mrs. WILSON), and the gentleman from Michigan (Mr. DINGELL) have done some good work and put together a good compromise.

Ms. BROWN of Florida. Mr. Chairman, these new Low powered stations will offer a voice to those who deserve to be heard, and will promote greater diversity and allow nonprofit organizations, community groups, and churches an opportunity to reach their local constituents without paying huge fees to commercial radio stations.

As more and more radio stations are bought up by large companies, it becomes more and more difficult for minorities and women to own or access a station. Its obvious to me why these commercial radio stations are opposing these additional stations, they just don't want any competition.

It amazes me that the same people who chastised the FCC for trying to limit religious broadcasting are the same ones that stand on the floor here today trying to prevent churches and community groups access to the media. Its dishonest, and I encourage my colleagues to let the FCC do their job and defeat this bill.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in opposition to H.R. 3439, the Radio Broadcast Preservation Act of 2000. The House is rushing to judgment on this important issue and I regret we are considering this bill at this time.

This bill would block the Federal Communications Commission from going forward with its plan to establish Low Power Radio which is a non-commercial, community-based radio service to give churches, non-profit community groups, colleges and universities and state and local government access to the public airwaves. These stations would serve an audience within a 1.5 to 3.5 mile radius, which is not a very large area.

Low Power radio is important because it will allow the sharing of the public airwaves with local community voices, voices left off the air because of the massive consolidation of the broadcast industry.

I do not agree that broadcasters would be hurt by a local government's 100-watt radio station trying to inform its constituents about important local government services or events.

I do not agree that anyone would be hurt by a college or university radio station that tries to inform its students about campus events.

I do not agree that anyone would be hurt by a 10-watt church radio station wanting to offer mass over the airwaves to parishioners who cannot attend services.

Nor do I believe that anyone could be hurt by a non-profit organizations' efforts to inform language minority groups about important community events or services available to them.

It seems ironic that we would be voting here today on a bill to suppress the voices of those we've pledged to give a voice to. Voices that, had this bill been given a proper hearing, we would have heard from, such as the National Council of La Raza, the League of United Latin American Citizens, the U.S. Catholic Conference, the United Methodist Church, the National League of Cities, the US Conference of Mayors, among many others.

Low Power Radio is critical and comes at a time when our communities are losing out to the massive consolidation taking place in the radio broadcast industry. This merger mania has left many of us with little choice about who or what gets to be heard today. We have to do something to protect the diversity of voices and opinions that are often suppressed by the giants in the field.

I urge my colleagues to vote against this bill and help protect low power radio and the communities that would most benefit from this service.

Mr. COSTELLO. Mr. Chairman, I rise today in strong support of H.R. 3439, the Radio Broadcast Preservation Act of 2000, of which I am a co-sponsor.

Mr. Chairman, I am pleased that this legislation would assure that the necessary steps are taken as the Federal Communications Commission begins licensing Low Power FM Radio stations. Low Power FM licenses are an opportunity for churches, schools, and other community groups to begin broadcasting their information to local listeners. While these licenses would open up the broadcasting industry to individuals and groups previously excluded, they should not be given out at the expense of existing stations and their listeners.

The experimental program this bill establishes would study nine test markets to determine the impact of Low Power FM on radio broadcasters and radio listeners. I believe that testing the market is an important method of implementing and improving the Low Power FM program.

Mr. Chairman, H.R. 3439 promotes a more responsible method for the FCC to license Low Power FM and adopts the necessary safeguards for the radio broadcasters and listeners in my district.

I urge my colleagues to support this legislation which will protect radio broadcasters and listeners from excessive static interference and which will promote the responsible licensing of Low Power FM.

Mr. BONILLA. Mr. Chairman, I am in strong support of the Radio Broadcasting Preservation Act. This bill ensures that free over-the-air radio will remain free and uninterrupted.

All too often, I hear from folks in my district concerned about the power grab of the Federal Communications Commission (FCC). Unfortunately, this is just the latest example. The FCC is moving forward with a low-power FM plan they have not thought through. The FCC

believes that this decision will allow the "little guy" to become a radio broadcaster. In reality, this decision will cause massive interference problems for FM listeners.

The FCC's low power FM plan was approved without proper consideration of technical and other concerns raised by this new service. Radio is on the verge of converting to digital. Has the FCC really thought about the effect of low-power FM on the digital conversion process? No. Wouldn't it make more sense to rollout digital radio—which is even a larger project than the digital television rollout—and then focus on how to accommodate low-power FM? Yes.

Has the FCC really thought about how the millions of Americans who rely on low quality radios as their main source of news, weather, and sports? No. Less expensive and older radios, used disproportionately by minorities and older Americans, are more susceptible to interference from low-power stations. Low-power FM will disenfranchise the very people that the FCC claims it seeks to empower, undeserved communities (including the blind and Spanish language groups).

Did the FCC consider low power stations' interference with out public broadcasters? No. In yesterday's Washington Post, Mr. Kevin Klose, president of National Public Radio, made clear public radio's opposition to the FCC's "rush to add low-power radio stations to the crowded FM dial." This year, we are spending more than 60 million taxpayer dollars on public radio. And the FCC is ready to throw that money down the drain.

The FCC's low power proposal is a true disservice to current broadcasters' outstanding community service. Local radio and television stations provided $8.1 billion in public service just last year. That is more money than the total annual giving of the top 100 U.S. foundations. Full power radio stations across this country provide life-saving information on natural disasters, preventing drinking and driving, curbing drug and alcohol abuse, crime and violence prevention, just to name a few areas.

The FCC proposal presumes that local radio stations no longer provide local service. That assumption is completely false. The FCC should be reined in and local broadcasters should be allowed to continue their good work.

Mr. SANDLIN. Mr. Chairman, I rise in strong support of the Radio Broadcasting Preservation Act and the compromise bill reported out of the Commerce Committee. This approach will allow low power FM (LPFM) to move forward with proper safeguards against interference.

I support providing new opportunities for community, public interest, civil rights and educational groups to be heard in the public forum. I do not dispute the potential that LPFM stations provide for under-represented community and educational groups. However, we must ensure that in the process of providing a voice for these groups, we do not impair radio listeners' access to locally originated information and entertainment. By calling for a careful review of the LPFM plan, H.R. 3439 allows low-power FM to move forward while protecting listeners from increased interference on the FM radio dial. The legislation does this by re-establishing previous FCC signal-interference standards and commissioning the FCC to study the extent to which signals of such low-power stations interfere with the signals of existing stations.

Millions of Americans depend on the radio for important information and entertainment programming. Thirty percent of this population, especially low-income and elderly listeners, access this programming via inexpensive and older radios. The level of interference these individuals will encounter due to LPFM is unknown. H.R. 3439, therefore, calls for field tests to determine how LPFM without third-adjacent channel protection would affect current listening audiences. The FCC would then be required to submit a report to Congress on the results of these tests by Feb. 1, 2001, along with any recommendations for modifications to signal-interference standards.

Also unknown is the impact of LPFM on existing public stations and small and independent commercial stations which already provide valuable services such as emergency warnings, weather and traffic information, community news and entertainment. Many of these stations depend on local resources to meet operating expenses through underwriting or advertising and may be placed into direct competition with LPFM stations in their struggles to stay afloat. This bill requires the FCC to conduct an economic impact study on incumbent broadcasters (particularly the economic impact on minority and small broadcasters), the transition to digital broadcasts, FM radio translator stations, and stations that provide reading services to the blind.

I would like to see localized groups have station access and believe this communication will strengthen community bonds. However, I do not want new access to be gained at the expense of pre-existing stations. I am encouraged to know that the House Commerce Committee was able to work out this compromise. H.R. 3439 not only provides new opportunities for station access but also protects existing community broadcasters from interference.

Mr. DICKEY. Mr. Chairman, despite objections raised from many corners, the FCC has charged ahead with plans to immediately implement low-power FM. In the process it has ignored legitimate concerns about interference and the continued viability of small and independent commercial stations and existing public stations. H.R. 3439, the Radio Broadcasting Preservation Act, pulls the FCC back from the edge without completely halting its authority to pursue low-power FM.

The potential for interference has been a primary concern from the beginning. The available spectrum only stretches so far. While the FCC claims its plan will not cause interference on car radios and high-fidelity stereo component systems, it does admit some interference will occur on clock radios and portable radios like the boombox and walkman. Considering these types of radios account for 65 percent of all radios in America, it makes sense that we should step back, take a breath and carefully consider all the consequences before taking drastic actions. We must also ensure that in its haste to implement low-power FM, the FCC does not overlook the impact on inexpensive and older radios, which are highly vulnerable to interference and are most commonly used by low-income and elderly individuals. H.R. 3439, therefore, requires a test of nine markets be conducted by an independent third party to determine how low-power FM without third-adjacent channel protections would affect current listening audiences.

Another potential problem not explored by the FCC is interference with services for blind individuals. The International Association of Audio Information Services uses frequencies located on the outer edge of radio stations' spectrum to read books and newspapers to over 1 million blind individuals, who listen to this service with special radios. The FCC did not test these radios. This bill, therefore, requires the FCC to explore the impact of low-power FM on stations that provide this important service.

Interference is not the only issue about which we must be concerned. Small and independent commercial broadcasters who rely on local advertising to meet operating expenses face questions about their continued economic viability. These existing stations could be undercut by low-power stations siphoning off limited local resources for underwriting purposes. These existing local stations already provide many of the services low-power FM stations purportedly are being created to provide, including community news and emergency information. Many public radio affiliates share these concerns about increased competition for limited local resources. H.R. 3439 addresses these concerns by requiring the FCC to conduct an economic impact study of low-power FM on "incumbent FM broadcasters in general, and minority and small-market broadcasters in particular."

Finally, this bill ensures former "pirate" or unlicensed broadcasters are not eligible for low-power FM licenses. These individuals should not be rewarded for previous unlawful acts that interfered with authorized FM broadcasts.

Considering the many concerns at play here, the FCC should take a step back and reevaluate its plan for low-power FM. H.R. 3439 is a sensible approach to such a reevaluation. It protects existing stations from serious harm, guards against interference experienced by the listening audience, all while allowing new community broadcasters to enter local markets.

Mr. UDALL of Colorado. Mr. Chairman, I rise in opposition to this bill.

I was encouraged to hear last year that the FCC was initiating efforts to bring back community radio. After engaging in a public process that took into account thousands of comments from citizens all over the country, and after conducting extensive technical tests, the FCC issued its rule to establish lower power FM radio, a rule that many see as conservative. The FCC scaled back its proposal significantly in order to protect existing stations from interference, while at the same time maximizing the ability of local groups to gain access to the public airwaves.

The FCC's rule is meant to help bring community radio to millions around the country, and thereby to address a need that is not met by mainstream broadcasters. It is meant to bring the voices of community groups, churches, educational institutions, and local governments to radio. Many of these voices have been lost through media consolidation—figures I've seen show the number of radio station owners decreased by nearly 20 percent

between 1995 and 1998. So at a time when even fewer voices are being heard, it is even more critical for us to be thinking about how to let more voices in, not keep them out.

Although critics of the FCC claim the rule was made in haste, Chairman Kennard has said publicly that ''no service ever considered by the FCC has been as extensively studied as low power radio.'' He has said time and again that this was a ''responsible public interest decision that will not impact the existing radio service.'' I believe that if low power radio does end up having a negative impact on existing service, the FCC will step in to correct the situation.

In the meantime, we should stop trying to legislate technical details. The FCC is charged with maximizing the public's use of the airwaves, encouraging the provision of new technologies and new services to the public, and providing new access to the airwaves for more people. We should let the FCC do its work, and oppose this bill.

Mr. EWING. Mr. Chairman, on January 20, 2000 the FCC adopted rules creating a new, low power FM radio (LPFM) service. This service creates two classes of radio service to operate within the FM radio frequency band with power levels from 1–10 watts (LP 10) and from 50–100 watts (LP 100).

The rationale for creating this new class of radio service is to bring diversity to radio broadcasting and enhance community-oriented radio broadcasting. Those eligible for licenses for this type service can be noncommercial government or private educational organizations, non-profit entities with educational purposes; or government or non-profit entities providing local public safety or transportation information, as long as they are based in the community in which they intend to broadcast.

The problem with this new service is not with its intent. Seeking to promote diversity in broadcasting and enhancing community-oriented radio broadcasting are both honorable goals. The problem is these new stations will operate on the FM radio frequency band currently occupied by full power radio stations, and there is the possibility that these low power stations will interfere with these existing stations.

Under current FCC rules for full power radio stations, interference between stations is avoided by preventing stations from sharing the same channel or the first, second or third adjacent channel. Under the proposed rule, however, low power FM would be allowed to occupy the third adjacent channel to an existing full power radio station.

The FCC officially contends that allowing low power FM stations to occupy the third adjacent channel will not cause unacceptable levels of interference to existing radio stations. However, these claims have been questioned by various groups such as the National Association of Broadcasters, the Consumer Electronics association, and the Corporation for Public Broadcasting (led by National Public Radio). Even the International Association of Audio Information Services, whose members employ local volunteers to read the local newspapers on air to over one million blind listeners nationwide, has expressed concern that these new low power stations could cause interference with their services.

There is even some concern among several FCC commissioners that these new stations will cause interference. In the FCC's Report and Order concerning this ruling 2 of the 5 FCC commissioners expressed concern that these low power stations would interfere with existing stations. In dissenting statements regarding both the proposed rule and the final rule, Commissioner Harold W. Furchtgott-Roth stated that although he was not opposed to the creation of low power radio service, he could not support the rule because he believed that suspension of the third adjacent channel protection would cause interference with existing stations. He feels the entire process was rushed to judgment and that the commission had not taken the time to do the right technical studies the right way. Furthermore, he believes any demand for lower power noncommercial stations could be met by the dispensation of licenses within existing rules—i.e., by giving out 101 watt licenses consistent with the 100 watt minimum requirement or get a waiver to the 100 watt minimum rule if someone really felt compelled to operate a 50-watt station.

In his dissenting opinion Commissioner Powell echoed sentiments similar to those expressed by Commissioner Furchtgott-Roth. In light of lingering concerns about signal interference and his concern about the economic impact of the new service, Commissioner Powell regrets the ''shot gun introduction'' of the rule and believes the service should have been introduced gradually with third channel adjacency protections intact. In his opinion, this would minimize the risk of interference in a manner consistent with existing services and it would introduce substantially fewer stations into the market, thereby allowing for the evaluation of the economic impacts of these new stations. If all goes well, he suggests a move to full service with less adjacency protection, as warranted by experience.

H.R. 3439 follows the suggestions of Commissioner Power. Under the bill, the FCC may go forward immediately licensing LPFM stations as long as interference protections to existing stations are maintained, including protections to third adjacent channels. At the same time, the legislation requires the FCC to set up an experimental program in nine markets to test whether LPFM will result in harmful interference to existing stations if third channel protections are eliminated. Additionally, the legislation provides that an independent party will conduct a study of the affect of LPFM without third-adjacent channel on digital audio broadcasting and radio reading services for the blind.

While the spirit of the rule allowing the creation of low power FM service may be commendable, we must not act in a rash manner and allow it to be implemented before we are positive that it will not negatively impact existing stations. Radio, particularly in rural areas, is an important source of information. For some individuals it is the only source of local news they receive. If we allow these new low power stations to co-exist with established stations without ensuring that there is no interference we may be doing more harm than good.

H.R. 3439 provides an effective balance by allowing new low power FM stations to be established while simultaneously protecting existing stations from interference. Furthermore, the bill provides for an experimental program, in nine separate markets, to test the interference that will result if third adjacent channel protection. If the results of this test are successful it is foreseeable that these restrictions may be lifted sometime in the future. However, until we have conclusive proof that these low power stations do not significantly interfere with existing stations, we simply cannot allow them to share the same frequencies with existing stations. Existing stations provide services as valuable as those proposed by the new low power stations and individuals are entitled to receive them as clearly as possible. The channel adjacency rules apply to full power stations because of this and it should apply to low power stations until we can prove that the interference they generate is minimal to say the least.

Mr. BARR of Georgia. Mr. Chairman, I rise in support of the Radio Broadcasting Preservation Act of 1999, H.R. 3439.

This legislation sends a strong message that there will be no interference to free radio. H.R. 3439 would require the Federal Communications Commission (FCC) to maintain third-adjacent channel protection, and to consider independent analyses of potential Low Power FM (LPFM) interference before proceeding.

In January 2000, the Federal Communications Commission voted to implement an expansive licensing process. Congressman MIKE OXLEY and JOHN DINGELL working with Congresswoman HEATHER WILSON, have fashioned legislation which would slow licensing from 400 stations to roughly seven. The FCC will then test and determine whether the broadcasts cause interference with mainstream stations. I want to commend these Members for their hard work on this very important legislation.

Mr. Chairman, in today's easy access to communication, there exists great belief that the average American should have the ability to ''speak out and be heard.'' Talk radio, newspapers, magazines, television, public television and radio, and the Internet, all allow anyone to get a message across. How can the FCC say—with a straight face—there is ''no access?''

''Low Power FM'' is a ''social'' agenda based on the idea that everybody can own their own radio station. Of course this appears enticing—but the laws of physics have not been repealed and it cannot be accomplished. Low power radio stations signals will only cause interference to the radio stations already located on the spectrum. This latest effort being made will come only at the cost of severely damaging the most successful broadcasting system in the world—American FM radio.

If you want to know that chaos is, then turn across the AM band and hear the vast amount of interference the FCC has allowed to creep into that brand. No wonder everyone wants FM; the FCC has virtually ruined AM band.

The FCC was founded on administering basic principles of engineering. However, to meet the Administration's ''social agenda,'' the FCC has thrown engineering and testing out the window. The FCC promises it will ''guard'' this new experiment. Mr. Chairman, you and I

both know the FCC does not have the manpower to take care of the radio stations currently out there, much less hundreds more. In addition, the FCC could severely hurt the long-awaited entry into "digital" radio by American broadcasters. Low Power FM is a bad decision that should be reversed.

Mr. Chairman, today's legislation is a step in the right direction to protect the FM radio stations in Georgia and across the Nation. The importance of this issue came to my attention from my good friend, and a leader in the field of radio broadcasting, Mike McDougald, of Rome, Georgia. On behalf of all the individuals who have dedicated their lives for the advancement of FM radio, I call on my colleagues to support the Radio Broadcasting Preservation Act, H.R. 3439.

Mr. TAUZIN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the order of the House, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3439

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Radio Broadcasting Preservation Act of 2000".

SEC. 2. MODIFICATIONS TO LOW-POWER FM REGULATIONS REQUIRED.

(a) THIRD-ADJACENT CHANNEL PROTECTIONS REQUIRED.—

(1) MODIFICATIONS REQUIRED.—The Federal Communications Commission shall modify the rules authorizing the operation of low-power FM radio stations, as proposed in MM Docket No. 99–25, to—

(A) prescribe minimum distance separations for third-adjacent channels (as well as for co-channels and first- and second-adjacent channels); and

(B) prohibit any applicant from obtaining a low-power FM license if the applicant has engaged in any manner in the unlicensed operation of any station in violation of section 301 of the Communications Act of 1934 (47 U.S.C. 301).

(2) CONGRESSIONAL AUTHORITY REQUIRED FOR FURTHER CHANGES.—The Federal Communications Commission may not—

(A) eliminate or reduce the minimum distance separations for third-adjacent channels required by paragraph (1)(A), or

(B) extend the eligibility for application for low-power FM stations beyond the organizations and entities as proposed in MM Docket No. 99–25 (47 C.F.R. 73.853),

except as expressly authorized by Act of Congress enacted after the date of enactment of this Act.

(3) VALIDITY OF PRIOR ACTIONS.—Any license that was issued by the Commission to a low-power FM station prior to the date on which the Commission modify its rules as required by paragraph (1) and that does not comply with such modifications shall be invalid.

(b) FURTHER EVALUATION OF NEED FOR THIRD-ADJACENT CHANNEL PROTECTIONS.—

(1) PILOT PROGRAM REQUIRED.—The Federal Communications Commission shall conduct an experimental program to test whether low-power FM radio stations will result in harmful interference to existing FM radio stations if such stations are not subject to the minimum distance separations for third-adjacent channels required by subsection (a). The Commission shall conduct such test in no more than 9 FM radio markets, including urban, suburban, and rural markets, by waiving the minimum distance separations for third-adjacent channels for the stations that are the subject of the experimental program. At least one of the stations shall be selected for the purpose of evaluating whether minimum distance separations for third-adjacent channels are needed for FM translator stations. The Commission may, consistent with the public interest, continue after the conclusion of the experimental program to waive the minimum distance separations for third-adjacent channels for the stations that are the subject of the experimental program.

(2) CONDUCT OF TESTING.—The Commission shall select an independent testing entity to conduct field tests in the markets of the stations in the experimental program under paragraph (1). Such field tests shall include—

(A) an opportunity for the public to comment on interference; and

(B) independent audience listening tests to determine what is objectionable and harmful interference to the average radio listener.

(3) REPORT TO CONGRESS.—The Commission shall publish the results of the experimental program and field tests and afford an opportunity for the public to comment on such results. The Federal Communications Commission shall submit a report on the experimental program and field tests to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than February 1, 2001. Such report shall include—

(A) an analysis of the experimental program and field tests and of the public comment received by the Commission;

(B) an evaluation of the impact of the modification or elimination of minimum distance separations for third-adjacent channels on—

(i) listening audiences;

(ii) incumbent FM radio broadcasters in general, and on minority and small market broadcasters in particular, including an analysis of the economic impact on such broadcasters;

(iii) the transition to digital radio for terrestrial radio broadcasters;

(iv) stations that provide a reading service for the blind to the public; and

(v) FM radio translator stations;

(C) the Commission's recommendations to the Congress to reduce or eliminate the minimum distance separations for third-adjacent channels required by subsection (a); and

(D) such other information and recommendations as the Commission considers appropriate.

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment, and may reduce to a minimum of 5 minutes the time for voting on any postponed question immediately following another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

AMENDMENT NO. 1 OFFERED BY MR. BARRETT OF WISCONSIN

Mr. BARRETT of Wisconsin. Mr. Chairman, I offer a preprinted amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in the CONGRESSIONAL RECORD offered by Mr. BARRETT of Wisconsin:

Page 4, beginning on line 9, strike paragraph (2) through line 20 and insert the following:

(2) REQUIRED DURATION OF MODIFICATION: PERMANENT CONDITIONS.—The Commission shall not modify such rules to eliminate or reduce the minimum distance separations for third-adjacent channels required by paragraph (1)(A) until 6 months after the date on which the Commission submits the report required by subsection (b)(3). No such elimination or reduction may remove such separations with respect to third-adjacent channels occupied by stations that provide a radio reading service to the public. The Commission shall not extend the eligibility for application for low-power FM stations beyond the organizations and entities as proposed in MM Docket No. 99–25 (47 C.F.R. 73.853).

Page 6, line 19, insert before the period the following: ", or 6 months after the date of enactment of this Act, whichever is later".

Mr. BARRETT of Wisconsin. Mr. Chairman, I want to put this debate into perspective.

We have heard a lot about a compromise tonight. The party, of course, missing from this compromise is the administration. The President has told this body that he is strongly opposed to this bill and will veto it. I think that is something, when we talk about compromise and how there is peace in the valley, that we have to remember that there is something else that is going on here that is not really being fully explored tonight.

What I am trying to do tonight, along with the gentleman from Illinois (Mr. RUSH), and I am pleased that he has worked with me on an amendment, is to offer an amendment that really is a compromise, that tries to respond to what I consider to be some of the legitimate concerns that have been raised by radio station operators in this country, but at the same time, not to have Congress step in, strip the FCC of its authority, and micromanage microradio.

Mr. Chairman, this debate is really the legislative equivalent of, your mother wears army boots. We have had fights for the last several months between the proponents of low power radio and the opponents of low power radio. They are fighting over a study. The FCC does not like the study that has been prepared by the industry. The industry says that the FCC has not done a good enough job in studying this issue. So they go back and forth, back and forth, yelling at each other.

So the amendment that was offered by the gentleman from Michigan (Mr. DINGELL) and the gentlewoman from

New Mexico (Mrs. WILSON) I think is a constructive amendment. It recognizes that in order for Congress to act intelligently on this issue, it has to have an independent study.

I have no quarrel with that. I think it addresses the legitimate technical concerns that have been raised by people who run radio stations in this country. I say that as someone who is a strong supporter of low power FM radio. I want Congress to have an independent analysis of this issue.

But this is where we separate, because the Barrett-Rush amendment makes one change and one change only to this bill. It would give Congress 6 months to act after the FCC submits its report. After 6 months, if Congress has not acted, the FCC may proceed with low power licenses.

Why is this amendment important? The reason why this amendment is important is because we do not have a level playing field here. On the one hand we have the radio stations, who have made it very, very clear that, regardless of the outcome of this study, they oppose having any type of expansion to low power FM stations.

On the other side we have the FCC, but the FCC really is speaking for groups that have no voice, by definition. They do not have radio stations. They do not have a powerful lobbying organization. They are the churches, the high schools, the neighborhood organizations.

What the bill does in its current form is it says even if this independent study comes back and says there are no interference problems, even if there are no interference problems, the FCC cannot continue to do the job it has done for the last 80 years, which is to make sure that the spectrum is filled in a fair way.

Instead, it says that Congress has to act first. I do not think there is a person in this room who believes that the opponents of low power FM radio are going to come back and say, okay, go ahead, change the law. Because even though we have this study here, the bill ultimately still builds a very strong fence. This is a ‘‘fence me in’’ bill.

It says to those people who currently have stations, we are going to build this big fence around you and we are not going to let anybody else in. That is wrong. The people in this Chamber who say they are in favor of competition, the people in this Chamber who say they believe in advances in technology I think should say, wait a minute, wait a minute.

We recognize if this study comes back and says that there are problems with interference, this Congress can act in a week. It is not going to take us 6 months. If there is a problem this Congress is going to act very quickly, because frankly, we are going to have powerful forces, just as we have powerful forces right now saying, quick, make sure there is no problem.

If there is no problem, my concern is those same forces are going to come in and say, yes, well, maybe it does not show this, it does not show that, but we are still concerned about that.

What this amendment does is it allows this bill to move forward. Under its current form, it is going to be vetoed by the President of the United States. I think we should be addressing the legitimate concerns, the legitimate technical concerns. That is why I am offering this amendment.

We have two choices, we can go forth with this bill right now, face a certain presidential veto, or we can accept this amendment. I think the President and the Senate will say, all right, that makes sense. Of course we want to have an independent study. Of course we want the FCC to continue its role. But there is no reason in the world that Congress should be micromanaging these stations.

I would bet, Mr. Chairman, that the radio stations themselves would rue the day that they wanted this Congress to get involved in the small, technical matters of the FCC. They do not want us to do that, generally speaking. They want us to stay out of it. But in this instance, they think that they can benefit.

Mr. Chairman, this is a reasonable amendment. I certainly ask my colleagues to support it.

Mr. OXLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me first indicate this bill was reported by the committee in a bipartisan voice vote. It was an amendment that we finally came to with the gentlewoman from New Mexico (Mrs. WILSON), the gentleman from Michigan (Mr. DINGELL) leading the way, that really set out, I think, the parameters of what this program is all about.

It allows the LPFM to go forward in areas where it does not infringe on existing interference protections: in a lot of rural areas, in the New Mexico example, in many areas of the country that are underserved by FM radio. We bent over backwards to make certain that that could go forward.

Then we also said, but it is important in these areas that potentially have interference problems to have a pilot study done and find out once and for all whether in fact these interference standards are adequate, or whether in fact the incumbent radio stations will have problems with interference and their listeners will have interference with that.

□ 1915

This is really what this argument is all about. The Barrett amendment undercuts the purpose of this legislation by allowing the commission to go forward with full implementation of its lower-power FM rule, including the weakening of interference protections following the pilot program regardless of what the results of that program are.

So we are saying there is the FCC. The Barrett amendment simply says, do not confuse us with the facts. No matter how that pilot program comes out, one can go forward just as one is going forward now.

Now, there is a certain reason why congressional intent is important, and that is why we are debating this today. Is it really realistic to have an FCC, an unelected Federal bureaucracy, a so-called independent agency set these kinds of important standards against the obvious intent of the Congress? I do not think so.

The amendment allows the FCC to proceed with its rule as currently ordered, unless Congress enacts legislation to overturn this in a 6-month period. Well, I have perhaps a little less faith in the alacrity with which this Congress could act or any Congress could act perhaps than the gentleman from Wisconsin (Mr. BARRETT). As a matter of fact, everybody knows that in this town it is a lot easier to play defense than it is to play offense.

So my colleagues are asking the Congress to pass a bill that would or would not be vetoed by the President in that 6-month period. We do not know whether that happens or not.

But to allow the FCC to go forward with the test and then, say, essentially thumb their nose at the test results and move forward with granting these licenses is the height of irresponsibility.

So I would ask the Members to defeat this Barrett amendment, to support the bipartisan compromise that was crafted so well in this committee, and understand that this bill came out on a bipartisan voice vote in the Committee on Commerce with strong support on both sides of the aisle.

Let us defeat the Barrett amendment and get to the real issue here, which is protecting incumbent stations from potential interference from these new low-powered FM stations.

Mr. RUSH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the issue of whether these low-power FM stations cause interference must be addressed. We sat in the committee, observed and listened to both the FCC and the broadcasters. We were privy to the debate, the unsettled debate about whether or not low-power stations actually cause interference.

I am in support of a middle ground. I am in support of finding a middle ground, Mr. Chairman, so that we can move forward. The amendment, the Barrett-Rush amendment that we are offering today reaches a fair compromise. I think that it is fair, not only to the low-power radio, FM radio

station advocates, but it is also fair to the broadcasting industry. It is fair to the American people, and it is fair to the Members of this body. It provides 6 months for the FCC to conduct its pilot study and 6 months for the Congress to create the study's results.

Mr. Chairman, as the bill of the opponents of this amendment, the bill that they have crafted, if it goes forward, it does not give the FCC any opportunities to activate and to allow community organizations, hospitals, students across this Nation access to the airwaves.

Unfortunately, Mr. Chairman, the way that the bill is drafted now, the FCC would have to conduct a study by February 1, 2001. That is just a mere months away. If the FCC study or report indicates that there is no interference, the FCC still would not be allowed to act unless Congress specifically authorizes new legislation. So what this bill in fact does, Mr. Chairman, this bill actually kills low-power radio stations in this Nation.

Again, Mr. Chairman, the Barrett-Rush amendment is fair. I would like to just remind my colleagues that low-power radio stations enjoy broad support from the AFL-CIO, Communications Workers of America, the United States Catholic Conference, the United Church of Christ Office of Communications, the Consumers Union, the Minority Media Telecommunications Council, the National Federation of Community Broadcasters, the National League of Cities, and nationally known musicians, including Ellis Marcalis and Bonnie Raitt.

I urge my colleagues on both sides of the aisle, Mr. Chairman, to vote for this fair and reasonable amendment.

Mr. BONIOR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment by the gentleman from Illinois (Mr. RUSH) and the gentleman from Wisconsin (Mr. BARRETT). Not long ago, not very long ago, I read about a 21-year-old man who built his own radio transmitter. He was able to broadcast a signal of a distance of just 2 miles. This was far enough to reach everyone in his community. The problem was, of course, he was the only one who had a receiver. That was back in 1895. The name of that gentleman was Guglielmo Marconi, who invented the radio.

But if he were here today, he would have to overcome a lot more than just that obstacle of one receiver. For instance, he would have to come up with $80,000 to $100,000 before the FCC would even consider giving him a license. He would have to overcome something else that the gentleman from Massachusetts (Mr. MARKEY) alluded to on the floor, and that is the continuing concentration of power in the broadcast industry.

In recent years, the number of radio station owners in this country has shrunk by almost 20 percent. That is why the measure that we are considering today is so important and why this amendment is important. To the credit of the FCC and Bill Kennard, some new life is being breathed into a very old idea, an important idea, the public airwaves should be the public's interest. That is what the FCC did when it carved out a small piece of the broadcasting spectrum for community-level low-power FM stations.

Who will it help? It will help many community organizations who are now shut out, ethnic groups who want to broadcast their culture to the community, senior citizens who want to broadcast their concerns to the community, colleges and universities who want to talk to their students, city councils and villages who might want to broadcast what is going on in their committees and in their council meetings. It goes on and on of the groups that will have an interest in this issue that will be able to get into broadcasting that cannot today.

Musicians who are locked out in a very profound way from experimenting and expressing themselves on radio today would have an opportunity to do so as well.

So a forum for new music and new talent and new ideas, that is what radio should be all about. That is what the FCC plan I think will help achieve. That is why, as the gentleman from Illinois (Mr. RUSH) said, low-power radio has earned the support of the cross-section of organizations throughout America today, including the Consumers Union, the United States Catholic Conference, the NAACP, the AFL-CIO, the U.S. Conference of Mayors.

These are organizations that represent grassroots people who need a voice, who often do not have a voice, and who are now hopefully going to get a voice if they are not denied that by the powerful lobby that they are up against in this fight.

It is time that we tune out the static and that we listen to the facts. This is a reasonable solution, as the gentleman from Wisconsin (Mr. BARRETT) and the gentleman from Illinois (Mr. RUSH) have indicated, because the research shows that, even under the worst circumstances, low-power radio would create little interference and no cross-talk for conventional broadcasters.

There are already almost 400 full-power FM stations authorized prior to November of 1964 who do not meet the current channel separation requirements. These full-power stations which operate with only one or two channels between them and the next station on the dial have consistently met the FCC's criteria for distortion-free signals.

So I ask my colleagues to support this amendment. It is good. It is fair. It meets the needs of our communities.

Mr. BURR of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wisconsin (Mr. BARRETT) and the gentleman from Illinois (Mr. RUSH). This amendment deals with the crux of the problem Congress is facing on low-power FM interference.

The FCC chose to eliminate decades-old third-channel interference protections in order to shoehorn in more low-power FM stations. The House Committee on Commerce said wait a minute. After hearings and debate in subcommittee and full committee, my colleagues and myself said low-power FM can go forward and should go forward immediately, but Congress must protect all radio listeners by maintaining third-channel interference protections.

Now, the gentleman from Wisconsin (Mr. BARRETT) and the gentleman from Illinois (Mr. RUSH) have agreed that we should put into law third-adjacent channel protections for any radio station that sublets, if you will, some of their spectrum to very important blind reading services, services that the FCC ignores in their ruling.

So the authors of this amendment are saying that the FCC got third-channel protections wrong for these unique and critically vital blind reading stations. But for all other broadcasters who may cover local high schools, sports, or provide Spanish language broadcasts, or our public radio affiliates, one cannot, and I repeat, cannot have third-channel protections under the law.

What if stations decide to offer some of their auxiliary spectrums to blind reading services? Does the FCC then have to go back and protect the third-channel from interference and shut down existing low-power FM stations?

This amendment is ill conceived and flawed. I urge my colleagues to vote no.

Mr. WAXMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. This amendment by the gentleman from Illinois (Mr. RUSH) and the gentleman from Wisconsin (Mr. BARRETT) is a good amendment, and I ask my colleagues to accept it. It is a modest change to H.R. 3439. It is a good amendment, and I only wish it went further.

The promotion of competition and diversity in broadcast has been the guidepost of American communications policy for over 50 years. We are currently experiencing unprecedented consolidation in this industry, however; and we cannot ignore its implications. Today, broadcast remains the

way most Americans get their local news and information. Yet, there are fewer and fewer companies that control the content of the information they receive.

That is why more than 2 years ago, FCC Chairman Bill Kennard proposed a new low-power FM radio service. It is a noncommercial service that will allow local churches, schools, community-based organizations, and governments to strengthen the ties in their communities. It is localism and diversity in the purest democratic sense.

The FCC took its responsibility to protect the signals of incumbent broadcasters very seriously. They spent more than a year conducting lab tests and reviewing the potential for signal interference. It also extended its comment period in the rulemaking proceeding and scaled back its original proposal in an effort to address the incumbent broadcasters' concerns. For any objective viewpoint, the FCC bent over backwards to accommodate the concerns broadcasters raised.

The FCC's extensive tests have shown that low-power radio will not harm existing signals. Chairman Kennard has vowed publicly time and again to protect every incumbent FM service from interference.

H.R. 3439 effectively kills low-power radio. It prevents the FCC from issuing all but a small number of licenses and requires more studies into next year. New legislation would be required to permit the program to move forward once the studies are completed.

The Barrett-Rush amendment would simply permit the FCC to implement the program 6 months after the new round of studies is completed, and it has demonstrated again that interference is not a problem.

Passage of H.R. 3439 without the Barrett-Rush amendment will end the promise of greater localism and diversity that noncommercial low-power radio can bring.

□ 1930

I urge my colleagues to vote for this amendment and to vote against the legislation if this amendment is defeated.

Mr. WALDEN of Oregon. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today first to declare a conflict of interest. I am a community radio broadcast station owner and operator and have been for 14 years. My father started in this business in the late 1930s. There has never been more diversity on the dial and more stations than there are today.

Now, my stations are in a small community; 20,000 in the county and 23 in the other. We do the very things that my colleagues are talking about today that they want: Spanish programming, programming for seniors, and so do my colleagues in the industry. And that is what I am standing up here today to talk about, is the public service and community service that is today provided to people in America by their community broadcasters.

This amendment, though, is bad. Now, I am not a radio engineer, although I have spent time inside transmitters with my engineer. My engineer is a fan of low-power FM. He is very supportive of it. He and I disagree on this. But when it comes to the technical issue of LPFM, I want to read my colleagues what he said to me.

"My position on this is not to kill LPFM, but to pressure the FCC to consider revising at least the rules that would be most harmful to full-power FM stations. This rule appears to be the worst. Protecting against interference to a station's protected contour has been a bedrock issue with the FCC." He says, "Perhaps most disturbing were the rules for future full-power FM's. It appears that predicted and actual interference would have to be caused within a future station's 70dBu 'city grade' contour, before the full-power station could have any relief from LPFM interference. Interference from there on out to the 60dBu contour would just have to be tolerated by the full-power station."

That is why the FCC was created in the beginning, was to sort out these technical interference problems. That is why this amendment is not a good one and why it ought to be defeated and why we ought to run out the test the way the bill envisions and do it in that respect.

I have heard from community broadcasters; I have heard from Jefferson Public Radio concerned about the potential interference with their translator system on public radio. We have a great opportunity to move forward with the legislation that the chairman and the ranking member has offered, and I think this amendment is the wrong direction to go. From a technical standpoint, it is flawed and it will hurt the process.

Mr. MARKEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Barrett amendment. If we were going to take all of the red herrings that have been spread before this body in this debate, we would have to put an aquarium in the middle of the well. This is absolutely one of the most misrepresented Federal Communications Commission efforts of all time.

Now, how do we know this? We know this because we have to test the hypocrisy coefficient. Now, how would we apply that in this particular instance? Well, what we would do is we would look at the 300 high-powered FM radio stations that the National Association of Broadcasters asked to be grandfathered by the Federal Communications Commission in 1997.

Now, we are not talking about 100-watt radio stations, these small non-profit community-based radio stations. Hundred watts. No, we are talking about 50,000 watt radio stations, 10,000 watt radio stations, 5,000 watt radio stations that all operate within the second and third adjacent channels, just with these 100-watt stations.

So the NAB did a big study of these 300, 50,000, 10,000 and 5,000 watt stations. And after a completely detailed eye-watering analysis of the science of these radio stations, here is what they found: that every one of those 300 stations was a dues-paying member of the National Association of Broadcasters and they shall be grandfathered, regardless of their interference that they were going to be causing in the second and third adjacent channels.

Now, who are these channels? Well, my colleagues might have heard of some of them: KCBS, KLAX, KBCD, KYCY. Fifty, 50, count them, 50 high-powered radio stations in California, 24 in Illinois, 25 in North Carolina, 28 in Ohio, 24 in New York, 17 in New Jersey. Go right down the list. So KCBS, operating within the second and third adjacent channel, that is no problem. But a 100-watt station operated by a community church in South Central L.A., oh my God, stop the presses. Let us get the FCC out of this business and have an independent study, says the NAB. The NAB.

Now, why is this? Well, it is very simple. Here is their philosophy. They already got theirs. They are in. They are the incumbents. Pull up the gang plank. There is no room for these poor community groups, churches, minority groups. Oh, my God, how can we figure this out? Let us study it for a year, and then even if they find there is no interference, and, by the way, if they use the same standard that the NAB used with these 300, and that is all we are really talking about here in low power, by the way, only about 300 low power, if they use the same standard they will not find any interference.

But what does the Oxley bill say? Even if they do not find any interference, they still have to come back to Congress. They still have to come back and get permission. And when will that be? When do my colleagues think the NAB will let that happen out here?

So what the Barrett amendment says is, study it. But if they do not find any interference, if they find the same thing that the NAB found in 1997, when they analyzed whether or not their 300 radio stations, the huge 50,000, 10,000, 5,000-watt radio stations caused interference, then license the little 100-watt community-based radio station. Why not do that? But, no, even the Barrett amendment is unacceptable to the NAB.

My colleagues, unless we want to completely ignore the facts, unless we want to completely ignore the history

of FM radio in our country, and by the way these 300 stations that got their licenses back in the 1960s, they were only grandfathered. So they have been causing this interference or, more accurately, not causing this interference for 30 years now. So what is the likelihood that the FCC is going to be unable themselves, in order to determine whether or not 100-watt radio stations are causing this problem?

So, my colleagues, I think if right now these 50,000-watt stations are not provoking any complaints in L.A.; if we are not hearing it on KCBS, if we are not hearing it on KLAX, we are not going to hear it on the 100-watt stations. The consumer complaints are not out there.

So I urge a very strong ''aye'' on the Barrett-Rush amendment. It is wise, it is timely, it is important for us to get these small voices out into the communities of our country with the ever-consolidating huge radio industry making it harder and harder for minorities, women, and for smaller voices in our society to have their independent voices heard.

Mr. TAUZIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my friend, the previous speaker, indicated the Barrett amendment provided that this test would go forward, and then if the commission did not find any interference, it could move ahead and grant these low-powered stations. That is not what the Barrett amendment says.

The Barrett amendment says that in 6 months, regardless of whether the Commission finds interference, it can move forward with the issuance of these low-powered station licenses.

Let me say it again. The bill says they have to do this study and report back to Congress and then Congress will say yes or no, proceed, based upon the results of that study. The amendment by the gentleman from Wisconsin (Mr. BARRETT) says to the FCC that they can proceed in 6 months regardless of whether the independent study produces a finding of interference. Do we really want to vote for that?

Incredibly, the Barrett amendment makes one exception. It says even in 6 months the Commission cannot remove the protections against interference for radio reading services to the public. Now, that is a very important service, but if radio reading services to the public deserve this protection from interference, do we not think other minority stations deserve that protection? Do we not think National Public Radio deserves that protection? Do we not think the local radio broadcasting station deserves that protection? Or would we rather have this report come back to Congress saying there will be all kinds of interference, but the commission is going to move ahead anyhow whether or not it interferes with the local station, with the minority station, with the community broadcast station, or any other station that exists in our communities?

The FCC came up with this proposal. This is not a legislative proposal. The FCC decided to propose this new service. The FCC decided to propose it and then decided to implement it in spite of the fact that radio stations across America expressed concerns to the Members of Congress, whom the FCC is supposed to be answerable to, to check it out first to make sure it would not interfere with listening audiences around the country.

When we invited Chairman Kennard to come and tell us about it, he declined the offer to testify. He sent an engineer instead. So we had a battle of engineers. We listened to the FCC lab test, which said that it is okay to do this stuff. And then we heard from other engineers, who had test results that indicated all kind of talk-over, all kinds of interference problems on all kinds of cheap inexpensive radios; the Walkman, the boom boxes, the radios next to the bedside. And the FCC's answer was, oh, those radios are inexpensive. They are not designed well; and, therefore, we do not care whether it interferes with those radios. It is okay to interfere with those radios. To 65 million Americans, it is okay to interfere with their radio listening because they bought an inexpensive radio. Shame on them. That is the attitude of the FCC here.

If we adopt this amendment, we give the FCC authority to move forward in spite of the fact that it interferes with these less expensive radios. We give them the authority to move forward in spite of the fact it might jam up in a digital age and completely block out the signal of National Public Radio stations in our communities, or our community broadcasters in our communities, perhaps our minority language broadcasters in our communities. We give them the go-ahead and say it does not matter that they are supposed to be subject to Congress; they can do what they want, when they want to do it.

And guess what? Tick off the 6 months with me. This bill gets through the House tonight, and it goes over to the Senate. Maybe the Senate passes it in May. Count them off for me. All of a sudden we are in December. Are we in session? No. We are not in session in December. The FCC even may go out of office next year. We do not know who will be in the FCC next year. But in December the FCC proceeds with the issuances of all these licenses whether they interfere or not. We come back in session next year, and we have to start shutting licenses and radio stations down. Do we really want to be in that pickle? Do we really want to start shutting radio stations down across America because they were licensed incorrectly?

We have an obligation in Congress. We have an obligation to direct the FCC when it comes to the way the spectrum is used in America. We have an obligation to every radio listener not to let them issue licenses that are going to interfere with their listening. And yet the FCC is asking us in this Barrett amendment to do what they want regardless of the test results, except to protect one small little provision of service called radio reading.

I suggest to my colleagues this is an ill thought-out amendment. This undoes the bill. The bill does not shut down FM low power. It lets 70 stations go forward immediately. Immediately. And it simply says for the rest, go the through not the lab test, the field test.

I urge my colleagues to reject this amendment.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if we like careful regulation, if we like responsible behavior by the regulatory agencies, if we expect the regulatory agencies to do their job carefully, then we have no choice but to oppose the amendment offered by my good friends, the gentleman from Wisconsin (Mr. BARRETT) and the gentleman from Illinois (Mr. RUSH).

The simple fact of the matter is the FCC did several things. First of all, they changed the standard which was previously signal-to-noise ratio, which covered and described whether or not there was interference that was unacceptable. Second of all, they changed so that now we may no longer use the test of the third-adjacent channel.

My friend, the gentleman from Massachusetts (Mr. MARKEY), said that the FCC was not opposed to this in that event by the broadcasters.

□ 1945

In point of fact, the broadcasters oppose the grandfathering of those higher powered stations.

Now, the issue here, and I want my colleagues to understand this very clearly, is not the question of interference as it impacts upon the broadcasters. Although that is important. It is the interference as it impacts upon the listener.

In 1927, the Radio Act was set up to assure that we restored order to the broadcast channels by eliminating the wild interference and the wild placement of stations, which made the entire spectrum almost useless and impossible to listen to.

What the traditional standard was, then, was the third adjacent channel. In addition to that, it was signal-to-noise ratio, which enables them to tell what in fact is going on from the standpoint of the listener. No test on these points was made by the FCC.

The FCC simply wants to disregard the traditional standards and the traditional methods of measuring whether

or not interference exists and will impact upon the listeners.

Now, everybody is making the great pitch that this bill here is going to hurt minorities. In point of fact, it is going to impact most heavily upon benefitting, if we pass this legislation, minority listeners and minority broadcasters because they will receive the assurance that they will get proper protection of both broadcasting and the listeners' concern.

Now, the point has been made, well, if they have got an expensive radio, they do not have to worry. Well, that is an argument that I find very distasteful, because the simple point of fact is that the minorities and the poor and the people who have most need of radio service are the people who can least afford an expensive radio.

We are not talking about shower radios or things of that kind. We are talking about clock radios, inexpensive radios, radios that are used by minorities and by people of limited means.

What the amendment does is it assures that the FCC will have to make a proper test and that the test will be accomplished by an independent testing entity. I think that is fair and proper. And then it lets the Congress make the decision.

Now, I want to remind my colleagues of something that Sam Rayburn told the chairman of the FCC when he got out of hand. He said, Now, son, remember that you work for us and everything will be all right.

The Congress is the body that has created the FCC to function under delegated authority. It is our responsibility to look after the FCC and see to it that their proceedings are fair, to see that their proceedings consider all the questions and are conducted in the proper fashion, and to see to it that the people who are dependent upon radio service get fair treatment.

Remember, at stake here are rights of minorities, people of limited means, and public broadcasting. That is what really is in question, and the question of whether or not proper service is afforded the people.

There will be literally hundreds of stations which will go on the air of low-power character. There will be at least 70 of them in major centers. And in areas below 50,000 markets, we will find that there will be an awful lot of broadcasters who will go on and utilize these low-power systems.

That is the way it should be done. And then we can have a fresh look; we can come to a judgment as to whether or not the test says that we ought to permit the FCC to go forward. At that point a proper decision can be made.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate the gentleman from Michigan (Mr. DINGELL) and the gentleman from Louisiana (Mr. TAUZIN) and their interest in protecting the minority community. And I am sure they are sincere. I just happen to disagree with them on this issue about whether this is protective of the minority community or not. But that is not the point that I rose to make.

Actually, some of my very best friends are owners of commercial radio stations and own interests; and they deserve to have their signals protected, which is why the underlying purpose of the bill is a good purpose. There needs to be a study.

But I will guarantee my colleagues that, at the end of that study, those same friends of mine will, regardless of the outcome of that study, even if it says that there is no interference, they will be here saying do not take action because they will be trying to protect their own economic interest. And I do not have any problem with that.

But I know that they have enough power in the process to keep any kind of bill from coming that will allow these low-power FM stations to go forward even if the study says there is no interference. And that is why I support the amendment of the gentleman from Wisconsin (Mr. BARRETT) and the gentleman from Illinois (Mr. RUSH). Because this is really a question of who is going to play offense and who is going to play defense.

I know the commercial stations have the power to play offense. If this study shows that there is any kind of interference, this Congress will respond to the commercial radio stations, and I know that.

But I do not have that same kind of assurance about the minority community and small institutions and small colleges having the power to move Congress to do something to respond. And I think we ought to put the burden on the commercial stations, which is exactly what the amendment of the gentleman from Illinois (Mr. RUSH) and the gentleman from Wisconsin (Mr. BARRETT) does.

If there is a finding that there is really interference, I guarantee my colleagues they will be here and their interest will be protected. And I will probably be on their side because a lot of them are my good friends, and my supporters I might add.

But in the absence of some overwhelming finding, the burden should be on them and not on the community. The airwaves belong to the community in the final analysis.

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. OBEY. Mr. Chairman, does the Chair think that we might obtain the vote faster if it were indicated that a number of us are inclined to vote for whichever side stops talking first?

The CHAIRMAN. The gentleman has not stated a parliamentary inquiry.

Mr. WYNN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, recognizing my colleague's last statement, I certainly will not take the entire 5 minutes. But I do believe I would like to comment on this bill.

I sat in on the committee hearing and I listened intently. This is a very important issue. Clearly, we do need more diversity of voices in the media.

Mr. Chairman, at the same time, however, it came to light in the committee that there were concerns and legitimate concerns about the quality of signals and the possibility of interference. And so, the concept of a study I think makes eminent good sense.

The concern I have, as has been articulated by my colleague the gentleman from North Carolina (Mr. WATT), is simply this: Why should we absolutely have to come back to Congress before any action can be taken?

Let us put the burden on the broadcasters to say this is a bad idea. If the study comes back and shows that we can have diverse voices think low-power radio without any significant interference, then we ought to move forward.

My father is blind. He listens to the radio as his primary source of communication with the outside world and certainly wants a clear signal. But I think I also want the opportunity to have other voices heard if they could be done without interfering with my father's portable radio.

With that in mind, I support this amendment. I believe it is a fair and reasonable approach that will allow us to move forward if there is no interference with the signal and allow these diverse voices.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in strong support of the Barrett/Rush Amendment to the Radio Broadcasting Preservation Act. I believe that the Barrett/Rush Amendment will strongly expedite the availability of low-power licenses to local communities.

This Radio Broadcasting Preservation Act would require the FCC to modify its low-power FM rule by establishing signal interference standards for low power FM stations that are equal to existing standards for full power FM stations. On January 20, 2000, the FCC adopted a new category of radio services that permits the issuance of licenses for low-power, non-commercial community FM radio stations. Under the FCC's rule, the new service would consist of 10-watt and 100-watt stations with a broadcast radius of about 1–2 miles and 3.5 miles.

For many years, the FCC received thousands of inquiries annually from individuals and groups wishing to start low-power radio stations for small communities. The FCC decision to offer low-power licenses will enhance community oriented radio and increase diversity in our Nation's communities.

Local communities and historically underrepresented groups such as, civil rights groups, students and educational organizations, labor

unions, churches and religious groups, and many other community organizations have expressed support. In addition, many nonprofit entities providing public safety announcements and local transportation have also expressed support.

However, organizations and some broadcasters are opposed to the low-power FCC license rule, because hey have expressed concerns that low-power frequencies will cause interference with existing broadcasters. For instance, many popular FM stations may experience static and unclear reception. Opponents have stated that the FCC acted hastily to appease the groups applying for low power licenses and that they did not fully consider the technical as well as economic consequences to established broadcasters.

I believe that the granting of low-power licenses by the FCC will offer significantly more opportunities for average Americans to become involved in broadcasting and spread their messages. In fact, many local minority broadcasters will have the chance to provide information to the communities where they operate. The Barrett/Rush Amendment will address the interference issue and speed up the availability of these coveted frequencies to those who may greater benefit from low-power access.

The Barrett/Rush Amendment permits the FCC to proceed with its plans to issue low-power licenses six months after the conclusion of the interference test period, unless Congress expressly takes action to prohibit it. The Radio Broadcasting Protection Act was introduced in order to curtail the FCC's ability to provide new licenses for non-commercial low-power FM radio stations to empower churches, schools, and other community groups to gain access to the airwaves.

The FCC proposal is intended as a response to the alarming trend of ownership consolidation in the radio industry, which has drastically decreased the number of local broadcasters on the air.

The Commerce Committee adopted a substitute to the Radio Broadcasting Preservation Act that would allow the FCC to grant low power radio licenses only in those 70 markets which satisfy the "third adjacent channel" protection from interference that applies to existing full power stations, and to test 9 markets whether low-power radio causes interference without the "third adjacent channel" protection. Once this testing is completed, the FCC must report the results to Congress.

The bill in its current form does not allow the FCC to act on issuing new low-power licenses, unless Congress specifically authorizes further action with additional legislation; even if the FCC studies find no interference is found in independent testing.

This bill also fails to recognize and inhibits the FCC's expertise in analyzing FM radio issues, including signal interference and spectrum management. Without the Barrett/Rush Amendment this bill is nothing but an unnecessary infringement on the FCC's ability to adapt decades-old rules to ever changing technology. This amendment is a fair compromise: it provides for Congress to exercise timely oversight, but removes an unfair impediment to legitimate action by the FCC with an issue clearly under its jurisdiction.

We can do better and we must do better. We owe it to the many churches, schools, non-profit community groups, colleagues, as well as state and local government agencies to go forward with providing access to low-power frequencies and to increasing diversity among our Nation's airwaves.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of the Barrett/Rush Amendment and in support of the FCC's Low-Power FM radio station proposal. The Barrett/Rush amendment is a reasonable compromise to this legislation that would allow the FCC to continue work toward establishing these important communications tools.

Mr. Chairman, low-power FM stations would give churches, schools and local community groups access to the radio spectrum at a cost they can afford. These stations will only reach a couple of miles, but the message they will carry will reach many people. These stations will give churches a greater voice in the community. These stations will allow schools to set up in-house radio stations. Schools can train kids for a career in the radio industry, as well as provide announcements of school closures and after-school events. Local community groups will be able to contribute to the diversity of voices in their community while providing important information.

The bill we are considering today will effectively give Congress the ability to kill the low-power FM program. The Barrett/Rush amendment forces Congress to act on this proposal instead of allowing it to wither away. My colleagues and I have heard the concerns of broadcasters that these new stations will interfere with existing stations. This amendment will allow for further study to ensure that the integrity of the spectrum is maintained. However, it mandates that Congress will act on this proposal after the independent study on interference is completed. This amendment represents a more responsible compromise to allay the concerns of broadcasters while giving the FCC the ability to move forward with this program.

Mr. Chairman, I urge support of this amendment and low-power FM radio.

Let's give new strength to the voice of the people.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. BARRETT).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BARRETT of Wisconsin. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 142, noes 245, not voting 47, as follows:

[Roll No. 129]

AYES—142

Abercrombie
Ackerman
Andrews
Baca
Baldwin
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blumenauer
Bonior
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dixon
Doggett
Dooley
Doyle
Ehlers
Engel
Eshoo
Evans
Farr
Filner
Frank (MA)
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
Kleczka
Klink
Kucinich
LaFalce
Lantos
Larson
Lee
Levin
Lewis (GA)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Minge
Moakley
Moore
Moran (VA)
Nadler
Napolitano
Neal
Obey
Olver
Ortiz
Owens
Pascrell
Pastor
Payne
Pelosi
Petri
Pomeroy
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Stabenow
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Waters
Watt (NC)
Waxman
Weiner
Weygand
Woolsey
Wu
Wynn

NOES—245

Aderholt
Allen
Archer
Armey
Bachus
Baird
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Berry
Biggert
Bilbray
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Campbell
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Collins
Combest
Condit
Cox
Cramer
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dingell
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Ford
Fossella
Franks (NJ)
Frelinghuysen
Frost
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kind (WI)
King (NY)
Kingston
Knollenberg
Kuykendall
LaHood
Lampson
Largent
Latham
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Manzullo
McCrery
McHugh
McIntyre
McKeon
Mica
Miller (FL)
Mink
Moran (KS)
Morella
Murtha
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ose
Oxley
Packard
Pallone
Paul
Pease
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett

Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogers
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)

NOT VOTING—47

Baker
Bilirakis
Bliley
Borski
Callahan
Canady
Clay
Clement
Coburn
Cook
Cooksey
Costello
Crane
Fattah
Fowler
Gallegly
Ganske
Goodling
Greenwood
Hall (OH)
Herger
Houghton
Kolbe
LaTourette
Leach
Lofgren
Lucas (OK)
Martinez
McCarthy (MO)
McCollum
McInnis
McIntosh
Miller, Gary
Miller, George
Mollohan
Myrick
Quinn
Rangel
Rogan
Ros-Lehtinen
Sanchez
Shuster
Stark
Vento
Weldon (FL)
Wexler
Young (FL)

□ 2014

Messrs. LAHOOD, BARCIA and WATKINS changed their vote from ''aye'' to ''no.''

Mrs. MCCARTHY of New York, Mr. SHERMAN and Mr. METCALF changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. MCCARTHY of Missouri: Mr. Chairman, during rollcall vote No. 129, the Rush/Barrett Amendment to HR 3439, I was unavoidably detained. Had I been present, I would have voted "yes."

Ms. SANCHEZ. Mr. Chairman, during rollcall vote No. 129 on April 13, 2000 I was unavoidably detained. Had I been present, I would have voted "aye."

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the order of the House of today, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3439) to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations, pursuant to the order of the House of today, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the order of the House of today, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OXLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 274, noes 110, not voting 50, as follows:

[Roll No. 130]

AYES—274

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Berry
Biggert
Bilbray
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Campbell
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Collins
Combest
Condit
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dingell
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Ford
Fossella
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoeffel
Hoekstra
Hooley
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kuykendall
LaHood
Lampson
Largent
Latham
Lazio
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
McCrery
McHugh
McIntyre
McKeon
McNulty
Meehan
Mica
Miller (FL)
Minge
Mink
Moore
Moran (KS)
Morella
Murtha
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ose
Oxley
Packard
Pallone
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogers
Rohrabacher
Rothman
Roukema
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Young (AK)

NOES—110

Ackerman
Baldwin
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blumenauer
Bonior
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson
Clayton
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dixon
Doggett
Dooley
Doyle
Eshoo
Evans
Farr
Filner
Frank (MA)
Gephardt
Gonzalez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Holt
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
Kucinich
LaFalce
Lantos
Larson
Lee
Levin
Lewis (GA)
Markey
Mascara
Matsui
McCarthy (NY)
McDermott
McGovern
McKinney
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Moakley
Moran (VA)
Nadler
Napolitano
Obey
Ortiz
Owens
Pascrell
Pastor
Paul
Payne
Pelosi
Reyes
Rivers
Rodriguez
Roybal-Allard
Royce
Rush
Sabo
Sanders
Schakowsky
Scott
Serrano
Slaughter
Snyder
Tauscher
Thompson (MS)
Tierney
Towns
Udall (CO)
Velazquez
Waters
Watt (NC)
Waxman
Weiner
Woolsey
Wynn

NOT VOTING—50

Baker
Bilirakis
Bliley
Borski
Callahan
Canady
Clay
Clement
Coburn
Cook
Cooksey
Costello
Dicks
Fattah
Fowler
Gallegly
Ganske
Goodling
Greenwood
Gutierrez
Hall (OH)
Houghton
Kolbe
LaTourette
Leach
Lipinski
Lofgren
Lucas (OK)
Martinez
McCarthy (MO)
McCollum
McInnis
McIntosh
Miller, Gary
Miller, George
Mollohan
Myrick
Quinn
Rangel

Rogan	Shuster	Weldon (FL)
Ros-Lehtinen	Smith (WA)	Wexler
Sanchez	Stark	Young (FL)
Sherwood	Vento	

□ 2032

So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.''.

A motion to reconsider was laid on the table.

Stated for:

Mr. KOLBE. Mr. Speaker, on rollcall No. 130, H.R. 3439, Radio Broadcasting Preservation Act, I was unavoidably absent. Had I been present, I would have voted "aye."

Stated against:

Ms. McCARTHY of Missouri. Mr. Speaker, during rollcall vote No. 130, Radio Broadcasting Preservation Act, H.R. 3439, I was unavoidably detained. Had I been present, I would have voted "no."

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 130 on April 13, 2000, I was unavoidably detained. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. COOKSEY. Mr. Speaker, due to my mother's illness, I was not here for the votes on H.R. 3615 or H.R. 3439. Had I been present, I would have voted "yea" on passage of H.R. 3615, "nay" on the Barrett of Wisconsin Amendment to H.R. 3439, and "yea" on passage of H.R. 3439.

GENERAL LEAVE

Mr. PICKERING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3439, the bill just passed.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3308

Mr. PICKERING. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of H.R. 3308.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

AUTHORIZING THE SPEAKER, MAJORITY LEADER AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. PICKERING. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Tuesday, May 2, 2000, the Speaker and majority leader and minority leader may be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, MAY 3, 2000

Mr. PICKERING. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday, May 3, 2000.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1396

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor on H.R. 1396.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the House disagrees to the amendment of the Senate to the concurrent resolution (H. Con. Res. 290) ''Concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005'', agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. KASICH, Mr. CHAMBLISS, Mr. SHAYS, Mr. SPRATT, and Mr. HOLT, to be the managers of the conference on the part of the House.

YOUNG ROLE MODELS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, this week three youngsters from Sparks, Nevada, were honored as national winners of Make a Difference Day, the largest national day dedicated to helping others.

Ten-year-old Crystal DeRuise, her 8-year-old brother Trevor, and her friend, 10-year-old Diana Vaden, started a simple crafts project. They collected oval-shaped rocks, painted them to resemble ladybugs, and sold them at local community craft fairs.

This simple project has become a local phenomenon in a nationally-recognized charity. When Diana's mother became ill with lupus last year, the students began to sell their rocks at the local stores, donating all of their proceeds to the Lupus Foundation. To date, they have raised about $1,500 for lupus research, and plan to generate at least $1,000 more in sales by Christmas.

In addition, as national finalists, an award of $10,000 will go directly to the Lupus Foundation on their behalf.

It is truly an honor for me to recognize these young individuals, who have given so much of themselves to such a worthy cause. These young children are truly the real role models for all America.

COMMENDING COMMISSIONER CHARLES ROSSOTTI FOR CREATING PARTNERSHIP BETWEEN IRS AND NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, each day in the United States, 2,200 children are reported missing to the FBI's National Crime Information Center. Our colleagues have helped to raise the level of awareness about missing children by featuring their photos on franked mail and newsletters. Hundreds of corporations do their part. President Clinton mandated the posting of missing children's photos in Federal buildings.

Today I commend Commissioner Charles Rossotti of the IRS for creating a new partnership between his agency and the National Center for Missing and Exploited Children. All tax forms and publications this year feature the pictures of missing children where blank space once appeared. The IRS estimates that up to 600 million images of missing children are being featured.

The National Center reports that one in six missing children is recovered when someone recognizes their photo, and we are optimistic that many children featured in the new IRS program will make their way home as a direct result.

Mr. Speaker, please join me and the Members of the Missing and Exploited Children's Caucus in applauding Commissioner Rossotti for his leadership in bringing the pictures of these children to such a large audience simply by taking advantage of available space.

On behalf of all the families of missing children from our respective districts, we thank you.

IN SUPPORT OF DR. LAURA

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, I have a button which I sometimes wear. It says, ''Politically Incorrect and Proud of it.'' I probably ought to be wearing that button tonight, because what I am going to say is going to be deemed politically incorrect by some.

You see, I rise in strong support of Dr. Laura. Mr. Speaker, under the guise of freedom of speech, my children and my grandchildren are put into a sea of filth and violence on television and the Net. Yet, when Dr. Laura recapitulates spiritual and moral values espoused by countless civilizations through millenia of time, pagans and Christians and Jews and Muslims, she is accused of hate speech.

Mr. Speaker, I proudly rise to defend Dr. Laura and her right to freely express her religious convictions, her deeply held religious convictions, without fear of being called a bigot. If her rights are denied, all our rights are at risk.

THE CENSUS AND URGING MEMBERS TO JOIN IN RESOLUTION SALUTING MINORITY VETERANS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise for two reasons this evening. First of all, I ask Americans not to forget the Census. On April 16, we will have Census Sunday in my district, where I hope all of our religious communities and all those who will be gathered under one roof will realize the importance of one vote, one person, and realize they should be part of the count and not part of the undercount.

So many of our men and women have served the United States military so that we might be free. The Census is one exercise that the United States partakes in to ensure that all Members of this Nation are counted. So I hope that those who have not sent in their forms will realize that this is a part of the obligation of being here in the United States, to be counted.

Finally, Mr. Speaker, I hope my colleagues will join me in supporting House Resolution 98 to salute and give appreciation to all of the minority veterans that served in World War II, African-Americans, Hispanics, Native Americans, who, because of discriminatory laws in the United States, were not fully acknowledged.

We appreciate all who served in World War II and who gave their lives in sacrifice, but we hope we will be able to honor them on a day of honor, May 25, 2000.

APPOINTMENT OF HON. FRANK R. WOLF OR HON. CONSTANCE A. MORELLA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH MAY 2, 2000

The SPEAKER pro tempore laid before the House the following appointment by the Speaker:

WASHINGTON, DC,
April 13, 2000.

I hereby appoint the Honorable FRANK R. WOLF or, if not available to perform this duty, the Honorable CONSTANCE A. MORELLA to act as Speaker pro tempore to sign enrolled bills and joint resolutions through May 2, 2000.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is agreed to.

There was no objection.

COMMUNICATION FROM LEGISLATIVE COUNSEL OF THE OFFICE OF GENERAL COUNSEL

The SPEAKER pro tempore laid before the House the following communication from M. Pope Barrow, Jr., Legislative Counsel of the Office of General Counsel of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE LEGISLATIVE COUNSEL,
Washington, DC, April 13, 2000.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for production of documents issued by the Superior Court of the District of Columbia.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

M. POPE BARROW, Jr.,
Legislative Counsel.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PRESCRIPTION DRUG COVERAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. BAIRD) is recognized for 5 minutes.

Mr. BAIRD. Mr. Speaker, I come before the House today to talk about one of the most serious issues affecting senior citizens and families across the country. That is the skyrocketing cost of prescription drugs and the lack of affordable health coverage for seniors.

Too many of our Nation's senior citizens are forced to make an impossible choice each month about whether they buy the food they need, pay to heat their homes, or pay for the prescription medication that will keep them alive and keep them healthy.

Mr. Speaker, in the richest country in the history of the world, it is simply wrong to force our senior citizens to make that choice. I am sure Members have noticed this giant pill bottle. The size of this pill bottle reflects the escalating costs of prescription medications in our country.

Mr. Speaker, next week I will travel throughout my district and invite senior citizens to bring to me their prescription medications, their prescriptions, and the bills they pay for them. Mr. Speaker, we are going to fill this prescription bottle with those medication receipts, and we are going to bring it back to this body and demand action.

Mr. Speaker, too many senior citizens in this country are making a choice, a terrible choice that they should not have to make. This body has now been in session more than 15 months. We have talked about naming post offices, we have traveled back and forth across the country to vote on silly suspension bills, in some cases.

What have we not voted on? We have not voted on any substantive legislation, not one piece of substantive legislation to lower the cost of prescription medications or to provide meaningful health insurance to our senior citizens.

Mr. Speaker, we must not apply a placebo false fix to this problem. We must provide a real prescription on the House of Representatives to solve a real problem that is affecting our senior citizens' health and well-being every day.

Mr. Speaker, when I am in my district next week, I want hundreds of senior citizens to come out. I want to share with Members a story. We asked many of our seniors to share with us what they are paying for prescription medication. I was particularly moved by the story of Ms. Gwen Blackman of Longview.

This is what she wrote to me recently. She is receiving $650 per month for social security disability payments, but Mr. Speaker, she must pay $360 of that per month for prescription medications. How does she do that? Mr. Speaker, she does not do that. What she is forced to do is, on some months, go without her medication.

□ 2045

The richest country in the history of the world, we have senior citizens not able to pay for the medication they need because we have done nothing to control the escalating costs of prescription medications, and we have done nothing substantive to provide meaningful, meaningful and real affordable health insurance that includes prescription medications for our seniors.

This House has before it several bills. I am not taking a position tonight on

exactly which bill we must pass. But, Mr. Speaker, we must have this debate, and we must not pass a placebo designed to make us feel like we have done something without doing something.

I hope senior citizens from around this country will look at this giant prescription bottle and say I am going to follow the example of that Member of Congress, I am going to send my Member my prescription medication bottles. I am going to send them the receipts and say, ''Sir or Madam, what would you do if you were in my shoes, and what will you do as an elected Representative to solve this problem.''

IN DEFENSE OF DR. LAURA SCHLESSINGER

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentleman from Maryland (Mr. BARTLETT) is recognized for 5 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, Americans must speak up for freedom of speech, freedom of religion, and traditional morality by defending Dr. Laura's TV show against politically correct antibigotry bigots. That is why I would like to read into the RECORD excerpts from an excellent column from the April 8 issue of World magazine by noted professor of journalism, Marvin Olasky. The article is entitled, ''Support Dr. Laura: Don't back GLAAD, get mad at the anti-bigotry bigots.''

Now I quote, ''Long-time World readers know that I advocate political alliances between religious conservatives and libertarians, and social-issue alliances between biblical Christians and theologically conservative Jews and Muslims. We need such alliances, I believe, because God has not placed us in the ancient land of Canaan, the theme park that Israelites were told to make their own. Instead, Christians are called to live amid sin in a modern Babylon. . .

''Dr. Laura Schlessinger has reportedly surpassed Howard Stern and even Rush Limbaugh as the most-listened-to radio person. She regularly reaches over 20 million radio listeners on 450 stations in the United States and Canada with a message that emphasizes biblical morality. More Americans may soon hear that message: Paramount recently signed up 85 percent of U.S. television markets to air her hour-long talk format television show. But homosexual activists are now campaigning to stop her influence from expanding further. . .

''Dr. Laura (now 53 years old) has become an Orthodox Jew—and that means she has increasingly presented an Old Testament-based critique of homosexuality. To those who disagree she says, rightly, 'I am reiterating what God said. To them, that makes me 'hateful.' I'm sorry —talk to God about it.' Since groups like GLAAD, the Gay and Lesbian Alliance Against Defamation, don't want to talk to God about it, they have instead put pressure on Paramount to stop the Dr. Laura television show before it starts. GLAAD's posture is ironic in one respect; as Dr. Laura told our reporter Lynn Vincent earlier this year, 'I think it's quite fascinating that a group that's talking about civil rights wants to curtail my right to make a living, speak my point of view, and to have my religious convictions.'

''Www.stopdrlaura.com, one of the new attack websites, bills itself as 'a coalition against hate.' The Stop Dr. Laura movement lists e-mail addresses and phone and fax numbers for the Paramount offices, giving homosexuals and their apologists an easy way to maximize harassment of Paramount executives. One of the dot-com brains behind the attack, John Aravosis, said, 'The show's going to be canceled. This is going to be living hell for Paramount for the next year at least. E-mails will keep flying and flying and flying. Everyone on-line who's progressive is going to know that Paramount is a bigot.' For progressives, of course, 'bigotry' only goes one way.

''Former Member of Congress Pat Schroeder attacked Dr. Laura by saying, 'The pledge of allegiance says, 'with liberty and justice for all.' What part of 'all' is unclear?' That question should be turned back to Mrs. Schroeder. What about liberty for Dr. Laura.

''If the attack just came on the Web, it would not be so serious but leading liberal publications have become lapdogs of the homosexual lobby. GLAAD in 1998 met with editors of Time magazine to tutor them on the politically correct way to cover homosexuals in their publication. Time editors followed up obligingly with a flurry of pro-gay coverage, prompting GLAAD to trumpet the magazine's 'truly remarkable turnaround.' On March 20 Time had the predictable story, 'Dr. Laura, Heal Thyself.' So, for that matter, did Newsweek, with its standard hit-piece use of adjectives . . . and out-of-context references . . .

''Dr. Laura issued an ironic statement: 'We are all made in God's image, and therefore, we should treat one another with love and kindness.' But for activists, sincere overtures of peace will not suffice, and only Dr. Laura's unconditional surrender is acceptable . . .

''If a person of Dr. Laura's prominence and proven appeal can be kept off television, tyrants have seized control of the airways and no one who doesn't bow to political correctness is safe . . .

''The best way to ask Paramount executives not to be swayed by the GLAAD offensive is to send a letter to Mr. Frank Kelly, Paramount Television, 5555 Melrose Avenue, Hollywood, California 90038, or an e-mail to television@pde.paramount.com.''

Mr. Speaker, it is an honor to rise in support of Dr. Laura.

THE REUNIFICATION OF THE PARTHENON MARBLES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PAYNE) is recognized for 5 minutes.

Mr. PAYNE. Mr. Speaker, I would like to call to the attention of my colleagues an issue of great importance to our Nation and to the international cultural community. I was tremendously pleased to learn that the matter of the Elgin Marbles is now being considered by the British Parliament and would like to offer my support for all efforts by the committee to conduct a thorough, authoritative examination of all the issues of return of the Parthenon Sculptures to the Acropolis.

The House of Commons, committee on Culture, Media and Sport will be examining the issue of the Reunification of the Parthenon Marbles as a part of its present Inquiry On Cultural Property: Return and Illicit Trade. Last week, the committee traveled to Athens to conduct on-site meetings on the issue with the Hellenic Republic.

The Parthenon was built nearly 2,500 years ago by the original Periclean democracy. The Parthenon Marbles are the segments of the Parthenon temple frieze and structures removed by Lord Elgin from the Parthenon Temple in Athens to London in 1801 to 1816 under the circumstances of debatable legality.

The subject of the Parthenon Marbles is not a Greek-British issue but one of international and U.S. interests. Within the international community, the United Nations Educational, Scientific and Cultural Organization, UNESCO, and the European Parliament have issued declarations urging that the Marbles be returned to Greece. From the major government buildings of all Western democracies to the emblem of UNESCO, the Parthenon is the recognized international symbol of culture and democracy.

Within Great Britain, two polls over the last 2 years demonstrated that the British public favors the reunification of the Marbles. Last year, an Early Day Motion, signed by 112 members of the British Parliament, was presented urging the return of the Marbles. In March, the Economist magazine published a definitive article on the issue including its own poll of Parliament showing very significant support for the return of the Marbles.

No modern legal concepts of cultural properties apply to the case of the Parthenon Marbles because of the following tragic coincidence. The removal of the Parthenon Marbles occurred on

the eve of all modern treaties and international legal precepts regarding cultural property, even in the same decades that the Allies in Europe broke historic ground when they returned the cultural property seized by Napoleon to the Nations of origin. The committee will need to apply strict interpretation of its own legal principles as it weighs the rights of the possessor against the rights of the creator, a very important principle.

The return of the Parthenon Marbles would raise no cause for concern for any other world museums, especially in the United States. Additionally, the Parthenon Marbles is unique, and their reunification would not create a precedent for other museums. Likewise, reunification of the Parthenon Marbles neither establishes a principle for American museums nor poses a threat to our own cultural heritage.

From an ethical point of view, we can imagine the United States position if a foreign diplomat began carting away sculptures from the roof of the Lincoln Monument, which actually the Lincoln Monument was structured after the Parthenon, and they were now in a foreign museum.

From an artistic and cultural point of view, we should consider that the sculptures were integral, structural parts of the architecture, dismembered and taken from the roof of the Parthenon temple. The Parthenon Marbles are not merely ''statutory,'' movable decorative art, but integral, interdependent parts of a temple. Over the centuries, the Parthenon has been a place of worship for three religions in addition to pre-Christian worship of Athena, goddess of wisdom, Orthodox Christian, Catholic, and Muslim.

President Clinton's recent comments in Athens and to British Prime Minister Tony Blair have advanced the debate. Significantly, within days, Prince Charles announced his support for the return of the Marbles to its original place. This will promote a dialogue between the Greek and the British governments which may lead to the reunification of the Marbles to their original home on the Acropolis, hopefully in time to celebrate the 2004 Olympics, which as we know starts in Greece.

Emblems of our culture, in fact, were adopted from the Parthenon and the democracy and culture it represents, including the Lincoln Memorial, the Supreme Court, and innumerable important public buildings and monuments. In the United States, the Committee on the Parthenon has served as a primary catalyst in building public awareness and government support.

Therefore, Mr. Chairman, I urge that we support this and I have introduced legislation to move it forward.

EARTH DAY 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, we are on the verge of celebrating the 30th anniversary of Earth Day, which falls on April 22. We have much to celebrate, improved air quality and water quality and other environmental standards and better protections for human health. However, we also still have a long way to go to preserve and protect our natural resources.

Unfortunately, the Republican leadership has not promoted an environmental agenda in this Congress. This is a shame because, if we continue on the path that the Republican leadership has been advocating, our planet will be in far worse shape 30 years from now.

I just wanted to mention a couple actions that took place just yesterday in the House in the committees that I serve on. For instance, Republicans on the Committee on Resources yesterday promoted efforts to drill the Arctic National Wildlife Refuge. If we open the Arctic Refuge to oil and gas development, we will only have the equivalent of 6 more months' worth of oil supply. Yet, in the process, we would destroy one of our Nation's greatest natural resources forever.

Just yesterday, Republicans on the Committee on Commerce in which I serve tried to eliminate water efficiency standards for shower heads and toilets. Fortunately that attempt was defeated. Many of my colleagues on both sides of the aisle are already experiencing severe water shortages back home. One study estimated that indoor water use could be reduced by 31 percent per person per day with products that meet the current standards.

Let me just mention also other aspects of the environmental report in general with regard to the Republican majority. I believe very strongly that many of their policies have harmed our domestic and global energy and environmental security by cutting funding for energy efficiency, renewable energy, weatherization, and alternative fuel programs during the last few years.

In their first effort upon taking control of Congress, the Republican majority cut energy efficiency programs by 26 percent. Over the past 5 years, the GOP has slashed funding for solar energy, renewable energy, and conservation programs by nearly $1.4 billion below the administration's request.

They have also inserted anti-environmental riders into critical funding bills at the 11th hour, hoping that these stealth efforts would not be discovered by the American people. If we look at the situation in Texas where Governor Bush is claiming to be helping the environment, we see that that State ranks first in air pollution in the Nation and third worst in water pollution from chemical dumping. Governor Bush has appointed industry representatives to State environmental agencies that had previously fought against environmental regulations.

□ 2100

And he also has underfunded the cleanup of Superfund sites and has pushed a strictly voluntary program for dirty power plants to reduce harmful emissions, even though Texas's deteriorating air quality has reached a crisis proportion.

While the rest of the world is taking practical steps to reduce greenhouse gas emissions and save money and energy, the Republican-controlled Congress is lagging behind by debating whether the science is real enough to take similar actions domestically.

Mr. Speaker, as we celebrate Earth Day this year, let us reflect on our responsibility for stewardship of our natural resources. I just hope the Republican leadership will stop trying to gut our environmental laws, and I hope all of my colleagues on both sides of the aisle will join me in working proactively to protect our environment now for the present and for future generations.

SUBMISSION OF AMENDED RULES OF PROCEDURE FOR THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Texas. Mr. Speaker, on April 12, 2000, in accordance with Rule 1(b) of its rules, the Committee on Standards of Official Conduct amended its rules as follows: (1) to conform the language of Rule 20(f) to the superseding language of Rule 22(a), the last sentence of Rule 20(f) was deleted, which sentence read "The Committee shall transmit such report to the House of Representatives"; (2) to conform the language of Rule 27(o) to the intention of that rule, the word "of" in the first sentence of Rule 27(o) was deleted and replaced by the word "or." The committee hereby publishes its amended rules in their entirety.

LAMAR SMITH,
Chairman.
HOWARD L. BERMAN,
Ranking Minority Member.

RULES: COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, ADOPTED JANUARY 20, 1999, AMENDED MARCH 10, 1999, AMENDED APRIL 14, 1999, AMENDED APRIL 12, 2000

FOREWORD

The Committee on Standards of Official Conduct is unique in the House of Representatives. Consistent with the duty to carry out its advisory and enforcement responsibilities in an impartial manner, the Committee is the only standing committee of the House of Representatives the membership of which is divided evenly by party. These rules are intended to provide a fair procedural framework for the conduct of the Committee's activities and to help insure that the Committee serves well the people of the United States, the House of Representatives, and

the Members, officers, and employees of the House of Representatives.

PART I—GENERAL COMMITTEE RULES

Rule 1. General Provisions

(a) So far as applicable, these rules and the Rules of the House of Representatives shall be the rules of the Committee and any subcommittee. The Committee adopts these rules under the authority of clause 2(a)(1) of Rule XI of the Rules of the House of Representatives, 106th Congress.

(b) The rules of the Committee may be modified, amended, or repealed by a vote of a majority of the Committee.

(c) When the interests of justice so require, the Committee, by a majority vote of its members, may adopt any special procedures, not inconsistent with these rules, deemed necessary to resolve a particular matter before it. Copies of such special procedures shall be furnished to all parties in the matter.

Rule 2. Definitions

(a) ''Committee'' means the Committee on Standards of Official Conduct.

(b) ''Complaint'' means a written allegation of improper conduct against a Member, officer, or employee of the House of Representatives filed with the Committee with the intent to initiate an inquiry.

(c) ''Inquiry'' means an investigation by an investigative subcommittee into allegations against a Member, officer, or employee of the House of Representatives.

(d) ''Investigative Subcommittee'' means a subcommittee designated pursuant to Rule 8 to conduct an inquiry to determine if a Statement of Alleged Violation should be issued.

(e) ''Statement of Alleged Violation'' means a formal charging document filed by an investigative subcommittee with the Committee containing specific allegations against a Member, officer, or employee of the House of Representatives of a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities.

(f) ''Adjudicatory Subcommittee'' means a subcommittee of the Committee comprised of those Committee members not on the investigative subcommittee, that holds an adjudicatory hearing and determines whether the counts in a Statement of Alleged Violation are proved by clear and convincing evidence.

(g) ''Sanction Hearing'' means a Committee hearing to determine what sanction, if any, to adopt or to recommend to the House of Representatives.

(h) ''Respondent'' means a Member, officer, or employee of the House of Representatives who is the subject of a complaint filed with the Committee or who is the subject of an inquiry or a Statement of Alleged Violation.

(i) ''Office of Advice and Education'' refers to the Office established by section 803(i) of the Ethics Reform Act of 1989. The Office handles inquiries; prepares written opinions in response to specific requests; develops general guidance; and organizes seminars, workshops, and briefings for the benefit of the House of Representatives.

Rule 3. Advisory Opinions and Waivers

(a) The Office of Advice and Education shall handle inquiries; prepare written opinions providing specific advice; develop general guidance; and organize seminars, workshops, and briefings for the benefit of the House of Representatives.

(b) Any Member, officer, or employee of the House of Representatives, may request a written opinion with respect to the propriety of any current or proposed conduct of such Member, officer, or employee.

(c) The Office of Advice and Education may provide information and guidance regarding laws, rules, regulations, and other standards of conduct applicable to Members, officers, and employees in the performance of their duties or the discharge of their responsibilities.

(d) In general, the Committee shall provide a written opinion to an individual only in response to a written request, and the written opinion shall address the conduct only of the inquiring individual, or of persons for whom the inquiring individual is responsible as employing authority.

(e) A written request for an opinion shall be addressed to the Chairman of the Committee and shall include a complete and accurate statement of the relevant facts. A request shall be signed by the requester or the requester's authorized representative or employing authority. A representative shall disclose to the Committee the identity of the principal on whose behalf advice is being sought.

(f) The Office of Advice and Education shall prepare for the Committee a response to each written request for an opinion from a Member, officer or employee. Each response shall discuss all applicable laws, rules, regulations, or other standards.

(g) Where a request is unclear or incomplete, the Office of Advice and Education may seek additional information from the requester.

(h) The Chairman and Ranking Minority Member are authorized to take action on behalf of the Committee on any proposed written opinion that they determine does not require consideration by the Committee. If the Chairman or Ranking Minority Member requests a written opinion, or seeks a waiver, extension, or approval pursuant to Rules 3(l), 4(c), 4(e), or 4(h), the next ranking member of the requester's party is authorized to act in lieu of the requester.

(i) The Committee shall keep confidential any request for advice from a Member, officer, or employee, as well as any response thereto.

(j) The Committee may take no adverse action in regard to any conduct that has been undertaken in reliance on a written opinion if the conduct conforms to the specific facts addressed in the opinion.

(k) Information provided to the Committee by a Member, officer, or employee seeking advice regarding prospective conduct may not be used as the basis for initiating an investigation under clause 3(a)(2) of Rule XI of the Rules of the House of Representatives, if such Member, officer, or employee acts in good faith in accordance with the written advice of the Committee.

(l) A written request for a waiver of clause 5 of House Rule XXVI (the House gift rule), or for any other waiver or approval, shall be treated in all respects like any other request for a written opinion.

(m) A written request for a waiver of clause 5 of House Rule XXVI (the House gift rule) shall specify the nature of the waiver being sought and the specific circumstances justifying the waiver.

(n) An employee seeking a waiver of time limits applicable to travel paid for by a private source shall include with the request evidence that the employing authority is aware of the request. In any other instance where proposed employee conduct may reflect on the performance of official duties, the Committee may require that the requester submit evidence that the employing authority knows of the conduct.

Rule 4. Financial Disclosure

(a) In matters relating to Title I of the Ethics in Government Act of 1978, the Committee shall coordinate with the Clerk of the House of Representatives, Legislative Resource Center, to assure that appropriate individuals are notified of their obligation to file Financial Disclosure Statements and that such individuals are provided in a timely fashion with filing instructions and forms developed by the Committee.

(b) The Committee shall coordinate with the Legislative Resource Center to assure that information that the Ethics in Government Act requires to be placed on the public record is made public.

(c) The Chairman and Ranking Minority Member are authorized to grant on behalf of the committee requests of reasonable extensions of time for the filing of financial Disclosure Statements. Any such request must be received by the Committee no later than the date on which the statement in question is due. A request received after such date may be granted by the Committee only in extraordinary circumstances. Such extensions for one individual in a calendar year shall not exceed a total of 90 days. No extension shall be granted authorizing a non-incumbent candidate to file a statement later than 30 days prior to a primary or general election in which the candidate is participating.

(d) An individual who takes legally sufficient action to withdraw as a candidate before the date on which the individual's Financial Disclosure Statement is due under the Ethics in Government Act shall not be required to file a Statement. An individual shall not be excused from filing a Financial Disclosure Statement when withdrawal as a candidate occurs after the date on which such Statement was due.

(e) Any individual who files a report required to be filed under title I of the Ethics in Government Act more than 30 days after the later of—

(1) the date such report is required to be filed, or

(2) if a filing extension is granted to such individual, the last day of the filing extension period, is required by such Act to pay a late filing fee of $200. The Chairman and Ranking Minority Member are authorized to approve requests that the fee be waived based on extraordinary circumstances.

(f) Any late report that is submitted without a required filing fee shall be deemed procedurally deficient and not properly filed.

(g) The Chairman and Ranking Minority Member are authorized to approve requests for waivers of the aggregation and reporting of gifts as provided by section 102(a)(2)(C) of the Ethics in Government Act. If such a request is approved, both the incoming request and the Committee response shall be forwarded to the Legislative Resource Center for placement on the public record.

(h) The Chairman and Ranking Minority Member are authorized to approve blind trusts as qualifying under section 102(f)(3) of the Ethics in government Act. The correspondence relating to formal approval of a blind trust, the trust document, the list of assets transferred to the trust, and any other documents required by law to be made public, shall be forwarded to the trust, and any other documents required by law to be made public, shall be forwarded to the Legislative Resource Center For such propose.

(i) The Committee shall designate staff counsel who shall review financial Disclosure Statements and, based upon information contained therein, indicate in a form

and manner prescribed by the Committee whether the Statement appears substantially accurate and complete and the filer appears to be in compliance with applicable laws and rules.

(j) Each financial Disclosure statement shall be reviewed within 60 days after the date of filing.

(k) If the reviewing counsel believes that addition is required because (1) the Statement appears not substantially accurate or complete, or (2) the filer may not be in compliance with applicable laws or rules, then the reporting individual shall be notified in writing of the additional information believed to be required, or of the law or rule with which the reporting individual does not appear to be in compliance. Such notice shall also state the time within which a response is to be submitted. Any such notice shall remain confidential.

(l) Within the time specified, including any extension granted in accordance with clause (c), a reporting infididual who concurs the committee's notification that the Statement is not complete, or that other action is required, shall submit the necessary information or take appropriate action. Any amendment may be in the form of a revised Financial Disclosure Statement is an explanatory letter addressed to the clerk of House of Representatives.

(m) Any amendment shall be placed on the public record in the same manner as other statements. The individual designated by the Committee to review the original Statement shall review any amendment thereto.

(n) Within the time specified, including any extension granted in accordance with clause (c), a reporting individual who does not agree with the Committee that the Statement is deficient or that other action is required, shall be provided an opportunity to respond orally or in writing. If the explanation is accepted, a copy of the response, if written, or a note summarizing an oral response, shall be retained in committee files with the original report.

(o) The Committee shall be the final arbiter of whether any Statement requires clarification or amendment.

(P) If the Committee determines, by vote of a majority of its members, that there is reason to believe that an individual has willfully failed to file a Statement or has willfully falsified or willfully failed to file information required to be reported, then the Committee shall refer the name of the individual, together with the evidence supporting its finding, to the Attorney General pursuant to section 104(b) of the Ethics in Government Act. Such referral shall not preclude the Committee from initiating such other action as may be authorized by other provisions of law or the Rules of the House of Representatives.

Rule 5. Meetings

(a) The regular meeting day of the Committee shall be the second Wednesday of each month, except when the House of Representatives is not meeting on that day. When the Committee Chairman determines that there is sufficient reason, a meeting may be called on additional days. A regular scheduled meeting need not be held when the Chairman determines there is not business to be considered.

(b) The Chairman shall establish the agenda for meetings of the Committee and the Ranking Minority Member may place additional items on the agenda.

(c) All meetings of the Committee or any subcommittee shall occur in executive session unless the Committee or subcommittee, by an affirmative vote of a majority of its members, opens the meeting or hearing to the public.

(d) Any hearing held by an adjudicatory subcommittee or any sanction hearing held by the Committee shall be open to the public unless the Committee or subcommittee, by an affirmative vote of a majority of its members, closes the hearing to the public.

(e) A subcommittee shall meet at the discretion of its Chairman.

(f) Insofar as practicable, notice for any Committee or subcommittee meeting shall be provided at least seven days in advance of the meeting. The Chairman of the Committee or subcommittee may waive such time period for good cause.

Rule 6. Committee Staff

(a) The staff is to be assembled and retained as a professional, nonpartisan staff.

(b) Each member of the staff shall be professional and demonstrably qualified for the position for which he is hired.

(c) The staff as a whole and each individual member of the staff shall perform all official duties in a nonpartisan manner.

(d) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(c) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the Committee without specific prior approval from the Chairman and Ranking Minority Member.

(f) No member of the staff or outside counsel may make public, unless approved by an affirmative vote of a majority of the members of the Committee, any information, document, or other material that is confidential, derived from executive session, or classified and that is obtained during the course of employment with the Committee.

(g) All staff members shall be appointed by an affirmative vote of majority of the members of the Committee. Such vote shall occur at the first meeting of the membership of the Committee during each Congress and as necessary during the Congress.

(h) Subject to the approval of the Committee on House Administration, the Committee may retain counsel not employed by the House of Representatives whenever the Committee determines, by an affirmative vote of a majority of the members of the Committee, that the retention of outside counsel is necessary and appropriate.

(i) If the Committee determines that it is necessary to retain staff members for the purpose of a particular investigation or other proceeding, then such staff shall be retained only for the duration of that particular investigation or proceeding.

(j) Outside counsel may be dismissed prior to the end of a contract between the Committee and such counsel only by a majority vote of the members of the Committee.

(k) In addition to any other staff provided for by law, rule, or other authority, with respect to the Committee, the Chairman and Ranking Minority Member each may appoint one individual as a shared staff member from his or her personal staff to perform service for the Committee. Such shared staff may assist the Chairman or Ranking Minority Member on any subcommittee on which he serves. Only paragraphs (c), (e), and (f) shall apply to shared staff.

Rule 7. Confidentiality Oaths

Before any member or employee of the Committee may have access to information that is confidential under the rules of the Committee, the following oath (or affirmation) shall be executed in writing:

''I do solemnly swear (or affirm) that I will not disclose, to any person or entity outside the Committee on Standards of Official Conduct, any information received in the course of my service with the Committee, except as authorized by the Committee or in accordance with its rules.''

Copies of the executed oath shall be provided to the Clerk of the House as part of the records of the House. Breaches of confidentiality shall be investigated by the Committee and appropriate action shall be taken.

Rule 8. Subcommittees—General Policy and Structure

(a) Upon an affirmative vote of a majority of its members to initiate an inquiry, the Chairman and Ranking Minority Member of the Committee shall designate four members (with equal representation from the majority and minority parties) to serve as an investigative subcommittee to undertake an inquiry. At the time of appointment, the Chairman shall designate one member of the subcommittee to serve as the chairman and the Ranking Minority Member shall designate one member of the subcommittee to serve as the ranking minority member of the investigative subcommittee or adjudicatory subcommittee. The Chairman and Ranking Minority Member of the Committee may serve as members of an investigative subcommittee, but may not serve as non-voting, ex-officio members.

(b) If an investigative subcommittee, by a majority vote of its members, adopts a Statement of Alleged Violation, members who did not serve on the investigative subcommittee are eligible for appointment to the adjudicatory subcommittee to hold an Adjudicatory Hearing under Committee Rule 24 on the violations alleged in the Statement.

(c) The Committee may establish other noninvestigative and nonadjudicatory subcommittees and may assign to them such functions as it may deem appropriate. The membership of each subcommittee shall provide equal representation for the majority and minority parties.

(d) The Chairman may refer any bill, resolution, or other matter before the Committee to an appropriate subcommittee for consideration. Any such bill, resolution, or other matter may be discharged from the subcommittee to which it was referred by a majority vote of the Committee.

(e) Any member of the Committee may sit with any noninvestigative or nonadjudicatory subcommittee, but only regular members of such subcommittee may vote on any matter before that subcommittee.

Rule 9. Quorums and Member Disqualification

(a) The quorum for an investigative subcommittee to take testimony and to receive evidence shall be two members, unless otherwise authorized by the House of Representatives.

(b) The quorum for an adjudicatory subcommittee to take testimony, receive evidence, or conduct business shall consist of a majority plus one of the members of the adjudicatory subcommittee.

(c) Except as stated in clauses (a) and (b) of this rule, a quorum for the purpose of conducting business consists of a majority of the members of the Committee or subcommittee.

(d) A member of the Committee shall be ineligible to participate in any Committee or

subcommittee proceeding in which he is the respondent.

(e) A member of the Committee may disqualify himself from participating in any investigation of the conduct of a Member, officer, or employee of the House of Representatives upon the submission in writing and under oath of an affidavit of disqualification stating that the member cannot render an impartial and unbiased decision. If the Committee approves and accepts such affidavit of disqualification, or if a member is disqualified pursuant to Rule 18(g) or Rule 24(a), the Chairman shall so notify the Speaker and ask the Speaker to designate a Member of the House of Representatives from the same political party as the disqualified member of the Committee to act as a member of the Committee in any Committee proceeding relating to such investigation.

Rule 10. Vote Requirements

(a) The following actions shall be taken only upon an affirmative vote of a majority of the members of the Committee or subcommittee, as appropriate:

(1) Issuing a subpoena.

(2) Adopting a full Committee motion to create an investigative subcommittee.

(3) Adoption of a Statement of Alleged Violation.

(4) Finding that a count in a Statement of Alleged Violation has been proved by clear and convincing evidence.

(5) Sending a letter of reproval.

(6) Adoption of a recommendation to the House of Representatives that a sanction be imposed.

(7) Adoption of a report relating to the conduct of a Member, officer, or employee.

(8) Issuance of an advisory opinion of general applicability establishing new policy.

(b) Except as stated in clause (a), action may be taken by the Committee or any subcommittee thereof by a simple majority, a quorum being present.

(c) No motion made to take any of the actions enumerated in clause (a) of this Rule may be entertained by the Chair unless a quorum of the Committee is present when such motion is made.

Rule 11. Communications by Committee Members and Staff

Commmittee members and staff shall not disclose any evidence relating to an investigation to any person or organization outside the Committee unless authorized by the Committee. The Chairman and Ranking Minority Member shall have access to such information that they request as necessary to conduct Committee business. Evidence in the possession of an investigative subcommittee shall not be disclosed to other Committee members except by a vote of the subcommittee.

Rule 12. Committee Records

(a) The Committee may establish procedures necessary to prevent the unauthorized disclosure of any testimony or other information received by the Committee or its staff.

(b) Members and staff of the Committee shall not disclose to any person or organization outside the Committee, unless authorized by the Committee, any information regarding the Committee's or a subcommittee's investigative, adjudicatory or other proceedings, including, but not limited to: (i) the fact of or nature of any complaints; (ii) executive session proceedings; (iii) information pertaining to or copies of any Committee or subcommittee report, study, or other document which purports to express the views, findings, conclusions, or recommendations of the Committee or subcommittee in connection with any of its activities or proceedings; or (iv) any other information or allegation respecting the conduct of a Member, officer, or employee.

(c) The Committee shall not disclose to any person or organization outside the Committee any information concerning the conduct of a respondent until it has transmitted a Statement of Alleged Violation to such respondent and the respondent has been given full opportunity to respond pursuant to Rule 23. The Statement of Alleged Violation and any written response thereto shall be made public at the first meeting or hearing on the matter that is open to the public after such opportunity has been provided. Any other materials in the possession of the Committee regarding such statement may be made public as authorized by the Committee to the extent consistent with the Rules of the House of Representatives.

(d) If no public hearing or meeting is held on the matter, the Statement of Alleged Violation and any written response thereto shall be included in the Committee's final report on the matter to the House of Representatives.

(e) All communications and all pleadings pursuant to these rules shall be filed with the Committee at the Committee's office or such other place as designated by the Committee.

(f) All records of the Committee which have been delivered to the Archivist of the United States shall be made available to the public in accordance with Rule VII of the Rules of the House of Representatives.

Rule 13. Broadcasts of Committee and Subcommittee Proceedings

(a) Television or radio coverage of a Committee or subcommittee hearing or meeting shall be without commercial sponsorship.

(b) No witness shall be required against his or her will to be photographed or otherwise to have a graphic reproduction of his or her image made at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any witness, all media microphones shall be turned off, all television and camera lenses shall be covered, and the making of a graphic reproduction at the hearing shall not be permitted. This paragraph supplements clause 2(k)(5) of Rule XI of the Rules of the House of Representatives relating to the protection of the rights of witnesses.

(c) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The Committee may allocate the positions of permitted television cameras among the television media in consultation with the Executive Committee of the Radio and Television Correspondents' Galleries.

(d) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the Committee, or the visibility of that witness and that member to each other.

(e) Television cameras shall not be placed in positions that unnecessarily obstruct the coverage of the hearing or meeting by the other media.

PART II—INVESTIGATIVE AUTHORITY

Rule 14. House Resolution

Whenever the House of Representatives, by resolution, authorizes or directs the Committee to undertake an inquiry or investigation, the provisions of the resolution, in conjunction with these Rules, shall govern. To the extent the provisions of the resolution differ from these Rules, the resolution shall control.

Rule 15. Committee Authority to Investigate—General Policy

Pursuant to clause 3(b)(2) of Rule XI of the Rules of the House of Representatives, the Committee may exercise its investigative authority when—

(a) information offered as a complaint by a Member of the House of Representatives is transmitted directly to the Committee;

(b) information offered as a complaint by an individual not a Member of the House is transmitted to the Committee, provided that a Member of the House certifies in writing that he or she believes the information is submitted in good faith and warrants the review and consideration of the Committee;

(c) the Committee, on its own initiative, establishes an investigative subcommittee;

(d) a Member, officer, or employee is convicted in a Federal, State, or local court of a felony; or

(e) the House of Representatives, by resolution, authorizes or directs the Committee to undertake an inquiry or investigation.

Rule 16. Complaints

(a) A complaint submitted to the Committee shall be in writing, dated, and properly verified (a document will be considered properly verified where a notary executes it with the language, ''Signed and sworn to (or affirmed) before me on (date) by (the name of the person)'' setting forth in simple, concise, and direct statements—

(1) the name and legal address of the party filing the complaint (hereinafter referred to as the ''complainant'');

(2) the name and position or title of the respondent;

(3) the nature of the alleged violation of the Code of Official Conduct or of other law, rule, regulation, or other standard of conduct applicable to the performance of duties or discharge of responsibilities; and

(4) the facts alleged to give rise to the violation. The complaint shall not contain innuendo, speculative assertions, or conclusory statements.

(b) Any documents in the possession of the complainant that relate to the allegations may be submitted with the complaint.

(c) Information offered as a complaint by a Member of the House of Representatives may be transmitted directly to the Committee.

(d) Information offered as a complaint by an individual not a Member of the House may be transmitted to the Committee, provided that a Member of the House certifies in writing that he or she believes the information is submitted in good faith and warrants the review and consideration of the Committee.

(e) A complaint must be accompanied by a certification, which may be unsworn, that the complainant has provided an exact copy of the filed complaint and all attachments to the respondent.

(f) The Committee may defer action on a complaint against a Member, officer, or employee of the House of Representatives when the complaint alleges conduct that the Committee has reason to believe is being reviewed by appropriate law enforcement or regulatory authorities, or when the Committee determines that it is appropriate for the conduct alleged in the complaint to be reviewed initially by law enforcement or regulatory authorities.

(g) A complaint may not be amended without leave of the Committee. Otherwise, any new allegations of improper conduct must be

submitted in a new complaint that independently meets the procedural requirements of the Rules of the House of Representatives and the Committee's Rules.

(h) The Committee shall not accept, and shall return to the complainant, any complaint submitted within the 60 days prior to an election in which the subject of the complaint is a candidate.

(i) The Committee shall not consider a complaint, nor shall any investigation be undertaken by the Committee of any alleged violation which occurred before the third previous Congress unless the Committee determines that the alleged violation is directly related to an alleged violation which occurred in a more recent Congress.

Rule 17. Duties of Committee Chairman and Ranking Minority Member

(a) Unless otherwise determined by a vote of the Committee, only the Chairman or Ranking Minority Member, after consultation with each other, may make public statements regarding matters before the Committee or any subcommittee.

(b) Whenever information offered as a complaint is submitted to the Committee, the Chairman and Ranking Minority Member shall have 14 calendar days or 5 legislative days, whichever occurs first, to determine whether the information meets the requirements of the Committee's rules for what constitutes a complaint.

(c) Whenever the Chairman and Ranking Minority Member jointly determine that information submitted to the Committee meets the requirements of the Committee's rules for what constitutes a complaint, they shall have 45 calendar days or 5 legislative days, whichever is later, after the date that the Chairman and Ranking Minority Member determine that information filed meets the requirements of the Committee's rules for what constitutes a complaint, unless the Committee by an affirmative vote of a majority of its members votes otherwise, to—

(1) recommend to the Committee that it dispose of the complaint, or any portion thereof, in any manner that does not require action by the House, which may include dismissal of the complaint or resolution of the complaint by a letter to the Member, officer, or employee of the House against whom the complaint is made;

(2) establish an investigative subcommittee; or

(3) request that the Committee extend the applicable 45-calendar day period when they determine more time is necessary in order to make a recommendation under paragraph (1).

(d) The Chairman and Ranking Minority Member may jointly gather additional information concerning alleged conduct which is the basis of a complaint or of information offered as a complaint until they have established an investigative subcommittee or the Chairman or Ranking Minority Member has placed on the agenda the issue of whether to establish an investigative subcommittee.

(e) If the Chairman and Ranking Minority Member jointly determine that information submitted to the Committee meets the requirements of the Committee rules for what constitutes a complaint, and the complaint is not disposed of within 45 calendar days or 5 legislative days, whichever is later, and no additional 45-day extension is made, then they shall establish an investigative subcommittee and forward the complaint, or any portion thereof, to the subcommittee for its consideration. If at any time during the time period either the Chairman or Ranking Minority Member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the Committee.

(f) Whenever the Chairman and Ranking Minority Member jointly determine that information submitted to the Committee does not meet the requirements for what constitutes a complaint set forth in the Committee rules, they may (1) return the information to the complainant with a statement that it fails to meet the requirements for what constitutes a complaint set forth in the Committee's rules; or (2) recommend to the Committee that it authorize the establishment of an investigative subcommittee.

Rule 18. Processing of Complaints

(a) If a complaint is in compliance with House and Committee Rules, a copy of the complaint and the Committee Rules shall be forwarded to the respondent within five days with notice that the complaint conforms to the applicable rules and will be placed on the Committee's agenda.

(b) The respondent may, within 30 days of the Committee's notification, provide to the Committee any information relevant to a complaint filed with the Committee. The respondent may submit a written statement in response to the complaint. Such a statement shall be signed by the respondent. If the state is prepared by counsel for the respondent, the respondent shall sign a representation that he/she has reviewed the response and agrees with the factual assertions contained therein.

(c) The Committee staff may requests information from the respondent or obtain additional information pertinent to the case from other sources prior to the establishment of an investigative subcommittee only when so directed by the Chairman and Ranking Minority Member.

(d) At the first meeting the Committee following the procedures or actions specified in clauses (a) and (b), the Committee shall consider the complaint.

(e) The Committee, by a majority vote of its members, may create an investigative subcommittee. If an investigative subcommittee is established, the Chairman and Ranking Minority Member shall designate four members to serve as an investigative subcommittee in accordance with Rule 20.

(f) The respondent shall be notified in writing regarding the Committee's decision either to dismiss the complaint or to create an investigative subcommittee.

(g) The respondent shall be notified of the membership of the investigative subcommittee and shall have ten days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and shall be on the grounds that the subcommittee member cannot render an impartial and unbiased decision. The subcommittee member against whom the objection is made shall be the sole judge of his or her disqualification.

Rule 19. Committee-Initiated Inquiry

(a) Notwithstanding the absence of a filed complaint, the Committee may consider any information in its possession indicating that a Member, officer, or employee may have committed a violation of the Code of Official Conduct or any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of his or her duties or the discharge of his or her responsibilities. The Chairman and Ranking Minority Member may jointly gather additional information concerning such an alleged violation by a Member, officer, or employee unless and until an investigative subcommittee has been established.

(b) If the Committee votes to establish an investigative subcommittee, the Committee shall proceed in accordance with Rule 20.

(c) Any written request by a Member, officer, or employee of the House of Representatives that the Committee conduct an inquiry into such person's own conduct shall be process in accordance with subsection (a) of this Rule.

(d) An inquiry shall not be undertaken regarding any alleged violation that occurred before the third previous Congress unless a majority of the Committee determines that the alleged violation is directly related to an alleged violation that occurred in a more recent Congress.

(e) An inquiry shall be undertaken by an investigative subcommittee with regard to any felony conviction of a Member, officer, or employee of the House of Representatives in a Federal, state, or local court. Notwithstanding this provision, an inquiry may be initiated at any time prior to sentencing.

Rule 20. Investigative Subcommittee

(a) In an inquiry undertaken by an investigative subcommittee—

(1) All proceedings, including the taking of testimony, shall be conducted in executive session and all testimony taken by disposition or things produced pursuant to subpoena or otherwise shall be deemed to have been taken or produced in executive session.

(2) The Chairman of the investigative subcommittee shall ask the respondent and all witnesses whether they intend to be represented by counsel. If so, the respondent or witnesses or their legal representatives shall provide written designation of counsel. A respondent or witness who is represented by counsel shall not be questioned in the absence of counsel unless an explicit waiver is obtained.

(3) The subcommittee shall provide the respondent an opportunity to present, orally or in writing, a statement, which must be under oath or affirmation, regarding the allegations and any other relevant questions arising out of the inquiry.

(4) The staff may interview witnesses, examine documents and other evidence, and request that submitted statements be under oath or affirmation and that documents be certified as to their authenticity and accuracy.

(5) The subcommittee, by a majority vote of its members, may require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry. Unless the Committee otherwise provides, the subpoena power shall rest in the Chairman and Ranking Minority Member of the Committee and subpoena shall be issued upon the request of the investigative subcommittee.

(6) The subcommittee shall require that testimony be given under oath or affirmation. The form of the oath or affirmation shall be: ''Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?'' The oath or affirmation shall be administered by the Chairman or subcommittee member designated by the Chairman to administer oaths.

(b) During the inquiry, the procedure respecting the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The Chairman of the subcommittee or other presiding member at any investigative subcommittee proceeding shall rule upon any question of admissibility or pertinency of evidence, motion, procedure or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness's counsel, or a member of the subcommittee may appeal any evidentiary rulings to the members present at that proceeding. The majority vote of the members present at such proceedings on such appeal shall govern the question of admissibility, and no appeal shall lie to the Committee.

(3) Whenever a person is determined by a majority vote to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with the respondent and/or the respondent's counsel as to facts that are not in dispute.

(c) Upon an affirmative vote of a majority of the subcommittee members, and an affirmative vote of a majority of the full Committee, an investigative subcommittee may expand the scope of its investigation.

(d) Upon completion of the investigation, the staff shall draft for the investigative subcommittee a report that shall contain a comprehensive summary of the information received regarding the alleged violations.

(e) Upon completion of the inquiry, an investigative subcommittee, by a majority vote of its members, may adopt a Statement of Alleged Violation if it determines that there is substantial reason to believe that a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities by a Member, officer, or employee of the House of Representatives has occurred. If more than one violation is alleged, such Statement shall be divided into separate counts. Each count shall relate to a separate violation, shall contain a plain and concise statement of the alleged facts of such violation, and shall include a reference to the provision of the Code of Official Conduct or law, rule, regulation or other applicable standard of conduct governing the performance of duties or disharge of responsibilities alleged to have been violated. A copy of such Statement shall be transmitted to the respondent and the respondent's counsel.

(f) If the investigative subcommittee does not adopt a Statement of Alleged Violation, it shall transmit to the Committee a report containing a summary of the information received in the inquiry, its conclusions and reasons therefor, and any appropriate recommendation.

Rule 21. Amendments of Statements of Alleged Violation

(a) An investigative subcommittee may, upon an affirmative vote of a majority of its members, amend its Statement of Alleged Violation anytime before the Statement of Alleged Violation is transmitted to the Committee; and

(b) If an investigative subcommittee amends its Statement of Alleged Violation, the respondent shall be notified in writing and shall have 30 calendar days from the date of that notification to file an answer to the amended Statement of Alleged Violation.

Rule 22. Committee Reporting Requirements

(a) Whenever an investigative subcommittee does not adopt a Statement of Alleged Violation and transmits a report to that effect to the Committee, the Committee may by an affirmative vote of a majority of its members transmit such report to the House of Representatives;

(b) Whenever an investigative subcommittee adopts a Statement of Alleged Violation but recommends that no further action be taken, it shall transmit a report to the Committee regarding the Statement of Alleged Violation; and

(c) Whenever an investigative subcommittee adopts a Statement of Alleged Violation, the respondent admits to the violations set forth in such Statement, the respondent wavies his or her right to an adjudicatory hearing, and the respondent's waiver is approved by the Committee—

(1) the subcommittee shall prepare a report for transmittal to the Committee, a final draft of which shall be provided to the respondent not less than 15 calendar days before the subcommittee votes on whether to adopt the report;

(2) the respondent may submit views in writing regarding the final draft to the subcommittee within 7 calendar days of receipt of that draft;

(3) the subcommittee shall transmit a report to the Committee regarding the Statement of Alleged Violation together with any views submitted by the respondent pursuant to subparagraph (2), and the Committee shall make the report, together with the respondent's views, available to the public before the commencement of any sanction hearing; and

(4) the Committee shall by an affirmative vote of a majority of its members issue a report and transmit such report to the House of Representatives, together with the respondent's views previously submitted pursuant to subparagraph (2) and any additional views respondent may submit for attachment to the final report; and

(d) Members of the Committee shall have not less than 72 hours to review any report transmitted to the Committee by an investigative subcommittee before both the commencement of a sanction hearing and the Committee vote on whether to adopt the report.

Rule 23. Respondent's Answer

(a)(1) Within 30 days from the date of transmittal of a Statement of Alleged Violation, the respondent shall file with the investigative subcommittee an answer, in writing and under oath, signed by respondent and respondent's counsel. Failure to file an answer within the time prescribed shall be considered by the Committee as a denial of each count.

(2) The answer shall contain an admission to or denial of each count set forth in the Statement of Alleged Violation and may include negative, affirmative, or alternative defenses and any supporting evidence or other relevant information.

(b) The respondent may file a Motion for a Bill of Particulars within 10 days of the date of transmittal of the Statement of Alleged Violation. If a Motion for a Bill of Particulars is filed, the respondent shall not be required to file an answer until 20 days after the subcommittee has replied to such motion.

(c)(1) The respondent may file a Motion to Dismiss within 10 days of the date of transmittal of the Statement of Alleged Violation or, if a Motion for a Bill of Particulars has been filed, within 10 days of the date of the subcommittee's reply to the Motion for a Bill of Particulars. If a Motion to Dismiss is filed, the respondent shall not be required to file an answer until 20 days after the subcommittee has replied to the Motion to Dismiss, unless the respondent previously filed a Motion for a Bill of Particulars, in which case the respondent shall not be required to file an answer until 10 days after the subcommittee has replied to the Motion to Dismiss. The investigative subcommittee shall rule upon any motion to dismiss filed during the period between the establishment of the subcommittee and the subcommittee's transmittal of a report to the Committee pursuant to Rule 20 or Rule 22, and no appeal of the subcommittee's ruling shall lie to the Committee.

(2) A Motion to Dismiss may be made on the grounds that the Statement of Alleged Violation fails to state facts that constitute a violation of the Code of Official Conduct or other applicable law, rule, regulation, or standard of conduct, or on the grounds that the Committee lacks jurisdiction to consider the allegations contained in the Statement.

(d) Any motion filed with the subcommittee pursuant to this rule shall be accompanied by a Memorandum of Points and Authorities.

(e)(1) The Chairman of the investigative subcommittee, for good cause shown, may permit the respondent to file an answer or motion after the day prescribed above.

(2) If the ability of the respondent to present an adequate defense is not adversely affected and special circumstances so require, the Chairman of the investigative subcommittee may direct the respondent to file an answer or motion prior to the day prescribed above.

(f) If the day on which any answer, motion, reply, or other pleading must be filed falls on a Saturday, Sunday, or holiday, such filing shall be made on the first business day thereafter.

(g) As soon as practicable after an answer has been filed or the time for such filing has expired, the Statement of Alleged Violation and any answer, motion, reply, or other pleading connected therewith shall be transmitted by the Chairman of the investigative subcommittee to the Chairman and Ranking Minority Member of the Committee.

Rule 24. Adjudicatory Hearings

(a) If a Statement of Alleged Violation is transmitted to the Chairman and Ranking Minority Member pursuant to Rule 23, and no waiver pursuant to Rule 27(b) has occurred, the Chairman shall designate the members of the Committee who did not serve on the investigative subcommittee to serve on an adjudicatory subcommittee. The Chairman and Ranking Minority Member of the Committee shall be the Chairman and Ranking Minority Member of the adjudicatory subcommittee unless they served on the investigative subcommittee. The respondent shall be notified of the designation of the adjudicatory subcommittee and shall have ten days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and shall be on the grounds that the member cannot render an impartial and unbiased decision. The member against whom the objection is made shall be the sole judge of his or her disqualification.

(b) A majority of the adjudicatory subcommittee membership plus one must be present at all times for the conduct of any business pursuant to this rule.

(c) The adjudicatory subcommittee shall hold a hearing to determine whether any

counts in the Statement of Alleged Violation have been proved by clear and convincing evidence and shall make findings of fact, except where such violations have been admitted by respondent.

(d) At an adjudicatory hearing, the subcommittee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary. Depositions, interrogatories, and sworn statements taken under any investigative subcommittee direction may be acceptable into the hearing record.

(e) The procedures set forth in clause 2 (g) and (k) of Rule XI of the Rules of the House of Representatives shall apply to adjudicatory hearings. All such hearings shall be open to the public unless the adjudicatory subcommittee, pursuant to such clause, determined that the hearings or any part thereof should be closed.

(f)(1) The adjudicatory subcommittee shall, in writing, notify the respondent that the respondent and his or her counsel have the right to inspect, review, copy, or photograph books, papers, documents, photographs, or other tangible objects that the adjudicatory subcommittee counsel intends to use as evidence against the respondent in an adjudicatory hearing. The respondent shall be given access to such evidence, and shall be provided the names of witnesses the subcommittee counsel intends to call, and a summary of their expected testimony, no less than 15 calendar days prior to any such hearing. Except in extraordinary circumstances, no evidence may be introduced or witness called in an adjudicatory hearing unless the respondent has been afforded a prior opportunity to review such evidence or has been provided the name of the witness.

(2) After a witness has testified on direct examination at an adjudicatory hearing, the Committee, at the request of the respondent, shall make available to the respondent any statement of the witness in the possession of the Committee which related to the subject matter as to which the witness has testified.

(3) Any other testimony, statement, or documentary evidence in the possession of the Committee which is material to the respondent's defense shall, upon request, be made available to the respondent.

(g) No less than five days prior to the hearing, the respondent or counsel shall provide the adjudicatory subcommittee with the names of witnesses expected to be called, summaries of their expected testimony, and copies of any documents or other evidence proposed to be introduced.

(h) The respondent or counsel may apply to the subcommittee for the issuance of subpoenas for the appearance of witnesses or the production of evidence. The application shall be granted upon a showing by the respondent that the proposed testimony or evidence is relevant and not otherwise available to respondent. The application may be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.

(i) During the hearing, the procedures regarding the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The chairman of the subcommittee or another presiding member at an adjudicatory subcommittee hearing shall rule upon any question of admissibility or pertinency of evidence, motion, procedure, or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness's counsel, or a member of the subcommittee may appeal any evidentiary ruling to the members present at such proceeding on such an appeal shall govern the question of admissibility and no appeal shall lie to the Committee.

(3) Whenever a witness is deemed by a Chairman or other presiding member to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with the respondent and/or the respondent's counsel as to facts that are not in dispute.

(j) Unless otherwise provided, the order of an adjudicatory hearing shall be an follows:

(1) The Chairman of the subcommittee shall open the hearing by stating the adjudicatory subcommittee's authority to conduct the hearing and the purpose of the hearing.

(2) The Chairman shall then recognize Committee counsel and the respondent's counsel, in turn, for the purpose of giving opening statements.

(3) Testimony from witnesses and other pertinent evidence shall be received in the following order whenever possible:

(i) witnesses (deposition transcripts and affidavits obtained during the inquiry may be used in lieu of live witnesses if the witness is unavailable) and other evidence offered by the Committee counsel,

(ii) witnesses and other evidence offered by the respondent,

(iii) rebuttal witnesses, as permitted by the Chairman.

(4) Witnesses at a hearing shall be examined first by counsel calling such witness. The opposing counsel may then cross-examine the witness. Redirect examination and recross examination may be permitted at the Chairman's discretion. Subcommittee members may then question witnesses. Unless otherwise directed by the Chairman, such questions shall be conducted under the five-minute rule.

(k) A subpoena to a witness to appear at a hearing shall be served sufficiently in advance of that witness' scheduled appearance to allow the witness a reasonable period of time, as determined by the Chairman of the adjudicatory subcommittee, to prepare for the hearing and to employ counsel.

(l) Each witness appearing before the subcommittee shall be furnished a printed copy of the Committee rules, the pertinent provisions of the Rules of the House of Representatives applicable to the rights of witnesses, and a copy of the Statement of Alleged Violation.

(m) Testimony of all witnesses shall be taken under oath or affirmation. The form of the oath or affirmation shall be: ''Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?'' The oath or affirmation shall be administered by the Chairman or Committee member designated by the Chairman to administer oaths.

(n) At an adjudicatory hearing, the burden of proof rests on Committee counsel to establish the facts alleged in the Statement of Alleged Violation by clear and convincing evidence. However, Committee counsel need not present any evidence regarding any count that is admitted by the respondent or any fact stipulated.

(o) As soon as practicable after all testimony and evidence have been presented, the subcommittee shall consider each count contained in the Statement of Alleged Violation and shall determine by a majority vote of its members whether each count has been proved. If a majority of the subcommittee does not vote that a count has been proved, a motion to reconsider that vote may be made only by a member who voted that the count was not proved. A count that is not proved shall be considered as dismissed by the subcommittee.

(p) The findings of the adjudicatory subcommittee shall be reported to the Committee.

Rule 25. Sanction Hearing and Consideration of Sanctions or Other Recommendations

(a) If no count in a Statement of Alleged Violation is proved, the Committee shall prepare a report to the House of Representatives, based upon the report of the adjudicatory subcommittee.

(b) If an adjudicatory subcommittee completes an adjudicatory hearing pursuant to Rule 24 and reports that any count of the Statement of Alleged Violation has been proved, a hearing before the Committee shall be held to receive oral and/or written submissions by counsel for the Committee and counsel for the respondent as to the sanction the Committee should recommend to the House of Representatives with respect to such violations. Testimony by witnesses shall not be heard except by written request and vote of a majority of the Committee.

(c) Upon completion of any proceeding held pursuant to clause (b), the Committee shall consider and vote on a motion to recommend to the House of Representatives that the House take disciplinary action. If a majority of the Committee does not vote in favor of the recommendation that the House of Representatives take action, a motion to reconsider that vote may be made only by a member who voted against the recommendation. The Committee may also, by majority vote, adopt a motion to issue a Letter of Reproval or take other appropriate Committee action.

(d) If the Committee determines a Letter of Reproval constitutes sufficient action, the Committee shall include any such letter as a part of its report to the House of Representatives.

(e) With respect to any proved counts against a Member of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Expulsion from the House of Representatives.

(2) Censure.

(3) Reprimand.

(4) Fine.

(5) Denial or limitation of any right, power, privilege, or immunity of the Member if under the Constitution the House of Representatives may impose such denial or limitation.

(6) Any other sanction determined by the Committee to be appropriate.

(f) With respect to any proved counts against an officer or employee of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Dismissal from employment.

(2) Reprimand.

(3) Fine.

(4) Any other sanction determined by the Committee to be appropriate.

(g) With respect to the sanctions that the Committee may recommend, reprimand is appropriate for serious violations, censure is

appropriate for more serious violations, and expulsion of a Member or dismissal of an officer or employee is appropriate for the most serious violations. A recommendation of a fine is appropriate in a case in which it is likely that the violation was committed to secure a personal financial benefit; and a recommendation of a denial or limitation of a right, power, privilege, or immunity of a Member is appropriate when the violation bears upon the exercise or holding of such right, power, privilege, or immunity. This clause sets forth general guidelines and does not limit the authority of the Committee to recommend other sanctions.

(h) The Committee report shall contain an appropriate statement of the evidence supporting the Committee's findings and a statement of the Committee's reasons for the recommended sanction.

Rule 26. Disclosure of Exculpatory Information to Respondent

If the Committee, or any investigative or adjudicatory subcommittee at any time receives any exculpatory information respecting a Complaint or Statement of Alleged Violation concerning a Member, officer, or employee of the House of Representatives, it shall make such information known and available to the Member, officer, or employee as soon as practicable, but in no event later than the transmittal of evidence supporting a proposed Statement of Alleged Violation pursuant to Rule 27(c). If an investigative subcommittee does not adopt a Statement of Alleged Violation, it shall identify any exculpatory information in its possession at the conclusion of its inquiry and shall include such information, if any, in the subcommittee's final report to the Committee regarding its inquiry. For purposes of this rule, exculpatory evidence shall be any evidence or information that is substantially favorable to the respondent with respect to the allegations or charges before an investigative or adjudicatory subcommittee.

Rule 27. Rights of Respondents and Witnesses

(a) A respondent shall be informed of the right to be represented by counsel, to be provided at his or her own expense.

(b) A respondent may seek to waive any procedural rights or steps in the disciplinary process. A request for waiver must be in writing, signed by the respondent, and must detail what procedural steps the respondent seeks to waive. Any such request shall be subject to the acceptance of the Committee or subcommittee, as appropriate.

(c) Not less than 10 calendar days before a scheduled vote by an investigative subcommittee on a Statement of Alleged Violation, the subcommittee shall provide the respondent with a copy of the Statement of Alleged Violation it intends to adopt together with all evidence it intends to use to prove those charges which it intends to adopt, including documentary evidence, witness testimony, memoranda of witness interviews, and physical evidence, unless the subcommittee by an affirmative vote of a majority of its members decides to withhold certain evidence in order to protect a witness, but if such evidence is withheld, the subcommittee shall inform the respondent that evidence is being withheld and of the count to which such evidence relates.

(d) Neither the respondent nor his counsel shall, directly or indirectly, contact the subcommittee or any member thereof during the period of time set forth in paragraph (c) except for the sole purpose of settlement discussions where counsels for the respondent and the subcommittee are present.

(e) If, at any time after the issuance of a Statement of Alleged Violation, the Committee or any subcommittee thereof determines that it intends to use evidence not provided to a respondent under paragraph (c) to prove the charges contained in the Statement of Alleged Violation (or any amendment thereof), such evidence shall be made immediately available to the respondent, and it may be used in any further proceeding under the Committee's rules.

(f) Evidence provided pursuant to paragraph (c) or (e) shall be made available to the respondent and his or her counsel only after each agrees, in writing, that no document, information, or other materials obtained pursuant to that paragraph shall be made public until—

(1) such time as a Statement of Alleged Violation is made public by the Committee if the respondent has waived the adjudicatory hearing; or

(2) the commencement of an adjudicatory hearing if the respondent has not waived an adjudicatory hearing; but the failure of respondent and his counsel to so agree in writing, and therefore not receive the evidence, shall not preclude the issuance of a Statement of Alleged Violation at the end of the period referenced to in (c).

(g) A respondent shall receive written notice whenever—

(1) the Chairman and Ranking Minority Member determine that information the Committee has received constitutes a complaint;

(2) a complaint or allegation is transmitted to an investigative subcommittee;

(3) that subcommittee votes to authorize its first subpoena or to take testimony under oath, whichever occurs first; and

(4) the Committee votes to expand the scope of the inquiry of an investigative subcommittee.

(h) Whenever an investigative subcommittee adopts a Statement of Alleged Violation and a respondent enters into an agreement with that subcommittee to settle a complaint on which the Statement is based, that agreement, unless the respondent requests otherwise, shall be in writing and signed by the respondent and the respondent's counsel, the Chairman and Ranking Minority Member of the subcommittee, and the outside counsel, if any.

(i) Statement or information derived solely from a respondent or his counsel during any settlement discussions between the Committee or a subcommittee thereof and the respondent shall not be included in any report of the subcommittee or the Committee or otherwise publicly disclosed without the consent of the respondent;

(j) Whenever a motion to establish an investigative subcommittee does not prevail, the Committee shall promptly send a letter to the respondent informing him of such vote.

(k) Witnesses shall be afforded a reasonable period of time, as determined by the Committee or subcommittee, to prepare for an appearance before an investigative subcommittee or for an adjudicatory hearing and to obtain counsel.

(l) Except as otherwise specifically authorized by the Committee, no Committee member or staff member shall disclose to any person outside the Committee the name of any witness subpoenaed to testify or to produce evidence.

(m) Prior to their testimony, witnesses shall be furnished a printed copy of the Committee's Rules of Procedure and the provisions of the Rules of the House of Representatives applicable to the rights of witnesses.

(n) Witnesses may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The Chairman may punish breaches of order and decorum, and of professional responsibility on the part of counsel, by censure and exclusion from the hearings; and the Committee may cite the offender to the House of Representatives for contempt.

(o) Each witness subpoenaed to provide testimony or other evidence shall be provided such travel expenses as the Chairman considers appropriate. No compensation shall be authorized for attorney's fees or for a witness' lost earnings.

(p) With the approval of the Committee, a witness, upon request, may be provided with a transcript of his or her deposition or other testimony taken in executive session, or, with the approval of the Chairman and Ranking Minority Member, may be permitted to examine such transcript in the office of the Committee. Any such request shall be in writing and shall include a statement that the witness, and counsel, agree to maintain the confidentiality of all executive session proceedings covered by such transcript.

Rule 28. Frivolous Filings

If a complaint or information offered as a complaint is deemed frivolous by an affirmative vote of a majority of the members of the Committee, the Committee may take such action as it, by an affirmative vote of its members, deems appropriate in the circumstances.

Rule 29. Referrals to Federal or State Authorities

Referrals made under clause 3(a)(3) of Rule XI of the Rules of the House of Representatives may be made by an affirmative vote of two-thirds of the members of the Committee.

TRIBUTE TO DR. ALFRED MUNZER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. WAXMAN) is recognized for 5 minutes.

Mr. WAXMAN. Mr. Speaker, today I pay tribute to Dr. Alfred Munzer who will be honored on May 7, 2000, by the American Lung Association. For his public service and outstanding achievements, he will be awarded the Lung Association's distinguished Will Ross Medal for outstanding volunteer service.

A past president of the American Lung Association, Dr. Munzer has ably served the organization at every level—from service as president of the American Lung Association of the District of Columbia and president of the DC Thoracic Society to service on the Lung Association's national Board of Directors and numerous committees. More recently, he is focusing much of his advocacy work in the international arena, particularly efforts to control tobacco use on a global basis.

Over the last two decades, Dr. Munzer's work with the Congress has made a vital contribution to public health and a significant difference in shaping national policy. As a frequent witness at hearings before congressional committees, including the Health and the Environment Subcommittee, which I used to chair, Dr. Munzer has testified on many lung-health issues, ranging from the health effects of air pollution to the need for strong tobacco control efforts.

Dr. Munzer is a skilled communicator who speaks eloquently about his own experience.

He has an exceptional ability to put a human face on complicated health issues.

Throughout his career, Dr. Munzer has dedicated his life to helping and inspiring those around him. It is clear from his achievements that he is truly committed to making a difference in the lives of others. Dr. Munzer has given his time graciously, not only lending his expertise to the Congress but also caring for his patients at the Washington Adventist Hospital and teaching medical students at Georgetown University. I am grateful for his service and commend him for his dedication to helping others.

Congress is wiser and the American people are healthier thanks to Dr. Munzer.

It is my distinct pleasure to ask my colleagues to join with me in saluting Dr. Munzer for his outstanding achievements and to congratulate him for receiving the prestigious honor granted him by the American Lung Association.

AMERICA'S LOT SHOULD BE CAST WITH TAIWAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, not so many years ago, an inspiring U.S. President, John F. Kennedy, gave heart not only to our people but to those living under the sickle and boot of Communism in eastern and central Europe. In a moment that history will remember always, he stood in West Berlin, an island of democracy in a sea of totalitarianism. He championed for the world the cause of freedom with the proud boast, ''Ich bin ein Berliner.'' I am a Berliner.

Today, as this Congress stands on the verge of voting on permanent trade privileges to Communist China, it is incumbent upon us to remind ourselves of Taiwan, the only outpost for democracy in the Pacific Rim. Does mainland China, a Communist nation, whose human rights record is deteriorating, really deserve a blank check from this Congress of the United States? There is not one iota of indication that that totalitarian regime has any respect for liberty's cause.

President Kennedy, on June 25, 1963, at the City Hall in West Berlin said, ''I am proud to come to this city as the guest of your distinguished Mayor, who has symbolized throughout the world the fighting spirit of West Berlin, and your distinguished Chancellor. Two thousand years ago, the proudest boast was 'civis Romanus sum.' I am a Roman. Today the proudest boast is, 'Ich bin ein Berliner.'

''There are many people in the world who really don't understand, or say they don't, what is the great issue between the free world and the Communist world? Let them come to Berlin.''

And I might say today, for freedom lovers, they should say, let them come to Taiwan.

''There are some who say that communism is the wave of the future.'' He said, ''Let them come to Berlin.'' ''There are some who say in Europe and elsewhere we can work with the Communists. Let them come to Berlin. And there are even a few who say that it's true that communism is an evil system, but it permits us to make economic progress. Let them come to Berlin.

''Freedom has many difficulties and democracy is not perfect, but we have never had to put a wall up to keep our people in, to prevent them from leaving us.'' He said, ''I know of no town, no city that has been besieged for 18 years that still lives with the vitality and the force and hope and the determination of the City of West Berlin.'' And I would say today that that is true of Taiwan.

''While the wall was the most obvious and vivid demonstration of the failures of the Communist system for all the world to see, we took no satisfaction in it. What is true of that city,'' he said, ''is true of Germany. Real and lasting peace in Europe can never be assured as long as one German out of four is denied the elementary right of free men, and that is to make a free choice.

''In 18 years of peace and good faith, this generation of Germans has earned the right to be free.'' He said, ''You live in a defended island of freedom, but your life is a part of the main. So let me ask you,'' he said, ''as I close, to lift your eyes beyond the dangers of today to the hopes of tomorrow, beyond the freedom merely of this City of Berlin, or your country of Germany, to the advance of freedom everywhere, beyond the wall to the day of peace with justice, beyond yourselves and ourselves to all mankind.

''Freedom is indivisible, and when one man is enslaved, all are not free. When all are free, then we can look forward to the day when this city will be joined as one, and this country, and this great continent of Europe in a peaceful and hopeful globe. When that day finally comes, as it will, the people of West Berlin can take sober satisfaction in the fact that they were in the front line for almost two decades. All free men, wherever they may live,'' he said, ''are citizens of Berlin, and, therefore, as a free man, I take pride in the words 'Ich bin ein Berliner.' ''

Today, as we embark upon a debate on China, America should aspire to no less an ideal than our forbearers who carried the torch of liberty with no fear of the cost. America's lot should be cast with Taiwan as the democratic hope of the Pacific Rim. All free men and women, wherever they may live, are citizens of Taiwan. And, therefore, as a free citizen, I take pride in opposing any special trade privileges for Communist China. There is no other choice for freedom lovers.

DO WHAT IS RIGHT FOR AMERICA, NOT WHAT IS RIGHT FOR POLITICAL REASONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Utah (Mr. HANSEN) is recognized for 10 minutes as the designee of the majority leader.

Mr. HANSEN. Mr. Speaker, I heard an interesting talk by one of the Senators from the State of Utah wherein he talked about his service in the White House under the Nixon years. What I found interesting about it was that he talked about the days of Watergate, and he said the thing that was feared the most in the White House was the Attorney General's office.

Now, I find that very interesting that the Attorney General's office was feared by the President and the President's cabinet. Well, now, Mr. Speaker, I would like to point out that we have an interesting situation going on in a little island down by Puerto Rico. It is called Vieques. Vieques has been a training island for many, many years for the Navy and the Marines.

In fact, that is where they get their final test. That is where they go, before they are deployed to the Persian Gulf or some other hostile place. They go down there and the Marines hit the beach. And as they do, there is fire from those ships, live fire over their heads. Then we have a situation where actual fighter planes come in and strafe, and then bombers go in. And they do all this as the final preparation before we put all these fine young people in harm's way.

It is interesting that the Eisenhower went out untrained. They did not have the ability to do it. And now the Washington, another aircraft carrier, is going out untrained without the ability to do it. Why is this? It is because we had a very interesting situation occur. A number of people went in and invaded that base. A United States military base. They invaded it.

Now, what should happen there? Obviously, what should happen, the Marines and the Navy should kick them off and turn them over to the Justice Department. And the Justice Department, at that point, should prosecute them for what they have done.

Mr. Speaker, I do not think a lot of people realize that in the United States there are 48 States that have live fire. What if some environmental group or others went in and took it over? Do we stand by and say they can have a vote, and if they vote right, we would give them $40 million, like we do there? I hardly believe it.

So, Mr. Speaker, I have written the Attorney General, as a member of the Committee on Armed Services, and I have asked the question, what is the Attorney General doing to take these people off, who are nothing more than trespassers? The answer to that is that they have done nothing.

Now, today, in the paper I read where an extreme environmentalist, a lawyer by the name of Robert F. Kennedy, Junior, will go to Vieques this Monday and he will scuba dive and he will play down there to see what is going on. I called today and we informed the Attorney General's office that a law is about to be broken, and I asked what was going to be done about it. So far we have heard absolutely nothing.

Mr. Speaker, I do not know if a lot of folks realize that in my years here in Congress I served for 14 years on the ethics committee. For 2 years I chaired the committee. It was my responsibility to talk to Democrats and Republicans alike and say this: You cannot solicit funds from a Federal building, period. You cannot do that. You will be in violation if you do.

I find it very interesting and disagree respectfully with the Vice President of the United States who made the statement that there was no controlling authority because he solicited funds from the White House. If the White House is not a Federal building, my goodness, what is a Federal building in America today?

So I wrote to the FEC, the Federal Election Commission, and I asked them to please explain why the Vice President, in violation, could do that. I knew what their answer would be. They said, we understand the law, but that I would have to call the Attorney General. So we wrote the Attorney General 3 months ago and asked the question, why is it the Vice President has no controlling authority? And if that is the case, then do 535 Members of the Senate and the House not have exactly that same thing? We could sit in our offices, call anybody we want, solicit money from people, even foreign nationals. Why could we not do that?

I find it interesting, Mr. Speaker, that we have not had the Attorney General write us back. So I have had my legislative director, Mr. Bill Johnson, call them on a regular basis and ask them if they would please respond to our letter. And every day we get the same thing, which is, oh, we are working on that. Does it take 3 months to answer a simple letter asking if there is no controlling legal authority? And if that is the case, 535 of us should have exactly the same rights to do it.

I imagine we will hear about it, maybe in the second week of November. Because, again, the Attorney General is dragging her feet.

Mr. Speaker, if I may mention one other issue. In September of 1996, safely on the South River of the Grand Canyon, the President of the United States put 1.7 million acres into a national monument. Now, what authority did he use to do that? He used what is called the 1906 Antiquity Law. Which is a very short law. It is only two paragraphs. But it says he should consider an archeological or a historic thing.

Now, I would ask respectfully of the President of the United States why he did not do that in that proclamation. And in January of this year, why did he not do it on the strip of Arizona; why did he not do it in Phoenix. Why did he not do it? And now this Saturday, rumor is, and I admit I am paranoid, because I hear these rumors and I know they are going to happen, that down in Sequoia Forest in California there will be another national monument. I would just disagree with the President and ask him to please obey the law this time.

And why is he doing these things? We subpoenaed those papers, and in those papers the White House, the Department of the Interior, and the Council on Quality Control said exactly the same thing; we are doing it for political reasons. My goodness, why in this Nation do we do things for political reasons?

I still remember sitting with President Ronald Reagan who made the statement, ''First and foremost we will do what is right for America.'' Not first and foremost we will do what is right for political reasons. Mr. Speaker, I am just hoping in these three examples, Vieques, the ethics committee, the soliciting funds and the Sequoia Park, that people will follow the law for a change. It would be very refreshing to see this.

ACHIEVEMENTS OF REPUBLICAN-LED CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Illinois (Mr. WELLER) is recognized for 50 minutes.

Mr. WELLER. Mr. Speaker, it has been a busy week and a busy last several months as we have worked hard to address the concerns we hear about back home.

I represent a pretty diverse district. I have the privilege of representing the South Side of Chicago; the neighborhoods of Hegwish, on the east side in the 10th ward. I represent the south suburbs in Cook County; towns like Lansing and Calumet City, and Park Forest and Lynwood; as well as suburban towns in Will County, New Lenox and Frankfort; industrial communities like Joliet; rural areas throughout the rest of Will County and Kankakee, LaSalle and Grundy Counties. And I hear a very clear message in that very diverse district, a message that we should all work together that we should find challenges.

And whether my neighbors that I have the privilege to represent reside in the city or the suburbs or the country, they tell me that they want those of us here in the Congress to find solutions to the challenges that we face.

I think back to 1994, when I had the privilege of being elected to Congress. I think about the issues of the day at that time, and of course the challenges that we were debating and facing in that campaign. And we discussed solutions to those challenges. I remember back then. It was only 6 years ago that the previous Congress and their mismanagement and the President were running up $200 to $300 billion deficits, spending beyond our means. In fact, it was projected that, before the Republican Congress was elected, that deficit spending would total $200 to $300 billion a year, as far as the eye could see.

□ 2115

In response to that, the Democratic Congress, working with President Clinton and Vice President GORE, passed the biggest tax hike in the history of our country, placing America's tax burden at its highest level ever, where the average family in Illinois is now sending at least 42 percent of their average income to Washington or Springfield in the local courthouse. That tax burden is too high. And they raised taxes again and they continued deficit spending.

Unfortunately at that time, in 1994, it was clear that they were running the Federal Government on a credit card. They raised taxes and they increased spending. And even though they increased taxes, they still spent well beyond their means, running up deficits of $200 billion to $300 billion a year, running up a massive public debt and raiding Social Security to spend on other things.

When we promised change and we made the commitment that when we were given the opportunity as Republicans to be in the majority that we would work to change how Washington works, balancing the budget and paying down the debt and strengthening Social Security and reforming welfare.

I am proud to say that in the last 5½ years that I have had the privilege to serve in this Congress that we went about doing exactly what we said we would do. We balanced the budget for first time in 28 years. In fact, over the next 10 years, as a result of our balanced budget, we are projected to have surpluses, extra money, of almost $3 trillion.

We provided for the first middle-class tax cut in 16 years. Three million Illinois children in my home State of Illinois now qualify for that $500 per child tax credit, $500 a year that will stay back home in that family's pocketbooks rather than coming here to Washington.

We certainly believe that families back in Illinois and working families throughout this country could better spend their hard-earned dollars better at home than we can for them here in Washington.

I am also proud to say that the welfare reform that we enacted over the last 6 years that emphasizes work and

family and responsibility has worked. It has succeeded. We now have seen a reduction in our Nation's welfare rolls of one-half.

My home county of Grundy County, Illinois, has seen an 85-percent reduction in welfare; and almost seven million Americans have now moved from the welfare rolls to the work rolls and the tax rolls, changing their opportunities.

One of our greatest successes this past year, we made a commitment of course to change how Washington works by ending what many call Washington's dirtiest and darkest secret; and that is that for almost 30 years Washington raided the Social Security Trust Fund, dipping into Social Security, America's retirement account, to spend on other things.

This past year we put a stop to that, walling off the Social Security Trust Fund so that Social Security dollars could not be spent on anything other than Social Security and Medicare. What a great change in changing how Washington works by stopping the raid on America's retirement account by stopping the raid on Social Security.

By the way, we also started paying off the national debt. In the last 3 years, we paid down over $350 billion of the Nation's public debt. That is progress in paying off that credit card debt that was run up prior to 1994.

We are now working on an answer to the question of what do we do next in changing how Washington works after we balance the budget and cut taxes and reform welfare, began paying down the national debt and stopped the raid on Social Security.

What are we going to do next? Our agenda is simple. We want to help our local schools. We want to strengthen Social Security and Medicare. We want to make our Tax Code more fair. And we wanted to continue paying off that national debt.

I am proud to say that the budget agreement between the House and Senate that we adopted this week, the budget resolution, which sets the framework and the guidelines as we balance the budget for the fourth year in a row, sets those priorities.

I am proud to say that the Republican balanced budget protects 100 percent of the Social Security surplus, reserves every penny of $161 billion, Social Security surplus dollars, so it is off limits to spending for other purposes.

I would point out that last year in the President's budget he proposed spending $57 billion of the Social Security Trust Fund surplus. We said, no, preserving $137 billion total of Social Security for Social Security. That is progress. We stopped the raid last year. This year we are continuing to protect the Social Security Trust Fund, protecting 100 percent of the Social Security surplus.

We also in our budget reflect the need and our goal of strengthening Medicare and modernizing Medicare for the 21st century. We reject what the President proposes when he proposes cutting Medicare by almost $18.5 billion. We stand in opposition to those cuts. In fact, we want to set aside $40 billion to ensure that our senior citizens in America have the opportunity to have a modern Medicare program which provides prescription drug coverage to help seniors better afford prescription care.

Republicans believe that our Nation's seniors should not have to choose between a trip to the grocery store or a trip to the pharmacy. That is why we set aside $40 billion in our balanced budget to start a brand new, for the first time, prescription drug coverage for our Nation's seniors under Medicare.

We also implement a plan to pay off the Nation's credit card. In our balanced budget that we adopted this week, we implement a plan which retires the Nation's public debt by the year 2013. In fact, we pay off $1 trillion of our Nation's public debt over the next 5 years under our balanced budget.

As I said earlier, we already paid off well over $300 billion of our Nation's public debt over the last 3 years.

Our balanced budget also promote tax fairness, tax fairness for working women, tax fairness for working families, tax fairness for farmers and small business people, as well as our seniors.

Our balanced budget, of course, implements our effort to wipe out the marriage tax penalty, provides small business tax relief to help make college and education more affordable for families, and also to make our health care system more accessible.

We also strengthen support with our goal of strengthening our local schools. We increase funding for elementary and secondary education by 9.4 percent, a significant boost in funding, more than three times the rate of inflation for elementary and secondary education. And we also make special education a priority, increasing funding for IDEA, which is special education by $2 billion in our balanced budget.

And last, I would point out that our balanced budget also works to strengthen our Nation's defenses. We have to recognize that the neglect over the years of our Nation's defenses has caused a problem where we are having a hard time retaining our talented men and women in our Nation's military, those that we call upon to, of course, defend our freedoms.

When we increase funding for our Nation's defense, we ensure that our military men and women have the resources they need in order to practice and have the supplies and train and also have quality housing for themselves and their families and good pay.

I would point out, we provided a pay raise for our military men and women for the first time in a long time this past year as part of our balanced budget.

What does this mean? What does the Republican balanced budget mean for our Nation's families? Well, in 13 years, we will have a debt-free Nation. In 13 years, under our balanced budget, we will eliminate the $3.6 trillion public debt. Public debt that was run up over 28 years of deficit spending will be eliminated in about a total 15 years. By the year 2013, under our balanced budget, we will wipe out our Nation's public debt.

If you care about a more secure retirement, which I believe every American does, they care about grandma and grandpa and want to ensure that their mom and dad and, frankly, they themselves have a secure retirement, we began the steps towards strengthening Social Security this past year by stopping the raid on Social Security.

We continue that by preserving 100 percent of Social Security for Social Security. It is the way it is supposed to be. We protect America's retirement account. We also set aside funds to help ensure that our seniors have affordable prescription drugs under Medicare.

If my colleagues care about education and strengthening our local schools, and I find that that is a priority in the south suburbs of Chicago, as well as the city, everyone wants better schools and wants Congress to support our local schools, both public and private, and I am proud to say that, under our balanced budget, we increase funding for education by almost 10 percent and we make special education a priority, targeting waste and fraud, and ensuring that savings goes into the classroom to help our young people.

And if you care about health care and if you are anxious that we find a cure for cancer and other life-threatening diseases, I am proud to say that our balanced budget increases funding for basic research, seeking cures for cancer, Alzheimer's, AIDS, and diabetes.

Last, as I mentioned earlier, when it comes to our Nation's defense, we want a safer world. And that is why defense is a priority under our balanced budget.

I would like to take a few minutes now just to talk about some specific items on our agenda of strengthening our local schools, making the Tax Code more fair, paying down the national debt, and strengthening Medicare and Social Security, by just talking about a couple items of tax fairness, a couple of items that means so much to millions of Americans. I am proud to say that this House, under the leadership of the gentleman from Illinois (Mr. HASTERT) has acted on the need to bring fairness to our Tax Code.

I would like to take a minute and introduce a couple from my district, Shad and Michelle Hallihan. They are public school teachers in Joliet, Illinois. Shad and Michelle are living in

Joliet. They are in their mid to late twenties now. They just had a baby. And they, like 25 million married, working couples, suffer something called the marriage tax penalty.

I have often been asked in the union halls and VFW posts and coffee shops and grain elevators in the district that I represent, is it right, is it fair that under our Tax Code married, working couples, couples with two incomes where the husband and wife are both in the workforce, pay higher taxes just because they are married?

And that is true. And I agree, it is not right. In fact, for Shad and Michelle Hallihan, they suffer basically the average marriage tax penalty of $1,400. Now, here in Washington, there are folks that scoff and say, what is $1,400? No big deal, they probably do not need that money. But for Shad and Michelle, $1,400 is a washer and a dryer, it is a year's tuition at Joliet Junior College or community college in Joliet, it is 3 months of day-care at the local child care center if they want to use day-care for their newborn baby. It is real money for real people like Shad and Michelle.

I am proud to say that this House passed overwhelmingly H.R. 6, the Marriage Tax Elimination Act. It was supported by every Republican. I am proud to say that 48 Democrats broke out from under the pressure of their leadership and supported our effort to eliminate the marriage tax penalty. That was a great day as we work to bring tax fairness.

And it broke my heart, in fact it probably broke the heart of 28 million married, working couples when the Senate today was prevented from voting on the Marriage Tax Elimination Act. Unfortunately, Senate Democrats decided they were against eliminating the marriage tax penalty and they used parliamentary procedures to prevent our efforts to wipe out the marriage tax penalty for Shad and Michelle Hallihan from even coming up for a vote.

That is wrong. We want fairness for couples like Shad and Michelle Hallihan, working couples who suffer the marriage tax penalty. And there are 50 million individuals strong who suffer the marriage tax penalty. And today they are wondering why the Senate Democrats stood in the way and said no to eliminating the marriage tax penalty. That is wrong.

My hope is they will change their tune and join with us and make elimination of the marriage tax penalty a bipartisan priority. It breaks my heart that they stood in the way of eliminating the marriage tax penalty for people like Shad and Michelle Hallihan, two public school teachers in Joliet, Illinois, who, just because they are measure, suffer an almost $1,400 marriage tax penalty.

I am proud to say, though, that another effort, an effort that was spearheaded by the chairman of the Committee on Ways and Mean the gentleman from Texas (Mr. ARCHER) as well as the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, who during their entire careers in the House have called for elimination of a penalty that affects working seniors.

I have often had employers in the district that I represent who have been anxious to hire senior citizens to work in their store or their business and those seniors have said, I would like to but I am over 65, I am between the ages of 65 and 70. If I go to work for you, I will lose my social security.

When you think about that, today's seniors want to be active longer. They want to work longer. In many cases, their retirement savings and pension plans never worked out the way they had hoped. And so they want to work or need to work.

Unfortunately, if they made more than $17,000 a year, and that is not a lot of money today, but if they made more than $17,000 a year, they lost one out of every $3 of the Social Security benefits were taken away from them by the Social Security earnings limit penalty.

I am proud to say that this House and the Senate voted unanimously to adopt legislation spearheaded by the gentleman from Texas (Chairman ARCHER) and the gentleman interest Illinois (Mr. HASTERT) which wiped out the Social Security earnings limit so that seniors today can work after they reach the age of 65, can keep their Social Security benefits, particularly recognizing they already had a lifetime of working and had already contributed over a lifetime of Social Security and they got what they deserve thanks to our legislation.

I am proud to say that last Friday the President signed our bill. So the Social Security earnings penalty is gone. The legislation is retroactive, so it means that for seniors who have suffered the Social Security earnings limit penalty that, if they make more than $17,000 this year, they will be able to keep 100 percent of the Social Security benefits.

□ 2130

That is good news, and good news for our working senior citizens. In fact, there are 58,000 seniors in my home State of Illinois that will benefit from elimination of the Social Security earnings penalty.

I would also like to take a moment just to talk briefly about what is a big priority with many families in the district besides tax fairness. They also talk about the need to strengthen our local schools and ensure that our children today have the opportunity for a good quality education. We are in the 21st century and of course there is no better investment than ensuring that children today have an opportunity to learn and have the skills in today's new economy. Under the Republican balanced budget, we increase funding for education by 10 percent. We have several principles that we are reflecting with our agenda this year and implementing this balanced budget that increases funding for education by almost 10 percent. Of course we make children America's top priority by increasing investment in education. We increase our investment in special education to help the disadvantaged by making IDEA a priority. Principle number two is we believe that children have a right to learn in drug-free, nonviolent schools. That is why we passed legislation this week to increase enforcement of gun laws with the passage of Project Exile which establishes mandatory minimum sentencing for those who commit crimes and use guns to commit crimes. We also intensify America's war on drugs, the crippling disease that poses such a danger to America's future. In fact we passed legislation, a special appropriations of $1.2 billion of extra money to fight the war on drugs and keep more drugs from coming into our country. We also believe that children need teachers and schools and programs that demand and meet high standards. Of course this House has passed legislation which provides increased accountability for local schools to raise test scores and graduation rates, passage and enactment of Straight As legislation. I know the Senate will be taking up this legislation soon. We increase investment in teacher training to improve discipline and education quality with the Teacher Empowerment Act which we passed this past year. We also target waste, fraud and abuse in the bureaucracy known as the Department of Education. Of course we want to make sure that those dollars are saved and put back into the classroom to help children learn. Last, our fourth principle is that children must be better prepared. We have a new economy and as the chairman of the Federal Reserve noted, one-third of all the new jobs that have been created in the last 5 years have been generated by technology. So clearly if we want our young people, the children today as well as our adults who are making changes in their careers to be ready to find good-paying jobs in today's new economy, we want to ensure that they understand technology and know how to use technology in the workplace and at home. That is why we work to give parents the right to save money for educational opportunities for their child by expanding education savings accounts. That is why we want to ensure that education savings accounts can be used for elementary and secondary students, grade school and junior high and high school students so they can hire tutors, take special classes and, of

course, maybe buy a better textbook or maybe attend private or parochial school. That is a choice our parents should be able to make. We also work to expand access to student loans by increasing the maximum Pell grant award for low-income students who qualify. I am proud to say that in the last 5 years, we have more than doubled the amount of the Pell grants for low-income students and today the Pell grant for low-income students is at its highest level ever in history. We also are working to give private companies incentives to donate technology to schools. Many schools, whether poor or rich, vary in their technology that is available, the type of computers, the type of equipment in the vocational programs and of course the business community should be given an incentive to donate surplus equipment, the latest technology they can provide to our local schools to help ensure that our school children have access and understand today's technology. That is why I want to draw attention to legislation that I introduced today to help address what some call the digital divide. I find that many educators, teachers and school administrators and school board members back in Illinois, in the areas that I represent in the city and the south suburbs and rural areas tell me they notice a difference in the abilities and how students are able to perform in the classroom between those who have access to computers at home and those who do not. So that is a challenge. How can we encourage our young people to have access to computers and learn how to use the Internet at home and be ready for the workplace. I am proud to say that several companies, including one which is a major employer in the district that I represent, I have two Ford auto plants, the Chicago Heights stamping plant and the Hegwish Taurus plant in the south side of Chicago are both in the district that I represent, they provide thousands of jobs. Ford is one of those companies that has taken the lead in providing computers and subsidized Internet access for their employees. If we think about that, that is pretty exciting, that everyone, universal access to computers and Internet access for the guy that pushes the broom on the shop floor, the janitor, the person working on the assembly line, the middle manager in the office, all the way up to the CEO, all have universal access under Ford's program. American Airlines, Delta and Intel are also implementing these programs. I commend those employers for what they are doing, providing digital opportunity for families. Because of the efforts of companies such as Ford and American and Delta and Intel, the children of their employees will have computers at home helping them do their homework and making plans. Of course also families can now stay in touch with their friends and relatives all over the world via the Internet thanks to their employers. It is a good idea, something we want to encourage and support. I was shocked to learn that after this was implemented by these employers that it was discovered that the employees were going to suffer a higher tax. They were going to be taxed by the Treasury Department because they were given a computer and subsidized Internet access by their employers and that the IRS wanted to count that as income and raise taxes on that laborer who works pushing the broom on the shop floor at the Ford Taurus plant or the janitor or the middle manager or the person who works on the line. Now, when we think about it, other benefits provided by employers like Ford, their contribution to the employees' pension fund or their contribution to their employees' health care coverage under our Tax Code is not considered a taxable employee benefit. It is tax free. You as a worker, we all as workers are not taxed for our employer's contribution to our pension, but unfortunately today's Tax Code would tax that Ford auto plant worker in Chicago Heights, Illinois if he or she decides to take that computer home and hook it up so they have Internet access provided through their employer. I am proud to say that today we introduced the Data Act, legislation which I have been joined in sponsoring by the gentleman from Georgia (Mr. LEWIS), a Democrat on the Committee on Ways and Means, I am a Republican on the Committee on Ways and Means, it is a bipartisan initiative. Of course the Data Act, our goal is to eliminate that digital divide, to create digital unity and digital opportunity by ensuring that that Ford auto plant worker at the Hegwish Taurus plant does not have to pay higher taxes because they are given a computer and Internet access when their employer wants to help eliminate the digital divide as we work to provide digital opportunity. This is important legislation. I believe it deserves bipartisan support. My hope is this legislation which will help improve educational opportunity as well as digital opportunity for families, millions of families in America, will receive bipartisan support. I invite my colleagues to join with the gentleman from Georgia and myself to join us in a bipartisan effort to wipe out the digital divide, to provide digital opportunity and ensure that every working American, every working family has universal access to computers and the digital divide.

We have some big challenges before us. I am proud to say that this Congress for the fourth year in a row is going to balance the budget again. We are going to live within our means. I remember being called a radical in 1995 because I wanted to balance the budget. I had friends on the other side of the aisle who said that we were extreme and radical because we wanted to balance the budget. I remember those days. Now everybody takes credit for it. But the bottom line is over the last 6 years, we have changed how Washington works. I am really proud of that, proud to say that we balanced the budget for the first time in 28 years and 3 years later we are going to balance it for the fourth year in a row. We have all this extra money in the surplus that we are arguing over what to do with it. That is progress. We cut taxes for the middle class for the first time in 16 years. Not since Ronald Reagan was President had the middle class received a tax cut to help them keep more of what they earned. As I pointed out earlier, 3 million Illinois children qualify for that $500 per child tax credit. That is $1.5 billion that stays in the Land of Lincoln rather than coming to the District of Columbia to be spent here. I am proud to say that our effort to change how welfare fails. I remember in 1994 more children were living in poverty than ever before. We had higher rates of teenage illegitimacy than ever before. Our welfare system was failing. I am proud to say our efforts to emphasize work and family and responsibility and give States like my home State of Illinois the flexibility and discretion to design welfare programs that meet the needs of the diverse communities that we represent, because we have to recognize that Idaho is different than New York and South Dakota is different than Florida and Chicago is different than Gary, Indiana. I am proud to say that this welfare reform is working, cutting welfare rolls in half and moving millions of Americans into the workplace. We stopped the raid on Social Security. We are paying down the national debt. That is progress. When we think about it, under the Republican balanced budget, we protect 100 percent of the Social Security surplus, walling off the Social Security trust fund. We stopped the raid last year. We are going to protect that Social Security surplus again this year and we will continue fighting into the future to ensure that America's retirement account is protected. We want to strengthen Medicare by modernizing Medicare for the 21st century and that includes providing prescription drug coverage for America's seniors. That is why we allocate $40 billion, frankly more than the President, and without the President's Medicare cuts, in order to provide prescription drug coverage for our seniors. We plan to pay off the Nation's public debt by the year 2013. When we think about it, it is kind of like refinancing your home mortgage. You used to have a 30-year mortgage, now we have refinanced it to less than a 15-year mortgage. We are going to pay it off a lot quicker under our balanced budget. We promote tax fairness for families and children and seniors and farmers and small

businesspeople. And we eliminate the marriage tax penalty. We wiped out the Social Security earnings penalty. That will help millions of families like the Hallihans. That is again why we want to eliminate that marriage tax penalty so that Shad and Michelle can keep that $1,400 and spend it back home in Joliet on their family's needs. When we think about it, $1,400, they have a new baby, that is almost 4,000 diapers that the Hallihans could have spent back in Joliet, Illinois. That is probably a year's worth that they could have used to take care of their child. We strengthen America's defense. We also strengthen support for education and science.

Ladies and gentlemen, we have made a lot of progress, balancing the budget, cutting taxes for the middle class, reforming our welfare system, paying down the national debt, stopping the raid on Social Security. Those are great achievements. I am proud of that. This year we are going to continue that effort, our effort to strengthen Social Security and Medicare to help our local schools, to bring fairness to the tax code and to pay off that credit card by paying down the national debt.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. STARK (at the request of Mr. GEPHARDT) for today on account of illness.

Mr. BLILEY (at the request of Mr. ARMEY) for today after 2 p.m. on account of attending a meeting of the board of regents of the University of Virginia.

Mr. LUCAS of Oklahoma (at the request of Mr. ARMEY) for today after 6:45 p.m. on account of official business.

Mr. COOKSEY (at the request of Mr. ARMEY) for today after 5 p.m. on account of his mother's illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. KLECZKA, for 5 minutes, today.

Mr. BAIRD, for 5 minutes, today.

Mr. PAYNE, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. WAXMAN, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. WELLER) to revise and extend their remarks and include extraneous material:)

Mr. WELDON of Florida, for 5 minutes, today.

Mr. SMITH of Texas, for 5 minutes, today.

SENATE JOINT RESOLUTIONS REFERRED

Joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 40. Joint resolution providing for the appointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

S.J. Res. 41. Joint resolution providing for the appointment of Sheila E. Widnall as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

S.J. Res. 42. Joint resolution providing for the reappointment of Manuel L. Ibáñez as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1658. An act to provide a more just and uniform procedure for Federal civil forfeitures, and for other purposes.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 43. A joint resolution expressing the sense of Congress that the President of the United States should encourage free and fair elections and respect for democracy in Peru.

ADJOURNMENT

Mr. WELLER. Mr. Speaker, pursuant to House Concurrent Resolution 303, 106th Congress, and as the designee of the majority leader, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. TANCREDO). Pursuant to the provisions of House Concurrent Resolution 303, 106th Congress, the House stands adjourned until 12:30 p.m. on Tuesday, May 2, 2000, for morning hour debates.

Thereupon (at 9 o'clock and 45 minutes p.m.), pursuant to House Concurrent Resolution 303, the House adjourned until Tuesday, May 2, 2000, at 12:30 p.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7106. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule— Termination of Designation of the State of Minnesota with Respect to the Inspection of Poultry and Poultry Products [Docket No. 99–059DF] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7107. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Zinc Phosphide; Extension/Amendment of Tolerance for Emergency Exemptions [OPP–300975; FRL–6489–8] (RIN: 2070–AB78) received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7108. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Furilazole; Time-Limited Pesticide Tolerance [OPP–300968; FRL–6490–3] (RIN: 2070–AB78) received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7109. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acrylic Graft Copolymer, Polyester Block Copolymer and Polyester Random Copolymer; Tolerance Exemption [OPP–300970; FRL–6490–7] (RIN: 2070–AB78) received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7110. A letter from the Deputy Director, Defense Research and Engineering, Department of Defense, transmitting the Annual Report of the Strategic Environmental Research and Development Program; to the Committee on Armed Services.

7111. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Information Collection Approval; Technical Amendment to the Affordable Housing Program Rule [No. 2000–05] (RIN: 3069–AA93) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7112. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Information Collection Approval; Technical Amendment to Community Support Requirements Rule [No. 2000–04] (RIN: 3069–AA95) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7113. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Organization and Operations of Federal Credit Unions; Statutory Lien—received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7114. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Supervisory Committee Audits and Verifications—received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7115. A letter from the Chairperson, National Council On Disability, transmitting a report entitled, ''Back to School on Civil Rights: Advancing the Federal Commitment to Leave No Child Behind''; to the Committee on Education and the Workforce.

7116. A letter from the Secretary of Education, transmitting the Twenty-first Annual Report on the Implementation of the

Individuals with Disabilities Education Act; to the Committee on Education and the Workforce.

7117. A letter from the Assistant General Counsel for Regulatory Law, Office of Safeguards and Security, Department of Energy, transmitting the Department's final rule—Classified Information Systems Security Manual [DOE M 471.2–2] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7118. A letter from the Assistant General Counsel for Regulatory Law, Office of Nonproliferation and National Security, Department of Energy, transmitting the Department's final rule—Control and Accountability of Nuclear Materials [DOE O. 474.1] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7119. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implemenation Plan, Indiana [IN118–1a; FRL 6538–5] received February 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7120. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District [CA 231–0206a; FRL–6540–6] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7121. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District [CA 181–0224; FRL–6541–9] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7122. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Georgia [GA51–200011a; FRL–6541–5] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7123. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Iowa; Correction [Region VII Tracking No. 089–1089; FRL–6518–7] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7124. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Childhood Blood-Lead Screening and Lead Awareness (Educational) Outreach for Indian Tribes; Notice of Funds Availability [OPPTS–00288; FRL–6491–2] received February 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7125. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Unregulated Contaminant Monitoring Regulation for Public Water Systems; Analytical Methods for Perchlorate and Acetochlor; Announcement of Laboratory Approval and Performance Testing (PT) Program for the Analysis of Perchlorate [FRL–6544–6] received February 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7126. A letter from the Administrator, Agency for International Development, transmitting the 1999 Agency Performance Report; to the Committee on Government Reform.

7127. A letter from the President, Barry M. Goldwater Scholarship and Excellence In Education Foundation, transmitting the consolidated report on accountability and proper management of Federal Resources as required by the Inspector General Act and the Federal Fiancial Manager's Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

7128. A letter from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1999, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

7129. A letter from the Administrator, General Services Administration, transmitting the Annual Performance Report in accordance with the Government Performance and Results Act of 1993; to the Committee on Government Reform.

7130. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Boham, TX [Airspace Docket No. 99–ASW–34] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7131. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Russian Mission, AK [Airspace Docket No. 99–AAL–17] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7132. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Multiple Federal Airways in the Vicinity of Bellingham, WA [Airspace Docket No. 99–ANM–13] (RIN: 2120–AA66) received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7133. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace; Grand Forks AFB, ND [Airspace Docket No. 99–AGL–56] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7134. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Connersville, IN [Airspace Docket No. 99–AGL–55] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7135. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Atmore, AL [Airspace Docket No. 99–ASO–29] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7136. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Lake Jackson, TX [Airspace Docket No. 99–ASW–27] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7137. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Carrizo Springs, TX [Airspace Docket No. 99–ASW–29] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7138. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Del Rio, TX [Airspace Docket No. 99–ASW–31] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7139. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Artesia, NM [Airspace Docket No. 99–ASW–30] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7140. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Uvalde, TX [Airspace Docket No. 2000–ASW–04] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7141. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Port Lavaca, TX [Airspace Docket No. 2000–ASW–03] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7142. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Jasper, TX [Airspace Docket No. 2000–ASW–05] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7143. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100, –200, –300, –400 and –500 Series Airplanes [Docket No. 99–NM–47–AD; Amendment 39–11416; AD 99–23–20] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7144. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Hurricane Floyd Property Acquisition and Relocation Grants (RIN: 3067–AD06) received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7145. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Foreign Acquisition (Part 1825 Rewrite)—received February 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7146. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—March 2000 Applicable Federal Rates [Rev. Ruling 2000–11] received February 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7147. A letter from the Secretary of Health and Human Services, transmitting the notification that the Department of Health and Human Services is allotting emergency funds made available under section 2602(e) of the Low-Income Home Energy Assistance Act of 1981 to all states, territories and tribes; jointly to the Committees on Education and the Workforce and Commerce.

7148. A letter from the Deputy Executive Secretary, Center for Health Plans and Providers, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Medicare Inpatient Disproportionate Share Hospital (DSH) Adjustment Calculation: Change in the Treatment of Certain Medicaid Patient Days in States with 1115 Expansion Waivers [HCFA–1124–IFC] (RIN: 0938–AJ92) received February 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 3244. A bill to combat trafficking of persons, especially into the sex-trade, slavery, and slavery-like conditions in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking; with an amendment (Rept. 106–487, Pt. 2). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. House Resolution 443. Resolution expressing the sense of the House of Representatives with regard to the centennial of the raising of the United States flag in American Samoa; with an amendment (Rept. 106–582). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1509. A bill to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States (Rept. 106–583). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2932. A bill to authorize the Golden Spike/Crossroads of the West National Heritage Area; with an amendment (Rept. 106–584). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3293. A bill to amend the law that authorized the Vietnam Veterans Memorial to authorize the placement within the site of the memorial of a plaque to honor those Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service; with an amendment (Rept. 106–585). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 1901. A bill to designate the United States border station located in Pharr, Texas, as the ''Kika de la Garza United States Border Station'' (Rept. 106–586). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 1729. A bill to designate the Federal facility located at 1301 Emmet Street in Charlottesville, Virginia, as the ''Pamela B. Gwin Hall'' (Rept. 106–587). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 1571. A bill to designate the Federal building under construction at 600 State Street in New Haven, Connecticut, as the ''Merrill S. Parks, Jr., Federal Building'' (Rept. 106–588). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 1405. A bill to designate the Federal building located at 143 West Liberty Street, Medina, Ohio, as the ''Donald J. Pease Federal Building'' (Rept. 106–589). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3171. A bill to direct the Administrator of General Services to convey a parcel of land in the District of Columbia to be used for construction of the National Health Museum, and for other purposes; with amendments (Rept. 106–590). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3069. A bill to authorize the Administrator of General Services to provide for redevelopment of the Southeast Federal Center in the District of Columbia; with an amendment (Rept. 106–591). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on the Judiciary. H.R. 3646. A bill for the relief of certain Persian Gulf evacuees (Rept. 106–580). Referred to the Private Calendar.

Mr. HYDE: Committee on the Judiciary. H.R. 3363. A bill for the relief of Akal Security, Incorporated (Rept. 106–581). Referred to the Private Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. PAUL:

H.R. 4265. A bill to amend the Internal Revenue Code of 1986 to waive the employee portion of Social Security taxes imposed on individuals who have been diagnosed as having cancer or a terminal disease; to the Committee on Ways and Means.

By Mr. GILMAN (for himself, Mr. MARKEY, Mr. BEREUTER, Mr. KUCINICH, Mr. COX, Mr. SPENCE, and Mr. KNOLLENBERG):

H.R. 4266. A bill to amend the North Korea Threat Reduction Act of 1999 to prohibit the assumption by the United States Government of liability for nuclear accidents that may occur at nuclear reactors provided to North Korea; to the Committee on International Relations.

By Mr. HYDE (for himself, Mr. CONYERS, Mr. GEKAS, and Mr. NADLER):

H.R. 4267. A bill to amend the Internet Tax Freedom Act to impose a permanent moratorium on State and local taxes on Internet access; to extend for 5 years the duration of the moratorium applicable to multiple and discriminatory taxes on the electronic commerce; to impose a 5-year moratorium on sales of digitized goods and products (and their counterparts); to encourage States to adopt a Uniform Sales and Use Tax, and for other purposes; to the Committee on the Judiciary.

By Mr. STUMP (for himself, Mr. EVANS, Mr. QUINN, Mr. SMITH of New Jersey, Mr. BILIRAKIS, Ms. BROWN of Florida, Mr. SPENCE, Mr. DOYLE, Mr. EVERETT, Ms. CARSON, Mr. BUYER, Mr. REYES, Mr. STEARNS, Mr. SNYDER, Mr. MORAN of Kansas, Mr. RODRIGUEZ, Mr. HAYWORTH, Mrs. CHENOWETH-HAGE, Mr. LAHOOD, Mr. HANSEN, Mr. MCKEON, Mr. GIBBONS, Mr. SIMPSON, and Mr. BAKER):

H.R. 4268. A bill to amend title 38, United States Code, to increase amounts of educational assistance for veterans under the Montgomery GI Bill and to enhance programs providing educational benefits under that title, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SMITH of Texas:

H.R. 4269. A bill to extend for one year the authorization for the visa waiver pilot program under section 217 of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. KILDEE (for himself, Mr. UPTON, Mr. DINGELL, Mr. LEVIN, Mr. TOWNS, and Mr. KNOLLENBERG):

H.R. 4270. A bill to amend the Internal Revenue Code of 1986 to provide incentives for the production, sale, and use of highly fuel-efficient, advanced-technology motor vehicles and to amend the Energy Policy Act of 1992 to undertake an assessment of the relative effectiveness of current and potential methods to further encourage the development of the most fuel efficient vehicles for use in interstate commerce in the United States; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS (for himself, Mrs. BIGGERT, Mr. BOEHLERT, Mr. BRADY of Texas, Mr. COOK, Mr. GILCHREST, Mr. GILMAN, Mr. HOLT, Mr. JENKINS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KUYKENDALL, Mr. PORTER, Mrs. ROUKEMA, Mr. SMITH of Michigan, Mr. SWEENEY, Mr. UPTON, and Mrs. WILSON):

H.R. 4271. A bill to establish and expand programs relating to science, mathematics, engineering, and technology education, and for other purposes; to the Committee on Science, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS (for himself, Mrs. BIGGERT, Mr. BOEHLERT, Mr. BRADY of Texas, Mr. COOK, Mr. GILCHREST, Mr. GILMAN, Mr. HOLT, Mr. JENKINS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KUYKENDALL, Mr. PORTER, Mrs. ROUKEMA, Mr. SMITH of Michigan, Mr. SWEENEY, Mr. UPTON, and Mrs. WILSON):

H.R. 4272. A bill to amend the Elementary and Secondary Education Act of 1965 to establish and expand programs relating to science, mathematics, engineering, and technology education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. EHLERS (for himself, Mrs. BIGGERT, Mr. BOEHLERT, Mr. BRADY of Texas, Mr. COOK, Mr. GILCHREST,

Mr. GILMAN, Mr. HOLT, Mr. JENKINS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KUYKENDALL, Mr. PORTER, Mrs. ROUKEMA, Mr. SMITH of Michigan, Mr. SWEENEY, Mr. UPTON, and Mrs. WILSON):

H.R. 4273. A bill to amend the Internal Revenue Code of 1986 to encourage stronger math and science programs at elementary and secondary schools; to the Committee on Ways and Means.

By Mr. WELLER (for himself, Mr. LEWIS of Georgia, Mr. WATKINS, Mr. SESSIONS, Mrs. WILSON, Mr. CAMPBELL, and Mr. NEAL of Massachusetts):

H.R. 4274. A bill to amend the Internal Revenue Code of 1986 to provide that computers provided to employees for personal use are a nontaxable fringe benefit; to the Committee on Ways and Means.

By Mr. MCINNIS (for himself and Mr. HEFLEY):

H.R. 4275. A bill to establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness, and for other purposes; to the Committee on Resources.

By Mr. SHUSTER (for himself, Mr. OBERSTAR, Mr. FRANKS of New Jersey, and Mr. WISE) (all by request):

H.R. 4276. A bill to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Virginia:

H.R. 4277. A bill to provide that the same health insurance premium conversion arrangements afforded to employees in the executive and judicial branches of the Government be made available to Federal annuitants, individuals serving in the legislative branch of the Government, and members and retired members of the uniformed services; to the Committee on Government Reform, and in addition to the Committees on House Administration, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANNER (for himself, Mr. BLUNT, Mr. DINGELL, Mrs. JOHNSON of Connecticut, Mr. STENHOLM, Mr. BOEHLERT, Mr. GILCHREST, Ms. DANNER, Mr. ENGLISH, Mr. JOHN, and Mr. SAXTON):

H.R. 4278. A bill to amend the Federal Water Pollution Control Act to establish a program for fisheries habitat protection, restoration, and enhancement, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELLER (for himself, Mr. DAVIS of Virginia, Mr. TAUZIN, Ms. DUNN, Mr. GOODLATTE, Mrs. MORELLA, Mr. CHAMBLISS, Mr. SWEENEY, and Mr. ISAKSON):

H.R. 4279. A bill to amend the Internal Revenue Code of 1986 to allow all computers to be expensed; to the Committee on Ways and Means.

By Mr. ISTOOK (for himself, Mr. BEREUTER, Ms. BERKLEY, Mr. CANNON, Mr. CLYBURN, Mrs. CUBIN, Mr. DEMINT, Mr. DICKEY, Mr. GRAHAM, Mr. HANSEN, Mr. HILL of Montana, Mr. JACKSON of Illinois, Mr. LEWIS of Kentucky, Mr. LUCAS of Oklahoma, Mr. MCCRERY, Mr. PICKERING, Mr. POMEROY, Mr. ROGERS, Mr. SANDERS, Mr. SPENCE, Mr. SPRATT, Mr. TERRY, Mr. WATKINS, and Mr. WICKER):

H.R. 4280. A bill to amend the Public Health Service Act with respect to the operation by the National Institutes of Health of an experimental program to stimulate competitive research; to the Committee on Commerce.

By Mr. CALVERT (for himself, Mr. LANTOS, Mr. BROWN of Ohio, Mr. CAMPBELL, Mrs. CAPPS, Mr. COSTELLO, Mr. DELAHUNT, Mr. DEUTSCH, Ms. ESHOO, Mr. FRANK of Massachusetts, Mr. GILCHREST, Mr. GILMAN, Mr. GOSS, Mr. HORN, Mr. HYDE, Mr. MARKEY, Mr. GARY MILLER of California, Mr. PALLONE, Mr. PORTER, Mr. QUINN, Ms. RIVERS, Mr. SENSENBRENNER, Mr. SHAYS, Mr. SMITH of New Jersey, Mr. TOWNS, Mr. UDALL of Colorado, Mr. WAXMAN, Mr. WELDON of Pennsylvania, and Ms. WOOLSEY):

H.R. 4281. A bill to establish, wherever feasible, guidelines, recommendations, and regulations that promote the regulatory acceptance of new and revised toxicological tests that protect human and animal health and the environment while reducing, refining, or replacing animal tests and ensuring human safety and product effectivness; to the Committee on Commerce.

By Mr. BILBRAY (for himself and Mr. HUNTER):

H.R. 4282. A bill to provide Federal reimbursement for indirect costs relating to the incarceration of illegal aliens and for emergency health services furnished to undocumented aliens; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS (for himself and Mr. CAMP):

H.R. 4283. A bill to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to make grants for the remediation of sediment contamination in certain areas of concern in the Great Lakes, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BERKLEY (for herself, Mr. GIBBONS, and Ms. DELAURO):

H.R. 4284. A bill to provide for the establishment of an Amateur Sports Illegal Gambling Task Force; to increase penalties for illegal sports gambling; and to study illegal sports gambling behavior among minor persons; to the Committee on the Judiciary.

By Mr. TURNER:

H.R. 4285. A bill to authorize the Secretary of Agriculture to convey certain administrative sites for National Forest System lands in the State of Texas, to convey certain National Forest System land to the New Waverly Gulf Coast Trades Center, and for other purposes; to the Committee on Agriculture.

By Mr. BACHUS:

H.R. 4286. A bill to provide for the establishment of the Cahaba River National Wildlife Refuge in Bibb County, Alabama; to the Committee on Resources.

By Mr. BAIRD:

H.R. 4287. A bill to establish a direct loan program for less-than-half-time students to improve their job skills, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTON of Texas (for himself, Mr. STRICKLAND, Mr. DINGELL, and Mr. SAWYER):

H.R. 4288. A bill to clarify that environmental protection, safety, and health provisions continue to apply to the functions of the National Nuclear Security Administration to the same extent as those provisions applied to those functions before transfer to the Administration; to the Committee on Commerce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP (for himself, Mr. SHERMAN, Mr. LEACH, Mr. LAFALCE, Mr. BACHUS, Ms. WATERS, Mr. GIBBONS, Mr. LEWIS of Georgia, Mr. HILLIARD, Mr. SANDLIN, Mr. TURNER, Mr. FROST, Mr. WAXMAN, Ms. DANNER, Mr. SISISKY, Mr. MCDERMOTT, Mr. SABO, Mr. CAPUANO, Mr. FORBES, Mr. EVANS, Mr. FILNER, Mr. MEEKS of New York, Mr. MCNULTY, Mr. KUCINICH, Mr. BRADY of Pennsylvania, Mr. KANJORSKI, Mr. SKELTON, Mr. JOHN, Ms. HOOLEY of Oregon, Ms. DEGETTE, Mr. MINGE, Mr. UDALL of Colorado, Mr. PHELPS, Mr. CUMMINGS, Mr. TOWNS, Ms. NORTON, Mr. HASTINGS of Florida, Mr. DAVIS of Illinois, Mr. JEFFERSON, Mr. DEAL of Georgia, Ms. KILPATRICK, Mr. WYNN, Ms. CARSON, Mr. BACA, Mrs. CLAYTON, Mr. MOORE, Ms. BROWN of Florida, Mr. COLLINS, Mr. CHAMBLISS, Mr. BARR of Georgia, Mr. KINGSTON, Mr. ISAKSON, Ms. MCKINNEY, Mr. WATT of North Carolina, Mr. GEORGE MILLER of California, Mr. FALEOMAVAEGA, Mrs. JONES of Ohio, Mr. GEPHARDT, Mr. DELAY, Mr. OWENS, and Mr. LINDER):

H.R. 4289. A bill to authorize the President to present a gold medal on behalf of the Congress to former President Jimmy Carter and his wife Rosalynn Carter in recognition of their service to the Nation; to the Committee on Banking and Financial Services.

By Mr. CAMPBELL (for himself, Mr. PAYNE, Mr. HORN, Mr. LAHOOD, Ms. SANCHEZ, Mr. DEAL of Georgia, Mr. WAXMAN, Mr. NORWOOD, Mr. TOWNS, Mr. GREENWOOD, Mr. FALEOMAVAEGA, Mr. GRAHAM, Mr. SANDERS, Mr. CAMP, Ms. BALDWIN, Mrs. BONO, Mr. NADLER, Ms. WATERS, Mr. KIND, Mr. BALDACCI, Mr. TIERNEY, Mrs. MINK of Hawaii, Mr. SCOTT, Mr. KILDEE, Mr. FORD, Mr. DIXON, Ms. WOOLSEY, Mr. WALSH, Ms. JACKSON-LEE of Texas, Mr. OWENS, Ms. MCKINNEY, Mr. METCALF, Mr. DELAHUNT, Ms. LOFGREN, Mr. LANTOS, and Mr. BAIRD):

H.R. 4290. A bill to amend the Higher Education Act of 1965 to qualify public defenders

for student loan forgiveness under the Federal Perkins Loan program; to the Committee on Education and the Workforce.

By Mr. CAMPBELL:

H.R. 4291. A bill to amend title 13, United States Code, to provide that decennial census questionnaires be limited to the basic questions needed to allow for an enumeration of the population, as required by the Constitution of the United States; to the Committee on Government Reform.

By Mr. CANADY of Florida:

H.R. 4292. A bill to protect infants who are born alive; to the Committee on the Judiciary.

By Mr. CANNON (for himself, Mr. TALENT, and Mr. THOMPSON of California):

H.R. 4293. A bill to amend title 18, United States Code, with respect to the employment of persons with criminal backgrounds by nursing homes; to the Committee on the Judiciary, and in addition to the Committees on Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDIN:

H.R. 4294. A bill to amend the Internal Revenue Code of 1986 to modify the alternative minimum tax for estates in bankruptcy; to the Committee on Ways and Means.

By Ms. CARSON (for herself and Mr. BURTON of Indiana):

H.R. 4295. A bill to suspend temporarily the duty on Fluridone aquatic herbicide; to the Committee on Ways and Means.

By Mr. CHAMBLISS (for himself, Mr. YOUNG of Alaska, Mr. PETERSON of Minnesota, Mr. THOMPSON of California, Mr. PICKERING, Mr. CALLAHAN, Mr. HAYES, Mr. NORWOOD, Mr. ISAKSON, Mr. DEAL of Georgia, Mr. EVERETT, Mr. STUMP, Mr. BISHOP, Mr. CRAMER, Mr. PHELPS, Mr. BOYD, Mr. RILEY, Mr. BARR of Georgia, Mr. KINGSTON, Mr. ADERHOLT, Mr. TAUZIN, Mr. SHOWS, and Mr. HALL of Texas):

H.R. 4296. A bill to amend the Migratory Bird Treaty Act to restore certain penalties under that Act; to the Committee on Resources.

By Mrs. CUBIN:

H.R. 4297. A bill to amend the Mineral Leasing Act of 1920 to ensure the orderly development of coal, coalbed methane, natural gas, and oil in common areas of the Powder River Basin, Wyoming and Montana, and for other purposes; to the Committee on Resources.

By Mrs. CUBIN:

H.R. 4298. A bill to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State; to the Committee on Resources.

By Mr. DEAL of Georgia:

H.R. 4299. A bill to require Federal agencies responsible for managing Federal lake projects to pursue strategies for enhancing recreational experiences of the public at such lakes, and for other purposes; to the Committee on Resources, and in addition to the Committees on Transportation and Infrastructure, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEFAZIO (for himself and Mr. FRANK of Massachusetts):

H.R. 4300. A bill to increase burdensharing for the United States military presence in the Persian Gulf region; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. EMERSON (for herself, Mr. BERRY, Mr. BURTON of Indiana, Mr. WEXLER, Mr. SHERMAN, and Mr. HALL of Ohio):

H.R. 4301. A bill to amend the Federal Food, Drug, and Cosmetic Act relating to the distribution chain of prescription drugs; to the Committee on Commerce.

By Mr. ENGEL (for himself, Mr. KING, Mr. CROWLEY, Mr. NADLER, Mrs. MCCARTHY of New York, Mr. MCNULTY, Mr. FORBES, and Mrs. MALONEY of New York):

H.R. 4302. A bill to authorize a project for the renovation of the Department of Veterans Affairs medical center in Bronx, New York; to the Committee on Veterans' Affairs.

By Mr. EWING (for himself, Mr. SHIMKUS, Mr. WELLER, Mr. LAHOOD, Mr. MCINTOSH, Mr. LIPINSKI, Mr. MANZULLO, and Mr. PHELPS):

H.R. 4303. A bill to prohibit the use of, and provide for remediation of water contaminated by, methyl tertiary butyl ether; to the Committee on Commerce.

By Mr. FRANK of Massachusetts:

H.R. 4304. A bill to amend the Higher Education Act of 1965 to provide for the forgiveness of Perkins loans to members of the armed services on active duty; to the Committee on Education and the Workforce.

By Mr. FROST:

H.R. 4305. A bill to amend the Fair Labor Standards Act of 1938 to require an employer to notify the parent or guardian of an employee who is under the age of 18 or handicapped and who works at the same facility as an individual who has a criminal record that includes a conviction for a crime of violence; to the Committee on Education and the Workforce.

By Mr. GEJDENSON (for himself, Mr. BEREUTER, Mr. PORTER, Mr. BERMAN, Mr. ACKERMAN, Mr. HASTINGS of Florida, and Mrs. LOWEY):

H.R. 4306. A bill to provide for commercial and labor rule of law programs in the People's Republic of China to enhance rationality and accountability in the administration of justice in the commercial area, strengthen labor rights protection, and lay the intellectual and institutional groundwork for further reforms; to the Committee on International Relations.

By Mr. GOODLING:

H.R. 4307. A bill to reduce the reading deficit in the United States by applying the findings of scientific research in reading instruction to all students who are learning to read the English language and to amend the Elementary and Secondary Education Act of 1965 to improve literacy through family literacy projects and to reauthorize the inexpensive book distribution program; to the Committee on Education and the Workforce.

By Mr. HERGER (for himself, Mr. MATSUI, Mrs. JOHNSON of Connecticut, Mr. RANGEL, and Mr. WATKINS):

H.R. 4308. A bill to amend the Internal Revenue Code of 1986 to clarify the definition of contribution in aid of construction; to the Committee on Ways and Means.

By Mr. HOEKSTRA:

H.R. 4309. A bill to make supplemental appropriations for fiscal year 2000 to enable the Inspector General of the Corporation for National and Community Service to conduct reviews and audits of the State Commissions on National and Community Service; to the Committee on Appropriations.

By Mr. HOEKSTRA:

H.R. 4310. A bill to amend title II of the Social Security Act to provide that an individual's entitlement to benefits thereunder shall continue through the month of his or her death (without affecting any other person's entitlement to benefits for that month), in order to provide such individual's family with assistance in meeting the extra death-related expenses; to the Committee on Ways and Means.

By Ms. HOOLEY of Oregon (for herself, Mr. LATOURETTE, Mr. LAFALCE, Mr. BENTSEN, Mr. HILL of Montana, Mr. KANJORSKI, Mrs. MALONEY of New York, Mr. NEY, Mr. METCALF, Mr. SANDLIN, Ms. CARSON, Mr. MOORE, and Mr. ACKERMAN):

H.R. 4311. A bill to prevent identity fraud in consumer credit transactions and credit reports, and for other purposes; to the Committee on Banking and Financial Services.

By Mrs. JOHNSON of Connecticut (for herself and Mr. OLVER):

H.R. 4312. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing an Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts, and for other purposes; to the Committee on Resources.

By Mr. JONES of North Carolina:

H.R. 4313. A bill to provide an additional increase in military basic pay for enlisted members of the uniformed services in pay grades E–5, E–6, or E–7; to the Committee on Armed Services.

By Mr. KANJORSKI (for himself, Mr. GEKAS, Mr. HOLDEN, and Mr. SHERWOOD):

H.R. 4314. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax to holders of bonds issued to finance land and water reclamation for the anthracite region of Pennsylvania, and for other purposes; to the Committee on Ways and Means.

By Mr. LATOURETTE (for himself, Mrs. JONES of Ohio, Mr. BROWN of Ohio, Mr. HALL of Ohio, Mr. HOBSON, Mr. KUCINICH, Mr. NEY, and Mr. TRAFICANT):

H.R. 4315. A bill to designate the facility of the United States Postal Service located at 3695 Green Road in Beachwood, Ohio, as the ''Larry Small Post Office Building''; to the Committee on Government Reform.

By Mr. LEWIS of Georgia:

H.R. 4316. A bill to amend the Internal Revenue Code of 1986 to exclude United States savings bond income from gross income if used to pay long-term care expenses; to the Committee on Ways and Means.

By Mrs. MALONEY of New York:

H.R. 4317. A bill to amend the Hate Crime Statistics Act to require the Attorney General to acquire data about crimes that manifest evidence of prejudice based on gender; to the Committee on the Judiciary.

By Mr. MCCRERY:

H.R. 4318. A bill to establish the Red River National Wildlife Refuge; to the Committee on Resources.

By Mr. MCGOVERN (for himself, Mr. SMITH of New Jersey, Mr. WEYGAND, and Mr. KENNEDY of Rhode Island):

H.R. 4319. A bill to continue the current prohibition of military relations with and assistance for the armed forces of the Republic

of Indonesia until the President determines and certifies to the Congress that certain conditions with respect to East Timor are being met; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself, Mr. HOLT, Mr. UDALL of Colorado, Mr. FARR of California, Mr. VENTO, and Mrs. MORELLA):

H.R. 4320. A bill to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes; to the Committee on Resources.

By Mr. MINGE (for himself, Mr. DEFAZIO, and Mr. HINCHEY):

H.R. 4321. A bill to amend the Sherman Act, the Clayton Act, and the Packers and Stockyards Act, 1921 with respect of competition among wholesale purchasers; to establish a commission to review large agriculture mergers, concentration, and market power, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MINK of Hawaii (for herself and Mr. ABERCROMBIE):

H.R. 4322. A bill to amend the Internal Revenue Code of 1986 to exempt certain helicopter uses from ticket taxes; to the Committee on Ways and Means.

By Mrs. NORTHUP:

H.R. 4323. A bill to require a comprehensive effort by the Department of Education and the National Institute on Child Health and Human Development to widely disseminate the results of the National Reading Panel report to teachers, parents, and universities; to the Committee on Education and the Workforce.

By Mr. PETERSON of Minnesota (for himself, Mr. EWING, Mr. LATHAM, Mr. THOMPSON of California, Mr. CONDIT, and Mr. HUNTER):

H.R. 4324. A bill to amend the Internal Revenue Code of 1986 to increase the estate and gift tax unified credit to an exclusion equivalent of $2,500,000 and to reduce the rate of the estate and gifts taxes to the generally applicable capital gains income tax rate; to the Committee on Ways and Means.

By Mr. PITTS (for himself and Mr. HAYES):

H.R. 4325. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to allow retirement benefits received by members of religious orders to be exempt from Social Security tax by including retirement plans established by such orders in the definition of ''church plan''; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PORTER:

H.R. 4326. A bill to extend the temporary suspension of duty on Diiodomethyl-ρ-tolylsulfone; to the Committee on Ways and Means.

By Mr. PORTER:

H.R. 4327. A bill to extend the temporary suspension of duty on B-Bromo-B-nitrostyrene; to the Committee on Ways and Means.

By Mr. RAMSTAD (for himself, Mr. TANNER, Mr. LEWIS of Kentucky, Mr. BUYER, and Mr. TAYLOR of Mississippi):

H.R. 4328. A bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States; to the Committee on Ways and Means.

By Mr. SALMON (for himself, Mr. RAMSTAD, and Mr. MCHUGH):

H.R. 4329. A bill to amend title 18, United States Code, to make it illegal to operate a motor vehicle with a drug or alcohol in the body of the driver at a land border port of entry, and for other purposes; to the Committee on the Judiciary.

By Mr. SAXTON:

H.R. 4330. A bill to amend title XVIII of the Social Security Act to provide for coverage of annual screening pap smears, screening pelvic exams, and clinical breast exams under the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON (for himself and Ms. KAPTUR):

H.R. 4331. A bill to provide for the issuance of patents for the Generalized System of Preference (GSP) countries with a Letter of Agreement with the U.S. through a program establishing an International US/GSP Office in which the U.S. issues patents using U.S. standards that are valid under both U.S. and GSP law, to aid in creating captial for GSP countries through patents and innovation and to establish or enhance their patent system through U.S. expertise and training; to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY (for herself, Mr. HINCHEY, Ms. WATERS, and Mr. MARKEY):

H.R. 4332. A bill to protect consumers from exorbitant fees for basic financial services, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT:

H.R. 4333. A bill to provide for fairness and accuracy in student testing; to the Committee on Education and the Workforce.

By Mr. SHOWS (for himself, Mr. FILNER, Mr. BALDACCI, and Mr. BISHOP):

H.R. 4334. A bill to amend title 38, United States Code, to provide for the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SNYDER (for himself, Mr. COLLINS, Mr. THORNBERRY, and Mrs. THURMAN):

H.R. 4335. A bill to amend the Internal Revenue Code of 1986 to provide that hazardous duty pay of members of the Armed Forces shall not be taken into account in computing the earned income credit; to the Committee on Ways and Means.

By Ms. STABENOW:

H.R. 4336. A bill to amend the Internal Revenue Code of 1986 to increase the dependent care credit and to provide a minimum dependent care credit for stay-at-home parents; to the Committee on Ways and Means.

By Mr. THOMAS:

H.R. 4337. A bill to amend the customs laws of the United States relating to procedures with respect to the importation of merchandise; to the Committee on Ways and Means.

By Mr. THOMPSON of California:

H.R. 4338. A bill to restore the reservation lands of the Elk Valley Band of Indians of the Elk Valley Rancheria of California, and for other purposes; to the Committee on Resources.

By Mr. THUNE (for himself, Mr. HILL of Indiana, Mrs. EMERSON, Mr. NUSSLE, Mr. BOSWELL, Mr. PHELPS, and Mrs. CLAYTON):

H.R. 4339. A bill to prohibit excessive concentration resulting from mergers among certain purchasers, processors, and sellers of livestock, poultry, and basic agricultural commodities; to require the Attorney General to establish an Office of Special Counsel for Agriculture, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico (for himself, Mrs. CUBIN, and Mr. SKEEN):

H.R. 4340. A bill to simplify Federal oil and gas revenue distributions, and for other purposes; to the Committee on Resources.

By Mr. WALDEN of Oregon:

H.R. 4341. A bill to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon, and for other purposes; to the Committee on Resources.

By Mr. WATKINS (for himself and Mr. SAM JOHNSON of Texas):

H.R. 4342. A bill to amend the Internal Revenue Code of 1986 to simplify the excise tax on heavy truck tires; to the Committee on Ways and Means.

By Mr. WEINER:

H.R. 4343. A bill to amend titles 18 and 28, United States Code, to inhibit further intimidation of public officials within the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. WHITFIELD:

H.R. 4344. A bill to amend the Immigration and Nationality Act to prohibit H–2A workers from bringing law suits against employers except in the State in which the employer resides or has its principal place of business; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 4345. A bill to amend the Alaska Native Claims Settlement Act to clarify the process of allotments to Alaskan Natives who are veterans, and for other purposes; to the Committee on Resources.

By Mr. GILMAN (for himself, Mr. SHERMAN, Mr. HASTERT, and Mr. GEJDENSON):

H. Con. Res. 307. Concurrent resolution expressing the sense of the Congress regarding the ongoing prosecution of 13 members of Iran's Jewish community; to the Committee on International Relations.

By Mr. CAMPBELL (for himself and Mr. LANTOS):

H. Con. Res. 308. Concurrent resolution expressing the sense of the Congress that the Federal Government, including government officials outside of the United States, should not purchase any goods made by forced labor, and for other purposes; to the Committee on Government Reform, and in addition to the Committees on Ways and Means, International Relations, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE (for himself and Mr. LAMPSON):

H. Con. Res. 309. Concurrent resolution expressing the sense of the Congress with regard to in-school personal safety education programs for children; to the Committee on Education and the Workforce.

By Mr. ROEMER (for himself, Mr. UPTON, Mr. CASTLE, Mr. GOODLING, Mr. ALLEN, Mr. BURR of North Carolina, Mr. CUNNINGHAM, Mr. DEMINT, Mr. DEUTSCH, Mr. DOOLEY of California, Mr. FLETCHER, Mr. HOEKSTRA, Mr. KIND, Mr. MCINTOSH, Mr. MORAN of Virginia, Mr. PETRI, Ms. SANCHEZ, Mr. SCHAFFER, and Mr. TANCREDO):

H. Con. Res. 310. Concurrent resolution supporting a National Charter Schools Week; to the Committee on Education and the Workforce.

By Mr. SAXTON (for himself, Mr. ANDREWS, Mr. FRANKS of New Jersey, Mr. SMITH of New Jersey, and Mr. LOBIONDO):

H. Con. Res. 311. Concurrent resolution expressing the sense of Congress that the United States should continue to actively pursue efforts to achieve a full accounting of all members of the Armed Forces who remain unaccounted for from previous conflicts, particularly the Korean War and the Vietnam War, and to continue and maintain programs and procedures for achieving a full accounting of all military personnel who become prisoners of war or missing in action in future conflicts; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW (for himself, Mrs. MEEK of Florida, Mr. MCCOLLUM, Mr. HASTINGS of Florida, Ms. ROS-LEHTINEN, Mrs. THURMAN, Mr. DAVIS of Florida, and Mr. STEARNS):

H. Con. Res. 312. Concurrent resolution expressing the sense of the Congress that the States should more closely regulate title pawn transactions and outlaw the imposition of usurious interest rates on title loans to consumers; to the Committee on Banking and Financial Services.

By Mr. BALDACCI:

H. Res. 477. A resolution expressing the sense of the House of Representatives regarding the disparity between identical prescription drugs sold in the United States, Canada, and Mexico; to the Committee on Commerce.

By Mr. MINGE (for himself, Mr. DEFAZIO, and Ms. BALDWIN):

H. Res. 478. A resolution providing for consideration of the bill (H.R. 773) to amend the Older Americans Act of 1965 to extend the authorizations of appropriations for that Act, and to make technical corrections; to the Committee on Rules.

By Mr. SANDERS (for himself, Mr. BROWN of Ohio, Mr. DEFAZIO, Mr. EVANS, Mr. KUCINICH, Ms. LEE, Ms. MCKINNEY, and Ms. WOOLSEY):

H. Res. 479. A resolution expressing the sense of the House of Representatives regarding global sustainable development, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Banking and Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHADEGG:

H. Res. 480. A resolution urging the Attorney General to take no irrevocable action with respect to Elian Gonzalez until a hearing concerning an asylum application is held; to the Committee on the Judiciary.

By Ms. STABENOW:

H. Res. 481. A resolution congratulating the Michigan State University men's basketball team on winning the 1999–2000 NCAA Men's Basketball Championship; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. BLAGOJEVICH.

H.R. 40: Mr. CLAY.

H.R. 65: Mr. CANADY of Florida.

H.R. 205: Mr. COOK.

H.R. 218: Mr. BOEHNER.

H.R. 252: Mr. SOUDER and Mr. LOBIONDO.

H.R. 303: Mrs. ROUKEMA.

H.R. 306: Mr. GILMAN, Mr. GANSKE, Mr. CONYERS, and Mr. FORBES.

H.R. 372: Mr. LIPINSKI.

H.R. 408: Mr. REGULA, Mr. DEAL of Georgia, Mr. WATKINS, and Mr. DELAHUNT.

H.R. 531: Mr. DIXON.

H.R. 534: Mr. CANNON.

H.R. 612: Mr. PASCRELL.

H.R. 626: Mr. BALDACCI.

H.R. 632: Mr. ENGEL.

H.R. 638: Mr. GREEN of Texas.

H.R. 664: Mr. BOYD.

H.R. 670: Mr. RAHALL, Mr. TANNER, and Mr. KINGSTON.

H.R. 689: Mr. LAMPSON.

H.R. 709: Mr. LANTOS.

H.R. 765: Mr. RADANOVICH, Ms. DANNER, Mr. TANNER, and Ms. BALDWIN.

H.R. 783: Mr. PHELPS and Mr. GILLMOR.

H.R. 816: Mr. GRAHAM.

H.R. 837: Mr. WATT of North Carolina.

H.R. 844: Mr. WEYGAND, Mrs. MYRICK, Mr. DICKS, Mr. BACA, Mr. GREEN of Texas, and Mr. STEARNS.

H.R. 864: Mr. GRAHAM.

H.R. 941: Mr. GOODLING.

H.R. 950: Mr. SAXTON.

H.R. 1020: Mr. BROWN of Ohio.

H.R. 1046: Mr. FORBES and Mr. ADERHOLT.

H.R. 1070: Mr. TANNER, Mr. VISCLOSKY, Mr. REYES, Mr. EWING, Mr. HOLT, Mr. SISISKY, Mr. MOORE, Mr. DOOLEY of California, and Mr. ORTIZ.

H.R. 1079: Mr. CLEMENT, Mr. FOLEY, Mr. TRAFICANT, Mr. WALSH, Mr. OWENS, Mr. ACKERMAN, Mrs. MEEK of Florida, Mr. MCGOVERN, and Mr. SMITH of Washington.

H.R. 1172: Mr. BOEHLERT, Mr. ISAKSON, Mr. MCGOVERN, and Mr. PHELPS.

H.R. 1194: Mr. PASTOR.

H.R. 1216: Mrs. CAPPS, Mrs. JONES of Ohio, and Mr. SMITH of New Jersey.

H.R. 1217: Mr. BOSWELL.

H.R. 1229: Mr. FORBES.

H.R. 1248: Mr. WU and Mr. SAXTON.

H.R. 1275: Mr. GOODLATTE.

H.R. 1285: Mr. GILCHREST.

H.R. 1303: Mrs. MALONEY of New York.

H.R. 1304: Mr. DINGELL.

H.R. 1311: Ms. DUNN.

H.R. 1322: Mr. BURTON of Indiana, Mr. MCHUGH, Mrs. KELLY, Mr. BONILLA, Mr. DELAY, Mr. SAM JOHNSON of Texas, Mr. TURNER, Mr. WALSH, Mr. SWEENEY, Mr. GREENWOOD, Ms. LOFGREN, Mr. DREIER, Mr. LOBIONDO, Mr. FOSSELLA, Mr. HYDE, and Mr. WICKER.

H.R. 1329: Mr. MARTINEZ.

H.R. 1366: Mr. UPTON, Mr. MCHUGH, Mr. KINGSTON, Mr. HULSHOF, Mr. CUNNINGHAM, Mr. CANADY of Florida, Mr. HOSTETTLER, Mr. RODRIGUEZ, Mr. GREEN of Wisconsin, Mr. ISAKSON, Mr. THORNBERRY, Mr. KING, Mr. FOLEY, Mr. NUSSLE, Mr. BOEHNER, Mr. FILNER, Mr. DIAZ-BALART, Mr. LATHAM, and Mr. HUTCHINSON.

H.R. 1456: Mr. HOEFFEL, Mr. MCGOVERN, Mr. BOSWELL, Mr. HAYES, and Ms. KAPTUR.

H.R. 1488: Mrs. BONO.

H.R. 1512: Mr. NADLER, Mr. LIPINSKI, Mr. CLAY, Mr. ENGEL, Mr. STARK, and Mr. WYNN.

H.R. 1515: Mr. COOK and Mr. KLINK.

H.R. 1523: Mr. HUNTER.

H.R. 1585: Mr. ANDREWS.

H.R. 1592: Mr. DELAY.

H.R. 1620: Mr. BASS.

H.R. 1621: Mr. CROWLEY.

H.R. 1739: Mr. WEINER.

H.R. 1775: Mr. FRANK of Massachusetts.

H.R. 1804: Mr. HINCHEY, Ms. CARSON, and Mr. GREEN of Texas.

H.R. 1816: Mrs. LOWEY and Mr. CONYERS.

H.R. 1865: Mr. KUYKENDALL, Mr. CAMPBELL, Ms. BERKLEY, and Mr. PASTOR.

H.R. 1885: Mr. MOORE and Mr. UDALL of Colorado.

H.R. 1943: Mr. UDALL of Colorado.

H.R. 1976: Mr. SHERMAN.

H.R. 2000: Mr. LAHOOD.

H.R. 2060: Mr. BACA and Mr. RUSH.

H.R. 2121: Mr. PALLONE.

H.R. 2250: Mr. ARMEY, Mr. DELAY, Mr. HALL of Texas, Mr. DUNCAN, Mr. SKEEN, Mr. DOOLITTLE, Mr. BRADY of Texas, Mr. HILL of Montana, Mr. SIMPSON, Mr. POMBO, Mr. WALDEN of Oregon, Mr. RADANOVICH, Mr. RILEY, Mr. SOUDER, Mr. TAUZIN, Mr. THORNBERRY, Mr. TANCREDO, Mr. CANNON, Mr. HANSEN, Mr. BARTON of Texas, Mr. BAKER, Mr. TERRY, Mrs. EMERSON, Mr. PACKARD, Mr. BACHUS, Mr. ISTOOK, Mr. BONILLA, Mr. STUMP, Mr. ROHRABACHER, Mrs. CHENOWETH-HAGE, Mr. OXLEY, Mr. HERGER, Mr. PICKERING, Mr. COMBEST, Mrs. CUBIN, Mr. REYNOLDS, Mr. HASTINGS of Washington, Mr. HAYWORTH, and Mr. WATKINS.

H.R. 2340: Mr. JACKSON of Illinois, Mr. BACA, Mr. BORSKI, and Mr. KLINK.

H.R. 2451: Mr. MCCOLLUM.

H.R. 2457: Mr. MALONEY of Connecticut.

H.R. 2511: Mr. HANSEN.

H.R. 2551: Mr. KIND, Ms. BALDWIN, Mr. HILL of Indiana, Mr. COYNE, Mr. PHELPS, and Mr. DAVIS of Virginia.

H.R. 2562: Mr. MORAN of Virginia.

H.R. 2569: Mrs. ROUKEMA.

H.R. 2573: Ms. DEGETTE.

H.R. 2596: Mr. BALLENGER, Mr. HAYWORTH, Mr. SKEEN, Mr. WICKER, and Mr. COBURN.

H.R. 2624: Mr. ENGEL and Ms. BERKLEY.

H.R. 2631: Mr. BACA.

H.R. 2686: Mr. SMITH of Washington.

H.R. 2706: Mrs. LOWEY.

H.R. 2720: Mr. WEYGAND.
H.R. 2733: Mr. HULSHOF, Mr. BONIOR, Mr. WU, and Mr. RANGEL.
H.R. 2736: Mr. OBERSTAR, Mr. STENHOLM, Mr. RAHALL, Mr. HILL of Indiana, and Mr. PASCRELL.
H.R. 2749: Mr. GRAHAM.
H.R. 2764: Ms. LEE.
H.R. 2784: Mr. BARCIA.
H.R. 2798: Mr. INSLEE.
H.R. 2801: Mr. KUCINICH.
H.R. 2840: Ms. STABENOW, Mrs. MORELLA, and Mr. LAHOOD.
H.R. 2856: Mr. COOK and Ms. LOFGREN.
H.R. 2864: Mrs. CAPPS.
H.R. 2870: Mr. VENTO.
H.R. 2899: Mr. DIAZ-BALART.
H.R. 2900: Mr. NEAL of Massachusetts, Ms. LEE, Mr. FRANKS of New Jersey, Mr. BLAGOJEVICH, Mr. FORBES, Ms. RIVERS, Mrs. CAPPS, Mr. CONYERS, Mr. WATT of North Carolina, Mrs. ROUKEMA, Mr. SHERMAN, Mr. BARRETT of Wisconsin, Mr. PASCRELL, Mr. SAXTON, Mr. CUMMINGS, and Mr. SABO.
H.R. 2934: Mr. RANGEL and Mr. NADLER.
H.R. 2966: Mr. MOORE, Mr. BOSWELL, and Mr. SIMPSON.
H.R. 2991: Mr. GILMAN.
H.R. 3004: Mr. NEAL of Massachusetts, Mr. SALMON, and Mr. SAXTON.
H.R. 3044: Ms. PELOSI.
H.R. 3083: Mr. ROTHMAN, Mr. ENGEL, and Mr. NADLER.
H.R. 3100: Mr. LARSON and Mr. CAMP.
H.R. 3125: Mr. COBURN and Mr. LAFALCE.
H.R. 3192: Mr. PHELPS, Mr. DICKS, Mr. ALLEN, Mr. HOEFFEL, Mrs. MALONEY of New York, and Mrs. MINK of Hawaii.
H.R. 3193: Mr. GREEN of Texas, Mr. DUNCAN, and Mr. BAIRD.
H.R. 3208: Ms. MCKINNEY, Mr. COSTELLO, Mr. BROWN of Ohio, Mr. LIPINSKI, and Mr. EVANS.
H.R. 3249: Mr. DIXON.
H.R. 3293: Mr. FRANK of Massachusetts, Mr. GILMAN, Mr. ENGEL, Mr. DREIER, Mr. ETHERIDGE, Mr. DAVIS of Florida, Mr. KASICH, Ms. KILPATRICK, Mr. OLVER, and Mr. NEY.
H.R. 3301: Mr. WELDON of Florida, Mr. ROMERO-BARCELÓ, Mr. MALONEY of Connecticut, and Ms. ESHOO.
H.R. 3309: Mr. CAMP.
H.R. 3327: Mrs. CUBIN.
H.R. 3392: Ms. LOFGREN.
H.R. 3405: Ms. NORTON, Mr. MILLER of Florida, and Mrs. ROUKEMA.
H.R. 3433: Mr. FRANK of Massachusetts and Mr. FRANKS of New Jersey.
H.R. 3438: Mr. DOYLE.
H.R. 3453: Mr. GOODE and Mrs. EMERSON.
H.R. 3489: Mr. GILLMOR, Mr. EHRLICH, Ms. MCCARTHY of Missouri, Mr. BLUNT, Mr. SHAYS, and Mr. BOUCHER.
H.R. 3500: Ms. MCCARTHY of Missouri and Mr. GORDON.
H.R. 3514: Ms. SLAUGHTER, Mrs. MEEK of Florida, and Mr. LIPINSKI.
H.R. 3535: Mr. KING.
H.R. 3573: Mr. BACA, Mr. FARR of California, Mr. MCKEON, Mr. PASCRELL, Mrs. ROUKEMA, and Mr. ETHERIDGE.
H.R. 3580: Mr. UDALL of New Mexico, Mrs. CLAYTON, Ms. LOFGREN, Mr. GORDON, Mr. BACHUS, Mr. BOSWELL, Mr. GEJDENSON, Ms. WOOLSEY, Mr. DEAL of Georgia, Mr. MCINTOSH, Mr. TOOMEY, Mr. PITTS, and Ms. HOOLEY of Oregon.
H.R. 3584: Ms. ROYBAL-ALLARD, Mr. REYES, Mr. GUTIERREZ, Mr. ORTIZ, Mr. BECERRA, Mr. MENENDEZ, Mr. GONZALEZ, Mr. HINOJOSA, Mrs. NAPOLITANO, Ms. VELAZQUEZ, Mr. ROMERO-BARCELO, Ms. DANNER, and Mr. BISHOP.
H.R. 3625: Mr. WAMP, Mr. DELAY, Mr. DOOLITTLE, Mr. GRAHAM, Mr. BUYER, Mr. CHAMBLISS, Mr. CUNNINGHAM, Mr. TIAHRT, Mr. HEFLEY, Mrs. CUBIN, Mr. BLUNT, Mr. RILEY, Mr. LARGENT, Mr. COBURN, Mr. TANCREDO, Mr. SANFORD, Mr. COX, Mrs. CHENOWETH-HAGE, Mr. PAUL, and Mr. ISTOOK.
H.R. 3631: Mr. DOYLE.
H.R. 3634: Mr. LARSON, Mr. MATSUI, Mr. SANDLIN, and Mr. SABO.
H.R. 3650: Ms. LOFGREN, Mr. DAVIS of Illinois, and Mr. DIXON.
H.R. 3655: Mr. ALLEN, Mr. BONIOR, Mr. ANDREWS, Mr. ROMERO-BARCELO, Mr. PHELPS, Mr. CAPUANO, Ms. WOOLSEY, Mr. PRICE of North Carolina, Mr. BRADY of Pennsylvania, Mr. FILNER, Mr. GREEN of Texas, Mr. EVANS, and Ms. DELAURO.
H.R. 3663: Mr. LIPINSKI, Mr. JOHN, Mr. BURR of North Carolina, Mr. FRANK of Massachusetts, Mr. PITTS, and Mr. STENHOLM.
H.R. 3665: Mr. BALDACCI.
H.R. 3667: Mr. PAUL, Mr. POMEROY, Mr. FRANK of Massachusetts, Ms. CARSON.
H.R. 3678: Mr. BARR of Georgia and Ms. STABENOW.
H.R. 3680: Mrs. NAPOLITANO, Mr. KOLBE, Mr. DELAHUNT, Mr. MENENDEZ, Mr. BLUMENAUER, Mr. POMBO, Mr. WATKINS, Mr. HOUGHTON, Mr. ACKERMAN, Mr. GOODLING, and Mr. SENSENBRENNER.
H.R. 3681: Mr. HOLT, Mr. FROST, Mr. ROMERO-BARCELÓ, Mr. HALL of Ohio, Mr. BONIOR, Mr. MCGOVERN, Mr. WAMP, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CROWLEY, Mr. ROEMER, Mr. LARSON, Ms. SLAUGHTER, Mr. PALLONE, Mr. SPRATT, Mr. HINOJOSA, Mr. SAWYER, Mr. HINCHEY, Mr. TURNER, Mr. SCOTT, Ms. DELAURO, Mr. MCINTYRE, Mr. LUTHER, Mr. REYES, Mr. PRICE of North Carolina, Mr. STUPAK, Mr. PHELPS, Mr. BALDACCI, Mrs. MINK of Hawaii, Mr. DELAHUNT, Mrs. MCCARTHY of New York, Ms. KILPATRICK, Mr. SANDLIN, and Mr. RODRIGUEZ.
H.R. 3682: Mr. FROST and Mr. BARRETT of Wisconsin.
H.R. 3694: Mr. LOBIONDO.
H.R. 3698: Mr. DEUTSCH, Mr. KING, Mr. BACHUS, Mr. BARR of Georgia, Mr. DEAL of Georgia, Mr. SESSIONS, Mr. MCINTOSH, and Mr. RILEY.
H.R. 3700: Mrs. MEEK of Florida, Mr. DIXON, Mr. ETHERIDGE, Mr. CUMMINGS, and Mr. BLAGOJEVICH.
H.R. 3709: Ms. HOOLEY of Oregon.
H.R. 3710: Mr. STRICKLAND, Mr. GORDON, Ms. PELOSI, Mr. PASTOR, Ms. WOOLSEY, and Mr. WEINER.
H.R. 3766: Mr. LAMPSON, Mrs. MORELLA, Mr. LEWIS of Kentucky, Mr. MOORE, and Mr. CARDIN.
H.R. 3806: Mr. SPENCE.
H.R. 3836: Mr. ENGLISH.
H.R. 3842: Mr. NEAL of Massachusetts, Mr. MURTHA, Mr. WELDON of Pennsylvania, Mr. SHUSTER, Mr. KANJORSKI, and Mr. PETERSON of Pennsylvania.
H.R. 3850: Mr. COBURN and Mr. DOOLITTLE.
H.R. 3865: Mr. HAYWORTH.
H.R. 3873: Mr. MCGOVERN, Mr. FORBES, Mr. GEORGE MILLER of California, Mr. OWENS, and Mr. ENGEL.
H.R. 3875: Mr. MATSUI.
H.R. 3901: Mr. PAYNE.
H.R. 3905: Mr. ENGLISH, Mr. SHAW, Mr. COYNE, Mr. HAYWORTH, and Mr. FOLEY.
H.R. 3909: Mr. PHELPS, Ms. SCHAKOWSKY, and Mrs. BIGGERT.
H.R. 3910: Mr. MINGE and Mr. UPTON.
H.R. 3911: Mr. COOKSEY, Mr. SHAW, and Mr. GILLMOR.
H.R. 3916: Mr. GILCHREST, Mr. PICKERING, Mr. GILLMOR, Mr. MCKEON, Mrs. CAPPS, and Mr. CHABOT.
H.R. 3983: Mrs. NORTHUP, Mr. SALMON, and Mr. BALLENGER.
H.R. 3987: Ms. BROWN of Florida, Ms. CARSON, Mr. CLAY, Ms. NORTON, Mr. RANGEL, Mr. WYNN, and Mrs. NAPOLITANO.
H.R. 3998: Mr. QUINN.
H.R. 4011: Mr. MCINTOSH.
H.R. 4013: Mr. BONIOR, Mr. CLAY, Mr. DINGELL, and Mr. SMITH of Washington.
H.R. 4030: Mr. FOLEY.
H.R. 4033: Mr. GRAHAM, Mr. CAMP, Mr. WEYGAND, and Mr. BAIRD.
H.R. 4036: Mr. ENGEL.
H.R. 4040: Mr. SAXTON, Mr. FOLEY, Mr. LIPINSKI, and Mr. ENGLISH.
H.R. 4041: Mrs. MCCARTHY of New York.
H.R. 4042: Mrs. MCCARTHY of New York.
H.R. 4048: Mr. COOK, Mr. REGULA, Mr. HERGER, Mr. OSE, Mr. PASTOR, Mr. SPENCE, Mr. HYDE, Mr. SHAYS, and Mr. STUMP.
H.R. 4057: Mr. KUCINICH, Mr. BLUMENAUER, Mrs. MINK of Hawaii, Ms. HOOLEY of Oregon, Mr. KENNEDY of Rhode Island, Mr. OWENS, and Ms. LEE.
H.R. 4063: Mr. HINCHEY.
H.R. 4064: Mr. LAHOOD, Mrs. CUBIN, Mr. TIAHRT, Mr. ENGLISH, Mr. WATTS of Oklahoma, Mr. RILEY, Mrs. THURMAN, Mr. DOOLEY of California, Mr. BRYANT, Mr. SKEEN, Mr. BLUMENAUER, Mr. MOORE, Mr. NUSSLE, Mr. SIMPSON, Mr. LUCAS of Kentucky, Mr. BOEHLERT, Mr. WICKER, Mr. WAMP, Mr. EVERETT, Mr. ADERHOLT, Mr. CONDIT, Mr. GRAHAM, Mr. COOKSEY, Mr. DICKEY, Mr. JENKINS, Mr. KIND, Mr. JOHN, Mr. BERRY, Mr. SUNUNU, Mr. HERGER, Ms. STABENOW, Mr. COBLE and Mrs. CHENOWETH-HAGE.
H.R. 4066: Mr. FARR of California.
H.R. 4077: Mr. DEFAZIO, Mr. BROWN of Ohio, and Mr. HINCHEY.
H.R. 4091: Mr. LEWIS of Georgia.
H.R. 4099: Mr. MORAN of Virginia.
H.R. 4102: Mr. SOUDER and Mr. BACHUS.
H.R. 4111: Mr. MILLER of Florida.
H.R. 4115: Mr. HINCHEY, Mr. MALONEY of Connecticut, Mr. REGULA, and Mrs. BIGGERT.
H.R. 4143: Mr. ETHERIDGE, Ms. MCCARTHY of Missouri, Mr. MINGE, Mr. STRICKLAND, Ms. HOOLEY of Oregon, Mrs. THURMAN, Mr. GREEN of Texas, Mr. FROST, Mrs. CLAYTON, and Mr. CLEMENT.
H.R. 4149: Mr. RAHALL, Mr. BLUNT, Mr. YOUNG of Florida, Mr. SCHAFFER, and Mrs. FOWLER.
H.R. 4152: Mr. WAMP, Mr. SCHAFFER, and Mr. BARRETT of Wisconsin.
H.R. 4165: Mr. COOK, Mr. MCDERMOTT, Mrs. MALONEY of New York, Mr. GARY MILLER of California, Mr. PALLONE, and Mr. BOEHLERT.
H.R. 4167: Mr. MCHUGH, Mr. WEINER, Mr. WALSH, Mr. TIERNEY, Mr. ACKERMAN, Mr. KENNEDY of Rhode Island, Mr. UDALL of Colorado, Ms. CARSON, Mr. FRANK of Massachusetts, Mr. STARK, Mr. BERMAN, Mr. LAFALCE, Mr. OLVER, Mr. NADLER, and Mr. VENTO.
H.R. 4168: Ms. WATERS, Mr. BOUCHER, Mr. MALONEY of Connecticut, Mr. SCOTT, Mr. WISE, Mr. BERMAN, Mr. COSTELLO, Mr. OLVER, Ms. BROWN of Florida, Mr. CRAMER, Mr. MURTHA, Mr. BRADY of Pennsylvania, Mr. BOYD, Mr. TOWNS, Ms. ROYBAL-ALLARD, Mr. FATTAH, Mr. PASTOR, Mr. MASCARA, Mr. CONDIT, Mr. GUTIERREZ, Ms. CARSON, Mr. CONYERS, Ms. DEGETTE, and Mr. DOYLE.
H.R. 4182: Mr. WELDON of Florida, Mr. COX, Ms. DUNN, Mr. POMEROY, and Mr. BRYANT.
H.R. 4188: Mr. GOODE, Mr. KINGSTON, Mr. EVERETT, and Mr. BACHUS.
H.R. 4191: Ms. STABENOW, Mr. WALSH, and Mr. STUPAK.
H.R. 4194: Mrs. BONO.
H.R. 4198: Mr. BARTLETT of Maryland.
H.R. 4200: Mrs. MEEK of Florida, Mr. THOMPSON of Mississippi, Mrs. CLAYTON, Mrs. JONES of Ohio, Mr. HILLIARD, Ms. BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of

Texas, Mr. WYNN, Mr. BISHOP, and Mr. CLYBURN.

H.R. 4201: Mr. SHIMKUS, Mr. GILLMOR, Mr. ARMEY, Mr. EHRLICH, and Mrs. CUBIN.

H.R. 4204: Mr. BARR of Georgia.

H.R. 4207: Mr. KIND, Mr. BARRETT of Nebraska, Ms. SCHAKOWSKY, Mr. LAFALCE, Ms. ESHOO, Mr. VENTO, and Mr. GREEN of Texas.

H.R. 4211: Mr. WEINER and Mr. EVANS.

H.R. 4213: Mr. MORAN of Virginia, Mr. BURR of North Carolina, Mr. LIPINSKI, Mr. TRAFICANT, and Mr. EWING.

H.R. 4214: Mr. FOLEY and Mr. BARTLETT of Maryland.

H.R. 4215: Mr. ISTOOK, Mr. MORAN of Kansas, and Mr. STUMP.

H.R. 4219: Mr. SOUDER, Mr. PHELPS, Mr. DEMINT, and Mr. LOBIONDO.

H.R. 4223: Mr. VITTER.

H.R. 4245: Mr. FOLEY, Mr. BARTLETT of Maryland, and Mr. WELDON of Pennsylvania.

H.R. 4248: Mr. BARR of Georgia and Mr. LEWIS of Kentucky.

H.R. 4259: Mr. HORN.

H.R. 4260: Mr. GUTKNECHT and Mr. MINGE.

H.J. Res. 53: Mr. GRAHAM and Mr. GARY MILLER of California.

H.J. Res. 98: Mr. TERRY and Mr. SPENCE.

H. Con. Res. 62: Mr. LATHAM, Mrs. WILSON, and Mr. FORBES.

H. Con. Res. 220: Mr. CUMMINGS.

H. Con. Res. 252: Mr. SKEEN, Mr. WELLER, Mr. PHELPS, Mr. WHITFIELD, Mr. LUCAS of Kentucky, Mr. SAWYER, Mr. PASTOR, Mr. EHRLICH, Mr. WYNN, Mr. WEXLER, and Mr. BOEHLERT.

H. Con. Res. 256: Mr. BLAGOJEVICH.

H. Con. Res. 259: Mr. ALLEN.

H. Con. Res. 265: Mr. GUTIERREZ, Mr. BROWN of Ohio, Ms. SCHAKOWSKY, Ms. MILLENDER-MCDONALD, Mr. SHAYS, Mr. POMEROY, and Mr. ACKERMAN.

H. Con. Res. 271: Mr. NETHERCUTT.

H. Con. Res. 275: Mr. BERMAN, Mr. RAHALL, and Mr. SUNUNU.

H. Con. Res. 294: Mrs. MALONEY of New York, Mr. BILIRAKIS, Mr. BRADY of Pennsylvania, Ms. MCKINNEY, and Mr. CAMPBELL.

H. Con. Res. 304: Ms. JACKSON-LEE of Texas, Mr. BACA, Mr. CROWLEY, Mr. MASCARA, Mr. RUSH, Mr. CLYBURN, Ms. LOFGREN, Mr. TOWNS, Mr. SMITH of Washington, Mr. DAVIS of Illinois, Mr. SHERMAN, Mr. DAVIS of Florida, Mr. ROTHMAN, Mr. FALEOMAVAEGA, Mr. THOMPSON of Mississippi, Mr. JACKSON of Illinois, Mr. GREEN of Wisconsin, Mr. BILBRAY, Mr. BOEHNER, Mr. RAMSTAD, Mr. ETHERIDGE, Mr. MCGOVERN, Mr. TURNER, and Mr. INSLEE.

H. Con. Res. 305: Mr. SHIMKUS, Mr. BRYANT, Mr. FOSSELLA, Mr. STEARNS, Mr. WHITFIELD, Mr. GRAHAM, Mr. ISTOOK, Mr. HILLEARY, Mr. TANCREDO, Mr. WELLER, Mr. PAUL, Mr. SAM JOHNSON of Texas, Mr. JENKINS, Mr. SALMON, Mr. MANZULLO, MR. COX, Mr. CHABOT, Mr. BARTON of Texas, Mr. BLILEY, Mr. BURTON of Indiana, Mr. HALL of Texas, Mr. LUCAS of Oklahoma, Mr. HILL of Montana, Mr. WAMP, Mr. HOEKSTRA, Mr. HAYES, Mr. HANSEN, Mr. LINDER, Mr. EWING, Mr. SCARBOROUGH, Mr. ARMEY, Mr. SMITH of Michigan, Mr. HAYWORTH, Mr. GUTKNECHT, Mr. POMBO, Mr. KINGSTON, Mr. DUNCAN, Mr. HEFLEY, Mr. WATKINS, Mr. PICKERING, Mr. LEWIS of Kentucky, Mr. THUNE, Mr. HERGER, Mr. ENGLISH, Mr. MCCRERY, Mr. CAMP, Mr. CHAMBLISS, and Mr. NORWOOD.

H. Res. 107: Mr. DAVIS of Florida.

H. Res. 213: Mr. BARRETT of Nebraska and Mr. PETRI.

H. Res. 238: Mr. HULSHOF, Mr. WU, and Mr. RANGEL.

H. Res. 414: Ms. DEGETTE.

H. Res. 458: Mr. FRANKS of New Jersey, Mr. MCCRERY, Mr. MEEHAN, and Mr. SMITH of New Jersey.

H. Res. 462: Mr. PETRI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1283: Mr. TALENT.

H.R. 1396: Mr. BOUCHER.

H.R. 1824: Ms. KILPATRICK.

H.R. 3308: Mr. PICKERING.

SENATE—*Thursday, April 13, 2000*

The Senate met at 10:32 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, the Rev. Donald J. Harp, Jr., Peachtree Road United Methodist Church, Atlanta, GA.

We are glad to have you with us.

PRAYER

The guest Chaplain, the Rev. Donald J. Harp, Jr., offered the following prayer:

Let us pray.

O God, our help in ages past, our hope for years to come, for this land of beauty and plenty, we offer our words of thanksgiving. For elected leaders who place the good of all above the wishes of a few, we offer our words of thanksgiving. For our citizens who offer thoughtful words of affirmation versus random words of criticism, we offer words of thanksgiving. Intercede, O God, with Your wisdom, in the decisions of this body. Grant wisdom, compassion, and vision, that decisions shall be based on truth, honesty, and fairness for all of our citizens. Bless, we pray, our executive branch, our Congress, and our judicial system with the gift of Your compassion for humanity as decisions are made. We pray in Thy Holy name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Georgia is recognized.

WELCOME TO REV. DON HARP

Mr. CLELAND. Mr. President, I am very honored to host Reverend Don Harp of Atlanta as the guest Chaplain in the Senate today.

Reverend Harp was born in Fayette County, GA, and graduated from Fayette County High School.

He attended Young Harris Junior College before receiving his BA degree from Huntingdon College in Montgomery, AL. Reverend Harp then went on to earn his masters degree in divinity from Emory University in Atlanta, and his doctorate from McCormick Theological Seminary in Chicago.

He has served on the Carrollton, Georgia City Council, Mayor Bill Campbell's Atlanta Advisory Committee, and the President's Advisory Council of Oglethorpe University.

He has received the Mary Mildred Sullivan Award from Brenau College in Gainesville, GA, and was a delegate to both the General and Southeastern Conferences of the United Methodist Church.

Reverend Harp has been a good friend and pillar of support for me over the years. As Tagore once said, ''Faith is the bird that feels the light and sings when the dawn is still dark.''

Reverend Harp taught me that faith in God sometimes requires strength, but God gives back that strength many times over.

I am proud to welcome my distinguished friend to the United States Senate today.

RECOGNITION OF ACTING MAJORITY LEADER

The PRESIDING OFFICER. The Senator from Idaho is recognized.

SCHEDULE

Mr. CRAPO. Mr. President, today the Senate will be in a period of morning business until 2 p.m. with the time until 12:30 p.m. for general statements and bill introductions. At 12:30 debate regarding the marriage tax penalty will occur prior to the cloture vote scheduled to occur at 2 p.m. Senators should be aware that if cloture is not invoked on the substitute, there will be a second cloture vote on the underlying measure. Therefore, there could be up to two votes at 2 p.m. Following the votes, the Senate is expected to consider the budget resolution conference report with a final vote expected this evening. I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m. with Senators permitted to speak therein for up to 5 minutes each. Under the previous order, the time between 10:30 and 10:45 a.m. shall be under the control of the Senator from Idaho, Mr. CRAPO, or his designee.

The Senator from Georgia.

MEASURE PLACED ON THE CALENDAR—H.R. 1838

Mr. CRAPO. Mr. President, I understand there is a bill due for its second reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1838) to assist in the enhancement of the security of Taiwan, and for other purposes.

Mr. CRAPO. I object to further proceedings on this bill at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

(The remarks of Mr. CRAPO and Mr. SMITH of New Hampshire pertaining to the introduction of S. 2417 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I ask unanimous consent that the time assigned to the Senator from Arkansas, Mr. HUTCHINSON, be given to me at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

FIGHTING DRUGS IN THE UNITED STATES

Mr. GREGG. Mr. President, I rise to speak about the issue of how we are fighting drugs in this country—specifically, the President's initiative relative to the country of Colombia in relation to our own initiatives on the southern border of our country.

I have the privilege to chair the committee that funds the INS, which includes the Border Patrol, DEA, the department of drug enforcement; and the judiciary. All three agencies, of course, of our Government have a significant role in the issue of drug enforcement and especially as it affects our southern border.

The President has asked for $1.6 billion of new money—he has asked for it in an emergency format—to be sent to the country of Colombia, in order for Colombia to fight drugs and the production of drugs. That may well be a reasonable request. I have reservations on its substance, but I also have serious reservations as to its appropriateness in the context of the drug war that we as a Nation face. The reason is simple. When the President sent a budget up to address the agencies that

are responsible in our Government to fight drugs, he did not fully fund their needs. He underfunded the needs of the Drug Enforcement Administration, DEA; he underfunded the needs of the INS and Border Patrol; he underfunded the needs of the judiciary, which enforces the law.

I have made a little chart here that reflects a comparison. The unfunded capital—I am talking about capital needs, one-time items, which involve the construction or technology and needs of these different agencies, the INS, DEA, and the judiciary. The unfunded requests of these agencies represented about $1.8 billion—a little bit more than $1.8 billion. Compare that with the fact that the President is willing to fund almost $800 million—million, not billion—of capital needs for Colombia.

Let's do a little review of this because I think it is important for people to understand what happened. Essentially, what the President is saying is that the capital needs of Colombia are more important than the needs of our own drug enforcement agencies here in the United States. For example, the President has requested 15 Huey helicopters for Colombia and 30 Blackhawk helicopters. They are the most advanced helicopters we have in our fleet. Thirty Blackhawk helicopters will cost approximately $388 million. Let me tell you, those 30 helicopters, along with the 15 Hueys, are going to go to Colombia.

Let me tell you what the Drug Enforcement Administration and the Border Patrol have to fly on our borders in order to interdict drugs. They fly old Vietnam-era helicopters. They aren't safe. In fact, many of them have been grounded. The Army, in fact, grounded almost all of its Hueys. But that is what we are left with.

DEA and INS have both requested aircraft in order to patrol the borders. Those requests were not funded by this administration. Yet the administration turns around and is willing to give 30 Blackhawk helicopters to Colombia. Who knows what will happen to those helicopters. Who knows how they will be used. But I can assure you that the first call, I believe, on new helicopters for the purposes of the drug war should have gone to the departments which fight the drug war in the United States and which need them.

Another example: Night vision goggles. We are going to send $2 million to Colombia to buy night vision goggles. Yet here in the United States, the Border Patrol and DEA are short on those materials. In fact, the Border Patrol is woefully short on night vision goggles, on pocket scopes, on fiber-optic scopes, on hand-held searchlights—all of these items the Border Patrol asked for and were not funded in this budget by the President.

Yet the President has been willing to find the money, or suggested that we should find the money, to send not only night vision goggles but ground-based radar systems, secure communications systems, signal intelligence gathering systems, computers, and installation of sensor sights for aircraft. All of these items they have suggested we send to Colombia.

In addition, they have suggested that we actually construct facilities for Colombia to the tune of approximately $49 million—physical buildings.

Let me tell you, both the INS and the DEA need physical facilities. In fact, the Border Patrol is functioning out of extraordinarily crowded facilities. Many of the Border Patrol stations are grossly overcrowded. There is one site which is designed for 5 people with 125 people working out of it. There is another site where the Border Patrol is working out of an old Tastee Freeze building. I guess you can use an old Tastee Freeze building. It is sort of hard to handcuff a drug dealer to a Tastee Freeze machine.

The fact is we do not have the facilities which we need in order to adequately enforce our laws relative to drug dealers coming across the borders and drugs coming across the borders. We don't have the facilities to detain those people.

There is a detention need of approximately $406 million. In other words, we need $406 million of construction in order to meet the potential detention needs for people illegally coming across the border, many of them drug dealers.

The judiciary has the same problem. There is a massive increase in the amount of caseload which the judiciary along the southern border has to handle. Five district courts on the southwest border now handle 26 percent of all the Federal criminal activity—26 percent of all the Federal criminal activity—and a great deal of that is drug related.

To put that in perspective, the remainder of the criminal activity in this country is handled by 89 other district courts. Five are handling 26 percent and 89 handle the rest. You can see how overworked those five courts are.

The border courts' basic caseload is four times that of the national average. Yet did the administration put money in to try to increase the capacity of those court systems to handle this wave of crime that is coming across the border, much of it drug-related? Absolutely not. There are no physical facilities in that area.

I put up another chart which is a little more stark explanation of some specific accounts.

For example, the aircraft needs along the southwest border, this is what was unfunded. This bar chart shows the unfunded needs for aircraft along our southwest border. This shows how much the administration is willing to spend for aircraft for Colombia. They are willing to spend three times what it would take in order to adequately monitor our own border with aircraft. They are willing to spend it in Colombia.

I have to say that I really doubt that aircraft in Colombia is going to end up doing the job. I do not know how it is going to be used. But I strongly suspect it is not going to be used very effectively if we look at the history of what has happened with our efforts outside this country in the area of crime enforcement. I suspect what we will end up with is some company in America making a heck of a lot of money because somebody will buy 30 Blackhawk helicopters and ship them to Colombia. That will be the end of it. That will be the last we hear of them.

But if the administration is willing to pay for the aircraft along the border, the use of those aircraft would be accountable to the American people. We would know whether those aircraft were being used correctly in law enforcement and drug enforcement. I can assure you that my experience with the Border Patrol and the DEA is they would be used correctly, and we would get a return for the dollars that are being spent.

It is not only in the capital areas that this administration has acted, in my opinion, with gross irresponsibility in their obligations to fight the drug war here in the United States, by funding the Colombian request but not funding the American needs, but more importantly, in the area of personnel and initiatives, it is really unbelievable. This administration is willing to spend $1.6 billion in Colombia, but they spent absolutely nothing in their budget on the methamphetamine initiative of the Drug Enforcement Administration. Nothing. The methamphetamine initiatives of DEA have been some of the most successful initiatives they have undertaken.

Talk to people in Colorado, Missouri, Minnesota, and all along the southwest border. They will tell you methamphetamine is the drug that is growing most rampantly. It is growing at the most dramatic rate. Its production is growing at the most dramatic rate.

Two years ago, the Congress set up 10 initiatives in the area of methamphetamine. They have been successful. Yet this administration has zeroed out for all intents and purposes any new initiative in methamphetamine, even though the DEA specifically requested of OMB—part of the administration—and said they needed 10 more initiatives in the area of methamphetamine. I think it was 10. But that was zeroed out by the White House while at the same time they are willing to spend $1.6 billion to buy planes for Colombia. It makes no sense.

We know that 85 percent of the methamphetamine that is being sold in Minnesota is smuggled in from Mexico. We

know that. We know, if we are going to stop that smuggling, that we are going to have to have a border enforcement capability that can identify it, track it, arrest it, and then prosecute it. But you can't do that if you are going to underfund the DEA, the INS, and the judiciary to such dramatic levels. But the White House has done exactly that. But who have they been willing to fund for initiatives in Colombia? That is not the only instance.

The Border Patrol was supposed to receive an increase of 1,000 people a year for 3 years. That is what the Congress asked this administration to do. That is what we actually funded—1,000 people for 3 years. This administration has refused to fill those slots. The administration has basically refused to fulfill its obligation to fill those slots. So the Border Patrol goes undermanned and in many instances underpaid. As I have already pointed out, the facilities and equipment it has are woefully inadequate.

The Border Patrol, obviously, does things other than just drug enforcement, but because the Mexican border is the primary vehicle and the Mexican cartels are the primary force behind the drug flow into the United States, the Border Patrol is constantly being drawn into the drug fight. Therefore, adequately funding the Border Patrol is critical to having an adequate drug enforcement policy in this country.

My point is simple and obvious. Before we send $1.6 billion to Colombia, before we send this money down there so they can have more planes, goggles, and radar sensors, how about funding the American needs in the area of drug enforcement? How about funding our own law enforcement community and our Judiciary so we can act adequately, interdict and fight drugs in the United States.

I believe this administration's priorities are skewed. I think this Congress has an obligation to take a hard look at the Colombian drug proposal when it comes here. In my opinion, we should reallocate significant amounts of those funds so we can appropriately fund and support DEA, INS, and the Judiciary.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, the time between 11 o'clock and 11:30 shall be under the control of the Senator from New Hampshire or his designee.

The Senator from New Hampshire is recognized.

HOLY SEE

Mr. SMITH of New Hampshire. Mr. President, first, I want to make my colleagues aware I have a resolution regarding the Holy See. This resolution would block any effort to remove or demean the nine-member permanent observer status at the United Nations held now by the Catholic Church. I want my colleagues and the American people to know this is being blocked from being heard by the other side of the aisle, which is a very interesting story considering the controversy on the House side regarding the Chaplain. It is interesting that this simple resolution that says we will not block or demean in any way the nine members of the permanent observer status at the United Nations by the Pope and the Catholic Church is being blocked on the other side of the aisle.

I want the American people to know I can't get this to the floor because of holds on this bill on the other side. When we hear the stories about who is anti-Catholic and who isn't, we ought to shine the light where the light should be shined.

ELIAN GONZALEZ

Mr. SMITH of New Hampshire. Mr. President, I want to pick up on a couple of points I made last night regarding Elian Gonzalez.

My colleagues need to understand today this young boy is going to be yanked from the arms of his family, literally, at the direction of Janet Reno, and placed on an airplane and taken God knows where—we are hearing maybe to Bethesda—where he meets with Juan Gonzalez in the confines of the Cuban control which is where this Cuban diplomat lives, or perhaps ultimately on an airplane and headed for Cuba. There are no restrictions. We don't know.

The speech I made on the floor last night I thought was very compelling regarding this situation. There is talk about how this young man is going to go back to his father. I will repeat briefly what I said last night. He is not going to go back to his father, if we let this young boy go back to Cuba. The Cuban diplomats have already said this young man is controlled by Cuba. He is a child of the state. He is a child of Cuba. He is not a child of Juan Gonzalez—only biologically. Beyond that, he is not the son of Juan Gonzalez; he is the son of Cuba.

We have a 6-year-old little boy who survived a terrible incident at sea, watching his mother drown. Her dying words literally were: Please get Elian to the shores of America. The two survivors told me that themselves because they saw her die, as did Elian.

Later they were separated and Elian floated for 3 days in an inner tube. When he was picked up by two fishermen, he was surrounded by dolphins. We know dolphins are a protection because sharks do not interfere with dolphins. He was being protected by the dolphins. He had no sunburn after 3 days at sea. He told me he saw the Virgin Mary while he was floating in this inner tube.

This is a very special little boy who had never been inside a church until he came to America. We now have said, the Justice Department has said, Janet Reno has said, this boy has no rights under the law. She is wrong. She has discretion under the law to send him back, but there is no law that says he must go back. I want to make that very clear.

I think the Senate should go on record, as tough as it is, and take a vote one way or the other, binding or nonbinding, but take a vote. Every Senator should let the American people know how they feel about this because Elian went through an awful lot—a lot more than most of us go through in our lifetimes. His mother died trying to get him to America, and we have now taken her rights away. She has no voice because she can't speak for herself. Perhaps ultimately in the custody court without the Justice Department would be the right way to resolve it. However, the Attorney General has chosen to be confrontational, as she did at Waco, and said he will be taken. She has made this statement over and over in the past several days.

I read the polls that say 61 percent of the American people say Elian Gonzalez should go back to his father. This is not about polling. There were no polls out there when Elian was floating around in the ocean in rough seas for 3 days.

I have met Elian Gonzalez and until yesterday I don't think Janet Reno had. He is a special boy. He is going to be Castro's main objective when he gets back to Cuba. This boy cannot succeed in saying good things about America to his classmates. This boy will go into a Communist education camp. He will be taken away from his father most of the time, probably 11 months out of 12, and he will be "reeducated." Fidel Castro himself has said this boy will be reeducated. He will be reeducated all right. Ask some of the Vietnamese who came out of Vietnam what a reeducation camp is and ask some of the Cuban American community today what it is like in Cuba and why thousands have come here and thousands more have died trying to get here.

Now because little Elian's mother drowned, he has no rights. I thought this was America. But I guess it isn't anymore.

I want everybody to understand what happens to Elian Gonzalez. We hear about Fidel Castro. You would think he loved this little boy and would want to get the little boy back to his father. "That is all I want," says Fidel.

I will close on this point: On July 13, 1994, 72 Cuban men, women, and children boarded a tugboat called the *13 de Marzo* and they set sail, hopefully, they thought, to freedom in the United States. Three hours later, 32 of them would be forced back to Cuba and imprisoned and another 40—23 children among them—would be killed by the Cuban goon squads of Fidel Castro.

Do you know how it happened? I will tell you how it happened. We got this firsthand from the survivors: Two Government firefighting boats pummeled the helpless passengers, who were unarmed, with water from high-pressure firehoses 7 miles off the coast of Cuba. The passengers repeatedly attempted to surrender to Government officials, going so far as to hold their children in their arms up like this, saying: Please, these are my children, stop, stop.

But the Cuban Coast Guard was relentless. The firehoses were enormous. Survivors said children were sprayed from the arms of their mothers into the ocean waters. Other children were simply swept off the deck by the firehoses and drowned in the sea. Desperate to protect their children, some of the mothers went down below deck with their children. What did they get for that? The Cuban Coast Guard rammed their vessel again and again and sank it with these people in the hold.

Here is a picture of a little girl, Caridad Leyva Tacoronte, 4 years old. She was one of those children.

If Castro's goons could have caught that boat, they would have done the same thing to Elian Gonzalez.

So I don't want to hear any more of this talk about how this is going to be the nicest thing for Elian, to go back to his wonderful little home in Cuba and live happily ever after with his dad because that is a bunch of pure, unadulterated garbage. Let's face reality. If the Senate does not have the courage to stand up and vote and be on record against that, then what do we stand for? What do we stand for?

Here is another one, Angel Rene Abreu Ruiz, 3 years old, sprayed from the arms of her mother by a high-pressure firehose and drowned in the ocean before her mother's eyes.

Elian did not get caught, so Castro did not kill him. He made it to the ocean. The ocean, though, took the lives of his fellow passengers, all but two. One other couple and Elian survived. His mother died.

So rather than send this to a custody court—I am not asking anybody to make a decision on where Elian should go. All my resolution does, that I have been trying to get a vote on now for a month and a half, is it gives permanent residency status to Elian, to his father, to his father's current wife, and to his child, to Elian's two grandmothers and grandfather—all the family. It lets them come here free of Castro, sit down as a family, talk with the Miami relatives, and decide how little Elian's fate should be resolved. That is all I am asking.

But, oh, no, we cannot do that because Janet Reno and Fidel Castro have decided the kid has to go back to Cuba. I want everybody in America to know what is going to happen. I promise you, this is the kind of stuff that happens in Cuba. He is going to go into a little reeducation camp, and he is going to learn all about communism, and we are going to make mighty sure, in Cuba, that he does not tell his classmates about Disney World or anything else nice that happened here in America. He is not going to let that happen. So he is a special little boy, all right, to Fidel Castro.

When I hear all this stuff about this nice little happy relationship with Juan Gonzalez, his father—where has his father been for 4 months? Has anybody stopped him from going to Miami and sitting down with the family and talking this out? Yes. Fidel Castro has stopped him.

Do you know where Mr. Gonzalez' mother is right now? She is under house arrest in Cuba so she cannot move freely. Let's get real here. That is where she is. He is afraid to say anything because he fears for his mother's life. He has his wife and child here but he doesn't have his mother here.

What a tragedy this is, that this little boy, who survived all of this, is now going to be forced back and he has nothing to say about it. I am never going to forget, as long as I live, no matter what happens, that little boy looking me in the eye about 2 months ago, 3 months ago, and saying: Senor, ayudame, por favor—help me, please. I don't want to go back to Cuba.

I asked him: Elian, don't you want to see your father?

He said: Si, senor—yes, but I want my father to come here to America because that is what my mother wanted.

Frankly, that is what his father wanted, too, but he can't say it. His father knew Elian was coming. He spoke to the hospital the night Elian was rescued and he was in the hospital. The father spoke to the doctors and to the family and thanked the family and the doctors for taking care of him and said, ''I'll see you soon.'' But, oh, no. Then comes the Attorney General blundering into this thing: Oh, no, this is an immigration matter.

Do you think he came in here by yacht?

Once again, I plead with my colleagues, whoever the powers that be are around here: Bring this thing to a vote today before 2 o'clock. Don't block it. Bring it to the floor and allow us to be recorded so the American people will know where we stood on a matter as important as this.

VOLUNTARY MEDICARE PRESCRIPTION DRUG PLAN ACT OF 2000

Mr. SMITH of New Hampshire. Mr. President, I would like to talk a bit about The Voluntary Medicare Prescription Drug Plan Act of 2000—S. 2319.

This bill allows seniors to enroll in a new program under Medicare which will provide for prescription drug coverage without increasing Medicare premiums or costing the Federal Government one penny.

This is an issue about which, as you know, many seniors are very concerned.

The Senate unanimously approved a sense-of-the-Senate amendment on the budget resolution offered by myself, Senator ALLARD, and Senator DOMENICI.

This sense-of-the-Senate is very simple. First of all, under the plan the Senate Democrats are committed to passing this year, there are six basic principles.

I agree with them all.

No. 1, it is voluntary.

I agree with this. If the senior doesn't want it, he or she should not have to take it.

No. 2, it is accessible to all Medicare beneficiaries.

I agree with that. A hallmark of Medicare is that all beneficiaries, even those in rural or underserved communities, have access to dependable health care. It should be accessible to everybody. The Smith-Allard plan is fully accessible for all beneficiaries.

No. 3, it is designed to provide meaningful protection and bargaining power for Medicare beneficiaries in obtaining prescription drugs.

A Medicare drug benefit should assist seniors with the high cost of drugs and protect them against excessive, out-of-pocket expenses. I agree with that.

No. 4, it is affordable for all Medicare beneficiaries and for the Medicare program.

It should be affordable to all beneficiaries, and it should be affordable to the Medicare program itself. The Smith-Allard bill is free. Free to all beneficiaries, free to the trust fund. If free qualifies as affordable, I think we are there.

No. 5, it is administered using private sector entities and competitive purchasing techniques.

The management of the prescription drug benefit should mirror the practices employed by private insurers. Discounts should be achieved through competition, not through price controls or regulation.

We are five for five.

No. 6, it is consistent with broader Medicare reform.

None of the plans that I know of are consistent with this principle because they all cost the taxpayers of America in the upwards of $40 billion dollars. And that's just to start. The President's plan is looking at an additional $203 billion.

Medicare will face the same demographic strain as Social Security when the baby boomer generation retires. We need to save Medicare, not add more of a financial burden to it.

So, these six principles I have listed are principles I totally support. They are principles that the Smith-Allard plan meets.

But we added three new principles: The plan should be revenue neutral; not increase Medicare beneficiary premiums; and provide full coverage in 2001.

These three principles enhance and strengthen those put forth by my colleagues on the other side of the aisle.

Let me briefly explain how my new legislation works:

Medicare part A—under the old system, the current system—has a $776 deductible.

Medicare part B has a $100 deductible. In other words, if you go to the doctor, the first $100 you pay for; if you go to the hospital, the first $776 you pay for; the rest, Medicare pays. That is total of $876 you will have to pay.

My new plan would create one new deductible, combining those two deductibles of part A and part B into one deductible of $675, which would apply to all hospital costs, all doctor visits, and prescription drugs—50 cents on the dollar up to $5,000.

And the prescription drug costs apply to the deductible, so every dollar you pay for a prescription moves you forward to meet the deductible.

Once the $675 deductible is met by the Medicare recipient, Medicare then will pay 50 percent of the cost toward the first $5,000 worth of drugs the senior purchases.

However, the senior could not purchase a Medigap plan that would pay for the $675 deductible. This must be paid for by the senior. But if you have a Medigap plan now as a senior, you will not need it.

As a result, seniors would save about $550 under Medigap plans if they traded their current Medigap plan for my new prescription drug plan.

Again, it is their option. It is voluntary. Seniors could even use their $550 in savings to pay the $675 deductible.

If you are a senior out there, and you have part A, part B, and you are paying $675 toward the deductible, and you have Medigap insurance of $550, you now can put the $550 toward the $675 to meet your deductible. So you are going to have $550 in savings. You can put that toward the $675, and you are already two-thirds of the way there.

But how do you get the cost savings?

As my colleagues are aware, according to the National Bipartisan Commission on the Future of Medicare, the Federal Government pays about $1,400 more per senior if the senior owns a Medigap plan that covers their part A and part B deductible.

The savings result because Medicare will not have to pay this $1,400 per person per year out of the trust fund.

As I mentioned, all hospital, physician, and prescription drug costs would count toward this $675 deductible. Once it was met, the senior would receive regular, above-the-deductible Medicare coverage, just as you get now. Or if you worked out the numbers and decided against my plan, then you would not have to select it; it is your choice.

I have spoken to senior groups and health care providers, both in Washington as well as in my State over the past several weeks, about this proposal. The response has been very enthusiastic.

Seniors want a prescription drug benefit. Doctors and nurses understand the importance of providing coverage for seniors because of the expense of prescription drugs in this country.

It would be a victory for seniors and for health care in this country if we could provide this coverage to them.

In a recent press conference, President Clinton and Senator DASCHLE outlined their goals for prescription drug coverage.

Leaving the politics aside, the fact that elected leaders from both parties are looking at this issue of prescription drug coverage is good news for the senior citizens of America.

I have talked with several of my Republican colleagues, and it is clear to me there is overwhelming support for allowing seniors to have this choice. The only question among us all is how we can responsibly structure such a program.

I heave heard from seniors in my State about what they are looking for in a prescription drug plan.

First, they are concerned about the solvency of the Medicare program. They want a program that does not add some huge financial burden to the trust fund which will be passed on to their grandchildren.

Second, they do not want to increase the national debt, either. Yes, seniors are concerned about the national debt. Ask them the next time you speak to a seniors group.

Third, seniors do not want new premiums. My plan requires no premium hike for seniors—zero.

As I have previously stated, the guiding principles of this plan, which may come as a shock to some of my colleagues on the other side of the aisle, are the same principles as those of the President and the distinguished minority leader for any prescription drug plan.

I believe the vast majority of seniors will benefit from this plan. In fact, every senior with a Medigap plan will definitely benefit.

Any senior with a prescription drug expenditure of more than $15 a month will benefit. Today, the Medicare part A and part B deductible totals $876, which most seniors cover by an average $1,611 Medigap insurance premium.

Let me go through some charts that will help explain how the plan works.

First, it is budget neutral.

It is ironic to see the direction in which the Medicare reform debate is headed.

Do my colleagues remember what started these discussions about Medicare reform?

It was the fact that the program was going broke.

So why would we support reforms that cost the program billions more in spending and further increase its insolvency?

I want to support Medicare reform that preserves the integrity of the program, not some sham reform that adds new financial burdens we will not be able to sustain.

For those of you who are skeptical that these numbers can work, let me say right off that I am not an actuary. I know budgets, but these are vast actuarial calculations we are talking about.

So, I wrote a letter to someone who I feel is in a unique position to make an unbiased assessment of this plan. His name is Guy King, and he was the Chief Actuary at the Health Care Financing Administration

Here is the letter he sent me.

I ask unanimous consent that this letter and a letter from Mark Litow, an actuary from the firm of Milliman and Robertson, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

KING ASSOCIATES,
Annapolis, MD, March 28, 2000.

Hon. BOB SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: This is in response to your letter of March 9, 2000 asking for my analysis of legislation you intend to introduce in the Senate. The proposed legislation establishes a voluntary prescription drug benefit, the Medicare Prescription Drug Plan, under the Medicare program.

Under the Medicare Prescription Drug Plan, the current Part A and Part B deductibles would be replaced by a single deductible of $675 which would also be applicable to the new prescription drug benefit. The Medicare program would pay fifty percent of the cost of prescription drugs, up to a maximum of $2,500 after satisfaction of the deductible. A beneficiary who chooses the Medicare Prescription Drug Plan would not be allowed to purchase a Medicare supplement policy that fills in the $675 deductible, so special Medicare supplement policies for those who choose the option would be allowed.

The Medicare Prescription Drug Plan would be available, on a voluntary basis, to any Medicare beneficiary not also covered by Medicaid. The possibility of anti-selection is an important consideration for a plan that is available to all Medicare beneficiaries as an option. I believe that the design features of the Medicare Prescription Drug Plan, as outlined in your legislation, minimize the impact of anti-selection.

As you requested, I performed an analysis of the proposed legislation. This analysis is based on Medicare and prescription drug data that I obtained from the Health Care Financing Administration (HCFA). My analysis indicates that the Medicare prescription Drug Plan, as described above, would be cost-neutral to the Medicare program if it were made available on a voluntary basis to all beneficiaries except those also covered by Medicaid.

If you should have any questions regarding my analysis, please don't hesitate to call.

Sincerely,

ROLAND E. (GUY) KING, F.S.A., M.A.A.A.

MILLIMAN & ROBERTSON, INC.,
Brookfield, WI, March 29, 2000.

Hon. Senator ROBERT C. SMITH,
Dirksen Building, Washington, DC.

Re: Medicare Alternative Including Prescription Drug Coverage.

DEAR SENATOR SMITH: At your request, we have analyzed the impact of creating a new option for the Medicare population that would provide coverage for prescription drugs. This option would allow most non-Medicaid aged and disabled Medicare beneficiaries, including those who are institutionalized but not covered under Medicaid and those with end stage renal disease (ESRD), a choice between traditional Medicare coverage and a new form of Medicare coverage referred to as the Prescription Plan. If the individual chooses the prescription plan, the deductible applies across all benefits (Part A, Part B, and drugs). Coinsurance still remains as currently exists under Parts A and B after deductibles, although the Part A extended benefit is available as an option, and prescription drugs have their own coinsurance levels as specified. If the individual chooses to remain under traditional Medicare, no prescription drug coverage is available.

The key components of the Prescription Plan option are:

The Prescription Plan has an aggregate deductible of $675 for the year 2000 across all benefits. Coinsurance for Parts A and B above the deductible are consistent with Medicare today, except as noted in the following bullet. Coinsurance for drugs is 50/50 on the next $5,000 above the deductible, with no coverage thereafter, so that the plan's maximum prescription drug benefit is $2,500.

Individuals have the option to pay an additional premium to Medicare under the Prescription Plan of $21 per year ($1.75 per month) that would provide full coverage of hospital claims for days 61 to 90 plus Lifetime Reserve Days. Currently, Medicare only covers a portion of the cost for days 61 to 90 and Lifetime Reserve Days.

People can purchase a new Medicare Supplement plan to cover their out-of-pocket costs above the deductible. Under this scenario, premiums for the current Plan F (which exclude prescription drugs) are expected to decrease by roughly $550 per year on average. Coverage below the aggregate deductible is not permitted.

People choosing to be covered under traditional Medicare will have exactly the same benefits they have today under Medicare. We believe the choice of current Medicare versus the Prescription Plan is reasonably balanced so that a relatively equal mix of healthy and less healthy individuals will select current Medicare and the Prescription Plan. Therefore, we do not anticipate significant amounts of adverse selection with this choice.

The offering of Prescription Plan along side traditional Medicare is estimated to be revenue neutral to Medicare. In other words, the Prescription Plan allows individuals access to prescription drug coverage at no additional cost to the Federal Government. Election of the option results in no change to the Part A and/or Part B premium, as applicable.

This system allows individuals two opportunities to change options. The first is at their initial time of eligibility for this program. The second is at the beginning of any year that is at least four years after their initial option. In both cases, the move can be made without evidence of insurability.

Estimates of the aggregate deductible are based on our best set of assumptions. A wide range of reasonable assumptions exist that could either increase or decrease these values.

A number of data sources and assumptions have been used in our analysis. These include:

The benefit design is applicable to the non-Medicaid aged, disabled, and ESRD populations. The only population not covered under this plan is that covered by Medicaid.

We estimate the Prescription Plan will result in an aggregate decrease in utilization of approximately 5%. However, we expect that the utilization savings will occur if and only if the aggregate deductible cannot be covered under any supplemental insurance plan.

We have assumed no price discounts on prescription drugs.

We have assumed that the choice between current Medicare and the Prescription Plan is fairly equal. The reason is that the higher deductible for Part B services will attract healthier people under the Prescription Plan, while the drug benefit will attract less healthy individuals. Given the magnitude of the Part B benefit and the drug benefit included in the Prescription Plan, we are unable to discern a tendency for people in a certain health status to have a greater inclination for current Medicare or the Prescription Plan than would people in a different health status.

All estimates above are based on calendar year 2000 levels, and should be properly adjusted for healthcare inflation in years beyond 2000. We have not made any adjustments for the new Hospital Outpatient Prospective Payment System which is expected to take effect in early calendar year 2000. Our analysis is based on the current Medicare payment system in Part B services. Since Part B services and prescription drugs would now be included, the trend rate applied to the deductible in future years is critical to controlling the cost of Medicare.

Cost and distributions of costs are based on the 1999 Milliman & Robertson, Inc. Health Cost Guidelines Ages 65 and Over. These Guidelines are based on an extensive analysis of various data sets, including Medicare data.

The following caveats apply to our estimates:

1. The values included are estimates only. Actual results may be better or worse than anticipated and could vary from anticipated results. Thus, actual experience should be monitored closely and revisions made as necessary to maintain revenue neutrality and other objectives.

2. This letter assumes the reader is familiar with the Medicare program and should be reviewed in its entirety. Since our conclusions reflect assumptions specific to the Medicare program, they may not be appropriate from other situations. This letter is intended for distribution for all who request, and therefore should be used in its entirety. The results and assumptions may be misinterpreted if taken out of context. As such, portions of this letter should not be excerpted.

3. The opinions in this letter are those of the author and do not necessarily reflect the options of others in Milliman & Robertson, Inc. (M&R). M&R does not take any position on specific health care reform proposals. There is uncertainty associated with some assumption underlying this analysis. Changes in the assumptions may have a material impact on this proposal. Actual experience may vary from the results projected in this letter.

This letter is a revision of an earlier letter dated September 22, 1999. The assumptions supporting that document were tested independently by Guy King of King Associates. The changes made to that analysis are relatively modest, but we have not as yet asked Guy King for his comments on these changes. A copy of Mr. King's work to date was attached to our September 22, 1999 letter.

If you have any questions or need additional information, please call.

Sincerely,

MARK E. LITOW, F.S.A,
Consulting Actuary.

Mr. SMITH of New Hampshire. There it is, folks. It's revenue neutral.

Let me talk about the premium issue, because this I believe is the most explosive political side of this.

Seniors watch their budgets closely. If you try to sock them with a new premium, they will not be happy.

Let me remind my colleagues what happened the last time we tried to slap new premiums on seniors.

This picture is an incident that occurred when seniors who were angry with the enactment of the so-called Catastrophic Act assaulted Congressman Rostenkowski's car.

Congressman Rostenkowski wrote the legislation which increased premiums on certain seniors.

It would be a grave mistake to interpret seniors' desire for prescription drug coverage as a call for new higher premiums.

It would also be a huge mistake to think that there is any need for such premiums.

Let me show you how my plan compares with the Administration's plan as far as premiums and benefits.

This chart shows that the Clinton plan's benefits do not even start until 2003, and the benefits are not fully effective until 2009.

These premiums are just the new added government premiums. They do not count other premiums such as Medigap.

I ask unanimous consent that this chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Year	Monthly premiums		Maximum annual benefits (50%)	
	Clinton	Smith-Allard	Clinton	Smith-Allard
2001	0	0	0	$5,000
2002	0	0	0	5,000
2003	$26	0	$2,000	5,000
2004	30	0	2,500	5,000
2005	34	0	3,000	5,000
2006	38	0	3,500	5,000
2007	42	0	4,000	5,000
2008	46	0	4,500	5,000
2009	51	0	5,000	5,000

Mr. SMITH of New Hampshire. This chart shows all the premiums seniors

would pay. As you can see the drug premium is nothing. If a senior has Medigap, premiums substantially decrease from current law under Smith-Allard. Under the administration plan, they stay the same—averaging $230.75 per month. So, if you compare all premiums, a senior would save an average of $96.83 per month.

I ask unanimous consent that this chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MONTHLY PREMIUMS

	Clinton	Smith-Allard
Drugs	$51.00	0
Part B	45.50	45.50
Medigap	134.25	88.42
Total	230.75	133.92
Smith-Allard Premium Savings		96.83

Mr. SMITH of New Hampshire. Some might say this is not much money. But let's take a look.

What could a senior do with $96.83 each month?

You can see that this is a lot of money when you think of how it would impact other expenses seniors have.

These numbers come from the Bureau of Labor Statistics Consumer Expenditure Surveys.

Finally, Mr. President, we will look at annual deductibles.

Smith-Allard combines the hospital, medical, and drug benefits into a single deductible.

Because seniors spend an average of $670 per year, they would just about reach the full hospital and medical deductible with just drug expenses.

Under the Clinton plan, drugs don't count toward the deductible, so even though seniors would have a 50 percent drug benefit, they would not be paying down their deductible.

I have talked about this plan with seniors, and they understand this concept. They love it.

I ask unanimous consent that these charts be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SMITH-ALLARD

Saves seniors $96.83 in monthly premiums. What could a senior do with $96.83 each month?

PRESCRIPTION DRUGS

Seniors average $55 per month on drugs.

The premium savings alone would pay for all their drugs twice.

FOOD

Seniors spend $235 per month on groceries. Premium savings pay for nearly half.

Seniors spend $99 per month going out to eat. Premiums savings pay for nearly all dining out.

ENTERTAINMENT

Seniors spend $87 per month on entertainment. Premium savings pay for all entertainment.

TAXES

Seniors spend $93 per month on Federal, State, and other taxes. Premium savings pay for all taxes.

ANNUAL DEDUCTIBLES

	Clinton	Smith-Allard
Part A	$776	
Part B	100	$675 combined.
Drugs	0	
Total deductibles	876	675

Mr. SMITH of New Hampshire. Let me just conclude speaking on this bill by saying that the benefits in this plan are delivered by private companies and regional entities, such as pharmaceutical benefit managers. These entities would negotiate with large drug companies and provide the drugs to Medicare seniors.

In addition, according to the actuaries who reviewed the legislation, there will be no adverse selection. Both the healthy and the sick will have an incentive to choose this plan. Everybody is in.

There are many different methods of providing prescription drug coverage for seniors, but I urge my colleagues—I plead with my colleagues—to look to the revenue-neutral methods that fund this benefit by the elimination of waste in the present system. I urge my colleagues to resist the temptation to raise Medicare premiums on the people who can least afford it.

I have vivid memories of seniors rocking Mr. Rostenkowski's car a few years ago when he decided to raise Medicare premiums. Let's look at it more specifically. The House's fiscal year 2001 budget—this is important—sets $40 billion aside for prescription drugs.

In the Senate, we are expected to do a budget that is going to set aside $20 billion now for prescription drugs, and $20 billion later.

We don't need either under my plan. We don't need any more money. We don't need $20 billion. We don't need $40 billion. We don't need $2 billion.

Let's use the money for debt reduction or tax credits for the uninsured rather than providing for prescription drugs. Let's use my revenue-neutral prescription plan instead.

I urge my colleagues to take a look at this approach. It provides prescription drugs in a way that will meet seniors' needs without hiking their premiums or adding more burden to the Federal treasury.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Nevada, Mr. REID, is recognized to speak for up to 20 minutes.

INDEPENDENT COUNSEL

Mr. REID. Mr. President, this past Tuesday, the Washington Post carried a story reporting that Independent Counsel Robert Ray, a lawyer who was trained in prosecutorial ethics by Rudolph Giuliani and who took over the special prosecutor duties from Ken Starr, is planning on continuing and even expanding his investigation of President Clinton. Mr. Ray has hired six new prosecutors and another investigator and plans to increase spending over the next 6 months by $3.5 million. Under this plan, he is seriously considering indicting the President after he leaves office for a number of things. He includes perjury, obstruction of justice, making false statements, and even conspiracy.

When I read this story, to say the least, I was surprised. One year ago, I stood in this Chamber at this same seat during the impeachment trial of the President of the United States and compared what was happening then to literature. I can no longer make that comparison because what is happening here is too outlandish and unbelievable to qualify anymore as literature. Every great story has an ending. Every play has a denouement.

This investigation has already lasted 6 years. It has cost Nevada taxpayers and the taxpayers of this country more than $52 million, not counting the money this new prosecutor wants to spend in the next 6 months.

More than the length of this proceeding, more than the cost of this proceeding, this story has crossed the line from Kafka to ''The Twilight Zone.'' It has drifted from prosecutorial intemperance to the brink of lunacy.

A number of years ago, the very articulate, brilliant Supreme Court Justice Antonin Scalia criticized the independent counsel statute. He pointed out that with the typical criminal case, the prosecutor starts with a crime and then looks for the perpetrator.

But with an independent counsel, the prosecutor starts with a suspect and searches to find a crime—any crime—to charge him or her with. Once placed in office, the prosecutor has built-in pressure to bring a charge rather than exonerate his target in order to justify his very existence; and in this instance, the tens of millions of dollars already spent. There is no more perfect example to what Justice Scalia was talking about than this so-called case.

Let's trace the confused and wandering thread of this narrative. This all began with the 20-year-old land deal called Whitewater—an Arkansas land deal 1,500 miles from here. The special prosecutor spent millions of dollars. Nothing turned up. But he kept going. He put a woman by the name of Susan McDougal in jail for 2 years, even though she had committed no crime. There is no debate about that. And she had never been convicted in a court of law. There is no debate about that.

Why? He wanted her to change her testimony and implicate the President and the people at the White House.

She would not do that. She went to jail. Eventually, after an innocent person, who had never been accused of a crime, had languished in jail for years, he gave up on Whitewater. He, the prosecutor, gave up on Whitewater, but he did not give up on looking for something on the White House.

First, he investigated the unfortunate death of Vince Foster and reached the same conclusion other investigators had already reached. It was a suicide.

I am personally resentful of what the prosecutor did in this instance. What he put the Foster family through is untoward, unfair, and immoral. My father committed suicide. It is very difficult for a family to go through a suicide.

Vince Foster was a good man. No one ever disputed that. He was despondent. He killed himself. That should have ended it. But no, what Starr wanted to do was to bring in all these conspiratorial theories that the President had had him killed.

Can you imagine that? One of the President's best friends, and he not only drags the President through this, but he also drags the Foster family through this.

This not only was immoral, in my opinion, but it cost millions of dollars. What did he get to show for it? Nothing. Then this prosecutor—persecutor, some would call him—took a look at the 1993 firings at the White House Travel Office, and reached the same conclusion that other investigators had reached. There was nothing there. Millions of dollars more, and nothing to show for it.

Then he took a look at a deposition in a civil suit brought by Paula Jones. That suit was dismissed by a Federal judge. But no matter, the prosecutor hired to look at a land deal had struck gold with a lie about a sex act in a case that was dismissed. He latched on to it, and refused to let go.

It did not matter that he did not have jurisdiction over this issue. He created jurisdiction by filing a statement with the Attorney General of the United States asserting the case had fallen into his lap by accident, when in fact there was credible evidence, sound evidence, that his staff had been in close contact with Paula Jones' lawyers from the very beginning and had worked with them and fed them information.

This is supposedly an unbiased prosecutor. He was obviously so excited about what he had found that he began leaking information to the press in violation of Federal law and Justice Department regulations. The court appointed an investigator to investigate the investigator. But no matter, he had found something that he could use to justify the millions of dollars he was spending, and he was not about to give it up.

His investigators questioned Monica Lewinsky alone in a hotel room. Can you imagine the audacity of this young woman asking for a lawyer? She asked for a lawyer. They denied her request. They would not let legal niceties get in their way.

A first-year law student knows a person being investigated for a crime is entitled to a lawyer. But not Ken Starr's minions.

The main evidence he had in this case were the tapes, the surreptitious tapes made by one Linda Tripp, who has been charged criminally by a Maryland grand jury for wiretapping. It did not matter that the tapes were made illegally. He was going to use them anyway. He kept on going. Still not enough.

When Monica Lewinsky would not cooperate with his probe, he dragged her parents before the grand jury. He subpoenaed bookstores to find out what kind of books they were buying and reading. The public was appalled. I was appalled. But he was still going to go ahead. Still not enough.

After investigating for a year, the independent counsel released a report to Congress that was embarrassing in its sexual explicitness and even more embarrassing in its biased reporting of the facts.

Monica Lewinsky said she had never been asked to lie and was never promised a job. But Prosecutor Starr never mentioned this once in the hundreds of pages of his report. It was so biased and so one sided that this, among other things, turned the public against the independent counsel and his unethical practices and unethical tactics. But no matter, he kept on going. Still not enough.

The House of Representatives voted to impeach on a straight party-line vote. This body, the Senate of the United States, voted on a bipartisan basis not to convict the President on any charge. Democrats and Republicans, listening to the evidence, voted not to convict.

The Congress of the United States then decided not to renew this awful law that authorized the independent counsel. I always opposed it. The law died last summer. And rightfully so. For 200 years, the Justice Department has done a good job. Over time, with the independent counsel we have had some real travesties. During the Reagan administration, what was done to that President by the independent counsel was wrong. We could go through other examples.

But even though the law died last summer, and it should have stopped there, it did not. Still, Starr had not had enough.

After failing to convict the President, in one last, desperate grab at the glory that he thought had escaped him, Starr focused the power of his office on a story told by a person by the name of Kathleen Willey—a story of an alleged touch that was completely irrelevant to his mandate.

Remember—Whitewater, Arkansas, 1,500 miles away.

When a friend of Ms. Willey, named Julie Hyatt Steele, dared to contradict the story, in effect, saying that Kathleen Willey was lying—how could she dare do such a thing?—Starr indicted her for perjury. And not only that—she could probably handle the perjury charge, which was so baseless—he threatened to have her children taken away from her. Who are these children? This good woman adopted orphans from Romania; and he threatened to send them back to Romania. What a guy—an innocent woman and her orphan-adopted children. These are the trophies that special prosecutor Ken Starr had to show for all of his efforts and all the pain he had caused. But, no, still not enough.

Our weary Nation was thankful when Starr began scaling down his investigation and, in October, finally resigned.

I thought that was the end of the story. Most Americans thought that was the end of the story. But surprisingly, apparently, shockingly, it is not the end. Still not enough.

The lynch mob, though, now has a new leader, one who is willing to prejudge the facts and unbalance the law in the spirit of his mentor, Rudy Giuliani, and, of course, his predecessor, Ken Starr. The new mob leader is Robert Ray. Apparently, he is not going to let the acquittal by this body, or the resignation of his predecessor, or the expiration of the statute under which he supposedly is acting, stand in his way. Still not enough.

This is a long, sad, and sordid story that should have ended long ago. The Office of the Independent Counsel has repeatedly stepped over the line of decency in its quest to find something—anything—on the President.

Now, the new special prosecutor says he is considering indicting the President after he leaves office next year. I say, enough is enough.

The President has been tried in this body. He has been acquitted. He suffered. His family suffered. His legacy is forever tarnished. He is deeply in debt to his lawyers. The Arkansas bar is considering withdrawing his license to practice law. He has not gone unpunished. Apparently, that is not enough for Mr. Ray; still, not enough.

In primitive legal systems, such as those of Communist countries and other totalitarian dictatorships, every minor technical violation of the law is met with the full force and fury of the government. Police are to be feared. But the greatness of our legal system is that it recognizes that because human beings are frail and fall short of perfection, mercy must season justice. At its heart, criminal law and the prosecutors charged with enforcing it exist to serve and protect the public. Our legal system contemplates discretion. Not every violation of the law should

be pursued to the fullest extent because not every crime is the same. The decision not to prosecute or not to bring certain charges is as much of a prosecutor's job as a decision to bring charges.

When the impeachment hearings began, I cosponsored a censure resolution that in lieu of impeachment proceedings would have specifically provided the President remain subject to criminal actions in a court of law, such as any other citizen. That resolution was opposed in this body by Senators who instead voted to go down the impeachment road.

I was a trial lawyer before I came here. I understand there are offers of settlement made and withdrawn. That was an offer of settlement that attempted to expedite things and not have the spectacle that took place in the Senate. But once it was decided that the proper legal course of action was to pursue the constitutional impeachment proceeding, the decision should have been final and binding. It was still not enough.

Even Ken Starr, the original prosecutor, is quoted in published reports as holding the belief that once the Senate acts on an impeachment vote, further criminal actions are totally inappropriate.

There is a concept in our system of justice known as double jeopardy. It applies here. That doctrine holds that there is a limit to what a Government prosecutor can do to a United States citizen. It recognizes that there comes a point where continued investigation crosses the line into inappropriate Government harassment. An investigation into the truth should not be allowed to become a vendetta against an individual. It does recognize that enough is enough.

Many of his critics suggest that the President does not have greater rights under the law than any other citizen of this country. I agree. That is true. But equally true is the fact that the President should not have fewer rights than any other citizen. What the President did should not be lightly or easily forgiven, but it should not be blown out of proportion either by an unrelenting, unfair, trophy-seeking prosecutor with an unlimited budget in search of a conviction that won't serve the cause of justice. This case has gone on far too long. Tens of millions of dollars, tragedy, embarrassment, double jeopardy—enough is enough.

It can best be summed up, Mr. President, by syndicated columnist Richard Cohen in today's Washington Post, printed in newspapers all over America, entitled, ''Independent Counsel Overkill'', which ends by saying:

Give it up, Bob. Your best way of serving the country is to close down your office, lock the door and put Clinton behind you.

The country already has.

Mr. President, I yield whatever time I have remaining to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator has 2½ minutes remaining. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I appreciate the yielding of time by the gentleman from Nevada. I ask unanimous consent to proceed as in morning business for 5 minutes, and following my remarks, Senator COLLINS of Maine be recognized to speak for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. JOHNSON and Ms. COLLINS pertaining to the introduction of S. 2419 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut, Mr. DODD, or his designee, is recognized to speak for up to 30 minutes.

ASSISTING COLOMBIA IN FIGHTING DRUG TRAFFICKING

Mr. DODD. Mr. President, I anticipate the arrival of several other colleagues who may wish to speak on the same subject matter.

Yesterday, members of the Senate Committee on Foreign Relations, and other interested Members of this body, had the opportunity to meet with the President of Colombia, His Excellency Andres Pastrana, during his visit to Washington. It was an extremely informative meeting. It was also apparent to all of us there that President Pastrana was terribly disappointed that the Senate of the United States had not approved, or even scheduled, early consideration of President Clinton's emergency supplemental request for Colombia to fight the narcotrafficking problem in that nation, which contributes significantly to the deaths and hardships in our own nation.

It is no hidden fact that some 50,000 people die in this country every year from drug-related incidents. Ninety percent of the cocaine and a significant amount of the heroin that is consumed in this country comes from Colombia.

Colombia has been devastated over the years by narcotraffickers. They are committed to trying to win this conflict. The European Community stands ready to help. They have asked the United States—the largest consuming nation of the products grown in their country—to be a part of this effort.

The leadership in this body has seen fit to delay this action until the normal appropriations process. I am disappointed by that, Mr. President. This is no small issue. It is a scourge in our streets. Clearly, we need to do as much as we can here at home, but this battle needs to be waged on all fronts, including in the production and transportation of nations such as Colombia.

Colombia's civil society has been ripped apart for decades by the violence and corruption that has swirled around their illicit international drug production and trafficking industry. High-profile assassinations of prominent Colombian officials who were trying to put an end to Colombia's drug cartels began nearly 20 years ago with the 1984 murder of Colombia's Minister of Justice, Rodrigo Lara Bonilla.

In 1985, narcoterrorists stormed the Palace of Justice in Bogota and murdered 11 Supreme Court Justices in that nation who had supported the extradition of drug kingpins and traffickers to the United States. In 1986, another Supreme Court Justice was murdered by drug traffickers, as were a well-known police captain and prominent Colombian journalist who had spoken out against these cartels. These narcoterrorists then commenced a bombing campaign throughout the year, in shopping malls, hotels, and neighborhood parks, killing scores of innocent people and terrorizing the general population.

Before drug kingpin Pablo Escobar was captured and killed by the police in 1993, he had been directly responsible for the murder of more than 4,000 Colombians. In 1994, it became clear that drug money had penetrated the highest levels of Colombian society and called into question the legitimacy of the Presidential elections of Ernesto Samper. Even today, fear of kidnapping and targeted killings by members of Colombia's drug organizations has Colombia's citizens living in fear for their very lives.

At this juncture, I ask unanimous consent that a column written by Thomas Friedman, which appeared last week in the New York Times, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 11, 2000]

SAVING COLOMBIA

(By Thomas Friedman)

BOGOTÁ, COLOMBIA.—I had a chat in Bogotá the other day with a group of government officials and businessmen, and I asked them all one question: When you go outside, how many security guards to you take with you? The answers were: 20, 6, 1, 8, 10, 2, 3, 8 and 5. No surprise. Some 3,000 people were kidnapped here last year by guerrillas, and many judges and journalists threatened with chilling messages, such as having funeral wreaths sent to their homes—with their names on them.

This is the terrifying context we have to keep in mind as we consider whether the U.S. Senate should approve the $1.7 billion plan to strengthen Colombia's ability to fight drug traffickers and forge a peace with the guerrillas. There are two ways to think about ''Plan Colombia,'' One way is to get wrapped up in the details—the helicopters, the training. The other way—the right way—is to step back and ask yourself what kind of courage it takes to stay in Colombia right now and be a judge who puts drug lords in

jail or a politician who fights for the rule of law—knowing the criminals have millions in drug money and would kill your kids in a second.

It takes real courage, and that's why the people trying to hold this place together deserve our support. Sure, the democratic government of President Andrés Pastrana isn't perfect. But it has a core of decent officials who every day risk their lives by just going to work. Ask yourself it you would have the same courage.

I asked Mr. Pastrana why he stays. ''This is our country, it's the only country we have to leave to our children,'' shrugged the president, who was once kidnapped while running for Bogotá mayor. ''I believe in this country so much that even after being kidnapped, and even after having my wife's father killed by kidnappers, my wife and I had another baby—a girl. Look, we've sacrificed the best policemen, the best judges, the best journalists in this country. Whatever you want to write about us, don't write that we are not on the front line in the war on drugs.''

I asked the head of Colombia's navy, Adm. Sergio Garcia, what it was like to be an officer here. He said it was sort of like being a movie star, with people always trying to get at you, only they don't want your autograph, they want to kill you—''so even your friends don't want to be in a restaurant with you, and they don't want their kids near your kids.''

Colombians tell this joke: After god created Colombia, an angel asked God why he gave all the beauty to one country—rain forests, mountains, oceans, savanna—and God answered: ''Ha! Wait till you see what kind of people I put there!''

For years, Colombia's mafia processed cocaine grown from coca in Peru. But as Peru drove the coca growers out, they migrated to the rain forest in Southern Colombia—one of the largest unbroken expanses of rain forest left on earth, but also a region without much government. The drug mafia is now chopping down the rain forest—thousands of acres each month—then laying down herbicides, planting coca, processing it into cocaine in rain forest labs, throwing the chemicals in the rivers, and then flying the drugs out from grass airstrips.

Underlying Colombia's drug war is a real 40-year-old social struggle between Marxist guerrillas and rightwing vigilantes (32,000 killings last year). But let's cut the nonsense: Colombia's guerrillas may have started as a romantic movement against an unjust oligarchy—they may have started as a movement that ate to fight. But today, these guerrillas are fighting to eat—fighting the government because they make tons of money protecting drug operations in the rain forest. In between the guerrillas and the vigilantes (who also profit from drugs), Colombia's silent majority is held hostage.

Yes, Colombians are at fault for having been too tolerant of the early drug lords. And Americans are at fault for their insatiable appetite for cocaine. But here's the bottom line: If we give the Colombian majority the aid it needs to fight the drug Mafia there is a chance—and it's no sure thing—that it will be able to forge a domestic peace. If we don't—and this is a sure thing—the problem will only get worse, it will spew instability across this region, and the only rain forest your kids will ever see is the Rainforest Cafe.

(Ms. COLLINS assumed the chair.)

Mr. DODD. Madam President, the Colombian society is being ripped apart by this problem. It is estimated that there are a million displaced people in Colombia and that 100,000 a year leave Colombia because of fear for their lives over what these narcotraffickers and drug cartels have done to this country.

We often worry about political difficulties here. We get negative letters or nasty phone calls, and we think we are putting up with a lot.

In Colombia, if you take on the drug cartels, you and your family risk your lives. Journalists, judges, police officials, if they have the courage to stand up to these people, put their lives in jeopardy. This drug cartel would not exist but for the fact that Americans consume the products grown in this country.

I think we bear responsibility to work with a courageous government and a courageous people who are paying a terrible price because of our habits and our consumption.

For those reasons, I am disappointed we can't find the time to bring up this supplemental bill, deal with this issue, and offer help to the people of Colombia and to the government of Andres Pastrana, who has shown remarkable courage. This President was kidnapped by these very people. He is not just intellectually committed to this; he knows what it is like to be terrorized by these people. He is committed to doing everything he can. He can ask us for our help, but we cannot seem to find the time to bring up this issue.

When people wonder why we are not dealing more effectively with the drug problems of this country, you can point to this. We spend days discussing insignificant issues, in my view, by comparison to this. Yet we are told by leadership we don't have time to bring up an issue. At least debate it, and vote it down, if you want, but give us a chance to vote on whether or not we think providing $1.3 billion over the next several years to the people of Colombia to fight back is worthy of this institution's time. I think it is.

The President has asked for it. The House of Representatives, to their credit, has done so. Yet this body refuses to bring up this matter, even to discuss it on the floor of the Senate.

The legacy in Colombia is a legacy that President Pastrana confronted when he assumed office in 1988. He inherited the reins of government. Since then, he has demonstrated, in my view, leadership and a firm commitment to address the myriad of challenges facing his nation—drug products and trafficking, civil conflict and economic recession.

I have enormous respect for the manner in which President Pastrana has so quickly and aggressively taken steps to entice Colombia's largest guerrilla organization—the so-called FARC —to come to the negotiating table following on the heels of his election to office. The agenda for those ongoing talks covers the waterfront of economic and social issues that must be addressed if four decades of civil conflict are to be brought to a close.

President Pastrana has evidenced similar courage and a vision in tackling Colombia's illicit coca and poppy cultivation and processing industry. He authorized the extradition of a number of Colombia's most notorious drug traffickers to the United States, an extremely controversial decision in his country. He has also crafted a national plan—the so-called Plan Colombia—to address these intertwined problems in a comprehensive fashion.

President Pastrana has made it clear to us that the Government of Colombia is prepared to do its part in making available its own resources—billions of dollars—to fund the various elements of that plan for alternative development programs, for protection of human rights, for working for the resettlement of displaced persons, and for judicial reform, as well as assistance and training for Colombia's military police, the counternarcotics forces.

During our meeting yesterday, President Pastrana made it clear as well that he needs to seek and intends to ask for international cooperation if his plan is to succeed. In fact, he left last evening for London to meet with members of the European Community and has already received favorable indication that the Pacific rim will be a part of this international effort.

Colombia is currently the world's leading supplier of cocaine and one of the major sources of heroin. We are the largest consumer of these products. But this isn't only President Pastrana's problem; it is obviously ours as well.

All of the enormous demands in the United States and Europe for illicit products grown in Colombia are clearly an important part of the equation in keeping drug traffickers in business.

Moreover, despite billions of dollars spent here at home on law enforcement and drug education designed to reduce the U.S. demand, illicit drugs and consumption continue to pose a threat to the safety of our streets and to the health of the next generation of adults.

I know earlier today my good friend and colleague from New Hampshire, Senator GREGG, spoke about the fact that he is concerned that not enough money is being spent on domestic-related programs and programs to protect our borders against the onslaught of foreign drugs. If one looks at the full picture of our counternarcotics efforts, only a modest amount is currently being spent on the supply and reduction of the source.

Assuming Colombia's supplemental is approved, only slightly more than 15 percent of the total counternarcotics budget is being spent on programs off our shores where the products are grown: $2.9 billion out of a total of $18.5 billion is what the Colombian program

has adopted, which would be roughly half of what is being spent overseas; $1.3 billion is being requested. A little more than $1 billion right now is being spent off our shores. More than $2 billion currently is being spent on border programs alone in this fiscal year.

If we do nothing to stem the supply at the very source, where it comes from, then I don't see how a border program alone can prevent the exploding supply of drugs from reaching America's streets and communities—rural and urban.

I am all for adding more money to programs—as the Senator from New Hampshire talked about—in the Drug Enforcement Administration and the Coast Guard. But I think we are kidding ourselves when we believe border programs alone will shut out illegal drugs. We need to attack this problem also at its source. There is not one place where this battle is going to be won.

We need to do everything we can to make our borders more secure. We need to make sure our police departments have the tools necessary at the local level. We need training programs and rehabilitation programs to get people permanently off these substances.

But we also need to attack the problem at its source. That also is part of the answer. It is also why it makes sense for Congress, in my view, to act expeditiously on President Clinton's and President Pastrana's request to us, so we can attack the drug problem as vigorously as possible at all these sources but particularly in Colombia.

It is in our interest to provide Colombian authorities the wherewithal to gain access to areas in southern Colombia and elsewhere where coca and poppy cultivation has exploded in recent years but where guerrilla organizations and right-wing paramilitary units have made interdiction efforts extremely difficult to conduct safely.

President Clinton has decided that Plan Colombia is worthy of U.S. support. The House leadership has also decided that it is in our national interest to do so.

Fifty-two thousand Americans are dying every year in drug-related deaths. That is almost as many as died in the entire Vietnam conflict. Every year, we lose that many in drug-related deaths. If that is not a U.S. interest to which to try to respond, I don't know what is. As much as we need to fight this at home, we also need to fight it at its source.

There is clearly bipartisan support for this program. It is not perfect. It is not a program I would even necessarily write, nor maybe the Presiding Officer, nor would my colleague from California, whom I see on the floor. But let's not fly-speck and nickel-and-dime this issue. Let's at least get it to the floor, debate it, discuss it, amend it, and modify it. But don't deny us a chance to even vote on this issue as we now enter another recess this year. For another 10 days, we will not be here. The House is out, I am told, maybe another week after that. Then it is May, June, and July. How many more deaths will there be on our streets? How many more Colombians have to die because of U.S. consumption and addiction?

They have a democratic government, the oldest democracy in Latin America, whose very sovereignty is at stake. This country is being ripped apart. They are asking for our help, for the cooperation of Europe and other nations to fight back against these people and this multibillion-dollar operation.

We don't even have the time to debate or discuss it.

I promise you that over this Easter break, there will be a lot of speeches given about the problems of drugs in our streets and our narcotics efforts. Yet another day will go by when we cast one vote here, or two votes here—maybe—and no effort is made to bring this matter to the attention of the American public and to debate it on the floor of the Senate.

Despite this bipartisan support, the measure is currently stalled. In the Senate, the majority leader suggested the clock has run out on an emergency supplemental. That has not been the history or experience of the Senate. We have dealt with many supplementals after April. I hope maybe we can do so in this case as well.

We asked President Clinton during our meeting for his assessment of the likelihood that Plan Colombia will work in the absence of U.S. assistance being forthcoming in the near future. We also asked about the prospects for other governments contributing resources to this effort in the absence of U.S. moneys being forthcoming. President Clinton stressed unequivocally that the support of the United States is the linchpin to getting additional international support and for the ultimate success of this plan.

Time is running out for the people of Colombia. Madam President, 100,000 are leaving every year. A million are displaced. Thousands die every year. We need to act now and provide the necessary funding so that Plan Colombia can be fully implemented. It is the only way I know to protect the democratic institutions of that country and throughout the region from falling prey to the criminal assaults of illegal drug cartels. Moreover, it is in our self-interest to do so. It is the only way to ensure that our children will be free from the threat of drug peddlers as they walk to and from school every day, that communities are safe from drug-related crimes which have taken the lives of too many innocent victims.

There is still time to act and I hope we do so. I think it is tragic we have not. I note the presence of my colleague from California, who has been one of the stalwarts for years on this issue, and I am pleased she is here to talk on this subject as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Madam President, I begin by thanking the Senator from Connecticut. I don't think there is anyone else in the Senate who has the kind of expertise about South America as has Senator DODD of Connecticut. He speaks the language. He has studied. He has traveled in the country widely. He has been to Colombia.

On how many occasions has the Senator been to Colombia?

Mr. DODD. I just came back. I was there a couple of months ago and spent time with President Clinton and others involved in this effort. The most recent visit was just a few weeks ago.

Mrs. FEINSTEIN. I think the Senator has stated the case about as well as it can be stated. I have never been to Colombia. I come at this a little differently, as one who has watched the development of major narcotics trafficking over a long period of time. My State is very much influenced and affected by this kind of narcotrafficking.

I have worked with Senator COVERDELL of Georgia in the certification of Mexico. I have watched the development of the big transportation cartels because Colombia is the source country of most of the cocaine. I have watched the big transportation cartels develop in Mexico. I have watched them interface with gangs in our country. I have watched California become the export State of gangs. The Crips and Bloods started in Los Angeles and are now in 118 American cities. I have watched the gang deaths in America over drugs.

It is a huge problem. I have watched the debate over supply versus demand. We spend dollars on demand. In fact, local jurisdictions are the ones that mount the demand programs, the prevention, the counseling, the drug abuse programs. The one area in which the Federal Government has total responsibility is interdiction at our borders; it is international narcotics, trafficking, and control. These big amount of drugs come from outside of the United States; therefore, what we do affects our role.

I did not know President Pastrana. The chairman of the Appropriations Committee, on which I am fortunate to sit, had a meeting with him in the appropriations room during his last trip. I met this young President for the first time. Prior to that, I had been visited by the head of the military under the former government who pointed out with great alarm what he thought was happening and even said he didn't think Pastrana was being strong enough in the drug area.

The former head of the military pointed out to me that a third of the country at that time was under control

of narcoterrorists. That is a country the size of Switzerland. That is how large the geographic area is. He pointed out that a million and a half citizens were refugees within their own country; 300,000 had fled. He believed that 60,000 had tried to come into this country illegally, people who were devastated by this, running in fear for their lives because of it.

We do have a role to play. He pointed out to me there were 3,000 citizens held hostage by narcoterrorists, 250 of them local police, 250 of them soldiers. Nobody knows what happens to these people.

I met President Pastrana. He was a very sincere leader, a leader who had been sobered by this, a leader determined to do something about it, a leader pleading for backup and help by the United States.

Is it in our national interests to help? I believe it is. All of these drugs come to our country, all of these cartels interface with American gangs, all of these cartels are brutal. They kill anyone who stands in their way—even a Catholic cardinal in Mexico. They kill newspaper heads who write against them. They kill anyone who stands up and says no.

The question that Tom Friedman mentioned so eloquently in his New York Times column—and I ask this of the Senator from Connecticut—if someone comes to you and says: here is half a million in an envelope, here is a picture of your wife and where she has her hair done, and a picture of your children and the schools they go to, which will you take?

I ask the Senator from Connecticut what kind of courage does it take to stand against that kind of entreaty?

Mr. DODD. The Senator from California has answered her own question by raising it. It takes a remarkable amount of courage.

I noted earlier and introduced as part of the RECORD the article by Tom Friedman because they so clearly made the point, of the courage of these people. I mentioned 11 members of the Supreme Court in Colombia were gunned down in 1985. Literally thousands of people are kidnapped and executed every year; journalists, just by being there and speaking out or saying anything against these narcotraffickers.

This is a business that collects $60 billion a year from this country alone. President Pastrana tells me that in Colombia $100 million is used just to bribe local police officers and functionaries who in some cases earn less than $100 or $200 a month to raise their families. Then someone shows up and offers them an envelope of thousands of dollars to turn the other way, look the other way, don't examine the truck.

Mrs. FEINSTEIN. Will the Senator yield?

Mr. DODD. I am happy to yield to the Senator.

Mrs. FEINSTEIN. I have seen it impact our border areas in the United States. I go down to Otay Mesa where trucks are lined up by the thousands and you have Customs agents who maybe earn $45,000 or $50,000 a year—we know some trucks are loaded with tons of cocaine, with street values of millions of dollars—taking a bribe, maybe half a million dollars just to turn their head and let that truck go through.

This is where the corruption becomes so evil and where it is not just confined to jungle areas of Colombia or outposts in Mexico or anywhere else in the Andean region but comes right into the United States as well.

Mr. DODD. If the Senator will yield further, it is this corrosive corruption that spreads. It begins in a small hamlet or borough in Colombia, and once it gets through there, then it reaches up into the higher elevations of Government there and then spills across the borders. Before you know it, as the Senator from California has pointed out, it spreads. If you do not stand up to these people early on and fight back, then you, in a sense, become an accomplice to the results, to what occurs.

We have been asked, as the Senator from California has pointed out, by the good and decent Government of President Pastrana, that our Nation step up and help—not do it all, not take on the entire responsibility, but to help him regain the sovereignty of his own nation, to eliminate the corruption, and give the people of Colombia a chance for a decent future.

Our inability to bring up this supplemental to at least debate and discuss this issue is deplorable and sad, deeply sad—that we do not have the time, apparently, to discuss this kind of issue which can make such a difference in the lives of the people of Colombia and, more importantly, in some ways, to the citizens of this country who lose their children every day to these drug cartels, these gangs terrorizing the streets of this country because of drugs. Mr. President, 52,000 a year die on average in drug-related deaths. If that is not enough of a U.S. interest to respond to it, I don't know what is.

Mrs. FEINSTEIN. I thank the distinguished Senator from Connecticut. I think the point is well taken. I, for one, was delighted—because I tend to read all of Tom Friedman's articles in the New York Times—he spent time in Colombia. I was so pleased that he saw what was the central point in all of this debate. I want to quote him. I know the Senator did earlier, and I hope this is not redundant.

He said there are two ways to look at Plan Colombia. One is to get wrapped up in the details—the helicopters, the training, why we might or might not like it. The other way, and he suggests the right way, is to step back and ask yourself: What kind of courage does it take?

That is what we are talking about here, what kind of courage it takes to stay in Colombia right now—to be a judge who puts drug lords in jail or be a politician such as the President of the country, or the Attorney General, or the generals of the army, or local public officials who fight for the rule of law, knowing that criminals have millions of dollars in drug money and would kill their kids in a second. That is not an esoteric concept. The numbers of children of families who have been killed in drug wars are legion.

These people do not care for anybody who stands in their way. The debilitating part about it is the ability to corrupt to get your way. How many people can actually stand up to that? We see over and over and over again where a respected public official, a police officer, a judge, a prosecutor gives in to this kind of tyranny. The Ariano Felix Cartel in Mexico is notorious for this. They will kill anybody standing in their way. Their cocaine comes right out of Colombia. There you have the narcoterrorists controlling a third of their country and everybody and everything within that third.

So the real courage, as Mr. Friedman points out, is that the people who are trying to do the right thing deserve our support. This is our hemisphere; it is not another hemisphere. The results of drug trafficking, the results of narcoterrorism, only spread. They do not contain themselves; they spread. The spread is northerly into our country.

So I make this point again and again and again: This supplemental appropriation, an appropriation in our budget, is in our national interest. It is in the American national interest to stand tall against the cartels, to stand tall against this kind of terrorism, to support public officials who are willing to do the same thing. That support should be for the Attorney General of Mexico, the President of Mexico, the President of Colombia, the Attorney General of Colombia, the Judges of Colombia, the people who have been able to come back from M–11 and what was done in their country to try to institute a democracy. These are the people who recognize that, yes, there are problems but they are trying to make the changes. The people who plead to this country say: Help us. Don't do the whole thing; just do a part of it. Put your imprimatur of leadership on it so other nations will follow and so we will have the ability to control something which, if we do not, will spread through the whole Andean region and, I contend, to Mexico and to the United States as well.

I think you have, essentially, a major battle in this area of South America that will effectively determine the future of these countries—Colombia, the Andean region, Mexico—and to a degree our own country.

I very much hope people will reconsider and really look at how important it is to stop this trafficking. I remember the day—and it was in the 1980s—we in the cities of America never saw an arrest involving a ton of cocaine or a ton of any other substances, hundreds of pounds of drugs at one time. Now the arrests are being made, and they are finding 5 tons, 6 tons, 4 tons.

The business that is inherent in this, the corruption that comes with it, is so enormous it is beyond anything we can possibly conceive. The complicity by transportation companies is one of the reasons Senator COVERDELL and I worked together on this drug kingpin bill, to apply the RICO statutes to companies doing business with the cartels who simply turn their heads when there are 5 tons of cocaine on a train coming into this country or in a container as part of a fleet of trucks that come across the border every day. People have to open their eyes. They have to see what is happening. We have to begin to support the leaders who will stand tall.

I will be very candid with the Senator from Connecticut and our distinguished Presiding Officer from the great State of Maine. If somebody came to me with a picture of my daughter or my granddaughter, I don't know what I would do. I don't know. I believe I would tell them where to get off, but I don't really know. It is like the person who jumps in the river to save someone who is drowning. You don't really know until you are in that situation.

The fact is, thousands of people in Colombia are in that situation on a daily basis. What they are saying is: Help, United States. Use your leadership. Give us the resources because we need helicopters that can fly at a certain altitude and have a certain range. The Huey cannot do it; it is the Black Hawk. We need a certain altitude for certain areas. The Huey can't do it; give us the Black Hawk. Help us with some of this other equipment we need and stand by us as we make the battle real.

If we are to put our money where our mouth is, it has to be to fight the major trafficker. It has to be to fight the narcoterrorist. It has to be to stand up for the political leaders who are willing to stand against them.

Mr. DODD. Madam President, if my distinguished colleague will yield one more time, I commend her immensely for her heartfelt statement and use this as another appeal. We are leaving for another week now. There are only two of us here, but I suspect our sentiments are shared by a majority of our colleagues, both Republicans and Democrats. We make an appeal to the majority leader to reconsider this decision on bringing up a supplemental, a boiled-down one if necessary, to focus on this issue and a couple of others that legitimately fall into the category of emergency.

I say this because I think the last statement made by our distinguished colleague from California is an important one. What we say here does not go unnoticed. What we do here or not do here does not go unnoticed. The greatest fear the narcotraffickers have is that there will be a united front to take them on.

That is their greatest fear. They worry about a government in Colombia that is not afraid to extradite. They do not want to be extradited because they know we are not afraid to lock them up forever, if necessary. They are frightened about a European Community and other Latin American countries joining in a common effort. As every one of these leaders will tell you, they know what happens in Colombia can happen in Venezuela, in Ecuador, and happened in Peru. It is happening in Bolivia. These are better financed operations than any insurgency we have seen before with millions of dollars.

Mrs. FEINSTEIN. Can I ask the Senator a question? I believe the Senator was in the Senate when President Bush gave the order to send American troops to Panama because so many heavy narcotics were coming through Panama, much of it under the control of one person, a general by the name of Manuel Noriega. They picked up this general and brought him back to the United States for trial. To this day, he is in Federal prison in the United States, and the problem has been remedied in Panama. This was the kind of direct recognition of a problem and a response that has solved the problem. Does the Senator agree?

Mr. DODD. I do. I say to my friend and colleague from California, I remember it very well. In fact, the decision to go in was made late at night. There was talk about it ahead of time. I received a call, as I think other Members of the Senate did, in the wee hours of the morning informing us that the effort was about to be undertaken.

I recall early that morning going on a couple national television programs to discuss it. I expressed my strong support for what President Bush was doing in Panama. I thought it was important he have bipartisan support in the effort in Panama.

The Senator from California is absolutely correct, General Noriega was removed. While the problem has not been eliminated entirely in Panama, that action certainly made a huge difference. It is a good case to point out.

We need that kind of leadership in the Senate on this issue, in my view. The narcotraffickers in Bogota, Colombia, in the flatlands, the llanos, as they call them, of southern Colombia know what we are not doing in the Senate. They know President Pastrana has asked for our help. They are watching, and they see a Senate of the United States that says it does not have time to bring this up or does not think it is that important to bring up. I can tell my colleague firsthand there is no more encouraging sign to these people than our apparent disinterest in the subject matter.

Every day we wait and do not respond, their grip grows stronger. I am not exaggerating when I tell the Senator that the sovereignty of this country of Colombia is at stake.

The Senator from California has pointed out a third of the country has already been lost to them. The oldest democracy in Latin America can be lost. Mark my words. This is a well-heeled and well-financed operation. Millions of dollars every day pour into the coffers of these insurgency groups through the narcotrafficking efforts. If we wait another week or another month, we make it that much more difficult to address this issue. We have a courageous President and a courageous country in Colombia and other nations willing to step up.

We are the largest consuming country. We are the addicted nation. The reason these campesinos and farmers grow the poppy seeds and grow the heroin is because there are people here who consume it.

The journalists, the politicians, the judges, and the police officers are willing to fight back. They want to know whether or not we are going to join with them in that fight. That is all we are asking: Stand up and join them in that fight.

I am hopeful, again, before too many more weeks go by that we will respond. The admiration I have for the House for having done so is tremendous. My admiration for the President for calling on us to do it is tremendous.

Mrs. FEINSTEIN. Can I bring up another subject? One of the criticisms I have heard is we spend too much on this kind of activity already, and we need to spend more on demand. In fact, as we both know, there are provisions in this bill to meet the demand needs in our own country.

Mr. DODD. Right.

Mrs. FEINSTEIN. I was interested in finding out how much of our entire drug control budget is devoted to international drug control efforts. Does the Senator have an idea what that amount is?

Mr. DODD. I do. The total amount we spend—my colleague can correct me—is about $18.5 billion total—domestic and foreign, all the efforts. Of the $18.5 billion, if one excludes the Colombian plan money, it is about $1.5 billion out of the—three my colleague is about to say?

Mrs. FEINSTEIN. No, it is 3 percent.

Mr. DODD. Three percent.

Mrs. FEINSTEIN. Only 3 percent of that entire drug budget, which the Senator just accurately stated, goes to international narcotics control. Yet we

know the drugs are coming in in 5-ton lots. We know the one area of responsibility we have is to control the borders in international drug control. No local government can do that, most certainly, and yet only 3 percent of the budget goes for that.

Mr. DODD. My colleague says we spend about $2 billion on our borders, as she points out, and on the drug abuse programs, the efforts of local authorities, but it is a fraction. I am not suggesting and I do not think my colleague from California is suggesting we spend all of the money there or even a half of the money there. This is a multifaceted effort.

We have to spend it locally. We have to fight it at the local level. We have to have rehabilitation efforts, drug abuse efforts. We have to be fighting it at the borders of this country, but we also need to go to the source, and we are not going to the source.

Here is a country willing to fight back. Many times we find it difficult to get cooperation from governments. Here is the President of Colombia who was kidnaped and knows firsthand what it is to live under this kind of system, who is coming to us and saying: Look, we are going to put $4 billion of our own money into this effort. The Europeans are willing to step up. Can you help? The addicted nation, can you help?

Up to this point, this Chamber has said no.

Mrs. FEINSTEIN. I will conclude with one additional comment. Colombia is the source country for 80 percent of the cocaine consumed in this Nation. It is the source country of 70 percent of the heroin consumed in this Nation. It is a country under siege. It is a country where one-third of the geographic area is controlled by narcoterrorists, and it happens to have a government that is willing to stand up and say: We want to do something about it. United States, help us in a multilateral effort do something about it.

This Senate is saying it does not have time to consider the request. It is in our national interest to consider the request. It is in our national interest to have debate on the request. It is in our national interest to appropriate the dollars for this request.

I end by summarizing something Mr. Friedman said in the New York Times:

> If we give the Colombian majority the aid it needs to fight the drug Mafia, there is a chance—and it's no sure thing —that it will be able to forge a domestic peace. If we don't —and this is a sure thing—the problem will only get worse, it will spew instability across this region, and the only rain forest your kids will ever see is the Rainforest Cafe.

I thank the Chair, and I yield the floor.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRAIG). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRIST). Without objection, it is so ordered.

Mr. KERREY. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senate is in morning business until 2 o'clock.

THE WEALTH GAP

Mr. KERREY. Mr. President, in the debate over tax cuts our attention is understandably drawn to the question of who pays those taxes and from this a debate commonly ensues over who should get the benefits of tax reductions. This argument leads us to consider the disparities of income and the need to make certain that our tax laws are not written so as to increase income inequality and hopefully to write our tax laws in order to give a boost to those whose wages are lower.

Today, I rise to talk about a problem facing Americans that is related to but different from the income inequality. The problem I will address today is the growing gap between the richest Americans and the poorest.

The latest Statistics of Income Bulletin from the IRS shows that the combined net worth of the top 4.4 million Americans was $6.7 trillion in 1995. In other words, the top 2.5 percent of our population held 27.4 percent of the Nation's wealth in the mid-1990s. No doubt this group of wealthy Americans feels very financially secure.

But what about the other 97.5 percent of Americans? Is the security of wealth spread in a reasonably equitable way across all American households? The answer in my view, is a tragic and emphatic no.

Although there is a perception that the recent rapid growth in the stock market has produced widespread economic gains among all income groups, a majority of households still do not own stock-based assets and, thus, have not participated in the growth of the 1990s economy. A complete picture is presented in the United States Federal Reserve's Survey on Consumer Finances. This report provides us with the following statistics:

Since 1989, the share of net worth owned by the top 1 percent of American households has grown from 37.4 percent to 39.1 percent, while the share of net worth held by the bottom 40 percent of households has dropped from .9 percent to a statistically near insignificant .2 percent.

Nearly 60 percent of the wealth held by families in the lowest 90 percent of the population is in the family home—not liquid assets that can be used as a source of income and security at retirement. Families in the lowest 90 percent of the population had only 3 percent of their assets in stocks and bonds.

While an increasing number of Americans are purchasing stock-based equities—49 percent in 1999 vs. 40 percent in 1995—only 29 percent of households own stock worth more than $5,000, and the top 10 percent of households in the distribution hold 88.4 percent of the value of all stocks and mutual funds. In fact, the top 1 percent holds 51.4 percent of the value of all stocks and mutual funds—while the bottom 90 percent hold just 11.6 percent of the total value.

These statistics show that the gains of the great 1990s stock market runup have not benefitted a majority of Americans. The gains have not narrowed the gap between the wealthiest in America and the poorest in America. In fact, the data analyzed in a study done by the preeminent wealth statistician, Mr. Ed Wolff, reveals that the wealthiest 10 percent of households enjoyed 85 percent of the stock market gains from 1989 until 1998.

Why should we be so concerned about the growing wealth gap? I believe the answer is that the ownership of wealth brings security to people's lives and because the ownership of wealth opens up new opportunities and because the ownership of wealth transforms the way people view their futures.

An individual with no financial assets—and no means to accumulate financial assets—cannot count on a secure retirement, cannot ensure that his or her future health care needs will be met, and cannot save effectively for important life milestones, such as the purchase of a first home or the funding of a child's college education.

Americans clearly understand and desire the freedom and security that comes with wealth. We can point to the ongoing increase in participation rates in 401(k) plans as evidence that people are concerned about amassing wealth for a secure retirement. We can even point to the continued growing popularity of lotteries and game shows like ''Who Wants to Be A Millionaire'' as evidence that people value the security of wealth—especially wealth that is acquired quickly.

The virtues of savings and wealth accumulation are clear. But if the virtues are so clear, why aren't more Americans voluntarily increasing their savings? Not a TV show goes by without an advertisement from a financial services company offering investment advice and investment products. Not a week goes by without a front page story about the Social Security funding ''crisis''—implicitly warning people to save for their own retirements. So why aren't more Americans saving?

I have identified barriers that I believe continue to prevent a substantial portion of the American population from being able to save, to invest, and to accumulate wealth.

Barrier No. 1 is education.

No single factor is a greater predictor of income and wealth than education. Property educated and trained individuals can command a premium salary because they are in high demand and in short supply. Only one-third of households are headed by someone with a college degree. These households have a median before-tax income of $55,000 and a median net worth of $146,400. Households headed by a person with no high school diploma have a median income of $15,500 and a net worth of $20,000.

In addition to disparate levels of educational attainment, there is a huge problem in America with a specific lack of investor education. Economics and Finance are not required courses in most school districts across the United States. As a result, too few people understand the magic of compounding interest rates and, as a consequence, wait too long to begin saving for their retirement.

The second barrier is income.

Of course, one of the fundamental rules of wealth accumulation is that you must have income that you can set aside in order to create substantial wealth. A quarter of families in the United States are bringing home between $10,000 and $25,000 a year. Forty percent of American households are bringing in less than $31,000 per year. After FICA taxes of $2,372 and $2,600 in Federal and State income taxes, a typical family of four has little left over for savings.

Not only have low and moderate income Americans not shared in the growth of a booming stock market, but they have also not shared in the growth of weekly paychecks. According to the most recent Survey on Consumer Finances by the Federal Reserve Board, mean income grew between 1995 and 1998 only for families headed by individuals with at least some college education—mean incomes for all education groups in 1998 were lower than they had been in 1989. Median income only rose appreciably between 1989 and 1998 for those with a college degree.

When you look at two of the lowest income groups, the story of income stagnation is quite grim. Nearly 13 percent of families earned less than $10,000 in 1998. The median salary of this group was $6,200—a real decline of 6 percent since 1989. Nearly one-quarter of families earned between $10,000 and $25,000 in 1998. Of these families, the median salary was $16,900—a real increase of only 2.4 percent since 1989. Clearly, the capacity of this group to save on its own is very limited.

Barrier No. 3 is payroll taxes.

The payroll tax may not seem like much of a barrier to Americans with income over $100,000, who only have to pay taxes on the first $76,200 of income, but to American families earning less than $25,000—40 percent of all households—it is a tremendous bite. The total payroll tax paid by an individual earning $25,000 per year and his employer is $3,825. This is several times greater than their income tax bill. For those who propose spending the Social Security tax surplus to enhance Social Security or Medicare benefits, it is worth noting that the lowest 40 percent of American earners pay more than 40 percent of the benefits for both Social Security and Part A Medicare. And those are the individuals must apt to be uninsured.

Barrier No. 4 is the burden of debt.

Consumer debt has a major impact on a household's ability to save. According to the latest SCF, households earning less than $25,000 annually bear the most significant burden of debt compared to their income. The median ratio of debt payments to income among those earning less than $10,000 is 20.3 percent; among those earning $10,000 to $25,000, the ratio is 17.8 percent. In fact, 32 percent of those making less than $10,000 pay more than 40 percent of their income in debt payments, an increase of 16 percent since 1995. About 20 percent of those making between $10,000 and $25,000 devote more than 40 percent of their income to debt payments. Finally, 15.1 percent of households with less than $10,000 of income had debt payments 60 days past due—a doubling since 1995—which not only reflects an inability to keep up with debt payments but also contributes to bad credit and an inability to purchase a future home, etc.

The Federal Government's publicly-held debt also has an indirect impact on the ability of workers to save. As a major borrower, the Federal Government increases interest rates. Higher interest rates lower private capital formation, which in turn hampers growth in productivity and living standards. In addition, higher interest rates on government debt translate into higher interest rates on mortgages, student loans, and credit card debt. When individuals pay higher interest rates, fewer resources are available for saving and investing.

With all of these barriers to wealth accumulation, what can we, as lawmakers, do to eliminate these barriers? I believe the answer is twofold. We must create new savings incentives for low and moderate income workers and we must create a mandatory savings mechanism for all workers.

A number of legislation initiatives have been offered to help low and income workers save. For years, Senator LIEBERMAN has championed an effort to expand Individual Development Accounts beyond a pilot program. IDAs are a way to encourage lower income folks to save for the purchase of a home, the establishment of a business, or education.

President Clinton has offered an interesting plan to get low and moderate income families to participate in employer pension plans through a government savings match program. While Senators GRAHAM and GRASSLEY and Representatives PORTMAN and CARDIN have offered comprehensive pension reform proposals designed to expand pension coverage among low income workers.

I, along with a bipartisan group of Senate and House Members, have introduced a Social Security reform plan that allows workers to put a portion of their FICA tax dollars into individual savings accounts. Our plan also calls for an additional government savings match program for low income workers. In addition, our plan calls for opening mandatory savings accounts at birth through the KidSave program.

What would this plan do? Fifty years from now we would have a much different wealth distribution situation in America. Men and women who today have no chance of accumulating real wealth would accumulate the kind of wealth that provides them with meaningful financial security. A new generation of Americans would be heading toward their retirement years less dependent on government transfers for health or income. If this plan were enacted, it would immediately change Americans' attitude towards saving on account of informing tens of millions of the power of compounding interest rates.

Sadly, critics of this proposal to help low income workers acquire assets and share in the growth of the American economy too often misdescribe the impact. The key line that is used in opposition is: "I am against privatization of Social Security." This line will usually produce a round of applause with senior groups who would not be affected by any of the proposals. Even sadder, these critics are also the same ones who prefer to merely offer solutions that include transferring more income and thereby increasing dependency on the Government. I do not believe proposals that merely transfer more income will solve the problem of inequitable distribution of wealth.

Ownership of wealth is a much more reliable way of becoming financially secure in old age than promises by politicians to tax and transfer income. Ownership of wealth produces greater independence and happiness. The maldistribution of wealth, the rich getting richer and the poor getting poorer, is not healthy for a liberal democracy and a free market economy such as ours. The costs of financing health and retirement income needs of the baby boom generation exceeds the tax paying capacity of the generations that follow them.

So, Mr. President, after we have spent time debating the need to solve the problem of income inequality we need to turn to the matter of wealth inequality. And when we do we will

quickly learn that we will not solve the problem of the rich getting richer and the poor getting poorer by beating up on the rich. We will solve the problem by lifting the poor out of poverty with programs that enable them to accumulate wealth in a variety of ways including modernizing and improving the Social Security program so that it becomes a means of saving money and a mechanism for transferring income.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield 1 minute of my time to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

AIDAN MICHAEL CRAIG

Mr. CRAIG. Mr. President, at the end of the day, we are going to be adjourning for the Easter recess, or at least that is what is anticipated at this time. This Easter recess is going to be a special time for me because I am going home to Idaho to see a new grandbaby I have not yet seen, except by pictures that have been transmitted through the Internet.

His grandmother has already been out there to hold him in her arms. Both Suzanne and I are extremely excited that our son Mike and his wife Stephanie have provided us with a beautiful new grandbaby called Aidan Michael Craig.

We have already enjoyed the excitement of grandmother and grandfatherhood, and now we have one more extension of that. This coming week, I am going to have that unique privilege that only comes with being a grandparent; that is, to hold that grandbaby in your arms. This Easter recess is a special time for me. I wanted to share with all of my colleagues in the Senate that it will be a joyous time for both me and my wife Suzanne.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself such time as I may consume off the time allotted to this side of the aisle. We have 44 minutes remaining; is that right?

The PRESIDING OFFICER. The Senator is correct. The Senator from Iowa is recognized.

REDUCING TAXES FOR MARRIED COUPLES

Mr. GRASSLEY. Mr. President, I take this opportunity, at the start of debate on this important bill to reduce taxes for married couples by eliminating the marriage tax penalty, to give some reaction to comments made from the other side of the aisle yesterday. My reaction probably should have been given last night, but the environment at that time was such that other Members wanted to speak on issues other than the marriage tax penalty, so I did not take advantage of the opportunity. It would have been more appropriate for me to respond to the Senate minority leader and other Members of the other side of the aisle last night so it would be more in context.

These comments are in regard to our efforts to repeal the marriage tax penalty and also to clear up some of the inaccurate and misleading statements made by the other side of the Senate.

We heard the charge made yesterday by the minority leader that, in passing this bill, we are going to be dipping into the Social Security surplus. Of course, that is going to be the Democratic mantra from now on, even though it is not the truth. Our own budget document is evidence of it not being our intent. Knowing the other side is salivating at trying to make this bogus political charge stick, we have been very careful in making sure we stay within the $150 billion in tax relief authorized in the budget resolution that will be before us later today in the form of the conference committee report on the budget for the year 2001.

By carefully staying within these limits, we aren't touching one cent of Social Security money. That is important because people know the irresponsibility of Congress from 1969 until the Republican majority of Congress, the first Republican majority in both Houses of Congress in 40 years, finally got the job done of balancing the budget with decisions made in 1997. For the first time in 43 years, we are paying down on the national debt 3 years in a row. The budget we are going to adopt this afternoon for the year 2001 will be the fourth year, and we will be paying down $177 billion on that off the debt in the budget year 2001.

Regardless of what the members of the other side of the aisle say, this marriage tax penalty bill we are going to pass to reduce taxes for the average married couple by $1,400, because they will no longer get hit with the marriage penalty, fits into the budget and doesn't use one cent of Social Security money to accomplish our goal of justice for middle-class married families in America.

Now, we also heard the misleading charge yesterday that we in the majority are trying to dictate what amendments the Democrats could offer. All we have been trying to do is to bring some order to this process so we can get this bill, which even the President of the United States says ought to pass. In his State of the Union Message, he asked us to pass a bill eliminating the marriage tax penalty. So, yesterday, they said we were trying to dictate amendments. Well, during that discussion, we asked if second-degree amendments could be in order to the Democrats' first-degree amendments. We were told absolutely not. So the Democratic side is doing as much dictating as anyone. If we can be accused of complaining about the amendments they want to offer and objecting to it, then they have no right to deny us the opportunity to offer second-degree amendments to their amendments.

In fact, the assistant minority leader stated that his caucus was in lockstep behind the minority leader. Well, that is simply part of the problem. The other side does walk in lockstep against reform in an attempt to paint this Congress as a do-nothing Congress. Funny, isn't it, how when Democrats brag about being in lockstep and unanimity behind their leader, somehow that isn't being partisan. But if Republicans were to vote in lockstep behind our leader, they would say we are being very partisan.

So, again, it seems as if we have a double standard that is not quite justified. Maybe my accusations should be directed more toward the press and media than the other side of the aisle and their statements. But it seems so often if Republicans are together, we are being partisan. But if Democrats are together, they aren't being partisan. As I have followed the stories on this in the press for the last 2 days, I haven't seen any charge of partisanship by the media toward the other side of the aisle. But, boy, I bet we Republicans would be painted as partisan.

Unfortunately, for the other side, this Congress has already made substantial progress and will continue to do so, and they will never be able to label us as a do-nothing Congress. I wish, though, that we had a few independent thinkers on the other side of the aisle, as we do on our side of the aisle, and not the lockstep following of leaders to the extent which it is. All I have to do as a Republican is proudly point out the independence of Senator MCCAIN on this side of the aisle to show that there are Republicans who are independent and do not always follow in lockstep. It would be nice if there were a few ''Senator McCains'' on the other side of the aisle who were willing to break ranks and be very independent.

A couple of the amendments the Democrats want to offer deal with prescription drugs. Of course, these are political amendments. We Republicans have already set aside $40 billion in our budget to deal with Medicare and prescription drugs. All we need to do is have people on that side of the aisle—as there are bipartisan Medicare reform proposals with prescription drug provisions in them—get behind some of these bipartisan approaches and get the White House behind them. We will be glad to move on those within the $40 billion we have set aside in our budget to deal with Medicare reform and prescription drugs because we all know this problem has to be solved. We know

that some seniors can't afford prescription drugs. Some seniors have to choose between food and drugs. That is not a choice they should have to make. And we have, consequently, taken the initiative in our budget and have $40 billion for that. Now all we need is a little bit of cooperation from the other side of the aisle, following on what one or two on the other side of the aisle have attempted to do with Republicans, to move a bill along in this effort. But the White House happens to be dragging its feet.

Now, I think the insinuation is, from the amendments being offered on prescription drugs, that we don't see this as a problem and that we don't want to solve this problem. They aren't telling the truth.

Another amendment they have asked us to look at deals with the taxation of Conservation Reserve Program payments to farmers. The Internal Revenue Service—as they so often do in their infinite wisdom but lack of common sense—is trying to impose Social Security taxes on these payments. Of course, this is the Clinton-Gore administration that is doing this to the farmers of the United States. These taxes hadn't been opposed until the Clinton-Gore administration started imposing them through the IRS. And now we have a Democrat amendment to overturn what the Clinton-Gore administration is doing to the farmers on the CRP payments. So why don't the people on the other side of the aisle just call up President Clinton and Vice President GORE and ask them to order their own IRS to drop this silly new interpretation of the law because right now we have the Vice President going around the country saying how much he is willing to help the farmers of the United States and, Lord only knows, they need help with prices at 25-year lows.

Well, I guess help came after he invented the Internet because I haven't seen any help in this area since this has been in the courts in the United States. Now we have the Clinton-Gore IRS beating up on farmers with this new tax. Now, there is nothing wrong with the tax being offered from the other side of the aisle, trying to correct this; but it seems to me that there are other ways this could be handled.

Yesterday, we also heard what was really a political attack, that this tax relief is somehow a ''risky tax cut scheme.'' How come from the other side of the aisle all we ever hear about is ''risky tax cut schemes''? We don't hear about the risky spending schemes that are offered by the White House or by the other side of the aisle. All you have to do is go back to State of the Union Address on January 2000 and listen to the President of the United States propose 77 new spending programs—77 new spending programs. Somehow, there is shock on the other side that we want to let the people of this country keep their hard-earned money rather than running it through the Treasury in Washington, DC.

Now, there is a certain amount of good economic freedom argument you can give that is very philosophical about why the working men and women of America ought to spend more of their own money and send less of it to Washington just so they can have the economic freedom to do with the fruits of their labor and their minds what they want to do. But there is also a pretty good economic argument for not running any more money than is absolutely needed through Washington, DC. That is because money spent through the Federal budget does less economic good—in other words, it turns over less times for the economy—than money spent by individual taxpayers and working men and women of America. All one has to do is look at the defense budget. The defense budget produces a lot of expensive items. But once they are made, those items are not used for producing wealth. They serve a good purpose for our national defense. But they don't turn over any more money in our economy.

We come to these risky spending schemes of this administration with 77 new programs, and we have tax cuts before Congress. Being at the highest level of taxation in the history of our country, at about 21 percent of gross domestic product, if we allow the President, through those 77 risky spending schemes, to build up to that level of expenditure at 21 percent, then when we have a downturn in the economy, the spending is going to stay up here and the income is down here. Then you have another budget deficit; whereas, if we continue the pattern of the last 50 years of taxing at about 18.5 to 19 percent of the gross domestic product, then over the historical average there will be less chance of a deficit.

We want to let the working men and women keep more of their money and keep our historical level of taxation at about 18.5 to 19 percent. We do not want the extra money that is now coming into the Treasury to be eaten up by these 77 risky spending schemes of this administration.

I feel compelled to correct a statement made by my democratic colleague from Illinois. My colleague stated that the Republican marriage penalty bill would require 5 million more taxpayers to pay higher taxes. My colleague stated:

> Here's the kicker. They don't want to talk about they have drawn their bill up so that five million Americans will actually pay higher taxes. . . . Take a look around the corner—five million Americans end up paying higher taxes under the alternative minimum tax. So now isn't that something?

This is simply incorrect. According to the Joint Committee on Taxation there would be no increase in any taxpayer's overall tax liability as a result of this bill.

In fact, the bill attempts to correct an AMT problem for millions of taxpayers. According to Joint Tax, in the year 2010, 9.2 million tax returns will benefit from the AMT provision in the bill—this includes 6.5 million joint returns and 2.7 million other individual returns benefiting from this bill. This is a worthy goal, and we should do what is right.

According to Joint Tax, in 2010 approximately 1.5 million joint returns benefiting from the AMT credit extension will become AMT payers under the bill. However, as I just mentioned, Joint Tax estimates that the bill would not increase any taxpayer's overall tax liability.

The record must be set straight—no one will pay higher taxes as a result of this bill.

My friends on the other side of the aisle have rejected a request we made yesterday to allow a debate solely on the marriage tax penalty relief. The Senate leader has offered 10 relevant amendments, including their alternative marriage tax penalty proposal. The other side has rejected this offer. The other side claims they want to debate other issues—talk about issues other than tax relief.

Either way you slice it—by what the Senate minority has done or by what they claim—they evidently don't care about marriage tax penalty relief itself.

Senate Democrats could live with a focused debate when it applied to the education savings accounts a month ago, March 2, and ending the Social Security earnings limit for seniors over 65, which only a few weeks ago, on March 22, was passed by the Senate.

However, now when it comes down to marriage tax penalty relief, our colleagues and friends on the other side of the aisle say no. Why? What has changed compared to these other two tax bills? Why were those other items only a few weeks ago so much more important than this bill that would help over 40 million families? The bill before the Senate will help 40 million families. They want to debate other issues, so they are holding up the marriage tax penalty bill.

Imagine the hue and cry Democrats would raise if the shoe were on the other foot—if we were debating these other issues and we demanded to offer marriage tax penalty amendments.

The House has acted. The Finance Committee has acted. The Senate should now act. However, it can't because the Democrats are obstructing this legislation like in-laws on a honeymoon.

We have been more than fair. We have said this is a debate on marriage tax penalty relief—offer any amendment you want that related to this bill

and we will give you a debate and a vote on it. Any amendment—up to ten of them.

How many relevant amendments did the Democrats offer yesterday? Less then half of their ten addressed this issue. By my generous calculation that means that they only half care about marriage tax penalty relief.

In the House, it was not this way. Forty-eight Democrats across the Rotunda voted for marriage tax penalty relief. It was bipartisan over there. Why can't it be bipartisan here? Democrats here are seeking to make this a highly partisan Senate.

So the Senate must wait and over 40 million American families will have to wait. Every couple who suffers under this marriage tax penalty, which has existed for 31 years, must wait further. In a sense, everyone is going to have to wait while the other side of the aisle obstructs this tax relief effort.

This is tax week across America. America's families are hunkered down over their kitchen tables figuring out their tax forms. Isn't it time these taxpayers get a break from the most unfair part of this process, the provisions that tax them at a higher rate just because they are doing what is right and are married?

I want to give them that break. My colleagues want to give them that break. However, my Democrat colleagues don't want to give them that break. In fact, they don't want to even give them a debate or a vote on this very important issue.

I urge the Senate to go to the final debate on this and pass it before we adjourn this week. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

TAXES

Mr. CONRAD. Mr. President, as I listened to my colleague, I thought some things said required a response.

As we look back at how we achieved balance in our budget and how we turned massive deficits into massive surpluses, let me explain how it was done. This chart covers 1980 through 1999. The blue line is the outlays or expenditures of the Federal Government; the red line is the revenue line. We had massive deficits when we were following the Republican economic prescription for the country, which was trickle-down economics, because the outlays far exceeded revenues. The result was massive deficits and massive growth of the debt.

In 1993, we got a new administration and a new economic plan. We passed a proposal without a single vote from the other side that reduced spending as a percentage of our national economy and raised revenue. That is how we balanced the budget. That is how we stopped the raid on Social Security. That is how we stopped the economic decline the country was experiencing under their plan, under their proposal.

In fact, at the time we passed the new budget plan in 1993, which was a 5-year plan reducing the deficits each and every year as we brought spending down, we brought revenues up until the two lines crossed and we moved into surplus. Our friends on the other side of the aisle said it was a huge mistake. They said it would increase the deficit. They said it would increase unemployment. They said it would increase inflation. They were wrong on every count. They were not just a little bit wrong, they were completely wrong.

Now they come with a new economic prescription to go back to the bad old days—back to debt, back to deficits, back to decline. Are we going to take that path? Haven't we learned anything about what works? Haven't we learned the best course is one of fiscal discipline? Haven't we learned the best course is to stay on this plan that has turned massive deficits into massive surpluses, that has led to the longest economic expansion in our country, that has led to the lowest unemployment in more than 30 years, the lowest inflation in more than 30 years? Are we going to jeopardize this with a risky tax scheme that our friends on the other side propose?

My friend from Iowa says we have the highest tax rates ever. No, we don't have the highest taxes ever. This chart shows the revenue line, and indeed it came up; that is absolutely correct. It was that combination of reduced spending and increased revenue that led to this result. However, that does not translate into higher tax rates on the American people. A key reason we have higher revenues is because we got the economy moving again. This extraordinary economic expansion—again, the longest economic expansion in our history—has generated more revenue. That is what helped balance the budget, coupled with reduced spending.

The question of what has happened to individual taxes is quite a different story. This was a story on the front page of the Washington Post: ''Federal Tax Level Falls for Most. Studies Show Burden Now Less Than 10 Percent.''

The story tells the truth.

For all but the wealthiest Americans, the Federal income tax burden has shrunk to the lowest level in four decades.

We don't have the highest taxes on individual American taxpayers that we have ever had, as the Senator from Iowa asserted. That is just not the case.

For all but the wealthiest Americans, the Federal income tax burden has shrunk to the lowest level in four decades.

That is the truth according to a series of studies by both liberal and conservative tax experts. Each of the studies shows the bottom line is the same. Most Americans this year will have to fork over less than 10 percent of their income to the Federal Government. The Congressional Budget Office estimates the middle fifth of American families with an average income of $39,000 paid 5.4 percent income tax in 1999, compared with 8.3 percent in 1981. Their taxes have gone down. That is the middle-income people in America.

The Treasury Department estimates that a four-person family, with a median income of $54,900, paid 7.46 percent of that in income tax, the lowest since 1965. And the median two-earner family making $68,000 paid 8.8 percent in 1998, about the same as 1955.

If we are going to have a debate, let's have a debate on facts and not make up things.

The fundamental problem with the legislation offered by our colleagues: They have more of a tax cut than there is non-Social Security surplus available for a tax cut. It is a question of priorities. What do we want to do with the surpluses available? Remember, these are projected surpluses. We can take the money and use it all for a tax cut that disproportionately goes to the wealthiest. That is what the Republicans want to do.

Our side believes we ought to reserve every penny of the Social Security surplus for Social Security. Republicans agree with that. On the non-Social Security surplus, the Republicans want to use it all for a tax cut that disproportionately goes to the wealthiest; 60 percent goes to the wealthiest 10 percent.

Our side thinks the highest priority should be further paying down of the debt because that is what every economist has said is in the highest interests of this country. This is what will most assure our economic future.

Second, we believe we ought to provide for tax relief; 29 percent of the non-Social Security surplus under our proposal goes for tax relief. Part of that goes to address the marriage tax penalty. However, we are addressing those who suffer the marriage tax penalty.

Our friends on the other side want to give a big tax cut to folks who do not have the marriage tax penalty. In fact, for people receiving the marriage bonus—they pay lower taxes as a result of being married than if they were filing individually—they want to give them a tax cut, too.

When they say we are limited to 10 amendments on our side, the underlying legislation deals with many more issues than just the marriage tax penalty. They want to restrict our right to offer alternatives. That is not fair. That is not the way the Senate was designed to operate. Not surprisingly, we don't intend to go along with that. That is not the way the Senate is designed to work.

We offered legislation in the Senate Finance Committee to give people a choice. They file as married couples;

they file as individuals; file the way that helps the most, that gives families the least tax liability. That is what Democrats are proposing. We do it in a way to not use all of the non-Social Security surplus for a tax cut that goes predominantly to the wealthiest. Instead, we put the highest priority on reducing the debt; the second highest priority on tax relief; the third highest priority on using money for high priority domestic needs such as defense, education, and agriculture, which are in very deep trouble.

Mrs. HUTCHISON. Mr. President, are the 10 minutes Senator CONRAD has remaining from the Democratic side?

The PRESIDING OFFICER (Mr. ROBERTS). That is correct, from the Democratic side. There are 20 minutes remaining on the Republican side.

Mrs. HUTCHISON. I thank the Chair.

THE PRESIDING OFFICER. The Senator from North Dakota is recognized.

MR. CONRAD. I thank the Chair.

(The remarks of Mr. CONRAD pertaining to the introduction of S. 2422 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. GRASSLEY. Mr. President, I yield 5 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The distinguished Senator from Missouri is recognized for 5 minutes.

MARRIAGE TAX RELIEF

Mr. ASHCROFT. Mr. President, I rise to speak on behalf of the marriage tax relief bill. You could characterize it as tax relief or you could characterize it, I suppose, as a tax cut. But the true characterization is one that Senator HUTCHISON has over and over emphasized: This is tax correction. The bill is intended to correct the Tax Code. The code needs correction because it is an assault on the very values of our culture.

There is a fundamental unfairness when the Tax Code is at war with our values and penalizes a basic social institution such as the institution of marriage. The American people know this. They understand it is not right to have a Tax Code that penalizes marriage. The vast majority of the Members of this body understand this. This last week, during consideration of the budget resolution, the Senate voted 99–1 on the Hutchison amendment to support marriage tax relief. In other words, let's abandon the policy of punishing married people who pay higher taxes in the Tax Code.

Despite this overwhelming vote less than 10 days ago, some of my colleagues are now trying to stop or to delay the marriage tax relief measure by demanding nonrelevant amendments. Yesterday, several Senators from the other side of the aisle spoke on the floor and agreed there is unfairness in the Tax Code and that it is fundamentally unfair to tax people only because they marry. However, these same Senators then said the Finance Committee bill gives tax cuts to people who do not need them. That seems an arrogant statement to me, to suppose Government knows best how to spend the people's money. In addition, one Senator opposed the finance bill, asking, how many of these tax cuts can we afford to give away?

I submit, the real question is, how much of the hard-earned money can families afford to have taken away by an unfair system which penalizes men and women, a schoolteacher, a fireman, for getting married and beginning a family? How much longer will we continue to allow married couples to be penalized just for getting married?

We are here to correct that fundamental unfairness. It is something that has grown up in the code. It is like a weed which is taking over the garden. Good things are prevented by its presence. We ought to pull it out and make sure we have a Tax Code that does not make it harder for young people to be married and have a family.

Are we for correcting this unfairness? Are we against it? Or are we just saying that we are? One cannot say they oppose this penalty and then fight to take the relief away that is provided in the bill. Our colleagues in the House have already demonstrated dramatically that they back a correction for this injustice.

In February, the House passed the Marriage Tax Penalty Relief Act of 2000. Thanks to the good work of the Senate Finance Committee, under the direction of Senator ROTH, we have a measure which will help substantially lessen the burden of this penalty that has been laid upon the families of America.

This bill makes great strides in providing relief and correcting this injustice. Twenty-five million American couples pay an average of $1,400 a year extra simply because they are married. Ending the penalty will give couples the freedom to make the choices they ought to make: The choice to be married and have a durable, lasting relationship of marriage as the foundation for the family unit.

The marriage tax penalty forces some Americans to make compromises instead of real choices. Mothers and fathers should be able to choose whether both parents will be employed outside the home based on what is in the family's best interest, or whether there should be a nonworking spouse who stays in the home. The Senate bill respects the value of the contribution of the spouse who stays home, and that is very important. Our Tax Code should respect the value that is added to the equation by a stay-at-home spouse who makes the family a stronger unit and builds for this country the kind of integrity that strong families provide.

In conclusion, no one has ever devised or developed or even dreamed of a better department of education, social services, a better department of health, education, and welfare than the family, and it is time for our Tax Code.

The PRESIDING OFFICER. The time requested by the distinguished Senator has expired. Who yields time?

UNANIMOUS CONSENT AGREEMENT—H. CON. RES. 303

Mr. GRASSLEY. Mr. President, on behalf of the leader, I ask unanimous consent, notwithstanding rule XXII, that following the cloture votes relative to H.R. 6, the Senate proceed to H. Con. Res. 303, the adjournment resolution, with a vote to occur on adoption, all without intervening action or debate. I further ask unanimous consent that following that vote, the Senate begin debate on the budget resolution conference report and, when received, the conference report be considered as having been read and there be 4 hours of debate to be divided in the following fashion: 90 minutes under the control of Senator DOMENICI, 90 minutes under the control of Senator LAUTENBERG, and 1 hour under the control of Senator REED of Rhode Island.

Finally, I ask unanimous consent that following the use or yielding back of time, the Senate proceed to vote on the adoption of the conference report, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

The distinguished Senator from Virginia is recognized.

Mr. ROBB. I inquire as to how much time remains on this side.

The PRESIDING OFFICER. The Senator has 2 minutes.

MARRIAGE TAX PENALTY RELIEF

Mrs. LINCOLN. Mr. President, in listening to my colleagues I am pleased to detect broad support for ending the so-called marriage penalty. I know that no one in this body believes that there should be a price to pay to the government for matrimony. However, we should work for a fair and reasonable solution that will not expand the marriage bonus and shift tax unfairness from one group in this country to another. The fact is that expanding marriage bonuses is not fair to single Americans just like doing nothing is unfair to married couples.

The ironic thing about the marriage penalty is that it was actually born out of fairness. According to a June 22, 1999 document prepared by the staff of the Joint Committee on Taxation, before 1948, there was only one income tax schedule, and all individuals were liable for tax as separate filing units.

Under this tax structure, there was neither a marriage penalty nor a marriage bonus.

However, this structure created an incentive to split incomes because, with a progressive income tax rate structure, a married couple with only one spouse earning income could reduce their combined tax liability if they could split the income and assign half to each spouse. Under this system a disparity between the citizens of community and separate property states arose after a handful of Supreme Court cases upheld the denial of contractual attempts to split income, but ruled that in states with community property laws, income splitting was required for community income. This led Senator John McClellan, of my home state of Arkansas, to ask Senator William Knowland of California, ''why is it that just because you live in California and I live in Arkansas, you pay $646 less every year than I pay?''

The Revenue Act of 1948 provided the benefit of income splitting to all married couples by establishing a separate tax schedule for joint returns. That schedule was designed so that married couples would pay twice the tax of a single taxpayer having one-half the couple's taxable income. While this new schedule equalized treatment between married couples in states with community property laws and those in states with separate property laws, it introduced a marriage bonus into the tax law for couples in states with separate property laws. As a result of this basic rate structure, by 1969, an individual with the same income as a married couple could have had a tax liability up to 40 percent higher than that of the married couple.

To address this inequity, which was at the time labeled a ''singles penalty,'' a special rate schedule was introduced for single taxpayers, leaving the old schedule solely for married individuals filing separate returns. This schedule created the infrastructure for the so-called marriage penalty that we seek to end today.

At the time more than thirty years ago when the current single and married filing categories were established, our society looked different, and very few people were affected by the flaws in our tax code that imposed a penalty on marriage. As we all know, Mr. President, the general rule is that married couples whose incomes are split more evenly than 30–70 suffer a marriage penalty. However, the fact still remains, that married couples whose incomes are attributable largely to one spouse generally receive a marriage bonus.

As the income levels between men and women have rightly narrowed and as more married women have moved into the work force, the so-called marriage penalty has begun to affect more and more families.

Today we are debating a bill offered by the Senate Finance Committee that seeks to address the problem of the so called Marriage Penalty, and I applaud my colleagues for bringing this to the floor. As I said before, I believe we all want to tell our constituents that we have ended the marriage penalty, however, the underlying bill will not allow us to do that.

There are 65 provisions in the tax code that contribute to a possible marriage penalty for taxpayers. The bill offered by the Majority only eliminates one of those provisions and softens the bite of two others. The fact still remains that 62 other provisions could rise up to affect married couples on tax day. If we are going to end the marriage penalty, Mr. President, we should just end it.

Another problem with the Majority bill is that it expands the marriage bonus. We should not bring back the unfairness we had before 1969. We should learn from the history of this debate and we should come up with a better solution. I believe in the sanctity of marriage, as do all of my colleagues. I don't believe in penalizing it. But I also recognize the rights and fairness that our single constituents demand. We should not shift tax unfairness from one group to another, we should work to eliminate the unfairness for all Americans.

The Majority bill would also expand the roles of the Alternative Minimum Tax. Talk about unfair! I think a lot of Americans would almost rather pay the marriage penalty than have to deal with the Alternative Minimum Tax. The Majority bill would expand, by 5 million, the number of people who have to fill out an AMT tax form and pay higher rates. Not only is it inexcusable, it goes against what we stand for and what we are trying to achieve

We should be working to lessen the effects of the AMT on middle class families not expand them. I am aware that the Majority bill includes a provision to permanently exempt the nonrefundable personal tax credits from AMT determination. That is good policy. In fact, Mr. President, I am the author of the bill, S. 506, that is essentially attached to the Majority bill. This provision, however, will not do enough to lessen the effects that doubling the standard deduction will have on the AMT roles. The good policy of S. 506 is drowned by the bad policy to which it is attached; drowned in the squeals of 5 million voters. I remind my colleagues that the AMT equals higher taxes and confusing forms. No one wants that for their constituents.

Lastly, Mr. President, this majority bill can hardly be labeled a ''Marriage Penalty Relief Bill'' at all. It doesn't completely eliminate the marriage penalty and less than half the cost of the bill goes to reducing it. 60 percent of the cost of the Majority bill goes to singles and to expanding the marriage bonus. I believe we should be honest with the American taxpayer and quit trying to aggregate tax cuts under popular headings like ''Marriage Penalty Relief'' and ram them through the process with cloture votes.

If my colleagues truly believe in fairness, as I think they do, then, Mr. President, let us work to truly end the marriage penalty, not to just put it on hold. Let's work together, Mr. President, to end the marriage penalty. Lets put an end to it now and forever. That means eliminating all 65 marriage penalties. Not just one and a fraction. That also means avoiding a new singles penalty. We have a record to look upon, Mr. President. We have a history. If we approach the marriage penalty in the way the Majority proposes, the unfairness will continue, the debate will continue, and sadly, the marriage penalty will continue as well.

Mr. LEAHY. Mr. President, I do not like the marriage penalty. I think it is poor public policy. However, I am forced to vote against cloture today because the majority has refused to allow the minority to offer amendments to improve this seriously flawed legislation.

The majority has presented us with a bill that not only fails to completely remedy the marriage penalty, but also provides large tax cuts to individuals and married couples who currently experience a marriage bonus. Less than 40% of the benefits of this bill would actually go to couples earning under $100,000. This is not a marriage penalty bill; this is a fiscally irresponsible tax cut bill for the wealthy. Hard working married couples in Vermont deserve an honest, targeted measure to eliminate the marriage penalty, not the proposal that is before us today.

I had looked forward to debating amendments to strengthen this bill and I am disappointed that the majority is cutting off the debate with a motion to invoke cloture. The integrity of the Senate is threatened when the majority refuses to permit the minority to debate amendments. The Senate should be the conscience of the nation because of the distinguishing feature of this body for any Senator to offer amendments and thoroughly debate the merits of legislation.

I support an end to the marriage penalty. I will continue to work with other Senators to pass legislation that is targeted at eliminating all of the marriage penalties that are embedded in our tax code. Vermonters deserve nothing less.

Mr. BYRD. Mr. President, today the Senate will vote on two cloture motions, the first, to end debate on the Finance Committee's substitute amendment to H.R. 6, the Marriage Tax Penalty Relief Act, and, the second, to end debate on the underlying bill.

First, I am, as are others, deeply concerned with that anomaly in the tax code known as the ''marriage penalty.'' I can think of no rational reason why two individuals who have vowed a lifelong commitment to each other through the sacred institution of marriage should, in certain cases, have their combined income taxed at a higher rate than that of two unmarried persons. At a time of declining social values, it simply does not make sense for the Congress to sanction policies which clearly work to the detriment of family stability.

Throughout the annals of human experience, in dozens of civilizations and cultures of varying value systems, humanity has discovered that the permanent relationship between men and women is a keystone to the stability, strength, and health of human society. The purpose of this kind of union between human beings is primarily for the establishment of a home atmosphere in which a man and a woman pledge themselves exclusively to one another and who bring into being children for the fulfillment of their love for one another and for the greater good of the human community at large. Indeed, I doubt that any Senator would refute the assertion that the promotion of marriage and family stability is in the best interest of the nation as a whole.

The question then is how to utilize the nation's tax code to move towards this goal. Marriage neutrality, for reasons that I will leave to the distinguished Finance Committee Chairman, the Senator from Delaware, and, the Finance Committee ranking member, the Senator from New York, to explain, is seemingly incompatible with a progressive income tax system that allows for married couples to file jointly. That is, if this body believes that higher-income households should pay higher taxes than lower-income households, and that married couples should be allowed to file joint returns, marriage neutrality can be a difficult goal to achieve. While I applaud the efforts of the Senator from Delaware and the Senator from New York in their attempts to balance these seemingly incompatible goals, I remain hesitant about jumping on any bandwagon at this time without first raising some concerns.

My primary concern, which I would presume is a concern of all Senators, is the cost associated with each of these proposals. The Republican plan, upon which the majority leader has filed a cloture motion, would cost approximately $248 billion over 10 years, and would explode after the first 10 years, costing the Federal Government $39 billion per year thereafter. This cost would be paid for through the non-Social Security surpluses that are projected by the Congressional Budget Office over the next 10 years. The so-called Democratic alternative, on the other hand, is not much better. The proposal would cost $150 billion over 10 years, but once fully phased in, is expected to cost about $48 billion per year thereafter. The basis upon which these tax cuts are being proposed is the presumption that the Congressional Budget Office's projections of non-Social Security surpluses will come to pass and will be large enough to cover tax cuts of this magnitude without causing the Federal budget to revert back into the kind of annual triple-digit billion dollar budget deficits we suffered over the last two decades. Never mind the fact that these non-Social Security surpluses are not yet in the hands of the Treasury. Never mind the fact that this Senate has not yet ensured that our domestic spending needs will be met in the coming years. Never mind the fact that such enormous tax cuts, once enacted, would be very difficult to reverse.

To its credit, however, the Democratic alternative is a substantively better proposal. Not only would it eliminate all sixty-five marriage penalties in the tax code, compared to the Republican proposal which would eliminate only three of the penalties, but it would also limit tax relief to those who actually suffer marriage penalties. Nevertheless, the Senate stands ready to shut down debate on these measures, and to effectively prohibit the Democratic alternative from being offered. Moreover, amendments that could possibly improve these proposals, or, at least, ensure that these proposals are enacted in the most cost efficient way possible, would also be limited—perhaps not to be allowed to be called up at all.

Another concern of mine is that both proposals are distributionally skewed away from lower- and middle-income families. Senators should be encouraged to offer amendments so that these proposals better target families who most need tax relief. Instead, Senators are discouraged from offering amendments to improve the measure. Watching the debate yesterday, I noted Senators suggesting that amendments should be limited to only five or six so that the Senate could finish its work tonight and recess for the Easter break. As far as this Senator from West Virginia is concerned, if this legislation is as important as most Senators seem to think it is, we should stay in tomorrow, perhaps Saturday, and for as long as it takes to provide the best targeted, most cost-efficient tax package possible. This legislation should not be railroaded through this Chamber in order to accommodate a political deadline or to avoid debate on controversial amendments.

I, for one, will not support shutting down debate on these measures without first having these concerns addressed. I refuse to allow myself to be backed into a position where I must support limiting debate on a so-called marriage penalty relief bill simply to avoid political attacks that I do not support marriage penalty relief. My constituents understand my position on this matter. I have been married, now, almost 63 years, so I know about the marriage penalty. It has not changed over the years. I will oppose cloture on this bill, not because I am opposed to marriage penalty relief, but because I am opposed to this kind of legislating.

Putting aside the policy implications of these votes for a moment, I am growing increasingly concerned about how this body is seemingly incapable of considering any legislation without, first, limiting amendments that may be offered; and, second, limiting the ability of Senators to debate the legislation. These marriage penalty proposals are only the most recent example of this new style of legislating. Education savings accounts, the Social Security earnings limit, and bankruptcy reform have all been debated in this fashion. The stock options bill that was brought to the floor was limited to one hour of debate with no amendments or motions in order. Presumably, this agreement was reached to prevent minimum wage amendments from being offered. Indeed, time after time, day after day, cloture motions to end debate are being filed before debate even has a chance to get under way.

The rationale behind today's cloture vote is that a majority of constituents and legislators support marriage penalty relief, so this legislation should be passed without delay. Ironically, this is exactly why the Senate was established as the body of majority rule but minority right. When James Madison arrived in Philadelphia in 1787 to correct the ''injustices'' of the Articles of Confederation, he had derived a general theory of politics based on his experiences in the Virginia state legislature. His focus was on the majoritarian premises of popular government. While Madison pondered that legislators would primarily respond to the passions and interests of their constituents, he realized that minority rights were not so much to protect the people from government as to protect the people from popular majorities acting through government. In recent months, however—and I say this not as a Democrat, but as a member of the minority—minority rights have been pushed aside in order to accommodate political expediency. The Democrats, as I observe them, are standing up for their rights as a minority, not attempting, as has been stated several times in the past, to dictate the Senate's schedule. This Democrat is certainly not trying to dictate the schedule. I do, however, have an interest in the Senate. And, I think that the Senate has gone downhill in recent years. I think that it is too partisan. I

have seen bills called up, and cloture immediately filed upon them to end debate on them when there had been no debate. I, when I was majority leader, filed cloture motions in similar situations, but I never did it time after time and day after day, I did it very seldom.

Senators do have the right to offer amendments, they do have the right to debate those amendments, and they have the right to a roll call vote on those amendments if they want it. Similarly, this Senator, along with every other Senator in this body, has the right to debate amendments offered by other Senators and to a roll call vote on those amendments. This was the message that I was hoping to convey last Friday during the debate on the budget resolution. When I objected to the unanimous consent request regarding the inclusion of some fifty amendments to the budget resolution, my goal was not to prevent the consideration of those amendments.

In fact, I was suggesting that the Senate spend the extra time on Saturday and on Monday to debate and to vote on those amendments. It was my desire to hear debate and to vote on those amendments, not to move on to final passage.

The Senator who offers the amendment, of course, has a right to have debate on it and a right to ask for a vote. But any other Senator also has a right to hear the debate and also has a right to ask for a vote if he wants it. So it is not just the Senator who offers the amendment whose case is put in jeopardy because he is denied a vote. The whole Senate and the people I represent, the people the Senator from Rhode Island represents, are entitled to a debate also on the amendment.

As I have said before, I will not support the erosion of minority rights in the Senate simply to advance a politically popular initiative. I hope that my colleagues will take a moment to consider their votes in this context, rather than in the context of what is politically popular and expedient.

Mr. ROBB. Mr. President, last week, I offered an amendment to the Senate budget resolution that would have required Congress to enact a new Medicare prescription drug benefit before considering any massive tax cuts. While a procedural hurdle prevented my amendment from passing, fifty-one senators voted to waive the budget point of order, indicating they favored it, sending the American people a strong signal that a majority of the U.S. Senate thought we should put the needs of our nation's seniors before excessive tax cuts.

Yet only a week after this vote, Mr. President, we are considering a massive tax cut that will spend $248 billion of the surplus over 10 years, without doing anything to modernize Medicare. Under the guise of eliminating the ''marriage penalty,'' the majority has brought a bill to the floor that would devote over half of its benefits to people who either aren't married, or who are actually receiving right now a tax benefit, or ''bonus,'' for being married. This takes a lot of chutzpah.

I believe we ought to eliminate the marriage penalty for those who actually suffer the marriage penalty and need the relief most. With all the rhetoric from the other side about eliminating the marriage penalty, one might think that they would share my view and want to pass a bill that would actually focus on the penalty.

But a close examination of the Republican bill reveals that it is not quite what it is described to be. In fact, there are 65 provisions in the Tax Code that have a marriage penalty, including Social Security. Their bill takes care of one provision entirely and two others partially, and leaves the other 63 marriage penalties exactly the way they are. The Democratic bill addresses all 65 provisions, and takes care of the entire penalty for nearly everybody. The Democratic bill accomplishes all this but costs half as much.

It is time that we set our priorities straight. We ought not to be devoting $140 billion of the surplus over 10 years to individuals who currently have no marriage penalty when we have done nothing to help those who suffer from the ''senior citizens' drug penalty'' the high prices our Nation's seniors are forced to pay for prescription drugs.

I intend to offer a motion to recommit this bloated bill to the Finance Committee, with instructions to report out a new bill by June 1 that focuses its dollars on taxpayers who actually face a marriage penalty, and that devotes $40 billion over the next 5 years to a new prescription drug benefit. This motion will not prevent Congress from enacting marriage penalty relief this year, it will just ensure that we do not backtrack from last week's vote to enact a prescription drug benefit before we do major tax cuts.

I want to share again a letter I received from a woman in St. Stephens Church, VA which illustrates why the prescription drug amendment is so important. She writes:

> My husband and I are both retirees and rely on Social Security and Medicare. Recently, we both had to go to our family doctor, and the drugs that were prescribed for us would cost us out of pocket approximately $300 per month. Due to the cost of the two prescriptions, we are forced to choose not to take the medication and live with the illness.

Another woman from Scottsville, VA writes:

> My husband's income consists of his Social Security and a small pension from his former employer. We spend over twice as much for prescriptions as we do for groceries, and it's getting harder and harder to stretch our income 'til our checks arrive.

These Virginians are not alone in their troubles. The average senior citizen will spend $1,100 on prescription drugs this year. Most of them will not have adequate prescription drug coverage to help them cover these crushing costs. The numbers of those who do have coverage are dropping rapidly.

Despite the suggestions of some of my colleagues, this problem is not limited solely to the poor. One in four Medicare beneficiaries with a high income—defined as $45,000 a year for a couple—has no coverage for prescription drugs. And while some seniors do have coverage, nearly half of them lack coverage for the entire year, making them extremely vulnerable to catastrophic drug costs.

Complicating this matter for the elderly is the ''senior citizens' drug penalty'' that seniors without drug coverage are forced to pay. Most working Americans who are insured through the private sector pay less than the full retail price for prescription drugs. This is because insurers generally contract with Pharmaceutical Benefit Managers—or PBMs—that negotiate better prices for drugs and pass on the power of group purchasing to their customers.

Seniors lack this option, however, and must still pay full price for their drugs. A study released earlier this week showed that seniors without drug coverage typically pay 15 percent more than people with coverage. And the percentage of Medicare beneficiaries without drug coverage who report not being able to afford a needed drug is about 5 times higher than those with coverage.

This ''senior citizens' drug penalty,'' in my view, is unconscionable. Senior citizens rely more on drugs, and have higher drug costs, than any other segment of the population. They deserve to have the same bargaining power that benefits other Americans.

Last week the other side spoke against my amendment, claiming that there was already adequate language in the Republican budget resolution to ensure that we pass a prescription drug benefit this year. At the time, they pointed to the $40 billion reserve fund which was included in the budget resolution the Committee reported, arguing that this would provide ample money to enact a prescription drug benefit and offer tax relief.

Republicans asked, in essence, that we trust them that the Senate will not squander the surplus on tax cuts before we have helped our nation's seniors. Let me say that I do trust my good friends on the other side of the aisle. To borrow a line from Ronald Reagan, I believe we should trust—but verify. That is what my amendment last week did. It required deeds as well as words.

Seeing what happened in the budget resolution conference committee, it has become clearer than ever why we need to verify the promises that the other side gives us. Because despite both chambers setting aside a $40 billion reserve fund for a prescription

drug benefit, one of the first things that the conferees did was cut this fund in half, to $20 billion—a number far too low to enact any sort of universal benefit for our nation's seniors. The conferees then took this other $20 billion, which is vitally needed to fund a universal prescription drug benefit, and said that it should be used for other Medicare reforms, such as another round of adjustments to the payment rates for Medicare providers that were hit hard by the cuts in the Balanced Budget Act of 1997. But after touting this reserve fund as the key to a prescription drug benefit, they have essentially neutered themselves.

Even worse, the conferees removed the one provision that would have helped push a prescription drug benefit forward. The Senate budget resolution set a date of September 1 for the Finance Committee to report out a prescription drug bill. This deadline would have guaranteed that the Senate would at least consider prescription drug legislation this year. But the conferees stripped this deadline out of the bill. They have basically said: it is not important for the Senate to pass a bill to eliminate the ''senior citizens' drug penalty.''

I am by no means opposed to taking another look at the decisions we made in the Balanced Budget Act of 1997. I worked very hard last year in the Finance Committee on the Balanced Budget Refinement Act. And there ought to be room, in the context of a balanced budget, to provide further relief to health care providers who were hit hard by the cuts in the Balanced Budget Act of 1997.

We ought not to be limiting our Medicare reform efforts to $40 billion, however, simply to free up additional funds for tax cuts. With this new limit, Republicans have essentially pitted a prescription drug benefit for seniors against additional relief for doctors, hospitals, nursing homes, and other health care providers. Republicans have decided that two important priorities must square off, so that we can provide billions of dollars in so-called ''marriage penalty'' tax relief to individuals who do not even incur a marriage tax penalty on their taxes.

Our nation's seniors deserve better than this. Last week, at least fifty-one Senators felt the same way. I urge every one of them, as well as Senators who opposed my amendment last week because they thought the $40 billion reserve fund would guarantee a prescription drug benefit, to support my motion to recommit this bill. With its passage, we will be able to eliminate both the true marriage tax penalty and the ''senior citizens' drug penalty.''

UNANIMOUS CONSENT REQUEST—H.R. 6

Mr. ROBB. Mr. President, I ask unanimous consent that we proceed to consideration of H.R. 6, the Marriage Tax Penalty Relief Act, so that I may offer a motion to recommit the bill to the Senate Finance Committee.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. Reserving the right to object, I see this as an effort to delay passing the marriage tax penalty relief bill. Offering or voting for this motion is saying that the Senate does not want to fix the marriage tax penalty. Recommitting the bill is an attempt, I think, to kill the bill.

We are going to deal with the prescription drug problem. As I said in my opening comments this morning, Republicans have already set aside $40 billion in our budget to do so. We do not need to delay fixing the marriage tax penalty in order to fix the Medicare problem. We have the resources and the time to do both.

Again, I think this is a transparent effort to kill marriage tax penalty relief, and, consequently, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Virginia.

Mr. ROBB. Mr. President, I accept the objection of my friend from Iowa. Under the conference agreement, the $40 billion went in on the part of the Senate. Only $20 billion came out; $20 billion has already been diverted in the conference agreement. I recognize an objection has been offered. I will make my point.

The PRESIDING OFFICER. The time of the distinguished Senator has expired.

Mr. GRASSLEY. Mr. President, I yield 5 minutes to the Senator from Montana.

The PRESIDING OFFICER. The distinguished Senator from Montana is recognized.

MARRIAGE TAX RELIEF

Mr. BURNS. Mr. President, I thank my friend from Iowa.

This has been an interesting debate on this part of the Tax Code, and I have been listening to this debate with a lot of interest. If there ever was something that needed fixing, it is unfairness in the Tax Code. I am not going to talk about a disincentive for folks to get married. I look at it from a standpoint of fairness.

Young couples who are starting out and trying to save a little money for the education of their children, or trying to pay for a home, these couples are penalized. They have dreams of participating in American opportunities, and they are kept from this by an unfair tax code. In Montana, 90,000 couples are penalized to the tune of $51.5 million every year in extra taxes simply because they are Mr. and Mrs.

We made it pretty clear on this side of the aisle that tax reform is needed. If we have to do it one step at a time or one inch at a time, then that is the way we will do it. That makes it very slow and very painful. Yet it has to be done.

According to the Congressional Budget Office, almost half of married couples pay higher taxes due to their married status. The marriage tax penalty increases taxes on affected couples $29 billion per year. Currently, this marriage tax penalty imposes an average additional tax of $1,400 a year on 21 million married couples nationwide.

I, along with my Republican colleagues, have made it clear that continued tax reform and tax relief is necessary, and I can think of no other tax that has such a dramatic impact on so many people. To some people, $1,400 may not sound like a lot of money, but to a lot of Americans $1,400 does mean a lot of money. Especially when it can be used for things like saving for education, or supporting young families, or a long list of things that need to be fixed around the house.

The marriage tax penalty can have significant negative economic implications for the country as a whole since the tax code can discourage some people from entering the workforce altogether.

Additionally, this is a good time for us to restore fairness for married people. No. 1, I think what we have seen this week in the stock market, what we have seen in the high-tech stocks, shows that we may not be in the real booming economy now that everybody thinks we are. No. 2, if you live in farm country, we know we are not in a booming economy. Look at our small towns around my State of Montana and all through farm country. We know what tough times are. And then to be penalized in your taxes just because you are married seems a little unfair.

I support this particular piece of legislation. I want the American people to know that we will take this one step at a time. After all, we did not get into this situation overnight. Maybe it will take one step just to get us out of this kind of a situation.

Mr. President, as I said, I rise in support of legislation currently on the floor that will put an end to the marriage tax penalty. We have been fighting this tax inequity for several years now. The people of Montana have spoken to me either through letters or conversation—they think this tax is unfair.

Last year, I met with a couple in Billings, MT, to determine the impact of this tax on them. Joshua and Jody Hayes paid $971 more in taxes because they were married than they would have paid if they remained single.

In Montana, it is estimated that nearly 90,000 couples are penalized by this tax to the tune of $51.5 million—solely for being married.

I along with my Republican colleagues have made it clear that continued tax reform and tax relief is necessary, but I can think of no other tax that has such a dramatic impact on so many people.

If ever there was a disincentive to be married, this penalty would be it. I believe this, along with the estate tax, is one of the most unfair taxes on Americans. It is not right for people to be penalized with higher taxes simply because they choose to get married.

According to the Congressional Budget Office (CBO), almost half of all married couples pay higher taxes due to their marital status. Cumulatively, the marriage penalty increases taxes on affected couples by $29 billion per year. Currently, this tax penalty imposes an average additional tax of $1400 on 21 million married couples nationwide.

The marriage penalty can have significantly negative economic implications for the country as a whole as well. Not only does this penalty within the tax system stand as a likely obstacle to marriage, it can actually discourage a spouse from entering the workforce.

By adding together husband and wife under the rate schedule, tax laws both encourage families to identify a primary and secondary worker and then place an extra burden on the secondary worker because his or her wages come on top of the primary earner's wages.

As the American family realizes lower income levels, the Nation realizes lower economic output. From a strictly economic perspective, the fact that potential workers would avoid the labor force as a result of a tax penalty is a clear sign of a failure to maximize true economic output. As a result, the nation as a whole fails to reach its economic potential, which is demonstrated by decreased earnings and international competitiveness.

I am very disappointed the President has indicated he will veto this bill as he has in the past. That is not just the veto of a bill—that is another signal the administration does not support the union of two people and their impending family.

Congress has the momentum to correct this inequity and I encourage my colleagues to support this legislation to repeal the marriage penalty.

I ask unanimous consent to have an example of the marriage tax penalty printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXAMPLE OF THE MARRIAGE PENALTY TAX

Take a couple in which the husband is a new Billings Police Officer and his wife is a teacher for the Billings School District.

	Husband	Wife	Couple
Adjusted Gross Income	$33,500	$28,200	$61,700
Less Personal Exemption	4,150	4,150	6,900
Standard Deduction	+2,650	+2,650	+5,300
	6,800	6,800	12,200
Taxable Income	26,700	21,400	49,500
Tax Liability	4,271.50	3,210.00	8,504.00

Total tax liability when filing jointly is 8,504.
Total tax liability for both filing as singles 7,481.50.
Marriage Penalty 1,022.50.

Mr. BURNS. Mr. President, I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I yield 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The distinguished Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I thank the distinguished Senator from Iowa, who has done a wonderful job in managing this bill, and more importantly for his role in the Finance Committee to make sure that we have a great marriage tax penalty relief bill.

I thank the Senator from Montana for talking in straight terms, as he always does, about what our priorities are: Does this money belong to the people who earned it or does it belong to the Federal Government in Washington, DC?

I think it is very interesting; when people talk about tax cuts, you can tell immediately how Members are going to vote by how they refer to the tax cuts.

As the Senator from Missouri said earlier, if you are going to be against tax cuts, you are going to say: How much will it cost the Federal Government to give this tax relief? But if you believe that people who earn the money deserve to keep it, then you are going to say: How much is it going to cost the American family if we do not give them back part of the excess that they have sent to Washington in income tax withholding?

I want to make the point again, we are not talking about the Social Security surplus providing money for tax cuts. We are talking about the income tax surplus. That means that people have sent too much to Washington and we are trying to return some of it.

I think it was an interesting argument earlier, on the Democratic side, where it was shown that Federal taxes have gone down in our country. We are trying to lower Federal taxes, but, in fact, what has happened is local taxes have gone up. So all of the neutral sources in our country today tell us that there is, in fact, a higher tax burden on the average American family today than ever before in peacetime. That is a big burden on an average family.

About 40 percent of the average family's income is taken in taxes. That is a fact. And we are in peacetime. We do have a balanced budget. We do not need that much. We should send it right back to the people who earned it, to put in their pockets for them to make the decisions as to how to spend it. That is what we are trying to do today.

I think it is interesting when you listen to the debate. The distinguished Democratic leader yesterday said, in the debate: ''I think the Republican bill is a marriage penalty relief bill in name only. It is a Trojan horse for the other risky tax schemes that have been proposed so far this year.''

I want to go over what we have taken up this year, what we have proposed this year, and just say to the American people: I wonder what the risky tax schemes are.

Is it a risky tax scheme to let people on Social Security between the ages of 65 and 70 work without paying a penalty? Is that a risky tax scheme? Is the education tax credit that Senator COVERDELL passed earlier this year to give parents a tax credit to buy education enhancements for their children—the computers, the extra books, the tutors—a risky tax scheme? Or is it the small business tax relief that we passed to try to give our small businesses an opportunity to grow and create new jobs in our country?

I am not sure to which ''risky tax scheme'' the Democratic leader refers. But if that is a ''risky tax scheme,'' I am guilty because I do believe the hard-working people of this country deserve to keep more of the money they earn.

This marriage tax penalty relief was provided for in the budget we passed last week. We would take only 50 percent of the allocation over a 5-year period. We think that is quite responsible as stewards of our tax dollars.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. HUTCHISON. I thank the Chair and yield the floor.

Mr. WARNER. Mr. President, the Republican led Senate is considering legislation that I have long advocated for working families—relief from the marriage tax penalty.

This is not a limited problem. According to the Congressional Budget Office, almost half of all married couples—21 million—are affected by the marriage penalty. One study showed that over 640,000 couples in Virginia are affected.

The marriage tax penalty unfairly affects middle class married working couples. For example, a manufacturing plant worker makes $30,500 a year in salary. His wife is a tenured elementary school teacher, also bringing home $30,500 a year in salary. If they both file their taxes as singles they would pay 15 percent in income tax. But if they choose to live their lives in holy matrimony and file jointly, their combined income of $61,000 pushes them into a higher tax bracket of 28%. The result is a tax penalty of approximately $1,400.

The Republican marriage penalty relief bill would fix this unfairness without shifting of the tax burden and without the need for a tax increase on

any individual. Middle and low income families would benefit as much as earners with higher incomes. The bipartisan support for eliminating the marriage penalty is overwhelming. The House of Representatives passed the bill with 268 votes.

In the Senate, our bill increases the standard deduction for joint returns to twice the amount of the standard deduction for single returns, doubles the size of both the 15% and 28% tax brackets for joint returns to twice the size of the corresponding tax rate brackets for single returns, and increases the phaseout income level for the Earned Income Tax Credit (EITC) for joint returns by $2,500. Additionally, it makes permanent the current allowance of personal nonrefundable tax credits to offset both regular and alternative minimum tax liabilities.

Critics have claimed that most of the tax relief under our plan would go to wealthy couples. That is simply not true. The Congressional Joint Committee on Taxation's distribution analysis estimates that couples making under $75,000 annually will be the biggest winners. Additionally, the Joint Tax Committee estimates that couples earning between $20,000 and $30,000 will receive the biggest percentage reduction in their federal taxes out of any income level, with couples making between $30,000–$40,000 fairing almost as well.

Opponents of this measure have argued that some married couples, where only one spouse works, will receive a so-called ''marriage bonus''. Although the word ''bonus'' implies an additional benefit, this is simply not the case. First, this money belongs to the taxpayers. With a surplus of over $2 trillion, not including Social Security, all taxpayers are entitled to a return of their tax overpayment. Second, should the federal government, through tax policy, discourage either parent from staying at home with children? If a couple chooses to raise their family on just one income, they will need all the financial help they can get. The government should not penalize a family simply because it takes both spouses working outside of the home to make $50,000. Being a stay at home parent should be rewarded—not penalized.

This means over $64 billion in tax relief over the next five years. Combined with the other tax relief measures adopted by the Senate this year—tax relief for small employers, improved health care access, and education savings accounts—the total tax relief considered by the Senate falls well within the $150 billion budgeted for tax cuts in the recently-adopted budget resolution.

This is a modest proposal. Eliminating the marriage penalty will result in less tax paid to the federal government. However, the Congressional Budget Office estimates that taxpayers will send Uncle Sam almost $2 trillion in additional surplus taxes over the next ten years. That is after Congress has locked up 100% of Social Security surplus and paid down the public debt. Our proposal asks Uncle Sam to give back to middle class families just 10 cents out of every extra surplus dollar they send to Washington. Is that really to much to ask to help families? The Federal government should not put a price tag on the sacrament of marriage.

Mr. GORTON. Mr. President, next Monday is the deadline for all Americans to file their 1999 income tax returns with the Internal Revenue Service. This week the Senate has appropriately dedicated its attention to the tax burden placed on Americans, particularly the unfair marriage tax penalty. Simply, the marriage tax penalty is an injustice in the current Federal income Tax Code that results in a married couple filing a joint tax return paying more in taxes than if the same couple were not married and filed as individuals.

Every week of the year I receive letters from Washington state constituents outraged by the marriage tax penalty, but during tax season my mailbox is deluged with the protests of married couples. Last year, Congress passed a tax relief bill that would have eliminated the marriage penalty, but President Clinton vetoed this needed reform. This year, Democrats have spent this entire week delaying and then blocking a Senate vote on a bill to end the marriage penalty.

Maybe some of my colleagues should hear what I read in the letters I receive asking for action by Congress and the President to eliminate the marriage tax penalty. From an email I received from a constituent in Maple Valley, Washington: ''I wanted to express my hope that you and the other members of Congress will be able to eliminate the marriage penalty tax * * * Why should I pay more in taxes since I am married?'' From Bellingham, Washington: ''Fairness! It all comes down to fairness. Please stop penalizing us for being married. We deserve the same as two single taxpayers.'' From a family farmer in Eastern Washington state: ''I believe the marriage tax penalty is a mistake that should be corrected. It would establish fairness in our tax system.'' This is merely a sampling of the hundreds of letters I have received, but it is an accurate representation of the views of my constituents and the vast majority of Americans.

My No. 1 tax legislative priority is complete tax reform. I believe the entire confusing and incomprehensible Tax Code should be scrapped and replaced with a system that is fair, simple, uniform and consistent. Until such fundamental reform can take place, I will continue to work in support of tax reform and relief measures that correct unfair aspects of the existing tax code mess. The marriage tax penalty is absolutely one of the most outrageous and indefensible injustices in the current Tax Code. Efforts to delay and block the elimination of the marriage tax penalty are clearly an affront to a sense of fairness, the institution of marriage, and they are contrary to the desires of an overwhelming majority of Americans. The Senate should vote now to correct the marriage tax penalty.

Mr. DOMENICI. Mr. President, the marriage penalty is the extra tax a couple pays as a result of being married. When a couple says ''I do'' they are really saying ''IRS, we will pay.'' The tax code has 63 provisions that penalize couples for being married. There are more than 20 income phase-outs and each is a marriage penalty. The two biggest marriage penalizers are the standard deduction and the tax brackets. Fairness would dictate that the standard deduction for a couple should be twice what it is for a single taxpayer. Fairness would dictate that the tax bracket income cut-off points for a married couple should be twice that of a single taxpayer. That is not the way the current code is structured. This bill would restore fairness.

About 25 million married couples annually are adversely affected by the marriage penalty. Average marriage penalty is $1,400. If we eliminated the marriage penalty, the typical family would have an extra $1,400 to pay the electric bill for nine months, pay for three months of day care, pay for a five-day vacation at Disneyland or eat out 35 times.

There wasn't always a marriage penalty. Prior to 1948 the tax code taxed individuals, but today, the marriage penalty has infiltrated the entire tax code. It didn't matter when most women stayed at home, but now that so many women work it is indefensible to have the marriage penalty in our law. A working wife often works to support the federal government, more than she works to help her family, because the first dollar she earns is taxed at the highest rate her husband's income is taxed. Some economists call this the ''second earner bias'' because the income of the secondary earner is stacked on top of the primary earner's income resulting in a relatively high marginal rate.

Of the 27 OECD countries 19 countries taxed husbands and wives separately so there is no marriage penalty. The biggest culprits are the standard deduction and the tax brackets.

The standard deduction for two individuals filing single returns is not twice what the standard deduction for a married couple filing a joint return is. It isn't but, it should be.

Marriage penalty hits low income workers. Eligibility for the earned income credit is the same for single heads of households and married couples. Combining two incomes on a joint

return may push a couple into the phase-out range of the EIC and reduce the size of their credit.

As I mentioned, a growing number of tax provisions—credits and deductions—are phased-out at certain income ranges. Any tax provision that has an income phase-out contributes to the marriage penalty. Few of us probably ever stop to think about the marriage penalty when we vote for tax provisions with income phase-outs. Some phase-outs start as low as $10,000 of income. The dependent credit, the elderly credit and earned income credit have phase out ranges that compound the marriage penalty for the working poor.

Several provisions have phase-outs in the $50,000 to $75,000 in income range which add to the marriage penalty of the two income middle class families. The dependent credit, the Hope education credit, the elderly credit, adoption credit; the IRA deduction and the Education loan interest expense deductions. Itemized deduction threshold, personal exemption, all get ''marriage penalty-ed'' out of existence for many married couples with modest incomes.

S. 2346 provides total tax relief to married couples of $64 billion over the next five years. Combined with the other tax relief measures adopted by the Senate this year—tax relief for small employers (H.R. 833), improved health care access (H.R. 2990), and education savings accounts (S. 1134)—the total relief considered by the Senate falls well within the $150 billion budgeted for tax cuts in the recently-adopted Senate budget resolution.

Let me describe in particularity the provisions of the bill. Standard deduction: The bill increases the standard deduction for married couples filing jointly to twice the standard deduction for single taxpayers. According to the Joint Committee on Taxation, this provision provides tax relief to approximately 25 million couples filing joint returns. It is effective for taxable years after December 31, 2000.

Increased brackets: The bill expands, over a six-year period, the 15-percent and 28-percent income tax brackets for a married couple filing a joint return to twice the size of the corresponding brackets for an individual relief to 21 million married couples, including 3 million senior citizens.

EIC: The bill increases the beginning and the end of the phase-out of the Earned Income Credit for couples filing a joint return. Currently, for a couple with two or more children, the EIC begins phasing out at $12,690 and is eliminated for couples earning more than $31,152. Under this bill, the new range would be $2,500 higher. For these couples eligible for the EIC, the maximum credit is increased by $526, from $3,888 to $4,414. It is effective for taxable years after December 31, 2000.

AMT relief: The bill permanently extends the current temporary exemption from the individual alternative Minimum Tax (AMT) for several family-related tax credits, including the $500 per child tax credit, HOPE and Lifetime Learning credits, and dependent care credit. The bill also exempts two refundable credits, the Earned Income Credit and the refundable child credit, from being reduced by the AMT. It is effective for taxable years after December 31, 2000.

Mr. President, this bill addresses one of the biggest federal income tax injustices and I hope the Congress will enact this legislation.

Ms. SNOWE. Mr. President, I rise in strong support of the S. 2346—legislation that would dramatically reduce one of the most insidious aspects of the tax code: the marriage penalty.

Mr. President, as my colleagues are aware, there are several primary causes of the ''marriage penalty'' within the tax code, including different tax rate schedules and different standard deductions for joint filers versus single filers.

In terms of the impact of these differing tax provisions, the marriage penalty is most pronounced for two-earner couples in which the husband and wife have nearly equal incomes. While this may not have been as noticeable in society 30 or 40 years ago, the demographic changes that have occurred since the 1960s—with more married women entering the workforce to help support their families—has led to a significant increase in the share of couples who suffer from the marriage penalty.

Mr. President, make no mistake, the impact of the marriage penalty is severe. According to the Congressional Budget Office (CBO), 42% of married couples incur marriage penalties that average nearly $1,400.

When measured by income category, fully 12% of couples with incomes below $20,000 incurred a marriage penalty in 1996; 44% of couples with incomes of $20,000 to $50,0000; and 55% of couples with incomes above $50,000.

In addition, according to CBO, empirical evidence suggests that the marriage penalty may affect work patterns, particularly for a couple's second earner. Specifically, because filing a joint return often imposes a substantially higher tax rate on a couple's second earner, the higher rate reduces the second earner's after-tax wage and may cause that individual to work fewer hours or not at all. As a result, economic efficiency is harmed in the overall economy.

Furthermore, while I would hope that the tax code would not be a factor in a couple's decision to marry or stay single, the simple fact is that a couple's tax status could worsen if married and could, therefore, impact a couple's decision to marry. Therefore, we should eliminate this potential barrier to marriage and ensure that couples make one of life's biggest decisions based on their values and beliefs—not on the federal tax code.

Mr. President, as a strong opponent of the marriage penalty, I am an original cosponsor of S. 15, legislation introduced by Senator HUTCHISON that eliminates the marriage penalty through a proposal known as ''income splitting.'' Under this approach, a married couple would add up all their income and then split it in half. Each spouse would then file as a single individual and pay taxes on his or her half of the total income, with exemptions, deductions and credits being split evenly between the two spouses.

Last year, to advance this legislation or any other proposal that would provide marriage penalty relief, I offered an amendment during the markup of the FY 2000 budget resolution that ensured a significant reduction in—or the outright elimination of—the marriage penalty would be a central component of any tax cut package adopted during last year's reconciliation process.

Later that summer, in accordance with my budget amendment, the $792 billion tax cut reconciliation package that was passed by the Senate last summer included such relief, as did the final House-Senate conference report. However, just as President Clinton vetoed the tax bill in 1995 that included marriage penalty relief, last year's tax bill was vetoed as well.

In an effort to address this issue outside a broader tax package, the House of Representatives passed legislation earlier this year—by a bipartisan vote of 268 to 158—that would reduce the marriage penalty.

Now, in the Senate, we are considering stand-alone legislation that would dramatically reduce the marriage penalty by doubling the standard deduction for married couples relative to single filers; expanding the 15 percent and 28 percent income tax brackets for married couples to twice the size of the corresponding tax brackets for single filers; increasing the phase-out range of the Earned Income Credit (EIC) for couples filing joint returns; and permanently exempting family tax credits from the individual Alternative Minimum Tax (AMT).

Mr. President, it is my hope that, by considering this package of marriage penalty relief proposals as a stand-alone bill—and not as part of a broader, and potentially controversial, tax cut package—we will not only pass this legislation prior to ''tax day'' on April 17, but ultimately send a bill to the President that he will sign for the benefit of all married couples.

The bottom line is that we should not condone or accept a tax code that penalizes married couples or discourages marriage, and this bill provides the Senate with the opportunity to correct this inequity in a straightforward manner.

Ultimately, this bill is not simply about providing the American people with a reasonable and rational tax cut—rather, it is about correcting a gross discrepancy in the tax code that unfairly impacts married couples. Accordingly, even though individual members of this body disagree on a wide variety of tax cuts policies, I would hope we would all agree that the act of marriage should not be penalized by the Internal Revenue Code—and would support the proposal before us accordingly.

Thank you, Mr. President. I yield the floor.

Mr. HUTCHINSON. Mr. President, I rise today in support of the Roth marriage tax relief plan. The clock is ticking, Mr. President. In less than forty-eight hours, Americans across the country will empty their pockets to pay the government thousands of dollars in taxes.

For approximately 42 American couples, tax day will have an extra sting to it, because they will have to pay an average of $1,400 extra in taxes to accommodate an outdated and discriminatory tax system.

When we first adopted the tax code, women made up only about three percent of the work force. But today, women are full time entrepreneurs. Some seventy percent of mothers work, only to find their income penalized. Our tax system did not anticipate this dramatic growth in dual income families. So now an outdated system discriminates against women and married couples.

When Mr. and Mrs. Smith get married, they look forward to a bright and prosperous future—to have and to hold, for richer and for poorer. But they soon find that Uncle Sam has moved in and cast his low shadow over them. And they are undoubtedly poorer.

The marriage penalty cuts two ways—by pushing married couples into a higher tax bracket and by lowering the couple's standard deduction. Two married income earners, with their combined income, must pay their income tax at a higher rate with a lower deduction than they would if they were two single people.

This is not a one time penalty. Under our tax system, marriage is not a freeway. It is a toll road. For ten years of marriage, couples must pay an average of $14,000 extra. For twenty years, couples must pay $28,000 extra. And they must forgo money that they could have invested in a car, a house, or their children's education. Mr. President, we must update the tax system and we must lift this extra burden on the backs of American couples.

The Roth plan takes solid steps on the path of tax relief. It increases the standard deduction for a married couple filing a joint return to twice the basic standard deduction for a single individual beginning in 2001. This standard deduction increase will help 25 million couples filing joint returns. The Roth plan expands the 15-percent and 28-percent tax brackets for a married couple filing a joint return to twice the size for a single individual. Twenty-one million couples will benefit from these tax bracket expansions. This legislation also expands the Earned Income Credit (EIC) beginning and ending income levels by $2,500, removing the disadvantage of receiving a smaller EIC after marriage. Finally, the Roth plan exempts family tax credits from the individual Alternative Minimum Tax.

Mr. President, all week I have heard my colleagues on the other side of the aisle claim their support for marriage penalty relief. Yet they insist on quenching the thirst of American couples with only a raindrop relief. They offer nearly $100 billion less in tax relief for American couples in the next ten years. Fifty percent of the benefits under their plan do not occur until 2008.

We must be serious about tax relief for American couples. If you talk to any marriage counselor, he or she will quickly tell you that the number one cause of problems in marriage is money—specifically, the lack of it. If we want to support American families, if we want to support the future of America, we can start by reducing the money problems of married couples.

Mr. President, there are 207,677 couples in my home state of Arkansas suffering from the marriage penalty. They have called for marriage penalty relief. I want to give it to them.

I hope that when the clock stops ticking on Saturday, the Senate will have lightened the load on the couples and the American family. I urge my colleagues to support the Roth marriage penalty relief plan.

Mr. MACK. Mr. President, I hope that our colleagues across the aisle will not prevent us from reducing the marriage penalties in the tax code. This bill will provide married couples the relief that President Clinton denied them last year with his veto of the Taxpayer Refund and Relief Act of 1999. President Clinton's action last year increased taxes by close to $800 billion and imposed a marriage penalty on middle class American families.

There is no place in the tax code for marriage penalties. Marriage penalties are caused by tax laws that treat joint filers relatively worse than single filers with half the income. It has of late become common practice to use the tax code for purposes of social engineering, discouraging some actions with the stick of tax penalties and encouraging others with the carrot of tax preferences. But there is no legitimate policy reason for punishing taxpayers with higher taxes just because they happen to be married. The marriage penalties in the tax code undermine the family, the institution that is the foundation of our society.

I view this bill as just a start. Our tax code will not truly be family-friendly until every single marriage penalty is rooted out and eliminated, so that married couples with twice the income of single individuals are taxed at the same rates, and are eligible for the same tax preferences—including deductions, exemptions, use of IRAs and other savings vehicles—as those single filers. This bill is an important step toward that ultimate goal.

The Democrat criticisms of our bill are misplaced. They argue that our bill contains complicated phase-ins, in contrast to their simple approach. But anyone who reads the bill and their alternative would see that this is false. The Finance Committee bill contains percentages in it, sure enough. And it phases in the relief, that is true. But the percentages and the phase-ins are instructions to the Treasury and the IRS, to make adjustments to the tax brackets. The only people who have to make any new calculations under the Finance Committee bill are the bureaucrats who make up the tax tables, not the taxpayer.

By contrast, the Democrat alternative, in phasing in its relief, requires taxpayers to calculate their taxes as joint filers, then calculate their taxes as if they were single—a complicated process that requires the allocation of various deductions and credits. Next, the taxpayer would have to determine the difference between these two calculations and then reduce this by a certain percentage. That is supposed to be simple? The Democrat substitute adds to the headaches of tax filing and the demand for tax preparers and tax preparation software.

The Democrats also complain that the Finance Committee bill does more than address their narrow definition of the marriage penalty. They invoke the so-called ''marriage bonus.'' But the ''marriage bonus'' is a red herring. What they call a ''marriage bonus'' results from adjustment tax brackets for joint filers to reflect the fact that two adults are sharing the household income. Under the Democrat approach, single taxpayers who marry a non-working or low-earning spouse should pay the same amount of taxes as when they were single, even though this income must be spread over the needs of two adults.

This approach is fundamentally flawed. The Democrat approach would enshrine in the law a new, ''homemaker penalty.'' The Democrats would make families with one earner and one stay-at-home spouse pay higher taxes than families with the same household income and two earners.

But why discriminate against one-earner families? Why would we want a tax code that penalized families just because one of the spouses chooses the

hard work of the household over the role of breadwinner? The Democrat alternative discourages parents from staying home with their infant children, and penalizes people who sacrifice income in order that they can care for their elderly parents. That is just plain wrong.

The Finance Committee bill reduces the marriage penalty in a rational sensible way, by making the standard deduction for joint filers twice what it is for single filers, and by making the ranges at which income is taxed at the 15% and 28% rates twice for joint filers what they are for single filers. This recognizes that marriage is a partnership in which two adults share the household income. Our approach cuts taxes for all American families. The Democrats call this a ''bonus.'' We calm it common sense.

Mr. GRASSLEY. Mr. President, how much time do we have remaining on this side of the aisle?

The PRESIDING OFFICER. The Senator has just a little less than 3 minutes.

Mr. GRASSLEY. Mr. President, I yield myself 1 minute. And if somebody else wants the remaining 2 minutes, I would be glad to yield it.

I take this opportunity, just before the cloture votes, to clear up a couple things. First of all, the Senator from North Dakota is a very good friend of mine. I work very closely with him. I do not dispute what he said. But I do want to clarify his reaction to my saying that taxes are as high as they have ever been in the history of our country.

The Senator made the point that taxes have gone down for many taxpayers. Of course, that is true. He concentrated on middle-income taxpayers. But it is mostly true because of the tax credit for children that the Republicans promoted and passed in the 1997 tax bill. For a family with two kids, for instance, that means $1,000 that Republicans provided, or about $25 billion a year.

But despite the protests of the Senator from North Dakota, I still stand by my comments that the overall percentage of taxation is at a historical high of near 21 percent of GDP.

Then in response to Senator ROBB's comments on the Medicare reserve, it is my understanding that $40 billion was reserved for Medicare and prescription drugs in the conference report. I hope and think that the Senator from Virginia is incorrect.

I yield my remaining time to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. How much time remains?

The PRESIDING OFFICER. Forty-five seconds.

Mr. BROWNBACK. I thank the Chair and the Senator from Iowa.

Mr. President, I say to all my colleagues, this is the vote on marriage tax penalty relief. If you support marriage tax penalty relief, vote for cloture so we can consider this bill. We can send a clean bill to the President. If you are not for marriage tax penalty relief, do not vote for cloture.

This is the vote on whether or not we are going to grant marriage tax penalty relief to nearly 25 million American couples. That is what this vote is all about now. It is not about a whole bunch of extraneous amendments. It is about the marriage tax penalty.

If you ran on this issue, this is your chance to vote to say: I am for eliminating the marriage tax penalty. If you ran on it, this is the time to stand up and say: I am for eliminating the marriage tax penalty.

I urge all of my colleagues to vote for cloture to go to the bill.

I thank the Chair.

The PRESIDING OFFICER (Mr. VOINOVICH). All time has expired.

MARRIAGE TAX PENALTY RELIEF ACT OF 2000—Resumed

Pending:

Lott (for Roth) amendment No. 3090, in the nature of a substitute.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment (No. 3090) to the marriage tax penalty bill:

Trent Lott, Kay Bailey Hutchison, Judd Gregg, Tim Hutchinson, Rick Santorum, Connie Mack, Michael B. Enzi, Craig Thomas, Robert F. Bennett, Chuck Grassley, Jim Bunning, Gordon Smith of Oregon, Ben Nighthorse Campbell, Wayne Allard, Jeff Sessions, and Bill Roth.

The PRESIDING OFFICER. By unanimous consent, the quorum call under the rule has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 3090 to H.R. 6, an act to amend the Internal Revenue Code of 1986 to reduce the marriage tax penalty by providing for adjustments to the standard deduction, 15-percent rate bracket, and earned-income credit, and to repeal the reduction of the refundable tax credits, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 82 Leg.]

YEAS—53

Abraham	Fitzgerald	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Campbell	Hatch	Smith (NH)
Chafee, L.	Helms	Smith (OR)
Cochran	Hutchinson	Snowe
Collins	Hutchison	Specter
Coverdell	Inhofe	Stevens
Craig	Jeffords	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Warner
Enzi	Mack	

NAYS—45

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kohl	Torricelli
Dodd	Landrieu	Voinovich
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NOT VOTING—2

Moynihan	Roth

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the next votes in the series be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the pending cloture motion which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the marriage tax penalty bill:

Trent Lott, Kay Bailey Hutchison, Judd Gregg, Tim Hutchinson, Rick Santorum, Connie Mack, Michael B. Enzi, Craig Thomas, Robert F. Bennett, Chuck Grassley, Jim Bunning, Gordon Smith of Oregon, Ben Nighthorse Campbell, Wayne Allard, Jeff Sessions, and Bill Roth.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Parliamentary inquiry: What is the next vote?

The PRESIDING OFFICER. The next vote is on the cloture motion on the bill.

Mr. DASCHLE. Mr. President, parliamentary inquiry: If a cloture vote is

invoked on this bill, would the pending amendment offered by the majority leader fall because it is not germane?

The PRESIDING OFFICER. It would.

Mr. DASCHLE. Mr. President, I will vote ''no'' on this cloture in order to protect the majority leader's right to offer his amendment as well as to protect our rights to offer our amendments.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on H.R. 6, an act to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing for adjustments to the standard deduction, 15-percent rate bracket, and earned income credit and to repeal the reduction of the refundable tax credits, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.—

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 83 Leg.]

YEAS—53		
Abraham	Fitzgerald	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Campbell	Hatch	Smith (NH)
Chafee, L.	Helms	Smith (OR)
Cochran	Hutchinson	Snowe
Collins	Hutchison	Specter
Coverdell	Inhofe	Stevens
Craig	Jeffords	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Warner
Enzi	Mack	

NAYS—45		
Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kohl	Torricelli
Dodd	Landrieu	Voinovich
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NOT VOTING—2	
Moynihan	Roth

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

CONDITIONAL ADJOURNMENT OF THE TWO HOUSES OF CONGRESS

The PRESIDING OFFICER. Under the previous order, the clerk will report H. Con. Res. 303 by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 303) providing for a conditional adjournment of the House of Representatives and a conditional adjournment or recess of the Senate.

Under the previous order, the Senate proceeded to consider the concurrent resolution.

Mr. DASCHLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the resolution. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

The result was announced, yeas 55, nays 43, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—55		
Abraham	Frist	Murkowski
Allard	Gorton	Nickles
Ashcroft	Gramm	Roberts
Bennett	Grams	Santorum
Bond	Grassley	Sessions
Brownback	Gregg	Shelby
Bunning	Hagel	Smith (NH)
Burns	Hatch	Smith (OR)
Campbell	Helms	Snowe
Chafee, L.	Hutchinson	Specter
Cochran	Hutchison	Stevens
Collins	Inhofe	Thomas
Coverdell	Jeffords	Thompson
Craig	Kyl	Thurmond
Crapo	Lott	Torricelli
DeWine	Lugar	Voinovich
Domenici	Mack	Warner
Enzi	McCain	
Fitzgerald	McConnell	

NAYS—43		
Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kohl	Wellstone
Dodd	Landrieu	Wyden
Dorgan	Lautenberg	
Durbin	Leahy	

NOT VOTING—2	
Moynihan	Roth

The concurrent resolution (H. Con. Res. 303) was agreed to, as follows:

H. CON. RES. 303

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, April 13, 2000, or Friday, April 14, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 12:30 p.m. on Tuesday, May 2, 2000, for morning-hour debate, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, April 13, 2000, or Friday, April 14, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, April 25, 2000, or such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FISCAL YEAR 2001 BUDGET—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany the concurrent resolution on the budget, which the clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 290) establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005, having met have agreed to recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of April 12, 2000.)

The PRESIDING OFFICER. Under the previous order, there will now be 4 hours of debate, as follows: 90 minutes under the control of the Senator from New Mexico; 90 minutes under the control of the Senator from New Jersey; and 1 hour under the control of Senator REED of Rhode Island.

Mr. DOMENICI. Mr. President, on our side, I do not intend to yield back time until Republican Senators have indicated to me they do not want any time. I do not know why we need a full hour and a half on our side, and I do not know why they need a full hour and a half plus 1 hour, which is 2½ hours on their side.

I yield myself time off my hour and a half.

I noted a minute ago that present on the floor was Senator SNOWE. While I wish to discuss a number of issues, I want to say to her, and to those who supported her, that because of her diligence, this budget resolution has a reserve fund of $40 billion to be used for Medicare prescription drugs and Medicare reform.

Frankly, I note that the House, at least on the majority side, is already discussing what they would do. Clearly, this $40 billion will go to the Finance Committee of the Senate because Senator SNOWE, Senator WYDEN, and Senator SMITH in the committee worked very hard to get it done. I will say what has changed so I will not, in any way, overstate the case as to what Senator WYDEN did.

But essentially because of OLYMPIA SNOWE's dedication, we put $40 billion in a reserve fund. That means the Finance Committee can go to work on a bill, and the money is waiting for them to do a bill that meets the mandates or the qualifications of this reserve fund. We have, as she requested, up to $20 billion for prescription drugs and up to $20 billion for reforming the system so that it will do a better job and a more efficient job while we are adding some new benefits.

I think everybody who has looked at it thinks that is what we ought the do.

In committee, there was a mandatory date by which this had to be done. In conference with the House, that was refused. So we won half the battle. We got the $20 billion and the $20 billion, as I have described, which is $40 billion, but we did not get the mandatory date. We are going to have to rely upon the impetus that will accrue over the ensuing days because of the House action and the desire of this body to have our Finance Committee produce a bill. I have every confidence that they will.

Having said that, I yield myself about 10 minutes to describe where we are.

If, in fact, we adopt this budget resolution this evening, I say we are getting better all the time at getting our job done. The occupant of the Chair will be pleased to know we have had a Budget Act for a long time, since 1974. For all those years, if we produce this budget tonight, we will have produced three budget resolutions on time. That means April 15 had come and gone most years, and we could not get our job done because it was so contentious and so difficult. It will mean that 2 years in a row—last year and this year—for the first time in history, we adopted a budget resolution on time, by April 15.

That speaks for itself. It means, however, that we can get started on the work that must be done to implement this work. We can get started sooner, earlier. With the hard work that is going to be done predominantly by the Appropriations Committees, and the Finance Committee in our body, we may very well get most of our work done in a very timely manner and be able to leave here before our respective conventions with the people's business having been accomplished.

I think that would be a pretty good achievement. I will agree that it has been a very hard job. I will also indicate openly, it was very difficult for me. This work is about as difficult as any I have done in getting something accomplished. Again, it is partisan. We produced it with Republican votes. That is the way it normally is on a budget resolution. Then we will proceed to try to implement it. We will do our best.

Let me summarize, so everybody will know what this resolution does. Then, in due course, we can hear from the other side as to what they think it does not do and what they would like to do.

But I say to the Senate, I have seen an atmosphere that indicates the theory which I adopted—starting last year when we had a big surplus—that we better take a little bit of this money and allocate it to the taxpayers is resonating every day, with more and more assurance that if we do not, there will not be any surplus.

I know the occupant of the chair is a fiscally responsible person. He has his ideas. I see new bills being proposed because, indeed, we have a surplus. People have not done anything for 40 or 50 years, and they are introducing a bill that would cost anywhere from $2 to $5 billion, and all of a sudden it becomes expedient that we do it, and we must do it now.

We hear about all kinds of new bills that are now big-need items in America. Let me suggest, for those who say it is too early to have tax relief, if we do not do it pretty soon, there will be no surplus left for the taxpayer.

Our budget resolution says: If you can, Senate and House, produce some tax relief. It says if you cannot, all that money, over 5 years, goes to the debt, I say to my good friend, Senator GORTON.

But let me suggest that we are right; we ought to put in money to have some tax relief. I will give you the paramount reason for that. On this floor, immediately prior to the consideration of this budget resolution conference report, what were we discussing? We were discussing the marriage tax penalty reform—meaning married couples in America, including the couples married this year, when they file that April 15 tax return early next week, they are going to be penalized, on average, $1,400 because they are married.

Why should we wait around for another decade, when there are the kind of surpluses we have seen in this budget resolution, to provide tax relief for the American people?

The Democrats have been arguing: The Republicans are going to enhance the rich of America with their tax bill. They are going to use this relief and give it all to the rich people.

It should come as no surprise that 50 percent of the tax relief we are talking about—$64 billion; almost 50 percent—is going to go to cure the marriage tax penalty. There may be some who will get up and say that is helping the rich. But I am saying, it is something most Americans do not believe is American law. Most Americans say: Are you kidding? Are we punishing two people who are married, who work, who file joint returns? The answer is yes, and we want to fix it.

For those who say wait until we fix Social Security, wait until we fix Medicare, wait until we fund all these programs we now see as desperately needed, wait until we fund the President's programs—I say to Senator GORTON, that is a 14-percent increase in domestic spending—just fund it, there will not be any money for Social Security. If you do that 3 years in a row, there is no money for tax relief, and you are using the Social Security surplus, which is for 3 years of domestic funding at the level of the President.

So what is risky? They say it is risky to have marriage tax penalty relief provided for in this bill. I say it is not risky; it is absolutely necessary. It is urgent.

America must show we are concerned about married couples. There is a very longstanding belief in America and in the world, that we ought to try to promote family life, if we can, and married couples trying to struggle through it.

It is not too early. It is the right time. But if we do not do it, I can see it coming between all the new needs that are going to be prescribed for this budget that we have not done in the past, that we are going to have to add to this huge Federal expenditure called the budget, and there will be nothing for marriage tax penalty relief or any kind of tax relief.

So once again, this budget says, over 5 years, $150 billion can be used in tax relief. Right off the bat, when somebody on the other side says it is for the rich, I want everybody to understand almost half of it is for the marriage tax penalty reform. Second, we don't touch a nickel of Social Security. We have Senator ABRAHAM's part of this resolution which for the next year says the lockbox applies and makes it part of the budget resolution that you need 60 votes to touch or use the Social Security surplus. Then to make it even more logical, we put $170 billion against the public debt this year, the biggest installment on the debt in the history of the Republic, $1 trillion over the next 5 years. This is an enormous payment on the debt. Nothing similar was ever assumed 5 years ago or 10 years ago or, I imagine, for the last three or four decades.

In addition, because of Senator SNOWE's initiative, we provide $40 billion on Medicare and prescription drugs.

On the tax relief—just to show the equity of it all—we put $170 billion on the debt, and we have $13 billion in tax relief in the first year, between 12 and 13. The ratio is about 12 to 1, almost 13 to 1 of debt reduction versus tax relief. Over the 5 years, it is about 8 to 1 in debt reduction versus tax relief. That is pretty good fairness, since we are talking about tax fairness in this budget resolution.

All spending will increase $212 billion over the next 5 years. That includes the $40 billion for prescription drugs. There will be NIH, science, funds for military, funds for health, funds for military retirees, veterans and other high-priority items.

Frankly, I hope we pass this resolution and proceed to prove we tried to try to do this. We think this is the right budget for our time. If we don't hold down spending, except for high-priority items such as defense, education, science, NIH and the like, then the married couples of America can say goodbye to any tax relief as it might affect them and make their commitment to the institution of marriage and family life a little less difficult. After we have done marriage tax penalty relief, we will do something on the tax side for small business, which is the cornerstone of our great success in the last 6 years. We will talk about that later.

With that, unless one of my Republican Senators wants part of my time, I yield the floor and reserve the remainder of my time. I thank the Senate for its attention.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, this is the last budget resolution on which I will be working. It has been quite an interesting exercise.

I start off by saying that I hope and believe firmly the goodwill that exists with the chairman of the Budget Committee and myself will not evaporate as we discuss this budget. We are good friends, and we have been good partners in debate and discussion. We disagree on the conclusions. That means no disrespect flowing either way, and I am sure I speak for Senator DOMENICI. It is with esteem and—I use the term carefully—affection that we have worked together.

Now that we have said the good things, we will get on to the others; that is, I firmly believe this is the wrong budget resolution at the wrong time because we are still in the position that, with rare exception, we have almost no bipartisan agreement. I heard Senator DOMENICI describe the former occupant of the chair as fiscally responsible. I assume that ''fiscally responsible'' is kind of a catchall for the side of the aisle that one is on; that others on this side may appear to be fiscally irresponsible.

We can't buy that. We have a difference of view. The difference of view is clearly marked in this budget resolution. What should we do to use the funds we have available on behalf of the American public? Should we focus on those whose incomes are at the middle or the lower end of the scale or should we give the tax breaks primarily to the wealthy of the country? It clearly reflects the values and priorities we each have.

This budget conference report calls for costly and risky tax breaks that would, contrary to the statements made, raid Social Security surpluses. It proposes deep cuts in domestic programs such as education and health care and law enforcement and veterans' benefits and environmental protection. It fails to ensure that seniors will be provided with a meaningful prescription drug benefit. It talks about it, but it doesn't arrange for it to happen. On debt reduction—the Holy Grail that Chairman Greenspan held out as being the cardinal first step, the principle by which we operate in terms of maintaining our fiscal responsibility, paying down the debt—this fails to pay down the debt as much as we can. It fails to make it a priority. It hides the long-term cost of its tax breaks and it puts our economy at risk by weakening our commitment to fiscal discipline.

To understand my contention that the tax breaks in this conference report would raid Social Security, I will take a quick look at the numbers.

The Congressional Budget Office, CBO, says that over the next 5 years, the non-Social Security surplus will be $171 billion. We don't dispute that. The sides have not argued on that count. This assumes that Congress freezes discretionary spending at current real levels. ''Current real levels'' means adjusting only for inflation. In fact, if Congress increases domestic spending at the same rate as it has done in recent years, which has been greater than inflation, the actual surplus would be substantially smaller. Still, to give the majority the benefit of the doubt, let's ignore history for a moment and optimistically assume that the non-Social Security surplus will be $171 billion. The conference report—that report which was debated and agreed upon between the House and the Senate, their budgeteers, our budgeteers, and finally both bodies, they have already passed this so we are being asked to pass it—calls for tax breaks of $175 billion. Now, that is in the face of a $171 billion non-Social Security surplus.

This reduction in future surpluses also would require the Government to pay about $21 billion more in interest payments because we would have more debt. Thus, the real cost of the tax breaks isn't $175 billion; it is $196 billion, $25 billion more than the entire non-Social Security surplus of $171 billion. In clear words, this budget would raid Social Security of $25 billion.

Now, if the tax breaks use the entire non-Social Security surplus, plus $25 billion of the Social Security surplus, how can the conference report also provide funding for any of the new initiatives it claims, such as increases in military spending, prescription drug coverage, and agriculture, to name just a few high-priority items?

The real answer is, it just can't be done. The numbers don't add up. Unfortunately, the majority seeks to sidestep this problem by assuming huge, unspecified cuts in domestic programs. The resolution calls for a 7.5-percent cut in nondefense discretionary programs over the next 5 years. The cut would be, in the fifth year, 9.8 percent. In fact, since the majority claimed it would protect some specific programs, the cuts in other areas would be substantially higher.

We only received a single copy of the conference report last night at about 10 o'clock. So we haven't had the time to fully analyze the impact of cuts such as this. But these cuts are even more dramatic than the cuts proposed in the Senate version of the legislation, which were 8.2 percent in the fifth year. That was the Senate version of the legislation, before it merged with the House in the conference report we are examining now.

Here are some of the examples of the impact of the less severe Senate cuts—once again, the bill we sent over to merge with the House—as estimated by the Office of Management and Budget. We would have 20,000 new teachers not being able to be hired to reduce class size; 5,000 communities would lose assistance to help construct and modernize their schools; 62,000 fewer children would be served by the Head Start Program, which is a very successful program that says early education helps kids prepare to learn. We find that is necessary in our society. Then, there would be 19,000 fewer researchers, educators, and students who would receive support from the National Science Foundation. They do the research that talks about climate variations. We all see what the impending disasters might be like, such as tornadoes and other windstorms with higher and higher velocities and more frequency. And funding for all new federally led cleanup of toxic waste sites would be eliminated. Nine-hundred fewer FBI agents could be retained.

I wonder how the public feels about 900 fewer FBI agents—when we are looking not only at reduced rates of criminality, but also understanding what the need might be; that includes domestic terrorism, it includes fraud, and it includes all kinds of things for

which we know the FBI has responsibility. We are going to work with 900 fewer FBI agents?

There would be 430 fewer Border Patrol agents available to safeguard our borders. Well, there isn't anybody I have talked to who thinks we need less protection on our borders.

The list goes on. The actual cuts will be even deeper than those suggested since the conference report calls for substantially deeper cuts than the Senate-passed version of the budget resolution.

As most people around here recognize, cuts of this magnitude are just completely unrealistic. They are not going to happen. Neither Republicans nor Democrats are going to tolerate them. It is kind of putting it off in the future. It may get us through an election cycle, but reality will come home and we will not be able to stand these cuts.

This is not the first time the Senate has assumed deep, unspecified cuts in the budget resolution. Last year's resolution included similarly unrealistic assumptions. Not surprisingly, by the end of the year, the Republican majority of Congress had approved appropriations bills that spent about $35 billion more than it assumed earlier. No doubt something similar is going to happen this year.

Unfortunately, the Republican budget relies on these unrealistic cuts for its tax breaks and its various increases in mandatory spending.

Just to explain, mandatory spending is funding those programs that are decided by the legislature, the Congress—that these programs get a high priority. We recently voted $2 billion more for the FAA—not that people disagree with the need for improving FAA's operations, but the fact is, it is mandatory. That means it gets priority, and no matter what happens behind it, the increases in FAA take place. Well, it has to come from someplace. It can come from transportation, from the Coast Guard, with all of the services they provide, or it can come from other sensitive places. The cost of that spending and the new tax breaks will be locked in up front. The savings, however, will.

When Congress later fails to make the assumed cuts in appropriations bills, funds for the tax breaks and for new spending will require deeper raids on Social Security. We should not let that fact escape. We want everybody to think about it. We want the Congressmen and the Senators who are going home and looking toward reelection to be able to explain to their constituents about how we had to dip into Social Security a little bit, even though everybody basically swore on the sword it would not happen. But it has to happen if this budget is going to stand.

One might think the assumption of deep, unrealistic cuts in discretionary spending would allow the Republicans to claim significantly more debt reduction than the budget proposed by Democrats. However, if one assumes GOP spending cuts actually materialize, which is highly unlikely, the Republican budget would still reduce much less debt than President Clinton and the Senate Democrats. The Republican plan claimed to use non-Social Security surpluses to reduce only about $12 billion of debt over 5 years. By contrast, the President's budget would reduce $90 billion of debt over that same period—more than seven times as much. So it is $90 billion under the President's budget and $12 billion in the Republican budget. This difference in debt reduction helps to show just how extreme the GOP tax breaks really are.

Throughout the debate on the resolution, the Republicans have claimed that their budget contains over a trillion dollars of debt reduction. However, this figure is based almost entirely on Social Security surpluses. These surpluses are called off-budget, and both parties are committed to protecting them. Yet when it comes to the portion of the budget that remains subject to congressional discretion, Republicans have refused to devote significant resources for debt reduction. In doing so, they have rejected repeated calls by Federal Reserve Chairman Alan Greenspan to make debt reduction our first priority.

My next concern about the budget resolution is that it fails to ensure that Congress will really act on legislation establishing a prescription drug benefit—another program that is saluted, generally. But it is not real. This is in marked contrast to treatment of the tax breaks. Tax breaks have an instruction to the Finance Committee that they must report out a way to get tax breaks. They have to do it. There is quite a distinction between saying we should and they have to. The conference report includes two $20 billion reserve funds that, theoretically, could be used for prescription drugs, but there is no requirement for the Senate to act. It is very unspecific.

The second reserve fund contains vague language that would allow virtually the entire $20 billion to be used for purposes other than prescription drugs. That could leave little more than $20 billion for prescription drugs, which is far short of what is needed to provide an adequate benefit. The Medicare reserve fund, applicable to the House, would allow virtually the entire $40 billion fund to be diverted to purposes other than prescription drugs.

While they say we have to have it, they don't arrange for the mechanism to make it happen.

Compounding matters, Mr. President, the language of the second Senate reserve fund requires that the solvency of the Medicare Program be extended before a single penny can be used either for any prescription drug benefit, or new provider payments. In other words, if you want access to this money to help seniors with prescriptions, you have to cut somewhere else within Medicare first. And that seems very unlikely to happen.

Mr. President, there is only one conclusion to draw from all this: the Republican Party simply is not committed to providing our seniors with prescription drugs. The senior population has to listen to that. For the Republican Party, tax breaks for the wealthy are a much higher priority.

Mr. President, my final concern about the conference report is that it covers only 5 years, not the 10 included in last year's resolution.

People might say: Well, what is the difference between 5 or 10? It matters a lot because a tax break has an effect of compounding significantly in the second quintile. It is going to grow by leaps and bounds.

This has the effect of hiding the long-term cost of its tax breaks. It also weakens the budget resolution as a means of enforcing long-term fiscal discipline, since points of order would not be available against tax breaks that explode in cost after 5 years.

Mr. President, as of last year, CBO has been producing 10-year numbers. There's no excuse for Congress not doing the same. And if we were serious about preparing for the baby boomers' retirement, we would be sure to plan for longer term costs.

In sum, Mr. President, the Republican majority has made tax breaks that go largely to the wealthy their highest priority. Higher than Social Security. Higher than education. Higher than prescription drugs for our seniors. Higher than reducing our debt. This is unacceptable. And higher than maintaining fiscal discipline.

In so doing, they have produced a budget that is fundamentally at odds with the priorities and values of the American people. A budget that puts our economy at risk. And a budget that fails to prepare for our future.

Just to confirm something I earlier said, the budget resolution, as it came out of the Senate, says the Senate Committee on Finance shall report to the Senate a reconciliation bill. That means they must do it. That is the only place we have any force of law in the Budget Committee. Otherwise, ours is generally a guideline or blueprint for how the Congress should act, putting a ceiling on total spending. It is up to the Appropriations Committee to divide that spending. They say this reconciliation bill shall be done not later than July 14 in the year 2000, and not later than September 13 in the year 2000. So they have 2 days. That is a realistic assignment for the Finance Committee.

There is no such thing for prescription drugs. The Republicans are not

asking that we treat prescription drugs with the same force and the same outcome as we do the tax breaks.

One thing is apparent. One thing is very clear. They are going to protect the tax breaks no matter who they have to take the money from to make it happen—no matter what program they are going to take the money from to make it happen; no matter what it does to the budget and its balance; no matter what it does to debt reduction; no matter what. The primary thing is tax reduction and tax breaks for the wealthy. If you make $800,000, which is kind of the median figure for the top 1 percent, you might get a $50,000 tax cut, if plans go as they are. But if you make $35,000, you could be looking at $1 a week, or maybe even $2, if things go right.

We have to make decisions. There is no room for amendments. There is no room for change. This has been decided. The majority decided. The majority will have to carry it because I predict that there is going to be little, if any, support from Democrats. We don't believe it is fiscally responsible. We don't think it is fair. We don't think it is equitable. We don't think the wealthy ought to be the largest beneficiary of the outcome.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I wonder if the distinguished ranking minority member would agree with me on a request. Senator GORTON is going to preside at 4 o'clock. He wonders, if he arrives on the floor 4 or 5 minutes before having to preside, if he could speak on my time for 5 minutes.

Mr. LAUTENBERG. I have no objection assuming that we don't interrupt right in the middle. We will do our best to provide for Senator GORTON.

Mr. DOMENICI. I thank the Senator.

Mr. President, I yield myself 5 minutes in rebuttal. Then I will be glad to yield time to the distinguished Senator from New Jersey.

First, let me explain what we have done on Medicare.

Before any tax relief is provided in terms of dollar numbers, we have already used $40 billion of the non-Social Security surplus for Medicare. That is waiting for the committee, at which time it is assigned to them. We are not gambling. We are saying that is it. As a matter of fact, we are saying if you do not do it, it goes to the debt.

What do we provide with the $40 billion? There is a little, tiny bit of difference between the way we and others see it. And we think there will be a majority for this view when the bill finally gets considered. We say there is $40 billion. We say if you do no reform of the program, there is $20 billion. Let me repeat that. If you do no reform, there is $20 billion for prescription drugs. If you do some reform to stabilize the program, you can use the whole $40 billion for prescription drugs.

That is what Senator OLYMPIA SNOWE of Maine had as the underpinnings of her approach. She wanted some reform. But she wanted to make sure, even if we could not do that, we started a prescription drug program with $20 billion.

If the committee does something like the Breaux-Frist—that is a bipartisan approach—with some reform in Medicare, you understand the Medicare program will be insolvent in about 13 years. I don't think seniors want us to add a benefit that will make it run out of money sooner. I think they would be asking us to see if we could fix it and make it more responsive, more modern, to give them more money for prescription drugs.

Let me repeat that we are not taking this money from anyone. It is aside and apart from the tax relief we are asking for, such as the marriage tax penalty reform that the other side has been delaying here on the floor.

We are saying $40 billion is set for Medicare, and it has two purposes. If you do not reform and make the program more modern so it has a chance of surviving longer, you can use $20 billion of it. It says so in the resolution for prescription drugs. But if you do something such as the Breaux-Frist reform, which is fixing the program, you can use the $40 billion of new money for prescription drugs.

Frankly, I think it is a responsible way to handle a very difficult problem because if you do not ask for some reform to get the full $40 billion, we are going to have $40 billion, and the program next year is not going to be any better off. Then seniors are going to ask: Now what happens? We have prescription drugs, but we are still not going to have any money to pay our regular bills in about 13 years.

I think we are pushing both at the same time.

Let me make my last observation with reference to the difference between the two parties.

All of them are going to vote against this. It really says you cannot pass the marriage tax penalty which is going to cost the Treasury about $64 billion over 5 years in the name of fairness to married couples. You can't pass that, they say, until you have done all of these other things that Government wants done for the Government. And there will never be a time when we are going to have a surplus to give to the hardworking people of this country, in particular, relief items such as the marriage tax penalty. There is not going to be any money around. Don't kid anyone. There is a very big difference.

I ask that you take a visual inventory with me about the announcements of late by the administration, the Secretary of Energy, and many others: We have new programs on which we have to spend money. It isn't enough that the President already provided a 14-percent increase in domestic discretionary. There are all the new needs.

What money will they use for the ''pay fors''? Does anybody have any idea? Is the money coming from heaven? New manna in the desert? Of course not. It will be the surplus we think ought to go back to the taxpayer in the form of tax relief after we spent money to increase government.

We have money to increase government, but how much is enough? I think there is enough money available to leave a little bit. I rechecked my notes, and the tax relief in this first year is $11.6 billion; the debt reduction is $170 billion. How can anyone say we are not reducing the debt when that is the largest payment on the national debt in the history of the Republic? This resolution says: Don't touch Social Security. You will reduce it by $1 trillion—hardly a number we can understand—and still have a little bit left over for such things as tax relief for married couples in America.

That is the big difference. They want to wait, we don't know how long, but perhaps until we solve every problem we have in government with reference to Medicare and everything else. Don't give the taxpayer back even this little tiny amount.

I hope the Republicans will support this. I am very proud of the difference.

They would not have put more than $40 billion in for Medicare if they were producing their own resolution. That is about the right number on which they could get consensus on their side of the aisle. They would not put 50 or 60 or 80. If you put 40 in, there is money left over for the taxpayer. That is the truth of the budget resolution.

There will be a historic debate on education reform in a couple of weeks. I am very pleased to know we have probably had something to do with precipitating that reform debate. There is enough money to increase education. It is obvious to this Senator the Republicans are not going to go for an increase in education money if it is status quo for education, if we are going to do more of the same, because more of the same isn't good enough. We need to do something very different in education and spend more money doing it. We are going to have an opportunity to have that discussed.

This conference report assumes $45.6 billion in 2001 for the Department of Education. That is overall, for everything—a $10 billion increase. Not exactly for what the President wants but overall in this function. That is what is provided.

This is an election year. The administration and Secretary Richardson have the latest idea to take care of anyone who worked in a nuclear facility over the last 50 or 60 years. I know they are good sounding bills, but it is also an election year.

I say to the taxpayer and to married couples of America, beware of an election year. In this country, an election year means they want to spend all your money and try to convince you that is right, leaving nothing to repair problems in tax law such as the marriage tax penalty. Beware. They will have more spending programs than you ever heard of, including a 14-percent increase in domestic discretionary spending by the President in his budget in an election year.

The Republicans say: We want a change; we don't want the huge addons to government. We think in the scheme of things, over the next 5 years, the taxpayer ought to get a little bit of relief.

That is the difference in the two bills. I think it is a good difference. When they say rich people are going to get the benefit of the tax relief on the marriage tax penalty, that is unfair. We want to fix it. How many want to do that? We win that. We have to use some of the surplus to pay for that kind of reform. That money doesn't grow on trees. That money has to come out of the coffers of the United States. It doesn't belong to the Government.

I am pleased to yield 5 minutes to Senator GORTON, and then I yield back to the Senator from New Jersey.

Mr. LAUTENBERG. I appeal to my friends on the Democrat side, as well as others, we only have a total of 3 hours, plus an hour that Senator REED has, for Members to talk. Members need to be prepared to come to the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, there are, in my view, two remarkable aspects to the budget resolution conference report before the Senate this afternoon.

The first is, I believe for only the third or fourth time since the Budget Act was passed, the promptness with which the Senate is dealing on a final basis with a budget resolution that is the springboard from which we will do the substantive work of the appropriations for the balance of this year. For that promptness, for the efficiency with which the Senate has dealt with this issue, we owe our deepest and sincerest thanks not only to the chairman of the committee, my friend, PETE DOMENICI, but to the staff who have labored so long and so hard on a highly technical and complicated task.

More significant perhaps than the significance of finishing our work on time is the substantive nature of this budget resolution. It is exquisitely balanced among three separate needs: The need to adequately fund those programs that are already major responsibilities of the Federal Government; the need to provide for additional programs of considerable interest, the most significant of which being the Medicare program about which Senator DOMENICI spoke earlier, but also including priorities with respect to education—particularly close to my heart—and to our national defense.

The second substantive element of this budget resolution is the dramatic reduction in the national debt it will cause. It is only a short period of time since we were discussing how we could reduce annual national deficits of upwards of a quarter a trillion a year. Now we face the equally difficult but far more pleasant prospect of paying off the national debt at a very substantial rate.

The third element in this budget resolution is the opportunity to provide tax relief for hard-working Americans who pay taxes. The chairman of the committee, Senator DOMENICI, pointed out the importance of the bill, which regrettably was subjected to a filibuster earlier today, to end the unconscionable penalty against married Americans, both of whom are at work. The thought that a couple in love, even in relatively modest professions, should pay a penalty for getting married rather than receiving the approbation of society for doing so is bizarre. To have the ability to provide for that marriage tax penalty relief, amounting, as the chairman pointed out, to almost half of the allowed tax relief in the bill, is a vitally important part of this budget resolution.

As the chairman himself pointed out, if for some reason we cannot pass tax relief, or if for some reason we pass a tax relief bill that is vetoed by the President, then that money should go to further pay down the national debt. Regrettably, many of the Members on the other side, as evidenced by their actions just a week ago when we were debating this issue on the floor of the Senate, would prefer to spend it. I suspect if we added up the expenditures contained in all of their unsuccessful amendments, we not only would have spent the entire general fund surplus, but we would have once again eaten into the Social Security surplus as well.

In summary, we have a budget resolution that allows us adequately to fund the functions of government. It allows us to meet some new needs and desires of the American people. It allows us modest but still significant room for tax relief. It makes dramatic payments on the national debt.

For each and every one of those reasons, we not only owe our thanks to the chairman of the Budget Committee and to his staff, I believe we owe our votes in favor of the resolution.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. GORTON). Who yields time? The Senator from Rhode Island.

Mr. REED. Mr. President, I request to be recognized out of my time under the unanimous consent agreement.

The PRESIDING OFFICER. The Senator is so recognized.

Mr. REED. Mr. President, we are spending a few moments discussing the budget. There are obvious differences on both sides with respect to this budget. I commend the chairman, Senator DOMENICI, and the ranking member, Senator LAUTENBERG, for their efforts over many months to fashion a budget and bring it to us.

My focal point is not on the vote that is forthcoming; it is on the vote we just concluded with respect to adjournment. In many respects, I share the overall sentiments of the Senator from West Virginia that it is about time we get down to work and business, and if we need to take time to consider the marriage tax penalty and other provisions, we should do that, rather than arbitrarily and conveniently walking away.

The concern I have goes to another critical issue, and that is the issue of our inability over many months to bring to this floor a conference report on the juvenile justice bill which includes sensible gun safety measures we all adopted in the wake of the Columbine tragedy.

The first-year anniversary of that tragedy is just 7 days away, and we will not be in Washington working on this issue; we will be scattered around the country. I believe—and that is why I joined many of my colleagues voting against adjournment—that we should be here working rather than off about the country on April 20 saying, I am sure, thoughtful and pious comments about our outrage at what happened at Columbine High School and the need to do something. We should be here instead doing something, and our departure should be tempered with the realization that we have for months foregone effective action to provide sensible gun safety rules in this country.

We all were shocked last April 20 by the carnage and horror at Columbine High School. Within a month, in May, we passed extremely sensible provisions as part of the juvenile justice bill to provide for child safety locks, to close the gun show loophole, ban the importation of large-capacity ammunition clips for automatic weapons, and many other provisions. Yet all of our efforts have languished for months. In fact, the conference committee met just one time in August in a perfunctory meeting, and since that time, it has not even come together to consider these difficult issues and to seek a compromise resolution so we can send this measure to the President to become law.

We are leaving today with our work undone. I had hoped we could have stayed. I had hoped we could have worked harder and more efficiently so that we could, in fact, have a conference report with gun control measures that would be sent to the President for his signature.

The Columbine tragedy is just one aspect of a pervasive climate of gun violence in this country that claims 12 children a day. We have to take effective steps to prevent that tidal wave of gun violence.

I note the other body, responding to the pressure of public opinion and the sensible nature of the provisions we are talking about, moved last Tuesday to enact legislation that provides enhanced penalties, mandatory minimum sentences on any person who uses a gun while committing a crime of violence or is involved in serious drug trafficking offenses.

No one is going to argue about the need for strong enforcement and stiff penalties, but enforcement without adequate, sensible, comprehensible laws misses the point. We have to do both. Indeed, we insist both be done.

My colleague, Senator DURBIN of Illinois, has been very forceful in trying to, within the context of this budget, enhance the resources devoted to the enforcement of our gun laws. He has met opposition. That opposition, I believe, should fade. We can and must do both: Prevent gun violence by good, sound, commonsense laws, and enforce those laws so we further add to the prevention of violence in our community.

One other aspect of this enforcement issue is the simple fact that we cannot enforce loopholes. We have to have legislation that is sensible, practical, and works. We found, particularly in the case of the gun show legislation, that the current regime just does not work. Senator LAUTENBERG's amendment on the juvenile justice bill will effectively close that loophole and give our authorities credible and effective means to prevent easy access to firearms by those individuals who are prohibited, either through criminal records or a history of mental instability.

There are other aspects within the bill that are so clearly and obviously necessary and, indeed, noncontroversial. In poll after poll, 89 percent of Americans support child safety locks, support the notion that these safety locks should be sold with a weapon and, indeed, should be incorporated in the design of a new weapon. The State of Maryland last week, in a very courageous legislative act, passed legislation that will do just this.

The need is quite clear. For children under the age of 15, the rate of accidental gun deaths in America is nine times higher than the rate of 25 other industrial countries combined. Often, I believe, there is a misperception about the nature of gun violence in this country; that it is the result of hoodlums attacking innocent citizens, victimizing them with handguns, when, in fact, there is an extraordinary number of children who are killed accidentally. Here, certainly, is a situation where a child safety lock can and should make a difference.

There is another aspect of gun violence in America and, again, it is not the gangs with guns attacking innocent citizens. It is the fact that guns are frequently used in suicides. For young children under 15, suicide deaths from guns are 11 times higher than that of the other 25 industrial nations combined. In fact, 54 percent of all firearms-related deaths in 1996 were suicides. Once again, a child safety lock might have helped, might have deterred for a moment a child or even an adult who was so desperate, so distraught that they contemplated and, sadly, acted out a death wish.

These statistics alone warrant the legislation—in fact, demand the legislation. There is a wealth of research that suggests the likelihood of suicide among adolescents increases by the ease of access to firearms—suicide by firearms.

According to the National Journal, one study last year found that three-fourths of adolescents who use a gun to commit suicide obtain the gun from the family home.

The Injury Control Research Center at the Harvard School of Public Health found in a 1999 survey that 20 percent of gun owners stored their guns loaded and unlocked. This is a situation, again, that cries out for sensible control of weapons to prevent these tragic and unnecessary deaths.

There is a national survey—the largest ever conducted—on gun storage by the American Journal of Public Health which found that more than 22 million children in the United States live in homes with firearms; and in 43 percent of those homes, the guns are not locked up or fitted with trigger locks.

Simply by the adoption of a national requirement to have trigger locks on weapons, we cannot ensure that each and every gun will be locked up and secured. But certainly, we will have a much higher percentage of those weapons that are secured if we pass legislation of this kind.

If we require a safety lock to be provided when a gun is sold, if we give parents and adults who buy these weapons not only the incentive but the actual lock, we can, I hope and expect, reduce these types of deaths among children.

In fact, we probably should be doing more because there are many States that have child access prevention laws—or CAP laws as they are called—which encourage the safe storage of firearms by holding adults accountable if they knowingly keep a firearm within their home where a child might have access to it and that child, in fact, obtains the weapon and uses it to harm themselves or to harm others. Senator DURBIN has such a bill. I am proud to be a cosponsor of that legislation. This legislation is working.

A 1997 article published in the Journal of the American Medical Association analyzed the effect of CAP laws in 12 States. The JAMA study found that, on average, there was a 23-percent drop in accidental firearm-related deaths among children younger than 15 years old.

There has been an overall downward trend in unintentional shootings in the United States since 1979. That is encouraging. But indeed, we saw a much steeper decline in those States that had child access prevention laws.

But if we are not yet ready to consider a child access prevention law, the least we can do, the minimum we can do, is follow through on our vote of last May and ensure the conference committee sends to us quickly the child safety lock legislation that we passed.

There is another important part of the legislation that is pending in the conference committee, and that is the legislation that was sponsored and championed by Senator LAUTENBERG with respect to the gun show loophole. This particularly resonates at this moment when we are days away from the Columbine tragedy, because, in fact, three of the weapons used in the Columbine tragedy were bought at gun shows from unlicensed dealers who did not have to perform background checks.

The two killers, Dylan Klebold and Eric Harris, along with an older woman friend, Robyn Anderson, went to a gun show and obtained these weapons. In fact, it is reported that both Harris and Klebold went from table to table, from booth to booth, trying to find an unlicensed dealer, knowing they would not be subjected to a background check.

In fact, Robyn Anderson herself testified before the Colorado Legislature that she would not have helped these young men if she knew she had to face a background check.

What more compelling evidence can we have of the need and the effects of this legislation than the reality of the tragedy at Columbine High School?

There has been a lot of talk by the gun proponents that a 72-hour waiting period is involved in this amendment. It is not the case at all. There is not a waiting period. What it requires, though, is that the law enforcement authority would have 72 hours to fully conduct the background check. The gun lobby and their allies say that would completely undermine gun shows, which are weekend events, which start up on a Saturday and end perhaps in midafternoon the next day, Sunday. They say they could not do that.

In fact, not only could they do it in the vast majority of cases, but they should do it because we should have the same Brady law applying to all dealers at a gun show.

It turns out that the FBI indicates, in their statistics, that most gun purchases are processed extremely quickly. In fact, using the national instant check system, the FBI clears 72 percent

of gun buyers within 30 seconds; another 23 percent are cleared within 2 hours. So 95 percent of the people who attempt to obtain guns are cleared within 2 hours. It is only that other 5 percent who might require an additional day or two.

But of that 5 percent, they are 20 times more likely to be prohibited from possessing a firearm. So the reality is that those people who argue for no background checks at gun shows or that they have to be limited to 24 hours are simply protecting those who are most likely to be prohibited under the law from purchasing a firearm a handgun.

In fact, the vast majority of gun purchasers—those law-abiding citizens, those individuals that the NRA points to as their sterling members—would not be impeded at all. They would be checked within 2 hours.

The other aspect of this, in terms of requiring additional time for law enforcement officers, is that if there is a problematic application for a purchase, if there is a suggestion or indication that the individual is not qualified, then those law enforcement officers need the time to check out records, to go to a county courthouse or to go someplace else to get the records; that would be virtually impossible if this was limited to 24 hours on a Saturday or a Sunday.

Frankly, they have to do it because there is a due process requirement. If you are going to turn down an individual from obtaining a firearm, that police officer has to have sufficient evidence—real evidence, not hearsay, not the feeling that something is wrong, not a thought that they heard about this individual someplace, in the coffee shop—that he is unreliable or might have been convicted of a crime; they have to have tangible evidence. Otherwise, they will be sued, probably by advocates and proponents of the gun lobby. So this is a real, practical and necessary need for enforcing the law.

But what we hear consistently from the gun lobby is lots of misinformation: It will close down gun shows. There is a waiting period.

All of this is wrong. The Lautenberg amendment is sound, practical, pragmatic legislation that will deal with the problem, that will not at all impede the vast majority of purchases of firearms at gun shows, and will contribute significantly to the elimination of—we hope, or at least a diminution of—the gun violence we are seeing in the country today.

In the Senate last week, we had the opportunity to vote on a resolution I proposed that would urge the conferees to send a report back to us before April 20, including all of the provisions I have spoken about, that would, in fact, give us the chance to send this to the President for his signature. The vote on April 6 was 53–47, with a bipartisan majority. That vote has started some wheels turning.

On April 11, Mr. HYDE, chairman of the Judiciary Committee in the other body, and JOHN CONYERS, the ranking member, sent a letter to Senator HATCH saying:

> We write to request a juvenile justice conference meeting as soon as possible.

We are making progress, but we are going to lose this momentum and this progress as we leave this week. Perhaps that is intentional. Perhaps this is about stopping the momentum that is building up, playing for time, hoping that we forget about Columbine, hoping that when the anniversary comes, we will be all around the country and the world and not here to respond to the concerns of families in this Nation who are deeply concerned about this issue.

I have spoken about the aspects of the legislation. I have spoken about the logic behind it, the statistics that strongly support it. Ultimately, this is about people's lives in America—sadly, and too often, about children's lives.

On February 29, a 6-year-old, Kayla Rolland, was shot to death by her 6-year-old classmate in Mount Morris Township, MI. I have said this before and it bears repeating: If any of us last May stood on this floor and said a 6-year-old child would be shot to death with a handgun by another 6-year-old child in a school in America, we would have been accused and lambasted as a hysterical demagog who was trying to stir up unreasonable fears and concerns for political advantage.

The truth is, it has happened. A 6-year-old is dead, shot by another 6-year-old in a school in this country. That week, Kayla's death was just one of other deaths of children that go unheralded, because 12 children die a day. For example, one young woman in Carroll County, MD, 18 years old, died of an accidental gunshot wound to the head after she and her friends were admiring her father's .22-caliber revolver. Where were her parents? They were in Costa Rica as missionaries. Had there been a law requiring a trigger lock, had the gun salesman been required to provide a trigger lock with this weapon, I have to believe parents such as those would have locked up the weapon. As those teenagers were admiring the weapon, it wouldn't have discharged. We might have been able to save a life if we had acted. Think of the lives that are being lost because we are not acting.

Another 16-year-old boy in Shopiere, WI, and his friend were horsing around with a .22-caliber pistol his mother kept for protection. It was usually stored in a dresser, but they got ahold of it. After posing with the gun for pictures, the boy pointed the gun to his head. It went off, killing him. As his grandmother said: It was kid's play, total kid's play. Ask yourself, had that weapon been secured with a child safety lock, would it have gone off as two young kids horsing around posed with it? Probably not.

Then a 15-year-old boy in San Bernardino, CA, found his stepfather's handgun while his pregnant mother slept, and used to it shoot himself. Perhaps at the height of desperation, if he had seen a lock on that weapon, he might have been deterred for a moment, enough time perhaps to somehow come back off the edge rather than to plunge into the abyss and take his own life.

A 16-year-old girl in Altoona, PA, argued with her father about her curfew. He was a gun collector; he had handguns. She found one and killed herself—over a curfew. Perhaps, again, if there had been a child safety lock, some other protective device, that momentary pique, that momentary anger we have all had with our parents, would have resulted in perhaps an annoyance but not death.

That is just one week in America, the week Kayla Rolland died. But it is every week in America, 12 children a day. We can do more. We should do it, rather than leaving today and going off on our recess. That would be the greatest tribute to the 12 young people and the 1 teacher who died in Columbine High School.

I would like to say the conference committee has been working, but that is not accurate. They have been waiting for a year. We have been waiting for a year. We can do more. We should do more. We must do more. The American people want it. The American people expect it. The American people deserve it—certainly the families of those children who were killed at Columbine and the 12 children a day who are victims of gun violence in this country.

I realize we have lost that vote on adjournment. We will be back. We will come back again and again and again until we pass sensible gun safety legislation to make this country a bit safer and, hopefully, do what the American people sent us here to do: To protect their children and ensure a rule of law and not an error of violence that claims the lives of children each and every day.

I yield the floor and reserve the remainder of my time.

Mr. LAUTENBERG. Mr. President, I yield to the Senator from Massachusetts 10 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the budget resolution that Republicans put before the American people today proposes an unacceptable change of course, at a time when the Nation needs to stay the course of the investments that are driving our historic economic expansion. This is a budget that reverts to the days of trickle-

down economics, despite all the evidence that it will only widen the unconscionable gap that already exists between rich and poor in our society. It fails to respond to the challenges the Nation so obviously faces in education, health care, prescription drugs for the elderly, youth violence, firearm safety, hunger, scientific research and development, and environmental protection.

The Senate improved the House budget resolution in important respects last week, but the House position prevailed on every issue during conference. The document before the Senate today is far less satisfactory than the budget the Senate sent to conference last Friday. The Senate resolution dedicated just $2.7 billion of the $150 billion Republican tax cut to Pell Grants that help low-income, high-achieving students attend college. But the House Republicans killed even this modest incentive for college education, preferring to keep every possible dollar for more tax breaks for the wealthy.

The Senate resolution included an $8.5 billion reserve fund to expand early learning opportunities, so that young children enter school ready to learn. This was a bipartisan amendment that Senator STEVENS, Senator JEFFORDS and I offered. But House Republicans blocked it.

The Senate resolution included a pledge that the minimum wage should be increased by $1, but the House Republicans rejected it.

The Senate minimum wage provision expressed our fundamental commitment that many of the hardest working Americans working 40 hours a week, 52 weeks of the year, ought not to have to continue to live in poverty, nor should their children. But it was rejected by the House conferees.

The Senate resolution even included a provision by Republican Senator ARLEN SPECTER to increase funding for medical research. But again, House Republicans rejected it.

Instead, the Republican budget resolution that emerged from conference is a shortsighted scheme to protect narrow special-interests instead of the national interest. I'm proud to join my Democratic colleagues in voting against it. We will continue the battle for a fair budget in weeks and months ahead. But the final battle may well be on election day, when the American people at long last will have the choice to elect the Congress that will make the right investments, not the wrong investments, for the Nation's future.

During last week's budget debate we heard many statistics that are misleading at best. When we cut through all the ''smoke and mirrors,'' what matters is that this unacceptable budget resolution supports a huge tax break for the wealthy that the Nation can't afford.

The independent Congressional Budget Office confirms that the Republican budget resolution reduces domestic discretionary spending by an average of 6.5%. It is impossible for this Congress to write honest appropriations bills with cuts that drastic. Our Republican colleagues couldn't make the numbers add up without massive accounting gimmicks last year, and they can't do it this year.

Our Republican friends say that they designed this budget resolution to curb the gimmicks used last year. But we all know there will be new ones used to pretend to meet the urgent needs our country faces.

This budget also prevents us from acting to reduce the number of low-income working families who have no health insurance—to rebuild our crumbling public schools, to reduce the hunger that still afflicts 3 out of every 100 American households—to make college affordable for low-income students —and to achieve the scientific advances that are so close.

Tax breaks for the wealthy are what this budget resolution is all about. No other subject is treated so often and so thoroughly. There are reconciliation instructions on tax cuts, reserve funds for tax cuts, and even provisions for more tax cuts if the surplus grows. The only things that this budget resolution requires committees to report are tax cuts. The only procedural protection under ''reconciliation'' provided by the resolution is for tax cuts.

Democrats support affordable, targeted tax cuts, and they should be enacted promptly. But the merit of a tax cut depends on its size and its distribution. It is obvious that these GOP tax cuts are excessive and irresponsible. They offer plums for the rich and crumbs for everyone else, and President Clinton will be right to give them the veto they obviously deserve.

The budgets we vote for say a great deal about our values. It is easy to pay lip service to meeting the Nation's unmet needs. But a budget clearly shows whether we are willing to allocate resources to address those needs effectively.

This budget does not pass the laugh test. It does not seriously address the range of important challenges facing America. It does not meet our national needs in education, in health care, in medical and other scientific research, in security for senior citizens, in environmental protection, and in public safety. On all these issues, it is a failed budget, because it fails America. It gives the most to those who already have the most. It pretends that the Nation has no unmet needs—and it deserves to be defeated.

Mr. President, one very important aspect of the budget that was altered and changed in the budget conference report concerns the issue of prescription drugs. This issue was before the Senate Finance Committee. We had debate on this measure on the floor during the budget consideration. We hoped to be able to have debate on this issue when we talked about the marriage tax penalty. Look at the contrast between the way the budget conference considered tax breaks and how the conference committee addressed prescription drugs—an issue that is calling out for action by this Congress, and calling out for action now.

We made some progress in the budget resolution that passed the Senate earlier, but look at what happened in that conference. Look at what happened on one of the most important issues in this country today. Providing America's seniors with the help they need in order to survive, through a responsible, comprehensive prescription drug benefit that will be affordable and that will include basic benefits, as well as catastrophic coverage must be a priority.

Look at the difference on what we call reconciliation of revenue reductions in the Senate. In other words, what did the budget resolution say in the conference with regard to tax cuts? It says that the Senate Committee on Finance shall report to the Senate a reconciliation bill not later than July 14 of the year 2000, and not later than September 13, 2000, that consists of changes in laws within its jurisdiction sufficient to reduce the total level of revenues by $11.6 billion in 2001 and $150 billion for fiscal years 2001–2005. Not later than July 14 or September 13. This is what is in the conference report with regard to prescription drugs.

Whenever the Senate Committee on Finance reports a bill which improves access to prescription drugs for Medicare beneficiaries, the chairman of the Committee on the Budget may revise to accommodate such legislation $20 billion over the period of fiscal years 2001 through 2005. Then the (b) section talks about Medicare reform.

We have changed some rather specific instructions on prescription drugs—improving access to prescription drugs. The seniors of this country know the difference between access to prescription drugs and a benefit package that includes prescription drugs. Access to prescription drugs may mean a bus ticket for a senior living in Maine or any of the border States to go over to Canada. That is access to prescription drugs. We are not talking about access. We are talking about a benefit package that is going to be meaningful to our senior citizens.

That is what this debate has been about. Our seniors understand which benefits they receive and they understand which benefits they don't receive. One benefit they do not receive is a prescription drug benefit. In addition, the $20 billion which may have access to prescription drugs at this time is half the amount the President has recommended.

This is a clear abdication of this body's responsibility to our seniors. We

cannot go home without taking action on an effective prescription drug program. We on this side of the aisle feel strongly that one of the priorities that should have been attended to prior to a tax break is an effective prescription drug program; one that is universal, basic and catastrophic, and affordable—affordable to the individuals and affordable to our government.

But, no, we get lip service on the issue of prescription drugs in this particular proposal. That in and of itself should be enough reason to reject the proposal. If you vote for this budget, you are not serious about making sure our seniors are going to have prescription drugs. You cannot vote for this budget and say you are serious about prescription drugs because this budget does not provide the necessary assurance to our senior citizens.

I will take a final minute to talk about the drug crisis America's seniors are facing. Prescription drug coverage is going down at the same time drug costs are going up. I shared with the Senate the other day the reality our senior citizens across this country face. A third of all senior citizens don't have any prescription drug coverage at all; another third are losing coverage. These seniors have employer-based coverage, which is declining dramatically every single year. Then there are seniors with coverage through HMOs; their coverage is being squeezed out. The only group that has reliable coverage are the poorest of the poor who are covered under the Medicaid program. Prescription drug coverage is not just another benefit, it is life and death for our seniors.

This chart demonstrates what has been happening to drug costs. We are seeing double-digit increases in drug costs. From 1995, going up; in 1997, up 14 percent; and in 1998, up 15 percent; in 1999, up 16 percent. These increases were at a time when we had an average of a 2-percent increase in the rate of inflation.

This issue affects Americans all across this country; it isn't an issue just in the Northeast. It is an issue in the Northeast, the Southeast, the Midwest, the Northwest and the Southwest. It is a universal issue. Our senior citizens deserve better action by the Budget Committee in the conference. It is a tragedy. But we are strongly committed on this side of the aisle not to give up on this issue. We are going to take every opportunity to fight for prescription drugs. We believe our seniors are entitled to an effective drug program. We think a prescription drug program is absolutely essential. It has to be one of our top priorities. It should have been done right by the Budget Committee.

The prescription drug benefit is more deserving than the tax breaks which are included in this resolution. That was the issue that was before the Budget Committee. That is the issue that is before the Senate of the United States this afternoon. That is the most important reason I will vote ''no.''

Mr. DOMENICI. Mr. President, I note the presence of Senator BOXER on the floor. I have 45 minutes remaining and I will take a few minutes to discuss Senator KENNEDY's remarks.

Mr. President, fellow Senators, nothing could be further from the truth than this budget resolution and this budget conference does not provide for Medicare prescription relief for senior citizens.

Let me state what I think the triggering mechanism would have ultimately done. It would work in favor of those who don't want a bipartisan solution because they could have stonewalled this until the date arrived and then produce a partisan solution to Medicare on the floor of the Senate. But nobody should deny the work and the authenticity of what is in this budget resolution as suggested in our Budget Committee by the distinguished Senator from Maine, Senator SNOWE.

Senator SNOWE recognizes seniors don't want a prescription drug added to a Medicare program that is going bankrupt. We provide in this budget resolution if there is some reform in this program, $40 billion in new money can be used for prescription drugs. I don't want to let my voice grow any louder because I have on different occasions wondered whether talking extremely loud helps with one's case or not. I have no illusions but that I am speaking to myself and I will speak very moderately about this. The truth of the matter is, the Finance Committee of the Senate is challenged by this budget resolution to produce a bipartisan solution to the issue of prescription drugs. Some in this body do not want a bipartisan solution because it will have some of the good points of experts on our side about how to fix this, including the distinguished Senator from Tennessee, Mr. FRIST the distinguished Senator from Maine, Ms. SNOWE, a Republican, and many others.

Let me repeat, this budget resolution says whatever you do on taxes or tax relief, such as the marriage tax penalty, there is in addition to that, $40 billion for Medicare. That is $40 billion that can be used for prescription drugs. If the committee in charge of this wants to use it all for prescription drugs, they have to provide some reform to the system.

Frankly, there is a big split over whether that is what the bill ought to do. But the Budget Committee opted, in this budget resolution, to try to be on the side of pursuing a bipartisan solution in the committee of jurisdiction, which has had 14 hearings, and is going to do something. The House is going its way. Before the year is out, we will have a bipartisan solution on this floor. That is precisely what would be good for seniors. We will take the politics out of Medicare, and we will put money into prescription drugs. That is really what we want to do in this budget resolution.

Some may call it irresponsibility. I call it the height of responsibility. I believe to do otherwise is an invitation to election year politicking about Medicare prescription drugs that is, in the end, apt not to help with the Medicare program which everybody wants to try to fix and add prescription benefits.

I want to repeat, the reason we have tax relief in this budget, and tell the committee to produce it, is the very issue we debated 4 hours ago on this floor called marriage tax penalty reform. It will cost, if we do it right, somewhere between $50 and $65 billion. Where will we get that relief for the millions of married couples? We will get it in this budget resolution and get $40 billion for Medicare, prescription drugs, and reform.

If the seniors understand the two positions, they will say let's go try this; let's have Senators on that committee of finance, Democrat and Republican, working on a solution that belongs to everybody. It will probably be a right solution for the trust fund if it is a bipartisan solution.

So I repeat, there is money for prescription drugs and there is money for tax relief, such as the marriage tax penalty reform that must be adopted.

I reserve the remainder of the time I have on the resolution.

Mr. REED. I yield 10 minutes to the Senator from California from the time I control.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from California.

Mrs. BOXER. Mr. President, I want to say to Senator REED, he is a very powerful voice in favor of sensible gun laws. He is taking every opportunity he can. He has stated this many times, to bring this matter of the juvenile justice bill that contains all these important gun control laws to the floor of the Senate. Today he said we should not adjourn until we take care of this. I think he is making a very important point. We have five important, sensible gun control measures in the juvenile justice bill. We voted for them here. On one of them, it was AL GORE, the Vice President, who broke that tie vote on closing the gun show loophole on which Senator LAUTENBERG had worked so hard, to keep away from children, and to keep away from people who are mentally unstable, and keep away from criminals, access to weapons.

It is a very sad day indeed that we are going home, now, right on the heels of the tragic anniversary of Columbine—those killings occurred a year ago—and we have done nothing.

I want to state for the RECORD, every time my friend Senator REED comes to

the floor, I will be there with him as long as it takes. We are going to have a Million Mom March. I don't know whether a million moms will come, but thousands will come to march in favor of these very responsible gun laws. I intend to be there, and many of us will be there with them. We will not stop the pressure.

Mr. President, every budget is a roadmap. This budget takes us down the wrong road at almost every turn. I agreed with one thing that happened in the conference, and I want to say thank you to the House. I am very careful not to say thank you to my chairman, who told me not to thank him for this because he is on the other side. The language calling for drilling in the Arctic wildlife refuge was removed. I am very pleased about that. I thank the House for doing that. I hope we do not have to face that fight this year, next year, or the year after.

But in terms of everything else that happened, this budget got decidedly worse. It is leading us down the wrong road, a road that does not adequately fund education or prescription drug benefits, a road that doesn't reduce the debt enough, a road that leads to risky tax cuts that can derail our economic recovery and therefore endanger Medicare and even Social Security.

This is a road that lacks fiscal responsibility. It has no room in it for a lands legacy bill that people on both sides of the aisle want to see, where we can take offshore oil revenues and put them into good use by expanding our public ownership of precious lands we are losing and preserve historic areas. I think this budget puts America in a risky, dangerous position and it does not meet the needs of our people.

We know what will happen if this budget goes into effect, as it will, and the appropriators carry it out. We will see cuts to the most vulnerable population—cuts in the Women, Infants and Children feeding program, cuts in Head Start, in the Job Corps, in child care, in children's mental health. Those cuts will be perhaps more than 10 percent.

We could not get more funding for afterschool programs even though we had some bipartisan support. The police chiefs all across this land know that is the best crimefighting program. We could not get that. We know juvenile crime peaks between 3 p.m. and 6 p.m. What does this budget say? We are holding the line on afterschool programs, and the million kids waiting to get in will simply have to wait. One million kids are waiting to get into afterschool programs. That is how popular they are. Ninety percent of the American people want them. The police want them. The President put it in his budget, and they have cut his request in half, leaving 1 million people out of the loop.

I do not understand how we can say we speak for the people when we walk away from a program that has 90 percent approval and one we know works.

Senator KENNEDY has talked about the flimsy prescription drug benefit. It is not going to help our seniors if we make them think we are doing something for them but we do not back it up with funding. Senator CONRAD, who will speak after I finish my remarks, has talked long and hard about a lockbox for Medicare. That was voted down. That is gone.

We agreed to lock up Social Security but not Medicare. It does not do us any good if our people get their full Social Security benefit and they have to turn around and pay more and more for Medicare. They are going to be poor one way or the other. If my colleagues support Social Security, they have to support Medicare. This budget simply does not do it.

My colleagues should see the letters that come from the people in my State who are forced to cut their medicine in half in order to make ends meet. They are choosing between prescription drugs and eating dinner. This is America. This is wrong.

Why does this budget turn out this way? Because of a risky tax cut.

Maybe some say it is good to have a tax cut; maybe they look at the tax cut as helping people who really need it. One roadmap we have is George W. Bush's tax cut. Let's look at that one. What happens if one earns over $300,000? They get back $50,000 a year. They will be popping those champagne corks in the boardrooms. But if one earns $38,000 a year, they will get back about $260 or $280 a year.

Summing up, this budget takes us down the wrong path any way one looks, whether it is looking at tax cuts that are fair and targeted, sensible and fiscally responsible, or it is a prescription drug benefit that makes sense for our seniors, protecting Medicare that makes sense for our seniors, or investing in education which makes sense for our children, or having a reserve fund for our environment.

By the way, on energy efficiency, they slash and burn the President's proposal, and then they say he has no energy policy. This budget takes us down a bad road. It should be rejected, Mr. President.

Mr. ROBB. Mr. President, I regret that I am unable to support the budget resolution that is before us today. Our annual budget resolution supposedly represents our nation's fiscal blueprint, but this document comes up short in terms of what our priorities ought to be. Instead of large, untargeted and unwarranted tax cuts, we ought to be dedicating our resources towards rebuilding our nation's schools, providing Seniors with affordable medication, strengthening Social Security and building up our national defense—in addition to paying down the national debt, so that the federal government can stay out of the capital market and be better equipped to handle dips in the economy in the future. In all of these categories the budget resolution falls woefully short. Through fiscal discipline the past seven years, we finally have the ability to begin to address our real needs. We cannot allow this golden opportunity to slip through our fingers. We owe it to our children and our parents to do a better job.

Mr. LEAHY. Mr. President, I am disappointed that the conference committee dropped an amendment I offered with Senator KOHL that would have applied additional surpluses estimated by CBO to debt reduction rather than tax cuts. I had hoped that this fiscally responsible amendment, which was unanimously adopted by the Senate, would be included in the final version of the budget resolution. Instead, the Committee accepted a House provision that would allow the budget chairman to use additional surpluses for tax cuts above and beyond the $150 billion in cuts already in the resolution. I find it disheartening that Congress is not even willing to commit unexpected surpluses to debt reduction.

In the 1980s, Congress went on a tax cut binge and left the bill for our children. During those years we all saw the lip service paid and the sloganeering about balancing the budget, while we simultaneously tripled the national debt and ran the biggest deficits of any nation in the history of the world. As a result, the national debt now stands at $3.6 trillion and the Federal government pays almost $1 billion in interest every working day on this debt. Now that we have surpluses, we have a chance and an obligation to pay off that debt. This budget resolution fails to live up to that responsibility.

Nothing would do more to keep our economy strong than paying down our national debt. Paying down our national debt will keep interest rates low. Consumers gain ground with lower mortgage costs, car payments, credit card charges with low interest rates. And small business owners can invest, expand and create jobs with low interest rates.

Alan Greenspan and nearly every other economist who has testified before the Senate Budget and Finance Committees has stated that our nation's budget surpluses should be used to pay down the debt. And yet, the Republican budget resolution proposes far less debt reduction than the budgets developed by President Clinton and Senate Democrats. This resolution would use 98% of the non-Social Security surplus for tax breaks which would primarily benefit the wealthy. By dropping our amendment, Congress is in danger of using an even higher percentage of the surplus for tax cuts, and even less for debt reduction. This does not make fiscal sense.

During markup, Senator LAUTENBERG offered an alternative budget that

would have reduced $330 billion in debt over ten years, while providing almost $300 billion in targeted tax cuts—cuts that would go towards eliminating the marriage tax penalty, permitting the self-employed a full tax deduction for their health insurance and providing estate tax relief for family farmers and small business owners. Such cuts would be fair and targeted to help all Vermonters, not just the wealthy. Unfortunately, this amendment failed.

In 1993, Congress charted a course of fiscal discipline and the country has reaped the benefits of this successful plan. Republicans and Democrats can rightfully claim their shares of the credit for getting the nation's fiscal house in order. The important thing now is to keep our budget in balance, to pay down our debt, and to keep our economy growing. Unfortunately, this budget resolution fails to make a real commitment to debt reduction, which is why I must vote against it.

The PRESIDING OFFICER. Who yields time? The Senator from North Dakota.

Mr. CONRAD. Mr. President, I ask for time off our side off the resolution and ask to be notified when I have consumed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, this is one of the most important decisions we make every year: the question of the budget outline for the United States; what are our priorities; where is the money going to be spent; what are the revenue sources for the United States. The fundamental question is, Are we going to maintain fiscal discipline? Are we going to maintain a strategy that has produced the longest economic expansion in our country's history?

This article appeared in the Washington Post in the business section announcing that the expansion was, at that time, the Nation's longest. This is back in February. Of course, the expansion has now been extended even further. But even then, we had created the longest economic expansion in our country's history. I say when ''we'' created; I am talking about all of us as Americans.

Part of it is a result of Federal policy: the fiscal policy of the country, which is controlled by the Congress and the President of the United States, and the monetary policy, which is controlled by the Federal Reserve. The two work hand in glove to produce economic results for this country.

Obviously, the underlying strength of America is the people of this country. Their hard work, their innovation, their creativity, their entrepreneurial spirit and drive makes this country the greatest economic power on the face of the globe.

It is important to remember the economic strategy and the economic plan that brought us to where we are today. If we look back at the last three administrations and look at the question of the budget deficits that are so important to the fiscal policy of this country and the monetary policy, this is what one finds: The Reagan administration inherited a deficit of about $80 billion and promptly ran it up to over $200 billion and dramatically expanded the Nation's debt over the period of that administration. In fact, they more than tripled the national debt during this period.

Then we had the Bush administration, which inherited a deficit of $153 billion and promptly ran it up to a $290 billion deficit. It actually was somewhat worse than that because this is counting the Social Security surplus. The true deficit, at least as I define it, was well over $300 billion.

The Clinton administration came in, and in 1993, we passed a 5-year budget plan that was designed to reduce the deficit dramatically to take pressure off interest rates and to get this economy moving again. That plan passed without a single Republican vote in either the House or the Senate. These are the facts.

That 5-year plan was put into place, and here are the results. They are clear; they are unambiguous. They show that each and every year that 5-year plan reduced the budget deficit, first, to $255 billion; then to $203 billion; then to $164 billion; then to $107 billion; then to $22 billion. By the end of the 5-year plan, we had done what was perhaps thought impossible when we started. We had balanced the Federal budget.

Now we anticipate a $176 billion budget surplus in this year. This is a plan that worked.

This shows the trend in receipts and outlays, the expenditures of the Federal Government that made this plan work. The blue line shows the spending of the Federal Government; the red line shows the receipts of the Federal Government. This is over a 20-year period.

What it shows is obviously our spending was higher than receipts for an extended period in the eighties. That is why we were running massive budget deficits. When Democrats voted for a 5-year plan to get our fiscal house in order, spending came down each and every year in relationship to the size of our economy, revenue went up each and every year because, in part, we raised taxes on the wealthiest 1 percent in this country, and spending was cut. That is what allowed us to balance the budget, get our fiscal house in order, and kick off the longest economic expansion in our history. That is the record. Those are the facts.

The question is, Are we going to put all this at risk and go back to the old, bad days of ''debt'' and ''deficits'' and ''decline,'' what I call the three Ds? I very much hope we do not return to those policies and those plans and that set of results: debt, deficits, and decline. That would be a profound mistake. Why would we ever turn our back on an economic strategy that has worked so well?

Let's look at the results.

Federal spending is now at its lowest level since 1966. We cut spending with that 5-year plan in 1993. Democrats cut spending because we did not have any help from the other side of the aisle—none. We cut spending because it was necessary to get our fiscal house in order.

The results of reducing those deficits has been the virtuous cycle: Reduced deficits, reduced debt, and reduced interest rates that helps spur investment in the private sector, that helps spur private growth in the private sector, that led to the creation of over 20 million jobs, that gave us the lowest level of inflation since 1965. The virtuous cycle does not end there because it also gave us the lowest rate of unemployment in 42 years.

These are the results of an economic plan that was put in place in 1993. It has also brought down the debt. What a remarkable circumstance. But we have actually started bringing down the publicly held debt. We are in a position to nearly pay it off by the year 2010. We are in a position to pay off the publicly held debt of this country by the year 2013, if we stay on course.

Alan Greenspan, who is in charge of monetary policy—the Congress and the President are in charge of fiscal policy; the Federal Reserve is in charge of monetary policy—the head of monetary policy for our country says: Pay down the debt first. That is what he is urging us to do.

He is not alone because virtually every economist of whatever ideological persuasion who has come before the Budget Committee and the Finance Committee, on which I sit, has told us: The highest priority ought to be to continue to pay down the debt, to put us in a position to deal with the baby-boom generation when it starts to retire and puts enormous demands on Medicare, on Social Security, on veterans programs; that the best way to prepare for the day when they retire is to build this economy, to grow this economy. And the best way to grow this economy is to lift the debt burden that is on this economy.

That is what will hold down interest rates. That is what will keep the Government out of competition in private markets for scarce resources. That will allow additional resources to go into private investment.

This plan, this strategy, has been working. Now, all of a sudden, our friends on the Republican side, who opposed putting in place that strategy that has worked so well, tell us: Ah, well, we were wrong then, but trust us, let's go back to that failed strategy we

were pursuing before, and let's try it again.

Why would we do that? It makes no earthly sense.

What will happen if we take this risky approach they are proposing? I submit to you, in their plan they use all of the non-Social Security surplus—all of it—for a tax cut, a tax cut that goes to the wealthiest among us. Senator MCCAIN said it well during the campaign. He questioned the Bush plan to take 60 percent of the benefits of their tax plan and to give it to the wealthiest 10 percent.

Mr. Bush has said, over and over, in his campaign: What they don't know in Washington is, this is the people's money. He is right about that. It is the people's money. The question is, What should be done with the people's money? Should it be given to the wealthiest 10 percent—disproportionately given to the wealthiest 10 percent—or should our top priority be to use the people's money to pay down the people's debt? I submit to you, the highest priority ought to be to pay down the people's debt. But that is not the Republican priority.

It is true they take all of the Social Security surplus and reserve it for Social Security. We do the same thing in our budget. That is the right thing to do. I applaud them for it. But on the non-Social Security surplus, they have quite a different approach.

I think, objectively stated, the non-Social Security surplus is most likely to be about $170 billion over the next 5 years. The Republican plan has a $150 billion tax cut, a $25 billion reserve for tax cuts, and costs another $21 billion in interest. So they have $196 billion reserved for a tax cut that goes primarily to the wealthiest among us when we have only $171 billion available in a non-Social Security surplus.

Where is the rest of the money going to come from? I think it is going to come right out of the Social Security trust fund. We are going to go back to the old, bad days of raiding the Social Security trust fund surplus. I hope not. I do not know how else it happens.

Our priority on the Democratic side is to use the vast majority of the projected surpluses over the next 10 years for debt reduction. In fact, we use 82 percent of the projected surpluses for debt reduction. That is, every penny of the Social Security surplus for Social Security, since it is not used for that purpose immediately, goes to pay down the debt. The Republicans do the same thing. But, in addition, we take 36 percent of the non-Social Security surplus and use that for further paying down the debt.

We also have a chunk of money for tax relief—not nearly as much as they do; we will stipulate to that. Their priority is a big tax cut to the wealthiest among us. Our priority is to pay down the debt.

As I indicated, we take all of the Social Security surplus and use that to pay down debt. But, in addition, we take, of the non-Social Security surplus, 36 percent of it for debt reduction. We take 29 percent of it for tax cuts because we, too, believe tax relief is important.

We would like to solve the marriage tax penalty. We would like to ease the estate tax burden. We would like to deal with some of the other inequities in the Tax Code.

We also reserve 23 percent for high-priority domestic needs such as defense, education, agriculture, and, yes, a prescription drug benefit.

We believe these are the priorities of the American people.

Let me conclude by saying there are some on the Republican side who have argued over and over that the tax burden on the American people is the highest it has ever been.

The tax revenues are high, but the tax burden, the tax rates, on individual taxpayers are not high. That is odd. How can the revenues be high but the tax rates on individuals not be high? The reason is, we have a booming economy that produces lots of revenue. That is part of the virtuous cycle we have created by getting our fiscal house in order.

But if we look at the individual tax burden, what we find is, contrary to what our friends on the Republican side say so often and so repeatedly, the Federal tax level has fallen for most people in this country.

Let me quote from the Washington Post of March 26 of this year:

> Studies Show Burden Now Less Than 10%
>
> For all but the wealthiest Americans, the federal income tax burden has shrunk to the lowest level in four decades, according to a series of studies by liberal and conservative tax experts. . . .

What we see is that the tax burden on individual Americans has been reduced, and reduced dramatically.

The article further states:

> The Congressional Budget Office estimates the middle fifth of American families, with an average income of $39,100, paid 5.4 percent in income tax in 1999, compared with 8.3 percent in 1981. The Treasury Department estimates a four-person family, with a median income of $54,900, paid 7.46 percent of that in income tax, the lowest since 1965.

The article continues: The Conservative Tax Foundation figures that the median two-earner family, making $68,000, paid 8.8 percent in 1998, about the same as 1955.

This is a question of priorities. We ought to reject this budget and pass the alternative.

Mr. LAUTENBERG. Mr. President, I yield 10 minutes to the Senator from Washington,

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. First, I thank the Senator from New Jersey, Mr. LAUTENBERG, for his tremendous leadership on the Democratic side of the Budget Committee. I have truly enjoyed working with him and will miss him a great deal in the coming years. His leadership has been so important to all of us.

I come to the floor today to address the Republican budget proposal and to tell my colleagues that I will be a ''no'' vote because I believe it fails to reflect the priorities of families across this country. In fact, if this budget were submitted to any math class, it would get an F because, frankly, the numbers do not add up.

The reality in this budget does not meet the rhetoric. Despite all the claims, when we do the math, the things Americans care about—improving their education, reducing the debt, saving Social Security, strengthening and modernizing Medicare—have all been left behind. The things that matter to families have been sacrificed in the name of an irresponsible tax cut.

I am disappointed that this budget abandons the progress we have made since 1993. Since I first joined the Budget Committee, our Nation's financial strength has grown dramatically. Through the hard work of the President, the Vice President, and Congress, we have turned deficits into surpluses. We learned many important lessons. We learned that budgets must be realistic. They have to take into account what our Nation needs and what we are capable of providing.

This budget is neither realistic nor responsible. It does not provide the necessary investments in education and health care. It does not ensure that prescription drug coverage for Medicare beneficiaries will be considered before we enact tax cuts. Instead, this Republican budget sacrifices our priorities for a $200 billion tax cut.

I am extremely concerned that this tax cut could eat up all of the on-budget surplus. Given this Congress' track record on tax cuts, it is fair to assume that, as usual, the top 10 percent of the people will get more than 60 percent of the benefits. The President and the American people rejected that tax plan last year, and I expect they will reject it again. We can have responsible and fair tax cuts that are fiscally prudent, but you won't find them in this budget.

I am also disappointed that this conference report dropped two important priorities during the conference committee. First, an important amendment I introduced to ensure programs that help victims of domestic violence was dropped. Another amendment concerning pipeline safety was also left behind. In the Senate Budget Committee, I introduced an amendment to ensure that pipeline safety efforts are funded at levels that were called for in my bill. My amendment was unanimously passed by the Senate Budget Committee. Unfortunately, this budget makes it almost impossible to fully fund the Office of Pipeline Safety. Our

budget should help us make our pipeline safer. I fear this budget moves away from our responsibility.

I will be talking later this evening about the issue of pipeline safety as well.

While those two key amendments were dropped, I am pleased that my amendment concerning women and Social Security was affirmed. After 2 years, the Republican budget conferees have finally committed that Social Security reform should not penalize women. I am pleased it is in this budget.

Overall, to make room for their tax cut, Republicans shortchanged the investments that really matter to the American people. In fact, in key areas, this budget doesn't even keep up with inflation.

I will give a few examples of how this budget leaves America's priorities behind. The decisions in this budget will be felt in classrooms across America. The budget before us would decimate the progress we have made over the last 2 years in reducing overcrowded classrooms. In the last 2 years, we have hired 29,000 new, fully qualified teachers to reduce class sizes in first, second, and third grades. Today, because of that action, 1.7 million students are learning in classrooms where the basics are taught in a disciplined environment. We should be building on our progress. This Republican budget before us today abandons our progress. This budget tells students: Sorry, you are going to have to sit in an overcrowded classroom next year because, under the Republican tax plan, you are not a priority.

It should be a priority that we pay down our national debt instead of passing that burden along to our children. This budget tells every young American: Sorry, you better start saving money now to pay off the national debt because, under the Republican tax plan, you are not a priority.

It is a priority that we strengthen and modernize Medicare. It is a priority that seniors get help buying the medicine they need because no one should have to choose between buying medicine and paying for food. This budget tells seniors: Sorry, you can't get the prescription drug coverage you need because, under the Republican tax plan, you are not a priority.

The American people want real budgets, not gimmicks. They want to know that our Nation's vital priorities are being treated as priorities. They don't want the things that matter in their lives to be squeezed out by unbalanced tax cuts that only benefit a few people.

We should be using the surplus we have today to honor our commitments to our children and to our seniors. Now is the time to address the long-term solvency of Social Security and Medicare and to provide resources to local communities to make our classrooms ready for the 21st century. Those are the things a responsible budget would do. We should pass a budget that reflects the priorities of the American people and one that is realistic. I believe the budget before us fails the American people on both counts. Therefore, I must oppose it.

I thank the Chair and yield the remainder of my time to the Democratic side.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Would the Chair inform me how much time remains?

The PRESIDING OFFICER. The Senator from New Mexico has 40 minutes; the Senator from Rhode Island has 26 minutes; the Senator from New Jersey has 20 minutes.

Mr. DOMENICI. Mr. President, I don't intend to use the entire time I have. I would like to make sure I understand where they are going on the other side. If we are going to make an effort to vote earlier, I will be yielding back some of my time. I yield myself 6 minutes.

First, let me identify the occupant of the chair. The occupant of the chair is one of our new Senators, Mr. SMITH, from way over on the West Coast. I am very proud to have him in the Senate, but I am more proud that he is on the Budget Committee. There are people talking about what happens in this budget resolution, such as the distinguished Senator, Mrs. MURRAY, talking about a sense-of-the-Senate resolution as if it were binding on somebody. It is nothing more than what it says. It doesn't affect anything. To the extent we dropped some of her provisions, there were scores of sense-of-the-Senate resolutions in this budget that we did not take.

What we did keep was something for which the distinguished occupant of the chair fought hard. I am told there are so many people watching C–SPAN. Sometimes I wonder how many times they want to hear the same speech, but I believe, when it is given again on that side, I have to say a few words.

I repeat: Because of the distinguished Senator who occupies the chair, working in concert with the distinguished Senator from Maine, Ms. SNOWE, helped by Senator WYDEN from the same State as the occupant of the chair, we have a real provision we did not drop that has to do with Medicare prescription drugs and Medicare reform. I was so pleased to hear a freshman Senator, the occupant of the chair, say he wanted to support the Snowe amendment for $40 billion and that we might as well face up and get a bill. It says we can use the whole $40 billion for prescription drugs, and it is not crowded out by tax relief. It is separate and distinct; it is available.

We have said if you do some reform to preserve the well-being of the Medicare system, you can have $40 billion in new money for prescription drugs. Now, if you choose to only do prescription drugs and do nothing to Medicare, it gets $20 billion to go ahead and add some prescription drugs. Frankly, I believe the Senator occupying the chair, Senator SMITH of Oregon, was on the side of a very large majority of Senators. I think so long as we keep it bipartisan there is going to be an effort to repair the Medicare system for the senior citizens, which is going broke, and we can say we reformed it and modernized it and at the same time we have added $40 billion for prescription drugs.

No matter how many times the other side repeats it—and I don't know that I am going to answer it again today—I will tell you what I know is in the budget resolution. If I had to read the words, you would see I am paraphrasing the words quite accurately. With reference to education, we can continue to hear specifics, that we didn't provide classroom teachers. Let me repeat, the only time we are going to find out what we really do for education is when the Appropriations Committee, headed by Senator SPECTER, produces an appropriations bill, because anything we say in this budget resolution about specifics on education are only assumptions.

Many times, if not most of the time, the Appropriations Committee decides what they are going to spend on education, which programs they are going to fund, and whether it is going to be less children per classroom or more. That is not going to be decided by this resolution. What is going to be, or could be, decided is how much is available for education—not specifics but education.

I say that this conference report assumes $45.6 billion in the year 2001 for the Department of Education—a $10 billion increase, or 30-percent increase, over last year's level. Over the next 5 years, most interestingly, assumptions on education are $21.9 billion in new money, additional money, which is essentially what the President asked for.

Now, whatever they want to say in the next hour in repetition, I don't know that I will answer it again. I am trying my very best to say that these specific things Senators bring to the Senator floor and say there is a sense of the Senate on it and that would have gotten it done, I want to be kind; I don't want to say what I might say. But the fact that it is in, or not, doesn't mean very much. It is what the Appropriations Committee does with the money. Then there is going to be a bipartisan debate, for which I am grateful, on whether we should have the status quo on education programs or whether we should have reform.

Essentially, for anybody interested in what is going to determine where we spend the money and how we spend it, it may be that we are going to leave all

these categorical programs—money for more teachers and less students per classroom and all the other specifics that some people think are important—it may be that we will let the schools keep doing that. We are probably going to give them an option not to do that; in a way, that is more accommodating to them, with flexibility and accountability.

That is essentially what we set up. We don't preclude that debate and its conclusions, which I understand from the majority leader will occur before this year is out. It is historical because it is coming out of committee of jurisdiction. It is not going to be done on the floor. It is headed by Senator JEFFORDS. Nobody thought there would be major reform. There is major reform, and it comes out to the floor to be debated.

I don't know that I can do more on the issue of debt reduction other than to tell the Senate that this budget resolution has over $1 trillion in debt service over the next 5 years. It is most interesting that, all of a sudden, there is a difference between reducing the debt held by the public through Social Security surpluses and reducing it with other surpluses. Let me say, dollar for dollar, it is the same debt reduction, or reduction held by the public. It doesn't matter whether it comes out of the Social Security surplus that we don't spend or whether it comes out of the surplus that is on budget. We have a different way of accounting for them.

We think there is a lot of money available during the next 5 years. In fact, we think over a freeze there is $400 billion in non-Social Security surplus. There is already a basic budget. Looking at this chart, we think it is $400 billion. Interestingly enough, that is over freezing everything. The Democrats assume what they call a freeze in real spending, that would bring the spending way up to here because they add inflation every year and call it automatic. It is not spending new money. We said let's start over. So we put $212 billion in domestic programs—domestic and defense. We put $150 billion in tax relief, which we ask today, how many more times do we have to hear that our tax proposals are for the rich? The biggest tax proposal is the marriage tax penalty. Is that what they are saying is a typical Republican effort to help the rich? I hope all the married people in America listen to that argument.

In addition, we take that surplus and we put $40 billion of it in this non-Social Security on the debt. I don't believe the argument is about debt reduction. It may be today, but the argument is: Let's spend that tax relief money. Let's spend this. That is what the argument is about. I repeat, if we don't get tax relief, all this money, $150 billion, goes to debt reduction for the debt held by the public, adding to the $1 trillion I have just told you about that is in this.

I will conclude by thanking the Budget Committee. The Republican majority produced this format. Obviously, from the newest Senator, to me as the most senior Senator on our side, we followed the lead of OLYMPIA SNOWE on Medicare and the leadership of my friend who is occupying the Chair, in getting a real Medicare proposal and that will drive a bipartisan solution. Let me repeat, in an election year, praise the Lord, if we can get a bipartisan solution to Medicare because it will be the right one if it turns out to be a partisan solution. I am afraid it will be a political solution, and I am not sure the Medicare trust fund for our seniors is going to come out very well. So that is why I think this is a good approach.

My last observation is that the Appropriations Committee has to take all this money and decide what to do with it. Senator TED STEVENS is the chairman and that is his principal responsibility. I assure those who voted for this and who will vote for it today, it depends on how you allocate the money among priorities. But if they happen to be priorities we have been expressing today and that we expressed in this resolution, there will be plenty of funding for education, plenty of funding for the National Institutes of Health, plenty of funding for Medicare—and that is not an appropriated account—and we will have plenty of money to prepare our defense for this new 100 years we are entering where we need to make up some lost ground.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I yield 5 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I have a lot to say and not much time in which to say it. The fundamental point is that this budget resolution represents a statement of the values of the Members of Congress, representing the 270 million citizens of the United States of America. What this budget resolution says is that we are giving a priority to tax cuts over meeting the moral, ethical, and legal obligations of the U.S. Government to its citizens by failing to make a commitment to strengthen Social Security and to strengthen the Medicare program. That is the fundamental message of this budget resolution.

This budget resolution requires the Senate Finance Committee to report two bills with tax cuts totalling $150 billion in the next 5 years. The Finance Committee can report separate legislation cutting taxes by an additional $25 billion over 5 years.

The Finance Committee can report even greater tax cuts if in July the Congressional Budget Office projects higher on-budget surpluses.

There is no similar set of mandates or permission as it relates to strengthening Social Security and strengthening and expanding Medicare. We must do these things. And we can do these things relative to tax cuts. There is no similar provision relative to our obligation to Social Security and Medicare.

We already have embarked on a serious and, I say, unfocused tax-cutting process. If you add up what we have already done in the educational savings account, the Patients' Bill of Rights, the minimum wage, small business tax cut, and what was proposed this week in terms of marriage penalty tax cuts, and suspension of the gas tax, with that hole in our transportation funding being filled by the non-Social Security surplus, we have already spent approximately two-thirds of the non-Social Security surplus we anticipate for this next fiscal year and approximately two-thirds of what we anticipate for the next 5 years with those actions alone.

I suggest that is not a prudent way to go about using the non-Social Security surplus—that we ought to do first things first. The first thing we should do is to meet the obligation this Government has to its citizens in the areas of Social Security and Medicare. Why are those two such priorities? They are priorities because the citizens of the United States every payday are paying into those trust funds for Social Security and for Medicare. They have a legal, contractual obligation from the Government to meet those benefits which they anticipate. We need to have a similar commitment to assure that those programs are going to be capable of meeting those obligations.

We also have not been faithful in this budget resolution to some commitments both Houses have made in terms of a prescription medication benefit.

Both the Senate- and the House-passed resolutions infer—and the leadership of both Houses publicly stated—that we would be reserving $40 billion over the next 5 years for purposes of a prescription medication benefit.

We received from the conference committee a commitment to spend $20 billion for additional access to prescription medication—not a specific modification of the Medicare program that would incorporate prescription medication as a benefit of Medicare. The other $20 billion would be available only if there were changes in the structure of the Medicare program which would be scored by the Congressional Budget Office as increasing the solvency of the Medicare program.

This is not the prescription medication benefit the American people expected. This is not the benefit we anticipated when we passed the budget

resolution in the Senate. It is not a prescription medication benefit that will respond to the realities of modern medicine.

One of the reasons many of us believe it is so important to have a prescription medication benefit is to change the fundamental culture of the Medicare system. Medicare was adopted in 1965 as an acute-care program. If you were sick enough to go in the hospital, or if you were run over by a truck, Medicare would provide financing for your health care.

What we need to be thinking about as we start the 21st century is the approach to health care most Americans want. That is an approach that emphasizes prevention and wellness and the maintenance of quality of life. Almost every step required to do that, whether it is to moderate diabetes, to reduce the prospect of stroke and heart disease, to deal with hormonal imbalances, all of those things that are fundamental to the quality of life, particularly of older Americans, requires prescription medication as a key to this accomplishment.

Providing this prescription medication benefit is not just adding another benefit to Medicare, as has been asserted; rather, it is changing the fundamental orientation of Medicare to one that will focus on the wellness of the American people, and not just wait until they get sick enough to go in the hospital.

That is the fundamental issue that is at risk with this budget resolution which puts at the top of the pyramid of American values providing unspecified tax cuts and puts at the bottom of American values meeting our contract with the Americans who have built this great Nation through strength in Social Security and Medicare.

I urge the rejection of this budget resolution. Hopefully, we will have an opportunity to adopt one that is more in keeping with the desires of the American people.

Mr. LAUTENBERG. Mr. President, I yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank the Senator from New Jersey.

We have an economy that is booming. We have record low levels of unemployment. We have Government coffers that are overflowing. We have a predicted $3 trillion surplus over the next 10 years.

We are still being told by this budget resolution that we can't afford in our country to provide a good education for every child; we can't afford good health care for citizens; we can't afford to do something about the poverty of 14 million children in our country.

In the words of Rabbi Hill, ''If not now, when?'' This Republican budget resolution provides a very discouraging answer to Rabbi Hill's question. This budget resolution says to Rabbi Hill, ''Not now and probably not ever.''

The tradeoff is simple. You have huge tax cuts disproportionately flowing to wealthier, high-income citizens. You have in a post-world-war era a bloated military budget. But you have a budget resolution that does not invest in the health, the skill, the intellect, and the character of our children, and you have a budget resolution that in nondefense discretionary spending calls for cuts with a booming economy.

We will see cuts in Head Start, new teachers, reducing class size, home-delivered meals to seniors, and environmental cleanup.

We will not do well in this new century, and we will not have the successful economy or the successful moral nation Senator GRAHAM talks about, if we don't provide a good education for every child. We will not do as well as we can do as a nation in this new century if we don't invest in the skills development of our children. We will not do as well as we could and must do as a nation and national community if we don't invest in the health of our children. We, the United States of America, the good country, will not be better unless we make this investment in our children. By that standard, this budget is sorely lacking. I will vote against it.

I yield the floor.

Mr. LAUTENBERG. I yield 10 minutes to the Senator from Iowa.

Mr. HARKIN. Mr. President, 7 years ago we ended a failed economic policy of trickle down economics. It brought ballooning deficits, a quadrupling of the national debt, high interest rates, and low growth. But we made some tough decisions and tough votes. We changed the course of the new economic policies that invested in people and imposed needed fiscal discipline.

The results are in: 21 million new jobs, 4 percent unemployment rate, the lowest in 30 years, the fastest growth rate in 30 years, and the lowest crime and welfare rate in 30 years. There is the highest home ownership ever, 108 months of straight economic growth, productivity-breaking records, and inflation outside of energy is tame. Why do we want to change this? Why return to the days of risky tax schemes, the days of trickle down economics, and fiscal irresponsibility?

That is exactly what the conference report budget before the Senate does. This budget resolution before the Senate provides $175 billion to tax cuts, skewed to the wealthiest of Americans. The Congressional Budget Office, however, projects $171 billion in non-Social Security surpluses over the next 5 years. Add the higher interest we have to pay on the public debt because we did tax cuts instead of paying down the debt, and what does that add up to? This budget conference report before the Senate means we will have to tap into the Social Security surplus in order to pay for these tax cuts.

It is fiscally irresponsible. We ought to take a different course and follow the adage that when times are good, prepare for the future. That means the budget should put the highest priority on paying off the debt, securing Social Security and Medicare for the future.

I have said time and time again on this floor, if you want to save Medicare and cut down on Medicare expenses today, invest in medical research. To that end, 3 years ago, the Senate, in a unanimous vote, went on record as saying we ought to double NIH basic medical research in 5 years. Last year, we had a historic increase of $2.3 billion to keep on the track of doubling NIH research in 5 years. This next year would require $2.7 billion. Keep in mind the Senate voted unanimously to double NIH funding.

When the budget came out of committee, it was short by $1.6 billion for NIH research. Senator SPECTER, chairman of the appropriations subcommittee on health and human services that funds NIH, offered an amendment that I supported to add back the $1.6 billion to medical research. Nine Republicans joined the Democrats, and it passed 54–46.

As anyone who has even opened the newspapers lately knows, we are on the verge of many breakthroughs in biomedical research, stem cell research, and the human genome, which is being mapped and will be done shortly. Now we need to push ahead to invest in medical research, to find the causes, the cures, and the preventions for many of the illnesses that cost Medicare so much today. Yet this conference report ignores the bipartisan vote in the Senate. It completely obliterates the $1.6 billion that was added by the Specter amendment. It has been wiped out.

Let's bring it to concrete terms. What does it mean? The conference report that took out that $1.6 billion, when spread over the different research being done by NIH, means, for example, that in AIDS research, $179 million less than what we had in the Senate; cancer research is $261 million less than what we had in the Senate; prostate cancer is down $21 million; arthritis is down $24 million; Alzheimer's is $41.8 million less than what we had in the Senate.

If the conference report had kept in what we had voted for in the Senate, we would have an additional $261 million for cancer research; we would have an additional $179 million for AIDS research; we would have an additional $111 million for mental health research; we would have an additional $14 million for Parkinson's; we would have an additional $13 million for osteoporosis; we would have an additional $1.9 million for multiple sclerosis; we would

have another $24 million for kidney disease; we would have another $38 million to study infant mortality; we would have another $47 million for diabetes research if this budget report has the $1.6 billion added by the Senate.

I thought the budget we passed was inadequate before; it is woefully inadequate now. For the life of me, I don't understand why the $1.6 billion was taken out of this critically needed part of meeting our obligations of the future for NIH basic research.

There is another point. The Senate resolution had increased Pell grants by $400, bringing them up to $3,700. We have needed to do that over the last 20 years. The purchasing power of Pell grants went down 25 percent. A poor student in college today can spend 25 percent less with the maximum Pell grant than 20 years ago. The education was also dropped in conference. That is deeply, deeply disappointing.

This budget needs to be sent back to the drawing board. It targets fiscally irresponsible tax breaks to the wealthiest of Americans. It shortchanges the critical investments we need: First, in medical research; and, second, in investment in education to keep our economy and our people healthy and strong.

I yield back the remainder of my time.

Mr. DASCHLE. Mr. President, in the last week, this budget has gone from bad to worse. That is the only ''progress'' we've seen. After a conference from which Democrats were excluded, our Republicans colleagues are now proposing even bigger tax cuts. Last week, Senate Republicans voted for $150 billion in tax cuts over five years, plus a ''summer surprise'' of more tax cuts. This resolution calls for $175 billion over five years, plus a ''summer surprise.''

To pay for those bigger tax cuts, this resolution calls for even deeper cuts in education, health care, other critical priorities. It still calls for 6 percent across-the-board cut in discretionary spending next year. That hasn't changed—for obvious reasons; our colleagues don't want to make things even worse just before an election.

But things do get much worse after the election—and every year for the foreseeable future—under this plan. The additional cuts all ratchet up in the ''out years.'' Instead of 8 percent across-the-board cuts by 2005, this plan calls for cuts of nearly 10 percent across-the-board by 2005.

This plan dramatically weakens—in fact, it all but eliminates—any commitment to a prescription drug benefit. Last week, this Senate passed a plan that dedicated $40 billion over five years for prescription drugs. That commitment is not included in this resolution. This resolution includes $20 billion to quote—''improve access to prescription drugs''—whatever that means. There's another $20 billion—but that's available only after we cut Medicare benefits.

As if that's not bad enough, this plan says the money for a prescription drug benefit will be available ''whenever'' the Finance Committee reports out a prescription drug bill. ''Whenever''? Why don't they just say the money will be available ''if we feel like it,'' or, the money will be available ''if there's anything left after we pass all our tax breaks''?

The Senate-passed Republican budget at least included a date. It said money for prescription drug benefit would be available by Sept. 1, 2000—whether or not the Finance Committee did its job. Now they've scratched out that date and written in ''whenever.'' You can practically see the budget writers winking! What they really mean is ''never.''

Last week, a majority of Senators voted that Congress should put prescription drugs ahead of tax cuts. Fifty-one Senators—Republicans and Democrats—said we should not spend one dollar on tax cuts until we pass a real prescription drug bill. This resolution directly contradicts that statement. It says, ''Forget what we said last week. Spend nearly $200 billion on tax cuts now. Worry about prescription drugs whenever.'' The contradiction would be laughable if it weren't so deadly serious.

Our Republican colleagues claim that, under their plan, total discretionary spending next year would be $14 billion above freeze. The operative word is ''total.'' What they don't like to say about their budget is defense spending is $21 billion above a freeze; non-defense discretionary spending is $7 billion below a freeze.

There's another thing our colleagues don't like to talk about: According to the Congressional Budget Office, the total non-Social Security surplus over the next five years will be $171 billion. The reason our colleagues don't like to talk about that is their tax cut costs $196 billion over 5 years—$25 billion more than entire non-Social Security surplus.

I am tempted to recycle that classic old Yogi Berra line—''It's deja vu all over again.''—because it seems like we've had this same debate every year for the last five years. Instead, let me use a different Yogi Berra quote: ''It ain't over 'til it's over.'' This is just the beginning of the budget process. We have many months to go.

This budget does not meet the priorities of American people. If we pass this flawed plan, America would miss a once-in-a-lifetime opportunity to sustain and expand this economic prosperity; protect Social Security and Medicare; and invest in America's future—in education, medical research, safe communities, clean water—all the things we need to remain strong and competitive.

In the five years since they regained control of Congress, Republicans have never passed a budget without a major ''train wreck.'' This budget, unfortunately, sets us up to extend that record. To quote the Republican Chairman of the House Appropriations Committee, these numbers are ''unrealistic.'' They do not add up. It's obvious. We know it, and they know it.

We hope that this year, our colleagues will admit their plan can't work—before the train wreck. If they do, Democrats are ready, willing and determined to work with them to get the budget process back on track. We want to work with Republicans to write a responsible budget. A budget that extends the solvency of Social Security and Medicare, so we can avoid a Baby Boomer retirement crisis; a budget that includes a real Medicare prescription drug plan that is voluntary, affordable and universal.

We want to work with Republicans to pass a budget that pays down our national debt—so we can stop wasting $220 billion a year—$600 million a day—on interest payments. We want to work with our colleagues to pass a budget that provides tax cuts to help working families with real needs—like child care, day care, and caring for older parents—a budget that invests education, health care and other critical priorities. We want to work with Republicans to pass a budget, in short, that allows us to seize, not squander, the once-in-a-lifetime opportunity now before us.

Mr. MCCAIN. Mr. President, I will reluctantly vote against the Conference Report on the Budget Resolution for Fiscal Year 2001. Although the budget resolution includes most of the mechanisms approved by the Senate to ensure better budgetary discipline, the resolution fails to address the pressing issues of the impending financial insolvency of Social Security and Medicare, and the massive burden of debt that will be passed along to our children and grandchildren.

Mr. President, for the first time in history, economic projections show a surplus of nearly $1.9 trillion over the next ten years, exclusive of the surplus in the Social Security Trust Funds. At the same time, we know that the Social Security system is projected to be bankrupt by 2037 and Medicare will be broke in 2023, leaving millions of elderly Americans without the promised benefits they need to live comfortably in their retirement years.

Yet, this budget resolution uses none of the surplus to shore up either Social Security or Medicare. Nor does it apply any significant portion of the surplus to reducing the burden on future generations of our $5.7 trillion national debt. In fact, debt will actually continue to accumulate because the resolution allows most of the non-Social Security surplus to be spent on more big government programs.

Mr. President, as I traveled around the country over the past several months, I listened to the American people. Everywhere I went, they told me that they wanted us to protect and preserve Social Security and Medicare. They said they wanted to pay down the debt. I proposed a plan to use the bulk of the non-Social Security surplus to do what the people told me they wanted to do, and still provide much-needed tax relief to those who need it most—lower- and middle-income families. Unfortunately, this budget spends too much and saves too little for the future, and I cannot support it.

Mr. President, there are some very good provisions in the budget resolution.

I support the increase of $4.5 billion in defense spending over the President's budget request, which represents real growth in the defense budget for the first time in many years. I am pleased that the conference includes the $25 million added to the defense budget to get 12,000 enlisted families off of food stamps and end the disgrace of the food stamp Army once and for all. For too many years, the Clinton Administration has neglected the people who volunteer for military service. With this increase, and money freed up from eliminating waste and inefficiency in the defense budget, we can make progress toward restoring the morale and readiness of our Armed Forces.

The addition of $1.9 billion to the budget request for veterans health care is the amount identified in the Independent Budget of the veterans groups as the minimum necessary to provide appropriate care for our veterans. I hope the Congress sees fit this year to restore the ''broken promise'' of free lifetime medical care that was made to our nation's oldest veterans, and I intend to work with my colleagues to ensure all of our military personnel have access to the quality, affordable health care they deserve.

Many of the specific funding assumptions in the resolution are laudable, but I disagree with funding most of these increases from the surplus. I have identified billions of dollars of pork-barrel spending in annual appropriations bills over the past several years—programs that are wasteful, inefficient, or low-priority. Because of the compelling need to deal with the problems in Social Security and Medicare, we should look within the budget to ferret out waste in order to fund higher priority requirements, rather than spend the entire surplus on more government.

Some of the objectionable provisions in this resolution are earmarks that would qualify as pork-barrel spending if they were included in an appropriations bill. For example, the resolution identifies $700 million to construct, or site and design, more than ten new courthouses in 2001. It assumes $25 million will be set aside for the construction of a Metro station on New York Avenue in the District of Columbia. And it earmarks $510 million for NOAA's Pacific coastal salmon recovery program. As I have always said, I am not making a judgment on the merits of these programs, but their mention in this resolution leads me to assume that they will show up as earmarks in the appropriations process —a process not noted for its reliance on merit over politics.

I also note the significant cut in the International Affairs budget in the resolution, which is $2.7 billion less than the President's request and $2.2 billion below last year's level. I am concerned that, as in past years, the foreign affairs budget is seen as an easy target for cuts to offset spending in other areas. Clearly, the United States is and must remain a global power with global interests, both related to our security and that of our allies, as well as our economic health. Our continued international involvement requires not just a strong military, but a robust diplomacy. I will be looking carefully at the Foreign Operations Appropriations bill to ensure that the programs that are cut to meet this budget target are appropriate and do not in any way hinder our ability to influence world affairs to our advantage.

Mr. President, I am pleased to note that the resolution includes several Senate-passed provisions to ensure Congress complies with the revenue and spending levels in the resolution to limit the amount of emergency spending and budgetary gimmicks, including:

A Social Security ''lockbox'' point of order which can be raised against any budget resolution that dips into the Social Security Trust Funds.

A permanent 60-vote point of order in the Senate challenging any ''emergency'' in any spending or revenue bill, to ensure that emergency spending is truly used for emergencies and not simply to avoid accounting for routine spending.

A restored firewall between defense and non-defense spending for FY 2001, with any funds unused in either account to be used for debt reduction.

Two new 60-vote points of order to prevent the use of advanced appropriations and delayed obligations to circumvent spending limits.

Mr. President, there are many good provisions in the budget resolution, and I thank the Chairman and Ranking Member of the Budget Committee for taking on some very tough fights. The fact is that we simply have different opinions about budget priorities. I cannot support this resolution because it spends the surplus on more government, without guaranteeing funding for Social Security or Medicare reform or significantly reducing the debt, and I will vote against the resolution.

Mr. L. CHAFEE. Mr. President, I rise today to express my opposition to H. Con. Res. 290, the Budget Resolution for FY 2001 Conference Report that the Senate is voting on today. I feel it is important to note that despite my opposition, I have deep and abiding respect for Budget Committee Chairman DOMENICI and recognize and appreciate the hard work, expertise, and excellent leadership that he has displayed in the Senate's consideration of the federal budget.

There is much to praise in Chairman DOMENICI's budget. Increased funding for education and defense. A reserve fund of $40 billion for a prescription drug benefit. Provisions to do away with budgetary gimmicks. A Social Security Lock-Box. But, there is just too much money set aside for tax cuts, and not enough for paying down the debt.

While I support some targeted tax cuts, such as the low-income housing tax credit, and marriage penalty relief, I believe that $150 billion over five years in tax cuts is too much. Instead, I believe it makes more sense to pay down the debt. The federal debt—currently $5.7 trillion, with interest costs of over $200 billion per year, or almost 12 percent of annual federal outlays—represents a huge burden that should not be passed on to our children and to our grandchildren. Not only is this massive debt a problem, but by paying down the debt we would free up more than $200 billion per year. That money eventually could be used to ensure the solvency of Social Security and Medicare; to increase funding for education, specifically, Individuals with Disabilities Education Act (IDEA); needed infrastructure and environmental improvements; and to provide for tax relief.

Let me take a few moments to explain a number of my votes from last week during the Senate's consideration of the Budget Resolution. I voted for an amendment offered by Senator CONRAD that would have reduced the tax cuts in the Budget Resolution from $150 billion over five years to $75 billion for tax cuts and $75 billion for debt relief. I also voted for an amendment offered by Senator VOINOVICH that would have struck all tax relief from the Budget Resolution so that it may be used for debt relief. Believing that the approach taken by Senator LAUTENBERG was more fiscally responsible, I voted in favor of his amendment because it contained only $59 billion in tax cuts and provided for more debt relief. Finally, I voted against the Budget Resolution as it was reported from Committee because it contained a too high level of tax cuts and not enough debt relief.

All of us who have had to pay interest—be it on our house, car, credit card, or other payment—know that these costs are painful. We need to apply the same fiscal discipline here in

Congress that we apply at home. To pay out 12 percent of our revenues annually on interest costs rather than on education, needed infrastructure construction and improvements, and to ensure the solvency of the Social Security and Medicare programs, seems to me to be a poor investment of taxpayer dollars. Therefore, in an effort to encourage fiscal discipline and responsibility, I am casting my vote against the Budget Resolution Conference Report.

Mr. JEFFORDS. Mr. President, first I must congratulate the Chairman of the Budget Committee, Senator DOMENICI, for producing an on-time budget for only the third time in the 24-plus-year history of the Budget Act.

Thrifty, cautious, and conservative. These adjectives describe the Yankee qualities of many Vermonters when someone tries to get them to open their wallets, and are in the genes of anyone who represents our great state in Congress. I am pleased that this resolution protects social security. Not one penny of the social security surplus is touched. Second, it balances the budget every year without using the social security surplus. Thirdly, this resolution retires the national debt held by the public—nearly $170 billion in the first year and $1 trillion over the next five years.

I am greatly troubled, however, about certain elements in the budget, and will vote against the fiscal year 2001 budget resolution now before the Senate.

What would a cautious farmer do when times are good—invest in new equipment to become more efficient, pay off debts, and put some away for a rainy day. There is no question that tax relief is warranted, but not at the expense of education, veterans health, job training, child care and other important discretionary programs.

A farmer cautiously guards his seed corn for future harvests. Our nation's seed corn is its youth and investments in education are needed to protect our prosperity. The conference report now before us rejects funding added on the floor of the Senate for three important education programs. It not only rejects funding that a majority of this body supported but it takes a giant step backward by reducing funding for education $3 billion below what was contained within the original Senate-passed resolution.

When I first arrived in Congress, one of the very first bills that I had the privilege of working on was the Education of All Handicapped Act of 1975. As a freshman Member of Congress, I was proud to sponsor that legislation and to be named as a member of the House and Senate conference committee along with then Vermont Senator Bob Stafford.

At that time, despite a clear Constitutional obligation to educate all children, regardless of disability, thousands of disabled students were denied access to a public education. Passage of the Education of All Handicapped Act offered financial incentives to states to fulfill this existing obligation. Recognizing that the costs associated with educating these children was more than many school districts could bear alone, the Federal government pledged to pay 40 percent of the costs of educating these students.

The budget resolution that is before us makes a mockery of this pledge. The original Senate budget resolution assumed that the Federal government would only fund between 15 and 18 percent of the cost of educating disabled students. My amendment to increase this percentage was narrowly defeated last week and was then watered down by an amendment by my colleague Senator VOINOVICH. I had hoped, nonetheless, that passage of the Voinovich amendment meant that a serious effort would be made in conference to increase funding for IDEA. This hope was clearly misplaced.

Let me also speak for a minute about early childhood education.

Research into the development and growth of the human brain clearly demonstrates that learning begins at birth. The sheer magnitude of this scientific research is difficult to fathom. When talk turns to 100 billion neurons or connections with axons and dendrites, confusion is the most likely outcome. What this research basically says is something that parents and grandparents have know for decades, very young children need a nurturing, stimulating environment in order for their brains to make the myriad of connections they need to grow into competent, caring adults.

Research on the brain has shown that the years between birth and six are critical for future success in school, at work, and in society. I believe that education provides the cornerstone from which all other things become possible. Our Nation's first educational goal is that all children should begin school ready to learn. In order to achieve that goal, parents and caretakers need support and assistance to better ensure that they have the tools necessary to incorporate early childhood learning into the daily lives of our Nation's children. Senator STEVENS offered an amendment that was adopted by unanimous consent that provided mandatory funding for this program. This funding was rejected in conference and is not contained within this budget resolution.

Senator KENNEDY and I offered an amendment that provided for a $400 increase in the maximum Pell Grant. These funds make it possible for millions of students to attend college each year. Again, this funding was rejected in conference and is not contained within this resolution.

Prosperity also dictates that we redouble our efforts to protect society's most vulnerable. Unfortunately, this budget does not go far enough to provide drugs to seniors who need them now. I agree with Vermonters who tell me that prescription drug costs are too high, and that it doesn't make sense for Medicare to cover hospital charges, but not cover the drugs that could keep beneficiaries out of the hospital.

Let me be clear, Mr. President, I believe that we need Medicare reform that includes a broad prescription drug benefit. But even if we are not able to enact Medicare reform this year, I believe we need to provide sufficient funds now, in this budget, that will provide relief to Medicare beneficiaries that need help the most—those low-income seniors whose income is high enough that they don't qualify for Medicaid, but still do not have enough income to afford the prescription drugs that they need.

Mr. President, I am very disappointed with the prescription drug provision in this Budget Resolution. I supported the approach of Senator SNOWE's amendment in the Budget Committee that would have provided $40 billion for prescription drugs for Medicare beneficiaries even if Congress is unable to enact Medicare reform. We should not let Congress' inability to enact broad Medicare reform stand in the way of providing seniors with the medicines that they need to live longer, healthier lives.

I am further dismayed that this budget resolution does not fulfill our Nation's commitment to its veterans. Years of underfunding coupled with spiraling health care costs have left the veterans health care system struggling to provide the quality care that veterans expect and deserve. This trend must be stopped and reversed. We owe it to future generations to keep federal spending under control. But we must first recognize the prior claim of veterans who have already given of themselves and who expect to receive the medical care and benefits they were promised.

This budget, like all budgets passed by Congress, is an expression of political intent, priorities, and a starting point for bargaining. Much work remains to be done to pass the 13 appropriations bills that actually fund the government. In areas where I disagree with the budget resolution, I plan to work hard with appropriators to adjust spending levels and turn this budget into reality.

Mr. President, I yield the floor.

Mr. ASHCROFT. Mr. President, the Budget Resolution before us is a responsible budget framework. Senator DOMENICI has done a superb job in helping to craft this budget on the Senate side, and he deserves our praise. This budget resolution balances the important goals of debt reduction, tax relief, and prudent spending levels.

Most importantly, the budget will fully protect Social Security now and in the future. This represents a sea change in the way business is done in Washington. When I came to Washington, Congress routinely spent money out of the Social Security trust fund. This resolution ends the raid on Social Security, and does so in two ways.

First, the budget is based on the premise that Social Security funds will not be used to pay for additional deficit spending or tax relief. Second, as part of this budget's commitment to protect the entire Social Security surplus, Senator DOMENICI included a point of order against any budget that spends money out of the Social Security surplus. This rule is the same as the one I proposed last year, and that was included in the FY 2000 budget.

As a result of this hard-fought fiscal discipline, this budget will retire $1.1 trillion in publicly held debt over 5 years, and approximately $170 billion next year. If we continue upon the path laid out by this budget, we will completely eliminate the publicly-held debt over the next 13 years.

We have already made great progress in this regard. When this budget is enacted, we will have reduced the national debt by $533 billion over the past three years.

I was particularly pleased that the Senate unanimously accepted my amendment objecting to the President's plan to have the government invest Social Security surpluses in the stock market. This risky scheme would have put both Social Security and the stock market at risk.

In addition to responsibly paying off our publicly-held debt, this budget allows for approximately $150 billion in tax relief over 5 years, including $13 billion in FY 2001. These actions include significant marriage penalty relief, which already has passed the House, and is working its way through the Senate. In fact, during the debate on the Budget Resolution, the Senate passed the Hutchison-Ashcroft amendment calling for marriage penalty relief 99–1.

In addition to providing a judicious mix of tax relief, debt reduction, and Social Security protection, the FY 2001 Budget Resolution also includes responsible spending levels. This budget, which is a balanced budget for the third year in a row, calls for approximately $600.5 billion in discretionary spending.

This budget will fully fund Medicare, rejecting President Clinton's Medicare cuts of $14 billion over 5 years. In addition, Congress' spending plan calls for a $40 billion reserve fund to pay for Medicare reform and Medicare prescription drugs.

As I said, this budget focuses spending towards our national priorities, including a $4.5 billion increase in education spending in FY 2001, and $5.5 billion in agriculture spending in FY 2000. The FY 2001 budget also increases funding for domestic priorities such as Head Start; embassy security; the National Science Foundation; the National Institutes of Health; the Park Service; and highways and airports.

Of course, this budget isn't perfect. I was disappointed that the Senate did not adopt the effort to protect the Medicare surplus with my Medicare lockbox amendment. This amendment, which would have extended the protections that now apply to Social Security to the Medicare Part A Hospital Insurance trust, did not overcome a point of order in the Senate.

Despite this setback, I am pleased with the overall package agreed to by Congress. It meets the vital national needs of protecting Social Security, reducing debt, cutting taxes, and funding our domestic priorities. I plan to vote for the FY 2001 Budget Resolution.

Mr. WARNER. Mr. President, I rise today in support of the budget resolution conference report. This budget before us today continues the momentum we started last year to provide additional funding for defense in an effort to correct the most critical readiness, modernization, and recruiting and retention problems in our military.

I thank the Majority Leader, the distinguished chairman of the Budget Committee and his staff and the distinguished chairman of the Appropriations Committee and his staff, for working with me to provide the additional $4.0 billion in much-needed funding for the Department of Defense, the reserve for military retiree healthcare, and the important language necessary to allow the military thrift savings plan to become a reality. I also recognize members of my own committee staff—Les Brownlee, Staff Director, Judy Ansley, our Deputy Staff Director, and especially Larry Lanzillotta, our Budget Chief—whose expertise in budgeting matters is invaluable not only to the Armed Services Committee, but to the entire Senate as well.

The funds which have been added in this Budget Resolution for defense are absolutely critical in providing readiness, modernization funding, and the personnel incentives necessary to reverse the negative trends in recruiting and retention. The increase of $4.0 billion will allow us to bring defense spending to a more appropriate level and address some of the urgent unfunded requirements of the military chiefs. For too many years, the size of our defense budget has been based on constrained funding, not on the threats facing our country or the military strategy necessary to meet those threats. This budget will go a long way in allowing us to ensure the safety and security of our people by maintaining a strong and capable military.

Making the Thrift Savings Plan available to military personnel comes at a critical time for the military services. Participation in a thrift savings account will encourage personal savings and enhance the retirement income for service members, who currently do not have access to a 401(k) savings plan. When the TSP program is implemented, military personnel will be able to join federal workers in a savings program that will enhance the value of their retirement system and permit them to improve their quality of life. The Service Chiefs have indicated that this plan, combined with the pay raise, the repeal of the Redux retirement system, and the increased bonuses in the FY 2000 Defense Authorization Act, will reduce the hemorrhage of trained and experienced military personnel we are now experiencing.

The Secretary of Defense, the Chairman of the Joint Chiefs, and the Service Chiefs have all said that fulfilling our commitment for healthcare to our military retirees should be among the highest priorities for this year. I believe there is overwhelming support in the Senate to correct many of the shortfalls in the military healthcare system for our service members, their families, and our military retirees. It is critical that we enact the important initiatives contained in the bipartisan healthcare legislation introduced by the leadership of the Senate and the leadership of the Armed Services Committee earlier this year. This budget resolution makes it possible to fund these important health care initiatives for our military retirees.

I want to again express my appreciation to the distinguished Chairman of the Appropriations Committee, Senator STEVENS, and the Chairman of the Budget Committee, Senator DOMENICI, and also their highly professional staff members for assisting us in securing these much-needed funds in support of a stronger national defense.

Mr. DOMENICI. Mr. President, once again, I am trying hard to accommodate Senators. I will not use more of our time if they want to give back. I have one Senator who has not spoken. I yield 5 minutes to Senator SNOWE.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I rise today to speak in support of the conference report on the fiscal year 2001 budget resolution and to highlight a reserve fund that Senator DOMENICI has been referring to with respect to a new prescription drug benefit.

In advance, I would like to thank the chairman of the Senate Budget Committee for his unwavering commitment to a balanced budget and fiscally responsible decisionmaking over the years. Thanks to his leadership and efforts, the turbulent waves of annual deficits and mounting debt have certainly been calmed. And if we adhere to

the principles as contained in this year's budget resolution, and retain these principles in the years to come, clearly, we will have provided security for many generations.

The conference report we are now considering not only maintains fiscal discipline but it also ensures that critical priorities are protected in fiscal year 2001 and beyond, which is the purpose of the balanced budget: to be able to provide a constraint on Federal spending but at the same time determine how best to invest in the future.

I commend the chairman of the Budget Committee for having taken the step last year to protect every dollar that belongs to the Social Security trust fund and devoting it solely to reducing the publicly held debt. Ultimately, this commitment and this conference report will ensure that we reduce the publicly-held debt by approximately $1 trillion over the next 5 years and eliminate it entirely by the year 2013. Clearly, it is a paradigm shift, not only with respect to the fact we are no longer using surpluses that belong to Social Security, but also the fact that we are able to reduce the publicly held debt and make a commitment to protecting Social Security.

The second issue in this budget that is critically important is that we are making investments where we should be making investments for the future—in education, health care, child care, and defense. In addition, this budget provides modest tax relief. The American people do deserve tax relief, given the burdens they have faced over the years to achieve debt reduction, and the constraints we have had to adhere to over this last decade. Certainly they deserve to have a piece of that pie through the elimination of the marriage tax penalty, through a deduction for college tuition expenses and a credit for the interest paid on student loans. Those are the priorities that could be accommodated in this conference report that the American people deserve. I think they are the right priorities.

Third, as the chairman of the committee has indicated, we have now included and have taken a giant step forward in ensuring our Nation's seniors have a prescription drug benefit program. Senator WYDEN, Senator SMITH, and I offered an amendment in the committee that would have laid out a bifurcated approach that would provide a down-payment of $20 billion for a new benefit in the first 3 years, and $20 billion in years 2004 and 2005 contingent on Congress moving forward on Medicare reform. Of importance, the initial down-payment of $20 billion would allow us to move forward in creating a new benefit this year with or without Medicare reform—and that structure has been retained in this conference report.

We also included a date certain by which the Senate Finance Committee would be required to report a new prescription drug benefit bill. If that date was not met, we would be able to proceed with the stand-alone prescription drug benefit on the floor. That time certain was dropped.

But the fact of the matter is, the conference report retains the reserve fund language, and we still have the ability to create a stand-alone prescription drug benefit this year. As a result, the Senate Finance Committee still has $20 billion available to develop a prescription drug benefit program for our Nation's seniors that is not contingent on Medicare reform or other legislation—and an additional $20 billion will be made available if they proceed with broader Medicare reform.

Accordingly, I thank Chairman DOMENICI for his efforts in ensuring that provision would be included in the conference report. The significance of it is twofold. One is that we have $20 billion that would be immediately available for such a benefit. As a result, this reserve fund gives us the opening we need to consider and pass a prescription drug benefit program this year. Furthermore, it not only provides a downpayment for such a benefit over the next 5 years, but it also provides an additional $20 billion if we move forward reach a consensus on Medicare reform. This total allotment of $40 billion over the coming five years is more than was contained in the Chairman's mark, and even more than was provided in the President's own budget proposal for a prescription drug benefit.

There are no caveats, there are no conditions. The Senate Finance Committee has the ability to proceed with a comprehensive Medicare reform package. But in the event they cannot grapple with this issue, if they fail to reach a consensus and Congress fails to reach a consensus, we can proceed and enact a prescription drug benefit program.

So the overall structure of this fund is the same as it was when we offered it as an amendment during the markup, as it was supported unanimously by Republicans and Democrats on the Budget Committee. As a result, it provides the Finance Committee with both the means and the motivation to act on this legislation in a timely manner.

In conclusion, I again applaud the efforts of the chairman of the Budget Committee, Senator DOMENICI, for preserving the essential structure of this reserve fund which enables the Senate and the Congress to create a prescription drug benefit in a timely fashion. I congratulate him because this is a significant step forward and gives us the opportunity, for the first time in a very long time, to enact this very significant and critical benefit for our Nation's seniors.

Thank you, Mr. President. I yield the floor.

Mr. DOMENICI. I will propound a unanimous consent request. It is cleared on the other side.

I ask unanimous consent vote on adoption of the budget conference report occur no later than 6:30 p.m. this evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I thank the Chair and Senate.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I conclude my remarks, regretfully noting we are leaving without passing the juvenile justice bill conference report, without adopting sensible gun control legislation, missing the opportunity, I think, to do what the American people want us to do.

I have long been a supporter of effective gun controls, working hard for the Brady bill and for the assault weapons ban while I was in the other body. But I have been galvanized to an even more concerted effort by an event that took place very recently in Providence. This, I think, is an example of the gun violence we face.

Two young men were horsing around wrestling. One got offended by the other one. Unfortunately, this happened in a neighborhood, like so many neighborhoods, where it is easier to get a gun than it is to get a library book. Someone in the crowd had a handgun. In an act of absolute recklessness, one young man fired at the other young man, critically wounding him in the head. That young man, the shooter, was so distraught that he rushed off and took his own life. That is the face of gun violence in too many places in America today.

We can do something about it. We should do something about it. We should not leave until we do something about it. Regretfully, we are leaving but we are coming back, I hope, with a renewed commitment to ensure we will, in fact, pass the provisions in the juvenile justice committee report.

I yield 5 minutes to the Senator from New Jersey, who has particularly championed the legislation to close the gun show loophole.

I yield to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Rhode Island for the work he has done on trying to limit the damage from gun violence in this country. He reminded us it is time. We are days away from April 20, the anniversary of the terrible tragedy at Columbine. We are days away. That means in this full year that passed, we could not find time to get on with doing our best to control gun violence by examining what the possibilities are, by closing the gun show loophole, by making sure those who are going to

apply for gun ownership were fit to do it.

Here is a picture of a fellow who is on the FBI Ten Most Wanted Fugitives list. He could walk up to an unlicensed dealer in a gun show and purchase all the guns the money in his pocket can buy. We ought not permit that. The American people do not want us to permit that.

Mr. President, we are closing the debate now. I congratulate my friend and colleague from New Mexico for his ardent work on getting this done. They have a majority, and the one thing we know about our democratic system is if a majority has been sent here by the American people, we have to acknowledge that, and they have the choice of a majority. I wish we had the majority, and we would be kinder and gentler, although I am not sure everybody would agree with that.

That is the die as it was cast. It was cast by a majority. In the process, I see substantial loopholes in this budget conference report. It proposes deep cuts in programs such as education and health care, law enforcement, veterans benefits, and environmental protection. Also, based on just the most simple arithmetic, it is going to raid the Social Security surplus, regarding which so many of us have taken an oath: Touch not a hair on yon gray Social Security head. Here we are, preparing to violate it, even as we present a program for the fiscal year 2001.

They did purport—and I am not talking about as a deception; I am talking about it as an analysis of the arithmetic, the mathematics as it is there—that prescription drugs were going to be taken care of.

I read from the conference committee report under the heading of prescription drugs. It says: Whenever the Committee on Finance in the Senate reports a bill, a joint resolution or conference report thereon submitted which improves access to prescription drugs for Medicare beneficiaries. It does not say we are going to develop a program that is going to make prescription drugs more available, cheaper, et cetera. It does not talk about that. It says access. Maybe it means the Government is going to produce lists of places where one can buy drugs off the Internet cheaper. Maybe access means if you visit country X, Y, or Z, you will be able to buy prescription drugs cheaper.

Access is a broad term. It does not say anything about having to get it done, but it does say in the tax section that the Finance Committee must reconcile. That means they have to produce a sufficient amount of funding for tax breaks for whomever it affects, and this is going to be principally the wealthy.

We leave the prescription drug section and go to the Medicare reform on page 48. It says: Whenever the Committee on Finance in the Senate—they are the people who can do it; we cannot do it in the Budget Committee—whenever the Finance Committee reports a bill, joint resolution, or conference report thereon submitted which improves the solvency of the Medicare program without the use of new subsidies from the general fund—to me that says we are going to dip into the Medicare trust fund in order to reform Medicare.

If that is reform, Heaven protect us, keep us from the kind of reform that says we will have to take funds from cuts in the Medicare trust fund.

Mr. President, in conclusion, this is my last attempt to work on the Federal budget. As disappointed as I am with the outcome, I am pleased to say I very comfortably and very forthrightly worked with Senator DOMENICI. He is a distinguished Senator. He knows his subjects, oh, so well. I will miss the chance for the fray, but also the chance for the pleasant contact we have had through this experience.

Mr. DOMENICI. Does the Senator from New Jersey yield back his time?

Mr. LAUTENBERG. I yield back my time.

Mr. DOMENICI. Mr. President, I am going to respond to the Senator for 1 minute, and then I will have remarks about the Senator from New Jersey and our relationship.

I say to the distinguished Senator who spoke about the National Institutes of Health and what we are going to do and not going to do, everybody should know when and by whom the NIH increased in the most dramatic manner in its history.

In the last 3 years, when Republicans controlled both Houses, we increased the National Institutes of Health—cancer, AIDS, all those diseases—let me give the numbers to my colleagues. Since 1998, NIH has increased 40 percent: In 1998, $13.7 billion; in 1999, it was $15.6 billion. That is a 14-percent increase. In 2000, it went up 13.8 percent, one of the largest domestic program increases in this whole budget. In 2001, this conference report, NIH funding is going to $19.3 billion. That is an increase of 8 percent. We are doing pretty well trying to find cures for serious ailments, thanks to the Republicans who in conference and elsewhere pushed so hard for it.

I ask that it be in order to ask for the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, when Senator LAUTENBERG of New Jersey came to this committee, I do not know if he was like me, but I never thought I would be ranking member, much less chairman. I am not sure he had a plan to be ranking member, especially when he had to put up with me.

It has been not only a joy, in terms of getting our committee work done, but it has been healthy from the standpoint of adversaries who believe strongly about their position but understand the other fellow can have a different opinion and it is all right, they are OK. That is how I feel about him. He has different views than I, but he brought a lot of stability to this committee. The minority ought to be very grateful for the way he handled matters. They all had a chance to contribute.

Today is his last effort on the floor of the Senate as ranking member. I thank him. I hope the whole Senate understands what he has done.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, if I may take 1 minute from the time remaining of the Senator from Rhode Island. I yielded back all my time.

I ask unanimous consent to print in the RECORD documents prepared by OMB that explain the impact as they see it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

POTENTIAL IMPACT IN FY 2001 OF THE BUDGET RESOLUTION CONFERENCE REPORT

The following programmatic impact statements illustrate reductions (by function) to the FY 2001 Budget request contained in the Budget Resolution Conference Report.

EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES

Class Size. The Conference Report appears to freeze the Class Size Reduction program at the FY 2000 level and would therefore prevent the hiring of the third group of teachers meant to reduce class size in grades 1–3, to a nationwide average of 18 students per class. Twenty thousand new teachers could not be hired.

21st Century Community Learning Centers. The Conference Report could cut $547 million from the President's request, denying approximately 1.6 million school age children in over 6,000 new centers access to before- and after-school and summer programs in safe, drug-free environments.

School Construction. The Budget Resolution Conference Report could eliminate $1.3 billion in loan subsidies and grants to repair 5,000 public schools.

Small, safe, and drug-free schools. The Conference Report could prevent 400 additional high schools from developing schools-within-schools and career academies that could create smaller, safer learning environments for students. It could also severely compromise the President's proposed 40-community expansion of the popular interagency Safe Schools/Healthy Students initiative, which supports comprehensive, community-wide approaches to drug and violence prevention, and eliminate Project SERV, an initiative to provide emergency assistance to schools affected by serious violence or other traumatic incidents.

Funding for the Dislocated Worker program would be cut by about $213 million, denying training, job search assistance, and support services to approximately 118,000 dislocated workers.

Adult training services for over 45,000 of the 380,000 adults who would otherwise be served in FY 2000 would be eliminated.

Funding for the Youth Activities Formula Grant program would be cut by about $123 million, denying 73,000 low-income youth summer jobs and training opportunities.

The Community Service Employment for Older Americans program would be cut by about $57 million. About 12,000 low-income older Americans would lose their part-time jobs.

The budget resolution would cut the Job Corps program by $163 million—preventing Job Corps from opening the final two centers of the recent four center expansion and possibly resulting in the closure of 8–11 additional Job Corps Centers, denying job training opportunities to over 5,000 disadvantaged youth.

Funding for the Youth Opportunity Grants program would be cut by $45 million, denying over 10,000 youth in high-poverty communities access to education, training, and employment assistance.

A $845 million cut to the President's request would force Head Start to provide services to approximately 70,000 fewer children in FY 2001 than would otherwise be served.

The 12-percent cut to the Administration on Aging assumed in the Budget Resolution would result in 20 million fewer home-delivered meals to ill and disabled seniors than would otherwise be served.

COMMUNITY AND REGIONAL DEVELOPMENT

The final Budget Resolution reduces funding for Community and Regional Development below last year's level and is a decrease of approximately $3 billion from the President's budget. Given the competing demands within this program category, this funding level would almost certainly result in no increase in the Community Development Block Grant (CDBG) program, and would probably end up reducing CDBG funding by eight percent below the President's budget level. This would reduce local communities support of housing activities, including a loss of more than 28,000 people from benefiting from programs providing housing rehabilitation, construction, and homebuyer assistance, and 6,900 fewer jobs being created using CDBG assistance for economic development. The resolution funding level would seriously impair the ability of the New Markets initiatives to provide businesses with funding and assistance, which they would use to invest in low income neighborhoods around the country.

The Conference Report's funding level would seriously impair the ability of the New Markets initiatives to provide businesses with funding and assistance, which they would use to invest in low-income neighborhoods around the country.

FEMA Emergency Funding. Contingent emergency appropriations provide a means to make emergency disaster response funding available to handle the disaster activity that is expected to occur, based on recent experience. By stripping out contingent emergency funding from the President's budget request, the Budget Resolution makes it more difficult for the President to release appropriate funding as quickly as possible to enable Federal agencies to respond rapidly when a disaster strikes. Postponing consideration of contingent emergency appropriations until disasters strike could lead to circumstances in which disaster victims are left without shelter and communities are left without critical clean up and rebuilding assistance for days, weeks, and sometimes even months.

Super-Majority for FEMA Emergencies. Requiring a super-majority of the Senate for an emergency appropriation would make it much more difficult for the Federal Government to respond quickly and appropriately to disasters. A super-majority requirement could lead to some circumstances in which disaster victims are left without Federal disaster assistance for lengthy periods—and perhaps even some cases in which disaster victims will not receive the assistance they need.

INCOME SECURITY

The Budget Resolution explicitly states its intention to provide funding for the renewal of all expiring Section 8 housing contracts. However, the large and competing demands on Income Security activities assumed in the Budget Resolution indicate that full renewal funding cannot be achieved within the resolution's functional total. As a result, the resolution would necessitate significant cuts in housing renewals from the President's request of $13 billion. The resolution would also eliminate the Administration's efforts to assist more needy families with 120,000 new incremental housing vouchers. The deletion of new housing assistance would come at a time when a record 5.4 million low-income households in this country have worst-case housing needs—defined as spending over 50 percent of their income in rent or living in substandard housing.

INTERNATIONAL AFFAIRS

International Organizations and Peacekeeping Accounts. A 17-percent reduction to funds for the international organizations and peacekeeping accounts would prevent the United States from making its full assessed payments to the UN and other international organizations that directly promote vital U.S. interests. This would substantially increase U.S. arrears to the UN and jeopardize the negotiations for reforms that would lead to the payment of approximately $800 million in arrears. This cut would also cripple continuing and critical new peacekeeping missions seeking to redress the instability and suffering caused by conflicts in East Timor, Kosovo, and Africa.

African Development Foundation (ADF) and Inter-American Foundation (IAF). The abolition of ADF and IAF would eliminate the only U.S. Government institutions that work exclusively with local, grassroots organizations in Africa and Latin America to expand economic opportunities and develop basic democratic values and institutions.

SCIENCE AND SPACE

Reduced Support for Basic Research. A reduction of about $365 million to NSF would result in almost 14,000 fewer researchers, educators, and students receiving NSF support—affecting the high-tech workforce and well-trained students needed for the Nation's future. A reduction of this magnitude would result in over 3,000 fewer awards for state-of-the-art research and education activities.

NATURAL RESOURCES

The Budget Resolution would cut farm loan programs at the USDA, resulting in 800 fewer loans to American farmers and ranchers.

EPA's Superfund program would be cut by $69 million. This would eliminate funding for all 15 new federally-led cleanups and five ongoing federally-led cleanups in FY 2001, needlessly jeopardizing public health for citizens living near affected sites and making it more difficult to meet the 900-site cleanup goal in 2002.

The cut to EPA's Enforcement Program assumed by the Budget Resolution would significantly hamper the environmental cop on the beat, jeopardizing our ability to assure adequate protection of public health and the environment. Nearly, 1,000 fewer inspections could contribute to a higher non-compliance rate and an increase in pollution.

The reduction assumed by the Budget Resolution to the Children's Health Initiative would impair efforts to train health care workers on the environmental control of asthma; limit outreach programs to children, parents, and care-givers on avoidance of second-hand smoke and other indoor allergens; and, hinder critical research into the role that pesticides and chemicals may play in the onset of asthma. In addition, EPA's lead program, which focuses on enforcing lead regulations and community-based programs that are aimed at reducing children's exposure to lead, would be curtailed.

The Budget Resolution reduces most Interior Department and Forest Service programs by six percent below the President's request. Such a reduction would hinder Wildland fire suppression and protection programs, delay or limit the construction and rehabilitation of needed visitor facilities, and diminish the ability to oversee coalmining operations and the ability to assist States and Tribes in cleanup of almost 9,000 acres of abandoned mine lands.

HEALTH

Funding for the Food and Drug Administration (FDA) could be cut by over $191 million. Such a reduction would result in extended product review times for new vaccines, new food additives, and complex emerging medical technology, making it difficult for the FDA to meet congressionally-mandated performance levels. This reduction would also impede FDA's efforts to ensure the safety of the Nation's food supply and would strain the agency's ability to respond to outbreaks of food borne illness.

Substance Abuse and Mental Health Services Administration funding would be reduced by $305 million, which would deny treatment to roughly 66,000 people who receive mental health and substance abuse services.

TRANSPORTATION

A reduction of four percent, or $21 million, below the President's request of $521 million for Amtrak would jeopardize Amtrak's ability to achieve self-sufficiency. The recently announced route expansions would be postponed, and the frequency and level of service on Amtrak's remaining trains reduced. This will further reduce revenues, leading to additional service reductions.

ADMINISTRATION OF JUSTICE

The Budget Resolution rejects the President's $1.335 billion request for the 21st Century Policing Initiative (COPS). It does not appear to provide any funds for the hiring of additional police officers, or for community crime prevention programs, and it is well below the President's request for law enforcement technology and gun prosecution. Without continued funding for the COPS hiring program, it will be impossible to meet the President's goal of funding up to 150,000 additional officers by 2005.

GENERAL GOVERNMENT

IRS. The Budget Resolution assumes cuts in the IRS's resources by $1.2 billion below the President's Budget—nearly $0.8 billion below the level needed to maintain current operations. The IRS would lose 12,000 workers needed to provide service to taxpayers and to ensure that the tax laws are enforced fairly. IRS modernization efforts mandated

by the 1998 Restructuring and Reform Act would be halted. Instead of the improvements in performance proposed in the President's budget, audit rates—which have already fallen by half over the past decade—would drop to unacceptable levels. Taxpayers would face greater frustration, and the Treasury would lose billions of dollars in enforcement revenue. Such a dramatic cut in both compliance efforts and taxpayer service would put at risk the voluntary compliance system, which collects over $1.7 trillion in revenue each year.

Mr. LAUTENBERG. Mr. President, I thank Senator DOMENICI. I thank staff in the person of Bill Hoagland and Bruce King on my side.

I yield the floor.

Mr. REED. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?—

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 85 Leg.]

YEAS—50

Abraham	Fitzgerald	McConnell
Allard	Frist	Murkowski
Ashcroft	Gorton	Nickles
Bennett	Gramm	Roberts
Bond	Grams	Santorum
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burns	Hagel	Smith (NH)
Campbell	Hatch	Smith (OR)
Cochran	Helms	Snowe
Collins	Hutchinson	Stevens
Coverdell	Hutchison	Thomas
Craig	Inhofe	Thompson
Crapo	Kyl	Thurmond
DeWine	Lott	Voinovich
Domenici	Lugar	Warner
Enzi	Mack	

NAYS—48

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	McCain
Bingaman	Harkin	Mikulski
Boxer	Hollings	Murray
Breaux	Inouye	Reed
Bryan	Jeffords	Reid
Byrd	Johnson	Robb
Chafee, L.	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kohl	Specter
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NOT VOTING—2

Moynihan	Roth

The conference report was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I thank the distinguished chairman of the Budget Committee, Senator DOMENICI, and the ranking member, Senator LAUTENBERG, for their work on the budget resolution, and for the way they have handled it throughout the process.

CRIME VICTIMS RIGHTS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to S.J. Res. 3, regarding the rights of crime victims.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object.

Mr. President, I notice that the adjournment order has already been adopted. Respectfully, I do not believe that there is any intention of completing this matter today, tomorrow, or even next week. We have just barely filed a committee report.

This is a constitutional amendment. I think we ought, at least, to make sure Senators know that this is going to be the next matter coming up and that they have a chance to consider the report and the proposal. A constitutional amendment should not be rushed through this way, with all due respect. So I will object.

I will be happy to work with the distinguished majority leader, who has the added problems of having to make sure that the Senate does its work at the appropriate time. I will be happy to work with him on schedules and everything else on this, but because it is a constitutional amendment, I think we should treat it with more care and not just zing it off like this. We should have a real debate. I am not going to stop it from coming forward. I only want to make sure that everyone knows about it, that everyone has a chance to debate it and that everyone has the opportunity to offer amendments.

The PRESIDING OFFICER. Objection is heard.

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO PROTECT THE RIGHTS OF CRIME VICTIMS—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. Mr. President, I move to proceed to S.J. Res. 3 and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 299, S.J. Res. 3, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims:

Trent Lott, Jon Kyl, Judd Gregg, Wayne Allard, Robert Smith of New Hampshire, Richard Shelby, Gordon Smith of Oregon, Bill Frist, Mike DeWine, Ben Nighthorse Campbell, Jim Bunning, Chuck Grassley, Rod Grams, Connie Mack, Craig Thomas, and Jesse Helms.

Mr. LOTT. Mr. President, this cloture vote will occur on the motion to proceed on Tuesday, April 25.

I ask unanimous consent that the vote occur at 2:15 p.m. and that the mandatory quorum under rule XXII be waived, and I withdraw the motion to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

MARRIAGE TAX PENALTY RELIEF ACT OF 2000—Continued

CLOTURE MOTION

Mr. LOTT. Mr. President, negotiations are still ongoing with respect to the pending marriage tax penalty legislation. However, a resolution to the issue has not been worked out yet. It looks as if we are not going to be able to get it before the recess.

I call for the regular order with respect to H.R. 6 and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment to Calendar No. 437, H.R. 6, the Marriage Tax Penalty Relief Act of 2000:

Trent Lott, Kay Bailey Hutchison, Tim Hutchinson, Chuck Hagel, Larry E. Craig, Phil Gramm, Jesse Helms, Strom Thurmond, Rod Grams, Sam Brownback, Pat Roberts, Judd Gregg, Wayne Allard, Richard Shelby, Gordon Smith of Oregon, and Bill Frist.

Mr. LOTT. Mr. President, I ask unanimous consent that this cloture vote occur immediately following the vote scheduled at 12:15 on Tuesday, April 25, and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, the vote will occur at approximately 2:25 p.m., or after the 2:15 vote.

On Tuesday, it is my hope that Members will allow me to vitiate the cloture vote and enter into a reasonable agreement that would allow swifter passage of the bill. Of course, I would like to continue to see if we can get agreement on alternatives or relevant amendments.

On yesterday, part of our problem in getting an agreement worked out was we didn't get the chance to even look at the amendments before the end of the day. But I am still hopeful we are going to be able to come up with something that would allow us to get an agreement and vitiate this cloture vote.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE GAS TAX

Mr. REID. Mr. President, before the majority leader leaves, I say respectfully that we appreciate his efforts to try to move legislation along. But I just want to make sure the record is clear. We were generous in offering the majority the opportunity to review our amendments. There is no requirement, of course, that we do so.

I also say to the leader that I think if we had started the marriage penalty legislation Monday or Tuesday of this week, we would be finished with it by now.

There may have been a lot of amendments offered, but the way we used to do things around here, we had lots and lots of amendments. In fact, there were a number of occasions when we had well over 100 amendments without any restriction of who offered them or what the subject matter was. And we completed the legislation.

I believe and predict if we go right to work on the marriage penalty legislation on the Tuesday when we return, we will complete it within 2 or 3 days, at the very most; maybe even in 2 days.

I think the majority leader should allow us—I say this not in a pejorative way; we don't need to be allowed in the true sense of the word—to have the Senate work its will the way we have done it for a couple hundred years. I think he would be surprised at how much legislation we could move.

Mr. LOTT. Mr. President, it is my hope that over the next week or early the next week, I will be able to propose a list of amendments. I suggest that would be kind of in the realm of what we can agree to.

We have been looking at these various amendments. Some of them are clearly not going to be acceptable, and they probably could be easily tabled. Even though they are not relevant, some of them are meritorious. Our concern is, they have not been considered by the appropriate committee, whether it is Finance, or Agriculture. We are hesitant to have a vote on these and try to get Members to vote against them when, in fact, they may eventually want to be for them in a different forum.

I have an idea of how we might be able to work something out on this. I will have a suggestion on that before we come back a week from Tuesday.

Mr. REID. Mr. President, I say to my friend I very much appreciate that. But I remind the Senator that the underlying bill skipped the committee process and came directly to the floor. I believe we should do as much as we can in the committee process. But the bill before us didn't get a vote in committee.

Mr. LOTT. The marriage tax penalty bill was considered by the Finance Committee, and we had amendments, including an alternative that was offered and seriously considered. The Moynihan alternative amendment has a lot of credibility to it.

Mr. REID. I apologize to the Senator. Maybe he didn't understand me. I didn't speak properly. What I should have said is, the legislation we spent a lot of time on this week—namely, the gas tax proposal—avoided the committee process.

Mr. LOTT. You are right on that one, and it didn't pass either.

I yield the floor.

WORST TERRORIST ACT

Mr. HELMS. Mr. President, in December 1988, a few days before Christmas, a terrorist bomb exploded on Pan Am flight #103 over Scotland. 270 people died—murdered is the more fitting word—including 189 Americans. It was one of the worst terrorist attacks in history.

Next month, two Libyan suspects are scheduled to go on trial in the Netherlands for the bombing. These two Libyans are believed to have planted the bomb, but there is widespread belief that the Libyan government ordered the attack.

Though the United Nations has suspended sanctions on Libya since Qadhafi saw fit to turn over the two suspects in the Pan Am 103 bombing, Libya has by no means been restored to the status of a civilized nation. Libya is a rogue nation that has been an avowed enemy of the United States for three decades. (''The time has come for us to deal America a strong slap on it's cool arrogant face,'' Qadhafi said in 1973—at the same time he ''nationalized'' all foreign oil concessions in his country. ''Nationalized'' in this instance is a dressed-up word for outright thievery.)

So it is Qadhafi's regime that stands accused of the deliberate murder of American servicemen in the 1986 La Belle discotheque bombing. The same regime whose top officials have been convicted, in absentia, by French courts for bombing a French jetliner, killing 171 people, including seven Americans. The same regime that ordered the murder of 189 Americans on Pan Am Flight 103—Americans from 22 states: New York, New Jersey, Ohio, Pennsylvania, Connecticut, Vermont, Massachusetts, Michigan, Minnesota, Maryland, North Dakota, California, New Hampshire, Colorado, West Virginia, Texas, Florida, Virginia, Kansas, Arkansas, Rhode Island, and Washington D.C. Nearly half of America's states lost one or more residents to the Libyan terrorists in that 1988 bombing of Pan Am 103 over Scotland.

The mothers and fathers, husbands and wives, and all those children of the Pan Am 103 victims will never forget the horror but, unfortunately, the U.S. foreign policy establishment appears less concerned with that history, hence the recent U.S. decision to ''review'' the ban on American citizens' travel to Libya.

Mr. President, this resolution should remind the Administration of the heinous crimes committed by the Libyan regime. It identifies Libya's continued refusal to accept responsibility for its role in these acts. It calls on President Clinton to consult with Congress on policy toward Libya—consultations that would include disclosing United Nations documents containing assurances to the Qadhafi regime that it would not be destabilized as a result of the trial in The Hague.

Most importantly, this resolution would emphasize the Sense of the Senate that all U.S. restrictions on Libya, including the travel ban, should remain in place until all cases of Libyan terrorism against Americans have been resolved, and until the Libyan government cooperates in bringing the murderers to justice.

A clear signal is needed to Qadhafi, and, apparently, to the Clinton Administration—that the United States will not stand idly by when our citizens are murdered.

If and when Libya apologizes and begins to make amends to all Americans, then perhaps there can be talks. Not before.

THE NEED FOR FUNDAMENTAL TAX REFORM

Mr. GORTON. Every April, Americans are reintroduced to the beauty of Spring by blooming tulips, green lawns, and the 5.5 million word federal income tax code.

As every citizen wrestles with the complexity and incomprehensibility of the mammoth tax code to file his or her return by the April 15th (April 17th this year) annual deadline, there is virtually universal agreement that change is desperately needed. I believe that amending the tax code is not enough. I believe that we must scrap the entire tax code—it is too complicated, too burdensome, too unfair.

How complicated is the tax code? Here are some illustrative facts and

figures. The current federal income tax system was born in 1913 as a law under 100 pages in length. The original 1040 form covered two pages, front and back. This included instructions. Today, the 1040 form has 76 pages of instructions alone. The most basic tax form today, the EZ1040, has 33 pages of instructions.

The annotated tax code fills 14 volumes of some 11,700 pages, and it takes an additional 19 volumes totaling another almost 11,750 pages to contain the regulations governing the code. To implement the code, the Internal Revenue Service prints over 400 forms and more than 100 pamphlets with instructions on how to complete these forms.

We need to focus our attention in Congress on developing a new tax system, and we need the President to support changing the current tax code, instead of defending it from reform. Fundamental reform of the tax code is my number one tax priority and I believe a new federal tax system must be based on four principles: fairness, simplicity, uniformity and consistency.

My support for tax reform should not be interpreted as opposition to providing tax relief to American families and working individuals who are sending more of their paycheck to the federal government in taxes than at almost any point in our nation's history. I absolutely support allowing people to keep more of the money they earned, and am pleased that the budget resolution adopted by Congress allows for a responsible reduction in taxes of $150 billion over the next 5 years, rather than the $13 billion tax increase for next year that the Clinton-Gore Administration proposed in their budget. The budget plan will allow Congress to consider several tax relief measures that not only reduce the tax burden on Americans, but also make the tax code simpler and more fair.

Congress has already passed legislation to repeal the Social Security Earnings Limit that penalized working seniors one dollar of Social Security benefits for every $3 they earn over the limit of $17,000. Congress is engaged in a debate to eliminate the marriage tax penalty. Eliminating the estate, or death, tax is not only a priority of mine and many in Congress, it is a priority for small business owners and family farmers whose very existence is threatened by this disgraceful tax.

Americans deserve a tax code they can understand and predict. About the only thing Americans can predict about the current tax code is that every April they will likely be sending a big check off to Uncle Sam, and about the only thing they understand is that the IRS will find them if they do not. This must change and it is why I am working for a new tax system that is fair, simple, uniform and consistent. A new code based on these four principles will free Americans from suffering through the forms and tax tables of April tax season, and allow them to enjoy the blossoms and sunshine of the April Spring season.

SOUTHEASTERN EUROPE: OBSERVATIONS AND OUTLOOK

Mr. VOINOVICH. Mr. President, when the bombing ceased, and Serbian military forces withdrew from the Kosovo province, most Americans believed that the end of the air war meant the end of the United States' involvement in the Balkans. Such a misconception is due primarily to the fact that the political and military situation in the Balkans, as well as U.S. foreign policy towards the region, remains largely unknown to the vast majority of Americans.

Because of my belief that the Balkan region is key to our strategic interests in Europe, earlier this year, I traveled to the Republic of Croatia, the Former Yugoslav Republic of Macedonia, Kosovo and Brussels, Belgium in order to examine the humanitarian, economic, political and security situation in Southeastern Europe. Today, I would like to take this opportunity to share some of my observations with my colleagues and the American people.

Before I proceed further, I would like to publicly thank U.S. Ambassador to Croatia, William Montgomery, U.S. Ambassador to Macedonia, Michael Einik, Chief of the U.S. Mission to Kosovo, Larry Rossin, U.S. Ambassador to NATO, Sandy Vershbow and U.S. Ambassador to the EU, Richard Morningstar. They are fine representatives of our nation, and they are doing an outstanding job to help bring peace and stability to this sensitive part of the world.

I would also like to thank our U.S. embassy staff in Croatia, Macedonia, the North Atlantic Treaty Organization (NATO) and the European Union (EU). In addition, I would like to thank the personnel who comprise the U.S. Mission in Kosovo, the Department of State, the Department of Defense, and the U.S. Army—especially Colonel Timothy Peterson, who accompanied me on this trip and also provided his valuable insight and expertise on the region.

I would further like to thank Senator FRED THOMPSON, my chairman on the Governmental Affairs Committee, for giving me the opportunity and the Committee authorization to take this trip.

Finally, I would like to thank our men and women in uniform who provided such invaluable assistance during my travels in the region. They have my gratitude, and I believe the gratitude of our nation should go out to our peacekeeping force in Kosovo. We have a tremendous team working on our behalf in the region, and all Americans should be proud of their tireless efforts to help promote peace and protect the interests of the United States in southeastern Europe.

Mr. President, one of the more encouraging developments I observed in my trip to the Balkans was a new positive spirit that seems to be emerging in a number of nations in the region.

In my visit to Croatia, I had the opportunity to meet with the newly-elected president of Croatia, Stipe Mesic.

President Mesic is a bright, engaging, well-spoken gentleman with a tremendous understanding of the varied and complex issues facing his country. More importantly, he has a clear concept—supported by his electorate—of the direction his country should take for the future.

President Mesic is pleased that the region finally seems to have abandoned the two terrible ideas that have caused so much bloodshed over the last decade—the dream of a ''Greater Serbia'' and the dream of a ''Greater Croatia.'' In an indication of his commitment to ending these disastrous notions, he expressed to me his support for sending individuals responsible for war crimes that have taken place over the last decade to the International Criminal Tribunal for prosecution.

He is also committed to fully returning to Croatia those refugees who were displaced after conflict swept the nation in the 1990's. He understands that a functional economy, the establishment of private property rights and the rule of law are key to the return of these refugees.

President Mesic appeared to understand that the future of southeastern Europe is linked to minority rights and that redrawing international boundaries along ethnic lines is fundamentally unworkable—we need only witness the ongoing debacle in Bosnia for such an example. With this realization on the need to consider minority rights, he plans on appealing to the best instincts in his people to put aside ethnic hatred, so that they and their nation may move ahead. He has stated that he looks forward to serving as the President of all of the Croatian people, regardless of their ethnicity. If lines are not going to be redrawn, then a major hurdle to domestic peace in Croatia will have been removed.

It is my understanding that Prime Minister Racan, who I did not have the opportunity to meet since he was out of the country during my visit, seems committed to these principles as well. I'm also encouraged that Parliamentary President Zlatko Tomcic, Deputy Parliamentary President Zdravko Tomac, Serbian Member of Parliament Milan Djukic and Serbian Democratic Forum President Veljko Dzakula—all of whom I met in Croatia—appear to be supportive.

I was also pleased to meet with Macedonia's President Boris Trajkovski,

the Macedonian Prime Minister, Ljubco Georgievski, and Arben Xhaferi, the leader of Macedonia's ethnic Albanian community. They seem to have been able to successfully bridge the domestic ethnic problems that have been at the heart of the various conflicts that have decimated southeastern Europe over the last ten years.

As many of my colleagues may recall, Macedonia was seen as another potential flashpoint during the course of the Kosovo bombing campaign as the Macedonian people became polarized either in favor, or against, NATO's actions. This possibility seems to have been successfully averted because Macedonians do not generally possess the same kind of ethnic hatreds towards their minority community that have plagued other nations in the region.

Domestic peace and stability has been achieved in Macedonia by appealing to the best instincts in people, rather than the worst. The elected leadership has made it clear that the ethnic Albanian community, which makes up roughly 25% to 30% of the population, is an integral and respected component of society. Because of this, minority rights are, by and large, protected, and the rule of law is, for the most part, very well respected. The importance of these trends cannot be understated.

I was particularly interested to hear President Trajkovski discuss the amazing recovery of Macedonia's economy. When the nation separated from the FRY in 1991, Macedonia's per capita income immediately started sliding downward, dropping 40 percent. This decline was clearly exacerbated by the Kosovo bombing campaign.

Nevertheless, in recent months, the economy has staged a dramatic turnaround because of stable and progressive leadership, market reforms and economic activity as a result of Macedonia's serving as a staging point for KFOR. Macedonia is beginning the slow process of returning to its pre-independence level of economic activity. More importantly, the EU, as a part of its new focus on the Balkans region, has established a relationship with Macedonia intended to lead to its eventual membership in the European Union, a commitment that had never been made before the Kosovo war. Given my belief that integration of the nations of the region into the broader European community is essential to long-term peace and stability, this is a dramatic development.

At the headquarters of the United Nations Mission in Kosovo (UNMIK) in Pristina, Kosovo, I had the opportunity to sit down and meet with several key leaders of the Kosovo Albanian community and representatives on the Interim Administrative Council—Dr. Ibrahim Rugova, Mr. Hashim Thaci and Dr. Rexhep Qosja. This was an extraordinary meeting given the historical animosity between these leaders.

All three leaders made a very clear promise to me that they were committed to a multi-ethnic, democratic Kosovo, one that would respect the rights of all ethnic minorities. I was heartened to hear these comments. This commitment could serve as the basis for long-term peace and stability in Kosovo.

In response, I said that they could go down in history as truly great men were they to make this commitment a reality. I explained that the historic cycle of revenge in Kosovo must end and minority rights must be respected—including the sanctity of churches and monasteries. This would be the key to the future of Kosovo.

I traveled to Brussels to make my feelings known to the leadership of the European Union (EU) regarding their lack of leadership and commitment to the problems facing southeastern Europe. I met with U.S. Ambassador to the EU, Richard Morningstar and U.S. Ambassador to NATO, Alexander Vershbow and with other leaders of NATO and the EU. I was pleasantly surprised to learn that the Europeans basically ''get it.'' That is, they understand that unless the Balkan region is fully integrated into the broader European community, the region will ''Balkanize Europe.'' This is the same message I have been saying for months. I was pleased to see the Europeans taking the necessary steps that will eventually include the nations of the region in the EU and NATO.

I think it is important to highlight the level of support the Europeans are providing the region. They have budgeted six billion euros (basically $6 billion) over the next six years to help bring Romania and Bulgaria into the EU. They have also prepared to provide 5.5 billion euros (again, roughly $5.5 billion) over the same time period to implement the three initiatives of the Stability Pact—democratization, security, and regional infrastructure development.

Of the total financial support committed to Kosovo by the international community, including humanitarian, development, economic recovery and reconstruction assistance, the EU has pledged 35.5 percent. The U.S. has pledged 15.4 percent.

Of the total amount pledged for the operations of UNMIK, the EU has pledged 41.4 percent, the U.S. 13.2 percent.

I ask unanimous consent that a document detailing these burden-sharing numbers be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. VOINOVICH. We need to understand that while the Europeans are handling the bulk of the spending in the region, we must also be willing to come to the table to provide leadership. The importance of the United States to provide leadership was underscored by members of NATO and the EU, particularly those countries benefitting from the Stability Pact.

One of the highlights of my trip was the opportunity I had to spend time with our troops in Macedonia and Kosovo. There are few things that make me more proud of being an American than seeing the pride, professionalism, sense of duty and commitment in the faces of our young people in uniform.

I was especially happy to spend time with the 321st Psychological Operations Company, Task Force Falcon, which was deployed from Ohio and stationed at Camp Bondsteel in Kosovo. It gave me the chance to interact with these fine men and women from Ohio and hear their views on their mission in Kosovo. It also gave me the opportunity to visit with my friend, Major Wendell Bugg, whom I've known since my days as Governor. He is with the 321st and is doing a wonderful job. It was great to see him and get reacquainted.

And, Mr. President, I can't forget the unsung heroes of Kosovo—the men and women of the various humanitarian missions. I had the opportunity to meet with representatives from all of the major humanitarian aid organizations involved in Kosovo and Macedonia. I truly admire the service these people provide their fellow man. They are on the front lines daily, helping people, making a difference. To all of them I say, keep up the good work. Their efforts are key to stability in southeastern Europe and in responding to basic human needs.

While I encountered many encouraging prospects for regional peace and prosperity during my trip, I also identified a number of challenges the region and the international community are facing.

While there is ample reason to be optimistic about the future of Croatia under the leadership of President Mesic and Prime Minister Racan, there are also reasons to be concerned. The Croatian economy has been struggling for years. Unemployment and inflation rates are high. The country is deep in debt internationally. Many skilled, well-educated young people have left the country for better job prospects elsewhere. This has effectively created a ''brain drain,'' which, unless it is stemmed, will have a negative impact for decades. For Croatia to continue on its new path, away from its nationalist past, the economy must improve. If a solid market economy cannot take hold, there is a very real possibility that the Croatian people will grow impatient with President Mesic and Prime Minister Racan and seek to replace them; possibly with individuals who would rule the country under nationalist communist ideology.

The other problem facing the Croatian economy is in the area of refugee

returns. As my colleagues may know, the majority of the civilians forced out of their homes during the conflicts of the early 1990's still have not returned to their homes. Even as President Mesic works to implement his campaign commitment to create a legal environment where minority rights are protected, people will not return to their homes—if their home still exists—if there is no work for them when they return. Thus, Croatia's struggling economy does impact and will continue to impact the entire region.

Current trends in Macedonia suggest the existence of an extremist element within the ethnic Albanian community. These individuals are willing to resort to violence in order to destabilize the sitting democratically-elected government of Macedonia, and put in its place a government run by Albanians, for Albanians. These extremists are beginning to make their presence felt with the government in Macedonia. It will take a tremendous commitment on the part of the current government to maintain a democratic, multi-ethnic form of government in Macedonia in the face of this threat.

A major impediment to peace and prosperity in southeastern Europe is the rise in organized crime. There have been a number of recent reports indicating that the Balkans region is being used more and more frequently as a transshipment point for illegal narcotics and arms. These reports were echoed by nearly everyone I spoke with on the trip. With this illicit trade comes violence, corruption, a lack of foreign investment and general societal havoc. As the nations of the region work to establish the rule of law, a functional judicial system and prosperous economies, I believe America and European nations must offer their crime-fighting expertise in order to help the Balkan nations shape their own future and steer clear from the menace of organized crime.

A tremendous concern that Dr. Bernard Kouchner, civilian head of the UNMIK operation, brought to the forefront was that the international community must be more active in their dispersal of aid-money pledged to the region, and in particular, the EU needed to be a more active participant in this area. Indeed, the EU has only dispersed 13.3 percent of the money they have pledged to UNMIK thus far. The EU has a number of strong arguments to explain their delay, including the nature of their fiscal cycle, the various mechanisms in place to prevent fraud and abuse, the unwieldy nature of the body, etc. Regardless, the fact is that the money has to be put on the table. As I mentioned before, the U.S. is doing its fair share given the role we played during the course of the bombing campaign. Now is the time for the Europeans to do theirs.

Throughout my trip to the Balkans, all signs pointed to the fact that the Stability Pact was not being implemented to the benefit of the region.

I believe that the Stability Pact represents one of the few good things that resulted from the Kosovo bombing campaign. Under the Stability Pact, the Europeans, with the leadership of the Germans and the French, agreed to work towards the gradual integration of the nations of southeastern Europe into the broader European community. In practice, this means EU and NATO membership. In exchange, the nations of the Balkan region must agree to put aside the ethnic divisions and nationalism that has caused so much death and destruction in recent years. This compact, if implemented, would be a gigantic leap forward.

Unfortunately, so far, not much has happened with the Pact. Meetings and conferences between government bureaucrats have been held. There have been a lot of speeches, studies, conversations, debates, and the like, but nothing has really happened ''on the ground'' in the region. I believe the Pact must move ahead with infrastructure projects that benefit the economies of the region. Start building bridges. Start cleaning the Danube River. Start building ''Corridor Eight,'' which will create an East-West railway/roadway travel corridor to stimulate commerce. Just start doing something!

I am somewhat heartened by the results of the Stability Pact conference in Brussels 2 weeks ago. There, 4 dozen countries and 3 dozen organizations pledged 2.4 billion Euros to fully-finance a 1.8 billion Euro ''Quick Start'' package of regional economic development and infrastructure projects and initiatives in southeast Europe over the next twelve months. I believe this commitment represents one of the first positive steps that has been taken since the end of the air war towards restoring peace and stability to the region.

Mr. President, I ask unanimous consent to insert into the RECORD at the end of my remarks a statement that was made by the Honorable Nadezhda Mihailova, Foreign Minister of the Republic of Bulgaria, regarding Bulgaria's perspective on southeastern Europe prior to the Stability Pact Conference.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 2.)

Mr. VOINOVICH. The deeds of the Kosovar Albanians are not matching the rhetoric of the Albanian leadership. As recent press reports have made clear, NATO is facing another potential crisis in Kosovo. Extremist members of the ethnic Albanian community—some have argued under the direction of Hashim Thaci—have refused to put down their arms, put aside their desire for revenge against the Serbs, and work towards peace. Rather, they are intent on pushing the Serbs, with bombings, assassinations, threats, etc. to force a response from Slobodan Milosevic in Belgrade. Today, Kosovo Serbs are being killed, their monasteries are being burned, and they are afraid to leave their homes. This is not KFOR's fault. This is not UNMIK's fault. Radical elements within the Kosovo Albanian community are responsible for continued attacks against the dwindling Serb community in Kosovo. I am concerned that many in the Kosovo Albanian community want to force another confrontation between NATO and Milosevic so Kosovo can finally be rid of the Serb community and establish itself as an independent nation.

Let me be clear. The same group our State Department once called a terrorist organization—the KLA—whom we embraced as our friends and allies when NATO was bombing, are again becoming terrorists. They are working against the healing of Kosovo. Our message must be clear to Thaci, Rugova, Qosja and their Kosovo Albanian followers—stop this violence against the Serb community or the U.S. will pull out our troops. I said this directly to Thaci, Rugova and Qosja when I met them. As much as I want southeast Europe, including Kosovo and Serbia, to be integrated into the European community, I will work against it if the cycle of violence continues. The Kosovo Albanians have a historic opportunity to choose between two very different paths for the future—integration or continued isolation. The choice is theirs to make and the world will be watching.

Let me now turn to the Kosovo Serbs. They have suffered a great deal since the end of the Kosovo bombing campaign at the hands of certain elements within the Albanian community seeking revenge. However, the Kosovo Serbs' continued refusal to participate in UNMIK's Interim Administrative Council is unacceptable. I took the same message I made to the Albanians to the Serbs—stop the cycle of violence and move ahead towards reconciliation.

Decisions are going to be made regarding the future of Kosovo with or without Serbian participation. It is in their best interest to become involved. I am somewhat heartened that Bishop Artemjie's visit to the U.S. has prompted some progress towards getting the Kosovo Serbs to participate in the Interim Administrative Council. I understand that as a result of his visit, discussions are taking place that would allow the development of several media outlets within Kosovo. I am hopeful that this will serve as the impetus to get the Serb community in Kosovo involved in the Interim Administrative Council. It will require diligence and co-operation on a multi-ethnic approach, but I believe it will ultimately serve to draw the whole of Kosovo society together and stop the killing and

violence and fear for life, limb and property that permeates the minority community in Kosovo.

Meanwhile, NATO continues to struggle with Milosevic's meddling hands in Kosovo. He has a group of extremist Kosovo Serbs, mainly situated around Mitrovica, agitating the situation in Kosovo whenever possible in an effort to encourage NATO to pack up and go home. He must not succeed. NATO must stand strong and refuse to accept any more provocations. They should seize illegal weapons and jail law-breakers and agitators. NATO forces should take the enemies of peace off the streets and shut-down the extremists of both sides. Defusing the situation will lower tensions and allow the mainstream people of Kosovo to move forward with their future.

Last month, I introduced S. Res. 272 which I believe effectively addresses this issue, and many more. On Milosevic, the Resolution makes it clear that he continues to be the heart of the problem in the region. In order to encourage democratic change, the Resolution:

Expresses the readiness of the Senate, once there is a democratic government in Serbia, to review conditions for Serbia's full reintegration into the international community;

Expresses its readiness to assist a future democratic government in Serbia to build a democratic, peaceful, and prosperous society, based on the same principle of respect for international obligations, as set out by the Organization for Security and Cooperation in Europe (OSCE) and the United Nations, which guide the relations of the United States with other countries in southeastern Europe; and

Calls upon the United States and other Western democracies to publicly announce and demonstrate to the Serbian people the magnitude of assistance they could expect after democratization.

I ask unanimous consent that the full text of S. Res. 272 be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 3.)

Mr. VOINOVICH. Mr. President, the NATO KFOR troops are in Kosovo to provide a secure environment for all citizens while civic institutions develop. The UNMIK structure, which I will address momentarily, has been charged with this civic development—this nation building. One of the key elements in this process is the establishment of a functional judicial system, including a functional police force. It is hoped that once properly trained, this police force will eventually take the responsibility for domestic law enforcement from the KFOR troops.

The international community has promised to supply 4,433 police for this UN force in Kosovo. Our European friends have committed the bulk of this total. However, only 2,359 police are in place in Kosovo. This is appalling.

As a rule, our European allies have national police systems rather than state or provincial police forces like we do in the U.S. This matters because it gives the national governments—governments that have promised to put their police in Kosovo to serve in the UN body—the ability to simply direct redeployments to meet their commitments. This lack of will and action is truly appalling. To provide context, I think it is important to note that we have had to recruit the American men and women serving with the UN in Kosovo from our state and local police departments. The best information I have shows that we have put 481 people, out of our total commitment of 550, in place in Kosovo. If we can meet our promises through recruitment, surely our European friends can meet theirs through directives.

This all matters because the sooner the UN police force and a judicial system is operational in Kosovo, the sooner our troops can come home.

One of the issues hardly considered when NATO became involved in Kosovo was the development of an end game. Well, now we know why. We are, in fact, building a nation. I understand no one is willing to say this publicly but we need to be truthful: the international community—using UNMIK as its tool on the ground—is building a new nation in Kosovo. It's all-encompassing. From schools, to roads, to power grids, to taxation, to local elections, to municipal councils, to the judicial system—it is all now our responsibility because we won the war.

In conclusion, I would like to address those cynics who believe we should immediately pull out of Kosovo and the Balkans because they believe we will never successfully bring about peace in the region. These cynics often point to the historical hatred between the ethnic groups in the region as an indication that NATO and the UN are doomed to fail. I disagree. We can make a difference and history supports my view.

Consider the centuries of animosity and hatred between the nations of western Europe. Few would have thought that the bitter adversaries at the heart of two world wars last century could be looking to a new century where borders are crossed without passports, where there is freedom of labor movement, and where there is no military presence on the borders. It happened because the nations of western Europe were willing to put aside centuries of hatred, revenge and ethnic prejudice and break the cycle of violence. If it could happen there, it can happen in southeast Europe.

One of the Beatitudes states that ''blessed are the peacemakers, for they shall be called the children of God'' (Matthew 5:9). With these words in mind, our efforts must be redoubled so that we may help bring peace, stability and prosperity to southeastern Europe.

EXHIBIT 1

SOUTHEASTERN EUROPE FUNDING

Southeastern Europe (includes humanitarian, development, economic recovery and reconstruction assistance—military, security and assessed expenditures are not included)

The international community, led by the United States, the European Union and international financial institutions, has pledged $4.033 billion in support for southeastern Europe for the year 2000. A complete list of the nations involved in this effort appears below:

[In billions of dollars]

	EU	US	EU + [1]
Amount pledged	$1.398	$0.3764	$1.853.2
Amount pledged as a percentage of the total	34.7%	9.3%	45.9%

[1] EU + Individual European Nations (EU and Non-EU Members).

Kosovo Total (includes humanitarian, development, economic recovery and reconstruction assistance—military, security and assessed expenditures are not included)

The international community, led by the United States, the European Union and international financial institutions, has pledged $1.013 billion in support for Kosovo for the year 2000. Again, a complete list of the nations involved in this effort appears below:

[In millions of dollars]

	EU	US	EU + [1]
Amount pledged	$360	$156.6	651.1
Amount pledged as a percentage of the total	35.5%	15.4%	64.2%

[1] EU + Individual European Nations (EU and Non-EU Members).

UNITED NATIONS MISSION IN KOSOVO (UNMIK) OPERATING EXPENSES

[In millions of dollars]

	EU	US	Total
Pledged	$75	$24	$181.3
Dispersed	10	14	71.8
Amount pledged as a percentage of the total	41.4%	13.2%	....
Percentage of pledge dispersed	13.3%	58.3%	....

Assessed Contributions for United Nations Staff

The U.S. is assessed 25 percent of the United Nations regular budget. This budget is used to fund the staff involved with the United Nations Mission in Kosovo (UNMIK).

UN POLICE

	Total	US
Pledged	4433	550
Fielded	2359	481

Expense: $93 million (for both FY99 and FY00). The FY00 supplemental includes a request for an additional $12.4 million to increase the number of Americans serving in the UN police force to 685 (from 550).

KFOR Troops

	Peacekeepers
Total	38,000
U.S.	5,800–6,200

The U.S. also has an additional 1,000 troops deployed in countries surrounding Kosovo to provide support for the operation.

Using 6,000 American troops (the average of the estimates), the U.S. has deployed 15.8 percent of the total forces involved in the KFOR operation.

Costs

	In billions
Initial Deployment (FY99)	$1.2
Ongoing Operations (FY00)	$1.9

EXHIBIT 2

STATEMENT OF HON. NADEZHDA MIHAILOVA, FOREIGN MINISTER OF THE REPUBLIC OF BULGARIA

As the United States discusses assistance to Southeastern Europe prior to the Stability Pact financing conference in Brussels on March 29–30, 2000, I believe it is important to provide you with the Bulgarian perspective.

Before I speak to the contributions Bulgaria will make to peace and security in Southeast Europe, let me tell you a little about the distance Bulgaria has traveled since 1989.

In 1989, Bulgaria shared the plight of all the former Warsaw Pact countries. My generation inherited a country without democratic institutions, without the basic mechanisms of a market economy, and without a balance of political power based on trust between the citizens of Bulgaria and their government. Indeed, we had only two assets that proved to be of value: Bulgaria's 1300-year history as a state deeply involved in the history of Europe and a highly self-confident and self-reliant population.

Many of those who were committed to rebuilding a Bulgarian democracy, myself included, spent the early years of the 1990's in Europe and the United States refining our political thinking. I myself benefited from the National Endowment for Democracy (NED) established by Congress to fan the flames of freedom and in 1991–92, I specialized in foreign policy and public relations in the US Congress and Harvard University.

By 1996 Peter Stoyanov was elected President. Bulgaria had begun to turn the corner in its transition to a market economy and the election of Prime Minister Kostov and his Government gave a strong impetus to this process. A new generation of Bulgarians was ready to begin our drive for full integration (actually re-integration) into the institutions of the Euro-Atlantic community.

In the few short years in which I have been fortunate to serve as Foreign Minister, Bulgaria has been identified as one of the most qualified candidates under consideration for NATO membership. We have been invited by the European Union to begin accession negotiations on full membership and we allied ourselves with other democracies in resisting the depredations of Milosevic during the Kosovo War. Today, the values of freedom and democracy and the commitment to Euro-Atlantic cooperation form the foundation of our foreign policy. Our country is firmly dedicated to progressive but prompt integration into the European community.

I can state with considerable pride that Bulgaria has made great progress in the establishment of a robust and permanent pluralistic democracy and in building the structures to support a modern market economy. On the political side, we have reestablished institutions that guarantee democracy, the rule of law, human rights, and ensure respect for and protection of minorities. On the economic side, Bulgaria has concentrated its efforts on the consolidation of market reforms, the acceleration of privatization, and the juridical measures a functioning market economy requires to operate openly and transparently.

These reforms have already produced significant improvement in the macroeconomic situation in Bulgaria. In 1998, we had a remarkably low annual inflation rate of 1%, after a horrible 578.6% in 1997. In 1999, the inflation rate increased to 6.2% mainly due to the obstruction of the Danube River, which damaged our trade relations with Europe. In 1998–99 our budget deficit was almost zero and we achieved a 3% growth in GDP. Additionally, the government maintains a high-level of hard currency reserves accounting for more than 30% of GDP.

We have completed the difficult task of liquidating state enterprises and banks undergoing losses. Privatization of Bulgaria's largest companies is nearly complete. My country has also begun to apply the rules of the European Monetary Union and the use of the Euro-currency. The European Union accession process will provide the Bulgarian economy a further impetus for development. The full introduction of European rules and practices in this rapidly growing emerging market should make Bulgaria very attractive for foreign investment. At the same time, by expanding its borders to include Bulgaria, the EU will come closer to regions, rich in natural resources and of great economic potential, with which Bulgaria has traditional economic ties.

In the foreign policy arena, Bulgaria has clearly and consistently defined its strategic goals. NATO membership, accession to the European Union, and dedication to lasting political stabilization for Southeastern Europe. After years of political legal, social and economic reform, our country began official negotiations with the EU last month. Full membership into the European Union is a strategic goal that enjoys wide support throughout Bulgarian society. The long cherished aspirations of the Bulgarian people for sharing the identity and the political future of a united Europe will be substantially advanced by our accession in the EU. But this step alone is insufficient.

Bulgaria's aspiration to join the European Union and NATO are motivated not only by its own economic interests and security reasons, but also by the desire to help strengthen the Euro-Atlantic community by promoting democracy throughout all the nations of Southeast Europe. Thus, Bulgaria's long-term foreign policy interests can only be served by joining with its neighbors in the effort to consolidate regional stability and security.

We believe that a safe and prosperous home can be built only in a safe and prosperous neighborhood.

Thus, only primary foreign policy goals in Southeast Europe are to:

Develop bilateral relations with all countries of the region based on a shared commitment to democratic values and human rights;

Mobilize and accelerate regional economic development through joint infrastructure projects, trade and investment encouragement, etc.;

Expand the scope of arms control, and support other measures for strengthening confidence and security;

Implement bilateral and multilateral measures for restricting new security risks, including regional programs aimed at combating transborder crime;

Play an active role in implementing the goals of the Stability Pact for Southeastern Europe.

A defining principle of Bulgaria's foreign policy with its neighbors has been to address and resolve contentious issues in pursuit of balanced bilateral relations. This bold approach has recently led to the resolution of some of the region's diplomatic divisions. Successes include re-opening relations between Bulgaria and the Republic of Macedonia (Bulgaria strongly supports Macedonia and as you know, was the first country in the world to recognize Macedonia) and the resolution of all disputed issues and development of equally friendly relations with Greece and Turkey. In addition, just last month, Bulgaria and Romania reached agreement on building a second bridge on the Danube River between Vidin and Kalafat. This agreement, I would argue, highlights the important strategic role Bulgaria can play in the context of regional political and economic stabilization as well as promoting the integration of Southeast Europe into the Euro-Atlantic community.

As an illustration of our efforts to enhance regional cooperation, Prime Minister Ivan Kostov organized a meeting in January with the Prime Ministers of the countries bordering the Former Republic of Yugoslavia. The basic goal of this meeting was to encourage broad discussion on how to pursue joint stabilization efforts. We also sought to send a clear message to the international community reflecting the view of these Southeastern European leaders.

Only a few weeks ago the first trilateral meeting of the foreign ministers of Bulgaria, Turkey and Greece took place that was generally estimated as a new step in building new patterns of relations in the region.

In addition, last month, Bulgaria joined six other nations in signing a 21-point charter to further democratic and economic development in the region. We pledged to support good neighborly relations, stability, security, and cooperation in Southeast Europe.

The United States does not need to be reminded that without Hungary, Romania, Greece, Turkey and Bulgaria working together, the containment of Serbian aggression and the eventual democratization of all of the Balkans will be impossible.

President Clinton's visit to Sofia last year and numerous conversations I have had with Lord Robertson and General Clark, serve to reinforce the role Bulgaria has played in developing and promoting multilateral cooperation in Southeast Europe and in standing firm with NATO during the Kosovo crisis. It is because of our past contributions and the pivotal role we can play in the region that the Bulgarian city of Plovdiv was chosen as the headquarters of the newly established Multinational Peace-keeping Forces in Southeast Europe.

Events in Serbia and Kosovo last year, however, adversely affected the economics of the region. We suffered direct losses in trade as a result of transportation difficulties and foreign investment in Bulgaria declined because the neighborhood was, and still is to some degree, perceived as unsafe and unreliable for foreign investors.

Bulgaria's view for the future of Southeast Europe is for the region to transform into a source of economic growth and an active link between Western Europe and the adjacent area to the northeast and southeast, whose strategic importance will continue to increase in this century. This vision is based, among other things, on the understanding that the region has an important place in the overall geopolitical architecture of Europe.

The present level of interdependence among countries and the status of Southeast Europe's political and economic development

directly impacts the entire European continent. In addition, security and stability in the region represents an important element of the European security architecture, and therefore is of strategic importance to the US.

That is precisely the reason why we are strongly encouraged by the growing involvement of the Euro-Atlantic community with the issues expressed in the Stability Pact promotion of security, democracy and economic development in the Balkans. This engagement marks the beginning of an approach that is fundamentally different from the past. It does not mean temporary crisis-management measures, but rather a move beyond this to a comprehensive effort to find a common concept for development of the region and its full integration into the Euro-Atlantic community.

Now is the time—nearly one year after the crisis in Kosovo—to turn the financial commitments made by the European Union into reality. We seek the support and leadership of the international community, and particularly the United States to transform the Stability Pact's long-term vision for ''integrating the Balkans into Europe'' into a concrete policy, with structured benchmarks backed by financial resources. The goal should not only be to neutralize the immediate consequences of the Kosovo crisis, but also to find solutions to the problems of economic development in the region as a whole. Cooperation and full integration of the region with a prospering and democratic Europe can be achieved only through integration on all fronts—political, economic, and financial. However, it is impossible to expect quick developments if no money comes to the region. We believe that funds should be devoted to long-term regional goals like transportation routes, infrastructure development, and improving specific institutions that can facilitate the links between the countries, such as customs operations, drug control and combating corruption.

Our key priorities for Stability Pact assistance include:

1. Construction of the Trans-European Transport Corridor #4. This project will connect Central Europe with Bulgaria and Macedonia and includes construction of a second bridge over the Danube at Vidin-Calafat. The bridge will replace the ferry, decreasing travel time and eliminating the need to load and unload cargo. The project also includes construction of road and railway approaches, as well as border and customs infrastructure. The budget for the bridge is estimated to be US $177 million. Included in this cost are road connections to the bridge from Romania and Bulgaria. The project is expected to take 3½ years.

2. Construction of a regional section of Trans-European Transport Corridor #8. This project, estimated at US$10 million, involves construction of a 2.5-km railway connecting Gyueshevo, Bulgaria with the Macedonian border. This project will greatly improve the capacity of Trans-European Corridor #8. Project coordinators can make use of the partially installed track, and will need to construct a ballast prism, lay additional rails, complete and install electrification of a 500-meter tunnel, and improve border railway station and facilities. US $1.1 million has already been invested to modernize Gyueshevo station, which started in the second quarter of 1998.

Completion of a new railroad between Beliakovitsa, Macedonia and the Bulgarian border is critical for effective functioning of the transportation corridor and requires an additional investment of US $220 million.

Reconstruction of the railway track between Radomir and Gyueshevo in Bulgaria is also necessary. This project includes laying electrical lines on 88 km of railway to increase maximum train speed from 65–75 to 160 km/h. It will cost US $93 million and is expected to take three years.

3. Pipeline for light fuels. US $40 million is needed to construct a 110-km pipeline from Thtiman, Bulgaria to Koumanova, Macedonia. This project also includes construction of petrol depot in Kriva Palanka or Koumanova.

4. Increased electrification of the railway between Karnobat and Sindel, Bulgaria. This project includes reconstruction and expansion of electrification along an existing 123-km railway line in order to increase transmission capacity and allow a maximum speed of 130 km/hr. Estimated cost of this project is US $125 million, of which US $38 million has already been spent. Additional funds would allow the project, part of Transport Corridor #8, to continue immediately.

5. Construction of an Information Center for Democratic Development for Southeastern Europe. The Center will contribute to the development and strengthening of democracy in the region by deepening the process of reform and building an atmosphere of confidence and understanding. It will also help prevent new crises and conflicts in the region. The center will be directly involved in the process of Yugoslavia's democratization, as well as the search for solutions to the lasting political and economic effects of the Kosovo crisis. Active NGO participation from the region will be key to realization of the Center's potential.

I cannot state strongly enough how critical U.S. leadership is at this time to ensure that the Stability Pact goals turn into action. U.S. Congressional commitment, along with a renewed commitment by the Administration, to support and encourage Europe to honor her financial commitments is vital to the success of the Stability Pact. Continued U.S. assistance through OPIC, EXIM and TDA is also crucial for stimulating foreign investment increased trade and implementation of infrastructure projects.

Finally, I would like to express my personal gratitude and that of the Republic of Bulgaria to the United States and particularly the U.S. Congress, for providing essential economic, political, and military assistance to Bulgaria and the other Balkan nations throughout the Kosovo conflict and beyond. The active support of the United states continues to be the indispensable condition for economic recovery of Southeast Europe and the completion of its long journey towards democracy. I cannot tell you how important it is for the United States to remain committed to your allies in this critical and dynamic region of the Euro-Atlantic community.

Thank you.

EXHIBIT 3

S. RES. 272

Whereas the North Atlantic Treaty Organization's (NATO's) March 24, 1999 through June 10, 1999 bombing of the Federal Republic of Yugoslavia focused the attention of the international community on southeastern Europe;

Whereas the international community, in particular the United States and the European Union, made a commitment at the conclusion of the bombing campaign to integrate southeastern Europe into the broader European community;

Whereas there is an historic opportunity for the international community to help the people of southeastern Europe break the cycle of violence, retribution, and revenge and move towards respect for minority rights, establishment of the rule of law, and the further development of democratic governments;

Whereas the Stability Pact was established in July 1999 with the goal of promoting cooperation among the countries of southeastern Europe, with a focus on long-term political stability and peace, security, democratization, and economic reconstruction and development;

Whereas the effective implementation of the Stability Pact is important to the long-term peace and stability in the region;

Whereas the people and Government of the Former Yugoslav Republic of Macedonia have a positive record of respect for minority rights, the rule of law, and democratic traditions since independence;

Whereas the people of Croatia have recently elected leaders that respect minority rights, the rule of law, and democratic traditions;

Whereas positive developments in the Former Yugoslav Republic of Macedonia and the Republic of Croatia will clearly indicate to the people of Serbia that economic progress and integration into the international community is only possible if Milosevic is removed from power; and

Whereas the Republic of Slovenia continues to serve as a model for the region as it moves closer to European Union and NATO membership: Now, therefore, be it

Resolved, That the Senate—

(1) welcomes the tide of democratic change in southeastern Europe, particularly the free and fair elections in Croatia, and the regional cooperation taking place under the umbrella of the Stability Pact;

(2) recognizes that in this trend, the regime of Slobodan Milosevic is ever more an anomaly, the only government in the region not democratically elected, and an obstacle to peace and neighborly relations in the region;

(3) expresses its sense that the United States cannot have normal relations with Belgrade as long as the Milosevic regime is in power;

(4) views Slobodan Milosevic as a brutal indicted war criminal, responsible for immeasurable bloodshed, ethnic hatred, and human rights abuses in southeastern Europe in recent years;

(5) considers international sanctions an essential tool to isolate the Milosevic regime and promote democracy, and urges the Administration to intensify, focus, and expand those sanctions that most effectively target the regime and its key supporters;

(6) supports strongly the efforts of the Serbian people to establish a democratic government and endorses their call for early, free, and fair elections;

(7) looks forward to establishing a normal relationship with a new democratic government in Serbia, which will permit an end to Belgrade's isolation and the opportunity to restore the historically friendly relations between the Serbian and American people;

(8) expresses the readiness of the Senate, once there is a democratic government in Serbia, to review conditions for Serbia's full reintegration into the international community;

(9) expresses its readiness to assist a future democratic government in Serbia to build a democratic, peaceful, and prosperous society, based on the same principle of respect for international obligations, as set out by

the Organization for Security and Cooperation in Europe (OSCE) and the United Nations, which guide the relations of the United States with other countries in southeastern Europe;

(10) calls upon the United States and other Western democracies to publicly announce and demonstrate to the Serbian people the magnitude of assistance they could expect after democratization; and

(11) recognizes the progress in democratic and market reform made by Montenegro, which can serve as a model for Serbia, and urges a peaceful resolution of political differences over the abrogation of Montenegro's rights under the federal constitution.

THE JUVENILE JUSTICE CONFERENCE

Mr. LEAHY. Mr. President, I am disappointed that the majority continues to refuse to reconvene the conference on juvenile justice legislation.

This Congress has kept the country waiting far too long for action on juvenile justice legislation and sensible gun safety laws. We are fast approaching the first-year anniversary of the shooting at Columbine High School in Littleton, Colorado. Next Thursday will sadly mark one year since fourteen students and a teacher lost their lives in that tragedy on April 20, 1999.

It has been 11 months since the Senate passed the Hatch-Leahy juvenile justice bill by an overwhelming vote of 73–25. Our bipartisan bill includes modest yet effective gun safety provisions. It has been 10 months since the House of Representatives passed its own juvenile crime bill on June 17, 1999. It has been 9 months since the House and Senate juvenile justice conference met for the first—and only—time on August 5, 1999, less than 24 hours before the Congress adjourned for its long August recess.

Senate and House Democrats have been ready for months to reconvene the juvenile justice conference and work with Republicans to craft an effective juvenile justice conference report that includes reasonable gun safety provisions, but the majority refuses to act. Indeed, on October 20, 1999, all the House and Senate Democratic conferees wrote to Senator HATCH, the Chairman of the juvenile justice conference, and Congressman HYDE, the Chairman of the House Judiciary Committee, to reconvene the conference immediately. This week, Congressman HYDE joined our call for the juvenile justice conference to meet as soon as possible in a letter to Senator HATCH, which was also signed by Congressman CONYERS.

Every parent, teacher and student in this country is concerned about school violence over the last two years and worried about when the next shooting may occur. They only hope it does not happen at their school or involve their children.

We all recognize that there is no single cause and no single legislative solution that will cure the ill of youth violence in our schools or in our streets. But we have an opportunity before us to do our part. We should seize this opportunity to act on balanced, effective juvenile justice legislation, and measures to keep guns out of the hands of children and away from criminals.

It is ironic that the Senate will be in recess next week on the anniversary of the Columbine tragedy. In fact, the Senate has been in recess more than in session since the one ceremonial meeting of the juvenile crime conference committee. I hope we get to work soon and finish what we started in the juvenile justice conference. It is well past the time for Congress to act.

I ask unanimous consent that this Hyde-Conyers letter of April 11, 2000 be printed in the RECORD at the conclusion of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES, CONGRESS OF THE UNITED STATES, COMMITTEE ON THE JUDICIARY,
Washington, DC, April 11, 2000.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN HATCH: We write to request a juvenile justice conference meeting as soon as possible.

As you are aware, in the last two months, we have witnessed a succession of gun violence tragedies. We have been shocked by a six-year-old shooting a six-year-old in Mount Morris Township, Michigan. We have seen a nursing home held hostage and a mass shooting in Pittsburgh. In February, Memphis firefighters responding to a call were shot and killed by a disturbed man. It is clear that the Nation would like Congress to respond.

We know that there is not complete agreement on all of the issues before the Conference. We also recognize the need for compromise. We have already agreed in principle to proposed language to reduce the waiting period to 24 hours in most cases, but are still trying to resolve appropriate "safety hatch" exceptions.

We have pledged to each other to begin anew negotiations. We believe, however, that beginning the work of the Conference will play a constructive role in the necessary process of narrowing our differences.

We appreciate your consideration of this request.

Sincerely,

HENRY J. HYDE,
Chairman, House Judiciary Committee.
JOHN CONYERS, JR.,
Ranking Member, House Judiciary Committee.

SECTION 415 PENSION REFORM NEEDED

Mr. GORTON. Mr. President, during this week prior to the April deadline for filing income tax returns with the Internal Revenue Service, Congress often focuses on the high tax burden shouldered by American families and the need for tax reform. Fundamental reform is my top tax legislative priority. I believe the entire confusing and incomprehensible tax code should be scrapped and replaced with a system that is fair, simple, uniform and consistent. Until such fundamental reform can take place, I will continue to work in support of tax reform measures that correct unfair aspects of the existing tax code mess.

One section of the code that I believe needs to be changed and changed soon is Section 415. Section 415 of the tax code was enacted in 1974 for the purpose of limiting the pensions of corporate executives. Section 415 no longer impacts corporate executives, but it does unfairly impact middle income workers who are prevented from collecting the full pensions they earned and deserve from their multi-employer plan. This is as simple as the tax code keeping workers from being able to collect their own money. I believe this injustice should be corrected, and I have cosponsored legislation, Senate bill 1209, that will restore fairness to this section of the tax code.

The Senate version of the 1999 tax relief bill included the fix to Section 415. I am pleased that the Senate joined me in recognizing the absolute need to correct Section 415 and to stop unfairly punishing workers by blocking access to their hard-earned pensions, though I am disappointed that this change did not become law last year. It was, however, an important step towards achieving reform. As the nation focuses on tax season, I reaffirm my dedication to fighting to pass legislation to bring fairness to Section 415 of the tax code and ensure our nation's workers collect what they have rightfully earned.

U.S.S. "J. WILLIAM DITTER"

Mr. SPECTER. Mr. President, in honor of their reunion to be held this month, I am pleased to call the Senate's attention to honor the crew of U.S.S. *J. William Ditter* who served during World War II.

I commend the dedication and courage of that crew of the minelayer named in honor of former Pennsylvania Congressman J. William Ditter.

Born in Philadelphia, Pennsylvania, on September 5, 1888, J. William Ditter received his law degree from Temple University in 1913 and was admitted to the bar the same year. As a school teacher and baseball coach at Northeast High School from 1912 until 1925, one of Coach Ditter's team members was Jimmy Dykes, who later went on to become Connie Mack's star third baseman during the Philadelphia Athletics' glory years in the nineteen-thirties. Less famous, but equally important were the hundreds of young men and women who studied at Northeast High under "Doc" Ditter's tutelage. They constantly sought his advice and retained their affection for him in the years that followed.

In 1925, Mr. Ditter moved to Montgomery County, where he practiced law

and became an active member of his church and community. In 1932, Montgomery County was made a separate Congressional district and Mr. Ditter was elected to serve as its first Representative.

As a member of the House of Representatives, he quickly became known for his tireless work, dedication to our country, and consummate skill in debate. Congressman Ditter took a prominent role in defeating President Franklin Roosevelt's efforts to pack the Supreme Court in order to insure that New Deal legislation would not be declared unconstitutional. As the Ranking Member of the House Appropriations Subcommittee on Naval Affairs, he led the fight to establish a two-ocean Navy. The success of the Navy in World War II, including the ship which was named after him, was due in part to the leadership and dedication of Congressman J. William Ditter.

In recognition of his leadership, Bill Ditter was selected to be the Chairman of the Republican Congressional Campaign Committee, a post he held until his death in 1943. While in Congress, Mr. Ditter explained his positions on public affairs by writing a weekly newspaper column, Trend of Events. During his years in Congress, he was much in demand as a public speaker, not only in Montgomery County but throughout the state and nation.

Congressman Ditter's political career was cut short by his untimely death in a Navy plane crash near Columbia, Pennsylvania. He was returning from Boston where he had been on a trip to participate in the commissioning of the Navy's new carrier, U.S.S. *Wasp.* Among the many dignitaries who attended his funeral were former President Herbert C. Hoover, a close, personal friend and my colleague Senator MCCAIN's grandfather Admiral John S. McCain, Sr., Commander of Carrier Task Force 38. Congressman Ditter was buried with military honors at Whitemarsh Memorial Cemetery. In light of his distinguished service to our nation, the Navy named a destroyer-mine layer in his honor, U.S.S. *J. William Ditter* (DM 31).

U.S.S. *J. William Ditter* was a fitting tribute to Congressman Ditter. The Sumner class destroyer, which was converted to a high speed mine layer, was christened by Mrs. J. William Ditter on July 4, 1944. It was commissioned on October 28, 1944, and served as a unit of Division 9, Mine Squadron 3. Congressman Ditter's dedication and service to his country was mirrored by the actions of the men on U.S.S. *J. William Ditter*. The ''Fighting J. Willy'', as the crew called the mine layer, destroyed many Japanese suicide aircraft and boats during its years of service.

The end of April marks the fifty-fifth anniversary of the brave actions of the crew in the early days of the operations in Okinawa. U.S.S. *J. William Ditter* greatly contributed to the success of the first landings on April 1, 1945 by escorting transport ships carrying American invasion forces.

On April 12, U.S.S. *J. William Ditter* joined the radar picket line to protect ships against attacking Japanese aircraft. On April 26, U.S.S. *J. William Ditter* drove off an attacking enemy aircraft, and on April 27, the crew helped to down two enemy aircraft. On April 28, the crew shot down an attacking suicide aircraft and combined its fire with another ship in order to shoot down two other hostile aircraft. On April 29, the crew detected and attacked an enemy submarine.

By May 28, 1945, U.S.S. *J. William Ditter* had shot down eight Japanese aircraft and assisted in destroying three others. On June 6, 1945, in the radar picket line of Task Force 51.5 patrolling southeast of Nakagusukua Wan, U.S.S. *J. William Ditter* shot down four. However, one suicide plane hit U.S.S. *J. William Ditter*, inflicting heavy damage and numerous casualties. Ten men were killed and twenty-seven were wounded on that fateful day.

Although the ship was repaired enough to make it home to the United States, it was decommissioned and struck from the Navy's fleet when the war ended. Despite the short term of service, U.S.S. *J. William Ditter* had a distinguished war record, keeping in honor with the person for whom the ship was named—Congressman J. William Ditter.

The crew deserves special recognition for their service, and I am pleased to be able to commend them on the floor of the United States Senate. I ask unanimous consent to have printed in the RECORD the list of the names of the crew members who served on U.S.S. *J. William Ditter*.

As an addendum, I think it is appropriate to note the distinguished public service of Congressman Ditter's son, J. William Ditter, Jr., who is a judge on the U.S. District Court for the Eastern District of Pennsylvania where I knew him as a practicing attorney in that court.

There being no objections, the list was ordered to be printed in the RECORD, as follows:

CREW OF THE U.S.S. ''J. WILLIAM DITTER''

Anthony R. Amoroso, Robert Amoroso, James D. Anderson, Harold W. Andrews, James Carlton Annis, Bernard Appelbaum, Armin Argullin, Hans Arnbel, Thomas E. Ates, Lester Bailey, Hayden B. Baker, Harold G. Baker, Robert A. Baker, John L. Balog, Archie Y. Barhardt, Jack L. Bates, Lester E. Bausch, Bruce J. Baxter, Jr., George William Baxter, Robert W. Beale, Bertram D. Bekemeyer, Stefan Belajsak, Loyd D. Benton, Harold L. Berger, Frederick Binder, Coy Blair, Jr., Martin Block, Jr., James O. Blow, Ronald Clarence Blucher, Tyrus Augustus Bohler, Joshua G. Bosley, Jr., Oscar S. Bowden, Joseph E. Brackett, Charles F. Bradley, Grady H. Bradley, William I. Bradley, Cameron C. Breedlove, John E. Brennan, Wallace C. Brought, Jr., Robert Joseph Bruckbauer, John M. Bryan, Ranson G. Buff, Chester Durward Bullard, Henry A. Bunch, Jacob L. Burkett, William T. Burns, Charles E. Burriss, Joseph F. Burrows, Lester Earl Busby, Jake L. Bynum, Ralph W. Byrd, John P. Byrne, Carl R. Cagle, Jr., Herman Leonard Cain, George Henry Cambria, John R. Carpenter, Melvin Edward Carpenter, Elijah C. Carter, Joseph S. Caruso, Ronald F. Cashin, John W. Caulk, Jr., John G. Chambers, Howard C. Childers, Kenneth H. Chitty, John C. Church, Luke E. Church, Charles H. Clark, James Franklin Clark, Harvey G. Clendenin, James P. Clouse, Kermit T. Cocherham, Walter Fielden Cochran, Otis Elbert Cochran, Frank W. Collins, John I. Colvin, Jack L. Connelly, Eugene C. Cook, Garland V. Cook, Aubrey Bernard Cousins, Alfred R. Cox, James H. Craig, Alton V. Cranfield, Jr., Bruce Alvin Crauswell, Russell B. Crawford, James V. Creasman, John William Crown, Howard J. Cummings, Theodore L. Cunard, Jr., Andrew Joseph Cuneo, John R. Curry, Ralph Ray Curtis, Walter Czarnecki, Doyle O. Daniell, Robert A. Darrah, Franklin Armfield Daughton, Cecil C. Davis, Edward T. Davis, Wilbur A. Davis, Charlie A. Deal, Edward J. Derricott, Charles H. Di Francesco, Battaile Stevenson Dickenson, Ed Lawrence Dickerson, Earl W. Dillon, Philip Dinerstein, Edward P. Domme, Kenneth F. Dommel, Kenneth Cedric Dowell, Elwyn T. Drew, Roland A. Du Sault, Marvin Leroy Dukes, Carl G. Dunn, Francis R. Dymck, Lloyd E. Eagleson, Frank S. Echternach, William L. Eckrote, Charles K. Edmonds, John C. Effner, Keith A. Emerson, Frederick J. Ernst, James E. Erwin, John E. Evans, Ludwig M. Eymann, Theodore Fabey, Warren Harding Fanning, Francis R. Farney, Edward C. Faytak, John Fernandez, Joseph F. Ferriols, Nathan Feuerstwin, Harold R. Fisher, James E. Fleenor, Charly L. Flynn, Urben G. Foley, James Gordon Foley, Melvin L. Ford, Otis Leonard Forehand, Ellis Joseph Foster, Vernon Alfred Frederickson, James L. Freeman, Edward J. Freet, Jr., Dudley V. Frye, Loy J. Gammel, Peter Gardner, R. Giachelti, Travis C. Gilchrist, Robert M. Glover, Sherman L. Goggins, George E. Gold, Lawrence J. Gordon, Eugene Franklin Graves, Louis W. Graves, James J. Greenwood, Elbert Gregory, Alderman Lewis Griffis, Stephen Grigos, Norman A. Gross, James Hasil Grubbs, Jr., William Franklin Gurkin, Jr., Anthony M. Gurnari, Harvey E. Hall, Lawrence Ray Hamilton, Kelse J. Hamlin, Vaughn L. Hanson, Lester L. Hardy, Leo C. Harris, Jr., Lester Harris, Thad Harris, Herman D. Hartman, Jr., Arthur H. Hawkins, John

B. Hawthorne, Edward J. Haywood, John W. Heafner, Hugh Plonk Heauner, Herbert Kenneth Heim, Donald E. Heiner, Herbert K. Helm, William R. Helms, Sr., Robert A. Herman, Howard L. Herthel, Joe Shafter Higginbotham, Clarence E. Higgs, Richard L. Hinton, Dewey T. Hobgood, Francis J. Hoey, William E. Hoffman, Thomas Alexander Holden, Lester Manford Holladay, Harold Arthur Hollstrom, John L. Holt, Jr., Marvin J. Holtz, Harold G. Holzworth, John Henry Honour, Jr., Clyde E. Hooper, Marvin G. Hoover, Clay T. Houchin, John M. House, Leslie C. Hovis, Jr., James Samuel Hughes, Stanley J. Humphrey, Robert Angelo Iafrate, James Bernard Ingley, James Michael Irwin, Robert Lee Jacobs, Albin Maynard James, James Oscar Jarvis, Lee N. Johnson, Robert R. Johnson, Wilbur N. Johnson, Carl Chesley Johnson, Ralph Ross Johnston, James E. Jones, Walton Hailey Jones, Norman Emmett Jump, Arthur Louis Junker, Henry William Kaiser, James L. Keever, John Y. Keith, Jr., Charles Fenwick Kendall, Raymond F. Kennedy, Galin Kerr, John E. Kirkpatrick, Andrew F. Klacskiewics, Berry L. Knight, James Knowles, Arnold Stuart Knudsen, Arthur J. Koch, Theodore Koch, Hazel L. Kolb, Edward J. Kolenski, George E. Kondas, Joseph G. Krakow, Walter A. Laarser, Kenneth S. Lancaster, Joseph Landers, Charlie M. Langley, William D. Langley, Laurance John Langley, Norman L. Langlois, J. Larney, Nick T. Laudas, Albert F. Lechewicz, Curtis F. Lee, Allan Marley Lee, Sabatino Donato Leo, Albert A. Leuesque, Walter Leuthold, John W. Lewis, Arthur L. Linker, Robert P. Llewellyn, Warren E. Lloyd, Vincent J. Luei, Robert W. Lultrell, Jr., William N. Lynch, William Wallace Lynch, Paul S. Manzone, Elliot G. Mapp, Tony Marcello, Creighton William Marshall, Billy B. Martin, Terrance M. Mason, Russell E. Mattson, Vincent D. McCall, Lloyd A. McCraney, William J. McCrudden, William R. McKay, Jr., George W. McQueen, Joseph A. Mezzanotti, Warren Calvin Milard, Daniel Millard, Joseph A. Minieri, Peter F. Monahan, Martin Mondzak, Richard L. Montgomery, William B. Morgan, Bennie W. Morris, Sr., Henry A. Mueller, John K. Murray, Frank H. Nearing, Norman D. Nipping, Wilbur O. Niven, Lee S. Nordigan, Paul Peace Norris, Donald V. Northrop, Donald W. O'Shaughnessy, Milton P. Orr, Joseph F. Ott, Jr., John Edward Pacheco, Melvin Painter, Paul Gregory Paltakos, Chester Ray Park, Frank A. Patalane, James O'Neal Peatross, Abner Hartfield Perry, Henry R. Peter, Chester G. Polad, Reginald Smith Porter, John G. Porto, Woodrow W. Potter, Albert W. Price, Roy Prince, Nathan Prizer, Theodore F. Profant, Paul C. Raddatz, Jr., Louis H. Rauschenberg, Eugene A. Reese, Albert Reid, Jr., Lucas Reyes, Guy H. Rhodes, Arthur H. Rich, Zerney W. Roberts, Sr., Marvin E. Robinson, Joseph Rus, Claude C. Samples, Anthony Santamaria, Thomas F. Sarafield, Arthur A. Saunders, Elmer G. Schleif, Donald L. Schnurr, William Schoene, Jr., Joseph Schrippe, George Schroeder, Kenneth R. Schwarz, Harry L. Segal, Roland O. Sewing, Earl F. Shank, Earnest L. Shelley, Thomas Wayne Shexhan, James L. Sikes, Paul S. Smith, Hugh Berkley Snyder, Paul Samuel South, Frank A. Spiller, John W. Sprouse, Andrew A. Staske, Brune S. Stee, Alexander A. Steiner, Frank D. Stewart, Randolph T. Stickhouse, Charlie W. Strader, Jacob Straf, Anthon T. Stricklend, Michael J. Strusinski, Joe H. Summerlin, Benar L. Thompson, William Leslie Tiffany, Ben Lyman Titus, Henry Gustav Toepfer, Wykliff N. Tolari, Jack E. Tompkins, James Henry Torian, Warren E. Traak, Clinton A. Trick, Fernando B. Tucker, James L. Turner, Mark C. Turner, William M. Turscanyi, Earl C. Umlsuf, Joseph Valenti, Jess Marnell Van Cleave, George Richard Venerable, William E. Vogel, John P. Walsh, William D. Warner, Helmuth J. Weber, Herbert Roy Weber, Frank William Whitfield, Billy B. Williams, George Willie Wilson, Robert W. Winke, Frederick A. Wirth, Joseph Wozny, James R. Yates, and Carl L. Young.

ELIAN GONZALEZ

Mrs. BOXER. Mr. President, I want to take this occasion to say something about the Elian Gonzalez case. I have not spoken formerly in the Senate about it, but it has been addressed by several of my colleagues on the other side of the aisle. For me, it is simple because it is not about politics; it is about the heart; it is about family.

Some may call me old fashioned. I think kids belong with their parents—I have always believed that—unless there is some reason a child should not be with the parent, if the child has a bad parent. There is no proof of that in any way, or suggestion of that, except at the last minute the relatives who are caring for Elian, now, have made these charges.

It seems as if every time the father comes closer, he becomes a worse person. First, he was wonderful. They said, he is wonderful but he doesn't care about his son; he is not here. Now he is here, and they still will not turn the child over.

I have a little grandson. He is about a year younger than Elian, so I am pretty familiar with kids that age because I have watched him so closely. They are babies; they really are. They are little children. They are babies. They are impressionable. That is why it is so important to treat them well and to not use them for any purpose—let them be children.

I have to say unequivocally as a grandmother, not as a Senator, I believe it is very harmful for a child to be exposed to screaming adults outside of his home, day in and day out, shouting things. There is something wrong with that. It is harmful to a child.

I also want to point out there is room for politics over the Cuba issue. Of course there is. But it is not around this case. It should not be around this case, either by those in this country who want to make it a political issue, or Fidel Castro, who may well want to do that if and when Elian is back. That would be deplorable.

We have to treat this child gently. We have to reunite this child with his living parent. I just would like to make a plea to those who do not want to do that and who have said that to get Elian with his father is going to take people coming to the door, that they will not relinquish this child except if there is force used, that is not the way we do things in this country.

This is a country of peaceful laws. That is why we have courts. That is why people have to obey court orders. We have laws. We cannot, because we disagree with them—God knows, every one of us disagree with jury verdicts; we disagree with laws; we disagree with decisions. The beauty of our Nation is that we are a country of laws. We must make it clear those laws should be obeyed. We ought to do it in the best interests of this child, which means gently and peacefully.

REMEMBRANCE OF THE KATYN FOREST MASSACRE

Mr. SANTORUM. Mr. President, I rise today to remind my fellow Americans of a horrific tragedy which occurred in Poland six decades ago. April 13 serves as a day of remembrance of this terrible massacre.

On September 1, 1939, Germany invaded Poland to begin World War II. Two weeks later, in accordance with the secret Ribbentrop-Molotov Pact, the Soviet Union invaded Poland from the East and completed the partition of this nation. The Soviet invasion lasted eleven days and resulted in the forced deportation of 1.5 million Poles to Russian labor camps. Of those 1.5 million, approximately 15,000 Polish military officers disappeared under mysterious circumstances. On June 22, 1941, tensions between Germany and the Soviet Union exploded as the German army stormed into Soviet territory. It would take nearly two years before the German army would uncover evidence relating to the 15,000 Polish officers who had disappeared in 1940.

In 1943, German forces near Smolensk, in western Russia, investigated reports they heard from Russian civilians to the effect that a large number of prisoners had been murdered by the Soviet secret police in the area nearly three years earlier. The German investigators were led by local Russians to a

series of mounds in a wooded area about 10 miles west of Smolensk. On April 13, 1943, German officials made a gruesome discovery as they uncovered buried corpses. They found numerous victims, each with hands bound behind their backs and a bullet hole in the base of their skulls. Over the course of the next month, the Germans exhumed more than 4500 corpses. Unable to continue to dig through Katyn Forest, Germany requested the assistance of the International Red Cross and representatives of neutral countries to determine the circumstances surrounding the execution and burial of these 4500 Polish officers.

After examining the bodies, these representatives reported to the appropriate authorities their conclusion that the men buried in Katyn Forest were those of Polish military officers, along with a number of civilian cultural leaders, business leaders, and intellectuals—scientists, writers, and poets—who had been in the portion of Poland occupied by the Soviet Union in September 1939. The Soviet Union vehemently denied the allegations of responsibility. Once the Soviet Union had reclaimed Katyn Forest, a pro-Soviet investigation of the Katyn Forest Massacre determined that the Polish officers and leaders had been massacred by the German army. It would take another 45 years before the truth of the massacre would finally be acknowledged by the leaders of the Soviet Union.

Aside from United States congressional hearings held in Britain, Italy, Germany and the United States in the early 1950s, the Katyn Forest Massacre was largely forgotten by the international community. But the truth of Katyn Forest remained vivid for the Polish nation. Polish nationals were determined to discover the truth. These individuals wanted justice for the fallen comrades.

After the publication of an account of the Massacre by a Soviet historian in 1990, Polish President Wojciech Jaruzelski quickly arranged a series of meetings with Soviet President Mikhail Gorbachev and other Soviet officials in an attempt to finally bring a conclusion to the Katyn conspiracy. On April 13, 1990, the day after President Jaruzelski's final meeting with Mikhail Gorbachev, the Soviet news agency published a statement of acknowledgment on behalf of the Soviet government for summary execution of 15,000 Polish officers in the Katyn Forest during late April and early May of 1940. The statement claimed that the NKVD, the Soviet secret police, followed the orders of their chief, Lavrenti P. Beria, and massacred these 15,000 Polish captives.

We must never forget the crime against humanity which was carried out in this rural section of Poland. As our nation looks towards the 21st Century and the promising future, we must always remember the sacrifices of brave and gallant men in the defense of their nation and their heritage which have helping the world achieve greater freedom and democracy. April 13 should always be remembered not as a day in which hope briefly dimmed when these brave men were executed but a day in which freedom triumphed and shown brightly after decades of silence.

FEDERAL COMMITMENT TO EDUCATION

Mr. HATCH. Mr. President, last week the Senate passed the FY 2001 Budget Resolution. I would be remiss if, upon reflection, I did not take this opportunity to talk about the federal commitment to education in my state of Utah.

In my state of Utah, education consistently ranks as one of the highest priorities for Utahns. During this year's session of the Utah legislature, Utah reaffirmed its commitment to improving education, reducing class size and paying dedicated teachers a salary commensurate with their efforts and qualifications.

Utah takes its commitment to education funding very seriously. During the 1995–96 school year, education expenditures in Utah amounted to $92 per $1000 of personal income. The national average was $62 per $1000. In other words, Mr. President, Utah's education expenditure relative to total personal income is nearly 50 percent more than the national average. It is the third highest in the nation.

In education expenditures as a percent of total direct state and local government expenditures, Utah ranks 2nd in the nation. Utah's expenditure for education was 41.5 percent of the total amount spent for government. The national average is 33.5 percent.

Mr. President, no one can tell me that Utahns are not serious about funding education. And these efforts have garnered results. Utah's scores on ACT tests are equal to or better than the national average in English, math, reading and science. Utah ranks 1st in the nation in Advanced Placement tests taken and passed.

Still, even with these efforts, Utah remains 1st the nation in terms of class size and last in per-pupil expenditure. This is due to Utah's unique demographic. Utah families are, on average, larger than any other state. Utah has the highest birth rate in the nation.

While it is true that these factors contribute to the allocation of federal education funds, most notably the Title I funds, the Clinton administration has done very little to help Utah. Indeed, many of the proposals in the administration budget would be detrimental to education efforts underway in Utah.

Among other things, this administration has consistently cut funding for Impact Aid. Impact Aid is a vital program for Utah because it helps make up for the lost property tax revenue in school districts where there is a significant federal presence. Since half of our state is federally owned or controlled, that means our schools would suffer even greater financial difficulties without Impact Aid. I appreciate that this Budget Resolution rejects the 15 percent cut requested by the Clinton administration.

Indeed, in addition to support for Impact Aid, there is much to applaud in this Budget Resolution relative to education. It assumes an increase of more than $600 million over the administration's request. Over $11 billion will be dedicated to funding the Individuals with Disabilities Education Act. This will greatly assist Utah fund the education of students with special needs.

Moreover, because the federal government will be contributing more toward the costs of special education, fulfilling more of its promise to fund 40 percent of the cost for educating students with disabilities, the state will be able to use its own resources to address state and local priorities such as lowering class size, improve facilities, increasing teachers' pay, upgrading instructional equipment and textbooks, or offering enrichment programs.

Finally, this administration has never recommended funding for the Education Finance Incentive Grant program which, instead of a per-pupil expenditure as a proxy for a state's commitment to education, uses a combination of a state's effort to fund education and a state's willingness to more equitably distribute resources among a state's economically diverse school districts. As I have noted, Utah allocates a significant amount of state revenue to education, demonstrating our state's effort. Utah also has in place an ''equity program'' for assisting schools with smaller tax bases. Nationally, we ought to be encouraging states to make such effort, and we ought to be rewarding states that do. This is an important program that deserves a consistent funding stream, and I will be addressing this issue in the context of the reauthorization of the Elementary and Secondary Education Act.

In the area of higher education, this Budget Resolution rejects the administration's proposal to require guaranty agencies, which finance guaranteed student loans (GSLs), to pay accelerated and increased funds from their federal reserves. This would be especially devastating to Utah's Higher Education Assistance Authority (UHEAA). Utah has one of the lowest average incomes in the nation; and, therefore, Utah students who are not reliant on their parents for financial assistance rely instead on assistance from UHEAA.

During past assessments, because UHEAA had maintained one of highest

guarantee program reserves ratios, Utah had to return one of the highest percentages of current reserves to the federal government. Under the administration's proposal, these cuts would have been deepened, and I am grateful to the Budget committee for rejecting them.

In closing, I would like to commend the tireless hard work of the Chairman of the Budget Committee, Senator DOMENICI. His dedication to sound fiscal policy and appropriate spending priorities are laudable. I also thank the Senate leadership for their efforts on moving this process along. I look forward to the enactment of this Budget Resolution. I thank the chair and yield the floor.

PASSAGE OF S. 376 ''ORBIT''

Ms. MIKULSKI. Mr. President, I rise today to support the conference report on satellite reform. As a co-sponsor of the original bill, I believe this bi-partisan legislation will encourage more competition in the satellite communications market. This will benefit American consumers and workers. It will also make America more competitive in the global satellite market.

The Open-market Reorganization for the Betterment of International Telecommunications Act (ORBIT bill) will benefit our nation in a number of ways. First, the bill allows Lockheed Martin to acquire 100% of COMSAT Corporation by removing a number of old and outdated regulatory barriers. This is great news for these two outstanding Maryland companies and their employees. The merger will encourage growth and economic competition in one of the most dynamic sectors of our economy—the global satellite market. It means jobs today and jobs tomorrow—both in Maryland and throughout our nation. I look forward to Lockheed Martin and COMSAT completing their merger without any further delay.

Second, this legislation encourages the privatization of INTELSAT, an inter-governmental organization, by including the leverage necessary to ensure that INTELSAT's privatization will conclude in a timely and pro-competitive manner.

Third, the conference agreement also reaffirms the ability of carriers to obtain Level III direct access. Level III direct access allows customers to enter into contractual agreements with INTELSAT to order, receive and pay for INTELSAT space segment capacity at the same rate that INTELSAT charges its signatories. This means that users of INTELSAT services will be able to purchase services directly from INTELSAT without going through COMSAT.

Fourth, the bill does not remove the current prohibition on Level IV direct access until after INTELSAT privatizes. Allowing Level IV access before privatization would have unfairly and unjustly permitted COMSAT's competitors to buy all of COMSAT's investment in INTELSAT below market value which would have weakened the value of this international asset. This would have significantly diminished the value of the Lockheed-COMSAT transaction.

I commend my colleagues on both sides of the aisle in the Senate and in the House for passing S. 376 and commend the President for signing this important legislation into law.

ARMENIAN GENOCIDE

Mr. KENNEDY. Mr. President, April 24 marks the 85th anniversary of the beginning of one of the most tragic events in history, the Armenian Genocide. In 1915, the Ottoman Turkish Government embarked on a brutal policy of ethnic extermination. Over the next eight years, 1.5 million Armenians were killed, and more than half a million were forced from their homeland into exile.

In the years since then, the Armenian diaspora has thrived in the United States and in many other countries, bringing extraordinary vitality and achievement to communities across America and throughout the world. The Armenian Assembly of America, the Armenian National Committee of America, and other distinguished groups deserve great credit for their impressive work in maintaining the proud history and heritage of the Armenian people, and guaranteeing that the Armenian Genocide will never be forgotten.

One of the enduring achievements of the survivors of the Genocide and their descendants has been to keep its tragic memory alive, in spite of continuing efforts by those who refuse to acknowledge the atrocities that took place. In Massachusetts, the curriculum of every public school now includes human rights and genocide, and the Armenian Genocide is part of that curriculum.

As this new century unfolds, it is time for all governments, political leaders and peoples everywhere to recognize the Armenian Genocide. These annual commemorations are an effective way to pay tribute to the courage and suffering and triumph of the Armenian people, and to ensure that such atrocities will never happen again to any people on earth.

Mrs. BOXER. Mr. President, each year on April 24, we pause to remember the tragedy of the Armenian Genocide. On that date in 1915, more than two hundred Armenian religious, political, and intellectual leaders were arrested in Constantinople (now Istanbul) and killed, marking the beginning of an organized campaign to eliminate the Armenian presence from the Ottoman Empire. This brutal campaign would result in the massacre of a million and a half Armenian men, women, and children.

Thousands of Armenians were subjected to torture, deportation, slavery, and murder. More than five hundred thousand were removed from their homes and sent on forced death marches through the deserts of Syria. This dark time is among the saddest chapters in human history.

But Armenians are strong people, and their dream of freedom did not die. More than seventy years after the genocide, the new Republic of Armenia was born as the Soviet Union crumbled. Today, we pay tribute to the courage and strength of a people who would not know defeat.

Yet independence has not meant an end to their struggle. There are still those who question the reality of the Armenian slaughter, who have failed to recognize its very existence. We must not allow the horror of the Armenian genocide to be either dismissed or denied.

Genocide is the worst of all crimes against humanity. As we try to learn from the recent genocidal conflicts in Kosovo and Rwanda and prevent future atrocities, it is especially important to remember those who lost their lives in the first genocide of the twentieth century. We must never forget the victims of the Armenian genocide.

A MODERN DAY TRAGEDY

Mr. MACK. Mr. President, I come to the floor of the Senate today to tell a story—a modern day tragedy about a mother, Elizabeth, who so loved her son, Elian, that she tried to bring him to the shores of the United States of America from Cuba—to the shores of freedom. Had she succeeded, she would have joined her family members already in the United States: her cousin who arrived only last year; her son's great uncle and his family who have been in the United States for many years; and another cousin who has been here for over fifteen years. She would have been reunited with many other relatives who must today remain anonymous for fear of retribution by Castro against those still trapped in Cuba. Instead, she met with tragedy in the Florida straits. Elizabeth died. Her five-year-old son survived.

Let me be a little more specific. On November 21, 1999, a group of 14 Cuban citizens boarded a boat bound for the United States and the shores of freedom. The motor failed shortly after departing and the group was forced to return to Cuba. Think of the anxiety at this moment, having to return after risking everything. The anticipation. The disappointment. The fear.

When the boat returned to Cuba, one of the other female passengers, Arianne Horta, placed her young daughter back on the shore of Cuba. She then wanted to make sure that Elizabeth was positive in her decision to take Elian. And

despite the fact that Elian had a father in Cuba, Elizabeth brought her son back on the boat to set sail for the second time that night—seeking freedom on the shores of America.

If you are interested in what Elian's mother really wanted, think about the act of choosing to keep her son on the boat, while Arianne took her child off the boat. This is as clear a message as a mother can send that she wanted freedom for her child. She wanted freedom despite the risks involved, despite a failed attempt to flee hours earlier, and despite the fact that the father remained in Cuba.

Think about that moment of choice for Elizabeth—put my son on the beach and he can live with his father, or keep him with me so we could have the hope of freedom. It is clear to me that she valued freedom above everything. Now think—if that was you, and you died, would you want the child returned to Cuba?

Think of yourself in Nazi Germany. A mother successfully smuggles a child out, but dies in the process at the hands of the Nazis. The father, probably under duress, demands the return of his child. Would we contemplate returning him? Would we return a child under the same circumstances to Saddam Hussein's Iraq? If a mother and child were scaling the Berlin wall and the mother was shot, but the child was pushed over—would we send the child back? Absolutely not.

On the night of November 21, this group of Cuban nationals repaired their boat and set sail a second time. On the following night, the boat capsized. The survivors clung to anything that would float and hung on for dear life. After a day struggling for her life, Elizabeth died. But before she passed on, she told a fellow passenger who did survive, Nivaldo Fernandez, to make sure that Elian touches land, to make sure he touches dry land.

As many of my colleagues know well, if a Cuban refugee reaches American soil they will not be sent back to Cuba. Every Cuban knows that reaching ''dry land'' means they will be free from Castro's iron fist. Elizabeth's dying wish was for her Elian to reach dry land. There can be no doubt about what she wanted for her son.

Mr. President, I come to the floor today with great disappointment—disappointment in this Administration and disappointment in the Attorney General. Elian Gonzalez's mother's death will be in vain and this little boy's struggle for freedom, his struggle to live in America, simply is being dismissed if the boy's best interests and the family's legal rights are not considered.

Many will say that this is a simple decision, the INS and the Department of Justice should merely reunite a father with the son he loves. I think all of us recognize the intense and profound bond between parent and child. It is to be respected and cherished. It is a natural instinct to want to reunite parent and child. But these are by no means ordinary circumstances. I ask the American people to look beyond the headlines, to understand the intense pressure this father is under. It is unlike anything you or I will ever experience in a free America. I have no doubt the father loves his little boy. But how many of us have stopped and thought about why this father did not come to his son the day he was found, exhausted and dehydrated having survived a treacherous trip at sea. Consider why he has not come for almost 5 months to support his son, hug his son, comfort his son. Again, I would suspect it is not out of lack of concern for his boy. I would suspect it is because Castro would not let him.

Is it possible the father wants the boy to remain with his family in Miami and live in freedom? My understanding is that the father knew Elian and his mother were coming to this country and even told other family members that he would get to America if he ''had to do so in a bowl.''

I can't imagine anyone disagrees with the notion that Castro controls the father's words and actions through duress—through intimidation. The fact is that none of us knows the true wishes of this father. Castro has used this father and son to manipulate both Cuba and the United States.

Today, the United States is not about to reunite a boy and his father, instead we are about to reunite a child and his dictator. And we are doing so against his mother's wishes. We may be doing so against his father's wishes, as well.

Last week, a spokesman of the Cuban embassy stated ''Elian Gonzalez is a possession of the Cuban Government.'' In Castro's Cuba, the state always has the last word in how a child is raised—it does not matter if a parent disagrees. According to Cuban law, any parent who questions the regime or takes any action deemed to run contrary to the revolution's goals could be imprisoned or executed.

Let me quote a former Cuban Government official from a recent Washington Post op-ed.

> Within Cuba, the return of Elian will not be seen as an act of justice by the U.S. government, but rather as yet another victory for the bully-boy tactics of Fidel Castro. This is why the dictator is trying to recover Elian—to convert him into a different kind of symbol—a symbol of the Revolution—even though for that to happen, Elian would have to renounce his mother, the family in Miami that took care of him and even in fact, his father, Juan Miguel. Because upon returning to Cuba, he will not belong to his family. He will be another son of the Revolution.

If Cuba were a free country, this situation would have been easily resolved. But Cuba is not free, it is a police state. In fact, Article 8 of Cuba's Code for Children and Youth states: ''Society and the State work for the efficient protection of youths against all influences contrary to their communist formation.''

Make no mistake, in Cuba, Elian will not have a normal childhood.

In Cuba, Elian will be allowed to live with his father until he is eleven; thereafter he will be sent to work in a farm-labor camp for 45 to 60 days per year.

In Cuba, Elian will face compulsory military service until he is 27.

In Cuba, Elian will be indoctrinated in the glories of ''the revolution'' and taught to regard any Cubans who reject Castroism—including his dead mother—as counterrevolutionaries and traitors.

In Cuba, Elian will be allowed to attend college only if his ''political attitude and social conduct'' satisfy the regime in Havana.

Returning Elian to Cuba means returning him to Fidel Castro. When I was a child, my parents had the last word in my upbringing. In Cuba, Castro's wishes carry the day—he can override any parent. Be assured Castro will begin his manipulation of Elian from the day of his return. I can see the images now—parades and banners, welcoming home the young defender of the ''Communist Revolution.'' Elian may remain closer to Fidel than any other child may be forced to suffer. The boy may get better treatment as a result, but this will be only on the surface. This innocent child will be captive—a prisoner in his own homeland. The regime cannot afford for this boy to return to Cuba only to renounce Castro's ways. Elian will be treated, not as a child, but as an opportunity to exploit. His home, his education, his father's salary, everything, will be provided as Fidel dictates. The pathetic efforts of a desperate tyrant to legitimize his method of oppression will make Elian a test. My colleagues, he is a child. Instead of Fidel's cruelties, he needs compassion.

There is a reason Elian's mother and countless others have risked everything and have given their lives in the hope that their children will taste freedom. And while Elian's mother's voice cannot be heard now, her actions were loud and clear.

I would not be so angry if we were truly reuniting a parent and child. But if we return Elian, the United States will be caving to the demands of the last tyrant in the Western Hemisphere and will be sending a six-year-old boy to a place that Human Rights Watch states has a ''highly developed machinery of repression.'' And the United States will be doing this without providing basic civil rights to Elian—without permitting his legal options to play out.

Instead, our Government is short circuiting justice for political expediency and we will have to live with that.

The outrage and fury I feel toward the administration, the Department of Justice and the INS for the manner in which they have handled the Elian Gonzalez case is overwhelming.

The United States is a Nation committed to the principles of freedom, justice, democracy and respect for human dignity. We are a nation built upon a rich diversity of heritage. We celebrate the uniqueness of our roots, family traditions and cultural experiences. And while this rich diversity is the strength of our great country, we, as Americans, share a common bond that is even stronger. That common bond is our precious freedom. Freedom to pursue our dreams, freedom to raise our children, freedom to speak our minds, and freedom from a government that dictates what we say, where we should live, and what we will become.

These principles strengthen our democracy, our nation. These principles are what continue to draw people to America's shores. Our democracy is designed to preserve and protect the rights of the weak and the strong. Our judicial system is designed to promote access to justice for all Americans. But what we have seen in the past several weeks from our own Justice Department in its' handling of the Elian Gonzalez case shakes the very foundation of our American principles.

Instead of defending these principles, this Administration has intimidated Elian's American family with the sheer weight, power, and force of the United States Government. This Administration has chosen to grind down this family's emotions and trample on the family's rights. In the process, the best interests of this boy have been undeniably neglected and his mother's wishes ignored. This Administration's treatment of a young child has evolved into an exercise of cruel and unusual punishment to preserve a pre-determined outcome and to placate an old and bitter dictator.

The United States is a free country. We have a Bill or Rights, a code of laws, and a separation of powers which guarantees no administration shall be able to sidestep the law. We are a country in which the judicial system should be permitted to work without presidential influence for political expediency—and certainly without bringing the mighty weight and power of the government down on the weakest of all people—a child.

But, in the last four months, this administration, our United States Government, has overstepped its bounds. Mr. President, I am disillusioned by the present status of this struggle for freedom. Disillusioned that these calls to honor freedom have fallen on deaf ears. But, then I think of the Cuban parents who so loved their children that they sent them unaccompanied to the United States in the 1960's in what became known as ''Operation Pedro Pan.'' Fourteen thousand and eighty-four children were sent away from the clutches of Castro by their loving parents to go to America to live in freedom. These parents willingly sent their children in order to escape Castro—in order to escape oppression. Many, if not most, of these children had no family in the United States. But they were sent to the United States with their parents wish for freedom—freedom at all costs.

We know Elian's mother sought freedom for her son—and she paid the ultimate price. We know many in Elian's family had already come to the United States; some recently, some long ago. But we have taken the sad, sad action of assuming a man whose very life and that of his family, depends upon the goodwill of a tyrant, has the ability to speak freely. What a tragedy that this man cannot speak openly and freely about his true desire. What a sad day in the history of the United States of America.

Our founding principle—our Declaration of Independence—declares, ''we hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.'' We, the inheritors of this legacy, must not force people into tyranny.

I appeal to the President and the Attorney General to resolve this in such a manner that Elian's struggle and his mother's tragic death will not have been in vain. Perhaps we, the United States of America, will realize that if we don't, we are making a tragic mistake in the handling of this case. It is not too late, though, to do the right thing for this little boy. I call on the President of the United States and the Attorney General once again, to consider what is in the little boy's best interest.

Mr. DOMENICI. Mr. President, I was listening to Senator MACK. And I really wish all Americans could hear his concerns and message because I don't think the message he is sending today is getting out to people. I really believe most people think this is just a technical issue, it is automatic, it is what ought to happen.

I think what the Senator from Florida shared with us indicates that this is not an ordinary situation. It is very unordinary. Cuba is not an ordinary country. It is a very unordinary country, in the manner and in the ways the Senator from Florida described it, and more.

I thank him for coming here and asking the President and the Attorney General in a senatorial way—he made no threats, and there were no connotations in his voice. He clearly said, I ask that you consider the other side of this coin.

I thank him for that.

Mr. LAUTENBERG. Mr. President, I listened carefully to the Senator from Florida. But I am reminded, it is a pathetic thing. It is pathetic to see this child twisted and turned and seduced, if I may say—something that goes far beyond the capacity of a 6-year-old child to analyze and describe in appropriate terms.

But I say this: My sympathy goes out to the family in Miami that has been attached. But I also know this is a place where we often preach family values, family control, no interference by government, to remind everyone that this is a country of laws. If we subvert the law simply because there is pressure coming from one corner or another, what kind of message does it send to the millions of people who would crowd our shores and want to be here? It would say, well, we discriminate because we have louder voices in one place than we have in another.

Again, I think we have to remember that this country is founded on the principle of being a nation of laws, and one can challenge and go to court.

But to say, no, we are not going to obey the law, I don't think, frankly, does the cause of our country or the cause of this little boy, in the final analysis, any value.

Mr. MACK. Mr. President, there was an interest here, certainly. There are some who have discriminated against one group or another, who have not spoken out for one group and have spoken out for another.

In my career representing the State of Florida and the Senate, I have spoken out for every group looking for honest and fair treatment, whether they be Cuban, whether they be Nicaraguan, or whether they be Haitian. I have done that. I am proud that I have done that. Some of those positions have not been particularly popular in my State. But I have always taken that position.

Again, I think the right thing to do is to ask a very simple question: What is in the boy's best interest?

Mr. LAUTENBERG. In all due respect, I say this to my friend from Florida for whom I have a great deal of respect and admiration. Reunification of families is something we wrestle with here all the time—people pleading to allow a relative to join a family that has been here for years. And we say: No, the law doesn't permit it, the rules don't permit it. So we say: Sorry, we can't do that.

I get lots of pleas in my office—I am sure every Senator does—saying: Let my mother come from country X, Y, or Z, or otherwise, and let us join together.

I say once again, if we forget we are a nation of laws, then all of us—the people in this room and the people throughout the country—ought to be bound by the same rules and the same laws. We cannot make the kind of exception that looks as if it is responding

to particular pressure in a particular moment.

RESOLUTION ON METHAMPHETAMINE CLEAN UP FUNDS

Mr. THOMAS. Mr. President, today I rise in support of Senator GRASSLEY's Sense of the Senate Resolution urging President Clinton to see to it that the Department of Justice reprograms $10,000,000 in recovery funds within the Community Oriented Policing Service (COPS) so the Drug Enforcement Administration (DEA) can continue to reimburse state and local law enforcement officials in the proper removal and disposal of hazardous materials recovered from clandestine methamphetamine laboratories.

Mr. President, Wyoming is one of a number of states that has experienced an astronomic increase in methamphetamine production, trafficking and use. In fact, during fiscal year 1998, of all cases prosecuted by the U.S. Attorney's office in Wyoming, 45% were drug cases and of that nearly 75% were methamphetamine related.

When law enforcement officials bust a methamphetamine laboratory not only do they have to prosecute the individuals involved but they must also dispose of the highly toxic chemicals that were used to produce this illegal drug. It is estimated that it costs between $3,000 and $100,000 for the safe clean up of methamphetamine labs. It is very important to see to it that methamphetamine labs are properly handled because six pounds of toxic waste are produced for every pound of methamphetamine manufactured.

Wyoming's law enforcement officials rely exclusively on the funds that the DEA provides to state and local law enforcement officials for the clean up of methamphetamine labs. Because of this growing problem, the allocated funds the DEA uses to reimburse state and local law enforcement officials ran out last month. As a result, numerous towns and communities across the country are no longer able to rely on the DEA for much needed funding.

Mr. President, it is my hope that President Clinton will see to it that the Justice Department approves this reprogramming of funds so law enforcement officials across the country can continue to fight the growing problem of methamphetamine production.

NATIONAL ORGAN AND TISSUE DONOR AWARENESS WEEK

Mr. DURBIN. Mr. President, I rise today to draw attention to the critical issue of organ and tissue donation, particularly with the upcoming National Organ and Tissue Donor Awareness Week (April 16th-22nd) upon us. Although many of us will be back in our home states next week, we must remember to spread the word about the need for donation whenever we have the chance.

National Organ and Tissue Donor Awareness Week was first designated by Congress in 1983 and proclaimed by the President annually since then to raise awareness of the significant need for organ and tissue donation and to encourage all Americans to share their decision to donate with their families so their wishes can be honored. Last year, for example, the Transplant Recipients International Organization's Chicago chapter reached thousands of people through its donation displays at City Hall and other public buildings. In addition, many groups sponsored donor recognition ceremonies, remembrance services, and other events to honor the generous and caring individuals and families who have given the gift of life.

Today, nearly 70,000 men, women, and children are waiting for an organ transplant and the list is growing longer. Each day about 57 people are given the gift of life through the generosity of organ and tissue donations, but another 16 people on the waiting list die because the need for donations greatly exceeds the supply available. Additionally, the need for a more diverse donor pool, including a variety of racial and ethnic minorities, will also continue to grow in the coming years. All anyone needs to do is this: say yes to organ and tissue donation on a donor card or driver's license and discuss your decision with your family members so they know your wishes. Transplantation does save lives, but only if all of us help as we strive toward a fair, equitable and accountable system of organ and tissue donation and transplantation.

Last session, the Give Thanks, Give Life resolution that I sponsored with my distinguished colleagues, Senator FRIST, Senator DEWINE, Senator KENNEDY and Senator LEVIN and others was passed in the Senate. This legislation, which has the support of numerous national organ and tissue donation organizations, designates Thanksgiving of 2000 as a day for families to discuss organ and tissue donation with each other since the final decision to share the gift of life is almost always made by a loved one's family. This week, I also introduced the Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act of 2000, which sets up a new policy stating that all Medicare beneficiaries who have received a transplant and need immunosuppressive drugs to prevent rejection of their transplant will be covered for as long as anti-rejection drugs are needed.

There are many stories that touch the heart on this compelling issue, but I'll share just one. Kelly Therese Nachreiner was a bright, artistic teenager in the class of 2002. At 16, she went with her mother, Mary, to get her temporary driver's license. At that time, Mary pointed out the donation question on the form for her license to Kelly, having no idea how her daughter would respond to this serious issue. Kelly quickly responded, "Well, of course, Mom, I mean if somebody can live after me . . . if I'm dead why does it matter? Why do I want to keep those organs? If I can save somebody else's life, why wouldn't I?" Just one month later, her unselfish decision would save the lives of three people after she died as the result of an automobile accident. Kelly not only saved those three lives, she also brought a spotlight to the issue of organ and tissue donation awareness, which can potentially save thousands more.

Mr. President, all of us would want to save somebody else's life if we could. Let us continue to work together throughout National Organ and Tissue Donor Awareness Week and beyond, to promote organ and tissue donation wherever we can.

ANNIVERSARY OF THE COLUMBINE HIGH SCHOOL TRAGEDY

Mr. CAMPBELL. Mr. President, next Thursday, April 20th, marks an important date in the hearts of the families of those killed inside Columbine High School, and for those who survived the horrible events on that infamous day one year ago. Indeed, this day is important for everyone whose lives were touched by those tragic events.

I can think of no greater burden for a parent than to have to bury one of his or her children. That burden is only magnified when a loved one is taken with such unimaginable and unspeakable violence.

A year is not enough time to heal the scars created on that day; not for the families of those taken, not for the children who were spared, not for the community of Littleton, Colorado, and not for our nation.

While the events of that fateful day shall always be with us, so too is the memory of those slain and the strength of spirit they and their families have given to all of us. Like the Columbine flower which returns every Spring from under the darkness of winter, so too has a sense of community blossomed in Littleton and throughout the State of Colorado in response to the horror of that day.

As a step toward healing, many groups, individuals, and entities from both Colorado and our nation have worked to honor those who have died and to memorialize their passing in an appropriate and meaningful manner.

In seems especially fitting that today I recognize with honor the parents and the families of those killed and wounded in the school that day who are working to raise money to replace the library at Columbine High School, the scene of much of the violence that occurred last April 20.

They have, to date, received pledges for nearly all of the estimated $3 million it will take to replace the library at Columbine High School. Other pending pledges could bring them close to the full amount they need to replace this scene of horror with one of hope. This is just one outstanding example of a community pulling together in a grassroots effort to lift itself up free of governmental intervention and regulation. I would encourage every American capable of sharing to help all of the families whose lives were abruptly and forever changed by the events at Columbine in whatever way they can.

Mr. President, there is good and evil present among us in human nature. We never know when we will be faced with either. I pray no family has ever to face the sadness and grief visited on the victims and the families of those in Columbine High School one year ago today. I also pray that peace comes to all of our families through the gentle spirit of all the victims taken from us in Columbine High School, and those who will live with the pain caused that day. That spirit lives on in all of us and has been best described by the students and community of Littleton who proudly proclaim: ''We are Columbine.''

CARHART V. STENBERG

Mr. KERREY. Mr. President, on April 25, 2000 the United States Supreme Court will hear arguments in the Carhart v. Stenberg case. As a lifelong Nebraskan, I have received several requests to take a prominent public position with regard to this case, including a request that I file an amicus brief, also known as a ''friend of the court'' brief in this case. I am honored by these requests, but remain determined not to become officially involved in this case before the Supreme Court. I have come to believe that active involvement in matters before the courts, particularly the U.S. Supreme Court, would be an ineffective use of the power of the Senate office which I hold in trust for all Nebraskans.

However, I do not want my silence and absence from these amicus briefs to be mistaken for something that it is not. Because I have had several opportunities as a Nebraska Senator to debate this issue, and because this landmark case before the Supreme Court affects Nebraskans directly, I feel compelled to explain to Nebraskans my thoughts on this important issue.

On September 24, 1999, the Eighth Circuit Court of Appeals upheld a Nebraska district court decision that a Nebraska statute banning a medical procedure commonly known as ''partial-birth abortion'' is unconstitutional. The appellate court sustained the decision on the grounds that the Nebraska law creates an undue burden on women seeking abortions.

It is my sincere belief that the Eight Circuit's decision should be sustained. In sum, the law adopted by the State of Nebraska (LB 23, June 9, 1997) is too vague to be enforced without placing an undue burden on a woman making this difficult choice. The Supreme Court should uphold the Eighth Circuit's decision because this law bans procedures commonly used for second trimester abortions and will affect any Nebraska doctor who performs either the D&E (dilation and evacuation) or D&X (dilation and extraction) procedure. This statute makes the act of performing legal medical procedures a Class III felony (up to 20 years in jail) and subjects a participating physician to the loss of his or her license.

Each year, five thousand women in Nebraska, with the help and counsel of their loved ones, their doctors and their clergy, face the very difficult decision to end a pregnancy. None of us believe that they make their decision lightly. They are guided by their moral beliefs and by the previous decisions of the Supreme Court giving elected State and Federal officials a legal foundation upon which to effectuate, and in some cases limit, the scope of their choices.

The central problem with the Nebraska law is that legislators made no attempt to abide by previous Court decisions. Called the ''Partial Birth Abortion Ban'' by its sponsors, the bill has been inaccurately characterized as ''banning certain late term abortions.'' In reality, the bill does not concern itself with late term abortions—neither curbing them nor banning them—which the Court gives lawmakers the capacity to do. Instead the bill seeks to ban a medical procedure used to end a pregnancy without reference to when that procedure is used. Moreover, it bans a medical intervention that is very difficult to define with the precision needed under law to give both doctors and those who enforce the law the guidance they need.

Given this uncertainty, the Eighth Circuit Court of Appeals found that LB 23 was unconstitutional. Writing for the majority, former Chief Judge Richard Arnold explained that it created an undue burden on women because, in many instances, it would ban the most common and safest procedure for second-trimester abortions. The Court pointed out that the term ''partial birth abortion'' has ''no fixed medical or legal content'' and that the Nebraska statute is too broad.

Most second and third-term abortions occur in situations where a woman would have preferred, indeed desperately wanted, to carry the baby full term. The doctor made a recommendation based upon a threat to the life and health of the mother if the pregnancy were to continue. A law like Nebraska's would make doctors who perform this procedure liable for prosecution, with penalties that include loss of their license to practice medicine and time in jail. The threat of these penalties could result in physicians choosing not to treat women with a history of high-risk pregnancies.

We are wrong to presume that women no longer die during child birth or abortion. Medical science has reduced but not eliminated the risk associated with either. We must not deny women their ability to freely choose to undergo an abortion, or the access to physician care necessary to ensure their safety.

Freedom of choice in reproductive decision-making is a constitutional guarantee established by this Court with limitations. Nebraska's law fundamentally ignores the limitations allowed and not allowed by the Court's previous decisions. If it is sustained, it will imperil the safety and well-being of women throughout our state. We cannot allow misinformation to obscure the broad consensus in America that women must decide for themselves how best to live their lives. Moreover, it is equally important that no one be denied the safe and appropriate medical treatment necessary to make a reproductive decision which this law would do.

It is my hope that this statement will help Nebraskans better understand my position on this very important matter.

PIPELINE SAFETY

Mrs. MURRAY. Mr. President, I would like to share with my colleagues some recent developments on the pipeline safety legislation I introduced two months ago. I'm pleased to report that in the past week, we've made a lot of progress.

About 10 months have passed since a gasoline pipeline in Bellingham, Washington ruptured—spilling more than 275,000 gallons of gasoline. That pipeline disaster killed three young people, and left thousands of people in my state wondering about the safety of the pipelines near their homes.

We can't undo what happened in Bellingham—it will never be the same. But we can make sure that what happened in Bellingham doesn't happen anywhere else.

There are 2.2 million miles of pipelines running across the country—bringing us the energy we need to fuel our cars and heat our homes. They run near our schools, houses and communities. We have a responsibility to make sure these pipelines are safe. And it is clear that the current laws are not sufficient.

That's why I introduced my pipeline safety bill back in January. Since that time, I have been meeting with the Administration, with Senators, safety officials, citizen groups, and industry representatives.

This week, I spoke at a national conference on pipeline safety here in Washington, D.C. It was hosted by the National Pipeline Reform Coalition, SAFE Bellingham, and the Cascade Columbia Alliance.

I can tell you that people all across the country are following this issue closely, they understand the problem, and they are calling for action.

I want to be clear. We cannot wait any longer—and we can certainly not let this year pass without improving our nation's inadequate pipeline safety laws.

The danger posed by aging, corroded pipelines is not going away. In fact, it's getting worse.

Since 1986, there have been more than 5,700 pipeline accidents, 325 deaths, 1,500 injuries. More than $850 million in environmental damage. On average there is 1 pipeline accident every day, and 6 million hazardous gallons are spilled every year.

In the two months since I introduced my pipeline safety bill, at least 20 states—almost half of the country—have experienced pipeline accidents. Let me repeat that. In just two months, 20 more states have had pipeline accidents.

Just last week there was a major pipeline spill in Maryland. The clock is ticking, and the list of affected communities is growing.

Back home in Washington state, there is a great deal of impatience that Congress has not acted on pipeline safety measures. This editorial by the Bellingham Herald—from April 5th—gives you a good sense of how many of my constituents feel.

It's titled, Wake Up, Pipeline Bill Is On The Way. It's addressed to Congress, and it says, in part:

> Don't know if you had a chance to look at our pipeline bill, but we're sending you a message. We want you to hear us loud and clear.

And later it says:

> * * * even though what happened in Bellingham could happen in any one of your home states, we feel you aren't giving this issue much attention.

As this editorial says—these accidents can happen in any of our states. I don't want another community to go through what the people of Bellingham, Washington have gone through. We can make pipelines safer today.

My bill addresses five key areas of pipeline safety: My bill will expand state authority over pipeline safety. My bill will improve inspection and prevention practices. My bill will invest in new safety technology. My bill will expand the public's right to know about problems with pipelines. Finally, my bill will increase funding to improve pipeline safety by providing funds for new state and federal pipeline safety programs.

I'm proud to say that we are making progress. And I want to share with you some recent developments.

Yesterday, Senator MCCAIN announced that he has scheduled a hearing on pipeline safety for May 11, and he has committed to marking up a pipeline safety bill by the end of May. He also introduced his own pipeline safety bill.

As you may recall, in February, I sent a letter to Senator MCCAIN asking for a hearing. Last week, I spoke with him in person about it, and he pledged to work with me on this issue. As he told me, "this is the right thing to do."

I would like to commend Senator MCCAIN for moving the process forward. I would also like to share with the Senate the important work done by the parents of the young people who were killed in the Bellingham explosion, especially Mr. Frank King. On Tuesday, Mr. King met with Senator MCCAIN's staff, and in bringing his own personal story to the Senate—he has helped move this legislation forward.

I'm pleased today to become the Democratic sponsor of Senator MCCAIN's bill. This bill contains many of the elements of the legislation I introduced back in January. The bill also includes some of the good elements of the Administration's proposal, which was introduced this week.

Senator MCCAIN, as chairman of the Commerce Committee, has done a service to our nation and the state of Washington by providing his leadership on this important topic.

During the committee process, I hope we can all work together in a bipartisan manner to make the McCain-Murray bill even more effective at improving pipeline safety. There is still a long way to go, and I look forward to working with Senator MCCAIN on this important issue.

Another step forward took place this week, when the Clinton/Gore Administration sent its pipeline safety proposal to Congress. Working with us, the Administration has crafted a proposal which includes many of my priorities: It places a clear value on the importance of safety. It strengthens community "right to know" provisions. It improves inspection standards. It invests in research and development for inspection devices. And it increases penalties for safety violations.

This proposal is a good first step, and now we will work to improve it. Clearly, there are some differences on the partnership with states provisions and other areas, and I will be working to strengthen them within the legislative process. I should add that the Administration's bill has been introduced in the Senate by Senators HOLLINGS and SARBANES, and in the House by Representatives SHUSTER, OBERSTAR, FRANKS, and WISE.

I want to commend the Vice President, who learned about this issue when he was in Washington state. He recognized the importance of pipeline safety, and he has been working to prompt the Administration to act quickly. I also appreciate the work Transportation Secretary Rodney Slater has done. Shortly after the explosion, he stationed a pipeline inspector in Washington state.

So clearly we are making some progress, but there is still much more to do. Unfortunately, the Senate leadership has not expressed a lot of interest in pipeline safety.

I recently received a note from the majority leader's office—listing almost 50 bills that he has deemed "Legislative Calendar Items" which he hopes to consider prior to the August recess. Pipeline safety was not on his list. Now, I know priority lists are flexible, and I hope we can get a pipeline safety bill through the committee and onto the Senate floor for consideration before August.

We need to pass a pipeline safety bill, and we need to do it now. I again ask my colleagues to stand with the thousands of people who have been adversely affected by pipeline disasters and pass a bill that will make sure no other community has to suffer from another pipeline disaster.

We have a strong pipeline safety bill. We have Administration support. And we have a commitment from the Commerce Committee leadership to pass legislation this year.

This is our chance for safer pipelines, for safer communities, and for peace of mind. We have a bill. It's up to this Congress, this year to make sure this opportunity doesn't pass us by.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, April 12, 2000, the Federal debt stood at $5,764,655,944,486.86 (Five trillion, seven hundred sixty-four billion, six hundred fifty-five million, nine hundred forty-four thousand, four hundred eighty-six dollars and eighty-six cents).

One year ago, April 12, 1999, the Federal debt stood at $5,663,867,000,000 (Five trillion, six hundred sixty-three billion, eight hundred sixty-seven million).

Five years ago, April 12, 1995, the Federal debt stood at $4,874,101,000,000 (Four trillion, eight hundred seventy-four billion, one hundred one million).

Ten years ago, April 12, 1990, the Federal debt stood at $3,087,071,000,000 (Three trillion, eighty-seven billion, seventy-one million).

Fifteen years ago, April 12, 1985, the Federal debt stood at $1,729,937,000,000 (One trillion, seven hundred twenty-nine billion, nine hundred thirty-seven million) which reflects a debt increase of more than $4 trillion—$4,034,718,944,486.86 (Four trillion, thirty-four billion, seven hundred eighteen million, nine hundred forty-four thousand, four hundred eighty-six dollars

and eighty-six cents) during the past 15 years.

THE OCCASION OF THE BICENTENNIAL OF THE LIBRARY OF CONGRESS

Mr. STEVENS. Mr. President, as Chairman of the Joint Committee on the Library, it is my great pleasure to congratulate the Library of Congress, and Dr. Billington, the Librarian on the occasion of the Library's Bicentennial. The Library is America's oldest Federal cultural institution, and was established on April 24, 1800. It houses the largest and most extensive collection in history, and is one of the nation's assets. Congress is very proud of the Library, and the role it plays in ensuring free public access to information. As we move forward into the new millennium, efforts are underway to enhance public access to the collections of the Library through the National Digital Library.

The Library has planned a wonderful day of activities on Monday, April 24, in honor of Thomas Jefferson's birthday. It was Thomas Jefferson's collection of 6,487 books that first began the Library's collections. The events include the issuance of the first bimetallic commemorative coin, and a postage stamp featuring a color photograph of the interior dome and several of the arched windows in the Jefferson building. At noon there will be a birthday party and concert outside on the East Lawn of the Capitol.

I ask unanimous consent that the following message from the Librarian of Congress, and press announcements of the exhibits and events associated with the Bicentennial of the Library be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIBRARY OF CONGRESS BICENTENNIAL CELEBRATION—A MESSAGE FROM THE LIBRARIAN OF CONGRESS, MARCH 2000

The Library of Congress—America's national library and oldest federal cultural institution—will celebrate its Bicentennial in the year 2000. We want to make our 200th birthday a national celebration of the important role that libraries play in our democratic society. Our goal is to inspire creativity in the century ahead by stimulating greater use of the Library of Congress and libraries across the country.

The centerpiece of this effort is an unprecedented project called ''Local Legacies,'' an attempt to celebrate and share with the nation the grassroots creativity of every part of America. The Library of Congress will ask each Member of Congress to lead an effort to find or create documentation for at least one significant cultural event or tradition that has been important to or representative of your district or state as we reach the end of this century. Selections from each documentation project will be forwarded to the Library and added to the rich collections of our American Folklife Center's Archive of Folk Culture to provide a rich cross section of the grassroots creativity of America that will be preserved and shared with future generations.

We also plan to digitize selections and share them electronically, free of charge over the Internet, through our National Digital Library Program. All participants and each Member of Congress will be credited with helping locate a distinctive contribution from his or her district or state. This is an especially exciting and historic initiative because we hope to receive and celebrate the widest possible range of contributions, including video, sound, print, manuscript and electronic formats.

Several other bicentennial activities embrace the broadest participation of all Americans and encourage an understanding of the creative roles that libraries play in modern society and in social scholarly discourse. Included among them are symposia such as ''Frontiers of the Mind in the 21st Century,'' which brought together distinguished scholars who examined the exciting horizons for knowledge in the century ahead in a symposium held in June and now available on the Library's Web site (www.loc.gov). Poet Laureate Robert Pinsky's ''Favorite Poem'' program will create audio and video archives of Americans of all ages and backgrounds reading their favorite poems. Two commemorative coins and a stamp will be issued in honor of the Library's 200th birthday, April 24, 2000. Also on that day, the Library will launch a new education Web site for families that will complement our widely acclaimed American Memory site for students and teachers. Another special initiative, ''Gifts to the Nation,'' will encourage benefactors to bring rare and important acquisitions to the national collection in the Library of Congress.

I invite you to learn more about our Bicentennial, and I encourage you to participate in the programs and activities marking our 200th birthday. As you reflect on our nation's accomplishments as we near the end of the century, you may recall the Jeffersonian principle upon which the Library of Congress was built—that free access to information and knowledge is one of the cornerstones of democracy.

JAMES H. BILLINGTON,
The Librarian of Congress.

BICENTENNIAL CELEBRATION ANNOUNCED

LIBRARY OF CONGRESS TO OFFER NEW WEB SITE, STAMP, COINS, EXHIBITS AND CONCERT

General Colin Powell, Katharine Graham, Isaac Stern, William Styron, David Copperfield, John Kenneth Galbraith, Jeanne Kirkpatrick, Maurice Sendak, Bobby Short, and Big Bird are among those who will be honored as ''Living Legends'' during a daylong National Bicentennial Birthday Party and Concert celebrating the 200th anniversary of the founding of the Library of Congress on Monday, April 24, beginning at 9:30 a.m. The Library of Congress is America's oldest federal cultural institution and the largest library in the world.

Other events on April 24 include:

First-day ceremonies for a new Library of Congress postage stamp and commemorative coins

Launch of a new Web site for young people and their families

Unveiling of a national public service advertising campaign in partnership with the Ad Council

Free performances and concert celebrating American music, history and culture and recognizing the contribution of the ''Living Legends''

Opening of a major exhibition on Thomas Jefferson and another on ''The Wizard of Oz''

Key press dates prior to April are:

Press Briefing, 10 a.m., Friday, April 14, National Press Club, 529 14th Street NW

Bicentennial press briefing with Librarian of Congress James H. Billington on the Library's efforts to address the digital divide. He will also announce the final details of the April 24 celebration, the new books just published on the Library of Congress, and the full list of the ''Living Legends'' whose creativity the Library is honoring in its Bicentennial year.

Exhibits Preview and Light Lunch, 11 a.m.–1:30 p.m., Thursday, April 20, LJ 119, Thomas Jefferson Building

Members of the press are invited to preview two new exhibitions created for the Library's Bicentennial: ''Thomas Jefferson'' and ''The Wizard of Oz: An American Fairy Tale.''

The Jefferson exhibition includes the display of Jefferson's library. It marks the first time since 1815 that the public will be able to view Jefferson's library, the seed from which the collections of the Library of Congress grew, in his original order. The books have been reassembled after a worldwide search to locate matching volumes, identical to those that were destroyed in a fire in 1851. Numerous additional personal items will be displayed exploring the contradictions and complexities of Jefferson the man, the myth, and the model, including materials relating to the Hemings family, the founding of the United States and the earliest known draft of the Declaration of Independence in Jefferson's own hand.

''The Wizard of Oz: An American Fairy Tale'' brings together approximately 100 items relating to this children's classic, including play scripts, rare books, photographs, costumes, drawings, film clips, dolls, games and toys. A pair of the ruby slippers (size 5B) worn by Judy Garland in the 1939 film will be displayed, along with the scarecrow costume worn by Ray Bolger, the mane and beard worn by Bert Lahr as the Cowardly Lion, a full Munchkin costume and an Emerald City townsman's coat.

Curators will provide press tours of the two exhibitions.

Celebration, All day, Monday, April 24, Thomas Jefferson Building

9:30 a.m.–10:30 a.m.—Great Hall: First day of issue stamp and coin ceremonies. Stamps and coins on sale.

11 a.m.–11:45 a.m.—Visitors' Center: Press Preview. Launch of americaslibrary.gov, a new entertaining Web site for children and their families. New public service advertising campaign unveiled for television, radio and Web.

Noon–2 p.m.—Jefferson Building grounds: Free performances and concert honoring American Voice and Song, featuring:

The Saturday Night live Band
Kevin Locke and Reuben Fasthorse
Ralph Stanley and The Clinch Mountain Boys
Dianne Reeves
Mickey Hart and Bob Weir
Kan Kouran Dancers
Pete Seeger and Tao Rodriguez
Kathy Mattea
Tito Puente
Giovanni Hidalgo
The Army Blues

12:30 p.m.—Photo op, Main stage outside of the Thomas Jefferson Building: Librarian of

Congress James Billington will be joined by "Living Legends" and Big Bird and Maria of "Sesame Street" in blowing out the candles on a large birthday cake in the shape of the Thomas Jefferson Building.

6:30 p.m.—Great Hall: Remarks by David McCullough and Librarian of Congress James H. Billington and opening reception for "Thomas Jefferson" exhibition. By invitation only; open to press to cover.

LIBRARY OF CONGRESS CELEBRATES BICENTENNIAL WITH MAJOR EXHIBITION ON THOMAS JEFFERSON

JEFFERSON'S LIBRARY REASSEMBLED FOR FIRST TIME SINCE 1815

The keystone for the Bicentennial celebrations of the Library of Congress is an exhibition about the Library's very own "founding father," Thomas Jefferson, whose personal library of 6,487 books was the seed from which the nation's library grew. Congress purchased Jefferson's library after its own collections, housed in the U.S. Capitol, were burned by the British in 1814.

That library—the original volumes that came to Washington in carts from Monticello—will be a major feature of the "Thomas Jefferson" exhibition. Because of an 1851 fire in the Library, many of those original books had been lost. Spurred by a very generous donation of Jerry and Gene Jones, as a Bicentennial "Gift to the Nation," the Library has been reassembling copies of the same editions of the works that Jefferson held. The reconstituted Jefferson's library should be more than 90 percent complete by April 24.

The display of Jefferson's library as part of this exhibition will be the first time ever that the public will be able to view Jefferson's library. It is also the first time that the volumes have been assembled in one place in the original order that Jefferson himself devised since the collection came to Washington in 1815. Visitors to the exhibition will be able to tell which volumes were owned by Jefferson and sold to Congress in 1815, which were recently identified and pulled from the Library's general collections, which have been recently purchased, and which are still missing.

"Thomas Jefferson" will be on view in the Northwest Gallery and Pavilion of the Thomas Jefferson Building, 10 First Street S.E., from April 24 through October 31. Hours for the exhibition are 10 a.m. to 5 p.m. Monday–Saturday.

Items from the exhibition are available on the Library's Web site at www.loc.gov, and by April 24 the Library's entire collection of Jefferson Papers (more than 25,000 items) will be accessible on-line.

Thomas Jefferson—founding father, farmer, architect, inventor, slaveholder, book collector, scholar, diplomat and third president of the United States—was a complex figure who contributed immeasurably to the creation of the new republicanism in America. Wherever Anglo-American culture has shaped political and intellectual developments, Jefferson is almost inevitably part of the mix. Drawing on the extraordinary written legacy of Thomas Jefferson that is held in the Library's collections, the exhibition traces Jefferson's development from his earliest days in Virginia to an ever-expanding realm of influence in republican Virginia, the American Revolutionary government, the creation of the American nation, the revolution in individual rights in America and the world, the revolution in France, and the burgeoning republican revolutionary movement throughout the world. Items borrowed from other institutions contribute to the exhibition's attempt to offer viewers a fully rounded portrait of the nation's third president.

The exhibition focuses on the complexities and contradictions of Thomas Jefferson, the man, the myth, the model. He was simultaneously an unquenchable idealist and a third-headed realist. He deplored inequality among men, but owned slaves, supported servitude, and relegated women to a secondary role. He supported freedom of the press until his own foibles and politics became the focus. He was a firm believer in the separation of church and state, but he was often accused of being anti-Christian. He expounded the virtues of public education, ensured that his own daughters were well educated, and founded a public university at Charlottesville, but he assumed that access to higher education would be strictly limited. His life embodies the public and private struggles of life in a democratic republic.

Some 150 items in the eight sections will illustrate and provide a context for the life and character of Thomas Jefferson. The final and ninth section will be the reassembled "Jefferson Library." Visitors to the exhibition will see such items as the only surviving fragment of the earliest known draft of the Declaration of Independence as well as the desk on which he composed the Declaration; Martha Jefferson's thread case; Jefferson's instructions to Lewis and Clark; political cartoons of the day lampooning Jefferson; and the last letter that Thomas Jefferson wrote to the mayor of the city of Washington just 10 days before he died, espousing his vision of the Declaration of Independence and the American nation as signals of the blessings of self-government to an ever-evolving world.

"Life and Labor at Monticello" examines how Jefferson's family, his era, education, role as plantation master and slaveholder, and his love and use of books influenced his character and the formation of his ideas on individual and institutional rights and limits. Items include:

Thomas Jefferson's Memorandum Book, 1773, where he kept detailed records on his expenditures including the purchase of slaves;

Plantation account books kept by Jefferson's wife and then his granddaughter, recording purchases made from Monticello slaves, especially the Hemings family, for vegetables and fowl from the slave families' own flocks and gardens;

The 1873 memoir by Madison Hemings published in the Pike County (Ohio) Republican, who testified that his mother, Sally Hemings, gave birth to five children "and Jefferson was the father of them all." Historical evidence, both circumstantial and direct, documentary and oral, along with DNA testing in 1998, substantiates Hemings' assertion;

Letters Jefferson exchanged in 1791 with Benjamin Banneker, a free black living in Maryland, in which Jefferson praised Banneker's mathematical accomplishment ("no body wishes more than I do to see such proofs as you exhibit, that nature has given to our black brethren, talents equal to those of the other colors of men * * *") as well as with Abbé Henri Gregoire in 1809 trying to explain why he asserted the inferiority of African Americans in his Notes on the State of Virginia published in 1785; and

Letter written by Thomas Jefferson to John Adams in 1815 in which he says, "I cannot live without books, but fewer will suffice where amusement, and not use, is the only future object."

The exhibition continues by demonstrating the expanding influence of Jefferson on American life and his interest in creating a culture based on republican principles—first in his own state of Virginia, then on the federal scene with his drafting of the Declaration of Independence and his election to the presidency in 1800. On view are:

One of the nation's greatest treasures—Jefferson's "original Rough draught" of the Declaration of Independence. The "Rough draught" is the final draft presented by Jefferson to his fellow committee members and indicates changes made by John Adams and Benjamin Franklin;

Fragment of the earliest known draft of the Declaration of Independence in Jefferson's hand;

An 1806 document in President Jefferson's hand calling upon Congress to end the practice of importing slaves as soon as permitted by the U.S. Constitution in 1808; and

Notes on the State of Virginia, 1785, the only book ever published by Thomas Jefferson.

"The West" explores Thomas Jefferson's persistent fascination with the vast part of the continent that lay beyond Virginia—an area he never saw—and his conviction that the new nation had to expand westward in order to survive. A highlight is Jefferson's instructions to the explorers Meriwether Lewis and William Clark before they set out to map and explore the Western territories with their Corps of Discovery in 1803. Visitors can also see a Nicholas King manuscript map documenting the Lewis and Clark expedition that is annotated by Lewis with information from fur traders and Native Americans.

The influence of Jefferson's republican ideas were felt far beyond America, especially in France, his first experience on the world stage beyond America. He became an ardent supporter of the French revolution and often consulted with Lafayette during the drafting of the French Declaration of the Rights of Man. In a July 9, 1789, letter to Jefferson, Lafayette asked him for his "observations" on "my bill of rights" before presenting it to the National Assembly. On view in the exhibition is a manuscript copy of the French Declaration written in a clerical hand, with emendations in the hand of Thomas Jefferson. Also in the exhibition is the 1789 passport that Thomas Jefferson used upon his return from France, signed by King Louis XVI.

The exhibition concludes with "Epitaph: Take Care of Me," which reviews Jefferson's own evaluation of the meaning of his life and his thoughts about how he would be viewed by history. Key items here are: A sketch and wording for Jefferson's tombstone, in his own hand; A letter explaining his position on slavery, written just six weeks before his death; A letter to Jefferson from his granddaughter, Ellen Randolph Coolidge, despairing of the "canker of slavery" that oppresses the Southern states; and A newspaper account of the sale of Jefferson's slaves by his heirs in order to pay off estate debts.

A volume accompanying the exhibition, Thomas Jefferson: Genius of Liberty, includes an introduction by Garry Wills and essays by Jefferson scholars Pauline Maier, Charles A. Miller, Annette Gordon-Reed, Peter S. Onuf and Joseph J. Ellis. Published by Viking Studio, the hardcover volume is highly illustrated with mostly color images and sells for $35. It is available in major bookstores and from the Library's Sales Shops; order with major credit card by calling (202) 707–0204.

COMMEMORATIVE COINS AND STAMP ISSUES FOR THE NATION

The Bicentennial of the Library of Congress presents a unique opportunity for commemorative items. Commemorative coins and a commemorative stamp for the Library's Bicentennial will be issued on April 24, the Library's 200th birthday.

The Citizens Commemorative Coin Advisory Committee recommended enactment of legislation to mint a commemorative coin to honor the Library of Congress's Bicentennial. As one of only two commemorative coins to be issued in 2000, this is an extraordinary honor for the Library. The Library's coin will be the nation's first bimetallic coin (gold and platinum) and the first commemorative with the new millennium date.

The minting of commemorative coins requires passage of legislation by both chambers of the U.S. Congress. The coin bill (H.R. 3790) was passed by the House of Representatives on August 4, 1998, and by the Senate on October 6. President Clinton signed the bill into law as P.L. 105–268 on October 19, 1998. The design of the commemorative coins by sculptors and engravers at the Philadelphia Mint is under way.

The Citizens' Stamp Advisory Committee, a group of independent citizens appointed by the Postmaster General to review the more than 40,000 suggestions for stamp subjects received by the U.S. Postal Service annually, recommended a commemorative stamp for issuance in honor of the Library's birthday. Ethel Kessler, the designer of the breast cancer stamp, designed the Library's Bicentennial commemorative stamp, which features a photograph by Michael Freeman of the interior dome and several of the arched windows in the main Reading Room in the 1897 Thomas Jefferson Building.

The stamp will be issued on April 24, 2000, during a ceremony to be held in the Jefferson Building in Washington. From April 25 through May 31, state and local libraries across the country will hold issuance ceremonies to celebrate the Library's birthday and to applaud the important role of libraries throughout the United States.

How You Can Participate: If your library or other institution would like to sponsor a second-day-issue event, contact Kathy Woodrell in the Bicentennial Program Office at (800) 707–7145 or kwoo@loc.gov.

THE LOCAL LEGACIES

The Local Legacies project is an opportunity for citizens to participate in the Library of Congress's Bicentennial Program. Working through their U.S. senator or representative and with hometown libraries, folklife organizations and other local cultural institutions, Americans everywhere have been participating in an unprecedented effort to document the cultural heritage of communities throughout the nation.

What is a local legacy?

It is a traditional activity or event that merits being documented for future generations. A Local Legacy might include the music, crafts or food customs that represent traditional life. Examples of defining or signature events include a rodeo, powwow, auction, market-day celebration, parade, procession or festival. Local Legacies might also include the artistry of individuals performing traditional music or dance, or working at crafts or trades. From zydeco music to decoy carving, rodeos to dogsled races, parades to food festivals, the Local Legacies project is reaching into every corner of the nation to document America's folk heritage.

More than 1,000 Local Legacies projects, which were selected by members of Congress in every state and the District of Columbia, celebrate the nation's diversity as a source of its strength and vitality. As a whole, the projects will serve as a snapshot of everyday life in America at the turn of the 21st century and will be preserved in the Library's Folklife Center and made available for study by others.

On May 23, the Library of Congress will celebrate these cultural and historical contributions to the Bicentennial with participants and their Congressional representatives. Selections from the Local Legacies projects will be digitized and shared electronically over the Internet at www.loc.gov, where Americans for generations to come will be able to learn about their cultural heritage.

A NEW COLLECTION OF AMERICA'S FAVORITE POEMS

Poet Laureate of the United States Robert Pinsky launched the Favorite Poem Project with poetry readings in New York, Washington, Boston, St. Louis and Los Angeles in April 1998, during National Poetry Month. A part of the Library of Congress Bicentennial celebration, the Project has created audio and video archives of Americans of all ages, backgrounds and walks of life reciting their favorite poems. At the heart of this initiative is Mr. Pinsky's belief that poetry is meant to be read aloud.

''The archives will be a record at the end of the millennium of what we choose and what we do with our voices and faces, when asked to say aloud a poem that we love,'' said Mr. Pinsky, appointed Poet Laureate in 1997 by Librarian of Congress James H. Billington. Mr. Pinsky is serving an unprecedented third term as Poet Laureate.

The two long-term goals of the Favorite Poem Project are to promote the reading and appreciation of poetry and encourage the teaching of poetry in schools nationwide. Collaborating with Mr. Pinsky are the New England Foundation for the Arts, which administers the program, the Library of Congress, which is the home of the Poet Laureate, and Boston University.

The Project aims to record up to 1,000 Americans saying poems that they love. Mr. Pinsky will deliver the first 50 audio and video segments to the Library of Congress as part of a Library-sponsored poetry symposium scheduled for April 3–4, 2000. The audio and video tapes will become a permanent part of the Library's Archive of Recorded Poetry and Literature. ''This will be a gift to the nation's future: an archive that may come to represent, in a form both individual and public, the collective cultural consciousness of the American people at the turn of the century,'' said Mr. Pinsky, a professor of English and creative writing at Boston University.

For information on the Favorite Poem Project, visit the Project's Web site at www.bu.edu/favoritepoem/.

NEW RADIO SERIES TO AIR FOR LIBRARY OF CONGRESS BICENTENNIAL

''Favorite Poets.'' a series of four one-hour programs of American poets interviewed by Grace Cavalieri, will air on public radio during National Poetry Month, April 2000, In Washington, D.C., the series will be heard on WPFW–FM on Sundays at 9 p.m. on April 16 and 23. (Check listings for local dates and times.)

Guests on the series are U.S. Poet Laureate Robert Pinsky, former Poet Laureate Rita Dove, and Pulitzer Prize winners Louise Glück and W.S. Merwin. The poets, recorded at the Library of Congress, honor the Library's Bicentennial celebration on April 24, as well as National Poetry Month.

Each program presents the poets reading their work, a discussion of the writing process, and a portrait of the poet through conversation and interview, with an entertaining look at the personal and poetic lives of each of these literary figures. The poetry archives at the Library are among the largest and most comprehensive in the world.

Grace Cavalieri, host of the series, is a familiar voice on public radio, having presented more than 2,000 poets through her program ''The Poet and the Poem'' on WPFW–FM from 1977 to 1997. She has had 11 books of poetry published, and a number of her plays have been produced throughout the country and Off-Broadway. She has received the Allen Ginsberg Award for Poetry, the Pen Syndicated Prize for Fiction, and the Silver Medal from the Corporation for Public Broadcasting for ''entertainment and innovation in radio.''

''Favorite Poets'' will be distributed nationally via NPR satellite, Interested listeners should contact their local public radio stations for times and dates of airing. The program is a Bicentennial project of the Library of Congress with funding provided by the Madison Council, the Library's private sector advisory group.

For more information on the 200th birthday celebrations of the Library of Congress, call (202) 707–2000 or visit the Library's Web site at www.loc.gov.

NEW BOOK CELEBRATES 200-YEAR HISTORY OF THE LIBRARY OF CONGRESS

America's Library: The Story of the Library of Congress, 1800–2000 by James Conaway will be published in April by the Library of Congress in cooperation with Yale University Press. The publication is one of several planned to celebrate the Library's Bicentennial on April 24, 2000.

The Library was founded in 1800 with the primary mission of serving the research needs of the United States Congress. During the past two centuries the collections have evolved into the largest repository of knowledge in the world and are accessible to all Americans. The Library maintains a collection of nearly 119 million books, maps, manuscripts, photographs, motion pictures, sound recordings and digital materials in some 460 languages.

''In America's Library, James Conaway invites you to learn the story of this great and complex institution, during its two centuries of development, as the men and women within its walls collect, preserve, and make useful the heritage it holds,'' said Librarian of Congress James H. Billington. ''Its collections represent and celebrate the many and varied ways that one generation has informed another.''

This lively account of the Library of Congress is filled with an immense cast of characters ranging from presidents, poets, journalists, and members of Congress to collectors, artists, curators, and eccentrics. The author focuses the Library's 200 year history on the 13 men who have been appointed by presidents to lead the Library of Congress. He investigates how the Librarians' experiences and contributions, as well as the Library's collections, have reflected political and intellectual developments in the United States. Each Librarian confronted great challenges: the entire Library collection was lost when the British burned the Capitol in 1814, and rebuilt a year later with Thomas Jefferson's personal library; in the 1940s, a

backlog of 1.5 million objects waited to be cataloged; the gigantic task of replacing the card catalog with a computerized system was undertaken in the 1980s. In the 1990s, the current Librarian, Dr. Billington, has expanded the reach of the institution nationwide through the National Digital Library Program (www.loc.gov). The Library's widely acclaimed Web site is one of the most heavily used in the federal government.

Yet each Librarian also enjoyed the excitement of acquiring unique treasures—from Walt Whitman's walking stick to the papers of the Wright brothers, from the Civil War photographs of Mathew Brady to the archives of Leonard Bernstein. The thrill of using these collections in the Library's Thomas Jefferson building is conveyed in the book's introduction, ''One Writer's Library,'' by biographer Edmund Morris:

''Those lights, those glowing rectangles and portholes, are windows into the central repository of our nation's cultural intelligence: a cerebellum, a sanctum of free thought forever energized by the spirit of Thomas Jefferson.''

Conaway is the author of eight books, including The Smithsonian: 150 Years of Adventure, Discovery and Wonder, copublished by Smithsonian Books and Alfred A. Knopf in connection with the Smithsonian's 150th anniversary celebration in 1996. He is the former Washington editor of Harper's and has written for many publications: Civilization, The Atlantic Monthly, The New York Times Magazine, National Geographic, and Preservation.

America's Library—a 256-page, hardbound book—is available for $39.95 in major bookstores and from the Library of Congress Sales Shops (Credit card orders: 202–707–0204).

THE WIZARD OF OZ IS SALUTED IN LIBRARY OF CONGRESS BICENTENNIAL EXHIBITION

The ''yellow brick road'' leads to the Library of Congress on April 21 with the opening of an exhibition marking the 100th anniversary of one of America's most beloved stories, The Wonderful Wizard of Oz. The Library's Copyright Office registered this work by L. Frank Baum in 1900, and it has gone on to become one of the most profitable and well-known copyright ever issued.

Since its publication, the book has outsold all other children's books in numerous editions. It has also inspired a long series of sequels, stage plays and musicals, movies and television shows, biographics of Baum, scholarly studies of the significance of the book and film, advertisements, toys, games and all sorts of Oz-related products.

Drawing on the Library's unparalleled collection of books, posters, films, sheet music, manuscripts and sound recordings, ''The Wizard of Oz: An American Fairy Tale'' examines the creation of this timeless American classic and traces its rapid and enduring success and its impact on American popular culture. It can be seen in the South Gallery of the Great Hall of the Thomas Jefferson Building from April 21 through September 23. Hours for the exhibition are 10 a.m. to 5:30 p.m. Monday-Saturday.

Approximately 100 items in a variety of formats will be on view from the Library's collections, including play scripts, rare books, photographs, posters, drawings, manuscripts, maps, sheet music and film, as well as three-dimensional objects such as figurines, dolls, games and toys. The Library will supplement its own large holdings with items borrowed from other museums, libraries and private collectors.

Of particular interest to visitors of the exhibition will be items related to the classic 1939 film ''The Wizard of Oz,'' including a pair of the ruby slippers (size 5B) worn by Judy Garland as Dorothy; the sacrecrow costume worn by Ray Bolger; the mane and beard worn by Bert Lahr as the Cowardly Lion; a Munchkin costume; and an Emerald City townsman's coat. These are supplemented with publicity shots and photographs taken on the set of the film, related sheet music, recordings, magazine advertisements, posters and lobby cards, from the Library's own collections. Clips from other Oz films—from early silents to ''The Wiz''—will be shown on a video kiosk.

L. Frank Baum's ability to make fantastic circumstances seem plausble, combined with illustrator W.W. Denslow's striking color plates and line drawings, produced a volume that was innovative both in style and presentation. The first edition of the book, along with the original copyright application handwritten by Baum, will be on display along with six of the black-and-white Denslow illustrations for the book. Some of Baum's pre-Oz books will be shown, along with a selection of other books set in the ''Land of Oz'' authored by Baum.

Children especially will be fascinated with the selection of Oz-related souvenirs and novelties including plates, figurines, games, greeting cards, Christmas ornaments, music boxes, paper dolls and coloring books.

For nearly 130 years, the Copyright Office in the Library of Congress has served as America's ''national registry for creative works.'' The 1870 law that centralized the copyright function in the Library of Congress—and set up the copyright deposit system that systematically brings two copies of every item registered for copyright to the Library—helped to create the unequaled national collections that form the core of today's Library of Congress.

Through the copyright records, one can trace the career of Frank Baum, America's great fantasist, who lived from 1856 to 1919, beginning with the 1882 copyright registration for Baum's first theatrical venture, Maid of Arran, to the publication of the last book in his Oz series, Glinda of Oz, published in 1920.

NEW BOOK FEATURES THE ARCHITECTURE OF THE LIBRARY'S THOMAS JEFFERSON BUILDING

The Library of Congress: An Architectural Alphabet will be published in April by the Library of Congress in cooperation with Pomegranate Press. The publication is one of several planned to celebrate the Library's Bicentennial on April 24, 2000.

Across the street from the United States Capitol in Washington, D.C., stands the first of the three Library of Congress buildings. The Thomas Jefferson Building, completed in 1897 and named for the president in 1980, is a landmark in the nation's capital as well as one of the country's great architectural treasures.

''At the heart of all our efforts stands the Jefferson Building, a heroic structure that is at once celebratory, inspirational, and educational,'' said Librarian of Congress James H. Billington. ''Few places represent human aspiration in such dramatic fashion.''

The Library of Congress: An Architectural Alphabet opens doors into many of the extraordinary spaces and features that rest within the 600,000 square feet enclosed by the building's historic walls. The book offers an illustrated tour of the Library's art, architecture, and sculpture, created by some 50 artists and artisans. From A (for arch) to Z (for zigzag), it explores the Jefferson Building's unusual architectural details—egg-and-dart molding, helixes, jambs, pilasters, quoins, spandrels, tripods, vaults, and even an X-motif printer's mark. Illustrations and descriptions are joined by a colorful alphabet drawn from the Library's collection of rare books and manuscripts.

Visitors must allot many hours to see all of this landmark's 409,000 cubic feet of granite, 22 million red bricks, 500,000 enameled bricks, 2,165 windows, 15 varieties of marble, untold numbers of classical columns, and millions of items. Compact in a 9-by-9-inch format, the Architectural Alphabet is a wonderful place to start.

The Library of Congress: An Architectural Alphabet—a 64-page, hardbound book, with 29 color photographs—will be available for $17.95 in major bookstores and from the Library of Congress Sales Shops (Credit card orders: 202–707–0204).

GIFTS TO THE NATION

NATIONAL COLLECTIONS, ENDOWED CHAIRS, ENDOWED CURATORSHIPS AND NATIONAL FOCAL POINTS OF SCHOLARSHIP

The Library of Congress occupies a unique place in American civilization. For nearly 200 years, the Library has collected and preserved our national cultural heritage. The collection of nearly 119 million items housed in the Library represents America's ''creative legacy,'' and ranges from books, maps and manuscripts to photographs, motion pictures and music. Copyright deposits have been a major source for the Library's collections, yet the Library has also received a significant portion of its unparalleled collections as special gifts from donors, collectors and Americans who aspire to preserve our national heritage for generations to come.

Without the generosity of such benefactors, the Library would not have the diaries of Orville and Wilbur Wright, the music of George and Ira Gershwin and Leonard Bernstein, the outstanding Stern Collection of Abraham Lincoln materials, the Rosenwald Collection of rare illustrated books from as far back as the 15th century, or its largest manuscript collection—from the NAACP.

The Library has identified additional materials that, because of their significance to American life and learning, belong in the national library, where they will be preserved and made available for future generations of Americans. Gifts to the Nation is an opportunity to support the acquisition of these important cultural legacies.

A very special undertaking is the effort to rebuild the original core of the Library—Thomas Jefferson's vast and diverse personal collection—which he sold to Congress after the British burned the U.S. Capitol, including the Library of Congress, in 1814. Tragically, in 1851, nearly two-thirds of Jefferson's library was destroyed in another Capitol fire. Jefferson believed that there was ''no subject to which a member of Congress may not have the occasion to refer,'' and reconstructing his wide-ranging collection, the scope of which is reflected in the current Library of Congress holdings, will provide new insights into the mind of one of our nation's greatest thinkers and reinforce the Jeffersonian principle upon which the Library of Congress was built—that free access of information and knowledge is one of the cornerstones of democracy.

To enhance the research opportunities at the Library, the Bicentennial celebration also includes giving opportunities for Endowed Chairs, Endowed Curatorships and National Focal Points of Scholarship. Support of these programs will ensure that experts

from diverse fields of study use and write about the Library's collections as well as provide advice on collection policies for future acquisitions.

How You Can Participate: If you would like to support Gifts to the Nation, contact Winston Tabb, Associate Librarian for Library Services, at (202) 707–6240 (wtab@loc.gov), or Norma Baker, Director of the Development Office, at (202) 707–2777.

ADDITIONAL STATEMENTS

HONORING GEORGIA'S VIETNAM VETERANS

• Mr. COVERDELL. Mr. President, as we approach the 25th Anniversary of the end of the Vietnam War, I rise today to pay tribute to those in my home state who answered the call of duty and were part of this great conflict.

The Vietnam War took place over the course of seventeen years, from the first formal American involvement in 1958 to the fall of the South Vietnamese government in 1975. Perhaps no other conflict in American history presented greater challenges to those who fought. A forbidding climate, combined with a tenacious opponent and attempts by some back home to undermine our effort, conspired to present our troops with near-impossible challenges.

My home state has a fine military tradition forged over the last 225 years. This legacy was upheld with honor throughout the Vietnam conflict. All told, Georgia sent 228,000 of its finest men and women to serve during the war. 1,584 were killed in action, and 8,534 were wounded. Twenty-one were held as prisoners of war, and to this day, thirty-nine remain missing in action. Youth from places like Snellville and Americus were thrown into an environment that was both unknown and very deadly. To say they did their duty well and with honor would be an understatement.

To honor its Vietnam veterans, my state dedicated a three-figure statue on Veterans' Day, 1988. In 1997 the Georgia Vietnam Wall was dedicated, listing the names of the 1,584 Georgians who died in the war.

Earlier this year the Georgia General Assembly passed a resolution commending Vietnam veterans and their families for their outstanding service to Georgia, America, southeast Asia, and the world. In addition, the General Assembly recognized that these brave troops did not lose the war, but rather that they simply were not allowed to win, and that their duty was just and honorable. I could not agree more.

Georgians have long recognized that freedom is not free and that we must always honor those who were willing to give their lives for it. As this era in our nation's history fades ever farther into the past, it is our duty to ensure that the people of all ages recognize and honor those who fought for the freedom they enjoy today. More so than winning or losing, the soldiers of the Vietnam war proved through their sweat and blood that we are willing to fight to defend the freedom we cherish and enjoy, no matter what the circumstances.

Mr. President, my state will observe the 25th Anniversary of the end of the Vietnam War on May 5–7, 2000. I encourage all Americans to take time during these dates to honor and remember those who served in Vietnam and the name of freedom.•

INVITING THE NATION TO SAIL BOSTON 2000

• Mr. KERRY. Mr. President, I rise today to extend an invitation to the nation to join Massachusetts and the City of Boston in celebrating the gathering of tall ships for Sail Boston 2000.

The tall ships represent a nautical history that stretches across the globe. The International Sail Training Association, jointly with the American Sail Training Association, is organizing the Tall Ships 2000 Race. I am proud to say that Boston Harbor has been granted the opportunity to be the only official United States Race Port.

Beginning in April 2000, two races will start from Southampton and Genoa, finishing in Cadiz. The second leg will be a transatlantic race to Bermuda, and from there, the fleet heads north to Boston. This journey will replicate the routes taken by mariners and explorers over the last five centuries.

On July 11th, 2000, the Tall Ships will parade into Boston Harbor, and they will be led by the oldest ship in the U.S. Navy; America's Old Ironsides; the U.S.S. *Constitution*. This national treasure was originally built in Boston between 1794 and 1797, and was charged with the task of defending a young American nation. This ship, the oldest commissioned warship in the world, set to sea in 1798, and in July 1999, the U.S.S. *Constitution* operated under her own sail for the first time in 116 years.

This international fleet will be one of the finest gatherings of tall ships. Among the Sail Boston 2000 fleet are historic ships such as: *Mir* of Russia; *Concordia* of Canada; *Juan Sebastian De Elcano* of Spain; *Pogoria* of Poland; and the *Amerigo Vespucci* of Italy.

Massachusetts and the historic Boston Harbor, which offers the perfect setting for this occasion, will open itself up to visitors from around the world, and over six million spectators are expected to visit us and enjoy the festivities. The history that the Tall Ships represent belongs to all of us, and it is my hope that visitors from every state in the nation will take the opportunity to visit Massachusetts and participate in this historic celebration.•

NATIONAL PARK WEEK

• Mr. GRAMS. Mr. President, I come to the floor today to speak for a few minutes about National Park Week and the value of National Parks to our nation's citizens.

As families and individuals throughout our nation know, America's national parks are the envy of the world and considered by many to be our national treasures. In our nation's parks, wildlife flourish, scenic beauty remains abundant, and families escape the pressures of everyday life. Our parks are truly one of our nation's best investments—an investment that will provide generations of Americans with the same recreational and educational opportunities we now enjoy.

President Clinton has designated April 17–23, 2000, as National Park Week. The National Park Service now estimates that over 285 million Americans visit our 378 national parks every year. At each site, visitors find themselves confronted with important moments in our nation's history, wonderful natural scenic sites, and cultural treasures which remind us of our distinguished, and sometimes difficult, past. Our parks, in many ways, are a microcosm of our nation and of ourselves, and they continue to document for future generations those qualities about America which must be preserved for eternity.

In the 105th Congress, I was proud that Congress took a significant step forward in updating the management of our Nation's parks and improving visitor services by passing the "Vision 2020 National Park System Restoration Act," a bill I cosponsored. The Vision 2020 Bill, authored by Senator CRAIG THOMAS of Wyoming, is a commonsense approach to improving both the management and facilities of national parks by bringing everyone to the table and seeking consensus. The passage of the Vision 2020 bill was an important first step toward bringing accountability to park management, addressing the tremendous backlog of park projects, and improving visitor services.

I was also proud to obtain $2 million in last year's appropriations bills for the National Park Service's portion of the Mississippi River National Center in Minnesota's new Science Museum. The exhibit will include information on the importance of the Mississippi River to Minnesota's array of interests. This is a partnership between the Park Service and the Science Museum that will give Minnesotans a greater appreciation for all aspects of recreation and commerce on the Mississippi River.

My home state of Minnesota is home to five units of the National Park Service. They are Voyageurs National Park, which on April 8 celebrated its 25th anniversary, Pipestone National Monument, Grand Portage National Monument, the Mississippi National

River and Recreation Area, and the Saint Croix National Riverway. I've urged Minnesotans to visit these sites during this week and to gain a greater appreciation for opportunities they offer.

Mr. President, our parks remain one of America's most important legacies for future generations and a constant reminder of the progress, splendor, and triumphs of our past.●

PROFESSOR ROBERT KERN

● Mr. BINGAMAN. Mr. President, I rise today to pay tribute to Robert Kern, a longtime professor at the University of New Mexico where he is head of the European section of the history department. With a Ph.D. from the University of Chicago, Dr. Kern's studies, teachings, and writings are centered on Iberian history, and the history of labor in various societies. In nearly 35 years of teaching at UNM, he has earned a well-deserved reputation as a thoughtful professor and a distinguished writer.

Believing that teaching is just about the noblest profession anyone can undertake, and coming from a family of teachers myself, I admire more than I can say what Professor Kern has done in this career. As a father, I admire more than I can say the fine job he did raising his sons, one of whom, Josh, worked on my staff for several years. The love, care, and attention Robert Kern gave his boys is reflected in their own lives and I suspect that of all of his achievements in a life well-lived, they are his pride and joy.●

COMMEMORATING THE 20TH ANNIVERSARY OF VIETNAM VETERANS OF AMERICA'S FIRST CHAPTER IN RUTLAND, VERMONT

● Mr. JEFFORDS. Mr. President. Two years ago, I stood before you as the proud sponsor of a resolution commemorating the 20th anniversary of the Vietnam Veterans of America (VVA). Today I am here to honor the 20th anniversary of VVA's first chapter—born and raised in my home town of Rutland, Vermont.

Twenty years ago, Vietnam Veterans were suffering under the wave of anti-Vietnam sentiment that had swept the nation. Little recognition was given to their sacrifices during the war. And in fact, there was even a great deal of official denial about the extent of the price that had been paid by these veterans, both physical and emotional. It would be years before Post-Traumatic Stress Disorder would be a recognized condition for many veterans and years before the Federal Government would admit that use of Agent Orange had left a terrible legacy of continued suffering for our veterans. The founders of the VVA felt that they must have an organization to speak directly to those needs. The outpouring of enthusiasm from the veterans themselves demonstrated the depth of these feelings.

In 1979, during a trip to Vermont, VVA founder Bobby Muller met Don Bodette. Don supported the notion of an organization of and for Vietnam era veterans, but felt that it would only be truly successful if they mobilized locally and established chapters. The power of Don's logic and commitment persuaded Bobby Muller to adopt his model. On April 13, 1980, VVA Chapter One was established in Rutland, Vermont. Taking up the challenge, Don was joined by Jake Jacobsen, Albert and Mary Trombley, Mike Dodge, Dennis Ross and Mark Truhan, to name a few. Today, April 13, 2000, VVA Chapter One has 120 members hailing from 19 states and 3 other countries.

I would like to add my voice to the multitudes both in and outside of Vermont who are celebrating this auspicious anniversary. I join in recognizing the tremendous work done by the VVA, both in Vermont and nationally. As a Vietnam era veteran myself, we all owe a debt of gratitude to VVA Chapter One's farsighted founders and the committed members who have followed their lead. Happy 20th Birthday, Chapter One! May you have many more!●

THE 30TH ANNIVERSARY OF GREEN UP DAY

● Mr. LEAHY. Mr. President, nearly 30 years ago, my predecessor, the late Senator George D. Aiken, rose to report to the Senate on a new Vermont initiative called "Green Up Day." He described an effort, then in its second year, in which thousands of Vermont citizen volunteers of all ages combed the streets, highways, back roads, and village greens to pick up litter and beautify their state.

Another distinguished colleague of mine, Senator Robert Stafford, kept these same Vermonters' thoughts in mind when he courageously led this Senate in the fight to build strong national environmental policies—including Superfund—to protect public health, air, water, and land.

The very first Green Up Day was a simple initiative born on April 18 of 1970—a few days before the first Earth Day. Today it is an annual Vermont tradition. On May 6, 2000, thousands of Vermonters will celebrate the official 30th anniversary of "Green Up Day" just as they have for so many years—by picking up trash bags and devoting their day to the beautification and clean up of our Green Mountain State.

Over the years, one organization, Vermont Green Up, has diligently coordinated volunteers and spread the ideas of Green Up Day. Vermont Green Up has sponsored annual poster contests for students, cleaned up several illegal dumps, and helped other states—and even other countries—organize their own "Green Up" efforts.

In fact, my own daughter, Alicia, thought so much of Vermont Green Up that she served as their Executive Director for a few years. Alicia had the pleasure of serving in that position with Bob Stafford on the board. She also made sure her father was out picking up trash with her on Green Up Day!

I congratulate Vermont Green Up, the financial sponsors supporting Green Up Day, and the thousands of Green Up Day volunteers. These are the people who continue to make the first Saturday in May an extraordinary day for Vermont's environment. The fact that we are now celebrating the 30th anniversary of Green Up Day is a testament to these Vermonters untiring dedication to the environment of our Green Mountain State.●

CALHOUN COUNTY CELEBRATES CHARACTER EDUCATION AWARENESS WEEK

● Mr. ABRAHAM. Mr. President, I rise today to recognize a very special event taking place next week in the State of Michigan. The city of Battle Creek and the greater Calhoun County are officially recognizing April 17–21, 2000, as Character Education Awareness Week. Character Unlimited, a group which works to raise awareness of the importance of good character and to train others to integrate character development in their organizations and areas of influence, and the Battle Creek Chamber of Commerce are cosponsors of the event.

Four goals have been set for the week: first, to inform the public about character education initiatives throughout Calhoun County; second, to raise awareness and interest in the importance of mentoring and role modeling; third, to address youth about the importance of character based decision making and non-violent conflict resolution; and, finally, to raise community awareness of Character Unlimited and the work of the organization.

Increasingly, the notion of character has found a place in the national dialogue, particularly in this, an election year. What is getting lost in the debate, I feel, is a look at where character comes from, how it is developed within children and adults alike, and the role communities can play in developing character within their youth. Good character is not innate, Mr. President, it requires conscientious education, effort and role-modeling.

While it goes without saying that parents hold the most important role in this process, they are not the only cog in the wheel. Schools, youth organizations, churches, synagogues, temples, civic organizations, even governmental organizations, all of these groups have the opportunity to set

positive examples for children, and in doing so provide them with a clear-cut example of what is right and what is wrong. More than this, though, for they also have the ability to teach them how to appropriately fight for what is right and against what is wrong. This is positive character development, and it is within all of our grasps.

Mr. President, good character in an individual is not automatic, but it is always attainable. What it requires is hard work by many people. The more positive influences our communities are able to have available to children, the more children we will see developing a strong sense of character. Continuing to use basic common sense as a guide, I think it is easy to imagine what kind of a positive effect this will have on our communities.

Mr. President, I am truly excited about what is happening in Calhoun County April 17–21, 2000. I thank Character Unlimited and the Battle Creek Chamber of Commerce for sponsoring Character Education Awareness Week. Also, I would like to recognize Mr. Erv Brinker, Chairman of Character Unlimited, and Ms. Pat Maliszewski, Program Director, whose hard work have been essential in making this event possible. On behalf of the entire United States Senate, I hope that Character Education Awareness Week is a huge success.●

CELEBRATION OF CHOL CHNAM, CAMBODIAN NEW YEAR

● Mr. REED. Mr. President, I rise today to join Cambodian-Americans in celebration of the Cambodian New Year, Chol Chnam, one of the major celebrations of the Cambodian culture. Over the next three days there will be gatherings across the United States to celebrate the beginning of the Year of the Dragon. I take this opportunity to wish all of these people a very happy New Year.

The Cambodian New Year represents more than just a renewal of the calendar and traditional end of the harvest, it is also a celebration of faith. Entry into the New Year, or Maha Sangkrant, is marked by the sounding of a bell. With the sounding, it is believed that the New Angel arrives. Throughout the day people participate in ceremonies and bring food to the Buddhist monks and religious leaders. The second day of celebration, or Vana Bat, is a time to show consideration for others. Gifts are given to parents, grandparents and teachers as a show of respect and charity is offered to the less fortunate. The third day, or Loeng Sak, includes more religious ceremonies and rituals to bring good luck and happiness to families.

In my home state of Rhode Island there are numerous businesses owned by Cambodian-American families, most of them in the capital city Providence. These establishments contribute much to the local economy.

The Cambodian New Year is an appropriate time to remind all Americans why we must support the political and economic stabilization of Cambodia. As the nation continues to recover from three decades of civil conflict, including the atrocities committed by the Khmer Rouge, it is critical that the United States and international community aid the Cambodian people in their efforts to build a lasting democracy.

Therefore, on this day marking the beginning of Chol Chnam, I encourage all U.S. citizens to join in the spirit of this special holiday.●

COMMENDATION FOR DR. JAMES BROWNFOX JONES, ESQ.

● Mr. CAMPBELL. Mr. President, I take this opportunity today to call my colleagues' attention to the extraordinary efforts of Dr. James Brownfox Jones who has made countless contributions to his profession and to the community at large. Recently, Dr. Jones was selected as an inductee in the Washington D.C. Hall of Fame in the area of education. Dr. Jones' selection to the Hall of Fame is a testament to his dependable and consistent standard of excellence as an educator and participant in his community. His career reflects his respect and affection for the young people who are our future leaders. And, his record reflects his predominate concern for the more vulnerable youth in this city.

Dr. Jones has distinguished himself in the District of Columbia as an educator and community activist with the mission of helping young people reach their full potential At the Washington School of Psychiatry, Dr. Jones developed and operated an experimental educational program designed to address the educational needs of ''hard core'' juvenile delinquents. And, as a public school teacher, he developed a unique program for special education students.

With a distinguished career spanning more than 30 years, Dr. Jones assisted the mayor in initiating a wide range of innovative programs for the children and youth of the city. These included a mobile recreation wagon, a hot lunch program, a neighborhood youth corps, and the building of go-kart tracks on lots left vacant by the 1968 riots.

Since 1983, Dr. Jones has designed and operated an Independent Living Program for abused and neglected youth in foster care in the District of Columbia. As part of this program, he has sent over 250 young people to college.

Education is a top priority for this Congress, and for me personally. I have served as a tutor and my wife Linda has dedicated her career to teaching in public schools. Both of us have always been strong supporters of public education. It is with that background that I want to express my support for the work of Dr. Jones and to congratulate him on his selection for the Washington, DC Hall of Fame.

Thank you, Mr. President.●

RECOGNIZING THE HERMANN MONUMENT

● Mr. WELLSTONE. Mr. President, I come to the Senate floor today to recognize the numerous contributions that millions German-Americans have made to the United States, and introduce a resolution to designate the Hermann Monument in New Ulm, Minnesota, a national monument.

German-Americans have been an integral part of American history, shaping our artistic, cultural, military and political foundations. Friedrich Muhlenbert, the first Speaker of the House of Representatives, baseball great Babe Ruth, and artist Oscar Hammerstein are just three out of millions of German-Americans who have contributed to the creation of a diverse American culture. Today, German-Americans compose nearly 25% of the American population, making them the largest ethnic group in the United States. Despite this vast number of German-Americans and the significant impact they have had on all facets of American life, unfortunately there is no nationally recognized symbol honoring German-Americans.

The Hermann Monument provides us with an opportunity as a nation to recognize the contributions of German-Americans, past and present. The monument is a unique copper statue of Hermann the Cheruscan, created in 1889 as a tribute to the struggle and triumph of German immigrants who came to the United States. The Hermann monument has become a symbol of unity and endurance to all American-Germans. It appropriately stands tall over New Ulm, Minnesota, a city where nearly 75 percent of the population is of German heritage.

Designating the Hermann Monument as a National German American Monument will re-enforce the important contributions that millions of German-Americans have made to our nation. It is with this goal that I introduce this resolution, and urge my colleagues to support it.●

EXCELLENCE IN EDUCATION AWARDS PROGRAM

● Mr. ABRAHAM. Mr. President, I rise today to recognize the exceptional work of seventeen students who are being honored on April 18, 2000, at the ''Excellence in Education'' Awards Program. Each year, the Auburn Hills Chamber of Commerce recognizes a group of students whose ability and enthusiasm have not only proved to be

outstanding, but also, I am told, has managed to please their teachers on a daily basis.

The purpose of the event is to provide these students with a job-shadowing experience in the field of their interest. For one day, the students work with local professionals in their chosen field, providing them with an unforgettable, and also inspirational, experience. Over the years, the chosen fields have ranged from medical specialties, to creative and performing arts, to business, to technology, and many more.

Mr. President, I applaud the following seventeen students for their outstanding efforts, and thank the Auburn Hills Chamber of Commerce for not only recognizing them, but encouraging them to continue their enthusiastic approach to education: Jeff Austin, Letrice Hudson, Elias Numan, Bryan Phillips, Heather Zygmontowicz, Tenealle Tenwolde, Collin Lasko, Lyndsay McGarry, Kyle Morrison, Brandon See, Jamiecee Baker, Deitra Officer, Ty Bleuenstein, Monique Bramlett, Cristal Moore, Pakou Ly, and Kenneth Venable. On behalf of the entire United States Senate, I congratulate them on their participation in the ''Excellence in Education'' Awards Program.●

A TRIBUTE TO THE UNIVERSITY OF MINNESOTA WOMEN'S HOCKEY TEAM

● Mr. GRAMS. Mr. President, I proudly rise today to pay tribute to the University of Minnesota women's hockey team on their recent national championship victory. This is truly an accomplishment of which all Minnesotans can be proud.

In only its third season, the Golden Gopher program has become a national powerhouse. In 1998, the Gopher's inaugural year, the team finished fourth in the nation. Last year, they crept closer to the national title with a third-place finish. This season's 32–6–1 record was the best in the nation.

Under the leadership of coach Laura Halldorson, the Gopher women defeated instate rival University of Minnesota-Duluth in the semifinals, 3–2, after being down 2–0. This come-from-behind victory gave the Golden Gophers a berth in the American Women's College Hockey Alliance National Championship game versus top-seeded Brown University.

The March 25 championship game at Boston's Matthews Arena proved to be a tough-fought contest. The Gopher women fell behind by a score of 1–0 in the first period, but once again made a strong comeback. Led by goalie Erica Killewald's 34 stopped shots, in the Gophers held off Brown for a 4–2 victory.

While this incredible season was clearly the result of phenomenal teamwork, there are individual efforts that should be recognized. Gopher goalie Erica Killewald's spectacular performance earned her the tournament MVP honors. Also awarded all-tournament honors were Nadine Muzerall, Winny Brodt and Courtney Kennedy.

As the popularity of women's hockey spreads throughout the nation, Minnesotans have embraced the sport—and their Golden Gophers. Now the program is poised to lead the charge towards greater advancements in women's athletics. I commend the women's dedication and relentless hard work. With only one graduating senior on this year's Gopher squad, I am hopeful for many more national championships.●

WITTMAN FAMILY WINS MILLENNIUM FARM/RANCH FAMILY AWARD

● Mr. CRAPO. Mr. President, I rise today to bring your attention to the recent accomplishment of the Wittman family from my home state of Idaho. Today, they will be receiving the Millennium Farm/Ranch Family Award for agricultural and forestry stewardship. I know you join Idaho and myself in extending to the Wittman family congratulations on this achievement.

The Wittman family has worked their land near Lapwai, Idaho since the early 1920's. They have used that knowledge to give us an on the ground perspective when we have written farm policy. Most recently, their views helped shape the reforms made to the crop insurance program.

Wittman Farms is a fourth-generation family farm operation using sound conservation and stewardship practices. In 1988, the family joined forces with the nearby Valley Boys and Girls Clubs to build ''Camp Wittman,'' a totally solar-powered destination where students and educators can share in a hands-on environmental experience to learn farming practices in the mountain meadow environment of the Palouse.

The Wittman Family has given to our youth, our educators, our local and national governments, and broken ground for more than just the purposes of next year's crop.

In these tough times for farmers, agriculture needs leaders who indeed look to the future while learning from the past. I am proud to honor the Wittman family as Millennium Farm/Ranch Family Award winners and proud to call them fellow Idahoans.

It is indeed my pleasure as an Idaho Senator to honor the Wittman family as agriculture pioneers for Idaho—and to thank them for contributing so much to our next millennium in Agriculture. I know you and my colleagues in the Senate join me in offering our congratulations to the Wittman family.

Thank you, Mr. President.●

TRIBUTE TO DOVEY J. ROUNDTREE

● Mr. WARNER. Mr. President, the American Bar Association Commission on Women in the Profession announced in February the winners of the 2000 Margaret Brent Women Lawyers of Achievement Awards.

Among those worthy recipients was Dovey J. Roundtree, General Counsel for the National Council of Negro Women, whom I have been privileged to know for many years.

As a former law clerk to Federal Circuit Judge Prettyman, then as an Assistant United States Attorney, followed by private practice in the greater metropolitan area of Washington, DC, I came to know and admire the professional achievements of Attorney Roundtree.

She is most deserving of this recognition for her tireless efforts to help others.

The award Mrs. Roundtree has earned is named for the first woman lawyer in America, Margaret Brent. She arrived in the Colonies in 1638, and was involved in 124 court cases over the course of eight years, winning every case. In 1648, she formally demanded the right to vote in the Maryland Assembly, but her petition was denied by the Governor.

These awards were established in 1991 to honor outstanding women lawyers who have achieved professional excellence in their area of specialty and have actively worked to help other women lawyers.

Attorney Roundtree and her work have been admired for more than three decades. She has been a leading civil rights lawyer, an Army veteran, an ordained minister and a resident of Spotsylvania.

She is a founding partner of the Washington, DC, law firm of Roundtree, Knox, Hunter and Parker, and she served for 35 years as General Counsel to the National Council of Negro Women and as special consultant for legal affairs to the African Methodist Episcopal Church.

Mrs. Roundtree attend Howard University Law School on the GI Bill and went on to break legal ground in both civil and criminal law. Her 1955 bus desegregation victory before the Interstate Commerce Commission, Sarah Keys versus Carolina Coach Company, was critically important in the legal battle for civil rights.

She was the first black woman admitted to the Bar Association of the District of Columbia and actively recruited other black women attorneys.

Dovey J. Roundtree is most deserving of this award.●

NATIONAL D.O. DAY

● Ms. COLLINS. Mr. President, today, Thursday, April 13, is National D.O.

Day. I therefore want to take this opportunity to recognize the 45,000 osteopathic physicians (D.O.s) across the country for their contributions to the American healthcare system. For more than a century, D.O.s have made a difference in the lives and health of Americans everywhere. They have treated presidents and Olympic athletes. They have helped to keep children well and have contributed to the fight against AIDS. Today, members of the osteopathic medical profession serve as U.S. Assistant Secretary of Defense for Health Affairs, the chief medical officer for the U.S. Coast Guard, and the Surgeon General of the U.S. Army.

As fully licensed physicians able to prescribe medication and perform surgery, D.O.s are committed to serving the health needs of rural and underserved communities. They make up 15 percent of the total physician population in towns of 10,000 or less. In addition, 64 percent of D.O.s practice in the primary care areas of medicine, fulfilling a need for more primary care physicians in an era marked by the growth of managed care. Their contributions have been particularly important in rural states like Maine.

More than 100 million patient visits are made each year to D.O.s. D.O.s approach their patients as ''whole people.'' They don't just treat a specific illness or injury. D.O.s take into account home and work environments, as well as lifestyle, when assessing overall health. This approach provides Americans with high quality healthcare—patients seen as people, not just an illness or injury.

From the state-of-the-art healthcare facility in a major city to a clinic in a rural Maine community, D.O.s continue to practice the kind of medicine that Andrew Taylor Still envisioned over 100 years ago when he founded the profession.

It was my pleasure to meet today with two representatives of the osteopathic medical profession visiting our Capitol from Maine. The University of New England, College of Osteopathic Medicine (UNECOM), in Biddeford, is the only medical school in my home state. To the more than 400 osteopathic physicians in Maine, the approximately 1,100 graduates of UNECOM, and the 45,000 D.O.s represented by the American Osteopathic Association—congratulations on your contributions to the good health of the American people. I look forward to working with you to further our mutual goal of improving our nation's health care.●

MR. AND MRS. ROBERT VANMETER'S 50TH WEDDING ANNIVERSARY

● Mr. ABRAHAM. Mr. President, I rise today in honor of Mr. and Mrs. Robert VanMeter, who on April 22, 2000, will celebrate their 50th wedding anniversary. The couple was married at a simple ceremony on a Friday evening by a clergyman named Grover W. Cleveland. Since that evening, the two have shared the highs and lows of life together, lending support and comfort to the other whenever there has been need.

Mr. Robert VanMeter served in the 82d Airborne in Italy. He loved his job, and was particularly fond of taking pictures of his jumps. Mrs. JoAnn VanMeter stayed at home, raising their four children. She baked everything from hamburger buns to apple pie. The children never knew what ''store-bought'' bread and pastries were until they were teenagers and Mrs. VanMeter returned to work.

Thirty-nine years ago, Mr. VanMeter completed the house that the couple lives in to this day. It took him two years to build, in part because of his refusal to allow anyone to help him with any part of the process, including the electrical and plumbing.

Mr. and Mrs. VanMeter have five grandchildren, ages 12–25. As they did their own children, they continue to show a patience and loyalty to them. They instill into their grandchildren the same principles they passed to their children: hard work, patience, and a willingness to try new things.

Mr. President, on this special occasion, I congratulate Mr. and Mrs. VanMeter. On behalf of the entire United States Senate, I wish them a happy 50th wedding anniversary, and best of luck in the future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:36 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following bills, in which it requests the concurrence of the Senate:

H.R. 2328. An act to amend the Federal Water Pollution Control Act to reauthorize the Clean Lakes Program.

H.R. 2884. An act to extend energy conservation programs under the Energy Policy and Conservation Act through fiscal year 2003.

H.R. 3039. An act to amend the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay, and for other purposes.

ENROLLED JOINT RESOLUTION AND BILL SIGNED

At 12:36 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution and bill:

S.J. Res. 43. A joint resolution expressing the sense of Congress that the President of the United States should encourage free and fair elections and respect for democracy in Peru.

H.R. 1658. An act to provide a more just and uniform procedure for Federal civil forfeitures, and for other purposes.

The enrolled joint resolution bill was signed subsequently by the President Pro Tempore (Mr. THURMOND).

At 1:30 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 290) establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal Year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005.

MEASURE REFERRED

The following bill was read the first and second time by unanimous consent, and referred as indicated:

H.R. 2328. An act to amend the Federal Water Pollution Control Act to reauthorize the Clean Lakes Program; to the Committee on Environment and Public Works.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

H.R. 1838. An act to assist in the enhancement of the security of Taiwan, and for other purposes.

The following bills were read the first and second times, and placed on the calendar:

H.R. 2884. An act to extend energy conservation programs under the Energy Policy and Conservation Act through fiscal year 2003.

H.R. 3039. An act to amend the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay, and for other purposes.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on April 13, 2000, he had presented to the President of the United States, that the following enrolled joint resolution:

S.J. Res. 43. A joint resolution expressing the sense of Congress that the President of the United States should encourage free and fair elections and respect for democracy in Peru.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–8471. A communication from the Economic Development Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revision to Implement Economic Development Reform Act of 1998–Grant Rate Eligibility; Disaster Assistance Based on High Unemployment; Final Rule''; to the Committee on Environment and Public Works.

EC–8472. A communication from the Administrator of the Environmental Protection Agency, transmitting a draft of proposed legislation amending the Toxic Substances Control Act; to the Committee on Environment and Public Works.

EC–8473. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Delaware; Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerators'' (FRL # 6577–7), received April 10, 2000; to the Committee on Environment and Public Works.

EC–8474. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Connecticut; Plan for Controlling MWC Emissions from Existing MWC Plants'' (FRL # 6577–3), received April 10, 2000; to the Committee on Environment and Public Works.

EC–8475. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Standards of Performance for New Stationary Sources (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) delegation of Authority to the States of Iowa; Kansas; Missouri; Nebraska; Lincoln-Lancaster County, Nebraska; and City of Omaha, Nebraska'' (FRL # 6577–1), received April 10, 2000; to the Committee on Environment and Public Works.

EC–8476. A communication from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation amending the Federal Insecticide, Fungicide, and Rodenticide Act; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8477. A communication from the Secretary of Transportation, transmitting, pursuant to law, the fiscal year 2001 Performance Plan and the fiscal year 1999 Performance Report; to the Committee on Governmental Affairs.

EC–8478. A communication from the Federal Highway Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Carrier Safety Regulations; Definition of Commercial Motor Vehicle (CMV)1 Requirements for Operators of Small Passenger-Carrying CMVs'' (RIN2126–AA51 (Formerly RIN2125–AE22)), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8479. A communication from the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; 2000 Specifications'' (RIN0648–AM49), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8480. A communication from the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Modification of a Closure (Opens Pollock Fishing in the West Yakutat District in the Gulf of Alaska)'', received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8481. A communication from the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Central Aleutian District of the Bering Sea and Aleutian Islands'', received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8482. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model MD–11 Series Airplanes; Docket No. 2000–NM–86 (4–5/4–10)'' (RIN2120–AA64) (2000–0188), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8483. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model MD–11 Series Airplanes; Docket No. 2000–NM–86 (4–5/4–10)'' (RIN2120–AA64) (2000–0188), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8484. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 757 Series Airplanes; Docket No. 99–NM–125 (11–26/4–10)'' (RIN2120–AA64) (2000–0193), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8485. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–200, −200C, −300, and −400 Series Airplanes; Docket No. 99–NM–84 (4–4/4–10)'' (RIN2120–AA64) (2000–0189), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8486. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: The New Piper Aircraft, Inc. J–2 Series Airplanes that are Equipped with Wing Lift Struts; Docket No. 99–CE–13 (12/28/99–4/10/00)'' (RIN2120–AA64) (2000–0195), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8487. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Fokker Model F27 Mark 050 Series Airplanes; Docket No. 99–NM–317 (12–13–99/4–10–00)'' (RIN2120–AA64) (2000–0194), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8488. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Fairchild Aircraft, Inc. Models SA226–T and SA226–TB, SA226–AT, and SA226–TC Airplanes; Docket No. 99–CE–15 (10–7/4–10)'' (RIN2120–AA64) (2000–0191), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8489. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasileira de Aeronautica; Model EMB–145 Series Airplanes; Docket No. 99–NM–203 (4–4/4–10)'' (RIN2120–AA64) (2000–0190), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8490. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Pratt and Whitney PW4000 Series Turbofan Engines; Docket No. 97–ANE–55 (7–16/4–10)'' (RIN2120–AA64) (2000–0192), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8491. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Robinson Helicopter Company Model R44 Helicopters; Docket No. 99–SW–08 (4–6/4–10)'' (RIN2120–AA64) (2000–0186), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8492. A communication from the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off the West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustments from Cape Falcon to Humbug Mountain, Oregon'', received April 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8493. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Delaware, OH; Docket No. 99–AGL–37 (9–8–99/4–10–00)'' (RIN2120–AA66) (2000–0082), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8494. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (57); Amdt. No. 1984 (4–6/4–10)'' (RIN2120–AA65) (2000–0021), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8495. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (48); Amdt. No. 1985 (4–6/4–10)'' (RIN2120–AA65) (2000–0022), received

April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8496. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Colored Federal Airways; AK; Docket No. 98–AAL–15 (4–4/4–10)'' (RIN2120–AA65) (2000–0083), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8497. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Jet Routes; AK; Docket No. 98–AAL–13 (4–4/4–10)'' (RIN2120–AA65) (2000–0084), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8498. A communication from the Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, the report of Selected Acquisition Reports (SARs) for the quarter ended December 31, 1999; to the Committee on Armed Services.

EC–8499. A communication from the Secretary of the Army, transmitting, pursuant to law, a report relative to Program Acquisition Unit Cost and Average Procurement Unit Cost thresholds which have been exceeded for the Advanced Threat Infrared Countermeasure/Common Missile Warning System program; to the Committee on Armed Services.

EC–8500. A communication from the Secretary of Defense, transmitting, pursuant to law, a report of the determination of the necessity to order the transportation of chemical warfare material from Washington, DC to Pine Bluff Arsenal, AR and Aberdeen Proving Ground, MD; to the Committee on Armed Services.

EC–8501. A communication from the Acting Secretary of the Navy, transmitting, pursuant to law, the report of an award of a contract for depot level repair and maintenance availabilities of surface combatants homeported in Everett, WA; to the Committee on Armed Services.

EC–8502. A communication from the Assistant Secretary of Defense, Health Affairs, transmitting, pursuant to law, a report entitled ''The DoD Health Care Benefit: How Does It Compare to FEHBP and Other Plans?'' and a report entitled ''TRICARE/CHAMPUS Behavorial Health Benefit Review''; to the Committee on Armed Services.

EC–8503. A communication from the Office of Disaster Assistance, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Liquidation of Collateral, Sale of Disaster Assistance Loans'' (RIN3245–AE54), received April 12, 2000; to the Committee on Small Business.

EC–8504. A communication from the Office of Financial Assistance, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Microloan Loan Loss Reserve Fund'' (RIN3245–AE54), received April 12, 2000; to the Committee on Small Business.

EC–8505. A communication from the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Information Processing Procedures; Obtaining, Submitting, Executing, and Filing of Forms: Change of Address'' (Docket No. 00N–0784), received April 12, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8506. A communication from the Acting Associate Attorney General transmitting, pursuant to law, the 1999 annual report on certain activities pertaining to the Freedom of Information Act; to the Committee on the Judiciary.

EC–8507. A communication from the Inter-American Foundation, transmitting, pursuant to law, the fiscal year 1999 Annual Performance Report; to the Committee on Governmental Affairs.

EC–8508. A communication from the Federal Communications Commission, transmitting, pursuant to law, the fiscal year 1999 Annual Performance Report; to the Committee on Governmental Affairs.

EC–8509. A communication from the Office of Electric Rates and Corporate Regulation, Federal Energy Regulatory Commission transmitting, pursuant to law, the report of a rule entitled ''Final Rule on Designation of Electric Rate Schedule Sheets'', received April 12, 2000; to the Committee on Energy and Natural Resources.

EC–8510. A communication from the Energy Information Administration, Department of Energy, transmitting a report entitled ''International Energy Outlook 2000''; to the Committee on Energy and Natural Resources.

EC–8511. A communication from the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled ''Raisins Produced From Grapes Grown in California; Final Free and Reserve Percentages for 1999–2000 Crop Natural (Sun-Dried Seedless and Zante Currant Raisins)'' (Docket Number FV00–989–4 IFR), received April 12, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8512. A communication from the Office of Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Ports Designated for Exportation of Horses; Dayton, OH'' (Docket #99–102–2), received April 11, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8513. A communication from the Office of Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Johne's Disease in Domestic Animals; Interstate Movement'' (Docket #98–037–2), received April 11, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8514. A communication from the Office of Regulatory Management and Information to Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maine; RACT for VOC Sources'' (FRL #6572–8), received April 12, 2000; to the Committee on Environment and Public Works.

EC–8515. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; New York: Approval of Carbon Monoxide State Implementation Plan Revision; Removal of the Oxygenated Gasoline Program Final-Region 2'' (FRL #6572–9), received April 12, 2000; to the Committee on Environment and Public Works.

EC–8516. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; New York; Nitrogen Oxides Budget and Allowance Trading Program'' (FRL #6573–1), received April 12, 2000; to the Committee on Environment and Public Works.

EC–8517. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revised Format for Materials Being Incorporated by Reference; Approval of Recodification of the Virginia Administrative Code'' (FRL #6562–9), received April 12, 2000; to the Committee on Environment and Public Works.

EC–8518. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Primary Drinking Water Regulations: Public Notification Rule'' (FRL #6580–2), received April 12, 2000; to the Committee on Environment and Public Works.

EC–8519. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District, Sacramento Metropolitan Air Quality Management District'' (FRL #6578–6), received April 12, 2000; to the Committee on Environment and Public Works.

EC–8520. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''1999 PCB Questions and Answers Manual-Additions''; to the Committee on Environment and Public Works.

EC–8521. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations''; to the Committee on Environment and Public Works.

EC–8522. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''Notice of Storage Tank Emission Reduction Partnership Program''; to the Committee on Environment and Public Works.

EC–8523. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''Small Business Compliance Policy''; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1778: A bill to provide for equal exchanges of land around the Cascade Reservoir (Rept. No. 106–271).

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, with amendments:

S. 1946: A bill to amend the National Environmental Education Act to redesignate that Act as the "John H. Chafee Environmental Education Act", to establish the John H. Chafee Memorial Fellowship Program, to extend the programs under that Act, and for other purposes (Rept. No. 106–272).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 311: A bill to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs, and for other purposes (Rept. No. 106–273).

By Mr. GRAMM, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 1452: A bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes (Rept. No. 106–274).

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, without amendment:

H.R. 2412: A bill to designate the Federal building and United States courthouse located at 1300 South Harrison Street in Fort Wayne, Indiana, as the "E. Ross Adair Federal Building and United States Courthouse".

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 287: A resolution expressing the sense of the Senate regarding U.S. policy toward Libya.

S. Res. 289: A resolution expressing the sense of the Senate regarding the human rights situation in Cuba.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 2058: A bill to extend filing deadlines for applications for adjustment of status of certain Cuban, Nicaraguan, and Haitian nationals.

By Mr. JEFFORDS, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 2366: A bill to amend the Public Health Service Act to revise and extend provisions relating to the Organ Procurement Transplantation Network.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 2367: A bill to amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under the Act.

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, without amendment:

S. 2370: A bill to designate the Federal Building located at 500 Pearl Street in New York City, New York, as the "Daniel Patrick Moynihan United States Courthouse".

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with an amended preamble:

S. Con. Res. 81: A concurrent resolution expressing the sense of the Congress that the Government of the People's Republic of China should immediately release Rabiya Kadeer, her secretary, and her son, and permit them to move to the United States if they so desire.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MCCAIN for the Committee on Commerce, Science, and Transportation.

The following named officer for appointment as Commander, Pacific Area, United States Coast Guard, and to the grade indicated under title 14, U.S.C., section 50:

To be vice admiral

Rear Adm. Ernest R. Riutta, 0000

The following named officer for appointment as Vice Commandant, United States Coast Guard, and to the grade indicated under title 14, U.S.C., section 47:

To be vice admiral

Vice Adm. Thomas H. Collins, 0000

John Paul Hammerschmidt, of Arkansas, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term of four years. (New Position)

Norman Y. Mineta, of California, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term of six years. (New Position)

Robert Clarke Brown, of Ohio, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term expiring November 22, 2005. (Reappointment)

John Goglia, of Massachusetts, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2003. (Reappointment)

Carol Jones Carmody, of Louisiana, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2004.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. MCCAIN. Mr. President, for the Committee on Commerce, Science, and Transportation, I report favorably nomination lists which were printed in the Records of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Coast Guard nominations beginning Jay F. Dell and ending Denis J. Fassero, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 19, 1999.

Coast Guard nominations beginning Michael H. Graner and ending Michael R. Seward, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 7, 2000.

Coast Guard nominations beginning Douglas N. Eames and ending Timothy A. Aines, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 7, 2000.

Coast Guard nominations beginning Jennifer L. Adams and ending Gregory D. Zike, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 7, 2000.

By Mr. SMITH for the Committee on Environment and Public Works.

Edward McGaffigan, Jr., of Virginia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2005. (Reappointment)

By Mr. WARNER for the Committee on Armed Services.

Madelyn R. Creedon, of Indiana, to be Deputy Administrator for Defense Programs, National Nuclear Security Administration. (New Position)

Gregory Robert Dahlberg, of Virginia, to be Under Secretary of the Army.

Bernard Daniel Rostker, of Virginia, to be Under Secretary of Defense for Personnel and Readiness.

By Mr. HELMS for the Committee on Foreign Relations.

Gary A. Barron, of Florida, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2002.

Thomas G. Weston, of Michigan, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as Special Coordinator for Cyprus.

Carey Cavanaugh, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, for the rank of Ambassador during his tenure of service as Special Negotiator for Nagorno-Karabakh and New Independent States Regional Conflicts.

Christopher Robert Hill, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Poland.

Nominee: Christopher R. Hill.

Post: Warsaw.

Contributions, amount, date, donee:

1. Self: zero.
2. Spouse: zero.
3. Children and Spouses: zero.
4. Parents: Mother, Constance Hill, $50, June 1999, Al Gore.
5. Grandparents: deceased.
6. Brothers and Spouses: zero.
7. Sisters and spouses: zero.

Donald Arthur Mahley, of Virginia, a Career Member of the Senior Executive Service, for the rank of Ambassador during his tenure of service as Special Negotiator for Chemical and Biological Arms Control Issues.

Gregory G. Govan, of Virginia, for the rank of Ambassador during his tenure of service as Chief U.S. Delegate to the Joint Consultative Group. (New Position)

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. HELMS. Mr. President, for the Committee on Foreign Relations, I report favorably nomination lists which were printed in the RECORD of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Foreign Service nominations beginning Mattie R. Sharpless and ending Howard R.

Wetzel , which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 24, 2000.

Foreign Service nominations beginning Nancy M. McKay and ending Nancy Morgan Serpa , which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 24, 2000.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ASHCROFT (for himself, Mr. BOND, Mr. DEWINE, Mr. WARNER, and Mr. MOYNIHAN):

S. 2416. A bill to designate the Federal building located at 2201 C Street, Northwest, in the District of Columbia, which serves as headquarters for the Department of State, as the ''Harry S. Truman Federal Building''; to the Committee on Environment and Public Works.

By Mr. CRAPO (for himself and Mr. SMITH of New Hampshire):

S. 2417. A bill to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CAMPBELL:

S. 2418. A bill to prohibit commercial air tour operations over the Black Canyon National Park; to the Committee on Commerce, Science, and Transportation.

By Mr. JOHNSON (for himself and Ms. COLLINS):

S. 2419. A bill to amend title 38, United States Code, to provide for the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GRASSLEY (for himself, Ms. MIKULSKI, Ms. COLLINS, and Mr. CLELAND):

S. 2420. A bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, and for other purposes; to the Committee on Governmental Affairs.

By Mr. LIEBERMAN (for himself, Mr. DODD, Mr. KERRY, and Mr. KENNEDY):

S. 2421. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing an Upper Housatonic Valley National Heritage Area in Connecticut and Massachusetts; to the Committee on Energy and Natural Resources.

By Mr. CONRAD:

S. 2422. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for farm relief and economic development, and for other purposes; to the Committee on Finance.

By Mr. DURBIN:

S. 2423. A bill to provide Federal Perkins Loan cancellation for public defenders; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BREAUX:

S. 2424. A bill to amend the Internal Revenue Code of 1986 to extend and expand the enhanced deduction for charitable contributions of computers to provide greater public access to computers, including access by the poor; to the Committee on Finance.

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 2425. A bill to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THOMPSON:

S. 2426. A bill to suspend temporarily the duty on n-Heptanoic acid; to the Committee on Finance.

By Mr. THOMPSON:

S. 2427. A bill to suspend temporarily the duty on Undecylenic acid; to the Committee on Finance.

By Mr. THOMPSON:

S. 2428. A bill to suspend temporarily the duty on n-Heptaldehyde; to the Committee on Finance.

By Mr. JEFFORDS (for himself, Mr. MOYNIHAN, Mr. SCHUMER, Mr. DODD, Mr. KENNEDY, and Mr. LIEBERMAN):

S. 2429. A bill to amend the Energy Conservation and Production Act to make changes in the Weatherization Assistance Program for Low-Income Persons; to the Committee on Energy and Natural Resources.

By Mr. LEAHY:

S. 2430. A bill to combat computer hacking through enhanced law enforcement and to protect the privacy and constitutional rights of Americans, and for other purposes; to the Committee on the Judiciary.

By Mr. SANTORUM:

S. 2431. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for expenses incurred in teleworking; to the Committee on Finance.

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 2432. A bill to permit the catcher vessel HAZEL LORRAINE to conduct commercial fishing activities; to the Committee on Commerce, Science, and Transportation.

By Ms. LANDRIEU (for herself and Mr. BREAUX):

S. 2433. A bill to establish the Red River National Wildlife Refuge; to the Committee on Environment and Public Works.

By Mr. L. Chafee (for himself, Mr. BRYAN, Mr. THOMPSON, Mr. SARBANES, and Mr. BURNS):

S. 2434. A bill to provide that amounts allotted to a State under section 2401 of the Social Security Act for each of fiscal years 1998 and 1999 shall remain available through fiscal year 2002; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. ROCKEFELLER, Mr. DEWINE, and Mr. DODD):

S. 2435. A bill to amend part B of title IV of the Social Security Act to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies; to the Committee on Finance.

By Mr. ABRAHAM:

S. 2436. A bill to amend the Internal Revenue Code of 1986 to repeal the targeted area limitation on the expense deduction for environmental remediation costs and to extend the termination date of such deduction; to the Committee on Finance.

By Mr. SMITH of New Hampshire (for himself and Mr. BAUCUS) (by request):

S. 2437. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MCCAIN (for himself, Mrs. MURRAY, and Mr. GORTON):

S. 2438. A bill to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2439. A bill to authorize the appropriation of funds for the construction of the Southeastern Alaska Intertie system, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. HUTCHISON (for herself, Mr. MCCAIN, Mr. GORTON, Mr. INOUYE, Mr. ROCKEFELLER, and Mr. BRYAN):

S. 2440. A bill to amend title 49, United States Code, to improve airport security; to the Committee on Commerce, Science, and Transportation.

By Mr. BOND (for himself and Mrs. LINCOLN):

S. 2441. A bill to amend the Federal Water Pollution Control Act to establish a program for fisheries habitat protection, restoration, and enhancement, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. MURRAY:

S. 2442. A bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to provide long-term, low-interest loans to apple growers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN (for himself, Ms. SNOWE, Mr. REED, and Mrs. MURRAY):

S. 2443. A bill to increase immunization funding and provide for immunization infrastructure and delivery activities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself and Mr. REED):

S. 2444. A bill to amend title I of the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to require comprehensive health insurance coverage for childhood immunization; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROBB (for himself, Mr. EDWARDS, and Ms. LANDRIEU):

S. 2445. A bill to provide community-based economic development assistance for trade-affected communities; to the Committee on Finance.

By Ms. LANDRIEU:

S. 2446. A bill to amend the Internal Revenue Code of 1986 to provide assistance to homeowners and small businesses to repair Formosan termite damage; to the Committee on Finance.

By Mr. WELLSTONE (for himself, Mr. DASCHLE, and Mr. BAUCUS):

S. 2447. A bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to make competitive grants to establish National Centers for Distance Working to provide assistance to individuals in rural communities to support the use of teleworking in information technology fields; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH (for himself and Mr. SCHUMER):

S. 2448. A bill to enhance the protections of the Internet and the critical infrastructure of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. BROWNBACK:

S. 2449. A bill to combat trafficking of persons, especially into the sex trade, slavery,

and slavery-like conditions, in the United States and countries around the world through prevention, prosecution, and enforcement against traffickers, and through protection and assistance to victims of trafficking; to the Committee on Foreign Relations.

By Mr. HUTCHINSON (for himself and Mr. BROWNBACK):

S. 2450. A bill to terminate the Internal Revenue Code of 1986; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2451. A bill to increase criminal penalties for computer crimes, establish a National Commission on Cybersecurity, and for other purposes; to the Committee on the Judiciary.

By Mr. COVERDELL:

S. 2452. A bill to reduce the reading deficit in the United States by applying the findings of scientific research in reading instruction to all students who are learning to read the English language and to amend the Elementary and Secondary Education Act of 1965 to improve literacy through family literacy projects and to reauthorize the inexpensive book distribution program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK (for himself, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BINGAMAN, Mr. BREAUX, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, Mr. L. CHAFEE, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DASCHLE, Mr. DEWINE, Mr. DURBIN, Mr. DODD, Mr. DOMENICI, Mr. EDWARDS, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRIST, Mr. FITZGERALD, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Ms. LANDRIEU, Mr. LEAHY, Mr. LIEBERMAN, Mr. LEVIN, Mr. LOTT, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. ROBERTS, Mr. ROTH, Mr. SANTORUM, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH OF NEW HAMPSHIRE, Mr. SMITH OF OREGON, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. TORRICELLI, Mr. VOINOVICH, and Mr. WARNER):

S. 2453. A bill to authorize the President to award a gold medal on behalf of Congress to Pope John Paul II in recognition of his outstanding and enduring contributions to humanity, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BURNS (for himself and Mr. BREAUX):

S. 2454. A bill to amend the Communications Act of 1934 to authorize low-power television stations to provide digital data services to subscribers; to the Committee on Commerce, Science, and Transportation.

By Mr. ASHCROFT:

S.J. Res. 45. A joint resolution proposing an amendment to the Constitution of the United States to allow the States to limit the period of time United States Senators and Representatives may serve; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HUTCHINSON (for himself, Mr. GRASSLEY, Mr. HATCH, Mr. CRAIG, Mr. THOMAS, Mr. FRIST, and Mr. THOMPSON):

S. Res. 291. A resolution expressing the sense of the Senate regarding the reprogramming of funds for the Drug Enforcement Administration for fiscal year 2000 in order to assist State and local efforts to clean up methamphetamine laboratories; to the Committee on Appropriations.

By Mr. CLELAND (for himself, Mrs. BOXER, Mr. BOND, Mr. BAUCUS, Mr. BRYAN, Ms. LANDRIEU, Mr. KERRY, Mr. JEFFORDS, Mrs. MURRAY, Mrs. LINCOLN, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. ROBB, Mr. COCHRAN, and Mr. DURBIN):

S. Res. 292. A resolution recognizing the 20th century as the ''Century of Women in the United States''; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself, Mr. LIEBERMAN, Mr. SARBANES, Mr. BRYAN, Mr. TORRICELLI, Mr. EDWARDS, Mr. MOYNIHAN, Mr. KERRY, Mr. BINGAMAN, Mr. GRAHAM, Mr. CLELAND, Mr. REID, Mr. HARKIN, Mrs. LINCOLN, Mr. SCHUMER, Mr. AKAKA, Mr. KENNEDY, Mr. DURBIN, Mr. FEINGOLD, Mr. KERREY, Mr. KOHL, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. DORGAN, Mr. ROBB, Mr. LAUTENBERG, Mr. JOHNSON, Mr. REED, and Mrs. BOXER):

S. Res. 293. A resolution encouraging all residents of the United States to complete their census forms to ensure the most accurate enumeration of the population possible; to the Committee on Governmental Affairs.

By Mr. SCHUMER (for himself, Mr. BROWNBACK, Mr. WYDEN, Mr. DODD, Mr. LIEBERMAN, and Mr. FEINGOLD):

S. Con. Res. 104. A concurrent resolution expressing the sense of the Congress regarding the ongoing prosecution of 13 members of Iran's Jewish community; to the Committee on Foreign Relations.

By Mr. ABRAHAM:

S. Con. Res. 105. A concurrent resolution designating April 13, 2000, as a day of remembrance of the victims of the Katyn Forest massacre; to the Committee on the Judiciary.

By Mr. GRAMS (for himself and Mr. WELLSTONE):

S. Con. Res. 106. A concurrent resolution recognizing the Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, as a national symbol of the contributions of Americans of German heritage; to the Committee on Energy and Natural Resources.

By Mr. AKAKA (for himself, Mr. BAUCUS, Mr. KERRY, Mr. ROTH, and Mr. BINGAMAN):

S. Con. Res. 107. A concurrent resolution expressing the sense of the Congress concerning support for the Sixth Nonproliferation Treaty Review Conference; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ASHCROFT (for himself, Mr. BOND, Mr. DEWINE, Mr. WARNER, and Mr. MOYNIHAN):

S. 2416. A bill to designate the Federal building located at 2201 C Street, Northwest, in the District of Columbia, which serves as headquarters for the Department of State, as the ''Harry S. Truman Federal Building''; to the Committee on Environment and Public Works.

LEGISLATION TO RENAME THE STATE DEPARTMENT AFTER PRESIDENT HARRY S. TRUMAN

Mr. ASHCROFT. Mr. President, it is my great privilege to introduce a bill today, along with Senators BOND, WARNER, DEWINE, and MOYNIHAN, that will name the State Department's Headquarters in Washington, D.C., the ''Harry S. Truman Federal Building.'' I truly appreciate the support of these distinguished colleagues and Secretary Albright to see this idea become a reality.

Born in Lamar, Missouri, Harry S. Truman was a farmer, a national guardsman, a World War I veteran, a local postmaster, a road overseer, and a small business owner before turning to politics. Through these experiences, he gained the courage, honesty, and dedication to freedom required of a greater leader. Truman went on to become one of the most influential Presidents of the modern era. His leadership and character, especially in the area of foreign policy, have earned him well-deserved praise and respect throughout the world.

He established the Marshall Plan—creating a politically and economically stable Western Europe. President Truman was instrumental in creating the North Atlantic Treaty Organization which kept Soviet aggression at bay in Western Europe. He worked to contain the further spread of communism in Berlin, Greece, Turkey, and Korea. Clearly, President Truman was the architect of the strategy that won the Cold War and is a prime reason the United States is currently the world's sole superpower.

Mr. President, the State Department should be named after a true leader in foreign policy—and President Harry S. Truman is the clear choice. And through this choice, I hope the United States will continue President Truman's principled foreign policy as seen in his 1949 Presidential Inaugural Address:

> Events have brought our American democracy to new influence and new responsibilities. They will test our courage, our devotion to duty, and our concept of liberty. But I say to all men, what we have achieved in liberty, we will surpass in greater liberty. Steadfast in our faith in the Almighty, we will advance toward a world where man's freedom is secure. To that end we will devote our strength, our resources, and our firmness of resolve. With God's help, the future of mankind will be assured in a world of justice, harmony, and peace.

• Mr. MOYNIHAN. Mr. President, it gives me great pleasure to join my colleagues—Senators ASHCROFT, WARNER, BOND, and DEWINE—in this effort to

name the State Department building after our 33rd President, Harry S. Truman. It could be named for none other.

Harry S. Truman was, perhaps, the most unlikely of the Presidents. A failed haberdasher, as he would say, without a college degree. It seems somewhat paradoxical that this common man, who modeled himself along the lines of the fabled Cincinnatus—returning to the field after rising to meet his country's needs—would leave so much behind.

Put simply, President Truman's foreign affairs accomplishments saved the world from the chaos that followed the destruction of Europe in the Second World War, and enabled the ultimate defeat of totalitarianism. To list a few: the Berlin Airlift, the Marshall Plan, aid to Greece and Turkey, NATO, and the establishment of the United Nations—the vision of his only rival President Woodrow Wilson.

His greatness was not readily accepted while he served, or shortly thereafter. But over time, Harry S. Truman has been reevaluated through such scholarly biographies as those by David McCullough and Alonzo L. Hamby. This son of Independence, Missouri, would surely have rejected the high praise that his name now generates, but he would certainly concur in the appreciation of the enduring success of the policies and institutions he created. McCullough's ''Truman'' contains this reflection:

> I suppose that history will remember my term in office as the years when the Cold War began to overshadow our lives.
>
> I have had hardly a day in office that has not been dominated by this all-embracing struggle. . . . And always in the background there has been the atomic bomb. But when history says that my term of office saw the beginning of the Cold War, it will also say that in those eight years we have set the course that can win it. . . .

Mr. President, few could dispute those sentiments.●

By Mr. CRAPO (for himself and Mr. SMITH of New Hampshire):

S. 2417. A bill to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, and for other purposes; to the Committee on Environment and Public Works.

WATER POLLUTION PROGRAM ENHANCEMENTS ACT OF 2000

Mr. CRAPO. I am pleased to introduce today, with my colleague Senator SMITH of New Hampshire and Senator GORDON SMITH of Oregon, the ''Water Pollution Program Enhancements Act of 2000'' in response to a fast track rulemaking process undertaken by the Environmental Protection Agency with respect to the total maximum daily load, or TMDL, and National Pollutant Discharge Elimination System, NPDES, permit programs under the Clean Water Act. The concerns over this rule are far too great and EPA is moving far too quickly for Congress to stand aside and allow this regulation to move ahead. My disagreement with the proposed rule is not its basic objective, which is aimed at cleaning up our Nation's waters—but the hurried approach EPA has elected to take, and their refusal to address the very numerous, very real concerns of states, cities, and stakeholders.

Huge strides have been made in cleaning up our nation's waters since the Clean Water Act was passed in 1972, particularly in the area of point source pollutants. But clearly, our work is not finished in trying to make our lakes, rivers and streams ''fishable and swimmable.'' More must be done to improve water quality, and more must especially be done to provide additional resources to address nonpoint source pollution, which, so far, has not received anywhere near the kind of funding that has been focused on discharges from point sources.

In the past month and a half, we have held two hearings on the Environmental Protection Agency's proposed rule with respect to total maximum daily loads and the NPDES permit programs. The same subject has been examined in four other Congressional hearings by three separate committees. What we have collectively learned in these hearings about EPA's proposed rule is nothing short of alarming. States have responded with universal concern to this proposed rule that saddles them with enormous regulatory burdens and exorbitant costs in carrying out their water quality management programs. Not only is this proposed onerous and costly to implement, but States have testified that it is not likely to improve water quality, and, in fact, may have a detrimental effect on States with existing programs that have proven to be successful.

We would prefer not to be introducing this bill today. We have been holding hearings. I have been communicating with EPA—as have dozens of other Members of Congress expressing their grave concern with the proposed rule. We would prefer that Congress be working through these very important and challenging issues in collaboration with EPA. But holding hearings and attempting to work with EPA to resolve issues of concern, or urging them to take a more thoughtful, even-handed approach is no longer a reasonable course of action when the EPA steadfastly continues to insist on fast tracking a rule that has been the subject of such widespread concern and criticism.

When EPA issued this proposed regulation last August, we were all surprised at the boldness of the agency to publish the rule:

During the Congressional recess; and

Provide only a 60-day comment period on such as massive and complex rulemaking.

Not only did the Chairman and Ranking Member of the Environment and Public Works Committee request an extension of the comment period, but Congress was actually forced to enact legislation to compel EPA to listen. The EPA was forced to extend its comment period. EPA received more than 30,000 public comments on the proposed rule, and, as I said earlier, this rule has been the subject of six Congressional hearings.

To date, I do not see any evidence that EPA is listening. As recently as last week, EPA communicated that it had negotiated a 60-day OMB review—what is usually at least a 90-day review on major rulemaking efforts—and that it intends to finalize the rule by June 30.

The intransigence of the EPA is both unexplainable and unacceptable. If EPA is serious about ramming this regulation through by June 30, it is our intention to send them a loud message—Congress insists instead that they take a deep breath with respect to this rule.

The bill Senator SMITH and I are introducing today—the Water Pollution Program Enhancements Act—takes important steps toward achieving additional reductions in water pollution now, and providing the science necessary for better implementation of the TMDL program in the future.

In the hearings I held, witnesses raised three main concerns with respect to the proposed rule. They cited:

States' lack of reliable data for developing their 303(d) list of impaired waters;

The scarce public resources available for addressing nonpoint pollution in particular; and

EPA's overreach of its statutory authority under the Clean Water Act in controlling water quality management programs administered by States.

This bill addresses those three issues without amending current law or regulation.

The Water Pollution Program Enhancement Act authorizes significantly increased funding for sections 106 and 319 under the Clean Water Act. Funding under section 106 would be made available to the States and specifically directed to:

Collect reliable monitoring data;

Improve their lists of impaired waters;

Prepare TMDLs; and

Develop watershed management strategies.

Of the $500 million available for implementation of section 319, $200 million is required to be made available by the States for grants to private landowners to carry out projects that will improve water quality. These funds are specifically being made available to farmers, ranches, family forestland managers and others, to conduct activities on their lands that contribute to cleaning up rivers, lakes and streams.

These significant increases in funding will achieve on-the-ground results

and have a very real effect in improving our nation's water quality.

Second, the bill directs the Environmental Protection Agency to contract with the National Academy of Sciences to prepare a report on:

The quality of the science used to develop and implement TMDLs;

The costs associated with implementing TMDLs; and

The availability of alternative programs or mechanisms to reduce the discharge of pollutants from point sources and nonpoint source pollution.

If there is one message I have heard loud and clear, it is that we lack basic and necessary data about TMDLs and how to implement the TMDL program that achieves the goal of improving water quality, provides States flexibility in administering their programs, and is cost effective. It is irresponsible of EPA to push ahead in finalizing this regulation when we do not have the answers to such basic questions about this program.

Third, the bill provides for innovation and collaboration by establishing a pilot program in which five states are selected to implement a three-year program that examines alternative strategies and incentives to reduce the discharge of pollutants and TMDLs. This pilot program will provide us with valuable information about how we might think outside the box to solve our water quality problems.

Finally, this legislation requires EPA to postpone its rulemaking and review the National Academy of Sciences study before publishing its final rule on the TMDL program. Despite EPA's assertions to the contrary, we know that the proposed rule would have enormous implications for States, cities and stakeholders. It is absolutely critical that we know more about the science of TMDLs before finalizing this rule, and EPA has given Congress no other choice but to compel them to do so. Congress has an obligation to intercede and resolve these issues crucial to the health of our people and our environment.

I urge my colleagues to join me in cleaning up our nation's waters through the reasonable and balanced provisions included in the Water Pollution Program Enhancements Act of 2000.

I yield the floor.

Mr. SMITH of New Hampshire. Mr. President, I am pleased to introduce today with my colleague from Idaho, Senator MIKE CRAPO, the ''Water Pollution Program Enhancements Act of 2000.'' I believe this bill will significantly improve water quality and, over the long term, reform the way the Environmental Protection Agency and the States implement the Total Maximum Daily Load, TMDL, program for impaired waters.

I emphasize at the outset that I strongly support the goals of the Clean Water Act. I believe all Americans should be able to enjoy clean water to drink, and that our rivers and lakes should be ''fishable'' and ''swimmable.'' And we have made substantial progress over the past 25 years since the Clean Water Act was enacted in cleaning up our nations rivers, lakes and streams. According to EPA, 60–70 percent of our nation's waters are now safe for fishing and swimming. Certainly, there's more work to be done. How we control runoff from agricultural and urban areas, and forests—so-called nonpoint source pollution—is our challenge for the future.

I also support the original concept underlying the TMDL program of helping ensure that water quality standards are met on all of our nation's rivers and streams and lakes. However, I believe that there may be other tools to help us achieve those laudable goals; TMDLs are not the only answer. We should be looking to the States for alternative, innovative solutions, particularly in the area of controlling nonpoint source pollution. And I believe that if we look, we will find that the States have better, more cost effective solutions to improving water quality. Is there a role for the Federal Government in addressing nonpoint source pollution? Absolutely. The Federal Government—EPA—should work in partnership with States and the private sector to achieve our shared goal of fishable and swimmable water.

EPA's approach to solving the nation's remaining water quality issues, however, continues to be based on more ''top-down'' regulations from Washington, D.C.; more confrontration, instead of collaboration; and more interference with State programs. We are taking the step of introducing this legislation today because EPA has made it clear that it plans to expedite the process for finalizing two controversial rules that it proposed last August that would make a number of significant changes to the existing programs to control the discharge of pollutants and to improve water quality. The first rule would significantly expand the requirements for establishing the total amount of pollutants that can be discharged to a waterbody—so-called ''total maximum daily loads.'' The second rule would expand EPA's authority to revoke or reissue state-issued permits under the Clean Water Act to implement the new TMDL requirements. The combined effect of these rules would be to dramatically expand EPA's authority over issues that have traditionally been within the jurisdiction of the States, such as farming, ranching and logging operations, and additionally to give EPA a potential new role in local land management use decisions.

I have serious concerns about the substance of these rules. But I am also deeply troubled by the process that EPA has adopted here. It began last summer when EPA initially proposed the rules. At that time, it stated that it would only accept public comments on the proposed rules for 60 days. Such a short period of time for public review was obviously inadequate given the length of the proposed rules and their complexity. Congress intervened and EPA was ultimately compelled to extend the comment deadline for an additional 90 days.

Even before the comment period had closed, however, EPA indicated that nothing would stop it from pushing the proposed rules through the process as quickly as possible. Over the past month, EPA has announced its plans to issue final rules before the end of June in spite of the fact that it received over 30,000 comments in February, at least 27,000 of which were critical of the rule, and can hardly have had an opportunity to give these comments serious consideration. There have been at least six hearings on the proposed rules in both the House and Senate in which serious concerns were raised about: the legality and practicality of the rules; the lack of reliable science underlying the existing TMDL program, not to mention any proposed expansion; the potential impact on successful State programs; the burdens that an expanded TMDL program would impose on individual landowners and small businesses; and the lack of a completed cost assessment of the proposed rules.

Senator CRAPO has held two hearings so far on EPA's proposed TMDL rules. Through that process, and in many meetings with stakeholders, I have heard about all of the problems with EPA's proposed rules—the lack of science, the overly broad scope, practical problems in implementing the rule, trampling of state programs, and the cost. Let me detail just a few of the comments that I heard.

On the question of the science underlying the TMDL program, GAO recently issued a report, and provided testimony on the basis of the report, that States do not have the data they need to accurately assess the pollution problems in their waters and further, do not have the data they need to develop TMDLs. In his statement to Senator CRAPO's subcommittee, Peter Guerrero noted specifically that the ''ability [of the States] to develop TMDLs is limited by a number of factors. . . . [S]hortages in funding and staff [were cited] as the major limitation to carrying out [the States'] responsibilities, including developing TMDLs. In addition, states reported that they need additional analytical methods and technical assistance to develop TMDLs for the more complex, nonpoint sources of pollution.'' He went on to state that only three states have the data they need to identify nonpoint sources of pollution, and only three States have the majority of the data they need to develop TMDLs for

nonpoint sources. To me, this information from GAO sends a clear signal that TMDLs are not the answer for nonpoint source pollution. The science just isn't there.

We also heard from a variety of businesses and landowners who told us of other substantive problems with EPA's proposed rules. For example, Tom Thomson, a certified Tree Farmer from my home State of New Hampshire and the owner of the Outstanding Northeastern Tree Farm of 1997, testified that EPA's proposal to regulate tree farming as a point source and impose TMDLs would just make it harder to do the job of improving water quality. He explained that through aggressive, private and voluntary stewardship, private woodlot owners all over the country are doing a good job to address water quality issues related to forestry. Compliance rates now approach 90 percent in many of the States where forestry best management practices, BMPs, are in place. Total river and stream miles impaired due to silviculture declined 20 percent just between 1994 and 1996. The number of miles deemed to have ''major impairment'' from silviculture fell 83 percent. In 1996, EPA dropped silviculture from its list of 7 leading sources of river and stream impairment. That same year, silviculture contributed only 7 percent of total stream impairment. In Tom's word's this seems to be a classic case of ''if it ain't broke, don't fix it.'' In this case, it would seem clear that water quality issues related to forestry are being addressed and progress is being made through State BMP programs and other voluntary, non-regulatory measures undertaken by landowners.

To his credit, EPA Assistant Administrator for the Office of Water, Chuck Fox, has recognized that the proposed rule caused confusion and does have many problems. I met with Mr. Fox last week and was pleased to learn from him that EPA has heard at least some of the concerns that were raised and is ready to make some changes to their rule. He indicated that in any final rule, EPA would ''drop threatened waters; allow more flexibility in setting priorities; drop the offset requirements for new pollution; and revise the approach for forest pollution.''

Some of the changes may be significant and that's good news, but as always, ''the devil is in the details.'' I am still concerned that many of the major problems have not been addressed. I also wonder why, if EPA is willing to acknowledge that many of the concepts included in the proposed rule were indeed flawed, it hasn't been willing to withdraw the August draft and reissue a new proposed rule that reflects its current thoughts. Surely doing that and seeking public comment on a revised rule would result in a better, more informed end product. It would almost certainly enhance public confidence in EPA's process. However, EPA has consistently declined to consider this approach.

In my opinion, EPA simply hasn't done the work that must be done to justify and explain the rule to the public. States and the regulated community deserve to have their comments and concerns considered seriously by EPA, as well as to have an opportunity to review and provide comment on the cost assessment in the context of the proposed rule. Now apparently, EPA may be making significant changes that will never have been subject to public comment. In its desire to rush to judgment on a final rule, EPA is effectively neutering the role of public participation in the rulemaking process.

Therefore, Senator CRAPO and I have drafted legislation that will address several of the key problems with EPA's proposed rules and, in addition, defer any further EPA action on the rules until the National Academy of Sciences has conducted a study of the scientific issues underlying the development and implementation of the TMDL program.

Senator CRAPO and I are taking the first step to not only address some of the problems raised by EPA's proposed rules, but also to improve water quality on the ground right now.

Our bill will do three fundamental things. First, it significantly increases federal funding to $750 million for States to implement programs to address nonpoint source pollution, to assess the quality of their rivers and streams, and to collect the data they need to develop better TMDLs. This will represent a significant increase from current funding levels for Fiscal Year 2000 of $155 million for nonpoint source programs under section 106 and section 319 of the Clean Water Act. More money now will enable landowners, businesses, and States to do things now on the ground to improve water quality—things like putting in buffer strips and water retention ponds. With this approach, we won't have to wait 10 or 15 years for EPA to impose new regulatory requirements on landowners after a lengthy and onerous TMDL process.

Second, the bill directs the National Academy of Sciences to conduct a study on the science used to develop TMDLs and make recommendations about how to improve it. The NAS will also evaluate existing State programs to look at what works, particularly for nonpoint sources. Better science will make for better TMDLs.

Third, it includes a pilot program for EPA to compare different State approaches to improving water quality. TMDLs should not be the only tool that we rely on to meet our water quality goals; they may be appropriate and effective for a chemical company, but not for a farmer or woodlot owner. There are better solutions out there, particularly to deal with the problems associated with nonpoint source pollution. For example, States are using their own authority and incentive-based programs under the Safe Drinking Water Act and the farm bill to work together with farmers, ranchers, loggers and their cities to substantially reduce runoff.

The bottom line is that States, public utilities, landowners, and businesses now are spending billions of dollars to improve water quality. If we are going to ask them to spend billions more—and we are—Congress and EPA have a responsibility to make sure that the programs we create are based on good, reliable science, and make the best use of limited resources.

Again, it's not a question of challenging the goals of the Clean Water Act; it's a question of seeking the best way to achieve them.

The bill also includes a provision to defer the finalization of EPA's proposed TMDL and related permit rules. We're serious when we say that we want EPA to base its regulations on good science. And we're serious when we say that we want EPA to respect the role of the States in solving the problem of nonpoint source pollution. That's why the bill provides for the National Academy of Sciences to look into those issues. We believe that EPA also should welcome the NAS Study and look forward to the opportunity to use that Study to improve its rule. Therefore, the bill directs EPA to review the NAS Study and take into consideration the recommendations of the National Academy of Sciences before it finalizes any new TMDL rule. We believe that in the long run, waiting 18 months for the NAS analysis will only improve the rule and increase public confidence in it.

Mr. President, I know our critics will charge that we are undermining the Clean Water Act. They could not be more wrong. This legislation will enhance the Clean Water Act. By seeking better science and increasing needed Federal funding, this bill will strengthen programs on the ground that work—programs that improve water quality and help us achieve the fundamental goals of fishable and swimmable waters.

I commend Senator CRAPO for his leadership on this issue. I believe that in crafting this legislation, he is taking an important step in the right direction. I urge my colleagues to support this bill.

By Mr. CAMPBELL:

S. 2418. A bill to prohibit commercial air tour operations over the Black Canyon National Park; to the Committee on Commerce, Science, and Transportation.

BLACK CANYON OF THE GUNNISON NATIONAL PARK COMMERCIAL OVERFLIGHTS BAN ACT

Mr. CAMPBELL. Mr. President, today I am introducing legislation that

would prohibit commercial tour overflight operators from flying in and over the Black Canyon of the Gunnison National Park. The Black Canyon of the Gunnison National Park, our nation's 55th and newest national park is a breathtaking canyon of diverse magnitude, which is why I worked for over 13 years to get it dedicated as a national park.

I cannot imagine having the many visitors who tour my home state to view Colorado's newest national park enjoying the sound of airplanes or helicopters buzzing overhead while they are trying to listen to the flowing river at the bottom of the canyon. Because of the deep, narrow nature of the canyon, rescue and recovery operations for aircraft that experience problems would be extremely difficult, dangerous and costly.

My bill would amend the FAA reauthorization act of 2000 and would only restrict overflights on the Black Canyon of the Gunnison National Park. I worked with my friend and colleague Senator ALLARD for over five years in support of his effort to get commercial overflights banned over the Rocky Mountain National Park. Similar action by Congress is now necessary for the Black Canyon of the Gunnison.

I believe National Park visitors seek peacefulness when they visit a national park and my legislation would help provide that. We contacted the Superintendent of the Black Canyon of the Gunnison National Park and he informed us that currently no commercial overflights are taking place, but there may have been flights in the past.

My bill would amend already existing law and would not negatively affect the operation of emergency, military and commercial high-level airlines or private planes.

The Denver Post recently published an editorial supporting Congressional action on the issue of aircraft noise, citing how such operations would create noise which would echo terribly off the walls of the Canyon. As a member of the National Park and Historic Preservation Subcommittee, I have confronted these types of issues in the past and know how important it is for the visitors to our national parks to have everlasting and fond memories when they take the time and effort to visit the natural wonders we are blessed with in this country.

I ask unanimous consent that the Denver Post editorial and the bill be printed in the RECORD. And, I ask my colleagues to support this needed legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON CERTAIN COMMERCIAL AIR TOUR OPERATIONS.

Section 806 of the National Parks Air Tour Management Act of 2000 is amended by inserting ''or the Black Canyon of the Gunnison National Park'' after ''Rocky Mountain National Park''.

KEEP PLANES OUT OF PARKS

April 10—It took five years, but the wonderful quiet over Rocky Mountain National Park has been permanently preserved. However, the state's congressional delegation should take steps to protect other national parks in Colorado from being pestered by the constant drone of low-flying planes and the thunderous whapping of helicopter blades. Of particular concern is the Black Canyon of the Gunnison.

Aircraft noise has become a huge problem in some national parks, such as the Grand Canyon.

So, when a helicopter tour company wanted to start scenic flights over Rocky Mountain National Park in the mid-1990s, Estes Park residents became alarmed.

A temporary ban on commercial flights over the park was put in place, thanks to efforts by then-U.S. Rep. Wayne Allard, a Republican who at the time represented the district that includes Estes Park; then-U.S. Rep. David Skaggs, a Democrat who at the time represented the district that includes Boulder County, where part of the park is located; and then-U.S. Transportation Secretary Federico Peña, a former Denver mayor.

But the ban wasn't really a done deal until this week. Allard, now a U.S. senator, amended the Federal Aviation Administration's authorization bill to include a permanent ban on aircraft tours over Rocky Mountain National Park. U.S. Rep. Bob Schaffer, another Republican who now represents Colorado's Fourth Congressional District, co-sponsored a similar amendment on the House side.

Unfortunately, their work may not yet be finished. In the last several months, some outdoor recreation groups have raised worries that commercial flights could become a problem over the Black Canyon of the Gunnison National Park. That prospect could make it impossible for visitors to enjoy standing on the rim and listening to the Gunnison River roar thousands of feet below. Aircraft noise would echo terribly off the rock walls, and the narrow canyon could present safety problems.

The use of commercial aircraft is justifiable in a few national parks. In Alaska, for example, airplanes are needed to reach parts of Denali National Park, including the main climbing route on Mount McKinley.

But in the national parks in Colorado, commercial tour flights simply aren't appropriate. The state's congressional delegation should continue to work on the issue.

By Mr. JOHNSON (for himself and Ms. COLLINS):

S. 2419. A bill to amend title 38, United States Code, to provide for the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes; to the Committee on Veterans' Affairs.

VETERANS' HIGHER EDUCATION OPPORTUNITIES ACT

Mr. JOHNSON. Mr. President, I rise today to introduce the Veterans Higher Education Opportunities Act. I am pleased to be joined by the distinguished Senator COLLINS of Maine in bringing this important issue to the Senate floor today.

The 1944 GI Bill of Rights is one of the most important pieces of legislation ever passed by Congress. No program has been more successful in increasing educational opportunities for our country's veterans while also providing a valuable incentive for the best and brightest to make a career out of military service. This bill has allowed eight million veterans to finish high school and 2.3 million service members to attend college.

Unfortunately, without this update the current GI Bill can no longer deliver these results and fails in its promise to recruits and service members. The legislation that Senator COLLINS and I are introducing today will take an important first step in modernizing the GI Bill.

Over 96% of recruits currently sign up for the Montgomery GI Bill and pay $1,200 out of their first year's pay to guarantee eligibility. But only one-half of these military personnel use any of the current Montgomery GI Bill benefits. This is evidence that the current GI Bill simply does not meet their needs.

GI Bill benefits have not kept pace with increased costs of education. During the 1995–96 school year, the basic benefit paid under the Montgomery GI Bill offset only 36% of average total education costs.

There is wide consensus among national higher education and veterans associations that at a minimum, the GI Bill should pay the costs of attending the average four-year public institution as a commuter student. The current Montgomery GI Bill benefit pays only 55% of that cost.

My legislation creates that benchmark by indexing the GI Bill to the costs of attending the average four-year public institution as a commuter student. For example, those costs for the 1999–2000 academic year were $8,774. The Veterans Higher Education Opportunities Act would thereby require 36 monthly stipends of $975 for a total GI Bill benefit of $35,100. This benchmark cost will be updated annually by the College Board in order for the GI Bill to keep pace.

I am pleased that my legislation has the bipartisan support of Senator COLLINS and the overwhelming support of the Partnership for Veterans' Education. This organization includes over 45 veterans groups and higher education organizations including the VFW, the American Council on Education, the Non Commissioned Officers Association, the National Association of State Universities and Land Grant Colleges, and the Retired Enlisted Association.

Several proposals have been introduced in the House that would address

the shortfalls of the current GI Bill, and I look forward to working with members of the House and my colleagues in the Senate on this important issue.

As the parent of a son who served as a peacekeeper in Bosnia and who is currently deployed in Kosovo, these military ''quality of life'' challenges are particularly apparent to me. Making the GI Bill pay for viable educational opportunity makes as much sense today as it did following World War II. The very modest cost of improving the GI Bill will result in net gains to our military and our society.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans' Higher Education Opportunities Act of 2000''.

SEC. 2. ANNUAL DETERMINATION OF BASIC BENEFIT OF ACTIVE DUTY EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.

(a) BASIC BENEFIT.—Section 3015 of title 38, United States Code, is amended—

(1) in subsection (a)(1), by striking ''of $528 (as increased from time to time under subsection (g))'' and inserting ''equal to the average monthly costs of tuition and expenses for commuter students at public institutions of higher education that award baccalaureate degrees (as determined under subsection (g))''; and

(2) in subsection (b)(1) by striking ''of $429 (as increased from time to time under subsection (g))'' and inserting ''equal to 75 percent of the average monthly costs of tuition and expenses for commuter students at public institutions of higher education that award baccalaureate degrees (as determined under subsection (g))''.

(b) DETERMINATION OF AVERAGE MONTHLY COSTS.—Subsection (g) of that section is amended to read as follows:

''(g)(1) Not later than September 30 each year, the Secretary shall determine the average monthly costs of tuition and expenses for commuter students at public institutions of higher education that award baccalaureate degrees for purposes of subsections (a)(1) and (b)(1) for the succeeding fiscal year. The Secretary shall determine such costs utilizing information obtained from the College Board or information provided annually by the College Board in its annual survey of institutions of higher education.

''(2) In determining the costs of tuition and expenses under paragraph (1), the Secretary shall take into account the following:

''(A) Tuition and fees.

''(B) The cost of books and supplies.

''(C) The cost of board.

''(D) Transportation costs.

''(E) Other nonfixed educational expenses.

''(3) A determination made under paragraph (1) in a year shall take effect on October 1 of that year and apply with respect to basic educational assistance allowances payable under this section for the fiscal year beginning in that year.

''(4) Not later than September 30 each year, the Secretary shall publish in the Federal Register the average monthly costs of tuition and expenses as determined under paragraph (1) in that year.

''(5) For purposes of this section, the term 'institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).''.

(c) STYLISTIC AMENDMENT.—Subsection (b) of that section is further amended in the matter preceding paragraph (1) by striking ''as provided in the succeeding subsections of this section'' and inserting ''as otherwise provided in this section''.

(d) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on October 1, 2000.

(2) The Secretary of Veterans Affairs shall make the determination required by subsection (g) of section 3015 of title 38, United States Code (as amended by subsection (b) of this section), and such determination shall go into effect, for fiscal year 2001.

Ms. COLLINS. Mr. President, I am delighted to join with my friend and colleague, Senator JOHNSON, in introducing the Veterans' Higher Education Opportunities Act of 2000. This legislation will provide our veterans with expanded educational opportunities at a reasonable cost. Endorsed by the 47-member Partnership for Veterans Education, our legislation provides a new model for today's GI bill that is logical, fair, and worthy of a nation that values both higher education and our veterans.

The original GI bill was enacted in 1944. As a result of this initiative, 7.8 million World War II veterans were able to take advantage of postservice education and training opportunities, including more than 2 million veterans who went on to college. My own father was among those veterans who served bravely in World War II and then came back home to resume his education with assistance from the GI bill.

Since that time, various incarnations of the G.I. Bill have continued to assist millions of veterans in taking advantage of the educational opportunities they put on hold in order to serve their country. New laws were enacted to provide educational assistance to those who served in Korea and Vietnam, as well as to those who served during the period in-between. Since the change to an all-volunteer service, additional adjustments to these programs were made, leading up to the enactment of the Montgomery G.I. Bill in 1985.

The value of the educational benefit assistance provided by the Montgomery G.I. Bill, however, has greatly eroded over time due to inflation and the escalating cost of higher education. Military recruiters indicate that the program's benefits no longer serve as a strong incentive to join the military; nor do they serve as a retention tool valuable enough to persuade men and women to stay in the military and defer the full or part-time pursuit of their higher education until a later date. Perhaps most important, the program is losing its value as an instrument for readjustment into civilian life after military service.

This point really hit home for me when I recently met with representatives of the Maine State Approving Agency (SAA) for Veterans Education Programs. They told me of the ever increasing difficulties that service members are having in using the G.I. Bill's benefits for education and training.

For example, the Maine representatives told me that the majority of today's veterans are married and have children. Yet, the Montgomery G.I. Bill often does not cover the cost of tuition to attend a public institution, let alone the other costs associated with the pursuit of higher education and those required to help support a family.

In fact, in constant dollars, with one exception, the current G.I. Bill provides the lowest level of assistance ever to those who served in the defense of our country. The basic benefit program of the Vietnam Era G.I. Bill provided $493 per month in 1981 to a veteran with a spouse and two children. Twenty years later, a veteran in identical circumstances receives only $43 more, a mere 8% increase over a time period when inflation has nearly doubled, and a dollar buys only half of what it once purchased.

To address these problems, we are offering a modern version of the Montgomery G.I. Bill. This new model establishes a sensible, easily understood benchmark for G.I. Bill benefits. The benchmark sets G.I. Bill benefits at ''the average monthly costs of tuition and expenses for commuter students at public institutions of higher education that award baccalaureate degrees.'' This commonsense provision would serve as the foundation upon which future education stipends for all veterans would be based and would set benefits at a level sufficient to provide veterans the education promised to them at recruitment.

The current G.I. Bill now provides nine monthly $536 stipends per year for four years. The total benefit is $19,296. Under the new benchmark established by this legislation, the monthly stipend for this academic year would be $975, producing a new total benefit of $35,100 for the four academic years.

Mr. President, today's G.I. Bill is woefully under-funded and does not provide the financial support necessary for our veterans to meet their educational goals. The legislation that we are proposing would fulfill the promise made to our nation's veterans, help with recruiting and retention of men and women in our military, and reflect current costs of higher education. Now is the time to enact these modest improvements to the basic benefit program of the Montgomery G.I. Bill.

I urge all members of the Senate to join Senator JOHNSON and myself in support of the Veterans' Higher Education Opportunities Act.

By Mr. GRASSLEY (for himself, Ms. MIKULSKI, Ms. COLLINS, and Mr. CLELAND):

S. 2420. A bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, and for other purposes; to the Committee on Governmental Affairs.

LONG-TERM CARE SECURITY ACT

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2420

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Long-Term Care Security Act''.

SEC. 2. LONG-TERM CARE INSURANCE.

(a) IN GENERAL.—Subpart G of part III of title 5, United States Code, is amended by adding at the end the following:

''CHAPTER 90—LONG-TERM CARE INSURANCE

''Sec.
''9001. Definitions.
''9002. Availability of insurance.
''9003. Contracting authority.
''9004. Financing.
''9005. Preemption.
''9006. Studies, reports, and audits.
''9007. Jurisdiction of courts.
''9008. Administrative functions.
''9009. Cost accounting standards.

''§ 9001. Definitions

For purposes of this chapter:

''(1) EMPLOYEE.—The term 'employee' means—

''(A) an employee as defined by section 8901(1); and

''(B) an individual described in section 2105(e);

but does not include an individual employed by the government of the District of Columbia.

''(2) ANNUITANT.—The term 'annuitant' has the meaning such term would have under paragraph (3) of section 8901 if, for purposes of such paragraph, the term 'employee' were considered to have the meaning given to it under paragraph (1) of this subsection.

''(3) MEMBER OF THE UNIFORMED SERVICES.—The term 'member of the uniformed services' means a member of the uniformed services, other than a retired member of the uniformed services.

''(4) RETIRED MEMBER OF THE UNIFORMED SERVICES.—The term 'retired member of the uniformed services' means a member or former member of the uniformed services entitled to retired or retainer pay.

''(5) QUALIFIED RELATIVE.—The term 'qualified relative' means each of the following:

''(A) The spouse of an individual described in paragraph (1), (2), (3), or (4).

''(B) A parent, stepparent, or parent-in-law of an individual described in paragraph (1) or (3).

''(C) A child (including an adopted child, a stepchild, or, to the extent the Office of Personnel Management by regulation provided, a foster child) of an individual described in paragraph (1), (2), (3), or (4), if such child is at least 18 years of age.

''(D) An individual having such other relationship to an individual described in paragraph (1), (2), (3), or (4) as the Office may by regulation prescribe.

''(6) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' refers to an individual described in paragraph (1), (2), (3), (4), or (5).

''(7) QUALIFIED CARRIER.—The term 'qualified carrier' means an insurance company (or consortium of insurance companies) that is licensed to issue long-term care insurance in all States, taking any subsidiaries of such a company into account (and, in the case of a consortium, considering the member companies and any subsidiaries thereof, collectively).

''(8) STATE.—The term 'State' includes the District of Columbia.

''(9) QUALIFIED LONG-TERM CARE INSURANCE CONTRACT.—The term 'qualified long-term care insurance contract' has the meaning given such term by section 7702B of the Internal Revenue Code of 1986.

''(10) APPROPRIATE SECRETARY.—The term 'appropriate Secretary' means—

''(A) except as otherwise provided in this paragraph, the Secretary of Defense;

''(B) with respect to the Coast Guard when it is not operating as a service of the Navy, the Secretary of Transportation;

''(C) with respect to the commissioned corps of the National Oceanic and Atmospheric Administration, the Secretary of Commerce; and

''(D) with respect to the commissioned corps of the Public Health Service, the Secretary of Health and Human Services.

''§ 9002. Availability of insurance

''(a) IN GENERAL.—The Office of Personnel Management shall establish and, in consultation with the appropriate Secretaries, administer a program through which an individual described in paragraph (1), (2), (3), (4), or (5) of section 9001 may obtain long-term care insurance coverage under this chapter for such individual.

''(b) GENERAL REQUIREMENTS.—Long-term care insurance may not be offered under this chapter unless—

''(1) the only coverage provided is under qualified long-term care insurance contracts; and

''(2) each insurance contract under which any such coverage is provided is issued by a qualified carrier.

''(c) DOCUMENTATION REQUIREMENT.—As a condition for obtaining long-term care insurance coverage under this chapter based on one's status as a qualified relative, an applicant shall provide documentation to demonstrate the relationship, as prescribed by the Office.

''(d) UNDERWRITING STANDARDS.—

''(1) DISQUALIFYING CONDITION.—Nothing in this chapter shall be considered to require that long-term care insurance coverage be made available in the case of any individual who would be eligible for benefits immediately.

''(2) SPOUSAL PARITY.—For the purpose of underwriting standards, a spouse of an individual described in paragraph (1), (2), (3), or (4) of section 9001 shall, as nearly as practicable, be treated like that individual.

''(3) GUARANTEED ISSUE.—Nothing in this chapter shall be considered to require that long-term care insurance coverage be guaranteed to an eligible individual.

''(4) REQUIREMENT THAT CONTRACT BE FULLY INSURED.—In addition to the requirements otherwise applicable under section 9001(9), in order to be considered a qualified long-term care insurance contract for purposes of this chapter, a contract must be fully insured, whether through reinsurance with other companies or otherwise.

''(5) HIGHER STANDARDS ALLOWABLE.—Nothing in this chapter shall, in the case of an individual applying for long-term care insurance coverage under this chapter after the expiration of such individual's first opportunity to enroll, preclude the application of underwriting standards more stringent than those that would have applied if that opportunity had not yet expired.

''(e) GUARANTEED RENEWABILITY.—The benefits and coverage made available to eligible individuals under any insurance contract under this chapter shall be guaranteed renewable (as defined by section 7A(2) of the model regulations described in section 7702B(g)(2) of the Internal Revenue Code of 1986), including the right to have insurance remain in effect so long as premiums continue to be timely made. However, the authority to revise premiums under this chapter shall be available only on a class basis and only to the extent otherwise allowable under section 9003(b).

''§ 9003. Contracting authority

''(a) IN GENERAL.—The Office of Personnel Management shall, without regard to section 5 of title 41 or any other statute requiring competitive bidding, contract with 1 or more qualified carriers for a policy or policies of long-term care insurance. The Office shall ensure that each resulting contract (hereinafter in this chapter referred to as a 'master contract') is awarded on the basis of contractor qualifications, price, and reasonable competition.

''(b) TERMS AND CONDITIONS.—

''(1) IN GENERAL.—Each master contract under this chapter shall contain—

''(A) a detailed statement of the benefits offered (including any maximums, limitations, exclusions, and other definitions of benefits);

''(B) the premiums charged (including any limitations or other conditions on their subsequent adjustment);

''(C) the terms of the enrollment period; and

''(D) such other terms and conditions as may be mutually agreed to by the Office and the carrier involved, consistent with the requirements of this chapter.

''(2) PREMIUMS.—Premiums charged under each master contract entered into under this section shall reasonably and equitably reflect the cost of the benefits provided, as determined by the Office. The premiums shall not be adjusted during the term of the contract unless mutually agreed to by the Office and the carrier.

''(3) NONRENEWABILITY.—Master contracts under this chapter may not be made automatically renewable.

''(c) PAYMENT OF REQUIRED BENEFITS; DISPUTE RESOLUTION.—

''(1) IN GENERAL.—Each master contract under this chapter shall require the carrier to agree—

''(A) to provide payments or benefits to an eligible individual if such individual is entitled thereto under the terms of the contract; and

''(B) with respect to disputes regarding claims for payments or benefits under the terms of the contract—

''(i) to establish internal procedures designed to expeditiously resolve such disputes; and

''(ii) to establish, for disputes not resolved through procedures under clause (i), procedures for 1 or more alternative means of dispute resolution involving independent third-

party review under appropriate circumstances by entities mutually acceptable to the Office and the carrier.

''(2) ELIGIBILITY.—A carrier's determination as to whether or not a particular individual is eligible to obtain long-term care insurance coverage under this chapter shall be subject to review only to the extent and in the manner provided in the applicable master contract.

''(3) OTHER CLAIMS.—For purposes of applying the Contract Disputes Act of 1978 to disputes arising under this chapter between a carrier and the Office—

''(A) the agency board having jurisdiction to decide an appeal relative to such a dispute shall be such board of contract appeals as the Director of the Office of Personnel Management shall specify in writing (after appropriate arrangements, as described in section 8(c) of such Act); and

''(B) the district courts of the United States shall have original jurisdiction, concurrent with the United States Court of Federal Claims, of any action described in section 10(a)(1) of such Act relative to such a dispute.

''(4) RULE OF CONSTRUCTION.—Nothing in this chapter shall be considered to grant authority for the Office or a third-party reviewer to change the terms of any contract under this chapter.

''(d) DURATION.—

''(1) IN GENERAL.—Each master contract under this chapter shall be for a term of 7 years, unless terminated earlier by the Office in accordance with the terms of such contract. However, the rights and responsibilities of the enrolled individual, the insurer, and the Office (or duly designated third-party administrator) under such contract shall continue with respect to such individual until the termination of coverage of the enrolled individual or the effective date of a successor contract thereto.

''(2) EXCEPTION.—

''(A) SHORTER DURATION.—In the case of a master contract entered into before the end of the period described in subparagraph (B), paragraph (1) shall be applied by substituting 'ending on the last day of the 7-year period described in paragraph (2)(B)' for 'of 7 years'.

''(B) DEFINITION.—The period described in this subparagraph is the 7-year period beginning on the earliest date as of which any long-term care insurance coverage under this chapter becomes effective.

''(3) CONGRESSIONAL NOTIFICATION.—No later than 180 days after receiving the second report required under section 9006(c), the President (or his designee) shall submit to the Committees on Government Reform and on Armed Services of the House of Representatives and the Committees on Governmental Affairs and on Armed Services of the Senate, a written recommendation as to whether the program under this chapter should be continued without modification, terminated, or restructured. During the 180-day period following the date on which the President (or his designee) submits the recommendation required under the preceding sentence, the Office of Personnel Management may not take any steps to rebid or otherwise contract for any coverage to be available at any time following the expiration of the 7-year period described in paragraph (2)(B).

''(4) FULL PORTABILITY.—Each master contract under this chapter shall include such provisions as may be necessary to ensure that, once an individual becomes duly enrolled, long-term care insurance coverage obtained by such individual pursuant to that enrollment shall not be terminated due to any change in status (such as separation from Government service or the uniformed services) or ceasing to meet the requirements for being considered a qualified relative (whether as a result of dissolution of marriage or otherwise).

''§ 9004. Financing

''(a) IN GENERAL.—Each eligible individual obtaining long-term care insurance coverage under this chapter shall be responsible for 100 percent of the premiums for such coverage.

''(b) WITHHOLDINGS.—

''(1) IN GENERAL.—The amount necessary to pay the premiums for enrollment may—

''(A) in the case of an employee, be withheld from the pay of such employee;

''(B) in the case of an annuitant, be withheld from the annuity of such annuitant;

''(C) in the case of a member of the uniformed services described in section 9001(3), be withheld from the basic pay of such member; and

''(D) in the case of a retired member of the uniformed services described in section 9001(4), be withheld from the retired pay or retainer pay payable to such member.

''(2) VOLUNTARY WITHHOLDINGS FOR QUALIFIED RELATIVES.—Withholdings to pay the premiums for enrollment of a qualified relative may, upon election of the appropriate eligible individual (described in section 9001(1)–(4)), be withheld under paragraph (1) to the same extent and in the same manner as if enrollment were for such individual.

''(c) DIRECT PAYMENTS.—All amounts withheld under this section shall be paid directly to the carrier.

''(d) OTHER FORMS OF PAYMENT.—Any enrollee who does not elect to have premiums withheld under subsection (b) or whose pay, annuity, or retired or retainer pay (as referred to in subsection (b)(1)) is insufficient to cover the withholding required for enrollment (or who is not receiving any regular amounts from the Government, as referred to in subsection (b)(1), from which any such withholdings may be made, and whose premiums are not otherwise being provided for under subsection (b)(2)) shall pay an amount equal to the full amount of those charges directly to the carrier.

''(e) SEPARATE ACCOUNTING REQUIREMENT.—Each carrier participating under this chapter shall maintain records that permit it to account for all amounts received under this chapter (including investment earnings on those amounts) separate and apart from all other funds.

''(f) REIMBURSEMENTS.—

''(1) REASONABLE INITIAL COSTS.—

''(A) IN GENERAL.—The Employees' Life Insurance Fund is available, without fiscal year limitation, for reasonable expenses incurred by the Office of Personnel Management in administering this chapter before the start of the 7-year period described in section 9003(d)(2)(B), including reasonable implementation costs.

''(B) REIMBURSEMENT REQUIREMENT.—Such Fund shall be reimbursed, before the end of the first year of that 7-year period, for all amounts obligated or expended under subparagraph (A) (including lost investment income). Such reimbursement shall be made by carriers, on a pro rata basis, in accordance with appropriate provisions which shall be included in master contracts under this chapter.

''(2) SUBSEQUENT COSTS.—

''(A) IN GENERAL.—There is hereby established in the Employees' Life Insurance Fund a Long-Term Care Administrative Account, which shall be available to the Office, without fiscal year limitation, to defray reasonable expenses incurred by the Office in administering this chapter after the start of the 7-year period described in section 9003(d)(2)(B).

''(B) REIMBURSEMENT REQUIREMENT.—Each master contract under this chapter shall include appropriate provisions under which the carrier involved shall, during each year, make such periodic contributions to the Long-Term Care Administrative Account as necessary to ensure that the reasonable anticipated expenses of the Office in administering this chapter during such year (adjusted to reconcile for any earlier overestimates or underestimates under this subparagraph) are defrayed.

''§ 9005. Preemption

''The terms of any contract under this chapter which relate to the nature, provision, or extent of coverage or benefits (including payments with respect to benefits) shall supersede and preempt any State or local law, or any regulation issued thereunder, which relates to long-term care insurance or contracts.

''§ 9006. Studies, reports, and audits

''(a) PROVISIONS RELATING TO CARRIERS.—Each master contract under this chapter shall contain provisions requiring the carrier—

''(1) to furnish such reasonable reports as the Office of Personnel Management determines to be necessary to enable it to carry out its functions under this chapter; and

''(2) to permit the Office and representatives of the General Accounting Office to examine such records of the carrier as may be necessary to carry out the purposes of this chapter.

''(b) PROVISIONS RELATING TO FEDERAL AGENCIES.—Each Federal agency shall keep such records, make such certifications, and furnish the Office, the carrier, or both, with such information and reports as the Office may require.

''(c) REPORTS BY THE GENERAL ACCOUNTING OFFICE.—The General Accounting Office shall prepare and submit to the President, the Office of Personnel Management, and each House of Congress, before the end of the third and fifth years during which the program under this chapter is in effect, a written report evaluating such program. Each such report shall include an analysis of the competitiveness of the program, as compared to both group and individual coverage generally available to individuals in the private insurance market. The Office shall cooperate with the General Accounting Office to provide periodic evaluations of the program.

''§ 9007. Jurisdiction of courts

''The district courts of the United States have original jurisdiction of a civil action or claim described in paragraph (1) or (2) of section 9003(c), after such administrative remedies as required under such paragraph (1) or (2) (as applicable) have been exhausted, but only to the extent judicial review is not precluded by any dispute resolution or other remedy under this chapter.

''§ 9008. Administrative functions

''(a) IN GENERAL.—The Office of Personnel Management shall prescribe regulations necessary to carry out this chapter.

''(b) ENROLLMENT PERIODS.—The Office shall provide for periodic coordinated enrollment, promotion, and education efforts in consultation with the carriers.

''(c) CONSULTATION.—Any regulations necessary to effect the application and operation of this chapter with respect to an eligible individual described in paragraph (3) or

(4) of section 9001, or a qualified relative thereof, shall be prescribed by the Office in consultation with the appropriate Secretary.

''(d) INFORMED DECISIONMAKING.—The Office shall ensure that each eligible individual applying for long-term care insurance under this chapter is furnished the information necessary to enable that individual to evaluate the advantages and disadvantages of obtaining long-term care insurance under this chapter, including the following:

''(1) The principal long-term care benefits and coverage available under this chapter, and how those benefits and coverage compare to the range of long-term care benefits and coverage otherwise generally available.

''(2) Representative examples of the cost of long-term care, and the sufficiency of the benefits available under this chapter relative to those costs. The information under this paragraph shall also include—

''(A) the projected effect of inflation on the value of those benefits; and

''(B) a comparison of the inflation-adjusted value of those benefits to the projected future costs of long-term care.

''(3) Any rights individuals under this chapter may have to cancel coverage, and to receive a total or partial refund of premiums. The information under this paragraph shall also include—

''(A) the projected number or percentage of individuals likely to fail to maintain their coverage (determined based on lapse rates experienced under similar group long-term care insurance programs and, when available, this chapter); and

''(B)(i) a summary description of how and when premiums for long-term care insurance under this chapter may be raised;

''(ii) the premium history during the last 10 years for each qualified carrier offering long-term care insurance under this chapter; and

''(iii) if cost increases are anticipated, the projected premiums for a typical insured individual at various ages.

''(4) The advantages and disadvantages of long-term care insurance generally, relative to other means of accumulating or otherwise acquiring the assets that may be needed to meet the costs of long-term care, such as through tax-qualified retirement programs or other investment vehicles.

''§ 9009. Cost accounting standards

''The cost accounting standards issued pursuant to section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)) shall not apply with respect to a long-term care insurance contract under this chapter.''.

(b) CONFORMING AMENDMENT.—The analysis for part III of title 5, United States Code, is amended by adding at the end of subpart G the following:

''90. Long-Term Care Insurance ... 9001.''.

SEC. 3. EFFECTIVE DATE.

The Office of Personnel Management shall take such measures as may be necessary to ensure that long-term care insurance coverage under title 5, United States Code, as amended by this Act, may be obtained in time to take effect not later than the first day of the first applicable pay period of the first fiscal year which begins after the end of the 18-month period beginning on the date of enactment of this Act.

By Mr. CONRAD:

S. 2422. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for farm relief and economic development, and for other purposes; to the Committee on Finance.

FARM RELIEF AND ECONOMIC DEVELOPMENT ACT OF 2000

Mr. CONRAD. Mr. President, I rise today to introduce the Farm Relief and Economic Development Act of 2000. We have farmers who are in the deepest trouble they have been in in 50 years: the lowest prices in 50 years, a series of natural disasters in many parts of the country, and an economic environment in which our major competitors are outgunning us 60 to 1 in agricultural export support, by 10 to 1 in internal support. The result is tens of thousands of farm families are faced with failure unless we respond.

The Department of Agriculture has told us that farm income will drop $8 billion if we fail to act. As part of an overall response, today I am introducing legislation that I term the ''Farm Relief and Economic Development Act of 2000.'' There is no question in my mind that the best action Congress could take on farm policy would be to rewrite the farm bill. But that is unlikely to happen this year.

There are parts of the Internal Revenue Code that create unnecessary problems for farmers that we can address. The essential elements of this bill are provisions to address farm and ranch risk management accounts. This proposal would allow farmers to make contributions to tax-deferred accounts, which would be known as farm and ranch risk management accounts. Those accounts would provide farmers with a valuable new tool for managing money in a way that best benefits each farmer's own operations.

The second key element of this legislation is clarifying the self-employment tax that applies to farm lease income. A farm landlord should be treated no differently than small business operators and other commercial landlords when it comes to cash rent income.

As a result of a 1996 Tax Court decision, the IRS has now expanded the reach of the self-employment tax to include all farm landlords, whether or not they are active participants in the farming activity. My proposal would restore the pre-1996 status quo, turning back this unilateral action by the IRS. My proposal also includes language to clarify the Conservation Reserve Program payments are not subject to the self-employment tax. Again, we have an interpretation by the Internal Revenue Service that we think is badly flawed and ought to be reversed.

This legislation provides capital gains relief on the sale of farm residences and farmland. Farm families frequently cannot take full advantage of the $500,000 capital gains tax exemption that we provide nonfarm residents. That is because the IRS separates the value of a farmer's house from the contiguous land. The value of the home often turns out to be negligible because the IRS often judges homes located far out in the country to have very little value. In fact, it is often the case it has very little in the way of market value when it is detached from the land that surrounds that farmstead. My proposal would allow the exclusion of $500,000 that we currently allow homeowners to be applied to the sale of a farmer's home and up to 160 acres of surrounding farmland.

The next element of my legislation is Aggie bonds. Finding ways to encourage people to start farming is not easy. Aggie bonds are helping by reducing the cost of credit and stimulating investment in agriculture. This proposal would exclude Aggie bonds from the State volume cap. It would not change the loan limit, nor would it affect any additional limitations or qualifications imposed by the 16 States which participate in the program.

My proposal provides capital gains tax relief for farmers leaving farming. The farmer who decides to leave under enormous financial pressure today often finds the IRS waiting with its hand out. When property is sold at auction in order to satisfy debt, the farmers will often realize a very significant capital gain, even though they really have losses because the value of the property has gone up while the debt may have gone up even more dramatically. This proposal would provide a once-in-a-lifetime capital gains exclusion for farmers who decide or are pressured to leave agriculture.

Next, this proposal addresses net operating losses of farmers. My proposal would lengthen the carryback period for net operating losses for farmers to 10 years. Because of the volatility in the income of farmers, we believe it makes sense to allow them a net operating loss over an extended period.

Next, this proposal I am offering today deals with estate valuation. We have the special use valuation, in order to help farmers keep their farms intact. The definitions that trigger the recapture, unfortunately, are too rigid. If the farm can remain a going concern by renting some portion of it to other family members, I believe the family should be able to still enjoy the benefits of special use valuation. My proposal would provide that an heir could rent the family farm to family members for the purpose of farming without triggering the recapture provisions.

Next, my proposal deals with farmer cooperatives. This proposal would provide cooperatives with the same declaratory relief procedures available to other tax-exempt entities when their tax-exempt status is denied.

Finally, my proposal deals with income averaging for farmers and the alternative minimum tax. Because of interaction between the income averaging provisions of the code and the alternative minimum tax, some farmers who elect to take advantage of income

averaging are finding themselves subject to alternative minimum tax. That was never intended. This outcome should be changed so farmers receive the full benefit of income averaging. This proposal would provide that a farmer who elects income averaging would not then face an increase in AMT liability.

With that, Mr. President, I send the bill to the desk and ask for its referral. I hope colleagues will support this legislation.

By Mr. DURBIN:

S. 2423. A bill to provide Federal Perkins Loan cancellation for public defenders; to the Committee on Health, Education, Labor, and Pensions.

FEDERAL PERKINS LOAN CANCELLATION FOR PUBLIC DEFENDERS

• Mr. DURBIN. Mr. President, today I am introducing legislation with Senators FEINSTEIN, DODD, WELLSTONE, and BINGAMAN to include full-time public defense attorneys in the Federal Perkins Loan forgiveness program for law enforcement officers. This amendment will provide parity to public defense attorneys and uphold the goals set forth by the Supreme Court to equalize access to legal resources. Representative TOM CAMPBELL of California will be introducing a similar bill in the House.

Under section 465(a)(2)(F) of the Higher Education Act of 1965, a borrower with a loan made under the Federal Perkins Loan Program is eligible to have the loan canceled for serving full-time as a law enforcement officer or corrections officer in a local, State, or Federal law enforcement or corrections agency. While the rules governing borrower eligibility for law enforcement cancellation have been interpreted by the Department of Education to include prosecuting attorneys, public defenders have been excluded from the loan forgiveness program. This policy must be amended.

Like prosecutors, public defense attorneys play an integral role in our adversarial process. This judicial process is the most effective means of getting at truth and rendering justice. The United States Supreme Court in a series of cases has recognized the importance of the right to counsel in implementing the Sixth Amendment's guarantee of a fair trial and the Fourteenth Amendment's due process clause requiring counsel to be appointed for all persons accused of offenses in which there is a possibility of a jail term being imposed.

Absent adequate counsel for all parties, there is a danger that the outcome may be determined not by who has the most convincing case but by who has the most resources. The Court rightly addressed this possible miscarriage of justice by requiring counsel to be appointed for the accused. Public defenders fill this Court mandated role by representing the interests of criminally accused indigent persons. They give indigent defendants sufficient resources to present an adequate defense, so that the public goal of truth and justice will govern the outcome.

The Department of Education's interpretation of the statute to exclude public defenders from the loan forgiveness program undermines the goals set forth by the Supreme Court to equalize access to legal resources. It creates an obvious disparity of resources between public defenders and prosecutors by encouraging talented individuals to pursue public service as prosecutors but not as defenders. The criminal justice system works best when both sides are adequately represented. The public interest is served when indigent defendants have access to talented defenders. One of the ways to facilitate this goal is by granting loan cancellation benefits to defense attorneys.

Moreover, public defense attorneys meet all the eligibility requirements of the loan forgiveness program as set forth in current federal regulations. They belong to publicly funded public defender agencies and they are sworn officers of the court whose principal responsibilities are unique to the criminal justice system and are essential in the performance of the agencies' primary mission. In addition, like prosecuting attorneys, public defenders are law enforcement officers dedicated to upholding, protecting, and enforcing our laws. Without public defense attorneys, the adversarial process of our criminal justice system could not operate.

I urge my colleagues to join me, Senator FEINSTEIN, Senator DODD, Senator WELLSTONE, Senator BINGAMAN, and Representative CAMPBELL in supporting the goal of equalized access to legal resources, as set forth in the Constitution and elucidated by the Supreme Court, by providing parity to public defenders and allowing them to join prosecutors in receiving loan cancellation benefits.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2423

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FEDERAL PERKINS LOAN CANCELLATION FOR PUBLIC DEFENDERS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Education has issued clarifications that prosecuting attorneys are among the class of law enforcement officers eligible for benefits under the Federal Perkins Loan cancellation program.

(2) Like prosecutors, public defenders also meet all the eligibility requirements of the Federal Perkins Loan cancellation program as set forth in Federal regulations.

(3) Public defenders are law enforcement officers who play an integral role in our Nation's adversarial legal process. Public defenders fill the Supreme Court mandated role requiring that counsel be appointed for the accused, by representing the interests of criminally accused indigent persons.

(4) In order to encourage highly qualified attorneys to serve as public defenders, public defenders should be included with prosecutors among the class of law enforcement officers eligible to receive benefits under the Federal Perkins Loan cancellation program.

(b) AMENDMENT.—Section 465(a)(2)(F) of the Higher Education Act of 1965 (20 U.S.C. 1087ee(a)(2)(F)) is amended by inserting '', or as a full-time public defender for service to local, State, or Federal governments (directly or by a contract with a private, nonprofit organization)'' after ''agencies''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to—

(1) loans made under this part, whether made before, on, or after the date of enactment of this Act; and

(2) service as a public defender that is provided on or after the date of enactment of this Act.

(d) CONSTRUCTION.—Nothing in this section shall be construed to authorize the refunding of any repayment of a loan.•

By Mr. JEFFORDS (for himself, Mr. MOYNIHAN, Mr. SCHUMER, Mr. DODD, Mr. KENNEDY, and Mr. LIEBERMAN):

S. 2429. A bill to amend the Energy Conservation and Production Act to make changes in the Weatherization Assistance Program for Low-Income Persons; to the Committee on Energy and Natural Resources.

WEATHERIZATION IMPROVEMENT ACT OF 2000

Mr. JEFFORDS. Mr. President, I rise today to introduce the Weatherization Improvement Act of 2000.

As this past winter has demonstrated, cold temperatures and high fuel costs can result in severe hardship for many of our low-income households, particularly those with children, elderly, and disabled members. Preventative energy efficiency measures are vital to ensure that low-income consumers spend less money keeping their families warm on cold winter nights. It is estimated that investments in Weatherization can save a typical household $193 in annual gas energy costs. While improving energy efficiency through work such as airsealing and insulation work is an admirable goal, the Weatherization Assistance Program also has become an important tool in addressing the health and safely of our low-income families.

The Weatherization Improvement Act of 2000 seeks to further this commitment. The legislation will amend the average per dwelling unit cost to incorporate intensive costs, such as costs of furnace or cooling replacements, reducing the administrative burden of tracking these costs separately; increase the average cost per home, beginning this year, to $2,500 (up from $2,032 for 1999); and eliminate the statutory requirement that at least 40 percent of funds be spent on materials.

These changes are necessary to improve the effectiveness of the Weatherization, and are long overdue.

Lastly, the legislation repeals the 25 percent state matching requirement for the Weatherization Assistance Program set to begin in FY2001, which was included in the FY2000 Interior Appropriations legislation. While many states, utilities, and private organizations have leveraged large amounts of money in support of the Weatherization Assistance Program, not every state is in the same financial situation. There needs to be national commitment to energy efficiency for low income Americans and affordable housing. This is part of that commitment.

By Mr. LEAHY:

S. 2430. A bill to combat computer hacking through enhanced law enforcement and to protect the privacy and constitutional rights of Americans, and for other purposes; to the Committee on the Judiciary.

INTERNET SECURITY ACT OF 2000

Mr. LEAHY. Mr. President, as we head into the twenty-first century, computer-related crime is one of the greatest challenges facing law enforcement. Many of our critical infrastructures and our government depend upon the reliability and security of complex computer systems. We need to make sure that these essential systems are protected from all forms of attack. The legislation I am introducing today will help law enforcement investigate and prosecute those who jeopardize the integrity of our computer systems and the Internet.

Whether we work in the private sector or in government, we negotiate daily through a variety of security checkpoints designed to protect ourselves from being victimized by crime or targeted by terrorists. For instance, congressional buildings like this one use cement pillars placed at entrances, photo identification cards, metal detectors, x-ray scanners, and security guards to protect the physical space. These security steps and others have become ubiquitous in the private sector as well.

Yet all these physical barriers can be circumvented using the wires that run into every building to support the computers and computer networks that are the mainstay of how we communicate and do business. This plain fact was amply demonstrated by the recent hacker attacks on E-Trade, ZDNet, Datek, Yahoo, eBay, Amazon.com and other Internet sites. These attacks raise serious questions about Internet security—questions that we need to answer to ensure the long-term stability of electronic commerce. More importantly, a well-focused and more malign cyber-attack on computer networks that support telecommunications, transportation, water supply, banking, electrical power and other critical infrastructure systems could wreak havoc on our national economy or even jeopardize our national defense. We have learned that even law enforcement is not immune. Just recently we learned of a denial of service attack successfully perpetrated against a FBI web site, shutting down that site for several hours.

The cybercrime problem is growing. The reports of the CERT Coordination Center (formerly called the "Computer Emergency Response Team"), which was established in 1988 to help the Internet community detect and resolve computer security incidents, provide chilling statistics on the vulnerabilities of the Internet and the scope of the problem. Over the last decade, the number of reported computer security incidents grew from 6 in 1988 to more than 8,000 in 1999. But that alone does not reveal the scope of the problem. According to CERT's most recent annual report, more than four million computer hosts were affected by the computer security incidents in 1999 alone by damaging computer viruses, with names like "Melissa," "Chernobyl," "ExploreZip," and by the other ways that remote intruders have found to exploit system vulnerabilities. Even before the recent headline-grabbing "denial-of-service" attacks, CERT documented that such incidents "grew at rate around 50% per year" which was "greater than the rate of growth of Internet hosts."

CERT has tracked recent trends in severe hacking incidents on the Internet and made the following observations, First, hacking techniques are getting more sophisticated. That means law enforcement is going to have to get smarter too, and we need to give them the resources to do this. Second, hackers have "become increasingly difficult to locate and identify." These criminals are operating in many different locations and are using techniques that allow them to operate in "nearly total obscurity."

We have been aware of the vulnerabilities to terrorist attacks of our computer networks for more than a decade. It became clear to me, when I chaired a series of hearings in 1988 and 1989 by the Subcommittee on Technology and the Law in the Senate Judiciary Committee on the subject of high-tech terrorism and the threat of computer viruses, that merely "hardening" our physical space from potential attack would only prompt committed criminals and terrorists to switch tactics and use new technologies to reach vulnerable softer targets, such as our computer systems and other critical infrastructures. The government has a responsibility to work with those in the private sector to assess those vulnerabilities and defend them. That means making sure our law enforcement agencies have the tools they need, but also that the government does not stand in the way of smart technical solutions to defend our computer systems.

Targeting cybercrime with up-to-date criminal laws and tougher law enforcement is only part of the solution. While criminal penalties may deter some computer criminals, these laws usually come into play too late, after the crime has been committed and the injury inflicted. We should keep in mind the adage that the best defense is a good offense. Americans and American firms must be encouraged to take preventive measures to protect their computer information and systems. Just recently, internet providers and companies such as Yahoo! and Amazon.com Inc., and computer hardware companies such a Cisco Systems Inc., proved successful at stemming attacks within hours thereby limiting losses.

That is why, for years, I have advocated and sponsored legislation to encourage the widespread use of strong encryption. Encryption is an important tool in our arsenal to protect the security of our computer information and networks. The Administration made enormous progress earlier this year when it issued new regulations relaxing export controls on strong encryption. Of course, encryption technology cannot be the sole source of protection for our critical computer networks and computer-based infrastructure, but we need to make sure the government is encouraging—and not restraining—the use of strong encryption and other technical solutions to protecting our computer systems.

Congress has responded again and again to help our law enforcement agencies keep up with the challenges of new crimes being executed over computer networks. In 1984, we passed the Computer Fraud and Abuse Act, and its amendments, to criminalize conduct when carried out by means of unauthorized access to a computer. In 1986, we passed the Electronic Communications Privacy Act (ECPA), which I was proud to sponsor, to criminalize tampering with electronic mail systems and remote data processing systems and to protect the privacy of computer users. In the 104th Congress, Senators KYL, GRASSLEY, and I worked together to enact the National Information Infrastructure Protection Act to increase protection under federal criminal law for both government and private computers, and to address an emerging problem of computer-age blackmail in which a criminal threatens to harm or shut down a computer system unless their extortion demands are met.

In this Congress, I have introduced a bill with Senator DEWINE, the Computer Crime Enforcement Act, S. 1314, to set up a $25 million grant program within the U.S. Department of Justice for states to tap for improved education, training, enforcement and prosecution of computer crimes. All 50

states have now enacted tough computer crime control laws. These state laws establish a firm groundwork for electronic commerce and Internet security. Unfortunately, too many state and local law enforcement agencies are struggling to afford the high cost of training and equipment necessary for effective enforcement of their state computer crime statutes. Our legislation, the Computer Crime Enforcement Act, would help state and local law enforcement join the fight to combat the worsening threats we face from computer crime.

Computer crime is a problem nationwide and in Vermont. I recently released a survey on computer crime in Vermont. My office surveyed 54 law enforcement agencies in Vermont—43 police departments and 11 State's attorney offices—on their experience investigating and prosecuting computer crimes. The survey found that more than half of these Vermont law enforcement agencies encounter computer crime, with many police departments and state's attorney offices handling 2 to 5 computer crimes per month.

Despite this documented need, far too many law enforcement agencies in Vermont cannot afford the cost of policing against computer crimes. Indeed, my survey found that 98% of the responding Vermont law enforcement agencies do not have funds dedicated for use in computer crime enforcement.

My survey also found that few law enforcement officers in Vermont are properly trained in investigating computer crimes and analyzing cyber-evidence. According to my survey, 83% of responding law enforcement agencies in Vermont do not employ officers properly trained in computer crime investigative techniques. Moreover, my survey found that 52% of the law enforcement agencies that handle one or more computer crimes per month cited their lack of training as a problem encountered during investigations. Proper training is critical to ensuring success in the fight against computer crime.

This bill will help our computer crime laws up to date as an important backstop and deterrent. I believe that our current computer crime laws can be enhanced and that the time to act is now. We should pass legislation designed to improve our law enforcement efforts while at the same time protecting the privacy rights of American citizens.

The bill I offer today will make it more efficient for law enforcement to use tools that are already available—such as pen registers and trap and trace devices—to track down computer criminals expeditiously. It will ensure that law enforcement can investigate and prosecute hacker attacks even when perpetrators use foreign-based computers to facilitate their crimes. It will implement criminal forfeiture provisions to ensure that cybercriminals are forced to relinquish the tools of their trade upon conviction. It will also close a current loophole in our wiretap laws that prevents a law enforcement officer from monitoring an innocent-host computer with the consent of the computer's owner and without a wiretap order to track down the source of denial-of-service attacks. Finally, this legislation will assist state and local police departments in their parallel efforts to combat cybercrime, in recognition of the fact that this fight is not just at the federal level.

The key provisions of the bill are:

Jurisdictional and Definitional Changes to the Computer Fraud and Abuse Act: The Computer Fraud and Abuse Act, 18 U.S.C. §1030, is the primary federal criminal statute prohibiting computer frauds and hacking. This bill would amend the statute to clarify the appropriate scope of federal jurisdiction. First, the bill adds a broad definition of ''loss'' to the definitional section. Calculation of loss is important both in determining whether the $5,000 jurisdictional hurdle in the statute is met, and, at sentencing, in calculating the appropriate guideline range and restitution amount.

Second, the bill amends the definition of ''protected computer,'' to expressly include qualified computers even when they are physically located outside of the United States. This clarification will preserve the ability of the United States to assist in international hacking cases. A ''Sense of Congress'' provision specifies that federal jurisdiction is justified by the ''interconnected and interdependent nature of computers used in interstate or foreign commerce.''

Finally, the bill expands the jurisdiction of the United States Secret Service to encompass investigations of all violations of 18 U.S.C. §1030. Prior to the 1996 amendments to the Computer Fraud and Abuse Act, the Secret Service was authorized to investigate any and all violations of section 1030, pursuant to an agreement between the Secretary of Treasury and the Attorney General. The 1996 amendments, however, concentrated Secret Service jurisdiction on certain specified subsections of section 1030. The current amendment would return full jurisdiction to the Secret Service and would allow the Justice and Treasury Departments to decide on the appropriate work-sharing balance between the two.

Elimination of Mandatory Minimum Sentence for Certain Violations of Computer Fraud and Abuse Act: Currently, a directive to the Sentencing Commission requires that all violations, including misdemeanor violations, of certain provisions of the Computer Fraud and Abuse Act be punished with a term of imprisonment of at least six months. The bill would change this directive to the Sentencing Commission so that no such mandatory minimum would be required.

Additional Criminal Forfeiture Provisions: The bill adds a criminal forfeiture provision to the Computer Fraud and Abuse Act, requiring forfeiture of physical property used in or to facilitate the offense as well as property derived from proceeds of the offense. It also supplements the current forfeiture provision in 18 U.S.C. 2318, which prohibits trafficking in, among other things, counterfeit computer program documentation and packaging, to require the forfeiture of replicators and other devices used in the production of such counterfeit items.

Pen Registers and Trap and Trace Devices: The bill makes it easier for law enforcement to use these investigative techniques in the area of cybercrime, and institutes corresponding privacy protections. On the law enforcement side, the bill gives nationwide effect to pen register and trap and trace orders obtained by Government attorneys, thus obviating the need to obtain identical orders in multiple federal jurisdictions. It also clarifies that such devices can be used on all electronic communication lines, not just telephone lines. On the privacy side, the bill provides for greater judicial review of applications for pen registers and trap and trace devices and institutes a minimization requirement for the use of such devices. The bill also amends the reporting requirements for applications for such devices by specifying the information to be reported.

Denial of Service Investigations: Currently, a person whose computer is accessed by a hacker as a means for the hacker to reach a third computer cannot simply consent to law enforcement monitoring of his computer. Instead, because this person is not technically a party to the communication, law enforcement needs wiretap authorization under Title III to conduct such monitoring. The bill will close this loophole by explicitly permitting such monitoring without a wiretap if prior consent is obtained from the person whose computer is being hacked through and used to send ''harmful interference to a lawfully operating computer system.''

Encryption Reporting: The bill directs the Attorney General to report the number of wiretap orders in which encryption was encountered and whether such encryption precluded law enforcement from obtaining the plaintext of intercepted communications.

State and Local Computer Crime Enforcement: The bill directs the Office of Federal Programs to make grants to assist State and local law enforcement in the investigation and prosecution of computer crime.

Legislation must be balanced to protect our privacy and other constitutional rights. I am a strong proponent

of the Internet and a defender of our constitutional rights to speak freely and to keep private our confidential affairs from either private sector snoops or unreasonable government searches. These principles can be respected at the same time we hold accountable those malicious mischief makers and digital graffiti sprayers, who use computers to damage or destroy the property of others. I have seen Congress react reflexively in the past to address concerns over anti-social behavior on the Internet with legislative proposals that would do more harm than good. A good example of this is the Communications Decency Act, which the Supreme Court declared unconstitutional. We must make sure that our legislative efforts are precisely targeted on stopping destructive acts and that we avoid scattershot proposals that would threaten, rather than foster, electronic commerce and sacrifice, rather than promote, our constitutional rights.

Technology has ushered in a new age filled with unlimited potential for commerce and communications. But the Internet age has also ushered in new challenges for federal, state and local law enforcement officials. Congress and the Administration need to work together to meet these new challenges while preserving the benefits of our new era. The legislation I offer today is a step in that direction.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2430

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet Security Act of 2000".

SEC. 2. AMENDMENTS TO THE COMPUTER FRAUD AND ABUSE ACT.

Section 1030 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (5)—

(i) by inserting "(i)" after "(A)" and redesignating subparagraphs (B) and (C) as clauses (ii) and (iii), respectively;

(ii) in subparagraph (A)(iii), as redesignated, by adding "and" at the end; and

(iii) by adding at the end the following:

"(B) the conduct described in clause (i), (ii), or (iii) of subparagraph (A)—

"(i) caused loss aggregating at least $5,000 in value during a 1-year period to 1 or more individuals;

"(ii) modified or impaired, or potentially modified or impaired, the medical examination, diagnosis, treatment, or care of 1 or more individuals;

"(iii) caused physical injury to any person; or

"(iv) threatened public health or safety;"; and

(B) in paragraph (6), by adding "or" at the end;

(2) in subsection (c)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking "and" at the end; and

(ii) in subparagraph (B), by inserting "or an attempted offense" after "in the case of an offense"; and

(B) by adding at the end the following:

"(4) forfeiture to the United States in accordance with subsection (i) of the interest of the offender in—

"(A) any personal property used or intended to be used to commit or to facilitate the commission of the offense; and

"(B) any property, real or personal, that constitutes or that is derived from proceeds traceable to any violation of this section.";

(3) in subsection (d)—

(A) by striking "subsections (a)(2)(A), (a)(2)(B), (a)(3), (a)(4), (a)(5), and (a)(6) of"; and

(B) by striking "which shall be entered into by" and inserting "between";

(4) in subsection (e)—

(A) in paragraph (2)(B), by inserting ", including computers located outside the United States" before the semicolon;

(B) in paragraph (4), by striking the period at the end and inserting a semicolon;

(C) in paragraph (7), by striking "and" at the end;

(D) in paragraph (8), by striking ", that" and all that follows through "; and" and inserting a semicolon;

(E) in paragraph (9), by striking the period at the end and inserting "; and"; and

(F) by adding at the end the following:

"(10) the term 'loss' includes—

"(A) the reasonable costs to any victim of—

"(i) responding to the offense;

"(ii) conducting a damage assessment; and

"(iii) restoring the system and data to their condition prior to the offense; and

"(B) any lost revenue or costs incurred by the victim as a result of interruption of service.";

(5) in subsection (g), by striking "Damages for violations involving damage as defined in subsection (c)(8)(A)" and inserting "losses specified in subsection (a)(5)(B)(i)"; and

(6) by adding at the end the following:

"(i) PROVISIONS GOVERNING FORFEITURE.—Property subject to forfeiture under this section, any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by subsection (c) and subsections (e) through (p) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853).".

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) acts that damage or attempt to damage computers used in the delivery of critical infrastructure services such as telecommunications, energy, transportation, banking and financial services, and emergency and government services pose a serious threat to public health and safety and cause or have the potential to cause losses to victims that include costs of responding to offenses, conducting damage assessments, and restoring systems and data to their condition prior to the offense, as well as lost revenue and costs incurred as a result of interruptions of service; and

(2) the Federal Government should have jurisdiction to investigate acts affecting protected computers, as defined in section 1030(e)(2)(B) of title 18, United States Code, as amended by this Act, even if the effects of such acts occur wholly outside the United States, as in such instances a sufficient Federal nexus is conferred through the interconnected and interdependent nature of computers used in interstate or foreign commerce or communication.

SEC. 4. MODIFICATION OF SENTENCING COMMISSION DIRECTIVE.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to ensure that any individual convicted of a violation of paragraph (4) or (5) of section 1030(a) of title 18, United States Code, can be subjected to appropriate penalties, without regard to any mandatory minimum term of imprisonment.

SEC. 5. FORFEITURE OF DEVICES USED IN COMPUTER SOFTWARE COUNTERFEITING.

Section 2318(d) of title 18, United States Code, is amended by—

(1) inserting "(1)" before "When";

(2) inserting ", and any replicator or other device or thing used to copy or produce the computer program or other item to which the counterfeit label was affixed, or was intended to be affixed" before the period; and

(3) by adding at the end the following:

"(2) The forfeiture of property under this section, including any seizure and disposition of the property, and any related judicial or administrative proceeding, shall be governed by the provisions of section 413 (other than subsection (d) of that section) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853).".

SEC. 6. CONFORMING AMENDMENT.

Section 492 of title 18, United States Code, is amended by striking "or 1720," and inserting ", 1720, or 2318".

SEC. 7. PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 3123 of title 18, United States Code is amended—

(1) by striking subsection (a) and inserting the following:

"(a) ISSUANCE OF ORDER.—

"(1) REQUESTS FROM ATTORNEYS FOR THE GOVERNMENT.—Upon an application made under section 3122(a)(1), the court may enter an ex parte order authorizing the installation and use of a pen register or a trap and trace device if the court finds, based on the certification by the attorney for the Government, that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation. Such order shall apply to any entity providing wire or electronic communication service in the United States whose assistance is necessary to effectuate the order.

"(2) REQUESTS FROM STATE INVESTIGATIVE OR LAW ENFORCEMENT OFFICERS.—Upon an application made under section 3122(a)(2), the court may enter an ex parte order authorizing the installation and use of a pen register or a trap and trace device within the jurisdiction of the court, if the court finds, based on the certification by the State law enforcement or investigative officer, that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation."; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (C), by inserting "authorized under subsection (a)(2)" after "in the case of a trap and trace device"; and

(ii) in subparagraph (D), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) shall direct that the use of the pen register or trap and trace device be conducted in such a way as to minimize the recording or decoding of any electronic or

other impulses that are not related to the dialing and signaling information utilized in processing by the service provider upon whom the order is served.''.

SEC. 8. TECHNICAL AMENDMENTS TO PEN REGISTER AND TRAP AND TRACE PROVISIONS.

(a) ISSUANCE OF AN ORDER.—Section 3123 of title 18, United States Code, is amended—

(1) by inserting ''or other facility'' after ''line'' each place that term appears;

(2) by inserting ''or applied'' after ''attached'' each place that term appears;

(3) in subsection (b)(1)(C), by inserting ''or other identifier'' after ''the number''; and

(4) in subsection (d)(2), by striking ''who has been ordered by the court'' and inserting ''who is obligated by the order''.

(b) DEFINITIONS.—Section 3127 of title 18, United States Code is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) the term 'pen register'—

''(A) means a device or process that records or decodes electronic or other impulses that identify the telephone numbers or electronic address dialed or otherwise transmitted by an instrument or facility from which a wire or electronic communication is transmitted and used for purposes of identifying the destination or termination of such communication by the service provider upon which the order is served; and

''(B) does not include any device or process used by a provider or customer of a wire or electronic communication service for billing, or recording as an incident to billing, for communications services provided by such provider or any device or process by a provider or customer of a wire communication service for cost accounting or other like purposes in the ordinary course of its business;''; and

(2) in paragraph (4)—

(A) by inserting ''or process'' after ''means a device'';

(B) by inserting ''or other identifier'' after ''number''; and

(C) by striking ''or device'' and inserting ''or other facility''.

SEC. 9. PEN REGISTER AND TRAP AND TRACE REPORTS.

Section 3126 of title 18, United States Code, is amended by inserting before the period at the end the following: '', which report shall include information concerning—

''(1) the period of interceptions authorized by the order, and the number and duration of any extensions of the order;

''(2) the offense specified in the order or application, or extension of an order;

''(3) the number of investigations involved;

''(4) the number and nature of the facilities affected; and

''(5) the identity, including district, of the applying investigative or law enforcement agency making the application and the person authorizing the order''.

SEC. 10. ENHANCED DENIAL OF SERVICE INVESTIGATIONS.

Section 2511(2)(c) of title 18, United States Code, is amended to read as follows:

''(c)(i) It shall not be unlawful under this chapter for a person acting under color of law to intercept a wire, oral, or electronic communication, if such person is a party to the communication or 1 of the parties to the communication has given prior consent to such interception.

''(ii) It shall not be unlawful under this chapter for a person acting under color of law to intercept a wire or electronic communication, if—

''(I) the transmission of the wire or electronic communication is causing harmful interference to a lawfully operating computer system;

''(II) any person who is not a provider of service to the public and who is authorized to use the facility from which the wire or electronic communication is to be intercepted has given prior consent to the interception; and

''(III) the interception is conducted only to the extent necessary to identify the source of the harmful interference described in subclause (I).''.

SEC. 11. ENCRYPTION REPORTING REQUIREMENTS.

Section 2519(2)(b) of title 18, United States Code, is amended by striking ''and (iv)'' and inserting ''(iv) the number of orders in which encryption was encountered and whether such encryption prevented law enforcement from obtaining the plain text of communications intercepted pursuant to such order, and (v)''.

SEC. 12. STATE AND LOCAL COMPUTER CRIME ENFORCEMENT.

(a) IN GENERAL.—Subject to the availability of amounts provided in advance in appropriations Acts, the Assistant Attorney General for the Office of Justice Programs of the Department of Justice shall make a grant to each State, which shall be used by the State, in conjunction with units of local government, State and local courts, other States, or combinations thereof, to—

(1) assist State and local law enforcement in enforcing State and local criminal laws relating to computer crime;

(2) assist State and local law enforcement in educating the public to prevent and identify computer crime;

(3) assist in educating and training State and local law enforcement officers and prosecutors to conduct investigations and forensic analyses of evidence and prosecutions of computer crime;

(4) assist State and local law enforcement officers and prosecutors in acquiring computer and other equipment to conduct investigations and forensic analysis of evidence of computer crimes; and

(5) facilitate and promote the sharing of Federal law enforcement expertise and information about the investigation, analysis, and prosecution of computer crimes with State and local law enforcement officers and prosecutors, including the use of multijurisdictional task forces.

(b) USE OF GRANT AMOUNTS.—Grants under this section may be used to establish and develop programs to—

(1) assist State and local law enforcement agencies in enforcing State and local criminal laws relating to computer crime;

(2) assist State and local law enforcement agencies in educating the public to prevent and identify computer crime;

(3) educate and train State and local law enforcement officers and prosecutors to conduct investigations and forensic analyses of evidence and prosecutions of computer crime;

(4) assist State and local law enforcement officers and prosecutors in acquiring computer and other equipment to conduct investigations and forensic analysis of evidence of computer crimes; and

(5) facilitate and promote the sharing of Federal law enforcement expertise and information about the investigation, analysis, and prosecution of computer crimes with State and local law enforcement officers and prosecutors, including the use of multijurisdictional task forces.

(c) ASSURANCES.—To be eligible to receive a grant under this section, a State shall provide assurances to the Attorney General that the State—

(1) has in effect laws that penalize computer crime, such as penal laws prohibiting—

(A) fraudulent schemes executed by means of a computer system or network;

(B) the unlawful damaging, destroying, altering, deleting, removing of computer software, or data contained in a computer, computer system, computer program, or computer network; or

(C) the unlawful interference with the operation of or denial of access to a computer, computer program, computer system, or computer network;

(2) an assessment of the State and local resource needs, including criminal justice resources being devoted to the investigation and enforcement of computer crime laws; and

(3) a plan for coordinating the programs funded under this section with other federally funded technical assistant and training programs, including directly funded local programs such as the Local Law Enforcement Block Grant program (described under the heading ''Violent Crime Reduction Programs, State and Local Law Enforcement Assistance'' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119)).

(d) MATCHING FUNDS.—The Federal share of a grant received under this section may not exceed 90 percent of the total cost of a program or proposal funded under this section unless the Attorney General waives, wholly or in part, the requirements of this subsection.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2000 through 2003.

(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year not more than 3 percent may be used by the Attorney General for salaries and administrative expenses.

(3) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or units of local government within a State for a grant under this section have been funded, the State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each shall be allocated 0.25 percent.

(f) GRANTS TO INDIAN TRIBES.—Notwithstanding any other provision of this section, the Attorney General may use amounts made available under this section to make grants to Indian tribes for use in accordance with this section.

By Mr. SANTORUM:

S. 2431. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for expenses incurred in teleworking; to the Committee on Finance.

TELEWORK TAX INCENTIVE ACT

• Mr. SANTORUM. Mr. President, today, I rise to introduce legislation that would help people who ''telework'' or work from home, to receive a tax credit. Teleworkers are people who work a few days a week on-line from

home by using computers and other information technology tools. Nearly 20 million Americans telework today, and according to experts, 40 percent of the nation's jobs are compatible with telework. At one national telecommunications company, nearly 25 percent of its workforce works from home at least one day a week. The company found positive results in the way of fewer days of sick leave, better retention, and higher productivity.

I am introducing the Telework Tax Incentive Act to provide a $500 tax credit for telework. The purpose of my legislation is to provide an incentive to encourage more employers to consider telework for their employees. Telework should be a regular part of the 21st century workplace. The best part of telework is that it improves the quality of life for all. Telework also reduces traffic congestion and air pollution. It reduces gas consumption and our dependency on foreign oil. Telework is good for families—working parents have flexibility to meet everyday demands. Telework provides people with disabilities greater job opportunities. Telework helps fill our nation's labor market shortage. It can also be a good option for retirees choosing to work part-time.

Last fall, a task force on telework initiated by Governor James Gilmore of Virginia made a number of recommendations to increase and promote telework. One recommendation was to establish a tax credit toward the purchase and installation of electronic and computer equipment that allow an employee to telework. For example, the cost of a computer, fax machine, modem, phone, printer, software, copier, and other expenses necessary to enable telework could count toward a tax credit, provided the person worked at home a minimum number of days per year.

My legislation would provide a $500 tax credit "for expenses paid or incurred under a teleworking arrangement for furnishings and electronic information equipment which are used to enable an individual to telework." An employee must telework a minimum of 75 days per year to qualify for the tax credit. Both the employer and employee are eligible for the tax credit, but the tax credit goes to whomever absorbs the expense for setting up the at-home worksite.

I am pleased to work with Congressman FRANK WOLF who has introduced identical legislation in the House of Representatives, H.R. 3819. A number of groups have already endorsed the Telework Tax Incentive Act including the International Telework Association and Council (ITAC), Covad Communications, National Town Builders Association, Litton Industries, Orbital Sciences Corporation, Consumer Electronic Association, Capnet, BTG Corporation, Electonic Industries Alliance, Telecommunications Industry Association, American Automobile Association Mid-Atlantic, Dimensions International Inc., Capunet, TManage, Science Applications International Corporation, AT&T, Northern Virginia Technology Council, Computer Associates Incorporated, and Dyn Corp.

On October 9, 1999, legislation which I introduced last year in coordination with Representative FRANK WOLF from Virginia was signed into law by the President as part of the annual Department of Transportation appropriations bill for Fiscal Year 2000. S. 1521, the National Telecommuting and Air Quality Act, created a pilot program to study the feasibility of providing incentives for companies to allow their employees to telework in five major metropolitan areas including Philadelphia, Washington, D.C., and Los Angeles. Houston and Chicago have been added as well. I am pleased that the Philadelphia Area Design Team has been progressing well with its responsibility of examining the application of these incentives to the greater Philadelphia metropolitan area. I am excited that this opportunity continues to help to get the word out about the benefits of telecommuting for many employees and employers.

Telecommuting improves air quality by reducing pollutants, provides employees and families flexibility, reduces traffic congestion, and increases productivity and retention rates for businesses while reducing their overhead costs. It's a growing opportunity and option which we should all include in our effort to maintain and improve quality of life issues in Pennsylvania and around the nation. According to statistics available from 1996, the Greater Philadelphia area ranked number 10 in the country for annual person-hours of delay due to traffic congestion. Because of this reality, all options including telecommuting should be pursued to address this challenge.

The 1999 Telework America National Telework Survey, conducted by Joan H. Pratt Associates, found that today's 19.6 million teleworkers typically work 9 days per month at home at home with an average of 3 hours per week during normal business hours. In this study, teleworkers or telecommuters are defined overall as employees or independent contractors who work at least one day per month at home. These research findings impact the bottom line for employers and employees. Teleworkers seek a blend of job-related and personal benefits to enable them to better handle their work and life responsibilities. For employers, savings just from less absenteeism and increased employee retention total more than $10,000 per teleworker per year. Thus an organization with 100 employees, 20 of whom telework, could potentially realize a savings of $200,000 annually, or more, when productivity gains are added.

Work is something you do, not someplace you go. There is nothing magical about strapping ourselves into a car and driving sometimes up to an hour and a half, arriving at a workplace and sitting before a computer, when we can access the same information from a computer in our homes. Wouldn't it be great if we could replace the evening rush hour commute with time spent with the family, or coaching little league or other important quality of life matters?

Mr. President, I urge my colleagues to consider cosponsoring this legislation which promotes telework and helps encourage additional employee choices for the workplace.●

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 2432. A bill to permit the catcher vessel *Hazel Lorraine* to conduct commercial fishing activities; to the Committee on Commerce, Science, and Transportation.

ELIGIBILITY OF THE FISHING VESSEL HAZEL LORRAINE UNDER THE AMERICAN FISHERIES ACT

● Mr. SMITH of Oregon. Mr. President, today I am introducing, with my colleague from Oregon, legislation which will correct an oversight in the American Fisheries Act of 1998. Some of my colleagues will recall that the American Fisheries Act was passed as part of the Omnibus Appropriations Act in the closing days of the 105th Congress.

Let me speak briefly first to the American Fisheries Act, or AFA, itself. The AFA was a major revision of management policies for the valuable Bering Sea pollock fishery, raising domestic vessel ownership standards, while bringing greater stability to the pollock fishery by allowing fishers and processors to engage in limited cooperatives. Months of intense negotiations between interested congressional offices and a number of Alaskan and West Coast fishing interests resulted in the compromise that was passed into law.

Oregon certainly does not have as great an interest in the Bering Sea pollock fishery as other states do. Nevertheless, Oregon-based vessels do participate in this and other distant-water fisheries. Many of these vessel owner-operators pioneered the development of the Alaskan pollock fishery during the Americanization of the Exclusive Economic Zone in the 1980s. The American Fisheries Act was supposed to allow these, and other fishing vessels with substantial history, to stay in the fishery while excluding new or speculative entrants. The language used in the AFA to achieve this purpose requires that qualified vessels must have delivered at least 250 metric tons of pollock in 1996, 1997, or an eight month period in 1998, to the shore-based processing plants that compose the "inshore sector" of the Bering Sea pollock fishery. Alternatively, the AFA requires vessels

to have delivered at least 250 metric tons of pollock in 1997 and have had at least 75 percent of their catch delivered to the ''offshore sector'' of factory trawlers in order to qualify for that sector of the Bering Sea pollock fishery.

While it was thought that this qualification language in the American Fisheries Act would carry over all vessels with a substantial history in the fishery, this has turned out not to be the case. An Oregon-based vessel named the *Hazel Lorraine*—a vessel with years of Bering Sea pollock landings on record—has found itself locked out of both the inshore and offshore sectors of the Bering Sea pollock fishery due to the way the qualifications are worded in the AFA. On the one hand, the *Hazel Lorraine* does not qualify for the inshore sector. The fact that the then-Tyson Seafood plant in Kodiak was destroyed by a fire in 1997 also impacted the *Hazel Lorraine*'s deliveries during this period. On the other hand, the *Hazel Lorraine* does not qualify for the offshore sector either—also as a direct result of the Tyson fire. In short, the *Hazel Lorraine* does not meet the AFA requirements for either the inshore or offshore sector for Bering Sea pollock despite a substantial record of deliveries in the fishery that stretches back more than fifteen years.

Ironically, the owners of the *Hazel Lorraine* actively supported the American Fisheries Act as it had first been introduced in the 105th Congress. However the bill changed dramatically during a series of backroom negotiations before being tucked into an omnibus appropriations package. The AFA that actually passed the Congress differed substantially from the drafts that had been widely circulated in the fishing industry earlier that year.

Nevertheless, the fact remains that the *Hazel Lorraine* is recognized in the North Pacific as a vessel that can legitimately claim a long history in the Bering Sea pollock fishery. It would be a terrible mistake if the Congress were to allow this vessel to continue to be shut out of its historic fishery. A number of industry leaders and associations, such as United Catcher Boats and the Midwater Trawlers Cooperative, have also recognized this and have stated their support for restoring the right of the *Hazel Lorraine* to fish in this pollock fishery.

Over the course of the past year, Senator WYDEN and I have discussed this issue with our colleagues, and have come to the conclusion that the best course of action is to introduce authorizing legislation that would clearly place the *Hazel Lorraine* among those vessels eligible to participate in the inshore sector of the Bering Sea pollock fishery. This legislation will do just that. I think my colleagues will find that those in the North Pacific fisheries who know the circumstances surrounding the *Hazel Lorraine* will be supportive of this legislation. I look forward to working with members of the Commerce Committee to bring this issue to a resolution during this session of the Congress.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2432

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF VESSEL AS AN ELIGIBLE VESSEL.

Notwithstanding paragraphs (1) through (3) of section 208(a) of the American Fisheries Act (title II of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–624)), the catcher vessel HAZEL LORRAINE (United States Official Number 592211) shall be considered to be a vessel that is eligible to harvest the directed fishing allowance under section 206(b)(1) of that Act pursuant to a Federal fishing permit in the same manner as, and subject to the same requirements and limitations on that harvesting as apply to, catcher vessels that are eligible to harvest that directed fishing allowance under section 208(a) of that Act.●

By Ms. LANDRIEU (for herself and Mr. BREAUX):

S. 2433. A bill to establish the Red River National Wildlife Refuge; to the Committee on Environment and Public Works.

RED RIVER NATIONAL WILDLIFE REFUGE ACT

● Ms. LANDRIEU. Mr. President, today I rise, along with the senior Senator from Louisiana, to introduce legislation which would establish the Red River National Wildlife Refuge. Congressman MCCREARY is introducing identical legislation in the House of Representatives. Mr. President, the Red River Valley located along the Red River Waterway in Caddo, Bossier, Red River, Natchitoches and Desoto parishes in Louisiana is of critical importance to over 350 species of birds, aquatic life and a wide array of other species associated with river basin ecosystems. It represents a historic migration corridor for migratory birds funneling through the mid-continent from as far north as the Arctic Circle and as far south as South America. The Red River Valley also represents the most degraded watershed in Louisiana. The bottomland hardwood forests of the Red River Valley have been almost totally cleared. Reforestation and restoration of native habitat will benefit a host of species.

There are no significant public sanctuaries for over 300 river miles on this important migration corridor, and no significant Federal, State or private wildlife sanctuaries along the Red River north from Alexandria, Louisiana to the Arkansas-Louisiana state boundary. The Red River Valley offers extraordinary recreational, research and educational opportunities for students, scientists, bird watchers, wildlife observers, hunters, anglers, trappers, hikers and nature photographers.

The bill Senator BREAUX and I are introducing today would: restore and preserve native Red River ecosystems; provide habitat for migratory birds; maximize fisheries on the Red River and its tributaries, natural lakes and man-made reservoirs; provide habitat for and population management of native plants and resident animals including restoration of extirpated species; provide technical assistance to private land owners in the restoration of their lands for the benefit of fish and wildlife and provide the public with opportunities for hunting, angling, trapping, photographing wildlife, hiking, bird watching and other outdoor recreational and educational activities.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2433

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Red River National Wildlife Refuge Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The area of Louisiana known as the Red River Valley, located along the Red River Waterway in Caddo, Bossier, Red River, Natchitoches, and DeSoto Parishes, is of critical importance to over 350 species of birds (including migratory and resident waterfowl, shore birds, and neotropical migratory birds), aquatic life, and a wide array of other species associated with river basin ecosystems.

(2) The bottomland hardwood forests of the Red River Valley have been almost totally cleared. Reforestation and restoration of native habitat will benefit a host of species.

(3) The Red River Valley is part of a major continental migration corridor for migratory birds funneling through the mid continent from as far north as the Arctic Circle and as far south as South America.

(4) There are no significant public sanctuaries for over 300 river miles on this important migration corridor, and no significant Federal, State, or private wildlife sanctuaries along the Red River north of Alexandria, Louisiana.

(5) Completion of the lock and dam system associated with the Red River Waterway project up to Shreveport, Louisiana, has enhanced opportunities for management of fish and wildlife.

(6) The Red River Valley offers extraordinary recreational, research, and educational opportunities for students, scientists, bird watchers, wildlife observers, hunters, anglers, trappers, hikers, and nature photographers.

(7) The Red River Valley is an internationally significant environmental resource that has been neglected and requires active restoration and management to protect and enhance the value of the region as a habitat for fish and wildlife.

SEC. 3. ESTABLISHMENT AND PURPOSES OF REFUGE.

(a) ESTABLISHMENT.—The Secretary shall establish as a national wildlife refuge the lands, waters, and interests therein acquired under section 5, at such time as the Secretary determines that sufficient property has been acquired under that section to constitute an area that can be effectively managed as a national wildlife refuge for the purposes set forth in subsection (b) of this section. The national wildlife refuge so established shall be known as the ''Red River National Wildlife Refuge''.

(b) PURPOSES.—The purposes of the Refuge are the following:

(1) To restore and preserve native Red River ecosystems.

(2) To provide habitat for migratory birds.

(3) To maximize fisheries on the Red River and its tributaries, natural lakes, and manmade reservoirs.

(4) To provide habitat for and population management of native plants and resident animals (including restoration of extirpated species).

(5) To provide technical assistance to private land owners in the restoration of their lands for the benefit of fish and wildlife.

(6) To provide the public with opportunities for hunting, angling, trapping, photographing wildlife, hiking, bird watching, and other outdoor recreational and educational activities.

(7) To achieve the purposes under this subsection without violating section 6.

(c) NOTICE OF ESTABLISHMENT.—The Secretary shall publish a notice of the establishment of the Refuge—

(1) in the Federal Register; and

(2) in publications of local circulation in the vicinity of the Refuge.

SEC. 4. ADMINISTRATION OF REFUGE.

(a) IN GENERAL.—The Secretary shall administer all lands, waters, and interests therein acquired under section 5 in accordance with—

(1) the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq) and the Act of September 28, 1962 (76 Stat. 653; 16 U.S.C. 460k et seq; commonly known as the Refuge Recreation Act);

(2) the purposes of the Refuge set forth in section 3(b); and

(3) the management plan issued under subsection (b).

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall issue a management plan for the Refuge.

(2) CONTENTS.—The management plan shall include provisions that provide for the following:

(A) Planning and design of trails and access points.

(B) Planning of wildlife and habitat restoration, including reforestation.

(C) Permanent exhibits and facilities and regular educational programs throughout the Refuge.

(3) PUBLIC PARTICIPATION.—

(A) IN GENERAL.—The Secretary shall provide an opportunity for public participation in developing the management plan.

(B) LOCAL VIEWS.—The Secretary shall give special consideration to views by local public and private entities and individuals in developing the management plan.

(c) WILDLIFE INTERPRETATION AND EDUCATION CENTER.—

(1) IN GENERAL.—The Secretary shall construct, administer, and maintain, at an appropriate site within the Refuge, a wildlife interpretation and education center.

(2) PURPOSES.—The center shall be designed and operated—

(A) to promote environmental education; and

(B) to provide an opportunity for the study and enjoyment of wildlife in its natural habitat.

SEC. 5. ACQUISITION OF LANDS, WATERS, AND INTERESTS THEREIN.

(a) IN GENERAL.—The Secretary shall seek to acquire up to 50,000 acres of land, water, or interests therein (including permanent conservation easements or servitudes) within the boundaries designated under subsection (c). All lands, waters, and interests acquired under this subsection shall be part of the Refuge.

(b) METHOD OF ACQUISITION.—The Secretary may acquire an interest in land or water for inclusion in the Refuge only by donation, exchange, or purchase from a willing seller.

(c) DESIGNATION OF BOUNDARIES.—

(1) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall—

(A) consult with appropriate State and local officials, private conservation organizations, and other interested parties (including the Louisiana Department of Wildlife and Fisheries, the Louisiana Department of Transportation and Development, the Red River Waterway Commission, and the Northwest Louisiana Council of Governments), regarding the designation of appropriate boundaries for the Refuge within the selection area;

(B) designate boundaries of the Refuge that are within the selection area and adequate for fulfilling the purposes of the Refuge set forth in section 3(b); and

(C) prepare a detailed map entitled ''Red River National Wildlife Refuge'' depicting the boundaries of the Refuge designated under subparagraph (B).

(2) SELECTION AREA.—For purposes of this subsection, the selection area consists of Caddo, Bossier, Red River, DeSoto, and Natchitoches Parishes, Louisiana.

(3) AVAILABILITY OF MAP; NOTICE.—The Secretary shall—

(A) keep the map prepared under paragraph (1) on file and available for public inspection at offices of the United States Fish and Wildlife Service of the District of Columbia and Louisiana; and

(B) publish in the Federal Register a notice of that availability.

(d) BOUNDARY REVISIONS.—The Secretary may make such minor revisions in the boundaries designated under subsection (c) as may be appropriate to achieve the purposes of the Refuge under section 3(b) or to facilitate the acquisition of property for the Refuge.

SEC. 6. CONTINUED PUBLIC SERVICES.

Nothing in this Act shall be construed as prohibiting or preventing, and the Secretary shall not for purposes of the Refuge prohibit or prevent—

(1) the continuation or development of commercial or recreational navigation on the Red River Waterway;

(2) necessary construction, operation, or maintenance activities associated with the Red River Waterway project;

(3) the construction, improvement, or expansion of public port or recreational facilities on the Red River Waterway; or

(4) the construction, improvement, or replacement of railroads or interstate highways within the selection area (designated in section 5(c)(2)), or bridges that cross the Red River.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this Act.

SEC. 8. DEFINITIONS.

For purposes of this Act:

(1) REFUGE.—The term ''Refuge'' means the Red River National Wildlife Refuge established under section 3.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.●

By Mr. L. CHAFEE (for himself, Mr. BRYAN, Mr. THOMPSON, and Mr. SARBANES):

S. 2434. A bill to provide that amounts allotted to a State under section 2401 of the Social Security Act for each of fiscal years 1998 and 1999 shall remain available through fiscal year 2002; to the Committee on Finance.

STATE CHILDREN'S HEALTH INSURANCE PROGRAM (SCHIP) PRESERVATION ACT OF 2000

● Mr. L. CHAFEE. Mr. President, I am pleased to be joined today by Senators BRYAN, THOMPSON, and SARBANES in introducing the State Children's Health Insurance Program (SCHIP) Preservation Act of 2000.

This legislation addresses what I believe to be an unintended consequence of the Balanced Budget Act of 1997 (BBA), which created the State Children's Health Insurance Program (SCHIP) to provide health insurance coverage to millions of our nation's uninsured children. Specifically, the BBA called for states to enroll 2.5 million uninsured children in SCHIP within three years of enactment of the bill. According to the Health Care Financing Administration, states enrolled 1.98 million children in SCHIP in 1999. While this represents an increase in states' enrollment efforts, we need to ensure that the federal government is financially committed to this program, and thus to providing health insurance to our nation's children.

SCHIP was designed to allow states to spend each year's allotment over a three-year period; if a state began its program in 1998, it has until the end of 2000 to spend its 1998 allotment. The legislation we are introducing today will extend this year's looming deadline through the end of Fiscal Year 2002, thus allowing states to keep their unexpended SCHIP allotments for up to a total of five years. Many states have had difficulties conducting outreach and enrolling SCHIP-eligible children. We must not penalize states that need more time to identify and enroll children in this important program.

Without this bill, the result—whether intended or unintended—would be a potential reduction of up to $4 billion for children's health programs throughout the country. A reduction of this magnitude would undermine many critical programs that provide quality health coverage to needy children. It may also inhibit the ability of states to provide services for children already

enrolled in SCHIP, as well as encouraging some states to scale back on outreach and enrollment efforts. For example, under current statute, Rhode Island will lose approximately $8 million annually starting in Fiscal Year 2001. This loss will undermine the efforts of the state to target and enroll every child who is eligible for SCHIP in Rhode Island. Reductions in SCHIP allotments to states will mean that SCHIP-eligible children who are not yet enrolled in the program may continue to go without health insurance.

Data from the U.S. Census Bureau shows that the number of children without health insurance increased from 9.8 million children in 1995 to 11.1 million children in 1998. This increase in the uninsured rate occurred in spite of the enactment of SCHIP in 1997. We must not allow this trend to continue. States need to be able to tap into their unexpended SCHIP funds to continue their outreach and enrollment efforts. At a time when our nation's uninsured rate continues to climb above 44 million, it makes little sense to be reducing these much needed SCHIP payments to states that are desperately trying to reach out to and enroll these vulnerable and needy children.

I urge my colleagues to join me in supporting this important legislation, and ask unanimous consent that the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2434

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''State Children's Health Insurance Program (SCHIP) Preservation Act of 2000''.

SEC. 2. AVAILABILITY OF FISCAL YEAR 1998 AND FISCAL YEAR 1999 ALLOTMENTS UNDER SCHIP.

Notwithstanding subsection (e) of section 2104 of the Social Security Act (42 U.S.C. 1397dd), amounts allotted to a State under that section for each of fiscal years 1998 and 1999 shall remain available through September 30, 2002.●

● Mr. BRYAN. Mr. President, I am very pleased to join Senators LINCOLN CHAFEE, PAUL SARBANES, and FRED THOMPSON as an original cosponsor of the State Children's Health Insurance Program Preservation Act of 2000, and I thank Senator CHAFEE for his leadership on this bill.

This important legislation provides that Federal funds allotted to States under the state children's health insurance program for each of fiscal years 1998 and 1999 will remain available to the states through fiscal year 2002.

The enactment of the 1997 Balanced Budget Act's state children's health insurance program (CHIP was a seminal event in addressing the problem of uninsured children in this nation. The $24 billion funding reflected the seriousness of the national commitment to ensuring children will have access to health care services. It provided my state of Nevada and the nation with an incredible opportunity to address a most stubborn problem—the increasing number of children who have no health care insurance.

States were provided three options to provide child health care services through the federal funding allotments: to expand Medicaid coverage under enhanced Medicaid matching rates; to create or expand separate child health insurance programs; or to use a combination of the two. All options, rightly I believe, require the States to spend some of their own funds as a condition of participating in the program.

The choices states face under the CHIP program reflect the flexibility they wanted to tailor these programs, within federal guidelines, to the specific needs of each state to reduce the number of uninsured children.

Nevada's CHIP program—''Nevada CheckUp''—was approved by HCFA in August 1998 and began operating in October 1998. The program is separate from the Medicaid program, but the two are coordinated in the application process to ensure those children eligible for Medicaid are enrolled in that program. The Nevada CheckUp program covers applicants up to 200% of the federal poverty level, and children up to age 18.

Since its October 1998 beginning, Nevada CheckUp has enrolled over 9,000 children, representing almost 60% of the anticipated total eligible children. But there are approximately 6,000 children in Nevada who thus remain uninsured, who need health care coverage, and who must be found and covered. We can and must do better.

It took the state some time to develop its program, create a state plan, get state and federal approval, hire and train the staff and begin the marketing outreach and enrollment activities. In the one and one-half years the program has been operating, the state has learned what has worked successfully, and what has not worked. They are in the process of developing a new marketing plan, which will allow us to reach more uninsured Nevada children. The new proposal will use more media and broadcast tools to target the low income population.

The CHIP program is still in its infancy, and states are still learning how best to develop programs to provide children with much-needed health insurance. I am hopeful as this program matures, we will see a most successful effort to cover our nation's children, and ensure their health care needs are met into the next century.

Allow the states to keep their federal allotment for an additional two years should provide Nevada, and other States, the opportunity to reach the total number of eligible children, and increase the number of children with health insurance.

I sincerely hope Nevada will find the means to make its full match, so our state can draw 100 percent of its available federal funds. Wise use of these Federal funds, with a continued commitment to our children, and with a 100-percent effort by our state will get the job done. Our children simply deserve no less than a fully-funded effort.●

By Ms. SNOWE (for herself, Mr. ROCKEFELLER, Mr. DEWINE, and Mr. DODD):

S. 2435. A bill to amend part B of title IV of the Social Security Act to crate a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies; to the Committee on Finance.

CHILD PROTECTION/ALCOHOL AND DRUG PARTNERSHIP ACT

Ms. SNOWE. Mr. President, I rise today to introduce the ''Child Protection/Alcohol and Drug Partnership Act.'' I am pleased to be joined by my good friends, Senators ROCKEFELLER, DEWINE, and DODD on this exciting new proposal. Mr. President, this bill is an enormously important piece of legislation. It provides the means for states to support some of our most vulnerable families—families who are struggling with alcohol and drug abuse, and the children who are being raised in these abusive homes.

It is obvious, both anecdotally and statistically, that child welfare is significantly impacted by parental substance abuse. And it makes a lot of sense to fund state programs to address these two issues in tandem. The real question in designing and supporting child welfare programs is how can we—public policy makers, government officials, welfare agencies—honestly expect to improve child welfare without appropriately and adequately addressing the root problems affecting these children's lives?

We know that substance abuse is the primary ingredient in child abuse and neglect. Most studies find that between one-third and two-thirds—and some say as high as 80 percent to 90 percent—of children in the child welfare system come from families where parental substance abuse is a contributing factor.

The Child Protection/Alcohol and Drug Partnership Act of 2000 creates a new five-year $1.9 billion state block grant program to address the connection between substance abuse and child welfare. Payments would be made to promote joint activities among federal, state, and local public child welfare and alcohol and drug prevention and

treatment agencies. Our underlying belief, and the point of this bill, is to encourage existing agencies to work together to keep children safe.

HHS will award grants to States and Indian tribes to encourage programs for families who are known to the child welfare system and have alcohol and drug abuse problems. These grants will forge new and necessary partnerships between the child protection agencies and the alcohol and drug prevention and treatment agencies in States so they will work together to provide services for this unique population. The program is designed to increase the capacity of both the child welfare and alcohol and drug systems to comprehensively address the needs of these families to improve child safety, family stability, and permanence, and to promote recovery from alcohol and drug problems.

Statistics paint an unhappy picture for children of substance abusing parents: a 1998 report by the National Committee to Prevent Child Abuse found that 36 states reported that parental substance abuse and poverty are the top two problems exhibited by families reported for child maltreatment. And a 1997 survey conducted by the Child Welfare League of America found that at least 52 percent of placements into out-of-home care were due in part to parental substance abuse.

Children whose parents abuse alcohol and other drugs are almost three times likelier to be abused and more than four times likelier to be neglected than children of parents who are not substance abusers. Children in alcohol-abusing families were nearly four times more likely to be maltreated overall, almost five times more likely to be physically neglected, and 10 times more likely to be emotionally neglected than children in families without alcohol problems.

A 1994 study published in the American Journal of Public Health found that children prenatally exposed to substances have been found to be two to three times more likely to be abused than non-exposed children. And as many as 80 percent of prenatally drug exposed infants will come to the attention of child welfare before their first birthday. Abused and neglected children under age six face the risk of more severe damage than older children because their brains and neurological systems are still developing.

Unfortunately, child welfare agencies estimate that only a third of the 67 percent of the parents who need drug or alcohol prevention and treatment services actually get help today.

Mr. President, this bill is about preventing problems. Senators ROCKEFELLER, DEWINE, DODD, and I know that what is most important here is the safety and well-being of America's children. We expect much of our youth because they are the future of our nation. In turn, we must be willing to give them the support they need to learn and grow, so that they can lead healthy and productive lives.

In 1997 Congress passed the Adoption and Safe Families Act, authored by the late Senator John CHAFEE. The 1997 Adoption law promotes safety, stability, and permanence for all abused and neglected children and requires timely decision-making in all proceedings to determine whether children can safely return home, or whether they should be moved to permanent, adoptive homes. Specifically, the law requires a State to ensure that services are provided to the families of children who are at risk, so that children can remain safely with their families or return home after being in foster care.

The bill we are introducing today identifies a very specific area in which families and children need services—substance abuse. And it will ensure that states have the funding necessary to provide services as required under the Adoption and Safe Families Act.

I encourage my colleagues to take a serious look at our bill, to think seriously about the future for kids in their states, and to work with us in passing this very important piece of legislation. I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2435

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Child Protection/Alcohol and Drug Partnership Act of 2000''.

SEC. 2. CHILD PROTECTION/ALCOHOL AND DRUG PARTNERSHIPS FOR CHILDREN.

Part B of title IV of the Social Security Act (42 U.S.C. 620 et seq.) is amended by adding at the end the following:

"Subpart 3—Child Protection/Alcohol and Drug Partnerships For Children

"SEC. 440. DEFINITIONS.

''In this subpart:

''(1) ALASKA NATIVE ORGANIZATION.—The term 'Alaska Native Organization' means any organized group of Alaska Natives eligible to operate a Federal program under the Indian Self-Determination Act (25 U.S.C. 450f et seq.) or such group's designee.

''(2) ADMINISTRATIVE COSTS.—

''(A) IN GENERAL.—The term 'administrative costs' means the costs for the general administration of administrative activities, including contract costs and all overhead costs.

''(B) EXCLUSION.—Such term does not include the direct costs of providing services and costs related to case management, training, technical assistance, evaluation, establishment, and operation of information systems, and such other similar costs that are also an integral part of service delivery.

''(3) ELIGIBLE STATE.—The term 'eligible State' means a State that submits a joint application from the State agencies that—

''(A) includes a plan that meets the requirements of section 442; and

''(B) is approved by the Secretary for a 5-year period after consultation with the Assistant Secretary for the Administration for Children and Families and the Administrator of the Substance Abuse and Mental Health Services Administration.

''(4) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, Nation or other organized group or community of Indians, including any Alaska Native Organization, that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(5) STATE.—

''(A) IN GENERAL.—The term 'State' means each of the 50 States, the District of Columbia, and the territories described in subparagraph (B).

''(B) TERRITORIES.—

''(i) IN GENERAL.—The territories described in this subparagraph are Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Northern Mariana Islands.

''(ii) AUTHORITY TO MODIFY REQUIREMENTS.—The Secretary may modify the requirements of this subpart with respect to a territory described in clause (i) to the extent necessary to allow such a territory to conduct activities through funds provided under a grant made under this subpart.

''(6) STATE AGENCIES.—The term 'State agencies' means the State child welfare agency and the unit of State government responsible for the administration of the substance abuse prevention and treatment block grant provided under subpart II of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x–21 et seq.).

''(7) TRIBAL ORGANIZATION.—The term 'tribal organization' means the recognized governing body of an Indian tribe.

"SEC. 441. GRANTS TO PROMOTE CHILD PROTECTION/ALCOHOL AND DRUG PARTNERSHIPS FOR CHILDREN.

''(a) AUTHORITY TO AWARD GRANTS.—The Secretary may award grants to eligible States and directly to Indian tribes in accordance with the requirements of this subpart for the purpose of promoting joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies (and among child welfare and alcohol and drug abuse prevention and treatment agencies that are providing services to children in Indian tribes) that focus on families with alcohol or drug abuse problems who come to the attention of the child welfare system and are designed to—

''(1) increase the capacity of both the child welfare system and the alcohol and drug abuse prevention and treatment system to address comprehensively and in a timely manner the needs of such families to improve child safety, family stability, and permanence; and

''(2) promote recovery from alcohol and drug abuse problems.

''(b) NOTIFICATION.—Not later than 60 days after the date a joint application is submitted by the State agencies or an application is submitted by an Indian tribe, the Secretary shall notify a State or Indian tribe that the application has been approved or disapproved.

"SEC. 442. PLAN REQUIREMENTS.

''(a) CONTENTS.—Subject to subsection (c), the plan shall contain the following:

''(1) A detailed description of how the State agencies will work jointly to implement a range of activities to meet the alcohol and drug abuse prevention and treatment needs of families who come to the attention

of the child welfare system and to promote child safety, permanence, and family stability.

''(2) An assurance that the heads of the State agencies shall jointly administer the grant program funded under this subpart and a description of how they will do so.

''(3) A description of the nature and extent of the problem of alcohol and drug abuse among families who come to the attention of the child welfare system in the State, and of any plans being implemented to further identify and assess the extent of the problem.

''(4) A description of any joint activities already being undertaken by the State agencies in the State on behalf of families with alcohol and drug abuse problems who come to the attention of the child welfare system (including any existing data on the impact of such joint activities) such as activities relating to—

''(A) the appropriate screening and assessment of cases;

''(B) consultation on cases involving alcohol and drug abuse;

''(C) arrangements for addressing confidentiality and sharing of information;

''(D) cross training of staff;

''(E) co-location of services;

''(F) support for comprehensive treatment programs for parents and their children; and

''(G) establishing priority of child welfare families for assessment or treatment.

''(5)(A) A description of the joint activities to be funded in whole or in part with the funds provided under the grant, including the sequencing of the activities proposed to be conducted under the 5-year funding cycle and the goals to be achieved during such funding cycle. The activities and goals shall be designed to improve the capacity of the State agencies to work jointly to improve child safety, family stability, and permanence for children whose families come to the attention of the child welfare system and to promote their parents' recovery from alcohol and drug abuse.

''(B) The description shall include a statement as to why the State agencies chose the specified activities and goals.

''(6) A description as to whether and how the joint activities described in paragraph (5), and other related activities funded with Federal funds, will address some or all of the following practices and procedures:

''(A) Practices and procedures designed to appropriately—

''(i) identify alcohol and drug treatment needs;

''(ii) assess such needs;

''(iii) assess risks to the safety of a child and the need for permanency with respect to the placement of a child;

''(iv) enroll families in appropriate services and treatment in their communities; and

''(v) regularly assess the progress of families receiving such treatment.

''(B) Practices and procedures designed to provide comprehensive and timely individualized alcohol and drug abuse prevention and treatment services for families who come to the attention of the child welfare system that include a range of options that are available, accessible, and appropriate, and that may include the following components:

''(i) Preventive and early intervention services for children of parents with alcohol and drug abuse problems that integrate alcohol and drug abuse prevention services with mental health and domestic violence services, and that recognize the mental, emotional, and developmental problems the children may experience.

''(ii) Prevention and early intervention services for parents at risk for alcohol and drug abuse problems.

''(iii) Comprehensive home-based, outpatient, and residential treatment options.

''(iv) After-care support (both formal and informal) for families in recovery that promotes child safety and family stability.

''(v) Services and supports that focus on parents, parents with their children, parents' children, other family members, and parent-child interaction.

''(C) Elimination of existing barriers to treatment and to child safety and permanence, such as difficulties in sharing information among agencies and differences between the values and treatment protocols of the different agencies.

''(D) Effective engagement and retention strategies.

''(E) Pre-service and in-service joint training of management and staff of child welfare and alcohol and drug abuse prevention and treatment agencies, and, where appropriate, judges and other court staff, to—

''(i) increase such individuals' awareness and understanding of alcohol and drug abuse and related child abuse and neglect;

''(ii) more accurately identify and screen alcohol and drug abuse and child abuse in families;

''(iii) improve assessment skills of both child abuse and alcohol and drug abuse staff, including skills to assess risk to children's safety;

''(iv) increase staff knowledge of the services and resources that are available in such individuals' communities and appropriate for such families; and

''(v) increase awareness of the importance of permanence for children and the timelines for decisionmaking regarding permanence in the child welfare system.

''(F) Progress in enhancing the abilities of the State agencies to improve the data systems of such agencies in order to monitor the progress of families, evaluate service and treatment outcomes, and determine which approaches and activities are most effective.

''(G) Evaluation strategies to demonstrate the effectiveness of treatment and identify the aspects of treatment that have the greatest impact on families in different circumstances.

''(H) Training and technical assistance to increase the capacity within the State to carry out 1 or more of the activities described in this paragraph or related activities that are designed to expand prevention and treatment services for, and staff training to assist families with alcohol and drug abuse problems who come to the attention of the child welfare system.

''(7) A description of the jurisdictions in the State (including whether such jurisdictions are urban, suburban, or rural) where the joint activities will be provided, and the plans for expanding such activities to other parts of the State during the 5-year funding cycle.

''(8) A description of the methods to be used in measuring progress toward the goals identified under paragraph (5), including how the State agencies will jointly measure their performance in accordance with section 445, and how remaining barriers to meeting the needs of families with alcohol or drug abuse problems who come to the attention of the child welfare system will be assessed.

''(9) A description of what input was obtained in the development of the plan and the joint application from each of the following groups of individuals, and the manner in which each will continue to be involved in the proposed joint activities:

''(A) Staff who provide alcohol and drug abuse prevention and treatment and related services to families who come to the attention of the child welfare system.

''(B) Advocates for children and parents who come to the attention of the child welfare and alcohol and drug abuse prevention and treatment systems.

''(C) Consumers of both child welfare and alcohol and drug abuse prevention and treatment services.

''(D) Direct service staff and supervisors from public and private child welfare and alcohol and drug abuse prevention and treatment agencies.

''(E) Judges and court staff.

''(F) Representatives of the State agencies and private providers providing health, mental health, domestic violence, housing, education, and employment services.

''(G) A representative of the State agency in charge of administering the temporary assistance to needy families program funded under part A of this title.

''(10) An assurance of the coordination, to the extent feasible and appropriate, of the activities funded under a grant made under this subpart with the services or benefits provided under other Federal or federally assisted programs that serve families with alcohol and drug abuse problems who come to the attention of the child welfare system, including health, mental health, domestic violence, housing, and employment programs, the temporary assistance to needy families program funded under part A of this title, other child welfare and alcohol and drug abuse prevention and treatment programs, and the courts.

''(11) An assurance that not more than 10 percent of expenditures under the plan for any fiscal year shall be for administrative costs.

''(12) An assurance that alcohol and drug treatment services provided at least in part with funds provided under a grant made under this subpart shall be licensed, certified, or otherwise approved by the appropriate State alcohol and drug abuse agencies, or in the case of an Indian tribe, by a State alcohol and drug abuse agency, the Indian Health Service, or other designated licensing agency.

''(13) An assurance that Federal funds provided to the State under a grant made under this subpart will not be used to supplant Federal or non-Federal funds for services and activities provided as of the date of the submission of the plan that assist families with alcohol and drug abuse problems who come to the attention of the child welfare system.

''(b) AMENDMENTS.—

''(1) IN GENERAL.—An eligible State or Indian tribe may amend, in whole or in part, its plan at any time through transmittal of a plan amendment.

''(2) 60-DAY APPROVAL DEADLINE.—A plan amendment is considered approved unless the Secretary notifies an eligible State or Indian tribe in writing, within 60 days after receipt of the amendment, that the amendment is disapproved (and the reasons for disapproval) or that specified additional information is needed.

''(c) REQUIREMENTS FOR APPLICATIONS BY INDIAN TRIBES.—

''(1) IN GENERAL.—In order to be eligible for a grant made under this subpart, an Indian tribe shall—

''(A) submit a plan to the Secretary that describes—

''(i) the activities the tribe will undertake with both child welfare and alcohol and drug agencies that serve the tribe's children to

address the needs of families who come to the attention of the child welfare agencies and have alcohol and drug problems; and

''(ii) whether and how such activities address any of the practice and policy areas in subsection (a)(6); and

''(B) subject to paragraph (2), meet the other requirements of subsection (a) unless, with respect to a specific requirement of such subsection, the Secretary determines that it would be inappropriate to apply such requirement to an Indian tribe, taking into account the resources, needs, and other circumstances of the Indian tribe.

''(2) ADMINISTRATIVE COSTS; USE OF FEDERAL FUNDS.—Paragraphs (11) and (13) of subsection (a) shall not apply to a plan submitted by an Indian tribe. The indirect cost rate agreement in effect for an Indian tribe shall apply with respect to administrative costs under the tribe's plan.

''(3) AUTHORITY FOR INTERTRIBAL CONSORTIUM.—The participating Indian tribes of an intertribal consortium may develop and submit a single plan that meets the applicable requirements of subsection (a) (as so determined by the Secretary) and paragraph (1) of this subsection.

''SEC. 443. APPROPRIATION OF FUNDS.

''(a) APPROPRIATIONS.—For the purpose of providing allotments to eligible States and Indian tribes under this subpart and research and training under subsection (b)(3), there is appropriated out of any money in the Treasury not otherwise appropriated—

''(1) for fiscal year 2001, $200,000,000;

''(2) for fiscal year 2002, $275,000,000;

''(3) for fiscal year 2003, $375,000,000;

''(4) for fiscal year 2004, $475,000,000; and

''(5) for fiscal year 2005, $575,000,000.

''(b) RESERVATION OF FUNDS.—With respect to a fiscal year:

''(1) TERRITORIES.—The Secretary shall reserve 2 percent of the amount appropriated under subsection (a) for such fiscal year for payments to Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Northern Mariana Islands.

''(2) INDIAN TRIBES.—The Secretary shall reserve not less than 3 nor more than 5 percent of the amount appropriated under subsection (a) for such fiscal year for direct payments to Indian tribes and Indian tribal organizations for activities intended to increase the capacity of the Indian tribes and tribal organizations to expand treatment, services, and training to assist families with alcohol and drug abuse problems who come to the attention of the child welfare agencies.

''(3) RESEARCH AND TRAINING.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall reserve 1 percent of the amount appropriated under subsection (a) for such fiscal year for practice-based research on the effectiveness of various approaches for the screening, assessment, engagement, treatment, retention, and monitoring of families with alcohol and drug abuse problems who come to the attention of the child welfare system, and for training of staff in such areas and shall ensure that a portion of such amount is used for research on the effectiveness of these approaches for Indian children and for the training of staff serving children from the Indian tribes.

''(B) DETERMINATION OF USE OF FUNDS.—Funds reserved under subparagraph (A) may only be used to carry out a research agenda that addresses the areas described in such subparagraph and that is established by the Secretary, together with the Assistant Secretary for the Administration for Children and Families and the Administrator of Substance Abuse and Mental Health Services Administration, with input from public and private nonprofit providers, consumers, representatives of Indian tribes, and advocates, as well as others with expertise in research in such areas.

''SEC. 444. PAYMENTS TO ELIGIBLE STATES AND INDIAN TRIBES.

''(a) AMOUNT OF GRANT.—

''(1) ELIGIBLE STATES OTHER THAN TERRITORIES.—

''(A) IN GENERAL.—From the amount appropriated under subsection (a) of section 443 for a fiscal year, after the reservation of funds required under subsection (b) of that section for the fiscal year and subject to subparagraphs (B) and (C), the Secretary shall pay to each eligible State (after the Secretary has determined that the State has satisfied the matching requirement under subsection (b)) an amount that bears the same ratio to such amount for such fiscal year as the number of children under the age of 18 that reside in the eligible State bears to the total number of children under the age of 18 who reside in all such eligible States for such fiscal year.

''(B) MINIMUM ALLOTMENT.—In no case shall the amount of a payment to an eligible State for a fiscal year be less than an amount equal to 0.5 percent of the amount appropriated under subsection (a) of section 443 for the fiscal year, after the reservation of funds required under subsection (b) of that section.

''(C) PRO RATA REDUCTIONS.—The Secretary shall make pro rata reductions in the amounts of the allotments determined under subparagraph (A) for a fiscal year to the extent necessary to comply with subparagraph (B).

''(2) TERRITORIES.—From the amounts reserved under section 443(b)(1) for a fiscal year, the Secretary shall pay to each territory described in section 440(5)(B) with an approved plan that meets the requirements of section 442 (after the Secretary has determined that the territory has satisfied the matching requirement under subsection (b)) an amount that bears the same ratio to such amount for such fiscal year as the number of children under the age of 18 that reside in the territory bears to the total number of children under the age of 18 who reside in all such territories for such fiscal year.

''(3) INDIAN TRIBES OR TRIBAL ORGANIZATIONS.—From the amount reserved under section 443(b)(2) for a fiscal year, the Secretary shall pay to each Indian tribe with an approved plan that meets the requirements of section 442(c) (after the Secretary has determined that the Indian tribe has satisfied the matching requirement under subsection (b)) an amount that bears the same ratio to such reserved amount for such fiscal year as the number of children under the age of 18 in the Indian tribe bears to the total number of children under the age of 18 in all Indian tribes with plans so approved for such fiscal year, as determined by the Secretary on the basis of the most current and reliable information available to the Secretary. For purposes of making the allocations required under the preceding sentence, an Indian tribe may submit data and other information that it has on the number of Indian children under the age of 18 for consideration by the Secretary.

''(b) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—In order to receive a grant under this subpart for a fiscal year, an eligible State or Indian tribe shall provide through non-Federal contributions the applicable percentage determined under paragraph (2) for such fiscal year of the costs of conducting activities funded in whole or in part with funds provided under the grant. Such contributions shall be paid jointly by the State agencies, in the case of an eligible State, or by an Indian tribe.

''(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage for an eligible State or Indian tribe for a fiscal year is—

''(A) 15 percent, in the case of fiscal years 2001 and 2002;

''(B) 20 percent, in the case of fiscal years 2003 and 2004; and

''(C) 25 percent, in the case of fiscal year 2005.

''(3) SOURCE OF MATCH.—

''(A) ELIGIBLE STATES.—The non-Federal contributions required of an eligible State under this subsection may be in cash or in kind, fairly evaluated, including plant, equipment, or services. The contributions may be made directly or through donations from public or private entities. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government may not be included in determining whether an eligible State has provided the applicable percentage of such contributions for a fiscal year.

''(B) INDIAN TRIBES.—With respect to an Indian tribe, such contributions may be made in cash, through donated funds, through nonpublic third party in kind contributions, or from Federal funds received under any of the following provisions of law:

''(i) The Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.).

''(ii) The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b et seq.).

''(iii) Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

''(4) WAIVER.—

''(A) ELIGIBLE STATES.—In the case of an eligible State, the Secretary, after consultation with the Assistant Secretary for the Administration for Children and Families and the Administrator of the Substance Abuse and Mental Health Services Administration, may modify the applicable percentage determined under paragraph (2) for matching funds if the Secretary determines that economic conditions in the eligible State justify making such modification.

''(B) INDIAN TRIBES.—In the case of an Indian tribe, the Secretary may modify the applicable percentage determined under such paragraph if the Secretary determines that it would be inappropriate to apply to the Indian tribe, taking into the resources and needs of the tribe and the amount of funds the tribe would receive under a grant made under this section.

''(c) USE OF FUNDS.—Funds provided under a grant made under this subpart may only be used to carry out activities specified in the plan, as approved by the Secretary.

''(d) DEADLINE FOR REQUEST FOR PAYMENT.—An eligible State or Indian tribe shall apply to be paid funds under a grant made under this subpart not later than the beginning of the fourth quarter of a fiscal year or such funds shall be reallotted under subsection (f).

''(e) CARRYOVER OF FUNDS.—Funds paid to an eligible State or Indian tribe under a grant made under this subpart for a fiscal year may be expended in that fiscal year or the succeeding fiscal year.

''(f) REALLOTMENT OF FUNDS.—

''(1) ELIGIBLE STATES.—In the case of an eligible State that does not apply for funds allotted to the eligible State under a grant made under this subpart for a fiscal year

within the time provided under subsection (d), or that does not expend such funds during the time provided under subsection (e), the funds which the eligible State would have been entitled to for such fiscal year shall be reallotted to 1 or more other eligible States on the basis of each such State's relative need for additional payments, as determined by the Secretary, after consultation with the Assistant Secretary for the Administration for Children and Families and the Administrator of the Substance Abuse and Mental Health Services Administration.

''(2) INDIAN TRIBES.—In the case of an Indian tribe that does not expend funds allotted to the tribe during the time provided under subsection (e), the funds to which the Indian tribe would have been entitled to for such fiscal year shall be reallotted to the remaining Indian tribes that are implementing approved plans in amounts that are proportional to the percentage of Indian children under the age of 18 in each such tribe.

''SEC. 445. PERFORMANCE ACCOUNTABILITY; REPORTS AND EVALUATIONS.

''(a) PERFORMANCE MEASUREMENT.—

''(1) ESTABLISHMENT OF INDICATORS.—The Secretary, in consultation with the Assistant Secretary for the Administration for Children and Families, the Administrator of the Substance Abuse and Mental Health Services Administration, Chief Executive Officers of a State or Territory, State legislators, State and local public officials responsible for administering child welfare and alcohol and drug abuse prevention and treatment programs, court staff, consumers of the services, and advocates for children and parents who come to the attention of the child welfare system, shall, within 12 months of the date of enactment of the Child Protection/Alcohol and Drug Partnership Act of 2000, establish indicators that will be used to assess periodically the performance of eligible States and Indian tribes in using grant funds provided under this subpart to promote child safety, permanence, and well-being and recovery in families who come to the attention of the child welfare system.

''(2) COORDINATION.—The indicators established under paragraph (1) shall be based on and coordinated with the performance outcomes established for the child welfare system pursuant to section 203(b) of the Adoption and Safe Families Act of 1997 and the performance measures developed under subpart II of part B of title XIX of the Public Health Service Act (relating to the substance abuse prevention and treatment block grant).

''(3) PURPOSE.—The indicators will be used to measure periodically the progress made by the State agencies and by child welfare and alcohol and drug abuse prevention and treatment agencies serving children in Indian tribes in the activities that such agencies jointly engage in with such grant funds. An eligible State or Indian tribe will be measured against itself, assessing progress over time against a baseline established at the time the grant activities were undertaken.

''(4) ILLUSTRATIVE EXAMPLES.—The indicators developed should address the range of activities that eligible States and Indian tribes have the option of engaging in with such grant funds. Examples of the types of progress to be measured in the different areas of activity include the following:

''(A) Improving the screening and assessment of families who come to the attention of the child welfare system with alcohol and drug problems, so such families can be promptly referred for appropriate treatment when necessary.

''(B) Increasing the availability of comprehensive and timely individualized treatment for families with alcohol and drug problems who come to the attention of the child welfare system.

''(C) Increasing the number or proportion of families who, when they come to the attention of the child welfare system with alcohol and drug problems, promptly enter appropriate treatment.

''(D) Increasing the engagement and retention in treatment of families with alcohol and drug problems who come to the attention of the child welfare system.

''(E) Decreasing the number of children who re-enter foster care after being returned to families who had alcohol or drug problems when the children entered foster care.

''(F) Increasing the number or proportion of staff in both the public child welfare and alcohol and drug abuse prevention and treatment agencies who have received training on the needs of families that come to the attention of the child welfare and alcohol and drug abuse prevention and treatment systems for help, and the help that can be provided to such families.

''(G) Increasing the proportion of parents who complete treatment for alcohol or drug abuse and show improvement in their pre-employment or employment status.

''(5) DETERMINATION OF PROGRESS.—

''(A) INITIAL REPORT.—Not later than the end of the first fiscal year in which funds are received under a grant made under this subpart, the State agencies in each eligible State that receives such funds, and the Indian tribes that receive such funds, shall submit to the Secretary a report on the activities carried out during the fiscal year with such funds. The report shall contain such information as the Secretary determines is necessary to provide an accurate description of the activities conducted with such funds and of any changes in the use of such funds that are planned for the succeeding fiscal year.

''(B) USE OF INDICATORS.—As soon as possible after the establishment of indicators under paragraph (1), the State agencies and Indian tribes shall conduct evaluations, directly or under contract, of their progress with respect to such indicators that are directly related to activities the eligible State or Indian tribe is engaging in with such grant funds and include information on the evaluation in the reports to the Secretary required under subparagraphs (C) and (D). After the third year in which such activities are conducted, an eligible State or Indian tribe shall include in the evaluation at least some indicators that address improvements in treatment for families with alcohol and drug problems who come to the attention of the child welfare system.

''(C) SUBSEQUENT REPORTS.—After the initial report is submitted under subparagraph (A), an eligible State or Indian tribe shall submit to the Secretary, not later than June 30 of each fiscal year thereafter in which the State or tribe carries out activities with grant funds provided under this subpart, a report on the application of the indicators established under paragraph (1) to such activities. The reports shall include an explanation regarding why the specific indicators used were chosen, how such indicators are expected to impact a child's safety, permanence, well-being, and parental recovery, and the results (as of the date of submission of the report) of the evaluation conducted under subparagraph (B).

''(D) FINAL REPORT.—Not later than September 30, 2005, each eligible State and Indian tribe with an approved plan under this part shall submit a final report on the evaluations conducted under subparagraph (B) and the progress made in achieving the goals specified in the plan of the State or Indian tribe.

''(E) FAILURE TO REPORT.—

''(i) IN GENERAL.—Subject to clause (ii), an eligible State or Indian tribe that fails to submit the reports required under this paragraph or to conduct the evaluation required under subparagraph (B) shall not be eligible to receive grant funds provided under this subpart for the fiscal year following the fiscal year in which such State or Indian tribe failed to submit such report or conduct such evaluation.

''(ii) CORRECTIVE ACTION.—An eligible State or Indian tribe to which clause (i) applies may, notwithstanding such clause, receive grant funds under this subpart for a succeeding fiscal year if prior to September 30 of the fiscal year in which such failure occurred, the State agencies of the eligible State, or the Indian tribe, submit to the Secretary a plan to monitor and evaluate in a timely manner the activities conducted with such funds, and such plan is approved in a timely manner by the Secretary, after consultation with the Administration for Children and Families and the Substance Abuse and Mental Health Services Administration.

''(b) SECRETARIAL REPORTS AND EVALUATIONS.—

''(1) ANNUAL REPORTS.—On the basis of reports submitted under subsection (a), the Secretary, in consultation with the Assistant Secretary for the Administration for Children and Families and the Administrator of the Substance Abuse and Mental Health Services Administration, shall report annually, beginning on October 1, 2002, to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the joint activities conducted with funds provided under grants made under this subpart, the indicators that have been established, and the progress that has been made in addressing the needs of families with alcohol and drug abuse problems who come to the attention of the child welfare system and in achieving the goals of child safety, permanence, and family stability.

''(2) EVALUATIONS.—Not later than 6 months after the end of each 5-year funding cycle under this subpart, the Secretary shall submit a report to the committees described in paragraph (1) that summarizes the results of the evaluations conducted by eligible States and Indian tribes under subsection (a)(5)(B), as reported by such States and Indian tribes in accordance with subparagraphs (C) and (D) of subsection (a)(5). The Secretary shall include in the report required under this paragraph recommendations for further legislative or administrative actions that are designed to assist children and families with alcohol and drug abuse problems who come to the attention of the child welfare system.''.

Mr. ROCKEFELLER. Mr. President, today I am here to talk about our Nation's most vulnerable children—those innocent kids who are in the child protection system because they have been abused or neglected by parents, many of whom have drug or alcohol problems. Over 500,000 children are in foster care nationwide and 3,000 children are in West Virginia. Each one deserves a safe, permanent home according to the

fundamental guidelines set by the 1997 Adoption and Safe Families Act.

National statistics range between 40 percent and 80 percent of families in the child welfare system struggling with alcohol or drug abuse, or both. One recent survey noted that 67 percent of the parents involved in child abuse or neglect cases needed alcohol or drug treatment, but only one-third of those parents got the appropriate treatment or services to deal with their addiction. In my own state of West Virginia, over half of the children placed in foster care have families with alcohol or drug abuse problems, and we know even more children are at risk of neglect, but are not in foster care yet because of their parent's substance abuse problems.

Another sad, stunning statistic is that children with open child welfare cases whose parents have substance abuse problems are younger than other children in foster care, and they are more likely to be the victims of severe and chronic neglect. Once such children are placed in foster care, they tend to stay in care longer than other children.

I believe the only way to achieve the critical goals of a safe, healthy, and permanent home for every child is to tackle the problem of alcohol and drug abuse among parents. What happens to parents who abuse alcohol or drugs ultimately will decide that child's fate. To help the child, we must address the addiction of their parents.

The issue of alcohol and drug abuse is difficult. Part of the 1997 Adoption and Safe Families Act required the Department of Health and Human Services (HHS) to study this problem within the child welfare system. This important report, Blending Perspectives and Building Common Ground, outlines our challenges. There is a lack of appropriate treatment and services, especially services designed to meet the needs of parents in the child protection system. Unfortunately, there is poor communication and collaboration between alcohol and drug abuse agencies and child protection agencies. Issues such as confidentiality, different definitions of who ''the client'' is, and different time frames for decisions make collaboration harder. For example, under the 1997 Adoption and Safe Families Act, state agencies and courts are expected to consider termination of parental rights if a child has been in foster care for 15 of 22 months. Treatment programs designed for single clients have different timeframes.

To address the challenge, we must find new ways to encourage these two independent systems to work together on behalf of parents with an alcohol or drug problem and their children. In addition to treating the patient's addiction, we must also provide for the needs of their child.

Therefore, we need to create incentives for both agencies to consider the total picture—What are the child's needs? What are the parent's needs? How can we effectively serve both, and meet the fundamental goals of the Adoption Law that every child deserves a safe, healthy, permanent home.

The HHS report sets five priorities. First, it calls for building collaborative working relationships among agencies. It stresses that addiction is a treatable disease, but access to timely, comprehensive substance abuse treatment services is key. Keeping clients in treatment is crucial, but serving parents is harder because services must also be available to their children. As mentioned, children of abusing parents need special services. The final priority in the HHS study is for research and more information on the interaction between substance abuse and child maltreatment.

Today, I am proud to join with my colleagues, Senator SNOWE, DEWINE, and DODD to introduce legislation to address this troubling issue. We have worked for months with state officials, child advocates and officials in the substance abuse community to develop the Child Protection/Alcohol and Drug Partnership Act of 2000. This bill builds on the foundation of the Adoption and Safe Families Act of 1997—fundamental goals of making a child's safety, health, and permanency paramount.

To accomplish these bold goals, we need to be bold by investing in partnerships that will respond to the needs and priorities outlined in the comprehensive HHS study. I believe a new program and a new approach are essential. A new system is needed to address the special concerns of this unique population—parents with alcohol and drug problems who neglect their children. A program designed to serve a single male with drug problems doesn't respond to the needs of a mother and her child.

To be effective, we must link child protection workers with those involved in alcohol and drug treatment programs. Forging new partnerships takes time—and it takes money. That is why our legislation invests $1.9 billion over 5 years to combat the problems of drugs and alcohol abuse in families in the child welfare system.

I understand this is a large sum, but alcohol and drug abuse is a huge problem. Before reacting to the cost of the bill, consider what the costs are if we do nothing.

If we do not invest in alcohol and drug abuse prevention and treatment for such families, children will be neglected or abused. Young children will be placed in foster care, at a wide range of costs, and they will linger there longer than other children without family substance abuse problems.

In 1997, the House Ways and Means Subcommittee received testimony from Professor Richard Barth who noted that many newborns in substance abuse cases already had siblings placed in foster care. Barth estimated that if only one-third of the mothers with substance abuse problems got successful, early treatment upon the birth of their first child, instead of waiting until later, many years of foster care placements could be prevented and millions of dollars could be saved.

Our bill is designed to tackle this tough issue so agencies do not wait too long to help vulnerable children. Our bill will promote innovative approaches that serve both parents and children. It will offer funding for screening and assessment to enhance prevention. It will support outreach to families and retention so that parents stay in treatment. It can support joint training, and educate alcohol and drug counselors about the special needs of children and the importance of a safe, permanent home. It can support outpatient services or residential treatment. It allows investments in aftercare to keep families and children safe.

If we do invest in such specialized alcohol and drug treatment programs for families, we can achieve two things. For many families, I hope, treatment will be successful and children will return to a safe and stable home. But for others, we will have tried, and learned the important lesson that some children need an alternate place—some children need adoption. Under the Adoption and Safe Families Act, courts cannot move forward on adoption until appropriate services have been provided to families. That is the law, and we must follow it. Therefore, to move some children towards adoption, services must be tried for their families.

We want a responsible approach that will include accountability. It requires annual reports to assess how much progress is made each and every year. Reports should measure success in treating parents, but equally important will be measures of children's safety and family stability.

Over the years, we have worked on child welfare issues in a positive, bipartisan manner. I am proud to continue the bipartisan approach as we grapple with such tough controversial issues as alcohol and drug abuse among parents in the child welfare system.

Mr. President, I ask unanimous consent that a fact sheet and section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION—CHILD PROTECTION/ ALCOHOL AND DRUG PARTNERSHIP ACT OF 2000

(A bill to amend part B of title IV of the Social Security Act to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies)

GRANTS TO PROMOTE CHILD PROTECTION/ALCOHOL AND DRUG PARTNERSHIP FOR CHILDREN

In an effort to improve child safety, family stability, and permanence, as well as promote recovery from alcohol and drug abuse problems, the Secretary may award grants to eligible States and Indian tribes to foster programs for families who are known to the child welfare system to have alcohol and drug abuse problems. The Secretary shall notify States and Indian tribes of approval or denial not later than 60 days after submission.

STATE PLAN REQUIREMENTS

In order to meet the prevention and treatment needs of families with alcohol and drug abuse problems in the child welfare system and to promote child safety, permanence, and family stability, State agencies will jointly work together, creating a plan to identify the extent of the drug and alcohol abuse problem.

Creation of plan.—State agencies will provide data on appropriate screening and assessment of cases, consultation on cases involving alcohol and drug abuse, arrangements for addressing confidentiality and sharing of information, cross training of staff, co-location of services, support for comprehensive treatment for parents and their children, and priority of child welfare families for assessment or treatment.

Identify activities.—A description of the activities and goals to be implemented under the five-year funding cycle should be identified, such as: identify and assess alcohol and drug treatment needs, identify risks to children's safety and the need for permanency, enroll families in appropriate services and treatment in their communities, and regularly assess the progress of families receiving such treatment.

Implement prevention and treatment services.—States and Indian tribes should implement individualized alcohol and drug abuse prevention and treatment services that are available, accessible, and appropriate that include the following components:

(A) Preventive and early intervention services for the children of families with alcohol and drug abuse problems that integrate alcohol and drug abuse prevention services with mental health and domestic violence services, as well as recognizing the mental, emotional, and developmental problems the children may experience.

(B) Prevention and early intervention services for parents at risk for alcohol and drug abuse problems.

(C) Comprehensive home-based, our-patient and residential treatment options.

(D) Formal and informal after-care support for families in recovery.

(E) Services and programs that promote parent-child interaction.

Sharing information among agencies.—Agencies should eliminate existing barriers to treatment and to child safety and permanence by sharing information among agencies and learning from the various treatment protocols of other agencies such as:

(A) Creating effective engagement and retention strategies.

(B) Encouraging joint training of child welfare staff and alcohol and drug abuse prevention agencies, and judges and court staff to increase awareness and understanding of drug abuse and related child abuse and neglect and more accurately identify abuse in families, increase staff knowledge of the services and resources that are available in the communities, and increase awareness of permanence for children and the urgency for time lines in making these decisions.

(C) Improving data systems to monitor the progress of families, evaluate service and treatment outcomes, and determine which approaches are most effective.

(D) Evaluation strategies to identify the effectiveness of treatment that has the greatest impact on families in different circumstances.

(E) Training and technical assistance to increase the State's capacity to perform the above activities.

Plan descriptions and assurances.—States and Indian tribes should create a plan that includes the following descriptions and assurances:

(A) A description of the jurisdictions in the State whether urban, suburban, or rural, and the State's plan to expand activities over the 5-year funding cycle to other parts of the State.

(B) A description of the way in which the State agency will measure progress, including how the agency will jointly conduct an evaluation of the results of the activities.

(C) A description of the input obtained from staff of State agencies, advocates, consumers of prevention and treatment services, line staff from public and private child welfare and drug abuse agencies, judges and court staff, representatives of health, mental health, domestic violence, housing and employment services, as well as a representative of the State agency in charge of administering the temporary assistance to needy families program (TANF).

(D) An assurance of coordination with other services provided under other Federal or federally assisted programs including health, mental health, domestic violence, housing, employment programs, TANF, and other child welfare and alcohol and drug abuse programs and the courts.

(E) An assurance that not more than 10% of expenditures under the State plan for any fiscal year shall be for administrative costs. However, Indian tribes will be exempt from this limitation and instead may use the indirect cost rate agreement in effect for the tribe.

(F) An assurance from States that Federal funds provided will not be used to supplant Federal or non-Federal funds for services and activities provided as of the date of the submission of the plan. However, Indian tribes will be exempt from this provision.

Amendments.—A State or Indian tribe may amend its plan, in whole or in part at any time through a plan amendment. The amendment should be submitted to the Secretary not later than 30 days after the date of any changes of activities. Approval from the Secretary shall be presumed unless the State has been notified of disapproval within 60 days after receipt.

Special Application to Indian tribes.—The Indian tribe must submit a plan to the Secretary that describes the activities it will undertake with both the child welfare and alcohol and drug agencies that serve its children to address the needs of families who come to the attention of the child welfare agency who have alcohol and drug problems. The Indian tribe must also meet other applicable requirements, unless the Secretary determines that it would be inappropriate based on the tribe's resources, needs, and other circumstances.

APPROPRIATION OF FUNDS

Appropriations.—A total of 1.9 billion dollars will be appropriated to eligible States and Indian tribes at the progression rate of:

(1) for fiscal year 2001, $200,000,000;
(2) for fiscal year 2002, $275,000,000;
(3) for fiscal year 2003, $375,000,000;
(4) for fiscal year 2004, $475,000,000; and
(5) for fiscal year 2005, $575,000,000.

Territories.—The Secretary of HHS shall reserve 2% of the amount appropriated each fiscal year for payments to Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Northern Mariana Islands. In addition, the Secretary shall reserve from 3 to 5 percent of the amount appropriated for direct payment to Indian tribes.

Research and Training.—The Secretary shall reserve 1% of the appropriated amount for each fiscal year for practice-based research on the effectiveness of various approaches for screening, assessment, engagement, treatment, retention, and monitoring of families and training of staff in such areas. In addition, the Secretary will also ensure that a portion of these funds are used for research on the effectiveness of these approaches for Indian children and the training of staff.

Determination of use of funds.—Funds may only be used to carry out a specific research agenda established by the Secretary, together with the Assistant Secretary of the Administration for Children and Families and the Administrator of Substance Abuse and Mental Health Services Administration with input from public and private nonprofit providers, consumers, representatives of the Indian tribes and advocates.

PAYMENTS TO STATES

Amount of grant to State and territories.—Each eligible State will receive an amount based on the number of children under the age of 18 that reside in that State. There will be a small state minimum of .05% to ensure that all States are eligible for sufficient funding to establish a program.

Amount of grant to Indian tribes or tribal organizations.—Indian tribes shall be eligible for a set aside of 3% to 5%. This amount will be distributed based on the population of children under 18 in the tribe.

State matching requirement.—States shall provide, through non-Federal contributions, the following applicable percentages for a given fiscal year:

(A) for fiscal years 2001 and 2002, 15% match;

(B) for fiscal years 2003 and 2004, 20% match; and

(C) for fiscal year 2005, 25% match.

Source of match.—The non-Federal contributions required of States may be in cash or in-kind, including plant equipment or services made directly from donations from public or private entities. Amounts received from the Federal Government may not be included in the applicable percentage of contributions for a given fiscal year. However, Indian tribes may use three Federal sources of matching funds: Indian Child Welfare Act funds, Indian Self-Determination and Education Assistance Act funds, and Community Block Grant funds.

Waiver.—The Secretary may modify matching funds if it is determined that extraordinary economic conditions in the State justify the waiver. Indians tribes' matching funds may also be modified if the Secretary determines that it would be inappropriate based on the resources and needs of the tribe.

Use of Funds and Deadline for Request of Payment.—Funds may only be used to carry out activities specified in the plan, as approved by the Secretary. Each State or Indian tribe shall apply to be paid funds not later than the beginning of the fourth quarter of a fiscal year or they will be reallotted.

Carryover and Reallotment of funds.—Funds paid to an eligible State or Indian tribe may be used in that fiscal year or the succeeding fiscal year. If a State does not apply for funds allotted within the time provided, the funds will be reallocated to one or more eligible States on the basis of the needs of that individual state. In the cases of Indian tribes, funds will be reallotted to remaining tribes that are implementing approved plans.

PERFORMANCE MEASUREMENT

Establishment of Indicators.—The Secretary, in consultation with the Assistant Secretary for the Administration for Children and Families, the Administrator of the Substance Abuse and Mental Health Services Administration within HHS, and with state and local government, public officials responsible for administering child welfare and alcohol and drug abuse prevention and treatment programs, court staff, consumers of the services, and advocates for these children and parents will establish indicators within 12 months of the enactment of this law which will be used to assess the performance of States and Indian tribes. A State or Indian tribe will be measured against itself, assessing progress over time against a baseline established at the time the grant activities were undertaken.

Illustrative Examples.—Indicators of activities to be measured include:

(A) Improve screening and assessment of families;

(B) Increase availability of comprehensive individualized treatment;

(C) Increase the number/proportion of families who enter treatment promptly;

(D) Increase engagement and retention;

(E) Decrease the number of children who re-enter foster care after being returned to families who had alcohol or drug problems;

(F) Increase number/proportion of staff trained; and

(G) Increase the proportion of parents who complete treatment and show improvement in their employment status.

Reports.—The child welfare and alcohol and drug abuse and treatment agencies in each eligible state, and the Indian tribes that receive funds shall submit no later than the end of the first fiscal year, a report to the Secretary describing activities carried out, and any changes in the use of the funds planned for the succeeding fiscal year. After the first report is submitted, a State or Indian tribe must submit to the Secretary annually, by the end of the third quarter in the fiscal year, a report on the application of the indicators to its activities, an explanation of why these indicators were chosen, and the results of the evaluation to date. After the third year of the grant all of the States must include indicators that address improvements in treatment. A final report on evaluation and the progress made must be submitted to the Secretary not later than the end of each five year funding cycle of the grant.

Penalty.—States or Indian tribes that fail to report on the indicators will not be eligible for grant funds for the fiscal year following the one in which it failed to report, unless a plan for improving their ability to monitor and evaluate their activities is submitted to the Secretary and then approved in a timely manner.

Secretarial reports and evaluations.—Beginning October 1, 2002, the Secretary, in consultation with the Assistant Secretary for the Administration for Children and Families, and the Administrator of the Substance Abuse and Mental Health Services Administration, shall report annually, to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the joint activities, indicators, and progress made with families.

Evaluations.—Not later than six months after the end of each 5 year funding cycle, the Secretary shall submit a report to the above committees, the results of the evaluations as well as recommendations for further legislative actions.

FACT SHEET

The Child Protection/Alcohol and Drug Partnership Act of 2000 is a bill to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies to improve child safety, family stability, and permanence for children in families with drug and alcohol problems, as well as promote recovery from drug and alcohol problems.

Child welfare agencies estimate that only a third of the 67% of the parents who need drug or alcohol prevention and treatment services actually get help today. This bill builds on the foundation of the Adoption and Safe Families Act of 1997 which requires States to focus on a child's need for safety, health and permanence. The bill creates new funding for alcohol and drug treatment and other activities that will serve the special needs of these families to either provide treatment for parents with alcohol and drug abuse problems so that a child can safely return to their family or to promote timely decisions and fulfill the requirement of the 1997 Adoption Act to provide services prior to adoption.

GRANTS TO PROMOTE CHILD PROTECTION/ ALCOHOL AND DRUG PARTNERSHIPS

In an effort to improve child safety, family stability, and permanence as well as promote recovery from alcohol and drug abuse problems, HHS will award grants to States and Indian tribes to encourage programs for families who are known to the child welfare system and have alcohol and drug abuse problems. Such grants will forge new and necessary partnerships between the child protection agencies and the alcohol and drug prevention and treatment agencies in States so they can together provide necessary services for this unique population.

These grants will help build new partnerships to provide alcohol and drug abuse prevention and treatment services that are timely, available, accessible, and appropriate and include the following components:

(A) Preventive and early intervention services for the children of families with alcohol and drug problems that combine alcohol and drug prevention services with mental health and domestic violence services, and recognize the mental, emotional, and developmental problems the children may experience.

(B) Prevention and early intervention services for families at risk of alcohol and drug problems.

(C) Comprehensive home-based, out-patient and residential treatment options.

(D) Formal and informal after-care support for families in recovery that promote child safety and family stability.

(E) Services and supports that promote positive parent-child interaction.

FORGING NEW PARTNERSHIPS

GAO and HHS studies indicate that the existing programs for alcohol and drug treatment do not effectively service families in the child protection system. Therefore, this new grant program will help eliminate barriers to treatment and to child safety and permanence by encouraging agencies build partnerships and conduct joint activities including:

(A) Promote appropriate screening and assessment of alcohol and drug problems.

(B) Create effective engagement and retention strategies that get families into timely treatment.

(C) Encourage joint training for staff of child welfare and alcohol and drug abuse prevention and treatment agencies, and judges and other court personnel to increase understanding of alcohol and drug problems related to child abuse and neglect and to more accurately identify alcohol and drug abuse in families. Such training increases staff knowledge of the appropriate resources that are available in the communities, and increases awareness of the importance of permanence for children and the urgency for expedited time lines in making these decisions.

(D) Improve data systems to monitor the progress of families, evaluate service and treatment outcomes, and determine which approaches are most effective.

(E) Evaluate strategies to identify the effectiveness of treatment and those parts of the treatment that have the greatest impact on families in different circumstances.

NEW, TARGETED INVESTMENTS

A total of $1.9 billion will be available to eligible States with funding of $200 million in the first year expanding to $575 million by the last year. The amount of funding will be based on the State's number of children under 18, with a small State minimum to ensure that every State gets a fair share. Indian tribes will have a 3%-5% set aside. State child welfare and alcohol and drug agencies shall have a modest matching requirement for funding beginning with a 15% match and gradually increasing to 25%. The Secretary has discretion to waive the State match in cases of hardship.

ACCOUNTABILITY AND PERFORMANCE MEASUREMENT

To ensure accountability, HHS and the related State agencies must establish indicators within 12 months of the enactment of this law which will be used to assess the State's progress under this program. Annual reports by the States must be submitted to HHS. Any state that fails to submit its report will lose its funding for the next year, until it comes into compliance. HHS must issue an annual report to Congress on the progress of the Child Protection/Alcohol and Drug Partnership grants.

By Mr. ABRAHAM:

S. 2436. A bill to amend the Internal Revenue Code of 1986 to repeal the targeted area limitation on the expense deduction for environmental remediation costs and to extend the termination date of such deduction; to the Committee on Finance.

BROWNFIELD CLEANUP COST RECOVERY ACT

• Mr. ABRAHAM. Mr. President, I rise today to introduce the Brownfield Cleanup Cost Recovery Act. This legislation would repeal the targeted area limitation on the expense deduction for environmental remediation costs and

extend the termination date of such deduction to 2004.

Mr. President, the Environmental Protection Agency's brownfields program is designed to help communities restore less seriously contaminated sites that have the potential for economic development. Brownfields are defined as abandoned, idled, or underused industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination.

In general, costs incurred for new buildings or for permanent improvements to increase the value of a property must be capitalized—the cost must be deducted over a period of years. Some expenses, such as repairs, are currently deductible—deductible in the year in which the cost is incurred. This is also called expensing. It is a considerable financial advantage to be able to fully deduct an expense in one year rather than over many. The brownfields tax provision would include environmental remediation costs as allowable costs for expensing. This would create the financial incentive needed to bring companies in to remediate brownfields.

Prior to the passage of the Taxpayer Relief Act of 1997, the tax code discouraged the remediation of environmentally damaged property. In 1996, I introduced legislation to eliminate this bias. This legislation ultimately was included as part of the Taxpayer Relief Act of 1997, which is now law. However, the incentive expires at the end of this year. As part of the Taxpayer Refund and Relief Act of 1999, Congress passed provisions expanding upon this important community development legislation. This bill contains the same provisions that were included in the Taxpayer Refund and Relief Act of 1999, which Congress passed, but President Clinton vetoed.

In addition, Mr. President, current law limits expensing of brownfield sites to those sites within ''targeted'' areas—defined as being a renewal community under section 198. This bill would eliminate the ''targeted area'' limitation, allowing for increased remediation in all areas, not just federal designated zones.

Mr. President, encouraging community renewal has long been a very important issue to me. In 1995, my first year as a Senator, I joined with Senators LIEBERMAN, SANTORUM, DEWINE and Moseley-Braun, to introduce the Enhanced Enterprise Zones Act, to stimulate job creation and residential growth in America's most distressed rural and urban communities. More recently, Senator LIEBERMAN and I introduced the American Community Renewal Act. The ACRA would provide benefits to 100 distressed communities around the country, including tax benefits designed to attract businesses and employers to Renewal Zones. It is my hope that this bill will become law this year.

In my opinion, Mr. President, brownfield remediation is a crucial component of any policy for community renewal if that policy is to be successful. The provisions provided in this legislation will make such remediation more likely and more common. Therefore, I urge my colleagues to give it their strong support.●

By Mr. SMITH of New Hampshire (for himself and Mr. BAUCUS):

S. 2437. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Environment and Public Works.

WATER RESOURCES DEVELOPMENT ACT OF 2000

● Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2437

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.—

(a) SHORT TITLE.—This Act may be cited as the ''Water Resources Development Act of 2000''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title.
Sec. 2. Definitions.
Sec. 3. Comprehensive Everglades restoration plan.
Sec. 4. Watershed and river basin assessments.
Sec. 5. Brownfields Revitalization Program.
Sec. 6. Tribal Partnership Program.
Sec. 7. Ability to pay.
Sec. 8. Property Protection Program.
Sec. 9. National Recreation Reservation Service.
Sec. 10. Operation and maintenance of hydroelectric facilities.
Sec. 11. Interagency and international support.
Sec. 12. Reburial and transfer authority.
Sec. 13. Amendment to Rivers and Harbors Act.
Sec. 14. Structural flood control cost-sharing.
Sec. 15. Calfed Bay Delta Program assistance.
Sec. 16. Project de-authorizations.
Sec. 17. Floodplain management requirements.
Sec. 18. Transfer of project lands.
Sec. 19. Puget Sound and Adjacent waters restoration.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of the Army.

SEC. 3. COMPREHENSIVE EVERGLADES RESTORATION PLAN.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) CENTRAL AND SOUTHERN FLORIDA PROJECT.—The term ''Central and Southern Florida Project'' means the project for Central and Southern Florida authorized under the heading ''CENTRAL AND SOUTHERN FLORIDA'' in section 203 of the Flood Control Act of 1948 (62 Stat. 1176), any modification to the project authorized by law, or modified by the Comprehensive Everglades Restoration Plan.

(2) SOUTH FLORIDA ECOSYSTEM.—The term ''South Florida ecosystem'' means the area consisting of the lands and waters within the boundary, existing on July 1, 1999, of the South Florida Water Management District, including the Everglades ecosystem, the Florida Keys, Biscayne Bay, Florida Bay, and other contiguous near-shore coastal waters of South Florida.

(3) COMPREHENSIVE EVERGLADES RESTORATION PLAN.—The term ''Comprehensive Everglades Restoration Plan'' means the plan contained in the ''Final Feasibility Report and Programmatic Environmental Impact Statement,'' April 1999, as transmitted to the Congress by the July 1, 1999, letter of the Assistant Secretary of the Army for Civil Works pursuant to Section 528 of the Water Resources Development Act of 1996 (110 Stat. 3767).

(4) NATURAL SYSTEM.—The term ''natural system'' means all Federally or state managed lands and waters within the South Florida ecosystem, including the water conservation areas, Everglades National Park, Big Cypress National Preserve, and other federally or state designated conservation lands, and other lands that create or contribute to habitat supporting native flora and fauna.

(b) FINDINGS.—The Congress finds that:

(1) The Everglades is an American treasure. In its natural state, the South Florida ecosystem was connected by the flow of fresh water from the Kissimmee River to Lake Okeechobee—south through vast freshwater marshes known as the Everglades—to Florida Bay, and on to the coral reefs of the Florida Keys. The South Florida ecosystem covers approximately 18,000 square miles and once included a unique and biologically productive region, supporting vast colonies of wading birds, a mixture of temperate and tropical plant and animal species, and teeming coastal fisheries and North America's only barrier coral reef. The South Florida ecosystem is endangered as a result of adverse changes in the quantity, distribution, and timing of flows and degradation of water quality. The Everglades alone has been reduced in size by approximately 50 percent. Restoration of this nationally and internationally recognized ecosystem, including America's Everglades, is in the Nation's interest.

(2) The Central and Southern Florida Project plays an important role in the economy of south Florida by providing flood protection and water supply to agriculture and the residents of south Florida and providing water to the water conservation areas, Everglades National Park and other natural areas for the purpose of preserving fish and wildlife resources. The population of the region is expected to continue to grow, further straining the ability of the existing Central and Southern Florida Project to meet the needs of the natural system and the people of south Florida.

(3) Modifications to the Central and Southern Florida Project are needed to restore, preserve, and protect the South Florida ecosystem, including the Everglades, while continuing to provide for the water related needs of the region, including flood protection and other objectives served by the Project.

(4) The Comprehensive Everglades Restoration Plan is a scientifically and economically sound plan that modifies the Central

and Southern Florida Project to restore, preserve and protect the South Florida ecosystem. By storing most of the water currently discharged to the Atlantic Ocean and Gulf of Mexico, ensuring the quality of water discharged into the South Florida ecosystem from project features, and removing internal levees and canals in the Everglades, the Comprehensive Everglades Restoration Plan provides the roadmap for the recovery of a healthy, sustainable ecosystem as well as providing for the other water-related needs of the region, including flood protection, the enhancement of water supplies, and other objectives served by the Central and Southern Florida Project.

(5) The comprehensive, system-wide nature of the Comprehensive Everglades Restoration Plan and the linkage of the elements of the plan to each other must be preserved not only during the over 25-year period that will be necessary for its implementation, but for as long as the project remains authorized. Implementation must proceed in a programmatic manner using the principles of adaptive assessment as outlined in the Comprehensive Everglades Restoration Plan.

(6) The Comprehensive Everglades Restoration Plan contains a number of components that will benefit Everglades National Park, Biscayne National Park, Florida Keys National Marine Sanctuary, Big Cypress National Preserve, Ten Thousand Islands National Wildlife Refuge, and Loxahatchee National Wildlife Refuge by significantly improving the quantity, quality, timing, and distribution of waste delivered to these Federal areas. Improved water deliveries will also provide benefits to federally-listed threatened and endangered species.

(7) The Congress, the Federal government, and the State of Florida have, in prior legislation, recognized the need to restore, preserve, and protect the South Florida ecosystem, These on-going efforts are important to the success of the Comprehensive Everglades Restoration Plan. Since the creation of the South Florida Ecosystem Restoration Task Force in 1993, the Federal government has been working in partnership with tribal, state, and local governments, the private sector, and individual citizens to accomplish restoration of the South Florida ecosystem. It is important for the long-term restoration of this ecosystem that these efforts, including the South Florida Ecosystem Restoration Task Force, be continued and strengthened. The state, with its financial responsibilities for project implementation and capabilities in the planning, design, construction, and operation of the Comprehensive Everglades Restoration Plan, must be a full partner with the Federal government.

(c) COMPREHENSIVE EVERGLADES RESTORATION PLAN.—

(1) IN GENERAL.—Congress hereby approves the Comprehensive Everglades Restoration Plan to modify the Central and Southern Florida Project to restore, preserve, and protect the South Florida ecosystem. These changes are necessary in order to ensure that the Central and Southern Florida Project as amended provides for the improvement and protection of water quality in, and the reduction of the loss of fresh water from, the South Florida ecosystem, as well as providing for the water related needs of the region, including flood protection, the enhancement of water supplies, and other objectives served by the Central and Southern Florida Project.

(2) SPECIFIC AUTHORIZATIONS.—

(A) IN GENERAL.—Those projects included in the Comprehensive Everglades Restoration Plan and specified in paragraphs (B) and (C) are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions described in the Central and Southern Florida Project: Comprehensive Review Study Report of the Chief of Engineers dated June 22, 1999.

(B) PILOT PROJECTS.—The following pilot projects are authorized for implementation, after review and approval by the Secretary, at a total cost of $69,000,000, with an estimated Federal cost of $34,500,000 and an estimated non-Federal cost of $34,500,000:

(1) Caloosahatchee River (C–43) Basin ASR ($6,000,000);

(2) Lake Belt In-Ground Reservoir Technology ($23,000,000);

(3) L–31N Seepage Management (10,000,000); and,

(4) Wastewater Reuse Technology ($30,000,000).

(C) OTHER PROJECTS.—The following projects are authorized at a total cost of $1,100,918,000, with an estimated Federal cost of $550,459,000 and an estimated non-Federal cost of $550,459,000. Prior to implementation of projects (1) through (10), the Secretary shall review and approve a Project Implementation Report prepared in accordance with subsection (g).

(1) C–44 Basin Storage Reservoir ($112,562,000);

(2) Everglades Agricultural Area Storage Reservoirs—Phase I ($233,408,000);

(3) Site 1 Impoundment ($38,535,000);

(4) Water Conservation Areas 3A/3B Levee Seepage Management ($100,335,000);

(5) C–11 Impoundment and Stormwater Treatment Area ($124,837,000);

(6) C–9 Impoundment and Stormwater Treatment Area ($89,146,000);

(7) Taylor Creek/Nubbin Slough Storage and Treatment Area ($104,027,000);

(8) Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within Water Conservation Area 3 ($26,946,000);

(9) North New River Improvements ($77,087,000);

(10) C–111 Spreader Canal ($94,035,000); and

(11) Adaptive Assessment and Monitoring Program (10 years) ($100,000,000).

(d) ADDITIONAL PROGRAM AUTHORITY.—In order to expedite implementation of the Comprehensive Everglades Restoration Plan, the Secretary is authorized to implement modifications to the Central and Southern Florida Project that are consistent with the Comprehensive Everglades Restoration Plan and that will produce independent and substantial restoration, preservation, or protection benefits to the South Florida ecosystem; provided that the total Federal cost of each project accomplished under this authority shall not exceed $35,000,000; and provided further that the total Federal cost of all the projects accomplished under this authority shall not exceed $250,000,000. Prior to implementation of any project authorized under this subsection, the Secretary shall review and approve a Project Implementation Report prepared in accordance with subsection (g).

(e) AUTHORIZATION OF FUTURE PROJECT FEATURES.—Except for those projects authorized in subsections (c) and (d), all future projects included in the Comprehensive Everglades Restoration Plan shall require a specific authorization of Congress. Prior to authorization, the Secretary shall transmit such projects to Congress along with a Project Implementation Report prepared in accordance with subsection (g). Further, such projects, if authorized, shall be implemented pursuant to subsection (i) of this section.

(f) COST SHARING.—

(1) IN GENERAL.—The non-Federal share of the cost of implementing projects authorized under subsections (c), (d), and (e) shall be 50 percent. The non-Federal sponsor shall be responsible for all lands, easements, rights-of-way, and relocations and shall be afforded credit toward the non-Federal share in accordance with paragraph (3)(A). The non-Federal sponsor may accept Federal funding for the purchase of the necessary lands, easements, rights-of-way or relocations, provided that such assistance is credited toward the Federal share of the cost of the project.

(2) OPERATION AND MAINTENANCE.—Notwithstanding section 528(e)(3) of the Water Resources Development Act of 1996, the non-Federal sponsor shall be responsible for sixty percent of the operation, maintenance, repair, replacement, and rehabilitation cost of activities authorized under this section.

(3) CREDIT AND REIMBURSEMENT.—

(A) LANDS.—Regardless of the date of acquisition, the value of lands or interests in land acquired by non-Federal interests for any activity required in this section shall be included in the total cost of the activity and credited against the non-Federal share of the cost of the activity. Such value shall be determined by the Secretary.

(B) WORK.—The Secretary may provide credit, including in-kind credit, to or reimburse the non-Federal project sponsor for the reasonable cost of any work performed in connection with a study or activity necessary for the implementation of the Comprehensive Everglades Restoration Plan if the Secretary determines that the work is necessary and the credit or reimbursement is granted for work completed during the period of design or implementation pursuant to an agreement between the Secretary and the non-Federal sponsor that prescribes the terms and conditions of the credit or reimbursement.

(C) AUDITS.—Credit or reimbursement for land or work granted under this subsection shall be subject to audit by the Secretary.

(g) EVALUATION OF PROJECT FEATURES.—

(1) IN GENERAL.—Prior to implementation of project features authorized in subsection (c)(2)(C)(1) through (c)(2)(C)(10) and subsection (d), the Secretary, in cooperation with the non-Federal sponsor, shall, after notice and opportunity for public comment, complete Project Implementation Reports to address the project(s) cost effectiveness, engineering feasibility, and potential environmental impacts, including National Environmental Policy Act compliance. The Secretary shall coordinate with appropriate Federal, tribal, state and local governments during the development of such reports and shall identify any additional water that will be made available for the natural system, existing legal users, and other water related needs of the region. Further, such reports shall ensure that each project feature is consistent with the programmatic regulations issued pursuant to subsection (i).

(2) PROJECT JUSTIFICATION.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law regarding economic justification, in carrying out activities authorized in accordance with subsections (c), (d), and (e), the Secretary may determine that activities are justified by the environmental benefits derived by the South Florida ecosystem in general and the Everglades and Florida Bay in particular; and shall not need further economic justification if the Secretary determines that the activities are cost effective.

(h) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—

(1) IN GENERAL.—Socially and economically disadvantaged individuals and communities make up a large portion of the South Florida ecosystem and have legitimate interests in the implementation of the Comprehensive Everglades Restoration Plan. Further, such groups have not, in some cases, been given the opportunity to understand and participate fully in the development of water resources projects. As provided in this subsection, the Secretary shall ensure that impacts on socially and economically disadvantaged individuals are considered during the implementation of the Comprehensive Everglades Restoration Plan and that such individuals have opportunities to review and comment on its implementation.

(2) DEFINITIONS.—In this subsection, the following definitions apply:

(A) SMALL BUSINESS CONCERN.—The term ''small business concern'' has the meaning such term has under section 3 of the Small Business Act (15 U.S.C. 632).

(B) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term ''socially and economically disadvantaged individuals'' has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto.

(3) PROGRAM FOR SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The Secretary shall establish a program to ensure that socially and economically disadvantaged individuals within the South Florida ecosystem are informed of the Comprehensive Everglades Restoration Plan, given the opportunity to review and comment on each project feature, provided opportunities to participate as a small business concern contractor, and given opportunities for employment or internships in emerging industry sectors.

(4) CONTRACTS TO BUSINESSES OWNED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The Secretary shall establish a goal that not less than 10 percent of the amounts made available for construction of projects authorized pursuant to subsections (c), (d) and (e), shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals within the South Florida ecosystem.

(i) ASSURING PROJECT BENEFITS.—

(1) IN GENERAL.—The primary and overarching purpose of the Comprehensive Everglades Restoration Plan is to restore, preserve and protect the natural system within the South Florida ecosystem. The Comprehensive Everglades Restoration Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, and the improvement of the environment of the South Florida ecosystem, while providing for other water-related needs of the region, including water supply and flood protection. The Central and Southern Florida Project, as amended by the Comprehensive Everglades Restoration Plan, shall be implemented in a manner that ensures that the benefits to the natural system and the human environment, including the proper quantity, quality, timing and distribution of water, are achieved and maintained for as long as the Central and Southern Florida Project remains authorized. When implemented fully, the approximately 68 features of the Comprehensive Everglades Restoration Plan will result in modifications to the existing Central and Southern Florida Project works that shall provide the water necessary to restore, preserve and protect the natural system while providing for other water related needs of the region. The Secretary shall ensure that both the natural system and the human environment receive the benefits intended when such modifications to the Central and Southern Florida project are made pursuant to the Comprehensive Everglades Restoration Plan and previous Acts of Congress.

(2) DEDICATION AND MANAGEMENT OF WATER—

(A) IN GENERAL.—Consistent with subsection (i)(2)(B), the Secretary shall dedicate and manage the water made available from the Central and Southern Florida Project features authorized, constructed, and operated in accordance with previous Acts of Congress and this Act authorizing the implementation of features of the Comprehensive Everglades Restoration Plan, for the temporal and spatial needs of the natural system. The needs of the natural system and the human environment shall be defined in terms of quality, quantity, timing and distribution of water. In developing the regulations that provide for the dedication and management of water for the natural system in accordance with this subsection, the Secretary shall incorporate rainfall driven operational criteria and annual fluctuations in rainfall.

(B) PROGRAMMATIC REGULATIONS.—The Secretary shall, after notice and opportunity for public comment and with the concurrence of the Secretary of the Interior, and in consultation with the Secretary of Commerce, the Administrator of the Environmental Protection Agency and the Governor of the State of Florida, issue programmatic regulations identifying the amount of water to be dedicated and managed for the natural system from the Central and Southern Florida Project features authorized, constructed, and operated in accordance with previous acts of Congress and this Act through the implementation of the Comprehensive Everglades Restoration Plan features. Such regulations shall be completed within two years of the date of enactment of this Act. These regulations shall ensure that the natural system and the human environment receive the benefits intended, including benefits for the restoration, preservation, and protection of the natural system, as the Comprehensive Everglades Restoration Plan is implemented and incorporated into the Central and Southern Florida Project for as long as the project remains authorized. Nothing in this Act shall prevent the State of Florida from reserving water for environmental uses under the 1972 Florida Water Resources Act to the extent consistent with this section.

(C) PROJECT SPECIFIC REGULATIONS.—The Secretary, after notice and opportunity for public comment, and in consultation with the Secretary of the Interior, Secretary of Commerce, the Administrator of the Environmental Protection Agency, other Federal agencies, and the State of Florida shall develop project feature specific regulations to ensure that the benefits anticipated from each feature of the Comprehensive Everglades Restoration Plan are achieved and maintained as long as the project remains authorized. Each such regulation shall be consistent with the programmatic regulations issued pursuant to subsection (i)(2)(B), be based on the best available science, and ensure that the quantity, quality, timing, and distribution of water for the natural system and the human environment anticipated in the Comprehensive Plan for each project feature is achieved and maintained.

(3) EXISTING WATER USES.—The Secretary shall ensure that the implementation of the Comprehensive Everglades Restoration Plan, including physical or operational modifications to the Central and Southern Florida Project, does not cause substantial adverse impacts on existing legal water uses, including annual water deliveries to Everglades National Park, water for the preservation of fish and wildlife in the natural system, and other legal uses as of the date of enactment of this Act. The Secretary shall not eliminate existing legal sources of water supply, including those for agricultural water supply, water for Everglades National Park and the preservation of fish and wildlife, until new sources of water supply of comparable quantity and quality are available to replace the water to be lost from existing sources. Existing authorized levels of flood protection will be maintained.

(j) REPORT TO CONGRESS.—Beginning on October 1, 2005, and periodically thereafter until October 1, 2036, the Secretary and the Secretary of the Department of the Interior, in consultation with the Environmental Protection Agency, the Department of Commerce and the State of Florida, shall jointly submit to Congress a report on the implementation of the Comprehensive Everglades Restoration Plan. Such reports shall be completed no less than every five years. Such reports shall include a description of planning, design, and construction work completed, the amount of funds expended during the period covered by the report, and the work anticipated over the next five-year period. In addition, each report shall include the determination of each Secretary, and the Administrator of the Environmental Protection Agency, concerning the benefits to the natural system and the human environment achieved as of the date of the report and whether the completed features of the Comprehensive Everglades Restoration Plan are being operated in a manner that is consistent with the programmatic regulations established under subsection (i)(2)(B).

SEC. 4. WATERSHED AND RIVER BASIN ASSESSMENTS.

Section 729 of Public Law 99–662 [100 stat. 4164] is amended by—

(a) striking ''**STUDY OF WATER RESOURCES NEEDS OF RIVER BASINS AND REGIONS.**'' and all that follows, and

(b) inserting in lieu thereof:

''WATERSHED AND RIVER BASIN ASSESSMENTS.

''(a) IN GENERAL.—The Secretary is authorized to assess the water resources needs of river basins and watersheds of the United States. Such assessments shall be undertaken in cooperation and coordination with the Departments of the Interior, Agriculture and Commerce, the Environmental Protection Agency, and other appropriate agencies, and may include an evaluation of ecosystem protection and restoration, flood damage reduction, navigation and port needs, watersheds protection, water supply, and drought preparedness.

''(b) CONSULTATION.—The Secretary shall consult with Federal, Tribal, State, interstate, and local governmental entities in carrying out the assessments authorized by this section. In conducting such assessments, the Secretary may accept contributions of services, materials, supplies and cash from Federal, Tribal, State, interstate, and local governmental entities where the Secretary determines that such contributions will facilitate completion of the assessments.

''(c) COST SHARING REQUIREMENTS.—The non-Federal share of the cost of an assessment conducted under this section shall be

25 percent of the cost of such assessment. The non-Federal sponsor may provide the non-Federal cost-sharing requirement through the provision cash or services, materials, supplies, or other in-kind services. In no event shall such credit exceed the non-Federal required share of costs for the assessment.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.''

SEC. 5. BROWNFIELDS REVITALIZATION PROGRAM

(a) GENERAL.—The Secretary shall, in consultation with the Environmental Protection Agency and other appropriate agencies, carry out a program to provide assistance to non-Federal interests in the remediation and restoration of abandoned or idled industrial and commercial sites where such assistance will improve the quality, conservation, and sustainable use of the Nation's streams, rivers, lakes, wetlands, and floodplains. Assistance may be in the form of site characterizations, planning, design, and construction projects. To the maximum extent practicable, projects implemented by the Secretary under this section will be done in cooperation and coordination with other Federal, Tribal, State, and local efforts to maximize resources available for the remediation, restoration, and redevelopment of brownfield sites.

(b) JUSTIFICATION FOR ASSISTANCE.—Notwithstanding any economic justification provision or requirement of section 209 of the Flood Control Act of 1970 [42 U.S.C. 1962–2] or economic justification provision of any other law, the Secretary may determine that the assistance projects authorized by subsection (a),

(1) is justified by the public health and safety, and environmental benefits; and

(2) shall not need further economic justification if the Secretary determines that the assistance is cost effective.

(c) COST SHARING.—

(1) IN GENERAL.—Prior to implementing any assistance project under this section, the Secretary shall enter into a binding agreement with the non-Federal interest, which shall require the non-Federal interest to: (a) pay 50 percent of the total costs of the assistance project; (b) acquire and place in public ownership for so long as is necessary to implement and complete the assistance project any lands, easements, rights-of-way, and relocations necessary for implementation and completion of the assistance project; (c) pay 100 percent of any operation, maintenance, repair, replacement, and rehabilitation costs associated with the assistance project; and (d) hold and save harmless the United States free from claims or damages due to implementation of the assistance project, except for the negligence of the Government or its contractors.

(2) CREDIT.—The non-Federal interest shall receive credit for the value of any lands, easements, rights-of-way, and relocations provided for implementation and completion of such assistance project. The Secretary also may afford credit to a non-Federal interest for services, studies, supplies, and other in-kind consideration where the Secretary determines that such services, studies, supplies, and other in-kind consideration will facilitate completion of the assistance project. In no event shall such credit exceed the 50 percent non-Federal cost-sharing requirement.

(d) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed as waiving, limiting, or otherwise affecting the applicability of any provision of Federal or State law.

(e) PROJECT COST LIMITATION.—Not more than $5,000,000 in Army Civil Works Appropriations funds may be allotted under this section at any single site.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriate to carry out this section $25,000,000 for each fiscal year from 2002 through 2005.

(g) PROGRAM EVALUATION.—Not later than December 31, 2005, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that discusses the program's performance objectives and evaluates is effectiveness in achieving them, along with any recommendations concerning continuation of the program.

SEC. 6. TRIBAL PARTNERSHIP PROGRAM.

(a) IN GENERAL.—The Secretary is authorized, in cooperation with Federally recognized Indian tribes and other Federal agencies, to study and determine the feasibility of implementing water resources development projects that will substantially benefit Indian tribes, and are located primarily within Indian country, as defined in 18 U.S.C. 1151, or in proximity to Alaska native villages. Studies conducted under this authority may address, but are not limited to, projects for flood damage reduction, environmental restoration and protection, and preservation of cultural and natural resources.

(b) CONSULTATION AND COORDINATION.—the Secretary shall consult with the Secretary of the Interior on studies conducted under this section in recognition of the unique role of the Secretary of the Interior regarding trust responsibilities with Indian tribes, and in recognition of mutual trust responsibilities. the Secretary shall integrate Army Civil Works activities with activities of the Department of the Interior to avoid conflicts, duplications of effort, or unanticipated adverse effects to Indian tribes, and shall consider existing authorities and programs of the Department of the Interior and other Federal agencies in any recommendations regarding implementation of project studied under this section.

(c) ABILITY TO PAY.—Any cost-sharing agreement for a study under this section shall be subject to the ability of a non-Federal interest to pay. The ability of any non-Federal interest to pay shall be determined by the Secretary in accordance with procedures established by the Secretary.

(d) CREDITS.—For such studies conducted under this section, the Secretary may afford credit to the tribe for services, studies, supplies, and other in-kind consideration where the Secretary determines that such services, studies, supplies, and other-in-kind consideration will facilitate completion of the project. In no event shall such credit exceed the tribe's required share of costs for the study.

(e) AUTHRORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a) of this section $5,000,000 for each fiscal year, for fiscal years 2002 through 2006. Not more than $1,000,000 in Army Civil Works appropriations may be allotted under this section for any one tribe.

(f) DEFINITION.—For the purposes of this section the term ''Indian tribes'' means any tribe, band, nation, or other organized group of community of Indians, including any Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act [43 U.S.C.A. §1601 et seq.] which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

SEC. 7. ABILITY TO PAY.

Section 103(m) of Public Law 99–662 (33 U.S.C. 2213(m), as amended) is amended by:

(1) Deleting subsection ''(1)'' in its entirety and inserting in lieu thereof the following language:

''(1) IN GENERAL.—Any cost-sharing agreement under this section for a feasibility study or for construction of an environmental protection and restoration or flood control project, or for construction of an agricultural water supply project, shall be subject to the ability of a non-Federal interest to pay.''

(2) Deleting subsection ''(2)'' in its entirety and inserting in lieu thereof the following language:

''(2) CRITERIA AND PROCEDURES.—the ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with criteria and procedures in effect on the day before the date of the enactment of the Water Resources Development Act of 2000; except that such criteria and procedures shall be revised, and new criteria and procedures be developed, within 18 months after such date of enactment to reflect the requirements of paragraph (3) of section 202(b) of the Water Resources Development Act of 1996 [110 STAT. 3674].''

(3) adding the word ''and'' at the end of subsection (3)(A)(ii)

(4) Deleting subsection (3)(B) in its entirety.

(5) Deleting subsection (3)(C) in its entirety and inserting in lieu thereof the following language:

''(B) may consider additional criteria relating to the non-Federal interest's financial ability to carry out is cost-sharing responsibilities, or relating to additional assistance that may be available for other Federal or State sources.''

SEC. 8. PROPERTY PROTECTION PROGRAM.

(a) IN GENERAL.—The Secretary is authorized to implement a program to reduce vandalism and destruction of property at water resources development projects under the jurisdiction of the Department of the Army. In carrying out the program the Secretary may provide rewards to individuals who provide information or evidence leading to the arrest and prosecution of individuals causing damage to Federal property, including the payment of cash rewards.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $500,000 annually to carry out this section.

SEC. 9. NATIONAL RECREATION RESERVATION SERVICE.

Notwithstanding Section 611 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Pub. L. 105–277), the Secretary may participate in the National Recreation Reservation Service on an interagency basis and-fund the Department of the Army's share of those activities required for implementing, operating, and maintaining the Service.

SEC. 10. OPERATION AND MAINTENANCE OF HYDROELECTRIC FACILITIES.

Section 314 of Public Law 101–640 (33 U.S.C. 2321) is amended by inserting the following language immediately after the phrase ''commercial activities'': ''where such activities require specialized training related to hydroelectric power generation. These activities would be subject to the labor standards provisions in the Service Contract Act, 41. U.S.C. 351, and to the extent applicable,

the Davis-Bacon Act, 40 U.S.C., Sections 276(a)–7.''

SEC. 11. INTERAGENCY AND INTERNATIONAL SUPPORT.

Section 234 of Public Law 104–303 (33 U.S.C. 2323a) is amended—

(1) in subsection (d) by deleting ''$1,000,000'' and inserting $2,000,000.

SEC. 12. REBURIAL AND TRANSFER AUTHORITY.

(a) IN GENERAL.—

(1) REBURIAL.—The Secretary is authorized, in consultation with the appropriate Indian tribes, to identify and set aside areas at civil works projects managed by the Secretary that may be used to reinter Native American remains that have been discovered on project lands, and which have been rightfully claimed by a lineal descendant or Indian tribe in accordance with applicable Federal law. The Secretary, in consultation and in consent with the lineal descendant or the respective Indian tribe, is authorized to recover and rebury the remains at such sites at full Federal expense.

(2) TRANSFER AUTHORITY.—Notwithstanding any provision of law, the Secretary is authorized to transfer to the Indian tribe the land identified by the Secretary in subsection (1) for use as a cemetery. The Secretary shall retain any necessary rights-of-way, easements, or other property interests that the Secretary of the Army determines is necessary to carry out the authorized project purpose.

(b) DEFINITION.—For the purposes of this section the term ''Indian tribe'' means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act [43 U.S.C.A. §1601 et seq.] which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

SEC. 13. AMENDMENT TO RIVERS AND HARBORS ACT.

33 U.S.C. 401 is amended by adding the following language at the end of the last sentence: ''The approval required by this section of the location and plans, or any modification of plans, for any dam or dike, applies only to any dam or dike that would completely span a waterway currently used to transport interstate or foreign commerce, in a manner that actual, existing interstate or foreign commerce could be adversely affected. Any other dam or dike proposed to be built in any other navigable water of the United States shall be regulated as a structure under 33 U.S.C. 403, and shall not require approval under this section.''

SEC. 14. STRUCTURAL FLOOD CONTROL COST-SHARING.

(a) Section 103(a) of the Water Resources Development Act of 1986 [100 Stat. 4084–4085] is amended by—

(1) striking ''35'' whenever it appears in paragraph (2) and inserting ''50 in lieu thereof;

(2) deleting the word ''MINIMUM'' in paragraph (2);

(3) adding the following language to paragraph (2) immediately after the last sentence in that paragraph: The non-Federal share under paragraph (1) shall not exceed 50 percent of the cost of the project assigned to flood control. The preceding sentence does not modify the requirement of paragraph (1)(A) of this subsection.'', and

(4) deleting paragraph (3) and (4) in their entirety.

(b) APPLICABILITY.—The amendment made by this section shall apply to any project or separable element thereof with respect to which the Secretary and the non-Federal interest have not entered into a project cooperation agreement on or before the date of enactment of this Act.

SEC. 15. CALFED BAY-DELTA PROGRAM ASSISTANCE.

(a) IN GENERAL.—The Secretary is authorized to participate with the appropriate Federal and State agencies in the planning and management activities associated with the CALFED Bay Delta Program, and shall, to the maximum extent practicable and in accordance with all applicable laws, integrate the activities of the Army Corps of Engineers in the San Joaquin and Sacramento River basins with the long-term goals of the CALFED Bay Delta Program.

(b) COOPERATIVE ACTIVITIES.—In participating in the CALFED Bay Delta Program as provided for in subsection (a) of this section, the Secretary is authorized to accept and expend funds from other Federal agencies and from non-Federal public, private and non-profit entities to carry out ecosystem restoration projects and activities associated with the CALFED Bay Delta Program and may enter into contracts, cooperative research and development agreements, and cooperative agreements with Federal and non-Federal private, public, and non-profit entities in carrying out these projects and activities.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of the Army to carry out activities under this section $5,000,000 for fiscal years from 2002 through 2005.

(d) DEFINITION.—For purposes of this section, the area covered by the CALFED Bay Delta Program is defined as the San Francisco Bay, Sacramento-San Joaquin Delta Estuary and its watershed (Bay-Delta Estuary) as identified in the Framework Agreement Between the Governor's Water Policy Council of the State of California and the Federal Ecosystem Directorate (Club Fed).

SEC. 16. PROJECT DE-AUTHORIZATIONS.

Section 33 U.S.C. 579a is deleted in its entirety and the following language inserted in lieu thereof:

''PROJECT DE-AUTHORIZATIONS

''(a) PROJECTS NEVER UNDER CONSTRUCTION.—

''(1) The Secretary shall transmit annually to Congress a list of projects and separable elements of projects that have been authorized for construction, but for which no appropriations have been obligated for construction of the project or separable element during the four consecutive fiscal years preceding the transmittal of such list.

''(2) Any water resources project authorized for construction, and any separable element of such a project, shall be de-authorized after the last day of the 7-year period beginning on the date of the project or separable element's most recent authorization or reauthorization unless funds have been obligated for construction of the project or separable element.

''(b) PROJECTS WHERE CONSTRUCTION HAS BEEN SUSPENDED.—

''(1) The Secretary shall transmit annually to Congress a list of projects and separable elements of projects that have been authorized for construction, and for which funds have been obligated in the past for construction of the project or separable element, but for which no appropriations have been obligated for construction of the project or separable element during the two consecutive fiscal years preceding the transmittal of such list.

''(2) Any water resources project, and any separable element of such a project, for which funds have been obligated in the past for construction of the project or separable element, shall be de-authorized if appropriations specifically identified for construction of the project or separable element (either in Statute or in the accompanying legislative report language) have not been obligated for construction of the project or separable element during any five subsequent consecutive fiscal years.

''(c) CONGRESSIONAL NOTIFICATIONS.—Upon submission of the lists under subsections (a) and (b), the Secretary shall notify each Senator in whose State, and each Member of the House of Representatives in whose district, the affected project or separable element would be located.

''(d) FINAL DE-AUTHORIZATION LIST.—The Secretary shall publish annually in the Federal Register a list of all projects or separable elements de-authorized under subsections (a) and (b).

''(e) DEFINITIONS.—For purposes of this section, for non-structural flood control projects, the phrase 'construction of the project or separable element' means the acquisition of lands, easements and rights-of-way primarily to relocate structures, or the performance of physical work under a construction contract for other non-structural measures. For environmental protection and restoration projects, it means the acquisition of lands, easements and rights-of-way primarily to facilitate the restoration of wetlands or similar habitats, or the performance of physical work under a construction contract to modify existing project facilities or to construct new environmental protection and restoration measures. For all other water resources projects, it means the performance of physical work under a construction contract. In no case shall the term ''physical work under a construction contract'', as used in this subsection, include activities related to project planning, engineering and design, relocation, or the acquisition of lands, easements, and rights-of-way.

''(f) EFFECTIVE DATE OF PROVISIONS.—Subsections (a)(2) and (b)(2) shall become effective three years after the date of enactment of this Act.''

SEC. 17. FLOODPLAIN MANAGEMENT REQUIREMENTS.

(a) Section 402 of the Water Resources Development Act of 1986 [100 Stat. 4133] is amended by—

(1) in subsection (c)(1) by deleting ''Within 6 months after the date of the enactment of this subsection, the'' and inserting ''The'';

(2) by inserting ''that non-Federal interests shall adopt and enforce'' after the word ''policies'' in the second sentence in subsection (c)(1); and

(3) by inserting at the end of subsection (c)(1) ''Such guidelines shall also require non-Federal interests to take measures to preserve the level of flood protection provided by the project for which subsection (a) applies.''

(b) APPLICABILITY.—The amendment made by this section shall apply to any project or separable element thereof with respect to which the Secretary and the non-Federal interest have not entered into a project cooperation agreement on or before the date of enactment of this Act.

SEC. 18. STUDY OF TRANSFER OF PROJECT LANDS.

''(a) IN GENERAL.—

''(1) STUDY OF TRANSFER.—The Secretary is authorized to conduct a feasibility study in cooperation with the Secretary of the Interior, the state of * * * and with the affected

Indian tribes, for the transfer to the Secretary of Interior the land described in subsection (b) to be held in trust for the benefit of the respective Indian tribes.

''(b) LANDS TO BE STUDIED.—The land authorized to be studied for transfer is land that—

(1) was acquired by the Secretary for the implementation of the Pick-Sloan Missouri River Basin program; and

(2) is located within the external boundaries of the reservations of the Three Affiliated Tribes of the Fort Berthold Reservation, N.D., the Standing Rock Sioux Tribe of North and South Dakota, the Crow Creek Sioux Tribe of the Crow Creek Reservation, SD, the Yankton Sioux Tribe of South Dakota, and the Flandreau Santee Sioux Tribe of South Dakota.

''(c) DEFINITION.—For the purposes of this section the term ''Indian tribe'' means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act [43 U.S.C.A. §1601 *et seq.*] which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

SEC. 19. PUGET SOUND AND ADJACENT WATERS RESTORATION.

''(a) IN GENERAL.—The Secretary is authorized to participate in Critical Restoration Projects in the area of the Puget Sound and its adjacent waters, including the watersheds that drain directly into Puget Sound, Admiralty Inlet, Hood Canal, Rosario Strait, and the eastern portion of the Strait of Juan de Fuca.

''(b) DEFINITION.—''Critical Restoration Projects'' are those projects that will produce, consistent with existing Federal programs, projects and activities, immediate and substantial restoration, preservation and ecosystem protection benefits.

''(c) PROJECT SELECTION.—The Secretary, with the concurrence of the Secretaries of the Interior and Commerce, and in consultation with other appropriate Federal, Tribal, State, and local agencies, may identify critical restoration projects and may implement those projects after entering into an agreement with an appropriate non-Federal interest in accordance with the requirements of section 221 of the Flood Control Act of 1970, as amended (42 U.S.C. 1962d–5b) and this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of the Army to pay the Federal share of the cost of carrying out projects under this section $10,000,000.

''(e) PROJECT COST LIMITATION.—Not more than $2,500,000 in Army Civil Works appropriations Federal funds may be allocated to carrying out any one project under this section.

''(c) COST SHARING.—

''(1) IN GENERAL.—Prior to implementing any project under this section, the Secretary shall enter into a binding agreement with the non-Federal interest, which shall require the non-Federal interest to: (a) pay 35 percent of the total costs of the project; (b) acquire any lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for implementation of the project; (c) pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the project; and (d) hold and save harmless the United States free from claims or damages due to implementation of the assistance project, except for the negligence of the Government or its contractors.

(2) CREDIT.—The non-Federal interest shall receive credit for the value of any lands, easements, rights-of-way, relocations, and dredged material disposal areas provided for implementation and completion of such assistance project. The non-Federal interest may provide up to 50 percent of the non-Federal cost-sharing requirement through the provision of services, materials, supplies, or other in-kind services.●

By Mr. MCCAIN (for himself, Mrs. MURRAY, and Mr. GORTON):

S. 2438. A bill to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE KING AND TSIORVAS PIPELINE SAFETY IMPROVEMENT ACT OF 2000

Mr. MCCAIN. Mr. President, today I am introducing the King and Tsiorvas Pipeline Safety Improvement Act of 2000. This bill proposes to reauthorize the Pipeline Safety Act, which expires at the end of this fiscal year (FY), through fiscal year 2003. It is intended to strengthen and improve both federal and state pipeline safety efforts and heighten public awareness of pipeline safety. I am pleased to be joined in sponsoring this bill by Senator MURRAY and Senator GORTON.

Many of these issues came to the forefront as a result of a tragic accident that occurred in Bellingham, Washington, last June 10, 1999. An underground hazardous liquid pipeline ruptured and 277,000 gallons of gasoline leaked into a creek. Two 10-year-old boys, Wade King and Stephen Tsiorvas, had been playing by the creek into which the gasoline flowed. The gasoline was accidently ignited and a massive fire ensued. Both boys died as a result of their injuries. Another young man, Liam Wood, was fishing at the creek the same day. He was overcome by the gasoline fumes, slipped into unconsciousness, and subsequently drowned.

Mr. President, in addition to these needless deaths, the pipeline accident caused destructive fires and environmental damage for miles. Since the June accident, many concerned individuals have come forward and dedicated themselves to finding ways to improve and strengthen the Department of Transportation pipeline safety program. The Senators from Washington State have introduced one bill. Other pipeline safety measures have been introduced in the House. Yesterday, the Administration submitted its own pipeline safety reauthorization proposal. These bills contain many provisions I believe merit Congressional consideration and some of those provisions are included in the legislation I am introducing today.

It is my intention, as Chairman of the Senate Committee on Commerce, Science, and Transportation, to chair a full Committee hearing on Pipeline Safety in the near future. I hope to report a reauthorization measure to the full Senate before the Memorial Day Recess. In that effort, I will be seeking input from public safety advocates, the National Transportation Safety Board, the DOT-Inspector General, the Department of Transportation, industry and others interested in promoting pipeline safety.

Mr. President, currently the Office of Pipeline Safety (OPS) within the Research and Special Programs Administration (RSPA) oversees the transportation of about 65 percent of the petroleum and most of the natural gas transported in the United States. OPS regulates the day-to-day safety of 2,000 gas pipeline operators with more than 1.9 million miles of pipeline, as well as more than 200 hazardous liquid operators and 165,000 miles of pipelines. Given the immense array of pipelines that traverse our nation, reauthorization of the pipeline safety program is, quite simply, critical to public safety.

The safety record of pipeline transportation is generally quite good. However, accidents do occur and when they occur, they can be devastating, as was the case last June.

Last month, the Senate Commerce Committee held a field hearing on this accident in Bellingham, Washington, and the Committee, as I mentioned, is committed to moving a reauthorization bill through the legislative process as soon as possible. We must act to help improve pipeline safety and prevent tragedies like that which occurred in Bellingham.

The bill I am introducing includes a number of provisions intended to strengthen and improve pipeline safety. It also is designed to increase State oversight authority and facilitate greater public information sharing at the local community level.

Two areas that warrant DOT's immediate attention, in my view, concern safety recommendations that have already been issued by the National Transportation Safety Board (NTSB) and the Inspector General (IG). The Department's responsiveness to NTSB pipeline safety recommendations for years has been poor at best. While current law requires the Secretary to respond to NTSB recommendations within 90 days from receipt, there are no similar requirements at RSPA. The problem is serious, Mr. President. I am aware of one case in particular where a NTSB recommendation sat at DOT's pipeline office for more than 900 days before even a letter so much as acknowledging receipt was sent. Such blatant disregard for the important work of the NTSB is intolerable. Therefore, this legislation statutorily requires RSPA and OPS to respond to each pipeline safety recommendation it receives from the NTSB and to provide a detailed report on what action it plans to initiate to adopt the recommendation.

In addition, the bill would require the Department to implement the recommendations made last month by the IG to further improve pipeline safety. The DOT IG found several glaring safety gaps at OPS and it is incumbent upon us all to do all we can to insure that the Department affirmatively acts on these critical problems.

The bill would also address the issue of training of pipeline operators. A number of safety interests, including the NTSB, have long emphasized the need to improve operator training. In recognition that a one-size-fits-all approach on this issue is not feasible due to the far different operating and maintenance requirements governing pipeline operations, this bill would require each operator to submit a training plan to the Secretary keyed to his or her particular operation. The Secretary would be expected to review the plans and work with operators to ensure a consistent safety level is maintained. The bill also directs the Secretary to issue regulations to ensure periodic inspections of pipelines and provides authority to the Secretary to shut down operations which are determined to pose an imminent hazard.

Another critical component of this reauthorization bill focuses on increased public education efforts, enhanced emergency response preparedness, and community right to know. It also includes provisions to increase state oversight of pipeline safety concerns. While some may prefer to reduce the federal role over pipeline safety and substantially increase the authority of State regulation, I believe such an approach would be short-sighted. While the concept of preemption by states may seem an attractive solution for some pipeline safety concerns, it is not the best approach. After all, pipelines play a vital role in both interstate and international commerce. A mishmash of state laws regarding the construction, maintenance, training, and operation of pipelines would certainly hamper commerce and would likely not improve safety. In fact, accident records show that more than 70 percent of pipeline transportation injuries and fatalities have occurred on intrastate lines, pipelines under the direct responsibility of the States.

Recently, the U.S. Courts have upheld the need for consistent standards in interstate and international commerce. However, in the Courts ruling, they did not restrict the right of the states to take action altogether. In fact, states already have considerable power to regulate pipelines and promote safety through the Federal/State Partnership program. Additionally, the states ability to promulgate laws regarding ''one call'' can do more to prevent accidents than any other action. States already play an important role and my bill would build on that role and permit the states to join the Secretary in efforts to oversee interstate pipeline transportation and promote emergency preparedness and accident prevention.

The bill also addresses the need to improve data collection and analysis. For more than 25 years, the NTSB has identified major deficiencies and recommended changes to RSPA's pipeline accident data collection process. This bill would ensure RSPA take the action necessary to address these identified problems and improve its data collection and use.

In addition, the bill calls attention to the critical role of innovative technology in promoting safety. Specifically, the bill directs the Secretary to focus the department's research and development programs to address technology that can detect pipe material defects and alternative pipeline inspection and monitory technologies that cannot accommodate current technologies. Finally, the bill would increase funding to carry out pipeline safety and state grant programs through fiscal year 2003.

Mr. President, I urge my colleagues attention to this important safety issue and look forward to bringing a reauthorization bill to the full Senate for consideration in the near future.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2439. A bill to authorize the appropriation of funds for the construction of the Southeastern Alaska Intertie system, and for other purposes; to the Committee on Energy and Natural Resources.

SOUTHEASTERN ALASKA INTERTIE SYSTEM

• Mr. MURKOWSKI. Mr. President, today I am introducing a bill with my colleague, Senator TED STEVENS, to provide a tremendously important authorization for an electrical intertie for an isolated region of my State of Alaska. As many of my colleagues know, Alaska has many unique problems. We are over twice the size of Texas, with fewer miles of paved roads than the District of Columbia. Most of our communities are unconnected. The results of this are stark for those in unconnected communities, and have significant impacts on their lives. Energy costs and reliance upon fossil fuels for power generation are just some of these impacts.

The vast majority of these towns and villages pay very high energy costs. In some instances, these costs exceed 38 cents per kilowatt hour. This makes the cost of living almost unbearable for many local residents. For example, the village of Kake, Alaska pays 38 cents per kilowatt hour and has 38 percent unemployment. Unlike in the rest of the country, when unemployment strikes a particular unconnected community in Alaska, the option to drive to employment in a neighboring community does not exist. One either stays in a devastated community or sells one's home in a market of sellers under duress. With electrical rates running three times and above those in most of the U.S., few will invest in these communities.

Mr. President, I refer Members to the latest study of economic situation in Southeast Alaska. The report deals with the economic impact of declining timber harvests in Southeast Alaska. This is not intended to restart the debate over that issue. That is for another forum. However, what the report vividly describes is the drastic decline in the economy of this region. In the last decade, known by most of the country as the greatest boom in the century, Southeast Alaska has lost 2900 jobs and over $100 million in payroll. Many of these communities have suffered losses in population. For example, the Wrangell/Petersburg area has suffered a 13 percent loss in wage and salary income; my hometown of Ketchikan suffered a similar 12 percent loss. Personal income is down from 5 to 11 percent in the region generally. The problem for Southeast Alaska is that it has no viable option for a replacement industry.

In other areas of the country, such as the Pacific Northwest, alternative employment such as high tech companies in Oregon and Washington have replaced honorable livelihoods in resource-based industries. There has been no comparable replacement industry for Southeast Alaska. There are a number of reasons, but the biggest reason is lack of affordable power for most communities.

Mr. President, in the Pacific Northwest, power costs are reasonable and the Bonneville Power Administration has an efficient and modern distribution system. In the lower 48 generally, every village and town is connected by power grid to the rest of the nation. That is not the case in Southeast Alaska. This lack of connection exacerbates the situation.

However, what can be done is to interconnect the region. By doing this, the existing and potential clean energy sources can be maximized and the power can be managed between communities and other users. Right now, one hydroelectric facility, Lake Tyee has tremendous excess capacity to bring clean and cheaper energy to many villages. This has been proven in a study conducted by the Southeast Conference. The Southeast Conference is the group of Mayors representing communities throughout Southeast Alaska. This study, entitled the Southeast Alaska Electrical Intertie System Plan, outlines the regional grid which this bill authorizes.

Mr. President, let me be clear, this is only an authorization. The bill provides no obligation to the Federal government to be involved in the construction of this intertie system whatsoever.

The bill also does not authorize nor does it contemplate that the federal government will exercise any ownership or management responsibility over this system. In fact, the Southeast communities which have asked me to introduce this bill seek to manage this project themselves.

It simply provides an authorization for the Congress to assist the communities in assemblying funding for the project. There is ample precedent for this. In fact, this very process was used successfully in Arizona and Utah with the Central Arizona and Central Utah projects. The era of the federal government constructing, owning and operating new power generation facilities has passed. However, the federal government can provide valuable assistance to a group of communities which seek to get their region back on the road to economic recovery. This is a good bill because it encourages local self reliance.

Mr. President, an intertie can do so much to assist this region. Right now, we have a series of isolated communities which cannot even work with each other on power issues. Each must provide its own generation and transmission facilities. And almost all of these facilities use diesel oil-fired generation because that is the only type of self-contained transmission facility which these communities can afford. Instead with an intertie, these generators can be put in mothballs and used only for isolated emergency backup. The intertie will provide reliable and clean sources of energy for all these communities.

I am informed by the communities that they intend to form a state chartered regional power authority to manage this Intertie. It will have no federal budgetary obligation. Additionally, the intertie will help the environment by shifting these small villages from their diesel generation and pointing them towards clean, renewable fuel sources. All of these facilities will be subject to all federal, state, and local laws including environmental laws. Just to make sure that this is clear, I have included a specific provision in the bill that reaffirms that this simple authorization will not affect, change, or alter any obligations under federal laws such as the National Environmental Policy Act (NEPA). All of the facilities will be subject to normal permitting.

There will undoubtedly be environmental studies required for the different components. For example, part of phase 1 of the Intertie includes the Swan Lake-Lake Tyee project which will connect my hometown of Ketchikan to its neighbors to the north, Wrangell and Petersburg. The permits for this project are already in place and were issued by the Forest Service as a result of a laborious 2 year NEPA study. The Forest Service issued a full Environmental Impact Statement which resulted in a favorable record of decision. No corners were cut and the project was approved by the Forest Service and permits issued. This bill will have no effect on that process. Any other phases will have to undergo close scrutiny, although I am convinced that connecting communities together using renewable hydropower will be much better environmentally than continued reliance on transporting, storing and burning high-priced diesel.

Mr. President, Alaska was not even a state when the major transmission systems were built in this country in the 1930's, 1940's and 1950's. Until World War II compelled the heroic construction of the Alcan Highway. Alaska was not even connected by road to the rest of the country. Alaska was never even considered as a candidate for the construction of a transmission system. Alaska's economic development is in its infancy even today. A project like the Southeast Regional Intertie is necessary to give that region of Alaska the opportunity to recover from the economic disaster outlined in the McDowell report. It is my intention to have this bill considered by my committee soon and I hope to report it favorably to the Senate floor in the near future.

By Mrs. HUTCHISON (for herself, Mr. McCAIN, Mr. GORTON, Mr. INOUYE, Mr. ROCKEFELLER, and Mr. BRYAN):

S. 2440. A bill to amend title 49, United States Code, to improve airport security; to the Committee on Commerce, Science, and Transportation.

AIRPORT SECURITY IMPROVEMENT ACT OF 2000

Mrs. HUTCHISON. Mr. President, I rise today to introduce the Aviation Security Improvement Act of 2000. I would like to recognize the efforts of Commerce Committee Chairman McCAIN and Aviation Subcommittee Chairman GORTON who have agreed to cosponsor this legislation. I am also joined by Senators INOUYE, ROCKEFELLER, and BRYAN in this effort to improve the security of the flying public.

Approximately 500 million passengers will pass through U.S. airports this year. Protecting their safety in an incredible challenge to the men and women of the aviation industry. The Federal Government, through the Federal Aviation Administration and Industry together, must do everything within our power to protect the public from the menace of terrorism and other security threats.

In 1996, soon after the tragedy of TWA flight 800, I proposed new requirements to improve security at the nation's airports. Congress adopted these requirements as part of the Federal Aviation Reauthorization Act of 1996. This legislation tried to improve the hiring process and enhance the professionalism of airport security screeners. The act also directed the FAA to upgrade security technology with regard to baggage screening and explosive detection.

In my view, the FAA has been slow to implement these vital security improvements. The FAA does not plan to finalize the regulation to improve training requirements for screeners and certification for screening companies until May 2001. Five years is too long to wait. Technology upgrades have also been slow in coming, even though the upgraded technology is readily available. The traveling public should not have to wait yet another year before these improvements are implemented.

The FAA must modernize its procedure for background checks of prospective security-related employees. An FAA background check currently takes 90 days. That is too long. Under current procedures, the FAA is required to perform these checks only when an applicant has a gap in employment history of 12 months or longer, or if preliminary investigation reveals discrepancies in an applicant's resume. But 43% of violent felons serve an average of only seven months. This gap should be closed.

My legislation, the Airport Security Improvement Act, would direct FAA to require criminal background checks for all applicants for positions with security responsibilities, including security screeners. The bill will also require that these checks be performed expeditiously.

My legislation also directs FAA to improve training requirements for security screeners by September 30 of this year. FAA should require a minimum of 40 hours of classroom instruction and 40 hours of practical on-the-job training before an individual is deemed qualified to provide security screening services. This standard would be a substantial increase over the 8 hours of classroom training currently required for most screening positions in the U.S. The 40 hour requirement is the prevailing standard in most of the industrialized world.

Finally, my bill would require FAA to work with air carriers and airport operators to strengthen procedures to eliminate unauthorized access to aircraft. Employees who fail to follow access procedures should be suspended or terminated. I understand that FAA is currently working on improving access standards. I hope this bill will encourage them to do so in a timely fashion.

We are privileged to have with us today a distinguished panel of witnesses who are well-versed in the area of airport security. I want to welcome them to the hearing and I am looking forward to their testimony.

Mr. McCAIN. Mr. President, I am an original cosponsor of Senator HUTCHISON's bill to improve aviation security. Our colleague from Texas brings unique expertise to this issue as

a former member of the National Transportation Safety Board. I want to thank her for her diligence in this area over the past several years as a member of the Commerce Committee Aviation Subcommittee.

Among other things, the Airport Security Improvement Act of 2000 would make pre-employment criminal background checks mandatory for all baggage screeners at airports, not just those who have significant gaps in their employment histories. It would require screeners to undergo extensive training requirements, since U.S. training standards fall far short of European standards. The legislation would also seek tighter enforcement against unauthorized access to airport secure areas.

I cannot overemphasize the importance of adequate training and competency checks for the folks who check airline baggage for weapons and bombs. The turnover rate among this workforce is as high as 400 percent at one of the busiest airports in the country! The work is hard, and the pay is low. Obviously, this legislation does not establish minimum pay for security screeners. By asking their employers to invest more substantially in training, however, we hope that they will also work to ensure a more stable and competent workforce.

Several aviation security experts appeared before the Aviation Subcommittee at a hearing last week. They raised additional areas of concern that I expect to address as this bill proceeds through the legislative process. For instance, government and industry officials alike agree that the list of ''disqualifying'' crimes that are uncovered in background checks needs to be expanded. Most of us find it surprising that an individual convicted of assault with a deadly weapon, burglary, larceny, or possession of drugs would not be disqualified from employment as an airport baggage screener.

Fortunately, this bill is not drafted in response to loss of life resulting from a terrorist incident. Even so, it is clear that even our most elementary security safeguards may be inadequate, as evidenced by the loaded gun that a passenger recently discovered in an airplane lavatory during flight.

I look forward to working with Senator HUTCHISON, as well as experts in both government and industry circles, to make sure that any legislative proposal targets resources in the most effective manner. By and large, security at U.S. airports is good, and airport and airline efforts clearly have a deterrent effect. What is also clear, however, is that we cannot relax our efforts as airline travel grows, and weapons technologies become more sophisticated.

By Mr. BOND (for himself and Mrs. LINCOLN):

S. 2441. A bill to amend the Federal Water Pollution Control Act to establish a program for fisheries habitat protection, restoration, and enhancement, and for other purposes; to the Committee on Environment and Public Works.

FISHABLE WATERS ACT

• Mr. BOND. Mr. President, I rise today to introduce the Fishable Waters Act with my colleague from Arkansas, Senator LINCOLN. This is consensus legislation from a uniquely diverse spectrum of interests to establish a comprehensive, voluntary, incentive-based, locally-led program to improve and restore our fisheries.

Put simply, this legislation enables local stakeholders to get together to design water quality projects in their own areas that will be eligible for some $350 million federal assistance to implement for the benefit of our fisheries and water quality. It does not change any existing provisions, regulatory or otherwise, of the Clean Water Act.

The Fishable Waters Act compliments existing clean water programs that are designed to encourage, rather than coerce the participation of landowners. This legislation will work because it will empower people at the local level who have a stake in its success and who will have hands-on involvement in its implementation.

It is supported by members of the Fishable Waters Coalition which includes the American Sportfishing Association, Trout Unlimited, the Izaak Walton League of America, the National Corn Growers Association, the National Council of Farmer Cooperatives, the Bass Anglers Sportsman Society, the American Fisheries Society, the International Association of Fish and Wildlife Agencies, and the Pacific Rivers Council. These groups have labored quietly but with great determination for several years to produce this consensus proposal to build on the success of the Clean Water Act.

As my colleagues understand, it is at great peril that anyone in this town undertakes to address clean water-related issues but the need is too great and this approach too practical to not embrace it, introduce it, and work to achieve the wide-spread support it merits.

A companion bill is being introduced by Congressman JOHN TANNER in the House. That measure is being cosponsored by Representatives ROY BLUNT, JOHN DINGELL, NANCY JOHNSON, CHARLES STENHOLM, SHERWOOD BOEHLERT, WAYNE GILCHREST, PAT DANNER, PHIL ENGLISH, CHRISTOPHER JOHN and JIM SAXTON.

Joining us yesterday for the kickoff were representatives of the Fisable Waters Coalition and a special guest, a fishing enthusiast who some may know otherwise as a top-ranked U.S. golfer, David Duval. ''Why am I here? I like to fish. I've done it as long as I can remember,'' Duval said. ''I want my kids to be able to have healthy habitats for fish. I want my grandkids and my great-grandkids to be able to do what I enjoy so much, and I think this could make a big difference.''

This bipartisan and consensus legislation is intended to capture opportunities to build on the success of the Clean Water Act. It enables local stakeholders to get together with farmers who own 70 percent of our nation's land to design local water quality projects that will be eligible for some $350 million in federal assistance for the benefit of our fisheries and water quality.

Instead of Washington saying, ''you do this and you pay for it'' and instead of Washington saying, ''you do this but we'll help you pay for it'', this legislation lets local citizens design projects that can be eligible for federal assistance. For farmers, the idea of protecting land for future generations is not an abstract notion because the farmers in my State know that good stewardship is good for them and their families. Their challenge is that while they feed this nation and provide some $50 billion in exports, they do not have the ability to pass additional costs onto consumers like corporations do. For the 2 million people who farm to provide environmental benefits for themselves and the rest of the nation's 270 million people, they need partners because they cannot afford to do it by themselves. This legislation recognizes that reality.

While one can expect a great deal of controversy surrounding any comprehensive Clean Water effort, the consensus that has built around this approach is cause for great optimism that this legislation will be the vehicle to make significant additional progress in improving water quality.

I congratulate members of the Coalition for producing and supporting this consensus legislation and I look forward to working with Senator LINCOLN and my other Senate colleagues to move this legislation forward.

I ask unanimous consent to have printed in the RECORD a one-page summary of the bill.

There being no objection, the material was ordered be printed in the RECORD, as follows:

FISHABLE WATERS ACT BILL SUMMARY IN BRIEF

PURPOSE

This legislation begins with the premise that while great progress has been made in improving water quality under the Clean Water Act, more opportunities remain. The particular emphasis on this legislation is on opportunities to address fisheries habitat and water quality needs.

The findings include that it shall be the policy of the United States to protect, restore, and enhance fisheries habitat and related uses through voluntary watershed planning at the state and local level that leads to sound fisheries conservation on an overall watershed basis.

To carry out this objective, a new section is added to the Clean Water Act.

PROGRAM

The legislation authorizes the establishment of voluntary and local Watershed Councils to consider the best available science to plan and implement a program to protect and restore fisheries habitat with the consent of affected landowners.

Each comprehensive plan must consider the following elements: characterization of the watershed in terms of fisheries habitat; objectives both near- and long-term; ongoing factors affecting habitat and access; specific projects that need to be undertaken to improve fisheries habitat; and any necessary incentives, financial or otherwise, to facilitate implementation of best management practices to better deal with non-point source pollution including sediments impairing waterways.

Projects and measures that can be implemented or strengthened with the consent of affected landowners to improve fisheries habitat including stream side vegetation, instream modifications and structures, modifications to flood control measures and structures that would improve the connection of rivers to low-lying backwaters, oxbows, and tributary mouths.

With the consent of affected landowners, those projects, initiatives, and restoration measures identified in the approved plan become eligible for funding through a Fisheries Habitat Account.

Funds from the Fisheries Habitat Account may be used to provide up to 15 percent for the non-federal matching requirement under including the following conservation programs: The Wetlands Reserve Program; The Environmental Quality Incentives Program; The National Estuary Program; The Emergency Conservation Program; The Farmland Protection Program; The Conservation Reserve Program; The Wildlife Habitat Incentives Program; The North American Wetlands Conservation Program; The Federal Aid in Sportfish Restoration Program; The Flood Hazard Mitigation and Riverine Ecosystem Restoration Program; The Environmental Management Program; and The Missouri and Middle Mississippi Enhancement Project.

The Secretary of the Interior is authorized to develop an urban waters revitalization program ($25m/yr) to improve fisheries and related recreational activities in urban waters with priority given to funding projects located in and benefitting low-income or economically depressed areas.

$250 million is authorized annually through Agriculture for the planning and implementation of projects contained in approved plans.

States with approved programs may, if they choose, transfer up to 20 percent of the funds provided to each state through the Clean Water Act's $200 million Section 319 non-point source program to implement planned projects.

Up to $25 million is authorized annually through Interior for measures to restrict livestock assess to streams and provide alternative watering opportunities and $50 million is authorized annually to provide, with the cooperation of landowners, minimum instream flows and water quantities.●

Mrs. LINCOLN. Mr. President, I rise today to join my colleague from Missouri, KIT BOND, in introducing the Fishable Waters Act. This bill is aimed at restoring and maintaining clean water in our Nation's rivers, lakes, and streams. This bill will provide funding for programs with a proven track record of conserving land, cleaning up the environment, and promoting clean and fishable waters. This legislation takes the right approach to reducing non-point source pollution. It's voluntary. It's incentive-based. And if encourages public-private partnerships.

Our State Motto, ''The Natural State,'' reflects our dedication to preserving the unique natural landscape that is Arkansas. We have towering mountains, rolling foothills, an expansive Delta, countless pristine rivers and lakes, and a multitude of timber varieties across our state. From expansive evergreen forests in the South, to the nation's largest bottomland hardwood forest in the East, as well as one of this nation's largest remaining hardwood forests across the Northern one-half of the state, Arkansas has one of the most diverse ecosystems in the United States. Most streams and rivers in Arkansas originate or run through our timberlands and are sources for water supplies, prime recreation, and countless other uses. We also have numerous outdoor recreational opportunities and it is vital that we take steps to protect the environment.

This bill utilizes current programs within the U.S. Department of Agriculture that have a proven track record of reducing non-point sources of pollution and promoting clean and fishable water through voluntary conservation measures. Existing USDA programs like the Wetlands Reserve Program, the Environmental Quality Incentives Program, Conservation Reserve Program, and Wildlife Habitat Incentives Program, assist farmers in taking steps towards preserving a quality environment.

CRP and WRP are so popular with farmers, that they will likely reach their authorized enrollment cap by the end of 2001. Mr. President, farmers wouldn't flock to these programs unless there was an inherent desire to ensure that they conserved and preserved our Nation's water resources.

Arkansas ranks third in the number of enrolled acres in USDA's Wetlands Reserve Program because our farmers have recognized the vital role that wetlands play in preserving a sound ecology.

WRP is so popular in AR that we have over 200 currently pending applications that we cannot fill because of lack of funding. That's over 200 farmers that want to voluntarily conserve wetland areas around rivers, lakes, and streams. We need to fill that void in funding for these beneficial programs. This bill will help farmers in Arkansas and across the nation to voluntarily conserve sensitive land areas and provide buffer strips for runoff areas.

Farmers make their living from the soil and water. They have a vested interest in ensuring that these resources are protected. I don't believe that our nation's farmers have been given enough credit for their efforts to preserve a sound environment.

As many of you know, farming has a special place in my heart because I was raised in a seventh generation farm family. I know first hand that farmers want to protect the viability of their land so they can pass it on to the next generation. This bill is about more than agriculture though. It strikes the right balance between our agricultural industry and another pastime that I feel very strongly about, hunting and fishing.

Over the years many people have been surprised when they learn that I am an avid outdoorsman. I grew up in the South where hunting and fishing are not just hobbies, they're a way of life. My father never differentiated between taking his son or daughters hunting or fishing, it was just assumed that we would all take part. For this, I will be forever grateful because I truly enjoy the outdoors, and the time I spent hunting and fishing is a big part of who I am today.

We are blessed in Arkansas to have such bountiful outdoor opportunities. For these opportunities to continue to exist we must take steps to ensure that our nation's waters are protected. Trout in Arkansas' Little Red River and mallards in the riverbottoms of the Mississippi Delta both share a common need of clean water. And that is what we are ultimately striving for with this legislation: an effective, voluntary, incentive based plan to provide funding for programs that promote clean water.

Mr. President, I want to again stress the importance of voluntary programs.

We cannot expect to have success by using a heavy-handed approach to regulate our farmers, ranchers, and foresters into environmental compliance. Trying to force people into a permitting program to reduce the potential for non-profit runoff may actually discourage responsible environmental practices.

I agree with the EPA's objective of cleaning up our nation's impaired rivers, lakes, and streams, but firmly believe that a permitting program is not the best solution to the problem of maintaining clean water. Placing another unnecessary layer of regulation upon our nation's local foresters will only slow down the process of responsible farming and forestry and the implementation of voluntary Best Management Practices.

Mr. President, this legislation takes the right approach to clean and fishable waters. It's voluntary. It's incentive-based. And it encourages public-private partnerships to clean up our Nation's rivers, lakes, and streams.

I encourage my colleagues to join us in the fight for clean and fishable waters.

By Mrs. MURRAY:

S. 2442. A bill to amend the Consolidated Farm and Rural Development

Act to authorize the Secretary of Agriculture to provide long-term, low-interest loans to apple growers; to the Committee on Agriculture, Nutrition, and Forestry.

APPLE ORCHARD DIVERSIFICATION ACT

• Mrs. MURRAY. Mr. President, I rise today to introduce the Apple Orchard Diversification Act of 2000.

Mr. President, I am proud that Washington state produces more apples than any other state in the nation. The apple industry is an independent group. It has made Washington state and U.S. apples and apple products popular in many corners of the world. In the mid-1990s, growers were doing well, markets were opening and expanding, and the future looked bright.

But in 1998 and 1999, the bottom fell out from under them. Low prices and weather-related disasters devastated apple producers, and growers of hundreds of other commodities nationwide. In northeastern and mid-Atlantic states, fruit and vegetable growers were hit hard by freezing temperatures and drought. In the Pacific Northwest, some growers were hurt by bad weather.

But the biggest problem is low prices. These low prices are caused by the Asian financial crisis; by market access problems; by below-cost apple juice concentrate dumping by China; by record world-wide production and oversupply; and other factors.

The results are devastating, especially in my home state of Washington. Nationwide, the industry lost an estimated $300 million on the 1998 crop. In Okanogan County in Washington state, some organizations have estimated that 90 percent of apple growers will not recover their 1999 expenses. Okanogan County already experiences high unemployment. It cannot afford a long-term, depressed farm economy. The county declared an economic disaster and urged the state to do the same. Meanwhile, other counties, especially in north central Washington, are trying to respond to this disaster. Many growers will go out of business. Others will not be able to get commercial lending this year.

The Administration and members of this Congress are working to resolve some of the issues facing the industry and rural communities.

Last year, Congress passed a large disaster relief package for agriculture. I supported this package because it kept many producers above water for another year. However, like many of my colleagues, I was frustrated this package did not do more for specialty crop producers. Congress provided $1.2 billion in crop loss assistance. Specialty crop producers, including apple growers, were eligible to receive assistance to address weather-related disasters, and some growers did. But, in states like Washington, the aid package did too little.

Fortunately, action is occurring on the most important issue facing the apple industry. Earlier this month, the U.S. Department of Commerce levied anti-dumping duties of 51.74 percent on the majority of imports of below-cost apple juice concentrate from China. The Administration's preliminary anti-dumping duty ruling in November 1999 helped our producers by raising the price of both juice apples and concentrate. By May 22, the U.S. International Trade Commission will make its final injury ruling. If an injury determination is made, the Administration will implement anti-dumping duties at the levels prescribed by the Commerce Department.

Our second victory was to address pest control in abandoned orchards. During my trip to central Washington last August, I heard from community leaders that this was a real problem.

Low prices have caused many producers to abandon their orchards, and some of these orchards became infested. Infested orchards impact the operations of other producers and create potential trade problems. In response, counties tore out trees and sprayed orchards. But last year, funds in many counties were running low.

USDA holds defaulted loans on some of these abandoned orchards. Last year, I urged the agency to take responsibility for pest control on those properties. The Farm Service Agency in Washington state created a strategy for reimbursing counties for pest control In October 1999, I wrote to Secretary Glickman to urge him to approve FSA's reimbursement strategy. Shortly thereafter, USDA implemented this initiative so counties could continue to control pests.

The third victory for apple and specialty crop producers may come soon, when President Clinton signs risk management reform legislation into law. The bill passed by the Senate would make major changes to federal crop insurance policy to ensure that all producers, including specialty crop growers, will have access to more viable risk management products.

But more needs to be done. My highest priorities for agriculture remain investing in research, expanding trade, and providing a safety net when economic and natural disasters strike.

Last November, I introduced S. 1983, the Agricultural Market Access and Development Act. My bill would authorize the Secretary of Agriculture to spend up to $200 million—but not less than the current $90 million—for the Market Access Program. And it would set a floor of $35 million for spending on the Foreign Market Development ''Cooperator'' Program. Senators CRAIG, BOXER, FEINSTEIN, GORDON SMITH, GORTON, WYDEN, CLELAND, and COVERDELL have all cosponsored this legislation, and I appreciate their support.

The USDA Foreign Agricultural Service has reported that in 1999 we experienced our first agricultural trade deficit with the European Union. We imported $7.7 billion of EU agricultural products and exported $6.8 billion. Our competitors have increased market promotion spending by 35 percent, or $1 billion, over the past three years. Our spending, however, has decreased one percent.

Agricultural exports are key to maintaining a reasonable trade balance. Other nations have invested in market development, and it's worked. We need to enhance our trade programs to give our producers a more level playing field and a fighting chance.

Besides expanding trade, we must strengthen the safety net for producers. We should not go back to our old Federal farm policies. Our program commodity growers do not want that, and our specialty crop producers do not want a new, permanent relationship with the federal government.

But I believe this farm crisis has taught us that we need flexible tools available for all producers when economic or natural disasters strike. For some commodities this may mean counter-cyclical payments. Or it may mean a variety of flexible loans that meet the needs of all producers or specific commodities. As we debate the next farm bill, we should give USDA flexibility, within fiscally-responsible guidelines, to respond to crises in agriculture.

Today, I am introducing legislation to create a one-time Apple Orchard Diversification Program. I have heard from growers that they could very much use a loan program to diversify their orchards into more commercially-viable varieties. Many of our producers invested heavily in Red and Golden Delicious apples, which are the varieties hardest hit by the economic crisis. We need a mechanism to allow these growers to diversify their orchards.

My bill would do just that. It would authorize USDA to provide up to $75 million in long-term, low-interest loans to apple producers. The loans could be used by producers to purchase trees for converting existing apply orchards into more profitable apple varieties.

My bill waives much of the regulatory process. USDA has been overwhelmed with managing disaster programs, and that has delayed relief. Instead, my bill bill requires USDA to conduct a stakeholder process, which would include three hearings around the country. The industry would help develop the program, and address issues such as income and acreage qualifications for growers who receive loans, and parameters on payments, acreage and varietal stock quality.

The concept of orchard diversification was born when Under Secretary

Gus Schumacher visited Quincy, Washington, in July 1999. The Under Secretary has spent a great deal of time in apply producing regions around the country. Mr. Schumacher has been criticized by some elected officials and individuals for holding the listening session in Washington state. But I appreciate, and I know many of our family farmers appreciate, his interest in these issues.

In conclusion, my grandfather moved to the Tri-Cities in the early 1990s to work for Welch's. As a young child, I remember many trips to central Washington at harvest time to visit my grandmother, who remained in the area after my grandfather's death. To this day, the smell of fresh picked peaches and apples remind me of my childhood. To my Dad, it meant much more; it meant how his family put food on the table and paid the mortgage. We grew up understanding how important family-run orchards were to our state's economy.

As I raised my own family, I always made sure we had a fruit tree in our yard. I wanted to remind myself of my years growing up and also to show my kids what a resource we have in our state. I could not imagine discussing Washington's economy without a box of apples being part of the picture. I want to make sure it stays that way for many generations to come.

Mr. President, I urge my colleagues to cosponsor and help pass this important legislation.●

By Mr. DURBIN (for himself, Mr. REED, and Mrs. MURRAY):

S. 2443. A bill to increase immunization funding and provide for immunization infrastructure and delivery activities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself and Mr. REED):

S. 2444. A bill to amend title I of the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to require comprehensive health insurance coverage for childhood immunization; to the Committee on Health, Education, Labor, and Pensions.

THE STATE IMMUNIZATION FUNDING AND INFRASTRUCTURE ACT OF 2000 AND COMPREHENSIVE INSURANCE COVERAGE OF CHILDHOOD IMMUNIZATION ACT OF 2000

Mr. DURBIN. Mr. President, as National Immunization Week approaches, I rise today to introduce legislation addressing childhood immunizations. National Immunization Week (April 17–21) recognizes one of the most powerful health care and public health achievements in this century. Remarkable advances in the science of vaccine development and widespread immunization efforts have led to a substantial reduction in the incidence of infectious disease. Today, vaccination coverage is at record high levels. Smallpox has been eradicated; polio has been eliminated from the Western Hemisphere; and measles and Hib invasive disease, the leading cause of childhood meningitis and postnatal retardation, have been reduced to record lows.

The two bills I introduce today build on these successes. One proposal, ''The State Immunization Funding and Infrastructure Act of 2000,'' ensures that state and local health departments are adequately funded to continue successful efforts to immunize children and improve their ability to reach pockets of underimmunized populations. The other, ''The Comprehensive Insurance Coverage of Childhood Immunization Act of 2000,'' requires all health plans to cover recommended childhood and adolescent immunizations.

In spite of our successes, we must remain vigilant. Every day, nearly 11,000 infants are born and each baby will need up to 19 doses of vaccine by age two. New vaccines continue to enter the market. Although a significant proportion of the general population may be fully immunized at a given time, coverage rates in the United States are uneven and life-threatening disease outbreaks do occur. In fact, in many of the Nation's urban and rural areas, rates are unacceptably low and are actually declining.

Unfortunately, one of the areas most in need of attention is in my own home State of Illinois. Childhood immunization coverage rates in Chicago have dropped each year since 1996 when they peaked at 76 percent. The most recent National Immunization Survey indicates that Chicago's coverage rate is now 66.7 percent—one of the lowest rates in the United States. Coverage rates for African American children in Chicago are the worst in the Nation.

It is notable, however, that during this same period when Chicago has struggled to improve vaccination rates, Federal financial assistance to state and local health departments for immunization outreach activities has been significantly reduced. In 1999, Chicago received a 38 percent reduction in Federal funds for the operation of their immunization program. In 2000, Chicago suffered another 37.5 percent reduction. The State of Illinois suffered a 58 percent reduction in 1999 and a further 16 percent reduction in the year 2000. And the story in my State is not that different from other areas of the country. Federal support for vaccine delivery activities has declined by more than 30 percent since 1995.

Purchasing vaccines is not enough. The Section 317 immunization program administered by the Centers for Disease Control and Prevention provides grants to state and local public health departments for ''operations and infrastructure'' activities. These grants are a critical source of support, indeed the sole source of Federal support, for essential efforts to get children immunized. They fund immunization registries, provider education programs, outreach initiatives to parents, outbreak control, and linkages with other public health and welfare services. These grants get the vaccine from the warehouse to our children.

The State Immunization Funding And Infrastructure Act of 2000 authorizes an increase in Federal support for Section 317 grants to states by $75 million for a total of $214 in FY2001. This restores funding to the levels States and localities received in the mid-1990's and will help to stabilize many of the key functions that have been cut back in the face of steep funding reductions. In the past few years, many states have already had to reduce clinic hours, cancel contracts with providers, suspend registry development and implementation, limit outreach efforts and discontinue performance monitoring. The bill also provides a $20 million increase over last year's funding level ($10 million over the President's budget) for vaccine purchase. This will ensure that States are able to purchase adequate amounts of all currently licensed and recommended vaccines.

The other proposal I am introducing today, The Comprehensive Insurance Coverage of Childhood Immunization Act of 2000, will require that all health plans cover all immunizations in accordance with the most recent version of the Recommended Childhood Immunization Schedule issued by the Centers for Disease Control and Prevention. These vaccinations must be provided without deductibles, coinsurance or other cost-sharing for all children and adolescents under the age of 19.

I was shocked to learn that, according to a recent survey of employer-sponsored health plans conducted by William M. Mercer, Inc. and Partnership for Prevention, one out of five employer-sponsored plans do not cover childhood immunizations and one out of four fail to cover adolescent immunizations. Not only is this a significant gap in our health system, but it is simply financially illogical. Childhood and adolescent immunizations have been proven to save money. They decrease the direct medical costs due to vaccine-preventable illnesses and reduce the time parents spend off the job, tending sick children.

I invite my colleagues to join me in these efforts to maintain and improve our nation's national immunization record and to ensure that all areas of the country and all populations benefit from the advances we have made over the last century. Despite remarkable progress, many challenges still face the U.S. vaccine delivery system. Approximately one million children are still not adequately immunized. Our infrastructure must be capable of successfully implementing an increasingly complex vaccination schedule. Pockets

of underserved children still leave us vulnerable to deadly disease outbreaks.

By Mr. ROBB (for himself, Mr. EDWARDS, and Ms. LANDRIEU):

S. 2445. A bill to provide community-based economic development assistance for trade-affected communities; to the Committee on Finance.

ASSISTANCE DEVELOPMENT FOR COMMUNITIES ACT

Mr. ROBB. Mr. President, I'm pleased to introduce the Assistance in Development to Communities Act. This bill addressed the importance—and need—for community-based, economic development to assist areas in trade-related, economic transitions.

Despite the increased globalization of our economy, many communities nationwide are still one-company or one-industry towns. If that company or industry is adversely affected by trade, the entire community faces economic strain. When these communities lose a major employer or industry, they sadly also lose something far more valuable—they lose their way of life, and too often their strong sense of community.

Currently, when an individual loses a job because of the effects of trade, the federal government provides Trade Adjustment Assistance or NAFTA-Trade Adjustment Assistance to help with income support and worker retraining. But what good is that training without jobs?

While we continue to open new avenues of free trade, the federal government has an obligation to help trade affected communities attract good jobs. Unfortunately, prospective employers don't automatically appear on the community's doorstep. Workers have mortgages, car payments, health concerns, family obligations and ties to the community, so relocation isn't always feasible. Local officials must find a way to lure industries to the area. Yet, they are caught in vicious cycle—employers are reluctant to move to economically depressed areas, but without jobs, communities will never recover.

This is an on-going reality in the Martinsville/Henry County region of Virginia. In January, I spoke with local officials about the steady stream of job losses they've endured, including the loss of the number two employer in Martinsville. They've faced double-digit unemployment—something that's virtually unheard of in this strong economy. They told me they need help.

This legislation is borne from their ideas. The AID to Communities bill give local communities the resources they need to implement their own ideas for attracting new employers—quickly and easily. It does this by providing an automatic, one-time grant to help affected communities formulate an economic development plan. This grant, up to $100,000, gives communities the resources they need to develop a long-term plan to readjust their economic base. Once that plan has been developed, the AID to Communities bill establishes a second, competitive grant program to help affected areas implement their plans. These grants can be used in a variety of ways, from expanding commercial infrastructure to establishing small business incubators.

My bill also offers two incentives to attract prospective employers. The first incentive would expand the Work Opportunity Tax Credit (WOTC) to provide employers with a tax credit if they hire someone who lives in an affected community and has lost a job due to trade. My bill would also make explicit that the New Markets Tax Credit, which provides incentives for private sector investment and capital access in certain areas, is available for trade-affected communities.

Finally, the bill makes the federal government a better partner be creating a one-stop, easily accessible clearinghouse of economic development information. This clearinghouse would provide access to cross-agency economic development tools, such as grants or low-interest loans, for affected communities so local officials don't have to hunt through each federal agency for the information they need.

Our neighbors in places like Martinsville/Henry County, Virginia are eager to enjoy the economic prosperity that the rest of the country enjoys, yet has so far eluded them. The AID to Communities bill is one way to help. I look forward to working with my colleagues to ensure that this bill becomes law and that the people of Martinsville/Henry County, and in so many other small towns across America, get the help we owe them.

By Ms. LANDRIEU:

S. 2446. A bill to amend the Internal Revenue Code of 1986 to provide assistance to homeowners and small businesses to repair Formosan termite damage; to the Committee on Finance.

FORMOSAN TERMITE TAX CREDIT

Ms. LANDRIEU. Mr. President, I rise today to bring to the attention of the Senate a plague that has been afflicted upon our country—formosan termites. Clearly, any termite is bad news for home and building owners, but the formosan termite is especially a problem. This aggressive termite species is becoming even more prevalent than native termite species in some areas. While native species generally feed on dead trees and processed wood, formosan termites have an unbelievably horrific appetite with a diet that consists of anything that contains wood fiber including homes, buildings and live trees as well as crops and plants. Believe it or not, formosan termites can even penetrate plaster, plastic and asphalt to get to a new food source.

Coptotermes formosanus (otherwise known as the formosan termite), have invaded port cities in the United States and are spreading rapidly across the rest of the country. Right now this exotic species is wrecking their special brand of havoc in 14 states including California, Arizona, New Mexico, Texas, Louisiana, Arkansas, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, and Hawaii with their map of destruction growing wider daily. Experts have estimated that it costs Americans an astonishing $1 billion each year to repair the harm, with each new case costing homeowners an average of $20,000.

Since the formosan termites was first brought to the United States it has spread like a plague through the Southeast. The infestation is most severe in New Orleans, where these pests have caused more damage than, ''tornadoes, hurricanes, and floods combined'' and the total annual cost of termite damage and treatment is estimated at $217,000,000. In areas like the famed historic French Quarter, where close-packed houses share common walls, entire city blocks must be treated—a procedure that is costly and complicated. Outside the Quarter, officials fear that infestation may have hit as many as one-third of the beloved live oaks that shade historic thoroughfares such as St. Charles Avenue. A voracious blind creature that eats history—it sounds like something from a science-fiction nightmare, but it's real.

Unfortunately, the only explanation for how this pest came to exist in the United States is that it was introduced from east Asia in the 1940s through the mishandling of U.S. military cargo and troops returning home from World War II—I believe that since the government caused the damage, the government should do something to relieve the burden.

The bill I am introducing today seeks to provide the victims of Formosan Termites with some much needed relief. Under current law, small business owners are allowed to deduct the cost to repair Formosan Termite damage as a capital loss under IRS code Section 165. For some reason, individual homeowners have been denied this same right, although they can deduct the cost to repair damages caused by disasters which are defined as casualty losses, such as flood and fire. My bill simply changes the definition of casualty loss to include Formosan Termites so that homeowners are allowed the same deduction that business owners are already getting.

This measure also seeks to make low interest loans financed by the issuance of ''qualified'' private activity tax exempt bonds more accessible for homeowners and small businesses seeking to repair the expensive damage which was inflicted upon their homes by formosan

termite damage. It does this by expanding current mortgage revenue bond provisions to permit homeowners to receive up to a $25,000 home improvement loan to repair this damage and also allows small businesses and landlords to use issue revenue bonds to finance loans for this same purpose. As an added incentive, as long as the proceeds are used to purchase tax exempt bonds to finance the repair of Formosan Termite damage, banks will be allowed to deduct the interest payments on these loans.

Obviously this legislation will not solve all of the problems formosan termites have caused. However, I do believe it is a good first step towards alleviating the burden these pests bring upon homeowners across the country. I urge everyone to join with me and give the victims of this plague a little relief. Thank you.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2446

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEDUCTION FOR INDIVIDUALS FOR LOSSES CAUSED BY FORMOSAN TERMITE DAMAGE.

(a) INCLUSION OF FORMOSAN TERMITE DAMAGE AS CASUALTY LOSS.—Section 165(c)(3) of the Internal Revenue Code of 1986 (relating to limitation of deduction of losses of individuals) is amended by inserting ''Formosan termite damage,'' after ''shipwreck,''.

(b) CONFORMING AMENDMENT.—Section 165(h)(3) of the Internal Revenue Code of 1986 (defining personal casualty gain) is amended by inserting ''Formosan termite damage,'' after ''shipwreck,''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 2. PROCEEDS OF MORTGAGE REVENUE BONDS ALLOWED FOR LOANS TO HOMEOWNERS TO REPAIR FORMOSAN TERMITE DAMAGE.

(a) EXCEPTION FROM INCOME REQUIREMENTS.—Section 143(f) of the Internal Revenue Code of 1986 (relating to income requirements) is amended by adding at the end the following new paragraph:

''(7) EXCEPTION FOR QUALIFIED HOME IMPROVEMENT LOANS.—Paragraph (1) shall not apply with respect to any qualified home improvement loan used for the repair of Formosan termite damage.''.

(b) AMOUNTS UP TO $10,000 USED FOR TERMITE REPAIR NOT INCLUDED IN CALCULATING LIMIT FOR HOME IMPROVEMENT LOAN.—Paragraph (4) of section 143(k) of the Internal Revenue Code of 1986 (defining qualified home improvement loan) is amended by adding at the end the following flush sentence: ''In calculating the $15,000 amount, any amount up to $10,000 used for the repair of Formosan termite damage shall not be taken into account.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 3. PROCEEDS OF SMALL ISSUE BONDS ALLOWED FOR LOANS TO LANDLORDS AND SMALL BUSINESSES TO REPAIR FORMOSAN TERMITE DAMAGE.

(a) IN GENERAL.—Subparagraph (B) of section 144(a)(12) of the Internal Revenue Code of 1986 (relating to bonds to finance manufacturing facilities and farm property) is amended by striking ''or'' at the end of clause (i), by striking the period and inserting '', or'' at the end of clause (ii), and by adding at the end the following new clause:

''(iii) any Formosan termite damage repair loan.''.

(b) DEFINITION OF FORMOSAN TERMITE DAMAGE REPAIR LOAN.—Section 144(a)(12) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(D) FORMOSAN TERMITE DAMAGE REPAIR LOAN.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'Formosan termite damage repair loan' means the financing of repairs on or in connection with residential rental property or property used by a small business by the owner thereof, for damage caused by Formosan termites.

''(ii) SMALL BUSINESSES COVERED.—The term 'small business' means, for any taxable year, any corporation or partnership if the entity meets the $5,000,000 gross receipts test of section 448(c) for the prior taxable year.''.

(c) AMOUNTS USED IN FORMOSAN TERMITE REPAIR NOT INCLUDED IN CALCULATING LIMIT ON AMOUNT OF BOND.—Clause (i) of section 144(a)(4)(C) of the Internal Revenue Code of 1986 (relating to certain capital expenditures not taken into account) is amended by inserting ''Formosan termite damage,'' after ''storm,''.

(d) CONFORMING AMENDMENT.—The heading in section 144(a)(12)(B) of the Internal Revenue Code of 1986 is amended by striking ''AND FARM PROPERTY'' and inserting ''FARM PROPERTY, AND FORMOSAN TERMITE REPAIR''.

(e) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to bonds issued after the date of the enactment of this Act.

SEC. 4. EXCEPTION FROM VOLUME CAP FOR PRIVATE ACTIVITY BONDS USED TO REPAIR FORMOSAN TERMITE DAMAGE.

(a) EXCEPTION FROM VOLUME CAP.—Section 146(g) of the Internal Revenue Code of 1986 (relating to exception for certain bonds) is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting a comma, and by adding after paragraph (4) the following new paragraphs:

''(5) any qualified mortgage bond if 95 percent or more of the net proceeds of the bond are to be used to provide home improvement loans for the repair of Formosan termite damage, and

''(6) any qualified small issue bond if 95 percent or more of the net proceeds of the bond are to be used to provide Formosan termite damage repair loans (as defined in section 144(a)(12)(D)).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to bonds issued after the date of the enactment of this Act.

SEC. 5. EXEMPTION OF CERTAIN BONDS USED TO REPAIR FORMOSAN TERMITE DAMAGE FROM RESTRICTIONS ON DEDUCTION BY FINANCIAL INSTITUTIONS FOR INTEREST.

(a) IN GENERAL.—Clause (ii) of section 265(b)(3)(B) of the Internal Revenue Code of 1986 (defining qualified tax-exempt obligations) is amended by striking ''or'' at the end of subclause (I), by redesignating subclause (II) as subclause (IV), and by inserting after subclause (I) the following new subclauses:

''(II) any qualified mortgage bond if 95 percent or more of the net proceeds of the bond are to be used to provide home improvement loans for the repair of Formosan termite damage,

''(III) any qualified small issue bond if 95 percent or more of the net proceeds of the bond are to be used to provide Formosan termite damage repair loans (as defined in section 144(a)(12)(D)), or''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to bonds issued after the date of the enactment of this Act.

By Mr. WELLSTONE (for himself, Mr. DASCHLE, and Mr. BAUCUS):

S. 2447. A bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to make competitive grants to establish National Centers for Distance Working to provide assistance to individuals in rural communities to support the use of teleworking in information technology fields; to the Committee on Agriculture, Nutrition, and Forestry.

TELEWORK ACT OF 2000

Mr. WELLSTONE. Mr. President, I rise today on behalf of myself and Senators DASCHLE and BAUCUS to introduce the Rural Telework Act of 2000, a bill that is designed to make information technology (IT) industries a part of diverse, sustainable rural economies while helping IT employers find skilled workers. The goal of this bill is to link unemployed and underemployed individuals in rural areas and on Indian reservations with jobs in the IT industry through telework.

We are in the midst of an information revolution which has the potential to be every bit as significant to our society and economy as the industrial revolution two hundred years ago. But in recent months there has been much discussion of the ''digital divide,'' the idea that one America is not able to take advantage of the promise of new technologies to change the way we learn, live, and work while the other America speeds forward into the 21st Century. As advanced telecommunications and informaiton technology become the new engines of our economy, it is critical that all no communities are left behind.

Many rural communities and Indian reservations are already facing severe unemployment underemployment, and population loss due to a lack of economic opportunities. A study last year by the Center for Rural Affairs reports that widespread poverty exists in agriculturally based counties in a six-state region including Minnesota. Over one-third of households in farm counties have annual income less than $15,000 and, in every year from 1988 to 1997, earnings in farm counties significantly trailed other counties. Unemployment on many Indian reservations exceed 50% and remote locations make traditional industries uncertain agents for economic development.

There are troubles ahead for the new economy as well: the information technology industry reports that it faces a dramatic shortage of skilled workers. The Minnesota Department of Economic Security projects that over the next decade, almost 8,800 workers will be needed each year to fill position openings in specific IT occupations. Approximately 1,000 students graduate each year from IT-related post-secondary programs in Minnesota, not anywhere near enough to fill the demand, according to this same state agency. This shortage is reflected nation wide, with industry projecting shortfalls of several hundred of thousand IT workers per year in coming years.

Rural workers need jobs. High tech employers need workers. This legislation would create models of how to bring these communities together to find a common solution to these separate challenges.

The Rural Telework Act of 2000 would authorize the Department of Agriculture to make competitive grants to qualified organizations to implement five year projects to train, connect, and broker employment in the private sector, through telework, a population of rural workers in their community. A grant recipient would be designated as a National Center for Distance Working. The National Centers for Distance Working, located in rural areas, are intended to be locally developed and implemented national models of how telework relationships can meet the needs of rural communities for new economic opportunities and the need of IT intensive industries for new workers.

Mr. President, telework is a new term that may be unfamiliar to colleagues so I want to take a moment to explain what it is. According to the International Telework Association and Council (ITAC), telework is defined as using information and communications technologies to perform work away from the traditional work site typically used by the employer. For example, a person who works at home and transmits his or her work product back to the office via a modem is a teleworker, also known as a telecommuter; as is someone who works from a telework center, which is a place where many teleworkers work from—often for different companies.

The nature of IT jobs allow them to be performed away from a traditional work site. As long as workers have the required training, and a means of performing work activities over a distance—through the use of advanced telecommunications—there is no reason that skilled IT jobs cannot be filled from rural communities.

Because it essentially allows distance to be erased, telework is a promising tool for rural development and for making rural and reservation economies sustainable. Very soon, a firm located in another city, another state or even another country need not be viewed as a distant opportunity for rural residents, but as a potential employer only as far away as a home computer or telework center. Likewise, telework arrangements allow employers to draw from a national labor pool without the hassles and cost associated with relocation.

Many businesses and organizations are already using telework or telecommuting as a tool to reduce travel and commuting times and to accommodate the needs and schedules of employees. Many metropolitan communities with high concentrations of IT industries are already looking to telework as a means of addressing urban and suburban ills such as housing shortages, traffic congestion, and pollution.

However, the IT industry does not currently view rural America as a potential source of skilled employees. Nor do many rural communities know how to turn IT industries into a viable source of good jobs to revitalize local economies. Moreover, many rural community leaders fear that providing IT job skills to rural residents—when there are no opportunities for using those skills in the community—will lead to further population losses as retrained workers seek opportunities in metropolitan areas. At the same time, management of off-site employees requires new practices to be developed by employers and in some cases, dramatic paradigm shifts. Rural areas and Indian reservations are in danger of being left behind by a revolution which actually holds the most promise for those communities which are the most distant. IT employers risk missing a pool of potential employees with a strong work ethic.

Establishment of a National Center for Distance Working in a rural community or Indian reservation will give that community access to federal resources to implement a locally designed proposal to employ rural residents in IT jobs through telework relationships, linking prospective employers with rural residents. Successful National Centers for Distance Work would be locally developed and implemented national models for how telework can be used as a tool for rural development.

The Department of Agriculture's Rural Utility Service (RUS) would administer the program which would have a $11 million annual authorization level. At least $10 million of authorized funds would be used for the purpose of making competitive grants to establish National Centers for Distance Working.

Grant money made available under the program would be highly flexible, and would need to be leveraged with private, local and state resources. For example, they could be used to provide or enhance the quality of: IT skills training and education, technology and telecommunications, promotion of teleworking, brokering employment for rural IT workers, and other necessary elements to establish IT work opportunities in that rural community.

The funds are not intended to duplicate existing federal training and connectivity programs. Nor is it intended that Centers use these funds to supplant existing telecommunications providers who offer appropriate services to make telework a reality in rural communities. Rather, the federal investment is targeted to augment these existing sources of funding and allow rural communities to fill in the gaps in existing public and private resources and services. Prospective grant recipients would need to form partnerships with local, state, and private entities, including potential employers.

The grants made available under this program would not be sufficient to cover the full cost of training, connecting, and employing rural workers, but are intended to be ''seed money'' leveraged with dollars from other sources. Grant recipients would be required to match the funds provided under this program with funds from non-federal sources.

Finally, up to $1 million of the $11 million could be used by RUS to make grants for the purpose of promoting the development of teleworking in rural areas by making grants to entities to conduct research on economics, operational, social, and policy issues related to teleworking in rural areas, including the development of best practices for businesses that employ teleworkers.

The necessary vision of how to make telework a reality already exists in some employers and in some rural communities. In Sebeka, Minnesota—a town with a population of little more than 600 people—a small firm called Cross Consulting was founded. That company employs over 20 people through a contract with Northwest Airlines to provide do programming on Northwest's mainframe computers. These people are rural teleworkers. The new economy is not leaving Sebeka behind and we need to incubate that kind of innovation in rural areas and Indian reservations across the country.

Mr. President, for many jobs, in many industries, telework may be the future of work. It may also be the future of diverse, sustainable rural economies. This legislation offers an early opportunity to invest in local innovation to harness this potential.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Rural Telework Act of 2000''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) many rural communities and Indian reservations have not benefited from the historic economic expansion in recent years, and high levels of unemployment and underemployment persist in the rural communities and reservations;

(2) many economic opportunities, especially in information technology fields, are located away from many rural communities and reservations;

(3) the United States has a significant and growing need for skilled information technology workers;

(4) unemployed and underemployed rural employees represent a potential workforce to fill information technology jobs;

(5) teleworking allows rural employees to perform skill intensive information technology jobs from their communities for firms located outside rural communities; and

(6) employing a rural teleworkforce in information technology fields will require—

(A) employers that are willing to hire rural residents or contract for work to be performed in rural communities;

(B) recruitment and training of rural residents appropriate for work in information technology fields;

(C) means of connecting employers with employees through advanced telecommunications services; and

(D) innovative approaches and collaborative models to create rural technology business opportunities and facilitate the employment of rural individuals.

(b) PURPOSES.—The purposes of this Act are—

(1) to authorize the Secretary of Agriculture to make competitive grants to establish National Centers for Distance Working in rural areas to provide assistance to individuals in rural communities to support the use of teleworking in information technology fields;

(2) to promote teleworking arrangements, small electronic business development, and creation of information technology jobs in rural areas for the purpose of creating sustainable economic opportunities in rural communities;

(3) to promote the practice of teleworking to information technology jobs among rural, urban, and suburban residents, Indian tribes, job training and workforce development providers, educators, and employers;

(4) to meet the needs of information technology and other industries for skilled employees by accelerating the training and hiring of rural employees to fill existing and future jobs from rural communities and Indian reservations;

(5) to promote teleworking and small electronic business as sustainable income sources for rural communities and Indian tribes; and

(6) to study, collect information, and develop best practices for rural teleworking employment practices.

SEC. 3. NATIONAL CENTERS FOR DISTANCE WORKING PROGRAM.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) is amended by adding at the end the following:

''SEC. 376. NATIONAL CENTERS FOR DISTANCE WORKING PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) CENTER.—The term 'Center' means a National Center for Distance Working established under subsection (b) that receives a grant under this section.

''(2) ELIGIBLE ORGANIZATION.—The term 'eligible organization' means a nonprofit entity, an educational institution, a tribal government, or any other organization that meets the requirements of this section and such other requirements as are established by the Secretary.

''(3) INFORMATION TECHNOLOGY.—The term 'information technology' means any equipment, or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information, including a computer, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources.

''(4) RURAL AREA.—The terms 'rural' and 'rural area' have the meaning given the terms in section 381A.

''(5) SECRETARY.—The term 'Secretary' means the Secretary, acting through the Administrator of the Rural Utility Service.

''(6) TELEWORKING.—The term 'teleworking' means the use of telecommunications to perform work functions over a distance and to reduce or eliminate the need to perform work at a traditional worksite.

''(b) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary shall establish a National Centers for Distance Working Program under which the Secretary shall make competitive grants to eligible organizations to pay the Federal share of the cost of establishing National Centers for Distance Working in rural areas to conduct projects in accordance with subsection (c).

''(2) ELIGIBLE ORGANIZATION.—The Secretary shall establish criteria that an organization must meet to be eligible to receive a grant under this section.

''(c) PROJECTS.—A Center shall use a grant received under this section to conduct a 5-year project—

''(1) to provide training, referral, assessment, and employment-related services and assistance to individuals in rural communities and Indian tribes to support the use of teleworking in information technology fields, including services and assistance related to high technology training, telecommunications infrastructure, capital equipment, job placement services, and other means of promoting teleworking;

''(2) to identify skills that are needed by the business community and that will enable trainees to secure employment after the completion of training;

''(3) to recruit employers for rural individuals and residents of Indian reservations;

''(4) to provide for high-speed communications between the individuals in the targeted rural community or reservation and employers that carry out information technology work that is suitable for teleworking;

''(5) to provide for access to or ownership of the facilities, hardware, software, and other equipment necessary to perform information technology jobs; and

''(6) to perform such other functions as the Secretary considers appropriate.

''(d) ELIGIBILITY CRITERIA.—

''(1) APPLICATION AND PLAN.—As a condition of receiving a grant under this section for use with respect to a rural area, an organization shall submit to the Secretary, and obtain the approval of the Secretary of, an application and 5-year plan for the use of the grant to carry out a project described in subsection (c), including a description of—

''(A) the businesses and employers that will provide employment opportunities in the rural area;

''(B) fundraising strategies;

''(C) training and training delivery methods to be employed;

''(D) the rural community of individuals to be targeted to receive assistance;

''(E) any support from State and local governments and other non-Federal sources; and

''(F) outreach activities to be carried out to reach potential information technology employers.

''(2) NON-FEDERAL SHARE.—

''(A) IN GENERAL.—As a condition of receiving a grant under this section, an organization shall agree to obtain, after the application of the organization has been approved and notice of award has been issued, contributions from non-Federal sources that are equal to—

''(i) during each of the first, second, and third years of a project, 1 non-Federal dollar for each 2 Federal dollars provided under the grant; and

''(ii) during each of the fourth and fifth years of the project, 1 non-Federal dollar for each Federal dollar provided under the grant.

''(B) INDIAN TRIBES.—Notwithstanding subparagraph (A), an Indian tribe may use Federal funds made available to the tribe for self-governance to pay the non-Federal contributions required under subparagraph (A).

''(C) FORM.—The non-Federal contributions required under subparagraph (A) may be in the form of in-kind contributions, including office equipment, office space, and services.

''(e) SELECTION CRITERIA.—

''(1) IN GENERAL.—The Secretary shall—

''(A) establish criteria for the selection of eligible organizations to receive grants under this section; and

''(B) evaluate, rank, and select eligible organizations on the basis of the selection criteria.

''(2) FACTORS.—The selection criteria established under paragraph (1) shall include—

''(A) the experience of the eligible organization in conducting programs or ongoing efforts designed to improve or upgrade the skills of rural employees or members of Indian tribes;

''(B) the ability of the eligible organization to initiate a project within a minimum period of time;

''(C) the ability and experience of the eligible organization in providing training to rural individuals who are economically disadvantaged or who face significant barriers to employment;

''(D) the ability and experience of the eligible organization in conducting information technology skill training;

''(E) the degree to which the eligible organization has entered into partnerships or contracts with local, tribal, and State governments, community-based organizations, and prospective employers to provide training, employment, and supportive services;

''(F) the ability and experience of the eligible organization in providing job placement for rural employees with employers that are suitable for teleworking;

''(G) the computer and telecommunications equipment that the eligible organization has or expects to possess or use under contract on initiation of the project; and

''(H) the means the applicant proposes, such as high-speed Internet access, to allow communication between rural employees and employers.

''(3) PUBLICATION.—The Secretary shall—

''(A) publish the selection criteria established under this subsection in the Federal Register; and

''(B) include a description of the selection criteria in any solicitation for applications for grants made by the Secretary.

''(f) STUDIES OF TELEWORKING.—

''(1) IN GENERAL.—To promote the development of teleworking in rural areas, the Secretary may make grants to entities to conduct research on economic, operational, social, and policy issues relating to teleworking in rural areas, including the development of best practices for businesses that employ teleworkers.

''(2) LIMITATION.—The Secretary shall use not more than $1,000,000 of funds made available for a fiscal year under subsection (g) to carry out this subsection.

''(g) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to carry out this section $11,000,000 for each fiscal year.''.

By Mr. BROWNBACK:

S. 2449. A bill to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, prosecution, and enforcement against traffickers, and through protection and assistance to victims of trafficking; to the Committee on Foreign Relations.

THE INTERNATIONAL ANTI-TRAFFICKING ACT OF 2000

Mr. BROWNBACK. Mr. President, today, I am introducing legislation entitled the International Anti-Trafficking Act of 2000 which combats the insidious practice of trafficking of persons worldwide.

As we begin the 21st Century, the degrading institution of slavery continues throughout the world. Sex trafficking is a modern day form of slavery, and it is the largest manifestation of slavery in the world today.

Every year, approximately 1 million women and children are forced into the sex trade against their will, internationally. They are usually transported across international borders so as to ''shake'' local authorities, leaving the victims defenseless in a foreign country, virtually held hostage in a strange land. It is estimated that at least 50,000 women and children are brought into the United States annually, for this purpose. The numbers are staggering, and growing rapidly. Some report that over 30 million women and children have been enslaved in this manner since the 1970's. I believe this is one of the most shocking and rampant human rights abuses worldwide.

One of two methods, fraud or force, is used to obtain victims. The most common method, ''fraud,'' is used with villagers in under-developed areas. Typically the ''buyer'' promises the parents that he is taking their young daughter to the city to become a nanny or domestic servant, giving the parents a few hundred dollars as a ''down payment'' for the future money she will earn for the family. Then the girl is transported across international borders, deposited in a brothel and forced into the trade, until she is no longer useful (becoming sick with AIDS). She is held against her will under the rationale that she must ''work off'' her debt which was paid to the parents, which typically takes several years. The second method used for obtaining victims is ''force'' which is used in the cities, where a girl is physically abducted, beaten, and held against her will, sometimes in chains. The routes are specific and definable, and include Burma to Thailand, Eastern Europe to the Middle East, and Nepal to India, among numerous other routes, through which victims of this practice are channeled.

Presently, no comprehensive legislation has been adopted, yet, which holistically challenges the practice of trafficking and assists the victims. I am introducing this legislation, the International Anti-Trafficking Act of 2000, today as a companion to the legislation introduced by Congressman CHRIS SMITH and Congressman SAM GEJDENSON, known as the Trafficking Victims Protection Act of 2000 (H.R. 3244). Senator WELLSTONE has also introduced legislation which closely mirrors the Smith-Gejdenson bill. Our primary difference is the methods for enforcement. Unless the President implements one of the broad waivers granted to him in this legislation, non-humanitarian, non-trade foreign assistance (listed under the Foreign Assistance Act of 1961) to countries will be suspended if countries fail to meet the minimum standard to stop the flow of traffickers in their own countries. Please note that there is an extremely broad national interest waiver provision granted to the President which allows him to exempt any and all programs, as well as an additional waiver which allows the President to guard against any adverse effect on vulnerable victims of trafficking, including women and children.

This bill presents a comprehensive scheme to ''penalize the full range of offenses'' involved in elaborate trafficking networks. It also provides a doorway of freedom for those who are presently enslaved throughout the world and promotes their recovery in civil society. Some of the provisions include: establishment of an Interagency Task Force to Monitor and Combat Trafficking, enhanced reporting by the State Department on this practice, protection and assistance for victims of trafficking, changes in immigration status allowing victims to stay to testify in prosecutions, strengthens prosecution and punishment of traffickers, among other provisions.

In short, we believe it's time to challenge this evil slavery practice known as trafficking, and I believe this legislation is a first step to gaining freedom for those who are presently bound.

By Mr. COVERDELL:

S. 2452. A bill to reduce the reading deficit in the United States by applying the findings of scientific research in reading instruction to all students who are learning to read the English language and to amend the Elementary and Secondary Education Act of 1965 to improve literacy through family literacy projects and to reauthorize the inexpensive book distribution program; to the Committee on Health, Education, Labor, and Pensions.

READING DEFICIT ELIMINATION ACT OF 2000

Mr. COVERDELL. Mr. President, America has a reading deficit! According to the National Adult Literacy Survey (NALS), 41 million adults are unable to perform even the simplest literacy tasks. The most recent National Assessment of Educational Progress (NAEP) conducted in 1998 continues to show that almost 70 percent of 4th grade students cannot read at a proficient level. Even worse, 40 percent of those 4th graders could not read at even a basic level for their grade.

In short, Mr. President, unless we treat this situation as the national emergency that it is—and soon—the next decade will see an astonishing 70 percent of our 4th grade students joining the ranks of those 41 million American adults who are unable to perform simple literacy tasks.

The ability to read the English language with fluency and comprehension is essential if individuals, old and young, are to reach their full potential in any field of endeavor. As the saying goes, ''reading is fundamental.''

And the statistics bear that out as well. Workers who lack a high school diploma earn a mean monthly income of $452, compared to $1,829 for those with a bachelor's degree. Forty three percent of people with the lowest literacy skills live in poverty, 17 percent receive food stamps, and 70 percent have no job or a part-time job.

And make no mistake that the nation itself and not just individuals will suffer. If our children are not taught to read, who will man our high tech defenses or fill the high tech jobs in America's future?

Compounding these astounding statistics, Mr. President, the 1998 NAEP also found that minority students on average continue to lag far behind in reading proficiency, even though many of them are in Title I programs of the Elementary and Secondary Education Act or participated in Head Start programs.

Clearly, throwing taxpayer money at the problem does not work. Our children's reading scores continue to decline or remain stagnant, even though Congress has spent more than $120 million over the past 30 years for academic enrichment programs under Title I and other federal efforts ostensibly with the primary purpose of improving reading skills among disadvantaged children.

It should also be pointed out that more than half of the students being placed in the special learning disabilities category of our Special Education programs are there in large part because they have not learned to read. The national cost of special education at the federal, state, and local levels now exceeds $60 billion each year. The National Institute for Child Health and Human Development says that 90–95 percent of these students could learn to read and be returned to their regular classrooms if they were given instruction using scientifically based reading principles. This would result in over $12 billion in savings nationwide every year by eliminating the need for special education for these children.

In response to these disturbing national statistics concerning the inability of so many children to read, I worked with Representative BILL GOODLING—Chairman of the Education Committee in the House of Representatives—to develop the Reading Deficit Elimination Act of 2000, which I am introducing today.

By providing funds for teacher training, textbook and curriculum purchases, student assessments, teacher bonuses, and tuition assistance grants to parents, this legislation offers the States a helping hand in teaching students nationwide to read. Unlike the unfunded mandates that have failed in the past, this legislation will give states and communities funds to institute reading instruction based on years of federally sponsored research, giving them the ability and the flexibility to help our children succeed.

The National Reading Panel—requested by Congress and created by the National Institute of Child Health and Human Development—released its report just this morning on scientifically-based reading instruction and research in a hearing of the Senate's Labor/HHS Appropriations Subcommittee chaired by Senator COCHRAN.

The report clearly articulates the most effective approaches to teaching children to read, the status of the research on reading, reading instruction practices that are ready to be used by teachers in classrooms around the country, and a plan to rapidly disseminate the findings to teachers and parents. The report also constitutes the most comprehensive review of existing reading research to be undertaken in American education history. Panel members identified more than 100,000 research studies completed since 1966, developed and submitted them to rigorous criteria for their review.

A major finding of the report was that systematic phonics instruction is one of the necessary components of a total reading program. Similarly, the NRP also found that the sequence of reading instruction that obtains maximum benefits for students should include instruction in phonemic awareness, systematic phonics, reading fluency, spelling, writing and reading comprehension strategies. We must use the knowledge of reading skills and the principles for teaching reading skills gained from these studies from the government and the private sector to reduce the number of individuals and students who cannot read.

The programs and provisions in the Reading Deficit Elimination Act of 2000 are based on these finding by the National Reading Panel.

Mr. President, Frederick Douglass, arguably the most influential African American of the nineteenth century said, ''Once you learn to read, you will be forever free.'' Douglass knew the importance of freedom, and he knew the importance of literacy. The ability to read the English language with fluency and comprehension is essential if individuals are to reach their full potential in any endeavor. Again, as the saying goes: ''Reading is fundamental.'' No one should be left behind because they can't read. We must not limit the success of the next generation by allowing them to continue down the path of illiteracy. We must teach them to read and give them this fundamental tool they need to succeed in life as well as in school.

By Mr. BURNS (for himself and Mr. BREAUX):

S. 2454. A bill to amend the Communications Act of 1934 to authorize low-power television stations to provide digital data services to subscribers; to the Committee on Commerce, Science, and Transportation.

Mr. BURNS. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2454

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROVISION OF DIGITAL DATA SERVICES BY LOW-POWER TELEVISION STATIONS.

Section 336 of the Communications Act of 1934 (47 U.S.C. 336) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

''(h) LPTV PROVISION OF DIGITAL DATA SERVICES.—

''(1) IN GENERAL.—A low-power television station may utilize its authorized spectrum to provide digital data services to the public by subscription.

''(2) NOTICE REQUIRED.—Before providing such services under paragraph (1), a low-power television station shall provide notice to the Commission in such form and at such time as the Commission may require.

''(3) PROTECTION FROM INTERFERENCE.—The Commission may not authorize any new service, television broadcast station, or modification of any existing authority that would result in the displacement of, or predicted interference with, a low-power television station providing such services.

''(4) PROTECTION OF TELEVISION SIGNALS.—The Commission shall prevent interference with television signal reception from low-power television stations providing such services.

''(5) DIGITAL DATA SERVICE DEFINED.—In this subsection, the term 'digital data service' includes—

''(A) digitally-based interactive broadcast service; and

''(B) wireless Internet access, without regard to whether such access is—

''(i) provided on a one-way or a two-way basis;

''(ii) portable or fixed; or

''(iii) connected to the Internet via a band allocated to Interactive Video and Data Service, and

without regard to the technology employed in delivering such service, including the delivery of such service via multiple transmitters at multiple locations.''.

By Mr. BROWNBACK (for himself, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BINGAMAN, Mr. BREAUX, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, Mr. L. CHAFEE, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DASCHLE, Mr. DEWINE, Mr. DURBIN, Mr. DODD, Mr. DOMENICI, Mr. EDWARDS, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRIST, Mr. FITZGERALD, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Ms. LANDRIEU, Mr. LEAHY, Mr. LIEBERMAN, Mr. LEVIN, Mr. LOTT, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. ROBERTS, Mr. ROTH, Mr. SANTORUM, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. TORRICELLI, Mr. VOINOVICH, and Mr. WARNER):

S. 2453. A bill to authorize the President to award a gold medal on behalf of Congress to Pope John Paul II in recognition of his outstanding and enduring contributions to humanity, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

CONGRESSIONAL GOLD MEDAL FOR POPE JOHN PAUL II

Mr. BROWNBACK. Mr. President, I rise today to introduce legislation awarding the Congressional Gold Medal to Pope John Paul II.

Mr. President, Pope John Paul II is the most recognized person in the world, having personally visited tens of millions, in almost every continent and country. He has been one of the greatest pastoral leaders of this century, fearlessly guiding the Catholic Church

into the new millennium. Due to his tremendous faith and leadership he was elected bishop at a very early age, and elected to the papacy on October 16, 1978, at the age of 58.

Though many people see the Pope as an important statesman, diplomat, and political figure, Pope John Paul II is much more than that. As spiritual leader to the world's 1 billion Catholics, the Pope has commenced a great dialog with modern culture, one that transcends the boundaries of political or economic ideology.

As have his predecessors of happy memory, he stands boldly as an ever vigilant sign of contradiction to a culture that is darkened by the clouds of death. In the face of this mounting storm, he has tirelessly proclaimed the need for a culture of life.

In what is now one of the Pope's most famous encyclicals, and the one which he regards to be the most significant of this pontificate, Evangelium Vitae (the Gospel of Life), he argues powerfully for an increased respect for all human life:

Thirty years later, taking up the words of the Council and with the same forcefulness I repeat that condemnation in the name of the whole Church, certain that I am interpreting the genuine sentiment of every upright conscience: "Whatever is opposed to life itself, such as any type of murder, genocide, abortion, euthanasia, or willful self-destruction, whatever violates the integrity of the human person, such as mutilation, torments inflicted on body or mind, attempts to coerce the will itself; whatever insults human dignity, such as subhuman living conditions, arbitrary imprisonment, deportation, slavery, prostitution, the selling of women and children; as well as disgraceful working conditions, where people are treated as mere instruments of gain rather than as free and responsible persons; all these things and others like them are infamies indeed. They poison human society, and they do more harm to those who practice them than to those who suffer from the injury. Moreover, they are a supreme dishonor to the Creator."

That is from the Pope's Evangelium.

Mr. President, the urgency of this message—the Pope's message—becomes more acute by the day; particularly at the beginning of the new millennium.

The Pope, having witnessed firsthand the brutal inhumanity of Nazi and Communist regimes, understands, in a way few of us can appreciate, the true dignity of each and every human being. He is a crusader against the offenses against human dignity that have transpired in the 20th century. More than any other single person this century, Pope John Paul II has worked to protect the rights of each individual.

As well, John Paul II has addressed almost every major question posed by the modern mind at the turn of the millennium.

As noted by the biographer of the Pope, George Weigel, the Pope has provided answers to the questions and desires facing today's world: The human yearning for the sacred, the meaning of freedom, the quest for a new world order, the nature of good and evil, the moral challenge of prosperity, and the imperative of human solidarity in the emerging global civilization. Through his teaching, the Pope has brought the timeless principles of truth contained in the gospel into active conversation with contemporary life and thought. The Pope has started a peaceful dialogue between ideas of the modern world and the age-old truths contained in the Gospel message.

One of the gospel messages emphasized by the Pope is the need for forgiveness and reconciliation with God, and with our sisters and brothers. A week before his historic personal pilgrimage to the Holy Land the Pope asked forgiveness from God on behalf of Christians who were inactive, or who were not active enough in opposing the forces of evil that have ravaged humanity during the past century.

This apology preceded his recent personal pilgrimage to the Holy Land; a pilgrimage in which the Pope opened up yet another dialog—this time with the people of the Middle East—a region ripped apart by centuries old conflict, bitterness, and war. Again, in the Holy Land, he empathized with those who suffered under the tyranny of the Nazi regime. The Pope highlighted during his trip, and he has on other occasions, his deep compassion for those who suffered under the brutality of Hitler's Germany and their genocidal war.

In the midst of the conflict in the Holy Land, the Pope again shone through as a beacon of light and peace as he proclaimed yet again to the people of the Middle East and the World, the universal calls to holiness.

As the New York Times so eloquently noted after the Pope's visit to Jerusalem's Yad Vashem:

John Paul has done more than any modern pope to end the estrangement between Catholics and Jews. He was the first pope to pray in a synagogue, the first to acknowledge the failure of individual Catholics to deter the Holocaust and the first to call anti-Semitism a sin "against God and man."

There is a valedictory quality to the Pope's actions and travels as the church approaches its third millennium. He seems determined to trace the birth of Christianity in this epochal year, to right the wrongs of the church and to bring a spirit of conciliation to the Middle East. Not long ago he went to Egypt and visited Mount Sinai, where Moses received God's law. This week he stood atop Mount Nebo in Jordan and looked across the Promised Land. He prayed in silence near the places where Jesus was born and baptized. Most people as infirm as John Paul would not dare make such strenuous trips. But he seems to be a man on a mission, and the world is better for it.

That was from the New York Times.

He is indeed a man on a mission. His message was peacefully conveyed in the Middle East to peoples with whom he has obvious deep religious differences. His serenity in the midst of such turmoil, as well as his obvious love for all people should be a model for us all as we encounter people in our daily life with whom we radically disagree, or with whom we have had a difficult relationship.

His epoch journey to the Holy Land will be remembered by history. And, I have no doubt that his presence there will leave a lasting impression, and I hope that it will work to bring about true peace as well.

His trip to the Middle East is just one particular example. The Pope's dialog with the modern era has taken him across the world, and has brought the Church into active conversation with people that many in the modern world have chosen to either forget or to ignore. It is a dialog that is ultimately a challenge to the people of the United States as well.

For example, his trip to Cuba initiated a dialog between politically opposed forces both here in America and in Cuba.

Also, Pope John Paul II's recent call to forgive the debt incurred by Third World countries during the past century, was and is, a challenge to the industrialized nations of the world to join hands in an effort to begin lifting the forgotten people of heavily indebted countries into the next millennium by providing some of the economic relief that they need. This is the challenge presented to those in industrialized countries, to remember and to help those who are less fortunate.

The legislation I just introduced has been cosponsored by 66 of my Senate colleagues, and I am hopeful that we can pass this legislation quickly in order to honor so great a man who has done such great things.

By Mr. ASHCROFT:

S.J. Res. 45. A joint resolution proposing an amendment to the Constitution of the United States to allow the States to limit the period of time United States Senators and Representatives may serve; to the Committee on the Judiciary.

AMENDMENT TO CONSTITUTION OF THE UNITED STATES TO ALLOW STATES TO LIMIT THE PERIOD OF TIME UNITED STATES SENATORS AND REPRESENTATIVES MAY SERVE

Mr. ASHCROFT. Mr. President, I rise today to introduce a joint resolution proposing a constitutional amendment regarding Congressional term limits and the ability of States to set term limits for members of the United States Congress. Mr. President, I would like to summarize the history of this proposed constitutional amendment.

On November 29, 1994, the Clinton administration argued before the Supreme Court of the United States that States should not have the right to limit congressional terms. Thus, the executive branch has spoken against the right of the states and of the people to limit the number of terms individuals may serve in the U.S. Congress.

On May 23rd, 1995, in *U.S. Term Limits* v. *Thorton* (514 U.S. 779), the Supreme Court denied the people the right to limit congressional terms. Before the court ruling, 23 states, including my home state of Missouri, had some limit on the number of terms members of Congress could serve.

In a 5–4 decision, the Court invalidated measures which represented over five years of work and were supported by 25 million voters. These voters wanted nothing more than to rein in congressional power, restore competitive elections, and create a Congress that looked, and legislated, like America.

Both the executive branch, through the Clinton administration, and the judicial branch, have spoken against the right of States and of the people to limit the terms of individuals who represent them in Congress.

There has been limited debate on terms limits in this Congress. In 1995, the House of Representatives fell well short of the two-thirds majority required to forward to the people a constitutional amendment on term limits. Of the 290-vote margin required for a constitutional amendment, they mustered only 227 votes. What would normally be a significant majority vote in the House, was clearly not enough to ensure that States would have the opportunity to vote on a constitutional amendment permitting term limits.

One hope for the overwhelming number of people in this country who endorse term limits is for Congress to extend them the opportunity to amend the Constitution in a way that would allow individual States to limit the terms members of Congress may serve. More than 3 out of 4 people in the United States endorse the concept of term limits. They have watched individuals come to Washington and spend time here, captivated by the Beltway logic, the spending habits and the power that exists in this city. The people of America know that the talent pool in America is substantial and there are many who ought to have the opportunity to serve in Congress. Furthermore, they know that term limits would ensure that individuals who go to Washington return someday to live under the very laws that they enact.

In January of 1995, Senator THOMPSON and I introduced a constitutional amendment that would have limited members of Congress to three terms in the House and two terms in the Senate. As a result of its defeat and of the administration's refusal to recognize the will of the people, in May of 1995, I introduced S.J. Res. 36, a different kind of constitutional amendment. This amendment simply would give States the explicit right to limit congressional terms. It would not mandate that any State limit the nature or extent of the terms of the individuals who represent it in the Congress. Instead, it would give the States, if they chose to do so, the right to limit the members' terms who represent that State. I am reintroducing that amendment today.

In the Thornton case, Justice Thomas wrote, ''Where the Constitution is silent it raises no bar to action by the States or the people.'' I believe he is correct. This is the concept embodied in the often forgotten Tenth Amendment that would not cede all power to the federal government, only to have it doled back to us where the federal government thinks it appropriate. This proposed amendment is offered to rectify that situation.

The people of this Republic should have the opportunity to limit the terms of those who serve them in Congress. In light of the fact that the administration has argued against term limits, the executive branch is not going to support term limits, and because the judicial branch has ruled conclusively now that the States have no constitutional authority to act in this area, it is up to those of us in Congress to give the people the opportunity to be heard on this issue.

We must, at least, give them the opportunity to vote on that right by sending to them this joint resolution on the right of States and individuals to limit members' terms who serve the States and the districts of those States in the U.S. Congress.

It is a profoundly important expression of our confidence in the people of this country to extend to them the right to be involved in making this judgment. I submit this joint resolution today in the hopes that democracy will continue to flourish as people have greater opportunities to be involved.

ADDITIONAL COSPONSORS

S. 311

At the request of Mr. MCCAIN, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 311, a bill to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs, and for other purposes.

S. 386

At the request of Mr. GORTON, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 386, a bill to amend the Internal Revenue Code of 1986 to provide for tax-exempt bond financing of certain electric facilities.

S. 577

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 577, a bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

S. 866

At the request of Mr. CONRAD, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 866, a bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of participation for hospitals and ambulatory surgical centers under the medicare program relating to certified registered nurse anesthetists' services to make the regulations consistent with State supervision requirements.

S. 1067

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1067, a bill to promote the adoption of children with special needs.

S. 1155

At the request of Mr. ROBERTS, the names of the Senator from Missouri (Mr. ASHCROFT), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1452

At the request of Mr. SHELBY, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1452, a bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 1519

At the request of Mr. BAYH, the names of the Senator from Illinois (Mr. DURBIN), and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1519, a bill to amend the Internal Revenue Code of 1986 to provide that certain educational benefits provided by an employer to children of employees shall be from gross income as a scholarship.

S. 1600

At the request of Mr. HARKIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1600, a bill to amend the Employee Retirement Income Security Act of 1974 to prevent the wearing away of an employee's accrued benefit under a defined benefit plan by the adoption of a plan amendment reducing future accruals under the plan.

S. 1691

At the request of Mr. INHOFE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1691, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize programs for predisaster mitigation, to

streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes.

S. 1822

At the request of Mr. MCCAIN, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1822, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1880

At the request of Mr. KENNEDY, the names of the Senator from Georgia (Mr. CLELAND), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1880, a bill to amend the Public Health Service Act to improve the health of minority individuals.

S. 1883

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1883, a bill to amend title 5, United States Code, to eliminate an inequity on the applicability of early retirement eligibility requirements to military reserve technicians.

S. 1921

At the request of Mr. CAMPBELL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 1941

At the request of Mr. DODD, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 1961

At the request of Mr. JOHNSON, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1961, a bill to amend the Food Security Act of 1985 to expand the number of acres authorized for inclusion in the conservation reserve.

S. 2018

At the request of Mrs. HUTCHISON, the names of the Senator from North Carolina (Mr. EDWARDS), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2033

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2033, a bill to provide for negotiations for the creation of a trust fund to be administered by the International Bank for Reconstruction and Development or the International Development Association to combat the AIDS epidemic.

S. 2071

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 2071, a bill to benefit electricity consumers by promoting the reliability of the bulk-power system.

S. 2123

At the request of Ms. LANDRIEU, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2123, a bill to provide Outer Continental Shelf Impact assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

S. 2235

At the request of Ms. COLLINS, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2235, a bill to amend the Public Health Act to revise the performance standards and certification process for organ procurement organizations.

S. 2246

At the request of Mr. BOND, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2246, a bill to amend the Internal Revenue code of 1986 to clarify that certain small businesses are permitted to use the cash method of accounting even if they use merchandise or inventory.

S. 2254

At the request of Mr. LIEBERMAN, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 2254, a bill to amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements to that Act, and for other purposes.

S. 2311

At the request of Mr. KENNEDY, the names of the Senator from Georgia (Mr. CLELAND), the Senator from Virginia (Mr. ROBB), the Senator from Washington (Mrs. MURRAY), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 2311, a bill to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes.

At the request of Mr. JEFFORDS, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 2311, supra.

S. 2330

At the request of Mr. COVERDELL, his name was added as a cosponsor of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2341

At the request of Mr. GREGG, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 2341, a bill to authorize appropriations for part B of the Individuals with Disabilities Education Act to achieve full funding for part B of that Act by 2010.

S. 2344

At the request of Mr. BROWNBACK, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2344, a bill to amend the Internal Revenue Code of 1986 to treat payments under the Conservation Reserve Program as rentals from real estate.

S. 2365

At the request of Ms. COLLINS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2365, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services.

S. 2393

At the request of Mr. DURBIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2393, a bill to prohibit the use of racial and other discriminatory profiling in connection with searches and detentions of individuals by the United States Customs Service personnel, and for other purposes.

S. 2408

At the request of Mr. BINGAMAN, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2409

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 2409, a bill to provide for enhanced safety and environmental protection in pipeline transportation, and for other purposes.

S.J. RES. 44

At the request of Mr. KENNEDY, the names of the Senator from Tennessee

(Mr. FRIST), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S.J. Res. 44, a joint resolution supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II.

S. RES. 247

At the request of Mr. CAMPBELL, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Ohio (Mr. VOINOVICH), the Senator from North Carolina (Mr. EDWARDS), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. Res. 247, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

SENATE CONCURRENT RESOLUTION 104—EXPRESSING THE SENSE OF THE CONGRESS REGARDING THE ONGOING PROSECUTION OF 13 MEMBERS OF IRAN'S JEWISH COMMUNITY

Mr. SCHUMER. (for himself, Mr. BROWNBACK, Mr. WYDEN, Mr. DODD, Mr. LIEBERMAN, and Mr. FEINGOLD) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 104

Whereas on the eve of the Jewish holiday of Passover in 1999, 13 Jews, including community and religious leaders in the cities of Shiraz and Isfahan, were arrested by the authorities of the Islamic Republic of Iran and accused of spying for the United States and Israel;

Whereas no evidence has been brought forth to substantiate these arrests, and no formal charges have been lodged after more than a year of consideration;

Whereas the Secretary of State has identified the case of the 13 Jews in Shiraz as "one of the barometers of U.S.-Iran relations";

Whereas countless nations have expressed their concern for these individuals and especially their human rights under the rule of law;

Whereas Iran must show signs of respecting human rights as a prerequisite for improving its relationship with the United States; and

Whereas President Khatami was elected on a platform of moderation and reform: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the Clinton Administration should—

(1) condemn, in the strongest possible terms, the arrest and continued prosecution of the 13 Iranian Jews;

(2) demand that these fabricated charges be dropped immediately and individuals released forthwith; and

(3) ensure that Iran's treatment of this case is a benchmark for determining the nature of current and future United States-Iran relations.

Mr. SCHUMER. Mr. President, I rise on the eve of the trial of 13 Iranian Jews charged with spying on behalf of the United States and Israel to ask my colleagues to support a Concurrent Resolution urging President Clinton to do everything possible to ensure that the accused men receive a fair and open trial. As it stands right now, the Revolutionary Court judge has made a mockery of any pretense that the men will receive a fair hearing. Ten of the 13 have, for nearly a year, been denied their legal right to choose their own lawyers, and have only recently been appointed lawyers by the judge in the case—just days before the trial was set to begin. Furthermore, the trial is scheduled to be closed to any outside observers or media.

These facts do not bode well for the accused. However, I believe that strong pressure from the United States will help convince the Iranian government that should these men experience anything less than a fair outcome in this preposterous case, Teheran would face serious consequences.

The 13 Iranian Jews, mostly community and religious leaders in the cities of Shiraz and Isfahan, were arrested one year ago by the Iranian authorities and accused of spying. No evidence has been brought forth to substantiate the arrests. Indeed, how could it be? Jews in Iran are prohibited from holding any positions that would grant them access to state secrets.

What I find most troubling is that the United States recently presented Iran with goodwill overtures, such as lifting restrictions on many Iranian imports and easing travel restrictions between our two countries, but we receive no assurances that these gestures would be reciprocated in any way. In fact, Iran has continued to display nothing but hostility and contempt for the United States and everything for which we stand. At a minimum, Iran must show signs of respecting human rights as a prerequisite for our improving relations with them. In fact, Secretary of State Albright has identified the case of the 13 Jews in Iran as "one of the barometers of United States-Iran relations." I urge the President to make perfectly clear to Iran that the stakes in this trial are exceedingly high, and need to be taken very seriously.

Now, much has been made of President Mohammad Khatami's popular reform movement, and there is significant optimism that a kinder, gentler Iran is slowly emerging from the darkness of a 20-year hardline clerical dictatorship. Indeed, Khatami has received a huge mandate from the people of Iran over the past four years. However, Iran must fully understand that normalized relations with the United States is only a pipedream if persecution such as that enacted upon the 13 Jews accused of spying goes unchallenged. If it does not, then what kind of reform movement are we really witnessing?

Colleagues, I strongly urge you to join me in co-sponsoring this Resolution to send a message to the President that he must use all his resources to convince President Khatami that a farcical trial leading to a pre-ordained outcome would send US-Iran relations back to ground zero.

SENATE CONCURRENT RESOLUTION 105—DESIGNATING APRIL 13, 2000, AS A DAY OF REMEMBRANCE OF THE VICTIMS OF THE KATYN FOREST MASSACRE

Mr. ABRAHAM submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 105

Whereas 60 years ago, the Katyn Forest crime was committed, resulting in the death of 21,000 Polish military officers of all armed services, and justice and administration personnel;

Whereas, on the occasion of 60th anniversary of the Katyn crime, the Lower Chamber of the Polish Parliament (Sejm) will pay homage to all those murdered—the "best sons of the nation", those who had not given in to Soviet ideology and physical pressure, and remained loyal to the Republic of Poland and the values they were taught to uphold;

Whereas Congress joins the Sejm in condemning all forms of genocide, murder, deportation, and violation of human rights;

Whereas Congress joins the Sejm in its appreciation to all scholars, researchers, and writers, especially those under Soviet domination, who had the courage to tell the truth about the Katyn crime;

Whereas Congress acknowledges with gratitude the Sejm's recognition of the pioneering work of Congress and the House of Representatives for the establishment in 1951 of a Select Committee to conduct an investigation of the Katyn crime;

Whereas Congress is pleased to join the Sejm in thanking those citizens of Russia who, guided by their sense of honor and dignity, contributed to the disclosure of the basic Katyn crime and the confirming, related documents; and

Whereas Congress continues to recognize the importance of remembering the victims of communism as when it passed H.R. 3000 in 1993 calling for a Victims of Communism Memorial, and commends the work of the Victims of Communism Memorial Foundation in working toward this objective: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress joins the Polish Sejm in designating April 13, 2000, as a day of remembrance to the victims of the Katyn Massacre that occurred 60 years ago and urges citizens of the United States to join their Polish counterparts in learning about and understanding what happened in the Katyn Forest.

• Mr. ABRAHAM. Mr. President, I rise to submit a concurrent resolution commemorating the sixtieth anniversary of the Katyn Forest massacre. For too long, Mr. President, too much of the world has been silent concerning this horrible crime against humanity, committed by the forces of communism. Through this resolution we may join with the Polish people in reminding

the world of the horrors suffered by that nation's people at the hands of Soviet forces.

Now that the forces of Soviet communism have been defeated, Mr. President, it is too easy to forget those whose suffering has never been properly recognized. And few suffered as did the Poles. This proud nation, so often torn apart by opposing forces through the centuries, had once again achieved independence after World War I. The infamous Hitler/Stalin pact put an end to that independence, splitting the Polish nation in half, with each half being enslaved to a separate totalitarian dictatorship.

The horrors visited upon the Polish people by Hitler's Nazi regime are well known, they are rightly commemorated in monuments and declarations. But the victims of Soviet communism in Poland have not had their story told. For the sake of humanity and freedom around the globe, that story must be told. This resolution is a beginning to that process. It is a first step in telling the world the full, awful truth of what was done to real people in the name of an abstract, unreal vision of Soviet humanity.

Sixty years ago, 21,000 Polish military officers, justice and administration personnel were slaughtered in the Katyn Forest. Today the Lower House of the Polish Parliament, the Sejm, is paying homage to these murdered patriots. These ''best sons of the nation,'' as the Sejm calls them, those who refused to give in to Soviet ideology and physical intimidation, remained loyal to the Republic of Poland, and to the values of freedom, faith and nation, to which that Republic was dedicated. They paid for their patriotism with their lives.

For too long, Mr. President, the awful story of this massacre has been kept from the light of day. As we pay tribute to the patriots slain in the Katyn Forest, it is only right that we pay tribute to the brave citizens of the then-Soviet Union who risked their own lives and freedom in helping disclose the events we mark today. We also should be grateful to those who, after the fall of Soviet communism, have obeyed their own sense of honor in contributing to the confirmation and documentation of this crime.

Now the full story of the Katyn Forest can be told. It is my hope that this story will be told throughout the United States, Europe and the rest of the world as a reminder of the inhumanities perpetrated by those enthralled to the ideology of communism. By telling this story, we can help open the hearts and minds of people everywhere to the dangers of armed ideologies. The U.S. Congress itself has recognized the importance of remembering the victims of communism. That is why, in 1993, we passed a Resolution calling for a Victims of Communism Memorial and commending the work of the Victims of Communism Memorial Foundation for its work toward that objective.

Mr. President, it is my hope that this resolution can serve to bring us closer to our brethren in Poland and to people around the world who love freedom. The price paid by the Polish people for their liberty is one for which all of us owe them a great debt of gratitude and respect. The blood of martyrs was spilled in the Katyn Forest. Martyrs to freedom and humanity. We have a duty, in my view, to pay tribute to the sacrifice they made for us all.●

SENATE CONCURRENT RESOLUTION 106—RECOGNIZING THE HERMANN MONUMENT AND HERMANN HEIGHTS PARK IN NEW ULM, MINNESOTA, AS A NATIONAL SYMBOL OF THE CONTRIBUTIONS OF AMERICANS OF GERMAN HERITAGE

Mr. GRAMS (for himself and Mr. WELLSTONE) submitted the following concurrent resolution; which was referred to the Committee on Energy and Natural Resources:

S. CON. RES. 106

Whereas there are currently more than 57,900,000 individuals of German heritage residing in the United States, who comprise nearly 25 percent of the population of the United States and are therefore the largest ethnic group in the United States;

Whereas those of German heritage are not descendants of only 1 political entity, but of all German-speaking areas;

Whereas Americans of German heritage have made countless contributions to American culture, arts, and industry, the American military, and American government;

Whereas there is no nationally recognized tangible symbol dedicated to German Americans and their positive contributions to the United States;

Whereas the story of Hermann the Cheruscan parallels that of the American Founding Fathers, because he was a freedom fighter who united ancient German tribes in order to shed the yoke of Roman tyranny and preserve freedom for the territory of present-day Germany;

Whereas the Hermann Monument located in Hermann Heights Park in New Ulm, Minnesota, was dedicated in 1897 to honor the spirit of freedom and was later dedicated to all German immigrants who settled in New Ulm and elsewhere in the United States; and

Whereas the Hermann Monument has been recognized as a site of special historical significance by the United States Government, by inclusion on the National Register of Historic Places: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, is recognized by Congress as a national symbol of the contributions of Americans of German heritage.

Mr. GRAMS. Mr. President, I come to the floor today to submit a concurrent resolution designating Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, as national symbols of the contributions of Americans of German Heritage. I would like to thank Congressman DAVID MINGE and the other members of the Minnesota Congressional Delegation for introducing a similar resolution in the House of Representatives.

Mr. President, I'd be surprised if anyone in this chamber has heard of Hermann Monument, but I would like to take a few minutes to explain its significance to the City of New Ulm, the State of Minnesota, and Americans of German Heritage across the United States.

The Hermann Monument was erected in 1889 as a tribute to German immigrants to the United States. It honors Hermann the Cheruscan, who forged the creation of a united Germany by defeating three Roman Legions who had occupied the area now known as Germany. Hermann remains a symbol of German history, culture, dedication, and perseverance.

The Hermann Monument, made of copper sheeting riveted to a steel interior frame, was dedicated in New Ulm, Minnesota, on September 25, 1897. It stands 102 feet tall and is the second largest copper statue in the United States, behind only the Statue of Liberty. The Hermann monument remains the only memorial in the United States dedicated to German heritage and the contributions to American culture, arts, industry, and government.

I believe it's also important to note that there are now almost 58,000,000 individuals of German heritage living in the United States, comprising nearly 25 percent of our nation's population. That number makes German-Americans the largest ethnic group in the United States. In Minnesota, the number doubles to roughly 50 percent of Minnesotans being of German heritage.

Today, however, the Hermann Monument faces a serious threat from over 100 years of rain, wind, heat, humidity, hail and other challenges that have rendered the monument in need of restoration. Thankfully, the people of New Ulm have formed the Hermann Monument Renovation Project to raise the roughly $1.75 million needed to restore the monument and construct an Interpretive Center at its base.

Mr. President, the legislation Senator WELLSTONE and I are introducing provides no funding for the restoration of the Hermann Monument. In fact, the Resolution costs the Federal Government nothing. Instead, our Resolution simply recognizes the Hermann Monument as a national symbol of the contributions of German Americans and gives the restoration project a boost in the arm. Our Resolution is a way for every member of the Senate to recognize the contributions of German Americans across the country. It doesn't preclude another such designation in the United States nor does it designate the Hermann Monument as the only National symbol for German Americans.

Mr. President, I hope my colleagues will join me, Senator WELLSTONE, the Minnesota Congressional Delegation, the Society of German-American Studies, the Steuben Society of America, the City of New Ulm, and the people of Minnesota in supporting this Resolution recognizing the contributions of German Americans and the national significance of New Ulm's Hermann Monument.

SENATE CONCURRENT RESOLUTION 107—EXPRESSING THE SENSE OF THE CONGRESS CONCERNING SUPPORT FOR THE SIXTH NONPROLIFERATION TREATY REVIEW CONFERENCE

Mr. AKAKA (for himself, Mr. BAUCUS, Mr. KERRY, Mr. ROTH, and Mr. BINGAMAN) submitted the following concurrent resolution, which was referred to the Committee on Foreign Relations:

S. CON. RES. 107

Whereas the Treaty on the Nonproliferation of Nuclear Weapons (in this concurrent resolution referred to as the ''Treaty'') entered into force 30 years ago on March 5, 1970;

Whereas the original 43 signatories have increased to 187 parties;

Whereas in 1995 the signatories agreed to extend the Treaty indefinitely;

Whereas the Treaty institutionalizes the commitment of the nonnuclear weapons states not to acquire nuclear weapons;

Whereas the United States, the United Kingdom, France, the Russian Federation, and China have committed themselves to a reduction of nuclear weapons;

Whereas the testing of nuclear weapons in South Asia by two of the five countries in the world that have not adhered to the Treaty is cause for renewed attention to the dangers of nuclear proliferation; and

Whereas the Sixth Nonproliferation Treaty Review Conference will take place in New York from April 24 to May 19, 2000: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) reaffirms its support for the objectives of the Treaty on the Nonproliferation of Nuclear Weapons and expresses support for taking all appropriate measures to strengthen the Treaty and attain its objectives;

(2) expresses support for strengthening the international inspection system operated by the International Atomic Energy Agency and for the new Additional Safeguards Protocol to the International Atomic Energy Agency Safeguards Agreement that the International Atomic Energy Agency is negotiating with each adhered to the Treaty; and

(3) calls on all parties participating in the Review Conference to make a good faith effort to ensure the success of the Conference.

• Mr. AKAKA. Mr. President, I rise today to submit a Concurrent Resolution expressing the sense of the Congress concerning support for the Sixth Nonproliferation Treaty Review Conference.

The Sixth Nonproliferation Treaty Review Conference will begin on April 24th in New York City. For the first time since the member parties agreed five years ago to a permanent extension to this important arms control agreement, states will be meeting to discuss additional efforts to strengthen the treaty.

Thirty years ago, this treaty entered into force with 43 signatories. The number of parties to the agreement has increased to 187. Only four states—India, Pakistan, Israel, and Cuba—are not members.

At the time of the last review conference in 1995, members agreed to hold review meetings every five years to assess progress in implementing efforts to attain the treaty's objectives.

The resolution that I am introducing today, along with Senators BAUCUS, KERRY, ROTH and BINGAMAN, reaffirms Congressional support for the objectives of the Nonproliferation Treaty (NPT) and calls on all parties participating in the review conference to make a good faith effort to ensure the conference's success. A similar resolution is being introduced in the House of Representatives.

Many states have called into question American commitment to the control of nuclear weapons because of the Senate vote last year on the Comprehensive Test Ban Treaty and because of fears that the American development of a national missile and theater missile defense systems are efforts to negate the Anti Ballistic Missile Treaty (ABM).

I believe that Congressional support for the NPT and for other workable arms control agreements that achieve serious reductions in weapons of mass destruction is as strong as ever. The Congress will be looking very closely at this conference for reassurance that the other parties to the NPT, most especially the other nuclear weapons states such as China and Russia, share an equal commitment to attaining the objectives of the NPT.

There have been suggestions that states will attempt to disrupt the conference by walking out or by proposing resolutions critical of the United States and other states. Such efforts will damage the treaty and give satisfaction only to those countries, such as Iraq and Iran, who still appear to desire nuclear weapons.

Our resolution also expresses support for strengthening the international verification system operated by the International Atomic Energy Agency (IAEA). When the NPT was negotiated in 1970, the IAEA safeguards system was designated as its global verification mechanism. IAEA inspectors review the nuclear programs of all non-nuclear weapon members and, while the five legally recognized nuclear weapons states—Britain, France, China, Russia, United States—are not obligated to permit inspections, in practice IAEA has some access to their facilities.

The Gulf War revealed inadequacies in the IAEA safeguard system. The discovery of Iraq's secret nuclear program demonstrated the need for additional IAEA powers of information collection and inspection. Efforts are now underway to develop a Strengthened Safeguards system of which a critical part will be a new inspection protocol providing IAEA inspectors additional authority to collect more information about a wider range of activities. This new information and access will be critical to detecting states, such as Iraq and Iran, who may try to develop secretly a nuclear weapon.

There is no greater threat to America's security than the proliferation of weapons of mass destruction. The Nonproliferation Treaty and the role of the IAEA are essential parts of our efforts to prevent nuclear catastrophe. I urge my colleagues to join in supporting this resolution and ensuring its speedy consideration.•

SENATE RESOLUTION 291—EXPRESSING THE SENSE OF THE SENATE REGARDING THE REPROGRAMMING OF FUNDS FOR THE DRUG ENFORCEMENT ADMINISTRATION FOR FISCAL YEAR 2000 IN ORDER TO ASSIST STATE AND LOCAL EFFORTS TO CLEAN UP METHAMPHETAMINE LABORATORIES

Mr. HUTCHINSON (for himself, Mr. GRASSLEY, Mr. HATCH, Mr. CRAIG, Mr. THOMAS, Mr. FRIST, and Mr. THOMPSON) submitted the following resolution; which was referred to the Committee on Appropriations:

S. RES. 291

Whereas the participation of the Drug Enforcement Administration in the seizures of methamphetamine laboratories has increased drastically since 1994;

Whereas in 1994, the Drug Enforcement Administration participated in the seizure of only 306 clandestine laboratories, 86 percent of which were methamphetamine laboratories;

Whereas in 1999, a total of 6,325 methamphetamine and amphetamine laboratories were seized in the United States, and the Drug Enforcement Administration participated in 1,948 of those seizures;

Whereas the Drug Enforcement Administration and State and local law enforcement agencies spend millions of dollars every year cleaning up the pollutants and toxins created and left behind by operators of clandestine methamphetamine and amphetamine laboratories;

Whereas methamphetamine manufacturing poses serious dangers to human life and the environment;

Whereas the chemicals and substances used in methamphetamine manufacturing are unstable, volatile, and highly combustible, and the smallest amounts of such chemicals, when mixed improperly, can cause explosions and fire;

Whereas most clandestine methamphetamine and amphetamine laboratories are situated in residences, motels, trailers, and vans, thereby increasing the danger posed by such explosions and fire;

Whereas for every pound of methamphetamine that is produced, more than five

pounds of toxic waste is produced and left behind;

Whereas the Drug Enforcement Administration has been assisting State and local law enforcement agencies in cleaning up methamphetamine laboratory sites;

Whereas State and local agencies lack the financial ability, equipment, and training to cleanup these sites, and therefore rely predominately, if not entirely, on the Drug Enforcement Administration to clean up methamphetamine laboratories;

Whereas the funds appropriated to the Drug Enforcement Administration for fiscal year 2000 for the cleanup of State and local methamphetamine laboratories were exhausted in March 2000, though the number of methamphetamine laboratories has continued to increase dramatically;

Whereas the exhaustion of Drug Enforcement Administration funds to assist State and local methamphetamine laboratory cleanup efforts results in a great increase in the risk of harm to State and local law enforcement officers, the public, and the environment; and

Whereas it is imperative that sufficient funding be provided to the Drug Enforcement Administration for methamphetamine laboratory cleanup, and the Department of Justice has suggested that $10,000,000 be reprogrammed in its budget for this purpose: Now, therefore, be it

Resolved, That it is the sense of the Senate that of the funds appropriated or otherwise made available for the Department of Justice for fiscal year 2000, $10,000,000 should be reprogrammed for the Drug Enforcement Administration in order to permit the Drug Enforcement Administration to assist State and local efforts to clean up methamphetamine laboratories in fiscal year 2000.

Mr. HUTCHINSON. Mr. President, I rise today with Senators GRASSLEY, HATCH, CRAIG, THOMAS, and FRIST to submit a resolution which states that it is the Sense of the Senate that $10 million should be immediately reprogrammed within the United States Department of Justice's (DOJ) budget to allow the Drug Enforcement Administration (DEA) to support the cleanup of State and local methamphetamine laboratories in Fiscal Year 2000. I do so with a sense of urgency as my home State of Arkansas has suffered a terrible and great increase in the production, distribution, and use of methamphetamine and is desperately in need of federal assistance to bear the financial burden inherent in the cleanup of methamphetamine laboratories.

In March, Governor Huckabee informed me that the DEA had exhausted all of the funding available to cleanup State and local methamphetamine labs and that the State of Arkansas was paying over $7,500 a day despite the much-appreciated efforts undertaken by ENSCO, an El Dorado, Arkansas company, to dispose of methamphetamine labs at no cost to the State. As the costs associated with the cleanup of a single lab range anywhere from $3,000 to $100,000 and average about $5,000 and, with over 200 labs seized to date, Arkansas will seize over 800 labs this year, it is imperative that funding be provided to the DEA so that it may continue to assist in State and local methamphetamine lab cleanups.

On March 28, 2000, Senators GRASSLEY, KYL, CRAIG, ASHCROFT, and I asked United States Attorney General Reno to identify $10 million in funding within the DOJ's budget which could be reprogrammed to provide the DEA with the monies necessary for it to administer the cleanup of labs seized by State and local law enforcement agencies. I was greatly encouraged and highly appreciative when she quickly responded by requesting that $10 million in Community Orientated Policing Service (COPS) recovery funds be reprogrammed. Despite an April 3, 2000, letter from Senators INHOFE, CRAIG, THOMAS, THOMPSON, FRIST, ASHCROFT, HATCH, ENZI, and I supporting this request, the Office of Management and Budget (OMB) has informed me that a determination has not been made. While I appreciate the fact that Director Lew and the OMB continue to look for this critical funding, I ask them to put aside politics and act quickly to meet this need.

This Resolution is intended to make it clear to this Administration that the United States Congress is serious about solving this problem. I implore the President to take a firm stand against methamphetamine and establish an effective policy to address this exponentially increasing problem. I am firmly convinced that we can solve this problem with Congressional support and Presidential leadership. Accordingly, I ask my colleagues to take the first step toward a solution by joining me in supporting this Resolution.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague Senator HUTCHINSON in sponsoring this resolution. We have been working closely together to find a solution to this growing problem. Unfortunately it seems the White House fails to grasp the urgency.

Mr. President, the DEA, who has for several years reimbursed state and local law enforcement agencies for the costs they have incurred in cleaning up drug laboratories, has run out of cleanup money. This has happened at a time when the number of these labs are growing rapidly, and springing up in towns and counties where there has never been a problem in the past. Iowa alone has a stack of over $83,000 in outstanding lab cleanup bills, and this amount continues to grow. Last year, Iowa received over $1.3 million in reimbursement, and at the current pace this total is expected to be higher this year.

Four weeks ago, Mr. President, Mr. HUTCHINSON, Mr. KYL, and I wrote the appropriations committee to alert them to this problem. Our offices were aware of this impending problem, and wanted to insure that no one was taken by surprise so there could be a quick resolution. Two weeks ago, we were joined by Mr. CRAIG and Mr. ASHCROFT in a letter to the Attorney General, encouraging her to work with the Appropriators in reprogramming funds to cover this shortfall.

I am pleased to say that within days we had been informed that a reprogramming request had been sent to the White House Budget Office for their approval. The request would allow for the use of returned COPS funds—money that was not going to be spent otherwise—to be used to clean up these environmental hazzards. I want to emphasize that this source was identified by the Justice Department, not by Congress. And I want to applaud their swift action to solve the problem, and not play politics.

But then, OMB happened. It did nothing. The problem mounts, and OMB sits. That is why Senator HUTCHINSON and I are offering this Sense of the Senate. We hope to encourage timely action—not more sitting on bureaucratic thumbs. I urge my colleagues to join us.

SENATE RESOLUTION 292—RECOGNIZING THE 20TH CENTURY AS THE "CENTURY OF WOMEN IN THE UNITED STATES"

Mr. CLELAND (for himself, Mrs. BOXER, Mr. BOND, Mr. BAUCUS, Mr. BRYAN, Ms. LANDRIEU, Mr. KERRY, Mr. JEFFORDS, Mrs. MURRAY, Mrs. LINCOLN, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. ROBB, Mr. COCHRAN, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 292

Whereas women made unparalleled strides during the 20th century in education, professions, legal rights, politics, military service, religion, sports, and self-reliance;

Whereas at the dawn of the 20th century, most women in the United States were denied the right to vote;

Whereas the Women's Suffrage movement, the largest grassroots political movement in the Nation's history, involved about 2,000,000 women and took more than 70 years of petitions, referenda, speeches, national and State campaigns, demonstrations, arrests, and hunger strikes;

Whereas women won the right to vote throughout the United States with the ratification of the 19th amendment to the Constitution of the United States in 1920, and by the end of the century, women were voting in larger numbers than men in some national elections;

Whereas women represent an increasing share of people being awarded college and postgraduate degrees;

Whereas women are increasingly owning their own businesses and working to narrow the gap in earnings between women and men, and in 1999 women earned 73 cents for every dollar earned by men in contrast to the 57 cents they received in 1973;

Whereas during the 20th century, women served their country proudly and capably in the armed services, including duty in both World Wars, Korea, Vietnam, Panama, Libya, the Persian Gulf, Bosnia, Kosovo, and

all major contingencies including in warfighting roles;

Whereas in World War I, women were only allowed to serve in the Army as nurses, and with over 30,000 women serving in World War I, approximately 10,000 women served as volunteers overseas, with no rank and no benefits;

Whereas women now serve in all ranks, in all branches of the armed services, as pilots, intelligence specialists, drill instructors, specialists, and technicians, soldiers, airmen, and marines on the battlefields, and as sailors aboard Navy and Coast Guard ships at sea;

Whereas women were once denied the right to enter the national academies for military service or to compete to become astronauts or combat pilots, in 1976 Congress passed, and President Ford signed into law, legislation authorizing the admission of women into the military service academies;

Whereas women are now excelling in military academies and emerging as part of the military leadership of the future, and have served with distinction as members of combat squadrons and as commanders and members of the space shuttle crew;

Whereas the 20th century saw women in new roles as justices on the United States Supreme Court, members of the President's Executive Cabinet, United States Senators and Representatives, and women's services have become invaluable in appointed and volunteer positions and as Federal legislators, State and local legislators, Governors, judges, Cabinet officers, county commissioners, mayors, city council members, directors of Federal, State and local agencies;

Whereas women have become prominent figures in amateur and professional sports highlighted in 1999 with the United States Women's Soccer Team winning the World Cup in a stunning victory; and

Whereas women can look back at the opportunities created during the 20th century and look ahead toward even greater accomplishments in the 21st century: Now, therefore, be it

Resolved, That the Senate—

(1) commends the accomplishments and unfailing spirit of women in the 20th century; and

(2) recognizes the 20th century as the ''Century of Women in the United States''.

• Mr. CLELAND. Mr. President, I rise today to submit a resolution recognizing the 20th century as the ''Century of Women in the United States.'' I would like to thank Georgia State Representative Hinson Mosley for introducing a similar resolution in the Georgia General Assembly recognizing the tremendous accomplishments of women in Georgia and in the United States during the 20th century and for sharing his resolution with me. Representative Mosley's exceptional resolution passed the Georgia House of Representatives by a vote of 120–0 and the Georgia Senate on a vote of 51 to 0.

Like Representative Mosley's resolution, my proposal recognizes that as we enter the 21st century, it is essential that we note the vast opportunities available to today's women that were not available to women entering the 20th century. Women made unprecedented strides in civil rights, careers, religion, education and military service. Although we must keep in mind the challenges that women in our society continue to face and the work that women and men must yet accomplish, let us celebrate the victories won by women in the past 100 years.

I, along with Senators BOXER, BOND, BAUCUS, BRYAN, DURBIN, LANDRIEU, MIKULSKI, MURRAY, LINCOLN, KERRY, JEFFORDS, FEINSTEIN, ROBB and COCHRAN urge my colleagues to support this resolution and recognize the 20th century as the ''Century of Women in the United States.''•

SENATE RESOLUTION 293—ENCOURAGING ALL RESIDENTS OF THE UNITED STATES TO COMPLETE THEIR CENSUS FORMS TO ENSURE THE MOST ACCURATE ENUMERATION OF THE POPULATION POSSIBLE

Mr. DASCHLE (for himself, Mr. LIEBERMAN, Mr. SARBANES, Mr. BRYAN, Mr. TORRICELLI, Mr. EDWARDS, Mr. MOYNIHAN, Mr. KERRY, Mr. BINGAMAN, Mr. GRAHAM, Mr. CLELAND, Mr. REID, Mr. HARKIN, Mrs. LINCOLN, Mr. SCHUMER, Mr. AKAKA, Mr. KENNEDY, Mr. DURBIN, Mr. FEINGOLD, Mr. KERREY, Mr. KOHL, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. DORGAN, Mr. ROBB, Mr. LAUTENBERG, Mr. JOHNSON, Mr. REED, and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on Governmental Affairs:

S. RES. 293

Whereas the Constitution requires an actual enumeration of the population every 10 years;

Whereas Federal, State, and local governments, as well as charities and other groups serving Americans, use information gathered by the census to distribute hundreds of billions of dollars for programs from education to employment, housing to transportation, and rural development to urban empowerment;

Whereas inaccurate or incomplete census data would make it impossible for this aid to be distributed appropriately or fairly and would prevent critically needed funding from finding its way to the appropriate recipients;

Whereas inaccurate or incomplete census data would also throw into doubt the ability to correctly apportion representation in Congress or equitably redraw voting district lines within the States, raising questions about whether the one-person-one-vote rights of Americans are being appropriately guarded;

Whereas the privacy of all data collected by the Bureau of the Census is guaranteed absolute confidentiality for 72 years from the public and all other government agencies; and

Whereas the Bureau of the Census cannot conduct its constitutional or legal duties and Americans cannot be assured of the integrity of the census results, and therefore the equity of all of the manifold decisions that rely upon census numbers, without the fullest possible participation from the public: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) it is the civic duty of Americans to assist in ensuring the most accurate census possible; and

(2) all residents of the United States should complete their census forms.

Mr. DASCHLE. Mr. President, today Senator LIEBERMAN and I, along with a group of our colleagues, are introducing a resolution emphasizing to all Americans the importance of accurately and completely filling out their census forms. It is my hope that all members of the Senate will cosponsor this important resolution to support the Census Bureau as it carries out the role that the Constitution and Congress have directed it to take.

I continue to be concerned with the statements of some elected officials urging Americans not to respond to some of the questions on their census forms. These statements are reckless and irresponsible.

First, every question on the census form is required by the Constitution or by law. All of these questions were reviewed by Congress before the census began, and received virtually no comment at that time. Second, an accurate census is absolutely critical to meet the needs of the public. Local, state and federal aid programs all depend upon an accurate census count to properly distribute funding for roads, schools and health care. Disaster response agencies like the Federal Emergency Management Agency use census data to prepare for and respond to hurricanes, tornadoes and other natural disasters. Finally, accurate information about population is absolutely essential to fairly distribute congressional seats to ensure that all Americans have equal representation in Congress.

Any effort to encourage Americans not to complete their census questionnaire will only hinder our ability to allow every community to live up to its potential, and provide its citizens with the roads, hospitals and schools they need.

As you know, last week the Senate approved an amendment stating that no American should be prosecuted for failing to fill out his or her census form. This resolution was distracting and unnecessary. No American is—or for years has been—prosecuted for failing to complete a census form.

The Census Bureau needs to know that it has the full support of the Congress as it carries out its vital task. This resolution makes clear just how important the bureau's task is, and the need for every American to comply with the law and complete the census form. I urge all my colleagues to give it their support.

AMENDMENTS SUBMITTED

CRIME VICTIMS ASSISTANCE ACT

LEAHY (AND OTHERS) AMENDMENT NO. 3097

(Referred to the Committee on Foreign Relations.)

Mr. LEAHY (for himself, Mr. KENNEDY, Mr. SARBANES, Mr. KERRY, Mr. HARKIN, Mrs. MURRAY, Mr. FEINGOLD, and Mr. ROBB) submitted an amendment intended to be proposed by them to the bill (S. 934) to enhance rights and protections for victims of crime; as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Crime Victims Assistance Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—VICTIM RIGHTS

Sec. 101. Right to notice and to be heard concerning detention.
Sec. 102. Right to a speedy trial.
Sec. 103. Right to notice and to be heard concerning plea.
Sec. 104. Enhanced participatory rights at trial.
Sec. 105. Right to notice and to be heard concerning sentence.
Sec. 106. Right to notice and to be heard concerning sentence adjustment.
Sec. 107. Right to notice of release or escape.
Sec. 108. Right to notice and to be heard concerning Executive clemency.
Sec. 109. Remedies for noncompliance.

TITLE II—VICTIM ASSISTANCE INITIATIVES

Sec. 201. Pilot programs to establish ombudsman programs for crime victims.
Sec. 202. Amendments to Victims of Crime Act of 1984.
Sec. 203. Increased training for law enforcement officers and court personnel to respond to the needs of crime victims.
Sec. 204. Increased resources to develop state-of-the-art systems for notifying crime victims of important dates and developments.
Sec. 205. Pilot program to study effectiveness of restorative justice approach on behalf of victims of crime.
Sec. 206. Compensation and assistance to victims of terrorist acts, mass violence, or international terrorism.

TITLE I—VICTIM RIGHTS

SEC. 101. RIGHT TO NOTICE AND TO BE HEARD CONCERNING DETENTION.

Section 3142 of title 18, United States Code, is amended—

(1) in subsection (g)—

(A) in paragraph (3), by striking ''and'' at the end;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

''(4) the views of the victim; and''; and

(2) by adding at the end the following:

''(k) NOTICE AND RIGHT TO BE HEARD.—

''(1) IN GENERAL.—Subject to paragraph (2), with respect to each hearing under subsection (f)—

''(A) before the hearing, the Government shall make reasonable efforts to notify the victim of—

''(i) the date and time of the hearing; and

''(ii) the right of the victim to be heard on the issue of detention; and

''(B) at the hearing, the court shall inquire of the Government whether the victim wishes to be heard on the issue of detention and, if so, shall afford the victim such an opportunity.

''(2) EXCEPTIONS.—The requirements of paragraph (1) shall not apply to any case in which the Government or the court reasonably believes—

''(A) available evidence raises a significant expectation of physical violence or other retaliation by the victim against the defendant; or

''(B) identification of the defendant by the victim is a fact in dispute, and no means of verification has been attempted.''.

(c) VICTIM DEFINED.—Section 3156(a) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) the term 'victim'—

''(A) means an individual harmed as a result of a commission of an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault; and

''(B) includes—

''(i) in the case of a victim who is less than 18 years of age or incompetent, the parent or legal guardian of the victim;

''(ii) in the case of a victim who is deceased or incapacitated, 1 or more family members designated by the court; and

''(iii) any other person appointed by the court to represent the victim.''.

SEC. 102. RIGHT TO A SPEEDY TRIAL.

Section 3161(h)(8)(B) of title 18, United States Code, is amended by adding at the end the following:

''(v) The interests of the victim (or the family of a victim who is deceased or incapacitated) in the prompt and appropriate disposition of the case, free from unreasonable delay.''.

SEC. 103. RIGHT TO NOTICE AND TO BE HEARD CONCERNING PLEA.

(a) IN GENERAL.—Rule 11 of the Federal Rules of Criminal Procedure is amended—

(1) by redesignating subdivision (h) as subdivision (i); and

(2) by inserting after subdivision (g) the following:

''(h) RIGHTS OF VICTIMS.—

''(1) VICTIM DEFINED.—In this subdivision, the term 'victim' means an individual harmed as a result of a commission of an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, and also includes—

''(A) in the case of a victim who is less than 18 years of age or incompetent, the parent or legal guardian of the victim;

''(B) in the case of a victim who is deceased or incapacitated, 1 or more family members designated by the court; and

''(C) any other person appointed by the court to represent the victim.

''(2) NOTICE.—The Government, before a proceeding at which a plea of guilty or nolo contendere is entered, shall make reasonable efforts to notify the victim of—

''(A) the date and time of the proceeding;

''(B) the elements of the proposed plea or plea agreement;

''(C) the right of the victim to attend the proceeding; and

''(D) the right of the victim to address the court personally, through counsel, or in writing on the issue of the proposed plea or plea agreement.

''(3) OPPORTUNITY TO BE HEARD.—The court, before accepting a plea of guilty or nolo contendere, shall afford the victim an opportunity to be heard, personally, through counsel, or in writing, on the proposed plea or plea agreement.

''(4) EXCEPTIONS.—Notwithstanding any other provision of this subdivision—

''(A) in any case in which a victim is a defendant in the same or a related case, or in which the Government certifies to the court under seal that affording such victim any right provided under this rule will jeopardize an ongoing investigation, the victim shall not have such right;

''(B) a victim who, at the time of a proceeding at which a plea of guilty or nolo contendere is entered, is incarcerated in any Federal, State, or local correctional or detention facility, shall not have the right to appear in person, but, subject to subparagraph (A), shall be afforded a reasonable opportunity to present views or participate by alternate means; and

''(C) in any case involving more than 15 victims, the court, after consultation with the Government and the victims, may appoint a number of victims to represent the interests of the victims, except that all victims shall retain the right to submit a written statement under paragraph (2).''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to provide enhanced opportunities for victims to be heard on the issue of whether or not the court should accept a plea of guilty or nolo contendere.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference of the United States under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference of the United States—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendments made by subsection (a), then the amendments made by subsection (a) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are different in any respect from the amendments made by subsection (a), the recommendations made pursuant to paragraph (2) shall become effective 180 days

after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendments made by subsection (a) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the Judicial Conference of the United States under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

SEC. 104. ENHANCED PARTICIPATORY RIGHTS AT TRIAL.

(a) AMENDMENT TO VICTIM RIGHTS CLARIFICATION ACT.—Section 3510 of title 18, United States Code, is amended by adding at the end the following:

''(d) APPLICATION TO TELEVISED PROCEEDINGS.—This section applies to any victim viewing proceedings pursuant to section 235 of the Antiterrorism and Effective Death Penalty Act of 1996 (42 U.S.C. 10608), or any rule issued thereunder.''.

(b) AMENDMENT TO VICTIMS' RIGHTS AND RESTITUTION ACT OF 1990.—Section 502(b) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10606(b)) is amended—

(1) by striking paragraph (4) and inserting the following:

''(4) The right to be present at all public court proceedings related to the offense, unless the court determines that testimony by the victim at trial would be materially affected if the victim heard the testimony of other witnesses.''; and

(2) in paragraph (5), by striking ''attorney'' and inserting ''the attorney''.

SEC. 105. RIGHT TO NOTICE AND TO BE HEARD CONCERNING SENTENCE.

(a) ENHANCED NOTICE AND CONSIDERATION OF VICTIMS' VIEWS.—

(1) IMPOSITION OF SENTENCE.—Section 3553(a) of title 18, United States Code, is amended—

(A) in paragraph (6), by striking ''and'' at the end;

(B) by redesignating paragraph (7) as paragraph (8); and

(C) by inserting after paragraph (6) the following:

''(7) the views of any victims of the offense, if such views are presented to the court; and''.

(2) ISSUANCE AND ENFORCEMENT OF ORDER OF RESTITUTION.—Section 3664(d)(2)(A) of title 18, United States Code is amended—

(A) by redesignating clauses (v) and (vi) as clauses (vii) and (viii) respectively; and

(B) by inserting after clause (iv) the following:

''(v) the opportunity of the victim to attend the sentencing hearing;

''(vi) the opportunity of the victim, personally or through counsel, to make a statement or present any information to the court in relation to the sentence;''.

(b) ENHANCED PARTICIPATORY RIGHTS.—Rule 32 of the Federal Rules of Criminal Procedure is amended—

(1) in subdivision (b)—

(A) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(B) by inserting after paragraph (3) the following:

''(4) NOTICE TO VICTIM.—The probation officer must, before submitting the presentence report, provide notice to the victim as provided by section 3664(d)(2)(A) of title 18, United States Code.''; and

(C) in paragraph (5), as redesignated—

(i) by redesignating subparagraphs (E) through (H) as subparagraphs (F) through (I), respectively; and

(ii) by inserting after subparagraph (D) the following:

''(E) any victim impact statement submitted by a victim to the probation officer;'';

(2) in subdivision (c)(3), by striking subparagraph (E) and inserting the following:

''(E) afford the victim, personally or through counsel, an opportunity to make a statement or present any information in relation to the sentence, including information concerning the extent and scope of the victim's injury or loss, and the impact of the offense on the victim or the family of the victim, except that the court may reasonably limit the number of victims permitted to address the court if the number is so large that affording each victim such right would result in cumulative victim impact information or would unreasonably prolong the sentencing process.''; and

(3) in subdivision (f)(1)—

(A) by striking ''the right of allocution under subdivision (c)(3)(E)'' and inserting ''the notice and participatory rights under subdivisions (b)(4) and (c)(3)(E)''; and

(B) by striking ''if such person or persons are present at the sentencing hearing, regardless of whether the victim is present;''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (b) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to provide enhanced opportunities for victims to participate during the presentencing and sentencing phase of the criminal process.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference of the United States under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference of the United States—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendments made by subsection (b), then the amendments made by subsection (b) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are different in any respect from the amendments made by subsection (b), the recommendations made pursuant to paragraph (2) shall become effective 180 days after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendments made by subsection (b) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the Judicial Conference of the United States under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

SEC. 106. RIGHT TO NOTICE AND TO BE HEARD CONCERNING SENTENCE ADJUSTMENT.

(a) IN GENERAL.—Rule 32.1(a) of the Federal Rules of Criminal Procedure is amended by adding at the end the following:

''(3) NOTICE TO VICTIM.—At any hearing pursuant to paragraph (2) involving 1 or more persons who have been convicted of an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, the Government shall make reasonable efforts to notify the victim of the offense (and the victim of any new charges giving rise to the hearing), of—

''(A) the date and time of the hearing; and

''(B) the right of the victim to attend the hearing and to address the court regarding whether the terms or conditions of probation or supervised release should be modified.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to ensure that reasonable efforts are made to notify victims of violent offenses of any revocation hearing held pursuant to Rule 32.1(a)(2), and to afford such victims an opportunity to participate.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference of the United States under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference of the United States—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendment made by subsection (a), then the amendment made by subsection (a) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are different in any respect from the amendment made by subsection (a), the recommendations made pursuant to paragraph (2) shall become effective 180 days after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendment made by subsection (a) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the Judicial Conference of the United States under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

SEC. 107. RIGHT TO NOTICE OF RELEASE OR ESCAPE.

(a) IN GENERAL.—Subchapter C of chapter 229 of title 18, United States Code, is amended by adding at the end the following:

''§ 3627. Notice to victims of release or escape of defendants

''(a) IN GENERAL.—The Bureau of Prisons shall ensure that reasonable notice is provided to each victim of an offense for which

a person is in custody pursuant to this subchapter—

''(1) not less than 30 days before the release of such person under section 3624, assignment of such person to pre-release custody under section 3624(c), or transfer of such person under section 3623;

''(2) not less than 10 days before the temporary release of such person under section 3622;

''(3) not later than 12 hours after discovery that such person has escaped;

''(4) not later than 12 hours after the return to custody of such person after an escape; and

''(5) at such other times as may be reasonable before any other form of release of such person as may occur.

''(b) APPLICABILITY.—This section applies to any escape, work release, furlough, or any other form of release from a psychiatric institution or other facility that provides mental or other health services to persons in the custody of the Bureau of Prisons.

''(c) VICTIM CONTACT INFORMATION.—It shall be the responsibility of a victim to notify the Bureau of Prisons, by means of a form to be provided by the Attorney General, of any change in the mailing address of the victim, or other means of contacting the victim, while the defendant is in the custody of the Bureau of Prisons. The Bureau of Prisons shall ensure the confidentiality of any information relating to a victim.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for subchapter C of chapter 229 of title 18, United States Code, is amended by adding at the end the following:

''3627. Notice to victims of release or escape of defendants.''.

SEC. 108. RIGHT TO NOTICE AND TO BE HEARD CONCERNING EXECUTIVE CLEMENCY.

(a) NOTIFICATION.—Subchapter C of chapter 229 of title 18, United States Code, is amended by adding after section 3627, as added by section 107, the following:

''§ 3628. Notice to victims concerning grant of executive clemency

''(a) DEFINITIONS.—In this section—

''(1) the term 'executive clemency'—

''(A) means any exercise by the President of the power to grant reprieves and pardons under clause 1 of section 2 of article II of the Constitution of the United States; and

''(B) includes any pardon, reprieve, commutation of sentence, or remission of fine; and

''(2) the term 'victim' has the same meaning given that term in section 503(e) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(e)).

''(b) NOTICE OF GRANT OF EXECUTIVE CLEMENCY.—

''(1) If a petition for executive clemency is granted, the Attorney General shall make reasonable efforts to notify any victim of any offense that is the subject of the grant of executive clemency that such grant has been made as soon as practicable after that grant is made.

''(2) If a grant of executive clemency will result in the release of any person from custody, notice under paragraph (1) shall be prior to that release from custody, if practicable.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for subchapter C of chapter 229 of title 18, United States Code, is amended by adding at the end the following:

''3628. Notice to victims concerning grant of executive clemency.''.

(c) REPORTING REQUIREMENTS.—The Attorney General shall submit biannually to the Committees on the Judiciary of the House of Representatives and the Senate a report on executive clemency matters or cases delegated for review or investigation to the Attorney General by the President, including for each year—

(1) the number of petitions so delegated;

(2) the number of reports submitted to the President;

(3) the number of petitions for executive clemency granted and the number denied;

(4) the name of each person whose petition for executive clemency was granted or denied and the offenses of conviction of that person for which executive clemency was granted or denied; and

(5) with respect to any person granted executive clemency, the date that any victim of an offense that was the subject of that grant of executive clemency was notified, pursuant to Department of Justice regulations, of a petition for executive clemency, and whether such victim submitted a statement concerning the petition.

(d) SENSE OF THE SENATE CONCERNING THE RIGHT OF VICTIMS TO NOTICE AND TO BE HEARD CONCERNING EXECUTIVE CLEMENCY.—It is the Sense of the Senate that—

(1) victims of a crime should be notified about any petition for executive clemency filed by the perpetrators of that crime and provided an opportunity to submit a statement concerning the petition to the President; and

(2) the Attorney General should promulgate regulations or internal guidelines to ensure that such notification and opportunity to submit a statement are provided.

SEC. 109. REMEDIES FOR NONCOMPLIANCE.

(a) GENERAL LIMITATION.—Any failure to comply with any amendment made by this title shall not give rise to a claim for damages, or any other action against the United States, or any employee of the United States, any court official or officer of the court, or an entity contracting with the United States, or any action seeking a rehearing or other reconsideration of action taken in connection with a defendant.

(b) REGULATIONS TO ENSURE COMPLIANCE.—

(1) IN GENERAL.—Notwithstanding subsection (a), not later than 1 year after the date of enactment of this Act, the Attorney General of the United States and the Chairman of the United States Parole Commission shall promulgate regulations to implement and enforce the amendments made by this title.

(2) CONTENTS.—The regulations promulgated under paragraph (1) shall—

(A) contain disciplinary sanctions, including suspension or termination from employment, for employees of the Department of Justice (including employees of the United States Parole Commission) who willfully or repeatedly violate the amendments made by this title, or willfully or repeatedly refuse or fail to comply with provisions of Federal law pertaining to the treatment of victims of crime;

(B) include an administrative procedure through which parties can file formal complaints with the Department of Justice alleging violations of the amendments made by this title;

(C) provide that a complainant is prohibited from recovering monetary damages against the United States, or any employee of the United States, either in his official or personal capacity; and

(D) provide that the Attorney General, or the designee of the Attorney General, shall be the final arbiter of the complaint, and there shall be no judicial review of the final decision of the Attorney General by a complainant.

TITLE II—VICTIM ASSISTANCE INITIATIVES

SEC. 201. PILOT PROGRAMS TO ESTABLISH OMBUDSMAN PROGRAMS FOR CRIME VICTIMS.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Office of Victims of Crime.

(2) OFFICE.—The term ''Office'' means the Office for Victims of Crime.

(3) QUALIFIED PRIVATE ENTITY.—The term ''qualified private entity'' means a private entity that meets such requirements as the Attorney General, acting through the Director, may establish.

(4) QUALIFIED UNIT OF STATE OR LOCAL GOVERNMENT.—The term ''local government'' means a unit of a State or local government, including a State court, that meets such requirements as the Attorney General, acting through the Director, may establish.

(5) VOICE CENTERS.—The term ''VOICE Centers'' means the Victim Ombudsman Information Centers established under the program under subsection (b).

(b) PILOT PROGRAMS.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Attorney General, acting through the Director, shall establish and carry out a program to provide for pilot programs to establish and operate Victim Ombudsman Information Centers in each of the following States:

(A) Iowa.

(B) Massachusetts.

(C) Maryland.

(D) Vermont.

(E) Virginia.

(F) Washington.

(G) Wisconsin.

(2) AGREEMENTS.—

(A) IN GENERAL.—The Attorney General, acting through the Director, shall enter into an agreement with a qualified private entity or unit of State or local government to conduct a pilot program referred to in paragraph (1). Under the agreement, the Attorney General, acting through the Director, shall provide for a grant to assist the qualified private entity or unit of State or local government in carrying out the pilot program.

(B) CONTENTS OF AGREEMENT.—The agreement referred to in subparagraph (A) shall specify that—

(i) the VOICE Center shall be established in accordance with this section; and

(ii) except with respect to meeting applicable requirements of this section concerning carrying out the duties of a VOICE Center under this section (including the applicable reporting duties under subsection (c) and the terms of the agreement) each VOICE Center shall operate independently of the Office.

(C) NO AUTHORITY OVER DAILY OPERATIONS.—The Office shall have no supervisory or decisionmaking authority over the day-to-day operations of a VOICE Center.

(c) OBJECTIVES.—

(1) MISSION.—The mission of each VOICE Center established under a pilot program under this section shall be to assist a victim of a Federal or State crime to ensure that the victim—

(A) is fully apprised of the rights of that victim under applicable Federal or State law; and

(B) is provided the opportunity to participate in the criminal justice process to the fullest extent of the law.

(2) DUTIES.—The duties of a VOICE Center shall include—

(A) providing information to victims of Federal or State crime regarding the right of those victims to participate in the criminal justice process (including information concerning any right that exists under applicable Federal or State law);

(B) identifying and responding to situations in which the rights of victims of crime under applicable Federal or State law may have been violated;

(C) attempting to facilitate compliance with Federal or State law referred to in subparagraph (B);

(D) educating police, prosecutors, Federal and State judges, officers of the court, and employees of jails and prisons concerning the rights of victims under applicable Federal or State law; and

(E) taking measures that are necessary to ensure that victims of crime are treated with fairness, dignity, and compassion throughout the criminal justice process.

(d) OVERSIGHT.—

(1) TECHNICAL ASSISTANCE.—The Office may provide technical assistance to each VOICE Center.

(2) ANNUAL REPORT.—Each qualified private entity or qualified unit of State or local government that carries out a pilot program to establish and operate a VOICE Center under this section shall prepare and submit to the Director, not later than 1 year after the VOICE Center is established, and annually thereafter, a report that—

(A) describes in detail the activities of the VOICE Center during the preceding year; and

(B) outlines a strategic plan for the year following the year covered under subparagraph (A).

(e) REVIEW OF PROGRAM EFFECTIVENESS.—

(1) GAO STUDY.—Not later than 2 years after the date on which each VOICE Center established under a pilot program under this section is fully operational, the Comptroller General of the United States shall conduct a review of each pilot program carried out under this section to determine the effectiveness of the VOICE Center that is the subject of the pilot program in carrying out the mission and duties described in subsection (c).

(2) OTHER STUDIES.—Not later than 2 years after the date on which each VOICE Center established under a pilot program under this section is fully operational, the Attorney General, acting through the Director, shall enter into an agreement with 1 or more private entities that meet such requirements that the Attorney General, acting through the Director, may establish, to study the effectiveness of each VOICE Center established by a pilot program under this section in carrying out the mission and duties described in subsection (c).

(f) TERMINATION DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), a pilot program established under this section shall terminate on the date that is 4 years after the date of enactment of this Act.

(2) RENEWAL.—If the Attorney General determines that any of the pilot programs established under this section should be renewed for an additional period, the Attorney General may renew that pilot program for a period not to exceed 2 years.

(g) FUNDING.—Notwithstanding any other provision of law, an aggregate amount not to exceed $5,000,000 of the amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the ''False Claims Act''), may be used by the Director to make grants under subsection (b).

SEC. 202. AMENDMENTS TO VICTIMS OF CRIME ACT OF 1984.

(a) CRIME VICTIMS FUND.—Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended—

(1) in subsection (b)—

(A) in paragraph (3), by striking ''and'' at the end;

(B) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(5) any gifts, bequests, or donations from private entities or individuals.''; and

(2) in subsection (d)—

(A) in paragraph (4)—

(i) in subparagraph (A), by striking ''48.5'' and inserting ''47.5'';

(ii) in subparagraph (B), by striking ''48.5'' and inserting ''47.5''; and

(iii) in subparagraph (C), by striking ''3'' and inserting ''5'';

(B) in paragraph (5), by adding at the end the following:

''(C) Any State that receives supplemental funding to respond to incidents or terrorism or mass violence under this section shall be required to return to the Crime Victims Fund for deposit in the reserve fund, amounts subrogated to the State as a result of third-party payments to victims.''.

(b) CRIME VICTIM COMPENSATION.—Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended—

(1) in subsection (a)—

(A) in each of paragraphs (1) and (2), by striking ''40'' and inserting ''60''; and

(B) in paragraph (3)—

(i) by striking ''5'' and inserting ''10''; and

(ii) by inserting ''and evaluation'' after ''administration''; and

(2) in subsection (b)—

(A) in paragraph (7), by inserting ''because the identity of the offender was not determined beyond a reasonable doubt in a criminal trial, because criminal charges were not brought against the offender, or'' after ''deny compensation to any victim'';

(B) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10); and

(C) by inserting after paragraph (7) the following:

''(8) such program does not discriminate against victims because they oppose the death penalty or disagree with the way the State is prosecuting the criminal case.''.

(c) CRIME VICTIM ASSISTANCE.—Section 1404 of the Victims of Crime Act of 1984 (42 U.S.C. 10603) is amended—

(1) in subsection (b)(3), by striking ''5'' and inserting ''10'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting ''or enter into cooperative agreements'' after ''make grants'';

(ii) by striking subparagraph (A) and inserting the following:

''(A) for demonstration projects, evaluation, training, and technical assistance services to eligible organizations;'';

(iii) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(C) training and technical assistance that address the significance of and effective delivery strategies for providing long-term psychological care.''; and

(B) in paragraph (3)—

(i) in subparagraph (C), by striking ''and'' at the end;

(ii) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(E) use funds made available to the Director under this subsection—

''(i) for fellowships and clinical internships; and

''(ii) to carry out programs of training and special workshops for the presentation and dissemination of information resulting from demonstrations, surveys, and special projects.''; and

(3) in subsection (d)—

(A) by striking paragraph (1) and inserting the following:

''(1) the term 'State' includes—

''(A) the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and any other territory or possession of the United States; and

''(B) for purposes of a subgrant under subsection (a)(1) or a grant or cooperative agreement under subsection (c)(1), the United States Virgin Islands and any agency of the Government of the District of Columbia or the Federal Government performing law enforcement functions in and on behalf of the District of Columbia.'';

(B) in paragraph (2)—

(i) in subparagraph (C), by striking ''and'' at the end; and

(ii) by adding at the end the following:

''(E) public awareness and education and crime prevention activities that promote, and are conducted in conjunction with, the provision of victim assistance; and

''(F) for purposes of an award under subsection (c)(1)(A), preparation, publication, and distribution of informational materials and resources for victims of crime and crime victims organizations.'';

(C) by striking paragraph (4) and inserting the following:

''(4) the term 'crisis intervention services' means counseling and emotional support including mental health counseling, provided as a result of crisis situations for individuals, couples, or family members following and related to the occurrence of crime;'';

(D) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(E) by adding at the end the following:

''(6) for purposes of an award under subsection (c)(1), the term 'eligible organization' includes any—

''(A) national or State organization with a commitment to developing, implementing, evaluating, or enforcing victims' rights and the delivery of services;

''(B) State agency or unit of local government;

''(C) State court;

''(D) tribal organization;

''(E) organization—

''(i) described in section 501(c) of the Internal Revenue Code of 1986; and

''(ii) exempt from taxation under section 501(a) of such Code; or

''(F) other entity that the Director determines to be appropriate.''.

SEC. 203. INCREASED TRAINING FOR LAW ENFORCEMENT OFFICERS AND COURT PERSONNEL TO RESPOND TO THE NEEDS OF CRIME VICTIMS.

Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the ''False Claims Act'') may be used by the Office for Victims of Crime to make grants to States, State courts, units of local government, and qualified private entities, to provide training and information to prosecutors, judges, law enforcement officers, probation officers, and other officers and employees of Federal and State courts to assist them in responding effectively to the needs of victims of crime.

SEC. 204. INCREASED RESOURCES TO DEVELOP STATE-OF-THE-ART SYSTEMS FOR NOTIFYING CRIME VICTIMS OF IMPORTANT DATES AND DEVELOPMENTS.

(a) IN GENERAL.—Subtitle A of title XXIII of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 2077) is amended by adding at the end the following:

"SEC. 230103. STATE-OF-THE-ART SYSTEMS FOR NOTIFYING VICTIMS OF IMPORTANT DATES AND DEVELOPMENTS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office for Victims of Crime of the Department of Justice such sums as may be necessary for grants to Federal, State, and local prosecutors' offices and law enforcement agencies, Federal and State courts, county jails, Federal and State correctional institutions, and qualified private entities, to develop and implement state-of-the-art systems for notifying victims of crime of important dates and developments relating to the criminal proceedings at issue.

"(b) FALSE CLAIMS ACT.—Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the 'False Claims Act'), may be used for grants under this section.".

(b) VIOLENT CRIME REDUCTION TRUST FUND.—Section 310004(d) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14214(d)) is amended—

(1) in the first paragraph designated as paragraph (15) (relating to the definition of the term "Federal law enforcement program"), by striking "and" at the end;

(2) in the first paragraph designated as paragraph (16) (relating to the definition of the term "Federal law enforcement program"), by striking the period at the end and inserting "; and"; and

(3) by inserting after the first paragraph designated as paragraph (16) (relating to the definition of the term "Federal law enforcement program") the following:

"(17) section 230103.".

SEC. 205. PILOT PROGRAM TO STUDY EFFECTIVENESS OF RESTORATIVE JUSTICE APPROACH ON BEHALF OF VICTIMS OF CRIME.

(a) IN GENERAL.—Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the "False Claims Act") and amounts available in the Crime Victims Fund (42 U.S.C. 10601 et seq.), may be used by the Office for Victims of Crime to make grants to States, State courts, units of local government, and qualified private entities for the establishment of pilot programs that implement balanced and restorative justice models.

(b) DEFINITION OF BALANCED AND RESTORATIVE JUSTICE MODEL.—In this section, the term "balanced and restorative justice model" means an approach to criminal justice that promotes the maximum degree of involvement by a victim, offender, and the community served by a criminal justice system by allowing the criminal justice system and related criminal justice agencies to improve the capacity of the system and agencies to—

(1) protect the community served by the system and agencies; and

(2) ensure accountability of the offender and the system.

SEC. 206. COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORIST ACTS, MASS VIOLENCE, OR INTERNATIONAL TERRORISM.

(a) IN GENERAL.—Section 1404B of the Victims of Crime Act of 1984 (42 U.S.C. 10603b) is amended to read as follows:

"SEC. 1404B. COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORIST ACTS OR MASS VIOLENCE.

"(a) IN GENERAL.—The Director may make supplemental grants as provided in section 1402(d)(5)—

"(1) to States, which shall be used for eligible crime victim compensation and assistance programs for the benefit of victims; and

"(2) to victim service organizations and to agencies (including Federal, State, and local governments and foreign governments) and organizations that provide emergency or ongoing assistance to victims of crime, which shall be used to provide, for the benefit of victims—

"(A) emergency relief (including assistance and crisis response) and other related victim services;

"(B) emergency response training and technical assistance; and

"(C) ongoing assistance including during any investigation and prosecution.

"(b) VICTIM DEFINED.—

"(1) IN GENERAL.—In this section, the term 'victim' means a person who has suffered direct physical or emotional injury or death as a result of a terrorist act or mass violence occurring on or after December 21, 1988.

"(2) INCOMPETENT, INCAPACITATED, OR DECEASED VICTIMS.—In the case of a victim who is less than 18 years of age, incompetent, incapacitated, or deceased, a family member or legal guardian of the victim may receive the compensation or assistance under this section on behalf of the victim.

"(3) EXCEPTION.—Notwithstanding any other provision of this section, in no event shall an individual who is criminally culpable for the terrorist act or mass violence receive any compensation or assistance under this section, either directly or on behalf of a victim.

"(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to supplant any compensation available under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.".

(b) INCREASE CAP ON EMERGENCY RESERVE FUND AND ALLOW FOR TRANSFER OF UNOBLIGATED FUNDS TO THE EMERGENCY RESERVE FUND.—

(1) CAP INCREASE.—Section 1402(d)(5)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)(A)) is amended by striking "$50,000,000" and inserting "$100,000,000".

(2) TRANSFER.—Section 1402(e) of the Victims of Crime Act of 1984 (42 U.S.C 10601(e)) is amended by striking "in excess of $500,000" and all that follows through "than $500,000" and inserting "shall be available for deposit into the emergency reserve fund referred to in subsection (d)(5) at the discretion of the Director. Any remaining unobligated sums".

(c) COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.—

(1) IN GENERAL.—The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by inserting after section 1404B the following:

"SEC. 1404C. COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.

"(a) FINDINGS.—Congress makes the following findings:

"(1) Nationals of the United States and officers and employees of the Federal Government may suffer physical and emotional injury or death as a result of international terrorism.

"(2) The United States has an obligation to assist nationals of the United States if, through no fault of their own, they are targeted by terrorists as symbols of the United States.

"(3) Officers and employees of the United States who are not nationals of the United States may serve as a surrogate for the United States and may be targeted by international terrorists. Depending upon the nature of the duties of such an officer or employee, and the location of service of that officer or employee, the officer or employee may be placed in circumstances of greater vulnerability than other individuals who are not nationals of the United States.

"(4) Even if international terrorism is not directed clearly or exclusively at the United States, the status of an individual as a national of the United States or as an officer or employee of the Federal Government may contribute to some extent to the targeting of that individual by terrorists.

"(5) To provide fair compensation to these victims of international terrorism, Congress should assist these victims with the typical expenses of victimization and the extraordinary expenses associated with victimization abroad.

"(b) DEFINITIONS.—In this section:

"(1) INTERNATIONAL TERRORISM.—The term 'international terrorism' has the meaning given the term in section 2331 of title 18, United States Code.

"(2) NATIONAL OF THE UNITED STATES.—The term 'national of the United States' has the meaning given the term in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

"(3) VICTIM.—

"(A) IN GENERAL.—The term 'victim' means a person who—

"(i) suffered direct physical or emotional injury or death as a result of international terrorism occurring on or after December 21, 1988; and

"(ii) as of the date on which the international terrorism occurred, was a national of the United States or an officer or employee of the Federal Government.

"(B) INCOMPETENT, INCAPACITATED, OR DECEASED VICTIMS.—In the case of a victim who is less than 18 years of age, incompetent, incapacitated, or deceased, a family member or legal guardian of the victim may receive the assistance under this section on behalf of the victim.

"(C) EXCEPTION.—Notwithstanding any other provision of this section, in no event shall an individual who is criminally culpable for the terrorist act or mass violence receive any assistance under this section, either directly or on behalf of a victim.

"(c) AWARD OF COMPENSATION.—The Director may carry out a program as provided in section 1402(d)(5)(B) to provide assistance to victims of international terrorism to compensate them for expenses associated with that victimization.

"(d) ANNUAL REPORT.—The Director shall annually submit to Congress a report on the status and activities of the program under this section, which report shall include—

"(1) an explanation of the procedures for filing and processing of applications for assistance;

"(2) a description of the procedures and policies instituted to promote public awareness about the program;

"(3) a complete statistical analysis of the victims assisted under the program, including—

"(A) the number of applications for assistance submitted;

''(B) the number of applications approved and the amount of each award;

''(C) the number of applications denied and the reasons for the denial;

''(D) the average length of time to process an application for assistance; and

''(E) the number of applications for assistance pending and the estimated future liability of the program; and

''(4) an analysis of future program needs and suggested program improvements.''.

(2) CONFORMING AMENDMENT.—Section 1402(d)(5)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)(B)) is amended by inserting '', to provide assistance to victims of international terrorism under the program under section 1404C,'' after ''section 1404B''.

Mr. LEAHY. Mr. President, this week marks the 20th anniversary of our observance of National Crime Victims' Rights Week. This is a week that we set aside each year to honor and commemorate the victims of crime and those who serve them. It is appropriate to take this time to discuss the unmet needs of victims in our Nation's criminal justice system.

Tremendous strides have been made in these past 20 years toward ensuring better and more comprehensive rights and services for victims of crime. Today, there are over 30,000 laws nationwide that define and protect victims' rights, as well as over 10,000 national, State, and local organizations that provide assistance to people who have been hurt by crime. This is substantial progress, but there is still more to be done.

My involvement with crime victims' rights began more than three decades ago when I served as State's Attorney for Chittenden County, Vermont, and witnessed first-hand the devastation of crime. I have worked ever since to ensure that the criminal justice system is one that respects the rights and dignity of victims of crime and domestic violence, rather than one that presents additional ordeals for those already victimized.

I am proud that Congress has been a significant part of the solution to provide victims with greater rights and assistance. During the last two decades, Congress has passed several bills to this end. These bills have included:

The Victims and Witness Protection Act of 1982;

The Victims of Crime Act of 1984;

The Victims' Rights and Restitution Act of 1990;

The Violence Against Women Act of 1994;

The Mandatory Victims' Restitution Act of 1996;

The Justice for Victims of Terrorism Act of 1996;

The Victim Rights Clarification Act of 1997;

The Crime Victims with Disabilities Awareness Act of 1998; and

The Torture Victims Relief Act of 1998.

It is because of my continuing commitment to protecting the rights of victims that I joined with Senator KENNEDY to introduce the Crime Victims Assistance Act, S. 934, and its predecessor in the 105th Congress. This legislation offers full-scale reform of Federal rules and Federal law to establish stronger rights and protections for victims of Federal crime. This legislation further proposes to assist victims of State crime through the infusion of additional resources to make the criminal justice system more supporting of crime victims. In addition, this legislation would improve the capacity of the Office for Victims of Crime to provide more immediate and effective assistance to Americans who are victims of terrorism abroad.

The Crime Victims Assistance Act would improve the lot of victims throughout the country. Unfortunately, it appears that in this Congress, as in the last, we will not take the simple and important step of enacting this legislation. Instead, the Judiciary Committee has focused on proposals to amend the United States Constitution. Such action is ill-advised and a constitutional amendment is unnecessary. I regret that for the last several years the pace of crime victim legislation has slowed dramatically. I have grave reservations about proceeding first to amend the Constitution and only then to design and enact the legislation that could help crime victims. To help victims we must act on legislation like the Crime Victims Assistance Act and we should be doing so without further delay.

While the Crime Victims Assistance Act is central to a package of victim assistance legislation, it does not stand alone. There is so much that we could be doing to help victims, none of which requires an amendment to the Constitution. If we truly want to help victims we should, for example, re-authorize the Violence Against Women Act. A bill to reauthorize those programs has been pending without action for too long. It contains over $3.7 billion dollars in funding over five years, funding that primarily goes to State and local programs that desperately need assistance.

Just yesterday, the Office of Justice Programs announced that Women Helping Battered Women in Burlington, Vermont, will be receiving $249,043 under the Rural Domestic Violence and Child Victimization Enforcement Program—a VAWA program that I initiated. Earlier this month, the Vermont Center for Crime Victim Services received an award of $799,534 under the same program. This program, and other VAWA programs, meet the true and immediate needs of victims in every State. By contrast, the proposed constitutional amendment is a political gimmick, which promises much but fails to define real rights or provide real remedies or assistance.

We must also do more for victims of hate crimes by passing the Hate Crimes Prevention Act. This legislation amends the Federal hate crimes statute to make it easier for federal law enforcement officials to investigate and prosecute cases of racial and religious violence. It also focuses the attention and resources of the Federal Government on the problem of hate crimes committed against people because of their sexual orientation, gender, or disability. The Senate approved this legislation last summer as part of the Commerce-Justice-State appropriations bill, but it was dropped before final passage. We should pass it now, without further delay.

With a simple majority of both Houses of Congress we can pass the Crime Victims Assistance Act, which should have been enacted three years ago; we can re-authorize the Violence Against Women Act; we can pass the Hate Crimes Prevention Act. These laws can make a difference today in the lives of crime victims throughout the country. There would be no need to achieve super-majorities in both Houses of Congress, no need to await ratification efforts among the States and no need to go through the ensuing process of enacting implementing legislation.

I regret that we did not do more for victims last year or the year before. Over the course of that time, I have noted my concern that we not dissipate the progress we could be making by focusing exclusively on efforts to amend the Constitution. Regretfully, I must note that the pace of victims legislation has slowed noticeably and many opportunities for progress have been squandered.

I look forward to continuing to work with the Administration, victims groups, prosecutors, judges and other interested parties on how we can most effectively enhance the rights of victims of crime. Congress and State legislatures have become more sensitive to crime victims rights over the past 20 years and we have a golden opportunity to make additional, significant progress this year to provide the greater voice and rights that crime victims deserve.

I want to take this opportunity to commend all those who work so hard every day to assist victims of crime and to prevent others from becoming victims of crime. That is something I try to do every year and, in particular, during Crime Victims Rights Week. In preparing to do so again this year I was disappointed to see that no other Senator has yet recognized Crime Victims Rights week.

On behalf of Senators KENNEDY, SARBANES, KERRY, HARKIN, MURRAY, FEINGOLD, and ROBB, I am today filing a substitute amendment to our bill. In spite of the Judiciary Committee's lack of attention to these matters, we have continued to work on them, think about them and to improve the bill. I

ask unanimous consent that a copy of the substitute amendment and a section-by-section summary be printed in the RECORD.

Mr. KENNEDY. Mr. President, I support greater recognition of the rights of victims of crime. Clearly, they deserve enforceable rights that are guaranteed by law. But, just as clearly, these rights can be achieved without amending the Constitution. The Constitution is the foundation of our democracy, and it reflects the enduring principles of our country. The framers deliberately made it difficult to amend because it was never intended to be used for normal legislative purposes.

We have a responsibility to assure victims of crime that their rights in the criminal justice system will not be ignored. That is why my colleagues and I are re-introducing the Crime Victims Assistance Act.

Our bill clearly defines the rights of victims, and it establishes an effective means to implement and enforce these rights. It does so without taking the drastic and unnecessary step of amending the Constitution. Acting through legislation allows us to act quickly to give victims the rights to which they are entitled. It also allows us to react quickly to changing circumstances. By contrast, the proponents of a constitutional amendment are asking victims to wait, possibly for years, before any of the provisions in the amendment are adopted, much less implemented.

Our bill provides enhanced protections to victims of federal crimes. It assures victims a greater voice in the prosecution of the criminals who injured them and their families. It gives victims the right to be notified and heard on detention and plea agreements, the right to be notified and heard at probation revocation hearings, the right to be notified of the escape or release of a criminal from prison, and the right to a speedy trial and prompt disposition, free from unreasonable delay. In addition, our bill enhances victims' rights to obtain restitution, to be notified and heard at sentencing, and to be present at trial.

The rights established by our bill will fill the existing gaps in federal criminal law and will be a major step toward ensuring that victims of crime receive appropriate and sensitive treatment. Our bill will achieve these goals in a way that does not interfere with the efforts of the States to protect victims in ways appropriate to each State's unique needs.

Our bill also contains measures to ensure that victims receive the counseling, information, and assistance they need in order to participate in the criminal justice process to the maximum extent possible. It creates and funds additional federal victim assistance personnel. It authorizes the use of funds to establish effective pilot programs. It provides funds for increased training of state and local law enforcement agencies and court personnel, to enable them to respond effectively to the needs of victims and to notify them of important dates and developments. Our bill also establishes ombudsman programs to ensure that victims are given unbiased information about navigating the criminal justice process. To make all of these improvements possible, the proposed statute also improves federal financial support for victim assistance and compensation.

There is no need to amend the constitution to achieve these important goals. In my view, when it is not necessary to amend the constitution to achieve a particular goal, it is necessary not to amend it. That is why I ask my colleagues to establish effective and enforceable rights for victims of crime by supporting the Crime Victims Assistance Act.

Mr. FEINGOLD. Mr. President, I was pleased to join Senators LEAHY and KENNEDY as a sponsor of the Crime Victims Assistance Act, and I endorse this modified version of the bill. This is an important bill designed to give substantial, enforceable rights to the victims of federal crimes to participate fully in the various criminal justice proceedings arising out of their cases.

I understand that the sponsors of the constitutional amendment concerning the rights of victims of crime, often referred to as the Victims' Rights Amendment or VRA, will bring the amendment to the Senate floor in the near future. I have the utmost concern for the victims of crime, and I want to see them supported as much as possible in the law as they deal with the consequences of the crime committed against them. But I oppose the amendment.

The main reason for my opposition is that I do not think it is necessary to amend our great governing document, the Constitution of the United States, to provide the protection that victims of crime seek and deserve. We have a responsibility to deal with these issues through legislation before turning to the constitutional amendment process. That process is long and uncertain and its results are much less easier to fix than a statute if we have left something undone that should have been done.

The statutory alternative developed by Senators LEAHY and KENNEDY, which I expect will be offered as an amendment to the VRA when it comes to the floor, will truly serve the interests of victims in a much more direct and effective way than would a constitutional amendment. And we can enact it this year, getting relief and protections to victims of crime immediately that will not be available to them until some uncertain date under the constitutional amendment.

So I am pleased to join in this effort, and I look forward to working with my colleagues to try to convince the Senate that this is the best way to support the interests of victims of violent crime.

JOHN H. CHAFEE ENVIRONMENTAL EDUCATION ACT OF 1999

INHOFE AMENDMENT NO. 3098

(Ordered to lie on the table.)

Mr. INHOFE submitted an amendment intended to be proposed by him to the bill (S. 1946) to amend the National Environmental Education Act to redesignate that Act as the "John H. Chafee Environmental Education Act," to establish the John H. Chafee Memorial Fellowship Program, to extend the programs under that Act, and for other purposes; as follows:

In section 7(f) of the John H. Chafee Environmental Education Act (as amended by section 4(a)), strike paragraph (2) and insert the following:

"(2) MEMBERSHIP.—The Panel shall consist of 5 members, appointed by the Administrator from among persons recommended by the National Environmental Education Advisory Council.

In section 6(1) of the bill, strike subparagraph (C) and insert the following:

(C) by striking the last sentence;

In section 11(b)(1) of the John H. Chafee Environmental Education Act (as amended by section 8(a)(2))—

(1) in subparagraph (C)—

(A) strike "40 percent" and insert "38 percent"; and

(B) strike "and" at the end;

(2) in subparagraph (D), strike the period at the end and insert "; and"; and

(3) add at the end the following:

"(E) not more than 2 percent shall be used to administer and make grants under the teachers' awards program under section 8(b).

PALACE OF THE GOVERNORS EXPANSION ACT

DOMENICI AMENDMENT NO. 3099

Mr. SESSIONS (for Mr. DOMENICI) proposed an amendment to the bill (S. 1727) to authorize for the expansion annex of the historic Palace of the Governors, a public history museum located, and relating to the history of Hispanic and Native American culture, in the Southwest and for other purposes, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Palace of the Governors Annex Act".

SEC. 2. CONSTRUCTION OF PALACE OF THE GOVERNORS ANNEX, SANTA FE, NEW MEXICO.

(a) FINDINGS.—Congress finds that—

(1) the United States has a rich legacy of Hispanic influence in politics, government, economic development, and cultural expression;

(2) the Palace of the Governors—

(A) has been the center of administrative and cultural activity over a vast region of the Southwest since its construction as New

Mexico's second capitol in Santa Fe by Governor Pedro de Peralta in 1610;

(B) is the oldest continuously occupied public building in the continental United States, having been occupied for 390 years; and

(C) has been designated as a National Historic Landmark;

(3) since its creation, the Museum of New Mexico has worked to protect and promote Southwestern, Hispanic, and Native American arts and crafts;

(4) the Palace of the Governors houses the history division of the Museum of New Mexico;

(5) the Museum has an extensive, priceless, and irreplaceable collection of—

(A) Spanish Colonial paintings (including the Segesser Hide Paintings, paintings on buffalo hide dating back to 1706);

(B) pre-Columbian Art; and

(C) historic artifacts, including—

(i) helmets and armor worn by the Don Juan de Oñate expedition conquistadors who established the first capital in the territory that is now the United States, San Juan de los Caballeros, in July 1598;

(ii) the Vara Stick used to measure land grants and other real property boundaries in Dona Ana County, New Mexico;

(iii) the Columbus, New Mexico Railway Station clock that was shot, stopping the pendulum, freezing for all history the moment when Pancho Villa's raid began;

(iv) the field desk of Brigadier General Stephen Watts Kearny, who was posted to New Mexico during the Mexican War and whose Army of the West traveled the Santa Fe trail to occupy the territories of New Mexico and California; and

(v) more than 800,000 other historic photographs, guns, costumes, maps, books, and handicrafts;

(6) the Palace of the Governors and its contents are included in the Mary C. Skaggs Centennial Collection of America's Treasures;

(7) the Palace of the Governors and the Segesser Hide paintings have been declared national treasures by the National Trust for Historic Preservation; and

(8) time is of the essence in the construction of an annex to the Palace of the Governors for the exhibition and storing of the collection described in paragraph (5), because—

(A) the existing facilities for exhibiting and storing the collection are so inadequate and unsuitable that existence of the collection is endangered and its preservation is in jeopardy; and

(B) 2010 marks the 400th anniversary of the continuous occupation and use of the Palace of the Governors and is an appropriate date for ensuring the continued viability of the collection.

(b) DEFINITIONS.—In this section:

(1) ANNEX.—The term ''Annex'' means the annex for the Palace of the Governors of the Museum of New Mexico, to be constructed behind the Palace of the Governors building at 110 Lincoln Avenue, Santa Fe, New Mexico.

(2) OFFICE.—The term ''Office'' means the State Office of Cultural Affairs.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) STATE.—The term ''State'' means the State of New Mexico.

(c) GRANT.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall make a grant to the Office to pay 50 percent of the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex.

(2) REQUIREMENTS.—Subject to the availability of appropriations, to receive a grant under this paragraph (1), the Office shall—

(A) submit to the Secretary a copy of the architectural blueprints for the Annex; and

(B) enter into a memorandum of understanding with the Secretary under subsection (d).

(d) MEMORANDUM OF UNDERSTANDING.—At the request of the Office, the Secretary shall enter into a memorandum of understanding with the Office that—

(1) requires that the Office award the contract for construction of the Annex after a competitive bidding process and in accordance with the New Mexico Procurement Code; and

(2) specifies a date for completion of the Annex.

(e) NON-FEDERAL SHARE.—The non-Federal share of the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex—

(1) may be in cash or in kind fairly evaluated, including land, art and artifact collections, plant, equipment, or services; and

(2) shall include any contribution received by the State (including contributions from the New Mexico Foundation and other endowment funds) for, and any expenditure made by the State for, the Palace of the Governors or the Annex, including—

(A) design;

(B) land acquisition (including the land at 110 Lincoln Avenue, Santa Fe, New Mexico);

(C) acquisitions for and renovation of the library;

(D) conservation of the Palace of the Governors;

(E) construction, management, inspection, furnishing, and equipping of the Annex; and

(F) donations of art collections and artifacts to the Museum of New Mexico on or after the date of enactment of this Act.

(f) USE OF FUNDS.—The funds received under a grant awarded under subsection (c) shall be used only for the final design, construction, management, inspection, furnishing and equipment of the Annex.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), subject to the availability of appropriations, there is authorized to be appropriated to the Secretary to carry out this section $15,000,000, to remain available until expended.

(2) CONDITION.—Paragraph (1) authorizes sums to be appropriated on the condition that—

(A) after the date of enactment of this Act and before January 1, 2010, the State appropriate at least $8,000,000 to pay the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex; and

(B) other non-Federal sources provide sufficient funds to pay the remainder of the 50 percent non-Federal share of those costs.

NRC FAIRNESS IN FUNDING ACT OF 1999

SMITH AMENDMENTS NOS. 3100–3101

Mr. SESSIONS (for Mr. SMITH of New Hampshire) proposed two amendments to the bill (S. 1627) to extend the authority of the Nuclear Regulatory Commission to collect fees through 2004, and for other purposes; as follows:

AMENDMENT NO. 3100

Beginning on page 5, strike line 2 and all that follows through page 7, line 22, and insert the following:

SEC. 101. NUCLEAR REGULATORY COMMISSION ANNUAL CHARGES.

Section 6101 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214) is amended—

(1) in subsection (a)(3), by striking ''September 30, 1999'' and inserting ''September 20, 2005''; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting ''or certificate holder'' after ''licensee''; and

(B) by striking paragraph (2) and inserting the following:

''(2) AGGREGATE AMOUNT OF CHARGES.—

''(A) IN GENERAL.—The aggregate amount of the annual charges collected from all licensees and certificate holders in a fiscal year shall equal an amount that approximates the percentages of the budget authority of the Commission for the fiscal year stated in subparagraph (B), less—

''(i) amounts collected under subsection (b) during the fiscal year; and

''(ii) amounts appropriated to the Commission from the Nuclear Waste Fund for the fiscal year.

''(B) PERCENTAGES.—The percentages referred to in subparagraph (A) are—

''(i) 98 percent for fiscal year 2001;

''(ii) 96 percent for fiscal year 2002;

''(iii) 94 percent for fiscal year 2003;

''(iv) 92 percent for fiscal year 2004; and

''(v) 88 percent for fiscal year 2005.''.

AMENDMENT NO. 3101

On page 7, strike line 23 and insert the following:

SEC. 102. NUCLEAR REGULATORY COMMISSION AUTHORITY OVER FORMER LICENSEES FOR DECOMMISSIONING FUNDING.

Section 161i. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(i)) is amended—

(1) by striking ''and (3)'' and inserting ''(3)''; and

(2) by inserting before the semicolon at the end the following: '', and (4) to ensure that sufficient funds will be available for the decommissioning of any production or utilization facility licensed under section 103 or 104b., including standards and restrictions governing the control, maintenance, use, and disbursement by any former licensee under this Act that has control over any fund for the decommissioning of the facility''.

SEC. 103. COST RECOVERY FROM GOVERNMENT AGENCIES.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Thursday, May 4, 2000 at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to conduct oversight on the United States

Forest Service's use of current and proposed stewardship contracting procedures, including authorities under section 347 of the FY 1999 omnibus appropriations act, and whether these procedures assist or could be improved to assist forest management activities to meet goals of ecosystem management, restoration, and employment opportunities on public lands.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey (202) 224–2878.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, May 10, 2000, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to conduct oversight on the United States Forest Service's proposed revisions to the regulations governing National Forest Planning. This hearing was originally scheduled for April 13, 2000 at 2:30.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey or Bill Eby at (202) 224–6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 13, 2000, at 10:00 a.m., in open session to review the Department of Defense Anthrax Vaccine Immunization Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, April 13, 2000, to conduct a hearing on Structure of Securities Markets.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, April 13, 2000, at 9:30 a.m. on pending committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, April 13, 2000, at 2:30 p.m. on S. 1361—Natural Disaster Protection and Insurance Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, April 13 at 9:30 a.m. to conduct a hearing. The committee will receive testimony on S. 282, the Transition to Competition in the Electric Industry Act; S. 516, the Electric Utility Restructuring Empowerment and Competitiveness Act of 1999; S. 1047, the Comprehensive Electricity Competition Act; S. 1284, the Electric Consumer Choice Act; S. 1273, the Federal Power Act Amendments of 1999; s. 1369, the Clean Energy Act of 1999; S. 2071, Electric Reliability 2000 Act; and S. 2098, the Electric Power Market Competition and Reliability Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, April 13, at 9:15 a.m. to consider pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 13, 2000 at 2:30 p.m. to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on protecting pension assets during the session of the Senate on Thursday, April 13, 2000, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, April 13, 2000, at 9:30 a.m. in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Forests and Public Land Management Subcommittee of the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, April 13, at 2:30 p.m. to conduct an oversight hearing. The subcommittee will receive testimony on the United States Forest Service's proposed regulations governing National Forest Planning.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Immigration be authorized to meet to conduct a hearing on Thursday, April 13, 2000, at 2:00 p.m., in Dirksen 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Thank you, Mr. President. I want to speak for about 5 or 6 minutes on a bill I am introducing.

What does my colleague from Louisiana have in mind?

Ms. LANDRIEU. Mr. President, if my colleague will yield, I wanted to speak for about 2 minutes. If Senator BYRD would allow both of us to go forward before he begins his remarks, I would be happy to yield.

Mr. BROWNBACK. Mr. President, I would be happy to yield to my colleague from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I thank Senator BROWNBACK.

THE HAGUE CONVENTION ON INTERNATIONAL ADOPTION

Ms. LANDRIEU. Mr. President, I make note tonight of a very significant event which occurred today in the Capitol. We were able to pass legislation from the Foreign Relations Committee, under the leadership of the chairman of that committee, Chairman JESSE HELMS, The Hague Convention on International Adoption.

The reason I mention it particularly tonight is that we will be taking up this implementation legislation when we return—hopefully, soon after we return. Then we will be considering a very important treaty under the same title.

There are many hundreds of leaders in Washington today from the Joint Council on International Children's Services and with the National Council for Adoption who have worked literally for years to bring us to this point.

I also commend our partners in the House, Congressman DELAHUNT from Massachusetts, Congressman BURR, and Congressman GEJDENSON from Connecticut who worked very hard on this who were terrific leaders.

Sixty-six countries participated in this ground-breaking document. There were 37 signatories, and to date 29 countries have ratified. I particularly mention Mexico and Romania as two of the earliest countries.

Since the United States receives more children in this country through adoption than all other countries combined, and since we pride ourselves on being a leader in this particular area, I think it is very significant that we step forward, pass this legislation, and ratify this treaty.

In closing, let me say it is so significant because many Senators from both sides of the aisle have worked for so many years to promote adoption in a very positive way to say basically that every child deserves a home. If their biological family is split apart or broken up by death, or disease, or tragedy, neglect, or abuse, it is our responsibility as a society to make sure those children are cared for permanently by someone who is capable of nurturing and loving.

The significance of this treaty is that now we express, in an international way, that that child should then go to their family and then to the community at large, but if no place can be found, surely there is a home somewhere on this planet for these children. There are many orphans and there are many children in limbo caught within systems in the United States and elsewhere.

I thank my colleagues and I thank Senator HELMS for his great leadership. I look forward to taking up this issue when we return because there was great committee work done and a lot of work for many years was put into this. I am convinced that millions of children now all over the world will be able to find a home and families will be able to find children once this legislation is implemented and carried out.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Thank you very much. I thank my colleague from West Virginia for allowing me to speak for a few minutes.

THE MAJORITY LEADER, TRENT LOTT

Mr. BROWNBACK. Mr. President, I want to recognize the majority leader, Senator TRENT LOTT, for his great work in getting the marriage penalty bill brought up to the point where, right after we get back, I am hopeful, we will be able to vote on this piece of legislation and get it passed.

(The remarks of Mr. BROWNBACK pertaining to the introduction of S. 2449 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

ORGAN TRANSPLANT LEGISLATION

Mr. SPECTER. Mr. President, I have a very brief colloquy with the distinguished Senator from Vermont from the Committee on Labor, Health, Education and Pensions. It had been anticipated there would be a unanimous consent request to move forward on legislation on organ transplants which came out of the Labor Committee yesterday on a unanimous vote. I had been deeply involved in that matter when the issue came before the conference on the appropriations bill for Labor, Health and Human Services, and Education. We had crafted, after a great deal of controversy, a resolution where the Secretary of Health and Human Services came especially to an evening session and we worked out what I thought were the final details on the settlement.

But as I think George Shultz said, nothing is ever settled in Washington and the matter has seen a new birth. The issue came before the Labor Committee and they have crafted a new proposal. I had intended to object. It now appears that others will object and the matter will not come forward.

I thought it useful to have a colloquy with Senator JEFFORDS where I would not raise an objection on his assurance that out of the conference the bill of the Labor Committee would not be watered down any more. That is a minimal consideration for fairness in organ transplants. In my judgment, no bill would be better than any bill which is less than the one which is out of committee.

My own personal view is that the compromise crafted in my subcommittee on appropriations on that bill is a superior approach, but I did see the wave moving toward what happened in the Labor Committee yesterday. Therefore, I will not raise an objection on the assurance from the chairman that that bill will not be reduced, modified, or weakened in any way in conference.

Mr. JEFFORDS. I thank the Senator for his statement. We had an incredibly good breakthrough in negotiations, which is why I can reassure the Senator of my belief that we don't have to worry about it being changed, with the administration about 3 o'clock the morning before last, after long negotiations, and we came to a resolution which at least I know my critics in Vermont and everyone I know has agreed is a wonderful resolution of the problem. I am hopeful we will also be able to get the holds from the other side of the aisle removed expeditiously so this can be passed.

I thank the Senator because he was a leader in this field, and the bill he brought out of the appropriations process was certainly one which was taken into consideration and utilized in the final resolution.

With Senator KENNEDY and Senator FRIST agreeing to it, with the administration, I think we have, for the first time, a real hope this very difficult area of organ transplants and how they will be utilized may have a permanent solution—at least a solution for a foreseeable length of time. A lot of it is due to the efforts of the Senator, and I appreciate it.

Mr. SPECTER. I thank my colleague from Vermont for that statement. I want to be sure I have his commitment he will not bring back a conference report to this floor which would water down in any way the bill which came out of his committee yesterday.

Mr. JEFFORDS. I give the Senator those assurances.

Mr. SPECTER. I thank my friend from Vermont, and I thank my colleague from West Virginia, and I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

THE LAST BUDGET RESOLUTION MANAGED BY SENATOR LAUTENBERG

Mr. BYRD. Mr. President, the conference report on the budget resolution for fiscal year 2001 has been adopted. I note that this will be the last budget resolution to be managed by my good friend from New Jersey, Senator LAUTENBERG. Senator LAUTENBERG joined the Budget Committee in 1985, 2 years after he was first elected to the Senate. Since that time, he has become an expert on the Federal budget process. He has worked hard. He has been diligent in his business.

The Bible says:

> Seest thou a man diligent in his business? he shall stand before kings.

FRANK LAUTENBERG has been diligent in his business. His mastery of Federal budget matters was aided, to a great degree, by his earlier mastery of business matters in the private sector. FRANK LAUTENBERG was one of the founding partners of a company called Automatic Data Processing. That company now employs 37,000 employees and has a market capitalization in excess of $31 billion. Just prior to being elected to the Senate, FRANK LAUTENBERG served as both chairman and chief executive officer of that company. As a businessman, he developed an uncanny ability to perform mathematical calculations in his mind. As such, his staff on the Budget Committee is usually playing catchup, as Senator LAUTENBERG restates budgetary issues in percentage terms.

The people of New Jersey, and, indeed, the people of the United States, have benefited greatly from the business expertise that FRANK LAUTENBERG

has brought to the U.S. Senate and especially to his assignment as the ranking member of the Senate Budget Committee. FRANK LAUTENBERG rose to the position of ranking member in 1997, following the retirement of Senator James Exon of Nebraska. Throughout Senator LAUTENBERG's service on the Budget Committee, he has been an extraordinarily able and outspoken advocate of funding for our Nation's children, for the environment, and for transportation.

In addition to serving on the Senate Budget Committee, Senator LAUTENBERG also serves on the Appropriations Committee, where he is ranking member of the very important Subcommittee on Transportation on which I serve. In that regard, Senator LAUTENBERG is eminently well versed in both the budget and appropriations processes.

So I commend Senator LAUTENBERG for his very able service to the Senate and to the Nation in his capacity as ranking member of the Senate Budget Committee. We will miss not only his contributions but also his good humor in future budget debates.

Mr. President:

It isn't enough to say in our hearts
That we like a man for his ways;
It isn't enough that we fill our minds
With psalms of silent praise;
Nor is it enough that we honor a man
As our confidence upward mounts;
It's going right up to the man himself
And telling him so that counts.

If a man does a work that you really admire,
Don't leave a kind word unsaid.
In fear to do so might make him vain
And cause him to lose his head.
But reach out your hand and tell him, ''Well done.''
And see how his gratitude swells.
It isn't the flowers we strew on the grave,
It's the word to the living that tells.

So I say to FRANK LAUTENBERG: Well done.

EASTER—A TIME OF REBIRTH

Mr. BYRD. Mr. President, when many people contemplate Easter, thoughts of chocolate bunnies, Easter egg hunts, and family gatherings come to mind. Little girls dream of a new frilly lace-bedecked frock, shiny new patent leather shoes, and a festive bonnet adorned with ribbons and flowers to top it all off. It is hard not to feel an excitement in the air as the daylight hours increase, the winter coats are put away, and the sweet smell of the season's first roses fill the air. The landscape is freshly decorated with a pallet of azaleas, tulips, jonquils, and pink and white flowers of the dogwood. Overnight, it seems, the silhouettes of the tree branches disappear, replaced by the first green buds of spring. Neighbors, who seemed almost strangers during the long dark winter, suddenly greet you from their front porches, and passersby out for an afternoon stroll stop to offer that much-needed gardening advice, or they admire your latest planting. The first aroma of charcoal fills the air as grills are fired up after a long rest. Children play outside after dinner, trying to squeeze in every bit of the daylight into their playtime. Everything seems new, everything seems exciting, everything seems reborn. But during this season of rebirth, how many stop to ponder the true meaning of this most holiest of seasons of the Christian calendar?

Easter, Jesus' resurrection from the dead, was the key belief of the earliest Christians. In fact, that truly miraculous event has made an imprint on other religions and inspired to thought and deed individuals who do not practice the Christian faith. Mohandas K. Gandhi said simply and eloquently:

> Jesus, a man who was completely innocent, offered himself as a sacrifice for the good of others, including his enemies, and became the ransom of the world. It was a perfect act.

The Bible says a great deal about Easter, that central mystery of the Christian faith. That Jesus was crucified and miraculously raised from the dead is hard for many to accept. It was hard for the early Christians to comprehend also, but the faith in the risen Christ spread like a wildfire on a dry and windy summer day!

Easter arrives late this year, on April 23, almost as late as it can possibly be. It is celebrated on a Sunday on varying dates between March 22 and April 25, and is, therefore, called a movable feast. Easter embodies many pre-Christian traditions. The origin of its name is unknown; however, many scholars have accepted the derivation proposed by the 8th-century English scholar St. Bede—that it probably comes from Eastre, the Anglo-Saxon name of a Teutonic goddess of spring and fertility, whose festival was celebrated on the day of the vernal equinox. The Easter rabbit, a symbol of fertility, and colored Easter eggs, originally painted with bright colors to represent the sunlight of spring, and used in egg-rolling contests, are traditions that have survived. According to the New Testament, Christ was crucified on the eve of Passover and soon rose from the dead. The Easter festival commemorated Christ's resurrection. Over time, there were serious differences between the early Christians over the date of the Easter festival. Those of Jewish origin celebrated Easter immediately after Passover, which fell on the evening of the full moon. Therefore, Easter, from year to year, fell on different days of the week. Christians of Gentile origin, on the other hand, wished to commemorate the resurrection on Sunday, the first day of the week. It was on the same day of the week each year, but fell on different dates from year to year. In 325 A.D. Roman Emperor Constantine the Great, who, early in his reign, issued a document allowing Christians to practice their religion within the empire, convoked the Council of Nicaea. The council unanimously ruled that the Easter festival should be celebrated throughout the Christian world on the first Sunday after the full moon following the vernal equinox.

At Easter, we receive again God's greatest gift of love: Jesus. Spring is a time to remember that gift. Death and resurrection are entwined not only in the death and resurrection of our Lord, but also in spring's final struggle with winter's strong grasp. There is a struggle in both dying and in birth and it is logical to think that something must be born in order to die. However, from Jesus' words in John's Gospel, Chapter 12, verses 23 and 24, as Jesus foresees his own death, the Bible tells us something different—it tells us that something must die in order to be born. Jesus says:

> The hour is come, that the Son of man should be glorified. Verily, verily, I say unto you, Except a corn of wheat fall into the ground and die, it abideth alone, but if it die, it bringeth forth much fruit.

Easter is the time of year that finds many churches overflowing. Parking attendants direct traffic caused by the overflow of cars on this special day. Pews are packed tight. Extra chairs line the aisles, and much of this crowd only sees the inside of a church once a year, and Easter is the day. It is nice to see new faces. Those who attend church every Sunday look around at all the new faces, hoping they will become familiar, and struggle to find their regular seats. The struggle is worth it, however, because some of these same people will come back and join with the community that has worshiped together all year. They will become members of a church family like those who have risen in the darkness to watch the youth group tell the Easter story at sunrise—there is nothing like it, telling it at sunrise—or who are praising God with their voices in the choir, or who cooked the pancake breakfast for Palm Sunday, or who decorated the Sanctuary with Easter Lilies. Perhaps they will be like those who teach the children the meaning of God's love and grace in Sunday school classes. They will find a church home. They will find God. They will be awakened. They will be reborn!

During our lives, we all experience the loss of a loved one. Have you ever thought about the resurrection story in a way that brought you comfort in your time of grief? A little boy recently lost his grandfather, and one day, when he was remembering his grandfather, he said to his mother, ''Mom, Easter will be extra special this year. We will have two reasons to celebrate! Granddad and Jesus have both risen!'' If a 6-year-old can understand

the beauty of the Easter story on this level, think of the hope that this celebration can bring to others who are grieving. I talked with one of my constituents on yesterday who lost his wife. I said: Come Eastertime, your wife knows your grief. She knows about your sorrow. And the beauty of the story is, you can see her again. Every year at this time I remember my beloved grandson, Michael, who died in a tragic accident in 1982. I know that he is in a better place, and my faith in the Lord carries me through my sorrow. I can visualize Michael stepping out of the tomb with Christ, and I know that he, too, is ''alive.'' Hear these words of Trappist monk Henri Nouwen:

Easter does not make death less painful or our own grief less heavy. It does not make the loss less real, but Easter makes us see and feel that death is part of a much greater and much deeper event, the fullness of which we cannot comprehend, but which we know is a life-bringing event.

He goes on to say:

The best way I can express to you the meaning death receives in the light of the resurrection of Jesus is to say that the love that causes us so much grief and makes us feel so fully the absurdity of death is stronger than death itself. Love is stronger than death. The same love that makes us mourn and protest against death will now free us to live in hope.

So, Mr. President, let Easter be the time to remember that the tomb is empty, that those who have passed before us have been reborn and will live eternal life. Let us rejoice at this miracle and the miracle of God's love. As we hide Easter eggs for our children, our grandchildren, or even our great grandchildren, and help them search through the green and purple Easter grass for the last sticky marshmallow chick and a handful of jelly beans, let us not forget the gift that God gave us. As Jesus said in the third chapter of the Gospel of John, verse 16:

For God so loved the world, that he gave his only begotten Son, that whosoever believeth in him should not perish, but have everlasting life.

These are powerful words, and they are often used as words of persuasion, to bring others to Christ. God gave His only begotten Son . . . for us! What a powerful love that is!

While the Senate is in recess and the schools are closed for ''spring break,'' I hope that those who are listening will take this time to recall this miracle of Easter. I continue to believe that the warp and woof of this great Nation are the deeply rooted religious beliefs of its people. Our religious beliefs, though diverse, our common faith in the Creator, remind all of us to look for the greater good, the higher, better part of ourselves and of others. The lessons differ, but the message is the same. Let us love one another. The resurrection of Jesus is the basis for the Christian belief that not only Jesus, but all Christians, will triumph over death. In closing, I recall the words of William Jennings Bryan and his thoughts concerning Proof of Immortality:

If the Father deigns to touch with divine power the cold and pulseless heart of the buried acorn and to make it burst forth from its prison walls, will He leave neglected in the earth the soul of man, made in the image of his Creator? If He stoops to give to the rosebush, whose withered blossoms float upon the autumn breeze, the sweet assurance of another springtime, will He refuse the words of hope to the sons of men when the frosts of winter come? If matter, mute and inanimate, though changed by the forces of nature into a multitude of forms, can never be destroyed, will the imperial spirit of man suffer annihilation when it has paid a brief visit like a royal guest to this tenement of clay? No, I am sure that He who, notwithstanding His apparent prodigality, created nothing without a purpose, and wasted not a single atom in all His creation, has made provision for a future life in which man's universal longing for immortality will find its realization. I am as sure that we live again as I am sure that we live today.

Mr. President, let us celebrate these words of hope this Easter season. The tomb is empty and the soul of man will never, never die.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. L. CHAFEE). Without objection, it is so ordered.

INDEPENDENT COUNSEL ROBERT RAY

Mr. LEVIN. Mr. President, I rise tonight to speak in support of the remarks that were made earlier today by the distinguished Senator from Nevada, Mr. REID. Senator REID spoke eloquently about the need for Robert Ray, the independent counsel who assumed duties when Kenneth Starr resigned, to bring that investigation of the President to a close.

The report earlier this week in the Washington Post that Mr. Ray is increasing his budget and his staff in contemplation of a possible indictment of the President after the President leaves office is chilling. Senator REID is right to remind Mr. Ray that this is the United States and not a country such as the old Soviet Union where the abuse of the administration of law was used as a political weapon.

Mr. Ray apparently justifies the continuation of his office and his consideration of an indictment of the President because of his commitment to the principle that no one is above the law.

Certainly in this country that principle is fundamental. That was the theory behind establishing the independent counsel law in the first place. But that principle has two other equally important applications. One is that it means Mr. Ray himself is not above the law; and, two, while it is imperative that top Government officials be treated no better than private citizens, it is equally important that they should also be treated no worse.

The independent counsel law requires that the independent counsel operate as a normal U.S. attorney and that the independent counsel comply with the policies and practices of the Department of Justice.

We require this in the law because we do not want our top Government officials to be treated worse than a private citizen. Yes, we want to make sure our top Government officials do not get preferential treatment, but equally important, we do not want them to be treated unfairly either.

Mr. Ray projects he is going to spend an additional $3.5 million in the next 6 months sifting through the evidence to determine whether or not he should indict the President for perjury in a civil case.

Do any of us think that a U.S. attorney would spend 2 years and tens of millions of dollars investigating a possible perjury charge in a civil suit to begin with? Does anyone think a U.S. attorney would then ask for or receive six new attorneys, additional investigators and contractors, and an additional $3.5 million of taxpayers' money on top of the 40 staff people and above the $52 million that the office had already spent to investigate?

The facts in the Lewinsky case have been sliced and diced and parsed and sifted through over and over again. They have been brutally revealed and thoroughly reviewed detail by detail.

If Mr. Ray is not to be above the law himself, and if he is to abide by the principle he claims to hold dear, then he should do what a U.S. attorney would do in a case like this involving a private citizen—bring it to a close.

The purpose of the independent counsel law is to fairly investigate top Government officials so they are treated no better and no worse than a private citizen. It is, instead, being used to pillory.

Nineteen months ago, Mr. Ray's predecessor, Kenneth Starr—surely a dogged independent counsel—represented to Congress that he was going to end the investigation ''soon.'' That was Mr. Starr's word, ''soon.''

Mr. Starr represented the following to the House of Representatives on September 11, 1998:

All phases of the investigation are now nearing completion. This Office will soon make final decisions about what steps to take, if any, with respect to the other information it has gathered.

Those were Mr. Starr's words 19 months ago when he made the representation to the Congress of the

United States and the people of the United States that his office would soon make final decisions about what steps to take, if any.

Mr. Ray's statement, as reported in the Washington Post, that this is still an open investigation and that he wants six new attorneys and $3.5 million more belies Mr. Starr's formal representation to the Congress and to the people. In commenting on Mr. Ray's latest statements, Pulitzer Prize winning columnist Maureen Dowd noted that even Javert, the driven policeman in the book ''Les Miserables,'' who was singularly focused on capturing Jean Valjean ''jumped into the Seine at some point.''

I am not urging Mr. Ray to jump into the Potomac. I am saying—and I am confident that this is the opinion of the majority of the people in our country—that Mr. Ray needs to bring this investigation to a close and to do it now.

The Lewinsky matter is over. The Paula Jones case is over. They were traumatic times for the country. The public has suffered. The President has been punished. It is time to move on. To extend this investigation with new attorneys and more money and more time is to punish the country. The country doesn't deserve it.

Mr. President, I ask unanimous consent that today's editorial from the New York Times entitled ''Reining in Robert Ray'' and today's op-ed piece from the Washington Post by Richard Cohen entitled ''Independent Counsel Overkill'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 13, 2000]

REINING IN ROBERT RAY

There are worrying signs that Robert Ray, the career prosecutor who succeeded Kenneth Starr as independent counsel investigating President Clinton, shares his clumsy predecessor's problem in winding up an investigation. Mr. Ray at this point should have a concise two-point agenda—to deliver a report summing up the findings of his office, and then go home. Instead he is beefing up his staff. Moreover, he makes it no secret that he is actively considering indicting Mr. Clinton after he leaves office in connection with the same issues that were argued at the impeachment trial last year.

In other words, Mr. Ray intends to drag out his mandate nine more months. ''It is an open investigation,'' he told The Washington Post this week. ''There is a principle to be vindicated, and that principle is that no person is above the law, even the president of the United States.''

Mr. Ray is right about that principle, and we have consistently favored vigorous inquires into the president's personal and campaign finances and his truthfulness under oath.

But respect for the rule of law does not require a suspension of reasonable prosecutorial discretion.

It would be a disservice to the Constitution to set a new precedent of indicting former presidents over offenses adjudicated in the context of impeachment that received an adequate and punishing airing in the Senate trial. Responding to the new stirrings in the independent counsel's office, Vice President Gore said yesterday that Mr. Clinton had no intention of pardoning himself should he be indicted while president, or accepting a pardon from his successor. That is laudable, if true. Yet the possibility of criminal charges against the president should not be on the table at this late date. The nation has moved on, and once he has completed his overdue reports, so should Mr. Ray.

[From the Washington Post, Apr. 13, 2000]

INDEPENDENT COUNSEL OVERKILL

(By Richard Cohen)

Something happens to an ordinary man when he becomes an independent counsel. His chest must swell, his biceps must bulge and he probably cannot pass a phone booth without feeling the urge to change his clothes. Such a man is Robert W. Ray, the successor to Ken Starr, who earlier this week told The Post he just might indict Bill Clinton after the president leaves office. Stay in that phone booth, Bob.

Ray's warning is backed by a reconstitution of the office. Six new lawyers have been hired. A new investigator has been brought on board. An FBI agent has been detailed to the staff, and Ray plans to spend even more money in the next six months than he has in the last—for a total of $6.6 million. From what he says and the way he has been acting, it seems Ray might put the cuffs on Clinton just as the new president says, ''So help me God.''

Why? ''There is a principle to be vindicated,'' he told The Post's David Vise, ''and that principle is that no person is above the law, even the president of the United States.'' This, of course, is the sort of thing you find chiseled over courthouse doors, contradicted only by what transpires in the courthouse itself. Some people are above the law. The envelope, please.

The first is Richard Nixon. Guilty of obstruction of justice, of using our very government to cover up his crimes and lying so often about so much that I don't think he spoke the truth for his entire last year in office, he nonetheless was given a deal: resign the presidency and you will not be indicted. Just to make the deal sweeter, Gerald Ford, his successor, pardoned him.

Next comes Spiro T. Agnew, Nixon's first vice president. A more mendacious fellow never occupied that office. He extorted. He accepted bribes. He lied. Yet he too was allowed to resign his office, pay a wee fine—and go his merry way. An ordinary man would have gone to jail. Agnew too was above the law.

These are not happy facts, but they are true nevertheless. They reflect a coming to terms with reality that, in the end, persuaded prosecutors to abandon their plans to seek indictments. The stakes were greater than the fate of a single man and, besides, some felt Nixon and Agnew had been punished enough. They were ruined men.

The reality is that Clinton, too, has already paid a penalty. He is only the second president to be impeached and he has undergone the most mortifying and virtually molecular examination of his private life. To most Americans, the matter must seem closed. It sure seemed that way to Richard Posner, the federal judge whose wisdom was recently enlisted in a vain attempt to settle the government's case against Microsoft.

Posner is the author of a book about the Clinton investigation, ''An Affair of State,'' for which he was criticized by Ronald Dworkin, a New York University law professor who is as eminent on the left as Posner is on the right. Dworkin wrote recently in the New York Review of Books that as a sitting judge, Posner should never have written about an ''impending'' case.

Nonsense, replied Posner in the current issue. ''A prosecution of President Clinton, while conceivable as a theoretical possibility, is not imminent and in fact will almost certainly never happen.'' He even restated it by saying, ''Almost no issue of policy has a smaller probability of someday becoming a legal case.'' Clearly, Robert Ray has not read Posner.

But he should. We all know Clinton lied. We all believe he perjured himself, and I, for one, do not excuse him for any of it. A president, of all people, should not lie under oath. Still, it has all been played out, talked to death in the House and Senate, yakked to smithereens on television and bound for posterity by Ken Starr.

Ray can indict Clinton anywhere he has a grand jury. But Washington's the town where the president works, where he lives and where he was deposed. If there was a crime, Washington's the crime scene. A trial there would mean a jury pool drawn from a majority black city where, in most neighborhoods, no one has seen a Republican since the Garfield administration. But no matter where he was tried, it likely would be by people who feel that a person who lies about sex, while technically wrong, is guilty only of committing common sense. A conviction is out of the question.

Give it up Bob. Your best way of serving the country is to close down your office, lock the door and put Clinton behind you.

Much of the country already has.

ONE YEAR OF COLUMBINE

Mr. LEVIN. Mr. President, one week from today, we will memorialize the worst school shooting tragedy in our nation's history. The very mention of Columbine High School strikes a nerve with the American public. It reminds us of a horrendous scene of children, screaming and running from their assailants, while SWAT-teams descended on to their otherwise calm neighborhood. On April 20, this year the nation will remember, but for the students of Columbine, those few hours of April 20, 1999 are replayed over and over again every day in their minds.

The survivors of Columbine revisit the massacre daily. They are reminded of that day by the fragments of ammunition in their bodies, or the scars cut deep in to their skin. When they see trenchcoats, they shudder, when they hear or smell fireworks, they get flashbacks. At such young ages, they have endured unimaginable physical and emotional pain. They have been poked and prodded by nurses, physicians, surgeons, physical, occupational and recreational therapists, and clinical psychologists. Some of them have found peace, others are still angry and frightened. A few can not tell their stories but many can tell them over and over again.

For Columbine-survivor Valeen Schnurr, ''The nights are always the

worst.'' Valeen is in college now, but Columbine is still very much with her. She writes, ''Inevitably, I find my thoughts drifting into nightmares, terrifying images of the library at Columbine High School on April 20, 1999. The sound of students screaming as explosives and gunshots echo through the school; the burning pain of the bullets penetrating my body; the sound of my own voice professing my faith in God; seeing my hands fill with my own blood; and my friend Lauren Townsend lying lifeless beside me as I try to wake her.''

''In the mornings when I look in the mirror, the scars I see on my arms and upper body always remind me that it's not just a nightmare, but the memory of a real event that will stay with me for the rest of my life. The scars are a part of me now, but they help me to remember that I've been blessed with a second chance at life.''

Another survivor, Kelsey Bane, talks about how she felt on her first day back at Columbine. ''On August 16, 1999, a new school year began. Only this year, I wasn't full of excitement. Instead, I was full of emotions I can't describe, because I was headed back to my school—Columbine High—for the first time since April 20. I was scared out of my mind, but I knew that whatever I did that day would determine the way I would live the rest of my life. So I went to school; I faced my fears and my nightmares from the past four months and got ready to begin a new school year.''

Over the last year, ''[it] has gotten harder, as I expected it would. Sometimes I can't remember what used to occupy my thoughts, because now my mind is overwhelmed by these horrific experiences. Our lives will never be the same—and I don't think I will ever fully accept that.''

Nicole Nowlen, who was a relatively new student when the tragedy occurred, wrote ''nine pieces of buckshot hit me; four exited and five are still inside. When school started at Chatfield High [in May], I wasn't physically ready, so I finished my sophomore year with a tutor and went back to Columbine in August.''

''It's been like this roller-coaster ride ever since. October and November got too crazy. First they arrested a kid [from Columbine] for making threats to finish the job. Then there was the six-month anniversary, and Mrs. Hochhalter [the mother of Anne Marie Hochhalter who was badly injured] killed herself. In all my classes, the kids never stopped talking about the shooting. It was depressing, so I decided to be home schooled.

''I started seeing a counselor in November . . . Things are better now, so I'm not going anymore. I may go again, but for now I'm at a good point.''

''What helped me the most was Gerda Weissman Klein. She's a 75-year-old Holocaust survivor who came to speak at our school in January. She's really the only one who understands what happened to all of us.''

For the students of Columbine, every day is a struggle, every day takes another act of courage. There is nothing we can do in Congress to change that, but there is something we can do to protect other students from the nightmares, the anger, and the pain, as told by these students. Congress owes it to Columbine to try to end school shootings and reduce access to guns among young people. As of this one-year anniversary, Congress has failed to do so.

Columbine victim Valeen Schnurr wrote, ''People on the outside don't realize how horrible it can actually be. We're the ones who can get everyone motivated and involved in making changes.'' I only hope Valeen is right. Her story should motivate Congress to strengthen our laws and save the lives of America's children.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENDING THE INDEPENDENT COUNSEL

Mr. SESSIONS. Mr. President, I was disappointed to hear one of our fine Senators, an able attorney, take the floor just a few minutes ago to commence a new round of attacks, it appears, on the new independent counsel, Mr. Ray.

We went through a period of time in which a person in this country was trying to enforce the law, trying to complete his duty as a sworn officer of the court, an individual asked to serve by the Attorney General of the United States, Mr. Starr, who conducted himself with restraint, propriety and fidelity to duty—a thankless task. He then gave up that office. Now it appears that Mr. Ray will be subjected to the same type of remarks. It is really disturbing and frustrating for me to hear that. I hope we don't hear that beginning. He simply made the obvious statement to the paper that the President can be indicted after he leaves office. He said that the investigation is not complete. He is charged with completing the investigation. He has an obligation to complete it, and he should complete it. I don't think anyone would suggest that he ought to stop before the evidence is gathered, that he ought not to fulfill his duty and responsibility that has been given to him. So I am really concerned about that.

During the impeachment trial—and I hate to even recall that, but I didn't start this discussion tonight—I remember that those on the other side of the aisle said even if a crime were committed, that would be something a prosecutor would deal with but it did not require us to impeach. Obviously, that is true. People could have believed that crime was committed and that an impeachment vote was not required. But that does not suggest a prosecution should not go forward. We have a principle in this country that is chiseled into the walls of the Supreme Court building: Equal Justice Under Law.

The Supreme Court made clear during the Nixon case, and at other times, that no American is above the law. They say, well, you would never prosecute another citizen in America for committing perjury in a civil case. That is silly. Well, I suggest that is not accurate. People are prosecuted for perjury in civil cases. I served as a U.S. attorney for 12 years in Mobile, AL. I remember very distinctly a young police officer who accused the chief of police of corruption. He was his driver. He made allegations in a deposition, and lawsuits were filed against the chief of police in Mobile, AL, who was an African American. They were coming after him. He repeated that under oath, and it turned out to be totally bogus. He eventually admitted it was bogus. He came to me as a U.S. attorney, a Federal prosecutor—it was a Federal lawsuit—and I believed it ought to be prosecuted. We charged that young man for that stupid, perjurious, felonious act. He pleaded guilty to it, as well he should have.

I don't know why the President is above that. If he did a crime, he ought to answer for it. I remember when this matter was at one of its intense points, I shared a private conversation with a distinguished Senator on the other side of the aisle. I shared with him that maybe the President ought to just admit he did something wrong, say he did it to the world, say he didn't tell the truth, ask the Congress to not impeach him, ask the American people for forgiveness, and say when he serves his term and walks out of there, he is willing to plead guilty to any crime he committed and ask for the mercy of the court. Now that would have ended the whole thing. That would have taken a manly act on his part, which I didn't really see occur during that time.

So I don't know how it ought to be handled. But I don't believe a duly appointed special prosecutor needs to be subjected to abuse on the floor of the Senate for doing what he is instructed to do and charged with doing by the courts of America. And to say it is like Russia, I don't appreciate that one bit. What is like Russia is when leaders lie, cheat, steal, and maintain their office.

That is what happens in a country such as Russia, not in a free democracy where all Americans are equal and have a right to know that every other public official is equal and subject to the law just as they are.

I am not suggesting I know what the facts are or that Mr. Ray does or does not have a good case. I have been a prosecutor, and I know what you have to do. A prosecutor has to gather the facts. Then if he has a case, he has to put it out before the whole world. If it is not there, he will be remembered for a bogus and unfair prosecution, if he ever got an indictment from a grand jury, which I doubt he would if he didn't have a good case. I am not afraid of the system. The President is subject to the system as is anyone else.

I wish we could bring this investigation to a close, but I happen to be on the committee involved in an investigation of various matters involving campaign finance and spying and that sort of thing. Senator SPECTER from Pennsylvania chairs it, and Senator TORRICELLI is a member. We have an incredibly difficult time getting information and documents from this Government. No wonder it takes Mr. Starr and Mr. Ray so long and they are frustrated at every turn in obtaining evidence they need to make a legitimate decision and present a legitimate case to a grand jury.

I wish this were over. I wish we never had to talk about it. I don't intend to raise the subject myself. But as a Federal attorney, I have been in court trying to do my duty. I have made up my mind that I am not going to allow somebody who is doing his duty to gather the evidence and make a decision on whether a case ought to go forward to be abused and compared to somebody in Russia. I am not going to allow that. We need to speak out against that, and I intend to do so at every opportunity.

THE CALENDAR

Mr. SESSIONS. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate now proceed to the consideration, en bloc, of the following Energy Committee matters:

S. 397, Calendar No. 448; S. 503, Calendar No. 449; S. 1694, Calendar No. 450; S. 1167, Calendar No. 451; H.R. 150, Calendar No. 452; H.R. 834, Calendar No. 453; H.R. 1231, Calendar No. 454; H.R. 1444, Calendar No. 455; H.R. 2368, Calendar No. 456; H.R. 2862, Calendar No. 457; H.R. 2863, Calendar No. 458; S. 408, Calendar No. 462; S. 1218, Calendar No. 463; S. 1629, Calendar No. 467; H.R. 3090, Calendar No. 488; S. 1797, Calendar No. 494; S. 1892, Calendar No. 497.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent that any committee amendments, where applicable, be agreed to, the bills then be considered read the third time and passed, as amended, if amended, any title amendments be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to any of these bills appear at this point in the RECORD, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL MATERIALS CORRIDOR PARTNERSHIP ACT OF 1999

The Senate proceeded to consider the bill (S. 397) to authorize the Secretary of Energy to establish a multiagency program in support of the Materials Corridor Partnership Initiative to promote energy efficient, environmentally sound economic development along the border with Mexico through the research, development, and use of new materials technology, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu there of the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Materials Corridor and United States-Mexico Border Technology Partnership Act of 2000''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the 2,000 mile long United States-Mexico border region, extending 100 kilometers north and south of the international boundary, has undergone rapid economic growth that has provided economic opportunity to millions of people;

(2) the border region's rapid economic growth has unfortunately created serious problems including pollution, hazardous wastes, and the inefficient use of resources that threaten people's health and the prospects for long-term economic growth in the region;

(3) there are a significant number of major institutions in the border States of both countries currently conducting research, development and testing activities in technologies that might help alleviate these problems;

(4)(A) these new technologies may provide major opportunities for significantly—

(i) minimizing industrial wastes and pollution that may pose a threat to public health;

(ii) reducing emissions of atmospheric pollutants;

(iii) using recycled natural resources as primary materials for industrial production; and

(iv) improving energy efficiency; and

(B) such advances will directly benefit both sides of the United States-Mexico border by encouraging energy efficient, environmentally sound economic development that improves the health and protects the natural resources of the border region;

(5) in August 1998, the binational United States-Mexico Border Region Hazardous Wastes Forum, organized by the Department of Energy's Carlsbad Area Office, resulted in a consensus of experts from the United States and Mexico that the Department of Energy's science and technology could be leveraged to address key environmental issues in the border region while fostering further economic development of the border region;

(6) the Carlsbad Area Office, which manages the Waste Isolation Pilot Plant in Carlsbad, New Mexico, is well suited to lead a multiagency program focused on the problems of the border region given its significant expertise in hazardous materials and location near the border;

(7)(A) promoting clean materials industries in the border region that are energy efficient has been identified as a high priority issue by the United States-Mexico Foundation for Science Cooperation; and

(B) at the 1998 discussions of the United States-Mexico Binational Commission, Mexico formally proposed joint funding of a ''Materials Corridor Partnership Initiative'', proposing $1,000,000 to implement the Initiative if matched by the United States;

(8) recognizing the importance of materials processing, research institutions in the border States of both the United States and Mexico, in conjunction with private sector partners of both nations, and with strong endorsement from the Government of Mexico, in 1998 organized the Materials Corridor Council to implement a cooperative program of materials research and development, education and training, and sustainable industrial development as part of the Materials Corridor Partnership Initiative; and

(9) successful implementation of this Act would advance important United States energy, environmental, and economic goals not only in the United States-Mexico border region but also serve as a model for similar collaborative, transnational initiatives in other regions of the world.

SEC. 3. PURPOSE.

The purpose of this Act is to establish a multiagency program to—

(1) alleviate the problems caused by rapid economic development along the United States-Mexico border;

(2) support the Materials Corridor Partnership Initiative referred to in section 2(7); and

(3) promote energy efficient, environmentally sound economic development along that border through the development and use of new technologies, particularly hazardous waste and materials technologies.

SEC. 4. DEFINITIONS.

In this Act:

(1) PROGRAM.—The term ''program'' means the program established under section 5(a).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 5. ESTABLISHMENT AND IMPLEMENTATION OF THE PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a multiagency program to—

(A) alleviate the problems caused by rapid economic development along the United States-Mexico border, particularly those associated with public health and environmental security;

(B) support the Materials Corridor Partnership Initiative; and

(C) promote energy efficient, environmentally sound economic development along that border through the development and use of new technologies, particularly hazardous waste and materials technologies.

(2) CONSIDERATIONS.—In developing the program, the Secretary shall give due consideration to the proposal made to the United States-Mexico Binational Commission for the Materials Corridor Partnership Initiative.

(3) PROGRAM MANAGEMENT.—This program shall be managed for the Secretary by the Department's Carlsbad Area Office, with support, as necessary, from the Albuquerque Operations Office.

(b) PARTICIPATION OF OTHER FEDERAL AGENCIES AND COMMISSIONS.—The Secretary shall organize and conduct the program jointly with—

(1) the Department of State;

(2) the Environmental Protection Agency;

(3) the National Science Foundation;

(4) the National Institute of Standards and Technology;

(5) the United States-Mexico Border Health Commission; and

(6) any other departments, agencies, or commissions the participation of which the Secretary considers appropriate.

(c) PARTICIPATION OF THE PRIVATE SECTOR.—When appropriate, funds made available under this act shall be made available for technology deployment, research, and training activities that are conducted with the participation and support of private sector organizations located in the United States and, subject to section 7(c)(2), Mexico, to promote and accelerate in the United States-Mexico border region the use of energy efficient, environmentally sound technologies and other advances resulting from the program.

(d) MEXICAN RESOURCE CONTRIBUTIONS.—The Secretary shall—

(1) encourage public, private, nonprofit, and academic organizations located in Mexico to contribute significant financial and other resources to the program; and

(2) take any such contributions into account in conducting the program.

(e) TRANSFER OF TECHNOLOGY FROM NATIONAL LABORATORIES.—In conducting the program, the Secretary shall emphasize the transfer and use of technology developed by the national laboratories of the Department of Energy.

SEC. 6. ACTIVITIES AND MAJOR PROGRAM ELEMENTS.

(a) ACTIVITIES.—Funds made available under this Act shall be made available for technology deployment, research, and training activities, particularly related to hazardous waste and materials technologies, that will alleviate the problems caused by rapid economic development along the United States-Mexico border, that focus on issues related to the protection of public health and environmental security, and that promote—

(1) minimization of industrial wastes and pollutants;

(2) reducing emissions of atmospheric pollutants;

(3) use of recycled resources as primary materials for industrial production; and

(4) improvement of energy efficiency.

(b) MAJOR PROGRAM ELEMENTS.—

(1) IN GENERAL.—The program shall have the following major elements, all of which shall emphasize hazardous waste and materials technologies:

(A) Technology Deployment, focused on the clear, operational demonstration of the utility of well developed technologies in new organizations or settings.

(B) Research, focused on developing, maturing, and refining technologies to investigate or improve the feasibility or utility of the technologies.

(C) Training, focused on training businesses, industries, and their workers in the border region in energy efficient, environmentally sound technologies that minimize waste, decrease public health risks, increase recycling, and improve environmental security.

(2) TECHNOLOGY DEPLOYMENT AND RESEARCH.—Projects under paragraph (1)(A) and (1)(B) should typically involve significant participation from private sector organizations that would use or sell such a technology.

SEC. 7. PARTICIPATION OF DEPARTMENTS, AGENCIES, AND COMMISSIONS OTHER THAN THE DEPARTMENT OF ENERGY.

(a) AGREEMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall enter into an agreement with the departments, agencies, and commissions referred to in section 5(b) on the coordination and implementation of the program.

(b) ACTIONS OF DEPARTMENTS, AGENCIES, AND COMMISSIONS.—Any action of a department, agency, or commission under an agreement under subsection (a) shall be the responsibility of that department, agency, or commission and shall not be subject to approval by the Secretary.

(c) USE OF FUNDS.—

(1) IN GENERAL.—The Secretary and the departments, agencies, and commissions referred to in section 5(b) may use funds made available for the program for technology deployment, research, or training activities carried out by—

(A) State and local governments and academic, nonprofit, and private organizations located in the United States; and

(B) State and local governments and academic, nonprofit, and private organizations located in Mexico.

(2) CONDITION.—Funds may be made available to a State or local government or organization located in Mexico only if a government or organization located in Mexico (which need not be the recipient of the funds) contributes a significant amount of financial or other resources to the project to be funded.

(d) TRANSFER OF FUNDS.—The Secretary may transfer funds to the departments, agencies, and commissions referred to in section 5(b) to carry out the responsibilities of the departments, agencies, and commissions under this Act.

SEC. 8. PROGRAM ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish an advisory committee consisting of representatives of the private, academic, and public sectors.

(2) CONSIDERATIONS.—In establishing the advisory committee, the Secretary shall take into consideration organizations in existence on the date of enactment of this Act, such as the Materials Corridor Council and the Business Council for Sustainable Development-Gulf Mexico.

(b) CONSULTATION AND COORDINATION.—Departments, agencies, and commissions of the United States to which funds are made available under this Act shall consult and coordinate with the advisory committee in identifying and implementing the appropriate types of projects to be funded under this Act.

SEC. 9. FINANCIAL AND TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Federal departments, agencies, and commissions participating in the program may provide financial and technical assistance to other organizations to achieve the purpose of the program.

(b) TECHNOLOGY DEPLOYMENT AND RESEARCH.—

(1) USE OF COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—Federal departments, agencies, and commissions shall, to the extent practicable, use cooperative agreements to fund technology deployment and research activities by organizations outside the Federal Government.

(B) NATIONAL LABORATORIES.—In the case of a technology deployment or research activity conducted by a national laboratory, a funding method other than a cooperative agreement may be used if such a funding method would be more administratively convenient.

(2) FEDERAL SHARE.—

(A) IN GENERAL.—The Federal Government shall pay not more than 50 percent of the cost of technology deployment or research activities under the program.

(B) QUALIFIED FUNDING AND RESOURCES.—No funds or other resources expended either before the start of a project under the program or outside the scope of work covered by the funding method determined under paragraph (1) shall be credited toward the non-Federal share of the cost of the project.

(c) TRAINING.—

(1) IN GENERAL.—Federal departments, agencies, and commissions shall, to the extent practicable, use grants to fund training activities by organizations outside the Federal Government.

(2) NATIONAL LABORATORIES.—In the case of a training activity conducted by a national laboratory, a funding method other than a grant may be used if such a funding method would be more administratively convenient.

(3) FEDERAL SHARE.—The Federal Government may fund 100 percent of the cost of the training activities of the program.

(d) SELECTION.—All projects funded under contracts, grants, or cooperative agreements established under this program shall, to the maximum extent practicable, be selected in an open, competitive process using such selection criteria as the Secretary, through his program management, and in consultation with the departments, agencies, and commissions referred to in section 5(b), determines to be appropriate. Any such selection process shall weigh the benefits to the border region.

(e) ACCOUNTING STANDARDS.—

(1) WAIVER.—To facilitate participation in the program, Federal departments, agencies, and commissions may waive any requirements for Government accounting standards by organizations that have not established such standards.

(2) GAAP.—Generally accepted accounting principles shall be sufficient for projects under the program.

(f) NO CONSTRUCTION.—No program funds may be used for construction.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $10,000,000 for each of fiscal years 2000 through 2004.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 397), as amended, was passed.

The title was amended so as to read:

To authorize the Secretary of Energy to establish a multiagency program to alleviate the problems caused by rapid economic development along the United States-Mexico border, particularly those associated with public health and environmental security, to support the Materials Corridor Partnership Initiative, and to promote energy efficient, environmentally sound economic development along that border through the development and use of new technology, particularly hazardous waste and materials technology.

SPANISH PEAKS WILDERNESS ACT OF 1999

The Senate proceeded to consider the bill (S. 503) designating certain land in the San Isabel National Forest in the State of Colorado as the ''Spanish Peaks Wilderness'', which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

(The part of the bill intended to be stricken are shown in boldface brackets and the part of the bill intended to be inserted are shown in italic.)

S. 503

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Spanish Peaks Wilderness Act of 1999''.

SEC. 2. DESIGNATION OF SPANISH PEAKS WILDERNESS.

(a) COLORADO WILDERNESS ACT.—Section 2(a) of the Colorado Wilderness Act of 1993

(Public Law 103–77; 107 Stat. 756; 16 U.S.C. 1132 note) is amended by adding at the end the following:

''(20) SPANISH PEAKS WILDERNESS.—Certain land in the San Isabel National Forest that—

''(A) comprises approximately 18,000 acres, as generally depicted on a map entitled 'Proposed Spanish Peaks Wilderness', dated February 10, 1999; and

''(B) shall be known as the 'Spanish Peaks Wilderness'.''.

(b) MAP; BOUNDARY DESCRIPTION.—

(1) FILING.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture (referred to in this Act as the ''Secretary''), shall file a map and boundary description of the area designated under subsection (a) with—

(A) the Committee on Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE AND EFFECT.—The map and boundary description under paragraph (1) shall have the same force and effect as if included in the Colorado Wilderness act of 1993 (Public Law 103–77; 107 Stat. 756), except that the Secretary may correct clerical and typographical errors in the map and boundary description.

(3) AVAILABILITY.—The map and boundary description under paragraph (1) shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

[SEC. 3. ACCESS.

[Within the Spanish Peaks Wilderness designated under section 2—

[(1) the Secretary shall allow the continuation of historic uses of the Bulls Eye Mine Road established prior to the date of enactment of this Act, subject to such terms and conditions as the Secretary may provide; and

[(2) access to any privately owned land within the wilderness areas designated under section 2 shall be provided in accordance with section 5 of the Wilderness Act (16 U.S.C. 1134 et seq.).**]**

SEC. 3. ACCESS.

(a) IN GENERAL.—The Secretary shall allow the continuation of historic uses of the Bulls Eye Mine Road established before the date of enactment of this Act, subject to such terms and conditions as the Secretary may provide.

(b) PRIVATELY OWNED LAND.—Access to any privately owned land within the wilderness areas designated under section 2 shall be provided in accordance with section 5 of the Wilderness Act (16 U.S.C. 1134 et seq.).

SEC. 4. CONFORMING AMENDMENTS.

Section 10 of the Colorado Wilderness Act of 1993 (Public Law 103–77; 107 Stat. 756; 16 U.S.C. 1132 note) is repealed.

The committee amendment was agreed to. The bill (S. 503), as amended, was passed.

HAWAII WATER RESOURCES RECLAMATION ACT OF 1999

The Senate proceeded to consider the bill (S. 1694) direct the Secretary of the Interior to conduct a study on the reclamation and reuse of water and wastewater in the State of Hawaii, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

(The part of the bill intended to be stricken are shown in boldface brackets and the part of the bill intended to be inserted are shown in italic.)

S. 1694

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Hawaii Water Resources Reclamation Act of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Act of August 23, 1954 (68 Stat. 773, chapter 838) authorized the Secretary of the Interior to investigate the use of irrigation and reclamation resource needs for areas of the islands of Oahu, Hawaii, and Molokai in the State of Hawaii;

(2) section 31 of the Hawaii Omnibus Act (43 U.S.C. 422*l*) authorizes the Secretary to develop reclamation projects in the State under the Act of August 6, 1956 (70 Stat. 1044, chapter 972; 42 U.S.C. 422a et seq.) (commonly known as the ''Small Reclamation Projects Act'');

(3) the amendment made by section 207 of the Hawaiian Home Lands Recovery Act (109 Stat. 364; 25 U.S.C. 386a) authorizes the Secretary to assess charges against Native Hawaiians for reclamation cost recovery in the same manner as charges are assessed against Indians or Indian tribes;

(4) there is a continuing need to manage, develop, and protect water and water-related resources in the State; and

(5) the Secretary should undertake studies to assess needs for the reclamation of water resources in the State.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) STATE.—The term ''State'' means the State of Hawaii.

SEC. 4. WATER RESOURCES RECLAMATION STUDY.

(a) IN GENERAL.—The Secretary, acting through the Commissioner of Reclamation, shall conduct a study that includes—

(1) a survey of irrigation and water delivery systems in the State;

(2) an estimation of the cost of repair and rehabilitation of the irrigation and water delivery systems;

(3) an evaluation of options for future use of the irrigation and water delivery systems (including alternatives that would improve the use and conservation of water resources); and

(4) the identification and investigation of other opportunities for reclamation and reuse of water and wastewater for agricultural and nonagricultural purposes.

(b) REPORTS.—

(1) IN GENERAL.—Not later than **[**1 year after the date of enactment of this Act,**]** *2 years after appropriation of funds authorized by this Act*, the Secretary shall submit a report that describes the findings and recommendations of the study described in subsection (a) to—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Resources of the House of Representatives.

(2) ADDITIONAL REPORTS.—The Secretary shall submit to the Committees described in paragraph (1) any additional reports concerning the study described in subsection (a) that the Secretary considers to be necessary.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 5. WATER RECLAMATION AND REUSE.

Section 1602(b) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h(b)) is amended by inserting before the period at the end the following: '', and the State of Hawaii''.

SEC. 6. DROUGHT RELIEF.

Section 104 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214) is amended—

(1) in subsection (a), by inserting after ''Reclamation State'' the following: ''and in the State of Hawaii''; and

(2) in subsection (c), by striking ''ten years after the date of enactment of this Act'' and inserting ''on September 30, 2005''.

The committee amendment was agreed to.

The bill (S. 1694), as amended, was passed.

INDEPENDENT SCIENTIFIC REVIEW PANEL OF THE PACIFIC NORTHWEST ELECTRIC POWER PLANNING COUNCIL

The Senate proceeded to consider the bill (S. 1167) amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for expanding the scope of the Independent Scientific Review Panel which had been reported from the Committee on Energy and Natural Resources, with an amendment as follows:

(The part of the bill intended to be inserted is shown in italic.)

S. 1167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REVIEW OF REIMBURSABLE PROJECTS, PROGRAMS, AND MEASURES BY THE INDEPENDENT SCIENTIFIC REVIEW PANEL OF THE PACIFIC NORTHWEST ELECTRIC POWER PLANNING COUNCIL.

Section 4(h)(10)(D) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839b(h)(10)(D)) is amended by striking clauses (vii) and (viii) and inserting the following:

''(vii) REVIEW BY THE PANEL OF REIMBURSABLE PROJECTS, PROGRAMS, AND MEASURES.—

''(I) IN GENERAL.—With regard to Columbia Basin fish and wildlife projects, programs or measures proposed in a Federal agency budget to be reimbursed by BPA, or paid through a direct funding agreement with BPA, the panel shall annually—

''(aa) review such proposals;

''(bb) determine whether the proposals are consistent with the criteria stated in item (iv);

''(cc) make any recommendations that the Panel considers appropriate to make the project, program, or measure meet the criteria stated in item (iv); and

''(dd) transmit the recommendations to the Council no later than April 1 of each year.

''(II) PUBLIC AVAILABILITY AND COMMENT.—Determinations and recommendations made by the panel under subclause (I) shall be available to the public and shall be subject to public comment as in item (v).

''(III) ROLE OF THE COUNCIL.—The Council shall fully consider the recommendations of the Panel when making its final recommendations of projects proposed by Federal agencies and reimbursed by BPA, or paid through a direct funding agreement with BPA. The Council shall submit its recommendations to the House and Senate Committees on Appropriations and relevant

authorizing committees, *and the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, Bureau of Reclamation, and the Bonneville Power Administration* no later than May 15 of each year. If the Council does not incorporate a recommendation of the Panel in its recommendations, the Council shall explain in writing its reasons for not accepting Panel recommendations.

''(viii) COST LIMITATION.—The annual cost of this provision shall not exceed $750,000 in 1997 dollars.''.

The committee amendment was agreed to.

The bill (S. 1167), as amended, was passed.

EDUCATION LAND GRANT ACT

The Senate proceeded to consider the bill (H.R. 150) to authorize the Secretary of Agriculture to convey National Forest System land for use for educational purposes, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the ''National Forest Education and Community Purpose Lands Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) communities adjacent to and surrounded by National Forest System land have limited opportunities to acquire land for recreational, educational and other public purposes;

(2) in many cases, such recreational, educational and other public purposes are not within the mission of the Forest Service, but would not be inconsistent with land and resource management plans developed for the adjacent national forest;

(3) such communities are often unable to acquire land for such recreational, educational and other public purposes due to extremely high market value of private land resulting from the predominance of Federal land in the local area; and

(4) the national forests and adjacent communities would mutually benefit from a process similar to that available to the Bureau of Land Management under the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.).

SEC. 3. DEFINITIONS.

In this Act:

(1) HAZARDOUS SUBSTANCE.—The term ''hazardous substance'' has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601).

(2) PARCEL.—

(A) IN GENERAL.—The term ''parcel'' means a parcel of land under the jurisdiction of the Forest Service that has been withdrawn from the public domain.

(B) EXCLUSION.—The term ''parcel'' does not include land set aside or held for the benefit of Indians.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

SEC. 4. DISPOSAL OF NATIONAL FOREST SYSTEM LAND FOR PUBLIC PURPOSES.

(a) AUTHORITY.—Upon receipt and approval of an application in writing, the Secretary may dispose of National Forest System land to a State or a political subdivision of a State as provided in this section on the condition that the parcel be used for recreational, educational and other public purposes, as determined by the Secretary.

(b) CONDITIONS OF DISPOSAL, TRANSFER OF TITLE, OR CHANGE IN USE.—Before any parcel may be disposed of or any application for a transfer of title to or a change in use of a parcel is approved under this section, the Secretary shall determine that—

(1) the parcel is to be used for an established or proposed project that is described in detail in the application to the Secretary, and that would serve public objectives (either locally or at large) that outweigh the objectives and values which would be served by maintaining such parcel in Federal ownership;

(2) the applicant is financially and otherwise capable of implementing the proposed project; and

(3) the acreage is not more than is reasonably necessary for the proposed use.

(c) PUBLIC PARTICIPATION.—The Secretary shall provide an opportunity for public participation in a disposal under this section, including at least one public hearing or meeting, to provide for public comments.

(d) REVIEW OF APPLICATIONS.—

(a) IN GENERAL.—When the Secretary receives an application under this section to convey a parcel for recreational, educational, or other public purposes related to emergency services, the Secretary shall—

(A) before the end of the 14-day period beginning on the date of the receipt of the application, provide notice of that receipt to the applicant; and

(B) before the end of the 120-day period beginning on that date—

(i) make a final determination whether or not to convey land pursuant to the application, and notify the applicant of that determination; or

(ii) submit written notice to the applicant containing the reasons why a final determination has not been made.

(2) OTHER APPLICATIONS.—When the Secretary receives an application under this section to convey a parcel for any public purposes other than those under paragraph (1), the Secretary shall—

(A) before the end of the 14-day period beginning on the date of the receipt of the application, provide notice of that receipt to the applicant; and

(B) take reasonable actions necessary to make a final determination whether or not to convey land pursuant to the application, and notify the applicant of that determination, to the extent practicable, before the end of the 180-day period beginning on that date.

(e) PARCELS WITHDRAWN IN AID OF FUNCTIONS OF FEDERAL AND STATE AGENCIES.—If a parcel has been withdrawn in aid of a function of a Federal agency other than the Department of Agriculture or of an agency of a State or political subdivision of a State (including a water district), the Secretary may dispose of the parcel under this section only with the consent of the agency.

(f) CONVEYANCES AND LEASES.—

(1) CONVEYANCES.—The Secretary may convey a parcel to the State or a political subdivision of a State in which the parcel is located if the proposed use is not inconsistent with the land allocations within applicable land and resource management plans under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.)

(2) LEASES.—The Secretary may lease a parcel to the State or a political subdivision of a State in which the parcel is located, at a reasonable annual rental, for a period up to 25 years, and, at the discretion of the Secretary, with a privilege of renewal for a like period, if the proposed use is not inconsistent with the land allocations within applicable land and resource management plans under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.)

(3) CONSIDERATION.—The conveyance or lease of a parcel for purposes under this section shall be made at a price to be fixed by the Secretary, consistent with the pricing structure established by the Secretary of the Interior under the Act of June 14, 1926 (43 U.S.C. 869 et seq.).

(g) ACREAGE LIMITATIONS AND PROPERTY DESCRIPTIONS.—

(1) ACREAGE LIMITATIONS.—A conveyance under this section may not exceed 100 acres, unless the parcel contains facilities that have been determined by the Secretary to be suitable for disposal under the authority of the General Services Administration. This limitation shall not be construed to preclude an entity from submitting subsequent applications under this section for additional land conveyances if the entity can demonstrate to the Secretary a need for additional land.

(2) DESCRIPTION OF PROPERTY.—If necessary, the exact acreage and legal description the real property conveyed under this subsection shall be determined by a survey satisfactory to the Secretary and the applicant. The cost of the survey shall be borne by the applicant.

(3) RECREATION AND PURPOSES ACT.—Section 1 of the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act''; 43 U.S.C. 869), as amended, is further amended by adding at the end the following:

''(d) DESCRIPTION OF PROPERTY.—If necessary, the exact acreage and legal description of the real property conveyed under this section shall be determined by a survey satisfactory to the Secretary and the applicant. The cost of the survey shall be borne by the applicant.''.

(h) RESERVATION OF MINERAL RIGHTS.—Each conveyance or lease under this section shall contain a reservation to the United States of all mineral deposits in the parcel conveyed or leased and of the right to mine and remove the mineral deposits under applicable laws (including regulations).

(i) USE OF THE LEASED LAND FOR UNAUTHORIZED PURPOSES.—Each lease under this section shall contain a provision for termination of the lease on a finding by the Secretary that—

(1) the parcel has not been used by the lessee as specified in the lease of a period greater than 5 years; or

(2) the parcel or any part of the parcel is being devoted to a use other than that for which the lease was made.

(j) CONDITIONS OF CONVEYANCE; REVERSION FOR NONCOMPLIANCE.—

(1) CONDITIONS OF CONVEYANCE.—

(A) TRANSFER OF TITLE.—

(i) IN GENERAL.—Except as provided in clause (ii), title to a parcel conveyed by the Secretary under this section may not be transferred by the grantee or a successor of the grantee.

(ii) EXCEPTION.—With the consent of the Secretary in accordance with this section, title to a parcel may be transferred to the State or a political subdivision of the State in which the parcel is located.

(B) USE.—

(i) IN GENERAL.—Except as provided in clause (ii), a grantee or a successor of the grantee may not change the use specified in the conveyance of a parcel under this section to another or additional use.

(ii) EXCEPTION.—Upon application and appropriate public participation, the Secretary may approve a change in use of a parcel to anther recreational, educational or other public use, in accordance with this section.

(2) REVERSION FOR NONCOMPLIANCE.—If at any time after a parcel is conveyed by the Secretary, the grantee or a successor of the grantee,

without the consent of the Secretary, attempts to transfer title to or control over the parcel to another person or entity or to devote the parcel to a use other than that for which the parcel was conveyed, title to the parcel shall revert to the United States.

(k) PRIOR CONVEYANCES.—On application by the State or a political subdivision of the State in which the parcel is located, the Secretary may authorize a transfer of title or a change in use in accordance with subsection (j) with respect to any parcel conveyed under this section or any other law.

(l) SOLID WASTE DISPOSAL SITES.—

(1) CONVEYANCE FOR THE PURPOSES OF SOLID WASTE DISPOSAL.—If the Secretary receives an application for conveyance of a parcel under this section for the purpose of solid waste disposal or for another purpose that the Secretary finds may include the disposal, placement, or release of any hazardous substance, the Secretary may convey the parcel subject only to this subsection.

(2) INVESTIGATION.—

(A) IN GENERAL.—Before any conveyance of a parcel under this subsection, the Secretary shall investigate the parcel to determine whether any hazardous substance is present on the parcel.

(B) ELEMENTS OF AN INVESTIGATION.—An investigation under subparagraph (A) shall include—

(i) a review of any available records of the use of the parcel; and

(ii) all appropriate analyses of the soil, water and air associated with the parcel.

(C) PRESENCE OF A HAZARDOUS SUBSTANCE.—A parcel shall not be conveyed under this subsection if the investigation indicates that any hazardous substance is present on the parcel.

(3) SUBMISSION TO OTHER STATE AND FEDERAL AGENCIES.—No application for conveyance under this subsection shall be acted on by the Secretary until the applicant has furnished evidence, satisfactory to the Secretary, that a copy of the application and information concerning the proposed use of the parcel covered by the application has been provided to the Environmental Protection Agency and to all other State and Federal agencies with responsibility for enforcement of Federal and State laws applicable to land used for the disposal, placement, or release of solid waste or any hazardous substance.

(4) WARRANTY.—No application for conveyance under this subsection shall be acted on by the Secretary until the applicant gives a warranty that—

(A) use of the parcel covered by the application will be consistent with all applicable Federal and State laws, including laws dealing with the disposal, placement, or release of hazardous substances; and

(B) the applicant will hold the United States harmless from any liability that may arise out of any violation of any such law.

(5) REQUIREMENTS.—A conveyance under this subsection shall be made to the extent that the applicant demonstrates to the Secretary that the parcel covered by an application meets all applicable State and local requirements and is appropriate in character and reasonable in acreage in order to meet an existing or reasonably anticipated need for solid waste disposal or for another proposed use that the Secretary finds may include the disposal, placement, or release of any hazardous substance.

(6) CONDITIONS.—

(A) IN GENERAL.—A conveyance of a parcel under this subsection shall be subject to the conditions stated in this paragraph.

(B) REVERTER.—

(i) IN GENERAL.—The instrument of conveyance shall provide that the parcel shall revert to the United States unless substantially all of the parcel has been used, on or before the date that is 5 years after the date of conveyance, for the purpose specified in the application, or for other use or uses authorized under subsection (b) with the consent of the Secretary.

(ii) LIMITATION.—No portion of a parcel that has been used for solid waste disposal or for any other purpose that the Secretary finds may result in the disposal, placement, or lease of a hazardous substance shall revert to the United States.

(C) PAYMENT TO THE SECRETARY ON FURTHER CONVEYANCE.—If at any time after conveyance any portion of a parcel has not been used for the purpose specified in the application, and the entity to which the parcel was conveyed by the Secretary transfers ownership of the unused portion to any other person or entity, transferee shall be liable to pay the Secretary the fair market value of the transferred portion as of the date of the transfer, including the value of any improvements thereon.

(D) USE OF PAYMENTS.—Subject to the availability of appropriations, all amounts received by the Secretary under subparagraph (C) shall be retained by the Secretary, shall be available to the Secretary for use for the management of National Forest System land, and shall remain available until expended.

The committee amendment in the nature of a substitute was agreed to.

The bill (H.R. 150), as amended, was passed.

NATIONAL HISTORIC PRESERVATION ACT AMENDMENTS

The Senate proceeded to consider the bill (H.R. 834) to extend the authoirization for the National Historic Preservation Fund, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Historic Preservation Act Amendments of 1999''.

SEC. 2. REAUTHORIZATION OF HISTORIC PRESERVATION FUND.

Section 108 of the National Historic Preservation Act (16 U.S.C. 470h) is amended by striking ''1997'' and inserting ''2005''.

SEC. 3. REAUTHORIZATION OF ADVISORY COUNCIL ON HISTORIC PRESERVATION.

Section 212(a) of the National Historic Preservation Act (16 U.S.C. 470t(a)) is amended by striking ''2000'' and inserting ''2005''.

SEC. 4. LOCATION OF FEDERAL FACILITIES ON HISTORIC PROPERTIES.

Section 110(a)(1) of the National Historic Preservation Act (16 U.S.C. 470h–2(a)(1)) is amended in the second sentence by striking ''agency.'' and inserting ''agency, in accordance with Executive Order 13006, issued May 21, 1996 (61 F.R. 26071).''.

SEC. 5. TECHNICAL AND CONFORMING AMENDMENTS.

(a) The National Historic Preservation Act (16 U.S.C. 470 et seq.) is amended as follows—

(1) in section 101(d)(2)(D)(ii) (16 U.S.C. 470a(d)(2)(D)(ii)) by striking ''Officer;'' and inserting ''Officer; and'';

(2) by amending section 101(e)(2) (16 U.S.C. 470a(e)(2)) to read as follows:

''(2) The Secretary may administer grants to the National Trust for Historic Preservation in the United States, chartered by an Act of Congress approved October 26, 1949 (63 Stat. 947) consistent with the purposes of its charter and this Act.'';

(3) in section 101(e)(3)(A)(iii) (16 U.S.C. 470a(e)(3)(A)(iii)) by striking ''preservation; and'' and inserting ''preservation, and'';

(4) in section 101(j)(2)(C) (16 U.S.C. 470a(j)(2)(C)) by striking ''programs;'' and inserting ''programs; and'';

(5) in section 102(a)(3) (16 U.S.C. 470b(a)(3)) by striking ''year.'' and inserting ''year;'';

(6) in section 103(a) (16 U.S.C. 470c(a))—

(A) by striking ''purposes this Act'' and inserting ''purposes of this Act''; and

(B) by striking ''him:.'' and inserting ''him.'';

(7) in section 108 (16 U.S.C. 470h)) by striking ''(43 U.S.C. 338)'' and inserting ''(43 U.S.C. 1338)'';

(8) in section 110(1) (16 U.S.C. 470h–2(1)) by striking ''with the Council'' and inserting ''pursuant to regulations issued by the Council'';

(9) in section 112(b)(3) (16 U.S.C. 470h–4(b)(3)) by striking ''(25 U.S.C. 3001(3) and (9))'' and inserting ''(25 U.S.C. 3001 (3) and (9)))'';

(10) in section 301(12)(C)(iii) (16 U.S.C. 470w(12)(C)(iii)) by striking ''Officer, and'' and inserting ''Officer; and'';

(11) in section 307(a) (16 U.S.C. 470w–6(a)) by striking ''Except as provided in subsection (b) of this section, no'' and inserting ''No'';

(12) in section 307(c) (16 U.S.C. 470w–6(c)) by striking ''Except as provided in subsection (b) of this section, the'' and inserting ''The'';

(13) in section 307 (16 U.S.C. 470w–6) by redesignating subsections (c) through (f), as amended, as subsections (b) through (e), respectively; and

(14) in subsection 404(c)(2) (16 U.S.C. 470x–3(c)(2)) by striking ''organizations, and'' and inserting ''organizations; and''.

(b) Section 114 of Public Law 96–199 (94 Stat. 71) is amended by striking ''subsection 6(c)'' and inserting ''subsection 206(c)''.

Amend the title so as to read: ''A bill to extend the authorization for the Historic Preservation Fund and the Advisory Council on Historic Preservation, and for other purposes.''.

The committee amendment in the nature of a substitue was agreed to.

The bill (H.R. 834), as amended, was passed.

CONVEYANCE OF NATIONAL FOREST LAND TO ELKO COUNTY, NEVADA

The bill (H.R. 1231) to direct the Secretary of Agriculture to convey certain National Forest lands to Elko County, Nevada, for continued use as a cemetery, was considered, ordered to a third reading, read the third time, and passed.

H.R. 1231

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF NATIONAL FOREST LANDS TO ELKO COUNTY, NEVADA, FOR USE AS CEMETERY.

(a) REQUIREMENT TO CONVEY.—The Secretary of Agriculture shall convey, without consideration, to Elko County, Nevada, all right, title, and interest of the United States in and to the real property described in subsection (b).

(b) DESCRIPTION OF PROPERTY.—

(1) IN GENERAL.—The property referred to in subsection (a) consists of: (A) a parcel of National Forest lands (including any improvements thereon) in Elko County, Nevada, known as Jarbidge Cemetery, consisting of approximately 2 acres within the

following described lands: NE¼ SW¼ NW¼, S. 9 T. 46 N, R. 58 E., MDB&M, which shall be used as a cemetary; and (B) the existing bridge over the Jarbidge River that provides access to that parcel, and the road from the bridge to the parcel as depicted on the map entitled 'Elko County Road and Bridge Conveyance' dated July 27, 1999.

(2) SURVEY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. As a condition of any conveyance under this section, the Secretary shall require that the cost of the survey shall be borne by the County.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions with respect to the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States, except that the Secretary may not retain for the United States any reversionary interest in property conveyed under this section.

IRRIGATION MITIGATION AND RESTORATION PARTNERSHIP ACT OF 1999

The Senate proceeded to consider the bill (H.R. 1444) to authorize the Secretary of the Interior to plan, design, and construct fish screens, fish passage devices, and related features to mitigate adverse impacts associated with irrigation system water diversions by local governmental entities in the State of Oregon, Washington, Montana, Idaho, and California, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION. 1. SHORT TITLE.

This Act may be cited as the ''Irrigation Mitigation and Restoration Partnership Act of 1999''.

SEC. 2. DEFINITIONS.

In this Act:

(1) PACIFIC OCEAN DRAINAGE AREA.—The term ''Pacific Ocean drainage area'' means the area comprised of portions of the States of Oregon, Washington, Montana, and Idaho from which water drains into the Pacific Ocean.

(2) PROGRAM.—The term ''Program'' means the Irrigation Mitigation and Restoration Partnership Program established by section 3(a).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. ESTABLISHMENT OF THE PARTNERSHIP PROGRAM.

(a) ESTABLISHMENT.—There is established the Irrigation Mitigation and Restoration Partnership Program within the Department of the Interior.

(b) GOALS.—The goals of the Program are—

(1) to decrease fish mortality associated with the withdrawal of water for irrigation and other purposes without impairing the continued withdrawal of water for those purposes; and

(2) to decrease the incidence of juvenile and adult fish entering water supply systems.

(c) IMPACTS ON FISHERIES.—

(1) IN GENERAL.—Under the Program, the Secretary, in consultation with the heads of other appropriate agencies, shall develop and implement projects to mitigate impacts to fisheries resulting from the construction and operation of water diversions by local governmental entities, including water and soil conservation districts, in the Pacific Ocean drainage area.

(2) TYPES OF PROJECTS.—Projects eligible under the Program may include the development, improvement, or installation of—

(A) fish screens;

(B) fish passage devices;

(C) other facilities agreed to by non-Federal interests, relevant Federal and tribal agencies, and affected States; and

(D) inventories by the States on the need and priority for projects described in subparagraphs (A) through (C).

(3) PRIORITY.—The Secretary shall give priority to any project that has a total cost of less than $5,000,000.

SEC. 4. PARTICIPATION IN THE PROGRAM.

(a) NON-FEDERAL.—

(1) IN GENERAL.—Non-Federal participation in the Program shall be voluntary.

(2) FEDERAL ACTION.—The Secretary shall take no action that would result in any non-Federal entity being held financially responsible for any action under the Program, unless the entity applies to participate in the Program.

(b) FEDERAL.—Development and implementation of projects under the Program on land or facilities owned by the United States shall be nonreimbursable Federal expenditures.

SEC. 5. EVALUATION AND PRIORITIZATION OF PROJECTS.

Evaluation and prioritization of projects for development under the Program shall be conducted on the basis of—

(1) benefits to fish species native to the project area, particularly to species that are listed as being, or considered by Federal or State authorities to be, endangered, threatened, or sensitive;

(2) the size and type of water diversion;

(3) the availability of other funding sources;

(4) cost effectiveness; and

(5) additional opportunities for biological or water delivery system benefits.

SEC. 6. ELIGIBILITY REQUIREMENTS.

(a) IN GENERAL.—A project carried out under the Program shall not be eligible for funding unless—

(1) the project meets the requirements of the Secretary, as applicable, and any applicable State requirements; and

(2) the project is agreed to by all Federal and non-Federal entities with authority and responsibility for the project.

(b) DETERMINATION OF ELIGIBILITY.—In determining the eligibility of a project under this Act, the Secretary shall—

(1) consult with other Federal, State, tribal, and local agencies; and

(2) make maximum use of all available data.

SEC. 7. COST SHARING.

(a) NON-FEDERAL SHARE.—The non-Federal share of the cost of development and implementation of any project under the Program on land or at a facility that is not owned by the United States shall be 35 percent.

(b) NON-FEDERAL CONTRIBUTIONS.—The non-Federal participants in any project under the Program on land or at a facility that is not owned by the United States shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for the project.

(c) CREDIT FOR CONTRIBUTIONS.—The value of land, easements, rights-of-way, dredged material disposal areas, and relocations provided under subsection (b) for a project shall be credited toward the non-Federal share of the costs of the project.

(d) ADDITIONAL COSTS.—

(1) NON-FEDERAL RESPONSIBILITIES.—The non-Federal participants in any project carried out under the Program on land or at a facility that is not owned by the United States shall be responsible for all costs associated with operating, maintaining, repairing, rehabilitating, and replacing the project.

(2) FEDERAL RESPONSIBILITY.—The Federal Government shall be responsible for costs referred to in paragraph (1) for projects carried out on Federal land or at a Federal facility.

SEC. 8. LIMITATION ON ELIGIBILITY FOR FUNDING.

A project that receives funds under this Act shall be ineligible to receive Federal funds from any other source for the same purpose.

SEC. 9. REPORT.

On the expiration of the third fiscal year for which amounts are made available to carry out this Act, the Secretary shall submit to Congress a report describing—

(1) the projects that have been completed under this Act;

(2) the projects that will be completed with amounts made available under this Act during the remaining fiscal years for which amounts are authorized to be appropriated under section 10; and

(3) recommended changes to the Program as a result of projects that have been carried out under this Act.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $25,000,000 for each of fiscal years 2001 through 2005.

(b) LIMITATIONS.—

(1) SINGLE STATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 25 percent of the total amount of funds made available under this section may be used for 1 or more projects in any single State.

(B) WAIVER.—On notification to Congress, the Secretary may waive the limitation under subparagraph (A) if a State is unable to use the entire amount of funding made available to the State under this Act.

(2) ADMINISTRATIVE EXPENSES.—Not more than 6 percent of the funds authorized under this section for any fiscal year may be used for Federal administrative expenses of carrying out this Act.

Amend the title so as to read: ''A bill to authorize the Secretary of the Interior to establish a program to plan, design, and construct facilities to mitigate impacts associated with irrigation system water diversions by local governmental entities in the Pacific Ocean drainage of the States of Oregon, Washington, Montana, and Idaho.''.

The committee amendment in the nature of a substitute was agreed to.

The bill (H.R. 455), as amended, was passed.

BIKINI RESETTLEMENT AND RELOCATION ACT OF 1999

The bill (H.R. 2368) to assist in the resettlement and relocation of the people of Bikini Atoll by amending the terms of the trust fund established during the United States administration of the Trust Territory of the Pacific Islands, was considered, ordered to a third reading, read the third time, and passed.

H.R. 2368

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Bikini Resettlement and Relocation Act of 1999''.

SEC. 2. PARTIAL DISTRIBUTION OF TRUST FUND AMOUNTS.

Three percent of the market value as of June 1, 1999, of the Resettlement Trust Fund

for the People of Bikini, established pursuant to Public Law 97–257, shall be made available for immediate ex gratia distribution to the people of Bikini, provided such distribution does not reduce the corpus of the trust fund. The amount of such distribution shall be deducted from any additional ex gratia payments that may be made by the Congress into the Resettlement Trust Fund.

RELEASE OF REVERSIONARY INTERESTS IN WASHINGTON, UTAH

The bill (H.R. 2862) to direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of lands in Washington County, Utah, to facilitate an anticipated land exchange, was considered, ordered to a third reading, read the third time, and passed.

H.R. 2862

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELEASE OF REVERSIONARY INTERESTS IN CERTAIN PROPERTY IN WASHINGTON COUNTY, UTAH.

(a) RELEASE REQUIRED.—The Secretary of the Interior shall release, without consideration, the reversionary interests of the United States in certain real property located in Washington County, Utah, and depicted on the map entitled ''Exchange Parcels, Gardner & State of Utah Property'', dated April 21, 1999, to facilitate a land exchange to be conducted by the State of Utah involving the property.

(b) INSTRUMENT OF RELEASE.—The Secretary shall execute and file in the appropriate office or offices a deed of release, amended deed, or other appropriate instrument effectuating the release of the reversionary interests required by this section.

TREATMENT OF CERTAIN LAND IN RED CLIFFS DESERT, UTAH ACQUIRED BY EXCHANGE

The bill (H.R. 2863) to clarify the legal effect on the United States of the acquisition of a parcel of land in the Red Cliffs Desert Reserve in the State of Utah, was considered, ordered to a third reading, read the third time, and passed.

H.R. 2863

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CERTAIN LAND IN RED CLIFFS DESERT RESERVE, UTAH, ACQUIRED BY EXCHANGE.

(a) LIMITATION ON LIABILITY.—In support of the habitat conservation plan of Washington County, Utah, for the protection of the desert tortoise and surrounding habitat, the transfer of the land described in subsection (b) from the City of St. George, Utah, to the United States shall convey no liability on the United States that did not already exist with the United States on the date of the transfer of the land.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is a parcel of approximately 15 acres of land located within the Red Cliffs Desert Reserve in Washington County, Utah, that was formerly used as a landfill by the City of St. George.

CONVEYANCE OF CERTAIN BUREAU OF LAND MANAGEMENT LANDS IN CARSON CITY, NEVADA

The bill (S. 408) to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the City of Carson City, Nevada, for use as a senior center, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 408

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF CERTAIN BUREAU OF LAND MANAGEMENT LANDS IN CARSON CITY, NEVADA.

(a) CONVEYANCE.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall convey to the City of Carson City, Nevada, without consideration, all right, title, and interest of the United States in the property described as Government lot 1 in sec. 8, T. 15 N., R. 20 E., Mount Diablo Meridian, as shown on the Bureau of Land Management official plat approved October 28, 1996, containing 4.48 acres, more or less, and assorted uninhabitable buildings and improvements.

(b) USE.—The conveyance of the property under subsection (a) shall be subject to reversion to the United States if the property is used for a purpose other than the purpose of a senior assisted living center or a related public purpose.

LANDUSKY SCHOOL LOTS TRANSFER

The Senate proceeded to consider the bill (S. 1218) to direct the Secretary of the Interior to issue to the Landusky School District, with consideration, a patent for the surface and mineral estates of certain lots, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

S. 1218

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That subject to valid existing rights, the Secretary of the Interior shall issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of approximately 2.06 acres of land as follows: T.25 N, R.24 E, Montana Prime Meridian, section 27 block 2, school reserve, and section 27, block 3, lot 13.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1218), aas amended, was passed.

OREGON LAND EXCHANGE ACT OF 1999

The Senate proceeded to consider the bill (S. 1629) to provide for the exchange of certain land in the State of Oregon, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Oregon Land Exchange Act of 2000''.

SEC. 2. FINDINGS.

Congress finds that—

(1) certain parcels of private land located in northeast Oregon are intermingled with land owned by the United States and administered—

(A) by the Secretary of the Interior as part of the Central Oregon Resource Area in the Prineville Bureau of Land Management District and the Baker Resource Area in the Vale Bureau of Land Management District; and

(B) by the Secretary of Agriculture as part of the Malheur National Forest, the Wallowa-Whitman National Forest, and the Umatilla National Forest;

(2) the surface estate of the private land described in paragraph (1) is intermingled with parcels of land that are owned by the United States or contain valuable fisheries and wildlife habitat desired by the United States;

(3) the consolidation of land ownerships will facilitate sound and efficient management for both public and private lands;

(4) the improvement of management efficiency through the land tenure adjustment program of the Department of the Interior, which disposes of small isolated tracts having low public resource values within larger blocks of contiguous parcels of land, would serve important public objectives, including—

(A) the enhancement of public access, aesthetics, and recreation opportunities within or adjacent to designated wild and scenic river corridors;

(B) the protection and enhancement of habitat for threatened, endangered, and sensitive species within unified landscapes under Federal management; and

(C) the consolidation of holdings of the Bureau of Land Management and the Forest Service—

(i) to facilitate more efficient administration, including a reduction in administrative costs to the United States; and

(ii) to reduce right-of-way, special use, and other permit processing and issuance for roads and other facilities on Federal land;

(5) time is of the essence in completing a land exchange because further delays may force the identified landowners to construct roads in, log, develop, or sell the private land and thereby diminish the public values for which the private land is to be acquired; and

(6) it is in the public interest to complete the land exchanges at the earliest practicable date so that the land acquired by the United States can be preserved for—

(A) protection of threatened and endangered species habitat; and

(B) permanent public use and enjoyment.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term ''Clearwater'' means Clearwater Land Exchange—Oregon, an Oregon partnership that signed the document entitled ''Assembled Land Exchange Agreement between the Bureau of Land Management and Clearwater Land Exchange—Oregon for the Northeast Oregon Assembled Lands Exchange, OR 51858,'' dated October 30, 1996, and the document entitled ''Agreement to initiate'' with the Forest Service, dated June 30, 1995, or its successors or assigns;

(2) the term ''identified landowners'' means private landowners identified by Clearwater and willing to exchange private land for Federal land in accordance with this Act;

(3) the term ''map'' means the map entitled ''Northeast Oregon Assembled Land Exchange/

Triangle Land Exchange'', dated November 5, 1999; and

(4) the term ''Secretary'' means the Secretary of the Interior or the Secretary of Agriculture, as appropriate.

SEC. 4. BLM—NORTHEAST OREGON ASSEMBLED LAND EXCHANGE.

(a) IN GENERAL.—Upon the request of Clearwater, on behalf of the appropriate identified landowners, the Secretary of the Interior shall exchange the Federal lands described in subsection (b) for the private lands described in subsection (c), as provided in section 6.

(b) BLM LANDS TO BE CONVEYED.—The parcels of Federal lands to be conveyed by the Secretary to the appropriate identified landowners are as follows:

(1) the parcel comprising approximately 45,824 acres located in Grant County, Oregon, within the Central Oregon Resource Area in the Prineville District of the Bureau of Land Management, as generally depicted on the map;

(2) the parcel comprising approximately 2,755 acres located in Wheeler County, Oregon, within the Central Oregon Resource Area in the Prineville District of the Bureau of Land Management, as generally depicted on the map;

(3) the parcel comprising approximately 726 acres located in Morrow Country, Oregon, within the Baker Resource Area of the Vale District of Land Management, as generally depicted on the map; and

(4) the parcel comprising approximately 1,015 acres located in Umatilla County, Oregon, within the Baker Resource Area in the Vale District of the Bureau of Land Management, as generally depicted on the map.

(c) PRIVATE LANDS TO BE ACQUIRED.—The parcel of private lands to be conveyed by the appropriate identified landowners to the Secretary are as follows:

(1) the parcel comprising approximately 31,646 acres located in Grant County, Oregon, within the Central Oregon Resource Area in the Prineville District of the Bureau of Land Management, as generally depicted on the map;

(2) the parcel comprising approximately 1,960 acres located in Morrow County, Oregon, within the Baker Resource Area in the Vale District of the Bureau of Land Management, as generally depicted on the map; and

(3) the parcel comprising approximately 10,544 acres located in Umatilla County, Oregon, within the Baker Resource Area in the Vale District of the Bureau of Land Management, as generally depicted on the map.

SEC. 5. FOREST SERVICE—TRIANGLE LAND EXCHANGE.

(a) IN GENERAL.—Upon the request of Clearwater, on behalf of the appropriate identified landowners, the Secretary of Agriculture shall exchange the Federal lands described in subsection (b) for the private lands described in subsection (c), as provided in section 6.

(b) FOREST SERVICE LANDS TO BE CONVEYED.—The National Forest System lands to be conveyed by the Secretary to the appropriate identified landowners comprise approximately 3,901 acres located in Grant and Harney Counties, Oregon, within the Malheur National Forest, as generally depicted on the map.

(c) PRIVATE LANDS TO BE ACQUIRED.—The parcels of private lands to be conveyed by the appropriate identified landowners to the Secretary are as follows:

(1) the parcel comprising approximately 3,752 acres located in Grant and Harney Counties, Oregon, within the Malheur National Forest, as generally depicted on the map;

(2) the parcel comprising approximately 1,702 acres located in Baker and Grant Counties, Oregon, within the Wallowa-Whitman National Forest, as generally depicted on the map; and

(3) the parcel comprising approximately 246 acres located in Grant and Wallowa Counties, Oregon, within or adjacent to the Umatilla National Forest, as generally depicted on the map.

SEC. 6. LAND EXCHANGE TERMS AND CONDITIONS.

(a) IN GENERAL.—Except as otherwise provided in this Act, the land exchanges implemented by this Act shall be conducted in accordance with section 206 of the Federal Land Policy and Management Act (43 U.S.C. 1716) and other applicable laws.

(b) MULTIPLE TRANSACTIONS.—The Secretary of the Interior and the Secretary of Agriculture may carry out a single or multiple transactions to complete the land exchanges authorized in this Act.

(c) COMPLETION OF EXCHANGES.—Any land exchange under this Act shall be completed not later than 90 days after the Secretary and Clearwater reach an agreement on the final appraised values of the lands to be exchanged.

(d) APPRAISALS.—The values of the lands to be exchanged under this Act shall be determined by appraisals using nationally recognized appraisal standards, including as appropriate—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions (1992); and

(B) the Uniform Standards of Professional Appraisal Practice.

(2) To ensure the equitable and uniform appraisal of the lands to be exchanged under this Act, all appraisals shall determine the best use of the lands in accordance with the law of the State of Oregon, including use for the protection of wild and scenic river characteristics as provided in the Oregon Administrative Code.

(3)(A) all appraisals of lands to be exchanged under this Act shall be completed, reviewed and submitted to the Secretary not later than 90 days after the date Clearwater requests the exchange.

(B) Not less than 45 days before an exchange of lands under this Act is completed, a comprehensive summary of each appraisal for the specific lands to be exchanged shall be available for public inspection in the appropriate Oregon offices of the Secretary, for a 15-day period.

(4) After the Secretary approves the final appraised values of any parcel of the lands to be conveyed under this Act, the value of such parcel shall not be reappraised or updated before the completion of the applicable land exchange, except for any adjustments in value that may be required under subsection (e)(2).

(e) EQUAL VALUE LAND EXCHANGE.—(1)(A) The value of the lands to be exchanged under this Act shall be equal, or if the values are not equal, they shall be equalized in accordance with section 206(b) of the Federal Land Policy and Management Act (43 U.S.C. 1716(b)) of this subsection.

(B) The Secretary shall retain any cash equalization payments received under subparagraph (A) to use, without further appropriation, to purchase land from willing sellers in the State of Oregon for addition to lands under the administration of the Bureau of Land Management or the Forest Service, as appropriate.

(2) If the value of the private lands exceeds the value of the Federal lands by 25 percent or more, Clearwater, after consultation with the affected identified landowners and the Secretary, shall withdraw a portion of the private lands necessary to equalize the values of the lands to be exchanged.

(3) If any of the private lands to be acquired do not include the rights to the subsurface estate, the Secretary may reserve the subsurface estate in the Federal lands to be exchanged.

(f) LAND TITLES.—(1) Title to the private lands to be conveyed to the Secretary shall be in a form acceptable to the Secretary.

(2) The Secretary shall convey all right, title, and interest of the United States in the Federal lands to the appropriate identified landowners, except to the extent the Secretary reserves the subsurface estate under subsection (c)(2).

(g) MANAGEMENT OF LANDS.—(1) Lands acquired by Secretary of the Interior under this Act shall be administered in accordance with sections 205(c) of the Federal Land Policy and Management Act (43 U.S.C. 1715(c)), and lands acquired by the Secretary of Agriculture shall be administered in accordance with sections 205(d) of such Act (43 U.S.C. 1715(d)).

(2) Lands acquired by the Secretary of the Interior pursuant to section 4 which are within the North Fork of the John Day subwatershed shall be administered in accordance with section 205(c) of the Federal Land Policy and Management Act (43 U.S.C. 1715(c)), but shall be managed primarily for the protection of native fish and wildlife habitat, and for public recreation. The Secretary may permit other authorized uses within the subwatershed if the Secretary determines, through the appropriate land use planning process, that such uses are consistent with, and do not diminish these management purposes.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1629), as amended, was passed.

ELIM NATIVE CORPORATION LAND RESTORATION

The bill (H.R. 3090) to amend the Alaska Native Claims Settlement Act to restore certain lands to the Elim Native Corporation, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

H.R. 3090

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIM NATIVE CORPORATION LAND RESTORATION.

Section 19 of the Alaska Native Claims Settlement Act (43 U.S.C. 1618) is amended by adding at the end the following new subsection:

''(c)(1) FINDINGS.—The Congress finds that—

''(A) approximately 350,000 acres of land were withdrawn by Executive orders in 1917 for the use of the United States Bureau of Education and of the Natives of Indigenous Alaskan race;

''(B) these lands comprised the Norton Bay Reservation (later referred to as Norton Bay Native Reserve) and were set aside for the benefit of the Native inhabitants of the Eskimo Village of Elim, Alaska;

''(C) in 1929, 50,000 acres of land were deleted from the Norton Bay Reservation by Executive order.

''(D) the lands were deleted from the Reservation for the benefit of others;

''(E) the deleted lands were not available to the Native inhabitants of Elim under subsection (b) of this section at the time of passage of this Act;

''(F) the deletion of these lands has been and continues to be a source of deep concern to the indigenous people of Elim; and

''(G) until this matter is dealt with, it will continue to be a source of great frustration and sense of loss among the shareholders of the Elim Native Corporation and their descendants.

''(2) WITHDRAWAL.—The lands depicted and designated 'Withdrawal Area' on the map dated October 19, 1999, along with their legal descriptions, on file with the Bureau of Land Management, and entitled 'Land Withdrawal Elim Native Corporation', are hereby withdrawn, subject to valid existing rights, from all forms of appropriation or disposition under the public land laws, including the mining and mineral leasing laws, for a period of 2 years from the date of the enactment of this subsection, for selection by the Elim Native Corporation (hereinafter referred to as 'Elim').

''(3) AUTHORITY TO SELECT AND CONVEY.—Elim is authorized to select in accordance with the rules set out in this paragraph, 50,000 acres of land (hereinafter referred to as 'Conveyance Lands') within the boundary of the Withdrawal Area described in paragraph (2). The Secretary is authorized and directed to convey to Elim in fee the surface and subsurface estates to 50,000 acres of valid selections in the Withdrawal Area, subject to the covenants, reservations, terms and conditions and other provisions of this subsection.

''(A) Elim shall have 2 years from the date of the enactment of this subsection in which to file its selection of no more than 60,000 acres of land from the area described in paragraph (2). The selection application shall be filed with the Bureau of Land Management, Alaska State Office, shall describe a single tract adjacent to United States Survey No. 2548, Alaska, and shall be reasonably compact, contiguous, and in whole sections except when separated by unavailable land or when the remaining entitlement is less than a whole section. Elim shall prioritize its selections made pursuant to this subsection at the time such selections are filed, and such prioritization shall be irrevocable. Any lands selected shall remain withdrawn until conveyed or full entitlement has been achieved.

''(B) The selection filed by Elim pursuant to this subsection shall be subject to valid existing rights and may not supercede prior selections of the State of Alaska, any Native corporation, or valid entries of any private individual unless such selection or entry is relinquished, rejected, or abandoned prior to conveyance to Elim.

''(C) Upon receipt of the Conveyance Lands, Elim shall have all legal rights and privileges as landowner, subject only to the covenants, reservations, terms and conditions specified in this subsection.

''(D) Selection by Elim of lands under this subsection and final conveyance of those lands to Elim shall constitute full satisfaction of any claim of entitlement of Elim with respect to its land entitlement.

''(4) COVENANTS, RESERVATIONS, TERMS, AND CONDITIONS.—The covenants, reservations, terms and conditions set forth in this paragraph and in paragraphs (5) and (6) with respect to the Conveyance Lands shall run with the land and shall be incorporated into the interim conveyance, if any, and patent conveying the lands to Elim.

''(A) Consistent with paragraph (3)(C) and subject to the applicable covenants, reservations, terms, and conditions contained in this paragraph and paragraphs (5) and (6), Elim shall have all rights to the timber resources of the Conveyance Lands for any use including, but not limited to, construction of homes, cabins, for firewood and other domestic uses on any Elim lands: *Provided*, That cutting and removal of Merchantable Timber from the Conveyance Lands for sale shall not be permitted: *Provided further*, That Elim shall not construct roads and related infrastructure for the support of such cutting and removal of timber for sale or permit others to do so. 'Merchantable Timber' means timber that can be harvested and marketed by a prudent operator.

''(B) Public Land Order 5563 of December 16, 1975, which made hot or medicinal springs available to other Native Corporations for selection and conveyance, is hereby modified to the extent necessary to permit the selection by Elim of the lands heretofore encompassed in any withdrawal of hot or medicinal springs and is withdrawn pursuant to this subsection. The Secretary is authorized and directed to convey such selections of hot or medicinal springs (hereinafter referred to as 'hot springs') subject to applicable covenants, reservations, terms and conditions contained in paragraphs (5) and (6).

''(C) Should Elim select and have conveyed to it lands encompassing portions of the Tubutulik River or Clear Creek, or both, Elim shall not permit surface occupancy or knowingly permit any other activity on those portions of land lying within the bed of or within 300 feet of the ordinary high waterline of either or both of these water courses for purposes associated with mineral or other development or activity if they would cause or are likely to cause erosion or siltation of either water course to an extent that would significantly adversely impact water quality or fish habitat.

''(5) RIGHTS RETAINED BY THE UNITED STATES.—With respect to conveyances authorized in paragraph (3), the following rights are retained by the United States:

''(A) To enter upon the conveyance lands, after providing reasonable advance notice in writing to Elim and after providing Elim with an opportunity to have a representative present upon such entry, in order to achieve the purpose and enforce the terms of this paragraph and paragraphs (4) and (6).

''(B) To have, in addition to such rights held by Elim, all rights and remedies available against persons, jointly or severally, who cut or remove Merchantable Timber for sale.

''(C) In cooperation with Elim, the right, but not the obligation, to reforest in the event previously existing Merchantable Timber is destroyed by fire, wind, insects, disease, or other similar manmade or natural occurrence (excluding manmade occurrences resulting from the exercise by Elim of its lawful rights to use the Conveyance Lands).

''(D) The right of ingress and egress over easements under section 17(b) for the public to visit, for noncommercial purposes, hot springs located on the Conveyance Lands and to use any part of the hot springs that is not commercially developed.

''(E) The right to enter upon the lands containing hot springs for the purpose of conducting scientific research on such hot springs and to use the results of such research without compensation to Elim. Elim shall have an equal right to conduct research on the hot springs and to use the results of such research without compensation to the United States.

''(F) A covenant that commercial development of the hot springs by Elim or its successors, assigns, or grantees shall include the right to develop only a maximum of 15 percent of the hot springs and any land within ¼ mile of the hot springs. Such commercial development shall not alter the natural hydrologic or thermal system associated with the hot springs. Not less than 85 percent of the lands within ¼ mile of the hot springs shall be left in their natural state.

''(G) The right to exercise prosecutorial discretion in the enforcement of any covenant, reservation, term or condition shall not waive the right to enforce any covenant, reservation, term or condition.

''(6) GENERAL.—

''(A) MEMORANDUM OF UNDERSTANDING.—The Secretary and Elim shall, acting in good faith, enter into a Memorandum of Understanding (hereinafter referred to as the 'MOU') to implement the provisions of this subsection. The MOU shall include among its provisions reasonable measures to protect plants and animals in the hot springs on the Conveyance Lands and on the land within ¼ mile of the hot springs. The parties shall agree to meet periodically to review the matters contained in the MOU and to exercise their right to amend, replace, or extend the MOU. Such reviews shall include the authority to relocate any of the easements set forth in subparagraph (D) if the parties deem it advisable.

''(B) INCORPORATION OF TERMS.—Elim shall incorporate the covenants, reservations, terms and conditions, in this subsection in any deed or other legal instrument by which it divests itself of any interest in all or a portion of the Conveyance Lands, including without limitation, a leasehold interest.

''(C) SECTION 17(b) EASEMENTS.—The Bureau of Land Management, in consultation with Elim, shall reserve in the conveyance to Elim easements to the United States pursuant to subsection 17(b) that are not in conflict with other easements specified in this paragraph.

''(D) OTHER EASEMENTS.—The Bureau of Land Management, in consultation with Elim, shall reserve easements which shall include the right of the public to enter upon and travel along the Tubutulik River and Clear Creek within the Conveyance Lands. Such easements shall also include easements for trails confined to foot travel along, and which may be established along each bank of, the Tubutulik River and Clear Creek. Such trails shall be 25 feet wide and upland of the ordinary high waterline of the water courses. The trails may deviate from the banks as necessary to go around man-made or natural obstructions or to portage around hazardous stretches of water. The easements shall also include one-acre sites along the water courses at reasonable intervals, selected in consultation with Elim, which may be used to launch or take out water craft from the water courses and to camp in nonpermanent structures for a period not to exceed 24 hours without the consent of Elim.

''(E) INHOLDERS.—The owners of lands held within the exterior boundaries of lands conveyed to Elim shall have all rights of ingress and egress to be vested in the inholder and the inholder's agents, employees, co-venturers, licensees, subsequent grantees, or invitees, and such easements shall be reserved in the conveyance to Elim. The inholder may not exercise the right of ingress and egress in a manner that may result in substantial damage to the surface of the lands or make any permanent improvements on Conveyance Lands without the prior consent of Elim.

''(F) IDITAROD TRAIL.—The Bureau of Land Management may reserve an easement for the Iditarod National Historic Trail in the conveyance to Elim.

''(7) IMPLEMENTATION.—There are authorized to be appropriated such sums as may be necessary to implement this subsection.''.

SEC. 2. COMMON STOCK TO ADOPTED-OUT DESCENDANTS.

Section 7(h)(1)(C)(iii) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(h)(1)(C)(iii)) is amended by inserting before the period at the end the following: '',

notwithstanding an adoption, relinquishment, or termination of parental rights that may have altered or severed the legal relationship between the gift donor and recipient''.

SEC. 3. DEFINITION OF SETTLEMENT TRUST.

Section 3(t)(2) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(t)(2)) is amended by striking ''sole'' and all that follows through ''Stock'' and inserting ''benefit of shareholders, Natives, and descendants of Natives,''.

AMENDING THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

The Senate proceeded to consider the bill (S. 1797) to amend the Alaska Native Claims Settlement Act, to provide for a land conveyance to the City of Craig, AK, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION. 1. LAND EXCHANGE WITH CITY OF CRAIG, ALASKA.

(a) At such time as Congress appropriates funds sufficient for the Secretary of Agriculture to acquire non-Federal lands within conservation system units on the Tongass National Forest, the Secretary shall convey to the City of Craig, Alaska, all Federal interests in the lands identified in subsection (b): *Provided*, That the lands conveyed to the City of Craig shall be of equal value to the lands acquired by the Secretary of Agriculture pursuant to this subsection.

(b) The approximately 4,532 acres of Federal lands to be conveyed to the City of Craig are described as follows:

(1) All Federal land in the following described protracted and partially surveyed townships in the Copper River Meridian, Alaska:

(A) Within T. 71 S., R. 81 E—

Section 24, E½;

Section 25, E½, S½ SW¼;

Section 36.

Containing 1360 acres, more or less;

(B) Within T. 71 S., R. 82 E—

Section 19, S½ SW¼;

Section 29, W¼ NW¼, N½ SW¼;

Section 30, All;

Section 31, All.

Containing 1500 acres, more or less; and

(C) Within T. 72 S., R. 82 E—

Section 5, SW¼ NW¼, W½, SW¼;

Section 6, All;

Section 7, NE¼ NE¼;

Section 8, W½, SW¼ SE¼;

Section 17, NW¼ NW¼, E½ NW¼, NE¼ SW¼, W½ NE¼, NW¼ SE¼, S½ SE¼;

Section 20, NE¼.

Containing 1672 acres, more or less.

The committee amendment in the nature of a substitute was agree to.

The bill (S. 1797), as amended, was passed.

The title was amended so as to read:

A bill to provide for a land conveyance to the City of Craig, Alaska, and for other purposes.

VALLES CALDERA PRESERVATION ACT

The Senate proceeded to consider the bill (S. 1892) to authorize the acquisition of the Valles Caldera, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

TITLE I—VALLES CALDERA NATIONAL PRESERVE AND TRUST

SEC. 101. SHORT TITLE.

This title may be cited as the ''Valles Caldera Preservation Act''.

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Baca ranch comprises most of the Valles Caldera in central New Mexico, and constitutes a unique land mass, with significant scientific, cultural, historic, recreational, ecological, wildlife, fisheries, and productive values;

(2) the Valles Caldera is a large resurgent lava dome with potential geothermal activity;

(3) the land comprising the Baca ranch was originally granted to the heirs of Don Luis Maria Cabeza de Vaca in 1860;

(4) historical evidence, in the form of old logging camps and other artifacts, and the history of territorial New Mexico indicate the importance of this land over many generations for domesticated livestock production and timber supply;

(5) the careful husbandry of the Baca ranch by the current owners, including selective timbering, limited grazing and hunting, and the use of prescribed fire, have preserved a mix of healthy range and timber land with significant species diversity, thereby serving as a model for sustainable land development and use;

(6) the Baca ranch's natural beauty and abundant resources, and its proximity to large municipal populations, could provide numerous recreational opportunities for hiking, fishing, camping, cross-country skiing, and hunting;

(7) the Forest Service documented the scenic and natural values of the Baca ranch in its 1993 study entitled ''Report on the Study of the Baca Location No. 1, Santa Fe National Forest, New Mexico'', as directed by Public Law 101–556;

(8) the Baca ranch can be protected for current and future generations by continued operation as a working ranch under a unique management regime which would protect the land and resource values of the property and surrounding ecosystem while allowing and providing for the ranch to eventually become financially self-sustaining;

(9) the current owners have indicated that they wish to sell the Baca ranch, creating an opportunity for Federal acquisition and public access and enjoyment of these lands;

(10) certain features on the Baca ranch have historical and religious significance to Native Americans which can be preserved and protected through Federal acquisition of the property;

(11) the unique nature of the Valles Caldera and the potential uses of its resources with different resulting impacts warrants a management regime uniquely capable of developing an operational program for appropriate preservation and development of the land and resources of the Baca ranch in the interest of the public;

(12) an experimental management regime should be provided by the establishment of a Trust capable of using new methods of public land management that may prove to be cost-effective and environmentally sensitive; and

(13) the Secretary may promote more efficient management of the Valles Caldera and the watershed of the Santa Clara Creek through the assignment of purchase rights of such watershed to the Pueblo of Santa Clara.

(b) PURPOSES.—The purposes of this title are—

(1) to authorize Federal acquisition of the Baca ranch;

(2) to protect and preserve for future generations the scientific, scenic, historic, and natural values of the Baca ranch, including rivers and ecosystems and archaeological, geological, and cultural resources;

(3) to provide opportunities for public recreation;

(4) to establish a demonstration area for an experimental management regime adapted to this unique property which incorporates elements of public and private administration in order to promote long term financial sustainability consistent with the other purposes enumerated in this subsection; and

(5) to provide for sustained yield management of Baca ranch for timber production and domesticated livestock grazing insofar as is consistent with the other purposes stated herein.

SEC. 103. DEFINITIONS.

In this title:

(1) BACA RANCH.—The term ''Baca ranch'' means the lands and facilities described in this section 104(a).

(2) BOARD OF TRUSTEES.—The terms ''Board of Trustees'' and ''Board'' mean the Board of Trustees as describe in section 107.

(3) COMMITTEES OF CONGRESS.—The term ''Committees of Congress'' means the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(4) FINANCIALLY SELF-SUSTAINING.—The term ''financially self-sustaining'' means management and operating expenditures equal to or less than proceeds derived from fees and other receipts for resource use and development and interest on invested funds. Management and operating expenditures shall include Trustee expenses, salaries and benefits of staff, administrative and operating expenses, improvements to and maintenance of lands and facilities of the Preserve, and other similar expenses. Funds appropriated to the Trust by Congress, either directly or through the Secretary, for the purposes of this title shall not be considered.

(5) MULTIPLE USE AND SUSTAINED YIELD.—The term ''multiple use and sustained yield'' has the combined meaning of the terms ''multiple use'' and ''sustained yield of the several products and services'', as defined under the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 531).

(6) PRESERVE.—The term ''Preserve'' means the Valles Caldera National Preserve established under section 105.

(7) SECRETARY.—Except where otherwise provided, the term ''Secretary'' means the Secretary of Agriculture.

(8) TRUST.—The term ''Trust'' means the Valles Caldera Trust established under section 106.

SEC. 104. ACQUISITION OF LANDS.

(a) ACQUISITION OF BACA RANCH.—

(1) IN GENERAL.—In compliance with the Act of June 15, 1926 (16 U.S.C. 471a), the Secretary is authorized to acquire all or part of the rights, title, and interests in and to approximately 94,761 acres of the Baca ranch, comprising the lands, facilities, and structures referred to as the Baca Location No. 1,

and generally depicted on a plat entitled ''Independent Resurvey of the Baca Location No. 1'', made by L.A. Osterhoudt, W.V. Hall, and Charles W. Devendorf, U.S. Cadastral Engineers, June 30, 1920–August 24, 1921, under special instructions for Group No. 107 dated February 12, 1920, in New Mexico.

(2) SOURCE OF FUNDS.—The acquisition under paragraph (1) may be made by purchase through appropriated or donated funds, by exchange, by contribution, or by donation of land. Funds appropriated to the Secretary from the Land and Water Conservation Fund shall be available for this purpose.

(3) BASIS OF SALE.—The acquisition under paragraph (1) shall be based on an appraisal done in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions and—

(A) in the case of purchase, such purchase shall be on a willing seller basis for no more than the fair market value of the land or interests therein acquired; and

(B) in the case of exchange, such exchange shall be for lands, or interests therein, of equal value, in conformity with the existing exchange authorities of the Secretary.

(4) DEED.—The conveyance of the offered lands to the United States under this subsection shall be by general warranty or other deed acceptable to the Secretary and in conformity with applicable title standards of the Attorney General.

(b) ADDITION OF LAND TO BANDELIER NATIONAL MONUMENT.—Upon acquisition of the Baca ranch under subsection (a), the Secretary of the Interior shall assume administrative jurisdiction over those lands within the boundaries of the Bandelier National Monument as modified under section 3 of Public Law 105–376 (112 Stat. 3389).

(c) PLAT AND MAPS.—

(1) PLAT AND MAPS PREVAIL.—In case of any conflict between a plat or a map and acreages, the plat or map shall prevail.

(2) MINOR CORRECTIONS.—The Secretary and the Secretary of the Interior may make minor corrections in the boundaries of the Upper Alamo watershed as depicted on the map referred to in section 3 of Public Law 105–376 (112 Stat. 3389).

(3) BOUNDARY MODIFICATION.—Upon the conveyance of any lands to any entity other than the Secretary, the boundary of the Preserve shall be modified to exclude such lands.

(4) FINAL MAPS.—Within 180 days of the date of acquisition of the Baca ranch under subsection (a), the Secretary and the Secretary of the Interior shall submit to the Committees of Congress a final map of the Preserve and a final map of Bandelier National Monument, respectively.

(5) PUBLIC AVAILABILITY.—The plat and maps referred to in the subsection shall be kept and made available for public inspection in the offices of the Chief, Forest Service, and Director, National Park Service, in Washington, D.C., and Supervisor, Santa Fe National Forest, and Superintendent, Bandelier National Monument, in the State of New Mexico.

(d) WATERSHED MANAGEMENT REPORT.—The Secretary, acting through the Forest Service, in cooperation with the Secretary of the Interior, acting through the National Park Service, shall—

(1) prepare a report of management alternatives which may—

(A) provide more coordinated land management within the area known as the upper watersheds of Alamo, Capulin, Medio, and Sanchez Canyons, including the areas known as the Dome Diversity Unit and the Dome Wilderness;

(B) allow for improved management of elk and other wildlife populations ranging between the Santa Fe National Forest and the Bandelier National Monument; and

(C) include proposed boundary adjustments between the Santa Fe National Forest and the Bandelier National Monument to facilitate the objectives under subparagraphs (A) and (B); and

(2) submit the report to the Committees of Congress within 120 days of the date of enactment of this title.

(e) OUTSTANDING MINERAL INTERESTS.—The acquisition of the Baca ranch by the Secretary shall be subject to all outstanding valid existing mineral interests. The Secretary is authorized and directed to negotiate with the owners of any fractional interest in the subsurface estate for the acquisition of such fractional interest on a willing seller basis for not to exceed its fair market value, as determined by appraisal done in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions. Any such interests acquired within the boundaries of the Upper Alamo watershed, as referred to in subsection (b), shall be administered by the Secretary of the Interior as part of Bandelier National Monument.

(f) BOUNDARIES OF THE BACA RANCH.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Baca ranch shall be treated as if they were National Forest boundaries existing as of January 1, 1965.

(g) PUEBLO OF SANTA CLARA.—

(1) IN GENERAL.—The Secretary may assign to the Pueblo of Santa Clara rights to acquire for fair market value portions of the Baca ranch. The portion that may be assigned shall be determined by mutual agreement between the Pueblo and the Secretary based on optimal management considerations for the Preserve including manageable land line locations, public access, and retention of scenic and natural values. All appraisals shall be done in conformity with the Uniform Appraisal Standards for Federal Land Acquisition.

(2) STATUS OF LAND ACQUIRED.—As of the date of acquisition, the fee title lands, and any mineral estate underlying such lands, acquired under this subsection by the Pueblo of Santa Clara are deemed transferred into trust in the name of the United States for the benefit of the Pueblo of Santa Clara and such lands and mineral estate are declared to be part of the existing Santa Clara Indian Reservation.

(3) MINERAL ESTATE.—Any mineral estate acquired by the United States pursuant to section 104(e) underlying fee title lands acquired by the Pueblo of Santa Clara shall not be developed without the consent of the Secretary of the Interior and the Pueblo of Santa Clara.

(4) SAVINGS.—Any reservations, easements, and covenants contained in an assignment agreement entered into under paragraph (1) shall not be affected by the acquisition of the Baca ranch by the United States, the assumption of management by the Valles Caldera Trust, or the lands acquired by the Pueblo being taken into trust.

SEC. 105. THE VALLES CALDERA NATIONAL PRESERVE.

(a) ESTABLISHMENT.—Upon the date of acquisition of the Baca ranch under section 104(a), there is hereby established the Valles Caldera National Preserve as a unit of the National Forest System which shall include all Federal lands and interests in land acquired under sections 104(a) and 104(e), except those lands and interests in land administered or held in trust by the Secretary of the Interior under sections 104(b) and 104(g), and shall be managed in accordance with the purposes and requirements of this title.

(b) PURPOSES.—The purposes for which the Preserve is established are to protect and preserve the scientific, scenic, geologic, watershed, fish, wildlife, historic, cultural, and recreational values of the Preserve, and to provide for multiple use and sustained yield of renewable resources within the Preserve, consistent with this title.

(c) MANAGEMENT AUTHORITY.—Except for the powers of the Secretary enumerated in this title, the Preserve shall be managed by the Valles Caldera Trust established by section 106.

(d) ELIGIBILITY FOR PAYMENT IN LIEU OF TAXES.—Lands acquired by the United States under section 104(a) shall constitute entitlement lands for purposes of the Payment in Lieu of Taxes Act (31 U.S.C. 6901–6904).

(e) WITHDRAWALS.—

(1) IN GENERAL.—Upon acquisition of all interests in minerals within the boundaries of the Baca ranch under section 104(e), subject to valid existing rights, the lands comprising the Preserve are thereby withdrawn from disposition under all laws pertaining to mineral leasing, including geothermal leasing.

(2) MATERIALS FOR ROADS AND FACILITIES.—Nothing in this title shall preclude the Secretary, prior to assumption of management of the Preserve by the Trust, and the Trust thereafter, from allowing the utilization of common varieties of mineral materials such as sand, stone, and gravel as necessary for construction and maintenance of roads and facilities within the Preserve.

(f) FISH AND GAME.—Nothing in this title shall be construed as affecting the responsibilities of the State of New Mexico with respect to fish and wildlife, including the regulation of hunting, fishing, and trapping within the Preserve, except that the Trust may, in consultation with the Secretary and the State of New Mexico, designate zones where and establish periods when no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, the protection of nongame species and their habitats, or public use and enjoyment.

(g) REDONDO PEAK.—

(1) IN GENERAL.—For the purposes of preserving the natural, cultural, religious, and historic resources on Redondo Peak upon acquisition of the Baca ranch under section 104(a), except as provided in paragraph (2), within the area of Redondo Peak above 10,000 feet in elevation—

(A) no roads, structures, or facilities shall be constructed; and

(B) no motorized access shall be allowed.

(2) EXCEPTIONS.—Nothing in this subsection shall preclude—

(A) the use and maintenance of roads and trails existing as of the date of enactment of this Act;

(B) the construction, use and maintenance of new trails, and the relocation of existing roads, if located to avoid Native American religious and cultural sites; and

(C) motorized access necessary to administer the area by the Trust (including measures required in emergencies involving the health or safety of persons within the area).

SEC. 106. THE VALLES CALDERA TRUST.

(a) ESTABLISHMENT.—There is hereby established a wholly owned government corporation known as the Valles Caldera Trust which is empowered to conduct business in the State of New Mexico and elsewhere in

the United States in furtherance of its corporate purposes.

(b) CORPORATE PURPOSES.—The purposes of the Trust are—

(1) to provide management and administrative services for the Preserve;

(2) to establish and implement management policies which will best achieve the purposes and requirements of this title;

(3) to receive and collect funds from private and public sources and to make dispositions in support of the management and administration of the Preserve; and

(4) to cooperate with Federal, State, and local governmental units, and with Indian tribes and Pueblos, to further the purposes for which the Preserve was established.

(c) NECESSARY POWERS.—The Trust shall have all necessary and proper powers for the exercise of the authorities vested in it.

(d) STAFF.—

(1) IN GENERAL.—The Trust is authorized to appoint and fix the compensation and duties of an executive director and such other officers and employees as it deems necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may pay them without regard to the provisions of chapter 51, and subchapter III of chapter 53, title 5, United States Code, relating to classification and General Schedule pay rates. No employee of the Trust shall be paid at a rate in excess of that payable to the Supervisor of the Santa Fe National Forest or the Superintendent of the Bandelier National Monument, whichever is greater.

(2) FEDERAL EMPLOYEES.—

(A) IN GENERAL.—Except as provided in this title, employees of the Trust shall be Federal employees as defined by title 5, United States Code, and shall be subject to all rights and obligations applicable thereto.

(B) USE OF FEDERAL EMPLOYEES.—At the request of the Trust, the employees of any Federal agency may be provided for implementation of this title. Such employees detailed to the Trust for more than 30 days shall be provided on a reimbursable basis.

(e) GOVERNMENT CORPORATION.—

(1) IN GENERAL.—The Trust shall be a Government Corporation subject to chapter 91 of title 31, United States Code (commonly referred to as the Government Corporation Control Act). Financial statements of the Trust shall be audited annually in accordance with section 9105 of title 31 of the United States Code.

(2) REPORTS.—Not later than January 15 of each year, the Trust shall submit to the Secretary and the Committees of Congress a comprehensive and detailed report of its operations, activities, and accomplishments for the prior year including information on the status of ecological, cultural, and financial resources being managed by the Trust, and benefits provided by the Preserve to local communities. The report shall also include a section that describes the Trust's goals for the current year.

(3) ANNUAL BUDGET.—

(A) IN GENERAL.—The Trust shall prepare an annual budget with the goal of achieving a financially self-sustaining operation within 15 full fiscal years after the date of acquisition of the Baca ranch under section 104(a).

(B) BUDGET REQUEST.—The Secretary shall provide necessary assistance (including detailees as necessary) to the Trust for the timely formulation and submission of the annual budget request for appropriations, as authorized under section 111(a), to support the administration, operation, and maintenance of the Preserve.

(f) TAXES.—The Trust and all properties administered by the Trust shall be exempt from all taxes and special assessments of every kind by the State of New Mexico, and its political subdivisions including the counties of Sandoval and Rio Arriba.

(g) DONATIONS.—The Trust may solicit and accept donations of funds, property, supplies, or services from individuals, foundations, corporations, and other private or public entities for the purposes of carrying out its duties. The Secretary, prior to assumption of management of the Preserve by the Trust, and the Trust thereafter, may accept donations from such entities notwithstanding that such donors may conduct business with the Department of Agriculture or any other department or agency of the United States.

(h) PROCEEDS.—

(1) IN GENERAL.—Notwithstanding sections 1341 and 3302 of title 31 of the United States Code, all monies received from donations under subsection (g) or from the management of the Preserve shall be retained and shall be available, without further appropriation, for the administration, preservation, restoration, operation and maintenance, improvement, repair, and related expenses incurred with respect to properties under its management jurisdiction.

(2) FUND.—There is hereby established in the Treasury of the United States a special interest bearing fund entitled ''Valles Caldera Fund'' which shall be available, without further appropriation for any purpose consistent with the purposes of this title. At the option of the Trust, or the Secretary in accordance with section 110, the Secretary of the Treasury shall invest excess monies of the Trust in such account, which shall bear interest at rates determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturity.

(i) RESTRICTIONS ON DISPOSITION OF RECEIPTS.—Any funds received by the Trust, or the Secretary in accordance with section 109(b), from the management of the Preserve shall not be subject to partial distribution to the State under—

(1) the Act of May 23, 1908, entitled ''an Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and nine'' (35 Stat. 260, chapter 192; 16 U.S.C. 500);

(2) section 13 of the Act of March 1, 1911 (36 Stat. 963, chapter 186; 16 U.S.C. 500); or

(3) any other law.

(j) SUITS.—The Trust may sue and be sued in its own name to the same extent as the Federal Government. For purposes of such suits, the residence of the Trust shall be the State of New Mexico. The Trust shall be represented by the Attorney General in any litigation arising out of the activities of the Trust, except that the Trust may retain private attorneys to provide advice and counsel.

(k) BYLAWS.—The Trust shall adopt necessary bylaws to govern its activities.

(l) INSURANCE AND BOND.—The Trust shall require that all holders of leases from, or parties in contract with, the Trust that are authorized to occupy, use, or develop properties under the management jurisdiction of the Trust, procure proper insurance against any loss in connection with such properties, or activities authorized in such lease or contract, as is reasonable and customary.

(m) NAME AND INSIGNIA.—The Trust shall have the sole and exclusive right to use the words ''Valles Caldera Trust'', and any seal, emblem, or other insignia adopted by the Board of Trustees. Without express written authority of the Trust, no person may use the words ''Valles Caldera Trust'' as the name under which that person shall do or purport to do business, for the purpose of trade, or by way of advertisement, or in any manner that may falsely suggest any connection with the Trust.

SEC. 107. BOARD OF TRUSTEES.

(a) IN GENERAL.—The Trust shall be governed by a 9-member Board of Trustees consisting of the following:

(1) VOTING TRUSTEES.—The voting Trustees shall be—

(A) the Supervisor of the Santa Fe National Forest, United States Forest Service;

(B) the Superintendent of the Bandelier National Monument, National Park Service; and

(C) 7 individuals, appointed by the President, in consultation with the congressional delegation from the State of New Mexico. The 7 individuals shall have specific expertise or represent an organization or government entity as follows—

(i) one trustee shall have expertise in aspects of domesticated livestock management, production, and marketing, including range management and livestock business management;

(ii) one trustee shall have expertise in the management of game and nongame wildlife and fish populations, including hunting, fishing, and other recreational activities;

(iii) one trustee shall have expertise in the sustainable management of forest lands for commodity and noncommodity purposes;

(iv) one trustee shall be active in a nonprofit conservation organization concerned with the activities of the Forest Service;

(v) one trustee shall have expertise in financial management, budget and program analysis, and small business operations;

(vi) one trustee shall have expertise in the cultural and natural history of the region; and

(vii) one trustee shall be active in State or local government in New Mexico, with expertise in the customs of the local area.

(2) QUALIFICATIONS.—Of the trustees appointed by the President—

(A) none shall be employees of the Federal Government; and

(B) at least five shall be residents of the State of New Mexico.

(b) INITIAL APPOINTMENTS.—The President shall make the initial appointments to the Board of Trustees within 90 days after acquisition of the Baca ranch under section 104(a).

(c) TERMS.—

(1) IN GENERAL.—Appointed trustees shall each serve a term of 4 years, except that of the trustees first appointed, 4 shall serve for a term of 4 years, and 3 shall serve for a term of 2 years.

(2) VACANCIES.—Any vacancy among the appointed trustees shall be filled in the same manner in which the original appointment was made, and any trustee appointed to fill a vacancy shall serve for the remainder of that term for which his or her predecessor was appointed.

(3) LIMITATIONS.—No appointed trustee may serve more than 8 years in consecutive terms.

(d) QUORUM.—A majority of trustees shall constitute a quorum of the Board for the conduct of business.

(e) ORGANIZATION AND COMPENSATION.—

(1) IN GENERAL.—The Board shall organize itself in such a manner as it deems most appropriate to effectively carry out the activities of the Trust.

(2) COMPENSATION OF TRUSTEES.—Trustees shall serve without pay, but may be reimbursed from the funds of the Trust for the actual and necessary travel and subsistence expenses incurred by them in the performance of their duties.

(3) CHAIR.—Trustees shall select a chair from the membership of the Board.

(f) LIABILITY OF TRUSTEES.—Appointed trustees shall not be considered Federal employees by virtue of their membership on the Board, except for purposes of the Federal Tort Claims Act, the Ethics in Government Act, and the provisions of chapter 11 of title 18, United States Code.

(g) MEETINGS.—

(1) LOCATION AND TIMING OF MEETINGS.—The Board shall meet in sessions open to the public at least three times per year in New Mexico. Upon a majority vote made in open session, and a public statement of the reasons therefore, the Board may close any other meetings to the public: *Provided,* That any final decision of the Board to adopt or amend the comprehensive management program under section 108(d) or to approve any activity related to the management of the land or resources of the Preserve shall be made in open public session.

(2) PUBLIC INFORMATION.—In addition to other requirements of applicable law, the Board shall establish procedures for providing appropriate public information and periodic opportunities for public comment regarding the management of the Preserve.

SEC. 108. RESOURCE MANAGEMENT.

(a) ASSUMPTION OF MANAGEMENT.—The Trust shall assume all authority provided by this title to manage the Preserve upon a determination by the Secretary, which to the maximum extent practicable shall be made within 60 days after the appointment of the Board, that—

(1) the Board is duly appointed, and able to conduct business; and

(2) provision has been made for essential management services.

(b) MANAGEMENT RESPONSIBILITIES.—Upon assumption of management of the Preserve under subsection (a), the Trust shall manage the land and resources of the Preserve and the use thereof including, but not limited to such activities as—

(1) administration of the operations of the Preserve;

(2) preservation and development of the land and resources of the Preserve;

(3) interpretation of the Preserve and its history for the public;

(4) management of public use and occupancy of the Preserve; and

(5) maintenance, rehabilitation, repair, and improvement of property within the Preserve.

(c) AUTHORITIES.—

(1) IN GENERAL.—The Trust shall develop programs and activities at the Preserve, and shall have the authority to negotiate directly and enter into such agreements, leases, contracts and other arrangements with any person, firm, association, organization, corporation or governmental entity, including without limitation, entities of Federal, State, and local governments, and consultation with Indian tribes and pueblos, as are necessary and appropriate to carry out its authorized activities or fulfill the purposes of this title. Any such agreements may be entered into without regard to section 321 of the Act of June 30, 1932 (40 U.S.C. 303b).

(2) PROCEDURES.—The Trust shall establish procedures for entering into lease agreements and other agreements for the use and occupancy of facilities of the Preserve. The procedures shall ensure reasonable competition, and set guidelines for determining reasonable fees, terms, and conditions for such agreements.

(3) LIMITATIONS.—The Trust may not dispose of any real property in, or convey any water rights appurtenant to the Preserve. The Trust may not convey any easement, or enter into any contract, lease, or other agreement related to use and occupancy of property within the Preserve for a period greater than 10 years. Any such easement, contract, lease, or other agreement shall provide that, upon termination of the Trust, such easement, contract, lease or agreement is terminated.

(4) APPLICATION OF PROCUREMENT LAWS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, Federal laws and regulations governing procurement by Federal agencies shall not apply to the Trust, with the exception of laws and regulations related to Federal Government contracts governing health and safety requirements, wage rates, and civil rights.

(B) PROCEDURES.—The Trust, in consultation with the Administrator of Federal Procurement Policy, Office of Management and Budget, shall establish and adopt procedures applicable to the Trust's procurement of goods and services, including the award of contracts on the basis of contractor qualifications, price, commercially reasonable buying practices, and reasonable competition.

(d) MANAGEMENT PROGRAM.—Within two years after assumption of management responsibilities for the Preserve, the Trust shall, in accordance with subsection (f), develop a comprehensive program for the management of lands, resources, and facilities within the Preserve to carry out the purposes under section 105(b). To the extent consistent with such purposes, such program shall provide for—

(1) operation of the Preserve as a working ranch, consistent with paragraphs (2) through (4);

(2) the protection and preservation of the scientific, scenic, geologic, watershed, fish, wildlife, historic, cultural and recreational values of the Preserve;

(3) multiple use and sustained yield of renewable resources within the Preserve;

(4) public use of and access to the Preserve for recreation;

(5) renewable resource utilization and management alternatives that, to the extent practicable—

(A) benefit local communities and small businesses;

(B) enhance coordination of management objectives with those on surrounding National Forest System land; and

(C) provide cost savings to the Trust through the exchange of services, including but not limited to labor and maintenance of facilities, for resources or services provided by the Trust; and

(6) optimizing the generation of income based on existing market conditions, to the extent that it does not unreasonably diminish the long-term scenic and natural values of the area, or the multiple use and sustained yield capability of the land.

(e) PUBLIC USE AND RECREATION.—

(1) IN GENERAL.—The Trust shall give thorough consideration to the provision of appropriate opportunities for public use and recreation that are consistent with the other purposes under section 105(b). The Trust is expressly authorized to construct and upgrade roads and bridges, and provide other facilities for activities including, but not limited to camping and picnicking, hiking, and cross country skiing. Roads, trails, bridges, and recreational facilities constructed within the Preserve shall meet public safety standards applicable to units of the National Forest System and the State of New Mexico.

(2) FEES.—Notwithstanding any other provision of law, the Trust is authorized to assess reasonable fees for admission to, and the use and occupancy of, the Preserve: *Provided,* That admission fees and any fees assessed for recreational activities shall be implemented only after public notice and a period of not less than 60 days for public comment.

(3) PUBLIC ACCESS.—Upon the acquisition of the Baca ranch under section 104(a), and after an interim planning period of no more than two years, the public shall have reasonable access to the Preserve for recreation purposes. The Secretary, prior to assumption of management of the Preserve by the Trust, and the Trust thereafter, may reasonably limit the number and types of recreational admissions to the Preserve, or any part thereof, based on the capability of the land, resources, and facilities. The use of reservation or lottery systems is expressly authorized to implement this paragraph.

(f) APPLICABLE LAWS.—

(1) IN GENERAL.—The Trust, and the Secretary in accordance with section 109(b), shall administer the Preserve in conformity with this title and all laws pertaining to the National Forest System, except the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended (16 U.S.C. 1600 et seq.).

(2) ENVIRONMENTAL LAWS.—The Trust shall be deemed a Federal agency for the purposes of compliance with Federal environmental laws.

(3) CRIMINAL LAWS.—All criminal laws relating to Federal property shall apply to the same extent as on adjacent units of the National Forest System.

(4) REPORTS ON APPLICABLE RULES AND REGULATIONS.—The Trust may submit to the Secretary and the Committees of Congress a compilation of applicable rules and regulations which in the view of the Trust are inappropriate, incompatible with this title, or unduly burdensome.

(5) CONSULTATION WITH TRIBES AND PUEBLOS.—The Trust is authorized and directed to cooperate and consult with Indian tribes and pueblos on management policies and practices for the Preserve which may affect them. The Trust is authorized to allow the use of lands within the Preserve for religious and cultural uses by Native Americans and, in so doing, may set aside places and times of exclusive use consistent with the American Indian Religious Freedom Act (42 U.S.C. 1996 (note)) and other applicable statutes.

(6) NO ADMINISTRATIVE APPEAL.—The administrative appeals regulations of the Secretary shall not apply to activities of the Trust and decisions of the Board.

(g) LAW ENFORCEMENT AND FIRE MANAGEMENT.—The Secretary shall provide law enforcement services under a cooperative agreement with the Trust to the extent generally authorized in other units of the National Forest System. The Trust shall be deemed a Federal agency for purposes of the law enforcement authorities of the Secretary (within the meaning of section 15008 of the National Forest System Drug Control Act of 1986 (16 U.S.C. 559g)). At the request of the Trust, the Secretary may provide fire presuppression, fire suppression, and rehabilitation services: *Provided,* That the Trust shall reimburse the Secretary for salaries and expenses of fire management personnel, commensurate with services provided.

SEC. 109. AUTHORITIES OF THE SECRETARY.

(a) IN GENERAL.—Notwithstanding the assumption of management of the Preserve by the Trust, the Secretary is authorized to—

(1) issue any rights-of-way, as defined in the Federal Land Policy and Management Act of 1976, of over 10 years duration, in cooperation with the Trust, including, but not limited to, road and utility rights-of-way, and communication sites;

(2) issue orders under and enforce prohibitions generally applicable on other units of the National Forest System, in cooperation with the Trust;

(3) exercise the authorities of the Secretary under the Wild and Scenic Rivers Act (16 U.S.C. 1278, et seq.) and the Federal Power Act (16 U.S.C. 797, et seq.), in cooperation with the Trust;

(4) acquire the mineral rights referred to in section 104(e);

(5) provide law enforcement and fire management services under section 108(g);

(6) at the request of the Trust, exchange land or interests in land within the Preserve under laws generally applicable to other units of the National Forest System, or otherwise dispose of land or interests in land within the Preserve under Public Law 97–465 (16 U.S.C. 521c through 521i);

(7) in consultation with the Trust, refer civil and criminal cases pertaining to the Preserve to the Department of Justice for prosecution;

(8) retain title to and control over fossils and archaeological artifacts found within the Preserve;

(9) at the request of the Trust, construct and operate a visitors' center in or near the Preserve, subject to the availability of appropriated funds;

(10) conduct the assessment of the Trust's performance, and, if the Secretary determines it necessary, recommend to Congress the termination of the Trust, under section 110(b)(2); and

(11) conduct such other activities for which express authorization is provided to the Secretary by this title.

(b) INTERIM MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Preserve in accordance with this title during the interim period from the date of acquisition of the Baca ranch under section 104(a) to the date of assumption of management of the Preserve by the Trust under section 108. The Secretary may enter into any agreement, lease, contract, or other arrangement on the same basis as the Trust under section 108(c)(1): *Provided,* That any agreement, lease, contract, or other arrangement entered into by the Secretary shall not exceed two years in duration unless expressly extended by the Trust upon its assumption of management of the Preserve.

(2) USE OF THE FUND.—All monies received by the Secretary from the management of the Preserve during the interim period under paragraph (1) shall be deposited into the ''Valles Caldera Fund'' established under section 106(h)(2), and such monies in the fund shall be available to the Secretary, without further appropriation, for the purpose of managing the Preserve in accordance with the responsibilities and authorities provided to the Trust under section 108.

(c) SECRETARIAL AUTHORITY.—The Secretary retains the authority to suspend any decision of the Board with respect to the management of the Preserve if he finds that the decision is clearly inconsistent with this title. Such authority shall only be exercised personally by the Secretary, and may not be delegated. Any exercise of this authority shall be in writing to the Board, and notification of the decision shall be given to the Committees of Congress. Any suspended decision shall be referred back to the Board for reconsideration.

(d) ACCESS.—The Secretary shall at all times have access to the Preserve for administrative purposes.

SEC. 110. TERMINATION OF THE TRUST.

(a) IN GENERAL.—The Valles Caldera Trust shall terminate at the end of the twentieth full fiscal year following acquisition of the Baca ranch under section 104(a).

(b) RECOMMENDATIONS.—

(1) BOARD.—

(A) If after the fourteenth full fiscal years from the date of acquisition of the Baca ranch under section 104(a), the Board believes the Trust has met the goals and objectives of the comprehensive management program under section 108(d), but has not become financially self-sustaining, the Board may submit to the Committees of Congress, a recommendation for authorization of appropriations beyond that provided under this title.

(B) During the eighteenth full fiscal year from the date of acquisition of the Baca ranch under section 104(a), the Board shall submit to the Secretary its recommendation that the Trust be either extended or terminated including the reasons for such recommendation.

(2) SECRETARY.—Within 120 days after receipt of the recommendation of the Board under paragraph (1)(B), the Secretary shall submit to the Committees of Congress the Board's recommendation on extension or termination along with the recommendation of the Secretary with respect to the same and stating the reasons for such recommendation.

(c) EFFECT OF TERMINATION.—In the event of termination of the Trust, the Secretary shall assume all management and administrative functions over the Preserve, and it shall thereafter be managed as a part of the Santa Fe National Forest, subject to all laws applicable to the National Forest System.

(d) ASSETS.—In the event of termination of the Trust, all assets of the Trust shall be used to satisfy any outstanding liabilities, and any funds remaining shall be transferred to the Secretary for use, without further appropriation, for the management of the Preserve.

(e) VALLES CALDERA FUND.—In the event of termination, the Secretary shall assume the powers of the Trust over funds under section 106(h), and the Valles Caldera Fund shall not terminate. Any balances remaining in the fund shall be available to the Secretary, without further appropriation, for any purpose consistent with the purposes of this title.

SEC. 111. LIMITATIONS ON FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Secretary and the Trust such funds as are necessary for them to carry out the purposes of this title for each of the 15 full fiscal years after the date of acquisition of the Baca ranch under section 104(a).

(b) SCHEDULE OF APPROPRIATIONS.—Within two years after the first meeting of the Board, the Trust shall submit to Congress a plan which includes a schedule of annual decreasing appropriated funds that will achieve, at a minimum, the financially self-sustained operation of the Trust within 15 full fiscal years after the date of acquisition of the Baca ranch under section 104(a).

SEC. 112. GENERAL ACCOUNTING OFFICE STUDY.

(a) INITIAL STUDY.—Three years after the assumption of management by the Trust, the General Accounting Office shall conduct an interim study of the activities of the Trust and shall report the results of the study to the Committees of Congress. The study shall include, but shall not be limited to, details of programs and activities operated by the Trust and whether it met its obligations under this title.

(b) SECOND STUDY.—Seven years after the assumption of management by the Trust, the General Accounting Office shall conduct a study of the activities of the Trust and shall report the results of the study to the Committees of Congress. The study shall provide an assessment of any failure to meet obligations that may be identified under subsection (a), and further evaluation on the ability of the Trust to meet its obligations under this title.

TITLE II—FEDERAL LAND TRANSACTION FACILITATION

SEC. 201. SHORT TITLE.

This title may be cited as the ''Federal Land Transaction Facilitation Act''.

SEC. 202. FINDINGS.

Congress finds that—

(1) the Bureau of Land Management has authority under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) to sell land identified for disposal under its land use planning;

(2) the Bureau of Land Management has authority under that Act to exchange Federal land for non-Federal land if the exchange would be in the public interest;

(3) through land use planning under that Act, the Bureau of Land Management has identified certain tracts of public land for disposal;

(4) the Federal land management agencies of the Departments of the Interior and Agriculture have authority under existing law to acquire land consistent with the mission of each agency;

(5) the sale or exchange of land identified for disposal and the acquisition of certain non-Federal land from willing landowners would—

(A) allow for the reconfiguration of land ownership patterns to better facilitate resource management;

(B) contribute to administrative efficiency within Federal land management units; and

(C) allow for increased effectiveness of the allocation of fiscal and human resources within the Federal land management agencies;

(6) a more expeditious process for disposal and acquisition of land, established to facilitate a more effective configuration of land ownership patterns, would benefit the public interest;

(7) many private individuals own land within the boundaries of Federal land management units and desire to sell the land to the Federal Government;

(8) such land lies within national parks, national monuments, national wildlife refuges, national forests, and other areas designated for special management;

(9) Federal land management agencies are facing increased workloads from rapidly growing public demand for the use of public land, making it difficult for Federal managers to address problems created by the existence of inholdings in many areas;

(10) in many cases, inholders and the Federal Government would mutually benefit from Federal acquisition of the land on a priority basis;

(11) proceeds generated from the disposal of public land may be properly dedicated to the acquisition of inholdings and other land that will improve the resource management

ability of the Federal land management agencies and adjoining landowners;

(12) using proceeds generated from the disposal of public land to purchase inholdings and other such land from willing sellers would enhance the ability of the Federal land management agencies to—

(A) work cooperatively with private landowners and State and local governments; and

(B) promote consolidation of the ownership of public and private land in a manner that would allow for better overall resource management;

(13) in certain locations, the sale of public land that has been identified for disposal is the best way for the public to receive fair market value for the land; and

(14) to allow for the least disruption of existing land and resource management programs, the Bureau of Land Management may use non-Federal entities to prepare appraisal documents for agency review and approval consistent with applicable provisions of the Uniform Standards for Federal Land Acquisition.

SEC. 203. DEFINITIONS.

In this title:

(1) EXCEPTIONAL RESOURCE.—The term ''exceptional resource'' means a resource of scientific, natural, historic, cultural, or recreational value that has been documented by a Federal, State, or local governmental authority, and for which there is a compelling need for conservation and protection under the jurisdiction of a Federal agency in order to maintain the resource for the benefit of the public.

(2) FEDERALLY DESIGNATED AREA.—The term ''federally designated area'' means land in Alaska and the eleven contiguous Western States (as defined in section 103(o) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(o))) that on the date of enactment of this Act was within the boundary of—

(A) a national monument, area of critical environmental concern, national conservation area, national riparian conservation area, national recreation area, national scenic area, research natural area, national outstanding natural area, or a national natural landmark managed by the Bureau of Land Management;

(B) a unit of the National Park System;

(C) a unit of the National Wildlife Refuge System;

(D) an area of the National Forest System designated for special management by an Act of Congress; or

(E) an area within which the Secretary or the Secretary of Agriculture is otherwise authorized by law to acquire lands or interests therein that is designated as—

(i) wilderness under the Wilderness Act (16 U.S.C. 1131 et seq.);

(ii) a wilderness study area;

(iii) a component of the Wild and Scenic Rivers System under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.); or

(iv) a component of the National Trails System under the National Trails System Act (16 U.S.C. 1241 et seq.).

(3) INHOLDING.—The term ''inholding'' means any right, title, or interest, held by a non-Federal entity, in or to a tract of land that lies within the boundary of a federally designated area.

(4) PUBLIC LAND.—The term ''public land'' means public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 204. IDENTIFICATION OF INHOLDINGS.

(a) IN GENERAL.—The Secretary and the Secretary of Agriculture shall establish a procedure to—

(1) identify, by State, inholdings for which the landowner has indicated a desire to sell the land or interest therein to the United States; and

(2) prioritize the acquisition of inholdings in accordance with section 206(c)(3).

(b) PUBLIC NOTICE.—As soon as practicable after the date of enactment of this title and periodically thereafter, the Secretary and the Secretary of Agriculture shall provide public notice of the procedures referred to in subsection (a), including any information necessary for the consideration of an inholding under section 206. Such notice shall include publication in the Federal Register and by such other means as the Secretary and the Secretary of Agriculture determine to be appropriate.

(c) IDENTIFICATION.—An inholding—

(1) shall be considered for identification under this section only if the Secretary or the Secretary of Agriculture receive notification of a desire to sell from the landowner in response to public notice given under subsection (b); and

(2) shall be deemed to have been established as of the later of—

(A) the earlier of—

(i) the date on which the land was withdrawn from the public domain; or

(ii) the date on which the land was established or designated for special management; or

(B) the date on which the inholding was acquired by the current owner.

(d) NO OBLIGATION TO CONVEY OR ACQUIRE.—The identification of an inholding under this section creates no obligation on the part of a landowner to convey the inholding or any obligation on the part of the United States to acquire the inholding.

SEC. 205. DISPOSAL OF PUBLIC LAND.

(a) IN GENERAL.—The Secretary shall establish a program, using funds made available under section 206, to complete appraisals and satisfy other legal requirements for the sale or exchange of public land identified for disposal under approved land use plans (as in effect on the date of enactment of this Act) under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

(b) SALE OF PUBLIC LAND.—

(1) IN GENERAL.—The sale of public land so identified shall be conducted in accordance with sections 203 and 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713, 1719).

(2) EXCEPTIONS TO COMPETITIVE BIDDING REQUIREMENTS.—The exceptions to competitive bidding requirements under section 203(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713(f)) shall apply to this section in cases in which the Secretary determines it to be necessary.

(c) REPORT IN PUBLIC LAND STATISTICS.—The Secretary shall provide in the annual publication of Public Land Statistics, a report of activities under this section.

(d) TERMINATION OF AUTHORITY.—The authority provided under this section shall terminate 10 years after the date of enactment of this Act.

SEC. 206. FEDERAL LAND DISPOSAL ACCOUNT.

(a) DEPOSIT OF PROCEEDS.—Notwithstanding any other law (except a law that specifically provides for a proportion of the proceeds to be distributed to any trust funds of any States), the gross proceeds of the sale or exchange of public land under this Act shall be deposited in a separate account in the Treasury of the United States to be known as the ''Federal Land Disposal Account''.

(b) AVAILABILITY.—Amounts in the Federal Land Disposal Account shall be available to the Secretary and the Secretary of Agriculture, without further Act of appropriation, to carry out this title.

(c) USE OF THE FEDERAL LAND DISPOSAL ACCOUNT.—

(1) IN GENERAL.—Funds in the Federal Land Disposal Account shall be expended in accordance with this subsection.

(2) FUND ALLOCATION.—

(A) PURCHASE OF LAND.—Except as authorized under subparagraph (C), funds shall be used to purchase lands or interests therein that are otherwise authorized by law to be acquired, and that are—

(i) inholdings; and

(ii) adjacent to federally designated areas and contain exceptional resources.

(B) INHOLDINGS.—Not less than 80 percent of the funds allocated for the purchase of land within each State shall be used to acquire inholdings identified under section 204.

(C) ADMINISTRATIVE AND OTHER EXPENSES.—An amount not to exceed 20 percent of the funds deposited in the Federal Land Disposal Account may be used by the Secretary for administrative and other expenses necessary to carry out the land disposal program under section 205.

(D) SAME STATE PURCHASES.—Of the amounts not used under subparagraph (C), not less than 80 percent shall be expended within the State in which the funds were generated. Any remaining funds may be expended in any other State.

(3) PRIORITY.—The Secretary and the Secretary of Agriculture shall develop a procedure for prioritizing the acquisition of inholdings and non-Federal lands with exceptional resources as provided in paragraph (2). Such procedure shall consider—

(A) the date the inholding was established (as provided in section 204(c));

(B) the extent to which acquisition of the land or interest therein will facilitate management efficiency; and

(C) such other criteria as the Secretary and the Secretary of Agriculture deem appropriate.

(4) BASIS OF SALE.—Any land acquired under this section shall be—

(A) from a willing seller;

(B) contingent on the conveyance of title acceptable to the Secretary, or the Secretary of Agriculture in the case of an acquisition of National Forest System land, using title standards of the Attorney General;

(C) at a price not to exceed fair market value consistent with applicable provisions of the Uniform Appraisal Standards for Federal Land Acquisitions; and

(D) managed as part of the unit within which it is contained.

(d) CONTAMINATED SITES AND SITES DIFFICULT AND UNECONOMIC TO MANAGE.—Funds in the Federal Land Disposal Account shall not be used to purchase land or an interest in land that, as determined by the Secretary or the Secretary of Agriculture—

(1) contains a hazardous substances or is otherwise contaminated; or

(2) because of the location or other characteristics of the land, would be difficult or uneconomic to manage as Federal land.

(e) LAND AND WATER CONSERVATION FUND ACT.—Funds made available under this section shall be supplemental to any funds appropriated under the Land and Water Conservation Fund Act (16 U.S.C. 460l–4 et seq.).

(f) TERMINATION.—On termination of activities under section 205—

(1) the Federal Land Disposal Account shall be terminated; and

(2) any remaining balance in the account shall become available for appropriation under section 3 of the Land and Water Conservation Fund Act (16 U.S.C. 4601–6).

SEC. 207. SPECIAL PROVISIONS.

(a) IN GENERAL.—Nothing in this title provides an exemption from any limitation on the acquisition of land or interest in land under any Federal Law in effect on the date of enactment of this Act.

(b) OTHER LAW.—This title shall not apply to land eligible for sale under—

(1) Public Law 96–568 (commonly known as the ''Santini-Burton Act'') (94 Stat. 3381); or

(2) the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2343).

(c) EXCHANGES.—Nothing in this title precludes, preempts, or limits the authority to exchange land under authorities providing for the exchange of Federal lands, including but not limited to—

(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); or

(2) the Federal Land Exchange Facilitation Act of 1988 (102 Stat. 1086) or the amendments made by that Act.

(d) NO NEW RIGHT OR BENEFIT.—Nothing in this Act creates a right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its agencies, its officers, or any other person.

The Committee amendment in the nature of a substitute was agreed to.

The bill (S. 1892), as amended, was passed.

The title was amended so as to read:

A bill to provide for a land conveyance to the City of Craig, Alaska, and for other purposes.

METHANE HYDRATE RESEARCH AND DEVELOPMENT ACT OF 2000

Mr. SESSIONS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (H.R. 1753) to promote the research, identification, assessment, exploration, and development of gas hydrate resources, and for other purposes,

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the title; and agree to the amendment of the Senate to the text to the bill (H.R. 1753) entitled ''An Act to promote the research, identification, assessment, exploration, and development of gas hydrate resources, and for other purposes'', with the following amendment:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Methane Hydrate Research and Development Act of 2000''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CONTRACT.—The term ''contract'' means a procurement contract within the meaning of section 6303 of title 31, United States Code.

(2) COOPERATIVE AGREEMENT.—The term ''cooperative agreement'' means a cooperative agreement within the meaning of section 6305 of title 31, United States Code.

(3) DIRECTOR.—The term ''Director'' means the Director of the National Science Foundation.

(4) GRANT.—The term ''grant'' means a grant awarded under a grant agreement, within the meaning of section 6304 of title 31, United States Code.

(5) INDUSTRIAL ENTERPRISE.—The term ''industrial enterprise'' means a private, nongovernmental enterprise that has an expertise or capability that relates to methane hydrate research and development.

(6) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' means an institution of higher education, within the meaning of section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Energy, acting through the Assistant Secretary for Fossil Energy.

(8) SECRETARY OF COMMERCE.—The term ''Secretary of Commerce'' means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

(9) SECRETARY OF DEFENSE.—The term ''Secretary of Defense'' means the Secretary of Defense, acting through the Secretary of the Navy.

(10) SECRETARY OF THE INTERIOR.—The term ''Secretary of the Interior'' means the Secretary of the Interior, acting through the Director of the United States Geological Survey and the Director of the Minerals Management Service.

SEC. 3. METHANE HYDRATE RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—

(1) COMMENCEMENT OF PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and the Director, shall commence a program of methane hydrate research and development in accordance with this section.

(2) DESIGNATIONS.—The Secretary, the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and the Director shall designate individuals to carry out this section.

(3) COORDINATION.—The individual designated by the Secretary shall coordinate all activities within the Department of Energy relating to methane hydrate research and development.

(4) MEETINGS.—The individuals designated under paragraph (2) shall meet not later than 270 days after the date of the enactment of this Act and not less frequently than every 120 days thereafter to—

(A) review the progress of the program under paragraph (1); and

(B) make recommendations on future activities to occur subsequent to the meeting.

(b) GRANTS, CONTRACTS, COOPERATIVE AGREEMENTS, INTERAGENCY FUNDS TRANSFER AGREEMENTS, AND FIELD WORK PROPOSALS.—

(1) ASSISTANCE AND COORDINATION.—In carrying out the program of methane hydrate research and development authorized by this section, the Secretary may award grants or contracts to, or enter into cooperative agreements with, institutions of higher education and industrial enterprises to—

(A) conduct basic and applied research to identify, explore, assess, and develop methane hydrate as a source of energy;

(B) assist in developing technologies required for efficient and environmentally sound development of methane hydrate resources;

(C) undertake research programs to provide safe means of transport and storage of methane produced from methane hydrates;

(D) promote education and training in methane hydrate resource research and resource development;

(E) conduct basic and applied research to assess and mitigate the environmental impacts of hydrate degassing (including both natural degassing and degassing associated with commercial development);

(F) develop technologies to reduce the risks of drilling through methane hydrates; and

(G) conduct exploratory drilling in support of the activities authorized by this paragraph.

(2) COMPETITIVE MERIT-BASED REVIEW.—Funds made available under paragraph (1) shall be made available based on a competitive merit-based process.

(c) CONSULTATION.—The Secretary shall establish an advisory panel consisting of experts from industrial enterprises, institutions of higher education, and Federal agencies to—

(1) advise the Secretary on potential applications of methane hydrate;

(2) assist in developing recommendations and priorities for the methane hydrate research and development program carried out under subsection (a)(1); and

(3) not later than 2 years after the date of the enactment of this Act, and at such later dates as the panel considers advisable, submit to Congress a report on the anticipated impact on global climate change from—

(A) methane hydrate formation;

(B) methane hydrate degassing (including natural degassing and degassing associated with commercial development); and

(C) the consumption of natural gas produced from methane hydrates.

Not more than 25 percent of the individuals serving on the advisory panel shall be Federal employees.

(d) LIMITATIONS.—

(1) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount made available to carry out this section for a fiscal year may be used by the Secretary for expenses associated with the administration of the program carried out under subsection (a)(1).

(2) CONSTRUCTION COSTS.—None of the funds made available to carry out this section may be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

(e) RESPONSIBILITIES OF THE SECRETARY.—In carrying out subsection (b)(1), the Secretary shall—

(1) facilitate and develop partnerships among government, industrial enterprises, and institutions of higher education to research, identify, assess, and explore methane hydrate resources;

(2) undertake programs to develop basic information necessary for promoting long-term interest in methane hydrate resources as an energy source;

(3) ensure that the data and information developed through the program are accessible and widely disseminated as needed and appropriate;

(4) promote cooperation among agencies that are developing technologies that may hold promise for methane hydrate resource development; and

(5) report annually to Congress on accomplishments under this section.

SEC. 4. AMENDMENTS TO THE MINING AND MINERALS POLICY ACT OF 1970.

Section 201 of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 1901) is amended—

(1) in paragraph (6)—

(A) in subparagraph (F), by striking ''and'' at the end;

(B) by redesignating subparagraph (G) as subparagraph (H); and

(C) by inserting after subparagraph (F) the following:

''(G) for purposes of this section and sections 202 through 205 only, methane hydrate; and'';

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following:

''(7) The term 'methane hydrate' means—

''(A) a methane clathrate that is in the form of a methane-water ice-like crystalline material and is stable and occurs naturally in deep-ocean and permafrost areas; and

''(B) other natural gas hydrates found in association with deep-ocean and permafrost deposits of methane hydrate.''.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Energy to carry out this Act—

(1) $5,000,000 for fiscal year 2001;

(2) $7,500,000 for fiscal year 2002;

(3) $11,000,000 for fiscal year 2003;

(4) $12,000,000 for fiscal year 2004; and

(5) $12,000,000 for fiscal year 2005.

Amounts authorized under this section shall remain available until expended.

SEC. 6. SUNSET.

Section 3 of this Act shall cease to be effective after the end of fiscal year 2005.

SEC. 7. NATIONAL RESEARCH COUNCIL STUDY.

The Secretary shall enter into an agreement with the National Research Council for such council to conduct a study of the progress made under the methane hydrate research and development program implemented pursuant to this Act, and to make recommendations for future methane hydrate research and development needs. The Secretary shall transmit to the Congress, not later than September 30, 2004, a report containing the findings and recommendations of the National Research Council under this section.

SEC. 8. REPORTS AND STUDIES.

The Secretary of Energy shall provide to the Committee on Science of the House of Representatives copies of any report or study that the Department of Energy prepares at the direction of any committee of the Congress.

Mr. MURKOWSKI. Mr. President, we have a number of bills from my Committee on the Calendar that are ready for consideration, but I want to take a moment to say a few words about a bill I think has real potential for addressing the long-term energy needs of our nation. H.R. 1753, the Methane Hydrate Research and Development Act of 2000, would establish a small research program with the potential for a major payoff—energy security for the foreseeable future. Methane hydrates are rigid, ice-like solids of water surrounding a gas molecule, found at low temperatures and high pressures. When melted or depressurized, they release methane, pure natural gas, the same fuel we use to heat our homes and power our economy.

Significant quantities of methane hydrates have been detected all over the world. In the U.S., marine geologists have detected deposits of methane hydrates in deep sea sediments that lie off the coasts of the Carolinas, Louisiana, Texas, California, Oregon, and my home state of Alaska. We've also detected methane hydrates under the permafrost during conventional oil drilling operations in my home state of Alaska. The U.S. Geological Survey estimates that nearly 320,000 trillion cubic feet of natural gas can be extracted from the methane hydrates found in the U.S. alone. Compare that to our existing reserves of cheap, clean natural gas—1,300 trillion cubic feet—and our annual use of natural gas—just 20 trillion cubic feet per year. Even if we can learn to recover just 1 percent of our methane hydrate reserves, we will more than triple our available natural gas reserves and guarantee a source of cheap, secure and clean energy for the next century and well beyond.

The problem is: we need fundamental research on these hydrates to understand how they form, and how the gas molecule can be released in a way that we can use. Even now, methane hydrates pose hazards to conventional oil and gas recovery. Hydrates determine the stability and strength of the sea floor—when the hydrates are destabilized, the resulting gas release can undermine oil platforms and sink drilling ships. Methane hydrates release 160 volumes of gas for every volume of hydrate—and many existing hydrate formations are very unstable. Even a small disturbance—an unintentional landslide—could release massive quantities of gas. Oil platforms in the Caspian Sea have been destroyed as a result of this kind of accidental release.

Methane hydrates also play a significant role in global climate change. Recent scientific research suggests that abrupt climate changes have occurred in the past as a result of release of methane gas from hydrates. They are an important part of the global carbon cycle, which we must ultimately understand in detail if we want to act responsibly to address the risk of climate change. Since natural gas releases fewer carbon atoms per unit of energy, replacing coal and oil usage with natural gas from methane hydrates also reduces our risk of climate change—some experts estimate we can reduce our carbon dioxide emissions by 20 percent just by fuel substitution alone. We can also learn about carbon sequestration through studying how methane hydrates form—perhaps even replacing methane hydrates used for energy with hydrates using carbon dioxide sequestered from the atmosphere.

All of these things point to the need for a fundamental methane hydrate research program of the kind proposed in this bill. I want to thank my good friends and colleagues on the Energy Committee, Senators AKAKA and CRAIG, for their leadership and recognition of the potential for methane hydrates to satisfy our future energy needs, enable our long-term energy security, and help us responsibly address the risk of climate change. Working with our colleagues in the House, we have been able to develop legislation that would authorize $45 million in new funding for research in this important area. Anticipating passage of a bill like this one, the Department of Energy has prepared an excellent multi-year research and development program plan that addresses all of the issues involved—with the goal of safe commercial production of energy from hydrates by 2010.

It is clear that we are not doing enough to explore the possibility of this exciting new energy source. Other nations of the world—Japan, Canada, India, Korea and Norway—are starting ambitious research programs. The Japanese began a drilling project of their own in November 1999, and expect that production can begin within 10 years, maybe sooner. The technology exists—Syntroleum, an Oklahoma company—has recently acquired a patent for a gas hydrate recovery system. All we need now is the sustained research to make it commercially viable.

For those reasons, Mr. President, I am glad that my colleagues here in the Senate will agree to pass the bill in the form passed by the House two weeks ago, so we can send it to the President for signature and get going on this important research program. Thanks to the leadership of Senators AKAKA and CRAIG, we may look back years from now on this day as the day we broke free of our dependence on foreign oil and guaranteed ourselves a clean energy source for many years to come.

Mr. SESSIONS. Mr. President, I ask unanimous consent the Senate agree to the amendment of the House to the Senate amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to consideration en bloc of the following Energy Committee matters:

S. 1705, Calendar 492;
S. 1727, Calendar 493;
S. 1836, Calendar 495;
S. 1849, Calendar 496;
S. 1910, Calendar 498;
H.R. 1615, Calendar 499;
H.R. 3063, Calendar 500;
S. 1778, Calendar 508.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent that any committee amendments, where applicable, be agreed to, with the exception of S. 1727, which should be withdrawn, and a substitute amendment to S. 1727, which is at the desk, be agreed to, the bills be read three times and passed, as amended, if amended, any title amendments be agreed to, the motions to reconsider be laid upon the table, and that any statements related to any of these bills be printed in the RECORD, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

CASTLE ROCK RANCH ACQUISITION ACT OF 1999

The Senate proceeded to consider the bill (S. 1705) to direct the Secretary of the Interior to enter into land exchange to acquire from the private owner and to convey to the State of Idaho approximately 1,240 acres of land near the City of Rocks National Reserve, Idaho, and for other purposes.

The bill (S. 1705), was passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Castle Rock Ranch Acquisition Act of 1999''.

SEC. 2. DEFINITIONS.

In this Act:

(1) MONUMENT.—The term ''Monument'' means the Hagerman Fossil Beds National Monument, Idaho, depicted on the National Park Service map numbered 300/80,000, C.O. No. 161, and dated January 7, 1998.

(2) RANCH.—The term ''Ranch'' means the land comprising approximately 1,240 acres situated outside the boundary of the Reserve, known as the ''Castle Rock Ranch''.

(3) RESERVE.—The term ''Reserve'' means the City of Rocks National Reserve, located near Almo, Idaho, depicted on the National Park Service map numbered 003/80,018, C.O. No. 169, and dated March 25, 1999.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. ACQUISITION OF CASTLE ROCK RANCH.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall acquire, by donation or by purchase with donated or appropriated funds, the Ranch.

(b) CONSENT OF LANDOWNER.—The Secretary shall acquire land under subsection (a) only with the consent of the owner of the land.

SEC. 4. LAND EXCHANGE.

(a) IN GENERAL.—

(1) FEDERAL AND STATE EXCHANGE.—Subject to subsection (b), on completion of the acquisition under section 3(a), the Secretary shall convey the Ranch to the State of Idaho in exchange for approximately 492.87 acres of land near Hagerman, Idaho, located within the boundary of the Monument.

(2) STATE AND PRIVATE LANDOWNER EXCHANGE.—On completion of the exchange under paragraph (1), the State of Idaho may exchange portions of the Ranch for private land within the boundaries of the Reserve, with the consent of the owners of the private land.

(b) CONDITION OF EXCHANGE.—As a condition of the land exchange under subsection (a)(1), the State of Idaho shall administer all private land acquired within the Reserve through an exchange under this Act in accordance with title II of the Arizona-Idaho Conservation Act of 1988 (16 U.S.C. 460yy et seq.).

(c) ADMINISTRATION.—State land acquired by the United States in the land exchange under subsection (a)(1) shall be administered by the Secretary as part of the Monument.

(d) NO EXPANSION OF RESERVE.—Acquisition of the Ranch by a Federal or State agency shall not constitute any expansion of the Reserve.

(e) NO EFFECT ON EASEMENTS.—Nothing in this Act affects any easement in existence on the date of enactment of this Act.

PALACE OF THE GOVERNORS EXPANSION ACT

The Senate proceeded to consider the bill (S. 1727) to authorize funding for the expansion annex of the historic Palace of the Governors, a public history museum located, and relating to the history of Hispanic and Native American culture, in the Southwest and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 1727

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This act may be cited as ''Palace of the Governors Expansion Act''.

SEC. 2. CONSTRUCTION OF PALACE OF THE GOVERNORS EXPANSION.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States has an enriched legacy of Hispanic influence in politics, government, economic development and cultural expression.

(2) The Palace of the Governors has been the center of administrative and cultural activity over a vast region of the Southwest since its construction as New Mexico's second capitol in Santa Fe by Governor Pedro de Peralta in 1610.

(3) The Palace of the Governors is the oldest continuously occupied public building in **[**the**]** *the contiguous* United States and has been occupied for 390 years.

(4) Since its creation the Museum of New Mexico has worked to protect and promote Southwest, Hispanic and Native American arts and crafts.

(5) The Palace of the Governors is the history division of the Museum of New Mexico and was once proposed by Teddy Roosevelt to be part of the Smithsonian Museum and known as the ''Smithsonian West.''

(6) The Museum has a extensive and priceless collection of:

(A) Spanish Colonial and Iberian Colonial paintings including the Sagesser Hyde paintings on buffalo hide dating back to 1706.

(B) Pre-Columbian Art.

(C) Historic artifacts including:

(i) Helmets and armor worn by the Don Juan Onate expedition conquistadors who established the first capital in the United States, San Juan de los Caballeros, in July of 1598.

(ii) The Vara Stick used to measure land grants and other real property boundaries in Dona Ana County, New Mexico.

[(iii) The Columbus, New Mexico Railway Station clock that was shot, stopping the pendulum, freezing for all history the moment when Pancho Villa's raid began. It marks the beginning of the last invasion of the continental United States.**]**

[(iv)**]** *(iii)* The field desk of Brigadier General Stephen Watts Kearny who was posted to New Mexico during the Mexican War and whose Army of the West traveled the Santa Fe trail to occupy the territories of New Mexico and California.

[(v)**]** *(iv)* More than 800,000 other historic photographs, guns, costumes, maps, books and handicrafts.

(7) The Palace of the Governors and the Sagesser Hyde paintings were designated National Treasures by the National Trust for Historic Preservation.

(8) The facilities both for exhibiting and storage of this irreplaceable collection are so totally inadequate and dangerously unsuitable that there existence is endangered and their preservation is in jeopardy.

(b) DEFINITIONS.—In this section:

(1) ANNEX.—The term ''Annex'' means the Palace of the Governors, Museum of New Mexico addition to be located directly behind the historic Palace of the Governors building at 110 Lincoln Avenue, Santa Fe, New Mexico.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Interior.

(c) CONSTRUCTION OF THE ANNEX.—Subject to the availability of appropriations, the Secretary shall award a grant to New Mexico to pay for the Federal share of the costs of the final design, construction, furnishing and equipping of the Palace of the Governors Expansion Annex that will be located directly behind the historic Palace of the Governors at 110 Lincoln Avenue, Santa Fe, New Mexico.

(d) GRANT REQUIREMENTS.—

(1) IN GENERAL.—In order to receive a grant awarded under subsection (c), New Mexico, acting through the Office of Cultural Affairs—

(A) shall submit to the Secretary, within 30 days of the date of enactment of this section, a copy of the architectural blueprints for the Palace of the Governors Expansion Annex.

(B) shall exercise due diligence to obtain an appropriation from the New Mexico State Legislature for at least $8 million.

(C) shall exercise due diligence to expeditiously execute a memorandum of understanding recognizing that time is of the essence for the construction for the Annex because 2010 marks the 400th anniversary of the continuous occupation and use of the Palace of the Governors.

(2) MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding described in paragraph (1) shall provide—

(A) the date of completion of the construction of the Annex.

(B) that Office of Cultural Affairs shall award the contract for construction of the Annex in accordance with the New Mexico Procurement Code; and

(C) that the contract for the construction of the Annex shall be awarded pursuant to a competitive bidding process.

(3) FEDERAL SHARE.—The Federal share of the costs described in subsection (c) shall be 50 percent.

(4) NON-FEDERAL SHARE.—The non-Federal share of the costs described in section (c) shall be in cash or in kind fairly evaluated, including land, art and artifact collections, plant, equipment, or services. The non-Federal share shall include any contribution received by New Mexico for the design, land acquisition, library acquisition, library renovation, Palace of the Governors conservation, and construction, furnishing, equipping of the Annex, or donations of art collections to the Museum of New Mexico prior to the date of enactment of this section. The non-Federal share of the costs described in subsection (c) shall include the following:

(A) Cost of the land at 110 Lincoln Avenue, Santa Fe, New Mexico.

(B) Library acquisition expenditures.

(C) Library renovation expenditures.

(D) Palace conservation expenditures.

(E) New Mexico Foundation and other endowment funds.

(F) Donations of art collections or other artifacts.

(e) USE OF FUNDS FOR CONSTRUCTION.—FURNISHING AND EQUIPMENT.—Subject to funds being appropriated, the funds received under a grant awarded under subsection (c) shall be used only for the final design, construction, management, inspection, furnishing and equipment of the Annex.

(f) AUTHORIZATION OF APPROPRIATIONS.—Subject to funds being appropriated, there is authorized to be appropriated to the Secretary to carry out this section a total of $15,000,000 for fiscal year 2001 and succeeding fiscal years. Funds appropriated pursuant to the authority of the preceding sentence shall remain available until expended but are conditioned upon the New Mexico State legislature appropriating at least $8 million between date of enactment and 2010 and other non-federal sources providing enough funds, when combined with the New Mexico State legislature appropriations, to make this federal grant based on a fifty-fifty match.

The amendment (No. 3099) was agreed to, as follows:

AMENDMENT NO. 3099

(Purpose: To provide a complete substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Palace of the Governors Annex Act''.

SEC. 2. CONSTRUCTION OF PALACE OF THE GOVERNORS ANNEX, SANTA FE, NEW MEXICO.

(a) FINDINGS.—Congress finds that—

(1) the United States has a rich legacy of Hispanic influence in politics, government, economic development, and cultural expression;

(2) the Palace of the Governors—

(A) has been the center of administrative and cultural activity over a vast region of the Southwest since its construction as New Mexico's second capitol in Santa Fe by Governor Pedro de Peralta in 1610;

(B) is the oldest continuously occupied public building in the continental United States, having been occupied for 390 years; and

(C) has been designated as a National Historic Landmark;

(3) since its creation, the Museum of New Mexico has worked to protect and promote Southwestern, Hispanic, and Native American arts and crafts;

(4) the Palace of the Governors houses the history division of the Museum of New Mexico;

(5) the Museum has an extensive, priceless, and irreplaceable collection of—

(A) Spanish Colonial paintings (including the Segesser Hide Paintings, paintings on buffalo hide dating back to 1706);

(B) pre-Columbian Art; and

(C) historic artifacts, including—

(i) helmets and armor worn by the Don Juan de Oñate expedition conquistadors who established the first capital in the territory that is now the United States, San Juan de los Caballeros, in July 1598;

(ii) the Vara Stick used to measure land grants and other real property boundaries in Dona Ana County, New Mexico;

(iii) the Columbus, New Mexico Railway Station clock that was shot, stopping the pendulum, freezing for all history the moment when Pancho Villa's raid began;

(iv) the field desk of Brigadier General Stephen Watts Kearny, who was posted to New Mexico during the Mexican War and whose Army of the West traveled the Santa Fe trail to occupy the territories of New Mexico and California; and

(v) more than 800,000 other historic photographs, guns, costumes, maps, books, and handicrafts;

(6) the Palace of the Governors and its contents are included in the Mary C. Skaggs Centennial Collection of America's Treasures;

(7) the Palace of the Governors and the Segesser Hide paintings have been declared national treasures by the National Trust for Historic Preservation; and

(8) time is of the essence in the construction of an annex to the Palace of the Governors for the exhibition and storing of the collection described in paragraph (5), because—

(A) the existing facilities for exhibiting and storing the collection are so inadequate and unsuitable that existence of the collection is endangered and its preservation is in jeopardy; and

(B) 2010 marks the 400th anniversary of the continuous occupation and use of the Palace of the Governors and is an appropriate date for ensuring the continued viability of the collection.

(b) DEFINITIONS.—In this section:

(1) ANNEX.—The term ''Annex'' means the annex for the Palace of the Governors of the Museum of New Mexico, to be constructed behind the Palace of the Governors building at 110 Lincoln Avenue, Santa Fe, New Mexico.

(2) OFFICE.—The term ''Office'' means the State Office of Cultural Affairs.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) STATE.—The term ''State'' means the State of New Mexico.

(c) GRANT.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall make a grant to the Office to pay 50 percent of the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex.

(2) REQUIREMENTS.—Subject to the availability of appropriations, to receive a grant under this paragraph (1), the Office shall—

(A) submit to the Secretary a copy of the architectural blueprints for the Annex; and

(B) enter into a memorandum of understanding with the Secretary under subsection (d).

(d) MEMORANDUM OF UNDERSTANDING.—At the request of the Office, the Secretary shall enter into a memorandum of understanding with the Office that—

(1) requires that the Office award the contract for construction of the Annex after a competitive bidding process and in accordance with the New Mexico Procurement Code; and

(2) specifies a date for completion of the Annex.

(e) NON-FEDERAL SHARE.—The non-Federal share of the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex—

(1) may be in cash or in kind fairly evaluated, including land, art and artifact collections, plant, equipment, or services; and

(2) shall include any contribution received by the State (including contributions from the New Mexico Foundation and other endowment funds) for, and any expenditure made by the State for, the Palace of the Governors or the Annex, including—

(A) design;

(B) land acquisition (including the land at 110 Lincoln Avenue, Santa Fe, New Mexico);

(C) acquisitions for and renovation of the library;

(D) conservation of the Palace of the Governors;

(E) construction, management, inspection, furnishing, and equipping of the Annex; and

(F) donations of art collections and artifacts to the Museum of New Mexico on or after the date of enactment of this Act.

(f) USE OF FUNDS.—The funds received under a grant awarded under subsection (c) shall be used only for the final design, construction, management, inspection, furnishing and equipment of the Annex.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), subject to the availability of appropriations, there is authorized to be appropriated to the Secretary to carry out this section $15,000,000, to remain available until expended.

(2) CONDITION.—Paragraph (1) authorizes sums to be appropriated on the condition that—

(A) after the date of enactment of this Act and before January 1, 2010, the State appropriate at least $8,000,000 to pay the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex; and

(B) other non-Federal sources provide sufficient funds to pay the remainder of the 50 percent non-Federal share of those costs.

The bill (S. 1727), as amended, was passed, as follows:

S. 1727

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Palace of the Governors Annex Act''.

SEC. 2. CONSTRUCTION OF PALACE OF THE GOVERNORS ANNEX, SANTA FE, NEW MEXICO.

(a) FINDINGS.—Congress finds that—

(1) the United States has a rich legacy of Hispanic influence in politics, government, economic development, and cultural expression;

(2) the Palace of the Governors—

(A) has been the center of administrative and cultural activity over a vast region of the Southwest since its construction as New Mexico's second capitol in Santa Fe by Governor Pedro de Peralta in 1610;

(B) is the oldest continuously occupied public building in the continental United States, having been occupied for 390 years; and

(C) has been designated as a National Historic Landmark;

(3) since its creation, the Museum of New Mexico has worked to protect and promote Southwestern, Hispanic, and Native American arts and crafts;

(4) the Palace of the Governors houses the history division of the Museum of New Mexico;

(5) the Museum has an extensive, priceless, and irreplaceable collection of—

(A) Spanish Colonial paintings (including the Segesser Hide Paintings, paintings on buffalo hide dating back to 1706);

(B) pre-Columbian Art; and

(C) historic artifacts, including—

(i) helmets and armor worn by the Don Juan de Oñate expedition conquistadors who established the first capital in the territory that is now the United States, San Juan de los Caballeros, in July 1598;

(ii) the Vara Stick used to measure land grants and other real property boundaries in Dona Ana County, New Mexico;

(iii) the Columbus, New Mexico Railway Station clock that was shot, stopping the

pendulum, freezing for all history the moment when Pancho Villa's raid began;

(iv) the field desk of Brigadier General Stephen Watts Kearny, who was posted to New Mexico during the Mexican War and whose Army of the West traveled the Santa Fe trail to occupy the territories of New Mexico and California; and

(v) more than 800,000 other historic photographs, guns, costumes, maps, books, and handicrafts;

(6) the Palace of the Governors and its contents are included in the Mary C. Skaggs Centennial Collection of America's Treasures;

(7) the Palace of the Governors and the Segesser Hide paintings have been declared national treasures by the National Trust for Historic Preservation; and

(8) time is of the essence in the construction of an annex to the Palace of the Governors for the exhibition and storing of the collection described in paragraph (5), because—

(A) the existing facilities for exhibiting and storing the collection are so inadequate and unsuitable that existence of the collection is endangered and its preservation is in jeopardy; and

(B) 2010 marks the 400th anniversary of the continuous occupation and use of the Palace of the Governors and is an appropriate date for ensuring the continued viability of the collection.

(b) DEFINITIONS.—In this section:

(1) ANNEX.—The term ''Annex'' means the annex for the Palace of the Governors of the Museum of New Mexico, to be constructed behind the Palace of the Governors building at 110 Lincoln Avenue, Santa Fe, New Mexico.

(2) OFFICE.—The term ''Office'' means the State Office of Cultural Affairs.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) STATE.—The term ''State'' means the State of New Mexico.

(c) GRANT.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall make a grant to the Office to pay 50 percent of the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex.

(2) REQUIREMENTS.—Subject to the availability of appropriations, to receive a grant under this paragraph (1), the Office shall—

(A) submit to the Secretary a copy of the architectural blueprints for the Annex; and

(B) enter into a memorandum of understanding with the Secretary under subsection (d).

(d) MEMORANDUM OF UNDERSTANDING.—At the request of the Office, the Secretary shall enter into a memorandum of understanding with the Office that—

(1) requires that the Office award the contract for construction of the Annex after a competitive bidding process and in accordance with the New Mexico Procurement Code; and

(2) specifies a date for completion of the Annex.

(e) NON-FEDERAL SHARE.—The non-Federal share of the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex—

(1) may be in cash or in kind fairly evaluated, including land, art and artifact collections, plant, equipment, or services; and

(2) shall include any contribution received by the State (including contributions from the New Mexico Foundation and other endowment funds) for, and any expenditure made by the State for, the Palace of the Governors or the Annex, including—

(A) design;

(B) land acquisition (including the land at 110 Lincoln Avenue, Santa Fe, New Mexico);

(C) acquisitions for and renovation of the library;

(D) conservation of the Palace of the Governors;

(E) construction, management, inspection, furnishing, and equipping of the Annex; and

(F) donations of art collections and artifacts to the Museum of New Mexico on or after the date of enactment of this Act.

(f) USE OF FUNDS.—The funds received under a grant awarded under subsection (c) shall be used only for the final design, construction, management, inspection, furnishing and equipment of the Annex.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), subject to the availability of appropriations, there is authorized to be appropriated to the Secretary to carry out this section $15,000,000, to remain available until expended.

(2) CONDITION.—Paragraph (1) authorizes sums to be appropriated on the condition that—

(A) after the date of enactment of this Act and before January 1, 2010, the State appropriate at least $8,000,000 to pay the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex; and

(B) other non-Federal sources provide sufficient funds to pay the remainder of the 50 percent non-Federal share of those costs.

Mr. DOMENICI. Mr. President, I am pleased that the Palace of the Governors Annex Act has passed the Senate.

In conjunction with Hispanic Heritage Month, I introduced the Palace of the Governors Expansion Act last October. The palace is a symbol of Hispanic influence in the United States and truly shows the coming together of many cultures in the New World—the various native American, Hispanic, and Anglo peoples who have lived in the region for over four centuries.

Since introducing this bill last October, the situation has become an emergency. Walls are crumbling, water pipes are leaking, plumbing is backing up threatening priceless documents.

The bill would authorize the construction of the Palace of the Governors' Annex. It would preserve a priceless collection of Spanish colonial, Iberian colonial paintings, artifacts, maps, books, guns, costumes, photographs. The collection includes such historically unique items as the helmets and armor worn by the Don Juan Onate expedition conquistadors who established the first capital in the United States, San Juan de los Caballeros, in July 1598. It includes the Vara Stick, a type of yardstick used to measure land grants and other real property boundaries in Dona Ana County, NM.

We have all heard of Geronimo. The collection includes a rifle dropped by one of his men during a raid in the Black Range area of western New Mexico.

We have all heard of Pancho Villa. His activities in the Southwest come alive when viewing some of the artifacts included in the Palace of the Governors Collection. The Columbus, NM, railway station clock was shot in the pendulum, freezing for all history the moment that Pancho Villa's raid and invasion began. It is part of the collection, but you wouldn't know it because there is no room to display it.

Brig. Gen. Stephen Watts Kearny was posted to New Mexico during the Mexican War. He commanded the Army of the West as they traveled from the Santa Fe Trail to occupy the territories of New Mexico and California. As Kearny traveled, he carried a field desk which he used to write letters, diaries, orders, and other historical documents. It is part of the collection, but you can't see it because there is no display space for it in the Palace of the Governors.

Many of us have read books by D.H. Lawrence, but none of us has seen the note from his mother that is part of the collection.

There are more than 800,000 other historic photographs, guns, costumes, maps, books, and handicrafts.

Where are these treasures that Teddy Roosevelt wanted to make part of the Smithsonian housed now?

Where is this collection designated as a National Treasure by the National Trust for Historic Preservation kept?

In the basement of a 400-year-old building.

It is a national travesty.

This legislation would right this wrong by authorizing funds for a Palace of the Governors Expansion Annex. The entire project will cost $32 million. The legislation authorizes a $15 million federal grant if the museum can match the grant on a 50-50 basis.

The Palace of the Governors has acquired a half block behind the current palace. Obtaining this valuable real estate is evidence of the ingenuity and commitment of those involved in preserving the collection. Real estate near Santa Fe's plaza is seldom for sale at any price, much less an affordable price.

The Palace of the Governors has been the center of administrative and cultural activity over a vast region in the Southwest since its construction as New Mexico's second capitol by Governor Pedro de Peralta in 1610. The building is the oldest continuously occupied public building in the United States. Since its creation, the Museum of New Mexico has worked to protect and promote Hispanic, Southwest, and native American arts and crafts.

I hope the House will act expeditiously on this legislation to save this important collection.

DEADLINE EXTENSION FOR COMMENCEMENT OF CONSTRUCTION OF A HYDROELECTRIC PROJECT

The Senate proceeded to consider the bill (S. 1836) to extend the deadline for

commencement of construction of a hydroelectric project in the State of Alabama, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1836

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DEADLINE AND REINSTATEMENT OF LICENSE.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 7115, the Commission shall, at the request of the licensee for the project, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend for 3 consecutive 2-year periods, the time period during which the licensee is required to commence construction of the project.

(b) APPLICABILITY.—Subsection (a) shall take effect on the expiration of the period required for commencement of construction of the project described in subsection (a).

(c) REINSTATEMENT OF EXPIRED LICENSE.—If the license for the project described in subsection (a) has expired prior to the date of enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and extend the time required for commencement of construction of the projects for not more than 3 consecutive 2-year periods, the first of which shall commence on the date of expiration of the license.

WHITE CLAY CREEK WILD AND SCENIC RIVERS SYSTEM ACT

The Senate proceeded to consider the bill (S. 1849) to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the Wild and Scenic Rivers System, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''White Clay Creek Wild and Scenic Rivers System Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) Public Law 102–215 (105 Stat. 1664) directed the Secretary of the Interior, in cooperation and consultation with appropriate State and local governments and affected landowners, to conduct a study of the eligibility and suitability of White Clay Creek, Delaware and Pennsylvania, and the tributaries of the creek for inclusion in the National Wild and Scenic Rivers System;

(2) as a part of the study described in paragraph (1), the White Clay Creek Study Wild and Scenic Study Task Force and the National Park Service prepared a watershed management plan for the study area entitled ''White Clay Creek and Its Tributaries Watershed Management Plan'', dated May 1998, that establishes goals and actions to ensure the long-term protection of the outstanding values of, and compatible management of land and water resources associated with, the watershed; and

(3) after completion of the study described in paragraph (1), Chester County, Pennsylvania, New Castle County, Delaware, Newark, Delaware, and 12 Pennsylvania municipalities located within the watershed boundaries passed resolutions that—

(A) expressed support for the White Clay Creek Watershed Management Plan;

(B) expressed agreement to take action to implement the goals of the Plan; and

(C) endorsed the designation of the White Clay Creek and the tributaries of the creek for inclusion in the National Wild and Scenic Rivers System.

SEC. 3. DESIGNATION OF WHITE CLAY CREEK.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

''(161) WHITE CLAY CREEK, DELAWARE AND PENNSYLVANIA.—

''(A) SEGMENTS.—The 191 miles of river segments of White Clay Creek (including tributaries of the Creek and all second order tributaries of the designated segments) in the States of Delaware and Pennsylvania (referred to in this paragraph as the 'Creek'), as depicted on the recommended designation and classification maps, as follows:

''(i) 30.8 miles of the east branch, including Trout Run, beginning at the headwaters within West Marlborough township downstream to a point that is 500 feet north of the Borough of Avondale wastewater treatment facility, as a recreational river.

''(ii) 15.0 miles of the east branch beginning at the southern boundary line of the Borough of Avondale to a point where the East Branch enters New Garden Township at the Franklin Township boundary line, including Walnut Run and Broad Run outside the boundaries of the White Clay Creek Preserve, as a recreational river.

''(iii) 4.0 miles of the east branch that flow through the boundaries of the White Clay Creek Preserve, Pennsylvania, beginning at the northern boundary line of London Britain township and downstream to the confluence of the middle and east branches, as a scenic river.

''(iv) 20.9 miles of the middle branch, beginning at the headwaters within Londonderry township downstream to the boundary of the White Clay Creek Preserve in London Britain township, as a recreational river.

''(v) 2.1 miles of the west branch that flow within the boundaries of the White Clay Creek Preserve in London Britain township, as a scenic river.

''(vi) 17.2 miles of the west branch, beginning at the headwaters within Penn township downstream to the confluence with the middle branch, as a recreational river.

''(vii) 12.7 miles of the main stem, excluding Lamborn Run, that flow through the boundaries of the White Clay Creek Preserve, Pennsylvania and Delaware, and White Clay Creek State Park, Delaware, beginning at the confluence of the east and middle branches in London Britain township, Pennsylvania, downstream to the northern boundary line of the city of Newark, Delaware, as a scenic river.

''(viii) 27.5 miles of the main stem (including all second order tributaries outside the boundaries of the White Clay Creek Preserve and White Clay Creek State Park), beginning at the confluence of the east and middle branches in London Britain township, Pennsylvania, downstream to the confluence of the White Clay Creek with the Christina River, as a recreational river.

''(ix) 1.4 miles of Middle Run outside the boundaries of the Middle Run Natural Area, as a recreational river.

''(x) 5.2 miles of Middle Run that flows within the boundaries of the Middle Run Natural Area, as a recreational river.

''(xi) 15.6 miles of Pike Creek, as a recreational river.

''(xii) 38.7 miles of Mill Creek, as a recreational river.

''(B) BOUNDARIES.—

''(i) IN GENERAL.—Except as provided in clause (ii), in lieu of the boundaries provided for in subsection (b), the boundaries of the segments shall be the greater of—

''(I) the 500-year floodplain; or

''(II) 250 feet as measured from the ordinary high water mark on both sides of the segment.

''(ii) EXCEPTIONS.—The boundary limitations described in clause (i) are inapplicable to—

''(I) the areas described in section 4(a) of the White Clay Creek Wild and Scenic Rivers Act; and

''(II) the properties, as generally depicted on the map entitled ''White Clay Creek Wild and Scenic River Study Area Recommended Designated Area'', dated June 1999, on which are located the surface water intakes and water treatment and wastewater treatment facilities of—

''(aa) the City of Newark, Delaware;

''(bb) the corporation known as United Water Delaware; and

''(cc) the Borough of West Grove, Pennsylvania.

''(C) ADMINISTRATION.—

''(i) IN GENERAL.—The segments designated by subparagraph (A) shall be administered by the Secretary of the Interior, in cooperation with the White Clay Creek Watershed Management Committee as provided for in the plan prepared by the White Clay Creek Wild and Scenic Study Task Force and the National Park Service, entitled 'White Clay and Its Tributaries Watershed Management Plan' and dated May 1998.''

SEC. 4. SUBSEQUENT DESIGNATIONS.

(a) IN GENERAL.—Churchman's Marsh, Lamborn Run, and the properties on which the intake structures and pipelines for the proposed Thompson's Station Reservoir may be located shall be considered suitable for designation as components of the National Wild and Scenic Rivers System only at such time as those areas are removed from consideration as locations for the reservoir under the comprehensive plan of the Delaware River Basin Commission.

(b) ASSISTANCE FOR SUBSEQUENT DESIGNATIONS.—The Secretary of the Interior (hereinafter referred to as the ''Secretary'') shall offer assistance to the State of Delaware and New Castle County, Delaware, if an area described in subsection (a) is designated a component of the National Wild and Scenic Rivers System.

SEC. 5. MANAGEMENT.

(a) IN GENERAL.—In order to provide for the long-term protection, preservation, and enhancement of White Clay Creek and its tributaries, the Secretary shall offer to enter into cooperative agreements pursuant to section 10(e) and section 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e) and 16 U.S.C. 1882(b)(1)) with the White Clay Creek Watershed Management Committee as provided for in the plan entitled ''White Clay Creek and its Tributaries Watershed Management Plan'' and dated May, 1998 (hereinafter referred to as the ''management plan'').

(b) FEDERAL ROLE.—(1) The Director of the National Park Service (or a designee) shall represent the Secretary in the implementation of the management plan and this paragraph (including the review, required under section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)), of proposed Federally-assisted water resources projects that could

have a direct and adverse effect on the values for which the segments were designated and authorized).

(2) To assist in the implementation of the management plan and to carry out this Act, the Secretary may provide technical assistance, staff support, and funding at a cost to the Federal Government in an amount, in the aggregate, of not to exceed $150,000 for each fiscal year.

(c) COOPERATIVE AGREEMENTS.—Any cooperative agreement entered into under section 10(e) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e)) relating to any of the segments designated by section 3—

(1) shall be consistent with the management plan; and

(2) may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of the segments.

(d) COMPREHENSIVE MANAGEMENT PLAN.—The management plan shall be deemed to satisfy the requirements for a comprehensive management plan under section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(e) STATE REQUIREMENTS.—State and local zoning laws and ordinances, as in effect on the date of enactment of this Act, shall be considered to satisfy the standards and requirements under section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(f) NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), any portion of a segment designated by section 3 that is not in the National Park System as of the date of enactment of this Act shall not—

(1) be considered a part of the National Park System;

(2) be managed by the National Park Service; or

(3) be subject to laws (including regulations) that govern the National Park System.

(g) NO LAND ACQUISITION.—The Federal Government shall not acquire, by any means, any right or title in or to land, any easement, or any other interest for the purpose of carrying out this Act.

The committee amendment in the nature of a substitute was agreed.

The bill (S. 1849), as amended, was passed.

ESTABLISHING WOMEN'S RIGHTS NATIONAL HISTORIC PARK

The Senate proceeded to consider the bill (S. 1910) to amend the Act establishing Women's Rights National Historic Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 1910

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACQUISITION OF HUNT HOUSE.

(a) IN GENERAL.—Section 1601(d) of Public Law **[**97–607**]** *96–607* (94 Stat. 3547; 16 U.S.C. 41011(d)) is amended—

(1) in the first sentence—

(A) by inserting a period after "park"; and

(B) by striking the remainder of the sentence; and

(2) by striking the last sentence.

(b) TECHNICAL CORRECTION.—Section 1601(c)(8) of Public Law **[**97–607**]** *96–607* (94 Stat. 3547; 16 U.S.C. 41011(c)(8)) is amended by striking "Williams" and inserting "Main".

The bill (S. 1910) as amended was passed.

WILD AND SCENIC RIVERS

The bill (H.R. 1615) amending the Wild and Scenic Rivers Act to extend the designation of a portion of the Lamprey River in New Hampshire as a recreational river to include an additional river segment, was considered, ordered to a third reading, read the third time, and passed.

MINERAL LEASING ACT AMENDMENTS

The bill (H.R. 3063) to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any one State, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

CASCADE RESERVOIR LAND EXCHANGE

The Senate proceeded to consider the bill (S. 1778) to provide for equal exchanges of land around the Cascade Reservoir, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. EXCHANGES OF LAND EXCESS TO CASCADE RESERVOIR RECLAMATION PROJECT.

Section 5 of Public Law 86–92 (73 Stat. 219) is amended by striking subsection (b) and inserting the following:

"(b) LAND EXCHANGES.—

"(1) IN GENERAL.—The Secretary may exchange land of either class described in subsection (a) for non-Federal land of not less than approximately equal value, as determined by an appraisal carried out in accordance with—

"(A) the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.): and

"(B) the publication entitled 'Uniform Appraisal Standards for Federal Land Acquisitions', as amended by the Interagency Land Acquisition Conference in consultation with the Department of Justice.

"(2) EQUALIZATION.—If the land exchanged under paragraph (1) is not of equal value, the values shall be equalized by the payment of funds by the Secretary or the grantor, as appropriate, in an amount equal to the amount by which the values of the land differ.".

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1778), as amended, was passed.

NRC FAIRNESS IN FUNDING ACT OF 1999

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 411, S. 1627.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1627) to extend the authority of the Nuclear Regulatory Commission to collect fees through 2004, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "NRC Fairness in Funding Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FUNDING

Sec. 101. Nuclear Regulatory Commission annual charges.

Sec. 102. Cost recovery from Government agencies.

TITLE II—OTHER PROVISIONS

Sec. 201. Office location.

Sec. 202. License period.

Sec. 203. Elimination of NRC antitrust reviews.

Sec. 204. Gift acceptance authority.

Sec. 205. Carrying of firearms by licensee employees.

Sec. 206. Unauthorized introduction of dangerous weapons.

Sec. 207. Sabotage of nuclear facilities or fuel.

TITLE I—FUNDING

SEC. 101. NUCLEAR REGULATORY COMMISSION ANNUAL CHARGES.

Section 6101 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214) is amended—

(1) in subsection (a)(3), by striking "September 30, 1999" and inserting "September 30, 2005"; and

(2) in subsection (c)—

(A) by striking paragraph (2) and inserting the following:

"(2) AGGREGATE AMOUNT OF CHARGES.—The aggregate amount of the annual charges collected from all licensees shall equal an amount that approximates 100 percent of the budget authority of the Commission for the fiscal year for which the charge is collected, less, with respect to the fiscal year, the sum of—

"(A) any amount appropriated to the Commission from the Nuclear Waste Fund;

"(B) the amount of fees collected under subsection (b); and

"(C)(i) for fiscal years 2001 and 2002, an amount equal to the amount of appropriations made to the Commission from the general fund of the Treasury in response to the request for appropriations referred to in paragraph (5)(A)(ii)"; and

"(ii) for fiscal years 2003 through 2005, to the extent provided in paragraph (5), the costs of activities of the Commission with respect to which a determination is made under paragraph (5)."; and

(B) by adding at the end the following:

"(5) EXCLUDED BUDGET COSTS.—

"(A) IN GENERAL.—In the budget request for fiscal year 2001 and each fiscal year thereafter, the Commission shall—

"(i) determine the activities of the Commission that could not be fairly and equitably funded

through assessments of annual charges on a licensee or class of licensee of the Commission; and

''(ii) subject to subparagraph (C), request that funding for the activities described in clause (i) be appropriated to the Commission out of the general fund of the Treasury.

''(B) CONSIDERATIONS.—In making the determination under subparagraph (A), the Commission shall consider—

''(i) the extent to which activities of the Commission provide benefits to persons that are not licensees of the Commission; and

''(ii) the extent to which the Commission cannot, as a matter of law, or does not, as a matter of policy, assess fees or charges on a licensee or class of licensee that benefits from the activities.

''(C) MAXIMUM EXCLUDED AMOUNT.—The total amount of costs for which appropriations from the general fund of the Treasury may be sought by the Commission under subparagraph (A)(ii) for any fiscal year shall not exceed—

''(i) for fiscal years 2001 and 2002, 12 percent of the budget authority of the Commission;

''(ii) for fiscal year 2003, 4 percent of the budget authority of the Commission;

''(iii) for fiscal year 2004, 8 percent of the budget authority of the Commission; or

''(iv) for fiscal year 2005, 12 percent of the budget authority of the Commission.''.

SEC. 102. COST RECOVERY FROM GOVERNMENT AGENCIES.

Section 161w. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(w)) is amended—

(1) by striking '', or which operates any facility regulated or certified under section 1701 or 1702,'';

(2) by striking ''483a'' and inserting ''9701''; and

(3) by inserting before the period at the end the following: '', and, commencing October 1, 2000, prescribe and collect from any other Government agency any fee, charge, or price that the Commission may require in accordance with section 9701 of title 31, United States Code, or any other law''.

TITLE II—OTHER PROVISIONS

SEC. 201. OFFICE LOCATION.

Section 23 of the Atomic Energy Act of 1954 (42 U.S.C. 2033) is amended by striking ''; however, the Commission shall maintain an office for the service of process and papers within the District of Columbia''.

SEC. 202. LICENSE PERIOD.

Section 103c. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(c)) is amended—

(1) by striking ''c. Each such'' and inserting the following:

''c. LICENSE PERIOD.—

''(1) IN GENERAL.—Each such''; and

(2) by adding at the end the following:

''(2) COMBINED LICENSES.—In the case of a combined construction and operating license issued under section 185(b), the initial duration of the license may not exceed 40 years from the date on which the Commission finds, before operation of the facility, that the acceptance criteria required by section 185(b) are met.''.

SEC. 203. ELIMINATION OF NRC ANTITRUST REVIEWS.

Section 105 of the Atomic Energy Act of 1954 (42 U.S.C. 2135) is amended by adding at the end the following:

''(d) APPLICABILITY.—Subsection (c) shall not apply to an application for a license to construct or operate a utilization facility under section 103 or 104(b) that is pending on or that is filed on or after the date of enactment of this subsection.''.

SEC. 204. GIFT ACCEPTANCE AUTHORITY.

(a) IN GENERAL.—Section 161g. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(g)) is amended—

(1) by inserting ''(1)'' after ''(g)'';

(2) by striking ''this Act;'' and inserting ''this Act; or''; and

(3) by adding at the end the following:

''(2) accept, hold, utilize, and administer gifts of real and personal property (not including money) for the purpose of aiding or facilitating the work of the Nuclear Regulatory Commission.''.

(b) CRITERIA FOR ACCEPTANCE OF GIFTS.—

(1) IN GENERAL.—Chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) is amended by adding at the end the following:

''SEC. 170C. CRITERIA FOR ACCEPTANCE OF GIFTS.

''(a) IN GENERAL.—The Commission shall establish written criteria for determining whether to accept gifts under section 161g.(2).

''(b) CONSIDERATIONS.—The criteria under subsection (a) shall take into consideration whether the acceptance of the gift would compromise the integrity of, or the appearance of the integrity of, the Commission or any officer or employee of the Commission.''.

(2) CONFORMING AND TECHNICAL AMENDMENTS.—The table of contents of chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) is amended by adding at the end the following:

''Sec. 170C. Criteria for acceptance of gifts.''.

SEC. 205. CARRYING OF FIREARMS BY LICENSEE EMPLOYEES.

(a) IN GENERAL.—Chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) (as amended by section 204(b)) is amended—

(1) in section 161, by striking subsection k. and inserting the following:

''(k) authorize to carry a firearm in the performance of official duties such of its members, officers, and employees, such of the employees of its contractors and subcontractors (at any tier) engaged in the protection of property under the jurisdiction of the United States located at facilities owned by or contracted to the United States or being transported to or from such facilities, and such of the employees of persons licensed or certified by the Commission (including employees of contractors of licensees or certificate holders) engaged in the protection of facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission or in the protection of property of significance to the common defense and security located at facilities owned or operated by a Commission licensee or certificate holder or being transported to or from such facilities, as the Commission considers necessary in the interest of the common defense and security;'' and

(2) by adding at the end the following:

''SEC. 170D. CARRYING OF FIREARMS.

''(a) AUTHORITY TO MAKE ARREST.—

''(1) IN GENERAL.—A person authorized under section 161k. to carry a firearm may, while in the performance of, and in connection with, official duties, arrest an individual without a warrant for any offense against the United States committed in the presence of the person or for any felony under the laws of the United States if the person has a reasonable ground to believe that the individual has committed or is committing such a felony.

''(2) LIMITATION.—An employee of a contractor or subcontractor or of a Commission licensee or certificate holder (or a contractor of a licensee or certificate holder) authorized to make an arrest under paragraph (1) may make an arrest only—

''(A) when the individual is within, or is in flight directly from, the area in which the offense was committed; and

''(B) in the enforcement of—

''(i) a law regarding the property of the United States in the custody of the Department of Energy, the Nuclear Regulatory Commission, or a contractor of the Department of Energy or Nuclear Regulatory Commission or a licensee or certificate holder of the Commission;

''(ii) a law applicable to facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission under section 161k.;

''(iii) a law applicable to property of significance to the common defense and security that is in the custody of a licensee or certificate holder or a contractor of a licensee or certificate holder of the Commission; or

''(iv) any provision of this Act that subjects an offender to a fine, imprisonment, or both.

''(3) OTHER AUTHORITY.—The arrest authority conferred by this section is in addition to any arrest authority under other law.

''(4) GUIDELINES.—The Secretary and the Commission, with the approval of the Attorney General, shall issue guidelines to implement section 161k. and this subsection.''.

(b) CONFORMING AND TECHNICAL AMENDMENTS.—The table of contents of chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) (as amended by section 204(b)(2)) is amended by adding at the end the following:

''Sec. 170D. Carrying of firearms.''.

SEC. 206. UNAUTHORIZED INTRODUCTION OF DANGEROUS WEAPONS.

Section 229a. of the Atomic Energy Act of 1954 (42 U.S.C. 2278a(a)) is amended in the first sentence by inserting ''or subject to the licensing authority of the Commission or to certification by the Commission under this Act or any other Act'' before the period at the end.

SEC. 207. SABOTAGE OF NUCLEAR FACILITIES OR FUEL.

Section 236a. of the Atomic Energy Act of 1954 (42 U.S.C. 2284(a)) is amended—

(1) in paragraph (2), by striking ''storage facility'' and inserting ''storage, treatment, or disposal facility'';

(2) in paragraph (3)—

(A) by striking ''such a utilization facility'' and inserting ''a utilization facility licensed under this Act''; and

(B) by striking ''or'' at the end;

(3) in paragraph (4)—

(A) by striking ''facility licensed'' and inserting ''or nuclear fuel fabrication facility licensed or certified''; and

(B) by striking the period at the end and inserting ''; or''; and

(4) by adding at the end the following:

''(5) any production, utilization, waste storage, waste treatment, waste disposal, uranium enrichment, or nuclear fuel fabrication facility subject to licensing or certification under this Act during construction of the facility, if the person knows or reasonably should know that there is a significant possibility that the destruction or damage caused or attempted to be caused could adversely affect public health and safety during the operation of the facility.''.

Amend the title so as to read: ''An Act to extend the authority of the Nuclear Regulatory Commission to collect fees through 2005, and for other purposes.''.

AMENDMENTS NOS. 3100 AND 3101, EN BLOC

Mr. SESSIONS. The chairman has two amendments at the desk and I ask they be considered en bloc.

The PRESIDING OFFICER. The clerk will report by title.

The legislative clerk read as follows:

The Senator from Alabama (Mr. SESSIONS) proposes amendments numbered 3100 and 3101, en bloc.

The amendments en bloc are as follows:

AMENDMENT NO. 3100

(Purpose: To amend the provision extending the authority of the Nuclear Regulatory Commission to collect annual charges and modifying the formula for the charges)

Beginning on page 5, strike line 2 and all that follows through page 7, line 22, and insert the following:

SEC. 101. NUCLEAR REGULATORY COMMISSION ANNUAL CHARGES.

Section 6101 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214) is amended—

(1) in subsection (a)(3), by striking ''September 30, 1999'' and inserting ''September 20, 2005''; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting ''or certificate holder'' after ''licensee''; and

(B) by striking paragraph (2) and inserting the following:

''(2) AGGREGATE AMOUNT OF CHARGES.—

''(A) IN GENERAL.—The aggregate amount of the annual charges collected from all licensees and certificate holders in a fiscal year shall equal an amount that approximates the percentages of the budget authority of the Commission for the fiscal year stated in subparagraph (B), less—

''(i) amounts collected under subsection (b) during the fiscal year; and

''(ii) amounts appropriated to the Commission from the Nuclear Waste Fund for the fiscal year.

''(B) PERCENTAGES.—The percentages referred to in subparagraph (A) are—

''(i) 98 percent for fiscal year 2001;

''(ii) 96 percent for fiscal year 2002;

''(iii) 94 percent for fiscal year 2003;

''(iv) 92 percent for fiscal year 2004; and

''(v) 88 percent for fiscal year 2005.''.

AMENDMENT NO. 3101

(Purpose: To amend the Atomic Energy Act of 1954 to provide the Nuclear Regulatory Commission authority over former licensees for funding of decommissionings)

On page 7, strike line 23 and insert the following:

SEC. 102. NUCLEAR REGULATORY COMMISSION AUTHORITY OVER FORMER LICENSEES FOR DECOMMISSIONING FUNDING.

Section 161i. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(i)) is amended—

(1) by striking ''and (3)'' and inserting ''(3)''; and

(2) by inserting before the semicolon at the end the following: '', and (4) to ensure that sufficient funds will be available for the decommissioning of any production or utilization facility licensed under section 103 or 104b., including standards and restrictions governing the control, maintenance, use, and disbursement by any former licensee under this Act that has control over any fund for the decommissioning of the facility''.

SEC. 103. COST RECOVERY FROM GOVERNMENT AGENCIES.

Mr. SESSIONS. I ask unanimous consent the amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (No. 3100 and 3101), en bloc, were agreed to.

Mr. SESSIONS. I ask unanimous consent that the committee substitute amendment, as amended, be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I ask unanimous consent the bill, as amended, be read the third time and passed, and the motion to reconsider be laid upon the table, the amendment to the title be agreed to, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1627), as amended, was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

An Act to extend the authority of the Nuclear Regulatory Commission to collect fees through 2005, and for other purposes.

CONTINUED REPORTING OF INTERCEPTED WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS ACT

Mr. SESSIONS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1769) to the reporting requirements of section 2519 of title 18, United States Code, beyond December 21, 1999, and for other purposes,

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives;

Resolved, That the bill from the Senate (S. 1769) entitled ''An Act to continue the reporting requirements of section 2519 of title 18, United States Code, beyond December 21, 1999, and for other purposes'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. EXEMPTION OF CERTAIN REPORTS FROM AUTOMATIC ELIMINATION AND SUNSET.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) The following sections of title 18, United States Code: sections 2519(3), 2709(e), 3126, and 3525(b).

(2) The following sections of title 28, United States Code: sections 522, 524(c)(6), 529, 589a(d), and 594.

(3) Section 3718(c) of title 31, United States Code.

(4) Section 9 of the Child Protection Act of 1984 (28 U.S.C. 522 note).

(5) Section 8 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997f).

(6) The following provisions of the Omnibus Crime Control and Safe Streets Act of 1968: sections 102(b) (42 U.S.C. 3712(b)), 520 (42 U.S.C. 3766), 522 (42 U.S.C. 3766b), and 810 (42 U.S.C. 3789e).

(7) The following provisions of the Immigration and Nationality Act: sections 103 (8 U.S.C. 1103), 207(c)(3) (8 U.S.C. 1157(c)(3)), 412(b) (8 U.S.C. 1522(b)), and 413 (8 U.S.C. 1523), and subsections (h), (l), (o), (q), and (r) of section 286 (8 U.S.C. 1356).

(8) Section 3 of the International Claims Settlement Act of 1949 (22 U.S.C. 1622).

(9) Section 9 of the War Claims Act of 1948 (50 U.S.C. App. 2008).

(10) Section 13(c) of the Act of September 11, 1957 (8 U.S.C. 1255b(c)).

(11) Section 203(b) of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. App. 1989c–2(b)).

(12) Section 801(e) of the Immigration Act of 1990 (29 U.S.C. 2920(e)).

(13) Section 401 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1364).

(14) Section 707 of the Equal Credit Opportunity Act (15 U.S.C. 1691f).

(15) Section 201(b) of the Privacy Protection Act of 1980 (42 U.S.C. 2000aa–11(b)).

(16) Section 609U of the Justice Assistance Act of 1984 (42 U.S.C. 10509).

(17) Section 13(a) of the Classified Information Procedures Act (18 U.S.C. App.).

(18) Section 1004 of the Civil Rights Act of 1964(42 U.S.C. 2000g–3).

(19) Section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414).

(20) Section 11 of the Foreign Agents Registration Act of 1938 (22 U.S.C. 621).

(21) The following provisions of the Foreign Intelligence Surveillance Act of 1978: sections 107 (50 U.S.C. 1807) and 108 (50 U.S.C. 1808).

(22) Section 102(b)(5) of the Department of Justice and Related Agencies Appropriations Act, 1993 (28 U.S.C. 533 note).

SEC. 2. ENCRYPTION REPORTING REQUIREMENTS.

(a) Section 2519(2)(b) of title 18, United States Code, is amended by striking ''and (iv)'' and inserting ''(iv) the number of orders in which encryption was encountered and whether such encryption prevented law enforcement from obtaining the plain text of communications intercepted pursuant to such order, and (v)''.

(b) The encryption reporting requirement in subsection (a) shall be effective for the report transmitted by the Director of the Administrative Office of the Courts for calendar year 2000 and in subsequent reports.

SEC. 3. REPORTS CONCERNING PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 3126 of title 18, United States Code, is amended by striking the period and inserting '', which report shall include information concerning—

''(1) the period of interceptions authorized by the order, and the number and duration of any extensions of the order;

''(2) the offense specified in the order or application, or extension of an order;

''(3) the number of investigations involved;

''(4) the number and nature of the facilities affected; and

''(5) the identity, including district, of the applying investigative or law enforcement agency making the application and the person authorizing the order.''.

Amend the title so as to read ''An Act to exempt certain reports from automatic elimination and sunset pursuant to the Federal Reports Elimination and Sunset Act of 1995, and for other purposes.''.

Mr. LEAHY. Mr. President, I am pleased that the Senate is today considering for final passage S. 1769, as amended by the House. I introduced S. 1769 with Chairman HATCH on October 22, 1999 and it passed the Senate on November 5, 1999. This bill will continue and enhance the current reporting requirements for the Administrative Office of the Courts and the Attorney General on the eavesdropping and surveillance activities of our federal and state law enforcement agencies. The House amendment is the text of H.R. 3111, a bill to exempt from automatic elimination and sunset certain reports submitted to Congress that are useful and helpful in informing the Congress and the public about the activities of federal agencies in the enforcement of federal law. I am also glad to support this amendment.

For many years, the Administrative Office (AO) of the Courts has complied

with the statutory requirement, in 18 U.S.C. 2519(3), to report to Congress annually the number and nature of federal and state applications for orders authorizing or approving the interception of wire, oral or electronic communications. By letter dated September 3, 1999, the AO advised that it would no longer submit this report because ''as of December 21, 1999, the report will no longer be required pursuant to the Federal Reports Elimination and Sunset Act of 1995.'' I commend the AO for alerting Congress that their responsibility for the wiretap reports would lapse at the end of this year, and for doing so in time for Congress to take action. The date upon which this reporting requirement was due to lapse was extended in the FY 2000 Consolidated Appropriations Act, H.R. 3194, until May 15, 2000—only a few short weeks away.

AO has done an excellent job of preparing the wiretap reports. We need to continue the AO's objective work in a consistent manner. If another agency took over this important task at this juncture and the numbers came out in a different format, it would immediately generate questions and concerns over the legitimacy and accuracy of the contents of that report.

In addition, it would create difficulties in comparing statistics from prior years going back to 1969 and complicate the job of congressional oversight. Furthermore, transferring this reporting duty to another agency might create delays in issuance of the report since no other agency has the methodology in place. Finally, federal, state and local agencies are well accustomed to the reporting methodology developed by the AO. Notifying all these agencies that the reporting standards and agency have changed would inevitably create more confusion and more expense as law enforcement agencies across the country are forced to learn with a new system and develop a liaison with a new agency.

The system in place now has worked well and we should avoid any disruptions. We know how quickly law enforcement may be subjected to criticism over their use of these surreptitious surveillance tools and we should avoid aggravating these sensitivities by changing the reporting agency and methodology on little to no notice. I appreciate, however, the AO's interest in transferring the wiretap reporting requirement to another entity. Any such transfer must be accomplished with a minimum of disruption to the collection and reporting of information and with complete assurances that any new entity is able to fulfill this important job as capably as the AO has done.

S. 1769 would update the reporting requirements currently in place with one additional reporting requirement. Specifically, the bill would require the wiretap reports prepared beginning in calendar year 2000 to include information on the number of orders in which encryption was encountered and whether such encryption prevented law enforcement from obtaining the plain text of communications intercepted pursuant to such order.

Encryption technology is critical to protect sensitive computer and online information. Yet, the same technology poses challenges to law enforcement when it is exploited by criminals to hide evidence or the fruits of criminal activities. A report by the U.S. Working Group on Organized Crime titled, ''Encryption and Evolving Technologies: Tools of Organized Crime and Terrorism,'' released in 1997, collected anecdotal case studies on the use of encryption in furtherance of criminal activities in order to estimate the future impact of encryption on law enforcement. The report noted the need for ''an ongoing study of the effect of encryption and other information technologies on investigations, prosecutions, and intelligence operations''. As part of this study, ''a database of case information from federal and local law enforcement and intelligence agencies should be established and maintained.'' Adding a requirement that reports be furnished on the number of occasions when encryption is encountered by law enforcement is a far more reliable basis than anecdotal evidence on which to assess law enforcement needs and make sensible policy in this area.

The final section of S. 1769 would codify the information that the Attorney General already provides on pen register and trap and trace device orders, and would require further information on where such orders are issued and the types of facilities—telephone, computer, pager or other device—to which the order relates. Under the Electronic Communications Privacy Act (''ECPA'') of 1986, P.O. 99–508, codified at 18 U.S.C. 3126, the Attorney General of the United States is required to report annually to the Congress on the number of pen register orders and orders for trap and trace devices applied for by law enforcement agencies of the Department of Justice. As the original sponsor of ECPA, I believed that adequate oversight of the surveillance activities of federal law enforcement could only be accomplished with reporting requirements such as the one included in this law.

The reports furnished by the Attorney General on an annual basis compile information from five components of the Department of Justice: the Federal Bureau of Investigation, the Drug Enforcement Administration, the Immigration and Naturalization Service, the United States Marshals Service and the Office of the Inspector General. The report contains information on the number of original and extension orders made to the courts for authorization to use both pen register and trap and trace devices, information concerning the number of investigations involved, the offenses on which the applications were predicted and the number of people whose telephone facilities were affected.

These specific categories of information are useful, and S. 1769 would direct the Attorney General to continue providing these specific categories of information. In addition, the bill would direct the Attorney General to include information on the identity, including the district, of the agency making the application and the person authorizing the order. In this way, the Congress and the public will be informed of those jurisdictions and using this surveillance technique—information which is currently not included in the Attorney General's annual reports.

The requirement for preparation of the wiretap reports will soon lapse so I am delighted to see the Congress take prompt action on this legislation to continue the requirement for submission of the wiretap reports and to update the reporting requirements for both the wiretap reports submitted by the AO and the pen register and trap and trace reports submitted by the Attorney General.

Mr. SESSIONS. I ask unanimous consent the Senate concur in the amendments of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING THE 50TH ANNIVERSARY OF THE KOREAN WAR

Mr. SESSIONS. Mr. President, on behalf of the leader, I ask unanimous consent the Senate now proceed to the immediate consideration of H.J. Res. 86.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 86) recognizing the 50th anniversary of the Korean War and the service by Members of the Armed Forces during such war, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the joint resolution be read the third time and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The preamble was agreed to.

The joint resolution (H.J. Res. 86) was read the third time and passed.

C.B. KING UNITED STATES COURTHOUSE

Mr. SESSIONS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives of the bill (S. 1567) to designate the United States courthouse located at 223 Broad Street in Albany, Georgia, as the C.B. King United States Courthouse.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1567) entitled ''An Act to designate the United States courthouse located at 223 Broad Street in Albany, Georgia, as the 'C.B. King United States Courthouse'.'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. DESIGNATION.

The United States courthouse located at 223 Broad Avenue in Albany, Georgia, shall be known and designated as the ''C.B. King United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''C.B. King United States Courthouse''.

Amend the title so as to read ''An Act to designate the United States courthouse located at 223 Broad Avenue in Albany, Georgia, as the 'C.B. King United States Courthouse'.''.

Mr. SESSIONS. I ask unanimous consent the Senate agree to the amendments of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING THE LIBRARY OF CONGRESS AND ITS STAFF

Mr. SESSIONS. I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res. 269 reported by the Judiciary Committee.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A House concurrent resolution (H. Con. Res. 269) commending the Library of Congress and its staff for 200 years of outstanding service to the Congress and the Nation and encouraging the American public to participate in bicentennial activities.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SESSIONS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, and any statements be printed in the RECORD, including a statement of Senator STEVENS.

The preamble was agreed to.

The concurrent resolution (H. Con. Res. 269) was agreed to.

AUTHORITY FOR COMMITTEES TO FILE LEGISLATIVE MATTERS

Mr. SESSIONS. Mr. President, I ask unanimous consent that, notwithstanding the adjournment, the Senate committees have from 11 a.m. until 1 p.m. on Thursday, April 20, in order to file legislative matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, after consultation with the chairman of the Senate Committee on Finance, pursuant to Public Law 106–170, announces the appointment of the following individuals to serve as members of the Ticket to Work and Work Incentives Advisory Panel: Larry D. Henderson, of Delaware, for a term of two years, and Stephanie Smith Lee, of Virginia, for a term of four years.

The Chair, on behalf of the Democratic leader, after consultation with the ranking member of the Senate Committee on Finance, pursuant to Public Law 106–170, announces the appointment of the following individuals to serve as members of the Ticket to Work and Work Incentives Advisory Panel: Dr. Richard V. Burkhauser, of New York, for a term of two years, and Ms. Christine M. Griffin, of Massachusetts, for a term of four years.

ORDERS FOR TUESDAY, APRIL 25, 2000

Mr. SESSIONS. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it adjourn under the provisions of H. Con. Res. 303 until the hour of 9:30 a.m. on Tuesday, April 25. I further ask consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin to debate on the motion to proceed to S.J. Res. 3, proposing an amendment to the Constitution to protect the rights of crime victims, until 12:30 p.m., with the time equally divided between the two bill managers.

I further ask unanimous consent that at the hour of 12:30 p.m. the Senate stand in recess until the hour of 2:15 p.m. in order for the weekly party caucuses to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. For the information of all Senators, the Senate will convene on Tuesday, April 25, at 9:30 a.m. and immediately begin debate on the motion to proceed to the victims' rights legislation until 12:30 p.m. At 2:15 p.m., when the Senate reconvenes from the weekly party conference luncheons, the Senate will vote on the motion to invoke cloture on the motion to proceed to S.J. Res 3. If that cloture vote is not invoked, then a second vote will occur on cloture on the marriage penalty bill. It is hoped that cloture will be invoked and debate can begin on the crime victims resolution following the vote.

In addition, the leaders will continue to work to resolve the Democratic objections to the marriage penalty bill.

ADJOURNMENT UNTIL 9:30 A.M., TUESDAY, APRIL 25, 2000

Mr. SESSIONS. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the provisions of H. Con. Res. 303.

There being no objection, the Senate, at 8:19 p.m., adjourned until Tuesday, April 25, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 13, 2000:

DEPARTMENT OF TRANSPORTATION

PHIL BOYER, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL FOR A TERM OF TWO YEARS. (NEW POSITION)

DEPARTMENT OF ENERGY

MILDRED SPIEWAK DRESSELHAUS, OF MASSACHUSETTS, TO BE DIRECTOR OF THE OFFICE OF ENERGY RESEARCH, VICE MARTHA ANNE KREBS.

DEPARTMENT OF STATE

JAMES DONALD WALSH, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ARGENTINA.

DEPARTMENT OF JUSTICE

JAMES L. WHIGHAM, OF ILLINOIS, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS VICE JOSEPH GEORGE DILEONARDI, RESIGNED.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL W. HAGEE, 0000

EXTENSIONS OF REMARKS

HONORING THE MONTGOMERY COUNTY VALOR AWARD WINNERS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mrs. MORELLA. Mr. Speaker, it gives me great pleasure today to rise and bring to the attention of my colleagues some very special public safety personnel in Montgomery County, Maryland. Every year, the Montgomery County Chamber of Commerce honors police officers and fire fighters who have shown the highest level of dedication to their noble duties. These individuals are being honored on April 14, 2000 at the 1999 Public Safety Awards Luncheon.

The Valor Awards honor public service officials who have demonstrated extreme self-sacrifice, personal bravery, and ingenuity in the performance of their duty. There are five categories: The Gold Medal of Valor; The Silver Medal of Valor; The Bronze Medal of Valor; The Honorable Mention Award; and The Bernard D. Crooke, Jr. (Police) and Leslie B. Thompson (Fire and Rescue) Community Service Award.

The Sliver Medal of Valor is awarded in recognition of acts involving great personal risk. The Silver Medal of Valor Award Winners for 1999 are: Police Officer 1 Valentine Schiller, Police Officer 1 Peter Sheng, Police Officer 3 Stephen Matthews, and Police Officer 3 Curtis Jacobs.

The Bronze Medal of Valor is awarded in recognition of acts of bravery involving unusual personal risk beyond that which should be expected while performing the usual responsibility of the member. The Bronze Medal of Valor Award Winners for 1999 are: Police Officer 3 Brian Dillman, Police Officer 3 Claude Onley, Sergeant Dom Fazio, Lieutenant Daniel Irvine, Firefighter/Paramedic 3 Sherry Hohl, Firefighter/Rescuer 3 Ernest Farkas, and Firefighter/Rescuer 3 Jody Nightengale.

The Honorable Mention Award is awarded for acts that involve personal risk and/or demonstration of judgment, zeal, or ingenuity not normally involved in the performance of duties. The Honorable Mention Award Winners for 1999 are: Lieutenant Michael Garvey, Sergeant Robert Phillips, Police Officer 3 Edward Tarney, Police Officer 3 Robert Hunt, Police Officer 1 Theresa Durham, Police Officer 3 Robin M. Dyer, Firefighter/Rescuer 3 Kirk Risinger, Firefighter/Rescuer 2 Stephen Batdorff, Firefighter/Rescuer 3 Anthony Veith, firefighter/Rescuer Larry Lewis, and Firefighter/Rescuer 3 Douglas Hinkle.

The Community Service Award is awarded for dedication and initiative above and beyond the call of duty over a period of time without compensation, that has affected and benefitted the citizens of Montgomery County. The Bernard D. Crooke, Jr. Community Service Award Winner for 1999 is Police Officer 2 Charles J. Welter. The Leslie B. Thompson Community Service Award Winner for 1999 is Fire and Rescue Department Communications Manager Mary Marchone.

Due to the dedicated efforts of these public servants who place the safety and well-being of others above their own, Montgomery County is a better place to live. They have rightfully earned the highest appreciation and respect from myself, the members of the Montgomery County Chamber of Commerce, and from all the people of our community whose lives they have touched. I know my colleagues will join me in thanking these heroes for a job well done.

COMMEMORATION OF THE CENTENNIAL ANNIVERSARY OF THE UNITED STATES NAVY SUBMARINE FORCE

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. LoBIONDO. Mr. Speaker, yesterday, April 11, 2000, marked the centennial anniversary of the United States Navy Submarine Force. To commemorate this unique event, I would like to take this opportunity to congratulate the thousands of sailors who have gallantly served our nation as members of this elite group.

April 11, 1900 ushered in the birth of this outstanding American Naval Force, which has proven its undeniable worth through every major military endeavor our country has asked the Navy to address. In World War II alone, the Navy Submarine Force scored the most complete victory of any force in any theater of war by destroying 1,314 ships between 1939 and 1945. Out of 16,000 submariners, the force lost 375 officers and 3,131 enlisted men in fifty-two submarines, the lowest casualty rate of any combatant submarine service on any side in the conflict.

Now capable of firing missiles from a vertical launch system, the Navy's Los Angeles class SSNs have proven very useful in the more restricted spaces of modern littoral war at sea. Submarine launched Tomahawks have proven extraordinarily effective in a variety of combat operations starting with Desert Storm.

With a drastically reduced force, submariners still manage to conduct both independent tactical and strategic patrols, as well as renewed joint operations with carrier battle groups. Without a doubt, the United States Navy Submarine force continues to be one of the most valuable components to our nation's well-being and security.

Thank you for your tireless effort, dedication, and contribution to America's continued prosperity and happy anniversary.

IN RECOGNITION OF THE UNIVERSITY OF WASHINGTON MEDICAL SCHOOL

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. INSLEE. Mr. Speaker, today I commend the fine folks at the University of Washington Medical School for doing an exemplary job of preparing doctors and medical personnel for our future.

This year, The U.S. News and World Report rated the University of Washington Medical School as the TOP primary care medical school in our country. This Medical School has been their top choice for the past seven years. In choosing to recognize the University of Washington, The U.S. News and World Report looked at the school's excellent reputation, the quality of the research conducted by its students and faculty, and the low faculty to student ratio among other criteria. I would like to add to this that the University of Washington Medical School is also the leading teaching hospital in the five-state northwestern region of our country.

I am particularly impressed by the specific programs within the Medical School that The U.S. News and World Report recognized for excellence. The University of Washington Medical School has the best family medicine program and the best rural medicine program in our country. Its programs for women's health, AIDS, Pediatrics and Geriatrics are rated in the top five in our country. It also boasts leading nursing, physician assistant and dental programs.

To me, this means that the facility and administration at the University of Washington Medical School is producing the very best of the doctors who will care for our families, our parents and our children. I know that the students who attend the Medical School will spread out across our country bringing the wisdom and the skills that they learned at the University. Like all doctors, the graduates of the University of Washington Medical School maintain the gift of life. Unlike most, they have had the privilege of attending the best Medical School in the nation. I am proud that this institution graces the state that I represent and I commend all who have made the Medical School into what it is today.

HONORING THE 138TH ANNIVERSARY OF THE DISTRICT OF COLUMBIA EMANCIPATION ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Ms. NORTON. Mr. Speaker, I thank my distinguished colleague, Representative DON MANZULLO, for joining me in our annual observance of Emancipation Day, and for his generous and continued attention to the District of Columbia.

One hundred thirty-eight years ago, President Lincoln ended slavery in the District, nine months before the Emancipation Proclamation was signed. In 1862, the existence of slavery and denial of human rights in the Nation's Capital was a contradiction in terms. Today, we use this occasion to draw attention to a continuing contradiction. District of Columbia citizens are still denied basic rights in the Capital of the free world. The District is the only jurisdiction in America whose citizens pay taxes, but are denied full representation in Congress. D.C. residents are the only Americans whose laws can be overturned by Congress, in violation of American principles of local self-government.

I am pleased to note that this year the D.C. Council has passed a bill designating April 16th as District of Columbia Emancipation Day. How much more would District residents rejoice if they had the full representation and freedom enjoyed by other Americans. How much more joyously would they celebrate if the right to vote in this House and in the Senate were their basic right.

Because of a historic court case, we believe this right is within our reach. Two lawsuits on their way to the U.S. Supreme Court, *Adams* v. *Clinton* and *Alexander* v. *Daley,* have been consolidated to challenge the denial of basic democratic rights. We are indebted to the attorneys, John Ferren, former D.C. Corporation Counsel; Charles Miller and Thomas Williamson, of Covington & Burling; Jamin Raskin, Professor of Law, American University; and George LaRoche, who handled this case before a three-judge court. And we are indebted to the 75 citizens who are the plaintiffs in these suits and who, therefore, represent all the citizens of the District of Columbia.

Judge Oberdorfer, the distinguished, dissenting jurist in the case, wrote, ''Under established constitutional principles, neither the . . . people of the District nor their posterity forfeited [their] constitutional right when the District became the seat of government.'' In the District, we have a history of recognizing April 16th as a day of celebration. We do so this year with special determination to gain and enjoy all the benefits that American citizenship provides—full representation in Congress.

I salute D.C. Reading is Fundamental for its continued efforts to promote Emancipation Day in the District. Its work inspires our children to read, to learn the history of this city, and to insist, as Americans, upon their full rights.

HONORING JO ANNE DARCY OF CALIFORNIA

HON. HOWARD P. ''BUCK'' McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. MCKEON. Mr. Speaker, today I recognize Jo Anne Darcy on the occasion of her retirement as Senior Field Deputy for Los Angeles County Supervisor Mike Antonovich, in the county's Fifth Supervisorial District.

Mrs. Darcy has served as Senior Field Deputy for Los Angeles County Supervisor Mike Antonovich, serving the unincorporated areas of the Santa Clarita Valley, ever since Supervisor Antonovich was elected in 1980. She has diligently served the citizens of the Santa Clarita Valley in a wide variety of roles, from case work to law enforcement to parks, as well as representing the Supervisor at events in the district. She has performed her job with great dedication, energy, skill and obvious love for the people of Santa Clarita Valley.

Mrs. Darcy is also the Mayor of Santa Clarita. I had the honor of serving with Mrs. Darcy on Santa Clarita's first elected City Council when the city was incorporated in 1987. She has served continuously on the City Council since then, having been re-elected to another four-year term in April 1998. She served as Mayor in 1990, 1994, 1999 and 2000.

Mrs. Darcy has been a tireless and dedicated public servant, both in her elected and appointed positions, and in the many volunteer activities in which she has been engaged. These activities are too numerous to mention fully. However, some of them include serving on the California State Film Commission, chairing the film committee of the Newhall-Saugus-Valencia Chamber of Commerce; serving as Founding Officer of the Friends of the Libraries of SCV; co-chairing and serving as Executive Director of the Western Walk of Fame and Newhall Walk of Western Stars; Founding the Zonta Club of SCV; serving as Founding Member of the SCV Historical Society; Founding Officer to the Association to Aid Victims of Domestic Violence; President of the Santa Clarita Valley American Heart Association; Chairing an annual wine auction that Benefits the SCV Senior Center's Meals on Wheels Program.

Mrs. Darcy has been named the Woman of the Year by the SCV Chamber of Commerce; the Outstanding Woman from the Soroptomists, the Citizen of the Year from the Santa Clarita Elks Lodge, and many, many other honors from community groups.

Mr. Speaker, I look forward to continuing to work with Mrs. Darcy in her role as Mayor and City Council member of Santa Clarita. I wish her all the best in her retirement from Supervisor Antonovich's office.

CONGRATULATING UND'S FIGHTING SIOUX

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. POMEROY. Mr. Speaker, I want to commend the University of North Dakota's Fighting Sioux hockey team for their exciting win Saturday night over Boston College to clinch the NCAA Division I National Championship for Hockey. Congratulations to UND President Charles Kupchella and UND Hockey Coach Dean Blais and, of course, to the entire Fighting Sioux team.

This is the seventh time that the University of North Dakota hockey team has won the NCAA Division I hockey championship. The last time the team won the title was in 1997.

This team out of Grand Forks, North Dakota exemplifies the very best features of our great state. They work hard, support each other, rally behind one another, and, through teamwork, they get the job done. These players are true champions on the ice, and, like all true champions, they share the glory.

The efforts of these young men are reflected not only in their collective win, but in the honors that some of the individual earned this year. Lee Goren, otherwise known as ''Scorin' Goren,'' earned the tournament's Most Outstanding Player award and led the league in scoring while goalie Karl Goehring, had eight shut-outs during the season. Their accomplishments reflect well on the team, their coach and the spirit at UND.

Just, as they are examples of the best of UND athletics, these athletes are also stellar performers in the classroom. Combined, the team has a cumulative grade point average of 3.12; stand-out goalie Karl Goehring has a 4.0 gpa. To me, one of the most exciting statistics about the team this year is that twelve members of the team were named to the WCHA All-American Academic Team.

North Dakota has much to be proud of at the University of North Dakota. UND's John D. Odegard School of Aerospace Sciences is one of, if not THE, best non-military aviation program in the world. UND's Energy and Environmental Research Center has clients all over the world and UND's School of Medicine and Health Sciences is a national leader in educating doctors for rural medicine and family practice, and has educated about 20 percent of the Native American doctors currently practicing in the United States.

There is no shortage of outstanding programs at the University of North Dakota, but this week, the work of the UND hockey team justifiably takes center ice. They are true champions, and North Dakotans—especially UND alumni such as myself—are proud of their accomplishments.

These men are role models both on and off of the ice. They are skilled athletically, academically and are known for their good sportsmanship.

I want to commend them for their achievement today. These young men represent North Dakota well. I wish them continued success in all of their future endeavors.

TAXPAYER BILL OF RIGHTS 2000

SPEECH OF

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. SANDLIN. Mr. Speaker, I rise in strong support of the Taxpayer Bill of Rights 2000. This legislation offers strong protections of taxpayers, including much-needed safeguards on personal information. This bill recognizes the importance of protecting taxpayers' privacy and would help prevent the illegal disclosure of personal information.

The Taxpayer Bill of Rights, however, fulfills only a small part of our obligation to protect individual privacy. Last year, I voted for legislation, the Gramm-Leach-Bliley Financial Services Modernization bill, that contained new federal protections of consumers' financial privacy. This legislation, which passed Congress and was signed into law by the President, allows consumers to protect their privacy by choosing to opt-out of information sharing by their financial institutions.

The protections included in the Gramm-Leach-Bliley Act are an important beginning and represent a minimum federal standard. Most importantly, the new law affords states the opportunity to pass even tougher restrictions on information sharing, thus giving them the chance to enact their own consumer privacy protections above and beyond the federal minimum.

Allowing consumers the right to opt-out is a step in the right direction, although we still have many challenges ahead of us with regard to adequately protecting medical information and safeguarding Internet privacy. I urge my colleagues to join me in this important effort and continue to work hard to protect the privacy rights of every American.

TRIBUTE TO DR. HENRY J. HEIMLICH

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. PORTMAN. Mr. Speaker, today I pay tribute to Dr. Henry J. Heimlich, a community hero, an internationally recognized leader in health care, and a dear friend who will be honored on April 20 by the Rotary Club of Cincinnati. This recognition will come during National Heimlich Maneuver Week. He was selected for these honors because of his outstanding contributions to the medical community that have literally saved thousands of lives.

In fact, Dr. Heimlich has been credited with saving more lives than any other living person. Dr. Heimlich's most notable accomplishment, of course, is the Heimlich Maneuver, which he created in 1974. Since its creation, the Heimlich Maneuver has been used to save the lives of countless people from choking deaths, to prevent and halt asthma attacks, and to clear near-drowning victims' water-filled lungs more safely.

Perhaps lesser known is the Heimlich Operation, which is considered the first successful organ transplant in history. This operation enables patients with an esophagus birth defect, who previously only could be fed through a tube inserted into their stomachs, to eat normally.

Dr. Heimlich also invented the Heimlich Micro Trach, a tiny tube that is inserted into the trachea to deliver oxygen from a small tank directly to the lungs, enabling oxygen-dependent patients to become mobile and return to work and social activities.

Dr. Heimlich's Chest Drain Valve is credited with saving the lives of thousands of American soldiers during the Vietnam War. It is used in emergency treatment of people with chest wounds to clear air and fluids from the chest cavity. Up to a quarter million of these valves are used worldwide every year in civilian and military medicine.

Although he has already achieved much, Dr. Heimlich is still working to save lives. He continues development of malariotherapy, which, through a curable form of malaria, increases the body's immune responses to fight viruses and cancer by increasing production of such biochemicals as interferon, interleukin-1 and tumor necrosis factor. Dr. Heimlich believes that malariotherapy can be used, with more research, to fight cancer, AIDS, and Lyme disease.

At the age of 80, Dr. Heimlich continues his important work at the Heimlich Institute where new ways to improve and save lives are being researched. All of us in Cincinnati are grateful to him for his full devotion, service, and most impressive contributions to our community and the world.

WILDLIFE AND SPORT FISH RESTORATION PROGRAMS IMPROVEMENT ACT OF 2000

SPEECH OF

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3671) to amend the Acts popularly known as the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects and increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating opportunities for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and execution of those Acts, and for other purposes:

Mr. YOUNG of Alaska. Mr. Chairman, I submit the following into the RECORD in support of H.R. 3671.

ARCHERY MANUFACTURERS AND MERCHANTS ORGANIZATION,
Gainesville, FL, March 13, 2000.

Hon. DON YOUNG,
House of Representatives, Washington, DC.

DEAR DON: We heartily support H.R. 3671, the Wildlife and Sport Fish Restoration Programs Improvement Act of 2000. We feel this measure will tighten-up the administration of these programs and we are particularly supportive of Sec. 102, Firearm and Bow Hunter Education and Safety Program Grants of H.R. 3671. This will go a long way toward fulfilling the commitment made to our sport and industry when we agreed to be taxed under Pittman-Robertson some 30 years ago.

We also are greatly appreciative of having had the opportunity to participate in discussions with staff leading up to the writing of H.R. 3671. There was a refreshing openness in this entire process.

Sincerely,

DICK LATTIMER,
President/CEO.

NATIONAL RIFLE ASSOCIATION OF AMERICA, INSTITUTE FOR LEGISLATIVE ACTION,
Fairfax, VA, March 13, 2000.

Hon. DON YOUNG,
Chairman, House Resources Committee, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN YOUNG: The NRA wholeheartedly supports your bill, H.R. 3671, the Wildlife and Sport Fish Restoration Programs Improvement Act. We speak on behalf of every one of our 3.2 million members who pay into the Pittman Robertson trust fund whether they own firearms for self-defense, recreational shooting, collecting or hunting.

Sportsmen and other firearm owners put their faith and trust in the Federal Government when they elected to be taxed to help fledgling state fish and wildlife agencies of the 1930's begin to launch what we take for granted today as scientific wildlife management. For over six decades, sportsmen have trusted the U.S. Fish and Wildlife Service to manage their excise tax dollars for the benefit of state wildlife restoration programs. However, alarmed over several programs created with the use of administrative dollars, but without legal authority, the NRA went on record in a statement submitted for your 1996 oversight hearing on the "Teaming with Wildlife" concept urging the Congress to examine how the Service was spending trust fund administrative dollars. Never did we imagine the extent of waste, abuse and mismanagement that was uncovered through your Committee's investigative efforts.

The NRA strongly believes that meaningful, long-lasting reform can only be assured through legislative reform as embraced by your legislation, H.R. 3671. What the Service can implement administratively to strengthen internal controls and management for Pittman-Robertson trust fund and its counterpart, the Dingell-Johnson trust fund, should be encouraged. But those efforts alone cannot restore the trust of our members. Reform must be anchored in corrective measures made as amendments to the underlying laws.

The NRA appreciates the opportunity that you accorded us to participate in discussions regarding the shape the reform language should take. Your bill reflects a very deliberative process in assimilating a diverse array of recommendations and views. There are two provisions of H.R. 3671 I would like to comment on that are of particular importance to our membership. First, the bill ensures that none of the administrative funds will ever be used by any organization that promotes or encourages opposition to hunting, fishing or trapping or for any project that promotes such opposition. This is language critical to a reform bill.

Second, on behalf of all our members that rely on shooting ranges for firearm and

hunter safety courses and recreational and competitive shooting, we appreciate having language in the bill that earmarks funds for shooting and archery range purposes. These funds will supplement the discretionary funds made available to states from one-half of the excise tax revenue collected on the sale of handguns and archery equipment. For years our recreational shooters have expressed concern that states have not lived up to the bargain struck with them in support of the extension of the excise tax in the 1970's. We trust that the states will look to these funds as additional support to assist them in meeting the needs of the excise tax paying shooters, hunters and archers and will not attempt to use these funds as an offset to the discretionary funds.

We thank you for your leadership in overseeing the examination of Service's management of the trust funds and your commitment provide an avenue to restore health and vitality to the programs. These trust funds are unprecedented in the world and while the conservation dollars can be counted in the billions, the conservation benefits are inestimable. It is important for all of us who cherish our fish and wildlife resources to see that the sportsmen and women of this country are given a sound reason to be taxed for the benefit of the conservation, restoration, and enhancement of those same resources.

Sincerely,

JAMES JAY BAKER,
Executive Director.

NATIONAL TRAPPERS ASSOCIATION, INC.,
New Martinsville, WV, March 13, 2000.

Congressman DON YOUNG.

DEAR CONGRESSMAN YOUNG: This communication is to indicate the support of the National Trappers Association for H.R. 3671.

NTA has worked hard to assure corrective actions are taken to be sure the PR–DJ Funds from excise taxes are used for wildlife and conservation efforts as originally intended.

Thank you so much for doing the right thing for sportsmen in America, the true conservationists who put their money where their mouth is.

Sincerely,

SCOTT HARTMAN,
Director, National & International Affairs.

NATIONAL WILDERNESS INSTITUTE,
Washington, DC, April 5, 2000.

Hon. DON YOUNG,
Chairman, House Resources Committee, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for introducing The Wildlife and Sport Restoration and Improvement Act of 2000. This bill will help stop the mismanagement by the current leadership of the Fish and Wildlife Service of the Dingell-Johnson Act, the Pittman-Robertson Act and other programs administered by the Division of Federal Aid. These laws are based on the remarkably straightforward idea of using an excise tax on guns, ammunition and fishing gear to provide a secure funding base for state fish and game departments. Most state fish and wildlife agencies get their budgets almost entirely from the sale of hunting and fishing licenses and P–R and D–J funds.

In much of the world, sport hunting and fishing are the privilege of noblemen but America is different, and sportsmen here are determined to preserve our country's outdoor heritage and maintain hunting and fishing opportunities for everyone. That is why sportsmen started these programs which have been largely responsible for the development of scientific wildlife management. Of course, the sound wildlife conservation efforts underwritten by sportsmen also benefit non-game species. When sportsmen create habitat for quail, ducks or trout, they also provide habitat for woodpeckers, eagles and all other species.

Sportsmen pay for conservation and the rest of us have pretty much gotten a free ride. That is why it was so wrong for the current leaders of the Fish and Wildlife Service to loot this uniquely effective program to create slush funds and use it as a cash cow to cover foreign travel and unrelated administrative expenses. Their attempt to divert these funds to anti-hunting groups is an even worse affront. The mismanagement of these funds is cause for concern about any new funding mechanism that do not require annual appropriations. We greatly appreciate your leadership in upholding our sportsmen-conservationist heritage and taking steps to clean up the problems at the Fish and Wildlife Service.

Sincerely,

ROB GORDON,
Executive Director.

SAFARI CLUB INTERNATIONAL,
Herndon, VA, March 10, 2000.

Representative DON YOUNG,
Chairman, House Resources Committee, Rayburn HOB, Washington, DC.

RE: H.R. 3671, the Pittman-Robertson Wildlife Restoration and Dingell-Johnson Sport Fish Restoration Act

DEAR CHAIRMAN YOUNG: Safari Club International (SCI) considers H.R. 3671, the Pittman-Robertson Wildlife Restoration and Dingell-Johnson Sport Fish Restoration Act, to be of utmost importance for the future of sportsmen and wildlife in the 106th Congress.

This is a bipartisan reform legislative effort. The bill has been introduced with a diverse and respected group of co-sponsors, including yourself, Representative John Dingell (D–MI), Representative Tom DeLay (R–TX), Representative Owen Pickett (D–VA), Representative Richard Pombo (R–CA), Representative Chris John (D–LA), Representative John Peterson (R–PA), and others. The Congressional Sportsmen's Caucus supports the legislation because of the positive impact it will have on wildlife, habitat and sportsmen far into the future.

H.R. 3671 will bring integrity and respect back into the system. As you know, the original intent of the Pittman-Robertson (P–R) excise tax was that it be used solely for the purpose of wildlife restoration in the 50 states. GAO investigations into the misuse of P–R funds revealed that ''P–R funds were being administered like a big shell game.'' H.R. 3671 eliminates any ambiguity in the current statute by explicitly delineating proper purposes for the fund. In addition to setting clear guidelines for federal administrators it will also emphasize to state wildlife administrators the intent of the law when spending sportsmen's dollars. H.R. 3671 will ensure accountability when spending money that comes from sportsmen.

In many cases the past distribution and spending of Pittman-Robertson funds did not follow the intent of the 1937 law. The areas badly neglected were hunter education, firearms safety, archery ranges, archery training and firearms ranges. Groups like SCI, AMO, NSSF, and NRA had to privately fund hunter education. Seven thousand volunteers had to step in and assume responsibility because this intended use of P–R money was not fulfilled as it should have been.

For example, in 1970, archers were promised that if they came into the excise tax program, that 50% of the money raised would be used for ranges and instruction. Since 1975, $282,189,160.00 have been raised. Very little of the promised $141 million has been used for ranges or instruction. Most of it was diverted to other uses. A very important part of the legislation is a restatement of the original intent.

The final, and perhaps the most important part of the legislation is a provision that encourages NGO's to participate in a matching grant program for hunter education, shooting safety, and recruitment of young people into an appreciation of the outdoors. This section involves those who pay the tax by allowing them to have a voice in how their money is spent.

For over 60 years, Pittman-Robertson funds have provided an abundance of wildlife and habitat that is enjoyed by sportsmen and the general public. Thank you for your support of H.R. 3671, which insures that this work can continue far into the future.

Sincerely,

LAWRENCE S. KATZ,
President.
ALFRED S. DONAU, III,
Government Affairs Chairman.
HON. RON MARLENEE,
Consultant.

TEXAS WILDLIFE ASSOCIATION,
San Antonio, TX, March 31, 2000.

Hon. DON YOUNG,
Chair, House of Representatives, Committee on Resources, RHOB, Washington, DC.

DEAR CHAIRMAN YOUNG: One of the great honors of my life has been testifying before you and your committee describing the problems that resulted in your filing H.R. 3671. Passing without dissent out of your committee speaks volumes about bringing justice to the folks who have been paying for conservation since 1937, and before. Who are they? Hunters and anglers have paid for conservation . . . period.

Not only has the U.S. Fish and Wildlife Service forgotten this fact, they have also ignored the central mission of government: government should enable rather than require, let alone try to do itself. Your H.R. 3671 reminds the USFWS that their first duty is to empower the states to foster effort from their citizens.

The thousands of members of the Texas Wildlife Association, who hunt and fish and lovingly conserve many, many millions of acres of private wildlife habitat, urge all members of Congress to vote for H.R. 3671.

Very respectfully submitted,

DAVID K. LANGFORD,
Executive Vice President.

TRANS TEXAS HERITAGE ASSOCIATION,
Alpine, TX, March 31, 2000.

Hon. DON YOUNG,
Chairman, House Resources Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN YOUNG: The Trans Texas Heritage Association and regional associations, Davis Mountains Trans-Pecos and Hill Country Heritage Associations, represent members who own more than 15.5 million acres of private land in Texas. It is on behalf of these members that we thank you for introducing The Wildlife and Sport Fish Restoration and Improvement Act of 2000.

The Heritage Association members are land stewards, sportsmen, and conservationists. We are outraged by the U.S. Fish and

Wildlife Service's (USFWS) mishandling of funds from the Pittman-Robertson, Dingell-Johnson Act and other programs which were specifically set aside to fund state fish and game departments. Even more reprehensible is the USFWS's attempt to divert these funds to anti-hunting groups. We are thankful that The Wildlfie and Sport Fish Restoration and Improvement Act of 2000 will help to stop these and other abuses.

Chairman Young, we sincerely appreciate your commitment and efforts that will benefit the preservation and conservation of our nation's sportsmen's and outdoor heritage.

Very truly yours,

C.M. VAN EMAN,
President.

THE MULE DEER FOUNDATION,
Reno, NV, April 5, 2000.

Hon. DON YOUNG,
Chairman, House Resources Committee, House of Representatives, Washington, DC

DEAR MR. CHAIRMAN: Your leadership for The Wildlife and Sport Fish Restoration and Improvement Act of 2000 is to be commended. The Mule Deer Foundation (MDF) anticipates this bill, when enacted, will assist the US Fish and Wildlife Service to better manage Federal Aid funds. MDF is especially supportive of good management of the funds from the Pittman-Robertson Act and the Dingell-Johnson Act. These Acts are central to the conservation funding in this country and are, frankly, an unprecedented model for sustainable conservation worldwide. Hunters and fishermen in our country historically have been the first to step to the plate to support conservation and these Acts provide a critical source of funding for conservation to stated conservation agencies. With the disparate pressures that come from varied interests, it is of critical importance that we continue to safeguard and improve the management of these funds.

The Mule Deer Foundation recognizes that this bill passed out of the House Resources Committee with an amazing 36–0 vote. MDF would like to voice its support for this bill and congratulations to the Committee for its bi-partisan approach to improving management of Federal Aid Funds.

The Mule Deer Foundation is a 501(c)(3) not for profit, charitable organization whose Mission is to ensure the conservation of mule and blacktailed deer and their habitats.

Chairman Young, on behalf of The Mule Deer Foundation, let me thank you and your Committee on this effort in behalf of American's conservation programs.

Very truly yours,

WILLIAM I. MORRILL,
President, and CEO.

GULF LUMBER COMPANY, INC.,
Mobile, AL, April 5, 2000.

Hon. DON YOUNG, *Chairman*, House Resources Committee, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Since the founding of the Mobile County Wildlife Association and the Alabama Wildlife Federation in the mid 1930's, my family has been involved in the innumerable conservation and wildlife organizations. We have spent untold dollars and man-hours furthering the conservation of wildlife and wildlife habitat.

I tell you this to say thank you for introducing The Wildlife and Sport Fish Restoration and Improvement Act of 2000. This bill will help stop the mismanagement by the current leadership of the Fish and Wildlife Service of the Dingell-Johnson Act, the Pittman-Robertson Act and other programs administered by the Division of Federal Aid.

It is wrong for the current leaders of the Fish and Wildlife Service to loot this uniquely effective program to create slush funds and use it as a cash cow to cover foreign travel and unrelated administrative expenses. Their attempt to divert these funds to anti-hunting groups is an even worse affront.

We greatly appreciate your leadership in upholding our sportsmen-conservationist heritage and taking steps to clean up the problems at the Fish and Wildlife Service.

Sincerely,

W.S. (SANDY) STIMPSON,
Sr. Vice President.

CHILD ABUSE PREVENTION MONTH

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. MORAN of Virginia. Mr. Speaker, today I commemorate April as the Child Abuse Prevention month and to inform my colleagues of a quiet but devastating situation that continues to plague our nation: that of child abuse and neglect. In this time of prosperity we are leaving needy children behind.

More than 1 million children are reported abused and neglected in this country each year. This is an amazing statistic, especially when most cases of neglect and abuse are not reported.

In Virginia, according to the American Humane Association's Children Division in 1997, there were 11,792 confirmed reports of maltreatment to children.

The situation, as it exists right now, simply cannot go on. These children need and deserve our help, and Congress can and must step in if we are to begin to better tackle this public health epidemic and national tragedy. Mr. Speaker, I urge my colleagues to support vital federal programs that seek to address this problem through improved preventive and early intervention services.

The effects of child abuse are felt by communities as a whole and need to be addressed by the entire community. All citizens should become more aware of the negative effects of child abuse and its prevention within the community. All citizens should become involved in supporting vulnerable and at risk parents to raise their children in a safe nurturing environment. This is why it is important to recognize April as Child Abuse Prevention Month.

All citizens, community agencies, religious organizations, medical facilities, and businesses should increase their participation in our efforts to prevent child abuse, thereby strengthening the communities in which we live.

Child maltreatment has ramifications far beyond the actual physical and psychological harm done to the child. It also affects school readiness, juvenile crime and poor health outcomes. We simply must do more.

Mr. Speaker, I hope that I can count on my colleagues to recognize this month as Child Abuse Prevention Month and give strong support of these and other measures so that we can seek to put an end to what can only be called a national epidemic.

TAXPAYER BILL OF RIGHTS 2000

SPEECH OF

HON. BENJAMIN A GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. GILMAN. Mr. Speaker, I am in strong support of H.R. 4163, the Taxpayer Bill of Rights 2000. I urge my colleagues to join in supporting this important legislation.

H.R. 4163 is a bipartisan bill designed to provide further protections to taxpayers from regulatory abuse by the Internal Revenue Service. In recent years, the Congress has adopted several of these taxpayer bill of rights, which have done much to reign in some of the more outrageous abuses heaped on taxpayers, who, by no fault of their own, have run afoul of overzealous IRS personnel.

This legislation offers a number of important protections for those individuals who have been unable to pay their taxes on time and thus have incurred additional interest and penalty charges. Specifically, the bill repeals the present day penalty for failure to pay tax, for those taxpayers that have entered into installment payments with the IRS to repay large outstanding balances.

Additionally, this bill: Expands circumstances where interest on underpayment of taxes may be abated, simplifies estimated tax calculations, limits taxpayer exposure to underpayment interest through the use of qualified reserve accounts, and tightens the privacy rights of taxpayers through limiting disclosure options open to the IRS.

Mr. Speaker, similar bills in the past have done much to provide protection to taxpayers from overbearing Federal agencies with regulations that have had unintended consequences in their implementation. This legislation continues that tradition by offering important protections to have, for whatever reason, made under-payments on taxes owed and are subsequently trying to make good on any overdue balances.

Accordingly, I urge my colleagues to support this worthy legislation.

TRIBUTE TO RETIRING COLONEL ROBERT N. CLEMENT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. SKELTON. Mr. Speaker, it has come to my attention that our colleague in the House of Representatives, Colonel Robert N. Clement, will retire from the Tennessee Army National Guard on April 30, 2000, after more than 31 years of exemplary military service.

Colonel Clement began his career as a Second Lieutenant in the United States Army Reserve. In January 1969, he entered active duty for his Officers Basic Course in the Adjutant

General's Corps. Upon completion of the school at Fort Benjamin Harrison in March, he attended Middle Managers training at Fort Gordon, Georgia. Colonel Clement remained at Fort Gordon to serve as the Assistant Adjutant at the United States Civil Affairs School, where he received a Certificate of Achievement for his performance. He completed his active duty service with the Army Forces Entrance and Examination Station at Nashville, Tennessee. During this time, he earned promotion to first lieutenant and received the Army Commendation Medal.

Colonel Clement joined the Tennessee Army National Guard in January 1971 when he became a Personnel Management Officer in the 530th Administration Company. He was promoted to Captain while serving as a Special Services Officer in that unit. In 1975, he became an Assistant Information Officer in the 118th Public Affair Detachment. Shortly thereafter, Colonel Clement was reassigned as a Race Relations and Equal Opportunity Training Officer in the Headquarters, Tennessee Army National Guard, Nashville, Tennessee. He then served the Headquarters as Race Relations and Equal Opportunity Officer for the next six and one half years. He was promoted to Major during this assignment.

In 1983, Colonel Clement was named Chief, Enlisted Personnel Branch, Headquarters, State Area Command, Tennessee Army National Guard. After receiving significant experience in personnel actions over the next three years, he became a Selective Service Officer and was promoted to Lieutenant Colonel. His next assignment was as a Plans and Operations Officer in the Plans, Operations and Training Division. After completing four years in this assignment, he was promoted to Colonel and detailed as a Special Plans and Operations Officer. In July 1995, Colonel Clement became the Deputy Director, Plans, Operations and Training Division. One year later, he was assigned as the Senior Medical Operations Support Officer in support of MEDIGUARD Operations and served admirably in this assignment until his retirement.

Mr. Speaker, Colonel Clement has dedicated over 31 years to the military, serving with honor and distinction. I wish him all the best in the days ahead as he continues his public service by representing the people of the state of Tennessee. I am certain that the Members of the House will join me in paying tribute to this fine officer.

HONORING MS. MITZI STITES OF SPRINGFIELD, TN, ON THE OCCASION OF HER RETIREMENT AS EXECUTIVE DIRECTOR OF THE ROBERTSON COUNTY CHILD ADVOCACY CENTER

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. CLEMENT. Mr. Speaker, today I honor Ms. Mitzi Stites of Springfield, TN, on the occasion of her retirement as Executive Director of the Robertson County Child Advocacy Center and her tireless efforts on behalf of Tennessee's children.

Ms. Stites was named the first and only Executive Director of the Robertson County Child Advocacy Center in Springfield in 1993. Mitzi immediately put her energy to work for the children in the area, educating the community about the advocacy center and organizing area agencies who began working and meeting together on a regular basis as a result of her tireless efforts.

Children's Advocacy Centers (CACs) across the Nation are child-focused, facility-based programs in which representatives from many disciplines meet to discuss and make decisions about investigation, treatment, and prosecution of child abuse cases. They also work to prevent further victimization of children. This approach brings together a comprehensive group of agencies such as law enforcement, child protective services, prosecution, mental health and the medical community. It is an approach that truly puts the needs of the child victims first.

It takes a very unique individual to facilitate communications and meetings between these many agencies. Mitzi Stites initiated this plan in Robertson County in 1993 and since that time has seen great success. She has shown foresight and leadership not only in the day-to-day operations of the facility, but by pioneering a number of community efforts on behalf of children.

These include the Blue Ribbon Campaign in honor of April as Child Abuse Awareness Month, which Mitzi successfully launched in 1994 in Robertson County; the Teddy Bears for court program for child victims; the annual drive for backpacks filled with school supplies and toiletries for at risk, low-income, and children of victimization; and ''snuggables'' given to victims by the CAC, local enforcement, and the Department of Children's Services (DCS). She also annually organized ''angels'' to anonymously sponsor abused children and their families each Christmas. She has worked closely with Sharon Puckett of WSMV–TV in Nashville to provide hundreds of stuffed animals to needy children in our area. These stuffed animals were often donated quietly by Nashville's wealth of country music stars.

In addition, Mitzi Stites has been involved in numerous community and civic activities, serving as the Secretary for the Robertson County Coalition for several years, as well as many other organizations.

Prior to being named Executive Director for the Robertson County Children's Advocacy Center, Stites worked briefly at the Robertson County Times newspaper from 1992–1993. However she spent most of her career in mortgage banking, first with Southeast Mortgage Company in Miami from 1963–1989 and then with the JT Brokers Group, Inc., in Jupiter, Florida from 1989–1991.

Mitzi Stites often went above and beyond the call of duty, spending numerous hours fashioning the Robertson County Advocacy Center into a warm and homey atmosphere, rather than a sterile, office environment. The children who entered her doors often came in traumatized and fearful, but whether they were there for one visit or numerous visits, I assure you, they always left feeling loved.

Because my Springfield Congressional office was housed next door to the Advocacy Center, I was able to get to know Mitzi both professionally and personally. I admire her character and zeal on behalf of the children in our community, who once abused or neglected, often have no voice. Mitzi Stites has been that voice heard loud and clear on behalf of these children.

I wish the best for Ms. Stites on her retirement and in all of her future endeavors.

IN RECOGNITION OF SAMUEL MERRITT COLLEGE RECEIVING THE 1999 CALIFORNIA GOVERNOR'S QUALITY AWARD OAKLAND, CA

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Ms. LEE. Mr. Speaker, today I recognize and celebrate Samuel Merritt College's receipt of the California Governor's Quality Award for 1999.

The Quality Award is California's premier award for performance excellence and quality achievement in business, education and health care professions. Samuel Merritt College was one of only six recipients to receive this prestigious award. The College is the first institution of higher education to receive this award.

Samuel Merritt College educates students for a life of highly skilled and compassionate service in health care. Founded in 1909 as a hospital school of nursing, Samuel Merritt College today offers both graduate and undergraduate degree programs in a variety of health science fields. The College's degrees include Bachelor of Science degrees in Nursing and Health and Human Sciences and Master degrees in Occupational Therapy, Physician Assistant, Physical Therapy, and Nursing.

Samuel Merritt College has a long tradition of excellence representing the finest in health sciences education.

On March 8, 2000, a reception was held by the College's Board of Regents in celebration of this honor.

The Samuel Merritt College is truly a valuable resource for the community and medical profession. I am proud of this accomplishment and join in the celebration of this well-deserved recognition.

APRIL 13, 2000 IS NATIONAL D.O. DAY

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. TALENT. Mr. Speaker, today I honor National D.O. Day. I rise to recognize members of the osteopathic medical profession for their substantial contributions to American healthcare. I congratulate the American Osteopathic Association on its 103 years of service to osteopathic physicians and their patients. It is my pleasure to acknowledge members of the osteopathic medical profession, their spouses, and osteopathic medical students

who have chosen today to make visits to their representatives and senators. It's good to see these individuals taking time to educate our colleagues on the values and principles of osteopathic medicine.

Mr. Speaker, I am fortunate to represent the State of Missouri, which is the home of osteopathic medicine. In 1892, a charter was obtained for the American School of Osteopathy. The original school was located in a small one room building in Kirksville, Missouri and today is known as the Kirksville College of Osteopathic Medicine. A revised and expanded charter was issued on October 3, 1894, in accordance with the laws regulating educational institutions in the State of Missouri. Dr. Andrew Taylor Still, an allopathic physician (or M.D.), was the founder of the Kirksville school and, indeed, the father of osteopathic medicine.

Osteopathic medicine is a unique form of American medical care developed in 1874 by Dr. Still who was dissatisfied with the effectiveness of 19th century medicine. Dr. Still was one of the first in his time to study the attributes of good health so that he could understand the process of disease. Dr. Still's philosophy focused on the unity of all body parts. He identified the musculoskeletal system as a key element of health and recognized the body's ability to heal itself. Dr. Still pioneered the concept of "wellness" over 100 years ago. He stressed preventative medicine, eating properly and keeping fit. Dr. Still's philosophy—that in coordination with appropriate medical treatment—the osteopathic physician acts as a teacher to help patients take more responsibility for their own well-being and change unhealthy patterns—is every bit as viable today as it was when he developed it.

D.O.s complete four years of basic medical education, followed by an intern year and specialty training. In fact, D.O.s are certified in 23 specialties and subspecialties. They pass state licensing examinations and practice in duly accredited and licensed osteopathic and allopathic healthcare facilities. D.O.s comprise a separate, yet equal, branch of American medical care.

It is the ways that D.O.s and M.D.s are different that brings an extra dimension to healthcare. Just as Dr. Still pioneered osteopathic medicine on the Missouri frontier in 1874, today's osteopathic physicians serve as modern day medical pioneers. They continue the tradition to bringing healthcare to areas of greatest need. Approximately 64 percent of all osteopathic physicians practice in primary care areas such as pediatrics, family practice, obstetrics/gynecology and internal medicine. Many D.O.s fill a critical need by practicing in rural and medically underserved areas.

To the over 1,600 D.O.s in my state, the approximately 2,000 students at Colleges of Osteopathic Medicine in Kirksville and Kansas City, and to all 45,000 D.O.s represented by the American Osteopathic Association—congratulations on your contributions to the good health of the American people. I look forward to working with you to further our mutual goal of continually improving our nation's healthcare.

IN RECOGNITION OF THE 50TH ANNIVERSARY OF SUISUN-FAIRFIELD CHAPTER 81 OF THE DISABLED AMERICAN VETERANS

HON. MIKE THOMPSON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 13, 2000

Mr. THOMPSON of California. Mr. Speaker, today I recognize Disabled American Veterans Chapter 81 of Suisun-Fairfield, California as this organization celebrates its 50th anniversary of service to our country.

The Suisun-Fairfield Chapter is part of a national DAV network that provides services to and represents America's 2.1 million service-connected disabled veterans.

The DAV was formed in 1920 when local self help groups that had formed to provide support for the more than 300,000 disabled World War I troops who returned home from European battlefields merged into one national organization. The national organization received its Congressional Charter in 1932.

Forty local veterans helped organize and charter Chapter 81 in 1950. Over the years, its membership has grown to more than 900 veterans.

The annual Forget-Me-Not Drive is Chapter 81's primary community activity. The Forget-Me-Not Drive commemorates images brought back by soldiers who fought in World War I of flowers growing among the graves of their fallen comrades. The flower became the symbol of both those who died in battle and those who came home bearing the scars of war. Proceeds from the drive are used by Chapter 81 to provide incidentals to disabled veterans who are hospitalized or living in the community.

During the past fifty years, Chapter 81 has also hosted special events for disabled children and for residents of the Veterans Home of California.

Chapter 81 has also had a very active Ladies Auxiliary. They hosted the club's bimonthly family potlucks and continue to be involved in the club's annual Christmas Wish List Program for children and in distributing gifts at the Veterans Home.

Chapter 81 also actively works with its elected representatives to make sure that our service men and women who have been wounded in battle are not re-injured by peacetime apathy.

Mr. Speaker, it is appropriate that we acknowledge and honor today this veterans' organization and the men and women who have given so much for our country.

INTRODUCTION OF LEGISLATION TO AMEND THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

HON. DON YOUNG
OF ALASKA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 13, 2000

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing legislation that would address several matters of concern to Alaska Natives through an amendment to the Alaska Native Claims Settlement Act (ANCSA).

As my colleagues know, ANCSA was enacted in 1971, stimulated by the need to address Native land claims as well as the desire to clear the way for the construction of the Trans-Alaska Pipeline and thereby provide our country with access to the petroleum resources of Alaska's North Slope. As the years pass, issues arise which require amending the Act. The Resources Committee as a matter of course routinely considers such amendments and brings them before the House.

Consequently, I am introducing this bill containing several such amendments to ANCSA in order to facilitate having its provisions circulated during the upcoming Congressional recess among Congress, the Administration and the State of Alaska for review and consideration.

This bill has six provisions. One provision would clarify the liability for contaminated lands. The clarification of contaminated land would declare that no person acquiring interest in land under this Act shall be liable for the costs of removal or remedial action, any damages, or any third party liability arising out or as a result of any contamination on that land at the time the land was acquired under this Act.

Section 3 of the bill amends the Act further to allow equal access to Alaska Native Veterans who served in the military or other armed services during the Viet Nam war. Alaska Natives have faithfully answered the call of duty when asked to serve in the armed services. In fact, American Indians and Alaska Natives generally have the highest record of answering the call to duty.

Under the Native Allotment Act, Alaska Natives were allowed to apply for lands which they traditionally used as fish camps, berry picking camps or hunting camps. However, many of our Alaska Natives answered the call to duty and served in the services during the Viet Nam war and were unable to apply for their Native allotment. This provision allows them to apply for their Native allotments and would expand the dates to include the full years of the Viet Nam war. The original dates recommended by the Administration only allowed the dates January 1, 1969 to December 31, 1971. Our Alaska Native veterans should not be penalized for serving during the entire dates of the Viet Nam conflict. This provision corrects that inequity by expanding the dates to reflect all the years of the Viet Nam war—August 5, 1964 to May 7, 1975.

The settlement trust provision of ANCSA presently indicates that the assets placed in a settlement trust are not subject to any creditor action other than those by the creditors of the settlement trust itself. Federal law is unclear whether the beneficiary's interests in the trust can be subject to attachment, etc., by their creditors. The legislative history from the 1988 amendments specifically indicates that a "spendthrift clause" could be included in the trust agreement for a settlement trust, but does not specify what the scope of such a provision could be. Normally, under general trust law, a spendthrift clause operates to limit the circumstances in which creditors can reach a beneficiary's trust interest. Alaska law

(A.S. 34.40.110) expressly recognizes the validity of a spendthrift clause for trusts established on or after April 2, 1997, but does not expressly authorize a spendthrift clause for trusts established prior to this date.

All this uncertainty places the Trustees in a difficult legal position under present law in deciding whether to honor creditor levies against beneficiary interests in a settlement issue. Trustees are required as fiduciaries to protect the beneficiaries' rights, but are also required to honor creditor actions if those are valid under applicable law. At least one court case is now pending before the United States District Court for Alaska to determine whether the trustees of a settlement trust must honor a levy by the State of Alaska with regard to various beneficiaries' unpaid child support obligations.

By contrast, since 1971 section 7(h) of ANCSA has clearly restricted most creditor actions as to Native corporation stock. Creditors are prohibited from levies and other similar actions against Settlement Common Stock, except to the extent that a court has authorized creditor action with regard to unpaid child support. Thus, child support levies are valid against Settlement Common Stock as long as a court has previously authorized such actions.

The proposed provision removes the uncertainty as to levies against the beneficial interests in a settlement trust by clarifying that such levies and other creditor actions may occur in the same circumstances that such levies and actions could occur with regard to the stock in a Native corporation. Not only does this confirm the trust procedure to a procedure already known to the personnel within Native corporations (who often provide the day to day administration of the trusts), but it also follows logically because the source of the settlement trust assets was the Native corporation.

Mr. Speaker, in addition to the provisions which are currently included in the legislation I am introducing today which amends the Alaska Native Claims Settlement Act, it is my understanding that several other provisions are in the process of being drafted and/or negotiated with relevant parties. If those provisions are ready to be considered at the time of committee mark-up of this bill, then I anticipate that they would be offered for inclusion in the bill at that time.

Again, I am introducing this bill today to facilitate its provisions circulated and reviewed during the April recess by the Department of the Interior, the State of Alaska and Alaska Natives.

EARTH DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. GILMAN. Mr. Speaker, Earth Day serves to remind us all that environmental issues know no political bounds and affect all of the people, plants, and animals of the world community. It is essential that the policies our government enacts, and the personal activities we undertake reflect our profound concern for safeguarding the Earth.

From combating global climate change to protecting threatened species to providing clean water, we have a duty to act locally and globally to protect the environment for our present and future generations.

Saving the planet may seem to be an insurmountable task, but in order for our children to have a brighter future we must commit ourselves to an environmental policy which seeks to establish a clean, safe, and productive environment.

The 106th Congress is working to preserve and protect our Nation's open spaces by reinvigorating the land and water conservation fund. Designed to protect our nation's natural heritage, the land and water conservation fund is a vital program which has saved thousands of acres of forest, miles of river, and many of America's mountain ranges. In the face of pollution and urban sprawl, the 106th Congress has responded by looking to preserve our nation's greenways.

We must not forget that the air we breathe is our most precious resource. Americans can clearly see, smell and feel the difference that pollution has made in their lives. As a strong supporter of the Clean Air Act, I fully understand the need for clean air standards. By encouraging innovation, cooperation, and the development of new technologies for pollution reduction, these standards build upon the spirit of ingenuity that is the foundation of America's leadership in the world.

As chairman of the International Relations Committee, I understand the importance of using our leadership in the United States to assist other nations in developing and maintaining successful environmental programs.

I personally have led efforts to protect whales from commercial hunting and to protect African elephants from the deadly effect of the international ivory trade. I have also been in the forefront in bringing greater awareness to the linkages between refugees, world hunger and national security to environmental degradation. Moreover, if we do not assist in the survival of indigenous and tribal people, their wealth of traditional knowledge and their important habitats will no longer be available for the rest of mankind.

Earth Day is a successful vehicle and incentive for ongoing environmental education, action and change. Earth Day activities address worldwide environmental concerns and offer opportunities for individuals and communities to focus on their local environmental problems.

During the 106th Congress, I worked with the New York State's Governor Pataki and the citizens of New York's 20th Congressional District to save thousands of acres of precious lands, such as Sterling Forest, the Gaisman Estate, and Clausland Mountain. I have requested funding for the Hudson Valley National Heritage Area, which would help preserve the history, culture and traditions of this beautiful region. I am also proud to note that our 20th Congressional District of New York is home to the Lamont-Doherty Earth Observatory, one of the country's leading climate study institutions, which I have been pleased to support.

Earth Day is a powerful catalyst for people to make a difference toward a clean, healthy, prosperous future. We cannot continue with the attitude that someone else will clean up after us. We need to take care of our world today. I cannot think of a better way and a better day to commit to our environmental concerns than Earth Day. I salute all who observe Earth Day in all ways large and small.

TRIBUTE TO COMMAND SERGEANT MAJOR GEORGE E. CUTBIRTH

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. SKELTON. Mr. Speaker, it has come to my attention that Command Sergeant Major George E. Cutbirth is retiring after 30 years of exemplary service in the United States Army. He has served his country with dignity, honor, and integrity.

Command Sergeant Major Cutbirth is a native of Southwest Missouri. He graduated from Hurley High School in 1969 and entered the Army in April 1970. He attended Basic Training and Advanced Individual Training at Fort Leonard Wood, Missouri. He has held positions of increasing responsibility during his career, to include: Squad Leader; Repair Control Supervisor; Platoon Sergeant; Drill Sergeant; Senior Drill Sergeant; TAC Sergeant; Instructor; First Sergeant; and Battalion Command Sergeant Major. He has also served as the Commandant, Ordnance Noncommissioned Officer Academy, Command Sergeant Major Ordnance Center and School, Ordnance Corps Regiment Sergeant Major and Command Sergeant Major Combined Arms Support Command. Currently, Command Sergeant Major Cutbirth is serving as the Command Sergeant Major for the United States Army Materiel Command. He is the first ordnance soldier to hold that position.

Command Sergeant Major Cutbirth has served in a variety of overseas and stateside assignments. They include tours in Okinawa, Vietnam, Italy, Korea and the Federal Republic of Germany. He also served in Saudi Arabia, Iraq and Kuwait during Operations Desert Shield and Desert Storm. Within the United States, he has been assigned to: Fort Campbell, Kentucky; Fort Leonard Wood, Missouri, Aberdeen Proving Ground, Maryland; and Fort Lee, Virginia.

Command Sergeant Major Cutbirth is a graduate of the United States Army Sergeants Major Academy, the 3rd Army Noncommissioned Officer Academy, the Drill Sergeant Academy, and numerous technical and functional courses. He also earned an Associate of Arts degree from Columbia College, Missouri, and a Bachelor of Science degree from the University of Maryland.

Command Sergeant Major Cutbirth's awards and decorations include: the Legion of Merit with two oak leaf clusters, the Bronze Star; the Meritorious Service Medal with two oak leaf clusters; the Army Commendation Medal; and Army Achievement Medal; the Good Conduct Medal (tenth award); the National Defense Service Medal with Bronze Service Star; the Vietnam Service Medal; the Southwest Asia Service Medal; the Humanitarian Service

Medal; the Overseas Service Ribbon with numeral three; the Army Service Ribbon, the Noncommissioned Officer Professional Development Ribbon with numeral four; the Vietnam Campaign Medal; the Kuwait Liberation Medal; the Master Parachutist Badge; the Drill Sergeant Badge; the Mechanic Badge; and the Belgian Parachutist Badge.

Mr. Speaker, Command Sergeant Major Cutbirth deserves the thanks and praise of the nation that he had faithfully served for so long. I know the Members of the House will join me in wishing him, his wife of 30 years, Catherine, and his three children, Laurie, Paul and Mathew, all the best in the years ahead.

PERSONAL EXPLANATION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. CLEMENT. Mr. Speaker, on rollcall vote No. 114, I was unavoidably detained on official business. Had I been present, I would have voted "aye."

IN CELEBRATION OF THE 110TH ANNIVERSARY OF BETH EDEN BAPTIST CHURCH, OAKLAND, CA

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Ms. LEE. Mr. Speaker, today, I celebrate the 110th anniversary of the establishment of the Beth Eden Baptist Church in Oakland, California. This milestone will be commemorated from April 9 through May 21, 2000.

The theme of this celebration is taken from Ephesians 6:10–18 which reads: "By example-maintaining our armor of God and hold fast to the principles of righteousness, perseverance, faithfulness, salvation and spirit, which are in the word of God."

Beth Eden is the oldest Black Baptist Church in Alameda County. Founded on April 20, 1890, its first pastor was Rev. George Gray. Since 1890, the church has flourished following its theme "A Legacy of Faith."

Since its founding with Rev. Gray, Beth Eden has had eleven additional pastors, including Rev. Robert Alexander McQuinn, Rev. James Allen (who later founded Oakland's Allen Temple Baptist Church), Rev. John Dwelle, Rev. John Coylar (the Church's only Caucasian minister), Rev. John Allen, Rev. James Dennis (who later founded the North Oakland Baptist Church), Rev. Francis Walker, Rev. Samuel Hawkins, Rev. Paul Hubbard, Rev. Alvin Dones and Rev. Dr. Gillette James, the current pastor.

For more than a century, Beth Eden has been a West Oakland landmark of faith, activity and commitment to building a stronger community. These activities include building senior housing, holding interfaith Thanksgiving services with local churches, establishing a Missionary Society, creating SHARE, a discount food program, and helping to create the Black Adoption Placement and Research Center.

Beth Eden Baptist Church is truly a source of civic pride and a valuable resource for the community. I proudly join the church's members, friends and neighbors in saluting and honoring the history and spirit of this great church.

HONORING WILLIAM C. "BILL" COLEMAN IN RECEIVING THE J. ROBERT LADD COMMUNITY SERVICE AWARD AND THE 2000 SERVICE TO MANKIND AWARD

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. GEKAS. Mr. Speaker, today I recognize William C. Coleman in receiving the J. Robert Ladd Community Service Award and the Service to Mankind Award from the Lebanon Valley, Sertoma Club.

Bill has made an incredible difference in the community of Lebanon, Pennsylvania. He has been a regular volunteer at the Lebanon Rescue Mission since 1947. He has served on the board of directors, taught Sunday School and has presided as the executive director of the Rescue Mission. Bill has dedicated his life to helping those less fortunate. His generosity, kindness and love has earned him the respect of his community, family and friends.

Bill's relationship with the Lebanon Rescue Mission began when, at the tender age of 19, he felt something was missing in his life. During this time period he was diagnosed with a life-threatening illness. Looking for guidance, he felt compelled to visit the Mission. Bill went there with his mother and they met with Reverend Miller. Reverend Miller talked with Bill and read from the Bible. That night, Bill's life changed. He gave up drinking, gambling, smoking and, as Bill puts it, his vocabulary lost a lot of unnecessary words. Later, when the doctor who had previously diagnosed Bill with the life-threatening illness examined him again, he found Bill to be a perfect picture of health.

Bill started his career at a young age as a stock clerk at Pomeroy's, and moved onto Hershey's Chocolate and the Lebanon Paper Box Company. Bill continued to work hard and eventually landed a job at Winston Prints. He worked his way up through the ranks, eventually becoming supervisor, and later the number three man in the company. While Bill worked at Winston Prints his relationship with the Lebanon Rescue Mission also flourished. He was a dedicated and valued volunteer, spending many hours helping those in dire need. He became a Sunday School teacher, superintendent and secretary to the board of directors. In 1984, after 14 years with Winston Prints, Bill resigned to become the full-time executive director of the Lebanon Rescue Mission.

Bill has been instrumental in many changes that have taken place at the mission since 1984. The first significant change occurred in 1985 when plans were announced to build The Agape Family Shelter for homeless women and children. It was a huge undertaking that included raising nearly $400,000 to be used in refurbishing the 115-year-old Dehuff Mansion, making it livable for up to eighteen women and children. The shelter continues to provide a friendly, socialable and safe place for those who find themselves not only homeless, but with a feeling of hopelessness. The Agape Family Shelter provides women with love, attention, and care they drastically require. The shelter also promotes a special program which teaches battered women how to set goals and implement them into their daily lives.

Bill has also helped implement a program to help men who battle with problems with drugs and alcohol. In addition, Bill hosted a popular hour-long radio broadcast every Sunday morning for those who were seeking spiritual up-lifting. He served as the Chaplain for the Lebanon County Fire Police and has been an outspoken advocate for the people of Lebanon County.

Mr. Speaker, again I want to congratulate Bill Coleman in receiving the J. Robert Ladd Community Service Award and the Service to Mankind Award. Through his consistent and unselfish efforts, the community of Lebanon is a richer place for all those who reside there. Thank you Bill for your service to the men, women and children of Lebanon.

CELEBRATING MYRTLE LILLIAN WALDRUP SPRINKLE

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. TAYLOR of North Carolina. Mr. Speaker, today I rise to commend and celebrate the life and 100th birthday of one of Western North Carolina's most beloved citizens. I had the great opportunity to attend the birthday celebration of Myrtle Lillian Waldrup Sprinkle in Marion, McDowell County. While there I witnessed a gentle, gracious lady full of life, vigor and still displays an amazingly agile mind.

Mrs. Sprinkle was born on April 4, 1900 in Madison County North Carolina. She moved to McDowell County in 1945 with her husband as he was named to be the pastor of Mt. Zion Baptist Church. For all of Mrs. Sprinkle's life two things have mattered most. She has an undying devotion to her church and her family. She has been a member of Zion Hill Baptist Church for over 55 years and taught Sunday school for many years. Her granddaughter, Wanda Childers, described Mrs. Sprinkle's faith as "unwavering."

Mrs. Sprinkle has been a pillar of strength in her family. She is, in essence, a quiet woman, full of humility. She has always been there for her community and her family. Through her life she has learned that simple things matter, like making a quilt for every one of her 45 grandchildren. She loves nothing more than cooking, canning vegetables, and crocheting. Her family includes five pastors who have all acquired her undying faith. Mrs. Sprinkle has many relatives who can share her love, affection, and warmth. Her 14 children are Lula Randall (deceased), Ida Lee Sprinkle (deceased), Julian Sprinkle (deceased), John

Sprinkle (deceased), E.F. Sprinkle, Jr. (deceased), Charles Sprinkle, Paul Sprinkle, Alvin Sprinkle, Novella Cable, Jaunita Worley, Harry Sprinkle, Harold Sprinkle, Jack Sprinkle, and Eva Pollack. She also has 45 grandchildren, 112 great grandchildren, and 54 great-great grandchildren.

I ask that my colleagues join me in congratulating this amazing centenarian on the occasion of her 100th birthday.

INTRODUCTION OF H.R. 4266; PROHIBITION ON UNITED STATES GOVERNMENT LIABILITY FOR NUCLEAR ACCIDENTS IN NORTH KOREA ACT OF 2000

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. GILMAN. Mr. Speaker, today I have introduced H.R. 4266, the "Prohibition on United States Government Liability for Nuclear Accidents in North Korea Act of 2000." I am pleased to be joined in offering this bipartisan legislation by a distinguished group of original cosponsors including, among others, the Ranking Democratic Member of the Subcommittee on Telecommunications, Trade, and Consumer Protection of the Committee on Commerce, Mr. Markey, the Chairman of our Subcommittee on Asia and the Pacific of the Committee on International Relations, Mr. BEREUTER, the Chairman of the Committee on Armed Services, Mr. SPENCE, and the Chairman of the House Republican Policy Committee, Mr. COX.

This bill prohibits the United States Government from, in effect, issuing insurance—backed up by the full faith and credit of the American taxpayer—for whatever liability claims might be made if the nuclear reactors that the Administration is trying to give to North Korea are involved in a catastrophic nuclear accident. The fact that the Administration is considering issuing such insurance was reported for the first time in yesterday's Los Angeles Times in an article by Jim Mann. I submit the Los Angeles Times article for the RECORD.

As explained in the article, the American taxpayer may ultimately be forced to pay tens of billions of dollars in damages if the North Koreans inadvertently create an Asian Chernoble with the advanced nuclear reactors that the Administration is seeking to give them. This is not an idle fear. The North Koreans have no experience whatsoever operating advanced light water nuclear reactors of the type the Administration plans to give them. The existing North Korean nuclear program involves graphite-moderated reactors operating on 1950s technology, with dials, levers, and vacuum tubes. The state of the art nuclear reactors that the Administration wants to give them are far more sophisticated than anything their technicians have ever seen.

This might not be a big problem if their technicians could be properly trained to operate modern light water reactors. But North Korea already has indicated that North Korean technicians will not be allowed to leave the country to receive such training on light water reactors currently operating elsewhere. Apparently the North Koreans are afraid their technicians will defect. Others fear, however, the result could be a Chernoble on the Korean Peninsula.

Among those who fear a possible nuclear catastrophe are the contractors who the Administration thought would be eager to participate in this $5 billion construction project in North Korea. The contractors are afraid that if there is such a catastrophe they might be sued, and the potential liability could bring down their companies. Ordinarily in such situations, companies buy insurance on the private market to protect themselves. In this case, however, the private insurers apparently have not been willing to provide sufficient coverage. This is in contrast to other countries like China, where U.S. and other private vendors have been willing to go forward on nuclear reactor projects because their concerns about liability have addressed by means short of an indemnity backed up by the United States Government.

I was surprised and alarmed to learn that the Administration is considering offering such an indemnity to contractors participating in the North Korean nuclear project. It has been five and a half years since the Agreed Framework between the United States and North Korea was signed. Over that period of time, there have been innumerable consultations between Congress and the Administration about the Agreed Framework. It is probably no exaggeration to say that Administration officials have testified before Congress dozens of times on the subject. The Administration is intimately familiar with our concerns about the potential costs of the project, and also with our unwillingness to provide U.S. Government funding for the construction of nuclear reactors in North Korea. Since 1994, Congress has routinely agreed to U.S. funding for the delivery of heavy fuel oil to North Korea pursuant to the Agreed Framework, but we have consistently prohibited U.S. funding for the construction of nuclear reactors.

Not once over the last five and a half years has the Administration come to us and told us they were considering imposing a contingent liability on the U.S. Government in connection with the construction of nuclear reactors in North Korea that could run into the tens of billions of dollars. Our staff had to ferret out this information through the conduct of congressional oversight, and most members of Congress first learned about it yesterday when they read about it in the press.

According to yesterday's press report, the Administration is considering imposing this liability on the American taxpayer by reinterpreting an old law in such way as to ensure that congressional approval will not be required. It is totally unacceptable that the Administration would consider obligating the American taxpayer in this way without the approval of Congress. The bipartisan legislation we are introducing today will make sure that the Administration cannot get away with this.

[From the Los Angeles Times, Apr. 12, 2000]

A RISKY POLICY ON N. KOREA

(By Jim Mann)

Warning to American taxpayers. Without knowing it, you may soon take on responsibility for what could be billions of dollars in liability stemming from nuclear accidents in, of all place, North Korea.

At the behest of the General Electric Co., the Clinton administration is quietly weighing a policy change that would make the U.S. government the insurer of last resort for any disasters at the civilian nuclear plants being built for the North Korean regime.

In case of a Chernobyl-type disaster in North Korea (a country not known for advanced safety procedures), the U.S. might wind up paying legal claims.

The proposed U.S. government guarantee, now being intensively studied by the State and Energy departments, would be aimed at easing the way for construction of two light-water nuclear reactors in North Korea. Those reactors are a key element in the Clinton administration's 1994 deal in which North Korea agreed to freeze its nuclear weapon program.

North Korea, which has defaulted on debts in the past, is too poor and unreliable to be counted on to pay legal claims arising from a nuclear accident. Private insurers are unwilling to take on the potentially astronomical claims of a North Korean Three Mile Island. So, American companies supplying parts for the North Korean reactors worry that, if there were a disaster, they would be sued.

Both the Clinton administration and GE confirmed that the company asked several months ago to be indemnified by the U.S. government before participating in the North Korea deal.

"We would like indemnity before we sign" any contract, said a spokesman for GE, which makes the steam turbines that would be used in the project.

"If there's an accident, they [GE officials] have to understand on what basis they'd be covered," explained Charles Kartman, the State Department's special envoy for North Korea.

Kartman acknowledged that GE's request was unusual, if not unique: Other firms participating in the North Korea project have been willing to go ahead without the indemnity GE is seeking in hopes that the unsettled liability questions could be worked out over the next few years.

How will the Clinton administration go about granting new legal protection to GE? It is reluctant to seek a new law from the Republican Congress, which often has criticized the administration's policy of engagement with North Korea.

That roadblock has set administration lawyers scurrying through the U.S. code, and they have found an obscure law that might be used in a new way to cover GE.

This law—Title 85, Section 804—was intended to indemnify companies that took part in nuclear cleanup operations. But the State and Energy departments are now thinking of applying it to protect the firms participating in the North Korean civilian reactor project.

Presto! One little legal reinterpretation by the administration and one huge new legal liability for American taxpayers.

Not to worry, insisted Kartman. The idea that the U.S. government will ever have to pay these claims is "very hypothetical."

He noted that the parts for the North Korean reactors would not be shipped

But ask yourself this: If the proposed international accord Kartman describes is such a sure thing and the prospects of claims from a nuclear accident are so remote, why can't the Clinton administration persuade GE to go ahead without the indemnity it is

seeking? Why does the U.S. Government, rather than GE, have to take responsibility for this supposedly hypothetical risk?

Viewed strictly from GE's self-interest, its request has a certain logic. GE is a relatively small player in the North Korea project; most of the work is being done by South Korean companies. The sale of GE's steam turbines will bring in roughly $30 million, yet the company fears it could face lawsuits ranging in the billions.

Why don't the organizers of the North Korea project simply do without GE and find another company more willing to take the risk?

They could. But doing that would require a redesign of the North Korea project, would lead to delays of a year or more and would increase the overall costs—most of which are being paid by South Korea. So, on the whole, everyone involved is eager to avoid losing the big American company.

For GE, it seems, the Clinton administration brings good things to life. The rest of us are left to pray that we don't get stuck with massive bills from nuclear plants we won't run in a country over which we have no control.

INTRODUCTION OF BILL TO AMEND INTERNET TAX FREEDOM ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. CONYERS. Mr. Speaker, I am pleased to join with Chairman HYDE, Commercial and Administrative Law Subcommittee Chairman GEKAS, and Ranking Member NADLER in introducing the "Internet Tax Reform and Reduction Act of 2000.".

As the Ranking Member of the Judiciary Committee, I have been proud of our Committee's bipartisan accomplishments in helping to maintain our Nation's leadership in the information economy. These include modernizing our patent and copyright laws, insuring the availability of trained workers, and our passage last Congress of the Internet Tax Freedom Act.

Today, I join with my colleagues in introducing the Internet Tax Reform and Reduction Act of 2000 as the starting point in our process of considering possible legislative responses to the issue of the applicability of State and local taxes on the Internet. The legislation we are introducing today reflects the views of number of Advisory Committee on Electronics Commerce Members led by Virginia Governor James Gilmore.

I believe it is important that their views be converted into legislative language so that the Congressional review process can commence. I intend to work with Chairman HYDE and Representatives GEKAS and NADLER in seeing that the other members of the Commission, including Utah Governor Michael Leavitt, are given the same opportunity. I also expect that the Judiciary Committee's Subcommittee on Commercial and Administrative Law will hold a series of hearings during which all interested parties, including State and local elected officials, the technology community, and retailers will be able to offer their views.

The bill we are introducing today would amend the Internet Tax Freedom Act to impose a permanent moratorium on State and local taxes on Internet Access. It would also extend for 5 years the duration of the moratorium applicable to multiple and discriminatory taxes on electronic commerce and impose a 5 year moratorium on sales of digital goods and products. Further, the bill would set forth factors for the determination of jurisdictional nexus by the States with regard to Internet transactions, encourage the States to adopt a simplified sales and use tax, and set up an advisory commission on uniform sales and use taxes.

The issue of the application of State and local taxes on the Internet is one of the most important matters facing the Judiciary Committee and the Congress. The Internet has led our robust economy into the 21st century. Its use in both the commercial and consumer sectors has skyrocketed, spurring the development of new businesses, products and services, and new and less expensive research and communications methods. At the same time, the Internet poses many new and novel State and local taxation issues. The Internet is not a partisan issue by any means, and I am happy to join with my colleagues as we begin to address this critical issue.

CONGRESS NEEDS TO "WAKE UP" TO THE IMPORTANCE OF SLEEP

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. RAMSTAD. Mr. Speaker, today I pay tribute to the Edina, Minnesota, School District, which was recently recognized by the National Sleep Foundation as the 2000 Sleep Capital of the Nation.

My good friend, Dr. Kenneth Dragseth, the Superintendent of Edina Schools, came to Washington to accept the award on behalf of the parents, students and teachers from Edina.

This national recognition is well-deserved and is a great way to celebrate National Sleep Awareness Week.

Four decades after President John F. Kennedy urged all Americans to take a 50-mile hike, Americans are once again waking up to the benefits of healthy living and the need for a well-balanced diet and regular exercise. But we too often neglect the importance of sleep.

Thankfully, not Edina. This school district, which is recognized universally as one of the finest public school systems in the nation, truly gets it.

They recognize that the future competitiveness and strength of our country depends on improving our education system.

That's why the Edina School District took concrete steps to make sure its students get enough sleep by starting school one hour later each day.

A recent National Sleep Foundation poll confirms that teens stay up too late and wake up too early. Another new study noted that on average, teens are getting about 2 hours less sleep a night than they need. This puts them at risk for car accidents, falling asleep in class, moodiness and depression.

To improve education, we must promote healthy learning environments. Stressing the need for enough sleep is essential for such environments. The bottom line is this: adequate sleep is a key component of a quality education.

I am also including for the RECORD a special "Bill of Nights" by the National Sleep Foundation which outlines the important suggestions by this group for improving sleep habits for everyone.

Mr. Speaker, I wholeheartedly applaud the Edina schools and their leadership to ensure that young people come to school healthy and ready to learn. They know it's time for America to "wake up" to this critically important problem.

Congratulations again, Edina Schools. You are ahead of the curve and I am proud to represent you!

PREAMBLE TO THE BILL OF NIGHTS OF THE NATIONAL SLEEP FOUNDATION—PRESENTED MARCH 28, 2000, WASHINGTON, DC

Whereas, science and medicine have determined that obtaining a sufficient amount of quality sleep is just as essential for good health as maintaining a balanced diet and getting regular exercise;

Whereas, obtaining a sufficient amount of quality sleep can also help to ensure personal safety, increase productivity and add to the enjoyment of life;

Whereas, the National Sleep Foundation is dedicated to improving public health and safety, this organization encourages all People to understand the importance of sleep and to make obtaining sufficient quality sleep a priority in their lives;

Therefore, the following Articles, created by the National Sleep Foundation and supported by its constituents, champion the right of all People to enjoy restful sleep for healthy, safe, and productive lives.

THE BILL OF NIGHTS OF THE NATIONAL SLEEP FOUNDATION

Article I All people should have the opportunity to fully understand the essential role of sleep in maintaining optimum mental and physical function.

Article II All People should have the opportunity to obtain the amount of sleep they require to maintain their optimum mental and physical function and to enjoy the benefits that sleep provides, including positive mood, alertness, enhanced memory and cognitive capabilities, and a sense of well-being.

Article III All people should have the opportunity to obtain sufficient, quality sleep free from disruptions due to environmental factors (i.e., light, noise, etc.), irregular sleep schedules, and underlying mental and physical conditions.

Article IV All People should have the opportunity to obtain accurate, scientifically validated sleep information and education in order to understand and improve their sleep.

Article V All People should have the benefit of a well-rested workforce and be secure in the knowledge that those who are depended upon to perform critical functions in society—including healthcare, transportation, public safety, hazardous materials management, and others—are attentive, alert and well-rested.

Article VI All People should be safe from the danger posed by drowsy drivers. Every driver is responsible for keeping the nation's roadways safe and free from the hazards posed by sleepiness and fatigue.

Article VII All People who experience problems sleeping should have the opportunity to obtain proper, informed diagnoses and treatment by healthcare providers who understand sleep disorders.

Article VIII All People should have reasonable access to affordable, quality treatment for sleep disorders.

Article IX All People should have the opportunity to benefit from the knowledge and advancements resulting from ongoing scientific research on sleep, which should be maintained as a national research priority.

Article X All People should have the opportunity to benefit from public policies that consider the importance of sleep in all aspects of our lives, including policies affecting the workplace, transportation, education, and healthcare.

CELEBRATING EARTH DAY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mrs. MORELLA. Mr. Speaker, today I recognize the 30th annual Earth Day celebration. Next week, on April 22nd, people from across the country and around the globe will come together to renew their commitment to the environment, and to begin teaching a new generation about the importance of protecting our planet. We have a shared responsibility to preserve our vast and diverse natural resources. I have a longstanding commitment to conservation and environmental protection, and I am particularly proud to lend my voice to the Earth Day celebration.

Thirty years ago, on the first Earth Day, our country was taking its initial steps toward protecting the earth. While we have made substantial progress since that first celebration, we must continue our efforts to improve the quality of our environment.

As large-scale Earth Day celebrations take place all over the world, I would like to pay a special tribute to the local events taking place in many communities across our nation. These community celebrations demonstrate the direct impact that we can all have in conserving and protecting our environment. In Montgomery County, Maryland, for example, neighbors will work together on several river and stream clean-up projects, the Audubon Naturalist Society will host a nature fair for families, and several communities will host Earth Day anniversary celebrations.

The first Earth Day was founded on the belief that ordinary people working together can accomplish extraordinary goals. On Earth Day 2000, let us reaffirm our commitment to the preservation of our natural resources and protection of the environment.

MALACHI GOFORTH—STALWART, ACTIVIST

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. TAYLOR of North Carolina. Mr. Speaker, earlier this month, Henderson County, Western North Carolina, and the nation lost a truly outstanding American, Malachi Goforth. Mr. Goforth dedicated his life to serving his community and was tragically killed while helping a group of volunteers to repair the Shaw's Creek Baptist Church. Malachi served in the Navy during the Second World War, as a Deacon in the Shaw's Creek Baptist Church, and as a member of the Board of Trustees of the Blue Ridge Community College. He was dedicated to the principles of the Republican Party and in 1999 he received the 11th Congressional District Golden Elephant award for service to the party. Malachi was known for his spirit and energy. Malachi was devoted to the great people in his community, as he put in hours of volunteer service. Children were one of Malachi's greatest joys. Many kids in Henderson County will remember him for putting up lollipop trees in his yard. His granddaughter Sally Wooten remembers how children were delighted to see Malachi Goforth's white handlebar moustache. In fact during trips to the mall at Christmas many children through that Malachi was Santa Claus.

Malachi, on news of his death, garnered much praise from family, friends, and community leaders. Consider what the following people said in tribute to this great man:

"If someone were to say, 'show me a man with character,' Malachi would be the person you would hold up." Henderson County Sheriff George Erwin, Jr. "The whole Republican Party and the Republican men's club are gong to miss him. Everytime we had a meeting and you would look over that crowd, one of the comforting things that you always saw was that face and that moustache." Henderson County Republican club President, Fielding Lucas. Lucas also praised Goforth for "always being ready to stand up and ask the pointed questions that needed asking." "He has been a pillar of this community for decades and he will just be sorely missed." Henderson County Commission Chairman Grady Hawkins. I know that my colleagues will join me in saluting and remembering a great man whose death will leave a void that will never be filled.

FREEDOM FOR IRANIAN JEWS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. GILMAN. Mr. Speaker, I wish to inform my colleagues of a resolution I am introducing today on behalf of the thirteen Iranian Jews now in custody on trumped up charges in Iran. In addition to the gentleman from California, Mr. SHERMAN, I am pleased that our distinguished Speaker, the gentleman from Illinois, Mr. HASTERT, is an original cosponsor of this measure, as well as the Ranking Minority Member on our House International Relations Committee, the gentleman from Connecticut, Mr. GEJDENSON.

Between January and March 1999, thirteen Jews were arrested in Iran and charged with spying for Israel and the United States. This is an outrageous charge that is without merit, having been denied by both our government and the State of Israel.

No evidence has been brought forth to substantiate these arrests, and no formal charges have been lodged after more than a year of consideration. Yet these thirteen individuals continue to face serious charges, and their trial was scheduled to begin on April 13th.

Secretary of State Albright has identified this case as "one of the barometers of U.S.-Iran relations", and countless nations have expressed their concern for these individuals, especially their human rights under the rule of law.

This resolution insists that Iran must show signs of respecting human rights as a prerequisite for improving its relationship with the United States; and therefore urges the Clinton Administration to condemn the arrest and continued prosecution of these thirteen people; demand that the fabricated charges be dropped and the men immediately released; and ensure that Iran's treatment of this case is a benchmark for determining the nature of current and future United States-Iran relations.

Accordingly, I urge our colleagues to support this resolution, whose text is printed below, since it sends a clear message to the government in Teheran that we will not countenance, nor will we remain silent, in the face of arrests of innocent individuals on trumped up charges.

H. CON. RES. 307

Whereas on the eve of the Jewish holiday of Passover in 1999, 13 Jews, including community and religious leaders in the cities of Shiraz and Isfahan, were arrested by the authorities of the Islamic Republic of Iran and accused of spying for the United States and Israel;

Whereas no evidence has been brought forth to substantiate these arrests, and no formal charges have been lodged after more than a year of consideration;

Whereas the Secretary of State has identified the case of the 13 Jews in Shiraz as "one of the barometers of U.S.-Iran relations";

Whereas countless nations have expressed their concern for these individuals and especially their human rights under the rule of law;

Whereas Iran must show signs of respecting human rights as a prerequisite for improving its relationship with the United States; and

Whereas President Khatami was elected on a platform of moderation and reform: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the Clinton Administration should—

(1) condemn, in the strongest possible terms, the arrest and continued prosecution of the 13 Iranian Jews;

(2) demand that these fabricated charges be dropped immediately and individuals released forthwith; and

(3) ensure that Iran's treatment of this case is a benchmark for determining the nature of current and future United States-Iran relations.

THE ARMENIAN GENOCIDE

SPEECH OF

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. FRELINGHUYSEN. Mr. Speaker, I am pleased to once again participate in the annual remembrance of the Armenian genocide. This year marks the 85th Anniversary of that terrible tragedy, which claimed the lives of over 1.5 million Armenians between 1915 and 1923.

The Armenian Genocide started in 1915, when the Turkish government rounded up and killed Armenian soldiers. Then, on April 24, 1915, the government turned its attention to slaughtering Armenian intellectuals. They were killed because of their ethnicity, the first group in the 20th Century killed not for what they did, but for who they were.

By the time the bloodshed of the genocide ended, the victims included the aged, women and children who had been forced from their homes and marched to relocation camps, beaten and brutalized along the way. In addition to the 1.5 million dead, over 500,000 Armenians were driven from their homeland.

It is important that we make the time, every year, to remember the victims of the Armenian genocide. We hope that, by remembering the bloodshed and atrocities committed against the Armenians, we can prevent this kind of tragedy from repeating itself. Unfortunately, history continues to prove us wrong.

So, Mr. Speaker, as we begin this new century, we must not forget the horrors of the past one. It is important to continue to talk about the Armenian genocide. We must keep alive the memory of those who lost their lives during the eight years of bloodshed in Armenia. We must educate other nations who have not recognized that the Armenian genocide occurred. Above all, we must remain vigilant.

Mr. Speaker, I commend Armenian-Americans—the survivors and their descendants—who continue to educate the world about the tragedy of the Armenian Genocide and make valuable contributions to our shared American culture. Because of their efforts, the world will not be allowed to forget the memory of the victims of the first 20th Century holocaust.

STATEMENT IN CELEBRATION OF THE LIFE OF REVEREND EARL NANCE, SR.

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. CLAY. Mr. Speaker, today I pay tribute to the Reverend Earl Nance, Sr. of St. Louis, who passed away on Tuesday, April 4, at the age of 89. While Reverend Nance was pastor of the Greater Mount Carmel Church for over 43 years until retiring in 1994, he will be most remembered for his active role in St. Louis politics and the civil rights movement of the 1960's.

Born in Alma, Arkansas, Reverend Nance attended both Lincoln University in Jefferson City, Missouri and Morehouse College in Atlanta, Georgia. During his studies at Morehouse, Reverend Nance befriended the late Reverend Dr. Martin Luther King, Jr., whom he would later invite to the city of St. Louis to speak at a civil rights rally of over 9,000 individuals in 1957. He would remain a close an active ally of Dr. King as the Civil Rights movement grew and progressed during the 1960's.

Politically, Reverend Nance played an active role in many organizations in the St. Louis community. While pastor of the Greater Mount Carmel Missionary Baptist Church, he served on the St. Louis School Board from 1966 to 1973. He would also serve as an advisor to four St. Louis mayors, including Raymond Tucker, A.J. Cervantes, Vincent C. Schoelmehl, Jr., and Freeman Bosley, Jr.

Reverend Nance will be remembered as both a friend and public servant of the highest integrity. The city of St. Louis, and all who are dedicated to the cause of racial harmony and equal opportunity, will long cherish the many contributions of this outstanding leader.

I would like to share the following articles about Reverend Nance's passing from the St. Louis Post-Dispatch on April 6, 2000.

[From the St. Louis Post-Dispatch Metro, Thurs., Apr. 6, 2000]

PASTOR AND POLITICAL ACTIVIST EARL NANCE SR. DIES AT 89

(By Paul Harris)

The Rev. Earl Nance Sr., a longtime Baptist pastor and a community and political activist in St. Louis, died Tuesday (April 4, 2000) at Compton Heights Hospital after a brief illness. He was 89 and lived in St. Louis.

The Rev. Mr. Nance was pastor for 43 years of Greater Mount Carmel Missionary Baptist Church. His son, the Rev. Earl Nance Jr., copastor of the church, took over when his father retired in 1994.

The Rev. Mr. Nance and his son had a relationship that was more than just father and son—they were the closest of friends.

''It was definitely a strong relationship . . . and it remained so,'' Nance said. ''I guess you could say we were like brothers, but you would always know who was the father. He was my role model, and he paved the way for me in the church and in the city.''

Their lives had many other parallels. Both have been teachers in St. Louis Public Schools, have served on the St. Louis School Board and have served on the board of the Mathews-Dickey Boys' Club.

The Rev. Mr. Nance was an adviser to St. Louis Mayors Freeman Bosley Jr., Vincent C. Schoemehl Jr., John H. Poelker, Alfonso J. Cervantes and Raymond R. Tucker.

He served as president of the Central City Food Store, and he was the first president of the Missouri Progressive Baptist State Convention and moderator of its St. Louis District Association.

Reared on a farm in Alma, Ark., the Rev. Mr. Nance came to St. Louis in the 1930s and worked as a baggage handler at the bus station while living at the YMCA. He later sold insurance and attended the old Brooks Bible College here and Gamon Theological Seminary in Atlanta. He also served in the Army in World War II.

He graduated from Lincoln University in Jefferson City and Morehouse College in Atlanta, where he was a classmate of the Rev. Dr. Martin Luther King Jr. In 1962, he was instrumental in bringing the civil rights leader to St. Louis.

Recently, he received the Pioneer Award from the Rev. Dr. Martin Luther King Jr. State Commemorative Committee for his commitment to civil rights in St. Louis.

Martin L. Mathews, president and chief executive officer of the Mathews-Dickey Boys and Girls Club, was a friend of the Rev. Mr. Nance for more than 40 years.

''He was always willing to go beyond the call of duty to help not only his congregation, but he would reach out and help others in the community,'' Mathews said. ''He was a stern man, but fair. . . . He stood by what he believed in and never wavered.''

The Rev. Mr. Nance was considered a mentor and counselor to many of the younger Baptist pastors in the city.

''He was there to help me shape my ministry,'' said the Rev. Willie J. Ellis Jr., pastor of New Northside Baptist Church. ''He was a man that spoke his mind. . . . He told it just like it was.''

The Rev. E.G. Shields, pastor of Mount Beulah M.B. Church, affectionately called the Rev. Mr. Nance ''Dad.''

''He had a love for younger pastors. He wanted us to make it,'' Shields said. ''He helped us to build our churches by first getting our financial statements together. I loved and respected him. He was truly a father figure to me.''

The Rev. Mr. Nance served as an associate pastor at Galilee Baptist Church and at Calvary Baptist Church before he became pastor of Greater Mount Carmel.

Visitation will be from 3 to 6 p.m. Saturday at Greater Mount Carmel M.B. Church, 1617 North Euclid Avenue. A funeral service will be at 6 p.m. Sunday at the church. Burial will be at St. Peter's Cemetery, 2101 Lucas and Hunt Road.

The Rev. Mr. Nance was married to the late Thelma Brown Nance, who also was a teacher in St. Louis Public Schools. She died in May. Survivors are two brothers, Clyde Nance and Ray Nance, both of Los Angeles; a sister, Sue Nance of Los Angeles; and a granddaughter.

A CIVIL RIGHTS PIONEER, MR. EARL NANCE SR.

With the passing of the Rev. Earl Nance Sr., the civil rights movement, the people of St. Louis and members of the Greater Mount Carmel Missionary Baptist Church have lost a friend.

As one of 18 children born to Betty and Willis Nance of Alma, Ark., Mr. Nance came from a humble background. Education was the tool Mr. Nance used to advance. He never forgot where he came from, and he always worked for better schools.

He began his formal education in Fort Smith, Ark., and attended Gamon Theological Seminary in Atlanta and Brooks Bible College in St. Louis. He was a graduate of Lincoln University in Jefferson City and of Morehouse College in Atlanta.

While at Morehouse, Mr. Nance was the somewhat older classmate, study partner and friend of the Rev. Martin Luther King Jr. Earl Nance became one of Mr. King's lieutenants in the civil rights movement and helped plan some of the movement's strategies.

He was influential in bringing the Rev. Dr. King to speak at a Freedom Rally here in 1957. More than 9,000 people attended the rally at Kiel Auditorium Convention Hall. The money raised helped the civil rights effort in the South.

And twice when Dr. King came to St. Louis he spoke at Washington Tabernacle Church, where the Rev. Mr. Nance's uncle, the late Rev. Dr. John E. Nance, was pastor. Before

becoming pastor of Greater Mount Carmel in 1951, the Rev. Mr. Nance was a public school teacher. He was a member of the St. Louis School Board from 1966 to 1973 and an adviser to four St. Louis mayors: Raymond Tucker, A.J. Cervantes, Vincent C. Schoemehl Jr. and Freeman Bosley Jr.

For all his contributions to the community and church, perhaps Mr. Nance's greatest legacy is his son, the Rev. Earl Nance Jr. The younger Mr. Nance and his father were regarded as a team, with the son following closely in his father's footsteps. Mr. Nance Jr. and his father were co-pastor's of Greater Mount Carmel from 1979 until the elder Nance's retirement in 1994.

Shortly after his father's death, Earl Nance Jr. recalled two of his favorite memories of his father: ''He had a good sense of humor. He always kept us laughing at home. And he never missed my baseball games. He always blocked out Saturdays so he could watch me play.''

COMMENDING THE STUDENTS AT MOUNTLAKE TERRACE HIGH SCHOOL

HON. JAY INSLEE
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 13, 2000

Mr. INSLEE. Mr. Speaker, at an event back home in Washington State, I had the opportunity to speak and listen to a group of students from Mountlake Terrace High School in my Congressional District. The group I spoke with represents some of the best and the brightest of our nation and their voices ought to be heard as we debate education reform. After I spoke to them many of the students e-mailed me with their thoughts and I rise today to share a few of the concerns that they have about the issues that we are debating in this chamber.

Justine, a student at Mountlake Terrace, stated the importance of good, high quality teachers. She wrote: "They are the ones who are teaching us how to take care of this beautiful place when people like you become too old to do so.'' We are on the verge of a teacher crisis in our country. Our children recognize the effects that teachers have on our future—I believe that it is time for us to recognize this as well.

I ask you to support a bill that I plan to introduce as an incentive for young people to enter into the teaching profession. Many of our young adults graduate from college strapped by enormous loans. My bill forgives the loans for those who teach in public schools for five years. This is a step in the right direction. It will help schools in all of our districts and we have the chance this year to make an impact.

Second, many students addressed what we call the digital divide. Angee, another student at Mountlake Terrace wrote to me: "I thought it would be cool to take classes off the Internet. That would be very beneficial to people in our school who may need a certain class to graduate that is not offered at our school.''

We can address this issue. I have written to my colleagues on the Appropriations Committee asking them to fund technology initiatives that make Advanced Placement courses widely available to students by teaching them via the Internet. This is a real opportunity for us to expand curricula and at the same time allow students to develop more sophisticated computer skills. I urge my colleagues to join me in finding ways to use technology to enhance and expand educational opportunities.

Third and finally, a student wrote to me: "I would like to know what you would do to keep drugs out of school and how you would keep guns out of the hands of people who might commit crimes or be a danger to themselves.'' This is a good question and unfortunately the answer is, "Not enough.''

Both Houses of Congress have passed Juvenile Justice legislation. To Members serving on the Conference committee—I ask that you go out into your communities and talk to students like the ones in my district and be sure that you can respond to their concerns about safety. Students realize that they have a responsibility to look out for each other and they know that they need to continue to do this. Parents also have a responsibility to be sure that they listen to their children and be the architects of a moral code of conduct for their family. As lawmakers we too share this responsibility to make our schools and communities safe. We cannot lecture parents, children, teachers and families about what they should be doing if we have not stepped up ourselves to address this issue where we can.

We stand now at a unique cross roads in American history. We enjoy a time of prosperous peace and economists predict that we will have a budget surplus in the federal budget. We are in a position to invest in the next generation of our nation. Unfortunately, our political system does not allow the students that I met with to vote. Imagine what would happen if they could. Think about what will happen in a few years when they can. They have asked me to help them and I challenge you—my colleagues—to join me and embrace the ideas represented by the next generation of Americans.

''THE ADVANCED TECHNOLOGY MOTOR VEHICLE FUEL ECONOMY ACT OF 2000''

HON. DALE E. KILDEE
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 13, 2000

Mr. KILDEE. Mr. Speaker, recent gasoline price spikes have renewed our awareness that continuing improvements in fuel economy are important to America. Because the goal of improved fuel economy should not be forgotten, I am introducing a bill entitled ''The Advanced Technology Motor Vehicle Fuel Economy Act of 2000.''

Back in 1975, after the disruptions of the Arab Oil Embargo of 1973, Congress worked to improve energy conservation efforts. One of the key elements was the Corporate Average Fuel Economy (CAFE) program, whereby automakers would meet increasing levels of fuel economy for their fleets of vehicles. This program was well intentioned. It was expected to help the U.S. reduce its import of petroleum—especially from the least stable producers around the world. National security would be improved. The balance of payments would be improved. Americans would save money at the pump. And automakers would be encouraged to bring new technologies to market faster.

However, expectations did not translate into reality. We have never seen $3 a gallon for gasoline, and price spikes have only occurred on a couple of temporary occasions. Oil supplies have not significantly tightened nor have imports declined. Furthermore, gasoline consumption has not changed significantly.

Despite suggestions to the contrary, the fleet average fuel economy for passenger cars has increased by over 100% and for light duty trucks by over 50% since 1974. Manufacturers have made cars lighter, smaller and more aerodynamic. They have improved the efficiency of engines, transmissions, and accessories. Some may assert that this shows the success of the CAFE program. However, these changes actually occurred largely as a result of the higher prices that did exist through the late 1970s and the intense competitiveness among manufacturers worldwide after world oil prices began to decline.

While I support the goals of improved fuel efficiency, I believe any increases in CAFE would be very disruptive of the current light truck market and are not necessary. Vehicle choice is too important to consumers, and unilateral disruptions would significantly hurt our vital American Auto Industry. Instead, I believe the proposals in ''The Advanced Technology Motor Vehicle Fuel Economy Act of 2000'' are a better way to achieve the results we want.

First, it focuses on the advanced technologies that the automakers are already aggressively pursuing by providing incentives to consumers who purchase vehicles that use hybrid powertrains, electric drive or fuel cells. These incentives will help to promote the work that is underway in the industry/government partnerships like the Partnership for a New Generation of Vehicles (PNGV). PNGV is a collaborative program to develop breakthrough technologies to improve fuel economy.

PNGV has been a huge success already. Just last month, DaimlerChrysler, Ford and GM each displayed concept cars that show how the technologies being developed (hybrid powertrains, lightweight materials, lower rolling resistance tires, great aerodynamics, and others) can be packaged to provide a five passenger, family sedan that can get 80 miles per gallon without sacrificing performance and most of the other important characteristics of today's comparable vehicles.

Second, the bill sets up a thorough study of current and future energy conversation measures related to motor vehicles and transportation. This study would provide for the National Academy of Sciences to review the current U.S. energy situation and make recommendations for future action. In addition, this title of the bill would require a study of lean burn technologies to make sure the U.S. is not embarking on a path that would preclude the use of promising fuel saving technologies.

The bill also extends CAFE credits available to manufacturers for producing flexible fuel vehicles: vehicles that can use either gasoline or an alternative fuel, such as ethanol or natural

gas. The existence of these credits over the past several years has helped address an ongoing problem: fuel providers do not want to commit to alternative fuel stations without knowing that vehicles would be available to use them. Automakers did not want to produce vehicles that use only alternative fuels without knowing that the fuels would be available. The production of flexible fuel vehicles bridges this gap.

Mr. Speaker, this bill will help us deal with the CAFE dilemma that we face. The freeze of the current standards should continue. But in the meantime, we can study where we are, where we have been, and think carefully about where we need to go. And we can provide consumers with the incentives to purchase the vehicles that are starting to show up in the marketplace with some of the advanced technologies resulting from partnerships and competition among the manufacturers. I urge my colleagues to support this bill.

CELEBRATING MONSIGNOR JAMES F. COX'S 75TH BIRTHDAY

HON. BENJAMIN A. GILMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 13, 2000

Mr. GILMAN. Mr. Speaker, the Right Reverend Monsignor James F. Cox will celebrate his 75th birthday on May 15, 2000. Monsignor Cox has been dedicated to service for most of his life, especially within the Catholic Church and the Archdiocese of New York. He was ordained to the priesthood in 1951, and since that time, Monsignor Cox has made a valiant effort to serve the people of New York, most of whom reside in my Congressional district.

The title of Monsignor is one of prominence within the Catholic Church, bestowed upon those of great virtue and generosity. Monsignor Cox has been an exemplary model for all to follow. Throughout his years in our Hudson Valley, Monsignor Cox has served on several advisory and community boards that have been of great importance to the citizens of my district. He was a former member of the Rockland County Mental Health Board, former Chairman of the Rockland County Human Rights Commission, a former member of the Rockland County Board of Governors, a former President of the Board of Directors of the Rockland Haitian Association, Chaplain of the Columbiettes Triune Council of the Knights of Columbus, and State Chaplain of the Catholic Daughters of the Americas.

Moreover, Monsignor Cox was the Pastor of St. Mary's Parish in Washingtonville, NY and was the Roman Catholic Vican for both Rockland and Orange Counties. Today, Monsignor Cox continues his work as a Pastoral Associate at St. Joseph's Parish in Westchester County.

For his valiant efforts in the community, Monsignor Cox has also received honorary doctorate degrees from N.Y. State's Dominican College and St. Thomas Aquinas College. I invite all of my colleagues to join me in paying tribute to Monsignor Cox and remembering him on May 15th, the day of his 75th birthday and in wishing him Happy Birthday for many more years to come.

THE ARMENIAN GENOCIDE

SPEECH OF
HON. LYNN C. WOOLSEY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 12, 2000

Ms. WOOLSEY. Mr. Speaker, today as I have each year since I came to Congress, I acknowledge the atrocities suffered by the Armenian people at the hands of the Ottoman Turks. This year marks the 85th anniversary of this atrocity.

It is important that we take this time to remember one of the greatest tragedies that humankind has ever witnessed. Mr. Speaker, little did anyone know that April 24, 1915, would forever signify the beginning of a Turkish campaign to eliminate the Armenian people from the face of the Earth.

Over the following 8 years, 1.5 million Armenians perished, more than 200 Armenian religious, political, and intellectual leaders were massacred, and more than 500,000 were exiled from their homes. Armenian civilization, one of the oldest civilizations, virtually ceased to exist.

Sadly, this chapter of global history is not as well known or remembered an event of the 20th century as it deserves to be. Little attention was paid to this tragic episode by the victorious allied powers at the end of World War I, or by historians since. And unfortunately, as time wears on, so much of it has faded into memory, and people begin to forget what occurred during that horrific time.

However, even worse, as time passes on, and people are distanced from the atrocities, naysayers and revisionists have the opportunity to change this generation's understanding of Armenian genocide.

Even more outrageous though, due to the failure of some nations to acknowledge this horrible tragedy, 85 years later the Turkish crimes have gone unpunished.

An international court has yet to condemn the holocaust of an entire nation, and this impunity has permitted the Turks to repeat similar crimes against the Greek inhabitants of Asia minor; the Syrian Orthodox people and recently, people living in Cyprus.

Fortunately, despite this unspeakable tragedy committed 85 years ago, Armenians today remain a compassionate, proud, and dignified people. Despite the unmerciful efforts of the Turks, Armenian civilization lives on and thrives today.

Thankfully, this spirit lives on in the independent Republic of Armenia. And, it lives on in communities throughout America, especially in my home State of California. In fact, every proud Armenian that walks the world over is the product of generations of perseverance, courage, and hope.

I am proud that today my colleagues and I engage in this special order to honor the innocent Armenians who tragically lost their lives. Today we call attention to and acknowledge that the Ottoman Turks committed genocide against the Armenian people.

And today, we demand that this undeniable fact be accounted for by the current leaders in Istanbul. Unfortunately, the valuable lessons which might have been learned from this Armenian genocide have gone largely unlearned and unnoticed.

Perhaps if more attention had been paid to the slaughter of the innocent Armenian men, women, and children—perhaps if needed lessons in humanity had been learned earlier—our world could have avoided other tragic events and unspeakable events of this past century.

But since we can't change the past but only prepare for the future, it is only proper and fitting that the international bastion of democracy, the U.S. House of Representatives, is a voice in this campaign to recognize and acknowledge the Armenian genocide.

As George Santayana reminds us, "Those who forget the past are condemned to repeat it." Perhaps this, above all, is the valuable lesson each of us must learn from the Armenian genocide.

However, until that day comes, know that I will continue to remind our Nation, and this distinguished body, of our responsibility to learn from the past. And, our responsibility to speak out in order to prevent any such atrocity in the future.

HONORING JACKIE BALFOUR FOR TWENTY-TWO YEARS OF DEDICATED SERVICE

HON. JOHN A. BOEHNER
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 13, 2000

Mr. BOEHNER. Mr. Speaker, "Service is the price you pay for the space you occupy on this Earth." This is the noble principle that has served to guide Jackie Balfour through her 22 years of dedicated service to her community in Celina and Mercer County, Ohio. For those past 22 years, Jackie went from volunteering with the Celina Chamber of Commerce in 1969 to recent years as the Chamber President. Noteworthy chamber events under Jackie's leadership include the establishing of the Convention and Visitor's Bureau in Auglaize County (OH), innovations as the Small Business Development Center and Industrial Awareness Days, the growth of the St. Mary's Lake Festival, and the creation of the Auglaize and Mercer County Industrial Association.

In 1967, Jackie earned her radio broadcasting license from the Federal Communication Commission and broke ground in the field as a woman broadcaster. She was one of the first women to earn this license. Jackie and her husband Keith owned Radio Station WKKI for a number of years during this time. She was one of only 35 individuals in eight states selected to participate in the Neil Armstrong Homecoming after his historic flight to the moon. In addition, Jackie has interviewed numerous elected officials and celebrities, including Joan Crawford, President Richard Nixon, Ohio Governor Jim Rhodes, Ed McMahon, Bob Hope and Nick Clooney.

But her participation and leadership did not end there. For 11 years Jackie worked on the Congressional Award program for young people and with the D.A.R.E. Boosters program. She had also previously served on the Board of Directors for the Chamber of Commerce

Executives of Ohio, and served with the Community Improvement Association, the Celina Retail Merchants, and the Celina Business and Professional Association. She was a charter member of the Grand Lake Toastmasters, an organization dedicated to the improvement of oral communication and leadership skills. She is also an active member of her church, Grace Missionary Church in Celina, In 1997, the St. Mary's Business and Professional Women's Organization chose Jackie as their Woman of the Year.

Jackie Balfour is a true leader whose hard work and dedication should serve as an example for us all. Every American should aspire to this kind of enthusiastic commitment to service. I am proud to know and represent a person like Jackie Balfour in Congress. She is a truly gracious individual who strives to promote the ideals that will ensure our country remains a great place to live with hope and opportunity for all.

CONGRATULATING THE UNIVERSITY OF ILLINOIS AND THE CENTURY COUNCIL FOR THEIR WORK ON ALCOHOL 101

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. EWING. Mr. Speaker, today I congratulate the Century Council for their dedication to the fight against drunk driving and underage drinking. The Century Council, in conjunction with the University of Illinois at Champaign-Urbana, created Alcohol 101, an interactive CD–ROM program, which debuted on more than 1,000 college campuses during the 1998–1999 school year.

This virtual reality program is geared towards college age students and hopes to prevent and reduce the harm caused by abusive drinking habits. Students at the University of Illinois at Champaign-Urbana, under the guidance of Professor Janet Reis, assisted in the development of this program by participating in focus groups and extensive surveys.

Thanks to the input of these students, thousands of college students across the country will be able to witness the negative consequences of abusive drinking. As a result, the students will be better prepared when confronting these situations in their daily lives.

Alcohol 101 has received high recognition from many health, education, and communications competitions. Most recently, the program received the prestigious FREDDIE award in the area of Health and Medical Film Competition.

Mr. Speaker, this program is a great asset to universities across the country and I offer my sincerest congratulations to the Century Council and the University of Illinois.

HONORING THE JUMP START 2000 STUDENTS FROM MILLS GODWIN HIGH SCHOOL IN RICHMOND, VA

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. BLILEY. Mr. Speaker, today I commend a team of students from Mills Godwin High School in Richmond, VA on their outstanding top-place finish in JumpStart 2000. Students Yvonne Mowery, Amanda England, Ford Sleeman and Jason Selleck, coached by Ellen Mayo, took top honors in the 9–12 grade age group while competing against 2,024 other entries from 532 different schools nationwide.

JumpStart 2000 is a national science and technology challenge for students in grades K–12. They are tasked with identifying a problem of national or global importance in the 21st century and must propose an innovative solution that uses science and technology. The students work in teams of four under the supervision of an adult coach. The competition is sponsored by Parade and React magazines, and the National Science Board, the governing board of the National Science Foundation.

The Mills Godwin High School team impressed the judges with their entry titled ''Saving the World a Drop at a Time.'' They identified the need for worldwide access to a clean and safe water supply as one of the greatest challenges facing the world in the next century, especially in developing nations prone to a high mortality rate due in part to water-borne diseases found in contaminated water. The students' solution was an inexpensive, low-maintenance water purification system that uses natural materials and UV radiation to filter and disinfect water, thereby preventing the spread of water-borne disease.

I congratulate Yvonne, Amanda, Ford and Jason on their exceptional achievement, and I thank their coach Ellen Mayo for her dedication to working with these talented young adults.

THE CHICAGO AREA ENTREPRENEURSHIP HALL OF FAME

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. PORTER. Mr. Speaker, today I call your attention to the Chicago Area Entrepreneurship Hall of Fame sponsored by the University of Illinois at Chicago. Entrepreneurs inducted into the Hall of Fame are selected because they have steered their companies through significant challenges, and their businesses have emerged strong and vital.

Nominees are interviewed by members of the sponsoring organizations drawn from industry and voted upon by a judges panel. The Chicago Area Entrepreneurship Hall of Fame is the oldest recognition program of this kind in the Chicago area.

Winners selected for the 2000 Hall of Fame from Illinois' 10th Congressional District are: Jacob Kiferbaum, of Kiferbaum Construction Corporation, Deerfield, Illinois; Lake Forest resident Elizabeth Van Ella, of James E. Van Ella & Associates, Chicago; and Marshall Marcovitz, founder and former owner of Chef's Catalog, Northbrook, Illinois. Each of these businesses experienced substantial revenue growth under the guidance of these outstanding leaders in the business community.

By honoring the hard work and perseverance of these creative forces we are projecting their accomplishments as examples that others can follow. Mr. Speaker, I ask my colleagues to join me in congratulating these Hall of Fame members on this achievement.

KINDERTRANSPORT—60TH ANNIVERSARY OF BRITISH HOSPITALITY FOR CHILD VICTIMS OF NAZI GERMANY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. LANTOS. Mr. Speaker, on December 2, 1938, two hundred children from a Jewish orphanage in Berlin arrived in Harwich, Britain. Over the next two years—between 1938 and 1940—some nine to ten thousand children arrived in Britain from Nazi Germany. These missions of mercy, which were supported by the United Kingdom, were called Kindertransport (Children's Transport). The program rescued refugee children from Germany, Austria, Czechoslovakia, and Poland. Three-quarters of that number, some 7,500, were Jewish, and the other approximately 2,500 were of other ethnic and religious backgrounds.

Mr. Speaker, this year marks the 60th anniversary of the end of the mission of mercy of the Kindertransport. I think it is appropriate that we mark that anniversary and pay tribute to the Government of the United Kingdom for their involvement with this effort in saving the lives of these ten thousand children.

The British government eased its immigration restrictions for certain categories of Jewish refugees after the Nazis staged their violent pogrom against Jews throughout Germany and Austria on November 9, 1938, called Kristallnacht (''Night of Broken Glass''). The Movement for the Care of Children in Germany coordinated the effort to assist refugee children. This organization, in cooperation with the British Committee for the Jews of Germany, worked to persuade the British Government to permit an unspecified number of children under the age of 17 to enter the country from Germany and territories that were incorporated in Germany.

Once the children arrived in Britain, private citizens and charitable groups, including Jewish organizations as well as Quakers and many other Christian denominations, guaranteed payment for each child's care, education, and eventual emigration out of Britain. In return for this guarantee, the British government agreed to permit unaccompanied refugee children to enter the country with simple travel visas. Parents and guardians could not accompany their children, and as a result, infants included in the program were tended by

older children. Children with friends or relatives in Britain were generally favored, but other children were accepted if they were homeless or orphans, or if their parents were in concentration camps or otherwise no longer able to support them.

About half of the children lived with sponsors in London. Other children who did not have sponsors were taken to a summer camp in Dovercourt Bay and other facilities until individual families agreed to care for them or until hostels could be organized to care for larger groups of the children. These homes and hostels were located throughout Britain. After the war, many children from the Kindertransport program emigrated to Israel, the United States, Canada, and Australia, or became citizens of Great Britain. Most of these children never saw their parents again.

Mr. Speaker, as we mark sixty years since the conclusion of the Kindertransport program, I want to pay tribute to the British Government and the British people for providing sanctuary for these refugee children. If they had remained in Nazi Germany, it is clear that most if not all of them would have suffered tragic deaths.

Mr. Speaker, I would like to express thanks to Margret Hofmann of Texas for bringing to my attention this heroic effort. She has striven to teach others, through stories like this one, about the humble heroes of the Holocaust. I would also like to thank Richard M. Graves of the United States Holocaust Memorial Museum for providing me with information about the Kindertransport.

INTRODUCTION OF THE GREAT APE CONSERVATION ACT OF 2000

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. MILLER of California. Mr. Speaker, according to Jane Goodall, one of the world's leading primatologists and renowned authority on chimpanzees, all four species of great ape in Africa are in desperate trouble. If action is not taken now, it is likely there will be no viable populations of gorillas, orangutans, bonobos and chimpanzees living in the wild within 20 years. Such an ecological tragedy cannot be allowed to pass unnoticed.

The threats to the apes stem largely from increased commercial logging that facilitates both habitat loss and a growing and largely unregulated commercial bush meat trade. Bush meat, the term used to describe wildlife used for meat consumption, includes elephants, gorillas, chimpanzees, forest antelope and a variety of other species. Once only used as a subsistence food source, the commercial bush meat trade has skyrocketed in recent years with devastating impacts on wildlife populations, many of which are threatened and endangered. Not only is this commercial trade being used to supply urban populations in Africa, international trade is also growing.

We are only now beginning to understand and appreciate the complex role of great apes in maintaining the ecological health and biodiversity of tropical and subtropical forest habitats. Recent research indicates that these primates are particularly important for seed dispersal and habitat modification. Biologists fear that the loss of all great apes could irrevocably alter forest structure and the composition of species which could exacerbate other environmental threats caused by deforestation and agriculture.

Additionally, recent information strongly suggests that the consumption of primate bushmeat in the Congo Basin has the potential to become a devastating human health crisis. According to world expert and bushmeat Crisis Task Force member, Dr. Beatrice Hahn, research reasonably indicates that humans might acquire the immuno-deficiency syndrome (HIV) through the ingestion of primate tissue. Research also suggests that other viruses, including the Ebola virus, may be possibly linked to non-human primates and could be transmitted to humans through bush meat consumption.

A broad range of actions will be needed if there is any hope to protect and hopefully recover great ape populations in Africa. Logging companies must halt the flow of bushmeat from their operations. Long term support for protected areas, national parks, and buffer zones must be secured to protect habitat and wildlife. Law enforcement capacity to enable countries to enforce wildlife protection laws must be developed. Finally, efforts must be undertaken to help rural populations develop alternative sources of protein that will reduce the demand for bushmeat.

Today, I am introducing the Great Ape Conservation Act to address the imperiled status of Africa's large primates. Modeled after the highly successful African and Asian Elephant and Rhino Conservation Acts, the Great Ape Conservation Act would authorize the Secretary of the Interior to assist in the conservation and protection of great apes by providing grants to local wildlife management authorities and other organizations and individuals involved in the conservation, management, protection and restoration of great ape populations and their habitats. These projects tend to be implemented locally, working with affected communities, in order to be most effective.

The challenges facing the conservation of great apes are immense. Unfortunately, the resources so far available from the United Nations to cope with these threats have not been commensurate to the task. This bill would establish a Great Ape Conservation Fund as a separate account in the existing multinational Species Conservation Fund in the U.S. Treasury to address this deficiency. Over five years, the bill would authorize $5 million per year to support conservation grant activities. Scientific research and monitoring of ape populations and habitats, assistance in the development and implementation of habitat management plans, protection and acquisition of threatened habitats, enforcement of domestic laws relating to resource management, and other conservation measures would be included in the menu of eligible grant activities. Importantly, grants under this new program could also be used to support enforcement and implementation of trade prohibitions and restrictions established under the Convention on International Trade in Endangered Species, or CITES. These grants would allow wildlife management authorities in the Congo Basin the flexibility they need to work cooperatively with affected local human populations. And only by incorporating the participation of local residents will we be able to address the many social and economic factors preventing the long-term conservation and protection of great apes.

International efforts to prevent the extinction of gorillas, orangutans, bonobos and chimpanzees will require the leadership of the United States. It will also require the United States to work collaboratively with those countries in Africa that have within their boundaries any part of the range of great apes. The task ahead is daunting. But the ecological consequences of not acting are far more tragic if it means that great apes will cease to exist in the wild. The Great Ape Conservation Act would be one significant step to avoid the permanent loss of great apes in Africa, and I urge all members to support this important legislation.

TRIBUTE TO EDGAR A. SCRIBNER

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. LEVIN. Mr. Speaker, today I reflect on the career of Mr. Edgar A. Scribner, as he retires from the Presidency of the Metropolitan Detroit AFL–CIO and is honored this evening in Detroit, Michigan.

For over 40 years, Ed has worked to improve the lives of working people and the Metro-Detroit community at large. After earning a B.S. from Wayne State University and attending the Institute of Labor and Industrial Relations, Ed planted his roots firmly in Detroit—the heartland of the organized labor movement. His labor activism began at Teamster Local Union #372, carried him to the Michigan Teamsters Joint Council #43 and finally, almost 12 years ago, to the Metro-Detroit AFL–CIO.

Ed embodies the ideals, values and basic tenets of organized labor and community service. He has worked on behalf of those principles for most of his life, doing so with intelligence, diligence and depth. He was effective—displaying strength and charm simultaneously.

He has indeed touched many, many lives. From inspiring young people in the classrooms at Wayne State and the University of Michigan or the Detroit Area Boy Scouts Council, to working on health care issues while serving on the Greater Detroit Area Health Council Board or as the Chairman of the Blue Care Network Board of Directors, the breadth and success of Ed's service to the community are indeed impressive. There is no doubt that his example inspires future labor and community activists to follow his lead.

Mr. Speaker, I ask my colleagues to join my salute of an exceptional leader: Edgar A. Scribner. His work on behalf of working people, the people of Metro-Detroit and our community at-large will resonate for many years to come. I wish him good health and happiness upon his retirement.

IN HONOR OF THE EDMONDS POLICE DEPARTMENT

HON. JAY INSLEE
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 13, 2000

Mr. INSLEE. Mr. Speaker, today I pay tribute to the Edmonds Police Department in my congressional district in Washington State. This police agency is the first in Snohomish County to achieve national accreditation. Such an accreditation proves what many already know: the Edmonds Police Department is a skilled, efficient, and advanced law enforcement agency.

Mr. Speaker, police officers are on the front lines every day, ensuring that our communities are safe. Police officers leave the comfort and security of their homes to fulfill their duty to serve and protect. Police officers grant communities an important service, to secure the lawfulness and safety that the public deserves. The Edmonds Police Department, in particular, has proven its commitment to the community by becoming nationally accredited.

This national accreditation means that the public will have better communication with the police department including an annual internal affairs report, better performance and response times.

Mr. Speaker, I am honored to take this opportunity to recognize the outstanding Edmonds Police Department, not only for its numerous accomplishments such as this one, but also for the great service it provides the citizens of Edmonds.

APPLAUDING THE NALC FOOD DRIVE EFFORTS

HON. ADAM SMITH
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 13, 2000

Mr. SMITH of Washington. Mr. Speaker, I would like to take this opportunity to recognize and commend the National Association of Letter Carriers [NALC] for holding the Nation's largest one-day food drive. In past years the NALC, through the personal contributions and service of its members, has collected more than 58 million pounds of food along various postal routes throughout the Nation. The NALC will be helping to feed American families and children again this year during their eighth annual food drive to feed hungry families and children across the country.

During this unprecedented time of economic expansion, Americans have benefitted from low unemployment, rising wages, and low inflation. However, some Americans continue to suffer from hunger. According to the Journal of Public Health, an estimated 10 million Americans suffer from the symptoms of hunger—4 million of which are children whose growth and development is threatened by malnutrition. These hard working families fail to make ends meet for reasons ranging from institutionalized poverty to a lack of educational resources and inadequate health insurance. As a result, some families are left with barely enough resources to subsist on.

In a nation of abundance, hardworking families should not have to experience the effects of hunger. Our postal carriers provide a valuable and much appreciated service through their hard work and contribution to the greater community. I commend the NALC for helping to feed the Nation's hungry and I encourage Members to help support the NALC in their efforts to feed America during their food drive on Saturday, May 13.

PERSONAL EXPLANATION

HON. ELIJAH E. CUMMINGS
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 13, 2000

Mr. CUMMINGS. Mr. Speaker, yesterday, April 12, I was unavoidably detained on official business and not present for rollcall vote Nos. 119–122.

Had I been present, I would have voted as follows: "nay" on rollcall vote No. 119; "aye" on rollcall vote No. 120; "aye" on rollcall vote No. 121; and "aye" on rollcall vote No. 122.

EARTH DAY 2000

HON. SHERWOOD L. BOEHLERT
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 13, 2000

Mr. BOEHLERT. Mr. Speaker, this morning a number of my Republican colleagues and I held a national press conference in advance of Earth Day to release a list we call the "TR 10." The TR 10 is a package of moderate Republican initiatives named after our hero, Theodore Roosevelt. The bills included are Republican initiatives that have bipartisan support that ought to be enacted this year, and that could be enacted this year. This is our second annual TR 10 list, the last one was released with the late Senator John Chafee of Rhode Island, another hero of ours.

As with last Earth Day, the release of this list is designed to make several points beyond bringing additional attention to good legislation. First, the environment always has been, and remains, a bipartisan issue, a bipartisan quest—an issue on which Republicans are offering creative and essential leadership. Second, there are plenty of good initiatives out there, there is plenty of progress we can make right now, even in a narrowly divided Congress.

There's a cliche around this town that nothing gets done during an election year, especially nothing related to the environment. But unlike most cliches, this one has no basis in fact. In 1996, an election year, the 104th Congress—not one known for its green cast—passed the Food Quality Protection Act, the Safe Drinking Water Act and a massive parks bill, to name just a few landmarks. Similarly, this year, we could pass CARA and numerous other significant bills. Elections are more often a spur to action than a barrier to it.

So the approach of Earth Day in this election year should fill us with hope and optimism because we are well positioned to make real progress.

THE TR 10: A REPUBLICAN AGENDA FOR THE 106TH CONGRESS

(1) The Conservation and Reinvestment Act (CARA, H.R. 701)

We support the passage of CARA, preferably with the amendment being drafted by Rep. Sherwood Boehlert (R–N.Y.). The bill would provide permanent, off-budget funding of the LWCF, which provides financing to protect open spaces at the federal and state level. Republicans, led by Chairman Don Young (R–Alaska), are pushing for this landmark change in federal lands policy, which would spend almost $3 billion on conservation programs. The Boehlert amendment would make the distribution of funding more equitable and would ensure that the bill accomplishes its environmental purposes.

(2) Water Resources and Development Act (WRDA)/Everglades Restoration

We support the authorization of environmentally friendly flood control and water projects, particularly work to restore the Everglades. Such projects are expected to be included in the WRDA bill, which will be drafted by the House Subcommittee on Water Resources and Environment, chaired by Congressman Boehlert. Boehlert is also heading up an effort to increase funding for water infrastructure by beefing up the state revolving funds under the Clean Water Act.

(3) Environmentally Sound Electric Deregulation

We support efforts to ensure that electric deregulation benefits the environment. Done properly, electric deregulation can improve the environment while lowering utility rates. But deregulation must include provisions to limit emissions from coal plants and to encourage the use of renewable sources of energy. Congressmen Rick Lazio (R–N.Y.), Jim Greenwood (R–Pa.) and Sherry Boehlert are leading the effort to ensure that such provisions are included in any legislation to reduce limits on sulfur dioxide and nitrogen oxides to prevent acid rain. Boehlert is also pressing to control all four utility pollutants.

(4) Credit for Voluntary Action (H.R. 2520)

We support Congressman Rick Lazio's bill to create credits for companies that are reducing emissions of greenhouse gases. Credits would encourage voluntary reductions in greenhouse gas emissions and could be used as part of any future regulatory regime.

(5) Beaches Environmental Assessment, Clean Up and Health Act (H.R. 999)

We support legislation to ensure that our coastal waters do not pose a health threat to bathers, boaters and surfers. This bill, introduced by Rep. Brian Bilbray (R–CA) and approved by the House, would require states to update their water quality standards to protect human health in coastal recreation waters. The bill would provide grants to states to implement the program.

(6) The Estuary Habitat Restoration Partnership Act (H.R. 1775)

We support legislation introduced by Rep. Wayne Gilchrest (R–Md.) that would restore and protect our nation's estuaries, which harbor ecosystems that are vital to environmental health and the fishing industry.

(7) The Long Island Sound Restoration Act (H.R. 3313)

We support legislation, introduced by Reps. Nancy Johnson (R–Conn.) and Rick Lazio, which would authorize additional funds to clean up the pollution in the Long Island Sound, a critical estuary and one of the nation's most populous coastal areas.

The bill addresses the non-point source pollution that may be causing the dramatic decreases in lobster and other shellfish populations in the Sound.

(8) Promoting cleaner, more efficient transportation

We support efforts to promote fuel efficiency and to reduce auto emissions. Congressmen Boehlert and Jim Greenwood are circulating a letter, urging the President to work with the congress to tighten Corporate Average Fuel Economy (CAFE) standards for Sport Utility Vehicles (SUVs). In addition, Congressman Brian Bilbray has a bill (H.R. 1976) requiring labeling on automobiles so that consumers know the emission levels of the cars they are purchasing.

(9) Promoting alternative-fueled vehicles

We support efforts to promote alternative-fueled vehicles. As part of AIR–21, the President signed into a law a measure introduced by Congressman Boehlert that will provide grants for airports in non-attainment areas to purchase clean vehicles, such as natural gas and hybrid-electric buses. This builds on alternative fuel vehicle programs that were included in ''TEA–21.'' Boehlert also worked with the U.S. Postal Service, Ford Motor Co. and Baker Electromotive to engineer the largest purchase of electric vehicles in history—up to 6,000 vehicles. Additional bills are being drafted to help more municipalities purchase clean vehicles.

(10) Superfund Reform/Brownfields Redevelopment

We support broad Superfund reform that will eliminate needless litigation that has delayed the clean-up of Superfund sites and prevented the redevelopment of brownfields. Superfund must have a rational liability system that exempts small businesses that contributed little to Superfund sites and must facilitate the redevelopment of brownfields, which are a blight in so many of our cities. One moderate approach to this bill is embodied in Congressman Boehlert's H.R. 1300, the Recycle America's Land Act, which has support from a wide range of groups including the National Association of Manufacturers and the U.S. Conference of Mayors, and the National Federation of Independent Business.

HONORING ANDREW BRENNAN FROM THE FIRST CONGRESSIONAL DISTRICT OF INDIANA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. VISCLOSKY. Mr. Speaker, it gives me great pleasure to pay tribute to an outstanding citizen of Indiana's First Congressional District, Mr. Andrew Brennan. On Saturday, April 15, 2000, Mr. Brennan will be honored for his exemplary and dedicated service to our community. His praiseworthy efforts will be recognized at the Trade Winds Gala 2000 banquet at the Radisson Hotel at Star Plaza in Merrillville, Indiana.

A longtime resident of Northwest Indiana, Andrew Brennan has been an active member of the TradeWinds Board of Directors for more than 13 years. TradeWinds Rehabilitation Center, Inc. is a private, not-for-profit entity that provides services to children and adults with disabilities and functional limitations to enhance independence, productivity and community participation. In April of last year, the TradeWinds Executive Board asked Mr. Brennan to serve as its full-time Interm Executive Director while they searched for a permanent director. Mr. Brennan graciously accepted the position.

Prior to volunteering his time at TradeWinds as the Interim Executive Director, Mr. Brennan owned and operated Viking Engineering Company with two plants in Northwest Indiana and one in Chicago, Illinois. In July of 1998 he sold two of the plants, but continued to work for the new owner. Mr. Brennan's expertise in manufacturing and production as well as his exceptional management and aggressive motivational style has proven successful within the TradeWinds organization. During the past year, he has done a marvelous job in mending strained relationships, opening lines of communication, and organizing and running an efficient organization. To date, Mr. Brennan has dedicated over 1,000 volunteer hours and has provided continuity, leadership, diplomacy and encouragement to staff, clients and the community.

While Mr. Brennan has dedicated considerable time and energy to this work, he has always made an extra effort to give to the community. Throughout the years, Brennan has served in many different leadership positions and has been very involved in several organizations including: Hoosier Boys Town, St. Margaret Merch Hospital, Hammond Chamber of Commerce, the Northern Indiana Arts Association and the Boy Scouts.

Though Mr. Brennan is dedicated to his career and community, he has never limited his time and love for his family. He and his wife Sarah, have three children: Sally, Susan and Jeffrey, of whom they are immensely proud.

Mr. Speaker, I ask that you and my distinguished colleagues join me in congratulating Mr. Andrew Brennan for his outstanding devotion to Northwest Indiana. His dedicated service is commendable and admirable. Indiana's First Congressional District is proud to count such a committed and conscientious citizen, Andrew Brennan, among its residents.

IN HONOR OF THE ROBINSON SECONDARY SCHOOL'S DECA CHAPTER AND THEIR EFFORTS TO RAISE PUBLIC AWARENESS ABOUT THE BENEFITS OF AUTOMATED EXTERNAL DEFIBRILLATORS (AED)

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. DAVIS of Virginia. Mr. Speaker, it gives me great pleasure to rise and pay tribute to the members of the Distributive Education Clubs of America (DECA) Chapter at Robinson Secondary School in Fairfax, Virginia. The three hundred forty-one members of the Robinson DECA chapter have launched a dual campaign to not only educate the public about the benefits of Automatic External Defibrillators (AED), but to also increase support in Congress for the lifesaving bill H.R. 2498, the Cardiac Arrest Survival Act.

Robinson's DECA Chapter recognized that a group of potential sudden cardiac arrest victims have been ignored by the public: teenagers. These energetic members sought to rectify this situation by initiating a public relations campaign to raise general awareness about the benefits of AED's and to outfit high schools with these valuable devices. In a school as large as Robinson Secondary School, with 5,000 teachers, students, administrators, and community members, the need for an AED is particularly evident. In order to acquire the first student-purchased AED in the country, Robinson DECA held the Heart Start Shopping Night and raised the needed $3,500.

In working with the American Heart Association and a professional adult advisor committee, Robinson DECA realized that not every state currently has legislation to provide Good Samaritan protection for operators of the AED. This motivated DECA to work in support of the passage of H.R. 2495, the Cardiac Survival Act. This important piece of legislation, of which I am proud to be a co-sponsor of, would remove some of the barriers concerning the placement of AED's in public places by extending the Good Samaritan protection to AED users. Their lobbying efforts included developing a slogan and logo, researching H.R. 2495 in order to write a research paper, personally lobbying all 435 House of Representative members and staff, staging a rally on the steps of the United States Capitol, holding a press conference, and designating and operating an internet home page.

As all members of Congress surely know by now, once Robinson DECA rallies in support of a cause, they will not rest until the job is done. This was evident with their successful work towards the signing of the Ricky Ray Hemophilia Relief Fund Act and in their efforts to promote organ and tissue donation among our young people in America. Their current campaign for H.R. 2495 is traveling down that same road to success. Their dedicated, hard work has led to a substantial increase in cosponsors and wide-spread support for the bill in the House of Representatives. Furthermore, their public educational campaign has enlightened the public about AED's and implementing them to save someone in cardiac arrest.

Mr. Speaker, everyday 1,000 Americans suffer from sudden cardiac arrest, usually outside of a hospital setting. Unfortunately, more than 95 percent of the victims die because life-saving equipment is not readily available or arrives too late. Therefore, the work of Robinson's DECA chapter is vitally needed, and I applauded their enthusiasm and dedication in helping others understand the great need for AED's.

IN HONOR OF THE HOBOKEN LITTLE LEAGUE ON ITS 50TH ANNIVERSARY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. MENENDEZ. Mr. Speaker, today I recognize the Hoboken Little League for the 50

years it has provided young people with access to one of America's greatest athletic traditions. Baseball teaches responsibility, teamwork, sportsmanship, and nurtures self-esteem.

Fifty years ago, on April 15, 1950, the Little League began its commitment to the young people of Hoboken with four teams. This commitment has grown to 12 teams, with 144 boys and girls between the ages of 9 and 12 currently participating in what has become one of the finest youth organizations in the country.

Of historical importance: In 1972, Maria Pepe, the first female to play Little League Baseball, joined the Hoboken Little League. Maria became the force behind the Supreme Court's 1974 ruling that gave women the right to participate in any and all sports.

This great youth organization would not have been possible without the dedication and hard work of those who understand the positive impact sports have on the lives of our young people. I would like to thank everyone who has contributed to the growth and continuation of the Hoboken Little League, especially the following dedicated individuals: Tim Calligy, James Farina, Charles Casalinos, Anthony Cardino, Dominick Miele, and Mike Turner.

I ask my colleagues to join me in congratulating the Hoboken Little League on its 50th anniversary.

COMPUTER DEPRECIATION REFORM ACT

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. WELLER. Mr. Speaker, today, I join my colleagues, TOM DAVIS of Virginia, BILLY TAUZIN of Louisiana and JENNIFER DUNN of Washington, in introducing the Computer Depreciation Reform Act of 2000 to allow businesses to expense their computer equipment. Currently, businesses must depreciate their computer equipment over a 5-year period. I believe that this 5-year depreciation lifetime for tax purposes is clearly outdated. Many companies today must update their computers as quickly as every 14 months in order to stay current technologically.

I believe it is time to update an outdated Tax Code to reflect the realities of today's technology-based workplace. A 5-year depreciation schedule for business computers is no longer realistic.

The Computer Depreciation Reform Act allows every company, from the neighborhood real estate office, to the local hospital, to the local bank to fully depreciate, or expense, their computer equipment during the tax year in which the equipment is purchased. As a result, these companies will no longer be forced to keep their equipment "on the books" for tax purposes long after its useful life has become obsolete.

Mr. Speaker, I look forward to working with my colleagues on both sides of the aisle, the leadership, and Chairman ARCHER to update the Tax Code to reflect the realities of today's technological workplace.

IN HONOR OF ROBERT J. GILLIHAN

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Ms. MCCARTHY of Missouri. Mr. Speaker, today I honor Robert J. Gillihan, president of Teamsters Joint Council No. 56. Bob Gillihan is a valued member of the Missouri-Kansas community and a leading force in the fight for workers' rights.

Since an early age Bob Gillihan has demonstrated his untiring service to his country, his community, and his union. Joining the Marines in 1949, Bob honorably served our nation in Korea. While in the service, Bob displayed not just the courage of his convictions, but the persistence and determination necessary to lead. His personal and professional aspirations found ample expression in boxing's "sweet science." Between the ropes, Bob distinguished himself and his service, becoming All Service Middleweight Champion.

Following his career in the military, Bob returned to the Kansas City area and started working in the construction industry. Joining Teamsters Local 541, Bob began work on the Kansas Turnpike. His outstanding work ethic and determined nature earned Bob the respect of another dedicated union man, vice president of the Local, Red Ruark, who guided Bob into the concrete industry, and in 1968 seized upon his leadership and elevated him into the Local 541 office. Based on Red's endorsement and his own outstanding work, President Curly Rogers hired Bob as a Business Agent.

In his new role in the Union Leadership, Bob became intimately involved in negotiations to improve the working conditions for his fellow men and women of the Local. Bob's tireless efforts on behalf of his colleagues led to significant improvements in wages, health, welfare, and pension benefits, and annual vacation time. In the course of his duties, Bob has improved the quality of life, refined the meaning of living, and cultivated a culture of values under which we all live. Bob Gillihan has spent his entire life on the front lines, fighting for the interests of families that need it most, and most deserve it.

In 1980, Bob followed his old friend, Red Ruark, as vice president of Local 541, and was elected president in 1990, a position he holds today. Bob is also president of the Greater Kansas City Building and Construction Trades Council. A year later, Bob was elected secretary-treasurer of Teamsters Joint Council No. 56, a position he held until his appointment and subsequent election as the president of Joint Council 56 in 1999.

In addition to his union duties, Bob has worked throughout his career on issues of importance to the community at large. Bob served for 9 years on the Board of Directors of Park Lane Hospital, currently serves as a Commissioner for the Kansas City Area Transportation Authority, and served as Trustee for the Mo-Kan Teamsters Pension Health and Welfare Trust Fund. A dedicated family man, Bob and his lovely wife, Marlene have raised eight children and are the proud grandparents of many future leaders.

Mr. Speaker, on behalf of the constituents of the 5th District of Missouri—on behalf of working families across America—I rise today to salute Bob Gillihan. Thank you, Bob, for all you have done, and all you continue to add to our lives.

HONORING THE CROATIAN SONS LODGE NUMBER 170 OF THE CROATIAN FRATERNAL UNION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate the Croatian Sons Lodge Number 170 of the Croatian Fraternal Union on the festive occasion of its 93rd Anniversary and Golden Member banquet on Sunday, April 30, 2000.

This year, the Croatian Fraternal Union will hold their gala event at the Croatian Center in Merrillville, Indiana. Traditionally, the anniversary celebration entails a formal recognition of the Union's Golden Members, those who have achieved fifty years of membership. This year's honorees who have attained fifty years of membership include: Helen Marie Benich, Norma Jean Gibson, Rose Marie Gobbie, Matilda Kardos, Edward A. Pishkur, Joan Skonie, Katherine Vild, Stanley Warshol, and Sylvia T. Wilk.

These loyal and dedicated individuals share this prestigious honor with approximately 300 additional Lodge members who have previously attained this important designation.

This memorable day will begin with the Reverend Father Benedict Benakovich officiating a morning mass at Saint Joseph the Worker Catholic Church in Gary, Indiana. The festivities will be culturally enriched by the performance of several Croatian musical groups. The Croatian Glee Club, "Preradovic," directed by Brother Dennis Barunica, and the Hoosier Hrvarti Adult Tamburitza Orchestra, directed by Jerry Banina, will both perform at this gala event. The Croatian Strings Tamburitzans and Junior Dancers directed by Dennis Barunica, and the Adult Kolo group, under the direction of Elizabeth Kyriakides, will provide additional entertainment for those in attendance. A formal dinner banquet will conclude the day's festivities at 3:30 in the afternoon.

Mr. Speaker, I urge you and my other distinguished colleagues to join me in commending Lodge President Betty Morgavan, and all the other members of the Croatian Fraternal Union Lodge Number 170, for their loyalty and radiant display of passion for their ethnicity. The Croatian community has played a key role in enriching the quality of life and culture of Northwest Indiana. It is my hope that this year will bring renewed prosperity for all members of the Croatian community and their families.

HONORING THE 50TH ANNIVERSARY OF THE ALLATOONA DAM AND LAKE PROJECT IN CARTERSVILLE, GEORGIA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. BARR of Georgia. Mr. Speaker, it is my distinct honor today to recognize the Allatoona Dam and Lake Project in Cartersville, Georgia, on the occasion of its upcoming 50th anniversary.

The Allatoona Dam Project was authorized by the Flood Control Acts of 1941 and 1946, to minimize flooding in Rome, Georgia, and surrounding areas.

On Saturday, June 15, 1946, ground-breaking ceremonies were held beside the Etowah River at the site where Allatoona Dam stands today. On that day 54 years ago, Georgia Governor Ellis Arnall, Georgia 7th District Congressman Malcolm C. Tarver, and Lt. General Raymond A. Wheeler, Chief of Engineers, U.S. Army, took shovels and pick in hand and launched a project that took four years to complete. Representative Tarver was the man most influential in passage of the Flood Control Act through Congress. In addition, Alabama Senator Lister Hill and Congressman Albert Raines of Gadsden, Alabama, assisted with passage of the Act.

General Wheeler stated in his address that, "in the course of our engineering studies and proposals, we took full cognizance of all uses of water, even through our primary concern was flood control. Consequently, this is not a flood control dam alone. It is a multi-purpose project." He explained that the Allatoona Project embraces power production, recreation, reforestation, health and other factors, but the prime purpose is flood control.

Construction crews worked 24 hours a day, seven days a week for three and a half years to complete the dam. The project was essentially completed and opened for public use in 1950.

The Allatoona Dam and Lake Project has had a direct and extremely positive impact on northeast Georgia. It is an honor to remember and commend the many men and women who worked to construct this magnificent facility; and who continue to run it in a manner that benefits millions of Georgians each year. I especially commend the U.S. Army Corps of Engineers, Allatoona Project Management Office in Cartersville, Georgia, and wish them well on the 50th anniversary of the Allatoona Dam and Lake.

IN RECOGNITION OF DIRECT DEPOSIT AND DIRECT PAYMENT WEEK

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. DAVIS of Virginia. Mr. Speaker, I bring to the attention of my colleagues the celebration of Direct Deposit and Direct Payment Week, which will be observed around the country on May 15–19, 2000. This effort is dedicated to educating consumers, businesses, employers, financial institutions and billers of all kinds about the importance of Direct Deposit and Direct Payment as financial management tools.

The Direct Deposit and Direct Payment Coalition, composed of the Federal Reserve, the National Automated Clearing House Association (NACHA)—The Electronic Payments Association, and regional Automated Clearing House Associations, is celebrating this week to promote the benefits of Direct Deposit and Direct Payment to improve the efficiency of the Nation's payments system, to reduce payment risk, and to provide utmost privacy and security to users.

Direct Deposit and Direct Payment, electronic payment methods that allow consumers and businesses to be paid and to pay bills automatically, can reduce the Nation's costs considerably. Our Nation's payments system costs more than that of most other industrialized nations.

Direct Deposit and Direct Payment are two "unsung heroes" of wise financial management. Individuals can save effortlessly by earmarking part of their pay for Direct Payment into their savings or investment account. Saving for the future and managing finances wisely are important responsibilities. In addition, as a less costly and more efficient alternative to paper-based systems, Direct Deposit and Direct Payment benefit nearly every consumer and business.

Think of what our lives would be like without Direct Deposit and Direct Payment. Does anyone have time these days to stand in bank lines to deposit paychecks every week or two? With Direct Deposit, an individual's pay is automatically deposited into his/her checking or savings account. With Direct Payment, individuals can pay bills, such as mortgage or cable, directly from their accounts. Direct Payment saves time, and guarantees that payments will be made on time, every time. No more buying stamps, looking for mailboxes or worrying about the payments. Direct Payment can be used to make a large variety of payments, from utility to insurance to brokerage to telephone.

Mr. Speaker, I hope that all of my colleagues will join me in supporting Direct Deposit and Direct Payment Week. These secure, efficient and highly confidential payment methods have helped individuals and business save time and manage their finances more efficiently and securely for more than 25 years. And I urge all Americans to recognize the importance of these valuable financial tools.

IN HONOR OF BAYONNE LITTLE LEAGUE BASEBALL INC.'S 50TH SEASON ANNIVERSARY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. MENENDEZ. Mr. Speaker, today I recognize the Bayonne Little League Baseball Inc. for the forty-nine years it has provided young people with access to one of America's greatest athletic traditions. Baseball teaches responsibility, teamwork, sportsmanship, and nurtures self-esteem.

Forty-nine years ago, on April 15th, 1951, the Bayonne Little League Inc. began its commitment to the young people of Bayonne when W. Vincent Cook, and a handful of associates, organized a four-team program. Volunteers contacted several merchants who agreed to provide uniforms and equipment for the 90 youngsters in the league. In 1952, twelve more teams were added to accommodate the incredible numbers of boys who wanted to participate.

The increase in participation led to the building of a stadium. The League received assistance building the stadium from William Rosenthal, and, as a gesture of its appreciation, the League named the new stadium in memory of his son, Lewis Rosenthal.

In 1954, the number of Little League teams increased to twenty, and by 1962, the astounding success of the League led to the establishment of a program that consisted of 24 Major League and 12 Minor League teams. The challenge of expansion and the substantial financial obligation that went with it was a constant challenge for the organization; but not once did this prevent the League from successfully providing for the many young people who registered to play.

After numerous complications, and an extraordinary fund raising drive by the community of Bayonne, the League was able to move to a new stadium in 1965. The decades to follow demonstrated the same growth that the first did, and the community of Bayonne never wavered in its profound commitment to its young people and the challenge of Little League expansion.

This great youth organization would not have been possible without the hard work and dedication of Commissioner Gene Klumpp and all those who understand the positive impact sports have on our young people. I would like to thank everyone who has contributed to the growth and continuation of the Bayonne Little League.

I ask my colleagues to join me in congratulating Bayonne Little League Baseball Inc. on its 50th season anniversary.

A TRIBUTE TO REV. DR. WALLACE HARTSFIELD

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Ms. MCCARTHY of Missouri. Mr. Speaker, it is with great pride and respect that I bring to your attention, and to the attention of the House, the outstanding work and commitment of Rev. Dr. Wallace Hartsfield for 50 years of preaching to church congregations, serving the last thirty four years as pastor of the Metropolitan Missionary Baptist Church in Kansas City.

Reverend Hartsfield was born in Atlanta, Georgia, November 13, 1929. He was an only child, raised by his mother, Ruby Morrissatte. After a three year tour of duty in the United

States Army, he attended Clark College in Atlanta and in 1954 he received a Bachelor of Arts degree from Clark College. He received a Master of Divinity degree from Gammon Theological Seminary in Atlanta in 1957. His first pastorate was at a Baptist church in Pickens, South Carolina.

Reverend Hartsfield is chairman of the Congress of National Black Churches which represents 65,000 churches and 20 million members. Reverend Hartsfield is also chairman of the Economic Development Commission of the National Baptist Convention of America, Inc.; second vice president of the National Baptist Convention of America, Inc.; president of the Greater Kansas City Chapter of Operation PUSH; and an adjunct professor of the Central Baptist Theological Seminary in Kansas City, KS.

Reverend Hartsfield is married to Matilda Hopkins and on August 28 of this year they will celebrate their 43rd wedding anniversary. Reverend and Mrs. Hartsfield are the proud parents of four wonderful children: Pamela Faith, Danise Hope, Ruby Love, and Wallace S. Hartsfield, II.

I have known Reverend Hartsfield over the years through his extensive involvement in the community. He has been a leader in many worthwhile causes and a wonderful role model for our city's young people.

His leadership was invaluable, also, in redeveloping a blighted part of Kansas City when he led the Baptist Ministers' Union of Kansas City in their efforts to demolish the old St. Joseph's Hospital and replace it with a much-needed new shopping center, the Linwood Shopping Center. Residents of the city's central core had to travel some distances to buy groceries, drop off dry cleaning, and have a prescription filled, before the new development became a reality. Reverend Hartsfield successfully led the charge to secure with sufficient investment capital for the project, when resources for new development in that area of the city were scarce. He also was instrumental in the construction of a low-income 60-unit housing development, known as Metropolitan Homes, in that same geographical area.

Reverend Hartsfield recently chaired the capital fund campaign to expand and update Kansas City's Swope Parkway Health Center, which provides invaluable assistance to many people who could not otherwise afford or have access to quality, state-of-the-art health care. Millions of dollars were raised and the new health center stands as a testament to the untiring efforts of committed and dedicated people like Reverend Hartsfield.

Reverend Hartsfield has received numerous awards including: the One Hundred Most Influential Award from the Kansas City Globe newspaper; the Greater Kansas City Image Award presented by the Urban League; the Minister of the Year Award from the Baptist Ministers Union of Kansas City; a Public Service Award from the Ad Hoc Group Against Crime; the Role Model for Youth Award from Penn Valley Community College, in Kansas City; and a Community Service Award from Kansas City, MO, and then-mayor Richard Berkeley, among others.

Additionally, he was named 'One of the Top 50 Ministers in America' by Upscale magazine of Atlanta, GA and he received an honorary Doctor of Divinity degree from both Western Baptist Bible College in Kansas City and also from the Virginia Seminary and College of Lyncher, VA. Further, Reverend Hartsfield is a member of the board of directors for the national organization of Operation PUSH, and the Morehouse School of Religion in Atlanta, GA, among others.

This weekend in Kansas City, we are celebrating Reverend Hartsfield's 34th anniversary as pastor at the Metropolitan Missionary Baptist Church in Kansas City, and recognizing all of his critically important work and the leadership he has provided in the community over that span of time. He has blessed the lives of so many. Reverend Hartsfield loves people and he loves helping people. He has made a difference in the city he calls home, Kansas City, and we are proud to have him as one of its outstanding citizens.

Today, Mr. Speaker, I ask that you and our colleagues join with me and the congregation of the Metropolitan Missionary Baptist Church, the family of Reverend Hartsfield, and the citizens of Kansas City, MO in congratulating Reverend Hartsfield on his 50th preaching anniversary and for his 34 years of service to his church and his community.

CONGRATULATING CHRIST TEMPLE CHURCH OF CHRIST (HOLINESS) OF GARY, INDIANA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and enthusiasm that I congratulate Christ Temple Church of Christ (Holiness) U.S.A. in Gary, Indiana, as it celebrates its 75th anniversary as a parish on May 3–7, 2000. This anniversary is made even more special because a charter member, Brother Oliver B. Hardy, is able to celebrate with his fellow parishioners.

Christ Temple Church was formed largely through the efforts of two dedicated people. Sister Ella Bradley attended a church service in Gary, where she met Elder William A. Nolley. Elder Nolley was singing a song that Sister Bradley recognized, a song written by Bishop Charles Prince Jones, the founder of the Church of Christ Holiness U.S.A. After several discussions, Sister Bradley opened up her home on Tuesday, November 25, 1925, and Christ Temple Church was born. The initial membership consisted of Sister Bradley and her family as well as Elder Nolley and his wife, Velma.

After much hard work and dedication, land was purchased at 2472 Pierce Street in Gary. It was here that the church began to flourish. Elder Nolley was returned to the south by the presiding bishop and was replaced with Elder J.J. Peterson in 1931. Elder Peterson built a sanctuary on the lot on Pierce Street, and the congregation began to grow steadily. In June of 1962, the generous Elder Peterson was laid to rest, but his commitment to the church had made a lasting impression on the congregation and community.

After Elder Peterson's passing, the church continued to expand. By September of 1962, the membership of the church was beginning to outgrow the limited space of the sanctuary. The church leadership took the visionary approach by forming a building fund. They predicted that once the fund had reached $100,000 it would be time to build a new place of worship. Through the selflessness and generosity of the membership, their vision came to fruition on January 13, 1980, when they held their first service at their current location, 4201 Washington Street, in Gary.

Under the extraordinary leadership of Bishop O.W. McInnis and Elder Dale Cudjoe, the church members were able to pay off their new church's mortgage within nine months. On September 24, 1989, Elder Cudjoe was appointed pastor of Christ Temple Church of Christ, the position he holds today. Through his efforts the church has grown both spiritually and numerically.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating the membership of the Christ Temple Church of Christ (Holiness) U.S.A. as they celebrate their 75th anniversary. From humble beginnings they have emerged into a thriving spiritual family. The church's positive impact on Northwest Indiana has been significant during the past 75 years. May they enjoy good fortune for many more years to come.

GIL ROBB WILSON CIVIL AIR PATROL AWARD WINNERS

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. BARR of Georgia. Mr. Speaker, it is with great pride and admiration that I recognize two outstanding men who have recently been awarded the highest achievement a Senior Member of the Civil Air Patrol can receive: Chaplain LTC Alex Mills and LTC Earl Tillman. Both these men received the prestigious and the award is the Gil Robb Wilson Award. Recipients of the Gil Robb Wilson Award must complete all Level V training in the member's specialty tract. The award was instituted in 1964 and was named after the first member and CEO of the Civil Air Patrol, Gil Robb Wilson.

LTC Mills and LTC Tillman have a combined service record with the Civil Air Patrol of over 64 years. They are members of the Rome Composite Squadron, Group 1 Georgia Wing. LTC Mills has been a member of the Civil Air Patrol for over 20 years and serves as chaplain for the Rome Composite Squadron, as well as chaplain for Group 1 Headquarters, Georgia Wing. LTC Tillman has been a member of the Civil Air Patrol for 44 years, and is currently serving as the Rome Composite Check Pilot, Mission Pilot, and Cadet Orientation Pilot.

Service to their community and to the Civil Air Patrol, are but two examples of what make these two men outstanding citizens of Rome, Georgia. As a member of the Congressional Squadron of the Civil Air Patrol based in Washington, D.C. and as their United States Congressman, I want to congratulate LTC Mills and LTC Tillman for this outstanding achievement.

COSPONSOR THE McGOVERN-SMITH BILL ON EAST TIMOR

HON. JAMES P. McGOVERN

OF MASSACHSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. McGOVERN. Mr. Speaker, today I am proud to join with my colleague from New Jersey, Congressman CHRIS SMITH, to introduce the East Timor Repatriation and Security Act.

The crisis in East Timor continues, and the Congress needs to respond. Some 100,000 refugees remain trapped in squalid and theatening conditions inside West Timor. The overwhelming majority of these refugees want to return to their homes in East Timor, but cannot because the camps are under the control of the militias. Militias and elements of the Indonesian army continue cross-border attacks into East Timor. Reconstruction continues to be a slow and laborious task.

Our bill maintains the President's suspension on military cooperation with the Indonesian Armed Forces until the refugees are safely repatriated and military attacks against East Timor are ended. It calls upon the President to help the safe repatriation of the refugees and to help rebuild East Timor. And it salutes the members of the U.S. Armed Forces who have participated in the peacekeeping operation in East Timor.

I urge my colleagues to cosponsor the McGovern-Smith bill on East Timor and submit additional materials into the RECORD.

EAST TIMORESE REFUGEES FACE NEW THREAT

(NEW YORK, March 30, 2000)—Human Rights Watch today called on Indonesian authorities to lift a March 31 deadline on humanitarian aid to East Timorese refugees living in West Timor. The Indonesian government has given the refugees, some 100,000 people until the end of the month to choose whether to go back to East Timor or remain in Indonesia. Indonesia says it will end all delivery of food and other assistance as of March 31.

''Everyone wants a quick resolution of the refugee crisis, but this ultimatum is counterproductive,'' said Joe Saunders, deputy Asia director at Human Rights Watch. ''The threatened deadline alone has created panic. If it is implemented, the cutoff will directly endanger the lives of tens of thousands of refugees without solving the underlying problems.''

Conditions for many of the refugees are already dire. There have been food shortages, along with health and nutrition problems in many of the camps. Some reports estimate that as many as 500 refugees have died from stomach and respiratory ailments. Refugees also continue to face significant obstacles in deciding whether to return. In some areas, refugees continue to be subjected to intimidation by armed militias and disinformation campaigns. Refugees are told that conditions in East Timor are worse than in the camps, and that the United Nations is acting as a new colonial occupying force. Other refugees opposed independence for East Timor, or come from militia or army families, and fear vigilante justice should they return to East Timor.

Indonesian officials claim, however, that they can no longer afford to feed the refugees, that food aid acts as a magnet and prevents refugees in West Timor from returning home permanently, claiming that after March 31, the refugees should be the sole responsibility of the international community.

''Given Indonesia's economic woes, the call for international financial support in feeding and caring for the refugees is understandable. We can on donors to make urgently needed assistance available. But an artificial deadline helps no one,'' said Saunders. ''Thousands of refugees are not now in a position to make a free and informed choice about whether to return. A large part of the problem has been Indonesia's failure to create conditions in which refugees can make a genuine choice.''

According to aid agencies, the total number of refugees currently in West Timor is just under 100,000. Precise figures are not available because access to the camps and settlements has been limited by harassment and intimidation of humanitarian aid workers by pro-Indonesian militias still dominated in a number of the camps. Many refugees have also been subjected to months of disinformation and, often, intimidation by members of the pro-Indonesian military, Indonesia has recently made some progress in combating the intimidation in the camps, but lack of security and reliable information continue to be imported obstacle to return. Aid workers in West Timor estimate that one-half to two-thirds of the refugees, if given a free choice, would eventually choose to return to East Timor.

''Withdrawal of food aid and other humanitarian assistance should never be used as a means to pressure refugees into returning home prematurely'' said Saunders. ''Return should be voluntary and based on the first and informed choice of the refugees themselves.''

Following the announcement by the United Nations on September 4, 1999 that nearly eighty percent of East Timorese voters had rejected continued rule by Indonesia. East Timor was the site orchestrated mayhem. In the days and weeks following the announcement, an estimated seventy percent of homes and buildings across East Timor were destroyed, more than two-thirds of the population was displaced, and an estimated 250,000 East Timorse fled or were forcibly taken, often at gunpoint, across the border into Indonesian West Timor. To date roughly 150,000 refugees have return to East Timor.

NON-COMMISSIONED AND PETTY OFFICER PAY TABLE EQUITY ACT OF 2000

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. JONES of North Carolina. Mr. Speaker, today, I am introducing legislation that will provide much needed pay reform for our mid-career non-commissioned officers and petty officers. It is my hope this legislation will accomplish three important steps for the Nation's Armed Forces.

First, it will provide mid-career enlisted service members an increase in their basic pay that will nearly match the increases given to mid-grade commissioned officers beginning July 1, 2000.

Second, it will work to address the problem of retention of qualified and experienced mid-career enlisted noncommissioned and petty officers that the Armed Forces wants to retain.

Third, in retaining qualified and experienced mid-career enlisted service members, it will help maintain the high-level of personnel readiness enjoyed by the Nation's defense posture.

Last year, this Congress in the Fiscal 2000 National Defense Authorization Act (NDAA) approved a 4.8 percent pay raise for uniformed services personnel, one of the largest increases in recent history. It also authorized pay reform for certain mid-grade commissioned officers and mid-career enlisted service members effective July 1, 2000. While the pay raise itself is a critical step for our military personnel, the pay adjustment unfortunately will miss its mark in offering equitable reform for mid-grade enlisted noncommissioned officers (NCOs) and petty officers (POs) of the Armed Forces in grades E–5, E–6, and E–7.

Whereas, most mid-grade commissioned officers were to receive a well-deserved pay hike on July 1, 2000, mid-career enlisted NCOs and POs are targeted for minimal increases. The July 1, 2000 pay reform will provide for adjustments in 15 of 33 mid-grade officer pay cells, each of which rated increases greater than 4 percent. On the other hand, of the 33 mid-grade enlisted NCO/PO pay cells, only one (1) will receive a raise of 3.5 percent, two (2) are being offered a 3.1 percent increase, one (1) a 2.5 percent hike, and three (3) at 2.1 percent to 2.3 percent. It doesn't require a mathematician to figure out that the enlisted NCOs and POs will be largely left out of the equation.

Most of the military services are experiencing problems either in recruiting and retention, or both. One of the major issues confronting enlisted NCOs and POs is whether they have enough financial resources to care for their family—particularly when they are deployed. Recent surveys indicate that service members are not happy with the pay they're receiving. Recognizing this problem, the Fleet Reserve Association (FRA), a 75-year-old organization of career Sailors, Marines, and Coast Guardsmen, prepared a study that demonstrates the value of basic pay for enlisted NCOs and POs has diminished since the advent of the all-volunteer force (AVF). That study, which was distributed to a number of House and Senate members on both the Armed Services Committees and Defense Subcommittees and to selected defense and military officials, proves the value of basic pay for enlisted NCOs and POs has diminished since the advent of the all-volunteer force.

If Congress doesn't want to face the same problem of the late 1970s having too few enlisted petty officers to get its ships to sea, or experiencing another shortage of enlisted NCOs for the Army's combat forces, Congress must address the retention of qualified and experienced mid-career enlisted service members. This pay reform proposal for E–5's, E–6's and E–7's contained in this legislation will take steps to do just that.

Each E–5 with 8 to 26 years of service would receive a $31 per month increase in basic pay on July 1, 2000. E–6s, in the same years would each realize a monthly increase of $49, and E–7s a $56 raise each month. While I believe all of our military should be paid more, this is an important step in the right direction.

This bill has the full support of the Nation's eight national enlisted military organizations; the Air Force Sergeants Association, the Enlisted Association of the National Guard of the United States, the Fleet Reserve Association, the Naval Enlisted Reserve Association, the Non Commissioned Officers Association, The Retired Enlisted Association, the U.S. Coast Guard Chief Petty Officers Association, and the U.S. Coast Guard Enlisted Association.

These mid-career non-commissioned officers and petty officers are the backbone of our military. I hope that my colleagues will work with me to recognize that fact and to ensure they are provided pay table reform that is both fair and equitable.

DIGITAL DIVIDE ACCESS TO TECHNOLOGY ACT (DATA)

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. WELLER. Mr. Speaker, I am pleased to join with my colleague, JOHN LEWIS of Georgia, to introduce H.R. 4274, the Digital Divide Access to Technology Act of 2000 (DATA Act). The DATA Act addresses a rather new situation which involves employers providing home computers to their employees.

Over the past couple of months, four major companies—Ford Motor Company, American Airlines, Delta Airlines, and Intel—have announced programs to provide home computers to their employees. The question before us is whether employer-provided home computers should be considered taxable income to the employees.

I believe that the government should not tax these computers and the legislation we are introducing today will ensure that these basic computers do not become a tax liability for the employees.

The DATA Act is a digital divide issue and it represents a powerful partnership between private companies and the government as we work to reduce the so-called digital divide and create new digital opportunities. These home computers will be available to employees and their families for work and personal use. Once in the home, the computers can be used by employees for Internet training, by the children for homework and research, and other family members to balance the family budget and stay in touch with far-away relatives. There are no restrictions on the use of the computers.

For tax purposes, the DATA Act treats the Internet access and first $1,260 of the value of a computer and peripheral equipment (e.g., monitors, printers and keyboards), including software, and Internet access as a fringe benefit, not subject to income tax. For the program to qualify, employers have to provide computers to substantially all employees working in the United States and employees can receive only one computer within a 36 month time period.

If the employer offers a program allowing employees to purchase an upgraded "or deluxe" model computer, the first $1,260 in value is still non-taxable, employees can pay for the deluxe version if they choose. Additionally, if employees are required to pay a monthly copayment for the computer, such as the $5 monthly responsibility of Ford employees, this payment does not factor into the value of the computer. Let me give you an example of how this works.

The 350,000 employees at Ford Motor Company will soon receive a home computer which costs $24.95 per month over 36 months, for a total of $898. The employees pay $5 per month, or $180 over 3 years, for the computer. Ford pays $19.95 per month for each employee, or almost $720 over 3 years. The $720 paid by Ford for the computers falls far below the $1,260 exclusion provided by this legislation. This program is available to all employees working for Ford. This includes everyone from the janitor, to the union worker, to the managers, and the Vice Presidents.

Mr. Speaker, these companies are likely to be only the first of many companies to provide home computers to their employees. I strongly believe this is an important way we, as policymakers, can work with corporations to help put more computers into the hands of American families and children. This legislation will help us close the digital divide and provide digital opportunities to hundreds of thousands of families currently without this equipment which is rapidly becoming a necessity for survival in the 21st century economy.

I look forward to working with these and other employers to continue developing this legislation to make it easier for these computers to be taken home by employees. I also look forward to working with the House Leadership, Chairman ARCHER, my colleagues on both sides of the aisle, as well as the Administration to ensure that this powerful mechanism available to close the digital divide is fully utilized.

RECOGNIZING THE ENVIRONMENTAL LEADERSHIP OF THE ASPEN SKI COMPANY

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. DEGETTE. Mr. Speaker, today I recognize the Aspen Skiing Company as a leader in environmental responsibility.

This is certainly not the first commendation the Aspen Skiing Company has received. In 1999 alone, the company became the first back to back winner of the Golden Eagle Award for Overall Environmental Excellence in the ski industry. It was the first skiing company and only U.S. business to receive the prestigious British Airways Tourism for Tomorrow Environmental Award. Additionally, the Aspen Skiing Company was recognized by the National Environmental Education and Training Foundation for its outstanding environmental educational programs.

As the award judges for the Golden Eagle Award noted, "Aspen Skiing Company's programs show a wide-range and detailed commitment to an ecological perspective in every area of their business." I whole-heartedly agree that the Aspen Skiing Company has, "without peer, established itself as an industry leader in environmentalism."

But Aspen is not resting on its laurels. The Skiing Company continues to develop innovative environmental programs and partnerships to protect the forests in which it resides and its commitment to the local community. The Aspen Skiing Company has entered into a cooperative with the Environmental Protection Agency and the Colorado Department of Public Health and the Environment to develop a pollution prevention based environmental management strategy that focuses on energy and waste conservation, and solid waste reduction to be used as a model for the skiing industry. It has developed a Natural Resource Management Plan to ensure vegetative diversity and wildlife protection on its mountains. The Aspen Skiing Company founded the Environment Foundation, a nonprofit, employee-funded and directed foundation which awarded more than $120,000 to 34 diverse local environmental groups since its inception, and continues to protect local habitat, ecosystems, and biodiversity.

Aspen Skiing Company continues to be a leader in environmentally sensitive development, not only within the ski industry, but all industry. Aspen's efforts to reduce the impact it has on the land, and conserve habitat and resources are exemplified by two of its recent projects, the Sundeck Restaurant and the Cirque Lift.

The Sundeck Restaurant, at the top of the mountain is on tract to be a fully certified "green building." The effort began with the deconstruction, rather than demolition of the old building, enabling materials to be salvaged and reused. The new building will utilize the latest "green" technology, including energy efficient windows, low toxicity paints, and recycled and recyclable materials.

When the Aspen Skiing Company decided to construct a new lift above tree line, it recognized the sensitivity of this ecosystem and proceeded accordingly. The construction of the Cirque Lift was completed without bulldozers or mechanized ground equipment. The heavy items for the lift, such as the lift poles and concrete, were airlifted by helicopter while all other supplies were carried up on foot, an astounding task at high elevation that speaks volumes to the company's commitment to protecting this delicate ecosystem. The lift itself continues that commitment, as it is the State of Colorado's first wind powered ski lift.

Aspen Skiing Company has also shown leadership in the public realm advocating for the protection of public lands and open spaces, which are so important to Colorado's wildlife and the quality of life for all Americans.

I have no doubt that the Aspen Skiing Company will continue to be a leader in efforts to protect the environment. I applaud their accomplishments.

TRIBUTE TO THE UNIVERSITY OF CONNECTICUT WOMEN HUSKIES—2000 NCAA WOMEN'S BASKETBALL NATIONAL CHAMPIONS

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. LARSON. Mr. Speaker, today I pay tribute to the 2000 National Collegiate Athletic Association (NCAA) Women's Basketball National Champions, the University of Connecticut Huskies. On Sunday, April 2, the Husky Women put on what can only be described as a 40-minute basketball clinic for their opponents, the Tennessee Lady Vols.

Earlier this year, I had the great privilege to meet with Geno Auriemma and the team when they were in town to play Big East Conference rival Georgetown. Their individual accomplishments this year, like those of the women playing before them, continue to raise the standard for excellence and achievement in women's athletics. I would like to congratulate each member of the team, Coaches Geno Auriemma and Chris Dailey, Lew Perkins and the UCon Athletic Department, and all the fans and supporters of UConn Women's Basketball who made this great victory possible.

I can no more eloquently describe these achievements than Randy Smith did in his article published in the April 3, 2000, edition of the Journal Inquirer titled "Return of the Native is Masterpiece." I submit the text of that article for the RECORD at this time:

[From the Journal Inquirer, Apr. 3, 2000]

RETURN OF THE NATIVE IS MASTERPIECE

(By Randy Smith)

PHILADELPHIA.—A couple of minutes after his Connecticut women's basketball team won the national championship, coach Geno Auriemma embrace his own triple crown. He hugged his children, his wife, and his mother. There were tears in everybody's eyes.

The native had returned to Philadelphia to play for college basketball's biggest prize. He not only won it, but claimed Tennessee coach Pat Summitt's scalp in the process.

UConn's 71–52 decision over the Lady Vols was more coronation than competition.

''A lot of guys who were coaching when I was playing used to tell me I'll never be any good as a player and they were right,'' Auriemma said. ''So I turned out to be the coach of a championship team. It's kind of funny to come back and they're all in the stands. They're happy for me because they finally saw me win something.''

There was never a doubt.

Basketball is nowhere near as complicated as paid analysts try to make it. Do you know what it takes to win games? Good players. The rest is rhetoric.

It has taken Auriemma the better part of a decade to assemble more good players at UConn than Summitt has at Tennessee and those good players strutted their stuff Monday night. Shea Ralph, Asjha Jones, and Kelly Schumacher were standouts, but Svetlana Abrosimova, Swin Cash, Tamika Williams, Sue Bird, and Kennitra Johnson all played pivotal roles. Under the glare of the big spotlight, UConn got something from everybody.

''I've told these kids all year long that every pass we make in practice, every cut, every rebound, pretend like it's the one that's going to win the national championship,'' Auriemma said. ''The kids have practiced that way all year. And the night they had to do it, they did it better than at any other time of the season.''

Associate head coach Chris Dailey agreed.

''This was the A game we've been waiting for,'' she said. ''All anybody talks about is how talented we are. But if you take a closer look, our players are unselfish, they've got heart and character, they'll make sacrifices, and they're willing to put away individual things to be part of a team. There's not one pain in the neck in the bunch. That's the story.''

Here's another: Summit was hoisted by her own self-confidence. Had she admitted to herself that Tennessee would be the second-best team on the floor, she could have put in some wrinkles to give UConn problems. She could have played Semeka Randall on Bird to disrupt UConn's offense. She could have played a lot of zone to slow the pace of the game. She could have thrown in a couple of gimmicky defenses. Instead she opted to play UConn straight-up, even down a starter in Kristen Clement.

It was a very, very bad decision.

''It was an extremely disappointing performance by our basketball team and a very painful loss,'' Summit said. ''I don't think any of us expected this. Nothing we tried worked. At times, I felt helpless. We played on our heels from the beginning. I hate that we got ourselves in this position and couldn't have been more competitive. We'll look at the film later. No time soon, though.''

Auriemma spoke of Tennessee's ''aura'' leading up to the game, knowing full well that Connecticut carries one of its own.

''Do you know how many real adjustments we made?'' None. They had to adjust to us.''

That's not altogether true. Kyra Elzy's presence in Tennessee's starting lineup because of Clement's injury freed up one UConn player on defense, in this case, Abrosimova, who doubled down on Michelle Snow in the game's opening minutes. Snow was forced to make reaction passes and they're not that easy, especially if you're not accustomed to making them.

Tennessee's offense looked to be in a constant state of panic, while its defense was dissected time and time again by UConn's back door cuts and passes, a la the Princeton men's team.

''They ran back door cuts off the strong side and cuts across the middle,'' Summit said. ''They ran the same two offenses over and over again. It's not anything new. We'd seen it. Everybody got beat. Semeka Randall got lost on defense, probably more than anyone, and she's one of our best defenders. I wanted to play man to try and get something going, but I'd have to go back to zone because how many layups do you want to give them?''

If Summit had a white towel, she probably would have tossed it on the floor midway through the second half.

UConn employed pressure defense in spots to help cause 26 Tennessee turnovers.

''You don't use pressure just to steal the ball,'' Auriemma said. ''You use it to see how they handle it and they didn't handle it all that great. Had they gone boom, boom, layup, we would have gotten out of it. But they were struggling.''

Auriemma's use of pressure was borderline masterful during UConn's run through the NCAA Tournament. He said it was part of the plan from the beginning.

''For five months, we made teams prepare for our halfcourt offense and our halfcourt defense,'' he said. ''But we worked on the press every day in practice. We wanted to make teams prepare for more than one thing. We wanted a lot of things in our arsenal. The press was in our pocket all along. Come NCAA tournament time, we went to it because we wanted to be super aggressive. At the risk of sounding smart, that was the plan.''

''You don't use your closer until you need him.''

UConn ran the table, all right, but who knew the last ball, the orange one, would be a hanger?

The first national championship of the millennium may very well be remembered as the passing of the guard. UConn brought more fans to Philadelphia than Tennessee and those fans made more noise. UConn sent out more good players than Tennessee and those players scored way more points. The better team won without breaking stride and may be the first hard evidence that UConn indeed has a better program than Tennessee.

''You saw tonight what good teams are made of,'' Auriemma said. ''This team has a chemistry both on and off the court. This team is closer than any I've had.''

Auriemma proved Thomas Wolfe wrong. You can go home again.

A DEPARTMENT OF ENERGY NUCLEAR WEAPONS FACILITY

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. HEFLEY. Mr. Speaker, it is with great pleasure that I share with you an update on the first-ever scheduled closure of a Department of Energy (DOE) nuclear weapons facility. In less than seven years, residents along the Front Range of Colorado will no longer live in the shadow of Rocky Flats, a 6,500 acre former weapons component manufacturing facility. What once was home to more than 100 tons of plutonium and plutonium byproducts will become history. More than 700 structures representing 3.5 million square feet will be demolished. The two on-site landfills that contributed to soil and groundwater contamination will no longer exist.

Since the early years of the Nuclear Age to the end of the Cold War, Rocky Flats, a mere 16 miles northwest of Denver, was a manufacturing site for plutonium triggers and other nuclear weapons parts. In 1989, the FBI and the EPA closed the site due to alleged violations of environmental law.

A joint company headquartered in my district has developed a fast-track closure plan, which DOE fully supports, that shaves decades off the original clean-up schedule. Originally expected to take 65 years and cost more than $35 billion, the accelerated closure plan will be completed by 2007 for under $8 billion.

To date great progress has been made at Rocky Flats such as cleaning up the majority of the top 10 environmental risk areas, including the removal of 30 tons of depleted uranium. Thousands of liters of plutonium and uranium solutions have been drained from dozens of tanks and stabilized. Most recently,

the weapons research and development facility was decontaminated and demolished—six months ahead of schedule.

Within this decade, all nuclear materials and radioactive waste will be shipped to off-site storage facilities. Environmental remediation will be completed so that land is available for open space and industrial use and downstream water supplies are protected. Moreover, billions of taxpayer dollars that have been used in the operations, security and cleanup of Rocky Flats can be reallocated to similar sites throughout the country.

Imagine, after more than 50 years as a top-secret nuclear weapons facility that contributed to winning the Cold War, the Rocky Flats acreage will once again be available to the people of Colorado. Please join me in congratulating the DOE, the State of Colorado, and the companies involved for this extraordinary effort.

IN RECOGNITION OF THE REEDSBURG AREA HIGH SCHOOL EARTH DAY CELEBRATION

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Ms. BALDWIN. Mr. Speaker, this afternoon, I pay tribute to the Reedsburg Area High School students and staff for their fantastic contributions in order to improve their environment, enrich their community, and celebrate Earth Day.

This year's Earth Day will be the ninth that the Reedsburg Area High School students and staff celebrate by volunteering their time. In previous years they have worked to maintain trails, clean and restore wilderness areas, and plant thousands of trees. With this tireless volunteer work they are making Wisconsin a better place for every citizen.

The students and staff at Reedsburg Area High School are also very special because of the amazing manner in which they celebrate Earth Day each year. As the Reedsburg students recently said to me in a letter, they are not "just another high school planting a tree." The entire high school, including over 900 students and staff work together on this day. They also branch out to other communities. This year they will send an astounding 26 work crews to different locations surrounding the Reedsburg area!

Americans are increasingly learning the benefits of youth service and focusing that work in the preservation of our environment. The students and staff of Reedsburg Area High School are pioneers in an effort that engages and empowers young people while connecting them with adults that provide education and guidance. It is an effort that views young people as assets and resources to their community. They are setting an impressive example for all people, young and old, across Wisconsin and the nation.

ARMENIAN GENOCIDE

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Ms. PELOSI. Mr. Speaker, I rise today in memory of the victims of one of history's most terrible tragedies, the Armenian Genocide that took place in Turkey between 1915 and 1923. This antecedent for all subsequent 20th-century genocides began on April 24, 1915, when the rulers of the Ottoman Empire began the systematic and ruthless extermination of the Armenian minority in Turkey. By the end of the Terror, more than a million Armenian men, women, and children had been massacred and more than half a million others had been expelled from the homeland that their forebearers had inhabited for three millennia.

April 24, 1915 is remembered and commemorated each year by the Armenian community and people of conscience throughout the world. The Armenian Genocide is a historical fact. The Republic of Turkey has adamantly refused to acknowledge that the Genocide happened on its soil but the evidence is irrefutable.

As we enter the Third Millennium of the Christian Era, it behooves us to remember. If we ignore the lessons of the Armenian Genocide, then we are destined to continue our stumbles through the long, dark tunnel of endless ethnic-cleansings, genocides, and holocausts. Let us, then, remember to remember.

SUPPORTING THE BREAST AND CERVICAL CANCER TREATMENT ACT

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. RYAN of Wisconsin. Mr. Speaker, I am here today to speak in support of H.R. 1070, the Breast and Cervical Cancer Treatment Act. I believe this bill, which provides coverage for low-income women who have been diagnosed with breast or cervical cancer, provides a logical expansion of early detection efforts throughout the nation.

The federal government, through the Center for Disease Control and Prevention, currently provides screening for early detection of breast and cervical cancer. This bill would provide the next step by giving states the option of receiving an enhanced match through Medicaid if they choose to offer treatment services for women who have been diagnosed with breast or cervical cancer during the screening process.

As a member of the House Budget Committee, I offered an amendment, which was accepted, to provide funding for these services in the Medicaid program. Now that this funding has been set aside, it is time to bring H.R. 1070 to the floor. The principles of this bill have been agreed to in the budget, and it is now time to bring the actual bill to the floor for a vote.

I urge the House to consider this bill before Mother's Day as a statement of our sincere commitment to the millions of women in this country who suffer from these diseases.

IN HONOR OF DR. NESTOR CARBONELL-CORTINA FOR HIS LIFE-LONG COMMITMENT TO FREEDOM AND DEMOCRACY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. MENENDEZ. Mr. Speaker, I honor Dr. Nestor Carbonell-Cortina for his life-long commitment to freedom and democracy.

Born in Havana, Cuba, Dr. Carbonell-Cortina understood early in his life that the price for freedom is high; that the fight for freedom is long; and that the cost for freedom is often paid for with the lives of those who never knew it.

In 1960, shortly after Castro seized control of Cuba, Dr. Carbonell-Cortina was forced to leave his native land, fleeing the oppressive communist rule imposed by the Castro regime. However, he returned and courageously fought in the Bay of Pigs Invasion, hoping to restore freedom to his homeland. In 1962, Dr. Carbonell-Cortina was responsible for the diplomatic strategy that removed the Castro regime from the Organization of the American Estates.

With the publication of numerous articles, essays and speeches, Dr. Carbonell-Cortina has continued his fight for freedom and his opposition to the Castro regime. Among his many publications are: El Espiritu de la Constitucion de 1940; Perfil Historio del IV Presidente de Cuba; Cortina: Tribuno de la Republica; And the Russians Stayed; y Por La Libertad de Cuba: Una Historia Inconclusa.

Dr. Carbonell-Cortina graduated from the University of Villanueva in the city of Havana with a law degree, and received his MA from Harvard. Currently, he is Vice President of International Relations for PepsiCo., Inc.

I ask my colleagues to join me in congratulating Dr. Nestor Carbonell-Cortina for his courageous commitment to the pursuit of freedom in the face of extraordinary opposition.

A TRIBUTE TO ROSE KEMP

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Ms. MCCARTHY of Missouri. Mr. Speaker, today I pay tribute to an outstanding individual from the State of Missouri. On April 27th, the Missouri Women's Council will honor Rose Kemp, Regional Administrator of the Women's Bureau, U.S. Department of Labor, with an award named on her behalf, the "Rose Kemp Public Service Award."

Ms. Rose Kemp was appointed as Regional Administrator of the Women's Bureau in 1983. She is responsible for policy development and implementation of workplace issues affecting

women. In this role, Ms. Kemp has produced outstanding results by her commitment to promote the welfare of wage earning women, improve their working conditions, and advance their opportunities for profitable employment.

Ms. Kemp serves on numerous boards such as the Greater Kansas City Urban League, Francis Child Development Institute, and the Women's Council at the University of Missouri—Kansas City. All have profited from Ms. Kemp's expertise. She has been awarded the ''Kansas City Spirit Award,'' the Department of Labor's ''The Distinguished Career Service Award,'' the YWCA Heart of Gold Award, and the 100 Most Influential Black Citizens in the Greater Kansas City Area in 1993, 1994, 1996, 1997, and 1998. Ms. Kemp's service has benefited all women and been an asset for our community.

Mr. Speaker, please join me in saluting this courageous, innovative, and inspiring individual, Rose Kemp, as she accepts the first ever ''Rose Kemp Public Service Award.''

HONORING EIGHT NORTHWEST INDIANA EDUCATORS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. VISCLOSKY. Mr. Speaker, today I commend eight dedicated teachers from Northwest Indiana who have been voted outstanding educators by their peers for the 1999–2000 school year. These individuals, Debra Ciochina, Douglas DeLaughter, Brenda Greene, Dennis Keithley, Martin Kessler, Marilyn Qualls, Martiann Recktenwall and Sharron Thornton, will be presented the Crystal Apple Award at a reception sponsored by the Indiana State Teachers Association. This glorious event will take place at the Broadmoor Country Club in Merrillville, Indiana, on Wednesday, May 3, 2000.

Debra Ciochina, from Crown Point Community School Corporation, has taught for 30 years. Currently, she teaches at Crown Point High School, where she has been the assistant director of the Crown Point High School Theater for five years. She also coaches the Crown Point High School Dance Team. As a freelance director, choreographer and performer for community theaters and schools, she has written and produced various original productions. Debra not only finds interesting ways to help her English and Speech classes learn important concepts, she also makes her students enjoy learning. Her charismatic personality transfers enthusiasm for her subject area to her students. She embraces the idea that each of us must find an individual passion and be true to one's convictions.

Douglas DeLaughter is described by his peers as an outstandingly professional and dedicated teacher. He has taught for 17 years, and is current working within the School Town of Munster. Doug has dedicated himself to understanding and displaying the aspects of being a professional in the field of education. His enthusiasm and love for education is truly contagious, for Doug inspires those around him to strive for excellence. Doug's commitment and love for children and their education has been seen in the number of hours he devotes to his job, the number of committees he has taken a leadership role in, and the programs he has instituted.

Brenda Greene has been a role model, inspiration and a coach during her 22 years of teaching. She currently teaches Speech and English in the North Newton School Corporation. Her commitment to students is obvious. As a professional educator, Brenda works closely with her students during and after school, ensuring that they do their best. Her colleagues know her as a dedicated teacher because she puts so much time into coaching the speech team, serving as a Building Representative, and fighting for the improvement of education.

Dennis Keithley teaches Language Arts at Lowell Middle School and has been a teacher within the Tri-Creek School Corporation for 31 years. Dennis graduated from Lowell High School and returned to teach in Lowell where his family has lived for many years. Dennis is a true champion of his students. He attends sporting events, music programs, drama productions, and graduation exercises in support of the students. Not only does Dennis care about his students, he also cares about his co-workers. Dennis has worked tirelessly for the Tri-Creek Teachers Organization by serving as its co-president for the last eight years. Additionally, he has served on the negotiating team, the high school air quality committee, the retirement benefits committee, the finance committee, and the teacher's evaluation committee. Dennis' dedication to the profession of teaching is exemplary.

Martin Kessler teaches math in the School Town of Highland. He has been a dedicated teacher to all of his students for the past 31 years. His sense of humor and teaching style has withstood the test of time. He is an entertainer as much as an educator and the kids love it! Martin makes learning math fun even for students who have had difficulty in the past. Through his caring attitude, Martin exhibits a great deal of thoughtfulness towards both student and teachers. He is involved in the local Indiana Teacher's Association and always supports his fellow teachers with action, not just words.

Marilyn Qualls from the Lake Central School Corporation always puts kids first. Throughout her career as an elementary teacher she has made personal sacrifices of time and effort to make sure each child in her classroom succeeds. Additionally, as a Building Representative, member of the District Council, and part of the bargaining team, she has always represented the teachers to the best of her ability. Marilyn is a continuous source of enthusiasm for her students and others as well.

For the past 20 years, Martiann Rectenwall has been an asset to the Hanover Community School Corporation. She creates interesting and innovative lessons that inspire her students to reach their fullest potential. Martiann inspires creative thought and promotes higher level thinking skills in all of her lessons. Her colleagues know her as a dedicated teacher since she puts so much time into developing special projects for her students. For Martiann, working extra hours or creating new teaching strategies to help her students achieve is not unusual.

Sharron Thornton from Lake Central School Corporation is truly a devoted educator. Throughout her 25 years career at Peifer Elementary School, she has trained numerous student teachers. Her guidance is very important because of her methods of dealing with children and academics. She strives to be approachable and communicates well with administrators, fellow teachers, students and parents. Her special inner core of education-related beliefs and opinions are well received and respected.

Mr. Speaker, I ask you and my distinguished colleagues to join me in commending these outstanding educators on their receipt of the 1999–2000 Crystal Apple Award. The years of hard work they have put forth in shaping the minds and futures of Northwest Indiana's young people is a true inspiration to us all.

IN CELEBRATION OF THE 150TH ANNIVERSARY OF CARTERSVILLE, GEORGIA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. BARR of Georgia. Mr. Speaker, this year, Cartersville, Georgia celebrates its 150th anniversary. The beautiful city of Cartersville is nestled in the foothills of the North Georgia mountains in Bartow County, about 45 minutes north of Atlanta. The low rolling mountains, green forest and waters of the Etowah River and Lake Allatoona help to create one of the most picturesque communities in the state of Georgia.

More impressive even than its geography, is the tremendous spirit of community involvement that is obvious to visitors and long-time residents alike. To visitors accustomed to the hustle and bustle of big city life a few miles away, Cartersville and its surrounding area provide a welcome change of scenery, peace and attitude.

The Cartersville we know and love today exists because of its citizens, past and present, who have shaped its development for the past 15 decades. Before the War Between the States, Cartersville and the surrounding area was characterized by a predominantly agrarian community, along with substantial iron mining and railroad interests. Unfortunately, like many other communities in the South, Cartersville and the surrounding county of Bartow, were devastated by the war and its immediate aftermath.

However, unlike some other areas, the people of Cartersville were quick to adapt to changing conditions, and managed to fashion an economically powerful community; coupling mining and farming with a thriving industrial base. Opportunities abounded for the business climate, largely because of the work ethic of its people, and its excellent schools.

Over the decades, Cartersville and Bartow County have continued to be a magnet for top-notch businesses; such as Shaw Carpets, Goodyear Tires, Phoenix Air, Dellinger Management, Emory-Cartersville Medical Center, Glad Trash Bags, and Anheuser-Bush, to

name a few. Businesses have found Cartersville to be an ideal community in which to locate. Tourism is also a major component of the local economy, and of special interest are Lake Allatoona and the Etowah Indian Mounds; evidence that Native Americans once lived and thrived in this area.

Numerous leaders in American life, outside of the business sphere, have ties to Cartersville. In addition to giving America congressmen and military leaders, Cartersville has given Georgia former Governor Joe Frank Harris and current Georgia Supreme Court Chief Justice Robert Benham. In sports, baseball and horse racing, greats trace their origin to Cartersville. Finally, in the literary field, World War I correspondent Corra Harris, and humor columnist Bill Arp counted Cartersville as their home.

HEALTH CARE PREMIUM PAY CONVERSION FOR FEDERAL EMPLOYEES AND RETIREES

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. DAVIS of Virginia. Mr. Speaker, today introduced a new piece of legislation that will help Federal employees and retirees better afford health care.

The bill, which is titled the Federal Employees Health Insurance Premium Conversion Act, greatly expands a program already being utilized by several branches of the federal government. Under this bill, all current legislative branch employees, uniformed service employees, and all military and civilian retirees and their spouses would be able to have their health care premiums paid out of their pre-tax earnings.

Mr. Speaker, under this plan, which is already available to judicial branch and postal employees and will soon be available to all executive branch employees, federal workers who have previously struggled to pay their health care premiums will find that task just a little easier every month. Federal Retirees and their families, many of whom are on a fixed income, will also be able to pay their health care premiums without spending their entire months budget.

In short, Mr. Speaker, this bill will help federal employees compensate for the discrepancies between their pay and the private sector. It will further help us recognize the contributions made by federal retirees and allow them and their families afford health care.

In closing, I would ask all my colleagues to join me in support of this bill, and help get it passed so it can begin helping the people who need it the most as soon as possible.

BUSINESS CHECKING MODERNIZATION ACT

SPEECH OF

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. JONES of North Carolina. Mr. Speaker, today I support H.R. 4067, the "Business Checking Modernization Act" and urge my House colleagues who will be conferees negotiating with the Senate on this important legislation, to work for the inclusion of two specific provisions in any Conference Report.

Mr. Speaker, H.R. 4067 repeals certain banking laws to allow banks to pay interest on commercial checking accounts. The House of Representatives passed very similar legislation on October 9, 1998 by a unanimous vote. However, that legislation also included a key provision—allowing the Federal Reserve to pay interest on "sterile reserves". This feature should be added to H.R. 4067 because the bill as currently drafted would establish additional reservable accounts without providing for the payment of interest on sterile reserves required by the Federal Reserve for those accounts. In effect, the bill imposes new costs on banks without providing a way to offset those new expenses.

In addition, the bill currently before the House includes a phase-in period of three years before the law is changed to allow banks to pay interest on commercial checking accounts. While the bill passed in 1998 included a longer transition period than the current version before the House, a transition period of no less than three years is critical because the bill will be significantly changing the way banks have conducted their relationships with their customers. Under current law, banks have structured relationships with their business customers taking into account the prohibition against the payment of interest on commercial checking accounts. Banks frequently provide a variety of other services, and a sufficient transition period is needed to allow banks the opportunity to enter into new relationships with their commercial customers.

H.R. 4067 provides a three-year transition period, which I strongly urge my colleagues who negotiate the Conference Report to retain. Any shorter period would place an undue hardship on current banking customer relationships. I understand that House Banking Committee Chairman LEACH is supportive of these provisions, and I urge my colleagues to include these important provisions in any Conference Report, and reject any effort to shorten the transition period of three years in the bill.

IN HONOR OF JUDGE EDDIE CORRIGAN OF THE CLEVELAND MUNICIPAL HOUSING COURT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. KUCINICH. Mr. Speaker, I honor Judge Eddie Corrigan who served on the Cleveland Municipal Housing Court for eight years in the late 1980's and early 1990's. He was a brilliant jurist.

After graduating from Yale University, Judge Corrigan served in the Army infantry in the Pacific during WWII, where he held the rank of lieutenant. He later earned a law degree from the Western Reserve Law School in 1949 and opened a law practice in Painesville, Ohio in 1950.

He realized early that people needed to be challenged in order to get the point, and he quickly became a master at this. His wit and wisdom added a sudden spark to often-routine court proceedings. Quick with a quip, insightful and incredibly perceptive, Judge Corrigan was a true spark plug in the court room. He was Cleveland's most entertaining legal venue. Judge Corrigan, who legally changed his given name of Edward to Eddie in 1980, saying it sounded more American. His unconventional approach to life was a breath of fresh air to the city of Cleveland, Ohio and to its Municipal Housing Court. Judge Corrigan managed to live an extraordinarily full life and raise a wonderful family, including his wife of 33 years, seven children and ten grandchildren, in the process. He has become a Cleveland icon and an inspiration to us all. He will be missed.

I ask you, fellow colleagues, to join me in honoring this unique and brilliant man, Judge Eddie Corrigan of the Cleveland Municipal Housing Court.

HONORING THE NORTH PARK MIDDLE SCHOOL BAND FROM PICO RIVERA, CALIFORNIA

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mrs. NAPOLITANO. Mr. Speaker, today I recognize the outstanding achievements of the North Park Middle School Band from Pico Rivera, California. Time and again this forty-eight member marching band, through the leadership of director Ron Wakefield, concert master Karen Panganiban, drum major Jannette Aldana, assistant concert master Marytza Padilla, and administrative assistant Lou Diaz, have demonstrated a will, drive, and dedication whose efforts demand our respect and admiration.

The North Park Middle School band has performed in parades and concerts in Florida, Hawaii and Mexico, and their accolades encompass more than a hundred sweepstakes awards in parade competition. They were the first and are still the only middle school band to ever participate in the Pasadena Tournament of Roses Parade.

Today, I am overjoyed to announce that these young men and women will be performing at the National Band Festival in Carnegie Hall on April 21, 2000. It is the only middle school band to have been selected to perform with high school and college bands throughout the country. Next year, they will be performing in Vancouver, British Columbia, and the following spring, they will be our ambassadors of music at a concert in St. Paul's Cathedral in England.

The awards and honors that have been bestowed upon this amazing group of individuals enkindles in our community a sense of pride and happiness. These achievements have been made despite great financial adversities. The student musicians at North Park Middle School are a beacon of hope to schools throughout the country, because they have demonstrated that the arts must be an integral part of every school curriculum. They are also deserving of our highest commendation for their outstanding efforts in raising $80,000 so that we might enjoy their illustrious performances.

It is my very great honor to recognize the North Park Middle School Band for their tireless efforts, dedication, and commitment. They are an inspiration to all of us.

THE ARMENIAN GENOCIDE

SPEECH OF

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. BLILEY. Mr. Speaker, today in remembrance of the Armenian Genocide of 1915–1923, we protect the memory of the Armenian Genocide that began over 85 years ago.

Throughout my tenure in Congress, I have taken to the floor of the U.S. House of Representatives to urge my colleagues to recognize the genocide of the Armenian people at the hands of the Ottoman Turks. I continue that tradition again.

In the shadow of World War I, the Ottoman Turk Government embarked on a plan to systematically eliminate the Armenian people from their ancestral homeland. The Armenian men who had answered the call to join their country's armed forces were isolated and shot. On orders from the central government, Turkish soldiers rampaged from town to town, brutalizing and butchering the remaining Armenian population. Women and children were then forced on a death-march into the Syrian desert. By the end of the war, the Ottoman Turks had been successful in exterminating 2 out of every 3 Armenians. A million and a half Armenians had perished at the hands of the Ottoman Turks.

Henry Morgenthau, Sr., then United States Ambassador to Turkey, wrote:

> I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915.

It was only 20 years later that Adolf Hitler asked rhetorically, 'Who remembers the Armenians?' as he began his master plan to annihilate the Jews. Those who fail to remember history are condemned to repeat it.

The years cannot mute the voice of those Armenian survivors whose individual accounts of savagery combine to form a bedrock of irrefutable evidence. Despite the attempts to hide the records and to distort the facts; despite the world's preoccupation with politics and strategy, the truth of the Armenian genocide remains.

The Armenian Genocide marked the beginning of a barbaric practice in the Twentieth Century. Now at the beginning of the Twenty-First Century, it is even more important to remember, and condemn, these horrific crimes against humanity. It is for these reasons that I ask you to support House Resolution 398.

THE IMPORTANCE OF INTERNATIONAL EDUCATION—REMARKS OF DR. HENRY KAUFMAN, CHAIRMAN OF THE INSTITUTE OF INTERNATIONAL EDUCATION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. LANTOS. Mr. Speaker, the Institute of International Education (IIE) held a meeting of its board today here in Washington and also honored a number of individuals for their contributions to international educational and academic exchanges. The IIE is an independent nonprofit organization which is a resource for educators and academic institutions around the world. It was established in the United States shortly after the end of World War I to encourage international education.

The Institute is the administrator of the Fulbright Program, which is our nation's premier public diplomacy initiative, and it provides training and leadership development programs for public and private sector initiatives. The mission of the IIE is to increase the number of students, scholars, and professionals who have the opportunity to study, teach and conduct research outside of their own country and to strengthen and internationalize institutions of higher learning in the United States and abroad.

Mr. Speaker, as the economy of the United States is increasingly integrated into the global economy, as our communications are increasingly instantaneous throughout the world, and as our national security, health, and well-being are increasingly affected by events thousands of miles from our shores, the importance of international education and understanding cannot be underestimated. In this increasingly interconnected world, the role and importance of the IIE likewise has become much more important.

Mr. Speaker, at the luncheon awards ceremony today here on Capitol Hill, Dr. Henry Kaufman, the Chairman of the Board of the Institute of International Education made outstanding remarks about the importance of international education for our nation's economy and for our continued leadership in the world. Dr. Kaufman had a distinguished career spanning a quarter century at Salmon Brothers, where he was Vice-Chairman of Solomon, Inc. After leaving that firm, he established Henry Kaufman and Company in 1988. He is a widely published author on economic and financial issues. In 1989, he became Chairman of the Board of Trustees of the Institute of International Education.

Mr. Speaker, I ask that Dr. Kaufman's particularly important remarks be placed in the RECORD, and I urge my colleagues to give them the serious and thoughtful attention they deserve.

REMARKS OF DR. HENRY KAUFMAN, CHAIRMAN, INSTITUTE OF INTERNATIONAL EDUCATION, APRIL 13, 2000

Ladies and Gentlemen: The Board of Trustees of the Institute of International Education welcome you to this very special gathering here in the Rayburn House Office Building. We are here today to recognize the lives of public service of our two recipients of the Stephen P. Duggan Award for International Understanding.

Our two honorees have spent a portion of their professional lives as educators. Both recognize that the work force for the global economy that will be needed in the decades ahead requires an understanding and appreciation of other countries, other peoples and other cultures. And both recognize that international educational exchange is the best way to achieve that.

Each year, with the support of the Department of State, the Institute of International Education conducts research on the international student mobility. The most recent Open Doors data tells us that last year 114,000 American students pursued some study abroad. That is less than one percent of the students enrolled in our colleges and universities. Most of them studied abroad for one semester or less, and most in countries where English is the native language.

IIE believes that we must do better if we are to retain our position of leadership in this ever more interdependent world. Many of our own educational institutions are equally committed to assuring that their students have a study abroad experience. We are discussing with Members of Congress and their staffs ways that legislatively we may be able to establish programs that would foster student mobility.

The 490,000 foreign students studying here in the U.S. represent a contribution to our economy of some $13 billion. In addition, they internationalize our campuses by bringing their own perspectives to issues encountered in the classroom.

The U.S. share of the market of students studying abroad from throughout the world is shrinking. Many European countries, as well as Australia and New Zealand, are actively recruiting those students. In initiating a push to have universities in the United Kingdom educate a 25 percent share of that market, Prime Minister Tony Blair said as recently as last June: "People who are educated here have a lasting tie to our country. They promote Britain around the world, helping our trade and our diplomacy. It is easier for our executives and our diplomats to do business with people familiar with Britain."

By the same token, those who have studied here have observed an open democratic system of government, have experienced the freedoms we take for granted, have perfected their English language skills and have learned of the economic potential of our country as a trading partner. Their perspectives are informed by their personal experience of American values and the American way of life. They have an understanding and appreciation of the United States that can come only from living here.

COMMEMORATING THE ONE YEAR ANNIVERSARY OF THE TRAGIC ACCIDENT AT THE NAVAL BOMBING RANGE IN VIEQUES

HON. CARLOS A. ROMERO-BARCELÓ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. ROMERO-BARCELÓ. Mr. Speaker, almost one year ago on April 19, a tragic accident at the Vieques bombing range claimed the life of a civilian employee of the Navy, David Sanes Rodríguez. That tragedy brought to the forefront longstanding concerns for the safety, health and welfare of the 9,300 Americans citizens that reside in Vieques and has been the catalyst for discussions nationwide.

On January 31st, 2000, the Department of the Navy, the Administration and the Governor of Puerto Rico reached an agreement on the future of the range which formed the basis for the Presidential Directives. To underscore their support for the agreement, the Secretary of the Navy, with the approval of the Secretary of Defense, presented to the Congress legislative initiatives that will, first, transfer the Navy land on the western end of Vieques to the Commonwealth of Puerto Rico and, second, seek approval for the transfer of $40 million dollars for economic incentives.

With these initiatives, Congress has the opportunity to ensure that national security and military readiness requirements are balanced with the rights, health, safety, and welfare of the American citizens of Vieques, while taking into account their contributions to the national defense.

As the sole elected representative of the four million American residents in Puerto Rico I support the agreement and am joined by Puerto Rico's Legislature, Mayor of Vieques, Governor Rosselló and former Governors Ferré and Hernández Colón.

The past year has been a critical time for all of us and it is my hope, that as we mark this significant anniversary, we can move forward together.

TAX LIMITATION CONSTITUTIONAL AMENDMENT

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. BALLENGER. Mr. Speaker, I am pleased to be a cosponsor of the Tax Limitation Amendment 2000 (H.J. Res. 94), introduced by our Republican colleague Representative PETE SESSIONS (R–TX). I firmly believe that we need this amendment to insure that, in virtually every circumstance, a tax increase would require a two-thirds vote in both houses of Congress for final adoption. While this is not a new idea, I believe it is a proposal which deserves our attention and that of the American taxpayers again this year.

Despite the best efforts of the Republican-led 106th Congress to reduce taxes and make the federal tax code fairer for America's hard-working citizens, we cannot count on future Congresses to share our enthusiasm for these reforms—reforms which are strengthening individual citizens' economic opportunities and fueling our nation's record economic growth. We proposed a tax limitation amendment in the fall of 1994 as one component of the Republican's Contract with America, a list of legislative objectives which has guided our policy agenda since the Republican takeover of the House and Senate in 1995. The enactment of H.J. Res. 94 would represent an insurance policy which this Congress should leave as a part of our legacy to our citizens.

H.J. Res. 94 not only seeks to make Congress more fiscally responsible, but it would instill greater public confidence in the tax system. This result has been endorsed by the National Commission on Economic Growth, chaired by former House Member and Republican Vice Presidential nominee Jack Kemp. The amendment would block future major tax increases which resemble President Clinton's 1993 tax increases for example, a bill which cleared the House by only one extra vote and clearly lacked strong bipartisan support. President Clinton's tax hikes are haunting many Americans today, in particular elderly Americans in my congressional district.

The bottom line is that the same super-majority requirement which is applied to major decisions like amending the Constitution and impeaching the President ought to be required for legislation which would take more money out of our constituents' monthly budgets.

HONORING MAJOR BURKS A. VIA, USMC

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. COX. Mr. Speaker, on April 28, 2000, Marine Corps Major Burks A. Via will be laid to rest at Arlington National Cemetery. Major Via was a constituent; and the El Toro Marine Corps Air Station, where he was based for many years during his quarter century of military service, is of special significance to Orange County, CA. It is my honor to bring Major Burks' record to the attention of the 106th Congress as the nation prepares to honor him at Arlington.

Burks Via was born in Roanoke, VA, June 7, 1917. He joined the Marine Corps on his birthday in 1938. After the Royal Canadian Air Force trained him as a pilot, he flew missions in the South Pacific—207 from American Samoa and 40 from Munda, Bougaineville, and Guadalcanal.

Via piloted the first Marine Corps aircraft to land in Hong Kong after end of World War II. As the United States worked for post-war peace and stability in Asia, he served with the First Marine Air Wing in Tsingato, China. When Chinese Communist forces grew stronger, and turned their gun sights to U.S. Marines, he flew the final missions out of Chengchun, Mukden, and Peiping. His service record with the Fleet Marine Force, Western Pacific, from June 1948 to January 1949, includes salutations for ''extensive behind the lines intelligence missions'' against the Communist forces.

In 1949, he was transferred to Cherry Point, NC, the long-time East Coast counterpart to the El Toro Marine Corps Air Station. After duty at the Naval Air Station at Anacostia, where he was promoted to Major, he began a tour in 1953 that took him to El Toro, Hawaii, Japan, and Korea, flying 566 missions. Starting in 1955, Major Via took charge of transport missions for senior U.S. and NATO military officials and diplomats around the world. As Marine Colonel William L. Beach noted in his eulogy on December 17, 1999, Major Via was considered the best VP pilot in the Marine Corps and the Navy. In fact, when President Johnson flew to California to dedicate the University of California at Irvine in 1964, the Marine Corps pilot was asked to back up the President's Air Force One pilot. That same year, Major Burks retired, having logged 14,000 flight hours.

Major Burks served not only his nation, but also his family, and his community. His wife, Shirley, five children, and seven grandchildren, survived him. Orange County will miss him. At Arlington, the nation will honor him. His contributions to freedom in Asia, in Europe, and around the world, and his service to the Marine Corps and the nation, merit our appreciation and our gratitude in Congress.

REMEMBERING THE LATE HONORABLE EDWARD J. SCHWARTZ

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. CUNNINGHAM. Mr. Speaker, today I honor the late Judge Edward J. Schwartz, who in his life brought honor to his country through distinguished public service in the U.S. Navy and as a judge for the United States District Court for the Southern District of California.

Judge Schwartz graduated from San Francisco Law School and practiced for one year before joining the Navy in 1942. He fought in both the Pacific and European Theaters of war and was released as a Lieutenant Commander in 1945. He was appointed to the bench by President Lyndon Johnson in 1968 and became chief judge in 1969 where he presided over one of the busiest caseloads in the country.

Judge Schwartz possessed the ideal qualities of a judge—wisdom, intellectual curiosity, an incisive mind, integrity, common sense, and a full measure of compassion. His career marks a time of great change in San Diego, from its past as a quiet Navy town, to its present as a dynamic multicultural high-tech community.

He is survived by his wife, Martha Monagan-Hart, his three children, and three grandchildren. Our thoughts and prayers go out to the family of the late Judge Edward J. Schwartz. He will truly be missed.

CELEBRATION OF THE 35TH ANNIVERSARY OF THE SERVICE CORPS OF RETIRED EXECUTIVES

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. BLILEY. Mr. Speaker, today I celebrate the 35th anniversary of the Service Corps of Retired Executives (SCORE) Chapter 12 in Richmond, Virginia, SCORE is a group of experienced executives who volunteer their time to help entrepreneurs start up and run a business.

Richmond's SCORE Chapter 12 was established in April 1965 by the U.S. Small Business Administration. Since then, these elder statesmen of central Virginia's small business community have been a resource for small business entrepreneurs, serving as mentors and advisors to the small business community. SCORE Chapter 12 volunteers have conducted over 30,000 free counseling sessions and led business workshops attended by over 10,000 individuals since its establishment 35 years ago. SCORE has made a significant contribution to the economic well being and quality of life in Richmond.

I commend the men and women of SCORE Chapter 12 who volunteer their time and expertise to improve and foster the growth of small business in central Virginia.

PERSONAL EXPLANATIONS

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Ms. SCHAKOWSKY. Mr. Speaker, during rollcall vote No. 56 on H. Con. Res. 288 I was unavoidably detained. Had I been present, I would have voted "aye".

During rollcall vote No. 57 on H. Res. 182 I was unavoidably detained. Had I been present, I would have voted "aye".

During rollcall vote No. 58 on Journal I was unavoidably detained. Had I been present, I would have voted "aye".

During rollcall vote No. 59 on Ordering Previous Question H. Res. 444 I was unavoidably detained. Had I been present, I would have voted "nay".

During rollcall vote No. 60 on Agreeing to Res. H. Res. 444 I was unavoidably detained. Had I been present, I would have voted "nay".

During rollcall vote No. 61 on Will House Consider S. 1287 I was unavoidably detained. Had I been present, I would have voted "nay".

During rollcall vote No. 62 on Commit w/Instructions S. 1287 I was unavoidably detained. Had I been present, I would have voted "aye".

During rollcall vote No. 63 on S. 1287 I was unavoidably detained. Had I been present, I would have voted "nay."

During rollcall vote No. 64 on H. Res. 445 I was unavoidably detained. Had I been present, I would have voted "nay."

During rollcall vote No. 65 on H.R. 3822 I was unavoidably detained. Had I been present, I would have voted "aye."

During rollcall vote No. 66 on Journal I was unavoidably detained. Had I been present, I would have voted "aye."

During rollcall vote No. 67 on Ordering Previous Question H. Res. 446 I was unavoidably detained. Had I been present, I would have voted "nay."

During rollcall vote No. 68 on Agreeing to H. Res. 446 I was unavoidably detained. Had I been present, I would have voted "nay."

During rollcall vote No. 69 on H. Con. Res. 290 I was unavoidably detained. Had I been present, I would have voted "nay."

During rollcall vote No. 70 on Owens Amdt to H. Con. Res. 290 I was unavoidably detained. Had I been present, I would have voted "aye."

During rollcall vote No. 71 on DeFazio Amdt to H. Con. Res. 290 I was unavoidably detained. Had I been present, I would have voted "aye."

During rollcall vote No. 72 on Stenholm Amdt to H. Con. Res. 290 I was unavoidably detained. Had I been present, I would have voted "nay."

During rollcall vote No. 73 on Sununu Amdt to H. Con. Res. 290 I was unavoidably detained. Had I been present, I would have voted "nay."

During rollcall vote No. 74 on Spratt Amdt to H. Con. Res. 290 I was unavoidably detained. Had I been present, I would have voted "aye."

During rollcall vote No. 75 on H. Con. Res. 290 I was unavoidably detained. Had I been present, I would have voted "nay."

IN HONOR OF JEANNE SIMON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to pay tribute to Jeanne Simon, the wife of former Senator Paul Simon of Illinois. Jeanne Simon passed away on February 20th of this year. She was not only a gracious and dutiful politician's wife; Jeanne Simon forged her own career as a lawyer, author, politician, and lobbyist.

Throughout her full life, Jeanne Simon held many roles. She was among the first women to attend law school at Northwestern University. She served as an Illinois State Representative, Chairwoman for the U.S. National Commission on Libraries and Information Science, and was a member of the faculty at Southern Illinois University, where she and her husband helped establish the Public Policy Institute there.

After her marriage to fellow Illinois State Representative Paul Simon in 1960, Jeanne Simon chose not to run for re-election to her third term as State Representative. Instead, she dedicated her time to her husband's campaigns as he was elected State Senator, then Lieutenant Governor, U.S. Representative, and finally U.S. Senator in 1984.

Aside from her notable political career, Jeanne Simon was also a successful author and an authority and spokesperson on varied issues from libraries to education to arms control. Her diverse and dynamic career was an inspiration and her tireless devotion to her country and her government will not be forgotten.

My fellow colleagues, I ask you to join with me in remembering Jeanne Simon, an extraordinary and passionate woman who will be greatly missed.

EDWARD W. RHOADS CHAPTER, KOREAN WAR VETERANS ASSOCIATION

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. PASTOR. Mr. Speaker, today I pay tribute to the men and women of the Edward W. Rhoads Chapter of the Korean War Veterans Association in Tuscon, Arizona, who have joined together to honor those who fought in the "Forgotten War." Through personal commitment, they are working to identify veterans of the Korean conflict, especially those who live in or who served from Pima County, Arizona. Their commitment to those who served in Korea has encouraged a rebirth of patriotism and pride for Korean War Veterans. All branches of the United States Military are welcome to participate. The only requirement is that the veteran served on active duty.

The chapter is named for Edward W. Rhoads, Jr., who was the first casualty of the Korean War from Pima County. Mr. Rhoads was in Company G, 19th Infantry Regiment, 24th Infantry Division. He was captured on July 16, 1950, and died in North Korean POW Camp #3. His date of death is listed as December 31, 1951. He is credited with saving the life of one POW during the vicious "Tiger Death March." His story of quiet heroism, suffering and personal sacrifice is one of the many stories that need to be told and remembered of our Korean veterans.

I applaud the efforts of the members of the Edward W. Rhoads Chapter who have created a place where memories and heroic deeds can be shared by those who appreciate them most: the men and women who were there.

In addition, they have created a physical place of remembrance, a war memorial, to honor all who served during the Korean War. The names of the Pima County veterans who gave their lives in Korea will be inscribed on the memorial, which will serve as a reminder of all that duty to and love for one's country are part of our proud American heritage.

May America always be protected by individuals like the Korean War Veterans in the Edward W. Rhoads Chapter. In their youth they gave their vitality and innocence to protect our nation. Today they continue to give their energy and enthusiasm to protect the ideals for which our nation stands. May democracy always have such champions.

HONORING RICHARD B. HARVEY, DISTINGUISHED SERVICE—PROFESSOR OF POLITICAL SCIENCE

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Ms. ROYBAL-ALLARD. Mr. Speaker, I am honored today to pay tribute and to congratulate Dr. Richard B. Harvey upon retirement from Whittier College. His educational leadership encouraged countless young students to seek careers in public service.

The inspiration that Dr. Harvey brings to the classroom springs from his commitment to educating students and his belief in the importance of the political process. Dr. Harvey has been an exceptional educator of our youth. He earned a B.A. degree from Occidental College, M.A. and Ph.D. degrees from the University of California, Los Angeles. Within the Whittier educational community, Dr. Harvey participated as a Whittier college assistant dean, a dean of academic affairs and chair of the political science department. In addition to his academic pursuits, Dr. Harvey is also an author, a cohost on television programs, and a radio commentator, delivering political analysis of election results.

Mr. Speaker, I ask my colleagues to join me in wishing Dr. Richard Harvey best wishes on his retirement. His dedication and commitment to teaching California politics has earned him the respect of our citizens.

PERSONAL EXPLANATION

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. SAM JOHNSON of Texas. Mr. Speaker, due to a scheduling conflict I was unavoidably detained and missed rollcall vote 115. Had I been present I would have voted ''aye'' on H.R. 4051, Project Exile: The Safe Streets and Neighborhoods Act of 2000. This bill would establish a grant program that provides incentives for States to enact mandatory minimum sentences for certain firearm offenses.

TRIBUTE TO MARTY RUBIN

HON. JULIAN C. DIXON

OF CALIFORNIA

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. DIXON. Mr. Speaker, on behalf of myself and my colleague Congresswoman LUCILLE ROYBAL-ALLARD, I rise today to pay tribute to Marty Rubin, who after 44 years with the engineering firm of Parsons, Brinckerhoff Quade & Douglas, Inc., is retiring as Chairman Emeritus with a rich legacy of work on transit, highway, bridge, and other public works projects across the nation. From his extensive involvement in the Los Angeles Metro Rail System to his engineering guidance on the Long Beach Blue Line and the Green Line light rail systems, Marty's impact on the infrastructure of Los Angeles has been particularly profound. His friends and associates will gather to honor Marty on April 26 for the crucial role he played in the development of Los Angeles County's transportation system.

Marty Rubin's vision, energy, and wisdom in providing project planning, programming, designing, managing, engineering, and constructing support are recognized by public agencies nationwide. The numerous national transportation infrastructure projects outside of Los Angeles which have benefited from his expertise include San Francisco BART; the Honolulu Rapid Transit Program; the Aviation Parkway in Tucson; the California State Route 91 and State Route 126 Widening projects; the California 1–215 Corridor improvements; the Richmond-Petersburg Turnpike, Virginia; the Garden State Parkway, New Jersey; the Grand Central Parkway; and the New York Belt Parkway.

Marty's peers in the transportation industry and public transportation agencies around the country recognize Marty Rubin as a man of unparalleled integrity. For his efforts to promote minority opportunities in engineering throughout southern California, Marty Rubin has been recognized by the Society of Hispanic Professional Engineers for his leadership. Among the honors he has received is the 1998 Milton Pikarsky Distinguished Leadership Award in Transportation from the School of Engineering from the City College in New York.

Marty Rubin has made an immeasurable contribution to the improvement of mobility for the residents of Los Angeles County and the generations of residents to follow. We are proud to call him our friend, and ask our colleagues in the House to join us in commending this accomplished engineer for his services to the nation's transportation infrastructure and wishing him well in his retirement.

THE ATOMIC WORKERS COMPENSATION ACT

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. UDALL of New Mexico. Mr. Speaker, today I speak about the issue of worker compensation. Today, the administration, Secretary Richardson, President Clinton, and Vice President Gore announced a worker compensation program for workers at the national laboratories all across this country.

Workers have worked at these nuclear establishments and plants for many years, and many of them have been injured as a result. This has been a very sad chapter in the history of the United States. The Department now acknowledges these occupational exposures and has decided to turn over a new leaf. I rise today to introduce legislation that deals with this situation. In New Mexico, about 3 weeks ago, I attended a hearing in my district where workers came forward; they talked about how patriotic they were. They talked about how they were serving their country for many, many years, and as a result of their work they believed they came down with cancers, with beryllium disease, with asbestosis, with a variety of other illnesses. These were very heart wrenching stories.

Among the New Mexicans who shared their testimony is Mr. Jonathan Garcia, who worked at Los Alamos National Laboratory for over 16 years. Mr. Garcia has radiation-induced leukemia. Mr. Garcia has been robbed of his health, but not his dignity.

Gene Westerhold worked for over 44 years cleaning up plutonium and hazardous chemicals for Los Alamos National Laboratory. Mr. Westerhold was told at one point that he was prohibited from working in certain areas due to his high radiation exposures. Yet, when he sought information of his exposure history, he was told his records were lost, Mr. Westerhold is a survivor.

Ms. Darleen Ortiz, whose father died of cancer after having spent his life cleaning up toxic materials at Los Alamos, is a survivor. Ms. Hugette Sirgant, a widow of a Los Alamos National Laboratory employee, has bravely taken on the role and responsibility as an advocate for both victims and survivors.

And lastly, Mr. Tómas Archuleta was exposed to beryllium, plutonium, asbestos, solvents, toxic metals and hazardous chemicals. Mr. Garcia, Mr. Westerhold, Mr. Archuleta, Ms. Oritz, and Ms. Sirgant are survivors. These brave people have asked for my help in crafting legislation that would help them.

Today, I introduced a piece of legislation that will be comprehensive. It will deal with all of the injuries that occurred and that were talked about at the Los Alamos hearing. It is comprehensive in the sense that it will cover beryllium; it will cover radiation. It will cover asbestos, and it will cover the chemicals that these workers were exposed to.

Under this legislation, the workers will be able to come forward to demonstrate their exposure and their illness in a program similar to the Workman's Compensation program that is in place for the Federal Government.

My legislation will also provide that during the 120 day period while their claim is pending, Los Alamos National Laboratory workers will be able to get health care for their ailments related to their workplace exposures free of charge at the nearest Veterans Hospital.

And the burden is on the government, because many of these individuals came forward and talked about how they had worked their whole life, and they knew they were exposed, but then, when they asked for their records, there were no records. Their records were lost. So under those circumstances, we clearly have to put the burden on the Government.

Although my bill is specifically directed to New Mexico, I know there are many other of my colleagues around the country that have this same situation in their districts. They are Democrats and Republicans and all areas of the United States are affected. So I think this is a great issue for us to join together in a bipartisan way, and I urge my colleagues to work together to craft a solution to this problem at the national level.

The reason I think it is so important is that these workers were true patriots. They were people that loved their country, cared about their country, and worked for their country at a critical time for us. We now need to do something for them.

THE REVEREND DR. ERROL A. HARVEY

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Ms. VELÁZQUEZ. Mr. Speaker, today I recognize a man whose faith defined his character and whose character is considered a model for modern social justice.

Mr. Speaker, Helen Keller once said, "Character cannot be developed in ease and quiet. Only through experience of trial and suffering can the soul be strengthened, ambition inspired, and success achieved."

The Reverend Dr. Errol A. Harvey was born in the great city of Grand Rapids, Michigan in 1943. As the second of four sons born to Fred and Elizabeth Harvey, young Errol lived in Grand Rapids until 1965 when he graduated from Aquinas College with a degree in history and political science.

However, Errol, whose character was shaped at a very early age by the death of his dear mother Elizabeth, decided to answer the call of his faith and his God. Father Harvey entered Seabury-Western Theological Seminary and received a Bachelor's of Divinity degree in 1969. His work as a Catholic Priest took him from the Trinity Cathedral Church in Newark, New Jersey to Dorchester, Massachusetts to the infamous Bronx in New York.

And in every area in which he has lived, worked and taught, Father Harvey has left a legacy of community leadership, social justice and acted as a tireless champion of those who are less fortunate.

For instance, while Vicar of St. Andrew's Church in the Bronx, Father Harvey was instrumental in building St. Andrew's House, a 75 unit apartment complex for senior citizens and the physically challenged. St. Andrew's House became a beacon in a community long known as one of the poorest areas in New York City and in America.

Throughout his life, Father Harvey, armed with the courage of his convictions and the strength of his character, became a pioneer in the fight against homelessness, police brutality, labor exploitation and worldwide human rights abuses. He has fought against racial injustice and has been a vocal advocate for people with disabilities and those suffering from AIDS.

Today, Father Harvey continues to serve his adopted home of New York City as a member of the Board of Directors of Housing Works, Inc, the largest provider of housing and services for people with AIDS.

And while he has never sought out praise or any kind of honor, Father Harvey has been honored with such esteemed honors as the Outstanding Service Award from the Council of Churches of the City of New York and The Reverend Patrick D. Walker Leadership Award given by the Black Caucus of the Dioceses of New York.

And today, we honor Father Harvey one more time. Not with a glowing award or gold statue, but with a simple "Thank You and God Bless You Father."

DRUG PRICE COMPETITION IN THE WHOLESALE MARKETPLACE

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mrs. EMERSON. Mr. Speaker, today I am introducing legislation that will preserve drug price competition in the wholesale marketplace, prevent the destruction of thousands of small businesses across America and avoid a possible disruption in the national distribution of prescription drugs to nursing homes, doctors offices, rural clinics, veterinary practices and other pharmaceutical end users. As befitting such legislation, I am pleased to note that this bill has cosponsors from both political parties, a number of different committees and many different areas of the country.

Our objective is to prevent and correct the unintended consequences to prescription drug wholesalers of a Final Rule on the Prescription Drug Marketing Act (PDMA) issued by the Food and Drug Administration in December, 1999. This regulation will require all wholesalers who do not purchase drugs directly from a manufacturer to provide their customers with a complete and very detailed history of all prior sales of the products all the way back to the original manufacturer. Absent such sales history, it will be illegal for wholesalers to resell such drugs. But in a true "Catch 22" fashion, the regulation does not require either the manufacturer or the wholesaler who buys directly from the manufacturer to provide this sales history to the subsequent wholesaler. In addition, the wholesaler who does not purchase directly from a manufacturer has no practical way of obtaining all the FDA required information needed to legally resell RX drugs. The result of this rule will be that most small wholesalers will be driven out of business. The FDA has estimated that there are about 4,000 such secondary wholesalers who are small businesses.

The FDA's Final Rule will also upset the competitive balance between drug manufacturers on the one hand and wholesalers and retailers on the other by granting the manufacturers the right to designate which resellers are "authorized" and which are not, quite apart from whether the reseller buys directly from the manufacturer or not. The original intent of the PDMA was that wholesalers who purchase directly from manufacturers be authorized distributors, exempt from the requirement to provide the sales history information to their customers. However, the FDA's regulation has separated the designation of an authorized distributor from actual sales of product, and will allow manufacturers to charge higher prices to wholesalers in exchange for designating them as authorized distributors. Drug price competition will also be significantly reduced if thousands of secondary wholesalers are driven out of business. The result of the FDA's regulation will be that consumers and taxpayers will pay even higher prices for prescription drugs.

Seems to me that the FDA is protecting the drug companies at the expense of the American public at a time when these companies must be encouraged to lower their outrageous prices so that our seniors and others in need can afford to pay for their medicine.

Thus, while the Congress wrestles with difficult questions regarding drug pricing for seniors, expanded insurance coverage for prescription drugs and the like, the PDMA Rules is a drug pricing issue that is relatively uncomplicated, easy to solve and not expensive.

The bill would make minor changes in existing language to correct the two problems described above. First, the bill would define an authorized distributor as a wholesaler who purchases directly from a manufacturer, making the definition self-implementing and removing the unfair advantage given to the manufacturer by the regulation. Secondly, the bill will add language to the statute which will greatly simplify the detailed sales history requirement for most wholesalers. If prescription drugs are first sold to or through an authorized distributor, subsequent unauthorized resellers will have to provide written certifications of this fact to their customers, but will not have to provide the very detailed and unobtainable sales history. For any product not first sold to or through an authorized distributor, a reseller would have to provide the detailed and complete sales history required by the FDA Rule. This would protect consumers against foreign counterfeits or any drugs which did not enter the national distribution system directly from the manufacturer, while eliminating a burdensome and expensive paperwork requirement on thousands of small businesses which has no real health or safety benefit in today's system of drug distribution.

My cosponsors and I invite and encourage Members to add their names to this bill and look forward to its prompt enactment this year. Unless the FDA regulation is reopened and significantly modified by the agency, overturned in court or, as I hope, corrected by this bill, wholesalers will have to start selling off their existing inventories as early as May because the products will be unsalable when the regulation goes into effect in December 2000. This forced inventory liquidation will be accompanied by an absence of new orders by thousands of wholesalers, and the result could easily be disruptions in the supply of prescription drugs to many providers and end users. Let us then move quickly to fix this problem and save consumers, taxpayers and thousands of small business men and women across the land from higher drug prices, potential health problems due to supply interruptions and significant economic loss and unemployment.

THE ARMENIAN GENOCIDE

SPEECH OF

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Ms. SANCHEZ. Mr. Speaker, I am paying tribute and joining my colleagues in commemorating the 85th anniversary of the Armenian Genocide. As many of you know, on April 24, 1915, a group of 200 Armenian religious, political, and intellectual leaders were arrested and murdered, marking the beginning of the first genocide of this century. Over the next 8 years, 1.5 million Armenians were massacred and over 500,000 survivors were exiled in an attempt to eliminate the Armenian population in the Ottoman Empire. Several were deported from areas as far north as the Black Sea and as far west as European Turkey to concentration camps. In addition to being deprived of their homeland, their freedom, and their dignity, many Armenians died of starvation, thirst, and epidemic disease in horrendous concentration camps.

Unfortunately, 85 years after the beginning of this terrible period in the history of humanity, the Turkish Government refuses to acknowledge the truth about its past. As a member of the House Armed Services Committee and the Armenian Caucus, I have supported efforts to recognize the Armenian Genocide. I feel it is imperative that we show respect and remembrance to those victims and encourage Turkey to do the same. By remembering this crime against humanity, we honor those who perished and serve notice on all governments that such crimes will not be forgotten.

TRIBUTE TO MILTON J. WALLACE, COMMUNITY HERO

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mrs. MEEK of Florida. Mr. Speaker, I want to take this opportunity to pay tribute to one of my community's unsung heroes, Attorney Milton J. Wallace. On May 10, 2000, 12:00 noon, at the Miami Inter-Continental Hotel the Miami-Dade Affordable Housing Foundation will host its First Annual Housing Heroes Awards Luncheon to honor him for his many years of dedication and service under the aegis of the affordable housing movement.

Born to Mark and Regina Wallace in New Jersey on December 17, 1935, Milton Wallace was the only child who came to grace this loving couple. His family moved to Miami in 1949, and he subsequently attended the University of Miami, obtaining his bachelor's degree in 1956 with summa cum laude, the highest distinction awarded to any graduate. In 1959 he obtained his law degree, and was inducted as a member of the Iron Arrow—the august group of Hurricane alumni who have gone above and beyond the call of duty in upholding the honor and glory of their Alma Mater.

A Certified Public Accountant since 1957, he has also been a Member of the Florida Bar since 1959 and a Licensed General Contractor in Florida since 1969. Mr. Wallace became a City of Miami Judge from 1961 to 1963, and served as Florida's Assistant Attorney General from 1965 to 1970. He moved on to hold the position of General Counsel to the Florida Securities Commission, which soon became the Division of Securities within the office of Comptroller of the State of Florida.

Happily married to his wife Patricia since 1963, he is blessed with two sons, Mark who is 32 and Hardy, age 22. While his affiliations with many corporations and civic organizations are many, Milton Wallace takes ample pride in representing the noblest of our community. As a Director and founding member of the Miami-Dade Affordable Housing foundation, Inc., he has resiliently dedicated a major portion of his life to making the justice system work on behalf of the less fortunate.

He wisely chose the challenge of ensuring home ownership as an affordable and accessible right for countless ordinary citizens who have done and are doing their fair share in contributing to the good of our community. Long before anyone ever thought of hastening the dream of affordable housing into reality, Milton Wallace was relentless in his creativity and resourcefulness deeply aware of the fact that this project was well worth his effort. His focus saliently maximized his insight, understanding and commitment to those who lack the financial wherewithal to fulfill their wish of someday owning their dream house.

Under his leadership many lives have been saved and countless families have been rendered whole because the opportunity of accessing affordable housing has been expedited. He was the proverbial lone voice in the wilderness in exposing his righteous indignation over the harrowing difficulties of hard-working individuals who just could not cut through the labyrinth of banking regulations impacting housing loans that are truly affordable. At the same time, he has been forthright and forceful in advocating the tenets of equal treatment under the law for the poor who often are unfairly subjected to extensive red-tape and bureaucracy. To this very day his commitment toward them remains firm.

Accordingly, I will join my community in honoring him as a genuine leader whose dedication to affordable housing for all serves as an example of the difference each of us can make on behalf of the less fortunate. Single-handedly he has championed a career-long commitment to affordable housing for all of America's families. As the noble gadfly that he represents, he is one to goad his colleagues toward a more hopeful life for our community's ordinary working families. Milton Wallace thoroughly understands the accouterments of power and leadership, sagely exercising them alongside the mandate of his conviction and the wisdom of his knowledge, and focusing his energies on the well-being of a community he has learned to love and care for so deeply.

His being honored as the recipient of the First Annual Housing Heroes Awards truly evokes the unequivocal testimony of the respect and admiration he enjoys from our community. Milton Wallace indeed exemplifies a visionary whose courage and perseverance in the face of overwhelming odds appeal to our noblest character. This tribute dignifies his role as a community servant par excellence who gives credence to the generosity and optimism in the American spirit. Indeed, he will always serve as our indelible reminder of the nobility of commitment and the lasting power of public service.

On behalf of a grateful community, I truly salute him, and I wish him the best!

INTRODUCTION OF THE IDENTITY THEFT PREVENTION ACT OF 2000

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Ms. HOOLEY of Oregon. Mr. Speaker, today I introduced the bipartisan Identity Theft Prevention Act of 2000. Identity theft has become the latest coast to coast crime wave. This bill includes common sense measures that will allow consumers to work with creditors and credit bureaus to combat this growing problem.

Identity theft occurs whenever someone uses your name, social security number, mothers maiden name, or any personally identifiable information to purchase goods or services—usually with credit cards. Victims of identity theft never realize they are victims until they receive a bill in the mail, or even worse, a notice from a collection agency for a purchase they never made on a credit card in their name that they don't even own.

While credit issuers have been willing to refund fraudulent charges, victims are still faced with problems of ruined or destroyed credit, the time commitments of redeeming their name with multiple credit bureaus and credit issuers, and the fear and anxiety associated with knowing that someone is using all of their personal information to charge any manner of goods. As a result of identity theft, victims have been turned down for jobs, mortgages, and other important extensions of credit.

Identity theft is a growing problem. Just look at the following statistics: Trans Union credit bureau's fraud victim assistance unit received just 35,235 complaints in 1992 but in 1997 received 522,922. That's a 1,400 percent increase! The Privacy Rights Clearing House estimates that there will be 400,000 to 500,000 new cases of ID fraud this year and the Federal Trade Commission's 1–800 number for ID theft receives an average of 400 calls a week from people like my constituent Paul LaLiBerte, from Clackamas, Oregon, who has been a victim of identity theft twice. One of those thousands of calls stated, "Someone is using my name and social security number to open credit card accounts. All the accounts are in collections. I had no idea this was happening until I applied for a mortgage. Because these "bad" accounts showed up on my credit report, I didn't get the mortgage." May 18, 1999.

This bill attempts to address these problems by empowering consumers and asking creditors and credit bureaus to do their part to combat fraud.

For instance, the bill requires that any time a creditor receives a change of address form, the creditor send back a confirmation to both

the new and the old addresses. That way, if a thief attempts to change your billing address so you won't find out about fraudulent charges—you'll know.

The bill also requires credit bureaus to investigate discrepancies in addresses, to make sure that the address for the consumer that they have on file is not the address provided by the identity thief.

This bill codifies the practice of placing fraud alerts on a consumer's credit file and gives the Federal Trade Commission the authority to impose fines against credit issuers that ignore the alert. Too many credit issuers are presently ignoring fraud alerts to the detriment of identity theft victims. It also requires that fraud alerts are placed on all information reported by a credit bureau, including credit scores. Often when a credit score is issued without a full report, the fraud alert does not show up.

This legislation also gives consumers more access to the personal information collected about them, which is a critical tool in combating identity theft, by requiring that every consumer across the nation have access to one free credit report annually. Currently, six States—Colorado, Georgia, Massachusetts, Maryland, Vermont, and New Jersey—have such statutes. This act makes one free credit report a national requirement. In addition, consumers could review the personal information collected about them by individual reference services. With greater access to their own personal information, consumers can proactively check their records for evidence of identity theft and uncover other errors.

The bill also restricts the type of information a credit bureau can sell to marketers to your name and address only. Currently credit bureaus can sell such personally identifiable information as your social security number or mother's maiden name. This sensitive information would be treated under this bill like any other part of the credit report, with its disclosure restricted to businesses needing the data for extensions of credit, employment applications, insurance applications, or other permissible purposes.

I am introducing the Identity Theft Prevention Act with Representative STEVE LATOURETTE (R–OH) and twelve other cosponsors. This bill has been endorsed by Public Citizen and the Privacy Rights Clearinghouse, and is a companion bill to S. 2328 offered by Senators FEINSTEIN, KYL, and SHELBY. It is my hope that the House Banking Committee will take up consideration of this bill and that we can soon bring it to the floor for a vote by the entire Congress.

LEGISLATION TO REINFORCE ANTITRUST LAWS

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. MINGE. Mr. Speaker, following is a summary of my legislation.

A bill to reinforce our antitrust laws by focusing on three main issues:

(1) Broadening our antitrust laws: Antitrust violators should be liable to all injured persons, whether the damages are direct or indirect. Under current federal law, only direct parties have the right to a remedy for antitrust harm. By broadening the scope of persons who can demand reparations for harm caused by antitrust violators, without relying on government bureaucracies to do it for them, our antitrust laws can be more effective.

(2) Modernizing antitrust enforcement: This bill increases the maximum fines from $10 million to $100 million to reflect the magnitude of today's economy and potential damages from anti-competitive activity. Moreover, megamergers create heavy workload for the agencies responsible for their approval. The pre-merger notification filing fee structure is changed to reflect that.

(3) Addressing concentration in agribusiness: Growing concentration in food processing and distribution has been accompanied by low farm income and the loss of thousands of farmers. The weakening bargaining power of farmers and the potential market power of suppliers, processors and other intermediaries has been accompanied by record earnings. Moreover, the benefits of low farm prices are not passed on to American consumers; food prices are not declining. This bill creates a commission to study this troublesome situation. This bill also clarifies the Packers and Stockyards Act to ensure that small producers are not discriminated against and establishes a senior official position for agriculture at the Antitrust Division of the DOJ.

THE ARMENIAN GENOCIDE

SPEECH OF

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. MEEHAN. Mr. Speaker, I rise to commemorate the 85th anniversary of the Armenian Genocide. The actual date the anniversary will be observed is April 24, but I rise today while we are in session to pay my solemn respects to the innocent fallen and add my words to history's record of one of the most terrible tragedies known to mankind.

On April 24, 1915, a group of Armenian religious, political, and intellectual leaders were arrested in the city then known as Constantinople, taken to the interior of Turkey, and murdered. What followed from there was nothing less than the systematic deprivation of Armenians living under Ottoman rule of their homes, property, freedom, and lives. The tragic toll of its dark period in world history includes the death of 1.5 million Armenian men, women, and children and the deportation of 500,00 others. Before their tragic deaths, countless Armenian women were subject to unspeakable cruelties, in the form of sexual abuse and slavery.

History is not condemned to repeat itself. We can prevent future tragedies by acknowledging, remembering, and commemorating yesterday's tragedies. Unfortunately, the Turkish Government still refuses to admit its involvement in the Armenian Genocide, and even the current U.S. administration has not fully acknowledged the extent of the wrongdoing between 1915 and 1923. That is why we must make our voices heard. History's record must reflect the truth of what the Armenians experienced: mass murder and genocide. If it does not, only then are we condemned to a future littered with more instances of unspeakable wickedness and cruelty.

My congressional district contains a large and vibrant Armenian-American community, which has contributed so much to the Merrimack Valley's economic vitality and culture. When today's Armenian-American community commemorates the Armenian Genocide, they convey the message to the world that only the continued vigilance of people of good conscience stands between peaceful human coexistence and another instance of genocide.

My respect for my Armenian-American constituents and for their commitment to remembering past tragedy and preventing future tragedy compels me to rise and speak today. It compels me to add my voice to those who speak out against hatred and fear. It should compel us all to remember past horrors, lest they happen again.

READING DEFICIT ELIMINATION ACT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. GOODLING. Mr. Speaker, today I introduced the Reading Deficit Elimination Act (RDEA), which is an important step in ensuring that every American has the ability to read. I am also pleased that Senator PAUL COVERDELL (R–GA) is introducing an identical bill today in the Senate.

According to statistics from the National Assessment of Educational Progress (NAEP), 74 percent of third graders remain poor readers when they reach the ninth grade. Overall, 40 percent of fourth-graders are reading at the "below basic" level. The National Adult Literacy Survey, as many as 50 million adults have only minimal reading skills. This situation is absolutely unacceptable.

Yesterday, we passed a resolution in my committee to make good on our commitment to fully fund the Individuals with Disabilities Education Act (IDEA). This legislation is consistent with our efforts to provide funding for special education. It is estimated that as many as 2 million students who are placed in special education are there simply because they haven't been taught to read.

The National Institute for Child Health and Human Development tells us that 90 percent to 95 percent of these students could learn to read and be returned to their regular classrooms if they were given instruction based on the finding of scientific research.

Just this morning, the National Reading Panel released its report on "Teaching Children to Read," in both the Senate and the House. The message we heard confirms what we have known for years: Teaching children to read is essential if they are to be successful in life. We now have scientific research that shows us the way once again.

Based on findings of more than 35 years of research, the Panel reports the following ingredients of what students need to learn if they are to read proficiently:

Phonemic Awareness—letters represent sounds.

Systematic phonics instruction—a necessary, but not sufficient, component of learning to read.

Reading Fluency–rapid decoding of words, practiced until it is automatic.

Spelling–accurate spelling, not the invented kind.

Writing Clearly–which leads to developing good reading comprehension skills.

I believe if we are to eliminate the reading deficit, then it is necessary for students to be taught all of these necessary skills.

Complimentary to the legislation being introduced today is the Literacy Involves Families Together (LIFT) Bill, which I am pleased is part of the Reading Deficit Elimination Act. In addition, Republicans pushed to pass the Reading Excellence Act, which was signed into law by the president in 1998. It is helping teachers in low-income areas and in schools where there is a high illiteracy rate to apply the scientific principles of reading instruction in the classroom.

When President John Kennedy launched Project Apollo in 1962, and set a goal of sending a man to the moon by the end of the decade, all America cheered. That goal was met when Neil Armstrong set foot on the moon in July of 1969.

Our determination to eliminate the reading deficit is no less challenging than going to the moon, and it is equally achievable. For the sake of our children, and the future of our nation, we must not let them down.

I hope we can come together as a nation to cheer on the elimination of the reading deficit for all our children. The Reading Deficit Elimination Act is an important step in that direction.

TRIBUTE TO U.P. LABOR HALL OF FAME CHIESTER F. SWANSON

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. STUPAK. Mr. Speaker, I pay tribute to the late Chester F. Swanson, one of that great breed of dedicated, lifelong union activists who help ensure a good quality of life for the working men and women of northern Michigan. I offer these remarks on the occasion of Chester's election to the Michigan's Upper Peninsula Labor Hall of Fame.

At age 15 in 1921, Chester began working for a famed gunmaker in my district, Marble Arms Corp. in Escanaba, Mich. He retired from the corporation after 50 years of service, but he returned many times after this retirement to help with the set-up of machines used to make gun sights.

In 1945 a charter was issued by the United Auto Workers for Local 126 at Marble Arms. Proud that the union had come to his shop, Chester made the drive across northern Michigan and took the ferry across the Straits of Mackinac to pick up the charter. He never stopped being a union advocate from that moment on, serving as the local's financial secretary and union steward.

Although Chester died almost 30 years ago, Mr. Speaker, one can still hear many wonderful stories that paint a picture of a man who took joy in each day, who made great friendships, who was respected by his co-workers, even the younger workers who remember him so fondly.

Gary Quick, UAW International Representative for Region 1–D, recalls that when Chester traveled, he called his mother each day, and when he completed the call he would return to his group and announce, "All is fine with Mum!"

Gary also recalls one icy winter night—a black, black night with the temperatures about 30 below zero—when the union leadership, including Chester, found itself traveling home from a meeting about 60 miles away. A side trip was required to take one of the members home in the small community of Rock, a trip on back roads with snowbanks higher than the automobile. Chester wondered aloud if the gang would survive the trip, should they run into trouble. For years afterward, Gary says, Chester would be sure to say, "We made it that cold night to drop off Red in Rock, so I guess we will make it wherever . . ."

Friends recall that Chester, even at the age of 90 years young, would eat his three good meals every day, would be ready to stay out with the younger fellows until late at night and would be ready to go again in the morning.

They recall that Chester never forgot his camera for important events, recording friends and sharing the prints, and maintaining a photo record of area youth participating in local sports.

Most of all, Mr. Speaker, friends remember Chester as a union man, who cared about his fellow workers, his community, and who cared about the job he performed with pride for more than half a century.

RECOGNIZING CARLISLE AND McCORD ELEMENTARY SCHOOLS

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. ADERHOLT. Mr. Speaker, I am proud to recognize two schools in my district that have been recognized by the U.S. Department of Education for their achievements as Title I schools.

These schools, Carlisle Elementary Schools in Boaz, Alabama and McCord Elementary School in Albertville, Alabama, were selected for this award through a competitive process coordinated and managed by the state education agency. The principals of these schools, Ms. Kim Mintz and Mr. Richard Cole respectively, deserve this national recognition for their unwavering dedication to the academic achievement of their students.

Title I schools are located in high poverty areas and receive funding to improve teacher training and learning for at-risk children. These two schools and the 97 others in the nation that are also receiving these awards, are schools that have far exceeded expectations; they have truly gone the extra mile to give these children a chance to succeed. In turn, these children, supported by their families, have worked hard and set an example for students everywhere.

The recognition is based on six criteria: opportunity for all children to meet proficient and advanced levels of performance; professional development for teachers and administrators; coordination with other programs; curriculum development and instruction to support achievement to high standards; partnerships developed among the school, parents, and the local community; and three years of successful achievement and testing data.

The awards will be presented on May 2 in Indianapolis at the 2000 International Reading Association Conference. Mr. Speaker, I commend the faculty, staff, parents, and students for making these schools such a landmark of achievement in the State of Alabama.

CELEBRATING DICK DALE, KING OF THE SURF GUITAR

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. LEWIS of California. Mr. Speaker, today I celebrate the achievements of Dick Dale, a resident of Twentynine Palms, California, in the heart of the 40th district. Better known as the King of Surf Guitar, Dick Dale is a gifted musician who defined a music style in the early 1960s that is still enjoyed by millions of music-lovers the world over.

Surf music, which attempts to capture the feeling of riding the waves on a surfboard, was a uniquely American style of music known as the "California Sound." Along with his group, the Del-Tones, Dale composed and recorded the first surf record, which lit the fuse in 1961 for the national explosion of the surf music craze. He also helped pioneer the development of electronic reverberation and concert-quality amplifiers and speakers. Dale has recorded for NASA, Disneyland, and a multitude of commercials, television shows, and movies. The recipient of countless awards, Dale has been nominated for a Grammy and is enshrined in the Surfing Hall of Fame.

Beyond his musical talent, Dale is an accomplished horseman, exotic animal trainer, surfer, martial arts expert, archer, and pilot. In addition to his recording and performing career, Dale has worked tirelessly to clean up the world's oceans and protect endangered wild animals. He has donated the proceeds of some recordings to the Burn Treatment Center at the University of California.

Dick Dale has not been content to sit back as a legend. This superb musician and innovator is still performing and has won over a whole new generation of fans as well as maintained his legion of long time admirers. He always has time for his devoted fans, often signing autographs and swapping stories for hours after his concerts. Dick Dale is an American original and will forever be the King of Surf Guitar.

HONORING ASSISTANT FIRE CHIEF PAUL D. MARTIN, FIREHOUSE MAGAZINE'S FIREFIGHTER OF THE YEAR

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. SWEENEY. Mr. Speaker, today I recognize Firehouse magazine's Firefighter of the Year, Assistant Fire Chief Paul D. Martin of Hudson Falls, New York. Assistant Chief Martin surpassed 101 other firefighters from across the nation to win the highly coveted award. His actions remind us that firefighting is one of the most dangerous occupations in the United States.

I salute Assistant Fire Chief Martin, a fire investigator, for his heroic actions in the early morning hours of August 27, 1999. Without regard to personal safety, Assistant Chief Martin executed a daring rescue of an elderly woman trapped in her flame engulfed residence. He fought heavy flames in the two-story building while pulling the 77 year old resident to safety. Assistant Chief Martin suffered second- and third-degree burns to his face, ears, lower back and hip as the intense flames and heat ignited his fire-retardant equipment. This performance of duty set him apart from all other firemen in the nation and earned him the title of Firefighter of the Year.

The 21-year veteran of fire service, husband, and father of two deserves our highest praise. He is among thousands of firefighters who lay their lives on the line for our safety and well-being every day. Upstate New Yorkers owe a lasting debt to Assistant Chief Martin and his firefighting colleagues who sacrifice so much to protect the lives and property of others.

Mr. Speaker, please join me in congratulating Assistant Chief Martin on his selection as Firefighter of the Year. Please also join me in recognizing his outstanding courage in the face of grave danger and unquestionable dedication to duty. He symbolizes America's greatest heroes.

A TRIBUTE TO REPRESENTATIVE STEPHEN CHEN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. ACKERMAN. Mr. Speaker, I want to call to the attention of my colleagues and submit for the RECORD an article regarding Representative Stephen Chen, who serves as the head of the Taipei Cultural and Economic Representative Office in Washington. The article, which ran in on April 3 in the New York Times, is a fitting tribute to Taiwan's unofficial Ambassador, who has worked diligently to promote and expand relations between the United States and the 22 million citizens of Taiwan.

Mr. Speaker, Ambassador Chen is a thorough professional who has enjoyed a long and distinguished life as a career diplomat. He has represented his government all over the world, including postings in the Philippines, Brazil, Argentina and Bolivia. His experience in the United States also is extensive, during the past twenty-five years Ambassador Chen served in Atlanta, Chicago, Los Angeles and he has spent the last three years the Representative in Washington, D.C.

Mr. Speaker, I am certain my colleagues would agree that Stephen Chen's charm and quiet demeanor have served Taiwan well. Whether meeting Members of Congress in their offices or Executive Branch officials in a more neutral setting, Ambassador Chen has always worked to make certain the United States and Taiwan remain strong friends.

Mr. Speaker, as the article notes, Ambassador Chen is planning to retire shortly. I am certain all of my colleagues join me in congratulating Stephen Chen on a distinguished diplomatic career. We in the Congress are indeed fortunate to know him, and we wish him well in the years ahead.

[From the New York Times (on the Web), Apr. 3, 2000]

PUBLIC LIVES—A DIPLOMATIC OUTSIDER WHO LOBBIES INSIDE WASHINGTON

(By Philip Shenon)

WASHINGTON—AT an embassy that is not an embassy, the ambassador who is not an ambassador can only imagine what it is like to be a full-fledged member of Washington's diplomatic corps.

"In the evenings, you attend cocktail parties, champagne dances," Stephen Chen said wistfully of the black-tie world from which he is largely excluded. "This is the very routine, beautiful picture of the diplomat in a textbook."

Mr. Chen, the director of the Taipei Economic and Cultural Representative Office, the de factor embassy here for the government of Taiwan, is a charming pariah.

While he represents the interests of 22 million of the freest and richest people in Asia, the 66-year-old diplomat might as well be invisible, at least as far as many of the State Department's China experts are concerned.

The snubs, Mr. Chen suggested, are an obvious effort to appease Beijing, and they are more than a little unfair to a government that is only weeks away from a peaceful transfer of power from one democratically elected leader to another, the first time that has happened in almost 5,000 years of Chinese history.

"There is a kind of unfairness," Mr. Chen tells a visitor, the wall behind his desk decorated with a painting of the delicate blossoms of the winter plum, Taiwan's national flower. "We have been a model student for freedom, democracy and a market economy."

"We don't mind if the United States has rapprochement with mainland China—we think it's good to bring the P.R.C. into the family of civilizations," he says of the People's Republic of China,

Because the United States has no diplomatic relations with Taiwan and has recognized the Communist government in Beijing as the sole representative of the people of China, Mr. Chen and his staff of nearly 200 are barred from the premises of the State Department.

They are not invited to diplomatic receptions at the White House, or to most of the dinner parties and glittery balls held at the embassies of nations that recognize Beijing.

When Taiwanese diplomats want to talk with Clinton administration officials, the meetings are often held in hotel coffee shops.

"We must meet in a neutral setting, that is the rule," says Mr. Chen, explaining the awkward logistics of the job.

Relations with China have been especially jittery since Taiwan's election last month of the new president, Chen Shui-bian, a former democracy activist who long advocated Taiwan's independence and whose victory ended half a century of Nationalist rule.

On the eve of the election, Chinese leaders all but warned of an invasion if Mr. Chen and his party were victorious. Since the election, both Mr. Chen and Beijing have softened their rhetoric, and Mr. Chen has recently insisted that he sees no need for an independence declaration.

Stephen Chen, who is not related to the new president, welcomes the moderated rhetoric from Taiwan's new government. The Communist leaders in Beijing, he says, would strike only "if they should be unnecessarily provoked."

"We have been dealing with them for more than 60 years," he said. "We knew when they are bluffing, when they are not bluffing. If we don't give them an excuse, I don't think they're going to attack."

Mr. Chen, who was born in the Chinese city of Nanjing, last saw the mainland in 1949, when his family was on the run from the victorious Communist forces of Mao Zedong. They fled to Taiwan, his father a diplomat in the service of the Nationalist leader, Chiang Kai-shek.

His father was assigned to the embassy in the Philippines when Mr. Chen was 15, and he remained there for more than a decade, attending college in Manila, marrying his Chinese-Filipino high school sweetheart and becoming fluent in English.

In 1960, he returned to Taiwan and passed the foreign service exam. He was first sent to Rio de Janeiro, and then to Argentina and Bolivia. In 1973, he was named consul general to Atlanta, where he remained until the United States severed relations with Taiwan and recognized Beijing six years later.

Mr. Chen said he can remember sitting in his living room in Atlanta, watching the televised announcement by President Carter that the United States would recognize the Communist government. "I felt that I was being clobbered," he recalled. "A baseball bat on the head."

"It seemed very unfair," he continued. "It was as if the United States wanted to reward a bad guy, the lousy student, and to punish the good student. That was my feeling."

In the years since, he said, Taiwanese diplomats have learned how to innovate, especially in Washington, where they employ some of the city's most powerful lobbyists and retain close ties to many prominent conservative members of Congress.

Mr. Chen says his office has an annual budget for lobbying of about $1.2 million and contracts with 15 firms. "They help open doors, they make appointments for us," he said. "But we make the presentations."

Under a 1979 law, Taiwan can continue to buy American weapons.

And Mr. Chen has been a frequent visitor to Capitol Hill in recent weeks as his government seeks Congressional approval for the sale of a wish list of sophisticated weapons. "If we are deprived of basic defensive weapons, then of course we are thrown to the wolves," he said.

Mr. Chen is considering a visit to the lair of the wolves. After 40 years in the diplomatic service, he is nearing retirement, and he is planning a vacation on the mainland, which is now permitted.

"I tell you very frankly, I would like to see the Great Wall," he said. "This belongs to

the legacy of China. It has nothing to do with Communism.''

A BILL TO CLARIFY THE TAX TREATMENT OF CONTRIBUTIONS IN AID OF CONSTRUCTION

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. HERGER. Mr. Speaker, I am introducing legislation today, along with Mr. MATSUI and Mrs. JOHNSON, to ensure that needless Treasury regulation does not add unnecessarily to the cost of housing.

The need for this legislation is brought about because the Department of Treasury has issued proposed regulations to provide guidance on the definition of CIAC as enacted under the Small Business Job Protection Act of 1996. Despite the fact that Congress specifically removed language concerning ''customer services fees'' in its amendment in 1996, the Department added the language back into the proposed regulation specifying that such fees are not CIAC. They then defined the term very broadly to include service laterals, which traditionally and under the most common state law treatment would be considered CIAC.

Because state regulators require all of the costs of new connections to be paid up front, these regulations will force water and sewerage utilities to collect the federal tax from homeowners, builders, and small municipalities. Because they collect it up front, the utility is forced to ''gross up'' the tax by collecting a tax on the tax on the tax, resulting in an over 55 percent effective tax rate.

This bill will clarify that water and sewerage service laterals are included in the definition of contributions in aid of construction (CIAC). It clarifies current law by specifically stating that ''customer service fees'' are CIAC, but maintains current treatment of service charges for stopping and starting service (not CIAC). Because this is a clarification of current law, the effective date for the bill is as if included in the original legislation (Section 1613(a) of the Small Business Job Protection Act of 1996).

Mr. MATSUI and Mrs. JOHNSON along with many of our colleagues here in the chamber, worked hard over the course of a number of years to restore the pre-1986 Act tax treatment for water and sewage CIAC. In 1996, we succeeded in passing legislation. It was identical to pre-1986 law with three exceptions. Two of the changes were made in response to a Treasury Department request. The third removed the language dealing with ''service connection fees'' primarily because of potential confusion resulting from the ambiguity of the term. The sponsors of the legislation were concerned that the IRS would use this ambiguity to exclude a portion of what the state regulators consider CIAC.

As part of our efforts, we developed a revenue raiser in cooperation with the industry to make up any revenue loss due to our legislation, including the three changes. This revenue raiser extended the life, and changed the method, for depreciating water utility property from 20-year accelerated to 25-year straight-line depreciation. As consequence of this sacrifice by the industry, our CIAC change made a net $274 million contribution toward deficit reduction.

It is my belief that the final revenue estimate done by the Joint Committee on Taxation on the restoration of CIAC included all property treated as CIAC by the industry regulators including specifically service laterals. In an October 11, 1995 letter to Senator GRASSLEY the Joint Committee on Taxation provided revenue estimates for the CIAC legislation. A footnote in this letter states, ''These estimates have been revisited to reflect more recent data.'' The industry had only recently supplied the committee with comprehensive data, which reflected total CIAC in the industry, including service laterals.

In urge my colleagues to join with us in sponsoring this important legislation in order to keep the Department of Treasury from further burdening the American Homeowner.

APRIL SCHOOL OF THE MONTH

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mrs. McCARTHY of New York. Mr. Speaker, I have named North Side Elementary School in East Williston as the School of the Month in the Fourth Congressional District for April 2000. Dr. James F. Newman is the Principal of North Side, and Dr. Carolyn S. Harris is the Superintendent of Schools in the East Williston School District. The school teaches children in grades Kindergarten through 4.

North Side Elementary stood out in my mind as an outstanding example of how early education is most successful when parents are involved. The school's programs teach our children the true value of education because it encourages community participation.

The North Side Elementary School Community is a close-knit body of parents, teachers, students, and administrators. Their goal is to ensure each child a stable early education through an enriched curriculum that keeps the children excited, and unique programs that appeal to a wide variety of younger children.

North Side combines parental involvement with exceptional programming. The children benefit when the community engages them in activities that extend beyond the traditional classroom setting.

One of the more popular programs among students is Books Alive, where staff and parents act out a selection of children's literature in a theater presentation. The Parent-Teacher Organization also holds an annual fundraising dinner with all proceeds going towards grants to supplement North Side teaching materials and special projects. Last year the school established the Deidre Hannafin Writing and Publishing Center as a tribute to Hannafin, a dedicated teacher who died of cancer at the young age of 32. At the Center, students work side by side with their parents and teachers to publish a newspaper, classroom writing projects, and this year, a literary magazine.

While stressing the value of traditional subjects, students are encouraged to look into their creative sides through art, music and nature programs. The Enriched Integrated Studies Program is one more way that North Side attempts to reach each child's strengths. Students attend enrichment activities once a week in order to bring the classroom to life. Class topics have included Ancient Egypt and Greece, while the entire school participated in activities such as Science Day.

Long Island students receive a better education thanks to the faculty and teachers of North Side Elementary School and I am proud to name them school of the month for April in the Fourth Congressional District of New York.

IN MEMORY OF THE LATE MARTHA MANUEL CHACON

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. BACA. Mr. Speaker, it is with sadness that I inform my colleagues of the passing of a great individual, a person who graced our world and the lives of so many people with love and compassion.

Martha Manuel Chacon, who passed away on March 28, 2000, was a beloved tribal elder of the San Manuel Band of Serrano Mission Indians. She was totally dedicated to providing a better way of life for her tribal members as well as for future generations of Serranos and all Native Americans.

Mrs. Chacon's legacy will live on forever in the many lives she touched during her 89 years on this Earth. She demonstrated to all of us complete and total honesty and strength as well as leadership and courage.

Martha Manuel Chacon was and remains so much a tremendous person in our thoughts and in our memories. I appreciate so much and will long remember the many good and positive things she brought into the lives of so many people and to the lives of the people of the San Manuel Tribe.

I join with Martha's friends and family members in honoring such a truly remarkable and outstanding person, someone who gave so much to those she loved. Each of us is better and more fortunate for what she unselfishly gave to us and gave to our world, a world made so much brighter and gentler by her life and her presence.

Mr. Speaker, I join with all of those who loved Martha Manuel Chacon in extending our prayers, knowing that God's heaven will forever be blessed and graced by her presence.

TRIBAL MATRIARCH CHACON DIES AT 89

(By Joe Nelson)

SAN BERNARDINO—Martha Manuel Chacon was the backbone of the San Manuel Band of Serrano Mission Indians—possessing honesty, strength, leadership, and courage. She was considered a true friend in every sense of the word, family members say.

After a lifetime of service to the San Manuel tribe, Chacon died Tuesday at St. Bernardino Medical Center in San Bernardino. She was 89.

Chacon was the granddaughter of Santos Manuel—for whom the tribe is named.

Manuel was responsible for saving the tribe during difficult transition times in 1866,

when settling in one place was a challenge because American Indians routinely were forced to move from one location to another as land got swallowed up. It was Manuel who was key in settling the tribe near Highland, were it has remained to this day.

Chacon helped bring electricity to the reservation in the 1950s and running water to tribal homes in the 1960s. Her leadership helped the tribe improve its quality of life and plan its future, members said.

One thing family members said they will remember about Chacon was her strong connection to Serrano ancestry, culture and heritage.

Chacon's daughter, Pauline Murillo, 67, remembers the stories her mother told her when she was a child—part of the American Indian oral tradition.

Chacon often would converse with family members in the Cahuilla language.

''We shared the customs. She would call me or I would call her and we would speak Indian,'' Murillo said.

As a young adult, when jobs were scarce and she faced extreme poverty, Chacon commuted to Los Angeles and spent the work week there as a house cleaner to make ends meet. She would return to the reservation on the weekends to be with her family, Murillo said.

The time away never negatively impacted Chacon's relationship with her family, relatives said.

''She was a very strong person. She was like the backbone to our whole family,'' said granddaughter Audrey Martinez, who serves as the tribe's secretary-treasurer.

Chacon is survived by her husband, Raoul; children Pauline Murillo, Roy Chacon, Rowena ''Rena'' Ramos, Sandy Marquez, Raoul ''Beanie'' Chacon Jr., and Carla Rodriguez; 18 grandchildren; 31 great-grandchildren; and four great-great grandchildren.

A rosary will be recited at Chacon's home on the San Manuel Reservation at 7 p.m. Monday. The funeral will be at 10 a.m. Tuesday, also at Chacon's home.

Donations in Chacon's memory can be sent to: Loma Linda University Children's Hospital Foundation, 11234 Anderson Road, Room A607, Loma Linda 92354.

HONORING MR. PAUL JOHNSON OF SPRINGFIELD, TENNESSEE ON THE OCCASION OF THE 31ST ANNIVERSARY OF HIS HEROIC MISSION TO VIETNAM

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. CLEMENT. Mr. Speaker, today I honor Mr. Paul Johnson of Springfield, Tennessee, on the occasion of the 31st anniversary of his heroic mission to Vietnam.

"Hero" is a term that I do not use lightly. However, "hero" is the most fitting word I could ever use to describe Paul Johnson and men like him, who risked their lives fighting for our country around the world.

As a career military man and Vietnam veteran, Paul Johnson has served our country well, retiring from the U.S. Army in 1985. However, until recently his story was largely unknown. Paul Johnson is not the kind of person who talks about his heroism. Perhaps that selflessness is what has made him a true hero.

Paul Johnson was only 29 years old when he arrived in Vietnam in the fall of 1968. He never dreamed that his year-long tour there would include an episode calling for him to risk his own life to save 90 U.S. Marines from a certain, fiery death. For such courage, Johnson was awarded the Soldier's Medal, one of the highest honors one can receive from the United States Army.

April 9, 1969, is a day that Sergeant Paul Johnson will never forget. That afternoon, after safely getting himself and others away from an explosives area, he was approached for assistance by a Marine Colonel who said that one hundred U.S. Marines were trapped inside a bunker beside an ammunition pad which had caught fire. The Marine Colonel could not order the Army soldier to assist, but stressed the need to rescue these men.

Johnson, knowing that the likelihood of surviving such a mission was very slim, made the decision to take his personnel carrier and go in anyway, risking his own life in the process. Although Johnson did not ask any of his men to go with him, his driver agreed to undertake the rescue mission with him. The two of them made four trips back and forth to the bunker that day through the smoke, heat, and flames, to rescue 90 men. According to his reports, each time they picked up a group of men, they greeted him with tears and shouts of joy. The day after the ordeal, Johnson drove past the location of the rescue and there was just a burned out hole where the bunker and ammunition dump had once been located. Paul believes that he made the miraculous rescue that day with the help of God.

The driver who assisted Paul in the rescue did not return from Vietnam. He was later killed in battle, with Johnson near his side. Johnson is appreciative of accolades he has received, but remains ever mindful of his friends and fellow soldiers who gave their lives in the conflict. Those are the individuals that Johnson believes should be honored and remembered. In fact, he flies an American flag in his yard in honor of those slain and as a symbol of the freedom he fought so hard to keep.

Paul Johnson was recently honored by the Tennessee State Legislature for his bravery and courage that April day and for his service to this nation. Currently, Paul is employed by the Robertson County Highway Department and is very actively involved in community and civic affairs.

May we not forget Paul Johnson and those like him, who have fought so bravely, and so selflessly to ensure our continuing freedom for this and future generations.

SENATE—*Tuesday, April 25, 2000*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, in a few moments we will pledge allegiance to our flag with words that may have become faithlessly familiar with repetition. As we affirm that we are one nation under You, dear God, shake us awake with the momentous conviction that You alone reign supreme and sovereign in this Nation and very powerfully and personally in this Chamber. Give us a renewed sense of Your holy presence and fill us with awe and wonder. This is Your Senate and the Senators are here by Your divine appointment and are accountable to You for every word spoken and every piece of legislation passed. Help them and all of us who work with them to live this day on the knees of our hearts, with renewed reverence for Your presence and profound gratitude for the grace and goodness of Your providential care for our beloved Nation. May all that we say and do this day be done by Your grace and for Your glory. For You are the Lord, the Creator, and our Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE VOINOVICH, a Senator from the State of Ohio, led the Senate in the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Arizona.

SCHEDULE

Mr. KYL. Mr. President, today the Senate will begin debate on the motion to proceed to S.J. Res. 3, proposing an amendment to the Constitution to protect the rights of crime victims, until 12:30 p.m. Following that debate, the Senate will stand in recess until the hour of 2:15 p.m. in order for the weekly party caucuses to meet. At 2:15, the Senate will proceed to a vote on the motion to invoke cloture on the motion to proceed to S.J. Res. 3. If cloture is not invoked on the motion, then a second vote will occur on cloture on the substitute amendment to the marriage tax penalty bill.

I thank my colleagues for their attention.

ORDER OF PROCEDURE

Mr. KYL. Before we begin, I will also ask unanimous consent that Senator SPECTER address the Senate for 10 minutes on an unrelated matter.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I hope in the process of the debate this week we get some information from the majority as to when we are going to be taking up the conference report on juvenile justice, when we will be taking up the conference report on the Patients' Bill of Rights, when we are going to start doing some substantive things on education. The session is winding down. We have 13 appropriations bills with which we must deal in the process. I think it would be a real shame if we finished the year without having worked on some of these issues the American public want most, including doing something about prescription drugs for senior citizens and the rest of the American public.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania has 10 minutes.

Mr. REID. Mr. President, there was a unanimous-consent request in that regard that has not been approved yet.

Mr. KYL. I wanted to note that I am sure the majority leader will be happy to respond to all of the elements the distinguished minority whip has raised when he is able to reach the floor.

Mr. REID. Mr. President, I have no objection to the Senator from Pennsylvania speaking for 10 minutes as long as the minority also has 10 minutes to speak in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO PROTECT THE RIGHTS OF CRIME VICTIMS—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the motion to proceed to S.J. Res. 3 which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to S.J. Res. 3 proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 10 minutes.

Mr. SPECTER. I thank my distinguished colleague from Arizona for yielding me a few moments this morning.

ELIAN GONZALEZ

Mr. SPECTER. Mr. President, I have sought recognition to comment briefly on the case involving young Elian Gonzalez. At 11 o'clock this morning, Senator LOTT has scheduled a closed-door proceeding with Attorney General Reno, and there are a number of important outstanding questions which, in my view, should be addressed.

At the outset, let me make it plain that I believe and have believed that young 6-year-old Elian Gonzalez should have been reunited with his father at the earliest possible time. I believe that as a legal matter there is no real justification for any asylum proceeding to keep young Elian Gonzalez in the United States. The purpose of asylum is to protect an alien from going back to a country where he or she will be persecuted. That certainly is not the case with Elian Gonzalez. He would be adulated.

Nonetheless, I believe there are some very serious issues which have arisen that the Congress ought to address, and the most prominent of those is the manner in which Elian Gonzalez was taken into custody. In my opinion, there were less intrusive ways in which that could have been accomplished. The Immigration and Naturalization Service said that they proceeded at 5 a.m. because they did not want to have any interference from the crowd. The avoidance of interference from the crowd could have been accomplished at high noon if the crowd were to have been moved back several blocks, which is customary where people have a right to demonstrate, people have a right to express themselves, but they do not have the right to do it right at the location where there may be other interests which have to be preserved. Had the crowd been several blocks away, there would have been no difficulty in taking whatever action was deemed appropriate without the risk of having a problem with the crowd.

Once the Immigration and Naturalization Service agents were directed to move in to take custody of young Elian, they had been armed to protect

themselves. But the action necessitating their being armed had very great potential for violence. It was a potential powder keg. Fortunately, there were no serious injuries. But there could have been. And it is my view that there ought to be a look by the Congress at ways to improve these procedures in the future.

The Supreme Court of the United States, in the case of Garner v. Tennessee, issued a ruling involving a Tennessee statute which involved law enforcement officers using deadly force against a fleeing felon even if that felon was unarmed. The Supreme Court of the United States held that this statute was unconstitutional because deadly force may not be used unless it is to save lives or avoid grievous bodily injury. Now, the problem with what was done by the INS in moving in with drawn weapons at 5 a.m. was that it could have triggered a chain reaction which could have led to violence. And there was really no necessity. They were not dealing with the customary INS case where they have a suspected terrorist or a violent criminal. This is not a John Dillinger who has to be taken into custody. That matter could have waited another day.

When I read the morning papers last Friday that the Department of Justice was considering moving in to take young Elian Gonzalez, I wrote to both the Attorney General and the President and expressed the view that there were a number of less intrusive alternatives which could have been undertaken. And I pressed hard at that time for them to have a court order.

When the President said the Federal court ordered Elian Gonzalez taken into custody, that is not correct. The Court of Appeals for the 11th Circuit specifically refused to decide and declined to issue an order requested by the Department of Justice to have the uncle turn over Elian to INS so he could be turned over to the father. The district court did not deal with the custody issue either, but only decided that if there were to be an application for asylum, the proper person to make that was the father and not the uncle.

On this state of the record, there is a very serious legal issue as to what authority the INS had to take Elian into custody. They certainly were not going to take him into custody to deport him because there was an order of the circuit court prohibiting that until the circuit court had decided the case.

There is, in my opinion, a need for Congress to take a look at another issue. The Department of Justice, regrettably, does not have a good record at Ruby Ridge or at Waco. I chaired the subcommittee hearings on Ruby Ridge which led to a change in the FBI rules on use of deadly force and currently am chairing a special task force of a subcommittee looking into Waco. In the context of what happened at Ruby Ridge and Waco and what happened with the potential powder keg in Miami last Saturday morning, it is my view the Congress ought to consider institutionalizing some permanent unit within the Department of Justice.

The raid, which was conducted at 5 a.m., has the potential—and it is hard to determine—of leaving very deep scars on young Elian Gonzalez. When it occurred, the question came into my mind as to why the father was not at the scene, if not present at the house, but close to the scene to assist in soothing young Elian. I think the entire matter could have been avoided had the crowd been cleared, had there been a court order, had the Government taken up the representation of the uncle's lawyer that Elian would be peacefully turned over.

In the interim, it is my hope that the proceedings in Federal court will be expedited. I ask unanimous consent that the letters I wrote to Attorney General Reno and President Clinton be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Mr. President, those letters set forth in some greater detail the way those hearings can be expedited. When the Million Man March occurred in 1998 in New York City, the Federal court ruled on August 26, and the court of appeals took it up on September 1 and issued a 9-page opinion the same day. In the Pentagon papers case, only 18 days elapsed from the publication of the papers until the case went through the district court, the court of appeals, and the Supreme Court of the United States. I renew my suggestion to the Department of Justice to expedite those proceedings.

Ultimately, Elian will be returned with his father to wherever they choose to go. I hope they will stay in the United States, but that is a matter for the Gonzalezes to determine. Juan Miguel Gonzalez is the father, having parental responsibility for the child, but these are issues as to the use of this extraordinary force and what should be institutionalized in the Department of Justice, which I think the Congress should look into in oversight hearings, not to attach any blame but to improve procedures and approaches for the future.

Again I thank my distinguished colleague from Arizona and yield the floor.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, April 21, 2000.

Hon. JANET RENO,
Attorney General, U.S. Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL RENO: I am deeply concerned about reports in today's media that you may initiate action through Federal law enforcement agencies to take Elian Gonzales from the residence of his relatives in Miami and return him to his father. My concern arises from the experience at Ruby Ridge, a subject on which I chaired Judiciary Subcommittee hearings and also on the Waco incident, on which I am now chairing a Judiciary Subcommittee on Department of Justice oversight.

In advance of any such action there are a number of alternatives which could be pursued. For example, the Court of Appeals for the 11th Circuit could be asked to expedite the appeals process. There are many precedents for prompt, expedited Circuit Court action such as that taken by the Court of Appeals for the 2nd Circuit on the Million Man March case in 1998. There, the District Court, by order dated August 26, 1998, allowed the March for September 5 and the Circuit Court heard arguments on September 1, 1998 and issued a written opinion the same day.

Another option would be to ask the Court of Appeals for the 11th Circuit to hear the case en banc which could be accomplished very promptly.

Yet another option is to ask the Supreme Court of the United States to take the case and hear it on an expedited basis which that Court has the authority to do at any time. The Pentagon Papers were published on June 12, 1971. The District Court issued a decision on June 19, the 2nd Circuit heard the case on June 22 and decided the case on June 23. The Supreme Court heard arguments on June 26 and decided the case on June 30, 1971.

In a case involving the Iranian hostages, the Solicitor General asked the Supreme Court for the United States for certification before judgment on June 10, 1981. The Supreme Court granted the request on June 11, ordered briefs within one week, heard arguments on June 24 and decided the case on July 2, 1981.

There is good reason to believe that the order of the 11th Circuit three-judge panel will be reversed for a number of reasons. One glaring error is that there is no basis for asylum for Elian Gonzales since that relief is granted when the individual faces persecution or some prospective ill treatment upon his return, which is certainly not the case with young Elian. If returned to Cuba, he will be the subject of adulation, not mistreatment.

Before resorting to action to take Elian from his Miami relatives, I urge you to seek a judicial order from the United States District Court authorizing such action by the Department of Justice. While perhaps not technically necessary, such an order might well be persuasive enough for the Miami relatives to turn Elian over voluntarily. Such an order may also be persuasive so that others would not impede Department of Justice action to take Elian from his Miami relatives.

I am sending a copy of this letter to the President, and I am sending you a copy of a letter I am writing to him.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, April 21, 2000.

Hon. WILLIAM JEFFERSON CLINTON,
President, The White House, Washington, DC.

DEAR MR. PRESIDENT: With this letter, I am enclosing a copy of a letter which I am sending to Attorney General Reno suggesting a number of judicial remedies before any action is taken to return Elian Gonzales to his father other than through a voluntary turning over of the boy by his Miami relatives.

I am writing to you and the Attorney General without being privy to any of the ongoing negotiations, but only because of my concern about what happened at Ruby Ridge and Waco which involved incidents where I have been extensively involved in oversight of the Department of Justice by Senate Judiciary Subcommittees.

If there is to be any action taken by Federal law enforcement officials other than a voluntary turning over by the Miami relatives of Elian Gonzales, then I urge you to be personally involved and to consult with experts in the field, in addition to officials at the Department of Justice because of the deeply flawed actions taken by the Department of Justice at Ruby Ridge and Waco and in other law enforcement judgments of the Attorney General.

As noted in my letter to the Attorney General, the hand of the Federal Government can be considerably strengthened by a District Court order authorizing the Department of Justice to take Elian Gonzales from his Miami relatives and returned to his father.

It may well be that taking the potential use of force off the table would materially damage the Government's bargaining position with the Miami Gonzales family; but if force is to be used, it must be used with mature, measured judgment contrary to what was done at Ruby Ridge and Waco.

Sincerely,

ARLEN SPECTER.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I seek recognition under the 10 minutes reserved on the Democratic side.

The PRESIDING OFFICER. The Senator is recognized.

REPUBLICAN PRIORITIES

Mr. DURBIN. Mr. President, we just heard a statement from the Senator from Pennsylvania which echoes the statements of many Republicans since the reuniting of Elian Gonzalez with his father. This was a very sad situation. The Attorney General's comments indicate she made extraordinary efforts on a personal basis and through the Department of Justice to resolve the differences between the members of this family involving this 6-year-old boy.

I am sorry it came to the process that it did in the early hours of the morning on Saturday. I understand up until the very last moment, negotiations were underway with the family, with the very basic goal of reuniting this little boy with his father.

I will never know what took place in those conversations, but I can certainly understand that when the decision was made to enforce the law, to enforce the subpoena, and to move forward, those agents who went into that home were entitled to protect themselves. They did not know, going into that home, whether there was any danger inside. The fact that they were armed, of course, is troublesome in the presence of a 6-year-old boy, but I do not believe a single one of us would ask any law enforcement agent in America—Federal, State, or local—to endanger their own lives by walking into a building without adequate protection and show of force.

I hope we will put this in perspective. I have been absolutely fascinated by the Republican response to this. To consider some of the statements that have been made by Republican leaders on Capitol Hill since this event in Miami tells us a great deal about their priorities. There is a passion, there is a commitment, there is a sense of urgency to drop everything we are doing on Capitol Hill and move into a thorough investigation of this episode which occurred in the early morning hours of Saturday to decide whether or not Attorney General Reno was doing the appropriate thing in the way she approached it.

My question to the Republican majority in the Senate and the House is: Where is your passion, where is your sense of urgency, where is your commitment when it comes to the gun violence which is occurring on the streets of America every single day?

Yesterday, here in our Nation's Capital, families who gathered at the National Zoo for an annual holiday witnessed gun violence which claimed some seven victims, one of whom is now on life support and may not survive. Yet for a year—one solid year—the Republican leadership on Capitol Hill has refused to bring forward any gun safety legislation. Overnight they can call for an investigation of Attorney General Reno. Overnight they can bring her to Capitol Hill because of this question of what occurred in Miami. But for one solid year, they have been unwilling and unable to step up and do anything about gun safety to protect children and families across America.

Mr. DORGAN. Will the Senator yield?

Mr. DURBIN. No one was injured in the house of Elian Gonzalez's relatives in Miami. Thank God. But kids are injured every day across America. Twelve children are killed every day across America because of gun violence, and this Republican majority, which has this passion to investigate, ought to have the passion to legislate, to pass laws to make America safer. I would like to see some proportionality in the way they respond to the real issues facing American families.

I yield to my colleague from North Dakota.

Mr. DORGAN. Mr. President, I appreciate the Senator yielding to me.

This is a very sad chapter. It is a story of a 6-year-old child who has been used as a political football now for some many months—yes, by Fidel Castro, but also by some in this country—and it ought to stop. What happened the other morning in Miami is something none of us wants to see in this country, but it happened without violence occurring. No one was injured, and the fact is, a 6-year-old boy was restored to his father's care.

I have heard all of the stories and all of the words. I watched television last evening. I heard irresponsible statements about Waco, about storm troopers, all kinds of conjecture about secret meetings between Fidel Castro and officials in this country. Look, those things serve no purpose at this point.

This is a 6-year-old boy whose mother died and who now has been restored to the care of his father. Are there those here who believe that a 6-year-old boy whose father loves him should not be restored to the care of his father? If so, then let's have a long debate about parental rights. I suspect they do not want to restore this young boy to the care of his father because his father is a Cuban and he will go back to Cuba and that is a Communist country. But I do not see people coming to the floor of the Senate talking much about the fate of the children in Vietnam—that is a Communist country—or the fate of the children in China—that is a Communist country.

All of a sudden, this one 6-year-old child whose mother is dead and whose father wants him, because he comes from Cuba, does not have the right to be restored to the care of his father? Something is wrong with this.

I understand there is great passion on all sides. The Attorney General was faced with an awful choice, and she made a choice. The choice she made was to use whatever show of force was necessary—not force; show of force was necessary—to prevent violence while they were able to get this boy and restore him to the care of his father.

The fact is, it worked. In a little under 3 minutes, they were able to get this boy. This boy, now we see in a smiling picture, is in his father's arms where he ought to be.

I know we can criticize Janet Reno and others till the Sun goes down and every day thereafter, but it is not going to change the fact that this boy belongs with his father. We all know that. We should not use this boy for some broader political purpose of U.S.-Cuba relations, anti-Castroism, this, that, or the other thing. This is not about Fidel Castro. This is about a 6-year-old child and his father.

Mr. LEAHY. Will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. LEAHY. I am pleased to hear both of my distinguished colleagues talking about the necessity to protect those who go into a situation such as that. In an earlier career in law enforcement I had the experience of going on raids or arrests or hostage situations, oftentimes in the middle of the night. They are a very frightening thing.

I suspect those immigration officers and marshals also have families who worry about whether they are going to come back alive. They are entitled to

some protection, too. They talk about a frightening picture of a man so intimidating that everybody would stand still. His finger was not on the trigger of his gun. If you look at the picture, the safety was on the weapon. An unarmed female INS officer, with no body armor or anything else, came in there, putting her own life at risk so the little boy would not be frightened when she picked him up. And she spoke to him in Spanish.

The Miami relatives could have avoided this. The Miami relatives took a position they wanted to help little Elian and hurt Fidel Castro. They helped Fidel Castro and hurt little Elian. They should have given him back to his father long ago. Instead, they made this whole situation necessary.

The officers who went in there are entitled to protect themselves. If I were their spouse, if I were their child, I would hope that they would. Then to accuse them of brainwashing or drugging this little boy is scandalous. These marshals, who took the little boy into their custody, are sworn to give their own life, if necessary, to protect the person they have in their custody.

They were there to protect the little boy. They did protect the little boy. He is now back with his father where he belongs.

I resent the statement of some of the Miami relatives saying these pictures of a happy child with his father are doctored, that it is not really little Elian, that they substituted someone else for him, or that the marshals drugged him. One relative even said the only reason he called his father from the airplane was because they put a gun to his head. This is outrageous.

These brave men and women, who constantly put their lives on the line to protect the people of this country, including oftentimes Members of Congress, ought to be praised.

Mr. DURBIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER (Mr. FRIST). Twenty seconds.

Mr. DURBIN. Let me close by saying I hope we will see the same passion, the same commitment, the same sense of urgency from the Republican side when it comes to gun safety legislation, when it comes to legislation for a Patients' Bill of Rights, when it comes to a prescription drug benefit, as we have seen in their passion to continue to investigate every member of the Clinton administration.

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO PROTECT THE RIGHTS OF CRIME VICTIMS—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The time until 12:30 p.m. shall be equally divided between the two leaders.

The Senator from Arizona.

Mr. KYL. Mr. President, this is a historic time because we are about to commence a debate on an amendment that has passed through the Senate Judiciary Committee but has not yet come to the floor of the Senate; that is, an amendment to the U.S. Constitution to protect the rights of victims of violent crime.

I am very pleased this morning, along with Senator DIANNE FEINSTEIN of California, to be making the primary case in support of this amendment.

I would like to make some opening remarks and then turn our opening time over to Senator FEINSTEIN for a discussion of the history of this amendment and much of the articulation of the need for it. But let me make a few preliminary comments.

First of all, we have heard a little bit about passion on a related matter. I can tell you there is nothing about which I am more passionate these days than supporting the rights of victims of violent crime.

According to the Department of Justice, there are over 8 million victims of violent crime in our society every year. Not enough is being done to protect the rights of these victims. They have no constitutional rights, unlike the defendants. Those accused of crime have more than a dozen rights which have been largely secured by amendments to the U.S. Constitution.

They, of course, trump any rights that States, either by statute or State constitutional provision, grant to the victims of crime.

It is time to level the playing field, to balance the scales of justice, and provide some rights for victims of crime. These are very basic and simple rights, as Senator FEINSTEIN will articulate in just a moment.

To secure basic rights to be informed and to be present and to be heard at critical stages throughout the judicial process is the least that our society owes people it has failed to protect.

Thirty-two State constitutional amendments have been passed by an average popular vote of nearly 80 percent. Clearly, the American people have developed a consensus that the rights of crime victims deserve protection.

Unfortunately, these State provisions have not been applied with sufficient seriousness to ensure the protection of these victims of crime.

Let me note some quotations, first from the Attorney General of the United States, and then from attorneys general—these are the law enforcement officials of our country—and the Governors, who, of course, are the chief executives of the various States.

Attorney General Reno explained, in testimony before the Senate Judiciary Committee:

> Efforts to secure victims' rights through means other than a constitutional amendment have proved less than fully adequate. Victims' rights advocates have sought reforms at the State level for the past 20 years. However, these efforts have failed to fully safeguard victims' rights. These significant State efforts simply are not sufficiently consistent, comprehensive, or authoritative to safeguard victims' rights.

Legal commentators have reached the same conclusion.

For example, Harvard law professor Laurence Tribe has explained that the existing statutes and State amendments ''are likely, as experience to date sadly shows, to provide too little real protection whenever they come into conflict with bureaucratic habit, traditional indifference, sheer inertia, or any mention of an accused's rights regardless of whether those rights are genuinely threatened.''

According to a December 1998 report from the National Institute of Justice, the victims are denied their rights. The report concluded that:

> Enactment of state laws and state constitutional amendments alone appear to be insufficient to guarantee the full provision of victims' rights in practice.

The report went on to note numerous examples of how victims were not given rights they were already supposed to be given under State provisions.

For example, even in several States identified as giving strong protection to victims' rights, fewer than 60 percent of the victims were notified of the sentencing hearing, and fewer than 40 percent were notified of the pretrial release of the defendant. That can be a serious matter to a victim of crime. A followup analysis of the same data found that racial minorities are less likely to be afforded their rights under the patchwork of existing statutes.

According to a letter, dated April 21 of this year, signed by 39 of the State attorneys general:

> We are convinced that statutory protections are not enough; only a federal constitutional amendment will be sufficient to change the culture of our legal system.

A 400-page report by the Department of Justice on victims' rights and services concluded that:

> [t]he U.S. Constitution should be amended to guarantee fundamental rights for victims of crime.

The report continued:

> A victims' rights constitutional amendment is the only legal measure strong enough to rectify the current inconsistencies in victims' rights laws that vary significantly from jurisdiction to jurisdiction on the state and federal levels.

For those who are concerned that somehow a Federal constitutional amendment would impinge upon States rights other than noticing, of course, that 75 percent of the States would have to approve such a constitutional amendment for it to go into effect, let me refer to a resolution of the National Governors' Association, which passed by a vote of 49–1, strongly supporting a constitutional amendment.

It stated:

Despite . . . widespread state initiatives, the rights of victims do not receive the same consideration or protection as the rights of the accused. These rights exist on different judicial levels. Victims are relegated to a position of secondary importance in the judicial process.

The resolution also stated:

The rights of victims have always received secondary consideration within the U.S. Judicial process, even though states and the American people by a wide plurality consider victims' rights to be fundamental. Protection of these basic rights is essential and can only come from a fundamental change in our basic law: the U.S. Constitution.

That is it. Despite the well-meaning intention of judges, prosecutors, and others who fundamentally agree that victims need these rights of basic fairness in our criminal justice system, as the evidence has overwhelmingly demonstrated, they are just not getting that kind of fair treatment, despite the best efforts of all these people. That is why, after 18 years, the conclusion has been reached by so many that the only way to guarantee these rights is by placing them in the U.S. Constitution where defendants' rights have also been amended into existence.

We all know it shouldn't be easy to amend the Constitution, but we have been very careful to communicate with prosecutors and others who are familiar with the issues. After 63 drafts, we think we have it right. We think we have a very tightly drawn amendment, which Senator FEINSTEIN will explain in just a moment, that protects these rights without denigrating whatsoever the rights of the defendants or those accused of crime.

Our amendment has 42 cosponsors in this body, a bipartisan group of Democrats and Republicans. We have 39 State attorneys general who have signed a strong letter in support. Our Presidential candidates, both current and past, have strongly supported a crime victims' rights amendment, as have groups such as Parents of Murdered Children, Mothers Against Drunk Driving, the National Organization for Victim Assistance, and others.

I thought it would be appropriate to recognize the President of the United States, who said in a very strong statement before a number of crime victims' rights groups:

I strongly believe that victims should be central participants in the criminal justice system, and that it will take a constitutional amendment to give the rights of victims the same status as the rights of the accused.

He also said the following, which I think represents the views of all of us in this body:

I do not support amending the Constitution lightly; it is sacred. It should be changed only with great caution and after much consideration. But I reject the idea that it should never be changed. Change it lightly and you risk its distinction. But never change it and you risk its vitality.

But this is different. This is not an attempt to put legislative responsibilities in the Constitution or to guarantee a right that is already guaranteed. Amending the Constitution here is simply the only way to guarantee the victims' rights are weighed equally with defendants' rights in every courtroom in America.

Mr. President, that is all we ask.

I ask unanimous consent to print in the RECORD three pages of groups that strongly support our amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CRIME VICTIMS' RIGHTS AMENDMENT SUPPORTERS

PUBLIC OFFICIALS

42 cosponsors in the U.S. Senate (29R; 13D), Former Senator Bob Dole, Representative Henry Hyde, Texas Governor George W. Bush, California Governor Gray Davis, Arizona Governor Jane Hull, Former U.S. Attorney General Ed Meese, Former U.S. Attorney General Dick Thornburgh, Former U.S. Attorney General William Barr, The Republican Attorneys General Association, Alabama Attorney General Bill Pryor, Alaska Attorney General Bruce Botelho, Arizona Attorney General Janet Napolitano, California Attorney General Bill Lockyer, Colorado Attorney General Ken Salazar, Connecticut Attorney General Richard Blumenthal, Delaware Attorney General M. Jane Brady, Florida Attorney General Bob Butterworth, Georgia Attorney General Thurbert E. Baker, Hawaii Attorney General Earl Anzai.

Idaho Attorney General Alan Lance, Illinois Attorney General Jim Ryan, Indiana Attorney General Karen Freeman-Wilson, Kansas Attorney General Carla Stovall, Kentucky Attorney General Albert Benjamin Chandler III, Maine Attorney General Andrew Ketterer, Maryland Attorney General J. Joseph Curran, Jr., Michigan Attorney General Jennifer Granholm, Minnesota Attorney General Mike Hatch, Mississippi Attorney General Mike Moore, Montana Attorney General Joseph P. Mazurek, Nebraska Attorney General Don Stenberg, New Jersey Attorney General John Farmer, New Mexico Attorney General Patricia Madrid, North Carolina Attorney General Michael F. Easley, Ohio Attorney General Betty D. Montgomery, Oklahoma Attorney General W.A. Drew Edmondson, Oregon Attorney General Hardy Meyers, Pennsylvania Attorney General Mike Fisher, Puerto Rico Attorney General Angel E. Rotger Sabat.

South Carolina Attorney General Charlie Condon, South Dakota Attorney General Mark Barnett, Texas Attorney General John Cornyn, Utah Attorney General Jan Graham, Virgin Islands Attorney General Iver A. Stridiron, Virginia Attorney General Mark Earley, Washington Attorney General Christine O. Gregoire, West Virginia Attorney General Darrell V. McGraw Jr., Wisconsin Attorney General James Doyle, Wyoming Attorney General Gay Woodhouse, Alaska State Legislature.

LAW ENFORCEMENT

Federal Law Enforcement Officers Association, Law Enforcement Alliance of American (LEAA), American Probation and Parole Association (APPA), American Correctional Association (ACA), National Criminal Justice Association (NCJA), National Organization of Black Law Enforcement Executives, Concerns of Police Survivors (COPS), National Troopers' Coalition (NTC), Mothers Against Violence in America (MAVIA), National Association of Crime Victim Compensation Boards (NACVCB), National Center for Missing and Exploited Children (NCMEC), International Union of Police Associations AFL–CIO, Norm Early, former Denver District Attorney, Maricopa County Attorney Rick Romley, Pima County Attorney Barbara Lawall, Shasta County District Attorney McGregor W. Scott, Steve Twist, former chief assistant Attorney General of Arizona.

California Police Chiefs Association, California Police Activities league (CALPAL), California Sheriffs' Association, Los Angeles County Sheriff Lee Baca, San Diego County Sheriff William B. Kolender, San Diego Police Chief David Bajarano, Sacramento County Sheriff Lou Blanas, Riverside County Sheriff Larry D. Smith, Chula Vista Police Chief Richard Emerson, El Dorado County Sheriff Hal Barker, Contra Costa County Sheriff Warren E. Rupf, Placer County Sheriff Edward N. Bonner, Redding Police Chief Robert P. Blankenship, Yavapai County Sheriff's Office, Bannock County Prosecutor's Office, Los Angeles County Police Chiefs' Association.

VICTIMS

Mothers Against Drunk Driving (MADD), National Victims' Constitutional Amendment Network (NVCAN), National Organization for Victim Assistance (NOVA), Parents of Murdered Children (POMC), Mothers Against Violence in America (MAVIA), Justice for Murder Victims, Crime Victims United of California, Justice for Homicide Victims, We Are Homicide Survivors, Victims and Friends United, Colorado Organization for Victim Assistance (COVA), Racial Minorities for Victim Justice, Rape Response and Crime Victim Center.

Stephanie Roper Foundation, Speak Out for Stephanie (SOS), Pennsylvania Coalition Against Rape (PCAR), Louisiana Foundation Against Sexual Assault, KlaasKids Foundation, Marc Klaas, Victims' Assistance Legal Organization, Inc. (VALOR), Victims Remembered, Inc., Association of Traumatic Stress Specialists, Doris Tate Crime Victims Bureau (DTCVB), Rape Response & Crime Victim Center, John Walsh, host of ''America's Most Wanted'' Marsha Kight, Oklahoma City bombing victim.

OTHER SUPPORTERS

Professor Paul Cassell, University of Utah School of Law, Professor Laurence Tribe, Harvard University Law School, Professor Doug Beloof, Northwestern Law School (Lewis and Clark), Professor Bill Pizzi, University of Colorado at Boulder, Professor Jimmy Gurule, Notre Dame Law School, Security on Campus, Inc., International Association for Continuing Education and Training (IACET), Women in Packaging, Inc., American Machine Tool Distributors' Association (AMTDA), Jewish Women International, Neighbors Who Care, National Association of Negro Business & Professional Women's Clubs, Citizens for Law and Order, National Self-Help Clearinghouse, American

Horticultural Therapy Association (AHTA), Valley Industry and Commerce Association.

Mr. KYL. In terms of specific letters of support and so on, we will hear about that at a later time.

I conclude my statement by saying it has been a great pleasure for me to work on a bipartisan basis with Senator DIANNE FEINSTEIN who, as have I, has spent the better part of 4 years honing and crafting this amendment, working with victims' rights groups, visiting with fellow Senators, Members of the House of Representatives, representatives of the White House, the Department of Justice, and many others in an effort to ensure that the amendment we present to the Senate today is the very best possible product we could present.

We are always open to more suggestions. We have never closed the door to additional suggestions by people who in good faith wish to make sure this amendment will do what we want it to do, without, of course, taking away the rights of defendants. We remain committed to that proposition.

Over the next several days, obviously, we will hear from opponents. We are delighted to hear their comments and to visit with them about suggestions they may have. At the end of the day, as all of the statements I have read suggest, there is no alternative. There is only one way to protect the victims of violent crime; that is, through adoption of a Federal constitutional amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, had the Senator from Arizona completed his remarks?

Mr. KYL. I have completed my opening statement. I don't think there is a specific agreement. The time is divided equally.

The PRESIDING OFFICER. The time is equally divided between Senator KYL and Senator LEAHY.

Mr. LEAHY. Mr. President, normally I would speak at this point, under the usual procedure, following the majority floor leader. I know the distinguished Senator from California wishes to speak. I will not follow the normal procedure and speak but allow her to go forward. Then I will claim the floor after her speech.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank our ranking member for this opportunity. It gives an opportunity for the Senator from Arizona and me to explain the amendment. I very much appreciate that.

Providing constitutional rights for victims of violent crime has been at the top of my list of priorities as a Senator from California. I will take a few moments to explain why.

I thank our colleague, Senator KYL, for his leadership in bringing this issue to the forefront and working so closely with me in a bipartisan way over the past 4 years through two Congresses. I believe this is what voters sent us here to do, to work together, Republicans and Democrats, House and Senate, to find solutions to the problems ordinary Americans face every day. Indeed, ordinary Americans do find problems in the criminal justice system.

There were about 9 million victims of violent crimes in 1996, when we began this effort, and each of the 4 years since that time in the United States. Many of these victims were actually victimized a second time by the criminal justice system. They were kept in the dark about their case. They were excluded at the trial. They were unable to express their concerns for their safety when a decision was made to release their attacker. It is for these victims we are fighting for this amendment to the Constitution of the United States.

There are those who say the Constitution is a static document; it is a perfect document; it should not be changed. There are those who say it should not be changed easily. There are those who say it should not be changed without need. We are in the latter two. We believe we have a serious amendment, and we believe we can demonstrate the need for this change.

The amendment we propose today meets a situation, the situation that when the Constitution of the United States was written in 1789, there were but 4 million people in 13 colonies. Today we are over 250 million people, and victims of violent crimes alone amount to over 9 million a year.

When the Constitution was written, it was a different day. In 1791, the Bill of Rights was written. Between the text of the Constitution and the text of the Bill of Rights, a number of rights were provided to the accused, rights to protect them against an overeager, overzealous, and overambitious Government. We all know what they are: The right to counsel, to due process, to a speedy trial, against double jeopardy, against self-incrimination, against unreasonable searches and seizures, the right to have warrants issued upon probable cause, the right to a jury of peers, the right to be informed, and so on.

Victims were entirely left out, and when the Constitution and the Bill of Rights were written in 1789 and 1791, there were essentially no rights provided to victims in the United States. There was good reason for it. I want to say why that took place.

When the Constitution was written, in America in the late 18th century and well into the 19th century, public prosecutors did not exist. Victims could, and did, commence criminal trials themselves by hiring a sheriff to arrest the defendant, initiating a private prosecution. The core rights of our amendment to notice, to attend, to be heard were inherently made available to a victim of a violent crime. As Juan Cardenas, writing in the Harvard journal of law and public policy, observed:

At trial, generally, there were no lawyers for either the prosecution or the defense. Victims of crime simply acted as their own counsel, although wealthier crime victims often hired a prosecutor.

Gradually, public prosecution replaced the system of private prosecution. With the explosive growth of crime in this country in recent years, it became easier and easier for the victim to be left aside in the process.

As other scholars have noted:

With the establishment of the prosecutor the conditions for the general alienation of the victim from the legal process further increased.

Mr. President, this began to happen in the mid 19th century, around 1850, when the concept of the public prosecutor was developed in this country for the first time.

The victim is deprived of his [or her] ability to determine the course of a case and is deprived of the ability to gain restitution from the proceedings. Under such conditions, the incentives to report crime and to cooperate with the prosecution also diminished. As the importance of the prosecution increases, the role of victim is transformed [in our country] from principal actor to a resource that may [or may not] be used at the prosecutor's discretion.

Those aren't my words; those are words of Fredric Dubow and Theodore Becker in ''Criminal Justice and the Victim.''

So we see why the Constitution must be amended to guarantee these rights. There was no need to guarantee them in 1789 and 1791, when the Bill of Rights was added. We see that the criminal justice system has changed with the evolution of the concept of the public prosecutor, and we see that America has changed. The prevalence of crime has changed. The number of victims has changed. So creating the need and circumstance to respond to these developments and to restore balance in the criminal justice system by guaranteeing certain basic rights of violent crime victims in the United States is what we seek to do.

Those rights would be as follows: The right to notice of proceedings; the right not to be excluded from proceedings; the right to be heard at proceedings, if present; the right to submit a statement; the right to notice of release or escape of an attacker. For me, that is a central point and how I got involved in this movement. Also, there is the right to consideration in ensuring a speedy trial; the right to an order of restitution ordered by a judge; the right to consideration of safety in determining any conditional release. Those are basic, core rights that we would give to a victim of violent crime to be balanced against the rights of the accused.

Senator KYL mentioned that among our supporters are Prof. Laurence

Tribe of the Harvard Law School. Professor Tribe is a noted constitutional expert. Let me quote portions of his testimony from the House hearing on the amendment:

The rights in question—the rights of crime victims not to be victimized yet again through the processes by which government bodies and officials prosecute, punish, and release the accused or convicted offender—are indisputably basic human rights against government, rights that any civilized system of justice would aspire to protect and strive never to violate.

Our Constitution's central concerns involve protecting the rights of individuals to participate in all those government processes that directly and immediately involve those individuals and affect their lives in some focused and particular way. . . . The parallel rights of victims to participate in these proceedings are no less basic, even though they find no parallel recognition in the explicit text of the U.S. Constitution.

The fact that the States and Congress, within their respective jurisdictions, already have ample affirmative authority to enact rules protecting these rights is. . .not a reason for opposing an amendment altogether. . . . The problem, rather, is that such rules are likely, as experience to date sadly shows, to provide too little real protection whenever they come into conflict with bureaucratic habit, traditional indifference, sheer inertia, or any mention of an accused's rights regardless of whether those rights are genuinely threatened.

Now, some people would say, ''Let's pass another Federal statute.'' To them, I say: Been there, done that. We did that twice—in the case of the Oklahoma City bombing—and the judge ignored the Federal statute both times. According to the FBI, 98.4 percent of violent crimes are prosecuted in State courts. So why a Federal statute won't work is that even the broadest Federal statute would affect only 1 percent of the victims of violent crimes in this Nation. And then that statute could, in effect, be trumped at any time by the constitutional amendment provided to the accused.

The attorneys general of 37 States, Puerto Rico, and the Virgin Islands have all signed a letter with this statement:

We are convinced that statutory provisions are not enough. Only a Federal constitutional amendment will be sufficient to change the culture of our criminal justice system.

Let me tell you, very personally, why I believe this to be very necessary. Let me take you back to my life in San Francisco in the 1970s. In 1974, in my home city, a man by the name of Angelo Pavageau broke into the house of Frank and Annette Carlson in Portrero Hill. Mr. Pavageau tied Mr. Carlson to a chair, murdered him by beating him with a hammer, a chopping block, and a ceramic vase. He then repeatedly raped Annette Carlson, who was 24 years old, breaking several of her bones. He slit her wrists and tried to strangle her with a telephone cord before setting their home on fire and leaving them to go up in flames.

But Mrs. Carlson survived the fire; she lived and she testified against her attacker. That testimony sent him to prison where he resides, I believe, to this day. But she has been forced to change her name. She lives anonymously and she continues to live in fear that one day her attacker may be released and come back after her.

When I was mayor of San Francisco, she called me several times to notify me that she had found out that he was up for parole, and she begged me to do what I could to see that she would know if he was released so she could protect herself. Amazingly, it was up to her to find this information. The system did not provide it.

I believe no American citizen should have to live out of fear that their attacker will be released from jail or from prison without their notice. That is a basic right provided by this measure.

In 1979, a killing occurred which galvanized the victims' rights movement in California. A young woman named Catina Rosa Salerno was murdered on her first day of school at the University of the Pacific in Stockton. The killer was an 18-year-old, Steven Jones Burns, Catina's high school sweetheart and a trusted family friend. After shooting her, Burns went back to his dorm room to watch Monday night football. He could see her as she bled to death outside his window.

During the trial, the family was not allowed in the courtroom and had to sit outside waiting for news. The murder of Catina had a profound and lasting effect on the family. Her mother, Harriet, and her father, Michael, cofounded Crime Victims United, one of California's more outspoken groups for victims' rights, and the family has since that day worked tirelessly to educate the public about the rights of crime victims.

These cases helped California become the first State in the Nation to pass a crime victims' constitutional amendment, an amendment to the State Constitution of California, Proposition 8, in 1982. It gave victims the right to restitution, the right to testify at sentencing, probation, and parole hearings, established a right to safe and secure public school campuses, and made various changes in criminal law. It was a good start.

Since that time, a total of 32 States have passed constitutional amendments to provide victims of crime with certain basic rights. All of them have passed by substantial margins—Alabama, 80 percent; Connecticut, 78 percent; Idaho, 79 percent; Illinois, 77 percent; Indiana, 89 percent; Kansas, 84 percent. Some States passed them by constitutional convention: South Carolina, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin.

What is wrong with that? What is wrong is the paperwork quilt of different rights provided by different State Constitutions. The remaining States—18 of them—provide no basic rights for a victim of a violent crime. We provide a basic core of rights—of notice, of presence, to be heard, to be noticed of an attacker's release, to restitution if ordered by a judge—eight certain, basic, core rights that exist for every victim of a violent crime throughout the United States. For the first time in history, the Constitution would recognize a victim has core basic rights, that those rights are present in the Constitution, and that the victims are free to exercise those rights.

In summary, I know this amendment is controversial. I know there are those who will say these State amendments are enough. I want to give a few examples of why the State amendments are not enough.

Maryland has a State amendment. But when Cheryl Rae Enochs Resch was beaten to death with a ceramic beer mug by her husband, her mother was not notified of the killer's release 2½ years into the 10-year sentence. The mother was not given the opportunity to be heard about this release—in violation of the Maryland constitutional amendment.

Arizona has a State constitutional amendment, but an independent audit of victim-witness programs in four Arizona counties, including Maricopa County, where Phoenix is located, found that victims were not consistently notified of hearings; they were not conferred with by prosecutors regarding plea bargains; they were not consistently provided with an opportunity to request postconviction notification.

Ohio has a State amendment. But when the murderer of Maxine Johnson's husband changed his plea, Maxine was not notified of the public hearing and was not given the opportunity to testify at his sentencing as provided in Ohio law.

A Justice Department-supported study of the implementation of State victims' rights amendments released earlier this year made similar findings:

Even in States with strong legal protections for victims' rights, the Victims' Rights study revealed many victims are denied their rights. Statutes themselves appear to be insufficient to guarantee the provision of victims' rights.

The report goes on:

Nearly two-thirds of crime victims, even in states with strong victims' rights protection, were not notified that the accused offender was out on bond.

Therefore, the victim had no opportunity to protect himself or herself.

Nearly one half of all victims, even in the strong protection states, did not receive notice of the sentencing hearing—notice that is essential if they are to exercise their right to make a statement at sentencing.

Finally:

A substantial number of victims reported they were not given an opportunity to make

a victim impact statement at sentencing or parole.

State amendments are not enough. The reason a Federal statute will not work is that it has not worked before and our area of coverage is too small. The best Federal statute we could pass would cover but 1 percent of victims of violent crimes in this Nation.

That leaves but one remedy. It is a difficult remedy. It takes time. It imposes an act of conscience on every Member of this body and the other body who believes the Constitution of the United States should not be amended: Is it worthy to make this amendment to afford the victim of a rape attack, the victim of an attempted murder attack, with the notice as to when that individual is going to be released from jail or prison? I think it is.

Is this a worthy enough cause so that an individual can at least be noticed when a trial is going to take place, can at least be present, can at least make a statement, can at least have an order of restitution if ordered by a judge, and to at least have notice of these basic rights? I think so.

I don't believe the Constitution of the United States was written purposefully to exclude victims. The victim was part of the trial. The victim brought the trial. The victim brought the investigation. The victim was present in court. And our country functioned that way until the mid-19th century and the evolution of the public prosecutor.

The only way to remedy this significant omission, I contend, is to amend the Constitution of the United States and at long last show the Constitution is, in fact, a living document, that it does expand to take into consideration the evolution of circumstances within our country. This cannot be done, it cannot be achieved, without an amendment to the Constitution of the United States.

I reserve the remainder of my time, and I yield the floor.

Mr. HATCH. Mr. President, the people who have followed the victims' rights amendment closely know that I voted for this measure in the Judiciary Committee, and that I did so despite some reservations about its provisions and its language. No one has worked harder on this issue than the distinguished chairman of the Judiciary Committee's Subcommittee on Technology, Terrorism, and Government Information—Senator JON KYL. He has been a tireless advocate for victims rights, and has done more than most will ever appreciate to make the Senate's consideration of this proposed resolution a reality. Both he, and his lead cosponsor and ranking member on the Subcommittee, Senator DIANNE FEINSTEIN, are to be commended. Frankly, they—and the committed network of victims' advocates—are why we are here today. It is because of their tireless commitment to this measure that I will vote to invoke cloture on the motion to proceed to consideration of S.J. Res. 3. I should be clear, however, that I do so with some reservations concerning the proposed text of the amendment. But I hope my concerns can be addressed during the floor debate on the resolution.

Among my reservations are:

Its scope: the amendment's protections apply only to violent crimes;

Its vagueness: some of its definitions are unclear and will be subject to too much judicial discretion; and

Its effects on principles of federalism: the proposed amendment could pave the way for more federal control over state legal proceedings.

Given my reservations, some of my colleagues have asked how I could nevertheless approve the Senate's consideration of S.J Res. 3. I'd like to explain, beginning with a little background on the origins of the criminal justice system.

Our Constitution provides the backbone for what has unquestionably evolved into the best criminal justice system that has ever existed on Earth. Decent and thoughtful people have worked for over two hundred years writing and re-writing the statutes, case law, rules and procedures that guide the judges and lawyers who run the system. Those laws and rules have, by and large, kept the courts appropriately focused on the twin goals of seeking the truth and protecting the accused from arbitrary or unreasonable government actions.

Although our criminal justice system is the best, it is not perfect. There are many ways in which it could improve. One of the most important areas needing improvement is the manner in which the criminal justice system treats victims of crime.

The fact that the drafters of the Constitution did not include specific rights for victims of crime is not surprising. At that time, there was no need for such rights because victims were parties to the legal actions against their perpetrators. There was no such thing as a public prosecutor; victims brought cases against their attackers. When the Constitution was drafted, victims of crime were protected by the same rights given to any party to litigation.

The rights of victims were dramatically altered—along with the rest of the criminal justice system—with the advent of government-paid public prosecutors in the mid-1800s. Since then, the government, not the victim, has been the party litigating against criminals in court. Obviously this has been a tremendously important effect on society by ensuring that criminals are punished even when their victims could not, or would not, prosecute them. Today we would not have even a semblance of crime control without public prosecutors.

Unfortunately, however, one side-effect of replacing victims with public prosecutors was to force victims to the sidelines of the criminal justice system. No longer are victims parties to the case. No longer do individual victims have legal representation in court. No longer are the victims an integral part of the process. Instead, victims have become relegated to the role of one-call witnesses who can be summoned—or not—by either side.

The distance between victims and the criminal process has grown greater over time. Prosecutors are overworked, courts face backlogs of cases, and prisons are overcrowded. These practical constraints, together with strategic legal considerations, has led to an increasingly institutional view of crime—a view that focuses on processing cases rather than involving victims.

In conclusion, Mr. President, I believe the time has come for the Senate to consider the victims rights amendment. The issue for the Senate should not be whether we pass a victims' rights amendment—I believe we should do so. But I believe we must ensure that whatever form our final product takes, we have fully debated and considered the matter. In the end, deliberations and our final passage of a victims' rights amendment will have profound, reaching effects on the criminal justice system. We need to be sure the results are as we would wish them to be.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I listened to my two distinguished colleagues. Not only are all colleagues "distinguished" colleagues, but these two are also personal friends. One is a Republican, one a Democrat. Both are individuals I like very much, individuals with whom I enjoy working on the Senate Judiciary Committee.

However, notwithstanding our friendship and our service on the same committee, I must disagree with them on this constitutional amendment.

I do not disagree with them at all on the intent of the amendment to give victims rights; to make sure they can be heard in sentencing, to make sure their views are sought out in every area from plea bargains to compensation. I know in the 8 years I was a prosecutor I did that. It was the standard procedure in my office. I insisted that victims be heard in the pre-sentence report, victims be heard by the court, victims be heard by the prosecutor's office if a determination was made to either bring extra charges or to drop some charges—whatever the reason might be.

I must admit, I would have been very concerned had there been a constitutional amendment of this nature because I can almost picture the number of appeals, the number of delays, and

the number of other issues that would come up. In many ways, it would create, in my view, just the opposite effect from that which the sponsors want; that is, so many appeals could come out of this that everybody would lose sight of who is being prosecuted and why.

Last Wednesday, we observed the fifth anniversary of the killing of 168 Americans in the horrific bombing of the Alfred P. Murrah Federal Building in Oklahoma City, and we opened the Oklahoma City National Memorial.

Every American was shocked at the initial bombing. Every American must have been moved by the speeches and the observance at the memorial. I remember, after that terrible incident, the Senate proceeded to consider antiterrorism legislation. The incident was in the spring, and by June, we were considering antiterrorism legislation. In fact, at that time the Senate accepted my amendment to include victims legislation in the antiterrorism bill. I worked with Senator MCCAIN to increase assessments against those convicted of crime, with the assessments to go to the Crime Victims Fund. When the matter was completed the following year, we preserved our legislative improvements to help victims of terrorism in the United States, in fact around the world, as the Justice for Victims of Terrorism Act of 1996. We moved very quickly to respond.

Last Thursday, we also observed the anniversary of the tragic violence at Columbine High School. That was one in a series of deadly incidents of school violence over the last few years. Scores of our Nation's children have been killed or wounded over the last 3 years from school violence, and that violence has shaken families and communities across our Nation. In the wake of the Columbine violence, the Senate moved to the consideration of juvenile crime legislation. We had one of the few real Senate debates in the past few years. We had a 2-week debate. During that 2-week debate, we greatly improved the bill with numerous amendments, including a number directed at commonsense, consensus gun safety laws.

On May 20 last year, within a month of the Columbine tragedy, the Senate acted to pass the Hatch-Leahy juvenile crime bill. We did it by a 3–1 margin, but since last May when we passed it, the Congress has kept the country waiting for final action on the legislation. Since last May, the Congress and the Senate have kept the country waiting for sensible gun safety laws. It has been now more than a year since the tragic event at Columbine High School in Littleton, CO; more than a year since 14 students and a teacher lost their lives in that tragedy on April 20, 1999. Still, the American people are waiting for action by this Congress.

It has been more than 11 months since the Senate passed the Hatch-Leahy juvenile justice bill by a bipartisan vote of 73–25. It had modest, but I believe effective, gun safety provisions in it. It has been more than 8 months since the House and Senate juvenile justice conference met. That was only a ceremonial meeting. We did it for the first and the last and the only time. Throughout the entire school year that has ensued, the Republican Senate chairman of the House-Senate conference and the Republican leadership of the Congress, have refused to call this conference back to work. The Senate and House Democrats have been ready for months to reconvene the juvenile justice conference and work with Republicans to craft an effective juvenile justice conference report that includes reasonable gun safety provisions. But the majority has refused to act.

I think the lack of attention, a lack of effective action is shameful, particularly in light of the fact that Congress has spent far more time in recess than in session since the first ceremonial meeting of the conference.

I spoke on the floor several times over the last year—on September 8, September 9, October 21, March 21, March 28, March 29, April 5, April 6, April 13, and today—urging the majority to reconvene the juvenile justice conference. I have joined with Senators, both in writing and on the floor, to request the Senate leadership let us complete our work on the conference and send a good bill to the President. We should not delay simply because some powerful gun lobbies do not want us to pass even the most modest gun safety legislation; even the modest provision that closes this huge loophole we now have for gun shows where somebody in a flea market can sell firearms to felons.

On October 20, 1999, all the House and Senate Democratic conferees sent a letter to Senator HATCH and Congressman HYDE, calling for an open meeting of the conference. On March 3 of this year, after another shocking school shooting involving 6-year-old classmates in Michigan, Representative CONYERS and I wrote again to Senator HATCH and Congressman HYDE requesting an immediate meeting of the conference. The response has been resounding silence.

Even a bipartisan letter on April 11 from the Republican chairman of the House Judiciary Committee, HENRY HYDE, and the Ranking Democrat, JOHN CONYERS, to the Republican Senate chairman of the conference, Senator HATCH, has not succeeded in getting the conference back to work. We have to find time, or at least the will, to pass balanced, comprehensive juvenile crime legislation. This is something that could be signed into law today, or within a day after being passed. This is legislation we passed by a 73–25 margin, and then we hold it in abeyance because the gun lobbyists said do not touch this.

What have we done in the meantime? We keep having a number of proposed constitutional amendments. Last month, it was a proposed constitutional amendment regarding the flag. I spoke at the beginning and end of that debate to urge the Senate to turn to completing our work on the juvenile crime bill, health care reform legislation, on minimum wage legislation, on privacy legislation, on confirming the Federal judges needed in our courts around the country, and all the other matters that have been sidetracked this year. But rather than doing the legislative work that we should do first and foremost, we are now going to turn our attention to another constitutional amendment, this one with regard to crime victims' rights.

I believe constitutional amendments, if they are brought up, should be approached seriously. The distinguished Senator from Arizona and the distinguished Senator from California have approached it seriously. But that means a real, serious debate. If we are going to amend the Constitution of the United States, we should do it seriously. Instead, late on Thursday, after we voted to adopt an adjournment resolution, and everybody had left for the airport, the majority leader came to the floor to move to proceed to this matter. I do not think constitutional amendments should be a time filler to be called upon when we do not want to proceed to legislative items. Nor is a constitutional amendment the type of item that should be rushed through Senate consideration. It should be explored and thoughtfully considered. If we are going to start having constitutional amendments rather than legislative matters, then let's set aside a good period of time—a few weeks—to talk about this one.

Let's talk about the others that should come up. I can think of at least two. Let's have a constitutional amendment debate on abortion. For those who think Roe v. Wade should be the law of the land, let's write it into the Constitution. For those who think it should not be, this is the chance to overrule the Supreme Court. Let's settle once and for all this whole constitutional issue on abortion. Let's have a constitutional amendment on that. I am perfectly willing to move forward with that. Even though I have stated my strong positions on this issue, let's have a debate on it.

There are those who are concerned about whether we have too many gun rights and those who think we do not have enough. Maybe we should have a gun amendment to clarify the second amendment. Maybe we should get these issues out of the way once and for all. We can spend a few weeks on each one of these. We can be done by late August, and the Senate will have spoken as to how they think it should be done.

The last two times the Senate debated the so-called balanced budget amendment, those debates consumed a number of weeks, as they should. This was a palliative I happened to oppose. We were told that without a constitutional amendment to balance the budget, we could never balance the budget. Many of us said if we did our work and wrote the legislation the right way we could. Of course, that is exactly what happened. We did not need a constitutional amendment after all. We are now debating how to spend the budget surpluses because we balanced the budget without a constitutional amendment.

This proposed amendment is of similar length and additional complexity and will require some time to debate, as we did with the balanced budget amendment.

In addition, of course, this is the first time this amendment will be debated by the Senate. It has never been debated by the House. So there is a lot of new ground to cover. If we are to pass it, I know the House will want to look to our debate. I assume there will be weeks of debate on it, as there should be. It is a legitimate issue.

I think it can be handled statutorily, but if we are going to do it in the Constitution, we should spend the weeks necessary to make sure we get it right.

By way of illustration, the Judiciary Committee took more than 6 months to file its report on the proposed amendment, even though a similar measure had been the subject of a report last Congress. I note that the majority views in the committee report run over 40 pages. The principal sponsors, Senators KYL and FEINSTEIN, added a statement of their own additional views on top of those. I urge all Senators to read them because they are worth reading. I note that the minority views, in which I join with Senators KENNEDY, KOHL, and FEINGOLD, extend over 35 pages. I think they are well worth reading. There is a lot of discussion in them.

We will vote today on the majority leader's motion to invoke cloture on the motion to proceed. I will not oppose invoking cloture on the motion to proceed. In fact, I urge Senators to vote for cloture on the motion to proceed. I hope it will be a 100–0 vote. But once we proceed to consideration of this measure, my colleagues should understand that it is an important matter that will require some extensive debate, and we will see serious and substantial amendments to this proposal. I have heard from both sides of the aisle. I told the distinguished Senator from California that I will offer a statutory alternative in the days ahead that can move the cause of crime victims' rights forward immediately by a simple majority vote, without the additional complications and delays the constitutional amendment ratification process might entail, and without the need to return to Congress to draft, introduce, and pass implementing legislation. There will be other amendments, as I have said.

I know the distinguished sponsors of this amendment have been through more than 60 drafts to date. This is not an easy issue. It is hardly fixed in stone. It has not had Senate scrutiny. In fact, a number of Senators told me when they came back from the recess that they were surprised to know this was coming up because it was added to the agenda after we had voted to adjourn for the Easter recess. Many Senators are surprised it is before us. I have told them the proposed constitutional amendment is important. I think its meanings and mandates have to be explored.

In my personal view—and I actually note this with some sadness—the focus on the constitutional amendment has actually had the unintended consequence of slowing the pace of victims' rights legislation over the past several years. I am reminded of the debate we had year after year of the need for a balanced budget amendment to the Constitution. President Reagan, who submitted budgets with the biggest deficits in the Nation's history, would always give great speeches about needing a constitutional amendment to balance the budget. Of course, I used to tell him: There you go again. All you had to do was introduce a balanced budget and let us vote on it. Instead, he introduced budgets, as was his right as President, with enormous deficits, and then a few days later gave a speech saying: I wish we had a constitutional amendment to balance the budget so we could balance this budget.

A President came along who did balance the budget. It was a very tough vote. I remember that vote in 1993. By a 1-vote margin in the House—no Republicans voted to balance the budget, which means cutting a whole lot of programs—no Republicans voted for it. It passed by a 1-vote margin in the House. It was a tie vote in the Senate. Vice President GORE had to preside and cast the deciding vote for a balanced budget.

It was tough. A lot of special interest groups from the right to the left saw their programs nailed, but it was the only way to balance the budget, and we balanced it. The stock market and the various financial markets took note: This is serious; they really are serious. That vote began this huge economic surge in this country. I do recall some on the other side saying: Why, if we vote to balance the budget, we are going to have enormous layoffs, 20 percent unemployment, we are going to have a depression, we are going to have a recession—all these things. Instead, the economy has created the most jobs ever in the history of our Nation. We have had the greatest economic expansion in our Nation's history and an enormous budget surplus. That is what happened, but it took a tough vote, not a palliative of a constitutional amendment to balance the budget; a tough vote.

A lot of Democrats who were courageous enough to actually vote to balance the budget were defeated the next year because they had to cast such unpopular votes to balance the budget. They did the right thing, and their children and grandchildren will bless them for it.

I have argued that rather than look again, in this case victims' rights, to a constitutional amendment, we should be looking at a statutory way, the same way we did with the balanced budget. I wish the Senate was considering the Victims Assistance Act, S. 934, and its extensive provisions to improve crime victims' rights and protections now and do that during this debate. Instead of during the next several weeks debating the constitutional amendment, why don't we debate S. 934?

I wish we would consider our Seniors Safety Act, S. 751, that helps protect our seniors from nursing home fraud and abuse and creates protections for victims of telemarketing fraud. These senior citizens who are abused in nursing homes and who are ripped off from telemarketing frauds are victims also.

I wish the Senate would consider a number of the scores of additional legislative proposals that would assist crime victims. Instead of the weeks we will spend on this constitutional amendment, why don't we debate the Violence Against Women Act II, S. 51, that my friend, Senator BIDEN, has championed? That bill will continue and improve important and effective programs for domestic violence victims and other victims of crime. The aid to those victims of crime would be immediate.

Senator WELLSTONE has introduced the International Trafficking of Women and Children Victim Protection Act, S. 600. It has received little attention, but it should be debated. He also sponsored the Battered Women's Economic Security and Safety Act, S. 1069, and the Children Who Witness Domestic Violence Protection Act, S. 1321. These bills were introduced to improve the safety and security of these victims, but they are not being considered.

It is said that we do not have time, but we are going to spend several weeks on a constitutional amendment that would still have to go through the other body, and would still have to go to the States for approval and ratification. During those several weeks, we could be debating those pieces of legislation for victims.

Senators SNOWE, HUTCHISON, GRAMS, ASHCROFT, SMITH, ABRAHAM, HATCH, EDWARDS, DURBIN, TORRICELLI, and others have sponsored legislation to help

crime victims, but I do not think we are going to consider them. We are going to debate a proposed constitutional amendment. We will spend several weeks on something that is not self-executing but would require additional follow-on legislation in any event, but we are told we do not have time to debate, again, legislation which could apply help to victims this summer.

So as we turn to this constitutional debate, I observe it is not a matter on which the immediate filing of a cloture motion would be appropriate. I urge all Senators—Republicans and Democrats alike—to vote for cloture on the motion to proceed. But if we are serious about debating this measure, then we should debate it. The distinguished Senator from Arizona should have all the time he needs to talk about it. The distinguished Senator from California should have all the time she needs to talk about it. Other Senators who strongly support it should have all the time they need. But a number of Senators who disagree with them ought to have time to speak, too.

If it means setting aside other legislative agenda, then let's do so. We have a short legislative calendar filled with recesses as it is. Do away with a couple of the recesses and devote a significant portion of that time to this. It is not my first choice. I would prefer to go to legislative matters on the calendar. But if we are going to bring up a constitutional amendment, let's do it right.

I hope once we turn to the measure, the majority leader will recognize the inappropriateness of filing a cloture motion on this unexplored, proposed constitutional amendment. When that course was followed in 1995 in connection with the constitutional amendment to impose term limits on Congress, it short circuited the debate and prevented any serious consideration or amendment.

But then I suspect in that case it was because a lot of the people who said they were for term limits never wanted to actually vote on term limits. We have had people in this body who have been for term limits before I was born, people who have come back here 20 and 30 and 40 years to the Congress saying: We have to do something about term limits. They are so determined they will stay here if it takes them 100 years. If they have to serve for 100 years to get term limits, they will do it. It is probably why we have never voted on term limits, because it is a lot easier to talk about it than to vote on it. It is like a balanced budget; it is a lot easier to talk about it than to vote on it.

But we have a serious matter here. It has never been considered by the Senate, so we should talk about it. I think it could erect technical problems for important amendments such as proposals of statutory alternatives. But both the supporters and the opponents should know that we should have debate on it.

We have had a number of people, conservative commentators such as George Will and Stewart Taylor, who have spoken out strongly against it. We have had liberal commentators who have spoken out against it.

We have editorials from the New York Times, the Washington Post, and others who have opposed it—people ranging from Chief Justice William Rehnquist to Bud Welch, the father of one of the victims of the Oklahoma City bombing.

I ask unanimous consent that a partial list of those opponents be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIST OF OPPONENTS OF S.J. RES. 3

Bill Murphy, Past-President of the National District Attorney's Association, in his personal capacity;

The Judicial Conference of the United States;

The National Center for State Courts (State Chief Justices Association);

Cato Institute;

Bruce Fein, former U.S. Deputy A.G. under President Reagan;

Second Amendment Foundation;

Chief Justice William Rehnquist';

Chief Justice Robert Miller, South Dakota Supreme Court;

David Nelson, State's Attorney and Beck Hess, Victim Witness Assistant, Office of the Minnehaha County, South Dakota, State's Attorney;

County of Carbon Montana County Attorney;

Victim Services, the largest victim assistance agency in the country;

The Judicial Conference of the United States;

The National Center for State Courts (State Chief Justices Association);

Over 300 Law Professors;

NOW Legal Defense Fund;

National Association for the Advancement of Colored People;

National Clearinghouse for the Defense of Battered Women;

Murder Victim's Family Members for Reconciliation;

Louisiana Foundation Against Sexual Assault (Louisiana);

North Dakota Council on Abused Women's Services;

Arizona Coalition Against Domestic Violence;

Iowa Coalition Against Domestic Violence;

North Dakota Council on Abused Women's Services;

Hawaii State Coalition Against Domestic Violence;

New Mexico Coalition Against Domestic Violence;

Virginians Against Domestic Violence;

West Virginia Coalition Against Domestic Violence;

Pennsylvania Coalition Against Domestic Violence;

Wisconsin Coalition Against Domestic Violence;

Justice Policy Institute;

Center on Juvenile and Criminal Justice;

National Center on Institutions and Alternatives;

American Friends Service Committee;

Friends Committee on National Legislation;

National Association of Criminal Defense Lawyers;

American Civil Liberties Union;

Federal Public Defender, Western District of Washington;

Beth Wilkinson, Prosecutor Oklahoma City bombing;

Bud Welch, Father of victim of Oklahoma City bombing;

SAFES (Survivors Advocating for an Effective System).

Mr. LEAHY. Mr. President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER (Mr. ENZI). Who yields time?

Mr. KYL. Mr. President, let me take a few minutes to respond to the distinguished ranking member of the Judiciary Committee, Senator LEAHY.

He is absolutely correct that constitutional amendments should not be rushed. We have taken a long time to get to this point—4 years. As a matter of fact, in the Judiciary Committee alone we have heard from 34 witnesses and have had 802 pages of testimony and submissions. In the House, there have been hearings. They have had 32 witnesses and about 575 pages of testimony and submissions. In other words, there have been about 66 witnesses and nearly 1,400 pages of testimony.

I commend the report of the Judiciary Committee to anyone who would like a really good read on this entire subject and the reasons why we need a Federal constitutional amendment.

The bill passed out of the Judiciary Committee 12–5. We took our time getting it to the Senate floor to make sure everybody had their say. The distinguished ranking minority member needed additional time to file his comments to the report. That was granted. He did so.

We agree there should be adequate time for the debate of this constitutional amendment, but we disagree that there should be a filibuster to use unnecessary time of the Senate.

Senator LEAHY talked about a lot of things. He talked about abortion, gun control, a balanced budget amendment and Ronald Reagan, the juvenile crime bill, nursing home fraud, and term limits. I would suggest that we ought to stick to the subject.

We all know one good way to defeat a good idea is to talk it to death and threaten to delay other business of the Senate.

I would suggest we stick to the exact question before us, and that is whether there should be a constitutional amendment protecting victims of crime.

Senator FEINSTEIN and I have laid out the case for this.

As I heard Senator LEAHY, there was only one fleeting reference to an argument in opposition. That was that the Senate had acted with alacrity in dealing with the problems that the victims

of the Oklahoma City bombing case were suffering because the judge there did not permit the victims to attend the trial. Basically, he gave them a choice, over a lunch hour one day, saying: You can either attend the trial or be present at the time of sentencing and speak to that issue, but you cannot do both. Take your pick. What a Hobson's choice. The prosecutor really could not help advise the victims. Some of them chose not to attend the trial. Others chose to attend.

Senator LEAHY is correct about one thing. The Congress did act quickly to pass a law basically telling the Federal judge that they did have a right to attend the trial and the right to attend the sentencing and to speak at that time and that he should not deny them that right.

We passed that. The day after the Senate passed it, the President signed it into law. We were so concerned that these victims of that horrible tragedy have their rights protected that we passed a Federal statute—exactly what Senator LEAHY is suggesting as an alternative to the Federal constitutional amendment that Senator FEINSTEIN and I have presented.

What has happened? What has happened is that we are worse off than we were before we passed the statute. The judge did not apply the statute to protect the victims of crime. In effect, what happened was that the defendant's right to exclude them, based in the U.S. Constitution, trumped the Federal statute which, of course, is subservient to the Federal Constitution. If that was the basis on which the court ruled, it would have been a correct basis. If he really felt the defendant's rights required that the victims not be present in the courtroom, and that those rights are in the U.S. Constitution, then he would be correct that that would trump a Federal statute—the one that the Congress passed.

Clearly, the Oklahoma City bombing litigation leaves no doubt about the difficulties that victims face with mere statutory protection of their rights. For a number of the victims, the rights afforded in the act Congress passed in 1997 and the earlier victims' rights bill were not protected. They did not observe the trial of the defendant in that case, Timothy McVeigh, because of lingering doubts about the constitutional status of the statutes.

The interesting thing is that because that case was later taken up on appeal, the case of these victims, and the Tenth Circuit ruled in that case denying the victims the rights notwithstanding the Federal statute, you literally have a situation in which it would have been better if Congress had not acted by statute because there is now a precedent on the books. This was the first time victims sought Federal appellate review of their rights since the Victims Bill of Rights was passed in 1990, the underlying statute on which the 1997 statute was based.

Quoting now from Professor Paul Cassell:

> The undeniable, and unfortunate, result of that litigation has been to establish—as the only reported federal appellate ruling—a precedent that will make effective enforcement of the federal victims rights statutes quite difficult. It is now the law of the 10th circuit that victims lack "standing" to be heard on issues surrounding the Victims' Bill of Rights and, for good measure, that the Department of Justice may not take an appeal for the victims under either of those statutes. For all practical purposes, the treatment of crime victims' rights in federal court in Utah, Colorado, Kansas, New Mexico, Oklahoma and Wyoming have been remitted to the unreviewable discretion of individual federal district court judges.

Professor Paul Cassell of the University of Utah Law School concludes:

> The fate of the Oklahoma City victims does not inspire confidence that all victims rights will be fully enforced in the future.
>
> . . . the Oklahoma City case provides a compelling illustration of why a constitutional amendment is necessary to fully protect victims' rights in this country.

The sad truth is that Congress's efforts to protect the rights in a very specific case by Federal statute not only didn't protect their rights but made matters worse. The statutory alternative Senators KENNEDY and LEAHY have proposed is not the answer. There has been no refutation of the point I tried to make in my original 10-minute statement that authority after authority after authority—the Attorney General, the Governors, the attorneys general—have all said that despite their best efforts, the statutory and State constitutional remedies simply have not worked to provide protections to victims of violent crime. After 18 years of experimenting, of trying, of doing their best, it is obviously now necessary to move forward with the next step, which is to elevate these rights to the same Constitution that protects the rights of the defendants. Nothing less is going to work.

I submit the arguments that Senator FEINSTEIN and I made have not been refuted. If the only response is that we are going to have to take a long time talking about extraneous matters, then my suggestion is that there is no real argument by those who oppose this amendment. There is no real substance to the notion that we shouldn't move forward.

I reiterate, I am pleased that Senator LEAHY will encourage all of his colleagues, as I certainly will encourage mine, on both sides of the aisle to support the motion to proceed. We do need to proceed. When we proceed, we can have that debate. Senator FEINSTEIN and I will renew our offer to continue to meet with the Department of Justice to get more suggestions from them. We have, in fact, incorporated many of their suggestions into the current text of the amendment. But it is time to move on. We can't keep putting it off. That is why we filed the cloture motion. That is why we want to proceed.

I appreciate what Senator LEAHY said, but I suggest that we need to move on with the debate on this amendment. Senator FEINSTEIN and I are prepared to do so.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, if I may, I would like to have an opportunity to ask the Senator from Arizona a couple of questions. I thought he pointed out very ably the problem of a statute filling the void, the first problem being that the rights of the accused will always trump the rights of the victim. He pointed out very well and very ably and very specifically the situation that took place with respect to Oklahoma City.

Then we turned to the FBI to try to get the amount of coverage that could be achieved in the statute for victims across this great land. We were told that really the best we could do would be to protect by statute the 1 to 2 percent of victims who were victimized by violent crimes.

I think it is important that we discuss a little bit more why the Constitution will always trump a State law. I ask the Senator to lay that out once again.

Mr. KYL. I thank the Senator. I am pleased to do so.

I think she makes three very important points. One very important point she made is that if you have a Federal statute, you are only dealing with 1 to 2 percent of the victims of violent crime—those 8 million victims each year. Of course, that is the number of Federal crimes. There aren't very many serious Federal crimes that would carry the penalties necessary to invoke this constitutional provision. A Federal statute would be very small and of no comfort to the millions of victims of crime involved in State court proceedings.

Secondly, there are occasions when, as in the Oklahoma City bombing case, a defendant's rights are asserted based on an amendment to the Constitution. Sometimes, for example, the judge will say: Well, I am going to exclude witnesses. I will exclude victims from the courtroom because the defendant thinks it will create undue emotion, that it will jeopardize his right to a fair trial if the jury sees the victim or the family of the victim. That was the case in the Oklahoma City bombing case and in scores of others Senator FEINSTEIN has brought to the attention of the Senate.

Of course, the defendant and his family are permitted to sit there all dressed up and supportive of the defendant at the time of sentencing and to stand up and say what a fine fellow

he is. The judge takes that into consideration. We are simply saying the victims ought to be able to stand before the judge and recount the horror, the tragedy, the weakness, the loss they have suffered for the judge to take into account as well at the time of sentencing. If the defendant's constitutional rights are deemed always to be superior because they are embodied in the U.S. Constitution and the victim's rights are always secondary, then the victim's rights will be honored in the breach rather than the observance, to quote one of the people I quoted earlier.

That is why the third point is so important. Even when there isn't a direct conflict—and there will rarely be a direct conflict—the primary situation will be presence in the courtroom at the time of trial. But in most situations there won't be the direct conflict between the defendant's right and the victim's right. It simply is a matter of inertia.

Perhaps Senator FEINSTEIN can find the quotation she read before. I think it was Professor Tribe whom the Senator quoted, who talked about judicial indifference, inertia. Well-meaning judges and prosecutors don't mean to deny victims the notice of the proceedings and the right to be present, but it becomes a secondary matter. We give the Miranda warning to the defendant. We make sure the defendant has legal counsel that people hire on his behalf, and we make absolutely certain that none of the defendant's rights are intruded upon, because if they are, the case will be overturned on appeal. And that is as it should be. But because of that attention to the constitutional rights of the defendant, we forget the victim. It is in that sense that the victims' rights are simply not being honored, why 60 percent—even in the States with good provisions—of the victims do not even get notice. That is a horrible statistic. What if we said 60 percent of the defendants didn't get their court-appointed lawyer, that it was too inconvenient or too costly? Sixty percent is a pretty good percentage. Clearly, we would find that inadequate. Fundamental rights are fundamental rights and they need to be protected.

So I think the Senator from California is correct that even though we don't mean to deny these rights, either because of the attention paid to the defendants or simply because of the fact there are other things more important to do than make sure victims have notice of these proceedings, they are denied their rights and the ability to participate.

A final point. There has been the contention that somehow it is going to become very expensive if—as we do with defendants—society has to pay for their rights. We do that for defendants; we pay for their attorneys, for their transcripts, and everything they need for their appeals. What we did here was not guarantee that victims have the right to attend the trial. For example, as are most of the provisions of the Constitution, we have said that the Government may not deny them the right to participate. They have to get there. They have to get there on their own. It is just that the Government can't deny them the right to sit on the bench in the courtroom if they show up.

Mrs. FEINSTEIN. Let me stop the Senator on that point because I think he has very well expressed what we are trying to do. We have discussed this before. I think the whole body should hear this. We know that those who are accused have basic rights. We know that the prosecution usually wants to try to get the victim in the courtroom. The defense attorney wants to keep the victim out of the courtroom. Supposing a situation arises where you have an emboldened or abusive victim, or one who is overly emotional, under our amendment, how would this work? What rights would the judge have in this situation?

Mr. KYL. I thank the Senator for that question because people not familiar with the process inside a courtroom may wonder if this amendment would permit a victim to cause a big scene in court, thus disrupting the trial and working to the disadvantage of the defendant. Of course, as the Senator knows, a judge has total control of the courtroom and has the ability to set whatever rules are necessary to maintain decorum and dignity within the courtroom and certainly to ensure the protection of the fair trial rights of the defendant. That is why a judge can always say—and we have seen it on TV hundreds of times—''order in the court,'' in effect saying, if you can't sit there quietly and unemotionally watching what is occurring, then you have to leave. Because in the court we cannot have undue displays of emotion. So the judge has within his total authority the ability to control either the defendant from his or her outbursts or any emotional outbursts of anybody else in the courtroom, including victims.

Mrs. FEINSTEIN. I thank the Senator. The Senator and I worked extensively with both Laurence Tribe, a professor of constitutional law at Harvard University, and Paul Cassell, a professor of law at the University of Utah College of Law. Both are very skilled and knowledgeable in this area. I happened to find an article that they wrote together in a newspaper. I thought it might be interesting to hear their view. I would like to read it to you and ask for your response:

> We take it to be common ground that the Constitution should never be amended merely to achieve short-term, partisan, or purely policy objectives. Apart from a needed change in governmental structure, an amendment is appropriate only when the goal involves a basic human right that by consensus deserves permanent respect, is not and cannot adequately be protected through State or Federal legislation—

I think we have shown why that can't happen—

> would not distort basic principles of the separation of powers among the Federal branches or the division of powers between the national and state governments or the balance of powers between government and private citizens with respect to their basic rights.
>
> The proposed Victims Rights Amendment meets these demanding criteria. It would protect basic rights of crime victims, including their rights to be notified of and present at all proceedings in their case and to be heard at appropriate stages in the process. These are rights not to be victimized again through the process by which government officials prosecute, punish and release accused or convicted offenders.

Then it goes on to say:

> These are the very kinds of rights with which our Constitution is typically and particularly concerned—rights of individuals to participate in all those government processes that strongly affect their lives. ''Participation in all forms of government is the essence of democracy,'' President Clinton concluded in endorsing the amendment.

Now, what we come down to, essentially, is how do you express these things in a way that gives victims these certain basic rights? I think we have tried to do that. We put it up on a schedule here of crime victims' rights. I wish to quickly go over this. The rights of the accused are on the left. The rights we would afford victims are on the right. In a sense, we achieve a kind of balance. Now, the question comes when and if these rights come into conflict. The fact is, I think we both believe it will be rare that these rights come into conflict. As was said, with an emotional victim, there is in the law already the opportunity for a judge to handle this situation.

I have had a very hard time, because the Senator and I have had a number of critics on this; we have had a number of newspapers that have editorialized and said that what we are trying is trivial, not important. But let me tell you something. If you are a rape victim and you have reason to believe that individual may come back after you, it is not unimportant that you have notice when that individual is released from prison or from jail. It is not unimportant at all. I indicated earlier a case of an individual who has had to change her name and live in fear and anonymity because of this. The Constitution should protect that victim, and that is what we try to do. So I have had a very hard time seeing instances where there is actual conflict.

My question of the Senator is, Can the Senator expand on this more and indicate where there is conflict? People have said, ''You diminish the rights of the accused.'' I don't see us diminishing the rights of the accused. Their

rights are very specific. We don't touch on these. There is the right to counsel, the right to due process, the right to a speedy trial. We want that, as well, because we know that the speed of the trial is an important deterrent to violence. We know that if a trial is not speedy, evidence grows cold, witnesses disappear. It is much more difficult to make a case if there is a long hiatus between arrest and trial. In fact, Federal law recognizes that by moving trials along in an expeditious way.

Double jeopardy. We certainly don't interfere with that. We certainly don't interfere with the prohibition against self-incrimination or against unreasonable search and seizure, probable cause, a jury of peers, the right to be informed, the right to confront witnesses, to subpoena witnesses, a prohibition against excessive bail, the right to a grand jury. There are a few other rights written into the Constitution. But our rights are so basic for a victim, such as the right to have notice when a trial takes place, the right to be present in the courtroom, the right to make a statement at an appropriate place in the trial, the right to have notice if your assailant is released. These are certain basic, core rights that in no way, shape, or form, it seems to me, interfere with the constitutional rights granted to a defendant or to an accused to protect them from excessive government under the Constitution of the United States.

So I have been very perplexed as to why we see bubbling out there this argument that we are setting up some collision of rights. We are simply trying to provide a victim with certain basic rights that are spelled out and are specific.

Would the Senator care to elaborate on that?

Mr. KYL. I agree it is perplexing how one could conclude a defendant's rights would be trampled on in any way by our proposal. It does not do that.

The article in the Los Angeles Times, quoting Professors Tribe and Cassell, makes the point that ''a victims' rights amendment must, of course, be drafted so the rights of victims will not furnish excuses for roughshod treatment of the accused. The Senate Resolution is such a carefully crafted measure, adding victims' rights that can exist side by side with defendants'.''

Precisely the point. There is only one conceivable circumstance I know of in which there could actually be an assertion of two constitutional rights, one by the defendant and one by the victim, which could theoretically come in conflict, and that is the right to be present at the trial. Courts deal with that today. They would balance the interests tomorrow. We have the same thing existing with respect to the press. We have the right of free press. Say victims want to attend the trial. Sometimes, as we know, judges don't permit that, but it is in the Constitution. That is right. But the defendant has a right to a fair trial as well.

The courts will balance those two interests and generally come to an accommodation that enforces both rights.

Mrs. FEINSTEIN. Would the Senator finish reading that? I think the next points are very important to our cause. They should be heard.

Mr. KYL. I think the two distinguished law professors make a very important point. They point out the example of paralleling a defendant's constitutionally protected right to a speedy trial. Our amendment confers on victims the right to consideration of their interest in a trial, free from unreasonable delay.

By definition, the professors note, these rights could not collide since they are both designed to bring matters to a close within a reasonable time. If any conflict were to emerge, courts retain ultimate responsibility for harmonizing the rights at stake.

We have also gone one other step. That is, whereas the defendant had an absolute right to a speedy trial—and frequently, also, courts determine he has a right to delay things—we have provided for victims merely that the judge must ''consider'' their desire to bring the trial to a speedy conclusion.

In this case, we have created a right of victims which, indeed, is subservient to the right of the defendants. Theirs is absolute. The victims have a right to have their views considered. We have been very careful to ensure we don't trample on defendants' rights.

I make one more point because the Senator reminded me of something that is very important. In the statement by Professor Mosteller, he makes a relative point that relates to this. ''In theory, victims' rights could be safeguarded without a constitutional amendment. It would only be necessary for actors within the criminal justice system—judges, prosecutors, defense attorneys, and others—to suddenly begin fully respecting victims' rights. The real world question, however, is how to actually trigger such a shift in the Zeitgeist. For nearly two decades, victims have obtained a variety of measures to protect their rights. Yet, the prevailing view from those who work in the field is that these efforts have 'all too often been ineffective.' Rules to assist victims 'frequently fail to provide meaningful protection whenever they come into conflict with'''—and here I break the quotation—not the defendant's rights. They are not conflicting with defendant's rights. That is not why they are denied, but rather ''whenever they come into conflict with bureaucratic habit, traditional indifference, or sheer inertia.''

That is what is preventing these rights from being fully affected—not that they conflict with the defendant's rights.

Here is the conclusion: The view that State victims provisions have been and will continue to often be disregarded is widely shared, as some of the strongest opponents of the amendment seem to concede the point. For example, Ellen Greenlee, president of the National Legal Aid and Defenders Association, bluntly and revealingly told Congress that the State victims amendments, ''so far have been treated as mere statements of principle that victims ought to be included and consulted more by prosecutors and courts. A State constitution is far . . . easier to ignore than the Federal one.''

That is the bottom line point.

State constitutions, even Federal statutes, as we found in the Oklahoma City bombing case, are far easier to ignore than the U.S. Constitution. That is something no judge and no prosecutor can ignore. That is why we want to elevate these rights—not because they conflict with the defendant's rights, not because they take anything away from any accused in the courtroom, but rather because these elemental rights of fairness are not currently being enforced by the judges and prosecutors because they just don't have the stature of the U.S. Constitution.

Mrs. FEINSTEIN. I thank the Senator.

If the Senator recalls, in our earlier discussions with the Justice Department, we were very concerned that the rights of the accused not be violated, not be diminished, and we quite consciously left out any specific remedy in this situation so that if someone doesn't exercise their right either to be present or to make a statement, in effect, they have no remedy, or after they make their statement, if the facts in the trial are such and the jury comes in with a decision, they have no right of a remedy.

So the basic core rights we provide are, in a sense, certain procedural rights that give them a place in the process.

Let me read what these two law professors have said on this point:

> The framers of the Constitution undoubtedly assumed the rights of victims would receive decent protection, but experience has not vindicated this assumption. It is now necessary to add a corrective amendment. Doing so would neither extend the Constitution to an issue of mere policy, nor provide special benefits to a particular interest group, nor use the heavy artillery of constitutional amendment where a simpler solution is available, nor would it put the Constitution to a purely symbolic use or enlist it for some narrow partisan purpose. Rather, the proposed amendment would help bridge a distinct and significant gap in our legal system's existing arrangements for the protection of basic human rights against an important category of government abuse.

This, I think, goes right to the question of remedy. We don't provide for a remedy, we simply say you have these basic rights to participate in this manner.

Mr. KYL. If I could put an exclamation point on that.

The point Senator FEINSTEIN makes is this: During the pendency of the proceedings, the victim has the right to assert these rights. For example, if you have a week-long trial and the victim finds out about the trial after the second day, the victim can't go back and say you have to start the trial all over again. All the victim can do is say, hey, I have a right to be there for the rest of the trial.

That is unlike the defendant's rights. Here is the exact language we included: ''Nothing in this article shall provide grounds to stay or continue any trial, reopen any proceeding, or invalidate any ruling''—and there are only two exceptions—''except with respect to conditional release or restitution or to provide rights guaranteed by this article in future proceedings without staying or continuing a trial. Nothing in this article shall give rise to or authorize the creation of a claim for damages . . .''

There are only two exceptions. One is prospective, so long as it does not continue or delay the proceedings. In other words, you have the right to say: Judge, this trial is starting, and I have a right to be there. And the other one is with respect to a conditional release.

I close with this point: You need the right to enforce it with respect to a conditional release.

Here is a true story. Here is how it would work. Patricia Pollard of Flagstaff, AZ, was picked up one night by a man and his wife, ironically, and the man brutally raped her, sliced her up with an open beer can, and left her to die. She lived. He was eventually prosecuted. After the Arizona legislature passed the provision which enabled victims to be notified, the parole board held a hearing on his conditional release. They decided to conditionally release her assailant from the Arizona State Penitentiary, but they did not give her notice.

The Governor's office found out about this, located Patricia Pollard in California, brought her back, and arranged for another meeting of the parole board after they had already made their decision. They agreed to hear her. She spoke about what he had done to her and what she feared he would do to others. The parole board reversed its decision.

I asked Patricia Pollard whether she did that because she feared for her life, that he would come after her again. She said: Well, he might have tried to track me down. But in truth, his crime against me was a random kind of crime. I was available for him to victimize. I simply could not have lived with myself if I had not gone there and told these people what he could do to someone else because I know that had he gotten out, he would have done it to somebody else.

That is why we provide this limited exception, the only situation, really, where something can be done retroactively—where a person was not given notice to attend the parole or conditional release proceedings and the individual has not yet been released, you can go back in and tell your story and just maybe it will make a difference. That is what this amendment is all about, protecting the rights not only of the victims of crime but of the rest of society as well.

Mrs. FEINSTEIN. I thank my colleague, yield the floor, and reserve the remainder of our time.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

Mr. DORGAN. Mr. President, I have listened to the presentations on the floor. Let me say the passion with which the Senator from California, Mrs. FEINSTEIN, and the Senator from Arizona bring this issue to the floor is a passion I understand. I certainly respect their views.

I have studied this issue at some length. I must say the Senator from California visited with me, I guess, half a dozen times about this issue over the past year or so. But I have reached a different conclusion. It is a difficult trail to get to this point, but my view is the issue is not whether victims in this country have rights in court proceedings, but how we achieve those rights.

It is true that criminals are accorded a whole series of rights in this country. I do not quarrel with that. I do not want us to put innocent people behind bars. It is difficult to convict in this country, and our Constitution establishes certain rights. We try, as a country, to make certain we only put those guilty of crimes, behind bars.

It is also true—and I say this to the Senator from California and the Senator from Arizona—it has been a longer process and a more difficult track, to make certain that victims and victims' families have their rights protected in our court system. I have offered legislation on this issue previously. In fact, I authored language included in the 1994 crime bill, which is now law, that gives crime victims the right to testify at federal sentencing hearings. My provision gives crime victims and their families the right in Federal court to present testimony about ''What this crime meant to me or to my family'' and ensures that judges and parole boards formally consider the impact of a crime on its victims when making sentencing and parole decisions.

I sat in a court at the manslaughter trial of the man on trial for the death of my mother. I am very sensitive to this issue. I understand—being a family member, sitting in a court, watching the trial of the man who was responsible for the death of my mother—I understand the concern a family member has about the rights of the victim and the rights of the victim's family to be present in that court. I understand the desire to present testimony during the sentencing phase, to have an understanding about when someone is let out of prison. I understand all that, and I am very sensitive to it because I have been through it personally, as a result of the tragic death of my mother.

I come to the floor of the Senate today saying I strongly support victims' rights. We are moving in this country in a variety of ways to achieve those rights. Thirty-three States have now amended their state constitutions to specifically describe the rights of victims and their families. Some say that approach does not work very well and is not universal; that sometimes it does not achieve our goal. I understand that argument. I understand the argument that the perpetrator of a heinous and violent crime is brought into the court, now some months later after the crime was committed, and his or her hair is combed, they are in a new suit, they look as if they just finished singing in a church choir, and all their acquaintances testify to what a remarkable person this is. It happens all the time in trials.

This animal who committed the violent murder on a Saturday night, in court 1 month or 2 or 6, or a year later, looks completely different and has a whole set of rights. I understand all that.

My concern is about the Constitution of the United States, and whether we should address this by changing the U.S. Constitution, or whether we should address it by continuing to make the changes, both with respect to Federal law and also mandating changes with respect to State law and State constitutional changes that accomplish the same result.

I have in my hand three pages of constitutional amendments that have been introduced in this session of Congress. We have had several of them, frankly, on the floor of the Senate. These are very important issues. Amending or changing the Constitution of this country ought to be done rarely and then only in circumstances where it is the only opportunity to achieve the change we want as a society. These are three pages of constitutional amendments that are proposed by my colleagues now.

We have had over 11,000 proposals to change the Constitution since it was written; 11,000 proposals. One of them, for example, said let's have a constitutional amendment that provides the Presidency of our country should be rotated. One term it shall be held by someone who is a southerner, from the southern States, and the next term followed by someone who comes from a northern State. That was a proposed constitutional amendment. I could describe more, of course. 11,000 times, the

Members of Congress have felt the need to change the U.S. Constitution—this document which begins:

We the People of the United States, in Order to form a more perfect Union. . . .

We all understand the words. It was written by 55 white men just over two centuries ago in a room called the Assembly Room in Constitution Hall. My colleagues have heard me talk about it before, but I will say it again. In that room, George Washington's chair is still sitting at the front of the room where he presided over the Constitutional Convention. Go there today in Philadelphia and look at his chair. Ben Franklin sat over there; there James Madison. Thomas Jefferson was in Europe at the time so he didn't participate except through his writings, which then became, as we know it, the Bill of Rights.

But since those 55 men wrote the Constitution of the United States over two centuries ago, we have had so many proposals for change. I have mentioned to my colleagues on the 200th birthday of the writing of the Constitution, I was one of the 55 people who were authorized to go in for a ceremony, into this Assembly Room. This time, it was 55 men, women, minorities. I got chills sitting in this room because I had studied in a very small school the history about Ben Franklin, Madison, Mason, George Washington—the father of our country—and now I was sitting in the Assembly Room in Constitution Hall in Philadelphia where they wrote the Constitution of the United States.

Since that experience, I have had difficulty coming to the conclusion that we can improve upon the basic framework of the Constitution of the United States. Other countries try to replicate this Constitution; we try to amend it. Some of my colleagues apparently think it is a rough draft available for amendment at the whim of someone's interest in the House or the Senate. It is much more important than that, and we ought to amend the Constitution, in my judgment, rarely, and then when it is the only solution.

As I mentioned, 33 States have amended their Constitution to provide for victims' rights. We can provide for the Federal portion, and the Senators from Arizona and California are absolutely right, that is a very small portion of crime in the criminal justice system. We can also mandate—and I am perfectly prepared to do that—that the States must do the same in exchange for a certain number of incentives which we in the Congress provide. I am perfectly prepared to do that.

I do want to clear up a couple of misconceptions that have been part of the discussion with respect to the victims' rights amendment. The proposal to change the Constitution, in some measure, rests on the discussion about, among other things, the folks who were convicted in the Oklahoma City bombing case.

I want to describe what happened in that case because like many others, I saw the initial ruling and comments of the judge in the Federal court in Denver, and was appalled. He essentially said that those who were victims or family members of victims who wanted to witness the trial would not necessarily then be granted the opportunity to testify during the sentencing phase of the trial. I was concerned about that. I felt that was an abrogation of victims' rights.

What happened as a result of that is Congress passed a piece of legislation called the Victim Rights Clarification Act of 1997. We did that almost immediately. It reversed a presumption against crime victims observing any part of the trial proceedings if they were likely to testify during the sentencing hearing.

This piece of legislation that was passed almost immediately after the judge's ruling prohibited courts from excluding victims from the trial on the grounds they might be called to provide a victim's impact statement at sentencing. The result of the legislation was that the victims in the Oklahoma City bombing trial were allowed to observe both the trial of Timothy McVeigh and Terry Nichols and to provide impact statements through testimony.

In this circumstance, the legislation we passed in Congress worked exactly as Congress intended it to work. The testimony by a former prosecutor at the Oklahoma City bombing trial, Ms. Wilkinson, is something I want to recount because it is important to understand what happened, inasmuch as this example has been used.

It is important to look at how the Victim Rights Clarification Act was actually applied in the Oklahoma City case.

On June 26, 1996, Judge Matsch held that potential witnesses at any penalty hearing were excluded from pretrial proceedings and the trial itself to avoid any influence from that experience on their testimony.

That is what I described earlier, and I felt the same revulsion about that judge's decision as I think my colleagues did, and the result was that we passed the Victim Rights Clarification Act almost immediately. The President signed it into law on March 19, 1997. One week later, Judge Matsch reversed his exclusionary order and permitted observation at the trial proceedings by potential penalty-phase impact witnesses. In other words, the judge changed his mind immediately after the President signed the legislation.

Beth Wilkinson, a member of the Government team that successfully prosecuted, said:

What happened in [the McVeigh] case was once you all had passed the statute, the judge said that the victims could sit in, but they may have to undergo a voir dire process to determine whether rule 402. . .would have been impacted and could be more prejudicial.

This is what the prosecutor said. It is important to say this:

I am proud to report to you that every single one of those witnesses who decided to sit through the trial survived the voir dire, and not only survived, but I think changed the judge's opinion on the idea that any victim impact testimony would be changed by sitting through the trial. [T]he witnesses underwent the voir dire and testified during the penalty phase for Mr. McVeigh.

It worked in that case, but it worked even better in the next case. Just 3 months later when we tried the case against Terry Nichols, every single victim who wanted to watch the trial either in Denver or through closed-circuit television proceedings that were provided also by statute by this Congress, were permitted to sit and watch the trial and testify against Mr. Nichols in the penalty phase—all without having to undergo a voir dire process.

The point is, when the judge in the Oklahoma City bombing trial, which was conducted in Denver, made his initial ruling, there was a great amount of press about it, and all of us, including myself, was aghast at this ruling. Congress passed a piece of legislation almost immediately, the President signed it, and the judge reversed his ruling, and every single one of the victims or victims' families who wished to testify during the penalty phase was allowed to testify. That is critically important to be on the record.

The urge to amend the Constitution ought to be an urge based on all of the information available, and there is plenty of information available, it seems to me, based on this case and also based on the fact that 33 States have now changed their constitution and more will do so. In fact, all could do so if we decided to provide a mandate that would require them to do so. We are making significant progress in this area.

I understand, as I said when I started, the passions of the Senator from Arizona and the Senator from California. I have those same passions, and I want victims to have the same rights. I believe, however, that amending the Constitution should always be a last resort, not a first resort. I do not believe, despite all that has been said, that it serves this document very well to bring a piece of legislation to the floor of the Senate on a Tuesday and have a cloture vote on the motion to proceed. Presumably, we will have a cloture vote on the bill itself and probably have 8 hours, maybe 10 hours, maybe 14 hours, which would be a lengthy period of time for discussion in this Senate, and an attempt, I am sure, to stifle amendments, and then we would say: All right, now the Senate has considered changing the U.S. Constitution.

I do not think that is what Washington, Franklin, Madison, Mason, or others would have wanted us to do in

consideration of changing this sacred document.

My hope is we will have an interesting and significant discussion about this and we will, from this debate, not only turn back the constitutional amendment but probably stimulate a great deal more activity on the part of the States. As I said before, I am willing to either offer an amendment or join others in offering an amendment that will require the States to make these changes. That would accomplish exactly the same thing without amending the U.S. Constitution. We can, in any event, make certain all this applies with respect to the Federal statute and Federal crimes.

My hope is, at the end of it, we will not only have denied the impulse to change the Constitution, but we will have created new energy and new incentives to make certain that victims' rights gain ground in State after State across this country. I will be happy to join others in the coming days, weeks, and months in an effort to accomplish that, because I have strong feelings about this issue. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa.

ABORTION

Mr. HARKIN. Mr. President, I wish to depart from the debate on the issue before us, which is an important issue. I appreciate the remarks made by my colleague from North Dakota. I listened intently to what he had to say, and I can understand his deep feelings about this issue.

I want to talk about another issue because today, across the street from where we sit in the Halls of the Senate, the U.S. Supreme Court is hearing arguments on a case involving the so-called partial-birth abortion law of the State of Nebraska. That law, passed by the Nebraska Legislature, is quite similar to the version the Senate and the House have debated over the years. In fact, it is very similar to the one passed by the Senate last October.

However, the real issue in the case before the Supreme Court and in the legislation before Congress is not about banning late term abortions. The real issue is about a systematic effort to overturn Roe V. Wade and to criminalize all abortions. The real issue is about whether we trust women, in consultation with their faith and their family, to make this very difficult, personal decision or do we put that trust in politicians? That is what this is really all about.

Last October 21, during debate on the so-called partial-birth abortion bill in the Senate, I, along with Senator BOXER, offered a resolution to this so-called partial-birth abortion bill. Our resolution was very simple. It stated that it was the sense of the Senate that Roe v. Wade was an appropriate decision and should not be repealed.

Let me read for the record the entire text of that resolution because it was very simple and very straightforward.

(a) Findings: Congress finds that—

(1) reproductive rights are central to the ability of women to exercise their full rights under Federal and State law;

(2) abortion has been a legal and constitutionally protected medical procedure throughout the United States since the Supreme Court decision in Roe v. Wade (410 U.S. 113 (1973));

(3) the 1973 Supreme Court decision in Roe v. Wade established constitutionally based limits on the power of States to restrict the right of a woman to choose to terminate a pregnancy; and

(4) women should not be forced into illegal and dangerous abortions as they often were prior to the Roe v. Wade decision.

(b) Sense of Congress: It is the sense of Congress that—

(1) Roe v. Wade was an appropriate decision and secures an important constitutional right; and

(2) such decision should not be overturned.

That is the full text of the resolution that I and Senator BOXER offered last October 21.

By invalidating the laws that forced many women to seek unsafe, and often deadly back-alley abortions, Roe was directly responsible for saving women's lives. It is estimated that as many as 5,000 women a year died from illegal abortions before Roe.

Roe v. Wade is the moderate, mainstream policy on which American women have come to rely. It recognized the right of women to make their own decisions about their own reproductive health. And very importantly, it provides specific protections for the life and the health of women.

So the vote on the Harkin-Boxer amendment last October to finally put the Senate on record about its support for the mainstream Roe decision was very important. It was the first vote directly ever held here on whether the Senate wants to go back to the days of back-alley abortions.

Our amendment barely passed, 51–47. Fifty-one said yes, Roe v. Wade was a good decision, it should not be overturned. Forty-seven Senators voted against that resolution, basically saying they did not agree with Roe v. Wade and that it should be overturned.

Frankly, I was shocked at how close the vote on our amendment was. In fact, in offering the amendment, I thought: Here is a chance for an overwhelming vote of support by the Senate in confirming the Supreme Court decision on Roe v. Wade.

But after that close vote, I then realized that the vote really lifted the veil of moderation of antichoice Senators. For so many who were saying, that they support Roe v. Wade and a woman's right to choose, they just want to ban partial birth abortion, here was the chance to express that. With 47 votes against Roe v. Wade, the veil has been lifted. Now we know what is the real agenda. The agenda is to criminalize choice, criminalize freedom of choice for women.

While the Nation's attention is refocused on the issue of choice with today's Supreme Court case, I also want to shed some light on what has been going on behind the scenes in Congress since the Senate very closely approved our amendment.

What would normally happen is that after the Senate passed the bill with our amendment, the House would act on the Senate-passed bill and request a conference with the Senate to work out the differences between the two bodies. Instead, the House of Representatives avoided a vote on our amendment. They took up a clean bill and sent it over here in order to avoid a conference. So it is clear that the Republican leadership in the House does not want to have to take a vote on this issue. In fact, the House has never had a vote on the issue of support for Roe v. Wade.

Why else would the House majority take the unusual step of punting the bill back to the Senate for a unanimous consent instead of taking it to conference? It is clear the Republican leadership in the House did not want to have a vote, which would be allowed under the House rules to instruct the House conferees to support my amendment in conference, thus putting the House on record, once and for all, as to whether or not they support Roe v. Wade.

Again, the Republican leadership in the House wants to continue to hide their true agenda. They want to hide behind a false cloak of moderation on the issue of choice.

Senator BOXER and I have objected to this latest maneuver. Let me be clear. Every time the so-called partial-birth abortion bill, or any other antichoice legislation, comes to the Senate floor, I will offer my amendment, and there will be another vote on the Roe v. Wade resolution. People in the leadership know that. That is why they have not bothered to bring up any of their antichoice legislation since the last vote on October 21. They know I will offer my amendment every single time to lift their veil of moderation.

So today I am challenging the House Republican leadership to allow a vote on our amendment. Let's let people know where their representatives stand on the basic issue of choice, the basic issue of Roe v. Wade. Because Roe v. Wade is the moderate, mainstream policy on which American women have come to rely. The Roe v. Wade vote in the Senate should send a wakeup call to all Americans that this policy is in jeopardy. They need to act to maintain it.

In this most personal of decisions, we need to trust women, not politicians,

to make the choice. That is what this is all about. Whether it is the case in front of the Supreme Court or whether it is the vote in the Senate, the issue is simply this: Do you trust politicians, whether they are in a State government or in the Federal Government, to make this decision for women or do you trust women?

People of strong faith and good conscience have very different views on the issue of abortion. I respect both sides on this often divisive issue. I have struggled with it personally myself.

Whether or not we agree, we should all work together to find commonsense, common ground steps to reduce the number of abortions and to protect the health and well-being of women and children. That means fully funding maternal and child health programs, fully funding the Women, Infants, and Children's feeding programs, fully funding contraceptive coverage, family planning services, and better adoption options, just to name a few of the policies we ought to be about.

But the bottom line is this: Roe v. Wade was an enlightened decision. It is moderate. It puts the basic decisions on reproductive health where it belongs, with the woman and not with the Government.

Today, as the Supreme Court, across the street, listens to the arguments on the Nebraska partial-birth abortion law, let us resolve that we are going to maintain a woman's basic right to choose, that we will not let the politicians take it over, that we will not return to the dark days of back-alley abortions and the criminalization of a woman's own right to choose her reproductive health. That is what this issue is about.

The women of this country are counting on us to make sure we uphold the decision in Roe v. Wade. We cannot afford to let them down.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I came to the floor of the Senate because I noted that my friend, Senator HARKIN from Iowa, was talking about a very important subject, a woman's right to choose. This right has been protected. After the case Roe v. Wade in 1973, a woman has had that right.

Today we are looking at a different type of constitutional amendment. Senator HARKIN made the point that, in fact, we have a case being heard at the Supreme Court which is going to essentially look at a woman's right to choose. I think it is appropriate that he would come over to make a few points, and I would like to engage him in a colloquy, if he would be willing to do that.

First, I ask him to reiterate for me the basic point he made. We see in the Senate tens of votes we have to face on the issue of a woman's right to choose and the different aspects of it, whether a person who lives in the District of Columbia can use her insurance paid by the city to obtain a legal abortion, whether a Federal employee has that right, whether a woman in the military has the right to use a clean medical facility to exercise her rights, whether a woman in the late stage of a pregnancy that has turned desperately wrong has the right to have her health protected. We stand here on so many occasions casting these votes, having this debate ostensibly about a narrower issue surrounding a woman's right to choose.

I wonder if my friend believes that is the real goal of the people who continually bring up this matter or whether it is, in fact, something quite deep, which is trying to erode a woman's right to choose, that basic right that was given to her after the Roe v. Wade decision in 1973.

Mr. HARKIN. I thank the Senator from California for her long and strong support for the decision in Roe v. Wade. The Senator from California has been one of the most persistent and enlightened voices in the Senate—indeed, in the country—on protecting a woman's basic right to choose. I follow in her footsteps in many of these issues.

The Senator from California has really put her finger on it, the point I was trying to make today. This partial-birth abortion law that the Supreme Court is reviewing today, as well as the legislation before Congress—is just a smokescreen. It's a smokescreen which anti-choice Members and groups are hiding behind in order to get their eventual goal, which is the total repeal and overturn of Roe v. Wade, to take away the essential and basic fundamental rights about which the Senator just spoke.

Without Roe v. Wade and without that constitutionally protected right of women to have control over their own reproductive health, many of the things about which the Senator just spoke would be gone. There wouldn't be any right for women in the military, there wouldn't be any right for women in the District of Columbia or anywhere else, to have the kind of health coverage that would protect them in dire need when they need help, when perhaps a pregnancy has gone terribly wrong and they need immediate and very intensive medical help.

That was why I wanted to talk about it today. I don't want to interfere in the Supreme Court decision. That is for them to decide over there. What I wanted to point out was that in conjunction with that, here in the Halls of Congress there is a very dangerous game being played out where proponents of so-called partial-birth abortion really have want to overturn the basic right to choose for women. That is why the two of us joined together last fall to offer that amendment.

I say this because the Senator and I worked together on this amendment. We offered the amendment in good faith, thinking we were going to get an overwhelming vote of the Senate saying, yes, we support Roe v. Wade. I think both of us were shocked at how close we came.

Mrs. BOXER. I was stunned that Roe v. Wade is hanging by a thread in the Senate: 51–49; is that correct? It was very close.

Mr. HARKIN. Mr. President, 51–47; there were a couple of people who were not here.

Mrs. BOXER. There were a couple of Members who were not here. To think that a basic right won by women when we were very young, in 1973, all those years ago, would be hanging by a thread in the year 2000 is really amazing. I really do pray that the Supreme Court, as they independently decide these issues in this particular case of the Nebraska statute will recognize that what the Senator from Iowa says is absolutely true. It is so important.

We have a big debate over some made-up terminology that doesn't even exist in medical books. There is no such thing as partial-birth abortion. There is either a birth or an abortion. That is it. The description of the method used is really a method that is used in the early stages of a pregnancy as well. So if, in fact, that Nebraska case is upheld, women will be denied what is considered by many doctors to be the safest method. That undermines Roe because Roe was a very moderate decision. It basically said that before that fetus is viable, the woman has an unfettered right to choose. But at any stage in the pregnancy, one thing has to come first: the woman's life and the woman's health.

I say to my friend, when we get into a pattern of outlawing specific procedures and playing doctor—by the way, we do have one doctor in this Senate, but he is not an OB/GYN—when we start to play doctor in the Senate, we are going to endanger women's health.

If we start outlawing procedures we don't like—by the way, there is no medical procedure—something that is gruesome or you don't get upset by—if we start doing that, we will overturn Roe right here because we will be saying a woman's health really is subordinate, doesn't matter, and what does it matter if a woman can't have a particular procedural and as a result she is paralyzed or can never bear another child? It would be a disaster, and it would be overturning this basic right.

So I want to say to my friend that I appreciate his leadership. I enjoy working with him on this because we feel so

deeply about it. Before he leaves, I will make one more comment. I trust my friend mentioned this, but I am not sure because I was on my way over here. The House of Representatives denied the House the opportunity to vote on the Harkin-Boxer amendment. The House of Representatives in this year has used a gag rule, if you will, to deny the Members of the House a chance to stand up for or against Roe v. Wade. I wonder what they are so afraid of. Are they afraid that some of their Members are so to the right on this issue and so against public opinion, it would hurt them in their reelection?

Now is the time to be heard, when Roe is hanging by a thread, and we need to have a vote over there. I hope my friend will continue to press this point, as we say together that it is wrong to deny the House a chance to vote up or down on Roe.

I ask my friend for his closing comment on that.

Mr. HARKIN. Again, I appreciate the Senator's very lucid and clear delineation of exactly what is going on here. It was a gag rule in the House. That is what they did. Under their rules, the Republican leadership would not allow a vote on our amendment. Again, I think it is because they don't want their veil of moderation lifted. They want to say this is only about partial birth. It is not, and we know it. It is about Roe v. Wade. Yet they don't want to have their people out there voting on it.

I think the American people have a right to know where we stand on this most fundamental right of women in this country.

Again, I thank my friend from California for her long and strong leadership on this issue. It is vitally important to all of us in this country that the basic, fundamental, constitutional rights that were enumerated in Roe v. Wade for the women of this country remain, and remain strong, and not be undermined in this body. So I thank the Senator for her strong leadership in this effort.

Mrs. BOXER. I thank my friend. I see the Senator from Arizona on the floor, so I will wrap up.

I think it is interesting and important, as we look at new amendments to the Constitution, that we think about the rights we already take for granted. The women in this country have counted on the Constitution to protect their right to choose. I only hope they will continue to have that right. It is, in fact, hanging by a thread here in the Senate with only 51 votes supporting that basic decision.

So I say it is a day to look at our rights, as we are looking at victims' rights, or their lack of rights, and what ways we want to make sure victims have rights, and that we also consider if a woman is denied a fundamental right to have control over her own body, if she is denied that, she will be a victim—a victim of this Government thinking that, in fact, it knows better than she or the people who love her, and that the Government would think it would know better than her family, her God, and her conscience to make such a basic decision.

So it is a good day to talk about Roe v. Wade. As we look at new rights we are giving people, let's also make sure we don't take away any rights.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO PROTECT THE RIGHTS OF CRIME VICTIMS—MOTION TO PROCEED—Continued

Mr. KYL. Mr. President, the proponents of the crime victims' constitutional rights amendment, as I understand it, have about 6 minutes remaining. Senator FEINSTEIN has asked that I conclude our portion of this opening debate.

People who are viewing this might wonder what the last 35, 40 minutes have been about. This wasn't supposed to be about abortion. How did that get involved in the crime victims' rights amendment? Perhaps Senator LEAHY began this trend when he first spoke this morning about the possibility of gun control, abortion, and the balanced budget amendment.

I think the point is that people who are not motivated to adopt a constitutional set of rights for crime victims are willing to try to use our hard work, our efforts, and our energy to bring this proposed constitutional amendment to the Senate—which is very difficult to do—as a means of trying to tack on their favorite proposal, or to delay the Senate action on the crime victims' rights amendment to the point that we will have to move on to other pressing business. Either of those possibilities, I think, would be very sad.

Let me recount what has happened here. For almost 4 years, Senator FEINSTEIN and I have worked very patiently to bring forward a crime victims' constitutional rights amendment. It is very difficult to get a constitutional amendment to the floor of the Senate. We have had 66 witnesses appear at hearings, with I think something like 15 pages of testimony transcript. We have had hearing after hearing. We have gone through 63 different drafts to make this as perfect as we could. We have gotten it out of the Judiciary Committee on a strong, bipartisan vote. Then we got the majority leader to give us some floor time, which is very precious.

In other words, we put a lot of work into this in support of victims of violent crime in our society. Throughout this building, and in others, there are scores of victims and victims' rights organizations around television sets watching these proceedings, having finally gotten what they hope to be their ''day in court''—an argument about the crime victims' rights amendment and a vote on that.

What is beginning to emerge is a very disturbing tactic by those who oppose us, and that is either to try to delay this to the point that the majority leader will have to move on to something else, by offering all kinds of extraneous amendments, or by seeking to achieve what they have never been able to achieve through the normal legislative process, by using our proposal as a vehicle to attach their idea onto—in this case, perhaps, abortion. What better way to kill ours while getting some time to discuss their proposal.

Some of these same proponents are those who argue most vigorously against so-called riders to appropriations bills. They say, well, you should not have an extraneous amendment on an appropriation bill. If you are going to bring something to the floor, you should not debate something else. You should not amend it with something extraneous. We are willing to allow germane amendments to victims' rights in an effort to resolve how to best protect victims' rights. But what I fear I have seen here is a tactic either to defeat what we are trying to do or to use what we are trying to do to advance an entirely different agenda. That would be wrong.

The people watching this debate must be saying: There they go again. What are these Senators doing? They had a proposal to bring forth a crime victims' rights amendment to the floor, and, by procedural legerdemain, is that going to be prevented, overcome by an abortion amendment or something of that sort? We hope not. The bottom line is that there is a reason all of the people who support this amendment have said it is now time for a Federal constitutional rights amendment.

As we have seen this morning, States have been unable to protect the rights of crime victims with State statutes and their own State constitutional amendments. Attorneys general and prosecutors support this. Law enforcement supports it. The Attorney General of Wisconsin, Jim Doyle—a very respected Democratic attorney general—said this before the Judiciary Committee:

> I believe that most prosecutors strongly support victims' rights.

He notes some of the concerns of prosecutors. He said:

> I believe these concerns are more than adequately addressed in S.J. Res. 3.

The bottom line is that we have support from victims' rights groups, prosecutors, attorneys general, and Governors, and it is time now to decide

whether we want to protect crime victims or not. We have an opportunity by bringing this matter to the floor. At 2:15, we will have a vote on what is called a cloture motion on a motion to proceed. If 60 colleagues agree, we will be able to go forward and debate the motion to proceed, which I assume will be adopted later today. Then we can proceed with debate on the constitutional amendment itself. We look forward to that. If people want to bring forward relevant amendments to that, so be it. That is what the process is about. But I fear what will happen if, instead, we get a series of nongermane amendments or attempts to delay this, to the point that we run out of time and, in effect, a filibuster has killed any hope these crime victims have of protecting their rights in our courts.

We have waited too long. Eighteen years ago President Reagan's Commission on Crime Victims recommended the constitutional amendment to address these rights. Eighteen years is long enough to wait. I hope when we finally have an opportunity on the Senate floor, that opportunity is not snatched away by people who want to pursue other agendas.

The PRESIDING OFFICER. The time of the proponents is expired; the opponents have 9 minutes.

Mr. KYL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from Wyoming, requests the quorum call be lifted, and without objection it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:16 p.m.

Thereupon, the Senate, at 12:23 p.m., recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. INHOFE].

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO PROTECT THE RIGHTS OF CRIME VICTIMS—MOTION TO PROCEED—Continued

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 299, S.J. Res. 3, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims:

Trent Lott, Jon Kyl, Judd Gregg, Wayne Allard, Robert Smith of New Hampshire, Richard Shelby, Gordon Smith of Oregon, Bill Frist, Mike DeWine, Ben Nighthorse Campbell, Jim Bunning, Chuck Grassley, Rod Grams, Connie Mack, Craig Thomas, and Jesse Helms.

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call under the rules has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S.J. Res. 3, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH), the Senator from Arizona (Mr. MCCAIN), and the Senator from Vermont (Mr. JEFFORDS) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Nebraska (Mr. KERREY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 82, nays 12, as follows:

[Rollcall Vote No. 86 Leg.]

YEAS—82

Abraham	Fitzgerald	McConnell
Akaka	Frist	Murkowski
Allard	Gorton	Murray
Ashcroft	Graham	Nickles
Bayh	Gramm	Reed
Bennett	Grams	Reid
Bond	Grassley	Robb
Boxer	Gregg	Roberts
Breaux	Hagel	Rockefeller
Brownback	Hatch	Santorum
Bryan	Helms	Sarbanes
Bunning	Hutchinson	Sessions
Burns	Hutchison	Shelby
Campbell	Inhofe	Smith (NH)
Chafee, L.	Inouye	Smith (OR)
Cleland	Johnson	Snowe
Cochran	Kennedy	Specter
Collins	Kerry	Stevens
Conrad	Kohl	Thomas
Coverdell	Kyl	Thompson
Craig	Landrieu	Thurmond
Crapo	Leahy	Torricelli
Daschle	Levin	Voinovich
DeWine	Lieberman	Warner
Domenici	Lincoln	Wellstone
Edwards	Lott	Wyden
Enzi	Lugar	
Feinstein	Mack	

NAYS—12

Baucus	Dorgan	Hollings
Bingaman	Durbin	Lautenberg
Byrd	Feingold	Moynihan
Dodd	Harkin	Schumer

NOT VOTING—6

Biden	Kerrey	Mikulski
Jeffords	McCain	Roth

The PRESIDING OFFICER. On this vote the yeas are 82, the nays are 12. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. FEINGOLD. Mr. President, today I voted against a motion to close debate on the motion to proceed to S.J. Res. 3, a victims' rights constitutional amendment. Only twelve Senators voted no, although a far larger number oppose this resolution. I was prepared to vote yes on the motion, because the rights of victims are terribly important and a resolution like this ought to be thoroughly debated. But before the vote I learned that the language of this resolution to amend the Constitution is still being negotiated. This ought to be a solemn, soberly undertaken effort, for it presumes to revise the work of Madison and Hamilton and those great Americans who put to paper the ingenious design of the American republic in that hot Philadelphia room 224 years ago. But instead, we were asked today to begin that debate in earnest while the supporters of the resolution were still off in a room somewhere trying to agree on the language of the resolution.

So I said no. I said no to this casual, cavalier approach to amending the Constitution. It does not respect the seriousness of the process and has led to constitutional profligacy in the Congress—to hundreds of constitutional amendments being offered as if they were not gravely important, as if they were not an attempt to edit the organic law that has held our democracy together for two centuries. In the opening days of some recent Congresses, we have seen constitutional amendments introduced at a rate of more than one per day.

A few weeks ago, we considered a constitutional amendment to allow prohibition of flag desecration. I opposed that amendment, but I didn't oppose cloture on the motion to proceed. I voted for cloture because the backers of the flag amendment, wrong as I thought they were, at least showed some respect for the process. They believed there was a need for the amendment and they were able to point to particular events and precedents that they believed needed to be addressed. But no court has struck down the dozens of state constitution provisions and hundreds of statutes that protect victims' rights across America today, so why rush to amend the Constitution? The backers of the flag amendment argued, correctly, that their goal of allowing prohibition of some forms of speech could be realized only by a constitutional amendment. They offered a resolution that had been refined over time, whose supporters at least, had agreed upon. All of us were aware, long before the vote, what the resolution said. The vote on proceeding to the flag debate was not held in a fluid situation, where negotiations about language that might end up in our Constitution were still taking place. So we

voted as Senators to proceed and we did proceed to a sober, deliberate and thoughtful debate and an informed vote about the flag amendment.

Today, on the victims rights amendment, the process was not respected. The Senate acquiesced in a casual exercise in constitutional improvisation, shunning the statutory alternatives that are readily available, to embrace the near immutability of constitutional language. So I voted no—to say we are not ready to have this debate, but we will have the debate and we may now add one more reason to the many reasons to oppose this resolution: its proponents have not respected the process and we are obliged to assume that their constitutional amendment, even if it were right in its general substance, must be flawed in its language and details.

Mr. LEAHY. Mr. President, what is the parliamentary situation now?

The PRESIDING OFFICER. The question is the motion to proceed to S.J. Res. 3.

Mr. LEAHY. Mr. President, there having been a cloture vote on that motion to proceed, what is the time situation?

The PRESIDING OFFICER. Each Senator would have up to 1 hour of debate, with a maximum of 30 hours total.

Mr. LEAHY. And within that 30 hours, am I correct, under the precedent of the Senate, Senators can yield part of their time to other Senators but not in such a way as to enlarge the 30 hours?

The PRESIDING OFFICER. As long as it does not extend beyond a total of 30 hours. The yielding of time must go to the managers.

Mr. LEAHY. The leaders or their designees?

The PRESIDING OFFICER. The leaders or their designees.

Mr. LEAHY. I thank the Chair. Mr. President, I will claim such part of my hour as I might consume.

It was less than a month ago, I recall, I stood on the floor of the Senate to defend the Bill of Rights against the proposed flag amendment to our Constitution. The Senate voted March 29 to preserve the Constitution and refused to limit the first amendment and the Bill of Rights by means of that proposed amendment. Apparently, preserving the Constitution in March does not mean the Constitution is safe in April. So here I am again as we begin to debate yet another proposed amendment to the Constitution. Yet, again, I am here to speak out in favor of the integrity of our national charter.

I support crime victims' assistance and rights, but I do not support this proposed amendment to the Constitution. Just as opposition to a flag desecration amendment does not mean a Senator is in favor of flag burning, opposition to a victims' rights amendment does not mean that a Senator opposes justice for victims of crime. In fact, during the course of this debate, we will have a statutory alternative to the proposed constitutional amendment that would serve to advance crime victims' rights.

I have been in the Senate for 25 years. I think it is safe to say that I have been a very strong advocate for victims' rights during that time. My initial involvement with victims' rights began more than three decades ago when I served as State's attorney for Chittenden County, Vermont. According to our population and under our procedures at that time, by virtue of the office, at the age of 26, I became the chief law enforcement officer for the County. I saw firsthand the devastation of crime. I have worked ever since to ensure that the criminal justice system is one that respects the rights and the dignity of victims of crime and domestic violence, rather than one that presents additional ordeals for those already victimized.

I will continue to work for victims of crime and domestic violence in the course of this debate. I support crime victims and their rights, but I oppose this constitutional amendment. As a prosecutor, I was able to make sure victims were heard, that sentencing decisions were made with the rights of victims in mind, that plea bargains were not entered into without the rights of victims in mind. They were all heard. I also knew we could do that individually, or by State statute, or by State constitution. But we didn't have to amend the United States Constitution.

The proposed amendment, S.J. Res. 3, goes on for over 60 lines. I believe the most important part of our national charter, the Constitution, is the first amendment. This magnificent part of our document, in just five or six lines, says that we have the right of free speech, we have freedom of religion—that is, to practice any religion we want, or none if we want—we have the right to petition our Government, and we have the right of assembly. These rights, enunciated in just five or six lines in the Constitution, preserve the diversity—actually, they almost demand diversity in our country, and they protect diversity in our country. If you have diversity, especially diversity that is protected, you have democracy. Those five or six lines are the bedrock of our democracy and our freedom.

Contrast this with S.J. Res. 3. As I said earlier, I don't doubt the sincerity of my two friends, the chief sponsors of this; they are my friends and they are two people I respect. But this is over 60 lines. It is like a complicated statute, which will be made more complicated as the courts get a hold of it, as prosecutors have to figure out what is going on, and as defense attorneys look for loopholes. No place in it does it mention what we have always built our criminal justice system on—the protection of the rights of the accused.

James Madison, the great framer of the Constitution, instructed that a constitutional amendment should be limited to ''certain great and extraordinary occasions.'' Well, we have one thing that is great and extraordinary and that is our country and our democracy. It has made us the most powerful and influential nation on Earth today. But these are not great and extraordinary occasions that demand the amending of the United States Constitution.

I find it distressing that we so ignore James Madison's instructions and advice and that there are almost 60 proposed constitutional amendments pending before this Congress alone, including an amendment to make it easier to adopt other amendments in the future. Now, if we are going to do this, let's do it on everything. Let's have an amendment on gun control. Let's have an amendment on abortion. Let's have an amendment on reapplying from where Senators can serve. Let's do a number of other things. Some of the amendments that have been proposed look as if they were before a local board of select people. We should not be so eager to amend our Constitution. Look at Article V of the Constitution and read the first part of the first sentence. It says:

> The Congress, whenever two-thirds of both Houses shall deem it necessary. . . .

Does anyone think the American people would ''deem this necessary''?

At one time, after the President at the time sent up unbalanced budget after unbalanced budget, Congress said the only way to stop us from spending was to have a constitutional amendment to balance the budget. Fortunately, we do not have such a constitutional amendment today. Instead, we have a President who had the guts to send up a balanced budget, and we had a Congress who had the guts to back him up and pass it. That is how to do it—the old-fashioned way.

I believe this particular proposed constitutional amendment regarding crime victims' rights fails to set the standards set by our founders in Article V of the Constitution. It cannot be necessary. Let me state why: Over the last several years, we have been making great strides in protecting crime victims' rights. We have accomplished much in 20 years to advance the cause of crime victims' rights, through State law and Federal statutory improvements, through increased training or education, and through implementation efforts. There is no basis today for concluding that this constitutional amendment is necessary for providing crime victims' rights in the criminal justice process.

There is a growing fascination in the Congress with amending our Constitution first and legislating second. No Member knows how long he or she will be in the Senate. I have been privileged in the State of Vermont. My friends in the State of Vermont have sent me here for over 25 years. They do remind me that Vermont is the only State in the Union that has elected only one member from my party to the Senate, but I am thankful they do it by ever increasingly large margins. I don't know how long I will be here; no Member does.

As long as I am here, I will take upon myself the duty to say to the Senate: Slow down on this idea of amending the Constitution. Slow down.

Whatever short-term political gain Members may feel today, your children and your children's children will in all likelihood live by what you do. The temptation was there for the framers of the Constitution. I am sure they looked at the differences between the States and thought, if I amend the Constitution just this way, my State has an advantage or I have an advantage over this person. Instead, they resisted the temptation. Maybe that is why we are the oldest currently existing democracy in the world. Maybe that is why we have a First Amendment, something not duplicated in any other nation on Earth. Maybe that is why we protect ourselves and our rights as we do, because we know we have resisted over the years the 11,000 suggested amendments to the Constitution. Of those 11,000 amendments, one has to assume that somebody in every single instance thought their amendment was extremely important. Every one of those 11,000 times, somebody somewhere thought: This is the amendment to the Constitution that we really need; this is the amendment that falls under Article V which says it is necessary.

I was the 21st person in the history of this country to vote 10,000 times in the Senate. Those 10,000 votes were not all necessary for this country. Sometimes they were votes called by the Sergeant at Arms, and sometimes they were to adjourn. Sometimes they were votes to commend ourselves for doing something we were paid to do anyway. Of course, sometimes they were extraordinarily important votes.

I took pride in being the 21st person in our Nation's history to vote that many times. But I wouldn't have taken pride to think I voted almost the same number of times for a different constitutional amendment. Yet 11,000 constitutional amendments have been before the Senate. Imagine our Constitution if the 11,000 amendments had passed. Heck, take half of them. Imagine our Constitution if 5,500 passed. Impossible. Say 10 percent, 1,100, passed; 5 percent, 550; 1 percent, 110, passed. If we had taken a tiny fraction of these 11,000 that were so essential to this Nation, our Constitution would not be something that would be revered around the world, that other countries would try to emulate; it would be a laughingstock.

Until we do our job with statutes, until we find the ways within the State, until we explore other ways to help with victims' rights, until we follow through with the commitment of necessary resources, until we look at all those States that have passed their own victims' rights laws, until we accept the fact that not one single court has found those unconstitutional, thus saying we don't need a constitutional amendment, until we do that, why do we amend the Constitution again?

As I said, I don't know how much longer I have in the Senate. However, I will stand on this floor, constitutional amendment after constitutional amendment. This is a wonderful document. Don't change it. Don't change it unless an amendment falls under Article V and really is necessary. This is not necessary.

It is ironic, at the height of the key dynamic changes in increased rights and protections for crime victims over the last decade, the efforts on behalf of this constitutional amendment have had the unfortunate, and I believe unintended, fact of slowing that process and dissipating those efforts.

Who suffered? The crime victims. Crime victims are among the most sympathetic figures. And they should be. They are also some of the most politically powerful groups in our society today. We are all supportive of crime victims. That probably takes political courage, to say we should ask some questions, because it takes little political courage to say you are in favor of crime victims; we all our. It is not whether we support crime victims, because we all do. Certainly, those of us like myself who have been prosecutors, who have seen firsthand the beaten victims, the stabbed victims—I even had a murder victim die in my arms while he was telling me who killed him—understand victims. But this debate is not about those victims. It is whether the Senate will endorse the amendment to the United States Constitution. I will do all in my power to make sure we do not amend the Constitution.

April is an especially sensitive time of year for crime victims and those who advocate for them. Frankly, I feel every day we should be advocating for them. Two weeks ago was the 20th anniversary of Crime Victims' Rights Week. During that time, I was one of the few Senators who came to the floor to try to make progress on crime victims' rights by proposing an improved version of the Crime Victims Assistance Act, S. 934.

Last week, we observed the fifth anniversary of the bombing of the Alfred P. Murrah Federal Building. Some of us have worked long and hard for the victims of crime and terrorism around the world. I was proud to be the author of the Victims of Terrorism Act amendment to the anti-terrorism bill that passed the Senate in the wake of that tragedy of June, 1995, which served as the basis for what became the victims provisions ultimately enacted in 1996.

I worked with Senator NICKLES and others to provide closed circuit television coverage of the Oklahoma City bombing trials. I supported special assistance for victims and their families to attend and participate in the trials, including enactment of the Victims Rights Clarification Act in 1997 to help ensure those who attended the early portion of the trial could also testify or attend during the sentencing phase.

I do not need to be told by anybody that I have to be sympathetic with victims of crime. I have done that throughout my professional career. I have done it in legislation. I did it for 8 years as a prosecutor.

But I also look at some of the things we are not doing here in Congress. Last Thursday, we observed the first anniversary of the tragic violence at Columbine High School in Colorado. That anniversary served as a reminder of the school violence we have witnessed too often over the past few years. Yet the Senate and House have not completed their work on the juvenile crime bill, a bill that passed the Senate last May by a margin of almost 3 to 1.

The Hatch-Leahy bill passed this body 73–25. Since then, the Republican leadership continues its refusal to convene the House-Senate conference necessary to complete action on this measure. Tell that to the families who were at the zoo here in Washington D.C. yesterday. Tell them the gun lobby will tell us when we can meet and when we cannot, in the United States Congress. Tell those families.

We, oftentimes, have emotional issues that come before us. This past weekend Elian Gonzalez was reunited with his father, Juan Miguel Gonzalez. You know what happened there. The great uncle had temporary custody, custody was revoked, he refused to do a voluntary transfer of the child, the Attorney General finally had to act to reunite them and say the United States would uphold its own laws. I think it was done in the right way. Everybody is running around: We'll have a special citizenship bill, special amnesty bill, special whatever else. I say, remember what the Senate is supposed to be. Remember that wonderful story about the cup and saucer. We are the saucer that allows the cooling of the passions, and we should approach debate of a proposed constitutional amendment with the seriousness and deliberation that it requires.

We could go, instead, back to some of the legislative things we could do right

now, that could be signed into law right now, that might help victims of crime.

I see the distinguished senior Senator from New Jersey, a man who, throughout his career here in the Senate, has worked so hard, not just for victims of crime but for those laws that might ensure that at least we have a diminution of crime, especially gun crimes. I am perfectly willing to reserve my time and yield to the distinguished Senator if he would care to speak.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, first, I thank the distinguished Senator from Vermont, the ranking member of the Judiciary Committee. He has a homespun way of talking at times, but he always brings good sense and good judgment to the debate. I appreciate his comments about how we have to be so mindful of our responsibilities under the Constitution, and we ought not to trifle with amendments to the Constitution. The Constitution is the fundamental text of our democracy and we ought not to amend it if there are other ways to address the problem.

Some of those listening may have trouble following all of our twists of logic, but one thing should be clear—we all know we have too many victims in our society. We know we have families torn apart, even if they are not directly victims themselves. Look at Columbine High School. Who were the victims? Were they just the young people and the teacher who were killed and their families? Were they the only victims? Or was the whole high school population of Columbine a victim? Or was the whole community of Littleton, Colorado that was the victim? Was the whole country a victim? I think so.

All of us had images seared into our psyches that I think for most of us will last a lifetime. Were we victims of a sort? Were we victims of our lack of understanding of how we got to that point? Are we victimized by violence that does not touch us immediately? I think so because otherwise we would not see these magnetic detectors all over the place. We wouldn't have security guards all over the place, and we wouldn't be spending money building ever more prisons—money that could be used for education or health care or prescription drugs or to help young people in our society. So we are all victimized by crime.

That is the problem with the constitutional amendment that is proposed—defining who is the victim. Once again, is it the family whose house was broken into and the terrible deeds that followed? Or is it everybody in the neighborhood? Or is it young child who lost a friend who was 6 years old, who do not understand why the friend was murdered by another 6-year-old child? Who is the victim? Even the family of a perpetrator of a terrible crime is often a victim.

Given the difficulty of defining who is a victim, it might be better to address this statutorily. We ought to write a statute that very clearly says: Yes, victims' rights have to be protected. We have said it so many times over the years, writing laws as opposed to amending the Constitution. That is the question, really. No one is saying we should not take care of the victims. But the question is whether you try to address the problem by statute or if you take the much more drastic step of amending the Constitution.

And when we talk about victims we should remember all of the people who have suffered because of the proliferation of guns.

Look at what happened yesterday at the National Zoo. Seven young people were shot. I have my four children and their spouses and seven grandchildren, the oldest of whom is 6, coming to Washington in a few weeks commemorating, with the grandfather of the family, my career in the Senate. We are going to celebrate. Because they are all so young, to amuse them I said we would go to the zoo. I am not as enthusiastic about going to the zoo today as I was a couple of weeks ago when we thought about this.

I am worried about what might happen in public gatherings. The two oldest of my grandchildren—again, they are little kids—are in school. I call my daughters and say: How are the kids? When I see something that goes awry in a school and a 6-year-old child can kill another 6-year-old child because of someone's careless possession of a gun, their careless abandonment of normal safety protections, I worry about them. I worry not only for my family. I worry mostly, obviously, as we all do, about my family. But I also worry about all of the violence that permeates our society. There is enough of that on television—even in cartoons. And I think that some of the depictions of violence may encourage violent behavior. The seeds may be there, but the encouragement, the nurturing of those seeds often takes place in movies and television where the hero is the guy who comes in with a gun blazing. Who he is killing we are never quite sure, but he is killing people.

If we want to take care of the victims, then we ought to pass a law and be bold about it and not fall prey to public posturing and say amend the Constitution. How many other rights ought to be included as we talk about victims? Should parents' rights be protected? Should grandparents' rights be protected? Should workers' rights be protected? Should women be protected? We think so. They are very often victims of crimes that do not necessarily leave a mark that one can see but often does enormous damage to their psyche and to their mental well-being—harassment, sexual harassment. Are we amending the Constitution to deal with that? No, we are not.

And we need to stop the political posturing about many issues. For example, we need to stop all of the posturing on gun control and take action.

I wrote an amendment and presented it to the Senate when we were discussing the juvenile justice bill. The amendment is very simple—it would close the gun show loophole. We received 50 votes on each side. No, that is not fair to say. Fifty votes for and 50 votes against, including some of my Republican friends who agreed with us that we ought to close a loophole in gun shows that permits people to buy guns without identifying themselves. I call it buyers anonymous: Someone goes in, puts their money down, and walks out with as many guns as they can physically carry. They can even come back for another load. There is no identification required. Even though some in this Senate want to protect that practice, my amendment prevailed. With the Vice President casting the tie-breaking vote, the amendment passed 51–50.

It was a dramatic day. We all worked so hard. But since then, the juvenile justice bill has been stalled in a conference committee.

There is a game played around here—political football. If you are in the majority and do not like something, you have the ability to stop the legislation from moving. We established a Senate conference committee with a House conference committee, which is the normal process. They confer on differences that each of the Houses has on their legislation. We sent it to the House. The conferees took forever to be named. Finally, we got conferees.

What did they do to keep the public from knowing, to keep potential victims from understanding what might be happening? They did nothing. The distinguished Senator from Vermont, who always brings sense to our body when he discusses issues with which he is so familiar, mentioned it. April 20 was the 1-year—I do not even like to use the word ''anniversary''—but it was one year since that horrible day we all witnessed—kids running, young people in the prime of life killed.

There is nothing more satisfying to me, perhaps because of my white hair and age, than seeing young people in the full blush of youth enjoying themselves. Sometimes they do silly things. It is fun when I see young people, whether they are little young people or 16, 17, or 19 years old. I joined the Army when I was 18. I did not realize how young it was until I looked back.

Young people who were enjoying themselves were mowed down by two young killers at Columbine High School. Families were brought to the worst grief anyone can imagine. A

young man was hanging out the window pleading for help. We do not know what he was saying. One can imagine what he was saying. His hand was outstretched trying to reach for safety wherever he could go get it, a refuge from the madness surrounding him. That was April 20, 1999. April 20, 2000—nothing has happened. Nothing. I say let's vote on it—you can vote for gun safety or against it. Let the public see how you voted. But no, they do not want to do that because they are all scared in their own way. They are scared the public is going to see that they will not take steps to end gun violence.

Here we are. We had promises recently that we would be voting on a conference bill, and we ought to do that pretty soon. All they have to do is say to the conferees, ''Get the job done,'' and the bill will be on the floor. But we cannot get them to do that.

The majority—and I talk with all due respect in friendship about the majority—is in charge. That is the way it is. I wish it was otherwise, frankly, but the Republicans are in charge, and the Republican leader has not brought it up, though he said he wants to bring it up. He said it publicly. On April 9, when asked, he said he would bring it up soon. On ''Face the Nation,'' a very well-known program, he said he would be amenable to bringing it up. He was asked by Bob Schieffer: ''Don't you have to get the conference committee to meet? Why don't you at least have a meeting?'' in reference to the conference committee on juvenile justice, one part of which is an attempt to control gun violence.

The majority leader said they were talking about it.

Schieffer came back and said: ''Let me pin you down. Do you think you're going to get that conference committee to meet to kind of get this started?''

The response by the majority leader was, ''I do.''

That was April 9. Today is April 25. April 9 to April 25, that does not seem as if it is rushing to do things.

It was promised. Well, the majority leader said, ''I do.''

Schieffer said, ''This week?''

The majority leader, again, with all due respect, said, ''I don't know if it will be this week, but we will get it done in the next few weeks.''

There have been a few weeks. Why don't we get this done? We are all concerned about victims of crime, but let's pass legislation that will prevent people from becoming victims of crime.

I continue to urge the Congress to move forward on gun safety. And what is the response of the Republican Party—the Republican Senate group. Well, here is what GOP aide John Czwartacki said in Roll Call:

It is a shame but no surprise that they would exploit the tragedy of these children's deaths to promote a political agenda.

That is what he said. He said it in response to a commitment that I and several other Senators made that we would do whatever we could to get that juvenile justice bill moved along so we could discuss ways of reducing gun violence.

At times I wonder what it will take for people in this chamber to get the message. Despite what the American public says, despite what parents say, despite the fact that there will be a million moms marching on Mother's Day—some members of this body refuse to act.

Why? Why is it that the voice of the NRA, the National Rifle Association, can be heard so clearly in this place and so clearly influences legislation. Why is it that special interest voice sound so loudly in this place that the majority will not bring up legislation that says: Close the gun show loophole so unlicensed dealers cannot sell guns to unidentified buyers? Why is it?

Why is it that it drowns out millions of voices? Look at some of the polling data. In overwhelming majorities, up as high as 90 percent, people say: Shut down that gun show loophole. But those voices do not get through here.

It is quite an amazing process of physics that the sounds travel all the way here from the NRA office in Washington, but across this country where everybody is supposed to be represented in this body, those voices do not get through. They do not see the tears. They do not understand the grief. They do not hear the pleas of people who have become victims as a result of a loss of a child or a loss of a loved member of a family. Those voices do not get through. But the voice of the NRA, with its control of some of the people that work here and in the other body—control, that is what happens—they set the agenda.

As we discuss victims of crime and constitutional amendments, it bears a note of hypocrisy because buried in there, in my view, is this overhanging question about what constitutes a victim, as I earlier discussed. What should the Constitution be open to? In the more than 200 years we have had the Constitution and the Bill of Rights, it has been amended 18 times. It is a deliberate violation of what constitutes good judgment very sparingly.

One of the dreaded thoughts that passes through so many of our minds is amending the Constitution for one thing after another. We have had several goes at that very recently when it was thought maybe we would amend the Constitution to do things that we ought to take care of by law.

I will close, but just with this reminder. Here is a picture of one terrible person. He is on the FBI's Ten Most Wanted List. Guess what. He can go up to an unlicensed dealer at a gun show and buy guns. He does not even have to worry about them calling the cops because they do not ask his identification when selling weapons.

There is enormous pressure to keep this gun show loophole in place. Imagine, those criminals on the FBI's Ten Most Wanted List, and any one of them could walk in to a gun show and approach an unlicensed dealer and say: Give me a dozen of these or two dozen of those, and here is the money, and the deal is done.

It is my hope we will resolve the dispute that is in front of us now in a statutory fashion; that is, to write law, not to amend the Constitution. Start there. Extend the debate so that all points of view are sufficiently heard. Let's let the public know what we are talking about when we do this.

But even as we contemplate the course of action on this constitutional amendment—I think it was with 80-some votes that we said we ought to move ahead. Some of those who voted for cloture, however, are just interested in opening up the debate and not really supporting the constitutional amendment.

I say to all my colleagues, I intend to continue to push for the conferees on the juvenile justice bill to sit down and talk and to come up with a conference report. Come up with their conclusion, whatever that happens to be, and let the American public know that they are not just sitting on their hands as a way of killing this legislation. And those who oppose it should have the courage to speak up and say: No, I don't want to control gun violence that way. Guns don't kill. People kill. Or they may say: The little boy who is 6 years old is a criminal that the police should have been watching, I suppose, before he went to school that day with that gun.

There are so many times when a person becomes a criminal for the first time when they pull that trigger. But the response is always the same—guns don not kill, people kill. Well, you do not have many drive-by knifings. It's a lot easier to kill people with a gun.

So we are going to do whatever we can. We are going to seize whatever opportunities we can. We are going to stand and shout this message until it is heard all the way across this country, so that people will call this place, call their Senator, call their Representative, and tell them they want to see something done about gun violence in this country, that they are sick and tired of losing thousands and thousands of people to gun violence.

There are 33,000 victims in a year, when a country such as Japan and the UK and others have less than 100. We sure do not have 300 times their population.

There are ways to control violence. One of them is to take these lethal instruments out of the hands of people who are not qualified to have them.

I wrote a law to take guns away from those who are domestic abusers, guys

who like to beat up their wives or kids, or guys who like to beat up their girlfriends.

We had a heck of a fight here. Finally, with President Clinton's help, we got a bill signed one night that was attached to an appropriations bill.

The opponents said: It is not going to do any good; it is not going to matter. That was done in the fall of 1996. Since that time, we have stopped 33,000 requests to buy guns. 33,000 times that a spouse or a friend or a child in a household doesn't have to hear somebody say, ''If you don't do this, I'm going to blow your brains out''; 33,000 times in just over 3 years.

The gun lobby fought me and said that is junk, you don't need that, that is silly, that is not where we ought to be going, we ought to be locking people up, and so forth. Of course, we do lock them up. They deserve to be locked up, if they are criminals. We lock up and enforce the law in more cases now than at any time in the past. Convictions are way up. Housing criminals has become a problem. We don't have a sufficient number of jails to accommodate them.

I go with this promise: We will be back again. Not just on this bill, but as we consider other pieces of legislation. We are going to fight on this floor. Whether it is kids pulling out guns to resolve fights, or someone using a gun when they want to rob someone, we have to stop the gun violence. I am sure the public will agree.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, as I understand it, to debate this amendment, S.J. Res. 3, I am entitled to 1 hour.

The PRESIDING OFFICER. The Senator is correct.

Mr. SCHUMER. I yield myself that hour.

The PRESIDING OFFICER. The Senator is recognized.

Mr. SCHUMER. Mr. President, I thank my colleague from New Jersey for his eloquent words, his passion and leadership on this issue. I join with him, helping in any way I can to see that we get to finally pass the Lautenberg amendment which the country so much wants. I thank him for his doggedness. We will prevail, I do believe. I thank the Senator from New Jersey.

I am here to address S.J. Res. 3, the constitutional amendment for victims' rights. As I guess my history in the Congress shows, I have been very concerned about crime issues. If one would have to say they had a signature issue, for me, that has been it. I came to the view when I came to Congress—and am still of that view—that particularly in the 1980s and early 1990s, the pendulum had swung too far in the direction of individual rights and not enough in the direction of societal rights. I spent a good portion of my time in the Congress trying to bring that pendulum to the middle, joined by Democrats and Republicans. I am very proud of that work.

I come to the floor because nothing in my time in the Senate has troubled me more, has bothered me more, than the amendment we are beginning to debate. I greatly respect the Senator from Arizona, Mr. KYL, and the Senator from California, Mrs. FEINSTEIN, for the work they have done on this issue. Frankly, my views are not dissimilar to theirs on the issue of victims' rights. I helped write the law for right of allocution, for the victim to stand up at sentencing and say his or her piece. I have been extremely supportive of victims' rights.

Then why would I find this amendment so troubling, more troubling than any other bill we have debated? Because I revere the Constitution. I consider America to this day the noble experiment the Founding Fathers called it when they had written the Constitution. I believe the Constitution is a sacred document. The more I am in Government, the more I almost tremble beside the wisdom of the Founding Fathers. Someone called them the greatest group of geniuses. There may have been other individual geniuses who were greater than any single member who wrote the Constitution, but their collective genius was the greatest group assemblage of genius the world has known, a person wrote. I tend to share that.

Amending the document they put together is an awesome responsibility, something that should not be taken lightly, something that should be done with the utmost care and forethought. One should only debate constitutional amendments when there is no other way to go. We should not mess with the Constitution. We should not tamper with the Constitution.

Yet here we are today debating a victims' bill of rights, a constitutional amendment on victims' rights, when not a single State supreme court, and certainly not the U.S. Supreme Court, has declared any victims' rights statute unconstitutional. I repeat that amazing fact for my colleagues. For the first time we are here debating a constitutional amendment with the other 19 amendments and with, of course, the 10 amendments in the Bill of Rights being different, where not a single State supreme court and not the U.S. Supreme Court has ruled any part of victims' rights unconstitutional.

What is called for here is a statute. I would support making a statute, a law, almost the exact amendment, perhaps even the exact amendment, the Senator from Arizona and the Senator from California are proffering. But a constitutional amendment? Why? Why? Why amend the Constitution when no law has been declared unconstitutional? We have never done that in the over-200-year history of this Republic. We have never taken something we believe in and said, let's immediately make it a constitutional amendment.

We have debated constitutional amendments here because statutes were thrown out. We just did it on the flag burning amendment. People believe strongly that the flag should not be burned. The U.S. Supreme Court said it was under the aegis, the penumbra, of the first amendment. So we did our duty on this floor and debated whether we should amend the Bill of Rights. For the first time ever, we would do it to say that flag burning was prohibited. It was what the Founding Fathers thought the constitutional process should be. It was an amendment that had been thought about. It was an amendment that had been debated. It was an amendment that went to the core of great constitutional issues.

My guess is if a Washington or a Jefferson or a Madison were looking on the floor during that debate, they would have smiled, they would have said that was the Senate they hoped to have.

If a Washington or a Jefferson or a Madison were looking on the floor as we debate this, I believe they would recoil, not because of the issue of victims' rights but because of the thought of passing a constitutional amendment, only the 20th since the Bill of Rights, when no law had been declared unconstitutional, when no aspect of the Constitution itself needed to be clarified.

I ask my colleagues—and I will ask them when they are here because this debate will go on for some time, as it should—why not a statute? I have heard my colleague from California say: Because we have to show how important victims' rights are. With all due respect, we can show that importance with a statute.

I believe in the rights of working people. I have worked for laws such as minimum wage and protecting rights in the workplace. I would not put in the Constitution that we must protect the rights of working people, unless, of course, there were a series of statutes about working people that had been thrown out by the courts. Even in the early 1900s, when the wage laws and child labor laws were thrown out as unconstitutional, we didn't amend the Constitution—when there might have been reason to. But here? Now? As the lawyers say, no stare decisis, no final opinion. It doesn't make sense.

I have to tell my colleagues, if we were to pass this amendment, we would be fundamentally changing constitutional history, the way the laws of this country are made, because we would say that the new Constitution is open to things we believe in and feel strongly about, even where a statute might have solved the problem.

My colleague from California and I—I regret that she is not here—had this conversation after our caucus. She said to me, well, there have been two Federal courts that ignored victims' rights even though we passed statutes. Well, that means the statute was poorly drafted. A judge cannot ignore statutory law. I asked her, "Well, why wouldn't that be appealed if it wasn't well drafted?" It wasn't appealed. But to rush to a constitutional amendment?

This amendment has been below the radar screen. It has crept up upon us stealthily. It hasn't gotten the airing and debate it needs, and already we are rushing to judgment, attempting to pass a constitutional amendment. Again, it was said that the constitutional amendment is still being negotiated by one of the chief sponsors. What is this? We are negotiating a constitutional amendment at the same time we are debating it—something that if it becomes part of the Constitution cannot be changed without huge movement? You don't do that. The Constitution is a sacred document. The greatest group of practical geniuses in the world put it together. It is not something willy-nilly, if somebody feels strongly about it—and I respect the energy and passion—that we just go ahead and amend the Constitution. This is a dispiriting day in a certain way, in my judgment, because we are debating whether to take that great document, the Constitution of the United States, and cheapen it by saying when we feel passionately about something, we skip the statutory process, the judicial process, and we go right to amending the Constitution.

I am not debating the merits of the provisions. As I said, I believe in almost every one of them. But every one of these could be accomplished by statute, by law. And then, if we found out one was poorly drafted, we could change it; then, if we found out there was something people didn't take into account—and that happens when we write laws—we can change it. Not so with a constitutional amendment.

If you look at the amendment that has been drafted, it is longer than the entire Bill of Rights. If you look at the language, it is not the language of the Constitution of the United States, which talks about great concepts. Victims' rights is a fine concept, but the language, which I have here, is the language of a statute.

Again, I have not received an answer—a good answer—from my colleague from Arizona and my colleague from California as to why not a statute. You can pass it more quickly and more easily. It fits the amendment. It fits what you are trying to do. No court, no supreme court, no final authority has thrown it out. And to say there were two Federal cases where the judge ignored a statute, and we immediately go to a lower court judge, and we immediately go to a constitutional amendment, again, cheapens the Constitution.

I intend to debate this amendment at some length. I know some of my colleagues will, too. As I said, this has not gotten airing. In fact, a month ago, if you talked to most people, they shrugged their shoulders and said, "Don't worry, this won't come up." Well, it is here and it is being debated. We are on the precipice of changing what an amendment to the Constitution of this great country means. We ought not to do it lightly. We ought not to do it simply because we feel a need, as I do, to say that victims have rights in the courtroom. We ought to do it because there is no other alternative. And here there is. We ought to do it because the judicial and legislative processes have been exhausted and the Constitution hasn't anticipated a new change. This clearly is not that case. We ought to do it because this issue has reached its fulsomeness.

My colleagues, I believe if this body were to pass this amendment, we would regret it shortly thereafter. We would experience, as we never have, debate about what specific little clauses in the Constitution mean—not the interpretation of what is freedom of speech, but how do you define a victim. How do you deal with certain phrases and clauses? It is a troubling day. It is a troubling day because almost without debate, almost without national focus, we are thinking of changing what an amendment to the Constitution means. It is not simply supposed to make us feel good. It is not simply to make a political statement to the people back home. It is to fundamentally change the rights, privileges, and obligations of the Government and the citizenry.

Again, to my colleagues, why can't we try to pass this very same language as a statute? I am going to introduce that as an amendment if we are allowed to—the exact language they have but make it a statute. I have not heard a good argument and, until I do, I urge every one of my colleagues, Democrat and Republican, to refrain from the understandable desire to do something quickly and instead do something correctly.

Mr. President, I reserve the remainder of the hour that has been ceded to me to debate this amendment.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I don't understand the procedure at this moment. I don't know if I seek recognition through the Senator from New York or the Chair.

The PRESIDING OFFICER. The Senator can seek recognition in his own right for up to 1 hour.

Mr. DURBIN. I ask to be recognized on S.J. Res. 3.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DURBIN. Mr. President, I commend my colleague from New York on the statement he has made on the floor of the Senate. It is interesting that when Members of the Senate are brought into this Chamber and asked to become official Members of this body, we are asked to take an oath. It is an oath which in one part—and perhaps the most important part—is to preserve and defend the Constitution of the United States. When you consider all of the great documents that have been produced in the history of this great country, it is clear that when it comes to our service in the Senate, the one document that we are asked to hold above all others, to preserve and defend, is the Constitution of the United States.

Of course, it is understandable because those who created the Senate and its counterpart, the House of Representatives, did it in this document, this Constitution, a copy of which I carry. They believed that future Senates and future Members of the House of Representatives, if they preserved this document, would preserve this union.

The job of preserving this Constitution of the United States is not often easy nor popular. Some say 11,000 different times in the last 100 years Members of the Senate have come to the floor in an attempt to change this document. It is interesting that in the course of the history of this Nation, after the adoption of the first ten amendments to the Constitution, the so-called Bill of Rights, we have only amended this Constitution 17 times—the Bill of Rights and 17 additional amendments. Today, we are being asked to amend the Constitution for the 18th time since the adoption of the Bill of Rights.

It is curious that in the history of our politics, the Republican Party, which so often claims to be the conservative party—and to take that literally, I assume that means to conserve the values and principles of this country—has so often been in the leadership not to conserve but to overturn and change the most basic document, the Constitution of the United States.

I am told in the last 4 weeks there have been four proposals—one in the House and three in the Senate; this is the third in the Senate—to change the Constitution of the United States. This document has endured for over 200 years. It appears many of our colleagues want to change it as quickly as possible in a variety of ways. Some want to change it when it comes to balancing the budget. Others want to change it when it comes to flag burning. Now today there is a suggestion that we want to change it when it comes to the rights of the victims of crime.

With all due respect to the wisdom and intelligence of all of my colleagues in the Senate, frankly, I think they are anxious to take a roller to a Rembrandt. They want to make their mark on the Constitution believing that what they suggest matches up to the stature of the words of Thomas Jefferson, Madison, and the Founding Fathers of this country.

With all due respect to my colleagues, Senate Joint Resolution No. 3 before the Senate now pales in comparison. This resolution has been around a while. It is shop worn. One of the sponsors of the resolution, Senator KYL, came to the floor today and said with some pride that this was the 63rd draft of this constitutional amendment, and as we stand today and debate, the 64th draft is being written in a back room. At some point it will pop out of that room and on to the Senate floor and we will be told: Here it is; this is the next amendment to the Constitution of the United States.

Forgive me if I am skeptical, but I believe on reflection we would regret passing this proposed constitutional amendment. If the authors of this amendment who have been working on it for years—and I give them credit for all of their effort, but they still haven't gotten it right. As the matter comes to the floor of the Senate, do we honestly believe the words in this document will endure as our Constitution has endured for over 200 years? No, I think we are in haste producing a product which we will come to regret.

Now to the merits of the issue. It is one which, frankly, cannot help but touch your heart. Far too many people are victims of violent crime. These victims are frightened, they are fed up, and they are determined. They are rightfully frightened because they and others have far too great a chance of falling victim to a violent crime. These victims have endured needless and unjustified physical and emotional suffering. Just last night at 6 p.m., in the Nation's Capital, at the National Zoo, one of the real attractions in this city for visitors from across this region, around the Nation, and even around the world, seven children were shot while visiting the zoo. One of the seven, an 11-year-old boy, was shot in the back of the head and is in grave condition.

The statistics on violent crime and gun violence are staggering in the United States of America. Twelve children die every day in America as a result of gun violence.

Many crime victims are justifiably fed up. They feel as if the criminal justice system has wronged them. These people were innocent victims, but they feel deprived of the fundamental need to participate in the process of bringing the accused to justice. Victims of crime are understandably determined to ensure that other victims of violent crime have the right to an active and meaningful involvement in the criminal justice system. I believe every effort to ensure that crime victims are not victimized a second time by the criminal justice system should be taken. Today, we are here to begin the hard task of determining how best we can achieve this shared goal.

I don't think many will ever be able to appreciate fully the impact of crime on a person. In my family's history, we have had a home burglarized and felt violated, as most people would when they come home to find someone has been through your belongings and taken something away. This is an eerie feeling as one walks through the house.

I have had one of my children assaulted. Thank goodness she wasn't hurt seriously. As a parent, I felt rage at the thought that somebody would do this to my daughter. Thank God she survived it. They never caught the person responsible for it. I felt in a way that she was not the only victim. All of us who loved her were also victims of this violence.

A violent crime irreparably alters the texture of life for the victim, that victim's family, and many of their friends. The awareness and memory of that crime pervades and alters the victim's very being. I don't think a victim ever totally gets over it.

We know a criminal justice system at its best cannot undo a crime. We surely also realize the way to fully address the effect of crime is not just through the criminal justice system. If we are serious about dealing with the impact of crime upon an individual victim, a family, or a community, we must act systematically and consciously—not just with symbolism and political effort. I believe one of the worst things we can do is to pass a constitutional amendment that contains illusory or unenforceable promises regarding crime victims. In order to genuinely address this issue, we must understand the way crime rewrites a victim's life. Then we must do what we can to ensure that the rewrite is not inevitably tragic.

I support crime victims' rights. I confess to concerns about amending this Constitution. I view the Constitution, and in particular the Bill of Rights, as one of the most enlightened, intelligent, and necessary documents ever created. I believe any efforts to amend it must be reserved for the most serious circumstances.

I cannot help but remember as I stand on this floor, as I often do, debating constitutional amendments which seem to be the order of the day, how many leaders of newly emerged democracies come to the United States of America as one of their first stops. These men and women who have seen their countries liberated from totalitarian rule, Communist rule, come to the United States and make their stop right here on this Hill, in this city, in this building.

They believe, as I do, that the validation of democracy lies right here within the corners of the walls of this great building, because this generation of leadership in the Senate and in the House tries to carry on a tradition, a tradition of freedom and democracy, a tradition that is not embodied in a flag but is embodied in a book—the Constitution of the United States.

When you look at the political atmosphere surrounding this debate on this constitutional amendment, you will see that it is different from any other debate we have had on an amendment to this Constitution. A constitutional amendment is really only necessary when there is a concern that the rights of the minority may not be respected by the majority. When there was first a suggestion of a Bill of Rights, it was opposed by James Madison. He said: It is not necessary. The original Constitution, as written, defines what the Federal Government can do, and therefore all of our rights as individuals, as State governments, and as local governments, are certainly ours and preserved. We do not need to add any language preserving them, it is assumed that they will be preserved.

But as the Constitution was submitted to the various States for ratification, more and more delegates came back and said: We disagree. We want explicit protection. We want the Bill of Rights to explicitly protect the rights of American citizens, and we want to spell it out.

One of the primary arguments used for the validity of the Bill of Rights is that the first amendment, so often quoted for freedom of speech and press and assembly and religion, is often heralded as the first amendment because it was so important. A little reading of history shows us it was not the first amendment in the Bill of Rights. The first two amendments submitted to the States in the Bill of Rights were rejected. The third amendment, which is now our first amendment, moved up. The first two that were rejected related to the question of reapportionment of the Congress and the ability to be compensated or receive additional compensation during the course of a congressional term.

That little footnote in history notwithstanding, we value these 10 amendments in the Bill of Rights as special.

Then, beyond that Bill of Rights, concerns about the rights of the minority rose again in the 13th and 14th amendments, when we repealed slavery, or in regard to the 19th amendment and the provision of suffrage to women.

This amendment, however, does not fit in that description. All but a very small number of American politicians and organizations emphatically support victims rights. Every State in the

Union has at least statutory protection of victims of crime when it comes to the procedure of criminal prosecution. Some 33 States have amended their State constitutions to provide similar protection, including my own home State of Illinois in 1992. I fully support that. I think the State was right to pass a crime victims protection in our State constitution.

Second, any amendment to the Constitution should be more than just a symbolic gesture. I want to grant crime victims real and concrete rights. The proposed amendment, however, has certain provisions which are illusory and unenforceable. Indeed, the amendment lacks definable language and does not address its implementation. What is the most important single word in a crime victims protection amendment? Let me suggest it is ''victim,'' the word ''victim.'' That is the group they seek to protect and honor and empower. Yet search, if you will, S.J. Res. 3, you will not find a definition of the word ''victim.''

For those who are listening to the debate, who say, ''How can that be a problem? We know who the victim of the crime is''—are you sure? My daughter was assaulted. She was certainly the victim of a crime. As her father, was I victimized?

Some say: That is a stretch, we just mean the person who was actually assaulted.

Let's try this from a different angle. Let's assume someone is a victim of a crime and is murdered. Are they the only victim of the crime? Is the spouse of the murdered victim also a victim? I could certainly argue that. I could argue a lot of other members of the family could be victims.

Let's consider this possibility. If you are going to empower victims to change the prosecution and the procedure in a criminal case, think about a battered wife. A battered wife, who has been the victim of domestic violence for a long period of time and who finally strikes back and assaults the spouse who has battered her, she is then brought in on criminal charges of assault and battery, and the abusing spouse becomes a victim, too. According to this amendment, the abusing spouse now has crime victim's rights, even though he was the one who battered his wife, giving rise to her response and retribution. It gets a little complicated, doesn't it?

We know who a crime victim was—someone who was hurt. When you start playing this thing out, you understand why the authors of this proposed constitutional amendment, despite 63 different drafts of this amendment, have never defined the word ''victim.'' Because if you empower that victim to slow down court proceedings or speed them up, to be notified, to be part of the process, you had better take care to understand who is going to receive these rights and how these rights will be exercised, because if you are not careful, you can have a lot of unfortunate consequences.

The amendment lacks this definable language. It does not direct the law enforcement court personnel, who are supposed to enforce the newly created victims' rights, on how to do so.

Finally, the important goal of establishing victims' rights can be achieved through legislation. A constitutional amendment is simply not necessary. Due to the respect I have for the Constitution, I am extremely reluctant to amend it unless there is no other means by which the victims of crime can be protected. Every state in the United States have a state statute to protect the rights of victims. Thirty-three States have constitutional amendments to protect the rights of victims. Frankly, there appears to be across the United States, in every State of the Nation, a protection of crime victims.

The obvious question of those who bring this amendment to the floor, then, is, why is this necessary? Why do we need to amend the Constitution of the United States if existing State law and State constitutional provisions already protect the victims of crime? There may be flaws in these State amendments, State constitutional amendments, State laws, but these flaws can be corrected on a State basis, as needed.

In addition, a statutory alternative to this constitutional amendment can reach all of the goals it seeks to achieve. Indeed, there is legislation that has been proposed by the Senator from Vermont, Mr. LEAHY, which I enthusiastically support, which would put in statute these crime victim protections. I think this is the best way, the most effective way, to deal with this.

Let me give a few illustrations of how complicated this situation can become. Some of them are real-life stories that give evidence of problems prosecutors have run into in States where individuals have the right to come forward and to assert their rights as victims of crime. Let me give you two of them.

In Florida, a Miami defense lawyer tells of representing a murder defendant who accepted a plea from the prosecution. Of course, the acceptance of a plea is a decision that you will plead guilty under certain circumstances and waive the right to a trial. The judge refused to accept the offer after the victim's mother spoke out against it. The victim's mother insisted that the criminal defendant go to trial, despite the agreement by the Government and the defense that he would accept a plea. The client went to trial, was acquitted, and released.

In the second case, in California, relatives of a homicide victim complained to a judge that a plea bargain between the prosecution and the defense was too lenient. They got what they wanted, withdrawal of the plea and prosecution of the man on murder charges. At the close of the trial, the defendant was acquitted and went free.

In each of these instances, in each State, the victim or victim's family asserted their rights to overturn a decision by the prosecutor based on that prosecutor's evaluation of the evidence and the likely outcome of a trial, and the net result of it was that the wrongdoer ended up walking out of the courthouse door without a penalty.

The suggestion that the victim's involvement or intervention is always going to lead to a stiffer penalty is, frankly, shown in these two cases not to apply.

I also make note of the fact that, during the course of this debate, those who support the constitutional amendment, the Senator from Arizona, Mr. KYL, and the Senator from California, Mrs. FEINSTEIN, have said on occasion that this would in no way jeopardize the rights of the accused; in other words, that empowering and giving new rights to crime victims will not be at the expense of the accused defendant. Our Constitution is very clear when it comes to criminal defendants, that there are certain rights which shall be protected. We, of course, know the right to trial by jury, the right to confront your accuser, and all of the rights which have been cataloged over the years.

When this constitutional amendment came before the Senate Judiciary Committee 2 years ago, I was a member of that committee. I offered an amendment to this legislation in committee which said nothing in this proposed constitutional amendment shall diminish or deny the rights of the accused as guaranteed under the Constitution. It was said over and over that is the case of this language and this proposal. Yet my attempt to put it into the amendment was refused. I understand Senator FEINGOLD of Wisconsin offered the same amendment in committee this time when it was being considered, and it, again, was refused.

As I stand here today, I suggest to my colleagues that we are considering a constitutional amendment which, though it is important, is not necessary. Before we amend the Bill of Rights in the United States of America, it should be something that we all believe, or at least the vast majority believes, is necessary. The existing State constitutional protections of crime victims, the existing State statutes all provide protection to the victims of crime. The suggestion that we can pass a Federal statute which can be modified if we find it is not perfect gives us an option to do something responsible without invading the sanctity and province of the Constitution of the United States.

In addition, I suggest that protecting the rights of victims, as important as it is, must be taken into consideration with base constitutional rights and protections for the accused as well in this free society, recalling the premise of criminal justice in America: innocence until guilt is proven. That is something which is painful to stand by at times, but it is as American as the Constitution which guarantees it.

I suggest to my colleagues in the Senate and to my friend, the Senator from New York, who I see is on the floor, that we should think twice before proceeding with this amendment to the Constitution. I will join my colleagues during the course of this debate in further discussion of the merits of this proposal. I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I congratulate the distinguished Senator from Illinois for saying, but taking one exception, we ought to think twice about this matter. Dare I hope we might think once. It comes wholly unexpected to us, a massive departure from two centuries of constitutional practice, a measure—one amendment which was longer than the whole of the Bill of Rights, and there is not a single Member on the other side of the aisle listening, wishing to speak, present. There are three of us on the Senate floor with the Constitution in our hands in a matter of 27 hours—the casualness.

George Will said on Sunday that we were cluttering the Constitution. We do things palpably ill advised. In the House, they put us on a 1-year balanced budget back into an agricultural cycle, long since gone. There was no mention whatever of the rights of the accused, about which we were very concerned. A people should be concerned when Government accuses someone, and that is why we have the Fourth, Fifth, Sixth, and Fourteenth amendments. Then to have this endless, tedious, complex amendment about victims' rights and, as the Senator says, no definition whatever of what a victim is.

I say to those not present on the opposite side—and there are, of course, supporters on this side—the capacity of American culture in this stage to think of new forms of victimhood is unprecedented. It has been a characteristic of the culture for a generation now to find victims and to declare oneself a victim and demand compensation and consideration therefore. It may become a permanent feature of American culture. I do not know. I doubt it. But it is at high moment now and would this amendment—oh, my goodness. And for the law schools, yes, and for those who design and build courthouses, oh, sure, and judges—there will be no more judges held up in this Senate. We will need double the Federal judiciary in no time at all.

How could we have come to the point where we have so little sense of our history, as the Senator from Illinois so rightly said. James Madison did not think a bill of rights was necessary since the Constitution only gave powers, specifically enumerated powers, to the Federal Government. What it was not given, it could not do. Still, George Mason and others persuaded him and prudence—a hugely important aspect of good government—prudence said: Well, why not have a bill of rights? And we have learned to be glad that we did.

Do my colleagues recall the impeachment trial we went through a year ago? I was struck by the managers—fine persons all—but how little reference they gave to the Constitution which provides for impeachment. I may be mistaken—I hope I am—but I did not hear one reference to Madison's notes which he kept during the Convention in Philadelphia, or the notes of the one day in which the impeachment clause was settled.

On that day, it was stated, for example, the most important impeachment of the age then was the impeachment of Warren Hastings going on in London. Edmund Burke, well known here as a supporter of the colony's rights, managed the case by the House of Commons in the House of Lords. The point was made by Mason that Hastings was not accused of a crime. That was not why he was being impeached. It was abuse of office. Hence, we have the term ''high crimes and misdemeanors.'' High crimes.

Now. Do my colleagues know what the references were in that debate? They were to Hollywood movies. And do my colleagues remember Marlene Dietrich in ''Witness for the Prosecution''? Are we trivializing our oath to uphold and defend the Constitution of the United States against all enemies foreign and domestic? It is scarcely to be believed.

Why are the seats empty on the other side? I cannot be certain, but I offer a thought, and I would be happy to hear differently. The administration is negotiating with the sponsors because the administration has indicated a willingness to support this atrocity, this abomination, this violation of all we have treasured in two centuries and more.

That the administration should do this is something I could not imagine I would ever see. Yet we have it in writing that they are prepared to do it. I only hope the negotiations break down.

I shall have more to say at another time. But I just wanted to make this comment. Now I leave the floor. Our revered senior Senator from Vermont will be the only one remaining. I do not doubt he will have thoughts to disclose. But even he will eventually find himself somewhat distracted by the fact that no one is listening. The distinguished Presiding Officer is here. But there will not be another soul present with such attention and energy as we take up a matter of the greatest possible importance, which is amending the Constitution of the United States.

Mr. LEAHY. Mr. President, if the distinguished senior Senator from New York would yield to me before leaving?

Mr. MOYNIHAN. I am happy to yield.

Mr. LEAHY. I hope all Senators get a chance to read what the distinguished Senator said. He is recognized as one of the foremost historians of this country and certainly of the Senate. He is so right: We are talking about amending the Constitution, and nobody is here to talk about it.

I say to my friend from New York, there have been 11,000 proposed amendments to the Constitution that have been brought before the Congress. Article V speaks of amending the Constitution when necessary.

The Senator from New York is a far greater student of history than I, but does he think that by any stretch of the imagination—we have had civil wars; we have fought in world wars; we have gone through Presidential assassinations; we have done all these things—we have ever come close to 11,000 times in the history of this great Nation where it has been necessary to amend the Constitution?

Mr. MOYNIHAN. We have not, sir, as is evidenced by the fact that I believe we have done it 18 times including the Bill of Rights, which was basically part of the Constitution.

Mr. LEAHY. I say to my friend from New York, it is the Senate that is the saucer that cools the passions. That should make us slow up and look at these things.

I wonder what would have happened if, say, during all those times, 10 percent of those amendments had gone through. That would be 1,100 amendments. If 1 percent went through, there would be over 100 amendments. What a different country this would be with much less democracy, if we would be a democracy at all.

The first amendment in our little pocketbooks of the Constitution is only four or five lines. The first amendment really protects the diversity of this country to make sure we remain a democracy, that we have the right to practice any religion we want, or none if we want—both thoughts are protected—that we can say what we want, that we can assemble and petition our Government. All of that is protected. Yet we have something that, when we print out this proposed amendment, goes on for something like 60 lines.

I am a lawyer. I loved doing appellate work. The distinguished Presiding Officer is a distinguished former attorney general. I am sure he would love to do appellate work. I can tell you right now, this is a lawyer's dream. We might as well quadruple the number of

courts, the number of judges. They would not keep up with the appeals that would come just from this one amendment alone.

It is hard for me to emphasize enough, and I hate to hold up the Senator from New York on this, but there is nobody else here to express my frustration to.

Mr. MOYNIHAN. Please.

Mr. LEAHY. He and I are on the same side of this. I have the privilege, as I said earlier, of being the 21st Member of the Senate, in all its history, to cast 10,000 votes. Some votes were important; a lot were not important. But I thought it was pretty impressive—10,000 votes. Even with all the unimportant ones, even after all of them, I did not vote enough to have voted on all the proposed constitutional amendments. There have been 11,000.

Our highly respected and beloved two most senior Members of this body, Senator THURMOND and Senator BYRD, have cast 15,000 votes. They are about the only ones who might have cast enough votes. But those votes encompassed all kinds of things.

Here we are talking about changing the Constitution at the drop of a hat. Some of us—Republicans and Democrats alike, conservatives and liberals—ought to stand up and say: We will pass statutes; we will experiment. If we are wrong, we will change the statutes; we will change the law. But we will not amend the Constitution. No matter that the proposal comes from the left or the right, no matter what it is, we should not pass it unless it is, as the Constitution says, necessary.

This resolution is not necessary for the security and for the continuation of the world's greatest democracy.

Mr. MOYNIHAN. May I just make a closing remark.

Not meaning to be disrespectful, but there is a joke, a witticism, if you like, that says libraries file the French Constitution under the heading of periodicals: It comes; it goes; it comes; it goes.

We have a treasure here, the oldest written Constitution on Earth. It has preserved a republic which is without equal. There are two nations, the United States and Britain, that both existed in 1800 and have not had their form of government changed by violence since then. We live in a world where a century ago there were approximately, as I count, 8 nations on Earth that both existed then and have not had their form of government changed by violence since.

If we are to trivialize the Constitution because of passing enthusiasms about this economic theory, that economic theory, we risk the stability of this institution.

I make just one reference to the fact that several years ago we passed a law providing for a Presidential line item veto on legislation. It was elementally unconstitutional. The Senate passed it. The House passed it. The President signed it.

Three of us—our revered senior Democratic Member, Senator BYRD, Senator LEVIN, and I—brought suit in the U.S. District Court for the District of Columbia, which in good time held that the line item veto was indeed unconstitutional. The government appealed to the Supreme Court that as members of Congress we did not have the requisite standing.

Then in the following term, the veto had been exercised. We clearly did have standing. We went there as amici. And, bang, the Court said: This is unconstitutional.

Does the President not have lawyers? Are there no counsel on the Judiciary Committee here and in the House? It is something that elemental.

Sir, we are approaching a dangerous moment in the history of the Republic. As I leave the floor, as I am required elsewhere, I leave the Senator from Vermont who is alone defending the Constitution of the United States. He is alone on the Senate floor. There is not a single person here who supports this monstrosity, this abomination, willing to come forward and say why.

Does that not say something?

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I greatly appreciate the comments of the distinguished Senator from New York. He and I have been friends for over a generation. I for one have learned from him and have been inspired by him. He is so right on this. This debate is treated as a matter of such passing moment that nobody is here. I want them to have a chance to come back.

I suggest the absence of a quorum and ask unanimous consent that the time for the quorum be charged not against any individual Senator but against the overall 30 hours.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I yield my time under the pending measure to the Senator from Vermont, Mr. LEAHY, 1 hour. I suggest the absence of a quorum and ask unanimous consent that the time during the quorum not be charged to either side at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I rise to oppose S.J. Res. 3, the victims' rights constitutional amendment. I agree with the goals of the proponents of the amendment. We have to do more to protect and enhance the rights of victims of crime. But I disagree with the particular means they have chosen to bring about that end. We do not need to amend the Constitution to protect victims. We can protect the rights of victims by enforcing current State and Federal laws. We can protect the rights of victims by providing the needed resources to prosecutors and courts to allow them to enforce and comply with existing laws. We can protect the rights of victims by enacting additional statutes, if needed, to deal with remaining concerns or any issues that might arise in this regard in the future.

The framers of the Constitution made the process of amending the Constitution very difficult. Those who propose to change that long-lived and successful charter bear a heavy burden. I have thus opposed proposals to amend the Constitution, and especially the Bill of Rights, even when the subject of the amendment was very close to my heart, as it was with the recent proposal to amend the Constitution to allow for mandatory campaign spending limits. Similarly, I believe deeply in the need to ensure that our criminal justice system treats victims fairly, but I do not believe we have to amend the Constitution to do so.

Throughout history, Members of Congress have thought of more than 11,000 different ways to amend the Constitution—as of this last recess, 11,045, by one count. Luckily, only 27 have become part of our national charter. Ten of those, the Bill of Rights, were part of the package of ratification, and two, the ones on prohibition, canceled each other. Three others followed the enormous upheaval of the Civil War and addressed the wrongs of slavery and inequality that spawned that conflict. But the pace at which Members have introduced and proposed amendments has picked up in modern times. More than half of the constitutional amendments proposed in the entire lifetime of our Nation have come in the last 40 years. Fewer were proposed in the first 173 years of our Nation. This Senate has now considered three so far in this session alone—and the year is still young.

In a sense, there is a certain lack of humility about proposing so quickly to amend the Constitution. To propose to change the Constitution now is to say we have come up with an idea that the framers of that great charter did not, or that we have come to a conclusion on how our Government should work fundamentally different from the one they had and fundamentally different

from the one all the Congresses since have had. We should come hesitantly, if we do, to the conclusion that we know better than they did. Yes, there will come occasions where times have changed, as with women's right to vote, and we need to bring the Constitution up to date; but it is hard to consider the basic calculus of prosecutor, defendant, and victim to have changed this much since the foundation of the Republic.

I have to admit that of the constitutional amendments I have seen proposed in recent Congresses, this is less objectionable in some respects than most. But I still have significant concerns about the prospect of amending the Constitution, even for this very worthy purpose. We must use the constitutional amendment process sparingly. Before taking the grave step of amending our country's founding charter, we have to make sure we have exhausted all statutory alternatives. When it comes to victims' rights, we are far from exhausting those statutory alternatives. We currently have Federal and State laws protecting victims. Indeed, many States have passed their own constitutional amendments to protect victims, including my own State of Wisconsin—a proposal that I voted for when I was in the Wisconsin State Senate.

According to the proponents of this constitutional amendment, these existing laws are not being fully enforced. I would say we should therefore see to it that the existing laws are enforced. Let us enact legislation to improve the existing law, and let us provide the needed resources to prosecutors and courts to comply with existing laws. That is where the real struggle lies. Only when we have exhausted these legislative avenues should we possibly consider a constitutional amendment.

Let's address this important issue one step at a time. Statutes protecting victims are on the books in each and every State. Amendments to State constitutions have been adopted by at least 31 States. At the Federal level, prudent legislation has already been enacted and additional legislation proposed. Let us work with the current law and proposals to improve our Federal laws. In fact, additional statutory protections for victims have been introduced during this Congress by Chairman HATCH and by the ranking member and Senator KENNEDY. I believe these represent the right direction in which to go.

Chairman HATCH has introduced the Victims' Rights Act of 1999. Senators LEAHY and KENNEDY have introduced the Crime Victims Assistance Act. Senator LEAHY announced an improved version of that bill, taking into account many suggestions made by the chairman of the Judiciary Committee. I understand Senator LEAHY will offer his bill as a substitute to this constitutional amendment, if the majority leader allows Senators to exercise their traditional rights to offer amendments.

Enforcing and enacting comprehensive Federal statutes is the best way to protect victims. The Leahy-Kennedy bill will accomplish the same goals the proponents of this amendment want, but it will do it faster and also protect the integrity of the Constitution. The Leahy-Kennedy bill includes the right for a victim to be heard at the detention and sentencing stages, the right to be notified of escaped or released prisoners, and the right to be heard during consideration of a plea agreement. These are sensible protections that victims can see take effect in only a matter of weeks—the time it takes for consideration and passage of a statute—not years from now when maybe two-thirds of the Congress approves and three-fourths of the States ratify a constitutional amendment.

Another reason I oppose this measure is that a constitutional amendment, as you well know, is far less flexible than a statute when provisions must be improved over time. A constitutional amendment cannot easily be modified. Changing it at all—even one letter of it—would again require the approval of two-thirds of the Congress and ratification by three-fourths of the State legislatures. This is a real problem in this case because there are numerous uncertainties about the effect of this amendment. Even the sponsors are finding things they want to change. Each time this amendment has been brought before the Judiciary Committee, it has been different. In fact, the amendment was modified as recently as last spring when we marked it up in the Constitution Subcommittee. At that time, my good friend, Senator ASHCROFT, successfully offered an amendment to include the rights of victims to be involved in the pardon process. Such a change has inspired a good deal of criticism from the executive branch, which is concerned with its impact on the exclusive power of the President to grant pardons.

Whatever one thinks of the change to the amendment, it is the sort of thing that ought to give us pause when we are dealing not with a statute but with what is likely to be a permanent constitutional amendment. What if Senator ASHCROFT had not realized that this change was needed until after the pending proposed constitutional amendment was already adopted? What if, instead, we had approved the victims' rights amendment in the last Congress, as I am sure its sponsors would have preferred? Then, to change the amendment, Senator ASHCROFT would have been required to get two-thirds of the Congress and three-fourths of the State legislatures to agree to the change.

The pardon issue isn't the end of the matter. Other Senators have raised concerns about the specifics of this amendment; for example, its focus on the victims of violent crimes rather than all victims of crime. If any further changes are needed, we will have to, again, go through the lengthy and difficult process of amending the constitution. I have no doubt that further changes will be necessary. I have heard the main authors of this constitutional amendment saying with some pride that there have been 63 versions of this amendment. They offer that as a sign that this is a very well-honed, carefully drafted piece of legislation or amendment. What I suggest it means is that it is highly volatile, likely to change, and likely to be inappropriate for the Constitution, even after it is ratified, given all the changes that have been made and the problems with it. This constitutional amendment really reads as a statute. It is almost as long as the entire Bill of Rights. It is full of terms and concepts that will undoubtedly provoke years of litigation and years of attempts to overturn a court decision that one group or another doesn't like.

It even contains an extraordinary clause that might be called the ''emergency eject button.'' The Government can ignore the amendment. Remember, this language will be in the Constitution. The Government can ignore the amendment to achieve a ''compelling interest.''

What if the prosecutors in a high-profile case sought to avoid the impact of the amendment and the courts determined the justification they gave did not rise to the level of a compelling interest? If we, as a Congress, agreed with the prosecutors, we would not be able to pass a statute to override that judicial ruling because it would have to actually pass a constitutional amendment to deal with the problem.

It is clear that despite years of effort that have gone into this amendment, it will have to be fine-tuned in the future. We fine-tune statutes all the time, but we all know constitutional amendments can't really be fine-tuned. That is a big problem the Senate needs to face up to.

This amendment also poses major federalism problems. I am troubled this amendment could well result in extensive oversight of State criminal justice systems by the Federal courts. Victims who believe their rights have not been recognized in State court proceedings will undoubtedly file lawsuits in Federal district courts. Federal courts will end up second-guessing the decisions of State prosecutors or judges about how long a case took to get to trial or what victim should be notified of a bail hearing. That is why the Conference of Chief Justices, representing the chief justices of the supreme courts of all of our States, oppose this amendment and strongly prefer that we deal with this problem statutorily.

The State chief justices have also expressed concern that this year's

version of the amendment, as opposed to previous versions, allows Congress, but not the States, to pass legislation implementing the amendment. They appropriately note that the States can better determine what laws are needed to implement the amendment, as it is the operation of their own criminal justice system that is really at issue. But that would again lead to precisely the patchwork of laws and protections varying from State to State that the sponsors of this amendment wish to avoid and claim is the reason they need a constitutional amendment.

I cannot emphasize enough that I am deeply committed to protecting the victims of crime. As a State senator in the Wisconsin State Senate in 1991, I voted in favor of amending the Wisconsin State Constitution to include protections for victims. As I have noted, most States have a State constitutional protection for victims, and every State in the country has at least a statute to protect victims.

I draw my colleagues' attention to the example of Wisconsin because the Wisconsin State Constitution repeatedly clarifies that the rights granted to the victim in the Wisconsin Constitution are not intended to diminish the rights of the accused. The Wisconsin amendment contains language that explicitly forbids victims' rights from impairing the rights of the accused that are otherwise guaranteed by law. Unfortunately, the victims' rights amendment before this body does not contain a similar provision.

For that reason, I offered an amendment during the Judiciary Committee markup that would have included a clarification similar to the Wisconsin language. It is troubling and puzzling to me that the majority of the Judiciary Committee did not agree with that amendment because they stated over and over again in defense of this amendment that it would in no way derogate the rights of the defense. If that is so, why did they oppose such a simple clarification that we found so useful when passing a similar provision in Wisconsin?

When, in the wake of the Boston massacre, John Adams defended the British soldiers accused of committing the killings there, he said:

> [I]t [is] more beneficial that many guilty persons should go unpunished than one innocent person should suffer.

Surely, if there is a central pillar of the American system of justice, this is it: Above all, we must protect the rights of the innocent.

That is why our Constitution enshrines limitations on the State and protections of the individual whose liberties the State would seek to curtail.

Sadly, even with our manifold protections for the rights of the accused, history has demonstrated that time and again America has on occasion brought innocence itself to the bar and condemned it to jail or even to die.

Many proponents of the amendment before the Senate today state categorically that the rights of victims and the rights of the accused can comfortably coexist. They claim the amendment would not reduce the rights of the accused. They may be right, although I fear that cases may arise where judges will believe that to give the amendment force will require a lessening of protections for the accused. Be that as it may, the proponents of this amendment have refused to make this protection of the rights of the accused crystal clear by writing that intent into the amendment itself. Until they do, it is not unreasonable for Senators to fear that this constitutional amendment in some cases would actually end up curtailing the legitimate rights and liberties of defendants in courts of law.

For those who believe in individual freedom and civil liberties, this should be troubling, indeed.

The Constitution should be modified sparingly, where no other alternative provides an adequate solution. That showing has not been made. The laws on the books now should be fully enforced. Courts and prosecutors should be given the resources they need to protect victims under current law. Congress and State legislatures should enact additional legislation where needed to give additional protection.

I urge my colleagues to join me in supporting prudent, statutory safeguards for victims. But I urge my colleagues to vote against this victims' rights amendment to the Constitution.

(The remarks of Mr. FEINGOLD pertaining to the introduction of S. 2458 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. FEINGOLD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. THOMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMPSON. Mr. President, I want to address the pending so-called victims' rights constitutional amendment.

There is no question but that there are instances when victims of crimes in this country are not heard as they should be heard. Our criminal justice system does not work perfectly. But these duties are given to local judges and local district attorneys. They are elected officials. In most cases, they are responsible to the people in their jurisdictions. It is in their interest to make sure victims are treated appropriately.

Certainly, in most cases, the defendants are not the ones who have the public support on their side. It is certainly the victims. In most cases, it is in the interest of those charged with the responsibility of notifying victims of proceedings in court and treating them as they should be treated in carrying out those responsibilities.

Having said that, we must acknowledge that some things slip through the cracks. We have a constitutional amendment that is proposed basically to cover those instances when these local officials let things slip through the cracks and victims are not notified of court dates or sentencing or parole hearings. The sentiment is understandable, but if we look a bit closer, we have to conclude that a constitutional amendment to address this problem is not the way to go. It is constitutional overkill, to say the least.

All 50 States have recognized we can do better in terms of victims, we can notify them when important things happen with regard to the trial of a defendant, and all 50 States have passed legislation, constitutional amendments, or both, to address this problem.

Even still, we in Washington, DC, say we are going to pass a constitutional amendment, in effect mandating—an unfunded mandate at that—mandating these States behave in certain ways to take care of this problem.

People say: State laws and State constitutions still do not always work. There are still some cases where people are not notified, even though the State constitution and the State statute require it. A constitutional amendment will, in some way, solve that problem.

I suggest there is no reason to believe whatsoever that in individual cases where this problem still persists, a Federal constitutional amendment will do any better than a State constitutional amendment will do in ensuring those rights.

I believe this amendment will inject complexity into the judicial process, will cause increased litigation, and will actually have the effect of harming victims more than helping victims. The primary interest of a victim of a crime is to make sure a guilty defendant is, in fact, found guilty and properly punished. This constitutional amendment will make the procedure by which the DA's around the country are trying to prosecute these defendants more complex, more costly, more time consuming in many respects, and ultimately will harm the very end in which the victim is most interested, and that is seeing justice done and a guilty defendant found guilty by our court system.

This constitutional amendment gives nine new rights to a new category of people. The Constitution sets out our form of government. The Bill of Rights basically is restrictions on the power of that Government. It tells the Government things they cannot do because we have been mindful of the down sides of an all-powerful federal government. We

have set forth specific things the Government may not do toward individuals. That has usually been the purpose of amendments to our Constitution; that is, again, limiting the Government in what they can do with regard to the individual. This constitutional amendment creates nine new rights on behalf of a new category of people; that is, so-called victims.

It has taken, in some cases, 200 years, or thereabouts, to have our courts pass on the issues that have come about because of the wording of our Constitution and the wording of the Bill of Rights—what is a reasonable and unreasonable search and seizure, for example.

This will, in language that is more lengthy than most of the amendments in the Bill of Rights, create additional complexity and raise additional questions that can only be resolved by courts of law. It will be many years before issues as to how this works are resolved. Who is a victim, how do you define a victim? For example, suppose we have a battered woman who is on trial for stabbing her husband. What if she is the defendant? What if the husband was, in fact, attacking her? Who is the victim in that case? The reasonable notice victims are supposed to get to court proceedings, it sounds good on its face, but what is reasonable notice? We have hundreds and hundreds of cases of trying to decide what is reasonable.

In another context, what if a victim is not notified of a court proceeding on time? Or what if they say they are not but perhaps they have been? They may come in and say: This proceeding you have just finished, I did not get notice of it.

The district attorney may say: Yes, we did give you notice.

They may say: No, you did not.

The district attorney may say: Yes, we did.

They may say: It was not reasonable notice.

The prosecutor may say: We gave you so many days.

All of these issues ultimately will have to be decided by a court that should be devoting its attention to the proceedings in the case, along with the district attorneys devoting their attention to prosecuting the defendant and not having these collateral issues making their job that much more difficult.

To understand the potential mischief of this constitutional amendment, I think you have to really understand our system and the way it is set up under the Constitution.

The Constitution was mindful of the inherent problems with a centralized government. Our founding forefathers' experience with a powerful government, with a king, led them to decide we would have a federal system whereby the States would have certain rights. They decided against a national police state. We have certain defined Federal responsibilities with regard to law enforcement. But there is no inherent police authority in the Constitution for the Federal Government. The basic police authority is out in the States. We do not want a national police force in this country or a centralized policing authority for every kind of crime that might occur. Murder, robbery, rape, burglary—those are crimes that are handled at the State level.

Mr. President, 95 percent of the offenses in this country are prosecuted at the State level, not the Federal level. That is not the Federal Government's business. Absent the relatively few truly Federal criminal cases that we have, these State offenses are prosecuted at the State level. They are prosecuted by district attorneys and assistant district attorneys all over the country. They are given a good deal of discretion as to how they handle these cases.

Mind you, in most cases these people are elected officials in their local communities. They have every reason to want to do the right thing. They take an oath to uphold the law. They have an interest in making sure everybody is treated fairly. It does not always happen, but it is a system we are dealing with here. We cannot address every particular instance that might come along. It is a system with which we are concerned.

This is our system. District attorneys decide when to plea bargain. District attorneys have to decide how strong their case is. Only they will know how strong their case is, in making a decision whether to accept a plea bargain.

Sometimes, when you have multiple defendants, district attorneys have to make a decision to make a deal with one defendant for more lenience in exchange for testimony against another defendant. All of these are discretionary things that in our system we give local district attorneys the right to do.

It is basically a system involving two parties; that is, the State, or the people, on the one hand, and the criminal defendants on the other.

What this constitutional amendment would do is change that whole system in many material respects. Instead of having a two-party system, where you have a prosecutor, or the State, or the people, and a criminal defendant, you would now have three parties. You would have the prosecutor, the defendant, and the victim.

At every meaningful stage of the criminal trial, you would have all of these three parties vying for the court's attention to have their interests expressed. It is complicated enough, as anybody who has ever been a prosecutor, an assistant U.S. attorney at the Federal level or assistant district attorney, can tell you.

It is complicated enough when you just have two parties. You are trying to do the right thing. You are trying to prosecute the case. For the person who you believe is guilty, who has been indicted, you are going to bring them to trial. The defendant has not been convicted yet, but you believe they are guilty or you would not be prosecuting them. But you also know the limitations of your case.

You also know how many other defendants there are out there. You also know whether or not this guy you have before you is a small fry or a big fish. You also know there might be a chance of getting to someone bigger.

All those kinds of things you know are very complicated, very difficult. The defendants file motions for continuances. The defendants file motions to suppress evidence, if there is a search warrant involved. There are motions to dismiss and all those kinds of things.

Here we come along with this constitutional amendment and inject a third party into the process, third parties who certainly have an interest in the outcome, third parties who are allowed to attend, third parties who want to see that justice is done. But a constitutional amendment would not just say, let's give these third parties these rights, let's try to do them right, let's try to make sure they have their voices heard; we would, by amendment, put this in the Constitution of the United States, just like the first amendment on free speech or the fifth amendment on due process or the sixth amendment on the right to counsel.

We would elevate the rights of a victim, with whom we are all sympathetic, up there with the prosecutor and the defense in trying to juggle all of this business of giving notice and having a right to be in the courtroom at every stage of the game. The judge is going to have to decide whether or not notice has been given correctly at all the right times, whether or not the right people are in the courtroom. All this new complexity injected in an already complex system.

As well meaning as it is, I think the result of it is going to be, as I said, more complexity, more litigation for people who believe the Constitution has not been followed, that they have not been given the right kind of notice, or they were late for court and they did not get to sit in the courtroom, or something of that nature. It is going to wind up hurting the ultimate interest of victims more than helping.

Under the constitutional amendment, the victim, as we would ultimately define a victim—as I said, it is not going to be that easy in many cases—would have a right to come in and object to a deal the district attorney might want to make.

Only the district attorney may know certain information. For example, let's

say there is a gang involved and you have one cooperative witness. When the victims come in and object to the deal, the district attorney cannot stand up and say, this is the reason we are doing this, because everybody else would hear it. It would compromise possibly another case.

Or if the victim comes in and objects to a plea bargain with a particular defendant, the district attorney cannot get up and say, the reason we did this, Your Honor, is we really do not have much of a chance, and we are lucky to get this. He cannot do that because he may have to, in fact, go to trial. As happens sometimes, the judge is sympathetic and says: We agree with the victim. We are not going to accept this deal.

The district attorney is sitting there, unable to explain it fully on the one hand and then, on the other, having to go to trial, and in some cases, when in States that have such rules, has gone to trial and actually lost the case. So the attorney, instead of getting some punishment for a guilty defendant, has actually had to go to trial and at the trial, you have to prove guilt beyond a reasonable doubt—a high standard of proof—and the defendant walks because they were unable to make the deal that they were trying to make.

Under this amendment, there is a provision that is extremely troublesome; that is, that it becomes a constitutional right for a victim to be in court at all times during the proceeding. In most cases, in just about all States at one time, it was the rule. In fact, they just call it the rule. Every lawyer knows when you are trying a case, you say: Your Honor, I would like to impose the rule. When that happens, all of the other witnesses leave the courtroom because you don't want your witnesses to be hearing other witnesses testify. It might tailor their testimony. If somebody on your side of the case is testifying a certain way about how something happened, it makes sense that it is not in the interest of justice to have the other witnesses sitting there listening to that so when they get on the witness stand, they are not tempted to tailor their testimony and avoid any contradictions that the other side might take advantage of. It is kind of a horn book procedure.

What this amendment would do would say that the victim could sit in the courtroom and listen to all of the other witnesses testify. If the prosecutor decided to put the victim on last, they could listen to every one of the witnesses testify before the victim in the courtroom took the stand. That goes against experience and common sense and common practice for about 200 years in this country. We have to keep in mind that at this stage of the game, this defendant has not been convicted of anything. As angry as we might be at the defendant or as much as we think he might be guilty, we have to remember he hasn't been convicted of anything. In this country, everybody gets a fair trial.

If one of our loved ones was accused of something and we thought the accuser had their own reasons for accusing our loved one and we saw them sitting in the courtroom listening to all the witnesses talk about exactly how this happened and exactly how that happened and then they took the stand and kind of melded all the testimony together to make it all consistent and wrap it up in one big bow, I think we would be concerned about that. The trial judge at least ought to have the discretion of making a determination as to who sits in the courtroom and who does not. The Federal Government does not have any business micromanaging the trial of these lawsuits in every general sessions court in every little town in the country. That is what this constitutional amendment would do.

It would upset the balance we have always had in this country of a prosecutor, a defendant, tried in a State court with local rules. There have always been constitutional provisions the States have to abide by—there is no question about that—free speech, search and seizure, all of that, but we don't have a unitary government, we have a system of federalism whereby States decide these local cases and State judges make those decisions. We come along with a constitutional amendment that creates nine new rights, about 2½ pages of new Constitution, and goes totally away from the concept that we have had for 200 years in this country, the concept of federalism.

I think this proposal is another step down the road toward a Federal takeover of our criminal justice system. For most of America's history, Federal involvement in criminal law was limited to national issues. Yet in this age of mass media and saturation coverage, Congress and the White House are ever eager to pass Federal criminal laws. Chief Justice Rehnquist has said this. To appear responsive to every highly publicized societal ill or sensational crime, the Congress acts in these areas and creates more and more Federal crimes out of what should be State and local offenses.

We have reached the point where nobody really knows how many Federal crimes now exist. Nobody can really calculate them, but we keep piling them on, more and more. We have undoubtedly surpassed an old estimate that we had awhile back of 3,000. A hearing I chaired last year reviewed an American Bar Association task force report from leaders in the criminal justice system who counseled restraint in federalizing crime control.

Justice Brandeis once said:

> Denial of the right to experiment may be fraught with serious consequences to the Nation. It is one of the happy incidents of the federal system that a single courageous State may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.

That is the system we have. States address these issues in different ways. Why should we, as the Federal Government, impose one size fits all on a populace that is not in agreement on exactly what that should be? Why should the States not have the leeway to do what States have always done in our system?

Last but not least, this is a solution looking for a problem for the most part. Every State in the Union has addressed this issue. We have become more mindful that in some cases victims are not getting the attention they need. So every State in the Union has taken a look at this. We think the system works out pretty well. For the most part, our public officials are doing what they are supposed to do.

Some States have gone so far as to change their constitutions. Some States in the middle have passed legislation. But every State, one way or another, has addressed this, doing what States are supposed to be doing, responding to the demands of their local citizens. My State of Tennessee changed its constitution with regard to this. There is absolutely no need for us to federalize this particular area of criminal law.

Finally, my primary concern, besides the ones of upsetting our constitutional framework and system that we have enjoyed in this country for so long, is that—because of the complexity, because of the increased litigation and problems that we can't even anticipate now with a three-party procedure instead of a two-party procedure, questions that will have to be resolved by courts not knowing what kind of delays all this is going to produce and messing up our system and so forth—we will wind up in many cases hurting a victim's interests more than we will help them. As I said from the outset, the victim's primary interest is to make sure that a defendant who is guilty in fact be found guilty in a fair, efficient way that is uncomplicated, uncluttered, and that does not go on forever.

Therefore, I urge that we reject this constitutional amendment. I thank the Chair.

Mr. LEAHY. Mr. President, I compliment the Senator from Tennessee for what he said. He is a very thoughtful Senator with great respect for what the Senate's role is in our whole Federal system. We miss him on the Senate Judiciary Committee. I think that can be fairly said by Senators on both sides of the aisle because of his thoughtful involvement and debate. I note that when he was there, he raised

similar issues. His voice was one that helped shape the debate. I thank him for it. I compliment him for it.

Mr. KOHL. Mr. President, I understand that under the cloture rules, I am afforded 1 hour of debate time. I designate Senator DASCHLE to control my hour.

Mr. GRAMS. Mr. President, I rise today in support of S. J. Res. 3, the proposed constitutional amendment to establish certain rights for victims of violent crime. I am proud to be a cosponsor of this important legislative proposal introduced by Senators KYL and FEINSTEIN.

I have always cherished the basic freedoms established by the United States Constitution. This precious document provides important rights to every American—rights which have encouraged their active participation in the functions of our Republic. For example, the First Amendment encourages free speech and association, while the 19th and 26th Amendments were ratified to protect the voting rights of women and eighteen-year-old citizens.

As we debate the merits of the proposed Crime Victims Constitutional Amendment, I am reminded of the constitutional rights guaranteed to persons accused of crime. These include the right: to a speedy and public trial by jury; to know the nature of the accusation; to confront witnesses; to counsel; and rights against excessive bail, fines, or cruel or unusual punishment. These rights promote the involvement of the accused in court and should not be diminished by Congressional action.

In recent years, Congress has enacted legislation that seeks to establish certain rights for victims of crime, including the 1990 Victims Rights and Restitution Act, which required federal law enforcement agencies to make their best efforts to ensure that crime victims are treated with fairness and respect. Most recently, we enacted the Mandatory Victims Restitution Act of 1996 and the Victims Rights Clarification Act of 1997, which sought to allow crime victims to observe court proceedings even if they were expected to testify during the sentencing hearing. Additionally, all fifty states now have either constitutional amendments or statutes that seek to protect the rights of crime victims.

Despite these efforts by Congress and the States, I am very concerned that the United States Constitution does not protect the rights of victims and promote their involvement in the criminal justice process. In my view, the Crime Victims' Rights Amendment is the most effective way to address the current imbalance between the rights of defendants and victims within the Constitution. As a constituent from St. Paul recently wrote, the proposed amendment will, ''Prevent victims from being victimized twice. First, by the crime, then by the judicial system when they learn that those accused have all the rights.'' These concerns are shared by the Department of Justice, constitutional scholars, and various victim advocates such as the National Center for Missing and Exploited Children.

The proposed constitutional amendment to protect the rights of crime victims is not a new concept. As my colleagues may know, it was first recommended in 1982 by President Reagan's Task Force on Victims of Crime. Since its initial introduction during the 104th Congress, Senators KYL and FEINSTEIN have worked tirelessly to improve this proposal and preserve the rights of defendants and the authority of prosecutors. Importantly, the Crime Victims' Rights Constitutional Amendment received strong, bipartisan support upon its passage by the Senate Judiciary Committee earlier this month.

I would not support a proposal to change the fundamental character of the Constitution or eliminate the basic freedoms that it provides to Americans. However, I also believe that the rights of crime victims are not trivial to the needs of our nation and are worthy of protection under the Constitution. Passing additional laws or state constitutional amendments that may be ignored by federal and state court comes at the expense of those who have fallen victim to violent crime and who expect equal justice from the criminal justice system.

In addition, we must not forget that many crime victims are afraid of being victimized again and face retaliation by criminal offenders. We must ensure that victims feel respected throughout the criminal justice process. I believe establishing certain constitutional rights for crime victims will help to encourage greater reporting of crimes and cooperation with law enforcement. The Crime Victims' Constitutional Amendment would allow for greater participation in the criminal justice system in a manner completely consistent with constitutional amendments that have established a citizen's right to participate in other government processes.

I respectfully disagree with those who suggest that the Crime Victims' Constitutional Amendment conflicts with the principle of federalism. As someone who has worked to maintain the distinction between federal and state responsibility, I am pleased that this amendment provides an appropriate level of flexibility to the States. Specifically, this amendment would allow the States to pass legislation to define ''victims of crime'' and ''crimes of violence.'' It would also allow States to determine the degree of ''reasonable'' notice to public proceedings or the release or escape of a criminal offender that will be provided to crime victims.

Ultimately, it will be three-quarters of the States that must decide whether to consider and ratify this amendment. Passage of this amendment will not impose any rights upon the States without careful and lengthy consideration by the State legislatures. In fact, this amendment has been endorsed by 49 of our nation's Governors, the elected officials who are most concerned about unnecessary federal mandates being imposed upon the States. Additionally, the Congressional Budget Office (CBO) has indicated that this amendment will not impose additional costs upon the States.

I also understand the concerns of those who suggest that the Crime Victims' Rights Amendment will disadvantage defendants during court proceedings. However, the amendment does not deprive the accused of any of their constitutional rights. It would ensure respect and basic fairness for crime victims through a constitutional right to be notified of court proceedings; to attend all public proceedings; to be heard at crucial stages in the process; to be notified of the offender's release or escape; to consideration for a trial free from unreasonable delay; to an order of restitution; to have the safety of the victim considered in determining a release from custody; and to be notified of these basic rights.

In proclaiming the first ''Victims Rights Week'' in 1981, President Reagan stated, ''For too long, the victims of crime have been the forgotten persons of our criminal justice system. Rarely do we give victims the help they need or the attention they deserve. Yet the protection of our citizens—to guard them from becoming victims—is the primary purpose of our penal laws. Thus, each new victim personally represents an instance in which our system has failed to prevent crime. Lack of concern for victims compounds that failure.''

Mr. President, I firmly believe that the Crime Victims' Rights Amendment will help to restore public confidence in the criminal justice system and give crime victims the protection they deserve. The high number of crime victims in our society underscores the need to pass this amendment and send it to the States for their careful consideration. I urge my colleagues to support passage of this important public safety initiative.

Mr. MOYNIHAN. Mr. President, as the Senate once again considers an amendment to the United States Constitution, this time to protect the rights of crime victims, I ask that George Will's column from Sunday's Washington Post be printed in the RECORD in its entirety. He offers a well-reasoned analysis of the concerns the proposed amendment raises.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Washington Post, April 23, 2000]

(By George F. Will)

TINKERING AGAIN

Congress's constitutional fidgets continue. For the fourth time in 29 days there will be a vote on a constitutional amendment. The House failed to constitutionalize fiscal policy with an amendment to require a balanced budget. The Senate failed to eviscerate the First Amendment by empowering Congress to set ''reasonable limits'' on the funding of political speech. The Senate failed to stop the epidemic of flag burning by an amendment empowering Congress to ban flag desecration. And this week the Senate will vote on an amendment to protect the rights of crime victims.

Because many conservatives consider the amendment a corrective for a justice system too tilted toward the rights of the accused, because liberals relish minting new rights and federalizing things, and because no one enjoys voting against victims, the vote is expected to be close. But the amendment is imprudent.

The amendment would give victims of violent crimes rights to ''reasonable'' notice of and access to public proceedings pertaining to the crime; to be heard at, or to submit a statement to, proceedings to determine conditional release from custody, plea bargaining, sentencing or hearings pertaining to parole, pardon or commutation of sentence; reasonable notice of, and consideration of victim safety regarding, a release or escape from custody relating to the crime; a trial free from unreasonable delay; restitution from convicted offenders.

Were this amendment added to the Constitution, America would need more—a lot more—appellate judges to handle avalanches of litigation, starting with the definition of ''victim.'' For example, how many relatives or loved ones of a murder victim will have victims' rights? Then there are all the requirements of ''reasonableness.'' The Supreme Court—never mind lower courts—has heard more than 100 cases since 1961 just about the meaning of the Fourth Amendment's prohibition of ''unreasonable'' searches.

What is the meaning of the right to ''consideration'' regarding release of a prisoner? And if victims acquire this amendment's panoply of participatory rights, what becomes of, for example, a victim who is also a witness testifying in the trial, and therefore, not entitled to unlimited attendance? What is the right of the victim to object to a plea bargain that a prosecutor might strike with a criminal in order to reach other criminals who are more dangerous to society but are of no interest to the victim?

Federalism considerations also argue against this amendment, and not only because it is an unfunded mandate of unknowable cost. States have general police powers. As the Supreme Court has recently reaffirmed, the federal government—never mind its promiscuous federalizing of crimes in recent decades—does not. Thus Roger Pilon, director of the Center for Constitutional Studies at the Cato Institute, says the Victims' Rights Amendment is discordant with ''the very structure and purpose of the Constitution.''

Pilon says the Framers' ''guarded'' approach to constitutionalism was to limit government to certain ends and certain ways of pursuing them. Government, they thought, existed to secure natural rights—rights that do not derive from government. Thus the Bill of Rights consists of grand negatives, saying what government may not do. But the Victims' Rights Amendment has, Pilon says, the flavor of certain European constitutions that treat rights not as liberties government must respect but as entitlements government must provide.

There should be a powerful predisposition against unnecessary tinkering with the nation's constituting document, reverence for which is diminished by treating it as malleable. And all of the Victims' Rights Amendment's aims can be, and in many cases are being, more appropriately and expeditiously addressed by states, which can fine-tune their experiments with victims' rights more easily than can the federal government after it constitutionalizes those rights.

The fact that all 50 states have addressed victims' rights with constitutional amendments or statutes, or both, strengthens the suspicion that the proposed amendment is (as the Equal Rights Amendment would have been) an exercise in using—misusing, actually—the Constitution for the expressive purpose of affirming a sentiment or aspiration. The Constitution would be diminished by treating it as a bulletin board for admirable sentiments and a place to give special dignity to certain social policies. (Remember the jest that libraries used to file the French constitution under periodicals.)

The Constitution has been amended just 18 times (counting ratification of the first 10 amendments as a single act) in 211 years. The 19th time should not be for the Victims' Rights Amendment. It would be constitutional clutter, unnecessary and, because it would require constant judicial exegesis, a source of vast uncertainty in the administration of justice.

MORNING BUSINESS

Mr. THOMPSON. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

85TH ANNIVERSARY OF THE 1915 GENOCIDE OF THE ARMENIAN PEOPLE BY THE TURKISH GOVERNMENT

Mr. ABRAHAM. Mr. President, I rise today to commemorate the 85th anniversary of the 1915 Genocide of the Armenians by the Turkish Government. As so many of you are aware, between 1915 and 1923 more than one and a half million Armenians perished from atrocities committed against them. Yet the brave Armenian people persevered.

As the grandson of Lebanese immigrants, I am, of course, very familiar with the historic ties that have bound Armenians to the Lebanese. We have sheltered and strengthened one another in time of need. As peoples we have become close because the experience of being forced from one's home and homeland is not new to either of us.

Through mass deportations, starvation, disease, and outright massacres, Armenians have carried their heads high, as they carried on their way of life or carried their culture to new lands. The strength and pride in Armenian heritage have kept alive the memory of those who perished in the genocide. I rise today to pay tribute to that strong, proud heritage.

As a constant symbol of the strength and perseverance through which oppressed peoples survive, the Armenian genocide must serve as a reminder that we must never forget the atrocities of the past, lest they be repeated.

The Senate Immigration Subcommittee, which I chair, recently held hearings on the status of Albanian refugees in Kosovo. I must say that I was impressed with the strength and faith of these people in the face of the great hardships visited on their people. And I was reminded of another people ''cleansed'' from its homeland by brutal invaders.

But too few Americans are in a position to make that comparison. In the 85 years since the massacre of Armenians began, another great crime has been committed—the crime of keeping the truth from the world.

This was a crime against all people, because it denied them the lessons to be learned from that tragic tale. But most of all it was a crime against all Armenians, alive and dead. For even the dead have at least one right—that of having their story told.

The 1.5 million Armenians who died deserve to have the truth of their suffering known. Only when we know the horror that they went through can we comprehend the gravity of the crime. Only then will the rights of the dead be fulfilled. This is why we must make sure younger generations understand what happened and ensure that it never happens again.

Eighty-four years ago the world had the opportunity to prevent the Armenian holocaust. But the world did not act. While there was much talk, there was no real help for the Armenians. If only we had known then that tyranny must be opposed early and steadfastly, perhaps this and future acts of genocide could have been prevented.

But the world does not learn easily. Even today, massacres take place around the world, with people murdered not for what they have done but for whom they are.

And we must wonder about the final goals of those who continue the blockade of Armenia and Nagorno Karabagh. We must make known to the world our opposition to such policies. We must fight to defend Section 907, cutting off American aid to those enforcing the embargo. And we must not allow the lure of cheap oil from the Caspian, an illusion, really—lead us away from the path of truth and justice.

To do justice to the memory of those who died we must see to it that justice is done to the living, to those who survived them. That means doing justice to Armenia, as well as to Armenians and other refugees.

Today, I would like to join the Armenian-American community in remembering the horrors of the Armenian Genocide. We all would profit by reflecting on the strength of the Armenian people to persevere through this awful period in history.

But today is not only a day to mourn those lost in this genocide but also a day to celebrate the resilience of the people of Armenia as they build a new democracy. Finally freed from communist imperialism, Armenia has quickly become one of the most democratic of the former Soviet Republics and has made great strides to adopt a market economy. I am gratified at the many cultural exchanges taking place between our two nations.

As chairman of the Immigration Subcommittee I also am gratified at all the wonderful examples of success through hard work that have been provided by Armenian immigrants. Such stories make the argument for a kind and open policy toward refugees, victims of latter-day massacres, much stronger.

I salute all Armenians today, I salute their predecessors who suffered so grievously, and I salute their struggle to let the truth be known.

Mrs. FEINSTEIN. Mr. President, yesterday, April 24, marked the 85th anniversary of the beginning of the Armenian genocide. I rise today to acknowledge and commemorate this terrible crime and to help ensure that it will never be forgotten.

On April 24, 1915, the Ottoman Empire launched a brutal and unconscionable policy of mass murder. Over an eight year period, 1.5 million Armenians were killed, and another 500,000 were driven from their homes, their property and land confiscated.

As Americans, we are blessed with freedom and security, but that blessing brings with it an important responsibility. We must never allow oppression and persecution to pass without condemnation. By commemorating the Armenian genocide, we renew our commitment always to fight for human dignity and freedom, and we send out a message that the world can never allow genocide to be perpetrated again.

Even as we remember the tragedy and honor the dead, we also honor the living. Out of the ashes of their history Armenians all across the world have clung to their identity and have prospered in new communities. My State of California is fortunate to be home to a community of Armenian-Americans a half a million strong. They are a strong and vibrant community whose members participate in every aspect of civic life, and California is richer for their presence.

Let us never forget the victims of the Armenian genocide; let their deaths not be in vain. We must remember their tragedy to ensure that such crimes can never be repeated. And as we remember Armenia's dark past, we can take some consolation in the knowledge that its future is bright with possibility.

Mr. LEVIN. Mr. President, I rise today to commemorate the 85th Anniversary of the Armenian Genocide. Each year we need to remember and honor the victims, and pay respect to the survivors we are blessed to have with us today.

During the 8-year period from 1915 to 1923, approximately 1.5 million Armenians were killed and hundreds of thousands were driven from their homes. April 24, 1915 serves as a marking point for the government-orchestrated carnage that took place under the Turkish Ottoman Empire. On this date, over 5,000 Armenians were systematically hunted down and killed in Constantinople. This number includes some 600 Armenian political and intellectual leaders who were taken to the interior of Turkey and systematically murdered.

A Polish law professor named Raphael Lemkin was the first to call the atrocities committed upon the Armenian people during period of 1915 to 1923 the ''Armenian Genocide.'' Lemkin is also credited with coining the word ''genocide'' and making genocide a crime under international law. In 1939, Professor Lemkin escaped Poland during the Nazi invasion. Lemkin would ultimately lose 49 members of his family during the Holocaust. Until his death in 1959, Lemkin worked for the adoption of the U.N. Convention on the Prevention and Punishment of the crime of Genocide, which was ratified by the United States in 1988. Through this individual, these dark periods of Jewish and Armenian history have been joined in the important cause of remembrance.

Each year we vow that the incalculable horrors suffered by the Armenian people will not be in vain. That is surely the highest tribute we can pay to the Armenian victims and a way in which the horror and brutality of their deaths can be given redeeming meaning. I ask my colleagues to join me in remembering the Armenian Genocide.

FAIR PAY FOR LOW INCOME WORKERS

Mr. KENNEDY. Mr. President, as we continue to wage our ongoing battle in Congress for a fair increase in the minimum wage for millions of workers across America, it is important to understand that low-income workers in all parts of the country are doing all they can themselves to obtain fair increases in pay from their employers.

One of the most important examples in recent weeks has been the strike by janitors in Los Angeles, who were seeking a long overdue reasonable increase in wages during this time of remarkable prosperity for most Americans.

At the beginning of last week, an excellent column by respected journalist David S. Broder appeared in The Washington Post and many other newspapers across the country, calling national attention to the strike, and emphasizing the issues of fundamental fairness at the heart of this dispute. Mr. Broder noted recent reports of the lavish salary and bonus packages totaling millions or even tens of millions of dollars a year available to the top executives of major firms across the country, and he compared these extraordinary benefits with the low salaries of the janitors in this dispute, whose lives ''are lived on the ragged edge of poverty.''

I had the opportunity to meet with many of the striking workers and their union leaders on a visit to Los Angeles during the recess, and to express my support for them in their battle and to commend them for their courage.

Fortunately, a tentative agreement on the issues in the strike was reached over the weekend, and a settlement granting a significant pay increase and other benefits was overwhelmingly approved by a vote of the workers yesterday. The President of the local union called the agreement ''the beginning of a new era for organized labor.''

Justice for these janitors means progress toward justice for all working men and women across America. Their cause was just, and because of timely and important articles like David Broder's, more and more people across America are becoming aware of these fundamental issues and their extraordinary importance for our society.

I commend Mr. Broder for his eloquent analysis and insight, and I ask unanimous consent that his column in The Washington Post on April 16, entitled ''Of Janitors and Billionaires,'' be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Washington Post, April 16, 2000]

OF JANITORS AND BILLIONAIRES

(By David S. Broder)

LOS ANGELES—The janitors on strike at the office buildings near the downtown hotel where I stayed for a couple days last week were the most polite picketers I have ever seen. The largely Latino groups of men and women standing on the plaza from which several of the city's highest office towers rise greeted visitors with elaborate courtesy and seemed genuinely grateful when anyone accepted one of their handouts explaining why they had stopped using their brushes and brooms.

It was about money, they said, about struggling to support their families and themselves at a pay scale ranging from $7 to $8 an hour—about $300 a week before taxes.

The Service Employees International Union, representing about 8,500 janitors, called the strike to back up its demand for raises of $1 an hour each year for the next three years. If granted, that would allow members of these overnight crews to make the magnificent sum of about $21,000 a year in 2003.

The janitorial service companies that have contracts with these towering buildings, filled with banks, law firms and corporate offices, were counter-offering raises of about one-third that size, also spread over three years.

This is part of the overlooked reality of this era of record prosperity—a story that receives far less attention in the press and on television than the gyrations of the Nasdaq. Understandably so, for the Nasdaq determines the value of the stock options held by the high-tech millionaires who are the ''masters of the universe'' in the new economy, the stars whose spectacular success draws envious glances from those Americans who cannot imagine enjoying such riches, unless they hit the lottery or have a spectacular run of luck on one of the TV game shows.

As Shawn Hubler, a Los Angeles Times columnist, noted last week, ''the janitors' strike . . . has brought to the surface something deeply resonant about the lives, now, of all 1.3 million of the region's working poor.'' Hubler described how the janitors arrive to begin their tedious, wearying chores just after most of the tenants have left the building, and how she watched one late-working executive push open the door to a freshly cleaned bathroom, with nary a nod of acknowledgment to the woman janitor who had her equipment cart just a few feet away. ''There is a dimension now,'' Hubler wrote, ''in which whole human beings can be rendered invisible, just erased.''

Ralph Ellison described the phenomenon as experienced by black folks in his novel of the last generation, ''Invisible Man.'' But we imagine we have become more sensitive, more aware in our time. Not so. There are millions of people whose work makes our life easier, from busboys in the restaurants we patronize to orderlies in the hospitals we visit, but whose own lives are lived on the ragged edge of poverty. Most of us never exchange a sentence with these workers.

Meanwhile, the rich get steadily richer. The wall Street Journal, not exactly a radical publication, printed its annual survey of executive pay on April 6. Reporter Joann S. Lublin cited a study of 350 major firms, conducted by William M. Mercer Inc., a New York compensation consulting firm. It found that the median salary and bonus package for the top executives of those firms in 1999 was $1,688,088. That's about $120,000 higher than it was in 1998 and just about what 80 of the striking janitors combined would make three years from now—if they got what they are asking. But it's only one-hundredth as much as the $170 million in salary, bonuses and stock options the highest-paid executive in the survey, L. Dennis Kozlowski of Tyco International, made in 1999.

How do you justify those extremes? the Journal quotes Jeffrey D. Christian, head of a Cleveland executive recruiting firm, as explaining that the business heads he meets ''all want the same opportunity for extreme wealth creation and legacy creation as their dot-com counter-parts. It's billionaire envy.''

Another article in the special section—and remember this is the Wall Street Journal, not Mother Jones—reported about the increasing use of bonus guarantees to recruit or retain executives. One boss named Thomas Evans ''will collect as much as $10 million if his vested stock options would yield a profit of less than that by August 2002,'' the Journal said. And then there are the sweetheart deals, in which outside directors on a firm's compensation committee grant lavish salary increases or stock options to the CEO, who in turn arranges lucrative consulting contracts for those same directors.

It's doubtful many of the striking janitors have read the Journal's special section. If they did, they wouldn't be quite so polite.

NATIONAL READING PANEL

Mr. COCHRAN. Mr. President, on April 13, 2000, the Senate Appropriations Subcommittee on Labor, Health and Human Services and Education received the report of the National Reading Panel. The subcommittee also heard testimony from Dr. Duane Alexander, Director of the National Institute of Child Health and Human Development; Dr. Kent McGuire, Assistant Secretary of Education, Office of Educational Research and Improvement; and Dr. Donald N. Langenberg, Chairman of the National Reading Panel and Chancellor of the University System of Maryland.

The National Reading Panel was created as a result of legislation I introduced in 1997, titled the ''Successful Reading Research and Instruction Act.'' Subsequently, the report accompanying the Fiscal Year 1998 Labor, Health and Human Services, Education and Related Agencies Appropriations Act called on the National Institute of Child Health and Human Development and the Department of Education to form a panel to evaluate existing research on the teaching of reading to children, identify proven methodologies, and suggest ways for dissemination of this information to teachers, parents, universities and others.

I was convinced at the time that there was an absence of consensus on a national strategy for teaching children to read. Meanwhile, we had statistics which showed that 40 to 60 percent of elementary students were not reading proficiently and there seemed to be no plan to help remedy the situation.

The Health Research Extension Act of 1985 had mandated research on why children have difficulties learning to read. The National Institute of Child Health and Human Development had conducted this research and in 1997, they had some answers. However, Congress hadn't asked for the results and the information was literally trapped in the academic and research world.

Since 1997, we've made some progress. Today more people know that reading research exists, but very few of us are able to decipher what it means, or how to translate it into meaningful practice.

Mr. President, what most parents want to know is simple, ''How can I make sure my child will learn to read?'' Until now, the response to that question was often vague, and the so-called ''expert'' or ''research based'' methods were conflicting. Consequently, there is a great deal of confusion among parents, teachers and school administrators about improving reading skills of children. Meanwhile, the Federal government has spent nearly $100 million on programs which one researcher described as, ''at best, it shouldn't hurt.''

The National Reading Panel identified over 100,000 studies on a variety of topics related to reading instruction. It held regional hearings to receive testimony from teachers, parents, students, university faculty, educational policy experts and scientists who represented the population that would ultimately be the users of its findings. The panel used the information from these hearings and their preliminary research to identify five topics for intensive study: alphabetics; fluency; comprehension; teacher education and reading instruction; and computer technology and reading instruction.

The panel then narrowed its review to materials which met a defined set of rigorous research methodological standards. It is the development of these standards which the panel describes as ''what may be its most important action.'' By finding successful techniques that meet the same kind of scientific review that are used to test medical treatments, the panel presents its recommendations with a confidence that has never before been applied to the teaching of reading.

One of the National Reading Panel's objectives was to ensure that good research results were readily available. On April 13, the report was sent to every Senator and Member of Congress. Within the next few weeks, the report and supporting documentation will be delivered to state education officials, colleges and universities, and public libraries. A long-term strategic plan that will address wider dissemination and classroom implementation will be ready by next fall. It is my hope that the report of the National Reading Panel will guide us in making informed decisions on reading issues.

I commend the efforts of the National Reading Panel and I hope educators will implement their recommendations and use the new teaching methods and programs outlined in the report.

ROLE OF INTERNATIONAL ATOMIC ENERGY AGENCY IN COUNTERING PROLIFERATION OF NUCLEAR WEAPONS

Mr. AKAKA. Mr. President, this week the sixth Nonproliferation Treaty Review Conference opened in New York.

At the last conference five years ago countries agreed to extend indefinitely the treaty. I recently introduced, along with Senators BAUCUS, KERRY, ROTH, BINGAMAN, KERREY, KOHL, and SCHUMER, Senate Concurrent Resolution 107, expressing support for another successful review conference. A similar bipartisan resolution will be introduced in the House. I hope my colleagues on the

Foreign Relations Committee will consider this resolution as quickly as possible.

Some delegates to the conference have suggested that the United States is not as strongly committed as it once was to arms control, citing as examples the Senate failure to ratify the Comprehensive Test Ban Treaty (CTBT) and Administration negotiations with the Russians to modify the Anti-Ballistic Missile Treaty. I wish, as do many of my distinguished colleagues, that the CTBT had been ratified. I hope that it will be. Nevertheless, I believe all my colleagues, regardless of their position on this issue, share a strong and abiding interest in pursuing arms control agreements and making the world more secure from threats from weapons of mass destruction.

As Secretary of State Madeleine Albright observed in her address to the delegations to the conference ''the United States is part of the international consensus on nuclear disarmament.'' We have taken considerable steps with our allies to reduce our nuclear weapons arsenal and have made a commitment to further reductions with the Russians.

I share the United Nations Secretary General Kofi Annan's concern—expressed at the Review Conference—that ''nuclear conflict remains a very real and very terrifying possibility at the beginning of the 21st century.'' The nuclear weapons testing by India and Pakistan in 1998 are added reasons to be worried.

Equally disturbing are reports that Iran is still pursuing secretly a nuclear weapon and long range missile program. While we develop a national missile defense program to protect us against limited attacks, we must strengthen those arms control regimes which help to contain the spread of weapons systems to states who may wish to harm us.

One of the steps that the United States and other states can take is to strengthen the International Atomic Energy Agency (IAEA). The Nonproliferation Treaty (NPT) made the IAEA safeguards system the verification arm of the NPT. While the IAEA does provide some technical assistance to countries for the peaceful use of nuclear technology, it also inspects the nuclear inventories of non-nuclear weapon members of the NPT to ensure there are no diversions to weapons use.

The Gulf War disclosed for the first time an Iraq nuclear weapons program which was being carried out despite IAEA inspections. This disclosure provided new impetus to strengthening the IAEA inspection system. The IAEA has developed a strengthened safeguards program which consists of more intrusive and aggressive inspections. The agency also proposes a new inspection protocol giving its inspectors more authority to collect information. Some 46 countries have signed the protocol which the United States helped develop.

But the increase in membership in the IAEA and the strengthened inspection system has meant more demands on IAEA inspectors and facilities. I asked the Congressional Research Service to prepare a brief on the IAEA to explain its new functions. Zachary Davis, CRS's Specialist in International Nuclear Policy, is to be commended for his work on this subject. I urge my colleagues to read his analysis—''Nuclear Weapons: Strengthening International Atomic Energy Agency Inspections.'' I ask unanimous consent that it be printed in the RECORD in full, following my remarks. The IAEA deserves our full support and the NPT Review Conference deserves our full attention. Again, I urge my colleagues to express their support by co-sponsoring S. Con. Res. 107.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NUCLEAR WEAPONS: STRENGTHENING INTERNATIONAL ATOMIC ENERGY AGENCY INSPECTIONS

(By Zachary S. Davis, Specialist, International Nuclear Policy Resources, Science and Industry Division)

SUMMARY

The International Atomic Energy Agency (IAEA) is an international organization established to achieve two goals. First, it operates an international inspection system to provide assurances that nuclear materials and technology in use for civilian purposes are not diverted to make nuclear weapons. Second, the IAEA provides assistance in civilian applications of nuclear technology for energy, agriculture, medicine and science. The IAEA is strengthening its inspection system to cope with countries such as Iraq and North Korea that established covert nuclear weapons programs and refused to cooperate with inspections, despite their membership in the Nonproliferation Treaty.

The strengthened safeguards system provides IAEA inspectors with greater access to a wider range of nuclear activities. New technologies will improve inspectors' ability to detect undeclared nuclear activities. A new protocol to the standard IAEA inspection agreement gives inspectors more information and access. However, these improvements will require additional resources from member states. This report outlines the IAEA mission and describes efforts to improve it. It will be updated as events merit.

BACKGROUND: IAEA INSPECTIONS AND THE ''NUCLEAR BARGAIN''

The IAEA was established in 1957 as part of President Eisenhower's Atoms for Peace program to provide independent assurances that the spread of civilian nuclear technology did not also promote the spread of nuclear weapons. Exporters of nuclear technology such as the United States asked the IAEA to apply safeguards on nuclear technologies, such as reactors, and materials, such as nuclear fuel, to make sure that the purchasers did not use them to make nuclear weapons. The IAEA gained new responsibilities in 1970 when the Nonproliferation Treaty (NPT) designated the IAEA safeguards system as the global verification mechanism for the NPT. The Agency also provides technical assistance for countries to use nuclear technology for energy, medicine, agriculture, and scientific research. The balance between technical assistance and nuclear safeguards is often referred to as the ''nuclear bargain:'' in return for receiving civilian nuclear technology, recipient nations agreed to international safeguards.

Organization. The Director General of the IAEA is Mohomed ElBaradei, a U.S.-trained, Egyptian diplomat who served many years as head of the IAEA legal department. The main policy-making body is the Board of Governors, which has 35 members, including states with advanced nuclear programs. The General Conference of all 131 members meets annually to debate Agency positions, programs and priorities.

Inspections Based on Inventories, Not Risk of Diversion. All non-nuclear weapon members of the Nonproliferation Treaty agree to allow the IAEA to inspect their nuclear inventories. Each country provides an initial declaration and regular reports on its inventory, which the IAEA then inspects on a regular basis. The amount of inspection efforts is determined by how much nuclear material a country has. Under this formula, countries with large civil nuclear programs such as Japan, Germany, South Korea, and Canada receive the most attention, while countries possessing much smaller amounts of nuclear material such as Iran and Iraq receive much less attention.

The Agency's members and its founding statutes do not allow it to shift inspection resources from currently trusted countries that possess large amounts of nuclear material, such as Japan, to focus on countries with small but growing nuclear programs that are considered to be proliferation risks, such as Iran. One way to address this problem is through across-the-board increases in the Agency's global inspection system, although IAEA members have insisted for many years on maintaining a zero-growth budget.

Weapons States and Non-NPT Members. The five legally recognized nuclear weapon states (Britain, France, China, Russia, United States) are not obligated to accept inspections, but in practice do allow some access to some facilities on a voluntary basis. Nearly all non-weapon states that possess nuclear capabilities accept comprehensive safeguards. Only a few countries (India, Israel, Pakistan, Cuba) have not joined the NPT, but even these are members of the IAEA and accept safeguards at selected facilities.

Numbers of inspections. The IAEA conducts thousands of inspections annually. In 1998 the Agency performed 2,507 safeguards inspections at 897 facilities and other locations worldwide. At the end of 1998, 222 safeguards agreements were in force in 138 states (and Taiwan). This includes safeguards agreements with 126 states pursuant to the NPT. (The NPT has 187 member states, but many of these are developing countries that do not posses nuclear material or facilities that need to be inspected.) The quantities of nuclear materials and numbers of facilities under IAEA safeguards are growing steadily. As a result of growing stocks of nuclear materials, IAEA resources are being stretched thinner and may not keep pace with this growing demand.

SUCCESSES AND FAILURES

A few NPT member states have violated their obligations and diverted civilian nuclear technology and materials to covert weapons programs.

Iraq. Iraq was a party to the NPT for many years, but used its civil nuclear program to disguise an extensive nuclear weapons program. IAEA inspectors did not learn the full nature and extent of Iraq's nuclear weapons program until the Gulf War, when Allied forces attacked many undeclared nuclear installations. After the war, the United Nations Security Council created the Special Commission on Iraq (UNSCOM) to account for and eliminate Iraq's nuclear, chemical, and biological weapons and missiles. The IAEA headed the nuclear inspections. Iraq quit cooperating with UNSCOM in 1999; efforts to reestablish inspections in Iraq have been blocked by Russia and France in the Security Council, although IAEA inspectors were allowed to inspect nuclear material remaining in Iraq in January 2000.

North Korea. North Korea acceded to the NPT in 1985, but refused to accept safeguards until 1992. When North Korea finally allowed safeguards inspections, it provided incomplete and contradictory information and then blocked IAEA access to key sites. The IAEA quickly discovered the discrepancies and reported Pyongyang's noncompliance to the United Nations Security Council, which urged North Korea to comply, but took no further action. North Korea refused access and threatened to quit the NPT. Nevertheless, North Korea remains obligated under the NPT to allow IAEA inspections, despite its noncompliance. The IAEA has repeatedly called upon North Korea to comply with its NPT safeguards obligations. Under the 1994 Agreed Framework between the United States and North Korea, the IAEA monitors the shut-down of North Korea's declared nuclear facilities, but is not able to apply full safeguards. However, North Korea must fully comply and allow the IAEA to resolve all outstanding inspection questions before the Agreed Framework can be fully implemented.

Inspections in Iraq and North Korea provide many lessons for strengthening the IAEA safeguards system. Inspections in South Africa after that country declared in 1991 that it had dismantled its 6 nuclear weapons and joined the NPT also helped the Agency learn how to improve its ability to detect hidden nuclear activities and account for undeclared activities such as those possessed by South Africa. Many analysts expect the IAEA to be tested next in Iran, which has a growing nuclear program but denies any interest in acquiring nuclear weapons.

HOW SAFEGUARDS WORK

Each non-weapons member of the NPT signs an agreement with the IAEA authorizing the Agency to keep track of the nuclear materials in the country and provides the IAEA with an inventory of its nuclear materials. IAEA inspectors verify the declared inventories and make periodic visits to make sure all the material can be accounted for. Agency inspectors check records and take samples at reactors, fuel storage facilities, and other nuclear installations to verify the accuracy and completeness of each country's declared inventory. Inspectors take a variety of measurements of nuclear materials to verify their content (see below). The Agency has a laboratory near its headquarters in Vienna, Austria, where samples are analyzed. It also sends samples to approved laboratories in several countries, including the United States, for expert analysis. Inspectors attach seals and tags to critical equipment to detect unauthorized access. The Agency also installs video cameras to monitor activities at nuclear facilities throughout the world.

When questions arise about a country's nuclear inventory, the Agency can request additional information and/or more access to facilities. Normally, additional information can resolve questions. However, in the past, inspectors have not always pressed member states to resolve outstanding issues, and states like Iraq and North Korea have attempted to take advantage of the Agency's disinclination to confront member states about incomplete or incorrect information. Recent improvements in IAEA safeguards, however, are intended to fill gaps and correct past deficiencies.

STRENGTHENED SAFEGUARDS

Since the early 1990s, the IAEA has been upgrading its safeguards system to prevent a repeat of problems encountered in Iraq and elsewhere. Most importantly, the Agency is taking steps to detect undeclared nuclear activities such as found in Iraq. Strengthened Safeguards, formerly referred to as the 93+2 Program, consists of legal, technical, and political measures which are outlined below.

Information. Inspectors rely on information provided by the states themselves, on information collected by the Agency from the states and from open source information, and information provided to the Agency by member states. Prior to the Gulf War, member states had not provided intelligence information to the IAEA. However, the Agency has increasingly received and used intelligence provided by member states, as well as expanding its use of open source information from a variety of sources. Those types of information were critical in detecting discrepancies in North Korea's initial declaration of its inventory of nuclear material and in uncovering the full extent of Iraq's nuclear program. Recently the Agency has begun to use commercial satellite imagery to augment its information data bases.

Access. One problem highlighted by the Agency's failure to detect Iraq's extensive covert nuclear weapon program was the limitations that member states put on its access to facilities. In the past, the IAEA focused almost exclusively on accounting for nuclear material, and did not pay much attention to related equipment and installations. The IAEA has reasserted its authority to gain access to all facilities housing nuclear activities. However, additional authority is needed and would be authorized by the new protocol inspection agreement (see below).

Technology. The Agency is upgrading its inspection equipment with the help of the United States and other member states. Upgrades include new cameras and remote monitoring equipment, more accurate measuring tools, and new methods of detecting minute quantities of nuclear material in soil, water, plants and air that can be collected from numerous locations. The IAEA is also beginning to use commercial satellite imagery to monitor developments at nuclear installations.

Political and Financial Support. The IAEA depends on support from member states to be effective. Contributions to the regular budget are apportioned on the United Nations scale of assessments. Most of the technology and equipment it uses is contributed by members. Its budget is limited and divided among several missions that are popular with certain members, such as nuclear safety and technical assistance. Given its budget constraints, the Agency depends on special voluntary contributions to support programs of particular interest to certain members, including advanced safeguards and arms control.

Enforcement. Even when the IAEA discovers noncompliance, it can only report to the United Nations Security Council. Enforcement is a political decision of the Security Council and its members.

ADDITIONAL SAFEGUARDS PROTOCOL

An important part of the Strengthened Safeguards effort is a new inspection protocol that gives Agency inspectors more authority to collect more information about a wider range of nuclear activities (uranium mining, imports, exports, etc.), to use more intrusive inspection methods, and to expand their access to undeclared activities. The additional information and access is required to reduce the risk of undeclared nuclear activities going undetected, as they did in Iraq.

The United States, which played a primary role in formulating the new inspection protocol, agreed to accept some of the new measures on selected U.S. activities to persuade others to sign it. The four other nuclear weapon states also agreed to sign the protocol and implement it. The United States, as a nuclear weapons state under the NPT, is not obligated to open its facilities for inspection and can exclude any sites it chooses from IAEA inspection. By early 2000, 46 countries had signed the Additional Protocol. The U.S. version of the Protocol will be submitted to the Senate for its consent to ratification before taking effect in the United States.

NEW INSPECTION MISSIONS: EXCESS WEAPONS MATERIALS AND FISSILE MATERIAL CUTOFF TREATY

In addition to the growing number of civil nuclear facilities and growing stockpiles of materials under IAEA safeguards, the IAEA is being assigned new missions to support arms control agreements.

Excess Weapon Materials: The Trilateral Initiative. The United States and Russia each have many tons of excess nuclear weapons materials—highly enriched uranium and plutonium. The stockpiles of excess materials are growing as more nuclear weapons are dismantled under the terms of arms control agreements. The United States and Russia each declared hundreds of tons of weapons materials as excess and asked the IAEA to verify that this material is not reused to make nuclear weapons. The IAEA agreed to work with Russian and U.S. experts to develop a special verification arrangement to allow the Agency to verify the materials without revealing sensitive weapons-related information. The arrangement, called the Trilateral Initiative, is funded by the Departments of Energy and State. The Trilateral Initiative can support arms control agreements such as START II and a proposed START III by providing independent verification that weapons materials are removed from military stockpiles and are not reused for nuclear explosives.

Fissile Material Cutoff Treaty (FMCT). The Clinton Administration proposed negotiating a multilateral treaty to stop further production of highly enriched uranium or plutonium for use in nuclear explosives. Such a treaty would cap the amount of weapons materials, and therefore limit the number of weapons that could be made from existing stocks. The IAEA is widely viewed as the most likely inspection agency for such a treaty. Although an FMCT has broad international support, negotiations are stalled at the Conference on Disarmament, a branch of the United Nations located in Geneva, Switzerland. New funding would be required.

IAEA BUDGET AND BUDGET PROBLEMS

The IAEA annual budget is about $226 million. The budget is divided among several major programs including safeguards, safety,

and technical assistance. Member states' contributions are determined by the United Nations scale of contributions and are combined in the Agency's annual budget. The Agency also receives voluntary contributions from member states targeted to support specific programs or projects.

U.S. Contribution. The United States provides about 25% of the IAEA regular budget. In 1999 the U.S. assessed contribution was $49 million. The United States also provided a voluntary contribution of $40 million, mainly to support activities related to the Strengthened Safeguards System. The United States also provided less than $1 million from the Nonproliferation and Disarmament Fund to upgrade IAEA inspection equipment. U.S. contributions to the IAEA are funded through the State Department's 050 account.

Stretching the Resources. While the members of the IAEA are tasking it with additional responsibilities, many resist providing additional funds to pay for Strengthened Safeguards, expanding inspections, improving nuclear safety, and for new arms control missions such as the Trilateral Initiative. The U.S. practice of paying its dues at the end of the U.S. fiscal year (instead of by calendar year, as requested by the IAEA) puts further strain on the Agency. With stocks of nuclear material growing in many countries, some of which pose proliferation concerns, at some point the IAEA's resources may be stretched so far that the Agency can not fulfill all of its functions. Declining credibility of IAEA safeguards could weaken their deterrent and detection functions and possibly undermine nuclear nonproliferation efforts.

LEGISLATION

Congress has consistently supported the IAEA and has authorized and appropriated funds for the Agency since its inception in 1956. In recent years Congress has continued support for strengthening the safeguards system and through voluntary contributions. However, legislation has also been proposed to withhold portions of the voluntary U.S. contribution to the IAEA to signal displeasure with IAEA programs that benefit particular member states such as Iran and Cuba.

FOR ADDITIONAL READING

IAEA documents are available on their web site: *http://www.iaea.org/worldatom.*

International Atomic Energy Agency, "Safeguards and Nonproliferation," IAEA Bulletin, volume 41, number 4, 1999.

Zachary Davis, International Atomic Energy Agency: Strengthen Verification Authority? CRS Report 97–571, May 1997.

PROTESTS AT IMF-WORLD BANK MEETINGS

Mr. BAUCUS. Mr. President, I rise today to comment on some important events that took place here in Washington last week while many of us were back home meeting with our constituents.

For the past 25 years, we've had an annual Spring ritual in Washington. I'm not referring to the cherry blossoms. Every April, the International Monetary Fund (IMF) and the World Bank hold their joint meeting. Bankers and finance ministers from around the world travel to Washington to talk about the global economy, exchange rates, poverty reduction, and the so-called "international financial architecture."

These are tremendously important subjects. But the talks are highly technical, and the results are shrouded in the vague language of diplomatic communiques. The meetings don't produce startling breakthroughs. For most people they are hard to understand. So the annual IMF-World Bank meetings in Washington have rarely generated much news, and the participants liked it that way.

This year was different. A coalition of activists vowed to descend on Washington to disrupt the meetings. More than 1,700 journalists registered to cover the event. Few of those journalists came to report on IMF discussions of extended funds facilities or economic stabilization criteria. They were hoping for the kind of news that protesters made at last year's WTO meetings in Seattle when they closed the city down.

But those who came to Washington hoping for Seattle-style violence were disappointed. Both the police and the demonstrators are to be commended for that. Those who came here hoping to throw the meetings off track were also disappointed. Unlike the WTO ministerial in Seattle, the IMF meetings did not attract a big crowd of protestors. The labor unions stayed home. The big environmental groups were absent. So the meeting took place pretty much as scheduled, albeit with some inconvenience and no dramatic events. Business as usual.

There was one underlying theme among those who did come: a feeling that international economic institutions undermine the interests of ordinary citizens. I heard that on the streets of Seattle last December, when protestors took aim at the world's main trade body. And I heard it again last week when they focused on the IMF and the World Bank. The demonstrators had no confidence that those institutions are moving in the right direction.

This lack of confidence concerns me greatly. It exists not only here at home, but also in many other countries. I believe that America must lead an effort to restore faith in the economic institutions we have worked so hard to build over the past fifty years, economic institutions that have served our country and our people. The World Trade Organization. The IMF. The World Bank. And we in the Congress should lead that effort.

Look at the evidence here at home. In the trade arena, I've seen a rapid decline in the domestic consensus in favor of open markets. One result is that we've been unable to renew the President's fast track trade negotiating authority. Morever, the lack of a domestic consensus has undermined our ability to lead in the WTO. It has weakened our bargaining power. Other members, especially the EU and Japan, take advantage of our weakened position and resist opening up their markets to the production of American workers and farmers.

In the financial arena, last week's demonstrations showed that Americans are losing faith. They don't think that the IMF and the World Bank serve the needs of the people, especially the most vulnerable here and in other countries. Instead, they believe that the institutions serve the needs of the big and the rich. The IMF and the World Bank stand accused of mismanaging the Asian financial crisis through misguided policies which needlessly lowered the living standards of millions of people, throwing many of them back into poverty. They stand accused of mismanaging the Russian economy.

Are these criticisms justified? It's difficult for Americans to judge. These institutions do not operate in the daylight of public scrutiny. Although they exist on taxpayer funds, they do not hold themselves accountable to taxpayer concerns. America is the biggest shareholder in both the IMF and the World Bank. And the lack of transparency has seriously undermined American public confidence in both the IMF and the World Bank.

Over the past week I've read and heard a number of condescending remarks about the protestors. They've been called naive, poorly informed, misguided. But the concerns they express are real and are shared by many Americans who did not march down Pennsylvania Avenue. We need to take these concerns seriously, because they express a strong undercurrent in American thinking.

In my talks with representatives from the business, environmental and labor communities, I find that strong centrist elements seek practical solutions. We in the Congress can supply the political leadership to firm up this middle ground on the issues of trade and finance, trade and labor, trade and the environment, and restore confidence in the international trade and financial system. It is an important undertaking. America's ability to lead the world into an era of global prosperity benefitting rich and poor alike requires us to firm up and expand the middle ground to reforge our domestic consensus.

U.S. POLICY TOWARD LIBYA

Mr. MACK. Mr. President, I rise today to speak on behalf of Senate Resolution 287, expressing the sense of the Senate regarding U.S. policy toward Libya. It is of grave concern to me that the United States is currently considering a change in its "Travel Ban" policy with Libya, prior to the resolution of the Pan-Am 103 Bombing trial.

Libya is a state sponsor of terrorism and a global agent of instability. Two

Libyan intelligence operatives, with prior terrorist activity convictions, are now on trial for the explosion of Pan Am flight 103 in 1988 and the loss of 270 lives, 180 of them Americans. Libya is engaged in one the most advanced Bio-Chemical efforts in the third world, including the acquisition of delivery vehicles. It has repeatedly engaged U.S. military forces, including an attempted missile attack on U.S. military installations in Italy in 1986.

Taking into account its past behavior, we all agree that Libya has a long way to go to become a member of the family of law-abiding nations. Libya must take concrete actions to provide its sincerity. It must show complete adherence to the Pan Am 103 Judicial Authorities in Hague. If a conviction is reached, Libya must accept responsibility for any court judgement and make full payment to all judgement creditors. It is my sense that Libya must prove its vigilant and sincere cooperation in anti-terrorism efforts.

U.S. policy towards Libya must remain balanced. The ''Travel Ban'' is an important tool and should not be abandoned without clear justification. A verdict is not yet at hand; I urge you to await the conclusion of the Pan Am 103 trial, and calculate our steps from there.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, April 24, 2000, the Federal debt stood at $5,711,905,996,688.11 (Five trillion, seven hundred eleven billion, nine hundred five million, nine hundred ninety-six thousand, six hundred eighty-eight dollars and eleven cents).

Five years ago, April 24, 1995, the Federal debt stood at $4,839,548,000,000 (Four trillion, eight hundred thirty-nine billion, five hundred forty-eight million).

Ten years ago, April 24, 1990, the Federal debt stood at $3,066,631,000,000 (Three trillion, sixty-six billion, six hundred thirty-one million).

Fifteen years ago, April 24, 1985, the Federal debt stood at $1,731,710,000,000 (One trillion, seven hundred thirty-one billion, seven hundred ten million).

Twenty-five years ago, April 24, 1975, the Federal debt stood at $514,446,000,000 (Five hundred fourteen billion, four hundred forty-six million) which reflects a debt increase of more than $5 trillion—$5,197,459,996,688.11 (Five trillion, one hundred ninety-seven billion, four hundred fifty-nine million, nine hundred ninety-six thousand, six hundred eighty-eight dollars and eleven cents) during the past 25 years.

ADDITIONAL STATEMENTS

TUFTS UNIVERSITY COLLEGE OF CITIZENSHIP AND PUBLIC SERVICE

• Mr. KERRY. Mr. President, today I applaud Tufts University for furthering the values of leadership, citizenship, and public service, by founding a University College of Citizenship and Public Service. By creating this new college, Tufts' President, Dr. John DiBiaggio, is fostering an attitude of ''giving back'' to supplement the University's vision that 'active citizen participation' is essential to freedom and democracy.

Tufts has a history of commitment to civic education, having founded the Lincoln Filene Center for Citizenship and Public Affairs over 50 years ago. The largest student organization on the Medford campus is the Leonard Carmichael Society, a community service group, which boasts about 1,000 members. Recently, Tufts has hatched the ''United Leaders for a Better Tomorrow,'' a new student organization that aims to encourage young people to pursue careers in public service. With chapters starting across the country, this group of young leaders seeks to re-enlist those Americans interested in public service in using public office as a vehicle for change.

Tufts University is now renewing its commitment to public service with an entrepreneurial spirit. Tufts is not adding a stand-alone college, composed of its own buildings and faculty. Instead, the university is creating a 'virtual college,' one ''without walls;'' challenging itself to infuse all classroom instruction with the ideas of citizenship and public service.

According to Tufts' President Dr. John DiBiaggio, the tangible impact will mean that a major in child development who is mentoring kindergarten kids in a poor community could also participate in legislative advocacy to improve conditions in that community or, a Tufts student who wants to be a chemist will have an opportunity to measure pollution in nearby waterways, determine the sources of this pollution and then create a local team to clean them up.

The need for a college of public service has never been greater. While Tufts students, Massachusetts residents, and citizens nationwide are volunteering at record rates, voter participation rates continue to fall. Just two stops away on the T's red line, the ''Vanishing Voter Project'' at Harvard's John F. Kennedy School of Government measures the depth of the public's cynicism and apathy towards public service. Last week, according to the Vanishing Voter Project's Voter Involvement Index, only 19% of the American public paid any attention to the Presidential race. In fact, at no time during the Presidential Primaries—one of the most hotly contested races in years—did the number of Americans paying attention to the race rise above 46%. In the world's leading democracy, in an age where limitless information is available at our fingertips, we can do better.

More than ever, it is critical that we restore and maintain civil society. We need voters that are educated and engaged. Tapping the cutting edge of the New Economy's budding e-commerce, Tufts is partnering with eBay founder, Pierre Omidyar. eBay, is now the world's leading person-to-person online trading community. Omidyar's ten million dollar investment in the College of Public Service includes financial aid packages for 24 undergraduates every year, enhanced public and private sector internship opportunities, citizenship-based career workshops, and a senior honors program in civic activism. Mr. President, Tufts University's College of Citizenship and Public Service and its partnership with eBay's Pierre Omidyar illustrates the possibilities provided by technological innovation. The promise of a technology based digital democracy is that billions of people will engage in business, receive their news, and even vote, directly and instantly. Our challenge for this new age is to continue to foster values of public service, community, and citizenship, in order to constantly renew and re-engage our citizenry and our democracy.•

RETIREMENT OF THE CHANCELLOR OF VANDERBILT UNIVERSITY, JOE B. WYATT

• Mr. FRIST. Mr. President, on April 29 the Vanderbilt University community will honor Joe B. Wyatt, who will retire this summer after a long and distinguished career as Chancellor of that prestigious university. I rise today to pay tribute to Chancellor Wyatt. His significant contributions have not only benefitted the Nashville campus, but also have had a very positive impact on the State of Tennessee and, indeed, our entire nation.

Joe Wyatt's tenure as head of Vanderbilt, which extends back to 1982, has been marked by substantial growth at the University: new construction and renovation on campus; tremendous expansion of the renowned Medical Center; major increases in the levels of research grants; and a quantum leap in the university's endowment.

Today, Vanderbilt University and Medical Center is the largest private employer in Middle Tennessee and the second largest in the state. It generates an estimated annual economic impact of more that $2.2 billion to the area. Among the 19,000 Vanderbilt alumni who live in Middle Tennessee are numerous leaders in business, government, law, education and medicine.

And many of these young men and women were handed their diplomas by Joe Wyatt before moving on to make a mark in their chosen fields.

Equally important, Mr. Wyatt's stewardship has been marked by the academic and intellectual growth of the University. He has helped attract a world-class faculty that is consistently recognized nationally and internationally for its research and teaching excellence. In addition, he recognized, earlier than most, the potential impact of new technology on our society and education, and he facilitated the development of research programs that cut across various academic disciplines, reflecting changes in the real world and maximizing the University's academic resources.

Personally, in making my own decision of whether to come to Vanderbilt to join the staff at Vanderbilt University Medical Center as Assistant Professor in cardiothoracic surgery, it was Joe Wyatt's support of a vision of establishing a multi-organ, multi-disciplinary transplant center at Vanderbilt that encouraged me to come back to Nashville. His commitment to seeing that vision become a reality led to the establishment of the Vanderbilt Transplant Center which since that time has served thousands of patients throughout the Southeast.

During Joe Wyatt's 18 years of service at Vanderbilt, the university has evolved steadily from a highly regarded regional institution to a truly national institution, widely known for its excellence in a wide array of undergraduate and graduate fields. Today, it is among the top ranks of research universities in the United States, with a student body that represents all 50 states and more than 90 foreign countries.

Chancellor Wyatt is widely regarded today as a senior statesman of the research university community. His deep commitment to higher education issues is exemplified by his participation in, and leadership of, many national advisory groups and policymaking organizations. For example, he has served the last two years as chairman of the Government-University-Industry Research Roundtable of the National Academy of Sciences. He also is the current chairman of the Universities Research Association and chairs a blue ribbon panel on quality standards for the non-profit organization, New American Schools. In addition, he serves on the Business Higher Education Forum, the Council on Competitiveness and the Advisory Committee of the Public Agenda Foundation.

Mr. President, Joe B. Wyatt has made contributions in many areas, but I think his greatest legacies will be in the following three areas:

First, he has fostered greater communication and cooperation among the three sectors most involved in our nation's unique research enterprise—universities, the federal government and industry.

Chancellor Wyatt is the Chairman of a group at NSF devoted to bringing government, universities and businesses together in a collaborative effort to improve our nation's research effort.

Second, he has promoted increased awareness of the great responsibility of our schools of education to ''teach the teachers'' who prepare America's youth for the challenges of tomorrow.

Chancellor Wyatt supported a controversial provision in the Higher Education Act of 1998 to hold colleges of education accountable for their students' performance as teachers. This provision, and Chancellor Wyatt's deep commitment to improving our nation's colleges of education, will have a lasting impact not just on higher education, but on our entire elementary and secondary school system.

Third, he has generated, through personal example, renewed commitment to volunteer community service by all members of the university community.

Today, Vanderbilt undergraduates are engaged in volunteer programs in unprecedented numbers. It was no accident that, when they recently came to say farewell to Vanderbilt alumni in the Washington, DC, area, Joe and Faye Wyatt spent the day at an inner-city elementary school, working alongside 75 alumni in a reading and storytelling program with local third-graders.

I include for the RECORD an article from the Vanderbilt Register On-Line. The article further details Joe B. Wyatt's many accomplishments over a span of nearly two decades as Chancellor of the University. Throughout this period, he has maintained a sharp focus on two things that really matter . . . two things that are enduring in our society: quality education of our nation's youth and service to the broader community. And he has done so with honor, decency and credibility.

We wish Joe and Faye Wyatt the very best, and give them heartfelt thanks for their service to Vanderbilt University.

The article follows:

JOE B. WYATT, VANDERBILT UNIVERSITY CHANCELLOR, 1982–2000

When Alexander Heard retired in 1982, the board named Joe B. Wyatt to succeed him. As Chancellor, Wyatt sought to place Vanderbilt in the very top tier of American universities.

Wyatt, a Texan, holds degrees in mathematics from Texas Christian University and the University of Texas. He was vice president for administration at Harvard University—and father of a Vanderbilt sophomore—when he was selected as Vanderbilt's sixth Chancellor. As a computer scientist and executive, he brought to the University his concept that information technology is a strategic resource of accelerating global importance in education, research and patient care.

In addition to his influence in technology, Wyatt pushed the University community to unprecedented levels of involvement in volunteer community service. Alternative Spring Break was founded in 1987 by a handful of students with Wyatt's support. In spring 1999, more than 300 undergraduates participated in the program's 22 domestic and three international sites. With funding from the Chancellor's discretionary fund, the non-profit Break Away: The Alternative Break Connection was founded in 1991 by Vanderbilt graduates to help colleges across the country start alternative spring breaks. Today, half of all Vanderbilt undergraduates are engaged in volunteer programs, and the number of service organizations has exploded.

The term ''national university'' has taken on an expanded meaning under Wyatt. He has led a national effort to improve elementary and secondary education in the nation's public and private schools, and at home he has made the Vanderbilt student body the most diverse in history. Students hail from all 50 states and 91 foreign countries. Minority enrollment in Vanderbilt's four undergraduate schools has nearly tripled in the past 10 years. In the fall of 1999, minority students accounted for almost 20 percent of the undergraduate population, as compared to slightly less than 7 percent in 1987, while the overall enrollment has remained fairly constant. Over the same period, the number of minority students in the graduate and professional schools continued to increase.

In 1989, for the first time, Vanderbilt's undergraduate programs were ranked among the top 25 national universities overall in the U.S. News & World Report survey, placing 24th. Vanderbilt continues to be ranked in the top 25, placing 20th in 1999. In U.S. News' 1999 graduate school rankings, Peabody College was ranked sixth among schools of education; the Owen Graduate School of Management was ranked 25th among business schools; the law school was ranked 16th; and the School of Medicine was ranked 16th.

During Wyatt's term as Chancellor, the Medical Center expanded most dramatically, now accounting for more than 70 percent of the University's income and expenses and employing almost half of the full-time faculty, more than half of the part-time faculty, and the majority of staff.

Since 1982, Vanderbilt has acquired or built one-third of the campus—more than four million square feet of mostly new construction. This does not include the one million additional square feet of renovations to existing facilities, and major projects on the drawing board.

Wyatt spent much of the early '90s working with trustees and staff in The Campaign for Vanderbilt, the most ambitious fund-raising effort in the institution's history. This latest campaign, which ended in 1995, raised $560 million. Now, because of the work of Wyatt and others, Vanderbilt has an endowment of $1.8 billion. Its operating budget has grown to $1.3 billion. Sponsored research has more than quadrupled since 1981, from $42 million to $214 million, placing Vanderbilt 33rd among U.S. colleges and universities in federal research and development funding, according to the National Science Foundation.

One of Wyatt's most significant accomplishments as Chancellor has been the improvement in the quality of Vanderbilt's faculty. The criteria for faculty appointment, promotion and tenure have been strengthened twice during his administration, making it clear that excellence in scholarship,

teaching and service are required for all members of the faculty. The number of endowed faculty chairs has increased from 39 in 1982 to more than 100 today, and faculty salaries have continuously increased as well.

On April 23, 1999, Wyatt announced that he would retire as Chancellor in July 2000.●

TRIBUTE TO INNOVATORS IN FIVE VERMONT HIGH SCHOOLS

● Mr. JEFFORDS. Mr. President. I rise today to pay tribute to educators in five Vermont high schools whose collaborative work in school improvement will help high school teachers and administrators across the country understand how to support high school reform. The high schools and their educators include: Montpelier High School—Owen Bradley, David Gibson, and Charlie Phillips; Otter Valley High School in Brandon—Nancy Cornell, Ellie Davine, and Bill Petrics; South Burlington High School—Tim Comoli, Sheila Mable, and Janet Bossange; Essex High School—Kevin Martell, Sue Pasco, and Brian Nelligan; and Mount Abraham High School in Bristol—Tom Tailer, John Vibber, David Royce and Mary Sullivan.

These people are outstanding educators who understand how to build partnerships between the community and school that enrich the experience of their students. All five of these high schools have Professional Development School partnerships with the University of Vermont, collaborating to prepare new teachers and support veteran teachers on behalf of school renewal. Each of them has learned to use local resources to bring high school students into meaningful contact with adults in the surrounding community, making learning a part of life. All five schools are discovering how to link local innovations with the national effort to help all high school students meet high standards of performance. The Northeast and Islands Regional Educational Laboratory at Brown University (LAB), a program of The Education Alliance at Brown University, with the support of the U.S. Department of Education will publish and disseminate a description of their work and the results of the work in The Dynamics of Change in High School Teaching: Instructional Innovation in Five Vermont Professional Development Schools, which will be released this summer. (Clarke, et al, 2000)

The Montpelier Story, a publication excerpted from the book and available now through the LAB, is the story of the success of dedicated educators in collaboration with community partners and other resources in providing new, student-centered learning opportunities to the young people they serve.

At Montpelier High School, Owen Bradley, David Gibson, Charlie Phillips and the entire faculty have redesigned the curriculum to support Personal Learning Plans for each student in the school. Montpelier students use their Personal Learning Plans to select courses and to develop community-based learning projects that help them meet graduation requirements and carry them toward their individual goals in ways that fit their unique talents and aspirations. The work at Montpelier has already inspired schools across Vermont and spilled over the borders to Maine and beyond, where it serves as a model for redevelopment of curricula and advising to increase contact between students and adults.

Under the leadership of Nancy Cornell, Ellie Davine and Bill Petrics formed a team at Otter Valley High School with the purpose of designing a standards-based course for students in the school who needed to understand how geography and local decision making affect land use in Vermont. By giving each student a topographic map of 100 acres in the State and leading them through the process of land-use assessment and planning required by Vermont's environmental laws, they illustrated the application of knowledge and skills in local community development efforts.

Over a period of 15 years at South Burlington High School, Tim Comoli and Sheila Mable, both of the English Department, developed a state-of-the-art media lab that engages students in designing multi-media presentations of professional quality for public service organizations in their community. Development of the media lab provoked a complete revision of the district's technology education plan, creating a model technology program for the State.

At Essex High School, Kevin Martell, Sue Pasco and Brian Nelligan have worked for more than a decade to design and refine an integrated course in history and English that engages students in examining the evolution of human culture from 10,000 BC to the present. By fitting course assignment to the individual learning styles of the students who fill their classrooms, they have been able to create a challenging course in which high school students teach each other, and learn to express their views in a wide variety of media.

Tom Tailer, John Vibber and a host of partners at Mount Abraham Union High School developed a physics unit on Newton's Laws that they expanded over a decade into a simulation of armed, global aggression. Having made ''weapons'' that launch tennis balls over great distances, Mt. Abraham's physics students play out the implications of an unequal distribution of global power on the school's athletic fields, then compare their struggle to current wars and conflicts around the globe. The ''Physics War'' is part of a complete redesign of Mt. Abraham's science curriculum that bases student learning on performance measured against common standards.

Each of these projects demonstrates that high school change occurs when individuals reach across the boundaries that separate them into departments and bureaucratic layers, forming partnerships that empower all participants to learn and grow through shared effort on behalf of a common goal: improved learning for young people.●

RECOGNITION OF NATIONAL ASSOCIATION OF RETIRED FEDERAL EMPLOYEES WEEK

● Mr. THOMPSON. Mr. President, Governor Don Sundquist of the State of Tennessee has proclaimed April 16–22, 2000, as ''National Association of Retired Federal Employees Week'' in order to focus attention on the many accomplishments of Tennessee's retired Federal employees. In recognition of the important public service performed by Federal retirees, I ask my colleagues to join Governor Sundquist and me in acknowledging the contributions retired Federal employees have made to this Nation and their continued dedication to our communities.

Beginning in 1882, a non-partisan civil service system was established granting Federal employees the protections of a merit system, eliminating the spoils system and basing Federal employment decisions on merit rather than political connection. It is in this spirit that Federal employees, over the course of almost 120 years, have served the public interest. Their professional lives have been dedicated to performing and carrying out the responsibilities of the Federal Government.

In an effort to improve the civil service, and in recognition of civil servants' efforts on behalf of the Federal Government, Congress enacted in 1920 the first comprehensive employer-sponsored retirement plan - the Civil Service Retirement System. This system has served the country well since then and its successor, the Federal Employee Retirement System, serves as a benchmark in evaluating pension and retirement plans.

As the chairman of the Senate Governmental Affairs Committee, I can attest to the effectiveness of NARFE members in making the case for equitable retirement and health benefits for the more than two million federal retirees and their survivors.

My State of Tennessee is home to more than 37,000 Federal retirees. These folks, like all federal retirees, served their country through their commitment to public service. Federal retirees deserve our Nation's thanks for the dedication they have shown. I hope all my colleagues will join me today saluting Federal retirees for a job well done.●

THE GREATER DETROIT BUILDING AND CONSTRUCTION TRADES COUNCIL RECEIVES 2000 GENDER AND RACE DIVERSIFICATION EXCELLENCE AWARD

• Mr. ABRAHAM. Mr. President, on May 2, 2000, the Great Lakes Construction Alliance will hold its annual Gender and Race Diversification Excellence Awards dinner. Each year, the G.A.R.D.E. Awards are given to labor owners and contractor organizations which have made significant efforts in improving the recruitment and retention of women and people of color in the unionized construction industry. Each award winner has developed, or engaged in, some substantial program with the goal of furthering opportunities for women and people of color, which is one of the fundamental principles upon which the Great Lakes Construction Alliance was founded.

Nominees are judged by a jury of construction industry representatives. To be considered for the G.A.R.D.E. Award, programs must show documentation, including numbers for minorities and women, of the number of people added to the organization's labor force, and promote quality, acceptable construction practices. Ultimately, the awards are given to those programs which have made significant efforts to improve the recruitment and retention of women and people of color in the unionized construction industry. The recipients of the 2000 G.A.R.D.E. Awards are the Human Rights Department of the City of Detroit, the Greater Detroit Building and Construction Trades Council, and the Comerica Park Construction Management Team.

The Greater Detroit Building and Construction Trades Council, with Barton-Malow acting as program manager, formed twenty construction management teams, which together coordinated over 750,000 hours of service during the Detroit Public Schools Summer Emergency Maintenance Program. 130 minority students, thirty-seven percent of whom were female, participated in the Summer Emergency Maintenance Program. The twenty construction management teams provided these students with the opportunity to work directly with prime contractors in a multitude of capacities, including administrative activities, painting, electrical, mechanical, and plumbing. Students were also assigned a mentor who helped them develop objectives and document their work experiences. The construction management teams also prepared outcome reports, which provided guidance for educators to continue support of the students' interests once the school year began.

Mr. President, I applaud the Greater Detroit Building and Construction Trades Council, and the members of the twenty construction management teams, for their willingness to help these students. Undoubtedly, their efforts had a profound impact on the lives of each and every one of them. Furthermore, this is the type of work that must be done if the revitalization of Detroit is truly to come about. On behalf of the entire United States Senate, I congratulate the Greater Detroit Building and Construction Trades Council on receiving the 200 Gender and Race Diversification Excellence Award.•

THE BATTLE CREEK ENQUIRER HONORS MS. ROBIN TRUMBULL

• Mr. ABRAHAM. Mr. President, I rise today to recognize Ms. Robin Trumbull, whom the Battle Creek Enquirer will present with a George Award Tomorrow evening. These awards are given annually to individuals who ''Don't wait around for George to do it.'' Recipients are recognized for their leadership, and they are usually individuals who have spearheaded projects. Ms. Trumbull is being honored because she is the volunteer founder and president of Amber Alert of Michigan, a nonprofit organization in Battle Creek which works to create an effective communication system between local police and radio stations to immediately alert community members in the event of a child abduction.

The first few hours after an abduction has occurred are the most crucial in recovering the child, and the implementation of this effective emergency broadcast plan has the potential to save the lives of many children. The organization, which started in the Dallas/Fort Worth area in the memory of Amber Hagerman, has since spread throughout the country. It has done so because of the incredible efforts of individuals like Robin Trumbull.

I have had the privilege of working with Ms. Trumbull on this worthwhile cause, and I think I can safely say that all residents of Michigan owe her a debt of gratitude for the work she has done to save children from being abducted, and to help recover those who have been abducted as quickly as possible. Because of her efforts, and her dedication to the children of Michigan, the Amber Alert program has been kicked off successfully.

I applaud Ms. Trumbull for bringing this wonderful program to the State of Michigan. I also applaud the Battle Creek Enquirer for acknowledging her tireless efforts to do so. On behalf of the entire United States Senate, I congratulate Ms. Robin Trumbull on receiving her George Award. I could not imagine a more deserving recipient.•

COMERICA PARK CONSTRUCTION MANAGEMENT TEAM RECEIVES 2000 GENDER AND RACE DIVERSIFICATION EXCELLENCE AWARD

• Mr. ABRAHAM. Mr. President, on May 2, 2000, the Great Lakes Construction Alliance will hold its annual Gender and Race Diversification Excellence Awards dinner. Each year, the G.A.R.D.E. Awards are given to labor owners and contractor organizations which have made significant efforts in improving the recruitment and retention of women and people of color in the unionized construction industry. Each award winner has developed, or engaged in some substantial program with the goal of furthering opportunities for women and people of color, which is one of the fundamental principles upon which the Great Lakes Construction Alliance was founded.

Nominees are judged by a jury of construction industry representatives. To be considered for the G.A.R.D.E. Award, programs must show documentation, including numbers for minorities and women, of the number of people added to the organization's labor force, and promote quality, acceptable construction practices. Ultimately, the awards are given to those programs which have made significant efforts to improve the recruitment and retention of women and people of color in the unionized construction industry. The recipients of the 2000 G.A.R.D.E. Awards are the Human Rights Department of the City of Detroit, the Greater Detroit Building and Construction Trades Council, and the Comerica Park Construction Management Team.

Comercia Park is the new home of the Detroit Tigers. It is a breathtaking, state-of-the-art facility. In my somewhat biased opinion, it is not only the newest, but also the nicest, stadium in the Major Leagues. Its construction would not have been possible were it not for the efforts of the many people who helped to build it. The construction of Comerica Park was a conglomerate effort, which was led by the Construction Management Team of Hunt, Turner, and White, Tigers General Manager John McHale, Jr., and aided by many Detroit City organizations: the Downtown Development Authority, the Minority Business Development Council, the African American Association of Business Contractors, and the Majority Business Initiative.

The Comerica Park project, with the cooperation of the aforementioned individuals and organizations, and also Detroit residents, targeted specific groups for participation in its completion. The program resulted in the participation of 25 percent minority businesses, five percent women-owned businesses, 34 percent Detroit-based businesses, and 25 percent small businesses. Workforce utilization resulted in minorities comprising 38.15 percent of employees constructing the stadium. Women comprised 4.28 percent, and another 30.53 percent were residents of Detroit.

Mr. President, I applaud the diverse group of people who were responsible for the building of Comerica Park. The

stadium stands as a symbol of the hope that I think many Detroit residents now feel for their city. More importantly, all Michigan residents can take pride not only in the final product, but in the production itself. On behalf of the entire United States Senate, I congratulate the Comerica Park Construction Management Team on receiving a Gender and Race Diversification Excellence Award.●

THE WAVERLY WARRIORS WIN THE MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION CLASS A BOYS BASKETBALL CHAMPIONSHIP

● Mr. ABRAHAM. Mr. President, I rise today to congratulate the members of the Waverly Warriors Boys Basketball Team, who defeated Detroit Pershing 75–63 to win the Michigan High School Athletic Association Class A State Championship. This victory brought Waverly High School its first ever state title. More importantly, it brought the entire west side of Lansing together, as it was an experience enjoyed not only by the players on the team, or even the students of the school, but by the entire community.

Coach Phil Odlum's team went 25–2 on its way to capturing the state title. The Warriors were led by seniors Marcus Taylor and Cortney Scott, who will attend, respectively, Michigan State University and the University of Iowa on basketball scholarships in the fall. Seniors Terry Reddick, Melvin White, and Chris Miller rounded out the starting five. These five players were backed by an extremely solid bench, both in the remaining players on the team and in the community support they received.

In the hierarchy of athletic competition, Mr. President, high school athletics represent the last time a community is able to look out onto the playing field, or, in this case, court, and say, ''These are our kids.'' There is an attachment there, and also, I think, a certain level of pride, that cannot be found at higher levels of play. A community can embrace a team as its own because that is what it truly is. And the west side of Lansing did embrace these kids. Clad in bright yellow t-shirts, a large band of Waverly supporters staked a claim on the northernmost side of the Breslin Center in East Lansing, Michigan, and cheered on their Warriors.

This community spirit and support played a large role, perhaps not in the on the court success of the team, but definitely in the overall enjoyment of their accomplishment. I am sure that the championship was made all the more special for the players when their victory lap was halted by a sea of yellow shirts. And for all the students and community members who occupied those yellow shirts, I am sure it was just as wonderful an experience seeing kids that they grew up with, or watched grow up, successfully complete their run for the title. And this, Mr. President, is the aspect of high school athletics that is truly irreplaceable.

Mr. President, I applaud both Lansing Waverly and Detroit Pershing on the completion of very successful seasons. And, on behalf of the entire United States Senate, I congratulate the Waverly Warriors on winning the 2000 M.H.S.A.A. Class A Boys Basketball Championship.●

LATIN AMERICANS FOR SOCIAL AND ECONOMIC DEVELOPMENT, INC., ANNUAL RECOGNITION LUNCHEON

● Mr. ABRAHAM. Mr. President, I rise today to recognize Latin-Americans for Social and Economic Development, Inc., a nonprofit, community based organization which has served Southwest Detroit area individuals and businesses with a variety of social and self-help services for the past thirty-one years. On May 2, 2000, LA SED will hold its annual Recognition Luncheon, an event which provides the organization the opportunity to acknowledge the efforts of outstanding Hispanic citizens of the Detroit community.

It is appropriate that the theme of this year's luncheon is, ''21st Century: Hispanics Count in Detroit's Future.'' Since its founding in 1969, LA SED has been instrumental in ensuring that Hispanic citizens play a large role in the Detroit community. And now, Mr. President, there is finally an excitement about the future of the city of Detroit that has not been evident for quite some time. There is a real feeling that the city's future is going to look brighter than the past. And groups like LA SED, who outwardly display their own optimism for the future of Detroit, and for the integral role that Hispanics can play, and have played, in this picture of success, are a large reason for the excitement.

Mr. President, as Chairman of the Subcommittee on Immigration, it has been my pleasure to hold hearings on the positive contributions immigrants make to this country in areas such as science, the arts, and the armed forces. It was my pleasure to sponsor legislation awarding the Congressional Medal of Honor to Alfred Rascon, a Mexican immigrant who heroically saved the lives of men in his platoon during the Vietnam War. And though I have my critics, their unfounded attacks will have no impact on my defense of America's tradition as a nation of immigrants. Organizations like LA SED illustrate to me everyday that in this regard, I am doing the right thing.

Mr. President, I extend my warmest regards and appreciation to Jane Garcia, chairperson of the luncheon, and also a wonderful friend whom I have had the pleasure of working with over the years. I would also like to acknowledge Mr. Anthony F. Early, President and C.E.O. of Detroit Edison, who will be the keynote speaker of the Recognition Luncheon. Finally, I thank everyone who is involved in making LA SED such a tremendous and effective organization. On behalf of the entire United States Senate, I wish LA SED continued success in the future.●

THE HUMAN RIGHTS DEPARTMENT OF THE CITY OF DETROIT RECEIVES 2000 GENDER AND RACE DIVERSIFICATION EXCELLENCE AWARD

● Mr. ABRAHAM. Mr. President, on May 2, 2000, the Great Lakes Construction Alliance will hold its annual Gender and Race Diversification Excellence Awards dinner. Each year, the G.A.R.D.E. Awards are given to labor owners and contractor organizations which have made significant efforts in improving the recruitment and retention of women and people of color in the unionized construction industry. Each award winner has developed, or engaged in, some substantial program with the goal of furthering opportunities for women and people of color, which is one of the fundamental principles upon which the Great Lakes Construction Alliance was founded.

Nominees are judged by a jury of construction industry representatives. To be considered for the G.A.R.D.E. Award, programs must show documentation, including numbers for minorities and women, of the number of people added to the organization's labor force, and promote quality, acceptable construction practices. Ultimately, the awards are given to those programs which have made the greatest efforts to improve the recruitment and retention of women and people of color in the unionized construction industry. The recipients of the 2000 G.A.R.D.E. Awards are the Human Rights Department of the City of Detroit, the Great Detroit Building and Construction Trades Council, and the Comerica Park Construction Management Team.

In 1998, the City of Detroit's Human rights Department, which is responsible for promoting and enforcing a construction workforce diversity program through its administration of Executive Order 22, recognized an increasing number of construction projects coupled with a shortage of qualified skilled trades people. Their solution to this problem was to implement a Construction Workforce Diversity Program, altering the monitoring guidelines of Executive Order 22. The new guidelines aim at maximizing the number of Detroit residents, minorities, and women in the construction industry while maintaining the quality of

the end product. They have achieved success in this regard through increased enrollment in pre-apprentice and apprentice programs; through the establishment of partnerships with residents, business leaders, trade associations, unions, and ecumenical community city agencies; through the development of an internal information network; and through the review and validation of certified payrolls, skilled trade reports and subcontractor reports.

Mr. President, I applaud the efforts of the Human Rights Department to diversify the City of Detroit's workforce. Their efforts serve as a wonderful example to other agencies in Detroit and throughout the State of Michigan. On behalf of the entire United States Senate, I congratulate the Human Rights Department of the City of Detroit on receiving this year's Gender and Race Diversification Excellence Award.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on April 18, 2000, during the adjournment of the Senate, received a message from the House of Representatives announcing that the acting Speaker (Mr. WOLF) has signed the following enrolled bills and joint resolution:

H.R. 2863. An act to clarify the legal effect on the United States of the acquisition of a parcel of land in the Red Cliffs Desert Reserve in the State of Utah.

H.R. 1615. An act to amend the Wild and Scenic Rivers Act to extend the designation of a portion of the Lamprey River in New Hampshire as a recreational river to include an additional river segment.

H.R. 3090. An act to amend the Alaska Native Claims Settlement Act to restore certain lands to the Elim Native Corporation, and for other purposes.

H.R. 1231. An act to direct the Secretary of Agriculture to convey certain National Forest lands to Elko County, Nevada, for continued use as a cemetery.

H.R. 1753. An act to provide the research, identification, assessment, exploration, and development of methane hydrate resources, and for other purposes.

H.R. 3063. An act to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any one State, and for other purposes.

H.R. 2862. An act to direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange.

H.R. 2368. An act to assist in the resettlement and relocation of the people of Bikini Atoll by amending the terms of the trust fund established during the United States administration of the Trust Territory of the Pacific Islands.

H.J. Res. 86. Joint resolution recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces during such war and for other purposes.

Under the authority of the order of the Senate of January 6, 1999, the enrolled bills and joint resolution were signed subsequently by the President pro tempore (Mr. THURMOND) on April 20, 2000.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported on April 14, 2000, he had presented to the President of the United States, the following enrolled bill:

S. 1287. An act to provide for the storage of spent nuclear fuel pending completion of the nuclear waste repository, and for other purposes.

The Secretary of the Senate reported on April 20, 2000, he had presented to the President of the United States, the following enrolled bills:

S. 1567. An act to designate the United States courthouse located at 223 Broad Avenue in Albany, Georgia, as the "C.B. King United States Courthouse."

S. 1769. An act to exempt certain reports from automatic elimination and sunset pursuant to the Federal Report Elimination and Sunset Act of 1995, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–8524. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation entitled "Coast Guard Authorization Act of 2000"; to the Committee on Commerce, Science, and Transportation.

EC–8525. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation relative to enhanced safety and environmental protection in pipeline transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC–8526. A communication from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation relative to the Management of the DoD and the transfer of naval vessels to foreign countries; to the Committee on Armed Services.

EC–8527. A communication from the General Counsel, Department of Commerce, transmitting a draft of proposed legislation entitled the "National Oceanic and Atmospheric Administration Fees Act of 2000"; to the Committee on Commerce, Science, and Transportation.

EC–8528. A communication from the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Repeal of Dual Compensation Reductions for Military Retirees" (RIN3206–AI92), received April 11, 2000; to the Committee on Governmental Affairs.

EC–8529. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–296, "Tax Conformity Act of 2000"; to the Committee on Governmental Affairs.

EC–8530. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–302, "Management Supervisory Service Exclusion Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC–8531. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–303, "Limited Liability Company Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC–8532. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–304, "Harry L. Thomas, Sr. Recreation Center Designation Temporary Act of 2000"; to the Committee on Governmental Affairs.

EC–8533. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–301, "Performance Rating Levels Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC–8534. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–313, "Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC–8535. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–300, "Retail Service Station Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC–8536. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–299, "Fairness in Real Estate Transactions and Retirement Funds Protection Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC–8537. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–298, "Tax Increment Financing Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC–8538. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–297, "Assisted Living Residence Regulatory Act of 2000"; to the Committee on Governmental Affairs.

EC–8539. A communication from the Office of Postsecondary Educational, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Final Regulations—Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP)" (RIN1840–AC82), received April 20, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8540. A communication from the Office of Legislative Affairs, Department of State,

transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–8541. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–8542. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Egypt; to the Committee on Foreign Relations.

EC–8543. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–8544. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Saudi Arabia; to the Committee on Foreign Relations.

EC–8545. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Germany, the Netherlands, Norway, Denmark, France, Italy, United Kingdom, and the European Space Agency; to the Committee on Foreign Relations.

EC–8546. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Australia; to the Committee on Foreign Relations.

EC–8547. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to French Guiana; to the Committee on Foreign Relations.

EC–8548. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed Manufacturing License Agreement with Japan; to the Committee on Foreign Relations.

EC–8549. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to the Foreign Operations Export Financing and Related Programs Act, 2000, a notification of our intent to obligate funds for purposes of Nonproliferation and Disarmament Fund activities; to the Committee on Foreign Relations.

EC–8550. A communication from the Secretary of Labor transmitting, pursuant to law, the report relative to the processing of cases under the Uniformed Services Employment and Reemployment Act; to the Committee on Veterans' Affairs.

EC–8551. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the report containing the plan of the Department to address each material weakness, reportable condition and noncompliance with an applicable law or regulation identified in the audit of the Federal Housing Administration's fiscal year 1998 financial statements; to the Committee on Banking, Housing, and Urban Affairs.

EC–8552. A communication from the Office of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Utilization of Indian Organizations and Indian-Owned Economic Enterprises'' (DFARS Case 99–D300), received April 12, 2000; to the Committee on Armed Services.

EC–8553. A communication from the Office of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Manufacturing Technology Program'' (DFARS Case 99–D302), received April 12, 2000; to the Committee on Armed Services.

EC–8554. A communication from the Office of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Caribbean Basin Countries'' (DFARS Case 2000–D006), received April 12, 2000; to the Committee on Armed Services.

EC–8555. A communication from the Office of Educational Research and Improvement transmitting, pursuant to law, the report of a rule entitled ''National Awards Program for Effective Teacher preparation—Notice of Eligibility and Selection Criteria'', received April 12, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8556. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rev. Proc. 2000–14'', received April 13, 2000; to the Committee on Finance.

EC–8557. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Bankruptcy Procedure that have been adopted by the Supreme Court; to the Committee on the Judiciary.

EC–8558. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Evidence that have been adopted by the Supreme Court; to the Committee on the Judiciary.

EC–8559. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Civil Procedure that have been adopted by the Supreme Court; to the Committee on the Judiciary.

EC–8560. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Criminal Procedure that have been adopted by the Supreme Court; to the Committee on the Judiciary.

EC–8561. A communication from the Acting Secretary of the Interior, transmitting a draft of proposed legislation relative to waiver and indemnification in mutual law enforcement agreements between the National Park Service and a state or political subdivision; to the Committee on Energy and Natural Resources.

EC–8562. A communication from the Federal Energy Regulatory Commission transmitting, pursuant to law, the report of a rule entitled ''Regulations under the Outer Continental Shelf Lands Act Governing the Movement of Natural Gas on Facilities on the Outer Continental Shelf'' (Docket No. RM00–5–000, Order No. 639), received April 19, 2000; to the Committee on Energy and Natural Resources.

EC–8563. A communication from the Royalty Management Program, Minerals Management Service, Department of the Interior transmitting, pursuant to law, a report of the Department's intention to make refunds of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–8564. A communication from the National Capital Planning Commission, transmitting, pursuant to law, the report of the Office of Inspector General for fiscal year 1999; to the Committee on Governmental Affairs.

EC–8565. A communication from the National Science Foundation, transmitting, pursuant to law, the fiscal year 2000 GPRA Performance Plan; to the Committee on Governmental Affairs.

EC–8566. A communication from the Postal Rate Commission relative to proposed postal rate increases; to the Committee on Governmental Affairs.

EC–8567. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled ''Analysis of the FY 2001 Proposed Revenue Forecast and FY 2000 Revised Revenue Forecast''; to the Committee on Governmental Affairs.

EC–8568. A communication from the U.S. Trade and Development Agency submitting its annual audit for FY 1999; to the Committee on Governmental Affairs.

EC–8569. A communication from the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Retirement and Insurance—Automation and Simplification of FERS Employee Record Keeping During an Intra-Agency Transfer'' (RIN3206–AJ02), received April 19, 2000; to the Committee on Governmental Affairs.

EC–8570. A communication from the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Full Consideration of Displaced Defense Employees'' (RIN3206–AF36), received April 19, 2000; to the Committee on Governmental Affairs.

EC–8571. A communication from the Assistant Secretary of Defense, Health Affairs, transmitting, pursuant to law, a report relative to the scope of preventative health care benefits provided to all eligible TRICARE beneficiaries; to the Committee on Armed Services.

EC–8572. A communication from the Under Secretary of Defense, Personnel and Readiness transmitting, pursuant to law, a report relative to the elimination of the backlog of requests for the issuance or replacement of military decorations; to the Committee on Armed Services.

EC–8573. A communication from the Assistant Secretary of Defense, Force Management

Policy, transmitting, pursuant to law, a report relative to the pricing of tobacco products sold in military exchanges and commissary stores; to the Committee on Armed Services.

EC–8574. A communication from the Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, a report on the review of profit guidelines in the Defense Federal Acquisition Regulation Supplement; to the Committee on Armed Services.

EC–8575. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics transmitting, pursuant to law, a report relative to the proposed amount of staff-years of technical effort to be funded by the DoD for each federally funded research and development center for fiscal year 2001; to the Committee on Armed Services.

EC–8576. A communication from the Reserve Forces Policy Board, Department of Defense transmitting a report relative to the Anthrax Vaccination Program for the Total Force; to the Committee on Armed Services.

EC–8577. A communication from the Office of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Foreign Acquisition'' (DFARS Case 98–D028), received April 19, 2000; to the Committee on Armed Services.

EC–8578. A communication from the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Modified Eligibility Criteria for the Montgomery GI Bill-Active Duty'' (RIN2900–AJ69), received April 19, 2000; to the Committee on Veteran's Affairs.

EC–8579. A communication from the Indian Health Service, Department of Health and Human Services transmitting, pursuant to law, the report of a rule entitled ''Currently Effective Indian Health Service Eligibility Regulations'' (RIN0917–AA03), received April 19, 2000; to the Committee on Indian Affairs.

EC–8580. A communication from the Under Secretary of Defense, Comptroller transmitting, pursuant to law, the report of a violation of the Antideficiency Act at Kadena Air Base, Okinawa; to the Committee on Appropriations.

EC–8581. A communication from the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report of Pay-As-You-Go Calculations; to the Committee on the Budget.

EC–8582. A communication from the Immigration and Naturalization Service, Department of Justice transmitting, pursuant to law, the report of a rule entitled ''Adjustment of Status for Certain Polish and Hungarian Parolees'' (RIN1115–AE25), received April 24, 2000; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–455. A joint resolution adopted by the Legislature of the State of Wisconsin relative to the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE JOINT RESOLUTION 13

Whereas, currently, federal law prohibits cattle, sheep, swine, goat, chicken, turkey, duck, goose and guinea fowl products that are inspected under state meat inspection programs from being shipped across state lines, while federal law allows state-inspected ostrich, venison, buffalo and pheasant to be shipped across state lines; and

Whereas, foreign meat products may be shipped freely among the states; and

Whereas, Wisconsin has 300 state-inspected plants, none of which is allowed to market products in interstate commerce due to an outdated federal law; and

Whereas, Wisconsin and the United States are currently suffering from a hog market crisis, including a closure of packing facilities and a reduction in slaughter activity, due in part to these outdated interstate restrictions; and

Whereas, the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act are restricting the opportunity for these small plants to expand their markets across state lines, provide additional slaughter capacity for pork producers and increase the demand for their products; now, therefore, be it

Resolved by the senate, the assembly concurring, That the members of the Wisconsin legislature request Congress to address problems in the meat-processing industry concerning packing, processing and marketing capacities; and, be it further

Resolved, That the members of the Wisconsin legislature request Congress to amend the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act to allow for interstate shipment of all state-inspected meats; and, be it further

Resolved, That the senate chief clerk shall provide copies of this joint resolution to the President of the Senate and the Speaker of the House of Representatives of the United States and to each of the senators and representatives from Wisconsin.

POM–456. A joint resolution adopted by the Legislature of the State of Tennessee relative to ethnicity categories for educational data reporting; to the Committee on Health, Education, Labor, and Pensions.

SENATE JOINT RESOLUTION NO. 71

Be it resolved by the senate of the one hundred first General Assembly of the State of Tennessee, the house of representatives concurring, That this General Assembly hereby memorializes the United States Congress to study the need to increase the number and specificity of ethnicity categories used for the reporting of educational data.

Be it further resolved, That an enrolled copy of this resolution be transmitted to the President and the Secretary of the U.S. Senate, the Speaker and the Clerk of the U.S. House of Representatives and the each member of Tennessee's Congressional Delegation.

POM–457. A joint resolution adopted by the Legislature of the Commonwealth of Virginia relative to the proposed ''Keep Our Promise to Military Retirees Act''; to the Committee on Armed Services.

SENATE JOINT RESOLUTION NO. 35

Whereas, millions of men and women of the uniformed services have served with honor, valor, and courage in protecting our nation's freedom and peace; and

Whereas, many recruited for the uniformed services prior to 1956 were reportedly promised free lifetime health care upon retirement if they served for 20 years or more in the service, although no health care statute existed; and

Whereas, in 1956, the Dependent Medical Care Act was passed, entitling those who entered the service on or after June 7, 1956, and retired with a minimum of 20 years of service, to medical and dental care in any medical facility of the uniformed services, subject to the availability of space and facilities, and capabilities of the medical staff; and

Whereas, the Military Medical Benefits Amendments of 1966 created the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), the first fee-based program for military health care recipients that included treatment by civilian providers; and

Whereas, the 1966 amendments further stipulated that any person entitled to hospital insurance benefits under Title I of the Social Security Amendment of 1965 would not be eligible for CHAMPUS benefits; and

Whereas, provider choice became more limited after the passage of the Defense Appropriations Act for Fiscal Year 1991, which lowered the CHAMPUS reimbursement rate to the level of Medicare, leading to the exodus of many physicians from the CHAMPUS program; and

Whereas, the Defense Authorization Acts of Fiscal Year 1994 and Fiscal Year 1995 created a Health Maintenance Organization model (TRICARE) as an option for military health care and imposed enrollment fees for military managed care plans; and

Whereas, a series of recent base closures between 1988 and 1995 and further drawdowns of remaining military medical treatment facilities has made access to health care in military medical treatment facilities extremely difficult for many military retirees; and

Whereas, CHAMPUS and the TRICARE managed care programs that have evolved from CHAMPUS do not provide the adequate health care promised to military retirees and are inferior to care available to other federal retirees; and

Whereas, on September 28, 1999, H.R. 2966, ''The Keep Our Promise to America's Military Retirees Act,'' was introduced to provide all Medicare-eligible military retirees the opportunity and option to either enroll in the Federal Employees Health Benefits Program (FEHBP–65) or remain in TRICARE past age 65; and

Whereas, a key component of the legislation would make military retirees who entered the service prior to CHAMPUS eligible for health care under the Federal Employee Health Benefits Program, with the government paying the full cost of enrollment; and

Whereas, restoring adequate health care coverage to military retirees is long overdue; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That the Congress of the United States be urged to enact ''The Keep Our Promise to America's Military Retirees Act''; and, be it

Resolved further, That the Clerk of the Senate transmit copies of the resolution to the Speaker of the House of Representatives, the President of the United States Senate, and the members of the Congressional Delegation of Virginia in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–458. A joint resolution adopted by the Legislature of the Commonwealth of Virginia relative to the selection of Fort Belvoir as the site of the United States Army Museum; to the Committee on Armed Services.

SENATE JOINT RESOLUTION NO. 92

Whereas, the Department of the Army has been granted approval by the Congress to establish a national United States Army Museum; and

Whereas, among the sites being considered for the United States Army Museum is Fort Belvoir, Virginia; and

Whereas, located near the nation's capitol, with its wealth of historic sites, Fort Belvoir would prove a worthy addition to the Washington area's attractions; and

Whereas, Northern Virginia is home to many sites of military and historic significance, among them Arlington Memorial Cemetery and the Iwo Jima Memorial; and

Whereas, the home of the nation's first commander-in-chief, George Washington, lies almost adjacent to Fort Belvoir at Mount Vernon; and

Whereas, many residents of Northern Virginia are collectors of military memorabilia dating back to the American Revolution, and their willingness to lend such material to the Army Museum would be enhanced by its proximity to their homes; and

Whereas, the United States Army Museum would prove an asset to the Northern Virginia area, and a Fort Belvoir location would make the museum a convenient stop for the many Americans interested in the nation's military history; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That the General Assembly hereby respectfully request that Fort Belvoir be given favorable consideration as the site of the United States Army Museum; and, be it

Resolved further, That the Clerk of the Senate transmit copies of this resolution to the Secretary of the Army, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional delegation so that they may be apprised of the sense of the General Assembly of Virginia.

POM–459. A joint resolution adopted by the Legislature of the State of Maine relative to the Republic of Cyprus; to the Committee on Foreign Relations.

JOINT RESOLUTION

Whereas, this year marks the 26th anniversary of the Turkish invasion and occupation of Cyprus; and

Whereas, the Republic of Cyprus has been divided and occupied by foreign forces since 1974 in violation of United Nations resolutions; and

Whereas, the international community and the United States government have repeatedly called for the speedy withdrawal of all foreign forces from the territory of Cyprus; and

Whereas, there are internationally acceptable means to resolve the situation in Cyprus, including the demilitarization of Cyprus and the establishment of a multinational force to ensure the security of both communities in Cyprus; and

Whereas, a peaceful, just and lasting solution to the Cyprus problem would greatly benefit the security and the political, economic and social well-being of all Cypriots and contribute to improved relations between Greece and Turkey; and

Whereas, the United Nations has repeatedly stated the parameters for such a solution, most recently in United Nations Security Council Resolution 1217, adopted on December 22, 1998 with United States support; and

Whereas, United Nations Security Council Resolution 1218, adopted on December 22, 1998, calls for a reduction of tensions in the island through a staged process aimed at limiting and then substantially reducing the level of all troops and armaments in Cyprus, ultimately leading to the demilitarization of the Republic of Cyprus; and

Whereas, President Clinton wholeheartedly supported resolution 1218 and committed himself to taking all necessary steps to support a sustained effort to implement it; now, therefore, be it

Resolved: That We, your Memorialists, hereby endorse President Clinton's commitment to undertake significant efforts in order to promote substantial progress towards a solution of the Cyprus problem in 2000; and be it further

Resolved: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation.

POM-460. A resolution adopted by the City Council of the City of Cape May, New Jersey relative to the dumping of contaminated dredge materials in the Atlantic Ocean; to the Committee on Environmental and Public Works.

POM-461. A resolution adopted by the Town Council of the Town of Haysi, Virginia relative to the proposed construction of a dam and reservoir in the area; to the Committee on Appropriations.

REPORTS OF COMMITTEES RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of April 13, 2000, the following reports of committees were submitted on April 20, 2000:

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

H.R. 3707: A bill to authorize funds for the site selection and construction of a facility in Taipei Taiwan suitable for the mission of the American Institute in Taiwan.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with an amended preamble:

S. Res. 271: A resolution regarding the human rights situation in the People's Republic of China.

REPORT OF COMMITTEE

The following report of committee was submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1608: A bill to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide new mechanism for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes (Rept. No. 106–275).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. SNOWE:

S. 2455. A bill to enhance Department of Education efforts to facilitate the involvement of small business owners in State and local initiatives to improve education; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU:

S. 2456. A bill to amend the Internal Revenue Code of 1986 to expand the adoption credit to provide assistance to adoptive parents of special needs children, and for other purposes; to the Committee on Finance.

By Ms. SNOWE:

S. 2457. A bill to amend section 2667 of title 10, United States Code, to permit receipt of in-kind consideration anywhere on an installation for the lease of property on the installation, and for other purposes; to the Committee on Armed Services.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 2458. A bill to designate the facility of the United States Postal Service located at 1818 Milton Avenue in Janesville, Wisconsin, as the ''Les Aspin Post Office Building''; to the Committee on Governmental Affairs.

By Mr. COVERDELL (for himself, Mr. LOTT, Mr. MCCAIN, Mr. THURMOND, Mr. STEVENS, Mr. HELMS, Mr. WARNER, Mr. MURKOWSKI, Mr. JEFFORDS, Mr. MCCONNELL, Mr. HATCH, Mr. LUGAR, Ms. COLLINS, Mr. HUTCHINSON, Mr. CRAPO, Mr. DEWINE, Mr. ASHCROFT, Mr. INHOFE, Mr. BURNS, Mr . SESSIONS, Mr. KYL, Mr. GRAMS, Mr. MACK, Mr. CRAIG, Mr. SHELBY, Mr. FITZGERALD, Mr. ABRAHAM, Mr. ENZI, Mr. GRASSLEY, Mr. HAGEL, Mr. DOMENICI, Mr. SMITH of New Hampshire, Ms. SNOWE, Mr. SANTORUM, Mr. GORTON, and Mrs. HUTCHISON):

S. 2459. A bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FEINGOLD:

S. 2460. A bill to authorize the payment of rewards to individuals furnishing information relating to persons subject to indictment for serious violations of international humanitarian law in Rwanda, and for other purposes; to the Committee on Foreign Relations.

By Mr. GORTON:

S. 2461. A bill to suspend temporarily the duty on certain ceramic knives; to the Committee on Finance.

By Ms. LANDRIEU (for herself and Mr. BREAUX):

S. 2462. A bill to provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ABRAHAM (for himself and Mr. MCCAIN):

S. Res. 294. A resolution designating the month of October 2000 as "Children's Internet Safety Month"; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself, Mr. DASCHLE, Ms. MIKULSKI, Mr. SCHUMER, Mrs. BOXER, Mr. KOHL, Mr. DODD, Mr. KERRY, Mr. REED, Mr. BAYH, Mr. HARKIN, Mr. LAUTENBERG, Mr. REID, Mr. TORRICELLI, Mr. JOHNSON, Mr. BREAUX, Mr. WELLSTONE, Mr. BRYAN, Mr. KENNEDY, Mr. ROBB, Mr. GRAHAM, Mr. WYDEN, Mr. AKAKA, Mrs. FEINSTEIN, Mr. EDWARDS, Mr. MOYNIHAN, Mr. SARBANES, and Mr. LEAHY):

S. Res. 295. A resolution expressing the sense of the Senate that the carrying of firearms into places of worship or educational and scholastic settings should be prohibited; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself, Mr. AKAKA, Mr. CRAPO, Mr. BYRD, Mr. SPECTER, Mr. CONRAD, Mr. THURMOND, Mr. DORGAN, Mr. VOINOVICH, Mr. DURBIN, Mr. BOND, Mr. EDWARDS, Mr. CRAIG, Mr. KOHL, Mr. WARNER, Mr. ROCKEFELLER, Mr. ABRAHAM, Mr. SARBANES, Mr. ENZI, Mr. KERRY, Mr. LUGAR, Mr. SMITH of Oregon, Mr. CLELAND, Mr. COCHRAN, Mr. BINGAMAN, Ms. LANDRIEU, Mr. GRAMS, Mr. BAYH, Mr. MACK, Mr. BRYAN, Mr. REID, Mr. JOHNSON, Mrs. LINCOLN, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. LIEBERMAN, Mrs. BOXER, and Mr. WELLSTONE):

S. Res. 296. A resolution designating the first Sunday in June of each calendar year as "National Child's Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE:

S. 2455. A bill to enhance Department of Education efforts to facilitate the involvement of small business owners in State and local initiatives to improve education; to the Committee on Health, Education, Labor, and Pensions.

SMALL BUSINESS EMPLOYMENT AND EDUCATION ENHANCEMENT ACT OF 2000

Ms. SNOWE. Mr. President, I rise to introduce legislation, the Small Business Employment and Education Act of 2000, which is designed to enhance federal efforts to facilitate the involvement of small business owners and entrepreneurs in state and local initiatives to improve the quality of education programs for our young people.

Mr. President, last year, the Small Business Committee, of which I am a member, held a hearing on the challenges facing the small business community as a result of the failure of many of our educational institutions to teach students the basic skills that are necessary to succeed in today's work environment. The committee heard testimony from a number of small businesses and organizations about this growing problem.

And just how big is the problem? A 1999 American Management Association survey on workplace testing found that approximately 36 percent of employees tested for basic skills were found to be deficient in these skills, and small businesses reported deficiency rates well above the national average. Sixty percent of AMA-member companies reported that the availability of skilled manpower was scarce, and 67 percent believe that the shortages will continue.

A 1999 NFIB report found that 18 percent of NFIB members report that finding qualified labor is the single most important problem facing their business today.

Likewise, a 1999 poll of U.S. Chambers of Commerce found that 83 percent reported the ability—or lack thereof—to find qualified workers was among their biggest concerns, and 53 percent said education is the single most pressing public policy issue to them.

This information clearly illustrates that the business community, and small businesses in particular, have an important stake in the education of our youth. One of the most fundamental needs that any growing business faces is the need for employees with basic skills, and concerns have been expressed by the small business community that many students are not graduating with the basic skills in reading, writing, mathematics, and science—skills that need to succeed in today's workplace or become the entrepreneurs of tomorrow.

The fact of the matter is, Mr. President, the growth of high-skilled jobs is outpacing growth in all other fields. We must not allow basic skills to slip away if we are to remain competitive in an increasingly aggressive and technology-based global market.

Small business is the driving force behind our economy, and as we authorize the Elementary and Secondary Education Act, we must take into account the needs of businesses, and small businesses in particular. To that end, locally-driven initiatives are crucial. In order to create jobs, we must encourage small business expansion and foster small business entrepreneurship, and I believe that education initiatives are key to this.

Under the Small Business Employment and Education Enhancement Act, the Department of Education would disseminate information and facilitate the sharing of information designed to assist small businesses in working with school systems to improve our education institutions. For example, the agency would publish guidance materials, best practices, checklists and other materials on the World Wide Web, in Department of Education publications and articles, letters, links to related World Wide Web sites, public service announcements, and through other means at the Department's disposal.

The Department of Education would establish a centralized database of materials and act as a clearinghouse for information on initiatives that have proven successful.

The Secretary of the Department of Education would also establish an Office of Small Business Education to promote efforts to address the needs of small businesses through education programs. This division would work to remove any existing impediments to partnerships between school systems and small businesses, and propose solutions to education-related problems facing small businesses.

The goal of the bill I am introducing today is to facilitate partnerships between communities and businesses. I believe it should be easy for communities that are interested in designing business/school partnerships to get the information they need on how to do so. With access to kinds of sources envisioned in this legislation, communities would be able to model a program after a proven approach.

In addition, my bill authorizes technical assistance to be administered by the Office of Small Business Education to be used to provide guidance to small businesses, small business organizations, schools systems, and communities working cooperatively to enhance the teaching of basic skills.

The bill would also establish tax credits to encourage companies to provide work study, internship, or fellowship opportunities for students and teachers.

Finally, the bill includes a provision directing the Department of Education to conduct a study and report to Congress on the challenges facing small businesses in obtaining workers with adequate skills; an assessment of the impact on small businesses of the skills shortage; the costs to small businesses associated with this shortage; and the recommendations for the Secretary on how to address these challenges.

Mr. President, I hope this legislation will provide a foundation for cooperative initiatives between small businesses and school systems, and I look forward to working with the Senate Health, Education, Labor, and Pensions Committee and others as we prepare to reauthorize the elementary and secondary education act.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 2458. A bill to designate the facility of the Unites States Postal Service located at 1818 Milton Avenue in Janesville, Wisconsin, as the "Les Aspin Post Office Building"; to the Committee on Governmental Affairs.

LEGISLATION NAMING THE JANESVILLE POST OFFICE IN MEMORY OF LES ASPIN

Mr. FEINGOLD. Mr. President, today I am introducing legislation to rename the United States Post Office in my home town of Janesville, Wisconsin in honor of Les Aspin. I am joined by my colleague from Wisconsin, Senator

KOHL. This bill is a companion to legislation introduced in the House by Congressman PAUL RYAN, who represents the First District of Wisconsin, which includes Janesville.

This year marks the thirtieth anniversary of Les' first campaign for the First Congressional District seat in Wisconsin. I was a junior at Janesville Craig High School at the time, and I signed up as a volunteer on Les' campaign. He won that election after a tough recount in the primary, defeating the incumbent Congressman.

Following the campaign, I interned in his district office in Janesville during the summers of 1971 and in 1972. I am proud to say that during the next 25 years, Les and I had a continuing friendship, as he carved out a distinguished career in the United States House of Representatives, eventually rising to become the Chairman of the Armed Services Committee, while I prepared for and began my own career.

Les Aspin served his country ably in many capacities. As an Army captain, he worked as an analyst in the Pentagon; he served on the staff of President John F. Kennedy's Council of Economic Advisors; he represented Wisconsinites for 22 years in Congress; he enthusiastically took on the giant task of steering the Defense Department into the uncharted waters of the post-Cold War era. Mr. Aspin served as Secretary of Defense under President Clinton and, at the time of his death in 1995, he was the chair of the President's Foreign Intelligence Advisory Board, working on needed reforms in our intelligence communities.

Mr. President, Les Aspin was a man I deeply respected and admired, and I felt a profound sense of loss at his passing. Renaming the Janesville post office in his honor is a fitting way to remember a man who spent his life serving the people of Wisconsin and of the United States. I hope my colleagues will support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2458

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF LES ASPIN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1818 Milton Avenue in Janesville, Wisconsin, shall be known and designated as the ''Les Aspin Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Les Aspin Post Office Building''.

Mr. KOHL. Mr. President, I am pleased to join my colleagues from Wisconsin in introducing this legislation to honor the memory of Les Aspin. Long before I entered politics, Les Aspin was a good friend of mine. I had the good fortune to serve with Les Aspin in Congress and to work with him when he served as Secretary of Defense. Les Aspin was truly dedicated to public service. He was genuinely challenged by the policy making process, and he was not hesitant in bringing his great intellectual gifts to bear on the problems of our time. He was a master of the Sunday morning talk shows, expounding on the issues of the day with his trenchant analyses. As chairman of the House Armed Services Committee, Les Aspin was one of the most influential voices on U.S. defense policy.

His ascension to the chairmanship of the House Armed Services Committee was not without rancor, but even those who disagreed with Les respected his verve and determination.

When we lost Les Aspin, we lost a man of great vision. He was one of the few who realized that we needed a completely new way of thinking about national security policy in the post-cold-war era. He had the capacity to think through the difficult issues involved in developing such a policy. And, he was unrelenting in making us deal with those issues.

Even though Les Aspin became a powerful national figure, he never forgot his roots. Les represented the 1st Congressional District for 22 years and he cared deeply about the people of his district. He was aggressive in pursuing projects that would benefit the people of Wisconsin and he left no stone unturned in helping resolve constituent problems. He especially recognized the importance of reliable postal service in small and big towns alike. He was known to become personally involved in responding to complaints from constituents about postal service, often attending meetings across the district on postal issues. Les became intimately involved when the Janesville Postal Office was moved from downtown, working to ensure that service was retained for all, especially small businesses and other postal patrons who relied on the downtown post office. Thus, naming the Janesville Post Office after Les Aspin is a most fitting tribute to his many years of service to the people of the First Congressional District.

I urge my colleagues to support this legislation and hope for its speedy passage.

By Mr. COVERDELL (for himself, Mr. LOTT, Mr. MCCAIN, Mr. THURMOND, Mr. STEVENS, Mr. HELMS, Mr. WARNER, Mr. MURKOWSKI, Mr. JEFFORDS, Mr. MCCONNELL, Mr. HATCH, Mr. LUGAR, Ms. COLLINS, Mr. HUTCHINSON, Mr. CRAPO, Mr. DEWINE, Mr. ASHCROFT, Mr. INHOFE, Mr. BURNS, Mr. SESSIONS, Mr. KYL, Mr. GRAMS, Mr. MACK, Mr. CRAIG, Mr. SHELBY, Mr. FITZGERALD, Mr. ABRAHAM, Mr. ENZI, Mr. GRASSLEY, Mr. HAGEL, Mr. DOMENICI, Mr. SMITH of New Hampshire, Ms. SNOWE, Mr. SANTORUM, Mr. GORTON, and Mrs. HUTCHISON):

S. 2459. A bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation; to the Committee on Banking, Housing, and Urban Affairs.

THE REAGAN CONGRESSIONAL GOLD MEDAL

Mr. COVERDELL. Mr. President, it is with a deep sense of honor that I rise today to introduce legislation awarding former President and Mrs. Ronald Reagan the Congressional Gold Medal. Very few Americans have had as profound an impact upon this Nation and the world as this remarkable couple have.

In his eight years in office, President Reagan restored American's sense of pride and set us squarely on the course of prosperity we still enjoy today. He was instrumental in the collapse of the Soviet Empire that brought an end to the Cold War. Who could forget his ringing challenge from Berlin's Bradenburg Gate, ''Mr. Gorbachev, tear down this Wall!'' By 1989, to the amazement of the world, Germany was unified, and the Wall became a memory. Reagan's character, wit, and eloquence as the ''Great Communicator'' brought honor to the Office of the President and endeared him to us all.

As First Lady, Nancy Reagan's contributions were equally significant in their own right. She not only bestowed elegance and grace upon the White House, but she also brought critical leadership to righting the scourge of illegal drugs. Tirelessly encouraging our Nation's youth to ''Just Say No,'' Mrs. Reagan was instrumental in successfully reducing the rate of illegal drug use among our children.

The Reagans have continued to inspire us even after their years in the White House. President and Nancy Reagan have confronted his Alzheimer's disease with the same dignity and bravery they displayed in office. Their fight inspires hope in millions of Americans who also must struggle with this disease. Our thoughts and best wishes for them are constant.

The leadership and dedication that President and Mrs. Reagan provided this Nation will undeniably endure throughout the course of human events. It is now time for a grateful people and Nation to say, ''Thank you.'' I am very appreciative of my many colleagues who join me today in sponsoring this legislation and invite others to join us in honoring President and Nancy Reagan.

Mr. President, I ask unanimous consent that a copy of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2459

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds the following:

(1) Both former President Ronald Reagan and his wife Nancy Reagan have distinguished records of public service to the United States, the American people, and the international community.

(2) As President, Ronald Reagan restored ''the great, confident roar of American progress, growth, and optimism'', a pledge which he made before being elected to office.

(3) President Ronald Reagan's leadership was instrumental in uniting a divided world by bringing about an end to the cold war.

(4) The United States enjoyed sustained economic prosperity and employment growth during Ronald Reagan's presidency.

(5) President Ronald Reagan's wife Nancy not only served as a gracious First Lady but also as a proponent for preventing alcohol and drug use among the Nation's youth by championing the ''Just Say No'' campaign.

(6) Together, Ronald and Nancy Reagan dedicated their lives to promoting national pride and to bettering the quality of life in the United States and throughout the world.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

(b) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury (in this Act referred to as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 at a price sufficient to cover the costs of the medals (including labor, materials, dies, use of machinery, and overhead expenses) and the cost of the gold medal.

SEC. 4. NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. FUNDING AND PROCEEDS OF SALE.

(a) AUTHORIZATION.—There is hereby authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

By Mr. FEINGOLD:

S. 2460. A bill to authorize the payment of rewards to individuals furnishing information relating to persons subject to indictment for serious violations of international humanitarian law in Rwanda, and for other purposes; to the Committee on Foreign Relations.

EXPANSION OF REWARDS PROGRAM TO INCLUDE RWANDA

Mr. FEINGOLD. Mr. President, today I am introducing a bill to authorize payment of rewards to individuals furnishing information relating to persons subject to indictment for serious violations of international humanitarian law in Rwanda. This bill would add the masterminds of the Rwandan genocide to the list of individuals our rewards program is helping to track down, and this legislation will send those individuals a clear message—that there is no impunity for genocide, that the world will not forget, and that they cannot evade justice forever.

Six years ago today, a headline ran on the front page of the New York Times reading—''Rwandan Refugees Describe Horrors After a Bloody Trek.'' The lead-in read as follows:

> Their clothes are blood-soaked, and their wounds are eerily similar. Pursued by fear, the 450 or so men, women and children in the makeshift hospital here made the same journey across the border from Rwanda, nursing the deep gouges made by the machetes that struck their skulls, necks and hands.

Six years ago today the media was just waking up to the horror unfolding in Rwanda, although the killing had been going on for weeks. Six years ago today, the reporters filing their stories from Burundi and Zaire were still cautious about the word ''genocide.'' They still referred to ''ancient tribal hatreds'' as the source of the incomprehensible violence engulfing the tiny central African country. Six years ago today, the death toll in the Rwandan genocide continued to mount while the international community stood by and watched, despite clear warnings, and despite the International Convention on the Prevention and Punishment of the Crime of Genocide that committed signatories to act. Six years ago, U.S. leadership failed, the international community floundered, and the global bond of basic human decency broke, leaving the people of Rwanda to face terror alone.

Mr. President, we know today that the genocide was not a series of spontaneous acts; it was not about crowds gone wild or tribal bloodlust. It was carefully planned and centrally directed. Extra machetes had been imported, militias groups were in place, and incitements to murder had become a regular element of programming on the hate-radio station. The planners targeted not only ethnic Tutsis, but also politically moderate Hutus who threatened their grip on power. We know today that individual people—leaders and planners—are responsible for the deaths of some 800,000 people, and that the blame for these atrocities cannot be heaped on some imagined cultural failing or the flaws of the human heart in general.

Holding those individuals responsible for the genocide accountable for their actions is the only remaining opportunity for the international community to do the right thing with regard to the events of 6 years ago. For this reason, I have consistently supported the International Criminal Tribunal for Rwanda, known as the ICTR. The ICTR was created by the United Nations Security Council in November 1994 to prosecute persons responsible for genocide and other serious violations of international humanitarian law committed in Rwanda during 1994. Its structure mirrors that of the International Criminal Tribunal for the Former Yugoslavia, the ICTY.

I have come to this floor in the past to raise the issue of parity between the ICTY and the ICTR. In particular, I have pointed out that whereas the ICTY has the authority to prosecute individuals for serious violations of international humanitarian law committed since 1991 through the present, the ICTR's mandate covers only those acts committed within Rwandan borders during 1994. Last year, the Senate approved an amendment that I offered to the State Department authorization bill requiring a report on the merits of expanding the mandate to the ICTR in space and time, both to deter further abuses and to hold the perpetrators of the continuing atrocities in the Great Lakes accountable for their actions.

Even if we accept the confines of the current mandate, I fear that the ICTR is being given short shrift. Under current U.S. law, the Secretary of State can confer with the Attorney General and, through the rewards program that offers incentives to turn in terrorists and other international villains, pay a reward to any individual furnishing information leading to the arrest or conviction in any country of any person who is the subject of an indictment of the ICTY. Similarly, the reward may be made to any individual furnishing information leading to the transfer to or conviction by the International Criminal Tribunal for the Former Yugoslavia. But there is no such provision for the International Criminal Tribunal for Rwanda.

It is situations like these that feed perceptions of a double-standard in American foreign policy, wherein African lives are somehow less valuable than European ones, and African atrocities are somehow more acceptable. That perceived double-standard undermines American credibility and casts doubt on our commitment to the values we hold most dear, the values at the very foundation of our national identity.

The ICTR is not perfect, but it has been responsible for the first convictions for the crime of genocide ever to be issued by an international court. It

has been the first international body to recognize rape as a crime of genocide. And knowledgeable observers agree that it has made a great deal of progress since its early days, and that it has gone further to bring ''big fish'' to justice than the ICTY. But more needs to be done. I will submit for the RECORD an article from the most recent issue of The Economist, headlined ''Still Wanted,'' which details some of the challenges the international community faces in bringing the perpetrators of the Rwandan genocide to justice. The United States should assist in these efforts. And the existing law that I propose amending ensures that the State Department and the Department of Justice—not the U.N.—will govern the offering, administration, and payment of rewards. Six years after the Rwandan genocide, six years after the slaughter of 800,000 people, including those indicted by the ICTR in the rewards program is the very least we can do.

I yield the floor, and ask unanimous consent that the bill and article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2460

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF REWARDS PROGRAM TO INCLUDE RWANDA.

Section 102 of the Act of October 30, 1998 (Public Law 105–323) is amended—

(1) in the section heading, by inserting or ''**RWANDA**'' after ''**YUGOSLAVIA**'';

(2) in subsection (a)(2), by inserting ''or the International Criminal Tribunal for Rwanda'' after ''Yugoslavia''; and

(3) in subsection (c)-

(A) by inserting ''(1)'' immediately after ''REFERENCE.—''; and

(B) by adding at the end the following:

''(2) For the purposes of subsection (a), the statute of the International Criminal Tribunal for Rwanda means the statute contained in the annex to Security Council Resolution 955 of November 8, 1994.''.

[From the Economist, Apr. 22, 2000]

STILL WANTED

Will Felicien Kabuga or Tharcisse Renzaho ever be brought to justice? They are still at large, among several hundred other senior Rwandans who in 1994 planned and promoted the genocide of up to 1m people. Mr. Kabuga was a businessman who financed the murderous Hutu militias, supplied them with machetes and was part owner of Radio Mille Collines, the radio station that broadcast the orders for genocide. Colonel Renzaho was the governor of the capital, Kigali. He directed the killing squads there, ordering them to make sure that ''none can escape'', and he was a member of the committee that coordinated the slaughter throughout the country.

So far, 44 people have been detained by the International Criminal Tribunal for Rwanda, based in Arusha in Tanzania. Seven have been convicted, of whom six are on appeal. The prosecutor is still looking for about 35 people. Although names are not published for fear of alerting men on the run, Mr. Kabuga and Colonel Renzaho are almost certainly on the list. Arrested or hunted, they are still only a small proportion of the people who planned and executed the fastest and most orderly genocide in history.

While the UN tribunal grinds on in Arusha, the Rwandan government is busy bringing genocide criminals before its own courts. If the main perpetrators are to be caught, and the evidence found to convict them, the two should co-operate. But their relationship, though it now shows signs of improvement, has long been unhappy. The government objects, among other things, to the money spent on the tribunal, which it feels could have been better used to rebuild a justice system in Rwanda.

The government has so far detained more than 120,000 people accused of genocide, of whom over 2,000 have been convicted and 300 sentenced to death. At the end of last year, it produced a list of 2,133 people suspected of planning or directing the genocide. Most of them are still at large.

Many of the missing villains are in Congo. Senior military officers fled there after their genocidal government was defeated by the Rwandan Patriotic Front, which now rules the country. In Congo, they regrouped soldiers and militiamen responsible for the killing. Since Rwanda became involved in Congo's civil war, many of the Rwandan militiamen are fighting on the side of president Laurent Kabila, against the Congolese rebels who, in their turn, are backed by the Rwandan government. So long as Congo's fighting continues, the missing Rwandans will be difficult to arrest—and they are making sure that the war continues.

Others are in Tanzania. Hutus from both Rwanda and Burundi are well established in the administration of western Tanzania from where, probably without the knowledge of the central government, they protect some of the killers. Others, again, are scattered around the world, some with false identities. Mr. Kabuga was said to have been spotted in Switzerland but is now thought to be in Kenya. Colonel Renzaho is probably in Congo. Governments do not seem to be making much effort to find them. Those who have been discovered—in Britain, America, France, Belgium and Denmark—have often been unmasked by journalists.

By contrast, western security services expend considerable energy on tracking down war criminals from the conflicts in former Yugoslavia. The Yugoslav war-crimes tribunal in The Hague has so far issued over 90 indictments, and arrested more than 40 suspects, of whom 15 have been sentenced. It has named 29 people it is still looking for. So far as is known, they are all still in the region, either in power in Serbia or hiding in Bosnia.

It is much harder to find the dispersed Rwandans. Moreover, even if they were caught and sent to the tribunal, gathering evidence to prosecute them would be difficult. Persuading witnesses to leave their homes and come to Arusha to give evidence, and then providing them with protection when they return, is fraught with trouble. The horrible fact is that the only living witnesses to some of the worst Rwandan massacres are the perpetrators themselves.

By Ms. LANDRIEU (for herself and Mr. BREAUX):

S. 2462. A bill to provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana; to the Committee on Environment and Public Works.

LEGISLATION ESTABLISHING THE CAT ISLAND NATIONAL WILDLIFE REFUGE

Ms. LANDRIEU. Mr. President, I am pleased to join with my distinguished colleague from Louisiana, Senator JOHN BREAUX, in introducing legislation that would establish the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana. Cat Island is one of the last remaining tracts in the Lower Mississippi River Valley that is still influenced by the natural dynamics of the river. The 36,500 acre site supports one of the largest densities of virgin bald cypress trees in the entire Mississippi River Valley. The site is also the home of the nation's largest cypress tree. Cat Island is important habitat for several declining species of songbirds and thousands of wintering waterfowl. The site is also home to the Louisiana black bear and high populations of deer, squirrel, turkey, and furbearing mammals such as mink and bobcats. We introduce this important legislation with the purpose of preserving and enhancing this valuable natural resource for our nation and generations to come.

Mr. President, I recently had the good fortune of visiting Cat Island with Senator BREAUX and representatives from the U.S. Department of the Interior, and I must tell you I was overwhelmed by the breathtaking beauty and bountiful natural resources of this site. Cat Island truly represents one of the most valuable and productive wildlife habitats in the United States. The site has high value for public uses such as outdoor recreation, environmental education, ecotourism, hunting, and fishing.

There has been a tremendous amount of enthusiasm for protecting and enhancing the natural resources of Cat Island. Citizens and elected officials from the State of Louisiana, representatives from national environmental conservation organizations and the U.S. Fish and Wildlife Service have supported our efforts in developing this important legislation. The Police Jurors of West Feliciana Parish, Louisiana, have passed a resolution in support of establishing the Cat Island National Wildlife Refuge. The Governor of Louisiana and the Secretary of the Louisiana Department of Wildlife and Fisheries have endorsed creating the refuge. The Nature Conservancy of Louisiana has generously agreed to underwrite the operation and maintenance cost for the Fish and Wildlife Service during the first three years of operation of the refuge. The conservation organization will also facilitate the acquisition of the site and the transfer of ownership to the Fish and Wildlife Service. Most recently, the President allocated $4 million in his fiscal year 2001 budget for land acquisitions at the Cat Island site.

Mr. President, Cat Island clearly represents one of the best examples of

Louisiana's unique natural heritage and is deserving of inclusion in the National Wildlife Refuge System. This legislation supports the aims of the Lower Mississippi River Aquatic Resources Management Plan and the Lower Mississippi Valley Joint Venture under the North American Wetlands Conservation Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2462

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) as the southernmost unleveed portion of the Mississippi River, Cat Island, Louisiana, is 1 of the last remaining tracts in the lower Mississippi Valley that is still influenced by the natural dynamics of the river;

(2) Cat Island supports some of the highest densities of virgin bald cypress trees in the Mississippi River Valley, including the champion cypress tree of the United States, which is 17 feet wide and has a circumference of 53 feet;

(3) Cat Island is important habitat for several declining species of forest songbirds and supports thousands of wintering waterfowl;

(4) Cat Island supports high populations of deer, turkey, and furbearing mammals, such as mink and bobcats;

(5) forested wetland on Cat Island—

(A) represents 1 of the most valuable and productive wildlife habitats in the United States; and

(B) has high recreational value for hunters, fishermen, birdwatchers, nature photographers, and others; and

(6) protection and enhancement of the resources of Cat Island through the inclusion of Cat Island in the National Wildlife Refuge System would help meet the habitat protection goals of the North American Waterfowl Management Plan, signed by the Minister of the Environment of Canada and the Secretary in May 1986.

SEC. 2. DEFINITIONS.

In this Act:

(1) REFUGE.—The term ''Refuge'' means the Cat Island National Wildlife Refuge established by section 3(a).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

SEC. 3. ESTABLISHMENT AND ACQUISITION OF REFUGE.

(a) IN GENERAL.—There is established a unit of the National Wildlife Refuge System to be known as the ''Cat Island National Wildlife Refuge'' in West Feliciana Parish, Louisiana.

(b) INCLUSIONS.—The Refuge shall consist of the land and waters (including any interest in the land or waters) acquired by the Secretary for the Refuge under—

(1) subsection (d); or

(2) any other law.

(c) NOTICE OF ESTABLISHMENT.—The Secretary shall publish a notice of the establishment of the Refuge—

(1) in the Federal Register; and

(2) in publications of local circulation in the vicinity of the Refuge.

(d) ACQUISITION.—The Secretary shall seek to acquire for inclusion in the Refuge, by purchase, exchange, or donation, approximately 36,500 acres of land and adjacent waters (including interests in the land or adjacent waters) of Cat Island, Louisiana, as depicted on the map entitled ''Cat Island National Wildlife Refuge, Proposed'', dated February 8, 2000, which shall be available for inspection in the appropriate offices of the United States Fish and Wildlife Service.

SEC. 4. PURPOSES OF REFUGE.

The purposes of the Refuge are—

(1) to conserve, enhance, and restore the native bottomland community characteristics of the lower Mississippi alluvial valley (including associated fish, wildlife, and plant species);

(2) to conserve, enhance, and restore habitat to maintain and assist in the recovery of animals (such as the Louisiana black bear) and plants that are listed as endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(3) to conserve, enhance, and restore habitats as necessary to contribute to the migratory bird population goals and habitat objectives as established through the Lower Mississippi Valley Joint Venture under the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.);

(4) to achieve the habitat objectives of the Lower Mississippi River Aquatic Resources Management Plan, prepared by the Lower Mississippi River Conservation Committee;

(5) to authorize the Secretary, through consultation with Federal, State, and local agencies and adjacent landowners, to assist in the restoration of forest habitat linkages between refuge land and other land to reverse past impacts associated with habitat fragmentation on wildlife and plant species;

(6) to provide compatible opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation; and

(7) to encourage the use of volunteers and to facilitate partnerships among the United States Fish and Wildlife Service, local communities, conservation organizations, and other non-Federal entities to promote public awareness of the resources of the Cat Island National Wildlife Refuge and the National Wildlife Refuge System (including public participation in the conservation of those resources).

SEC. 5. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer all land and waters (including any interest in land or waters) acquired under section 3(d) in accordance with—

(1) the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.);

(2) Public Law 87–714 (commonly known as the ''Refuge Recreation Act'') (16 U.S.C. 460k et seq.); and

(3) the purposes of the Refuge described in section 4.

(b) USE OF OTHER AUTHORITY.—The Secretary may use such additional statutory authority as is available to the Secretary to conduct projects and activities at the Refuge in accordance with this Act, including projects or activities to conserve or develop—

(1) wildlife and natural resources;

(2) water supplies;

(3) water control structures;

(4) outdoor recreational activity programs; and

(5) interpretive education programs.

SEC. 6. AUTHORIZATION OF APPROPRIATION.

There are authorized to be appropriated to the Secretary such sums as are necessary for—

(1) the acquisition of interests in land and waters described in section 3(d)(1); and

(2) the development, operation, and maintenance of the Refuge.

Mr. BREAUX. Mr. President, I am pleased to join Senator LANDRIEU in offering legislation to establish the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana.

The Mississippi River has provided for the commerce, transportation, and nourishment that has sustained Louisianians for over 300 years. Over time, communities have adapted to the unique environment that exists near the River. Today marks a milestone in the effort to preserve one of the last remaining tracts in the lower Mississippi Valley that is still influenced by the natural dynamics of the great River.

The area known as Cat Island is the southernmost unleveed portion of the Mississippi River. It is actually a peninsula of bottomland hardwood forest adjacent to the River and located thirty miles north of our state capital at Baton Rouge. It supports one of the highest densities of virgin bald cypress trees in the entire Mississippi River Valley, including the nation's champion cypress tree, which is 17 feet wide and 53 feet in circumference. By designating this area as a National Wildlife Refuge, we aim to protect the habitat of several declining species of forest songbirds, thousands of wintering waterfowl, and breeding ground for Wood Ducks. The area also supports high populations of deer, squirrel, turkey, and furbearers such as bobcat and mink.

The Cat Island Project represents a collaborative effort among several entities who have remained committed to its conservation. The Nature Conservancy spearheaded the effort, marshaled public support from Louisianians of all stripes, and worked diligently to secure the necessary funding for the initial acquisition of land from commercial and private landowners in the area. In fact, the Migratory Bird Commission provided the seed money to begin the acquisition process. Senator LANDRIEU and I have worked hard to find appropriate sources of federal funding to contribute to the cause, and we are delighted that the President has included $4 million for the Cat Island Project in his budget request for the U.S. Fish and Wildlife Service. We have enjoyed the support of officials from the Department of the Interior as well. Assistant Secretary David Hayes visited the site of the planned refuge along with Senator LANDRIEU and me in February. As I said, this project is the result of the good faith, dedication and continued cooperation of many players. I express my sincere gratitude and congratulations to all who have been involved.

The final piece in the completion of this project is the designation of the land as a National Wildlife Refuge. I am proud to offer legislation that will ensure the conservation of wild Louisiana for future generations to experience.

ADDITIONAL COSPONSORS

S. 20

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 20, a bill to assist the States and local governments in assessing and remediating brownfield sites and encouraging environmental cleanup programs, and for other purposes.

S. 309

At the request of Mr. MCCAIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 309, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 317

At the request of Mr. DORGAN, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 317, a bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain from the sale of farmland which is similar to the exclusion from gain on the sale of a principal residence.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 351

At the request of Mr. GRAMS, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 351, a bill to provide that certain Federal property shall be made available to States for State and local organization use before being made available to other entities, and for other purposes.

S. 484

At the request of Mr. CAMPBELL, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 514

At the request of Mr. COCHRAN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 514, a bill to improve the National Writing Project.

S. 662

At the request of Ms. SNOWE, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 764

At the request of Mr. THURMOND, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 764, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes.

S. 784

At the request of Mr. ROCKEFELLER, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 784, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for Medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 1369

At the request of Mr. JEFFORDS, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1369, a bill to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency, and for other purposes.

S. 1419

At the request of Mr. MCCAIN, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Nevada (Mr. BRYAN) were added as cosponsors of S. 1419, a bill to amend title 36, United States Code, to designate May as ''National Military Appreciation Month.''

S. 1440

At the request of Mr. GRAMM, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1440, a bill to promote economic growth and opportunity by increasing the level of visas available for highly specialized scientists and engineers and by eliminating the earnings penalty on senior citizens who continue to work after reaching retirement age.

S. 1617

At the request of Mr. DEWINE, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1617, a bill to promote preservation and public awareness of the history of the Underground Railroad by providing financial assistance, to the Freedom Center in Cincinnati, Ohio.

S. 1762

At the request of Mr. COVERDELL, the names of the Senator from Utah (Mr. HATCH) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 1762, a bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resources projects previously funded by the Secretary under such Act or related laws.

S. 1805

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1805, a bill to restore food stamp benefits for aliens, to provide States with flexibility in administering the food stamp vehicle allowance, to index the excess shelter expense deduction to inflation, to authorize additional appropriations to purchase and make available additional commodities under the emergency food assistance program, and for other purposes.

S. 1806

At the request of Mr. BINGAMAN, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 1806, a bill to authorize the payment of a gratuity to certain members of the Armed Forces who served at Bataan and Corregidor during World War II, or the surviving spouses of such members, and for other purposes.

S. 1883

At the request of Mr. BINGAMAN, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 1883, a bill to amend title 5, United States Code, to eliminate an inequity on the applicability of early retirement eligibility requirements to military reserve technicians.

S. 1905

At the request of Mr. SANTORUM, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1905, a bill to establish a program to provide for a reduction in the incidence and prevalence of Lyme disease.

S. 1915

At the request of Mr. JEFFORDS, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1915, a bill to enhance the services provided by the Environmental Protection Agency to small communities that are attempting to comply with national, State, and local environmental regulations.

S. 1995

At the request of Mr. KOHL, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1995, a bill to amend the National School Lunch Act to revise the eligibility of private organizations under the child and adult care food program.

S. 2061

At the request of Mr. BIDEN, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 2061, a bill to establish a crime prevention and computer education initiative.

S. 2068

At the request of Mr. GREGG, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 2068, a bill to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations.

S. 2078

At the request of Mr. BUNNING, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2078, a bill to authorize the President to award a gold medal on behalf of Congress to Muhammad Ali in recognition of his outstanding athletic accomplishments and enduring contributions to humanity, and for other purposes.

S. 2084

At the request of Mr. LUGAR, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2084, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes.

S. 2158

At the request of Mr. MURKOWSKI, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 2158, a bill to amend the Harmonized Tariff Schedule of the United States to eliminate the duty on certain steam or other vapor generating boilers used in nuclear facilities.

S. 2217

At the request of Mr. CAMPBELL, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 2217, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes.

S. 2220

At the request of Mr. ALLARD, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2220, a bill to protect Social Security and provide for repayment of the Federal debt.

S. 2232

At the request of Mr. GRAHAM, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2232, a bill to promote primary and secondary health promotion and disease prevention services and activities among the elderly, to amend title XVIII of the Social Security Act to add preventive benefits, and for other purpose.

S. 2235

At the request of Ms. COLLINS, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 2235, a bill to amend the Public Health Act to revise the performance standards and certification process for organ procurement organizations.

S. 2243

At the request of Ms. LANDRIEU, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2243, a bill to reauthorize certain programs of the Small Business Administration, and for other purposes.

S. 2265

At the request of Mrs. HUTCHISON, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2265, a bill to amend the Internal Revenue Code of 1986 to preserve marginal domestic oil and natural gas well production, and for other purposes.

S. 2274

At the request of Mr. GRASSLEY, the names of the Senator from Rhode Island (Mr. L. CHAFEE), the Senator from Mississippi (Mr. COCHRAN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Minnesota (Mr. WELLSTONE), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from North Carolina (Mr. EDWARDS), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), the Senator from New York (Mr. SCHUMER), and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2277

At the request of Mr. ROTH, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2277, a bill to terminate the application of title IV of the Trade Act of 1974 with respect to the People's Republic of China.

S. 2311

At the request of Mr. KENNEDY, the names of the Senator from Louisiana (Mr. BREAUX), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 2311, a bill to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes.

S. 2322

At the request of Mr. MCCAIN, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 2322, a bill to amend title 37, United States Code, to establish a special subsistence allowance for certain members of the uniformed services who are eligible to receive food stamp assistance, and for other purposes.

S. 2330

At the request of Mr. BREAUX, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

At the request of Mr. ROTH, the names of the Senator from Texas (Mr. GRAMM), the Senator from Arizona (Mr. KYL), the Senator from Kansas (Mr. ROBERTS), and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 2330, supra.

S. 2341

At the request of Mr. GREGG, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2341, a bill to authorize appropriations for part B of the Individuals with Disabilities Education Act to achieve full funding for part B of that Act by 2010.

S. 2344

At the request of Mr. BROWNBACK, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Georgia (Mr. COVERDELL) were added as cosponsors of S. 2344, a bill to amend the Internal Revenue Code of 1986 to treat payments under the Conservation Reserve Program as rentals from real estate.

S. 2353

At the request of Mr. AKAKA, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2353, a bill to amend the Higher Education Act of 1965 to improve the program for American Indian Tribal Colleges and Universities under part A of title III.

S. 2365

At the request of Ms. COLLINS, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 2365, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services.

S. 2408

At the request of Mr. BINGAMAN, the names of the Senator from Utah (Mr. BENNETT) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2417

At the request of Mr. CRAPO, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2417, a bill to amend the Federal Water Pollution Control Act to increase funding for State nonpoint

source pollution control programs, and for other purposes.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 81

At the request of Mr. ROTH, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. Con. Res. 81, a concurrent resolution expressing the sense of the Congress that the Government of the People's Republic of China should immediately release Rabiya Kadeer, her secretary, and her son, and permit them to move to the United States if they so desire.

S. CON. RES. 104

At the request of Mr. SCHUMER, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. Con. Res. 104, a concurrent resolution expressing the sense of the Congress regarding the ongoing prosecution of 13 members of Iran's Jewish community.

S. CON. RES. 107

At the request of Mr. AKAKA, the names of the Senator from Nebraska (Mr. KERREY), the Senator from Wisconsin (Mr. KOHL), and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. Con. Res. 107, a concurrent resolution expressing the sense of the Congress concerning support for the Sixth Nonproliferation Treaty Review Conference.

S.J. RES. 3

At the request of Mr. INOUYE, his name was withdrawn as a cosponsor of S.J. Res. 3, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

S.J. RES. 44

At the request of Mr. KENNEDY, the names of the Senator from Texas (Mr. GRAMM), the Senator from Montana (Mr. BAUCUS), the Senator from Mississippi (Mr. LOTT), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S.J. Res. 44, a joint resolution supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II.

S. RES. 247

At the request of Mr. CAMPBELL, the names of the Senator from Maine (Ms. SNOWE), the Senator from New Hampshire (Mr. GREGG), the Senator from Wisconsin (Mr. KOHL), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. LOTT), the Senator from Alabama (Mr. SHELBY), the Senator from Iowa (Mr. GRASSLEY), the Senator from Wyoming (Mr. THOMAS), the Senator from New Mexico (Mr. DOMENICI), the Senator from Illinois (Mr. FITZGERALD), the Senator from Rhode Island (Mr. L. CHAFEE), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. Res. 247, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

S. RES. 248

At the request of Mr. ROBB, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. Res. 248, a resolution to designate the week of May 7, 2000, as "National Correctional Officers and Employees Week."

S. RES. 287

At the request of Mr. MACK, his name was added as a cosponsor of S. Res. 287, a resolution expressing the sense of the Senate regarding U.S. policy toward Libya.

SENATE RESOLUTION 294—DESIGNATING THE MONTH OF OCTOBER 2000 AS "CHILDREN'S INTERNET SAFETY MONTH"

Mr. ABRAHAM (for himself and Mr. MCCAIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 294

Whereas the Internet is one of the most effective tools available for purposes of education and research and gives children the means to make friends and freely communicate with peers and family anywhere in the world;

Whereas the new era of instant communication holds great promise for achieving better understanding of the world and providing the opportunity for creative inquiry;

Whereas it is vital to the well-being of children that the Internet offer an open and responsible environment to explore;

Whereas access to objectionable material, such as violent, obscene, or sexually explicit adult material may be received by a minor in unsolicited form;

Whereas there is a growing concern in all levels of society to protect children from objectionable material;

Whereas the technological option for parents or guardians to filter, block, or review objectionable Internet material is available and effective;

Whereas information on Internet filtering or blocking technology is unavailable to many parents or guardians; and

Whereas the Internet is a positive educational tool and should be seen in such a manner rather than as a vehicle for entities to make objectionable materials available to children: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 2000 as "Children's Internet Safety Month" and supports its official status on the Nation's promotional calendar; and

(2) supports parents and guardians in promoting the creative development of children by encouraging the use of the Internet in a safe, positive manner with the aid of Internet filtering and blocking technologies.

Mr. ABRAHAM. Mr. President, I rise today to offer a resolution designating October 2000 as "Children's Internet Safety Month" on our national promotional calendar. This resolution, which I am submitting along with my colleague, Senator MCCAIN, recognizes the valuable information and opportunities for creative development provided by the Internet. It supports parents and guardians as they work to promote children's intellectual growth by encouraging safe, positive internet use with the aid of Internet filtering and blocking technologies.

Filtering and blocking technologies can help parents and guardians protect their children from objectionable material. This is particularly important in those frequent instances when such material is obtained by accident, via unsolicited correspondence. With more than 5,000 new web sites appearing on the Internet each day, we must recognize the problems raised by the significant number of sites containing objectionable material (defined as material that is violent, obscene or sexually explicit). Unfortunately, one-third of all Internet web sites are devoted to objectionable material. This presents our nation with a moral challenge: to find the means to sustain the wonderful freedom of the Internet while protecting children from unwanted and potentially harmful Internet material.

By designating October 2000 as "Children's Internet Safety Month" on the nation's promotional calendar, we can help parents, guardians, and concerned community leaders in their efforts to provide responsible Internet protection for our children. We can focus public attention on this important issue and encourage development of positive, community based programs and events highlighting the need to protect children from objectionable Internet material.

This resolution will help empower the young people of the Internet Generation to share ideas and dreams; and to do so free from unwanted and intrusive, objectionable Internet material.

SENATE RESOLUTION 295—EXPRESSING THE SENSE OF THE SENATE THAT THE CARRYING OF FIREARMS INTO PLACES OF WORSHIP OR EDUCATIONAL AND SCHOLASTIC SETTINGS SHOULD BE PROHIBITED

Mr. LIEBERMAN (for himself Mr. DASCHLE, Ms. MIKULSKI, Mr. SCHUMER, Mrs. BOXER, Mr. KOHL, Mr. DODD, Mr. KERRY, Mr. REED, Mr. BAYH, Mr. HARKIN, Mr. LAUTENBERG, Mr. REID, Mr. TORRICELLI, Mr. JOHNSON, Mr. BREAUX, Mr. WELLSTONE, Mr. BRYAN, Mr. KENNEDY, Mr. ROBB, Mr. GRAHAM, Mr. WYDEN, Mr. AKAKA, Mrs. FEINSTEIN, Mr. EDWARDS, Mr. MOYNIHAN, Mr. SARBANES, and Mr. LEAHY) submitted the

following resolution, which was referred to the Committee on the Judiciary:

S. RES. 295

Whereas repeated incidents of senseless and horrific gun violence have led many Americans to conclude that neither they nor their children can feel completely secure anywhere at anytime anymore;

Whereas the epidemic of gun violence in our Nation has invaded schools, youth sporting events, places of worship, and other spaces that the American people once thought of as sanctuaries of safety;

Whereas these shootings have shattered the confidence of parents and educators and clergy in their ability to protect children from the increasingly dangerous world around them;

Whereas in response to this trend, Congress previously acted to protect America's children by prohibiting the possession of firearms in school zones;

Whereas no American adult or child should have to fear for their safety when studying, praying in their places of worship, or participating in any other activities at or related to their schools or places of worship;

Whereas it is the obligation of America's elected leaders to do all they can to protect our children from harm and ensure that adults and children alike can learn, play, or pray in safety; and

Whereas there is no rational reason for anyone other than a law enforcement officer to carry a gun into a place of worship, a school, or a school-related event: Now, therefore, be it

Resolved, That it is the sense of the Senate that the carrying of firearms into places of worship or educational and scholastic settings should be prohibited.

Mr. LIEBERMAN. Mr. President, the first anniversary of the Columbine massacre has been a time for great contemplation and reflection—contemplation of the horror and tragedy of that event, and reflection on what has become of the safety and security so many of us once took for granted. From Paducah, Kentucky, to Jonesboro, Arkansas, to Springfield, Oregon, to Mount Morris Township, Michigan, to Littleton, Colorado, the surreal has too often become mortally real. Senseless, horrific and seemingly random gun violence has invaded all corners of our nation. These incidents have shattered our collective sense of security. What's worse, they have done so with respect to the very places where we and our children have the right to feel most secure: our schools and our places of worship.

There are many facets to this problem—a media culture that desensitizes our children to violence, a feeling of hopelessness that invades too many of our children and the often too easy accessibility of firearms. We must address all of these problems, and I hope we soon will start to do so by taking action on the long-stalled juvenile justice bill with its several sensible gun-safety provisions and its measures aimed at the culture of violence surrounding our children.

But there is one more thing we can do for ourselves and our children: restore a sense of sanctuary and safe haven to spaces where guns have no place. Ask parents, educators or congregants, and they'll say every community is entitled to at least a few sites of sanctuary, where they can honor their families and their God without fearing for their safety or their lives. But the reality is that at least 22 states permit gun owners to carry concealed weapons into places of worship, and many allow them at school events off campus.

Why does anyone other than a law enforcement or security officer need to carry a firearm into these spaces? Why at this moment of such concern about gun violence do we want to add to it the potential for more terror and tragedy in what should be our safest places? Why after at least a dozen shootings in American churches and synagogues over the last five years do we want to invite another?

Making clear that guns have no place in what are supposed to be sanctuaries would put the law on the right side of reason. It would help diminish the odds that another Columbine is around the corner. And it would reassure the American people that it is possible for us to come together on common ground to fight this threat to our safety and security.

With these thoughts in mind, and with the Million Mom March against gun violence soon to occur in Washington, I am today joining a coalition of more than 25 Members in submitting a resolution expressing our support for prohibitions on firearms in schools, scholastic settings, and places of worship. This resolution would make a clear statement that, like most Americans, we in the Senate believe that Saturday Night Specials do not belong in Sunday School classes or any other place where families are learning, playing or praying.

This in the end is not an ideological or constitutional issue, but a question of common sense. We can respect the rights of law-abiding gun owners while also acknowledging that bullets and Bibles don't mix. This is not a hard line to take. Nor should it be a hard line to draw, in order to provide safe havens for our families.

It is time for the Senate to go on record and say that there are certain places in our society that must be safe havens from even the threat of violence, spaces where we and our children can go to pray and play with the confidence that safety and security will follow. I urge my colleagues to join me in supporting this resolution.

SENATE RESOLUTION 296—DESIGNATING THE FIRST SUNDAY IN JUNE OF EACH CALENDAR YEAR AS ''NATIONAL CHILD'S DAY''

By Mr. GRAHAM (for himself, Mr. AKAKA, Mr. CRAPO, Mr. BYRD, Mr. SPECTER, Mr. CONRAD, Mr. THURMOND, Mr. DORGAN, Mr. VOINOVICH, Mr. DURBIN, Mr. BOND, Mr. EDWARDS, Mr. CRAIG, Mr. KOHL, Mr. WARNER, Mr. ROCKEFELLER, Mr. ABRAHAM, Mr. SARBANES, Mr. ENZI, Mr. KERRY, Mr. LUGAR, Mr. SMITH of Oregon, Mr. CLELAND, Mr. COCHRAN, Mr. BINGAMAN, Ms. LANDRIEU, Mr. GRAMS, Mr. BAYH, Mr. MACK, Mr. BRYAN, Mr. REID, Mr. JOHNSON, Mrs. LINCOLN, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. LIEBERMAN, Mrs. BOXER, and Mr. WELLSTONE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 296

Whereas the first Sunday of June falls between Mother's Day and Father's Day;

Whereas each child is unique, a blessing, and holds a distinct place in the family unit;

Whereas the people of the United States should celebrate children as the most valuable asset of the United States;

Whereas the children represent the future, hope, and inspiration of the United States;

Whereas the children of the United States should be allowed to feel that their ideas and dreams will be respected because adults in the United States take time to listen;

Whereas many children of the United States face crises of grave proportions, especially as they enter adolescent years;

Whereas it is important for parents to spend time listening to their children on a daily basis;

Whereas modern societal and economic demands often pull the family apart;

Whereas, whenever practicable, it is important for both parents to be involved in their child's life;

Whereas encouragement should be given to families to set aside a special time for all family members to engage together in family activities;

Whereas adults in the United States should have an opportunity to reminisce on their youth to recapture some of the fresh insight, innocence, and dreams that they may have lost through the years;

Whereas the designation of a day to commemorate the children of the United States will provide an opportunity to emphasize to children the importance of developing an ability to make the choices necessary to distance themselves from impropriety and to contribute to their communities;

Whereas the people of the United States should emphasize to children the importance of family life, education, and spiritual qualities;

Whereas because children are the responsibility of all people of the United States, everyone should celebrate children, whose questions, laughter, and dreams are important to the existence of the United States; and

Whereas the designation of a day to commemorate the children will emphasize to the people of the United States the importance of the role of the child within the family and society: Now, therefore, be it

Resolved, That the Senate—

(1) designates the first Sunday in June of each year as ''National Child's Day''; and

(2) requests the President to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. GRAHAM. Mr. President, I rise today to submit a resolution that designates the first Sunday in June as National Child's Day.

Our children are our future. I believe that most of my colleagues would agree that our children are, indeed, this nation's most precious resource—a resource that should be cherished and protected.

Sadly, Mr. President, over five million of America's children go to bed hungry at night.

In the last ten years there has been a 60 percent increase in the number of children in or in need of foster care services.

Many children in America face crises of grave proportions, especially as they enter their adolescent years.

We must make a commitment to reverse these trends. We must take the initiative to make each child in this nation a child who is loved, cared for and appreciated for his or herself.

The establishment of a National Child's Day will give all of us the unique opportunity to focus on our children's needs and to recognize their accomplishments.

National Child's Day will encourage families to spend more quality time together and will highlight the special importance of the child in the family unit.

This simple, yet important, resolution will foster family togetherness and ensure that our children receive all of the love, support, and attention that they deserve.

I urge my colleagues to join me in establishing National Child's Day this year and for years to come.

AMENDMENT SUBMITTED

MARRIAGE TAX PENALTY RELIEF ACT OF 2000

BAYH (AND OTHERS) AMENDMENT NO. 3102

(Ordered to lie on the table)

Mr. BAYH (for himself and Mr. DURBIN, Mr. JOHNSON, Mrs. FEINSTEIN, Ms. LANDRIEU, Mr. EDWARDS, and Mrs. MURRAY) submitted an amendment intended to be proposed by them to the bill (H.R. 6) to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty by providing that the income tax rate bracket amounts, and the amount of the standard deduction, for joint returns shall be twice the amounts applicable to unmarried individuals; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Targeted Marriage Tax Penalty Relief Act of 2000".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) SECTION 15 NOT TO APPLY.—No amendment made by section 2 shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986 .

SEC. 2. MARRIAGE CREDIT.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section:

"SEC. 25B. MARRIAGE CREDIT.

"(a) ALLOWANCE OF CREDIT.—In the case of a joint return under section 6013, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the lesser of the amount determined under subsection (b) or (c) for the taxable year.

"(b) AMOUNT UNDER SUBSECTION (b).—For purposes of subsection (a), the amount under this subsection for any taxable year with respect to a taxpayer is determined in accordance with the following table:

"Taxable year:	Amount:
2001	$500
2002	$900
2003	$1,300
2004 and thereafter	$1,700.

"(c) DETERMINATION OF AMOUNT.—

"(1) IN GENERAL.—For purposes of subsection (a), the amount determined under this subsection for any taxable year with respect to a taxpayer is equal to the excess (if any) of—

"(A) the joint tentative tax of such taxpayer for such year, over

"(B) the combined tentative tax of such taxpayer for such year.

"(2) JOINT TENTATIVE TAX.—For purposes of paragraph (1)(A)—

"(A) IN GENERAL.—The joint tentative tax of a taxpayer for any taxable year is equal to the tax determined in accordance with the table contained in section 1(a) on the joint tentative taxable income of the taxpayer for such year.

"(B) JOINT TENTATIVE TAXABLE INCOME.—For purposes of subparagraph (A), the joint tentative taxable income of a taxpayer for any taxable year is equal to the excess of—

"(i) the sum of—

"(I) the earned income (as defined in section 32(c)(2)) of such taxpayer for such year, and

"(II) any income received as a pension or annuity which arises from an employer-employee relationship (including any social security benefit (as defined in section 86(d)(1)) which is includible in gross income of such taxpayer for such year, over

"(ii) the sum of—

"(I) either—

"(aa) the standard deduction determined under section 63(c)(2)(A)(i) for such taxpayer for such year, or

"(bb) in the case of an election under section 63(e), the total itemized deductions determined under section 63(d) for such taxpayer for such year, and

"(II) the total exemption amount for such taxpayer for such year determined under section 151.

"(3) COMBINED TENTATIVE TAX.—For purposes of paragraph (1)(A)—

"(A) IN GENERAL.—The combined tentative tax of a taxpayer for any taxable year is equal to the sum of the taxes determined in accordance with the table contained in section 1(c) on the individual tentative taxable income of each spouse for such year.

"(B) INDIVIDUAL TENTATIVE TAXABLE INCOME.—For purposes of subparagraph (A), the individual tentative taxable income of a spouse for any taxable year is equal to the excess of—

"(i) the sum of—

"(I) the earned income (as defined in section 32(c)(2)) of such spouse for such year, and

"(II) any income received as a pension or annuity which arises from an employer-employee relationship (including any social security benefit (as defined in section 86(d)(1)) which is includible in gross income of such spouse for such year, over

"(ii) the sum of—

"(I) either—

"(aa) the standard deduction determined under section 63(c)(2)(C) for such spouse for such year, or

"(bb) in the case of an election under section 63(e), one-half of the total itemized deductions determined under paragraph (2)(B)(ii)(I)(bb) for such spouse for such year, and

"(II) one-half of the total exemption amount determined under paragraph (2)(B)(ii)(II) for such year.

"(C) INCLUDIBLE SOCIAL SECURITY BENEFIT.—For purposes of subparagraph (B)(i)(II), the amount of social security benefit (as so defined) which is includible in gross income of a spouse for any taxable year is equal to—

"(i) the amount which bears the same ratio to the amount of social security benefit determined under paragraph (2)(B)(i)(II) for such year, as

"(ii) such spouse's total social security benefit for such year bears to the total social security benefit for both spouses for such year.

"(d) PHASEOUT OF CREDIT.—

"(1) IN GENERAL.—The amount which would (but for this subsection) be taken into account under subsection (a) shall be reduced (but not below zero) by the amount determined under paragraph (2).

"(2) AMOUNT OF REDUCTION.—The amount determined under this paragraph is the amount which bears the same ratio to the amount which would be so taken into account as—

"(A) the excess of—

"(i) the taxpayer's adjusted gross income for such taxable year, over

"(ii) $120,000, bears to

"(B) $20,000.

"(e) INFLATION ADJUSTMENT.—

"(1) IN GENERAL.—In the case of any taxable year beginning after 2004, the $1,700 amount referred to in subsection (b) and the $120,000 amount referred to in subsection (d)((2)(A)(ii) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section (1)(f)(3) for the calendar year in which the taxable year begins, by substituting '2003' for '1992'.

"(2) ROUNDING.—If the $1,700 amount (as so referred) and the $120,000 amount (as so referred) as adjusted under paragraph (1) is not a multiple of $25 and $50, respectively, such amount shall be rounded to the nearest multiple of $25 and $50, respectively.".

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25A the following new item:

"Sec. 25B. Marriage credit."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 3. MARRIAGE PENALTY RELIEF FOR EARNED INCOME CREDIT.

(a) IN GENERAL.—Section 32(b) (relating to percentages and amounts) is amended—

(1) by striking ''PERCENTAGES.—The credit'' in paragraph (1) and inserting ''PERCENTAGES.—

''(A) IN GENERAL.—Subject to subparagraph (B), the credit'',

(2) by adding at the end of paragraph (1) the following new subparagraph:

''(B) JOINT RETURNS.—In the case of a joint return, the phaseout percentage determined under subparagraph (A)—

''(i) in the case of an eligible individual with 1 qualifying child shall be decreased by 1.87 percentage points, and

''(ii) in the case of an eligible individual with 2 or more qualifying child shall be decreased by 2.01 percentage points.'',

(3) by striking ''AMOUNTS.—The earned'' in paragraph (2) and inserting ''AMOUNTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the earned'', and

(4) by adding at the end the following new subparagraph:

''(B) JOINT RETURNS.—In the case of a joint return, the phaseout amount determined under subparagraph (A) shall be increased by $2,000.''.

(b) INFLATION ADJUSTMENT.—Paragraph (1)(B) of section 32(j) (relating to inflation adjustments) is amended to read as follows:

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined—

''(i) in the case of amounts in subsections (b)(2)(A) and (i)(1), by substituting 'calendar year 1995' for 'calendar year 1992' in subparagraph (B) thereof, and

''(ii) in the case of the $2,000 amount in subsection (b)(2)(B), by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) of such section 1.''.

(c) ROUNDING.—Section 32(j)(2)(A) (relating to rounding) is amended by striking ''subsection (b)(2)'' and inserting ''subsection (b)(2)(A) (after being increased under subparagraph (B) thereof)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 4. PRESERVE FAMILY TAX CREDITS FROM THE ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subsection (a) of section 26 of the Internal Revenue Code of 1986 (relating to limitation based on tax liability; definition of tax liability) is amended to read as follows:

''(a) LIMITATION BASED ON AMOUNT OF TAX.—The aggregate amount of credits allowed by this subpart for the taxable year shall not exceed the sum of—

''(1) the taxpayer's regular tax liability for the taxable year reduced by the foreign tax credit allowable under section 27(a), and

''(2) the tax imposed for the taxable year by section 55(a).''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (d) of section 24 of such Code is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(2) Section 32 of such Code is amended by striking subsection (h).

(3) Section 904 of such Code is amended by striking subsection (h) and by redesignating subsections (i), (j), and (k) as subsections (h), (i), and (j), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MCCONNELL. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., Wednesday, April 26, 2000, in room SR–301 Russell Senate Office Building, to receive testimony on citizen participation in the political process.

For further information concerning this meeting contact Hunter Bates at the Rules Committee on 4–6352.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on Wednesday, April 26, 2000, at 9:30 a.m. to conduct a business meeting on pending legislation (TBA), followed immediately by a hearing on draft legislation to reauthorize the Indian sections of the Elementary and Secondary Education Act. The hearing will be held in the committee room, 485 Russell Senate Building.

Those wishing additional information may contact the committee at (202) 224–2251.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on April 27, 2000, in SD–106 at 9 a.m. The purpose of this meeting will be consider the nomination of Michael V. Dunn to be a member of the Farm Credit Administration Board, Farm Credit Administration, and to examine pending legislation on agriculture concentration of ownership and competitiveness.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on S. 1438, a bill to establish the National Law Enforcement Museum on Federal land in the District of Columbia; S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service; S. 2231 and H.R. 2879, bills to provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the ''I Have A Dream'' speech; S. 2343, a bill to amend the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program; S. 2352, a bill to designate portions of the Wekiva River and associated tributaries as a component of the National Wild and Scenic Rivers System: H.R. 1749, a bill to designate Wilson Creek in Avery and Caldwell Counties, North Carolina, as a component of the National Wild and Scenic Rivers Systems; and H.R. 3201, a bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Carter G. Woodson Home in the District of Columbia as a national historic site, and for other purposes.

The hearing will take place on Thursday, April 27, 2000, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of the testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole or Kevin Clark of the committee staff at (202) 224–6969.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, April 25, 2000, to conduct a hearing on ''Delays in Funding Mass Transit.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, April 25, 2000, at 9:30 a.m., in SD–226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL TRADE AND FINANCE

Mr. KYL. Mr. President, I ask unanimous consent that the Subcommittee on International Trade and Finance of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, April 27, 2000, to conduct a hearing on ''The International Monetary Fund and International Financial Institutions.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. KYL. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, April 25 at

2:30 p.m. to conduct a hearing. The subcommittee will receive testimony on S. 2239, a bill to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado River and San Juan River basins.

The PRESIDING OFFICER. Without objection, it is so ordered.

NRC FAIRNESS IN FUNDING ACT OF 1999

On April 13, 2000, the Senate amended and passed S. 1627, as follows:

S. 1627

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''NRC Fairness in Funding Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FUNDING

Sec. 101. Nuclear Regulatory Commission annual charges.
Sec. 102. Nuclear Regulatory Commission authority over former licensees for decommissioning funding.
Sec. 103. Cost recovery from Government agencies.

TITLE II—OTHER PROVISIONS

Sec. 201. Office location.
Sec. 202. License period.
Sec. 203. Elimination of NRC antitrust reviews.
Sec. 204. Gift acceptance authority.
Sec. 205. Carrying of firearms by licensee employees.
Sec. 206. Unauthorized introduction of dangerous weapons.
Sec. 207. Sabotage of nuclear facilities or fuel.

TITLE I—FUNDING

SEC. 101. NUCLEAR REGULATORY COMMISSION ANNUAL CHARGES.

Section 6101 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214) is amended—

(1) in subsection (a)(3), by striking ''September 30, 1999'' and inserting ''September 20, 2005''; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting ''or certificate holder'' after ''licensee''; and

(B) by striking paragraph (2) and inserting the following:

''(2) AGGREGATE AMOUNT OF CHARGES.—

''(A) IN GENERAL.—The aggregate amount of the annual charges collected from all licensees and certificate holders in a fiscal year shall equal an amount that approximates the percentages of the budget authority of the Commission for the fiscal year stated in subparagraph (B), less—

''(i) amounts collected under subsection (b) during the fiscal year; and

''(ii) amounts appropriated to the Commission from the Nuclear Waste Fund for the fiscal year.

''(B) PERCENTAGES.—The percentages referred to in subparagraph (A) are—

''(i) 98 percent for fiscal year 2001;

''(ii) 96 percent for fiscal year 2002;

''(iii) 94 percent for fiscal year 2003;

''(iv) 92 percent for fiscal year 2004; and

''(v) 88 percent for fiscal year 2005.''.

SEC. 102. NUCLEAR REGULATORY COMMISSION AUTHORITY OVER FORMER LICENSEES FOR DECOMMISSIONING FUNDING.

Section 161i. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(i)) is amended—

(1) by striking ''and (3)'' and inserting ''(3)''; and

(2) by inserting before the semicolon at the end the following: '', and (4) to ensure that sufficient funds will be available for the decommissioning of any production or utilization facility licensed under section 103 or 104b., including standards and restrictions governing the control, maintenance, use, and disbursement by any former licensee under this Act that has control over any fund for the decommissioning of the facility''.

SEC. 103. COST RECOVERY FROM GOVERNMENT AGENCIES.

Section 161w. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(w)) is amended—

(1) by striking '', or which operates any facility regulated or certified under section 1701 or 1702,'';

(2) by striking ''483a'' and inserting ''9701''; and

(3) by inserting before the period at the end the following: '', and, commencing October 1, 2000, prescribe and collect from any other Government agency any fee, charge, or price that the Commission may require in accordance with section 9701 of title 31, United States Code, or any other law''.

TITLE II—OTHER PROVISIONS

SEC. 201. OFFICE LOCATION.

Section 23 of the Atomic Energy Act of 1954 (42 U.S.C. 2033) is amended by striking ''; however, the Commission shall maintain an office for the service of process and papers within the District of Columbia''.

SEC. 202. LICENSE PERIOD.

Section 103c. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(c)) is amended—

(1) by striking ''c. Each such'' and inserting the following:

''c. LICENSE PERIOD.—

''(1) IN GENERAL.—Each such''; and

(2) by adding at the end the following:

''(2) COMBINED LICENSES.—In the case of a combined construction and operating license issued under section 185(b), the initial duration of the license may not exceed 40 years from the date on which the Commission finds, before operation of the facility, that the acceptance criteria required by section 185(b) are met.''.

SEC. 203. ELIMINATION OF NRC ANTITRUST REVIEWS.

Section 105 of the Atomic Energy Act of 1954 (42 U.S.C. 2135) is amended by adding at the end the following:

''(d) APPLICABILITY.—Subsection (c) shall not apply to an application for a license to construct or operate a utilization facility under section 103 or 104(b) that is pending on or that is filed on or after the date of enactment of this subsection.''.

SEC. 204. GIFT ACCEPTANCE AUTHORITY.

(a) IN GENERAL.—Section 161g. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(g)) is amended—

(1) by inserting ''(1)'' after ''(g)'';

(2) by striking ''this Act;'' and inserting ''this Act; or''; and

(3) by adding at the end the following:

''(2) accept, hold, utilize, and administer gifts of real and personal property (not including money) for the purpose of aiding or facilitating the work of the Nuclear Regulatory Commission.''.

(b) CRITERIA FOR ACCEPTANCE OF GIFTS.—

(1) IN GENERAL.—Chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) is amended by adding at the end the following:

''SEC. 170C. CRITERIA FOR ACCEPTANCE OF GIFTS.

''(a) IN GENERAL.—The Commission shall establish written criteria for determining whether to accept gifts under section 161g.(2).

''(b) CONSIDERATIONS.—The criteria under subsection (a) shall take into consideration whether the acceptance of the gift would compromise the integrity of, or the appearance of the integrity of, the Commission or any officer or employee of the Commission.''.

(2) CONFORMING AND TECHNICAL AMENDMENTS.—The table of contents of chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) is amended by adding at the end the following:

''Sec. 170C. Criteria for acceptance of gifts.''.

SEC. 205. CARRYING OF FIREARMS BY LICENSEE EMPLOYEES.

(a) IN GENERAL.—Chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) (as amended by section 204(b)) is amended—

(1) in section 161, by striking subsection k. and inserting the following:

''(k) authorize to carry a firearm in the performance of official duties such of its members, officers, and employees, such of the employees of its contractors and subcontractors (at any tier) engaged in the protection of property under the jurisdiction of the United States located at facilities owned by or contracted to the United States or being transported to or from such facilities, and such of the employees of persons licensed or certified by the Commission (including employees of contractors of licensees or certificate holders) engaged in the protection of facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission or in the protection of property of significance to the common defense and security located at facilities owned or operated by a Commission licensee or certificate holder or being transported to or from such facilities, as the Commission considers necessary in the interest of the common defense and security;'' and

(2) by adding at the end the following:

''SEC. 170D. CARRYING OF FIREARMS.

''(a) AUTHORITY TO MAKE ARREST.—

''(1) IN GENERAL.—A person authorized under section 161k. to carry a firearm may, while in the performance of, and in connection with, official duties, arrest an individual without a warrant for any offense against the United States committed in the presence of the person or for any felony under the laws of the United States if the person has a reasonable ground to believe that the individual has committed or is committing such a felony.

''(2) LIMITATION.—An employee of a contractor or subcontractor or of a Commission licensee or certificate holder (or a contractor of a licensee or certificate holder) authorized to make an arrest under paragraph (1) may make an arrest only—

''(A) when the individual is within, or is in flight directly from, the area in which the offense was committed; and

''(B) in the enforcement of—

''(i) a law regarding the property of the United States in the custody of the Department of Energy, the Nuclear Regulatory Commission, or a contractor of the Department of Energy or Nuclear Regulatory Commission or a licensee or certificate holder of the Commission;

''(ii) a law applicable to facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission under section 161k.;

''(iii) a law applicable to property of significance to the common defense and security that is in the custody of a licensee or certificate holder or a contractor of a licensee or certificate holder of the Commission; or

''(iv) any provision of this Act that subjects an offender to a fine, imprisonment, or both.

''(3) OTHER AUTHORITY.—The arrest authority conferred by this section is in addition to any arrest authority under other law.

''(4) GUIDELINES.—The Secretary and the Commission, with the approval of the Attorney General, shall issue guidelines to implement section 161k. and this subsection.''.

(b) CONFORMING AND TECHNICAL AMENDMENTS.—The table of contents of chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) (as amended by section 204(b)(2)) is amended by adding at the end the following:

''Sec. 170D. Carrying of firearms.''.

SEC. 206. UNAUTHORIZED INTRODUCTION OF DANGEROUS WEAPONS.

Section 229a. of the Atomic Energy Act of 1954 (42 U.S.C. 2278a(a)) is amended in the first sentence by inserting ''or subject to the licensing authority of the Commission or to certification by the Commission under this Act or any other Act'' before the period at the end.

SEC. 207. SABOTAGE OF NUCLEAR FACILITIES OR FUEL.

Section 236a. of the Atomic Energy Act of 1954 (42 U.S.C. 2284(a)) is amended—

(1) in paragraph (2), by striking ''storage facility'' and inserting ''storage, treatment, or disposal facility'';

(2) in paragraph (3)—

(A) by striking ''such a utilization facility'' and inserting ''a utilization facility licensed under this Act''; and

(B) by striking ''or'' at the end;

(3) in paragraph (4)—

(A) by striking ''facility licensed'' and inserting ''or nuclear fuel fabrication facility licensed or certified''; and

(B) by striking the period at the end and inserting ''; or''; and

(4) by adding at the end the following:

''(5) any production, utilization, waste storage, waste treatment, waste disposal, uranium enrichment, or nuclear fuel fabrication facility subject to licensing or certification under this Act during construction of the facility, if the person knows or reasonably should know that there is a significant possibility that the destruction or damage caused or attempted to be caused could adversely affect public health and safety during the operation of the facility.''.

ORDERS FOR WEDNESDAY, APRIL 26, 2000

Mr. THOMPSON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Wednesday, April 26. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. THOMPSON. Mr. President, tomorrow morning when the Senate convenes, it is expected that the veto message on the nuclear waste bill will arrive. Under the rule, when the Senate receives the veto message, the Senate will immediately begin debate on overriding the President's veto. It is hoped that an agreement can be made with regard to debate time on this important legislation.

The cloture motion on the substitute amendment to the marriage penalty tax bill is still pending. That vote will occur immediately following the adoption of the motion to proceed to the victims' rights resolution. Therefore, a few votes could occur tomorrow afternoon or evening.

ORDER FOR ADJOURNMENT

Mr. THOMPSON. If there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order following the remarks of Senator DORGAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota is recognized.

ARMS CONTROL

Mr. DORGAN. Today, in the Washington Post, there was a story headlined ''U.S. Arms Policy is Criticized at the United Nations.'' The occasion of the criticism comes at the beginning of the conference to review the status of the Nuclear Non-Proliferation Treaty which opened yesterday at the United Nations in New York. This conference occurs once every 5 years. It is a conference on the status of the Nuclear Non-Proliferation Treaty. I would like to read the first paragraph of the story in the Washington Post because it is really quite a sad day when our country is described in the following way:

> After years of championing international attempts to halt the spread of nuclear weapons, the United States found itself on the defensive today as a broad alliance of arms control advocates, senior United Nations officials, and diplomats from nonnuclear countries charged that Washington is blocking progress toward disarmament.

Well, that is not something any of us aspires to hear. I hope and I believe that many of my colleagues want the United States to be seen as a leader in trying to stop the spread of nuclear weapons and in trying to reduce the number of nuclear weapons in this world. Regrettably, others view the actions of the United States—especially in the last few years—as actions that are not actions of a leader in trying to stop the spread of nuclear weapons.

We have made some progress over recent years in reducing the number of nuclear weapons. I want to describe how because I think it is important to understand it.

I ask unanimous consent to show two items on the floor of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, this is a piece of metal that comes from the wing strut of a Russian TU–160 Backfire bomber. This bomber carried nuclear weapons during the height of the cold war. This bomber was a threat to the United States of America.

How is it that I stand on the floor of the Senate holding a piece of a wing strut from a Russian bomber? Did we shoot it down? No. It was actually sawed off the wing. Giant, rotating metal saws cut the wings off this bomber. Why? Because we negotiated an agreement with the Russians to reduce the number of bombers and missiles and nuclear warheads in Russia. We reduced our stockpile and our delivery mechanisms, and they reduced theirs. So without shooting down a bomber that carried nuclear bombs that threatened America, I now have in my hand a piece of a wing from a Russian bomber—because arms control works. We know it works.

This chart shows what arms control has done in recent years. In the 1980s we ratified the Intermediate Range Nuclear Forces Treaty, and in the 1990s we ratified the first Strategic Arms Reduction Treaty, or START I. When we started the process in the mid-1980s, the Russians—or then the Soviet Union—had about 11,000 nuclear weapons on long range missiles. Today Russia has about 5,000. That means that 6,000 warheads are now gone. Many of those warheads were probably carried in the Russian Backfire bomber this piece comes from. So 6,000 warheads no longer threaten the United States of America.

Do you know what that represents—6,000 warheads with the kind of strength and power of the nuclear warheads the Russians used to build? That is equal to 175,000 Hiroshima bombs. Let me say that again. We have actually negotiated the reduction of nuclear warheads in the Russian arsenal, and 6,000 warheads are gone. Those 6,000 warheads represented the equivalent of 175,000 atomic bombs dropped on Hiroshima. That is quite remarkable.

This is a small container of ground-up copper wire. This copper wire used to run through a Russian ballistic missile submarine. This type of submarine, a Typhoon class submarine that snaked under the waters throughout the world carrying 20 missiles, with 10 nuclear warheads on the tip of each of those missiles, aimed at the United States of America. This copper wire, before it was ground up, used to course through this Typhoon submarine. But now I

have the wire from a Typhoon submarine ground up in a small vial. How did I get that? Did we sink this submarine? Did we go to war with Russia and sink this submarine? No. This was dismantled, brought up to the port, and then engineers, carpenters, and others took this apart piece by piece, and this submarine doesn't exist anymore.

This submarine was taken apart as part of the Nunn-Lugar program to reduce delivery systems and nuclear weapons in the old Soviet Union and in what we now refer to as Russia. We have spent $2.5 billion on the Nunn-Lugar program. We have actually paid for the destruction of Russian bombers. We have paid for the destruction of Russian intercontinental ballistic missiles, 5,000 nuclear warheads, 471 ICBMs, and 354 ICBM silos, 12 ballistic missile submarines.

I have had charts on the Senate floor that show a plot of ground in the Ukraine where a missile silo existed with a nuclear warhead aimed at the United States of America, and now the silo is gone. I have held up a piece of metal from the hinge of the silo on the floor of the Senate. That hinge and that missile silo are now scrap metal. The silo is gone, the missile is gone, the warhead doesn't exist, and there is now a plot of ground with sunflowers. Where a nuclear missile used to rest, sunflowers now grow. That is progress. That is real progress in reducing the threat of nuclear weapons.

What about the future? If this is what has happened and this is success, what about the future? Well, this success occurred under decisions by Congress—not in the last several years, but years before that—in which we said: We are the leaders in arms reduction and arms control. Our country wants to provide leadership. We want to reduce the number of warheads, reduce the number of bombers and missiles, reduce the tensions. And we have done that.

But in the last several years, something dramatic has changed in the Congress. No. 1, we saw the Senate defeat the Comprehensive Nuclear Test Ban Treaty. It was almost unthinkable to me, but this Senate said: This country doesn't want to ratify a Comprehensive Nuclear Test Ban Treaty even though we have already decided that the United States is not going to test nuclear weapons. We decided that unilaterally some 6 or 7 years ago. So we are not testing nuclear weapons. A treaty that has been signed by over 150 nations, negotiated over many years, ratified by most of our allies, was not ratified by the Senate because we have Senators who say, no, we don't think that is in the country's interest.

Well, if it is not in this country's interest to reduce the stockpile of nuclear weapons and to stop the testing of nuclear weapons, stop the spread of nuclear weapons around the world, what on earth is in this country's interest? After the Senate failed to ratify that treaty, those who voted against the treaty blamed everyone but themselves. That treaty languished in the committee here in the Senate for over 2 years without a day of hearings—not one. Then it was brought to the floor on a preemptory basis, given short shrift in debate, and killed.

Those who killed that treaty should not have taken much pleasure in putting this country in the position of failing to exert leadership with respect to the nonproliferation of nuclear weapons and the ban on testing nuclear weapons all around the world.

Last week, the Russian Duma ratified START II. Prior to that, the Russians passed the Comprehensive Nuclear Test-Ban Treaty. While that is happening, this country is talking about building a national missile defense system and trying to negotiate with Russia changes in the anti-ballistic missile system which in many ways is the linchpin for all of this progress in arms control and arms reduction.

And what happens? Yesterday at the United Nations we have diplomats looking at Russia and saying: You are making a lot of progress here, Russia. You have passed the Comprehensive Nuclear Test-Ban Treaty. You ratified that treaty, you passed START II, congratulations.

And the United States: You have lost your edge, you are not doing much. You seem to be retreating on the question of whether you care about arms control. You seem to be stepping back from your commitment of stopping the spread of nuclear weapons and working as hard as you worked previously to reduce the number of delivery vehicles and reduce the number of nuclear weapons.

I regret that is the case. That should not be the case. It cannot be a judgment of conservatives or liberals or Democrats or Republicans to believe that somehow it falls to someone else to be a leader in the world, to stop the spread of nuclear weapons. Do we worry that the nuclear club—a rather small club in this world consisting of nations that possess nuclear weapons—do we worry that is going to proliferate, there will be more and more nations that possess nuclear weapons, and more and more nations that have the mechanism or the wherewithal to deliver those nuclear weapons? We should certainly worry about that.

Even with START II, the U.S. and Russia will each have about 3,500 nuclear weapons. Hopefully we will begin negotiations of START III and agree to much lower levels. As we do that, we have people in this Chamber who want to focus not on arms control but on building some kind of a national missile defense system, some sort of a shield to prevent America from being attacked by a rogue nation.

We need to understand the only country in the world that possesses the strength and the nuclear power to destroy our way of life is Russia. They still have thousands of nuclear weapons. We ought to engage with them in an aggressive START III negotiation and continue the progress of bringing down the number of nuclear weapons in the two major nuclear superpowers—Russia and the United States. We ought to continue that.

I know we have people here who don't sleep at night because they are worried that North Korea might threaten a small slice of the United States. But they should realize that, No. 1, a national missile defense, if deployed, will be horribly costly. No. 2, it will not protect this country against this kind of a threat. Those people say to the American people that Congress will fund a national missile defense program to defend against a rogue nation—North Korea, they suggest, Iraq or Iran. The fact is, the least likely threat is that a rogue nation would have access to an intercontinental ballistic missile. If it acquires access to a nuclear weapon, it is far more likely to deploy it as a suitcase bomb put in the trunk of a rusty Yugo car at a dock in New York City, rather than putting it on the tip of an intercontinental ballistic missile and having any notion of being able to fire it with accuracy.

It is much more likely they would acquire a cruise missile, which would be easier to acquire, much less costly, and not as technically difficult to deploy. Of course, the national missile defense system wouldn't do anything to defend against that. It is much more likely a rogue nation would find it more attractive to use a deadly vial of chemical or biological agents to threaten a superpower.

We face a myriad of threats. There is no question about that. The biggest threat, in my judgment, is this country stepping away from its responsibility to lead and stop the spread of nuclear weapons around the world, and this country stepping away from its responsibility to decrease the number of nuclear weapons and decrease the launchers and delivery systems for those nuclear weapons.

My fervent hope is that we will agree that last year's vote by which the Senate defeated ratification of the Comprehensive Nuclear Test-Ban Treaty should not signal to anyone in the world that this country is no longer interested in these issues. We must decide again, even though there is not an appetite by some in the Senate to do so, we must decide again that leadership in arms control is this country's responsibility. It is upon our shoulders that this responsibility falls. No one else can exert this leadership with the capability of the United States.

If we don't exert leadership, what we will end up building new nuclear weapons, building new defensive systems.

We will start a new arms race. We will see more spending on nuclear weapons by China. We will see more spending on offensive weapons by Russia. We will see other countries joining the nuclear club because they will believe they should acquire nuclear weapons to represent their interests. We will see our allies depart from us on these issues because they believe abrogation of the ABM Treaty is very unwise.

I think the majority of the American people believe the biggest threat to our future is the nuclear threat, the threat of a nuclear attack by an ever-increasing number of countries who acquire nuclear weapons.

We know what works. Arms control works, negotiation works, destroying another superpower's bombers through negotiation by sawing off the wings, dismantling submarines that carry nuclear weapons: we know that works. It is far better to do that than to engage in the horror of a nuclear war from which this world will not, in my judgment, survive.

Think for a moment about the devastation visited upon Nagasaki and Hiroshima and go back to what I discussed earlier—the reduction in 6,000 nuclear warheads that has been negotiated and accomplished. That is just the first step, a big step, but just the first step. It represents the reduction in nuclear warheads equivalent to 175,000 bombs the size of the bomb that was dropped on Hiroshima.

The reason I come to the floor at the end of the day is simply to say we ought not take any pride as a country in seeing an article in the press of the United States suggesting somehow we have lost our will to lead on this issue. We can come to the floor and debate 100 things in 100 days. Some of them are big; some of them are small. None are more important, in my judgment, than addressing the issue of the spread of nuclear weapons. Just because we have people now serving in Congress who have an unending appetite to keep building new weapons, an unending appetite to spend more money on new weapons, does not mean those who believe in arms control and believe real progress in arms control will make this a safer world in which to live, should step aside and say: Yes, you win; go build your weapons.

We ought not do that, but we ought to wage the fight for a safer world by having this country exhibit the leadership it needs to exhibit, that it should responsibly exhibit, for the safety of all the people who live in this world.

I will have more to say about this subject at another time. But on the eve of the meeting of the NPT Review Conference in New York, I wanted to talk about these issues. I want to say that some in Congress believe very strongly and feel very deeply that the future of our children and grandchildren and the future of this country rests on those who believe in arms control prevailing in this Senate, despite the recent events, despite the debate we have heard in the last couple of years. This issue is not over. Those of us who believe as I do are not going to go away. We hope this country will assume some sensible mantle of leadership in this important area.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I ask unanimous consent that I be allowed to speak in morning business for 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NUCLEAR WASTE BILL

Mr. SESSIONS. Mr. President, I understand at this time the President is considering vetoing the nuclear waste bill that passed here by a substantial majority. That is very troubling to me. It is time for us to dispose of nuclear waste. We have the capability. The citizens of America, through their electric bills, have paid billions of dollars to build this waste disposal area out in the Nevada desert to place this nuclear waste—which is not explosive. It is simply radioactive and it is placed in the right kind of containers and will be placed in the ground of the desert of Nevada where we exploded 1,000 bombs on top of the ground in developing our nuclear bombing capability. But every nuclear electric-generating plant in America produces some waste. That waste is being stored on site. We agreed some years ago to create this fund and to store this waste. Now, every time we come to this Senate, every time this debate comes up for a vote, a majority votes for it and the President ends up vetoing it and we fall just short of the number of votes to override that veto.

Through an unusual number of circumstances, I have become somewhat familiar with the concerns involving energy and nuclear power in America. I formed a very clear opinion of what we have to do if we are going to meet the demands for power and the demand to clean up the atmosphere. The Kyoto treaty, which the President signed and the Vice President supported, the executive branch made an amazing agreement that we would reduce our greenhouse gas emissions by 7 percent from 1990 levels by 2012 or 2010—the exact year escapes me.

Since that time, our demand for energy has increased. Since 1990, our emissions of greenhouse gases have increased by 8 percent. By the year 2012, if we were to comply with the agreement the President tried to commit us to, we would have to reduce, from this day, 15 percent of our greenhouse gas emissions when we know our demands for energy are going to increase between now and 2010. This is a box we cannot get out of; not under present plans.

There was a marvelous 2-hour show on Sunday night on public television's ''Frontline'' on greenhouse gases and the potential of global warming. They went over all the issues at that time. I think it was tilted slightly more than the science indicates that we are in a period of global warming, but it does appear we may be. We need to be thinking about that. But the scientists and experts I have talked with say we cannot meet those goals without nuclear power.

Mr. President, 20 percent of the electricity in this country is produced by nuclear power, but we have not approved a new plant since the 1970s. France has over 60 percent—soon to be 80 percent—of its power generated by nuclear power. Japan also has a large percentage generated by it. In the United States, we have never lost a life as a result of nuclear power. Nuclear power produces, as you know, no pollution for the atmosphere—zero. Huge amounts—20 percent—of our electric power is produced by nuclear power with no emissions out there.

We have a crisis in our energy policy with regard to fuel oil and our domestic production since 1992, when this administration took office. The reason I am talking about that is I believe there is a no-growth, antienergy policy that is made a part of our American policy under the Clinton-Gore administration. They do not believe in production of greater amounts of energy. We have reduced our domestic production of oil by 17 percent since 1992. Yet our demand for oil and gasoline has increased 14 percent. That is a shocking figure. That is why we are so much more dependent on the Middle East, OPEC, for oil and gas. That is why they are able to demand higher prices. Maybe the gas companies added a few cents on a gallon, but almost all of that was a direct result of their demand for oil from the Middle East and Venezuela and the OPEC nations, and we virtually pay double for it.

What that means is if your gasoline has gone up from $1 to $1.45 at the gas pump, that extra 45 cents is going outside of America to one of these OPEC nations. It is a drain on the wealth of this country, and I submit it does suggest it could threaten the economic prosperity we are enjoying today.

How can we meet our environmental goals? How can we do that without thinking broadly about what is occurring? We heard recently the Vice President saying, with regard to nuclear power, that he does not support an increased reliance on nuclear power for electricity generation. He does not support an increased reliance on nuclear power for electricity generation, but he would keep open the option of relicensing existing nuclear plants. I think that is a stunning statement. That is a no-growth policy. We are going to limit greenhouse emissions but we are not

going to allow any increase in nuclear power.

Another one of his stunning proposals is to not drill any further for natural gas in the deep Gulf of Mexico. There are great reserves of natural gas there. Natural gas, even if it breaks out of our pipeline, does not pollute as does oil. It is not sticky. It evaporates. It is not a real dangerous pollutant. And when it burns, it is the most efficient burning of all fossil fuels and produces the least amount of pollution. If we move to a cleaner energy source, natural gas is it. But the Vice President, who opposes nuclear power, now is opposing drilling for natural gas in the Gulf of Mexico. That he explicitly stated during his campaign in New Hampshire. In fact, he said he would consider rolling back the leases that have already been issued. So this is a dangerous time for us.

I hope we are not moving to make unwise decisions that would, in effect, result in the drying up of our supply of energy and raising the price of energy for every American and having that money go overseas to foreign nations. We need to produce more nuclear power. I will be talking more about that in the future.

My plea is to the President: Do not veto this bill. Let's keep America as a strong nuclear-powered country.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. The Senate, under the previous order, stands adjourned until 10 a.m. Wednesday, April 26, 2000.

Thereupon, the Senate, at 6:19 p.m, adjourned until Wednesday, April 26, 2000, at 10 a.m.

NOMINATIONS

Executive Nominations Received by the Senate April 25, 2000:

DEPARTMENT OF STATE

BRIAN DEAN CURRAN, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HAITI.

SHARON P. WILKINSON, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MOZAMBIQUE.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

MARK D. GEARAN, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM OF TWO YEARS. (NEW POSITION)

THE JUDICIARY

LINDA B. RIEGLE, OF NEVADA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA VICE JOHNNIE B. RAWLINSON, ELEVATED.

LAURA TAYLOR SWAIN, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK VICE THOMAS P. GRIESA, RETIRED.

DEPARTMENT OF JUSTICE

DANIEL G. WEBBER, JR., OF OKLAHOMA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF OKLAHOMA, VICE PATRICK M. RYAN, RESIGNED.

JOSE ANTONIO PEREZ, OF CALIFORNIA, TO BE UNITED STATES MARSHAL FOR THE CENTRAL DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS VICE MICHAEL R. RAMON, RESIGNED.

RUSSELL JOHN QUALLIOTINE, OF NEW YORK, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS, VICE MARTIN JAMES BURKE.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

JEFFREY D. KOTSON, 0000
SEAN P. GILL, 0000
CHRISTOPHER S. KEANE, 0000
CHRISTINE N. CUTTER, 0000
RICHARD R. BEYER, 0000
ANDREW J. NORRIS, 0000
SANDRA K. SELMAN, 0000
RACHEL E. CANTY, 0000
MARK W. SKOLNICKI, 0000
KENNETH D. DAHLIN, 0000
LEWIS FISHER, JR., 0000
ERIC A. BAUER, 0000
KEIRSTEN E. CURRENT, 0000
DARCIE A. GAARE, 0000
VICTOR S. MARSH, 0000
DENNIS C. MILLER, 0000
BERNARD J. SANDY, 0000
ROBERT J. CAMPBELL, 0000
JOSEPH M. ZWACK, 0000
PATRICIA T. MITROWSKI, 0000
CRAIG A. WYATT, 0000
LUCINDA J. BOOKHAMMER, 0000
CHRISTOPHER B. RANDOLPH, 0000
JESSE L. STEVENSON, 0000
MARILYNN J. NOBLE, 0000
DANA B. TYNDALE, 0000
STACEY MERSEL, 0000
JOSE A. QUINONESQUINTANA, 0000
STEFANIE A. BARLIS, 0000
YVONNE E. NIENHUIS, 0000
AMY M. BEACH, 0000
SCOTT L. JOHNSON, 0000
DAVID C. WELCH, 0000
TROY L. SHAFFER, 0000
LOUIE C. PARKS, JR., 0000
BRIAN L. MELVIN, 0000
ANNE J. ODEGAARD, 0000
MICHAEL P. GROSS, 0000
ROXANNE TAMEZ, 0000
RICHARD D. MOLLOY, 0000
ALFORD L. DANZY, 0000
JEROME SURLES, 0000
CARI M. FIELD, 0000
JASON M. KRAJEWSKI, 0000
SEAN M. KELLY, 0000
DANA M. CASWELL, 0000
JOHN B. HALL, 0000
DOMINIQUE T. SAMONTE, 0000
ROBERT D. MUTTO, 0000
ERIK J. JENSEN, 0000
KEVIN C. ULLRICH, 0000
FELIX E. DELGADO, 0000
JOHN F. BARRESI, 0000

To be lieutenant (junior grade)

BRUCE C. BROWN, 0000
SIMONE S. BRISCO, 0000
CHRISTOPHER T. ONEIL, 0000
TYRONE L. JONES, JR., 0000
ROBERT L. HELTON, 0000
ROBYN A. SHAVERS, 0000
KEELI S. DARST, 0000
SCOTT A. KLINKE, 0000
CAROLYN M. BEATTY, 0000
DAVID M. WEBB, 0000
ROSEMARY P. FIRESTINE, 0000
THERESA A. MORVAY, 0000
JOSEPH T. MCGILLEY, 0000
SUSAN M. MAITRE, 0000
LAURA E. KING, 0000
JENNIFER S. FALACY, 0000
MAGGIE A. MCGOWAN, 0000
KENNETH J. WASHINGTON, 0000
CRAIG M. JARAMILLO, 0000
BRUCE K. WALKER, 0000
FRANK J. FERRITTO, 0000
DANIEL H. LYNAM, 0000
MICHAEL J. DAPONTE, 0000
THOMAS L. BOYLES, 0000
GEORGE A. RUWISCH, 0000
STEPHEN A. LOVE, 0000
JOSEPH R. BOWES III, 0000
PAMELA D. HOCKADAY, 0000
RYAN D. ALLAIN, 0000
KENDALL L. SANDERSON, 0000
JOHN P. DEBOK, 0000
SCOTT T. HIGMAN, 0000
TINA L. URBAN, 0000
JOSE A. PENA, 0000
ANGELA L. COOPER, 0000
LAMONT S. BAZEMORE, 0000
VIVIANNE W. LOUIE, 0000
TARA D. PETTIT, 0000
JASON B. FLENNOY, 0000
KATHLEEN A. MOSKAL, 0000
CHANCE C. GREEN, 0000
CASSANDRA A. WALBERT, 0000
COLLEEN M. OBRIEN, 0000
JOHN A. NATALE, 0000
LISA M. HOULIHAN, 0000
MICHELE A. WOODRUFF, 0000
ROBERT W. MITCHUM, 0000
MARK M. DRIVER, 0000
SUZANNE M. MCNALLY, 0000
BRIAN E. MOORE, 0000
CHRISTOPHER L. BOES, 0000
GREG J. METE, 0000
LANCE J. MAYFIELD, 0000
ROCKLYN L. MCNAIR, 0000
DAVID P. SANDAHL, 0000
KEITH D. RAUCH, JR., 0000
LISA H. DEGROOT, 0000
WILLIAM M. NUNES, 0000
KELLEY R. NICHOLSON, 0000
PAUL D. MURPHY, 0000
STEPHEN M. SNYDER, 0000
DANNY G. SHAW, 0000
KIM DONADIO, 0000
KENNETH VAZQUEZ, 0000
MARK A. BOTTIGLIERI, 0000
JOHN E. HALLMAN, 0000
CLINTON S. CARLSON, 0000
TED C. MERCHANT, 0000
MARK J. SHEPARD, 0000
JEFF M. APARICIO, 0000
ROBERTO H. TORRES, 0000
YANG C. JONAS, 0000
BRIAN S. SANTOS, 0000
THEODORE Q. LAM, 0000
PAUL W. TURNER, 0000
JAMES B. RUSH, 0000
LESLIE M. BRUNNSCHWEILER, 0000
LAKISHA T. PRESSLEY, 0000
JERVASE A. EPPS, 0000
CEFERINO W. MANANDIC, 0000
JASON E. SMITH, 0000
DANIEL J. FITZGERALD, 0000
SCOTT W. MULLER, 0000

To be ensign

KIMBERLY ORR, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. ROBERT E. LYTLE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DONALD G. COOK, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ROGER G. DEKOK, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT C. HINSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN D. HOPPER, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. HAL M. HORNBURG, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOSEPH H. WEHRLE, JR., 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. JOHN C. SCROGGINS, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. ANDREW B. DAVIS, 0000
COL. HAROLD J. FRUCHTNICHT, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

DAVID C. ABRUZZI, 0000.
*ROBERTO ACOSTA, 0000.
ANTHONY J. ADAMO, 0000.
DANA M. ADAMS, 0000.
LUTHER M. ADAMS, 0000.
RICHARD J. ADAMS, 0000.
THOMAS L. ADAMS, 0000.
RONALD E. ADAMSON, 0000.
WALLACE L. ADDISON, 0000.
RUSSELL G. ADELGREN, 0000.
*GREGORY S. AGNES, 0000.
KAREN L. AGRES, 0000.
PATRICK A. AHLGRIMM, 0000.
GREGORY C. AHLQUIST, 0000.
PATRICK N. AHMANN, 0000.
VAROZ JOSEPH J. AIGNER, 0000.
PATRICIA L. AKEN, 0000.
WILLARD B. AKINS II, 0000.
ERNEST F. ALBRITTON, JR., 0000.
ALEJANDRO J. ALEMAN, 0000.
JEFFREY S. ALEXANDER, 0000.
TERRY D. ALEXANDER, 0000.
*JAMIE D. ALLEN, 0000.
*LISA C. ALLEN, 0000.
MARK E. ALLEN, 0000.
MARK S. ALLEN, 0000.
ROBERT S. ALLEN, 0000.
YOLANDA B. ALLEN, 0000.
THOMAS P. ALLISON, 0000.
JOEL O. ALMOSARA, 0000.
JOHN M. ALSPAUGH, 0000.
JOHN S. ALSUP, 0000.
THOMAS L. ALTO, 0000.
*CHRISTOPHER J. ALUOTTO, 0000.
DONATELLA D. ALVARADO, 0000.
RICHARD C. AMBURN, 0000.
STEVEN J. AMENT, 0000.
KATHLEEN F. AMPONIN, 0000.
*CURTIS R. ANDERSEN, 0000.
WILLIAM D. ANDERSEN, 0000.
BYRON B. ANDERSON, 0000.
CHRISTINA M. ANDERSON, 0000.
GREGORY D. ANDERSON, 0000.
JOHN H. ANDERSON III, 0000.
MICHAEL D. ANDERSON, 0000.
PAUL K. ANDERSON, 0000.
ROGER K. ANDERSON, 0000.
*TIMOTHY D. ANDERSON, 0000.
STEPHEN L. ANDREASEN, 0000.
KEITH E. ANDREWS, 0000.
DAVID R. ANDRUS, 0000.
JOSEPH F. ANGEL, 0000.
RICHARD A. ANSTETT, 0000.
REBECCA J. APPERT, 0000.
PAUL W. ARBIZZANI, 0000.
PAUL A. ARCHULETTA, 0000.
ANDREW P. ARMACOST, 0000.
ERIC L. ARMSTRONG, 0000.
RUSSELL K. ARMSTRONG, 0000.
DAVID C. ARNOLD, 0000.
MARK ARREDONDO, 0000.
BRUCE A. ARRINGTON, 0000.
CHRISTOPHER B. ASHBY, 0000.
GERALD F. ASHBY, 0000.
KAREN J. ASHLEY, 0000.
*MARGARETE P. ASHMORE, 0000.
JOHN R. ASKREN, 0000.
RUDOLPH E. ATALLAH, 0000.
CHRISTOPHER B. ATHEARN, 0000.
ROBIN D. ATHEY, 0000.
CHRISTOPHER L. ATTEBERRY, 0000.
LAWRENCE F. AUDET, JR., 0000
BRIAN K. AUGSBURGER, 0000
MARK C. AUSTELL, 0000
CHRISTINA A. AUSTINSMITH, 0000
RICHARD J. AUTHIER, JR., 0000
ROBERT M. BABB, 0000
*DOYLE R. BABE, 0000
SCOTT E. BABOS, 0000
MICHAEL J. BABYAK, 0000
VALORIE L. BAGGENSTOSS, 0000
AMANDA B. BAILEY, 0000
LEEMON C. BAIRD III, 0000
MARK A. BAIRD, 0000
RALPH T. BAKER, 0000
ROBERT A. BAL, 0000
DAVID D. BALDESSARI, 0000
REECE S. BALDWIN, 0000
DOUGLAS A. BALLINGER, 0000
SCOTT J. BALSITIS, 0000
KEVIN E. BANNISTER, 0000
ANTHONY E. BARBARISI, 0000
TINA M. BARBERMATTHEW, 0000
TIMOTHY D. BARCLAY, 0000
DIETER E. BAREIHS, 0000
KENNETH A. BARKER, 0000
KEVIN D. BARKER, 0000
DAVID J. BARNES, 0000
DAVID W. BARNES, 0000
JACQUELINE K. BARNES, 0000
JAMES W. BARROW, 0000
BRUCE C. BARTHOLOMEW, 0000
CATHY J. BARTHOLOMEW, 0000
ALLEN J. BARTON, 0000
RANDALL G. BASS, 0000
PETER D. BASTIEN, 0000
ANDREW H. BATTEN, 0000
MICHAEL J. BAUER, 0000
*MICHELE A. BAXTER, 0000
DAVID J. BAYLOR, 0000
CHARLES E. BEAM, 0000
JOHN D. BEAN, 0000
BARRY D. BEAVERS, 0000
MATTHEW J. BECKAGE, 0000
BRIAN R. BEERS, 0000
MICHAEL D. BEESON, 0000
PAUL R. BEGANSKY II, 0000
PAUL R. BEINEKE, 0000
ROSE M. BELL, 0000
*RUBEN L. BELL, 0000
WAYNE E. BELL, 0000
EUGENE R. BELMAIN II, 0000
DAVID B. BELZ, 0000
DANIEL W. BENEDICT, 0000
JEFFREY B. BENESH, 0000
GREGORY N. BENNETT, 0000
JAMES E. BENNETT, JR., 0000
MATTHEW A. BENNETT, 0000
ROBERT E. BENNING, 0000
LAYNE D. BENNION, 0000
JAMES M. BENSON, 0000
RALPH E. BENTLEY, 0000
SCOTT I. BENZA, 0000
JEFFREY C. BERGDOLT, 0000
KURT A. BERGO, 0000
JON M. BERGSTROM, 0000
*GEORGE B. BERIG, 0000
PATRICK E. BERTZ, 0000
DANIEL J. BESSMER, 0000
CYR LINDA K. BETHKE, 0000
CORNELIUS BETZ III, 0000
SHAWN B. BEVANS, 0000
BRUCE A. BEYERLY, 0000
CRAIG ALAN C. BIAS, 0000
BRENT D. BIGGER, 0000
TIMOTHY J. BILTZ, 0000
GREGORY A. BINGHAM, 0000
*CRAIG S. BIONDO, 0000
*DAVID R. BIRCH, 0000
BRYAN P. BIRCHEM, 0000
DANIEL A. BIRKLE, 0000
TRACEY L. BIRRI, 0000
*STEVEN T. BISHOP, 0000
TIMOTHY G. BISHOP, 0000
DEREK H. BISSINGER, 0000
CADE D. BLACK, 0000
KIMBERLY A. BLACK, 0000
MARK L. BLACK, 0000
CHRISTOPHER A. BLACKWELL, 0000
*DAVID S. BLADES, 0000
DOUGLAS C. BLAKE, 0000
PATRICIA C. BLAKE, 0000
CHARLES I. BLANK III, 0000
ALEXANDER J. BLANTON, 0000
DAVID P. BLAZEK, 0000
RICHARD T. BLECHER, 0000
GARRY M. BLOOD, 0000
DANIEL S. BLUE, 0000
*CHRISTOPHER J. BLUM, 0000
MORRIS C. BLUMENTHAL, 0000
ROBERT M. BLYTHE, 0000
MATTHEW J. BOBB, 0000
RANDY R. BODIFORD, 0000
DOUGLAS P. BODINE, 0000
KEVIN L. BOERMA, 0000
GREGORY A. BOERWINKLE, 0000
ELIZABETH S. BOGDAN, 0000
JERRY BOGERT, 0000
JAMES M. BOGUSLAWSKI, 0000
RICHARD E. BOLTON, 0000
ANTHONY F. BOND, 0000
MICHAEL H. BOND, 0000
ROBERT J. BONNEAU, 0000
MALCOLM A. BONNER, JR., 0000
JAMES I. BOOTH, 0000
ROBERT T. BOQUIST, 0000
DAVID J. BORBELY, 0000
LINDSEY J. BORG, 0000
MICHAEL F. BORGERT, 0000
MAUREEN E. BORGIA, 0000
*ROBERT ALLAN BORICH, JR., 0000
KENNETH J. BOSCHERT, 0000
JOHN L. BOSWORTH II, 0000
TODD K. BOULWARE, 0000
JAMES BOURASSA, 0000
JESSE BOURQUE, JR., 0000
ROBERT D. BOWIE, 0000
RANDELL P. BOWLING, 0000
KATHLEEN M.W. BOYD, 0000
SCOTT E. BOYD, 0000
ROBERT C. BOYLES, 0000
ANDREW R. BRABSON, 0000
*CONSTANCE J. BRADLEY, 0000
SCOTT W. BRADLEY, 0000
JUAQUIN D. BRADSHAW, 0000
ERIC P. BRAGANCA, 0000
*CARY L. BRAGG, 0000
DEBORAH J. BRANCH, 0000
JAMES A. BRANDENBURG II, 0000
JOHN A. BRANIN, 0000
STEPHEN K. BRANNAN, 0000
HELEN L. BRASHER, 0000
WILLIAM A. BRAUN, 0000
NORMITA C. BRAVO, 0000
HYPOLITE F. BREARD III, 0000
JAMES E. BRECK, JR., 0000
BRAD A. BREDENKAMP, 0000
PAUL L. BREDHOLT, 0000
PETER G. BREED, 0000
PATRICK D. BRENNAN, 0000
MICHAEL F. BRIDGES, 0000
PATRICIA ANN BRIDGES, 0000
LORING G. BRIDGEWATER, 0000
WILLIAM L. BRIGMAN, 0000
GREGORY S. BRINSFIELD, 0000
RONALD E. BRODEN, 0000
DALLAS S. BROOKS, 0000
TODD M. BROST, 0000
DAWN M. BROTHERTON, 0000
JOHN F. BROWER, 0000
BRUCE E. BROWN, JR., 0000
GREGORY K. BROWN, 0000
KEVIN W. BROWN, 0000
MICHAEL S. BROWN, 0000
RAY S. BROWN, 0000
SHERRY A. BROWN, 0000
*STEVEN P. BROWN, 0000
TIMOTHY P. BROWN, 0000
KENNETH J. BROWNELL, 0000
JOHN F. BROWNFIELD III, 0000
RICHARD A. BRUCE, 0000
ROBERT J. BRUCKNER, 0000
JERRY P. BRUMFIELD, 0000
DAVID F. BRUMMITT, 0000
DALE S. BRUNER, 0000
CHRISTOPHER J. BRUNNER, 0000
ROBERT P. BUBELLO, 0000
ROBERT B. BUCHANAN, 0000
CAMERON E. BUCHHOLTZ, 0000
PAUL A. BUGENSKE, 0000
DAVID J. BUKOVEY, 0000
KIMBERLY F. BULLOCK, 0000
DEBORAH L. BUNCH, 0000
KIRK P. BUNCH, 0000
JEFFREY B. BURCHFIELD, 0000
ROBERT G. BURGESS, 0000
PATRICK C. BURKE, 0000
RAY S. BURKE, 0000
MAHLON M. BURKET, 0000
TODD M. BURKHARDT, 0000
*JAMES J. BURKS, 0000
*RUSSELL W. BURLEY, 0000
CHRISTOPHER J. BURNS, 0000
SCOTT D. BURNSIDE, 0000
MICHAEL BURSEY, 0000
STEVEN B. BURTON, 0000
CHARLES K. BUSCH, 0000
TIMOTHY W. BUTCHER, 0000
CHRISTOPHER S. BUTLER, 0000
DONALD E. BUTLER, 0000
RUDOLPH E. BUTLER III, 0000
*ERIC J. BUTTERBAUGH, 0000
BRADLEY J. BUXTON, 0000
TODD C. BYNUM, 0000
PHILIP M. BYRD, 0000
*HENRY CABRERA, 0000
FREDERICK B. CADE, 0000
SEANN J. CAHILL, 0000
ROBERT E.J. CALEY, 0000
GREGORY B. CALHOUN, 0000
*YUVETTE V. CALHOUN, 0000
DIANE L. CALIMLIM, 0000
DANIEL J. CALLAHAN, 0000
ROBERT W. CALLAHAN, 0000
ITALO A. CALVARESI, 0000
DAVID C. CAMPASSI, 0000
JAMES C. CAMPBELL II, 0000
*MARK D. CAMPBELL, 0000
STEVEN M. CAMPBELL, 0000
MICHAEL O. CANNON, 0000
KENNETH E. CANTERBURY, 0000
JAMES M. CANTRELL, 0000
ALEJANDRO R. CANTU, 0000
BARRON D. CANTY, 0000
ROBERT J. CAPOZZELLA, 0000
EDWARD J. CARDENAS, 0000
MARGARET M. CAREY, 0000
CHRISTOPHER A. CARLSEN, 0000
DANN S. CARLSON, 0000
ERIC N. CARLSON, 0000
ERIK R. CARLSON, 0000
KARN L. CARLSON, 0000
RUSSELL L. CARLSON, 0000
ALEXANDER E. CAROTHERS, 0000
ROBERT A. CARPENTER, 0000
CHRISTOPHER F. CARPER, 0000
VINCENT M. CARR, JR., 0000
KURT J. CARRAWAY, 0000
JAY A. CARROLL, 0000
*MATTHEW D. CARROLL, 0000
AURELIA C. CARROLVERSON, 0000
DAVID J. CARTER, 0000
TERRY H. CARTER, 0000
TIM R. CARTER, 0000
JAVIER R. CASANOVA, 0000
FLAVIA CASASSOLA, 0000
GRANT S. CASE, 0000

JOHN E. CASEBOLT, 0000
WILLIAM M. CASHMAN, 0000
ERIC D. CASLER, 0000
HECTOR CASTILLO, 0000
MITCHELL CATANZARO, 0000
STEPHEN D. CATCHINGS, 0000
WILLIAM M. CATHEY, 0000
VINCENT K. CATICH, 0000
MARC E. CAUDILL, 0000
JAMES A. CAUGHIE, 0000
JOHN D. CAYE, 0000
*DAVID A. CEBRELLI, 0000
GARY J. CEGALIS, 0000
MARY T. CENTNER, 0000
JEFFREY D. CETOLA, 0000
*RENE J. CHADWELL, 0000
*GLENN S. CHADWICK, 0000
*JAMES E. CHALKLEY II, 0000
RICHARD M. CHAMBERS, 0000
*BARRY C. CHANCE, 0000
CHINRAN O. CHANG, 0000
MICHAEL J. CHAPA, 0000
NIKOLAS CHAPAPAS, 0000
DAVID E. CHELEN, 0000
JEN JEN CHEN, 0000
MARC L. CHERRY, 0000
THOMAS E. CHESLEY, 0000
JULIAN M. CHESNUTT, 0000
LISETTE D. CHILDERS, 0000
ERIC H. CHOATE, 0000
BOGDAN CHOMICKI, 0000
TIMOTHY CHONG, 0000
DIANE M. CHOY, 0000
MIKE G. CHRISTIAN, 0000
*JOSEPH R. CHURCH, 0000
DANIEL J. CLAIRMONT, 0000
ANDRA B. CLAPSADDLE, 0000
DOUGLAS S. CLARK, 0000
GREGORY J. CLARK, 0000
JAMES A. CLARK, 0000
JOHN A. CLARK, 0000
TREVOR M. CLARK, 0000
EDWARD P. CLARY, 0000
ROGER L. CLAYPOOLE, JR., 0000
SHERMAN M. CLAYTON, 0000
*RONALD E. CLEAVES, 0000
ARDYCE M. CLEMENTS, 0000
PATRICK G. CLEMENTS, 0000
RODNEY L. CLEMENTS, 0000
CHAD M. CLIFTON, 0000
TERENCE P. CLINE, 0000
DAVID L. CLOE, 0000
KIMBERLY L. CLOW, 0000
KEVIN J. CLOWARD, 0000
PAULA C. CLUTTER, 0000
ROBERT M. COCKRELL, 0000
ELIZABETH J. CODDINGTON, 0000
THOMAS C. COGLITORE, 0000
WILLIAM M. COKER, 0000
DARIN V. COLARUSSO, 0000
JOHN COLLEY, 0000
JOYCE L. COLLINS, 0000
WENDELL L. COLLINS, 0000
MARK E. COLUZZI, 0000
MARY E. COLYER, 0000
CHRISTOPHER A. COMEAU, 0000
JUAN T. COMMON, 0000
RONALD L. COMOGLIO, 0000
EDWARD C. COMPERRY, 0000
BRIAN D. CONANT, 0000
STEPHEN R. CONKLING, 0000
MATTHEW D. CONLAN, 0000
BRIAN D. CONLEY, 0000
MICHAEL J. CONLEY, 0000
ROFTIEL CONSTANTINE, 0000
RICHARD S. CONTE, 0000
DAYNE G. COOK, 0000
MICHAEL E. COOK, 0000
SCOTT P. COOK, 0000
TIMOTHY L. COOK, 0000
DAVID L. COOL, 0000
DOUGLAS E. COOL, 0000
WILLIAM R. COOLEY, 0000
FRANK M. COOPER, JR., 0000
DAVID J. COPPLER, 0000
THEODORE A. CORALLO, 0000
EDWARD R. CORCORAN, 0000
*ANNETTE S. CORMIER, 0000
MATTHEW J. CORNELL, 0000
SEAN C. CORNFORTH, 0000
*DAVID A. CORRELL, 0000
DEREK F. COSSEY, 0000
MICHAEL J. COSTELLO, 0000
JAMES A. COSTEY, 0000
MICHAEL J. COUBROUGH, 0000
BRIAN S. COULTRIP, 0000
PAUL E. COURTNEY, 0000
DANIEL J. COURTOIS, 0000
DEAN KAREN L. COX, 0000
DEXTER R. COX, JR., 0000
DOUGLAS A. COX, 0000
JEFFERY M. COX, 0000
JODY D. COX, 0000
MATTHEW D. COX, 0000
RICKY D. COX, 0000
KEVIN M. COYNE, 0000
WILLIAM J. CRAIG, 0000
KENNETH S. CRANE, 0000
KATHLEEN B. CRAVER, 0000
DAVID M. CREAN, 0000
BRIAN L. CREASY, 0000
JAMES A. CREWS, 0000
ANDREW A. CROFT, 0000
GIA C. CROMER, 0000
CHRISTOPHER S. CRONK, 0000
MARK G. CROSSMAN, 0000
WILLIAM P. CROWE, 0000
BRETT E. CROZIER, 0000
HAYWOOD L. CRUDUP, 0000
BRIAN P. CRUICKSHANK, 0000
*JACQUELINE CRUM, 0000
BRYAN L. CRUTCHFIELD, 0000
*KEVIN M. CRUZE, 0000
ROBERT E. CULCASI, 0000
KEVIN W. CULP, 0000
JULIA K. CUMMINGS, 0000
CARNELL C. CUNNINGHAM, 0000
JOHN T. CUNNINGHAM, 0000
KEITH A. CUNNINGHAM, 0000
KEVIN J. CUNNINGHAM, 0000
MILLER K. CUNNINGHAM, JR., 0000
MARK T. CURLEY, 0000
JARED P. CURTIS, 0000
CAROLINE M. CUTBUSH, 0000
MARC E. CWIKLIK, 0000
HENRY L. CYR, 0000
MARK G. CZELUSTA, 0000
DANIEL D. CZUPKA, 0000
DENNIS P. DABNEY, 0000
*RICHARD S. DABROWSKI, 0000
LLOYD W. DAGGETT, 0000
TODD S. DAGGETT, 0000
DORIC A. DAGNOLI, 0000
BRYAN T. DAHLEMELSAETHER, 0000
THOMAS K. DALE, 0000
BRUCE R. DALRYMPLE, 0000
MARK T. DAMIANO, 0000
*EDWARD JAMES DAMICO, 0000
MATTHEW R. DANA, 0000
RONALD K. DANCY, 0000
JON Y. DANDREA, 0000
*DANA J. DANE, 0000
RONALD M. DANIELS, 0000
MARK S. DANIGOLE, 0000
PHILIPPE R. DARCY, 0000
THAD T. DARGER, 0000
CHRISTOPHER O. DARLING, 0000
STEPHEN R. DASUTA, 0000
KEVIN J. DAUL, 0000
JUSTIN C. DAVEY, 0000
ALISON L. DAVIS, 0000
DEREK K. DAVIS, 0000
HARRY A. DAVIS, JR., 0000
JOHN E. DAVIS, 0000
KRISTI J. DAVIS, 0000
*SCOTT A. DAVIS, 0000
STEPHEN L. DAVIS, 0000
STEPHEN M. DAVIS, 0000
THEODORE L. DAVIS, JR., 0000
JAMES C. DAWKINS, JR., 0000
ALLAN E. DAY, 0000
JERI L. DAY, 0000
LA CRUZ MARTINEZ GERARDO DE, 0000
DARRELL S. DEARMAN, 0000
ROD A. DEAS, 0000
MARK O. DEBENPORT, 0000
JEFFREY A. DEBOER, 0000
MICHAEL E. DEBRECZENI, 0000
JEFFREY W. DECKER, 0000
LAURY E. DECKER, 0000
CHARLES E. DECKETT, 0000
MICHAEL E. DEE, 0000
BRENTLY G. DEEN, 0000
DARIN A. DEFENDORF, 0000
JOSEPH L. DEGRANDE, 0000
HARVEY T. DEGROOT, 0000
DENNIS L. DEITNER, 0000
PETER J. DEITSCHEL, 0000
MARLA J. DEJONG, 0000
JOHN M. DELAPP, JR., 0000
ROSLYN E. DELGADO, 0000
TONY J. DELIBERATO, 0000
JOSEPH R. DELICH, 0000
CALVIN J. DELP, 0000
MILES A. DEMAYO, 0000
MICHAELA A. DEMBOSKI, 0000
FRANKLIN L. DEMENT, 0000
*ANDRE R. DEMPSEY, 0000
JAMES E. DENBOW, 0000
TIMOTHY J. DENIS, 0000
JAMES R. DENKERT II, 0000
LEANN K. DERBY, 0000
ERIC L. DERNOVISH, 0000
*STEVEN P. DESORDI, 0000
CHRISTOPHER M. DEVAUGHN, 0000
ROBERT J. DIANTONIO, 0000
*MARK D. DIAS, 0000
ROBERT L. DIAS, 0000
RODNEY L. DICKERSON, 0000
PAUL B. DIDOMENICO, 0000
ROBIN W. DIEL, 0000
JOHN R. DIERCKS, 0000
*GRETCHEN S. DIETRICH, 0000
*MICHAEL D. DIETZ, 0000
*BOBBY R. DILLON, 0000
ANTHONY V. DIMARCO, 0000
PERCY A. DINGLE, 0000
JOHN P. DITTER, 0000
DUANE W. DIVELY, 0000
CRAIG N. DIVICH, 0000
*JON J. DIX, 0000
ANGELA M. DIXON, 0000
NORMAN K. DODDERER, 0000
DAVID W. DODGE, 0000
*TIMOTHY C. DODGE, 0000
DAVID M. DOE, 0000
RICHARD A. DOLLESIN, 0000
STEPHEN K. DONALDSON, 0000
CRAIG M. DONNELLY, 0000
PAUL B. DONOVAN, 0000
JAMES L. DOROUGH, JR., 0000
TRACY K. DORSETT III, 0000
DENIS P. DOTY, 0000
MARK R. DOUGLAS, 0000
RICHARD J. DOUGLASS, 0000
PATRICK K. DOWLING, 0000
JAMES D. DOWNARD II, 0000
MICHAEL P. DOYLE, 0000
RICHARD A. DOYLE, 0000
TY R. DRAKE, 0000
MARK H. DRAPER, 0000
*RANDON H. DRAPER, 0000
DONALD R. DRECHSLER, 0000
VANCE A. DRENKHAHN, 0000
DAVID J. DRESSEL, 0000
CORRINE K. DREYFUS, 0000
GARY T. DROUBAY, 0000
*STEVEN DOUGLAS DUBRISKE, 0000
BRIAN M. DUBROFF, 0000
LEAH C. DUDANI, 0000
MICHAEL R. DUDLEY, 0000
BRIAN P. DUFFY, 0000
DAVID T. DUHADWAY, 0000
CARL R. DUMKE, 0000
*CHARLES A. DUMONT, 0000
*KEVIN C. DUNBAUGH, 0000
CYNTHIA L. DUNCAN, 0000
*JEAN E. DUNKELBERGER, 0000
DARRELL C. DUNN, 0000
LOUIS F. DUPUIS, JR., 0000
GREGORY P. DURAND, 0000
MARK H. DURAND, 0000
JAMES A. DURBIN, 0000
JAMES A. DURICY, 0000
ARTHUR M. DURKIN, JR., 0000
JOHN P. DURNFORD, 0000
RANDY Q. DURR, 0000
STEVEN L. DUTSCHMANN, 0000
CHRISTOPHER A. DYER, 0000
ANTHONY T. DYESS, 0000
ALTON D. DYKES, 0000
JEAN MARIE EAGLETON, 0000
STEPHEN M. EARLE, 0000
BILLIE S. EARLY, 0000
*DARWIN H. EASTER, 0000
DAVID P. EASTERLING, JR., 0000
JOHN K. EASTON II, 0000
PAUL B. EBERHART, 0000
ERIK H. ECKBLAD, 0000
FREDERICK A. ECKEL, 0000
*SCOTT T. ECTON, 0000
IAN A. EDDY, 0000
DAVID K. EDNEY, 0000
DANIEL C. EDWARDS, 0000
JOSEPH E. EDWARDS III, 0000
RICHARD J. EDWARDS, 0000
TRENT H. EDWARDS, 0000
TODD A. EFAW, 0000
*DEBRA J. EGAN, 0000
STEPHEN R. EGGERT, 0000
MARK D. EICHELBERGER, 0000
CHARLES D. EICHER, 0000
CHRISTOPHER J. EICHORST, 0000
PETER K. EIDE, 0000
LARRY A. EIMEN, 0000
CHRISTOPHER L. EISENBIES, 0000
ANTHONY M. ELAVSKY, 0000
NEVIN K. ELDEN, 0000
EDWARD C. ELDER III, 0000
ERIK J. ELIASEN, 0000
MICHAEL D. ELIASON, 0000
RICHARD G. ELKINS, 0000
ALAN W. ELLEDGE, 0000
JEFFREY I. ELLIS, 0000
*NATHALIE F. ELLIS, 0000
*NORMAN D. ELLIS, 0000
*RICHARD W. ELLIS, 0000
ALBERT M. ELTON II, 0000
VIRA EM, 0000
STEPHEN J. EMMONS, 0000
WILLIAM E. ENDRES, 0000
DOUGLAS H. ENGBERSON, 0000
DOUGLAS K. ENGELKE, 0000
RICHARD D. ENGLAND, 0000
*KENNETH R. ENGLE, 0000
*DAREL A. ENGLEKA, 0000
JOHN T. ENYEART, 0000
ROBERT L. EPPENS, 0000
*BRENT J. ERICKSON, 0000
JON J. ERICKSON, 0000
MARVIN L. ERICKSON, 0000
CHRISTINE M. ERLEWINE, 0000
BERTHA B. ESPINOSA, 0000
MARK B. ESTERBROOK, 0000
ANTHONY A. ETTESTAD, 0000
CURTIS D. EVANS, 0000
EARL A. EVANS, 0000
KERRY W. EVANS, 0000
MARK W. EVANS, 0000
*JAN T. EWING, 0000
GUS M. FADEL, 0000
GERALD L. FALEN, 0000
TIM E. FALKOWSKI, 0000
MICHAEL C. FALLERT, 0000
KEVIN W. FANNIN, 0000
GEORGE R. FARFOUR, 0000

JAYNE M. FARIS, 0000
CHARLES K. FARMER, 0000
*PETER W. FARNEY, 0000
*COLIN P. FARRELL, 0000
MARION J. FEATHERSTON, 0000
SAMUEL S. FEDAK, 0000
CYNTHIA J. FEESER, 0000
*MICHAEL A. FELDER, 0000
ANNE MARIE FENTON, 0000
*LAURA I. FERNANDEZ, 0000
BRYON R. FESSLER, 0000
BRUCE E. FEWKES, 0000
*DRILLER L. FIEGEL, 0000
DONALD J. FIELDEN, 0000
LAWRENCE A. FIELDS, 0000
AMY H. FIER, 0000
SHAWN D. FILBY, 0000
JONATHAN L. FINLEY, 0000
KAREN A. FINN, 0000
JOHN N. FISCH, 0000
BARRY W. FISHER, 0000
*EDWARD B. FISHER, 0000
MICHAEL R. FISHER, 0000
ERIC P. FITZ, 0000
*BRET L. FITZGERALD, 0000
NORINE PATRICIA FITZSIMMONS, 0000
MICHAEL P. FLAHERTY, 0000
TODD J. FLESCH, 0000
BRIAN J. FLETCHER, 0000
JEFFREY D. FLEWELLING, 0000
KELLY D. FLOREK, 0000
*GUSTAVO E. FLORES, 0000
RUEHL F. FLORES, 0000
RUSSELL C. FLOWERS, 0000
ROBERT L. FLOYD IV, 0000
VICTOR M. FLOYD, 0000
DAVID E. FOOTE, 0000
STEPHEN D. FORD, 0000
WILLIAM A. FORKNER, 0000
*JON A. FORNAL, 0000
ANDREAS J. FORSTNER, 0000
JUSTIN C. FORTUNE, 0000
CHRISTOPHER T. FOSTER, 0000
GREG W. FOSTER, 0000
SAMUEL L. FOSTER, 0000
JAMES R. FOURNIER, 0000
JACKSON L. FOX, 0000
JAMES P. FOX, 0000
SHAWN P. FRANCIS, 0000
BERNARD J. FRANK, 0000
GREGORY C. FRANKLIN, 0000
JEFFREY R. FRANKLIN, 0000
WENDY K. FRASER, 0000
THOMAS E. FREDERICKS, 0000
MICHAEL L. FREDLEY, 0000
*SCOTT A. FRERKING, 0000
MICHAEL R. FREY, 0000
GREGORY A. FRICK, 0000
ROBERT J. FRINK, 0000
SEAN M. FRISBEE, 0000
CARL C. FULTON II, 0000
MICHAEL L. FUREY, 0000
VERNE S. FUTAGAWA, 0000
MICHAEL W. GAAL, 0000
ANNETTE S. GABLEHOUSE, 0000
RICHARD E. GADDIS, 0000
RICHARD C. GAGE, 0000
TALMADGE A. GAITHER, 0000
PAUL A. GALLAHER, 0000
RAYMOND J. GALONIS, JR., 0000
BARRY R. GAMBRELL, 0000
CHADWICK H. GARBER, 0000
JOAN H. GARBUTT, 0000
MARIA L. GARCIA, 0000
MICHAEL A. GARCIA, 0000
*STEVEN EARL GARCIA, 0000
*FREDDY J. GARCIAFERNANDEZ, 0000
*LAURA L. GARNER, 0000
*ROBERT J. GARNER, 0000
RONALD P. GARRETT, 0000
JOHN A. GASNER, 0000
*GENE H. GATES, 0000
ANTHONY A. GATLIN, 0000
GRANT G. GEISLER, 0000
AARON C. GEORGE, 0000
BRIAN K. GEORGE, 0000
LYNNANE E. GEORGE, 0000
CHAD M. GERICKE, 0000
DEAN A. GERKEN, 0000
*ROBERT T. GERMANN, 0000
COREY L. GERSTEN, 0000
ROBIN C. GIACONIA, 0000
MARK A. GIDDINGS, 0000
SCOTT L. GIERAT, 0000
WILLIAM GIESER, 0000
CAMERON L. GILBERT, 0000
MICHAEL E. GILBERT, 0000
RANDALL S. GILHART, 0000
JOHN D. GILLESPIE, 0000
PAUL G. GILLESPIE, 0000
SHAWN P. GILLESPIE, 0000
THOMAS J. GILLESPIE, 0000
ROBERT W. GILMORE, 0000
GARY S. GIMA, 0000
NATALIE Y. GISCOMBE, 0000
MARK A. GISI, 0000
JEROME C. GITTENS, 0000
JOHN T. GLASSELL, 0000
JERILYN A. GLICK, 0000
*BRUCE R. GLOVER, 0000
*MARK I. GLYNN, 0000
*MATTHEW E. GODA, 0000
JEFFREY S. GODDARD, 0000
REGINA T. GOFF, 0000
JEFFREY M. GOLLIVER, 0000
*ROBERT D. GOMES, 0000
TODD J. GONDECK, 0000
ALEXANDER GONZALEZ II, 0000
*BONNIE E. GOODALE, 0000
GERALD V. GOODFELLOW, 0000
OLIN H. GOODHUE, 0000
BETH A. GOODWILL, 0000
PATRICK J. GOOLEY, 0000
ANTHONY T. GORDON, 0000
GARY E. GORDON, 0000
GERARD GORDON, 0000
PENELOPE F. GORSUCH, 0000
GREGORY A. GOSSAGE, 0000
LISA M. GOSSETT, 0000
STEVEN F. GOTTSCHALK, 0000
ARTHUR P. GOUGH III, 0000
DEAN E. GOULD, 0000
CLAYTON M. GOYA, 0000
JOHNATHAN V. GRAFELMAN, 0000
SCOTT D. GRAHAM, 0000
LYNN M. GRANDGENETT, 0000
SCOTT A. GRANT, 0000
*FREDERICK H. GRANTHAM, 0000
GARY L. GRAPE, 0000
KATHLEEN M. GRASSE, 0000
ANDREW J. GRAU, 0000
ANN Y. GRAVIER, 0000
MICHAEL W. GREEN, 0000
NANCY K. GREEN, 0000
*NORMAN T. GREENLEE, 0000
KENNETH M. GREENSTREET, 0000
PAULA D. GREGORY, 0000
CHRISTOPHER E. GREIMAN, 0000
JOHN E. GRENIER, 0000
JOHN M. GRIFFIN, 0000
*VANESSA GRIFFIN, 0000
JOY D. GRIFFITH, 0000
*DEREK IVAN GRIMES, 0000
JOHN T. GRIVAKIS, 0000
JANET W. GRONDIN, 0000
PAUL M. GROTELUESCHEN, 0000
*MICHAEL D. GRUBBS, 0000
*STEVEN M. GUASTAFERRO, 0000
JUAN C. GUERRERO, 0000
GREGORY M. GUILLOT, 0000
PHILLIP C. GUIN, 0000
DUANE D. GUNN, 0000
DARREK L. GUSTER, 0000
MARCEL L. GUSTIN, 0000
*ALEX X. GUTIERREZTORRES, 0000
*DAVID T. GUTSCHER, 0000
GREGORY M. GUTTERMAN, 0000
GARY S. HAAG, 0000
*SEAN M. HACKBARTH, 0000
DAVID G. HADDEN, 0000
ROBERT D. HADLEY, 0000
GREGORY S. HAEFELE, 0000
*CYNTHIA A. HAGEMAN, 0000
STEPHEN L. HAGGARD, 0000
MARK J. HAHNERT, 0000
CHRISTINE L. HALE, 0000
*SCOTT A. HALE, 0000
CLAY W. HALL, 0000
DOUGLAS C. HALL, 0000
MICHAEL J. HALLORAN, 0000
RICHARD G. HAM, 0000
DAVID S. HAMBLETON, 0000
EILEEN R. HAMBY, 0000
CHARLES T. HAMILTON, 0000
CHRISTOPHER E. HAMILTON, 0000
DANIEL E. HAMILTON, 0000
PHYLLIS A. HAMILTON, 0000
ROBERT D. HAMILTON, JR., 0000
STEPHEN T. HAMILTON, 0000
KELLY D. HAMMETT, 0000
DIANE P. M. HANF, 0000
JAMES D. HANKINS, 0000
JOHN T. HANNA, 0000
SCOTT M. HANNAN, 0000
*RONALD L. HANSELMAN, JR., 0000
DAVID E. HANSEN, 0000
LISA K. HANSEN, 0000
ALFRED R. HANSON, 0000
SAMUEL M. HARBIN, 0000
DOUGLAS D. HARDMAN, 0000
DAVID H. HARDY, JR., 0000
KURT A. HARENDZA, 0000
REGINA HARGETT, 0000
MICHAEL R. HARGIS, 0000
*ROSANNE T. HARGROVE, 0000
DELRILL EDDIE HARLEY, 0000
MARK J. HARLOW, 0000
MICHAEL G. HARMAN, 0000
REGINALD S. HARPER, 0000
TIMBERLYN M. HARRINGTON, 0000
GETTYS N. HARRIS, JR., 0000
*JOHN D. HARRIS, 0000
PAUL H. HARRIS, 0000
MICHAEL J. HARRY, 0000
KENNETH A. HART, 0000
DARREN E. HARTFORD, 0000
ADRIENNE G. HARTGERINK, 0000
*JOHN EUGENE HARTSELL, 0000
*MARK A. HARTZELL, 0000
JOEL P. HARVEAUX, 0000
RICHARD A. HARVEY, 0000
VALERIE L. HASBERRY, 0000
SUSAN E. HASTINGS, 0000
BRETT R. HAUENSTEIN, 0000
RODNEY C. HAYDEN, 0000
*HETHINGTON JACQUELINE HAYES, 0000
JERRY W. HAYNES II, 0000
MARGARET F. HAYNES, 0000
THEODORE D. HAYNES, JR., 0000
JOSEPH H. HAYSLETT, JR., 0000
*DOUGLAS M. HEATH, 0000
EDITHA P. HEBERLEIN, 0000
GREGORY L. HEBERT, 0000
SCOTT T. HEBRINK, 0000
JOHN P. HEDRICK, 0000
PATRICK E. HEFLIN, 0000
JOEL R. HEFT, 0000
JON P. HEILEMAN, 0000
CARLIN R. HEIMANN, 0000
STEPHEN W. HEINRICH, 0000
MARK L. HELLEKSEN, 0000
MICHAEL W. HELVEY, 0000
*GRAEME S. HENDERSON, 0000
TIM V. HENKE, 0000
*JUDY B. HENLEY, 0000
EDWARD J. HENNIGAN II, 0000
LEANNE J. HENRY, 0000
JOHN A. HERBERT, 0000
KIMBERLY S. HERNDON, 0000
PHILLIP A. HERRE, 0000
CONNIE R. HERRON, 0000
ROBERT D. HERSLOW, 0000
*THOMAS J. HERTHEL, 0000
MARTIN R. HERTZ, 0000
CHRISTOPHER J. HESLIN, 0000
MARC V. HEWETT, 0000
*JEFFREY T. HICKMAN, 0000
DAVID W. HICKS, 0000
ANTHONY A. HIGDON, 0000
ROBERT W. HIGHLEY, 0000
CHARLES W. HILL, 0000
ROBIN L. HILL, 0000
STEPHEN W. HILL, 0000
GREGORY D. HILLEBRAND, 0000
DAVID P. HINCKLEY, 0000
RAYMOND R. HINDMAN, 0000
KARL V. HINES, 0000
DONALD D. HINTON, 0000
MICHAEL W. HINZ, 0000
*MARK A. HIRYAK, 0000
DAVID J. HLUSKA, 0000
DAVID L. HOBIN, 0000
CALMA C. HOBSON, 0000
CARL E. HODGES, 0000
JOSEPH A. HOELSCHER, 0000
MICHAEL T. HOEPFNER, 0000
HANS A. HOERAUF, 0000
PAUL J. HOERNER, 0000
*JAMES C. HOFFMAN, 0000
DONALD J. HOFSTRA, JR., 0000
TIMOTHY J. HOGAN, 0000
STEPHANIE A. HOLCOMBE, 0000
JAMES G. HOLDER, 0000
JEFFREY K. HOLIFIELD, 0000
*DAVID HOLLAND, 0000
JAMES F. HOLLIE, 0000
MICHAEL R. HOLMES, 0000
*TROY R. HOLROYD, 0000
JAMES P. HOMAN, 0000
JOHN L. HOOVER, 0000
HELEN M. HORN, 0000
JEREMY C. HORN, 0000
DAVID J. HORNYAK, 0000
CHARLES W. HOULDING, 0000
KIMBERLY HOUSTONSABLAD, 0000
PAUL C. HOWARD, 0000
SANDRA J. HOWARD, 0000
BRIAN T. HOY, 0000
HEIDI M. HOYT, 0000
DAWN M. HRDLICKA, 0000
ANN S. HRYSHKOMULLEN, 0000
RICHARD B HUBBARD III, 0000
BRYAN J. HUDGENS, 0000
JAMES L. HUDSON, 0000
JED L. HUDSON, 0000
KEVIN J. HUGHES, 0000
LARRY C. HUGHES, 0000
PATRICK HUGHES, 0000
RICHARD J. HUGHES, 0000
SCOTT W. HUGHES, 0000
STEPHEN A. HUGHES, 0000
TIMOTHY L. HUGHES, 0000
*CHERYL L. HUGULEY, 0000
THAD A. HUNKINS, 0000
KIRK W. HUNSAKER, 0000
JAMES D. HUNSICKER, 0000
CLINT H. HUNT, 0000
RICHARD A. HUNT, 0000
JOHN T. HUNTER, 0000
BRYAN K. HUNTSMAN, 0000
*STEVEN R. HUSS, 0000
DIANE T. HUSTON, 0000
BILLYE G. HUTCHISON, 0000
JEFFREY G. J. HWANG, 0000
*JEROME J. HYZY, JR., 0000
APRIL L. IACOPELLI, 0000
*RICHARD W. IMHOLTE, 0000
JON E. INCERPI, 0000
ROBERT L. INGEGNERI, 0000
ROBERT E. INTRONE, 0000
DENISE R. IRIZARRY, 0000
CHRISTOPHER D. IRWIN, 0000
EZEKIEL T. ISAIS, 0000
BRICK IZZI, 0000
ANITA L. JACKSON, 0000
GERALD R. JACKSON, 0000

RALPH E. JACKSON, 0000
ROBERT S. JACKSON, JR., 0000
STEPHEN R. JACKSON, 0000
CAROLYN S. JACOBSON, 0000
JOHN A. JACOBSON, 0000
*GEORGE T. JACOBY, 0000
DANIEL J. JAGT, 0000
SERGEJ JAKOVENKO, JR., 0000
DANA J. JAMES, 0000
GEORGE L. JAMES, 0000
KEITH M. JAMES, 0000
PAUL D. JAMPOLE, 0000
WILLIAM D. JANICKI, 0000
JORDAN L. JANSEN, 0000
JOSEPH B JARBOE, 0000
DAVID M. JARMON, 0000
CRAIG A. JASPER, 0000
MARC E. JEFFERSON, 0000
EVA S. JENKINS, 0000
HENRY C. JENKINS, JR., 0000
JEFFREY J. JENKINS, 0000
MYRA D. JENKINS, 0000
MARK M. JENKS, 0000
CHARLES R. JENNINGS, 0000
CHRISTOPHER L. JENSEN, 0000
DAVID JENSEN, 0000
DARRAN J. JERGENSEN, 0000
RICHARD O. JERNEJCIC, 0000
JOSEPH S. JEZAIRIAN, 0000
TODD C. JOACHIM, 0000
*CHARLES A. JOHNSON, 0000
DAVID A. JOHNSON, 0000
DAVID D. JOHNSON, 0000
*DAVID L. JOHNSON, 0000
DAVID S. JOHNSON, 0000
DONNA L. JOHNSON, 0000
DOUGLAS S. JOHNSON, 0000
FERGUSON A. JOHNSON, 0000
JEFFREY M. JOHNSON, 0000
JENNIFER R. JOHNSON, 0000
JOHN H. JOHNSON, 0000
KENNETH F. JOHNSON, 0000
KENT O. JOHNSON, 0000
LANCE R. JOHNSON, 0000
LAURIE E. JOHNSON, 0000
MALCOLM T. JOHNSON, 0000
NATHAN H. JOHNSON, 0000
PAUL T. JOHNSON, 0000
PHYLLIS M. JOHNSON, 0000
*RONALD L. JOHNSON, 0000
SCOTT R. JOHNSON, 0000
TIMOTHY R. JOHNSON, 0000
WILLIAM H. JOHNSON III, 0000
ANDREA L. JONES, 0000
BARBARA A. JONES, 0000
*BARRY W. JONES, 0000
*BENJAMIN F. JONES, 0000
*BRUCE B. JONES, 0000
DATHAN B. JONES, 0000
DOUGLAS D. JONES, 0000
FELECIA M. JONES, 0000
*JEFFERY F. JONES, 0000
JOHN W. JONES, 0000
RICHARD J. JONES, 0000
SEAN R. JONES, 0000
CURTIS M. JORDAN, 0000
ANDREAS JUCKER, 0000
DAVID J. JULAZADEH, 0000
*JOSEPH S. JULIAN, JR., 0000
SHANNON D. JURRENS, 0000
DONALD J. KADERBEK, 0000
RANDALL J. KALLENBACH, 0000
JEFFREY M. KAMNIKAR, 0000
KI H. KANG, 0000
SUHRA E. KANG, 0000
RUSSELL T. KASKEL, 0000
CRAIG L. KAUFMAN, 0000
RANDY L. KAUFMAN, 0000
ADAM B KAVLICK, 0000
CHRISTY A. KAYSERCOOK, 0000
DAWN D. KEASLEY, 0000
BETH A. KECK, 0000
PATRICK D. KEE, 0000
CLIFFORD A. KEENAN, 0000
PATRICK M. KEENAN, 0000
ROBERT B KEENEY, JR., 0000
TIMOTHY L. KEEPORTS, 0000
STANFORD K. KEKAUOHA, 0000
DONALD E. KELLER, JR., 0000
JOHN G. KELLER, 0000
STEVEN E. KELLER, 0000
EDNA V. KELLEY, 0000
JAMES H. KELLEY, JR., 0000
KEVIN C. KELLEY, JR., 0000
KEVIN J. KELLY, 0000
MICHAEL B. KELLY, 0000
MICHAEL F. KELLY, 0000
WAYNE N. KELM, 0000
MICHAEL S. KEM, 0000
MALCOLM T. KEMENY, 0000
DEWAYNE C. KENDALL, 0000
*KYLE J. KENISON, 0000
ANDRE L. KENNEDY, 0000
DOUGLAS B. KENNEDY, 0000
*PATRICK S. KENNEDY, 0000
STEVEN T. KENNEL, 0000
BURL T. KENNER, III, 0000
COREY J. KEPPLER, 0000
VICKIE S. KERSEY, 0000
TIMOTHY G. KETTERER, 0000
EDWARD J. KHIM, 0000
BRIAN C. KIEFFER, 0000
PETER A. KIIGEMAGI, 0000
THOMAS J. KILLEEN, 0000
JAMES G. KIMBROUGH, 0000
JENNIFER A. KIMMET, 0000
KIRK A. KIMMETT, 0000
DEAN D. KING, 0000
JOEL K. KING, 0000
JOSEPH W. KING, 0000
KERRY R. KING, 0000
RICHARD L. KING, JR., 0000
SONYA N. KING, 0000
BRADLEY A. KINNEER, 0000
*JANET A. KINNEY, 0000
KELLY A. KIRTS, 0000
KONRAD J. KLAUSNER, 0000
*JOHL K. KLEIN, 0000
NANCY L. KLEIN, 0000
WENDY E. KLEIN, 0000
DAVID E. KLENOW, 0000
JEFFREY T. KLIGMAN, 0000
JAMES B. KLINE, 0000
JEFFREY M. KLOSKY, 0000
WILLIAM J. KLUG, 0000
EDMUND W. KNETIG, 0000
DAVID W. KNIGHT, 0000
HEATHER R. KNIGHT, 0000
WILLIAM M. KNIGHT, 0000
KEVIN J. KNISKERN, 0000
BONNIE J. KNOX, 0000
DAVID M. KOCH, 0000
RICHARD W. KOELLING, JR., 0000
*STEPHEN D. KOERTGE, 0000
*SANDRA J. KOLB, 0000
MICHAEL L. KONING, 0000
BRIAN L. KONKEL, 0000
JAMES L. KOONTZ, 0000
TRACEY D. KOP, 0000
THEODORE S. KOPEC, JR., 0000
TRACY M. KOSMAN, 0000
*SAMUEL F. KOVACIC, 0000
GARY E. KOVALCHIK, 0000
STEVEN C. KOVERMAN, 0000
*KARL W. KRAAN, 0000
GEORGE S. KRAJNAK, 0000
LORETTA KRAKIE, 0000
JAMES A. KRATZER, 0000
TODD D. KRATZKE, 0000
RICHARD E. KRAUS, 0000
ROBERT W. KRAUS, 0000
KEVIN C. KRAUSE, 0000
ROBERT C. KRAUSE, 0000
GREGORY J. KRAUT, 0000
*SCOTT J. KREBS, 0000
JAMES E. KRICKER, 0000
*JOHN P. KRIEGER, 0000
*JEFFREY J. KRIENKE, 0000
KEVIN J. KRISKO, 0000
DAVID A. KRUMM, 0000
RICHARD S. KRYSIAK, JR., 0000
JAMES K. KUBINSKI, 0000
CHRISTOPHER J. KULAS, 0000
KRISTEN R. KULL, 0000
SCOTT A. KUNKEL, 0000
KRISTINE T. KUSEKVELLANI, 0000
ANDREW C. KUTH, 0000
*DAVID T. KWIATKOWSKI, 0000
RODNEY D. KYZER, 0000
*GREGORY S. LAFFITTE, 0000
*DONALD P. LAGATOR, JR., 0000
HANS C. LAGESCHULTE, 0000
GEOFFREY A. LAING, 0000
JOSEPH P. LAMANA, 0000
ANDREW A. LAMBERT, 0000
HENRI C. LAMBERT, 0000
JEFFREY A. LAMBERT, 0000
MICHAEL D. LANCASTER, 0000
TODD R. LANCASTER, 0000
JAY A. LANDIS, 0000
KENNETH M. LANG, 0000
TODD A. LANGENFELD, 0000
*JOHN A. LANSBERRY, 0000
ALFONSO A. LAPUMA, 0000
*JOHN P. LARKIN, 0000
DOUGLAS N. LARSON, 0000
STEVEN M. LARSON, 0000
CAROLYN B. LASALA, 0000
STANLEY A. LASOSKI, 0000
ROBERT H. LASS, 0000
SEAN D. LASSITER, 0000
*WALTER V. LASSITER, JR., 0000
ROBERT M. LATIN, 0000
CYNTHIA C. LATKE, 0000
ARTHUR H. LAUBACH, JR., 0000
TODD R. LAUGHMAN, 0000
OCTAVE P. LAURET III, 0000
MICHELLE D. LAVEY, 0000
LORI S. LAVEZZI, 0000
SCOTT A. LAWLER, 0000
JERRY B. LAWSON, 0000
THERESA A. LAWSON, 0000
DAVID T. LAWYER, 0000
CRAIG S. LEAVITT, 0000
MARK T. LEAVITT, 0000
CHUL K. LEE, 0000
GENE C. LEE, 0000
HYON K. LEE, 0000
KEE H. LEE, 0000
KURT R. LEE, 0000
MARK A. LEE, 0000
RUSSELL E. LEE, 0000
WENDY J. LEE, 0000
LORI LEEDOWDY, 0000
*RACHEL H. LEFEBVRE, 0000
SCOTT T. LEFORCE, 0000
STEVE A. LEFTWICH, 0000
AARON D. LEHMAN, 0000
AARON H. K. LEONG, 0000
GARY N. LEONG, 0000
CARON A. LEONWOODS, 0000
JEFFREY S. LEPKOWSKI, 0000
JOHN F. LEPORE, JR., 0000
*CRAIG A. LEQUATTE, 0000
CYNTHIA A. LESINSKI, 0000
JAMES L. LESS, 0000
EDWARD G. LESZYNSKI, 0000
DENISE M. LEVERICH, 0000
DANIEL M. LEVERSON, 0000
BRENDAN P. LEWIS, 0000
JOHN M. LEWIS, 0000
PAUL H. LEWIS, 0000
*STEVEN J. LEWIS, 0000
STUART I. LIBBY, 0000
ANITA L. LIGHTFOOT, 0000
MICHAEL P. LIGHTFOOT, 0000
*JOSEPH M. LIMBER, 0000
TIMOTHY J. LINCOLN, 0000
CHRISTOPHER J. LINDELL, 0000
NATHAN J. LINDSAY, JR., 0000
WALTER J. LINDSLEY, 0000
FRANK J. LINK, 0000
FREDERICK H. LINK, 0000
KENNETH A. LINSENMAYER, 0000
SUZANNE B. LIPCAMAN, 0000
CHRISTOPHER P. LIPNITZ, 0000
WILLIAM C. LIVESAY, JR., 0000
THOMAS K. LIVINGSTON, 0000
MATTHEW J. LLOYD, 0000
STEPHEN E. LLOYD, 0000
STACY LOCKLEAR, JR., 0000
DOUGLAS T. LOEHR, 0000
EILEEN M. LOFLIN, 0000
STEVEN M. LOKEN, 0000
FREDERICK A. LOMBARDI, 0000
JEFFREY L. LONG, 0000
JOHN A. LONG, 0000
JOHN H. LONG, 0000
SCOTT N. LONG, 0000
WILLIAM S. LONG, 0000
MARY L. LONIGRO, 0000
RANDALL F. LOOKE, 0000
LESTER R. LORENZ, 0000
WILLIAM J. LOREY, 0000
VINCENT J. LOSTETTER, JR., 0000
JEFFREY C. LOUIE, 0000
JEFFREY J. LOVE, 0000
JEFFREY C. LOVELACE, 0000
*HEATHER L. LOWDEN, 0000
DANNY R. LUCAS, 0000
DAVID W. LUCAS, 0000
DENNIS J. LUCAS, 0000
MARISSA C. LUCERO, 0000
ROY S. LUDVIGSEN, 0000
BARRY L. LUFF, 0000
MARIANNE LUMSDEN, 0000
JAN STEPHAN LUNDQUIST, 0000
ROBERT A. LURZ, 0000
JOHN M. LUSSI, 0000
MARK LUTTSCHWAGER, 0000
ROBERT J. LUTZ, 0000
DANIEL R. LYKINS, 0000
DAVID L. LYLE, 0000
DAVID F. LYNCH, 0000
GREGORY D. LYND, 0000
*DONALD D. LYTLE, 0000
RICHARD N. MACCONNELL, 0000
*STEVEN E. MACK, 0000
TIMOTHY E. MACK, 0000
JEFFERY A. MACKEY, 0000
JEFFREY D. MACLOUD, 0000
JOHN H. MACNICOL, 0000
DAVID L. MAHANES II, 0000
JACK W. MAIXNER, 0000
*DAVID M. MALINOWSKI, 0000
DOUGLAS P. MALONE, 0000
DAVID J. MALONEY, 0000
PAULA A. MALONEY, 0000
LORALEE R. MANAS, 0000
KATHRYN A. MANGION, 0000
MARK H. MANLEY, 0000
*MICHAEL H. MANNEY, 0000
ROBERT A. MANTZ, 0000
CHRISTOPHER M. MARCELL, 0000
JOSEPH MARCINKEVICH, 0000
TODD M. MARKWALD, 0000
THOMAS H. MARLIN, 0000
KATHY A. MARLOW, 0000
KEITH E. MARLOWE, 0000
TONY R. MARLOWE, 0000
DEBORAH J. MARQUART, 0000
TULLEY A. MARRIOTT, 0000
JEFFREY A. MARSDEN, 0000
WILLIAM D. MARSH II, 0000
KEVIN E. MARTILLA, 0000
BARBARA C. MARTIN, 0000
DOUGLAS S. MARTIN, 0000
JOEL L. MARTIN, 0000
JOSEPH D. MARTIN, 0000
*KEVIN D. MARTIN, 0000
MICHAEL E. MARTIN, 0000
PAUL S. MARTIN, 0000
*WILLIAM J.MARTIN, 0000
JAMES T. MARX, 0000
*DAVID M. MASON, 0000
PETER H. MASON, 0000

ROBERT L. MASON, 0000
ANTHONY J. MASSA, 0000
MAX R. MASSEY, JR., 0000
*PETER MASTROIANNI, 0000
RUSSELL A. MATIJEVICH, 0000
FREDDY A. MATOS, 0000
*MARK E. MATSON, 0000
JAMES B. MATTILA, 0000
DAVID M. MATTSON, JR., 0000
JOHN C. MAXWELL, 0000
LORI L. MAY, 0000
CHARLES C. MAYER, 0000
ROBERT E. MAYFIELD, 0000
DAVID P. MC ADAM, 0000
WILLIAM J. MC ALLISTER, 0000
*CLAYTON W. MC ANALLY, 0000
PAUL W. MC AREE, 0000
RICHARD T. MC CAFFERTY, 0000
TODD V. MC CAGHY, 0000
KYNA R. MC CALL, 0000
CHRISTOPHER P. MC CALLAN, 0000
SCOTT P. MC CARTT, 0000
TERRY W. MC CLAIN, 0000
MITCHELL T. MC CLAREN, 0000
KENNETH J. MC CLELLAN, JR., 0000
TINA MARIE MC CONNELL, 0000
ROBERT G. MC CORMACK, 0000
LORENZO MC CORMICK, 0000
BERNADETTE T. MC DERMOTT, 0000
FRANCIS M. MC DONOUGH, 0000
GEORGE M. MC DOWELL, 0000
JAMES C. MC EACHEN, 0000
JAMES J. MC ELHENNEY, 0000
DARYL C. MC ELWAIN, 0000
EUGENE L. MC FEELY, 0000
MICHAEL C. MC GARVEY, 0000
MARK A. MC GEORGE, 0000
GERALD T. MC GINTY, 0000
BRIAN P. MC GOLDRICK, 0000
*COLLEEN A. MC GOWAN, 0000
*TERI J. MC GRATH, 0000
JAMES H. MC GUIRE, 0000
*MATTHEW R. MC GUIRE, SR., 0000
ANDREW MC INTYRE, 0000
PATRICK J. MC KEEVER, 0000
PAUL M. MC KENNA, 0000
TONY H. MC KENZIE, 0000
BONNIE A. MC KEON, 0000
MICHAEL MC KEON, 0000
*LISA A. MC KINNEY, 0000
TIMOTHY J. MC LAIN, 0000
GAYLA MC LAUGHLIN, 0000
PHILIP M. MC NAIRY, 0000
FRANK R. MC NAMARA, 0000
BRUCE R. MC NAUGHTON, 0000
ROBERT C. MC NEIL, 0000
SAMUEL L. MC NIEL, 0000
*DANIEL S. MC NULTY, 0000
NATHANIEL K. MC NURE, 0000
*SHERRINA L. MC QUAIN, 0000
FRANK A. MC VAY, 0000
MARC C. MC WILLIAMS, 0000
CHARLES R. MEADOWS, 0000
*DEBORAH E. MEADOWS, 0000
BRUNO A. MEDIATE, 0000
*VICKY R. MEDLEY, 0000
JAMES M. MEEK, 0000
KURT W. MEIDEL, 0000
JEAN A. MEINK, 0000
RICHARD A. MELEADY, 0000
*BRUNO MELTON, 0000
MICHAEL A. MENDOZA, 0000
WILLIAM J. MERCHANT, 0000
DANIEL F. MERRY, 0000
JOHN C. MERTEN, 0000
JEFFERY P. MESERVE, 0000
CONSTANCE M. MESKILL, 0000
CHARLES E. METROLIS, JR., 0000
EDWARD A. MEYER, 0000
GREGORY S. MEYER, 0000
*MICHAEL C. MEYER, 0000
THOMAS E. MEYER, 0000
*MARK W. MILAM, 0000
SAMUEL P. MILAM, 0000
*WILLIAM J. MILES, JR., 0000
STEPHEN V. MILIANO, 0000
*AUBREY K. MILLER, 0000
CHRISTINE M. MILLER, 0000
DAVID E. MILLER, 0000
KEVIN W. MILLER, 0000
LARRY CALVIN MILLER, 0000
MARIE A. MILLER, 0000
*MICHAEL H. MILLER, 0000
PATRICK D. MILLER, 0000
ROSS A. MILLER, 0000
RUSSEL B. MILLER, 0000
SCOTT C. MILLER, 0000
SHERI D. MILLER, 0000
SUSAN M. MILLER, 0000
JOHN K. MILLHOUSE, 0000
RICKY L. MILLIGAN, 0000
JOSEPH A. MILNER, 0000
RICHARD K. MILNER, 0000
LOUIS E. MINGO, JR., 0000
MICHAEL A. MINIHAN, 0000
*LORRAINE M. MINK, 0000
*RICHARD D. MINK, 0000
THOMAS D. MIOKOVIC, 0000
DAVID L. MITCHELL, 0000
JIMMIE L. MITCHELL, JR., 0000
MAX B. MITCHELL, 0000
CHRISTOPHER R. MOCK, 0000
JOHN H. MODINGER, 0000
DAVID W. MOHR, 0000
CHARLES W. MOINETTE, 0000
OSCAR MOJICA, 0000
MATTHEW C. MOLINEUX, 0000
MITCHELL A. MONROE, 0000
WAYNE R. MONTEITH, 0000
KENNETH S.S. MONTGOMERY, 0000
NATHAN COOKS MOONEY II, 0000
CHARLES E. MOORE, JR., 0000
*MARY E. MOORE, 0000
*MICHAEL H. MOORE, 0000
ERIN R. MORAN, 0000
*CHRISTOPHER L. MORGAN, 0000
DAVID J. MORGAN, 0000
DONALD MORGAN, 0000
*JOHN K. MORGAN, 0000
SCOT J. MORGAN, 0000
STEVEN S. MORITA, 0000
BRIAN K. MORRIS, 0000
CAIL MORRIS, JR., 0000
MICHAEL E. MORRIS, 0000
WILLIAM F. MORRISON II, 0000
LINDA E. MOSCHELLE, 0000
SCOTT E. MOSER, 0000
WADE A. MOSHIER, 0000
DEBORA E. MOSLEY, 0000
GERARD A. MOSLEY, 0000
RAY A. MOTTLEY, 0000
DANIEL R. MOY, 0000
ROBERT J. MOZELESKI, 0000
MATTHEW D. MRZENA, 0000
KEVIN M. MUCKERHEIDE, 0000
CHRISTOPHER G. MUELLER, 0000
MARK M. MUELLER, 0000
DOUGLAS M. MUHLBAUER, 0000
LESLIE L. MUHLHAUSER, 0000
*WILLIAM C. MULDOON, JR., 0000
*KYLE D. MULLEN, 0000
MATTHEW J. MULLIGAN, 0000
*DOUGLAS E. MULLINS, 0000
ROBERT B. MUNDIE, 0000
RONALD J. MUNDSTOCK, 0000
JAMES A.V. MUNDY, 0000
KENNY K. MUNECHIKA, 0000
DEBORAH A. MUNLEY, 0000
KAY A. MUNOZ, 0000
PORFIRIO H. MUNOZ, JR., 0000
BRIAN C. MURPHY, 0000
MARK C. MURPHY, 0000
MIMI MURPHY, 0000
IVAN D. MURRAY, 0000
LANCE T. MURRAY, 0000
MICHAEL J. MUSZYNSKI, 0000
DAVID S. MYERS, 0000
LEMUEL R. MYERS, JR., 0000
*MARCUS S. MYERS, 0000
MARGARET M. MYERS, 0000
NICHOLAS S. MYERS, JR., 0000
MYLES M. NAKAMURA, 0000
JOSEPH J. NARRIGAN, 0000
TRACY A. NEALWALDEN, 0000
JOSEPH D. NEDEAU, 0000
ELLEN D. NEELY, 0000
JOHN S. NEHR, 0000
JAMES A. NEICE, JR., 0000
JEFFREY D. NEISCHEL, 0000
BRETT J. NELSON, 0000
MICHAEL S. NELSON, 0000
MARK N. NEULANDER, 0000
CARL A. NEWHART, JR., 0000
DAVID J. NEWTON, 0000
*RANDAL G. NEWTON, 0000
ANGELA P. NICHOLS, 0000
CLIFTON E. NICHOLS, 0000
RANDOLPH J. NICHOLSON, 0000
SCOTT P. NICKERSON, 0000
ERIC B. NICKISH, 0000
*KENT A. NICKLE, 0000
*DONNELL NICKS, 0000
DANA S. NIELSEN, 0000
DOUGLAS J. NIKOLAI, 0000
DEAN A. NILSON, 0000
TREVOR W. NITZ, 0000
MICHAEL J. NOBLE, 0000
BRIAN P. NOEL, 0000
JAMES R. NOETZEL, JR., 0000
BYRON K. NOLAN, 0000
STEVEN P. NOLL, 0000
WILLIAM R. NOLTE, 0000
ANDREA NORRIS, 0000
WESLEY S. NORRIS, 0000
DEBRA A. NORTH, 0000
SHAWN A. NORTHROP, 0000
CAROL S. NORTHRUP, 0000
GEOFFREY N. NORTON, 0000
JAMES D. NORTON, 0000
KEVIN D. NOWAK, 0000
*GARY G. NOWLIN, 0000
MICHAEL T. OBERBROECKLING, 0000
JOHN S. OBRIEN, 0000
BRIAN M. OCONNELL, 0000
MARY J. OCONNOR, 0000
TIMOTHY J. OCONNOR, 0000
GARY L. ODANIEL, 0000
KELVIN B. ODELL, 0000
JOSEPH M. ODER, 0000
KEVIN ODOM, 0000
*BARRY J. ODONNELL, 0000
MARK J. OECHSLE, 0000
*ANGELA MARIE OGAWA, 0000
*JOHN W. OGDEN, JR., 0000
MARC C. OHMER, 0000
DAVIS S. OISHI, 0000
KEVIN K. OLEEN, 0000
CHRISTOPHER J. OLEKSA, 0000
KEVIN C. OLESEN, 0000
RAFAEL E. OLIVA, 0000
KEVIN A. OLIVER, 0000
KRIS D. OLIVER, 0000
TODD M. OLLER, 0000
MARY M. OLOUGHLIN, 0000
FORREST O. OLSON, 0000
*WILLIAM A. OLSON, 0000
PHILLIP G. ONEAL, 0000
JAMES P. ONEILL, 0000
DANIEL ONIELL, JR., 0000
RICHARD J. ONKEN, 0000
DOUGLAS A. OPERSTENY, 0000
TROY D. ORWAN, 0000
ERIC R. OSTENDORF, 0000
DEAN R. OSTOVICH, 0000
MARK J. OSTROV, 0000
ERIC J. OSWALD, 0000
LAWRENCE J. OTT, 0000
WILLIAM J. OTT, 0000
WALTER W. OTTO, 0000
MICHAEL R. OUTLAW, 0000
JENNIFER R. OWENS, 0000
RONALD G. OWENS, 0000
ALFRED J. OZANIAN, 0000
DANIEL A. PACHECO, 0000
*ERIK C. PAHL, 0000
DAVID E. PAINTER, 0000
THOMAS E. PAINTER, JR., 0000
JOSEPH T. PALAGANAS, 0000
HANS F. PALAORO, 0000
RICK A. PALO, 0000
DANNY E. PALUBECKIS, 0000
JEFFREY P. PALUMBO, 0000
GLENN A. PANARO, 0000
RICH Y. PANG, 0000
*MICHAEL J. PAOLI, 0000
ALAN PAOLUCCI, 0000
JOHN A. PAPACHRISTON, 0000
ZANNIS M. PAPPAS, 0000
JOHN A. PARADIS, 0000
THOMAS E. PARENT, 0000
PATRICIA F. PARK, 0000
JO BETH PARKER, 0000
ROBERT J. PARKS, 0000
*ROBERT S. PARKS, 0000
*TODD J. PARKS, 0000
TOM D. PARKS, 0000
DAVID A. PARR, 0000
LIZA M. PARR, 0000
*LARRY V. PARSONS, 0000
MICHAEL J. PASTIKA, JR., 0000
KALPESH B. PATEL, 0000
JAMES PATERSON, 0000
DAVID M. PATTERSON, 0000
*MARK HOWARD PATTERSON, 0000
DAVID A. PATTON, 0000
BRETT A. PAUER, 0000
TODD M. PAVICH, 0000
KENNETH A. PAXTON, 0000
CHRISTOPHER H. PAYNE, 0000
JAMES M. PAYNE II, 0000
JOHN D. PEAK, 0000
WILLIAM G. PEARCE, 0000
*RICHARD E. PEARSON, 0000
STEVEN D. PEARSON, 0000
JAMES D. PECCIA III, 0000
STEPHEN D. PEDROTTY, 0000
SCOTT D. PEEL, 0000
DAVID M. PELLETIER, 0000
*ERIC R. PELTIER, 0000
TIMOTHY W. PENLEY, 0000
RANDY B. PENSON, 0000
JOHN C. PEPIN, 0000
CLAYTON B. PERCE, 0000
LISA M. PERDUE, 0000
*RICHARD G. PEREZ, 0000
*JEFFREY W. PERHAM, 0000
SEAN W. PERKINS, 0000
STEFANIE C. PERKOWSKI, 0000
KENDRIC J. PERRY, 0000
KENNETH M. PESEK, 0000
BRIAN T. PETERSON, 0000
JOEL T. PETERSON, 0000
RICK T. PETITO, 0000
*VLAD PETNICKI, 0000
*MARIA H. PETRAS, 0000
GILBERT E. PETRINA, JR., 0000
STEPHEN D. PETTERS, 0000
*JODY B. PETTIS, 0000
KARL D. PFEIFFER, 0000
LINDA G. PHELPS, 0000
KEITH L. PHILLIPS, 0000
KIRK A. PHILLIPS, 0000
MARTIN E. PICCUS, 0000
BRADLEY R. PICKENS, 0000
*LESLEA T. PICKLE, 0000
DAVID C. PIECH, 0000
BRENDAN W. PIEHL, 0000
DAYLE B. PIEPER, 0000
MARK A. PIERCE, 0000
EARL C. PILLOUD, 0000
CORY M. PINK, 0000
WILLIAM E. PINTER, 0000
WILLIAM P. PIRKEY, 0000
PAUL S. PIRKLE III, 0000
MATTHEW T. PIRKO, 0000
MARK A. PISTONE, 0000

TODD S. PITTMAN, 0000
KENNETH PLAKS, 0000
JOHN D. PLATING, 0000
MICHAEL H. PLATT, 0000
FREDRICK G. PLAUMANN, 0000
TERENCE A. PLUMB, 0000
*JOHN B. PLUMMER, 0000
JULIE R. PLUMMER, 0000
DOUGLAS W. POHLMAN, 0000
KELLI B. POHLMAN, 0000
MATTHEW S. POISSOT, 0000
MICHAEL J. POLLEY, 0000
ANTHONY J. POLLIZZI, JR., 0000
BRIAN A. POLLOCK, 0000
STEVEN A. POMEROY, 0000
DE LEON DANIEL PONCE, 0000
RICHARD T. POORE, JR., 0000
WILLIAM S. PORTER, JR., 0000
CHRISTOPHER J. POSSEHL, 0000
TAMMI LOUISE POTTER, 0000
JERE M. POUND IV, 0000
JAMES R. POWELL, 0000
*VINCENT J. POWELL, 0000
MARK A. POWERS, 0000
OM PRAKASH II, 0000
TYE E. PRATER, 0000
STEPHEN R. PRATT, 0000
LAWRENCE E. PRAVECEK, 0000
DEAN L. PRENTICE, 0000
*STERETT R. PREVOST IV, 0000
MILES J. PRICE, 0000
MYLAND E. PRIDE, 0000
*DARA P. PRINCE, 0000
RICHARD D. PROCTOR, 0000
MARK R. PROULX, 0000
CYNTHIA A. PROVOST, 0000
CHARLES A. PRYOR III, 0000
*NEHEMIAH PRYOR, 0000
HOWARD K. PSMITHE, 0000
GARY PUHEK, 0000
GEORGE R. PULLIAM, 0000
JAY D. PULLINS, 0000
GLENN C. QUANBECK, 0000
THOMAS J. QUICK, 0000
PAUL R. QUIRION, 0000
YVETTE S. QUITNO, 0000
ALLEN C. RABAYDA, 0000
WILLIAM M. RADER III, 0000
CRAIG F. RADL, 0000
BRYAN P. RADLIFF, 0000
JOHN G. RAHILL, 0000
CARL W. RAHN, 0000
ALARIC D. RAINEY, 0000
TODD G. RAIRDAN, 0000
ANTHONY J. RAKUS, 0000
LIONEL L. RAMOS, 0000
STEVEN T. RAMSAY, 0000
JOHN F. RAQUET, 0000
JOSEPH R. RARICK, 0000
BENJAMIN A. RASGORSHEK, 0000
KAREN S. RASMUSSEN, 0000
RICHARD J. RASMUSSEN, 0000
GRIFFIN L. RATLEY, JR., 0000
JON C. RATZ, 0000
THOMAS R. RAULS, 0000
FLOYD C. RAVEN, JR., 0000
ERIC D. RAY, 0000
WILLIAM F. RAYNER, 0000
CAROL L. RAYOS, 0000
RICHARD C. RECKER, 0000
CYNTHIA A. REDELSPERGER, 0000
EDWIN H. REDMAN, 0000
MARK A. REDMON, 0000
ROGER C. REDWOOD, 0000
RANDALL REED, 0000
JAMES A. REES, 0000
*DAVID L. REESE, 0000
*STEVEN B. REESE, 0000
JON A. REESMAN, 0000
FRED E. REEVES, 0000
DAVID J. REGA, 0000
KATHY G. REIGSTAD, 0000
CHARLENE H. REITH, 0000
*ADAM S. REMALY, 0000
*DOREEN F. REMIGIO, 0000
TERRI A. RENSCH, 0000
MARK E. RESSEL, 0000
*DEBORAH C. REY, 0000
KEVIN M. RHOADES, 0000
RONDALL R. RICE, 0000
*DONALD D. RICHARDSON, 0000
MICHAEL P. RICHMOND, 0000
GAYLON R. RICHTER, 0000
PAULA R. RICK, 0000
*KENNETH D. RICKERT, 0000
JAMES E. RICKMAN, 0000
BRADLEY T. RIDDLE, 0000
DAVID T. RIDDLE, 0000
KAREN L. RIEDE, 0000
JOHN J. RIEHL, 0000
*JOHN D. RIGGINS, 0000
KENNETH J. RIHA, 0000
EDWARD J. RIMBACK, 0000
THOMAS J. RINEY, 0000
LUIS A. RIOS, 0000
HANS V. RITSCHARD, 0000
RANDY L. RIVERA, 0000
SCOTT W. RIZER, 0000
ADRIENNE L. RIZZO, 0000
CINDY A. ROBBINS, 0000
ANTHONY J. ROBERSON, 0000
BRENDA J. ROBERTS, 0000
MANDIE K. ROBERTS, 0000
*MICHAEL J. ROBERTS, 0000
PETER C. ROBERTS, 0000
RANDALL E. ROBERTS, JR., 0000
*RICHARD C. ROBERTS, 0000
TERRILL D. ROBERTS, 0000
WILLIAM B. ROBEY, 0000
CHRISTLE A. ROBINSON, 0000
DONNAMARIA ROBINSON, 0000
*FRANKLIN T. ROBINSON, 0000
JOHN D. ROBINSON, 0000
KYLE W. ROBINSON, 0000
*SHEILA R. ROBINSON, 0000
MICHAEL T. ROCHE, 0000
ROBERT J. ROCHESTER, 0000
CHRIS R. RODDY, 0000
JOHN M. RODEN, 0000
*ELIZABETH M. RODRIGUEZ, 0000
JAMES A. RODRIGUEZ, 0000
*R. BRUCE ROEHM, 0000
BARRY D. ROEPER, 0000
BRADLEY J. ROGERS, 0000
LORI A. ROGERS, 0000
ABDON ROJAS, JR., 0000
DOUGLAS M. ROLANDO, 0000
*LINETTE I. ROMER, 0000
*ROSS W. ROMER, 0000
MICHAEL A. ROMERO, 0000
MARK D. ROOSMA, 0000
ARMANDO L. ROSALES, 0000
STEPHEN A. ROSE, 0000
JULIE A. ROSELLIRAYA, 0000
LISA R. ROSS, 0000
KIM A. ROTH, 0000
MICHAEL F. ROTHERMEL, 0000
DANIEL F. ROWE, 0000
KIRK L. ROWE, 0000
NANCY M. ROWER, 0000
KARL M. ROZELSKY, 0000
KEVIN M. ROZELSKY, 0000
*PAUL A. RUDE, 0000
ANDREA K. RUPP, 0000
RICKY N. RUPP, 0000
WILLIAM Y. RUPP, 0000
JOSEPH J. RUSHLAU, 0000
JOHN T. RUSSELL, 0000
TERI JO RUSSELL, 0000
JOHN K. RYAN, 0000
JAMES SABELLA, 0000
*SEAN A. SABIN, 0000
IAN R. SABLAD, 0000
*CINDY K. SABO, 0000
AMIN Y. SAID, 0000
JOEL A. SAKURA, 0000
SARA J. SALANSKY, 0000
JOSEPH M. SALECK, 0000
LESLEE J. SALECK, 0000
*STEPHEN P. SALES, 0000
WILLIAM S. SALINGER, 0000
WILLIAM B. SALKIND, 0000
RUSSELL S. SALLEY, 0000
SCOTT M. SALMON, 0000
MARISSA C. SALVADOR, 0000
*JAIME SAMPAYO, 0000
DAVID M. SAMPSON, 0000
*DAVID A. SANDBERG, 0000
JIMMIE L. SANDERS, 0000
RALPH A. SANDFRY, 0000
RONALD J. SANTORO, 0000
*ISRAEL J. SANTOS, 0000
JAIME SANTOS, 0000
MICHAEL E. SANTOS, 0000
SUSAN S. SANTOS, 0000
CHRISTOPHER M. SARTORIUS, 0000
BRIAN L. SASSAMAN, 0000
GREGORY W. SAVA, 0000
TAMMY M. SAVOIE, 0000
GLEN A. SAVORY, 0000
RHON R. SAY, 0000
BONNIE A. SAYLOR, 0000
VINCENT J. SCANNELLI, 0000
ANTHONY SCELSI, 0000
ROD B. SCHACK, 0000
MICHAEL A. SCHAEFBAUER, 0000
ELLEN MARIE SCHAFF, 0000
GEORGE W. SCHANTZ, JR., 0000
PAUL A. SCHANTZ, 0000
MICHAEL P. SCHAUB, JR., 0000
LYNN I. SCHEEL, 0000
GEORGE J. SCHERER, 0000
RAYMOND D. SCHERR, 0000
JOSEPH H. SCHERRER, 0000
KEVIN J. SCHIELDS, 0000
PAMELLA A. SCHILLAR, 0000
DANA R. SCHINDLER, 0000
MICHAEL N. SCHLACTER, 0000
DAVID M. SCHLOSSER, 0000
MYRON L. SCHLUETER, 0000
KIRK T. SCHMIERER, 0000
GARY J. SCHNEIDER, 0000
*NEAL W. SCHNEIDER, 0000
JOHN M. SCHOOT, 0000
KARY R. SCHRAMM, 0000
JEFFREY C. SCHROEDER, 0000
BARTON B. SCHUCK, 0000
RAYMOND C. SCHULTE, 0000
GREGORY W. SCHULTZ, 0000
ROBIN L. SCHULTZE, 0000
JEFFREY K. SCHWEFLER, 0000
KARL E. SCHWEHM, 0000
WALTER H. SCHWERIN, JR., 0000
DONALD W. SCOTT, 0000
*MARLESA K. SCOTT, 0000
*DEBORAH A. SCOTTON, 0000
BRADLEY S. SEARS, 0000
THOMAS J. SEBENS, 0000
ANTHONY B. SECRIST, 0000
JOHN T. SELDEN II, 0000
DWAYNE P. SELLERS, 0000
EUGENE R. SELLERS, 0000
CHRISTOPHER M. SEMON, 0000
RONALD D. SENGER, 0000
MICHAEL B. SENSENEY, 0000
*WENDY SUE SENTER, 0000
JORGE F. SERAFIN, 0000
GARY L. SERFOSS, 0000
MARK W. SERGEY, 0000
JAMES P. SEWARD, 0000
*ANNE M. SHAFFER, 0000
*WINSTON J. SHAFFER II, 0000
*MAYAN SHAH, 0000
SAMUEL J. SHANEYFELT, 0000
*KIMBERLY M. SHANKS, 0000
TONY A. SHARKEY, 0000
CHRISTOPHER L. SHARP, 0000
MICHAEL G. SHARP, 0000
MICHAEL E. SHAVERS, 0000
BRUCE W. SHAW, 0000
CHARLES B. SHEA, 0000
WALTER A. SHEARER, 0000
*SEAN W. SHEEHY, 0000
RICHARD A. SHEETZ, 0000
RICHARD A. SHELDON, JR., 0000
GREGG A. SHELTON, 0000
NAM N. M. SHELTON, 0000
GLENDA S. SHEPHERD, 0000
MICHAEL D. SHEPHERD, 0000
DAVID J. SHERMAN, 0000
DAVIN M. SHING, 0000
WILMA J. SHIVELY, 0000
CHRISTOPHER M. SHORT, 0000
ROBERTA L. SHREFFLER, 0000
ROBERT A. SHULL, 0000
SAMUEL M. SHULT, 0000
KEVIN D. SIEVERS, 0000
THEODORE R. SIEWERT, 0000
*GLENN L. SIGLEY, 0000
DAVID W. SILVA II, 0000
SHAWN G. SILVERMAN, 0000
MICHAEL E. SIMMONS, 0000
SCOTT C. SIMON, 0000
PAUL J. SIMONICH, 0000
JON M. SINCLAIR, 0000
WILLIAM P. SINGLETARY, 0000
DALE P. SINNOTT, 0000
PAUL M. SKALA, 0000
ANNE E. SKELLY, 0000
KEITH A. SKINNER, 0000
THOMAS J. SKROCKI, 0000
GARY C. SLACK, 0000
DENETTE L. SLEETH, 0000
MARK A. SLIMKO, 0000
THOMAS G. SLOAN, 0000
ANDREW J. SMITH, 0000
BEVERLY L. SMITH, 0000
BRIAN D. SMITH, 0000
BRIAN G. SMITH, 0000
BRUCE M. SMITH, 0000
COLLIN B. SMITH, 0000
COURTNEY V. SMITH, 0000
DANA J. SMITH, 0000
DAVID P. SMITH, 0000
DEVIN E. SMITH, 0000
DOUGLAS S. SMITH, 0000
JAMES B. SMITH, 0000
JAMES E. SMITH, 0000
*JAMES R. SMITH, JR., 0000
JEFFREY M. SMITH, 0000
KATHRYN B. SMITH, 0000
KIRK W. SMITH, 0000
LINDA D. SMITH, 0000
MAURY J. SMITH, 0000
RANDALL S. SMITH, 0000
REGINALD R. SMITH, 0000
STELLA T. SMITH, 0000
WILLIAM T. SMITH, 0000
MATTHEW C. SMITHAM, 0000
KERRY J. SMITHERS, 0000
*RANDALL N. SMITHSON, 0000
FRANKLIN W. SMYTH, 0000
LAUREL A. SMYTH, 0000
JOHN H. SNELLING, JR., 0000
MARK W. SNIDER, 0000
BRIAN M. SNIPPEN, 0000
GORDON D. SNOW, 0000
*EILEEN M. SNYDER, 0000
JUDY A. SNYDER, 0000
KATHERINE O. SNYDER, 0000
WILLIAM H. SNYDER, 0000
TIMOTHY J. SODERHOLM, 0000
PETER M. SOLIE, 0000
JEFFREY L. SORENSEN, 0000
RHONDA M. SOTO, 0000
MOSELEY O. SOULE, JR., 0000
STEVEN V. SOUTHWELL, 0000
STEVEN N. SPANOVICH, 0000
STEVEN J. SPECKHARD, 0000
FAY T. SPELLERBERG, 0000
THOMAS R. SPELLMAN, 0000
MERRICE SPENCER, 0000
MICHAEL M. SPENCER, 0000
RON L. SPERLING, 0000
*MARK D. SPERRY, 0000
RICHARD K. SPILLANE, 0000

STACEE N. SPILLING, 0000
GARY M. SPILLMAN, 0000
JUDITH K. SPOERER, 0000
*THOMAS R. SPONGBERG, 0000
DARREN D. SPRUNK, 0000
TIMOTHY A. STACEY, 0000
JEFFREY F. STAHA, 0000
WILLIAM A. STAHL, JR., 0000
MARK J. STALNAKER, 0000
*CRAIG S. STANALAND, 0000
DAVID W. STANEK, 0000
TIMOTHY R. STANEK, 0000
ROBERT W. STANLEY II, 0000
JAMES Z. STATEN, 0000
JAMES P. STAVER, 0000
ANTHONY T. STECKLER, 0000
KEVIN M. STEFFENSON, 0000
STEPHEN R. STEINER, 0000
NANCY S. STEPANOVICH, 0000
DEAN A. STEPHENS, 0000
MICHAEL J. STEPHENS, 0000
PETER B. STERNS, 0000
KAREN E. STEVENS, 0000
MICHAEL D. STEVENS, 0000
PAUL F. STEVENS, 0000
JOHN S. STEWART, 0000
SCOTT M. STEWART, 0000
SUSAN STEWART, 0000
THOMAS J. STEWART, 0000
PATRICIA MAULDIN STINER, 0000
JEFFREY A. STINSON, 0000
BRIAN A. STIVES, 0000
*RENE STOCKWELL, 0000
ALESSANDRA STOKSTAD, 0000
BRYAN M. STOKSTAD, 0000
JULIE M. STOLA, 0000
MICHAEL A. STOLT, 0000
*JEFFERY A. STONE, 0000
KEVIN J. STONE, 0000
JOHN J. STOREY, 0000
*JENNIFER C. STOUT, 0000
TODD J. STOVALL, 0000
MICHAEL R. STRACHAN, 0000
RUSSELL F. STRASBURGER III, 0000
ROBERT M. STRESEMAN, 0000
ROBERT M. STRICKLAND, JR., 0000
DOUGLAS E. STROPES, 0000
CARL A. STRUCK, 0000
TIMOTHY A. STRUSZ, 0000
ERIK A. STRYKER, 0000
*JOHN W. STUBLAR, 0000
JOSEPH L. STUPIC, 0000
JAMES G. STURGEON, 0000
JAMES A. STURIM, 0000
ANTONIO R. SUKLA, 0000
ANNATA RAE SULLIVAN, 0000
JEFFRY W. SULLIVAN, 0000
WILLIAM C. SUMMERS, 0000
DARRYL J. SUMRALL, 0000
*CHRISTOPHER MARC SUPERNOR, 0000
RICHARD E. SURDEL, 0000
ROGER P. SURO, 0000
ROBERT V. SURPRENANT, 0000
RICHARD J. SUSAK, JR., 0000
SONIA J. SUTHERLAND, 0000
JEFFREY L. SWANSON, 0000
ROBERT C. SWARINGEN II, 0000
DAWN MARIE SWEET, 0000
MARK S. SWEITZER, 0000
MARK F. SWENTKOFSKE, 0000
STEFANIE A. SWIDER, 0000
MICHAEL A. SWIFT, 0000
MARK J. SYNOVITZ, 0000
THADDEUS D. SZRAMKA, JR., 0000
*ANGELA D. TADY, 0000
CHRISTIAN J. TAFNER, 0000
BRET C. TALBOTT, 0000
JEFFREY B. TALIAFERRO, 0000
KEVIN C. TALIAFERRO, 0000
MARK S. TALPAS, 0000
KERRY L. TARR, 0000
ALLEN D. TATE, 0000
KATHRYN FORREST TATE, 0000
TRENT J. TATE, 0000
EDWARD E. TATGE, 0000
KENNETH R. TATUM, JR., 0000
CHARLES M. TAYLOR, 0000
*CHARLES R. TAYLOR, 0000
HAROLD A. TAYLOR, JR., 0000
JOSEPH A. TAYLOR, JR., 0000
KAREN L. TAYLOR, 0000
MICHAEL T. TAYLOR, 0000
SYLVIA C. TAYLOR, 0000
*TISHLYN ESTELLE TAYLOR, 0000
SCOTT G. TENNENT, 0000
*DEVONNIA MARIA TENTMAN, 0000
GARIN P. TENTSCHERT, 0000
MICHAEL K. TEPLEY, JR., 0000
KEVIN M. TESSIER, 0000
GARY M. TESTUT, 0000
JOHN R. THAYER, 0000
KIM E. THEIN, 0000
DAMON M. THEMELY, 0000
THEO THEODOR, JR., 0000
DONALD G. THIBEAULT, 0000
DAVID T. THIBODEAUX, 0000
BOB F. THOENS, 0000
DAVID E. THOLE, 0000
JOAN M. THOLE, 0000
ANTHONY J. THOMAS, 0000
DWAYNE E. THOMAS, 0000
JACQUELINE D. THOMAS, 0000
*TRENT A. THOMAS, 0000
GREGORY F. THOMPSON, 0000
HOLLY E. THOMPSON, 0000
JENNIFER THOMPSON, 0000
RICKY L. THOMPSON, 0000
STEPHEN B. THOMPSON, 0000
RANDALL L. THOMSEN, 0000
JEFFREY S. THORBURN, 0000
ROSEMARY L. THORNE, 0000
JENNIFER J. THORPE, 0000
KEVIN J. THRASH, 0000
RICHARD G. THUERMER, 0000
PAUL W. TIBBETS IV, 0000
THOMAS J. TIMMERMAN, 0000
DANIEL W. TIPPETT, 0000
*DAVID TOBAR, 0000
PAUL D. TOBIN, 0000
SCOTT D. TOBIN, 0000
*KATHLEEN F. TODD, 0000
MICHAEL A. TODD, 0000
LANCE S. TOKUNAGA, 0000
LESA K. TOLER, 0000
WADE G. TOLLIVER, 0000
KAREN L. TORRACA, 0000
ANMY D. TORRES, 0000
RAYMOND G. TOTH, 0000
CHRISTIAN T. TOTTEN, 0000
GREGORY J. TOUSSAINT, 0000
GAVIN B. TOVREA, 0000
TIMOTHY J. TRAUB, JR., 0000
JEROME T. TRAUGHBER, 0000
PETER J. TREMBLAY, 0000
LARRY J. TRENT, 0000
*NANETTE L. TREVINO, 0000
RICK J. TRINKLE, 0000
*JEFFREY D. TRIPP, 0000
LISA M. TUCKER, 0000
PIERCE E. TUCKER, 0000
DONALD J. TUMA, 0000
*GREGORY H. TUREAUD, 0000
DANIEL J. TURNER, 0000
WESLEY A. TUTT, 0000
RUSSELL J. TUTTY, 0000
*DONALD L. TWYMAN, JR., 0000
THOMAS W. TYSON, 0000
BLAKE P. UHL, 0000
JOHN F. UKLEYA, JR., 0000
SCOTT G. ULRICH, 0000
WILLIAM K. UPTMOR, 0000
STEVEN J. URSELL, 0000
DAVID E. UVODICH, 0000
SANTIAGO A. VACA, 0000
JOHN M. VAIL, 0000
PAUL J. VALENZUELA, 0000
HOVE JOHN C. VAN, 0000
ZUIDEN TRACY L. VAN, 0000
GREGG D. VANDERLEY, 0000
SAMUEL B. VANDIVER, 0000
DALE J. VANDUSEN, 0000
STEPHEN E. VANGUNDY, 0000
BRUCE J. VANREMORTEL, 0000
DAVID A. VANVELDHUIZEN, 0000
JOHN E. VARLJEN, 0000
*MICHAEL G. VECERA, 0000
*BILLY R. VENABLE, JR., 0000
MATTHEW L. VENZKE, 0000
*RAFAEL VILA, 0000
RUBEN VILLA, 0000
ROMMEL B. C. VILLALOBOS, 0000
*JERRY A. VILLARREAL, 0000
TERRY W. VIRTS, 0000
KURT A. VOGEL, 0000
ROBERT J. VOLPE, 0000
CONSTANCE M. VONHOFFMAN, 0000
BENEDICT R. VOTIPKA, 0000
*FRED N. WACKYM III, 0000
MARK I. WADE, 0000
JAMES D. WAGGLE, 0000
JAMES D. WAGNER, 0000
MARGARET M. WAGNER, 0000
RAYMOND J. WAGNER, 0000
ALLAN P. WAITE, JR., 0000
CHARLES E. WAITS, 0000
TRESSIE L. WALDO, 0000
ELIZABETH S. WALDROP, 0000
CURTIS D. WALKER, 0000
DAVID W. WALKER, 0000
JOHN M. WALKER, 0000
JON W. WALKER, 0000
WILLIAM N. WALKER, 0000
SCOTT F. WALTER, 0000
VALERIE J. WALTER, 0000
JERROLD A. WANGBERG, 0000
DOUGLAS K. WANKOWSKI, 0000
ANTHONY W. WANN, 0000
DEAN A. WARD, 0000
PAUL F. WARD, 0000
WILLIAM W. WARD, 0000
HERBERT N. WARDEN IV, 0000
JOHN A. WARDEN IV, 0000
ELAINE R. WASHINGTON, 0000
MICHAEL E. WASHINGTON, 0000
ALFRED E. WASSEL, 0000
PERNELL B. WATSON, 0000
CHRISTIAN G. WATT, 0000
KATHLEEN E. WEATHERSPOON, 0000
ROBERT F. WEAVER II, 0000
RICHARD E. WEBB, JR., 0000
BRUCE S. WEBER, 0000
GREGORY A. WEBER, 0000
*MICHAEL H. WEEMS, 0000
TERI L. WEIDE, 0000
BRIAN D. WEIDMANN, 0000
LESTER A. WEILACHER, 0000
MONTE T. WEILAND, 0000
KIRK K. WEISSENFLUH, 0000
BRIAN L. WELCH, 0000
PATRICK T. WELCH, 0000
CHRISTOPHER M. WELLBORN, 0000
ROBERT G. WELLINGTON, 0000
JASON S. WERCHAN, 0000
DARA C. WERNER, 0000
DAWN D. WERNER, 0000
JOHN F. WERNER, 0000
STEVEN W. WESSBERG, 0000
CHARLES N. WEST, 0000
DANE P. WEST, 0000
*STEVEN E. WEST, 0000
WILLIAM P. WEST, 0000
FREDERICK H. WESTON, 0000
SEABORN J. WHATLEY III, 0000
JOLEEN M. WHEELER, 0000
PAUL A. WHEELESS, 0000
AUBREY D. WHITE, 0000
KENT B. WHITE, 0000
*FRANK A. WHORTON, 0000
*NICOLE M. WICKHAM, 0000
RICHARD T. WICKUM, 0000
RONALD J. WIECHMANN, 0000
STEVEN W. WIGGINS, 0000
CRAIG A. WILCOX, 0000
ZACHARY W. WILCOX, 0000
DWAYNE B. WILHITE, 0000
SHEILA H. WILHITE, 0000
HENRY T. WILKENS, JR., 0000
JOHN M. WILKENS, 0000
BRIAN A. WILKEY, 0000
*SCOTT J. WILKOV, 0000
ALLAN D. WILL, 0000
*BRUCE W. WILLETT, 0000
*ANDREW S. WILLIAMS, 0000
ANTHONY B. WILLIAMS, 0000
CHARLES E. WILLIAMS, 0000
DALE R. WILLIAMS, 0000
FREDERICK D. WILLIAMS, 0000
JAMES B. WILLIAMS, 0000
KENNETH A. WILLIAMS, 0000
*LINDA A. WILLIAMS, 0000
LYNDON J. WILLIAMS, 0000
MARK C. WILLIAMS, 0000
MARK D. WILLIAMS, 0000
*MICHAEL R. WILLIAMS, 0000
NEICKO C. WILLIAMS, 0000
ROBERT T. WILLIAMS, JR., 0000
ROBIN B. WILLIAMS, 0000
STEPHEN C. WILLIAMS, 0000
MICHAEL D. WILLIAMSON, 0000
JOHNDAVID W. WILLIS, 0000
MATTHEW B. WILLIS, 0000
DANIEL A. WILLSON, JR., 0000
ALEXANDER M. WILSON, 0000
BETH L. WILSON, 0000
CHRISTOPHER S. WILSON, 0000
KELCE S. WILSON, 0000
KIRK G. WILSON, 0000
*MONTE S. WILSON, 0000
WILLIAM F. WILSON, 0000
GLENN J. WINCHELL, 0000
STEVEN E. WINNER, 0000
MICHAEL F. WINTHROP, 0000
ERIC C. WINTON, 0000
MICHAEL N. WIRSTROM, 0000
RICHARD J. WISSLER, JR., 0000
THOMAS J. WITTERHOLT, 0000
JEROME E. WIZDA, 0000
THOMAS E. WOLCOTT, 0000
CAROLYN E. WOLFER, 0000
JOSEPH L. WOLFER, 0000
JOHN C. WOMACK, 0000
CHRISTOPHER L. WOOD, 0000
DAVID M. WOOD, 0000
JOHN M. WOOD, 0000
ROBERT L. WOOD, 0000
STEPHEN D. WOOD, 0000
*WILLIAM R. WOOD, 0000
RIPLEY E. WOODARD, 0000
ANDREW D. WOODROW, 0000
THOMAS L. WOODS, 0000
*JAMES R. WOODSON, 0000
JOHN G. WORLEY, 0000
TODD A. WORMS, 0000
CHARLES A. WRIGHT, 0000
CYNTHIA K. WRIGHT, 0000
JACK D. WRIGHT, JR., 0000
KURTIS L. WRIGHT, 0000
PATRICK W. WRIGHT, 0000
SAMUEL A. WRIGHT, 0000
JOHN D. WROTH, 0000
ANTHONY J. WURMSTEIN, 0000
JAMES E. WURZER, 0000
CHRISTOPHER M. WYATT, 0000
*MATTHEW C. WYATT, 0000
TROY YAMAGUCHI, 0000
FRANK D. YANNUZZI, JR., 0000
EDITH J. YASSO, 0000
JOSEPH E. YATES, 0000
MONIQUE M. YATES, 0000
MARYANNE C. YIP, 0000
DAVID L. YOCKEY, 0000
*JON E. YOST, 0000
ANTHONY C. YOUNG, 0000
CHRISTOPHER L. YOUNG, 0000
GEORGETTE J. YOUNG, 0000
RICHARD A. YOUNG, 0000

TODD M. YOUNG, 0000
GARY L. YOUNT, 0000
GREGORY J. YUEN, 0000
CURTIS J. ZABLOCKI, 0000
TIMOTHY ZADZORA, 0000
JEFFREY M. ZELLER, 0000
*MICHELE R. ZELLERS, 0000
*PATRICK L. ZEMAN, 0000
JAMES P. ZEMOTEL, 0000
KAREN K. ZEPP, 0000
*GARY J. ZICCARDI, 0000
MICHAEL P. ZICK, 0000
MICHAEL J. ZIGAN, 0000
MARK A. ZIMMERHANZEL, 0000
DAVID R. ZOOK, 0000
MICHAEL J. ZUBER, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT IN THE MEDICAL SERVICE CORPS (MS) UNDER TITLE 10, U.S.C., SECTIONS 531, 624, AND 3064:

To be major

MANESTER Y. BRUNO, 0000 MS

IN THE MARINE CORPS

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DEBRA A. ANDERSON, 0000
JOHN C. ANNESS, 0000
DIEGO J. BARELA, 0000
MICHAEL E. BEAN, 0000
RICHARD D. BETSINGER, 0000
MARSHALL R. BOURGEOIS, 0000
LAWRENCE D. BUTTS, 0000
ROBERT J. CORNELIUS, 0000
JORGE E. CRISTOBAL, 0000
TIMOTHY D. EATON, 0000
ROBERT D. ELLIS, 0000
DONALD Q. FINCHAM, 0000
ERIC H. FOLSOM, 0000
STEVEN P. GEORGE, 0000
JAMES E. GLICK, 0000
CURTIS L. GOYETTE, 0000
ROBBIE GRIGGS, JR., 0000
DAVID B. GROVES, 0000
SCOTT T. HANSEN, 0000
JAMES J. HORZEMPA, 0000
STEVE E. HOWELL, 0000
FREDERICK D. HYDEN, 0000
KRISTEN S. KARNETSKY, 0000
JOHN M. LITTLE, 0000
BRYAN M. MAKI, 0000
JEFFREY C. MC CARTNEY, 0000
WILLIE E. MC COY, 0000
MICHAEL T. MC GLYNN, 0000
ROBERT F. MC KINNEY, JR., 0000
WILLIAM H. MC NUTT, 0000
TODD P. OHMAN, 0000
JOHN A. POLANCO, 0000
JAIME J. QUINONESGONZALEZ, 0000
RICHARD K. ROHR, 0000
WALTER SHIHINSKI, 0000
JOSE E. SIMONSON, 0000
CARL G. SMALL, 0000
MICHAEL A. VALADEZ, 0000
KATHY L. VELEZ, 0000
BRUCE T. VINCENT, 0000
ROBERT M. WELBORN, 0000
SCOTT C. WHITNEY, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

THOMAS B. LEE, JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

CHARLES A. ARMIN, 0000
STEPHEN L. COOLEY, 0000
DONALD C. DRAPER, 0000
DOUGLAS W. HEILMAN, 0000
MARK D. PYLE, 0000

WITHDRAWAL

EXECUTIVE MESSAGE TRANSMITTED BY THE PRESIDENT TO THE SENATE ON APRIL 25, 2000, WITHDRAWING FROM FURTHER SENATE CONSIDERATION THE FOLLOWING NOMINATION:

DEPARTMENT OF STATE

THOMAS P. FUREY, OF OREGON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF NEPAL, WHICH WAS SENT TO THE SENATE ON MARCH 2, 2000.